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HOUSE OF REPRESENTATIVES—*Thursday, November 18, 2010*

The House met at 10 a.m. and was called to order by the Speaker.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Lord God of history and present in our day, help this Congress to move forward in hope. Each new day in this land of freedom is an opportunity for Your people to venture forth, alone or connected to others, into the vast horizon of the future.

Relying on Your hope, give to Your people vision in place of confusion, and confirmation of noble ideas and good judgment. Help the representatives of Your people to work for the common good, with discerning eyes, contemplative listening, and reasoned decisions.

May they lead this Nation to be people of faith by being attentive to Your commands, to become Your instrument and accomplish Your holy will, both now and forever. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from South Carolina (Mr. WILSON) come forward and lead the House in the Pledge of Allegiance.

Mr. WILSON of South Carolina led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed a bill of the

following title in which the concurrence of the House is requested:

S. 1421. An act to amend section 42 of title 18, United States Code, to prohibit the importation and shipment of certain species of carp.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain up to 10 requests for 1-minutes on each side of the aisle.

EXTEND UNEMPLOYMENT BENEFITS

(Ms. PINGREE of Maine asked and was given permission to address the House for 1 minute.)

Ms. PINGREE of Maine. Madam Speaker, if this Congress does not act on unemployment benefits today, we risk gambling away those critical benefits for millions of men and women across the country. This couldn't come at a worse time.

Just weeks before Christmas, with winter settling in, thousands of people in my State of Maine will see their benefits run out. Although our economy has shown some signs of improving, far, far too many people are still unable to find a job.

Not only are unemployment benefits an essential part of the safety net, they are critical to keeping the local economy moving. When an unemployed Mainer gets a benefit check, he or she turns around and spends that money in the local community, at the supermarket or the gas station or the hardware store. In fact, every \$1 of unemployment benefits generates \$2 in local economic activity, according to the Department of Labor.

Madam Speaker, for the sake of out-of-work Americans and businesses across this country, I urge my colleagues in the House to come together and extend unemployment benefits so we can keep our economy moving.

LEADERSHIP ELECTIONS

(Mr. WILSON of South Carolina asked and was given permission to ad-

dress the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Madam Speaker, on November 2nd, the American people amplified their voices to command a new way forward. They were tired of lawmakers strangling them with Big Government regulations instead of creating much-needed jobs, and they were tired of excessive borrowing and spending.

Yesterday, the Republican Conference listened to the concerns of Americans and selected leaders who will transform the way business is done in Washington. I believe our team, led by JOHN BOEHNER and ERIC CANTOR, will curb spending, create jobs, and promote opportunities to keep money in the pockets of hardworking taxpayers.

I was particularly thrilled with the election of South Carolina's Tim Scott—from my birthplace of Charleston—to the leadership team. Congressman-elect Scott's business background and proven record of bringing jobs to South Carolina is a great addition to the new Republican leadership. I look forward to working with him to promote limited government and expanded freedom.

In conclusion, God bless our troops, and we will never forget September 11th in the global war on terrorism.

EXTEND UNEMPLOYMENT BENEFITS

(Mr. HIMES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HIMES. Madam Speaker, today this House will take up the question of whether we should extend the temporary unemployment insurance programs currently in place. If this House chooses not to do that, 2 million Americans will go into the holidays wondering not whether they will just have a holiday meal, but whether they will have a meal at all.

But let's set aside what is probably the most important thing that each

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

and every one of us should think about, which is those people and how the holidays will look for them. Let's talk history for a second.

The fact is that the Congress of the United States has never cut unemployment insurance benefits when unemployment was anywhere near where it is today. In fact, following the 2001 recession, the Republican-controlled Congress maintained temporary unemployment insurance until the unemployment rate fell below 6 percent, well below where we are today.

Let's do something else. Let's talk economics. Every Member of this House knows that the most important thing we can do right now is to help this economy recover: Jobs.

Financial institutions that look at this stuff tell us that if we allow unemployment insurance to go away, it will have a profoundly negative effect on the economy; a number of banks estimate half a percentage point of GDP. We must renew unemployment benefits.

MAKE IT IN AMERICA

(Mr. CARNAHAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CARNAHAN. Madam Speaker, today I rise in strong support of American manufacturing. The Make It In America agenda creates jobs in America, reversing the flow of jobs overseas, and rebuilding the manufacturing base in America, providing good jobs for hardworking Americans.

Back home in St. Louis, I had the chance to visit with Lunar Tool, a small business in my district. They shared with me their concerns about the future of manufacturing and that with the right incentives and a level playing field, they can compete with anyone, anywhere. That is what we were sent here to do, to help rebuild our economy, including American manufacturing.

I have and will remain committed to working with my colleagues on both sides of the aisle to give small business and manufacturing the resources they need to rebuild this economy and put Americans back to work.

According to the Alliance for American Manufacturing, every manufacturing job supports four additional jobs in other industries. Now is not the time to stall. We must tap American innovation, that spirit that helped make this country great, to get Americans back to work and make things in America.

EXTEND UNEMPLOYMENT BENEFITS

(Ms. BERKLEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. BERKLEY. Six months ago, I said the three most important issues in this country are jobs, jobs, jobs, and I said it 6 months before that. I say it now. But while we are working to restore our economy and put people back to work, we must extend unemployment benefits to the millions of Americans, our fellow citizens, who, through no fault of their own, find themselves unemployed.

In my congressional district of Las Vegas in the State of Nevada, we have been particularly hard hit. People, through no fault of their own, they're not spoiled, they're not lazy, they've worked every day of their lives. They've got no job because the economy is so bad. These are the people, our fellow citizens, our next-door neighbors, our family members that we need to help by extending unemployment benefits.

If we do not do this today, 27,000 Nevada families will have no way to put food on their families' tables. Their children will do without. They will not be able to pay their rent or put food on the table.

We have an obligation to our fellow citizens that we must help them until we get this economy back where it needs to be.

EXTEND UNEMPLOYMENT BENEFITS

(Ms. EDWARDS of Maryland asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. EDWARDS of Maryland. Madam Speaker, I rise today to highlight the need to immediately extend unemployment benefits and to make permanent the middle class tax cuts.

To the 14,600 Marylanders and 2 million Americans across the country who are facing the loss of their unemployment benefits, this Member of Congress and Members on this side of the aisle understand who you are and understand what you're facing.

I've stood in an unemployment line. I wasn't lazy, I wasn't not looking for a job, but I needed unemployment benefits. I've stood in a food pantry, and it's humiliating, the entire experience. And so the idea that we are going to allow Americans, hardworking American families who have earned their benefits, to go home at Thanksgiving and not know whether they're going to put a turkey on the table to feed their families, we should be ashamed if we allow that to happen.

I know that I am committed, my colleagues are committed, to make sure that the American public understands that you need your unemployment benefits and that you want to work, and that you have worked before and that you want to work again.

And so I would say to all of those out there who would choose to not allow

Americans to put food on their tables to ask themselves who we are as a country.

□ 1010

MAKE IT IN AMERICA

(Ms. WATSON asked and was given permission to address the House for 1 minute.)

Ms. WATSON. Madam Speaker, as we continue to work our way out of the recession with the help of economic incentives that create jobs and lay the foundation for long-term growth, one of the most important tools is the Make It In America program.

Make It In America creates jobs in America, will help reverse the flow of jobs overseas, and will help rebuild the manufacturing base in America, providing good paying jobs for hardworking Americans. It will also help America lead the world economy in the years ahead.

By creating a national manufacturing strategy, we will ensure a new prosperity by promoting American competitiveness and innovation. We are looking to building a strong 21st century clean-energy economy that will make Americans more secure.

Let's make it in America.

LARGE TAX INCREASES

(Ms. FOXX asked and was given permission to address the House for 1 minute.)

Ms. FOXX. Madam Speaker, politicians like to talk about cutting deficits. President Obama and his fellow Democrats seem to think tax increases are the only way to lower the deficit. Earlier this year, the President released a budget that called for \$1.8 trillion in tax increases.

In fact, since President Obama took office, Democrats have raised taxes by over \$670 billion and have used nearly all of it to increase the size of government, not reduce the size of deficits. During the same 22 months, the Federal Government has spent \$6.1 trillion.

But now Democrats are about to hand the American taxpayers the largest tax increase in our Nation's history. And House Republicans are determined to stop it. Congress should permanently extend the tax relief for all taxpayers.

Higher taxes are not the way to lower deficits. Washington must cut spending.

RECOGNIZING THE RETIREMENT OF ALONZO R. PENA

(Mr. CUELLAR asked and was given permission to address the House for 1 minute.)

Mr. CUELLAR. Madam Speaker, I rise today to recognize the retirement of Alonzo R. Pena, Deputy Director of

U.S. Immigration and Customs Enforcement, which is the ICE, in the U.S. Department of Homeland Security. He has worked to make our communities safe through law enforcement for over two decades.

Mr. Pena is a native of Falfurrias, Texas, where he began his career as a Texas State trooper. In 1984, he entered the Federal service as part of the ATF in California. After several years, he returned back to Texas and worked his way up to Assistant Director for the Smuggling Division. Mr. Pena also served as the ICE Special Agent-in-Charge in San Antonio, Houston, and Phoenix.

He played a key role in the creation of the ICE's Border Enforcement Security Task Force (BEST) initiative, which developed a comprehensive approach to combat cross-border crime and which started there in my hometown of Laredo.

Deputy Director Pena has led efforts to foster increased counternarcotics and law enforcement cooperation with Mexico as the State Department's senior diplomat to the Government of Mexico at the U.S. Embassy in Mexico City.

As the current Deputy Director of ICE, Mr. Pena has assisted intelligence-driven investigations through the assistance of and relationships with Federal, State, local, and international partners.

Madam Speaker, I am honored to recognize the unique dedication, commitment, and leadership of ICE Deputy Director Alonzo Pena, and his family.

THANKSGIVING WISHES

(Ms. JACKSON LEE of Texas asked and was given permission to address the House for 1 minute.)

Ms. JACKSON LEE of Texas. Madam Speaker, I have a series of Thanksgiving wishes, wishes that many in this country will provide the opportunity to extend unemployment benefits, but because of the stalling and the delay of those opposition kings and queens, we may not extend unemployment benefits so that many of the vulnerable in this country will have an opportunity to be thankful and to sit with their families and be able to celebrate.

These are hardworking Americans who have given their best to this country. How dare we not provide an extension of unemployment benefits? We must do it now.

I heard this morning someone indicate, what are we doing for small businesses? I don't know why our information does not translate to all of you hardworking small businesses. But we have given you in this Congress with this Democratic majority 16 tax cuts that you will be able to utilize and \$30 billion right now in the banks of America for you to access credit because we believe in you. You are the job creator.

Then my wishes for the City Wide Clubs in Houston, Texas, to be able to feed the 25,000 that are needing to be fed in Houston this Thanksgiving. They need help and they need to have resources.

REPUBLICANS ARE HOLDING THE MIDDLE CLASS HOSTAGE

(Mr. INSLEE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. INSLEE. Madam Speaker, I urge our Republican colleagues to join us in doing the right thing for working families in this difficult time on unemployment. I've heard them say, well, we just can't afford this. Well, that's a little interesting to me when they say we can afford to blow a \$700 billion hole in the Federal deficit by giving away tax cuts to millionaires.

We Democrats stand for working middle class folks to give them middle class tax relief but not grow the Federal deficit another \$700 billion.

Now what is going on here is a hostage-taking situation, because the Republicans are holding the middle class hostage by not allowing 100 percent of Americans to have tax relief just so their friends who might be hedge fund managers or otherwise can get additional tax relief on top of it. Well, here is what we should say: Americans do not negotiate with hostage-takers.

We ought to have the right economic policy. And I'll tell you what: We are not going to allow the trickle-down economics of George Bush to be foisted on America anymore.

THE ORIGIN OF THE DEFICIT

(Mr. COHEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COHEN. Madam Speaker, I think as we look at this lame duck session at the end of the 111th Congress, how we got where we are with the deficit, which was such a big issue—in 1994, Congress and President Clinton passed a bill to balance the budget, all Democrats. The result of it was the Democrats suffered a great election defeat in 1994. The Republicans took over with Newt Gingrich and had the House for the next 12 years. But we balanced the budget with a budget surplus by the year 2000.

Then President Bush came in office, and he gave these tax cuts away to a trillion-dollar war in Iraq, a war in Afghanistan, and passed Medicare part D, the largest extension of Federal benefits ever, tremendous deficit, increasing much more so than any health care bill passed since or the one that we passed, and we got this tremendous deficit.

Now the Republicans talk about earmarks. Earmarks have nothing to do

with the deficit at all. It has to do with tough decisions to increase revenues or cut spending; \$700 billion cuts to the richest isn't the way to do it. You've got to look at the Fed and other areas and be brave.

□ 1020

PROVIDING FOR CONSIDERATION OF SENATE AMENDMENT TO H.R. 1722, TELEWORK ENHANCEMENT ACT OF 2010, AND PROVIDING FOR CONSIDERATION OF MOTIONS TO SUSPEND THE RULES

Mr. ARCURI. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 1721 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1721

Resolved, That upon adoption of this resolution it shall be in order to take from the Speaker's table the bill (H.R. 1722) to require the head of each executive agency to establish and implement a policy under which employees shall be authorized to telework, and for other purposes, with the Senate amendment thereto, and to consider in the House, without intervention of any point of order except those arising under clause 10 of rule XXI, a motion offered by the chair of the Committee on Oversight and Government Reform or his designee that the House concur in the Senate amendment. The Senate amendment shall be considered as read. The motion shall be debatable for one hour equally divided and controlled by the chair and ranking minority member of the Committee on Oversight and Government Reform. The previous question shall be considered as ordered on the motion to its adoption without intervening motion.

SEC. 2. It shall be in order at any time through the legislative day of November 19, 2010, for the Speaker to entertain motions that the House suspend the rules. The Speaker or her designee shall consult with the Minority Leader or his designee on the designation of any matter for consideration pursuant to this section.

The SPEAKER pro tempore (Ms. RICHARDSON). The gentleman from New York is recognized for 1 hour.

Mr. ARCURI. Madam Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from North Carolina (Ms. FOXX). All time yielded during consideration of the rule is for debate only. I yield myself such time as I may consume.

GENERAL LEAVE

Mr. ARCURI. I also ask unanimous consent that all Members be given 5 legislative days within which to revise and extend their remarks on House Resolution 1721.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. ARCURI. Madam Speaker, H. Res. 1721 provides for consideration of the Senate amendment to H.R. 1722, the Telework Improvements Act of

2010. The rule makes in order a motion offered by the chair of the Committee on Oversight and Government Reform or his designee that the House concur in the Senate amendment to H.R. 1722. The rule provides 1 hour of debate on the motion equally divided and controlled by the chair and ranking minority member of the Committee on Oversight and Government Reform. The rule waives all points of order against consideration of the motion except those arising under clause 10 of rule XXI. The rule provides that the Senate amendment shall be considered as read. Finally, the rule allows the Speaker to entertain motions to suspend the rules through the legislative day of November 19, 2010. The Speaker or her designee shall consult with the minority leader or his designee on the designation of any matter for consideration pursuant to this resolution.

This is the third time this year that the House has debated and considered this bill. Each of the previous two times, a majority of the Members voted for the bill.

I have often heard my colleagues on the other side of the aisle speak eloquently of how much more efficient the private sector is and about the need for government to take more cues from business. Telecommuting could not be a better example of this. There is no reason that the Federal Government should not make full use of the perpetual advances being made in mobile technologies to ensure that our government's workforce functions as efficiently and cost-effectively as possible.

Telework policies are even more important during times of emergency. The Office of Management and Budget, OMB, has estimated that for each day the Federal Government was shut down during the mega-snowstorms that hit the Capital Region last February, we lost \$71 million worth of productivity. It is important to point out that OMB also concluded that without employees at some agencies being able to telecommute, the cost of lost productivity would have been easily beyond \$100 million.

The Telework Improvements Act will provide a framework to expand the current telecommuting program so that all Federal employees can take advantage of these opportunities.

□ 1030

Telecommuting also helps to reduce traffic congestion. Not only does this save gas and emissions, but it decreases rush-hour traffic for all residents of the D.C. metro area, whether they work for the Federal Government or in the private sector.

In the past, some have argued that telecommuting just allows lazy government employees to sit at home and pretend to work. That's simply not the case. This bill requires agencies to establish a telecommuting policy that

authorizes employees to telecommute to the maximum amount possible only to the extent that it doesn't diminish employee performance or agency operations.

The Senate amendments to H.R. 1722 also require agencies to maintain a telework database for various research and reporting requirements, including a confidential hotline and email address to report abuses, and require agencies to submit a summary of abuse reports to the Government Accountability Office, the GAO. These measures will ensure that telecommuting workers are efficient and accountable.

I urge all Members to support the rule and the Senate amendments to H.R. 1722, and I reserve the balance of my time.

Ms. FOXX. I yield myself such time as I may consume, and I thank my colleague from New York for yielding me the time.

Madam Speaker, if a tree falls in the forest and there is no one there to hear it, does it still make a sound?

After their thorough drubbing on Election Day, it makes sense for the Democrats to revisit this metaphysical question. Despite the abundance of evidence and warnings from pollsters, from authorities across the political spectrum and from the American people, the liberals maintain their losses were due to miscommunication and voter ignorance, all resulting from the sour economy and nothing more.

They refuse to acknowledge the reality that voters rejected the liberals' government takeover of health care and the process that accompanied its passage. They refuse to recognize that their endless bailouts of megabanks, automobile manufacturers and unions could have possibly led to the historical election results. Stubbornly clinging to their failed prescription of bigger government and ever-increasing taxes, the liberals continue to defend the stimulus and their extravagant spending as cornerstones of their futile efforts at healing the economy.

So perhaps the question should now become: If American voters roundly reject the failed liberal agenda, will any Democrats notice? By continuing to spend hard-earned taxpayer money in an irresponsible fashion, it appears obvious that the answer is "no."

Republicans have been listening to the American people and warning the ruling liberal Democrats of the consequences of their Big Government overreach. However, those who think of themselves as liberal elites in Washington seem to have been the only ones in the country to have missed the writing on the wall and the message of November 2. The ruling Democrat regime ignored the clear evidence of voter discontent, and they continue their march lockstep with a liberal agenda which would embarrass many European states.

Their minions blindly followed further expanding government with nearly every bill they passed. Then, on November 2, the voters showed their feelings by removing the gavel from the grip of San Francisco liberal NANCY PELOSI. The liberals' response to an election of such historic proportions: Blame voter ignorance and the marginalized minority congressional Republicans. Voters rejected unconscionable spending and deficit increases. They rejected a government takeover of health care. They rejected the Federal ownership of any industry deemed too incompetent to fail, but they also rejected the heavy handed, autocratic rule of congressional liberals.

If we accept as truth liberal claims that unemployment is the exclusive issue of concern to all voters, one must wonder what the liberals plan to do about the stalled economy now that the voters have forced them to refocus.

The answer to reducing the unemployment rate: Pass flawed legislation that makes it easier for Federal employees to stay at home and get paid for work.

There it is, folks. The liberal Democrat elites have found the solution that has evaded them for so long. It is not to keep tax rates for small businesses from rising. It is not to look at ways to cut spending so that more capital is available to the private sector. It is not pushing for improved trade agreements that will increase exports and help restore our balance of trade. It is not to shrink the size and number of Federal regulations that are slowing job creation in the private sector.

No. Madam Speaker and ladies and gentlemen, they bring us an opportunity to reinvigorate America's strength by spending \$30 million more to make it easier for Federal employees to work from home.

On September 30, 2010, the Senate passed H.R. 1722 with an amendment—adopted by unanimous consent—stripping out almost all of the provisions added to the bill by the House under a successful motion to recommit offered by Oversight and Government Reform Committee Ranking Member ISSA. The bipartisan House MTR provisions that were stripped out by the Senate are provisions which would:

require each agency to certify that the telework program will save money before authorizing any employees to telework; prohibit employees from engaging in any union or collective bargaining activities while teleworking; require employees of the executive office of the President to carbon copy their official email accounts on any official business communications that are made on personal email and social

media accounts; make employees ineligible for telework if they have fraudulently applied for and received low-income home energy assistance payments for which they are ineligible or have seriously delinquent tax debts.

The removal of these provisions by the Senate will raise the cost of this legislation and will provide a teleworking benefit to individuals who clearly should not be entrusted with increased latitude and autonomy. Absent these provisions, telework becomes another perk for Federal workers whose salaries and other compensation already surpass those of their private sector counterparts.

The American people have grown tired of waiting for real solutions to their problems. Fortunately, help is on the way. In January, this House will set a new course towards protecting individual liberties and shrinking the unending expansion of the suffocating Federal bureaucracy. I urge my colleagues to vote "no" on this rule and "no" on the underlying bill.

I reserve the balance of my time.

Mr. ARCURI. Madam Speaker, I guess, after the last election, I had naively thought that we could come back and get away from the political sniping and focus on governing, but it sounds like that is not the case, and that's unfortunate.

This was a bill that was passed in the House with strong bipartisan support. It certainly was not anything that was political but was something that was needed and necessary. Unfortunately, I think that we are going to continue to hear about politics rather than about governing.

With that, Madam Speaker, I yield 3 minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. I appreciate the gentleman's courtesy in permitting me to speak on this bill as I appreciate his insightful comments about where we are and where we are going.

Madam Speaker, I, too, listened to what was not a debate on this bill but a continuation of the political rhetoric that the American public has enjoyed over the course of the last 3 or 4 months. Actually, I don't know that they enjoyed it, as the people I heard from back home actually got rather tired of it.

It was ironic that I heard my good friend Ms. Foxx talking about the government takeover of health care after I had just been visited by representatives of one of the largest health insurance companies in America, who was talking about their role in health care reform. They saw it as making a path towards better health care and that they'd have to do some things differently but that they were working on the implementation of it. I met with these representatives back home after the election. I met with a wide variety of people from health care, who were

talking about how we move forward in this partnership that has been focused and in terms of how we improve Medicare for our seniors.

The notion that somehow this is a takeover is lost on the people who are actually in the health care arena, and the American public will find that out. We will be able to hear their suggestions going forward.

With regard to the notion of the failed stimulus, I just left a group of eight large corporate representatives, who were talking about moving forward on some of the infrastructure and energy items that were important to them. Yesterday, a dozen energy executives who thought it was important, as well as creating and saving jobs. The disconnect between the political rhetoric and what any American can verify by talking to the health care businesses that are involved will show that it's rather hollow.

□ 1040

But that is why the legislation before us got bogged down, because there were extraneous provisions in it that looked good in a sound byte but actually had little to do with the legislation. For instance, the provision that would have required denial of the ability to telecommute to people who were delinquent in their taxes was actually unenforceable. There was no way that the IRS could do what they wanted to do, and so they were willing to deny the ability of the Federal Government to be able to have the efficiencies that people back home in Oregon have with telecommunication in the private sector, rather they would continue to bog it down.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. ARCURI. I yield the gentleman an additional 1 minute.

Mr. BLUMENAUER. We in Congress can telecommute. It makes me available to be able to work 7 days a week whether I'm in Washington, D.C., or I'm in Portland. Our staff does it routinely, but they would deny the ability of Federal employees.

This is, as my friend from New York pointed out, bipartisan legislation. It's always had Republicans and Democrats supporting it. It's received strong majorities. I'm sure it will pass today. But I'm hopeful that we can focus on the business at hand, not hang up important work.

I want to make sure that any Federal employee who is delinquent in their taxes pays up. I'm happy to work with my friends on the other side of the aisle to focus specific legislation in that regard, and as a member of Ways and Means, I'm happy to work with them to do that. But for heaven's sake, let's deal with important things here, perhaps not repeat all the political talking points. Let's get down to some serious business.

Ms. FOXX. Madam Speaker, I just point out to my colleague from Oregon that telework already exists. Federal employees can do it already. What this bill does is allocate \$30 million and create more bureaucracy. We're not stopping telework. We're not creating telework. We're expanding it and spending more money.

Madam Speaker, with that, I yield 3 minutes to my colleague from Colorado (Mr. LAMBORN).

Mr. LAMBORN. Madam Speaker, I rise in opposition to the previous question and in support of this week's YouCut item, the elimination of taxpayer subsidies to National Public Radio.

National Public Radio's recent firing of longtime news analyst Juan Williams was a wake-up call for many Americans to political correctness and liberal bias at NPR. However, it's not the liberal bias that offends me so much as that American citizens are forced to subsidize it with their hard-earned tax dollars.

Long before the Juan Williams fiasco, I sponsored legislation to pull the plug on taxpayer funding for NPR. I enjoy some programs on NPR, but I have long believed that it can stand on its own.

The question is not the quality of programming on NPR. The question today is whether government programs and services that can be funded privately should be subsidized by taxpayers. As a country, we no longer have this luxury, if we ever did. With the national debt over \$13 trillion, the government simply can't afford to continue funding nonessential services.

Americans voted through the popular Web site YouCut to place this proposal on the House floor for a vote today. The selection of this measure shows the American people desire to rein in unnecessary spending. My proposal would prohibit Federal dollars from going to NPR through any of the various Federal grants they now access. I myself enjoy NPR programming, but why should Americans foot the bill for this when we have to borrow about 40 cents on every Federal dollar?

NPR local radio stations directly receive congressionally appropriated funds that reached over \$65 million in 2010 alone. Plus, local stations directly receive grants from other Federal sources such as the National Endowment for the Arts. NPR stations then use these taxpayer dollars on licensing fees for NPR programming, which are then funneled back to NPR headquarters here in Washington, DC. Taking this indirect funding into account, Federal funds now make up an estimated 20 percent of NPR's annual budget.

Let me be clear, this measure will not prohibit local stations from receiving any other funding. It will just prohibit them from using taxpayer money to acquire NPR programming.

Unsustainable Federal spending is a serious threat to the United States economy and to the future prosperity of the American people. Americans know this. We shouldn't wait until the 112th Congress to start solving this problem. Cutting spending begins now. We must begin the hard work of eliminating these deficits and creating jobs by making tough choices on spending today.

The American people have asked Congress to put a stop to out-of-control spending. Millions of them have voted through YouCut that prohibiting Federal funding of NPR is a good place to start. I urge my colleagues to heed the will of the American people to get Federal spending under control and vote for a sensible reduction of spending by opposing the previous question.

Mr. ARCURI. Madam Speaker, I yield 4 additional minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Thank you.

I was on my way out of the Chamber and I heard my friend from Colorado talk about attacking out-of-control Federal spending by making sure that there's no direct or indirect ability for resources from the Federal Government to go to NPR. Madam Speaker, I find that really a sad reflection on the current state of affairs.

National public broadcasting is one of the few areas where the American public can actually get balanced information. It's not the bloviators on the right or the left. Public broadcasting, because it is not taking commercial advertising, because it has a commitment to public service and balanced information, has been the most important, unbiased source available to Americans from coast to coast.

The Federal investment in public broadcasting is relatively minor. It is 10, 15 percent, when you add everything up, but it is an important portion because it leverages vast amounts of money that otherwise would not be available.

I, like my friend from Colorado, participate. I go to the telethons. I contribute every year from my family, and I'm glad to do it. You know, but if this agenda, which is where the Republicans who took over last time were trying to go, to defund public broadcasting, is picked up even before they take control is successful, it's going to have very serious consequences. It's not going to affect Denver. It's not going to affect Portland, Oregon, or San Francisco or New York except that the quality of some of the programs will erode, frankly, because these are tough times and sponsorship from the business community is down and individuals are having to stretch to be able to contribute. These services are more important than ever, when we've got all these screaming heads on the air giving forth information that is hardly balanced and accurate.

But what will happen? Not only the erosion of quality and some of the programs for culture and education that are not going to have a commercial base will be eroded. What is going to have the biggest impact, if they have their way, will be the areas of America that don't have the population base. Rural and small town America will pay the price.

Oregon public broadcasting is one of the finest public broadcasting systems in the United States, but the most expensive persons to serve are the people in the far reaches of our State, where we put up expensive translators to be able to get the programming out there. We have programming that is designed to reach to the furthest extent of our State, and that is subsidized. If we are going to lose the modest amount of Federal subsidization, it will not only affect the quality in Denver and Portland and Charlotte, in Atlanta, in Ithaca, but it's going to make it harder for rural and small town America to be able to get this vital service.

□ 1050

You look at the costs that they bear, that will be an area that will suffer the cuts if we're not able to maintain funding. I think that's a tragedy. I think it is a tragedy to try to politicize NPR.

I'm not going to comment on the handling of the Juan Williams episode. There are others that have talked about it endlessly. The head of NPR indicated she would have handled it differently.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. ARCURI. I yield the gentleman 1 additional minute.

Mr. BLUMENAUER. When you mix NPR and FOX News and you go back and deconstruct that, they have rules of journalism that they follow, that people are supposed to follow, and Mr. Williams had trouble following those rules before.

But notwithstanding that, the point is we need to have the public in public broadcasting. The Federal minuscule dollars that are invested in that compared to the amount of money that is wasted in defense, in agriculture subsidy pales by comparison. And I think we are going to be able to work with some of the new Members of Congress to deal with things that have defied reform in the past. I am looking forward to some of what they say.

But public broadcasting is a resource, is a treasure for Americans from coast to coast. It is trusted by more Americans than any other resource in terms of the news, and it is far more than just news. It is education. It is culture. It is history. And it would be a tragedy to eat away at NPR to make it harder to serve the difficult-to-reach areas of our country.

Ms. FOXX. Madam Speaker, our colleague from Oregon has just given us

another example of how out of touch our colleagues across the aisle are. If he thinks that public radio is balanced and unbiased and our taking away that funding will have serious consequences, he is obviously not in touch with the American people. Republicans are in touch with the American people. That's why we're making this proposal. I live in a rural area, and I understand that.

Again, you're blaming the victim. You're blaming the voters. Please, don't blame the voters. That's not what they're looking for.

I now would like to yield 1 minute to my colleague from Kansas (Ms. JENKINS).

Ms. JENKINS. Madam Speaker, folks back home in Kansas have been forced to tighten their belts and rein in family budgets to weather tough times, and we don't understand why Washington isn't willing to do the same. The Federal Government should have only a few foundational duties. Among those are protecting our citizens, maintaining a strong infrastructure, and upholding our rights as outlined in the Constitution. Notably missing from this list is the funding of political radio shows, particularly those that operate with a litmus test.

The Federal Government is leaking money left and right, and it's time to plug some holes. Today's YouCut proposal will save the American taxpayers over \$100 million and will be proof that Congress is ready to shrink the size and scope of the Federal Government.

I urge your support. Please oppose the previous question.

Mr. ARCURI. Madam Speaker, I would like to take a moment to remind my colleagues about the true purpose of this bill, which is to make sure that the Federal Government is taking the steps necessary to increase its ability to function, even in times of national emergencies, because that is what we are here in Congress to do—to make sure that the government continues to function, especially in times of national emergencies.

The bill requires Federal agencies to implement policies and practices to allow employees to telecommute. It requires them to train their employees about how to do their work remotely so that the Federal employees can continue to do their jobs, even if they can't get to work because of a natural disaster or other emergency.

There has been some discussion about the need to police telecommuting employees, so I want to talk about some of the oversight and accountability measures that this legislation contains.

This bill requires the Office of Personnel Management to provide teleworking assistance and guidance to agencies, to maintain a telework database, and to establish various research and reporting requirements.

The bill sets up a confidential hotline and email address to report abuses and requires the OPM to report to the Government Accountability Office about any abuse reports it receives.

Finally, the Senate amendment to H.R. 1722 also requires OPM to consult with the National Archives about how to manage and preserve all records from telework, including Presidential and Vice Presidential records, something that was raised by the Republicans in their motion to recommit back in July.

So, you see that there are oversight measures built into these telework policies. This bill doesn't just say to agencies, "Send your employees home." No. It directs the Federal agencies to set up policies and trainings so that their employees know how to work just as efficiently outside the office as they can at their desks in times of emergency, and those employees know that there is oversight by the agency of the work that is being done.

Those protections are included in this bill, just as they are in the telework policies used by companies in the private sector. That is why this bill makes common sense, because the Federal Government should be adopting policies like this that are commonly used in the private sector to make sure that our government functions efficiently and effectively, even during emergencies that prevent employees from coming into the office.

I continue to reserve the balance of my time.

Ms. FOXX. Madam Speaker, I yield myself such time as I may consume.

You know, before we took our recess to be at home for the elections, every bill that was brought here was about jobs. That didn't work, obviously, because our unemployment rate is still very high. Now, are we to believe that all the bills are going to be about national security? I hope that Osama bin Laden has been put on notice: This is going to improve our national security, and he'd better watch out.

Madam Speaker, the underlying bill here spends \$30 million to create additional opportunities for Federal employees to work at home. The American people are suffering because of our unemployment rate. Because of the failed policies of this Congress and this administration, the American people are learning to do more with less. Why can't Federal employees learn to do that? They are soon going to have to do that.

This is a travesty, to come here with our economy in the situation that it's in and say, We're going to appropriate \$30 million more in order for Federal employees to stay at home. H.R. 1722 requires each Federal agency to create a teleworking managing officer, even though some agencies may not be big enough to warrant such a position.

So, again, the Democrats' answer to the 9.6 percent unemployment rate

that has persisted for almost 2 years and the \$1.3 trillion deficit is to create more Federal jobs and require that some of those Federal Government workers be allowed to work from home. Give me a break. The nearly 4 million Americans—3.811 million—who have lost their jobs since President Obama took office and over 6 million who have lost their jobs since NANCY PELOSI became Speaker in January 2007 continue to ask where are the jobs that they were promised.

The Congress is pushing this initiative to make it easier for Federal employees, who already have it much better than the rest of the country, to avoid the office. So why is this bill so popular with the ruling liberal Democrats? Perhaps it has something to do with their longstanding subservience to labor unions. According to the latest figures available on OpenSecrets.org, big labor donated \$49,710,561, or 93 percent of its total campaign contributions, to Democrats and \$3,444,042, or 6 percent, to Republicans in the last election cycle. Surely money like that isn't going to be wasted pushing legislation good for private sector employees.

It's true that a majority of American union members now work for the government, as 52 percent of all union members now work for the government, representing a sharp increase from the 49 percent in 2008. A full 37.4 percent of government employees belonged to unions in 2009, up 0.6 percentage points from 2008.

These changes in union membership are certainly not surprising, as unionized companies do poorly in the marketplace and lose jobs relative to their nonunion competitors. Government employees, however, face no competition as the government never goes out of business.

The recession has left union bosses looking for new membership targets, and where better to look than in government, which they see as having the deepest of all pockets and a host of sympathetic liberal Democrat politicians eager to please their political base.

□ 1100

In fact, according to the Heritage Foundation, when accounting for wages and benefits, the total average annual compensation for a private-sector worker is \$60,078, as compared to \$111,015 for the average Federal worker, representing an astonishing 85 percent compensation differential.

A March 26, 2010, Wall Street Journal editorial entitled "The Government Pay Boom" reveals that: "Nearly this entire benefits gap is accounted for by unionized public employees. Nonunion public employees are paid roughly what private workers receive."

"The union response is that government workers deserve all this because

they're more educated and highly skilled. That may account for some of the pay differential, but not the blow-out benefits. The unions also neglect one of the greatest perks of government employment: job security. Short of shooting up a Post Office, government workers rarely get fired or laid off."

The Republican Study Committee released a policy brief recently indicating that the number of Federal employees making over \$100,000 has increased by almost 15 percent since 2007. Currently, there are more people in the Federal Government making in excess of \$100,000 than those making \$40,000.

Since the recession began in 2007, public worker pay has risen 7.8 percent. While private-sector wages remain stagnant, the 2010 pay increase for Federal civilian employees was 2 percent. In 2009, the average Federal employee received a pay increase of 3.9 percent, and an average pay increase of 3.5 percent in 2008.

The average Federal salary, including benefits, is set to grow from \$72,800 in 2008 to \$75,419 in 2010.

In 2007, when the Democrats took over the Congress, the Department of Transportation had only one employee making over \$170,000. At the end of last year it had 1,690 employees making that amount.

The Federal pay premium exists across all job categories, white collar, blue collar, management, professional, technical, and low skill.

Again, the public is asking, where are the jobs? Why aren't the Democrats who are in charge of the Congress doing something about private-sector jobs instead of focusing on creating more perks for Federal employees?

Madam Speaker, I reserve the balance of my time.

Mr. ARCURI. Madam Speaker, my friend from North Carolina talks about passage of this bill being a travesty. I couldn't disagree more. The travesty would be if there were a national emergency and we were ill prepared for it because of the fact that we didn't act today, because of something that we could have done that we didn't do. That would be a travesty.

Additionally, the travesty is that she talks about this in political terms, when this is about governing. The days of the politics have to end. The days of governing need to begin. That's what this bill is about. It's about working together, in a bipartisan way, to govern, to make government run more efficiently in a time when we need it most, in a time of emergency. That is the travesty, not to act on it. Not to sit here and talk about the politics of it, but rather to talk about how, together, we can make this work so that government functions better for the people that we represent.

Madam Speaker, I reserve the balance of my time.

Ms. FOXX. Madam Speaker, I now yield 4 minutes to the distinguished gentleman from Virginia (Mr. CANTOR).

Mr. CANTOR. Madam Speaker, the issue is about spending. It is about stopping the rampant spending in Washington. And on November 2, Americans spoke decisively and sent an undeniable message to Washington to end wasteful spending.

In the new Republican majority next Congress, Madam Speaker, the YouCut program will be an integral part of our efforts to transform the culture of spending in Washington into one of savings. More than 2.4 million YouCut votes provide us with a clear mandate to rein in spending and make the tough choices to get America back on the right path.

This week's winning item, Madam Speaker, is a proposal developed by the gentleman from Colorado, Representative DOUG LAMBORN. This proposal would eliminate taxpayer funding for National Public Radio. When executives at NPR decided to unfairly terminate Juan Williams for expressing his opinion and to then disparage him afterwards, the bias of the organization was exposed.

To be clear, it is not the government's job to tell a news organization how to do its job. But what's equally as certain is that it should not be the taxpayer's responsibility to fund news organizations with a partisan point of view. Eliminating taxpayer funding for NPR is precisely the kind of commonsense cut that we have to begin making if we want to fundamentally alter the way business is conducted in Washington.

Over the past 2 years, Americans have become exasperated as they've watched the Federal Government grow to an unacceptable level of spending, by spending record levels of money it simply doesn't have. In order to get America back to opportunity, responsibility, and success, Republicans and Democrats must come together and begin making tough choices. Today's YouCut vote is an opportunity for both parties to come together and to tell the people that have sent us here—message received.

Mr. ARCURI. Madam Speaker, I continue to reserve the balance of my time.

Ms. FOXX. Madam Speaker, the evidence is in. The liberal Democrat agenda has failed. They need to go back to the drawing board and come back to the American people with real solutions to their real problems. This isn't the time to dither and blame the Republican minority for the disappointing collapse of governance we've seen since the liberal majority seized control of Congress in 2007.

I urge my colleagues to take this opportunity to force the ruling liberal Democrats to rethink their misguided proposals by rejecting this rule and un-

derlying bill to protest the liberal agenda that continues to distract from private-sector job creation and getting the economy back on its feet.

Madam Speaker, I ask unanimous consent that the text of the amendment and extraneous material be placed in the RECORD prior to the vote on the previous question.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Ms. FOXX. Madam Speaker, I am going to urge my colleagues to vote "no" on the previous question so I can amend the rule to allow all Members of Congress the opportunity to vote to cut spending.

Republicans recently launched the YouCut initiative, which gives people an opportunity to vote for Federal spending they would like to see Congress cut. Hundreds of thousands of Americans have cast their votes, and this week they have directed their representatives in Congress to consider H.R. 5538, which is a bill that would prohibit Federal funding for the Corporation for Public Broadcasting, the parent organization of National Public Radio, after fiscal 2012.

According to the Republican Whip's YouCut Web site, National Public Radio's recent decision to terminate commentator Juan Williams' contract because of comments he expressed on another station have brought newfound attention to NPR's receipt of taxpayer funds.

NPR receives taxpayer funding in two different ways. First, they receive direct government grants from various Federal agencies, including the Corporation for Public Broadcasting, the Department of Commerce, Department of Education, and the National Endowment for the Arts. Over the past 2 years, this direct funding has totaled approximately \$9 million.

But NPR also receives taxpayer funds indirectly. The Corporation for Public Broadcasting makes grants to public radio stations. While some of these grants can be used for any purpose, some can be used only to acquire and produce programming. Often this programming is purchased from NPR. Indeed, programming fees and dues paid by local public radio stations to NPR accounts for approximately 40 percent of NPR's budget, or about \$65 million last year. A portion of these funds were originally Federal tax dollars provided to the Corporation for Public Broadcasting, to the local public radio stations.

NPR receives a significant amount of funding from private individuals and organizations through donations and sponsorship. For example, in 2008, NPR listed over 32 separate private donors and sponsors who provided financial support in excess of half a million dollars that year.

□ 1110

NPR officials have indicated that taxpayer funding makes up only a small portion of their overall budget. Therefore, eliminating taxpayer support should not materially affect NPR's ability to operate while at the same time saving taxpayers millions of dollars annually.

In order to provide for consideration of this commonsense legislation, I urge my colleagues to vote "no" on the previous question.

I yield back the balance of my time.

Mr. ARCURI. Madam Speaker, as I said in my opening, this is the third time this year that the House has debated and considered this bill. Each of the previous two times, a majority of members voted for the bill.

When the bill passed the House in July, the Republican motion to recommit was adopted on a bipartisan vote of 303-119. I know that some of my colleagues on the other side of the aisle are greatly upset that a number of the provisions that were adopted as part of the motion to recommit were removed by the Senate. I understand your frustration. The number of worthy measures that this body has sent to the Senate during this Congress is staggering. However, we must not let that frustration prevent us from sending this bill to the President, because the version of the bill in front of us today will ensure that our government continues to function efficiently and effectively—even during times of national emergency.

For this reason, I urge all members to vote "yes," to avoid the politics, and get back to the governing that this Congress promised to do, vote "yes" on the previous question, vote "yes" on the rule, and vote "yes" on the Senate amendment to H.R. 1722.

Mrs. LOWEY. Madam Speaker, this is a blatant attempt to politically interfere with the programming decision-making of America's public radio stations.

Efforts to deny funding to public broadcasting for political reasons are a violation of America's standards of a free and independent press.

This represents a wholesale breach of local stations' ability to make local, independent decisions to meet the needs of local audiences.

Fundamentally, public broadcasting is rooted in local communities. Stations are locally licensed and governed, locally programmed and locally staffed. It is a system of local stations interconnected to enable local, regional and national program production and distribution, but committed to local service.

For more than 40 years, the federal government has provided financial support for public broadcasting—to provide essential educational, news and cultural programming that meets the local needs of American communities, large and small.

Public broadcasting is the last remaining source of independent, non-commercial, thought-provoking broadcast media in the country. In many communities, public radio is the only source of free local, national and

international news and music and cultural programming. Public radio stations are located in nearly every major city and small town, delivering highly trusted, agenda-free news and information to 37 million Americans each week.

Federal funding has played an important role in assuring free and universal access to programs that inform and enrich the life of millions of Americans in every corner of the country.

Vote “yes” on the previous question.

The material previously referred to by Ms. FOXX is as follows:

AMENDMENT TO H. RES. 1721 OFFERED BY MS. FOXX OF NORTH CAROLINA

At the end of the resolution add the following new section:

SEC. 3. Immediately upon the adoption of this resolution the Speaker shall, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 6417) to prohibit Federal funding of certain public radio programming, to provide for the transfer of certain public radio funds to reduce the public debt, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the Majority Leader and the Minority Leader or their respective designees. After general debate the bill shall be considered for amendment under the five-minute rule. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to commit with or without instructions. If the Committee of the Whole rises and reports that it has come to no resolution on the bill, then on the next legislative day the House shall, immediately after the third daily order of business under clause 1 of rule XIV, resolve into the Committee of the Whole for further consideration of the bill. Clause 1(c) of rule XIX shall not apply to the consideration of H.R. 6417.

(The information contained herein was provided by Democratic Minority on multiple occasions throughout the 109th Congress.)

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Democratic majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives, (VI, 308-311) describes the vote on the previous question on the rule as “a motion to direct or control the

consideration of the subject before the House being made by the Member in charge.” To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that “the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition” in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: “The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition.”

Because the vote today may look bad for the Democratic majority they will say “the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution [and] has no substantive legislative or policy implications whatsoever.” But that is not what they have always said. Listen to the definition of the previous question used in the Floor Procedures Manual published by the Rules Committee in the 109th Congress, (page 56). Here's how the Rules Committee described the rule using information from Congressional Quarterly's “American Congressional Dictionary”: “If the previous question is defeated, control of debate shifts to the leading opposition member (usually the minority Floor Manager) who then manages an hour of debate and may offer a germane amendment to the pending business.”

Deschler's Procedure in the U.S. House of Representatives, the subchapter titled “Amending Special Rules” states: “a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate.” (Chapter 21, section 21.2) Section 21.3 continues: “Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon.”

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Democratic majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

Mr. ARCURI. Madam Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. FOXX. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of adoption.

The vote was taken by electronic device, and there were—yeas 239, nays 171, not voting 23, as follows:

[Roll No. 576]

YEAS—239

Ackerman	Halvorson	Oberstar
Altmire	Hare	Obey
Andrews	Harman	Oliver
Arcuri	Hastings (FL)	Ortiz
Baca	Heinrich	Owens
Baird	Herseth Sandlin	Pallone
Baldwin	Higgins	Pascarell
Barrow	Himes	Pastor (AZ)
Bean	Hinchey	Payne
Becerra	Hinojosa	Perlmutter
Berkley	Hirono	Perriello
Berman	Hodes	Peters
Berry	Holden	Peterson
Bishop (GA)	Holt	Pingree (ME)
Bishop (NY)	Honda	Polis (CO)
Blumenauer	Inslee	Pomeroy
Bocciari	Israel	Price (NC)
Boren	Jackson (IL)	Quigley
Boswell	Jackson Lee	Rahall
Boyd	(TX)	Rangel
Brady (PA)	Johnson (GA)	Reyes
Braley (IA)	Johnson, E. B.	Richardson
Brown, Corrine	Kagen	Rodriguez
Butterfield	Kanjorski	Ross
Capps	Kaptur	Rothman (NJ)
Capuano	Kennedy	Roybal-Allard
Cardoza	Kildee	Ruppersberger
Carnahan	Kilpatrick (MI)	Rush
Carney	Kilroy	Ryan (OH)
Carson (IN)	Kind	Salazar
Castor (FL)	Kirkpatrick (AZ)	Sánchez, Linda
Chandler	Kissell	T.
Childers	Klein (FL)	Sanchez, Loretta
Chu	Kosmas	Sarbanes
Clarke	Kratovil	Schakowsky
Cleaver	Kucinich	Schauer
Cohen	Langevin	Schiff
Connolly (VA)	Larsen (WA)	Schrader
Conyers	Larson (CT)	Schwartz
Cooper	Lee (CA)	Scott (GA)
Costa	Levin	Scott (VA)
Costello	Lewis (GA)	Serrano
Courtney	Lipinski	Sestak
Critz	Loeback	Shea-Porter
Crowley	Lofgren, Zoe	Sherman
Cuellar	Lowey	Shuler
Cummings	Lujan	Sires
Dahlkemper	Lynch	Skelton
Davis (AL)	Maffei	Slaughter
Davis (CA)	Maloney	Smith (WA)
Davis (IL)	Markey (CO)	Snyder
DeFazio	Markey (MA)	Space
DeGette	Marshall	Speier
DeLauro	Matheson	Spratt
Deutch	Matsui	Stark
Dicks	McCarthy (NY)	Stupak
Dingell	McCollum	Sutton
Doggett	McDermott	Tanner
Donnelly (IN)	McGovern	Teague
Doyle	McIntyre	Thompson (CA)
Driehaus	McMahon	Thompson (MS)
Edwards (MD)	McNerney	Tierney
Ellison	Meek (FL)	Titus
Ellsworth	Meeks (NY)	Tonko
Engel	Melancon	Towns
Eshoo	Michaud	Tsongas
Etheridge	Miller (NC)	Velázquez
Farr	Miller, George	Visclosky
Filner	Minnick	Walz
Foster	Mitchell	Wasserman
Frank (MA)	Mollohan	Schultz
Fudge	Moore (KS)	Watson
Garamendi	Moore (WI)	Watt
Gonzalez	Moran (VA)	Waxman
Gordon (TN)	Murphy (CT)	Weiner
Grayson	Murphy (NY)	Welch
Green, Al	Murphy, Patrick	Wilson (OH)
Green, Gene	Nadler (NY)	Woolsey
Grijalva	Napolitano	Wu
Gutierrez	Neal (MA)	Yarmuth
Hall (NY)	Nye	

NAYS—171

Aderholt	Bachmann	Bilbray
Adler (NJ)	Bachus	Bilirakis
Akin	Bartlett	Bishop (UT)
Alexander	Barton (TX)	Blunt
Austria	Biggart	Boehner

Bonner
Bono Mack
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Carter
Cassidy
Castle
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Culberson
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Djou
Dreier
Duncan
Ehlers
Emerson
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves (GA)
Graves (MO)
Griffith
Guthrie
Hall (TX)

NOT VOTING—23

Barrett (SC)
Blackburn
Boozman
Boucher
Bright
Brown-Waite,
Ginny
Clay

□ 1144

Mr. SHUSTER changed his vote from “yea” to “nay.”

Mr. COURTNEY and Ms. TSONGAS changed their vote from “nay” to “yea.”

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Ms. FOXX. Madam Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 235, noes 171, not voting 27, as follows:

Paulsen
Pence
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Stearns
Stutzman
Sullivan
Taylor
Terry
Thompson (PA)
Thornberry
Tiberi
Turner
Upton
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

NOT VOTING—23

Hill
Hoyer
Inglis
Kirk
Radanovich
Tiahrt
Van Hollen
Waters

[Roll No. 577]

AYES—235

Green, Gene
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Bean
Herseth Sandlin
Higgins
Himes
Hincheay
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Inslee
Israel
Jackson (IL)
Jackson Lee
(TX)
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsock
Lofgren, Zoe
Lowey
Lujan
Lujan
Lynch
Maffei
Maloney
Markey (CO)
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McMahon
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Napolitano
Neal (MA)

NOES—171

Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boustany
Brady (TX)
Broun (GA)

Capito
Carter
Cassidy
Castle
Chaffetz
Coffman (CO)
Cole
Conaway
Crenshaw
Culberson
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Duncan
Ehlers
Emerson
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves (GA)
Graves (MO)
Griffith
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hoekstra
Hunter
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones

NOT VOTING—27

Barrett (SC)
Boozman
Boucher
Bright
Brown-Waite,
Ginny
Clay
Clyburn
Coble
Davis (KY)

□ 1152

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

TELEWORK ENHANCEMENT ACT OF 2010

Mr. LYNCH. Madam Speaker, pursuant to House Resolution 1721, I call up the bill (H.R. 1722) to improve teleworking in executive agencies by developing a telework program that allows employees to telework at least 20 percent of the hours worked in every 2 administrative workweeks, and for other purposes, with the Senate amendment thereto, and I have a motion at the desk.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The Clerk will designate the Senate amendment.

The text of the Senate amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Telework Enhancement Act of 2010”.

SEC. 2. TELEWORK.

(a) IN GENERAL.—Part III of title 5, United States Code, is amended by inserting after chapter 63 the following:

“CHAPTER 65—TELEWORK

“Sec.

“6501. Definitions.

“6502. Executive agencies telework requirement.

“6503. Training and monitoring.

“6504. Policy and support.

“6505. Telework Managing Officer.

“6506. Reports.

“§ 6501. Definitions

“In this chapter:

“(1) EMPLOYEE.—The term ‘employee’ has the meaning given that term under section 2105.

“(2) EXECUTIVE AGENCY.—Except as provided in section 6506, the term ‘executive agency’ has the meaning given that term under section 105.

“(3) TELEWORK.—The term ‘telework’ or ‘teleworking’ refers to a work flexibility arrangement under which an employee performs the duties and responsibilities of such employee’s position, and other authorized activities, from an approved worksite other than the location from which the employee would otherwise work.

“§ 6502. Executive agencies telework requirement

“(a) TELEWORK ELIGIBILITY.—

“(1) IN GENERAL.—Not later than 180 days after the date of enactment of this chapter, the head of each executive agency shall—

“(A) establish a policy under which eligible employees of the agency may be authorized to telework;

“(B) determine the eligibility for all employees of the agency to participate in telework; and

“(C) notify all employees of the agency of their eligibility to telework.

“(2) LIMITATION.—An employee may not telework under a policy established under this section if—

“(A) the employee has been officially disciplined for being absent without permission for more than 5 days in any calendar year; or

“(B) the employee has been officially disciplined for violations of subpart G of the Standards of Ethical Conduct for Employees of the Executive Branch for viewing, downloading, or exchanging pornography, including child pornography, on a Federal Government computer or while performing official Federal Government duties.

“(b) PARTICIPATION.—The policy described under subsection (a) shall—

“(1) ensure that telework does not diminish employee performance or agency operations;

“(2) require a written agreement that—

“(A) is entered into between an agency manager and an employee authorized to telework, that outlines the specific work arrangement that is agreed to; and

“(B) is mandatory in order for any employee to participate in telework;

“(3) provide that an employee may not be authorized to telework if the performance of that employee does not comply with the terms of the written agreement between the agency manager and that employee;

“(4) except in emergency situations as determined by the head of an agency, not apply

to any employee of the agency whose official duties require on a daily basis (every work day)—

“(A) direct handling of secure materials determined to be inappropriate for telework by the agency head; or

“(B) on-site activity that cannot be handled remotely or at an alternate worksite; and

“(5) be incorporated as part of the continuity of operations plans of the agency in the event of an emergency.

“§ 6503. Training and monitoring

“(a) IN GENERAL.—The head of each executive agency shall ensure that—

“(1) an interactive telework training program is provided to—

“(A) employees eligible to participate in the telework program of the agency; and

“(B) all managers of teleworkers;

“(2) except as provided under subsection (b), an employee has successfully completed the interactive telework training program before that employee enters into a written agreement to telework described under section 6502(b)(2);

“(3) teleworkers and nonteleworkers are treated the same for purposes of—

“(A) periodic appraisals of job performance of employees;

“(B) training, rewarding, reassigning, promoting, reducing in grade, retaining, and removing employees;

“(C) work requirements; or

“(D) other acts involving managerial discretion; and

“(4) when determining what constitutes diminished employee performance, the agency shall consult the performance management guidelines of the Office of Personnel Management.

“(b) TRAINING REQUIREMENT EXEMPTIONS.—The head of an executive agency may provide for an exemption from the training requirements under subsection (a), if the head of that agency determines that the training would be unnecessary because the employee is already teleworking under a work arrangement in effect before the date of enactment of this chapter.

“§ 6504. Policy and support

“(a) AGENCY CONSULTATION WITH THE OFFICE OF PERSONNEL MANAGEMENT.—Each executive agency shall consult with the Office of Personnel Management in developing telework policies.

“(b) GUIDANCE AND CONSULTATION.—The Office of Personnel Management shall—

“(1) provide policy and policy guidance for telework in the areas of pay and leave, agency closure, performance management, official worksite, recruitment and retention, and accommodations for employees with disabilities;

“(2) assist each agency in establishing appropriate qualitative and quantitative measures and teleworking goals; and

“(3) consult with—

“(A) the Federal Emergency Management Agency on policy and policy guidance for telework in the areas of continuation of operations and long-term emergencies;

“(B) the General Services Administration on policy and policy guidance for telework in the areas of telework centers, travel, technology, equipment, and dependent care; and

“(C) the National Archives and Records Administration on policy and policy guidance for telework in the areas of efficient and effective records management and the preservation of records, including Presidential and Vice-Presidential records.

“(c) SECURITY GUIDELINES.—

“(1) IN GENERAL.—The Director of the Office of Management and Budget, in coordination with the Department of Homeland Security and the National Institute of Standards and Technology, shall issue guidelines not later than 180 days after the date of the enactment of this chapter to ensure the adequacy of information and security protections for information and information systems used while teleworking.

“(2) CONTENTS.—Guidelines issued under this subsection shall, at a minimum, include requirements necessary to—

“(A) control access to agency information and information systems;

“(B) protect agency information (including personally identifiable information) and information systems;

“(C) limit the introduction of vulnerabilities;

“(D) protect information systems not under the control of the agency that are used for teleworking;

“(E) safeguard wireless and other telecommunications capabilities that are used for teleworking; and

“(F) prevent inappropriate use of official time or resources that violates subpart G of the Standards of Ethical Conduct for Employees of the Executive Branch by viewing, downloading, or exchanging pornography, including child pornography.

“(d) CONTINUITY OF OPERATIONS PLANS.—

“(1) INCORPORATION INTO CONTINUITY OF OPERATIONS PLANS.—Each executive agency shall incorporate telework into the continuity of operations plan of that agency.

“(2) CONTINUITY OF OPERATIONS PLANS SUPERSEDE TELEWORK POLICY.—During any period that an executive agency is operating under a continuity of operations plan, that plan shall supersede any telework policy.

“(e) TELEWORK WEBSITE.—The Office of Personnel Management shall—

“(1) maintain a central telework website; and

“(2) include on that website related—

“(A) telework links;

“(B) announcements;

“(C) guidance developed by the Office of Personnel Management; and

“(D) guidance submitted by the Federal Emergency Management Agency, and the General Services Administration to the Office of Personnel Management not later than 10 business days after the date of submission.

“(f) POLICY GUIDANCE ON PURCHASING COMPUTER SYSTEMS.—Not later than 120 days after the date of the enactment of this chapter, the Director of the Office of Management and Budget shall issue policy guidance requiring each executive agency when purchasing computer systems, to purchase computer systems that enable and support telework, unless the head of the agency determines that there is a mission-specific reason not to do so.

“§ 6505. Telework Managing Officer

“(a) DESIGNATION.—The head of each executive agency shall designate an employee of the agency as the Telework Managing Officer. The Telework Managing Officer shall be established within the Office of the Chief Human Capital Officer or a comparable office with similar functions.

“(b) DUTIES.—The Telework Managing Officer shall—

“(1) be devoted to policy development and implementation related to agency telework programs;

“(2) serve as—

“(A) an advisor for agency leadership, including the Chief Human Capital Officer;

“(B) a resource for managers and employees; and

“(C) a primary agency point of contact for the Office of Personnel Management on telework matters; and

“(3) perform other duties as the applicable delegating authority may assign.

“(C) STATUS WITHIN AGENCY.—The Telework Managing Officer of an agency shall be a senior official of the agency who has direct access to the head of the agency.

“(d) RULE OF CONSTRUCTION REGARDING STATUS OF TELEWORK MANAGING OFFICER.—Nothing in this section shall be construed to prohibit an individual who holds another office or position in an agency from serving as the Telework Managing Officer for the agency under this chapter.

“§ 6506. Reports

“(a) DEFINITION.—In this section, the term ‘executive agency’ shall not include the Government Accountability Office.

“(b) REPORTS BY THE OFFICE OF PERSONNEL MANAGEMENT.—

“(1) SUBMISSION OF REPORTS.—Not later than 18 months after the date of enactment of this chapter and on an annual basis thereafter, the Director of the Office of Personnel Management, in consultation with Chief Human Capital Officers Council, shall—

“(A) submit a report addressing the telework programs of each executive agency to—

“(i) the Committee on Homeland Security and Governmental Affairs of the Senate; and

“(ii) the Committee on Oversight and Government Reform of the House of Representatives; and

“(B) transmit a copy of the report to the Comptroller General and the Office of Management and Budget.

“(2) CONTENTS.—Each report submitted under this subsection shall include—

“(A) the degree of participation by employees of each executive agency in teleworking during the period covered by the report (and for each executive agency whose head is referred to under section 5312, the degree of participation in each bureau, division, or other major administrative unit of that agency), including—

“(i) the total number of employees in the agency;

“(ii) the number and percent of employees in the agency who are eligible to telework; and

“(iii) the number and percent of eligible employees in the agency who are teleworking—

“(I) 3 or more days per pay period;

“(II) 1 or 2 days per pay period;

“(III) once per month; and

“(IV) on an occasional, episodic, or short-term basis;

“(B) the method for gathering telework data in each agency;

“(C) if the total number of employees teleworking is 10 percent higher or lower than the previous year in any agency, the reasons for the positive or negative variation;

“(D) the agency goal for increasing participation to the extent practicable or necessary for the next reporting period, as indicated by the percent of eligible employees teleworking in each frequency category described under subparagraph (A)(iii);

“(E) an explanation of whether or not the agency met the goals for the last reporting period and, if not, what actions are being taken to identify and eliminate barriers to maximizing telework opportunities for the next reporting period;

“(F) an assessment of the progress each agency has made in meeting agency participation rate goals during the reporting period, and other agency goals relating to

telework, such as the impact of telework on—

“(i) emergency readiness;

“(ii) energy use;

“(iii) recruitment and retention;

“(iv) performance;

“(v) productivity; and

“(vi) employee attitudes and opinions regarding telework; and

“(G) the best practices in agency telework programs.

“(c) COMPTROLLER GENERAL REPORTS.—

“(1) REPORT ON GOVERNMENT ACCOUNTABILITY OFFICE TELEWORK PROGRAM.—

“(A) IN GENERAL.—Not later than 18 months after the date of enactment of this chapter and on an annual basis thereafter, the Comptroller General shall submit a report addressing the telework program of the Government Accountability Office to—

“(i) the Committee on Homeland Security and Governmental Affairs of the Senate; and

“(ii) the Committee on Oversight and Government Reform of the House of Representatives.

“(B) CONTENTS.—Each report submitted by the Comptroller General shall include the same information as required under subsection (b) applicable to the Government Accountability Office.

“(2) REPORT TO CONGRESS ON OFFICE OF PERSONNEL MANAGEMENT REPORT.—Not later than 6 months after the submission of the first report to Congress required under subsection (b), the Comptroller General shall review that report required under subsection (b) and submit a report to Congress on the progress each executive agency has made towards the goals established under section 6504(b)(2).

“(d) CHIEF HUMAN CAPITAL OFFICER REPORTS.—

“(1) IN GENERAL.—Each year the Chief Human Capital Officer of each executive agency, in consultation with the Telework Managing Officer of that agency, shall submit a report to the Chair and Vice Chair of the Chief Human Capital Officers Council on agency management efforts to promote telework.

“(2) REVIEW AND INCLUSION OF RELEVANT INFORMATION.—The Chair and Vice Chair of the Chief Human Capital Officers Council shall—

“(A) review the reports submitted under paragraph (1);

“(B) include relevant information from the submitted reports in the annual report to Congress required under subsection (b); and

“(C) use that relevant information for other purposes related to the strategic management of human capital.”.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) TABLE OF CHAPTERS.—The table of chapters for part III of title 5, United States Code, is amended by inserting after the item relating to chapter 63 the following:

65. Telework 6501

(2) TELEWORK COORDINATORS.—

(A) APPROPRIATIONS ACT, 2003.—Section 623 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2003 (Public Law 108-7; 117 Stat. 103) is amended by striking “designate a ‘Telework Coordinator’ to be” and inserting “designate a Telework Managing Officer to be”.

(B) APPROPRIATIONS ACT, 2004.—Section 627 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2004 (Public Law 108-199; 118 Stat. 99) is amended by striking “designate a ‘Telework Coordinator’ to be”

and inserting “designate a Telework Managing Officer to be”.

(C) APPROPRIATIONS ACT, 2005.—Section 622 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2005 (Public Law 108-447; 118 Stat. 2919) is amended by striking “designate a ‘Telework Coordinator’ to be” and inserting “designate a Telework Managing Officer to be”.

(D) APPROPRIATIONS ACT, 2006.—Section 617 of the Science, State, Justice, Commerce, and Related Agencies Appropriations Act, 2006 (Public Law 109-108; 119 Stat. 2340) is amended by striking “maintain a ‘Telework Coordinator’ to be” and inserting “maintain a Telework Managing Officer to be”.

SEC. 3. AUTHORITY FOR TELEWORK TRAVEL EXPENSES TEST PROGRAMS.

(a) IN GENERAL.—Chapter 57 of title 5, United States Code, is amended by inserting after section 5710 the following:

“§ 5711. Authority for telework travel expenses test programs

“(a) Except as provided under subsection (f)(1), in this section, the term ‘appropriate committees of Congress’ means—

“(1) the Committee on Homeland Security and Governmental Affairs of the Senate; and

“(2) the Committee on Oversight and Government Reform of the House of Representatives.

“(b)(1) Notwithstanding any other provision of this subchapter, under a test program which the Administrator of General Services determines to be in the interest of the Government and approves, an employing agency may pay through the proper disbursing official any necessary travel expenses in lieu of any payment otherwise authorized or required under this subchapter for employees participating in a telework program. Under an approved test program, an agency may provide an employee with the option to waive any payment authorized or required under this subchapter. An agency shall include in any request to the Administrator for approval of such a test program an analysis of the expected costs and benefits and a set of criteria for evaluating the effectiveness of the program.

“(2) Any test program conducted under this section shall be designed to enhance cost savings or other efficiencies that accrue to the Government.

“(3) Under any test program, if an agency employee voluntarily relocates from the pre-existing duty station of that employee, the Administrator may authorize the employing agency to establish a reasonable maximum number of occasional visits to the pre-existing duty station before that employee is eligible for payment of any accrued travel expenses by that agency.

“(4) Nothing in this section is intended to limit the authority of any agency to conduct test programs.

“(c) The Administrator shall transmit a copy of any test program approved by the Administrator under this section, and the rationale for approval, to the appropriate committees of Congress at least 30 days before the effective date of the program.

“(d)(1) An agency authorized to conduct a test program under subsection (b) shall provide to the Administrator, the Telework Managing Officer of that agency, and the appropriate committees of Congress a report on the results of the program not later than 3 months after completion of the program.

“(2) The results in a report described under paragraph (1) may include—

“(A) the number of visits an employee makes to the pre-existing duty station of that employee;

“(B) the travel expenses paid by the agency;

“(C) the travel expenses paid by the employee; or

“(D) any other information the agency determines useful to aid the Administrator, Telework Managing Officer, and Congress in understanding the test program and the impact of the program.

“(e) No more than 10 test programs under this section may be conducted simultaneously.

“(f)(1) In this subsection, the term ‘appropriate committee of Congress’ means—

“(A) the Committee on Homeland Security and Governmental Affairs of the Senate;

“(B) the Committee on Oversight and Government Reform of the House of Representatives;

“(C) the Committee on the Judiciary of the Senate; and

“(D) the Committee on the Judiciary of the House of Representatives.

“(2) The Patent and Trademark Office shall conduct a test program under this section, including the provision of reports in accordance with subsection (d)(1).

“(3) In conducting the program under this subsection, the Patent and Trademark Office may pay any travel expenses of an employee for travel to and from a Patent and Trademark Office worksite or provide an employee with the option to waive any payment authorized or required under this subchapter, if—

“(A) the employee is employed at a Patent and Trademark Office worksite and enters into an approved telework arrangement;

“(B) the employee requests to telework from a location beyond the local commuting area of the Patent and Trademark Office worksite; and

“(C) the Patent and Trademark Office approves the requested arrangement for reasons of employee convenience instead of an agency need for the employee to relocate in order to perform duties specific to the new location.

“(4)(A) The Patent and Trademark Office shall establish an oversight committee comprising an equal number of members representing management and labor, including representatives from each collective bargaining unit.

“(B) The oversight committee shall develop the operating procedures for the program under this subsection to—

“(i) provide for the effective and appropriate functioning of the program; and

“(ii) ensure that—

“(I) reasonable technological or other alternatives to employee travel are used before requiring employee travel, including teleconferencing, videoconferencing or internet-based technologies;

“(II) the program is applied consistently and equitably throughout the Patent and Trademark Office; and

“(III) an optimal operating standard is developed and implemented for maximizing the use of the telework arrangement described under paragraph (2) while minimizing agency travel expenses and employee travel requirements.

“(5)(A) The test program under this subsection shall be designed to enhance cost savings or other efficiencies that accrue to the Government.

“(B) The Director of the Patent and Trademark Office shall—

“(i) prepare an analysis of the expected costs and benefits and a set of criteria for evaluating the effectiveness of the program; and

“(ii) before the test program is implemented, submit the analysis and criteria to the Administrator of General Services and to the appropriate committees of Congress.

“(C) With respect to an employee of the Patent and Trademark Office who voluntarily relocates from the pre-existing duty station of that employee, the operating procedures of the program may include a reasonable maximum number of occasional visits to the pre-existing duty station before that employee is eligible for payment of any accrued travel expenses by the Office.

“(g) The authority to conduct test programs under this section shall expire 7 years after the date of the enactment of the Telework Enhancement Act of 2010.”.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 57 of title 5, United States Code, is amended by inserting after the item relating to section 5710 the following:

“5711. Authority for telework travel expenses test programs.”.

SEC. 4. TELEWORK RESEARCH.

(a) RESEARCH BY OPM ON TELEWORK.—The Director of the Office of Personnel Management shall—

(1) research the utilization of telework by public and private sector entities that identify best practices and recommendations for the Federal Government;

(2) review the outcomes associated with an increase in telework, including the effects of telework on energy consumption, job creation and availability, urban transportation patterns, and the ability to anticipate the dispersal of work during periods of emergency; and

(3) make any studies or reviews performed under this subsection available to the public.

(b) USE OF CONTRACT TO CARRY OUT RESEARCH.—The Director of the Office of Personnel Management may carry out subsection (a) under a contract entered into by the Director using competitive procedures under section 303 of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253).

(c) USE OF OTHER FEDERAL AGENCIES.—The heads of Federal agencies with relevant jurisdiction over the subject matters in subsection (a)(2) shall work cooperatively with the Director of the Office of Personnel Management to carry out that subsection, if the Director determines that coordination is necessary to fulfill obligations under that subsection.

MOTION TO CONCUR

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. LYNCH moves that the House concur in the Senate amendment to H.R. 1722.

The SPEAKER pro tempore. Pursuant to House Resolution 1721, the motion shall be debatable for 1 hour equally divided and controlled by the chair and ranking member of the Committee on Oversight and Government Reform.

The gentleman from Massachusetts (Mr. LYNCH) and the gentleman from California (Mr. ISSA) each will control 30 minutes.

The Chair recognizes the gentleman from Massachusetts.

GENERAL LEAVE

Mr. LYNCH. Madam Speaker, I ask unanimous consent that all Members

may have 5 legislative days within which to revise and extend their remarks and add any extraneous material.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. LYNCH. I now yield myself such time as I may consume.

Madam Speaker, as chairman of the House subcommittee with jurisdiction over the Federal workforce, Postal Service, and District of Columbia, I rise in support of H.R. 1722, the Telework Enhancement Act of 2010. I am pleased to offer for consideration this bipartisan legislation which seeks to improve and expand the access to telework for Federal employees in the executive branch, as well as for government employees within the Government Accountability Office.

The cost-saving measure before us today was introduced by Congressman JOHN SARBANES of Maryland, along with myself and Representatives FRANK WOLF, GERRY CONNOLLY, JIM MORAN, DUTCH RUPPERSBERGER, and DANNY DAVIS back in March of 2009. This is the third time this good governance bill has been debated on the House floor.

This past July, the House considered and passed this legislation which subsequently was amended and passed by unanimous consent by our Senate counterparts in September. I would like to take a moment to thank Chairman AKAKA and Senator VOINOVICH on this legislation and to acknowledge Senator VOINOVICH's dedication to and respect for Federal employees. The Senator will be missed greatly by the Federal community.

Madam Speaker, despite the evolving nature of the way the Federal Government conducts its affairs, telework, which allows an employee to regularly perform work in a remote location, continues to be woefully underutilized by Federal agencies. Private and public sector employers that offer telework consistently experience increased productivity and retention rates, thereby lowering an employer's operating costs.

More specifically, independent research states that increased use of telework saves employers money by reducing the amount of needed office space, parking facilities, and building maintenance fees and utilities. Given that the Federal Government owns or leases over 8,600 individual buildings and spends upwards of \$500 billion as a landlord annually, this legislation will translate into real-world savings in the near future.

Successful Federal telework programs such as those used by the General Services Administration and the Defense Information Systems Agency show how telework enhances an agency's customer's service offering for our

citizens while at the same time achieving greater cost efficiencies and lowering taxpayer costs.

H.R. 1722 provides for increased numbers of Federal employees to participate in telework programs by requiring agencies to develop comprehensive telework policies within 1 year for authorized employees and by directing the Office of Personnel Management to develop regulations on overall telework policies and to annually evaluate and report on agency telework programs.

H.R. 1722 also seeks to elevate the importance of incorporating telework into the community of operations planning of agencies in order to ensure that they are better prepared to maintain essential operations during emergencies. I am confident all of my colleagues appreciate the need for agencies to be able to operate during a time of crisis when access to office buildings might be impossible.

A less distressing, but by no means less critical, role for the telework program is to assist agencies in carrying out their missions during difficult weather conditions. Office of Personnel Management Director John Berry estimates that the use of telework reduced the estimated cost of lost productivity during the 2009 snowstorms here in the Nation's capital by approximately \$30 million per day.

□ 1200

According to the Congressional Budget Office, the legislation before us is PAYGO-neutral, meaning there is no mandatory spending in this bill. The Congressional Budget Office does, however, estimate that approximately \$28 million will be needed over 5 years to implement the requirement in the bill. However, it is unlikely that any additional appropriations will be necessary because Federal agencies can reasonably implement the bill's requirements from existing budgets.

While you may hear from colleagues on the other side of the aisle that this telework is a costly and unnecessary legislative mandate, I must point out that the Congressional Budget Office estimate they are relying on looks only at the implementation costs and not at the bill's potential cost savings. A closer look at the potential benefits of increased telework will reveal that H.R. 1722 actually saves the government money down the road, which has also been the case among telework-embracing private sector companies such as IBM, which, for example, reports that it saves \$56 million a year in reduced office space costs by permitting its employees to telework.

In fact, we only have to look at the Patent and Trademark Office to see such advantages within government. The Patent and Trademark Office, which has been an agency leader in telework efforts, reports that it was

able to consolidate nearly 50,000 square feet of space, thereby avoiding \$1.5 million in rent per year through greater use of telework. Additionally, the agency avoided securing \$11 million in additional office space as a direct result of the agency's telework hoteling programs. Private-sector companies are seeing similar benefits from increased telework. We can expect many other government agencies to begin to reap the benefits of lower overhead costs because of this bill.

Telework also leads to greater worker productivity. Greater productivity in the Federal workforce provides an important benefit to the taxpayer. For example, the Patent and Trademark Office also reports that increased utilization of telework has reduced the amount of sick leave taken by its employees and increased worker retention. As we have seen, the government can benefit from this bill by lowering overhead costs and increasing worker productivity. This is a win-win for the taxpayer. When we take a common-sense approach to our cost-savings efforts, it is easy to see that the potential to save tens of millions of dollars every year in increased productivity and lower overhead is an excellent return on an initial investment of \$28 million over 5 years.

Lastly, this past summer, our committee worked in a bipartisan fashion with Mr. ISSA and with the Senate on amending this bill. While the bill before us looks somewhat different from what was previously agreed to in the House, I would like to note that the Federal employees who have been disciplined for being absent at work or for viewing, downloading, or exchanging pornography on a government computer while performing official duties will not be allowed to telework.

I urge my colleagues on both sides of the aisle to vote in favor of H.R. 1722, the Telework Improvements Act. This legislation is aimed at ensuring Federal agencies are able to operate 24/7, as the public expects a 21st century employer to act, and to do so more cheaply. A vote in favor of this bill is a vote for the future.

With that, I reserve the balance of my time.

Mr. ISSA. Madam Speaker, in the interest of fairness to one of our Members who has been very engaged in this issue, I would like to yield 3 minutes to the gentleman from Georgia (Mr. GINGREY).

Mr. GINGREY of Georgia. Madam Speaker, I would like to thank my colleague from California for yielding.

Since the stimulus passed in February of 2009, the private sector has shed over 3.2 million jobs, and our national unemployment rate now stands at a staggering 9.5 percent. With the rest of America struggling to make ends meet, it is unconscionable that my Democratic colleagues think that

we should give yet another perk to Federal employees. By requiring Federal agencies to duplicate an existing law, and allowing them to spend a fourth of their time out of the office and on a mobile work site, H.R. 1722 will cost the taxpayers another \$30 million while promoting an even more inefficient Federal workforce.

Madam Speaker, this is now the third time the House will consider this legislation. When H.R. 1722 initially failed to pass under suspension of the rules in May, the Democratic majority brought it up again under a closed rule in July. It was only then that my Republican colleagues and I had the opportunity to amend this bill through a successful motion to recommit which made a number of improvements to this legislation. However, as H.R. 1722 was considered in the Senate, this motion to recommit was completely dismantled. A provision that required an agency to certify to the Office of Personnel Management that the agency's telework program will save money, rather than increasing spending, was stripped from the bill.

Furthermore, Madam Speaker, a provision that would prohibit Federal employees with seriously delinquent tax debts from teleworking was removed. A third item required employees of the Executive Office of the President to copy their official e-mail accounts on any business communications that are made on personal e-mail and social media accounts. This would ensure that Federal employees are actually working instead of socializing on official time. Unfortunately, this requirement is now gone. Finally, Madam Speaker, I am most disappointed that the provision included in the House-passed version of H.R. 1722, that would have prohibited Federal employees from engaging in union recruiting or collective bargaining activities while teleworking on official, taxpayer-funded time, has been removed by the Senate Democrats. OPM reported that in fiscal year 2008 alone, nearly 3 million official time hours were used in collective bargaining or arbitration of grievances against an employer. It equates to over \$120 million of tax money spent on union activities, Madam Speaker. That's irresponsible to use these dollars for nonrelated official duties while on official time.

Madam Speaker, the motion to recommit was necessary to save precious tax dollars and ensure the integrity of the Federal workforce. How will we obtain the trust of the American people who are struggling every day in this economy if we allow Federal employees to participate in union activities while on official time, give them benefits when they're delinquent on their taxes, and increase spending in Federal agencies trying to make this flawed teleworking system work?

The SPEAKER pro tempore (Ms. DEGETTE). The time of the gentleman has expired.

Mr. ISSA. I yield the gentleman 15 additional seconds.

Mr. GINGREY of Georgia. I thank the gentleman.

Madam Speaker, in conclusion, now is not the time to increase the bureaucratic maze in Washington but to rein in the overlapping, redundant policies that have made the Federal Government so large. We must reduce spending and diligently work towards a more efficient and more effective government that can live within its means. I urge my colleagues to oppose the bill.

Mr. LYNCH. Madam Speaker, I yield 4 minutes to the gentleman from Maryland, Representative JOHN SARBANES, the lead sponsor of this measure.

Mr. SARBANES. Madam Speaker, I want to thank the gentleman for yielding. I want to thank Chairman TOWNS, Chairman LYNCH, Chairman DAVIS, who I worked with previously on this bill, cosponsors GERRY CONNOLLY, JIM MORAN, DUTCH RUPPERSBERGER, and others who have collaborated with us on bringing this bill forward. I also want to take a moment to salute FRANK WOLF, our colleague on the other side of the aisle. He has worked on this issue for two decades, and he has been a tremendous advocate for telework, and I appreciate all of his support and collaboration as we develop these ideas going forward.

I was listening to the end of that statement that was just made, calling for efficiency and effectiveness in government, ways to address the bureaucracy and so forth. I can't think of a piece of legislation that does more to meet those objectives than this does. It creates a nimbleness on the part of the Federal Government with respect to how the workforce operates. And if you look at the goals that it seeks to promote, they all make perfect sense. They are common sense. First of all, the benefits include that you can improve productivity among the workforce. All the studies show that morale goes up, productivity goes up. The U.S. Patent and Trademark Office, as it was referenced, can demonstrate huge increases in productivity among the workforce. So that is a benefit. It increases competitiveness. When the Federal Government goes into the marketplace, goes into the workplace to try to recruit good people, its ability to show that the telework opportunity is there is something that makes it more competitive in getting the best quality people to become part of our Federal Government.

When it comes to continuing operations in some kind of a crisis situation, if you have the telework capacity, you've got some recourse. The best evidence of this most recently was last year when we had the snowstorm shut down the government essentially for 3

days. But during those 3 days, those who had the ability to telework were able to continue to operate. And the estimate by John Berry, heading the Office of Personnel Management, was that it saved the Federal Government \$30 million per day in terms of productivity that otherwise would have been lost. And that just gets to the cost question. Again, we've heard this objection based on the costs. The savings that will be generated when our Federal agencies adopt these telework policies will far outweigh any of the costs of implementing this program. So it's a very commonsense approach.

□ 1210

And what the bill does is very straightforward. It requires the agencies to have a telework policy in place to encourage it, to promote it, not to impose it on people who because of their particular job shouldn't be teleworking or don't want to do this, but to make sure that they have the opportunity to do it and to know that the agency encourages that kind of thing.

It appoints telework managing officers so there's a person designated within each agency who takes responsibility for this, so that they can actually help to implement it over time.

It has good evaluation components. The GAO and the Office of Personnel Management will conduct evaluations on a periodic basis to determine the progress that this is making and come up with suggestions and recommendations going forward.

And then it also encourages, as I indicated before, that these agencies develop plans for continuing operations under difficult circumstances, taking advantage of telework.

So, for all these reasons, for the benefits that it bestows, for the objectives that it meets, for the commonsense aspect of it, I heartily urge my colleagues to support this legislation.

Mr. ISSA. Madam Speaker, I yield 3 minutes to the gentleman from Virginia (Mr. WOLF), one of the early innovators that really brought telework to the Federal workforce.

Mr. WOLF. Madam Speaker, I would say, as the gentleman and I were talking, I did support the motion to recommend and I thought there were many, many good ideas in it. This bill, though, where we are today I think is a good bill for the country.

As someone who has worked on this issue for more than 18 years, I think it is good legislation. There is nothing magic about strapping yourself into a metal box and driving 50 miles and sitting at a metal desk, because that's not necessarily the way that we do things in the 21st century.

This bill saves money. It's important for Members to know that this bill saves money. This bill reduces the footprint of the government. This bill is deficit neutral and strengthens the

continuation of operations plan in the event of a disaster such as a hurricane, like Katrina, or the massive snowstorm, as was previously mentioned, or in the event of an earthquake such as the Loma Prieta, the 1989 World Series earthquake, or in the event of a terrorist attack.

I was here on 9/11. The Pentagon was hit. Cell phones did not work. Nothing worked. The government was fundamentally shut down. If we had had more people teleworking, we would have had the continuity and have been better able to function, particularly during that dark day of the enemy attack.

During the February snowstorm, this bill saved money.

This legislation adopts many of the best management practices that many companies, most companies now in the private sector are using. Almost every major company in the private sector has telework. And when you say you want the government to be more like the private sector, this is the answer.

Lastly, Madam Speaker, every Member, or maybe almost every Member of this institution teleworks when they pick up their BlackBerry or their iPhone. To say that you have to be sitting at your desk office computer to be doing your work is just not accurate. That's like saying every Member is not working if they're not in their office sitting at their laptop. That doesn't make any sense.

This brings the government into the 21st century, and I urge strong support of this.

Madam Speaker, I appreciate the tireless efforts of the gentleman from Maryland, Mr. SARBANES, and was pleased to work with him to author this legislation. I also thank the gentleman from New York, Mr. TOWNS, and the gentleman from Massachusetts, Mr. LYNCH, for their work to advance this legislation, as well as our colleagues in the Senate who worked on the text of what we are considering today, including Senators AKAKA, VOINOVICH, LIEBERMAN, COLLINS, and COBURN.

This is good, bipartisan legislation, which was also strengthened in the House through the work of my colleague from Virginia, Mr. WITTMAN, and my colleague from West Virginia, Mrs. CAPITO.

My colleagues will detail why this legislation is important, that it is deficit neutral, that it strengthens our COOP, Continuation of Operations Plans, in the event of disasters such as a hurricane, like Katrina, or a massive snowstorm, like what occurred this past February, or in the event of an earthquake, such as the Loma Prieta, the World Series earthquake, or in the event of a terrorist attack. In all these instances, telework was vital in ensuring that our government continued to operate.

In their song *The Boxer*, Simon and Garfunkel said that "man hears what he wants to hear and disregards the rest." That, unfortunately, has been the case with this legislation.

Despite what you may hear, this is good legislation. Telework is good government policy.

This legislation is about doing more with less. Let me repeat—telework is about doing more with less. It is about adapting best practice procedures from the private sector that companies, such as IMB, use daily. It is about saving money. It is about reducing the size, the footprint, of the Federal Government. It is about forcing the Federal Government into the 21st century workplace.

During the February snowstorm, telework allowed the Federal Government to recoup the \$30 million a day for each day that the government was shut down. Imagine how much would have been saved if more people were teleworking?

It was through my work with members, such as the gentleman from Maryland, Mr. HOYER, that we forced the government to recognize the benefits of telework. When I was chairman of the Science-State-Justice and Commerce Appropriations Subcommittee, I inserted the language to mandate that agencies increase telework opportunities for eligible employees.

Why? Because agencies weren't following our directives, our intent. The intent of the Congress to make the government more efficient. And this is what is happening now—telework isn't being used to its fullest extent. And maybe that's because of a lack of information, or reluctant management, or a combination of both. This legislation will not fix all the problems that exist. But it will go a long way toward improvement.

Work is something you do, not someplace you go. There is no magic to strapping yourself in a metal box and driving, sometimes up to an hour and a half to our workplaces, and sitting in front of our computers all day.

Information accessed at workplaces can just as easily be accessed from computers in our living rooms. With the American family under attack, telework provides the opportunities for parents to spend more time with their families, and everyone to enjoy things they like to do.

I urge a "yes" vote on the Telework Enhancement Act of 2010.

Mr. LYNCH. Madam Speaker, I thank the gentleman for his long time, 18 years, of leadership on this issue.

At this time, I yield 2 minutes to the gentleman from New York (Mr. TOWNS), our distinguished chairman and a champion of this cause as well for many years.

Mr. TOWNS. Madam Speaker, let me just say that I'm happy today to be here. And of course Congressman WOLF just indicated that he's been working on this for 18 years. And of course I think that the time is right to move this legislation forward.

As chairman of the Committee on Oversight and Government Reform, I rise in strong support of H.R. 1722, the Telework Enhancement Act of 2010.

I want to congratulate Representative SARBANES for his persistence and his hard work on the legislation. I also want to commend Representative LYNCH, the chairman of the Federal Workforce Committee, for his help in guiding this legislation through the process. I also want to thank the ranking member on the Republican side, of course, for his work as well.

H.R. 1722 will increase the Federal Government's use of telework. This will make the Federal workforce more efficient and better prepared to handle all emergencies. Telework saves the government money, reduces energy consumption, and increases worker productivity.

This bill passed the House by an overwhelming margin on July 14, 2010. The Senate amended the bill and passed it by unanimous consent on September 29, 2010. It is time for us to send this bill to the President for his signature.

The Senate changes in H.R. 1722 represent a compromise between the House-passed bill and Senate legislation introduced by Senator AKAKA. And of course I fully support this bipartisan compromise.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. LYNCH. I yield the gentleman an additional 30 seconds.

Mr. TOWNS. The Senate amendment includes key provisions from the House bill, including language drafted by the ranking member of the Oversight Committee, Representative ISSA, and ranking member of the Federal Workforce Subcommittee, Representative CHAFETZ. This discussion that led to the compromise we have before us today included Members from both sides of the aisle and both sides of the Capitol. This bill is the fruit of an inclusive and comprehensive process.

I strongly support this bipartisan, good government bill, and I urge all of my colleagues to vote "aye."

Mr. ISSA. Madam Speaker, I yield 3 minutes to the gentleman from Indiana (Mr. BURTON), the former chairman of the full committee.

Mr. BURTON of Indiana. Madam Speaker, I support this bill, but I think there's something of an immediate import that needs to be discussed, so I'm going to diverge just a little bit from the subject matter.

Yesterday, Ahmed Ghailani, 36, who was involved in the killing of Americans at the embassies in Tanzania and elsewhere in Kenya that killed 224 people, including 12 Americans—the military tribunal down at Guantanamo was prepared to try him, but the administration and our Justice Department said he should be tried in civil court in New York and there would be justice meted out. He was indicted on 286 counts for murdering Americans and others at our embassies in those two countries, and he was let off on all but one count. Two hundred eighty-five counts were ruled out.

He killed Americans. He's a terrorist. He worked with Osama Bin Laden. He bought dynamite. He bought the telephone that set off the dynamite. He took the detonators to his house and stored them there. He is a murderer. He is a terrorist.

Now, right now we have American men and women serving in our embas-

sies around the world, and this is the kind of message we're sending, that terrorists can get away with killing Americans in our embassies. It's unconscionable that this administration and the Justice Department should let this happen.

If you look back in history, this kind of an incident would have been tried in a military tribunal, and they wanted to do it. But our Justice Department and our President said no, they would get justice in the civil court. They got justice all right. But did we, the American people?

□ 1220

We've sent a message to terrorists around the world that, hey, you can kill Americans, but you'll get off pretty light if you get into an American courtroom. Isn't that tragic? It's tragic.

They're cutting off heads of people, they're blowing up embassies, they're blowing up ships. They flew a plane into the World Trade Center on 9/11. The mastermind behind that is down at Guantanamo. Are we going to try him in a civil case in New York? That's what they want to do. And if they do that, are we going to let him off? He was the mastermind behind 9/11 that killed over 3,000 people.

I would just say, if I were talking to the President—and I wish I could—I would say, "Mr. President, this is a travesty of justice, and your Justice Department should be instructed to try these people in military tribunals."

No more of this baloney. American lives are at stake and the security of America is at stake.

Mr. LYNCH. Madam Speaker, I yield 3 minutes to the gentleman from Virginia (Mr. CONNOLLY) who has been at the forefront of this debate and who has been a great advocate and champion on behalf of Federal workers.

Mr. CONNOLLY of Virginia. Madam Speaker, I thank my colleague from Massachusetts for his leadership, and particularly cite Congressman SARBANES for his leadership, and my Republican colleague from Virginia, FRANK WOLF, who laid out the merits of the case of the Telework Improvements Act.

I have spent the last 10 years here in the national capital region encouraging the public sector to follow the lead of the private sector in promoting telework.

In my district, for example, AT&T, a private employer, one-third of its workforce teleworks; not because it adds to corporate costs, but because in fact it detracts from corporate costs; not because it takes away efficiency, but in fact it improves productivity.

In the national capital region, there is almost no region in the country that lends itself better to telework because of the nature of the white-collar workforce than does this.

In the private sector, we are looking at close to 20 percent telework rates, improving productivity, improving retention and recruitment, improving the air quality of this region, and in fact contributing to the bottom line.

Unfortunately, in the public sector, we fall behind. We are only at 6 or 7 percent in the Federal workforce, and that is the largest single employer in the national capital region. And we are a nonattainment region in terms of air quality. We can and we must do better.

Telework is an important and cost-effective component of efforts to reduce congestion, greenhouse gas pollution, and smog. According to the Telework Exchange, if 20 percent of Americans teleworked, we could eliminate 67 million metric tons of greenhouse gas emissions annually, and reduce Persian Gulf oil imports by 40 percent, something many of my colleagues on the other side of the aisle I know are concerned about.

Reducing greenhouse gas emissions would lead to a reduction in ground-level ozone in our region, which is critically important to protect the health of our region's seniors and those with respiratory ailments.

Today, as I said, 6 to 7 percent of eligible Federal employees telework on a regular basis, even though the largely white collar workforce in our region is so well suited for it.

When I was the chairman of Fairfax County, we started an aggressive program to get to 20 percent of our eligible workforce teleworking by 2005. We met the goal, we exceeded the goal, we have sustained that rate ever since. I am here to tell my colleagues that it improved our efficiency, it saved taxpayer money, it improved productivity, and it gave us a tool to recruit and retain the workforce of the future.

We must remember that with the baby boom generation ready to retire, 47 percent of the entire Federal workforce will be eligible to retire this decade. We've got to have flexible tools that help us to replace those skilled workers. Telework is a great way that costs us no money that can make a big difference.

The Telework Improvements Act is an extraordinarily important piece of legislation because it will help us meet critical policy goals: savings of taxpayer money, improved federal efficiency, reduction of dependence on foreign oil, and improvement in Continuity of Operations Plans. I thank Congressman SARBANES, Congressman WOLF, Office of Personnel Management Director John Berry, and Subcommittee Chairman STEPHEN LYNCH for their leadership.

This legislation will save taxpayer money, and is PAYGO compliant. My colleagues will recall that the federal government was shut down for a week this winter due to snow. Regardless of whether future federal closures are due to snow, other natural disasters, or a potential terrorist attack, telework is an essential part of our Continuity of Operations Plans that

allow the federal government to stay open despite disruptions to our transportation infrastructure. This February, the federal government saved \$30 million every day by achieving a 30 percent telework rate during the snow storm. Each additional percentage point of telework achievement would have represented another million dollars saved for taxpayers. Let us not forgo that savings for taxpayers in the future.

Telework is an essential part of federal personnel policy because it can help recruit and retain federal employees, maintain continuity of operations in the event of an emergency, and reduce congestion and related air pollution. With 48 percent of the federal workforce eligible for retirement within the next 5 to 10 years, we must provide benefits that attract highly qualified employees.

Telework is an important and cost-effective component of efforts to reduce congestion, greenhouse gas pollution, and smog. According to the Telework Exchange, if 20 percent of Americans teleworked, we could eliminate 67 million metric tons of greenhouse gas emissions annually and reduce Persian Gulf oil imports by 40 percent. Reducing greenhouse gas emissions would lead to a reduction in ground level ozone in our region, which is critically important to protect the health of our region's seniors and other residents suffering from respiratory ailments or asthma.

Today, less than 10 percent of eligible federal employees telework on a regular basis, even though the largely white collar workforce in our region is well suited for telework. By contrast, Fairfax County, the largest suburb of the National Capital Region, has 20 percent of eligible employees teleworking at least 1 day per week, and other jurisdictions from this region are approaching that regional target. The Telework Improvements Act provides a vehicle to increase telework participation by designating a Telework Managing Officer from within current staff for each agency and by integrating Continuity of Operations Planning performance metrics. According to a recently completed survey from the Office of Personnel Management, at least 64 percent of federal employees are eligible to telework, yet most are not allowed to do so by their managers. The Telework Improvements Act will help change management culture to support telework.

I urge my colleagues to support the Telework Improvements Act, which will improve the efficiency of the federal government, reduce our dependence on foreign oil, and improve our national security.

Mr. ISSA. Madam Speaker, I yield 3 minutes to the gentleman from the First District of Virginia (Mr. WITTMAN).

Mr. WITTMAN. Madam Speaker, I would like to thank the gentleman from California for yielding. I would like to thank him, also, for his leadership in this issue.

I rise today in support of the Senate amendment to H.R. 1722, the Telework Improvement Act.

This legislation will foster the use of telework by Federal agencies by ensuring that each agency has a telework policy, and that employees are in-

formed about their eligibility to telework. This bill would ensure that those Federal employees who are eligible to telework are able to do so, with an emphasis on enhancing agency operations and productivity.

Virginia's First District is home to thousands of Federal employees, many of whom commute hours each day. Despite the fact that there are such numerous benefits to teleworking, such as reduced traffic congestion and energy consumption, cost savings, competitive hiring and retention, readiness and emergency preparedness, many Federal agencies continue to underutilize telework.

The snowstorm last winter, as we have heard referred to today, which closed the Federal Government several days is a good example of how teleworking programs can achieve cost savings. We saw during that time that 30 percent of our Federal workers actually teleworked during that snowstorm, achieving \$30 million daily in reduced costs for that Federal workforce being offsite. As Representative WOLF so stated there, that, I think, is a great example of the potential savings that can be achieved through teleworking.

Under this legislation, Federal employees handling classified information, though, would not be eligible to telework. This policy effectively prevents the use of teleworking programs by employees who need access to classified information specifically in the areas of defense, homeland security, law enforcement, and intelligence.

The Director of the National Intelligence Agency's Vision 2015 states that there is a definite need for cross-organizational collaboration, cross-functional teams, and joint duty amongst the intelligence agencies, and this is going to require a much more agile infrastructure.

Vision 2015, as it is identified, suggests that the intelligence community will have to shift from the current centralized model, where employees are consolidated in a single location, to a model where a dispersed workforce can rapidly come together in a virtual environment to respond to new tasks and missions. This workforce is going to have to be flexible and is going to have to be spread out so that strategically we can meet whatever challenges this Nation may face in the future.

I look forward to working with my colleagues to further explore the potential of secure teleworking. Robust teleworking programs at Federal agencies will get cars off congested roads, enhance productivity, reduce costs, and ensure continuity of operations.

I urge my colleagues to support this bill.

Mr. LYNCH. Madam Speaker, I appreciate the gentleman from Virginia's remarks.

At this time, I would yield 2 minutes to the gentlelady from the District of

Columbia, Ms. ELEANOR HOLMES NORTON.

Ms. NORTON. I want to thank Chairman LYNCH and Mr. SARBANES for this important bill which takes telework from policy to practice. What progress we have made in telework we owe largely to members of this region, but especially to Mr. WOLF.

The Telework Enhancement Act takes telework all the way from a piece of policy lying on paper to be picked up at will, or not picked up, to a real practice with savings in productivity flowing directly to the Federal Government. The bill converts telework from a passive to an affirmative policy of the Federal Government, along with all the productivity and savings that have been documented to occur. It essentially makes going to work by telework the functional equivalent of getting on the road or getting on a crowded Metro car.

Although this bill will be implemented nationwide, the two snowstorms in this region should have shocked private and public entities alike into telework. Admittedly, though, those are exceptional circumstances—9/11, natural disasters, continuity of operations—all are important, but they are far from the only reasons for this bill.

Government has spent billions of dollars in state-of-the-art technology. This technology is underutilized as long as telework itself is underutilized. Nothing is more inefficient for employees and the government alike than compelling an employee to fight some of the worst traffic congestion in the Nation to get to a Federal office. Nothing is more costly to the government than requiring every employee lockstep to come to a physical place and do the work that could be accomplished with increased productivity and output at home. Nothing is of greater benefit to the oil cartels and to the trade deficit than forcing people on the road. Nothing is more disruptive to two-parent and single-parent families alike than time spent from home, sometimes an hour or two each day in this region, which can now be converted to family life and more work accomplished right there at home.

□ 1230

This bill had a bipartisan vote in committee because there was no addition to the deficit, because management, training limits on who can qualify, and emergency measures are all in place. Going to the office to do a job that can be done in less time, more output, greater savings to the government is so 20th century. This is not 1950. It's time our government came into the 21st century to have in place a set of alternatives that provide employees a better way to get the same job done.

Mr. ISSA. Madam Speaker, could I inquire how much time each side has remaining?

The SPEAKER pro tempore. The gentleman from California has 18½ minutes remaining. The gentleman from Massachusetts has 11 minutes remaining.

Mr. ISSA. Could I further inquire as to how many additional speakers the majority has?

Mr. LYNCH. I have one additional speaker.

Mr. ISSA. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, this is a bill, an underlying bill, an underlying concept that not only do I endorse and appreciate, but I knew and worked with extensively in the private sector. There's no question in the private sector telecommuting continues to grow. But there are a couple of things I would like to straighten up out here today in consideration of this bill.

First of all, Madam Speaker, every Member of Congress has a Blackberry. So do most major members of the Federal workforce. Many of us have portable devices like this iPad. The fact is there is no shortage of telecommuting tools presently at use in the Federal workforce. We are not talking about the ability to telecommute. We are talking about a new bureaucratic mandate within the Federal regime that requires each agency have a specific entity for that purpose, and we are doing so without the safeguards that my motion to recommit offered and overwhelmingly was accepted before the election.

When I say before the election, I think it's also important to note, this will be the first vote after the American people said "no" to government waste, fraud, and abuse; government growth, government spending. And yet the Senate, before the election, stripped out of this bill something as innocuous as each agency having to show that telecommuting additions were going to be net cost savings. In other words, with all the bravado about how this wasn't going to cost but it was going to save, what was stripped out of this was any kind of assertion, not an assertion that required an audit, but just an assertion by the agency head that their efforts were going to save money.

I was here for the snowstorm of last year, and I just want the American people who may not have been able to be here in Washington, D.C., to understand that it was quite a snowstorm. And I appreciate the estimate of \$30 million a day of savings. But I might also remind the American people that every restaurant was open and doing great business and the parks were filled with people having snowball fights. In fact, what really happened was the Federal workforce got a paid holiday while people who had to figure out how to make a buck found a way to get their people to work so they could still sell to those Federal workers who were having a holiday.

It is, in fact, more common for the Federal workforce to say, go ahead, stay at home. That probably begs the question of telecommuting. But then the question is where in this bill do we require people who are telecommuting not to get a day off because it snows since they are in their home where the snow shouldn't be affecting them?

We have a lot of safeguards not in the bill. I'm convinced today with the current majority that this bill will probably pass as it is. I intend to bring back in the next Congress additional reforms and hold oversight as appropriate to make sure that we improve that which is not being dealt with today. I expect I will have the same bipartisan support that we had throughout this process in the House. I am mostly disappointed that with an overwhelming, over 303 votes here in the House for the bill as it was, that it came back to us without things that we thought should be in it.

Madam Speaker, I don't want to be a partisan. But I do believe it's important that we consider that one of the items that was in this bill when it left the House was a prohibition on basically union work outside of the cover of office. We have collective bargaining agreements almost universally within the Federal Government. We also have regulations about these people whether they have to do other work or not. This bill lacks the safeguard so that somebody can basically take a Blackberry and a notebook, disappear forever and be almost unaccountable as to whether they ever did any of their core work while doing their union organizing and running activity. That's not in the best interest of the taxpayers. It's not what the last election was about. It's not what I had hoped to see.

I reserve the balance of my time.

Mr. LYNCH. Madam Speaker, I yield 3 minutes to the former chairman of the Federal Workforce Subcommittee, Mr. DANNY DAVIS of Illinois.

Mr. DAVIS of Illinois. Madam Speaker, I want to first of all thank Chairman LYNCH for yielding time. I also want to commend Mr. SARBANES for the continuous work that he has done to bring this legislation before us today. I also want to commend Mr. WOLF because for a long time he has been the champion of this legislation, and all of us appreciate his work.

I'm pleased to be a cosponsor of this bill which provides opportunities to do a number of things. First of all, it saves money. All of us have talked about saving, trying to make sure that we are as efficient and as effective as a Federal Government, as any workforce, as we can possibly be. I don't think that there is any doubt in anyone's mind that we can save money.

It also provides an opportunity to deal with another issue, and that's the issue of the environment. How do we reduce the smog emissions? How do we

help clean up and clear up the environment? Well if you could imagine, reducing not only in the Washington, D.C., area, but in other large metropolitan areas, the large number of vehicles that we have moving to and from, and especially in instances where we know the work can be done. And I think the U.S. Patent Office has proven without a doubt that you can, in fact, be effective, you can be efficient, you can do a good job, and you can get the job done.

So I commend all of those who are in support of this legislation. Again, I want to thank Chairman LYNCH for giving me time to participate.

Mr. ISSA. I yield myself the balance of my time.

Madam Speaker, I have said most of what has to be said, and I'm not going to use all of the time that the minority has. This bill, as I said, will probably pass, and it will be a shame. I would hope that all Republicans and Democrats who know this could be better and voted for it when it was better would also vote against it, not because the outcome is certain, but because we have an opportunity to say we're not going to produce a new bureaucracy without some reservation when we know it could have been better.

This is not a bill that creates the opportunity for telework. Every agency that sees this bill will look and say, darn, I've got to create a special entity that is a telework czar entity. They will know that for what it is. What it doesn't do is it doesn't give them the kind of additional new guidelines that really would keep this from being, in some cases, just a mandate for a perk, and in other cases a mandate for an agency creation within an agency.

I think that's the most dangerous part of what we do. We should never, never give the Federal Government a requirement to do something and not give them the guidance, authority, and statute necessary to make sure they do it right. We have that responsibility. The executive branch is, in fact, the administrative branch. For them to administer, we either need to give them the rules or require that they create rules that are sensible and then create oversight for it.

That's not what this bill does today. As I said, in no case will this create one new telework job. It simply will create a new bureaucracy, and it does so without any of the protections the motion to recommit, widely accepted by the House, brought before the elections.

□ 1240

Additionally, creating efficiency in government is now essential. When we reconvene in January, our problem will be \$1.4 trillion worth of spending—spending greater than what the American people are willing to pay or are able to pay to fund our government.

That means to us that we're going to have to find a way to have less Federal workers, Federal workers that cost less, Federal workers that need less facilities. So I will continue to support telework if it means that we're not building new Federal buildings, we're not causing the infrastructure to grow; in other words, Madam Speaker, that we're saving money.

I'm sad to say that this bill, when it is signed by the President, will do none of that. But the President knows, the Director of the Office of Management and Budget knows, the Vice President knows, the House knows, and certainly the Senate knows that we have a long way to go when we talk about private sector telecommuting to be as efficient as the private sector. We are not. What we do is in fact we use the word "telecommute" often to say, Well, look, we're using the gadgets. We must be doing better.

Madam Speaker, we can do better. We should do better. I understand this is an important vote to many people who feel that the Federal workforce needs a perk, a symbol that we're going to do something for them. Madam Speaker, this is not doing something for the Federal workforce unless the American people have confidence that the Federal workforce is becoming leaner, more efficient, more effective in doing what the people want done for them. In that case, Madam Speaker, I will recommend that all of my side and as many of those that will listen on the other side of the aisle vote "no" today as a symbol that in fact we can do better.

The guidance from the Congress should be to increase efficiency and to describe that in a way in which the Federal workforce can have confidence that we're on the same team, we're on the same side. We want them to avoid excessive commuting. We want this to be more efficient and effective. But we also want to be a Congress that provides such guidelines as necessary rather than simply a mandate for a new bureaucracy in every agency that is now going to be the telecommuting agency.

With that, Madam Speaker, I thank my colleagues on both sides of the aisle because we did work long and hard to try to get a better bill. We sent the Senate a better bill. We now, today, can only consider what has been brought before us.

I recommend a "no" vote and yield back the balance of my time.

Mr. LYNCH. At this time I just want to thank Mr. WOLF and Mr. WITTMAN, my colleagues across the other side of the aisle who stood and spoke in favor of this bill. Despite the highlight of our differences, I would like to remind our colleagues that this bill was entirely acceptable to all of the Democratic and Republicans on the Oversight Committee prior to this bill reaching the floor.

H.R. 1722 received full consideration by the Federal Workforce Subcommittee that I chair. It was referred unanimously by the subcommittee to the full Oversight Committee. And during the full committee consideration, I am proud to say that Republican amendments were offered and they were accepted and the legislation was then advanced to the House without a single objection by any Republican member. And I am proud of that fact. That is bipartisanship. My friends on the other side of the aisle, good Republicans, had every opportunity to attempt to add additional provisions in the committee, where they would have received full consideration rather than the 5 minutes of hurried debate prior to the vote on the Republican motion to recommit.

But today I'm pleased that we have the opportunity to consider the excellent, comprehensive, bipartisan compromise we were able to negotiate with the Senate. And I would also like to add that all the House and Senate committee staff, majority and minority, met following Senate passage to discuss possible alternatives that would be acceptable.

This has been a bipartisan process. This is something I think we can agree on. I would not want the perfect to be the enemy of the good in this case. I think we have a good bill here. I think there's been good input from both sides of the aisle here, and it shows in the end product.

Mr. VAN HOLLEN. Madam Speaker, as a representative of a district with a large number of Federal employees, I rise in strong support of H.R. 1722, The Telework Improvements Act. I want to thank Chairmen TOWNS and LYNCH and Representative SARBANES for their leadership in crafting this important bipartisan bill.

The Telework Improvements Act makes administrative, fiscal and environmental sense. If passed, the measure will save money for the American taxpayers, make government operations more efficient, and put the Federal Government on equal footing with many private sector employers and State governments which allow their employees to perform many of their duties and responsibilities from home or at another work site.

Passing this bill will help attract more workers to government service. There is an effort under way to encourage more young people to work for the Federal Government to offset the growing number of older employees who are retiring. Offering prospective employees the option to telework increases the possibility that those employees with families will join the Federal workforce.

Passing this bill is smart fiscal policy. According to the Office of Personnel Management, during the blizzard that hit Washington, DC last winter, the government lost tens of millions of dollars worth of productivity for each day it remained closed. This number might have been far larger had some Federal workers not had the opportunity to work from home. The bill will also reduce costs for taxpayers by lowering absenteeism.

Passing this bill makes environmental sense. Increasing teleworking opportunities for employees of the country's largest employer means fewer cars on the roads and lower carbon emissions. According to the Telework Exchange, if 20 percent of Americans teleworked, we could eliminate 67 million metric tons of greenhouse gas emissions annually and reduce Persian Gulf oil imports by 40 percent.

Madam Speaker, passing The Telework Improvements Act will save money for the taxpayer, help ease pressure on the environment and make the government run more efficiently. The bill is also PAYGO compliant.

I encourage my colleagues to join me in supporting the bill and I urge its immediate passage.

Mr. LYNCH. I ask all Members to vote in favor of H.R. 1722, and I yield back the balance of my time.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to clause 1(c) of rule XIX, further consideration of this motion is postponed.

PARLIAMENTARY INQUIRY

Mr. ISSA. Madam Speaker, a point of parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. ISSA. At the end of debate, isn't it appropriate to call for the vote prior to postponing for the yeas and nays? I heard no request for it. Are we postponing further debate, even though debate has concluded, rather than a House vote and then postponing a recorded vote?

The SPEAKER pro tempore. Time for debate has expired. Pursuant to clause 1(c) of rule XIX, further consideration of the motion has been postponed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on the motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Any record vote on the postponed question will be taken later.

EMERGENCY UNEMPLOYMENT COMPENSATION CONTINUATION ACT

Mr. LEVIN. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 6419) to amend the Supplemental Appropriations Act, 2008 to provide for the further extension of emergency unemployment benefits, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6419

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Emergency Unemployment Compensation Continuation Act".

SEC. 2. EXTENSION OF UNEMPLOYMENT INSURANCE PROVISIONS.

(a) IN GENERAL.—(1) Section 4007 of the Supplemental Appropriations Act, 2008 (Public Law 110-252; 26 U.S.C. 3304 note) is amended—

(A) by striking "November 30, 2010" each place it appears and inserting "February 28, 2011";

(B) in the heading for paragraph (2) of subsection (b), by striking "NOVEMBER 30, 2010" and inserting "FEBRUARY 28, 2011"; and

(C) in subsection (b)(3), by striking "April 30, 2011" and inserting "July 31, 2011".

(2) Section 2005 of the Assistance for Unemployed Workers and Struggling Families Act, as contained in Public Law 111-5 (26 U.S.C. 3304 note), is amended—

(A) by striking "December 1, 2010" each place it appears and inserting "March 1, 2011"; and

(B) in subsection (c), by striking "May 1, 2011" and inserting "August 1, 2011".

(3) Section 5 of the Unemployment Compensation Extension Act of 2008 (Public Law 110-449; 26 U.S.C. 3304 note) is amended by striking "April 30, 2011" and inserting "July 31, 2011".

(b) FUNDING.—Section 4004(e)(1) of the Supplemental Appropriations Act, 2008 (Public Law 110-252; 26 U.S.C. 3304 note) is amended—

(1) in subparagraph (E), by striking "and" at the end; and

(2) by inserting after subparagraph (F) the following:

"(G) the amendments made by section 2(a)(1) of the Emergency Unemployment Compensation Continuation Act; and";

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the enactment of the Unemployment Compensation Extension Act of 2010 (Public Law 111-205; 124 Stat. 2236).

SEC. 3. OPTION FOR STATES TO TEMPORARILY MODIFY CERTAIN "ON" AND "OFF" INDICATORS RELATING TO EXTENDED BENEFITS.

(a) INDICATORS BASED ON RATE OF INSURED UNEMPLOYMENT.—Section 203(d) of the Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note) is amended by inserting before the last sentence the following: "Effective with respect to compensation for weeks of unemployment beginning after the date of enactment of the Emergency Unemployment Compensation Continuation Act (or, if later, the date established pursuant to State law), and ending on or before March 1, 2011, the State may by law provide that the determination of whether there has been a State 'on' or 'off' indicator beginning or ending any extended benefit period shall be made under this subsection as if paragraph (1)(A) had been amended by striking 'the preceding two calendar years' and inserting 'the preceding three calendar years'; except that, notwithstanding any such provision of State law, any week for which there would otherwise be a State 'on' indicator shall continue to be such a week and shall not be determined to be a week for which there is a State 'off' indicator.".

(b) INDICATORS BASED ON RATE OF TOTAL UNEMPLOYMENT.—Section 203(f) of the Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note) is amended—

(1) by redesignating paragraph (2) as paragraph (3); and

(2) by inserting after paragraph (1) the following:

"(2) Effective with respect to compensation for weeks of unemployment beginning after the date of enactment of the Emergency Unemployment Compensation Continuation Act (or, if later, the date established pursuant to State law), and ending on or before March 1, 2011, the State may by law provide that the determination of whether there has been a State 'on' or 'off' indicator beginning or ending any extended benefit period shall be made under this subsection as if paragraph (1)(A)(ii) had been amended—

"(A) by striking 'either (or both)' and inserting 'any (or all)'; and

"(B) by striking 'the preceding 2 calendar years' and inserting 'the preceding 3 calendar years'.

Notwithstanding any provision of a State law described in this paragraph, any week for which there would otherwise be a State 'on' indicator shall continue to be such a week and shall not be determined to be a week for which there is a State 'off' indicator."

SEC. 4. BUDGETARY EFFECTS.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled "Budgetary Effects of PAYGO Legislation" for this Act, submitted for printing in the Congressional Record by the Chairman of the House Budget Committee, provided that such statement has been submitted prior to the vote on passage.

SEC. 5. EMERGENCY DESIGNATIONS.

This Act—

(1) is designated as an emergency requirement pursuant to section 4(g) of the Statutory Pay-As-You-Go Act of 2010 (Public Law 111-139; 2 U.S.C. 933(g));

(2) in the House of Representatives, is designated as an emergency for purposes of pay-as-you-go principles; and

(3) in the Senate, is designated as an emergency requirement and necessary to meet emergency needs pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. LEVIN) and the gentleman from Louisiana (Mr. BOUSTANY) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan.

Mr. LEVIN. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, this is called an emergency bill because it is an emergency. For millions of people, this is an emergency. Unemployment benefits are going to run out in a few days. Therefore, it is an emergency for the United States of America. And let me just indicate what is at stake here.

Through January 1 of next year, close to 2 million people will not any longer be eligible for benefits. And then, a month later, the amount almost doubles. This is an emergency.

Last night, I was in my office at 9:30 and a person called from Atlanta, Georgia, to thank me and to thank Mr. McDERMOTT and to thank our party for bringing up this extension.

I don't know what more any of us want. I don't see how we can go home for Thanksgiving when, as a result of failure of benefits, hundreds of thousands of people may not have a turkey on their table because they can't afford it and the next week may not have the moneys they need to meet their daily needs.

This should be a bipartisan effort. This is a totally human effort. This is totally an urgent effort. These are people laid off, people who have been looking for work, people who cannot find work. For every job, at least five people are looking for employment for that job. I don't know what other evidence needs to be brought here. It can be stated very briefly and directly.

If the 2 million people who are going to lose their benefits looking for work were brought here so we could see them, would anyone vote "no"? Would anyone vote "no"? Do we need the 2 million here? Can we put ourselves in their homes, in their shoes, in their places with their families, with their children.

This is an emergency. This House must act.

I reserve the balance of my time.

□ 1250

Mr. BOUSTANY. I yield myself such time as I may consume.

Madam Speaker, well, as Yogi Berra said, This bill is like *deja vu* all over again—and not in a good way.

The bill before us today is the ninth extension of unemployment benefits since mid-2008. Benefits recently stretched up to 99 weeks, or almost 2 years, in most States. With the exception of just one bill last November, every one of those extensions was not paid for. That's a total of \$135 billion added to our \$14 trillion debt.

Meanwhile, our Democrat colleagues swore their policies would create jobs—but they haven't. Instead of paychecks, millions of Americans were left with only an unemployment check. In February 2009, the President signed the Democrats' trillion dollar stimulus plan. At that time, Democrats promised that the plan would create 3.7 million jobs and lower the unemployment rate to 7 percent by now. None of that happened.

Instead, over 2 million more private sector jobs were lost, and unemployment spiked to 10 percent while the debt has grown by almost \$3 trillion. A total of 48 out of 50 States have lost jobs since the Democrats' stimulus bill passed. Yet here we are again—extending unemployment benefits because the Democrats' trillion dollar stimulus failed to create the millions of jobs they promised it would. Even more sadly, instead of doing this responsibly, this bill will simply add another \$12 billion to our current mountain of debt.

We can do better than this. We certainly can do better than this.

Both Republicans and Democrats support helping the long-term unemployed. The chairman of the committee expressed a great deal of empathy in his opening statement. We share that empathy. Every one of our congressional offices has dealt with families dealing with this tragedy of unemployment, but Republicans and even some Democrats want to responsibly pay for these benefits. In fact, there are sufficient unspent stimulus funds to do just that, to cover the \$12 billion cost of the bill before us. This is not a new Republican idea or a new idea. This is something we have discussed before, but the other side insists on bringing this forward, unpaid for.

The chairman of the Senate Finance Committee has proposed cutting stimulus to pay for certain measures. Last June, the Democrat leader himself, Mr. HOYER, admitted there was spending fatigue across the country, and "if we have dollars not yet expended in the Recovery Act," they should be "applied to" new spending like this. That would be far better than adding to the unchecked growth in spending and debt that has already cost us an estimated 1 million jobs.

The fact is we can both provide this help and pay for it by cutting less effective stimulus spending. That's what we should be debating today, not a bill called up under special rules that permit no amendments and no chance to offer ways to pay for this. Even if this were to pass, the sad thing is that there are no plans in the Senate for a vote on this bill any time soon. So the fact of the matter is this bill is going nowhere.

The American people know it isn't right to add these costs to our already overdrawn national credit card. We all want to help those in need, but the American people also know that someone has to pay when government spends money, and it shouldn't be our children and our grandchildren. The American people sent us here to do a job. We should pay for this spending today. We can pay for this spending today, and there is no reason why we couldn't bring a bill forward with a way to do this, with a way to pay for it.

So I ask my colleagues on both sides of the aisle to reject this bill today. Instead, let's work together to quickly pass a bill to extend Federal unemployment benefits while finding a responsible way to pay for it.

Madam Speaker, I reserve the balance of my time.

Mr. LEVIN. Madam Speaker, I yield myself 30 seconds.

I say to the gentleman from Louisiana that the people of this country who are looking for work don't want empathy; they want the unemployment insurance that they worked for, and you're standing in the way. Don't send them empathy. Send them what they worked for.

I ask unanimous consent that the remainder of my time be controlled by the gentleman from Washington (Mr. McDERMOTT), the author of this bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. McDERMOTT. Madam Speaker, may I ask what the division of minutes is at the moment?

The SPEAKER pro tempore. The gentleman from Washington has 16½ minutes remaining. The gentleman from Louisiana has 15½ minutes remaining.

Mr. McDERMOTT. Madam Speaker, I yield myself such time as I may consume.

I rise in support of H.R. 6419, which will extend current unemployment insurance benefits through February of next year and will provide much needed help to unemployed Americans during the holiday season.

From the beginning of the unemployment insurance program 75 years ago, we have never cut off benefits for out-of-work Americans when the unemployment rates have been this high. Without this extension, temporary Federal extended benefits will shut down shortly after Thanksgiving, the 27th, denying benefits to 2 million of our fellow citizens over the holiday season. It is unthinkable to me that we can allow these benefits to lapse during the holiday season and before the economic recovery is on solid ground.

Despite the severity of the Republican economic collapse, which started under Mr. Bush, there have been 10 straight months of private sector growth under this Democratically controlled Congress and administration. Despite the huge accomplishment of digging the American economy out of the Republican economic ditch, too many Americans remain unemployed. There is still only one available job for every five unemployed Americans. To make matters worse, the press is now carrying reports that employers around the country are refusing to hire the unemployed.

They're saying to the unemployed, We want to hire somebody who has a job to come over and fill our job because we know you were laid off because you weren't a good employee, and that's why they let you go. We don't want to hire people who aren't worth anything.

That's the message that's going out in this country now to the unemployed. Many of those people are middle class people who have worked very hard, and through no fault of their own, their industries have collapsed—banking, housing—as a direct result of what the Bush administration did—or didn't do, really, which is to have regulated Wall Street.

Unfortunately, the Republicans have already made it clear that, instead of helping the middle class, one of their

top priorities is to give millionaires and billionaires a huge \$700 billion break. Now, the same people who are saying this should be paid for will be out on this floor sometime in the next couple of weeks, saying, We don't have to pay for a tax break. Why, that'll pump jobs into the world. All we have to do is cut taxes everywhere and give \$700 billion to people who make more than \$500,000 a year—that's okay—but an unemployment check for somebody to keep bread on the table and keep a mortgage paid is not okay.

We can't not fund that. This is an emergency.

People who talk like that on the floor of this House have never been unemployed or have never known anybody who has been unemployed. You would not talk that way about unemployed people if you knew them.

Now, this should give every middle class American a lot to think about with the results of this last election. This is your first chance to observe what you can expect in the next 2 years. The minority leader in the other body said, My number one priority is to prevent Barack Obama from having a second term. Not public policy. Not jobs for people. Not health care for people—but political gain.

□ 1300

And that's what this is all about. The experts agree—two out of every three people who get unemployment benefits are in the middle class. We're not talking about people who weren't trying or weren't working or weren't doing their part as Americans.

While the Republicans were bankrupting the country to help the rich with one hand, giving tax breaks all over the place, the Republicans were using the other hand to push the unemployed middle class of America out of their homes and never dealt with the foreclosure issue to prevent them from having food on their tables and to keep their children from being properly clothed.

On the campaign trail Republicans called the unemployed "lazy." Boy, you haven't met an unemployed person or you would never say that a second time to them. And they said that unemployment benefits "spoil" out of work Americans. They get lazy and they just sit around the house and wait for their unemployment check. Those checks aren't that big in the first place, and secondly, people don't like to be unemployed in this country. People look for work, and they are looking for work and they are now being told you've been unemployed for 2 years, we're not interested in hiring you. We want somebody who's got a job over here. That was on NPR just yesterday. So it isn't made up. That's what's going on.

Some Republicans even question the constitutionality of the Unemployment

Insurance Program. The health and welfare of the American people is unconstitutional, according to some people.

Fortunately, the American people don't feel the same way. A recent poll showed that 86 percent of Americans believe the unemployed really want to work. That's what the people think. That's not the political rhetoric of people running for election. That's what the people really think.

The election is over now, and Americans have said we want both parties to work together to get things done and do it by listening to the American people. Americans don't want to push American families whose breadwinners lost their jobs through no fault of their own into poverty during the holidays.

I think we should end these debates and extend benefits longer and allow benefits to be scaled back as the economy improves. The reason we've had all these votes out here is because the Senate is unable to do anything. We've tried to extend this for extended periods of time, and over in the Senate, they say, well, let's extend it for a month, let's see if we can starve them for a month, and then we'll go in. They let this program lapse for 3 months over there, and you're telling me that we're going to work together. Well, I think we ought to work together.

This is a short-term extension in an effort to see if our Republican colleagues will support any kind of help for the unemployed. I am told by the other side that there's no plan in the Senate to take up this bill. Well, they're waiting to see if we can get it out of here. If you don't help, maybe it won't get out of here, but the message to 4 million Americans will be the Republican Party doesn't care whether you have a Christmas or a way to fund your mortgage or a way to put food on the table for the first three months of the next year. I hope my Republican colleagues will join the American people in supporting this bill.

I reserve the balance of my time.

Mr. BOUSTANY. Madam Speaker, I just regret to say that we're hearing oversimplifications and many generalizations from the other side.

Look, this is not one of those you either pass it or you don't types of issues here. We could pay for this, and the sad thing is all I'm hearing on the other side is a great deal of cynicism. But furthermore, look, the American people have spoken about this, and they are saying we've got to get a handle on national debt if we're going to get the economy going again and create jobs because the American people want paychecks. They want good-paying jobs. They want an end to this uncertainty.

We have information from the MacArthur Foundation, a very respected organization. They released a poll showing that over 70 percent of voters in this month's election say it is very

important to reduce the national debt. Overwhelmingly, voters want us to reduce the debt by cutting spending, but instead of doing this fiscally responsible thing and actually paying for this new spending, which we could very easily do, the bill before us today does exactly the opposite. It adds \$12 billion to our Nation's debt in a program that's already added \$135 billion to the national debt. The sad thing is, Madam Speaker, we could extend these unemployment benefits, and we could pay for them.

Look, the bill reflects I think a very cynical political maneuver by the Democratic leadership because they know that the Senate has no plans to pass this unpaid-for bill. We've been down this path before, and in fact, the liberal Huffington Post has broken the code on really what's going on here. There was a recent headline, Jobless Benefits About to Lapse as Senate Democrats Mull Strategy. That was a headline on Tuesday. And, No Plans in Senate For a Vote on Unemployment Benefits read the headline yesterday. To quote Senator REED from Rhode Island, a Democratic leader on this legislation: "At this point it's not been scheduled. I can't point to a specific time it will come up for a vote this week."

The American people are tired of the cynicism. They want answers. And the sad thing is there's a simple answer on this one, unlike many of the other problems our country is facing which are more complex. We could extend unemployment benefits and we could pay for it, but our friends on the other side of the aisle currently control the House, they control the Senate, they control the White House, and they can't even get their act together to do this, especially when there are Republicans who would be willing to do this extension if it were paid for. The simple answer is "yes" there is a way to pay for it. It's staring us right in the face, and yet our friends across the aisle refuse to see this.

I reserve the balance of my time.

Mr. McDERMOTT. I yield myself 30 additional seconds.

My friend on the other side clearly understands, I'm sure, the legislative process. We put a bill over to the Senate. They can make a change. If they want to pay for it, they can pay for it. They are safe, they're comfortable, because they know you're going to stop the bill or try to stop the bill. They know that the House Republicans are determined that they're not going to let this bill through here. So they say, all right, we can say we don't have any way to do anything with it. My belief is that we put a bill over there, they will pass a bill.

I yield 2 minutes to the gentleman from Illinois (Mr. DAVIS).

Mr. DAVIS of Illinois. Thank you, Mr. Chairman, and I believe that the

American people want to work. Those who are unemployed want a job. Those who are out of work want employment benefits. I don't think that there is any excuse that can be given. There is no reason that one can conjure up that would say to a person who's unemployed, out of work, has no food, can't pay their mortgage, can't enjoy the holidays, that there is a reason, especially since they have worked, that they can't have benefits to get them through this situation on an emergency basis.

I am amazed, I am dumbfounded, I can't believe that I'm hearing what I'm hearing, that somehow or another the Democrats, in a technical sense, are keeping individuals from getting unemployment benefits. I would hope that we could change our minds, change our position, and know that when we do this for the least of these, then we're doing the work that we ought to be doing.

Let's pass this measure. Provide benefits to the unemployed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will take this opportunity to remind all Members to address their remarks to the Chair.

Mr. BOUSTANY. Madam Speaker, I want to remind our friends on the other side that in the past when they did bring the bill up on suspension, it failed, and yet when you did on one occasion bring it up on regular order, it did pass.

We all have to work hard to listen to the will of the American people. Yesterday, Speaker PELOSI herself said, "Our consensus is that we go out there listening to the American people. It's about jobs. It's about reducing the deficit."

Yet today, here we are again being asked to increase the deficit by another \$12 billion. That's another \$160 in debt for every family of four in the United States, just for 3 months of benefits under one program, all on top of the \$2.8 trillion in debt we have racked up since President Obama took office, a 44 percent increase.

□ 1310

The question, Madam Speaker, is, Is the Speaker really listening to the American people? Because what we heard earlier this month is that people want us to provide help to those in need but not add to the mountain of debt that we are currently leaving to our children and grandchildren.

The sad thing—again, I repeat—the sad thing, we could have achieved both goals today. The Congressional Budget Office has informed us there is enough unspent stimulus spending that we can cut to cover the additional spending in this bill. It's just unconscionable that the other side has not heard the American people about the concerns about unfettered debt passed on to our children and grandchildren.

Again, Mr. HOYER this past summer suggested we do just that. In June he said, "If we have dollars not yet expended in the Recovery Act," that they should be "applied to" new spending like this. In July, 59 Democrats signed a letter saying: "Extending critical, economic investments is no more important than paying for them. America is facing a debt crisis that is threatening to undermine our economic and national security. We can no longer afford to exacerbate the problem because the decisions about how to pay for what we spend are getting harder."

This one is fairly easy. We have a way to pay for it, and yet the majority chose to bring this to the floor unpaid for, and without an opportunity to even offer an amendment.

So I ask our colleagues on the other side, Are you listening to the American people? Madam Speaker, are they even listening to each other? And do they agree with the Speaker that it's about debt? All we're hearing are mixed signals. If so, join us in voting down this unpaid-for bill and begin working together on a new bill, which we could do very quickly, that does right by the unemployed as well as our children and our grandchildren. That's what the American people expect of us today.

I reserve the balance of my time.

Mr. McDERMOTT. Madam Speaker, could you tell us how much time we have left?

The SPEAKER pro tempore. The gentleman from Washington has 7 minutes remaining. The gentleman from Louisiana has 9½ minutes remaining.

Mr. McDERMOTT. Madam Speaker, I yield 2 minutes to the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY. I thank the gentleman for yielding.

Madam Speaker, the Joint Economic Committee, which I chair, released a report today that finds that if Congress fails to extend the Federal unemployment insurance benefits program, the unintended consequences could be extremely serious. Serious not just for the 2 million Americans who would see their benefits expire in December, but extremely serious for the larger economy as well.

Prematurely ending the program would drain our economy of some \$80 billion in purchasing power, just as our fragile economy is beginning to recover. This would result in the loss of over 1 million jobs over the next year. Even now, there are five Americans looking for work for every job opening in the land; and more than 40 percent of those unemployed have been out of work for 27 weeks or more, including over 159,000 in New York State, with some 95,000 in my home of New York City. Choosing to vote against an extension, and thus add a million Americans to the ranks of the unemployed, cannot possibly be considered as a wise economic policy choice.

The nonpartisan Congressional Budget Office ranks the stimulative effects of unemployment benefits as one of the most effective policies to increase growth and employment that they have studied, and the President's Council of Economic Advisers estimates that every dollar spent on unemployment insurance benefits increases the gross domestic product by \$1.60. Economists predict that without extended benefits, the economy will suffer, consumer spending will fall by 0.5 percent, and economic growth will be reduced by almost 0.5 percent.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mr. McDERMOTT. I yield the gentlewoman an additional 30 seconds.

Mrs. MALONEY. The facts and the numbers in the new JEC report make it clear that extending this program benefits those who need our help most, benefits the larger economy, and thus benefits us all.

I urge a "yes" vote on this bill.

Mr. BOUSTANY. Madam Speaker, I yield myself the balance of my time.

Again I say, there was a way to pay for this. We have to be frank with the American people on this. Jobless benefits have cost so far \$319 billion, and yet unemployment is still at 9.6 percent; and we've seen really nothing coming from the other side who has controlled the majority in the House, controlled the majority in the Senate, controlled the White House. We've seen nothing to help small businesses get going again to hire. We've seen nothing to promote competitiveness in the U.S. economy. Their answer is to continue to extend unemployment benefits unpaid for.

Now there's agreement. We're not disagreeing about extending the unemployment benefits at this time. We're saying, let's do it in a responsible way and pay for it.

It wasn't always this way. This is the ninth attempt to extend this program. And when Democrats passed their only paid-for unemployment insurance extender bill in November of 2009—the only one that was paid for—the Obama administration hailed that "fiscally responsible approach to expanding unemployment benefits," adding that "fiscal responsibility is central to the medium-term recovery of the economy and the creation of jobs."

That was from the administration's statement of policy about the Democrats' one paid-for UI extension bill, which was H.R. 4548. There were 156 Republicans who supported that November 2009 bill.

By the administration's own logic, the Democrats' latest fiscally irresponsible bill, H.R. 6419, which increases the deficit by an estimated \$12 billion, undermines the medium-term recovery of the economy and the creation of jobs. The sad thing, Madam Speaker, is this: we could extend unemployment benefits and pay for it. This is not a hard

one. There are harder decisions coming with the debt that our country is facing and economic uncertainty. Republicans are ready to move forward and get this country going again and restore American competitiveness, but I see our friends on the other side of the aisle are up to their old ways.

I yield back the balance of my time.

Mr. McDERMOTT. Madam Speaker, I yield myself the balance of my time.

I have found that the other side is very adroit at finding some reason not to do anything to help the middle class. Now, there is plenty of evidence to suggest that the people in this country are not interested in cutting off food and housing and medical coverage for people who are unemployed in this country. And to use these arguments about, Oh, we're going to get the money from the stimulus money, I defy anybody on this floor at this moment to stand up and tell me where that stimulus money is and what the impact would be if you cut it because that money was allocated to various agencies, some to pay salaries for schoolteachers, some to pay salaries for policemen and firemen and local governments, some to pay the States for Medicaid.

All this money is out there. Maybe some of it hasn't yet been spent, but it's allocated. Some of it is for construction projects. I suppose, just like that Governor in New Jersey who thinks it's really politically smart to stop a public works project under the Hudson River because then he can use that money to pave potholes in New Jersey, and he puts the construction workers out of work all over the place.

□ 1320

Those infrastructure projects, you can't spend all the money on the first day. It does take a little while to build it, and you pay it out as you build it. Now, you know that. Republicans are just being deceptive. They think because it still is there in the Treasury, it can be used for something else. Well, it might have been committed for something else.

But not my Republican friends. This emergency that these 4½ million people have over here who have no benefits coming by the end of March, "You folks understand that you shouldn't worry about this. I mean, the Speaker will explain it to you that you just have to wait until we can find where that money is in the budget."

This is an emergency for people who have no check coming.

We would all like this thing to be all over. There isn't anybody on this floor, Republican or Democrat, who wouldn't like the mess that was created by the Bush administration to be over with. It isn't.

And the problem is, a guy in my district said, you know, JIM, I can tell you what the problem with America is, and

your Republican side has a bad dose of this. He said, It's the belief in the microwave. If they have a problem, they come down to the refrigerator. They open the refrigerator, pull something out, close the refrigerator, open the microwave, throw it in, hit two buttons and wait 30 seconds and they've got lunch. They think everything can be solved like that.

It took a long time for Mr. Bush to create the mess that we are now dealing with, and it isn't going to be over in 30 seconds like the microwave dinner is.

And the fact is that you've got people who contradict you directly. The real budget—no one's going to ever accuse me of being a big budget warrior or a deficit warrior. I'm no deficit hawk. But Bob Bixby, President of the Concord Coalition, that organization dedicated to eliminating Federal budget deficits said, and I quote: "As a deficit hawk, I wouldn't worry about extending unemployment benefits. It is not going to add to the long-term structural deficit, and it does address a serious need. I just feel like unemployment benefits wandered into the wrong street corner at the wrong time, and now they're getting mugged."

He's absolutely right. For us to pick on the unemployment benefits as the problem for this deficit, wait till we have the debate on taxes on this floor and I hear people whining and whining around here about people making more than half a million dollars and we've got to give them a tax cut.

I urge my colleagues to vote for H.R. 6419.

Mr. VAN HOLLEN. Madam Speaker, I rise in strong support of this important legislation to extend unemployment benefits through February 2011.

We must continue to help families who are struggling to make ends meet. While we are continuing to see encouraging signs of economic recovery, the unemployment rate remains too high. If we do not extend emergency unemployment benefits, approximately two million Americans—including 14,600 Marylanders—will lose those benefits by the end of February.

Many Americans remain out of work through no fault of their own. Ending emergency unemployment assistance will not only be devastating for these individuals and their families, but it will also hurt the economy as a whole by undermining consumer confidence and demand. If individuals are unable to put food on the table and keep a roof over their heads, the entire economy could slip back into recession. In fact, the nonpartisan Congressional Budget Office recently found that because unemployment benefits increase consumer demand and spending, previous extensions of unemployment insurance benefits increased both employment and job retention more than what it would have been otherwise in 2009.

The President and Congress have been working together to bring our economy back from the brink. However, there is much more

work to do to create jobs and help put Americans back to work.

Madam Speaker, I urge my colleagues to support this much-needed legislation.

Ms. CORRINE BROWN of Florida. Madam Speaker, I strongly support the extension of unemployment compensation. Indeed, there is no issue more important to our Nation right now than job creation. At a time when over 11 percent of Florida residents are desperately searching for employment and struggling to survive, it is simply mind blowing that we are not extending these benefits.

Never before has America turned its back on millions of American families as they struggled to make ends meet with this high level of unemployment. Yet the same Republicans, who want to increase our deficit by extending massive tax breaks for the wealthiest Americans, were willing to leave average Americans to fend for themselves and vote against this bill.

Certainly, extending unemployment benefits is not only good for the unemployed; it is also one of the best and fastest ways to stimulate the economy. According to the Economic Policy Institute, unemployment benefits were responsible for creating more than 1 million jobs since the recession started, and adding almost 2 percent to the gross domestic product.

Mr. DAVIS of Illinois. Madam Speaker, it is with strong conviction that I urge my colleagues to support this short-term extension of critical unemployment benefits for our citizens. As our Nation and my state continue to struggle out of this recession, this bill will provide vital assistance to almost 400,000 Illinoisans as we enter December. Failure to extend unemployment will directly affect approximately two million Americans, including 125,000 citizens from Illinois. If policymakers vote to block this critical lifeline, these 125,000 Illinoisans living in a state with a 10.8 percent unemployment rate will experience incredible hardship. Their time in unemployment has been difficult, trying to find work when the jobs are few and far between, trying to cover food, housing, and transportation for the families on an average of \$290 a week, which typically replaces only half of the average family's expenses.

A government is supposed to help its people in times of need. Failure to extend these benefits would be the first time since the unemployment program's inception that Congress allowed such critical aid to lapse when unemployment remained high for extended periods of time. It is not only these families who will suffer, it is our businesses. The retail sector has been hard hit by this recession. Cutting unemployment benefits for two million people will take a tremendous toll on these businesses as well.

In addition to this short-term extension, I strongly support determining ways to help those who remain unemployed beyond the 99 weeks currently covered. Long-term unemployment is an unfortunate reality for Chicago and for my constituents. Further, we should extend the TANF Emergency funds as well. This program directly helped over 26,000 individuals and close to 5,000 employers in Illinois by creating subsidized jobs program, a much-needed boost to the economy in the midst of the worst recession in decades. This program put \$9 million dollars into the pockets of hard

working Illinoisans until Congress allowed it to lapse at the end of September.

Passing this bill today tells our citizens that we are working for them. For these reasons, I urge my colleagues to vote for its passage.

Ms. McCOLLUM. Madam Speaker, I rise today in strong support of extending emergency unemployment. This legislation, of which I am a proud cosponsor, is a common sense, non-controversial measure that will help American families.

The unemployment situation in our country is a national emergency. Over the past two years, millions of jobs have been lost as a result of the worst recession in 70 years, caused by Wall Street excesses and an unregulated housing market. Millions of Americans are unemployed today—but through no fault of their own. Our neighbors, our friends, and our families are the ones who agonize as the economy slowly recovers. We cannot afford to abandon the unemployed members of the American workforce, and I won't stand by silently and allow these lifelines to expire.

Unemployment benefits help millions of unemployed Americans help meet the basic needs of rent, food, and transportation while they search for jobs. Any family receiving unemployment insurance would tell you that these benefits do not provide for a luxurious lifestyle without financial worries. These same families would tell you that without these benefits, they will lose their home, lose their car, and lose the ability to feed their children. If the Federal Government does not assist these out-of-work Americans with emergency unemployment compensation, then they will fall to the next level of the social safety net, requiring public housing assistance, seeking medical care in hospital emergency room, or turning to food shelves to put dinner on the table.

We have seen the proof that these benefits significantly stimulate economic growth while making the difference in the lives of struggling Americans. Economists from both sides of the aisle agree that unemployment benefits go directly into the economy, stimulating the kind of activity that creates jobs. And we have never before let federal emergency unemployment expire while the unemployment rate is anywhere close to this high.

I challenge my Republican colleagues who say this legislation is unaffordable to come to the floor right now and tell me how they can pay to give the richest 2 percent of Americans \$700 billion while holding this lifeline hostage. Every single vote against this extension is a vote to impoverish more American families. Every single vote against this legislation is a vote against economic growth. Every single vote against this bill is a vote against the middle class.

Our economy will recover. But until our economic growth is fully restored, I simply refuse to abandon America's families during their time of greatest need.

Mr. KUCINICH. Madam Speaker, I rise in strong support of H.R. 6419, the Emergency Unemployment Compensation Continuation Act.

Madam Speaker, 14.8 million Americans are unemployed. A majority of them are workers that endure historic long-term unemployment. Economist Heidi Shierholz of the Economic Policy Institute (EPI) estimated that at the cur-

rent pace of job growth, it would take twenty years for the country to return to its pre-recession rate of unemployment. The American people cannot afford to wait another 20 years for the country to fully recover from the longest recession it has experienced in seventy years.

Some argue that passing unemployment benefits will add to the deficit and therefore should be opposed. Research tells us otherwise. EPI estimates that the effect of the \$65 billion spent on extending benefits through 2011 is actually "one of the most efficient things that can be done to create new jobs" and will increase the Gross Domestic Product (GDP) by "an estimated \$104.7 billion." This increase in the GDP will translate into approximately a half-million jobs.

Madam Speaker, it would be a disgrace for Congress to adjourn for the Thanksgiving break without giving those who need our assistance the help they deserve. This is not a hand out. This is our responsibility.

Mr. STARK. Madam Speaker, I rise to support the extension of emergency Unemployment Insurance (UI) benefits for the millions of American workers who are unable to find work. If the incoming majority is committed to extending tax cuts to increase the wealth of millionaires, I certainly hope they are equally committed to helping Americans who have lost their jobs to stay in their homes and put food on their tables over the holidays.

UI benefits are a lifeline for millions of Americans. Allowing these benefits to expire at the end of the month would mean that two million people will lose their income, including over 450,000 in my State of California. These are people who want to work, but when there are five applicants for every new job, the odds are against them. For these individuals, the recession has most definitely not ended.

People call my office every day worried about what will happen to them when they lose their unemployment benefits. As we approach the holiday season, we should not tell these individuals that their country will no longer support them in the midst of the worst economy since the Great Depression. We have never cut off support when the unemployment rate was this high. We must not begin now. Unemployment benefits kept 3.3 million Americans out of poverty in 2009, including almost 1 million children. UI benefits created two dollars of economic activity for every dollar spent in 2009. Extending benefits protects families and stimulates the growth of our economy.

Congress has a responsibility to protect families struggling to find work. H.R. 6419 is a chance for us to fulfill that responsibility. I urge all of my colleagues to side with American workers and support this bill.

Mr. CONYERS. Madam Speaker, I rise in support of the Emergency Unemployment Compensation Continuation Act which would extend emergency unemployment compensation and other benefits through February 2011. Our government has always provided federal unemployment benefits during economic downturns until the job market has rebounded. If Congress does not act, over two million unemployed workers will lose their benefits this holiday season.

Today, unemployment levels are unacceptable. In my home State of Michigan it is

over 12 percent. In the past election, voters overwhelmingly cited the economy and job market as their highest concerns. It is highly ironic then that Republicans made electoral gains even though they have blocked multiple attempts to extend the unemployment benefits and many other job creating bills. Furthermore, Republicans oppose today's measure while providing unwavering support for permanent extension of Bush tax cuts for millionaires and billionaires. Republicans are willing to give a helping hand to the rich while ignoring the taxpaying American worker. It should be clear to everyone where the Republican Party stands and who they will be willing to fight for.

Madam Speaker, with power comes responsibility. The Republicans won the election and now they have a responsibility to govern, instead of simply saying "no" over and over again. We simply cannot adjourn for Thanksgiving, a holiday that symbolizes gratitude and appreciation, while turning our back to our neighbors in need. I urge my colleagues on both sides of the aisle to come together in a show of compassion for our fellow citizens during this season of giving and support today's legislation.

Mr. CAMP. Madam Speaker, on November 18, 2010, U.S. Department of Labor Secretary Hilda Solis said the fact that the U.S. unemployment rate was 9.6 percent in October 2010 (as opposed to 10.1 percent in October 2009) "tells you . . . we are on the right path."

The facts show that the U.S. unemployment rate has been 9.5 percent or above for 15 consecutive months—the longest period since the Great Depression of the 1930s.

The unemployment rate hasn't fallen since spring—when hundreds of thousands of temporary Census jobs were "created."

And Democrats promised us if their 2009 stimulus law passed, the unemployment rate would be 7 percent by now, which as the chart below reflects didn't happen.

All of which suggests unemployment at 9.6 percent is not the right path for American workers, regardless of what Secretary Solis believes.

This bill reflects a cynical political maneuver by the Democratic leadership. They know the Senate has no plans to pass this unpaid-for bill. So all the claims that today's legislation will save Thanksgiving are just more empty rhetoric.

The fact is, this is exactly what happened this summer, when Democrats brought a similar unpaid-for extension bill up under suspensions. That failed, because enough Republicans and Democrats opposed simply adding to the deficit. You would think our Democrat colleagues would have learned that lesson, and either brought this up for an up or down vote, or actually paid for it. Instead, we get more of the same "our way or the highway" approach.

It will not pass, and the other side knows it. We should reject this bill and work together to quickly pass a bill to extend federal unemployment benefits while responsibly paying for it.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. LEVIN) that the House suspend the rules and pass the bill, H.R. 6419, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. BOUSTANY. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

TELEWORK ENHANCEMENT ACT OF 2010

The SPEAKER pro tempore. Pursuant to clause 1(c) of rule XIX, proceedings will resume on the motion to concur in the Senate amendment to the bill (H.R. 1722) to improve teleworking in executive agencies by developing a telework program that allows employees to telework at least 20 percent of the hours worked in every 2 administrative workweeks, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 1721, the previous question is ordered.

The question is on the motion offered by the gentleman from Massachusetts (Mr. LYNCH).

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. BOUSTANY. Madam Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 8 of rule XX, this 15-minute vote on concurring in the Senate amendment to H.R. 1722 will be followed by 5-minute votes on suspending the rules with regard to H.R. 6419, S. 3774, H. Con. Res. 329, and H. Res. 1677.

The vote was taken by electronic device, and there were—yeas 254, nays 152, not voting 27, as follows:

[Roll No. 578]

YEAS—254

Ackerman	Boucher	Clay
Adler (NJ)	Boyd	Cleaver
Altmire	Brady (PA)	Clyburn
Andrews	Braley (IA)	Cohen
Arcuri	Bright	Connolly (VA)
Baca	Buchanan	Conyers
Baird	Butterfield	Cooper
Baldwin	Cao	Costa
Barrow	Capito	Costello
Bean	Capps	Courtney
Becerra	Capuano	Critz
Berkley	Cardoza	Crowley
Berman	Carnahan	Cuellar
Bilbray	Carney	Cummings
Bishop (GA)	Carson (IN)	Dahlkemper
Bishop (NY)	Castor (FL)	Davis (AL)
Blumenauer	Chandler	Davis (CA)
Boccieri	Childers	Davis (IL)
Boren	Chu	Davis (TN)
Boswell	Clarke	DeFazio

DeGette	Kirkpatrick (AZ)	Rahall
DeLauro	Kissell	Rangel
Dent	Klein (FL)	Reichert
Deutch	Kosmas	Reyes
Dicks	Kratovil	Richardson
Dingell	Kucinich	Rodriguez
Djou	Langevin	Ross
Doggett	Larsen (WA)	Rothman (NJ)
Donnelly (IN)	Larson (CT)	Roybal-Allard
Doyle	LaTourette	Ruppersberger
Driehaus	Lee (CA)	Rush
Edwards (MD)	Levin	Ryan (OH)
Edwards (TX)	Lewis (GA)	Salazar
Ellison	Lipinski	Sanchez, Linda
Ellsworth	Loeb sack	T.
Engel	Loftgren, Zoe	Sanchez, Loretta
Eshoo	Lowe y	Sarbanes
Etheridge	Lujan	Schakowsky
Farr	Lynch	Schauer
Fattah	Maffei	Schiff
Filner	Maloney	Schrader
Forbes	Markey (CO)	Schwartz
Fortenberry	Markey (MA)	Scott (GA)
Foster	Marshall	Scott (VA)
Frank (MA)	Matheson	Serrano
Fudge	Matsui	Sestak
Giffords	McCarthy (NY)	Shea-Porter
Gonzalez	McCollum	Sherman
Gordon (TN)	McCotter	Shuler
Grayson	McDermott	Sires
Green, Al	McGovern	Skelton
Green, Gene	McIntyre	Slaughter
Grijalva	McNerney	Smith (WA)
Gutierrez	Meek (FL)	Snyder
Hall (NY)	Meeks (NY)	Speier
Halvorson	Melancon	Spratt
Hare	Michaud	Stark
Harman	Miller (NC)	Stupak
Hastings (FL)	Miller, George	Sutton
Heinrich	Minnick	Tanner
Herseth Sandlin	Mitchell	Taylor
Higgins	Mollohan	Teague
Hill	Moore (KS)	Thompson (CA)
Himes	Moore (WI)	Thompson (MS)
Hinche y	Murphy (CT)	Tierney
Hinojosa	Murphy (NY)	Titus
Hirono	Nadler (NY)	Tonko
Hodes	Napolitano	Towns
Holt	Neal (MA)	Tsongas
Honda	Nye	Van Hollen
Hoyer	Obey	Velázquez
Inslee	Olver	Visclosky
Israel	Ortiz	Walz
Jackson (IL)	Owens	Wasserman
Jackson Lee	Pallone	Schultz
(TX)	Pascarella	Waters
Johnson (GA)	Pastor (AZ)	Watt
Johnson, E. B.	Payne	Waxman
Jones	Perlmutter	Weiner
Kagen	Perriello	Peters
Kanjorski	Peters	Welch
Kaptur	Peterson	Wilson (OH)
Kildee	Pingree (ME)	Wittman
Kilpatrick (MI)	Polis (CO)	Wolf
Kilroy	Pomeroy	Woolsey
Kind	Quigley	Yarmuth

NAYS—152

Aderholt	Castle	Hall (TX)
Akin	Chaffetz	Harper
Alexander	Coffman (CO)	Hastings (WA)
Austria	Cole	Heller
Bachmann	Conaway	Hensarling
Bachus	Crenshaw	Henger
Bartlett	Culberson	Hoekstra
Barton (TX)	Diaz-Balart, L.	Holden
Berry	Diaz-Balart, M.	Hunter
Biggert	Dreier	Inglis
Bishop (UT)	Ehlers	Issa
Blackburn	Emerson	Jenkins
Blunt	Flake	Johnson (IL)
Boehner	Fleming	Johnson, Sam
Bonner	Fox	Jordan (OH)
Bono Mack	Franks (AZ)	King (IA)
Boustany	Frelinghuysen	King (NY)
Brady (TX)	Garrett (NJ)	Kingston
Burgess	Gerlach	Kline (MN)
Burton (IN)	Gingrey (GA)	Lamborn
Buyer	Gohmert	Lance
Calvert	Goodlatte	Latham
Camp	Granger	Latta
Campbell	Graves (GA)	Lee (NY)
Cantor	Graves (MO)	Lewis (CA)
Carter	Griffith	LoBiondo
Cassidy	Guthrie	Lucas

Luetkemeyer	Pence	Shimkus
Lummis	Petri	Shuster
Lungren, Daniel	Pitts	Simpson
E.	Platts	Smith (NE)
Mack	Poe (TX)	Smith (NJ)
Manzullo	Posey	Smith (TX)
Marchant	Price (GA)	Stearns
McCarthy (CA)	Putnam	Stutzman
McCaul	Rehberg	Sullivan
McClintock	Roe (TN)	Terry
McHenry	Rogers (AL)	Thompson (PA)
McKeon	Rogers (KY)	Thornberry
McMorris	Rogers (MI)	Tiahrt
Rodgers	Rohrabacher	Tiberi
Mica	Rooney	Turner
Miller (FL)	Ros-Lehtinen	Upton
Miller (MI)	Roskam	Walden
Miller, Gary	Royce	Wamp
Murphy, Tim	Ryan (WI)	Whitfield
Myrick	Scalise	Wilson (SC)
Neugebauer	Schmidt	Wu
Nunes	Schock	Young (AK)
Olson	Sensenbrenner	Young (FL)
Paul	Sessions	
Paulsen	Shadegg	

NOT VOTING—27

Barrett (SC)	Delahunt	Moran (VA)
Bilirakis	Duncan	Murphy, Patrick
Boozman	Fallin	Oberstar
Broun (GA)	Gallegly	Price (NC)
Brown (SC)	Garamendi	Radanovich
Brown, Corrine	Kennedy	Space
Brown-Waite,	Kirk	Watson
Ginny	Linder	Westmoreland
Coble	McMahon	
Davis (KY)	Moran (KS)	

□ 1352

Mr. GRAVES of Missouri changed his vote from "yea" to "nay."

Mrs. CAPITO changed her vote from "nay" to "yea."

So the motion was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mr. BILIRAKIS. Madam Speaker, on rollcall No. 578, had I been present, I would have voted "no."

EMERGENCY UNEMPLOYMENT COMPENSATION CONTINUATION ACT

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 6419) to amend the Supplemental Appropriations Act, 2008 to provide for the further extension of emergency unemployment benefits, and for other purposes, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. LEVIN) that the House suspend the rules and pass the bill, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 258, nays 154, not voting 22, as follows:

[Roll No. 579]

YEAS—258

Ackerman	Baca	Becerra
Adler (NJ)	Baird	Berkley
Altmire	Baldwin	Berman
Andrews	Barrow	Bilbray
Arcuri	Bean	Bishop (GA)

Bishop (NY)	Herseth Sandlin	Owens	Bartlett	Granger	Nye
Blumenauer	Higgins	Pallone	Barton (TX)	Graves (GA)	Olson
Boccheri	Himes	Pascarella	Berry	Graves (MO)	Paul
Boren	Hinchey	Pastor (AZ)	Biggert	Griffith	Paulsen
Boswell	Hinojosa	Payne	Bilirakis	Guthrie	Pence
Boucher	Hirono	Pelosi	Bishop (UT)	Hall (TX)	Peterson
Brady (PA)	Hodes	Perlmutter	Blackburn	Harper	Petri
Braley (IA)	Holden	Perriello	Blunt	Hastings (WA)	Pitts
Butterfield	Holt	Peters	Boehner	Hensarling	Poe (TX)
Capps	Honda	Pingree (ME)	Bonner	Herger	Price (GA)
Capuano	Hoyer	Platts	Bono Mack	Hill	Putnam
Cardoza	Inslee	Polis (CO)	Boustany	Hoekstra	Rehberg
Carnahan	Israel	Pomeroy	Boyd	Hunter	Roe (TN)
Carney	Jackson (IL)	Posey	Brady (TX)	Inglis	Rogers (AL)
Carson (IN)	Jackson Lee	Price (NC)	Bright	Issa	Rogers (KY)
Castle	(TX)	Quigley	Broun (GA)	Jenkins	Rogers (MI)
Castor (FL)	Johnson (GA)	Rahall	Buchanan	Johnson, Sam	Rohrabacher
Chandler	Johnson (IL)	Rangel	Burgess	Jordan (OH)	Rooney
Childers	Johnson, E. B.	Reichert	Burton (IN)	King (IA)	Roskam
Chu	Jones	Reyes	Buyer	King (NY)	Royce
Clarke	Kagen	Richardson	Calvert	Kingston	Ryan (WI)
Clay	Kanjorski	Rodriguez	Camp	Kline (MN)	Scalise
Cleaver	Kaptur	Ros-Lehtinen	Campbell	Lamborn	Schmidt
Clyburn	Kildee	Ross	Cantor	Lance	Schock
Cohen	Kilpatrick (MI)	Rothman (NJ)	Cao	Latham	Sensenbrenner
Connolly (VA)	Kilroy	Roybal-Allard	Capito	Latta	Sessions
Conyers	Kind	Ruppersberger	Carter	Lee (NY)	Shadegg
Costa	Kirkpatrick (AZ)	Rush	Cassidy	Lewis (CA)	Shimkus
Costello	Kissell	Ryan (OH)	Chaffetz	Lucas	Shuler
Courtney	Klein (FL)	Salazar	Coffman (CO)	Luetkemeyer	Shuster
Critz	Kosmas	Sánchez, Linda	Cole	Lummis	Simpson
Crowley	Kratovil	T.	Conaway	Lungren, Daniel	Smith (NE)
Cuellar	Kucinich	Sanchez, Loretta	Cooper	E.	Smith (TX)
Cummings	Langevin	Sarbanes	Crenshaw	Mack	Stearns
Dahlkemper	Larsen (WA)	Schakowsky	Culberson	Marchant	Stutzman
Davis (AL)	Larson (CT)	Schauer	Davis (TN)	McCarthy (CA)	Sullivan
Davis (CA)	LaTourette	Schiff	Djou	McCaul	Taylor
Davis (IL)	Lee (CA)	Schrader	Dieer	McClintock	Thompson (PA)
DeFazio	Levin	Schwartz	Emerson	McHenry	Thornberry
DeGette	Lewis (GA)	Scott (GA)	Flake	McKeon	Tiahrt
DeLauro	Lipinski	Scott (VA)	Fleming	McMorris	Tiberi
Dent	LoBiondo	Serrano	Forbes	Rodgers	Upton
Deutch	Loeback	Sestak	Fortenberry	Mica	Walden
Diaz-Balart, L.	Lofgren, Zoe	Shea-Porter	Fox	Miller (FL)	Wamp
Diaz-Balart, M.	Lowey	Sherman	Franks (AZ)	Miller (MI)	Whitfield
Dicks	Lujan	Sires	Frelinghuysen	Miller, Gary	Wilson (SC)
Dingell	Maffei	Skelton	Garrett (NJ)	Minnick	Wittman
Doggett	Maloney	Slaughter	Gingrey (GA)	Myrick	Wolf
Donnelly (IN)	Manzullo	Smith (NJ)	Gohmert	Neugebauer	Young (AK)
Doyle	Markey (CO)	Smith (WA)	Goodlatte	Nunes	Young (FL)
Driehaus	Markey (MA)	Snyder			
Edwards (MD)	Marshall	Speier			
Edwards (TX)	Matheson	Spratt	Barrett (SC)	Delahunt	McMahon
Ehlers	Matsui	Stark	Boozman	Duncan	Moran (KS)
Ellison	McCarthy (NY)	Stupak	Brown (SC)	Fallin	Moran (VA)
Ellsworth	McCollum	Sutton	Brown, Corrine	Gallegly	Radanovich
Engel	McCotter	Tanner	Brown-Waite,	Kennedy	Space
Eshoo	McDermott	Teague	Ginny	Kirk	Terry
Etheridge	McGovern	Thompson (CA)	Coble	Linder	Westmoreland
Farr	McIntyre	Thompson (MS)	Davis (KY)	Lynch	
Fattah	McNerney	Tierney			
Filner	Meek (FL)	Titus			
Foster	Meeks (NY)	Tonko			
Frank (MA)	Melancon	Towns			
Fudge	Michaud	Tsongas			
Garamendi	Miller (NC)	Turner			
Gerlach	Miller, George	Van Hollen			
Giffords	Mitchell	Velázquez			
Gonzalez	Mollohan	Visclosky			
Gordon (TN)	Moore (KS)	Walz			
Grayson	Moore (WI)	Wasserman			
Green, Al	Murphy (CT)	Schultz			
Green, Gene	Murphy (NY)	Waters			
Grijalva	Murphy, Patrick	Watson			
Gutierrez	Murphy, Tim	Watt			
Hall (NY)	Nadler (NY)	Waxman			
Halvorson	Napolitano	Weiner			
Hare	Neal (MA)	Welch			
Harman	Oberstar	Wilson (OH)			
Hastings (FL)	Obey	Woolsey			
Heinrich	Olver	Wu			
Heller	Ortiz	Yarmuth			

NAYS—154

Aderholt	Alexander	Bachmann
Akin	Austria	Bachus

29th CONGRESSIONAL DISTRICT UNEXPIRED TERM

County	Matthew C. Zeller	Thomas W. Reed, II	Thomas W. Reed, II	Thomas W. Reed, II	Matthew C. Zeller	Blank	Void	Scattering	BVS Subtotal	Total
	DEM	REP	IND	CON	WOR					
Allegany	3,287	6,274	255	564	343	0	0	0	0	10,723
Cattaraugus	6,117	9,654	619	1,276	667	0	0	0	0	18,333

Had I been present to vote on rollcall No. 578, on the motion to agree to the Senate amendment to H.R. 1722, I would have voted "aye" on the question.

Had I been present to vote on rollcall No. 579, on the motion to suspend the rules and agree to H.R. 6419, I would have voted "aye" on the question.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, November 5, 2010.
Hon. NANCY PELOSI,
The Speaker, House of Representatives, Wash-
ington, DC.

DEAR MADAM SPEAKER: I have the honor to transmit herewith a facsimile copy of a letter received from Mr. Todd D. Valentine and Mr. Robert A. Brehm, Co-Executive Directors of the New York State Board of Elections, indicating that, according to the unofficial returns of the Special Election held November 2, 2010, the Honorable Tom Reed was elected Representative to Congress for the Twenty-Ninth Congressional District, State of New York.

With best wishes, I am

Sincerely,

LORRAINE C. MILLER,
Clerk.

Enclosure.

STATE OF NEW YORK,
STATE BOARD OF ELECTIONS,
Albany, NY, November 5, 2010.

Hon. LORRAINE C. MILLER,
Clerk, House of Representatives,
The Capitol, Washington, DC.

DEAR MS. MILLER: This is to advise you that the unofficial results of the Special Election held on Tuesday, November 2, 2010, for Representative in Congress from the Twenty-Ninth Congressional District of New York, show that Thomas W. Reed, II received 96,078 and that Matthew C. Zeller received 73,498 of the total number of votes cast for that office.

It would appear from these unofficial results that Thomas W. Reed, II was elected as Representative in Congress from the Twenty-Ninth Congressional District of New York.

To the best of our knowledge and belief at this time, there is no contest to this election.

As soon as official results are certified to this office by all county boards in the Twenty-Ninth Congressional District in New York involved, an official Certification of Election will be prepared for transmittal as required by law.

Sincerely,

ROBERT A. BREHM,
TODD D. VALENTINE.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE
The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

□ 1401

So (two-thirds not being in the affirmative) the motion was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. MORAN of Virginia. Madam Speaker, on rollcall No. 579 I was unavoidably delayed. Had I voted, I would have voted "aye."

PERSONAL EXPLANATION

Mr. KENNEDY. Madam Speaker, I regret that I was unable to participate in a series of votes on the floor of the House of Representatives today.

29th CONGRESSIONAL DISTRICT UNEXPIRED TERM—Continued

County	Matthew C. Zeller	Thomas W. Reed, II	Thomas W. Reed, II	Thomas W. Reed, II	Matthew C. Zeller	Blank	Void	Scattering	BVS Subtotal	Total
	DEM	REP	IND	CON	WOR					
Chemung	8,978	10,062	459	865	683	0	0	0	0	21,047
Schuyler	1,975	2,925	0	399	295	0	0	0	0	5,594
Schuben	9,630	12,197	496	1,149	975	0	0	0	0	24,447
Yates	2,360	2,842	137	384	232	0	0	0	0	5,955
Part of Monroe	28,127	27,114	2,097	5,367	2,143	0	0	0	0	64,848
Part of Ontario	7,219	9,154	503	1,286	467	0	0	0	0	18,629
Total	67,693	80,222	4,566	11,290	5,805	0	0	0	0	169,576
RECAP	73,498	96,078								

SWEARING IN OF THE HONORABLE TOM REED, OF NEW YORK, AS A MEMBER OF THE HOUSE

Mr. KING of New York. Madam Speaker, I ask unanimous consent that the gentleman from New York, the Honorable TOM REED, be permitted to take the oath of office today.

His certificate of election has not arrived, but there is no contest and no question has been raised with regard to his election.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

The SPEAKER. Will Representative-elect REED and the members of the New York delegation present themselves in the well.

Mr. REED appeared at the bar of the House and took the oath of office, as follows:

Do you solemnly swear or affirm that you will support and defend the Constitution of the United States against all enemies, foreign and domestic; that you will bear true faith and allegiance to the same; that you take this obligation freely, without any mental reservation or purpose of evasion; and that you will well and faithfully discharge the duties of the office on which you are about to enter, so help you God.

The SPEAKER. Congratulations, you are now a Member of the 111th Congress.

WELCOMING THE HONORABLE TOM REED TO THE HOUSE OF REP- RESENTATIVES

The SPEAKER. Without objection, the gentleman from New York is recognized for 1 minute.

There was no objection.

Mr. KING of New York. Thank you, Madam Speaker.

I can't imagine an any more delicate moment to be sworn into Congress than when 434 Members are looking to leave, but if anyone is prepared for it, it is TOM REED.

TOM REED is well prepared to be in the House of Representatives. He was raised with 11 other children. He knows what turbulence is all about, and he is extremely, extremely well qualified. He is a former practicing attorney, a busi-

nessman, a mayor, and an absolutely dedicated man in his community. He is a good friend of all of ours and of Amos Houghton's.

He is here today with his wife, Jean, and with his children, Will and Autumn—beautiful children, a beautiful family.

Without any further adieu, I am really proud and privileged to present to you the newest Congressman from the State of New York, Mayor TOM REED.

Mr. REED. I thank you, Madam Speaker, for welcoming me to this Chamber, and thank you, Congressman KING, for introducing me to the House.

I would like to thank my wife, Jean; my children, Autumn and Will; and my family and friends. Without them, I would not be here.

I would also like to look to Heaven and hope my mother and father are proud and will guide me and us in this new endeavor.

As we begin this journey, the time for talk has come and gone. The campaigns are over, and the American people have spoken. Now is the time for service.

And though we may have our differences, let us invoke the spirit of those who stood in this very Chamber to solve the perils of our Nation's past and, through our vigorous debate, complete our work so our Nation will rise to a greatness not yet seen on the face of the Earth. Our debate should always be dynamic, and while we may disagree at times, we shall at all times conduct ourselves with humility and civility toward all.

Though we may appear on occasion to be rivals in this Chamber, I pledge to you and let us always remember and pledge to each other that we are forever countrymen, who proudly swear allegiance to our flag and will forever stand united against all enemies, foreign and domestic, so help us God.

Finally, it is with great pride that I join this institution thanks to the people of New York's 29th Congressional District. Over the last 2 years, I have heard your concerns, and I will represent you with all my heart, all my mind, and all my soul. I promise to serve you with dignity and dedication as we restore the opportunity for success that every American deserves.

Thank you, and I am so proud to call each and every one of you friends and colleagues.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. Under clause 5(d) of rule XX, the Chair announces to the House that, in light of the administration of the oath to the gentleman from New York, the whole number of the House is 435.

SOCIAL SERVICES BLOCK GRANTS

The SPEAKER pro tempore (Ms. DEGETTE). Without objection, 5-minute voting will continue.

There was no objection.

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill (S. 3774) to extend the deadline for Social Services Block Grant expenditures of supplemental funds appropriated following disasters occurring in 2008, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Washington (Mr. McDERMOTT) that the House suspend the rules and pass the bill.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 366, nays 40, not voting 28, as follows:

[Roll No. 580]

YEAS—366

Ackerman	Bishop (UT)	Capito
Aderholt	Blackburn	Capps
Adler (NJ)	Blumenauer	Capuano
Akin	Blunt	Cardoza
Alexander	Bocchieri	Carnahan
Altmire	Boehner	Carney
Andrews	Bonner	Carson (IN)
Austria	Bono Mack	Carter
Baca	Boren	Cassidy
Bachmann	Boswell	Castle
Bachus	Boucher	Castor (FL)
Baldwin	Boustany	Chandler
Barrow	Boyd	Childers
Bartlett	Brady (PA)	Chu
Barton (TX)	Brady (TX)	Clarke
Becerra	Braley (IA)	Clay
Berkley	Bright	Cleaver
Berman	Buchanan	Clyburn
Berry	Burton (IN)	Cohen
Biggert	Butterfield	Cole
Billbray	Calvert	Conaway
Bilirakis	Camp	Connolly (VA)
Bishop (GA)	Cantor	Conyers
Bishop (NY)	Cao	Costa

Costello
Courtney
Crenshaw
Critz
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Dent
Deutch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Djou
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Fleming
Forbes
Fortenberry
Foster
Frank (MA)
Frelinghuysen
Fudge
Garamendi
Gerlach
Giffords
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves (MO)
Grayson
Green, Al
Green, Gene
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Inglis
Inslee
Israel
Jackson (IL)
Jackson Lee
(TX)
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Kagen

Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsock
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Lujan
Lummis
Lungren, Daniel
E.
Lynch
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McCollum
McCotter
McDermott
McGovern
McIntyre
McKeon
McMorris
Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Oliver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne

Pence
Perlmutter
Perrillo
Peters
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (NC)
Quigley
Rahall
Rangel
Reed
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schradler
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sessions
Sestak
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Sires
Skelton
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Sullivan
Tanner
Taylor
Teague
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman
Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch

Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Arcuri
Baird
Bean
Broun (GA)
Campbell
Chaffetz
Coffman (CO)
Cooper
Davis (TN)
Flake
Fox
Franks (AZ)
Garrett (NJ)
Gingrey (GA)
Barrett (SC)
Boozman
Brown (SC)
Brown, Corrine
Brown-Waite,
Ginny
Burgess
Buyer
Coble
Davis (KY)
Delahunt
Duncan
Fallin
Gallegly
Griffith
Kirk
Linder
McMahon
Miller, Gary
Moran (KS)

Wolf
Woolsey
Wu
Yarmuth
NAYS—40
Graves (GA)
Harper
Herger
Hunter
Issa
Jenkins
Jordan (OH)
Kingston
Lamborn
Mack
McClintock
McHenry
Miller (FL)
Moran (VA)
Murphy (NY)
Peterson
Petri
Price (GA)
Royce
Sensenbrenner
Shadegg
Simpson
Stearns
Stutzman
Tiahrt
Westmoreland
Pingree (ME)
Putnam
Radanovich
Rogers (AL)
Ros-Lehtinen
Sánchez, Linda
T.
Slaughter
Sutton
Terry

NOT VOTING—28

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

□ 1417

Messrs. ROYCE and MCHENRY changed their vote from “yea” to “nay.”

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Ms. CORRINE BROWN of Florida. Madam Speaker, during debate on H.R. 1722, H.R. 6419 and S. 3774, I was unavoidably detained, and unable to make the votes. Had I been present, I would have voted the following: rollcall No. 578, “yes”; rollcall 579, “yes”; rollcall 580, “yes.”

PERSONAL EXPLANATION

Mr. DAVIS of Kentucky. Madam Speaker, on Thursday, November 18, 2010, I was unable to participate in all of the day's votes due to a family emergency. Had I been present I would have voted: On rollcall No. 576—“no”—on ordering the previous question—H. Res. 1722, providing for the consideration of the Senate amendment to H.R. 1722, the Telework Enforcement Act; on rollcall No. 577—“no”—on agreeing to the resolution—H. Res. 1722, providing for the consideration of the Senate amendment to H.R. 1722, the Telework Enhancement Act; on rollcall No. 578—“no”—H.R. 1722, Telework Improvements Act; On rollcall No. 579—“no”—H.R. 6419, Emergency Unemployment Compensation Continuation Act; on rollcall No. 580—“yes”—S. 3774, to extend the deadline for Social Services Block Grant expenditures of supplemental funds appropriated following disasters occurring in 2008.

VACATING ORDERING OF YEAS AND NAYS ON HOUSE CONCURRENT RESOLUTION 329, RECOGNIZING 35TH ANNIVERSARY OF THE EDUCATION FOR ALL HANDICAPPED CHILDREN ACT

Mr. HASTINGS of Florida. Madam Speaker, I ask unanimous consent that the ordering of the yeas and nays be vacated with respect to the motion to suspend the rules and adopt House Concurrent Resolution 329 to the end that the motion be considered as adopted in the form considered by the House on Tuesday, November 16, 2010.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Accordingly (two-thirds being in the affirmative) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

VACATING ORDERING OF YEAS AND NAYS ON HOUSE RESOLUTION 1677, CONDEMNING BURMESE REGIME'S UNDEMOCRATIC ELECTIONS

Mr. HASTINGS of Florida. Madam Speaker, I ask unanimous consent that the ordering of the yeas and nays be vacated with respect to the motion to suspend the rules and adopt House Resolution 1677 to the end that the motion be considered as adopted in the form considered by the House on Wednesday, November 17, 2010.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Accordingly (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

The title of the resolution was amended so as to read: “Condemning the Burmese regime's undemocratic elections on November 7, 2010.”

A motion to reconsider was laid on the table.

□ 1420

UNITED STATES-CHINA ECONOMIC AND SECURITY REVIEW COMMISSION

The SPEAKER pro tempore (Mr. HIMES). Pursuant to section 1238(b)(3) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (22 U.S.C. 7002), as amended, and the order of the House of January 6, 2009, the Chair announces the Speaker's reappointment of the following member on the part of the House to the United States-China Economic and Security Review Commission, effective January 1, 2011:

Mr. Michael Wessel, Falls Church, Virginia.

REPEAL FORM 1099 REQUIREMENT

(Mr. THOMPSON of Pennsylvania asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THOMPSON of Pennsylvania. Mr. Speaker, the Small Business Administration's chief counsel for advocacy, Winslow Sargeant, testified today in the Senate that the form 1099 requirement of the health care bill should be repealed. As a cosponsor of H.R. 5141, a bill by Congressman DAN LUNGREN to repeal that section, this was music to my ears.

In his testimony before the Senate Small Business and Entrepreneurship Committee, Sargeant said, "The form 1099 requirement will greatly increase the reporting and recordkeeping burdens on small businesses." As part of the health care bill, this section requires small businesses to issue an Internal Revenue Service form 1099 to any individual or corporation from which they purchase more than \$600 in goods or services. Mr. Sargeant went on to cite a recent study by his office that indicated that firms with fewer than 20 employees pay \$10,585 per employee on average to comply with Federal regulations. And we wonder why small businesses aren't hiring.

It's time to repeal this burden and to work to get government regulations off the backs of our job creators. The true economic stimulus is the small businesses of this Nation, and they need our help.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. POLIS). Under the Speaker's announced policy of January 6, 2009, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

HONORING THE SACRIFICE OF LIEUTENANT BRENDAN LOONEY AND LANCE CORPORAL TERRY HONEYCUTT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. HOYER) is recognized for 5 minutes.

Mr. HOYER. Mr. Speaker, I rise for a sad occasion, but an appropriate occasion. I rise to pay tribute to two proud natives of Maryland who lost their lives in Afghanistan this fall, Navy Lieutenant Brendan Looney of Owings and Marine Lance Corporal Terry Honeycutt of Waldorf. I attended both of their burials at Arlington Cemetery. As I say, it was a mixture of deep sadness to lose these two young, extraordinarily capable, patriotic Americans, to be with their families, to learn what committed young men they were. At the same time, to be filled with pride that America has people like these two

brave souls, willing to give their lives in the defense of freedom and justice and democracy and the safety and security of our people. I know that the grief their family feels is still fresh and that nothing can replace the loss they have suffered. But I want them to know the honor and awe in which we hold their sons' sacrifices.

Now it is our responsibility to keep their names, their memories, and their examples alive. Lieutenant Looney, a 29-year-old Navy SEAL, died with nine other American servicemembers in a helicopter crash in southern Afghanistan. Most of you read about that incident. He was a star lacrosse player at the Naval Academy and then chose to complete the grueling training required to become a Navy SEAL. Lieutenant Looney was recognized as the Honor Man, or top member of his SEAL class. And just 48 hours after marrying his wife, Amy, he deployed to Iraq. He served four deployments, four deployments in Iraq and Afghanistan and tragically died just 2 weeks before he was to return home from that fourth deployment. He is buried next to his Naval Academy roommate and best friend, First Lieutenant Travis Manion, who died in Iraq in 2007.

Lance Corporal Honeycutt, the other young man to whom I referred, died at the age of 19 in the blast of an improvised explosive device in Helmand province, Afghanistan. As long as his parents could remember, their son wanted to be a marine. He stood out for his commitment in his high school Junior ROTC program, and on graduating, he met his goal. Sadly, his life was cut far too short. But all those who remember Lance Corporal Honeycutt speak of a man who lived to serve his country and who embodied the marines' deepest ideals of service, sacrifice, and inner strength.

□ 1430

In the words of his mother Christine, whom I talked to Monday this week, "We have so much honor and pride and joy, knowing that he was the person that he was, and I can't describe," she went on, "how proud we are of him. We knew him as the type of person that was ready, willing, and waiting to do anything for anybody."

He did that for his country, for all of us who serve in this Chamber, for every one of our fellow citizens.

These two irreplaceable lives are among the latest costs of a war that has lasted more than 9 years. This is not the time or place to speak about that war's future or its end.

But I ask my colleagues only this: We must remember that its costs are measured in lives like Brendan's and Terry's, and treat every debate and every decision about this war with a gravity that honors those two souls and the souls who have also been lost and who currently serve.

In closing, Mr. Speaker, I want to offer my deep sympathy for the families who have lost so much: To Lieutenant Looney's wife, Amy; to his parents, Kevin and Maureen; to his brothers, Billy and Steve; and to his sisters, Erin, Kellie and Briget; and to Lance Corporal Honeycutt's parents, Terry and Christine; his sister, Dawn; and to his sister's husband, who currently serves as a member of the United States Marines; and to all the grandparents, great-grandparents, aunts, and uncles whom we join in mourning the loss of these two brave, patriotic, extraordinary Americans. May God rest their souls and give strength and peace to their families.

THE "START" OF MORE OBSTRUCTION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, the 111th Congress has been an astounding success, but throughout the last 2 years, when we have failed to pass good laws, it's usually because our colleagues on the other side of the Capitol have stood in the way of our progress, proudly engaging in stubborn obstructionism.

The Senate is where good legislation goes to die. So I guess we shouldn't be surprised that it remains so right down to the final days of our session.

It appears now that there may not be enough Republican votes to ratify the New START Treaty, which would make huge strides towards reducing the threat of nuclear destruction.

This is distressing news, Mr. Speaker. After years of negligence on nuclear issues, the New START could finally put us on a course toward the eventual elimination of all nuclear weapons. It would drastically reduce the size of nuclear arsenals here in the United States and in Russia. It would improve our access to Russian nuclear facilities, which we've been unable to inspect since the expiration of the original START treaty nearly a year ago. And it would put our relationship with Russia on more solid footing, enhancing bilateral cooperation on a host of issues.

In the words of the chair of the Senate Foreign Relations Committee, Mr. KERRY, he said, and I quote him: "Ratifying New START is not a political choice; it's a national security imperative."

But apparently, Mr. Speaker, some over in the other Chamber aren't moved by national security imperatives. For them, 1,550 strategic warheads, the level mandated by New START, isn't a sufficient arsenal, even though 1,550 strategic warheads is enough to blow up the world several times over. The only way they know to

deal with national security, it appears, is to send thousands of American troops to die in failed wars that carry a combined price tag of over \$1 trillion.

New START isn't perfect. I wish it were less incremental and more ambitious. I wish it embraced more of the principles contained in my resolution, which is called "Nonproliferation Options for Nuclear Understanding to Keep Everyone Safe," or "NO NUKES" for short. NO NUKES would move more aggressively toward complete nuclear global disarmament, which was exactly the long-term goal we committed to as a Nation when we signed the Nuclear Non-Proliferation Treaty 40 years ago.

But New START is most definitely consistent with the SMART Security platform I laid out from this podium so many times, Mr. Speaker. Specifically, it advances the idea that we make the world safer, not through violence, not through acts of war and weapons escalation, but through diplomacy, cooperation, and conflict resolution.

New START is good enough as a first step. It's good enough for the top military brass, past and present, who have endorsed it. It's good enough for leading foreign policy dignitaries from across the political spectrum. The only holdouts are a minority of Senators who seem more interested in embarrassing the President on the international stage than they are in a major international security breakthrough.

Concessions have been made to these lawmakers. Their opinions have been heard, their concerns addressed. Now it's time for action. For the safety of the American people and possibly for the future of human civilization, it is time to pass New START.

HONORING THE LIFE OF CONSTANTINO DELSIGNORE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. MCCOTTER) is recognized for 5 minutes.

Mr. MCCOTTER. Mr. Speaker, today I rise to honor the extraordinary life of Constantino DelSignore and mourn his sudden passing at the age of 47.

Born on December 2, 1962, Tino DelSignore graduated from Detroit Catholic Central High School in 1980. He immersed himself in the DelSignore family's businesses, the Fonte D'Amore restaurant and the Laurel Manor.

Tino dedicated his life to serving our community through many philanthropic efforts. He was founder of CDS Foundation, cofounder of the Fallen and Wounded Soldiers Foundation, as well as being an advocate for many other local, national, and international humanitarian causes.

Tino committed his considerable efforts to Angela Hospice, the Aliaga Foundation, the Barbara Ann Karmanos Cancer Institute, St. Mary's Mercy Hospital's Our Lady of Hope

Cancer Center, Botsford Hospital Foundation, the McCarty Foundation, Madonna University, Hunters Feeding the Homeless, the Livonia Italian American Club, Hockey Has Hearts, and numerous veterans' organizations and Rotarian organizations. Tino DelSignore gave with an open heart and, like the entire DelSignore family, was always willing to help.

Regrettably, on October 26, 2010, Tino passed from this earthly world to his eternal reward. He is survived by his beloved son, Giovanni, and his parents, John and Lina. A devoted brother to Luciano, Nancy, and Renata, Tino leaves a legacy in his nieces and nephews: Ryder, Caprice, Coco, Alexa, Olivia, Alexandria, and Max.

If, in the end, a person's wealth can be measured by the lives he has touched, Constantino DelSignore went home to God a very wealthy man. Courageous and honorable, Tino will be sorely missed.

Mr. Speaker, Constantino DelSignore is remembered as a compassionate father, a dedicated son, a treasured brother, a caring leader, and a true friend. Tino was a man who deeply treasured his family, friends, community, and country. Today, as we bid Constantino DelSignore farewell, I ask my colleagues to join me in mourning his passing and honoring his unwavering patriotism and legendary service to our country and community.

□ 1440

TAX CUTS FOR THE RICH

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. GRAYSON) is recognized for 5 minutes.

Mr. GRAYSON. Mr. Speaker, I am returning to a subject that I began yesterday. This is the second episode of what the rich are going to do with all those tax cuts that the Republicans want to give to them through extending the Bush tax cuts for the rich in lieu of the Obama tax cuts for the middle class.

As I said yesterday with regard to the 1 percent top income group in this country, the high and mighty who earn more than \$1.3 million a year in taxable income, according to the Republican plan each one of them will receive a tax cut, every single year, of \$83,347 each year.

I have given a lot of thought to what they are going to do with that money. I made some suggestions yesterday, and here are some more suggestions about what they could possibly do with this windfall that the Republicans want to hand to them at a time when this country has 9.5 percent unemployment, 40 million people who cannot see a doctor when they are sick, and so many people who are in danger of losing their homes.

For instance, the rich, the idle rich, the high and mighty, the ruling class, they can buy three tickets to the most expensive suite at the Super Bowl. That costs only \$75,000. They will have \$12,000 left over in pocket change.

Here is something else that they might do with the windfall that the Republicans want to give them. They can go to the top of Mount Everest. That costs only \$65,000, a luxury climb to the top of Mount Everest, with somebody holding your bag for you the whole way up. Just one thing: Make sure you don't fall down.

Here is something else that they can do with the Republican tax plan to give \$87,000 a year to the rich. They can take a beautiful 110-day cruise around the world. That costs only \$80,000. And it is up to them what they do with the other 250 days a year, but think about that. Think about people in the middle class who struggle, save for vacation year after year, and sometimes occasionally get to go on a 3- or 4- or even a 5-day cruise. With the Republican tax cut for the rich, the millionaires can go on a 110-day luxury cruise, not just 1 year, but every single year.

Here is something else that they can do. They can enjoy two nights at the Hugh Hefner SkyVilla at the Palms Casino Resort in Las Vegas. That costs only \$80,000. They will have \$7,000 left over for tipping the bellman. And remember, what happens in Vegas stays in Vegas.

As I pointed out yesterday, the Republicans want to stuff so much money into the pockets of rich people in this country, the millionaires, the people who make an average of \$1.3 million a year, that every single one of them, every single one of them every year for the next 10 years will be able to enjoy a luxury cigar in the morning and a luxury cigar in the evening as well, and they can light each one of those cigars with a \$100 bill.

Now, I don't know about you, but I'm not sure that that's the best use of \$100 billion a year of tax money. I have some other ideas about what I would like to see happen. I would like to see jobs, jobs, and more jobs.

If you do the arithmetic, you will find that the \$100 billion a year that the Republicans want to hand over to the rich so that they can further comfort the comfortable, that could be used instead to provide a decent job, a job with a living wage, a decent day's pay for a decent day's work to 3 million Americans, and, in a single stroke, could reduce unemployment in this country from 9 percent to 7 percent; but, more importantly, take that \$100 billion and make sure it actually circulates in the economy. Because what will the rich do with it? They'll keep it in their pockets; or they'll send it abroad buying luxury goods like we discussed yesterday, or they'll take a cruise around the world that adds nothing to the American economy. But if

you actually did take that money and you created 3 million jobs at \$30,000 a year for the American people, then you would see our economy revive overnight.

When it comes down to my vote for tax cuts for the rich versus jobs, I'm going to vote for jobs.

MR. AILES SHOULD APOLOGIZE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. ENGEL) is recognized for 5 minutes.

Mr. ENGEL. Mr. Speaker, yesterday Roger Ailes, the president of Fox News, decided that there were Nazis running around a competitor news organization. He called the executives at National Public Radio "Nazis." He said, and I quote, "They are of course Nazis. They have a kind of Nazi attitude. They are the left wing of Nazism. These guys don't want any other point of view."

Mr. Ailes also said, after a diatribe against President Obama and against Jon Stewart of Comedy Central, and I quote, "There are left-wing rabbis who basically don't think that anybody can use the word 'Holocaust' on the air."

Mr. Speaker, I find those words to be very offensive and inappropriate. Relatives of mine were among the millions of Jews and others who died in the Holocaust. At the hands of the Nazis, acts of brutality and mass murder were carried out, the likes of which the world had never seen.

If Mr. Ailes is the president of Fox News and claims to be fair and balanced, he should keep his comments to himself. If he wants to be a commentator, then he should be so. But if he wants to pretend to be a so-called fair and balanced president of a major news organization, he ought to know better than to utter such hateful words.

To use the word "Holocaust" in the same sentence that he uses the word "rabbi," although he clearly meant rabbi in another connotation, is doubly offensive. And to use the word "Holocaust" cavalierly to connote any situation in which somebody or some group feels aggrieved is offensive again.

Mr. Ailes should apologize for these despicable statements of total insensitivity that should not be connected to a president of a major news organization.

Later today, I will send him a letter demanding that he retract and apologize for these despicable statements.

AMERICA'S THIRD WAR: TEXAS STRIKES BACK

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

Mr. BURTON of Indiana. Mr. Speaker, there was an article, I guess it's on

FoxNews.com, today, and it's called "America's Third War: Texas Strikes Back." Captain Stacy Holland with the Texas Department of Public Safety said, "I never thought that we would be in this paramilitary type of engagement. It's a war on the border."

It's a war on the border. That border is 1,980 miles long, and the President sent 1,200 National Guard people down there. Now, I don't know how many that is per mile, but it ain't much. And now I understand, from information I got today, that they're going to withdraw some of those because of the cost.

Now, they sent 17,000 National Guard troops down when they had the oil spill in the Gulf. Granted, that was a real problem. But the border between us and Mexico is a war zone, a war zone, according to the Texas Department of Public Safety.

□ 1450

I want to read to you, Mr. Speaker, some of the things he said. He said, they—the terrorists, drug dealers, people who are kidnapping people—"They cross the border with AK-47s on their backs, wearing military camouflage. They recruit in prisons and schools on the American side. Spotters"—people from Mexico—"sit in duck blinds along the Rio Grande and call out the positions of the U.S. Border Patrol." And they do that on the American side.

"To combat the cartels, the Texas Department of Public Safety is launching a counterinsurgency. Tactical strike teams send field intelligence they gather to Austin to a joint operation intelligence center, or JOIC in military terminology. 'It certainly is a war in a sense that we're doing what we can to protect Texans and the rest of the Nation from clearly a threat that has emerged over the last several years,' said former FBI prosecutor Steve McCraw, who runs the undeclared 'war.'"

"And now that there is added pressure on the cartels, the drug runners are employing new techniques, known as a splash down. When the heat is on, they attempt to return to Mexico with the drugs, oftentimes in broad daylight. And because the Texas law enforcement's authority ends at the border—in this case the river—they even have time to put on their life jackets."

I don't understand why this White House doesn't understand that this is a war on our border, our front yard. And in Arizona they have signs that say—80 miles into the United States in Arizona—they say don't go south of here because it's not safe. In the United States. And the President sent 1,200 National Guard troops down there, and they are withdrawing some of them.

I just don't understand this White House. I understand that we have to deal with Afghanistan and Iraq and other places around the world. But this is our front yard. And they are with-

drawing. They sent 17,000 down to the Gulf oil spill, and they send 1,200 down there to the border, which is nothing, and now they are withdrawing some of them.

The former FBI agent goes on to say, "The cartels may be ruthless, they may be vicious, they may be cowardly, but they're not stupid. They'll adapt their tactics, and recently they've adapted their tactics to utilize smaller loads, cross with rafts, stolen vehicles on our side."

"President Barack Obama and Homeland Security Secretary Janet Napolitano have recently said the Mexican border is more secure now than it has been in 20 years."

I want to tell you, that is such bull. That is just bull. I can't say that the President of the United States is misleading the people. But, boy, that sure ain't the truth. And if you don't believe that, talk to Congressman POE from Texas and some of the others from Arizona. Instead of doing what they can to protect American citizens to stop this flood of drugs coming in as well as illegal aliens and others, they are suing the State of Arizona because they say they are trampling on Federal statutes.

I tell you, I just can't understand this administration. We are talking about the safety of the United States, and in particular all the people who live on the Texas border, the Arizona border and the New Mexico border. This is something that's unforgivable. And if I were talking to the President, I would say, Mr. President, wake up. This is the American citizens you're supposed to protect. Let's get on with the job.

CONDITIONAL ADJOURNMENT TO MONDAY, NOVEMBER 22, 2010

Mr. ENGEL. Mr. Speaker, I ask unanimous consent that when the House adjourns today on a motion offered pursuant to this order, it adjourn to meet at noon on Monday, November 22, 2010, unless it sooner has received a message from the Senate transmitting its concurrence in House Concurrent Resolution 332, in which case the House shall stand adjourned pursuant to that concurrent resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

BOARD OF VISITORS TO UNITED STATES AIR FORCE ACADEMY

The SPEAKER pro tempore. Pursuant to 10 U.S.C. 9355(a), and the order of the House of January 6, 2009, the Chair announces the Speaker's appointment of the following member to the Board of Visitors to the United States Air Force Academy:

Mr. Alfredo A. Sandoval, Indian Wells, California.

ILLEGAL IMMIGRATION

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Iowa (Mr. KING) is recognized for 60 minutes as the designee of the minority leader.

Mr. KING of Iowa. Mr. Speaker, I appreciate the honor to be recognized to address you here on the floor of the House of Representatives. I have long appreciated the honor to serve the people of western Iowa here in the United States Congress. Each one of us carries this duty with us in a heavy way and also sometimes in a jubilant way depending on the cycles of the day and the cycles of the elections.

I sat here on the floor tonight, and I listened to the presentation of the gentleman from Indiana (Mr. BURTON). He talked about the situation on the border between Texas and Mexico, Arizona and Mexico, and perhaps also New Mexico versus Mexico, California, and Mexico. There are a whole lot of data points that he rolled out here. And I believe that there is a misunderstanding on the part of the American people of the magnitude of the border problem that we have.

I make a number of trips down to that border. I think it's my obligation to do that. I have served on the Immigration Subcommittee of the House Judiciary Committee now for 8 years. And if all goes well, I will be able to serve on the committee for another cycle. In that period of time, you pick up a significant amount of knowledge about the circumstances that have to do with immigration. And the gentleman from Indiana (Mr. BURTON) talked about how illegal Mexican drug smuggler gangs are controlling vast areas of the border, some might argue a majority of the border or perhaps even all of the border, with the exception of some ports of entry, and controlling vast parts of the United States itself.

I have been down to visit Oregon Pipe Cactus National Monument. It is a national park right on the border. And a large percentage of Oregon Pipe Cactus has been set aside, and Americans have been locked out and kept out because the illegal border-crossers and the drug smugglers command some of that park. A large share of it, mile after mile of it, is under control of the Mexican drug smugglers and people smugglers.

And we think that a sovereign nation should have no border incursion. If we have a border incursion, and if it's someone who is lined up next to someone else lined up next to someone else and they are carrying weapons and in uniforms, it is called an invasion. Whether they are wearing uniforms and carrying weapons or whether they are coming across in orderly ranks or whether they are coming across at a rate of perhaps as many as 11,000 a night—and that's some data that came before the House Immigration Sub-

committee under sworn testimony—you take the annual illegal border crossings and you divide it by 365, and some of that data under oath calculates out to be 11,000 illegal border crossings in a 24-hour period. A lot of that takes place at night. Think of that: 11,000 a night.

And so I ask the question, what was the size of Santa Anna's army? About half that. That, Mr. Speaker, is the magnitude of the illegal border crossings that we are seeing.

And the price that we have to pay in the form of social services, law enforcement, education, and health services is in the billions of dollars in costs to the American taxpayer. And the price and loss because of the result of crimes that could otherwise have been prevented is awesome beyond our comprehension.

□ 1500

I do have some numbers on that. I'm hopeful that I will be able to produce a fresh report very soon that would better illustrate the numbers of Americans who have lost their lives at the hands of those who came into the United States illegally.

That is a real measure to American society. Every life is precious, every life is sacred, and every one that we can save should be saved. And you do so with an orderly society and the rule of law. You don't do so by allowing for vast areas of the 2,000-mile southern border to become lawless.

I recall approaching a port of entry, and it was in Sasabe, Arizona. As I approached the port of entry and introduced myself to the agents that were there, and leaving aside much of that narrative, I was informed that, yes, there's a legal crossing at Sasabe at that port of entry in a fairly remote location in Arizona. But on other side of the legal port of entry are the illegal crossing areas that are controlled by the drug-smuggling gangs, the cartels. And that means that there's lawlessness on both sides of the border. If there's an entity that controls an illegal border crossing then that means that our side of that border is not under control. Immediately, if they decide who crosses and who doesn't, they're also deciding to allow illegals to come into the United States and illegal contraband to come into the United States.

And I was in fact there on location when there was an illegal drug smuggler that was picked up. He had a white pickup with a false bed in the box. Nice piece of body work. You had to have a practiced eye to see it. But a false floor underneath there that was 7, perhaps 8 inches, and underneath that false floor it was packed full of marijuana. Some would call it bales. They were wrapped up in packages about the size of a cement package, although it's not as heavy, some placed over 200 pounds,

some placed 250 pounds of marijuana, underneath the false bed in that pickup. And we took the jaws of life and cut it open and I personally unloaded over 200 pounds of marijuana out from underneath the false bed in that pickup.

Now, the circumstances at that time—and I suspect this individual was prosecuted, partly because I was there—but he appeared to be an MS-13 gang member. He had a 13 tattooed on his arm right here. Full of tattoos. Had all of the look that you would have of an MS-13 drug-smuggling gang member. And the practice down there has been—unwritten, but in practice—that if someone is caught with less than 250 pounds of marijuana, that they're not prosecuted by the Federal Government. And when the loads got higher and more frequent, then the number went up to 500 pounds as the threshold for prosecution.

Now, where I come from, if you have any illegal drugs in your possession, generally you're going to be prosecuted. There are law enforcement officers that may not, but it's not a practice. We think that the law is the law. Well, if the law is not enforced on the southern border for those that come across the border illegally with illegal drugs in their possession to the tune of hundreds of pounds and in fact thousands of pounds, then what do we have left of the law enforcement fabric on our southern border whatsoever? And how can this be a practice, let alone a policy?

I saw it with my own eyes on that day and handled with my own hands. And as I talked to Border Patrol officers and the other law enforcement officers along the border, they confirmed that in some sectors that's the practice. They set the threshold because they didn't have enough prosecutors, they didn't have enough judges, and they didn't have enough prison beds to prosecute all the drug smugglers that they're picking up across the border, let alone 11,000 a night on average, a lot of them some might say just illegal aliens, just people coming into the United States committing the crime of unlawful entry into the United States.

But among them are drug smugglers. And among the drug smugglers are violent criminals of other stripes. Part of that goes with the package. But to think that they could come into the United States illegally with a load of 235 pounds of marijuana and weigh it up and put it underneath the bed of the pickup and think, Well, fine, I'm not going to go to prison for this. If they catch me, they will just impound the pickup, which likely is stolen anyway, and impound the marijuana, which I saw warehouses full. And I say "warehouses." More than the size of garages, not the size of something you would see down at Boeing, to put it correct. So, vast amounts. More than a semi

load of marijuana that had been confiscated altogether in one particular warehousing location. There are others.

But to think that we're not prosecuting with the full vigor of the law with someone who's coming through with a load of marijuana that is 200, 300, 499 pounds of marijuana. That's the America that we have on the southern border. And the people that don't live there and go like I do down to visit and get informed just accept the idea that their America is the same America in, let's say, South Dakota or northern Iowa as it happens to be on the southern border. And it's not true. It is a war zone there.

We have seen the numbers of the casualties and the drug wars in Mexico mount. And I remember sitting in Mexico City with some of the members of the cabinet and some of the members of the Mexican Congress who would tell me kind of off on the side that they had 2,000 federal officers, agents, troops that were killed in the drug wars trying to bring order and trying to bring the drug cartels underneath the enforcement of law, to break them up. This would be 3 to 4 years ago. They would say, we have lost 2,000 Federal officers. Now what numbers do we hear? Twenty-eight thousand. Twenty-eight thousand, mostly civilian, but not all civilian casualties, in the drug wars in Mexico. Twenty-eight thousand. Can you imagine the carnage? That's the size of one of the larger cities in my State, the number of like 28,000.

So here we are with Border Patrol officers, sending the National Guard down there. Thankfully, there are some Guard troops that are showing up. It does help. Every pair of boots on the ground helps and every bit of equipment we can put down there helps, and every bit of barrier that we build on the border helps. And I do want to build a fence, a wall and a fence. And I don't suggest that we build 2,000 miles right away next week, finish it by the end of next year. We could do that. We're a great Nation. We could do that without breaking a sweat if we had the will.

But I do suggest that we build a fence, a wall and a fence where they are crossing it, where they have a path beat down, and just keep extending the fence, the wall and the fence, until such time as they stop going around the end. If it takes 2,000 miles of fence, wall and fence, then so be it. If we can do it with a hundred miles or 200 miles, so be that.

But let's have enforcement of our border. Let's take our Nation back. Let's take our national parks and our national monuments back like Organ Pipe Cactus National Monument. Put that back in the hands of the American people.

The America that I envision is the America that I grew up in that said

you can walk anywhere in America, pick up a newspaper and read it in English, and you don't have to carry a gun. You can't do that everywhere in America today. The law enforcement is not such—the rule of law is not so established that you can go anywhere in America in that way and safely think that you can travel. You can't go to Organ Pipe Cactus down along the border, you can't take the jet ski on the lake in Texas. The Mexicans are controlling too much of that. And the retribution/restitution is almost nonexistent.

And so I would add also that there's another factor that I didn't hear the gentleman from Indiana mention and that's the factor called the spotters' locations on top of the mountains, primarily in Arizona. And as I traveled down there, I began to learn about these spotters' location from some of our law enforcement officers. And that would include the Shadow Wolves down at the Tihono O'odham Reservation. Shadow Wolves are one of the unique aspects of our border enforcement. They are the Native Americans that serve together and train down there and enforce the law on the reservation and on that area that spans the border. Actually, Tihono O'odham is on both sides, in Mexico to some degree. Most of it is in the United States.

And as I reviewed the border with them, they began to tell me, There's a spotter up on that mountain. He's watching us now. And I would look up there and of course I couldn't see him. I didn't know where to look, and he was too far away and I didn't have the glasses. And then we'd travel on down another few miles and they'd say, There's a spotter on that mountaintop and he's watching us. And as I began to put this together and traveled along the border and went to the Cabeza Prieta and some of the other locations along the border and talked to our officers, they began to tell me, Well, yes, we know where a lot of these locations are. I had a map there. Well, why don't you just put an X where you know where they are. So he'd put an X here, X there. I had him fill that in.

□ 1510

Along the way, we came up with a map that showed the location of at least 100 mountaintops that are controlled by Mexican drug smugglers who sit up on top of the mountain. They will take the stones that are up there and stack them up like sandbags around a gun emplacement. Well, it is a gun emplacement. It's a high-quality optics observatory location where they spot the travel of our law enforcement officers, primarily Border Patrol, all along the highways. If you go down in any area from Phoenix, going south towards the Mexican border, especially where you see an intersection where there is a highway going north and

south and another one east and west, look up on one of those corners, and you will see a small mountain there in a perfect location to be able to watch the traffic coming from all four directions. You can presume that that mountaintop is manned—it's a lookout mountaintop. It's a spotter mountaintop, and they're using that so they can tell the people who are moving their illegal loads across from Mexico into the United States when our law enforcement is coming up, when they're approaching. It will cause them to divert, to go the other way, to perhaps take a side road—and there aren't many, but it will give them that sense of warning.

Now, for those who might think that I'm catching this secondhand, Mr. Speaker, and for those who might think that this is anecdotal, I can tell you that it's not anecdotal. It's real. I went down and I climbed to the tops of a number of these mountains. I sat in those locations and I observed the traffic. In those locations, with the stones stacked like sandbags on top of one of the smaller mountains, I found a broken piece of some fairly high-quality binoculars, and you could see clothes that had been left there. You can see from those locations that they've been spotting and tipping off as to the law enforcement that's moving along. It's an essential component for them. If they're going to smuggle drugs and if they don't know where law enforcement is, they can't just drive blindly up into Arizona with a truckload of marijuana. They have to know when the coast is clear. Well, these are the "coast is clear" spotter locations. They're on top of the mountains in Arizona. I climbed to several of them, observed it from there, took pictures up there, and saw the pieces of litter that were laying around. You can see the patterns and the habits, and you can get a pretty good idea of what their diet is and what they're doing up there.

Then we got in a Blackhawk and flew to the top of other locations—spotter lookout mountains—and we settled down close to that. We brought in law enforcement officers from the ground. With the headphones on and listening to the scanner, you can hear the scrambler of the frequency that they're using when they communicate with each other. It's high-quality optics and high-quality communications equipment with scramblers and descramblers. You could hear, flying from mountaintop to mountaintop, the intensity of the chatter go up and up and up in the earphones when we were tuned in to the frequency that they were using. It's that chipmunk language that has been scrambled into something that's completely unintelligible even though it was coming in, and, you know, it was Spanish that was scrambled, and it got descrambled at the other end.

What I could hear was the intensity of that chatter going up and up and up.

About a minute from the time we arrived at the next lookout mountaintop, the spotter mountaintop, that frequency and that transmission would immediately stop and be hushed. We would get to the mountaintop in about a minute, and the location that had been manned just moments before, just minutes before, was empty. It was empty every time because they came down off the mountain and went out into the desert and hid. So, when they get out into the desert and get away from that location and hide, they don't have to get very far away, a half a mile or so, and you can't identify them as being the people who were sitting on top of the mountain. Plus, we don't have a law against sitting on top of a mountain in Arizona, so it's hard to prosecute. It's hard to bring them to justice, but they exist.

These are paramilitary locations. These are strategic locations. These are people who are armed with high-quality optics and with their high-quality communications devices, and they're set up to smuggle drugs into the United States. So far, we have not been very successful in snapping those spotters off of those mountaintops and taking that tool away from the drug smugglers. That's another piece that, I think, Mr. BURTON is well aware of, and I add to the dialogue that he delivered here.

What do we see instead?

Instead of the administration using the resources that are at its disposal to go down and enforce the law in places like Arizona, Texas, New Mexico, and California, it's using resources to sue the State of Arizona. I've read through that complaint, and it's a bit astonishing to me to think that the Department of Justice could contrive such an argument, and even though it didn't mirror the ACLU's lawsuit and MALDEF's lawsuit and—let me see—the American Muslim Society's lawsuit, I thought it would. Instead, they wrote up a whole new legal theory. This is the Holder Justice Department.

Eric Holder essentially admitted that the President had ordered him to sue Arizona over their immigration law, and 5 minutes later, under oath, he admitted that he had not read the bill. So here we have the Attorney General bringing a lawsuit against the State of Arizona—determined to give the lawsuit—who came before the Judiciary Committee. Under oath, he testified that he hadn't read the bill. He conceded under oath that the President had ordered him to sue Arizona.

It was clear from listening to the President that the President hadn't read Arizona's law, S.B. 1070. So it's clear, as was concluded under oath and not denied, obviously, by the Attorney General of the United States, that the President ordered Eric Holder to sue Arizona. The President hadn't read the bill. Eric Holder hadn't read the bill,

and they were determined to go forward anyway, so we made the commitment. I think that was actually announced by the Secretary of State when she was in South America—perhaps in Ecuador, if I remember right, maybe in Colombia.

It's interesting to read the complaint and think, What did they have to sue about? You know, it's like throwing a tantrum, and then somebody asks, What are you mad about? Well, let me see. I'll have to come up with something. I'm sure I'm mad about something. What could it be? Well, let me think. I guess I can't be mad about this whole list—that is obvious—but I'll make up a new reason to be mad. This is a new reason to sue, and here is what it is:

They argued in their complaint, the Department of Justice's complaint in their file against Arizona, that Congress had entrusted the various agencies in the executive branch of government with establishing and maintaining a "careful balance," a careful balance between the various immigration laws that this country has. A careful balance. Huh.

Well, Congress did no such thing. There is no record of Congress passing legislation and saying, Keep a careful balance, Mr. President, between the various immigration laws so that the Department of Justice thinks this is all right and so that the Department of Homeland Security thinks this is all right, as well as the State Department. Surely, don't enforce an immigration law that might cause the diplomatic arm of the State Department any heartburn with President Calderon.

That's their argument, that they may not enforce obvious immigration laws because it might upset our neighbors in one direction or another. This is an astonishing legal position to argue, that they have been entrusted with establishing a "careful balance," then maintaining that careful balance and, therefore, because Arizona is compelled to defend themselves, that somehow that careful balance has been upset by Arizona helping to enforce the laws that have been passed by the United States of America here in this Congress, on this floor, where we gave no direction—no direction—to the executive branch to have the discretion to enforce some laws and not others. There is no discussion. There is no history. There is no Congressional Record in here, let alone in the statutes, themselves, that declares a "careful balance" standard. That standard never existed. It was created by the imaginations of the lawyers in the Department of Justice, and now we've got to go all the way to the Supreme Court to fix a problem created and motivated by a political decision to sue Arizona, a decision which came directly out of the White House to order, exactly, Eric Holder to file that lawsuit.

That, Mr. Speaker, is what I think of what's going on here with the immigration situation, and it's just a bit of a sequel to the gentleman from Indiana's statements on immigration, Mr. BURTON. I want to make sure that I support that initiative that he took here tonight.

From my standpoint, we've got to stop the bleeding at the border. We've got to reestablish the rule of law. We've got to raise the expectation that the law will be enforced in all of its aspects. We need to do a careful inventory of all of the resources that we're deploying, especially on the southern border, and make sure, when a Border Patrol officer puts his life on the line and pulls over a stray truck that has got more than a ton of marijuana in it, that that Border Patrol officer never has to get on the phone and plead with a county prosecutor to pick up the open-and-shut case and prosecute it. If not, we don't have the Federal prosecutors enough to prosecute and incarcerate someone who is smuggling a ton or so of marijuana into the United States of America.

□ 1520

We must take a look at the deployment of our resources. If our border patrol officers are an adequate number, that means we also have to have an adequate number of prosecutors, judges, and prison beds so that we can enforce the law so that there's an expectation that this Nation has as one of its essential pillars of American exceptionalism the rule of law, and we must stand for it. We cannot and I will not stand for its erosion any longer, Mr. Speaker.

But I came here tonight to talk about a number of other things as well, aside from the immigration issue. It was Mr. BURTON that got me wound up as I listened to him talk. So I want to go back, and without a very smooth segue, I would like to just take us back, Mr. Speaker, to the election results of a couple of weeks ago and the message that was sent by the American people and reflect a little bit about my experience here and what I've seen happen politically and that works out this way.

As I came here, I came here in the majority and we had the votes to pass legislation that was reasonable that the American people could accept, and we did so. As I engaged in the debate here and I watched as the level of intensity of that debate diminished from our side and the level of rebuttal increased from over on this side of the aisle, on the Democrat side of the aisle, I don't know that I realized that at the time—I could feel it here internally but I don't know that I realized it clearly enough at the time but there was a shift going on in the minds of the American people. I thought we were doing the right thing for the most part

in 2003, 2004, 2005, and 2006, but we weren't articulating this to the American people in a way that was as useful and accurate as it should have been.

The best example of that, and I say this example because of my great respect for the men and women who wear the uniform of the United States and put their lives on the line on a regular basis, that selfless and noble commitment. What I saw happening in the State of Iowa in 2003 was when we had Democrat Presidential candidates coming into Iowa on a regular basis, moving through the State stopping over and over again.

And as I listened to this dialogue and I remember the date, it was October 5, 2003, and I'm watching the news and listening to the debate of the Presidential candidates, and I opened up *The Des Moines Register* newspaper. Inside page 3, headline at the top of the page, Candidate Howard Dean Repeatedly calls President Bush a Liar. And I was appalled. I thought, how can anyone call the President of the United States a liar? How can this be in this article? What must the President have said?

So I read that article, October 5, 2003, and looking for the statement that would be identified that would make our Commander in Chief a liar, and I read the article and I missed it apparently and I went back and read it a second time for the language that would be in this article that would confirm the truth of the headline that our President, our Commander in Chief, was a liar.

It wasn't there, Mr. Speaker. There wasn't an allegation in the article about what the President had said. It was just a story about Howard Dean calling George Bush a liar, repeatedly calling George Bush a liar. Well, it turned out it was about 16 words in the State of the Union address that had taken place just a few months, 6 months or so before that when the President of the United States said, We recently learned from the British that the Iraqis were seeking uranium in the continent of Africa. That's the 16 words, roughly speaking, in general delivery here that was the objection that was delivered by Howard Dean.

Well, it turns out the statement was unequivocally true, and I actually have the evidence of that in the brief case that I carry with me wherever I go. But it wasn't so much the point of that because I remember when Charlton Heston ran commercials during the Presidential elections of 1996, when he looked into the camera and he said, Mr. President—and he was speaking of President Clinton—Mr. President, when what you say is wrong and you don't know that it's wrong, that's called a mistake. But when what you say is wrong and you know that it is wrong, that's a lie.

Well, I think that's an accurate definition of the difference between a lie

and a mistake. I don't think President Bush made a mistake. What he said in that State of the Union address was spot on accurate, absolutely provable. They disagreed with it because of one Ambassador Joe Wilson, who—I will give him a pass tonight, Mr. Speaker, because the clock is ticking.

However, I turned to my wife, appalled that a Presidential candidate could declare our Commander in Chief to be a liar, and I said, Marilyn, I'm going to Iraq. So a few days later by the 17th of October, 15th to the 17th, I was in Iraq, and I took a look at what was going on there. I traveled through there, did a lot of stops, met with a lot of our officers that were there and enlisted men and women and came back with a different story on what was going on in that country.

But the assault on President Bush and the undermining of his position and our men and women under arms, when I heard people on this side of the aisle say, well, I support the troops but not their mission, Mr. Speaker, that cannot be allowed to stand, to concede a point such as that. My point is, if you support the troops, you support their mission. You cannot ask them to put their lives on the line for Americans if you don't believe in their mission, too. We can't ask them to go on that kind of a mission.

So what we saw happen was the assault, the verbal assault on the operations in a time of war in Iraq, being constantly pounded by the Presidential candidates and by many of the people over on this other side of the aisle in an effort to erode public opinion for the war in Iraq because doing so, in my estimation—and I understand that their motives may well have been pure—in my estimation in their desire to win the Presidency and their desire to win back the majority, their zeal to re-characterize our war in Iraq undermined public support for a mission that's turned out to be, on the balance of it, a pretty good ending considering what we were in the middle of during that period of time.

My point is the President of the United States and the executive branch of government did not bring out a full-throated defense nor did they articulate a reason for being in Iraq in an adequate way. That left the door open so that the criticism that came against the war in Iraq nearly cost what's now considered by many to be a victory in Iraq. Public opinion's got to hold together. It should hold together on facts, and Republicans need to stand together and stand up for truth in principle when we're right. We cannot allow a debate to go the other way just because we think we have the votes. We must stand and win the debate and hold the votes together. That, Mr. Speaker, is an essential principle.

As we go forward and we see these election results, we also need to under-

stand that there will be a time coming into the 112th Congress, gavelled in, sworn in January 5 of 2011, that we'll sit here and we'll think we have the votes, so we just have to wait Democrats out while they have their say.

I want Democrats to have their say. I agree with the incoming Speaker of the House, Mr. BOEHNER, that we need to have sunlight on this place and run this place with the kind of function that allows for—he says open rules. I'd shorten it up a little bit and say a lot more open rules. I don't know that we can do all open rules but more open rules so there's a legitimate debate here. And if Democrats have an idea, bring that amendment, let's debate that amendment, we'll vote them up or down. If Republicans have an idea, also bring your amendment. We'll debate it up or down.

Think of how this process is supposed to work. You get busy and you go to work in the subcommittee and you hold hearings and you gather facts and the staff does the research work, crunches it in a way so that the under oath testimony and the information that's submitted is meaningful and that it can be cataloged and rationalized in a way that we can move forward with a good piece of policy. Once that hearing's need is satisfied, then you can go to a subcommittee and mark the bill up, and there of course you have to accept amendments from each side. Whatever the product is of the subcommittee needs to go to the full committee, and when it goes to the full committee, there needs to be a full committee markup. And there we need to allow for an open and legitimate debate because the process is taking an idea, present it to the hearing. If it can sustain itself in open, public dialogue, then it can actually become the bill that moves through the process, subjected to amendments that are designed to perfect the legislation, on through the full committee and to the floor for the same kind of process.

□ 1530

That's what's envisioned by our Founding Fathers. It was never envisioned that there would be a Speaker of the House that would run this Congress, the House of Representatives, out of her office with her staff and disallow amendments, disallow debate, disallow an opportunity to even vote with a level of clarity so the American people can see what's going on.

So their level of disgust rose up, and 58 Democrats were voted out of office, and there were a number of open seats that increased that number substantially from there.

So I think the message should have been clear. It doesn't seem to be clear. It is clear to me. The American people are filled up with a process that does not reach out to draw the wisdom from the American people through this republican form of government, which is

guaranteed to us in the Constitution of the United States. They're filled up. They've had it with the nationalization, the takeover of the banks; AIG, the insurance company; Fannie Mae and Freddie Mac and all the liabilities that go with that. They are fed up with the takeover of General Motors and Chrysler. Now it looks like, though, the White House is going to concede and sell some General Motors shares off into the marketplace. They will take a little loss, maybe even a big loss. I think that's a good step, and I encourage a lot more of it.

In fact, I'm hopeful that by the time the 112th Congress gavels out roughly 2 years from now that the Federal Government will have divested itself of all of those private sector entities that have been taken over. And I am hopeful that the first act of the 113th Congress, a little more than 2 years from now, will be to finally pass the final version of the repeal of ObamaCare so that that can then go to the desk of the next President of the United States for his signature to finally repeal ObamaCare.

As we sit here in this Congress and we're watching the importance of jobs, the American people said they've had it up to here with debt and deficit. It's about jobs and the economy, and it's about freedom and liberty and being able to order our own lives instead of being ordered within our lives by a nanny state.

And ObamaCare is the flagship of socialism that has been delivered to us over the objections of the American people by the tens of thousands who poured into this city multiple times to peacefully petition the government for redress of grievances. Tens of thousands of people, for the first time that I know of in history, put a ring around this Capitol Building. They held hands and said, Keep your hands off of my health care. It wasn't just one set of people with long arms holding hands, ringing the entire Capitol. They were six or eight deep all the way around the Capitol and clustered in the corners by the thousands who just didn't bother to get in the line. They said, Keep your hands off of our health care; and Speaker PELOSI marched through the middle of all of that with her oversized gavel to come do what she believed needed to be done for the American people who couldn't apparently think for themselves and said, We have to pass the bill to find out what's in it.

Well, ObamaCare that passed could not have passed here in the House even with the strong Democrat majority if it were not for legislative maneuvering in an unparalleled way, including a promise that there would be a reconciliation bill that would circumvent the filibuster in the Senate that would be passed over there and come over here to amend the ObamaCare bill that had yet to be passed.

So if you are going to do that, why can't you amend the bill and make it say what you want it to say, and send it back to the Senate? The reason for that is, Mr. Speaker, the Senate wouldn't pass the bill either because they elected SCOTT BROWN in Massachusetts. They were so appalled at socialized medicine coming to America that the people in the Bay State sent SCOTT BROWN to the Senate to put the brakes on ObamaCare. He put the message out pretty strong and pretty loud, and the people of Massachusetts clearly did.

But the Senate could not have passed the legislation that passed in the House on that day, or any day since. The House could not have passed it either if it weren't for the promise that reconciliation would come from the Senate. And even then, it couldn't pass the House unless there was a fig leaf that was brought up which was by the President to give the pro-life group of Democrats—the Stupak Dozen, it's called—their fig leaf protection, as if an executive order could amend a statute of the United States of America.

So, Mr. Speaker, here is the situation: we have the 2001 and the 2003 tax brackets that need to be extended or we will be seeing a huge tax increase, perhaps the largest tax increase of our lifetimes poised to hit us at midnight December 31 if this lame-duck Congress doesn't act. The negotiations on that are taking place. I do believe that there is more leverage in the Senate on this issue than in the House. If we don't get that resolved, Mr. Speaker, then our job is going to be—the first job, H.R. 1, bill number one—to make those tax brackets permanent so that no one faces anything but a temporary tax increase. And I mean that I would love to see this done in the lame-duck. If it's not done, it must be the first order of business in the new Congress in January. The estate tax, it is a painful thing to think about that kicking in in a diabolical way.

The second thing, let's just presume we get it negotiated, and this Congress in lame duck resolves the issue of the '01 and '03 tax brackets, so we are not faced with a tax increase.

Then, Mr. Speaker, if that's resolved, my sense of this is—and I think I have a vast amount of support, including 173 signatures on a discharge petition—that we must then use as the first order of business the repeal of ObamaCare. H.R. 1, repeal of ObamaCare. The new Congress will pass that in a heartbeat, to pull ObamaCare out by the roots, lock, stock, and barrel, so there is not one vestige of it left behind.

And then we start down the path of shutting off the funding that would be used to implement or enforce ObamaCare. We owe it to the American people. We owe it to the constitutional conservatives that rose up all across

this land and rallied together to fight ObamaCare. That's the biggest reason why you have this vast change. The biggest change in majorities here in 72 years has taken place because ObamaCare was the crown jewel of the agenda that was driven that the American people have rejected. So I'm encouraging that we move forward with that.

I have no appetite for tying together repeal and replace. Those are two separate subjects. We didn't have ObamaCare as a law of the land until late March of this year. We got along fine without it. Having it is worse than having nothing, but we need to win the debate on repeal of ObamaCare, win that debate, and then move down the line with the pieces that we would pass that would improve the health care for the American people that hold together, that hold together the doctor-patient relationship and the free market component and let people have their choices. That's the only way America works.

We are not a dependent Nation. We are not a Nation that can submit to a nanny state or an onerous Federal regulation. We are a proud, free, independent people, totally unsuitable for the European style of socialized democracy. We have freedom. We have vigor. We have rights that come from good God. We are a unique race of people. And the vigor of America's history attests to that, and the destiny of America's future attests to that.

Mr. Speaker, I yield back the balance of my time to the gentleman from Texas (Mr. GOHMERT).

Mr. GOHMERT. I appreciate my friend very much. Stirring words, and accurate at that.

This being a time when we are recessing today through the Thanksgiving holiday, it is that time. We have so much to be thankful for. One of them is that we have a newspaper article—of course we've heard in the last week or so that it looks like the Obama administration was going to put off yet again the trials of the five charged in the 9/11 attacks as planning them. But the article from The New York Times says that the five Guantanamo detainees charged with coordinating the September 11 attacks told a military judge Monday they wanted to confess in full. And that was a move that seemed to challenge the government to put them to death.

At the start of what had been listed as routine proceedings Monday, Judge Henley said he had received a written statement from the five men, dated November 4, saying they plan to stop filing legal motions and to announce our confessions, to plea in full. Khalid Sheikh Mohammed said, "We don't want to waste our time with motions." You had one of the detainees, Ramzi bin al-Shibh, tell the judge, "We the brothers, all of us, would like to submit our confession." Mr. bin al-Shibh

is charged with being the primary contact between the operation's organizers and the September 11 hijackers.

□ 1540

In one outburst, Mr. Bin al Scheib said he wanted to congratulate Osama bin Laden, adding, "We ask him to attack the American enemy with all his power." So that's the good news. They're going to plead guilty. We can be delighted with that.

The tragic thing was that was their announcement, according to the New York Times, back in December of 2008. December of 2008. But no, this administration wanted to play games with this country's safety and with justice. And so now, 2 years later, they're going to put it off for another couple of years, wait till after the next election so that he doesn't have to deal with it. These guys were ready for justice. They were ready to plead guilty until this administration played games. And even in the pleading that was declassified, written apparently by Khalid Sheikh Mohammed on behalf of all five, they have quotes in here like: We fight you with Almighty God. So if our act of jihad and our fighting with you cause fear and terror, then many thanks to God, because it is Him that has thrown fear into your hearts, which resulted in your infidelity, paganism, and your statement that God had a son, and your trinity beliefs.

Another statement he makes is: We will make all of our materials available to defend and deter and egress you and the filthy Jews from our countries. God has ordered us to spend for jihad and his cause. This is evident in many Koranic verses.

He also says: We fight you and destroy you and terrorize you. The jihad is God's cause and a great duty in our religion. So we ask from God to accept our contributions to the great attack, the great attack on America, and to place our 19 martyred brethren among the highest peaks in paradise.

So, you know, they filed that, but this administration wants to play games with these guys who were ready to plead guilty, filed no more motions until this administration offered them a big show trial. So, we have a lot to be thankful for in that regard. They're in prison, where they should be. And justice should have already come swiftly, but at least they're behind bars.

Well, I want to finish the time the gentleman has yielded to me.

William J. Federer does such a great job of putting together much of American histories and proclamations and prayers and really a great job of our godly heritage, just like David Barton does. This book, "Prayers & Presidents—Inspiring Faith from Leaders of the Past," among so many other things, has proclamations of Thanksgiving, and I thought it would be appropriate—though this will not be the

last hour of today—today is the last hour before Thanksgiving, just so people know, Mr. Speaker, that this is our heritage.

This President says we're not a Christian Nation. I will not debate that with him. But the Presidents of the past, before this President, knew that it was. Perhaps it's not now.

George Washington, October 3, 1789, these are Washington's words:

"Where it is the duty of all nations to acknowledge the providence of Almighty God, to obey His will, to be grateful for His benefits and humbly implore His protection and favor, we may then unite in most humbly offering our prayers and supplications to the great Lord and ruler of nations, and beseech Him to pardon our national and other transgressions, to enable us all to render our national government a blessing to all the people, to promote the knowledge and practice of true religion and virtue."

James Madison, who's given so much credit for writing the Constitution. You would think the guy would know what was constitutional and what wasn't. March 4, 1815:

"No people ought to feel greater obligation to celebrate the goodness of the great disposer of events and of the destiny of nations than the people of the United States. To the same Divine Author of every good and perfect gift, we are indebted for all those privileges and advantages, religious as well as civil, which are so richly enjoyed in this favored land. I now recommend a day on which the people of every religious denomination may, in their solemn assemblies, unite their hearts and their voices in a freewill offering to their Heavenly Benefactor of their homage of thanksgiving and their songs of praise."

Now, we have these for virtually every year, every President, so I'm being very selective here because time is so short.

Abraham Lincoln, July 15, 1863:

"It is meet and right to recognize and confess the presence of the Almighty Father and the power of His hand equally in these triumphs and these sorrows."

"I invite the people of the United States to assemble on that occasion in their customary places of worship, in the forms approved by their consciences, render the homage due to the Divine Majesty for the wonderful things He has done in the Nation's behalf, and invoke the influence of His Holy Spirit to subdue the anger which has produced and long sustained a needless and cruel rebellion."

Andrew Johnson, 1865, October 28:

"Whereas, it has pleased Almighty God during the year which is now coming to an end, to relieve our beloved country from the fearful scourge of civil war and to permit us to secure the blessings of peace, unity, and harmony

with great enlargement of civil liberty; and, whereas, our Heavenly Father has also, during the year, graciously averted from us the calamities of foreign war, pestilence, and famine, while our granaries are full of the fruits of an abundant season; and, whereas, righteousness exalteth a nation while sin is a reproach to any people, I recommend to the people thereof that they do set apart and observe the first Thursday of December next as a day of national thanksgiving to the Creator of the universe for these great deliverances and blessings."

Ulysses S. Grant, October 5, 1865:

"It becomes a people thus favored to making acknowledgement to the Supreme Author from whom such blessings flow of their gratitude and their dependence, to render praise and thanksgiving for the same, and devoutly to implore a continuance of God's mercy."

"I, Ulysses S. Grant, the President of the United States, do recommend that Thursday, the 18th day of November next, be observed as a day of thanksgiving and of praise and of prayer to Almighty God, the creator and the ruler of the universe. And I do further recommend to all the people of the United States to assemble on that day in their accustomed places of public worship and to unite in the homage and praise due to the bountiful Father of All Mercies and in fervent prayer for the continuance of the manifold blessings He has vouchsafed to us as a people."

Rutherford B. Hayes, October of 1877:

"The completed circle of summer and winter, seed time and harvest has brought to us the accustomed season at which a religious people celebrate with praise and thanksgiving the enduring mercy of Almighty God. Let us, with one spirit and with one voice, lift up praise and thanksgiving to God for His manifold goodness to our land, His manifest care for our Nation. I earnestly recommend that, withdrawing themselves from secular cares and labors, the people of the United States do meet together on that day in their respective places of worship, there to give thanks and praise to Almighty God for His mercies to devoutly beseech their continuance."

And parenthetically here, in the midst of these Presidential proclamations, were it not for the teachings of Jesus and the fact that this Nation is based on biblical principle, you would not have a Nation in which people, whether Muslim or any religion, would be able to so freely worship. But it's because of that caring that we're able to do that here, because, as we know, in so many nations that are non-Christian, including Muslim nations, they don't have a lot of sympathy for those who practice Christianity.

Chester A. Arthur, November 4, 1881:

"It has long been the pious custom of our people, with the closing of the

year, to look back upon the blessings brought to them in the changing course of the seasons and to return solemn thanks to the all-giving source from whom they flow. The countless benefits which have showered upon us during the past 12-month call for our fervent gratitude and make it fitting that we should rejoice with thankfulness that the Lord, in His infinite mercy, has most signally favored our country and our people."

There are just so many wonderful tributes before Thanksgiving.

Let me go to one from Benjamin Harrison, November of 1891—and these are just partial. Most of them are not the entire proclamation:

"It is a very glad incident of the marvelous prosperity which has crowned the year now drawing to a close that its helpful and reassuring touch has been felt by all our people.

□ 1550

"It has been as wide as our country and so special that every home has felt its comforting influence.

"It is too great to be the work of man's power and too particular to be the device of his mind. To God, the beneficent and the all-wise, who makes the labors of men to be fruitful, redeems their losses by His grace, and the measure of whose giving is as much beyond the thoughts of man as it is beyond his deserts, the praise and gratitude of the people of this favored Nation are justly due."

So many great proclamations.

Over to William McKinley, 1897:

"In remembrance of God's goodness to us during the past year, which has been so abundant," and then he quotes from Scripture, "let us offer unto him our thanksgiving and pay our vows unto the most high. Under His watchful providence, industry has prospered, the conditions of labor have been improved, the rewards of the husbandman have been increased and the comforts of our home multiplied. His mighty hand has preserved peace and protected the Nation. Respect for law and order has been strengthened, love of free institutions cherished, and all sections of our beloved country brought into closer bonds of fraternal regard and generous cooperation

"For these great benefits, it is our duty to praise the Lord in a spirit of humility and gratitude and to offer up to Him our most earnest supplications that we may acknowledge our obligation as a people to Him who has so graciously granted us the blessings of free government and material prosperity."

Theodore Roosevelt, October of 1903:

"The season is at hand when, according to the custom of our people, it falls upon the President to appoint a day of praise and thanksgiving to God. During the last year, the Lord has dealt bountifully with us, giving us peace at home and abroad, and the chance for our citi-

zens to work for their welfare unhindered by war, famine, and plague. Therefore, in thanking God for the mercies extended to us in the past, we beseech Him that he may not withhold them in the future."

William Howard Taft, the only President to have also been elected to Congress and to have been on the Supreme Court, actually as Chief Justice:

"A God-fearing Nation like ours owes it to its inborn and sincere sense of the moral duty to testify its devout gratitude to the All-Giver for the countless benefits it has enjoyed. For many years, it has been customary at the close of the year for the national executive to call upon his fellow countrymen to offer praise and thanks to God for the manifold blessings vouchsafed to them."

Woodrow Wilson says, in part, 1913:

"The season is at hand in which it has long been our respected custom as a people to turn in praise and thanksgiving to Almighty God for His manifold mercies and blessings to us as a Nation. The year that has just passed has been marked in a peculiar degree by manifestations of His gracious and beneficent providence."

John F. Kennedy, October of 1961:

"The Pilgrims, after a year of hardship and peril, humbly and reverently set aside a special day upon which to give thanks to God. I ask the head of each family to recount to his children the story of the first New England Thanksgiving, thus to impress upon future generations the heritage of this Nation born in toil, in danger, in purpose, and in the conviction that right and justice and freedom can, through man's efforts, persevere and come to fruition with the blessing of God."

Mr. KING of Iowa. I thank the gentleman from Texas for his presentation here and setting the tone right for Thanksgiving as we are departing this city and going back to spend time with our families again. We are a grateful Nation, and I know that we will have a lot to be thankful for in the King household, as does America have a lot to be thankful for.

Mr. Speaker, I appreciate your attention, being recognized, and all of our service here to the American people.

PROGRESSIVE CAUCUS

The SPEAKER pro tempore (Mr. POLIS). Under the Speaker's announced policy of January 6, 2009, the gentleman from Minnesota (Mr. ELLISON) is recognized for 60 minutes as the designee of the majority leader.

Mr. ELLISON. Mr. Speaker, my name is KEITH ELLISON, and I am proud to come before the House today to address you and the American people regarding our Nation and regarding the state of affairs facing our people. This is an hour I claim on behalf of the Progressive Caucus.

The Congressional Progressive Caucus is that group of Members of Congress who believe that, yes, it's true, we all must be included in the great American Dream. The Progressive Caucus is that group of Congresspeople who believe that peace and diplomacy and development are far, far away preferable to war and fighting and strife.

The Progressive Caucus, we are the ones who say, yes, we should have child nutrition; yes, we should have food stamps for people in need; yes, we should have real commitments to small business and small farmers, not big business and the farming agricultural industry.

The Progressive Caucus is that body of Members in this Congress who come together around peace, around economic justice, around the issue of civil rights. We are the ones who say Don't Ask, Don't Tell must be repealed. We are the ones who say, as a Congress, that the American people are one people and need to be included in this great American Dream; that the arms of America are broad enough for all of us. This is what the Progressive Caucus is. This is what we believe.

We are not the ones who say that some Americans are not okay based on who they love or what their religion is; and we are not the ones who say that economic prosperity should only be for the wealthiest among us; and we are not the ones who urge war. We are the ones who urge peace. We are the ones who urge economic justice. We are the ones who believe that the poor must be within our thoughts, particularly at this time of year.

We are the ones who argue that we must extend unemployment insurance benefits, which, sadly, went down on the floor of this House earlier today. This is the Progressive Caucus, and this hour we claim on behalf of the Progressive Caucus to talk to Americans about the importance of having a progressive vision for America. Even in this time after the elections were so difficult for so many, the fact is that we remain vigilant. We remain on the job projecting a progressive vision for this great Nation.

And this hour we speak on behalf of the Progressive Caucus, and this is the progressive message, three progressive messages today for everybody, three messages we want to hit.

The first message is the unemployment extension. I want to talk about that. The other one is the Bush tax cuts extension. And the third point is the absolute deluge of dirty money which totally swept through this last election cycle, corrupted our politics, all to the tune of about \$75 million, some of it from sources no one knows where they came from, and the absolute urgent need for transparency and to get corporate money out of American politics. Those are my three topics tonight.

Let me start by talking about unemployment benefits. Today, we had a vote to extend unemployment benefits which will expire at the end of this month, in November. This comes at a time when Americans are looking forward to what their Thanksgiving dinner is going to be like. This comes at a time when many Americans are looking at Christmas, Hanukkah, holidays, time to be together. But 2 million Americans, if we don't find a way to somehow get unemployment insurance benefits extended, which again failed on the House floor today because of Republican opposition, will have a very grim holiday.

□ 1600

This is a national shame. This is a travesty. This is something that is too, too bad.

Today on the House floor, unemployment extension benefits were up on the House floor, and we had to pass them by two-thirds vote because they were on the suspension calendar. It's necessary to put things on the suspension calendar because if we go through regular order, we can bet that there will be a Republican motion to recommit which will cause all kinds of damage and mischief. So the unemployment insurance extension was put up that is expiring in a few days. And you would think that something like extending unemployment benefits would be very easy because we have 9.6 percent unemployment, so many people are facing no opportunity to have any income if these benefits are allowed to expire at the end of this month, of course compassionate Congress would step right up. You wonder why we wouldn't get 100 percent of all these Members to vote for extension of unemployment benefits. But 150 of our colleagues on the Republican side voted "no" to extension of unemployment insurance benefits, and because of that, we didn't pass it.

So now many of us who stay up at night worrying about what Americans are going to do, put food on the table for their families, have some more nights to worry, because the truth is we are not able to pass the extension of unemployment on the House floor. An overwhelming number of Democrats voted for it, and even some Republicans voted for it, to their credit. But we didn't get enough of that caucus, and so we ended up seeing that bill fail.

Obviously, the unemployment extension is hitting snags in the Senate. But if we could have passed it here, it would send a very important signal to the Senate that they must take up this measure, they must pass it through for the sake of the people, of the Americans, 2 million of them, who are seeing unemployment benefits expire even by the end of this year.

I want those Americans to know, nearly 2 million Americans to know

that there are people in this House of Representatives who care desperately about them and their children. We put the measure on the floor and voted for it, needed two-thirds vote, couldn't get the support of our colleagues, and it didn't go. And sadly, I want to say that I hope those 150 Members who voted "no" think about you in the weeks to come. It is difficult, it is desperate, and I think that Americans, Mr. Speaker, need to raise their voices and look at the vote count to see who voted with them and who didn't.

Nearly 2 million Americans will lose unemployment benefits by the end of the holidays if Congress doesn't find a way to act. At this point, we may well have to act even if under a good, best case scenario after the extension of the benefits, after the benefits lapse. We have done it before. We may need to do it again. But the fact is that that is the situation.

According to the Department of Labor, 1.98 million workers, that is nearly 2 million workers, nationwide will lose benefits by the first of this year, January 1. By the end of February 2011, in only a few months, over 4.4 million workers will lose benefits.

Now it has devastating effects for individual families, no doubt about it, mom, dad, perhaps both, perhaps single-parent families not having any unemployment, in this tough economy not able to find a job. But it also has a devastating effect for our whole economy, because when people have unemployment insurance benefits to go buy groceries and pay rent, they can pay their landlord, they can pay the grocery store. And if you can pay the grocery store, then the grocery store has made a sale. And if the grocery store has made a sale of groceries, then they can keep those folks who work for the grocery store. And if the folks who work for the grocery store can keep their job, then they can buy some groceries. And if those folks can buy some groceries, then other people can. And maybe they can pay their rent, and maybe that will mean that the landlords who perhaps rent to them will be able to maintain their building and be able to pay the utilities associated with running that apartment building that they might live in.

But if they can't, then the person doesn't get their unemployment benefits, they're not shopping as much, their shopping goes down, then the people who work there lose their jobs, then they can't pay their rent, now the landlord is not getting their rents in, now the landlord is looking at the building going into foreclosure because they can't even keep the mortgage up on that.

Now let's talk about housing. Let's talk about we have seen about 2.8 million foreclosures in 2009, about a similar number this year, on pace for that if not more. Those people who are

counting on that unemployment check are counting on using that money to pay that mortgage. More foreclosures. This was incredibly irresponsible to not pass unemployment insurance benefits.

Mr. Speaker, I hope that Americans saw what happened today and demand that Congress pass unemployment insurance benefits. Unemployment insurance benefits is good economics. It will cost our country more than it would have to spend to extend these benefits. It will cost our country more in terms of lost jobs, lost revenue to State, local, and Federal Government because of people who are not working anymore who now may become an expense. It will cost more money. It is incredibly shortsighted. It's bad economics. And when it comes to the individual effect on the family, it's just heartless. I have sympathy for people that heartless. I think you should be more compassionate than that, Mr. Speaker.

February 2011. We're halfway through November, we have December, then we have January. February 2011, 4.4 million workers will lose their unemployment benefits with devastating effect to their family and our entire economy.

Economists agree that ending emergency unemployment insurance benefits programs now hurts the economy. Even economists say it. This is not simply Keith Ellison on the House floor saying this. Economists who study this stuff every day say, do you know what? The effect of ending these programs is going to hurt our recovery and hurt our economy. The Department of Labor analysis by Wayne Vroman, who is an economist, well trained economist, found that unemployment insurance benefits boost economic activity by \$2 for every dollar spent in 2009. So if we do extend unemployment insurance benefits in the year 2009, that would mean that there would be \$2 in economic activity. Now that's a pretty good deal. That is what you call a multiplier effect, which is very beneficial.

Reducing unemployment insurance benefits will reduce our gross domestic product. It will hurt our economy in the same way I just explained a moment ago. For people just tuning in, Mr. Speaker, I just want to say what will happen is that if people don't get the unemployment insurance benefits, they cannot spend, and the local retailers cannot maintain their staff, who then will end up laying people off. This will extend and increase unemployment. It's already 9.96 percent. How much more do the people who voted "no" want it to go?

Goldman Sachs has estimated that if the extension were allowed to expire, it would reduce economic growth by half a percentage point. Now, half a percentage point of economic growth, that just sounds like some statistic. But what that means is fewer refrigerators

bought, fewer cars bought, fewer loaves of bread bought, fewer eggs bought, fewer people hired, fewer people who are going to be able to run the risk to start the small business that they've been thinking about. This means this is a bad thing for our economy. It means real pain to real people. That's what it means to see gross domestic product fall and economic growth slip by half a percentage point.

Another noted economic organization that does economic analysis has estimated that allowing the extensions to expire would reduce gross domestic product by about \$14.1 billion. Again, almost half a percentage point. This is a consensus of people who are economic experts.

Now, let me just tell you this. Some people who voted "no" are operating under a very false belief system. They think that unemployment insurance benefits are somehow living really high and you just got all kinds of money and basically you got so much money you don't even want to look for a job.

□ 1610

Basically, they're saying paying people unemployment insurance benefits, a little help from your fellow Americans when you're in a bind, somehow stifles the incentive to work. Somehow government subsidies—there's never an argument against those companies that get tax breaks to do offshore drilling. They're never something that's a disincentive for people who are well-heeled, high, mighty, and well-to-do. But whenever it comes to us who work really hard, anything the government gives us might make us want to work less. Absurd.

But the average weekly unemployment benefits—about \$303—are barely 70 percent of the poverty line for a family of four and, on average, replace less than 50 percent of a worker's prior earnings. I am going to repeat that because there's numbers in there and I don't want anybody to not get it. The average weekly unemployment insurance benefit—about \$300, a little more than that, about \$303—is barely 70 percent of the poverty line for a family of four. So if you've got mom, dad, and two kids, and you're getting unemployment insurance benefits, you're not making the poverty line by about 30 percent. That's about 70 percent of the poverty line for a family of four and, on average, replaces less than half of the worker's prior earnings.

So people on unemployment insurance are not getting over on anyone. These are people who pay in while they're working. This is a benefit they worked for. This is a benefit all of us come together, all of us put in a pot, and say, you know what, if any one of us loses our job, we're going to use this to help you maintain while you're in that situation. This is a good program. This is something that every industri-

alized, civilized country, unless you're just an impoverished nation, any decent country would do this. And yet here we are saying "no" to these people.

And here's another thing. Some folks will say, Well, you know, if we cut them off, maybe they'll work harder now. Maybe they'll look for a job. They're looking for a job. You can't get unemployment insurance benefits unless you're looking for a job. That's one of the rules of the program. But with every five job seekers for one opening, with five job seekers for every one opening, workers are unemployed because there's simply not enough jobs yet. Even though in the last several months we've been adding private sector jobs, about a millions jobs we've created since the recovery began, there's still not enough jobs.

You see, during the Bush era they just did that much damage to the economy. They lost about 800,000 jobs in the very month that Barack Obama took office as President of the United States. So we're just climbing out of this very deep hole that the Republican Congress and George Bush put us in. But even though jobs are increasing, there's still about five people looking for every one opening for a job. In other words, even if every job opening were filled by an unemployed worker, over 11 million workers would still be looking for a job, because even though we have been doing a good job, the damage is so severe that we've got a long way to go.

Now it's important to understand that even nonpartisan organizations who look at these questions have a lot to tell us about it. The independent Congressional Budget Office—they don't work for the Republicans, don't work for the Democrats. They just work for you, the American people, to try to give us the best information they can. The independent Congressional Budget Office found that research suggests that the effect of recent extensions in unemployment insurance benefits on the duration of unemployment for recipients was rather small, meaning the people don't stay on unemployment long. They use it while they need it, and then they get another job. The duration for unemployment—people just need it to get by. Sometimes it goes longer than expected, particularly in an economy like this where we have so much foreclosure crisis, so many hits to our economy.

But, you know what? People are looking for work. They're trying. They're doing everything they can. They're doing the best that they can. And this government of ours, which represents our people—of, by, and for the people—should be there to extend unemployment benefits on an emergency basis when we have a job crisis like the one we have right now. And it's a shame and a national disgrace

that this Congress could not get two-thirds of the vote of this Congress to pass unemployment insurance benefits; 150 people voted "no." One hundred fifty Members of Congress voted "no." And because they refused to step up to the plate and do what was right for the American people, about 2 million of our fellow Americans by January 1 are going to be going without. They're going to have a very grim set of holidays. And my heart aches for them. But, by February, 4.4 million will be in extremely dire straits.

And so I just want people to know, Mr. Speaker, that the people don't have to take it. They can call, they can write, Mr. Speaker. As you know, we live in a democracy. It's a free and open society and people can let their voices be heard to their government that this kind of behavior in Congress is not okay. Mr. Speaker, they can do that. And if they did, I think it would be a good thing.

Mr. Speaker, Congress has never terminated federally funded jobless benefits when the unemployment rate was as high as it is today. Let me say that again: Congress has never terminated federally funded jobless benefits when the unemployment rate was as high as it is now, 9.6. Since the unemployment insurance system was founded 75 years ago, Mr. Speaker, Congress has never terminated an emergency unemployment program when the unemployment rate was even above 7.5 percent, let alone 9.6 percent. Because it's irresponsible to the individual family and because it's devastating to our economy at large.

Even following the 2001 Bush recession, the Republican-controlled Congress maintained temporary Federal unemployment insurance programs until the unemployment rate went down to 5.8. What is the difference between our Republicans of today and those of even just a few years ago? Maybe some people think, Mr. Speaker, I don't know, maybe they think their political chances are better the more pain poor people have to face.

If the current temporary program would be allowed to expire by the end of November, which it is set for, it would be shorter than temporary programs enacted in numerous years of recessions. This year, if we let this program expire, we would have cut the emergency program shorter than we did in 1990, in 2000, in the 1973 recessions. Why are we so stingy now, Mr. Speaker? I don't know. I don't know. But I bet you if the American people exercise their First Amendment rights, some people would listen, because sometimes politicians can't see the light until they feel the heat.

Unemployment insurance benefits have dramatically decreased poverty, Mr. Speaker. And we're at a time when we have record poverty. But because of unemployment insurance benefits, we

fought back that poverty and provided economic security to millions of middle-income American families. Unemployment insurance benefits kept an estimated 3.3 million Americans out of poverty in 2009. Let me repeat that, Mr. Speaker, because that's another one people really need to be focusing on: unemployment insurance benefits kept an estimated 3.3 million Americans out of poverty in 2009. This is a good thing. And now we're looking at ending the program by the end of this month. That's wrong. Without these benefits, the increase in poverty from 2008 to 2009 would have been nearly 6.9 million rather than 3.6 million. So poverty would have been twice what it was without our acting in the earlier times that we did. Because we acted already, we were able to cut poverty to half the rate that it would have been. But now we're letting it expire.

Now I also want to say almost a million children were kept out of poverty in 2009 because of unemployment insurance benefits. Almost a million children. We're talking about little ones that are trying to go to school, trying to learn, developing brains. And because they were able to get the basic decency from their government in unemployment insurance benefits, they were able to stay out of poverty. But a million children, a million little ones going into winter, going into the cold months, going into the holidays are going to have to face that poverty because our Congress would not act.

□ 1620

I just want to say that that's wrong. The American children deserve better from their government than they got today on this House floor.

I want to move on to tax cuts, Mr. Speaker, but before I do, I want to repeat some of the more salient points because maybe some folks just got on C-SPAN. I just want to say 2 million Americans stand to lose benefits during the holiday season because Congress failed to extend unemployment insurance benefits—2 million. Mr. Speaker, 2 million Americans stand to lose unemployment insurance benefits this holiday season, and 2 million more could lose them by February 2011. These Americans buy goods and services, stimulating our economy, which keeps people employed, which keeps rents being paid, which keeps mortgages being paid, and which keeps our economy moving toward recovery. Because we're not acting the way we should, we are putting this recovery in jeopardy. Is electoral success so important that you're willing to put 2 million more people into poverty? It's a shame.

Now, Mr. Speaker, I want to juxtapose this question of our refusal to pass unemployment insurance benefits with what seems to be the thing that everybody feels like talking about

around Washington, which is whether or not we are going to extend tax cuts, tax breaks, for the richest Americans. Right now, the debate is:

Shall we extend the Bush tax cuts up to \$250,000, which means that people who make more than that will be able to have their tax breaks extended for the amount below that, or will we just extend them for all, up to the top 2 percent, which would mean extending them for everyone?

If we extended them for everyone, that would cost us an extra \$700 billion. The people who are most adamant and who scream the loudest about deficits, debt, and spending are the first ones who want to make sure that the richest Americans get their tax cuts to the tune of \$700 billion. Mr. Speaker, we don't have the \$700 billion, so where are we going to get the \$700 billion? We're going to borrow it. Our Republican colleagues want us to borrow \$700 billion and give it to the richest Americans. So we wonder, Who are we going to borrow it from? Probably from the Chinese. I don't know. We don't have it.

Also, according to their pledge to America, they want us to cut education by about 20 percent. Is this a recipe for a competitive America? Those people will say, Oh, we want America to be competitive. They say that they want America to compete, so we're going to add to the debt to the tune of \$700 billion. We're going to borrow the money, and we're going to cut education. The richest Americans can—I don't know—buy more boats, stay in more luxury hotels, buy big, fat cigars, and buy bottles of Cristal. I don't know what they do. I'm not one of them. The point of the matter is it's wrong, and we ought to be embarrassed to talk about it.

Now, some of our friends say, Oh, yeah, we've got to give the top 2 percent a tax break, too—they'll say—because it's going to help boost jobs.

Wait a minute. Didn't we have these tax cuts back in 2001 and 2003? Don't we have massive unemployment? Their program has failed. The evidence is on the wall. It's there. Their program has failed. If tax cuts are so great, why did we lose 800,000 jobs in the last month that George Bush was the President of the United States? No. Forgive me. 841,000 jobs. Can't leave out those 41,000 jobs, because there were 41,000 people in those jobs. Why did we lose about 4 million jobs during the last 6 months of the Bush Presidency if cutting taxes were such a great idea and a panacea for everything?

I'm going to say, Mr. Speaker, that cutting taxes is not a bad thing at all. It depends on who you cut them for. Cutting middle-income taxes might actually help people. Cutting taxes for the richest Americans is damaging to this economy and is unfair to the rest of us, and there are a lot of wealthy people who agree with me. Because you

know what? They know that the economic ladder has got to stay in place. You can't live in this great country and make all the money that living here has given you the opportunity to make and then pull that ladder up behind you once you've made it all. It's wrong to do.

You know, we Democrats/Progressives don't have any problem with people coming up with a great idea and marketing it. People like it, so they buy it. They make a lot of money. Okay. That's fine. The question is, once you have used our roads to move your products around, once you have used our public schools to educate your workforce, once you have relied on our military to protect you, once you have used our police force to protect your firms and all your assets and property, once you have used our emergency medical services if, heaven forbid, you get a heart attack from all that work and you need that service, once you use all of these government services, once you drink the water which some government worker has inspected to make sure is safe, once you eat the meat which some government worker has inspected to make sure is safe and you benefit from all of that and then you say, "Oh, I don't want to pay any taxes. I don't want to pay any taxes. I want to keep it all just for me," there is a word for that—and it is "greed." There is no other word for it. I shudder when greed has been elevated to a political philosophy.

We're not talking about a complete government takeover, which some people are so happy to try to accuse us of. We're talking about a mixed economy where the public and the private sectors are in reasonable balance. That's all we're talking about. We cannot borrow \$700 billion, give it to the richest 2 percent of Americans and then cut our educational system and say that we are that balanced, reasonable, mixed public-private sector economy. We can't do it.

So I say that this middle-income tax cut—again, if you do make lots of money, if you are the top 2 percent, your tax cut will be extended from zero to \$250,000. That's the thing. Everybody is going to still have an extension, but you won't get it if you're above that. So that's what we mean by a middle class or a middle-income tax cut. It's very important to understand this. This is not something that's against the rich folks. Hey, look. You know, there are a lot of good rich people. The fact is many of them understand that the ladder of opportunity must be there for everybody else, but there are some who figure, I've got money. Skip you.

That's wrong. We need people who understand that this great country has allowed them to make the money that they made and that the ladder of opportunity needs to stay where it is.

I was talking to one fellow who said, Oh, we should have a tax cut for everybody, not just for the 98 percent and down. We well-to-do people do so much for the economy.

I said, Well, wait a minute. Didn't the rest of us do so much for you? Didn't you brag to me about how you went to college on the GI Bill? Who did that for you? That was the public. That was the American people. Didn't you go to State University of "Whatever"? Didn't you tell me you were a member of the State patrol for a while before you went into your business?

This is a real conversation I had with somebody who benefited so much from the public but then didn't want to hand anything back.

Right now, I'm joined by one of my very favorite Members of Congress, the Congressman from the great State of California.

Congressman, what do you say tonight?

Mr. GARAMENDI. Well, Mr. ELLISON, I was in my office. Of course this floor is constantly on the TV screen, so I looked up, and I said, Hey, there's my man. There's the guy who is from the great upper Midwest, who has seen the incredible downturn of the American economy. I know that you've worked hard for your district to try to bring in those jobs and to try to create the legislation that would bring the jobs into that district. As you were talking, I said, I'm going to go over and say just a couple of things in support of the message that you're giving today, a message that over the last 2 years has been one of a consistent effort by the Democratic House to stabilize the American economy. We did that with the Wall Street bank bailout, which a lot of people didn't like.

□ 1630

I had problems with it, too. I think those Wall Street barons should have paid a heavy price, but the price that they could not pay and should not pay is the total collapse of the financial industry of the world because we would wind up, mom and pop at home, whether you have a 401(k), which unfortunately became a 201(k), whatever, we did that and it worked.

Then you came right back, the Democrats in this House and the President came back with the American Recovery and Reinvestment Act, 3 million jobs out of that, stabilizing once again the situation where the jobs were in free-fall the last months actually of the Bush administration in 2008, 800,000 jobs lost. But that began to turn around, and so in 2009 we began to see a turnaround, a lessening of the lost jobs. They continued to lose jobs, but nonetheless, each month that went by there was fewer and fewer jobs lost, and then in 2010 we've actually seen the growth of jobs in America once again, not only as a result of those two

pieces of legislation, but dozens and dozens of other bills that I was fortunate enough to work on when I came here just over a year ago in a special election.

It's been hard work. We've not had much help, and this is one of the things that I find so disappointing having come here just a year ago, and on all of those bills, the American Recovery and Reinvestment Act, the stimulus bill, the HIRE act that gave incentives to employers to go hire people, the saving of the American automobile industry. The Republicans voted against these bills.

On unemployment insurance, the Republicans voted against it. I mean it's easy enough I suppose if you have a job not to worry about the uninsured, but if you don't have a job, what are you going to do? How do you keep a roof over your family's head? How do you provide the food? Well, you do it by getting an unemployment insurance check, which, actually—workers in America and employers in America have paid into an insurance program year after year after year and that uninsured program provides the insurance when a person loses their job.

I couldn't believe it today on the floor. We have more than 2 million Americans whose unemployment check is going to run out during these holidays. Between the end of Thanksgiving and New Year's, 2 million Americans will lose their unemployment check. Now, the economy not's running the way we want it to run, and hopefully you and I will have a chance to talk about making it in America, making this economy once again, but today, on this floor, not more than 3 hours ago, we were unable to muster a two-thirds vote to pass an uninsured check extension so that people would have food, shelter, clothing, maybe even a small gift for their children at Christmas-time.

What are we doing here? If we are such—we, not we, the Democrats voted en masse for this, but 143 Republicans, more than the one-third to block, voted against this. We're talking about the ultimate Scrooge. This would make Charles Dickens right up there on top with Scrooge on Christmas, on the holiday season, when we ought to be generous. 143 Republicans this day voted to deny 2 million Americans enough money to buy a gift for their child, to put a holiday meal on the table.

Okay, fine, I understand where they're coming from—no, I don't understand where they're coming from. I don't get it but we need to move forward. We need to move forward. I know you have been talking about that. And we can do it. We can rebuild the American manufacturing industry. It's there for us to do it if we use wise public policy, and I know you have been talking about this, and I'd love to engage in a dialogue with you and see if we can share some thoughts here.

Mr. ELLISON. Well, you know, Congressman, I just want to thank you for joining me down here for the progressive message. It's really always a joy to be with you. I was spending a little bit of time talking about how this denial of the unemployment insurance benefits extension absolutely has a devastating effect to the individual family. It also has a devastating effect to the economy because consumer demand is bolstered by people having some income, even when they're unemployed.

Mr. GARAMENDI. It is a local store. If you have no money, you are not going to do one thing for this economy except be an additional burden to it. And so if you have an unemployment check—and let's keep in mind, that's something that the workers and employers have paid into so that when you lose your job, you have a continuation of income and you use that money to go down and buy some clothing for your kid, stimulate the economy, give the retailer—you buy bread, you buy food, you're able to pay your rent, you're not going to have to face that foreclosure and help drive down the prices of homes in your neighborhood. It's all there. It makes so much sense on the economic level.

But on the human, moral level, about where we are as Americans, it's not the fault of that worker out there that lost his job that he doesn't have a job. Many, many reasons for it. Wall Street, greed on Wall Street, all of those things. We can talk about that later, but it's not that worker's fault. It's not his kid's fault. Can't we just muster enough compassion to give those families an opportunity during this holiday season and on into the new year enough money to stay in their home?

What are they are going to do, go out and live in their car? They can't afford to buy the gas, I guess they can become the homeless. 143 Republicans this day said go homeless, go live in your car, don't worry about the holiday gifts, don't worry about your children because they will have no food, they'll have no place to live. What are they thinking in this House? 143 Republicans said "no." They blocked, 7 days before Thanksgiving, they blocked an opportunity for 2 million American families to have enough money to put a holiday meal on their table, to put shelter over their family.

Mr. ELLISON. Congressman, thank you for pointing those things out. One of things that continues to stay on my mind is how some of the rationale for this "no" position that was taken by so many of our colleagues in the Republican caucus is that with, well, you know, if you give people unemployment insurance benefits, maybe that will dissuade them from looking for a job. Do you have any views on that particular mode of thinking?

Mr. GARAMENDI. Well, apparently those people that say that haven't been looking for a job.

Mr. ELLISON. It's easy to say when it's not you.

Mr. GARAMENDI. It's easy enough to say, but when you're out hunting for a job, you know these are difficult times. And we're going to make efforts to turn that around, and we've talked about that a little already, but the jobs are not there. We need to move this economy forward, and then as we do so, those jobs will come back. And let's understand, this is not a bunch of welfare. A lot of people are against welfare. We understand that, but these are middle class Americans—

Mr. ELLISON. That is right.

Mr. GARAMENDI. Who had a good paying job 2 years ago, a year and a half ago, 6 months ago. These are men and women who over the years have been the backbone of this Nation, middle class America, and yet 143 of our colleagues on the Republican side didn't see it that way. I guess they thought, well, if they don't have any money they will go to work.

I would ask any one of those 143 to leave here today and go out and see if they could find a job, and if I were an employer and somebody had that amount of compassion, I know where I would send them. I'd send them out the door and good-bye.

Mr. ELLISON. Now, Congressman, you're not talking about one of those big lobbyist jobs. You mean a real job that makes you put your back into it, right, that so many Americans have to turn to, to be able to meet their daily needs.

Mr. GARAMENDI. Go out, let's see if you can pay the building—let's see if you can go out and run a backhoe, dig a ditch, or operate a bus or train or whatever. No, no, no, and when they lose their job here, as they should for this vote alone—they should for this vote alone lose their job here—no, they will go down to K Street, and they will get one of those high-powered office building jobs and they'll come back and lobby us and try to tell us what we should do. I will tell them what they should do—they should take a hike right out of this building because they're the super Scrooges of this session.

Mr. ELLISON. Congressman, thank you for making those points.

I just want to see if I can also get your views because as we're talking about denying families basic money right before Thanksgiving, right before New Year's, right before Christmas, right before Hanukkah, right before so many American holidays, we are also really talking about whether we should extend tax cuts to the top 2 percent to the tune of about \$700 billion for us which we don't have and we'll have to borrow. I wonder if you have any thoughts on this.

□ 1640

Mr. GARAMENDI. Well, this is another issue that's going to be before the Congress in the next couple of weeks, and that is, what are we going to do about the 2001, 2003 tax reductions that expire on December 31? Those tax reductions were pushed forward by George W. Bush and the Republicans, who then controlled both this House and the Senate. And they wrote the tax law so that the middle-income got a little bit. It was worthwhile. It was a good reduction. But the real reduction went to those with the big bucks, those who had more than \$250,000, \$500,000, \$1 million, \$1 billion annual incomes. They got the big bucks.

And what happened was, we saw, once again, the widening of the gap between the working men and women of the middle class and the high and the mighty, the top 1 percent of this Nation who now control 70, 80 percent of all the wealth of the Nation. They certainly have the big salaries. And do they need a tax break at the expense of an unemployed worker from a factory in your district, an unemployed worker from a factory or from a school in my district? I don't think so.

Let's talk about what it is. For those making \$1 million a year, the tax cut is worth \$83,000 a year. Now, you tell me how many out there in middle America are making \$83,000 a year. Well, we know that there are 2 million that are unemployed that certainly aren't. But if you took that money, that \$83,000 for all those millionaires, you could create 3 million jobs that would pay \$30,000 a year. Not a great deal, but a living wage for 3 million Americans.

So we've got choices here. We've got choices. You are going to give the wealthy even more, \$83,000 a year—that's just for millionaires. And there are billionaires out there who will make even more out of this tax cut. What are they going to do with it? Well, I guess they could buy a Mercedes-Benz E-Class which does cost about \$82,000. Maybe we would like to think of them with a nice big, fat cigar. They could buy 2,000 of those cigars every year for the next decade, and they could light each one of those cigars with a \$100 bill. Now that's a worthy way to do it. Or would you rather have 3 million Americans earning \$30,000 a year or, in this case, even an unemployment insurance check?

And one of the things, Mr. ELLISON, some days I want to stand up here on the floor and just scream and say, What are you guys thinking? Deficit reduction. Oh, my goodness, we just finished an election. And deficit reduction was on every advertisement. We have got to deal with the deficit. We have got to deal with the deficit. Well, what the Republicans are proposing is a tax break for those who earn more than \$250,000 a year.

Let me back up here. Every American taxpayer, every American taxpayer will receive a tax reduction up to \$250,000. If they are making more than that, the tax break that they have had for the last decade would end.

Now, my Republican colleagues want to extend that tax cut for the wealthy. What it means is an additional \$700 billion of deficit over the next decade, \$700 billion. So you can't talk out of both sides of your mouth here. Either you are a deficit hawk and you vote against a tax cut for the wealthy, or you are a hypocrite and you vote for a tax cut for the wealthy and increase the deficit by \$700 billion.

Mr. ELLISON. Now, Congressman, another thought I wanted to get your views on here, it's been puzzling me. These folks say it with such conviction that they must believe it. They say, Well, if we cut these taxes, this will lead to an economic boom. But that is trouble because, why did we end up in such an economic malaise, because we've had these tax cuts in place since 2001 and 2003; and this decade has been the decade of the slowest economic growth since World War II? So if tax cuts are the answer for everything, why didn't we have great economic growth, and why do we have such an economic recession now since we've had these tax cuts in place?

Mr. GARAMENDI. Well, because tax cuts, particularly at the upper income levels, don't equate to economic growth. You are quite correct, the George W. Bush tax cuts in 2001 and 2003 helped create the extraordinary deficit that we currently have. There were a couple of other things, two wars, Iraq and Afghanistan, that were not paid for by American money but rather by borrowed Chinese money and the tax cuts and the ultimate near collapse of the economy in 2007 and 2008. Those all added to the huge deficit.

But it's also, just as you have pointed out, clear by the employment statistics that following the tax cuts in 2001 and 2003 that the number of people employed actually reduced by nearly 600,000 people over the period of the next 5 years. So, you know, it doesn't equate.

Now, we need to provide the current tax cuts for those in the middle class that are earning less than \$250,000. And, really, for every American earning \$250,000 or less—if they make more, they're going to pay a little more—it's very, very clear that if we continue to provide the tax cuts for the very wealthy, it's not going to create more jobs. For those who need the money, they're going to pay their mortgage, they're going to make that car payment, they're going to buy food, they're going to buy clothing, they're going to invest that tax money into the economy, stimulating the economy. For those that are wealthy, I

guess they will go buy another Mercedes-Benz, which I think is manufactured overseas.

Mr. ELLISON. I think you're right. Congressman, let's now turn to our good friend from the great State of Tennessee. Congratulations on your reelection, my friend. Congressman, we've been talking about economic justice, the denial of the unemployment insurance extension, the Bush tax cuts. What are your thoughts tonight?

Mr. COHEN. Well, I thank you for having this hour and for letting me join you, each of you.

These are the issues that are important to the American people. And I tried to address some of them in 1 minute. You can't discuss them in 1 minute. One of the issues we heard about was the deficit. The deficit was created by the Congress that was begun in the beginning of this century. The Congress in 1994, when President Clinton was President, a Democratic Congress with all Democratic votes passed a balanced budget bill that balanced the budget by the year 2000, and that balanced budget with a surplus was squandered with Bush tax cuts that cost tremendous amounts of money and a trillion-dollar war in Iraq without weapons of mass destruction and without a well-defined purpose and without the truth behind the purpose, I believe, of that war. And then an additional war in Afghanistan that was made the secondary war. This has created the great deficit that we have now, and you've got to correct that through income or through cuts.

What has been recommended by the bipartisan panel the President set up bears looking at as a beginning. It's going to take some tough decisions, but we also need revenue; and the revenue can't be across-the-board extensions for the Bush tax cuts. And to the upper 2 percent, as Mr. GARAMENDI was talking, they don't spend that money. My friends all drive Chryslers, I must make amends; dear Lord get me a Mercedes-Benz. That's an old sixties song. That's what they buy, is a Mercedes-Benz or maybe something from Cartier, which doesn't really stimulate the economy. It might tickle the fancy of somebody, but it doesn't stimulate the economy.

We've got to make some difficult decisions and earmarks aren't the issue. Earmarks don't take away from the deficit. It just means that rather than your Congressperson from your district who knows your needs, it will be somebody in Washington spending that money. The earmarks need to be done in a transparent manner, and this Congress has seen that they are published. The people have to say that they are theirs, they have no financial interest, they don't have a personal stake, and they can't be for a for-profit company.

Earmarks in and of themselves are not bad. They just need to be cleaned

up, and this Congress has cleaned them up. But the fact is, we need to make some difficult decisions. I'm prepared to make those difficult decisions on some long-term economic policies that will help clean up the deficit, which we need to do. I don't agree with much of what was put in the bipartisan proposal that was just recently announced by Mr. Bowles and Mr. Simpson, but it's a starting point; and it should not be summarily dismissed as it was by some from my party. On the other hand, the issue of earmarks is a subterfuge or just an issue to be thrown out there which has nothing to do with the deficit.

□ 1650

It's going to take some tough decisions, and the Department of Defense can't be off the table. Some say, Oh, you can't deal with the Department of Defense. There's a lot of money in the defense budgets that's there because of who manufactures the weapons and not the purpose of the weapons, and there's a lot of waste in the Department of Defense, and we need to look there as well. And we're going to have to make some large cuts, and that's where most of the money is.

So I join with you. I appreciate, Mr. ELLISON, your work. I appreciate Mr. Stein's quoting you in Time Magazine when you cited me as part of your team, and I'm going to be part of your team. And, Mr. GARAMENDI, I appreciate what you've done from California and in your leading these discussions. And I just want to be a part of the ending of this Congress that does some economic justice and that we try to see that economic justice is not forgotten in the 112th.

Mr. ELLISON. Well, I'm going to leave the last word to Congressman GARAMENDI, but I just want to say before we close out, because we are getting close to the end of the hour, this Democratic Caucus is resolute. In this last election, you know, okay, we got our nose bloodied a little bit. But you know what? We are focused on the best benefit and the welfare of the American people. We will not bend. We will not bow. We will stay here talking about Making It In America, talking about jobs, talking about renewable energy, talking about manufacturing, talking about infrastructure, fighting back these unjust economic policies which skew our economy so that we pull up the ladder of economic opportunity. We're not going to allow it.

I'm going to let Congressman GARAMENDI give the last word. And I want to thank you, Congressman COHEN. You are a joy to work with, a pleasure, and your wit, your charm, and your knowledge are always a benefit.

Mr. GARAMENDI. Mr. ELLISON, thank you so very, very much. And I really want to congratulate you on the

success of your reelection. And I know why you were reelected—because you have a heart. You've got a moral center that's focused clearly upon the needs of the men and women in your district who struggle every day to put food on their table, to take care of their children, make sure they have a good upbringing, the clothes, the education, and a roof over their head. I mean, that's really where we ought to be going. That should be our moral compass, and it certainly is yours, and I know it is yours also, Mr. COHEN. Because of that, you're back here.

But there's some real serious issues that divide us here in this Congress. We saw one today—the issue of the unemployment insurance. You know, 143 of our Republican colleagues blocked that payment that would give men and women an opportunity to have enough money to take care of the holidays that are ahead of us, put food on the table, maybe buy a few gifts.

There is another thing that we need to do, and we've been working at that for more than 2 years, in almost every case without any help whatsoever from our Republican colleagues, and that is to get America back to work. The Recovery Act, 3 million jobs, no Republican votes. The HIRE Act, another few couple of hundred thousand jobs, no Republican votes.

Even when it came down to putting teachers in schools, to keep them there—in my own State, 16,600 teachers are in the classroom because we put some more money on the table to help the States and local communities—police and firemen the same, not one Republican vote.

Talk about the deficit forever. Yeah, you can talk about the deficit, but it comes down to a point, are you willing to take action to deal with the deficit, and our Republican colleagues have said a resounding “no” thus far. They want a \$700 billion increase in the deficit to finance a tax break for the wealthiest part of America's society. This is hypocritical. This is wrong.

And it's time for us to go. Mr. ELLISON, thank you so very much. Mr. COHEN, delighted to have the opportunity to talk to you about these fundamental American issues.

Mr. COHEN.

Mr. COHEN. I would just like to make one statement, Mr. ROHRBACHER, if you would permit before.

You know, I think it was Wavy Gravy that said, if you remember the sixties you weren't part of the sixties. Well, when you get into your sixties, sometimes you forget things. It was, I believe, Janis Joplin, and it was: My friends all have Porsches. I must make amends. Lord, won't you buy me a Mercedes-Benz.

MADE IN CHINA

The SPEAKER pro tempore (Mr. HIMES). Under the Speaker's announced

policy of January 6, 2009, the gentleman from California (Mr. ROHRBACHER) is recognized for 60 minutes.

Mr. ROHRBACHER. Mr. Speaker, today I would like to address my colleagues about the greatest threat over the horizon, "Made in China."

Mr. Speaker, while focused on the deadly threat posed to our immediate safety by the forces of radical Islam, many Americans seem oblivious to the storm clouds just over the horizon.

I come to the floor with a grave warning to the American people. We face a threat to our national security with complexity and global scope such as we have never experienced in this Nation's history. This threat is pervasive. It challenges our economic, political, and financial structure, as well as the security of our homeland.

I have come to the floor to plead: We can no longer look at the dynamic shift in power that is taking place and console ourselves with wishful thinking. We must quit fooling ourselves that there are offsetting elements at play, that the glass can be viewed as half full or half empty. It is clear that a powerful adversary is unabashedly out to grab that glass and drain it, consume it at the expense of the American people, and leave Americans of the future in thirst of the prosperity and security which we now take for granted.

And it is not only our children's future at stake. What we do as a people, as was the case of Americans before us, will determine which diametrically opposed system of governance—freedom or tyranny—will shape the world and human events for generations to come.

Today, radical Islam can be, must be, and will be thwarted. Yes, it is a threat that is now upon us. Radical Islamists, however, are not only butchering Christians and Jews, but a multitude of Muslims as well. And yes, forces of modernity within the Muslim world who are themselves threatened with extermination will help us defeat this evil plague of radical Islam.

Today, if we remain vigilant and if we remain engaged, we can be confident of this outcome. Yet, as I say, a greater threat is just over the horizon. I am referring to China, a dragon of immense power and insatiable appetite. This challenge will far outshadow the current battle with radical Islam.

China is already engaged, already manipulating, already doing damage, already making serious moves to catapult itself into a position of pre-eminent power on the Earth. To them, that would simply be moving the center of the Earth back to China where it once was and rightfully should be, from their ethnocentric perception.

Right off, let me assert my intention is not to be a China basher. Surprise, surprise, because I am not a China basher.

China is not the regime that controls that territory, but the people who re-

side there. They are a people with a magnificent history and culture. Today, over 1 billion Chinese men, women, and children survive in abject poverty. They are in servitude to a small clique, a small, heavy-handed clique, a cadre. Yes. You might say a band of cronies which represents only about 2 percent of the Chinese population. That clique is kept in power by the brutality of their hacks and thugs and the deployment of technology which all too often can be traced back to Western benefactors. With modern Western-developed technologies, they have created a high-tech police state that mirrors the imagination of George Orwell in his prescient novel, "1984."

The Chinese regime that holds power in Beijing is a hostile force to the freedom of its own people and a threat to us. The hardworking, long-suffering, yet dignified and proud people of China, they are our allies in waiting. Our sympathy and loyalty should focus on them, the Chinese people. Their greatest hope is our greatest hope, that they will some day demand and win their own freedom and thus shift China into the family of free nations and free people. This should not only be their goal, but our goal as well.

But for now, the aggressively authoritarian and murderous regime in Beijing holds power with an iron fist at home and makes alliances with gangsters and tyrants the world around. The growing power of China is obvious in the confidence and bullishness of its antidemocratic regime, in its leverage as a formidable economic competitor, and its expanding military force.

□ 1700

All of this has been steadily assisted by our own government and by the elite captains of America's finance industry.

These American tycoons still plot, scheme, and invest to make a quick buck by exploiting a massive cheap labor pool and a mega market in China.

It is the same dream of a century and a half ago, when ambitious Western businessmen dreamed of "lighting the lamps of China" and making a fortune doing it. Only now, the fortune is being made by America's elite, but it is not benefiting our country. It is being done at the expense of the American people.

The Chinese regime as of late has been masterful at manipulating the greed and avarice of Western businessmen, even as China itself continues to undermine international financial markets and hammers many of those Western corporations which have already set up there in China.

Beijing maintains a massive pool of near-slave labor to even attract more foreign capital and manufacturing know-how. This is at the same time that they undervalue their own currency to secure the dominance of their exports, even as they enforce the re-

strictions they have placed entry into their market.

This is not just symptomatic of a nation with gusto to get ahead. They are destroying the economic potential of their future competitors. So much more sophisticated than Mao, the Chinese oligarchs of today look and speak Western. They mean to eclipse our country and, yes, extinguish our ideals of democracy and individual freedom, even as the West stumbles in its retreat before this aggressive and autocratic global force.

Wake up, America. We are not only losing jobs to an ever more powerful China, but we are in the process of losing our security, our prosperity, and, yes, our freedom. We are losing more than jobs. We are losing our future. Wake up, America.

If eventually the United States and our great democratic experiment is defeated through the avarice and shortsightedness of grasping corporations and their bought-and-paid-for political hacks, who will be able to light the lamps of freedom, not only in China, but around the world?

There is no shortage of power-mongers who would cast the world into darkness and deprivation and fear. As evil expands America is, as it has always been, the only hope for a better world, the only hope for the world's oppressed, the only hope for stability and peace.

Six decades ago, Japanese militarists understood the role of America. That is why they attacked us at Pearl Harbor, so they could push us out of the picture and they could then dominate the Asia Pacific region with a greater sphere of co-prosperity and, of course, a brutally enforced stability.

The Chinese strategists now see us in the same light as the Japanese planners did before World War II. The Japanese, however, only intended to dominate a large chunk of the Pacific region. Today, China's rulers seek domination not just of the Asian Pacific region, but of the world. They are positioning themselves to do just that.

And what has been America's counterstrategy? Apparently, to establish economic ties that will build China's economy, thinking that with prosperity will come a new hospitable and benevolent attitude among the Chinese hierarchy.

So our country club class of American businessmen have built China into an economic giant and, yes, a global power. And, of course, these captains of American industry have made big bucks for themselves, personally, as part of this effort in building China.

America's corporate elite has not seemed to notice the obvious downside for their fellow Americans in sending jobs, capital, and technology to China. Maybe the brutal consequences on the rest of the American family of free people was obscured by the worst kind of

wishful thinking. Elite think tanks, coffers filled by corporate giants, I might add these intellectual think tanks, intellectually claimed and have claimed that if you hug a dragon, it won't eat you. Well, the subsidized academics assured us, if we treat it nicely, it will become a warm and peaceful dragon. Well, look again. It has been decades of coddling, and it is still a dragon. It is bigger and stronger and still hungry.

The frightening result of our folly and betrayal of American working people is becoming evident. In the month of February 2010 alone, the trade deficit with China was a staggering \$16.5 billion. In 1984, just 25 years ago, the U.S. had a trade surplus with China. Our annual trade imbalance with China is now \$227 billion and rising. Our lamp is going out.

China holds the largest amount of American bonds than any nation and holds the highest percentage of our debt, and has repeatedly threatened to quietly dump those bonds and devastate our national economy if we don't comply with its wishes.

What is their goal?

First, of course, it is to maintain their unfair trade advantage built on near-slave labor, environmental desolation, devalued currency, and a heavily restricted access to their market, while enjoying access to our market and a continual flow of U.S. investment and technology and know-how into their country. Yet, now if we move to correct the imbalance by seeking equality and fairness in our trade policies, there will be a heavy price for us to pay. So we just let a bad situation continue to slide, even as our economy, our power, and our influence slide into an abyss.

The dragon may not be a Marxist red dragon, but it is still a dragon, dangerous as hell, and will not be deterred by appeasement or cowardice. Economic vulnerability is only half of the story.

On a parallel track, financed by their profits from this one-way free trade imbalance that they have enjoyed, China is engaged in an unprecedented military build-up. Communist China's military forces, which include nuclear, cyber, and space-based and conventional and terrorist components are on the rise, as our defenses are wearing thin and exhausted. In the past, we have always been able to rely on our technological superiority, "in the past" being the operative words in the sentence I just used. Yes, in the past we could rely on our technological superiority.

Today, new China laws demand that Western companies, who are now operating in China and wish to, give up technological secrets that can be used for economic and military advantage. Our greatest asset to the future is being given away in exchange for a piece of China's market today.

When we had the leverage, our financial and business elites were only looking to short-term profits and benefits for themselves, not for their country. This short-term approach ended up much shorter than expected. The other side now has the leverage, and they are making the best of it. Surprise, surprise. The Chinese elite is a murderous dragon. And, yes, they are still a dragon, and they still intend to eat our lunch. Tomorrow they will eat us.

For decades, American capitalists have rushed to China with stars in their eyes and quick and easy profits on their minds, but it has been a deal with the devil, figuratively and literally. American corporations are not acting as Americans. They have been acting as greedy cowards, reflecting the worst of human aspirations, not the best.

We Americans pride ourselves at being committed to noble, higher ideals. We are not just a grasping horde seeking self-enrichment. We do believe in treating people decently, and we do believe in people's individual rights given to them by God. Well, we think of ourselves that way.

And then we hear that Google and other American companies have enabled the communist Chinese dictatorship to track down dissidents, who are then jailed for daring to oppose tyranny and corruption or to worship God as they see fit.

Once compromised, companies like Google found themselves curtailing the free flow of information to millions of Chinese citizens, turning the Internet into a tool for repression rather than a facilitator for free expression, and, thus, a vehicle for the advancement of the human condition.

To Google's credit, uncomfortable with the role that it was being forced to play, Google decided not to go along with the heavy handed plan that the Chinese regime expected them to play and to implement.

□ 1710

At great risk to their company, Google's executives refused to go along and took a stand against repression. Yes, kudos to Google for that.

Conversely, shame on the rest of the high-tech entourage who collaborated and were even used to advance tyrannical corruption. Google was not backed up, for example, by Microsoft or Yahoo Internet providers. Now China is preferring to intensify draconian laws requiring telecommunications and Internet companies to inform on customers who discuss state secrets. That term, "state secrets," can be defined as anything from negative economic statistics to information on environmental calamities or references to Tibet, Taiwan, the Falun Gong, Uyghurs or anything else that would anger the dragon. The Chinese regime obviously understands its con-

trol of technology is a way to control the future.

Yes, the future. Beijing's focus on space as well as electronic communications says it all. Remember, space-based assets—satellite systems—are a central component of global and national communication, with enormous implications to our own national security as well as our own prosperity. The power of commerce and political change will be determined by the control of these systems, and the freedom to use these systems will have an impact on the future of the country and the world.

What happens in space will determine what happens on the ground. With that in mind, the Obama administration's decision to go along with our domestic, high-tech corporate giants and again permit American satellites to be launched from Chinese rockets is a cataclysmic betrayal of America's security, and it undermines both the future of our aerospace industry and undermines freedom on this planet.

Fifteen years ago, during the Clinton years, a similar decision was made to permit U.S. satellites to be launched on Chinese rockets. We were assured by the Clinton administration that no technology would be transferred. I bought into that for a short time, then it became abundantly evident that this was a technological windfall for the Chinese regime, that President Clinton had not, as promised, secured that our technology would not be transferred. And when it became clear after the Clinton administration had made that commitment to us that there would be no transfer of technology, and when it became clear that this effort at cooperation was a colossal mistake and that technology was being transferred, no moves were made to limit the damage or shut it down.

Perhaps it had something to do with the fact that Bernard Schwartz's contributions had some impact on President Clinton's reelection bid, meaning Bernie Schwartz was the CEO of Loral Corporation, a company heavily complicit in the illegal transfer of missile technology to China. He was also the biggest single contributor to President Bill Clinton's reelection campaign. Of course, he was not the only contributor to have a stake in this policy of sending missile technology to China. Other contributors to the Clinton campaign were traced and found to be leaders of the PLA, that's the People's Liberation Army missile program, which of course had a different name on their company and a different veneer, the veneer of a private sector and commercial company, but really it was a control company by the People's Liberation Army.

I was personally involved in uncovering the initial evidence that exposed this crime, a crime that made our country vulnerable to missiles that

were built with technology that had been developed right here, but the missiles were now aimed at us by a hostile power. A full scale investigation ensued. Christopher Cox led a bipartisan task force which unanimously declared our security had been compromised. Before Congress could finally put the cork in the bottle, clearly invaluable rocket secrets were in the possession of this monstrously antidemocratic dragon regime. The world's worst human abuser now had America's utmost missile technology secrets.

Unlike the last time around, thanks to the help of their American corporate benefactors, now the Chinese rockets are built further along than they were back in those days 15 years ago. Right now the Chinese have rockets, thanks to our help, that are much more competitive with our own systems. Before we stepped in to help, their rocket launchers more often than not turned into fiery failures. And even if successful, Chinese rockets of 15 years ago only carried one payload per launch. Now with our gift of technology—that I might add cost the American people, the American taxpayers, billions of dollars to develop—Chinese rockets are now reliable and capable of launching multiple payloads, be they satellites or warheads. It's called MIRVing, our gift to the Chinese. No wonder they have no respect for us. No wonder they are becoming aggressive. They think we're stupid. They think we're cowards, trying to buy peace with gifts to our enemies.

What else would we expect such tough guys who are in power in Beijing to think? Should they think, oh, how nice it is that the Americans are so willing to give us this power? We should be grateful, and we should be their friends because they are being so nice to us in giving us this technology that can be used for rockets and other high-tech weapons systems.

Well the town of Jiuquan is in the high desert of China's occupied regime of East Turkistan. Located there is China's main space launch center. That is where its Long March rockets and commercial space and nuclear-capable ballistic rockets take off from. At the entrance to this complex at this Chinese launch area is a billboard written half in English intended for the world to see. The statement of the Chinese warlords of this Uyghur province, I might add, says, "Without haste. Without fear. We will conquer the world."

And, yes, America's policies and the collaborations of our corporations are helping them do just that. Instead of facing the reality of the even more powerful and increasingly hungry dragon that is right in front of our face, interest groups and power players in our country keep raising the question about what's happening with China? Are we making China into our enemy?

Yes, so many Americans just love to blame ourselves every time such con-

frontation with tyranny occurs. During his recent trip to Asia, I half expected to hear that our President had actually bowed down to Chinese despots and apologized for the Opium Wars of 150 years ago. Now of course he didn't do that, but that is the attitude you can see reflected in people who are blaming us for any belligerency that's on the part of the Chinese, or any other enemy of the United States, I might add. This self-flagellation is of course much safer than blaming an increasingly strained relationship on the obvious badness and evil that is going on among the other guys. The obvious tyrants who murder their own people, the people who happen to be the world's worst human rights abuser. Now, maybe it's their fault, but if we blame them for it rather than blame ourselves for the current escalation of hostility that is now evident with the Chinese, we would have to deal with the threat. We have to deal with them. And that would be scary.

So instead, so many Americans end up blaming ourselves or apologizing for past errors that America may have committed or may not have committed. So the answer to our question, is the Chinese regime getting more belligerent, the answer is emphatically, yes, it is getting more belligerent. Is it our fault? No. The attitude of those who rule Beijing is the manifestation of an increasing lust for power and the hubris of the clique that controls the world's most populous country with an iron fist. That is what you would expect from such tyrants. That is why our policy should not be aimed at building their strength militarily, economically, or any other way.

□ 1720

Of course, the essence of what's going on has not gone unnoticed by our friends and foes overseas. The perception of American weakness, even decline, eat away at the resolve of our friends and allies even as it contributes to Beijing's cockiness. And let's admit, we are considerably weaker than we ever thought we would be. We have been bled and drained by needlessly expensive small-scale wars around the world as well as a benevolence that has us bankrolling the United Nations and shoving foreign aid out our door even as we borrow money from China.

One example of this is seen in America's good-hearted participation in a global fund designed to provide the world's poorest countries support in the fight against AIDS, tuberculosis, malaria, and other insidious diseases, which kill millions of people a year. Over the 8 years of the fund's history, the United States has willingly contributed \$4.3 billion—that's more than 28 percent of all the contributions to this benevolent fund—and we should be proud that we are a generous people, even if we can't afford it. Whether we

can continue to be so generous as our level of deficit spending threatens to collapse our economy, now that's another question.

But most significant, because of an anomaly in the funding formula, China has been one of the largest recipients of this fund. Over the last 8 years, China has been the recipient of almost \$1 billion in grants. Conversely, over that same period China has only contributed \$16 million to the fund. That's the fund we've given \$4 billion to. I can't come up with one reason of why the American taxpayer should be underwriting the cost of China's public health system. The whole thing is a travesty.

Malaria, for example, is a minor problem in China, killing about 38 individuals a year. On the other hand, malaria is a massive problem in the Democratic Republic of the Congo, killing over 25,000 people last year. Yet in this international fund, China was awarded \$149 million to combat malaria and only \$122 million went to the Congo. That's \$4 million for each case of a malaria death in China while the Congo received \$5,000 per person that had died.

This issue needs to be addressed, but nobody of course has the guts to address it because China is getting about a billion dollars' worth of benefits, paying a pittance, while the United States pays \$4 billion into this fund. What we've been doing in this case is borrowing from China to donate to a fund that gives back to China. Over the years, we then end up paying interest on the debt that's been incurred by this very transaction.

Now, this is the kind of ongoing indefensible transfer of wealth from our country to China that we have faced, and we've acquiesced with this. We've put up with it for years. It's got to stop. The burdens of drawn-out commitments that we've had all over the world and the irrational benevolence—you can read that "giveaways"—makes our Nation poorer. We're talking about it's diminishing our ability here at home to meet our needs, the needs of our own people, and to watch out for our own security because wealth is being transferred out of our country by policies that we've gone along with. We are now vulnerable after all of this to an unrestricted political, economic, and military threat by a major power like China.

So China is encouraging those who would tie us down and drain our energy. This is part of their effort. They have been helping those people who have been trying to tie us down and to drain our energies and revenues and our resources. This is part of their effort to disable us by sapping our willpower, our resolve, and our resources. And as we become weaker, China's unquenchable thirst for natural resources such as oil, natural gas, and scarce

minerals that are necessary for modern manufacturing, this has spurred China to become the ally, supplier, protected, and puppet master of rogue regimes on a global scale.

And the Chinese planetary offensive is evident in countries like North Korea, Burma, Cambodia, Iran, and across Africa, like Sudan and Zimbabwe. Not only are their people being repressed by regimes that are tyrannical but these are regimes that have allied themselves with Beijing, which is becoming the leading—it is already the world's worst human rights abuser and it is the creator of alliances with dictators throughout the world.

It's hard to miss that when China establishes an alliance with these countries what its intention is. We need to look no further than to show that China has an alliance and is providing arms with the anti-American blowhard in our hemisphere, the would-be caudillo of Latin American, Venezuela's Hugo Chavez. So it's evident elsewhere. Wherever trouble and turmoil threaten U.S. interests, we can find that China has a hand in this.

Nuclear weapons and missiles technology were slipped to Iran by China via North Korea and Pakistan, and they have added a dangerous instability to the Middle East. In light of this, there should be no mystery as to why China in the United Nations and in other international forums has opposed stronger and enforceable sanctions against Iran and North Korea.

North Korea's sinking of a South Korean naval patrol ship not that long ago, there was a loss of 46 South Korean sailors, and it was publicly treated as a nonevent by Beijing, although it's right there in its backyard. In fact, North Korea's eccentric dictator, who probably could not be in power without Chinese support, was given an official heroes' welcome in China just days after it sunk a South Korean ship, which cost the lives of 46 South Korean sailors.

More recently, China has bullied Japan over the control and sovereignty of islands that are not even close to its shores. While it was doing the bullying of Japan, our great ally, the United States was warned by China to butt out and stay away from those islands. "Aggressive" and "belligerent" are words that come to mind when you're trying to analyze what's the nature of the Chinese regime in these situations.

And then there is, of course, Pakistan with its "Islamic bomb." Never forget the Pakistanis are in a strategic partnership with China even while we give them billions of dollars to bolster Pakistan's terminally ill economy. The Chinese gave Pakistan critical nuclear weapons technology. This is insanity. We are borrowing more from China to give to Pakistan, which is an ally of China, even as Pakistan builds its Islamic bomb with the help of China and

continues to help the Taliban, who are at this moment killing U.S. soldiers in Afghanistan.

Wake up, America. We can't continue with this kind of insanity.

The opening by Iran of a new missile production plant in March of 2010 enabled Iran to quickly expand its supply of NASR anti-ship missiles. Yep, it was another China deal. Not long after that, a Hezbollah-Iranian cruise missile knocked out an Israeli ship. Aha. Yes, another gift from China. And what is the response of the Obama administration to all these transfers of lethal weapons of mass destruction by China to rogue nations? Well, there have been no penalties imposed, even on the state-owned Chinese companies that are conducting these weapons transfers. Even worse, Washington is again considering letting Chinese rockets launch U.S. satellites. I guess they need to upgrade their system so they can pass even more updated weapons on to their criminal buddies.

China's increasingly aggressive and threatening foreign policy are matched at home by severe repression. Millions of religious believers in China are facing increased not decreased oppression. The abuse is indiscriminate, whether they are Christians, Tibetans, Buddhists, Muslims. The most savage treatment, of course, is dealt out to the Falun Gong members. Falun Gong are just yoga and meditation practitioners. They've been tortured, thrown into prison camps, slave labor camps. They have been murdered and their organs have been cut out and sold by the Chinese health industry to the highest bidders, many of whom are Americans. This is the most ghoulis of all repressions. And it continues with devastating intensity.

□ 1730

Then again, maybe all this evil is due to the fact that we Americans are just so belligerent to the Chinese.

What?

Yes, some people want to blame us, so let's reach out to the dragon, not with a clenched fist but with an open hand, with a positive attitude and, most of all, with kindness, not hostility, and with lots of investment money as well, of course, and with lots of technology and secrets.

Give me a break. Wake up, America. This has got to stop.

This nonsense has led to some of America's military's top commanders to misguidedly welcome China's military leaders to visit our own defense centers and our own international defense forums with our Asian Pacific allies and to permit Chinese military personnel to observe our military exercises. One can only guess that the strategy behind this outreach and inclusion is the idea that it will somehow charm the Chinese into thinking of us as their friends, not as their rivals. Hug a dragon and it won't be a dragon.

Well, is it not evident that the very existence of our democracy is what intimidates and enrages the Chinese antidemocratic dictatorship as with all of these dictatorships in the past? It is certainly not a comparison of how many ships we have and airplanes we have as compared to theirs, which has brought on this animosity from Beijing. Beijing knows that the United States has no intention of attacking them. However, like the Japanese before World War II, they know that America is the only power with the courage and the ability to stand between them and their goal, which is one of total domination of a large segment of the world and a heavy-handed influence on the rest.

Perhaps the worst aspect of this looming security crisis is that China's aggressive military modernization has been made possible by its rising trade surplus with the United States. We have unintentionally financed their economy and have built their economy at the expense of jobs and manufacturing at home, and they are using the residual profits from their economic transactions with us to build weapons, very good weapons—better weapons than we may have available to us in the future. Their intent is to back us off and to destroy us as a dynamic force in the world.

In 1998, the People's Liberation Army's publishing company openly published a book that is publicly available, called "Unrestricted Warfare." The strategist's guidelines in that book called for using economic destabilization, computer viruses, information deception, terrorism, and devastating modern military weapons, including biochemical and nuclear weapons.

Among those things highlighted in this Chinese strategy book were two individuals—Osama bin Laden and George Soros. Bin Laden was cited because terror and guerilla groups historically are thought to have bled empires to the point that they could be defeated by a rival power. Soros was lionized because he had mastered the art of manipulating the currencies of countries around the world, from England to Malaysia to Thailand, thus dramatically weakening those countries.

The People's Liberation authors in that book openly stated that, if individuals could accomplish such things, then China, as an emerging power with focused strategic weapons in cyber and deep space, could bring down and defeat a great power such as the United States.

The greatest threat to America's future generations may well be the high-tech strategic and exotic weapons China will possess as a result of advances made in recent years. China's strategic economic position should also be noted with alarm. Global competition over scarce natural resources is intensifying. Armed with advanced

weapons and flush with money earned from its American trade imbalance, Beijing has been allying with, buying off and bribing the gangster regimes of the underdeveloped nations of the world, and these same regimes, of course, control the rich energy and finite mineral resources in their countries.

These are not the actions and maneuvers of a government that wants to be part of the world's trading system, that wants to be part of the Family of Nations. These are the actions and maneuvers of a tyrannical dictatorship that is striving to dominate the world in alliance with other dictatorships.

Do you think that such people might sink so low as to bribe the decision-makers at the World Trade Organization or at the United Nations?

When you hear people say that we should solve these issues, that we must always go multilaterally and come at world peace via part of an international effort, just remember it takes American courage to stand up. If we try to go through the World Trade Organization or the United Nations, we are going to find out someday that the Chinese have bribed those people in the World Trade Organization and in the U.N. If they haven't done it already, they will do it in the future to protect their international acquisitions in Asia, Africa, and South America.

China's People's Liberation Army is certainly a threat, but the Navy that it is building is also a threat because China is building a lethal surface ship and submarine flotilla. They are making outlandish claims now while at the same time building up their fleet for the right to control large ocean areas, like the entire South China Sea. Their naval forces are beginning to have routine patrols around the world's most vital sea lanes and communication and trade lanes.

Indeed, between 1987 and 2009, while the U.S. submarine force was cut in half, China's Navy commissioned 31 new attack submarines. Their new model diesel subs are nearly undetectable by U.S. and allied naval forces, and they are deploying a new missile that can take out a U.S. aircraft carrier 900 miles away. Nevertheless, on February 19, 2009, *The New York Times* reported that U.S. Pacific Commander Admiral Keating offered the U.S. Navy to assist China in learning how to operate its own aircraft carriers. Boy, that's going to make the world safer. We're going to teach them how to run their aircraft carriers.

Worth noting, a senior Chinese military officer proclaimed that once the Chinese get their aircraft carriers that the United States can claim Hawaii east, and China will take Hawaii west and the Indian Ocean. "Then you will not need to patrol the western Pacific anymore," he said.

How nice. This while we are reducing our own fleet. They are telling us to

stay out of a certain area of the world and to stay out of it while they are bullying Japan over some islands in the middle of nowhere. Tomorrow, they are going to declare that they have the rightful domination of over half of the Pacific.

Wake up, America. Don't just look to the ocean for the threat. Look up. Space, the high ground of any future conflict, will soon no longer be our domain, America's domain. It is already now no longer our domain, obviously. China is aggressively moving forward, yes, in the exploration of space but also in space-based and related weapons systems.

In 2006, for example, the U.S. Department of Defense reported that China used a ground-based laser to blind certain U.S. satellites. In January 2007, the People's Liberation Army successfully used an antisatellite missile to intercept a weather satellite. They've blown their satellites out of orbit without any care for the fact that they left heavy debris that threatened all other space activity in that area of space.

No need to complain, of course, because these guys aren't listening.

China's supposed civilian space program has made spectacular gains. Much of it can be traced back to the tech transfer that happened during the Clinton administration, which has now been incorporated into China's rockets and its missiles.

Again, if our aerospace is at risk, blame us. Don't blame them. We gave them the technology. But we can blame them for commissioning hundreds of spies who have penetrated U.S. defense companies and agencies to steal the blueprints and charts needed to enhance their weapons systems. They have a monstrous organized effort for attacking and stealing America's technological secrets by breaking into our computer systems. Yes, we can blame them for that, but we just keep inviting them to observe our military exercises and—oh, yes—teaching them how to use aircraft carriers.

Today, almost every part of the western and central United States is under the potential threat of the increased capability of China's weapons systems. We have given them our secrets. By agreeing to a trade policy that has been unfair, uneven, and a drain on America's wealth and technology, we have provided them the resources to use this technology, to expand and to modernize their own military.

□ 1740

By agreeing to a trade policy that has been unfair, uneven, and a drain on America's wealth and technology we have provided them the resources to use this technology and to expand and modernize their own military.

Such stupidity is nothing new. Before World War II, there was an effort by the Brits to invest in Hitler's Germany

to build economic ties that would prevent conflict. Boy, did that work. And it wasn't just Britain's deal where they betrayed Czech security that convinced Hitler that the West was gutless. It was also British money invested in his country in the 1930s.

We gave the Japanese scrap metal and oil even as they raped China. Eventually the Japanese mayhem in China was too much, even for American capitalists. Not enough, however, to discourage corporate interests from negotiating the sale of, for example, B-17 blueprints to Japan as late as 1940. They never consummated that deal because the attack on Pearl Harbor shortened those negotiations.

Today, we're giving the Chinese our genius and the benefit of our R&D worth billions of dollars, and it's *deja vu* all over again. Foreign and U.S. satellite operators are maneuvering to loosen the security export controls on the launching of advanced communications satellite systems on PLA—that's People's Liberation Army—controlled rockets and then the companies that make those rockets. Oh, yes, China is offering 30 to 50 percent below market price in order to attract those launches. I wonder why. They must just want to do us favor, or maybe they just remember the last time they made such agreements with American companies and ended up with billions of dollars of American technology that they now have to use against us. What a great deal.

Our big companies make a couple of hundred billion dollars in profit by cooperating with the Chinese rather than launching with U.S. companies. Certain CEO's add a couple million dollar bonuses to themselves for providing short-term savings, and that savings comes from using Chinese rockets. The Chinese end up with access to defense-related research and development that costs the taxpayers billions of dollars. The Chinese have new technologies to defeat us in the future. We have short-term profit and big bonuses for our CEO's in the present. What a deal. It's a raw deal for the American aerospace industry and for our children's safety, and it will put us in jeopardy by using our own technology to put us in jeopardy.

Let me be clear. Letting the Chinese launch U.S. satellites is wrong. Such launches will put money in the pockets of the People's Liberation Army to facilitate their own aggressive space programs. It will help the People's Liberation Army perfect its missile technology, and it will strangle in the cradle the private launch companies that are now emerging in the United States, which will then leave us totally dependent on China for space transportation.

To accomplish this nefarious goal, launching U.S. satellites on Chinese rockets, the U.S. law will have to be

changed in order to accomplish that. One way for this to be accomplished is for the Obama administration, like the Clinton administration before, to sign a Presidential waiver of the Tiananmen Square human rights sanctions. Don't miss one crucial fact. The Chinese national space program apparatus is owned and controlled—it's not a private group like in the United States, like Boeing—it is controlled by the People's Liberation Army. Their profits go to the People's Liberation Army. The three main Chinese space entities are all under People's Liberation Army control. All three of these have been repeatedly sanctioned by the U.S. government for proliferation of missile technologies to countries including Iran and Pakistan.

Wake up, America. They are planning to play us for suckers like they already have in the past. Well, they are trying to play us that way because we're acting that way. This shouldn't even be an issue except, of course, the Chinese have the best lobbyists in Washington, the best lobbyists money can buy, and they've also got the lobbyists from U.S. corporations who are working with them, doing their bidding. And even better, they can buy off the so-called think tanks.

What we've got is money from these corporations doing business in China who are putting that money into think tanks, which then come and testify before Congress about different policies that would, of course, affect whether or not we make decisions like the one I'm talking about.

And who's left out, of course? What we're talking about is the American worker who has been put permanently out of work and the American people who are now in jeopardy. So now the Chinese are using their excessive profit to buy influence here at the expense of the American people. Wake up, America.

A critical event of the cold war was China's repositioning, which put them in friendly relations with the United States and against the Soviet Union. Later when I worked for President Reagan, it was hoped that direct communication and economic ties would result in a permanent, positive change that would better the lives and freedom of the Chinese people. Unlike his predecessors or those who came later, Reagan understood that peace would only be furthered if freedom was simultaneously expanded as we increased economic activity. Reagan made it clear as he visited China in 1985. I worked with him on those speeches. I actually know very well what the message was of the speeches that Reagan gave in China.

If China continued to open up politically and to liberalize, America would keep its markets open and would be investing and trying to uplift the Chinese people.

In 1989, the Tiananmen Square massacre of the Chinese democracy movement was the tipping point. President Reagan, who was committed to human rights and democracy, was no longer President. President Reagan's successors have not been so committed to human rights and democracy. The Chinese ruling clique paid no serious price for this brutal, monstrous atrocity against the democracy movement at Tiananmen Square. Neither President Bush nor Clinton did anything even as the Chinese Communist Party re-trenched themselves in power with blood and steel and murder.

And since Tiananmen Square, the repression in that country has gotten worse and worse and worse, not better, and we've continued acting like buddies. That's our offensive, our buddy offensive. Our policies have not been reformed. Our policies have not reformed the tyrannical system in China. In fact, we have expanded it because they have come to believe they can do anything to their own people, repression, build any kind of military threat, and we will still grant them economic policies that will enable the wealth to flow in their direction, even as it is unfair to our own people.

China is a Frankenstein monster of our own making, a monster that now threatens the world peace, economics, and democratic evolution. One would think as this threat becomes ever more clear that there would be some change in our policy, but no, the insanity continues.

Not long ago, there was a highly publicized visit to China by Secretary Hillary Clinton, who brought a legion of reporters with her to the Shanghai World Fair. Secretary Clinton proudly showed them an American exhibition hall built with \$60 million in contributions from American corporations. How nice—the companies paid to build an exhibition hall. Unfortunately, it was so rapid and uninspiring without a hint of love of democracy and freedom that reflects the core values of the American people. No, the so-called charity's leader of that pavilion, who built that hall in Beijing, Frank Lavin, explained why there wasn't any reference to freedom or democracy, "We're not trying to be provocative" or "insulting" to the Chinese viewers, he said.

What does all that say about us? What does it say about them? Secretary Clinton, being as uninspiring as she is, pointed out that the world's fair was introducing America to the world as a rising power, according to our Secretary of State. This world's fair is a coming out party also for China. Well, it is really of historical significance, she said. Yeah, it is of historical significance. It's basically saying that America doesn't care about freedom and democracy. China is coming out, that's right. A new style of 21st century tyranny is being created with Chi-

nese characteristics that fuses the control mechanisms of Communism with corporate funding and high-tech savvy.

The leadership of this potential juggernaut has global ambitions and is ruthless and persistent. We need to undo any optimistically generous policies that have been giving away our industrial base and transferring resources and power to China.

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Most importantly, however, through our actions we must reaffirm to ourselves and to the world our commitment to the ideals that made this country strong and democratic, a role model for humanity, regardless of culture or language.

Advocates of our current China policy promised peace and mutual prosperity and the expansion of freedom as China grew stronger. Yet the stronger China has become, the more repressive it has gotten. We thought we were creating a peaceful new member of the international community. But instead we've shifted power to a government that remains the world's worst human rights abuser, repressing its own people while building its military and making aggressive claims on boundaries and territorial waters that threaten its neighbors, as well as the flow of international commerce through long-established shipping lanes.

Exchanges, like the World's Fair exhibits, were supposed to promote U.S. values. Investment in Chinese manufacturing was supposed to have led to liberalization of their society. Where are the reforms? Where are the benevolent liberals who were going to democratize China? You know where they are? They're in jail. They're in prison, or they've been murdered by the regime. They sit in cells right next to uncompromising religious leaders, believers, and the Falun Gong practitioners.

Crackdowns on dissent, religious freedom, and free speech have escalated in Tibet; missiles facing Taiwan have grown to more than 1,400 in the past few years; and the cyberdestabilization on a global scale is often traced back to the Chinese military facilities. These things should be alarm bells for all people who want peace and believe in freedom.

This is an enemy who has no shame and, perhaps, as we show weakness, has no fear. It is an enemy that hates religion and sees freedom and human rights as an anarchistic evil that needs to be obliterated. This is the threat over the horizon, a dragon which has been made stronger, more aggressive, and more hungry as a result of misguided American policies. Those policies must be changed. We must have the resolve to meet this evermore and present challenge.

China is not the only society that honors its ancestors and forefathers. We must respect the sacrifices and legacies for all those brave Americans

who worked, struggled, fought, and often perished for our freedom, for liberty, for justice, for the rights of every person. These principles are what not only bind us together as a people but bond us with people of every land, especially those people in China and others who are oppressed by dictators, those people who long for freedom. It is their success in reforming and transforming their country, in throwing off their chains of oppression, and in doing so, they will free us from the threat of a powerful dragon country as they create a peaceful and a democratic and prosperous country with which we can trade and have equal and positive relations.

If we have courage and stand tall, the next century will not be the century of China. It will be the century of free people, technologically united throughout the globe, united in respect for the rights of people everywhere and committed to respecting each other and the building of a more peaceful, prosperous, and free world.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. WOOLSEY) to revise and extend their remarks and include extraneous material:)

Mr. HOYER, for 5 minutes, today.

Mr. FRANK of Massachusetts, for 5 minutes, today.

Mr. SCHIFF, for 5 minutes, today.

Mr. SHERMAN, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. GRAYSON, for 5 minutes, today.

(The following Members (at the request of Mr. THOMPSON of Pennsylvania) to revise and extend their remarks and include extraneous material:)

Mr. McCOTTER, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. ENGEL, for 5 minutes, today.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 1421. An act to amend section 42 of title 18, United States Code, to prohibit the importation and shipment of certain species of carp; to the Committee on House Administration.

ADJOURNMENT

Mr. ROHRBACHER. Mr. Speaker, pursuant to the order of the House of

today, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 53 minutes p.m.), under its previous order, the House adjourned until Monday, November 22, 2010, at noon, unless it sooner has received a message from the Senate transmitting its adoption of House Concurrent Resolution 332, in which case the House shall stand adjourned pursuant to that concurrent resolution.

OATH OF OFFICE MEMBERS, RESIDENT COMMISSIONER, AND DELEGATES

The oath of office required by the sixth article of the Constitution of the United States, and as provided by section 2 of the act of May 13, 1884 (23 Stat. 22), to be administered to Members, Resident Commissioner, and Delegates of the House of Representatives, the text of which is carried in 5 U.S.C. 3331:

"I, AB, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God."

has been subscribed to in person and filed in duplicate with the Clerk of the House of Representatives by the following Member of the 111th Congress, pursuant to the provisions of 2 U.S.C. 25:

TOM REED, New York, Twenty-Ninth.

OATH FOR ACCESS TO CLASSIFIED INFORMATION

Under clause 13 of rule XXIII, the following Members executed the oath for access to classified information:

Neil Abercrombie*, Gary L. Ackerman, Robert B. Aderholt, John H. Adler, W. Todd Akin, Rodney Alexander, Jason Altmire, Robert E. Andrews, Michael A. Arcuri, Steve Austria, Joe Baca, Michele Bachmann, Spencer Bachus, Brian Baird, Tammy Baldwin, J. Gresham Barrett, John Barrow, Roscoe G. Bartlett, Joe Barton, Melissa L. Bean, Xavier Becerra, Shelley Berkley, Howard L. Berman, Marion Berry, Judy Biggert, Brian P. Bilbray, Gus M. Bilirakis, Rob Bishop, Sanford D. Bishop Jr., Timothy H. Bishop, Marsha Blackburn, Earl Blumenauer, Roy Blunt, John A. Boccieri, John A. Boehner, Jo Bonner, Mary Bono Mack, John Boozman, Madeleine Z. Bordallo, Dan Boren, Leonard L. Boswell, Rick Boucher, Charles W. Boustany Jr., Allen Boyd, Bruce L. Braley, Kevin Brady, Robert A. Brady, Bobby Bright, Paul C. Broun, Corrine Brown, Ginny Brown-Waite, Henry E. Brown Jr., Vern Buchanan, Michael C. Burgess, Dan Burton, G.K. Butterfield, Steve Buyer, Ken Calvert, Dave Camp, John Campbell, Eric Cantor, Anh "Joseph" Cao, Shelley Moore Capito, Lois

Capps, Michael E. Capuano, Dennis A. Car-doza, Russ Carnahan, Christopher P. Carney, André Carson, John R. Carter, Bill Cassidy, Michael N. Castle, Kathy Castor, Jason Chaffetz, Ben Chandler, Travis W. Childers, Judy Chu, Donna M. Christensen, Yvette D. Clarke, Wm. Lacy Clay, Emanuel Cleaver, James E. Clyburn, Howard Coble, Mike Coffman, Steve Cohen, Tom Cole, K. Michael Conaway, Gerald E. Connolly, John Conyers Jr., Jim Cooper, Jim Costa, Jerry F. Costello, Joe Courtney, Ander Crenshaw, Mark S. Critz, Joseph Crowley, Henry Cuellar, John Abney Culberson, Elijah E. Cummings, Kathleen A. Dahlkemper, Artur Davis, Danny K. Davis, Geoff Davis, Lincoln Davis, Susan A. Davis, Nathan Deal*, Peter A. DeFazio, Diana DeGette, Bill Delahunt, Rosa L. DeLauro, Charles W. Dent, Theodore E. Deutch, Lincoln Diaz-Balart, Mario Diaz-Balart, Norman D. Dicks, John D. Dingell, Charles Djou, Lloyd Doggett, Joe Donnelly, Michael F. Doyle, David Dreier, Steve Driehaus, John J. Duncan Jr., Chet Edwards, Donna F. Edwards, Vernon J. Ehlers, Keith Ellison, Brad Ellsworth, Jo Ann Emerson, Eliot L. Engel, Anna G. Eshoo, Bob Etheridge, Eni F.H. Faleomavaega, Mary Fallin, Sam Farr, Chaka Fattah, Bob Filner, Jeff Flake, John Fleming, J. Randy Forbes, Jeff Fortenberry, Bill Foster, Virginia Foxx, Barney Frank, Trent Franks, Rodney P. Frelinghuysen, Marcia L. Fudge, Elton Gallegly, John Garamendi, Scott Garrett, Jim Gerlach, Gabrielle Giffords, Kirsten E. Gillibrand*, Phil Gingrey, Louie Gohmert, Bob Goodlatte, Charles A. Gonzalez, Bart Gordon, Kay Granger, Sam Graves, Tom Graves, Alan Grayson, Al Green, Gene Green, Parker Griffith, Raúl M. Grijalva, Brett Guthrie, Luis V. Gutierrez, John J. Hall, Ralph M. Hall, Deborah L. Halvorson, Phil Hare, Jane Harman, Gregg Harper, Alcee L. Hastings, Doc Hastings, Martin Heinrich, Dean Heller, Jeb Hensarling, Wally Herger, Stephanie Herseth Sandlin, Brian Higgins, Baron P. Hill, James A. Himes, Maurice D. Hinchey, Rubén Hinojosa, Mazie Hirono, Paul W. Hodes, Peter Hoekstra, Tim Holden, Rush D. Holt, Michael M. Honda, Steny H. Hoyer, Duncan Hunter, Bob Inglis, Jay Inslee, Steve Israel, Darrell E. Issa, Jesse L. Jackson Jr., Sheila Jackson Lee, Lynn Jenkins, Eddie Bernice Johnson, Henry C. "Hank" Johnson Jr., Sam Johnson, Timothy V. Johnson, Walter B. Jones, Jim Jordan, Steve Kagen, Paul E. Kanjorski, Marcy Kaptur, Patrick J. Kennedy, Dale E. Kildee, Carolyn C. Kilpatrick, Mary Jo Kilroy, Ron Kind, Peter T. King, Steve King, Jack Kingston, Mark Steven Kirk, Ann Kirkpatrick, Larry Kissell, Ron Klein, John Kline, Suzanne M. Kosmas, Frank Kratovil Jr., Doug Lamborn, Leonard Lance, James R. Langevin, Rick Larsen, John B. Larson, Tom Latham, Steven C. LaTourette, Robert E. Latta, Barbara Lee, Christopher John Lee, Sander M. Levin, Jerry Lewis, John Lewis, John Linder, Daniel Lipinski, Frank A. LoBiondo, David Loebsack, Zoe Lofgren, Nita M. Lowey, Frank D. Lucas, Blaine Luetkemeyer, Ben Ray Lujan, Cynthia M. Lummis, Daniel E. Lungren, Stephen F. Lynch, Carolyn McCarthy, Kevin McCarthy, Michael T. McCaul, Tom McClintock, Betty McCollum, Thaddeus G. McCotter, Jim McDermott, James P. McGovern, Patrick T. McHenry, John M. McHugh*, Mike McIntyre, Howard P. "Buck" McKeon, Michael E. McMahon, Cathy McMorris Rodgers, Jerry McNerney, Connie Mack, Daniel B. Maffei, Carolyn B. Maloney, Donald A. Manzullo, Kenny Marchant, Betsy Markey, Edward J. Markey, Jim Marshall, Eric J.J. Massa*, Jim

Matheson, Doris O. Matsui, Kendrick B. Meek, Gregory W. Meeks, Charlie Melancon, John L. Mica, Michael H. Michaud, Brad Miller, Candice S. Miller, Gary G. Miller, George Miller, Jeff Miller, Walt Minnick, Harry E. Mitchell, Alan B. Mollohan, Dennis Moore, Gwen Moore, James P. Moran, Jerry Moran, Christopher S. Murphy, Patrick J. Murphy, Scott Murphy, Tim Murphy, John P. Murtha*, Sue Wilkins Myrick, Jerrold Nadler, Grace F. Napolitano, Richard E. Neal, Randy Neugebauer, Eleanor Holmes Norton, Devin Nunes, Glenn C. Nye, James L. Oberstar, David R. Obey, John W. Olver, Pete Olson, Solomon P. Ortiz, William L. Owens, Frank Pallone Jr., Bill Pascrell Jr., Ed Pastor, Ron Paul, Erik Paulsen, Donald M. Payne, Nancy Pelosi, Mike Pence, Ed Perlmutter, Thomas S.P. Perriello, Gary C. Peters, Collin C. Peterson, Thomas E. Petri, Pedro R. Pierluisi, Chellie Pingree, Joseph R. Pitts, Todd Russell Platts, Ted Poe, Jared Polis, Earl Pomeroy, Bill Posey, David E. Price, Tom Price, Adam H. Putnam, Mike

Quigley, George Radanovich, Nick J. Rahall II, Charles B. Rangel, Tom Reed, Denny Rehberg, David G. Reichert, Silvestre Reyes, Laura Richardson, Ciro D. Rodriguez, David P. Roe, Harold Rogers, Mike Rogers (AL-03), Mike Rogers (MI-08), Dana Rohrabacher, Thomas J. Rooney, Peter J. Roskam, Ileana Ros-Lehtinen, Mike Ross, Steven R. Rothman, Lucille Roybal-Allard, Edward R. Royce, C.A. Dutch Ruppersberger, Bobby L. Rush, Paul Ryan, Tim Ryan, Gregorio Sablan, John T. Salazar, Linda T. Sanchez, Loretta Sanchez, John P. Sarbanes, Steve Scalise, Janice D. Schakowsky, Adam B. Schiff, Jean Schmidt, Aaron Schock, Kurt Schrader, Allyson Y. Schwartz, David Scott, Robert C. "Bobby" Scott, F. James Sensenbrenner Jr., José E. Serrano, Pete Sessions, Joe Sestak, John B. Shadegg, Mark Shauer, Carol Shea-Porter, Brad Sherman, John Shimkus, Heath Shuler, Bill Shuster, Michael K. Simpson, Albio Sires, Ike Skelton, Louise McIntosh Slaughter, Adam Smith, Adrian Smith, Christopher H. Smith, Lamar

Smith, Vic Snyder, Hilda L. Solis*, Mark E. Souder*, Zachary T. Space, Jackie Speier, John M. Spratt Jr., Bart Stupak, Marlin A. Stutzman, Cliff Stearns, John Sullivan, Betty Sutton, John S. Tanner, Ellen O. Tauscher*, Gene Taylor, Harry Teague, Lee Terry, Bennie G. Thompson, Glenn Thompson, Mike Thompson, Mac Thornberry, Todd Tiahrt, Patrick J. Tiberi, John F. Tierney, Dina Titus, Paul Tonko, Edolphus Towns, Niki Tsongas, Michael R. Turner, Fred Upton, Chris Van Hollen, Nydia M. Velázquez, Peter J. Visclosky, Greg Walden, Timothy J. Walz, Zach Wamp, Debbie Wasserman Schultz, Maxine Waters, Diane Watson, Melvin L. Watt, Henry A. Waxman, Anthony D. Weiner, Peter Welch, Lynn A. Westmoreland, Robert Wexler*, Ed Whitfield, Charles A. Wilson, Joe Wilson, Robert J. Wittman, Frank R. Wolf, Lynn C. Woolsey, David Wu, John A. Yarmuth, C.W. Bill Young, Don Young

EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports concerning the foreign currencies and U.S. dollars utilized for Speaker-Authorized Official Travel during the second quarter of 2010 pursuant to Public Law 95-384 are as follows:

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DAVE GRIMALDI, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN AUG. 17 AND AUG. 21, 2010

Name of Member or employee	Date		Country	Per diem ¹		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²
Dave Grimaldi	8/17	8/18	Gabon .....	.....	.....	.....	.....	.....	.....	.....	.....
.....	8/18	8/19	Uganda .....	.....	.....	.....	.....	.....	.....	.....	.....
.....	8/19	8/21	Ghana .....	.....	.....	.....	.....	.....	.....	.....	.....
Committee total .....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....

¹ Per diem constitutes lodging and meals.

² If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

DAVE GRIMALDI, Oct. 7, 2010.

(AMENDED) REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO CANADA, EXPENDED BETWEEN SEPT. 6 AND SEPT. 12, 2010

Name of Member or employee	Date		Country	Per diem ¹		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²
Hon. Nancy Pelosi	9/08	9/10	Canada .....	.....	416.00	.....	(³)	.....	.....	.....	416.00
Hon. Ed Markey	9/09	9/09	Canada .....	.....	302.00	.....	1,436.28	.....	.....	.....	1,738.28
Hon. Wilson Livingood	9/08	9/10	Canada .....	.....	416.00	.....	(³)	.....	.....	.....	416.00
Hon. Brian Monahan	9/08	9/10	Canada .....	.....	562.00	.....	969.73	.....	.....	.....	1,531.73
John Lawrence	9/08	9/12	Canada .....	.....	1,208.00	.....	903.03	.....	.....	.....	2,111.03
Stacey Bako	9/08	9/10	Canada .....	.....	604.00	.....	³ 1,414.33	.....	.....	.....	2,018.33
Wyndee Parker	9/08	9/10	Canada .....	.....	604.00	.....	3,304.63	.....	.....	.....	3,908.63
Karen Wayland	9/08	9/09	Canada .....	.....	302.00	.....	969.73	.....	.....	.....	1,271.73
Andrew Hamill	9/08	9/10	Canada .....	.....	581.41	.....	969.73	.....	.....	.....	1,551.14
Bridget Fallon	9/06	9/10	Canada .....	.....	1,208.00	.....	1,033.15	.....	.....	.....	2,241.15
Kate Knudson	9/08	9/10	Canada .....	.....	604.00	.....	969.73	.....	.....	.....	1,573.73
Morgan Gray	9/08	9/09	Canada .....	.....	302.00	.....	969.73	.....	.....	.....	1,271.73
Tina Agee	9/08	9/10	Canada .....	.....	604.00	.....	969.73	.....	.....	.....	1,573.73
* THIS IS AN AMENDMENT TO FORM FILED 10/08/2010											
Committee total .....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	21,623.21

¹ Per diem constitutes lodging and meals.

² If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

³ Military air transportation.

HON. NANCY PELOSI, Speaker of the House, Oct. 21, 2010.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO CANADA, EXPENDED BETWEEN SEPT. 6 AND SEPT. 12, 2010

Name of Member or employee	Date		Country	Per diem ¹		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²
Hon. Nancy Pelosi	9/08	9/10	Canada .....	.....	416.00	.....	(³)	.....	.....	.....	416.00
Hon. Ed Markey	9/08	9/09	Canada .....	.....	302.00	.....	1,436.28	.....	.....	.....	1,738.28
Hon. Wilson Livingood	9/08	9/10	Canada .....	.....	416.00	.....	(³)	.....	.....	.....	416.00
Hon. Brian Monahan	9/08	9/10	Canada .....	.....	562.00	.....	969.73	.....	.....	.....	1,531.73
John Lawrence	9/08	9/12	Canada .....	.....	1,173.00	.....	903.03	.....	.....	.....	2,076.03
Stacey Bako	9/08	9/10	Canada .....	.....	604.00	.....	³ 1,414.33	.....	.....	.....	2,018.33
Wyndee Parker	9/08	9/10	Canada .....	.....	604.00	.....	3,304.63	.....	.....	.....	3,908.63
Karen Wayland	9/08	9/09	Canada .....	.....	302.00	.....	969.73	.....	.....	.....	1,271.73

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO CANADA, EXPENDED BETWEEN SEPT. 6 AND SEPT. 12, 2010—Continued

Name of Member or employee	Date		Country	Per diem ¹		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²
Andrew Hamill	9/08	9/10	Canada		581.41		969.73				1,551.14
Bridget Fallon	9/06	9/10	Canada		1,208.00		1,033.15				2,241.15
Kate Knudson	9/08	9/10	Canada		604.00		969.73				1,573.73
Morgan Gray	9/08	9/09	Canada		302.00		969.73				1,271.73
Tina Agee	9/08	9/10	Canada		604.00		969.73				1,573.73
Committee total											21,588.21

¹ Per diem constitutes lodging and meals.² If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.³ Military air transportation.

HON. NANCY PELOSI, Speaker of the House, Oct. 8, 2010.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON AGRICULTURE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 2010

Name of Member or employee	Date		Country	Per diem ¹		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²
Scott R. Kuschmider, staff	8/08	8/13	Uganda		1,164.00		3,352.50				4,516.50
Michael D. Dunlap, staff	8/08	8/13	Uganda		1,164.00		3,352.50				4,516.50
Scott R. Kuschmider, staff	8/13	8/18	Kenya		1,492.00						1,492.00
Michael D. Dunlap, staff	8/13	8/18	Kenya		1,492.00						1,492.00
Committee total					5,312.00		6,705.00				12,017.00

¹ Per diem constitutes lodging and meals.² If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HON. COLLIN C. PETERSON, Chairman, Oct. 27, 2010.

(AMENDED) REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON AGRICULTURE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 2010

Name of Member or employee	Date		Country	Per diem ¹		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²
Scott R. Kuschmider, staff	8/08	8/13	Uganda		1,164.00		3,352.50				4,516.50
Michael D. Dunlap, staff	8/08	8/13	Uganda		1,164.00		3,352.50				4,516.50
Scott R. Kuschmider, staff	8/13	8/18	Kenya		1,926.00						1,926.00
Michael D. Dunlap, staff	8/13	8/18	Kenya		1,926.00						1,926.00
Committee total					6,180.00		6,705.00				12,885.00

¹ Per diem constitutes lodging and meals.² If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HON. COLLIN C. PETERSON, Chairman, Oct. 29, 2010.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON APPROPRIATIONS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 2010

Name of Member or employee	Date		Country	Per diem ¹		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²
John Blazey	7/6	7/7	Yemen		444.00						444.00
.....	7/7	7/8	Lebanon		494.00						494.00
Commercial airfare							9,047.40				9,047.40
Shalanda Young	7/13	7/14	Mali								
Commercial airfare							3,748.40				3,748.40
Hon. Barbara Lee	7/17	7/19	Austria		1,360.00				1,062.68		2,422.68
Misc. Embassy Costs									1,014.21		1,014.21
Commercial airfare							1,248.40				1,248.40
Michele Sumilas	8/6	8/8	U.A.E.		368.00						368.00
.....	8/8	8/11	Afghanistan		84.00						84.00
Commercial airfare							3,184.50				3,184.50
BG Wright	8/8	8/10	Spain		677.99						677.99
.....	8/10	8/13	Israel		1,308.00		373.00				1,681.00
.....	8/13	8/15	Italy		1,041.82						1,041.82
Commercial airfare							5,938.59				5,938.59
Celes Hughes	8/9	8/11	Lebanon		397.00		155.00				552.00
.....	8/11	8/13	Turkey		590.00						590.00
Commercial airfare							9,148.30				9,148.30
Anne Marie Chotvacs	8/9	8/11	Lebanon		397.00		155.00				552.00
.....	8/11	8/13	Turkey		590.00						590.00
Commercial airfare							9,148.30				9,148.30
Beverly Aimaro Pheto	8/13	8/19	India		1,944.00				407.07		2,351.07
Commercial airfare							5,460.60				5,460.60
Shalanda Young	8/13	8/19	India		1,944.00				407.07		2,351.07
.....							5,460.60				5,460.60
Jennifer Miller	8/17	8/20	Saudi Arabia		1,208.40						1,208.40
.....	8/20	8/21	Djibouti		454.00		102.00		15.00		571.00
Commercial airfare							9,568.49				9,568.49
Jeff Shockey	8/17	8/20	Saudi Arabia		1,208.40				15.00		1,223.40
.....	8/20	8/21	Djibouti		454.00		55.00				509.00
Commercial airfare							9,568.49				9,568.49
Craig Higgins	8/17	8/18	Dominican Republic		500.00						500.00
.....	8/18	8/19	Haiti		118.00						118.00
Steve Marchese	8/17	8/18	Dominican Republic		500.00						500.00

November 18, 2010

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REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON APPROPRIATIONS, HOUSE OF REPRESENTATIVES,
EXPENDED BETWEEN JULY 1 AND SEPT. 30, 2010—Continued

Name of Member or employee	Date		Country	Per diem ¹		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²
Commercial airfare	8/18	8/19	Haiti		118.00						118.00
Michele Sumilas	8/17	8/18	Dominican Republic		250.00		623.80				623.80
	8/18	8/19	Haiti		236.00		9,568.49				250.00
Commercial airfare							561.20				236.00
Hon. Jack Kingston	8/22	8/25	Argentina		979.39		(³)				561.20
	8/25	8/28	Brazil		1,432.69		(³)				979.39
	8/28	8/29	Colombia		374.00		(³)				1,432.69
Kate Hallahan	8/28	9/3	Japan		2,316.00		(³)				374.00
Commercial airfare							6,301.50				2,316.00
Sylvia Garcia	8/28	9/3	Japan		2,316.00						6,301.50
Commercial airfare							1,294.50				2,316.00
Laura Hogshead	8/28	9/3	Japan		2,316.00						1,294.50
Commercial airfare							6,301.50				2,316.00
Matthew McCardie	8/28	9/3	Japan		2,316.00						6,301.50
Commercial airfare							11,439.00				2,316.00
Hon. James Moran	8/29	8/30	En Route		12.39		(³)				11,439.00
	8/30	8/31	Greece		253.06		(³)				12.39
	8/31	9/1	U.A.E.		407.48		(³)				253.06
	9/1	9/2	Afghanistan		28.00		(³)				407.48
	9/2	9/3	U.A.E.		415.48		(³)				28.00
	9/3	9/5	Italy		589.32		(³)	36.96			415.48
	9/5	9/5	En Route		24.78		(³)				626.28
Hon. Harold Rogers	8/29	8/30	En Route		12.39		(³)				24.78
	8/30	8/31	Greece		253.06		(³)				12.39
	8/31	9/1	U.A.E.		407.48		(³)				253.06
	9/1	9/2	Afghanistan		28.00		(³)				407.48
	9/2	9/3	U.A.E.		415.48		(³)				28.00
	9/3	9/5	Italy		589.32		(³)	36.96			415.48
	9/5	9/5	En Route		24.78		(³)				626.28
Hon. Rodney Frelinghuysen	8/29	8/30	En Route		12.39		(³)				24.78
	8/30	8/31	Greece		253.06		(³)				12.39
	8/31	9/1	U.A.E.		407.48		(³)				253.06
	9/1	9/2	Afghanistan		28.00		(³)				407.48
	9/2	9/3	U.A.E.		415.48		(³)				28.00
	9/3	9/5	Italy		589.32		(³)	36.96			415.48
	9/5	9/5	En Route		24.78		(³)				626.28
Hon. Tom Cole	8/29	8/30	En Route		12.39		(³)				24.78
	8/30	8/31	Greece		253.06		(³)				12.39
	8/31	9/1	U.A.E.		407.48		(³)				253.06
	9/1	9/2	Afghanistan		28.00		(³)				407.48
	9/2	9/3	U.A.E.		415.48		(³)				28.00
	9/3	9/5	Italy		589.32		(³)	36.96			415.48
	9/5	9/5	En Route		24.78		(³)				626.28
Paul Terry	8/29	8/30	En Route		12.39		(³)				24.78
	8/30	8/31	Greece		253.06		(³)				12.39
	8/31	9/1	U.A.E.		407.48		(³)				253.06
	9/1	9/2	Afghanistan		28.00		(³)				407.48
	9/2	9/3	U.A.E.		415.48		(³)				28.00
	9/3	9/5	Italy		589.32		(³)	36.96			415.48
	9/5	9/5	En Route		24.78		(³)				626.28
Marjorie Duske	8/29	8/30	En Route		12.39		(³)				24.78
	8/30	8/31	Greece		253.06		(³)				12.39
	8/31	9/1	U.A.E.		407.48		(³)				253.06
	9/1	9/2	Afghanistan		28.00		(³)				407.48
	9/2	9/3	U.A.E.		415.48		(³)				28.00
	9/3	9/5	Italy		589.32		(³)	36.96			415.48
	9/5	9/5	En Route		24.78		(³)				626.28
Jeff Shockey	8/29	8/30	En Route		12.39		(³)				24.78
	8/30	8/31	Greece		253.06		(³)				12.39
	8/31	9/1	U.A.E.		407.48		(³)				253.06
	9/1	9/2	Afghanistan		28.00		(³)				407.48
	9/2	9/3	U.A.E.		415.48		(³)				28.00
	9/3	9/5	Italy		589.32		(³)	36.96			415.48
	9/5	9/5	En Route		24.78		(³)				626.28
Ann Reese	8/29	8/30	En Route		12.39		(³)				24.78
	8/30	8/31	Greece		253.06		(³)				12.39
	8/31	9/1	U.A.E.		407.48		(³)				253.06
	9/1	9/2	Afghanistan		28.00		(³)				407.48
	9/2	9/3	U.A.E.		415.48		(³)				28.00
	9/3	9/5	Italy		589.32		(³)	36.96			415.48
	9/5	9/5	En Route		24.78		(³)				626.28
BG Wright	8/29	8/30	En Route		12.39		(³)				24.78
	8/30	8/31	Greece		253.06		(³)				12.39
	8/31	9/1	U.A.E.		407.48		(³)				253.06
	9/1	9/2	Afghanistan		28.00		(³)				407.48
	9/2	9/3	U.A.E.		415.48		(³)				28.00
	9/3	9/5	Italy		589.32		(³)	36.96			415.48
	9/5	9/5	En Route		24.78		(³)				626.28
Taunja Berquam	8/30	9/3	UK		1,458.00						24.78
Commercial airfare							2,041.10				1,628.41
Robert Blair	8/30	9/3	UK		1,458.00						2,041.10
Commercial airfare							2,041.10				1,588.41
Hon. Debbie Wasserman Schultz	9/5	9/7	Israel		292.00						2,041.10
Commercial airfare							11,660.00				292.00
Hon. Steve Israel	9/5	9/7	Israel		292.00						11,660.00
Commercial airfare							7,072.00				292.00
Committee total					47,811.28		122,622.39		3,253.67		173,687.34

¹ Per diem constitutes lodging and meals.² If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.³ Military air transportation.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ARMED SERVICES, HOUSE OF REPRESENTATIVES,
EXPENDED BETWEEN JULY 1 AND SEPT. 30, 2010

Name of Member or employee	Date		Country	Per diem ¹		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²
Visit to Lebanon, July 5–9, 2010, With STAFFDEL Kuiken:											
Mark Lewis	7/6	7/8	Lebanon		494.00						494.00
Commercial transportation							8,532.80				8,532.80
Visit to Afghanistan and Germany, July 5–10, 2010:											
Hon. Carol Shea-Porter	7/6	7/6	Germany		105.25						105.25
	7/7	7/8	Afghanistan		28.00						28.00
	7/9	7/9	Germany		105.25						105.25
Hon. Michael Turner	7/6	7/6	Germany		74.58						74.58
	7/7	7/8	Afghanistan								
	7/9	7/9	Germany		74.57						74.57
Debra Wada	7/6	7/6	Germany		99.88						99.88
	7/7	7/8	Afghanistan								
	7/9	7/9	Germany		99.87						99.87
Kari Bingen	7/6	7/6	Germany		98.38						98.38
	7/7	7/8	Afghanistan								
	7/9	7/9	Germany		98.37						98.37
Visit to Germany, India, Thailand, July 29–August 6, 2010, With CODEL Ruppertsberger:											
Hon. Duncan Hunter	7/31	8/1	Germany		350.01						350.01
	8/1	8/2	India		163.84						163.84
Commercial transportation							3,057.20				3,057.20
Visit to Dubai, Oman, Afghanistan, Bahrain, July 31–August 5, 2010:											
Hon. Gene Taylor	8/1	8/2	Oman		139.00						139.00
	8/2	8/3	Afghanistan		28.00						28.00
	8/3	8/4	Bahrain		124.00						124.00
Commercial airfare							8,123.70				8,123.70
Hon. Madeleine Bordallo	8/1	8/2	Oman		139.00						139.00
	8/2	8/3	Afghanistan		28.00						28.00
	8/3	8/4	Bahrain		124.00						124.00
Commercial airfare							8,123.70				8,123.70
Hon. Glenn Nye	8/1	8/2	Oman		139.00						139.00
	8/2	8/3	Afghanistan		28.00						28.00
	8/3	8/4	Bahrain		124.00						124.00
Commercial airfare							8,123.70				8,123.70
Hon. Mark Critz	8/1	8/2	Oman		139.00						139.00
	8/2	8/3	Afghanistan		28.00						28.00
	8/3	8/4	Bahrain		124.00						124.00
Commercial airfare							8,123.70				8,123.70
Hon. Joe Wilson	8/1	8/2	Oman		139.00						139.00
	8/2	8/3	Afghanistan		28.00						28.00
	8/3	8/4	Bahrain		124.00						124.00
Commercial airfare							8,123.70				8,123.70
Hon. Mike Conaway	8/1	8/2	Oman								
	8/2	8/3	Afghanistan		28.00						28.00
	8/3	8/4	Bahrain		36.83						36.83
Commercial airfare							8,123.70				8,123.70
Josh Holly	8/1	8/2	Oman		139.00						139.00
	8/2	8/3	Afghanistan		28.00						28.00
	8/3	8/4	Bahrain		124.00						124.00
Commercial airfare							8,123.70				8,123.70
Visit to Iraq, Kuwait, August 10–14, 2010:											
Paul Arcangeli	8/11	8/12	Kuwait		447.24						447.24
	8/12	8/13	Iraq								
Commercial airfare							7,168.60				7,168.60
Debra Wada	8/11	8/12	Kuwait		447.24						447.24
	8/12	8/13	Iraq								
Commercial airfare							7,168.60				7,168.60
Tim McClees	8/11	8/12	Kuwait		447.24						447.24
	8/12	8/13	Iraq								
Commercial airfare							7,168.60				7,168.60
Pete Villano	8/11	8/12	Kuwait		447.24						447.24
	8/12	8/13	Iraq								
Commercial airfare							7,168.60				7,168.60
Tom Hawley	8/11	8/12	Kuwait		447.24						447.24
	8/12	8/13	Iraq								
Commercial airfare							7,168.60				7,168.60
Visit to Lebanon, Turkey, August 8–13, 2010, With STAFFDEL Hughes:											
Roger Zakheim	8/9	8/11	Lebanon		394.00						394.00
	8/11	8/13	Turkey		614.88						614.88
Commercial airfare							9,148.30				9,148.30
Visit to Mongolia, China, August 22–28, 2010:											
Mark Lewis	8/23	8/27	Mongolia		702.00						702.00
	8/28	8/29	China		95.00						95.00
Commercial airfare							8,656.50				8,656.50
Visit to Afghanistan, United Arab Emirates, Jordan, August 24–28, 2010, With CODEL Baird:											
Hon. Rick Larsen	8/25	8/26	United Arab Emirates		135.00						135.00
	8/26	8/27	Afghanistan		28.00						28.00
	8/28	8/28	Jordan								
Commercial airfare							8,441.10				8,441.10
Visit to Serbia, Montenegro, Croatia, August 29–September 6, 2010, With CODEL Delahunt:											
Hon. Michael Turner	8/30	9/1	Serbia		216.00						216.00
	9/1	9/3	Montenegro		762.00						762.00
	9/3	9/6	Croatia		460.00						460.00
Visit to Malta, Lebanon, Pakistan, Afghanistan, Georgia, September 1–7, 2010, With CODEL Marshall:											
Hon. Jim Marshall	9/1	9/2	Malta		268.90						268.90

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ARMED SERVICES, HOUSE OF REPRESENTATIVES,
EXPENDED BETWEEN JULY 1 AND SEPT. 30, 2010—Continued

Name of Member or employee	Date		Country	Per diem ¹		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²
Commercial transportation	9/2	9/2	Lebanon								
	9/2	9/4	Pakistan		80.00						80.00
	9/4	9/5	Afghanistan		28.00						28.00
	9/5	9/7	Georgia		570.00						570.00
Tom Hawley					268.90		1,404.00				1,404.00
Commercial transportation	9/2	9/2	Malta								
	9/2	9/2	Lebanon								
	9/2	9/4	Pakistan		80.00						80.00
	9/4	9/5	Afghanistan		28.00						28.00
Peter Villano	9/5	9/7	Georgia		570.00						570.00
Commercial transportation	9/1	9/2	Malta		224.90		785.00				785.00
	9/2	9/2	Lebanon								
	9/2	9/4	Pakistan		40.00						40.00
	9/4	9/5	Afghanistan		28.00						28.00
Committee total	9/5	9/7	Georgia		532.00						532.00
							785.00				785.00
Visit to Canada, September 9–10, 2010:											
Dave Kildee	9/9	9/10	Canada		112.00						112.00
Commercial airfare							1,930.83				1,930.83
Visit to England, September 17–21, 2010:											
Hon. Trent Franks	9/17	9/21	England		860.00						860.00
Commercial transportation							915.20				915.20
Kari Bingen Tytler			England		860.00						860.00
Commercial transportation							915.20				915.20
Visit to Japan, September 25–29, 2010:											
Robert DeGrasse	9/26	9/29	Japan		1,383.00						1,383.00
Commercial transportation							11,705.30				11,705.30
Kari Binen Tytler	9/26	9/29	Japan		1,383.00						1,383.00
Commercial transportation							12,169.30				12,169.30
Committee total					16,853.61		169,278.33				186,131.94

¹ Per diem constitutes lodging and meals.² If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HON. IKE SKELTON, Chairman, Nov. 1, 2010.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON BUDGET, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 2010

Name of Member or employee	Date		Country	Per diem ¹		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²
Teri Gullo	7/03	7/04	Senegal		241.00		(³)				241.00
	7/04	7/06	Liberia		414.00		(³)				414.00
	7/06	7/09	Kenya		986.00		(³)				986.00
	7/09	7/11	Tanzania		448.00		(³)				448.00
Hon. Cynthia Lummis	7/11	7/13	Mali		746.00		(³)				746.00
	7/13	7/14	United States				3,783.40				3,783.40
	9/01	9/02	Malta		54.00		(³)		194.00		248.00
	9/02	9/02	Lebanon				(³)				0.00
Commercial transportation	9/02	9/04	Pakistan		80.00		(³)				80.00
	9/04	9/05	Afghanistan		15.00		(³)				15.00
	9/05	9/07	Georgia		98.00		(³)		487.82		585.82
Committee total					3,082.00		3,783.40		681.82		7,547.22

¹ Per diem constitutes lodging and meals.² If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.³ Military air transportation.

HON. JOHN M. SPRATT, Jr., Chairman, Oct. 28, 2010.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON EDUCATION AND LABOR, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 2010

Name of Member or employee	Date		Country	Per diem ¹		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²

HOUSE COMMITTEES

Please Note: If there were no expenditures during the calendar quarter noted above, please check the box at right to so indicate and return ☐¹ Per diem constitutes lodging and meals.² If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HON. GEORGE MILLER, Chairman, Oct. 29, 2010.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ENERGY AND COMMERCE, HOUSE OF REPRESENTATIVES,
EXPENDED BETWEEN JULY 1 AND SEPT. 30, 2010

Name of Member or employee	Date		Country	Per diem ¹		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²
Hon. Tammy Baldwin	8/03	8/04	Israel		466.00						466.00
	8/05	8/06	Afghanistan		28.00		(³)				28.00
Hon. Joe Barton	8/06	8/07	Germany		176.25						176.25
	8/03	8/04	Israel		466.00						466.00
	8/05	8/06	Afghanistan		6.00		(³)				6.00

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ENERGY AND COMMERCE, HOUSE OF REPRESENTATIVES,
EXPENDED BETWEEN JULY 1 AND SEPT. 30, 2010—Continued

Name of Member or employee	Date		Country	Per diem ¹		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²
David Covicke	8/06	8/07	Germany		148.25						148.25
.....	8/03	8/05	Israel		780.80						780.80
Military and Commercial Aircraft	8/05	8/07	Germany		432.45		715.99				1,148.44
Hon. Marsha Blackburn	8/28	8/31	China				10,177.90				10,177.90
Committee total					2,503.75		10,893.89				13,397.64

¹ Per diem constitutes lodging and meals.² If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.³ Military air transportation.

HON. HENRY A. WAXMAN, Chairman, Nov. 1, 2010.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON FINANCIAL SERVICES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 2010

Name of Member or employee	Date		Country	Per diem ¹		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²
Stephane LeBouder	8/6	8/8	Colombia		702.67		(³)				702.67
Hon. Andre Carson	8/3	8/4	Israel		466.00		(³)				466.00
.....	8/5	8/6	Afghanistan		28.00		(³)				28.00
.....	8/6	8/7	Germany		176.25		(³)				176.25
Committee total					1,372.92						1,372.92

¹ Per diem constitutes lodging and meals.² If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.³ Military air transportation.

HON. BARNEY FRANK, Chairman, Oct. 29, 2010.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON FOREIGN AFFAIRS, HOUSE OF REPRESENTATIVES,
EXPENDED BETWEEN JULY 1 AND SEPT. 30, 2010

Name of Member or employee	Date		Country	Per diem ¹		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²
Paul Berkowitz	7/30	8/1	Germany		559.84		(³)				559.84
.....	8/1	8/2	India		303.75		(³)				303.75
.....	8/2	8/5	Thailand		569.00		(³)				569.00
.....	8/5	8/6	Austria		370.90		(³)				370.90
Dan Bob	7/4	7/6	Philippines		474.00						474.00
.....	7/6	7/8	Korea		700.00						700.00
.....	7/8	7/12	Japan		1,724.00						1,724.00
Genell Brown	8/17	8/18	Gabon		0.00						0.00
.....	8/18	8/19	Uganda		234.00		(³)				234.00
.....	8/19	8/21	Ghana		857.00		(³)				857.00
Hon. Dan Burton	8/30	9/1	Serbia		712.00		(³)				712.00
.....	9/1	9/3	Montenegro		762.00		(³)				762.00
.....	9/3	9/6	Croatia		1,332.20		(³)				1,332.20
Joan Condon	8/2	8/4	Ghana		509.00						509.00
.....	8/4	8/7	Guinea		442.00						442.00
.....	8/7	8/10	Senegal		894.00						894.00
Hon. Bill Delahunt	8/25	8/26	Canada		546.02						546.02
.....	8/30	9/1	Serbia		712.00		(³)				712.00
.....	9/1	9/3	Montenegro		762.00		(³)				762.00
.....	9/3	9/6	Croatia		1,332.20		(³)				1,332.20
Hon. Eliot L. Engel	8/6	8/8	Colombia		702.67		(³)				702.67
Hon. Eni F. H. Faleomavaega	8/24	8/27	Vietnam		763.89						763.89
.....	8/27	8/28	Japan		187.00						187.00
Hon. Jeff Flake	8/30	9/1	Serbia		712.00		(³)				712.00
.....	9/1	9/3	Montenegro		762.00		(³)				762.00
.....	9/3	9/6	Croatia		1,332.20		(³)				1,332.20
Brian Forni	8/30	9/1	Serbia		712.00		(³)				712.00
.....	9/1	9/3	Montenegro		762.00		(³)				762.00
.....	9/3	9/6	Croatia		1,332.20		(³)				1,332.20
Guillermina Garcia	8/22	8/29	Colombia		2,029.00						2,029.00
Daniel Harsha	7/4	7/8	Malaysia		646.00						646.00
.....	7/8	7/12	Cambodia		657.00						657.00
Hon. Bob Inglis	8/17	8/18	Gabon		0.00						0.00
.....	8/18	8/19	Uganda		264.00		(³)				264.00
.....	8/19	8/21	Ghana		932.00		(³)				932.00
Kristin Jackson	8/6	8/10	Colombia		1,405.34		(³)				1,405.34
.....	8/10	8/13	Ecuador		718.00						718.00
Hon. Sheila Jackson Lee	7/6	7/7	Germany		61.25		(³)				61.25
.....	7/7	7/8	Afghanistan		10.00		(³)				10.00
.....	7/8	7/9	Germany		97.00		(³)				97.00
.....	8/17	8/18	Gabon		0.00		(³)				0.00
.....	8/18	8/19	Uganda		248.00		(³)				248.00
.....	8/19	8/21	Ghana		752.00		(³)				752.00
Eric Jacobstein	8/6	8/10	Colombia		1,405.34		(³)				1,405.34
.....	8/10	8/13	Ecuador		718.00						718.00
Janice Kaguyutan	7/4	7/8	Malaysia		612.00						612.00
.....	7/8	7/12	Cambodia		752.00						752.00

¹ Per diem constitutes lodging and meals.² If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.³ Military air transportation.

November 18, 2010

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REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON FOREIGN AFFAIRS, HOUSE OF REPRESENTATIVES,
EXPENDED BETWEEN JULY 1 AND SEPT. 30, 2010—Continued

Name of Member or employee	Date		Country	Per diem ¹		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²
	8/22	8/29	Colombia		2,029.00		⁴ 11,653.30				11,653.30
Hon. Ron Klein	8/3	8/4	Israel		466.00		⁴ 3,663.25				2,029.00
	8/5	8/6	Afghanistan		28.00		(³)				3,663.25
Jessica Lee	8/6	8/7	Germany		176.25		(³)				466.00
	7/4	7/8	Malaysia		732.00						28.00
	7/8	7/12	Cambodia		752.00						176.25
							⁴ 11,563.00				732.00
	8/29	9/1	India		958.00						752.00
	9/1	9/5	Thailand		842.00						11,563.00
Vili Lei							⁴ 7,891.80				958.00
	8/24	8/27	Vietnam		763.89						842.00
	8/27	8/28	Japan		169.23						7,891.80
Hon. Connie Mack	8/6	8/7	Colombia		453.33		⁴ 14,250.20				763.89
							(³)				169.23
							³ 648.00				14,250.20
Alan Makovsky	7/30	8/2	Greece		900.00						453.33
	8/2	8/6	Egypt		1,068.00						648.00
	8/6	8/7	Cyprus		240.00						900.00
Robert Marcus	8/16	8/20	Morocco		789.00		⁴ 7,660.50				1,068.00
							⁵ 5,032.90				240.00
Hon. Gregory W. Meeks	8/6	8/8	Colombia		702.67		(³)				7,660.50
Diana Ohlbaum	8/16	8/22	Morocco		992.00						789.00
							⁵ 5,002.20				5,032.90
	9/27	9/28	Kuwait		353.06						702.67
	9/28	9/30	Iraq		0.00		(³)				992.00
Thomas Omestad							13,585.70				5,002.20
	9/27	9/28	Kuwait		337.06						353.06
	9/28	9/30	Iraq		0.00		(³)				0.00
Hon. Donald M. Payne	7/3	7/5	Rwanda		0.00		⁵ 13,585.70				13,585.70
							8,626.80				337.06
Peter Quilter	9/7	9/10	El Salvador		593.00		(³)				0.00
							⁵ 13,585.70				13,585.70
Jacqueline Quinones	7/6	7/8	Switzerland		834.00		⁴ 1,526.56				8,626.80
							⁴ 947.30		⁶ 1,115.00		593.00
	7/31	8/4	Ghana		762.00						1,526.56
	8/4	8/7	Guinea		433.50						947.30
	8/7	8/10	Senegal		919.00						1,949.00
							⁴ 6,584.44				919.00
	9/27	9/28	Kuwait		355.06						6,584.44
	9/28	9/30	Iraq		0.00		(³)				355.06
Hon. Dana Rohrabacher							⁴ 13,550.70				0.00
	7/30	8/1	Germany		559.84		(³)				13,550.70
	8/1	8/2	India		293.75		(³)				559.84
	8/2	8/5	Thailand		574.00		(³)				293.75
	8/5	8/6	Austria		370.90		(³)				574.00
Hon. Edward R. Royce	8/24	8/25	Canada		286.00		(³)				370.90
							⁴ 2,990.83				286.00
Julie Schoenthaler	8/6	8/8	Colombia		695.67		(³)				2,990.83
Daniel Silverberg	7/6	7/8	Yemen		458.00						695.67
	7/8	7/9	Lebanon		294.00						458.00
							⁴ 12,077.90				294.00
Hon. Albio Sires	8/6	8/8	Colombia		702.67		(³)				12,077.90
Amanda Sloat	6/2	6/6	Bosnia		558.00						702.67
							⁴ 1,535.20				558.00
	7/3	7/6	Iceland		596.00						1,535.20
	7/6	7/7	Norway		329.00						596.00
	7/7	7/11	Sweden		998.00						329.00
							⁴ 2,856.30				998.00
	7/31	8/4	Ghana		762.00						762.00
	8/4	8/7	Guinea		438.00						438.00
	8/7	8/10	Senegal		899.00						438.00
							⁴ 6,584.44				899.00
	9/1	9/3	Uzbekistan		268.00						6,584.44
	9/3	9/9	Kyrgyzstan		1,487.83						268.00
Mark Walker	8/30	9/1	Serbia		712.00		⁴ 12,130.95				1,487.83
	9/1	9/3	Montenegro		762.00		(³)				12,130.95
	9/3	9/6	Croatia		1,320.60		(³)				712.00
Robyn Wapner	8/6	8/10	Columbia		1,361.34		(³)				1,320.60
							⁵ 1,327.90				1,361.34
Lisa Williams	8/24	8/27	Vietnam		763.89						1,327.90
	8/27	8/28	Japan		169.23						763.89
Shanna Winters	7/6	7/8	Switzerland		836.00		⁴ 14,250.20				169.23
							⁴ 947.30		⁶ 1,115.00		14,250.20
Brent Woolfork	7/4	7/6	Iceland		601.00						1,951.00
	7/6	7/7	Norway		314.00						947.30
	7/7	7/10	Sweden		1,038.00						601.00
							⁴ 4,028.00				314.00
	8/29	9/1	Turkmenistan		127.00						1,038.00
	9/1	9/3	Uzbekistan		277.00						4,028.00
	9/3	9/9	Kyrgyzstan		1,517.83						127.00
							⁴ 10,241.76				277.00
Committee total					69,387.20		249,561.98		2,230.00		1,517.83
											10,241.76

¹ Per diem constitutes lodging and meals.² If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.³ Military air transportation.⁴ Round-trip airfare.⁵ Return airfare.⁶ Indicates delegation costs.⁷ One-way airfare.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON NATURAL RESOURCES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 2010

Name of Member or employee	Date		Country	Per diem ¹		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²
Hon. Henry Brown	8/17	8/18	Gabon				(³)				
	8/18	8/19	Uganda		103.00						103.00
	8/19	8/21	Ghana		282.00		(³)				282.00
Committee total					385.00						385.00

¹ Per diem constitutes lodging and meals.² If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.³ Military air transportation.

HON. NICK J. RAHALH II, Chairman, Oct. 6, 2010.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 2010

Name of Member or employee	Date		Country	Per diem ¹		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²
Andrew Wright	8/16	8/19	United Kingdom		1,238.00		784.00				2,023.00
Boris Maguire	8/12	8/15	Kyrgyzstan		1,122.48		7,646.90				8,769.38
	8/15	8/19	United Kingdom		1,652.00						1,652.00
Thoms Alexander	8/22	8/15	Kyrgyzstan		1,122.48		7,649.90				8,772.38
	8/15	8/19	United Kingdom		1,652.00						1,652.00
Christopher Bright	8/12	8/15	Kyrgyzstan		1,122.48		7,646.90				8,769.38
	8/15	8/19	United Kingdom		1,641.00						1,641.00
Scott Lindsay	8/12	8/15	Kyrgyzstan		1,122.48		7,646.90				8,769.38
	8/15	8/19	United Kingdom		1,652.00						1,652.00
Other Delegation Costs: United Kingdom									3,937.66		3,937.66
Michael McCarthy	8/3	8/4	Israel		466.00		(3)				466.00
	8/5	8/6	Afghanistan		28.00						28.00
	8/6	8/7	Germany		176.25						176.25
Sharon Boyl	8/3	8/4	Israel		421.00		(3)				421.00
	8/5	8/6	Afghanistan		28.00						28.00
	8/6	8/7	Germany		176.25						176.25
Steven Rangel	8/3	8/4	Israel		448.00		(3)				448.00
	8/5	8/6	Afghanistan		28.00						28.00
	8/6	8/7	Germany		34.25						34.25
Hon. Edolphus Towns	8/3	8/4	Israel		466.00		(3)				466.00
	8/5	8/6	Afghanistan		28.00						28.00
	8/6	8/7	Germany		176.25						176.25
Other Delegation Costs: Israel									8,214.63		8,214.63
Jenny Rosenberg	8/3	8/5	Israel		817.00		(3)				817.00
	8/5	8/7	Germany		514.25						514.25
Hon. Peter Welch	9/1	9/2	Malta		179.39		(3)				179.39
	9/2	9/2	Lebanon		0.00						
	9/3	9/4	Pakistan		48.00						48.00
	9/4	9/5	Afghanistan		28.00						28.00
	9/5	9/7	Georgia		906.72						906.72
Ryan Dwyer	8/30	9/1	Serbia		712.00		(3)				712.00
	9/1	9/3	Montenegro		762.00						762.00
	9/3	9/6	Croatia		1,332.20						1,332.20
Hon. Bill Shuster	8/22	8/23	Jordan		493.00		6,564.69				7,057.69
	8/23	8/24	Iraq		0.00						
	8/24	8/26	Dubai		548.00						548.00
	8/26	8/27	Afghanistan		28.00						28.00
	8/28	8/30	Israel		466.00						466.00
Committee total				2,476.00	19,160.48		37,939.29		12,152.29		71,728.06

¹ Per diem constitutes lodging and meals.² If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.³ Military air transportation.

HON. EDOLPHUS TOWNS, Chairman, Nov. 1, 2010.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON RULES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 2010

Name of Member or employee	Date		Country	Per diem ¹		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²
Lincoln Diaz-Balart	7/01	7/05	Poland		1,319.07				108.50		1,427.57
	8/06	8/08	Colombia		802.67						802.67
	8/08	8/08	Panama				646.70				646.70
Committee total					2,121.74		646.70		108.50		2,876.94

¹ Per diem constitutes lodging and meals.² If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HON. LOUISE MCINTOSH SLAUGHTER, Chairwoman, Oct. 19, 2010.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON SCIENCE AND TECHNOLOGY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 2010.

Name of Member or employee	Date		Country	Per diem ¹		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²
Hon. Mario Diaz-Balart	7/01	7/05	Poland		1,319.07		(³)				1,319.07
	8/06	8/08	Colombia		674.67		(³)				674.67

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON SCIENCE AND TECHNOLOGY, HOUSE OF REPRESENTATIVES,
EXPENDED BETWEEN JULY 1 AND SEPT. 30, 2010.—Continued

Name of Member or employee	Date		Country	Per diem ¹		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²
Hon. Bart Gordon	7/08	7/10	United Kingdom		663.00		1,527.40				2,190.40
	7/10	7/13	Belgium		842.00						842.00
Bess Caughran	7/08	7/10	United Kingdom		796.00		1,962.40				2,758.40
	7/10	7/16	Belgium		1,974.00						1,974.00
Delegation Expenses—Belgium									34.23		34.23
Delegation Expenses—United Kingdom									(³)		
Hon. Brian Baird	8/01	8/02	India		486.00		7,857.20				8,343.20
	8/02	8/06	Bhutan		1,120.00		787.40				1,907.40
	8/06	8/08	India		972.00						972.00
Christopher King	8/01	8/02	India		486.00		7,857.20				8,343.20
	8/02	8/06	Bhutan		1,120.00		787.40				1,907.40
	8/06	8/08	India		972.00						972.00
Delegation Expenses—India									724.22		724.22
Delegation Expenses—Bhutan											
Hon. Brian Baird	8/22	8/23	Jordan		493.00		6,987.69				7,480.69
	8/23	8/24	Iraq				(³)				
	8/24	8/26	Dubai		826.00						826.00
	8/26	8/27	Afghanistan		28.00		(³)				28.00
	8/28	8/30	Israel		932.00		(³)				932.00
Hon. Robert Inglis	8/22	8/23	Jordan		491.00		3,469.59				3,960.59
	8/23	8/24	Iraq				(³)				
	8/24	8/26	Dubai		713.75		(³)				713.75
	8/26	8/27	Afghanistan		28.00		(³)				28.00
	8/28	8/30	Israel		754.00						754.00
Delegation Expenses—Jordan									1,165.80		1,165.80
Delegation Expenses—Israel									7,632.36		7,632.36
Delegation Expenses—Dubai									(⁴)		
Committee total					15,690.49		31,236.28		9,556.61		56,483.38

¹ Per diem constitutes lodging and meals.² If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.³ Military air transportation.⁴ Not yet received.

HON. BART GORDON, Chairman, Nov. 1, 2010.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON STANDARD OF OFFICIAL CONDUCT, HOUSE OF REPRESENTATIVES,
EXPENDED BETWEEN JULY 1 AND SEPT. 30, 2010

Name of Member or employee	Date		Country	Per diem ¹		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²

HOUSE COMMITTEES

Please Note: If there were no expenditures during the calendar quarter noted above, please check the box at right to so indicate and return. ☒¹ Per diem constitutes lodging and meals.² If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HON. ZOE LOFGREN, Chairman, Oct. 19, 2010.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE, HOUSE OF REPRESENTATIVES,
EXPENDED BETWEEN JULY 1 AND SEPT. 30, 2010

Name of Member or employee	Date		Country	Per diem ¹		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²
Hon. Jean Schmidt	8/6	8/8	Columbia		1,818.40		(³)				1,818.40
Hon. Shelley Moore Capito	7/5	7/6	Germany		54.00		(³)				54.00
	7/6	7/7	Afghanistan		164.00		(³)				164.00
	7/8	7/9	Germany		54.00		(³)				54.00
Hon. Mark Schauer	7/5	7/6	Germany		54.00		(³)				54.00
	7/6	7/7	Afghanistan		164.00		(³)				164.00
	7/8	7/9	Germany		54.00		(³)				54.00
Hon. Steve Kagen	8/3	8/4	Israel		466.00		(³)				466.00
	8/5	8/6	Afghanistan		28.00		(³)				28.00
	8/6	8/7	Germany		176.25		(³)				176.25
Committee total					3,032.65						3,032.65

¹ Per diem constitutes lodging and meals.² If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.³ Military air transportation.

HON. JAMES L. OBERSTAR, Chairman, Oct. 28, 2010.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON VETERANS' AFFAIRS, HOUSE OF REPRESENTATIVES,
EXPENDED BETWEEN JULY 1 AND SEPT. 30, 2010

Name of Member or employee	Date		Country	Per diem ¹		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²

HOUSE COMMITTEES

Please Note: If there were no expenditures during the calendar quarter noted above, please check the box at right to so indicate and return. ☒¹ Per diem constitutes lodging and meals.² If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HON. BOB FILNER, Chairman, Oct. 12, 2010.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, PERMANENT SELECT COMMITTEE ON INTELLIGENCE, HOUSE OF REPRESENTATIVES,
EXPENDED BETWEEN JULY 1 AND SEPT. 30, 2010

Name of Member or employee	Date		Country	Per diem ¹		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²
Brian Morrison	7/04	7/06	S.E. Asia		466.00						
Commercial aircraft	7/06	7/08	S.E. Asia		366.00						
Iram Ali	7/03	7/05	S.E. Asia		466.00		11,903.60				12,735.60
Commercial aircraft	7/06	7/08	S.E. Asia		366.00						
Chelsey Campbell	7/03	7/05	S.E. Asia		466.00		11,903.60				12,735.60
Commercial aircraft	7/06	7/08	S.E. Asia		366.00						
Mark Young	7/03	7/04	Africa		286.00						
Commercial aircraft	7/04	7/05	Africa		250.00						
Commercial aircraft	7/06	7/08	Africa		1,016.00						
Commercial aircraft	7/08	7/09	Africa		271.00						
George Papaps	7/03	7/04	Africa		286.00		6,593.90				8,416.90
Commercial aircraft	7/04	7/05	Africa		250.00						
Commercial aircraft	7/06	7/08	Africa		1,016.00						
Commercial aircraft	7/08	7/09	Africa		271.00						
Jay Hulings	7/05	7/07	Europe		326.78						
Commercial aircraft	7/07	7/09	Middle East		862.00		2,616.49				3,805.27
Abbas Ravjani	7/05	7/07	Europe		326.78						
Commercial aircraft	7/07	7/09	Middle East		862.00		2,626.49				3,805.27
Nate Hauser	7/05	7/07	Europe		326.78						
Commercial aircraft	7/07	7/10	Middle East		862.00		2,616.49				3,805.27
Hon. Dutch Ruppersberger	8/01	8/02	S.E. Asia		331.10						
Commercial aircraft	8/03	8/05	S.E. Asia		611.21						
Commercial aircraft	8/06	8/09	Europe		364.68						
Bob Minehart	7/30	7/31	Europe		435.00		(³)				1,741.89
Commercial aircraft	8/01	8/02	S.E. Asia		331.10						
Commercial aircraft	8/03	8/05	S.E. Asia		611.21						
Commercial aircraft	8/05	8/06	Europe		364.68						
Carly Scott	7/30	7/31	Europe		435.00		(³)				1,741.89
Commercial aircraft	8/01	8/02	S.E. Asia		331.10						
Commercial aircraft	8/03	8/05	S.E. Asia		611.21						
Commercial aircraft	8/05	8/06	Europe		364.68						
Frank Garcia	7/30	7/31	Europe		435.00		(³)				1,741.89
Commercial aircraft	8/1	8/2	S.E. Asia		331.10						
Commercial aircraft	8/3	8/5	S.E. Asia		611.21						
Commercial aircraft	8/5	8/6	Europe		364.68						
Mike Delaney	7/30	7/31	Europe		435.00		(³)				1,741.89
Commercial aircraft	8/2	8/4	Europe		913.66						
Commercial aircraft	8/4	8/5	Europe		126.00						
Commercial aircraft	8/5	8/7	Europe		210.00						
Brian Morrison	8/2	8/4	Europe		913.66		4,455.20				5,704.86
Commercial aircraft	8/4	8/5	Europe		126.00						
Commercial aircraft	8/5	8/7	Europe		210.00						
Chelsey Campbell	8/2	8/4	Europe		913.66		5,407.20				6,656.86
Commercial aircraft	8/4	8/5	Europe		126.00						
Commercial aircraft	8/5	8/7	Europe		210.00						
Jay Hulings	8/1	8/3	Europe		734.00						
Commercial aircraft	8/3	8/5	Europe		494.85		4,989.70				6,858.55
Commercial aircraft	8/5	8/6	Europe		640.00						
Adam Lurie	8/1	8/3	Europe		734.00						
Commercial aircraft	8/3	8/5	Europe		494.85		4,989.70				6,858.55
Commercial aircraft	8/5	8/6	Europe		640.00						
Fred Fleitz	8/1	8/3	Europe		734.00						
Commercial aircraft	8/3	8/5	Europe		494.85		4,989.70				6,858.55
Commercial aircraft	8/5	8/6	Europe		640.00						
Hon. Mike Conaway	8/5	8/7	Asia		632.00		4,580.90				5,212.90
Commercial aircraft	8/5	8/7	Asia		632.00						
James Lewis	8/8	8/10	Asia		958.00		10,334.70				10,966.70
Commercial aircraft	8/10	8/11	Asia		632.00						
Commercial aircraft	8/11	8/13	Asia		443.00						
Linda Cohen	8/08	8/10	Asia		958.00		14,603.60				16,636.60
Commercial aircraft	8/10	8/11	Asia		632.00						
Commercial aircraft	8/11	8/14	Asia		443.00						
Abbas Ravjani	8/08	8/10	Asia		958.00		14,603.60				16,636.60
Commercial aircraft	8/10	8/11	Asia		632.00						
Commercial aircraft	8/11	8/14	Asia		443.00						
Catherine McElroy	8/08	8/10	Asia		958.00		14,603.60				16,636.60
Commercial aircraft	8/10	8/11	Asia		632.00						
Commercial aircraft	8/11	8/14	Asia		443.00						
Nate Hauser	8/08	8/10	Asia		958.00		14,603.60				16,636.60
Commercial aircraft	8/10	8/11	Asia		632.00						
Commercial aircraft	8/11	8/14	Asia		443.00						
Hon. Silvestre Reyes	8/23	8/25	Latin America		793.39		14,603.90				16,636.60
Commercial aircraft	8/26	8/29	Latin America		1,077.69						
Commercial aircraft	8/29	8/30	Latin America		374.00						
Hon. Dutch Ruppersberger	8/23	8/25	Latin America		793.39		(³)				2,245.08
Commercial aircraft	8/26	8/29	Latin America		1,077.69						
Commercial aircraft	8/29	8/30	Latin America		374.00						
Mike Delaney	8/23	8/25	Latin America		793.39		(³)				2,245.08

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, PERMANENT SELECT COMMITTEE ON INTELLIGENCE, HOUSE OF REPRESENTATIVES,
EXPENDED BETWEEN JULY 1 AND SEPT. 30, 2010—Continued

Name of Member or employee	Date		Country	Per diem ¹		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²
Iram Ali	8/26	8/29	Latin America		1,077.69						
	8/29	8/30	Latin America		374.00						
	8/23	8/25	Latin America		93.00		(³)				2,245.08
	8/26	8/29	Latin America		355.00						
Courtney Littig	8/29	8/30	Latin America		374.00						
	8/23	8/25	Latin America		93.00		(³)				2,245.08
	8/26	8/29	Latin America		355.00						
	8/29	8/30	Latin America		374.00						
Stephanie Leaman	8/23	8/25	Latin America		793.39		(³)				2,245.08
	8/26	8/29	Latin America		1,077.69						
	8/29	8/30	Latin America		374.00						
	8/23	8/25	Latin America		793.39		(³)				2,245.08
Ashley Lowry	8/26	8/29	Latin America		1,077.69						
	8/29	8/30	Latin America		374.00						
	8/23	8/25	Latin America		793.39		(³)				2,245.08
	8/26	8/29	Latin America		1,077.69						
Stacey Dixon	8/29	8/30	Latin America		374.00						
	8/23	8/25	Europe		534.90		(³)				2,245.08
	8/26	8/27	Europe		374.00						
	8/28	8/30	Europe		202.00						
Commercial aircraft											
Carly Scott	8/23	8/25	Europe		534.90			3,387.50			4,498.40
Commercial aircraft	8/26	8/27	Europe		374.00						
	8/28	8/30	Europe		202.00						
	8/23	8/25	Europe		534.90			3,387.50			4,498.40
	8/26	8/27	Europe		374.00						
Catherine McElory	8/28	8/30	Europe		202.00						
Commercial aircraft											
Hon. Peter Hoekstra	8/27	8/28	Asia		470.00			3,387.50			4,498.40
James Lewis	8/28	8/29	S.E. Asia		156.52						
	8/29	8/30	S.E. Asia		233.00						
	8/30	8/31	S.E. Asia		183.00						
	8/31	9/01	S.E. Asia		662.25						
	9/2	9/3	S.E. Asia		367.00						
	8/27	8/28	Asia		470.00			11,547.20			13,618.97
	8/28	8/29	S.E. Asia		156.52						
	8/29	8/30	S.E. Asia		233.00						
Sarah Geffroy	8/30	8/31	S.E. Asia		183.00						
	8/31	9/01	S.E. Asia		662.25						
	9/2	9/3	S.E. Asia		367.00						
	8/27	8/28	Asia		470.00			8,123.70			10,195.47
	8/28	8/29	S.E. Asia		156.52						
	8/29	8/30	S.E. Asia		233.00						
	8/30	8/31	S.E. Asia		183.00						
	8/31	9/2	S.E. Asia		622.25						
Commercial aircraft	9/2	9/3	S.E. Asia		367.00						
Hon. Jeff Miller	8/30	9/05	S.E. Asia		1,185.00			8,757.50			10,789.27
	8/30	9/05	S.E. Asia		1,185.00			7,551.50			8,736.50
	8/30	9/05	S.E. Asia		1,185.00			14,575.90			15,760.90
	8/30	9/05	S.E. Asia		1,185.00			15,877.90			17,062.90
	8/30	9/05	S.E. Asia		1,185.00			7,551.50			8,736.50
	8/30	9/05	S.E. Asia		1,185.00			14,575.90			15,760.90
	8/30	9/05	S.E. Asia		1,185.00			15,877.90			17,062.90
	9/01	9/03	Europe		367.00			5,856.20			6,962.71
Chris Donesa	9/03	9/04	Africa		346.86						
	9/04	9/06	Africa		392.65						
	9/01	9/03	Europe		367.00			5,856.20			6,962.71
	9/03	9/04	Africa		346.86						
Stacey Dixon	9/04	9/06	Africa		392.65						
	9/01	9/03	Europe		367.00			5,856.20			6,962.71
	9/03	9/04	Africa		346.86						
	9/04	9/06	Africa		392.65						
Hon. Rush Holt	9/05	9/06	Middle East		292.00			5,926.90			7,033.41
	9/05	9/06	Middle East		292.00			6,307.00			6,599.00
	9/05	9/06	Middle East		292.00			6,307.00			6,599.00
	9/05	9/06	Middle East		292.00			6,307.00			6,599.00
James Lewis	9/9	9/10	Europe		416.00						
	9/10	9/11	Europe		617.71						
	9/11	9/12	Europe		234.00						
	9/12	9/13	Europe		300.50						
	9/13	9/14	Europe		243.31						
	9/9	9/10	Europe		416.00			3,167.80			4,979.32
	9/10	9/11	Europe		617.71						
	9/11	9/12	Europe		234.00						
Chelsey Campbell	9/12	9/13	Europe		300.50			2,686.60			4,498.12
	9/13	9/14	Europe		243.31						
	9/9	9/10	Europe		416.00						
	9/10	9/11	Europe		617.71						
	9/11	9/12	Europe		234.00						
	9/12	9/13	Europe		300.50						
	9/13	9/14	Europe		243.31						
	9/9	9/10	Europe		416.00			2,686.60			4,498.12

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, PERMANENT SELECT COMMITTEE ON INTELLIGENCE, HOUSE OF REPRESENTATIVES,
EXPENDED BETWEEN JULY 1 AND SEPT. 30, 2010—Continued

Name of Member or employee	Date		Country	Per diem ¹		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²
Committee total											

¹ Per diem constitutes lodging and meals.

² If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

³ Military air transportation.

HON. SILVESTRE REYES, Chairman, Nov. 1, 2010.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMISSION ON SECURITY AND COOPERATION IN EUROPE, HOUSE OF REPRESENTATIVES,
EXPENDED BETWEEN JULY 1 AND SEPT. 30, 2010

Name of Member or employee	Date		Country	Per diem ¹		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²
Alex Johnson	7/27	7/30	Austria		948.00		1,100.20				2,048.20
Committee total					948.00		1,100.20				2,048.20

¹ Per diem constitutes lodging and meals.

² If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HON. ALCEE L. HASTINGS, Oct. 19, 2010.

BUDGETARY EFFECTS OF PAYGO LEGISLATION

Pursuant to Public Law 111-139, Mr. SPRATT hereby submits, prior to the vote on passage, the attached estimate of the costs of H.R. 6419, the Emergency Unemployment Compensation Continuation Act, as amended, for printing in the CONGRESSIONAL RECORD.

CBO ESTIMATE OF THE STATUTORY PAY-AS-YOU-GO EFFECTS FOR H.R. 6419, EMERGENCY UNEMPLOYMENT COMPENSATION CONTINUATION ACT AS AMENDED

	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2011-2015	2011-2020
NET INCREASE IN THE DEFICIT												
Total Changes	12,115	69	90	92	68	37	26	4	0	0	12,435	12,502
Less:												
Designated as Emergency Requirement ^a	12,115	69	90	92	68	37	26	4	0	0	12,435	12,502
Statutory Pay-As-You-Go Impact	0	0	0	0	0	0	0	0	0	0	0	0
Memorandum: Components of the Emergency Designation ^b												
Change in Outlays	12,115	0	0	0	0	0	0	0	0	0	12,115	12,115
Changes in Revenues	0	-69	-90	-92	-68	-37	-26	-4	0	0	-320	-387

^a Section 5 of H.R. 6419 would designate the act as an emergency requirement pursuant to section 4(g) of the Statutory Pay-As-You-Go Act of 2010.

^b For outlays, a positive number indicates an increase in the deficit. For revenues, a negative number indicates an increase in the deficit.

Notes: Components may not sum to totals because of rounding.

H.R. 6419 would extend Emergency Unemployment Compensation and full federal funding of extended benefits through February 28, 2011. The bill also would allow states to calculate the extended benefits triggers using a three-year look-back for the period of the extension.

Source: Congressional Budget Office.

EXECUTIVE COMMUNICATIONS,
ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

10390. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Flubendiamide; Pesticide Tolerances; Technical Correction [EPA-HQ-OPP-2007-0099; FRL-8849-2] received November 5, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10391. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Flumioxazin; Pesticide Tolerances [EPA-HQ-OPP-2008-0781; FRL-8850-3] received November 5, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10392. A letter from the Under Secretary, Department of Defense, transmitting a letter on the approved retirement Captain Philip G. Howe, United States Navy, and his advancement to the grade of rear admiral on

the retired list; to the Committee on Armed Services.

10393. A letter from the Under Secretary, Department of Defense, transmitting the Department's quarterly report entitled, "Acceptance of contributions for defense programs, projects, and activities; Defense Cooperation Account", for the period ending September 30, 2010; to the Committee on Armed Services.

10394. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Prohibition on Interrogation of Detainees by Contractor Personnel (DFARS Case 2010-D027) (RIN: 0750-AG88) received November 5, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

10395. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Trade Agreements-New Thresholds (DFARS 2009-D040) (RIN: 0750-AG59) received October 25,

2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

10396. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting the 48th report required by the FY 2000 Emergency Supplemental Act; to the Committee on Armed Services.

10397. A letter from the Vice President of the United States, transmitting November 2010 Update to the National Defense Authorization Act of FY 2010; to the Committee on Armed Services.

10398. A letter from the General Counsel, Federal Housing Finance Agency, transmitting the Agency's final rule — Equal Access to Justice Act Implementation (RIN: 2590-AA29) received November 1, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

10399. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementation Plan, Imperial County Air Pollution Control District [EPA-R09-

OAR-2008-0740; FRL-9221-6] received November 5, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

10400. A communication from the President of the United States, transmitting notification that the national emergency declared with respect to the proliferation of weapons of mass destruction declared by Executive Order 12938 on November 14, 1994, as amended, is to continue in effect beyond November 14, 2010, pursuant to 50 U.S.C. 1622(d); (H. Doc. No. 111-153); to the Committee on Foreign Affairs and ordered to be printed.

10401. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting the report on compliance with the Treaty on Conventional Armed Forces in Europe; to the Committee on Foreign Affairs.

10402. A letter from the District of Columbia Auditor, Office of the District of Columbia Auditor, transmitting a copy of the report entitled, "Audit of Advisory Neighborhood Commission 6B for Fiscal Years 2008 Through 2010, as of March 31, 2010", pursuant to D.C. Code section 47-117(d); to the Committee on Oversight and Government Reform.

10403. A letter from the District of Columbia Auditor, Office of the District of Columbia Auditor, transmitting copy of the report entitled "Audit of Advisory Neighborhood Commission 6D for Fiscal Years 2008 Through 2010, as of March 31, 2010", pursuant to D.C. Code section 47-117(d); to the Committee on Oversight and Government Reform.

10404. A letter from the District of Columbia Auditor, Office of the District of Columbia Auditor, transmitting copy of the report entitled "Audit of Advisory Neighborhood Commission 6A for Fiscal Years 2008 Through 2010, as of March 31, 2010", pursuant to D.C. Code section 47-117(d); to the Committee on Oversight and Government Reform.

10405. A letter from the District of Columbia Auditor, Office of the District of Columbia Auditor, transmitting copy of the report entitled "District of Columbia Agencies' Compliance with Small Business Enterprise Expenditure Goals for the 1st and 2nd Quarter of Fiscal Year 2010", pursuant to D.C. Code section 47-117(d); to the Committee on Oversight and Government Reform.

10406. A letter from the Director, Office of Personnel Management, transmitting the Office's "Major" final rule — Federal Employees' Group Life Insurance Program: Miscellaneous Changes, Clarifications, and Corrections (RIN: 3206-AG63) received November 3, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

10407. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulation; Pequonnock River, Bridgeport, CT [Docket No.: USCG-2010-0787] (RIN: 1625-AA09) received October 28, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10408. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zones; Swim Events within the Sector New York Captain of the Port Zone [Docket No.: USCG-2010-0502] (RIN: 1625-AA00) received October 28, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10409. A letter from the Attorney-Advisor, Department of Homeland Security, transmit-

ting the Department's final rule — Safety Zone; Raccoon Creek, Bridgeport, NJ [Docket No.: USCG-2010-0743] (RIN: 1625-AA00) received October 28, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10410. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Ohio River, Wheeling, WV, Wheeling Heritage Port Sternwheel Foundation fireworks display [Docket No.: USCG-2010-0723] (RIN: 1625-AA00) received October 28, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10411. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Ocean City Beachfront Air Show, Ocean City, NJ [Docket No.: USCG-2010-0817] (RIN: 1625-AA00) received October 28, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10412. A letter from the Program Manager, Department of Health and Human Services, transmitting the Department's final rule — Medicare Program; Part A Premiums for CY 2011 for the Uninsured Aged and for Certain Disabled Individuals Who Have Exhausted Other Entitlement [CMS-8041-N] (RIN: 0938-AP85) received November 5, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10413. A letter from the Acting Deputy Assistant Administrator, Bureau for Legislative and Public Affairs, Agency for International Development, transmitting the Agency's fourth fiscal year 2010 quarterly report on unobligated and unexpended appropriated funds; jointly to the Committees on Appropriations and Foreign Affairs.

10414. A letter from the Program Manager, Department of Health and Human Services, transmitting the Department's "Major" final rule — Medicare Program; Inpatient Hospital Deductible and Hospital and Extended Care Services Coinsurance Amounts for CY 2011 [CMS-8040-N] (RIN: 0938-AP86) received November 5, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Ways and Means and Energy and Commerce.

10415. A letter from the Program Manager, Department of Health and Human Services, transmitting the Department's "Major" final rule — Medicare Program; Medicare Part B Monthly Actuarial Rates, Premium Rate, and Annual Deductible Beginning January 1, 2011 [CMS-8042-N] (RIN: 0938-AP81) received November 5, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Ways and Means and Energy and Commerce.

10416. A letter from the Program Manager, Department of Health and Human Services, transmitting the Department's "Major" final rule — Medicare Program; Home Health Prospective Payment System Rate Update for Calendar Year 2011; Changes in Certification Requirements for Home Health Agencies and Hospices [CMS-1510-F] (RIN: 0938-AP88) received November 2, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Ways and Means and Energy and Commerce.

10417. A letter from the Program Manager, Department of Health and Human Services, transmitting the Department's "Major" final rule — Medicare Program; Payment Policies Under the Physician Fee Schedule and Other Revisions to Part B for CY 2011 [CMS-1503-FC] (RIN: 0938-AP79) received November 2, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Ways and Means and Energy and Commerce.

10418. A letter from the Program Manager, Department of Health and Human Services, transmitting the Department's "Major" final rule — Medicare Program: Hospital Outpatient Prospective Payment System and CY 2011 Payment Rates; Ambulatory Surgical Center Payment System and CY 2011 Payment Rates; Payments to Hospitals for Graduate Medical Education Costs; Physician Self-Referral Rules and Related Changes to Provider Agreement Regulations; Payment for Certified Registered Nurse Anesthetist Services Furnished in Rural Hospitals and Critical Access Hospitals [CMS-1504-FC and CMS-1498-IFC2] (RIN: 0938-AP82 and RIN: 0938-AP80) received November 2, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Ways and Means and Energy and Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. GORDON of Tennessee: Committee on Science and Technology. H.R. 5866. A bill to amend the Energy Policy Act of 2005 requiring the Secretary of Energy to carry out initiatives to advance innovation in nuclear energy technologies, to make nuclear energy systems more competitive, to increase efficiency and safety of civilian nuclear power, and for other purposes; with an amendment (Rept. 111-658). Referred to the Committee of the Whole House on the State of the Union.

Mr. THOMPSON of Mississippi: Committee on Homeland Security. H.R. 5498. A bill to enhance homeland security by improving efforts to prevent, deter, prepare for, detect, attribute, respond to, and recover from an attack with a weapon of mass destruction, and for other purposes; with an amendment (Rept. 111-659, Pt. 1). Ordered to be printed.

DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XIII, the Committees on Agriculture, Transportation and Infrastructure, Foreign Affairs, and Intelligence (Permanent Select) discharged from further consideration. H.R. 5498 referred to the Committee of the Whole House on the State of the Union.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

H.R. 5498. Referral to the Committee on Energy and Commerce extended for a period ending not later than December 3, 2010.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. HOLT (for himself, Ms. LINDA T. SANCHEZ of California, Mr. SIRE, Mr. PASCRELL, Mr. ANDREWS, Mr. PALLONE, and Mr. ROTHMAN of New Jersey):

H.R. 6425. A bill to prevent harassment at institutions of higher education, and for

other purposes; to the Committee on Education and Labor.

By Mr. KIND:

H.R. 6426. A bill to authorize the Secretary of the Interior to carry out programs and activities for connecting children and families with the outdoors; to the Committee on Natural Resources, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DINGELL (for himself, Mr. WAXMAN, Mr. LEVIN, Mr. STARK, and Mr. PALLONE):

H.R. 6427. A bill to amend title XVIII of the Social Security Act to provide for an update under the Medicare physician fee schedule through 2011; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, and the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. SPEIER:

H.R. 6428. A bill to exclude from gross income compensation provided by Pacific Gas and Electric Company for victims of the natural gas transmission line explosion occurring in San Bruno, California, and to treat as nontaxable any gain from the involuntary conversion of their property as the result of such explosion, without regard to the rules requiring conversion to property of a similar use; to the Committee on Ways and Means.

By Mr. HOEKSTRA:

H.R. 6429. A bill to extend expiring provisions of the USA PATRIOT Improvement and Reauthorization Act of 2005 and Intelligence Reform and Terrorism Prevention Act of 2004 until February 29, 2012; to the Committee on the Judiciary, and in addition to the Committee on Intelligence (Permanent Select), for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MINNICK:

H.R. 6430. A bill to amend title 38, United States Code, to improve educational assistance for veterans who served in the Armed Forces after September 11, 2001, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. McDERMOTT:

H.R. 6431. A bill to amend title 11 of the United States Code to modify the application of chapter 13 with respect to principal residences that are the subject of foreclosure; to the Committee on the Judiciary.

By Mr. CAO:

H.R. 6432. A bill to promote freedom and democracy in Vietnam; to the Committee on Foreign Affairs.

By Mr. CAO (for himself, Ms. ROSELEHTINEN, Mr. SMITH of New Jersey, Mr. ROYCE, Mr. WOLF, and Ms. LORTETA SANCHEZ of California):

H.R. 6433. A bill to impose sanctions on individuals who are complicit in human rights abuses committed against nationals of Vietnam or their family members, and for other purposes; to the Committee on Foreign Affairs, and in addition to the Committees on the Judiciary, Ways and Means, and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. CASTOR of Florida:

H.R. 6434. A bill to establish programs to aid in the economic, environmental, and

public health recovery of the Gulf States from the damage and harm caused by the blowout of the mobile offshore drilling unit Deepwater Horizon and the resulting degradation of the Gulf over time, and for other purposes; to the Committee on Natural Resources, and in addition to the Committees on Transportation and Infrastructure, Energy and Commerce, and Science and Technology, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. CHU (for herself and Ms. LEE of California):

H.R. 6435. A bill to direct the Secretary of Education to carry out grant programs to provide low-income students with access to high-quality early education programs that promote school readiness, address the achievement gap for English-language learners, and encourage bilingualism; to the Committee on Education and Labor.

By Mr. CONYERS (for himself and Mr. FILNER):

H.R. 6436. A bill to amend the National Labor Relations Act to clarify the intent of Congress for Federal labor law preemption of State and local law, and for other purposes; to the Committee on Education and Labor.

By Mr. ENGEL (for himself and Mrs. MYRICK):

H.R. 6437. A bill to amend title XIX of the Social Security Act to improve the quality, health outcomes, and value of maternity care under the Medicaid and CHIP programs by developing a maternity care quality measurement program, identifying payment mechanism improvements, and identifying essential evidence-based maternity care services; to the Committee on Energy and Commerce.

By Mr. GRIFFITH:

H.R. 6438. A bill to provide for the adjustment of status for certain long-term conditional residents; to the Committee on the Judiciary.

By Mr. HASTINGS of Florida:

H.R. 6439. A bill to amend the Internal Revenue Code of 1986 to require certain determinations before the filing of all notices of Federal tax liens and supervisory approval before the filing of certain notices of Federal tax liens, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HOEKSTRA:

H.R. 6440. A bill to amend the Fair Housing Act to provide an exemption for any person seeking to enter into a shared living arrangement with a person sharing similar religious opinions or religious beliefs, and for other purposes; to the Committee on the Judiciary.

By Mr. LEWIS of Georgia:

H.R. 6441. A bill to improve the safety of motorcoaches, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. PINGREE of Maine:

H.R. 6442. A bill to amend title II of the Social Security Act to prevent low-income public servants from falling into poverty by modifying the Government Pension Offset to protect their Social Security widows and

spousal benefits; to the Committee on Ways and Means.

By Mr. ROHRABACHER (for himself, Mr. OWENS, and Mr. LEE of New York):

H.R. 6443. A bill to provide for the design, production, and presentation of a Gold Medal of Remembrance to the children of members of the Armed Forces who die while serving on active duty in support of Operation Enduring Freedom, Operation Iraqi Freedom, or Operation New Dawn, and for other purposes; to the Committee on Armed Services, and in addition to the Committee on Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ROHRABACHER:

H.R. 6444. A bill to amend title I of the Patient Protection and Affordable Care Act to provide for appropriate procedures under such title for verification of citizenship status; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SPRATT:

H.R. 6445. A bill to establish the Carolinas Revolutionary Road National Heritage Area in the States of North Carolina and South Carolina, and for other purposes; to the Committee on Natural Resources.

By Mr. STUPAK:

H.R. 6446. A bill to authorize the transfer of a naval vessel to the Mackinac Island State Park Commission of the State of Michigan; to the Committee on Armed Services.

By Mr. THOMPSON of Mississippi:

H.R. 6447. A bill to eliminate the preferences and special rules for Alaska Native Corporations under the program under section 8(a) of the Small Business Act; to the Committee on Small Business, and in addition to the Committee on Natural Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WEINER (for himself, Ms. BERKLEY, and Mr. CARNEY):

H.J. Res. 99. A joint resolution disapproving the issuance of a letter of offer with respect to a certain proposed sale of defense articles and defense services to the Kingdom of Saudi Arabia; to the Committee on Foreign Affairs.

By Mr. SMITH of New Jersey (for himself, Mr. WOLF, Ms. ESHOO, Mr. KIRK, Mr. PETERS, Mr. FRANKS of Arizona, and Mr. PITTS):

H. Res. 1725. A resolution condemning and deploring the murderous attacks, bombings, kidnappings, and threats against vulnerable religious communities in Iraq, in particular the attack against Our Lady of Salvation Church in Baghdad on October 31, 2010, and for other purposes; to the Committee on Foreign Affairs, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BUYER (for himself and Mr. MILLER of Florida):

H. Res. 1726. A resolution honoring the service and accomplishments of Kingston Smith, Republican Staff Director and Chief

Counsel for the House Committee on Veterans' Affairs; to the Committee on House Administration.

By Mr. SMITH of Texas:

H. Res. 1727. A resolution recognizing Rotary International for 105 years of service to the world and commending members on their dedication to the mission and principles of their organization; to the Committee on Oversight and Government Reform.

By Mr. BARTLETT (for himself, Mr. HOYER, Ms. EDWARDS of Maryland, Mr. KRATOVL, Mr. RUPPERSBERGER, Mr. SARBANES, Mr. CUMMINGS, and Mr. VAN HOLLEN):

H. Res. 1728. A resolution expressing the sense of the House of Representatives regarding the recognition, protection, promotion, and facilitation of the annual JFK 50 Mile; to the Committee on Natural Resources.

By Mr. BILIRAKIS:

H. Res. 1729. A resolution expressing the sense of the House of Representatives that the United Nations should forthwith take the procedural actions necessary to amend Article 23 of the Charter of the United Nations to establish India as a permanent member of the United Nations Security Council; to the Committee on Foreign Affairs.

By Mr. KINGSTON (for himself, Mr. BROUN of Georgia, Mr. LINDER, Mr. JOHNSON of Georgia, Mr. SHIMKUS, Mr. CONAWAY, Mr. HARPER, Mr. BARTON of Texas, Mr. MCMAHON, Mr. HOLDEN, and Mr. THOMPSON of Pennsylvania):

H. Res. 1730. A resolution commending Bobby Thomson; to the Committee on Oversight and Government Reform.

By Mr. POE of Texas (for himself, Ms. BERKLEY, Mr. WEINER, and Ms. ROSLEHTINEN):

H. Res. 1731. A resolution reaffirming Congressional opposition to the declaration of a Palestinian state, and for other purposes; to the Committee on Foreign Affairs.

By Mr. SIMPSON (for himself, Mr. SENBRENNER, Mr. WAMP, Mr. HASTINGS of Washington, Mr. REHBERG, Mr. LEWIS of California, Mr. FRELINGHUYSEN, Mr. HALL of Texas, Mr. CALVERT, Mr. ALEXANDER, Mr. RYAN of Wisconsin, Mr. BARRETT of South Carolina, Mr. WHITFIELD, and Mr. BARTON of Texas):

H. Res. 1732. A resolution condemning the unilateral decision of the Chairman of the Nuclear Regulatory Commission to begin the closure of the Yucca Mountain license application review and calling on the Nuclear Regulatory Commission to resume license application review activities immediately pending further direction from Congress; to the Committee on Energy and Commerce.

By Mr. SNYDER:

H. Res. 1733. A resolution recognizing Mark Twain as one of America's most famous literary icons on the 175th anniversary of his birth and the 100th anniversary of his death; to the Committee on Oversight and Government Reform.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 988: Mr. DOYLE.
H.R. 1077: Mr. PITTS.
H.R. 1079: Ms. NORTON and Mr. KIND.
H.R. 1408: Mrs. CHRISTENSEN.
H.R. 1569: Mrs. CHRISTENSEN.
H.R. 1704: Mr. RYAN of Ohio.
H.R. 1835: Mrs. CAPITO.
H.R. 2030: Mr. SIRES.
H.R. 2066: Mr. HARE.
H.R. 2458: Mr. GOODLATTE.
H.R. 3025: Mr. ENGEL.
H.R. 3447: Mr. GEORGE MILLER of California.
H.R. 3464: Mr. MCCARTHY of California.
H.R. 3554: Mr. LANGEVIN.
H.R. 3652: Mr. BARRETT of South Carolina, Mr. ENGEL, and Mr. ISRAEL.
H.R. 4199: Ms. HERSETH SANDLIN.
H.R. 4446: Mr. BISHOP of Georgia.
H.R. 4476: Mrs. BLACKBURN.
H.R. 4689: Mr. MURPHY of New York, Mr. PITTS, Mr. DENT, and Mr. KING of New York.
H.R. 4690: Mr. WEINER, Mr. CONNOLLY of Virginia, Mr. AL GREEN of Texas, Mrs. LOWEY, and Ms. PINGREE of Maine.
H.R. 4757: Ms. SPEIER.
H.R. 4844: Mr. GEORGE MILLER of California.
H.R. 4959: Mr. FILNER.
H.R. 5028: Mr. BACA, Ms. PINGREE of Maine, and Mr. STARK.
H.R. 5078: Ms. ROYBAL-ALLARD.
H.R. 5141: Mr. STEARNS.
H.R. 5184: Mr. FRANK of Massachusetts.
H.R. 5233: Mr. SABLAN.
H.R. 5234: Mr. MURPHY of Connecticut.
H.R. 5447: Mr. OLVER and Mr. BOOZMAN.
H.R. 5587: Mr. OLSON.
H.R. 5743: Mr. ROTHMAN of New Jersey.
H.R. 5789: Mr. LUETKEMEYER.
H.R. 5926: Mr. FRANK of Massachusetts, Ms. WOOLSEY, and Mrs. MALONEY.
H.R. 5983: Mr. LEWIS of Georgia, Ms. MOORE of Wisconsin, Mrs. MCCARTHY of New York, Mr. MEEKS of New York, Ms. WOOLSEY, Mr. FILNER, Mr. REYES, Mr. CARTER, Mr. CONNOLLY of Virginia, Mr. TURNER, Mr. GARAMENDI, and Mr. CRITZ.
H. R. 6021: Mr. PASTOR of Arizona.
H. R. 6032: Ms. HERSETH SANDLIN.
H. R. 6036: Mr. WU.
H. R. 6087: Mr. NEUGEBAUER and Mr. THORNBERRY.
H. R. 6104: Mr. GARRETT of New Jersey.
H. R. 6144: Mr. SENBRENNER.
H. R. 6147: Mr. KUCINICH, Ms. CHU, and Mr. MOORE of Kansas.
H. R. 6192: Mr. MCGOVERN.
H. R. 6193: Mr. MCGOVERN.
H. R. 6227: Mr. MANZULLO.
H. R. 6240: Mr. SCALISE.
H. R. 6273: Mr. ETHERIDGE, Mr. PUTNAM, and Mr. FRANK of Massachusetts.
H. R. 6299: Mr. FILNER.
H. R. 6308: Mr. VAN HOLLEN.
H. R. 6355: Mr. MCGOVERN.

H. R. 6403: Mr. LATHAM, Mr. MCCLINTOCK, Mr. CHAFFETZ, Mr. THOMPSON of Pennsylvania, Mrs. EMERSON, Mrs. MYRICK, Mr. SHIMKUS, Mr. FORTENBERRY, Mr. HELLER, Mr. GARY G. MILLER of California, Mr. CARTER, and Mr. ROE of Tennessee.

H. R. 6406: Mr. PRICE of Georgia.

H. R. 6407: Mr. CAO and Mr. YOUNG of Alaska.

H.R. 6408: Mr. JORDAN of Ohio.

H.R. 6415: Mr. CAMPBELL.

H.R. 6416: Mr. JONES and Mr. DUNCAN.

H.R. 6417: Mr. LATTI.

H.R. 6419: Mr. RAHALL, Mrs. MALONEY, Mr. LEWIS of Georgia, Mr. SERRANO, Ms. LINDA T. SANCHEZ of California, Mr. AL GREEN of Texas, Mr. PIERLUISI, Ms. WASSERMAN SCHULTZ, Ms. SPEIER, Ms. KAPTUR, Ms. RICHARDSON, Mr. MORAN of Virginia, Ms. MCCOLLUM, Mr. PRICE of North Carolina, and Ms. SUTTON.

H.J. Res. 23: Mr. KLINE of Minnesota.

H.J. Res. 77: Mr. GRAVES of Georgia.

H.J. Res. 95: Mrs. LUMMIS.

H.J. Res. 96: Mr. MANZULLO, Mr. MCCOTTER, Mr. BARTLETT, Mr. MORAN of Kansas, Mr. GOODLATTE, and Mr. SMITH of Texas.

H. Con. Res. 110: Mrs. MALONEY.

H. Con. Res. 267: Mr. GUTIERREZ, Ms. WATERS, and Mr. SMITH of New Jersey.

H. Con. Res. 291: Mr. SCOTT of Georgia.

H. Con. Res. 323: Mr. PIERLUISI, Mr. ENGEL, Mr. GRIJALVA, Mr. JOHNSON of Georgia, Ms. LINDA T. SANCHEZ of California, Mr. WILSON of South Carolina, and Ms. EDDIE BERNICE JOHNSON of Texas.

H. Res. 1476: Ms. TSONGAS.

H. Res. 1523: Mr. ROSKAM.

H. Res. 1531: Mr. MCINTYRE, Mr. OWENS, Mr. WU, Mr. LARSEN of Washington, Mr. DEFALZIO, Mr. SMITH of Washington, Mr. BRALEY of Iowa, Mr. MINNICK, Mr. BLUMENAUER, Mr. KIND, and Mr. ROGERS of Alabama.

H. Res. 1534: Mrs. MILLER of Michigan and Mr. DENT.

H. Res. 1594: Mr. ETHERIDGE, Mr. MILLER of Florida, and Mr. WILSON of South Carolina.

H. Res. 1687: Mr. LANCE, Mr. MACK, Mr. CALVERT, Mr. CASTLE, Mrs. BLACKBURN, Mr. MANZULLO, Mr. KING of New York, Mr. MORAN of Virginia, Mr. SPACE, Mr. AKIN, Mr. YOUNG of Florida, Ms. JENKINS, and Ms. BORDALLO.

H. Res. 1696: Ms. MCCOLLUM.

H. Res. 1703: Mr. MCINTYRE, Mr. BOREN, Mr. SABLAN, Ms. BORDALLO, Mr. SNYDER, Mr. BRALEY of Iowa, Mrs. CHRISTENSEN, and Mr. FALEOMAVAEGA.

H. Res. 1705: Mr. MURPHY of Connecticut.

H. Res. 1724: Mr. COURTNEY, Ms. PINGREE of Maine, Mr. GARAMENDI, Mr. SPRATT, Mr. SESTAK, Ms. FOXX, Mr. KLINE of Minnesota, Ms. LORETTA SANCHEZ of California, Mr. FORBES, Mr. BUYER, Mr. WALDEN, Mr. ROHRBACHER, Mr. WOLF, Mr. PLATTS, Mr. MILLER of Florida, Mr. ANDREWS, Mr. MCKEON, Mr. FRANKS of Arizona, and Mr. NYE.

SENATE—Thursday, November 18, 2010

The Senate met at 9:30 a.m. and was called to order by the Honorable KIRSTEN E. GILLIBRAND, a Senator from the State of New York.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

O God, we are in Your hands and may we rejoice above all things in being so. Do with us what seems good in Your sight.

Today show mercy to the Members of this legislative body. Let Your sovereign hand be over them and Your holy spirit ever be with them, directing their thoughts, words, and works. Lord, prosper the works of their hands, enabling them in due season to reap a bountiful harvest. Strengthen their hearts in Your ways against temptation and make them more than conquerors in Your love.

We pray in Your merciful Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable KIRSTEN E. GILLIBRAND led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUE).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, November 18, 2010.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable KIRSTEN E. GILLIBRAND, a Senator from the State of New York, to perform the duties of the Chair.

DANIEL K. INOUE,
President pro tempore.

Mrs. GILLIBRAND thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Madam President, following any leader remarks, the Senate will turn to a period of morning business for an hour. Senators during that time will be permitted to speak for up to 10 minutes each. Republicans will control the first 30 minutes, the majority will control the final 30 minutes.

Following morning business, the Senate will resume consideration of the motion to proceed to S. 510, the FDA Food Safety Modernization Act. Yesterday cloture was invoked on the motion to proceed. Today we will continue to work with Senators on reaching an agreement to consider amendments so we may complete action on the bill this week.

We are going to complete action on the bill. We may have to—if we have to use up all of the time, waste all of the time, these 30-hour provisions that are allowed under the Senate procedures, we are going to have to be here during the weekend. This is something we need to get done.

Everyone should understand there is nothing to be gained by stalling this. It has been stalled for years, this piece of legislation.

The Senate will recess from 12:30 until 3 p.m. today because we have another Democratic caucus.

MEASURES PLACED ON THE CALENDAR—S. 3962, S. 3963

Mr. REID. Madam President, I am told there are two bills at the desk that are due for a second reading.

The ACTING PRESIDENT pro tempore. The clerk will read the titles of the bills for the second time.

The assistant legislative clerk read as follows:

A bill (S. 3962) to authorize the cancellation of removal and adjustment of status of certain alien students who are long-term United States residents and who entered the United States as children and for other purposes.

A bill (S. 3963) to authorize the cancellation of removal and adjustment of status of certain alien students who are long-term United States residents and who entered the United States as children and for other purposes.

Mr. REID. Madam President, I object to any further proceedings with respect to these bills.

The ACTING PRESIDENT pro tempore. Objection having been heard, the bills will be placed on the calendar.

FOOD SAFETY

Mr. REID. Madam President, we are going to continue debate, as I an-

nounced, on the food safety legislation. No one in America should have to worry if their salad or sandwich is going to kill them. No one in the Senate should prey on that fear or play with it like a political football. Yet that is exactly what is happening.

If you follow the Senate every day, you might not be surprised to see our Republican friends turn food safety into a partisan political issue. But if you are trying to keep yourself and your family healthy, you may be appalled, and rightfully so.

You might also be troubled to learn that our food safety system has not been updated in almost 100 years, in almost a century. Food processing, production, and marketing have surely advanced over the last hundred years, but our safety measures have not. New contaminants come up every day, but our safety measures do not keep up.

That is because our FDA does not have the authority or research it needs to keep up. This bill will fix that. It will greatly improve this important system, and it will keep regulatory burdens on farmers and food producers to a minimum. It simply gives the FDA the authority to recall contaminated foods to find out where these dangerous foods come from and to stop them from getting into our grocery stores.

It is a bipartisan bill. The HELP Committee passed it unanimously. But somewhere between the committee and the Senate floor, making sure the food we eat is not poisonous has somehow become a partisan issue. That should be unacceptable to everyone.

Food poisoning kills as many as 5,000 of us, we Americans, every year. Foodborne illnesses sicken one in four people every year. I do not how many people have been affected by food poisoning. The Presiding Officer is from New York. My wife and I went to New York a number of years ago with our son and his girlfriend. We were going to go to a play. We had dinner at a nice restaurant. We both had chicken, the same dish. About 4 o'clock in the morning, I asked my wife if she would get me a drink of water. She said: No, I cannot; I am too sick. I was too sick too. We were so sick that day. We got out of the room we were staying in sometime midmorning. And, frankly, my wife never, ever got over that completely. She had an illness to begin with called ulcerative colitis. This exacerbated her symptoms so badly that ultimately she was hospitalized for more than a month.

These illnesses affect everyone. Contaminated food affects people and affects people very badly. I repeat, 5,000

of us die every year as a result of foodborne illnesses. The specialists say it is probably more than that, because a lot of times when people die they do not know it is from food poisoning.

One of four of us every year gets sick. If 25 Senators, one-quarter of this Senate, got food poisoning this year, we would do something about it, and we would not think twice about which political party those Senators who got sick were from. People often think of food poisoning as an upset stomach that goes away in a few hours or a day. Sometimes, yes, that is all it is. But sometimes it is much worse. I have met with the families who have been seriously sickened by the food they have eaten, people who are hospitalized for weeks and months and months, who came close to death.

In some cases they will deal with the results of their food poisoning as the rest of their lives. One such person is a little girl named Rylee Gustafson. She is from Henderson, NV. When she was 9 years old, she ate a salad that almost killed her. It had spinach in it. That spinach had *E. coli*. Rylee got so seriously ill that she, of course, was hospitalized, and for a long time. Three others who got *E. coli* from fresh spinach died. This little girl is a feisty little thing. But her growth has been stunted. She will never be the size she should be.

There are lots of stories, none of them pleasant. But a woman named Linda Rivera from Las Vegas ate some cookie dough. *E. coli* was in the cookie dough. She was in a coma for a long time. She is recovering but not really well.

Then a few days ago, the CDC alerted us to another *E. coli* outbreak. This was cheese. And 37 Americans so far had gotten sick from a brand of cheese sold in the western part of the United States, including two people in Nevada.

So why have we waited this long to make our food safer? We are still playing these games, political games. The answer is nothing more than very base politics. It is shameful. I hope we can end that today. The vast majority of the Senate wants to pass this bill. And we should not have just a few people standing in the way of doing something that will help the health and safety of our country.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period of morning business for 1 hour, with Senators permitted to speak therein for up to 10 minutes each, with the time equally di-

vided and controlled between the two leaders or their designees, with the Republicans controlling the first half, and the majority controlling the final half.

The Senator from Kansas.

Mr. ROBERTS. Madam President, I ask unanimous consent that I may proceed for 15 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

HEALTH CARE

Mr. ROBERTS. Madam President, health care—big issue. The health care reform bill that is current law—big issue. A lot of talk about repeal, fix what is wrong in the bill, what is right in the bill, depending upon your personal opinion.

I think that the Senate—more especially the committees of jurisdiction, and I am talking about the Senate Finance Committee—has a unique obligation, especially at this time, to conduct its oversight responsibility. Unfortunately, that was not the case as of yesterday.

One of the major problems with the new health care law is the huge amount of power and authority it grants to one man, the Administrator, perhaps we should call him the czar, of the Centers for Medicare and Medicaid Services, CMS. Rest assured, every health care provider in the country knows what and who CMS is.

The Administrator is Dr. Donald Berwick. One of the major problems with Dr. Berwick is his longstanding, well-documented support for government rationing as a means of controlling health care costs—not my words, his.

Yesterday, the Senate Finance Committee finally had our very first chance to question Dr. Berwick. I say finally, because for months my colleagues and I have requested this opportunity, a request which was denied when President Obama provided a recess appointment for Dr. Berwick. So yesterday's hearing was a hollow one of sorts, since Dr. Berwick had already been installed at CMS, or maybe parachuted in would be the right way to describe it, in that he has made many controversial comments about his love for the British health care system and for rationing and other comments that certainly deserve a hearing in regards to a confirmation process. That did not happen.

He was also installed pretty much after the debate that we had on health care. Now, unfortunately, we were only given 5 minutes each yesterday to question the most important man in American health care as of today. This was 5 minutes, sandwiched in between lengthy remarks by the chairman, the witness, and the floor votes we had yesterday.

I was not able to question Dr. Berwick on many things. I asked unanimous consent of the chairman if I

could submit questions for the RECORD. Obviously he agreed and that was it. But when Ranking Member GRASSLEY asked Dr. Berwick if he would commit to appearing before the committee again—which I think the doctor would; he is a very affable and personal man. I do not agree with him, but he is affable and personable—so we could continue our oversight, Chairman BAUCUS interrupted his response and refused to make any further commitments.

How is that for transparency? How is that for finally getting to a hearing about the man who is the most important man today in regards to the new health care law and implementing it?

Because I was not able to ask Dr. Berwick my questions yesterday, I am forced and am asking them here on the Senate floor. Dr. Berwick knows my No. 1 concern with President Obama's health care law is the enormous potential for the government to interfere in the treatment decisions of the doctor and the patient. Dr. Berwick has a long history of statements supporting government control of treatment decisions, or what I would call "rationing." I know some would say that is not the case. But Dr. Berwick has said that:

Most people who have severe pain do not need advanced methods; they just need the morphine and counseling that have been around for centuries.

A most unique statement, to say the least. He has publicly stated an aversion to new medical technology and health care advances, saying:

One of the drivers of low value in health care today is the continuous entrance of new technologies, devices, and drugs that add no value to care.

That is in his eyes. He refers to this as an "excess supply" of health care. And, of course, we have his infamous quote that "the decision is not whether or not we will ration health care. The decision is whether we will ration care with our eyes open."

It should then come as no surprise that CMS under Dr. Berwick's leadership has embarked upon a path of increasing government control, centralized decisionmaking, and top-down mandates that treat doctors as nothing more than cooks practicing "cookbook medicine" and patients as nothing more than numbers, despite their individual needs and desires.

One example: attempts by CMS to restrict the number of times seniors with diabetes can test their blood sugar by limiting them to one test strip per day, regardless of what the doctor recommends. Doctors understand that diabetes care is an exceedingly complex and personalized enterprise. My question that I could not ask yesterday: Why is CMS replacing the judgment of a doctor on how many times their patient should test their blood sugar with a CMS-knows-best approach?

An even more egregious example of the government getting in between patients and doctors is Dr. Berwick's recent investigation into Medicare coverage of the life-extending prostate cancer therapy Provenge. Provenge is a therapeutic vaccine approved by the Food and Drug Administration to treat late-stage prostate cancer through an innovative process that removes immune system cells from patients and exposes them to cancer cells and an immune system stimulator and then injects them back into the patient. Provenge has been shown to increase life expectancy by an average of 4 months but sometimes longer, with one patient living an additional 7 years. In addition, Provenge is special because of its lack of side effects as compared to the traditional chemotherapy methods. So not only can patients live longer, but their quality of life will be better.

Medicare coverage for FDA-approved drugs is usually automatic. My next question to Dr. Berwick would have been, had I had the opportunity in the committee yesterday but was denied because of scheduling: Why did you initiate a coverage investigation so soon after Provenge was approved? Why is CMS seeking to substitute its judgment for not only patients and doctors but for the FDA, the gold standard for drug approval worldwide? Are you questioning the FDA's decision? When drug companies and research folks produce after many years of research and effort and cost, are they going to have to go through two hurdles—first, the FDA, which can take years, and then CMS—as to whether Medicare will approve it? It seems that is where we are headed.

I know or I think I know the answer as to why Dr. Berwick decided to conduct this investigation.

It is cost—\$93,000 for a complete cycle of Provenge was the driving factor behind this investigation.

The good news is that yesterday an advisory committee recommended that CMS cover Provenge. But I am very concerned about the precedent this sets not only for other cancer regimens such as the promising breast cancer drug Avastin but for all new medical innovations.

Some may say that an extra 4 months of life is not enough to justify this high price tag. It is a high price tag. First, the government should not be in the business of placing dollar values on life, period. That is what Great Britain is trying to move away from. That is why David Cameron made the unique statement that maybe we ought to have a system that puts the choice between doctors and patients. What a novel idea.

Secondly, the traditional chemo and all of its associated side effects costs Medicare upwards of \$110,000 per patient per year. So Provenge is actually a cost saver when viewed in that context.

Third, this is exactly the type of innovative approach we need to win the fight against cancer. Medical advances don't come in giant leaps; they more often occur at the margins. We should not deny patients and doctors treatment options simply because they don't offer a complete cure. That is shortsighted, not to mention cruel.

Finally, if we want companies and investors to continue to pour their dollars and efforts into developing a cure for cancer, this is the wrong approach. The investment into researching and developing Provenge approached \$1 billion over 15 years, 15 clinical trials. Refusing to allow a return on this huge investment will send a chilling effect across the health research industry, resulting in less investment, less innovation, and worse care for patients. Maybe less innovation is actually the goal of this administration and of Dr. Berwick, who has targeted the "entrance of new technologies, drugs, and devices" as "one of the drivers of low value in health care today." Value is a subjective concept.

Another question I have for Dr. Berwick: I prefer that the value of health care be determined by the patient and doctor, not the government. Would you agree?

Finally, from yesterday's news, I have been shocked by the number of ObamaCare waivers coming out of the Department of Health and Human Services. According to the New York Times today, 111 waivers have been granted to employers to allow them to avoid the new health care mandates. The only thing more shocking than the number of waivers is who is getting them. Would you believe that they are some of the most ardent supporters of health care reform? Unions such as the Service Employees International Union, the United Federation of Teachers, and the Transport Workers Union have all applied for and been granted waivers from the rules. They don't have to follow the rules. They don't have to follow the mandates. Guess who are the strongest supporters of health care. The fact is, ObamaCare is bad for business, bad for workers, bad for seniors, bad for taxpayers.

My question to Dr. Berwick: When will the American people get a waiver from ObamaCare? Of course, that decision would be under the purview of the Secretary of the Department of Health and Human Services, Kathleen Sebelius, whom I know as a personal friend.

Kathleen, Kathleen, Kathleen, you are granting all these waivers to people in regard to the mandate on health care. When will the American people get a waiver from some of the things they choose not to take part in? This is, indeed, shocking news.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Missouri.

Mr. BOND. Madam President, I understand I have 15 minutes.

The ACTING PRESIDENT pro tempore. The Senator is correct.

Mr. BOND. Will the Chair advise me when 10 minutes has been used.

The ACTING PRESIDENT pro tempore. Yes.

BIOTECHNOLOGY: HOPE FOR THE FUTURE

Mr. BOND. Madam President, as I will be leaving the Senate in a few weeks, I ask my colleagues to indulge me as I speak for a few minutes on a subject I believe is very important, and that is continuing the policies and funding that help drive scientific advancement in new areas, particularly agricultural biotechnology.

It goes without saying that we are living in a time of breathtaking scientific discovery, whether the field is aerospace, information systems, or biotechnology.

In the last hundred years, science has taken us from the Wright Brothers first flight to manned space flight. Science has taken us from Henry Ford's first car to today's vehicles hosting full-fledged entertainment systems and global positioning systems. Science has taken us from typewriters to supercomputer and from candles to electricity.

Science is moving even faster now. Advances in technology will continue to reach far into every sector of our economy.

Future job and economic growth in the areas of health care, life sciences, industry, defense, agriculture and transportation is directly related to scientific advancement. And America's future wealth and economic preeminence is tied to technological advancement.

Technological advancement will continue to drive our economy, job growth and our quality of life.

While most of the work is being done by our scientists, engineers, entrepreneurs and educators, government can play a role in helping create the conditions for them to succeed: through research funding, through tax policy, and through free trade agreements. This is especially true when it comes too agrotechnology.

Looking back about 15 years ago, I received a strong push for a new idea—mapping the corn genome, one of the first real biotech projects for commercial agriculture. This push came not from leaders in education, science or the corporate world—and we have many—but from corn growers and soybean producers in Missouri.

Our producers convinced me that biotechnology was not only key to improving farm incomes and the rural economy, but in revolutionizing the world in the same way the steam engine revolutionized industry, and the

computer revolutionized the sharing of information.

At that time, it was tough to get anyone interested in the project—Congress, the media, even my own staff. Imagine running for reelection and telling your staff: hey, great idea, I'm going to campaign on the corn genome.

As Mark Twain said:

A crank is someone with a new idea—until it catches on. Back then, those of us peddling biotechnology sounded like cranks.

The first time I asked the Agriculture Appropriations Committee to fund biotech projects, I didn't get a single dime.

But we persisted, anyway. I teamed up with my colleague and good friend, Senator BARBARA MIKULSKI, on a bipartisan initiative to fund biotech research through the National Science Foundation.

Through the years we have provided nearly a billion dollars to NSF.

With the help of Missouri's own Chancellor Bill Danforth and Roger Beachy as well as others, Senator TOM HARKIN and I sponsored legislation creating the National Institute of Food and Agriculture to support the competitive research at the Federal level needed to advance agriculture science.

Fifteen years later, we now have the proof that this idea really is changing the world, as promised.

Already, hundreds of millions of people have been helped by biotechnology drugs and vaccines that can cure diseases and eliminate the need for surgery. And there are many more drugs and vaccines being tested which will eventually help us treat other diseases.

Agricultural biotechnology is bringing hope to those in the developing world by providing crops that are more pest and disease-resistant and more nutritious.

It helps our farmers by consistently increasing crop yields, especially as our global population continues to increase while available farmland decreases.

From an environmental perspective, the use of transgenic seeds has reduced pesticide application on our fields by tens of millions of pounds annually in the United States alone.

And—especially important now during the tough recession we are in—agriculture biotech creates good, high-paying jobs and helps revitalize rural economies.

The sky is the limit for the future of biotech. Advances here will continue to impact the entire world.

Madam President, 2005 marked the year that the billionth acre of transgenic crops was planted worldwide, a notable achievement in a field of science that was at the time only a decade old.

In 2008, the second billionth acre of a biotech crop was planted only 3 years after the first.

All this while a handful of professional antitechnology activists are still, unsuccessfully in search of their first stomach ache. Their persistent Luddite-type hatred of ag biotech, though without any scientific support, has fueled fear of genetically modified, GMO, foods, even in less developed countries, where near-term starvation is a real prospect without a ag biotech.

The growth of biotech will continue to explode in future years. Developing countries using ag biotech out number industrial countries by a ratio of three to two.

In fact, resourceful farmers in some countries are approving biotechnology before their lagging governments do.

Growth brings with it many opportunities for scientists from the "developed world" to collaborate on biotechnology projects with scientists in the developing world.

But how do we ensure that all people, especially those who need it, are not left behind?

We must do it. There is a humanitarian imperative. People who are well fed have many problems, a people who are hungry have only one problem.

As Norman Borlaug put it:

Without food, man can live at most but a few weeks; without it, all other components of social justice are meaningless.

We simply cannot afford not to tap into the promise of biotechnology. By 2050, developing countries will be home to 90 percent of the expected population of 9 billion.

However, while the world is expected to increase its population by more than 30 percent the area of productive agricultural lands in the world remains relatively unchanged. Traditional agriculture cannot keep up.

Increasing crop yields—and income—is especially important in a world where according to the United Nations Food and Agriculture Organization, FAO, 925 million children go to bed hungry every day and several million of them die from nutrition-related illnesses every year.

For these individuals, a crop failure can mean the difference between surviving and starving.

We are not without challenges.

Although diminishing, a vocal and aggressive group of advocacy organizations continue to market fear rather than sound science, especially in Europe.

When public policy decisions are based on fear, rather than sound science, we are in trouble.

My good friend Dr. Martina McGloughlin has argued that some multinational corporations operating as NGOs shamelessly hype fear of biotech GMO and use fear to solicit funds for their salaries—these are the modern-day Luddites who know how to profit from their self-generated hysteria.

The result: the science cannot get to the marketplace and improve people's lives.

Fortunately the European Union is perhaps beginning to see they are missing out. They have begun to soften their opposition—however slightly—on genetically-modified imports.

The stakes, of course, are higher in developing nations than in Europe, where most are well fed.

The late Dr. Norman Borlaug, the unassuming humanitarian credited with feeding a billion people and saving the lives of hundreds of millions, warned us about the biotech naysayers.

He worried that "fear-mongering" by environmental extremists against pesticides, fertilizers and genetically-improved foods would put millions at risk of starvation while damaging the biodiversity those extremists claim to protect.

So we must do a better job, as policy makers, educators, business leaders, and scientists to communicate the value of biotechnology to those around us.

As my colleagues know, we are struggling to find our way out of this recession and create new jobs.

Some of the millions of jobs lost during the last 2 years are never coming back.

Biotech shows the promise of replacing some of those jobs. And biotech will provide the jobs of the future. Whether in the research lab, the incubator, in a small company or a large corporation, biotech is creating good, high-paying jobs. It is extremely important for producing enhanced revenues and jobs.

That is why ongoing workforce development and job training in new fields like biotechnology is so important.

And it is good to see some of our educational institutions getting involved.

Missouri Western University in St. Joseph, MO, has built a biotech incubator to encourage new businesses in the area and to help train workers.

Not long ago, I visited a St. Louis Community College program that is training young people to work in biotech labs. They are getting on-the-job training at an incubator known as BioBench.

That's a win-win. It's a win for young people trying to find jobs in the new economy, and it is a win for the companies who need the skills of these workers.

Efforts like these keep high-paying, cutting-edge jobs right here in the United States.

One key to making sure the benefits of biotech continue to grow is making sure the American public and press, beyond farmers, researchers, a few company leaders and policy makers understand the value of biotech. Those who understand biotech must make a conscious effort to educate their peers and leadership across the country.

We need to develop advanced science and technology curriculum that prepares our students for the high-tech jobs of the future. A growing industry needs a pipeline of future talented workers. We need to continue to expand hands-on training opportunities to prepare and transition our current workforce into these new high-tech jobs.

So there is good news on many fronts when it comes to the future of the biotech movement. But we need a continued, strong, public-private partnership going forward.

As I mentioned earlier, in the last 12 or 13 years, Congress has provided nearly a billion dollars to the National Science Foundation to conduct plant biotech research, building on the initiative Senator MIKULSKI and I introduced in the VA-HUD-Independent Agencies Appropriations Subcommittee.

The need for continued investment in basic research is crucial to the growth of biotechnology and I hope Congress will continue to fund research in this area.

While I won't be around to beat the drum next year from the inside, I have worked with my colleagues Senator JOHANNIS and Senator KLOBUCHAR to create a new Biotech Caucus. I hope those of you who understand the challenge and promise of ag biotech will choose to join the ranks and communicate the benefits of ag biotech to our peers.

While we have much to be proud of when it comes to developments and advancements in biotechnology—we cannot rest on our laurels. We must continue to support basic research in our Nation's labs. We must continue our investment in the buildings and equipment that make it possible. We must continue to create policies that allow biotech businesses to flourish—bringing critical research from the lab shelves to the marketplace and the benefits to our citizens. We must support job training for new workers and help transition the current workforce into these high-tech jobs of the future. And, maybe most important, we need to continue to educate those who do not understand the full magnitude and benefit of biotech.

Only through effective communication can we ensure that sound science—not myths and fear—guide public policy.

In closing, let me say that in 40 years of public life, I have seen a lot of great ideas come and go. I strongly believe ag biotech is here to stay and will grow. We are only just beginning to see the many exciting applications biotechnology can offer. It is truly changing lives, for the better.

In my opinion, a dedicated and collaborative investment by policymakers, researchers, educators, and farmers will result in a vibrant indus-

try that will fuel our economy, improve our environment, and feed our world for years to come.

IN MEMORY OF JULIE DAMMANN

Mr. BOND. Madam President, I have a very sad message to bring to the body today. It is with great sadness that I report that we have lost one of our own, Julie Dammann, who lost her brave 11-year battle with cancer.

All of you who knew Julie knew of her superior abilities, high spirit, and unshakably impervious character in the face of adversity. As she was struggling with this disease and going off for weekend treatment on Friday, with a bright smile, she always insisted, when asked, that she was “doing great.” Her life was far too short, but few on Earth live a life as fully as she did.

Julie was a rural kid from Minnesota and graduated from the University of Minnesota. She worked for Rudy Boschwitz before I was fortunate enough to hire her in 1987. Most recently, she went to work as a senior vice president with Ogilvy Government Relations.

But in 1987, after joining my staff as legislative director, she met Rolf Dammann at the National Republican Senatorial Committee, who was apparently interested in more than her highly regarded legislative acumen. Rolf's newfound interest in budget and appropriations issues eventually paid off, and they were married—after the 1988 election, of course.

They both enjoyed politics, history, golf, German beer, and their two lovely daughters Monika and Paula. Throughout her battle with cancer, they were always by her side.

Within any successful enterprise, there is the heart of the operation. In the case of Julie, she was the heart, the legs, the mind, the backbone, and the can-do spirit of my staff. For me, from the first time she walked into my office, she was also my friend.

Remarkably, from that first day through 24 congressional sessions, three reelections, marriage, motherhood, and her bravely defiant fight against cancer, she never stopped. She never rested. F. Scott Fitzgerald once said, “Action is character.” In that case, Julie was character. Now, some who dealt with her would say “character” is probably an understatement.

Her ability to multitask was legendary. During her time as chief of staff, she could simultaneously talk with me, listen to C-SPAN, BlackBerry instructions to her staff, check out statistics of the previous Vikings game, and evaluate the potential draft picks 9 months in advance—not only for the Vikings, but she learned to do the same for the Kansas City Chiefs and the St. Louis Rams. We tried to keep up, but it was hard.

The fact that she was able to stay in my employ after the Twins-Cardinals

World Series of 1987—an epic tragedy for Cardinal fans—speaks volumes to her otherwise high value.

There is seldom enough recognition of the high-caliber people who staff us in the Congress and the government. Julie was exceptional among the exceptional. From 1987 to 2005 while on my staff she was a perfectly reliable source of sound judgment, energy, cheer, and friendship.

She knew the budget, the whip count, the box scores, the news ratings, the third down conversion rate, the poll numbers, the economic report, the schedule, the process, the players, the politicians, as well as every competing argument. But mostly she knew and loved people. She was the ideal public servant.

Our sincere condolences go to Julie's husband Rolf and their daughters Monika and Paula. The girls will carry on with the richest of all inheritances: having their mother's genes and love and guidance to remember. Julie could not have been in more diligent, loving hands than those of her husband Rolf. We thank him for taking such special care of her. We have lost a special friend, but now we are blessed with a special angel.

Madam President, I ask unanimous consent to have a copy of her obituary from the Washington Post printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Julie Ann Dammann, age 51, passed away on November 13, 2010, after a long battle with cancer. She was born in Roseville, MN, on May 23, 1959, to Mrs. Ervina and the late Dr. Paul Hasbargen. After celebrating their wedding anniversary on November 12, Julie is survived by her loving husband of 22 years, Rolf and their daughters, Monika (15) and Paula (13) of Arlington, VA; as well as her sister Linda Bazille, and husband, Brad, of Emerald, WI; mother-in-law, Leslie Morton of Gainesville, VA; and her father-in-law Rolf Dammann Sr. of Nashua, NH. Julie attended Alexander Ramsey High School in Roseville, MN (1977), and then became a proud Golden Gopher and graduate of the University of Minnesota (1980), where she was an Economics and Political Science major. After graduating, Julie commenced a long career in service to the country she loved. Her career in the United States Senate began as a Legislative Assistant to Sen. Rudy Boschwitz (R-MN). Twenty-five years later, she retired from the U.S. Senate as the Chief of Staff to Sen. Christopher S. “Kit” Bond (R-MO), after serving on his staff since 1987. Throughout her career, Julie played a role in the passage of major pieces of legislation including: The Federal Highway Reauthorization Bills of 1992, 1998 and 2005; the 1987 Farm Credit Act; the 1991 Clean Air Act Amendments; the 1992 Family Medical Leave Act; and the 2002 Help America Vote Act. In 2005, after retiring from the U.S. Senate, Julie joined Ogilvy Government Relations as a Senior Vice President, where she continued her work on various transportation and appropriations issues. Throughout her life, Julie was an accomplished athlete, including playing on the University of Minnesota basketball team. Her lifelong love of sports continued into her adult life as an avid golfer

and a formidable soccer player. She was a long-time fan of all Minnesota sports, especially the Vikings and the Minnesota Twins, having attended multiple games during the 1987 World Series. Julie's focus on family and work was only equaled by the intensity with which she followed her Minnesota teams, remembering every play from every game. The passion with which Julie lived her life will be sadly missed by all who knew and loved her. The family will receive guests on Friday, November 19, 2010 from 10 a.m. until the time of service at 10:30 a.m. at the Immanuel Lutheran Church, 1801 Russell Road, Alexandria, VA with a private interment to follow. The family requests that in lieu of flowers, gifts will be received for the "Julie Dammann Family Education Trust". Donations may be sent to: Redmon, Peyton & Braswell, L.L.P., 510 King Street, Suite 301, Alexandria, VA 22314.

Mr. BOND. Madam President, I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BROWN of Massachusetts. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

EMPOWERING STATES TO INNOVATE ACT

Mr. BROWN of Massachusetts. Madam President, I rise today and join my colleague, Senator WYDEN, to speak about legislation we have introduced that will protect not only his State but my State of Massachusetts and other States by allowing them to waive out of specific requirements of the Patient Protection and Affordable Care Act.

As my colleagues know, my single priority is and always has been to ensure that what we do in Washington does not harm my State of Massachusetts or the rest of the country, and that we are responsible stewards with every tax dollar that flows from the States into the Federal Government.

This has been true when it comes to voting against raising taxes on families and businesses. It has been true when it comes to fighting for commonsense, pro-growth policies that will create jobs in Massachusetts. It has been true in my efforts to be sure that the Federal health care reform bill does not diminish or harm the health care innovations that have occurred in Massachusetts.

It is my belief that Congress needs to be held responsible for its actions, for the policies it advocates, and the legislation that ultimately passes through these Halls to become law. When Congress passes legislation that is harmful—in this case the Federal health care reform legislation, which I did not support—or there is an unintended consequence—which I think is the case

when it deals with Massachusetts and the innovations we have had for years, where we have 98 percent of our people already insured—Members need to be bold enough to stand up and fix it regardless of party affiliation and regardless of whether it is popular.

I commend the Senator who is about to speak after me for his leadership on this matter. Senator WYDEN has been working very diligently on addressing the concerns for his State. Today I get a chance to do the same. Today we get an opportunity to make a correction to the Federal health care reform bill to be sure we are doing the right thing, not just for Massachusetts but for other States that seek to waive out of certain requirements of the Federal health care reform law.

In many ways, Massachusetts has been on the forefront of implementing health care reform: expanding access—as I mentioned, 98 percent of our people are already insured—designing systems to increase market participation—from the Cadillac plan, all the way to the fully subsidized Commonwealth Care Program—and increasing transparency for consumers and providers. We continue to learn, however, lessons every day in Massachusetts about what works and what does not work, and we are continuing to work on those very issues to make sure we can do it better.

This is an important point because it speaks directly to the purpose of this piece of legislation that I have introduced in a bipartisan manner with Senator WYDEN from Oregon.

As you know, the health care reform efforts of Massachusetts are our own. We were one of the first States in the country to take this upon ourselves to address the very serious problem we had in providing funds to hospitals that were providing care for people who were making a good wage but who were not paying the bills. As a result, the citizens had to subsidize the hospitals to the tune of over \$1 billion. So we believed it was imperative for us to get something done.

As difficult as it is to admit this, not every State wants to be like Massachusetts. I understand that. They may not want to be like Oregon either. Massachusetts is a great State, with, I believe, the best hospitals, physicians, doctors, nurses, treatment facilities, research facilities in the country and around the world. There is a reason why people come to Massachusetts for the care and coverage they need so badly.

But I recognize that my colleague from Oregon is interested in protecting reform efforts in Oregon as well. He does not want to be like Massachusetts because Oregon is different from Massachusetts. Oregon's insurance market is different. Its provider network is different. Its beneficiaries and population are different than in Massachusetts.

Oregon might want to implement reforms or create a coverage mechanism

that I do not like or that I would not want to work in the State of Massachusetts, but that is OK. That is what this bill is about. It allows the individual States to have the right to do what they believe is imperative and important for their particular State, which is why the legislation we have introduced—the Empowering States to Innovate Act—is so important.

Right now, as provided under section 1332—the Waivers for State Innovation—of the Patient Protection and Affordable Care Act, States can waive out of provisions of the Federal reform law. That is the good news. We are allowing States to participate in the process and allowing them not to have duplicate processes or maybe potentially have lesser care and coverage if the Federal health care bill is implemented. So it allows us to continue to provide the care and services we want to provide to our citizens in Massachusetts. The bad news is, this waiver authority is not scheduled to take effect until 2017. So what are we doing until then—a full 3 years after the PPACA is scheduled to be fully implemented?

For me and my dear friend from Oregon it does not make any sense. When I see something that does not make any sense in Washington, I do my best, regardless of party affiliation, to fix it.

The first thing our bill does is to allow States to waive out of specific parts of the PPACA in 2014 rather than 2017. This makes sense not only from an operational standpoint, because the PPACA takes effect in 2014, but also from an economic and fiscal standpoint. Why should Massachusetts be delayed in obtaining a waiver from the Federal reform bill when it may already have met or exceeded, in many cases, the provisions of the act? So holding Massachusetts back by limiting my State's ability to continue to innovate and remain flexible and responsive to the health care market costs money, and it costs the taxpayers money at a point right now where we don't have a whole heck of a lot of money to go around.

The second piece our bill does is to provide States with certainty with the waiver process. Not every State will be eligible. Let me repeat that: Not every State will be eligible for a waiver and not every waiver will be granted. But our bill provides some certainty for States that apply for a waiver by requiring the Secretary of Health and Human Services to begin reviewing applications within 6 months of the enactment of this bill. I hope this bill is enacted quickly. The earlier a State knows whether it has received a waiver, the earlier it can begin implementing its specific plans and proposals. It makes fiscal sense.

Taken together, these two changes are not only good for Massachusetts but potentially for other States. They are good for the other States that are

trying to innovate and advance in the areas of health care reform, cost containment, and coverage. That is what it should be. It should be a symbiotic relationship between the Federal Government and the States. The States should have the right to determine what they want to do for their citizenry. Do we think maybe some States could do it better than the Federal Government? I believe when we deal with health care, Massachusetts is second to none, with all due respect to the other Senators in this Chamber.

During Wednesday's Finance Committee hearing, Dr. Berwick, who is from the State of Massachusetts, I might add, said this about State innovation and flexibility:

The cliché about states as laboratories of democracy is not just a cliché, it's true. The diversity of approaches that we're seeing emerge state by state has been there for long time. I think we should be doing everything we can to encourage it.

I couldn't agree more. I am a strong supporter of States rights, especially when it makes sense, and for allowing States to solve problems without the Federal Government's interference.

Madam President, I ask unanimous consent to have printed in the RECORD a letter from the Massachusetts Hospital Association in support of my efforts today.

There being no objection, the material was ordered to be printed in the Record, as follows:

MASSACHUSETTS HOSPITAL
ASSOCIATION,
Burlington, MA, November 16, 2010.

Hon. SCOTT BROWN,
Russell Senate Office Building,
Washington, DC.

DEAR SENATOR BROWN: As you know, the Commonwealth of Massachusetts has succeeded in expanding healthcare coverage to more than 400,000 uninsured residents. We can be proud of the fact that the state has the lowest rate of uninsured in the country, which has improved the lives of so many Massachusetts residents and allowed the healthcare system to operate more efficiently. Our state was able to achieve expanded coverage of this magnitude through innovative programs like Commonwealth Care and Commonwealth Choice, along with other provisions that were part of the Commonwealth's 2006 healthcare reform law.

For these reasons, the Massachusetts Hospital Association (MHA) supports the bill that you intend to introduce that will advance the timeframe for waivers that were included in the Patient Protection and Affordable Care Act (PPACA). As we understand Section 1332 of PPACA, states may apply for a waiver to certain requirements of the federal law so long as the changes achieve healthcare coverage that is at least as comprehensive as the federal law would have provided. The changes are also required not to increase the federal deficit. The law currently allows states to apply for such a waiver beginning in January 1, 2017. Your proposed legislation does not change the terms or process for approving a waiver that currently exist in the PPACA but does move up the date by which the waiver process may begin.

While the Commonwealth is still years away from decisions that will be made in

2014 and beyond, we believe allowing Massachusetts the opportunity to apply for such a waiver earlier than 2017 may allow the Commonwealth flexibility it may desire to continue the success it has achieved thus far. We note that Massachusetts is often referred to as a model for national healthcare reform and we believe any waiver that the Commonwealth would apply for, if it so chose, would seek to achieve a similar goal of affordable, comprehensive health insurance coverage as required by Section 1332.

Massachusetts hospitals have been and continue to be supportive of the federal effort to expand coverage to the uninsured and provide affordable health insurance for all Americans. At the same time, we have stressed throughout the national healthcare debate that national reform should support the Commonwealth's own health reform achievements.

On behalf of Massachusetts member hospitals and the patients they serve, we look forward to working with you to preserve Massachusetts healthcare reform as the nation begins to implement the national healthcare reform law.

Sincerely,

LYNN NICHOLAS,
President & CEO,
Massachusetts Hospital Association.

Mr. BROWN of Massachusetts. Thank you, Madam President.

We should be encouraging State innovation and not hampering it, and that is what the Empowering States to Innovate Act does. It helps ensure that States are not held back from innovating and seeking solutions that work for their citizens, their taxpayers, and their communities.

Finally, I wish to associate myself with the comments of the Senator from Oregon when he makes them about how our bill fits into the Federal healthcare reform debate. Enacting this legislation is the right thing to do because it is good for States such as Massachusetts and Oregon and Utah that have begun to make changes and reform at the State level that make sense for their citizens.

The legislation provides flexibility and says one size fits all is not appropriate and it does not always meet the needs of that individual State. I know the Federal standard is not in the best interests of the people of Massachusetts, which is why passing this bill is the right thing to do.

Let me say I deeply appreciate the Senator from Oregon and his effort to weed through the quagmire of rules and regulations and come up with a commonsense solution. I am hopeful others in this Chamber will learn from our example, that we can work together in a bipartisan manner to tackle problems and try to solve them without the rhetoric and without the bomb throwing and just solve problems. Because right now, we need more people like the Senator from Oregon to do just that.

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

Mr. BROWN of Massachusetts. Thank you, Madam President.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Oregon.

Mr. WYDEN. Madam President, let me commend the Senator from Massachusetts on a very fine statement, which I think highlights exactly what we are seeking to do.

The Senator from Massachusetts has been a real pleasure to work with on this matter. As he says, the whole point of this, as shown by the recent election, is that people want to find some common ground. They are not interested anymore in food fights and bickering back and forth between the political parties. What Senator BROWN and I are seeking to do is to show it is possible on a significant issue—I think we all understand health care is about as important as it gets—that we can come together, and the two of us have said we are going to come together to put the focus on innovation. It is pretty clear that what works in Springfield, OR, may not be exactly ideal for Springfield, MA. But what we can do is come up with a way to provide more flexibility and particularly more choice and more competition for our States and other States around the country.

So I am very grateful to the Senator from Massachusetts for his effort. It is early in the lameduck session, and it is my hope this will be a signal in the Chamber that even on these difficult issues—issues that were so contentious in the political campaign—it is going to be possible to come together and find some common ground.

As the Senator suggests, if we can just move away from a Federal cookie-cutter approach and encourage the kind of creative thinking we have seen in Oregon and in Massachusetts and other parts of the country, I think we will be well served and will be in a position to better contain health care costs. I think we all understand that how to rein in these medical costs that are gobbling up everything in sight is first and foremost on the minds of our constituents. Literally, for the amount of money we are spending today in this country, one can go out and hire a doctor for every seven families in the United States and pay the doctor more than \$225,000 a year just for taking care of seven families. I always bring up this as almost a metaphor for health care, but usually after I am done, the physician who was listening in the audience comes up and says: Where can I go to get my seven families? It sounds like a pretty good deal. It just shows that we are spending this enormous sum of money.

What Senator BROWN and I are seeking to do is to encourage additional innovative approaches in States, approaches that are tailored to the needs of States' own residents, that will help us, in my view, to promote choice and competition in the American health

care system. The States are free to do whatever they choose. I just offer up my own judgment that right now, at a time when most Americans still don't get much choice in their health care coverage, this is an ideal opportunity that both Democrats and Republicans can support. As States seek to go forward with this approach, they can make their own choices.

I hope, in particular, States will take a look at what you, Madam President, the Senator from New York, and I have in our own health care plan. The Federal Employee Health Benefit Plan provides a lot of choice, a lot of competition. You can go out and fire your insurance company if you don't think they are doing a good job. That is the kind of idea a State could pursue and do so, we hope, more quickly if we act legislatively to speed up the waiver process. But as Senator BROWN has correctly noted, this is about giving States the freedom to chart their own course, and I am very hopeful we will be able to get this legislation passed.

In particular, what I have been concerned about, after talking to health policymakers over the last few months, is if, in the State of New York, for example, you go out and set up a process to comply with the legislation for purposes of 2014 and you see that the waiver, as now constituted under 1332, starts in 2017, you say: How am I going to reconcile those two? Am I going to set up one approach for 2014 and then do another approach in 2017? It is going to put us through a lot of bureaucratic water torture to try to figure out how to synchronize those two dates. So it only makes sense to speed it all up and make it possible for everybody to get started in 2014.

One other point because my intentions have been much discussed. When I originally started talking about the State waiver, people questioned whether this was something that was going to be a special opportunity for Oregon and not for other States. For over a decade, I have been promoting the idea that all States—all States—be given the freedom to innovate under health care reform legislation. In fact, to give a sense of how I got into this, going back and looking at the history of the Clinton health care plan, in the early 1990s it was pretty evident that had President Clinton and Republicans thought then about giving States the kind of freedom Senator BROWN and I envision, it might well have been possible back in the early 1990s to enact health care reform that would have gotten all Americans quality, affordable coverage. That opportunity was missed. So I decided by the mid 1990s—if I had the opportunity, the honor, of representing Oregon in the Congress, I was going to use every single opportunity to let all States—and I want to underline all States—have the opportunity to innovate in health care.

So in mid 2005 I started putting together a piece of legislation called the Healthy Americans Act. It was a bipartisan bill, that had 14 or 15 Senators as cosponsors, depending on when you look back at the legislative history, that were almost evenly divided between the political parties. In the Healthy Americans Act, there was a specific section called "Empowering States to Innovate." There was a provision in that bill that was first introduced in 2006, and a similar provision was included as section 1332 in the law the President signed.

So I have long been interested in letting all States have the opportunity to innovate. One of the reasons I have been interested—and my good friend, Senator MERKLEY, is here—is that our State has been one of the leaders in the whole effort to reform American health care. From time to time, folks have said I am the Senator from the State of Waiver rather than the State of Oregon because we have tried so often to pursue innovative approaches in health care waivers. We were, as Senator MERKLEY knows, one of the first States to say Medicaid dollars that have been authorized for seniors to pay for services in institutions such as nursing homes should be used instead for home health care; thereby giving seniors more of what they want, which is to stay in their homes, at a cheaper price to taxpayers. We began those efforts, as Senator MERKLEY knows, with waivers from traditional Federal law. So we have a long history of doing this, and I have spent well over a decade trying to establish the principle that all States ought to have the opportunity to bring their creative juices to this issue of health care reform.

We have outlined the two key changes in the legislation that is law today. The first change is to make the waivers effective in 2014 rather than in 2017 so States only have to change their systems once. The second thing the Empowering States to Innovate Act does is it requires the Department of Health and Human Services to begin to review State waiver applications within 6 months of enactment of the legislation. This would allow States early notification of whether their State waivers have been approved and would give them adequate time to roll out their State-specific plans. I think this, too, will help us create more competition, more choice, and more affordability in American health care because it will give the States adequate time to gear up. That is the philosophy behind the Empowering States to Innovate Act, whether one likes one particular approach or another. Clearly, there will be great diversity of approaches tried at the State level.

At a time when we are looking for ways to bring this country together to deal with the most contentious issues of our time, we ought to be supporting

innovation. We ought to be supporting unleashing creative kinds of approaches to deal with domestic issues. That is what Senator BROWN and I propose in this legislation. I look forward to working with colleagues on both sides of the aisle.

I yield the floor.

The ACTING PRESIDENT pro tempore. The junior Senator from Oregon is recognized.

Mr. MERKLEY. Madam President, I applaud the work my senior Senator from Oregon, RON WYDEN, has been doing in seeking affordable, effective health care for all Americans and, in particular, his work to utilize our State laboratories in developing smart health care strategies that then, if successful, can become a model for the Nation.

This process of utilizing waivers isn't about a State wanting an exception so that it can be different; it is about recognizing that States have powerful opportunities to form policies that work well under particular circumstances but also may provide insights into our whole national strategy for affordable, quality health care.

So for the work Senator WYDEN and Senator SCOTT BROWN are doing, I applaud them and support them, and I thank Senator WYDEN for his decades of advocacy for affordable health care.

FOOD SAFETY

Mr. MERKLEY. Madam President, it is a pleasure to rise to speak about the historic Food Safety Modernization Act.

I thank Chairman HARKIN, who worked with me to include provisions to help small farms and processors and organic farms so that they have before them in this bill provisions that support them and will help make them successful. The last thing we want to see is an effort to make our food safety system work better be used as a tool to diminish the ability of small farms and organic farms to thrive. That has been effectively addressed in the bill but also by provisions I will speak to in a while that Senator TESTER is bringing forward.

I also compliment Senator DURBIN, who has been advocating for this bill, working on the elements of the bill for a very long time, and his determined, tenacious advocacy is the reason this bill is on the floor before us at this moment.

I also appreciate the bipartisan problem-solving approach of the ranking member of the Health, Education, Labor, and Pensions Committee, Senator ENZI, and all of the members of the committee for coming together to say: This is not a Republican or a Democratic problem, this is a national health care issue, a national nutrition issue, and let's tackle it together.

The safety of the Nation's food supply is a serious concern for every family in Oregon and across this Nation. I

wish to highlight one Oregon family in particular, Jake Hurley and his dad Peter. I am sure they are very happy to see that we have this bill on the floor, and they will be particularly thrilled when we have it on the President's desk because the issue of tracing contaminated food is an issue that has affected their family very directly.

This picture is one of Jake taken when his father Peter came with him to Washington, DC, to testify before this Congress and share their story. Jake's favorite food was peanut butter crackers. When he was 3 years old, he became very, very ill. Those crackers he loved so much were the source of his illness, but because we didn't have an effective tracking system, there was no recall and there was no understanding that the crackers were contaminated. So in his illness, his family continued to share with him his favorite comfort food—those same peanut butter crackers that were making him extremely ill. It turns out they were contaminated with salmonella, and the result was that a child's snack ended up putting Jake's life in danger.

The Food and Drug Administration had already determined that peanut butter was a cause of sickening people across the country, but they hadn't been able to trace the peanut butter and know it had made its way into processed products—in particular, the product Jake was consuming. The Peanut Corporation of America, a peanut processing facility in Georgia, had contaminated peanut butter that went into thousands of products, sickening 714 people in 46 States, including Oregon, and killing 9. The Hurleys and countless other families have been waiting for Congress to pass this bill so that other families don't have to be worried that their children will become terribly sick because we can't track contaminated food.

This bill requires the FDA to create rules for tracing processed foods, such as the peanut butter crackers that made Jake sick last year. It took the FDA over a year to trace all the products that the peanut butter went into during that outbreak in 2009. It is still not clear that they ever found all of the products. This is unacceptable. Provisions in this bill will help prevent not only future outbreaks but also future problems tracking down the contaminated food products.

In my work in the HELP Committee, I secured a provision to ensure that in addition to tracing produce, which was already in the bill, we set up a pilot project to calculate the best practices for tracing processed food, which is a more difficult undertaking. But after the bill came out of committee, Senator SHERROD BROWN worked hard to build on that, and he has strengthened the tracing provisions further in the bill. I certainly thank him for doing that. The bill now requires the FDA to

create regulations ensuring quick and accurate tracing of all types of contaminated food.

Better tracing of contaminated food and better coordination between local, State, and Federal food safety officials can help prevent children like Jet Valenzuela from getting food poisoning. I turn now to a picture of Jet. I met Jet earlier this summer in Oregon. This is a picture of him in the hospital 2 years ago, when he became violently ill from contaminated food. He had a deadly form of E. coli. He was hospitalized in Bend, OR. He became so ill that he was flown to Portland for more intensive care. Jet underwent multiple surgeries, blood transfusions, and was eventually put into a medically induced coma. He came within a hair's breath of dying twice. The scariest part of Jet's story is that we were never able to find what made him sick, despite their best efforts, because we didn't have the type of produce and processed food procedures that could assist in tracking down the source.

So for Jet and Jake, it is urgent to pass this bill. Not only does this help respond, but it helps prevent food outbreaks. No family should have to go through what these families went through. Most parents, including myself, have spent a lot of time worrying about how to keep their kids safe, but we should not have to worry about how to protect our children from the food on our plates.

Implementing food safety provisions has to be done in a way that supports our small farms, our family farms. We cannot have a process that hinders them in operating successfully or puts unnecessary restrictions in their path.

I thank Chairman HARKIN for including language in the bill that I suggested, so that no new regulations would conflict with or duplicate the requirements of the National Organic Program. This ensures that there will not be any food safety regulations that would put their organic certification in jeopardy.

I wish to draw attention to the work Senator TESTER has done. He authored provisions that provide reasonable exemptions for very small farms and processors—farms that sell their products directly to local consumers, farms that sell their products directly to local restaurants or to local grocery stores. This comprises only about 1 percent of our national food production, but it is a very important part of our local economies, a very important foundation for our family farms. So I am proud to support the work Senator TESTER has done in making sure our small local farms are fully accounted for and supported in this legislation.

Also in this bill are exemptions for farms that produce low-risk food, no matter what their size. This is a type of logical flexibility to make regulations apply when they are needed and

not provide unnecessary restrictions or hurdles when they are not.

In conclusion, I urge all of my colleagues to support this bill. It will improve the tracing of contaminated food, whether that be produce or processed. It will increase inspections. It will create safety guidelines for farms and processors. It will protect organic farms, protect small farms.

This bill works to prevent contamination as well so that we can avoid unnecessary illness and death. Improvements to tracing contaminated food will not only prevent illness but will prevent costly recalls for farms and food processors who are not at fault for a particular contamination.

Most important, this bill will help other families avoid what Jake and Jet and their parents went through. Parents should be able to pack their children's lunch boxes without fear.

Madam President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. McCONNELL. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The minority leader is recognized.

EXTENDING CURRENT TAX RATES

Mr. McCONNELL. Madam President, we have a lot to do and not much time to do it in before the end of the session. The American people spoke loudly and clearly on election day. They want us to put aside the liberal wish list and focus on jobs. The most important thing we can do to create jobs between now and January 1 is to send a message to job creators that we are not going to raise their taxes. That is why I offered a bill back in September—S. 3773—that would make current tax rates permanent. This is the only bill that has yet been offered that would prevent a tax hike on anyone. In other words, nobody in America would get a tax hike at the end of this year.

The White House didn't seem to like that idea. They said we should raise taxes on small businesses. But this should be an easy one. We should be promoting private job creation, not killing private job creation. So I look forward to hearing any ideas the White House has to achieve that.

One thing we will need to do before we leave this year is to fund the government because Democrats didn't pass a single appropriations bill this year.

So now we will have to mop up in the eleventh hour with an omnibus spending bill that covers all of it. This is one more sign they aren't learning many lessons from the election.

If this election showed us anything, it is that Americans don't want Congress passing massive trillion-dollar bills that have been thrown together behind closed doors. They want us to do business differently. So I will not be supporting an omnibus spending bill. We have seen what happens when Democrats rush legislation and try to jam it through at the last minute, with no time for review or for the American people to learn what is actually in the bill. The "Cornhusker kickback" and the "Louisiana purchase" are fresh on their minds.

Americans want us to take our time and get things right, and they want us to spend less. The voters have spoken. We need to show that we heard them.

TERRORIST AHMED GHAILANI

Madam President, yesterday's acquittal in a Federal court of accused terrorist Ahmed Ghailani on all but 1 of 285 charges of conspiracy and murder is all the proof we need that the administration's approach to prosecuting terrorists has been deeply misguided and, indeed, potentially harmful as a matter of national security.

You will recall that Attorney General Holder assured the American people last year that Ghailani would not be acquitted of the charges against him. Holder said back then:

With his appearance in Federal Court today, Ahmed Ghailani is being held accountable for his alleged role in the bombing of U.S. Embassies in Tanzania and Kenya and the murder of 224 people.

Holder also said back then that Ghailani's prosecution in civilian court would prove its effectiveness in trying terrorists who were picked up on the battlefield.

At the time, most Americans wondered why we would even take the chance. Now they are wondering when the administration will admit it was wrong and assure us, just as confidently, that terrorists will be tried from now on—from now on—in the military commission system that was established for this very purpose at the secure facility at Guantanamo Bay or detained indefinitely if they cannot be tried without jeopardizing national security.

When it comes to terrorism, we should err on the side of protecting the American people.

Madam President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. TESTER. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

FDA FOOD SAFETY MODERNIZATION ACT—MOTION TO PROCEED

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of the motion to proceed to S. 510, which the clerk will report.

The legislative clerk read as follows:

Motion to proceed to the consideration of Calendar No. 247, S. 510, a bill to amend the Federal Food, Drug, and Cosmetic Act with respect to the safety of the food supply.

The ACTING PRESIDENT pro tempore. The Senator from Montana.

Mr. TESTER. Madam President, I wish to make a brief statement about the food safety bill. I very much appreciate the opportunity now that this important legislation is shaping up to be a much better bill with the inclusion of my amendment for family-scale producers. It protects the jobs of family farmers and ranchers and processors. It is time to get this bill passed and strengthen food safety for all Americans.

There is little disagreement that the necessity of this bill is real. If you take a look at the impacts of recent E. coli outbreaks, of salmonella and those kinds of foodborne diseases out there, it is absolutely critical we get this bill passed. I had some concerns with this bill as it was originally introduced, on its impacts to family-sized growers and processors. The fact of the matter is, these are folks who help build this country, and undue regulation on them—and I do believe it would be undue regulation—would simply stop a movement in this country that has gone on since this country's inception, but more recently we have gone back to it with locally produced foods.

It is critically important my amendment be part of this bill. I appreciate everybody who worked to make that happen. Here is why. We deal with consolidation in our energy sector, we deal with consolidation in our banking sector—we have done it since I have gotten here, and before. We have consolidation in our food industry too. The fact is, we need to not encourage that consolidation. If we can get more locally grown food, if we get producers who connect up with consumers eyeball to eyeball, that is a positive thing. I don't want to diminish their ability to do that. My amendment protects the ability for farmers markets to flourish and provide food for people locally, without shipping it halfway around the world and back again. Yet this bill also puts regulations on the industrialized folks because, frankly, with the size of their operations and because they are highly mechanized, when a mistake is made it can affect hundreds of thou-

sands of people in 10, 20, 30 States. So this bill is a win-win for consumers, both locally and consumers who deal with the more highly industrialized food suppliers.

People have asked me why do you think the small guys can even be regulated by the local and State regulators in this country? First of all, they are small and there is a pride of ownership there that is real. They raise food, they don't raise a commodity, as happens when operations get bigger and bigger. There is a direct customer relationship with that processor or that farmer that means a lot. If a mistake is made—which rarely happens—it doesn't impact hundreds of thousands of people. We know exactly where the problem was and we know exactly how to fix it. So the traceability of the outbreaks is immediate and is taken care of without impacting 20 or 30 States and hundreds of thousands of people.

As we move forward with this bill, I think it is incredibly important that we do things as we did in the last farm bill—move forward with locally grown food, move forward with that farmers market model that helps people get to know the people who produce and process their food. We don't want to throw undue paperwork on those folks. They don't have the ability to do it. It takes them out of the field to do that, and honestly, as they move forward, the consumer and the connection with that consumer makes it so that local entities can do that regulation much better than we can, anyway.

We have been over a pretty long road here over the last many months. I very much appreciate the work Representative DINGELL has done, in the House, on this bill. I very much appreciate the work that was done on my amendment over here. KAY HAGAN in particular, a great Senator from North Carolina, worked closely with me on this amendment and her input was incredibly valuable. I also thank Senator MERKLEY and the work he did on the amendment. I thank the consumers groups out there that I think found a commonsense solution to this issue, and many of the organizations we worked with over the last many months to make sure this bill meets the needs of the people, to make sure we do address the issue of foodborne illnesses and safe food but yet allows the little guys to grow, employ people, and allow that economy to get bigger and better as time goes on.

This is an important bill we need to get done. It makes sense for this country and it makes sense for people in agriculture.

I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BURRIS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BURRIS. Madam President, I ask unanimous consent to be able to speak as in morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BURRIS. Madam President, I ask unanimous consent to be recognized for as much time as I need to consume.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

FAREWELL TO THE SENATE

Mr. BURRIS. Madam President, as you know, one of the first duties delegated to freshman Senators is the high honor of presiding over the Senate. I remember the very first time I sat where you are sitting now, Madam President. Throughout my time as a Member of this august body, I have had the opportunity to spend more than 200 hours in the Presiding Officer's chair and have earned two Golden Gavel. I also had the honor of delivering our first President's—President George Washington's—Farewell Address on his birthday of this year to this august body. From the chair, I have had the opportunity to listen to the words of my colleagues and reflect upon the great debate that unfolds each and every day—as it has always done throughout our Nation's history—in this, the greatest deliberative body in the world.

We come to this Chamber from every State in the Union—Democrats, Republicans, and Independents alike. Each of us carries the solemn responsibility of giving voice to the concerns of those we represent. Although we do not always agree, as the debate on this floor will often show, I am always struck by the passion that drives each and every Senator to stand in this singular place in the world and to speak their mind. It is this passion that will always define this Chamber for me. For all the weight of history—for all the great and eloquent sentiments that have been expressed by our forefathers—on a fundamental level this remains a very human place.

We stand today, as the Members of this body have done frequently throughout our great Republic's history, at a critical moment. Partisanship and obstructionism threaten to somewhat paralyze this great institution. But it is a testament to the inherent wisdom and durability of the Senate—of the rules and the tradition that govern this institution—that even in the face of great discord we have had the high privilege of serving in the most productive Congress in generations.

Despite our many differences, I believe the men and women who make up

this Senate remain its greatest strength. It has been the honor of my lifetime to once again represent the people of Illinois and to do so in the Senate. First, as a cabinet member for our Governor, as the Illinois State comptroller, and as Illinois attorney general, the people of my State placed in me a sacred trust and one that throughout my 30 years in public service I made into my life's work: to serve the people of my State to the very best of my ability.

In my younger years, shortly after graduating from law school at Howard University, not far from where we stand today, I was turned off by a city with far too much government. I headed to Chicago, convinced that I would not return to this city unless I could be an effective and meaningful part of the solution to the many challenges we face and dreaming of a time I might come back to Washington as a Senator or as Vice President of the United States.

That dream took longer to achieve than I could have imagined that day, but in a towering testament to the vibrancy of the American dream, that day came. After decades of experience in the executive branch of Illinois government, I was sworn in as a Senator for Illinois, and this became my first introduction to serving as a legislator. It was the steepest of learning curves, but with the warm assistance of my Senate colleagues, the steady support of my loving family, and the dedication of my tireless staff, I could not be more proud of what we have been able to accomplish together.

To my family, my friends, and my staff I owe the deepest thanks. My wife Berlean has always been by my side, and I will always be grateful beyond words for her constant support. My son, Roland II and his wife Marty, and my daughter Rolanda are the pride and joy of my life. Of course, they were just here yesterday, my two grandchildren, Roland Theodore and Ian Alexander, to whom I dedicate my service and for whom I have the greatest hopes and even greater expectations.

To my friends and supporters from Chicago to Centralia, I will never forget your smiles and your kind words during even the most difficult of times. To my staff, in DC and those in Springfield, Moline and Carbondale, you have been some of the most dedicated, talented, and professional individuals with whom I ever had the privilege to serve. From the front office staff assistants and interns answering the endless ringing telephones, to my circle of senior advisers who gave me wise and thoughtful counsel throughout, my team has been indispensable to me, and they have all served the people of Illinois with distinction. I am deeply grateful for their service.

Madam President, I ask unanimous consent that the complete list of my

staff be printed in the RECORD following my remarks.

The PRESIDING OFFICER (Mrs. HAGAN). Without objection, it is so ordered.

(See exhibit 1.)

Mr. BURRIS. Thank you, Madam President.

I wish to extend a special word of gratitude to my old friend who is sitting right there, the Sergeant at Arms, Terry Gainer; the Secretary of the Senate, Nancy Erickson; the secretary for the majority—where did she go—Lula Davis; for their many kindnesses, and a thank-you to the Senate Chaplain, Dr. Barry Black, for his counsel and prayers during my time here.

I also wish to acknowledge my fellow freshman Senators: Senators BEGICH, BENNETT, FRANKEN, GILLIBRAND; the Presiding Officer, the North Carolinian, Senator HAGAN; as well as Senators MERKLEY, SHAHEEN, MARK UDALL, TOM UDALL, MARK WARNER, and our just departed Senator Kaufman from Delaware. They are tremendous individuals possessing incredible talents and have been a very supportive group for me. Thank you, my freshman colleagues.

In a broader sense I wish to also thank all of those who serve under this hallowed dome with quiet and often unheralded dignity and duty. The Senate floor staff, you all do a heck of a job—the maintenance crews, the elevator operators, the Capitol Police, the Senate train drivers, the dining room servers, and the scores of others whose hard and important work ensures the smooth and constant operations of the business that takes place within our Capitol.

As I stand to address this Chamber for the last time, I cannot help but reflect on the unlikely path that led me to this point and upon the challenges we continue to face. When I first came to the Senate nearly 2 years ago, our Nation was only days away from inaugurating an African-American man from Chicago as the 44th President of the United States of America. It was a national milestone I never thought I would ever live to see, an incredible moment that speaks volumes about the progress our country has made even in my lifetime.

As a child, I knew the injustice of segregation. When I was only about 15 years old, I helped integrate the swimming pool in my hometown of Centralia, IL. Although that incident drove me to pursue a life of public service—dedicating myself to the goals of becoming both a lawyer and a statewide elected official—there was never any guarantee that such a path would be open to me. There were no people of color in elected office in those days, especially not in Illinois and not in Centralia, and there was no path to follow. So I knew from the start that I would have to blaze a trail.

Despite the lack of established role models, my parents provided nothing but support and encouragement. They nurtured my dreams and helped me develop the skills to achieve them. In the end, they and my older brother Earl, who is now deceased, and my sister Doris, God bless her, who is still living, were the only role models I needed. The values they instilled in me—of hard work, determination, and unwavering dedication to principle—have guided me throughout my life, and the same values have driven me to take an interest in the next generation.

It is that focus on the future that drives all of our legislative energy, to constantly improve the quality of life for the generations to come.

Not too many generations ago, my family roots told a different story. I stand in this Chamber as the great-grandson of a man who was born into slavery, in an era when this Senate debated whether he and others like him were worthy of freedom and equal treatment under the law. Yet today I stand among my colleagues on the Senate floor, a Member of the highest body of lawmakers in this land. In some ways, this is a remarkable testament to our Nation's ability to correct the wrongs of generations past, to move always toward that "more perfect Union."

However, in other ways, it is a solemn reminder of how far we still have yet to go. In a country as progressive and diverse as any on this planet, I am today the only Black American Member of this Senate. Aside from myself, I can count the number of Blacks who have served in this body on the fingers of a single hand: Blanche K. Bruce, Hiram Revels; Edward Brooke, the last from Illinois, Carol Moseley-Braun, and our President, Barack Obama.

Throughout 220 years of Senate history and 111 Congresses, only six Black Americans have been able to serve. This is troubling in its own right. But when the 112th Congress is sworn in this coming January, there will not be a single Black American taking the oath of office in this Chamber.

This is simply unacceptable. We can and we will and we must do better. In this regard, and in others, our political process has proven less successful and less representative than it ought to be. Although I have never allowed my race to define me, in a sense it has meant that my constituency as a Senator has stretched far beyond the boundaries of Illinois.

Letters, e-mails, and telephone calls have poured in to my office from Black Americans from all across the country, and at times, as I have tried to bring their voices to this Chamber, I have acutely felt the absence of any other Black person to represent them.

Our government hardly resembles the diverse country it was elected to represent. Partisan bickering has driven

moderates out of both parties and made principled compromise more difficult for those who remain. Too often our politics seem to have become a zero-sum game. It is easy for people to believe that the best argument or the plainest truth would not necessarily win the day anymore. In such a destructive political environment, people are often left wondering who will speak up for them. And the media certainly isn't blameless. News outlets which could play a critical role in educating the American public with facts too often bow to ratings or quick sales and, in the process, end up choosing to pursue the entertainment value of conflict over thoughtful analysis.

This is the harsh reality we face.

America just can not afford this any longer. We should check these notions at the cloakroom door.

This is a critical moment.

So I believe it's the responsibility of everyone in this chamber to take ownership of this process once again, to demonstrate leadership, and pledge a return to more responsible rhetoric, and more responsive government.

What we face is a test—not only of our willingness to meet the challenges we face, but of the democratic institutions designed to cope with these challenges.

Here in the U.S. Senate, this question is paramount.

Have our destructive politics left this great body locked in a stalemate—unable to move forward, because of the petty obstructionism that has taken root?

Or can this Chamber be made to address these problems once again? Can it be redeemed, by the good people who serve here?

I have confidence that it can.

It will require the concerted effort of all one hundred Senators to overcome the partisanship that has paralyzed this chamber, and the obstructionist tactics that have become the rule rather than the exception.

Colleagues, this is the moment to summon the strength of our convictions, and fight for what we believe in.

This is the hour for principled leadership, originating right here in the U.S. Senate.

But even as we look to the future and debate the agenda for the upcoming year, I must note with regret that my time here is nearly at an end.

Serving as a Member of this body, alongside so many fine colleagues who have become good friends, has been the honor of a lifetime.

Together we have achieved passage of the most ambitious legislative agenda since the Great Depression. And a great deal of the credit for our success is owed to Leader HARRY REID.

And I am proud of every vote I cast in the name of the people of Illinois, and proud of the more than the 60 bills I sponsored and over 300 I have cosponsored.

In the 22 months I have been a Member of the Senate, I have advocated for comprehensive health care reform designed to meet the goals of a public option, and fought to address health care disparities that separate minority communities from the population as a whole; pushed for redirection of subsidized funds that made \$68 billion available for new Pell grants and extended new opportunities for minority students to attend historically Black colleges and universities, and predominantly Black Institutions; stood up for minority-owned businesses, and made sure they will have equal opportunity to share in America's renewed prosperity as our economy continues to recover; worked hard to extend unemployment insurance, improve access to COBRA benefits, and create jobs for the people of Illinois and across the country; voted for the sweeping stimulus package that brought this country back from the brink of economic disaster and started us on the road to recovery; introduced legislation that would improve transparency and accountability as stimulus dollars are spent, so the American people can keep their elected officials honest; cosponsored legislation to repeal the military's discriminatory don't ask, don't tell policy, so all of our soldiers, sailors, airmen and marines can serve openly and had a press conference on that.

I say to my colleagues, don't filibuster that issue. We need all of our individuals to have an opportunity to serve in the military service, regardless of their sexual orientation. Don't be surprised if I come back for that vote. I am from Chicago, and I will vote twice. I supported major credit card reforms, to prevent credit card companies from abusing their customers; fought for equal pay and benefits for women, to cut down on workplace discrimination; fought for additional impact aid funding, to shore up federal support for school districts that serve military communities and other Federal activities; honored the accomplishments of pioneers like Vice Admiral Samuel Gravely, the first African American to serve as a flag officer in the Navy, and the Montford Marines, the first African-American Marine division; supported the Matthew Shepard Act, which will help make sure those who target people based on sexual orientation, race, or other factors are brought to justice; raised my voice on behalf of Main Street, and all those who have been left behind in our continuing economic recovery, so that everyone can share in the benefits; introduced legislation calling for the Department of the Interior to study a historic site called New Philadelphia, IL—the first settlement founded by a freed African-American slave—for its preservation as part of the National Park system.

I hope, as a legacy to BURRIS, that someday that legislation will pass.

I raised awareness of youth violence, which threatens our children and tears our inner cities apart—and must be stopped; fought for veterans' benefits, including the implementation of the new GI bill, so we can honor the service of those who defend our freedom.

And now, as we ready to close the books on the one hundred and eleventh Congress and the long and significant chapter of legislative accomplishment, it is time for a new class of Senators to join this fight.

I am deeply grateful to my friends on both sides of the aisle for the passion they bring to their work every day.

I have witnessed it from the Presiding Officer's chair—and have had the privilege not only to watch the debate but to take part.

But now it is time for me to find new ways to serve.

This is the arena where great ideas are put to the test, on a national stage. This is where our identity is forged anew, every day, and where our principles are challenged.

It is the heart of our democratic process. And although there will be few easy solutions for the problems we face, I will never forget the courage and patriotism that I have seen from countless citizens of Illinois and America over the course of my time here.

This is a trying time for our Nation. But as long as the American people have the wisdom to elect leaders like the ones I have come to know in this Chamber—and as long as this Senate remains true to the people we serve—I will never lose faith in our ability to overcome these challenges together.

These are my parting remarks from this body. I treat this as an opportunity of a lifetime, and I treat this with great respect and dignity for all of those I have worked with and have come to know in this body.

With that, I thank the Chair, I thank all my colleagues, and I yield the floor for the final time. God bless you all. Thank you.

EXHIBIT 1

OFFICE OF SENATOR ROLAND W. BURRIS STAFF LIST

WASHINGTON DC OFFICE

Dori Alexandre, Legislative Aide; Roosevelt Barfield, Military Legislative Assistant; Eleanor Bastian, Legislative Assistant; Charles Brown, Legislative Assistant; Nicholas Catino, Legislative Aide; Nate Davern, Legislative Aide; Cynthia Dorsey, Intern Supervisor; Amanda Fox, Legislative Assistant; Joel Griffith, Staff Assistant/Driver; Cristen Hall, Counsel/Legislative Assistant; Giana Hutton, Staff Assistant; Renee Johnson, Legislative Aide; Andy Keeney, Correspondence Manager; Brady King, Chief of Staff; Ursula Lauriston, Deputy Press Secretary; Ken Montoya, Legislative Director; Kyle Moore, Military Fellow; Terry Mullan, Legislative Aide; Robin Nichols, Director of Scheduling; Jim O'Connor, Communications Director; Ford Porter, Legislative Aide; Aleysha Proctor, Administrative Director;

Shomaila Sharif, Deputy Administrative Assistant; Stephan Tibbs, Special Assistant.

CHICAGO OFFICE

Rachelle Badem, Grant Coordinator/Special Assistant; Matt Berry, Outreach Rep.; Jacqueline Dawkins, Constituent Service Agent/Outreach Rep.; Scott Kagawa, Outreach Rep.; Rodney LaBauex, Staff Assistant; Jazmine Hasty, Small Business Outreach Rep.; Frank S. McClatchey, Small Business Coordinator; MyRon McGee, Constituent Service Agent/Outreach Rep.; Kristina Michell, Constituent Service Agent; Jason Miller, Constituent Service Agent; Richard Porter, Director of Outreach; Chris Russo, Special Assistant; Kenneth Sawyer, State Director; Tami Stone, State Scheduler; Audrey Till, State Press Secretary; Zorie Valchev, Constituent Service Agent; Erin T. Williams, Assistant to State Director; Marianne Wolf-Astrauskas, Office Manager/Intern Coordinator.

SPRINGFIELD OFFICE

Ceceilia Haasis, Constituent Service Agent; Jamar Johnson, Constituent Service Agent; Sally Millichamp, Constituent Service Agent; Bradley Smith, Constituent Service Agent; Jimmie Voss, Downstate Director.

CARBONDALE OFFICE

Dina Timmons, Field Rep./Constituent Service Agent.

Mr. BURRIS. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. HAGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. UDALL of New Mexico). Without objection, it is so ordered.

Mrs. HAGAN. Mr. President, as I see my colleague, Senator BURRIS, still on the floor, I wish to thank him for his excellent work and his comments today. He will certainly be missed by all of us.

Mr. BURRIS. I thank the Senator from North Carolina.

Mrs. HAGAN. Mr. President, today I rise in support of S. 510, the FDA Food Safety Modernization Act, and also in support of an amendment I cosponsored with my colleague from Montana, Senator JON TESTER.

Each year, upwards of 70 million Americans are sickened from foodborne illnesses. Thousands of the most vulnerable, including children and the elderly, die. I do not think there is anyone who has not heard of the massive recall of millions of tainted eggs that sickened nearly 1,500 people. We need to find a better way to protect Americans from these tragic deaths.

During the HELP Committee's consideration of the bill late last year, we had the opportunity to hear from Dan Ragan, director of the North Carolina Department of Agriculture and Consumer Services Food and Drug Protection Division, about the innovative steps that North Carolina is taking to prevent and address food safety problems. North Carolina was one of the

first pilot States for the Manufactured Food Regulatory Program Standards, MFRPS. And North Carolina has a robust training program for those dealing with food safety issues. I am proud that my State is leading the way forward in trying to prevent and quickly address foodborne illnesses.

At the same time, North Carolina is a farming State. And in my State, we have honest farmers who work very hard to make a living. Unfortunately, oftentimes when there is a food safety breach followed by a massive recall, the producers or farmers suffer dire financial consequences. Farmers are at the front of the food supply chain and frequently are not responsible for the food safety breach further down the line.

Many farmers in North Carolina are still struggling, particularly after the salmonella outbreak at the Peanut Corporation of America and after the massive recall of tomatoes nationwide in 2008.

One such farm is Patterson Farms, a third generation family-run farm in China Grove, NC. The family has been growing tomatoes since 1919 when James A. Patterson began growing vegetables.

Currently, Patterson Farms, Inc., operated by James A. Patterson's grandsons, Doug and Randall, grows about 350 acres of tomatoes, including mature green, vine ripe, and Roma tomatoes. In addition to growing tomatoes, the Pattersons grade, pack, and ship their tomatoes across the United States and Canada. Patterson Farms is currently the largest tomato grower in the State of North Carolina.

The 2008 erroneous safety citation for tomatoes by the Food and Drug Administration cost the Pattersons dearly. While consumer demand for tomatoes dropped between 50 and 60 percent, Patterson Farms lost hundreds of thousands of dollars. The damage was so severe that Doug and Randall could not pay back their farm operating loan at the end of the year—marking the first time in the history of Patterson Farms that they were not able to pay back their operating loan.

In fact, they had to borrow more money to stay in business. With very narrow profit margins, the massive recalls such as this certainly can jeopardize the financial stability of farms that have been in families for generations. That is why I think the FDA needs to be very sure about the source of a foodborne illness when it institutes a recall, and why I fought hard to include a provision in this bill to look at new and existing mechanisms available to provide restitution.

Specifically, the language in this bill directs the GAO to conduct a review within 3 months on new and existing mechanisms available to provide restitution in the event of an erroneous mandatory food safety recall. If such

mechanisms do not exist or are inadequate, then within 90 days the Secretary of Agriculture must conduct a feasibility study on implementing a restitution program.

One false recall can put a family farm out of business. And while I support giving the FDA mandatory recall authority, I want to make sure there are enough protections in place for farms such as the Patterson farm, which were brought to the brink of bankruptcy through no fault of their own. This study language is an important step in ensuring that farmers are treated fairly.

I am also pleased to be a cosponsor of the amendment by my colleague Senator TESTER, which will be included in the final bill. While I believe strengthening our food safety standards and giving FDA the enforcement authority it needs is critical to ensuring public safety, this bill would have imposed Federal regulation on even the smallest food producers, including family farms.

Take, for example, a small family farm in North Carolina that produces homemade jams and jellies to sell on their farm, at the farmers market, or to the local food co-op. This farm would have to register with the FDA and develop a costly hazard analysis and risk-based preventive control plan, similar to the plans required of large food companies. Small producers in North Carolina already have to use a North Carolina Department of Agriculture-approved commercial kitchen to make these products.

To allow small producers to remain in business, this amendment ensures that the smallest producers selling directly to consumers can continue being regulated at the State level. Also, farmers raising produce to sell directly to consumers at farmers markets and food co-ops face significantly different issues and pose less risk than those selling into the industrial supply chain, and should not be regulated in the same way.

North Carolina is a farming State, and I value farming as an institution that is central to my State and America's history and our culture. In my State we have honest farmers who work very hard to make a living.

I believe, with the restitution study language, and with the adoption of the Tester-Hagan amendment, this food safety bill strikes the right balance between protecting the public health from foodborne illnesses while ensuring our Nation's farmers can continue to feed Americans.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 3 p.m.

Thereupon, the Senate, at 12:33 p.m., recessed until 3 p.m. and reassembled

when called to order by the Presiding Officer (Mr. FRANKEN).

FDA FOOD SAFETY MODERNIZATION ACT—MOTION TO PROCEED—Continued

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. The Senate is not in a quorum call right now.

Mr. COBURN. Oh, very good. Then I withdraw my request and ask that I might be recognized.

The PRESIDING OFFICER. The Senator is recognized.

Mr. COBURN. Thank you, Mr. President. I wish to spend a few minutes discussing the bill that is before us. Having been a manufacturing manager for 10 years, producing products that came through the medical device industry, and having dealt with the FDA as a manufacturer and then having dealt with the FDA and the consequences of the FDA as a physician over the last 25 years and then looking at this bill that is on the floor today, I think it addresses three things I have talked about, especially in Oklahoma over the last year.

Everybody recognizes this Nation is at a critical point—fiscally, internationally. From the standpoint of foreign policy, it has been impacted by our fiscal problems. But there are three structural reasons why I think we are there, and I think we need to learn from them. This bill provides us a great example.

The first is, as a physician—and I knew it as a business manager—you have to fix real problems. If you fix the symptoms that have been created or the circumstances that have been created by the real problems, you will make things better for a while, but you actually will not solve the underlying problem. What happens when you do not solve the underlying problem and fix the symptoms is, you delay the time and you also increase the consequences of not fixing the real problems.

Second, if you only think short term, you do not have the planning strategy with which to do the best, right thing in the long term. We consistently do that in Washington. Consequently, the CBO put out the unfunded liabilities for Medicare, Medicaid, and Social Security yesterday. It is now \$88.9 trillion. It was \$77 trillion last year. It was \$63 trillion the year before. So we are up \$26 trillion in unfunded liabilities that we are going to pass on to our kids in 3 years because we continue to think short term instead of long term.

Then, the fourth thing is to have the courage to stand and say: No, we should not do things that address the symptoms; we should address the un-

derlying problems. No, we should not think short term or parochially; we should think long term and address that issue.

As to the food safety bill, all my colleagues are very well intended in terms of what they are trying to accomplish with it. But there are some facts we ought to be realistic about. We could spend \$100 billion additionally every year and not make food absolutely safe. There are diminishing returns to the dollars we spend. But if you look at what the case is: In 1996, for every 100,000 people in this country, we had 51.2 cases of foodborne illness—the best in the world, by far. Nobody comes close to us in terms of the safety of our food. But, in 2009, we only had 34.8 cases—three times better than anybody else in the world. So the question has to be asked: Why are we doing this now when, in fact, we are on a trendline to markedly decrease it? The second question that should be asked is: No matter how much money we spend, is there a diminishing return?

There are a lot of things in this bill that I agree with—a lot. I think foreign food ought to be inspected before it comes into this country and I think those who want to sell products in this country ought to have to demonstrate the quality of it and I think the cost of that ought to be on the person selling the food, not on the American taxpayer. But ultimately that cost will be added to the cost of the food.

I think the recognition of peanut allergy is a realistic one, and I understand the purpose for wanting a grant for that. But as I read the Constitution, that is a State function. That is not our function. The other thing that bothers me about the grant proposals—I walked out of the deficit commission to come over here. I have spent 8 months in that commission looking at the problems in front of this country. We cannot afford another grant program. We do not have the money.

So we can say we are going to authorize it in this bill, but, do you know what, it is not going to get funded next year because we do not have the money. When the interest rates skyrocket in less than a year from now because of our misplaced spending over the past 20 years and our continued short-term decisionmaking instead of long-term decisionmaking, our situation is going to grow even darker. So this bill provides a wonderful example of how we ought to fix the real problems instead of the symptoms of the problems.

The other thing that truly is not addressed is the long-term criticisms the GAO has continually made on our food safety. Senator HARKIN has the best idea of all, but he could not get everybody to do it; that is, an independent food safety agency, to where we are not relying on the CDC, we are not relying on the FDA, we are not relying on the

Department of Agriculture, that we put them all into one and say: You are responsible for food safety. But he could not sell that.

Ask yourself the question: If you had three different agencies stepping all over each other with different sets of rules with agreements between themselves that they will do certain things, and then they do not do them—that, by the way, is why we had the salmonella problem; they did not follow their own protocols to notify the FDA of the problem—most commonsense thinking people would say: Well, maybe you ought to put all those things into one agency, with one boss and one line of accountability and responsibility.

So Senator HARKIN is absolutely right in where he wants to go. We are going to spend \$1.5 billion over the next 5 years on this bill that does not accomplish what we need to accomplish, which is what Senator HARKIN wants to do—and he is right—and we are not going to fix the criticisms that have been leveled against the agencies by the GAO for 8 years, in spite of the fact, as I stand here and am critical of different agencies, they actually have done a very good job. That is known by the fact that our incidence of foodborne illness is now less than 34 per 100,000 people. Think about that. Think about all the sources of food we get in this country and the diverse places they come from. Yet only 34 people get a staph poisoning or a nontoxigenic *E. coli* poisoning or a salmonella poisoning or a *Yersinia* poisoning or a *Shigella* poisoning in a year. So that is the incidence of illness.

The question is, How do we stop the 10 or 20 deaths a year from foodborne illness? Can we do that? Well, as a physician trained in epidemiology, we could do it. But I will posit we do not have the money to do that because it would take billions upon billions upon billions of additional dollars to ever get there. So we find ourselves in a dilemma.

I commend to my colleagues the reports GAO-09-523, GAO-09-873, and GAO-05-213.

The GAO does a wonderful job telling us where we are failing, and we ought to address everything they raised in these reports.

Even further than that, Dr. Hamburg, around the time we were having the salmonella with the eggs problem, released an egg standard. The bureaucracy took 11 years to develop that standard. That falls on the shoulders of President Bush's administration as well as this one. I am proud of her that she got it out. But the fact is, 11 years to do what you are responsible for, to get an egg standard so we do not have significant salmonella poisoning coming from eggs? Then, lo and behold, after the egg standard is out, the FDA inspectors on farms in Iowa are violating their own protocols, cross-con-

taminating egg farms, as documented in the press.

It is not a matter that we do not have enough rules and regulations. That is borne out by the fact that we are continually seeing a decline in foodborne illness. That is not the real problem. The problem is effectively carrying out the regulations that are there today. So we have a bill on the floor that has 150 to 170 pages—I cannot recall exactly how many it is—here it is. It is 266 pages of new regulations, new rules, new requirements.

Let me tell you something else I learned about dealing with the FDA. The FDA overall in this country does a fantastic job. They do. They are very professional. They are very slow sometimes, but they are very professional, and they are very cautious. In this bill is a mandate to require recalls. Not once in our history have we had to force anybody to do a recall. It has always been voluntary, and you can check with the FDA on that. They do not need that authority. Why don't they need that authority? Because if you have a problem with your product in the food system in this country, you are going to get sued. You are going to get fined if you do not recall that product.

What is wrong with a potential mandatory recall? What is wrong is it is going to markedly raise the cost of foods. Let me explain why. It is called Coburn's bureaucratic principle: Do what is safe first in the bureaucracy rather than what is best.

Here is what I imagine happening with a mandatory recall. Because we have a problem, we are going to recall something and we are going to force a mandatory recall. Even though they may recall it voluntarily, somebody is going to pull the trigger earlier, because they don't want any criticism. There is a great example for that. How many people remember the toxigenic *E. coli* jalapeno pepper episode? Voluntary recall for tomatoes, because we said it had to be in the tomatoes, so they did that. That cost \$100 million to the tomato farmers in this country and didn't save one life, because they got it wrong. They discovered about 10 days after that, it wasn't the tomatoes, but the damage was already done. I can remember I ordered my hamburger in my special place in Muskogee, My Place BBQ, and I couldn't get a tomato on it. The reason we couldn't get a tomato—there wasn't anything wrong with tomatoes in this country; it was because a recall had been suggested by the FDA and the tomato growers responded.

So what we are going to see is a heavy hand rather than a working, coordinated foundation upon which we do recalls, as we do now. We have not had one instance ever when a food needed to be recalled that wasn't voluntarily recalled.

What I worry about is the fact that we will have recalls that are mandated

much too soon on the wrong products at the wrong time. We don't have a track record that says the government needs additional power. As a matter of fact, the FDA doesn't say they need additional power.

So let's summarize for a minute. Where is the crisis in food safety, when the science demonstrates that we have the safest food in the world and we are on a trendline to have it even safer? Where is the cost-benefit analysis in terms of what we are going to get from spending another \$1.5 billion in terms of lowering that number? There is nothing in this bill to show that. What is in this bill are tremendous new sets of regulations and authorities on top of the authorities that both the CDC, FDA, and Department of Agriculture already have, that I don't believe—and I agree I am in the minority on that, but I am trained in the area of medicine, science, and epidemiology—I don't believe we are going to get a significant cost-benefit from it.

We are going to feel better because we did something. But, again, that goes back to the first three principles. If we don't treat the underlying problem—in other words, have the oversight hearings to make sure the agencies are actually carrying out their functions every day on a thorough basis that can be vetted and making sure we are doing the right things to create the opportunities to have safe food—we are not accomplishing anything, but we are going to feel better. But do we know who is going to feel worse? Our kids. Because they are going to pay—if we appropriate this money, and I highly doubt a good portion of it will be appropriated—they are going to pay for it. If you followed last week in international finance, the scare over Ireland's ability to repay its debt, and the pressure it had—and we got good news on the economic front today—good news, and it is welcome news by all of us. But the fact is, what is happening in Ireland and in Greece and Spain and Portugal is getting ready to happen to us. And this is a small example of why—very good-intentioned, well-intentioned people trying to do the right thing, fixing the symptoms instead of the underlying problem.

Our answer is more regulation has to be the answer. That is what we did in the financial regulation bill. That is what we did to the SEC after Bernie Madoff. Everybody knows the SEC was alerted several times, but they didn't do their job. Consequently, we put all of these new rules and regulations to not let another Bernie Madoff scandal happen when we should have been holding people accountable for not doing their jobs.

I am not against regulation, but I think it ought to be smart, targeted, and focused to real problems, not the symptoms of the problems. It is my personal belief—that we are targeting

symptoms and not the real problems with this bill.

Senator HARKIN has bent over backward to work with me. He is an honorable man. He is interested in food safety and the welfare of this Nation. Nobody should ever say otherwise. But my experience leads me to believe it isn't going to accomplish the very purpose he wants to accomplish, and my recommendation is to go back and work in the new Congress to develop a true food safety center organization within the Federal Government that combines all the factors.

Do my colleagues realize right now when we buy a pizza at the grocery store, if you buy a cheese pizza it comes through the FDA, but if you buy a pepperoni pizza, it gets approved by the U.S. Department of Agriculture? How many people in America think that makes sense?

The other thing with this bill—and I will finish with this and then yield the floor—is this bill wants more inspections. That is great. There is no question that inspections will help; the question is what is the return on the dollars we spend for it. But if we are going to use more inspections, there is not nearly enough money in this bill to do it effectively. That is what we are going to trust.

Let me tell my colleagues why I think we have the safest food in the world: because we have the best legal system in the world. That is why we have the safest food, because the market forces applied on somebody selling food into our commerce are so great and the consequences legally are so negative that it is only in their best interests to bring a safe product to the market. When we have food scares, most of the time it is not an intentional act that created the problem, it is an unintentional act. It is a failure of someone in carrying out a protocol that should be established.

Under this bill, anybody who sells more than \$500,000 worth of food—that is almost every Amish farmer in America—a co-op of Amish at every farm—will have to have a detailed, laid-out plan, written down, double checked, cross checked and everything else. What do my colleagues think that is going to do to the cost of food? Do my colleagues think as we implement new regulations, those costs aren't going to be passed on? So as we grow the government, if, in fact, we are treating symptoms and not underlying problems—and I don't have any problems with regulations that address real problems—all we are doing is raising the costs and making ourselves less competitive, decreasing the number of jobs that are available in this country, and not truly ensuring an increased level of safety with our food supply.

It is hard to dispute the facts about our incidence of foodborne illness. One case is too many. But we don't have

the resources to make it where there is not one case, even. It is the same question on homeland security. Can we ever spend enough money to 100 percent guarantee that we won't have another terrorist attack? Anybody who looks at it says no, we can't do that. It is the same with food. For every additional dollar expended, what is the return to the American consumer for that?

If it were an achievable goal to eliminate all foodborne illness, I would be right there with you. It is not achievable. It is going to happen. The question is: Can we continue on a slope to continue to decrease the frequency where we have the least amount for the dollars we spend? There is a balance, and we need to be there. I will take the criticism of my colleagues that they think we need to spend this additional \$1.5 billion to get it further down the road. But I still raise the question of how we cut it in half over the last 9 years—or 5 years—and didn't spend anything. So we are on a good trend.

We are, unfortunately, going to have complications with our food supply, but we have a great legal system where we have bad actors such as the peanut butter factory in Georgia which is now shut down, in bankruptcy, and people are going to jail, because they intentionally violated the rules we have today. But how did they intentionally do it? Because we didn't have effective carrying out of the regulations we have today.

I appreciate the great manner in which Senator ENZI and Senator HARKIN have worked with me. I have another amendment I wish to offer on this bill. Everybody knows what it is. It is an earmark amendment. I understand the disdain for having to vote on that and I understand the procedural moves that will be made for that, but we are going to vote on it. We are going to suspend the rules to get the first vote, but I can assure you in the next Congress we are going to get an up-or-down vote on it, and it is going to pass in this body because the American people expect it to pass. It is something we ought to put away until we get out of the problems we are in nationally.

I yield the floor and note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Minnesota.

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent to speak for up to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. KLOBUCHAR. Mr. President, I am here today to highlight the urgency of passing the legislation to overhaul our Nation's food safety system. The last time the FDA's law related to food was changed in any substantial way was 1938. Think of how things have changed since that time: food coming in from all over the world. We think about all of the new producers and the new processing plants and the new kinds of food we have that weren't available in 1938. An overhaul of the food safety system is long overdue, and so is the passage of the Food Safety Modernization Act. Food safety reform should have passed Congress and should have been signed into law months ago. I have stood in this Chamber many times saying the same thing. Each time, each month, something new comes up where people get hurt or people die. Whether it is jalapeno peppers or peanut butter or more recently eggs, these outbreaks of foodborne illness and nationwide recalls of contaminated food highlight the need to better protect our Nation's food supply. We need to fix it.

The good news is we know how we can do it and we have legislation sitting right here on the table that could go a long way toward helping families at their own kitchen tables. The bad news is this legislation has been stalled in the Senate since last November.

This legislation is, first of all, comprehensive. It covers everything from ensuring a safe food supply at the front end to ensuring a rapid response if tainted food gets into the supply chain.

I wish to respond to a few points my colleague from Oklahoma raised. First he noted that somehow the FDA didn't need the authority to recall. In fact, right after the last outbreak, the egg issue, the eggs in Iowa, the FDA Commissioner came out and said she needed additional authority to do a recall. So let's set the record straight on that. That was wrong.

Secondly, I would point out that this legislation is bipartisan. It has both Democratic and Republican sponsors and it passed through the committee, the committee on which the Presiding Officer serves, last November with bipartisan support. Food safety is not a partisan issue and it shouldn't be. It is a national issue of public health and public safety. Do my colleagues know what else? It is a business issue. So when I heard my colleague from Oklahoma talk about how somehow it was going to hurt the bottom line, I wish to know why the grocery stores of America support this bill. Does anyone think they are not worried about their bottom line?

I would like to know why companies such as General Mills support this bill, and why companies such as Schwan's in Marshall, MN, one of the biggest frozen producers in the country—the No. 1 issue they raised with me was passing

this bill. Do you think Schwan's is a company that doesn't care about the bottom line?

You haven't met their business executive, I say to my friend from Oklahoma. Their focus is on jobs, making money, and producing a good product.

So why do these businesses that are so clearly concerned about their bottom line care about passing this bill? Guess what. These bad actors—whether it is the peanut butter factory in Georgia or whether it is the egg place that had rats in it—these bad actors hurt all the good actors out there, the good food producers and good farmers and all of the companies that put in safety measures. That is why the companies, the grocery stores, SuperValue, and these kinds of companies want to get this bill passed. They think having bad food out there is not only bad for consumers when they get sick or die, but it is bad for their bottom line. That is why there is industry support for the bill.

Finally, this legislation addresses a very serious issue—and this was the most difficult thing to hear from my friend from Oklahoma. You all know in our State about the case of Shirley Ahlmer, a grandmother. She fought cancer and survived it. She was ready to go home for Christmas, and she ate a little piece of peanut butter toast. That grandmother died because of that peanut butter toast.

I don't want to hear about how it is not worth it for the people of America, that it is going to cost the people of America, until you talk to Shirley's son Jeff and find out what it cost his family because there wasn't an adequate food inspection system in this country. That is what this is about.

One other thing that was not true was when my colleague from Oklahoma talked about the tomato recall. That was true, and it was misdiagnosed. They said the wrong thing. It was actually jalapeno peppers. They said it was tomatoes.

Why should we keep the same food system in place now if people are out there calling the wrong card and saying tomatoes caused this and tomato prices go down and people who produce them get hurt and instead it is jalapeno peppers? Meanwhile people are getting sick across the country. Why would the answer be that we have a great system and let's not change it? The answer is we have to change the system.

The other thing is, both the peanut butter contamination and the jalapeno peppers, do you know who called it right? The State of Minnesota. It was the University of Minnesota and the Minnesota Health Department. None of it got identified until people got sick in the State of Minnesota. That makes us proud of our State. But we would have rather not lost three people in the peanut butter crisis and said: Guess what, we got it right.

What we can do is take the system we have in Minnesota, which is common sense, and instead of just having this problem sit on a county nurse's desk, we have graduate students who can work together and make calls and figure out what caused this when people got sick, and ask: What did you eat yesterday? It is that simple.

The part of the bill which Senator CHAMBLISS and I sponsored is to use that model—not make every State do it but say, let's look at the best practices in four regions of the country and see if we can improve the system so we can catch these illnesses quicker and respond better and have less people die or get sick.

When I look at all of the issues raised by my colleague, the bottom line for businesses is this: Businesses in this industry support this bill. When I look at the issue of consumer safety, all you have to do is go and look at what happened to Shirley Ahlmer.

When I look at the issue of what is better for the consumers of this country, I don't think anybody wants to get sick from eggs that have Salmonella. It is unacceptable, Mr. President.

I hope anybody who was listening to my colleague from Oklahoma has also listened to this because it is very easy to make these claims. Let me tell you, one, the people who do this work say they need more authority to do recalls and to do it right. The businesses that are affected by the food safety outbreaks need a better system. They don't want to get stuck in one from back in 1938. The people hurt by this, or family members killed by this, say we need improvement. That is why this bill has bipartisan support and why three-fourths of the Senate supported moving forward on the debate.

I hope this delay will end and that we will get this done so that when families sit down for Thanksgiving dinner, they will at least know there is hope in the future that we are not set back in the inspection system that we had in 1938.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. INHOFE. Mr. President, I ask unanimous consent that I be recognized as in morning business for such time as I shall consume.

The PRESIDING OFFICER. Without objection, it is so ordered.

GLOBAL WARMING

Mr. INHOFE. Mr. President, as Mark Twain might have characterized where we were a short while ago, reports of the death of cap and trade have been greatly exaggerated.

It is true we defeated all the bills. This was after the Kyoto Treaty, which failed to even get recognized for discussion, let alone ratified. We had all the bills—the McCain-Lieberman bill, the Lieberman-Warner bill, the Waxman-Markey bill, and all of the others, and they were all killed.

I can remember way back 8 years ago when I was the only bad guy, the one everybody hated. That is when I made an honest statement at the time that perhaps what they were trying to do with the global warming was the “greatest hoax ever perpetrated on the American people.”

As time went by, more and more people agreed. A lot of things have happened. Just in the past year, we have had the revelation of Climategate, the failure in Copenhagen, the admission of the futility of unilateral climate action, the year of the skeptic, and the vindication at the ballot box that took place November 2.

With all this, one might be tempted to declare victory, and I have to admit that for a short while I did. It was a year ago today that I gave a speech right here on the Senate floor, at this same podium, noting that the tide turned decisively against global warming alarmism. The year of the skeptic took place.

Just 2 days later, Climategate exploded into view as thousands of e-mails were released that showed, at a minimum, the very scientific spokesmen for alarmism were scheming to block open and honest assessments of their work. Behind the veil of e-mail, they showed their true colors: They weren't acting as scientists but as political hacks. They were scientists defending a political agenda. The agenda would virtually shut down America.

A lot of people realize and recognize that fossil fuels are necessary to run this machine called America. Right now, 53 percent of our energy is generated from coal. Coal is necessary. We have clean coal technology, and the releases are much less than they used to be. Oil and gas are both fossil fuels. It is necessary. You cannot run this machine called America without them.

The damage has been done in terms of what was going on at Copenhagen. I think the chapter on the climate science wars has closed. Climategate scientists and the allies want to keep fighting. They are particularly begging us to bring them before committees to question their work. But we will not because they are now irrelevant. The time to talk about this science is over.

I will say this: Five years before Climategate, I gave a speech in the Senate and talked about what they were trying to do to cook the science. Instead of talking about science, we are talking about the economics of what is happening now. We are talking about jobs, about competitiveness, and manufacturing and small businesses and real people who have to pay more for electricity, food, and gasoline. What do I mean? Even with all of the progress we have made—and while cap and trade is dead, bureaucratic cap and trade is alive and well—what is happening in this country is that we have an administration with a majority in

Congress who tried to pass this legislatively, tried to pass cap and trade. The cost of cap and trade, we were finally able to convince the American people—if you look at it not from what Senator JIM INHOFE says but what the economists say, what they said at MIT and what they said at Wharton, if you pass any of these cap-and-trade schemes, the cost to the American people will be in the range of \$300 billion to \$400 billion a year. That is what they decided they were able to do legislatively. They thought we will do this—because we control EPA, we will do it through the regulations.

What Senator REID said may be true for the massive 1,000-page bills filled with mandates, taxes, regulations, bureaucracy, and not much else. But it is not true for the more subtle strain of cap and trade now moving through the EPA.

That is right; this backdoor cap and trade hidden behind an administrative curtain. I can hear already what my friend, the EPA Administrator, Lisa Jackson, would say: Senator INHOFE, you know we are regulating in broad daylight, and we are inviting public comment and we are providing guidance. It is all aboveboard and out in the open.

That may be true, and I trust that Administrator Jackson wants the EPA to be transparent. Unfortunately, this bureaucracy has gotten to the point where transparency is virtually impossible.

The reality is that backdoor cap and trade is hidden behind acronyms such as PSD, BACT, SIPS, FIPS, BMM, GHGRP, and the like and arcane legal provisions in the Clean Air Act. It is all a great muddle for bureaucrats and lawyers, but it is a profound disaster for jobs and small businesses in America.

Make no mistake, the intent and ultimately the effect is no different than Waxman-Markey, which is to eliminate fossil fuels and impose centralized bureaucratic control over America's industrial manufacturing base. Unless we stop them, that is what they will achieve.

Of course, President Obama would say we could have avoided all this if we passed cap and trade. That is true. If we had done that, we also know it would not have preempted what EPA would be doing.

That is wrong on two counts. First, what kind of a deal involves accepting a bad bill in place of bad EPA regulations? That is no deal at all. Secondly, the supposed deal wasn't an either/or proposition. Waxman-Markey didn't fully eliminate EPA's ability to regulate under the Clean Air Act. President Obama and cap-and-trade supporters wanted both options—cap and trade including regulation under the Clean Air Act.

Keep in mind we are talking about something that is very massive—the

largest single tax increase on the American people. When you talk about \$300 billion or \$400 billion a year, you have to bring that down and say: What does that mean to me?

To the taxpayers in Oklahoma, it would mean over \$3,000 a year. What do they get for it? Nothing. One thing I like about Administrator Lisa Jackson, the Administrator of the EPA, is she is honest in her answers. I asked her the question: If we were to pass something like this, pass Waxman-Markey and do something legislatively, how would it affect worldwide emissions of CO₂. She said it wouldn't have much of an effect at all. The reason is we can't do that in the United States: This isn't where the problem is. It is in China, India, Mexico, and other places around the world. As we tighten our availability of power, they have to go someplace—our manufacturing base—to find power. Well, now they would be going into areas where we have less controls. So that could very well have—by banning it here, it would have an increase in the effect of CO₂ emissions. Most people understand and agree with that.

We have a long, difficult fight ahead. It goes back to December of 2009 when EPA promulgated the endangerment finding that CO₂ endangers public health and welfare. We know that finding is wrong and based on flawed science.

Before I went to Copenhagen last December—first of all, what Copenhagen is, that is the annual big party that the U.N. puts together—and they have done it for 15 years now—and they always have it at exotic places. Next month it will be in Cancun. Last year, before I went there, I asked Administrator Jackson the very question: What does your endangerment finding—the way it happened, I say to you, was that we had a hearing, a public hearing, live on TV, and Administrator Jackson was in our hearing room.

I said: I am getting ready to be the one-man truth squad in Copenhagen. I have a feeling when I leave, you are going to have an endangerment finding. What would that be based on? The IPCC.

To make sure everybody understands, that is the U.N. That is what started this thing way back in the 1980s. And so now that is established and we know the science on which an endangerment finding is based, we go to Copenhagen. It was almost the next day that climategate broke. Oddly enough, the timing couldn't have been better—I had nothing to do with it; I was as surprised as anyone—because they came out and talked about the flawed science that was there and the fact they were cooking the science.

I have to say this. Five years ago this week, in 2005, I gave a speech on the Senate floor talking about how they were cooking the science at the United

Nations—the IPCC—to make people believe that greenhouse gases—anthropogenic gases, CO₂, methane—were causing catastrophic global warming. That was their mission. They started with that conclusion and they tried to get science to support it. Well, all that was exposed.

The list of IPCC errors is so long I won't repeat it here, because I did so in my speeches before. We know the claim that the Himalayan glaciers would melt by 2035 was off by about 300 years. What is important now is that the endangerment finding triggered regulations that will eventually reach out into every corner of the American economy. This will be the greatest bureaucratic intrusion into American life we have ever seen.

Let us put some specifics on that. We are talking 6.1 million sources subject to EPA control and regulations. With regard to EPA control and regulations, I don't think I have to tell you how onerous that would be, what that would be doing to all these institutions that would be affected. The U.S. Chamber of Commerce has put together a list as to who would be affected by these new regulations and that thousands and thousands and thousands of new bureaucrats would be crawling all over in America. The list includes 260,000 office buildings, 150,000 warehouses, 92,000 health care facilities—that is hospitals and so forth—71,000 hotels and motels, 51,000 food service facilities, 37,000 churches and other places of worship, and 17,000 farms.

The EPA understands the political peril of regulating all these sources so they decided to change the law without congressional authorization to exempt many of the sources I have mentioned, but that is a front. It sounds good, and they will stand up and say, no, we are not talking about 250 tons of CO₂. But the Clean Air Act specifically says that the major sources are those that have the potential to emit 250 tons or more of given pollutants. All the farms, all the churches, as I mentioned, are going to be in that category.

Two hundred fifty tons of, say, sulfur dioxide or nitrogen oxide is a good deal of pollution. But when it comes to CO₂, it is not. Lots of facilities emit that amount and more. We are talking schools, nursing homes, restaurants, even individual residential sources, mind you, that were never contemplated to be regulated when Congress passed the Clean Air Act.

So what did EPA do? Well, they promulgated something called the tailoring rule. This gets in the weeds here, but it is something they created to say, well, no, we are not going to use 250 tons of emissions, we are going to use 75,000 tons. That means we are talking only the giants—the refineries and some of these groups. Well, the problem with that is that is not what the Clean Air Act says.

Sources emitting above those amounts have to get permits that require so-called best available control technology to reduce CO₂. Of course, we don't know what that is. It has never been defined. The EPA issued draft guidance on what they call the BACT—best available control technology—last week, but it provided no help, just more confusion and uncertainty on what the requirements would be.

Of course, they talk about the EPA has a law in front of it that says clearly the major sources are those that have the potential to emit 250 tons or more. Yet it says the new number is 75,000 tons or more. So now the EPA can conveniently say that schools, hospitals, and the like won't be regulated, at least not until 2016, when the agency says it will consider whether to regulate such sources.

There is the catch. This supposed exemption through the tailoring rule only lasts for a few years, not to mention the fact that it blatantly violates the Clean Air Act, which subjects it to litigation. On that last point, the tailoring rule, along with the endangerment finding and other greenhouse gas rules, is being litigated, so we will know eventually whether the tailoring rule survives. I think it will be thrown out, but the fact it can be thrown out should be enough for us to be honest with the American people and say we are going to regulate everything that falls within the 250 tons—all the residences, the churches, and the farms I mentioned before.

Again, I want everyone to understand: The regulation of global warming by EPA, backdoor cap and trade, begins on January 2. It is here, a month away. I am not the only one concerned about it. On February 19, Senator ROCKEFELLER, joined by seven of his other Democratic colleagues, wrote Administrator Jackson. Keep in mind, this is coming from the Democrats here in this Chamber. He wrote:

We write with serious economic and energy security concerns relating to the potential regulation of greenhouse gases from stationary sources under the Clean Air Act. We remain concerned about the possible impacts on American workers and businesses in a number of industrial sectors, along with the farmers, miners and small business owners who could be affected as your agency moves beyond regulations for vehicle greenhouse gas emissions.

We need to address this, because employers and small businesses are afraid to hire and expand right now, in large part because of the EPA's global warming regulations. They do not know what to expect. They are looking at the Clean Air Act, that has a very small threshold. Yet statements are being made that this is going to affect everyone and they don't know what to do.

I want my colleagues and the American people in general to know that EPA is moving in all directions, be-

yond just implementing job-killing global warming regulations. EPA is threatening jobs on a host of fronts. A few months ago, I released an oversight report examining the thousands of jobs at risk. And by the way, this is a good report. It talks about four major areas of concern, and they are all on my Web site at inhofe.senate.gov. Read them over, if you want to be scared. But here is what I found:

The new standards for commercial industrial boilers, for example, put up to 798,000 jobs at risk. The revised National Ambient Air Quality Standard for ozone puts severe restrictions on job creation and business expansion in hundreds of counties nationwide. New standards for Portland cement plants put up to 18 cement plants at risk of shutting down, threatening nearly 1,800 direct jobs and 9,000 indirect jobs.

I think we should be concerned enough about the unemployment rate that we have right now without exacerbating that problem, which is what we do with these rules. I think everyone knows that. Where are these rules going to hurt the most? In the heartland. By that I mean Pennsylvania, Ohio, Michigan, Indiana, Illinois, Missouri, Wisconsin, Nebraska, Minnesota, and Montana. Of course, my own State of Oklahoma is feeling the brunt, and others will as well.

Here is the bottom line. Backdoor cap and trade is alive and well. It is moving forward. The fight over the future of America's industrial base is under way. I want to put the administration on friendly notice that I will investigate these rules vigorously in my capacity as the ranking member of the Environment and Public Works Committee. I do this to expose their impact on jobs, energy prices, competitiveness, small businesses, energy security, and the true extent of their environmental benefits.

It is my sincere hope the EPA will pull back, revise, reform, and balance its regulatory agenda to protect jobs as well as the environment. If the EPA persists on moving down a more extreme path, then our 9.6 unemployment rate will be even worse in 2012.

In an attempt to stem the impending economic harm facing thousands of small businesses, the EPA has developed its so-called tailoring rule. I don't want to elaborate on this. I will only say that the tailoring rule is to make people think we are only going to be regulating those entities that emit 75,000 tons or more, when the law clearly says 250 tons or more.

In some cases, these rules will have no meaningful environmental benefits. Consider EPA's rules to regulate greenhouse gases. They would reduce global temperatures by 15 one-hundredths of 1 degree by 2100. That same figure goes all the way back to the consideration of Kyoto. This is back in the 1990s. I remember at that time it was Vice Presi-

dent Al Gore's own scientist—Tom Prigley, I believe his name was—who came out and the question was if all of the developed nations were to comply with Kyoto's emission requirements, how much would it reduce the temperatures in 50 years. The answer was 7 one-hundredths of 1 degree Celsius. So you can talk about all the sacrifice we are making and nothing good can come from it.

I want to conclude, because there are a lot of people here wanting to speak, saying that the Administrator of the EPA, Lisa Jackson, talks about the fact that what we do unilaterally, here in the United States, is not going to have a major impact on emissions nationwide, yet we know what it is going to cost. I want to say we are going to quit talking about the science. We understand how the science is not on their side; that the things we said on the floor of the Senate 5 years ago were verified with climategate. They have been cooking the science, and it is very convenient.

Lastly, I went to Copenhagen, as I mentioned earlier. That is the big U.N. party each year. That was probably the most productive 2½ hours of my life, the 2½ hours I was on the ground in Copenhagen. I was preceded by Senator KERRY, Hillary Clinton, President Obama, and several others—NANCY PELOSI—and they were all assuring the other 191 countries present that we were going to do something about cap and trade. I went there to make sure they knew we were not. I will always remember that, because we had 400 people and the 120 cameras were zeroing in on me. I say to my good friend from Virginia, they all had one thing in common: They all hated me.

That is behind us now and we have to now look at the regulators. This regulation would put America out of business.

With that, I yield the floor.

The PRESIDING OFFICER (Mrs. SHAHEEN). The Senator from Virginia.

Mr. WARNER. Before I get to my remarks, Madam President, I want to commend my friend, the Senator from Oklahoma, for his comments. I don't always agree with him, but I have had the opportunity to sit in the Presiding Officer chair and listen to his views over the last 2 years, and let me make sure I make clear that his characterization of some of those folks with those cameras, I would not fall into that category.

I also want to wish the Senator a very happy birthday. I understand it was yesterday, and I wish him all the best. Our offices are next to each other and we are good neighbors.

TRIBUTE TO FEDERAL EMPLOYEES

Madam President, I rise today to continue a recent tradition of the Senate—the tradition of honoring exemplary Federal employees—my friend Senator Ted Kaufman began last year.

Senator Kaufman believes, as I do, that our Federal employees deserve recognition for their admirable patriotism which drives them in their daily work as civil servants.

Senator Kaufman highlighted 100 Federal employees in his close to 2 years of service—100 Federal employees with significant accomplishments in the fields of medicine, science, technology, diplomacy, and defense. Today I will start to continue that tradition. I am very proud that the first Federal employee I am going to have a chance to honor is currently a resident of Virginia who combined his engineering expertise with his past experiences in the Navy to help save 33 Chilean miners after they had been trapped 2000 feet underground for 69 days. This was an incident that captured the attention of the world, as we all watched the rescue of those miners. Again, I will only take a couple of moments to describe this employee and how he contributed to that remarkable worldwide success story.

Clint Cragg served in the Navy for 26 years. He, as I mentioned, is currently a resident of Virginia. His lifetime of service to our country led him to many exciting opportunities, including serving as the Chief of Current Operations, U.S. European Command. While in Europe, he participated in a number of operations, including the wars in Kosovo, Afghanistan, and Iraq. Today, Cragg is principal engineer for NASA's Engineering and Safety Center, a center which NASA established after the 2003 *Columbia* Space Shuttle tragedy. Clint has given a lifetime of service to his country since his graduation from the Naval Academy in 1978, and his service was never more important than it was when he took part in the worldwide effort to save the Chilean miners.

Clint and his colleagues were asked by the Chilean Government to assist in rescuing their 33 countrymen trapped underground in a collapsed copper and gold mine. Clint rose to the challenge and flew to Chile with three fellow NASA employees to examine the scene. Using his experience as a commanding officer of a submarine in the Navy, Clint provided valuable insight to the miners on how to cope with the underground existence they were in for a sustained period of time. Clint and his team also met with Chilean officials to discuss the development of a rescue squad capsule that at that time was a completely untested idea.

Upon his arrival home, Clint received a message from the Chilean Health Minister in which the Minister asked for NASA's help in thinking of specific features that would make the rescue capsule idea a reality. Clint assembled a team of 20 engineers, 10 from NASA Langley and 10 from around the country. They commenced brainstorming innovative ideas for a capsule design. This was thinking whole cloth. The

only information the team had available was the capsule's maximum length and the diameter of the rescue shaft through which the capsule was required to fit. Seventy-two hours later, the team had a written, comprehensive report that included 75 proposals for the rescue capsule. The paper concluded that the rescue capsule should include a harness inside the capsule that can hold a miner in case the miner fell unconscious during ascent.

I think we all remember those images on CNN as they kind of drew up the capsule. I didn't know, but that capsule was designed by a Federal employee and his team we honor today.

As the 33 men rose from beneath the Earth, Clint could take pride in his work for NASA and in the knowledge that he and his colleagues had made the reunion between these men and their families possible.

I was privileged to meet Clint Cragg and his family and other members of the rescue team during a visit to NASA Langley last week and present them with a framed American flag that had flown at the U.S. Capitol in honor of their contributions. The successful rescue of the miners was a testament to the American spirit of cooperation and ingenuity, a spirit exemplified by the NASA team.

I hope my colleagues will join me in honoring Clint for his service and his leadership team at NASA as this week's example of a great Federal employee.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Madam President, I ask unanimous consent that immediately following my and Senator GRASSLEY's colloquy, the distinguished Senator from North Dakota be recognized for 30 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

MAJOR TAX ISSUES

Mr. HATCH. Madam President, my colleague, Senator GRASSLEY, and I come to the floor to discuss very urgent business for the American people that has been put off for far too long. I am talking about the outstanding tax issues this Congress has so far failed to address. As I count them, there are five major tax issues that collectively represent a looming crisis for the economy. These are, first, the set of tax provisions that expired almost a year ago on December 31, 2009, and have yet to be extended. Second is another set of important tax provisions due to expire at the end of this year, which is only 44 days from now. The third item is the need to once again address the threshold of the alternative minimum tax so that about 25 million more American families are not caught in its clutches for the tax year about to end. Fourth is the estate tax issue which has been haunting us and the American people

all year long. I submit it is way past the crisis stage and is about to enter into even a worse stage. Finally, and certainly not least, is the looming expiration of the tax relief provisions we passed in 2001 and 2003 which are swinging over the future of our economy like a hangman's noose. It is this situation that I particularly would like to address the bulk of my remarks to, but before doing so, let me turn to my colleague for his initial comments, the ranking member on the Finance Committee and a great friend, Senator GRASSLEY.

Mr. GRASSLEY. Madam President, Senator HATCH has long been a leader on a lot of these tax provisions, particularly in research and development. I thank him for his leadership.

I think Senator HATCH has clearly outlined the gravity of the economic consequences of a continuing failure to finish time-sensitive legislative tax business.

There is a chart I will put up that shows where we are on these categories of expiring tax provisions. Said another way, here are the categories of tax hikes that congressional inaction will put in place. I have used this chart before, so I think Members will be familiar. In fact, several months ago, I used it. The congressional Democratic leadership paid no attention to the seriousness of these issues then. Unfortunately, the to-do list is exactly the same today as it was several months ago.

If we go down through the chart, Members can see that we have had partisan votes on extender packages negotiated between the bicameral Democratic leadership but no effort to reach out to the Republican side to find bipartisan common ground.

On this year's alternative minimum tax patch, as Senator HATCH noted, inaction on the AMT will force a "gotcha" tax hike on millions of middle-income families when they start to file their tax returns 6 weeks from now.

On death tax reform, the House passed a permanent reform almost 1 year ago, but it has languished in the Senate during that period. On our side, we would like to improve that bill to protect more small businesses and farm families from the death tax.

On the 2001–2003 tax relief packages, there is no bill from the other side that would serve as a starting point on preventing this massive tax hike. On our side, if the Democratic leadership permitted us, we would like to start with Senator MCCONNELL's bill. Senator HATCH and I are cosponsors of that legislation.

Mr. HATCH. Senator GRASSLEY has been the ranking Republican or chairman of the Finance Committee for a long time now. We have seen times when the expiring tax provisions have been dealt with in as timely a manner as they should have been, but have we

ever seen a state of affairs like we have now with the extenders? What has this meant for job creation and economic growth?

Mr. GRASSLEY. First of all, my colleagues probably know that my friend from Utah is going to advance as the incoming ranking member of the Senate Finance Committee, and I congratulate him on that. I know he is going to do a very good job.

One needs only to look to the nonpartisan Congressional Budget Office to assess the harm that could be done to the economy if we don't get this tax legislation passed. According to the Congressional Budget Office, not addressing these very time-sensitive tax issues will reduce economic growth by as much as 1.7 percent on average for the years 2011 and 2012. If Members didn't hear that, it is not some political leader saying that economic growth will be harmed by 1.7 percent; it is the nonpartisan experts in the Congressional Budget Office saying that if we don't pass these tax bills, economic growth is going to get hit 1.7 percent. Some private forecasters put that hit even higher—at 2 percent. When we consider that the last report has the economy growing at an annualized rate of 2 percent, then it is quite obvious.

We can see that this single failure to prevent these great big tax increases could wipe out what little economic growth is currently occurring. I don't know how policymakers can sleep at night, let alone be so casual when we haven't dealt with these time-sensitive tax issues at a time when coming back here we heard nothing from our constituents other than concern about the economy, about jobs, and about the legacy of debt we are leaving.

Mr. HATCH. We ought to listen to Senator GRASSLEY. He is one of the leaders in this body and somebody we all look up to as totally honest and sensitive on these issues. He has done a wonderful job on the Finance Committee.

According to the Commissioner of Internal Revenue, perhaps the most time-sensitive problem waiting for congressional action is the so-called patch for the alternative minimum tax. I understand that if we do not take care of this very soon, we could see major delays in the tax filing season that will start on January 1. Is that the understanding of Senator GRASSLEY?

Mr. GRASSLEY. Absolutely. We have a track record on that. Just a few years ago, it didn't get done on time, and people had to wait for their tax refunds. That is the biggest thing. But it also created a terrible bureaucratic problem for IRS to get the forms out.

My friend from Utah is correct. Fortunately, the chairs and ranking members of the tax writing committees wrote to the Commissioner of IRS last week indicating our intention to pass

an AMT patch. The letter specified what the AMT patch would look like. But as helpful as the letter was, we still need to change the law. As a matter of fact, the filing season could become very complicated if we don't act. During our years in the majority, we never let the AMT patch legislation slip past May of any tax year that it applied to. That only happened once.

The death tax is another overdue tax legislative item that has been referred to. Maybe the Senator from Utah could bring up the issue of the estate tax.

Mr. HATCH. That is the third item on the to-do list. If we do not act, 6 weeks from now the reach of the death tax will greatly expand. According to the nonpartisan Joint Committee on Taxation, 10 times the number of estates will be taxable versus the number that would be taxable in the bipartisan Lincoln-Kyl compromise. In the case of farm-heavy estates, 13 times the number of those farm families would be hit by the death tax. That would be unfair because the families would have to either borrow the money or sell the farm in order to pay the death taxes. That is just crazy.

The issue of extending the expiring tax relief provisions enacted in 2001 and 2003 has been a central question all this year, but we are just now beginning to discuss this in earnest. This lack of action on this vital topic has been a major factor in the low performance of our economy.

The outcome of this debate is exceptionally important to the future of this Nation. Its implications go well beyond what many on the other side of this issue might want Americans to believe. This is not merely a question of how well the rich in our society will live if we raise their taxes.

Rather, this debate goes to the heart of the burning questions facing American families of all income levels today: Will I keep my job? How and when can I get a new or better job? Will the economy grow enough to allow my family to pay its bills and make progress toward our dreams? Can we afford to educate our children? Will America continue to prosper in the years ahead, or are we in a permanent decline?

The President and most of my colleagues on the other side of the aisle have decided that the answer to the question of fully extending the tax relief provisions that are set to expire in just about 44 days is no. While they are willing to extend them for those Americans earning less than \$200,000 per year if a single individual or \$250,000 per year if a family, their position is that anyone above these thresholds should get a tax increase.

However, the right answer for our country's future is that all the tax relief provisions should be extended.

The reasons the President and his allies give for their position largely boil

down to the general supposition that the well-off among us can afford to see their taxes go up, and that the Nation cannot afford to forego the revenue lost to the Treasury from these taxpayers continuing to have their taxes as low as they are.

Ironically, this second point implies that we can afford the revenue loss from extending the tax relief to those making under the \$200,000 and \$250,000 thresholds, even though this loss is upwards of 80 percent of the total amount of lost revenue from extending the tax relief for everyone.

In other words, the President and his congressional supporters would have us believe that this debate is solely about whether the so-called wealthy among us deserve continued tax relief. They either fail to see an economic connection between the finances of those at the top of the income scale and the rest of us, or they refuse to admit that such a link exists.

This may sound somewhat counterintuitive, but it is, nonetheless, true. The essential element to this conundrum is that good permanent jobs, which are the heart and soul of the American dream, are inextricably linked to those in our economy who have wealth. When the income of the wealthy is taxed, particularly in a way that reduces the incentives for saving, investment, and entrepreneurship, that tax is not just paid by those who write the check to the government. Indeed, even those Americans who pay no income tax at all, which is now upwards of half of all adults, can be badly hurt by tax increases on the so-called rich. This is through the loss of opportunities, the lack of jobs or better jobs, and slow or nonexistent economic growth.

One vital fact that many citizens do not realize is that a high percentage of this Nation's business enterprises pay their taxes through the tax returns of their individual owners. Taxes on sole proprietorships, partnerships, S corporations, and limited liability companies are all passed through these entities and assessed on their individual owners. Higher taxes on these entities results in less money for investment and expansion, which translates into fewer jobs created and fewer opportunities for those who want to move up the economic ladder.

Tragically, especially in this time of economic stress and high unemployment, the real cost of taxation is paid by a group of unintended victims. These are the men and women and their families who do not get a chance to have a job or a higher paying job because the tax destroys the economic growth that might have provided for such an opportunity.

A study recently released by the nonpartisan Heritage Center for Data Analysis highlights these facts. This study, which utilizes an economic model owned by the leading economic

forecasting firm in the country, concludes that the President's tax plan to allow the tax relief provisions to expire for the so-called well-off would have very serious consequences for millions earning far less than those targeted.

Here are just a few of the highlights of these conclusions. First, the President's tax plan would reduce economic growth for at least the next 10 years. Over the 10-year period, our gross domestic product would fall by a total of \$1.1 trillion compared to where it would be otherwise if all the tax provisions were extended.

This slower economic growth would directly translate into fewer jobs created. In fact, the study projects that 238,000 fewer jobs would be created next year and as many as 876,000 lost jobs in 2016. For the 10-year period, the average would be 693,000 jobs each year that would not be created had we extended the tax relief for everyone. This projection alone should be enough to give anyone pause. In this critical time of job shortage, do we want to purposefully choose a course that would lead to even fewer jobs for Americans?

Other economic indicators would also turn negative compared to extending the tax rates as they currently stand. Business investment, personal savings, disposable income, and consumer spending would all be lower. This is exactly the wrong direction we need as the U.S. struggles to recover from this nasty recession.

My home State of Utah will not be spared, despite the fact that the downturn has been less pronounced there than in many other States. The Beehive State would lose an average of 6,200 jobs each year, and household disposable income would drop by \$2,200. For a relatively small population State, this is nothing but bad news.

Another recent study highlights the effect on the economy of increases to the capital gains tax rate as is called for under the President's tax plan. This one was prepared by the respected economist Allen Sinai. In this study, Dr. Sinai concludes that increasing the capital gains tax rates to 20 percent from the current 15 percent, as is called for in the President's plan, would cut the number of jobs available by 231,000 per year. Again, this is exactly the wrong direction for a Congress that is supposed to be focused on job creation.

If we were really serious about creating jobs, we should be doing just the opposite; that is, lowering the capital gains tax rate. The Sinai study concludes that a reduction from the current 15-percent tax rate on capital gains to a 5-percent rate would increase the number of jobs by 711,000 per year. That is the kind of job growth we need right now. By lowering the rate down to zero percent, Dr. Sinai says we could turbocharge this rate of job growth to 1.3 million new jobs per year.

Of course, this capital gains tax reduction would not be free since the

Treasury would lose some revenue. The Sinai study indicates that this loss would be about \$23 billion per year after the effects of stronger economic growth are taken into account. While this is not an insignificant number, it works out to a cost of about \$18,000 per job. I call this a bargain, particularly when it is compared with the cost per job from the so-called stimulus bill we passed last year. The Congressional Budget Office projected last year that the cost of each job saved or created from the stimulus bill would be between \$414,000 and \$1.3 million. And most or all of these jobs are temporary, not permanent. Last year, the CBO also projected that the net increase in the number of jobs from the stimulus bill by 2015 would be zero. In other words, we would get no permanent job increase from this gargantuan stimulus bill. I do not believe the contrast between the two approaches to job creation and economic growth could be any more striking.

Let me refer back to Senator GRASSLEY.

Mr. GRASSLEY. Well, I say to Senator HATCH, the only thing I would add to the good work you put out there is maybe to say a little bit more about the estate tax; that is, if we do not do anything—as you see from this chart, you can see the House passed death tax reform but not the Senate. Obviously, we do not have a final bill. If we do not get a final bill by the end of this year, instead of having no estate tax like this year or a \$3.5 million exemption like last year, we are going to have only a million-dollar exemption and a 55-percent tax rate. That is going to be catastrophic on small business. It is going to be catastrophic in the rural areas. So I hope that emphasizes the importance of getting something done on the estate tax ahead of time.

The only other thing I would add, because the Senator did such a good job of saying what the economic consequences are, if we let the biggest tax increase in the history of the country happen by sunset December 31, and then that means you go back to the tax rates and tax policy of the year 2000, it is going to be very destructive on job creation for small businesses and very destructive as far as bringing the certainty that businesses, particularly small businesses, need if they are going to hire people.

I had a news conference last month in my State, and I brought in some small businesspeople. One of the small businesspeople testifying for me said to the media of Iowa that they would like to hire five or six people, but as long as there is all this uncertainty about what the tax policy is, they are not going to move forward.

So what we have to do—and I say to Senator HATCH, I think you have said it several times—and particularly for small business, we have to bring cer-

tainty to the Tax Code. You cannot have this uncertainty of what is going to happen after December 31, particularly when you are certain you are going to have the biggest tax increase in the history of the country without even a vote of Congress.

So I compliment Senator HATCH. I will not have anything more to say on this subject until we get one of these pieces of legislation before the Senate. But I thank the Senator very much for his leadership.

Mr. HATCH. Madam President, I thank my leader on the Finance Committee on the Republican side. I appreciate all the work he has done to try to keep this economy going, and we ought to listen to him.

Let me just say that the President and congressional Democrats and Republicans agree that small business is the key to a job-based recovery. As the President himself says, small business creates about 70 percent of all of our new jobs.

If we fail to prevent the marginal rate hikes, small businesses will be especially hard hit. The Joint Committee on Taxation concluded that half of the flowthrough small business income would be hit by the reimposition of the top two brackets. Ironically, this is what all the resistance from the other side is about. They insist on raising the top marginal rates on small businesses by up to 17 to 24 percent—all of this during a time when we ought to be going the other way and assuring small businesses that they should take steps to grow without paying a tax penalty.

There is a bipartisan group that recognizes the merits of preventing these tax hikes on small businesses. But I think the President and the Democratic leadership need to see the light. We are talking about somewhere between 750,000 and 800,000 small businesses, where 70 percent of the jobs are created. If we do not handle this right, we are going to have a pretty long time of an economic system that really does not work in this country. So it is important that we get going here in this lameduck session and resolve this issue.

There are people all over the map on this issue, but I think the smartest thing to do would be to keep the tax relief the way it is. I would move it at least 2 years and hopefully 3 years. I would like to make it permanent for everybody in our society because we are a high-taxed society under the current circumstances, but apparently we do not have the votes to make it permanent. But we should have the votes to be able to put it over at least until we can get out of the rough politics of a lameduck session, and hopefully we will be able to resolve these problems in the future in a way that both sides can feel good.

Having said all this, let me just say that I have really appreciated serving

under the distinguished Senator from Iowa. He is a hard-nosed, practical leader in this body. Everybody knows he is totally honest and totally effective in so many ways. He is a dear friend of mine. I want him to know how much I appreciated serving next to him on the Finance Committee. And we will be serving next to each other on the Judiciary Committee in this upcoming year. I look forward to seeing him, as a nonlawyer, take over the controls from the Republican standpoint on the Judiciary Committee because even though the distinguished Senator from Iowa is a nonlawyer, he brings a practical balance to the Judiciary Committee—and to the Finance Committee up until now—that is sorely needed. He is one of the most respected people, by me, in this whole body of very, very strong minds and people. So I am grateful to him. I am grateful he is my friend, and I am grateful we can work together side by side in both of these committees.

I thank the Senator for all the hard work he has done in the Finance Committee all these years. I have watched him, I have sat beside him, and I have seen the products he has done, and the Senator has worked in good faith with both sides, and certainly with total honesty, and that is a high accolade right there.

Madam President, these are important issues. I know that not just the distinguished Senator from Iowa and myself feel deeply about them, but I hope we can get our colleagues together on both sides, and the President, who has indicated he is willing to compromise on this issue, and get this put over. If we could do that, I think the President will be better off, jobs will be better off, and in the end, our country—which is the ultimate goal—there is no doubt in my mind would be much better off.

With that, I thank my distinguished friend from North Dakota and yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

TAXES

Mr. DORGAN. Madam President, I decided some long while ago that I was going to leave the Congress after serving 30 years. So at the end of this year, I will conclude my work here in the U.S. Congress. But I was thinking—sitting in the Chamber, listening to my two colleagues, for whom I have great respect and profound disagreements with—I was thinking about how interesting it is that people of good faith—and they are two Senators of good faith—can feel very strongly about an issue. I feel differently about some of the issues they just described, and I sat here and resisted the urge to jump up every 5 or 10 minutes and engage in that discussion.

It is not a difference of opinion about whether we would like the American

people to pay the lowest rate of taxes possible; it is, rather, in my judgment, about the rearview mirror of history, when historians gather 50 and 100 years from now and look back at this moment and say: All right, where was America then?

Well, America had a \$13 trillion debt, a \$1.3 trillion deficit. We are sending men and women off to war by the hundreds of thousands, strapping on body armor in the morning, getting shot at in the afternoon. About 20 million people are either unemployed or not working up to their potential because they could not find the job that fits them. There are record numbers of people on food stamps. So that is where America was then. And what was the debate on the floor of the Congress? How can you further cut revenue? How can you borrow money from the Chinese in order to give those who make \$1 million a year a \$100,000 a year tax cut? They are going to say: Are you kidding me? That is what the discussion was? Wasn't there discussion about whether it was wise to borrow \$4 trillion more to extend tax cuts that came in 2001 because the President—then-President George W. Bush—felt we were going to have surpluses forever? The first surplus was the year before he took office, the last year of Bill Clinton, the first budget surplus in 30 years. Then they said: OK, we predict we are going to have surpluses for the next 10. President Bush said: Well, let's give them back, with very big tax cuts, the bulk of which go to upper income folks. I didn't vote for that. I thought: Why don't we be a little conservative? What if something happens? Well, it did—a terrorist attack, a recession, wars in Iraq and Afghanistan, debt as far as the eye can see, soldiers at war—and the discussion is how to further cut taxes, especially for upper income Americans. I am telling my colleagues, it is going to confound and confuse some future economists, how on Earth that could have been the major debate of the day in the Congress at this moment.

There is no preordained destiny for this country that this country will always be the dominant world power. That is not preordained. That will happen if this country begins again to make good decisions and tough decisions. People think times are tough now. They have been tougher in this country. Our parents and grandparents and those who came before them, those who homesteaded in sod huts, those who traveled and populated this country out of wagon trains under the Homestead Act to go and buy a place and build a farm and raise a family, they had it tough, but they built communities and built a country and they did the right things. They made tough decisions. It is not a tough decision for us to say all 100 of us want tax cuts—well, I would like it if nobody paid taxes, if nobody had to pay taxes. But

who is going to pay for the cost of things we do together, such as build schools to educate kids, build roads to travel, pay for defense so we can protect this country and on and on and on?

So I didn't come to talk about that, but I couldn't resist at least the urge to say our requirement for this country is to look well ahead and to ask: How do we retain the capability in this country so we will still remain a world economic power? This country needs jobs. This country needs the resurrection of a manufacturing base. We will not long remain as a country, a world economic power, if we don't have world-class manufacturing capability—making stuff—making things that say “Made in America.” That ought to be the discussion: how to put America back to work. There is no social program as important as a good job that pays well, and too many Americans are out of work at this point with a sick economy. The solution is not a tax cut for everybody. That is akin to going to a quack doctor who has only one recipe. He has a jug of thick brown liquid, and no matter what you have—the hiccups, gout, liver trouble—he ladles out some thick brown liquid, and he says: There it is. Take that and it will make you better.

We have people who have that vision here. Any urge, any itch, give them a tax cut. How about the Federal budget deficit? How about controlling spending? Yes, we have to control some spending and cut the deficit. Let's cut some spending and let's ask people who should be paying taxes and aren't now to pay their fair share of taxes. That is what we ought to do.

All right. I have that at least a little bit out of my system today.

ENERGY

I came to talk about something else. I came to talk about unfinished business toward the end of this year. There is still the ability to reclaim some success in an area that I think is very important. It is true, as I have just described, that jobs are very important in this country. It is also true that the economy, fiscal policy, debt, and deficits are very important and we need to get a hold on them and deal with them and respond to them and fix this country's economy. But it is also important that we need to address the subject of energy, and we have tried; we have tried so hard. We can decide it doesn't matter much. We can act as though it is irrelevant. But then tomorrow morning, just for a moment, what if all the American people couldn't turn on or off the alarm clock or turn on the light or turn on the hot water heater to take a hot shower or turn on the toaster or the coffee maker? What if they couldn't turn on the ignition to get to work? What if they didn't have lights at work? We use energy 100 ways before we start work and never, ever think

about it. What if the switch didn't work? What if the tank wasn't full?

Let me describe the danger because this is not irrelevant. It is not an idle issue that this country could very well find itself belly side up with an economy that couldn't work because we couldn't find the energy we need. About 60 percent of the oil we need and use in this country comes from other countries. I have described hundreds of times on the floor that we stick little straws in the Earth and we suck out oil. About 85 million barrels a day is sucked out of this planet. On this little spot called the United States of America, we need to use one-fourth of it. One-fourth of everything we suck out of this Earth has to come to the U.S.A. We are prodigious users of oil. Much of that oil comes from areas of the world that are very troubled. There are some that don't like us very much. We send them over \$1 billion, in some cases \$1.5 billion a day, every single day to buy their oil. My colleagues know and I know that in some parts of the world enough money spills from that oil barrel to help fund terrorism. We know it. If we are that vulnerable, if our economy is in that much need of oil from others, particularly troubled parts of the world, if tomorrow that supply were interrupted or shut off and if that meant that this country's economy would be belly up just like that, do we then decide to do nothing about it or do we do something about it to address it in the context of national security?

We have armies. We commit armies to trouble spots around the world to protect our interests. Those armies can only operate if they have food and fuel. They need both. Energy security is the same as national security, and we have ignored for so long this issue of vulnerability that exists with respect to our energy future.

I wish to talk about what we need to do, and I wish to talk about my disappointment that we come now to November, almost December, 3 weeks left perhaps in December, and last June a year ago we passed an energy bill out of the Energy Committee that was bipartisan. It did a lot to address our energy security. Yet we will likely end this year with unfinished business, leaving behind that progress.

I wish to talk a little about the unbelievable progress in this country. In 1830, it took 3 weeks to travel from Chicago to New York—3 weeks from Chicago to New York City. Twenty-five years later, you could do it in 3 days: the transcontinental railroad. The transcontinental railroad changed everything. Then the automobile, the automobile came along, first with an electric engine and then the internal combustion engine and then it needed a substantial amount of oil. Then our government said: We understand that, so anybody who is going to look for oil or gas, we want to give you a big, per-

manent tax benefit. It was in the public interest to do that. So for a century we have said to people: Go find oil and gas because we need it. We have incentivized that drilling here in this country.

If we think of what has happened over this period I have described in travel and technology, including the automobile, the light bulb—I mean, think of the impact both those innovations have had in our lives; pretty unbelievable.

One day on a Saturday I was in Grand Forks, ND, and I met with our oldest resident, Mary Schumacher, 111 years old. She was spry—I shouldn't say "spry" because she wasn't moving very well, but she had a very keen mind and we were able to have a very good visit—111 years old. She talked to me about her memories of when she was 6 and watched the barn burn. She has a great memory. We talked about how things have changed in 100 years of her lifetime. By the way, I stopped at that nursing home to see Mary because I wasn't able to be there some months before when I was invited to go to her birthday party, and I was invited by her niece who showed up when I showed up that Saturday to visit Mary. Her niece put on the birthday party and her niece was 103 years old, in even better shape than Mary, moving around and fussing and making sure this visit with Mary was going well.

So we talked about the big changes in her life. I thought after I left there: Here is a person who has now lived over a century and she has seen everything. So let me think about her life.

In 1909—and she would have been nearly 10 years old then—in 1909, President William Howard Taft, 5 foot 11 inches tall and 300 pounds, decided to get rid of the horse and buggy at the White House as the mode of transportation. He was the first President to decide he was going to buy an automobile. He bought a Baker electric car. President Taft might not have fit into a Mini Cooper had there been one back then, but he bought a Baker electric car, which goes to show batteries have a lot of power. There has been a lot of discussion about that these days. But isn't it interesting that an electric car for the White House in 1909—that is 100 years ago—that electric car, now a century later, 100 years later, is the subject of legislation I have on the floor of the Senate, along with Senator LAMAR ALEXANDER of Tennessee and Senator MERKLEY of Oregon; the Electric Vehicle Deployment Act, 100 years later. It is the new new thing. It is what we knew 100 years ago worked.

I wish to talk a little about these things and all the changes we have seen and why this issue is critical and why I feel so disappointed if we don't, in the final 3 weeks, at least take a portion of that which we know needs to be done and do it because there is bi-

partisan agreement on a couple of these issues.

Let me mention them quickly. One, a renewable electricity standard so we try to induce more renewable energy production in this country. That is bipartisan. We have cosponsors in the Senate, including Senator BROWNBACK, who is a very strong supporter of that, a renewable electric standard. The Electric Vehicle Deployment Act, which I have described, Senator ALEXANDER and I and others, bipartisan; and the natural gas provision that Senator REID and Senator MENENDEZ have sponsored, that is also bipartisan. Those are things we can do and should do at the end of the year that is bipartisan that will advance our interests.

Why is it that energy is important? Well, one, the vulnerability to our economy if we were to see the supply of energy that is necessary shut off to this country at any point. So it is national security. No. 1, national security. No. 2, it is the issue of the domestic energy use and the conversion as a part of this national and energy security to conservation, No. 1, and the production of different kinds of energy, No. 2, and then, finally, the issue of environmental benefits of some of the changes that are necessary. We are coming to an intersection for the first time when we debate energy in which energy production and national security resulting from that comes to the same intersection as the issue of climate change. So everything is going to change. The question isn't whether, it is how. So I wish to talk just a bit about some of the things we can do, it seems to me, to address these matters.

Let me talk about electricity. We produce a lot of electricity from different sources, including coal and natural gas, and so on. Coal is our most abundant resource. Fifty percent of the electricity in this country comes from coal, but we have to use it differently because when we burn coal, we throw carbon into the air and we understand we can't continue to do that. So we need to find innovative ways to extract the carbon from coal to continue to use that resource. We can and we will, in my judgment. I chair the appropriations subcommittee that funds carbon capture technology. There are all kinds of people around this country doing innovative, wonderful, breathtaking things to find a way to decarbonize coal. It is going to happen, if we decide to make the investment in order to allow it to happen.

So electricity that comes from coal or natural gas and electric plants, one of the problems we have dealing with the electricity is the delivery from where it is produced to where it is needed. Back in the early days of moving electricity around, we would build a plant to produce the electricity and then a spiderweb network of transmission wires in a circle largely around

the planet and that became the service area and they were not connected one to another. That is the way it was. Then, finally, we decided we needed to move electricity from one area to another, so we connected the grids, barely, but we never did go back and build a modern transmission system. The result is we have a system now that is not very reliable and can't effectively move power from where it is produced to where it is needed, particularly in the area of renewable power, where the wind blows and the Sun shines. Where you can produce wind energy and solar energy, we can't at this point have full effective capability to where you can move it to where you can produce it and where you need it.

So we need to build an interstate transmission system. We can't do that now. We need legislation to do that. We can't do it now as demonstrated by the fact that in the last 9 years, we have built 11,000 miles of natural gas pipeline to move natural gas around this country, and we have been able to build only 668 miles of interstate high-voltage transmission lines. Why? Because we have all kinds of jurisdictions that can say no and will say no, so you can't build transmission. So the legislation we passed out of the Energy Committee a year and a half ago now solved that problem, put us on the path to be able to build an interstate transmission system, a modern, rich system. We shouldn't lose that. We should proceed to get that opportunity in that legislation.

Let me talk a bit about oil and gas. We are actually producing more oil, for the first time—it has been a long while since we have been on the decline in production. Part of it is from my State. The Bakken formation is the largest formation of oil ever assessed in the history of the lower 48 States. There are up to 4.3 billion barrels of recoverable oil, according to the U.S. Geological Survey. With that, plus the role shale plays in much of the country, we are beginning to produce a bit more oil and gas at this point. That will stop quickly if we can't continue what is called hydraulic fracturing. We have to deal with that big problem. Most of us in this Senate, who come from areas where we produce fossil energy, believe this has been done for 50 years without a problem, and now it is under some siege. If we can't do hydraulic fracturing, that promise of natural gas supplies and new oil will evaporate. We need to continue—and we will—with the production of oil and natural gas in this country.

I also am a supporter of the production of ethanol and the biofuels. I think it makes sense to extend our energy supply, if we can do it every single year, using biomass, corn-based ethanol. That makes a lot of sense to me. The other issue I mentioned is coal. We are going to have to find a way to use

coal by extracting the carbon. I believe we can do that. We need to make a much greater effort. We have tried to do that in legislation in the last year or two.

Then we have nuclear energy. We will build some nuclear plants. We are going to do that. I believe we ought to do everything, and do it well, including wind, solar, geothermal. All of the renewables have great promise. I understand that in this country, for a long while, it was that real men dig and drill, and if you are somebody who supports wind or solar energy, go smoke your pipe, read a few books, and have a leather patch on your jacket. Real men dig and drill, and the rest of you are a bunch of nuisances. That was the thought that existed for a long time. It is not true anymore. We are going to dig and drill and do it differently and protect this country's environment. We are also going to incentivize and see the production of substantial amounts of additional energy from the wind and the Sun. It makes sense to do that, in order to expand our energy supply, protect our environment, produce additional jobs. All of these issues I have talked about are very job creating.

Yet, in many ways, the legislation we have worked on languishes because we are told we don't have time. This is urgent. It is about the vulnerability of our economy, about our national security, and it is about jobs. We ought to get about the business of deciding this is a priority.

If I can describe, in summary, here is how we address energy issues: Produce more, yes, in every area. Produce more wind and solar energy, incentivize it. Produce more oil—and we are doing that—and natural gas. Expand ethanol capabilities and geothermal. We can do all of these things. We are building nuclear plants now. We will see some new ones come online. As a country, we ought to do what the French are doing with respect to reprocessing and recycling and reduce that 100-percent body of waste down to 5 percent. That is what they have been doing for some while. We ought to do that—the renewables are so important—and then move toward the electric vehicle deployment, so we can take advantage of all of this. I mentioned to you that we produce about 85 million barrels a day of oil—about 21 million barrels here in the United States, about one-fourth of the oil, and 77 percent of the oil we use in this country is used in vehicles.

If you are going to reduce the use of oil and reduce our vulnerability from too many exports of oil, then you have to do something about transportation. That is why this electric vehicle issue is so very important. It is the same with respect to natural gas vehicles and long-haul trucking across a network in this country. Electric vehicles are important. I have always been a fan, as well, of hydrogen and fuel cells.

I think it is probably just beyond electric vehicles. Also, a fuel cell vehicle runs on electricity. It is interesting to get in and drive a hydrogen fuel cell vehicle and find that you can put your nose right down at the exhaust pipe, because it is just water vapor. It doesn't have a sound. It puts water vapor out the back and has twice the power at the wheel. I think that is what our grandchildren and great-grandchildren are going to drive. All of these issues are so important to this country's future.

Again, I end as I started, by saying how profoundly disappointing it is that at the end of the session we understand how important this issue is and how little has been able to be done. There is still time. We could pass legislation called the Electric Vehicle Deployment Act. We could do that. We could pass legislation calling for a renewable energy standard, renewable electricity standard. This isn't rocket science. These are not complex issues that people can't understand. They understand them. Both political parties have strong supporters for these things. As we turn to December, it seems to me that as we contemplate probably 3 weeks in December on the floor of the Senate, we ought to at least consider what portion of an energy system and energy future can we embrace that came out of the Energy Committee in the Senate. The Electric Vehicle Deployment Act is the legislation that came out most recently and passed 19 to 3 by the Energy Committee—strongly bipartisan. Why wouldn't we take that up? Why would we not complete work on that and advance this country's future?

The other day I talked about the two dune-buggy-size vehicles on the surface of Mars. I did it because I was talking to some people in North Dakota, who said nothing is going right, everything is going to hell in a hand basket, and nothing the government touches works for sure. They were down. I told them the story about the two dune-buggy-size vehicles we are driving on the surface of Mars. Five years ago, 1 week apart, we ignited rockets, and they lifted off on the west coast of the United States, and they were on their journey to Mars—1 week apart. The first rocket transported its payload to the surface of Mars, which landed on Mars with a thump and a bounce. It was in a shroud. When it stopped bouncing and stayed still, the shroud opened, and out of the shroud drove a dune-buggy-size vehicle on the surface of Mars. One week later, the second payload was deposited on the surface of Mars. The shroud bounced, opened, and the second vehicle drove off to the surface of Mars. That was 5 years ago. One's name is Spirit and one is Opportunity—two little vehicles, Spirit and Opportunity. They were supposed to last 90 days on

the surface of Mars, giving us information about what we could learn about this strange planet.

Five years later, Spirit and Opportunity are still moving. It takes us 9 minutes to communicate with Spirit or Opportunity, to send them a message. At one point, Spirit fell dead asleep, and we communicated with a satellite orbiting Mars and had the satellite communicate with Spirit, and Spirit woke up. Spirit, they say, has an arm that was used to sample the soil of Mars. That arm has become just like old men become, rheumatoid and arthritic, and now hangs at a strange angle because of that machine arthritis it has, apparently. Also a wheel broke, among the five wheels, but it didn't fall off; it is hanging. As Spirit traverses the surface of Mars, it drags one wheel that digs a slightly deeper 2-inch hole in the surface of Mars, and the arthritic arm reaches back and tells us what is happening on Mars.

How is all of this happening? First of all, it is unbelievable engineering, right? Can you imagine the people who put this together, to send dune buggies we could drive on the surface of Mars, and then they last 5 years when they were supposed to last 90 days? How are they powered? Do they have a Briggs and Stratton engine and somebody pulls it and gets them started? No. They are powered by the Sun. They have solar cells that allow us to have the power to drive dune buggies on the surface of Mars. Is it beyond our reach to believe that if we can power dune buggies with solar cells on Mars, we can fix a few of these things here on planet Earth? Of course that is not beyond our reach. Of course we can do that. In fact, the very names of these dune buggies—Spirit and Opportunity—ought to be the names on these desks in this Chamber: Spirit and Opportunity.

I started by saying there is no pre-ordained destiny for this country to do well. It always has done well. When I grew up, I knew we were the biggest, the strongest, the best, and had the most. We could beat anybody with one hand tied behind our back. That will not always be the case. We will not remain a world economic power, unless we make smart decisions. Our parents and grandparents did. Every parent in this country has sacrificed for their kids. I don't know what is in second, third, or fourth place to most people, but first place is their kids. The question is whether it is on fiscal policy or energy policy. The question is, what are we willing to do for our kids? What kind of future do we want to leave our kids? Do we want to leave them deep in debt or vulnerable on energy production, which may leave us in the dark one day? I don't think so. This country can do much better than that.

Neither party has been much of a political bargain recently. Both parties

need to do better. I have strong feelings about which has better ideas at the moment, and I will not be partisan on the floor, except to say that this country deserves more. It is not just coming out here talking about how can we cut taxes for everybody; it is how do we tighten our belts and ask those who are supposed to pay taxes to pay them, getting deficits under control, and getting people back on payrolls, and incentivizing businesses to create jobs.

How do we address energy issues? It is time for this country to be serious—this Congress—about doing things that are necessary, which may require sacrifice from all of us. If young men and women are willing to leave their homes to go to Afghanistan today for a year because their country asks them to, we can do no less than make sacrifices that are thoughtful on behalf of our future, so they won't come home and find a bigger deficit and more unemployment, but instead that we made the tough decisions to fix these things. We are going to fix this because it is important for the country's future.

As I said when I started, this issue of energy is so very important and is unfinished business. In my judgment, we ought not to include at the end of this year an energy bill, or components of one, that I think could be very important to this country's future, to jobs, and to our national security.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HARKIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARKIN. Madam President, in a very short while here—literally, in about 40 minutes—the time will be expired and we will be voting on the motion to proceed to the Food Safety Modernization Act. The Food Safety Modernization Act. One can wonder why did we have to go through a cloture motion and a vote on that the other day. We got 74 votes on it. But it looks as though now we are going to have to have another vote on the motion to proceed after we have had 74 votes.

A lot of effort has gone into this bill by a lot of people—Republicans and Democrats—and, Lord knows, our staff. This bill has been germinating and being put together over the course of at least the last 3 or 4 years anyway, and probably a little before that when we started. I know Senator DURBIN has been working on this for several years, as have Senator GREGG, Senator DODD, and others. So this has all been put together over a period of several years. But I would say over the last 4 years, diligent work has gone into this bill, and certainly again in the last year.

It was 1 year ago, November 18—1 year ago today—that this bill was reported out of our HELP Committee, which I chair. It was reported out without one dissenting vote. It is a bill that is supported by so many different groups and so many different people. Here is a list of the people supporting this bill. We worked hard to get a broad base of support from both industry and consumers. As I have said, this may be one of the only bills I have seen around here that has the support not only of the Food Marketing Institute and the Grocery Manufacturers Institute and the Center for Science in the Public Interest. So we have both consumer groups and the business groups supporting this—the U.S. Chamber of Commerce and the U.S. Public Interest Research Group. When have those two ever been together on a bill? And the Snack Food Association and the Pew Charitable Trusts. I mean, we have wide support for this.

The industry wants this. They want it because they know our food safety laws have not been upgraded in seven decades—since 1938, before I was born. Think about how our food has changed in our society and how we produce it and how we process it and how we ship it, not to mention the amount of foreign foods coming into this country. Consumers want it because we know a lot of people are getting sick.

I will hasten to add that we do have one of the safest food supplies in the world. But that is not good enough, because we know how many people get ill every year. Thousands of people are contaminated by food poisoning every year—E. coli, salmonella. I have met with families here from Safe Tables Our Priority. I have met with families of kids who are damaged for life because they happened to eat the wrong thing—they ate some spinach or a tomato or fish, shellfish, or something such as that. These kids are maimed for life.

We have worked very hard to put this bill together. As I said, 1 year ago it came out of our committee without one dissenting vote. But there were still some problems out there, and so we worked very hard since last November to try to reach an agreement on this bill. And we have a broad agreement. As I said, we had 74 votes on the floor of the Senate the other day.

One of my colleagues has raised a lot of issues on this bill. My good friend from Oklahoma, Senator COBURN, is on our committee, and he has raised a lot of concerns about this bill. I have met with him several times and we have had good discussions. I know he said some nice things about me on the floor earlier, and I appreciate that, and I would repay those in kind; that Senator COBURN is a very thoughtful person and he focuses on these things. He reads these bills and he gets involved. This is not something off the seat of

his pants. He has focused on this. Some of the suggestions he made I thought were valid. We looked through them and we incorporated a lot of the suggestions made by my friend from Oklahoma into this bill.

We were also willing to go to the consumers and say, look, this is okay. None of us—not any one Senator around here—has infinite wisdom. Only one person has infinite wisdom. No Senators have infinite wisdom. I can't say I have ever written a bill in its entirety that got through here without having anything changed, because we don't know everything. So we rely upon one another in good faith to suggest changes, to point out things maybe we didn't see due to our blinders. We help each other put together bills that have broad support and broad consensus so that we move ahead as a society. To me, that is the way I think we ought to operate.

So when other people were making suggestions—and I didn't mean to single out Senator COBURN, because others too had made suggestions—we tried to work with them to incorporate certain provisions in the bill. Senator TESTER, for example, on our side had suggestions about exempting certain small producers. That raised the consternation of many on the consumer side. It also raised the consternation of many on the business side. A lot of the bigger businesses said: Well, if we have to do this, you can get just as sick from eating things from small producers too. So we had to work through that. But we did work through it. It took us several months but we worked through and we got an agreement.

Quite frankly, we had good input from the Republican side—from Senator GREGG, Senator ENZI, and Senator BURR. I mention those individuals because they have been very integral to this process on our committee. We have worked through that and we got an amendment that satisfies the small producers and the consumers and the business community and the large producers. Not easy. Not easy. But compromises a lot of times aren't very easy. It is a compromise that we worked through. We worked through Senator TESTER's amendment too. That took a long time.

We were not able to reach an agreement on Senator FEINSTEIN's amendment. We agreed not to incorporate it because we could not reach an agreement on it—on the BPA amendment, even though it is very important to her and very important to a lot of people.

We have tried to get something together that would have this broad consensus and yet move us forward in making our food safer, and I believe this bill does that. This bill does this in four ways:

It improves the prevention of food safety problems. That is key. For many years, I served as chair or ranking

member on the Agriculture Committee—35 years, both here and in the House. Many years ago, we came up with a program of prevention. Rather than solving the problem later, the question was: How do we prevent pathogens from entering the meat supply? We came up with this proposal of finding the access points. Where are the points in the process where contaminants and pathogens can come in? Let us have the industry come up with plans on how to prevent that on their own. That has worked. Does it work 100 percent every single time? No. But nothing is ever perfect.

I would hasten to add that even if we pass this bill, will it prevent every single foodborne illness forever and ever? Probably not. Probably not. But it is going to be a lot better than what we have right now, a lot better, because we are going to look at prevention—preventing the pathogens from entrance in the first place. So that is one way we do it.

Secondly, it improves the response to detection of foodborne illness outbreaks when they do occur. In other words, we will be able to detect it earlier and respond earlier than we have been able to do in the past.

It enhances our Nation's food defense capabilities. Every year, 76 million Americans get sick from foodborne illnesses—76 million. So the stakes are too high not to act.

These are the critical ways in which we have moved the ball forward. Again, I know my friend from Oklahoma has said to me many times that it will not solve all your problems. I understand that. It is not perfect. But there is an old saying: Don't let the perfect be the enemy of the good. This is a good bill. It is going to help keep our people from getting sick. Everyone? No. I would never stand here and say this is going to solve every single foodborne illness problem in America. But it is sure going to do a lot more than we have been doing.

Again, I want to make it clear that if anyone says we are trampling on the rights of the minority, I ask you to consider all we have done. We have a bipartisan team in place, we have modified the bill dozens of times to get the right balance, we have all made tremendous compromises—Democrats and Republicans, consumers and business. As I said, we agreed to compromises just lately. The mandatory inspection schedule, which is so important to the public health community, has been reduced tenfold—tenfold—since that bill was reported out of our committee unanimously 1 year ago. We accepted language, as I said, which exempted the small facilities from these new requirements—the Tester amendment. We agreed to changes in the section on traceback, which limits the application of the new rule to farms and restaurants. There is no registration

fee to help pay for the bill. The routine access to records the FDA wanted, we don't do that either.

That is a short list. I can go on and on. I think one of my friends on the other side said we have bent over backward, and we have. We wanted to reach a point where we could move ahead with the bill, even offering to let some amendments be offered and we would vote on those amendments. But what has happened now, I understand, is that the Senator from Oklahoma, my friend, has now said he wanted to offer an amendment dealing with earmarks.

Look, earmarks is an issue. It is an issue that the next Congress, I would say—probably the next Congress—is going to have to address. But it should be done in the spirit of debate. It should be done in the spirit so committees that have relevant jurisdiction can look at this, make recommendations. We should not do it in the heat of passion, right now. We just came off of a very heated election. There have been a lot of changes made. I understand that. We live with that. That is fine. But now is not the time to start throwing up red-hot issues that were in the campaign. Let's let things cool down a little bit and approach an issue such as earmarks thoughtfully, with due diligence and with due debate.

This bill that is going to protect our people from getting sick and our kids from being injured for lifetimes because they eat contaminated peanut butter—this is not the bill to deal with something dealing with earmarks. I hope my friend from Oklahoma will relent. There will be plenty of time and plenty of opportunities when we come back in January with a new Congress, I say to my colleague from Oklahoma, to bring up the matter of earmarks and have it debated fully and have some kind of resolution by both the Senate and the House on that issue—but not right now. This is not the time to do it, not in the heat of coming off the campaign.

Let's keep our eye on the ball. This is a food safety bill. We have come so close. We have an agreement from the House that what we pass here, the bill we have put together, that we reached all these compromises on—we have an agreement from the House, if we pass it and we do get significant—we get bipartisan support, that the House would take it and pass it and send it right to the President. What more could you ask for than that? We get to decide what the President actually signs into law.

Without going into every little thing we have done here, let me just mention a few.

Senator COBURN was concerned about the authorization level, so we offered in good faith to reduce it by 50 percent. That is kind of a compromise—we just reduced the authorization by 50 percent on the grants. We offered to modify the

sections on performance standards and surveillance. It is completely done. We completely struck section 510. We called for increasing the hiring of FDA staff. In our bill, we called for increasing staff to conduct certain inspections. My friend objected to that. In the spirit of compromise, we struck it. We said no, we are not going to call for increasing hiring of field staff. Mr. COBURN had some concerns—rightfully so, by the way—about improving coordination between FDA and USDA, so we offered to add his language that would force them to get together and not duplicate efforts, and on the customs side, too, so we would eliminate any kind of duplication of inspections. We put that in the bill.

We offered to do all this and to put it in the bill, and we did, and that will be in our amendment that we offer. We will in good faith put those things in our bill. But then I am told that now we are probably going to have to file cloture, fill the tree, and do all that stuff which I was hoping we would not have to do. That is not the way to do business here. I don't like doing it that way. That is why we worked so hard to try to reach these agreements. But I guess we are going to be forced to do that. I hope that is not so.

I also heard that maybe someone might want to read the bill. That is 4 hours of reading the bill. That bill has been out here for a year. If anybody wanted to read it, they could have read it by now. But that is just another delaying tactic we really do not need.

Again, on this issue of saying we cannot vote on this bill unless we will vote on earmarks, I say earmarks is an important issue. I am happy to have the debate and to have a vote on that but not now. This is a food safety bill. We have it ready to go. We have all our compromises in place. This is not the time and this is not the bill on which to debate the whole issue of earmarks.

You might say, why are we so willing to compromise, why am I so passionate on this bill? Because people are dying. We have Thanksgiving coming up. People will be gathered around with their families—except for all those people in homeless shelters. Mr. President, 950,000 children in America who go to elementary, middle, and high school will not have a home to go to this Thanksgiving because they are living in homeless shelters. Think about that. They are living in cars and homeless shelters. They are being shunted around—950,000. Am I going to stand here and say that if we pass this bill and get it to the President, that is going to keep any one of them from getting sick on what they might eat on Thanksgiving Day? I am not here to say that. But what this bill will do is send a strong signal that we are going to take the steps necessary in the coming months and years to upgrade our food safety system so that the chance,

the likelihood of them ever getting sick from eating contaminated food is going to be greatly decreased. Surely we can at least send that hopeful message out to our families before Thanksgiving. Surely we could do that and not get bollixed up around here in politics and political debate.

I know of no politics on this bill. I know of no politics. I mean Democrat, Republican, left, right, liberal, conservative—I don't know of anything like that. There is not. I do know that this issue of earmarks, regardless of the substantive issue, is a political issue too. They may have substantive reasons, but there is also a lot of politics hanging around that.

Let's take the bill that has no politics, knows neither left nor right, conservative, liberal, Democrat, or Republican. It has nothing to do with earmarks or what we ever do with earmarks or anything else. It has to do with the safety and welfare of our American families, of our kids. I am just asking people to be reasonable.

There is a time and place for political debate, even here on the Senate floor. We may say it does not happen, but we know it does. There is a time and place for that. That will happen—not now, not on this bill. We have come too far. We are too close. We have too many compromises that we made that are so widely supported. I am afraid that if we lose this, all the good work that has gone in in the last year, the last 2 years, the last 4 years putting this together, it is going to be very hard to put it back together again. So people will continue to roll the dice when they buy food. Maybe it is safe and maybe it is not.

We will continue to see more things happen like what happened to Kayla Boner, Monroe, IA, age 14. On October 22, 2007, she turned 14 and passed her learner's permit. The next day, she stayed home. She had a foodborne illness due to *E. coli* contamination. She was admitted to the Paella, IA, Community Hospital. Her symptoms worsened. She didn't respond to antibiotics, and within a week her kidneys began to fail. Kayla was transferred to Blank Children's Hospital for dialysis, but her condition continued to deteriorate. She suffered a seizure and began to have heart problems. A few days later, Kayla's brain activity stopped, and her parents made the painful decision to take their beautiful daughter off life support.

For Kyle Allgood—spinach. His family is going to have an empty seat at their Thanksgiving table this year. Kyle, a playful 2-year-old, fell ill after eating bagged spinach contaminated by a deadly strain of *E. coli*. They thought it was flu. He began to cry from excruciating abdominal pain. He was flown all the way to a Salt Lake City hospital. His kidneys failed, he had a heart attack, and he died—from eating bagged spinach.

Stephanie Bartilucci's family is also going to have an empty seat at their Thanksgiving table this year—killed by listeria, eating lettuce. She was 30 weeks pregnant, Stephanie was. She felt that something was wrong. When she went for an ultrasound, it showed that the baby was not moving. She had contractions, and eventually her heart began to beat dangerously fast and she had to undergo an emergency C-section. When she awoke, she found that her baby boy had bleeding in his brain and couldn't breathe on his own. He was intubated and brain dead. Stephanie soon discovered she had been suffering from a bacterial infection from eating contaminated lettuce. The bacteria was so deadly that she became septic and almost lost her own life. Her newborn baby, Michael, died in her arms that night.

There are also families who have had loved ones survive foodborne illnesses, but their lives will never be the same, such as Rylee Gustafson and her family. On Rylee's ninth birthday, she began to complain of stomach pain after eating *E. coli*-contaminated spinach. Within 72 hours, she had been admitted to UCSF Children's Hospital. Her kidneys began to fail, and dialysis treatments were started. In addition to kidney failure, she experienced hallucinations and temporary loss of vision, developed high blood pressure and diabetes, and had fluid buildup in her lungs and around her heart. On the 10th day of hospitalization, Rylee's condition had deteriorated to the point where the doctors believed it necessary to prepare her family that she might not pull through. Rylee spent 35 days in the hospital and will have to endure the memories of that traumatic time for the rest of her life. The long-term effects of her illness are currently unknown.

How many Americans will have to die, how many of these kids will become sick before we fulfill our responsibility to modernize our woefully outdated food safety system?

How many families will have to endure a tragic loss before we pass this legislation? One more tragedy is one too many. I urge my colleagues, as they think about their holiday plans and their preparations, to take a moment to think about families who have had their holidays disrupted by contaminated food. Five thousand people die every year in this country because of contaminated food. Among them are many children. As they spend the day with their loved ones preparing Thanksgiving banquets, the last thing people want is to be jeopardized by the threat of food contamination. Yet many families are haunted by this. It is unacceptable. It is past time we do something. We have come too far. We have reached compromises. We have the support of many sectors of society.

Again, if we pass this bill, will it ensure that no kid like Rylee will ever

get sick again? I can't make that promise. Or that no one will ever die? I can't make that promise. But I can promise this: With the passage of this bill, putting it into law, the chances there will be another Rylee Gustafson will be diminished greatly.

Let's not get this caught up in politics. Let's get the politics out of this. Let's vote on the bill. Let's get it through. Let's go home. Let Senators go home for Thanksgiving grateful that we have done a good thing, that we have done something good for our country, and that we didn't let it get all boxed up in politics. Isn't that the least we can do for the country on this Thanksgiving week?

I yield the floor.

Mr. SPECTER. Madam President, I have sought recognition to speak in favor of my amendment No. 4693 to the FDA Food Safety Modernization Act S.510 to permit emergency scheduling of designer anabolic steroids.

Anabolic steroids—masquerading as body building dietary supplements—are sold to millions of Americans in shopping malls and over the Internet even though these products put at grave risk the health and safety of Americans who use them. The harm from these steroid-tainted supplements is real. In its July 28, 2009, public health advisory, the FDA described the health risk of these types of products to include serious liver injury, stroke, kidney failure and pulmonary embolism. The FDA also warned:

[A]nabolic steroids may cause other serious long-term adverse health consequences in men, women, and children. These include shrinkage of the testes and male infertility, masculinization of women, breast enlargement in males, short stature in children, adverse effects on blood lipid levels, and increased risk of heart attack and stroke.

New anabolic steroids—often called designer steroids—are coming on the market every day, and FDA and DEA are unable to keep pace and effectively stop these products from reaching consumers.

At the Senate Judiciary Subcommittee on Crime and Drugs hearing I chaired on September 29, 2009, representatives from FDA and DEA, as well as the U.S. Anti-Doping Agency, testified that there is a cat and mouse game going on between unscrupulous supplement makers and law enforcement—with the bad actors engineering more and more new anabolic steroids by taking the known chemical formulas of anabolic steroids listed as controlled substances in schedule III and then changing the chemical composition just slightly, perhaps by a molecule or two. These products are rapidly put on the market—in stores and over the Internet—without testing and proving the safety and efficacy of these new products. There is no prenotification to, or premarket approval by, Federal agencies occurring here. These bad actors are able to sell

and make millions in profits from their designer steroids because while it takes them only weeks to design a new steroid by tweaking a formula for a banned anabolic steroid, it takes literally years for DEA to have the new anabolic steroid classified as a controlled substance so DEA can police it.

The FDA witness at the hearing, Mike Levy, Director of the Division of New Drugs and Labeling Compliance, acknowledged that this is a “challenging area” for FDA. He testified that for FDA it is “difficult to find the violative products and difficult to act on these problems.” The DEA witness, Joseph T. Rannazzisi, Deputy Assistant Administrator for DEA, was even blunter. When I questioned him at the hearing, Mr. Rannazzisi admitted that “at the present time I don't think we are being effective at controlling these drugs.” He described the process as “extremely frustrating” because “by the time we get something to the point where it will be administratively scheduled [as a controlled substance], there's two to three [new] substances out there.”

The failure of enforcement is caused by the complexity of the regulations, statutes and science. Either the Food Drug and Cosmetic Act, which provides jurisdiction for FDA, or the Controlled Substances Act, which provides jurisdiction for DEA, or both, can be applicable depending on the ingredients of the substance. Under a 1994 amendment to the Food Drug and Cosmetic Act, called the Dietary Supplement Health and Education Act, DSHEA, dietary supplements, unlike new drug applications, are not closely scrutinized and do not require premarket approval by the FDA before the products can be sold. Premarket notification for dietary supplements is required only if the product contains new dietary ingredients, meaning products that were not on the U.S. market before DSHEA passed in 1994.

If the FDA determines that a dietary supplement is a steroid, it has several enforcement measures available to use. FDA may treat the product as an unapproved new drug or as an adulterated dietary supplement under the Food Drug and Cosmetic Act. Misdemeanor violations of the Food Drug and Cosmetic Act may apply, unless there is evidence of intent to defraud or mislead, a requirement for a felony charge. However, given the large number of dietary supplement products on the market, it is far beyond the manpower of the FDA to inspect every product to find, and take action against, those that violate the law—as the FDA itself has acknowledged.

The better enforcement route is a criminal prosecution under the Controlled Substances Act. However, the process to classify a new anabolic steroid as a controlled substance under schedule III is difficult, costly and

time consuming, requiring years to complete. Current law requires that to classify a substance as an anabolic steroid, DEA must demonstrate that the substance is both chemically and pharmacologically related to testosterone. The chemical analysis is the more straightforward procedure, as it requires the agency to conduct an analysis to determine the chemical structure of the new substance to see if it is related to testosterone. The pharmacological analysis, which must be outsourced, is more costly, difficult, and can take years to complete. It requires both in vitro and in vivo analyses—the latter is an animal study. DEA must then perform a comprehensive review of existing peer-reviewed literature.

Even after DEA has completed the multiyear scientific evaluation process, the agency must embark on a lengthy regulatory review and public-comment process, which typically delays by another year or two the time it takes to bring a newly emerged anabolic steroid under control. As part of this latter process, DEA must conduct interagency reviews, which means sending the studies and reports to the Department of Justice, DOJ, the Office of Management and Budget, OMB, and the Department of Health and Human Services, HHS—provide public notification of the proposed rule, allow for a period of public comment, review and comment on all public comments, write a final rule explaining why the agency agreed or did not agree with the public comments, send the final rule and agency comments back to DOJ, OMB and HHS, and then publish the final rule, all in accordance with the Administrative Procedures Act. To date, under these cumbersome procedures, DEA has only been able to classify three new anabolic steroids as controlled substances and that process—completed only after the September 29, 2010, Senate Judiciary subcommittee hearing—took more than 5 years to finish.

It is clear that the current complex and cumbersome regulatory system has failed to protect consumers from underground chemists who easily and rapidly produce designer anabolic steroids by slightly changing the chemical composition of the anabolic steroids already included on schedule III as controlled substances. The story of Jareem Gunter, a young college athlete who testified at the hearing, illustrates the system's failure. To improve his athletic performance 4 years ago, Jareem purchased in a nutrition store a dietary supplement called Superdrol, a product he researched extensively on the Internet and believed was safe. Unfortunately it was not. Superdrol contained an anabolic steroid which to this day is still not included in the list of controlled substances. After using Superdrol for just several weeks,

Jareem came close to dying because this product—which he thought would make him stronger and healthier—seriously and permanently injured his liver. He spent 4 weeks in the hospital and has never been able to return to complete his college education.

To close the loopholes in the present laws that allow the creation and easy distribution of deadly new anabolic steroids masquerading as dietary supplements, I filed amendment No. 4693 to the FDA Food Safety Modernization Act S.510 to permit emergency scheduling of designer anabolic steroids. The amendment simplifies the definition of anabolic steroid to more effectively target designer anabolic steroids, and permits the Attorney General to issue faster temporary and permanent orders adding recently emerged anabolic steroids to the list of anabolic steroids in schedule III of the Controlled Substances Act.

Under the amendment, if a substance is not listed in schedule III of the Controlled Substances Act but has a chemical structure substantially similar to one of the already listed and banned anabolic steroids, the new substance will be considered to be an anabolic steroid if it was intended to affect the structure or function of the body like the banned anabolic steroids do. In other words, DEA will not have to perform the complex and time consuming pharmacological analysis to determine how the substance will affect the structure and function of the body, as long as the agency can demonstrate that the new steroid was created or manufactured for the purpose of promoting muscle growth or causing the same pharmacological effects as testosterone.

Utilizing the same criteria, the amendment permits the Attorney General to issue a permanent order adding such substances to the list of anabolic steroids in schedule III of the Controlled Substances Act.

The amendment also includes new criminal and civil penalties for falsely labeling substances that are actually anabolic steroids. The penalties arise where a supplement maker fails to truthfully indicate on the label—using internationally accepted and understandable terminology—that the product contains an anabolic steroid. These penalties are intended to be substantial enough to take away the financial incentive of unscrupulous manufacturers, distributors, and retailers who might otherwise be willing to package these products in a way that hides the true contents from law enforcement and consumers.

Finally, the amendment adds to schedule III 33 new anabolic steroids that have emerged in the marketplace in the 6 years since Congress passed the Anabolic Steroid Control Act of 2004. It also instructs the U.S. Sentencing Commission to review and revise the

Federal sentencing guidelines to ensure that where an anabolic steroid product is illegally manufactured or distributed, and that product is in a tablet, capsule, liquid or other form that makes it difficult to determine the actual amount of anabolic steroid in the product, the sentence will be based on the total weight of the product.

Amendment No. 4693 simplifies and expedites the process for scheduling anabolic steroids as controlled substances. By making this simple procedural change, we can protect the health and lives of countless Americans and provide an effective enforcement mechanism to hold accountable those individuals and their companies which purposefully exploit the current regulatory system for their selfish gain. I urge my colleagues to pass amendment No. 4693 to the FDA Food Safety Modernization Act S. 510.

Mr. CONRAD. Madam President, section 311(c) of S. Con. Res. 13, the 2010 budget resolution, permits the chairman of the Senate Budget Committee to adjust the allocations of a committee or committees, aggregates, and other appropriate levels and limits in the resolution for legislation that would improve the safety of the food supply in the United States. This adjustment to S. Con. Res. 13 is contingent on the legislation not increasing the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

I find that S. 510, a bill to amend the Federal Food, Drug, and Cosmetic Act with respect to the safety of the food supply, fulfills the conditions of the deficit-neutral reserve fund for food safety. Therefore, pursuant to section 311(c), I am adjusting the aggregates in the 2010 budget resolution, as well as the allocation to the Senate Health, Labor, Education, and Pensions Committee.

I ask unanimous consent that the following revisions to S. Con. Res. 13 be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2010—S. CON. RES. 13; FURTHER REVISIONS TO THE CONFERENCE AGREEMENT PURSUANT TO SECTION 311(c) DEFICIT-NEUTRAL RESERVE FUND FOR FOOD SAFETY

[In billions of dollars]

Section 101

(1)(A) Federal Revenues:	
FY 2009	1,532.579
FY 2010	1,612.278
FY 2011	1,939.131
FY 2012	2,142.415
FY 2013	2,325.527
FY 2014	2,575.718
(1)(B) Change in Federal Revenues:	
FY 2009	0.008

Section 101

FY 2010	-53.708
FY 2011	-149.500
FY 2012	-217.978
FY 2013	-189.810
FY 2014	-57.940
(2) New Budget Authority:	
FY 2009	3,675.736
FY 2010	2,907.837
FY 2011	2,858.866
FY 2012	2,831.668
FY 2013	2,991.128
FY 2014	3,204.977
(3) Budget Outlays:	
FY 2009	3,358.952
FY 2010	3,015.541
FY 2011	2,976.251
FY 2012	2,878.305
FY 2013	2,992.352
FY 2014	3,181.417

CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2010—S. CON. RES. 13; FURTHER REVISIONS TO THE CONFERENCE AGREEMENT PURSUANT TO SECTION 311(c) DEFICIT-NEUTRAL RESERVE FUND FOR FOOD SAFETY

[In millions of dollars]

Current Allocation to Senate Health, Education, Labor, and Pensions Committee:	
FY 2009 Budget Authority	-22,612
FY 2009 Outlays	-19,258
FY 2010 Budget Authority	4,159
FY 2010 Outlays	1,295
FY 2010-2014 Budget Authority	43,782
FY 2010-2014 Outlays	43,026
Adjustments:*	
FY 2009 Budget Authority	0
FY 2009 Outlays	0
FY 2010 Budget Authority	0
FY 2010 Outlays	0
FY 2010-2014 Budget Authority	0
FY 2010-2014 Outlays	0
Revised Allocation to Senate Health, Education, Labor, and Pensions Committee:*	
FY 2009 Budget Authority	-22,612
FY 2009 Outlays	-19,258
FY 2010 Budget Authority	4,159
FY 2010 Outlays	1,295
FY 2010-2014 Budget Authority	43,782
FY 2010-2014 Outlays	43,026

**According to CBO, the amendment in a nature of a substitute would increase revenues from civil and criminal penalties and related spending by less than \$500,000. The reserve fund adjustment accommodates this negligible increase in revenues and spending.

Ms. MIKULSKI. Madam President, I rise to address one of the most important issues facing our Nation, the safety of America's food supply. I support the FDA Food Safety Modernization Act that will help reduce the rash of contaminated foods that have recently entered our food supply. Every person should have confidence that their food is fit to eat.

While the FDA has always been the gold standard in maintaining the safety and efficacy of our food and drugs, the salmonella outbreak in eggs over the summer made it painfully clear that we need to do more—and that the law needs updating. The outbreak resulted in as many as 79,000 illnesses, 30 deaths, and the recall of roughly one half billion eggs. Beyond that, the Centers for Disease Control informs us that 76 million people get sick, and 5,000 die, each year from foodborne illnesses. Just last week the FDA warned

Marylanders about a potential outbreak of E. coli in apple cider sold in the State.

I applaud the quick action by the FDA in responding to these food outbreaks, but we can do better. FDA Commissioner Margaret Hamburg has told us that she needs more resources and more authority to oversee the way our food is produced and monitored. That is why, as a committed advocate of food safety nationwide, I support the FDA Food Safety Modernization Act.

This bipartisan bill would give the FDA authority to order mandatory food recalls for unsafe foods if companies don't do it themselves. It sets FDA safety standards for produce, creates stronger FDA regulations for sanitary food transportation from our producers to our grocery stores, and establishes FDA pilot projects to better track where fruits and vegetables come from.

This bill also emphasizes prevention and taking action to prevent food outbreaks from occurring in the first place. It ensures that facilities have food safety plans in place to identify, evaluate, and address food safety hazards. With the growing amount of food that is imported globally, this bill ensures imported food meets the same safety standards as domestic food by requiring importers to verify the safety of foreign suppliers and imported food. This bill would grant the FDA the authority it needs to protect the health of our families.

It is time we get serious about the safety of our Nation's food. The health of Americans is not something to take a chance with. It is important that we make food safety a top priority. We must pass the FDA Food Safety Modernization Act and empower the FDA to set safety standards and hold food producers accountable.

Mr. DURBIN. Madam President, I would like to say a few words on this legislation because it is something I have worked on for many years. I can't thank Senator HARKIN and Senator ENZI and others enough for their hard work in bringing this issue to this moment in time. Several things have been stated during the course of the debate which I would like to address. Most of them were stated by my friend from Oklahoma, Senator COBURN. At this point he is the only Senator holding up this bill from consideration, one Senator.

At this point 89 percent of the American people support food safety reform to make our food safer and to have more inspections of imported food so our children and family members don't get sick; 89 percent support it. The bill has substantial bipartisan support. Twenty Republican and Democratic Senators are committed to this bill. Seventy-four Senators, almost three-fourths of the Senate, voted to move forward on this bill, a strong bipartisan roll call. The House passed a com-

panion bill with the support of 54 Republicans. We know it is a bipartisan issue. This should not be a partisan fight.

Senator COBURN objected to giving the Federal Government the authority to recall a dangerous food product. Most people believe if there is a dangerous food product in stores across America, the Federal Government sends out a notice, and it is brought in. That is not the case. The Federal Government does not have the legal authority to recall any food products. All it can do is publicize that the products are dangerous and hope that grocers and retailers and manufacturers will take them off the shelves. That is it. That is the existing state of law. We give the government that authority.

Senator COBURN said it is not necessary. He claims not one company has ever refused to recall contaminated food. He is just wrong. There are many instances of companies that just flatout refuse to recall their food or delay a recall, and many people get sick and die. That is a fact.

Last year Westco Fruit and Nut Company flatout refused FDA's request to recall contaminated peanut products. A few years ago, GAO released a report entitled "Actions Needed by FDA to Ensure Companies Carry Out Recalls" which highlighted six other companies that flatout refused to recall contaminated food when they were told it was dangerous. Even the Bush administration realized how important this was and formally requested mandatory recall authority in the 2007 food protection plan.

Senator COBURN has his facts wrong when he claims the FDA does not need the mandatory recall authority.

Senator COBURN also claims our bill does not address the real problem in our Nation's food safety system.

Once again, he is mistaken. The National Academy of Sciences disagrees. In June, the National Academy released a report entitled "Enhancing Food Safety, the Role of the FDA." The report contained seven critical recommendations for improving food safety. This is not a partisan group. Every single one of the key recommendations from that group is addressed in our bill, including increasing inspections and making them risk related, giving FDA mandatory recall authority, improving registration of food facilities, and giving the FDA the authority to ban contaminated imports. Our bill fills all of the critical gaps in the FDA's food safety authority that have been identified by the National Academy of Sciences.

For Senator COBURN to say it is unnecessary is to ignore science and fact and, I guess, the reality that if we are going to make food safer, we need to do our job better. That is why all the key consumer protection and public health groups support this bill—all of them.

He thinks this bill is not good for business. He says it hurts their profits and their productivity. He is just wrong. The number and diversity of the industry and business groups that support the bill speaks for itself. Listen to the groups that support the food safety bill and tell me they are acting against their best business interests: the Grocery Manufacturers Association, the U.S. Chamber of Commerce, the American Beverage Association, the American Frozen Food Institute, the Food Marketing Institute, the International Dairy Foods Association, National Restaurant Association, Snack Food Association, National Coffee Association, National Milk Producers Federation, National Confectioners Association, Organic Trade Association, the American Feed Industry Association.

If Senator COBURN is right, every one of these associations' leadership should be removed tomorrow because, under his analysis, they have decided to support a bill that hurts their business. They know better. Safe food is good business. Think about what it costs these companies when they have to recall a product, when it damages their reputation and all the things they will go through to try to clean up their act.

Senator COBURN says there are 10 or 20 deaths per year caused by foodborne illness. The Senator is just wrong. He uses this number to support his assertion that there are not enough victims to justify a bill. Here are the facts. According to the Center for Disease Control, there are not 10 or 20 deaths per year, there are 5,000 deaths in America every single year caused by foodborne illness—5,000. Senator REID can tell some stories about his State which was hit particularly hard by food illness.

Moreover, every year 76 million Americans contract a foodborne illness; 325,000 are hospitalized. A few weeks ago I told you about one of the victims, a young man named Richard Chatfield from Owasso, OK. At age 15, he was on a camping trip and was diagnosed with E. coli. For 8 years, he suffered pain, migraine headaches, dry heaves, and high blood pressure, and after going on dialysis, kidney failure. When we were last debating this bill, Richard was lying in the hospital and his mother Christine had rushed to be by his side. That hospital turned out to be the scene of Richard's death.

On Monday, October 18, while we were still holding up the food safety bill, Richard Chatfield died from foodborne illness. The complications from an E. coli infection he got 8 years ago proved to be too much for him.

When I hear Senator COBURN on the Senate floor saying there are not enough people dying for us to go to work here, he is just plain wrong. Richard Chatfield of his State is dramatic evidence of that fact.

As we stand here today, one Senator is blocking a bill to protect millions of

Americans. Moms and dads across America making dinner tonight, if they happen to have missed the channel they were looking for and ended up on C-SPAN and are following this debate, we are talking about an issue that goes right into their refrigerator and stove and kitchen as to whether the food they are putting on the table is safe for their kids. One Senator from Oklahoma says it is not a big enough problem. It is. It is a problem that is a life-and-death issue.

I thank the Senator from Iowa for his leadership on this issue and Senator REID for bringing this up. If we save one life, it is worth the effort.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Madam President, I thank my friend and colleague from Illinois, Senator DURBIN. He has been the leader on this issue for several years. We have been working on this bill for a number of years. It is Senator DURBIN who has led the charge on this going back literally several years. We have come so close. We have made all the compromises. We have consumer groups, the Chamber of Commerce, U.S. PIRG. We never get those people to agree on anything, and they all agree on this bill.

I thank Senator DURBIN for all his great leadership. Hope springs eternal, and I still hope we will get the votes to pass this and keep the politics out of it.

I wish to correct something I said earlier. Earlier today I had met with Senator COBURN, and we had a number of things he wanted that I said I would try to put in the amendment on which we will be voting. In good faith, I said I would do that. But then, of course, we had to send it out to various offices to get Senators to sign off on it. We couldn't get Republican Senators to sign off on it. So I wish to correct the record.

The changes I had mentioned earlier that I was willing to put in the bill for Senator COBURN were not objected to by anybody on our side. It was objected to by Republicans and not Democrats. It is not in the bill. These were changes I was willing to make to accommodate the Senator from Oklahoma.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Madam President, is the 30 hours postcloture gone?

The PRESIDING OFFICER. It is.

Mrs. BOXER. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Indiana (Mr. BAYH), the

Senator from Massachusetts (Mr. KERRY), the Senator from New Jersey (Mr. MENENDEZ), the Senator from West Virginia (Mr. ROCKEFELLER), the Senator from Pennsylvania (Mr. SPECTER), and the Senator from Virginia (Mr. WEBB) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Tennessee (Mr. ALEXANDER), the Senator from Kentucky (Mr. BUNNING), the Senator from South Carolina (Mr. DEMINT), the Senator from Nevada (Mr. ENSIGN), the Senator from New Hampshire (Mr. GREGG), the Senator from Texas (Mrs. HUTCHISON), the Senator from Nebraska (Mr. JOHANNIS), the Senator from Alaska (Ms. MURKOWSKI), the Senator from Idaho (Mr. RISCH), and the Senator from Louisiana (Mr. VITTER).

Further, if present and voting, the Senator from Tennessee (Mr. ALEXANDER) would have voted "nay" and the Senator from Kentucky (Mr. BUNNING) would have voted "nay."

The PRESIDING OFFICER (Mr. FRANKEN). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 57, nays 27, as follows:

[Rollcall Vote No. 251 Leg.]

YEAS—57

Akaka	Feingold	Mikulski
Baucus	Feinstein	Murray
Begich	Franken	Nelson (NE)
Bennet	Gillibrand	Nelson (FL)
Bingaman	Hagan	Pryor
Boxer	Harkin	Reed
Brown (MA)	Inouye	Reid
Brown (OH)	Johnson	Sanders
Burr	Klobuchar	Schumer
Cantwell	Kohl	Shaheen
Cardin	Landrieu	Snowe
Carper	Lautenberg	Stabenow
Casey	Leahy	Tester
Collins	Levin	Udall (CO)
Conrad	Lieberman	Udall (NM)
Coons	Lincoln	Voinovich
Dodd	Manchin	Warner
Dorgan	McCaskill	Whitehouse
Durbin	Merkley	Wyden

NAYS—27

Barrasso	Cornyn	LeMieux
Bennett	Crapo	Lugar
Bond	Enzi	McCain
Brownback	Graham	McConnell
Burr	Grassley	Roberts
Chambliss	Hatch	Sessions
Coburn	Inhofe	Shelby
Cochran	Isakson	Thune
Corker	Kyl	Wicker

NOT VOTING—16

Alexander	Hutchison	Rockefeller
Bayh	Johanns	Specter
Bunning	Kerry	Vitter
DeMint	Menendez	Webb
Ensign	Murkowski	
Gregg	Risch	

The motion was agreed to.

FDA FOOD SAFETY MODERNIZATION ACT

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 510) to amend the Federal Food, Drug, and Cosmetic Act with respect to the safety of the food supply.

The Senate proceeded to consider the bill, which had been reported from the Committee on Health, Education, Labor, and Pensions, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE; REFERENCES; TABLE OF CONTENTS.

(a) *SHORT TITLE.*—This Act may be cited as the "FDA Food Safety Modernization Act".

(b) *REFERENCES.*—Except as otherwise specified, whenever in this Act an amendment is expressed in terms of an amendment to a section or other provision, the reference shall be considered to be made to a section or other provision of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.).

(c) *TABLE OF CONTENTS.*—The table of contents for this Act is as follows:

Sec. 1. Short title; references; table of contents.

TITLE I—IMPROVING CAPACITY TO PREVENT FOOD SAFETY PROBLEMS

Sec. 101. Inspections of records.

Sec. 102. Registration of food facilities.

Sec. 103. Hazard analysis and risk-based preventive controls.

Sec. 104. Performance standards.

Sec. 105. Standards for produce safety.

Sec. 106. Protection against intentional adulteration.

Sec. 107. Authority to collect fees.

Sec. 108. National agriculture and food defense strategy.

Sec. 109. Food and Agriculture Coordinating Councils.

Sec. 110. Building domestic capacity.

Sec. 111. Sanitary transportation of food.

Sec. 112. Food allergy and anaphylaxis management.

TITLE II—IMPROVING CAPACITY TO DETECT AND RESPOND TO FOOD SAFETY PROBLEMS

Sec. 201. Targeting of inspection resources for domestic facilities, foreign facilities, and ports of entry; annual report.

Sec. 202. Recognition of laboratory accreditation for analyses of foods.

Sec. 203. Integrated consortium of laboratory networks.

Sec. 204. Enhancing traceback and record-keeping.

Sec. 205. Pilot project to enhance traceback and recordkeeping with respect to processed food.

Sec. 206. Surveillance.

Sec. 207. Mandatory recall authority.

Sec. 208. Administrative detention of food.

Sec. 209. Decontamination and disposal standards and plans.

Sec. 210. Improving the training of State, local, territorial, and tribal food safety officials.

Sec. 211. Grants to enhance food safety.

TITLE III—IMPROVING THE SAFETY OF IMPORTED FOOD

Sec. 301. Foreign supplier verification program.

Sec. 302. Voluntary qualified importer program.

Sec. 303. Authority to require import certifications for food.

Sec. 304. Prior notice of imported food shipments.

Sec. 305. Review of a regulatory authority of a foreign country.

Sec. 306. Building capacity of foreign governments with respect to food.

Sec. 307. Inspection of foreign food facilities.

Sec. 308. Accreditation of third-party auditors and audit agents.

Sec. 309. Foreign offices of the Food and Drug Administration.

Sec. 310. Smuggled food.

TITLE IV—MISCELLANEOUS PROVISIONS

Sec. 401. Funding for food safety.

Sec. 402. Whistleblower protections.

Sec. 403. Jurisdiction; authorities.

Sec. 404. Compliance with international agreements.

TITLE I—IMPROVING CAPACITY TO PREVENT FOOD SAFETY PROBLEMS

SEC. 101. INSPECTIONS OF RECORDS.

(a) IN GENERAL.—Section 414(a) (21 U.S.C. 350c(a)) is amended—

(1) by striking the heading and all that follows through “of food is” and inserting the following: “RECORDS INSPECTION.—

“(1) ADULTERATED FOOD.—If the Secretary has a reasonable belief that an article of food, and any other article of food that the Secretary reasonably believes is likely to be affected in a similar manner, is”;

(2) by inserting “, and to any other article of food that the Secretary reasonably believes is likely to be affected in a similar manner,” after “relating to such article”;

(3) by striking the last sentence; and

(4) by inserting at the end the following:

“(2) USE OF OR EXPOSURE TO FOOD OF CONCERN.—If the Secretary believes that there is a reasonable probability that the use of or exposure to an article of food, and any other article of food that the Secretary reasonably believes is likely to be affected in a similar manner, will cause serious adverse health consequences or death to humans or animals, each person (excluding farms and restaurants) who manufactures, processes, packs, distributes, receives, holds, or imports such article shall, at the request of an officer or employee duly designated by the Secretary, permit such officer or employee, upon presentation of appropriate credentials and a written notice to such person, at reasonable times and within reasonable limits and in a reasonable manner, to have access to and copy all records relating to such article and to any other article of food that the Secretary reasonably believes is likely to be affected in a similar manner, that are needed to assist the Secretary in determining whether there is a reasonable probability that the use of or exposure to the food will cause serious adverse health consequences or death to humans or animals.

“(3) APPLICATION.—The requirement under paragraphs (1) and (2) applies to all records relating to the manufacture, processing, packing, distribution, receipt, holding, or importation of such article maintained by or on behalf of such person in any format (including paper and electronic formats) and at any location.”.

(b) CONFORMING AMENDMENT.—Section 704(a)(1)(B) (21 U.S.C. 374(a)(1)(B)) is amended by striking “section 414 when” and all that follows through “subject to” and inserting “section 414, when the standard for records inspection under paragraph (1) or (2) of section 414(a) applies, subject to”.

SEC. 102. REGISTRATION OF FOOD FACILITIES.

(a) UPDATING OF FOOD CATEGORY REGULATIONS; BIENNIAL REGISTRATION RENEWAL.—Section 415(a) (21 U.S.C. 350d(a)) is amended—

(1) in paragraph (2), by—

(A) striking “conducts business and” and inserting “conducts business, the e-mail address for the contact person of the facility or, in the case of a foreign facility, the United States agent for the facility, and”; and

(B) inserting “, or any other food categories as determined appropriate by the Secretary, including by guidance” after “Code of Federal Regulations”;

(2) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively; and

(3) by inserting after paragraph (2) the following:

“(3) BIENNIAL REGISTRATION RENEWAL.—During the period beginning on October 1 and end-

ing on December 31 of each even-numbered year, a registrant that has submitted a registration under paragraph (1) shall submit to the Secretary a renewal registration containing the information described in paragraph (2). The Secretary shall provide for an abbreviated registration renewal process for any registrant that has not had any changes to such information since the registrant submitted the preceding registration or registration renewal for the facility involved.”.

(b) SUSPENSION OF REGISTRATION.—

(1) IN GENERAL.—Section 415 (21 U.S.C. 350d) is amended—

(A) in subsection (a)(2), by inserting after the first sentence the following: “The registration shall contain an assurance that the Secretary will be permitted to inspect such facility at the times and in the manner permitted by this Act.”;

(B) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively; and

(C) by inserting after subsection (a) the following:

“(b) SUSPENSION OF REGISTRATION.—

“(1) IN GENERAL.—If the Secretary determines that food manufactured, processed, packed, or held by a facility registered under this section has a reasonable probability of causing serious adverse health consequences or death to humans or animals, the Secretary may by order suspend the registration of the facility under this section in accordance with this subsection.

“(2) HEARING ON SUSPENSION.—The Secretary shall provide the registrant subject to an order under paragraph (1) with an opportunity for an informal hearing, to be held as soon as possible but not later than 2 business days after the issuance of the order or such other time period, as agreed upon by the Secretary and the registrant, on the actions required for reinstatement of registration and why the registration that is subject to suspension should be reinstated. The Secretary shall reinstate a registration if the Secretary determines, based on evidence presented, that adequate grounds do not exist to continue the suspension of the registration.

“(3) POST-HEARING CORRECTIVE ACTION PLAN; VACATING OF ORDER.—

“(A) CORRECTIVE ACTION PLAN.—If, after providing opportunity for an informal hearing under paragraph (2), the Secretary determines that the suspension of registration remains necessary, the Secretary shall require the registrant to submit a corrective action plan to demonstrate how the registrant plans to correct the conditions found by the Secretary. The Secretary shall review such plan in a timely manner.

“(B) VACATING OF ORDER.—Upon a determination by the Secretary that adequate grounds do not exist to continue the suspension actions required by the order, or that such actions should be modified, the Secretary shall vacate the order or modify the order.

“(4) EFFECT OF SUSPENSION.—If the registration of a facility is suspended under this subsection, such facility shall not import food or offer to import food into the United States, or otherwise introduce food into interstate or intrastate commerce in the United States.

“(5) REGULATIONS.—The Secretary shall promulgate regulations that describe the standards the Commissioner will use in making a determination to suspend a registration, and the format the Commissioner will use to explain to the registrant the conditions found at the facility. The Secretary may promulgate such regulations on an interim final basis.

“(6) APPLICATION DATE.—Facilities shall be subject to the requirements of this subsection beginning on the earlier of—

“(A) the date on which the Secretary issues regulations under paragraph (5); or

“(B) 180 days after the date of enactment of the FDA Food Safety Modernization Act.

“(7) NO DELEGATION.—The authority conferred by this subsection to issue an order to suspend a registration or vacate an order of suspension shall not be delegated to any officer or employee other than the Commissioner.”.

(2) IMPORTED FOOD.—Section 801(l) (21 U.S.C. 381(l)) is amended by inserting “(or for which a registration has been suspended under such section)” after “section 415”.

(c) CONFORMING AMENDMENTS.—

(1) Section 301(d) (21 U.S.C. 331(d)) is amended by inserting “415,” after “404.”.

(2) Section 415(d), as redesignated by subsection (b), is amended by adding at the end before the period “for a facility to be registered, except with respect to the reinstatement of a registration that is suspended under subsection (b)”.

SEC. 103. HAZARD ANALYSIS AND RISK-BASED PREVENTIVE CONTROLS.

(a) IN GENERAL.—Chapter IV (21 U.S.C. 341 et seq.) is amended by adding at the end the following:

“SEC. 418. HAZARD ANALYSIS AND RISK-BASED PREVENTIVE CONTROLS.

“(a) IN GENERAL.—The owner, operator, or agent in charge of a facility shall, in accordance with this section, evaluate the hazards that could affect food manufactured, processed, packed, or held by such facility, identify and implement preventive controls to significantly minimize or prevent the occurrence of such hazards and provide assurances that such food is not adulterated under section 402 or misbranded under section 403(w), monitor the performance of those controls, and maintain records of this monitoring as a matter of routine practice.

“(b) HAZARD ANALYSIS.—The owner, operator, or agent in charge of a facility shall—

“(1) identify and evaluate known or reasonably foreseeable hazards that may be associated with the facility, including—

“(A) biological, chemical, physical, and radiological hazards, natural toxins, pesticides, drug residues, decomposition, parasites, allergens, and unapproved food and color additives; and

“(B) hazards that occur naturally, may be unintentionally introduced, or may be intentionally introduced, including by acts of terrorism; and

“(2) develop a written analysis of the hazards.

“(c) PREVENTIVE CONTROLS.—The owner, operator, or agent in charge of a facility shall identify and implement preventive controls, including at critical control points, if any, to provide assurances that—

“(1) hazards identified in the hazard analysis conducted under subsection (b) will be significantly minimized or prevented; and

“(2) the food manufactured, processed, packed, or held by such facility will not be adulterated under section 402 or misbranded under section 403(w).

“(d) MONITORING OF EFFECTIVENESS.—The owner, operator, or agent in charge of a facility shall monitor the effectiveness of the preventive controls implemented under subsection (c) to provide assurances that the outcomes described in subsection (c) shall be achieved.

“(e) CORRECTIVE ACTIONS.—The owner, operator, or agent in charge of a facility shall establish procedures that a facility will implement if the preventive controls implemented under subsection (c) are found to be ineffective through monitoring under subsection (d).

“(f) VERIFICATION.—The owner, operator, or agent in charge of a facility shall verify that—

“(1) the preventive controls implemented under subsection (c) are adequate to control the hazards identified under subsection (b);

“(2) the owner, operator, or agent is conducting monitoring in accordance with subsection (d);

“(3) the owner, operator, or agent is making appropriate decisions about corrective actions taken under subsection (e);

“(4) the preventive controls implemented under subsection (c) are effectively and significantly minimizing or preventing the occurrence of identified hazards, including through the use of environmental and product testing programs and other appropriate means; and

“(5) there is documented, periodic reanalysis of the plan under subsection (i) to ensure that the plan is still relevant to the raw materials, conditions and processes in the facility, and new and emerging threats.

“(g) RECORDKEEPING.—The owner, operator, or agent in charge of a facility shall maintain, for not less than 2 years, records documenting the monitoring of the preventive controls implemented under subsection (c), instances of non-conformance material to food safety, the results of testing and other appropriate means of verification under subsection (f)(4), instances when corrective actions were implemented, and the efficacy of preventive controls and corrective actions.

“(h) WRITTEN PLAN AND DOCUMENTATION.—The owner, operator, or agent in charge of a facility shall prepare a written plan that documents and describes the procedures used by the facility to comply with the requirements of this section, including analyzing the hazards under subsection (b) and identifying the preventive controls adopted under subsection (c) to address those hazards. Such written plan, together with the documentation described in subsection (g), shall be made promptly available to a duly authorized representative of the Secretary upon oral or written request.

“(i) REQUIREMENT TO REANALYZE.—The owner, operator, or agent in charge of a facility shall conduct a reanalysis under subsection (b) whenever a significant change is made in the activities conducted at a facility operated by such owner, operator, or agent if the change creates a reasonable potential for a new hazard or a significant increase in a previously identified hazard or not less frequently than once every 3 years, whichever is earlier. Such reanalysis shall be completed and additional preventive controls needed to address the hazard identified, if any, shall be implemented before the change in activities at the facility is operative. Such owner, operator, or agent shall revise the written plan required under subsection (h) if such a significant change is made or document the basis for the conclusion that no additional or revised preventive controls are needed. The Secretary may require a reanalysis under this section to respond to new hazards and developments in scientific understanding.

“(j) DEEMED COMPLIANCE OF SEAFOOD, JUICE, AND LOW-ACID CANNED FOOD FACILITIES SUBJECT TO HACCP.—The owner, operator, or agent in charge of a facility required to comply with 1 of the following standards and regulations with respect to such facility shall be deemed to be in compliance with this section, with respect to such facility:

“(1) The Seafood Hazard Analysis Critical Control Points Program of the Food and Drug Administration.

“(2) The Juice Hazard Analysis Critical Control Points Program of the Food and Drug Administration.

“(3) The Thermally Processed Low-Acid Foods Packaged in Hermetically Sealed Containers standards of the Food and Drug Administration (or any successor standards).

“(k) EXCEPTION FOR FACILITIES SUBJECT TO SECTION 419.—This section shall not apply to a facility that is subject to section 419.

“(l) AUTHORITY WITH RESPECT TO CERTAIN FACILITIES.—The Secretary may, by regulation, exempt or modify the requirements for compli-

ance under this section with respect to facilities that are solely engaged in the production of food for animals other than man, the storage of raw agricultural commodities (other than fruits and vegetables) intended for further distribution or processing, or the storage of packaged foods that are not exposed to the environment.

“(m) DEFINITIONS.—For purposes of this section:

“(1) CRITICAL CONTROL POINT.—The term ‘critical control point’ means a point, step, or procedure in a food process at which control can be applied and is essential to prevent or eliminate a food safety hazard or reduce such hazard to an acceptable level.

“(2) FACILITY.—The term ‘facility’ means a domestic facility or a foreign facility that is required to register under section 415.

“(3) PREVENTIVE CONTROLS.—The term ‘preventive controls’ means those risk-based, reasonably appropriate procedures, practices, and processes that a person knowledgeable about the safe manufacturing, processing, packing, or holding of food would employ to significantly minimize or prevent the hazards identified under the hazard analysis conducted under subsection (a) and that are consistent with the current scientific understanding of safe food manufacturing, processing, packing, or holding at the time of the analysis. Those procedures, practices, and processes may include the following:

“(A) Sanitation procedures for food contact surfaces and utensils and food-contact surfaces of equipment.

“(B) Supervisor, manager, and employee hygiene training.

“(C) An environmental monitoring program to verify the effectiveness of pathogen controls in processes where a food is exposed to a potential contaminant in the environment.

“(D) A food allergen control program.

“(E) A recall plan.

“(F) Good Manufacturing Practices (GMPs).

“(G) Supplier verification activities.”.

(b) REGULATIONS.—

(1) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the Secretary of Health and Human Services (referred to in this Act as the “Secretary”) shall promulgate regulations to establish science-based minimum standards for conducting a hazard analysis, documenting hazards, implementing preventive controls, and documenting the implementation of the preventive controls under section 418 of the Federal Food, Drug, and Cosmetic Act (as added by subsection (a)).

(2) CONTENT.—The regulations promulgated under paragraph (1) shall provide sufficient flexibility to be applicable in all situations, including in the operations of small businesses.

(3) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to provide the Secretary with the authority to apply specific technologies, practices, or critical controls to an individual facility.

(4) REVIEW.—In promulgating the regulations under paragraph (1), the Secretary shall review regulatory hazard analysis and preventive control programs in existence on the date of enactment of this Act to ensure that the program under such section 418 is consistent, to the extent practicable, with applicable domestic and internationally-recognized standards in existence on such date.

(c) GUIDANCE DOCUMENT.—The Secretary shall issue a guidance document related to hazard analysis and preventive controls related to the regulations promulgated under section 418 of the Federal Food, Drug, and Cosmetic Act (as added by subsection (a)).

(d) PROHIBITED ACTS.—Section 301 (21 U.S.C. 331) is amended by adding at the end the following:

“(uu) The operation of a facility that manufacturers, processes, packs, or holds food for

sale in the United States if the owner, operator, or agent in charge of such facility is not in compliance with section 418.”.

(e) NO EFFECT ON HACCP AUTHORITIES.—Nothing in the amendments made by this section limits the authority of the Secretary under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.) or the Public Health Service Act (42 U.S.C. 201 et seq.) to revise, issue, or enforce product and category-specific regulations, such as the Seafood Hazard Analysis Critical Controls Points Program, the Juice Hazard Analysis Critical Control Program, and the Thermally Processed Low-Acid Foods Packaged in Hermetically Sealed Containers standards.

(f) DIETARY SUPPLEMENTS.—Nothing in the amendments made by this section shall apply to any dietary supplement that is in compliance with the requirements of sections 402(g)(2) and 761 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 342(g)(2), 379aa-1).

(g) NO EFFECT ON ALCOHOL-RELATED FACILITIES.—

(1) IN GENERAL.—Nothing in the amendments made by this section shall apply to a facility that—

(A) under the Federal Alcohol Administration Act (27 U.S.C. 201 et seq.) or chapter 51 of subtitle E of the Internal Revenue Code of 1986 (26 U.S.C. 5291 et seq.) is required to obtain a permit or to register with the Secretary of the Treasury as a condition of doing business in the United States; and

(B) is required to register as a facility under section 415 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 350d) because such facility is engaged in manufacturing, processing, packing, or holding 1 or more alcoholic beverages, with respect to the activities of such facility that relate to the manufacturing, processing, packing, or holding of alcoholic beverages.

(2) LIMITED RECEIPT AND DISTRIBUTION OF NON-ALCOHOL FOOD.—Paragraph (1) shall not apply to a facility engaged in the receipt or distribution of any non-alcohol food, except that such paragraph shall apply to a facility described in such paragraph that receives and distributes non-alcohol food, provided such food is received and distributed—

(A) in a prepackaged form that prevents any direct human contact with such food; and

(B) in amounts that constitute not more than 5 percent of the overall sales of such facility, as determined by the Secretary of the Treasury.

(3) RULE OF CONSTRUCTION.—Except as provided in paragraphs (1) and (2), this subsection shall not be construed to exempt any food, other than distilled spirits, wine, and malt beverages, as defined in section 211 of the Federal Alcohol Administration Act (27 U.S.C. 211), from the requirements of this Act (including the amendments made by this Act).

(h) EFFECTIVE DATE.—

(1) GENERAL RULE.—The amendments made by this section shall take effect 18 months after the date of enactment of this Act.

(2) EXCEPTIONS.—Notwithstanding paragraph (1)—

(A) the amendments made by this section shall apply to a small business (as defined by the Secretary for purposes of this section, not later than 90 days after the date of enactment of this Act) after the date that is 2 years after the date of enactment of this Act; and

(B) the amendments made by this section shall apply to a very small business (as defined by the Secretary for purposes of this section, not later than 90 days after the date of enactment of this Act) after the date that is 3 years after the date of enactment of this Act.

SEC. 104. PERFORMANCE STANDARDS.

The Secretary shall, not less frequently than every 2 years, review and evaluate relevant health data and other relevant information, including from toxicological and epidemiological

studies and analyses, to determine the most significant foodborne contaminants. Based on such review and evaluation, and when appropriate to reduce the risk of serious illness or death to humans or animals or to prevent adulteration of the food under section 402 of the Federal Food, Drug, or Cosmetic Act (21 U.S.C. 342) or to prevent the spread of communicable disease under section 361 of the Public Health Service Act (42 U.S.C. 264), the Secretary shall issue contaminant-specific and science-based guidance documents, action levels, or regulations. Such guidance, action levels, or regulations shall apply to products or product classes and shall not be written to be facility-specific.

SEC. 105. STANDARDS FOR PRODUCE SAFETY.

(a) *IN GENERAL.*—Chapter IV (21 U.S.C. 341 et seq.), as amended by section 103, is amended by adding at the end the following:

“SEC. 419. STANDARDS FOR PRODUCE SAFETY.

“(a) *PROPOSED RULEMAKING.*—

“(1) *IN GENERAL.*—Not later than 1 year after the date of enactment of the FDA Food Safety Modernization Act, the Secretary, in coordination with the Secretary of Agriculture and representatives of State departments of agriculture (including with regard to the national organic program established under the Organic Foods Production Act of 1990 (7 U.S.C. 6501 et seq.)), shall publish a notice of proposed rulemaking to establish science-based minimum standards for the safe production and harvesting of those types of fruits and vegetables that are raw agricultural commodities for which the Secretary has determined that such standards minimize the risk of serious adverse health consequences or death.

“(2) *PUBLIC INPUT.*—During the comment period on the notice of proposed rulemaking under paragraph (1), the Secretary shall conduct not less than 3 public meetings in diverse geographical areas of the United States to provide persons in different regions an opportunity to comment.

“(3) *CONTENT.*—The proposed rulemaking under paragraph (1) shall—

“(A) provide sufficient flexibility to be applicable to various types of entities engaged in the production and harvesting of raw agricultural commodities, including small businesses and entities that sell directly to consumers, and be appropriate to the scale and diversity of the production and harvesting of such commodities;

“(B) include, with respect to growing, harvesting, sorting, packing, and storage operations, minimum standards related to soil amendments, hygiene, packaging, temperature controls, animal encroachment, and water;

“(C) consider hazards that occur naturally, may be unintentionally introduced, or may be intentionally introduced, including by acts of terrorism;

“(D) take into consideration, consistent with ensuring enforceable public health protection, conservation and environmental practice standards and policies established by Federal natural resource conservation, wildlife conservation, and environmental agencies; and

“(E) in the case of production that is certified organic, not include any requirements that conflict with or duplicate the requirements of the national organic program established under the Organic Foods Production Act of 1990 (7 U.S.C. 6501 et seq.), while providing for public health protection consistent with the requirements of this Act.

“(4) *PRIORITIZATION.*—The Secretary shall prioritize the implementation of the regulations for specific fruits and vegetables that are raw agricultural commodities that have been associated with foodborne illness outbreaks.

“(b) *FINAL REGULATION.*—

“(1) *IN GENERAL.*—Not later than 1 year after the close of the comment period for the proposed

rulemaking under subsection (a), the Secretary shall adopt a final regulation to provide for minimum standards for those types of fruits and vegetables that are raw agricultural commodities for which the Secretary has determined that such standards minimize the risk of serious adverse health consequences or death.

“(2) *FINAL REGULATION.*—The final regulation shall—

“(A) provide a reasonable period of time for compliance, taking into account the needs of small businesses for additional time to comply;

“(B) provide for coordination of education and enforcement activities by State and local officials, as designated by the Governors of the respective States; and

“(C) include a description of the variance process under subsection (c) and the types of permissible variances the Secretary may grant.

“(c) *CRITERIA.*—

“(1) *IN GENERAL.*—The regulations adopted under subsection (b) shall—

“(A) set forth those procedures, processes, and practices as the Secretary determines to be reasonably necessary to prevent the introduction of known or reasonably foreseeable biological, chemical, and physical hazards, including hazards that occur naturally, may be unintentionally introduced, or may be intentionally introduced, including by acts of terrorism, into fruits and vegetables that are raw agricultural commodities and to provide reasonable assurances that the produce is not adulterated under section 402; and

“(B) permit States and foreign countries from which food is imported into the United States, subject to paragraph (2), to request from the Secretary variances from the requirements of the regulations, where upon approval of the Secretary, the variance is considered permissible under the requirements of the regulations adopted under subsection (b)(2)(C) and where the State or foreign country determines that the variance is necessary in light of local growing conditions and that the procedures, processes, and practices to be followed under the variance are reasonably likely to ensure that the produce is not adulterated under section 402 to the same extent as the requirements of the regulation adopted under subsection (b).

“(2) *APPROVAL OF VARIANCES.*—A State or foreign country from which food is imported into the United States shall request a variance from the Secretary in writing. The Secretary may deny such a request as not reasonably likely to ensure that the produce is not adulterated under section 402 to the same extent as the requirements of the regulation adopted under subsection (b).

“(d) *ENFORCEMENT.*—The Secretary may coordinate with the Secretary of Agriculture and, as appropriate, shall contract and coordinate with the agency or department designated by the Governor of each State to perform activities to ensure compliance with this section.

“(e) *GUIDANCE.*—

“(1) *IN GENERAL.*—Not later than 1 year after the date of enactment of the FDA Food Safety Modernization Act, the Secretary shall publish, after consultation with the Secretary of Agriculture, representatives of State departments of agriculture, farmer representatives, and various types of entities engaged in the production and harvesting of fruits and vegetables that are raw agricultural commodities, including small businesses, updated good agricultural practices and guidance for the safe production and harvesting of specific types of fresh produce.

“(2) *PUBLIC MEETINGS.*—The Secretary shall conduct not fewer than 3 public meetings in diverse geographical areas of the United States as part of an effort to conduct education and outreach regarding the guidance described in paragraph (1) for persons in different regions who

are involved in the production and harvesting of fruits and vegetables that are raw agricultural commodities, including persons that sell directly to consumers and farmer representatives.

“(f) *EXCEPTION FOR FACILITIES SUBJECT TO SECTION 418.*—This section shall not apply to a facility that is subject to section 418.”.

(b) *PROHIBITED ACTS.*—Section 301 (21 U.S.C. 331), as amended by section 103, is amended by adding at the end the following:

“(vv) The failure to comply with the requirements under section 419.”.

(c) *NO EFFECT ON HACCP AUTHORITIES.*—Nothing in the amendments made by this section limits the authority of the Secretary under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.) or the Public Health Service Act (42 U.S.C. 201 et seq.) to revise, issue, or enforce product and category-specific regulations, such as the Seafood Hazard Analysis Critical Controls Points Program, the Juice Hazard Analysis Critical Control Program, and the Thermally Processed Low-Acid Foods Packaged in Hermetically Sealed Containers standards.

SEC. 106. PROTECTION AGAINST INTENTIONAL ADULTERATION.

(a) *IN GENERAL.*—Chapter IV (21 U.S.C. 341 et seq.), as amended by section 105, is amended by adding at the end the following:

“SEC. 420. PROTECTION AGAINST INTENTIONAL ADULTERATION.

“(a) *IN GENERAL.*—Not later than 2 years after the date of enactment of the FDA Food Safety Modernization Act, the Secretary, in consultation with the Secretary of Homeland Security and the Secretary of Agriculture, shall promulgate regulations to protect against the intentional adulteration of food subject to this Act.

“(b) *APPLICABILITY.*—Regulations under subsection (a) shall apply only to food—

“(1) for which the Secretary has identified clear vulnerabilities (including short shelf-life or susceptibility to intentional contamination at critical control points);

“(2) in bulk or batch form, prior to being packaged for the final consumer; and

“(3) for which there is a high risk of intentional contamination, as determined by the Secretary, that could cause serious adverse health consequences or death to humans or animals.

“(c) *DETERMINATIONS.*—In making the determination under subsection (b)(3), the Secretary shall—

“(1) conduct vulnerability assessments of the food system;

“(2) consider the best available understanding of uncertainties, risks, costs, and benefits associated with guarding against intentional adulteration at vulnerable points; and

“(3) determine the types of science-based mitigation strategies or measures that are necessary to protect against the intentional adulteration of food.

“(d) *CONTENT OF REGULATIONS.*—Regulations under subsection (a) shall—

“(1) specify how a person shall assess whether the person is required to implement mitigation strategies or measures intended to protect against the intentional adulteration of food; and

“(2) specify appropriate science-based mitigation strategies or measures to prepare and protect the food supply chain at specific vulnerable points, as appropriate.

“(e) *EXCEPTION.*—This section shall not apply to farms, except for those that produce milk.

“(f) *DEFINITION.*—For purposes of this section, the term ‘farm’ has the meaning given that term in section 1.227 of title 21, Code of Federal Regulations (or any successor regulation).”.

(b) *GUIDANCE DOCUMENTS.*—

(1) *IN GENERAL.*—Not later than 1 year after the date of enactment of this Act, the Secretary of Health and Human Services, in consultation

with the Secretary of Homeland Security and the Secretary of Agriculture, shall issue guidance documents related to protection against the intentional adulteration of food, including mitigation strategies or measures to guard against such adulteration as required under section 420 of the Federal Food, Drug, and Cosmetic Act, as added by subsection (a).

(2) **CONTENT.**—The guidance documents issued under paragraph (1) shall—

(A) include a model assessment for a person to use under subsection (d)(1) of section 420 of the Federal Food, Drug, and Cosmetic Act, as added by subsection (a);

(B) include examples of mitigation strategies or measures described in subsection (d)(2) of such section; and

(C) specify situations in which the examples of mitigation strategies or measures described in subsection (d)(2) of such section are appropriate.

(3) **LIMITED DISTRIBUTION.**—In the interest of national security, the Secretary of Health and Human Services, in consultation with the Secretary of Homeland Security, may determine the time and manner in which the guidance documents issued under paragraph (1) are made public, including by releasing such documents to targeted audiences.

(c) **PERIODIC REVIEW.**—The Secretary of Health and Human Services shall periodically review and, as appropriate, update the regulations under subsection (a) and the guidance documents under subsection (b).

(d) **PROHIBITED ACTS.**—Section 301 (21 U.S.C. 331 et seq.), as amended by section 105, is amended by adding at the end the following:

“(www) The failure to comply with section 420.”

SEC. 107. AUTHORITY TO COLLECT FEES.

(a) **FEES FOR REINSPECTION, RECALL, AND IMPORTATION ACTIVITIES.**—Subchapter C of chapter VII (21 U.S.C. 379f et seq.) is amended by adding at the end the following:

“PART 6—FEES RELATED TO FOOD

“SEC. 743. AUTHORITY TO COLLECT AND USE FEES.

“(a) **IN GENERAL.**—

“(1) **PURPOSE AND AUTHORITY.**—For fiscal year 2010 and each subsequent fiscal year, the Secretary shall, in accordance with this section, assess and collect fees from—

“(A) the responsible party for each domestic facility (as defined in section 415(b)) and the United States agent for each foreign facility subject to a reinspection in such fiscal year, to cover reinspection-related costs for such year;

“(B) the responsible party for a domestic facility (as defined in section 415(b)) and an importer who does not comply with a recall order under section 423 or under section 412(f) in such fiscal year, to cover food recall activities associated with such order performed by the Secretary, including technical assistance, follow-up effectiveness checks, and public notifications, for such year;

“(C) each importer participating in the voluntary qualified importer program under section 806 in such year, to cover the administrative costs of such program for such year; and

“(D) each importer subject to a reinspection in such fiscal year, to cover reinspection-related costs for such year.

“(2) **DEFINITIONS.**—For purposes of this section—

“(A) the term ‘reinspection’ means—

“(i) with respect to domestic facilities (as defined in section 415(b)), 1 or more inspections conducted under section 704 subsequent to an inspection conducted under such provision which identified noncompliance materially related to a food safety requirement of this Act, specifically to determine whether compliance has been achieved to the Secretary’s satisfaction; and

“(ii) with respect to importers, 1 or more examinations conducted under section 801 subsequent to an examination conducted under such provision which identified noncompliance materially related to a food safety requirement of this Act, specifically to determine whether compliance has been achieved to the Secretary’s satisfaction;

“(B) the term ‘reinspection-related costs’ means all expenses, including administrative expenses, incurred in connection with—

“(i) arranging, conducting, and evaluating the results of reinspections; and

“(ii) assessing and collecting reinspection fees under this section; and

“(C) the term ‘responsible party’ has the meaning given such term in section 417(a)(1).

“(b) **ESTABLISHMENT OF FEES.**—

“(1) **IN GENERAL.**—Subject to subsections (c) and (d), the Secretary shall establish the fees to be collected under this section for each fiscal year specified in subsection (a)(1), based on the methodology described under paragraph (2), and shall publish such fees in a Federal Register notice not later than 60 days before the start of each such year.

“(2) **FEE METHODOLOGY.**—

“(A) **FEES.**—Fees amounts established for collection—

“(i) under subparagraph (A) of subsection (a)(1) for a fiscal year shall be based on the Secretary’s estimate of 100 percent of the costs of the reinspection-related activities (including by type or level of reinspection activity, as the Secretary determines applicable) described in such subparagraph (A) for such year;

“(ii) under subparagraph (B) of subsection (a)(1) for a fiscal year shall be based on the Secretary’s estimate of 100 percent of the costs of the activities described in such subparagraph (B) for such year;

“(iii) under subparagraph (C) of subsection (a)(1) for a fiscal year shall be based on the Secretary’s estimate of 100 percent of the costs of the activities described in such subparagraph (C) for such year; and

“(iv) under subparagraph (D) of subsection (a)(1) for a fiscal year shall be based on the Secretary’s estimate of 100 percent of the costs of the activities described in such subparagraph (D) for such year.

“(B) **OTHER CONSIDERATIONS.**—

“(i) **VOLUNTARY QUALIFIED IMPORTER PROGRAM.**—

“(I) **PARTICIPATION.**—In establishing the fee amounts under subparagraph (A)(iii) for a fiscal year, the Secretary shall provide for the number of importers who have submitted to the Secretary a notice under section 806(e) informing the Secretary of the intent of such importer to participate in the program under section 806 in such fiscal year.

“(II) **RECOUPMENT.**—In establishing the fee amounts under subparagraph (A)(iii) for the first 5 fiscal years after the date of enactment of this section, the Secretary shall include in such fee a reasonable surcharge that provides a recoupment of the costs expended by the Secretary to establish and implement the first year of the program under section 806.

“(iii) **CREDITING OF FEES.**—In establishing the fee amounts under subparagraph (A) for a fiscal year, the Secretary shall provide for the crediting of fees from the previous year to the next year if the Secretary overestimated the amount of fees needed to carry out such activities, and consider the need to account for any adjustment of fees and such other factors as the Secretary determines appropriate.

“(iii) **PUBLISHED GUIDELINES.**—Not later than June 30, 2010, the Secretary shall publish in the Federal Register a proposed set of guidelines in consideration of the burden of fee amounts on small business. Such consideration may include

reduced fee amounts for small businesses. The Secretary shall provide for a period of public comment on such guidelines. The Secretary shall adjust the fee schedule for small businesses subject to such fees only through notice and comment rulemaking.

“(3) **USE OF FEES.**—The Secretary shall make all of the fees collected pursuant to clause (i), (ii), (iii), and (iv) of paragraph (2)(A) available solely to pay for the costs referred to in such clause (i), (ii), (iii), and (iv) of paragraph (2)(A), respectively.

“(c) **LIMITATIONS.**—

“(1) **IN GENERAL.**—Fees under subsection (a) shall be refunded for a fiscal year beginning after fiscal year 2010 unless the amount of the total appropriations for food safety activities at the Food and Drug Administration for such fiscal year (excluding the amount of fees appropriated for such fiscal year) is equal to or greater than the amount of appropriations for food safety activities at the Food and Drug Administration for fiscal year 2009 (excluding the amount of fees appropriated for such fiscal year), multiplied by the adjustment factor under paragraph (3).

“(2) **AUTHORITY.**—If—

“(A) the Secretary does not assess fees under subsection (a) for a portion of a fiscal year because paragraph (1) applies; and

“(B) at a later date in such fiscal year, such paragraph (1) ceases to apply, the Secretary may assess and collect such fees under subsection (a), without any modification to the rate of such fees, notwithstanding the provisions of subsection (a) relating to the date fees are to be paid.

“(3) **ADJUSTMENT FACTOR.**—

“(A) **IN GENERAL.**—The adjustment factor described in paragraph (1) shall be the total percentage change that occurred in the Consumer Price Index for all urban consumers (all items; United States city average) for the 12-month period ending June 30 preceding the fiscal year, but in no case shall such adjustment factor be negative.

“(B) **COMPOUNDED BASIS.**—The adjustment under subparagraph (A) made each fiscal year shall be added on a compounded basis to the sum of all adjustments made each fiscal year after fiscal year 2009.

“(4) **LIMITATION ON AMOUNT OF CERTAIN FEES.**—

“(A) **IN GENERAL.**—Notwithstanding any other provision of this section and subject to subparagraph (B), the Secretary may not collect fees in a fiscal year such that the amount collected—

“(i) under subparagraph (B) of subsection (a)(1) exceeds \$20,000,000; and

“(ii) under subparagraphs (A) and (D) of subsection (a)(1) exceeds \$25,000,000 combined.

“(B) **EXCEPTION.**—If a domestic facility (as defined in section 415(b)) or an importer becomes subject to a fee described in subparagraph (A), (B), or (D) of subsection (a)(1) after the maximum amount of fees has been collected by the Secretary under subparagraph (A), the Secretary may collect a fee from such facility or importer.

“(d) **CREDITING AND AVAILABILITY OF FEES.**—Fees authorized under subsection (a) shall be collected and available for obligation only to the extent and in the amount provided in appropriations Acts. Such fees are authorized to remain available until expended. Such sums as may be necessary may be transferred from the Food and Drug Administration salaries and expenses account without fiscal year limitation to such appropriation account for salaries and expenses with such fiscal year limitation. The sums transferred shall be available solely for the purpose of paying the operating expenses of the Food and Drug Administration employees and contractors performing activities associated with these food safety fees.

“(e) **COLLECTION OF FEES.**—

“(1) **IN GENERAL.**—The Secretary shall specify in the Federal Register notice described in subsection (b)(1) the time and manner in which fees assessed under this section shall be collected.

“(2) **COLLECTION OF UNPAID FEES.**—In any case where the Secretary does not receive payment of a fee assessed under this section within 30 days after it is due, such fee shall be treated as a claim of the United States Government subject to provisions of subchapter II of chapter 37 of title 31, United States Code.

“(f) **ANNUAL REPORT TO CONGRESS.**—Not later than 120 days after each fiscal year for which fees are assessed under this section, the Secretary shall submit a report to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives, to include a description of fees assessed and collected for each such year and a summary description of the entities paying such fees and the types of business in which such entities engage.

“(g) **AUTHORIZATION OF APPROPRIATIONS.**—For fiscal year 2010 and each fiscal year thereafter, there is authorized to be appropriated for fees under this section an amount equal to the total revenue amount determined under subsection (b) for the fiscal year, as adjusted or otherwise affected under the other provisions of this section.”.

(b) **EXPORT CERTIFICATION FEES FOR FOODS AND ANIMAL FEED.**—

(1) **AUTHORITY FOR EXPORT CERTIFICATIONS FOR FOOD, INCLUDING ANIMAL FEED.**—Section 801(e)(4)(A) (21 U.S.C. 381(e)(4)(A)) is amended—

(A) in the matter preceding clause (i), by striking “a drug” and inserting “a food, drug”;

(B) in clause (i) by striking “exported drug” and inserting “exported food, drug”;

(C) in clause (ii) by striking “the drug” each place it appears and inserting “the food, drug”.

(2) **CLARIFICATION OF CERTIFICATION.**—Section 801(e)(4) (21 U.S.C. 381(e)(4)) is amended by inserting after subparagraph (B) the following new subparagraph:

“(C) For purposes of this paragraph, a certification by the Secretary shall be made on such basis, and in such form (including a publicly available listing) as the Secretary determines appropriate.”.

SEC. 108. NATIONAL AGRICULTURE AND FOOD DEFENSE STRATEGY.

(a) **DEVELOPMENT AND SUBMISSION OF STRATEGY.**—

(1) **IN GENERAL.**—Not later than 1 year after the date of enactment of this Act, the Secretary of Health and Human Services and the Secretary of Agriculture, in coordination with the Secretary of Homeland Security, shall prepare and submit to the relevant committees of Congress, and make publicly available on the Internet Web sites of the Department of Health and Human Services and the Department of Agriculture, the National Agriculture and Food Defense Strategy.

(2) **IMPLEMENTATION PLAN.**—The strategy shall include an implementation plan for use by the Secretaries described under paragraph (1) in carrying out the strategy.

(3) **RESEARCH.**—The strategy shall include a coordinated research agenda for use by the Secretaries described under paragraph (1) in conducting research to support the goals and activities described in paragraphs (1) and (2) of subsection (b).

(4) **REVISIONS.**—Not later than 4 years after the date on which the strategy is submitted to the relevant committees of Congress under paragraph (1), and not less frequently than every 4 years thereafter, the Secretary of Health and Human Services and the Secretary of Agriculture, in coordination with the Secretary of

Homeland Security, shall revise and submit to the relevant committees of Congress the strategy.

(5) **CONSISTENCY WITH EXISTING PLANS.**—The strategy described in paragraph (1) shall be consistent with—

(A) the National Incident Management System;

(B) the National Response Framework;

(C) the National Infrastructure Protection Plan;

(D) the National Preparedness Goals; and

(E) other relevant national strategies.

(b) **COMPONENTS.**—

(1) **IN GENERAL.**—The strategy shall include a description of the process to be used by the Department of Health and Human Services, the Department of Agriculture, and the Department of Homeland Security—

(A) to achieve each goal described in paragraph (2); and

(B) to evaluate the progress made by Federal, State, local, and tribal governments towards the achievement of each goal described in paragraph (2).

(2) **GOALS.**—The strategy shall include a description of the process to be used by the Department of Health and Human Services, the Department of Agriculture, and the Department of Homeland Security to achieve the following goals:

(A) **PREPAREDNESS GOAL.**—Enhance the preparedness of the agriculture and food system by—

(i) conducting vulnerability assessments of the agriculture and food system;

(ii) mitigating vulnerabilities of the system;

(iii) improving communication and training relating to the system;

(iv) developing and conducting exercises to test decontamination and disposal plans;

(v) developing modeling tools to improve event consequence assessment and decision support; and

(vi) preparing risk communication tools and enhancing public awareness through outreach.

(B) **DETECTION GOAL.**—Improve agriculture and food system detection capabilities by—

(i) identifying contamination in food products at the earliest possible time; and

(ii) conducting surveillance to prevent the spread of diseases.

(C) **EMERGENCY RESPONSE GOAL.**—Ensure an efficient response to agriculture and food emergencies by—

(i) immediately investigating animal disease outbreaks and suspected food contamination;

(ii) preventing additional human illnesses;

(iii) organizing, training, and equipping animal, plant, and food emergency response teams of—

(I) the Federal Government; and

(II) State, local, and tribal governments;

(iv) designing, developing, and evaluating training and exercises carried out under agriculture and food defense plans; and

(v) ensuring consistent and organized risk communication to the public by—

(I) the Federal Government;

(II) State, local, and tribal governments; and

(III) the private sector.

(D) **RECOVERY GOAL.**—Secure agriculture and food production after an agriculture or food emergency by—

(i) working with the private sector to develop business recovery plans to rapidly resume agriculture, food production, and international trade;

(ii) conducting exercises of the plans described in subparagraph (C) with the goal of long-term recovery results;

(iii) rapidly removing, and effectively disposing of—

(I) contaminated agriculture and food products; and

(II) infected plants and animals; and

(iv) decontaminating and restoring areas affected by an agriculture or food emergency.

(c) **LIMITED DISTRIBUTION.**—In the interest of national security, the Secretary of Health and Human Services and the Secretary of Agriculture, in coordination with the Secretary of Homeland Security, may determine the manner and format in which the National Agriculture and Food Defense strategy established under this section is made publicly available on the Internet Web sites of the Department of Health and Human Services, the Department of Homeland Security, and the Department of Agriculture, as described in subsection (a)(1).

SEC. 109. FOOD AND AGRICULTURE COORDINATING COUNCILS.

The Secretary of Homeland Security, in coordination with the Secretary of Health and Human Services and the Secretary of Agriculture, shall within 180 days of enactment of this Act, and annually thereafter, submit to the relevant committees of Congress, and make publicly available on the Internet Web site of the Department of Homeland Security, a report on the activities of the Food and Agriculture Government Coordinating Council and the Food and Agriculture Sector Coordinating Council, including the progress of such Councils on—

(1) facilitating partnerships between public and private entities to help coordinate and enhance the protection of the agriculture and food system of the United States;

(2) providing for the regular and timely interchange of information between each council relating to the security of the agriculture and food system (including intelligence information);

(3) identifying best practices and methods for improving the coordination among Federal, State, local, and private sector preparedness and response plans for agriculture and food defense; and

(4) recommending methods by which to protect the economy and the public health of the United States from the effects of—

(A) animal or plant disease outbreaks;

(B) food contamination; and

(C) natural disasters affecting agriculture and food.

SEC. 110. BUILDING DOMESTIC CAPACITY.

(a) **IN GENERAL.**—

(1) **INITIAL REPORT.**—The Secretary shall, not later than 2 years after the date of enactment of this Act, submit to Congress a comprehensive report that identifies programs and practices that are intended to promote the safety and supply chain security of food and to prevent outbreaks of foodborne illness and other food-related hazards that can be addressed through preventive activities. Such report shall include a description of the following:

(A) Analysis of the need for further regulations or guidance to industry.

(B) Outreach to food industry sectors, including through the Food and Agriculture Coordinating Councils referred to in section 109, to identify potential sources of emerging threats to the safety and security of the food supply and preventive strategies to address those threats.

(C) Systems to ensure the prompt distribution to the food industry of information and technical assistance concerning preventive strategies.

(D) Communication systems to ensure that information about specific threats to the safety and security of the food supply are rapidly and effectively disseminated.

(E) Surveillance systems and laboratory networks to rapidly detect and respond to foodborne illness outbreaks and other food-related hazards, including how such systems and networks are integrated.

(F) Outreach, education, and training provided to States and local governments to build

State and local food safety and food defense capabilities, including progress implementing strategies developed under sections 108 and 206.

(G) The estimated resources needed to effectively implement the programs and practices identified in the report developed in this section over a 5-year period.

(H) The impact of requirements under this Act (including amendments made by this Act) on certified organic farms and facilities (as defined in section 415 (21 U.S.C. 350d).

(2) **BIENNIAL REPORTS.**—On a biennial basis following the submission of the report under paragraph (1), the Secretary shall submit to Congress a report that—

(A) reviews previous food safety programs and practices;

(B) outlines the success of those programs and practices;

(C) identifies future programs and practices; and

(D) includes information related to any matter described in subparagraphs (A) through (H) of paragraph (1), as necessary.

(b) **RISK-BASED ACTIVITIES.**—The report developed under subsection (a)(1) shall describe methods that seek to ensure that resources available to the Secretary for food safety-related activities are directed at those actions most likely to reduce risks from food, including the use of preventive strategies and allocation of inspection resources. The Secretary shall promptly undertake those risk-based actions that are identified during the development of the report as likely to contribute to the safety and security of the food supply.

(c) **CAPABILITY FOR LABORATORY ANALYSES; RESEARCH.**—The report developed under subsection (a)(1) shall provide a description of methods to increase capacity to undertake analyses of food samples promptly after collection, to identify new and rapid analytical techniques, including commercially-available techniques that can be employed at ports of entry and by Food Emergency Response Network laboratories, and to provide for well-equipped and staffed laboratory facilities.

(d) **INFORMATION TECHNOLOGY.**—The report developed under subsection (a)(1) shall include a description of such information technology systems as may be needed to identify risks and receive data from multiple sources, including foreign governments, State, local, and tribal governments, other Federal agencies, the food industry, laboratories, laboratory networks, and consumers. The information technology systems that the Secretary describes shall also provide for the integration of the facility registration system under section 415 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 350d), and the prior notice system under section 801(m) of such Act (21 U.S.C. 381(m)) with other information technology systems that are used by the Federal Government for the processing of food offered for import into the United States.

(e) **AUTOMATED RISK ASSESSMENT.**—The report developed under subsection (a)(1) shall include a description of progress toward developing and improving an automated risk assessment system for food safety surveillance and allocation of resources.

(f) **TRACEBACK AND SURVEILLANCE REPORT.**—The Secretary shall include in the report developed under subsection (a)(1) an analysis of the Food and Drug Administration's performance in foodborne illness outbreaks during the 5-year period preceding the date of enactment of this Act involving fruits and vegetables that are raw agricultural commodities (as defined in section 201(r) (21 U.S.C. 321(r)) and recommendations for enhanced surveillance, outbreak response, and traceability. Such findings and recommendations shall address communication and coordination with the public, industry, and

State and local governments, as such communication and coordination relates to outbreak identification and traceback.

(g) **BIENNIAL FOOD SAFETY AND FOOD DEFENSE RESEARCH PLAN.**—The Secretary and the Secretary of Agriculture shall, on a biennial basis, submit to Congress a joint food safety and food defense research plan which may include studying the long-term health effects of foodborne illness. Such biennial plan shall include a list and description of projects conducted during the previous 2-year period and the plan for projects to be conducted during the subsequent 2-year period.

SEC. 111. SANITARY TRANSPORTATION OF FOOD.

Not later than 1 year after the date of enactment of this Act, the Secretary shall promulgate regulations described in section 416(b) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 350e(b)).

SEC. 112. FOOD ALLERGY AND ANAPHYLAXIS MANAGEMENT.

(a) **DEFINITIONS.**—In this section:

(1) **EARLY CHILDHOOD EDUCATION PROGRAM.**—The term “early childhood education program” means—

(A) a Head Start program or an Early Head Start program carried out under the Head Start Act (42 U.S.C. 9831 et seq.);

(B) a State licensed or regulated child care program or school; or

(C) a State prekindergarten program that serves children from birth through kindergarten.

(2) **ESEA DEFINITIONS.**—The terms “local educational agency”, “secondary school”, “elementary school”, and “parent” have the meanings given the terms in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(3) **SCHOOL.**—The term “school” includes public—

(A) kindergartens;

(B) elementary schools; and

(C) secondary schools.

(4) **SECRETARY.**—The term “Secretary” means the Secretary of Health and Human Services.

(b) **ESTABLISHMENT OF VOLUNTARY FOOD ALLERGY AND ANAPHYLAXIS MANAGEMENT GUIDELINES.**—

(1) **ESTABLISHMENT.**—

(A) **IN GENERAL.**—Not later than 1 year after the date of enactment of this Act, the Secretary, in consultation with the Secretary of Education, shall—

(i) develop guidelines to be used on a voluntary basis to develop plans for individuals to manage the risk of food allergy and anaphylaxis in schools and early childhood education programs; and

(ii) make such guidelines available to local educational agencies, schools, early childhood education programs, and other interested entities and individuals to be implemented on a voluntary basis only.

(B) **APPLICABILITY OF FERPA.**—Each plan described in subparagraph (A) that is developed for an individual shall be considered an education record for the purpose of section 444 of the General Education Provisions Act (commonly referred to as the “Family Educational Rights and Privacy Act of 1974”) (20 U.S.C. 1232g).

(2) **CONTENTS.**—The voluntary guidelines developed by the Secretary under paragraph (1) shall address each of the following and may be updated as the Secretary determines necessary:

(A) Parental obligation to provide the school or early childhood education program, prior to the start of every school year, with—

(i) documentation from their child's physician or nurse—

(I) supporting a diagnosis of food allergy, and any risk of anaphylaxis, if applicable;

(II) identifying any food to which the child is allergic;

(III) describing, if appropriate, any prior history of anaphylaxis;

(IV) listing any medication prescribed for the child for the treatment of anaphylaxis;

(V) detailing emergency treatment procedures in the event of a reaction;

(VI) listing the signs and symptoms of a reaction; and

(VII) assessing the child's readiness for self-administration of prescription medication; and

(ii) a list of substitute meals that may be offered to the child by school or early childhood education program food service personnel.

(B) The creation and maintenance of an individual plan for food allergy management, in consultation with the parent, tailored to the needs of each child with a documented risk for anaphylaxis, including any procedures for the self-administration of medication by such children in instances where—

(i) the children are capable of self-administering medication; and

(ii) such administration is not prohibited by State law.

(C) Communication strategies between individual schools or early childhood education programs and providers of emergency medical services, including appropriate instructions for emergency medical response.

(D) Strategies to reduce the risk of exposure to anaphylactic causative agents in classrooms and common school or early childhood education program areas such as cafeterias.

(E) The dissemination of general information on life-threatening food allergies to school or early childhood education program staff, parents, and children.

(F) Food allergy management training of school or early childhood education program personnel who regularly come into contact with children with life-threatening food allergies.

(G) The authorization and training of school or early childhood education program personnel to administer epinephrine when the nurse is not immediately available.

(H) The timely accessibility of epinephrine by school or early childhood education program personnel when the nurse is not immediately available.

(I) The creation of a plan contained in each individual plan for food allergy management that addresses the appropriate response to an incident of anaphylaxis of a child while such child is engaged in extracurricular programs of a school or early childhood education program, such as non-academic outings and field trips, before- and after-school programs or before- and after-early child education program programs, and school-sponsored or early childhood education program-sponsored programs held on weekends.

(J) Maintenance of information for each administration of epinephrine to a child at risk for anaphylaxis and prompt notification to parents.

(K) Other elements the Secretary determines necessary for the management of food allergies and anaphylaxis in schools and early childhood education programs.

(3) **RELATION TO STATE LAW.**—Nothing in this section or the guidelines developed by the Secretary under paragraph (1) shall be construed to preempt State law, including any State law regarding whether students at risk for anaphylaxis may self-administer medication.

(c) **SCHOOL-BASED FOOD ALLERGY MANAGEMENT GRANTS.**—

(1) **IN GENERAL.**—The Secretary may award grants to local educational agencies to assist such agencies with implementing voluntary food allergy and anaphylaxis management guidelines described in subsection (b).

(2) **APPLICATION.**—

(A) **IN GENERAL.**—To be eligible to receive a grant under this subsection, a local educational

agency shall submit an application to the Secretary at such time, in such manner, and including such information as the Secretary may reasonably require.

(B) **CONTENTS.**—Each application submitted under subparagraph (A) shall include—

(i) an assurance that the local educational agency has developed plans in accordance with the food allergy and anaphylaxis management guidelines described in subsection (b);

(ii) a description of the activities to be funded by the grant in carrying out the food allergy and anaphylaxis management guidelines, including—

(I) how the guidelines will be carried out at individual schools served by the local educational agency;

(II) how the local educational agency will inform parents and students of the guidelines in place;

(III) how school nurses, teachers, administrators, and other school-based staff will be made aware of, and given training on, when applicable, the guidelines in place; and

(IV) any other activities that the Secretary determines appropriate;

(iii) an itemization of how grant funds received under this subsection will be expended;

(iv) a description of how adoption of the guidelines and implementation of grant activities will be monitored; and

(v) an agreement by the local educational agency to report information required by the Secretary to conduct evaluations under this subsection.

(3) **USE OF FUNDS.**—Each local educational agency that receives a grant under this subsection may use the grant funds for the following:

(A) Purchase of materials and supplies, including limited medical supplies such as epinephrine and disposable wet wipes, to support carrying out the food allergy and anaphylaxis management guidelines described in subsection (b).

(B) In partnership with local health departments, school nurse, teacher, and personnel training for food allergy management.

(C) Programs that educate students as to the presence of, and policies and procedures in place related to, food allergies and anaphylactic shock.

(D) Outreach to parents.

(E) Any other activities consistent with the guidelines described in subsection (b).

(4) **DURATION OF AWARDS.**—The Secretary may award grants under this subsection for a period of not more than 2 years. In the event the Secretary conducts a program evaluation under this subsection, funding in the second year of the grant, where applicable, shall be contingent on a successful program evaluation by the Secretary after the first year.

(5) **LIMITATION ON GRANT FUNDING.**—The Secretary may not provide grant funding to a local educational agency under this subsection after such local educational agency has received 2 years of grant funding under this subsection.

(6) **MAXIMUM AMOUNT OF ANNUAL AWARDS.**—A grant awarded under this subsection may not be made in an amount that is more than \$50,000 annually.

(7) **PRIORITY.**—In awarding grants under this subsection, the Secretary shall give priority to local educational agencies with the highest percentages of children who are counted under section 1124(c) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6333(c)).

(8) **MATCHING FUNDS.**—

(A) **IN GENERAL.**—The Secretary may not award a grant under this subsection unless the local educational agency agrees that, with respect to the costs to be incurred by such local educational agency in carrying out the grant

activities, the local educational agency shall make available (directly or through donations from public or private entities) non-Federal funds toward such costs in an amount equal to not less than 25 percent of the amount of the grant.

(B) **DETERMINATION OF AMOUNT OF NON-FEDERAL CONTRIBUTION.**—Non-Federal funds required under subparagraph (A) may be cash or in kind, including plant, equipment, or services. Amounts provided by the Federal Government, and any portion of any service subsidized by the Federal Government, may not be included in determining the amount of such non-Federal funds.

(9) **ADMINISTRATIVE FUNDS.**—A local educational agency that receives a grant under this subsection may use not more than 2 percent of the grant amount for administrative costs related to carrying out this subsection.

(10) **PROGRESS AND EVALUATIONS.**—At the completion of the grant period referred to in paragraph (4), a local educational agency shall provide the Secretary with information on how grant funds were spent and the status of implementation of the food allergy and anaphylaxis management guidelines described in subsection (b).

(11) **SUPPLEMENT, NOT SUPPLANT.**—Grant funds received under this subsection shall be used to supplement, and not supplant, non-Federal funds and any other Federal funds available to carry out the activities described in this subsection.

(12) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out this subsection \$30,000,000 for fiscal year 2010 and such sums as may be necessary for each of the 4 succeeding fiscal years.

(d) **VOLUNTARY NATURE OF GUIDELINES.**—

(1) **IN GENERAL.**—The food allergy and anaphylaxis management guidelines developed by the Secretary under subsection (b) are voluntary. Nothing in this section or the guidelines developed by the Secretary under subsection (b) shall be construed to require a local educational agency to implement such guidelines.

(2) **EXCEPTION.**—Notwithstanding paragraph (1), the Secretary may enforce an agreement by a local educational agency to implement food allergy and anaphylaxis management guidelines as a condition of the receipt of a grant under subsection (c).

TITLE II—IMPROVING CAPACITY TO DETECT AND RESPOND TO FOOD SAFETY PROBLEMS

SEC. 201. TARGETING OF INSPECTION RESOURCES FOR DOMESTIC FACILITIES, FOREIGN FACILITIES, AND PORTS OF ENTRY; ANNUAL REPORT.

(a) **TARGETING OF INSPECTION RESOURCES FOR DOMESTIC FACILITIES, FOREIGN FACILITIES, AND PORTS OF ENTRY.**—Chapter IV (21 U.S.C. 341 et seq.), as amended by section 106, is amended by adding at the end the following:

“SEC. 421. TARGETING OF INSPECTION RESOURCES FOR DOMESTIC FACILITIES, FOREIGN FACILITIES, AND PORTS OF ENTRY; ANNUAL REPORT.

“(a) **IDENTIFICATION AND INSPECTION OF FACILITIES.**—

“(1) **IDENTIFICATION.**—The Secretary shall allocate resources to inspect facilities according to the risk profile of the facilities, which shall be based on the following factors:

“(A) The risk profile of the food manufactured, processed, packed, or held at the facility.

“(B) The facility’s compliance history, including with regard to food recalls, outbreaks, and violations of food safety standards.

“(C) The rigor and effectiveness of the facility’s hazard analysis and risk-based preventive controls.

“(D) Whether the food manufactured, processed, packed, handled, prepared, treated, dis-

tributed, or stored at the facility meets the criteria for priority under section 801(h)(1).

“(E) Whether the facility has received a certificate as described in section 809(b).

“(F) Any other criteria deemed necessary and appropriate by the Secretary for purposes of allocating inspection resources.

“(2) **INSPECTIONS.**—

“(A) **IN GENERAL.**—Beginning on the date of enactment of the FDA Food Safety Modernization Act, the Secretary shall increase the frequency of inspection of all facilities.

“(B) **HIGH-RISK FACILITIES.**—The Secretary shall increase the frequency of inspection of facilities identified under paragraph (1) as high-risk facilities such that—

“(i) for the first 2 years after the date of enactment of the FDA Food Safety Modernization Act, each high-risk facility is inspected not less often than once every 2 years; and

“(ii) for each succeeding year, each high-risk facility is inspected not less often than once each year.

“(C) **NON-HIGH-RISK FACILITIES.**—The Secretary shall ensure that each facility that is not identified under paragraph (1) as a high-risk facility is inspected not less often than once every 4 years.

“(b) **IDENTIFICATION AND INSPECTION AT PORTS OF ENTRY.**—The Secretary, in consultation with the Secretary of Homeland Security, shall allocate resources to inspect articles of food imported into the United States according to the risk profile of the article of food, which shall be based on the following factors:

“(1) The risk profile of the food imported.

“(2) The risk profile of the countries or regions of origin and countries of transport of the food imported.

“(3) The compliance history of the importer, including with regard to food recalls, outbreaks, and violations of food safety standards.

“(4) The rigor and effectiveness of the foreign supplier verification program under section 805.

“(5) Whether the food importer participates in the voluntary qualified importer program under section 806.

“(6) Whether the food meets the criteria for priority under section 801(h)(1).

“(7) Whether the food is from a facility that has received a certificate as described in section 809(b).

“(8) Any other criteria deemed appropriate by the Secretary for purposes of allocating inspection resources.

“(c) **COORDINATION.**—The Secretary shall improve coordination and cooperation with the Secretary of Agriculture to target food inspection resources.

“(d) **FACILITY.**—For purposes of this section, the term ‘facility’ means a domestic facility or a foreign facility that is required to register under section 415.”

(b) **ANNUAL REPORT.**—Section 1003 (21 U.S.C. 393) is amended by adding at the end the following:

“(h) **ANNUAL REPORT REGARDING FOOD.**—Not later than February 1 of each year, the Secretary shall submit to Congress a report regarding—

“(1) information about food facilities including—

“(A) the appropriations used to inspect facilities registered pursuant to section 415 in the previous fiscal year;

“(B) the average cost of both a non-high-risk food facility inspection and a high-risk food facility inspection, if such a difference exists, in the previous fiscal year;

“(C) the number of domestic facilities and the number of foreign facilities registered pursuant to section 415 that the Secretary inspected in the previous fiscal year;

“(D) the number of domestic facilities and the number of foreign facilities registered pursuant

to section 415 that were scheduled for inspection in the previous fiscal year and which the Secretary did not inspect in such year;

“(E) the number of high-risk facilities identified pursuant to section 421 that the Secretary inspected in the previous fiscal year; and

“(F) the number of high-risk facilities identified pursuant to section 421 that were scheduled for inspection in the previous fiscal year and which the Secretary did not inspect in such year.

“(2) information about food imports including—

“(A) the number of lines of food imported into the United States that the Secretary physically inspected or sampled in the previous fiscal year;

“(B) the number of lines of food imported into the United States that the Secretary did not physically inspect or sample in the previous fiscal year; and

“(C) the average cost of physically inspecting or sampling a food line subject to this Act that is imported or offered for import into the United States; and

“(3) information on the foreign offices of the Food and Drug Administration including—

“(A) the number of foreign offices established; and

“(B) the number of personnel permanently stationed in each foreign office.

“(i) **PUBLIC AVAILABILITY OF ANNUAL FOOD REPORTS.**—The Secretary shall make the reports required under subsection (h) available to the public on the Internet Web site of the Food and Drug Administration.”

SEC. 202. RECOGNITION OF LABORATORY ACCREDITATION FOR ANALYSES OF FOODS.

(a) **IN GENERAL.**—Chapter IV (21 U.S.C. 341 et seq.), as amended by section 201, is amended by adding at the end the following:

“SEC. 422. RECOGNITION OF LABORATORY ACCREDITATION FOR ANALYSES OF FOODS.

“(a) **RECOGNITION OF LABORATORY ACCREDITATION.**—

“(1) **IN GENERAL.**—Not later than 2 years after the date of enactment of the FDA Food Safety Modernization Act, the Secretary shall—

“(A) provide for the recognition of accreditation bodies that accredit laboratories, including laboratories run and operated by a State or locality, with a demonstrated capability to conduct sampling and analytical testing of food products; and

“(B) establish a publicly available registry of accreditation bodies, including the name of, contact information for, and other information deemed necessary by the Secretary about such bodies.

“(2) **FOREIGN LABORATORIES.**—Accreditation bodies recognized by the Secretary under paragraph (1) may accredit laboratories that operate outside the United States, so long as such laboratories meet the accreditation standards applicable to domestic laboratories accredited under this section.

“(3) **MODEL ACCREDITATION STANDARDS.**—The Secretary shall develop model standards that an accreditation body shall require laboratories to meet in order to be included in the registry provided for under paragraph (1). In developing the model standards, the Secretary shall look to existing standards for guidance. The model standards shall include methods to ensure that—

“(A) appropriate sampling and rapid analytical procedures and commercially available techniques are followed and reports of analyses are certified as true and accurate;

“(B) internal quality systems are established and maintained;

“(C) procedures exist to evaluate and respond promptly to complaints regarding analyses and other activities for which the laboratory is recognized;

“(D) individuals who conduct the sampling and analyses are qualified by training and experience to do so; and

“(E) any other criteria determined appropriate by the Secretary.

“(4) **REVIEW OF ACCREDITATION.**—To ensure compliance with the requirements of this section, the Secretary shall—

“(A) periodically, or at least every 5 years, re-evaluate accreditation bodies recognized under paragraph (1); and

“(B) promptly revoke the recognition of any accreditation body found not to be in compliance with the requirements of this section, specifying, as appropriate, any terms and conditions necessary for laboratories accredited by such body to continue to perform testing as described in this section.

“(b) **TESTING PROCEDURES.**—

“(1) **IN GENERAL.**—Food testing shall be conducted by Federal laboratories or non-Federal laboratories that have been accredited by an accreditation body on the registry established by the Secretary under subsection (a)(1)(B) whenever such testing is conducted—

“(A) by or on behalf of an owner or consignee—

“(i) in response to a specific testing requirement under this Act or implementing regulations, when applied to address an identified or suspected food safety problem; and

“(ii) as required by the Secretary, as the Secretary deems appropriate, to address an identified or suspected food safety problem; and

“(B) on behalf of an owner or consignee—

“(i) in support of admission of an article of food under section 801(a); and

“(ii) under an Import Alert that requires successful consecutive tests.

“(2) **RESULTS OF TESTING.**—The results of any such testing shall be sent directly to the Food and Drug Administration, except the Secretary may by regulation exempt test results that do not have to be so submitted if the Secretary determines that such results do not contribute to the protection of public health. Test results required to be submitted may be submitted to the Food and Drug Administration through electronic means.

“(c) **REVIEW BY SECRETARY.**—If food sampling and testing performed by a laboratory run and operated by a State or locality that is accredited by an accreditation body on the registry established by the Secretary under subsection (a) result in a State recalling a food, the Secretary shall review the sampling and testing results for the purpose of determining the need for a national recall or other compliance and enforcement activities.

“(d) **NO LIMIT ON SECRETARIAL AUTHORITY.**—Nothing in this section shall be construed to limit the ability of the Secretary to review and act upon information from food testing, including determining the sufficiency of such information and testing.”

(b) **FOOD EMERGENCY RESPONSE NETWORK.**—The Secretary, in coordination with the Secretary of Agriculture, the Secretary of Homeland Security, and State, local, and tribal governments shall, not later than 180 days after the date of enactment of this Act, and biennially thereafter, submit to the relevant committees of Congress, and make publicly available on the Internet Web site of the Department of Health and Human Services, a report on the progress in implementing a national food emergency response laboratory network that—

(1) provides ongoing surveillance, rapid detection, and surge capacity for large-scale food-related emergencies, including intentional adulteration of the food supply;

(2) coordinates the food laboratory capacities of State, local, and private food laboratories, including the sharing of data between State lab-

oratories to develop national situational awareness;

(3) provides accessible, timely, accurate, and consistent food laboratory services throughout the United States;

(4) develops and implements a methods repository for use by Federal, State, and local officials;

(5) responds to food-related emergencies; and

(6) is integrated with relevant laboratory networks administered by other Federal agencies.

SEC. 203. INTEGRATED CONSORTIUM OF LABORATORY NETWORKS.

(a) **IN GENERAL.**—The Secretary of Homeland Security, in coordination with the Secretary of Health and Human Services, the Secretary of Agriculture, and the Administrator of the Environmental Protection Agency, shall maintain an agreement through which relevant laboratory network members, as determined by the Secretary of Homeland Security, shall—

(1) agree on common laboratory methods in order to facilitate the sharing of knowledge and information relating to animal health, agriculture, and human health;

(2) identify means by which each laboratory network member could work cooperatively—

(A) to optimize national laboratory preparedness; and

(B) to provide surge capacity during emergencies; and

(3) engage in ongoing dialogue and build relationships that will support a more effective and integrated response during emergencies.

(b) **REPORTING REQUIREMENT.**—The Secretary of Homeland Security shall, on a biennial basis, submit to the relevant committees of Congress, and make publicly available on the Internet Web site of the Department of Homeland Security, a report on the progress of the integrated consortium of laboratory networks, as established under subsection (a), in carrying out this section.

SEC. 204. ENHANCING TRACEBACK AND RECORD-KEEPING.

(a) **IN GENERAL.**—The Secretary, in consultation with the Secretary of Agriculture and representatives of State departments of health and agriculture, shall improve the capacity of the Secretary to effectively and rapidly track and trace, in the event of an outbreak, fruits and vegetables that are raw agricultural commodities.

(b) **PILOT PROJECTS.**—

(1) **IN GENERAL.**—Not later than 9 months after the date of enactment of this Act, the Secretary shall establish at least 3 pilot projects in coordination with the produce industry to explore and evaluate methods for rapidly and effectively tracking and tracing fruits and vegetables that are raw agricultural commodities so that, if an outbreak occurs involving such a fruit or vegetable, the Secretary may quickly identify, as soon as practicable, the source of the outbreak and the recipients of the contaminated food.

(2) **CONTENT.**—The Secretary shall select participants from the produce industry to run projects which overall shall include at least 3 different types of fruits or vegetables that have been the subject of outbreaks during the 5-year period preceding the date of enactment of this Act, and shall be selected in order to develop and demonstrate—

(A) methods that are applicable and appropriate for small businesses; and

(B) technologies, including existing technologies, that enhance traceback and trace forward.

(c) **REPORT.**—Not later than 18 months after the date of enactment of this Act, the Secretary shall report to Congress on the findings of the pilot projects under subsection (b) together with recommendations for establishing more effective

traceback and trace forward procedures for fruits and vegetables that are raw agricultural commodities.

(d) **TRACEBACK PERFORMANCE REQUIREMENTS.**

(1) **IN GENERAL.**—Not later than 3 years after the date of enactment of this Act, the Secretary shall publish a notice of proposed rulemaking to establish standards for the type of information, format, and timeframe for persons to submit records to aid the Secretary in effectively and rapidly tracking and tracing, in the event of a foodborne illness outbreak, fruits and vegetables that are raw agricultural commodities. In promulgating the regulations under this paragraph, the Secretary shall consider—

(A) the impact of such regulations on farms and small businesses;

(B) the findings in the report submitted under subsection (c); and

(C) existing international trade obligations.

(2) **LIMITATIONS.**

(A) **TYPE OF RECORDS.**—The Secretary shall not require an entity that is subject to the requirements of section 419 of the Federal Food, Drug, and Cosmetic Act (as added by section 105), but which is not a facility (as such term is defined by section 415 of such Act), to submit to the Secretary distribution records under this section other than distribution records that are kept in the normal course of business and that show the immediate subsequent recipient, other than a consumer.

(B) **MAINTENANCE OF RECORDS.**—Nothing in this section shall be construed as giving the Secretary the authority to prescribe specific technologies for the maintenance of records.

(e) **PUBLIC INPUT.**—During the comment period in the notice of proposed rulemaking under subsection (d), the Secretary shall conduct not less than 3 public meetings in diverse geographical areas of the United States to provide persons in different regions an opportunity to comment.

(f) **RAW AGRICULTURAL COMMODITY.**—In this section, the term “raw agricultural commodity” has the meaning given that term in section 201(r) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(r)).

SEC. 205. PILOT PROJECT TO ENHANCE TRACEBACK AND RECORDKEEPING WITH RESPECT TO PROCESSED FOOD.

(a) **IN GENERAL.**—As soon as practicable after the date of enactment of this Act, the Secretary shall establish a pilot project to explore and evaluate methods for rapidly and effectively tracking and tracing processed food so that, if an outbreak occurs involving such a processed food, the Secretary may quickly identify the source of the outbreak and the recipients of the contaminated food.

(b) **CONSULTATION.**—In establishing the pilot project under subsection (a), the Secretary shall consult with food processors and relevant businesses of varying size.

(c) **CONTENT.**—The Secretary shall select participants from the processed food industry to run a project which overall shall include 1 or more different types of processed food that have been the subject of outbreaks during the 5-year period preceding the date of enactment of this Act and shall be selected in order to develop and demonstrate—

(1) methods that are applicable and appropriate for small businesses; and

(2) technologies, including existing technologies, that enhance traceback and trace forward.

(d) **REPORT.**—The Secretary shall report to Congress on the findings of the pilot project under this section, together with recommendations for establishing more effective traceback and trace forward procedures for processed food.

(e) **PROCESSED FOOD.**—In this section, the term “processed food” has the meaning given such term in section 201(gg) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(gg)).

SEC. 206. SURVEILLANCE.

(a) **DEFINITION OF FOODBORNE ILLNESS OUTBREAK.**—In this section, the term “foodborne illness outbreak” means the occurrence of 2 or more cases of a similar illness resulting from the ingestion of a food.

(b) **FOODBORNE ILLNESS SURVEILLANCE SYSTEMS.**

(1) **IN GENERAL.**—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, shall enhance foodborne illness surveillance systems to improve the collection, analysis, reporting, and usefulness of data on foodborne illnesses by—

(A) coordinating Federal, State and local foodborne illness surveillance systems, including complaint systems, and increasing participation in national networks of public health and food regulatory agencies and laboratories;

(B) facilitating sharing of findings on a more timely basis among governmental agencies, including the Food and Drug Administration, the Department of Agriculture, and State and local agencies, and with the public;

(C) developing improved epidemiological tools for obtaining quality exposure data and microbiological methods for classifying cases;

(D) augmenting such systems to improve attribution of a foodborne illness outbreak to a specific food;

(E) expanding capacity of such systems, including working toward automatic electronic searches, for implementation of identification practices, including fingerprinting strategies, for foodborne infectious agents, in order to identify new or rarely documented causes of foodborne illness and submit standardized information to a centralized database;

(F) allowing timely public access to aggregated, de-identified surveillance data;

(G) at least annually, publishing current reports on findings from such systems;

(H) establishing a flexible mechanism for rapidly initiating scientific research by academic institutions;

(I) integrating foodborne illness surveillance systems and data with other biosurveillance and public health situational awareness capabilities at the Federal, State, and local levels; and

(J) other activities as determined appropriate by the Secretary.

(2) **PARTNERSHIPS.**—The Secretary shall support and maintain a diverse working group of experts and stakeholders from Federal, State, and local food safety and health agencies, the food and food testing industries, consumer organizations, and academia. Such working group shall provide the Secretary, through at least annual meetings of the working group and an annual public report, advice and recommendations on an ongoing and regular basis regarding the improvement of foodborne illness surveillance and implementation of this section, including advice and recommendations on—

(A) the priority needs of regulatory agencies, the food industry, and consumers for information and analysis on foodborne illness and its causes;

(B) opportunities to improve the effectiveness of initiatives at the Federal, State, and local levels, including coordination and integration of activities among Federal agencies, and between the Federal, State, and local levels of government;

(C) improvement in the timeliness and depth of access by regulatory and health agencies, the food industry, academic researchers, and consumers to foodborne illness aggregated, de-identified surveillance data collected by government agencies at all levels, including data compiled

by the Centers for Disease Control and Prevention;

(D) key barriers to improvement in foodborne illness surveillance and its utility for preventing foodborne illness at Federal, State, and local levels;

(E) the capabilities needed for establishing automatic electronic searches of surveillance data; and

(F) specific actions to reduce barriers to improvement, implement the working group's recommendations, and achieve the purposes of this section, with measurable objectives and timelines, and identification of resource and staffing needs.

(c) **IMPROVING FOOD SAFETY AND DEFENSE CAPACITY AT THE STATE AND LOCAL LEVEL.**

(1) **IN GENERAL.**—The Secretary shall develop and implement strategies to leverage and enhance the food safety and defense capacities of State and local agencies in order to achieve the following goals:

(A) Improve foodborne illness outbreak response and containment.

(B) Accelerate foodborne illness surveillance and outbreak investigation, including rapid shipment of clinical isolates from clinical laboratories to appropriate State laboratories, and conducting more standardized illness outbreak interviews.

(C) Strengthen the capacity of State and local agencies to carry out inspections and enforce safety standards.

(D) Improve the effectiveness of Federal, State, and local partnerships to coordinate food safety and defense resources and reduce the incidence of foodborne illness.

(E) Share information on a timely basis among public health and food regulatory agencies, with the food industry, with health care providers, and with the public.

(F) Strengthen the capacity of State and local agencies to achieve the goals described in section 108.

(2) **REVIEW.**—In developing of the strategies required by paragraph (1), the Secretary shall, not later than 1 year after the date of enactment of the FDA Food Safety Modernization Act, complete a review of State and local capacities, and needs for enhancement, which may include a survey with respect to—

(A) staffing levels and expertise available to perform food safety and defense functions;

(B) laboratory capacity to support surveillance, outbreak response, inspection, and enforcement activities;

(C) information systems to support data management and sharing of food safety and defense information among State and local agencies and with counterparts at the Federal level; and

(D) other State and local activities and needs as determined appropriate by the Secretary.

(d) **FOOD SAFETY CAPACITY BUILDING GRANTS.**—Section 317R(b) of the Public Health Service Act (42 U.S.C. 247b–20(b)) is amended—

(1) by striking “2002” and inserting “2010”; and

(2) by striking “2003 through 2006” and inserting “2011 through 2014”.

SEC. 207. MANDATORY RECALL AUTHORITY.

(a) **IN GENERAL.**—Chapter IV (21 U.S.C. 341 et seq.), as amended by section 202, is amended by adding at the end the following:

“SEC. 423. MANDATORY RECALL AUTHORITY.

“(a) **VOLUNTARY PROCEDURES.**—If the Secretary determines, based on information gathered through the reportable food registry under section 417 or through any other means, that there is a reasonable probability that an article of food (other than infant formula) is adulterated under section 402 or misbranded under section 403(w) and the use of or exposure to such article will cause serious adverse health consequences or death to humans or animals, the

Secretary shall provide the responsible party (as defined in section 417) with an opportunity to cease distribution and recall such article.

“(b) **PREHEARING ORDER TO CEASE DISTRIBUTION AND GIVE NOTICE.**—If the responsible party refuses to or does not voluntarily cease distribution or recall such article within the time and in the manner prescribed by the Secretary (if so prescribed), the Secretary may, by order require, as the Secretary deems necessary, such person to—

“(1) immediately cease distribution of such article; and

“(2) as applicable, immediately notify all persons—

“(A) manufacturing, processing, packing, transporting, distributing, receiving, holding, or importing and selling such article; and

“(B) to which such article has been distributed, transported, or sold, to immediately cease distribution of such article.

“(c) **HEARING ON ORDER.**—The Secretary shall provide the responsible party subject to an order under subsection (b) with an opportunity for an informal hearing, to be held as soon as possible, but not later than 2 days after the issuance of the order, on the actions required by the order and on why the article that is the subject of the order should not be recalled.

“(d) **POST-HEARING RECALL ORDER AND MODIFICATION OF ORDER.**—

“(1) **AMENDMENT OF ORDER.**—If, after providing opportunity for an informal hearing under subsection (c), the Secretary determines that removal of the article from commerce is necessary, the Secretary shall, as appropriate—

“(A) amend the order to require recall of such article or other appropriate action;

“(B) specify a timetable in which the recall shall occur;

“(C) require periodic reports to the Secretary describing the progress of the recall; and

“(D) provide notice to consumers to whom such article was, or may have been, distributed.

“(2) **VACATING OF ORDER.**—If, after such hearing, the Secretary determines that adequate grounds do not exist to continue the actions required by the order, or that such actions should be modified, the Secretary shall vacate the order or modify the order.

“(e) **COOPERATION AND CONSULTATION.**—The Secretary shall work with State and local public health officials in carrying out this section, as appropriate.

“(f) **PUBLIC NOTIFICATION.**—In conducting a recall under this section, the Secretary shall—

“(1) ensure that a press release is published regarding the recall, as well as alerts and public notices, as appropriate, in order to provide notification—

“(A) of the recall to consumers and retailers to whom such article was, or may have been, distributed; and

“(B) that includes, at a minimum—

“(i) the name of the article of food subject to the recall; and

“(ii) a description of the risk associated with such article;

“(2) consult the policies of the Department of Agriculture regarding providing to the public a list of retail consignees receiving products involved in a Class I recall and shall consider providing such a list to the public, as determined appropriate by the Secretary; and

“(3) if available, publish on the Internet Web site of the Food and Drug Administration an image of the article that is the subject of the press release described in (1).

“(g) **NO DELEGATION.**—The authority conferred by this section to order a recall or vacate a recall order shall not be delegated to any officer or employee other than the Commissioner.

“(h) **EFFECT.**—Nothing in this section shall affect the authority of the Secretary to request or participate in a voluntary recall.”.

(b) **SEARCH ENGINE.**—Not later than 90 days after the date of enactment of this Act, the Secretary shall modify the Internet Web site of the Food and Drug Administration to include a search engine that—

(1) is consumer-friendly, as determined by the Secretary; and

(2) provides a means by which an individual may locate relevant information regarding each article of food subject to a recall under section 420 of the Federal Food, Drug, and Cosmetic Act and the status of such recall (such as whether a recall is ongoing or has been completed).

(c) **CIVIL PENALTY.**—Section 303(f)(2)(A) (21 U.S.C. 333(f)(2)(A)) is amended by inserting “or any person who does not comply with a recall order under section 423” after “section 402(a)(2)(B)”.

(d) **PROHIBITED ACTS.**—Section 301 (21 U.S.C. 331 et seq.), as amended by section 106, is amended by adding at the end the following:

“(xx) The refusal or failure to follow an order under section 423.”.

SEC. 208. ADMINISTRATIVE DETENTION OF FOOD.

(a) **IN GENERAL.**—Section 304(h)(1)(A) (21 U.S.C. 334(h)(1)(A)) is amended by—

(1) striking “credible evidence or information indicating” and inserting “reason to believe”; and

(2) striking “presents a threat of serious adverse health consequences or death to humans or animals” and inserting “is adulterated or misbranded”.

(b) **REGULATIONS.**—Not later than 120 days after the date of enactment of this Act, the Secretary shall issue an interim final rule amending subpart K of part 1 of title 21, Code of Federal Regulations, to implement the amendment made by this section.

(c) **EFFECTIVE DATE.**—The amendment made by this section shall take effect 180 days after the date of enactment of this Act.

SEC. 209. DECONTAMINATION AND DISPOSAL STANDARDS AND PLANS.

(a) **IN GENERAL.**—The Administrator of the Environmental Protection Agency (referred to in this section as the “Administrator”), in coordination with the Secretary of Health and Human Services, Secretary of Homeland Security, and Secretary of Agriculture, shall provide support for, and technical assistance to, State, local, and tribal governments in preparing for, assessing, decontaminating, and recovering from an agriculture or food emergency.

(b) **DEVELOPMENT OF STANDARDS.**—In carrying out subsection (a), the Administrator, in coordination with the Secretary of Health and Human Services, Secretary of Homeland Security, Secretary of Agriculture, and State, local, and tribal governments, shall develop and disseminate specific standards and protocols to undertake clean-up, clearance, and recovery activities following the decontamination and disposal of specific threat agents and foreign animal diseases.

(c) **DEVELOPMENT OF MODEL PLANS.**—In carrying out subsection (a), the Administrator, the Secretary of Health and Human Services, and the Secretary of Agriculture shall jointly develop and disseminate model plans for—

(1) the decontamination of individuals, equipment, and facilities following an intentional contamination of agriculture or food; and

(2) the disposal of large quantities of animals, plants, or food products that have been infected or contaminated by specific threat agents and foreign animal diseases.

(d) **EXERCISES.**—In carrying out subsection (a), the Administrator, in coordination with the entities described under subsection (b), shall conduct exercises at least annually to evaluate and identify weaknesses in the decontamination and disposal model plans described in subsection (c). Such exercises shall be carried out, to the

maximum extent practicable, as part of the national exercise program under section 648(b)(1) of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 748(b)(1)).

(e) **MODIFICATIONS.**—Based on the exercises described in subsection (d), the Administrator, in coordination with the entities described in subsection (b), shall review and modify as necessary the plans described in subsection (c) not less frequently than biennially.

(f) **PRIORITIZATION.**—The Administrator, in coordination with the entities described in subsection (b), shall develop standards and plans under subsections (b) and (c) in an identified order of priority that takes into account—

(1) highest-risk biological, chemical, and radiological threat agents;

(2) agents that could cause the greatest economic devastation to the agriculture and food system; and

(3) agents that are most difficult to clean or remediate.

SEC. 210. IMPROVING THE TRAINING OF STATE, LOCAL, TERRITORIAL, AND TRIBAL FOOD SAFETY OFFICIALS.

Chapter X (21 U.S.C. 391 et seq.) is amended by adding at the end the following:

“SEC. 1011. IMPROVING THE TRAINING OF STATE, LOCAL, TERRITORIAL, AND TRIBAL FOOD SAFETY OFFICIALS.

“(a) **TRAINING.**—The Secretary shall set standards and administer training and education programs for the employees of State, local, territorial, and tribal food safety officials relating to the regulatory responsibilities and policies established by this Act, including programs for—

“(1) scientific training;

“(2) training to improve the skill of officers and employees authorized to conduct inspections under sections 702 and 704;

“(3) training to achieve advanced product or process specialization in such inspections;

“(4) training that addresses best practices;

“(5) training in administrative process and procedure and integrity issues;

“(6) training in appropriate sampling and laboratory analysis methodology; and

“(7) training in building enforcement actions following inspections, examinations, testing, and investigations.

“(b) **PARTNERSHIPS WITH STATE AND LOCAL OFFICIALS.**—

“(1) **IN GENERAL.**—The Secretary, pursuant to a contract or memorandum of understanding between the Secretary and the head of a State, local, territorial, or tribal department or agency, is authorized and encouraged to conduct examinations, testing, and investigations for the purposes of determining compliance with the food safety provisions of this Act through the officers and employees of such State, local, territorial, or tribal department or agency.

“(2) **CONTENT.**—A contract or memorandum described under paragraph (1) shall include provisions to ensure adequate training of such officers and employees to conduct such examinations, testing, and investigations. The contract or memorandum shall contain provisions regarding reimbursement. Such provisions may, at the sole discretion of the head of the other department or agency, require reimbursement, in whole or in part, from the Secretary for the examinations, testing, or investigations performed pursuant to this section by the officers or employees of the State, territorial, or tribal department or agency.

“(3) **EFFECT.**—Nothing in this subsection shall be construed to limit the authority of the Secretary under section 702.

“(c) **EXTENSION SERVICE.**—The Secretary shall ensure coordination with the extension activities of the National Institute of Food and Agriculture of the Department of Agriculture in advising producers and small processors

transitioning into new practices required as a result of the enactment of the FDA Food Safety Modernization Act and assisting regulated industry with compliance with such Act.

“(d) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated such sums as may be necessary to carry out this section for fiscal years 2011 through 2015.”.

SEC. 211. GRANTS TO ENHANCE FOOD SAFETY.

Section 1009 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 399) is amended to read as follows:

“SEC. 1009. GRANTS TO ENHANCE FOOD SAFETY.

“(a) **IN GENERAL.**—The Secretary is authorized to make grants to States, localities, territories, and Indian tribes (as defined in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e))) to—

“(1) undertake examinations, inspections, and investigations, and related food safety activities under section 702;

“(2) train to the standards of the Secretary for the examination, inspection, and investigation of food manufacturing, processing, packing, holding, distribution, and importation, including as such examination, inspection, and investigation relate to retail food establishments;

“(3) build the capacity of the laboratories of such State, locality, territory, or Indian tribe for food safety;

“(4) build the infrastructure and capacity of the food safety programs of such State, locality, territory, or Indian tribe to meet the standards as outlined in the grant application; and

“(5) take appropriate action to protect the public health in response to—

“(A) a notification under section 1008, including planning and otherwise preparing to take such action; or

“(B) a recall of food under this Act.

“(b) **APPLICATION.**—

“(1) **IN GENERAL.**—To be eligible to receive a grant under this section, a State, locality, territory, or Indian tribe shall submit an application to the Secretary at such time, in such manner, and including such information as the Secretary may reasonably require.

“(2) **CONTENTS.**—Each application submitted under paragraph (1) shall include—

“(A) an assurance that the State, locality, territory, or Indian tribe has developed plans to engage in the types of activities described in subsection (a);

“(B) a description of the types of activities to be funded by the grant;

“(C) an itemization of how grant funds received under this section will be expended;

“(D) a description of how grant activities will be monitored; and

“(E) an agreement by the State, locality, territory, or Indian tribe to report information required by the Secretary to conduct evaluations under this section.

“(c) **LIMITATIONS.**—The funds provided under subsection (a) shall be available to a State, locality, territory, or Indian tribe only to the extent such State, locality, territory, or Indian tribe funds its food safety programs independently of any grant under this section in each year of the grant at a level equal to the level of such funding in the previous year, increased by the Consumer Price Index.

“(d) **ADDITIONAL AUTHORITY.**—The Secretary may—

“(1) award a grant under this section in each subsequent fiscal year without reapplication for a period of not more than 3 years, provided the requirements of subsection (c) are met for the previous fiscal year; and

“(2) award a grant under this section in a fiscal year for which the requirement of subsection (c) has not been met only if such requirement was not met because such funding was diverted for response to 1 or more natural disasters or in

other extenuating circumstances that the Secretary may determine appropriate.

“(e) **DURATION OF AWARDS.**—The Secretary may award grants to an individual grant recipient under this section for a period of not more than 3 years. In the event the Secretary conducts a program evaluation, funding in the second year or third year of the grant, where applicable, shall be contingent on a successful program evaluation by the Secretary after the first year.

“(f) **PROGRESS AND EVALUATION.**—A grant recipient shall at the end of each year provide the Secretary with information on how grant funds were spent and the status of the efforts by such recipient to enhance food safety.

“(g) **SUPPLEMENT NOT SUPPLANT.**—Grant funds received under this section shall be used to supplement, and not supplant, non-Federal funds and any other Federal funds available to carry out the activities described in this section.

“(h) **AUTHORIZATION OF APPROPRIATIONS.**—For the purpose of making grants under this section, there are authorized to be appropriated such sums as may be necessary for fiscal years 2011 through 2015.”.

TITLE III—IMPROVING THE SAFETY OF IMPORTED FOOD

SEC. 301. FOREIGN SUPPLIER VERIFICATION PROGRAM.

(a) **IN GENERAL.**—Chapter VIII (21 U.S.C. 381 et seq.) is amended by adding at the end the following:

“SEC. 805. FOREIGN SUPPLIER VERIFICATION PROGRAM.

“(a) **IN GENERAL.**—

“(1) **VERIFICATION REQUIREMENT.**—Each importer shall perform risk-based foreign supplier verification activities for the purpose of verifying that the food imported by the importer or its agent is—

“(A) produced in compliance with the requirements of section 418 or 419, as appropriate; and

“(B) is not adulterated under section 402 or misbranded under section 403(w).

“(2) **IMPORTER DEFINED.**—For purposes of this section, the term ‘importer’ means, with respect to an article of food—

“(A) the United States owner or consignee of the article of food at the time of entry of such article into the United States; or

“(B) in the case when there is no United States owner or consignee as described in subparagraph (A), the United States agent or representative of a foreign owner or consignee of the article of food at the time of entry of such article into the United States.

“(b) **GUIDANCE.**—Not later than 1 year after the date of enactment of the FDA Food Safety Modernization Act, the Secretary shall issue guidance to assist importers in developing foreign supplier verification programs.

“(c) **REGULATIONS.**—

“(1) **IN GENERAL.**—Not later than 1 year after the date of enactment of the FDA Food Safety Modernization Act, the Secretary shall promulgate regulations to provide for the content of the foreign supplier verification program established under subsection (a). Such regulations shall, as appropriate, include a process for verification by an importer, with respect to each foreign supplier from which it obtains food, that the imported food is produced in compliance with the requirements of section 418 or 419, as appropriate, and is not adulterated under section 402 or misbranded under section 403(w).

“(2) **VERIFICATION.**—The regulations under paragraph (1) shall require that the foreign supplier verification program of each importer be adequate to provide assurances that each foreign supplier to the importer produces the imported food employing processes and procedures, including risk-based reasonably appropriate preventive controls, equivalent in preventing

adulteration and reducing hazards to those required by section 418 or section 419, as appropriate.

“(3) **ACTIVITIES.**—Verification activities under a foreign supplier verification program under this section may include monitoring records for shipments, lot-by-lot certification of compliance, annual on-site inspections, checking the hazard analysis and risk-based preventive control plan of the foreign supplier, and periodically testing and sampling shipments.

“(d) **RECORD MAINTENANCE AND ACCESS.**—Records of an importer related to a foreign supplier verification program shall be maintained for a period of not less than 2 years and shall be made available promptly to a duly authorized representative of the Secretary upon request.

“(e) **DEEMED COMPLIANCE OF SEAFOOD, JUICE, AND LOW-ACID CANNED FOOD FACILITIES IN COMPLIANCE WITH HACCP.**—The owner, operator, or agent in charge of a facility required to comply with 1 of the following standards and regulations with respect to such facility shall be deemed to be in compliance with this section with respect to such facility:

“(1) The Seafood Hazard Analysis Critical Control Points Program of the Food and Drug Administration.

“(2) The Juice Hazard Analysis Critical Control Points Program of the Food and Drug Administration.

“(3) The Thermally Processed Low-Acid Foods Packaged in Hermetically Sealed Containers standards of the Food and Drug Administration (or any successor standards).

“(f) **PUBLICATION OF LIST OF PARTICIPANTS.**—The Secretary shall publish and maintain on the Internet Web site of the Food and Drug Administration a current list that includes the name of, location of, and other information deemed necessary by the Secretary about, importers participating under this section.”.

(b) **PROHIBITED ACT.**—Section 301 (21 U.S.C. 331), as amended by section 207, is amended by adding at the end the following:

“(yy) The importation or offering for importation of a food if the importer (as defined in section 805) does not have in place a foreign supplier verification program in compliance with such section 805.”.

(c) **IMPORTS.**—Section 801(a) (21 U.S.C. 381(a)) is amended by adding “or the importer (as defined in section 805) is in violation of such section 805” after “or in violation of section 505”.

(d) **EFFECTIVE DATE.**—The amendments made by this section shall take effect 2 years after the date of enactment of this Act.

SEC. 302. VOLUNTARY QUALIFIED IMPORTER PROGRAM.

Chapter VIII (21 U.S.C. 381 et seq.), as amended by section 301, is amended by adding at the end the following:

“SEC. 806. VOLUNTARY QUALIFIED IMPORTER PROGRAM.

“(a) **IN GENERAL.**—Beginning not later than 1 year after the date of enactment of the FDA Food Safety Modernization Act, the Secretary shall—

“(1) establish a program, in consultation with the Secretary of Homeland Security, to provide for the expedited review and importation of food offered for importation by importers who have voluntarily agreed to participate in such program; and

“(2) issue a guidance document related to participation and compliance with such program.

“(b) **VOLUNTARY PARTICIPATION.**—An importer may request the Secretary to provide for the expedited review and importation of designated foods in accordance with the program procedures established by the Secretary.

“(c) **ELIGIBILITY.**—Eligibility shall be limited to an importer offering food for importation from a facility that has a certification described

in section 809(b). In reviewing the applications and making determinations on such requests, the Secretary shall consider the risk of the food to be imported based on factors, such as the following:

“(1) The nature of the food to be imported.

“(2) The compliance history of the foreign supplier.

“(3) The capability of the regulatory system of the country of export to ensure compliance with United States food safety standards.

“(4) The compliance of the importer with the requirements of section 805.

“(5) The recordkeeping, testing, inspections and audits of facilities, traceability of articles of food, temperature controls, and sourcing practices of the importer.

“(6) The potential risk for intentional adulteration of the food.

“(7) Any other factor that the Secretary determines appropriate.

“(d) **REVIEW AND REVOCATION.**—Any importer qualified by the Secretary in accordance with the eligibility criteria set forth in this section shall be reevaluated not less often than once every 3 years and the Secretary shall promptly revoke the qualified importer status of any importer found not to be in compliance with such criteria.

“(e) **NOTICE OF INTENT TO PARTICIPATE.**—An importer that intends to participate in the program under this section in a fiscal year shall submit a notice to the Secretary of such intent at time and in a manner established by the Secretary.

“(f) **FALSE STATEMENTS.**—Any statement or representation made by an importer to the Secretary shall be subject to section 1001 of title 18, United States Code.

“(g) **DEFINITION.**—For purposes of this section, the term ‘importer’ means the person that brings food, or causes food to be brought, from a foreign country into the customs territory of the United States.”.

SEC. 303. AUTHORITY TO REQUIRE IMPORT CERTIFICATIONS FOR FOOD.

(a) **IN GENERAL.**—Section 801(a) (21 U.S.C. 381(a)) is amended by inserting after the third sentence the following: “With respect to an article of food, if importation of such food is subject to, but not compliant with, the requirement under subsection (q) that such food be accompanied by a certification or other assurance that the food meets some or all applicable requirements of this Act, then such article shall be refused admission.”.

(b) **ADDITION OF CERTIFICATION REQUIREMENT.**—Section 801 (21 U.S.C. 381) is amended by adding at the end the following new subsection:

“(q) **CERTIFICATIONS CONCERNING IMPORTED FOODS.**—

“(1) **IN GENERAL.**—The Secretary, based on public health considerations, including risks associated with the food or its place of origin, may require as a condition of granting admission to an article of food imported or offered for import into the United States, that an entity specified in paragraph (2) provide a certification or such other assurances as the Secretary determines appropriate that the article of food complies with some or all applicable requirements of this Act, as specified by the Secretary. Such certification or assurances may be provided in the form of shipment-specific certificates, a listing of certified entities, or in such other form as the Secretary may specify. Such certification shall be used for designated food imported from countries with which the Food and Drug Administration has an agreement to establish a certification program.

“(2) **CERTIFYING ENTITIES.**—For purposes of paragraph (1), entities that shall provide the certification or assurances described in such paragraph are—

“(A) an agency or a representative of the government of the country from which the article of food at issue originated, as designated by such government or the Secretary; or

“(B) such other persons or entities accredited pursuant to section 809 to provide such certification or assurance.

“(3) **RENEWAL AND REFUSAL OF CERTIFICATIONS.**—The Secretary may—

“(A) require that any certification or other assurance provided by an entity specified in paragraph (2) be renewed by such entity at such times as the Secretary determines appropriate; and

“(B) refuse to accept any certification or assurance if the Secretary determines that such certification or assurance is not valid or reliable.

“(4) **ELECTRONIC SUBMISSION.**—The Secretary shall provide for the electronic submission of certifications under this subsection.

“(5) **FALSE STATEMENTS.**—Any statement or representation made by an entity described in paragraph (2) to the Secretary shall be subject to section 1001 of title 18, United States Code.”.

(c) **CONFORMING TECHNICAL AMENDMENT.**—Section 801(b) (21 U.S.C. 381(b)) is amended in the second sentence by striking “with respect to an article included within the provision of the fourth sentence of subsection (a)” and inserting “with respect to an article described in subsection (a) relating to the requirements of sections 760 or 761.”.

(d) **NO LIMIT ON AUTHORITY.**—Nothing in the amendments made by this section shall limit the authority of the Secretary to conduct inspections of imported food or to take such other steps as the Secretary deems appropriate to determine the admissibility of imported food.

SEC. 304. PRIOR NOTICE OF IMPORTED FOOD SHIPMENTS.

(a) **IN GENERAL.**—Section 801(m)(1) (21 U.S.C. 381(m)(1)) is amended by inserting “any country to which the article has been refused entry,” after “the country from which the article is shipped;”.

(b) **REGULATIONS.**—Not later than 120 days after the date of enactment of this Act, the Secretary shall issue an interim final rule amending subpart I of part 1 of title 21, Code of Federal Regulations, to implement the amendment made by this section.

(c) **EFFECTIVE DATE.**—The amendment made by this section shall take effect 180 days after the date of enactment of this Act.

SEC. 305. REVIEW OF A REGULATORY AUTHORITY OF A FOREIGN COUNTRY.

Chapter VIII (21 U.S.C. 381 et seq.), as amended by section 302, is amended by adding at the end the following:

“**SEC. 807. REVIEW OF A REGULATORY AUTHORITY OF A FOREIGN COUNTRY.**

“The Secretary may review information from a country outlining the statutes, regulations, standards, and controls of such country, and conduct on-site audits in such country to verify the implementation of those statutes, regulations, standards, and controls. Based on such review, the Secretary shall determine whether such country can provide reasonable assurances that the food supply of the country meets or exceeds the safety of food manufactured, processed, packed, or held in the United States.”.

SEC. 306. BUILDING CAPACITY OF FOREIGN GOVERNMENTS WITH RESPECT TO FOOD.

(a) **IN GENERAL.**—The Secretary shall, not later than 2 years of the date of enactment of this Act, develop a comprehensive plan to expand the technical, scientific, and regulatory capacity of foreign governments, and their respective food industries, from which foods are exported to the United States.

(b) **CONSULTATION.**—In developing the plan under subsection (a), the Secretary shall consult

with the Secretary of Agriculture, Secretary of State, Secretary of the Treasury, the United States Trade Representative, and the Secretary of Commerce, representatives of the food industry, appropriate foreign government officials, nongovernmental organizations that represent the interests of consumers, and other stakeholders.

(c) **PLAN.**—The plan developed under subsection (a) shall include, as appropriate, the following:

(1) Recommendations for bilateral and multilateral arrangements and agreements, including provisions to provide for responsibility of exporting countries to ensure the safety of food.

(2) Provisions for secure electronic data sharing.

(3) Provisions for mutual recognition of inspection reports.

(4) Training of foreign governments and food producers on United States requirements for safe food.

(5) Recommendations on whether and how to harmonize requirements under the Codex Alimentarius.

(6) Provisions for the multilateral acceptance of laboratory methods and detection techniques.

(d) **RULE OF CONSTRUCTION.**—Nothing in this section shall be construed to affect the regulation of dietary supplements under the Dietary Supplement Health and Education Act of 1994 (Public Law 103-417).

SEC. 307. INSPECTION OF FOREIGN FOOD FACILITIES.

Chapter VIII (21 U.S.C. 381 et seq.), as amended by section 305, is amended by inserting at the end the following:

“**SEC. 808. INSPECTION OF FOREIGN FOOD FACILITIES.**

“(a) **INSPECTION.**—The Secretary—

“(1) may enter into arrangements and agreements with foreign governments to facilitate the inspection of foreign facilities registered under section 415; and

“(2) shall direct resources to inspections of foreign facilities, suppliers, and food types, especially such facilities, suppliers, and food types that present a high risk (as identified by the Secretary), to help ensure the safety and security of the food supply of the United States.

“(b) **EFFECT OF INABILITY TO INSPECT.**—Notwithstanding any other provision of law, food shall be refused admission into the United States if it is from a foreign facility registered under section 415 of which the owner, operator, or agent in charge of the facility, or the government of the foreign country, refuses to permit entry of United States inspectors, upon request, to inspect such facility. For purposes of this subsection, such an owner, operator, or agent in charge shall be considered to have refused an inspection if such owner, operator, or agent in charge refuses such a request to inspect a facility more than 2 business days after such request is submitted.”.

SEC. 308. ACCREDITATION OF THIRD-PARTY AUDITORS AND AUDIT AGENTS.

Chapter VIII (21 U.S.C. 381 et seq.), as amended by section 307, is amended by adding at the end the following:

“**SEC. 809. ACCREDITATION OF THIRD-PARTY AUDITORS AND AUDIT AGENTS.**

“(a) **DEFINITIONS.**—In this section:

“(1) **ACCREDITED AUDIT AGENT.**—The term ‘accredited audit agent’ means an audit agent accredited by an accreditation body under this section.

“(2) **AUDIT AGENT.**—The term ‘audit agent’ means an individual who is qualified to conduct food safety audits, and who may be an employee or an agent of a third-party auditor.

“(3) **ACCREDITATION BODY.**—The term ‘accreditation body’ means a recognized authority that performs accreditation of third-party auditors and audit agents.

“(4) ACCREDITED THIRD-PARTY AUDITOR.—The term ‘accredited third-party auditor’ means a third-party auditor accredited by an accreditation body under this section.

“(5) CONSULTATIVE AUDIT.—The term ‘consultative audit’ means an audit of an eligible entity—

“(A) to determine whether such entity is in compliance with the provisions of this Act and with applicable industry standards and practices; and

“(B) the results of which are for internal facility purposes only.

“(6) ELIGIBLE ENTITY.—The term ‘eligible entity’ means a foreign entity, including a foreign facility registered under section 415, in the food import supply chain that chooses to be audited by an accredited third-party auditor or audit agent.

“(7) REGULATORY AUDIT.—The term ‘regulatory audit’ means an audit of an eligible entity—

“(A) to determine whether such entity is in compliance with the provisions of this Act; and

“(B) the results of which determine—

“(i) whether an entity is eligible to receive a certification under section 801(q); and

“(ii) whether the entity is eligible to participate in the voluntary qualified importer program under section 806.

“(8) THIRD-PARTY AUDITOR.—The term ‘third-party auditor’ means a foreign government, foreign cooperative, or any other qualified third party, as the Secretary determines appropriate, that conducts audits of eligible entities to certify that such eligible entities meet the applicable requirements of this section.

“(b) ACCREDITATION SYSTEM.—

“(1) ACCREDITATION BODIES.—

“(A) RECOGNITION OF ACCREDITATION BODIES.—

“(i) IN GENERAL.—Not later than 2 years after the date of enactment of the FDA Food Safety Modernization Act, the Secretary shall establish a system for the recognition of accreditation bodies that accredit third-party auditors and audit agents to certify that eligible entities meet the applicable requirements of this Act.

“(ii) DIRECT ACCREDITATION.—If, by the date that is 1 year after the date of establishment of the system described in clause (i), the Secretary has not identified and recognized an accreditation body to meet the requirements of this section, the Secretary may directly accredit third-party auditors and audit agents.

“(B) NOTIFICATION.—Each accreditation body recognized by the Secretary shall submit to the Secretary a list of all accredited third-party auditors and audit agents accredited by such body.

“(C) REVOCATION OF RECOGNITION AS AN ACCREDITATION BODY.—The Secretary shall promptly revoke the recognition of any accreditation body found not to be in compliance with the requirements of this section.

“(2) MODEL ACCREDITATION STANDARDS.—The Secretary shall develop model standards, including audit report requirements, and each recognized accreditation body shall ensure that third-party auditors and audit agents meet such standards in order to qualify as an accredited third-party auditor or audit agent under this section. In developing the model standards, the Secretary shall look to standards in place on the date of the enactment of this section for guidance, to avoid unnecessary duplication of efforts and costs.

“(c) THIRD-PARTY AUDITORS AND AUDIT AGENTS.—

“(1) REQUIREMENTS FOR ACCREDITATION AS A THIRD-PARTY AUDITOR OR AUDIT AGENT.—

“(A) FOREIGN GOVERNMENTS.—Prior to accrediting a foreign government as an accredited third-party auditor, the accreditation body (or,

in the case of direct accreditation under subsection (b)(1)(A)(ii), the Secretary) shall perform such reviews and audits of food safety programs, systems, and standards of the government as the Secretary deems necessary to determine that the foreign government is capable of adequately ensuring that eligible entities certified by such government meet the requirements of this Act with respect to food manufactured, processed, packed, or held for import into the United States.

“(B) FOREIGN COOPERATIVES AND OTHER THIRD PARTIES.—Prior to accrediting a foreign cooperative that aggregates the products of growers or processors, or any other third party that the Secretary determines appropriate to be an accredited third-party auditor or audit agent, the accreditation body (or, in the case of direct accreditation under subsection (b)(1)(A)(ii), the Secretary) shall perform such reviews and audits of the training and qualifications of auditors used by that cooperative or party and conduct such reviews of internal systems and such other investigation of the cooperative or party as the Secretary deems necessary to determine that each eligible entity certified by the cooperative or party has systems and standards in use to ensure that such entity meets the requirements of this Act.

“(2) REQUIREMENT TO ISSUE CERTIFICATION OF ELIGIBLE ENTITIES.—

“(A) IN GENERAL.—An accreditation body (or, in the case of direct accreditation under subsection (b)(1)(A)(ii), the Secretary) may not accredit a third-party auditor or audit agent unless such third-party auditor or audit agent agrees to issue a written and electronic certification to accompany each food shipment for import into the United States from an eligible entity certified by the third-party auditor or audit agent, subject to requirements set forth by the Secretary. Such written certification may be included with other documentation regarding such food shipment. The Secretary shall consider such certificates when targeting inspection resources under section 421.

“(B) PURPOSE OF CERTIFICATION.—The Secretary shall use evidence of certification provided by accredited third-party auditors and audit agents to—

“(i) determine the eligibility of an importer to receive a certification under section 801(q); and

“(ii) determine the eligibility of an importer to participate in the voluntary qualified importer program under section 806.

“(3) AUDIT REPORT REQUIREMENTS.—

“(A) REQUIREMENTS IN GENERAL.—As a condition of accreditation, an accredited third-party auditor or audit agent shall prepare the audit report for an audit, in a form and manner designated by the Secretary, which shall include—

“(i) the identity of the persons at the audited eligible entity responsible for compliance with food safety requirements;

“(ii) the dates of the audit;

“(iii) the scope of the audit; and

“(iv) any other information required by the Secretary that relate to or may influence an assessment of compliance with this Act.

“(B) SUBMISSION OF REPORTS TO THE SECRETARY.—

“(i) IN GENERAL.—Following any accreditation of a third-party auditor or audit agent, the Secretary may, at any time, require the accredited third-party auditor or audit agent to submit to the Secretary an onsite audit report and such other reports or documents required as part of the audit process, for any eligible entity certified by the third-party auditor or audit agent. Such report may include documentation that the eligible entity is in compliance with any applicable registration requirements.

“(ii) LIMITATION.—The requirement under clause (i) shall not include any report or other

documents resulting from a consultative audit by the accredited third-party auditor or audit agent, except that the Secretary may access the results of a consultative audit in accordance with section 414.

“(4) REQUIREMENTS OF AUDIT AGENTS.—

“(A) RISKS TO PUBLIC HEALTH.—If, at any time during an audit, an accredited audit agent discovers a condition that could cause or contribute to a serious risk to the public health, the audit agent shall immediately notify the Secretary of—

“(i) the identification of the eligible entity subject to the audit; and

“(ii) such condition.

“(B) TYPES OF AUDITS.—An accredited audit agent may perform consultative and regulatory audits of eligible entities.

“(C) LIMITATIONS.—An accredited audit agent may not perform a regulatory audit of an eligible entity if such agent has performed a consultative audit or a regulatory audit of such eligible entity during the previous 24-month period.

“(5) CONFLICTS OF INTEREST.—

“(A) THIRD-PARTY AUDITORS.—An accredited third-party auditor shall—

“(i) not be owned, managed, or controlled by any person that owns or operates an eligible entity to be certified by such auditor;

“(ii) in carrying out audits of eligible entities under this section, have procedures to ensure against the use of any officer or employee of such auditor that has a financial conflict of interest regarding an eligible entity to be certified by such auditor; and

“(iii) annually make available to the Secretary disclosures of the extent to which such auditor and the officers and employees of such auditor have maintained compliance with clauses (i) and (ii) relating to financial conflicts of interest.

“(B) AUDIT AGENTS.—An accredited audit agent shall—

“(i) not own or operate an eligible entity to be certified by such agent;

“(ii) in carrying out audits of eligible entities under this section, have procedures to ensure that such agent does not have a financial conflict of interest regarding an eligible entity to be certified by such agent; and

“(iii) annually make available to the Secretary disclosures of the extent to which such agent has maintained compliance with clauses (i) and (ii) relating to financial conflicts of interest.

“(C) REGULATIONS.—The Secretary shall promulgate regulations not later than 18 months after the date of enactment of the FDA Food Safety Modernization Act to ensure that there are protections against conflicts of interest between an accredited third-party auditor or audit agent and the eligible entity to be certified by such auditor or audit agent. Such regulations shall include—

“(i) requiring that audits performed under this section be unannounced;

“(ii) a structure to decrease the potential for conflicts of interest, including timing and public disclosure, for fees paid by eligible entities to accredited third-party auditors or audit agents; and

“(iii) appropriate limits on financial affiliations between an accredited third-party auditor or audit agent and any person that owns or operates an eligible entity to be certified by such auditor or audit agent.

“(6) WITHDRAWAL OF ACCREDITATION.—The Secretary shall withdraw accreditation from an accredited third-party auditor or audit agent—

“(A) if food from an eligible entity certified by such third-party auditor or audit agent is linked to an outbreak of human or animal illness;

“(B) following a performance audit and finding by the Secretary that the third-party auditor or audit agent no longer meets the requirements for accreditation; or

“(C) following a refusal to allow United States officials to conduct such audits and investigations as may be necessary to ensure continued compliance with the requirements set forth in this section.

“(7) **NEUTRALIZING COSTS.**—The Secretary shall establish a method, similar to the method used by the Department of Agriculture, by which accredited third-party auditors and audit agents reimburse the Food and Drug Administration for the work performed to establish and administer the accreditation system under this section. The Secretary shall make operating this program revenue-neutral and shall not generate surplus revenue from such a reimbursement mechanism.

“(d) **RECERTIFICATION OF ELIGIBLE ENTITIES.**—An eligible entity shall apply for annual recertification by an accredited third-party auditor or audit agent if such entity—

“(1) intends to participate in voluntary qualified importer program under section 806; or

“(2) must provide to the Secretary a certification under section 801(q) for any food from such entity.

“(e) **FALSE STATEMENTS.**—Any statement or representation made—

“(1) by an employee or agent of an eligible entity to an accredited third-party auditor or audit agent; or

“(2) by an accredited third-party auditor or an audit agent to the Secretary,

shall be subject to section 1001 of title 18, United States Code.

“(f) **MONITORING.**—To ensure compliance with the requirements of this section, the Secretary shall—

“(1) periodically, or at least once every 4 years, reevaluate the accreditation bodies described in subsection (b)(1);

“(2) periodically, or at least once every 4 years, audit the performance of each accredited third-party auditor and audit agent, through the review of audit reports by such auditors and audit agents, the compliance history as available of eligible entities certified by such auditors and audit agents, and any other measures deemed necessary by the Secretary;

“(3) at any time, conduct an onsite audit of any eligible entity certified by an accredited third-party auditor or audit agent, with or without the auditor or audit agent present; and

“(4) take any other measures deemed necessary by the Secretary.

“(g) **PUBLICLY AVAILABLE REGISTRY.**—The Secretary shall establish a publicly available registry of accreditation bodies and of accredited third-party auditors and audit agents, including the name of, contact information for, and other information deemed necessary by the Secretary about such bodies, auditors, and agents.

“(h) **LIMITATIONS.**—

“(1) **NO EFFECT ON SECTION 704 INSPECTIONS.**—The audits performed under this section shall not be considered inspections under section 704.

“(2) **NO EFFECT ON INSPECTION AUTHORITY.**—Nothing in this section affects the authority of the Secretary to inspect any eligible entity pursuant to this Act.”.

SEC. 309. FOREIGN OFFICES OF THE FOOD AND DRUG ADMINISTRATION.

(a) **IN GENERAL.**—The Secretary shall establish offices of the Food and Drug Administration in foreign countries selected by the Secretary, to provide assistance to the appropriate governmental entities of such countries with respect to measures to provide for the safety of articles of food and other products regulated by the Food and Drug Administration exported by such country to the United States, including by directly conducting risk-based inspections of such articles and supporting such inspections by such governmental entity.

(b) **CONSULTATION.**—In establishing the foreign offices described in subsection (a), the Secretary shall consult with the Secretary of State and the United States Trade Representative.

(c) **REPORT.**—Not later than October 1, 2011, the Secretary shall submit to Congress a report on the basis for the selection by the Secretary of the foreign countries in which the Secretary established offices, the progress which such offices have made with respect to assisting the governments of such countries in providing for the safety of articles of food and other products regulated by the Food and Drug Administration exported to the United States, and the plans of the Secretary for establishing additional foreign offices of the Food and Drug Administration, as appropriate.

SEC. 310. SMUGGLED FOOD.

(a) **IN GENERAL.**—Not later than 180 days after the enactment of this Act, the Secretary shall, in consultation with the Secretary of Homeland Security, the Commissioner of Customs and Border Patrol, and the Assistant Secretary for Immigration and Customs Enforcement, develop and implement a strategy to better identify smuggled food and prevent entry of such food into the United States.

(b) **NOTIFICATION TO HOMELAND SECURITY.**—Not later than 10 days after the Secretary identifies a smuggled food that the Secretary believes would cause serious adverse health consequences or death to humans or animals, the Secretary shall provide to the Secretary of Homeland Security a notification under section 417(k) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 350f(k)) describing the smuggled food and, if available, the names of the individuals or entities that attempted to import such food into the United States.

(c) **PUBLIC NOTIFICATION.**—If the Secretary—

(1) identifies a smuggled food;

(2) reasonably believes exposure to the food would cause serious adverse health consequences or death to humans or animals; and

(3) reasonably believes that the food has entered domestic commerce and is likely to be consumed,

the Secretary shall promptly issue a press release describing that food and shall use other emergency communication or recall networks, as appropriate, to warn consumers and vendors about the potential threat.

(d) **DEFINITION.**—In this subsection, the term “smuggled food” means any food that a person introduces into the United States through fraudulent means or with the intent to defraud or mislead.

TITLE IV—MISCELLANEOUS PROVISIONS

SEC. 401. FUNDING FOR FOOD SAFETY.

(a) **IN GENERAL.**—There are authorized to be appropriated to carry out the activities of the Center for Food Safety and Applied Nutrition, the Center for Veterinary Medicine, and related field activities in the Office of Regulatory Affairs of the Food and Drug Administration—

(1) \$825,000,000 for fiscal year 2010; and

(2) such sums as may be necessary for fiscal years 2011 through 2014.

(b) **INCREASED NUMBER OF FIELD STAFF.**—

(1) **IN GENERAL.**—To carry out the activities of the Center for Food Safety and Applied Nutrition, the Center for Veterinary Medicine, and related field activities of the Office of Regulatory Affairs of the Food and Drug Administration, the Secretary of Health and Human Services shall increase the field staff of such Centers and Office with a goal of not fewer than—

(A) 3,800 staff members in fiscal year 2010;

(B) 4,000 staff members in fiscal year 2011;

(C) 4,200 staff members in fiscal year 2012;

(D) 4,600 staff members in fiscal year 2013; and

(E) 5,000 staff members in fiscal year 2014.

(2) **FIELD STAFF FOR FOOD DEFENSE.**—The goal under paragraph (1) shall include an increase of 150 employees by fiscal year 2011 to—

(A) provide additional detection of and response to food defense threats; and

(B) detect, track, and remove smuggled food (as defined in section 310) from commerce.

SEC. 402. WHISTLEBLOWER PROTECTIONS.

Chapter X of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 391 et seq.), as amended by section 210, is further amended by adding at the end the following:

“SEC. 1012. WHISTLEBLOWER PROTECTIONS.

“(a) **IN GENERAL.**—No entity engaged in the manufacture, processing, packing, transporting, distribution, reception, holding, or importation of food may discharge an employee or otherwise discriminate against an employee with respect to compensation, terms, conditions, or privileges of employment because the employee, whether at the employee's initiative or in the ordinary course of the employee's duties (or any person acting pursuant to a request of the employee)—

“(1) provided, caused to be provided, or is about to provide or cause to be provided to the employer, the Federal Government, or the attorney general of a State information relating to any violation of, or any act or omission the employee reasonably believes to be a violation of any provision of this Act or any order, rule, regulation, standard, or ban under this Act, or any order, rule, regulation, standard, or ban under this Act;

“(2) testified or is about to testify in a proceeding concerning such violation;

“(3) assisted or participated or is about to assist or participate in such a proceeding; or

“(4) objected to, or refused to participate in, any activity, policy, practice, or assigned task that the employee (or other such person) reasonably believed to be in violation of any provision of this Act, or any order, rule, regulation, standard, or ban under this Act.

“(b) **PROCESS.**—

“(1) **IN GENERAL.**—A person who believes that he or she has been discharged or otherwise discriminated against by any person in violation of subsection (a) may, not later than 180 days after the date on which such violation occurs, file (or have any person file on his or her behalf) a complaint with the Secretary of Labor (referred to in this section as the ‘Secretary’) alleging such discharge or discrimination and identifying the person responsible for such act. Upon receipt of such a complaint, the Secretary shall notify, in writing, the person named in the complaint of the filing of the complaint, of the allegations contained in the complaint, of the substance of evidence supporting the complaint, and of the opportunities that will be afforded to such person under paragraph (2).

“(2) **INVESTIGATION.**—

“(A) **IN GENERAL.**—Not later than 60 days after the date of receipt of a complaint filed under paragraph (1) and after affording the complainant and the person named in the complaint an opportunity to submit to the Secretary a written response to the complaint and an opportunity to meet with a representative of the Secretary to present statements from witnesses, the Secretary shall initiate an investigation and determine whether there is reasonable cause to believe that the complaint has merit and notify, in writing, the complainant and the person alleged to have committed a violation of subsection (a) of the Secretary's findings.

“(B) **REASONABLE CAUSE FOUND; PRELIMINARY ORDER.**—If the Secretary concludes that there is reasonable cause to believe that a violation of subsection (a) has occurred, the Secretary shall accompany the Secretary's findings with a preliminary order providing the relief prescribed by paragraph (3)(B). Not later than 30 days after the date of notification of findings under this paragraph, the person alleged to have committed the violation or the complainant may file objections to the findings or preliminary order,

or both, and request a hearing on the record. The filing of such objections shall not operate to stay any reinstatement remedy contained in the preliminary order. Any such hearing shall be conducted expeditiously. If a hearing is not requested in such 30-day period, the preliminary order shall be deemed a final order that is not subject to judicial review.

“(C) DISMISSAL OF COMPLAINT.—

“(i) STANDARD FOR COMPLAINANT.—The Secretary shall dismiss a complaint filed under this subsection and shall not conduct an investigation otherwise required under subparagraph (A) unless the complainant makes a prima facie showing that any behavior described in paragraphs (1) through (4) of subsection (a) was a contributing factor in the unfavorable personnel action alleged in the complaint.

“(ii) STANDARD FOR EMPLOYER.—Notwithstanding a finding by the Secretary that the complainant has made the showing required under clause (i), no investigation otherwise required under subparagraph (A) shall be conducted if the employer demonstrates, by clear and convincing evidence, that the employer would have taken the same unfavorable personnel action in the absence of that behavior.

“(iii) VIOLATION STANDARD.—The Secretary may determine that a violation of subsection (a) has occurred only if the complainant demonstrates that any behavior described in paragraphs (1) through (4) of subsection (a) was a contributing factor in the unfavorable personnel action alleged in the complaint.

“(iv) RELIEF STANDARD.—Relief may not be ordered under subparagraph (A) if the employer demonstrates by clear and convincing evidence that the employer would have taken the same unfavorable personnel action in the absence of that behavior.

“(3) FINAL ORDER.—

“(A) IN GENERAL.—Not later than 120 days after the date of conclusion of any hearing under paragraph (2), the Secretary shall issue a final order providing the relief prescribed by this paragraph or denying the complaint. At any time before issuance of a final order, a proceeding under this subsection may be terminated on the basis of a settlement agreement entered into by the Secretary, the complainant, and the person alleged to have committed the violation.

“(B) CONTENT OF ORDER.—If, in response to a complaint filed under paragraph (1), the Secretary determines that a violation of subsection (a) has occurred, the Secretary shall order the person who committed such violation—

“(i) to take affirmative action to abate the violation;

“(ii) to reinstate the complainant to his or her former position together with compensation (including back pay) and restore the terms, conditions, and privileges associated with his or her employment; and

“(iii) to provide compensatory damages to the complainant.

“(C) PENALTY.—If such an order is issued under this paragraph, the Secretary, at the request of the complainant, shall assess against the person against whom the order is issued a sum equal to the aggregate amount of all costs and expenses (including attorneys' and expert witness fees) reasonably incurred, as determined by the Secretary, by the complainant for, or in connection with, the bringing of the complaint upon which the order was issued.

“(D) BAD FAITH CLAIM.—If the Secretary finds that a complaint under paragraph (1) is frivolous or has been brought in bad faith, the Secretary may award to the prevailing employer a reasonable attorneys' fee, not exceeding \$1,000, to be paid by the complainant.

“(4) ACTION IN COURT.—

“(A) IN GENERAL.—If the Secretary has not issued a final decision within 210 days after the

filing of the complaint, or within 90 days after receiving a written determination, the complainant may bring an action at law or equity for de novo review in the appropriate district court of the United States with jurisdiction, which shall have jurisdiction over such an action without regard to the amount in controversy, and which action shall, at the request of either party to such action, be tried by the court with a jury. The proceedings shall be governed by the same legal burdens of proof specified in paragraph (2)(C).

“(B) RELIEF.—The court shall have jurisdiction to grant all relief necessary to make the employee whole, including injunctive relief and compensatory damages, including—

“(i) reinstatement with the same seniority status that the employee would have had, but for the discharge or discrimination;

“(ii) the amount of back pay, with interest; and

“(iii) compensation for any special damages sustained as a result of the discharge or discrimination, including litigation costs, expert witness fees, and reasonable attorney's fees.

“(5) REVIEW.—

“(A) IN GENERAL.—Unless the complainant brings an action under paragraph (4), any person adversely affected or aggrieved by a final order issued under paragraph (3) may obtain review of the order in the United States Court of Appeals for the circuit in which the violation, with respect to which the order was issued, allegedly occurred or the circuit in which the complainant resided on the date of such violation. The petition for review must be filed not later than 60 days after the date of the issuance of the final order of the Secretary. Review shall conform to chapter 7 of title 5, United States Code. The commencement of proceedings under this subparagraph shall not, unless ordered by the court, operate as a stay of the order.

“(B) NO JUDICIAL REVIEW.—An order of the Secretary with respect to which review could have been obtained under subparagraph (A) shall not be subject to judicial review in any criminal or other civil proceeding.

“(6) FAILURE TO COMPLY WITH ORDER.—Whenever any person has failed to comply with an order issued under paragraph (3), the Secretary may file a civil action in the United States district court for the district in which the violation was found to occur, or in the United States district court for the District of Columbia, to enforce such order. In actions brought under this paragraph, the district courts shall have jurisdiction to grant all appropriate relief including, but not limited to, injunctive relief and compensatory damages.

“(7) CIVIL ACTION TO REQUIRE COMPLIANCE.—

“(A) IN GENERAL.—A person on whose behalf an order was issued under paragraph (3) may commence a civil action against the person to whom such order was issued to require compliance with such order. The appropriate United States district court shall have jurisdiction, without regard to the amount in controversy or the citizenship of the parties, to enforce such order.

“(B) AWARD.—The court, in issuing any final order under this paragraph, may award costs of litigation (including reasonable attorneys' and expert witness fees) to any party whenever the court determines such award is appropriate.

“(C) EFFECT OF SECTION.—

“(1) OTHER LAWS.—Nothing in this section preempts or diminishes any other safeguards against discrimination, demotion, discharge, suspension, threats, harassment, reprimand, retaliation, or any other manner of discrimination provided by Federal or State law.

“(2) RIGHTS OF EMPLOYEES.—Nothing in this section shall be construed to diminish the rights, privileges, or remedies of any employee under

any Federal or State law or under any collective bargaining agreement. The rights and remedies in this section may not be waived by any agreement, policy, form, or condition of employment.

“(d) ENFORCEMENT.—Any nondiscretionary duty imposed by this section shall be enforceable in a mandamus proceeding brought under section 1361 of title 28, United States Code.

“(e) LIMITATION.—Subsection (a) shall not apply with respect to an employee of an entity engaged in the manufacture, processing, packing, transporting, distribution, reception, holding, or importation of food who, acting without direction from such entity (or such entity's agent), deliberately causes a violation of any requirement relating to any violation or alleged violation of any order, rule, regulation, standard, or ban under this Act.”

SEC. 403. JURISDICTION; AUTHORITIES.

Nothing in this Act, or an amendment made by this Act, shall be construed to—

(1) alter the jurisdiction between the Secretary of Agriculture and the Secretary of Health and Human Services, under applicable statutes, regulations, or agreements regarding products eligible for voluntary inspection under the Agricultural Marketing Act (7 U.S.C. 1621 et seq.);

(2) alter the jurisdiction between the Administration of the Alcohol and Tobacco Tax and Trade Bureau and the Secretary of Health and Human Services, under applicable statutes and regulations;

(3) limit the authority of the Secretary of Health and Human Services to issue regulations related to the safety of food under—

(A) the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.) as in effect on the day before the date of enactment of this Act; or

(B) the Public Health Service Act (42 U.S.C. 301 et seq.) as in effect on the day before the date of enactment of this Act; or

(4) impede, minimize, or affect the authority of the Secretary of Agriculture to prevent, control, or mitigate a plant or animal health emergency, or a food emergency or foodborne illness outbreak involving products regulated under the Federal Meat Inspection Act, the Poultry Products Inspection Act, the Egg Products Inspection Act, or agreements regarding voluntary inspection under the Agricultural Marketing Act (7 U.S.C. 1621 et seq.).

SEC. 404. COMPLIANCE WITH INTERNATIONAL AGREEMENTS.

Nothing in this Act (or an amendment made by this Act) shall be construed in a manner inconsistent with the agreement establishing the World Trade Organization or any other treaty or international agreement to which the United States is a party.

SEC. 405. UPDATING GUIDANCE RELATING TO FISH AND FISHERIES PRODUCTS HAZARDS AND CONTROLS.

The Secretary shall, not later than 180 days after the date of enactment of this Act, update the Fish and Fisheries Products Hazards and Control Guidance to take into account advances in technology that have occurred since the previous publication of such Guidance by the Secretary.

SEC. 406. FOOD TRANSPORTATION STUDY.

The Secretary of Health and Human Services, acting through the Commissioner of Food and Drugs, shall conduct a study of the transportation of food for consumption in the United States, including transportation by air, that includes an examination of the unique needs of rural and frontier areas with regard to the delivery of safe food.

Mr. REID. Mr. President, are we on the bill now?

The PRESIDING OFFICER. Yes, we are.

THE VETERANS', SENIORS', AND CHILDREN'S HEALTH TECHNICAL CORRECTIONS ACT OF 2010

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to Calendar No. 465, H.R. 5712.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 5712) to provide for certain clarifications and extensions under Medicare, Medicaid, and the Children's Health Insurance Program.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. Mr. President, I ask unanimous consent that the substitute amendment, which is at the desk, be considered and that it be agreed to; that the bill, as amended, be read three times and then passed and the motion to reconsider be laid upon the table; that the title amendment, which is also at the desk, be considered and agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 4711) in the nature of a substitute, was agreed to, as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "The Physician Payment and Therapy Relief Act of 2010".

SEC. 2. PHYSICIAN PAYMENT UPDATE.

Section 1848(d)(11) of the Social Security Act (42 U.S.C. 1395w-4(d)(11)) is amended—

(1) in the heading, by striking "NOVEMBER" and inserting "DECEMBER";

(2) in subparagraph (A), by striking "November 30" and inserting "December 31"; and

(3) in subparagraph (B)—

(A) in the heading, by striking "REMAINING PORTION OF 2010" and inserting "2011"; and

(B) by striking "the period beginning on December 1, 2010, and ending on December 31, 2010, and for".

SEC. 3. TREATMENT OF MULTIPLE SERVICE PAYMENT POLICIES FOR THERAPY SERVICES.

(a) SMALLER PAYMENT DISCOUNT FOR CERTAIN MULTIPLE THERAPY SERVICES.—Section 1848(b) of the Social Security Act (42 U.S.C. 1395w-4(b)) is amended by adding at the end the following new paragraph:

"(7) ADJUSTMENT IN DISCOUNT FOR CERTAIN MULTIPLE THERAPY SERVICES.—In the case of therapy services furnished on or after January 1, 2011, and for which payment is made under fee schedules established under this section, instead of the 25 percent multiple procedure payment reduction specified in the final rule published by the Secretary in the Federal Register on November 29, 2010, the reduction percentage shall be 20 percent."

(b) EXEMPTION OF PAYMENT REDUCTION FROM BUDGET-NEUTRALITY.—Section 1848(c)(2)(B)(v) of the Social Security Act (42 U.S.C. 1395w-4(c)(2)(B)(v)) is amended by adding at the end the following new subclause:

"(VII) REDUCED EXPENDITURES FOR MULTIPLE THERAPY SERVICES.—Effective for fee schedules established beginning with 2011, reduced expenditures attributable to the multiple procedure payment reduction for therapy services (as described in subsection (b)(7))."

SEC. 4. DETERMINATION OF BUDGETARY EFFECTS.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled "Budgetary Effects of PAYGO Legislation" for this Act, submitted for printing in the Congressional Record by the Chairman of the Senate Budget Committee, provided that such statement has been submitted prior to the vote on passage.

The amendment (No. 4712) was agreed to, as follows:

Amend the file so as to read: An act entitled "The Physician Payment and Therapy Relief Act of 2010."

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill (H.R. 5712) was read the third time and passed.

Mr. REID. Mr. President, I appreciate everyone's cooperation. This is the SGR extension for 30 days to allow us to spend more time on this and make sure the doctors are able to be compensated. These Medicare patients are extremely important, as are the doctors.

FDA FOOD SAFETY MODERNIZATION ACT—Continued

Mr. REID. Mr. President, I ask unanimous consent that there now be a time for debate only for a period of 20 minutes, with Senator BROWNBACK being recognized for a period of up to 10 minutes and that I be recognized when he completes his statement.

For the benefit of all Members, Senator MCCONNELL and I are trying to work through some procedural issues we have here to give more definition to what we are doing. We are trying to work something out on food safety and on the Lew nomination. We don't have that done yet, but we have made progress. So we hope everyone will be patient and stay around so they will know what we are going to wind up doing. It is a delicate time here. Everyone has to be calm and cool. We have a lot to do in the next few weeks and we would like to be able to expedite some of this tonight.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Kansas.

FAREWELL TO THE SENATE

Mr. BROWNBACK. Mr. President, I thank the majority leader for setting up this period of time. This will be my last speech, probably, to the body. It is a speech I wish to give in talking about leaving the Senate of the United States.

I was just elected to be Governor of Kansas, and I am very excited about that post. I have served here a period of 14 years, which has been a wonderful chance to be able to serve the people of Kansas—the people of the United States. I love this body and I love this country.

A lot of folks, when they leave, talk about partisanship and the bickering. I like to think about the beauty of the country and the ability to come together because it does happen. The predecessor of the person sitting in the Presiding Officer's seat and I worked on one of the flagship pieces of legislation on human rights protection. It was on human trafficking, the initial bill. That was with Senator Paul Wellstone, who was from Minnesota. He was a delightful individual. It was a great chance for us to work together on something, and we couldn't have been further apart. I think he was ranked the second most liberal Member of the Senate. He aspired to be No. 1, but he was second. But he was a delightful man and he dealt from the heart and we got things done.

I say that because I think that is how we work in this place; that we fight on about 20 percent of the issues—and they are important, big issues—and then we cooperate and work together on a whole host of broad bipartisan issues, such as dealing with things like human trafficking. You do that primarily with people who deal from the heart—people such as Paul Wellstone, Ted Kennedy, and Jesse Helms. There are a lot of others, and many people get many things done in this body, but I think it is best when people deal from the heart. When they do that, then there is a chance for us to come together around key and heartfelt things. This has been a great body to serve in and I have delighted in being able to do that.

There is much to be done, much to be done for the country. We have to deal with the creation of jobs in America. We have to deal with our debt and our deficit. We have many issues to deal with. My hope for here, and my hope for our country, is that we go back to the virtues of the "greatest generation" and look to them for ways to move forward. It is looking back at the old path of what worked in tough times and moving it forward on the new path.

I came into this seat after Bob Dole served in this body. He served in this seat. Senator Dole from Kansas is the iconic figure of the World War II generation, of that "greatest generation." He just got out of Walter Reed Hospital. He has been very sick and ill this year. He is coming back, recuperating. I think he is 87 years old this year.

Most everybody in America would agree about the "greatest generation." They would say that World War II generation hit the mark of what it is to be an American, what it is to sacrifice, what it is to fight for a good cause. They did it with a set of virtues that are timeless, that are known, and I think we have to emulate this time for us to deal with the problems we have now. They were courageous; they were selfless; they were courteous; they were people who would fight for a

cause. They were the ones who exhibited charity, thrift. That was certainly known in that generation. I think these are things we have to bring back—hard work, compassion.

It seems to me, when I think of that generation—and nobody is perfect and that generation is not perfect—those are ideals I saw in practice, whether it was them on the battlefield in World War II or if it was them raising their families at home or if it was their educating of their families, if it was saving for future generations; that is what they did.

I don't know, if you ask people of that generation, did you do this on purpose, they might say we did or didn't. Most of them would say this was the right thing to do and it is the thing we needed to do. I think it is what we need to do now. I think we need to emulate those virtues of the "greatest generation" and apply them to our problems.

Their problems were more foreign than ours. Ours I believe are more domestic, dealing with our own debt and deficit as a country and as a society and as individuals and individual households; us creating and saving for that next generation in the country and investing to do that, and being selfless and sacrificial in doing that. Building family structure and doing that which is for the good of our families is what we need to do, and that virtue and that old, ancient path they followed, that they said we did because it was a thing we needed to do, I think we have to do the same thing. I hope we will as a country.

There has been a debate that started in America that I do not agree with, and it is whether this is a special country and whether America is an exceptional land. I for one fully embrace the notion that this is a special place. I believe in American exceptionalism and I have been in many places over the world where you see this in action. I have been in many places in America where you see this in action, where somebody selflessly takes care of other individuals.

Last night I was at the Korean Embassy and we were talking about what is taking place in North Korea, and one of the people working there at the South Korean Embassy was amazed that people in the United States would care what happens to people in North Korea. I said one of the people with me was saying that is how we look at the world. If somebody else is in bondage, if somebody else is in difficulty, we feel that and we want to help to deal with it. That, to me, is part of what American exceptionalism is all about.

This is a special place and has a special calling. If it is not us doing it, in many cases around the world it does not get done. I have been in the Sudan and they are not calling on the Chinese to lead Sudan into a freer time period. I have been in other places—in Africa,

on the North Korean border. If you are looking for somebody to solve the problem, it is the Americans who go in and do it.

Our task now is to not only do that around the world, but it is to do it domestically. I think we have to look more and more at ourselves and say we are a special place and I think we have to look at ourselves as the baby boomer generation that I am a part of and say you have to prove and earn your exceptionalism. I think we have to step up to the mark as the "greatest generation" did and be willing to serve in a tough way, in a sacrificial way, in the best interests of the future of our country. We have to do it and now is the time to do it.

I am appreciative that the President had a deficit task force he appointed and that they came up with some ideas, with some of which I agree, with some of which I disagree. But I am glad they started the discussion and the debate. If the figures I have seen are accurate, half the American households receive an entitlement check from the Federal Government—half of the American households. We have a deficit and debt that is structural. It is not based upon one-time war funding, although war funding has contributed to it, but it is structural in that we have more going out than we have coming in. It is time this is dealt with. I think that is part of the message from this last election cycle. The American people are ready to have an intelligent discussion, a difficult discussion of what we are going to do to be able to save ourselves fiscally. Now is the time to do it.

We actually have the structure set up to do it. With a Republican House, Democratic Senate, Democratic Presidency. This would be the time and the structure to talk about this sort of difficult issue. Our generation should step up and deal with it. I am not going to be here for that discussion and debate, but it is time we have it and it is time we bring back these timeless virtues to deal with our domestic problems the way we have dealt with international problems in the "greatest generation."

As I leave this body, one of the rites of passage is to sign your desk, and I just did that. I did it in pencil. I figure that all of us will fade with time and that signature will fade with time as well. But the things you remember are what you touched and that touched you and the souls that are touched. It is people who deal from the heart who are the ones who touch your life and the ones who touch your soul. I want to express my deep appreciation to my colleagues who have touched my heart. I hope I have been a positive statement to many of them.

The psalm that comes to mind is one that says: "And his place knew him no more."

The psalmist wrote: "His place knew him no more." After a period of time

you sign the desk, you move on, and then you look back and see the signatures in the desk and you don't recognize many of them. The place will know us no more. But the hearts that we touch, the hearts that touch ours, we will remember forever, and I certainly will.

I thank you and my colleagues in the Senate for letting me serve with you. It has been a great joy. It is a fabulous nation, the greatest Nation on the face of the Earth, and it was an honor to serve here.

God bless America.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider Calendar No. 1118, the nomination of Jack Lew to be Director of the Office of Management and Budget, and that the nomination be confirmed.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The nomination considered and confirmed is as follows:

EXECUTIVE OFFICE OF THE PRESIDENT

Jacob J. Lew, of New York, to be Director of the Office of Management and Budget.

Mr. REID. Mr. President, we have been working for several days—actually longer—trying to work things out on the situation involving the State of Louisiana. The State of Louisiana has struggled. They had the hurricane. The economic situation in Louisiana was going very well when the BP oil spill occurred. As a result, action taken by the administration, and other situations that developed, have hurt significantly the economic viability of the State of Louisiana.

The Senator from Louisiana has worked tirelessly to get the work going again in the shallow water off the coast of Louisiana. She will be able to speak on the record better than I can—and I have been in some of the negotiations—the progress she has made regarding that. Not only has the administration stepped forward but industries have stepped forward.

I ask unanimous consent that the Senator from Louisiana be recognized to make a statement on the matter regarding Jack Lew.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. LANDRIEU. Mr. President, I thank the majority leader. His day has been much busier than mine, but both of our days have been filled with quite a few matters before us.

The vote that will take place in the Senate would not have taken place without my acquiescence. I thought it was important to speak briefly on my hold on Jack Lew.

Jack Lew is a terrific nominee, and he has the support of many people in this body for his new position, and we are grateful to him for wanting to be the budget director for a country that has serious economic challenges. We are very grateful.

As you know, we have extremely serious economic challenges right now in the Gulf of Mexico. It has been 5 years since Katrina. Three weeks later, we had Rita, and then Gustav and Ike—four of the toughest storms the gulf coast has faced. Then a few years later, we had an oilspill, with more than 5 million barrels of oil spilled in the gulf, which was bad enough. But then this administration placed a hold—or a moratorium, if you will—on an entire industry because of that accident. It was a horrible accident, but I think to place a moratorium on an entire industry because one company and its contractors made some serious and terrible mistakes is really unprecedented, it is unwise, and it is extremely harmful to the gulf coast.

I tried many things over the last several months to call attention to this matter. I called several hearings in Louisiana, several hearings here in Washington, and I sent several letters, set up several meetings, and nothing seemed to be getting through to this administration about the catastrophe they were causing along the gulf coast. So I put this hold on a nominee. It was, in many ways, unprecedented. I didn't know that when I did it. I was told later that it had never been done on a budget director. I figured it would get their attention, and I think it has.

I have had three meetings in the last 24 hours with the Secretary himself. We have talked through some of these issues in a way that I think we can make progress. In the last week, there have been two permits issued. I am told there will be additional permits issued in the next few days. The Secretary has also committed to me that he himself will be in the gulf coast—in Louisiana, actually—on Monday, expressing his commitment, and in no uncertain terms, to the future robustness of this industry.

Mr. President, this isn't just about Louisiana and the importance to Louisiana. I will submit this report for the RECORD, "The Economic Impact of the Gulf of Mexico Offshore Oil and Natural Gas Industry and the Role of the Independents," released in July of 2010. I will read only one figure, but it is big enough that it should capture people's

attention. People are looking for money in this Chamber to solve our budget issues and bring this budget into balance. One figure I will cite from this report is that the independents—not big oil—I am not talking about Chevron, Shell, or BP; I am talking about independent oil and gas operators that are sidelined because of this policy by the administration—independents will bring in more than \$147 billion in Federal, State, and local revenue in the next 10 years. So the stakes are very high, which is why I took the action I did and why today I have released the hold, because notable progress has been made, permits have been issued, and the Secretary has committed, on Monday, to be in the State to give a path forward for this industry.

I am convinced that, at this moment, that was the right thing to do for the country and the gulf coast. But we have more progress that needs to be made. This industry is a valuable, critical, important industry to this Nation. It has been for over 100 years, and it will be for the next 100 years. We have to realize the importance of producing oil and gas here at home. Yes, it was a terrible accident. Yes, we need to have safety and rules and regulations that are in force. But there has to be a way to accomplish that without shutting down the entire industry and putting hundreds of thousands of jobs at risk. Again, this isn't about big oil specifically; it is about contractors and small businesses all along the gulf coast and throughout the United States.

I appreciate the Secretary's commitment, his renewed focus, and his understanding of the urgency of the situation. I thank my colleagues, many of whom were supportive of this action, as we have worked through these last 6 weeks. I appreciate the courtesy of the majority leader.

I ask unanimous consent to have printed in the RECORD "How Big an Impact?" from the study "The Economic Impact of the Gulf of Mexico Offshore Oil and Natural Gas Industry and the Role of the Independents" done by IHS Global Insight (USA), Inc., dated July 21, 2010.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

HOW BIG AN IMPACT?

In this study, we analyze the economic contribution of the independents and potential loss as a result of policies that effectively prevent them from participating in future development in the offshore Gulf of Mexico and, in particular, in the deepwater. Our analysis for the 2009-20 forecast period indicates that the exclusion of the independents from the offshore GOM would mean:

The following lost jobs in the four-state Gulf region (Alabama, Louisiana, Mississippi, and Texas)—direct, indirect, and induced: 2009—202,502; 2015—289,716; 2020—300,974.

Additionally, 40,777 construction-related jobs would be lost in the four-state Gulf region during 2009-20. This activity includes construction of rigs, platforms, pipelines, and production facilities.

The following lost taxes and royalties to the federal government: 2009—\$7.34 billion; 2015—\$10.13 billion; 2020—9.98 billion.

The following lost state and local tax revenues in the four-state Gulf region: 2009—\$3.18 billion; 2015—\$4.59 billion; 2020—\$4.68 billion.

Altogether, more than \$147 billion in federal, state, and local revenues would be lost in a 10-year period if independents are excluded from the Gulf of Mexico. These estimates only include revenues collected from the four-state Gulf region.

Within the deepwater, the exclusion of the independents would mean:

The following lost jobs in the four-state Gulf region—direct, indirect, and induced: 2009—121,298; 2015—230,241; 2020—265,113.

The following lost taxes and royalties to the federal government: 2009—\$3.64 billion; 2015—\$726 billion; 2020—\$8.33 billion.

The following lost state and local tax revenues in the four-state Gulf region: 2009—\$1.63 billion; 2015—\$3.35 billion; 2020—\$3.94 billion.

Altogether, more than \$106 billion in federal, state, and local revenues would be lost in a 10-year period if independents are excluded from the deepwater.

Overall, the exclusion of the independents would significantly shrink offshore oil and gas activity, reduce the dynamism of the industry, and dilute U.S. technological and industry leadership.

The reason for all these effects is that independents represent a much larger share of total activity than is generally recognized. Independent producers are an integral part of shelf, as well as deepwater, drilling and discovery.

Independents are the largest shareholder in 66% of the 7,521 leases in the entire Gulf of Mexico and in 81% of the producing leases.

In the deepwater portion of the Gulf of Mexico, independents are the largest shareholder in 52% of all leases and in 46% of the producing leases. They operate over half of the developing and producing deepwater fields.

Independents have drilled 1,298 wells in the deepwater, and they currently account for over 900,000 barrels a day of oil equivalent (oil and natural gas together).

Independents are responsible for an average of 70% of the "farm-ins": the partnerships formed following the original lease agreement that enable prospects to be drilled and oil and gas produced.

Mr. REID. Mr. President, I ask unanimous consent that the motion to reconsider be considered made and laid upon the table; that any statements relating to the nomination be printed in the RECORD as if read; that the President be immediately notified of the Senate's action and the Senate resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. REID. Mr. President, I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. In my capacity as a Senator from the State of Minnesota, I ask unanimous consent that the order for the quorum call be rescinded.

Without objection, it is so ordered.

RECESS SUBJECT TO THE CALL OF THE CHAIR

The PRESIDING OFFICER. Without objection, the Senate stands in recess subject to the call of the Chair.

Thereupon, the Senate, at 9:34 p.m., recessed subject to the call of the Chair and reassembled at 9:56 p.m. when called to order by the Presiding Officer (Mr. FRANKEN).

FDA FOOD SAFETY MODERNIZATION ACT—Continued

The PRESIDING OFFICER. The Senate will come to order.

The majority leader.

Mr. REID. Mr. President, what is the business before the Senate?

The PRESIDING OFFICER. The Senate is considering S. 510.

Mr. REID. The food safety bill; is that right?

The PRESIDING OFFICER. That is correct.

COMMITTEE SUBSTITUTE WITHDRAWN

Mr. REID. I ask unanimous consent that the committee-reported substitute be withdrawn.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 4715

(Purpose: In the nature of a substitute)

Mr. REID. I now call up the Harkin substitute amendment which is at the desk and ask for that amendment to be considered read.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID], for Mr. HARKIN, proposes an amendment numbered 4715.

(The amendment is printed in today's RECORD under "Text of Amendments.")

CLOTURE MOTIONS

Mr. REID. Mr. President, I have two cloture motions at the desk.

The PRESIDING OFFICER. The clerk will report the cloture motions.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the Harkin substitute amendment No. 4715 to Calendar No. 247, S. 510, the FDA Food Safety Modernization Act.

Harry Reid, Patrick J. Leahy, Claire McCaskill, Tom Harkin, Carl Levin, Daniel K. Inouye, Richard J. Durbin, Byron L. Dorgan, Jack Reed, Jeff Bingaman, Mark Begich, Blanche L. Lincoln, Robert Menendez, Daniel K. Akaka, Sherrod Brown, Sheldon Whitehouse, Patty Murray, Debbie Stabenow, Barbara Boxer.

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on Calendar No. 247, S. 510, the FDA Food Safety Modernization Act.

Harry Reid, Patrick J. Leahy, Claire McCaskill, Tom Harkin, Carl Levin, Daniel K. Inouye, Richard J. Durbin, Byron L. Dorgan, Jack Reed, Jeff Bingaman, Mark Begich, Blanche L. Lincoln, Robert Menendez, Daniel K. Akaka, Sherrod Brown, Sheldon Whitehouse, Patty Murray, Debbie Stabenow, Barbara Boxer.

Mr. REID. I ask unanimous consent the cloture vote on the substitute amendment occur at 6 p.m. on Monday, November 29, and the mandatory quorum be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. I ask unanimous consent that if cloture is invoked on the substitute, then all postcloture time be yielded back except for the time specified in this agreement; and that the only amendments or motions in order be those specified in this agreement, with debate limitations as specified:

Johanns motion to suspend with respect to amendment No. 4702; Baucus motion to suspend with respect to amendment No. 4713, with a total of 60 minutes of debate with respect to these two motions with the time equally divided and controlled between Senators Baucus and Johannis; Coburn motion to suspend with respect to amendment No. 4696—substitute; Coburn motion to suspend with respect to amendment No. 4697 dealing with earmarks; that there be a total of 4 hours of debate with respect to the Coburn motions, equally divided and controlled between Senators COBURN and INOUE or their designees; that upon the use or yielding back of all time specified here, the Senate proceed to vote with respect to the motions to suspend in the order listed: Johannis 1099; Baucus 1099; Coburn earmarks; Coburn substitute; that upon disposition of the motions, and if any motion is successful, then the Senate vote immediately on the amendment; that no further motions or amendments be in order; the substitute amendment, as amended, if amended, be agreed to; the bill, as amended, be read a third time; that after the reading of the pay-go statement with respect to the bill, the Senate proceed to vote on passage of the bill; and that the cloture motion with respect to the bill be withdrawn.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business with Senators allowed to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

HONORING OUR ARMED FORCES

SERGEANT AARON B. CRUTTENDEN

Mr. BENNET. Mr. President, it is with a heavy heart that I rise today to honor the life and heroic service of SGT Aaron B. Cruttenden. Sergeant Cruttenden, assigned to the 27th Engineer Battalion, based in Fort Bragg, NC, died on November 7, 2010, of injuries sustained when his dismounted patrol encountered small arms fire. Sergeant Cruttenden was serving in support of Operation Enduring Freedom in Kunar Province, Afghanistan. He was 25 years old.

A native of Mesa, AZ, Sergeant Cruttenden earned his graduate equivalency diploma and worked for 2 years as an apprentice electrician. He then enlisted in the Army in March 2008. Sergeant Cruttenden hoped to defend his country, make a better life for his family, and pursue opportunities for higher education. He served a tour of duty in Afghanistan with decoration.

During his 2½ years of service, Sergeant Cruttenden distinguished himself through his courage, dedication to duty, and willingness to take on one of the most dangerous and skillful jobs in the Army—detecting and eliminating improvised explosive devices. Throughout Sergeant Cruttenden's time in the Army, family members recall that his foremost concern was protecting the men and women under his command.

Sergeant Cruttenden worked on the front lines of battle, serving in the most dangerous areas of Afghanistan. He is remembered by those who knew him as a consummate professional with an unending commitment to excellence. His family remembers him as a dedicated son and loving father to his young daughter. Both in service and civilian life, Sergeant Cruttenden's warmth and caring for others were always on display.

Mark Twain once said, "The fear of death follows from the fear of life. A man who lives fully is prepared to die at any time." Sergeant Cruttenden's service was in keeping with this sentiment—by selflessly putting country first, he lived life to the fullest. He lived with a sense of the highest honorable purpose.

At substantial personal risk, he braved the chaos of combat zones throughout Afghanistan. And though his fate on the battlefield was uncertain, he pushed forward, protecting America's citizens, her safety, and the freedoms we hold dear. For his service and the lives he touched, Sergeant Cruttenden will forever be remembered as one of our country's bravest.

To Sergeant Cruttenden's entire family—I cannot imagine the sorrow you must be feeling. I hope that, in time, the pain of your loss will be eased by

your pride in Aaron's service and by your knowledge that his country will never forget him. We are humbled by his service and his sacrifice.

VOTE EXPLANATION

Mr. KERRY. Mr. President, I am necessarily absent for the vote today on the FDA Food Safety Modernization Act, S. 510. If I were able to attend, I would have supported the motion to proceed to the bill.

NEED FOR BIPARTISAN RESOLUTION OF TAX ISSUES

Mr. BROWN of Massachusetts. Mr. President, I rise today to discuss the need for Congress to resolve an issue of importance to millions of Americans: specifically, the need for a bipartisan agreement on taxes.

As the end of the year approaches, Americans face an extraordinary level of uncertainty regarding a number of tax issues: the 2001/2003 tax cuts, including the tax rates on dividends and capital gains, the alternative minimum tax, the estate tax, and last but not least, the extension of many expiring tax provisions affecting individuals, businesses, nonprofit organizations and even members of the U.S. Armed Forces. During this lameduck session, Congress and the White House have an opportunity to work together to develop a package that addresses all of these.

In my view, we should not be raising taxes on any business or individual during a fragile economic recovery. The private sector—this country's job creation engine—continues to struggle, lacking the required stability and confidence needed to expand and hire new workers. Individuals, in turn, have been significantly impacted, further inhibiting economic growth. Uncertainty is a major factor, and one way to reduce uncertainty is to lock down our tax policy for the next few years, giving taxpayers a clear sense of what to expect as we enter 2011.

On the tax extenders, I bring to the Senate's attention a letter just sent to Congress today from over 1,200 organizations located around the country. These are businesses, nonprofit organizations, and organizations representing our men and women in uniform. It points out the crucial nature of the expiring provisions, and asks Congress to extend them before the end of the year. This is a remarkable letter. We often hear from the business community about the importance of tax extenders for job creation, but here we have not only the business community speaking up, but also affordable housing organizations, community development organizations, and the National Education Association and the National Science Teachers Association. The letter is signed by the Alliance to Save Energy

and numerous renewable energy organizations. It includes the Association of the United States Navy and the Reserve Officer Association. It includes agricultural organizations and technology councils.

In short, this is a statement from a breadth of organizations which do not often work together. I think we have to take this kind of letter very seriously and consider its message carefully. And its message is that these provisions are very important to millions of Americans, and that our failure to extend them could have a significant dampening effect on the economy. And I also want to be clear about something: this should be a "clean" extension of these policies—we shouldn't be raising taxes on other businesses at the same time and thereby blunting the impact of this important action for the economy.

One of the best known of the extenders is the R&D tax credit. It actually expired at the end of 2009, so America's innovative companies—many of them with operations in Massachusetts—have been wondering all year if Congress is going to reinstate the most visible public policy that encourages new ideas and technologies in this country. This is an area where our commitment should not be in doubt.

There are incentives for the production of domestic alternative energy sources and energy efficient products such as hybrid vehicles, energy efficient appliances, homes, and windows. Without these incentives, many producers will not be able to make these products. In fact, many have already discontinued operations in the absence of credits which expired at the end of 2009. The deductions for donations of funds, property, food, and equipment to charities is also hanging in the balance of this package.

There is the deduction for State and local sales taxes. Think about individuals losing the ability to deduct State and local taxes from their Federal taxes. There is the deduction for teacher classroom expenses. Teachers spending their own money for their classrooms is more common than we like to think about, and the least we can do is allow them to deduct those expenses from their tax bill. There is the credit for employers who continue to pay employees while on active duty in the U.S. Armed Forces. This is an important support mechanism for our men and women in uniform, and we should ensure that it remains in place. These are just a few of the tax provisions which have expired or will soon expire. I invite my colleagues to review the Joint Tax Committee's list of the expiring provisions. It is crucial for Congress to act this year to extend as many of them as possible.

Ultimately, I believe we need to reform our Tax Code to lower tax rates and broaden the base. I know Senators BAUCUS and GRASSLEY have already

begun that process with a Finance Committee hearing on tax reform earlier this year, and I salute them for starting that conversation. We look forward to working on such a package of reforms on a bipartisan basis in the 112th Congress, but for now, extending the expiring provisions should be a top priority for the remainder of this Congress.

Mr. President, I ask unanimous consent to have printed in the RECORD the November 16 letter from over 1,200 organizations from around the country to which I referred.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NOVEMBER 16, 2010.

TO THE MEMBERS OF THE U.S. CONGRESS: The undersigned represent millions of individuals, businesses, organizations and members of the U.S. Armed Forces. We urge Congress to pass legislation in the lame duck session to extend critical tax provisions that, while temporary in nature, are critical to our economy. It is of the utmost importance to all of us, and to the health of the U.S. economy, that this extension be enacted before the end of the year and apply seamlessly, at least through 2011.

Expiration of many of these provisions has already caused job losses, and the uncertainty around their extension will lead to further dislocations just as the fragile economic recovery is beginning. We all look forward to working with you on this issue in the coming weeks.

Sincerely,
(Signed by over 1,200 organizations)

NATIONAL SURVIVORS OF SUICIDE DAY

Mr. JOHNSON. Mr. President, each November we set aside a day of healing for those who have lost someone to suicide. I rise today to again recognize Saturday, November 20 as National Survivors of Suicide Day. In 1999, a Senate resolution created this annual event through the efforts of Senator HARRY REID who lost his father to suicide. This year, on November 20, over 270 conferences will take place in the U.S. and around the world to allow survivors of suicide the opportunity to connect with others who have experienced the tragedy of suicide loss and to allow for healing interactions.

The importance of this day is amplified by the shocking statistics on suicide—suicide is the 11th leading cause of death in the United States. Nationwide, approximately 90 lives are lost to suicide each day and over 34,000 die by suicide each year. Suicide is truly an epidemic that devastates thousands of families in the United States each year.

In my State of South Dakota, one suicide occurs every 3 to 4 days and 107 lives are lost each year. These statistics place South Dakota among a group of Western States that consistently has a higher rate of suicide than the rest of the country. Suicide is the fourth leading cause of death among all South Dakotans and is the second leading cause

of death of South Dakotans between the ages of 15–34. Suicide among American Indians in South Dakota is of particular concern—the suicide rate for American Indians ages 15–34 is more than three times higher than the national average and the suicide rate for the Rosebud Sioux Tribe is the highest in the world.

Last year, 16-year-old Dana Lee Jetty, a tribal member from the Spirit Lake Dakota Nation in North Dakota, who lost her 14-year-old sister to suicide spoke before the Senate Committee on Indian Affairs:

We need to make sure that our communities and our people know how to reach out for help if they need it and we need to make sure that the help is there when they ask.

We must take Ms. Jetty's words to heart and provide tribes with the resources they need to implement effective suicide prevention programs. It is critical to strengthen the social fabric to help improve mental health with effective and culturally sensitive prevention programs.

It is necessary to expand access to mental health services nationwide, including a focus on education, prevention and intervention. Furthermore, we need to acknowledge the obstacles that suicide survivors face during their grieving and encourage the involvement of survivors in healing activities and prevention programs. I believe with appropriate support and treatment, suicide survivors can lead effective advocacy efforts to reduce the incidence of suicide and find healing themselves.

The loss of so many lives to suicide is truly a crisis, and it is imperative to provide support for all those left behind. It is my hope that National Suicide Survivors Day will promote the broad based support that each survivor deserves and increase awareness of the need for greater efforts in addressing the root causes of suicide in Indian Country and throughout the Nation.

NEW START TREATY

Mr. BOND. Mr. President, I rise today to express my strong opposition to the administration's New START Treaty. I do so after great deliberation and after initial disposition to support the treaty because of the generic importance of these types of treaties for our Nation. But with what I have learned from classified intelligence information, I cannot in good conscience support this treaty. I have written a classified letter summarizing my views that is available to all members in Senate security; I urge them to read it, even as I try now with a few unclassified comments to explain my position.

When the administration announced this new treaty, we were told that its goal was to reduce strategic nuclear forces in a manner that would make America safer and enhance nuclear sta-

bility. That goal may be admirable, but unfortunately, the deal the administration has struck with Moscow falls well short. Consequently, I believe the administration's New START Treaty has been oversold and overhyped.

The first thing we must all understand about this treaty is that it forces the United States to reduce unilaterally our forces, such as missiles, bombers, and warheads, in order to meet treaty limits. On the other hand, the Russians will actually be allowed to increase their deployed forces because they currently fall below the treaty's limits. This raises a crucial question: exactly what does the United States gain from this treaty in exchange for a one-sided reduction in our deployed forces?

Defenders of this treaty have argued, first, that the treaty places no limits on America's plans for missile defense systems, and second, that our own military will have the flexibility to deploy our strategic forces, such as bombers, submariners, and missiles, in ways that best meet our security interests.

Unfortunately, these explanations simply do not stand up to scrutiny. The United States does not need a treaty with Russia, or any other country, to be free to pursue the missile defense system we need to keep America safe. The United States does not need a treaty to give us the flexibility to deploy our strategic forces as we wish.

Interestingly, the administration's justifications completely dismiss the unilateral statement Russia has made to this treaty that claims the right to withdraw if we expand our missile defenses. This Russian statement is pure and simple manipulation.

At some point down the road, our Nation will need to expand its missile defenses. Because of this unilateral statement, however, the reaction from some in the administration or in Congress will be to reject any expansion lest we upset the Russians and cause them to pull out of this new Treaty. The Russians surely are counting on this reaction. Yet in all the rhetoric in support of this treaty, I have not heard any reasonable explanation for why we would give Russia this lever to use against our legitimate and necessary right to defend ourselves against ballistic missile attack.

For several months, we have listened to the administration's claims that New START will make America more secure by strengthening nuclear stability. In the "Show Me" State, where I come from, and I suspect throughout the rest of the country, claims like this need to be backed up by facts. But if we cannot verify that the Russians are complying with each of the treaty's three central limits, then we have no way of knowing whether we are more secure or not.

The Select Committee on Intelligence has been looking at this issue

closely over the past several months. As the vice chairman of this committee, I have reviewed the key intelligence on our ability to monitor this treaty and heard from our intelligence professionals. There is no doubt in my mind that the United States cannot reliably verify the treaty's 1,550 limit on deployed warheads.

As an initial hurdle, the ten annual warhead inspections allowed under the treaty permit us to sample only 2 to 3 percent of the total Russian force. Further, under New START, unlike its predecessor, any given missile can have any number of warheads loaded on it. So even if the Russians fully cooperated in every inspection, these inspections cannot provide conclusive evidence of whether the Russians are complying with the warhead limit.

Let's take an example: say that the United States found a missile that was loaded with more warheads than the Russians declared. While this would be a faulty and suspicious declaration by Russia, we could not necessarily infer from it that they had violated the 1,550 warhead limit—especially because the Russians could always make some excuse for a faulty declaration.

Compounding this verification gap is the current structure of the treaty's warhead limits which would allow Russia to prepare legally to add very large numbers of warheads to its forces in excess of the treaty's limit. For example, the Russians could deploy a missile with only one warhead, but legally flight-test it with six warheads to gain confidence in the increased capability—a practice they could not employ under the original START. The Russians could then store the five extra warheads for each such missile nearby, ready to mate them to the missile on a moment's notice. All of this would be legal.

Further, unlike START, this new treaty places no limit on the number of nondeployed missiles, so the Russians legally could store spare missiles to be mated with the spare warheads. This potential for Russia to "break-out" of the treaty in a short period of time—perhaps without adequate warning to the United States—may undermine the very nuclear stability this administration claims this treaty provides.

Arguably, it also means that, despite the opportunities to cheat, it may be even easier for Russia to circumvent legally the limits of this treaty. That does not sound to me like a great bargain for the United States.

Because the details on verification and breakout of this treaty are classified, I have prepared a full classified assessment that is available to any Senator for review. The key points, however, are not classified and I believe the Senate and the American public need to understand them fully.

Common sense suggests that the worse a treaty partner's arms control

compliance record with existing and past treaties, the stronger verification must be for any new treaties. So, exactly what is Russia's record? According to the official State Department reports on arms control compliance, published by this administration and the previous administration, the Russians have previously violated, or are still violating, important provisions of most of the key arms control treaties to which they have been a party, including the original START, the Chemical Weapons Convention, the Biological Weapons Convention, the Conventional Forces in Europe Treaty, and Open Skies. I recommend that my colleagues review the classified versions of these reports before any further Senate action is taken on this treaty.

Despite Russia's poor compliance record, the administration has decided that we will rely primarily on good Russian cooperation to verify New START's key 1,550 limit on deployed warheads. This brings to mind the famous adage: fool me once, shame on you; fool me twice, shame on me.

One of the persistent Russian arms control violations of the original START was its illegal obstruction of U.S. on-site inspections of warheads on certain types of missiles. The only reason these Russian violations did not prevent us from verifying START's warhead limits was because START limited the capability to deploy warheads through a "counting rule" that could be verified primarily with our own intelligence satellites. Unfortunately, New START has discarded this critical counting rule, designed to work hand-in-glove with our satellites, in favor of reliance on no more than ten sample inspections a year—again, just 2 to 3 percent of Russia's force.

The warhead limit in New START is calculated from the actual number of warheads loaded on a missile, and unlike START, this new treaty permits any missile to have any number of warheads loaded on it. But no satellite can tell us how many warheads are loaded on missiles. Therefore, if this treaty is ratified, we will have to rely primarily on on-site inspections to verify actual warhead loadings the very same kind of inspections that the Russians violated in START. If the Russians continue their poor compliance record and obstruct our warhead inspections under New START, the consequences will be much more serious and will substantially degrade verification.

The administration is surely aware of these verification and breakout problems as there is no shortage of verification gimmicks in this treaty. But not even all of them together permit us to verify reliably the treaty's warhead limit. So how have treaty enthusiasts responded to these problems?

First, they discard the military significance of possible Russian cheating. Our own State Department's verification assessment states that:

any Russian cheating under the Treaty would have little if any effect on the assured second-strike capabilities of U.S. strategic forces. In particular, the survivability and response capabilities of [U.S.] strategic submarines and heavy bombers would be unaffected by even large-scale cheating.

This is not exactly a ringing endorsement. I think it is pretty clear that a large-scale breakout would have a seismic impact from a geopolitical perspective. It would escalate tensions between the superpowers and lead to extreme strategic instability. Even more fundamentally, the State Department statement raises a pivotal question: If no level of Russian cheating under New START is deemed militarily significant, then what is the value of this treaty in the first place?

Second, treaty proponents attempt to draw a parallel to the "Moscow" arms control treaty, signed by President Bush and approved 95-0 by the Senate. They argue that this treaty has the same kind of warhead verification difficulties as New START, therefore critics of New START are applying a double-standard. This argument fails on two counts: the first being that the Moscow arms control treaty was placed on top of the verification measures already in effect for START; and second, that the United States had decided unilaterally to move to the limits imposed in the Moscow treaty, whether or not Russia reduced to them. This is simply not the case for New START. Clearly, the two treaties are not comparable from a verification standpoint.

The administration also argues that our ability to monitor Russian forces will be greater with the new treaty than without it. As a general proposition, this is true. In actuality, however, the extent of the treaty's monitoring benefits could be insignificant or only modest in some important respects. This disparity between generalization and reality is explained more in my classified paper.

The bottom line is this: if the chief benefit of this treaty is that we will know more about what Russia is doing with its nuclear forces, then the same benefit could have been achieved with a much more modest confidence-building protocol, one which would not require unilateral U.S. force reductions, give Russia a vote on our missile defenses, or present impossible verification problems.

The administration claims that New START is indispensable to reap the "Reset" benefits with Russia. If a fatally flawed arms control agreement is the price of admission to the Reset game, our Nation is better off if we this one out.

Similarly, any suggestion by treaty advocates that rejecting the treaty weakens the "good" Russian leader, Medvedev, and strengthens the "bad" Russian leader, Putin, should be met with healthy skepticism. Now is not the time to fall for a "good cop—bad cop" act from Moscow.

In many cases, concerns about particular treaties can be solved during the ratification process. I respect my colleagues who are attempting to do so with this treaty. Unfortunately, New START suffers from fundamental flaws that no amount of tinkering around the edges can fix. I believe the better course for our nation, and for global stability, is to put this treaty aside and replace it with a better one.

The United States needs, and we in the Senate should demand, a treaty that can be reliably verified by our own intelligence assets without relying on Russia's good graces, not one that requires unilateral reductions or gives Russia a vote on our strategic defenses. I urge my colleagues to reject anything less and to take a strong stand for America's defense and America's future.

RESTORE ONLINE SHOPPERS' CONFIDENCE ACT

• Mrs. HUTCHISON. Mr. President, I wish to engage my colleague Senator ROCKEFELLER in a colloquy. There have been some questions raised about how S. 3386, the Restore Online Shoppers' Confidence Act, affects a company that sells its business entirely or enters into a deal with another company to "step into the first company's shoes" and provide the products or services to consumers that were previously provided by the first company. I would ask the chairman to explain the intent of the legislation.

Mr. ROCKEFELLER. This legislation is not intended to limit a company's ability to provide its customers with a seamless transition when a company sells its assets or arranges to have a new entity provide the products and services it previously provided to its customers.

Mrs. HUTCHISON. I thank the Senator. Questions have also been raised about how this bill would affect an online company that bills its customers monthly for an ongoing service and decides to enter into a deal with another company to provide the backend billing and other services to those same customers. What is the intent of the legislation?

Mr. ROCKEFELLER. The bill would not consider the company providing backend billing and other services for the initial merchant to be a posttransaction third party seller. Therefore, the provisions of the bill governing post-transaction third party sellers would not apply.

This legislation is intended to prevent the kind of fraudulent transactions the Commerce Committee exposed in its recent investigation—where a consumer intentionally purchases products or services from one company and ends up unknowingly purchasing products or services from a different, unrelated company. As we

have discussed, this bill is not intended to prevent a company from making a business deal that would provide continuity of service to its customers by entering into a business arrangement that gives another company the right to deliver products and services intentionally purchased by consumers and to bill for those products and services.

Mrs. HUTCHISON. I thank the Senator for those clarifications.●

THEOLOGICAL SCHOOL OF HALKI

Mr. CARDIN. Mr. President, a year ago this month I was privileged to again meet with the Ecumenical Patriarch, Bartholomew I. His impassioned call for support for the reopening of the Theological School of Halki promoted me to introduce S. Res. 356, a bipartisan measure calling upon the Government of Turkey to facilitate the reopening of the Ecumenical Patriarchate's Theological School of Halki without condition or further delay. As we approach the 40th anniversary of the forced closure on that unique institution by the Turkish authorities, I renew my call for the Government of Turkey to allow the seminary to reopen.

Founded in 1844, the Theological School of Halki, located outside modern-day Istanbul, served as the principal seminary of the Ecumenical Patriarchate until its forcible closure by the Turkish authorities in 1971. Counted among alumni of this preeminent educational institution are numerous prominent Orthodox scholars, theologians, priests, and bishops as well as patriarchs, including Bartholomew I. Many of these scholars and theologians have served as faculty at other institutions serving Orthodox communities around the world.

Past indications by the Turkish authorities of pending action to reopen the seminary have, regrettably, failed to materialize. Turkey's Prime Minister Recep Tayyip Erdoğan met with the Ecumenical Patriarch in August 2009. In an address to a wider gathering of minority religious leaders that day, Erdoğan concluded by stating, "We should not be of those who gather, talk and disperse. A result should come out of this." I could not agree more with the sentiment. But resolution of this longstanding matter requires resolve, not rhetoric.

In a positive development this August, the authorities in Ankara, for the first time since 1922, permitted a liturgical celebration to take place at the historic Sumela Monastery. The Ecumenical Patriarch presided at the service, attended by pilgrims and religious leaders from several countries, including Greece and Russia. Earlier this month, a Turkish court ordered the Buyukada orphanage to be returned to Ecumenical Patriarchate. If the transfer of the property occurs, this would

be another welcome development, potentially paving the way for the return of scores of other church properties seized by the government. In 2005, the Helsinki Commission, which I chair, convened a briefing, "The Greek Orthodox Church in Turkey: A Victim of Systematic Expropriation." The Commission has consistently raised the issue of the Theological School for well over a decade and will continue to closely monitor related developments.

Yesterday's release of the 2010 Report on International Religious Freedom is a reminder of the challenges faced by Orthodox and other minority religious communities in Turkey. I urge the Turkish Prime Minister to ensure respect for the rights of individuals from these groups to freely profess and practice their religion or beliefs, in keeping with Turkey's obligations as an OSCE participating state.

The 1989 OSCE Vienna Concluding Document affirmed the right of religious communities to provide "training of religious personnel in appropriate institutions." The Theological School of Halki served that function for over a century until its forced closure nearly four decades ago. The time has come to allow the reopening of this unique institution without further delay.

TRIBUTE TO KEN FLANZ

Mr. CRAPO. Mr. President, I rise today to recognize a longtime member of my staff who recently became a Senior Stennis Congressional Fellow.

Ken Flanz has been a central member of my staff since 1997, currently serving as my legislative director. In addition to advancing my legislative agenda and guiding my staff, Ken's responsibilities include foreign affairs, intelligence, Native Americans, appropriations, congressional and campaign reform, and human rights issues. Throughout his years of dedicated service, Ken has been a valued resource to many in the Senate and has contributed helpful insight. His thoughtful approach, patience, and knowledge have been instrumental to the Senate community.

Ken's achievements through the Stennis Congressional Fellows Program will serve him well and be beneficial to my office and the Senate. The Stennis Program seeks to enhance senior congressional staff members' leadership skills and communications abilities for those committed to public service. Senior fellows advance congressional staff development and serve as significant resources for Members of Congress, fellow staff, and the public. The program's emphasis on non-partisanship and the long-term effectiveness of Congress provides for an essential discourse.

I have great appreciation for Ken's experience and circumspection. He has served as a trusted adviser and has

been a great asset to me and my staff. I commend Ken for this distinguished achievement.

ADDITIONAL STATEMENTS

HAWAII'S 2010 LITTLE LEAGUE U.S. CHAMPIONS

● Mr. AKAKA. Mr. President, I honor and congratulate the Little League team from Waipio, HI, our 2010 Little League U.S. Champions.

On Saturday, August 28, Waipio defeated the team from Pearland, TX, to win the U.S. Championship title game. It was a resounding victory for Hawaii, who won in five innings via mercy-rule with a final score of 10-0, advancing to the final game of the World Series Championship against Japan.

Our U.S. Champions performed with the highest level of athleticism as they played the International Champions from the Edogawa Minami Little League of Tokyo. Waipio rose to the occasion and played their hearts out. Despite their hard-fought 4-1 loss to Japan, our young men proved that they are genuine winners, exiting the World Series with their heads held high and leaving an undeniable impression of inspiration and sportsmanship.

With great pride, superior confidence, motivation and spirit, our team showed the Nation and the world what it takes to be a champion. They are: Kahoea Akau, Shiloh Baniaga, Kaimana Bartolome, Matthew Campos, Ty DeSa, Ezra Heleski, Dane Kaneshiro, Tyler Kushima, Cody Maltezo, Justice Nakagawa, Keolu Ramos, Noah Shackles, Brysen Yoshii, Manager Brian Yoshii, and Coaches Kina Akau and Jason Heleski.

Although I am proud of their achievement, I am most proud of the sportsmanlike conduct and warm aloha that these players brought to both the national and international stage. I commend the coaches, parents and families of these players, as well as their friends for the sacrifices made in support of these individuals. I thank them for their dedication to the dreams of these young players, and applaud their hard work. I wish the players all the best in their future endeavors and thank them again for being exceptional representatives of the State of Hawaii and our Nation.●

TRIBUTE TO DR. PING-TUNG CHANG

● Mr. BEGICH. Mr. President, today I congratulate Dr. Ping-Tung Chang, the recipient of the U.S. Outstanding Community Colleges Professor of the Year Award. This award is recognized as one of the most prestigious honors bestowed upon a professor, and this is the second time Professor Chang has won a Professor of the Year award.

To be nominated for this award requires dedication to the art of education and excellence in every aspect of the profession. Professor Chang should be proud of this accomplishment as he has been personally vested in each student and has helped shape the leaders of tomorrow.

In his 24 years at Matanuska-Susitna College, Professor Chang has taught mathematics to nearly 6,000 students and has successfully established a scholarship fund for students. Professor Chang has used innovative methods to get students excited about mathematics and problem solving. I commend him for his leadership and passion for educating.

Professor Chang, I wish you the very best in all your endeavors. Congratulations and best regards.●

REMEMBERING ANNA ELLA CARROLL

● Ms. MIKULSKI. Mr. President, as dean of the Senate Women, I rise on this day to bring attention to the life and work of fellow Marylander Anna Ella Carroll, 1815-1893. Our recognition of her achievements is long overdue.

Anna Ellen Carroll was born in Somerset County, the daughter of Maryland Governor Thomas King Carroll. She was one of President Abraham Lincoln's closest advisers and a senior strategist during the Civil War. And though she is nearly absent from history books, Anna was one of the most influential American women of the 19th century.

Anna believed in justice and fairness. She was a free thinker and an abolitionist. In 1853, she freed the slaves she inherited from her father's estate and persuaded her abolitionist friends to accompany the newly freed men and women to Canada, ensuring they would remain free.

Anna's belief in freedom and humanity led her to campaign passionately on behalf of the abolitionist movement. In fact, many believe that Anna's hard work and strong voice helped motivate President Lincoln to end slavery in America.

Anna formally joined the ranks of President Lincoln's top advisers in 1861, after writing a political pamphlet that impressed the President so much that he requested an interview with its author.

After the meeting, President Lincoln sent Anna on a reconnaissance mission to the secessionist South. When she arrived, Anna immediately knew the proposed Union strategy of sending troops down the Mississippi would fail. She recommended an alternative—send troops to divide the South by using the Tennessee and Cumberland rivers. The President listened, and ultimately, Anna's strategy helped the Union win the war.

Anna served as a consultant to Lincoln's War Department and, after his

assassination in 1865, as an advisor to President Ulysses S. Grant. She also was a recognized political essayist, an avid writer, and an influential member of the Maryland and Washington political circles before and after her role in wartime politics.

During her life, Anna was recognized by her contemporaries as a top adviser to President Lincoln. In the 1864 painting of Lincoln and his Cabinet by Francis B. Carpenter, a chair sits empty. It is surrounded by maps and notes similar to those carried by Anna during her time advising Lincoln, implying her place at the table. Still, despite multiple petitions, she was never formally acknowledged for her contributions.

Anna Ella Carroll was a woman who had a profound impact on the trajectory of our country's reunification, helping make decisions at a crossroads that were critical to America's survival. I am proud to count her among the ranks of Maryland's most influential women. It is time we give her a proper place in our history books.●

TRIBUTE TO RON HAYES

● Mr. SESSIONS. Mr. President, I am honored to bring to the attention of the Senate the work of a remarkable American and constituent of mine, Mr. Ron Hayes, of Fairhope, AL.

As blessed as we are to be living in America, we would do well to remember that our society continues to be enhanced through the noble efforts of those who tirelessly and passionately pursue a better quality of life for us all. These often unsung heroes seek only the reward of knowing they have transformed our laws and our land for the better.

Today I wish to honor one such individual who has spent nearly two decades advocating for strengthened workplace safety regulations and timely communication between the government and accident victims and their families. His efforts have made a difference.

Ron Hayes began his journey to improve workplace safety in 1993 when he lost his beloved 19-year-old son, Patrick, to a grain silo accident in Florida. Facing tremendous emotional pain, Ron and his wife Dot sought details of their son's death as well as survivor's benefits from local, State and Federal agencies, only to be met with delays and few answers. After 2 years of navigating the bureaucracy, they resolved to learn everything they could about workplace safety standards and sought ways to improve both job safety rules and enforcement.

Ron Hayes' dedication resulted in the revision of the Occupational Safety and Health Administration's, OSHA, grain handling standards. But this was only the beginning. Ron and his wife founded the Families In Grief Hold Together

"FIGHT" Project, a nonprofit group devoted to assisting families and workers cope with the consequences of workplace accidents and deaths.

Some 10,000 people lose their lives while working each year. Ron Hayes worked with OSHA to create a policy which the agency often uses in communicating with family members after a workplace accident.

Since its founding, the FIGHT Project has reached out to nearly 800 families, providing valuable help in the grieving process, negotiating the red tape and ultimately in healing.

Ron Hayes could have stopped there, but his dedication to improving worker safety has motivated him to speak to almost 50,000 workers and taken him to some of the largest companies in the world. He has testified before Congress on numerous occasions and has served as a special adviser to the Senate Health, Education, Labor, and Pensions Committee.

In the process, Ron Hayes has received many awards for humanitarian efforts.

I commend Ron Hayes' selfless dedication to worker safety while providing comfort and valuable counsel to families.

In our society it is possible for one person, or in this case a husband and wife, to make a difference that will positively impact the lives of millions. Ron Hayes has shown us that a lone voice for good cannot only be heard but it can change society for the better.●

RECOGNIZING TILSON TECHNOLOGY MANAGEMENT

● Ms. SNOWE. Mr. President, it is essential that today's small businesses be flexible and responsive when it comes to changing demands and conditions if they wish to be successful and truly distinguish themselves. My home State of Maine boasts a number of these highly innovative companies, which are poised to lead our economic recovery in the coming years. I rise today to recognize one of these firms, Tilson Technology Management, a small independent information technology project management company based in Portland, which is helping businesses grow through the creative and comprehensive training it offers its customers.

Mike Dow founded Tilson Technology Management in 1996 with the goal of improving the day-to-day operations of construction companies through the unique technology consulting training it offers to its clients. Tilson quickly met this goal and, adjusting to the needs of a variety of other industries, set its sights on providing technology solutions to businesses on a broader, global scale. As such, Tilson expanded its expertise, offering its critical technology services to a wider range of markets, including the biotechnology,

banking, and manufacturing industries. All the while, Tilson has maintained its reputation as a leading example of solid and principled business management.

At its core, Tilson is a company of solutions, helping businesses meet their customers' needs while also helping to improve Maine's high-tech infrastructure. As a result of the company's hard work and determined success, Tilson was recognized this year with the Governor's Award for Technology Company of the Year. This honor is bestowed annually on a business that takes great pains to ensure that Maine is a cutting-edge technology State.

The company's work to find solutions to everyday technology problems is never-ending. In Maine, this includes constructing 1,100 miles of fiber optic cable that will expand the reach of broadband and the countless opportunities that will come as a result. I look forward to the completion of this project and the doors it will open for the citizens of Maine and local industries seeking a wider, global reach. At the same time, Tilson is helping to improve the lives of Americans abroad. The company is taking on the crucial task of developing ways to furnish U.S. troops with the food and supplies they need while serving our country in Iraq and Afghanistan.

A member of such organizations as the Portland Regional Chamber of Commerce, the Maine International Trade Center, and Maine's Software and Information Technology Industry Association, Tilson has been a driving force in the vitality of Maine's business community. On a daily basis, this impressive company makes the lives of the people of my home State easier by helping businesses better serve their customers. There are no bounds to what the future holds for Tilson and its remarkable innovations that are helping Maine become a more competitive and global State. I thank Mike Dow and everyone at Tilson Technology Management for making their company an outstanding example of a successful business, and I offer them best wishes for continued growth.●

TRIBUTE TO MICHAEL AND EMILY BECK

● Mr. THUNE. Mr. President, today I recognize Michael and Emily Beck of Keystone, SD, as my nominees for the 2010 Angels in Adoption Award. Since 1999, the Angels in Adoption program through the Congressional Coalition on Adoption Institute has honored more than 1,600 individuals, couples, and organizations nationwide for their work in providing children with loving, stable homes.

Michael and Emily Beck were high school sweethearts, and decided early in their relationship that they would eventually start a family through

adoption. The Becks have done exactly that through the adoption of four children. Tehya, 6, was adopted when she was just a baby, and this year the Beck family grew by three more. In July, Michael and Emily finalized the adoption of their foster children, John, 7, and his sisters, Emily, 5, and Shyanne, 4. Michael and Emily worked diligently to reunite John, Emily, and Shyanne who had been separated in the foster system.

I admire the Beck's desire to promote foster care and advocate adoption as a way of life. A significant driving force behind their philosophy on adoption is their belief in the call God has placed upon His family to care for those who have no family to care for them. The Beck's goal is to provide permanency—a stable home and loving family—for children who can often spend their entire childhood in the foster care system.

The Becks also exemplify selfless service to our Nation. Michael and Emily both serve our country through the Army National Guard, and Michael has orders to deploy to the Middle East in 2011.

As a father myself, I can speak to the sacrifices that parents willingly make for the well-being of their children. It is apparent through their stories that Michael and Emily make significant sacrifices to provide for their children and find joy in the small accomplishments of parenting. Michael and Emily are committed to providing a promising and loving future for their family.

National Adoption Day this year is November 20, 2010, and I can think of no better family to serve as a role model for others who seek to adopt than Michael and Emily Beck, my nominees for the 2010 Angels in Adoption Award.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 9:59 a.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 5758. An act to designate the facility of the United States Postal Service located at 2 Government Center in Fall River, Massachusetts, as the "Sergeant Robert Barrett Post Office Building".

The message also announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 259. Concurrent resolution recognizing the 500th anniversary of the birth of Italian architect Andrea Palladio.

H. Con. Res. 327. Concurrent resolution recognizing and supporting the efforts of the USA Bid Committee to bring the 2022 Federation Internationale de Football Association (FIFA) World Cup competition to the United States.

At 4:29 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 329. Concurrent resolution recognizing the 35th anniversary of the enactment of the Education for All Handicapped Children Act of 1975.

The message further announced that the House has passed the following bill, without amendment:

S. 3774. An act to extend the deadline for Social Services Block Grant expenditures of supplemental funds appropriated following disasters occurring in 2008.

The message also announced that the House agrees to the amendment of the Senate to the bill (H.R. 1722) to require the head of each executive agency to establish and implement a policy under which employees shall be authorized to telework, and for other purposes.

The message further announced that pursuant to 10 U.S.C. 9355(a), and the order of the House of January 6, 2009, the Speaker appoints the following member to the Board of Visitors to the United States Air Force Academy: Mr. Alfredo A. Sandoval of Indian Wells, California.

The message also announced that pursuant to section 1238(b)(3) of the Floyd D. Spence National Defense Authorization Act for fiscal year 2001 (22 U.S.C. 7002), as amended, and the order of the House of January 6, 2009, the Speaker reappoints the following member on the part of the House of Representatives to the United States-China Economic and Security Review Commission, effective January 1, 2011: Mr. Michael Wessell of Falls Church, Virginia.

MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 5758. An act to designate the facility of the United States Postal Service located at 2 Government Center in Fall River, Massachusetts, as the "Sergeant Robert Barrett Post Office Building"; to the Committee on Homeland Security and Governmental Affairs.

The following concurrent resolutions were read, and referred as indicated:

H. Con. Res. 259. Concurrent resolution recognizing the 500th anniversary of the birth of Italian architect Andrea Palladio; to the Committee on the Judiciary.

H. Con. Res. 329. Concurrent resolution recognizing the 35th anniversary of the enactment of the Education for All Handicapped Children Act of 1975; to the Committee on Health, Education, Labor, and Pensions.

MEASURES PLACED ON THE CALENDAR

The following bills were read the second time, and placed on the calendar:

S. 3962. A bill to authorize the cancellation of removal and adjustment of status of certain alien students who are long-term United States residents and who entered the United States as children and for other purposes.

S. 3963. A bill to authorize the cancellation of removal and adjustment of status of certain alien students who are long-term United States residents and who entered the United States as children and for other purposes.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

S. 3975. A bill to permanently extend the 2001 and 2003 tax relief provisions, and to permanently repeal the estate tax, and to provide permanent alternative minimum tax relief, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-7907. A communication from the Director, National Institute of Food and Agriculture, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Competitive and Noncompetitive Nonformula Federal Assistance Programs—Administrative Provisions for the Sun Grant Program" (RIN0524-AA64) received in the Office of the President of the Senate on November 16, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC-7908. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Isoxaben; Pesticide Tolerances" (FRL No. 8845-6) received in the Office of the President of the Senate on November 10, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC-7909. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting a report on the approved retirement of Rear Admiral Robert B. Murrett, United States Navy, and his advancement to the grade of vice admiral on the retired list; to the Committee on Armed Services.

EC-7910. A communication from the Secretary of the Navy, transmitting, pursuant to law, a report relative to competitive procedures and the authorization of awarding a contract for short-term dry-docking depot level repair and maintenance availabilities

of FFG/DDG ships homeported in the Puget Sound area of Washington from FY 2011 through FY 2015 to Todd Pacific Shipyard; to the Committee on Armed Services.

EC-7911. A communication from the President of the United States, transmitting, pursuant to law, a report on the continuation of the national emergency with respect to Iran that was originally declared in Executive Order 12170 on November 14, 1979; to the Committee on Banking, Housing, and Urban Affairs.

EC-7912. A communication from the Deputy Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency with respect to Syria that was declared in Executive Order 13338 of May 11, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC-7913. A communication from the Chairman and President of the Export-Import Bank, transmitting, pursuant to law, a report relative to transactions involving U.S. exports to Switzerland; to the Committee on Banking, Housing, and Urban Affairs.

EC-7914. A communication from the Chairman and President of the Export-Import Bank, transmitting, pursuant to law, a report relative to transactions involving U.S. exports to the Republic of Colombia; to the Committee on Banking, Housing, and Urban Affairs.

EC-7915. A communication from the Assistant to the Board of Governors of the Federal Reserve System, transmitting, pursuant to law, the report of a rule entitled "Mortgage Loan Transfer Disclosures" (Docket No. R-1378) received during adjournment of the Senate in the Office of the President of the Senate on November 7, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC-7916. A communication from the Assistant to the Board of Governors of the Federal Reserve System, transmitting, pursuant to law, the report of a rule entitled "Electronic Fund Transfers; Interim Rule" (Docket No. R-1377) received during adjournment of the Senate in the Office of the President of the Senate on November 7, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC-7917. A communication from the Assistant to the Board of Governors of the Federal Reserve System, transmitting, pursuant to law, the report of a rule entitled "Regulation Z (Truth in Lending) Interim Rule; Request for Public Comment" (Docket No. R-1366) received during adjournment of the Senate in the Office of the President of the Senate on November 7, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC-7918. A communication from the Assistant to the Board of Governors of the Federal Reserve System, transmitting, pursuant to law, the report of a rule entitled "12 CFR Part 226 Regulation Z—Truth in Lending" (Docket No. R-1384) received during adjournment of the Senate in the Office of the President of the Senate on November 7, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC-7919. A communication from the Assistant General Counsel for Legislation, Regulation and Energy Efficiency, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "Acquisition Regulation: Socioeconomic Programs" (RIN1991-AB87) received in the Office of the President of the Senate on November 16, 2010; to the Committee on Energy and Natural Resources.

EC-7920. A communication from the Assistant General Counsel for Legislation, Regula-

tion and Energy Efficiency, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "Acquisition Regulation: Agency Supplementary Regulations" (RIN1991-AB91) received in the Office of the President of the Senate on November 10, 2010; to the Committee on Energy and Natural Resources.

EC-7921. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants; Threatened Status for the Southern District Population Segment of the Spotted Seal" (RIN0648-XR74) received during adjournment of the Senate in the Office of the President of the Senate on November 7, 2010; to the Committee on Environment and Public Works.

EC-7922. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; New York, New Jersey, and Connecticut; Determination of Attainment of the 1997 Fine Particle Standard" (FRL No. 9225-6) received in the Office of the President of the Senate on November 10, 2010; to the Committee on Environment and Public Works.

EC-7923. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; Texas; Excess Emissions During Startup, Shutdown, Maintenance, and Malfunction Activities" (FRL No. 9223-2) received in the Office of the President of the Senate on November 10, 2010; to the Committee on Environment and Public Works.

EC-7924. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; Texas; Emissions Banking and Trading of Allowances Program" (FRL No. 9226-3) received in the Office of the President of the Senate on November 10, 2010; to the Committee on Environment and Public Works.

EC-7925. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Mandatory Reporting of Greenhouse Gases: Petroleum and Natural Gas Systems" (FRL No. 9226-1) received in the Office of the President of the Senate on November 10, 2010; to the Committee on Environment and Public Works.

EC-7926. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Capitalization v. Repairs Audit Techniques Guide" (LBand14-0910-023) received in the Office of the President of the Senate on November 16, 2010; to the Committee on Finance.

EC-7927. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Update of Weighted Average Interest Rates, Yield Curves, and

Segment Rates" (Notice No. 2010-76) received in the Office of the President of the Senate on November 16, 2010; to the Committee on Finance.

EC-7928. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "VERITAS Software Corp. v. Commissioner, 133 T.C. No. 14" (AOD 2010-49) received in the Office of the President of the Senate on November 10, 2010; to the Committee on Finance.

EC-7929. A communication from the Regulations Coordinator, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medicare Program; Withdrawal of Determination of Average Manufacturer Price, Multiple Source Drug Definition, and Upper Limits for Multiple Source Drugs (CMS-2238-F2)" (RIN0938-AP67) received in the Office of the President of the Senate on November 16, 2010; to the Committee on Finance.

EC-7930. A communication from the Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the Semi-Annual Report of the Inspector General for the period from April 1, 2010 through September 30, 2010 and the Inspector General's Compendium of Unimplemented Recommendations; to the Committee on Homeland Security and Governmental Affairs.

EC-7931. A communication from the Chairman and President of the Export-Import Bank, transmitting, pursuant to law, the Semi-Annual Report of the Inspector General for the period from April 1, 2010 through September 30, 2010; to the Committee on Homeland Security and Governmental Affairs.

EC-7932. A communication from the Director, Congressional Affairs, Federal Election Commission, transmitting, pursuant to law, a report entitled "Federal Election Commission 2010 Performance and Accountability Report"; to the Committee on Homeland Security and Governmental Affairs.

EC-7933. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled, "Public-Private Development Project Compliance with Certified Business Enterprise Goals through the 2nd Quarter of Fiscal Year 2010"; to the Committee on Homeland Security and Governmental Affairs.

EC-7934. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled, "Audit of the Office of the People's Counsel Agency Fund for Fiscal Year 2005"; to the Committee on Homeland Security and Governmental Affairs.

EC-7935. A communication from the Counsel for Regulatory and External Affairs, Federal Labor Relations Authority, transmitting, pursuant to law, the report of a rule entitled "Employee Responsibilities and Conduct; Enforcement of Nondiscrimination in Programs or Activities; Filing Procedures" (5 CFR Parts 2415, 2416, 2424, and 2429) received during adjournment of the Senate in the Office of the President of the Senate on November 7, 2010; to the Committee on Homeland Security and Governmental Affairs.

EC-7936. A communication from the Archivist of the United States, National Archives and Records Administration, transmitting, pursuant to law, a report relative to the Administration's Fiscal Year 2010 Commercial Activities Inventory and Inherently Governmental Inventory; to the Committee on

Homeland Security and Governmental Affairs.

EC-7937. A communication from the Counsel for Regulatory and External Affairs, Federal Labor Relations Authority, transmitting, pursuant to law, the report of a rule entitled "Enforcement of Nondiscrimination on the Basis of Disability in Programs or Activities Conducted by the Federal Labor Relations Authority; Correction" (5 CFR Part 2416) received during adjournment of the Senate in the Office of the President of the Senate on November 7, 2010; to the Committee on Homeland Security and Governmental Affairs.

EC-7938. A communication from the Counsel for Regulatory and External Affairs, Federal Labor Relations Authority, transmitting, pursuant to law, the report of a rule entitled "Unfair Labor Practice Proceedings" (5 CFR Part 2423) received during adjournment of the Senate in the Office of the President of the Senate on November 7, 2010; to the Committee on Homeland Security and Governmental Affairs.

EC-7939. A communication from the Counsel for Regulatory and External Affairs, Federal Labor Relations Authority, transmitting, pursuant to law, the report of a rule entitled "Review of Arbitration Awards; Miscellaneous and General Requirements" (5 CFR Parts 2425 and 2429) received during adjournment of the Senate in the Office of the President of the Senate on November 7, 2010; to the Committee on Homeland Security and Governmental Affairs.

EC-7940. A communication from the Counsel for Regulatory and External Affairs, Federal Labor Relations Authority, transmitting, pursuant to law, the report of a rule entitled "Availability of Official Information" (5 CFR Part 2411) received during adjournment of the Senate in the Office of the President of the Senate on November 7, 2010; to the Committee on Homeland Security and Governmental Affairs.

EC-7941. A communication from the Senior Procurement Executive, Office of Governmentwide Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled "Federal Travel Regulation (FTR); Terms and Definitions for 'Dependent', 'Domestic Partner', 'Domestic Partnership', and 'Immediate Family'" (RIN3090-AJ06) received during adjournment of the Senate in the Office of the President of the Senate on November 7, 2010; to the Committee on Homeland Security and Governmental Affairs.

EC-7942. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting the report of an officer authorized to wear the insignia of the grade of rear admiral (lower half) in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

EC-7943. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; Mississippi River, Mile 212.0 to 214.5" ((RIN1625-AA00)(Docket No. USCG-2010-0576)) received in the Office of the President of the Senate on October 19, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7944. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; Fireworks Displays, Potomac River, National Harbor, MD" ((RIN1625-AA00)(Docket No. USCG-2010-0776)) received in the Office of the President of the Senate

on October 19, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7945. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; Mississippi River, Mile 427.3 to 427.5" ((RIN1625-AA00)(Docket No. USCG-2010-0703)) received in the Office of the President of the Senate on October 19, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7946. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; Red Bull Flugtag, Delaware River, Camden, NJ" ((RIN1625-AA00)(Docket No. USCG-2010-0728)) received in the Office of the President of the Senate on October 19, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7947. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; Olympia Harbor Days Tug Boat Races, Budd Inlet, WA" ((RIN1625-AA00)(Docket No. USCG-2010-0799)) received in the Office of the President of the Senate on October 19, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7948. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; Potomac River, St. Mary's River, St. Inigoes, MD" ((RIN1625-AA00)(Docket No. USCG-2010-0719)) received in the Office of the President of the Senate on October 19, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7949. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; San Diego Harbor Shark Fest Swim; San Diego Bay, San Diego, CA" ((RIN1625-AA00)(Docket No. USCG-2010-0462)) received in the Office of the President of the Senate on October 19, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7950. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; Ocean City Beachfront Air Show, Ocean City, NJ" ((RIN1625-AA00)(Docket No. USCG-2010-0817)) received in the Office of the President of the Senate on October 19, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7951. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; Ohio River, Wheeling, WV, Wheeling Heritage Port Sternwheel Foundation Fireworks Display" ((RIN1625-AA00)(Docket No. USCG-2010-0723)) received in the Office of the President of the Senate on October 19, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7952. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; VERMILION 380A at Block 380 Outer Continental Shelf Fixed Platform in the Gulf of Mexico" ((RIN1625-AA00)(Docket No. USCG-2010-0857)) received in the Office of the President of the Senate on October 19, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7953. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; Illinois River, Mile 000.5 to 001.5" ((RIN1625-AA00)(Docket No. USCG-2010-0786)) received in the Office of the President of the Senate on October 19, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7954. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; Raccoon Creek, Bridgeport, NJ" ((RIN1625-AA00)(Docket No. USCG-2010-0743)) received in the Office of the President of the Senate on October 19, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7955. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; NASSCO Launching of USNS Washington Chambers, San Diego Bay, San Diego, CA" ((RIN1625-AA00)(Docket No. USCG-2010-0782)) received in the Office of the President of the Senate on October 19, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7956. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; Revolution 3 Triathlon, Lake Erie and Sandusky Bay, Cedar Point, OH" ((RIN1625-AA00)(Docket No. USCG-2010-0791)) received in the Office of the President of the Senate on October 19, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7957. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; DEEPWATER HORIZON at Mississippi Canyon 252 Outer Continental Shelf MODU in the Gulf of Mexico" ((RIN1625-AA00)(Docket No. USCG-2010-0448)) received during adjournment of the Senate in the Office of the President of the Senate on November 7, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7958. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; Thunder on the Bay, Chesapeake Bay, Buckroe Beach Park, Hampton, VA" ((RIN1625-AA00)(Docket No. USCG-2010-0755)) received in the Office of the President of the Senate on October 19, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7959. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; Swim Events within the Sector New York Captain of the Port Zone" ((RIN1625-AA00)(Docket No. USCG-2010-0502)) received in the Office of the President of the Senate on October 19, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7960. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Operation Regulation; Taunton River, Fall River and Somerset, MA" ((RIN1625-AA09)(Docket No. USCG-2010-0234)) received in the Office of the President of the Senate on October 19, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7961. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Operation Regulation; Pequonnock River, Bridgeport, CT" ((RIN1625-AA09)(Docket No. USCG-2009-0787)) received in the Office of the President of the Senate on October 19, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7962. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Operation Regulation; Passaic River, Clifton, NJ" ((RIN1625-AA09)(Docket No. USCG-2010-0200)) received in the Office of the President of the Senate on October 19, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7963. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Navigation and Navigable Waters; Technical, Organizational, and Conforming Amendments, Sector Columbia River; Correction" ((RIN1625-AA00)(Docket No. USCG-2010-0351)) received in the Office of the President of the Senate on October 19, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7964. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Special Local Regulation for Marine Events; Roanoke River, Plymouth, NC" ((RIN1625-AA08)(Docket No. USCG-2010-0756)) received in the Office of the President of the Senate on October 19, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7965. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Security Zone, Mackinac Bridge, Straits of Mackinac, Michigan" (Docket No. USCG-2010-0790) received in the Office of the President of the Senate on October 19, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7966. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Security Zone; U.S. Coast Guard BSU Seattle, Pier 36, Seattle, WA" ((RIN1625-AA87)(Docket No. USCG-2010-0021)) received in the Office of the President of the Senate on October 19, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7967. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Special Local Regulations, Sabine River; Orange, TX" ((RIN1625-AA08)(Docket No. USCG-2010-0518)) received in the Office of the President of the Senate on October 19, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7968. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Inseason; Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic; Trip Limit Reduction" (RIN0648-XZ99) received in the Office of the President of the Senate on November 16, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7969. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Vessels Catching Pacific Cod for Processing by the Inshore Component in the Western Regulatory Area of the Gulf of Alaska" (RIN0648-XZ67) received during adjournment of the Senate in the Office of the President of the Senate on October 27, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7970. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 630 of the Gulf of Alaska" (RIN0648-XZ84) received during adjournment of the Senate in the Office of the President of the Senate on November 7, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7971. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 620 in the Gulf of Alaska" (RIN0648-XY88) received during adjournment of the Senate in the Office of the President of the Senate on November 7, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7972. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Atlantic Highly Migratory Species; Inseason Action to Close the Commercial Non-Sandbar Large Coastal Shark Research Fishery" (RIN0648-XZ43) received during adjournment of the Senate in the Office of the President of the Senate on October 27, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7973. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Pacific Coast Groundfish Final Rule; Inseason Action; October 1, 2010 Changes to Commercial Trip Limits" (RIN0648-BA28) received during adjournment of the Senate in the Office of the President of the Senate on October 21, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7974. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Northeastern United States; Atlantic Surfclam and Ocean Quahog Fisheries; Suspension of Minimum Atlantic Surfclam Size Limit for Fishing Year 2011" (RIN0648-XZ16) received in the Office of the President of the Senate on November 16, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7975. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 630 in the Gulf of Alaska" (RIN0648-XZ38) received during adjournment of the Senate in the Office of the

President of the Senate on October 21, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7976. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Final Rule to Implement Amendments 95 and 96 to the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area and Amendment 87 to the Fishery Management Plan for Groundfish of the Gulf of Alaska" (RIN0648-AY48) received during adjournment of the Senate in the Office of the President of the Senate on October 21, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7977. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Amendment 94 to the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area for Modified Nonpelagic Trawl Gear" (RIN0648-AY34) received during adjournment of the Senate in the Office of the President of the Senate on October 21, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7978. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Amendments to Fishing Capacity Reduction Framework" (RIN0648-AY79) received during adjournment of the Senate in the Office of the President of the Senate on October 21, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7979. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Regulatory Amendment to the Fishery Management Plan for the Reef Fish Fishery Management Plan of Puerto Rico and the U.S. Virgin Islands Modifying the Bajo de Sico Seasonal Closure" (RIN0648-AY05) received in the Office of the President of the Senate on November 16, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7980. A communication from the Deputy Assistant Administrator for Operations, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Correcting Amendment to the Regulations for Framework 21 to the Atlantic Sea Scallop Fishery Management Plan" (RIN0648-BA08) received during adjournment of the Senate in the Office of the President of the Senate on November 2, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7981. A communication from the Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Adjustment to Fishing Year 2010 Georges Bank Yellowtail Flounder Total Allowable Catch" (RIN0648-AY29) received during adjournment of the Senate in the Office of the President of the Senate on November 7, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7982. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of

a rule entitled "Standard Instrument Approach Procedures (61); Amdt. No. 3394" (RIN2120-AA65) received in the Office of the President of the Senate on October 29, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7983. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures (27); Amdt. No. 3395" (RIN2120-AA65) received in the Office of the President of the Senate on October 29, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7984. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures; Amdt. No. 3396" (RIN2120-AA65) received in the Office of the President of the Senate on November 10, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7985. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures (40); Amdt. No. 3397" (RIN2120-AA65) received in the Office of the President of the Senate on November 10, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7986. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures (73); Docket No. 30745" (RIN2120-AA65) received during adjournment of the Senate in the Office of the President of the Senate on October 6, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7987. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures (27); Docket No. 30746" (RIN2120-AA65) received during adjournment of the Senate in the Office of the President of the Senate on October 6, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7988. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Part 95 Instrument Flight Rules (156); Docket No. 30742" (RIN2120-AA63) received in the Office of the President of the Senate on October 29, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7989. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Crewmember Requirements When Passengers Are Onboard" (RIN2120-AJ30)(Docket No. FAA-2009-0022) received in the Office of the President of the Senate on November 10, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7990. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Flightcrew Alerting" (RIN2120-AJ35)(Docket No. FAA-2008-1292))

received in the Office of the President of the Senate on November 10, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7991. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Inclusion of Reference to Manual Requirements" ((RIN2120-AJ44)(Docket No. FAA-2006-25877)) received during adjournment of the Senate in the Office of the President of the Senate on October 6, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7992. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Re-registration and Renewal of Aircraft Registration; OMB Approval of Information Collection; Correction" ((RIN2120-AI89)(Docket No. FAA-2008-0188)) received during adjournment of the Senate in the Office of the President of the Senate on October 6, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7993. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airports/Locations; Special Operating Restrictions" ((RIN2120-AA66)(Docket No. FAA-2010-0995)) received during adjournment of the Senate in the Office of the President of the Senate on October 14, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7994. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revocation of Class C Airspace, Establishment of Class D Airspace, and Modification of Class E Airspace; Columbus, GA" ((RIN2120-AA66)(Docket No. FAA-2010-0386)) received in the Office of the President of the Senate on October 29, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7995. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revocation of Class E Airspace, Franklin, TX" ((RIN2120-AA66)(Docket No. FAA-2010-0603)) received in the Office of the President of the Senate on October 29, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7996. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revocation and Establishment of Class E Airspace; Northeast Alaska, AK" ((RIN2120-AA66)(Docket No. FAA-2010-0445)) received in the Office of the President of the Senate on October 29, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7997. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision of Class E Airspace; Tanana, AK" ((RIN2120-AA66)(Docket No. FAA-2010-0588)) received in the Office of the President of the Senate on October 29, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7998. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation,

transmitting, pursuant to law, the report of a rule entitled "Revision of Class E Airspace; Unalakleet, AK" ((RIN2120-AA66)(Docket No. FAA-2010-0119)) received in the Office of the President of the Senate on October 29, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7999. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Kalaupapa, HI" ((RIN2120-AA66)(Docket No. FAA-2010-0650)) received in the Office of the President of the Senate on October 29, 2010; to the Committee on Commerce, Science, and Transportation.

EC-8000. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Port Clarence, AK" ((RIN2120-AA66)(Docket No. FAA-2010-0354)) received in the Office of the President of the Senate on October 29, 2010; to the Committee on Commerce, Science, and Transportation.

EC-8001. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class E Airspace; Smithfield, NC" ((RIN2120-AA66)(Docket No. FAA-2010-0911)) received during adjournment of the Senate in the Office of the President of the Senate on November 7, 2010; to the Committee on Commerce, Science, and Transportation.

EC-8002. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace; Charleston, SC" ((RIN2120-AA66)(Docket No. FAA-2010-0817)) received in the Office of the President of the Senate on November 10, 2010; to the Committee on Commerce, Science, and Transportation.

EC-8003. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class D and Class E Airspace; Klamath Falls, OR" ((RIN2120-AA66)(Docket No. FAA-2010-0651)) received in the Office of the President of the Senate on November 10, 2010; to the Committee on Commerce, Science, and Transportation.

EC-8004. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Bamberg, SC" ((RIN2120-AA66)(Docket No. FAA-2010-0685)) received in the Office of the President of the Senate on November 10, 2010; to the Committee on Commerce, Science, and Transportation.

EC-8005. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment and Establishment of Restricted Areas and Other Special Use Airspace, Razorback Range Airspace Complex, AR" ((RIN2120-AA66)(Docket No. FAA-2009-1050)) received in the Office of the President of the Senate on November 10, 2010; to the Committee on Commerce, Science, and Transportation.

EC-8006. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation,

transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace; Williston, ND" ((RIN2120-AA66)(Docket No. FAA-2010-0407)) received in the Office of the President of the Senate on November 10, 2010; to the Committee on Commerce, Science, and Transportation.

EC-8007. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revocation of Class E Airspace; Chilicothe, MO" ((RIN2120-AA66)(Docket No. FAA-2010-0268)) received in the Office of the President of the Senate on November 10, 2010; to the Committee on Commerce, Science, and Transportation.

EC-8008. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace; Youngstown, OH" ((RIN2120-AA66)(Docket No. FAA-2010-267)) received in the Office of the President of the Senate on November 10, 2010; to the Committee on Commerce, Science, and Transportation.

EC-8009. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace; Boonville, MO" ((RIN2120-AA66)(Docket No. FAA-2010-0607)) received in the Office of the President of the Senate on November 10, 2010; to the Committee on Commerce, Science, and Transportation.

EC-8010. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Kaiser/Lake Ozark, MO" ((RIN2120-AA66)(Docket No. FAA-2010-0604)) received in the Office of the President of the Senate on November 10, 2010; to the Committee on Commerce, Science, and Transportation.

EC-8011. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace; Corpus Christi, TX" ((RIN2120-AA66)(Docket No. FAA-2010-0404)) received in the Office of the President of the Senate on November 10, 2010; to the Committee on Commerce, Science, and Transportation.

EC-8012. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace; Searcy, AR" ((RIN2120-AA66)(Docket No. FAA-2009-1182)) received in the Office of the President of the Senate on November 10, 2010; to the Committee on Commerce, Science, and Transportation.

EC-8013. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class D and E Airspace; Establishment of Class E Airspace; Patuxent River, MD" ((RIN2120-AA66)(Docket No. FAA-2010-0428)) received during adjournment of the Senate in the Office of the President of the Senate on September 30, 2010; to the Committee on Commerce, Science, and Transportation.

EC-8014. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E

Airspace; Homestead, FL" ((RIN2120-AA66)(Docket No. FAA-2010-0429)) received during adjournment of the Senate in the Office of the President of the Senate on September 30, 2010; to the Committee on Commerce, Science, and Transportation.

EC-8015. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace; Brewton, AL" ((RIN2120-AA66)(Docket No. FAA-2010-0777)) received during adjournment of the Senate in the Office of the President of the Senate on September 30, 2010; to the Committee on Commerce, Science, and Transportation.

EC-8016. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class D Airspace; Miami Opa Locka Airport, FL, and Hollywood, FL" ((RIN2120-AA66)(Docket No. FAA-2010-0816)) received during adjournment of the Senate in the Office of the President of the Senate on September 30, 2010; to the Committee on Commerce, Science, and Transportation.

EC-8017. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Toledo, WA" ((RIN2120-AA66)(Docket No. FAA-2009-1189)) received during adjournment of the Senate in the Office of the President of the Senate on September 30, 2010; to the Committee on Commerce, Science, and Transportation.

EC-8018. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Fillmore, UT" ((RIN2120-AA66)(Docket No. FAA-2009-1248)) received during adjournment of the Senate in the Office of the President of the Senate on September 30, 2010; to the Committee on Commerce, Science, and Transportation.

EC-8019. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Wilcox, AZ" ((RIN2120-AA66)(Docket No. FAA-2010-0325)) received during adjournment of the Senate in the Office of the President of the Senate on September 30, 2010; to the Committee on Commerce, Science, and Transportation.

EC-8020. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace and Amendment to Class D Airspace; Troutdale, OR" ((RIN2120-AA66)(Docket No. FAA-2010-0393)) received during adjournment of the Senate in the Office of the President of the Senate on September 30, 2010; to the Committee on Commerce, Science, and Transportation.

EC-8021. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class B Airspace; Chicago, IL" ((RIN2120-AA66)(Docket No. FAA-2010-0347)) received during adjournment of the Senate in the Office of the President of the Senate on September 30, 2010; to the Committee on Commerce, Science, and Transportation.

EC-8022. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment and Modification of Class E Airspace; Deer Park, WA" ((RIN2120-AA66) (Docket No. FAA-2009-1136)) received during adjournment of the Senate in the Office of the President of the Senate on October 14, 2010; to the Committee on Commerce, Science, and Transportation.

EC-8023. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace; Kwajalein Island, Marshall Islands, RMI" ((RIN2120-AA66) (Docket No. FAA-2010-0808)) received during adjournment of the Senate in the Office of the President of the Senate on October 14, 2010; to the Committee on Commerce, Science, and Transportation.

EC-8024. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Pendleton, OR" ((RIN2120-AA66) (Docket No. FAA-2010-0616)) received during adjournment of the Senate in the Office of the President of the Senate on October 14, 2010; to the Committee on Commerce, Science, and Transportation.

EC-8025. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; San Clemente, CA" ((RIN2120-AA66) (Docket No. FAA-2010-0619)) received during adjournment of the Senate in the Office of the President of the Senate on October 14, 2010; to the Committee on Commerce, Science, and Transportation.

EC-8026. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Arco, ID" ((RIN2120-AA66) (Docket No. FAA-2010-0615)) received during adjournment of the Senate in the Office of the President of the Senate on October 14, 2010; to the Committee on Commerce, Science, and Transportation.

EC-8027. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Bombardier, Inc. Model CL-600-2B19 (Regional Jet Series 100 and 440) Airplanes" ((RIN2120-AA64) (Docket No. FAA-2010-0482)) received in the Office of the President of the Senate on October 29, 2010; to the Committee on Commerce, Science, and Transportation.

EC-8028. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 747-100, 747-100B, 747-100B SUD, 747-200B, 747-200F, 747-300, 747-400, 747-400D, 747SP, and 747SR Series Airplanes" ((RIN2120-AA64) (Docket No. FAA-2010-0950)) received in the Office of the President of the Senate on October 29, 2010; to the Committee on Commerce, Science, and Transportation.

EC-8029. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives;

Pratt and Whitney JT8D-9, -9A, -11, -15, -17, and -17R Turbofan Engines" ((RIN2120-AA64) (Docket No. FAA-2010-0514)) received in the Office of the President of the Senate on October 29, 2010; to the Committee on Commerce, Science, and Transportation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LIEBERMAN, from the Committee on Homeland Security and Governmental Affairs, with an amendment in the nature of a substitute:

S. 2991. A bill to amend title 31, United States Code, to enhance the oversight authorities of the Comptroller General, and for other purposes (Rept. No. 111-350).

By Mr. LIEBERMAN, from the Committee on Homeland Security and Governmental Affairs, with amendments:

S. 3167. A bill to amend title 13 of the United States Code to provide for a 5-year term of office for the Director of the Census and to provide for authority and duties of the Director and Deputy Director of the Census, and for other purposes (Rept. No. 111-351).

By Mr. KERRY, from the Committee on Foreign Relations, with an amendment in the nature of a substitute and an amendment to the title:

S. 1183. A bill to authorize the Secretary of Agriculture to provide assistance to the Government of Haiti to end within 5 years the deforestation in Haiti and restore within 30 years the extent of tropical forest cover in existence in Haiti in 1990, and for other purposes (Rept. No. 111-352).

By Mr. LIEBERMAN, from the Committee on Homeland Security and Governmental Affairs, without amendment:

S. 3650. A bill to amend chapter 21 of title 5, United States Code, to provide that fathers of certain permanently disabled or deceased veterans shall be included with mothers of such veterans as preference eligibles for treatment in the civil service.

By Mr. LEAHY, from the Committee on the Judiciary, with an amendment in the nature of a substitute:

S. 3804. A bill to combat online infringement, and for other purposes.

EXECUTIVE REPORTS OF COMMITTEE

The following executive reports of nominations were submitted:

By Mr. LEAHY for the Committee on the Judiciary.

Ripley Rand, of North Carolina, to be United States Attorney for the Middle District of North Carolina for the term of four years.

Charles M. Oberly III, of Delaware, to be United States Attorney for the District of Delaware for the term of four years.

William Conner Eldridge, of Arkansas, to be United States Attorney for the Western District of Arkansas for the term of four years.

Frank Leon-Guerrero, of Guam, to be United States Marshal for the District of Guam and concurrently United States Marshall for the District of the Northern Mariana Islands for the term of four years.

Charles Thomas Weeks II, of Oklahoma, to be United States Marshal for the Western District of Oklahoma for the term of four years.

Kenneth F. Bohac, of Illinois, to be United States Marshal for the Central District of Illinois for term of four years.

Wilfredo Martinez, of Florida, to be a Member of the Board of Directors of the State Justice Institute for a term expiring September 17, 2013.

Chase Theodora Rogers, of Connecticut, to be a Member of the Board of Directors of the State Justice Institute for a term expiring September 17, 2012.

Isabel Framer, of Ohio, to be a Member of the Board of Directors of the State Justice Institute for a term expiring September 17, 2012.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. CASEY:

S. 3964. A bill to provide for an expedited response to emergencies related to oil or gas production or storage; to the Committee on Health, Education, Labor, and Pensions.

By Ms. STABENOW:

S. 3965. A bill to amend title XVIII of the Social Security Act to ensure continued access to Medicare for seniors and people with disabilities and to TRICARE for America's military families; to the Committee on Finance.

By Mrs. SHAHEEN (for herself and Ms. COLLINS):

S. 3966. A bill to amend title III of the Public Health Service Act to provide for increased gestational diabetes research and to lower the rate of gestational diabetes; to the Committee on Health, Education, Labor, and Pensions.

By Ms. LANDRIEU (for herself and Mr. CARDIN):

S. 3967. A bill to encourage investment in and innovation by small business concerns, and for other purposes; to the Committee on Small Business and Entrepreneurship.

By Mr. DODD (for himself and Mr. CASEY):

S. 3968. A bill to establish a National Council on Children, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BEGICH (for himself, Ms. MURKOWSKI, Mrs. MURRAY, and Mr. WYDEN):

S. 3969. A bill to amend the Federal Food, Drug, and Cosmetic Act to require labeling of genetically-engineered fish; to the Committee on Health, Education, Labor, and Pensions.

By Mr. MENENDEZ:

S. 3970. A bill to establish a program under which the Administrator of the Environmental Protection Agency shall provide grants to eligible State consortia to establish and carry out municipal sustainability certification programs, and for other purposes; to the Committee on Environment and Public Works.

By Mr. BEGICH (for himself, Ms. MURKOWSKI, and Mrs. MURRAY):

S. 3971. A bill to amend the Federal Food, Drug, and Cosmetic Act to prevent the approval of genetically-engineered fish; to the Committee on Health, Education, Labor, and Pensions.

By Mr. CARDIN (for himself, Mr. GRAHAM, and Mr. LEAHY):

S. 3972. A bill to encourage, enhance, and integrate Blue Alert plans throughout the United States in order to disseminate information when a law enforcement officer is seriously injured or killed in the line of duty; to the Committee on the Judiciary.

By Mr. VOINOVICH (for himself, Mr. CARPER, Mr. INHOFE, Mrs. BOXER, Ms. COLLINS, Mr. ALEXANDER, Ms. KLOBUCHAR, Mr. LUGAR, Mrs. GILLIBRAND, Mrs. SHAHEEN, Mr. TESTER, Mrs. FEINSTEIN, Mr. KERRY, Mr. BAUCUS, Mr. HARKIN, Mr. MERKLEY, Mr. LIEBERMAN, Mr. BROWN of Ohio, Mr. WHITEHOUSE, Mr. WYDEN, Ms. LANDRIEU, Mrs. HAGAN, Mr. WARNER, Mr. LAUTENBERG, Mr. CARDIN, Mr. FRANKEN, Mr. BURRIS, Mr. SCHUMER, Mr. DURBIN, and Mr. REED):

S. 3973. A bill to amend the Energy Policy Act of 2005 to reauthorize and modify provisions relating to the diesel emissions reduction program; to the Committee on Environment and Public Works.

By Mr. BROWNBACK (for himself, Mr. CORNYN, and Mr. BURR):

S. 3974. A bill to impose sanctions on individuals who are complicit in human rights abuses committed against nationals of Vietnam or their family members, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. DEMINT:

S. 3975. A bill to permanently extend the 2001 and 2003 tax relief provisions, and to permanently repeal the estate tax, and to provide permanent alternative minimum tax relief, and for other purposes; read the first time.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. LEMIEUX:

S. Res. 682. A resolution commending the Children's Home Society of America; to the Committee on the Judiciary.

By Mr. KERRY (for himself, Mr. LUGAR, and Mrs. HAGAN):

S. Res. 683. A resolution recognizing the recent accomplishments of the people and Government of Moldova and expressing support for free and transparent parliamentary elections on November 28, 2010; considered and agreed to.

By Mr. HARKIN (for himself, Mr. ENZI, Mr. BROWN of Massachusetts, Mr. BROWN of Ohio, Mr. CARDIN, Mr. COCHRAN, Mr. DODD, Mr. DURBIN, Mrs. FEINSTEIN, Mr. FRANKEN, Mr. GREGG, Mr. HATCH, Mrs. HUTCHISON, Mr. ISAKSON, Mr. JOHANNES, Mr. LAUTENBERG, Mr. MENENDEZ, Ms. MIKULSKI, Mrs. MURRAY, Mr. REED, Mr. ROBERTS, Mr. ROCKEFELLER, Mr. SANDERS, Mr. TESTER, Mr. UDALL of Colorado, Mr. VITTER, Mr. VOINOVICH, Mr. WARNER, Mr. WHITEHOUSE, Mr. BARRASSO, and Ms. MURKOWSKI):

S. Res. 684. A resolution recognizing the 35th anniversary of the enactment of the Education for All Handicapped Children Act of 1975; considered and agreed to.

By Mr. CARDIN (for himself and Mr. COCHRAN):

S. Res. 685. A resolution commemorating the 100th anniversary of the discovery of sickle cell disease by Dr. James B. Herrick; considered and agreed to.

By Mr. KERRY:

S. Con. Res. 75. A concurrent resolution authorizing the use of the rotunda of the Capitol for an event marking the 50th anniversary of the inaugural address of President John F. Kennedy; considered and agreed to.

By Mrs. BOXER (for herself, Mr. BURR, Mrs. MURRAY, Mr. KERRY, Mr. BENNET, Mr. PRYOR, Mr. DURBIN, Mr. NELSON of Nebraska, Ms. MURKOWSKI, Mr. JOHANNES, Mr. LAUTENBERG, Ms. KLOBUCHAR, Mrs. SHAHEEN, Mr. LIEBERMAN, Mrs. LINCOLN, Mr. SANDERS, Mr. BEGICH, Mr. BROWN of Massachusetts, and Mr. BAUCUS):

S. Con. Res. 76. A concurrent resolution to recognize and honor the commitment and sacrifices of military families of the United States; considered and agreed to.

ADDITIONAL COSPONSORS

S. 132

At the request of Mrs. FEINSTEIN, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 132, a bill to increase and enhance law enforcement resources committed to investigation and prosecution of violent gangs, to deter and punish violent gang crime, to protect law-abiding citizens and communities from violent criminals, to revise and enhance criminal penalties for violent crimes, to expand and improve gang prevention programs, and for other purposes.

S. 231

At the request of Mr. LIEBERMAN, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 231, a bill to designate a portion of the Arctic National Wildlife Refuge as wilderness.

S. 1334

At the request of Mrs. GILLIBRAND, the names of the Senator from Ohio (Mr. BROWN), the Senator from Delaware (Mr. COONS) and the Senator from Vermont (Mr. SANDERS) were added as cosponsors of S. 1334, a bill to amend the Public Health Service Act to extend and improve protections and services to individuals directly impacted by the terrorist attack in New York City on September 11, 2001, and for other purposes.

S. 1580

At the request of Mrs. MURRAY, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of S. 1580, a bill to amend the Occupational Safety and Health Act of 1970 to expand coverage under the Act, to increase protections for whistleblowers, to increase penalties for certain violators, and for other purposes.

S. 2984

At the request of Ms. LANDRIEU, the name of the Senator from Missouri (Mrs. MCCASKILL) was added as a cosponsor of S. 2984, a bill to direct the Secretary of Health and Human Services to revise regulations implementing the statutory reporting and auditing requirements for the Medicaid

disproportionate share hospital ("DSH") payment program to be consistent with the scope of the statutory provisions and avoid substantive changes to preexisting DSH policy.

S. 3058

At the request of Mr. DORGAN, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of S. 3058, a bill to amend the Public Health Service Act to reauthorize the special diabetes programs for Type I diabetes and Indians under that Act.

S. 3184

At the request of Mrs. BOXER, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 3184, a bill to provide United States assistance for the purpose of eradicating severe forms of trafficking in children in eligible countries through the implementation of Child Protection Compacts, and for other purposes.

S. 3211

At the request of Mrs. SHAHEEN, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 3211, a bill to amend title XVIII of the Social Security Act to improve access to diabetes self-management training by designating certain certified diabetes educators as certified providers for purposes of outpatient diabetes self-management training services under part B of the Medicare Program.

S. 3213

At the request of Mr. LEVIN, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 3213, a bill to ensure that amounts credited to the Harbor Maintenance Trust Fund are used for harbor maintenance.

S. 3221

At the request of Mr. KOHL, the names of the Senator from Ohio (Mr. BROWN), the Senator from Minnesota (Ms. KLOBUCHAR) and the Senator from New York (Mrs. GILLIBRAND) were added as cosponsors of S. 3221, a bill to amend the Farm Security and Rural Investment Act of 2002 to extend the suspension of limitation on the period for which certain borrowers are eligible for guaranteed assistance.

S. 3315

At the request of Ms. COLLINS, the name of the Senator from Missouri (Mrs. MCCASKILL) was added as a cosponsor of S. 3315, a bill to amend title XVIII of the Social Security Act to protect Medicare beneficiaries' access to home health services under the Medicare program.

S. 3447

At the request of Mr. AKAKA, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of S. 3447, a bill to amend title 38, United States Code, to improve educational assistance for veterans who served in the Armed Forces after September 11, 2001, and for other purposes.

S. 3517

At the request of Mr. AKAKA, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of S. 3517, a bill to amend title 38, United States Code, to improve the processing of claims for disability compensation filed with the Department of Veterans Affairs, and for other purposes.

S. 3578

At the request of Mr. JOHANNIS, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 3578, a bill to repeal the expansion of information reporting requirements for payments of \$600 or more to corporations, and for other purposes.

S. 3703

At the request of Mr. BENNETT, his name was added as a cosponsor of S. 3703, a bill to expand the research, prevention, and awareness activities of the Centers for Disease Control and Prevention and the National Institutes of Health with respect to pulmonary fibrosis, and for other purposes.

S. 3709

At the request of Mr. WHITEHOUSE, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 3709, a bill to amend the Public Health Services Act and the Social Security Act to extend health information technology assistance eligibility to behavioral health, mental health, and substance abuse professionals and facilities, and for other purposes.

S. 3790

At the request of Mr. COBURN, the name of the Senator from Missouri (Mrs. MCCASKILL) was added as a cosponsor of S. 3790, a bill to amend title 5, United States Code, to provide that persons having seriously delinquent tax debts shall be ineligible for Federal employment.

S. 3804

At the request of Mr. LEAHY, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 3804, a bill to combat online infringement, and for other purposes.

S. 3805

At the request of Mr. BINGAMAN, the name of the Senator from Hawaii (Mr. INOUE) was added as a cosponsor of S. 3805, a bill to authorize the Attorney General to award grants for States to implement minimum and enhanced DNA collection processes.

S. 3860

At the request of Mrs. MCCASKILL, the names of the Senator from Massachusetts (Mr. KERRY), the Senator from Maryland (Mr. CARDIN) and the Senator from New Mexico (Mr. BINGAMAN) were added as cosponsors of S. 3860, a bill to require reports on the management of Arlington National Cemetery.

S. 3874

At the request of Mrs. BOXER, the names of the Senator from Oklahoma

(Mr. INHOFE), the Senator from Wisconsin (Mr. FEINGOLD) and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors of S. 3874, a bill to amend the Safe Drinking Act to reduce lead in drinking water.

S. 3906

At the request of Mr. ALEXANDER, the name of the Senator from Hawaii (Mr. INOUE) was added as a cosponsor of S. 3906, a bill to reduce preterm labor and delivery and the risk of pregnancy-related deaths and complications due to pregnancy, and to reduce infant mortality caused by prematurity.

S. 3925

At the request of Mr. BINGAMAN, the names of the Senator from Delaware (Mr. COONS) and the Senator from New Jersey (Mr. MENENDEZ) were added as cosponsors of S. 3925, a bill to amend the Energy Policy and Conservation Act to improve the energy efficiency of, and standards applicable to, certain appliances and equipment, and for other purposes.

S. 3946

At the request of Mr. BAUCUS, the names of the Senator from Ohio (Mr. BROWN) and the Senator from West Virginia (Mr. MANCHIN) were added as cosponsors of S. 3946, a bill to repeal the expansion of information reporting requirements for payments of \$600 or more to corporations, and for other purposes.

S. CON. RES. 63

At the request of Mr. JOHNSON, the names of the Senator from Arkansas (Mr. PRYOR) and the Senator from Georgia (Mr. CHAMBLISS) were added as cosponsors of S. Con. Res. 63, a concurrent resolution expressing the sense of Congress that Taiwan should be accorded observer status in the International Civil Aviation Organization (ICAO).

S. RES. 680

At the request of Mr. KERRY, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. Res. 680, a resolution supporting international tiger conservation efforts and the upcoming Global Tiger Summit in St. Petersburg, Russia.

AMENDMENT NO. 4705

At the request of Mr. NELSON of Nebraska, the name of the Senator from Missouri (Mrs. MCCASKILL) was added as a cosponsor of amendment No. 4705 intended to be proposed to S. 3454, an original bill to authorize appropriations for fiscal year 2011 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CARDIN (for himself, Mr. GRAHAM, and Mr. LEAHY):

S. 3972. A bill to encourage, enhance, and integrate Blue Alert plans throughout the United States in order to disseminate information when a law enforcement officer is seriously injured or killed in the line of duty; to the Committee on the Judiciary.

Mr. CARDIN. Mr. President, I rise today to introduce the National Blue Alert Act of 2010.

Having just concluded Crime Prevention month it is important to remember our law enforcement officers that put their lives on the line every day. There are more than 900,000 police officers in the United States dedicated to stopping crime and making our communities safer. Every day they go out onto the streets, and unfortunately become targets for criminals who have no regard for law and order.

According to the National Law Enforcement Officers Memorial Fund, officer deaths have surged by 43 percent in the first half of 2010. Eighty-seven officers died in the line of duty between January 1 and June 30 of this year. If this rate continues, 2010 could become one of the deadliest years for U.S. law enforcement in two decades. We need to make sure our officers have all the tools they need to protect themselves and each other.

This is why I, along with Senator GRAHAM and Senator LEAHY, am introducing the National Blue Alert Act in an effort to provide law enforcement with an additional tool in fighting crime. The Blue Alert system is intended to provide rapid dissemination of information about such offenders to help facilitate capture of violent offenders and reduce the risk those offenders cause to our communities and law enforcement officers. The National Blue Alert will encourage, enhance and integrate blue alert plans throughout the United States in order to effectively disseminate information notifying law enforcement, media and the public that a suspect is wanted.

Currently there is no national alert system that provides immediate information to other law enforcement agencies, the media or the public at large. Many states have created a state blue alert system in an effort to better inform their local communities. For example, after the unfortunate murder of Maryland State Trooper Wesley Brown, Maryland Governor O'Malley immediately signed an executive order establishing the Maryland blue alert system. But Maryland is not alone. Florida was the first state to implement the alert system in 2008. They were followed by Texas, Oklahoma, Alabama, Georgia, and Delaware.

My bill creates a national blue alert program within the Department of Justice. Currently, under the COPS technology program, Congress authorizes

funds for the continued development of technologies and automated systems that help tribal, state and local law enforcement agencies prevent, respond to, and investigate crime. My bill authorizes \$10 million out of this program to be appropriated for the creation of blue alert plans throughout the United States. This new technology will provide police officers and other emergency units with the ability to react quickly to apprehend violent offenders.

Based on the success of the AMBER Alert and the SILVER Alert, I believe this BLUE Alert will be equally successful in helping to apprehend criminal suspects who have injured or killed our law enforcement officers. This legislation has received the support of the Fraternal Order of Police and the Concerns of Police Survivors National Office. The Blue Alert will provide a valuable tool to our law enforcement officials. I urge my colleagues to support this legislation.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 682—COM-MENDING THE CHILDREN'S HOME SOCIETY OF AMERICA

Mr. LEMIEUX submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 682

Whereas, since 1885, the Children's Home Society of America (referred to in this preamble as "CHSA") has made extraordinary contributions to the well being of children and families in the United States;

Whereas more than 400,000 children have been placed in loving, permanent families by CHSA members across the United States;

Whereas CHSA members have aided in the creation of many successful and sustainable programs that help children to be safe, healthy, and prepared for life;

Whereas the CHSA provides services to more than 570,000 children and families each year;

Whereas the CHSA engages more than 12,500 volunteers to support the efforts of the CHSA in finding permanent homes for children in foster care, building community schools, improving the health and mental health of children and families in the United States, providing temporary housing, and assisting foster youth to become successful adults; and

Whereas CHSA members receive more than \$90,000,000 annually in cash resources from individuals and corporations to support the efforts of the CHSA: Now, therefore, be it

Resolved, That the Senate—

(1) commends the more than 6,700 staff and 12,500 volunteers of the Children's Home Society of America for the dedication and commitment of the Children's Home Society of America to the children and families of the United States;

(2) recognizes the Children's Home Society of America for leveraging human, financial, and material resources to carry out the mission of the Children's Home Society of America of helping children and families to remain safe, healthy, and prepared for life; and

(3) encourages the continued efforts of the staff and volunteers of the Children's Homes

Society of America on behalf of the children and families of the United States.

SENATE RESOLUTION 683—RECOGNIZING THE RECENT ACCOMPLISHMENTS OF THE PEOPLE AND GOVERNMENT OF MOLDOVA AND EXPRESSING SUPPORT FOR FREE AND TRANSPARENT PARLIAMENTARY ELECTIONS ON NOVEMBER 28, 2010

Mr. KERRY (for himself, Mr. LUGAR, and Mrs. HAGAN) submitted the following resolution; which was considered and agreed to:

S. RES. 683

Whereas, since independence 19 years ago, the people of Moldova have made extraordinary progress in transitioning from authoritarian government and a closed market to a democratic government and market economy;

Whereas, for 19 years, the constitution of Moldova has guaranteed its citizens freedom to emigrate confirmed by years of successive Presidential waivers concerning the Jackson-Vanik amendment;

Whereas, on January 12, 2010, the Government of Moldova initiated negotiations with the European Union on an Association Agreement between the European Union and the Republic of Moldova, an important step towards European Union accession;

Whereas, in order to comply with the criteria of the Millennium Challenge Corporation (MCC), the Government of Moldova implemented far-reaching legal reforms to curb corruption, introduce budgetary transparency, and strengthen the capacity of civil society and the media, resulting in the successful conclusion of negotiations and the signing of an MCC Compact on January 22, 2010;

Whereas the Government of Moldova initiated a visa dialogue between the Republic of Moldova and the European Union aiming at visa liberalization on June 15, 2010;

Whereas, on August 26, 2010, Secretary of State Hillary Clinton praised progress in Moldova in "advancing transparent governance, human rights, and economic reform";

Whereas, on October 20, 2010, Reporters Without Borders reported an improvement in the freedom of press in Moldova, with Moldova rising from the 114th position in 2009 to the 75th position in 2010;

Whereas, in November 2010, the Government of Moldova concluded a treaty with Romania important to the assertion of its sovereignty and its future development;

Whereas Assistant Secretary of State for European and Eurasian Affairs Philip H. Gordon noted in testimony before the Subcommittee on Europe of the Committee on Foreign Affairs of the House of Representatives on June 16, 2009, "We will continue to work for a negotiated settlement of the separatist conflict in the Transnistria region that provides for a whole and democratic Moldova and the withdrawal of Russian forces."; and

Whereas the Republic of Moldova has made commitments to the Organization for Security and Cooperation in Europe (OSCE) to conduct elections according to international standards: Now, therefore, be it

Resolved, That the Senate—

(1) supports the development of an enduring democratic political system and free market economy in Moldova and a parliamentary election process on November 28,

2010, that comports with international standards of fairness and transparency;

(2) recognizes that the commitment of the Government of Moldova to economic and political reforms since 2009 has resulted in tangible progress towards integration into European institutions;

(3) acknowledges that continued reform and commitment to a free and fair election process will remain necessary for Moldova's full integration into the Western community of nations;

(4) notes that continued reforms in Moldova could provide for an additional basis for the repeal of the Jackson-Vanik trade restrictions;

(5) encourages ongoing negotiations between the European Union and the Republic of Moldova concerning visa liberalization and an Association Agreement;

(6) urges fulfillment by the Government of Moldova of commitments it has made to the OSCE with respect to the free and fair conduct of its upcoming parliamentary elections; and

(7) expresses the belief that the free and fair conduct of parliamentary elections in Moldova will contribute to a strong and stable government that is responsive to the vital needs of its people.

SENATE RESOLUTION 684—RECOGNIZING THE 35TH ANNIVERSARY OF THE ENACTMENT OF THE EDUCATION FOR ALL HANDICAPPED CHILDREN ACT OF 1975

Mr. HARKIN (for himself, Mr. ENZI, Mr. BROWN of Massachusetts, Mr. BROWN of Ohio, Mr. CARDIN, Mr. COCHRAN, Mr. DODD, Mr. DURBIN, Mrs. FEINSTEIN, Mr. FRANKEN, Mr. GREGG, Mr. HATCH, Mrs. HUTCHISON, Mr. ISAKSON, Mr. JOHANNES, Mr. LAUTENBERG, Mr. MENENDEZ, Ms. MIKULSKI, Mrs. MURRAY, Mr. REED, Mr. ROBERTS, Mr. ROCKEFELLER, Mr. SANDERS, Mr. TESTER, Mr. UDALL of Colorado, Mr. VITTER, Mr. VOINOVICH, Mr. WARNER, Mr. WHITEHOUSE, Mr. BARRASSO, and Ms. MURKOWSKI) submitted the following resolution; which was considered and agreed to:

S. RES. 684

Whereas the Education for All Handicapped Children Act of 1975 (Public Law 94-142) was signed into law 35 years ago on November 29;

Whereas the Education for All Handicapped Children Act of 1975 established the Federal policy of ensuring that all children, regardless of the nature or severity of their disability, have available to them a free appropriate public education in the least restrictive environment;

Whereas the Education of the Handicapped Act (Public Law 91-230), as amended by the Education for All Handicapped Children Act of 1975, was further amended by the Education of the Handicapped Act Amendments of 1986 (Public Law 99-457) to create a preschool grant program for children with disabilities 3 to 5 years of age and an early intervention program for infants and toddlers with disabilities from birth through age 2;

Whereas the Education of the Handicapped Act Amendments of 1990 (Public Law 101-476) renamed the Education of the Handicapped Act as the Individuals with Disabilities Education Act (IDEA) (20 U.S.C. 1400 et seq.);

Whereas IDEA was amended by the Individuals with Disabilities Education Act Amendments of 1997 (Public Law 105-17) to ensure that children with disabilities have equal access to, and make progress in, the general education curriculum and are included in all general State and district-wide assessment programs;

Whereas IDEA was amended by the Individuals with Disabilities Education Improvement Act of 2004 (Public Law 108-446) to ensure that all children with disabilities have available to them a free appropriate public education that emphasizes special education and related services designed to meet their individual needs and prepare them for further education, employment, and independent living;

Whereas IDEA currently serves an estimated 342,000 infants and toddlers, 709,000 preschoolers, and 5,890,000 children 6 to 21 years of age;

Whereas IDEA has opened neighborhood schools to students with disabilities and increased the number of children living in their communities instead of institutions;

Whereas the academic achievement of students with disabilities has significantly increased since the enactment of IDEA;

Whereas the number of children with disabilities who complete high school with a standard diploma has grown significantly since the enactment of IDEA;

Whereas the number of children with disabilities who enroll in institutions of higher education has more than tripled since the enactment of IDEA;

Whereas IDEA requires partnership among parents of children with disabilities and education professionals in the design and implementation of the educational services provided to children with disabilities;

Whereas the achievement of students with disabilities is integrally linked with the successful alignment of special and general education systems;

Whereas IDEA has increased the quality of research in effective teaching practices for students with disabilities; and

Whereas IDEA continues to serve as the framework to marshal the resources of this Nation to implement the promise of full participation in society of children with disabilities: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the 35th anniversary of the enactment of the Education for All Handicapped Children Act of 1975 (Public Law 94-142);

(2) acknowledges the many and varied contributions of children with disabilities and their parents, teachers, related services personnel, and administrators; and

(3) reaffirms its support for the Individuals with Disabilities Education Act so that all children with disabilities have access to a free appropriate public education in the least restrictive environment and the opportunity to benefit from the general education curriculum and be prepared for further education, employment, and independent living.

SENATE RESOLUTION 685—COMMEMORATING THE 100TH ANNIVERSARY OF THE DISCOVERY OF SICKLE CELL DISEASE BY DR. JAMES B. HERRICK

Mr. CARDIN (for himself and Mr. COCHRAN) submitted the following resolution; which was considered and agreed to:

S. RES. 685

Whereas sickle cell disease is an inherited disorder that affects red blood cells leading to significant morbidity and mortality in nearly 80,000 people in the United States;

Whereas sickle cell disease causes blockage of small blood vessels which can lead to tissue damage resulting in severe pain, infection, or stroke;

Whereas scientific breakthroughs over the past century have improved the lives of millions of people suffering from sickle cell disease;

Whereas scientific advances in treatment for sickle cell disease began with Dr. James B. Herrick, an attending physician at Presbyterian Hospital and professor of medicine at Rush Medical College in Chicago, Illinois, who discovered sickle cell disease and published the first recorded case in Western medical literature in November of 1910 in the journal *Annals of Internal Medicine*;

Whereas the hemoglobin mutation responsible for sickle cell disease was discovered by Linus Pauling in 1950;

Whereas penicillin was proven to be effective as a preventative strategy against pneumococcal infection in 1986, sparing patients with sickle cell disease from contracting this particularly dangerous infection;

Whereas in 1995, the National Heart, Lung, and Blood Institute reported the first effective drug treatment for adults with severe sickle cell disease;

Whereas the anticancer drug hydroxyurea was found to reduce the frequency of painful crises of sickle cell disease and patients taking the drug needed fewer blood transfusions;

Whereas in 1996, bone marrow transplantation was discovered to improve the course of sickle cell disease for select patients;

Whereas in 1997, blood transfusions were found to help prevent stroke in patients with sickle cell disease;

Whereas the introduction of pneumococcal vaccine in 2000 revolutionized the prevention of lethal infections in children and adults with sickle cell disease;

Whereas the first mouse model demonstrating the usefulness of genetic therapy for sickle cell disease was developed in 2001;

Whereas in 2007, scientists from the University of Alabama at Birmingham and the Massachusetts Institute of Technology developed an animal model for curing sickle cell disease;

Whereas improvements in treatments have substantially improved quality of life for patients with sickle cell disease and led to an increase in overall life expectancy from 14 years in 1973 to the mid to late 40s in 2010; and

Whereas the National Institutes of Health sponsored a symposium on November 16 and 17, 2010, to commemorate the 100th anniversary of Dr. James Herrick's initial description of sickle cell disease: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the contributions of the biomedical research community to the improvement in diagnosis and treatment of sickle cell disease; and

(2) commemorates the 100th anniversary of the discovery of sickle cell disease in November 1910.

SENATE CONCURRENT RESOLUTION 75—AUTHORIZING THE USE OF THE ROTUNDA OF THE CAPITOL FOR AN EVENT MARKING THE 50TH ANNIVERSARY OF THE INAUGURAL ADDRESS OF PRESIDENT JOHN F. KENNEDY

Mr. KERRY submitted the following resolution; which was considered and agreed to:

S. CON. RES. 75

Whereas John Fitzgerald Kennedy was elected to the United States House of Representatives and served from January 3, 1947, to January 3, 1953, until he was elected by the Commonwealth of Massachusetts to the Senate where he served from January 3, 1953, to December 22, 1960;

Whereas on November 8, 1960, John Fitzgerald Kennedy was elected as the 35th President of the United States; and

Whereas on January 20, 1961, President Kennedy was sworn in as President of the United States and delivered his inaugural address at 12:51 pm, a speech that served as a clarion call to service for the Nation: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring),

SECTION 1. USE OF THE ROTUNDA OF THE CAPITOL FOR AN EVENT HONORING PRESIDENT KENNEDY.

The rotunda of the United States Capitol is authorized to be used on January 20, 2011, for a ceremony in honor of the 50th anniversary of the inaugural address of President John F. Kennedy. Physical preparations for the conduct of the ceremony shall be carried out in accordance with such conditions as may be prescribed by the Architect of the Capitol.

SENATE CONCURRENT RESOLUTION 76—TO RECOGNIZE AND HONOR THE COMMITMENT AND SACRIFICES OF MILITARY FAMILIES OF THE UNITED STATES

Mrs. BOXER (for herself, Mr. BURR, Mrs. MURRAY, Mr. KERRY, Mr. BENNET, Mr. PRYOR, Mr. DURBIN, Mr. NELSON of Nebraska, Ms. MURKOWSKI, Mr. JOHANNIS, Mr. LAUTENBERG, Ms. KLOBUCHAR, Mrs. SHAHEEN, Mr. LIEBERMAN, Mrs. LINCOLN, Mr. SANDERS, Mr. BEGICH, Mr. BROWN of Massachusetts, and Mr. BAUCUS) submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 76

Whereas the month of November marks Military Family Month;

Whereas the freedom and security the citizens of the United States enjoy today are a result of the continued dedication and vigilance of the Armed Forces throughout the history of the United States;

Whereas the security of the United States depends on the readiness and retention of the men and women of the Armed Forces, a force comprised of active, National Guard, and Reserve personnel;

Whereas military families are an integral source of strength for the Soldiers, Sailors, Marines, Airmen, and Coastguardsmen of the United States, and have continually proven their dedication, service, and willingness to make great sacrifices in support of service members of the United States;

Whereas military families often endure unique circumstances that are central to

military life, including long separations from their loved ones, the uncertainty and demands of multiple deployments, school and job transfers, and frequent moves from communities where they have established roots and relationships;

Whereas military family members have become the central support system for each other as they reinforce units through family readiness efforts and initiatives, support service members within the units, and reach out to the families whose loved ones have been deployed; and

Whereas it is important to recognize the sacrifices, support, and dedication of the families of the men and women who serve in the Armed Forces; Now, therefore be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) recognizes the commitment and ever-increasing sacrifices military families make every day during the current era of protracted conflict;

(2) honors the families of the Armed Forces and thanks the families for their dedication and service to the United States; and

(3) encourages the citizens of the United States to recognize, commemorate, and honor the role and contribution of the military family, including selfless service that ensures freedom and preserves the quality of life in the United States.

AMENDMENTS SUBMITTED AND PROPOSED

SA 4708. Mr. PRYOR submitted an amendment intended to be proposed by him to the bill S. 510, to amend the Federal Food, Drug, and Cosmetic Act with respect to the safety of the food supply; which was ordered to lie on the table.

SA 4709. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 510, *supra*; which was ordered to lie on the table.

SA 4710. Mr. CORKER submitted an amendment intended to be proposed by him to the bill S. 510, *supra*; which was ordered to lie on the table.

SA 4711. Mr. REID (for Mr. BAUCUS (for himself and Mr. GRASSLEY)) proposed an amendment to the bill H.R. 5712, entitled "The Physician Payment and Therapy Relief Act of 2010".

SA 4712. Mr. REID (for Mr. BAUCUS) proposed an amendment to the bill H.R. 5712, *supra*.

SA 4713. Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill S. 510, to amend the Federal Food, Drug, and Cosmetic Act with respect to the safety of the food supply; which was ordered to lie on the table.

SA 4714. Mr. REID submitted an amendment intended to be proposed by him to the bill S. 510, *supra*; which was ordered to lie on the table.

SA 4715. Mr. REID (for Mr. HARKIN) proposed an amendment to the bill S. 510, *supra*.

TEXT OF AMENDMENTS

SA 4708. Mr. PRYOR submitted an amendment intended to be proposed by him to the bill S. 510, to amend the Federal Food, Drug, and Cosmetic Act with respect to the safety of the food supply; which was ordered to lie on the table; as follows:

At the end of title IV, add the following:

SEC. 405. NANOTECHNOLOGY PROGRAM.

Chapter X of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 391 et seq.) is amended by adding at the end the following:

"SEC. 1012. NANOTECHNOLOGY PROGRAM.

"(a) IN GENERAL.—Not later than 180 days after the date of enactment of the FDA Food Safety Modernization Act, the Secretary of Health and Human Services, in consultation with the Secretary of Agriculture, shall establish within the Food and Drug Administration a program for the scientific investigation of nanoscale materials included or intended for inclusion in FDA-regulated products, to address the potential toxicology of such materials, the effects of such materials on biological systems, and interaction of such materials with biological systems.

"(b) PROGRAM PURPOSES.—The purposes of the program established under subsection (a) shall be to—

"(1) assess scientific literature and data on general nanoscale material interactions with biological systems and on specific nanoscale materials of concern to Food and Drug Administration;

"(2) develop and organize information using databases and models that will enable the formulation of generalized principles for the behavior of classes of nanoscale materials with biological systems;

"(3) promote intramural Administration programs and participate in collaborative efforts, to further the understanding of the science of novel properties at the nanoscale that might contribute to toxicity;

"(4) promote and participate in collaborative efforts to further the understanding of measurement and detection methods for nanoscale materials;

"(5) collect, synthesize, interpret, and disseminate scientific information and data related to the interactions of nanoscale materials with biological systems;

"(6) build scientific expertise on nanoscale materials within such Administration;

"(7) ensure ongoing training, as well as dissemination of new information within the centers of such Administration, and more broadly across such Administration, to ensure timely, informed consideration of the most current science;

"(8) encourage such Administration to participate in international and national consensus standards activities; and

"(9) carry out other activities that the Secretary determines are necessary and consistent with the purposes described in paragraphs (1) through (8).

"(c) PROGRAM ADMINISTRATION.—

"(1) PROGRAM MANAGER.—In carrying out the program under this section, the Secretary shall designate a program manager who shall supervise the planning, management, and coordination of the program.

"(2) DUTIES.—The program manager shall—

"(A) develop a detailed strategic plan for achieving specific short- and long-term technical goals for the program;

"(B) coordinate and integrate the strategic plan with investments by the Food and Drug Administration and other departments and agencies participating in the National Nanotechnology Initiative; and

"(C) develop intramural Administration programs, contracts, memoranda of agreement, joint funding agreements, and other cooperative arrangements necessary for meeting the long-term challenges and achieving the specific technical goals of the program.

"(d) REPORTS.—The Secretary shall submit to the National Science and Technology Council information on the program under

this section, including the information required to be provided by the National Research Council in the annual report described in section 2(d) of the 21st Century Nanotechnology Research and Development Act (15 U.S.C. 7501(d)).

"(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as necessary to carry out this section."

SA 4709. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 510, to amend the Federal Food, Drug, and Cosmetic Act with respect to the safety of the food supply; which was ordered to lie on the table; as follows:

At the end of title III, insert the following:

SEC. 310. RESTRICTION ON PARTICIPATION IN VOLUNTARY QUALIFIED IMPORTER PROGRAM.

Section 806 of the Federal Food, Drug, and Cosmetic Act (as added by section 302), is amended—

(1) by redesignating subsections (e) through (g) as subsections (f) through (h), respectively; and

(2) by inserting after subsection (d) the following:

"(e) RESTRICTION ON PARTICIPATION.—Notwithstanding section 307 of the Tariff Act of 1930, the Secretary shall deny entry into the United States under the program described in this section of any food exported from a country listed by the Bureau of International Labor Affairs of the Department of Labor in the 'List of Goods Produced by Child Labor or Forced Labor' for the most recent reporting period as a country that produces food with the use of child or forced labor."

SEC. 311. IMPORTED SEAFOOD.

(a) PENALTIES FOR THE IMPORT OF SEAFOOD CONTAINING BANNED SUBSTANCES.—Section 303 (21 U.S.C. 333) is amended by adding at the end the following:

"(h) If the Secretary finds that seafood imported or offered for import into the United States contains a substance that has been banned by the Food and Drug Administration for use in food in the United States, the following shall apply to the importer of such seafood, notwithstanding section 801:

"(1) In the case of a first such violation by an importer, the Secretary shall impose a fine upon the importer, in an amount determined by the Secretary.

"(2) In the case of a second such violation by an importer, the Secretary shall ban such importer from importing or offering for import into the United States seafood until the importer provides substantiating evidence that seafood imported or offered for import by such importer does not contain any substance banned by the Food and Drug Administration for use in food.

"(3) In the case of a third such violation, the Secretary shall permanently ban the importer from importing or offering for import into the United States seafood."

(b) INSPECTION OF IMPORTED SEAFOOD.—

(1) IN GENERAL.—Section 801 (21 U.S.C. 381), as amended by section 303, is further amended by adding at the end the following:

"(r) The Secretary shall inspect not less than 20 percent of all seafood imported or offered for import into the United States."

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on January 1, 2015.

SEC. 312. REGISTRATION FOR COMMERCIAL IMPORTERS OF FOOD.

(a) PROHIBITIONS.—Section 301 (21 U.S.C. 331), as amended by section 301(b) of this Act,

is further amended by adding at the end the following:

“(aaa) the failure to register in accordance with section 801(s).”.

(b) MISBRANDING.—Section 403 (21 U.S.C. 343) is amended by adding at the end the following:

“(z) If it is imported or offered for import by an importer not duly registered under section 801(s).”.

(c) REGISTRATION.—Section 801 (21 U.S.C. 381), as amended by section 310 of this Act, is further amended by adding at the end the following:

“(s) REGISTRATION OF IMPORTERS.—

“(1) IN GENERAL.—The Secretary shall require an importer of food to be registered with the Secretary in a form and manner specified by the Secretary.

“(2) CONDITIONS OF REGISTRATION.—As a condition of registration under paragraph (1), an importer shall demonstrate to the Secretary that:

“(A) the importer has fully disclosed to the Secretary all ownership interests in the importer;

“(B) the importer has sufficiently complied with U.S. food safety and trade laws;

“(C) the importer has submitted appropriate unique facility identifiers required under section 1012;

“(D) there is no reason to believe that the importer is not likely to engage in good importer practices described in paragraph (3); and

“(E) the importer has sufficiently demonstrated or provided information regarding any other requirement deemed necessary for registration by the Secretary.”

“(3) GOOD IMPORTER PRACTICES.—The initial grant and subsequent maintenance of registration under this subsection is conditioned on compliance with good importer practices in accordance with the following:

“(A) The Secretary, in consultation with Customs and Border Protection, shall promulgate regulations to establish good importer practices that specify the measures an importer shall take to ensure imported food is in compliance with the requirements of this Act.

“(B) The measures under subparagraph (A) shall ensure that the importer of a food—

“(i) has adequate information about the food, hazards of the food, and the requirements of this Act applicable to such food;

“(ii) has adequate information or procedures in place to verify that both the food and each person that produced, manufactured, processed, packed, transported, or held the food, including components of the food, are in compliance with the requirements of this Act; and

“(iii) has adequate procedures in place to take corrective action, such as the ability to appropriately trace, withhold, and recall articles of food, if a food imported by the importer is not in compliance with the requirements of this Act.

“(4) SUSPENSION OF REGISTRATION.—Registration under this subsection is subject to suspension upon a finding by the Secretary, after notice and an opportunity for an informal hearing, of—

“(A) a violation of this Act; or

“(B) the knowing or repeated making of an inaccurate or incomplete statement or submission of information relating to the importation of food.”

“(5) CANCELLATION OF REGISTRATION.—

“(A) IN GENERAL.—Not earlier than 10 days after providing the notice under subparagraph (B), the Secretary shall cancel a registration that the Secretary determines was

not updated in accordance with this section or otherwise contains false, incomplete, or inaccurate information.

“(B) NOTICE OF CANCELLATION.—Cancellation shall be preceded by notice to the importer of the intent to cancel the registration and the basis for such cancellation.

“(C) TIMELY UPDATE OR CORRECTION.—If the registration for the importer is updated or corrected not later than 7 days after notice is provided under subparagraph (B), the Secretary shall not cancel such registration.

“(6) EXEMPTIONS.—The Secretary, by notice published in the Federal Register—

“(A) shall establish an exemption from the requirements of this subsection for importations for personal use; and

“(B) may establish other exemptions from the requirements of this subsection.”

(d) UNIQUE IDENTIFICATION NUMBER FOR IMPORTERS.—

(1) IN GENERAL.—Chapter X (21 U.S.C. 391 et seq) is amended by adding at the end the following:

“SEC. 1012. UNIQUE FACILITY IDENTIFIER.

“(a) REGISTRATION OF IMPORTERS.—A person required to register pursuant to section 801(s) shall submit, at the time of registration, a unique facility identifier for the principal place of business for which such person is required to register under section 801(s).

“(b) GUIDANCE.—The Secretary may, by guidance, and in consultation with the Commissioner responsible for Customs and Border Protection, specify the unique numerical identifier system to be used to meet the requirements of subsection (a) and the form, manner, and timing of a submission under such subsection. Development of such guidelines shall take into account the utilization of existing unique identification schemes and compatibility with customs automated systems, such as integration with the Automated Commercial Environment and the International Trade Data System, and any successor systems.

“(c) IMPORTATION.—An article of food imported or offered for import shall be refused admission unless the appropriate unique facility identifiers, as specified by the Secretary, are provided for such article.”

(e) REGULATIONS.—Not later than 1 year after the date of enactment of this Act, the Secretary of Health and Human Services, in consultation with the Commissioner of Customs and Border Protection, shall promulgate the regulations required to carry out sections 801(s) and 1012 of the Federal Food, Drug, and Cosmetic Act, as added by subsections (c) and (d).

(f) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date that is 180 days after the date of enactment of this Act.

SA 4710. Mr. CORKER submitted an amendment intended to be proposed by him to the bill S. 510, to amend the Federal Food, Drug, and Cosmetic Act with respect to the safety of the food supply; which was ordered to lie on the table; as follows:

At the end of title IV, add the following:

SEC. 405. RESCISSION OF UNSPENT FEDERAL FUNDS TO OFFSET NEW SPENDING.

(a) IN GENERAL.—Notwithstanding any other provision of law, there are hereby rescinded from all available unobligated funds, such appropriated discretionary funds as may be necessary to offset amounts expended to carry out this Act (including any amendments made by this Act).

(b) IMPLEMENTATION.—The Director of the Office of Management and Budget shall de-

termine and identify from which appropriation accounts the rescission under subsection (a) shall apply and the amount of such rescission that shall apply to each such account. Not later than 60 days after the date of the enactment of this Act, the Director of the Office of Management and Budget shall submit a report to the Secretary of the Treasury and Congress of the accounts and amounts determined and identified for rescission under the preceding sentence.

(c) EXCEPTION.—This section shall not apply to the unobligated funds of the Department of Defense or the Department of Veterans Affairs.

SA 4711. Mr. REID (for Mr. BAUCUS (for himself and Mr. GRASSLEY)) proposed an amendment to the bill H.R. 5712, entitled “The Physician Payment and Therapy Relief Act of 2010”, as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “The Physician Payment and Therapy Relief Act of 2010”.

SEC. 2. PHYSICIAN PAYMENT UPDATE.

Section 1848(d)(11) of the Social Security Act (42 U.S.C. 1395w-4(d)(11)) is amended—

(1) in the heading, by striking “NOVEMBER” and inserting “DECEMBER”;

(2) in subparagraph (A), by striking “November 30” and inserting “December 31”; and

(3) in subparagraph (B)—

(A) in the heading, by striking “REMAINING PORTION OF 2010” and inserting “2011”; and

(B) by striking “the period beginning on December 1, 2010, and ending on December 31, 2010, and for”.

SEC. 3. TREATMENT OF MULTIPLE SERVICE PAYMENT POLICIES FOR THERAPY SERVICES.

(a) SMALLER PAYMENT DISCOUNT FOR CERTAIN MULTIPLE THERAPY SERVICES.—Section 1848(b) of the Social Security Act (42 U.S.C. 1395w-4(b)) is amended by adding at the end the following new paragraph:

“(7) ADJUSTMENT IN DISCOUNT FOR CERTAIN MULTIPLE THERAPY SERVICES.—In the case of therapy services furnished on or after January 1, 2011, and for which payment is made under fee schedules established under this section, instead of the 25 percent multiple procedure payment reduction specified in the final rule published by the Secretary in the Federal Register on November 29, 2010, the reduction percentage shall be 20 percent.”.

(b) EXEMPTION OF PAYMENT REDUCTION FROM BUDGET-NEUTRALITY.—Section 1848(c)(2)(B)(v) of the Social Security Act (42 U.S.C. 1395w-4(c)(2)(B)(v)) is amended by adding at the end the following new subclause:

“(VII) REDUCED EXPENDITURES FOR MULTIPLE THERAPY SERVICES.—Effective for fee schedules established beginning with 2011, reduced expenditures attributable to the multiple procedure payment reduction for therapy services (as described in subsection (b)(7)).”.

SEC. 4. DETERMINATION OF BUDGETARY EFFECTS.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled “Budgetary Effects of PAYGO Legislation” for this Act, submitted for printing in the Congressional Record by the Chairman of the Senate Budget Committee, provided that such statement has been submitted prior to the vote on passage.

SA 4712. Mr. REID (for Mr. BAUCUS) proposed an amendment to the bill H.R. 5712, entitled “The Physician Payment and Therapy Relief Act of 2010”; as follows:

Amend the title so as to read:

An act entitled “The Physician Payment and Therapy Relief Act of 2010”.

SA 4713. Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill S. 510, to amend the Federal Food, Drug, and Cosmetic Act with respect to the safety of the food supply; which was ordered to lie on the table; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Small Business Paperwork Relief Act”.

SEC. 2. REPEAL OF EXPANSION OF INFORMATION REPORTING REQUIREMENTS.

(a) **REPEAL OF PAYMENTS FOR PROPERTY AND OTHER GROSS PROCEEDS.**—Subsection (b) of section 9006 of the Patient Protection and Affordable Care Act, and the amendments made thereby, are hereby repealed; and the Internal Revenue Code of 1986 shall be applied as if such subsection, and amendments, had never been enacted.

(b) **REPEAL OF APPLICATION TO CORPORATIONS; APPLICATION OF REGULATORY AUTHORITY.**—

(1) **IN GENERAL.**—Section 6041 of the Internal Revenue Code of 1986, as amended by section 9006(a) of the Patient Protection and Affordable Care Act and section 2101 of the Small Business Jobs Act of 2010, is amended by striking subsections (i) and (j) and inserting the following new subsection:

“(i) **REGULATIONS.**—The Secretary may prescribe such regulations and other guidance as may be appropriate or necessary to carry out the purposes of this section, including rules to prevent duplicative reporting of transactions.”.

(2) **EFFECTIVE DATE.**—The amendments made by this subsection shall apply to payments made after December 31, 2010.

SA 4714. Mr. REID submitted an amendment intended to be proposed by him to the bill S. 510, to amend the Federal Food, Drug, and Cosmetic Act with respect to the safety of the food supply; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. — FISCAL YEARS 2011 THROUGH 2013 EARMARK MORATORIUM.

(a) **BILLS AND JOINT RESOLUTIONS.**—

(1) **POINT OF ORDER.**—It shall not be in order to—

(A) consider a bill or joint resolution reported by any committee or a bill or joint resolution reported by any committee with a report that includes an earmark, limited tax benefit, or limited tariff benefit; or

(B) a Senate bill or joint resolution not reported by committee that includes an earmark, limited tax benefit, or limited tariff benefit.

(2) **RETURN TO THE CALENDAR.**—If a point of order is sustained under this subsection, the bill or joint resolution shall be returned to the calendar until compliance with this subsection has been achieved.

(b) **CONFERENCE REPORT.**—

(1) **POINT OF ORDER.**—It shall not be in order to vote on the adoption of a report of

a committee of conference if the report includes an earmark, limited tax benefit, or limited tariff benefit.

(2) **RETURN TO THE CALENDAR.**—If a point of order is sustained under this subsection, the conference report shall be returned to the calendar.

(c) **FLOOR AMENDMENT.**—It shall not be in order to consider an amendment to a bill or joint resolution if the amendment contains an earmark, limited tax benefit, or limited tariff benefit.

(d) **AMENDMENT BETWEEN THE HOUSES.**—

(1) **IN GENERAL.**—It shall not be in order to consider an amendment between the Houses if that amendment includes an earmark, limited tax benefit, or limited tariff benefit.

(2) **RETURN TO THE CALENDAR.**—If a point of order is sustained under this subsection, the amendment between the Houses shall be returned to the calendar until compliance with this subsection has been achieved.

(e) **WAIVER.**—Any Senator may move to waive any or all points of order under this section by an affirmative vote of two-thirds of the Members, duly chosen and sworn.

(f) **DEFINITIONS.**—For the purpose of this section—

(1) the term “earmark” means a provision or report language included primarily at the request of a Senator or Member of the House of Representatives providing, authorizing, or recommending a specific amount of discretionary budget authority, credit authority, or other spending authority for a contract, loan, loan guarantee, grant, loan authority, or other expenditure with or to an entity, or targeted to a specific State, locality or Congressional district, other than through a statutory or administrative formula-driven or competitive award process;

(2) the term “limited tax benefit” means any revenue provision that—

(A) provides a Federal tax deduction, credit, exclusion, or preference to a particular beneficiary or limited group of beneficiaries under the Internal Revenue Code of 1986; and

(B) contains eligibility criteria that are not uniform in application with respect to potential beneficiaries of such provision; and

(3) the term “limited tariff benefit” means a provision modifying the Harmonized Tariff Schedule of the United States in a manner that benefits 10 or fewer entities.

(g) **FISCAL YEARS 2011 THROUGH 2013.**—The point of order under this section shall only apply to legislation providing or authorizing discretionary budget authority, credit authority or other spending authority, providing a federal tax deduction, credit, or exclusion, or modifying the Harmonized Tariff Schedule in fiscal years 2011 through 2013.

(h) **APPLICATION.**—This rule shall not apply to any authorization of appropriations to a Federal entity if such authorization is not specifically targeted to a State, locality, or congressional district.

(i) This rule shall not apply to any bill, conference report or joint resolution in which the total funding provided for earmarks do not exceed the amount provided for such purposes in 2009.”

SA 4715. Mr. REID (for Mr. HARKIN) proposed an amendment to the bill S. 510, to amend the Federal Food, Drug, and Cosmetic Act with respect to the safety of the food supply; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; REFERENCES; TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This Act may be cited as the “FDA Food Safety Modernization Act”.

(b) **REFERENCES.**—Except as otherwise specified, whenever in this Act an amendment is expressed in terms of an amendment to a section or other provision, the reference shall be considered to be made to a section or other provision of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.).

(c) **TABLE OF CONTENTS.**—The table of contents for this Act is as follows:

Sec. 1. Short title; references; table of contents.

TITLE I—IMPROVING CAPACITY TO PREVENT FOOD SAFETY PROBLEMS

- Sec. 101. Inspections of records.
- Sec. 102. Registration of food facilities.
- Sec. 103. Hazard analysis and risk-based preventive controls.
- Sec. 104. Performance standards.
- Sec. 105. Standards for produce safety.
- Sec. 106. Protection against intentional adulteration.
- Sec. 107. Authority to collect fees.
- Sec. 108. National agriculture and food defense strategy.
- Sec. 109. Food and Agriculture Coordinating Councils.
- Sec. 110. Building domestic capacity.
- Sec. 111. Sanitary transportation of food.
- Sec. 112. Food allergy and anaphylaxis management.
- Sec. 113. New dietary ingredients.
- Sec. 114. Requirement for guidance relating to post harvest processing of raw oysters.
- Sec. 115. Port shopping.
- Sec. 116. Alcohol-related facilities.

TITLE II—IMPROVING CAPACITY TO DETECT AND RESPOND TO FOOD SAFETY PROBLEMS

- Sec. 201. Targeting of inspection resources for domestic facilities, foreign facilities, and ports of entry; annual report.
- Sec. 202. Laboratory accreditation for analyses of foods.
- Sec. 203. Integrated consortium of laboratory networks.
- Sec. 204. Enhancing tracking and tracing of food and recordkeeping.
- Sec. 205. Surveillance.
- Sec. 206. Mandatory recall authority.
- Sec. 207. Administrative detention of food.
- Sec. 208. Decontamination and disposal standards and plans.
- Sec. 209. Improving the training of State, local, territorial, and tribal food safety officials.
- Sec. 210. Enhancing food safety.
- Sec. 211. Improving the reportable food registry.

TITLE III—IMPROVING THE SAFETY OF IMPORTED FOOD

- Sec. 301. Foreign supplier verification program.
- Sec. 302. Voluntary qualified importer program.
- Sec. 303. Authority to require import certifications for food.
- Sec. 304. Prior notice of imported food shipments.
- Sec. 305. Building capacity of foreign governments with respect to food safety.
- Sec. 306. Inspection of foreign food facilities.
- Sec. 307. Accreditation of third-party auditors.
- Sec. 308. Foreign offices of the Food and Drug Administration.
- Sec. 309. Smuggled food.

TITLE IV—MISCELLANEOUS PROVISIONS

- Sec. 401. Funding for food safety.
- Sec. 402. Employee protections.

Sec. 403. Jurisdiction; authorities.

Sec. 404. Compliance with international agreements.

Sec. 405. Determination of budgetary effects.

TITLE I—IMPROVING CAPACITY TO PREVENT FOOD SAFETY PROBLEMS

SEC. 101. INSPECTIONS OF RECORDS.

(a) IN GENERAL.—Section 414(a) (21 U.S.C. 350c(a)) is amended—

(1) by striking the heading and all that follows through “of food is” and inserting the following: “RECORDS INSPECTION.—

“(1) ADULTERATED FOOD.—If the Secretary has a reasonable belief that an article of food, and any other article of food that the Secretary reasonably believes is likely to be affected in a similar manner, is”;

(2) by inserting “, and to any other article of food that the Secretary reasonably believes is likely to be affected in a similar manner,” after “relating to such article”;

(3) by striking the last sentence; and

(4) by inserting at the end the following:

“(2) USE OF OR EXPOSURE TO FOOD OF CONCERN.—If the Secretary believes that there is a reasonable probability that the use of or exposure to an article of food, and any other article of food that the Secretary reasonably believes is likely to be affected in a similar manner, will cause serious adverse health consequences or death to humans or animals, each person (excluding farms and restaurants) who manufactures, processes, packs, distributes, receives, holds, or imports such article shall, at the request of an officer or employee duly designated by the Secretary, permit such officer or employee, upon presentation of appropriate credentials and a written notice to such person, at reasonable times and within reasonable limits and in a reasonable manner, to have access to and copy all records relating to such article and to any other article of food that the Secretary reasonably believes is likely to be affected in a similar manner, that are needed to assist the Secretary in determining whether there is a reasonable probability that the use of or exposure to the food will cause serious adverse health consequences or death to humans or animals.

“(3) APPLICATION.—The requirement under paragraphs (1) and (2) applies to all records relating to the manufacture, processing, packing, distribution, receipt, holding, or importation of such article maintained by or on behalf of such person in any format (including paper and electronic formats) and at any location.”.

(b) CONFORMING AMENDMENT.—Section 704(a)(1)(B) (21 U.S.C. 374(a)(1)(B)) is amended by striking “section 414 when” and all that follows through “subject to” and inserting “section 414, when the standard for records inspection under paragraph (1) or (2) of section 414(a) applies, subject to”.

SEC. 102. REGISTRATION OF FOOD FACILITIES.

(a) UPDATING OF FOOD CATEGORY REGULATIONS; BIENNIAL REGISTRATION RENEWAL.—Section 415(a) (21 U.S.C. 350d(a)) is amended—

(1) in paragraph (2), by—

(A) striking “conducts business and” and inserting “conducts business, the e-mail address for the contact person of the facility or, in the case of a foreign facility, the United States agent for the facility, and”;

(B) inserting “, or any other food categories as determined appropriate by the Secretary, including by guidance” after “Code of Federal Regulations”;

(2) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively; and

(3) by inserting after paragraph (2) the following:

“(3) BIENNIAL REGISTRATION RENEWAL.—During the period beginning on October 1 and ending on December 31 of each even-numbered year, a registrant that has submitted a registration under paragraph (1) shall submit to the Secretary a renewal registration containing the information described in paragraph (2). The Secretary shall provide for an abbreviated registration renewal process for any registrant that has not had any changes to such information since the registrant submitted the preceding registration or registration renewal for the facility involved.”.

(b) SUSPENSION OF REGISTRATION.—

(1) IN GENERAL.—Section 415 (21 U.S.C. 350d) is amended—

(A) in subsection (a)(2), by inserting after the first sentence the following: “The registration shall contain an assurance that the Secretary will be permitted to inspect such facility at the times and in the manner permitted by this Act.”;

(B) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively; and

(C) by inserting after subsection (a) the following:

“(b) SUSPENSION OF REGISTRATION.—

“(1) IN GENERAL.—If the Secretary determines that food manufactured, processed, packed, received, or held by a facility registered under this section has a reasonable probability of causing serious adverse health consequences or death to humans or animals, the Secretary may by order suspend the registration of a facility—

“(A) that created, caused, or was otherwise responsible for such reasonable probability; or

“(B)(i) that knew of, or had reason to know of, such reasonable probability; and

“(ii) packed, received, or held such food.

“(2) HEARING ON SUSPENSION.—The Secretary shall provide the registrant subject to an order under paragraph (1) with an opportunity for an informal hearing, to be held as soon as possible but not later than 2 business days after the issuance of the order or such other time period, as agreed upon by the Secretary and the registrant, on the actions required for reinstatement of registration and why the registration that is subject to suspension should be reinstated. The Secretary shall reinstate a registration if the Secretary determines, based on evidence presented, that adequate grounds do not exist to continue the suspension of the registration.

“(3) POST-HEARING CORRECTIVE ACTION PLAN; VACATING OF ORDER.—

“(A) CORRECTIVE ACTION PLAN.—If, after providing opportunity for an informal hearing under paragraph (2), the Secretary determines that the suspension of registration remains necessary, the Secretary shall require the registrant to submit a corrective action plan to demonstrate how the registrant plans to correct the conditions found by the Secretary. The Secretary shall review such plan not later than 14 days after the submission of the corrective action plan or such other time period as determined by the Secretary.

“(B) VACATING OF ORDER.—Upon a determination by the Secretary that adequate grounds do not exist to continue the suspension actions required by the order, or that such actions should be modified, the Secretary shall promptly vacate the order and reinstate the registration of the facility subject to the order or modify the order, as appropriate.

“(4) EFFECT OF SUSPENSION.—If the registration of a facility is suspended under this

subsection, no person shall import or export food into the United States from such facility, offer to import or export food into the United States from such facility, or otherwise introduce food from such facility into interstate or intrastate commerce in the United States.

“(5) REGULATIONS.—

“(A) IN GENERAL.—The Secretary shall promulgate regulations to implement this subsection. The Secretary may promulgate such regulations on an interim final basis.

“(B) REGISTRATION REQUIREMENT.—The Secretary may require that registration under this section be submitted in an electronic format. Such requirement may not take effect before the date that is 5 years after the date of enactment of the FDA Food Safety Modernization Act.

“(6) APPLICATION DATE.—Facilities shall be subject to the requirements of this subsection beginning on the earlier of—

“(A) the date on which the Secretary issues regulations under paragraph (5); or

“(B) 180 days after the date of enactment of the FDA Food Safety Modernization Act.

“(7) NO DELEGATION.—The authority conferred by this subsection to issue an order to suspend a registration or vacate an order of suspension shall not be delegated to any officer or employee other than the Commissioner.”.

(2) SMALL ENTITY COMPLIANCE POLICY GUIDE.—Not later than 180 days after the issuance of the regulations promulgated under section 415(b)(5) of the Federal Food, Drug, and Cosmetic Act (as added by this section), the Secretary shall issue a small entity compliance policy guide setting forth in plain language the requirements of such regulations to assist small entities in complying with registration requirements and other activities required under such section.

(3) IMPORTED FOOD.—Section 801(l) (21 U.S.C. 381(l)) is amended by inserting “(or for which a registration has been suspended under such section)” after “section 415”.

(c) CLARIFICATION OF INTENT.—

(1) RETAIL FOOD ESTABLISHMENT.—The Secretary shall amend the definition of the term “retail food establishment” in section 1.227(b)(11) of title 21, Code of Federal Regulations to clarify that, in determining the primary function of an establishment or a retail food establishment under such section, the sale of food products directly to consumers by such establishment and the sale of food directly to consumers by such retail food establishment include—

(A) the sale of such food products or food directly to consumers by such establishment at a roadside stand or farmers’ market where such stand or market is located other than where the food was manufactured or processed;

(B) the sale and distribution of such food through a community supported agriculture program; and

(C) the sale and distribution of such food at any other such direct sales platform as determined by the Secretary.

(2) DEFINITIONS.—For purposes of paragraph (1)—

(A) the term “community supported agriculture program” has the same meaning given the term “community supported agriculture (CSA) program” in section 249.2 of title 7, Code of Federal Regulations (or any successor regulation); and

(B) the term “consumer” does not include a business.

(d) CONFORMING AMENDMENTS.—

(1) Section 301(d) (21 U.S.C. 331(d)) is amended by inserting “415,” after “404.”.

(2) Section 415(d), as redesignated by subsection (b), is amended by adding at the end before the period “for a facility to be registered, except with respect to the reinstatement of a registration that is suspended under subsection (b)”.

SEC. 103. HAZARD ANALYSIS AND RISK-BASED PREVENTIVE CONTROLS.

(a) IN GENERAL.—Chapter IV (21 U.S.C. 341 et seq.) is amended by adding at the end the following:

“SEC. 418. HAZARD ANALYSIS AND RISK-BASED PREVENTIVE CONTROLS.

“(a) IN GENERAL.—The owner, operator, or agent in charge of a facility shall, in accordance with this section, evaluate the hazards that could affect food manufactured, processed, packed, or held by such facility, identify and implement preventive controls to significantly minimize or prevent the occurrence of such hazards and provide assurances that such food is not adulterated under section 402 or misbranded under section 403(w), monitor the performance of those controls, and maintain records of this monitoring as a matter of routine practice.

“(b) HAZARD ANALYSIS.—The owner, operator, or agent in charge of a facility shall—

“(1) identify and evaluate known or reasonably foreseeable hazards that may be associated with the facility, including—

“(A) biological, chemical, physical, and radiological hazards, natural toxins, pesticides, drug residues, decomposition, parasites, allergens, and unapproved food and color additives; and

“(B) hazards that occur naturally, or may be unintentionally introduced; and

“(2) identify and evaluate hazards that may be intentionally introduced, including by acts of terrorism; and

“(3) develop a written analysis of the hazards.

“(c) PREVENTIVE CONTROLS.—The owner, operator, or agent in charge of a facility shall identify and implement preventive controls, including at critical control points, if any, to provide assurances that—

“(1) hazards identified in the hazard analysis conducted under subsection (b)(1) will be significantly minimized or prevented;

“(2) any hazards identified in the hazard analysis conducted under subsection (b)(2) will be significantly minimized or prevented and addressed, consistent with section 420, as applicable; and

“(3) the food manufactured, processed, packed, or held by such facility will not be adulterated under section 402 or misbranded under section 403(w).

“(d) MONITORING OF EFFECTIVENESS.—The owner, operator, or agent in charge of a facility shall monitor the effectiveness of the preventive controls implemented under subsection (c) to provide assurances that the outcomes described in subsection (c) shall be achieved.

“(e) CORRECTIVE ACTIONS.—The owner, operator, or agent in charge of a facility shall establish procedures to ensure that, if the preventive controls implemented under subsection (c) are not properly implemented or are found to be ineffective—

“(1) appropriate action is taken to reduce the likelihood of recurrence of the implementation failure;

“(2) all affected food is evaluated for safety; and

“(3) all affected food is prevented from entering into commerce if the owner, operator or agent in charge of such facility cannot ensure that the affected food is not adulterated under section 402 or misbranded under section 403(w).

“(f) VERIFICATION.—The owner, operator, or agent in charge of a facility shall verify that—

“(1) the preventive controls implemented under subsection (c) are adequate to control the hazards identified under subsection (b);

“(2) the owner, operator, or agent is conducting monitoring in accordance with subsection (d);

“(3) the owner, operator, or agent is making appropriate decisions about corrective actions taken under subsection (e);

“(4) the preventive controls implemented under subsection (c) are effectively and significantly minimizing or preventing the occurrence of identified hazards, including through the use of environmental and product testing programs and other appropriate means; and

“(5) there is documented, periodic reanalysis of the plan under subsection (i) to ensure that the plan is still relevant to the raw materials, conditions and processes in the facility, and new and emerging threats.

“(g) RECORDKEEPING.—The owner, operator, or agent in charge of a facility shall maintain, for not less than 2 years, records documenting the monitoring of the preventive controls implemented under subsection (c), instances of nonconformance material to food safety, the results of testing and other appropriate means of verification under subsection (f)(4), instances when corrective actions were implemented, and the efficacy of preventive controls and corrective actions.

“(h) WRITTEN PLAN AND DOCUMENTATION.—The owner, operator, or agent in charge of a facility shall prepare a written plan that documents and describes the procedures used by the facility to comply with the requirements of this section, including analyzing the hazards under subsection (b) and identifying the preventive controls adopted under subsection (c) to address those hazards. Such written plan, together with the documentation described in subsection (g), shall be made promptly available to a duly authorized representative of the Secretary upon oral or written request.

“(i) REQUIREMENT TO REANALYZE.—The owner, operator, or agent in charge of a facility shall conduct a reanalysis under subsection (b) whenever a significant change is made in the activities conducted at a facility operated by such owner, operator, or agent if the change creates a reasonable potential for a new hazard or a significant increase in a previously identified hazard or not less frequently than once every 3 years, whichever is earlier. Such reanalysis shall be completed and additional preventive controls needed to address the hazard identified, if any, shall be implemented before the change in activities at the facility is operative. Such owner, operator, or agent shall revise the written plan required under subsection (h) if such a significant change is made or document the basis for the conclusion that no additional or revised preventive controls are needed. The Secretary may require a reanalysis under this section to respond to new hazards and developments in scientific understanding, including, as appropriate, results from the Department of Homeland Security biological, chemical, radiological, or other terrorism risk assessment.

“(j) EXEMPTION FOR SEAFOOD, JUICE, AND LOW-ACID CANNED FOOD FACILITIES SUBJECT TO HACCP.—

“(1) IN GENERAL.—This section shall not apply to a facility if the owner, operator, or agent in charge of such facility is required to comply with, and is in compliance with, 1 of the following standards and regulations with respect to such facility:

“(A) The Seafood Hazard Analysis Critical Control Points Program of the Food and Drug Administration.

“(B) The Juice Hazard Analysis Critical Control Points Program of the Food and Drug Administration.

“(C) The Thermally Processed Low-Acid Foods Packaged in Hermetically Sealed Containers standards of the Food and Drug Administration (or any successor standards).

“(2) APPLICABILITY.—The exemption under paragraph (1)(C) shall apply only with respect to microbiological hazards that are regulated under the standards for Thermally Processed Low-Acid Foods Packaged in Hermetically Sealed Containers under part 113 of chapter 21, Code of Federal Regulations (or any successor regulations).

“(k) EXCEPTION FOR ACTIVITIES OF FACILITIES SUBJECT TO SECTION 419.—This section shall not apply to activities of a facility that are subject to section 419.

“(l) MODIFIED REQUIREMENTS FOR QUALIFIED FACILITIES.—

“(1) QUALIFIED FACILITIES.—

“(A) IN GENERAL.—A facility is a qualified facility for purposes of this subsection if the facility meets the conditions under subparagraph (B) or (C).

“(B) VERY SMALL BUSINESS.—A facility is a qualified facility under this subparagraph—

“(i) if the facility, including any subsidiary or affiliate of the facility, is, collectively, a very small business (as defined in the regulations promulgated under subsection (n)); and

“(ii) in the case where the facility is a subsidiary or affiliate of an entity, if such subsidiaries or affiliates, are, collectively, a very small business (as so defined).

“(C) LIMITED ANNUAL MONETARY VALUE OF SALES.—

“(i) IN GENERAL.—A facility is a qualified facility under this subparagraph if clause (ii) applies—

“(I) to the facility, including any subsidiary or affiliate of the facility, collectively; and

“(II) to the subsidiaries or affiliates, collectively, of any entity of which the facility is a subsidiary or affiliate.

“(ii) AVERAGE ANNUAL MONETARY VALUE.—This clause applies if—

“(I) during the 3-year period preceding the applicable calendar year, the average annual monetary value of the food manufactured, processed, packed, or held at such facility (or the collective average annual monetary value of such food at any subsidiary or affiliate, as described in clause (i)) that is sold directly to qualified end-users during such period exceeded the average annual monetary value of the food manufactured, processed, packed, or held at such facility (or the collective average annual monetary value of such food at any subsidiary or affiliate, as so described) sold by such facility (or collectively by any such subsidiary or affiliate) to all other purchasers during such period; and

“(II) the average annual monetary value of all food sold by such facility (or the collective average annual monetary value of such food sold by any subsidiary or affiliate, as described in clause (i)) during such period was less than \$500,000, adjusted for inflation.

“(2) EXEMPTION.—A qualified facility—

“(A) shall not be subject to the requirements under subsections (a) through (i) and subsection (n) in an applicable calendar year; and

“(B) shall submit to the Secretary—

“(i)(I) documentation that demonstrates that the owner, operator, or agent in charge of the facility has identified potential hazards associated with the food being produced,

is implementing preventive controls to address the hazards, and is monitoring the preventive controls to ensure that such controls are effective; or

“(II) documentation (which may include licenses, inspection reports, certificates, permits, credentials, certification by an appropriate agency (such as a State department of agriculture), or other evidence of oversight), as specified by the Secretary, that the facility is in compliance with State, local, county, or other applicable non-Federal food safety law; and

“(ii) documentation, as specified by the Secretary in a guidance document issued not later than 1 year after the date of enactment of this section, that the facility is a qualified facility under paragraph (1)(B) or (1)(C).

“(3) WITHDRAWAL; RULE OF CONSTRUCTION.—

“(A) IN GENERAL.—In the event of an active investigation of a foodborne illness outbreak that is directly linked to a qualified facility subject to an exemption under this subsection, or if the Secretary determines that it is necessary to protect the public health and prevent or mitigate a foodborne illness outbreak based on conduct or conditions associated with a qualified facility that are material to the safety of the food manufactured, processed, packed, or held at such facility, the Secretary may withdraw the exemption provided to such facility under this subsection.

“(B) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to expand or limit the inspection authority of the Secretary.

“(4) DEFINITIONS.—In this subsection:

“(A) AFFILIATE.—The term ‘affiliate’ means any facility that controls, is controlled by, or is under common control with another facility.

“(B) QUALIFIED END-USER.—The term ‘qualified end-user’, with respect to a food, means—

“(i) the consumer of the food; or

“(ii) a restaurant or retail food establishment (as those terms are defined by the Secretary for purposes of section 415) that—

“(I) is located—

“(aa) in the same State as the qualified facility that sold the food to such restaurant or establishment; or

“(bb) not more than 275 miles from such facility; and

“(II) is purchasing the food for sale directly to consumers at such restaurant or retail food establishment.

“(C) CONSUMER.—For purposes of subparagraph (B), the term ‘consumer’ does not include a business.

“(D) SUBSIDIARY.—The term ‘subsidiary’ means any company which is owned or controlled directly or indirectly by another company.

“(5) STUDY.—

“(A) IN GENERAL.—The Secretary, in consultation with the Secretary of Agriculture, shall conduct a study of the food processing sector regulated by the Secretary to determine—

“(i) the distribution of food production by type and size of operation, including monetary value of food sold;

“(ii) the proportion of food produced by each type and size of operation;

“(iii) the number and types of food facilities co-located on farms, including the number and proportion by commodity and by manufacturing or processing activity;

“(iv) the incidence of foodborne illness originating from each size and type of operation and the type of food facilities for which no reported or known hazard exists; and

“(v) the effect on foodborne illness risk associated with commingling, processing, transporting, and storing food and raw agricultural commodities, including differences in risk based on the scale and duration of such activities.

“(B) SIZE.—The results of the study conducted under subparagraph (A) shall include the information necessary to enable the Secretary to define the terms ‘small business’ and ‘very small business’, for purposes of promulgating the regulation under subsection (n). In defining such terms, the Secretary shall include consideration of harvestable acres, income, the number of employees, and the volume of food harvested.

“(C) SUBMISSION OF REPORT.—Not later than 18 months after the date of enactment of the FDA Food Safety Modernization Act, the Secretary shall submit to Congress a report that describes the results of the study conducted under subparagraph (A).

“(6) NO PREEMPTION.—Nothing in this subsection preempts State, local, county, or other non-Federal law regarding the safe production of food. Compliance with this subsection shall not relieve any person from liability at common law or under State statutory law.

“(7) NOTIFICATION TO CONSUMERS.—

“(A) IN GENERAL.—A qualified facility that is exempt from the requirements under subsections (a) through (i) and subsection (n) and does not prepare documentation under paragraph (2)(B)(i)(I) shall—

“(i) with respect to a food for which a food packaging label is required by the Secretary under any other provision of this Act, include prominently and conspicuously on such label the name and business address of the facility where the food was manufactured or processed; or

“(ii) with respect to a food for which a food packaging label is not required by the Secretary under any other provisions of this Act, prominently and conspicuously display, at the point of purchase, the name and business address of the facility where the food was manufactured or processed, on a label, poster, sign, placard, or documents delivered contemporaneously with the food in the normal course of business, or, in the case of Internet sales, in an electronic notice.

“(B) NO ADDITIONAL LABEL.—Subparagraph (A) does not provide authority to the Secretary to require a label that is in addition to any label required under any other provision of this Act.

“(m) AUTHORITY WITH RESPECT TO CERTAIN FACILITIES.—The Secretary may, by regulation, exempt or modify the requirements for compliance under this section with respect to facilities that are solely engaged in the production of food for animals other than man, the storage of raw agricultural commodities (other than fruits and vegetables) intended for further distribution or processing, or the storage of packaged foods that are not exposed to the environment.

“(n) REGULATIONS.—

“(1) IN GENERAL.—Not later than 18 months after the date of enactment of the FDA Food Safety Modernization Act, the Secretary shall promulgate regulations—

“(A) to establish science-based minimum standards for conducting a hazard analysis, documenting hazards, implementing preventive controls, and documenting the implementation of the preventive controls under this section; and

“(B) to define, for purposes of this section, the terms ‘small business’ and ‘very small business’, taking into consideration the study described in subsection (1)(5).

“(2) COORDINATION.—In promulgating the regulations under paragraph (1)(A), with regard to hazards that may be intentionally introduced, including by acts of terrorism, the Secretary shall coordinate with the Secretary of Homeland Security, as appropriate.

“(3) CONTENT.—The regulations promulgated under paragraph (1)(A) shall—

“(A) provide sufficient flexibility to be practicable for all sizes and types of facilities, including small businesses such as a small food processing facility co-located on a farm;

“(B) comply with chapter 35 of title 44, United States Code (commonly known as the ‘Paperwork Reduction Act’), with special attention to minimizing the burden (as defined in section 3502(2) of such Act) on the facility, and collection of information (as defined in section 3502(3) of such Act), associated with such regulations;

“(C) acknowledge differences in risk and minimize, as appropriate, the number of separate standards that apply to separate foods; and

“(D) not require a facility to hire a consultant or other third party to identify, implement, certify, or audit preventative controls, except in the case of negotiated enforcement resolutions that may require such a consultant or third party.

“(4) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to provide the Secretary with the authority to prescribe specific technologies, practices, or critical controls for an individual facility.

“(5) REVIEW.—In promulgating the regulations under paragraph (1)(A), the Secretary shall review regulatory hazard analysis and preventive control programs in existence on the date of enactment of the FDA Food Safety Modernization Act, including the Grade ‘A’ Pasteurized Milk Ordinance to ensure that such regulations are consistent, to the extent practicable, with applicable domestic and internationally-recognized standards in existence on such date.

“(o) DEFINITIONS.—For purposes of this section:

“(1) CRITICAL CONTROL POINT.—The term ‘critical control point’ means a point, step, or procedure in a food process at which control can be applied and is essential to prevent or eliminate a food safety hazard or reduce such hazard to an acceptable level.

“(2) FACILITY.—The term ‘facility’ means a domestic facility or a foreign facility that is required to register under section 415.

“(3) PREVENTIVE CONTROLS.—The term ‘preventive controls’ means those risk-based, reasonably appropriate procedures, practices, and processes that a person knowledgeable about the safe manufacturing, processing, packing, or holding of food would employ to significantly minimize or prevent the hazards identified under the hazard analysis conducted under subsection (b) and that are consistent with the current scientific understanding of safe food manufacturing, processing, packing, or holding at the time of the analysis. Those procedures, practices, and processes may include the following:

“(A) Sanitation procedures for food contact surfaces and utensils and food-contact surfaces of equipment.

“(B) Supervisor, manager, and employee hygiene training.

“(C) An environmental monitoring program to verify the effectiveness of pathogen controls in processes where a food is exposed to a potential contaminant in the environment.

“(D) A food allergen control program.

“(E) A recall plan.

“(F) Current Good Manufacturing Practices (cGMPs) under part 110 of title 21, Code of Federal Regulations (or any successor regulations).”

“(G) Supplier verification activities that relate to the safety of food.”.

(b) **GUIDANCE DOCUMENT.**—The Secretary shall issue a guidance document related to the regulations promulgated under subsection (b)(1) with respect to the hazard analysis and preventive controls under section 418 of the Federal Food, Drug, and Cosmetic Act (as added by subsection (a)).

(c) **RULEMAKING.**—

(1) **PROPOSED RULEMAKING.**—

(A) **IN GENERAL.**—Not later than 9 months after the date of enactment of this Act, the Secretary of Health and Human Services (referred to in this subsection as the “Secretary”) shall publish a notice of proposed rulemaking in the Federal Register to promulgate regulations with respect to—

(i) activities that constitute on-farm packing or holding of food that is not grown, raised, or consumed on such farm or another farm under the same ownership for purposes of section 415 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 350d), as amended by this Act; and

(ii) activities that constitute on-farm manufacturing or processing of food that is not consumed on that farm or on another farm under common ownership for purposes of such section 415.

(B) **CLARIFICATION.**—The rulemaking described under subparagraph (A) shall enhance the implementation of such section 415 and clarify the activities that are included as part of the definition of the term “facility” under such section 415. Nothing in this Act authorizes the Secretary to modify the definition of the term “facility” under such section.

(C) **SCIENCE-BASED RISK ANALYSIS.**—In promulgating regulations under subparagraph (A), the Secretary shall conduct a science-based risk analysis of—

(i) specific types of on-farm packing or holding of food that is not grown, raised, or consumed on such farm or another farm under the same ownership, as such packing and holding relates to specific foods; and

(ii) specific on-farm manufacturing and processing activities as such activities relate to specific foods that are not consumed on that farm or on another farm under common ownership.

(D) **AUTHORITY WITH RESPECT TO CERTAIN FACILITIES.**—

(i) **IN GENERAL.**—In promulgating the regulations under subparagraph (A), the Secretary shall consider the results of the science-based risk analysis conducted under subparagraph (C), and shall exempt certain facilities from the requirements in section 418 of the Federal Food, Drug, and Cosmetic Act (as added by this section), including hazard analysis and preventive controls, and the mandatory inspection frequency in section 421 of such Act (as added by section 201), or modify the requirements in such sections 418 or 421, as the Secretary determines appropriate, if such facilities are engaged only in specific types of on-farm manufacturing, processing, packing, or holding activities that the Secretary determines to be low risk involving specific foods the Secretary determines to be low risk.

(ii) **LIMITATION.**—The exemptions or modifications under clause (i) shall not include an exemption from the requirement to register under section 415 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 350d), as amended by this Act, if applicable, and shall apply

only to small businesses and very small businesses, as defined in the regulation promulgated under section 418(n) of the Federal Food, Drug, and Cosmetic Act (as added under subsection (a)).

(2) **FINAL REGULATIONS.**—Not later than 9 months after the close of the comment period for the proposed rulemaking under paragraph (1), the Secretary shall adopt final rules with respect to—

(A) activities that constitute on-farm packing or holding of food that is not grown, raised, or consumed on such farm or another farm under the same ownership for purposes of section 415 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 350d), as amended by this Act;

(B) activities that constitute on-farm manufacturing or processing of food that is not consumed on that farm or on another farm under common ownership for purposes of such section 415; and

(C) the requirements under sections 418 and 421 of the Federal Food, Drug, and Cosmetic Act, as added by this Act, from which the Secretary may issue exemptions or modifications of the requirements for certain types of facilities.

(d) **SMALL ENTITY COMPLIANCE POLICY GUIDE.**—Not later than 180 days after the issuance of the regulations promulgated under subsection (n) of section 418 of the Federal Food, Drug, and Cosmetic Act (as added by subsection (a)), the Secretary shall issue a small entity compliance policy guide setting forth in plain language the requirements of such section 418 and this section to assist small entities in complying with the hazard analysis and other activities required under such section 418 and this section.

(e) **PROHIBITED ACTS.**—Section 301 (21 U.S.C. 331) is amended by adding at the end the following:

“(uu) The operation of a facility that manufactures, processes, packs, or holds food for sale in the United States if the owner, operator, or agent in charge of such facility is not in compliance with section 418.”.

(f) **NO EFFECT ON HACCP AUTHORITIES.**—Nothing in the amendments made by this section limits the authority of the Secretary under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.) or the Public Health Service Act (42 U.S.C. 201 et seq.) to revise, issue, or enforce Hazard Analysis Critical Control programs and the Thermally Processed Low-Acid Foods Packaged in Hermetically Sealed Containers standards.

(g) **DIETARY SUPPLEMENTS.**—Nothing in the amendments made by this section shall apply to any facility with regard to the manufacturing, processing, packing, or holding of a dietary supplement that is in compliance with the requirements of sections 402(g)(2) and 761 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 342(g)(2), 379aa-1).

(h) **UPDATING GUIDANCE RELATING TO FISH AND FISHERIES PRODUCTS HAZARDS AND CONTROLS.**—The Secretary shall, not later than 180 days after the date of enactment of this Act, update the Fish and Fisheries Products Hazards and Control Guidance to take into account advances in technology that have occurred since the previous publication of such Guidance by the Secretary.

(i) **EFFECTIVE DATES.**—

(1) **GENERAL RULE.**—The amendments made by this section shall take effect 18 months after the date of enactment of this Act.

(2) **FLEXIBILITY FOR SMALL BUSINESSES.**—Notwithstanding paragraph (1)—

(A) the amendments made by this section shall apply to a small business (as defined in

the regulations promulgated under section 418(n) of the Federal Food, Drug, and Cosmetic Act (as added by this section)) beginning on the date that is 6 months after the effective date of such regulations; and

(B) the amendments made by this section shall apply to a very small business (as defined in such regulations) beginning on the date that is 18 months after the effective date of such regulations.

SEC. 104. PERFORMANCE STANDARDS.

(a) **IN GENERAL.**—The Secretary shall, in coordination with the Secretary of Agriculture, not less frequently than every 2 years, review and evaluate relevant health data and other relevant information, including from toxicological and epidemiological studies and analyses, current Good Manufacturing Practices issued by the Secretary relating to food, and relevant recommendations of relevant advisory committees, including the Food Advisory Committee, to determine the most significant foodborne contaminants.

(b) **GUIDANCE DOCUMENTS AND REGULATIONS.**—Based on the review and evaluation conducted under subsection (a), and when appropriate to reduce the risk of serious illness or death to humans or animals or to prevent adulteration of the food under section 402 of the Federal Food, Drug, or Cosmetic Act (21 U.S.C. 342) or to prevent the spread by food of communicable disease under section 361 of the Public Health Service Act (42 U.S.C. 264), the Secretary shall issue contaminant-specific and science-based guidance documents, including guidance documents regarding action levels, or regulations. Such guidance, including guidance regarding action levels, or regulations—

(1) shall apply to products or product classes;

(2) shall, where appropriate, differentiate between food for human consumption and food intended for consumption by animals other than humans; and

(3) shall not be written to be facility-specific.

(c) **NO DUPLICATION OF EFFORTS.**—The Secretary shall coordinate with the Secretary of Agriculture to avoid issuing duplicative guidance on the same contaminants.

(d) **REVIEW.**—The Secretary shall periodically review and revise, as appropriate, the guidance documents, including guidance documents regarding action levels, or regulations promulgated under this section.

SEC. 105. STANDARDS FOR PRODUCE SAFETY.

(a) **IN GENERAL.**—Chapter IV (21 U.S.C. 341 et seq.), as amended by section 103, is amended by adding at the end the following:

“SEC. 419. STANDARDS FOR PRODUCE SAFETY.

“(a) **PROPOSED RULEMAKING.**—

“(1) **IN GENERAL.**—

“(A) **RULEMAKING.**—Not later than 1 year after the date of enactment of the FDA Food Safety Modernization Act, the Secretary, in coordination with the Secretary of Agriculture and representatives of State departments of agriculture (including with regard to the national organic program established under the Organic Foods Production Act of 1990), and in consultation with the Secretary of Homeland Security, shall publish a notice of proposed rulemaking to establish science-based minimum standards for the safe production and harvesting of those types of fruits and vegetables, including specific mixes or categories of fruits and vegetables, that are raw agricultural commodities for which the Secretary has determined that such standards minimize the risk of serious adverse health consequences or death.

“(B) **DETERMINATION BY SECRETARY.**—With respect to small businesses and very small

businesses (as such terms are defined in the regulation promulgated under subparagraph (A)) that produce and harvest those types of fruits and vegetables that are raw agricultural commodities that the Secretary has determined are low risk and do not present a risk of serious adverse health consequences or death, the Secretary may determine not to include production and harvesting of such fruits and vegetables in such rulemaking, or may modify the applicable requirements of regulations promulgated pursuant to this section.

“(2) PUBLIC INPUT.—During the comment period on the notice of proposed rulemaking under paragraph (1), the Secretary shall conduct not less than 3 public meetings in diverse geographical areas of the United States to provide persons in different regions an opportunity to comment.

“(3) CONTENT.—The proposed rulemaking under paragraph (1) shall—

“(A) provide sufficient flexibility to be applicable to various types of entities engaged in the production and harvesting of fruits and vegetables that are raw agricultural commodities, including small businesses and entities that sell directly to consumers, and be appropriate to the scale and diversity of the production and harvesting of such commodities;

“(B) include, with respect to growing, harvesting, sorting, packing, and storage operations, science-based minimum standards related to soil amendments, hygiene, packaging, temperature controls, animals in the growing area, and water;

“(C) consider hazards that occur naturally, may be unintentionally introduced, or may be intentionally introduced, including by acts of terrorism;

“(D) take into consideration, consistent with ensuring enforceable public health protection, conservation and environmental practice standards and policies established by Federal natural resource conservation, wildlife conservation, and environmental agencies;

“(E) in the case of production that is certified organic, not include any requirements that conflict with or duplicate the requirements of the national organic program established under the Organic Foods Production Act of 1990, while providing the same level of public health protection as the requirements under guidance documents, including guidance documents regarding action levels, and regulations under the FDA Food Safety Modernization Act; and

“(F) define, for purposes of this section, the terms ‘small business’ and ‘very small business’.

“(4) PRIORITIZATION.—The Secretary shall prioritize the implementation of the regulations under this section for specific fruits and vegetables that are raw agricultural commodities based on known risks which may include a history and severity of foodborne illness outbreaks.

“(b) FINAL REGULATION.—

“(1) IN GENERAL.—Not later than 1 year after the close of the comment period for the proposed rulemaking under subsection (a), the Secretary shall adopt a final regulation to provide for minimum science-based standards for those types of fruits and vegetables, including specific mixes or categories of fruits or vegetables, that are raw agricultural commodities, based on known safety risks, which may include a history of foodborne illness outbreaks.

“(2) FINAL REGULATION.—The final regulation shall—

“(A) provide for coordination of education and enforcement activities by State and

local officials, as designated by the Governors of the respective States or the appropriate elected State official as recognized by State statute; and

“(B) include a description of the variance process under subsection (c) and the types of permissible variances the Secretary may grant.

“(3) FLEXIBILITY FOR SMALL BUSINESSES.—Notwithstanding paragraph (1)—

“(A) the regulations promulgated under this section shall apply to a small business (as defined in the regulation promulgated under subsection (a)(1)) after the date that is 1 year after the effective date of the final regulation under paragraph (1); and

“(B) the regulations promulgated under this section shall apply to a very small business (as defined in the regulation promulgated under subsection (a)(1)) after the date that is 2 years after the effective date of the final regulation under paragraph (1).

“(c) CRITERIA.—

“(1) IN GENERAL.—The regulations adopted under subsection (b) shall—

“(A) set forth those procedures, processes, and practices that the Secretary determines to minimize the risk of serious adverse health consequences or death, including procedures, processes, and practices that the Secretary determines to be reasonably necessary to prevent the introduction of known or reasonably foreseeable biological, chemical, and physical hazards, including hazards that occur naturally, may be unintentionally introduced, or may be intentionally introduced, including by acts of terrorism, into fruits and vegetables, including specific mixes or categories of fruits and vegetables, that are raw agricultural commodities and to provide reasonable assurances that the produce is not adulterated under section 402;

“(B) provide sufficient flexibility to be practicable for all sizes and types of businesses, including small businesses such as a small food processing facility co-located on a farm;

“(C) comply with chapter 35 of title 44, United States Code (commonly known as the ‘Paperwork Reduction Act’), with special attention to minimizing the burden (as defined in section 3502(2) of such Act) on the business, and collection of information (as defined in section 3502(3) of such Act), associated with such regulations;

“(D) acknowledge differences in risk and minimize, as appropriate, the number of separate standards that apply to separate foods; and

“(E) not require a business to hire a consultant or other third party to identify, implement, certify, compliance with these procedures, processes, and practices, except in the case of negotiated enforcement resolutions that may require such a consultant or third party; and

“(F) permit States and foreign countries from which food is imported into the United States to request from the Secretary variances from the requirements of the regulations, subject to paragraph (2), where the State or foreign country determines that the variance is necessary in light of local growing conditions and that the procedures, processes, and practices to be followed under the variance are reasonably likely to ensure that the produce is not adulterated under section 402 and to provide the same level of public health protection as the requirements of the regulations adopted under subsection (b).

“(2) VARIANCES.—

“(A) REQUESTS FOR VARIANCES.—A State or foreign country from which food is imported into the United States may in writing re-

quest a variance from the Secretary. Such request shall describe the variance requested and present information demonstrating that the variance does not increase the likelihood that the food for which the variance is requested will be adulterated under section 402, and that the variance provides the same level of public health protection as the requirements of the regulations adopted under subsection (b). The Secretary shall review such requests in a reasonable timeframe.

“(B) APPROVAL OF VARIANCES.—The Secretary may approve a variance in whole or in part, as appropriate, and may specify the scope of applicability of a variance to other similarly situated persons.

“(C) DENIAL OF VARIANCES.—The Secretary may deny a variance request if the Secretary determines that such variance is not reasonably likely to ensure that the food is not adulterated under section 402 and is not reasonably likely to provide the same level of public health protection as the requirements of the regulation adopted under subsection (b). The Secretary shall notify the person requesting such variance of the reasons for the denial.

“(D) MODIFICATION OR REVOCATION OF A VARIANCE.—The Secretary, after notice and an opportunity for a hearing, may modify or revoke a variance if the Secretary determines that such variance is not reasonably likely to ensure that the food is not adulterated under section 402 and is not reasonably likely to provide the same level of public health protection as the requirements of the regulations adopted under subsection (b).

“(d) ENFORCEMENT.—The Secretary may coordinate with the Secretary of Agriculture and, as appropriate, shall contract and coordinate with the agency or department designated by the Governor of each State to perform activities to ensure compliance with this section.

“(e) GUIDANCE.—

“(1) IN GENERAL.—Not later than 1 year after the date of enactment of the FDA Food Safety Modernization Act, the Secretary shall publish, after consultation with the Secretary of Agriculture, representatives of State departments of agriculture, farmer representatives, and various types of entities engaged in the production and harvesting or importing of fruits and vegetables that are raw agricultural commodities, including small businesses, updated good agricultural practices and guidance for the safe production and harvesting of specific types of fresh produce under this section.

“(2) PUBLIC MEETINGS.—The Secretary shall conduct not fewer than 3 public meetings in diverse geographical areas of the United States as part of an effort to conduct education and outreach regarding the guidance described in paragraph (1) for persons in different regions who are involved in the production and harvesting of fruits and vegetables that are raw agricultural commodities, including persons that sell directly to consumers and farmer representatives, and for importers of fruits and vegetables that are raw agricultural commodities.

“(3) PAPERWORK REDUCTION.—The Secretary shall ensure that any updated guidance under this section will—

“(A) provide sufficient flexibility to be practicable for all sizes and types of facilities, including small businesses such as a small food processing facility co-located on a farm; and

“(B) acknowledge differences in risk and minimize, as appropriate, the number of separate standards that apply to separate foods.

“(f) EXEMPTION FOR DIRECT FARM MARKETING.—

“(1) IN GENERAL.—A farm shall be exempt from the requirements under this section in a calendar year if—

“(A) during the previous 3-year period, the average annual monetary value of the food sold by such farm directly to qualified end-users during such period exceeded the average annual monetary value of the food sold by such farm to all other buyers during such period; and

“(B) the average annual monetary value of all food sold during such period was less than \$500,000, adjusted for inflation.

“(2) NOTIFICATION TO CONSUMERS.—

“(A) IN GENERAL.—A farm that is exempt from the requirements under this section shall—

“(i) with respect to a food for which a food packaging label is required by the Secretary under any other provision of this Act, include prominently and conspicuously on such label the name and business address of the farm where the produce was grown; or

“(ii) with respect to a food for which a food packaging label is not required by the Secretary under any other provision of this Act, prominently and conspicuously display, at the point of purchase, the name and business address of the farm where the produce was grown, on a label, poster, sign, placard, or documents delivered contemporaneously with the food in the normal course of business, or, in the case of Internet sales, in an electronic notice.

“(B) NO ADDITIONAL LABEL.—Subparagraph (A) does not provide authority to the Secretary to require a label that is in addition to any label required under any other provision of this Act.

“(3) WITHDRAWAL; RULE OF CONSTRUCTION.—

“(A) IN GENERAL.—In the event of an active investigation of a foodborne illness outbreak that is directly linked to a farm subject to an exemption under this subsection, or if the Secretary determines that it is necessary to protect the public health and prevent or mitigate a foodborne illness outbreak based on conduct or conditions associated with a farm that are material to the safety of the food produced or harvested at such farm, the Secretary may withdraw the exemption provided to such farm under this subsection.

“(B) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to expand or limit the inspection authority of the Secretary.

“(4) DEFINITIONS.—

“(A) QUALIFIED END-USER.—In this subsection, the term ‘qualified end-user’, with respect to a food means—

“(i) the consumer of the food; or

“(ii) a restaurant or retail food establishment (as those terms are defined by the Secretary for purposes of section 415) that is located—

“(I) in the same State as the farm that produced the food; or

“(II) not more than 275 miles from such farm.

“(B) CONSUMER.—For purposes of subparagraph (A), the term ‘consumer’ does not include a business.

“(5) NO PREEMPTION.—Nothing in this subsection preempts State, local, county, or other non-Federal law regarding the safe production, harvesting, holding, transportation, and sale of fresh fruits and vegetables. Compliance with this subsection shall not relieve any person from liability at common law or under State statutory law.

“(6) LIMITATION OF EFFECT.—Nothing in this subsection shall prevent the Secretary from exercising any authority granted in the other sections of this Act.

“(g) CLARIFICATION.—This section shall not apply to produce that is produced by an individual for personal consumption.

“(h) EXCEPTION FOR ACTIVITIES OF FACILITIES SUBJECT TO SECTION 418.—This section shall not apply to activities of a facility that are subject to section 418.”

(b) SMALL ENTITY COMPLIANCE POLICY GUIDE.—Not later than 180 days after the issuance of regulations under section 419 of the Federal Food, Drug, and Cosmetic Act (as added by subsection (a)), the Secretary of Health and Human Services shall issue a small entity compliance policy guide setting forth in plain language the requirements of such section 419 and to assist small entities in complying with standards for safe production and harvesting and other activities required under such section.

(c) PROHIBITED ACTS.—Section 301 (21 U.S.C. 331), as amended by section 103, is amended by adding at the end the following:

“(vv) The failure to comply with the requirements under section 419.”

(d) NO EFFECT ON HACCP AUTHORITIES.—Nothing in the amendments made by this section limits the authority of the Secretary under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.) or the Public Health Service Act (42 U.S.C. 201 et seq.) to revise, issue, or enforce product and category-specific regulations, such as the Seafood Hazard Analysis Critical Controls Points Program, the Juice Hazard Analysis Critical Control Program, and the Thermally Processed Low-Acid Foods Packaged in Hermetically Sealed Containers standards.

SEC. 106. PROTECTION AGAINST INTENTIONAL ADULTERATION.

(a) IN GENERAL.—Chapter IV (21 U.S.C. 341 et seq.), as amended by section 105, is amended by adding at the end the following:

“SEC. 420. PROTECTION AGAINST INTENTIONAL ADULTERATION.

“(a) DETERMINATIONS.—

“(1) IN GENERAL.—The Secretary shall—

“(A) conduct a vulnerability assessment of the food system, including by consideration of the Department of Homeland Security biological, chemical, radiological, or other terrorism risk assessments;

“(B) consider the best available understanding of uncertainties, risks, costs, and benefits associated with guarding against intentional adulteration of food at vulnerable points; and

“(C) determine the types of science-based mitigation strategies or measures that are necessary to protect against the intentional adulteration of food.

“(2) LIMITED DISTRIBUTION.—In the interest of national security, the Secretary, in consultation with the Secretary of Homeland Security, may determine the time, manner, and form in which determinations made under paragraph (1) are made publicly available.

“(b) REGULATIONS.—Not later than 18 months after the date of enactment of the FDA Food Safety Modernization Act, the Secretary, in coordination with the Secretary of Homeland Security and in consultation with the Secretary of Agriculture, shall promulgate regulations to protect against the intentional adulteration of food subject to this Act. Such regulations shall—

“(1) specify how a person shall assess whether the person is required to implement mitigation strategies or measures intended to protect against the intentional adulteration of food; and

“(2) specify appropriate science-based mitigation strategies or measures to prepare and protect the food supply chain at specific vulnerable points, as appropriate.

“(c) APPLICABILITY.—Regulations promulgated under subsection (b) shall apply only to food for which there is a high risk of intentional contamination, as determined by the Secretary, in consultation with the Secretary of Homeland Security, under subsection (a), that could cause serious adverse health consequences or death to humans or animals and shall include those foods—

“(1) for which the Secretary has identified clear vulnerabilities (including short shelf-life or susceptibility to intentional contamination at critical control points); and

“(2) in bulk or batch form, prior to being packaged for the final consumer.

“(d) EXCEPTION.—This section shall not apply to farms, except for those that produce milk.

“(e) DEFINITION.—For purposes of this section, the term ‘farm’ has the meaning given that term in section 1.227 of title 21, Code of Federal Regulations (or any successor regulation).”

(b) GUIDANCE DOCUMENTS.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary of Health and Human Services, in consultation with the Secretary of Homeland Security and the Secretary of Agriculture, shall issue guidance documents related to protection against the intentional adulteration of food, including mitigation strategies or measures to guard against such adulteration as required under section 420 of the Federal Food, Drug, and Cosmetic Act, as added by subsection (a).

(2) CONTENT.—The guidance documents issued under paragraph (1) shall—

(A) include a model assessment for a person to use under subsection (b)(1) of section 420 of the Federal Food, Drug, and Cosmetic Act, as added by subsection (a);

(B) include examples of mitigation strategies or measures described in subsection (b)(2) of such section; and

(C) specify situations in which the examples of mitigation strategies or measures described in subsection (b)(2) of such section are appropriate.

(3) LIMITED DISTRIBUTION.—In the interest of national security, the Secretary of Health and Human Services, in consultation with the Secretary of Homeland Security, may determine the time, manner, and form in which the guidance documents issued under paragraph (1) are made public, including by releasing such documents to targeted audiences.

(c) PERIODIC REVIEW.—The Secretary of Health and Human Services shall periodically review and, as appropriate, update the regulations under section 420(b) of the Federal Food, Drug, and Cosmetic Act, as added by subsection (a), and the guidance documents under subsection (b).

(d) PROHIBITED ACTS.—Section 301 (21 U.S.C. 331 et seq.), as amended by section 105, is amended by adding at the end the following:

“(ww) The failure to comply with section 420.”

SEC. 107. AUTHORITY TO COLLECT FEES.

(a) FEES FOR REINSPECTION, RECALL, AND IMPORTATION ACTIVITIES.—Subchapter C of chapter VII (21 U.S.C. 379f et seq.) is amended by adding at the end the following:

“PART 6—FEES RELATED TO FOOD

“SEC. 743. AUTHORITY TO COLLECT AND USE FEES.

“(a) IN GENERAL.—

“(1) PURPOSE AND AUTHORITY.—For fiscal year 2010 and each subsequent fiscal year, the Secretary shall, in accordance with this section, assess and collect fees from—

“(A) the responsible party for each domestic facility (as defined in section 415(b)) and the United States agent for each foreign facility subject to a reinspection in such fiscal year, to cover reinspection-related costs for such year;

“(B) the responsible party for a domestic facility (as defined in section 415(b)) and an importer who does not comply with a recall order under section 423 or under section 412(f) in such fiscal year, to cover food recall activities associated with such order performed by the Secretary, including technical assistance, follow-up effectiveness checks, and public notifications, for such year;

“(C) each importer participating in the voluntary qualified importer program under section 806 in such year, to cover the administrative costs of such program for such year; and

“(D) each importer subject to a reinspection in such fiscal year, to cover reinspection-related costs for such year.

“(2) DEFINITIONS.—For purposes of this section—

“(A) the term ‘reinspection’ means—

“(i) with respect to domestic facilities (as defined in section 415(b)), 1 or more inspections conducted under section 704 subsequent to an inspection conducted under such provision which identified noncompliance materially related to a food safety requirement of this Act, specifically to determine whether compliance has been achieved to the Secretary’s satisfaction; and

“(ii) with respect to importers, 1 or more examinations conducted under section 801 subsequent to an examination conducted under such provision which identified noncompliance materially related to a food safety requirement of this Act, specifically to determine whether compliance has been achieved to the Secretary’s satisfaction;

“(B) the term ‘reinspection-related costs’ means all expenses, including administrative expenses, incurred in connection with—

“(i) arranging, conducting, and evaluating the results of reinspections; and

“(ii) assessing and collecting reinspection fees under this section; and

“(C) the term ‘responsible party’ has the meaning given such term in section 417(a)(1).

“(b) ESTABLISHMENT OF FEES.—

“(1) IN GENERAL.—Subject to subsections (c) and (d), the Secretary shall establish the fees to be collected under this section for each fiscal year specified in subsection (a)(1), based on the methodology described under paragraph (2), and shall publish such fees in a Federal Register notice not later than 60 days before the start of each such year.

“(2) FEE METHODOLOGY.—

“(A) FEES.—Fees amounts established for collection—

“(i) under subparagraph (A) of subsection (a)(1) for a fiscal year shall be based on the Secretary’s estimate of 100 percent of the costs of the reinspection-related activities (including by type or level of reinspection activity, as the Secretary determines applicable) described in such subparagraph (A) for such year;

“(ii) under subparagraph (B) of subsection (a)(1) for a fiscal year shall be based on the Secretary’s estimate of 100 percent of the costs of the activities described in such subparagraph (B) for such year;

“(iii) under subparagraph (C) of subsection (a)(1) for a fiscal year shall be based on the Secretary’s estimate of 100 percent of the costs of the activities described in such subparagraph (C) for such year; and

“(iv) under subparagraph (D) of subsection (a)(1) for a fiscal year shall be based on the

Secretary’s estimate of 100 percent of the costs of the activities described in such subparagraph (D) for such year.

“(B) OTHER CONSIDERATIONS.—

“(i) VOLUNTARY QUALIFIED IMPORTER PROGRAM.—

“(I) PARTICIPATION.—In establishing the fee amounts under subparagraph (A)(iii) for a fiscal year, the Secretary shall provide for the number of importers who have submitted to the Secretary a notice under section 806(c) informing the Secretary of the intent of such importer to participate in the program under section 806 in such fiscal year.

“(II) RECOUPMENT.—In establishing the fee amounts under subparagraph (A)(iii) for the first 5 fiscal years after the date of enactment of this section, the Secretary shall include in such fee a reasonable surcharge that provides a recoupment of the costs expended by the Secretary to establish and implement the first year of the program under section 806.

“(iii) CREDITING OF FEES.—In establishing the fee amounts under subparagraph (A) for a fiscal year, the Secretary shall provide for the crediting of fees from the previous year to the next year if the Secretary overestimated the amount of fees needed to carry out such activities, and consider the need to account for any adjustment of fees and such other factors as the Secretary determines appropriate.

“(iii) PUBLISHED GUIDELINES.—Not later than 180 days after the date of enactment of the FDA Food Safety Modernization Act, the Secretary shall publish in the Federal Register a proposed set of guidelines in consideration of the burden of fee amounts on small business. Such consideration may include reduced fee amounts for small businesses. The Secretary shall provide for a period of public comment on such guidelines. The Secretary shall adjust the fee schedule for small businesses subject to such fees only through notice and comment rulemaking.

“(3) USE OF FEES.—The Secretary shall make all of the fees collected pursuant to clause (i), (ii), (iii), and (iv) of paragraph (2)(A) available solely to pay for the costs referred to in such clause (i), (ii), (iii), and (iv) of paragraph (2)(A), respectively.

“(c) LIMITATIONS.—

“(1) IN GENERAL.—Fees under subsection (a) shall be refunded for a fiscal year beginning after fiscal year 2010 unless the amount of the total appropriations for food safety activities at the Food and Drug Administration for such fiscal year (excluding the amount of fees appropriated for such fiscal year) is equal to or greater than the amount of appropriations for food safety activities at the Food and Drug Administration for fiscal year 2009 (excluding the amount of fees appropriated for such fiscal year), multiplied by the adjustment factor under paragraph (3).

“(2) AUTHORITY.—If—

“(A) the Secretary does not assess fees under subsection (a) for a portion of a fiscal year because paragraph (1) applies; and

“(B) at a later date in such fiscal year, such paragraph (1) ceases to apply, the Secretary may assess and collect such fees under subsection (a), without any modification to the rate of such fees, notwithstanding the provisions of subsection (a) relating to the date fees are to be paid.

“(3) ADJUSTMENT FACTOR.—

“(A) IN GENERAL.—The adjustment factor described in paragraph (1) shall be the total percentage change that occurred in the Consumer Price Index for all urban consumers (all items; United States city average) for

the 12-month period ending June 30 preceding the fiscal year, but in no case shall such adjustment factor be negative.

“(B) COMPOUNDED BASIS.—The adjustment under subparagraph (A) made each fiscal year shall be added on a compounded basis to the sum of all adjustments made each fiscal year after fiscal year 2009.

“(4) LIMITATION ON AMOUNT OF CERTAIN FEES.—

“(A) IN GENERAL.—Notwithstanding any other provision of this section and subject to subparagraph (B), the Secretary may not collect fees in a fiscal year such that the amount collected—

“(i) under subparagraph (B) of subsection (a)(1) exceeds \$20,000,000; and

“(ii) under subparagraphs (A) and (D) of subsection (a)(1) exceeds \$25,000,000 combined.

“(B) EXCEPTION.—If a domestic facility (as defined in section 415(b)) or an importer becomes subject to a fee described in subparagraph (A), (B), or (D) of subsection (a)(1) after the maximum amount of fees has been collected by the Secretary under subparagraph (A), the Secretary may collect a fee from such facility or importer.

“(d) CREDITING AND AVAILABILITY OF FEES.—Fees authorized under subsection (a) shall be collected and available for obligation only to the extent and in the amount provided in appropriations Acts. Such fees are authorized to remain available until expended. Such sums as may be necessary may be transferred from the Food and Drug Administration salaries and expenses account without fiscal year limitation to such appropriation account for salaries and expenses with such fiscal year limitation. The sums transferred shall be available solely for the purpose of paying the operating expenses of the Food and Drug Administration employees and contractors performing activities associated with these food safety fees.

“(e) COLLECTION OF FEES.—

“(1) IN GENERAL.—The Secretary shall specify in the Federal Register notice described in subsection (b)(1) the time and manner in which fees assessed under this section shall be collected.

“(2) COLLECTION OF UNPAID FEES.—In any case where the Secretary does not receive payment of a fee assessed under this section within 30 days after it is due, such fee shall be treated as a claim of the United States Government subject to provisions of subchapter II of chapter 37 of title 31, United States Code.

“(f) ANNUAL REPORT TO CONGRESS.—Not later than 120 days after each fiscal year for which fees are assessed under this section, the Secretary shall submit a report to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives, to include a description of fees assessed and collected for each such year and a summary description of the entities paying such fees and the types of business in which such entities engage.

“(g) AUTHORIZATION OF APPROPRIATIONS.—For fiscal year 2010 and each fiscal year thereafter, there is authorized to be appropriated for fees under this section an amount equal to the total revenue amount determined under subsection (b) for the fiscal year, as adjusted or otherwise affected under the other provisions of this section.”.

(b) EXPORT CERTIFICATION FEES FOR FOODS AND ANIMAL FEED.—

(1) AUTHORITY FOR EXPORT CERTIFICATIONS FOR FOOD, INCLUDING ANIMAL FEED.—Section 801(e)(4)(A) (21 U.S.C. 381(e)(4)(A)) is amended—

(A) in the matter preceding clause (i), by striking “a drug” and inserting “a food, drug”;

(B) in clause (i) by striking “exported drug” and inserting “exported food, drug”; and

(C) in clause (ii) by striking “the drug” each place it appears and inserting “the food, drug”.

(2) **CLARIFICATION OF CERTIFICATION.**—Section 801(e)(4) (21 U.S.C. 381(e)(4)) is amended by inserting after subparagraph (B) the following new subparagraph:

“(C) For purposes of this paragraph, a certification by the Secretary shall be made on such basis, and in such form (including a publicly available listing) as the Secretary determines appropriate.”.

SEC. 108. NATIONAL AGRICULTURE AND FOOD DEFENSE STRATEGY.

(a) **DEVELOPMENT AND SUBMISSION OF STRATEGY.**—

(1) **IN GENERAL.**—Not later than 1 year after the date of enactment of this Act, the Secretary of Health and Human Services and the Secretary of Agriculture, in coordination with the Secretary of Homeland Security, shall prepare and transmit to the relevant committees of Congress, and make publicly available on the Internet Web sites of the Department of Health and Human Services and the Department of Agriculture, the National Agriculture and Food Defense Strategy.

(2) **IMPLEMENTATION PLAN.**—The strategy shall include an implementation plan for use by the Secretaries described under paragraph (1) in carrying out the strategy.

(3) **RESEARCH.**—The strategy shall include a coordinated research agenda for use by the Secretaries described under paragraph (1) in conducting research to support the goals and activities described in paragraphs (1) and (2) of subsection (b).

(4) **REVISIONS.**—Not later than 4 years after the date on which the strategy is submitted to the relevant committees of Congress under paragraph (1), and not less frequently than every 4 years thereafter, the Secretary of Health and Human Services and the Secretary of Agriculture, in coordination with the Secretary of Homeland Security, shall revise and submit to the relevant committees of Congress the strategy.

(5) **CONSISTENCY WITH EXISTING PLANS.**—The strategy described in paragraph (1) shall be consistent with—

(A) the National Incident Management System;

(B) the National Response Framework;

(C) the National Infrastructure Protection Plan;

(D) the National Preparedness Goals; and

(E) other relevant national strategies.

(b) **COMPONENTS.**—

(1) **IN GENERAL.**—The strategy shall include a description of the process to be used by the Department of Health and Human Services, the Department of Agriculture, and the Department of Homeland Security—

(A) to achieve each goal described in paragraph (2); and

(B) to evaluate the progress made by Federal, State, local, and tribal governments towards the achievement of each goal described in paragraph (2).

(2) **GOALS.**—The strategy shall include a description of the process to be used by the Department of Health and Human Services, the Department of Agriculture, and the Department of Homeland Security to achieve the following goals:

(A) **PREPAREDNESS GOAL.**—Enhance the preparedness of the agriculture and food system by—

(i) conducting vulnerability assessments of the agriculture and food system;

(ii) mitigating vulnerabilities of the system;

(iii) improving communication and training relating to the system;

(iv) developing and conducting exercises to test decontamination and disposal plans;

(v) developing modeling tools to improve event consequence assessment and decision support; and

(vi) preparing risk communication tools and enhancing public awareness through outreach.

(B) **DETECTION GOAL.**—Improve agriculture and food system detection capabilities by—

(i) identifying contamination in food products at the earliest possible time; and

(ii) conducting surveillance to prevent the spread of diseases.

(C) **EMERGENCY RESPONSE GOAL.**—Ensure an efficient response to agriculture and food emergencies by—

(i) immediately investigating animal disease outbreaks and suspected food contamination;

(ii) preventing additional human illnesses;

(iii) organizing, training, and equipping animal, plant, and food emergency response teams of—

(I) the Federal Government; and

(II) State, local, and tribal governments;

(iv) designing, developing, and evaluating training and exercises carried out under agriculture and food defense plans; and

(v) ensuring consistent and organized risk communication to the public by—

(I) the Federal Government;

(II) State, local, and tribal governments; and

(III) the private sector.

(D) **RECOVERY GOAL.**—Secure agriculture and food production after an agriculture or food emergency by—

(i) working with the private sector to develop business recovery plans to rapidly resume agriculture, food production, and international trade;

(ii) conducting exercises of the plans described in subparagraph (C) with the goal of long-term recovery results;

(iii) rapidly removing, and effectively disposing of—

(I) contaminated agriculture and food products; and

(II) infected plants and animals; and

(iv) decontaminating and restoring areas affected by an agriculture or food emergency.

(3) **EVALUATION.**—The Secretary, in coordination with the Secretary of Agriculture and the Secretary of Homeland Security, shall—

(A) develop metrics to measure progress for the evaluation process described in paragraph (1)(B); and

(B) report on the progress measured in subparagraph (A) as part of the National Agriculture and Food Defense strategy described in subsection (a)(1).

(c) **LIMITED DISTRIBUTION.**—In the interest of national security, the Secretary of Health and Human Services and the Secretary of Agriculture, in coordination with the Secretary of Homeland Security, may determine the manner and format in which the National Agriculture and Food Defense strategy established under this section is made publicly available on the Internet Web sites of the Department of Health and Human Services, the Department of Homeland Security, and the Department of Agriculture, as described in subsection (a)(1).

SEC. 109. FOOD AND AGRICULTURE COORDINATING COUNCILS.

The Secretary of Homeland Security, in coordination with the Secretary of Health and Human Services and the Secretary of Agriculture, shall within 180 days of enactment of this Act, and annually thereafter, submit to the relevant committees of Congress, and make publicly available on the Internet Web site of the Department of Homeland Security, a report on the activities of the Food and Agriculture Government Coordinating Council and the Food and Agriculture Sector Coordinating Council, including the progress of such Councils on—

(1) facilitating partnerships between public and private entities to help coordinate and enhance the protection of the agriculture and food system of the United States;

(2) providing for the regular and timely interchange of information between each council relating to the security of the agriculture and food system (including intelligence information);

(3) identifying best practices and methods for improving the coordination among Federal, State, local, and private sector preparedness and response plans for agriculture and food defense; and

(4) recommending methods by which to protect the economy and the public health of the United States from the effects of—

(A) animal or plant disease outbreaks;

(B) food contamination; and

(C) natural disasters affecting agriculture and food.

SEC. 110. BUILDING DOMESTIC CAPACITY.

(a) **IN GENERAL.**—

(1) **INITIAL REPORT.**—The Secretary, in coordination with the Secretary of Agriculture and the Secretary of Homeland Security, shall, not later than 2 years after the date of enactment of this Act, submit to Congress a comprehensive report that identifies programs and practices that are intended to promote the safety and supply chain security of food and to prevent outbreaks of foodborne illness and other food-related hazards that can be addressed through preventive activities. Such report shall include a description of the following:

(A) Analysis of the need for further regulations or guidance to industry.

(B) Outreach to food industry sectors, including through the Food and Agriculture Coordinating Councils referred to in section 109, to identify potential sources of emerging threats to the safety and security of the food supply and preventive strategies to address those threats.

(C) Systems to ensure the prompt distribution to the food industry of information and technical assistance concerning preventive strategies.

(D) Communication systems to ensure that information about specific threats to the safety and security of the food supply are rapidly and effectively disseminated.

(E) Surveillance systems and laboratory networks to rapidly detect and respond to foodborne illness outbreaks and other food-related hazards, including how such systems and networks are integrated.

(F) Outreach, education, and training provided to States and local governments to build State and local food safety and food defense capabilities, including progress implementing strategies developed under sections 108 and 205.

(G) The estimated resources needed to effectively implement the programs and practices identified in the report developed in this section over a 5-year period.

(H) The impact of requirements under this Act (including amendments made by this

Act) on certified organic farms and facilities (as defined in section 415 (21 U.S.C. 350d).

(I) Specific efforts taken pursuant to the agreements authorized under section 421(c) of the Federal Food, Drug, and Cosmetic Act (as added by section 201), together with, as necessary, a description of any additional authorities necessary to improve seafood safety.

(2) BIENNIAL REPORTS.—On a biennial basis following the submission of the report under paragraph (1), the Secretary shall submit to Congress a report that—

(A) reviews previous food safety programs and practices;

(B) outlines the success of those programs and practices;

(C) identifies future programs and practices; and

(D) includes information related to any matter described in subparagraphs (A) through (H) of paragraph (1), as necessary.

(b) RISK-BASED ACTIVITIES.—The report developed under subsection (a)(1) shall describe methods that seek to ensure that resources available to the Secretary for food safety-related activities are directed at those actions most likely to reduce risks from food, including the use of preventive strategies and allocation of inspection resources. The Secretary shall promptly undertake those risk-based actions that are identified during the development of the report as likely to contribute to the safety and security of the food supply.

(c) CAPABILITY FOR LABORATORY ANALYSES; RESEARCH.—The report developed under subsection (a)(1) shall provide a description of methods to increase capacity to undertake analyses of food samples promptly after collection, to identify new and rapid analytical techniques, including commercially-available techniques that can be employed at ports of entry and by Food Emergency Response Network laboratories, and to provide for well-equipped and staffed laboratory facilities and progress toward laboratory accreditation under section 422 of the Federal Food, Drug, and Cosmetic Act (as added by section 202).

(d) INFORMATION TECHNOLOGY.—The report developed under subsection (a)(1) shall include a description of such information technology systems as may be needed to identify risks and receive data from multiple sources, including foreign governments, State, local, and tribal governments, other Federal agencies, the food industry, laboratories, laboratory networks, and consumers. The information technology systems that the Secretary describes shall also provide for the integration of the facility registration system under section 415 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 350d), and the prior notice system under section 801(m) of such Act (21 U.S.C. 381(m)) with other information technology systems that are used by the Federal Government for the processing of food offered for import into the United States.

(e) AUTOMATED RISK ASSESSMENT.—The report developed under subsection (a)(1) shall include a description of progress toward developing and improving an automated risk assessment system for food safety surveillance and allocation of resources.

(f) TRACEBACK AND SURVEILLANCE REPORT.—The Secretary shall include in the report developed under subsection (a)(1) an analysis of the Food and Drug Administration's performance in foodborne illness outbreaks during the 5-year period preceding the date of enactment of this Act involving fruits and vegetables that are raw agricul-

tural commodities (as defined in section 201(r) (21 U.S.C. 321(r))) and recommendations for enhanced surveillance, outbreak response, and traceability. Such findings and recommendations shall address communication and coordination with the public, industry, and State and local governments, as such communication and coordination relates to outbreak identification and traceback.

(g) BIENNIAL FOOD SAFETY AND FOOD DEFENSE RESEARCH PLAN.—The Secretary, the Secretary of Agriculture, and the Secretary of Homeland Security shall, on a biennial basis, submit to Congress a joint food safety and food defense research plan which may include studying the long-term health effects of foodborne illness. Such biennial plan shall include a list and description of projects conducted during the previous 2-year period and the plan for projects to be conducted during the subsequent 2-year period.

(h) EFFECTIVENESS OF PROGRAMS ADMINISTERED BY THE DEPARTMENT OF HEALTH AND HUMAN SERVICES.—

(1) IN GENERAL.—To determine whether existing Federal programs administered by the Department of Health and Human Services are effective in achieving the stated goals of such programs, the Secretary shall, beginning not later than 1 year after the date of enactment of this Act—

(A) conduct an annual evaluation of each program of such Department to determine the effectiveness of each such program in achieving legislated intent, purposes, and objectives; and

(B) submit to Congress a report concerning such evaluation.

(2) CONTENT.—The report described under paragraph (1)(B) shall—

(A) include conclusions concerning the reasons that such existing programs have proven successful or not successful and what factors contributed to such conclusions;

(B) include recommendations for consolidation and elimination to reduce duplication and inefficiencies in such programs at such Department as identified during the evaluation conduct under this subsection; and

(C) be made publicly available in a publication entitled "Guide to the U.S. Department of Health and Human Services Programs".

(i) UNIQUE IDENTIFICATION NUMBERS.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary, acting through the Commissioner of Food and Drugs, shall conduct a study regarding the need for, and challenges associated with, development and implementation of a program that requires a unique identification number for each food facility registered with the Secretary and, as appropriate, each broker that imports food into the United States. Such study shall include an evaluation of the costs associated with development and implementation of such a system, and make recommendations about what new authorities, if any, would be necessary to develop and implement such a system.

(2) REPORT.—Not later than 15 months after the date of enactment of this Act, the Secretary shall submit to Congress a report that describes the findings of the study conducted under paragraph (1) and that includes any recommendations determined appropriate by the Secretary.

SEC. 111. SANITARY TRANSPORTATION OF FOOD.

(a) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the Secretary shall promulgate regulations described in section 416(b) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 350e(b)).

(b) FOOD TRANSPORTATION STUDY.—The Secretary, acting through the Commissioner of Food and Drugs, shall conduct a study of the transportation of food for consumption in the United States, including transportation by air, that includes an examination of the unique needs of rural and frontier areas with regard to the delivery of safe food.

SEC. 112. FOOD ALLERGY AND ANAPHYLAXIS MANAGEMENT.

(a) DEFINITIONS.—In this section:

(1) EARLY CHILDHOOD EDUCATION PROGRAM.—The term "early childhood education program" means—

(A) a Head Start program or an Early Head Start program carried out under the Head Start Act (42 U.S.C. 9831 et seq.);

(B) a State licensed or regulated child care program or school; or

(C) a State prekindergarten program that serves children from birth through kindergarten.

(2) ESEA DEFINITIONS.—The terms "local educational agency", "secondary school", "elementary school", and "parent" have the meanings given the terms in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(3) SCHOOL.—The term "school" includes public—

(A) kindergartens;

(B) elementary schools; and

(C) secondary schools.

(4) SECRETARY.—The term "Secretary" means the Secretary of Health and Human Services.

(b) ESTABLISHMENT OF VOLUNTARY FOOD ALLERGY AND ANAPHYLAXIS MANAGEMENT GUIDELINES.—

(1) ESTABLISHMENT.—

(A) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary, in consultation with the Secretary of Education, shall—

(i) develop guidelines to be used on a voluntary basis to develop plans for individuals to manage the risk of food allergy and anaphylaxis in schools and early childhood education programs; and

(ii) make such guidelines available to local educational agencies, schools, early childhood education programs, and other interested entities and individuals to be implemented on a voluntary basis only.

(B) APPLICABILITY OF FERPA.—Each plan described in subparagraph (A) that is developed for an individual shall be considered an education record for the purpose of section 444 of the General Education Provisions Act (commonly referred to as the "Family Educational Rights and Privacy Act of 1974") (20 U.S.C. 1232g).

(2) CONTENTS.—The voluntary guidelines developed by the Secretary under paragraph (1) shall address each of the following and may be updated as the Secretary determines necessary:

(A) Parental obligation to provide the school or early childhood education program, prior to the start of every school year, with—

(i) documentation from their child's physician or nurse—

(I) supporting a diagnosis of food allergy, and any risk of anaphylaxis, if applicable;

(II) identifying any food to which the child is allergic;

(III) describing, if appropriate, any prior history of anaphylaxis;

(IV) listing any medication prescribed for the child for the treatment of anaphylaxis;

(V) detailing emergency treatment procedures in the event of a reaction;

(VI) listing the signs and symptoms of a reaction; and

(VII) assessing the child's readiness for self-administration of prescription medication; and

(ii) a list of substitute meals that may be offered to the child by school or early childhood education program food service personnel.

(B) The creation and maintenance of an individual plan for food allergy management, in consultation with the parent, tailored to the needs of each child with a documented risk for anaphylaxis, including any procedures for the self-administration of medication by such children in instances where—

(i) the children are capable of self-administering medication; and

(ii) such administration is not prohibited by State law.

(C) Communication strategies between individual schools or early childhood education programs and providers of emergency medical services, including appropriate instructions for emergency medical response.

(D) Strategies to reduce the risk of exposure to anaphylactic causative agents in classrooms and common school or early childhood education program areas such as cafeterias.

(E) The dissemination of general information on life-threatening food allergies to school or early childhood education program staff, parents, and children.

(F) Food allergy management training of school or early childhood education program personnel who regularly come into contact with children with life-threatening food allergies.

(G) The authorization and training of school or early childhood education program personnel to administer epinephrine when the nurse is not immediately available.

(H) The timely accessibility of epinephrine by school or early childhood education program personnel when the nurse is not immediately available.

(I) The creation of a plan contained in each individual plan for food allergy management that addresses the appropriate response to an incident of anaphylaxis of a child while such child is engaged in extracurricular programs of a school or early childhood education program, such as non-academic outings and field trips, before- and after-school programs or before- and after-early child education program programs, and school-sponsored or early childhood education program-sponsored programs held on weekends.

(J) Maintenance of information for each administration of epinephrine to a child at risk for anaphylaxis and prompt notification to parents.

(K) Other elements the Secretary determines necessary for the management of food allergies and anaphylaxis in schools and early childhood education programs.

(3) **RELATION TO STATE LAW.**—Nothing in this section or the guidelines developed by the Secretary under paragraph (1) shall be construed to preempt State law, including any State law regarding whether students at risk for anaphylaxis may self-administer medication.

(c) **SCHOOL-BASED FOOD ALLERGY MANAGEMENT GRANTS.**—

(1) **IN GENERAL.**—The Secretary may award grants to local educational agencies to assist such agencies with implementing voluntary food allergy and anaphylaxis management guidelines described in subsection (b).

(2) **APPLICATION.**—

(A) **IN GENERAL.**—To be eligible to receive a grant under this subsection, a local edu-

cational agency shall submit an application to the Secretary at such time, in such manner, and including such information as the Secretary may reasonably require.

(B) **CONTENTS.**—Each application submitted under subparagraph (A) shall include—

(i) an assurance that the local educational agency has developed plans in accordance with the food allergy and anaphylaxis management guidelines described in subsection (b);

(ii) a description of the activities to be funded by the grant in carrying out the food allergy and anaphylaxis management guidelines, including—

(I) how the guidelines will be carried out at individual schools served by the local educational agency;

(II) how the local educational agency will inform parents and students of the guidelines in place;

(III) how school nurses, teachers, administrators, and other school-based staff will be made aware of, and given training on, when applicable, the guidelines in place; and

(IV) any other activities that the Secretary determines appropriate;

(iii) an itemization of how grant funds received under this subsection will be expended;

(iv) a description of how adoption of the guidelines and implementation of grant activities will be monitored; and

(v) an agreement by the local educational agency to report information required by the Secretary to conduct evaluations under this subsection.

(3) **USE OF FUNDS.**—Each local educational agency that receives a grant under this subsection may use the grant funds for the following:

(A) Purchase of materials and supplies, including limited medical supplies such as epinephrine and disposable wet wipes, to support carrying out the food allergy and anaphylaxis management guidelines described in subsection (b).

(B) In partnership with local health departments, school nurse, teacher, and personnel training for food allergy management.

(C) Programs that educate students as to the presence of, and policies and procedures in place related to, food allergies and anaphylactic shock.

(D) Outreach to parents.

(E) Any other activities consistent with the guidelines described in subsection (b).

(4) **DURATION OF AWARDS.**—The Secretary may award grants under this subsection for a period of not more than 2 years. In the event the Secretary conducts a program evaluation under this subsection, funding in the second year of the grant, where applicable, shall be contingent on a successful program evaluation by the Secretary after the first year.

(5) **LIMITATION ON GRANT FUNDING.**—The Secretary may not provide grant funding to a local educational agency under this subsection after such local educational agency has received 2 years of grant funding under this subsection.

(6) **MAXIMUM AMOUNT OF ANNUAL AWARDS.**—A grant awarded under this subsection may not be made in an amount that is more than \$50,000 annually.

(7) **PRIORITY.**—In awarding grants under this subsection, the Secretary shall give priority to local educational agencies with the highest percentages of children who are counted under section 1124(c) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6333(c)).

(8) **MATCHING FUNDS.**—

(A) **IN GENERAL.**—The Secretary may not award a grant under this subsection unless the local educational agency agrees that, with respect to the costs to be incurred by such local educational agency in carrying out the grant activities, the local educational agency shall make available (directly or through donations from public or private entities) non-Federal funds toward such costs in an amount equal to not less than 25 percent of the amount of the grant.

(B) **DETERMINATION OF AMOUNT OF NON-FEDERAL CONTRIBUTION.**—Non-Federal funds required under subparagraph (A) may be cash or in kind, including plant, equipment, or services. Amounts provided by the Federal Government, and any portion of any service subsidized by the Federal Government, may not be included in determining the amount of such non-Federal funds.

(9) **ADMINISTRATIVE FUNDS.**—A local educational agency that receives a grant under this subsection may use not more than 2 percent of the grant amount for administrative costs related to carrying out this subsection.

(10) **PROGRESS AND EVALUATIONS.**—At the completion of the grant period referred to in paragraph (4), a local educational agency shall provide the Secretary with information on how grant funds were spent and the status of implementation of the food allergy and anaphylaxis management guidelines described in subsection (b).

(11) **SUPPLEMENT, NOT SUPPLANT.**—Grant funds received under this subsection shall be used to supplement, and not supplant, non-Federal funds and any other Federal funds available to carry out the activities described in this subsection.

(12) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out this subsection \$30,000,000 for fiscal year 2011 and such sums as may be necessary for each of the 4 succeeding fiscal years.

(d) **VOLUNTARY NATURE OF GUIDELINES.**—

(1) **IN GENERAL.**—The food allergy and anaphylaxis management guidelines developed by the Secretary under subsection (b) are voluntary. Nothing in this section or the guidelines developed by the Secretary under subsection (b) shall be construed to require a local educational agency to implement such guidelines.

(2) **EXCEPTION.**—Notwithstanding paragraph (1), the Secretary may enforce an agreement by a local educational agency to implement food allergy and anaphylaxis management guidelines as a condition of the receipt of a grant under subsection (c).

SEC. 113. NEW DIETARY INGREDIENTS.

(a) **IN GENERAL.**—Section 413 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 350b) is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following:

“(c) **NOTIFICATION.**—

“(1) **IN GENERAL.**—If the Secretary determines that the information in a new dietary ingredient notification submitted under this section for an article purported to be a new dietary ingredient is inadequate to establish that a dietary supplement containing such article will reasonably be expected to be safe because the article may be, or may contain, an anabolic steroid or an analogue of an anabolic steroid, the Secretary shall notify the Drug Enforcement Administration of such determination. Such notification by the Secretary shall include, at a minimum, the name of the dietary supplement or article, the name of the person or persons who marketed the product or made the submission of

information regarding the article to the Secretary under this section, and any contact information for such person or persons that the Secretary has.

“(2) DEFINITIONS.—For purposes of this subsection—

“(A) the term ‘anabolic steroid’ has the meaning given such term in section 102(41) of the Controlled Substances Act; and

“(B) the term ‘analogue of an anabolic steroid’ means a substance whose chemical structure is substantially similar to the chemical structure of an anabolic steroid.”.

(b) GUIDANCE.—Not later than 180 days after the date of enactment of this Act, the Secretary shall publish guidance that clarifies when a dietary supplement ingredient is a new dietary ingredient, when the manufacturer or distributor of a dietary ingredient or dietary supplement should provide the Secretary with information as described in section 413(a)(2) of the Federal Food, Drug, and Cosmetic Act, the evidence needed to document the safety of new dietary ingredients, and appropriate methods for establishing the identify of a new dietary ingredient.

SEC. 114. REQUIREMENT FOR GUIDANCE RELATING TO POST HARVEST PROCESSING OF RAW OYSTERS.

(a) IN GENERAL.—Not later than 90 days prior to the issuance of any guidance, regulation, or suggested amendment by the Food and Drug Administration to the National Shellfish Sanitation Program’s Model Ordinance, or the issuance of any guidance or regulation by the Food and Drug Administration relating to the Seafood Hazard Analysis Critical Control Points Program of the Food and Drug Administration (parts 123 and 1240 of title 21, Code of Federal Regulations (or any successor regulations), where such guidance, regulation or suggested amendment relates to post harvest processing for raw oysters, the Secretary shall prepare and submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives a report which shall include—

(1) an assessment of how post harvest processing or other equivalent controls feasibly may be implemented in the fastest, safest, and most economical manner;

(2) the projected public health benefits of any proposed post harvest processing;

(3) the projected costs of compliance with such post harvest processing measures;

(4) the impact post harvest processing is expected to have on the sales, cost, and availability of raw oysters;

(5) criteria for ensuring post harvest processing standards will be applied equally to shellfish imported from all nations of origin;

(6) an evaluation of alternative measures to prevent, eliminate, or reduce to an acceptable level the occurrence of foodborne illness; and

(7) the extent to which the Food and Drug Administration has consulted with the States and other regulatory agencies, as appropriate, with regard to post harvest processing measures.

(b) LIMITATION.—Subsection (a) shall not apply to the guidance described in section 103(h).

(c) REVIEW AND EVALUATION.—Not later than 30 days after the Secretary issues a proposed regulation or guidance described in subsection (a), the Comptroller General of the United States shall—

(1) review and evaluate the report described in (a) and report to Congress on the findings of the estimates and analysis in the report;

(2) compare such proposed regulation or guidance to similar regulations or guidance with respect to other regulated foods, including a comparison of risks the Secretary may find associated with seafood and the instances of those risks in such other regulated foods; and

(3) evaluate the impact of post harvest processing on the competitiveness of the domestic oyster industry in the United States and in international markets.

(d) WAIVER.—The requirement of preparing a report under subsection (a) shall be waived if the Secretary issues a guidance that is adopted as a consensus agreement between Federal and State regulators and the oyster industry, acting through the Interstate Shellfish Sanitation Conference.

(e) PUBLIC ACCESS.—Any report prepared under this section shall be made available to the public.

SEC. 115. PORT SHOPPING.

Until the date on which the Secretary promulgates a final rule that implements the amendments made by section 308 of the Public Health Security and Bioterrorism Preparedness and Response Act of 2002, (Public Law 107-188), the Secretary shall notify the Secretary of Homeland Security of all instances in which the Secretary refuses to admit a food into the United States under section 801(a) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 381(a)) so that the Secretary of Homeland Security, acting through the Commissioner of Customs and Border Protection, may prevent food refused admittance into the United States by a United States port of entry from being admitted by another United States port of entry, through the notification of other such United States ports of entry.

SEC. 116. ALCOHOL-RELATED FACILITIES.

(a) IN GENERAL.—Except as provided by sections 102, 206, 207, 302, 304, 402, 403, and 404 of this Act, and the amendments made by such sections, nothing in this Act, or the amendments made by this Act, shall be construed to apply to a facility that—

(1) under the Federal Alcohol Administration Act (27 U.S.C. 201 et seq.) or chapter 51 of subtitle E of the Internal Revenue Code of 1986 (26 U.S.C. 5001 et seq.) is required to obtain a permit or to register with the Secretary of the Treasury as a condition of doing business in the United States; and

(2) under section 415 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 350d) is required to register as a facility because such facility is engaged in manufacturing, processing, packing, or holding 1 or more alcoholic beverages, with respect to the activities of such facility that relate to the manufacturing, processing, packing, or holding of alcoholic beverages.

(b) LIMITED RECEIPT AND DISTRIBUTION OF NON-ALCOHOL FOOD.—Subsection (a) shall not apply to a facility engaged in the receipt and distribution of any non-alcohol food, except that such paragraph shall apply to a facility described in such paragraph that receives and distributes non-alcohol food, provided such food is received and distributed—

(1) in a prepackaged form that prevents any direct human contact with such food; and

(2) in amounts that constitute not more than 5 percent of the overall sales of such facility, as determined by the Secretary of the Treasury.

(c) RULE OF CONSTRUCTION.—Except as provided in subsections (a) and (b), this section shall not be construed to exempt any food, other than alcoholic beverages, as defined in section 214 of the Federal Alcohol Adminis-

tration Act (27 U.S.C. 214), from the requirements of this Act (including the amendments made by this Act).

TITLE II—IMPROVING CAPACITY TO DETECT AND RESPOND TO FOOD SAFETY PROBLEMS

SEC. 201. TARGETING OF INSPECTION RESOURCES FOR DOMESTIC FACILITIES, FOREIGN FACILITIES, AND PORTS OF ENTRY; ANNUAL REPORT.

(a) TARGETING OF INSPECTION RESOURCES FOR DOMESTIC FACILITIES, FOREIGN FACILITIES, AND PORTS OF ENTRY.—Chapter IV (21 U.S.C. 341 et seq.), as amended by section 106, is amended by adding at the end the following:

“SEC. 421. TARGETING OF INSPECTION RESOURCES FOR DOMESTIC FACILITIES, FOREIGN FACILITIES, AND PORTS OF ENTRY; ANNUAL REPORT.

“(a) IDENTIFICATION AND INSPECTION OF FACILITIES.—

“(1) IDENTIFICATION.—The Secretary shall identify high-risk facilities and shall allocate resources to inspect facilities according to the known safety risks of the facilities, which shall be based on the following factors:

“(A) The known safety risks of the food manufactured, processed, packed, or held at the facility.

“(B) The compliance history of a facility, including with regard to food recalls, outbreaks of foodborne illness, and violations of food safety standards.

“(C) The rigor and effectiveness of the facility’s hazard analysis and risk-based preventive controls.

“(D) Whether the food manufactured, processed, packed, or held at the facility meets the criteria for priority under section 801(h)(1).

“(E) Whether the food or the facility that manufactured, processed, packed, or held such food has received a certification as described in section 801(q) or 806, as appropriate.

“(F) Any other criteria deemed necessary and appropriate by the Secretary for purposes of allocating inspection resources.

“(2) INSPECTIONS.—

“(A) IN GENERAL.—Beginning on the date of enactment of the FDA Food Safety Modernization Act, the Secretary shall increase the frequency of inspection of all facilities.

“(B) DOMESTIC HIGH-RISK FACILITIES.—The Secretary shall increase the frequency of inspection of domestic facilities identified under paragraph (1) as high-risk facilities such that each such facility is inspected—

“(i) not less often than once in the 5-year period following the date of enactment of the FDA Food Safety Modernization Act; and

“(ii) not less often than once every 3 years thereafter.

“(C) DOMESTIC NON-HIGH-RISK FACILITIES.—The Secretary shall ensure that each domestic facility that is not identified under paragraph (1) as a high-risk facility is inspected—

“(i) not less often than once in the 7-year period following the date of enactment of the FDA Food Safety Modernization Act; and

“(ii) not less often than once every 5 years thereafter.

“(D) FOREIGN FACILITIES.—

“(i) YEAR 1.—In the 1-year period following the date of enactment of the FDA Food Safety Modernization Act, the Secretary shall inspect not fewer than 600 foreign facilities.

“(ii) SUBSEQUENT YEARS.—In each of the 5 years following the 1-year period described in clause (i), the Secretary shall inspect not fewer than twice the number of foreign facilities inspected by the Secretary during the previous year.

“(E) RELIANCE ON FEDERAL, STATE, OR LOCAL INSPECTIONS.—In meeting the inspection requirements under this subsection for domestic facilities, the Secretary may rely on inspections conducted by other Federal, State, or local agencies under interagency agreement, contract, memoranda of understanding, or other obligation.

“(b) IDENTIFICATION AND INSPECTION AT PORTS OF ENTRY.—The Secretary, in consultation with the Secretary of Homeland Security, shall allocate resources to inspect any article of food imported into the United States according to the known safety risks of the article of food, which shall be based on the following factors:

“(1) The known safety risks of the food imported.

“(2) The known safety risks of the countries or regions of origin and countries through which such article of food is transported.

“(3) The compliance history of the importer, including with regard to food recalls, outbreaks of foodborne illness, and violations of food safety standards.

“(4) The rigor and effectiveness of the activities conducted by the importer of such article of food to satisfy the requirements of the foreign supplier verification program under section 805.

“(5) Whether the food importer participates in the voluntary qualified importer program under section 806.

“(6) Whether the food meets the criteria for priority under section 801(h)(1).

“(7) Whether the food or the facility that manufactured, processed, packed, or held such food received a certification as described in section 801(q) or 806.

“(8) Any other criteria deemed necessary and appropriate by the Secretary for purposes of allocating inspection resources.

“(c) INTERAGENCY AGREEMENTS WITH RESPECT TO SEAFOOD.—

“(1) IN GENERAL.—The Secretary of Health and Human Services, the Secretary of Commerce, the Secretary of Homeland Security, the Chairman of the Federal Trade Commission, and the heads of other appropriate agencies may enter into such agreements as may be necessary or appropriate to improve seafood safety.

“(2) SCOPE OF AGREEMENTS.—The agreements under paragraph (1) may include—

“(A) cooperative arrangements for examining and testing seafood imports that leverage the resources, capabilities, and authorities of each party to the agreement;

“(B) coordination of inspections of foreign facilities to increase the percentage of imported seafood and seafood facilities inspected;

“(C) standardization of data on seafood names, inspection records, and laboratory testing to improve interagency coordination;

“(D) coordination to detect and investigate violations under applicable Federal law;

“(E) a process, including the use or modification of existing processes, by which officers and employees of the National Oceanic and Atmospheric Administration may be duly designated by the Secretary to carry out seafood examinations and investigations under section 801 of this Act or section 203 of the Food Allergen Labeling and Consumer Protection Act of 2004;

“(F) the sharing of information concerning observed non-compliance with United States food requirements domestically and in foreign nations and new regulatory decisions and policies that may affect the safety of food imported into the United States;

“(G) conducting joint training on subjects that affect and strengthen seafood inspection effectiveness by Federal authorities; and

“(H) outreach on Federal efforts to enhance seafood safety and compliance with Federal food safety requirements.

“(d) COORDINATION.—The Secretary shall improve coordination and cooperation with the Secretary of Agriculture and the Secretary of Homeland Security to target food inspection resources.

“(e) FACILITY.—For purposes of this section, the term ‘facility’ means a domestic facility or a foreign facility that is required to register under section 415.”

(b) ANNUAL REPORT.—Section 1003 (21 U.S.C. 393) is amended by adding at the end the following:

“(h) ANNUAL REPORT REGARDING FOOD.—Not later than February 1 of each year, the Secretary shall submit to Congress a report, including efforts to coordinate and cooperate with other Federal agencies with responsibilities for food inspections, regarding—

“(1) information about food facilities including—

“(A) the appropriations used to inspect facilities registered pursuant to section 415 in the previous fiscal year;

“(B) the average cost of both a non-high-risk food facility inspection and a high-risk food facility inspection, if such a difference exists, in the previous fiscal year;

“(C) the number of domestic facilities and the number of foreign facilities registered pursuant to section 415 that the Secretary inspected in the previous fiscal year;

“(D) the number of domestic facilities and the number of foreign facilities registered pursuant to section 415 that were scheduled for inspection in the previous fiscal year and which the Secretary did not inspect in such year;

“(E) the number of high-risk facilities identified pursuant to section 421 that the Secretary inspected in the previous fiscal year; and

“(F) the number of high-risk facilities identified pursuant to section 421 that were scheduled for inspection in the previous fiscal year and which the Secretary did not inspect in such year.

“(2) information about food imports including—

“(A) the number of lines of food imported into the United States that the Secretary physically inspected or sampled in the previous fiscal year;

“(B) the number of lines of food imported into the United States that the Secretary did not physically inspect or sample in the previous fiscal year; and

“(C) the average cost of physically inspecting or sampling a line of food subject to this Act that is imported or offered for import into the United States; and

“(3) information on the foreign offices of the Food and Drug Administration including—

“(A) the number of foreign offices established; and

“(B) the number of personnel permanently stationed in each foreign office.

“(i) PUBLIC AVAILABILITY OF ANNUAL FOOD REPORTS.—The Secretary shall make the reports required under subsection (h) available to the public on the Internet Web site of the Food and Drug Administration.”

(c) ADVISORY COMMITTEE CONSULTATION.—In allocating inspection resources as described in section 421 of the Federal Food, Drug, and Cosmetic Act (as added by subsection (a)), the Secretary may, as appropriate, consult with any relevant advisory

committee within the Department of Health and Human Services.

SEC. 202. LABORATORY ACCREDITATION FOR ANALYSES OF FOODS.

(a) IN GENERAL.—Chapter IV (21 U.S.C. 341 et seq.), as amended by section 201, is amended by adding at the end the following:

“SEC. 422. LABORATORY ACCREDITATION FOR ANALYSES OF FOODS.

“(a) RECOGNITION OF LABORATORY ACCREDITATION.—

“(1) IN GENERAL.—Not later than 2 years after the date of enactment of the FDA Food Safety Modernization Act, the Secretary shall—

“(A) establish a program for the testing of food by accredited laboratories;

“(B) establish a publicly available registry of accreditation bodies recognized by the Secretary and laboratories accredited by a recognized accreditation body, including the name of, contact information for, and other information deemed appropriate by the Secretary about such bodies and laboratories; and

“(C) require, as a condition of recognition or accreditation, as appropriate, that recognized accreditation bodies and accredited laboratories report to the Secretary any changes that would affect the recognition of such accreditation body or the accreditation of such laboratory.

“(2) PROGRAM REQUIREMENTS.—The program established under paragraph (1)(A) shall provide for the recognition of laboratory accreditation bodies that meet criteria established by the Secretary for accreditation of laboratories, including independent private laboratories and laboratories run and operated by a Federal agency (including the Department of Commerce), State, or locality with a demonstrated capability to conduct 1 or more sampling and analytical testing methodologies for food.

“(3) INCREASING THE NUMBER OF QUALIFIED LABORATORIES.—The Secretary shall work with the laboratory accreditation bodies recognized under paragraph (1), as appropriate, to increase the number of qualified laboratories that are eligible to perform testing under subparagraph (b) beyond the number so qualified on the date of enactment of the FDA Food Safety Modernization Act.

“(4) LIMITED DISTRIBUTION.—In the interest of national security, the Secretary, in coordination with the Secretary of Homeland Security, may determine the time, manner, and form in which the registry established under paragraph (1)(B) is made publicly available.

“(5) FOREIGN LABORATORIES.—Accreditation bodies recognized by the Secretary under paragraph (1) may accredit laboratories that operate outside the United States, so long as such laboratories meet the accreditation standards applicable to domestic laboratories accredited under this section.

“(6) MODEL LABORATORY STANDARDS.—The Secretary shall develop model standards that a laboratory shall meet to be accredited by a recognized accreditation body for a specified sampling or analytical testing methodology and included in the registry provided for under paragraph (1). In developing the model standards, the Secretary shall consult existing standards for guidance. The model standards shall include—

“(A) methods to ensure that—

“(i) appropriate sampling, analytical procedures (including rapid analytical procedures), and commercially available techniques are followed and reports of analyses are certified as true and accurate;

“(ii) internal quality systems are established and maintained;

“(iii) procedures exist to evaluate and respond promptly to complaints regarding analyses and other activities for which the laboratory is accredited; and

“(iv) individuals who conduct the sampling and analyses are qualified by training and experience to do so; and

“(B) any other criteria determined appropriate by the Secretary.

“(7) REVIEW OF RECOGNITION.—To ensure compliance with the requirements of this section, the Secretary—

“(A) shall periodically, and in no case less than once every 5 years, reevaluate accreditation bodies recognized under paragraph (1) and may accompany auditors from an accreditation body to assess whether the accreditation body meets the criteria for recognition; and

“(B) shall promptly revoke the recognition of any accreditation body found not to be in compliance with the requirements of this section, specifying, as appropriate, any terms and conditions necessary for laboratories accredited by such body to continue to perform testing as described in this section.

“(b) TESTING PROCEDURES.—

“(1) IN GENERAL.—Not later than 30 months after the date of enactment of the FDA Food Safety Modernization Act, food testing shall be conducted by Federal laboratories or non-Federal laboratories that have been accredited for the appropriate sampling or analytical testing methodology or methodologies by a recognized accreditation body on the registry established by the Secretary under subsection (a)(1)(B) whenever such testing is conducted—

“(A) by or on behalf of an owner or consignee—

“(i) in response to a specific testing requirement under this Act or implementing regulations, when applied to address an identified or suspected food safety problem; and

“(ii) as required by the Secretary, as the Secretary deems appropriate, to address an identified or suspected food safety problem; or

“(B) on behalf of an owner or consignee—

“(i) in support of admission of an article of food under section 801(a); and

“(ii) under an Import Alert that requires successful consecutive tests.

“(2) RESULTS OF TESTING.—The results of any such testing shall be sent directly to the Food and Drug Administration, except the Secretary may by regulation exempt test results from such submission requirement if the Secretary determines that such results do not contribute to the protection of public health. Test results required to be submitted may be submitted to the Food and Drug Administration through electronic means.

“(3) EXCEPTION.—The Secretary may waive requirements under this subsection if—

“(A) a new methodology or methodologies have been developed and validated but a laboratory has not yet been accredited to perform such methodology or methodologies; and

“(B) the use of such methodology or methodologies are necessary to prevent, control, or mitigate a food emergency or foodborne illness outbreak.

“(c) REVIEW BY SECRETARY.—If food sampling and testing performed by a laboratory run and operated by a State or locality that is accredited by a recognized accreditation body on the registry established by the Secretary under subsection (a) result in a State recalling a food, the Secretary shall review the sampling and testing results for the pur-

pose of determining the need for a national recall or other compliance and enforcement activities.

“(d) NO LIMIT ON SECRETARIAL AUTHORITY.—Nothing in this section shall be construed to limit the ability of the Secretary to review and act upon information from food testing, including determining the sufficiency of such information and testing.”

(b) FOOD EMERGENCY RESPONSE NETWORK.—The Secretary, in coordination with the Secretary of Agriculture, the Secretary of Homeland Security, and State, local, and tribal governments shall, not later than 180 days after the date of enactment of this Act, and biennially thereafter, submit to the relevant committees of Congress, and make publicly available on the Internet Web site of the Department of Health and Human Services, a report on the progress in implementing a national food emergency response laboratory network that—

(1) provides ongoing surveillance, rapid detection, and surge capacity for large-scale food-related emergencies, including intentional adulteration of the food supply;

(2) coordinates the food laboratory capacities of State, local, and tribal food laboratories, including the adoption of novel surveillance and identification technologies and the sharing of data between Federal agencies and State laboratories to develop national situational awareness;

(3) provides accessible, timely, accurate, and consistent food laboratory services throughout the United States;

(4) develops and implements a methods repository for use by Federal, State, and local officials;

(5) responds to food-related emergencies; and

(6) is integrated with relevant laboratory networks administered by other Federal agencies.

SEC. 203. INTEGRATED CONSORTIUM OF LABORATORY NETWORKS.

(a) IN GENERAL.—The Secretary of Homeland Security, in coordination with the Secretary of Health and Human Services, the Secretary of Agriculture, the Secretary of Commerce, and the Administrator of the Environmental Protection Agency, shall maintain an agreement through which relevant laboratory network members, as determined by the Secretary of Homeland Security, shall—

(1) agree on common laboratory methods in order to reduce the time required to detect and respond to foodborne illness outbreaks and facilitate the sharing of knowledge and information relating to animal health, agriculture, and human health;

(2) identify means by which laboratory network members could work cooperatively—

(A) to optimize national laboratory preparedness; and

(B) to provide surge capacity during emergencies; and

(3) engage in ongoing dialogue and build relationships that will support a more effective and integrated response during emergencies.

(b) REPORTING REQUIREMENT.—The Secretary of Homeland Security shall, on a biennial basis, submit to the relevant committees of Congress, and make publicly available on the Internet Web site of the Department of Homeland Security, a report on the progress of the integrated consortium of laboratory networks, as established under subsection (a), in carrying out this section.

SEC. 204. ENHANCING TRACKING AND TRACING OF FOOD AND RECORDKEEPING.

(a) PILOT PROJECTS.—

(1) IN GENERAL.—Not later than 270 days after the date of enactment of this Act, the Secretary of Health and Human Services (referred to in this section as the “Secretary”), taking into account recommendations from the Secretary of Agriculture and representatives of State departments of health and agriculture, shall establish pilot projects in coordination with the food industry to explore and evaluate methods to rapidly and effectively identify recipients of food to prevent or mitigate a foodborne illness outbreak and to address credible threats of serious adverse health consequences or death to humans or animals as a result of such food being adulterated under section 402 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 342) or misbranded under section 403(w) of such Act (21 U.S.C. 343(w)).

(2) CONTENT.—The Secretary shall conduct 1 or more pilot projects under paragraph (1) in coordination with the processed food sector and 1 or more such pilot projects in coordination with processors or distributors of fruits and vegetables that are raw agricultural commodities. The Secretary shall ensure that the pilot projects under paragraph (1) reflect the diversity of the food supply and include at least 3 different types of foods that have been the subject of significant outbreaks during the 5-year period preceding the date of enactment of this Act, and are selected in order to—

(A) develop and demonstrate methods for rapid and effective tracking and tracing of foods in a manner that is practicable for facilities of varying sizes, including small businesses;

(B) develop and demonstrate appropriate technologies, including technologies existing on the date of enactment of this Act, that enhance the tracking and tracing of food; and

(C) inform the promulgation of regulations under subsection (d).

(3) REPORT.—Not later than 18 months after the date of enactment of this Act, the Secretary shall report to Congress on the findings of the pilot projects under this subsection together with recommendations for improving the tracking and tracing of food.

(b) ADDITIONAL DATA GATHERING.—

(1) IN GENERAL.—The Secretary, in coordination with the Secretary of Agriculture and multiple representatives of State departments of health and agriculture, shall assess—

(A) the costs and benefits associated with the adoption and use of several product tracing technologies, including technologies used in the pilot projects under subsection (a);

(B) the feasibility of such technologies for different sectors of the food industry, including small businesses; and

(C) whether such technologies are compatible with the requirements of this subsection.

(2) REQUIREMENTS.—To the extent practicable, in carrying out paragraph (1), the Secretary shall—

(A) evaluate domestic and international product tracing practices in commercial use;

(B) consider international efforts, including an assessment of whether product tracing requirements developed under this section are compatible with global tracing systems, as appropriate; and

(C) consult with a diverse and broad range of experts and stakeholders, including representatives of the food industry, agricultural producers, and nongovernmental organizations that represent the interests of consumers.

(c) PRODUCT TRACING SYSTEM.—The Secretary, in consultation with the Secretary of

Agriculture, shall, as appropriate, establish within the Food and Drug Administration a product tracing system to receive information that improves the capacity of the Secretary to effectively and rapidly track and trace food that is in the United States or offered for import into the United States. Prior to the establishment of such product tracing system, the Secretary shall examine the results of applicable pilot projects and shall ensure that the activities of such system are adequately supported by the results of such pilot projects.

(d) ADDITIONAL RECORDKEEPING REQUIREMENTS FOR HIGH RISK FOODS.—

(1) **IN GENERAL.**—In order to rapidly and effectively identify recipients of a food to prevent or mitigate a foodborne illness outbreak and to address credible threats of serious adverse health consequences or death to humans or animals as a result of such food being adulterated under section 402 of the Federal Food, Drug, and Cosmetic Act or misbranded under section 403(w) of such Act, not later than 2 years after the date of enactment of this Act, the Secretary shall publish a notice of proposed rulemaking to establish recordkeeping requirements, in addition to the requirements under section 414 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 350c) and subpart J of part 1 of title 21, Code of Federal Regulations (or any successor regulations), for facilities that manufacture, process, pack, or hold foods that the Secretary designates under paragraph (2) as high-risk foods. The Secretary shall set an appropriate effective date of such additional requirements for foods designated as high risk that takes into account the length of time necessary to comply with such requirements. Such requirements shall—

(A) relate only to information that is reasonably available and appropriate;

(B) be science-based;

(C) not prescribe specific technologies for the maintenance of records;

(D) ensure that the public health benefits of imposing additional recordkeeping requirements outweigh the cost of compliance with such requirements;

(E) be scale-appropriate and practicable for facilities of varying sizes and capabilities with respect to costs and recordkeeping burdens, and not require the creation and maintenance of duplicate records where the information is contained in other company records kept in the normal course of business;

(F) minimize the number of different recordkeeping requirements for facilities that handle more than 1 type of food;

(G) to the extent practicable, not require a facility to change business systems to comply with such requirements;

(H) allow any person subject to this subsection to maintain records required under this subsection at a central or reasonably accessible location provided that such records can be made available to the Secretary not later than 24 hours after the Secretary requests such records;

(I) include a process by which the Secretary may issue a waiver of the requirements under this subsection if the Secretary determines that such requirements would result in an economic hardship for an individual facility or a type of facility;

(J) be commensurate with the known safety risks of the designated food;

(K) take into account international trade obligations;

(L) not require—

(i) a full pedigree, or a record of the complete previous distribution history of the food from the point of origin of such food;

(ii) records of recipients of a food beyond the immediate subsequent recipient of such food; or

(iii) product tracking to the case level by persons subject to such requirements; and

(M) include a process by which the Secretary may remove a high-risk food designation developed under paragraph (2) for a food or type of food.

(2) DESIGNATION OF HIGH-RISK FOODS.—

(A) **IN GENERAL.**—Not later than 1 year after the date of enactment of this Act, and thereafter as the Secretary determines necessary, the Secretary shall designate high-risk foods for which the additional recordkeeping requirements described in paragraph (1) are appropriate and necessary to protect the public health. Each such designation shall be based on—

(i) the known safety risks of a particular food, including the history and severity of foodborne illness outbreaks attributed to such food, taking into consideration foodborne illness data collected by the Centers for Disease Control and Prevention;

(ii) the likelihood that a particular food has a high potential risk for microbiological or chemical contamination or would support the growth of pathogenic microorganisms due to the nature of the food or the processes used to produce such food;

(iii) the point in the manufacturing process of the food where contamination is most likely to occur;

(iv) the likelihood of contamination and steps taken during the manufacturing process to reduce the possibility of contamination;

(v) the likelihood that consuming a particular food will result in a foodborne illness due to contamination of the food; and

(vi) the likely or known severity, including health and economic impacts, of a foodborne illness attributed to a particular food.

(B) **LIST OF HIGH-RISK FOODS.**—At the time the Secretary promulgates the final rules under paragraph (1), the Secretary shall publish the list of the foods designated under subparagraph (A) as high-risk foods on the Internet website of the Food and Drug Administration. The Secretary may update the list to designate new high-risk foods and to remove foods that are no longer deemed to be high-risk foods, provided that each such update to the list is consistent with the requirements of this subsection and notice of such update is published in the Federal Register.

(3) **PROTECTION OF SENSITIVE INFORMATION.**—In promulgating regulations under this subsection, the Secretary shall take appropriate measures to ensure that there are effective procedures to prevent the unauthorized disclosure of any trade secret or confidential information that is obtained by the Secretary pursuant to this section, including periodic risk assessment and planning to prevent unauthorized release and controls to—

(A) prevent unauthorized reproduction of trade secret or confidential information;

(B) prevent unauthorized access to trade secret or confidential information; and

(C) maintain records with respect to access by any person to trade secret or confidential information maintained by the agency.

(4) **PUBLIC INPUT.**—During the comment period in the notice of proposed rulemaking under paragraph (1), the Secretary shall conduct not less than 3 public meetings in diverse geographical areas of the United States to provide persons in different regions an opportunity to comment.

(5) **RETENTION OF RECORDS.**—Except as otherwise provided in this subsection, the Sec-

retary may require that a facility retain records under this subsection for not more than 2 years, taking into consideration the risk of spoilage, loss of value, or loss of palatability of the applicable food when determining the appropriate timeframes.

(6) LIMITATIONS.—

(A) **FARM TO SCHOOL PROGRAMS.**—In establishing requirements under this subsection, the Secretary shall, in consultation with the Secretary of Agriculture, consider the impact of requirements on farm to school or farm to institution programs of the Department of Agriculture and other farm to school and farm to institution programs outside such agency, and shall modify the requirements under this subsection, as appropriate, with respect to such programs so that the requirements do not place undue burdens on farm to school or farm to institution programs.

(B) **IDENTITY-PRESERVED LABELS WITH RESPECT TO FARM SALES OF FOOD THAT IS PRODUCED AND PACKAGED ON A FARM.**—The requirements under this subsection shall not apply to a food that is produced and packaged on a farm if—

(i) the packaging of the food maintains the integrity of the product and prevents subsequent contamination or alteration of the product; and

(ii) the labeling of the food includes the name, complete address (street address, town, State, country, and zip or other postal code), and business phone number of the farm, unless the Secretary waives the requirement to include a business phone number of the farm, as appropriate, in order to accommodate a religious belief of the individual in charge of such farm.

(C) **FISHING VESSELS.**—The requirements under this subsection with respect to a food that is produced through the use of a fishing vessel (as defined in section 3(18) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1802(18))) shall be limited to the requirements under subparagraph (F) until such time as the food is sold by the owner, operator, or agent in charge of such fishing vessel.

(D) COMMINGLED RAW AGRICULTURAL COMMODITIES.—

(i) **LIMITATION ON EXTENT OF TRACING.**—Recordkeeping requirements under this subsection with regard to any commingled raw agricultural commodity shall be limited to the requirements under subparagraph (F).

(ii) **DEFINITIONS.**—For the purposes of this subparagraph—

(I) the term “commingled raw agricultural commodity” means any commodity that is combined or mixed after harvesting, but before processing;

(II) the term “commingled raw agricultural commodity” shall not include types of fruits and vegetables that are raw agricultural commodities for which the Secretary has determined that standards promulgated under section 419 of the Federal Food, Drug, and Cosmetic Act (as added by section 105) would minimize the risk of serious adverse health consequences or death; and

(III) the term “processing” means operations that alter the general state of the commodity, such as canning, cooking, freezing, dehydration, milling, grinding, pasteurization, or homogenization.

(E) **EXEMPTION OF OTHER FOODS.**—The Secretary may, by notice in the Federal Register, modify the requirements under this subsection with respect to, or exempt a food or a type of facility from, the requirements of this subsection (other than the requirements under subparagraph (F), if applicable)

if the Secretary determines that product tracing requirements for such food (such as bulk or commingled ingredients that are intended to be processed to destroy pathogens) or type of facility is not necessary to protect the public health.

(F) **RECORDKEEPING REGARDING PREVIOUS SOURCES AND SUBSEQUENT RECIPIENTS.**—In the case of a person or food to which a limitation or exemption under subparagraph (C), (D), or (E) applies, if such person, or a person who manufactures, processes, packs, or holds such food, is required to register with the Secretary under section 415 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 350d) with respect to the manufacturing, processing, packing, or holding of the applicable food, the Secretary shall require such person to maintain records that identify the immediate previous source of such food and the immediate subsequent recipient of such food.

(G) **GROCERY STORES.**—With respect to a sale of a food described in subparagraph (H) to a grocery store, the Secretary shall not require such grocery store to maintain records under this subsection other than records documenting the farm that was the source of such food. The Secretary shall not require that such records be kept for more than 180 days.

(H) **FARM SALES TO CONSUMERS.**—The Secretary shall not require a farm to maintain any distribution records under this subsection with respect to a sale of a food described in subparagraph (I) (including a sale of a food that is produced and packaged on such farm), if such sale is made by the farm directly to a consumer.

(I) **SALE OF A FOOD.**—A sale of a food described in this subparagraph is a sale of a food in which—

- (i) the food is produced on a farm; and
- (ii) the sale is made by the owner, operator, or agent in charge of such farm directly to a consumer or grocery store.

(7) **NO IMPACT ON NON-HIGH-RISK FOODS.**—The recordkeeping requirements established under paragraph (1) shall have no effect on foods that are not designated by the Secretary under paragraph (2) as high-risk foods. Foods described in the preceding sentence shall be subject solely to the recordkeeping requirements under section 414 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 350c) and subpart J of part 1 of title 21, Code of Federal Regulations (or any successor regulations).

(e) **EVALUATION AND RECOMMENDATIONS.**—

(1) **REPORT.**—Not later than 1 year after the effective date of the final rule promulgated under subsection (d)(1), the Comptroller General of the United States shall submit to Congress a report, taking into consideration the costs of compliance and other regulatory burdens on small businesses and Federal, State, and local food safety practices and requirements, that evaluates the public health benefits and risks, if any, of limiting—

(A) the product tracing requirements under subsection (d) to foods identified under paragraph (2) of such subsection, including whether such requirements provide adequate assurance of traceability in the event of intentional adulteration, including by acts of terrorism; and

(B) the participation of restaurants in the recordkeeping requirements.

(2) **DETERMINATION AND RECOMMENDATIONS.**—In conducting the evaluation and report under paragraph (1), if the Comptroller General of the United States determines that the limitations described in such paragraph

do not adequately protect the public health, the Comptroller General shall submit to Congress recommendations, if appropriate, regarding recordkeeping requirements for restaurants and additional foods, in order to protect the public health.

(f) **FARMS.**—

(1) **REQUEST FOR INFORMATION.**—Notwithstanding subsection (d), during an active investigation of a foodborne illness outbreak, or if the Secretary determines it is necessary to protect the public health and prevent or mitigate a foodborne illness outbreak, the Secretary, in consultation and coordination with State and local agencies responsible for food safety, as appropriate, may request that the owner, operator, or agent of a farm identify potential immediate recipients, other than consumers, of an article of the food that is the subject of such investigation if the Secretary reasonably believes such article of food—

(A) is adulterated under section 402 of the Federal Food, Drug, and Cosmetic Act;

(B) presents a threat of serious adverse health consequences or death to humans or animals; and

(C) was adulterated as described in subparagraph (A) on a particular farm (as defined in section 1.227 of chapter 21, Code of Federal Regulations (or any successor regulation)).

(2) **MANNER OF REQUEST.**—In making a request under paragraph (1), the Secretary, in consultation and coordination with State and local agencies responsible for food safety, as appropriate, shall issue a written notice to the owner, operator, or agent of the farm to which the article of food has been traced. The individual providing such notice shall present to such owner, operator, or agent appropriate credentials and shall deliver such notice at reasonable times and within reasonable limits and in a reasonable manner.

(3) **DELIVERY OF INFORMATION REQUESTED.**—The owner, operator, or agent of a farm shall deliver the information requested under paragraph (1) in a prompt and reasonable manner. Such information may consist of records kept in the normal course of business, and may be in electronic or non-electronic format.

(4) **LIMITATION.**—A request made under paragraph (1) shall not include a request for information relating to the finances, pricing of commodities produced, personnel, research, sales (other than information relating to shipping), or other disclosures that may reveal trade secrets or confidential information from the farm to which the article of food has been traced, other than information necessary to identify potential immediate recipients of such food. Section 301(j) of the Federal Food, Drug, and Cosmetic Act and the Freedom of Information Act shall apply with respect to any confidential commercial information that is disclosed to the Food and Drug Administration in the course of responding to a request under paragraph (1).

(5) **RECORDS.**—Except with respect to identifying potential immediate recipients in response to a request under this subsection, nothing in this subsection shall require the establishment or maintenance by farms of new records.

(g) **NO LIMITATION ON COMMINGLING OF FOOD.**—Nothing in this section shall be construed to authorize the Secretary to impose any limitation on the commingling of food.

(h) **SMALL ENTITY COMPLIANCE GUIDE.**—Not later than 180 days after promulgation of a final rule under subsection (d), the Secretary

shall issue a small entity compliance guide setting forth in plain language the requirements of the regulations under such subsection in order to assist small entities, including farms and small businesses, in complying with the recordkeeping requirements under such subsection.

(i) **FLEXIBILITY FOR SMALL BUSINESSES.**—Notwithstanding any other provision of law, the regulations promulgated under subsection (d) shall apply—

(1) to small businesses (as defined by the Secretary in section 103, not later than 90 days after the date of enactment of this Act) beginning on the date that is 1 year after the effective date of the final regulations promulgated under subsection (d); and

(2) to very small businesses (as defined by the Secretary in section 103, not later than 90 days after the date of enactment of this Act) beginning on the date that is 2 years after the effective date of the final regulations promulgated under subsection (d).

(j) **ENFORCEMENT.**—

(1) **PROHIBITED ACTS.**—Section 301(e) (21 U.S.C. 331(e)) is amended by inserting “; or the violation of any recordkeeping requirement under section 204 of the FDA Food Safety Modernization Act (except when such violation is committed by a farm)” before the period at the end.

(2) **IMPORTS.**—Section 801(a) (21 U.S.C. 381(a)) is amended by inserting “or (4) the recordkeeping requirements under section 204 of the FDA Food Safety Modernization Act (other than the requirements under subsection (f) of such section) have not been complied with regarding such article,” in the third sentence before “then such article shall be refused admission”.

SEC. 205. SURVEILLANCE.

(a) **DEFINITION OF FOODBORNE ILLNESS OUTBREAK.**—In this Act, the term “foodborne illness outbreak” means the occurrence of 2 or more cases of a similar illness resulting from the ingestion of a certain food.

(b) **FOODBORNE ILLNESS SURVEILLANCE SYSTEMS.**—

(1) **IN GENERAL.**—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, shall enhance foodborne illness surveillance systems to improve the collection, analysis, reporting, and usefulness of data on foodborne illnesses by—

(A) coordinating Federal, State and local foodborne illness surveillance systems, including complaint systems, and increasing participation in national networks of public health and food regulatory agencies and laboratories;

(B) facilitating sharing of surveillance information on a more timely basis among governmental agencies, including the Food and Drug Administration, the Department of Agriculture, the Department of Homeland Security, and State and local agencies, and with the public;

(C) developing improved epidemiological tools for obtaining quality exposure data and microbiological methods for classifying cases;

(D) augmenting such systems to improve attribution of a foodborne illness outbreak to a specific food;

(E) expanding capacity of such systems, including working toward automatic electronic searches, for implementation of identification practices, including fingerprinting strategies, for foodborne infectious agents, in order to identify new or rarely documented causes of foodborne illness and submit standardized information to a centralized database;

(F) allowing timely public access to aggregated, de-identified surveillance data;

(G) at least annually, publishing current reports on findings from such systems;

(H) establishing a flexible mechanism for rapidly initiating scientific research by academic institutions;

(I) integrating foodborne illness surveillance systems and data with other bio-surveillance and public health situational awareness capabilities at the Federal, State, and local levels, including by sharing foodborne illness surveillance data with the National Biosurveillance Integration Center; and

(J) other activities as determined appropriate by the Secretary.

(2) **WORKING GROUP.**—The Secretary shall support and maintain a diverse working group of experts and stakeholders from Federal, State, and local food safety and health agencies, the food and food testing industries, consumer organizations, and academia. Such working group shall provide the Secretary, through at least annual meetings of the working group and an annual public report, advice and recommendations on an ongoing and regular basis regarding the improvement of foodborne illness surveillance and implementation of this section, including advice and recommendations on—

(A) the priority needs of regulatory agencies, the food industry, and consumers for information and analysis on foodborne illness and its causes;

(B) opportunities to improve the effectiveness of initiatives at the Federal, State, and local levels, including coordination and integration of activities among Federal agencies, and between the Federal, State, and local levels of government;

(C) improvement in the timeliness and depth of access by regulatory and health agencies, the food industry, academic researchers, and consumers to foodborne illness aggregated, de-identified surveillance data collected by government agencies at all levels, including data compiled by the Centers for Disease Control and Prevention;

(D) key barriers at Federal, State, and local levels to improving foodborne illness surveillance and the utility of such surveillance for preventing foodborne illness;

(E) the capabilities needed for establishing automatic electronic searches of surveillance data; and

(F) specific actions to reduce barriers to improvement, implement the working group's recommendations, and achieve the purposes of this section, with measurable objectives and timelines, and identification of resource and staffing needs.

(3) **AUTHORIZATION OF APPROPRIATIONS.**—To carry out the activities described in paragraph (1), there is authorized to be appropriated \$24,000,000 for each fiscal years 2011 through 2015.

(C) **IMPROVING FOOD SAFETY AND DEFENSE CAPACITY AT THE STATE AND LOCAL LEVEL.**—

(1) **IN GENERAL.**—The Secretary shall develop and implement strategies to leverage and enhance the food safety and defense capacities of State and local agencies in order to achieve the following goals:

(A) Improve foodborne illness outbreak response and containment.

(B) Accelerate foodborne illness surveillance and outbreak investigation, including rapid shipment of clinical isolates from clinical laboratories to appropriate State laboratories, and conducting more standardized illness outbreak interviews.

(C) Strengthen the capacity of State and local agencies to carry out inspections and enforce safety standards.

(D) Improve the effectiveness of Federal, State, and local partnerships to coordinate

food safety and defense resources and reduce the incidence of foodborne illness.

(E) Share information on a timely basis among public health and food regulatory agencies, with the food industry, with health care providers, and with the public.

(F) Strengthen the capacity of State and local agencies to achieve the goals described in section 108.

(2) **REVIEW.**—In developing of the strategies required by paragraph (1), the Secretary shall, not later than 1 year after the date of enactment of the FDA Food Safety Modernization Act, complete a review of State and local capacities, and needs for enhancement, which may include a survey with respect to—

(A) staffing levels and expertise available to perform food safety and defense functions;

(B) laboratory capacity to support surveillance, outbreak response, inspection, and enforcement activities;

(C) information systems to support data management and sharing of food safety and defense information among State and local agencies and with counterparts at the Federal level; and

(D) other State and local activities and needs as determined appropriate by the Secretary.

(d) **FOOD SAFETY CAPACITY BUILDING GRANTS.**—Section 317R(b) of the Public Health Service Act (42 U.S.C. 247b-20(b)) is amended—

(1) by striking “2002” and inserting “2010”;

(2) by striking “2003 through 2006” and inserting “2011 through 2015”.

SEC. 206. MANDATORY RECALL AUTHORITY.

(a) **IN GENERAL.**—Chapter IV (21 U.S.C. 341 et seq.), as amended by section 202, is amended by adding at the end the following:

“SEC. 423. MANDATORY RECALL AUTHORITY.

“(a) **VOLUNTARY PROCEDURES.**—If the Secretary determines, based on information gathered through the reportable food registry under section 417 or through any other means, that there is a reasonable probability that an article of food (other than infant formula) is adulterated under section 402 or misbranded under section 403(w) and the use of or exposure to such article will cause serious adverse health consequences or death to humans or animals, the Secretary shall provide the responsible party (as defined in section 417) with an opportunity to cease distribution and recall such article.

“(b) **PREHEARING ORDER TO CEASE DISTRIBUTION AND GIVE NOTICE.**—

“(1) **IN GENERAL.**—If the responsible party refuses to or does not voluntarily cease distribution or recall such article within the time and in the manner prescribed by the Secretary (if so prescribed), the Secretary may, by order require, as the Secretary deems necessary, such person to—

“(A) immediately cease distribution of such article; and

“(B) as applicable, immediately notify all persons—

“(i) manufacturing, processing, packing, transporting, distributing, receiving, holding, or importing and selling such article; and

“(ii) to which such article has been distributed, transported, or sold, to immediately cease distribution of such article.

“(2) **REQUIRED ADDITIONAL INFORMATION.**—

“(A) **IN GENERAL.**—If an article of food covered by a recall order issued under paragraph (1)(B) has been distributed to a warehouse-based third party logistics provider without providing such provider sufficient information to know or reasonably determine the

precise identity of the article of food covered by a recall order that is in its possession, the notice provided by the responsible party subject to the order issued under paragraph (1)(B) shall include such information as is necessary for the warehouse-based third party logistics provider to identify the food.

“(B) **RULES OF CONSTRUCTION.**—Nothing in this paragraph shall be construed—

“(i) to exempt a warehouse-based third party logistics provider from the requirements of this Act, including the requirements in this section and section 414; or

“(ii) to exempt a warehouse-based third party logistics provider from being the subject of a mandatory recall order.

“(3) **DETERMINATION TO LIMIT AREAS AFFECTED.**—If the Secretary requires a responsible party to cease distribution under paragraph (1)(A) of an article of food identified in subsection (a), the Secretary may limit the size of the geographic area and the markets affected by such cessation if such limitation would not compromise the public health.

“(c) **HEARING ON ORDER.**—The Secretary shall provide the responsible party subject to an order under subsection (b) with an opportunity for an informal hearing, to be held as soon as possible, but not later than 2 days after the issuance of the order, on the actions required by the order and on why the article that is the subject of the order should not be recalled.

“(d) **POST-HEARING RECALL ORDER AND MODIFICATION OF ORDER.**—

“(1) **AMENDMENT OF ORDER.**—If, after providing opportunity for an informal hearing under subsection (c), the Secretary determines that removal of the article from commerce is necessary, the Secretary shall, as appropriate—

“(A) amend the order to require recall of such article or other appropriate action;

“(B) specify a timetable in which the recall shall occur;

“(C) require periodic reports to the Secretary describing the progress of the recall; and

“(D) provide notice to consumers to whom such article was, or may have been, distributed.

“(2) **VACATING OF ORDER.**—If, after such hearing, the Secretary determines that adequate grounds do not exist to continue the actions required by the order, or that such actions should be modified, the Secretary shall vacate the order or modify the order.

“(e) **RULE REGARDING ALCOHOLIC BEVERAGES.**—The Secretary shall not initiate a mandatory recall or take any other action under this section with respect to any alcohol beverage until the Secretary has provided the Alcohol and Tobacco Tax and Trade Bureau with a reasonable opportunity to cease distribution and recall such article under the Alcohol and Tobacco Tax and Trade Bureau authority.

“(f) **COOPERATION AND CONSULTATION.**—The Secretary shall work with State and local public health officials in carrying out this section, as appropriate.

“(g) **PUBLIC NOTIFICATION.**—In conducting a recall under this section, the Secretary shall—

“(1) ensure that a press release is published regarding the recall, as well as alerts and public notices, as appropriate, in order to provide notification—

“(A) of the recall to consumers and retailers to whom such article was, or may have been, distributed; and

“(B) that includes, at a minimum—

“(i) the name of the article of food subject to the recall;

“(ii) a description of the risk associated with such article; and

“(iii) to the extent practicable, information for consumers about similar articles of food that are not affected by the recall;

“(2) consult the policies of the Department of Agriculture regarding providing to the public a list of retail consignees receiving products involved in a Class I recall and shall consider providing such a list to the public, as determined appropriate by the Secretary; and

“(3) if available, publish on the Internet Web site of the Food and Drug Administration an image of the article that is the subject of the press release described in (1).

“(h) NO DELEGATION.—The authority conferred by this section to order a recall or vacate a recall order shall not be delegated to any officer or employee other than the Commissioner.

“(i) EFFECT.—Nothing in this section shall affect the authority of the Secretary to request or participate in a voluntary recall, or to issue an order to cease distribution or to recall under any other provision of this Act or under the Public Health Service Act.

“(j) COORDINATED COMMUNICATION.—

“(1) IN GENERAL.—To assist in carrying out the requirements of this subsection, the Secretary shall establish an incident command operation or a similar operation within the Department of Health and Human Services that will operate not later than 24 hours after the initiation of a mandatory recall or the recall of an article of food for which the use of, or exposure to, such article will cause serious adverse health consequences or death to humans or animals.

“(2) REQUIREMENTS.—To reduce the potential for miscommunication during recalls or regarding investigations of a food borne illness outbreak associated with a food that is subject to a recall, each incident command operation or similar operation under paragraph (1) shall use regular staff and resources of the Department of Health and Human Services to—

“(A) ensure timely and coordinated communication within the Department, including enhanced communication and coordination between different agencies and organizations within the Department;

“(B) ensure timely and coordinated communication from the Department, including public statements, throughout the duration of the investigation and related foodborne illness outbreak;

“(C) identify a single point of contact within the Department for public inquiries regarding any actions by the Secretary related to a recall;

“(D) coordinate with Federal, State, local, and tribal authorities, as appropriate, that have responsibilities related to the recall of a food or a foodborne illness outbreak associated with a food that is subject to the recall, including notification of the Secretary of Agriculture and the Secretary of Education in the event such recalled food is a commodity intended for use in a child nutrition program (as identified in section 25(b) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769f(b)); and

“(E) conclude operations at such time as the Secretary determines appropriate.

“(3) MULTIPLE RECALLS.—The Secretary may establish multiple or concurrent incident command operations or similar operations in the event of multiple recalls or foodborne illness outbreaks necessitating such action by the Department of Health and Human Services.”

(b) SEARCH ENGINE.—Not later than 90 days after the date of enactment of this Act, the

Secretary shall modify the Internet Web site of the Food and Drug Administration to include a search engine that—

(1) is consumer-friendly, as determined by the Secretary; and

(2) provides a means by which an individual may locate relevant information regarding each article of food subject to a recall under section 423 of the Federal Food, Drug, and Cosmetic Act and the status of such recall (such as whether a recall is ongoing or has been completed).

(c) CIVIL PENALTY.—Section 303(f)(2)(A) (21 U.S.C. 333(f)(2)(A)) is amended by inserting “or any person who does not comply with a recall order under section 423” after “section 402(a)(2)(B)”.

(d) PROHIBITED ACTS.—Section 301 (21 U.S.C. 331 et seq.), as amended by section 106, is amended by adding at the end the following:

“(xx) The refusal or failure to follow an order under section 423.”

(e) GAO REVIEW.—

(1) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Comptroller General of the United States shall submit to Congress a report that—

(A) identifies State and local agencies with the authority to require the mandatory recall of food, and evaluates use of such authority with regard to frequency, effectiveness, and appropriateness, including consideration of any new or existing mechanisms available to compensate persons for general and specific recall-related costs when a recall is subsequently determined by the relevant authority to have been an error;

(B) identifies Federal agencies, other than the Department of Health and Human Services, with mandatory recall authority and examines use of that authority with regard to frequency, effectiveness, and appropriateness, including any new or existing mechanisms available to compensate persons for general and specific recall-related costs when a recall is subsequently determined by the relevant agency to have been an error;

(C) considers models for farmer restitution implemented in other nations in cases of erroneous recalls; and

(D) makes recommendations to the Secretary regarding use of the authority under section 423 of the Federal Food, Drug, and Cosmetic Act (as added by this section) to protect the public health while seeking to minimize unnecessary economic costs.

(2) EFFECT OF REVIEW.—If the Comptroller General of the United States finds, after the review conducted under paragraph (1), that the mechanisms described in such paragraph do not exist or are inadequate, then, not later than 90 days after the conclusion of such review, the Secretary of Agriculture shall conduct a study of the feasibility of implementing a farmer indemnification program to provide restitution to agricultural producers for losses sustained as a result of a mandatory recall of an agricultural commodity by a Federal or State regulatory agency that is subsequently determined to be in error. The Secretary of Agriculture shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that describes the results of the study, including any recommendations.

(f) ANNUAL REPORT TO CONGRESS.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act and annually thereafter, the Secretary of Health and Human Services (referred to in this subsection as the “Secretary”) shall submit a

report to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives on the use of recall authority under section 423 of the Federal Food, Drug, and Cosmetic Act (as added by subsection (a)) and any public health advisories issued by the Secretary that advise against the consumption of an article of food on the ground that the article of food is adulterated and poses an imminent danger to health.

(2) CONTENT.—The report under paragraph (1) shall include, with respect to the report year—

(A) the identity of each article of food that was the subject of a public health advisory described in paragraph (1), an opportunity to cease distribution and recall under subsection (a) of section 423 of the Federal Food, Drug, and Cosmetic Act, or a mandatory recall order under subsection (b) of such section;

(B) the number of responsible parties, as defined in section 417 of the Federal Food, Drug, and Cosmetic Act, formally given the opportunity to cease distribution of an article of food and recall such article, as described in section 423(a) of such Act;

(C) the number of responsible parties described in subparagraph (B) who did not cease distribution of or recall an article of food after given the opportunity to cease distribution or recall under section 423(a) of the Federal Food, Drug, and Cosmetic Act;

(D) the number of recall orders issued under section 423(b) of the Federal Food, Drug, and Cosmetic Act; and

(E) a description of any instances in which there was no testing that confirmed adulteration of an article of food that was the subject of a recall under section 423(b) of the Federal Food, Drug, and Cosmetic Act or a public health advisory described in paragraph (1).

SEC. 207. ADMINISTRATIVE DETENTION OF FOOD.

(a) IN GENERAL.—Section 304(h)(1)(A) (21 U.S.C. 334(h)(1)(A)) is amended by—

(1) striking “credible evidence or information indicating” and inserting “reason to believe”; and

(2) striking “presents a threat of serious adverse health consequences or death to humans or animals” and inserting “is adulterated or misbranded”.

(b) REGULATIONS.—Not later than 120 days after the date of enactment of this Act, the Secretary shall issue an interim final rule amending subpart K of part 1 of title 21, Code of Federal Regulations, to implement the amendment made by this section.

(c) EFFECTIVE DATE.—The amendment made by this section shall take effect 180 days after the date of enactment of this Act.

SEC. 208. DECONTAMINATION AND DISPOSAL STANDARDS AND PLANS.

(a) IN GENERAL.—The Administrator of the Environmental Protection Agency (referred to in this section as the “Administrator”), in coordination with the Secretary of Health and Human Services, Secretary of Homeland Security, and Secretary of Agriculture, shall provide support for, and technical assistance to, State, local, and tribal governments in preparing for, assessing, decontaminating, and recovering from an agriculture or food emergency.

(b) DEVELOPMENT OF STANDARDS.—In carrying out subsection (a), the Administrator, in coordination with the Secretary of Health and Human Services, Secretary of Homeland Security, Secretary of Agriculture, and State, local, and tribal governments, shall develop and disseminate specific standards

and protocols to undertake clean-up, clearance, and recovery activities following the decontamination and disposal of specific threat agents and foreign animal diseases.

(c) **DEVELOPMENT OF MODEL PLANS.**—In carrying out subsection (a), the Administrator, the Secretary of Health and Human Services, and the Secretary of Agriculture shall jointly develop and disseminate model plans for—

(1) the decontamination of individuals, equipment, and facilities following an intentional contamination of agriculture or food; and

(2) the disposal of large quantities of animals, plants, or food products that have been infected or contaminated by specific threat agents and foreign animal diseases.

(d) **EXERCISES.**—In carrying out subsection (a), the Administrator, in coordination with the entities described under subsection (b), shall conduct exercises at least annually to evaluate and identify weaknesses in the decontamination and disposal model plans described in subsection (c). Such exercises shall be carried out, to the maximum extent practicable, as part of the national exercise program under section 648(b)(1) of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 748(b)(1)).

(e) **MODIFICATIONS.**—Based on the exercises described in subsection (d), the Administrator, in coordination with the entities described in subsection (b), shall review and modify as necessary the plans described in subsection (c) not less frequently than biennially.

(f) **PRIORITIZATION.**—The Administrator, in coordination with the entities described in subsection (b), shall develop standards and plans under subsections (b) and (c) in an identified order of priority that takes into account—

(1) highest-risk biological, chemical, and radiological threat agents;

(2) agents that could cause the greatest economic devastation to the agriculture and food system; and

(3) agents that are most difficult to clean or remediate.

SEC. 209. IMPROVING THE TRAINING OF STATE, LOCAL, TERRITORIAL, AND TRIBAL FOOD SAFETY OFFICIALS.

(a) **IMPROVING TRAINING.**—Chapter X (21 U.S.C.391 et seq.) is amended by adding at the end the following:

“SEC. 1011. IMPROVING THE TRAINING OF STATE, LOCAL, TERRITORIAL, AND TRIBAL FOOD SAFETY OFFICIALS.

“(a) **TRAINING.**—The Secretary shall set standards and administer training and education programs for the employees of State, local, territorial, and tribal food safety officials relating to the regulatory responsibilities and policies established by this Act, including programs for—

“(1) scientific training;

“(2) training to improve the skill of officers and employees authorized to conduct inspections under sections 702 and 704;

“(3) training to achieve advanced product or process specialization in such inspections;

“(4) training that addresses best practices;

“(5) training in administrative process and procedure and integrity issues;

“(6) training in appropriate sampling and laboratory analysis methodology; and

“(7) training in building enforcement actions following inspections, examinations, testing, and investigations.

“(b) **PARTNERSHIPS WITH STATE AND LOCAL OFFICIALS.**—

“(1) **IN GENERAL.**—The Secretary, pursuant to a contract or memorandum of understanding between the Secretary and the head

of a State, local, territorial, or tribal department or agency, is authorized and encouraged to conduct examinations, testing, and investigations for the purposes of determining compliance with the food safety provisions of this Act through the officers and employees of such State, local, territorial, or tribal department or agency.

“(2) **CONTENT.**—A contract or memorandum described under paragraph (1) shall include provisions to ensure adequate training of such officers and employees to conduct such examinations, testing, and investigations. The contract or memorandum shall contain provisions regarding reimbursement. Such provisions may, at the sole discretion of the head of the other department or agency, require reimbursement, in whole or in part, from the Secretary for the examinations, testing, or investigations performed pursuant to this section by the officers or employees of the State, territorial, or tribal department or agency.

“(3) **EFFECT.**—Nothing in this subsection shall be construed to limit the authority of the Secretary under section 702.

“(c) **EXTENSION SERVICE.**—The Secretary shall ensure coordination with the extension activities of the National Institute of Food and Agriculture of the Department of Agriculture in advising producers and small processors transitioning into new practices required as a result of the enactment of the FDA Food Safety Modernization Act and assisting regulated industry with compliance with such Act.

“(d) **NATIONAL FOOD SAFETY TRAINING, EDUCATION, EXTENSION, OUTREACH AND TECHNICAL ASSISTANCE PROGRAM.**—

“(1) **IN GENERAL.**—In order to improve food safety and reduce the incidence of foodborne illness, the Secretary shall, not later than 180 days after the date of enactment of the FDA Food Safety Modernization Act, enter into one or more memoranda of understanding, or enter into other cooperative agreements, with the Secretary of Agriculture to establish a competitive grant program within the National Institute for Food and Agriculture to provide food safety training, education, extension, outreach, and technical assistance to—

“(A) owners and operators of farms;

“(B) small food processors; and

“(C) small fruit and vegetable merchant wholesalers.

“(2) **IMPLEMENTATION.**—The competitive grant program established under paragraph (1) shall be carried out in accordance with section 405 of the Agricultural Research, Extension, and Education Reform Act of 1998.

“(e) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated such sums as may be necessary to carry out this section for fiscal years 2011 through 2015.”

(b) **NATIONAL FOOD SAFETY TRAINING, EDUCATION, EXTENSION, OUTREACH, AND TECHNICAL ASSISTANCE PROGRAM.**—Title IV of the Agricultural Research, Extension, and Education Reform Act of 1998 is amended by inserting after section 404 (7 U.S.C. 7624) the following:

“SEC. 405. NATIONAL FOOD SAFETY TRAINING, EDUCATION, EXTENSION, OUTREACH, AND TECHNICAL ASSISTANCE PROGRAM.

“(a) **IN GENERAL.**—The Secretary shall award grants under this section to carry out the competitive grant program established under section 1011(d) of the Federal Food, Drug, and Cosmetic Act, pursuant to any memoranda of understanding entered into under such section.

“(b) **INTEGRATED APPROACH.**—The grant program described under subsection (a) shall

be carried out under this section in a manner that facilitates the integration of food safety standards and guidance with the variety of agricultural production systems, encompassing conventional, sustainable, organic, and conservation and environmental practices.

“(c) **PRIORITY.**—In awarding grants under this section, the Secretary shall give priority to projects that target small and medium-sized farms, beginning farmers, socially disadvantaged farmers, small processors, or small fresh fruit and vegetable merchant wholesalers.

“(d) **PROGRAM COORDINATION.**—

“(1) **IN GENERAL.**—The Secretary shall coordinate implementation of the grant program under this section with the National Integrated Food Safety Initiative.

“(2) **INTERACTION.**—The Secretary shall—

“(A) in carrying out the grant program under this section, take into consideration applied research, education, and extension results obtained from the National Integrated Food Safety Initiative; and

“(B) in determining the applied research agenda for the National Integrated Food Safety Initiative, take into consideration the needs articulated by participants in projects funded by the program under this section.

“(e) **GRANTS.**—

“(1) **IN GENERAL.**—In carrying out this section, the Secretary shall make competitive grants to support training, education, extension, outreach, and technical assistance projects that will help improve public health by increasing the understanding and adoption of established food safety standards, guidance, and protocols.

“(2) **ENCOURAGED FEATURES.**—The Secretary shall encourage projects carried out using grant funds under this section to include co-management of food safety, conservation systems, and ecological health.

“(3) **MAXIMUM TERM AND SIZE OF GRANT.**—

“(A) **IN GENERAL.**—A grant under this section shall have a term that is not more than 3 years.

“(B) **LIMITATION ON GRANT FUNDING.**—The Secretary may not provide grant funding to an entity under this section after such entity has received 3 years of grant funding under this section.

“(f) **GRANT ELIGIBILITY.**—

“(1) **IN GENERAL.**—To be eligible for a grant under this section, an entity shall be—

“(A) a State cooperative extension service;

“(B) a Federal, State, local, or tribal agency, a nonprofit community-based or non-governmental organization, or an organization representing owners and operators of farms, small food processors, or small fruit and vegetable merchant wholesalers that has a commitment to public health and expertise in administering programs that contribute to food safety;

“(C) an institution of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a))) or a foundation maintained by an institution of higher education;

“(D) a collaboration of 2 or more eligible entities described in this subsection; or

“(E) such other appropriate entity, as determined by the Secretary.

“(2) **MULTISTATE PARTNERSHIPS.**—Grants under this section may be made for projects involving more than 1 State.

“(g) **REGIONAL BALANCE.**—In making grants under this section, the Secretary shall, to the maximum extent practicable, ensure—

“(1) geographic diversity; and

“(2) diversity of types of agricultural production.

“(h) TECHNICAL ASSISTANCE.—The Secretary may use funds made available under this section to provide technical assistance to grant recipients to further the purposes of this section.

“(i) BEST PRACTICES AND MODEL PROGRAMS.—Based on evaluations of, and responses arising from, projects funded under this section, the Secretary may issue a set of recommended best practices and models for food safety training programs for agricultural producers, small food processors, and small fresh fruit and vegetable merchant wholesalers.

“(j) AUTHORIZATION OF APPROPRIATIONS.—For the purposes of making grants under this section, there are authorized to be appropriated such sums as may be necessary for fiscal years 2011 through 2015.”

SEC. 210. ENHANCING FOOD SAFETY.

(a) GRANTS TO ENHANCE FOOD SAFETY.—Section 1009 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 399) is amended to read as follows:

“SEC. 1009. GRANTS TO ENHANCE FOOD SAFETY.

“(a) IN GENERAL.—The Secretary is authorized to make grants to eligible entities to—

“(1) undertake examinations, inspections, and investigations, and related food safety activities under section 702;

“(2) train to the standards of the Secretary for the examination, inspection, and investigation of food manufacturing, processing, packing, holding, distribution, and importation, including as such examination, inspection, and investigation relate to retail food establishments;

“(3) build the food safety capacity of the laboratories of such eligible entity, including the detection of zoonotic diseases;

“(4) build the infrastructure and capacity of the food safety programs of such eligible entity to meet the standards as outlined in the grant application; and

“(5) take appropriate action to protect the public health in response to—

“(A) a notification under section 1008, including planning and otherwise preparing to take such action; or

“(B) a recall of food under this Act.

“(b) ELIGIBLE ENTITIES; APPLICATION.—

“(1) IN GENERAL.—In this section, the term ‘eligible entity’ means an entity—

“(A) that is—

“(i) a State;

“(ii) a locality;

“(iii) a territory;

“(iv) an Indian tribe (as defined in section 4(e) of the Indian Self-Determination and Education Assistance Act); or

“(v) a nonprofit food safety training entity that collaborates with 1 or more institutions of higher education; and

“(B) that submits an application to the Secretary at such time, in such manner, and including such information as the Secretary may reasonably require.

“(2) CONTENTS.—Each application submitted under paragraph (1) shall include—

“(A) an assurance that the eligible entity has developed plans to engage in the types of activities described in subsection (a);

“(B) a description of the types of activities to be funded by the grant;

“(C) an itemization of how grant funds received under this section will be expended;

“(D) a description of how grant activities will be monitored; and

“(E) an agreement by the eligible entity to report information required by the Secretary to conduct evaluations under this section.

“(c) LIMITATIONS.—The funds provided under subsection (a) shall be available to an eligible entity that receives a grant under

this section only to the extent such entity funds the food safety programs of such entity independently of any grant under this section in each year of the grant at a level equal to the level of such funding in the previous year, increased by the Consumer Price Index. Such non-Federal matching funds may be provided directly or through donations from public or private entities and may be in cash or in-kind, fairly evaluated, including plant, equipment, or services.

“(d) ADDITIONAL AUTHORITY.—The Secretary may—

“(1) award a grant under this section in each subsequent fiscal year without reapplication for a period of not more than 3 years, provided the requirements of subsection (c) are met for the previous fiscal year; and

“(2) award a grant under this section in a fiscal year for which the requirement of subsection (c) has not been met only if such requirement was not met because such funding was diverted for response to 1 or more natural disasters or in other extenuating circumstances that the Secretary may determine appropriate.

“(e) DURATION OF AWARDS.—The Secretary may award grants to an individual grant recipient under this section for periods of not more than 3 years. In the event the Secretary conducts a program evaluation, funding in the second year or third year of the grant, where applicable, shall be contingent on a successful program evaluation by the Secretary after the first year.

“(f) PROGRESS AND EVALUATION.—

“(1) IN GENERAL.—The Secretary shall measure the status and success of each grant program authorized under the FDA Food Safety Modernization Act (and any amendment made by such Act), including the grant program under this section. A recipient of a grant described in the preceding sentence shall, at the end of each grant year, provide the Secretary with information on how grant funds were spent and the status of the efforts by such recipient to enhance food safety. To the extent practicable, the Secretary shall take the performance of such a grant recipient into account when determining whether to continue funding for such recipient.

“(2) NO DUPLICATION.—In carrying out paragraph (1), the Secretary shall not duplicate the efforts of the Secretary under other provisions of this Act or the FDA Food Safety Modernization Act that require measurement and review of the activities of grant recipients under either such Act.

“(g) SUPPLEMENT NOT SUPPLANT.—Grant funds received under this section shall be used to supplement, and not supplant, non-Federal funds and any other Federal funds available to carry out the activities described in this section.

“(h) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of making grants under this section, there are authorized to be appropriated such sums as may be necessary for fiscal years 2011 through 2015.”

(b) CENTERS OF EXCELLENCE.—Part P of the Public Health Service Act (42 U.S.C. 280g et seq.) is amended by adding at the end the following:

“SEC. 399V-5. FOOD SAFETY INTEGRATED CENTERS OF EXCELLENCE.

“(a) IN GENERAL.—Not later than 1 year after the date of enactment of the FDA Food Safety Modernization Act, the Secretary, acting through the Director of the Centers for Disease Control and Prevention and in consultation with the working group described in subsection (b)(2), shall designate 5 Integrated Food Safety Centers of Excel-

lence (referred to in this section as the ‘Centers of Excellence’) to serve as resources for Federal, State, and local public health professionals to respond to foodborne illness outbreaks. The Centers of Excellence shall be headquartered at selected State health departments.

“(b) SELECTION OF CENTERS OF EXCELLENCE.—

“(1) ELIGIBLE ENTITIES.—To be eligible to be designated as a Center of Excellence under subsection (a), an entity shall—

“(A) be a State health department;

“(B) partner with 1 or more institutions of higher education that have demonstrated knowledge, expertise, and meaningful experience with regional or national food production, processing, and distribution, as well as leadership in the laboratory, epidemiological, and environmental detection and investigation of foodborne illness; and

“(C) provide to the Secretary such information, at such time, and in such manner, as the Secretary may require.

“(2) WORKING GROUP.—Not later than 180 days after the date of enactment of the FDA Food Safety Modernization Act, the Secretary shall establish a diverse working group of experts and stakeholders from Federal, State, and local food safety and health agencies, the food industry, including food retailers and food manufacturers, consumer organizations, and academia to make recommendations to the Secretary regarding designations of the Centers of Excellence.

“(3) ADDITIONAL CENTERS OF EXCELLENCE.—The Secretary may designate eligible entities to be regional Food Safety Centers of Excellence, in addition to the 5 Centers designated under subsection (a).

“(c) ACTIVITIES.—Under the leadership of the Director of the Centers for Disease Control and Prevention, each Center of Excellence shall be based out of a selected State health department, which shall provide assistance to other regional, State, and local departments of health through activities that include—

“(1) providing resources, including timely information concerning symptoms and tests, for frontline health professionals interviewing individuals as part of routine surveillance and outbreak investigations;

“(2) providing analysis of the timeliness and effectiveness of foodborne disease surveillance and outbreak response activities;

“(3) providing training for epidemiological and environmental investigation of foodborne illness, including suggestions for streamlining and standardizing the investigation process;

“(4) establishing fellowships, stipends, and scholarships to train future epidemiological and food-safety leaders and to address critical workforce shortages;

“(5) training and coordinating State and local personnel;

“(6) strengthening capacity to participate in existing or new foodborne illness surveillance and environmental assessment information systems; and

“(7) conducting research and outreach activities focused on increasing prevention, communication, and education regarding food safety.

“(d) REPORT TO CONGRESS.—Not later than 2 years after the date of enactment of the FDA Food Safety Modernization Act, the Secretary shall submit to Congress a report that—

“(1) describes the effectiveness of the Centers of Excellence; and

“(2) provides legislative recommendations or describes additional resources required by the Centers of Excellence.

“(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as may be necessary to carry out this section.

“(f) NO DUPLICATION OF EFFORT.—In carrying out activities of the Centers of Excellence or other programs under this section, the Secretary shall not duplicate other Federal foodborne illness response efforts.”.

SEC. 211. IMPROVING THE REPORTABLE FOOD REGISTRY.

(a) IN GENERAL.—Section 417 (21 U.S.C. 350f) is amended—

(1) by redesignating subsections (f) through (k) as subsections (i) through (n), respectively; and

(2) by inserting after subsection (e) the following:

“(f) CRITICAL INFORMATION.—Except with respect to fruits and vegetables that are raw agricultural commodities, not more than 18 months after the date of enactment of the FDA Food Safety Modernization Act, the Secretary may require a responsible party to submit to the Secretary consumer-oriented information regarding a reportable food, which shall include—

“(1) a description of the article of food as provided in subsection (e)(3);

“(2) as provided in subsection (e)(7), affected product identification codes, such as UPC, SKU, or lot or batch numbers sufficient for the consumer to identify the article of food;

“(3) contact information for the responsible party as provided in subsection (e)(8); and

“(4) any other information the Secretary determines is necessary to enable a consumer to accurately identify whether such consumer is in possession of the reportable food.

“(g) GROCERY STORE NOTIFICATION.—

“(1) ACTION BY SECRETARY.—The Secretary shall—

“(A) prepare the critical information described under subsection (f) for a reportable food as a standardized one-page summary;

“(B) publish such one-page summary on the Internet website of the Food and Drug Administration in a format that can be easily printed by a grocery store for purposes of consumer notification.

“(2) ACTION BY GROCERY STORE.—A notification described under paragraph (1)(B) shall include the date and time such summary was posted on the Internet website of the Food and Drug Administration.

“(h) CONSUMER NOTIFICATION.—

“(1) IN GENERAL.—If a grocery store sold a reportable food that is the subject of the posting and such establishment is part of chain of establishments with 15 or more physical locations, then such establishment shall, not later than 24 hours after a one page summary described in subsection (g) is published, prominently display such summary or the information from such summary via at least one of the methods identified under paragraph (2) and maintain the display for 14 days.

“(2) LIST OF CONSPICUOUS LOCATIONS.—Not more than 1 year after the date of enactment of the FDA Food Safety Modernization Act, the Secretary shall develop and publish a list of acceptable conspicuous locations and manners, from which grocery stores shall select at least one, for providing the notification required in paragraph (1). Such list shall include—

“(A) posting the notification at or near the register;

“(B) providing the location of the reportable food;

“(C) providing targeted recall information given to customers upon purchase of a food; and

“(D) other such prominent and conspicuous locations and manners utilized by grocery stores as of the date of the enactment of the FDA Food Safety Modernization Act to provide notice of such recalls to consumers as considered appropriate by the Secretary.”.

(b) PROHIBITED ACT.—Section 301 (21 U.S.C. 331), as amended by section 206, is amended by adding at the end the following:

“(yy) The knowing and willful failure to comply with the notification requirement under section 417(h).”.

(c) CONFORMING AMENDMENT.—Section 301(e) (21 U.S.C. 331(e)) is amended by striking “417(g)” and inserting “417(j)”.

TITLE III—IMPROVING THE SAFETY OF IMPORTED FOOD

SEC. 301. FOREIGN SUPPLIER VERIFICATION PROGRAM.

(a) IN GENERAL.—Chapter VIII (21 U.S.C. 381 et seq.) is amended by adding at the end the following:

“SEC. 805. FOREIGN SUPPLIER VERIFICATION PROGRAM.

“(a) IN GENERAL.—

“(1) VERIFICATION REQUIREMENT.—Except as provided under subsections (e) and (f), each importer shall perform risk-based foreign supplier verification activities for the purpose of verifying that the food imported by the importer or agent of an importer is—

“(A) produced in compliance with the requirements of section 418 or section 419, as appropriate; and

“(B) is not adulterated under section 402 or misbranded under section 403(w).

“(2) IMPORTER DEFINED.—For purposes of this section, the term ‘importer’ means, with respect to an article of food—

“(A) the United States owner or consignee of the article of food at the time of entry of such article into the United States; or

“(B) in the case when there is no United States owner or consignee as described in subparagraph (A), the United States agent or representative of a foreign owner or consignee of the article of food at the time of entry of such article into the United States.

“(b) GUIDANCE.—Not later than 1 year after the date of enactment of the FDA Food Safety Modernization Act, the Secretary shall issue guidance to assist importers in developing foreign supplier verification programs.

“(c) REGULATIONS.—

“(1) IN GENERAL.—Not later than 1 year after the date of enactment of the FDA Food Safety Modernization Act, the Secretary shall promulgate regulations to provide for the content of the foreign supplier verification program established under subsection (a).

“(2) REQUIREMENTS.—The regulations promulgated under paragraph (1)—

“(A) shall require that the foreign supplier verification program of each importer be adequate to provide assurances that each foreign supplier to the importer produces the imported food in compliance with—

“(i) processes and procedures, including reasonably appropriate risk-based preventive controls, that provide the same level of public health protection as those required under section 418 or section 419 (taking into consideration variances granted under section 419), as appropriate; and

“(ii) section 402 and section 403(w).

“(B) shall include such other requirements as the Secretary deems necessary and appropriate to verify that food imported into the United States is as safe as food produced and sold within the United States.

“(3) CONSIDERATIONS.—In promulgating regulations under this subsection, the Secretary shall, as appropriate, take into account differences among importers and types of imported foods, including based on the level of risk posed by the imported food.

“(4) ACTIVITIES.—Verification activities under a foreign supplier verification program under this section may include monitoring records for shipments, lot-by-lot certification of compliance, annual on-site inspections, checking the hazard analysis and risk-based preventive control plan of the foreign supplier, and periodically testing and sampling shipments.

“(d) RECORD MAINTENANCE AND ACCESS.—Records of an importer related to a foreign supplier verification program shall be maintained for a period of not less than 2 years and shall be made available promptly to a duly authorized representative of the Secretary upon request.

“(e) EXEMPTION OF SEAFOOD, JUICE, AND LOW-ACID CANNED FOOD FACILITIES IN COMPLIANCE WITH HACCP.—This section shall not apply to a facility if the owner, operator, or agent in charge of such facility is required to comply with, and is in compliance with, 1 of the following standards and regulations with respect to such facility:

“(1) The Seafood Hazard Analysis Critical Control Points Program of the Food and Drug Administration.

“(2) The Juice Hazard Analysis Critical Control Points Program of the Food and Drug Administration.

“(3) The Thermally Processed Low-Acid Foods Packaged in Hermetically Sealed Containers standards of the Food and Drug Administration (or any successor standards). The exemption under paragraph (3) shall apply only with respect to microbiological hazards that are regulated under the standards for Thermally Processed Low-Acid Foods Packaged in Hermetically Sealed Containers under part 113 of chapter 21, Code of Federal Regulations (or any successor regulations).

“(f) ADDITIONAL EXEMPTIONS.—The Secretary, by notice published in the Federal Register, shall establish an exemption from the requirements of this section for articles of food imported in small quantities for research and evaluation purposes or for personal consumption, provided that such foods are not intended for retail sale and are not sold or distributed to the public.

“(g) PUBLICATION OF LIST OF PARTICIPANTS.—The Secretary shall publish and maintain on the Internet Web site of the Food and Drug Administration a current list that includes the name of, location of, and other information deemed necessary by the Secretary about, importers participating under this section.”.

(b) PROHIBITED ACT.—Section 301 (21 U.S.C. 331), as amended by section 211, is amended by adding at the end the following:

“(zz) The importation or offering for importation of a food if the importer (as defined in section 805) does not have in place a foreign supplier verification program in compliance with such section 805.”.

(c) IMPORTS.—Section 801(a) (21 U.S.C. 381(a)) is amended by adding “or the importer (as defined in section 805) is in violation of such section 805” after “or in violation of section 505”.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect 2 years after the date of enactment of this Act.

SEC. 302. VOLUNTARY QUALIFIED IMPORTER PROGRAM.

Chapter VIII (21 U.S.C. 381 et seq.), as amended by section 301, is amended by adding at the end the following:

“SEC. 806. VOLUNTARY QUALIFIED IMPORTER PROGRAM.

“(a) IN GENERAL.—Beginning not later than 18 months after the date of enactment of the FDA Food Safety Modernization Act, the Secretary shall—

“(1) establish a program, in consultation with the Secretary of Homeland Security—

“(A) to provide for the expedited review and importation of food offered for importation by importers who have voluntarily agreed to participate in such program; and

“(B) consistent with section 808, establish a process for the issuance of a facility certification to accompany food offered for importation by importers who have voluntarily agreed to participate in such program; and

“(2) issue a guidance document related to participation in, revocation of such participation in, reinstatement in, and compliance with, such program.

“(b) VOLUNTARY PARTICIPATION.—An importer may request the Secretary to provide for the expedited review and importation of designated foods in accordance with the program established by the Secretary under subsection (a).

“(c) NOTICE OF INTENT TO PARTICIPATE.—An importer that intends to participate in the program under this section in a fiscal year shall submit a notice and application to the Secretary of such intent at the time and in a manner established by the Secretary.

“(d) ELIGIBILITY.—Eligibility shall be limited to an importer offering food for importation from a facility that has a certification described in subsection (a). In reviewing the applications and making determinations on such applications, the Secretary shall consider the risk of the food to be imported based on factors, such as the following:

“(1) The known safety risks of the food to be imported.

“(2) The compliance history of foreign suppliers used by the importer, as appropriate.

“(3) The capability of the regulatory system of the country of export to ensure compliance with United States food safety standards for a designated food.

“(4) The compliance of the importer with the requirements of section 805.

“(5) The recordkeeping, testing, inspections and audits of facilities, traceability of articles of food, temperature controls, and sourcing practices of the importer.

“(6) The potential risk for intentional adulteration of the food.

“(7) Any other factor that the Secretary determines appropriate.

“(e) REVIEW AND REVOCATION.—Any importer qualified by the Secretary in accordance with the eligibility criteria set forth in this section shall be reevaluated not less often than once every 3 years and the Secretary shall promptly revoke the qualified importer status of any importer found not to be in compliance with such criteria.

“(f) FALSE STATEMENTS.—Any statement or representation made by an importer to the Secretary shall be subject to section 1001 of title 18, United States Code.

“(g) DEFINITION.—For purposes of this section, the term ‘importer’ means the person that brings food, or causes food to be brought, from a foreign country into the customs territory of the United States.”.

SEC. 303. AUTHORITY TO REQUIRE IMPORT CERTIFICATIONS FOR FOOD.

(a) IN GENERAL.—Section 801(a) (21 U.S.C. 381(a)) is amended by inserting after the third sentence the following: “With respect to an article of food, if importation of such food is subject to, but not compliant with, the requirement under subsection (q) that

such food be accompanied by a certification or other assurance that the food meets applicable requirements of this Act, then such article shall be refused admission.”.

(b) ADDITION OF CERTIFICATION REQUIREMENT.—Section 801 (21 U.S.C. 381) is amended by adding at the end the following new subsection:

“(q) CERTIFICATIONS CONCERNING IMPORTED FOODS.—

“(1) IN GENERAL.—The Secretary may require, as a condition of granting admission to an article of food imported or offered for import into the United States, that an entity described in paragraph (3) provide a certification, or such other assurances as the Secretary determines appropriate, that the article of food complies with applicable requirements of this Act. Such certification or assurances may be provided in the form of shipment-specific certificates, a listing of certified facilities that manufacture, process, pack, or hold such food, or in such other form as the Secretary may specify.

“(2) FACTORS TO BE CONSIDERED IN REQUIRING CERTIFICATION.—The Secretary shall base the determination that an article of food is required to have a certification described in paragraph (1) on the risk of the food, including—

“(A) known safety risks associated with the food;

“(B) known food safety risks associated with the country, territory, or region of origin of the food;

“(C) a finding by the Secretary, supported by scientific, risk-based evidence, that—

“(i) the food safety programs, systems, and standards in the country, territory, or region of origin of the food are inadequate to ensure that the article of food is as safe as a similar article of food that is manufactured, processed, packed, or held in the United States in accordance with the requirements of this Act; and

“(ii) the certification would assist the Secretary in determining whether to refuse or admit the article of food under subsection (a); and

“(D) information submitted to the Secretary in accordance with the process established in paragraph (7).

“(3) CERTIFYING ENTITIES.—For purposes of paragraph (1), entities that shall provide the certification or assurances described in such paragraph are—

“(A) an agency or a representative of the government of the country from which the article of food at issue originated, as designated by the Secretary; or

“(B) such other persons or entities accredited pursuant to section 808 to provide such certification or assurance.

“(4) RENEWAL AND REFUSAL OF CERTIFICATIONS.—The Secretary may—

“(A) require that any certification or other assurance provided by an entity specified in paragraph (2) be renewed by such entity at such times as the Secretary determines appropriate; and

“(B) refuse to accept any certification or assurance if the Secretary determines that such certification or assurance is not valid or reliable.

“(5) ELECTRONIC SUBMISSION.—The Secretary shall provide for the electronic submission of certifications under this subsection.

“(6) FALSE STATEMENTS.—Any statement or representation made by an entity described in paragraph (2) to the Secretary shall be subject to section 1001 of title 18, United States Code.

“(7) ASSESSMENT OF FOOD SAFETY PROGRAMS, SYSTEMS, AND STANDARDS.—If the

Secretary determines that the food safety programs, systems, and standards in a foreign region, country, or territory are inadequate to ensure that an article of food is as safe as a similar article of food that is manufactured, processed, packed, or held in the United States in accordance with the requirements of this Act, the Secretary shall, to the extent practicable, identify such inadequacies and establish a process by which the foreign region, country, or territory may inform the Secretary of improvements made to such food safety program, system, or standard and demonstrate that those controls are adequate to ensure that an article of food is as safe as a similar article of food that is manufactured, processed, packed, or held in the United States in accordance with the requirements of this Act.”.

(c) CONFORMING TECHNICAL AMENDMENT.—Section 801(b) (21 U.S.C. 381(b)) is amended in the second sentence by striking “with respect to an article included within the provision of the fourth sentence of subsection (a)” and inserting “with respect to an article described in subsection (a) relating to the requirements of sections 760 or 761.”.

(d) NO LIMIT ON AUTHORITY.—Nothing in the amendments made by this section shall limit the authority of the Secretary to conduct inspections of imported food or to take such other steps as the Secretary deems appropriate to determine the admissibility of imported food.

SEC. 304. PRIOR NOTICE OF IMPORTED FOOD SHIPMENTS.

(a) IN GENERAL.—Section 801(m)(1) (21 U.S.C. 381(m)(1)) is amended by inserting “any country to which the article has been refused entry;” after “the country from which the article is shipped;”.

(b) REGULATIONS.—Not later than 120 days after the date of enactment of this Act, the Secretary shall issue an interim final rule amending subpart I of part 1 of title 21, Code of Federal Regulations, to implement the amendment made by this section.

(c) EFFECTIVE DATE.—The amendment made by this section shall take effect 180 days after the date of enactment of this Act.

SEC. 305. BUILDING CAPACITY OF FOREIGN GOVERNMENTS WITH RESPECT TO FOOD SAFETY.

(a) IN GENERAL.—The Secretary shall, not later than 2 years of the date of enactment of this Act, develop a comprehensive plan to expand the technical, scientific, and regulatory food safety capacity of foreign governments, and their respective food industries, from which foods are exported to the United States.

(b) CONSULTATION.—In developing the plan under subsection (a), the Secretary shall consult with the Secretary of Agriculture, Secretary of State, Secretary of the Treasury, the Secretary of Homeland Security, the United States Trade Representative, and the Secretary of Commerce, representatives of the food industry, appropriate foreign government officials, nongovernmental organizations that represent the interests of consumers, and other stakeholders.

(c) PLAN.—The plan developed under subsection (a) shall include, as appropriate, the following:

(1) Recommendations for bilateral and multilateral arrangements and agreements, including provisions to provide for responsibility of exporting countries to ensure the safety of food.

(2) Provisions for secure electronic data sharing.

(3) Provisions for mutual recognition of inspection reports.

(4) Training of foreign governments and food producers on United States requirements for safe food.

(5) Recommendations on whether and how to harmonize requirements under the Codex Alimentarius.

(6) Provisions for the multilateral acceptance of laboratory methods and testing and detection techniques.

(d) **RULE OF CONSTRUCTION.**—Nothing in this section shall be construed to affect the regulation of dietary supplements under the Dietary Supplement Health and Education Act of 1994 (Public Law 103-417).

SEC. 306. INSPECTION OF FOREIGN FOOD FACILITIES.

(a) **IN GENERAL.**—Chapter VIII (21 U.S.C. 381 et seq.), as amended by section 302, is amended by inserting at the end the following:

“SEC. 807. INSPECTION OF FOREIGN FOOD FACILITIES.

“(a) **INSPECTION.**—The Secretary—

“(1) may enter into arrangements and agreements with foreign governments to facilitate the inspection of foreign facilities registered under section 415; and

“(2) shall direct resources to inspections of foreign facilities, suppliers, and food types, especially such facilities, suppliers, and food types that present a high risk (as identified by the Secretary), to help ensure the safety and security of the food supply of the United States.

“(b) **EFFECT OF INABILITY TO INSPECT.**—Notwithstanding any other provision of law, food shall be refused admission into the United States if it is from a foreign factory, warehouse, or other establishment of which the owner, operator, or agent in charge, or the government of the foreign country, refuses to permit entry of United States inspectors or other individuals duly designated by the Secretary, upon request, to inspect such factory, warehouse, or other establishment. For purposes of this subsection, such an owner, operator, or agent in charge shall be considered to have refused an inspection if such owner, operator, or agent in charge does not permit an inspection of a factory, warehouse, or other establishment during the 24-hour period after such request is submitted, or after such other time period, as agreed upon by the Secretary and the foreign factory, warehouse, or other establishment.”.

(b) **INSPECTION BY THE SECRETARY OF COMMERCE.**—

(1) **IN GENERAL.**—The Secretary of Commerce, in coordination with the Secretary of Health and Human Services, may send 1 or more inspectors to a country or facility of an exporter from which seafood imported into the United States originates. The inspectors shall assess practices and processes used in connection with the farming, cultivation, harvesting, preparation for market, or transportation of such seafood and may provide technical assistance related to such activities.

(2) **INSPECTION REPORT.**—

(A) **IN GENERAL.**—The Secretary of Health and Human Services, in coordination with the Secretary of Commerce, shall—

(i) prepare an inspection report for each inspection conducted under paragraph (1);

(ii) provide the report to the country or exporter that is the subject of the report; and

(iii) provide a 30-day period during which the country or exporter may provide a rebuttal or other comments on the findings of the report to the Secretary of Health and Human Services.

(B) **DISTRIBUTION AND USE OF REPORT.**—The Secretary of Health and Human Services

shall consider the inspection reports described in subparagraph (A) in distributing inspection resources under section 421 of the Federal Food, Drug, and Cosmetic Act, as added by section 201.

SEC. 307. ACCREDITATION OF THIRD-PARTY AUDITORS.

Chapter VIII (21 U.S.C. 381 et seq.), as amended by section 306, is amended by adding at the end the following:

“SEC. 808. ACCREDITATION OF THIRD-PARTY AUDITORS.

“(a) **DEFINITIONS.**—In this section:

“(1) **AUDIT AGENT.**—The term ‘audit agent’ means an individual who is an employee or agent of an accredited third-party auditor and, although not individually accredited, is qualified to conduct food safety audits on behalf of an accredited third-party auditor.

“(2) **ACCREDITATION BODY.**—The term ‘accreditation body’ means an authority that performs accreditation of third-party auditors.

“(3) **THIRD-PARTY AUDITOR.**—The term ‘third-party auditor’ means a foreign government, agency of a foreign government, foreign cooperative, or any other third party, as the Secretary determines appropriate in accordance with the model standards described in subsection (b)(2), that is eligible to be considered for accreditation to conduct food safety audits to certify that eligible entities meet the applicable requirements of this section. A third-party auditor may be a single individual. A third-party auditor may employ or use audit agents to help conduct consultative and regulatory audits.

“(4) **ACCREDITED THIRD-PARTY AUDITOR.**—The term ‘accredited third-party auditor’ means a third-party auditor accredited by an accreditation body to conduct audits of eligible entities to certify that such eligible entities meet the applicable requirements of this section. An accredited third-party auditor may be an individual who conducts food safety audits to certify that eligible entities meet the applicable requirements of this section.

“(5) **CONSULTATIVE AUDIT.**—The term ‘consultative audit’ means an audit of an eligible entity—

“(A) to determine whether such entity is in compliance with the provisions of this Act and with applicable industry standards and practices; and

“(B) the results of which are for internal purposes only.

“(6) **ELIGIBLE ENTITY.**—The term ‘eligible entity’ means a foreign entity, including a foreign facility registered under section 415, in the food import supply chain that chooses to be audited by an accredited third-party auditor or the audit agent of such accredited third-party auditor.

“(7) **REGULATORY AUDIT.**—The term ‘regulatory audit’ means an audit of an eligible entity—

“(A) to determine whether such entity is in compliance with the provisions of this Act; and

“(B) the results of which determine—

“(i) whether an article of food manufactured, processed, packed, or held by such entity is eligible to receive a food certification under section 801(q); or

“(ii) whether a facility is eligible to receive a facility certification under section 806(a) for purposes of participating in the program under section 806.

“(b) **ACCREDITATION SYSTEM.**—

“(1) **ACCREDITATION BODIES.**—

“(A) **RECOGNITION OF ACCREDITATION BODIES.**—

“(i) **IN GENERAL.**—Not later than 2 years after the date of enactment of the FDA Food

Safety Modernization Act, the Secretary shall establish a system for the recognition of accreditation bodies that accredit third-party auditors to certify that eligible entities meet the applicable requirements of this section.

“(ii) **DIRECT ACCREDITATION.**—If, by the date that is 2 years after the date of establishment of the system described in clause (i), the Secretary has not identified and recognized an accreditation body to meet the requirements of this section, the Secretary may directly accredit third-party auditors.

“(B) **NOTIFICATION.**—Each accreditation body recognized by the Secretary shall submit to the Secretary a list of all accredited third-party auditors accredited by such body and the audit agents of such auditors.

“(C) **REVOCAION OF RECOGNITION AS AN ACCREDITATION BODY.**—The Secretary shall promptly revoke the recognition of any accreditation body found not to be in compliance with the requirements of this section.

“(D) **REINSTATEMENT.**—The Secretary shall establish procedures to reinstate recognition of an accreditation body if the Secretary determines, based on evidence presented by such accreditation body, that revocation was inappropriate or that the body meets the requirements for recognition under this section.

“(2) **MODEL ACCREDITATION STANDARDS.**—Not later than 18 months after the date of enactment of the FDA Food Safety Modernization Act, the Secretary shall develop model standards, including requirements for regulatory audit reports, and each recognized accreditation body shall ensure that third-party auditors and audit agents of such auditors meet such standards in order to qualify such third-party auditors as accredited third-party auditors under this section. In developing the model standards, the Secretary shall look to standards in place on the date of the enactment of this section for guidance, to avoid unnecessary duplication of efforts and costs.

“(c) **THIRD-PARTY AUDITORS.**—

“(1) **REQUIREMENTS FOR ACCREDITATION AS A THIRD-PARTY AUDITOR.**—

“(A) **FOREIGN GOVERNMENTS.**—Prior to accrediting a foreign government or an agency of a foreign government as an accredited third-party auditor, the accreditation body (or, in the case of direct accreditation under subsection (b)(1)(A)(ii), the Secretary) shall perform such reviews and audits of food safety programs, systems, and standards of the government or agency of the government as the Secretary deems necessary, including requirements under the model standards developed under subsection (b)(2), to determine that the foreign government or agency of the foreign government is capable of adequately ensuring that eligible entities or foods certified by such government or agency meet the requirements of this Act with respect to food manufactured, processed, packed, or held for import into the United States.

“(B) **FOREIGN COOPERATIVES AND OTHER THIRD PARTIES.**—Prior to accrediting a foreign cooperative that aggregates the products of growers or processors, or any other third party to be an accredited third-party auditor, the accreditation body (or, in the case of direct accreditation under subsection (b)(1)(A)(ii), the Secretary) shall perform such reviews and audits of the training and qualifications of audit agents used by that cooperative or party and conduct such reviews of internal systems and such other investigation of the cooperative or party as the Secretary deems necessary, including requirements under the model standards developed under subsection (b)(2), to determine

that each eligible entity certified by the cooperative or party has systems and standards in use to ensure that such entity or food meets the requirements of this Act.

“(2) REQUIREMENT TO ISSUE CERTIFICATION OF ELIGIBLE ENTITIES OR FOODS.—

“(A) IN GENERAL.—An accreditation body (or, in the case of direct accreditation under subsection (b)(1)(A)(ii), the Secretary) may not accredit a third-party auditor unless such third-party auditor agrees to issue a written and, as appropriate, electronic food certification, described in section 801(q), or facility certification under section 806(a), as appropriate, to accompany each food shipment for import into the United States from an eligible entity, subject to requirements set forth by the Secretary. Such written or electronic certification may be included with other documentation regarding such food shipment. The Secretary shall consider certifications under section 801(q) and participation in the voluntary qualified importer program described in section 806 when targeting inspection resources under section 421.

“(B) PURPOSE OF CERTIFICATION.—The Secretary shall use certification provided by accredited third-party auditors to—

“(i) determine, in conjunction with any other assurances the Secretary may require under section 801(q), whether a food satisfies the requirements of such section; and

“(ii) determine whether a facility is eligible to be a facility from which food may be offered for import under the voluntary qualified importer program under section 806.

“(C) REQUIREMENTS FOR ISSUING CERTIFICATION.—

“(i) IN GENERAL.—An accredited third-party auditor shall issue a food certification under section 801(q) or a facility certification described under subparagraph (B) only after conducting a regulatory audit and such other activities that may be necessary to establish compliance with the requirements of such sections.

“(ii) PROVISION OF CERTIFICATION.—Only an accredited third-party auditor or the Secretary may provide a facility certification under section 806(a). Only those parties described in 801(q)(3) or the Secretary may provide a food certification under 301(g).

“(3) AUDIT REPORT SUBMISSION REQUIREMENTS.—

“(A) REQUIREMENTS IN GENERAL.—As a condition of accreditation, not later than 45 days after conducting an audit, an accredited third-party auditor or audit agent of such auditor shall prepare, and, in the case of a regulatory audit, submit, the audit report for each audit conducted, in a form and manner designated by the Secretary, which shall include—

“(i) the identity of the persons at the audited eligible entity responsible for compliance with food safety requirements;

“(ii) the dates of the audit;

“(iii) the scope of the audit; and

“(iv) any other information required by the Secretary that relates to or may influence an assessment of compliance with this Act.

“(B) RECORDS.—Following any accreditation of a third-party auditor, the Secretary may, at any time, require the accredited third-party auditor to submit to the Secretary an onsite audit report and such other reports or documents required as part of the audit process, for any eligible entity certified by the third-party auditor or audit agent of such auditor. Such report may include documentation that the eligible entity is in compliance with any applicable registration requirements.

“(C) LIMITATION.—The requirement under subparagraph (B) shall not include any report or other documents resulting from a consultative audit by the accredited third-party auditor, except that the Secretary may access the results of a consultative audit in accordance with section 414.

“(4) REQUIREMENTS OF ACCREDITED THIRD-PARTY AUDITORS AND AUDIT AGENTS OF SUCH AUDITORS.—

“(A) RISKS TO PUBLIC HEALTH.—If, at any time during an audit, an accredited third-party auditor or audit agent of such auditor discovers a condition that could cause or contribute to a serious risk to the public health, such auditor shall immediately notify the Secretary of—

“(i) the identification of the eligible entity subject to the audit; and

“(ii) such condition.

“(B) TYPES OF AUDITS.—An accredited third-party auditor or audit agent of such auditor may perform consultative and regulatory audits of eligible entities.

“(C) LIMITATIONS.—

“(i) IN GENERAL.—An accredited third-party auditor may not perform a regulatory audit of an eligible entity if such agent has performed a consultative audit or a regulatory audit of such eligible entity during the previous 13-month period.

“(ii) WAIVER.—The Secretary may waive the application of clause (i) if the Secretary determines that there is insufficient access to accredited third-party auditors in a country or region.

“(5) CONFLICTS OF INTEREST.—

“(A) THIRD-PARTY AUDITORS.—An accredited third-party auditor shall—

“(i) not be owned, managed, or controlled by any person that owns or operates an eligible entity to be certified by such auditor;

“(ii) in carrying out audits of eligible entities under this section, have procedures to ensure against the use of any officer or employee of such auditor that has a financial conflict of interest regarding an eligible entity to be certified by such auditor; and

“(iii) annually make available to the Secretary disclosures of the extent to which such auditor and the officers and employees of such auditor have maintained compliance with clauses (i) and (ii) relating to financial conflicts of interest.

“(B) AUDIT AGENTS.—An audit agent shall—

“(i) not own or operate an eligible entity to be audited by such agent;

“(ii) in carrying out audits of eligible entities under this section, have procedures to ensure that such agent does not have a financial conflict of interest regarding an eligible entity to be audited by such agent; and

“(iii) annually make available to the Secretary disclosures of the extent to which such agent has maintained compliance with clauses (i) and (ii) relating to financial conflicts of interest.

“(C) REGULATIONS.—The Secretary shall promulgate regulations not later than 18 months after the date of enactment of the FDA Food Safety Modernization Act to implement this section and to ensure that there are protections against conflicts of interest between an accredited third-party auditor and the eligible entity to be certified by such auditor or audited by such audit agent. Such regulations shall include—

“(i) requiring that audits performed under this section be unannounced;

“(ii) a structure to decrease the potential for conflicts of interest, including timing and public disclosure, for fees paid by eligible entities to accredited third-party auditors; and

“(iii) appropriate limits on financial affiliations between an accredited third-party auditor or audit agents of such auditor and any person that owns or operates an eligible entity to be certified by such auditor, as described in subparagraphs (A) and (B).

“(6) WITHDRAWAL OF ACCREDITATION.—

“(A) IN GENERAL.—The Secretary shall withdraw accreditation from an accredited third-party auditor—

“(i) if food certified under section 801(q) or from a facility certified under paragraph (2)(B) by such third-party auditor is linked to an outbreak of foodborne illness that has a reasonable probability of causing serious adverse health consequences or death in humans or animals;

“(ii) following an evaluation and finding by the Secretary that the third-party auditor no longer meets the requirements for accreditation; or

“(iii) following a refusal to allow United States officials to conduct such audits and investigations as may be necessary to ensure continued compliance with the requirements set forth in this section.

“(B) ADDITIONAL BASIS FOR WITHDRAWAL OF ACCREDITATION.—The Secretary may withdraw accreditation from an accredited third-party auditor in the case that such third-party auditor is accredited by an accreditation body for which recognition as an accreditation body under subsection (b)(1)(C) is revoked, if the Secretary determines that there is good cause for the withdrawal.

“(C) EXCEPTION.—The Secretary may waive the application of subparagraph (A)(i) if the Secretary—

“(i) conducts an investigation of the material facts related to the outbreak of human or animal illness; and

“(ii) reviews the steps or actions taken by the third party auditor to justify the certification and determines that the accredited third-party auditor satisfied the requirements under section 801(q) of certifying the food, or the requirements under paragraph (2)(B) of certifying the entity.

“(7) REACCREDITATION.—The Secretary shall establish procedures to reinstate the accreditation of a third-party auditor for which accreditation has been withdrawn under paragraph (6)—

“(A) if the Secretary determines, based on evidence presented, that the third-party auditor satisfies the requirements of this section and adequate grounds for revocation no longer exist; and

“(B) in the case of a third-party auditor accredited by an accreditation body for which recognition as an accreditation body under subsection (b)(1)(C) is revoked—

“(i) if the third-party auditor becomes accredited not later than 1 year after revocation of accreditation under paragraph (6)(A), through direct accreditation under subsection (b)(1)(A)(ii) or by an accreditation body in good standing; or

“(ii) under such conditions as the Secretary may require for a third-party auditor under paragraph (6)(B).

“(8) NEUTRALIZING COSTS.—The Secretary shall establish by regulation a reimbursement (user fee) program, similar to the method described in section 203(h) of the Agriculture Marketing Act of 1946, by which the Secretary assesses fees and requires accredited third-party auditors and audit agents to reimburse the Food and Drug Administration for the work performed to establish and administer the accreditation system under this section. The Secretary shall make operating this program revenue-neutral and shall not generate surplus revenue

from such a reimbursement mechanism. Fees authorized under this paragraph shall be collected and available for obligation only to the extent and in the amount provided in advance in appropriation Acts. Such fees are authorized to remain available until expended.

“(d) **RECERTIFICATION OF ELIGIBLE ENTITIES.**—An eligible entity shall apply for annual recertification by an accredited third-party auditor if such entity—

“(1) intends to participate in voluntary qualified importer program under section 806; or

“(2) is required to provide to the Secretary a certification under section 801(q) for any food from such entity.

“(e) **FALSE STATEMENTS.**—Any statement or representation made—

“(1) by an employee or agent of an eligible entity to an accredited third-party auditor or audit agent; or

“(2) by an accredited third-party auditor to the Secretary,

shall be subject to section 1001 of title 18, United States Code.

“(f) **MONITORING.**—To ensure compliance with the requirements of this section, the Secretary shall—

“(1) periodically, or at least once every 4 years, reevaluate the accreditation bodies described in subsection (b)(1);

“(2) periodically, or at least once every 4 years, evaluate the performance of each accredited third-party auditor, through the review of regulatory audit reports by such auditors, the compliance history as available of eligible entities certified by such auditors, and any other measures deemed necessary by the Secretary;

“(3) at any time, conduct an onsite audit of any eligible entity certified by an accredited third-party auditor, with or without the auditor present; and

“(4) take any other measures deemed necessary by the Secretary.

“(g) **PUBLICLY AVAILABLE REGISTRY.**—The Secretary shall establish a publicly available registry of accreditation bodies and of accredited third-party auditors, including the name of, contact information for, and other information deemed necessary by the Secretary about such bodies and auditors.

“(h) **LIMITATIONS.**—

“(1) **NO EFFECT ON SECTION 704 INSPECTIONS.**—The audits performed under this section shall not be considered inspections under section 704.

“(2) **NO EFFECT ON INSPECTION AUTHORITY.**—Nothing in this section affects the authority of the Secretary to inspect any eligible entity pursuant to this Act.”

SEC. 308. FOREIGN OFFICES OF THE FOOD AND DRUG ADMINISTRATION.

(a) **IN GENERAL.**—The Secretary shall establish offices of the Food and Drug Administration in foreign countries selected by the Secretary, to provide assistance to the appropriate governmental entities of such countries with respect to measures to provide for the safety of articles of food and other products regulated by the Food and Drug Administration exported by such country to the United States, including by directly conducting risk-based inspections of such articles and supporting such inspections by such governmental entity.

(b) **CONSULTATION.**—In establishing the foreign offices described in subsection (a), the Secretary shall consult with the Secretary of State, the Secretary of Homeland Security, and the United States Trade Representative.

(c) **REPORT.**—Not later than October 1, 2011, the Secretary shall submit to Congress a re-

port on the basis for the selection by the Secretary of the foreign countries in which the Secretary established offices, the progress which such offices have made with respect to assisting the governments of such countries in providing for the safety of articles of food and other products regulated by the Food and Drug Administration exported to the United States, and the plans of the Secretary for establishing additional foreign offices of the Food and Drug Administration, as appropriate.

SEC. 309. SMUGGLED FOOD.

(a) **IN GENERAL.**—Not later than 180 days after the enactment of this Act, the Secretary shall, in coordination with the Secretary of Homeland Security, develop and implement a strategy to better identify smuggled food and prevent entry of such food into the United States.

(b) **NOTIFICATION TO HOMELAND SECURITY.**—Not later than 10 days after the Secretary identifies a smuggled food that the Secretary believes would cause serious adverse health consequences or death to humans or animals, the Secretary shall provide to the Secretary of Homeland Security a notification under section 417(n) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 350f(k)) describing the smuggled food and, if available, the names of the individuals or entities that attempted to import such food into the United States.

(c) **PUBLIC NOTIFICATION.**—If the Secretary—

(1) identifies a smuggled food;

(2) reasonably believes exposure to the food would cause serious adverse health consequences or death to humans or animals; and

(3) reasonably believes that the food has entered domestic commerce and is likely to be consumed,

the Secretary shall promptly issue a press release describing that food and shall use other emergency communication or recall networks, as appropriate, to warn consumers and vendors about the potential threat.

(d) **EFFECT OF SECTION.**—Nothing in this section shall affect the authority of the Secretary to issue public notifications under other circumstances.

(e) **DEFINITION.**—In this subsection, the term “smuggled food” means any food that a person introduces into the United States through fraudulent means or with the intent to defraud or mislead.

TITLE IV—MISCELLANEOUS PROVISIONS

SEC. 401. FUNDING FOR FOOD SAFETY.

(a) **IN GENERAL.**—There are authorized to be appropriated to carry out the activities of the Center for Food Safety and Applied Nutrition, the Center for Veterinary Medicine, and related field activities in the Office of Regulatory Affairs of the Food and Drug Administration such sums as may be necessary for fiscal years 2011 through 2015.

(b) **INCREASED NUMBER OF FIELD STAFF.**—

(1) **IN GENERAL.**—To carry out the activities of the Center for Food Safety and Applied Nutrition, the Center for Veterinary Medicine, and related field activities of the Office of Regulatory Affairs of the Food and Drug Administration, the Secretary of Health and Human Services shall increase the field staff of such Centers and Office with a goal of not fewer than—

(A) 4,000 staff members in fiscal year 2011;

(B) 4,200 staff members in fiscal year 2012;

(C) 4,600 staff members in fiscal year 2013; and

(D) 5,000 staff members in fiscal year 2014.

(2) **FIELD STAFF FOR FOOD DEFENSE.**—The goal under paragraph (1) shall include an in-

crease of 150 employees by fiscal year 2011 to—

(A) provide additional detection of and response to food defense threats; and

(B) detect, track, and remove smuggled food (as defined in section 309) from commerce.

SEC. 402. EMPLOYEE PROTECTIONS.

Chapter X of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 391 et seq.), as amended by section 209, is further amended by adding at the end the following:

“SEC. 1012. EMPLOYEE PROTECTIONS.

“(a) **IN GENERAL.**—No entity engaged in the manufacture, processing, packing, transporting, distribution, reception, holding, or importation of food may discharge an employee or otherwise discriminate against an employee with respect to compensation, terms, conditions, or privileges of employment because the employee, whether at the employee's initiative or in the ordinary course of the employee's duties (or any person acting pursuant to a request of the employee)—

“(1) provided, caused to be provided, or is about to provide or cause to be provided to the employer, the Federal Government, or the attorney general of a State information relating to any violation of, or any act or omission the employee reasonably believes to be a violation of any provision of this Act or any order, rule, regulation, standard, or ban under this Act, or any order, rule, regulation, standard, or ban under this Act;

“(2) testified or is about to testify in a proceeding concerning such violation;

“(3) assisted or participated or is about to assist or participate in such a proceeding; or

“(4) objected to, or refused to participate in, any activity, policy, practice, or assigned task that the employee (or other such person) reasonably believed to be in violation of any provision of this Act, or any order, rule, regulation, standard, or ban under this Act.

“(b) **PROCESS.**—

“(1) **IN GENERAL.**—A person who believes that he or she has been discharged or otherwise discriminated against by any person in violation of subsection (a) may, not later than 180 days after the date on which such violation occurs, file (or have any person file on his or her behalf) a complaint with the Secretary of Labor (referred to in this section as the ‘Secretary’) alleging such discharge or discrimination and identifying the person responsible for such act. Upon receipt of such a complaint, the Secretary shall notify, in writing, the person named in the complaint of the filing of the complaint, of the allegations contained in the complaint, of the substance of evidence supporting the complaint, and of the opportunities that will be afforded to such person under paragraph (2).

“(2) **INVESTIGATION.**—

“(A) **IN GENERAL.**—Not later than 60 days after the date of receipt of a complaint filed under paragraph (1) and after affording the complainant and the person named in the complaint an opportunity to submit to the Secretary a written response to the complaint and an opportunity to meet with a representative of the Secretary to present statements from witnesses, the Secretary shall initiate an investigation and determine whether there is reasonable cause to believe that the complaint has merit and notify, in writing, the complainant and the person alleged to have committed a violation of subsection (a) of the Secretary's findings.

“(B) **REASONABLE CAUSE FOUND; PRELIMINARY ORDER.**—If the Secretary concludes that there is reasonable cause to believe that

a violation of subsection (a) has occurred, the Secretary shall accompany the Secretary's findings with a preliminary order providing the relief prescribed by paragraph (3)(B). Not later than 30 days after the date of notification of findings under this paragraph, the person alleged to have committed the violation or the complainant may file objections to the findings or preliminary order, or both, and request a hearing on the record. The filing of such objections shall not operate to stay any reinstatement remedy contained in the preliminary order. Any such hearing shall be conducted expeditiously. If a hearing is not requested in such 30-day period, the preliminary order shall be deemed a final order that is not subject to judicial review.

“(C) DISMISSAL OF COMPLAINT.—

“(i) STANDARD FOR COMPLAINANT.—The Secretary shall dismiss a complaint filed under this subsection and shall not conduct an investigation otherwise required under subparagraph (A) unless the complainant makes a prima facie showing that any behavior described in paragraphs (1) through (4) of subsection (a) was a contributing factor in the unfavorable personnel action alleged in the complaint.

“(ii) STANDARD FOR EMPLOYER.—Notwithstanding a finding by the Secretary that the complainant has made the showing required under clause (i), no investigation otherwise required under subparagraph (A) shall be conducted if the employer demonstrates, by clear and convincing evidence, that the employer would have taken the same unfavorable personnel action in the absence of that behavior.

“(iii) VIOLATION STANDARD.—The Secretary may determine that a violation of subsection (a) has occurred only if the complainant demonstrates that any behavior described in paragraphs (1) through (4) of subsection (a) was a contributing factor in the unfavorable personnel action alleged in the complaint.

“(iv) RELIEF STANDARD.—Relief may not be ordered under subparagraph (A) if the employer demonstrates by clear and convincing evidence that the employer would have taken the same unfavorable personnel action in the absence of that behavior.

“(3) FINAL ORDER.—

“(A) IN GENERAL.—Not later than 120 days after the date of conclusion of any hearing under paragraph (2), the Secretary shall issue a final order providing the relief prescribed by this paragraph or denying the complaint. At any time before issuance of a final order, a proceeding under this subsection may be terminated on the basis of a settlement agreement entered into by the Secretary, the complainant, and the person alleged to have committed the violation.

“(B) CONTENT OF ORDER.—If, in response to a complaint filed under paragraph (1), the Secretary determines that a violation of subsection (a) has occurred, the Secretary shall order the person who committed such violation—

“(i) to take affirmative action to abate the violation;

“(ii) to reinstate the complainant to his or her former position together with compensation (including back pay) and restore the terms, conditions, and privileges associated with his or her employment; and

“(iii) to provide compensatory damages to the complainant.

“(C) PENALTY.—If such an order is issued under this paragraph, the Secretary, at the request of the complainant, shall assess against the person against whom the order is issued a sum equal to the aggregate amount

of all costs and expenses (including attorneys' and expert witness fees) reasonably incurred, as determined by the Secretary, by the complainant for, or in connection with, the bringing of the complaint upon which the order was issued.

“(D) BAD FAITH CLAIM.—If the Secretary finds that a complaint under paragraph (1) is frivolous or has been brought in bad faith, the Secretary may award to the prevailing employer a reasonable attorneys' fee, not exceeding \$1,000, to be paid by the complainant.

“(4) ACTION IN COURT.—

“(A) IN GENERAL.—If the Secretary has not issued a final decision within 210 days after the filing of the complaint, or within 90 days after receiving a written determination, the complainant may bring an action at law or equity for de novo review in the appropriate district court of the United States with jurisdiction, which shall have jurisdiction over such an action without regard to the amount in controversy, and which action shall, at the request of either party to such action, be tried by the court with a jury. The proceedings shall be governed by the same legal burdens of proof specified in paragraph (2)(C).

“(B) RELIEF.—The court shall have jurisdiction to grant all relief necessary to make the employee whole, including injunctive relief and compensatory damages, including—

“(i) reinstatement with the same seniority status that the employee would have had, but for the discharge or discrimination;

“(ii) the amount of back pay, with interest; and

“(iii) compensation for any special damages sustained as a result of the discharge or discrimination, including litigation costs, expert witness fees, and reasonable attorney's fees.

“(5) REVIEW.—

“(A) IN GENERAL.—Unless the complainant brings an action under paragraph (4), any person adversely affected or aggrieved by a final order issued under paragraph (3) may obtain review of the order in the United States Court of Appeals for the circuit in which the violation, with respect to which the order was issued, allegedly occurred or the circuit in which the complainant resided on the date of such violation. The petition for review must be filed not later than 60 days after the date of the issuance of the final order of the Secretary. Review shall conform to chapter 7 of title 5, United States Code. The commencement of proceedings under this subparagraph shall not, unless ordered by the court, operate as a stay of the order.

“(B) NO JUDICIAL REVIEW.—An order of the Secretary with respect to which review could have been obtained under subparagraph (A) shall not be subject to judicial review in any criminal or other civil proceeding.

“(6) FAILURE TO COMPLY WITH ORDER.—Whenever any person has failed to comply with an order issued under paragraph (3), the Secretary may file a civil action in the United States district court for the district in which the violation was found to occur, or in the United States district court for the District of Columbia, to enforce such order. In actions brought under this paragraph, the district courts shall have jurisdiction to grant all appropriate relief including, but not limited to, injunctive relief and compensatory damages.

“(7) CIVIL ACTION TO REQUIRE COMPLIANCE.—

“(A) IN GENERAL.—A person on whose behalf an order was issued under paragraph (3) may commence a civil action against the person to whom such order was issued to re-

quire compliance with such order. The appropriate United States district court shall have jurisdiction, without regard to the amount in controversy or the citizenship of the parties, to enforce such order.

“(B) AWARD.—The court, in issuing any final order under this paragraph, may award costs of litigation (including reasonable attorneys' and expert witness fees) to any party whenever the court determines such award is appropriate.

“(c) EFFECT OF SECTION.—

“(1) OTHER LAWS.—Nothing in this section preempts or diminishes any other safeguards against discrimination, demotion, discharge, suspension, threats, harassment, reprimand, retaliation, or any other manner of discrimination provided by Federal or State law.

“(2) RIGHTS OF EMPLOYEES.—Nothing in this section shall be construed to diminish the rights, privileges, or remedies of any employee under any Federal or State law or under any collective bargaining agreement. The rights and remedies in this section may not be waived by any agreement, policy, form, or condition of employment.

“(d) ENFORCEMENT.—Any nondiscretionary duty imposed by this section shall be enforceable in a mandamus proceeding brought under section 1361 of title 28, United States Code.

“(e) LIMITATION.—Subsection (a) shall not apply with respect to an employee of an entity engaged in the manufacture, processing, packing, transporting, distribution, reception, holding, or importation of food who, acting without direction from such entity (or such entity's agent), deliberately causes a violation of any requirement relating to any violation or alleged violation of any order, rule, regulation, standard, or ban under this Act.”.

SEC. 403. JURISDICTION; AUTHORITIES.

Nothing in this Act, or an amendment made by this Act, shall be construed to—

(1) alter the jurisdiction between the Secretary of Agriculture and the Secretary of Health and Human Services, under applicable statutes, regulations, or agreements regarding voluntary inspection of non-amenable species under the Agricultural Marketing Act of 1946 (7 U.S.C. 1621 et seq.);

(2) alter the jurisdiction between the Alcohol and Tobacco Tax and Trade Bureau and the Secretary of Health and Human Services, under applicable statutes and regulations;

(3) limit the authority of the Secretary of Health and Human Services under—

(A) the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.) as in effect on the day before the date of enactment of this Act; or

(B) the Public Health Service Act (42 U.S.C. 301 et seq.) as in effect on the day before the date of enactment of this Act;

(4) alter or limit the authority of the Secretary of Agriculture under the laws administered by such Secretary, including—

(A) the Federal Meat Inspection Act (21 U.S.C. 601 et seq.);

(B) the Poultry Products Inspection Act (21 U.S.C. 451 et seq.);

(C) the Egg Products Inspection Act (21 U.S.C. 1031 et seq.);

(D) the United States Grain Standards Act (7 U.S.C. 71 et seq.);

(E) the Packers and Stockyards Act, 1921 (7 U.S.C. 181 et seq.);

(F) the United States Warehouse Act (7 U.S.C. 241 et seq.);

(G) the Agricultural Marketing Act of 1946 (7 U.S.C. 1621 et seq.); and

(H) the Agricultural Adjustment Act (7 U.S.C. 601 et seq.), reenacted with the

amendments made by the Agricultural Marketing Agreement Act of 1937; or

(5) alter, impede, or affect the authority of the Secretary of Homeland Security under the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) or any other statute, including any authority related to securing the borders of the United States, managing ports of entry, or agricultural import and entry inspection activities.

SEC. 404. COMPLIANCE WITH INTERNATIONAL AGREEMENTS.

Nothing in this Act (or an amendment made by this Act) shall be construed in a manner inconsistent with the agreement establishing the World Trade Organization or any other treaty or international agreement to which the United States is a party.

SEC. 405. DETERMINATION OF BUDGETARY EFFECTS.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go-Act of 2010, shall be determined by reference to the latest statement titled "Budgetary Effects of PAYGO Legislation" for this Act, submitted for printing in the Congressional Record by the Chairman of the Senate Budget Committee, provided that such statement has been submitted prior to the vote on passage.

NOTICES OF INTENT TO SUSPEND THE RULES

Mr. COBURN. Mr. President, I submit the following notice in writing: In accordance with rule V of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend rule XXII, for the purpose of proposing and considering amendment no. 4696 to S. 501, including germaneness requirements.

Mr. President, I submit the following notice in writing: In accordance with rule V of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend rule XXII, for the purpose of proposing and considering amendment no. 4697 to S. 510, including germaneness requirements.

Mr. JOHANNIS. Mr. President, in accordance with rule V of the Standing rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend rule XXII, including any germaneness requirements, for the purpose of proposing and considering amendment no. 4702 to S. 510 or any related substitute amendment to S. 510.

Mr. BAUCUS. Mr. President, I submit the following notice in writing: In accordance with rule V of the Standing rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend rule XXII, paragraph 2, for the purpose of proposing and considering the amendment no. 4713 to bill S. 510.

Mr. REID. Mr. President, I submit the following notice in writing: In accordance with rule V of the Standing rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend rule XXII, paragraph 2, for the purpose of proposing

and considering the following amendment: Amendment no. 4714 to S. 510.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. BURRIS. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on November 18, 2010, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. BURRIS. Mr. President I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on November 18, 2010, at 1 p.m., in room 215 of the Dirksen Senate Office Building, to conduct a hearing entitled "International Trade in the Digital Economy."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. BURRIS. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet, during the session of the Senate, to conduct a hearing entitled "The State of the American Child: Securing Our Children's Future" on November 18, 2010. The hearing will commence at 10:30 a.m. in room 430 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. BURRIS. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on November 18, 2010, at 3 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr. BURRIS. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on November 18, 2010, at 9:30 a.m. in room 628 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. BURRIS. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on November 18, 2010, at 10 a.m., in SD-226 of the Dirksen Senate Office Building, to conduct an executive business meeting.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP

Mr. BURRIS. Mr. President, I ask unanimous consent that the Com-

mittee on Small Business and Entrepreneurship be authorized to meet during the session of the Senate on November 18, 2010, at 10 a.m. to conduct a hearing entitled "Assessing the Regulatory and Administrative Burdens on America's Small Businesses."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON VETERANS' AFFAIRS

Mr. BURRIS. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to meet during the session of the Senate on November 18, 2010. The Committee will meet in room 418 of the Russell Senate Office Building beginning at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

AD HOC SUBCOMMITTEE ON CONTRACTING OVERSIGHT

Mr. BURRIS. Mr. President, I ask unanimous consent that the Ad Hoc Subcommittee on Contracting Oversight of the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on November 18, 2010, at 3:30 p.m. to conduct a hearing entitled, "Oversight of Reconstruction Contracts in Afghanistan and the Role of the Special Inspector General."

The PRESIDING OFFICER. Without objection, it is so ordered.

NEAR EASTERN AND SOUTH AND CENTRAL ASIAN AFFAIRS SUBCOMMITTEE

Mr. BURRIS. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on November 18, 2010, at 4:30 p.m., to hold a Near Eastern and South and Central Asian Affairs Subcommittee hearing entitled, "Jamming the IED Assembly Line: Impeding the flow of Ammonium Nitrate in South and Central Asia."

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON HUMAN RIGHTS AND THE LAW

Mr. BURRIS. Mr. President, I ask unanimous consent that the Committee on the Judiciary, Subcommittee on Human Rights and the Law, be authorized to meet during the session of the Senate, on November 18, 2010, at 2 p.m., in room SD-226 of the Dirksen Senate Office Building, to conduct a hearing entitled "Women's Rights Are Human Rights: U.S. Ratification of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)."

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. BURRIS. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on November 18, 2010 at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR
Mr. BURRIS. Mr. President, I ask unanimous consent that my chief of

staff, Brady King, and other members of my staff be granted floor privileges during my remarks.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

FOREIGN TRAVEL FINANCIAL REPORTS

In accordance with the appropriate provisions of law, the Secretary of the Senate herewith submits the following reports for standing committees of the Senate, certain joint committees of the Congress, delegations and groups, and select and special committees of the Senate, relating to expenses incurred in the performance of authorized foreign travel:

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22 U.S.C. 1754(b), COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY FOR TRAVEL FROM JULY 1 TO SEPT. 30, 2010

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Anne Hazlett:									
United States	Dollar				9,453.50				9,453.50
Kenya	Shilling		1,444.62						1,444.62
Uganda	Shilling		625.41						625.41
Stephanie Mercier:									
United States	Dollar				9,527.90				9,527.90
Kenya	Shilling		1,926.00						1,926.00
Uganda	Shilling		1,164.00						1,164.00
Total			5,160.03		18,981.40				24,141.43

SENATOR BLANCHE L. LINCOLN,
Chairman, Committee on Agriculture, Nutrition, and Forestry, Oct. 29, 2010.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22 U.S.C. 1754(b), COMMITTEE ON APPROPRIATIONS FOR TRAVEL FROM JULY 1 TO SEPT. 30, 2010

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Arlen Specter:									
Syria	Pound		80.25						80.25
Israel	Shekel		91.30						91.30
Croatia	Kuna		61.46						61.46
Czech Republic	Koruna		225.20						225.20
France	Euro		64.37						64.37
Scott Hoeflich:									
Syria	Pound		104.00						104.00
Israel	Shekel		242.00						242.00
Croatia	Kuna		334.00						334.00
Czech Republic	Koruna		233.00						233.00
France	Euro		155.00						155.00
United Kingdom	Pound		133.00						133.00
Senator Richard Shelby:									
United Kingdom	Pound		4,412.00						4,412.00
Senator Tom Harkin:									
United Kingdom	Pound		4,412.00						4,412.00
Senator Thad Cochran:									
United Kingdom	Pound		4,412.00						4,412.00
Charles Houy:									
United Kingdom	Pound		4,412.00						4,412.00
Stewart Holmes:									
United Kingdom	Pound		4,412.00						4,412.00
Elizabeth Schmid:									
United Kingdom	Pound		4,412.00						4,412.00
Brian Potts:									
United Kingdom	Pound		4,412.00						4,412.00
Jenny Wing:									
United Kingdom	Pound		4,412.00						4,412.00
Anne Caldwell:									
United Kingdom	Pound		4,412.00						4,412.00
Kay Webber:									
United Kingdom	Pound		4,412.00						4,412.00
Lula Davis:									
United Kingdom	Pound		4,412.00						4,412.00
Dave Schiappa:									
United Kingdom	Pound		4,412.00						4,412.00
Senator Byron Dorgan:									
Germany	Euro		1,350.00						1,350.00
France	Euro		1,497.00		130.00				1,627.00
United States	Dollar				8,633.50				8,633.50
Nicole Manatt:									
United Arab Emirates	Dirham		177.86						177.86
Afghanistan	Dollar		46.16						46.16
United States	Dollar				3,184.50				3,184.50
Senator Arlen Specter:									
China	RMB		212.79						212.79
Vietnam	Dong		725.96						725.96
Taiwan	Dollar		702.26						702.26
United States	Dollar				9,648.00				9,648.00
Christopher Bradish:									
China	RMB		347.00						347.00
Vietnam	Dong		738.20						738.20
Taiwan	Dollar		997.10						997.10
United States	Dollar				9,648.00				9,648.00
Gary Reese:									
Turkey	Lire		1,717.00						1,717.00
United States	Dollar				8,467.10				8,467.10

November 18, 2010

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CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22
U.S.C. 1754(b), COMMITTEE ON APPROPRIATIONS FOR TRAVEL FROM JULY 1 TO SEPT. 30, 2010—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Elizabeth Schmid:									
Turkey	Lire		1,717.00						1,717.00
United States	Dollar				8,467.10				8,467.10
Janet Stormes:									
Kenya	Schillings		756.00						756.00
Rwanda	Francs		897.00						897.00
United States	Dollar				10,520.29				10,520.29
United States	Dollar						35.00		35.00
Paul Grove:									
Haiti	Gourde		136.00						136.00
United States	Dollar				794.80				794.80
Michele Wymer:									
Haiti	Gourde		236.00						236.00
United States	Dollar				794.80				794.80
Total			66,920.91		60,288.09		35.00		127,244.00

SENATOR DANIEL K. INOUE,
Chairman, Committee on Appropriations, Sept. 30, 2010.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22
U.S.C. 1754(b), COMMITTEE ON ARMED SERVICES FOR TRAVEL FROM JULY 1 TO SEPT. 30, 2010

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Adam J. Barker:									
United States	Dollar				11,082.80				11,082.80
Lebanon	Dollar		394.00						394.00
Brooke Buchanan:									
Kuwait	Dollar		159.00						159.00
Afghanistan	Dollar		78.00						78.00
Israel	Dollar		588.00						588.00
Senator Lindsey Graham:									
Kuwait	Dollar		50.00						50.00
Afghanistan	Dollar		22.00						22.00
Israel	Dollar		288.00						288.00
Richard S. Perry:									
Kuwait	Dollar		50.00						50.00
Afghanistan	Dollar		22.00						22.00
Israel	Dollar		288.00						288.00
Daniel A. Lerner:									
United States	Dollar				14,915.00				14,915.00
Australia	Dollar		2,117.14						2,117.14
Senator John McCain:									
Kuwait	Dollar		50.00						50.00
Afghanistan	Dollar		22.00						22.00
Israel	Dollar		543.00						543.00
Michael J. Noblet:									
United States	Dollar				11,155.00				11,155.00
Lebanon	Dollar		390.00						390.00
Michael J. Kuiken:									
United States	Dollar				11,082.00				1,082.00
Lebanon	Dollar		432.00						432.00
Michael V. Kostiw:									
United States	Dollar				15,591.09				15,591.09
Australia	Dollar		2,314.00						2,314.00
Senator Joseph I. Lieberman:									
Kuwait	Dinar		50.00						50.00
Afghanistan	Afghani		22.00						22.00
Israel	Shekel		986.27						986.27
Christopher J. Griffin:									
Kuwait	Dinar		50.00				80.75		130.75
Afghanistan	Afghani		22.00				44.00		66.00
Israel	Shekel		100.00				953.15		1,053.15
Vance Serchuk:									
Kuwait	Dinar		50.00				30.00		80.00
Afghanistan	Afghani		22.00				23.00		45.00
Israel	Shekel		100.00				912.00		1,012.00
Senator Jack Reed:									
United States	Dollar				8,560.76				8,560.76
Afghanistan	Dollar		5.00						5.00
Carolyn Chuhta:									
United States	Dollar				9,198.10				9,198.10
Afghanistan	Dollar		5.00						5.00
Senator Lindsey Graham:									
United Kingdom	Dollar		639.00						639.00
Andrew King:									
United Kingdom	Dollar		637.00						637.00
Christian Brose:									
Kuwait	Dollar		136.00						136.00
Afghanistan	Dollar		67.00						67.00
Israel	Dollar		537.00						537.00
Victor M. Cervino:									
Colombia	Peso		92.73						92.73
Senator Lindsey Graham:									
United States	Dollar				7,934.70				7,934.70
Qatar	Dollar		188.00						188.00
Senator James M. Inhofe:									
United Kingdom	Pound		195.34		57.35				252.69
Anthony Lazarski:									
United Kingdom	Pound		153.92		30.80				184.72
William K. Sutey:									
United States	Dollar				7,223.60				7,223.60
Kuwait	Dollar		31.00						31.00

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22
U.S.C. 1754(b), COMMITTEE ON ARMED SERVICES FOR TRAVEL FROM JULY 1 TO SEPT. 30, 2010—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Iraq	Dollar		27.25						27.25
John W. Health, Jr.:									
United States	Dollar				7,168.00				7,168.00
Kuwait	Dollar		49.00						49.00
Iraq	Dollar		11.00						11.00
Adam J. Barker:									
United States	Dollar				11,898.50				11,898.50
Ethiopia	Birr		215.00						215.00
Djibouti	Franc		22.00						22.00
Kenya	Shilling		190.00						190.00
Uganda	Shilling		220.00						220.00
David M. Morris:									
United States	Dollar				11,328.50				11,328.50
Ethiopia	Birr		323.00						323.00
Djibouti	Franc		136.00						136.00
Kenya	Shilling		240.00						240.00
Michael J. Noblet:									
United States	Dollar				11,994.00				11,994.00
Ethiopia	Birr		165.00						165.00
Djibouti	Franc		175.00						175.00
Kenya	Shilling		95.00						95.00
Uganda	Shilling		488.00						488.00
Russell L. Shaffer:									
United States	Dollar				7,866.00				7,866.00
Japan	Yen		516.00						516.00
Republic of Korea	Won		591.00						591.00
Jay Maroney:									
United States	Dollar				7,865.51				7,865.51
Japan	Yen		575.00						575.00
Republic of Korea	Won		610.00						610.00
William G.P. Monahan:									
United States	Dollar				9,163.10				9,163.10
United Arab Emirates	Dollar		692.00						692.00
Pakistan	Dollar		255.00						255.00
Senator Lindsey O. Graham:									
Canada	Dollar		5.25						5.25
Michael J. Kuiken:									
United States	Dollar				11,898.00				11,898.00
Ethiopia	Birr		245.00						245.00
Djibouti	Franc		190.00						190.00
Kenya	Shilling		180.00						180.00
Uganda	Shilling		595.00						595.00
Senator Kay R. Hagan:									
Canada	Dollar		39.49						39.49
Perrin Cooke:									
Canada	Dollar		5.25						5.25
Senator Saxby Chambliss:									
Canada	Dollar		5.25						5.25
Tyler Stephens:									
Canada	Dollar		23.00						23.00
Dana W. White:									
United States	Dollar				7,866.00				7,866.00
Japan	Yen		649.83						649.83
Republic of Korea	Won		553.32						553.32
Matt Rinkunas:									
Canada	Dollar		106.00						106.00
Pablo E. Carrillo:									
United States	Dollar				7,133.60				7,133.60
Kuwait	Dollar		57.00						57.00
Iraq	Dollar		15.00						15.00
Madelyn R. Crendon:									
United States	Dollar				14,915.00				14,915.00
Australia	Dollar		1,588.14						1,588.14
Senator George LeMieux:									
United States	Dollar				12,814.90				12,814.90
Yemen	Rial		70.00						70.00
Pakistan	Rupee		6.00						6.00
India	Rupee		579.00						579.00
Brian W. Walsh:									
United States	Dollar				12,375.80				12,375.80
India	Rupee		413.00						413.00
Vivian Myrtetus:									
United States	Dollar				12,375.80				12,375.80
Yemen	Rial		42.00						42.00
Pakistan	Rupee		6.00						6.00
India	Rupee		405.00						405.00
Christian D. Brose:									
United States	Dollar				5,876.20				5,876.20
Kuwait	Dollar		131.00						131.00
Republic of Korea	Dollar		817.00						817.00
Japan	Dollar		879.00		62.00				941.00
Senator Carl Levin:									
United States	Dollar				9,163.00				9,163.00
United Arab Emirates	Dollar		370.00						370.00
Pakistan	Dollar		361.00						361.00
Afghanistan	Dollar		73.00						73.00
Richard D. DeBobes:									
United States	Dollar				9,163.00				9,163.00
United Arab Emirates	Dollar		370.00						370.00
Pakistan	Dollar		361.00						361.00
Afghanistan	Dollar		73.00						73.00
Total			26,705.18		267,758.11		2,042.90		296,506.19

November 18, 2010

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CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22
U.S.C. 1754(b), COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS FOR TRAVEL FROM JULY 1 TO SEPT. 30, 2010

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Christopher J. Dodd:									
India	Rupee		835.00						835.00
United States	Dollar				9,871.00				9,871.00
Joshua Blumenfeld:									
India	Rupee		825.00						825.00
United States	Dollar				8,490.50				8,490.50
Michael McKiernan:									
India	Rupee		845.00						845.00
United States	Dollar				8,490.50				8,490.50
Senator Christopher J. Dodd:									
United Kingdom	Pound		832.00						832.00
Joshua Blumenfeld:									
United Kingdom	Pound		832.00						832.00
United States	Dollar				3,521.10				3,521.10
Kirstin Brost:									
United Kingdom	Pound		486.00						486.00
Laura Friedel:									
United Kingdom	Pound		832.00						832.00
Senator Christopher J. Dodd:									
Spain	Euro		436.00						436.00
United States	Dollar				1,597.00				1,597.00
Julie Chon:									
United Kingdom	Pound		430.00		137.00				567.00
France	Euro		964.00		190.00				1,154.00
Belgium	Euro		850.00						850.00
Spain	Euro		500.00						500.00
United States	Dollar				6,614.00				6,614.00
Amy Friend:									
United Kingdom	Pound		288.00		137.00				425.00
France	Euro		664.00		190.00				854.00
Belgium	Euro		630.00						630.00
Spain	Euro		332.00						332.00
United States	Dollar				6,614.40				6,614.40
Marc Jarsulic:									
United Kingdom	Pound				138.31				138.31
Belgium	Euro		913.11						913.11
Spain	Euro		309.62						309.62
United States	Dollar				6,514.71				6,514.71
Jonathan Miller:									
United Kingdom	Pound		184.00		137.00				321.00
France	Euro		753.00		190.00				943.00
Belgium	Euro		523.00						523.00
Spain	Euro		478.00						478.00
United States	Dollar				6,614.40				6,614.40
Edward Silverman:									
Belgium	Euro		937.03						937.03
Spain	Euro		522.74						522.74
United States	Dollar				6,514.71				6,514.71
Total			15,201.50		65,961.63				81,163.13

SENATOR CHRISTOPHER J. DODD,
Chairman, Committee on Banking, Housing, and Urban Affairs,
Oct. 21, 2010.CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22
U.S.C. 1754(b), COMMITTEE ON THE BUDGET FOR TRAVEL FROM JULY 1 TO SEPT. 30, 2010

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Allison Parent:									
Belgium	Euro		1,400.44		128.47				1,528.91
United States	Dollar				1,476.40				1,476.40
Total			1,400.44		1,604.87				3,005.31

SENATOR KENT CONRAD,
Chairman, Committee on the Budget, Oct. 12, 2010.CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22
U.S.C. 1754(b), COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION FOR TRAVEL FROM JULY 1 TO SEPT. 30, 2010

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Claire McCaskill:									
United States	Dollar				9,523.40				9,523.40
China	Renminbi		155.00						155.00
Tod Martin:									
United States	Dollar				10,923.40				10,923.40
China	Renminbi		185.00						185.00
Total			340.00		20,446.80				20,786.80

SENATOR JOHN D. ROCKEFELLER IV,
Chairman, Committee on Commerce, Science, and Transportation,
Oct. 8, 2010.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22
U.S.C. 1754(b), COMMITTEE ON FINANCE FOR TRAVEL FROM JULY 1 TO SEPT. 30, 2010

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Gabriel Adler:									
Brazil	Real		647.19						647.19
United States	Dollar				2,970.60				2,970.60
Total			647.19		2,970.60				3,617.79

SENATOR MAX BAUCUS,
Chairman, Committee on Finance, Nov. 10, 2010.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22
U.S.C. 1754(b), COMMITTEE ON FOREIGN RELATIONS FOR TRAVEL FROM JULY 1 TO SEPT. 30, 2010

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Robert Casey, Jr.:									
Kuwait	Dollar		27.63						27.63
Israel	Dollar		74.08						74.08
United States	Dollar				9,036.19				9,036.19
Senator Bob Corker:									
United States	Dollar				1,672.80				1,672.80
Senator Ted Kaufman:									
Kuwait	Dollar		145.00						145.00
Israel	Dollar		236.97						236.97
Egypt	Dollar		5.95						5.95
United States	Dollar				8,595.89				8,595.89
Senator John Kerry:									
Afghanistan	Dollar		6.92						6.92
United States	Dollar				9,198.10				9,198.10
Senator Jeanne Shaheen:									
Israel	Dollar		72.60						72.60
United States	Dollar				9,514.69				9,514.69
Senator Jim Webb:									
Vietnam	Dong		1,002.00						1,002.00
United States	Dollar				9,806.30				9,806.30
Fulton Armstrong:									
United Arab Emirates	Dirham		180.00						180.00
Afghanistan	Dollar		76.00						76.00
United States	Dollar				9,850.10				9,850.10
Fulton Armstrong:									
El Salvador	Dollar		613.00						613.00
United States	Dollar				1,526.56				1,526.56
Jonah Blank:									
United Arab Emirates	Dirham		6.00						6.00
Pakistan	Rupee		4.00						4.00
Afghanistan	Afghani		7.00						7.00
United States	Dollar				9,198.10				9,198.10
Jay Branegan:									
China	Renminbi		1,587.00		205.00				1,792.00
United States	Dollar				15,039.30				15,039.30
Shellie Bressler:									
Kenya	Shilling		1,825.00						1,825.00
Rwanda	Franc		570.00						570.00
United States	Dollar				9,857.40				9,857.40
Steve Feldstein:									
Liberia	Dollar		1,716.10						1,716.10
United States	Dollar				4,460.30				4,460.30
Paul Foldi:									
China	Renminbi		396.00						396.00
Hong Kong	Dollar		292.00						292.00
Korea	Wan		946.00						946.00
United States	Dollar				10,749.80				10,749.80
Douglas Frantz:									
United Arab Emirates	Dirham		234.00						234.00
Afghanistan	Afghani		100.00						100.00
United States	Dollar				10,959.50				10,959.50
Frank Jannuzzi:									
China	Renminbi		2,987.00		1,605.00				4,592.00
United States	Dollar				15,594.70				15,594.70
Garrett Johnson:									
Bangladesh	Taka		200.00						200.00
Pakistan	Rupee		180.00		2,014.90				2,194.90
India	Rupee		2,555.00						2,555.00
United States	Dollar				12,789.40				12,789.40
Andrew Keller:									
China	Renminbi		440.00						440.00
Chad Kreikemeier:									
United States	Dollar				1,830.90				1,830.90
Kuwait	Dinar		8.00						8.00
Israel	Shekel		152.00						152.00
Lebanon	Pound		14.00						14.00
Egypt	Pound		31.00						31.00
United States	Dollar				8,609.89				8,609.89
Robin Lerner:									
United Arab Emirates	Dirham		349.00						349.00
Afghanistan	Dollar		48.00						48.00
United States	Dollar				6,350.10				6,350.10
Robin Lerner:									
Colombia	Peso		394.00						394.00
United States	Dollar				1,564.70				1,564.70
Frank Lowenstein:									
Afghanistan	Dollar		114.08						114.08
Pakistan	Rupee		40.00						40.00
United States	Dollar				9,198.10				9,198.10
Keith Luse:									
Singapore	Dollar		463.12						463.12

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22
U.S.C. 1754(b), COMMITTEE ON FOREIGN RELATIONS FOR TRAVEL FROM JULY 1 TO SEPT. 30, 2010—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Indonesia	Rupiah		1,103.32						1,103.32
United States	Dollar				5,796.30				5,796.30
Nicholas Ma:									
China	Renminbi		1,550.00		205.00				1,755.00
United States	Dollar				4,013.30				4,013.30
Marta McEllan-Ross:									
Vietnam	Dong		568.00						568.00
United States	Dollar				9,806.00				9,806.00
Carl Meacham:									
Brazil	Rial		404.90						404.90
Argentina	Peso		433.00						433.00
Chile	Peso		322.00						322.00
United States	Dollar				3,278.70				3,278.70
Emily Mendrala:									
Colombia	Peso		708.00						708.00
United States	Dollar				1,370.00				1,370.00
Damian Murphy:									
Israel	Dollar		95.87						95.87
Egypt	Dollar		188.37						188.37
United States	Dollar				8,676.19				8,676.19
Melanie Nakagawa:									
Uzbekistan	Sum		650.00						650.00
Tajikistan	Somoni		200.00						200.00
India	Rupee		1,514.00						1,514.00
United States	Dollar				4,984.50				4,984.50
Stacie Oliver:									
United States	Dollar				794.80				794.80
Sherman Patrick:									
Israel	Dollar		81.63						81.63
Lebanon	Dollar		30.00						30.00
Egypt	Dollar		5.95						5.95
United States	Dollar				8,842.89				8,842.89
Nillmini Rubin:									
Jordan	Dinar		665.00						665.00
Cape Verde	Escudo		293.00						293.00
United States	Dollar				15,325.10				15,325.10
Joel Starr:									
China	Renminbi		1,663.00		205.00				1,868.00
United States	Dollar				15,039.30				15,039.30
Marik String:									
Azerbaijan	Manat		425.90						425.90
Austria	Euro		525.00						525.00
Moldova	Leu		294.00						294.00
United States	Dollar				12,132.40				12,132.40
Atman Trivedi:									
India	Rupee		1,533.00						1,533.00
Thailand	Baht		942.00						942.00
Bangladesh	Taka		297.00						297.00
United States	Dollar				4,416.00				4,416.00
Laura Winthrop:									
Liberia	Dollar		1,925.00						1,925.00
United States	Dollar				4,460.30				4,460.30
Bryan Wright:									
United Kingdom	Pound		3,397.00						3,397.00
United States	Dollar				1,439.70				1,439.70
Debbie Yamada:									
Norway	Kroner		505.00						505.00
Total			38,418.39		276,734.50				314,830.89

SENATOR JOHN F. KERRY,
Chairman, Committee on Foreign Relations, Oct. 25, 2010.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22
U.S.C. 1754(b), COMMITTEE ON FOREIGN RELATIONS—AMENDED REPORT—FOURTH QUARTER 2008 FOR TRAVEL FROM OCT. 1 TO DEC. 31, 2008

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Bob Corker:									
Russia	Ruble		368.47						368.47
Ukraine	Hryvnia		248.00						248.00
Azerbaijan	New Manat		346.00						346.00
United States					14,241.32				14,241.32
Todd Womack:									
Russia	Ruble		368.47						368.47
Ukraine	Hryvnia		345.98						345.98
Azerbaijan	New Manat		346.00						346.00
United States					14,241.32				14,241.32
Total			2,022.92		28,482.64				30,505.56

SENATOR JOHN F. KERRY,
Chairman, Committee on Foreign Relations, Oct. 25, 2010.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22
U.S.C. 1754(b), COMMITTEE ON FOREIGN RELATIONS—AMENDED REPORT—SECOND QUARTER 2009 FOR TRAVEL FROM APR. 1 TO JUNE 30, 2009

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Bob Corker:									
Kenya	Shilling		105.00						105.00
Tanzania	Shilling		200.00						200.00
Rwanda	Franc		11.50						11.50
United States					6,689.63				6,689.63
Stacie Oliver:									
Kenya	Shilling		255.00						255.00
Tanzania	Shilling		250.00						250.00
Rwanda	Franc		154.50						154.50
United States					6,719.91				6,719.91
Total			976.000		13,409.54				14,385.54

SENATOR JOHN F. KERRY,
Chairman, Committee on Foreign Relations, Oct. 25, 2010.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22
U.S.C. 1754(b), COMMITTEE ON FOREIGN RELATIONS—AMENDED REPORT—THIRD QUARTER 2009 FOR TRAVEL FROM JULY 1 TO SEPT. 30, 2009

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Bob Corker:									
Israel	New Shekel		210.00						210.00
United States	Dollar				10,078.51				10,078.51
Todd Womack:									
Israel	New Shekel		515.00						515.00
United States	Dollar				10,078.51				10,078.51
Senator Bob Corker:									
Afghanistan	Afghani		55.00						55.00
Pakistan	Rupee		31.00						31.00
United States	Dollar				9,685.71				9,685.71
Stacie Oliver:									
United Arab Emirates	Dirham		150.00						150.00
Afghanistan	Afghani		115.00						115.00
Pakistan	Rupee		349.00						349.00
United States	Dollar				4,089.10				4,089.10
Total			1,425.00		33,931.83				35,356.83

SENATOR JOHN F. KERRY,
Chairman, Committee on Foreign Relations, Oct. 25, 2010.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22
U.S.C. 1754(b), COMMITTEE ON FOREIGN RELATIONS—AMENDED REPORT—FIRST QUARTER 2010 FOR TRAVEL FROM JAN. 1 TO MAR. 30, 2010

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Bob Corker:									
Panama	Dollar		132.00						132.00
Costa Rica	Colon		132.00						132.00
El Salvador	Colon		132.00						132.00
Honduras	Lempira		132.00						132.00
Stacie Oliver:									
Panama	Dollar		157.75						157.75
Costa Rica	Colon		157.75						157.75
El Salvador	Colon		157.75						157.75
Honduras	Lempira		157.75						157.75
Paul Foldi:									
United Arab Emirates	Dirham		1,101.00						1,101.00
Czech Republic	Koruna		932.00						932.00
United States	Dollar				9,198.23				9,198.23
Total			3,192.00		9,198.23				12,390.23

SENATOR JOHN F. KERRY,
Chairman, Committee on Foreign Relations, Oct. 25, 2010.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22
U.S.C. 1754(b), COMMITTEE ON FOREIGN RELATIONS—AMENDED REPORT—SECOND QUARTER 2010 FOR TRAVEL FROM APR. 1 TO JUNE 30, 2010

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Bob Corker:									
United States					10,779.60				10,779.60
Total					10,779.60				10,779.60

SENATOR JOHN F. KERRY,
Chairman, Committee on Foreign Relations, Oct. 25, 2010.

November 18, 2010

CONGRESSIONAL RECORD—SENATE, Vol. 156, Pt. 13

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CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22 U.S.C. 1754(b), COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS—AMENDED REPORT—SECOND QUARTER 2010 FOR TRAVEL FROM APR. 1 TO JUNE 30, 2010

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Lisa Powell:									
United States	Dollar				4,573.25				4,573.25
New Zealand	Dollar		33.96						33.96
Samoa	Tala		663.48						663.48
Sean Stiff:									
United States	Dollar				4,552.99				4,552.99
New Zealand	Dollar		16.20						16.20
Samoa	Tala		579.02		70.10				649.12
Jessica Nagasako:									
United States	Dollar				4,573.25				4,573.25
New Zealand	Dollar		34.17						34.17
Samoa	Tala		622.71						622.71
Benjamin Billings:									
United States	Dollar				4,573.25				4,573.25
Samoa	Tala		688.00						688.00
David Andrew Olson:									
United States	Dollar				4,538.15				4,538.15
Samoa	Tala		898.00						898.00
Ryan Tully:									
United States	Dollar				8,214.10				8,214.10
United Arab Emirates	Dirham		56.37						56.37
Pakistan	Rupee		37.31		2,498.67				2,535.98
Senator John Ensign:									
United States	Dollar				8,214.10				8,214.10
United Arab Emirates	Dirham		39.88						39.88
Pakistan	Rupee		27.31		2,498.67				2,525.98
Senator Thomas R Carper:									
United States	Dollar				8,214.10				8,214.10
United Arab Emirates	Dirham		343.09						343.09
Afghanistan	Afghani		78.00						78.00
Pakistan	Rupee		422.10		2,498.67				2,920.77
Wendy R Anderson:									
United States	Dollar				8,214.10				8,214.10
United Arab Emirates	Dirham		446.09						446.09
Afghanistan	Afghani		78.00						78.00
Pakistan	Rupee		547.10		2,498.67				3,045.77
Seamus Hughes:									
United States	Dollar				4,463.59				4,463.59
Denmark	Kronin		210.00						210.00
Germany	Euro		957.99						957.99
London	Pound		922.00						922.00
Israel	Shekel		361.99						361.99
Bradford D Belzak:									
United States	Dollar				4,463.59				4,463.59
Denmark	Kronin		210.00						210.00
Germany	Euro		958.00						958.00
United Kingdom	Pound		922.00						922.00
Israel	Shekel		300.00						300.00
Vance Serchuk:									
United States	Dollar				5,987.40				5,987.40
Singapore	Dollar		1,195.00						1,195.00
Jeffrey E Greene:									
United States	Dollar				4,229.69				4,229.69
Denmark	Kronin		210.00						210.00
Germany	Euro		957.99						957.99
London	Pound		922.00						922.00
Israel	Shekel		361.99						361.99
Christian Beckner:									
United States	Dollar				4,463.59				4,463.59
Denmark	Kronin		210.00						210.00
Germany	Euro		957.99						957.99
United Kingdom	Pound		922.00						922.00
Israel	Shekel		361.99						361.99
Senator Scott Brown:									
United States	Dollar				8,214.00				8,214.00
United Arab Emirates	Dirham		505.00						505.00
Afghanistan	Afghani		78.00						78.00
Pakistan	Rupee		920.00						920.00
Steven Schrage:									
United States	Dollar				8,214.10				8,214.10
United Arab Emirates	Dirham		485.00						485.00
Afghanistan	Afghani		35.00						35.00
Pakistan	Rupee		930.10						930.10
Delegation Expenses*:									
Israel	Shekel						791.10		791.10
Afghanistan	Afghani						749.00		749.00
Pakistan	Rupee						2,948.55		2,948.55
Total			19,504.83		105,768.03		4,488.65		129,761.51

* Delegation expenses include payments and reimbursements to the Department of State and the Department of Defense under the authority of Sec. 502(b) of the Mutual Security Act of 1954, as amended by Sec. 22 of P.L. 95-384, and S. Res. 179 agreed to May 25, 1977.

SENATOR JOSEPH I. LIEBERMAN,
Chairman, Committee on Homeland Security and Governmental Affairs,
Oct. 25, 2010.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22 U.S.C. 1754(b), COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS FOR TRAVEL FROM JULY 1 TO SEPT. 30, 2010

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Scott Brown:									
United States	Dollar				7,243.49				7,243.49
Jordan	Dinar		1,075.00						1,075.00

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22
U.S.C. 1754(b), COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS FOR TRAVEL FROM JULY 1 TO SEPT. 30, 2010—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Israel	Shekel		2,162.00						2,162.00
William Wright:									
United States	Dollar				7,243.49				7,249.49
Jordan	Dinar		1,085.00						1,085.00
Israel	Shekel		2,180.00						2,180.00
Vance Serchuk:									
United States	Dollar				11,422.20				11,422.20
Kuwait	Dinar		75.00						75.00
Republic of Korea	Won		680.00						680.00
Japan	Yen		958.00						958.00
Elise Bean:									
United States	Dollar				3,070.20				3,070.20
Norway	Krone		1,120.15						1,120.15
Blas Nunez-Neto:									
United States	Dollar				2,324.80				2,324.80
Belgium	Euro		887.00						887.00
Sweden	Kroner		246.00						246.00
United Kingdom	Pound		838.00						838.00
Elyse Greenwald:									
United States	Dollar				1,534.55				1,534.55
Belgium	Euro		892.00						892.00
Sweden	Kroner		721.25						721.25
Delegation Expenses*:									
Sweden	Kroner						2,841.49		2,841.49
United Kingdom	Pound						1,660.13		1,660.13
Total			12,919.40		32,838.73		4,501.62		50,259.75

*Delegation expenses include payments and reimbursements to the Department of State and the Department of Defense under the authority of Sec. 502(b) of the Mutual Security Act of 1954, as amended by Sec. 22 of P.L. 95-384, and S. Res. 179 agreed to May 25, 1977.

SENATOR JOSEPH I. LIEBERMAN,
Chairman, Committee on Homeland Security and Governmental Affairs,
Oct. 25, 2010.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22
U.S.C. 1754(b), COMMITTEE ON THE JUDICIARY FOR TRAVEL FROM JULY 1 TO SEPT. 30, 2010

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Richard Durbin:									
Norway	Krone		2,016.00		5,715.00				7,731.00
Total			2,016.00		5,715.00				7,731.00

SENATOR PATRICK J. LEAHY,
Chairman, Committee on the Judiciary, Oct. 14, 2010.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22
U.S.C. 1754(b), COMMITTEE ON THE JUDICIARY FOR TRAVEL FROM APR. 1 TO JUNE 30, 2010

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Jon Kyl:									
Qatar	Rial		176.69						176.69
Austria	Euro		46.66						46.66
France	Euro		116.16						116.16
Great Britain	Pound		90.22						90.22
The Netherlands	Euro		107.77						107.77
Timothy Morrison:									
Qatar	Rial		129.63						129.63
Austria	Euro		83.66						83.66
France	Euro		126.61						126.61
Great Britain	Pound		144.33						144.33
The Netherlands	Euro		153.77						153.77
Total			1,175.50						1,175.50

SENATOR PATRICK J. LEAHY,
Chairman, Committee on the Judiciary, Aug. 2, 2010.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22
U.S.C. 1754(b), COMMITTEE ON HEALTH, EDUCATION, LABOR AND PENSIONS FOR TRAVEL FROM JULY 1 TO SEPT. 30, 2010

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Tom Harkin:									
Vietnam	Dong		1,349.16						1,349.16
Japan	Yen		682.56						682.56
Senator Bernie Sanders:									
Vietnam	Dong		1,349.16						1,349.16
Japan	Yen		468.78						468.78

November 18, 2010

CONGRESSIONAL RECORD—SENATE, Vol. 156, Pt. 13

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CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22
U.S.C. 1754(b), COMMITTEE ON HEALTH, EDUCATION, LABOR AND PENSIONS FOR TRAVEL FROM JULY 1 TO SEPT. 30, 2010—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Al Franken:									
Vietnam	Dong		1,034.13		1,006.04				2,040.17
Laos	Kip		164.00		2,816.50		222.05		3,202.55
Japan	Yen		682.56						682.56
Tom Larkin:									
Vietnam	Dong		1,349.16						1,349.16
Japan	Yen		468.78						468.78
Rosemary Gutierrez:									
Vietnam	Dong		1,349.16						1,349.16
Japan	Yen		468.78						468.78
Pam Smith:									
Vietnam	Dong		1,349.16						1,349.16
Japan	Yen		468.78						468.78
Jenelle Krishnamoorthy:									
Vietnam	Dong		1,349.16						1,349.16
Japan	Yen		468.78						468.78
Jeff Lomanaco:									
Vietnam	Dong		1,034.13		1,006.04				2,040.17
Laos	Kip		164.00		2,816.50		222.05		3,202.55
Japan	Yen		468.78						468.78
Delegation Expenses*:									
Vietnam	Dong				10,000.00		12,411.31		22,411.31
Japan	Yen				1,260.00				3,122.61
Total			14,669.02		18,905.08		14,718.02		48,292.12

* Delegation expenses include payments and reimbursements to the Department of State under the authority of Sec. 502(b) of the Mutual Security Act of 1954, as amended by Sec. 22 of P.L. 95-384, and S. Res. 179 agreed to May 25, 1977.

SENATOR TOM HARKIN,
Chairman, Committee on Health, Education, Labor, and Pensions,
Oct. 25, 2010.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22
U.S.C. 1754(b), COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP FOR TRAVEL FROM JULY 1 TO SEPT. 30, 2010

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Mary L. Landrieu:									
United States	Dollar				12,408.09				12,408.09
United Kingdom	Pound		544.54						544.54
Ethiopia	Birr		1,905.37						1,905.37
Alicia Williams:									
United States	Dollar				10,011.09				10,011.09
United Kingdom	Pound		544.54						544.54
Ethiopia	Birr		1,905.37						1,905.37
Delegation Expenses*:									
United Kingdom	Pound				80.46				80.46
Ethiopia	Birr				227.14		7,041.25		7,268.39
Total			4,899.82		22,726.78		7,041.25		34,667.85

* Delegation expenses include payments and reimbursements to the Department of State and the Department of Defense under the authority of Sec. 502(b) of the Mutual Security Act of 1954, as amended by Sec. 22 of P.L. 95-384, and S. Res. 179 agreed to May 25, 1977.

SENATOR MARY L. LANDRIEU,
Chairman, Committee on Small Business and Entrepreneurship,
Oct. 21, 2010.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22
U.S.C. 1754(b), COMMITTEE ON INTELLIGENCE FOR TRAVEL FROM JULY 1 TO SEPT. 30, 2010

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Jacqueline Russell				1,096.00					1,096.00
Kathleen Rice	Dollar					9,990.80			9,990.80
Jennifer Wagner	Dollar			1,096.00					1,096.00
James Smythers	Dollar			1,171.00		9,990.80			9,990.80
John Maguire	Dollar			1,034.00					1,034.00
Michael Pevzner	Dollar					11,381.90			11,381.90
Andrew Kerr	Dollar			636.00					636.00
David Koger	Dollar					8,011.79			8,011.79
Randall Bookout	Dollar			681.00					681.00
Michael Pevzner	Dollar					7,810.79			7,810.79
Paul Matulic	Dollar			1,050.00					1,050.00
Thomas Corcoran	Dollar					1,102.01			1,102.01
David Koger	Dollar			1,050.00					1,050.00
Randall Bookout	Dollar					1,102.01			1,102.01
Michael Pevzner	Dollar			1,050.00					1,050.00
Paul Matulic	Dollar					1,102.01			1,102.01
Thomas Corcoran	Dollar			1,653.37					1,653.37
Paul Matulic	Dollar					14,409.10			14,409.10
Thomas Corcoran	Dollar			632.17					632.17
Thomas Corcoran	Dollar					10,279.90			10,279.90
Thomas Corcoran	Dollar			632.17					632.17
Thomas Corcoran	Dollar					10,279.90			10,279.90

U.S.C. 1754(b). COMMITTEE ON INTELLIGENCE FOR TRAVEL FROM JULY 1 TO SEPT. 30, 2010—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Christopher Bond				1,573.00		14,235.00		1,573.00	14,235.00
Michael DuBois				1,573.00		14,228.00		1,573.00	14,228.00
Louis Tucker				1,703.00		17,085.70		1,703.00	17,085.70
Andrew Kerr				1,814.00		16,138.10		1,814.00	16,138.10
Richard Girven				1,806.00		15,840.70		1,806.00	15,840.70
Senator Bill Nelson				1,558.00		2,516.73		1,558.00	2,516.73
Caroline Tess				1,208.00		2,435.43		1,208.00	2,435.43
Neal Higgin				1,158.00		2,435.43		1,158.00	2,435.43
Total				24,174.71		180,366.90			204,541.61

SENATOR DIANNE FEINSTEIN,
Chairman, Committee on Intelligence, Oct. 19, 2010.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22
U.S.C. 1754(b). COMMISSION ON SECURITY AND COOPERATION IN EUROPE FOR TRAVEL FROM JULY 1 TO SEPT. 30, 2010

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Benjamin Cardin:									
Norway	Krone		2,226.40						2,226.40
Senator Tom Udall:									
Norway	Krone		2,873.40						2,873.40
Hon. Christopher Smith:									
Norway	Krone		2,125.40						2,125.40
Hon. Louise Slaughter:									
Norway	Krone		2,340.40						2,340.40
Hon. Robert Aderholt:									
Norway	Krone		2,247.57						2,247.57
Fred Turner:									
Norway	Krone		2,498.60						2,498.60
Robert Hand:									
Norway	Krone		1,867.60						1,867.60
Josh Shapiro:									
Norway	Krone		2,602.60						2,602.60
Alex Johnson:									
Norway	Krone		2,602.60						2,602.60
Austria	Euro		8,684.01						8,684.01
United States	Dollar				1,324.20				1,324.20
Shelly Han:									
Norway	Krone		2,602.60						2,602.60
United Kingdom	Pound		1,967.00						1,967.00
United States	Dollar				781.80				781.80
Janice Helwig:									
Austria:	Euro		1,121.00						1,121.00
United States	Dollar				1,125.70				1,125.70
Erika Schlager:									
Kazakhstan	Tenga		2,546.24						2,546.24
United States	Dollar				10,206.40				10,206.40
Winsome Packer:									
Kazakhstan	Tenge		1,110.83						1,110.83
Austria	Euro				1,805.99				1,805.99
Total			39,416.25		15,244.09				54,660.34

SENATOR BENJAMIN L. CARDIN,
Chairman, Commission on Security and Cooperation in Europe,
Oct. 19, 2010.

AUTHORIZING A SINGLE FISHERIES COOPERATIVE

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 520, S. 1609.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1609) to authorize a single fisheries cooperative for the Bering Sea Aleutian Islands longline catcher processor subsector, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. Mr. President, I ask unanimous consent that the bill be read the third time and passed, that the motion to reconsider be laid upon the table, with no intervening action or debate, and that any statements related to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 1609

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Longline Catcher Processor Subsector Single Fishery Cooperative Act”.

SEC. 2. AUTHORITY TO APPROVE AND IMPLEMENT A SINGLE FISHERY COOPERATIVE FOR THE LONGLINE CATCHER PROCESSOR SUBSECTOR IN THE BSAI.

(a) IN GENERAL.—Upon the request of eligible members of the longline catcher processor subsector holding at least 80 percent of the licenses issued for that subsector, the Secretary is authorized to approve a single fishery cooperative for the longline catcher processor subsector in the BSAI.

(b) **LIMITATION.**—A single fishery cooperative approved under this section shall include a limitation prohibiting any eligible

member from harvesting a total of more than 20 percent of the Pacific cod available to be harvested in the longline catcher processor subsector, the violation of which is subject to the penalties, sanctions, and forfeitures under section 308 of the Magnuson-Stevens Act (16 U.S.C. 1858), except that such limitation shall not apply to harvest amounts from quota assigned explicitly to a CDQ group as part of a CDQ allocation to an entity established by section 305(i) of the Magnuson-Stevens Act (16 U.S.C. 1855(i)).

(c) **CONTRACT SUBMISSION AND REVIEW.**—The longline catcher processor subsector shall submit to the Secretary—

(1) not later than November 1 of each year, a contract to implement a single fishery cooperative approved under this section for the following calendar year; and

(2) not later than 60 days prior to the commencement of fishing under the single fishery cooperative, any interim modifications to the contract submitted under paragraph (1).

(d) **DEPARTMENT OF JUSTICE REVIEW.**—Not later than November 1 before the first year of fishing under a single fishery cooperative approved under this section, the longline catcher processor sector shall submit to the Secretary a copy of a letter from a party to the contract under subsection (c)(1) requesting a business review letter from the Attorney General and any response to such request.

(e) **IMPLEMENTATION.**—The Secretary shall implement a single fishery cooperative approved under this section not later than 2 years after receiving a request under subsection (a).

(f) **STATUS QUO FISHERY.**—If the longline catcher processor subsector does not submit a contract to the Secretary under subsection (c) then the longline catcher processor subsector in the BSAI shall operate as a limited access fishery for the following year subject to the license limitation program in effect for the longline catcher processor subsector on the date of enactment of this Act or any subsequent modifications to the license limitation program recommended by the Council and approved by the Secretary.

SEC. 3. HARVEST AND PROHIBITED SPECIES ALLOCATIONS TO A SINGLE FISHERY COOPERATIVE FOR THE LONGLINE CATCHER PROCESSOR SUBSECTOR IN THE BSAI.

A single fishery cooperative approved under section 2 may, on an annual basis, collectively—

(1) harvest the total amount of BSAI Pacific cod total allowable catch, less any amount allocated to the longline catcher processor subsector non-cooperative limited access fishery;

(2) utilize the total amount of BSAI Pacific cod prohibited species catch allocation, less any amount allocated to a longline catcher processor subsector non-cooperative limited access fishery; and

(3) harvest any reallocation of Pacific cod to the longline catcher processor subsector during a fishing year by the Secretary.

SEC. 4. LONGLINE CATCHER PROCESSOR SUBSECTOR NON-COOPERATIVE LIMITED ACCESS FISHERY.

(a) **IN GENERAL.**—An eligible member that elects not to participate in a single fishery cooperative approved under section 2 shall operate in a non-cooperative limited access fishery subject to the license limitation program in effect for the longline catcher processor subsector on the date of enactment of this Act or any subsequent modifications to the license limitation program recommended by the Council and approved by the Secretary.

(b) **HARVEST AND PROHIBITED SPECIES ALLOCATIONS.**—Eligible members operating in a non-cooperative limited access fishery under this section may collectively—

(1) harvest the percentage of BSAI Pacific cod total allowable catch equal to the combined average percentage of the BSAI Pacific cod harvest allocated to the longline catcher processor sector and retained by the vessel or vessels designated on the eligible members license limitation program license or licenses for 2006, 2007, and 2008, according to the catch accounting system data used to establish total catch; and

(2) utilize the percentage of BSAI Pacific cod prohibited species catch allocation equal to the percentage calculated under paragraph (1).

SEC. 5. AUTHORITY OF THE NORTH PACIFIC FISHERY MANAGEMENT COUNCIL.

(a) **IN GENERAL.**—Nothing in this Act shall supersede the authority of the Council to recommend for approval by the Secretary such conservation and management measures, in accordance with the Magnuson-Stevens Act (16 U.S.C. 1801 et seq.) as it considers necessary to ensure that this Act does not diminish the effectiveness of fishery management in the BSAI or the Gulf of Alaska Pacific cod fishery.

(b) **LIMITATIONS.**—

(1) Notwithstanding the authority provided to the Council under this section, the Council is prohibited from altering or otherwise modifying—

(A) the methodology established under section 3 for allocating the BSAI Pacific cod total allowable catch and BSAI Pacific cod prohibited species catch allocation to a single fishery cooperative approved under this Act; or

(B) the methodology established under section 4 of this Act for allocating the BSAI Pacific cod total allowable catch and BSAI Pacific cod prohibited species catch allocation to the non-cooperative limited access fishery.

(2) No sooner than 7 years after approval of a single fisheries cooperative under section 2 of this Act, the Council may modify the harvest limitation established under section 2(b) if such modification does not negatively impact any eligible member of the longline catcher processor subsector.

(c) **PROTECTIONS FOR THE GULF OF ALASKA PACIFIC COD FISHERY.**—The Council may recommend for approval by the Secretary such harvest limitations of Pacific cod by the longline catcher processor subsector in the Western Gulf of Alaska and the Central Gulf of Alaska as may be necessary to protect coastal communities and other Gulf of Alaska participants from potential competitive advantages provided to the longline catcher processor subsector by this Act.

SEC. 6. RELATIONSHIP TO THE MAGNUSON-STEVENS ACT.

(a) **IN GENERAL.**—Consistent with section 301(a) of the Magnuson-Stevens Act (16 U.S.C. 1851(a)), a single fishery cooperative approved under section 2 of this Act is intended to enhance conservation and sustainable fishery management, reduce and minimize bycatch, promote social and economic benefits, and improve the vessel safety of the longline catcher processor subsector in the BSAI.

(b) **TRANSITION RULE.**—A single fishery cooperative approved under section 2 of this Act is deemed to meet the requirements of section 303A(i) of the Magnuson-Stevens Act (16 U.S.C. 1853a(i)) as if it had been approved by the Secretary within 6 months after the date of enactment of the Magnuson-Stevens

Fishery Conservation and Management Reauthorization Act of 2006, unless the Secretary makes a determination, within 30 days after the date of enactment of this Act, that application of section 303A(i) of the Magnuson-Stevens Act to the cooperative approved under section 2 of this Act would be inconsistent with the purposes for which section 303A was added to the Magnuson-Stevens Act.

(c) **COST RECOVERY.**—Consistent with section 304(d)(2) of the Magnuson-Stevens Act (16 U.S.C. 1854(d)(2)), the Secretary is authorized to recover reasonable costs to administer a single fishery cooperative approved under section 2 of this Act.

SEC. 7. COMMUNITY DEVELOPMENT QUOTA PROGRAM.

Nothing in this Act shall affect the western Alaska community development program established by section 305(i) of the Magnuson-Stevens Act (16 U.S.C. 1855(i)), including the allocation of fishery resources in the directed Pacific cod fishery.

SEC. 8. DEFINITIONS.

In this Act:

(1) **BSAI.**—The term “BSAI” has the meaning given that term in section 219(a)(2) of the Department of Commerce and Related Agencies Appropriations Act, 2005 (Public Law 108-447; 118 Stat. 2886).

(2) **BSAI PACIFIC COD TOTAL ALLOWABLE CATCH.**—The term “BSAI Pacific cod total allowable catch” means the Pacific cod total allowable catch for the directed longline catcher processor subsector in the BSAI as established on an annual basis by the Council and approved by the Secretary.

(3) **BSAI PACIFIC COD PROHIBITED SPECIES CATCH ALLOCATION.**—The term “BSAI Pacific cod prohibited species catch allocation” means the prohibited species catch allocation for the directed longline catcher processor subsector in the BSAI as established on an annual basis by the Council and approved by the Secretary.

(4) **COUNCIL.**—The term “Council” means the North Pacific Fishery Management Council established under section 302(a)(1)(G) of the Magnuson-Stevens Act (16 U.S.C. 1852(a)(1)(G)).

(5) **ELIGIBLE MEMBER.**—The term “eligible member” means a holder of a license limitation program license, or licenses, eligible to participate in the longline catcher processor subsector.

(6) **GULF OF ALASKA.**—The term “Gulf of Alaska” means that portion of the Exclusive Economic Zone contained in Statistical Areas 610, 620, and 630.

(7) **LONGLINE CATCHER PROCESSOR SUBSECTOR.**—The term “longline catcher processor subsector” has the meaning given that term in section 219(a)(6) of the Department of Commerce and Related Agencies Appropriations Act, 2005 (Public Law 108-447; 118 Stat. 2886).

(8) **MAGNUSON-STEVENS ACT.**—The term “Magnuson-Stevens Act” means the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.).

(9) **SECRETARY.**—The term “Secretary” means the Secretary of Commerce.

AUTHORIZING USE OF THE CAPITOL ROTUNDA

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Con. Res. 75.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 75) authorizing the use of the Rotunda of the Capitol for an event marking the 50th anniversary of the inaugural address of President John F. Kennedy.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, I ask unanimous consent that the concurrent resolution and the preamble be agreed to en bloc, the motions to reconsider be laid upon the table en bloc, and that any statements related to the concurrent resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (S. Con. Res. 75) was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, reads as follows:

S. CON. RES. 75

Whereas John Fitzgerald Kennedy was elected to the United States House of Representatives and served from January 3, 1947, to January 3, 1953, until he was elected by the Commonwealth of Massachusetts to the Senate where he served from January 3, 1953, to December 22, 1960;

Whereas on November 8, 1960, John Fitzgerald Kennedy was elected as the 35th President of the United States; and

Whereas on January 20, 1961, President Kennedy was sworn in as President of the United States and delivered his inaugural address at 12:51 pm, a speech that served as a clarion call to service for the Nation: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring),

SECTION 1. USE OF THE ROTUNDA OF THE CAPITOL FOR AN EVENT HONORING PRESIDENT KENNEDY.

The rotunda of the United States Capitol is authorized to be used on January 20, 2011, for a ceremony in honor of the 50th anniversary of the inaugural address of President John F. Kennedy. Physical preparations for the conduct of the ceremony shall be carried out in accordance with such conditions as may be prescribed by the Architect of the Capitol.

RECOGNIZING AND HONORING THE COMMITMENT AND SACRIFICES OF MILITARY FAMILIES OF THE UNITED STATES

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Con. Res. 76.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 76) to recognize and honor the commitment and sacrifices of military families of the United States.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. REID. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to, the preamble be agreed to, the motions to reconsider be

laid upon the table, with no intervening action or debate, and that any statements related to the matter be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (S. Con. Res. 76) was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, reads as follows:

S. CON. RES. 76

Whereas the month of November marks Military Family Month;

Whereas the freedom and security the citizens of the United States enjoy today are a result of the continued dedication and vigilance of the Armed Forces throughout the history of the United States;

Whereas the security of the United States depends on the readiness and retention of the men and women of the Armed Forces, a force comprised of active, National Guard, and Reserve personnel;

Whereas military families are an integral source of strength for the Soldiers, Sailors, Marines, Airmen, and Coastguardsmen of the United States, and have continually proven their dedication, service, and willingness to make great sacrifices in support of service members of the United States;

Whereas military families often endure unique circumstances that are central to military life, including long separations from their loved ones, the uncertainty and demands of multiple deployments, school and job transfers, and frequent moves from communities where they have established roots and relationships;

Whereas military family members have become the central support system for each other as they reinforce units through family readiness efforts and initiatives, support service members within the units, and reach out to the families whose loved ones have been deployed; and

Whereas it is important to recognize the sacrifices, support, and dedication of the families of the men and women who serve in the Armed Forces; Now, therefore be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) recognizes the commitment and ever-increasing sacrifices military families make every day during the current era of protracted conflict;

(2) honors the families of the Armed Forces and thanks the families for their dedication and service to the United States; and

(3) encourages the citizens of the United States to recognize, commemorate, and honor the role and contribution of the military family, including selfless service that ensures freedom and preserves the quality of life in the United States.

SUPPORTING GOALS OF NATIONAL ADOPTION DAY AND NATIONAL ADOPTION MONTH

Mr. REID. Mr. President, I ask unanimous consent that the HELP Committee be discharged from further consideration of S. Res. 647 and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 647) expressing support for the goals of National Adoption Day and National Adoption Month by promoting national awareness of adoption and the children awaiting families, celebrating children and families involved in adoption, and encouraging Americans to secure safety, permanency, and well-being for all children.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. I further ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 647) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 647

Whereas there are approximately 463,000 children in the foster care system in the United States, approximately 123,000 of whom are waiting for families to adopt them;

Whereas 55 percent of the children in foster care are age 10 or younger;

Whereas the average length of time a child spends in foster care is over 2 years;

Whereas for many foster children, the wait for a loving family in which they are nurtured, comforted, and protected seems endless;

Whereas the number of youth who “age out” of foster care by reaching adulthood without being placed in a permanent home has continued to increase since 1998, and more than 29,000 foster youth age out every year;

Whereas everyday, loving and nurturing families are strengthened and expanded when committed and dedicated individuals make an important difference in the life of a child through adoption;

Whereas a 2007 survey conducted by the Dave Thomas Foundation for Adoption demonstrated that though “Americans overwhelmingly support the concept of adoption, and in particular foster care adoption . . . foster care adoptions have not increased significantly over the past five years”;

Whereas while 4 in 10 Americans have considered adoption, a majority of Americans have misperceptions about the process of adopting children from foster care and the children who are eligible for adoption;

Whereas 71 percent of those who have considered adoption consider adopting children from foster care above other forms of adoption;

Whereas 45 percent of Americans believe that children enter the foster care system because of juvenile delinquency, when in reality the vast majority of children who have entered the foster care system were victims of neglect, abandonment, or abuse;

Whereas 46 percent of Americans believe that foster care adoption is expensive, when in reality there is no substantial cost for adopting from foster care and financial support is available to adoptive parents after the adoption is finalized;

Whereas both National Adoption Day and National Adoption Month occur in November;

Whereas National Adoption Day is a collective national effort to find permanent, loving families for children in the foster care system;

Whereas since the first National Adoption Day in 2000, more than 30,000 children have joined forever families during National Adoption Day;

Whereas in 2009, adoptions were finalized for nearly 5,000 children through 400 National Adoption Day events in all 50 States, the District of Columbia, Puerto Rico, and Guam; and

Whereas the President traditionally issues an annual proclamation to declare November as National Adoption Month, and National Adoption Day is on November 20, 2010: Now, therefore, be it

Resolved, That the Senate—

(1) supports the goals and ideals of National Adoption Day and National Adoption Month;

(2) recognizes that every child should have a permanent and loving family; and

(3) encourages the people of the United States to consider adoption during the month of November and all throughout the year.

RESOLUTIONS SUBMITTED TODAY

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration en bloc of the following resolutions, which were submitted earlier today: S. Res. 683, S. Res. 684, and S. Res. 685.

The PRESIDING OFFICER. The clerk will report the resolutions by title.

The legislative clerk read as follows:

A resolution (S. Res. 683) recognizing the recent accomplishments of the people and Government of Moldova, and expressing support for free and transparent parliamentary elections on November 28, 2010.

A resolution (S. Res. 684) recognizing the 35th anniversary of the enactment of the Education for All Handicapped Children Act of 1975.

A resolution (S. Res. 685) commemorating the 100th anniversary of the discovery of sickle cell disease by Dr. James B. Herrick.

There being no objection, the Senate proceeded to consider the resolutions.

Mr. REID. Mr. President, I ask unanimous consent that the resolutions be agreed to, the preambles be agreed to, the motions to reconsider be laid upon the table en bloc, with no intervening action or debate, and any statements relating to the resolutions be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolutions (S. Res. 683, 684, and 685) were agreed to.

The preambles were agreed to.

The resolutions, with their preambles, read as follows:

S. RES. 683

Whereas, since independence 19 years ago, the people of Moldova have made extraordinary progress in transitioning from authoritarian government and a closed market to a democratic government and market economy;

Whereas, for 19 years, the constitution of Moldova has guaranteed its citizens freedom

to emigrate confirmed by years of successive Presidential waivers concerning the Jackson-Vanik amendment;

Whereas, on January 12, 2010, the Government of Moldova initiated negotiations with the European Union on an Association Agreement between the European Union and the Republic of Moldova, an important step towards European Union accession;

Whereas, in order to comply with the criteria of the Millennium Challenge Corporation (MCC), the Government of Moldova implemented far-reaching legal reforms to curb corruption, introduce budgetary transparency, and strengthen the capacity of civil society and the media, resulting in the successful conclusion of negotiations and the signing of an MCC Compact on January 22, 2010;

Whereas the Government of Moldova initiated a visa dialogue between the Republic of Moldova and the European Union aiming at visa liberalization on June 15, 2010;

Whereas, on August 26, 2010, Secretary of State Hillary Clinton praised progress in Moldova in “advancing transparent governance, human rights, and economic reform”;

Whereas, on October 20, 2010, Reporters Without Borders reported an improvement in the freedom of press in Moldova, with Moldova rising from the 114th position in 2009 to the 75th position in 2010;

Whereas, in November 2010, the Government of Moldova concluded a treaty with Romania important to the assertion of its sovereignty and its future development;

Whereas Assistant Secretary of State for European and Eurasian Affairs Philip H. Gordon noted in testimony before the Subcommittee on Europe of the Committee on Foreign Affairs of the House of Representatives on June 16, 2009, “We will continue to work for a negotiated settlement of the separatist conflict in the Transnistria region that provides for a whole and democratic Moldova and the withdrawal of Russian forces.”; and

Whereas the Republic of Moldova has made commitments to the Organization for Security and Cooperation in Europe (OSCE) to conduct elections according to international standards: Now, therefore, be it

Resolved, That the Senate—

(1) supports the development of an enduring democratic political system and free market economy in Moldova and a parliamentary election process on November 28, 2010, that comports with international standards of fairness and transparency;

(2) recognizes that the commitment of the Government of Moldova to economic and political reforms since 2009 has resulted in tangible progress towards integration into European institutions;

(3) acknowledges that continued reform and commitment to a free and fair election process will remain necessary for Moldova’s full integration into the Western community of nations;

(4) notes that continued reforms in Moldova could provide for an additional basis for the repeal of the Jackson-Vanik trade restrictions;

(5) encourages ongoing negotiations between the European Union and the Republic of Moldova concerning visa liberalization and an Association Agreement;

(6) urges fulfillment by the Government of Moldova of commitments it has made to the OSCE with respect to the free and fair conduct of its upcoming parliamentary elections; and

(7) expresses the belief that the free and fair conduct of parliamentary elections in

Moldova will contribute to a strong and stable government that is responsive to the vital needs of its people.

S. RES. 684

Whereas the Education for All Handicapped Children Act of 1975 (Public Law 94-142) was signed into law 35 years ago on November 29;

Whereas the Education for All Handicapped Children Act of 1975 established the Federal policy of ensuring that all children, regardless of the nature or severity of their disability, have available to them a free appropriate public education in the least restrictive environment;

Whereas the Education of the Handicapped Act (Public Law 91-230), as amended by the Education for All Handicapped Children Act of 1975, was further amended by the Education of the Handicapped Act Amendments of 1986 (Public Law 99-457) to create a preschool grant program for children with disabilities 3 to 5 years of age and an early intervention program for infants and toddlers with disabilities from birth through age 2;

Whereas the Education of the Handicapped Act Amendments of 1990 (Public Law 101-476) renamed the Education of the Handicapped Act as the Individuals with Disabilities Education Act (IDEA) (20 U.S.C. 1400 et seq.);

Whereas IDEA was amended by the Individuals with Disabilities Education Act Amendments of 1997 (Public Law 105-17) to ensure that children with disabilities have equal access to, and make progress in, the general education curriculum and are included in all general State and district-wide assessment programs;

Whereas IDEA was amended by the Individuals with Disabilities Education Improvement Act of 2004 (Public Law 108-446) to ensure that all children with disabilities have available to them a free appropriate public education that emphasizes special education and related services designed to meet their individual needs and prepare them for further education, employment, and independent living;

Whereas IDEA currently serves an estimated 342,000 infants and toddlers, 709,000 preschoolers, and 5,890,000 children 6 to 21 years of age;

Whereas IDEA has opened neighborhood schools to students with disabilities and increased the number of children living in their communities instead of institutions;

Whereas the academic achievement of students with disabilities has significantly increased since the enactment of IDEA;

Whereas the number of children with disabilities who complete high school with a standard diploma has grown significantly since the enactment of IDEA;

Whereas the number of children with disabilities who enroll in institutions of higher education has more than tripled since the enactment of IDEA;

Whereas IDEA requires partnership among parents of children with disabilities and education professionals in the design and implementation of the educational services provided to children with disabilities;

Whereas the achievement of students with disabilities is integrally linked with the successful alignment of special and general education systems;

Whereas IDEA has increased the quality of research in effective teaching practices for students with disabilities; and

Whereas IDEA continues to serve as the framework to marshal the resources of this

Nation to implement the promise of full participation in society of children with disabilities: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the 35th anniversary of the enactment of the Education for All Handicapped Children Act of 1975 (Public Law 94-142);

(2) acknowledges the many and varied contributions of children with disabilities and their parents, teachers, related services personnel, and administrators; and

(3) reaffirms its support for the Individuals with Disabilities Education Act so that all children with disabilities have access to a free appropriate public education in the least restrictive environment and the opportunity to benefit from the general education curriculum and be prepared for further education, employment, and independent living.

S. RES. 685

Whereas sickle cell disease is an inherited disorder that affects red blood cells leading to significant morbidity and mortality in nearly 80,000 people in the United States;

Whereas sickle cell disease causes blockage of small blood vessels which can lead to tissue damage resulting in severe pain, infection, or stroke;

Whereas scientific breakthroughs over the past century have improved the lives of millions of people suffering from sickle cell disease;

Whereas scientific advances in treatment for sickle cell disease began with Dr. James B. Herrick, an attending physician at Presbyterian Hospital and professor of medicine at Rush Medical College in Chicago, Illinois, who discovered sickle cell disease and published the first recorded case in Western medical literature in November of 1910 in the journal *Annals of Internal Medicine*;

Whereas the hemoglobin mutation responsible for sickle cell disease was discovered by Linus Pauling in 1950;

Whereas penicillin was proven to be effective as a preventative strategy against pneumococcal infection in 1986, sparing patients with sickle cell disease from contracting this particularly dangerous infection;

Whereas in 1995, the National Heart, Lung, and Blood Institute reported the first effective drug treatment for adults with severe sickle cell disease;

Whereas the anticancer drug hydroxyurea was found to reduce the frequency of painful crises of sickle cell disease and patients taking the drug needed fewer blood transfusions;

Whereas in 1996, bone marrow transplantation was discovered to improve the course of sickle cell disease for select patients;

Whereas in 1997, blood transfusions were found to help prevent stroke in patients with sickle cell disease;

Whereas the introduction of pneumococcal vaccine in 2000 revolutionized the prevention of lethal infections in children and adults with sickle cell disease;

Whereas the first mouse model demonstrating the usefulness of genetic therapy for sickle cell disease was developed in 2001;

Whereas in 2007, scientists from the University of Alabama at Birmingham and the Massachusetts Institute of Technology developed an animal model for curing sickle cell disease;

Whereas improvements in treatments have substantially improved quality of life for patients with sickle cell disease and led to an increase in overall life expectancy from 14 years in 1973 to the mid to late 40s in 2010; and

Whereas the National Institutes of Health sponsored a symposium on November 16 and

17, 2010, to commemorate the 100th anniversary of Dr. James Herrick's initial description of sickle cell disease: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the contributions of the biomedical research community to the improvement in diagnosis and treatment of sickle cell disease; and

(2) commemorates the 100th anniversary of the discovery of sickle cell disease in November 1910.

MEASURE READ THE FIRST TIME—S. 3975

Mr. REID. Mr. President, I am told there is a bill at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 3975) to permanently extend the 2001 and 2003 tax relief provisions, and to permanently repeal the estate tax, and to provide permanent alternative minimum tax relief, and for other purposes.

Mr. REID. Mr. President, I now ask for its second reading, and in order to place the bill on the calendar under the provisions of rule XIV, I object to my own request.

The PRESIDING OFFICER. Objection is heard. The bill will be read the second time on the next legislative day.

PROVIDING FOR A CONDITIONAL ADJOURNMENT OF THE HOUSE OF REPRESENTATIVES AND A CONDITIONAL RECESS OR ADJOURNMENT OF THE SENATE

Mr. REID. Mr. President, I ask unanimous consent that we now proceed to H. Con. Res. 332, which is an adjournment resolution, which was received from the House and is at the desk.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 332) providing for a conditional adjournment of the House of Representatives and a conditional recess or adjournment of the Senate.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. REID. Mr. President, first I would like to express my appreciation to the Presiding Officer for his patience.

The PRESIDING OFFICER. Absolutely.

Mr. REID. I ask unanimous consent that the concurrent resolution be agreed to and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 332) was agreed to, as follows:

H. CON. RES. 332

Resolved by the House of Representatives (the Senate concurring), That when the House ad-

journs on the legislative day of Thursday, November 18, 2010, or Friday, November 19, 2010, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 2 p.m. on Monday, November 29, 2010, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the Senate recesses or adjourns on any day from Thursday, November 18, 2010, through Sunday, November 21, 2010, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until noon on Monday, November 29, 2010, or such other time on that day as may be specified in the motion to recess or adjourn, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Speaker of the House and the Majority Leader of the Senate, or their respective designees, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and the Senate, respectively, to reassemble at such place and time as they may designate if, in their opinion, the public interest shall warrant it.

ORDERS FOR FRIDAY, NOVEMBER 19, 2010

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10:30 a.m. tomorrow; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. REID. Mr. President, there will be no rollcall votes during tomorrow's session. The next vote will occur at approximately 6:30 p.m. on Monday, November 29.

ADJOURNMENT UNTIL 10:30 A.M. TOMORROW

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that we adjourn under the previous order.

There being no objection, the Senate, at 10:06 p.m., adjourned until Friday, November 19, 2010, at 10:30 a.m.

NOMINATIONS

Executive nominations received by the Senate:

FOREIGN SERVICE

THE FOLLOWING-NAMED CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, FOR THE PERSONAL RANK OF CAREER AMBASSADOR IN RECOGNITION OF ESPECIALLY DISTINGUISHED SERVICE OVER A SUSTAINED PERIOD:

JAMES FRANKLIN JEFFREY, OF VIRGINIA
NANCY J. POWELL, OF IOWA
EARL A. WAYNE, OF MARYLAND

IN THE COAST GUARD

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT
TO THE GRADE INDICATED IN THE UNITED STATES
COAST GUARD UNDER TITLE 14, U.S.C. SECTION 271:

To be lieutenant commander

JOSEPH B. ABEYTA
MARCH A. AKUS
NATHAN W. ALLEN
RYAN J. ALLEN
CHRISTOPHER M. ARMSTRONG
CHARLES L. BANKS
JON T. BARTEL
ANN M. BASSOLINO
ANDREW J. BEHNKE
MICHAEL A. BENSON
ROBERT J. BERRY
FRED S. BERTSCH
JOSHUA N. BLOCKER
RUBEN E. BOUDREAUX
KEVIN C. BOYD
VALERIE A. BOYD
JEFFREY A. BREWER
CHAD R. BRICK
BRYAN J. BURKHALTER
JESSICA M. BYLSMA
JOSEPH G. CALLAGHAN
IAN L. CALLANDER
BRIAN R. CARROLL
PAUL R. CASEY
ERIC M. CASPER
JACOB L. CASS
STEVEN J. CHARNON
RYAN M. CHEVALIER
MICHAEL P. CHIEN
THOMAS J. COMBS
MICHAEL N. COST
JUSTIN K. COVERT
MARK W. CRYSLER
MELISSA J. CURRAN
HAYES C. DAVIS
CALLIE DEWEESE
MICHAEL S. DIPACE
MATTHEW D. DOORIS
CHRISTOPHER DOUGLAS
KEITH M. DOXEY
KEVIN F. DUFFY
SAMUEL Z. EDWARDS
JAMIE M. EMBRY
TODD L. EMERSON
DANIEL J. EVERETTE
JEFFREY P. FERLAUTO
ROBERT M. FISHER
JOSHUA FITZGERALD
FRANK J. FLORIO
ZACHARY R. FORD
MATTHEW P. FRAZEE
GEORGE O. FULENWIDER
PATRICK J. GALLAGHER
PATRICK J. GALLAGHER
ELISA M. GARRITY
JAMES C. GATZ
ROBERT H. GOMEZ
JOHN A. GOSHORN
ANDREW P. GRANT
BROOKE E. GRANT
NAVIN L. GRIFFIN
STEVEN M. GRIFFIN
RICHARD O. GUNAGAN
GREGORY M. HAAS
JEREMY M. HALL
RUSSELL S. HALL
JASON K. HAMBY
BYRON H. HAYES
MICHAEL J. HEGEDUS
KENNETH A. HETTLER
RICK R. HIPES
ANDREW J. HOAG
MORGAN T. HOLDEN
LAURA K. HOLVECK
WHITNEY H. HOUCK
GREGORY A. HOUGHTON
SAMUEL J. HUDSON
STEPHANIE K. HURST
NICOLAS A. JARBOE
MAX M. JENNY
KHRISTOPHER D. JOHNS
DAVID F. JOHNSON
MAUREEN D. JOHNSON
MATTHEW N. JONES
MICHAEL A. KARNATH
KEVIN A. KEENAN
BRENT G. KENNY
CHARLOTTE A. KEOGH
KENNETH M. KEYSER
SCOTT R. KIRKLAND
AJA L. KIRKSEY
JOHN P. KOUSCH
DAVID J. KOWALCZYK
KEVIN M. KURCZEWSKI
CRAIG S. LAWRENCE
MARK LANIER LAY
KRISTINA L. LEWIS
THOMAS S. LOWRY
COLIN B. MACINNES
HECTOR L. MALDONADO
PAUL J. MANGINI
JOHN A. MARTIN

RYAN P. MATSON
JOSEPH W. MATTHEWS
BLAKE A. MCKINNEY
JAMES D. MCMANUS
BRAD M. MCNALLY
JOSEPH W. MCPHERSON
JOHN M. MCTAMNEY
JOHNNIE F. MESSER
FRANCISCO L. MONTALVO
MARC J. MONTEMERLO
LEAH F. MOONEY
KENNETH R. MORTON
MATTHEW A. MOYER
RYAN T. MURPHY
MICHAEL A. NALLI
RICHARD T. NAMENIUK
MARK R. NEELAND
DION K. NICELY
JUSTIN W. NOGGLE
JAMES M. O'MARA
ROGER E. OMENHISER
ANDREA J. PARKER
JOSEPH B. PARKER
STACIA F. PARROTT
CHRISTOPHER M. PASCIUTO
CHESTER A. PASSIC
JEFFREY L. PAYNE
MICHAEL T. PEARSON
JAMES H. PERSHING
CATHERINE A. PHILLIPS
RUSSELL T. PICKERING
KENNETH B. POOLE
JORGE PORTO
MARK B. POTOTSCHNIK
DAWN N. PREBULA
KEITH D. PUZDER
LINEKA N. QUIJANO
AMANDA M. RAMASSINI
LISA M. RICE
ROBB M. ROBLE
KEVIN ROCKS
PEYTON H. RUSSELL
PAUL C. RUSSO
DENNIS M. RYAN
JAN A. RYBKA
PAUL SALERNO
RACHELLE N. SAMUEL
DANIEL L. SATTERFIELD
KEVIN B. SAUNDERS
BENJAMIN J. SCHLUCKEBIER
TIMOTHY L. SCHMITZ
TAZ L. SEARS
BROOK W. SHERMAN
ALLYSON M. SHULER
LAURA J. SMOLINSKI
JOAN SNAITH
IAN M. STAL
ROBIN R. STOTZ
JESSICA R. STYRON
BRANDON J. SULLIVAN
WILLIAM E. TAYLOR
JAMES K. TERRELL
EMILY L. THARP
LAWRENCE W. TINSMAN
DEVIN L. TOWNSEND
MICHAEL A. VENTURELLA
MATTHEW J. WALKER
WILLIAM R. WALKER
SARA A. WALLACE
CHESTER K. WARREN
RODNEY P. WERT
SCOTTI O. WHALEY
CHRISTOPHER A. WHITE
SCOTT C. WHITE
BARBARA WILK
WILLIAM B. WINBURN
TRACY L. WIRTH
CHRISTOPHER L. WRIGHT
DAVID J. YADRICK
DAVID K. YOUNG

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT
TO THE GRADE INDICATED IN THE UNITED STATES
COAST GUARD UNDER TITLE 14, U.S.C., SECTION 271:

To be commander

STEPHEN ADLER
RYAN D. ALLAIN
EUGENIO S. ANZANO
JEFF M. APARICIO
OCTAVIA D. ASHBURN
CLIFFORD R. BAMBACH
JOHN F. BARRESI
CHRISTOPHER M. BARROWS
JASON L. BEATTY
PETER L. BEAVIS
SCOTT D. BENSON
BENJAMIN D. BERG
JAMES R. BETZ
JEFFREY B. BIPPERT
DANIEL P. BISHOP
JOHN R. BITTERMAN
MARK A. BOTTIGLIERI
RUSSELL E. BOWMAN
THOMAS L. BOYLES
JOHN M. BRANCH
PAUL BROOKS
BRUCE C. BROWN
SUZANNE M. BROWN
JOHN M. BURNS
MARIE B. BYRD
JAMES D. CANNON

FLIP P. CAPISTRANO
DARREN J. CAPRARA
JAY CAPUTO
CLINTON S. CARLSON
PETER R. CARROLL
ERIC P. CARTER
TRAVIS L. CARTER
ANTHONY CELLA
JOHN D. COLE
ERIC M. COOPER
JOHN P. DEBOK
MARYELLEN J. DURLEY
WILLIAM G. DWYER
MICHAEL J. ENNIS
STEPHEN J. FABIAN
BRIAN D. FALK
MICHAEL A. FAZIO
ROSEMARY P. FIRESTINE
KENDALL L. GARRAN
KATHLEEN C. GARZA
MICHAEL D. GERO
FELTON L. GILMORE
ARTHUR H. GOMEZ
PETER W. GOODING
JOHN E. HALLMAN
HOLLY R. HARRISON
EDWARD J. HAUKKALA
RUSSELL F. HELLSTERN
ROBERT L. HELTON
ROBERT HENGST
JOSE L. HERRADOR
BRIAN E. HIGGINS
SCOTT T. HIGMAN
MARK E. HIGEL
ERIC E. HOERNEMANN
TODD M. HOWARD
RICHARD E. HOWES
JULIET J. HUDSON
HOMER D. HUEY
MARK A. JACKSON
ERIK J. JENSEN
ANTHONY R. JONES
KEVIN J. KERNEY
TAE J. KIM
ERIC P. KING
LAURA E. KING
DAVID K. KIRKPATRICK
SHAWN S. KOCH
JASON M. KRAJEWSKI
ALAN G. LAPENNA
MATTHEW F. LAVIN
ERIK A. LEUENBERGER
WILLIAM A. LEWIN
RALPH R. LITTLE
VIVIANNE W. LOUIE
STEPHEN A. LOVE
JAMES D. MARQUEZ
CHRISTOPHER D. MARTIN
JORGE MARTINEZ
DAVID J. MARTYN
CRAIG J. MASSELLO
JOSEPH T. MCGILLEY
GABRIELLE G. MCGRATH
JOSHUA J. MICKEL
STEPHEN A. MILLER
ADAM B. MORRISON
SCOTT W. MULLER
PRINCE A. NEAL
TIMOTHY M. NEWTON
JEFFREY W. NOVAK
WILLIAM M. NUNES
CRAIG M. O'BRIEN
TOBIAS M. OLSEN
CHRISTOPHER T. O'NEIL
LOUIE C. PARKS
ANDREW T. PECORA
JOSE A. PENNA
SCOTT T. PETEREIN
RICHARD C. POKROPSKI
ANTHONY P. POWELL
STEPHEN A. RONCONE
MICHAEL R. ROSCHEL
JAMES B. RUSH
JASON H. RYAN
AARON M. SANDERS
BERNARD J. SANDY
BRIAN S. SANTOS
DEREK T. SCHADE
MICHAEL SCHOONOVER
MARK J. SHEPARD
JASON E. SMITH
ANNE O. SORACCO
LAURINA M. SPOLIDORO
SCOTT A. STOERMER
SUZANNE M. STOKES
JONATHAN THEEL
GREGORY L. THOMAS
ROBERTO H. TORRES
KARRIE C. TREBBE
RALPH J. TUMBARELLO
MARK W. TURNER
PAUL W. TURNER
MARK B. WALSH
LINDSAY N. WEAVER
DAVID C. WELCH
BYRON D. WILLEFORD
ERIC A. WILLIAMS
JOHN A. WILLIAMS
SCOTT A. WOOLSEY

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be colonel

PAUL L. SHEROUSE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be major

GABRIEL C. AVILLA

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be major

NATHAN P. CHRISTENSEN
TUCKER A. DRURY
PAIGE C. FURROW
JASON P. SHAMES
SARA A. WHITTINGHAM

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be major

KATHLEEN M. FLOCKE

THE FOLLOWING NAMED INDIVIDUAL TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

GARY A. VROEGINDEWEY

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

CRAIG S. BROOKS
STEVEN J. GILBERT
BRIAN J. JAMES

ANTHONY V. MOHATT
BENNIE W. SWINK

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICERS FOR REGULAR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 531:

To be major

BRANDON M. BOLLING
CHANTELL M. HIGGINS
TRACEY L. HOLTSHIRLEY
WILLIAM D. HOOD
KURT M. SANGER JR
WYETH M. TOWLE

IN THE NAVY

THE FOLLOWING NAMED OFFICERS FOR TEMPORARY APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 5721:

To be lieutenant commander

AUNTOWHAN M. ANDREWS
ALEXANDER L. BEIN
ALBERT L. BENOIT III
NICOLAS T. BOGAARD
BENJAMIN M. BRUMM
JEREMIAH J. CHEATUM
SHAWN W. CHRISTMAN
STEPHEN M. COL
MATTHEW B. COX
SCOTT B. CROLY
WILLIAM F. CUNNINGHAM
JOSHUA M. DISHMON
BRAD A. FANCHER
JEFFREY A. FERGUSON
TERRENCE E. FROST
LUIS A. GONZALEZ
BRIAN HEASLEY
SAMUEL W. HERBST
CLAYTON N. HERBERT
CHRISTOPHER G. HOBERT
BILLY R. HUNTER
KIMBERLY E. JONES
EREK A. KASSE
SHAWN T. KENADY
MARK J. LEVIN
ALAN T. MARDEGLIAN
JAMES R. MCCLURE III

FRANCIS R. MONTOJO
MICHAEL T. OREILLY
WARREN R. OVERTON
PATRICIA A. PALMER
JOSEPH A. PETRUCCELLI
JON B. QUIMBY
JULIE M. ROBERTS
JEREMY T. RORICK
PAUL L. ROULEAU
JOHANNAH G. SCHUMACHER
JEFFREY T. SERVELLO
ADAM C. SOUKUP
JOHN M. STUMP
CHAD J. TRUBILLA
DEREK S. WAISANEN
CHRISTOPHER W. WOLFF

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE GRADES INDICATED IN THE REGULAR NAVY UNDER TITLE 10, U.S.C., SECTION 531:

To be captain

MATTHEW A. MCQUEEN

To be commander

RONALD J. KISH

To be lieutenant commander

CHARLES E. CLIFFORD
JUSTIN C. LOGAN
JONATHON C. MCINTOSH
SUYEN M. TERAN
CHARLES E. VARSOGEA

CONFIRMATION

Executive nomination confirmed by the Senate, Thursday, November 18, 2010:

EXECUTIVE OFFICE OF THE PRESIDENT

JACOB J. LEW, OF NEW YORK, TO BE DIRECTOR OF THE OFFICE OF MANAGEMENT AND BUDGET.

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

EXTENSIONS OF REMARKS

TRIBUTE TO BERT DORAN

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2010

Mr. LATHAM. Madam Speaker, I rise to recognize Bert Doran, a World War II Marine Corps veteran from Boone, Iowa, and to express my appreciation for his dedication and commitment to his country.

The Boone News Republican is currently running a series of articles that honors one Boone County veteran every Tuesday from Memorial Day to Veterans Day. Bert Doran was recognized on Tuesday, October 26. Below is the article in its entirety:

BOONE COUNTY VETERANS: BERT DORAN

(By Greg Eckstrom)

"I was lucky I lived."

The sentence came from Bert Doran, a Marine Corps veteran who served in World War II under harsh fighting. He was injured in Iwo Jima after three days of fighting in which half of his company was killed. Doran, however, isn't exactly one to go down without a fight.

It's that spirit that drove the 19½ year old who was born in South Dakota and moved to Boone at age 7 to join the military. Some guys he knew said they were going to do it, and Doran decided he wanted to do it, too. The reason he picked the Marine Corps as his branch of choice was a decision explained just as easily.

"It's supposed to be an elite outfit, so it's what I picked," he said.

United States Marine Corps, third division, ninth regiment, third battalion, K company was where Doran ended up, and after signing up he was sent to California for boot camp.

Boot camp was in San Diego, followed by training at a portion of Camp Pendleton up in the hills, "where all the snakes were," Doran said.

Boot camp was, as a bit of an understatement, tough.

"Boot camp was some of the toughest training," he said. "It was 8 weeks, and I had to stay an extra two weeks because I couldn't swim."

Tough was also a definition, also an understatement, that fit Doran, though.

"I decided I was going to make it through it, so I did," he said. "I lost a lot of weight after I went through boot camp."

Leaving Camp Pendleton, Doran was next sent overseas to Guam for further training.

"It was supposed to be secured, but we had an eight day push to the jungles to clean out what was left," he said. "It was thick jungle. We had to use knives to chop through."

There were also plenty of snakes in the jungle . . . although after time in the hills in Camp Pendleton, Doran was used to this.

It was January of 1944 that Doran left Guam. Arriving at Iwo Jima on Feb. 26, 1945, he was greeted with fierce fighting.

"We were actually pinned down," he said. "About half the company had been killed. We had to wait for replacements. The cap-

tain was killed the first day, my platoon lieutenant was killed the first day. About 200 in the company. About half of them were killed the first day."

After three days of fighting, Doran was in a foxhole with two other men when a mortar shell hit.

"It killed the one guy," he said. "I don't know what happened to the other one. I probably was temporarily knocked out, and then I pushed up through . . . The guys from the next foxhole came out and pulled me out, put a tourniquet on my arm. Then I was carried out of there."

The soil at Iwo Jima was composed nearly entirely of volcanic ash.

"That's what that whole island was," Doran said. "My face was completely full of it."

Details are fuzzy for Doran, as he was on morphine at the time, but he remembers being shipped out on a hospital ship, sent to Saipan, and then flown to the Hawaiian islands.

From there, after a month, he was sent to a hospital in Oakland, Calif., and finally to the Philadelphia Naval Hospital, where he stayed for 11 months.

"It was kind of a blur after I was wounded," he said.

The blast had put so much volcanic ash into him that he had lost his eyesight. He said that at first, he could see a little light, but after a surgery was attempted to correct his vision, he could see nothing.

"They said my eyes were so full of that volcanic ash that they couldn't see into them," he said. "That's the first thing I remembered at the hospital. One of their help was rubbing my face. Trying to get that ash out. I imagine it looked like a mask."

For the man that got through boot camp with grit and determination, however, his lost vision didn't seem to slow him down. In his time at the hospital he learned Braille, and even took a trip up to New York City with a group.

"They took us from there for a week up to New York to the Institute for the Blind in New York City, and we were there for a week," he said. "And they took us out to the big night clubs at night for eats and drinks. We met Guy Lombardo at the Roosevelt Hotel."

He also married his wife, who was from Ogden, during a furlough. When he went back to Philadelphia Naval Hospital, his wife came with him and got a job at the facility.

It was at the hospital that Doran was presented with the Purple Heart for his service to his country.

After being discharged from the service, Doran received training at the Veterans Hospital in Des Moines on how to make rugs—a task he picked up quickly and enjoyed for years.

"I made rugs and that kind of stuff for 25 years," he said. "I've got to liking it."

Doran also keeps in contact with the men of K company—sending out Christmas cards to a list that has slowly been dwindling as the years go on. These days, he sends out about 10–12 cards each year to men from the company.

Billie Ellis, who works for Boone County Public Health, helps Doran out at home, and

knowing him for 25 years she describes him as a perfectionist.

"He was a perfectionist and he still is," she said. "He likes everything done right."

Over the years, the ash has been taken from Doran's face, although one piece next to his nose did develop into cancer.

"They told me right before the surgery that a lot of them don't live through the surgery, so that didn't sound very good," he said.

A lot of people don't live through the surgery, but even fewer survive a mortar shell landing in their foxhole. Doran went through the 11½ hour surgery 25 years ago without problems. After all, having survived Iwo Jima, cancer is just another challenge to overcome.

Now, looking back on his time in the service, Doran vividly recalls stories of his service with sharp clarity. He claims that the military taught him discipline, and he's proud of joining a legacy of military service in his family—having had a brother, John F. Doran, fight in the Battle of the Bulge and his father serve in the Army during World War I.

These days, Doran said, the military is different. Soldiers now use technologically advanced weapons. The soldiers that are fighting, however, don't seem to have changed much. Ellis has a son that just joined the Marine Corps. When he was seen off, in addition to family members, Doran was there as well. After all, Marines support each other—both in WWII and today.

"He wished my son good luck," Ellis said. "They always talk about the Marines."

I commend Bert Doran for his many years of loyalty and service to our great Nation. It is an immense honor to represent him in the United States Congress, and I wish him all the best in his future endeavors.

RECOGNIZING THE 25TH ANNIVERSARY OF CHAPTER 227 OF VIETNAM VETERANS OF AMERICA

HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2010

Mr. CONNOLLY of Virginia. Madam Speaker, it is my great honor to recognize the 25th Anniversary of Vietnam Veterans of America Chapter 227. Founded in 1978, Vietnam Veterans of America, VVA, is the only national veterans organization exclusively dedicated to Vietnam-era veterans and their families. Currently, there are 46 state councils and 630 local chapters with more than 50,000 individual members. VVA's goals are to promote and support issues that are important to Vietnam veterans, to create a new identity for this generation of veterans and to change public perception of Vietnam veterans.

One local chapter, VVA Chapter 227, serves the needs of Vietnam veterans who live in Northern Virginia, and I commend them for

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

their dedication and commitment to our veterans. Chapter 227 was founded in 1985 with 15 people meeting at the NCO club at Fort Myer. Since then, the chapter has grown and continues to be an engaged and active asset in the community.

Chapter services include providing support to homeless veterans, assisting in maintaining the Vietnam Veterans Memorial in Washington, DC, awarding the Vince Kaspar Prizes for Excellence in the Arts to area high school students, and educating its membership and the public about addressing the needs of veterans. It is an inspiration that so many continue to answer the call to serve after the battle is done; there is no better advocate for veterans in need than those who understand the challenges they face.

The founding principal of Vietnam Veterans of America is: "Never again, will one generation of Veterans abandon another". But in many cases, Vietnam veterans were abandoned by entire segments of the country. The government often failed to provide necessary services, and, tragically, some of the American public wrongly turned their opposition to the war into disrespect for our brave men and women who served in uniform. Instead of receiving the honor due all American service members, many received scorn. VVA works tirelessly to right these wrongs.

Madam Speaker, I ask my colleagues to join me in thanking VVA Chapter 227 and all VVA chapters for their service to their community and our nation. Their service is a living reminder of the sacrifices our service men and women make from generation to generation. I also ask my colleagues to join me in expressing the gratitude and respect of our nation to those Vietnam-era veterans who served so bravely. I pledge that I will continue working to protect and improve the services and benefits so richly deserved by American servicemembers of all generations.

CELEBRATING THE 100 YEARS OF SERVICE OF THE WOMEN'S IMPROVEMENT CLUB OF ROSEVILLE

HON. TOM MCCLINTOCK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2010

Mr. MCCLINTOCK. Madam Speaker, I rise today to recognize the Women's Improvement Club of Roseville. Since its foundation in 1910, the Club has been a community service organization benefiting the City of Roseville and surrounding areas. The clubs numerous contributions to our community have included the founding of the city's first library, developing Woodbridge Park, contributing annually to the restoration of the El Dorado and Tahoe National Forests, spearheading several educational and arts programs and providing invaluable support to area veterans and service members. Furthermore, the Club's members contribute invaluable time and resources to community events, as well as to local and international charities.

Madam Speaker, it is without doubt that our community is a better place today as a result

of the constant dedication of the Women's Improvement Club of Roseville. I am proud to recognize and thank the Club for a century of service.

IN RECOGNITION OF ST. CHRISTOPHER SCHOOL

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2010

Mr. KUCINICH. Madam Speaker, I rise today in recognition of the faculty, staff, parents and students of St. Christopher School for winning the 2010 Blue Ribbon School of Excellence Award.

Blue Ribbon Schools is a Department of Education program that honors schools whose students have attained an extraordinarily high level of achievement or who regularly overcome socioeconomic barriers to academic success. Schools are judged according to strict criteria based on test scores and student demographics. Winners generally maintain a school culture of community involvement, high expectations for student achievement, an emphasis on teaching to the whole child and a dedication to developing leadership skills. This year, only 304 schools throughout America attained this prestigious award. I am proud to count St. Christopher School among them.

St. Christopher School is a Catholic School in Rocky River, Ohio that strives to develop its students spiritually, intellectually, and emotionally. Students are taught to become healthy, loving, well-rounded leaders with a lifelong dedication to learning and to living out Christian values.

Madam Speaker and colleagues, please join me in congratulating those who have worked hard to make St. Christopher School a nurturing and academically rigorous institution.

A TRIBUTE TO MRS. CONNIE SHAFFERY

HON. BRETT GUTHRIE

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2010

Mr. GUTHRIE. Madam Speaker, I rise today to honor Mrs. Connie Shaffery, who has dedicated herself to the United States and the Commonwealth of Kentucky.

Connie has proven herself to be an exceptional communicator and representative for the United States Army and Fort Knox. Connie will retire after 28 years of devoted service.

Connie graduated from Pennsylvania State University with a BA in Communication and continued her education, graduating from the Defense Information School's Public Affairs Officers' Course.

Connie began working in Army Public Affairs at the Philadelphia Recruiting Battalion in 1987. She moved to the Baltimore Recruiting Battalion in 1990 to accept a position as their chief of advertising and public affairs. Because of her proven skills and leadership, Connie was promoted in 1993 to a position with the

Military District of Washington as their community relations officer.

A move to Fort Knox, Ky., led to a position as the chief of advertising and public affairs for the 3rd Recruiting Brigade, overseeing activities in seven recruiting battalions throughout the north central states. In 2003, she was promoted to be the Army Armor Center and Fort Knox public affairs officer, a position she held for over seven years.

This year, she was temporarily promoted to be the public affairs officer for Army Accessions Command where she was responsible for managing the commanding general's public affairs activities throughout the command and within the local Fort Knox region.

I ask my colleagues to join me in honoring Connie Shaffery for her commitment to the U.S. Army, U.S. Army Recruiting Command, our nation and the Commonwealth of Kentucky.

CONGRATULATING REVEREND FAUSTO STAMPIGLIA

HON. VERN BUCHANAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2010

Mr. BUCHANAN. Madam Speaker, I want to take this opportunity today to congratulate Reverend Fausto Stampiglia of St. Martha's Church in Sarasota, Florida, for receiving the Holy Cross Pro Ecclesia et Pontifice award from the Roman Catholic Church for his outstanding service to the Church.

Translated, the award means for "Church and Pope." It is the highest honor a priest can receive from the Pope.

Father Stampiglia was presented the award by Bishop Frank J. Dewane, on behalf of Pope Benedict XVI, who noted his service and dedication to the people of St. Martha's Parish and to the Diocese of Venice.

Father Stampiglia was installed as pastor of St. Martha's in 1991 and is the head priest of St. Martha Catholic School. He celebrates masses in Vietnamese and the Tridentine Rite and has been a strong supporter of several charitable programs in the Sarasota area.

For the Diocese of Venice, he is currently Dean of the Northern Deanery, Director of the Permanent Diaconate Office and Board, and serves on the College of Consultors, Peer Review Committee and School Board, as well as an ex-officio member of the Presbyteral Council.

On behalf of the many individuals and families he has faithfully served within Florida's 13th District, I thank Father Stampiglia for his service to his church and community.

It is with great pleasure that I acknowledge he has rightfully received this prestigious award.

PERSONAL EXPLANATION

HON. BRUCE L. BRALEY

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2010

Mr. BRALEY of Iowa. Madam Speaker, I missed votes on Wednesday, November 17,

2010 visiting a constituent at the National Naval Medical Center in Bethesda, MD. If I were present, I would have voted:

"Yea" on rollcall 572, On Agreeing to the Resolution, H. Res. 332—Providing for the House to adjourn for the Thanksgiving District Work Period.

REPUBLIC DAY IN TURKEY

HON. VIRGINIA FOXX

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2010

Ms. FOXX. Madam Speaker, I would like to congratulate the citizens of Turkey and Turkish Americans on the 87th anniversary of the proclamation of the Republic of Turkey on October 29, 1923. This is one of the most important dates in Turkey's history. And it is equally meaningful to the United States as it formed the cornerstone which enabled Turkey to become a strategic partner and close NATO ally.

After the 600 year old Ottoman Empire disintegrated, Mustafa Kemal, also known as the George Washington of Turkey, led a three year war of independence. This culminated with the newly founded parliament formally abolishing the Sultanate, on November 1, 1922, thus ending 723 years of Ottoman rule. The Treaty of Lausanne of July 24, 1923, led to the international recognition of the sovereignty of the newly established "Republic of Turkey" as the successor state of the Ottoman Empire.

Following considerable debate and discussion, the Turkish Parliament proclaimed the Republic on the evening of October 29, 1923. Fifteen minutes after the Parliamentary proclamation, Mustafa Kemal (later known as Atatürk), was elected President of the Republic. This historic decision was marked by a 101 gun salute. The significance of the event was also noted by Atatürk, who stated that, "the proclamation of the Republic was enthusiastically received by the nation. This enthusiasm was manifested everywhere by brilliant demonstrations."

Turkey's economy has grown at an impressive rate, and the country is now a member of the G-20, a European Union candidate, and an active and important player in various international organizations. Turkey and the U.S. have been close friends, partners and allies for many decades. However, the Turkish-American relationship goes beyond a simple bilateral friendship. Rather it has become a strategic partnership based on shared values, interests and ideals. U.S.-Turkish cooperation extends across a wide range of issues, including combating terrorism, promoting economic trade and energy security, fostering peace and stability in Afghanistan and Iraq, and advancing principles of democracy and freedom throughout the globe.

I hope my colleagues will join me in congratulating Turkish Americans and the Turkish public on this important occasion.

EDITH SAVAGE-JENNINGS

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2010

Mr. HOLT. Madam Speaker, I rise today to commend Edith Savage-Jennings, a paragon of the Civil Rights Movement whose accomplishments on behalf of the movement are surpassed only by her humility about them. "It was just the work that was called for," she has said. As I understand, she is currently working on a book to be entitled "Behind Closed Doors," she said, because that is where the most important work on any movement is done.

Let me open the door for you, just a little, so you will come to know and appreciate this paragon of the Civil Rights Movement as I do. First, she started early—when she was 9. She would tell her mother she was going to the library, but instead she would go to the Statehouse in Trenton and watch the proceedings of the New Jersey Assembly from the balcony. Despite getting in trouble for that fib, she persisted in her efforts to learn and to lead.

When she was 13, movie theaters in Trenton were still segregated. Black moviegoers—like Edith—were required to sit in the balcony. But she went to the theater with several friends, including future Mayor of New York, David Dinkins, and they sat downstairs. When asked to move to the balcony, they refused. And she's been making history quietly, but forcefully, ever since.

Whatever road the civil rights struggle took her down, she did her best. In 1963, she was one of six women asked by President Kennedy and Attorney General Robert Kennedy to ferret out particular areas of unrest in the struggle to desegregate schools in Mississippi. She became one of the "Wednesdays Women," who travelled in interracial teams to Mississippi in 1964 to advance the cause of desegregation through what you might call white-glove diplomacy. Accompanied by Helen Meyner, wife of New Jersey Governor Bob Meyner, they landed in Mississippi, only to be greeted by white men spitting on the floor in front of them. "They'd never seen a black woman and a white woman travelling together," she said.

They continued on. On Wednesdays, they would bring supplies to rural communities on the front lines of the struggle to end segregation. On Thursdays, dressed in heels, pearls and white gloves, they would meet white and black women for tea and cookies to discuss peaceful ways to desegregate the elementary schools and to resolve the white women's suspicions about the Civil Rights Movement. On this visit, as Mrs. Meyner introduced herself, she shook everyone's hand. In another quiet act of rebellion, Edith took off her white glove, and the women wouldn't shake her hand. But the schools were desegregated.

Over the years, she has been praised and followed for her leadership skills and prowess. She was introduced to Martin Luther King, Jr., in 1957 at a rally in Trenton because, the minister at Shiloh Baptist Church said at the time, she's "a great fundraiser." She became a lifelong friend of the Kings. In 1964, she accom-

panied Fannie Lou Hamer onto the floor of the Democratic National Convention, where she delivered her famous "I'm sick and tired of being sick and tired" speech. She has visited the White House under five different Presidents. She was close friends with Rosa Parks, and brought her and many other civil rights leaders to Trenton. She's been a member of the NAACP for life, and won more than 80 awards for her selfless, tireless work. In 2005, her name was added to the Wall of Tolerance in Montgomery, Alabama, to honor her 50 years of civil rights service. Last year, she was inducted into the National Civil Rights Museum, located at the hotel in Memphis where King was assassinated, and the National Park Service Archives for Black Women's History in Washington DC.

But her humility is one of her most endearing qualities. When President Kennedy called her to action in 1963, she didn't believe it was him. So he put his brother Bobby on the phone and said "Bobby, say hello to Mrs. Savage so she'll know I'm the President." When she was inducted into the National Civil Rights Museum, among other personal items she donated was a pair of red loafers she had worn in 1968 while demonstrating in the rain and mud at the Poor People's Campaign commemorating Martin Luther King, Jr. The shoes still bore the mud from that day. "I put them in a box [and] never pulled them out," she said "but I saved them because to me they were part of a historical situation."

I am proud to say Edith Savage-Jennings has been a resident of Trenton since the age of 2. At the mass in her honor after her induction into the National Civil Rights Museum she said "I want people to know that no one does this alone." Even so, the particular manner, the quiet resoluteness, and the tide of contributions of some simply stand out. Edith Savage-Jennings is one such person.

TRIBUTE TO DEAN BRILEY

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2010

Mr. LATHAM. Madam Speaker, I rise to recognize Dean Briley, a World War II Navy veteran from Boone, Iowa, and to express my appreciation for his dedication and commitment to his country.

The Boone News Republican is currently running a series of articles that honors one Boone County veteran every Tuesday from Memorial Day to Veterans Day. Dean Briley was recognized on Tuesday, October 19. Below is the article in its entirety:

BOONE COUNTY VETERANS: DEAN BRILEY

(By Greg Eckstrom)

Military service for the Briley family was a family affair.

Dean Briley, a Boone County native, along with his three brothers, all found themselves serving their country overseas during WWII, although each stationed in different areas.

For Briley, with the war already raging, he enlisted in the United States Navy in 1942 as a petty officer third class. He was sworn-in in Des Moines and was sent to Boot Camp at Great Lakes, Ill., near Chicago. Boot camp in

the winter in the Midwest was, to say the least, a bit chilly.

"It was cold," Briley said flatly. "We didn't have any hot water. We were in a new barracks, and they hadn't gotten hot water to it yet, so we shaved and everything in cold water."

Following boot camp, Briley and his wife were sent to Arlington, Va., where they didn't have a place to stay, but had jobs.

"The first place I went to was in Washington D.C. at the Bureau of Naval Personnel, supervising naval and civilian personnel," Briley said. "When we went, they didn't have a place for us, so we had to find our own lodging. I guess the first couple of nights we stayed in the Red Cross place until we found a place to live. We were figuring officers' longevity pay. I was there a year and a half. My wife was with me then. She worked in the Navy Department. In Arlington, same place I did. We lived in Washington, D.C."

From there, Briley went through amphibious training and was assigned to LC1 Flotilla 28 staff. The flotilla consisted of 28 ships, with Briley stationed on one of the smallest. At 150 feet long and only 25 feet wide, it was the smallest seagoing vessel that could cross the ocean by itself.

"I had never actually seen the ocean until then," Briley said. "It only drew four feet of water, it had a flat bottom and it was like a cork out there."

The small ship sailed from Norfolk, Va. to Bizerte, Tunisia in a 150-ship convoy. The trip took 21 days, after detouring for three days to avoid German submarines.

Once the ship arrived on land, Briley said they couldn't have liberty in Bizerte since it was quarantined with black plague, so the men were given a two-day pass to go to Tunis.

"We met up with a soldier that knew a family there and he would give them some rations that included bacon," he said. "We stayed the night with them and had bacon and eggs for breakfast. That was a treat."

Briley spent 1½ years in the Mediterranean Sea area, with much of the time spent in port. The day-to-day tasks for him included primarily making a news sheet for the men.

He recalls one particular time, while he was in Palermo, that he had a chance to see the catacombs.

"We went down in the catacombs," he said. There were bodies laying right out on shelves and stuff. I don't think they show those anymore."

Meanwhile, Briley had no communication with his brothers. In fact, while he was headed overseas, one of his brothers was headed back to the United States with an injury—one that could have been much worse.

"He was in a foxhole when a bomb hit alongside him and buried him, but his head went into his helmet and then after they took care of the wounded up above, they dug him out and he ended up with just some back injury," he said. "They were in on the front line for I think it was over 300 days."

One interesting event for Briley also came after he and a friend borrowed a Jeep while in Naples and ventured to Rome. Although the two didn't do much inside the city, they did go to the Vatican and managed to be in the right place at the right time for a chance meeting with Pope Pius XII. He walked up to Briley, said "Hello American sailor," and blessed the religious items that Briley had been holding. Briley also kissed his ring.

"It was just luck," he said. "It was a big room. Then he comes out, just being friendly."

When Briley returned from Europe, he was on leave before returning to Norfolk, Va. To meet a ship to go through the Panama Canal to the Pacific when the bombs were dropped on Japan.

The news that the war had ended shortly after brought a different feeling than excitement for Briley.

"It was more relief," he said. "Actually, it's more for the family than anything."

I commend Dean Briley for his many years of loyalty and service to our great nation. It is an immense honor to represent him in the United States Congress, and I wish him all the best in his future endeavors.

HIGHLIGHTS FROM CAPITOL HILL

HON. EMANUEL CLEAVER

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2010

Mr. CLEAVER. Madam Speaker, I would like to submit the following article:

[From the Lexington News, Nov. 10, 2010]

EDITORIAL—HIGHLIGHTS FROM CAPITOL HILL

(By Joe Aull, State Representative 26th District)

An era in political history came to an end this past Tuesday when Congressman Skelton lost his bid for re-election to an 18th term in the United States Congress.

I believe that we all owe Congressman Skelton a huge thank you for exemplary service for the past 34 years. Ike has worked extremely hard and he has been responsible for so many good things that have happened in our area, our state and our country.

I could say many positive things about my good friend, Ike, but I can think of three issues that really jump out at me.

First of all, I was always so impressed with how well that Ike stayed in contact and in touch with the people in his district. I have never seen anyone work any harder and put in any more miles in traveling from city to city to meet and listen to the people who he represented.

I mentioned the word listen, and I continually saw Ike listening to what was on the minds of his constituents and I believe that he voted for what he thought was right for his people. I always believed that he truly cared about the welfare of the folks that he represented and he put that ahead of everything else.

Secondly, I was very impressed with the leadership that Ike provided as Chairman of the House Armed Services Committee. I don't know any Congressman that has been more committed to the well being of our service men and women, our veterans and military in general.

I know that Ike has spent much of his free time abroad visiting first hand with our troops and I always felt good knowing that a man of his military knowledge and total commitment was the head of one of the most important committees in Congress, especially in time of a difficult war.

The third and final thing that I would like to emphasize was the fact that Ike was always a true statesman and a positive role model as a Congressman. In a day when you hear of legislative scandals and the legislators who sell out to a particular interest group, I always believed that Ike was honest, trustworthy and a person with strong character, who always conducted himself admirably and in a very professional manner.

He always worked across the aisle with the other party, and he was a master of compromise and this helped him get many things accomplished for the good of his people. Ike was always the kind of person that I admired and trusted, and one who always tried to do things the right way.

I could go on and on, but let's suffice it to say thank you Ike for all that you have done for so many of us, for always going the extra mile and for truly caring for those of us whom you represented.

I will always be proud to say that you were my Congressman and I am deeply honored to call you my good friend.

TRIBUTE TO DEL PAPA DISTRIBUTING

HON. RON PAUL

OF TEXASS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2010

Mr. PAUL. Madam Speaker, this month Del Papa Distributing Company is celebrating its 100th anniversary. I am pleased to extend my congratulations to the owners and employees of the Del Papa Distributing Company.

The Del Papa Distributing Company originated in 1910 as a wholesaler grocery and wine business called Celli and Del Papa in Galveston, Texas. The grocery store was founded by two Italian immigrants, Frank Celli and Omro Del Papa, Sr. Misters Celli and Del Papa ran the business until Mr. Del Papa returned to Italy in 1920. Mr. Del Papa retained his business and real estate interests in Galveston and he returned to Texas in 1930. Upon his return, Mr. Del Papa established the O. Del Papa Commission Company, and became a distributor for the Anheuser-Busch company. Since the United States was still under Prohibition at that time, the Del Papa Commission Company distributed baker's yeast, olive oil, and ginger ale. When prohibition ended, the Del Papa Distributing Company began distributing beer. In the early 1960s the company's name was changed to The Del Papa Distributing Company.

The Del Papa Distributing Company has always been a family business. Over the years, all of Mr. Del Papa's sons have worked in the business, including the current chairman of the board, Lawrence J. Del Papa, Sr., who first worked for the company in 1939 as a delivery man. Today, Omero Del Papa's grandson, Larry Del Papa, Jr., serves as President of the company, a position he has held since 1988.

The Del Papa Disturbing Company has come a long way since Frank Celli and Omro Del Papa opened their small grocery store in Galveston. Today, the company has major distribution centers in Galveston, Beaumont, and Victoria, over 2,700 retail accounts covering 17 counties, and 350 employees distributing over 350 beer brands. There is even a street named for the company at the intersection of Business 59 and Del Papa Street in Galveston.

The Del Papa Distributing Company has survived major hurricanes, two world wars, and the 1947 explosion in Texas City, which is the worst man-made disaster in American history. Every time their community has faced a challenge, the owners and employees of Del

Papa Distributing Company stepped up to help their fellow citizens. Everyone at the Del Papa Distributing Company takes great pride in their tradition of civic and charitable involvement. The Del Papa Distributing Company has initiated and assisted with many community service activities from blood drives to military programs to disaster relief. The Del Papa Distributing Company also donates to CASA, Children's Advocacy Center, and The Arts of Victoria, created a GI Joe/GI Jane holiday care package project to support the troops who must spend the holidays overseas away from their families. The Del Papa Distributing Company has also been a major contributor to the fundraising efforts of numerous wildlife organizations such as Ducks Unlimited, Coastal Conservation Association and the Rocky Mountain Elks organization. The Del Papa Distributing Company has also participated in the Keep Texas Beautiful Campaigns.

The Del Papa Distributing Company is also a co-founder of the Galveston Black Heritage foundation and a supporter of the League of United Latin American Citizens, LULAC. The Del Papa Distributing Company also partners with Anheuser-Busch to promote responsible consumption of alcoholic beverages through the "Responsibility Matters" program.

Madam Speaker, anyone familiar with Del Papa Distributing Company's history of civic involvement should hardly be surprised that the company kicked off its 100th anniversary celebrations with the announcement that it would endow scholarships to 13 community and four-year colleges located through the 17 counties they service.

The Del Papa Distributing Company is truly a great Texan and American success story and the company's long history of civic and charitable involvement should serve as inspiration to all. It is therefore my pleasure to once again extend my congratulations and best wishes to the owners and employees of the Del Papa Distributing Company on the occasion of their 100th anniversary.

TRIBUTE TO MILO DEUEL

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2010

Mr. LATHAM. Madam Speaker, I rise to recognize Milo Deuel, a World War II Army veteran from Boone, Iowa, and to express my appreciation for his dedication and commitment to his country.

The Boone News Republican is currently running a series of articles that honors one Boone County veteran every Tuesday from Memorial Day to Veterans Day. Milo Deuel was recognized on Tuesday, October 12. Below is the article in its entirety:

BOONE COUNTY VETERANS: MILO DEUEL
(By Greg Eckstrom)

Before going into the service, Milo Deuel had read of a soldier who had been in the civil war and carried a little Bible with him in his breast pocket. The soldier in the story had gotten shot with a mini ball, and the Bible had ended up saving his life.

So when Deuel joined the Army Enlisted Reserve Corps while in junior college in Mis-

souri, and was called to active duty, he brought with him a small book given to him by his Methodist minister, entitled "Strength for Service to God and Country." As his service brought him around the world, he chronicled the places he had been on the back leaf of the book, serving as a memory for the places he'd gone and the things he'd seen.

Commonly, veterans have a difficult time recalling experiences from war to non-veterans because it can be a painful experience. Deuel is similar in this way, however his little book provides him reminders with each neatly-printed location and date on the back leaf.

"They won't say a thing about it," Deuel said. "My wife says I'm the same way, and the older I got, the more liberal I got with what I did and what happened. But some things that happened I don't really care to think about or talk about."

Yet, with the bad comes the good—the camaraderie amongst soldiers, the experience one gains by being a part of history and the stories that come from service.

Deuel was sent to Camp Roberts in California in 1943, where he was trained for desert warfare. He learned how to endure high temperatures, how to get along with little water and how to shoot, Deuel said. After his training, he was given a short furlough to go home and say goodbye to his family before heading back to the west coast and then overseas.

Deuel remembered well being stationed in the Guadalcanal Islands and "distinguishing himself," although not in a heroic fashion. Heading home from a movie, he noticed coconuts scattered on the ground around trees, and felt the urge to cut one open and have a drink.

"I had never seen a coconut tree before in my life," he said. "I didn't know that when a coconut fell on the ground and laid there several days or weeks, the milk fermented and made a soap-like substance. I ended up in the base hospital in Guadalcanal for 10 days drinking paregoric. It had a terrible taste to it. After a while, about the third or fourth day, it tasted pretty good."

From Guadalcanal, he went to Munda, New Georgia, where he "went on a few patrols."

"I'm glad I didn't have to fight anybody, but that jungle warfare really didn't appeal to me," Deuel said.

Neither did the late-night wake-ups from Japanese aircraft in the area.

"They had a big air strip in there covered with white coral," he said. "The Japanese would send a lone plane around midnight two or three times a week to keep us awake. We called him 'Midnight Charlie.' He'd come over, and the anti-aircraft guns would open up. They never hit him, but it'd keep us awake."

After serving between 6-8 weeks in New Georgia, Deuel was sent to New Zealand, which he described as "a Godsend."

"It was just like going from green hell to green heaven," he said. "And they treated us like kings down there. One of the great treats was to have fresh milk and ice cream, which we hadn't seen for several weeks."

It was during Deuel's four months in New Zealand that he found himself moved to regimental supply—a position that saw him distributing rations to the troops. Pleasing the troops was his job, one that was made easy when the rations were bigger.

"I was really popular then, which wasn't very often," he joked.

He then went to Papua New Guinea, followed by a stint in Luzon, where he saw his

"most exciting" days of his service in the Invasion of Luzon on Jan. 9, 1945.

Regimental supply was divided into two teams, and offloaded from the troop ship in a bay to a landing craft loaded with large drums that appeared to be filled with gasoline. As the fourth or fifth wave to go in on Jan. 9, Deuel's unit was shelled out and had to wait.

"The Japanese had some artillery guns that were hidden back in the hills, and they would let go with those every now and then. We couldn't make the beach, so we sat out in the bay all day and then the following day, the 10th, we went in with no problem at all."

It was in Luzon that Deuel said he learned a powerful lesson working with a Filipino crew.

"I found there you couldn't judge a man by his color," he said. "Whether he was black or brown or white, it was what was in his heart. I made some good friends with the Filipino people."

Deuel recalls one conversation he had with the head Filipino man he worked with—Juan. In the town of Santa Maria, Deuel heard a jazz band marching down the road playing an upbeat song—"Roll Out the Barrel"—that he had heard from Camp Roberts. As the band came within sight, Deuel saw it was a funeral procession—escorting the caskets of a mother and child. Shocked, Deuel asked Milo why they didn't play something more mournful.

"He said, 'Milo, think about it. Do you think that when you die you go to a better place?' I said, 'I certainly hope so.' He says, 'That's what we do. We're happy that they're gone out of this d* * * mess that we're in. They're gone to a better place.'"

Deuel saw promotions quickly in Luzon, going from a buck private to a staff sergeant in four weeks. He was next sent to Japan for six weeks as part of occupation troops after the war had ended, where he had a chance to see "how effective our bombers had been. There were miles and miles of nothing." After those six weeks, he received the news.

"Milo Deuel, pack your duffle, get on the next ship. You're headed for home," he recalled.

He traveled back home highly decorated. All in all, he received several awards, including a sharpshooter's badge, a combat infantry badge, the Bronze Star and a presidential citation medal. Upon arriving home, the biggest shock was the guy waiting to greet him. "My greatest surprise coming home, I didn't have a little brother anymore," he said. "That sucker had grown up after four or five years since I had been home. He was as tall as I was."

Deuel remained in contact with many of the men he'd served with. He'd seen strong friendships throughout his service, and a wide variety of places, as he'd documented in his little book, which returned home with him. In it, he had filled two of the small pages in the back of the book—each recounting memories of places he had been and things he had seen.

A good friend from the service he'd lost contact with entered his mind recently, prompting Deuel to look him up and write a letter to the mayor of the man's town—Maiden, North Carolina—to inquire about him. The mayor responded to let Deuel know the man had passed away, but a letter soon followed . . . from the man's daughter.

"She said, 'Daddy would never tell me a thing about WWII. Tell me what he did,'" Deuel recalled.

So Deuel grabbed the book—the one that had stuck with him all through his service—

and flipped it open to the last two pages. Looking through the dates, the memories came flooding back, and he began writing. It might be difficult for him to talk about his service, but he wanted to share with the girl what her father had gone through.

"There were good days and bad days," Deuel said. "So I copied a lot of this stuff. Each date gave me a remembrance of something that happened to us. So the poor thing knows what her daddy did."

I commend Milo Deuel for his many years of loyalty and service to our great nation. It is an immense honor to represent him in the United States Congress, and I wish him all the best in his future endeavors.

HONORING TURKEY'S REPUBLIC DAY

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2010

Mr. WILSON of South Carolina. Madam Speaker, I come to the floor today to honor our friend and ally Turkey. On October 29, 1923, the Turkish constitution was amended and Turkey officially became a Republic.

During the Presidency of Mustafa Kemal Atatürk, the nation embarked upon a program of political, economic, and cultural reforms. The nation of Turkey now stands as a modern, secular nation-state which has been a long time friend to the United States.

Turkey's economy has grown at a record pace and literacy and education rates continue to climb. Turkey stands as an inspiration to reformers in the greater Middle East and throughout the world.

Over the past 87 years, Turkey's relationship with the United States has grown. Turkey has been a partner to the United States in NATO, the United Nations, as well as on the War on Terror. Beginning in the bloody Korean War of 1950, Turkish and American troops have fought side by side for victory over communism in The Cold War. Moreover, Turkey's work on human rights and energy security for Europe should be commended. Turkey has provided critical humanitarian and medical assistance in Afghanistan and in Iraq.

We should congratulate the people and the Government of Turkey for their efforts over the past 87 years and we look forward to building on the current relationship in the future.

HONORING ROBERT COHEN

HON. JARED POLIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2010

Mr. POLIS. Madam Speaker, I rise today in recognition of a celebrated filmmaker and proud resident of my district, Robert Cohen. I've known Robert for many years and have always been impressed by his work as an artist and public servant, and it is an honor to commemorate him today.

Robert was born in Philadelphia in 1930 and moved to Los Angeles at the age of 9. After

graduating from UCLA in 1952, Bob began his professional film career as a writer in the U.S. Army Signal Corps and a cameraman for NATO. In early 1956, Bob was honorably discharged from the Army and was able to devote his full energy to a film career that was already taking off.

In the 50-plus years since Bob released his first works, including "Mister Wister the Time Twister" and "The Color of Man," Bob has filmed, edited, written, produced or contributed to over 20 films, documentaries and television productions. His work spans the political to the historical, the local to the international, and he has been celebrated around the world as a filmmaker, artist and visionary.

It is an honor both to serve as Bob's representative in Congress and to call him my friend and colleague. I wish him many more accomplishments and know that he will achieve continued success behind the camera, in front of the classroom and in the many exciting endeavors that await him as he inspires a new generation to political activism and public service. Thank you, Bob, for your friendship and leadership, and best wishes.

HONORING TARPON SPRINGS FUNDAMENTAL ELEMENTARY SCHOOL

HON. GUS M. BILIRAKIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2010

Mr. BILIRAKIS. Madam Speaker, I rise today to honor Tarpon Springs Fundamental Elementary on its 30th Anniversary. While Pinellas County is home to many excellent schools, Tarpon Springs Fundamental brings a special quality of a back-to-basics focus to its students.

The school's focus emphasizes student responsibility, structure, and academic success. This focus extends to parents as well with mandatory parental involvement in parent-teacher conferences and meetings. However, their involvement stems much further than what is required. Many parents can also be seen volunteering throughout the campus tutoring, mentoring, helping with daily classroom activities, or enjoying lunch with their child.

Tarpon Springs Fundamental is one of the smallest schools in Pinellas County, so in conjunction with its highly structured curriculum model, it fosters a familiar, tight-knit atmosphere. The staff and families are able to know one another on a personal basis, providing the foundation for educators and parents to work as a team to promote strong academic skills and values.

It is truly my honor to recognize Tarpon Springs Fundamental Elementary School as they celebrate their 30th anniversary. I look forward to watching the school continue to develop generation after generation of young minds with the core principals it has thrived on for so long.

HONORING PAUL KELLEY

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2010

Mr. THOMPSON of California. Madam Speaker, I rise today with my colleague Congresswoman LYNN WOOLSEY to recognize Paul Kelley who is retiring after 16 years as a member of the Sonoma County Board of Supervisors. Congresswoman WOOLSEY and I have the distinct privilege of representing Sonoma County and both of our tenures in the House have coincided with Mr. Kelley's tenure on the Board of Supervisors.

Supervisor Kelley represents the northern most supervisorial district in Sonoma County, which is home to one of the finest wine grape-growing and wine-producing regions in the world. His support of agriculture and agriculture-related industries is deep seated. He grew up on a small farm outside of Santa Rosa and spent his summers as a youth working on neighboring ranches and farms in the area. As a supervisor, his work included helping to bridge the gap between the water needs of farmers and fisheries, in supporting measures that guaranteed that 22,000 acres in his district would be protected under the county's Agricultural Preservation and Open Space District acquisitions and encouraging businesses and farmers to embrace green technology.

Supervisor Kelley also helped create new parks and recreational facilities throughout his district, including the Boys & Girls Club in Windsor, and renovate existing youth facilities in Cloverdale, Healdsburg and Larkfield-Wikiup.

He was the key proponent of returning commercial air service to the Charles M. Schulz/Sonoma County Airport. The regional airport now has daily flights to four western cities.

Supervisor Kelley's special assignments on the board included membership on the Sonoma County Transportation Authority, the North Coast Rail Authority, the Water Agency Committee, the Local Agency Formation Commission (Chair), the Eel Russian River Commission (Chair), the Redwood Empire Association, the North Coast Air Pollution Control District, the North Coastal Counties Supervisors' Association, the Public Policy Facilitating Committee, the Sonoma County Advertising Program, the Sonoma County Indian Gaming Local Community Benefit Program and the Association of California Water Agencies (President).

Madam Speaker, after 16 years of public service to the people of Sonoma, Paul Kelley deserves to enjoy the riches of this new phase of his life as a water and transportation consultant. We wish him well.

TRIBUTE TO WILLIAM FERRY

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2010

Mr. LATHAM. Madam Speaker, I rise to recognize William Ferry, a World War II Army veteran from Boone, Iowa, and to express my appreciation for his dedication and commitment to his country.

The Boone News Republican is currently running a series of articles that honors one Boone County veteran every Tuesday from Memorial Day to Veterans Day. William Ferry was recognized on Tuesday, October 5. Below is the article in its entirety:

BOONE COUNTY VETERANS: WILLIAM FERRY
(By Greg Eckstrom)

William Ferry joined the Army, along with his cousin, for pretty much the usual reasons.

"My cousin and I, we were going to be big shots," Ferry said with a laugh.

In many ways, Ferry was.

Originally from Pilot Mound, and returning to Boone after World War II, where he lived at the same address his whole life, Ferry entered his military career by volunteering rather than being drafted.

"My cousin and I decided to join the Army and see the world, so we went down and joined the Army," he said. "Well, that's the last I'd seen of him for three years."

Ferry, although speaking in a serious voice, seemed to put a lighter spin on his military experience than some. In recalling his basic training at Spokane, Wash., Ferry remembers learning how to type.

"They asked if I could type," he said. "And they gave me a book and said, 'Here, you've got a week to learn.' They give me a book and let me go."

The definition of self-taught. Ferry breezed through the book and learned to use a typewriter, admittedly saying that fortunately he didn't have to learn how to type extremely quickly.

While going through basic training in Washington, Ferry met the woman he would later marry . . . a marriage that happened prior to Ferry heading overseas for service. The position that Ferry was assigned to, however, didn't lend itself to easing the worries of his new bride's parents on their daughter's husband.

"They put me in a cryptographic section, which is decoding and encoding secret messages," he said. "The FBI checked out my family, her family and everybody she knew and everybody they knew. Her folks got to wondering what was going on."

The background check passed, however, and Ferry was sent overseas.

"They got us on a boat, and they made MPs out of us," he said. "We had to be an MP . . . had to work four hours on and four hours off for seven days a week for 31 days. And we ended up in India."

The boat pulled into a harbor with a large sign supported on two columns, reading "Gateway to India." They had landed in Bombay.

Ferry was put onto a train and traveled for a week until he arrived at his post—a building that, putting it lightly, was a rather safe place to be stationed.

"We went to a building that was inside of a compound that had about a 10 foot wall around us," he said. "We worked behind

locked doors and we had to decode and encode incoming messages and outgoing messages to the headquarters."

The work was interesting, however the climate was hot. Ferry said it took him six months just to get used to the heat. Then came the monsoons.

"They blew the roof off of our barracks one night, which was made out of grass," he said. "I never heard it rain so hard than down there when that monsoon hit. It really rained."

Ferry recalls one night that he was working alone at the compound, decoding a message that had come in while a general paced back and forth behind him. Ferry wasn't sure what he was there for, but he decoded the message, and watched the general grab it and take off. He found out the next day that the message he had decoded was the one giving the orders to bomb Hiroshima.

Heading back to the United States following his time overseas, Ferry recalls arriving in Miami and the feeling of relief to be back in his country.

"I got back to Miami, got down and kissed the ground," he said.

Returning, arguably as a big shot, Ferry fondly recalls his time in the service, noting his favorite part as being the opportunity to travel.

"Just seeing the world," he said.

I commend William Ferry for his many years of loyalty and service to our great nation. It is an immense honor to represent him in the United States Congress, and I wish him all the best in his future endeavors.

HONORING AMERICAN
PHILHARMONIC-SONOMA COUNTY

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2010

Ms. WOOLSEY. Madam Speaker, I rise with pleasure today to celebrate the American Philharmonic-Sonoma County which has been honored with an invitation from the government of China and the Dalian Yuan Concert Production Company to tour northern China over this coming New Year's holiday.

The tour will be sponsored and supported almost entirely by the Chinese government and will include eight concerts in 12 days in Shanghai, Beijing, Yantai, and Qindao.

Known as the "people's orchestra," the American Philharmonic performs free concerts at the Wells Fargo Center in Santa Rosa, California, in keeping with their mission: "To make the beauty of music and the power of community alive and available for everyone."

Founded 12 years ago, the American Philharmonic-Sonoma County has been offering a variety of musical performances as an all-volunteer organization, with both amateur and professional musicians, 60 to 75 in all. According to volunteer cellist Brian Lloyd, "We give our time and talent out of love for the music and belief that the gift of beautiful music is nurturing for the community."

The program on the Chinese tour will celebrate our cultural connections by including American, Chinese, and European music. Music Director Gabriel Sakakeeny will lead the orchestra, and featured soloists will be

Sonoma State University piano professor Marilyn Thompson and French violinist Solenn Seguillon.

"This is an incredible opportunity for American Philharmonic," says Maestro Sakakeeny. "It is such an honor to be invited to perform in the Carnegie halls of China, and we are looking forward to sharing our music and representing our country to the Chinese people. It's going to be an amazing tour."

Madam Speaker, I am proud to honor the American Philharmonic-Sonoma County on the eve of a major tour that will share our local treasure with the people of China.

A TRIBUTE TO DR. LESTER
CARTER

HON. GWEN MOORE

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2010

Ms. MOORE of Wisconsin. Madam Speaker, I rise today to congratulate Dr. Lester Carter, recipient of the James Baker Award from the Milwaukee Community Brainstorming Conference (CBC). The CBC was established to inform the community about a range of facts, issues, and solutions that relate to the well-being of the African American community. The forum offers a venue for interaction between policy makers and the community and an opportunity for the community to express their needs and expectations.

Dr. Carter has been the owner and pharmacist of Carter's Drug Store for over 43 years and is located in the heart of the inner city of Milwaukee, Wisconsin. He provides a holistic approach to his services, distributing a combination of standard pharmaceuticals and natural remedies to his clients. Dr. Carter is an expert on herbology and pharmacognosy which is the study of medicines derived from natural sources. In fact, he has developed special trademarked ointments, solutions and compounds available only at his pharmacy. Individuals from the entire metro Milwaukee area and throughout the country, from all nationalities swear by and purchase his formularies.

Dr. Carter graduated from Creighton University's School of Pharmacy and Allied Health Professions in 1958; he was the only African American in his graduating class. After graduation, Dr. Carter worked for a pharmacy in his hometown of Omaha, Nebraska formulating pills and ointments at the back of the store. There he honed skills he would later use to create his own medicines because the owner was afraid to allow him to serve white customers at the front of the store. In 1967, he moved to Wisconsin and six months later he opened his own pharmacy.

Dr. Carter's interests and impact reaches far beyond just filling prescriptions. He is very much aware of the health disparities facing African Americans and has used his extensive knowledge to help the community with health care problems ranging from healthy eating habits to diabetes. In fact, Dr. Carter is a certified diabetes educator and stocks his pharmacy with books about diet and herbology, old fashioned mouthwash, ointments and soaps.

Madam Speaker, I urge my colleagues of the 111th Congress to join me in congratulating Dr. Lester Carter on receiving the James Baker Award. Dr. Lester Carter continues to provide immeasurable support and care to the African American Community and the Greater Milwaukee Community at large. I am proud that Dr. Carter is a resident of the 4th Congressional District and applaud his lifetime of accomplishments and success.

IN HONOR OF CAPTAIN VINCENT
WILCZYNSKI UPON HIS RETIRE-
MENT AS CHIEF OF THE ME-
CHANICAL ENGINEERING SEC-
TION OF THE COAST GUARD
ACADEMY

HON. JOE COURTNEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2010

Mr. COURTNEY. Madam Speaker, I rise today to honor CAPT Vincent Wilczynski. I want to commend Captain Wilczynski for his long and distinguished career as he retires as the Chief of the Mechanical Engineering Section of the Coast Guard Academy.

Captain Wilczynski has served as a vision-ary leader at the United States Coast Guard Academy. He received the national Professor of the Year award in 2001 and has worked extensively at FIRST Robotics, a non-profit organization that motivates young people to pursue careers in science, technology and engineering. Before assuming his current position at Yale, Captain Wilczynski cultivated and led the Mechanical Engineering Section as a Faculty Member and Chief of the Mechanical Engineering Section. He was also Head of the Engineering Department.

A 1983 USCGA graduate, Captain Wilczynski earned a graduate degree from the Massachusetts Institute of Technology and a doctorate from Catholic University. Captain Wilczynski's many accolades include the 2003 American Society of Mechanical Engineers, ASME, Distinguished Service Award, the 2005 ASME Edwin C. Church Medal for national contributions in engineering outreach and he was awarded a prestigious American Council on Education Fellowship in 2006.

Captain Wilczynski's outreach and leadership have been invaluable to the USCGA, to Yale and to the Connecticut community as a whole. His unstinting dedication and innovative teaching have touched the lives of many Americans and his dedication will be remembered for years to come. I ask all of my colleagues to join with me, and the people of Connecticut, in thanking Captain Vincent Wilczynski for educating a generation of engineers and acting as an example to so many.

IN TRIBUTE TO HARRISON
INDUSTRIES

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2010

Mr. GALLEGLY. Madam Speaker, I rise in tribute to Harrison Industries, which is being

recognized by the Ventura County Council, Boy Scouts of America, as Ventura County's Distinguished Citizen for 2010.

Harrison Industries is one of the oldest and largest privately owned trash collection businesses in the United States. It provides residential, commercial and industrial services to about 80,000 customers in Ventura, Camarillo, Fillmore, Ojai, Santa Paula, Thousand Oaks, the surrounding unincorporated areas of Ventura County and Carpinteria. In addition, Harrison-owned Gold Coast Recycling processes and markets the curbside recyclables for Santa Barbara County.

E.J. Harrison and Sons was founded in 1932. E.J. died in 1991 but his wife, Myra, remains with the company as founder. Four generations of Harrison family members are involved in the day-to-day operations of the company. Myra's oldest son, Ralph, is president while her other sons, Jim and Myron, serve as vice presidents.

Harrison Industries is on the forefront of the recycling movement in California. In addition, Harrison Industries opened the first liquefied natural gas fueling station in western Ventura County and converted a significant number of its diesel trucks to run on the cleaner burning LNG.

Harrison Industries has won many awards in recognition of its financial support of local non-profit organizations and community cultural events. The company has been particularly generous to organizations that help children such as the Boy Scouts of America. E.J. was a Pack leader for several years and taught his sons the traditions and expectations of the Boy Scouts. E.J.'s sons continue the Harrison family tradition of supporting the Boy Scouts.

Madam Speaker, I know my colleagues join me in paying tribute to Harrison Industries for its business leadership, community service, deep commitment to public service and for exemplifying the values found in the Scout Oath and Law, and in congratulating the Harrison family for this well-earned recognition.

TRIBUTE TO KEN BARKWILL

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2010

Mr. LATHAM. Madam Speaker, I rise to recognize Ken Barkwill, a World War II Air Force veteran from Boone, Iowa, and to express my appreciation for his dedication and commitment to his country.

The Boone News Republican is currently running a series of articles that honors one Boone County veteran every Tuesday from Memorial Day to Veterans Day. Ken Barkwill was recognized on Tuesday, November 2. Below is the article in its entirety:

[From the Boone News Republican, Nov. 2, 2010]

BOONE COUNTY VETERANS: KEN BARKWILL

(By Greg Eckstrom)

Ken Barkwill found himself in World War II as a result of his love of model planes and trains.

Not in a literal sense, mind you. It's likely that Barkwill would have been drafted into a

branch of the military during WWII and called to serve his country, but this love of building models—a seemingly insignificant interest—set in motion a series of events that guided him through an intriguing life thus far, and one that was guided by these interests.

Originally from Marion, this love of building models led a young Barkwill to a job at the local airport as a youth. As part of his pay, he received instruction at the airport and did some flying. He was hooked.

"That's why I wound up in the Air Force," he said. "Back in '43, there was a draft and I was going to be drafted. I'd been in the civil air patrol in high school. If you wanted to, you could go sign up ahead of time, and I wanted to go into the Air Force, so I went in April and signed up to go into the Air Force and finally got called up in September."

Barkwill took his training at Keesler Air Force Base in Mississippi. The training was, in a word, "sandy."

"All I could think of was sand all over the place," Barkwill said. "Hot and sandy."

After getting through basic training, Barkwill went to college for five months at the University of Alabama before going to Texas where he worked on the line with guys waiting to get into school at Randolph Field in San Antonio. From there, Barkwill was sent to armament school in Denver, where after learning from others for his entire military career was given a strange offer from one of his instructors.

"Barkwill," he recalled the teacher asking. "How would you like to stay in Denver?"

He was offered a job as an instructor, after being identified as a "high achiever" along with two other individuals. Having a girlfriend in Denver at the time, the decision was not difficult . . . especially for someone with a love of airplanes.

"That was an interesting stint," he said. "We got B-17s in there. We didn't have a plane with a chin turret on it. One day they come in and belly-landed a B-17 and we wound up with that one to teach the chin turret on, because it didn't wipe it clear out. And then, B-29s were just out when I was there. We got some through there, too, and got to teach armament on them."

Barkwill worked as an instructor from December of 1944 to July of 1945, when he was sent to a replacement depot in the Philippines.

Upon arrival, Barkwill recalled a great deal of uncertainty. The depot was a jumping off point, and all he could do was wait for his orders, which came one day in the form of a simple phrase: "Get your gear together, you're shipping out."

He got on a truck and was transported down the road a few miles. Barkwill unloaded in a new camp with some others before being given his orders.

"There were several of us pulled out of the depot and moved down the road a ways to an outfit called recovered personnel," he said. "And we were supposed to go in behind the first wave of troops in to Japan and evacuate POWs."

Fortunately, the cover of the first wave of troops was not needed, as the two atomic bombs were dropped on Japan, effectively ending the war.

The war was over, but Barkwill's duties on the recovered personnel outfit were still needed, and he was sent to POW camps in Japan to look for soldiers, check out graves for information and report back.

"It was interesting work," he said.

From there, Barkwill was sent to a different unit—this one in Cebu City in the

Philippines—for some more interesting work. He was to investigate claims that the Filipinos made in regards to G.I.s' stealing items.

"It was interesting," he said. "They come in to our office. We set up an office down in Cebu City, and they come in and file applications with their claims. We had a bunch of Filipinos working for us, and they'd fill out their forms for them, and then we'd have to go out and investigate. Try to figure out whether they were legitimate or not. That was fun."

Everything from stolen chickens, cows and bicycles was investigated, as best he could, by Barkwill and his men. He was there for only about a month before finally coming home in February of 1946.

For Barkwill, his military experience, while not always pleasant, was beneficial.

"I . . . can't say I enjoyed it, but it was something I'll never forget," he said. "It was . . . an education. Quite an education. To this day, I don't think it hurts anyone to spend some time in the military. I feel it's quite an enlightening education."

That experience is also one that is not easy to share with a stranger. Barkwill said that it's a difficult topic for many veterans to share, with even their own families.

"I've enjoyed talking to a lot of old guys like myself around," he said. "We've talked about things that happened. You get to talking about what happened here and there, and you talk about things you haven't thought about for years and things you never told your kids. My daughter from Colorado, it was just a couple of years ago, found out a little bit about my military history. She was asking me questions and so I sat down and told her a little bit about what had happened. It was interesting overseas to see what the Japanese had done, what they were doing and how they had dug in. They were there forever. They found some of them in recent years still living in the hills still thinking the war is on."

It's also interesting, he said, how your memories work. Barkwill's wife, Mary, joked that he could remember his time in the military with such clarity, yet he doesn't remember what he did yesterday.

"Yeah, some of it comes back, Mary," he laughed. "It's amazing how your memory works."

Many of the memories came to Barkwill without any trouble as he recalled specific incidents. Being caught in a typhoon in Japan, finding a place for a haircut and a shave over there, and most of all arriving back in the United States after serving.

"Anybody that goes into the military, you get what you can out of it," he said. "You go and serve your time and hope that you get home. I tell you, that's a thrill. When you get on a ship and come back under the Golden Gate Bridge and see that bridge up there and see that harbor and that ship pulls up to the dock and you know you're back on terra firma in the United States. That was very, very exciting for me."

For Barkwill, it all started with a young man building models . . . and after the hobby managed to lead him into the military, it also brought him to the Boone & Scenic Valley Rail Road in 1983, where he joined the Boone Railroad Historical Society and designed and oversaw the construction of the depot for the new railroad. His reason for doing so? Model trains.

It's amazing where a love for a simple hobby can take you, and the stories that follow as a result.

I commend Ken Barkwill for his many years of loyalty and service to our great nation. It is

an immense honor to represent him in the United States Congress, and I wish him all the best in his future endeavors.

RECOGNIZING THE CONTRIBUTIONS OF MAYOR LEN AUGUSTINE TO THE CITY OF VACAVILLE, CALIFORNIA

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2010

Mr. GEORGE MILLER of California. Madam Speaker, I rise today and invite my colleagues to join me in recognizing one of my constituents, Vacaville Mayor Len Augustine, who is retiring after a lifetime of public service, having served in the military for 28 years followed by serving the City of Vacaville for 18 years.

United States Air Force Colonel (Ret.) Len Augustine is a Vietnam veteran who served in a number of important command and staff positions during his military career, including assignments in the Pentagon, Australia, Germany, and at Travis Air Force Base in California where he commanded a C-141 flying squadron. He completed his 28-year military career as Commander of the 89th Airlift Wing at Andrews Air Force Base near Washington, DC, where his unit was responsible for Air Force One. Len is a veteran pilot, having flown a variety of military aircraft including the Learjet C-21, Gulfstream III, C-141, C-123 and KC-97 and also UH-1 helicopters.

As mayor of Vacaville, Len saw many major projects through to completion. Most notably among these are the development and expansion of the region's biotech industry with Genentech, Alza, and Novartis; the expansion of Genentech, which made its Vacaville plant the world's largest bio-manufacturing facility; the expansion of the Kaiser Medical Center and development of the Kaiser Hospital; and the revitalization of Vacaville's Historic Downtown, including the Creekwalk Plaza, downtown library, and the popular Town Square in the heart of town, a concept Len brought home from a visit to Poland.

During his tenure as mayor, the city moved forward on the redevelopment of the Nut Tree property, creating much needed economic growth for the region. Len also worked on the State Compensation Insurance Fund office project and entitlements for Lagoon Valley, and he was instrumental in securing funding for the Leisure Town Road Overcrossing. His work on the Vacaville Strategic Plan process will continue to direct development and growth for generations.

In addition to Len's work on behalf of the City of Vacaville, his many professional memberships include the League of California Cities (Member and two-term Chair of Employee Relations Policy Committee), North Bay Division of the League of California Cities (past president), Association of Bay Area Governments (Executive Committee), Capitol Corridor Joint Powers Authority (member), Solano Local Agency Formation Commission (member), Solano Economic Development Corporation (member), Solano County Mayor's Conference (past chairman), Travis Regional

Armed Forces Committee (past Chair), Solano Transportation Authority (past Chair), Solano County Water Agency (past Chair), Yolo-Solano Air Quality Management Board (member), Vacaville Sunrise Rotary Club (past President), Friends of Vacaville Schools Committee (as past Chair he led the effort to pass a \$100 million bond measure), Airport Land Use Commission/Solano County Aviation Advisory Committee (member), Vacaville-Dixon Greenbelt Authority (member), and the Vacaville-Fairfield-Solano Greenbelt Authority (member).

As Mayor Len Augustine retires, I am delighted to have this opportunity to thank him both for his outstanding service to our country and for his tireless work on behalf of the residents of Vacaville. His dedication to improving our quality of life has made a decided difference for all. I join with my colleagues along with his wife Sue, his children and grandchildren, as well as his extended family and friends, in wishing Len a long, happy, and well-deserved retirement.

COMMENDING PRESIDENT NURSULTAN NAZARBAYEV FOR ORGANIZING THE OSCE ASTANA SUMMIT

HON. ENI F.H. FALEOMAVAEGA

OF AMERICAN SAMOA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2010

Mr. FALEOMAVAEGA. Madam Speaker, I rise today to commend President Nursultan Nazarbayev for organizing the OSCE Astana Summit which will be held December 1-2, 2010.

In 2007, under the Bush administration, my colleagues and I spearheaded an effort in Congress calling upon the U.S. to support Kazakhstan's bid to chair the Organization for Security and Cooperation in Europe (OSCE). Recognizing, as David Wilshire, Head of the delegation of the Parliamentary Assembly of the Council of Europe, noted, that "building a democracy is a long and hard task," we felt that the U.S. could and should offer a gesture of goodwill by assisting Kazakhstan in its bid to chair the OSCE, considering that Kazakhstan voluntarily worked with the U.S. under the auspices of the Nunn-Lugar program to dismantle the world's fourth largest nuclear arsenal and shut down the world's second largest test site.

From 1949 to 1991, the Soviet Union conducted nearly 500 nuclear tests in Semipalatinsk, Kazakhstan, and exposed more than 1.5 million Kazakhs to nuclear radiation. After the collapse of the Soviet Union, President Nursultan Nazarbayev was among the first to recognize and neutralize the dangerous threat posed by the nuclear arsenal Kazakhstan inherited and, as a result of his initiative, Kazakhstan in cooperation with the U.S. dismantled a nuclear arsenal which was larger than the combined nuclear arsenals of Great Britain, France and China.

President Nazarbayev's decision to dismantle changed the course of modern history, and I am pleased that the U.S. finally supported Kazakhstan's OSCE bid for 2010. While there will always be critics intent on setting Kazakhstan back in its attempt to move

the OSCE forward, all 56 member States unanimously voted in favor of Kazakhstan's chairmanship.

I believe they did so in recognition of the bold steps President Nazarbayev has taken to bring Kazakhstan out from under the yoke of communism. Of course there is work left to do but, according to polling data from an independent firm hired by the U.S. Embassy in Kazakhstan during the Bush administration, 90 percent of the people of Kazakhstan support President Nazarbayev and are pleased with the work he is doing and more than 63 percent of the people of Kazakhstan have a favorable opinion of the United States.

Since 9/11 and regarding U.S. coalition operations in Afghanistan, Kazakhstan has allowed overflight and transshipment to assist U.S. efforts. U.S.-Kazakh accords were signed in 2002 on the emergency use of Kazakhstan's Almaty airport and on other military-to-military relations. The Kazakh legislature approved sending military engineers to Iraq in May 2003 and, in his April 2010 meeting with President Obama, President Nazarbayev agreed to facilitate U.S. military air flights along a new trans-polar route that transits Kazakhstan to Afghanistan.

Now Kazakhstan is the first post-Soviet, first predominantly Muslim, and the first Central Asian nation to serve in the top leadership role of the OSCE, an organization known for promoting democracy, human rights and the rule of law. As Chair of the OSCE, Kazakhstan will also host the Astana Summit. The Astana Summit, like Kazakhstan's Chairmanship of the OSCE, is historic. Earlier this year, my colleagues and I also spearheaded an effort calling upon the U.S. to stand with Kazakhstan in support of an OSCE Summit, and I express my thanks to the Obama administration, and especially to U.S. Secretary of State Hillary Clinton and Assistant Secretary of State for South and Central Asian Affairs Robert O. Blake, who are expected to represent the U.S. at the Summit.

The Astana Summit has been organized at the initiative of President Nazarbayev and will be the first OSCE meeting of Heads of State to take place in more than a decade. It has been 11 years since the OSCE held a security summit and the world has changed drastically since then as a direct result of 9/11. While I have serious reservations about U.S. involvement in Afghanistan, Kazakhstan aims to use the OSCE Chair and Summit to press for a resolution to the conflict in Afghanistan and for this reason I am pleased that the United States is supporting the Astana Summit.

Given the serious importance of the Summit to U.S. efforts in Afghanistan, it is my hope that President Obama will attend. His presence will send the right signal to our allies in Central Asia who are also putting their lives on the line for us.

Central Asian countries, and especially Kazakhstan, provide support for U.S. and NATO operations in Afghanistan and without their assistance we would have no hope for success. But I hope that our partnership will extend past the war in Afghanistan in both breadth and depth. For over 100 years, the people of Central Asia have lived without basic freedoms and, in my meetings with the people and leaders of these countries, they,

like us, want to continue their march towards democracy and this is why I commend President Nazarbayev for providing the stability necessary to push freedom forward.

Once more, I commend Kazakhstan for hosting the Astana Summit and I applaud the 56 nations that will participate to demonstrate to the world that the OSCE is relevant, essential and committed to responding to common security threats.

TRIBUTE TO KEE HIGH SCHOOL

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2010

Mr. LATHAM. Madam Speaker, I rise today to recognize the excellence in education in the Fourth Congressional District of Iowa, and to specifically congratulate Kee High School in Lansing, Iowa, for making the list of the 2010 Blue Ribbon Schools.

The Blue Ribbon Schools Program honors public and private elementary, middle and high schools that are either academically superior or that demonstrate dramatic gains in student achievement. Kee High School scored in the top ten percent in Iowa with at least 40 percent of their students from disadvantaged backgrounds improving their performance on state assessments or nationally-normed tests.

I consider it a great honor to represent Kee High School Principal Patrick Heiderscheit, the teachers, students, school board members and administrators of Eastern Allamakee Community Schools in the United States Congress. I wish Kee High School continued academic excellence as they provide a positive impact on future generations to come.

IN RECOGNITION OF NATIONAL ALZHEIMER'S DISEASE AWARENESS MONTH

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2010

Mr. SMITH of New Jersey. Madam Speaker, today, I had the honor to speak at a briefing on Alzheimer's disease and the important work of the National Institute on Aging (NIA), National Institutes of Health, in providing leadership on research and treatments for patients with Alzheimer's. In addition to the NIA, the Alzheimer's Foundation of America, Alliance for Aging Research, Leaders Engaged on Alzheimer's Disease, USAgainst Alzheimer's, and the National Collaborative on Aging participated in the briefing.

November is National Alzheimer's Disease Awareness Month, and the briefing today provided an important contribution to increasing awareness in Congress. I fondly recall that President Ronald Reagan designated the first National Alzheimer's Disease Awareness week in 1982, 12 years before he announced that he had been diagnosed with the disease.

Alzheimer's disease is now the seventh leading cause of death in the United States.

Estimates vary, but it is believed that over 5 million individuals have Alzheimer's and some one new develops the disease every 70 seconds. One in eight persons over 65 and nearly half of those over 85 has Alzheimer's. In my own state of New Jersey, 150,000 residents are suffering from Alzheimer's.

With the aging of the 78 million American baby-boomers, by 2050, 16 million will have the disease if advances are not made to prevent it.

In 2009, 11 million family caregivers provided the equivalent of \$144 billion in care. And Alzheimer's costs to Medicare and Medicaid last year were \$123 billion.

When I was first elected to Congress in 1980, diagnosis of Alzheimer's was about three million cases, and the National Institutes of Health (NIH) invested only \$13 million in Alzheimer's research. This year, NIH will invest \$469 million in baseline funding for Alzheimer's research. While we have made progress in federal support, we know that much more needs to be done to conquer this terrible disease.

In 1999, I joined Congressman MARKEY in founding the Congressional Task Force on Alzheimer's to help increase congressional awareness and legislative efforts relative to Alzheimer's. The Task Force which now includes 158 Members of the House of Representatives, hosts briefings and forums for Members of Congress and their staffs and works closely with the Alzheimer's Foundation of America and the Alzheimer's Association, which has a New Jersey affiliate.

We are working here in the House and with our colleagues in the Senate to pass this year The National Alzheimer's Project Act (or NAPA), legislation designed to better coordinate research and clinical programs dealing with Alzheimer's disease all across the federal bureaucratic spectrum. NAPA currently has 109 cosponsors.

As I mentioned earlier, by 2050, nearly 16 million Americans will have Alzheimer's, yet there is no national plan to deal with this looming crisis. The National Alzheimer's Project Act (NAPA), which has been modified since its introduction in February of this year, establishes in the Office of the Secretary of HHS a National Alzheimer's Project. It also will establish an inter-agency advisory council to advise the Secretary of HHS and address the government's efforts on Alzheimer's research, care, institutional services, and home- and community-based programs.

The Alzheimer's Project will create and maintain an integrated national plan to overcome Alzheimer's; accelerate the development of treatments that would prevent, halt, or reverse the course of Alzheimer's; help to coordinate the health care and treatment of citizens with Alzheimer's; ensure that ethnic and racial populations—who are at higher risk for Alzheimer's and least likely to receive care—are included in clinical, research, and service efforts; coordinate with international bodies to integrate and inform the fight against Alzheimer's globally; and provide information and coordination of Alzheimer's research and services across all Federal agencies.

I would like to commend the Alzheimer's Foundation and the Alzheimer's Association for their work and support to advance this legislation. As you know, such strong advocacy

often makes the difference in pushing legislation over the finish line. While I am extremely disappointed that the Senate HELP Committee cancelled their mark-up yesterday that was to include NAPA, we will work with them to try to ensure that it is marked-up and passed this year.

In addition to introducing and fighting to pass NAPA, Rep. MARKEY and I have introduced two other major bills focusing on Alzheimer's:

On July 29, 2010, we introduced the HOPE for Alzheimer's: Health Outcomes, Planning and Education Act (H.R. 5926). The bill would provide for Medicare coverage of comprehensive Alzheimer's disease and other dementia diagnoses and services in order to improve care and outcomes for Americans living with the disease. The HOPE Act aims to increase detection and diagnosis of Alzheimer's disease and other dementias and provide access, information and support for newly diagnosed patients and their families.

The Alzheimer's Breakthrough Act (H.R. 3286 which was introduced in July 2009 and has 136 cosponsors, authorizes the necessary resources to restore momentum in the pursuit of better diagnosis, prevention and treatment. Advances and progress in the various areas of Alzheimer research have the potential to save millions of lives and save hundreds of billions of dollars.

Also, earlier this year we sent a letter, along with House and Senate colleagues, to Department of Health and Human Services (DHHS) Secretary Sebelius to have Alzheimer's and other dementias included in the Healthy People 2020 initiative. The Healthy People initiative provides 10-year national objectives for promoting health and preventing disease.

I am gratified to work alongside Congressman MARKEY and the other members of the bipartisan Congressional Task Force on Alzheimer's Disease to address this oncoming public health tsunami—and hopefully to see prevention and a cure before it totally overwhelms our nation's health care resources.

TRIBUTE TO CHARLES F. "DUSTY" RHODES

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2010

Mr. CLYBURN. Madam Speaker, I rise today to pay tribute to a South Carolinian, who has dedicated his life to motivating young men through baseball. Charles F. "Dusty" Rhodes is the founder of the South Carolina Storm travel baseball team in Charleston, and he has changed the lives of numerous young men through the program.

In 2002, Dusty Rhodes saw a need to help boys in the Charleston area pursue a college education through baseball. He began the Charleston Storm travel baseball program with the founding principles of "attitude, academics, and baseball." Attitude was stressed by teaching players how to play baseball with respect for themselves, coaches, fellow and opposing players, umpires, and the game itself. Academics were stressed because many more

scholarships are available to those who excel in academics than those who excel in baseball. The players had their grades checked, and the message was instilled that baseball would only last a few years, but a quality education would serve a young person for the rest of his life. The fundamentals of baseball were taught by coaches who had the ability to teach young men the correct way to play the game, in addition to upholding the attitude and academic goals.

Playing on a travel baseball team did have its financial cost. However, the boys were never denied the opportunity to play due to family financial hardship. Often Dusty and his wife, Kelly, supported the players out of their own pockets.

In the eight years since its inception, the team has evolved into the South Carolina Storm. Several hundred young men have been part of the program, and more than 65 of them have been afforded an opportunity to attend college and play baseball. One former player, Drew Miller provided the following testimony regarding his mentor, "coach, leader, genuine, role model, giving, caring, friend and now cancer are all words that come to mind when the name Dusty Rhodes is brought up."

Madam Speaker, I ask you and our colleagues to join me in honoring the tremendous contributions of this remarkable community leader. Dusty Rhodes' commitment to helping young men through baseball grows from his Christian faith, his love of young people, and his love of the game of baseball. Now he faces personal health challenges, but his remarkable legacy is etched in his devotion to making the lives of young people better.

INTRODUCING THE TARGETED TAX LIEN ACT OF 2010

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2010

Mr. HASTINGS of Florida. Madam Speaker, I rise today to introduce the Targeted Tax Lien Act of 2010. While a notice of a federal tax lien can be an effective tax collection tool, the automatic filing process currently utilized by the Internal Revenue Service (IRS) too often allows for erroneous and unnecessary filings. A public filing of a notice of federal tax lien often does little to increase the likelihood of collecting the tax liability, yet can impact a taxpayer's credit and ability to obtain financing, find or retain a job, secure affordable housing or insurance and ultimately, the taxpayer's ability to pay the balance. This legislation will provide the IRS with the means to ensure that a notice of a federal tax lien is filed only when it would be in the best interest of both the IRS and taxpayer.

The Targeted Tax Lien Act of 2010 ends the IRS's current one-size-fits-all lien filing policies that, in the IRS Taxpayer Advocate's own words, "circumvent the spirit of the law, fail to promote future tax compliance, and unnecessarily harm taxpayers." The bill requires an IRS supervisor to review and make an affirmative, specific finding on a case-by-case basis that a lien is warranted and not disproportionate

ately harmful to the taxpayer. The bill provides a list of factors to consider, such as the amount due, the value of the property, a taxpayer's compliance history, and extenuating circumstances.

Furthermore, the IRS's ability to collect tax liabilities will not diminish under these new policies. A recent IRS National Taxpayer Advocate study suggests that in most instances where the source of payment of a tax debt to the IRS is specified, more than 95 percent of all payments and more than 80 percent of all revenue collected did not result from a notice of lien filing and would have been collected even without the filing. Additionally, a separate analysis performed by the Advocate shows that only about five percent of all payment transactions and approximately twenty percent of the total dollars collected from these taxpayers are attributable to federal tax liens. These results suggest that the IRS's current use of liens may not be furthering revenue collection despite the impact liens have on taxpayers and their credit.

Madam Speaker, the current automatic filing process can often result in the filing of a notice of federal tax lien when another collection technique would have been more appropriate and effective. It should come as no surprise that the taxpayers most often impacted by an erroneous notice of a lien filing are small businesses and middle class families. By making sure the IRS uses the tax collection method and strategy best suited to each particular taxpayer, the Targeted Tax Lien Act of 2010, not only helps buttress these bedrocks of our economy, but allows the IRS to avoid unnecessary expenses, ensuring it also can use its resources more efficiently.

I urge my colleagues to support this important legislation and reaffirm the commitment of Congress to small businesses and the middle class.

TRIBUTE TO LEO THOMSEN

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2010

Mr. LATHAM. Madam Speaker, I rise today to congratulate Leo Thomsen of Jefferson, Iowa, on the celebration of his 100th birthday on October 4, 2010.

Leo was born on October 4, 1910, in Greene County, Iowa. He grew up in Paton, Iowa where he later became a farmer and worked at a grain elevator. In 1940, Leo married Bernice Anderson and they were together until her death in 1988. They have two daughters, Mary and Judy; and have five grandchildren, Cesar, Tony, Marisa, Matt and Brad. Leo is currently residing at the Regency Park Nursing and Rehab Center in Jefferson, Iowa.

There have been many changes that have occurred during the past one hundred years. Since Leo's birth we have revolutionized air travel and walked on the moon. We have invented the television and the Internet. We have fought in wars overseas, seen the rise and fall of Soviet communism and the birth of new democracies. Leo has lived through 18 United States presidents and 22 governors of

Iowa. In his lifetime, the population of the United States has more than tripled.

I know that my colleagues in the United States Congress join me in sending warm wishes to Leo on the milestone of his 100th birthday. I am extremely honored to represent him in Congress, and I wish him happiness and health for many more years to come.

IN HONOR OF THE 55TH ANNIVERSARY OF RECOVERY RESOURCES

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2010

Mr. KUCINICH. Madam Speaker, I rise today in honor of the founders, staff, volunteers and clients of Recovery Resources of Cleveland, Ohio, as they celebrate their fifty-fifth anniversary at the 20th Annual Bronze Key Gala. Thousands of individuals and their families, seeking to break free from the chains of drug and alcohol addiction have been helped by Recovery Resources.

Recovery Resources was founded 55 years ago by two caring and dedicated individuals, Martha Baker and her husband, Dick Baker. Recovery Resources helps people triumph over mental illness, alcoholism, drug and other addictions in Northeast Ohio. The dedicated, compassionate, and professional staff at Recovery Resources delivers outpatient mental health and substance abuse prevention and treatment programs in nine locations and touches 13,000 clients annually in Cuyahoga County.

Treatment programs at Recovery Resources are based on several phases of assessment, treatment and aftercare. The programs employ evidence-based best practices, mental health and psychiatric services, individual and group counseling, intensive services for those with dual diagnoses, homeless services and case management. In addition to intensive individual therapy and education programs, Recovery Resources provides special services to HIV/AIDS, Older Adults, Homeless, Women and Families.

Madam Speaker and Colleagues, please join me in honor and recognition of the founding members, staff and volunteers of the Recovery Resources of Cleveland, Ohio. Their unwavering dedication to lifting the lives of thousands of individuals and families onto a platform of safety, strength, and recovery steady the foundation of hope and peace throughout the entire community.

RECOGNITION OF DR. ANDREW GERHART

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2010

Mr. LEVIN. Madam Speaker, I rise today to recognize Dr. Andrew Gerhart, Associate Professor of Mechanical Engineering at Lawrence Technological University in Southfield, Michigan.

Dr. Gerhart has been named the 2010 Michigan Professor of the Year by the Carnegie Foundation for the Advancement of Teaching and the Council for Advancement and Support of Education. More than 300 top professors in the United States were considered in this annual competition, which is the only national program to recognize excellence in undergraduate teaching and mentoring.

Dr. Gerhart received his Master's degree from the University of Wyoming and his Ph.D. from the University of New Mexico in Albuquerque, NM. After numerous highly successful career endeavors, he began teaching at Lawrence Tech University in 2002 and has become a remarkably active teacher and researcher. He is the director of the Thermal Science Laboratory and Aerodynamics Laboratory, Coordinator of the Certificate of Energy and Environmental Management Program and Aeronautical Engineering Minor/Certificate, and Chair of the Leadership Curriculum Implementation Committee.

During his tenure at Lawrence Technological University, Dr. Gerhart has received numerous awards and been nationally recognized for papers and presentations about improving the educational process. In 2005, he was awarded the Outstanding Young Engineer of the Year by the Engineering Society of Detroit. Also that year, his paper, "K-12 Summer Engineering Outreach Programs—Curriculum Comparisons Between Ages, Minorities, and Genders" was awarded Best Paper—PIC V at the 2005 ASEE Annual Conference. Additionally, he is the recipient of a 2004-2005 and 2005-2006 Kern Faculty Incentive Grants for research with Turbine Technologies, Ltd, and recipient of portions of the 2006 KEEN grant and 2007 Chrysler Foundation grant.

I have seen first-hand the outstanding work that Lawrence Tech University is doing. In particular, the University's Center for Innovative Materials Research is doing state-of-the-art work in the area of advanced composite materials. It is important to develop these cutting-edge technologies here in Michigan because of our strong roots in research and development.

Madam Speaker, I ask my colleagues to join me in recognizing the achievements of Dr. Andrew Gerhart and to congratulate him on receiving this well-deserved award. I am confident Dr. Gerhart will continue in his success, as he educates students to be the next leaders in the field of engineering.

TRIBUTE TO CHARLES L. "CHUCK" ROGERS

HON. MARY BONO MACK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2010

Mrs. BONO MACK. Madam Speaker, I rise today to pay tribute to Charles L. "Chuck" Rogers, a distinguished and honorable man who made many selfless contributions to our nation with his service to country in the United States Army and throughout his remarkable life. Mr. Rogers was the patriarch of a wonderful family and someone I was honored to know and call friend. Sadly, Mr. Rogers passed

away on October 29, 2010, at the age of 79 surrounded by his beloved family in Pasadena, California. I ask all of my colleagues to join with me today in saluting this outstanding American.

Mr. Rogers was born in San Diego in October of 1931. He graduated from San Diego High School in 1949, and went on to attend UC Berkeley before transferring to Stanford University where he received his A.B. Degree in 1953. Mr. Rogers went on to serve in the Counter Intelligence Corps (CIC) of the United States Army for two years, and then went on to attend Stanford Law School earning his Juris Doctorate in 1957.

While serving in the CIC, Mr. Rogers was stationed on the East Coast where he met his beloved wife, Marion Booth, a secondary schoolteacher. In 1955, Charles and Marion married in Hamden, Connecticut where they began their lifelong partnership, and raising their six children.

Mr. Rogers will always be remembered for his love of family, his endless generosity, his ever-present sharp wit and sarcastic humor, and his strength of character and personal integrity. A man of devotion, Mr. Rogers consistently supported the Catholic Church and was appointed a Knight of the Order of the Holy Sepulchre.

Known for his mastery of impeccable writing, Mr. Rogers became a partner, and practiced with the law firm of Lawler, Felix and Hall in Los Angeles for most of his career. His most prominent matters related to the telecommunications industry. Mr. Rogers served on or chaired various Bar committees and also valued the camaraderie of his fellow members of the Bar as a member of The Chancery Club of Los Angeles.

The youngest of three brothers, Charles adored his brothers: Joseph W., the late Michael C. and John F. "Jack". They stayed close throughout their lives and enjoyed their time together.

Charles is survived by Marion, his wife of nearly 55 years; their six children, Pamela Burton (John), David (Vicky), Albie, Marion Riley Campbell (Robin), Charles (Anne), and Sarah Krappman (Matthew); their 15 grandchildren (Timothy, Nancy, Lisa, Sarah, Renee and Michelle Burton; Ryan and Spencer Rogers; Liam Riley, Marion Riley Campbell and Eileen Riley Campbell; Brian and Thomas Rogers; and Charles and Kevin Krappman); two brothers, Joe and Jack, and numerous nieces and nephews.

Mr. Rogers will be remembered by his dear family and friends as a dedicated family man who rendered tireless service to those who had the opportunity to associate with him.

Madam Speaker, I once again pay tribute to this great American and family man. His life was a testament to patriotism and the importance of family, and I am honored to speak on his behalf today. I encourage my colleagues to join me in recognizing and celebrating the life of Mr. Charles Lightwood Rogers.

STEM CELL THERAPY FOR LEX,
THE MILITARY WORKING DOG**HON. WALTER B. JONES**

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2010

Mr. JONES. Madam Speaker, this week, the German Shepherd Lex, whose master Corporal Dustin Lee was killed in Iraq in 2007, is returning to Washington.

The RPG that killed his master also injured Lex by sending shrapnel into his back. Lex's pain has been very severe over the past three years and also has a hard time walking.

Lex was able to be retired and in December of 2007 he was officially adopted by Jerome and Rachel Lee, the parents of Cpl Dustin Lee.

I would like to thank Gen. Mike Regner for helping get Lex retired and adopted by the Lees, as their son would have wanted his partner to be home with this family.

This week Lex is traveling to DC for a visit to the Georgetown Veterinary Hospital. Dr. Lee Morgan is performing stem cell therapy on Lex to help relieve his pain and extend his life. The idea is to not only treat the pain, but to repair the damage done by the shrapnel altogether.

This is a very important procedure for both Lex and the Lee family, as they have all been through so much together already.

Many individuals and organizations have made it possible for Lex to receive this therapy by donating time and money to the cause.

I would like to thank the Humane Society, the American Kennel Club, the German Shepherd Dog Club of Northern Virginia, Shoreline German Shepherd Dog Club, and the U.S. War Dogs Association.

I would like to give a special thanks to Connie Whitfield and her husband Congressman ED WHITFIELD, for all they have devoted to Lex and the Lee family. Thanks to John Burnam for all of his work and for bringing Lex's story to my attention three years ago.

A big thank you goes to Dr. Lee Morgan of Georgetown Veterinary Hospital for performing the procedure.

Contributions came from all over the country and I appreciate everyone who donated. A dog handler currently stationed in Afghanistan sent a donation, which speaks to the importance of these dogs and the appreciation our service members have for them.

With that Madam Speaker, I close by asking God to please bless our men and women in uniform, their families, and I ask God to please bless America.

STATEMENT ON TERRORIST AT-
TACK AGAINST OUR LADY OF
SALVATION CHURCH, BAGHDAD**HON. JOHN A. BOEHNER**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2010

Mr. BOEHNER. Madam Speaker, I rise today to join the Obama Administration in condemning the recent terrorist attack against Our

Lady of Salvation Church in Baghdad, which left more than 60 dead and another 75 wounded. In the most hideous of ways, we have been reminded of the enemy's desire to seek the death and destruction of anyone who opposes its attempt to impose a pernicious worldview.

This attack occurred during Sunday Mass, just as the congregation rose to recite, "Upon this rock, I will build my church." As a Catholic, as someone raised to cherish life and defend its sanctity, it is difficult to contemplate the twisting of the human soul required to shatter that peace and commit such a senseless act. It's even more difficult to summon the restraint required to ease the trembling such hatred provokes.

The enemy keeps innocents of all faiths in its sights. In August, men and women affiliated with a Christian non-government organization working to provide eye care to people in remote and destitute areas of Afghanistan were executed in cold blood by the Taliban. In the last two weeks, a devastating and deadly bombing attack occurred during a worship service at a mosque in Pakistan. In the case of the recent cargo plane bombing attempt, the President indicated the bombing packages were addressed to Jewish synagogues in Chicago. These attacks are designed to bring division where there is diversity, and chaos where there is stability.

As time passes, as national debates and attention shifts, it is easy for the real horror and tragedy of the terrorist attacks of September 11, 2001 to become faded and blurred memories. But the hateful ideology that drives these attacks, the global movement to reject Western culture and values and religion is still plotting, planning, and attacking where it can. We were wrong to ignore the warning signs in the 1990s, when we witnessed a steady escalation of attacks, which we treated as isolated incidents. As Americans, as keepers of the truth that "He who gave us life, gave us liberty," we must spare no effort to protect people of all faiths who oppose radical Islamic extremists. Our vigilance in this regard must be perpetual and total.

As Christians, we are taught that suffering and disappointment can enlarge our hearts and make us more grateful for the blessings in our lives. In this season of thanksgiving, let us renew our gratitude for the brave men and women overseas standing guard in defense of our freedom and taking the fight to the enemy.

TRIBUTE TO AMANDA TERHARK

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2010

Mr. LATHAM. Madam Speaker, I rise today to recognize Amanda Terhark of Iowa Falls, Iowa, as the recipient of the Art Educators of Iowa (AEI), 2010 Outstanding Middle School Art Educator award for her dedication to her students and art. She accepted the award on October 2, 2010, at the AEI conference in Sioux City, Iowa.

Amanda splits her time as an art teacher at Riverbend Middle School and Rock Run Ele-

mentary School and has been teaching art for seven years. This is her first teaching position and the first time she is getting recognized for her work.

When Amanda found out she was nominated for the award last summer, she asked Riverbend Middle School's principal Jeff Burchfield to write a letter of recommendation. In his letter, Mr. Burchfield praised her work both in the classroom and the community. He wrote: "She has high expectations for student performance and behavior, yet her teaching style is one of mutual respect and admiration . . . [Amanda] genuinely cares for the students in her classroom, and this is evident in the way that she interacts with them and builds connections with them."

Amanda has always put her students first. She was instrumental in starting an art club at Riverbend Middle School five years ago and in 2008, for her final project for her master's degree, Amanda involved her students by including some of their artwork in her exhibit.

Amanda Terhark is an incredible teacher, and her dedication to her profession and to her students should make every Iowan proud. It's an honor to represent her and the people of the Iowa Falls Community School District in the United States Congress, and I know that my colleagues in the House join me in congratulating Amanda on this well-deserved award and thanking her for her dedicated service to her community and America's youth.

HONORING CARL DAY

HON. STEVE AUSTRIA

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2010

Mr. AUSTRIA. Madam Speaker, I rise today on behalf of the people of Ohio's Seventh Congressional District to honor the life and memory of Carl Day.

As a 50-year veteran broadcaster, Carl Day was known as the Voice of Dayton. According to the Dayton Area Broadcaster's Hall of Fame, Carl won more awards than any other Ohio broadcaster.

As a news anchor he worked for each of the Dayton TV stations and WHIO Radio, winning seven Emmys during his career. In 1998, The Associated Press renamed its Outstanding Achievement Award "The Carl Day Award for Outstanding Achievement." In 2009, Carl was inducted into the Dayton Walk of Fame as recognition of his dedication to his job and his community. In addition, he was a member of six broadcasting halls of fame.

He was committed to his profession, but what he most will be remembered for is his dedication to this community, his family and friends. He was known to volunteer his time raising funds for a variety of local entities. As the son of a military family, he was devoted to our area veterans and the Wright-Patterson Air Force Base community.

One of Carl's aspirations was to create a foundation to support young broadcasters. With the establishment of A Brighter Day: The Carl Day Memorial Foundation, his family has made his plan a reality.

After a hard fought battle with cancer, Carl Day, 72, passed away on November 17, 2010 surrounded by his son and daughter. Carl's life will continue to be an inspiration to all those who loved him and to the community he served so well.

IN HONOR OF THE 100TH ANNIVERSARY OF THE EASTERN CONNECTICUT CHAMBER OF COMMERCE

HON. JOE COURTNEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2010

Mr. COURTNEY. Madam Speaker, I rise today to honor The Eastern Connecticut Chamber of Commerce. I want to recognize their impressive 100th anniversary and celebrate this extraordinary milestone.

For the past century, the Chamber of Commerce has worked hard to cultivate the economy of eastern Connecticut. Through their efforts, community and business leaders have come together to strengthen eastern Connecticut's local economy.

It is a privilege to congratulate the Chamber on reaching this historic achievement. Their impact has been felt throughout eastern Connecticut and countless of small businesses have thrived because of the vision and the leadership the Chamber has provided.

Through innovative thinking, the Chamber's 1600 members have fostered a business climate that meets the current and future needs of eastern Connecticut. As the Chamber's members continue to work to grow our economy, it is important to remember that they have served as the voice of Connecticut businesses for 100 years.

During these challenging times, it is easy to lose hope. We need to replace lost jobs and we need to reinvigorate Connecticut's economy. If any of us are ever tempted to lose faith in our ability to persevere, we need only look to the shining example the Eastern Connecticut Chamber of Commerce has provided. The Chamber has provided unwavering leadership in its determination and advocacy for Connecticut businesses. They have led the way toward economic growth for the past hundred years, and I know they will continue to do so for the coming century.

The Chamber's ingenuity and innovation has served as the backbone of our region, and I ask all of my colleagues to join with me, and the people of Connecticut, in recognizing the Eastern Connecticut Chamber of Commerce on their 100th anniversary.

PERSONAL EXPLANATION

HON. KEITH ELLISON

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2010

Mr. ELLISON. Madam Speaker, on November 17, 2010, I inadvertently voted "yes" on rollcall No. 573 and I intended to vote "no."

HONORING BETTY KNIGHT
SCRIPPS

HON. JOHN B. SHADEGG

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2010

Mr. SHADEGG. Madam Speaker, I rise today to proudly recognize Betty Knight Scripps, newspaper heiress, for her extraordinary and generous charitable spirit, and her countless contributions to society. She is viewed by many as America's first lady of philanthropy.

Mrs. Scripps and her late husband, Edward W. Scripps, advanced the interests of freedom and a free press through their work as publishers of a chain of newspapers throughout the United States, and through their active involvement in the Inter-American Press Association, which advanced the causes of independent journalism and a free press throughout Latin America.

In 1984, Mrs. Scripps established the Edward W. and Betty Knight Scripps Foundation to serve mankind by supporting the advancement of health care, education, journalism, the First Amendment, and the arts and culture.

For eight years, Mrs. Scripps served as General Chairman of the Washington National Opera Ball raising record-breaking proceeds for the 50-year-old organization, bringing together leaders of the diplomatic, government, corporate and arts communities in our Nation's Capital. Mrs. Scripps has also chaired the International Red Cross Ball in Palm Beach, Florida, and the English National Ballet Gala in London, England.

Mrs. Scripps is undoubtedly one of Scripps Health's and Scripps Memorial Hospital La Jolla's most esteemed benefactors, as evidenced by her leadership, commitment and generosity. Mrs. Scripps has chaired the prestigious Candlelight Ball, which has raised close to \$20 million in philanthropic support for exceptional, life-saving care at the nonprofit hospital. Mrs. Scripps continues the legacy of the Scripps family member who founded the hospital in 1924.

Madam Speaker, I ask that you and my colleagues in the U.S. House of Representatives join me in recognizing Betty Knight Scripps, an extraordinary American and humanitarian.

TRIBUTE TO MAGGIE PARKS

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2010

Mr. LATHAM. Madam Speaker, I rise today to recognize Maggie Parks of Marshalltown, Iowa, as the recipient of the Art Educators of Iowa, AEI, 2010 Art Teacher of the Year award for her dedication to her students and art. She accepted the award on October 2, 2010 at the AEI conference in Sioux City, Iowa.

Maggie, who has been with the Marshalltown Community School District for 13 years, is currently an art teacher at Fisher Elementary School and at Woodbury Elementary

School. The AEI Art Teacher of the Year award is the highest honor that can be given by the organization.

One of Maggie's goals is to help improve art education throughout the state by serving on boards and assisting other teachers. She is responsible for starting a new mentoring program for first year art teachers in the state. Maggie would keep a list of things that would work and share it with other teachers in the state.

In the past, Maggie was the president of the AEI board and served in several capacities with the organization. She is highly respected in the school district as well as in the state of Iowa and is perceived by her peers as a leader at the school, district, and state level.

Maggie Parks is an incredible teacher, and her dedication to her profession and to her students should make every Iowan proud. It's an honor to represent her and the people of the Marshalltown Community School District in the United States Congress, and I know that my colleagues in the House join me in congratulating Maggie on this well-deserved award and thanking her for her dedicated service to her community and America's youth.

HONORING TIMOTHY JAMES
PARNACOTT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2010

Mr. GRAVES of Missouri. Madam Speaker, I proudly pause to recognize Timothy James Parnacott. Timothy is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 180, and earning the most prestigious award of Eagle Scout.

Timothy has been very active with his troop, participating in many scout activities. Over the many years Timothy has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community. Most notably, Timothy has contributed to his community through his Eagle Scout project.

Madam Speaker, I proudly ask you to join me in commending Timothy James Parnacott for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

TRIBUTE TO SERGEANT MICHAEL
F. PARANZINO

HON. PATRICK J. KENNEDY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2010

Mr. KENNEDY. Madam Speaker, I rise today to pay tribute to Sergeant Michael F. Paranzino, from Middletown, Rhode Island, who lost his life on November 5, 2010, of injuries sustained while serving his country in Kandahar, Afghanistan.

Sergeant Paranzino was the loving husband of Lindsey (Christopher) Paranzino and the proud tither of Maxton and Logan of Fort Drum, New York. He was assigned as a cavalry scout to the 1st Brigade Combat Team, 10th Mountain Division.

Born in Newport, Rhode Island on December 4, 1987, Sergeant Paranzino was the son of Francis "Butch" and Melane C. Paranzino and the brother of Daniel F. Paranzino of Middletown, Rhode Island. He was a 2006 graduate of Middletown High School. While he was a student at Middletown High School, he made trips to Nicaragua in January of 2005 and 2006 with the Northeast Volunteer Optometric Services to Humanity to provide humanitarian support to the disadvantaged and poor in Catarina and Nandasmö, Nicaragua. These trips provided life-expanding experiences for Sergeant Paranzino and were the precursor to many of the values he believed in along with the leadership skills that he displayed as an Army Sergeant.

A year after his graduation from Middletown High School, Sergeant Paranzino enlisted in the Army and was a cavalry scout with the 1st Squadron, 71st Cavalry Regiment. After his basic training he was stationed at Fort Drum, New York in 2008 and was deployed to the Middle East as part of Operation Iraqi Freedom just a few months later. In 2010 Sergeant Paranzino was sent to Afghanistan to support Operation Enduring Freedom. He was recognized with more than 10 decorations for his military service just after three-plus years, including the Army Achievement Medal, the Meritorious Unit Commendation, the Army Good Conduct Medal, the National Defense Service Medal, the Afghanistan Campaign Medal, the Iraq Campaign Medal, the Global War on Terrorism Service Medal, the Army Service Ribbon, the Overseas Ribbon, the NATO Medal and the Combat Action Badge.

Today, as we celebrate the life and accomplishments of this exceptional Rhode Islander, my thoughts and prayers are with Sergeant Paranzino's family and friends.

We are all deeply indebted to Sergeant Paranzino for his service and his sacrifice.

HONORING BENJAMIN JAMES
PATRICK HUBER

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2010

Mr. GRAVES of Missouri. Madam Speaker, I proudly pause to recognize Benjamin James Patrick Huber. Benjamin is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 180, and earning the most prestigious award of Eagle Scout.

Benjamin has been very active with his troop, participating in many scout activities. Over the many years Benjamin has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community. Most notably, Benjamin has contributed to his community through his Eagle Scout project.

Madam Speaker, I proudly ask you to join me in commending Benjamin James Patrick Huber for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

RECOGNIZING DIABETES
AWARENESS MONTH

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2010

Mr. DAVIS of Illinois. Madam Speaker, I rise today to bring awareness to the disease of diabetes. This month has been set aside to increase awareness of diabetes, its prevention and ways to manage its impact. According to the Centers for Disease Control nearly 24 million Americans have diabetes. It is the seventh leading cause of death in the United States and costs \$174 billion in health care expenses. Diabetes disproportionately impacts the African American and Hispanic communities. It is estimated that nearly 3.7 million African Americans aged 20 years or older have diabetes. African Americans are 1.8 times more likely to have diabetes as non-Hispanic whites.

If diabetes is left untreated it often results in blindness, kidney disease, amputations, nerve damage, heart disease, stroke and ultimately, death. However, diabetes can be managed and prevented. A balanced diet and regular exercise could keep our citizens healthy. I am pleased to have the headquarters for the American Dietetic Association (ADA) in my Congressional District. The ADA is the foremost authority in providing nutrition counseling throughout the country. In fact, the more than 71,000 registered dietitians and nutrition professionals who are members support the "eat right" campaign targeted toward young people and older Americans. The work that they are doing is making a difference in the fight against childhood obesity and diabetes and is improving the health of our nation.

We must work to get Medical Nutrition Therapy covered by Medicare for beneficiaries diagnosed with pre-diabetes. Nutrition therapy provided by registered dietitians has a proven track record of preventing diabetes through lifestyle changes than simply cannot be made without this assistance for the majority of those who suffer. There are more than 57 million people diagnosed with pre-diabetes—meaning they are on their way to developing full diabetes. By helping people with pre-diabetes, Medicare will avoid having to pay for the much more expensive treatment of diabetes and its debilitating side effects. It seems prudent to assist our citizens with sound nutrition information and to help them make lifestyle changes at a cost minimal to that of amputations and other treatments.

The real world impact of covering Medical Nutrition Therapy is that we will shift from health insurance to "health assurance" in our efforts. Consider that the total cost of diabetes in 2007 was determined to be \$218 billion—yes, billion with a "b".

I want to commend Jewel-Osco stores for providing free nutrition education from reg-

istered dietitians to individuals who shop at the stores in Chicago and throughout the nation. These types of programs which pair pharmacists and registered dietitians with consumers will help in our awareness and education campaign.

Finally, I applaud those churches that have a focus on nutrition and exercise as a part of the well-being of their congregation.

HONORING BILL TIGHE

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2010

Mr. MARKEY. Madam Speaker, I rise today to honor and celebrate the coaching career of Mr. Bill Tighe. Coach Tighe is the oldest active high school head football coach in the country at age 86. He will conclude his 52nd year as a head coach when his Lexington High School squad meets their rival Burlington High School on Thanksgiving morning.

Coach Tighe was a standout three-sport athlete at Ashland High School, and upon graduation he served in the United States Air Force for three years as a P-38 crew chief during World War II. After completing his service to our nation, he attended Boston University where he starred for the Terrier football and baseball teams. Known as a selfless teammate with a tireless work ethic, Bill Tighe, the incredible athlete was destined to be Bill Tighe, the legendary coach.

Madam Speaker, Bill began his remarkable career at Wakefield High School in 1949 as an assistant football coach and was elevated to head coach in 1957. During his 52 years as head football coach at Wakefield High School, Malden High School and Lexington High School, Bill won 9 league championships and amassed an overall record of 268 wins, 232 losses and 13 ties. Bill's commitment to excellence is well known throughout Massachusetts and New England, and he has been inducted into the Wakefield High School, Malden High School, Lexington High School, Boston University, Massachusetts Football Coaches and National Federation of Interscholastic Coaches Association Halls of Fame.

Bill Tighe's success on the football field is surpassed only by the enormous impact he has had on his players' lives off the football field. Coach Tighe taught all the young athletes under his tutelage the importance of sacrifice, discipline and commitment. Coach Tighe also stressed the importance of academic achievement and the value of a strong education. He is credited with helping thousands of young scholar athletes continue their education in college.

Madam Speaker, on Thanksgiving morning Bill Tighe will be surrounded by family, friends, professional colleagues and former student athletes in order to celebrate his legendary coaching career. I join them in thanking Coach Tighe for the amazing contributions he has made to the Towns of Wakefield and Lexington, the City of Malden, the Commonwealth of Massachusetts and the United States of America.

HONORING THE BEST OF AMERICA

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2010

Mr. RAHALL. Madam Speaker, this Thanksgiving, as we have since the first, Americans will set aside one day to focus on those blessings that have been granted to us.

For the roof over our heads, for the health of our families, for the food on our plates—no matter how simple the meal—for the hand that holds ours as we gather around the table, we will, on this one very American day, bow our heads in prayer and we will be truly thankful.

To me, the best of America is on display at Thanksgiving.

Here we stand, for example: we Americans, facing difficult times, with our economy sluggish, with far too many jobless, and far too many others worrying about the future of their own jobs. Yet, many of us will invite strangers to our tables, or donate food to shelters, or serve up turkey dinners at a local soup kitchen, and we will appreciate even more deeply, the grace of God that has spared us similar trials. Even many of those who are struggling, whose tables may be leaner than usual, will take the time to give of what they have so that others do not go hungry on this day.

Though that generosity, that neighborliness, the kindness, charity, and faithfulness come to the fore most prevalently on this one day of the year, I know—and all West Virginians know, that these qualities live on throughout the year in communities, large and small, urban and rural, throughout our State.

And, I believe that this Nation would be better off if more Americans followed the example set in our State and devoted a greater share of their year, each year, to practicing the kindness and generosity, as well as exercising the grit and determination that comprise the West Virginia character.

I am reminded of our Senator Byrd, who would have marked his 93rd birthday on November 20th, and his regular admonishment to West Virginians to hold on to those “old values” and to tap them for the betterment of the Nation. He would have taken to the Senate Floor in the days leading up to Thanksgiving to remind us all of our common history as Americans. He would have talked about the principles upon which this Nation was founded and urged us to set aside those petty differences that undermine our quest for the common good.

Oh, how we could use Senator Byrd’s wisdom, his reasonableness, and his guidance today.

Our State has had more than its fair share of economic strife. But we hold tight to our faith and we marshal on, working hard side by side, to create a better future for ourselves and our children.

In the wake of natural disasters, West Virginians reach out to their neighbors to give whatever they can afford, and often more. It has never been the West Virginia way to turn our backs on those in need, and it has never been in the character of West Virginians to throw in the towel when things get tough.

So this Thanksgiving, as we pause to reflect on our blessings and to express our thanks to

our Creator for all that we have, I hope that all Americans will also commit to exhibiting the spirit that surfaces on this day throughout the year ahead.

There is no challenge confronting us that we cannot overcome if we join forces and put old-fashioned American know-how to work.

HONORING FRANK PUGH

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2010

Ms. WOOLSEY. Madam Speaker, I rise today to honor the work of Frank Pugh, the outgoing 2010 President of the California School Boards Association. His civic leadership and commitment to education have benefited students across Sonoma County and California.

Since he began teaching at Santa Rosa Junior College in 1979, Frank Pugh has distinguished himself as a dynamic educator in our community. His passion for electronics and technology has made him not only an effective lecturer, but a respected authority, author of seven textbooks and four magazine articles in his field.

Mr. Pugh has also taken on numerous leadership responsibilities at administrative and advisory levels, contributing a teacher’s invaluable perspective to debates on the governance of our schools and the future direction of public education. He served for two years as the occupational representative to the Santa Rosa Junior College Academic Senate, then went on to serve as the Senate President for six years. Since 1990, Mr. Pugh has also served on the Santa Rosa City Schools Board of Education, holding the office of Board President for a total of four terms.

Most recently, Mr. Pugh has served as President of the California School Boards Association, an organization bringing together California’s local K–12 school districts and county offices of education. An active member of the CSBA Delegate Assembly since 1993, Mr. Pugh has worked tirelessly to support the organization’s commitment to researching and advocating practices that serve the best interests of students.

During his tenure with CSBA, and throughout his career, Mr. Pugh has remained a vocal advocate for our children. He understands that public education represents a promise to future generations—a promise that knowledge and perseverance can overcome adversity, and that our democratic institutions can deliver opportunity for all—and he has worked to uphold and to strengthen that promise.

Madam Speaker, I ask you to join me in thanking Frank Pugh for his service on behalf of Sonoma County and California. His example reminds us of the value of public education and the importance of continuing to support and protect it.

HONORING BRET MICHAEL BUSSINGER

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2010

Mr. GRAVES of Missouri. Madam Speaker, I proudly pause to recognize Bret Michael Bussinger. Bret is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 180, and earning the most prestigious award of Eagle Scout.

Bret has been very active with his troop, participating in many scout activities. Over the many years Bret has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community. Most notably, Bret has contributed to his community through his Eagle Scout project.

Madam Speaker, I proudly ask you to join me in commending Bret Michael Bussinger for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

H.R. 6423, THE “HOMELAND SECURITY CYBER AND PHYSICAL INFRASTRUCTURE PROTECTION ACT OF 2010”

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2010

Mr. THOMPSON of Mississippi. Madam Speaker, illegal penetrations or “hacks” of computer networks have become an increasingly serious homeland security issue. Not only do they threaten the personal fortunes and identities of our citizens but also the effective functioning of our government, our infrastructure, our economy, and our national security. As Americans at all levels of society—from their personal lives to their professional work—grow increasingly reliant on computers and those computers become ever more connected, the scope of this security vulnerability continues to expand at a dizzying rate. Over the past year or so, there has been an active Congressional debate about what should be done to address this significant homeland security vulnerability. The introduction of the “Homeland Security Cyber and Physical Infrastructure Protection Act of 2010,” is intended to refocus the debate away from Presidential Internet shut-down authority and other “what ifs” and back to the central Federal cybersecurity challenge—the mismatch between the Department of Homeland Security’s, DHS, designation, since 2003, as the “focal point for security of cyberspace,” and the authorities conferred to DHS to fulfill its cybersecurity mission with respect to networks operated by Federal civilian agencies and critical infrastructure.

The “Homeland Security Cyber and Physical Infrastructure Protection Act of 2010,” seeks to enhance DHS’ cybersecurity capacity

by authorizing the DHS Office of Cybersecurity and Communications and creating a new Cybersecurity Compliance Division to oversee the establishment of performance-based standards responsive to the particular risks to the (1) .gov domain and (2) critical infrastructure networks, respectively. This bill is designed to require DHS to work with network operators to develop tailored security plans that meet risk-based, performance-based standards, as is being done in DHS' Chemical Facility Anti-terrorism program.

"Homeland Security Cyber and Physical Infrastructure Protection Act of 2010," is focused on providing the Department of Homeland Security, DHS, with the resources and authority that it needs to fulfill its Federal responsibility as the protector of our Nation's cyberspace. Specifically, the bill seeks to give DHS the resource and authority needed to strengthen the cybersecurity of (1) Federal government networks—the ".gov" domain—and (2) critical infrastructure in the private sector.

From a security and good-government standpoint, the way to deliver better cybersecurity is to leverage, modify, and enhance existing structures and efforts, rather than make wholesale bureaucratic changes. To that end, my bill authorizes a cybersecurity operation within the Department of Homeland Security that not only runs parallel to the Department's infrastructure protection work but also leverages, modifies, and enhances existing cybersecurity structures and programs. My bill specifically directs DHS to issue risk-based, performance-based cybersecurity standards for computer networks for systems in the .gov domain and those within the private sector that are within designated critical infrastructure.

For DHS' efforts to succeed, there needs to be "buy-in" on the front end and compliance on the back end. The bill fosters "buy-in" from the operators of the civilian Federal networks by establishing a working group comprised of Federal agencies, and chaired by the Secretary of Homeland Security, that is responsible for establishing risk-based, performance-based standards and corresponding remedies, including penalties, for non-compliance with these standards. Similarly, to foster "buy-in" for risk-based, performance-based standards for the critical infrastructure firms, DHS is directed to develop the standards in consultation with a wide range of stakeholders—from the Intelligence Community to the heads of sector-specific agencies to councils representing the interests of private sector companies—and subject the standards to the notice and comment regulatory process.

With respect to compliance, my bill directs DHS to look at approaches to foster compliance—such as liability protection under the Safety Act—and grants DHS the authority to delegate enforcement to another Federal department that has an existing regulatory authority over that sector. In some cases, delegation will prevent private sector firms from being subjected to redundant and overlapping regulations.

To ensure compliance, civilian Federal networks will be regularly monitored by DHS to ensure that each agency is in compliance with the standards adopted by the Federal agency working group. The bill requires DHS to report

infractions and corresponding remedies to the Office of Management and Budget, who, in turn, is required to execute the corresponding penalty or remedy.

My bill also includes a number of provisions to improve the reporting of cyber incidents, the sharing of information on cyber threats, the capacity of DHS to hire 500 additional cyber professionals and the level of cybersecurity research and development activities.

Taken together, the "Homeland Security Cyber and Physical Infrastructure Protection Act of 2010," will make our Nation more secure and better position DHS—the "focal point for the security of cyberspace," under Homeland Security Presidential Directive 7—to fulfill its critical homeland security mission. I urge Members to join me and cosponsor this important, common-sense homeland security legislation.

IN TRIBUTE TO MAJOR GENERAL
POLLY A. PEYER

HON. JIM MARSHALL

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2010

Mr. MARSHALL. Madam Speaker, it is with great pleasure that I rise today not only as the Representative of the 8th District of Georgia, but also as a member of the House Armed Services Committee, to honor the exemplary service and accomplishments of Major General Polly A. Peyer on the occasion of her retirement from the United States Air Force.

Maj. Gen. Peyer distinguished herself through exceptionally meritorious service to the Air Force and to the Nation during more than thirty-four years of active military service in peace and war, culminating as the Commanding General, Warner Robins Air Logistics Center, Air Force Materiel Command, Robins Air Force Base, Georgia.

Madam Speaker, throughout her career, Maj. Gen. Peyer has been in the forefront of Air Force logistics, serving in all command positions from squadron to wing level and has held major command and headquarters-level positions. Among her many accomplishments, Maj. Gen. Peyer was directly responsible for ensuring the highest quality support to maintenance programs supporting the C-130, F-15, C-17, and C-5 aircraft, among others. Her commitment to excellence directly led the Warner Robins Air Logistics Center to garner 61 national, Air Force, and command organizational awards, and resulted in the Air Force's ability to achieve goals set for the troop surge in Afghanistan, while simultaneously supporting ongoing operations in Iraq.

Dedicated to the well-being of Team Robins, Maj. Gen. Peyer oversaw the development of the "You Matter" program to raise awareness of suicide and develop understanding, recognition, and skills to proactively prevent it. Maj. Gen. Peyer was also a staunch advocate of workplace safety and implemented the Commander's Safe Site Challenge to implement tenets of OSHA Voluntary Protection Programs. Furthermore, Maj. Gen. Peyer and her husband, Colonel (Retired) Brian Grady, were untiring advocates for various organizations,

causes, and issues including one of our Nation's most outstanding gems, the Museum of Aviation.

Madam Speaker, Major General Peyer leaves the United States Air Force, the Department of Defense, the Nation, and the Warner Robins Air Logistics Center stronger through her vision and leadership. Her dedication to excellence and devotion to duty, honor, and country have marked her distinguished service. Her record of achievement and manner of service throughout her long career in positions of enormous responsibility are commensurate with honoring her in the CONGRESSIONAL RECORD. I thank her for her service.

TRIBUTE TO FRANCIS B. GIBBS

HON. CONNIE MACK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2010

Mr. MACK. Madam Speaker, I rise today to honor one of my most trusted advisors and closest friends, Francis B. Gibbs, who is moving on to new opportunities in the private sector.

Many staffers come and go on Capitol Hill, as many Members can attest, but I've been fortunate to have Francis at my side for over five years. He has been a dedicated public servant and a terrific sounding board for me, and he has been an incredible advocate and mentor for my staff.

Before serving as my Legislative Director and then my Chief of Staff, Francis worked for Congressman ANDER CRENSHAW as his Legislative Counsel. A native Floridian, Francis understands the values and attributes of our great State.

More importantly, Francis shares a strong passion for the ideals of freedom and free markets. He is deeply committed to the Constitution and the principles of federalism, and his work reflects his commitment to limiting the size and scope of an ever-intrusive federal government. A famous man once said, "No man is entitled to the blessings of freedom unless he be vigilant in its preservation." Francis has been, and always will be, a true patriot and defender of freedom.

While I am happy for Francis to begin this next phase of his professional career, make no mistake about it, he will be greatly missed. He has been a valuable member and an irreplaceable part of my team, but I know I can continue to count on his advice and friendship in the years ahead.

Madam Speaker, I would not be where I am today were it not for Francis' dedication, service and hard work. On behalf of the people of Florida's Fourteenth Congressional District, I want to thank Francis for his nearly ten years of service to the people of Florida and the Nation. He is my friend, he is a true public servant in every sense of the word, and I wish him all the best as he begins this new and exciting chapter of his life with his family.

IN HONOR OF ANGELO ROMEO, RESPECTED DIRECTOR OF THE GLOUCESTER COUNTY DEPARTMENT OF VETERANS AFFAIRS

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2010

Mr. ANDREWS. Madam Speaker, I rise today to honor the service of Angelo Romeo as Director of the Gloucester County Department of Veterans Affairs. A resident of Newfield, New Jersey, Mr. Romeo has demonstrated a tireless work ethic and dedication to Gloucester County veterans that deserves recognition.

Mr. Romeo's life shows the strong influence of his mother and political mentor, Virginia Romeo, the first woman elected to the Newfield City Council. Following in her footsteps, Mr. Romeo first ran for a freeholder position in 1972 and was later appointed to fill Lee Ranstrom's seat in 1974 before winning his own election in 1975. He also served as a Captain in the U.S. Army from 1966–1969.

After a 20-year break from politics, Mr. Romeo joined the Department of Veterans Affairs in Gloucester County in 1998, where his part-time position quickly flourished into a full-time leadership role. Mr. Romeo excelled at finding and meeting the needs of veterans in Gloucester County.

Mr. Romeo worked tirelessly to establish the Veterans Affairs clinic and the Williamstown cemetery. Since the beginning of 2010, the VA clinic in Gloucester County has seen over 4,000 individuals with a combined 18,000 appointments. Furthermore, the State of New Jersey Chamber of Commerce and the U.S. Small Business Administration awarded the Veteran Small Business Advocate of the Year to Mr. Romeo.

Mr. Romeo and his wife, Susan, have four children and eight grandchildren whom they plan to take to Disney World after he retires next month.

Madam Speaker, Angelo Romeo's commitment to Gloucester County and its veterans must be recognized. I wish him the best in his future endeavors and thank him for his continued service to the veterans of Gloucester County.

HONORING DAVID S. AMERYUN

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2010

Mr. GRAVES of Missouri. Madam Speaker, I proudly pause to recognize David S. Ameryun. David is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 180, and earning the most prestigious award of Eagle Scout.

David has been very active with his troop, participating in many scout activities. Over the many years David has been involved with scouting, he has not only earned numerous

merit badges, but also the respect of his family, peers, and community. Most notably, David has contributed to his community through his Eagle Scout project.

Madam Speaker, I proudly ask you to join me in commending David S. Ameryun for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

IN MEMORY OF U.S. ARMY SPECIALIST SHANNON "CHANEN" CHIHUAHUA

HON. SANFORD D. BISHOP, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2010

Mr. BISHOP of Georgia. Madam Speaker, I rise today to pay tribute to a brave soldier, a dedicated citizen of Thomasville, Georgia, and a great American, U.S. Army Specialist Shannon "Chanen" Chihuahua, who selflessly gave his life while serving his country in Operation Enduring Freedom in Afghanistan.

Specialist Chihuahua was born in 1985, and was raised in Thomasville, Georgia. After graduating from Thomas County Central High School in 2004, he attended Valdosta State University. He met his loving wife, Kristen, in July of 2006 and the two were married November 4, 2006.

Answering the call to service, he enlisted in the U.S. Army. Specialist Chihuahua was assigned to the 1st Battalion, 327th Infantry Regiment, 1st Brigade Combat Team, 101st Airborne Division (Air Assault), at Fort Campbell, Kentucky.

His awards and decorations include: Purple Heart; Army Commendation Medal; Army Achievement Medal; National Defense Service Medal; Afghanistan Campaign Medal; Global War on Terrorism Service Medal; Army Service Ribbon; NATO Medal; and Combat Medic Badge.

While deployed to Afghanistan, he was one of several service members tragically killed on November 12, 2010 when insurgents attacked his unit using small arms fire and rocket propelled grenades. He gave the ultimate sacrifice; he died while trying to save a fellow soldier, who was injured.

Specialist Chihuahua's death is a great loss to this country, as he was a man of great promise and honor. He was described as an energetic and positive person with a constant smile. He was well regarded by his peers and known for his congeniality.

His death is also a great loss to his loving family. He is survived by his wife, Kristen; two daughters, Sophia and Annabelle; his mother, Dennice Dinkins of Thomasville, Georgia; and father, Sebastian Chihuahua of Del Rio, Texas.

Madam Speaker, U.S. Army Specialist Shannon "Chanen" Chihuahua made the ultimate sacrifice for his country. His time on this earth was too short. He was a proud American, a brave soldier, and a true family man. In life, he was loved and honored and in death, he will be remembered by a grateful nation.

HONORING JOEL LEIGHTON RONEY

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2010

Mr. GRAVES of Missouri. Madam Speaker, I proudly pause to recognize Joel Leighton Roney. Joel is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 180, and earning the most prestigious award of Eagle Scout.

Joel has been very active with his troop, participating in many scout activities. Over the many years Joel has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community. Most notably, Joel has contributed to his community through his Eagle Scout project.

Madam Speaker, I proudly ask you to join me in commending Joel Leighton Roney for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

HONORING THE LIFE OF DR. W. HENRY MAXWELL

HON. ROBERT C. "BOBBY" SCOTT

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2010

Mr. SCOTT of Virginia. Madam Speaker, I rise today to mourn the loss of one of the Commonwealth of Virginia's finest public servants, a great man of faith and a trusted friend, former State Senator Dr. W. Henry Maxwell. This past Saturday, Dr. Maxwell passed away, and I would like to take a brief moment to celebrate his life and legacy.

A lifelong resident of Newport News, Dr. Maxwell was born on April 3, 1935, and graduated from Carver High School in 1951. Having been raised in the church, Dr. Maxwell nurtured a deep and abiding faith that eventually led him into the ministry. In 1967, he was ordained into gospel ministry and he formalized his calling, receiving both a bachelor of theology degree and a doctorate of divinity from Virginia Seminary and College.

It is hard to separate the life and legacy of Dr. Maxwell from the history of Ivy Baptist Church, the institution that Dr. Maxwell faithfully led for 37 years. Under his leadership, the church grew in size, purchased a new house of worship, and established a child care and learning center. As a fitting tribute to his years of dedicated service, Ivy Baptist erected the W. Henry Maxwell Family Life Center in 1999.

If Dr. Maxwell's only contribution to his community was as a pastor, he would have had a lasting legacy. But Dr. Maxwell was a civic activist and a public servant who was fond of saying: "If one was to be concerned about man, he should be concerned about the laws that govern man." Dr. Maxwell was an effective and hard-working legislator and a strong voice for the downtrodden. When I first became involved in community activities and politics in my hometown of Newport News, I was

following in Dr. Maxwell's footsteps. Dr. Maxwell was serving as President of the Newport News branch of the NAACP when I came back to Newport News after finishing law school, and I was honored to step into his shoes in 1975 as President of the branch. Dr. Maxwell ran for Newport News City Council in 1976. Although his campaign was unsuccessful, the work of his campaign served as a foundation for my successful run for the Virginia House of Delegates in 1977. During my tenure in the Virginia House of Delegates, Dr. Maxwell was a trusted advisor and friend. When I was elected to the State Senate in 1983, Dr. Maxwell was elected to my House of Delegates seat. We served as colleagues in the Virginia General Assembly, until I was elected to the U.S. House of Representatives in 1992. Following my election, Dr. Maxwell was successfully elected to the State Senate.

Dr. Maxwell's tenure in the Virginia General Assembly as both a member of the House of Delegates and the State Senate, was characterized by a deep tie to the needs of his community. He was critical in obtaining state funds to restore the historic Newsome House and support its use as a community cultural center. He was an advocate for the continued operation of the Virginia School for the Deaf and Blind. He was also instrumental in ensuring that judges in Virginia properly reflected the community they served. In addition to his formal duties as a member of the House of Delegates and a State Senator, Dr. Maxwell was engaged in many civic organizations. He was a Life Member of the NAACP, member of the board of trustees of the Peninsula Economic Development Council, the United Way of the Peninsula, and the Newport News Alliance for Youth.

Madam Speaker, the city of Newport News has lost a great public servant and I have lost a dear friend. I want to extend my deepest sympathies to Dr. Maxwell's wife of 53 years, Gladys, their children Walter, Ronald, and Angela, great-grandchildren, sisters Pauline, Sallie, Shirley and Gwendolyn, brothers Wesley and Thomas, nieces, nephews, other family and friends and the Ivy Baptist Church community.

IN HONOR OF THE VIETNAM WAR
VETERANS FROM THE OAK
CLIFF LIONS CLUB

HON. PETE SESSIONS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2010

Mr. SESSIONS. Madam Speaker, I rise today to recognize the Vietnam War Veterans of the Oak Cliff Lions Club. It is my great privilege and pleasure to honor these individuals.

On November 3, 2010, the Oak Cliff Lions Club paid special tribute to its members that served in the Vietnam War. This group of distinct individuals includes Captain Stan Altschuler, USA; Petty Officer 2nd Class Robert Bown, USN; Airman First Class Danny Boyce, USAF; Colonel Rich Buickerood, USAF, Ret.; Major Durhl Caussey, USA, Ret.; 1st Lieutenant Scott Chase, USA; Colonel Ken Cordier, USAF, Ret.; Lt. Colonel Stoney

Green, USA; Captain Ray Morey, USAF; 1st Lieutenant Edwin Strom, USA; Sgt. Joe Wells, USAF; Captain David Mills, USA, USAF; and Spec. 4 Jim Foster, USA.

These veterans deserve our deepest gratitude for their great sacrifice made in defense of liberty, freedom, and democracy. No words can ever fully express our gratitude for all they have done for our country. Their patriotism, courage, and selflessness is commendable and deserves our highest regard.

Madam Speaker, I ask my esteemed colleagues to join me in expressing our gratitude for their service to this great Nation.

IN RECOGNITION OF THE HORACE
WELLS CLUB OF CONNECTICUT

HON. JOHN B. LARSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2010

Mr. LARSON of Connecticut. Madam Speaker, I rise to recognize the Horace Wells Club of Connecticut. For over 100 years, this organization has been dedicated to promoting the field of anesthesiology. This remarkable breakthrough in the field of medicine and dentistry has dramatically improved the comfort of patients during surgery and transformed once painful experiences into routine procedures.

The Horace Wells Club of Connecticut was founded in 1894 by a group of dedicated dentists on the 50th anniversary of the discovery of anesthesia. Since then, they have held an annual dinner and given out the Horace Wells Anesthesia Award to an individual who has contributed to the advancement of the field of anesthesiology. The event has been held at the historic Harford Club for the last 75 years. This year's event will be held on December 11th, exactly 166 years to the date of anesthesia's discovery.

The Horace Wells Club of Connecticut is named after the Hartford dentist who discovered that nitrous oxide could be used as anesthesia. Horace Wells pioneered this medical advancement by first experimenting on himself during a tooth extraction. After his own successful use of anesthesia, he worked tirelessly to spread and advance this technology to improve the lives of people everywhere. He is famously quoted as wanting to see anesthesia become "as free as the air we breathe." Horace Wells has been recognized multiple times by the American Dental Association and the American Medical Association. Additionally, the State of Connecticut and the City of Hartford commissioned a bronze statue in 1874, which sits at Bushnell Park in Hartford, CT to this day.

Anesthesia's abundant availability has contributed greatly to the relief of pain and suffering and Horace Wells was instrumental in this important medical breakthrough. I commend the Horace Wells Club of Connecticut for honoring his contribution to medicine and wish that they have a successful gala on December 11th.

HONORING SCOTT DAVIS
GEISINGER

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2010

Mr. GRAVES of Missouri. Madam Speaker, I proudly pause to recognize Scott Davis Geisinger. Scott is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 180, and earning the most prestigious award of Eagle Scout.

Scott has been very active with his troop, participating in many scout activities. Over the many years Scott has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community. Most notably, Scott has contributed to his community through his Eagle Scout project.

Madam Speaker, I proudly ask you to join me in commending Scott Davis Geisinger for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

PROTECTING HOMEOWNERS AND
FORECLOSURE STABILIZATION
ACT OF 2010

HON. JIM McDERMOTT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2010

Mr. McDERMOTT. Madam Speaker, in the midst of this recession, the American people face impossible job prospects, decreased wages, and the continuing decline in the value of their homes. Reports show that 23 percent of all residential properties are underwater and the foreclosure rates are only rising. Underwater homeowners are often ineligible for refinancing, and are kept from restructuring the mortgage debt on their primary home in bankruptcy. With banks being largely ineffective in modifying loans, homeowners are left with little choice but foreclosure. The American people deserve better, and fixing this problem will help the economy and American families.

The "Protecting Homeowners and Foreclosure Stabilization act of 2010" will give homeowners the ability to restructure the debt on their primary residence in bankruptcy. Furthermore, homeowners will receive increased protection from foreclosure by the automatic stay in bankruptcy, and increased time to file a plan in Chapter 13. Homeowners facing foreclosure have the additional benefit of waiver of the pre-filing counseling requirement to ensure minimal delay in accessing the court. As a condition of filing, homeowners must certify that they requested a loan modification from their bank.

The ability to restructure the debt of all assets in bankruptcy has long been enjoyed by businesses. There is no reason that the American people should receive fewer protections than businesses do in bankruptcy. The "Protecting Homeowners and Foreclosure Stabilization act of 2010" will help put American

homeowners on equal footing with the banks when working to save their homes.

PERSONAL EXPLANATION

HON. LINDA T. SÁNCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2010

Ms. LINDA T. SÁNCHEZ of California. Madam Speaker, unfortunately, I was unable to be present in the Capitol for all votes on Thursday, November 18, 2010. However, had I been present, I would have voted as follows: "yea" on the Motion to Suspend the Rules and Pass S. 3774, Extending the deadline for Social Services Block Grant expenditures of supplemental funds appropriated following disasters occurring in 2008; "yea" on the Motion to Suspend the Rules and Pass H. Con. Res. 329, Recognizing the 35th anniversary of the enactment of the Education for All Handicapped Children Act of 1975; "yea" on the Motion to Suspend the Rules and Pass H. Res. 1677, Condemning the Burmese regime's undemocratic upcoming elections on November 7, 2010.

HONORING SURFING LEGEND ANDY IRONS

HON. MAZIE K. HIRONO

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2010

Ms. HIRONO. Madam Speaker, I rise today to pay tribute to surfing legend Andy Irons, who passed away suddenly on November 2 at the age of 32. A kama'aina from Hanalei on the island of Kauai, Andy Irons was one of the sport's most recognized athletes with three world championship titles, an accomplishment that no other male surfer from Hawaii has been able to achieve. In all, Andy won 32 professional surfing contests, including 20 elite Association of Surfing Professionals World Tour tides and four Triple Crown tides. Currently ranked 16th in the world, Andy remains the highest-ranked professional surfer from Hawaii.

Known for his powerful, fluid style and ability to excel in all types of surf conditions, Andy Irons was not only highly respected by surfers in Hawaii but also served as an ambassador for Hawaii and the sport as he competed in events all over the world. Andy always made it a point to mentor local surfers and promote the sport in Hawaii, including hosting the Irons Brothers Pine Trees Classic with his brother Bruce for up-and-coming surfers on Kauai over the past nine years.

Although he went on hiatus from competing professionally in 2008 and 2009, Andy made a comeback this year, winning the Billabong Pro Teahupoo in Tahiti in September. He was also expected to be a top contender in the Vans Triple Crown of Surfing this month on the North Shore of Oahu, a three-event series that he won from 2002 to 2006.

Andy is survived by his wife, Lyndie, who is expecting their first child next month; father,

Phil; mother, Danielle; and brother, Bruce. In addition to the thousands of people who paid tribute to Andy at a memorial "paddle out" service at Hanalei Bay on the North Shore of Kauai on November 14, thousands of fans, friends, and competitors around the world held similar memorials in solidarity.

Andy served as an inspiration to the people of Hawaii and to the surfing community around the world. He will be greatly missed.

A TRIBUTE TO CALVIN "CAL" WORTHINGTON

HON. DANIEL E. LUNGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2010

Mr. DANIEL E. LUNGREN of California. Madam Speaker, I rise today to pay tribute to Calvin "Cal" Worthington, a great American entrepreneur who is turning 90 years old this week.

When I think of Mr. Worthington, the first thing which comes to mind is that he is a true "Renaissance Man." He proudly served our country in the United States Army Air Corps in World War II as a B-17 Bomber pilot, and because of his heroic skills during the military campaign in Germany, he was awarded the Air Medal five times, as well as the Distinguished Flying Cross.

When Mr. Worthington returned to the States, he eventually became one of the most successful car salesmen in the country. With his dealerships in five States, Cal quickly demonstrated an aptitude for drawing in customers. His name today still evokes memories of tantalizing jingles as well as images of zoo animals and stunts, as he is best known for his lively commercials with his "dog" Spot. His advertisements were received with high national acclaim, due to the fact that Spot was never a dog. Instead, Spot was always an exotic animal, such as a tiger, chimpanzee, lion, bear, goose, rhinoceros, skunk, water buffalo, snake, elephant or seal.

Mr. Worthington's sense of humor, tremendous business skills, love of music and the arts, and his desire to continually improve his community will be his legacy. It is an honor to recognize Cal Worthington for his immense dedication to improving the quality of life for so many individuals and for his commitment to excellence. He has served our Nation proudly and I am privileged to say that he will always be my friend. Happy 90th birthday, Cal; in dog years you are now officially 630 years old!

HONORING TIMMOTHY HANS- ROBERT HILLER

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2010

Mr. GRAVES of Missouri. Madam Speaker, I proudly pause to recognize Timothy Hans-Robert Hiller. Timothy is a very special young man who has exemplified the finest qualities of citizenship and leadership by tak-

ing an active part in the Boy Scouts of America, Troop 180, and earning the most prestigious award of Eagle Scout.

Timothy has been very active with his troop, participating in many scout activities. Over the many years Timothy has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community. Most notably, Timothy has contributed to his community through his Eagle Scout project.

Madam Speaker, I proudly ask you to join me in commending Timothy Hans-Robert Hiller for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

CONGRESSIONAL RECOGNITION FOR PUEBLO DEL SOL ELEMEN- TARY SCHOOL

HON. GABRIELLE GIFFORDS

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2010

Ms. GIFFORDS. Madam Speaker, I rise today to recognize Pueblo Del Sol Elementary School in Sierra Vista, Arizona which has been designated a 2010 National Blue Ribbon School.

This is a significant honor for the students, parents, teachers, staff and administrators of Pueblo Del Sol, which is in Arizona's 8th Congressional District. Pueblo Del Sol was among just four schools in the State of Arizona and 304 in the Nation to receive this prestigious award.

Principal Jim Sprigg as well as former Principal John Wilson, who retired last year, played major roles in leading the school to this award. I extend my congratulations to both of them for establishing and maintaining an outstanding tradition of educational excellence.

It also is important to note that this award would not have been possible without the dedication of Pueblo Del Sol students who come to school each day ready to learn and anxious to apply themselves to their education. The success of the students would not have been possible without the support and guidance given to them by their parents.

We have, unfortunately, become accustomed to hearing discouraging educational news. We are encouraged, however, that those affiliated with Pueblo Del Sol Elementary School have shown that even with tight financial constraints, schools with students and teachers who are determined to succeed will excel.

The people of Sierra Vista and the members of the Sierra Vista Unified School District should be very proud to have such a stellar school in their community. I share their pride and am pleased to have Pueblo Del Sol Elementary School in my Congressional District as an example of the excellence that is possible in our public education system.

I am honored to recognize the students, parents, teachers, staff and administrators of Pueblo Del Sol on this outstanding national award. It is a testament to their dedication, perseverance and an unwavering commitment to learning.

NATIONAL HISPANIC HERITAGE
MONTH 2009

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2010

Mr. TOWNS. Madam Speaker, I rise today in support of the DREAM Act.

We are a nation built by the hard work and personal achievements of immigrants. We must take strides to move immigration reform forward and now is the time to do it. Now is the time to help millions of young people achieve the American Dream.

Improving access to education for immigrants is an important piece of reform. Education has always been a priority of mine and, in order to build a stronger nation, we should encourage those who want to become Americans to pursue their education.

The DREAM Act also allows for permanent resident status to be given to those who served for two years in the military. It is only fitting that we afford this status to individuals who are willing to lay down their lives if need be for the protection of this great nation.

My esteemed colleagues, I urge you to uphold the ideals of the American Dream; vote in favor of the DREAM Act. Thank you.

NATIONAL AWARD CENTER

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2010

Mr. RAHALL. Madam Speaker, for the last several decades multi-billion dollar trade deficits have continued to disadvantage American industries and manufacturing, and that means American jobs. Businesses, like the National Award Center, are working with employers and employees to promote critical economic priorities of higher productivity, more innovation and a strong, competitive work ethic. I commend these national priorities to all companies, organizations and related government agencies, federal, state and local which are trying to level the playing field for the United States in the global marketplace. I congratulate the National Award Center in its inaugural year.

HONORING ALBERT BURSTEIN'S
APPOINTMENT AS CHEVALIER
OF THE FRENCH LEGION OF
HONOR

HON. STEVEN R. ROTHMAN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2010

Mr. ROTHMAN of New Jersey. Madam Speaker, I rise today to recognize my dear friend Mr. Albert Burstein upon his appointment as Chevalier of the Legion of Honor by the President of the French Republic, Mr. Nicolas Sarkozy. This prestigious distinction was conferred upon Mr. Burstein on Novem-

ber 11, 2010 to express the deep appreciation and gratitude of the French people for his contribution to the liberation of their country during World War II.

Mr. Burstein joined the United States Army on May 8, 1943 in Fort Dix, New Jersey. He became a member of the 44th Infantry Division and was soon shipped overseas, where his outfit was quickly engaged in combat in the south central region of France. Having received Army specialized training in the German language, Mr. Burstein was placed in charge of troops at the front lines in order to watch for oncoming German counter attacks. Following his honorable discharge from the Army, Mr. Burstein was awarded both the Combat Infantryman Badge and the Bronze Star Medal.

Albert Burstein's extraordinary accomplishments and steadfast devotion to public service continued after his departure from the military. Al served as a member of the New Jersey General Assembly from 1971 to 1981, during which he held several leadership positions, including Chairman of the Assembly Education Committee and Assembly Majority Leader. He remained committed to improving the quality of schools in the State of New Jersey and across the country, serving as a member and chairman of numerous education commissions and boards. On the federal level, Mr. Burstein was appointed by the Secretary of Health, Education and Welfare to serve as Chairman of the Model Adoption Legislation and Procedures Advisory Panel from 1978 to 1979.

Mr. Burstein continues to provide his expertise and leadership to the people of New Jersey as partner in a distinguished law firm in Hackensack, New Jersey—Herten, Burstein, Sheridan, Cevasco, Bottinelli, Litt & Harz, L.L.C. He is an active member of his community and has been recognized for his legal work in Bergen County. Mr. Burstein is a great source of pride and admiration for his loving family, including his wife Ruth; his children Jeff, Diane, and Laura; and his grandchildren Alexandra, William, and Julia.

Madam Speaker, today I would like to congratulate Albert Burstein on being honored by the people of France and thank him for both his military heroism and his lifelong commitment to serving our great Nation. I am grateful to have had such a dedicated and outstanding individual as an honored friend and role model for over 30 years.

HONORING THOMAS ANDREW
GEISINGER

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2010

Mr. GRAVES of Missouri. Madam Speaker, I proudly pause to recognize Thomas Andrew Geisinger. Thomas is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 180, and earning the most prestigious award of Eagle Scout.

Thomas has been very active with his troop, participating in many scout activities. Over the

many years Thomas has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community. Most notably, Thomas has contributed to his community through his Eagle Scout project.

Madam Speaker, I proudly ask you to join me in commending Thomas Andrew Geisinger for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

IN HONOR OF GENERAL C. ROBERT
KEHLER, COMMANDER, AIR
FORCE SPACE COMMAND

HON. DOUG LAMBORN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2010

Mr. LAMBORN. Madam Speaker, let me take this opportunity to pay tribute to General C. Robert Kehler. The President of the United States nominated him to be the next Commander of United States Strategic Command. General Kehler became Commander of Air Force Space Command in October 2007 and he leads the world's greatest space and cyberspace force.

General Kehler entered the Air Force in 1975 as a distinguished graduate of the Pennsylvania State University Air Force Reserve Officer Training Corps program. His exemplary Air Force career is marked by command at the squadron, group and wing levels, and a broad range of experience in intercontinental ballistic missile (ICBM) operations, space launch, space operations, missile warning, and space control.

General Kehler began his illustrious career as a Minuteman Combat Crewmember. His Air Force journey would take him and his wife, Marjorie, through a series of Air Force and Joint assignments. As the Chief of the Strategic Missile Branch in the Secretary of the Air Force's Office of Legislative Liaison, he was the Secretary's point man on Capitol Hill for matters regarding the President's ICBM Modernization Program. As Director of the National Security Space Office, he integrated the activities of a number of space organizations on behalf of the Under Secretary of the Air Force and Director, National Reconnaissance Office. Prior to assuming his current position, General Kehler was the Deputy Commander, U.S. Strategic Command.

In his current assignment as Commander, Air Force Space Command, General Kehler is responsible for organizing, equipping, training and maintaining mission-ready space and cyberspace forces and capabilities for North American Aerospace Defense Command, U.S. Strategic Command, and other combatant commands around the world. He provides inspirational leadership to more than 46,000 personnel responsible for mission areas ranging from assured access to space to on-orbit space operations, space situational awareness, and cyberspace operations. General Kehler's dynamic leadership capabilities were vital to the transfer of the ICBM mission to the newly established Air Force Global Strike

Command and in standing up the 24th Air Force to execute the Air Force's cyberspace mission. His decisive and visionary leadership of Air Force Space Command earned National Defense Industrial Association recognition as the 2009 Hartinger Award winner for "Outstanding Achievement in the Military Space Mission of the United States."

Madam Speaker, the American people have been fortunate to have General Kehler serving as the Commander of Air Force Space Command for the past three years. Marjorie, and their two sons, Matt and Jared, can be proud of his fine character and dedication to service. He will be greatly missed in Colorado Springs, but the community's loss is the country's gain. I know my fellow Members of the House of Representatives will join me in thanking him for his continued commitment to his country.

HONORING DR. GRACIELA SARMIENTO OF ARROYO GRANDE, ROGER LYON OF CAYUCOS, DR. JAMES THORTON OF ARROYO GRANDE AND CAL POLY SAN LUIS OBISPO STUDENT AND PARAMEDIC ANDREW THIEL

HON. LOIS CAPPS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2010

Mrs. CAPPS. Madam Speaker, I rise today with a heavy heart. Last month, four cherished members of my community on the California Central Coast died when their plane carrying medical supplies crashed in Mexico. All four were participating in a humanitarian mission with the Flying Samaritans aid organization.

The tragic loss of Dr. Graciela Sarmiento of Arroyo Grande, Roger Lyon of Cayucos, Dr. James Thorton of Arroyo Grande and Cal Poly San Luis Obispo student and paramedic Andrew Thiel has been of tremendous shock and heart-ache to our close community. That these four selfless and dedicated individuals would pass on so suddenly and in an act of such generosity is all the more painful.

As our community grieves, we have pledged to honor the work of Graciela, Roger, James and Andrew in our own lives. In death, these remarkable people have reminded us in the most powerful and tragic of ways that life is short, and that genuine generosity knows no bounds.

While they were at different stages in life, all four were known to their families, friends and neighbors as bighearted, intellectually curious and passionate about contributing to the community and world around them. In leading through example, Graciela, Roger, James and Andrew demonstrated that there are no limits when working to make this world a better place.

I urge all my colleagues to celebrate the lives of Graciela, Roger, James and Andrew with their own acts of generosity and to pray for their surviving families and friends. Thank you.

A TRIBUTE TO REVEREND DAVID K. BRAWLEY

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2010

Mr. TOWNS. Madam Speaker, I rise today in recognition of Rev. David K. Brawley.

Reverend David K. Brawley's commitment to the call and demands of ministry is evidenced in his leadership and his availability.

At the age of sixteen, Rev. Brawley responded to God's will and was ordained by Rev. Winifred Pippen of First Baptist Church in Deer Park, New York. He became the Youth Minister at First Baptist, where he maintained his membership for thirteen years.

In 1994, Rev. Brawley began his full time career in ministry at St. Paul Community Baptist Church in Brooklyn, New York, where Rev. Dr. Johnny Ray Youngblood has served as Senior Pastor for the past thirty-five years. Rev. Brawley served as Dr. Youngblood's Assistant Pastor beginning in 1995, and in January 2008, was named Pastor Successor of St. Paul Community Baptist Church.

During his tenure at St. Paul, Rev. Brawley has served in a large number of roles, including: Coordinator of the Men-in-Training program for the St. Paul Community Board of Elders, pastoral counseling, officiating at sacred events such as weddings, baby dedications, and home going services, community organizing, leading worship services, and as an on-call teacher to the congregation. His organizing efforts play a dynamic role in the church's community development activities where he serves as a member of the Governance Board and Strategy Team of East Brooklyn Congregations, EBC, an organization which has been at the forefront of construction projects that have resulted in over 3000 affordable homes in Brooklyn. Rev. Brawley has been an outspoken advocate for public school reform and has addressed issues such as public safety, housing, and quality of life concerns on behalf of neighborhood residents. Rev. Brawley's community involvement also includes his role as Vice President of E.D.I.F.Y. Communities of East New York. E.D.I.F.Y., which stands for Empower, Develop and Improve Families and Youth, seeks to increase the vitality and value of urban communities by pooling resources and charitable funds.

Rev. Brawley's four principles for a strong, productive ministry are: creating a thriving worship experience; actively engaging in community organizing; edifying God's people; and becoming a beacon of economic development for the community the ministry serves. As a pastor, Rev. Brawley possesses the gifts of exhortation, inspiration, motivation, and encouragement, which he shares in worship services and across the nation at men's conferences, revivals, and youth group programming.

In 2004, Rev. Brawley earned his Master's degree in Theological Studies from the Faith Seminary of Tacoma, Washington. He is currently pursuing his doctorate in ministry at Faith Seminary.

Rev. Brawley resides in Brooklyn, New York with his wife Debra and their two children, Rhonesha and Michael.

Madam Speaker, I urge my colleagues to join me in recognizing the contributions of Rev. David K. Brawley.

HONORING THE LIFE AND SERVICE OF LIEUTENANT GENERAL ROBERT P. KELLER, USMC (RET.)

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2010

Mr. MILLER of Florida. Madam Speaker, it is with great honor that I rise to recognize the life and service of Lieutenant General Robert P. Keller, USMC (Ret.).

Robert Keller was born in Oakland, California, on February 9, 1920. As part of the Greatest Generation, he joined the United States Marine Corps and answered his call to duty during World War II. Robert Keller became an exceptional Naval aviator, serving in World War II, Korea, and Vietnam. He further distinguished himself as an aviator by flying both fixed-wing aircraft and helicopters. In Vietnam, he flew with his son, Bob, Jr., on a helicopter mission as well as a fixed-wing aircraft mission. Through the course of his career, General Keller earned the Silver Star Medal, three Distinguished Flying Crosses, and three awards of the Legion of Merit. He retired as the Commanding General, Marine Corps Development and Education Command, Quantico, on July 1, 1972.

Over the course of his distinguished career and his various billets, General Keller served our nation with great pride and dedication. He continued to uphold the Marine Corps values of honor, courage, and commitment throughout the rest of his life.

Madam Speaker, on behalf of the United States Congress, I am proud to recognize Lieutenant General Robert P. Keller's immense contributions to our national security through his lifelong leadership and service to the United States Marine Corps and this great nation. General Keller was preceded by his wife Lucille and is survived by children, Ronald, Robert, Anne, and Joan, grandchildren, and great-grandchildren. I would like to offer my sincere condolences. Northwest Florida mourns the loss of a respected patriot. To his family and friends, he will forever be remembered as a loving husband, father, grandfather, great-grandfather, and friend; to all, he will forever be remembered as a great American hero.

RECOGNIZING BREESE MATER DEI FOR WINNING THE VOLLEYBALL STATE CHAMPIONSHIP

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2010

Mr. SHIMKUS. Madam Speaker, I rise today to recognize the achievements of a talented group of student athletes from Breese, Illinois.

The Breese Mater Dei Knights volleyball team recently captured the Illinois High School

Athletic Association Class 3A State Title and finished the season with an outstanding 41-1 record. The Knights lost the first set of the championship match to Joliet Catholic 25-15, but fought back and captured the last two sets 25-18 and 26-24 to secure the state championship.

I would like to congratulate Head Coach Fred Rakers and Assistant Coach Chad Rakers for all of their hard work with the team. But most of all, I want to congratulate the 2010 state champion volleyball team from Breese Mater Dei: Samantha Bedard, Kaley Boeckmann, Chelsea Crocker, Kayla Eversgerd, Alyssa Hitpas, Bailey Kampwerth, Emily Koelling, Alison Lampen, Abby Luebbers, Mallory Mensing, Alison Mueller, Ashley Rakers, Brooke Schulte, Nicole Striker, Abbey Winter.

These young ladies have represented themselves, their school and their community in an exemplary fashion and I want to join with all the members of this House in wishing them continued success in their athletic and academic endeavors.

RECOGNIZING THE BUILDING REDEDICATION AND RIBBON CUTTING OF VIENNA ELEMENTARY

HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2010

Mr. CONNOLLY of Virginia. Madam Speaker, I rise to recognize the rededication of Vienna Elementary School. Founded in 1872, Vienna Elementary is the oldest continually operational school in Fairfax County. Today, we are celebrating the completion of upgrades that will improve the classroom experience for educators and children in our community.

Vienna Elementary School is one of the finest public schools in the country. Its mission is to challenge and support individual excellence by setting high academic standards and empowering students to become successful citizens. As a sign of its success, Virginia Governor Tim Kaine and the State Board of Education awarded Vienna Elementary the Board of Education Excellence Award. The award recognizes a school's ability to successfully meet benchmark standards in academic performance, and it also recognizes progressive improvement over time.

Vienna Elementary School is strengthened by its superb staff and also by an engaged and active public. The strong support of parents and area organizations teamed with the dedication of the school educators and administration provides an atmosphere that enables children to have new opportunities and access to robust academic support.

Madam Speaker, I ask that my colleagues join me in recognizing the rededication of Vienna Elementary School. I extend my congratulations and appreciation to the teachers, administrators, staff, parents and community partners who understand that quality education is the key to a bright future for our children.

DR. MILDRED JEFFERSON INSPIRED AN ENTIRE GENERATION OF PRO-LIFE LEADERS

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2010

Mr. SMITH of New Jersey. Madam Speaker, today, I want to recognize and honor the life of Dr. Mildred Jefferson, who passed away on October 15, 2010, at the age of 84.

Dr. Jefferson was a trailblazer of her time. She was the first African-American woman to graduate from Harvard Medical School, the first female surgical intern at Boston City Hospital and the first woman admitted to membership in the Boston Surgical Society.

Dr. Jefferson was born in Pittsburg, Texas, on April 6, 1926, to Gurthie Jefferson, a minister, and Millard Jefferson, a schoolteacher. She graduated from Texas College in Tyler and earned a master's degree from Tufts University in Medford, Massachusetts before attending Harvard Medical School. In her lifetime she also was the recipient of 28 honorary degrees.

Her life was historic in many ways, yet she will be remembered not only for the lives she saved as a physician but also for the lives she saved as an advocate for the unborn.

From the earliest years of the right to life movement, she dedicated herself to the cause, always beautifully articulating the humanity of unborn children. Poised and passionate, always focused and extremely devoted, she made history and inspired an entire generation of pro-life leaders.

Dr. Jefferson was among the founders of the National Right to Life Committee (NRLC) and from 1975–1978 she served three terms as President of NRLC. She also served as director of Massachusetts Citizens for Life and a board member of American Life League. She was also a founding member of the board and a past president of the Value of Life Committee of Massachusetts and was active in Black Americans for Life.

Among all of her accolades and accomplishments, she should be best known for her own eloquent description of why she stood in solidarity with the unborn fighting day in and day out for their first right, the right to life. In her own words,

"I became a physician in order to help save lives. I am at once a physician, a citizen, and a woman, and I am not willing to stand aside and allow the concept of expendable human lives to turn this great land of ours into just another exclusive reservation where only the perfect, the privileged, and the planned have the right to live."

Dr. Jefferson was always graceful. She embodied compassion. Her life is an example to us of the impact of faithful devotion to the sanctity of human life. Dr. Jefferson knew that you cannot speak of human and civil rights, while precluding virtually all protection to the most persecuted minority in the world today: unborn children.

She reminded us all, "The right-to-life cause is not the concern of only a special few but it should be the cause of all those who care about fairness and justice, love and compassion and liberty with law."

Dr. Jefferson is correct when she said,—the cause for the right to life concerns all of us. Someday, when our goal of ending abortion is finally realized, future generations of Americans will look back on us and wonder how and why such a rich and seemingly enlightened society, so blessed and endowed with the capacity to protect and enhance vulnerable human life, could have instead permitted, and even promoted, death to children and exploitation of women by abortion.

It was an honor to work alongside Dr. Jefferson to fight the injustice of abortion, and I know her legacy and memory will live on in the lives of those who knew her and in the lives of the unborn children she helped save.

HONORING REVEREND DEFOREST B. SOARIES

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2010

Mr. HOLT. Madam Speaker, Reverend DeForest B. Soaries has dedicated his life to improving the lives of others. Whether it was organizing a campaign in college to stop drug use on campus, starting non-profit groups to improve the lives of his church community or working for the Federal Government to improve the voting system, he has been and will continue to be a true asset to the state of New Jersey. And while we were once adversaries in a political campaign, I am honored now to call him a good friend.

Reverend Soaries' leadership positions within our community, State and Federal Governments show the commitment he has to helping people move forward. As the Secretary of State for New Jersey, he was the first African-American male to serve as a constitutional officer and worked across party lines to achieve progress in the government, including increased funding for the arts.

His time as a Secretary of State and his years of ministry prepared him to be the first chairman for the Federal Election Assistance Commission. The agency was created to help improve the election system in America and to stay ahead of the curve on technological advancements in voting. Reverend Soaries' character was tested as he helped get the agency off the ground without the resources originally promised. While not all of the plans were accomplished during his time as chairman, Reverend Soaries did lay the ground work for the operation of the EAC.

I have appreciated Reverend Soaries insight and collaboration with my efforts to enact election reform. His contributions have strengthened my election reform legislation, and I greatly value his efforts.

Reverend Soaries has also made significant contribution to his community and the congregation of the First Baptist Church of Lincoln Gardens over the last twenty years. He has and is continuing to help create better family units by encouraging people to become foster parents or adopt. He is also creating new homes for low and moderate income families, while providing numerous financial and employment support groups to meet the needs of

the community. Recently, he hosted a program that allowed those who had run into trouble with the law to come to church and deal with their pending arrest warrants or other legal issues in a safe environment.

The First Baptist Church of Lincoln Gardens has grown from a parish of a few to over 6,000 people. However the goals of improving the community have not changed. Reverend Soaries has helped the church maintain their goals of "spiritual growth, educational excellence and economic empowerment" through his continuous dedication to creating a debt free parish. He has created a four part program called "dfree" that teaches people how to live a financially responsible life and get out of debt. Reverend Soaries facilitated the construction of the inspirational \$17 million church complex that makes possible a number of church programs and has greatly benefited the surrounding community and Central New Jersey.

Reverend Soaries is a valued pastor of his parish and I congratulate him on the celebration of his 20th anniversary with the First Baptist Church of Lincoln Gardens, and look forward to the accomplishments yet to come in the next 20 years.

THE SOCIAL SECURITY WIDOWS AND SPOUSAL PROTECTION ACT

HON. CHELLIE PINGREE

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2010

Ms. PINGREE of Maine. Madam Speaker, I am here today to introduce a bill that addresses a serious problem that affects many retired federal and state employees in Maine and across the nation.

Public servants have performed incredibly important services for their communities and country, but sadly many are being driven into poverty because of the Government Pension Offset, GPO. Of the 5,300 workers in Maine subject to this provision, 3,700 lose all of their Social Security widows or spousal benefits to the GPO. I just don't think that's fair for people who have devoted years to public service.

The effects of the current Government Pension Offset formula are most dramatic on lower income women—79% of beneficiaries affected by the GPO are women. After raising their families and serving the public, these women are devastated by losing most or all of their Social Security benefits after the already overwhelming loss of their spouses to death or divorce.

The legislation I am proposing is targeted at lifting out of poverty those hardest hit by the GPO. It would eliminate the GPO for beneficiaries whose combined monthly pension and Social Security widows or spousal benefits before offset is less than half the maximum Social Security benefit. Others would see a graduated Government Pension Offset. Under this formula, no one would see a reduction in their Social Security benefits and those in the lower incomes would have benefits raised to a livable rate.

I am pleased that the legislation has earned the support of both the Maine Education Asso-

ciation and the Maine State Employees Association. Lorraine Noel, President of the Maine Federation of Chapters for the National Active and Retired Federal Employees Association, states, "This legislation is a good first step in addressing the injustices caused by the Government Pension Offset."

Make no mistake, I remain committed to completely repealing the GPO and the Windfall Elimination Provision, and have cosponsored a bill to do so. But in a struggling economy, measures to overturn these offsets are difficult. I hope this incremental reform will alleviate the worst effects on those most damaged by the Government Pension Offset and bring our vulnerable public servants out of poverty.

Please join me in supporting the Social Security Widows and Spousal Protection Act of 2010. We should not have someone's years of public service be the cause of their poverty.

RECOGNIZING NOVACO AND THE RECIPIENTS OF THE 2010 VOLUNTEER OF THE YEAR AWARDS

HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2010

Mr. CONNOLLY of Virginia. Madam Speaker, I rise today to honor NOVACO and to recognize the recipients of the 2010 Volunteer of the Year Awards.

NOVACO is committed to helping homeless victims of domestic violence become healthy, secure, and self-sufficient. Victims of domestic violence often feel that they have no safe place to turn. Fear, financial uncertainty, and the feeling of isolation often imprison these victims in abusive environments. When a victim breaks free, he or she can too easily end up homeless and alone.

Domestic violence affects every racial, ethnic, and socio-economic group. Many of us know a friend, neighbor, or family member who has been victimized. More than 15 million children in the United States live in families in which partner violence occurred at least once in the past year. Each day, 3 women die as a result of domestic violence. More than 1 in 4 women will be the victim of domestic abuse in her lifetime; more than 3 of 4 Americans know someone who has been victimized.

For more than a decade NOVACO has provided critical services to homeless families who have escaped domestic abuse and who are seeking to rebuild their lives and become self-sufficient. Assistance is provided in many areas including transitional and permanent housing, counseling, childcare, education, job training, and life skills classes. Through the robust support of area businesses and churches, NOVACO has grown into a leader in breaking the cycle of domestic violence.

NOVACO has initiated a number of innovative programs that have resulted in significant advancements for those in need. Their "Good Neighbor" program connects client families with sponsors to assist them in transitioning to self sufficiency. Through the financial management courses, women have learned how to manage their financial affairs, addressing one

of the most daunting aspects of escaping domestic abuse.

NOVACO is strengthened by the dedication of its volunteers. I am honored to recognize the following 2010 Volunteers of the Year:

Volunteer of the Year: Joen Schultz
Volunteer Group of the Year: Gracing Spaces

Volunteer Business of the Year: Brookfield Homes

Outstanding Community Support Award: King of Kings Lutheran Church

Madam Speaker, I ask that my colleagues join me in recognizing NOVACO, its volunteers and other supporters for their tireless work on behalf of so many who feel stranded and powerless. NOVACO is making a difference in our community, and I pledge to continue working with NOVACO and similar organizations to put an end to domestic abuse.

TRIBUTE TO SPENCER C. DISHER, JR. M.D.

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2010

Mr. CLYBURN. Madam Speaker, I rise today to pay tribute to an outstanding physician and community leader as he retires and enters a new phase of his life. Dr. Spencer Disher of Orangeburg, South Carolina, has served the medical profession and his community admirably for half a century.

Spencer Disher was born in Darlington, South Carolina, and graduated as Salutatorian of his class at Mayo High School. He earned a Bachelor of Science degree in Chemistry from South Carolina State College, now University, and entered Meharry Medical College in Nashville in 1956. Following graduation, he trained for a year at Kate B. Reynolds Hospital and served two years in the U.S. Army. While serving as an Army Captain, Dr. Disher was the Chief Physician for the Pentathlon athletes on the U.S. Olympic Team.

In 1963, Dr. Disher returned to South Carolina and began his medical practice in Orangeburg. He has also served as the college physician at Voorhees College, Denmark Technical College and Claflin University, where he currently serves as Medical Director of Student Health Services. He also holds the position of State Grand Medical Director for the Masons of South Carolina.

In addition to practicing medicine, Dr. Disher has been very involved in organizations that support and advance the profession. He has served as the Chair of the Grants and Proposal Committee of the Board of Trustees of the National Medical Association, and is a member of South Carolina Board of Medical Examiners. He was the Chief of Staff at The Regional Medical Center in Orangeburg. For eleven years, Dr. Disher served as chair of the Executive Board of the Palmetto State Medical Dental Pharmaceutical Association, PMDPA. He also served as president of the PMDPA in 1975. He chaired the Public Health and Consumer Affairs Committee of the National Medical Association, NMA, for over a decade.

Dr. Disher is currently a member of the Meharry Medical College Board of Trustees, and has been a staunch advocate of the school. Two of his sons have graduated from Meharry. He has established the Spencer C. Disher, Jr., M.D. Endowed Scholarship to enable students from South Carolina to pursue their dream of studying for Medical, Dental or a Doctorate Degree in the Biomedical Sciences at Meharry Medical College.

Dr. Disher has been recognized by many organizations including Alpha Phi Alpha and Omega Psi Phi Fraternities. He is a member of the New Mount Zion Baptist Church. In addition to his many professional affiliations, he is a 33rd Degree Mason, a Shriner, and a member of the NAACP. Dr. Disher is married to the former Annette Moorer, and is the father of eight children.

Madam Speaker, I ask you and my colleagues to join me in celebrating the wonderful professional contributions of Dr. Spencer Disher. He has distinguished himself as doctor who cares not only for the patient but for the community as a whole. He has been a tremendous leader and a consummate professional throughout his career, and I am proud to call him a friend. I wish him Godspeed in retirement and know that he will continue to play an important part in the Orangeburg community for years to come.

HONORING THE REPUBLIC OF TURKEY'S 87TH REPUBLIC DAY

HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2010

Mr. CONNOLLY of Virginia. Madam Speaker, as a co-chair of the Congressional Caucus on Turkey and Turkish Americans, I would like to offer my warmest congratulations to the people of Turkey, as they recently observed the 87th anniversary of the founding of the Turkish Republic on October 29.

Under the visionary leadership of Mustafa Kemal Atatürk and his successors, Turkey transformed itself into a modern, secular state allied with the democracies of Europe and the Americas. This alliance is enshrined in Turkey's NATO membership, as evidenced in the logistical and reconstruction efforts Turkey has undertaken in Iraq and Afghanistan.

In light of changing geopolitical developments, there have been questions about Turkey's commitment to its friends in recent years. While there may be bumps in the road in any friendship, differences that may exist between Turkey and the United States on certain issues are evidence of mature and healthy democracies having differences of opinion. The bilateral relationship is still undergirded by the same long-term goals of peace, security and prosperity.

I am confident that the relationship between our two peoples will stand the tests of time, given our shared ideals. Moreover, our ties are cemented by the presence and contributions of over 150,000 Turkish Americans, whose ranks are growing every year. Through diverse fields ranging from music to science—and increasingly through politics—Turkish

Americans contribute to the vibrancy, health, and advancement of our society. We are fortunate to have them as our fellow citizens.

In closing, my congratulations again to all Turks everywhere on the commemoration of the 87th Turkish Republic Day.

IN HONOR OF BRIGADIER GENERAL KENNETH W. NORTH

HON. JOE COURTNEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2010

Mr. COURTNEY. Madam Speaker, I rise today to honor Brigadier General Kenneth W. North, who passed away on September 21, 2010. Kenneth North fought for his country and survived seven years in a Vietnamese POW camp, and I am honored to stand in tribute to him.

General North was born in 1930 in Rockville, Connecticut, and graduated from the University of Connecticut in 1953. In 1974, he completed studies at the Naval War College at Newport, Rhode Island. In Vietnam, North served as a fighter pilot and flew 33 combat missions before being downed by enemy fire on August 1, 1966.

Kenneth North repeatedly faced down his tormenters during his seven years at the Hanoi Hilton. North was often beaten and tortured; he endured guards jacking his bound arms behind his back until the shoulder joints split. He suffered through these torturous sessions and defied his captors through bouts of solitary confinement.

North, the son of a Vernon mill worker, was released with 100 other POWs in August 1973 and was the first man off the plane on March 7 when he reunited with his family.

General North's military decorations and awards include the Silver Star, Defense Superior Service Medal, Legion of Merit with oak leaf cluster, Distinguished Flying Cross, Bronze Star Medal with "V" device and two oak leaf clusters, Meritorious Service Medal, Air Medal with two oak leaf clusters, Air Force Commendation Medal, Purple Heart with oak leaf cluster and several unit citations.

North was buried in Wellfleet, Massachusetts. During the ceremony, Air Force fighter jets streaked over Pleasant Hill Cemetery in a final salute. I now ask my colleagues to rise with me so that we too may honor Brigadier General Kenneth North, a true American hero.

HONORING PAUL KELLEY

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2010

Ms. WOOLSEY. Madam Speaker, I rise today with my colleague Congressman MIKE THOMPSON to recognize Paul Kelley who is retiring after 16 years as a member of the Sonoma County Board of Supervisors. Congressman THOMPSON and I have the distinct privilege of representing Sonoma County and both of our tenures in the House have coin-

cided with Mr. Kelley's tenure on the Board of Supervisors.

Supervisor Kelley represents the northernmost supervisorial district in Sonoma County, which is home to one of the finest wine grape-growing and wine-producing regions in the world. His support of agriculture and agriculture-related industries is deep seated. He grew up on a small farm outside of Santa Rosa and spent his summers as a youth working on neighboring ranches and farms in the area. As a supervisor, his work included helping to bridge the gap between the water needs of farmers and fisheries, in supporting measures that guaranteed that 22,000 acres in his district would be protected under the county's Agricultural Preservation and Open Space District acquisitions and encouraging businesses and farmers to embrace green technology.

Supervisor Kelley also helped create new parks and recreational facilities throughout his district, including the Boys & Girls Club in Windsor, and renovate existing youth facilities in Cloverdale, Healdsburg and Larkfield-Wikiup.

He was the key proponent of returning commercial air service to the Charles M. Schulz/Sonoma County Airport. The regional airport now has daily flights to four western cities.

Supervisor Kelley's special assignments on the board included membership on the Sonoma County Transportation Authority, the North Coast Rail Authority, the Water Agency Committee, the Local Agency Formation Commission (Chair), the Eel Russian River Commission (Chair), the Redwood Empire Association, the North Coast Air Pollution Control District, the North Coastal Counties Supervisors' Association, the Public Policy Facilitating Committee, the Sonoma County Advertising Program, the Sonoma County Indian Gaming Local Community Benefit Program and the Association of California Water Agencies (President).

Madam Speaker, after 16 years of public service to the people of Sonoma, Paul Kelley deserves to enjoy the riches of this new phase of his life as a water and transportation consultant. We wish him well.

RECOGNIZING ST. AMBROSE CATHOLIC SCHOOL, RECIPIENT OF THE 2010 BLUE RIBBON OF EXCELLENCE AWARD

HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2010

Mr. CONNOLLY of Virginia. Madam Speaker, I rise today to recognize St. Ambrose Catholic School for being named by the United States Department of Education as a recipient of a 2010 Blue Ribbon School of Excellence Award.

The Blue Ribbon School award honors public and private elementary, middle and high schools that have helped close the achievement gap and whose students attain and maintain high academic goals. The program is part of a larger Department of Education effort to identify and disseminate knowledge about best school leadership and teaching practices.

Each year since 1982, the U.S. Department of Education has sought out schools where students attain and maintain high academic goals, including those that beat the odds. This year St. Ambrose is one of only 314 schools nationwide, public and private, to receive this award and is the only school in the 11th Congressional District of Virginia to be so honored this year.

Quality education is an important component to our community in Northern Virginia, and it gives me great pride to represent a school as committed and effective at attaining high achievement goals. St. Ambrose is committed to teaching faith and life skills to students from kindergarten through 8th grade. Through rigorous academic programs, robust activities, excellent staff, and a committed community, St. Ambrose exemplifies the strong fabric of our shared community here in Northern Virginia.

Madam Speaker, I ask that my colleagues join me in recognizing and congratulating Principal Barbara Dalmut, her staff, and the St. Ambrose Catholic school community for their efforts toward earning this prestigious award.

TRIBUTE TO CAROLYN E.
DALLINGER

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2010

Mr. LATHAM. Madam Speaker, I rise today to recognize Carolyn E. Dallinger of Huxley, Iowa, as the recipient of the 2010 Iowa Professor of the Year award. She was honored at a reception in Washington, D.C., on November 18.

The U.S. Professors of the Year program, which is sponsored by the Council for Advancement and Support of Education and the Carnegie Foundation for the Advancement of Teaching, is the only national program to recognize excellence in undergraduate teaching and mentoring.

Carolyn is currently an Assistant Professor of Social Work and Criminal Justice at Simpson College. She enjoys incorporating service learning components within her classroom teaching whenever possible. An example of this includes having her social policy students serve meals to hungry or homeless people.

Besides being involved in sporting events and extracurricular activities at Simpson College, Carolyn also serves as a junior/senior high school youth group leader for her church. The youth group has taken several mission trips across the country to serve less fortunate people. She is also a member of the church choir and participates as a church accompanist.

Carolyn Dallinger is an incredible teacher, and her dedication to her profession and to her students should make every Iowan proud. It's an honor to represent her in the United States Congress, and I know that my colleagues in the House join me in congratulating Carolyn on this well-deserved award and thanking her for her dedicated service to her community and America's young adults.

CELEBRATING THE GROUND-
BREAKING FOR THE ROUGH AND
READY FIRE STATION

HON. TOM MCCLINTOCK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2010

Mr. MCCLINTOCK. Madam Speaker, I rise today to celebrate the groundbreaking for the Rough and Ready Fire Station in Nevada County, California.

Since its founding in 1963, the Rough and Ready Fire Department has served to protect the homes and businesses in their community. In the early years, the department consisted of a phone-tree-style call list that would spring into action when needed, using whatever assortment of equipment the group could afford to buy, maintain and house in local barns. In 1970, the current fire station was constructed on Rough and Ready Road to house two fire engines and serve as the headquarters for the 16 volunteer fire fighters. As the town continued to grow, so did its need for fire protection and the department acquired two additional engines, but with room in the station to house only two vehicles. As a result, the department went back to housing some fire engines in barns, including the Davison Barn, where chickens began roosting in the engine and going on fire calls.

As the years wore on, it became increasingly clear that the fire station on Rough and Ready Road would not be able to meet the needs of the city indefinitely. Without a training area large enough to accommodate all fire-fighters, lacking sleeping quarters or any space to service vehicles, an absence of ventilation, air conditioning and insulation, and a hopelessly leaky roof, the need to build a new facility was more than evident. Beginning in 1995, the department saved a little money each year towards a new station and by 2004 the land had been acquired and the department officers were finalizing design plans. Finally, in 2009, having raised just under one million dollars through department savings and private donations, Rough and Ready secured a federal matching grant to allow for construction to move forward. At over 8000 square feet and complete with five engine bays, living quarters and up-to-date infrastructure, the new station will greatly increase the department's capacity to serve the 2,200 citizens in their immediate district and the over 52,000 people in the surrounding area.

Madam Speaker, it is impossible to overestimate the necessity of fire protection or to measure to countless contributions these fire-fighters make to our community. It is has been my privilege to work with the Rough and Ready Fire Department in competing for a merit-based federal grant and it is with great pleasure that I rise today to join the city of Rough and Ready to celebrate this joyous occasion.

IN HONOR OF TERRY SULLIVAN,
PRESIDENT AND CEO, COLORADO
SPRINGS CONVENTION & VISI-
TORS BUREAU

HON. DOUG LAMBORN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2010

Mr. LAMBORN. Madam Speaker, let me take this opportunity to pay tribute to Mr. Terrance W. Sullivan. Mr. Sullivan has served as leader of the Colorado Springs Convention & Visitors Bureau for 20 years. In this role, Mr. Sullivan has helped support and expand the tourism industry in Colorado Springs and the Pikes Peak region. He has previously been awarded Outstanding Individual Contribution to Colorado Tourism by the Governor of Colorado in 2005, and was elected to serve as President of the Tourism Industry Association of Colorado (TIAC).

Mr. Sullivan has also served in leadership roles in numerous civic and business organizations and has contributed significantly to the economic development of the Pikes Peak region. His exemplary career is marked by his chairmanship of the Tourism Industry Association of Colorado (TIAC) and the Colorado Association of Destination Marketing Organizations (CADMO), organizations that work cooperatively to promote travel to our state, region, and city. Mr. Sullivan is also a co-founder and board member of the Southern Colorado Business Partnership and has served and continues to serve on many other community boards and committees. He continually supports community parks, museums, historic sites, and open spaces.

In addition to his achievements in the tourism industry, Mr. Sullivan was an Army aviator in Vietnam followed by service in the National Guard and Army Reserves. He is rated as a Master Aviator with approximately 3,000 flying hours. In March 2004, Mr. Sullivan participated as an organizer and crew member in the Smithsonian Museum of History's "America's Huey, The Final Journey Home." Mr. Sullivan continues to support the military community by founding the Mountain Post Historical Association, serving as an honorary board member of the Peterson Air & Space Museum, and serving as an active member of the Chamber of Commerce Military Affairs Council.

Mr. Sullivan will retire from the Colorado Springs Convention & Visitors Bureau on December 31, 2010, leaving a lasting legacy of hospitality and tourism promotion for all that follow. Mr. Sullivan's future hopes for the Convention and Visitors Bureau include bringing further credibility and recognition to the Colorado hospitality industry, proactively pursuing an increased air service network, creating valuable and effective partnership marketing opportunities, attracting more sports-related events to the Pikes Peak region, and assuring the development of a community infrastructure. These will meet the future needs of a growing and healthy tourism industry.

Madam Speaker, residents and visitors of Colorado have been fortunate to have Mr. Sullivan serve as leader of the Colorado Springs Convention & Visitor Bureau for the past 20 years. His involvement in Colorado tourism

and civic engagement has provided economic development to Colorado Springs and the Pikes Peak region as well as a richer experience to visitors of our beautiful state. I know my fellow Members of the House of Representatives will join me in thanking him for his lasting contribution to the community and for his commitment to our country.

**NATIONAL ALZHEIMER'S DISEASE
AWARENESS MONTH**

HON. DAVID SCOTT

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2010

Mr. SCOTT of Georgia. Madam Speaker, I rise in recognition of National Alzheimer's Disease Awareness Month. This year marks the 27th anniversary of National Alzheimer's Disease Awareness Month, which has brought awareness to the 5.3 million Americans living with Alzheimer's and the over 200,00 living with Alzheimer's in my own state of Georgia. More than half of all Americans now know someone with Alzheimer's and approximately thirty percent of Americans have a family member with the disease.

It is of immense magnitude that all Americans become aware of what they can do to support those who live with the disease. This month should serve as a time to reflect on the struggles faced by those with the disease and to commemorate how far we have come and all we have accomplished in the fight for a cure.

I would also like to express immense gratitude to the Georgia Alzheimer's Association for their advocacy throughout the state of Georgia. Under their incredible leadership they have been able to help over 124,000 Georgians through their programs and services. It is important that we acknowledge this month as a time of support for all affected with the disease and reaffirm that as a nation it should be our mission to eliminate Alzheimer's disease through the advancement of research, and to provide and enhance care and support to those individuals affected with the disease, their families and caregivers.

I encourage everyone to join me in recognizing November as the National Alzheimer's Disease Awareness Month.

**BENEDICTION DELIVERED BY
RABBI ISRAEL ZOBERMAN AT
THE DEDICATION OF THE JEW-
ISH WAR VETERANS MONUMENT
IN VIRGINIA BEACH ON VET-
ERANS DAY, NOVEMBER 11, 2010**

HON. GLENN C. NYE

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2010

Mr. NYE. Madam Speaker, I submit the following.

Adonai Eloheinu, Adonai Our God, M'kor Chayim U'vracha, Infinite Source of Life's Blessings,

Dear Veterans, Families, Donors, Friends, Zeh Ha'Yom Asa Adonai, Nagila V'nismecha

Vo! This is the awaiting day the Lord has granted us, that we may find joy and meaning in it!

Tenderly, tearfully and triumphantly we recall our very own fighting Jewish men and women in uniform who alongside fellow Americans from all backgrounds and walks of life, and to the last full measure of devotion, borrowing a phrase from President Abraham Lincoln's Gettysburg Address—served and sacrificed, secured and saved on behalf of our great and grateful nation, a flourishing democracy which has been a tower of strength to a weary and vulnerable world as well as a steadfast beacon of Shalom's flickering lights of hope, harmony and healing.

Our cherished kin, some with their long-loving and supportive families here on this festive Veterans Day of the Jewish War Veterans Monument Dedication, have proudly, patriotically and profoundly responded to freedom's far-reaching sacred call from these golden shores to the most noble of duties in defense of all we hold precious. Their selfless acts of unflinching heroism and exemplary conduct under harrowing circumstances brought genuine honor and lasting glory, sanctifying God's holy name.

This significant monument is an essential addition to the beautiful grounds of the Reba and Sam Sandler Campus of the Tidewater Jewish Community in the unique region of Hampton Roads, home to the nation's largest cluster of military installations. The monument, linked by design to the Helen G. Gifford Holocaust Memorial Garden, is forever an inspiring testimony to unforgettable brethren, the dead and the living, who participated in the monumental liberation of the surviving remnant, myself included, of European Jewry from the threat of total extinction by humanity's foes.

At the approaching Chanuka celebration, we salute our veterans who like the Maccabees of old, through wondrous deeds and abundant sacrifices of a faithful spirit, have bequested unto us all the inseparable twin gifts of life and liberty.

“Minesharing Kalu
M'arayot Gaveru
They were swifter than eagles,
They were stronger than lions!
Eich Naflu Giborim
B'tock Hamilchama—
How have the mighty fallen
In the thick of battle”
Second Samuel 1:23, 25
And humbly let us say, Amen.

Rabbi Israel Zoberman is the spiritual leader of Congregation Beth Chaverim in Virginia Beach and president of the Hampton Roads Board of Rabbis and Cantors. He was born in Kazakhstan in 1945 to Polish Holocaust survivors.

**IN HONOR AND RECOGNITION OF
REVEREND DR. ROLAND HAYES
CROWDER**

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2010

Mr. KUCINICH. Madam Speaker, I rise today in honor and recognition of Reverend

Dr. Roland Hayes Crowder on the occasion of his 45th anniversary as pastor of the Second Calvary Missionary Baptist Church in Cleveland, Ohio and his 60th anniversary of ministering to those in need.

Reverend Crowder was educated in the Jefferson County Schools in Birmingham, Alabama. He was raised with the values of faith, family, hard work and service to community. He graduated from Malone College and Ashland Theological Seminary, where he earned a doctoral degree in theology.

After college, Reverend Crowder accepted the call to ministry, and on November 8th, 1950, he preached his first sermon at East Mount Zion Baptist Church in Cleveland, Ohio. In 1965, Reverend Crowder accepted the position of pastor of the Second Calvary Missionary Baptist Church. His leadership led to an increase in church membership, the creation of new outreach programs and the construction of a multi-purpose church facility.

Madam Speaker, please join me in honor and recognition of the Reverend Dr. Roland Hayes Crowder, whose 60-year ministry and 45 years as a pastor reflect missions of healing, hope and faith. Reverend Crowder's compassionate service and dedicated leadership continues to bring light and strength to countless individuals and families.

**HONORING MR. JAMES KLUTTZ,
THE FORMER PRESIDENT OF
THE BOARD OF DIRECTORS OF
THE TYBEE ISLAND HISTORICAL
SOCIETY**

HON. JACK KINGSTON

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2010

Mr. KINGSTON. Madam Speaker, I rise today to honor Mr. James Kluttz, the former President of the Board of Directors of the Tybee Island Historical Society. During his twenty years of leadership, the Tybee Island Historical Society's membership grew from two hundred to over one thousand, and the Society raised funds to restore the entire seven building Tybee Island Light Station and surrounding plots of land essential to preserving historic views from the Station. Due to Mr. Kluttz's efforts, the Station received local, state, and national awards as well as international publicity. The increased spotlight and the strengthening of the Tybee Island Light Station's historical preservation bona fides resulted in the transfer of the Station from the Federal Government to the Tybee Island Historical Society—one of the first to occur under the National Historic Lighthouse Preservation Act of 2000.

Moreover, due to Mr. Kluttz's twenty-year dedication, the Tybee Island Lighthouse was included in the Southeast Lighthouse Stamp series and the Station was been nominated for National Landmark Status. Visitation to the Station and Museum has gone from several thousand annual visitors to over 170,000, greatly benefitting the local economy.

Mr. Kluttz's work did not end with the Lighthouse. Under his direction, the Historical Society helped acquire and restore buildings and

historic field guns at Fort Screven, as well as a "raised cottage" that reflects Tybee Island's unique social, cultural, and architectural heritage.

Mr. James Kluttz is a model citizen, having served on countless boards and committed hundreds of personal hours towards the preservation of the atmosphere of Tybee Island, and I believe that no one could have done a better job. The citizens of Tybee Island owe him much thanks and gratitude, and on this day we wish him the best in all his future activities and endeavors.

CELEBRATING THE 35TH ANNIVERSARY OF THE RAYMOND AND MIRIAM KLEIN JCC

HON. ALLYSON Y. SCHWARTZ

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2010

Ms. SCHWARTZ. Madam Speaker, I rise today to honor the Raymond and Miriam Klein JCC on its milestone 35th anniversary. Located in Northeast Philadelphia, the Raymond and Miriam Klein JCC is a multifaceted community center committed to a strategic mission of serving the versatile needs of the surrounding Jewish community. The Klein JCC is a living example of Tikkun Olam—repairing the world—right here in our community.

Since 1975, when the Klein Branch opened its doors, it has been a community center, an educational center, and a constant source of support and enrichment for the Jewish community. Located on a 20 acre lot and featuring a theatre, 2 swimming pools, a gym, and classrooms, the JCC provides childcare, immigration counseling, and summer camp, as well as athletic and aquatic fitness programs.

But Klein JCC is much more than a center that provides entertainment and recreation. Throughout the decades, the Klein JCC has adapted its mission to meet the changing needs of its neighbors and has reemerged as a fully functioning social services agency. Today, the Klein JCC provides critical quality services to our youngest members of the community through pre-school and kindergarten while providing a lifeline to our most seasoned senior citizens. Education for the very young as well as courses for those over the age of 90 are all available in the same facility. And through the Mitzvah food project, volunteers deliver food and other necessities to those in the community who are in need, reaching out to help regardless of religion, race, gender, or age.

Madam Speaker, I am so proud to represent in Congress an institution that has so faithfully and ably served the Jewish community for so many years. I am honored that the Raymond and Miriam Klein JCC has always welcomed me with open arms. I ask that my colleagues join me in wishing a heartfelt Mazel Tov to the Raymond and Miriam Klein JCC Board of Directors both past and present, supporters, clients and friends on an impressive 35 year history and for continued success in a new century.

IN HONOR OF DIANNE CHURCH

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2010

Mr. FARR. Madam Speaker, I rise today to recognize the remarkable public service career of Dianne Church. After forty-two years with the Federal Government, Dianne is retiring from her position as an Economic Development Administration, EDA, regional representative. Over the course of the past eighteen years, Dianne has played an instrumental role in helping the communities of the Monterey Bay Area recover from earthquake, flood, recession, and the largest military base closure in U.S. history. During that time, I have had the great fortune of working with Dianne and developing a wonderful working friendship with her. So it is with particular pleasure that I join my colleagues on the floor of the House today to recognize Dianne's work to make my constituents' corner of the world a better place.

Dianne was born on April 22, 1944, in Winston-Salem, North Carolina, to Francis and Violet Church. She attended local public schools, discovered a love for music through her church choir, and spent summers with her family at the beach on the North Carolina's Outer Banks. She later attended the George Washington University in Washington, D.C.,

While in Washington, D.C. she began a ten year career on Capitol Hill, working for a number of distinguished lawmakers, including: Rep. Floyd Hicks (WA), Sen. Mike Gravel (AK), Rep. DON YOUNG (AK), Rep. JOHN CONYERS (MI), and the Senate Labor Committee. She helped staff Senator Gravel when he read the Pentagon Papers on television and met Daniel Ellsberg.

In 1977, Dianne left Capitol Hill to go to work in the EDA Congressional Liaison office. In 1980, she took a job as a public works project officer in EDA's Seattle Regional Office. Dianne quickly gained a reputation for volunteering for projects in the most remote and out of the way places, especially in Alaska. During those early years in Seattle, Dianne completed her B.A. degree at Western Washington University and later an MPA degree at Seattle University, taking classes at night while working full time for EDA. While working in Seattle, she met Steve Johnston, a fellow EDA employee. Dianne and Steve married in 1987.

In 1997, she began the best job of her career as EDA's economic development representative for California's Central Coast. She initially represented fourteen Central California counties, including the Monterey, Santa Cruz, and San Benito Counties that form the core of my district. She had already been working on the redevelopment of Fort Ord following its 1994 closure. In all, Dianne helped steer over \$95 million towards infrastructure and other key redevelopment needs, including over \$60 million for the creation of a new California State University in the heart of Fort Ord.

Madam Speaker, I know I speak for the whole House in honoring Dianne Church for her years of visionary public service. At a time when it is fashionable to cast doubt on the federal role in economic development,

Dianne's legacy of roads, buildings, revitalized downtowns, a whole new university, and all the jobs to build and fill them, bears witness to the vital role that our collective investment in civilization can play.

HONORING THE LIFE AND ACHIEVEMENTS OF TENNESSEE STATE REPRESENTATIVE ULYSSES JONES, JR.

HON. STEVE COHEN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2010

Mr. COHEN. Madam Speaker, I rise today to honor Ulysses Jones, Jr. A public servant throughout his career, Mr. Jones worked as a paramedic with the Memphis Fire Department for 37 years, where he rose to the rank of battalion chief. Ulysses continued to serve by becoming Tennessee's 98th District State Representative representing the North Memphis community for 23 years. He was born in Memphis, Tennessee on June 7, 1951 to the late Ulysses Jones, Sr. and Marjorie Nicholas Jones. Ulysses Jones, Jr. graduated from North Side High School and went on to attend the University of Memphis and Tennessee State University.

Ulysses Jones, Jr. was oftentimes faced with challenging moments during his tenure as a paramedic. On August 16, 1977, Ulysses and a colleague were called to Graceland to revive Elvis Presley, but to no avail. Ulysses later noted that he identified with the legendary entertainer who despite living in public housing projects, worked hard to make a better life for himself. Ulysses thought nothing of putting his life on the line to save others and he took that same attitude of public service to the state legislature when he was elected to the Tennessee House of Representatives.

Ulysses Jones, Jr. was first elected to the Tennessee General Assembly in 1986. For nearly a quarter of a century, he was a voice for working men and women in Shelby County. He stood by his convictions on issues that mattered most to him, including improving schools, expanding college scholarships and equal pay for all. Ulysses aspired to do the right thing for all people regardless of race, creed or political affiliation.

Mr. Jones was an effective lawmaker for Tennessee. His vocal and active opposition to the "Tiny Towns" bill led to one of his most notable accomplishments in the Tennessee legislature. This legislation, which initially passed and was signed into state law, allowed small communities, and in one contested battle, an apartment building, to incorporate to avoid paying property taxes. Less than a year after being signed into law, the Tennessee Supreme Court struck down the law citing constitutional violations.

Ulysses worked hard on not just his legislative agenda but on other Members' bills including mine. He cosponsored the "Tennessee Lottery for Education," a bill I sponsored and worked on for nearly 20 years. After being signed into law, Ulysses took the reins and served as the Co-Chair of the Joint Lottery Oversight Committee and was a member

of the House Tennessee Education Lottery Corporation.

While in the Tennessee House of Representatives, Ulysses Jones served as the Chair of the House Ethics Committee, Chair of the House State and Local Government Committee and the 2nd Vice President of the National Black Caucus of State Legislators. He was a member of the House Education Committee, K-12 Subcommittee, Local Government Subcommittee, Joint Select Education Oversight Committee and the Tennessee Commemorative Women's Suffrage Commission. Ulysses also co-authored state Enterprise Zone legislation for Tennessee.

Mr. Jones was also actively involved in his community. He served as Chairman of both the Tennessee African-American Male Task Force and the Governor's Minority Business Development Advisory Committee. He sat on the Board of Directors for the Fire Fighter Investment Group and was the President of the Pioneer Black Fire Fighters. Ulysses was a member of the YMCA Black Achievers and was a catalyst for the Development of the North Memphis Inner City Community Development Corporation.

Ulysses Jones, Jr. passed away on November 9, 2010 at the age of 59. Ulysses Jones, Jr. is survived by his daughter Victoria and son Ulysses III. His commitment to helping people throughout his life will be remembered by the countless number of lives he touched. His was a life well lived.

REMEMBERING JANICE BALL FISHER

HON. MIKE PENCE OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2010

Mr. PENCE. Madam Speaker, I rise today to honor a kind-hearted and generous woman who will forever be remembered by the community in my home state of Indiana. The snow fell quietly on an early November morning as a community gathered at First Presbyterian Church to remember the first lady of east central Indiana, Janice Ball Fisher. She was the daughter of the distinguished Edmund B. and Bertha Ball who founded Ball Corporation, and whose generous donations significantly benefited Ball State University and Ball Memorial Hospital.

Janice was raised in Muncie and later graduated from Mount Vernon College in Washington, D.C. In 1940 she married John Fisher in Leland, Michigan, though they later moved back to Janice's hometown. The Fishers will always be remembered for their leadership in the community and their giving hearts. Together, they donated millions of dollars to further educational institutions around the state such as Ball State University, DePauw University, and Indiana University.

Those who knew Janice will remember her most for her dedication to faith and family. Her greatest joy was to be surrounded by loved

ones, and she greatly enjoyed bringing her children and grandchildren along on adventures across the country and throughout the world. She was an active member of her church, as well as civic organizations such as the Mayflower Society, Daughters of the American Revolution, and the Mount Vernon Society. Janice also supported numerous philanthropies in Michigan and Indiana such as the Fishtown Preservation Society, Leelanau Conservancy, Leelanau Community Cultural Center, Leelanau Historical Museum, Leland Township Library, Interlochen School of Music, Minnetrista, Cornerstone Center for the Arts, Muncie YMCA and YWCA, Camp Crosley, Muncie Symphony Orchestra, and many other organizations that thrived thanks to her leadership.

The Good Book tells us that "whatever you did for one of the least of these brothers and sisters of mine, you did for Me," and that embodies the way Janice lived her life. Though the community will deeply feel the loss of Janice Fisher, I am confident that she will be richly rewarded for her decades of service and sacrifice for others. I offer my sincere condolences to her beloved family: daughters Joan F. Woods and Judith F. Oettinger; sons Michael J. Fisher, James A. Fisher, Jeffrey E. Fisher, John W. Fisher III, and Jerrold M. Fisher; 19 grandchildren; and 29 great-grandchildren.

A TRIBUTE TO MR. FRANK SHAFFERY

HON. BRETT GUTHRIE OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2010

Mr. GUTHRIE. Madam Speaker, I rise today to honor Mr. Frank Shaffery, who has virtuously served the United States and the Commonwealth of Kentucky.

Mr. Shaffery has served as a civilian employee within the U.S. Army Recruiting Command Headquarters G3 at Fort Knox, KY, since 1994. Mr. Shaffery will retire after 46 years of dedicated service to the United States Army.

A native of Newark, N.J., Frank Shaffery enlisted in the Army in 1965. His Army career included assignments in Fort Dix, N.J., Korea and Vietnam before he became an Army recruiter.

Mr. Shaffery has held several positions as an Army recruiter including field recruiter, station commander, senior guidance counselor and battalion sergeant major. The Baltimore Recruiting Battalion was the second largest recruiting battalion during his tenure and he ensured its success as one of the top battalions in the command.

Mr. Shaffery retired after 30 years of active Army service at the rank of Command Sergeant Major. His dedicated service resulted in his awarding of a Legion of Merit, Bronze Star, and several Meritorious Service Medals. He wears his Recruiter Ring still today, the high-

est honor for a recruiter when he was an NCO.

Upon retirement from active duty in 1994, Mr. Shaffery accepted a civilian position with the U.S. Army Recruiting Command HQ as the Chief of Plans and Policy for the Operations Directorate. He was promoted to the position of Deputy Director in 1999.

Frank lives in Elizabethtown, Ky., with his wife, Connie. He is the father of two sons, Mark and Michael, and the proud grandfather to 6 year old Madison.

I ask my colleagues to join me today in honoring Mr. Frank Shaffery today because of his dignified and steadfast commitment to the U.S. Army, U.S. Army Reserve, his Soldiers, the citizens of this country and the Commonwealth of Kentucky.

RECOGNIZING VIBRANT GUJARAT 2011 SUMMIT FOR PROMOTING U.S.-INDIA TRADE

HON. ENI F.H. FALEOMAVAEGA

OF AMERICAN SAOMOA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2010

Mr. FALEOMAVAEGA. Madam Speaker, I would like to recognize Chief Minister Narendra Modi for his visionary leadership in drawing attention to Gujarat as a leading investment destination, and for promoting U.S.-India trade.

On September 15, 2010, it was my honor to welcome the Gujarat delegation to Washington, D.C. as prelude to the Vibrant Gujarat 2011 Summit scheduled to be held on January 12-13, 2011 in Gandhinagar, Gujarat. Many of my colleagues joined me for this event.

As I noted then, Gujarat is one of the most prominent States on the western coast of India and has contributed significantly to India's growth story with consistent double digit GDP growth for almost a decade and, since 2003, the Vibrant Gujarat Global Investors Summit has attracted investment agreements worth more than USD 370 billion.

The State is now gearing up for the 5th Vibrant Gujarat Summit and, while many of us were hopeful that we would be able to attend the Summit, the January 2011 schedule for the U.S. Congress will not permit Congressional participation. But, in recognition of the importance of the Gujarat Summit, I wanted to offer this statement as a show of support for this Summit.

Today, as a result of the Chief Minister's efforts, Gujarat is a replicable model of development with the highest GDP growth rate in India. Consequently, the potential for U.S. trade and investment in Gujarat is significant, and I stand with the Government of Gujarat as it seeks to improve the lives of its people and ours.

I have every confidence that our mutual cooperation will lead to more jobs in the U.S. and India, and I extend my best wishes to Chief Minister Modi for a successful Vibrant Gujarat 2011 Summit.

SENATE—Friday, November 19, 2010

The Senate met at 10:30 a.m. and was called to order by the Honorable MARK R. WARNER, a Senator from the Commonwealth of Virginia.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal Lord God, teach us this day, through all our employments, to see You working for the good of those who love You.

Deliver our lawmakers from all dejection and free their hearts to give You zealous, active, and cheerful service. May they vigorously perform whatever You command, thankfully enduring whatever You have chosen for them to experience. Guard their desires so that they will not deviate from the path of integrity. Lord, strengthen them with Your almighty arms to do Your will on Earth, even as it is done in Heaven.

We pray in Your liberating Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable MARK R. WARNER led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUE).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, November 19, 2010.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable MARK R. WARNER, a Senator from the Commonwealth of Virginia, to perform the duties of the Chair.

DANIEL K. INOUE,
President pro tempore.

Mr. WARNER thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

MEASURE PLACED ON THE CALENDAR—S. 3975

Mr. REID. Mr. President, I am told that S. 3975 is at the desk and due for a second reading.

The ACTING PRESIDENT pro tempore. The clerk will read the title of the bill for the second time.

The legislative clerk read as follows:

A bill (S. 3975) to permanently extend the 2001 and 2003 tax relief provisions, and to permanently repeal the estate tax, and to provide permanent alternative minimum tax relief, and for other purposes.

Mr. REID. Mr. President, I would object to any further proceedings with respect to this piece of legislation.

The ACTING PRESIDENT pro tempore. Objection is heard. The bill will be placed on the calendar.

SCHEDULE

Mr. REID. Mr. President, following any leader remarks, the Senate will turn to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

As a reminder to my colleagues, last night we were able to reach an agreement to limit action on the FDA Food Safety and Modernization Act. I filed a cloture motion with respect to the bill. The cloture vote on the substitute amendment will occur at 6:30 p.m. Monday, November 29. Senators should expect up to five additional votes Monday night so we can complete action on that bill on Monday. Basically what we have is we have the bill, and we will complete action on that, and we have a number of amendments offered by Senator COBURN. As I recall, there is only one side-by-side to the work we have done. So we should be able to complete that very important bill, which will be such a relief to the people of our country. This will be the first modernization of our food safety programs in more than 100 years—something long overdue.

There will be no rollcall votes today. We have a number of matters we are working on, trying to have cleared today, and we hope we can do that. We will have to wait and see what the outcome of the day is.

But I appreciated everyone's cooperation late yesterday. It was very difficult to work through that. We had, of course, the Jack Lew nomination that was a problem that we were able to get cleared. We had to get that cleared because statutorily the President has a budget he has to submit to us. Without a leader at the Office of Management and Budget, it could not be done. So we got that done. We were able to arrive

at an agreement on the food safety bill so we would not have to have multiple votes over the weekend. So I think we accomplished a lot this week.

For me personally, I had three caucuses, which were all extremely important for me and the caucus. We spent about 10 or 11 hours over the last few days discussing the lameduck and what we have next Congress.

The floor is now open.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REED. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

VISIT TO THE CAPITOL

Mr. REED. Mr. President, I rise this morning to talk about a wonderful opportunity we had on October 20 in the Senate to host heroes, five young West Point graduates, who are currently recuperating at Walter Reed Army Medical Center. They came for a tour of the Capitol and for a lesson in history, and I want to thank the Senate Historian who came to the floor.

They had the opportunity to be in the Chamber and to see where the laws are created, which they, through their service and sacrifice, give us the chance to improve and defend and preserve the Constitution and make the laws of this country.

We were able, more importantly, to thank them, to thank them for their service to the Nation, and I am particularly pleased and proud because they carry on a tradition of selfless service to the Nation exemplified in the best moments of the graduates of the U.S. Military Academy. Each one was wounded while leading his troops out front, exposed to the dangers and hardships of warfare.

We had previously hosted a group of soldiers from the 82nd Airborne Division—again, I have a very proud association as a former company commander in that division. We hope periodically to host other wounded warriors from Walter Reed.

But among our guests was CPT Dan Berschinski. Dan is a graduate from the class of 2007 from the Military Academy. He hails from Peachtree City, GA. He served with the 5/2 Stryker Brigade Combat Team. He was injured in Afghanistan. They were operating around the Arghandab River Valley near Kandahar. He was on patrol, dismounted, when he was hit by an IED and suffered the loss of both of his legs but not the diminution of his spirit or his commitment of service to the Nation.

We were also joined by 1LT Chris Nichols, from the class of 2008. Chris is from Myersville, MD. He served with the 1st Heavy Brigade Combat Team of the 3rd Infantry Division. He was injured in Iraq, northeast of Baghdad, by an explosively formed penetrator IED, a very sophisticated weapons system. It injured both of his legs. He was joined by his friend, Stacey Aleksejus. We were pleased that Chris and Stacey were here. Chris is, hopefully, going to return to Active Duty.

We were also joined by 1LT Rahul Harpalani from the class of 2008. Rahul is from Carbondale, IL. He served with the 4th Brigade Combat Team of the 4th Infantry Division. He was wounded in Konar Province in Afghanistan. An IED exploded against the vehicle he was driving. Both legs were injured. We hope, again, that he will be recuperating well.

We were also joined by 1LT Josh Linvill, USMA class of 2008 from Wayne, PA. He served with the 3/2 Stryker Cavalry Regiment. He was wounded in Kandahar, Afghanistan. He stepped on a land mine, injuring his right leg.

We were joined also by 1LT Zach Osborne, class of 2008, from Roanoke, VA. He served with the 5/2 Stryker Brigade Combat Team, once again in the Arghandab River Valley of Afghanistan. An IED hit the vehicle he was riding in. Both of his legs were injured. We were pleased he was joined by his non-medical attendant, Daniel Key.

These young men have served, but their families have served also, and we wish to thank them as well. They, too, have sacrificed. In fact, all of us have been up to Walter Reed and as we have gone through the corridors, we have seen mothers and fathers in the rooms with their sons, as well as wives and husbands and children and grandparents and uncles and aunts, because the sacrifice of these young men and women has been borne by their families as well as themselves.

I also wish to thank COL Jim Wartski. Jim is from the class of 1982.

He serves as a mobilized reservist at Walter Reed; he, as well as Mr. Fred Larson, the director of Care and Service Transformation. These two gentlemen escorted the wounded warriors. They also represent some of the improvements not just to the physical infrastructure of Walter Reed but to the management of Walter Reed, from the patient-centered care to the continued engagement and involvement of these young men and women, not only while they are in acute care, but also as they recuperate and rehabilitate, and that is an improvement that has been made and is so necessary.

These young men—in this case, all young combat officers—men, but young men and women who are serving and sacrificing and sustaining the wounds and, in some cases, giving their lives to this Nation are the fabric of our defense. They are what has sustained us through not just this moment but throughout our history. They continue to inspire us with their service, and they continue to represent to the world the continued promise that wherever we are challenged, we will meet that challenge.

We cannot repay them enough. We cannot thank them enough. But last month this Senate had the opportunity to say to five of these warriors: Thank you very much. Come here, see the Senate of the United States where great debates have taken place, where the rights and the responsibilities have been fashioned over more than 200 years. This is what you defend. But, more importantly, you give us the opportunity and the obligation to ensure that your sacrifice is not in vain; that we work here, as you do, as committed Americans to improve the lives of our fellow Americans, to defend their security, but also to provide opportunity, to do what is difficult and sometimes unpopular but what is necessary for the success of freedom and the success of the families of this country.

At moments in this body, we have, a sense of frustration, a sense of—let me stop at frustration. At those moments when we are divided by political issues, by policy debates, I ask us all to think for a moment of these young men and women. I think that will help immensely in our response to the challenges we face as a Senate and as a nation.

I also wish to say something else because this week in Rhode Island, we had to bury a warrior, SGT Michael Paranzino of the 10th Mountain Division. Michael left his wife and two small children, his parents, his family, his friends, and the whole community of Rhode Island. He was an extraordinary young man.

The cost of this great experiment in democracy is high indeed. We have to recognize that cost, not just in speeches on the floor of the Senate but going forward: how we conduct ourselves as

Senators; what we do to make this country stronger and better; what we do to make it more a place of opportunity for all of our citizens. Particularly, it is about what we will do not in the next 2 months or the next 10 months but in the next 20 years to ensure that the veterans we honor on this floor today will still be honored 20 years hence. We need to ensure that, not just with an annual parade and flag waving, but with the care, the support, the assistance to the VA and the Department of Defense as well as in their communities, not just these individuals but their families.

I hope years from now, and I will pray, that others will stand up and say they paid the price and we have kept our promise to them.

With that, Mr. President, I yield the floor and I note the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

The PRESIDING OFFICER (Mr. UDALL of Colorado). In my capacity as a Senator from the State of Colorado, I ask unanimous consent that the order for the quorum call be rescinded.

Without objection, it is so ordered.

RECESS SUBJECT TO THE CALL OF THE CHAIR

The PRESIDING OFFICER. In my capacity as a Senator from the State of Colorado, I ask unanimous consent that the Senate stand in recess subject to the call of the Chair.

There being no objection, the Senate, at 12:49 p.m., recessed subject to the call of the Chair and reassembled at 4:22 p.m. when called to order by the Presiding Officer (Mr. BINGAMAN).

The PRESIDING OFFICER. The majority leader.

TRIBUTE TO ANDREW B. WILLISON

Mr. REID. Mr. President, I rise today to recognize the extraordinary work of Andrew B. “Drew” Willison who has served with great distinction since 2007 as U.S. Senate Deputy Sergeant at Arms. Mr. Willison, who is leaving his position to pursue new adventures in the private sector, has led a distinguished career in the U.S. Senate that elevated him to the highest levels of decisionmaking. His work greatly enhanced the safety and security of the U.S. Senate, staff, and visitors.

Mr. Willison was born in Mount Vernon, OH, and was raised in Ohio, Missouri, Alabama, Connecticut, and Virginia. He earned a B.A. with Honors in government from the College of William and Mary in 1988. He also holds a masters’ degree in public administration from the Ohio State University, 1990, and a law degree from the George Washington University, 2001.

Mr. Willison started his government career as a presidential management intern at the National Aeronautics and Space Administration, NASA, and later worked for the Environmental Protection Agency's acid rain division.

In 1997 he joined my staff to work on the Environment and Public Works Committee, including the \$200 billion 1998 highway bill. In 1999, I selected Mr. Willison to become his Appropriations Committee staff director for the Energy and Water Subcommittee. In this capacity, Drew represented the minority leader and the other Senate Democratic member interests on the \$35 billion per year bill that funds the U.S. Department of Energy, the U.S. Army Corps of Engineers, the U.S. Bureau of Reclamation, the Nuclear Regulatory Commission, the Federal Energy Regulatory Commission, and other smaller agencies.

In 2007, Mr. Willison was appointed Deputy Senate Sergeant at Arms where he served as the chief operating officer of the Senate's largest organization, with over 850 employees and an annual budget exceeding \$200 million. Mr. Willison directly supervised senior managers responsible for all operations, including the chief information officer, the chief financial officer, security and emergency preparedness, police operations, general counsel, human resources, the media and public galleries, the Employee Assistance Program, the Protocol Office, the Doorkeepers, the Page Program, printing, the photo studio, the Senate Post Office, parking, and education and training.

Around the Office of the Senate Sergeant at Arms, Mr. Willison was best known not just for his accomplished and distinguished work in the Senate but for his love of animals, music, the latest technology and his extensive Amazon on-line gift list.

Congratulations! We wish Mr. Willison all the best in his future endeavors.

TRIBUTE TO DR. MEREDITH EVANS

Mr. McCONNELL. Mr. President, I rise today to honor the work of my friend, Dr. Meredith Evans. A native of Little Clear Creek in Bell County, Ky., Meredith knew what career path he wanted to follow at a very young age. Influenced by his family members who were in the medical field, he decided by age six that he wanted to be a doctor.

Through diligence and perseverance he graduated high school early and went on to earn degrees from the University of Kentucky and the University of Louisville Medical School. After 6 years in surgical residency, he became a certified general surgeon, and throughout his career he has heavily valued the doctor-patient relationship.

Not only was my good friend a great doctor, but he also gave back to his

community and our Commonwealth through his involvement in the Chamber of Commerce and in ROHO, a charitable organization aimed to further the success of young people, which he founded. His compassion worked toward building new schools, immunizing citizens against polio, and raising money to give Christmas presents to underprivileged children. His community and our Commonwealth have benefited greatly because of his work. The Middlesboro Daily News recently published a story about Dr. Evans and his involvement in the community. I ask unanimous consent that the full article be printed in the RECORD.

There being no objection the material was ordered to be printed in the RECORD as follows:

LOCAL FOLKS: DR. MEREDITH EVANS

MIDDLESBORO.—“I decided I was going to be a doctor when I was six years old,” recalled longtime Middlesboro doctor Meredith Evans.

One of his brothers, 18 years his senior, went to medical school, inspiring Meredith to do the same. His first cousin also owned Evans Hospital in Middlesboro and his uncle was a physician in Pineville and Straight Creek.

Evans was born and raised in the Bell County community of Little Clear Creek with his parents, Rose-Ota Fuson Evans and father Marion F. Evans, a hillside farmer, and his three sisters and two brothers.

The family lived off of the land, growing and hunting all their own food. Evans remembers hunting and eating game like squirrels and rabbits.

All six children went to college; the three girls became school teachers and the boys went into the medical field.

Walking was the primary means of transportation in Little Clear Creek at the time, and was supplemented by horses and mules. “My dad never owned a car,” he said.

Meredith walked to elementary school, where he was taught mostly by his school-teaching sister, and later, by his brother who was putting himself through dental school.

He walked four and a half miles to a bus stop to go to Bell County High School, from which he graduated at the age of 16.

“I doubled-up on a couple of subjects when I was under my sister,” he explained.

Meredith went to the University of Kentucky to get his Bachelor's degree and the University of Louisville Medical School. Going from Little Clear Creek to the city required some adjustment.

“It was quite a change. But I adapted rather quickly,” Evans said. “I was spending most of my time going to school, going to classes.”

Evans was in college during World War II, and was set to head overseas when the war ended.

“I had already had my physical examination, and was ready to go in the war. And they dropped the atomic bomb and that ended the war,” Meredith remembered.

Evans was told by his college roommate, Wendell Demarcus, that the war was nearly over. Demarcus, it turned out, had some inside information. The physics major had been working on the development of the atomic bomb.

“He kept telling me, he said ‘Something will happen that's going to end the war,’ but he never would tell me what and I didn't

push him for it. But when they dropped the bomb, he said ‘That's what I've been telling you about.’”

When the Korean War broke out in 1950, Evans joined the service, to avoid being drafted. He spent eight months in Fort Campbell learning about reconstructive plastic surgery.

“We did a lot of reconstructive surgeries on soldiers that were returning home. I learned a lot about plastic surgery there,” Evans said.

After training at Fort Campbell, Evans and his three friends shipped out. Evans ended up in Europe, thanks to the luck of the draw.

“They put our names in a hat and they said the first one drawn out of the hat would go to Europe and the other two to Korea. So my two friends went to Korea,” Evans explained.

He was stationed in England, but was able to travel around Europe during his service. Italy, where he toured ancient churches and saw the Leaning Tower of Pisa, was his favorite destination.

“I enjoyed their food and enjoyed the people,” he remarked.

After medical school, Evans spent six years in surgical residency at three locations—Florida, West Virginia, and Pennsylvania. He emerged a certified general surgeon with the American Board of Surgery, with whom he later became a diplomat.

The first operation Evans completed was an appendectomy at a hospital in West Virginia, and he recalls the butterflies that filled his stomach that day.

“I was doing an appendectomy. The main reason I was nervous, was that my wife was in the operating room as a nurse,” he recalled.

His wife, Helen, continued to work as a nurse, helping support the couple while Meredith completed his residency. After finishing his training, he set up shop in Middlesboro, and felt fortunate to be able to return home.

“I really enjoy being with country people. I think we have the cream of the crop in the mountains,” Evans declared.

Helen worked as a nurse in the practice until the couple started a family. They had five children, Marilyn, Deborah, Carobeth, Michelle, and Meredith II. Evans enjoyed fatherhood.

“I had four cheerleaders and a football player,” he said. “I loved athletics. Of course, I was always interested in their scholastics. My children always did well in school, which made us happy.”

The couple now has ten grandchildren and the family is always together for the holidays.

During his medical career, Meredith Evans witnessed tremendous changes in medicine. Post-graduate education was a consistent part of his career as technology and diagnostics advanced.

Evans says that diagnostic advancements changed the face of medicine, and that the invention of ultrasound machines, and laparoscopic and endoscopic surgery made it possible for doctors to save more lives than ever before.

Acquiring the ability to control circulation during surgery, he says, may be the biggest advantage in medicine.

“You have machines that breathe and act as a heart, pumping blood through the system while you're working on it,” said Evans. “That's one of the biggest advances . . .”

For Evans though, who has always had an intense interest in medical ethics, spending time with patients to offer full explanations

of procedures and conditions was also a vital part of the occupation.

"The doctor-patient relationship is the most important part of medicine," he asserted.

In addition to working as a doctor, Evans took on many roles in Middlesboro. He is the director of Community Trust Bank, previously Commercial Bank, a post he has held since 1962.

Evans served as the president of the Junior Chamber of Commerce and later the Senior Chamber of Commerce.

The Junior Chamber, under Evans, passed a bond issue to provide the funding to build new schools in Middlesboro.

"It was a very difficult thing to do," Evans said. "People opposed the taxes that were necessary to do it."

In the early 1960s, the group confronted other city issues, including immunizing the town against polio and defeating a resolution to eliminate the citizen-elected City Council in favor of an appointed commission.

Evans is a founding member of ROHO, an organization that worked toward improving the community, and is named after the song "The Cockfight" recorded by Archie Campbell in 1966.

The organization provides Christmas gifts for underprivileged children in Bell, Lee and Claiborne counties. Last year, the group spent around \$30,000 on the program.

Additionally, Evans served for 12 years on the Middlesboro School Board, was a city councilman for 20 years and served as vice mayor.

Although Evans has retired from medicine, he continues to keep up with advancements in the field. He stays healthy and sharp with regular exercise and fresh produce from his garden.

He still hunts and fishes as he did as a child, but no longer brings home squirrel. He is enjoying retirement.

RECOGNIZING CENTRE COLLEGE

Mr. McCONNELL. Mr. President, in 1819, a group of citizens petitioned the Kentucky General Assembly for a charter to create a new liberal arts college. The result was Centre College—a remarkable institution named for its proximate location in the geographic center of the Commonwealth. So committed was the legislature to the success of this school that it placed some of the State's most important citizens in charge of its board of trustees. Kentucky's first Governor, Isaac Shelby, served as its chair, and Dr. Ephraim McDowell—a pioneer in abdominal surgical techniques whose statue is on permanent display here in the Capitol—also served on the board.

From this august beginning, Centre College matured into a nationally recognized educational institution that focuses its mission on the success of its students. As their motto indicates, every student can expect a personal education and extraordinary success. It is not surprising, then, that Centre alumni include two Vice Presidents, one Chief Justice and one Associate Justice of the U.S. Supreme Court, 13 U.S. Senators, 43 U.S. Representatives, 11 Governors—as well as 3 alumni currently serving on my staff. Indeed, Cen-

tre College has been a proving ground for generations of men and women whom have gone on to become leaders in a variety of fields.

More recently, under the steady hand of its president, Dr. John Roush, Centre College broke onto the national stage in 2000 when it hosted the Vice-Presidential debate between Dick Cheney and our colleague JOE LIEBERMAN of Connecticut.

When you consider the fact that it also holds a national record in annual alumni contributions, it is little wonder that Forbes magazine recently named Centre College as the top college in the South for a second year in a row. As the article begins, "If you're accepted to be a student at the best college in the South, you are guaranteed an internship, the opportunity to study abroad and graduation within four years—or the school will pay for an additional year of tuition-free study."

So it is with great pride that I ask my colleagues to join me in recognizing the students, faculty, staff, and alumni of Centre College in Danville, KY.

Mr. President, I ask unanimous consent that the relevant portion of the Forbes article be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD as follows:

[From Forbes Magazine, Nov. 12, 2010]

THE BEST COLLEGES IN THE SOUTH

(By Jacquelyn Smith)

If you're accepted to be a student at the best college in the South, you are guaranteed an internship, the opportunity to study abroad and graduation within four years—or the school will pay for an additional year of tuition-free study.

The benefits of attending the best college in the South don't even stop when you receive your diploma. Within 10 months of graduation, 98% of the college's students, on average, are employed or engaged in advanced study. Upon graduating you become part of the nation's most loyal and generous group of alumni.

Located in the heart of Kentucky, Centre College has 1,197 undergraduate students and more than 100 faculty members, 98% of whom hold the highest degrees in their fields.

"My time at Centre has been highlighted by the professors and mentors who have guided me and the unique experiences I've taken part in," says Paul Adams, a 21-year-old senior from Chicago.

In the last decade alone, Centre produced 17 Fulbright scholars, five Goldwater scholars, two Rhodes scholars and a Truman scholar. Its alumni include two U.S. vice presidents, a chief justice of the United States, 13 U.S. senators and 43 U.S. representatives.

"The education is intense and challenging, but also supportive," says the college's communications director, Mike Norris. "We have students saying, 'I've found myself doing things at Centre that I would have never even aspired to do.' Our students achieve beyond what they ever thought possible."

More than 85 percent of Centre's students study abroad, and to emphasize its commit-

ment to global citizenship, the college recently implemented a program that provides a free passport to all first-year students who don't already have one.

"Even though we're just a small college in Kentucky, Centre students are doing great things—studying abroad in Mexico, China, England, France, Spain, Vietnam, Israel, Africa, the Bahamas and many more places worldwide, taking on the challenges of society in our classrooms and across campus, and generally making a difference," says Elizabeth Trollinger, a 21-year-old senior from Kentucky. "Centre is a place where we are given countless chances to become active members of our society and community, and we know we'll be able to effectively use the knowledge and skills we acquire in our four years here, no matter what comes after Centre."

Over the last 25 years, Centre alumni have led the nation in loyalty, in terms of the percentage of graduates who make financial donations each year. "The entire Centre community seems to be knit together by two strands," Adams says, "a firm commitment to a meaningful education and an unwavering passion for Centre herself. And for the past three years, I've found myself happily woven into her fabric."

Centre is also the 24th best college in America overall, according to Forbes and the Center for College Affordability and Productivity's ranking of America's Best Colleges, which was published in August. The list ranks U.S. undergraduate institutions by the quality of the education they provide, the experiences of their students, the amount of debt students graduate with and how much they achieve. To determine the best schools in the South, we narrowed that list according to the regional divisions used by the U.S. Census Bureau; that means schools in the South are located in Alabama, Arkansas, Delaware, the District of Columbia, Florida, Georgia, Kentucky, Louisiana, Maryland, Mississippi, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, Virginia and West Virginia.

REMEMBERING MRS. JAN CRASE

Mr. McCONNELL. Mr. President, I rise today to honor the life and legacy of Mrs. Jan Crase, who passed away on September 28, 2010, in Lexington, KY. As a resident of Somerset, KY, Jan was a prime example of a woman who gave back to her community. She valued education, faith and family, and was one of the hardest workers I have ever had the privilege of knowing. She attended Berea College for 3 years, and then transferred to the University of Louisville where she graduated with a degree in home economics. Even after leaving Berea College, she stayed connected to the college community throughout the years, serving on the Berea College Board of Trustees and the College President's Club. Jan was a caring friend who wanted college students to have the same positive experience she did in higher education. She helped raise millions of dollars for student scholarships, study-abroad programs, and computer funding at Berea College. As a member of Somerset's First Presbyterian Church, she saw a need to educate children not yet old

enough to attend grade school, so she helped start the first preschool in Pulaski County in 1970. Since then, many families have benefited not only from the preschool but also from the youth groups and 4-H programs that Jan helped establish.

Starting youth programs and bringing the community together to raise money for a great cause were not the only things Jan excelled in; she was a determined entrepreneur and businesswoman. She had her hand in a variety of different careers, as a real-estate broker, an insurance agency owner, a home agent for Kentucky 4-H programs, as well as a dietician at Baptist Hospital in Louisville. Jan inspired everyone she came into contact with because of her positive outlook and determination in everything that she did. She was truly an upstanding woman, who spent much of her life giving her time and talents to better her community and our Commonwealth. There is no doubt the Commonwealth is poorer for her loss. My thoughts go out to her husband, James; her son, Karl; her two daughters Kim and Katherine; and her four grandchildren. The Commonwealth Journal recently published an article about Jan and the legacy she left behind. I ask unanimous consent that the full article be printed in the RECORD.

There being no objection the material was ordered to be printed in the RECORD as follows:

SOMERSET.—Jan Crase, 72, of Somerset, Ky., passed away Tuesday, Sept. 28, 2010 in Lexington, Ky.

She was born in Summer Shade, Ky., on July 11, 1938, daughter of the late Seymore and Ruby Smith Hunley. She was a member of Somerset First Presbyterian Church. She attended Berea College and graduated from University of Louisville with a degree in Home Economics with emphasis in Dietetics.

Jan was the first female in Kentucky to pass Series I examination for the Member of Appraisal Institute designation. She became a licensed Real Estate Broker in Kentucky where she did appraisals and feasibility studies in 15 Kentucky counties. She owned and operated a Somerset insurance agency successfully for ten years.

She was a home agent with the University of Kentucky Extension Service where she worked in Louisville and Jefferson County with both 4-H and homemaker programs. She developed the first 4-H clubs in inner city schools in the nation. She was a chief therapeutic dietitian at Baptist Hospital in Louisville and instructor of dietetics and nutrition at Louisville Baptist School of Nursing.

She was previously a member with Berea College Board of Trustees, Berea College President's Club, Founder's Club, Kentucky Medical Association Education Committee as a non-physician member, former president of Kentucky Medical Association Alliance Board of Directors, chairman of Kentucky Music Hall of Fame and Museum Advisory Board member, where she helped establish the museum, 5th District Steering Committee and also a member of local UNITE organization, lifetime member and former president of Lake Cumberland Performing

Arts Advisory Board, former president of Pulaski County Medical Alliance, first president of Pulaski County Lincoln Club and member of Pulaski Republican Women's club.

Her prior civic activities include chairman of Berea College President's Council, Berea College Alumni Co-chairman for Alumni fundraising, Kentucky Medical Association Legislative Committee as a non-physician member, Kentucky GED Foundation chairman, Kentucky Foundation for Adult Education chairman, Southern Medical Association Auxiliary Medical Heritage Councilor for Kentucky, Master Musician Festival Board of Directors member, Pulaski County Extension Service Advisory Council member, Somerset/Pulaski County Economic Development Board member, Somerset/Pulaski County Convention and Visitor's Bureau Board chairman, Somerset Community College Development Board member, started the first preschool in Pulaski County at St. Patrick's Episcopal Church in 1970, Somerset Co-operative Preschool Board of Directors member for many years, Sunday School teacher at Somerset First Presbyterian Church for 12 years, Co-director of Somerset first Presbyterian Church youth group for many years, Somerset First Presbyterian Church Elder, United Way Board of Directors and Appropriations Committee chairman and PTA board member.

Special award Jan received were Kentucky Medical Association 2010 Layperson of the Year, 2005 Special Appreciation Award from Kentucky Medical Association, Kentucky Commission of Women, an award for endeavors to promote, educate and advise women of the Commonwealth and Somerset Business and Profession Women's Club, "Woman of Achievement in Business."

She is survived by her husband, James D. Crase, M.D. of Somerset; one son, Karl (and Melissa) Crase of Richmond, Ky.; two daughters, Kim (and Joe) Claytor of Berea, Ky., and Katherine Crase of Tampa, Fla.; one brother, Jerry Hunley of Louisville, Ky.; and four grandchildren, Laura and Neil Claytor and Jonathon and Amelia Crase.

Visitation will be after 8 a.m. today at Somerset First Presbyterian Church.

A funeral service will be held at 1 p.m. today, Oct. 1, at Somerset First Presbyterian Church with Rev. Allen Brimer officiating.

Burial will be in Lakeside Memorial Gardens.

Expressions of sympathy may be made to the Somerset First Presbyterian Church Capital Fund or Berea College.

Pulaski Funeral Home is in charge of the arrangements.

HONORING OUR ARMED FORCES

SPECIALIST DALE J. KRIDLO

Mr. BENNET. Mr. President, it is with a heavy heart that I rise today to honor the life and heroic service of Specialist Dale J. Kridlo. Specialist Kridlo, assigned to the 27th Engineer Battalion, based in Fort Bragg, NC, died on November 7, 2010, of injuries sustained when his dismounted patrol encountered small arms fire. Specialist Kridlo was serving in support of Operation Enduring Freedom in Kunar Province, Afghanistan. He was 33 years old.

A native of Pittston, PA, Specialist Kridlo graduated from Pittston Area High School. After managing his own painting business for several years,

Specialist Kridlo enlisted in the Army and served a tour of duty in Afghanistan with decoration. He followed in the footsteps of his father and grandfather, both of whom served in the Armed Forces.

During almost 2 years of service, Specialist Kridlo distinguished himself through his courage, dedication to duty, and the high standards to which he held his fellow soldiers. Family members recall his overwhelming pride when he used to describe the accomplishments of his combat unit in Afghanistan. Commanders recognized Specialist Kridlo's extraordinary bravery and talent, promoting him one week before his passing.

Specialist Kridlo worked on the front lines of battle, serving in the most dangerous areas of Afghanistan. He is remembered by those who knew him as a consummate professional with an unending commitment to excellence. His family remembers him as a dedicated son, husband, and loving father to two young daughters. In his free time, Specialist Kridlo enjoyed fishing. He was also an avid Philadelphia sports fan.

Mark Twain once said, "The fear of death follows from the fear of life. A man who lives fully is prepared to die at any time." Specialist Kridlo's service was in keeping with this sentiment—by selflessly putting country first, he lived life to the fullest. He lived with a sense of the highest honorable purpose.

At substantial personal risk, he braved the chaos of combat zones throughout Afghanistan. And though his fate on the battlefield was uncertain, he pushed forward, protecting America's citizens, her safety, and the freedoms we hold dear. For his service and the lives he touched, Specialist Kridlo will forever be remembered as one of our country's bravest.

To Specialist Kridlo's entire family—I cannot imagine the sorrow you must be feeling. I hope that, in time, the pain of your loss will be eased by your pride in Dale's service and by your knowledge that his country will never forget him. We are humbled by his service and his sacrifice.

SECOND LIEUTENANT ROBERT M. KELLY

Mr. VITTER. Mr. President, today I recognize Second Lieutenant Robert M. Kelly of Tallahassee, FL, who was killed November 9, 2010, from an improvised explosive device while on a foot patrol in Helmand Province, Afghanistan. Lieutenant Kelly is survived by his wife Heather, his sister Kathleen, and his brother John Kelly, who is also a marine. LT Robert Kelly was the son of Lieutenant General Kelly and Mrs. John Kelly. Lieutenant General Kelly is the commander of the Marine Forces Reserve in New Orleans.

Lieutenant Kelly was engaged in his third combat deployment and was assigned to the 3rd Battalion, 5th Marine

Regiment, 1st Marine Division out of Camp Pendleton, CA. Following in his father's footsteps, Lieutenant Robert Kelly rose through the ranks during his service. He was commissioned as an officer in the Marine Corps on December 12, 2008, where he continued to honorably serve with distinction.

A decorated marine, LT Robert Kelly's bravery is a testament to true American heroism. Having received multiple awards that include the Purple Heart, Combat Action Ribbon, Navy and Marine Corps Achievement Medal, Iraq Campaign Medal, and Afghanistan Campaign Medal, Lt. Kelly deserves to be recognized. He also received the Marine Corps Good Conduct Medal, National Defense Service Medal, Global War on Terrorism Medal, Global War on Terrorism Expeditionary Medal, Humanitarian Service Medal, and the Sea Service Deployment Ribbon.

There is no doubt that this tragic loss will not only be felt within the Kelly family but also the Marine Corps and this Nation. Our thoughts and prayers will continue to be with his family and friends. Today I ask my colleagues to join me in honoring and remembering 2LT Robert M. Kelly, who made the ultimate sacrifice for our Nation.

JUDICIAL NOMINATIONS

Mr. LEAHY. Mr. President, in the aftermath of the November election returns, there was talk on all sides about working together. We can do so right now, without further delay, and in the interests of the American people. As of today there are more than 100 vacancies on the Federal courts around the country, 50 of them for vacancies deemed judicial emergencies by the Administrative Office of the U.S. Courts. The Senate has ready for consideration and confirmation 23 judicial nominees of the President, all of whom have had hearings before the Judiciary Committee and have been reported favorably to the Senate by a majority of that committee. Sixteen of these judicial nominees were reported unanimously. The Senate can confirm those 16 nominees today, and we can then schedule such debate as needed on the remaining seven. Our working together to do so would send the right message to the American people. Let's work together and approve these nominations without additional delay. Let's end the gridlock. Let's move forward.

As the Senate recessed for the elections, we were not allowed to consider and confirm any of the 23 judicial nominations pending on the Senate Executive Calendar—this despite the judicial vacancies crisis in our Federal courts. As of today there are 108 current judicial vacancies. We already know of 20 future vacancies. In addition, the Senate has not acted on the

request by the Judicial Conference of the United States to authorize 56 additional judges, which will allow the Federal judiciary to do its work. Accordingly, the Federal judiciary is currently more than 180 judges short of those needed.

At the end of September, the President of the United States sent a letter to Senate leaders expressing his justifiable concern with the pace of judicial confirmations. The President wrote that the American people and the Federal judiciary suffer from this inaction and that a minority of Senators has, in his words "systematically and irresponsibly used procedural maneuvers to block or delay confirmation votes on judicial nominees—including nominees that have strong bipartisan support and the most distinguished records."

All of these nominees have the backing of their home State Senators. Indeed, President Obama has worked hard with home State Senators regardless of party affiliation, and by so doing has done his part to restore comity to the process.

Sixteen judicial nominees have been delayed despite the fact that they were reported without a single vote in opposition from the Senate Judiciary Committee. Regrettably, despite the President's efforts and his selection of outstanding nominees the Senate has not reciprocated by promptly considering his consensus nominees. To the contrary, as the President has pointed out, nominees are being stalled who, if allowed to be considered, would receive unanimous or near unanimous support, be confirmed, and be serving in the administration of justice throughout the country. This is counterproductive.

Like the President, I welcome debate and a vote on those few nominees that some Republican Senators would oppose. Nominees like Benita Pearson of Ohio, William Martinez of Colorado, Louis Butler of Wisconsin, Edward Chen of California, John McConnell of Rhode Island, Goodwin Liu of California and Robert Chatigny of Connecticut. I have reviewed their records and considered their character, background and qualifications. I have heard the criticisms of the Republican Senators on the Judiciary Committee as they have voted against this handful of nominees. I disagree, and believe the Senate would vote, as I have, to confirm them. That they will not be conservative activist judges should not disqualify them from serving.

But that is not what is happening. We are not debating the merits of those nominations, as Democratic Senators did when we opposed the most extreme handful of nominees of President Bush. What is happening is that judicial confirmations are being stalled virtually across the board. What is new and particularly damaging is that 16 judicial nominees who were all reported unanimously by the Senate Judiciary Com-

mittee, without Republican opposition, are still being delayed. These nominees include Albert Diaz and Catherine Eagles of North Carolina. They are both supported by Senator HAGAN and Senator BURR. Sadly, Senator BURR's support has not freed them from the across the board Republican hold on all judicial nominees. Judge Diaz was reported unanimously in January, almost 11 months ago, and still waits for agreement from the minority in order for the Senate to consider his nomination so that he may be confirmed.

Also being delayed for no good reason from joining the bench of the most overloaded Federal district in the country in the Eastern District of California is Kimberly Mueller, whose nomination was reported last May, more than 6 months ago, without any opposition. Her nomination is one of four circuit and district nominations to positions in the Ninth Circuit currently on the Executive Calendar that Republicans are blocking from Senate consideration. In addition to the Liu and Chen nominations, the nomination of Mary Murguia from Arizona to the Ninth Circuit has been stalled since August despite the strong support of Senator KYL, the assistant Republican leader.

I want to put into the RECORD a letter we received this week from Ninth Circuit Chief Judge Alex Kozinski, a President Reagan appointee, and the other members of the Judicial Council of the Ninth Circuit writing "to emphasize our desperate need for judges" in the Nation's largest Federal circuit. They write that "[c]ourts cannot do their work if authorized judicial positions remain vacant" and urge "that the Senate act on judicial nominees without delay." This letter echoes the serious warning I have previously spoken about issued by Justice Anthony Kennedy at the Ninth Circuit Conference about skyrocketing judicial vacancies in California and throughout the country. He said: "It's important for the public to understand that the excellence of the federal judiciary is at risk." He noted that "if judicial excellence is cast upon a sea of congressional indifference, the rule of law is imperiled."

The District of Columbia suffers from four vacancies on its Federal District Court. Two nominees could help that court, but they are now being delayed from final consideration. Beryl Howell was reported by the committee unanimously. She is well known to many of us from her 10 years of service as a counsel on the Senate Judiciary Committee. She is a decorated former Federal prosecutor and the child of a military family. Robert Wilkins was also reported without opposition. The distinguished Chief Judge of the District Court, Chief Judge Royce Lamberth sent a recent letter to Senate leaders urging prompt action on these nominations.

John Gibney of Virginia, James Bredar and Ellen Hollander of Maryland, Susan Nelson of Minnesota, Edmond Chang of Illinois, Leslie Kobayashi of Hawaii, and Denise Casper of Massachusetts are the other district court nominees reported unanimously from the Judiciary Committee and could have been confirmed as consensus nominees long ago.

Another district court nominee is Carlton Reeves of Mississippi, who is supported by Senator COCHRAN and is a former president of the Magnolia Bar Association. Only Senator COBURN asked to be recorded as opposing his nomination. I believe Mr. Reeves would receive a strong bipartisan majority vote for confirmation.

Counting Judge Diaz, there are five consensus nominees to the circuit courts who are being stalled. Judge Ray Lohier of New York would fill one of the four current vacancies on the United States Court of Appeals for the Second Circuit. He is another former prosecutor with support from both sides of the aisle. His confirmation has been stalled for no good reason for more than 6 months, as well. Scott Matheson is a Utah nominee with the support of Senator HATCH who was reported without opposition. Mary Murgaia is from Arizona and is supported by Senator KYL and was reported without opposition. Finally, Judge Kathleen O'Malley of Ohio, nominated to the Federal circuit, was reported without opposition.

Many of these nominees could have been considered and confirmed before the August recess. All of them could have been considered and confirmed before the October recess. They were not. They were not because of Republican objections that, I suspect, have nothing to do with the qualifications or quality of these nominees. These are not judicial nominations whose judicial philosophy Republicans question.

The President noted in his September letter to Senate leaders that the "real harm of this political game-playing falls on the American people, who turn to the courts for justice" and that the unnecessary delay in considering these noncontroversial nominations "is undermining the ability of our courts to deliver justice to those in need . . . from working mothers seeking timely compensation for their employment discrimination claims to communities hoping for swift punishment for perpetrators of crimes to small business owners seeking protection from unfair and anticompetitive practices."

President Obama has reached out to Republican home State Senators regarding his judicial nominations. They should reciprocate. As the President said in his inaugural address calling for a new era of responsibility, he called for "an end to the petty grievances . . . recriminations and worn-out dogmas that for far too long have strangled our

politics." The President recalled the words of Scripture as he urged "the time has come to set aside childish things." Let the Senate end this across the board blockade against confirming noncontroversial judicial nominees. Democrats did not engage in such a practice with President Bush and Republicans should not continue their practice any longer. With more than 100 vacancies plaguing the Federal courts, we do not have the luxury of indulging in such games.

The Senate is well behind the pace set by a Democratic majority in the Senate considering President Bush's nominations during his first 2 years in office. By this date in President Bush's second year in office, the Senate, with a Democratic majority, had confirmed 100 of his Federal circuit and district court nominations. They were all considered and confirmed during the 17 months I chaired the Senate Judiciary Committee. Not a single nominee reported by the Judiciary Committee remained pending on the Senate's Executive Calendar at the end of the Congress.

In sharp contrast, during President Obama's first 2 years in office, the minority has allowed only 41 Federal circuit and district court nominees to be considered by the Senate. In 2002, we proceeded in the lame duck session after the election to confirm 20 of President Bush's judicial nominees. This year there are 23 judicial nominations ready for Senate consideration and another 11 noncontroversial nominations on the committee's business agenda that could have been reported out yesterday. Those 11 nominations were needlessly held over another two weeks by Republican Senators but could be reported to the Senate at our next business meeting. That is more than 30 additional confirmations that could be easily achieved with a little cooperation from the minority. That would increase the confirmations from the historically low level of 41, where it currently stands, to between 70 and 75. That would be in the range of judicial confirmations during President George H.W. Bush's first 2 years, 70, while resting far below President Reagan's first 2 years, 87, and pale in comparison to the 100 confirmed in the first 2 years of the George W. Bush administration or those confirmed during President Clinton's first 2 years, 127.

I come before the Senate today to make a proposal to end this impasse. This is a proposal the American people will understand and, I believe, support. It, too, has scriptural roots. I ask the Republican leadership to follow the Golden Rule with respect to these judicial nominations. This is not complicated. It is something we teach our children from a young age. It is a basic rule of good behavior. Do unto these nominations as you would have done to the nominations of a Republican Presi-

dent. Following this basic precept would lead to the confirmation without further delay of the nominations reported without opposition. They can be confirmed today. If someone wishes to ask for rollcall votes on these nominations, tell the majority leader so that he can schedule that vote without further delay. End this across the board stall on judicial nominations by allowing the many noncontroversial nominations to proceed without further objection, obstruction or delay.

The new tactic of objecting to consideration of noncontroversial nominations is an escalation of the so-called "judge wars." The attempted justification as some kind of tit-for-tat is wrong. But my proposal does not depend on whether you agree with me or side with partisans from across the aisle. While seeking to justify "an eye for an eye" would require a look back and a factual accounting, the Golden Rule is a rule of current and prospective behavior. I hope those on the other side will remember our shared values and adopt the Golden Rule going forward from this day. That would be a step toward returning to our Senate traditions and allow the Senate better to fulfill its responsibilities to the American people and the Federal judiciary.

During these 17 months I chaired the Judiciary Committee during President Bush's first 2 years, I scheduled 26 hearings for the judicial nominees of a Republican President and the Judiciary Committee worked diligently to consider them. During the 2 years of the Obama administration, I have tried to maintain that same approach. The committee held its 25th hearing for President Obama's Federal circuit and district court nominees this week. I have not altered my approach and neither have Senate Democrats.

One thing that has changed is that we now receive the paperwork on the nominations, the nominee's completed questionnaire, the confidential background investigation and the American Bar Association, ABA, peer review almost immediately after a nomination is made, allowing us to proceed to hearings more quickly. During 2001 and 2002, President Bush abandoned the procedure that President Eisenhower had adopted and that had been used by President George H.W. Bush, President Reagan and all Presidents for more than 50 years. Instead, President George W. Bush delayed the start of the ABA peer review process until after the nomination was sent to the Senate. That added weeks and months to the timeline in which hearings were able to be scheduled on nominations.

When I became chairman of the Judiciary Committee midway through President Bush's first tumultuous year in office, I worked very hard to make sure Senate Democrats did not perpetuate the "judge wars" as tit-for-tat.

Despite the fact that Senate Republicans pocket filibustered more than 60 of President Clinton's judicial nominations and refused to proceed on them while judicial vacancies skyrocketed during the Clinton administration, in 2001 and 2002, during the 17 months I chaired the committee during President Bush's first two years in office, the Senate proceeded to confirm 100 of his judicial nominees.

By refusing to proceed on President Clinton's nominations while judicial vacancies skyrocketed during the 6 years they controlled the pace of nominations, Senate Republicans allowed vacancies to rise to more than 110 by the end of the Clinton administration. As a result of their strategy, Federal circuit court vacancies doubled. When Democrats regained the Senate majority halfway into President Bush's first year in office, we turned away from these bad practices. As a result, overall judicial vacancies were reduced during the Bush years from more than 10 percent to less than four percent. During the Bush years, the Federal court vacancies were reduced from 110 to 34 and Federal circuit court vacancies were reduced from a high of 32 down to single digits.

This progress has not continued with a Democratic President back in office. Instead, Senate Republicans have returned to the strategy they used during the Clinton administration of blocking the nominations of a Democratic President, again leading to skyrocketing vacancies. Last year the Senate confirmed only 12 Federal circuit and district court judges, the lowest total in 50 years. This year we have yet to confirm 30 Federal circuit and district judges. We are not even keeping up with retirements and attrition. As a result, judicial vacancies are, again, over 100 and, again, more than 10 percent.

Regrettably, the Senate is not being allowed to consider the consensus, mainstream judicial nominees favorably reported from the Judiciary Committee. It has taken nearly five times as long to consider President Obama's judicial nominations as it did to consider President Bush's during his first 2 years in office. During the first 2 years of the Bush administration, the 100 judges confirmed were considered by the Senate an average of 25 days from being reported by the Judiciary Committee. The average time for confirmed circuit court nominees was 26 days. By contrast, the average time for the 41 Federal circuit and district and circuit court judges confirmed since President Obama took office is 90 days and the average time for circuit nominees is 148 days—and that disparity is increasing.

This vacancies crisis alarms the President of the United States. It alarms Supreme Court Justices. It alarms the Federal Bar Association. It alarms the American Bar Association.

I ask unanimous consent that the President's September 30 letter, Chief Judge Lamberth's November 4 letter, and statements by the Federal Bar Association and American Bar Association be printed in the RECORD at the conclusion of my statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. LEAHY. There is no good reason to hold up consideration for weeks and months of nominees reported without opposition from the Judiciary Committee. I have been urging since last year that these consensus nominees be considered promptly and confirmed. If Senators would follow the Golden Rule, that would happen without further delay.

I ask unanimous consent that the Judicial Council letter be printed in the RECORD.

There being no objection the material was ordered to be printed in the RECORD, as follows:

NOVEMBER 15, 2010.

Hon. HARRY REID,
Majority Leader,
U.S. Senate, Washington, DC.

Hon. MITCH MCCONNELL,
Minority Leader,
U.S. Senate, Washington, DC.

Hon. PATRICK J. LEAHY,
Chair, Senate Judiciary Committee,
U.S. Senate, Washington, DC.

Hon. JEFF SESSIONS,
Ranking Member, Senate Judiciary Committee,
U.S. Senate, Washington, DC.

GENTLEMEN: We write on behalf of the courts of the Ninth Circuit. As you know, the Ninth Circuit is by far the largest federal circuit in the country, encompassing the 9 western states, plus the territory of Guam and the Commonwealth of the Northern Mariana Islands. Approximately one fifth of the population of the United States lives within the borders of the Ninth Circuit. Our caseload reflects the diversity of our territory and the people that inhabit it and is heavily impacted by increased immigration enforcement, drug interdiction activities, prison litigation, bankruptcy and environmental cases—to name just a few of the most active areas.

In order to do our work, and serve the public as Congress expects us to serve it, we need the resources to carry out our mission. While there are many areas of serious need, we write today to emphasize our desperate need for judges. Our need in that regard has been amply documented (See attached March 2009 Judicial Conference Recommendations for Additional Judgeships). Courts cannot do their work if authorized judicial positions remain vacant.

While we could certainly use more judges, and hope that Congress will soon approve the additional judgeships requested by the Judicial Conference, we would be greatly assisted if our judicial vacancies—some of which have been open for several years and declared “judicial emergencies”—were to be filled promptly. We respectfully request that the Senate act on judicial nominees without delay.

Sincerely,

Alex Kozinski, Chief Judge, Ninth Circuit;

Sidney R. Thomas, Circuit Judge, Ninth Circuit;

Ronald M. Gould, Circuit Judge, Ninth Circuit;

Audrey B. Collins, Chief Judge, Central District of California;

Vaughn R. Walker, Chief Judge, Northern District of California;

Procter Hug, Jr., Senior Judge, Ninth Circuit;

Raymond C. Fisher, Circuit Judge, Ninth Circuit;

Johnnie B. Rawlinson, Circuit Judge, Ninth Circuit;

Roger L. Hunt, Chief Judge, District of Nevada;

Robert H. Whaley, Senior Judge, Eastern District of Washington.

CHIEF JUDGES, U.S. DISTRICT COURTS OF THE NINTH CIRCUIT

Ralph R. Beistline, Chief Judge, District of Alaska;

Irma E. Gonzalez, Chief Judge, Southern District of California;

Susan Oki Mollway, Chief Judge, District of Hawaii;

Richard F. Cebull, Chief Judge, District of Montana;

Lonny R. Suko, Chief Judge, Eastern District of Washington;

Anthony W. Ishii, Chief Judge, Eastern District of California;

Frances Marie Tydingco-Gatewood, Chief Judge, District of Guam;

B. Lynn Winmill, Chief Judge, District of Idaho;

Ann L. Aiken, Chief Judge, District of Oregon;

Robert S. Lasnik, Chief Judge, Western District of Washington.

EXHIBIT 1

THE WHITE HOUSE,

Washington, DC, September 30, 2010.

Hon. HARRY REID,
Majority Leader,
U.S. Senate, Washington, DC.

Hon. PATRICK J. LEAHY,
Chairman, Judiciary Committee,
U.S. Senate, Washington, DC.

Hon. MITCH MCCONNELL,
Republican Leader,
U.S. Senate, Washington, DC.

Hon. JEFF SESSIONS,
Ranking Member, Judiciary Committee,
U.S. Senate, Washington, DC.

DEAR SENATOR REID, SENATOR MCCONNELL, SENATOR LEAHY, AND SENATOR SESSIONS: I write to express my concern with the pace of judicial confirmations in the United States Senate. Yesterday, the Senate recessed without confirming a single one of the 23 Federal judicial nominations pending on the Executive Calendar. The Federal judiciary and the American people it serves suffer the most from this unprecedented obstruction. One in eight seats on the Federal bench sits empty, and the Administrative Office of the U.S. Courts has declared that many of those vacancies constitute judicial emergencies. Despite the urgent and pressing need to fill these important posts, a minority of Senators has systematically and irresponsibly used procedural maneuvers to block or delay confirmation votes on judicial nominees—including nominees that have strong bipartisan support and the most distinguished records. The minority has even been blocking non-controversial nominees—a dramatic shift from past practice that could cause a crisis in the judiciary.

The Judiciary Committee has promptly considered my judicial nominees. Nonetheless, judicial confirmation rates in this Congress have reached an all-time low. At this

point in the prior Administration (107th Congress), the Senate had confirmed 61% of the President's judicial nominations. By contrast, the Senate has confirmed less than half of the judicial nominees it has received in my Administration. Nominees in the 107th Congress waited less than a month on the floor of the Senate before a vote on their confirmation. The men and women whom I have nominated who have been confirmed to the Courts of Appeals waited five times longer and those confirmed to the District Courts waited three times longer for final votes.

Right now, 23 judicial nominees await simple up-or-down votes. All of these nominees have the strongest backing from their home-state Senators—a fact that usually counsels in favor of swift confirmation, rather than delay. Sixteen of those men and women received unanimous support in the Judiciary Committee. Nearly half of the nominees on the floor were selected for seats that have gone without judges for anywhere between 200 and 1,600 days. But despite these compelling circumstances, and the distinguished careers led by these candidates, these nominations have been blocked.

Judge Albert Diaz, the well-respected state court judge I nominated to the U.S. Court of Appeals for the Fourth Circuit, has waited 245 days for an up-or-down vote—more than 8 months. Before becoming a judge, Diaz served for over 10 years in the United States Marine Corps as an attorney and military judge. If confirmed, he would be the first Hispanic to sit on the Fourth Circuit. The seat to which he was nominated has been declared a judicial emergency. Judge Diaz has the strong support of both of North Carolina's Senators. Senator Burr has publicly advocated for Judge Diaz to get a final vote by the Senate. And just before the August recess, Senator Hagan went to the floor of the Senate to ask for an up-or-down vote for Judge Diaz. Her request was denied.

We are seeing in this case what we have seen in all too many others: resistance to highly qualified candidates who, if put to a vote, would be unanimously confirmed, or confirmed with virtually no opposition. For example, Judge Beverly Martin waited 132 days for a floor vote—despite being strongly backed by both of Georgia's Republican Senators. When the Senate finally held a vote, she was confirmed to the Eleventh Circuit unanimously. Jane Stanch was recently confirmed by an overwhelming majority of the Senate, after waiting almost 300 days for a final vote. Even District Court nominees have waited 3 or more months for confirmation votes—only to be confirmed unanimously.

Proceeding this way will put our judiciary on a dangerous course, as the Department of Justice projects that fully half of the Federal judiciary will be vacant by 2020 if we continue on the current pace of judicial confirmations. The real harm of this political game-playing falls on the American people, who turn to the courts for justice. By denying these nominees a simple up-or-down vote, the Republican leadership is undermining the ability of our courts to deliver justice to those in need. All Americans depend on having well-qualified men and women on the bench to resolve important legal matters—from working mothers seeking timely compensation for their employment discrimination claims to communities hoping for swift punishment for perpetrators of crimes to small business owners seeking protection from unfair and anticompetitive practices.

As a former Senator, I have the greatest respect for the Senate's role in providing advice and consent on judicial nominations. If there is a genuine concern about the qualifications of judicial nominees, that is a debate I welcome. But the consistent refusal to move promptly to have that debate, or to confirm even those nominees with broad, bipartisan support, does a disservice to the greatest traditions of this body and the American people it serves. In the 107th Congress, the Judiciary Committee reported 100 judicial nominees, and all of them were confirmed by the Senate before the end of that Congress. I urge the Senate to similarly consider and confirm my judicial nominees.

Sincerely,

BARACK OBAMA.

U.S. DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA,
Washington, DC, November 4, 2010.

Re: Judicial Vacancies—United States District Court for the District of Columbia.

Hon. HARRY REID,
Majority Leader, U.S. Senate,
The Capitol, Washington, DC.
Hon. MITCH MCCONNELL,
Minority Leader, U.S. Senate,
The Capitol, Washington, DC.

DEAR SENATOR REID AND SENATOR MCCONNELL: On behalf of the judges of the United States District Court for the District of Columbia, I request that the Senate act soon to fill the vacancies that exist at our Court.

Of our 15 authorized judgeships, we currently have four vacancies. One has been vacant since January 2007. With the additional vacancy that will result from Judge Ricardo M. Urbina's assumption of senior status, effective January 31, 2011, this Court faces the prospect of having only 10 of its 15 authorized judgeships filled. The severe impact of this situation already is being felt and will only increase over time. The challenging caseload that our Court regularly handles includes many involving national security issues, as well as other issues of national significance. A large number of these complex, high-profile cases demand significant time and attention from each of our judges.

Without a complement of new judges, it is difficult to foresee how our remaining active judges will be able to keep up with the heavy volume of cases that faces us. A 33 percent vacancy ratio is quite extraordinary.

Two nominees (Beryl Howell and Robert Wilkins) have been reported out of the Senate Judiciary Committee and await floor votes; two nominees (James Boasberg and Amy Jackson) have had their hearings and hopefully will soon be reported out of Committee.

We hope the Senate will act quickly to fill this Court's vacancies so the citizens of the District of Columbia and the Federal Government and other litigants who appear before us continue to enjoy the high quality of justice they deserve.

Sincerely,

ROYCE C. LAMBERTH,
Chief Judge.

AMERICAN BAR ASSOCIATION,
Chicago, IL, August 5, 2010.

Hon. BARACK OBAMA,
President of the United States of America,
The White House, Washington, DC.
Hon. HARRY REID,
Majority Leader,
U.S. Senate, Washington, DC.
Hon. MITCH MCCONNELL,
Minority Leader,
U.S. Senate, Washington, DC.
Hon. PATRICK LEAHY,
Chair, Senate Judiciary Committee,
U.S. Senate, Washington, DC.
Hon. JEFF SESSIONS,
Ranking Member, Senate Judiciary Committee,
U.S. Senate, Washington, DC.

DEAR PRESIDENT OBAMA, MAJORITY LEADER REID, MINORITY LEADER MCCONNELL, CHAIRMAN LEAHY, AND SENATOR SESSIONS: Now that the Senate has concluded another historic debate and vote on a nominee to the U.S. Supreme Court and is about to recess for its summer break, I am writing to express the American Bar Association's mounting concern over the persistently high number of judicial vacancies on our federal district courts and courts of appeals. I urge you, upon your return to Washington in September, to make the filling of judicial vacancies a priority for the Administration and for the Senate. As lawyers who represent our clients in federal courts across this nation, members of the American Bar Association know first hand that longstanding vacancies and protracted delays in the nomination and confirmation process do great harm to the federal judiciary and to public life.

Despite the confirmation of 37 Article III judges during the 111th Congress, the vacancy rate has not dropped below 10 percent since last August. For the past six months, the vacancy rate has remained at over 11 percent, and the number of vacancies has hovered around the 100 mark. The lack of progress in reducing the vacancy rate this session is especially worrisome in light of the number of judges who have reached, or are fast approaching, retirement age: eighteen judges have announced their intention to retire in the next year, and several additional vacancies will no doubt arise as a result of judicial elevations, deaths and resignations. If the nomination and confirmation process does not speed up significantly, confirmations will not even keep pace with the rate of attrition. The high number of vacancies, combined with the low number of confirmations, has created a problem that is fast approaching crisis proportions.

Vacancies have different effects on different courts. Those courts with relatively normal caseloads per judgeship and a sufficient number of active judges may be able to absorb the extra workload and operate normally if vacancies are filled within a reasonable time. In contrast, courts that already are operating with staggering caseloads and too few authorized judgeships are strained beyond capacity by unfilled vacancies and are unable to keep up with the workload.

In these jurisdictions, persistent vacancies make it impossible for the remaining judges on the court to give each case the time it deserves; community and business life suffers because shorthanded courts have no choice but to delay civil trial dockets due to the Speedy Trial Act; and courts are forced to adopt time-saving procedures, some of which may serve efficiency at the price of altering the delivery and quality of justice over time in ways not intended. The harm caused by persistent vacancies on these courts may reach into the future, too: if no abatement of

these conditions is in sight, the specter of this kind of work environment is likely to result in additional judicial retirements and resignations and deter excellent attorneys from seeking positions on the federal bench.

Lawyers who practice regularly in the federal courts and their clients who expect timely judicial resolution of their disputes are deeply concerned that the partisanship that has long characterized the process and the persistently high number of vacancies are creating strains that will inevitably reduce the quality of our justice system and erode public confidence in the independence and impartiality of our federal courts. This is a result we, as a nation, can ill-afford: all three branches must be robust and strong to advance the important work of government.

We urge you to take immediate action to avert a potential crisis and preserve the quality and vitality of the federal judiciary, and we offer the following suggestions:

1. The President and the Senate should make the prompt filling of federal judicial vacancies a priority. Each party to the process should commit sufficient time and resources to the endeavor, and resolve to work cooperatively and across the political aisle to reduce the vacancy rate as quickly as possible. A commitment should be made to cultivate a process that is dominated by common purpose and a spirit of mutual respect and bipartisan cooperation.

Politics and bipartisanship are not mutually exclusive. Even though the judicial nomination and confirmation process is political by design and gives each branch an opportunity to exercise a check on the quality of the federal bench, it should not serve as a battleground for other political disputes. A renewed spirit of bipartisanship is essential to reducing the backlog of vacancies and improving the process.

2. The Administration should make a concerted effort to shorten the time between vacancy and nomination and to submit a nomination to the Senate for every outstanding Article III judicial vacancy. The Administration should make a special effort to act with due diligence to nominate individuals to the vacant judicial seats that the Administrative Office of the United States Courts has classified as "judicial emergencies" (42 now exist), based on a combination of the length of time the seat has been vacant and the number of weighted or adjusted case filings for that seat.

We commend the Administration for its commitment to engage in meaningful prenomination consultation with home-state senators, a concept that the ABA endorsed in 2007 as a means to reduce partisanship. As a result, many nominations have had the backing of both home-state senators, regardless of party affiliation. Unfortunately, even though prenomination consultation has increased bipartisan accord during the initial phases of the process, it has not insulated nominees from partisan politics on the Senate floor: senators have blocked or delayed the consideration of numerous nominees who have the support of their home-state senators as well as the overwhelming support of the Senate Judiciary Committee.

3. The Senate should give every nominee an up-or-down vote within a reasonable time after the nomination is reported by the Senate Judiciary Committee.

Dilatory tactics have been used repeatedly to stall Senate floor consideration of judicial nominees, starting with the first nomination to reach the floor for a vote. Even though the Senate has confirmed 25 nominees this session, the Senate Judiciary Committee has

reported out nominees far faster than the Senate has scheduled votes. As a result, the backlog of nominees awaiting floor action has steadily increased over the course of the session.

Twelve of the 21 nominees currently awaiting floor consideration were approved by unanimous consent, unanimous vote, or voice vote of the committee; two were approved with little dissent, and only seven received significant opposition. That almost two-thirds of them had no or little opposition in committee, combined with the fact that many prior nominees subjected to delayed floor consideration ultimately were confirmed by unanimous or almost unanimous vote, strongly suggests that the failure to schedule timely floor votes on many pending nominees has little or nothing to do with their qualifications.

Tactics to delay votes on nominees that are launched for reasons not associated with their qualifications blatantly inject politics into the process. Such tactics waste the time of the Senate and increase the time a nominee is in limbo. Worst of all, they needlessly deprive the federal courts of the judges they sorely need.

Senate leaders should seek to avoid scheduling delays over nominees who have bipartisan support and should discourage and dissuade their colleagues from using the judicial confirmation process to advance or defeat other legislative objectives. If legitimate concerns are raised over a nominee's qualifications for a lifetime appointment to the federal bench, sufficient time should be scheduled to permit the Senate to engage in full debate. The objective should not be to rush consideration of nominees whose qualifications are questioned, but to assure timely consideration of every judicial nominee whose nomination has been approved by the Senate Judiciary Committee and forwarded to the Senate for a confirmation vote.

We urge all members of the Senate to remain cognizant of the central importance of a fully staffed federal judiciary and to make an effort to reach across the aisle to try to find constructive ways to support the judiciary and protect it from excessive political zeal. We believe that a true respect for the importance of the federal courts will best inform each senator's decision with regard to action on pending judicial nominations.

Our judicial system is predicated on the principles that each case deserves to be evaluated on its merits, that justice will be dispensed even-handedly, and that justice delayed is justice denied. There may be disagreements with individual decisions rendered by the federal courts, but few would dispute their essential role in our system of government and their impact on daily life. Congress should take action to support, not undermine, the vital work of the federal courts.

We urge the President and the Senate to take all necessary steps to fill existing vacancies promptly and to restore bipartisan accord to the nomination and confirmation process so that the federal courts will not be deprived of the judges they need to do their important work.

Sincerely,

CAROLYN B. LAMM,
President.

[From the Washington Watch, Oct. 2010]
OCTOBER 201: VACANCY SIGNS AT THE FEDERAL
COURTHOUSE
(By Bruce Moyer)

The federal judicial confirmation process is at one of its most dysfunctional junctures

in American history, and its failure to move nominees has brought about a vacancy crisis in our federal courts. This is not a partisan issue with shades of black and white; the breakdown in the Senate owes itself as much to one party as the other. This is a national issue that speaks to the country's declining appreciation for its courts, the increasing corrosiveness of our politics, and the rising abuse in the Senate of its procedures.

As the Senate departed Washington on Sept. 30 for a six-week election recess, 103 federal Article III judgeships stood vacant, equaling nearly one out of every eight federal judgeships. The Judicial Conference says that 48 of these vacant judgeships constitute "judicial emergencies," meaning they have been vacant for at least 18 months and are in districts or circuits dealing with pressing caseloads.

Judicial vacancies are harmful. They prevent the courts from operating at their full capacity in dispensing fair, prompt justice. Vacancies mean larger dockets, longer delay, and greater pressure and expense for lawyers and litigants. As *Slate* legal columnists Dahlia Lithwick and Carl Tobias recently commented, "Crowded dockets mean longer waits for cases to be heard promptly. This affects thousands of ordinary Americans—plaintiffs and defendants—whose liberty, safety, or job may be at stake and for whom justice may arrive too late, if at all." Justice Anthony Kennedy said it best, in comments to the *Los Angeles Times*: "It's important for the public to understand that the excellence of the federal judiciary is at risk. If judicial excellence is cast upon a sea of congressional indifference, the rule of law is imperiled."

Under the Constitution, the U.S. Senate is the sole entity charged with the responsibility to "advise and consent" upon the President's appointment of judges. Despite the Founders' straightforward wishes, the judicial confirmation process has grown distorted before our very eyes. Over the past 30 years, the Senate has increasingly stonewalled or rejected the President's judicial nominees, regardless of party. Confirmation rates at 18 months into a presidency have fallen from the high-water mark set in 1982 by President Reagan (93 percent) to 47 percent today (the percentage of President Obama's nominees who have won Senate confirmation). These numbers—along with opaque, obstructionist "secret holds" on nominations and unprecedented use of the filibuster—reflect a process more like "Advice & Dissent," the apt title of Sarah Binder and Forrest Maltzman's recent work on the struggle to shape the federal judiciary.

Finger pointing by the two main U.S. political parties is in overdrive over how the process has devolved and who is at fault. If the confirmation wars expand and increase, regardless of which party takes control of the Senate, the implications for the future are even more troubling. In August, Assistant Attorney General Christopher H. Schroeder warned an audience of Ninth Circuit judges and lawyers that if the current rate of replacing retired, resigned, and deceased judges continues, nearly half of the 875 federal judgeships could be vacant by the end of the decade.

When the Senate left Washington for its election recess, it abandoned its responsibility to provide an up-or-down vote on 16 federal judicial nominees—all of whom were favorably approved by the Senate Judiciary Committee with strong bipartisan support. One nominee, Albert Diaz, who would be the first Hispanic judge on the U.S. Circuit

Court of Appeals for the Fourth Circuit, has waited the longest: the Senate Judiciary Committee favorably reported his nomination to the Senate back in January.

The Federal Bar Association's mission is to promote the effective crafting and administration of justice and jurisprudence in our federal courts. That cannot happen if judgeships remain vacant at current levels. Over the past year, the FBA has called upon Senate leaders of both parties to hasten their work on judicial confirmations to assure that nominees who have been favorably reported out of the Senate Judiciary Committee are assured of a prompt up-or-down vote in the Senate. The association also has encouraged the President to promptly nominate qualified nominees with dispatch. FBA chapters in districts and circuits with pending judicial nominees have contacted their home-state senators to urge a prompt vote on their nominees. This advocacy must continue.

Will the FBA help to make a difference? If the FBA doesn't raise its voice, who will?

CONVICTION OF BAHAI LEADERS

Mrs. FEINSTEIN. Mr. President, today I wish to express my concern about the detention of seven leading members of the Baha'i community in Iran: Mahvash Sabet, Fariba Kamalabadi, Jamaloddin Khanjani, Afif Naeimi, Saeid Rezaie, Behrouz Tavakkoli, and Vahid Tizfahm.

The seven leaders were arrested in 2008 and accused of espionage and propaganda against the state. In June, the Iranian Government sentenced them to 20 years in prison, a sentence which was subsequently reduced to 10 years.

The State Department, the U.N. High Commissioner for Refugees, and leading human rights organizations like Amnesty International and Human Rights Watch have all expressed concern about the harsh sentence and the lack of due process in these cases.

The seven Baha'i leaders were held for 2 years without formal charges and access to legal representation and they were convicted behind closed doors.

The Senate added its voice to this case by passing a resolution introduced by Senator WYDEN, S. Res. 71, calling on the Government of Iran to release the seven leaders and respect the freedom of religion of the Baha'i community.

These convictions are yet another example of the abuses suffered by the Baha'i community, the largest religious minority in Iran with more than 300,000 members.

The Baha'i are denied official recognition of their faith by the state and are barred from establishing places of worship and schools. According to the U.S. Commission on International Religious Freedom, Baha'is cannot serve in the military and are barred from government jobs and benefits.

In condemning the sentences as a violation of Iran's obligations under the International Covenant on Civil and Political Rights, Secretary of State Hillary Clinton stated: "Freedom

of religion is the birthright of people of all faiths." I could not agree more.

As a U.S. Senator representing approximately 30,000 Baha'i Americans in California, I urge the Iranian Government to release these seven leaders and allow the Baha'i community in Iran to practice their religion freely and without fear of persecution.

NATURAL GAS PRODUCTION

Mr. INHOFE. Mr. President, the development of natural gas in the U.S. is vital to our energy security, environment, and economy. As we continue to craft policies affecting the development of natural gas, we must ensure participants in policy crafting are above reproach.

U.S. natural gas supplies are abundant and will increase our Nation's energy security. There is an estimated 2,000 trillion cubic feet of U.S. natural gas reserves found in shale gas plays across the U.S. As countries around the world move aggressively to secure oil resources, U.S. natural gas reserves can play an important role in enhancing our energy security.

The significant U.S. reserves of natural gas provide the opportunity to reshape our energy future. A recent study by the Massachusetts Institute of Technology, MIT, states that natural gas will provide an increasing share of America's energy needs over the next several decades, doubling its share of the energy market from 20 percent today to 40 percent.

The increase in our natural gas reserves is creating economic opportunities for American workers and communities around the country. In 2008, natural gas companies directly employed roughly 622,000 Americans and indirectly sustained almost 2.2 million additional jobs. The industry contributed \$385 billion to our Nation's economy in 2008 alone. Representing Oklahoma, I recognize the benefits of the natural gas industry all too well. One in seven jobs in Oklahoma is directly or indirectly supported by the energy industry. According to the U.S. Energy Information Administration, Oklahoma ranks third in the country in natural gas production.

One of the key techniques for natural gas production is hydraulic fracturing. I have spoken on this floor many times over the past 2 years about the value of this production method. Hydraulic fracturing, coupled with horizontal drilling, has not only aided in the production of both oil and natural gas from more than a million wells over the past 60 years, production from thousands of wells is dependent on hydraulic fracturing. First used in 1947, hydraulic fracturing allows previously inaccessible reserves of natural gas to be recovered with a relatively small footprint. A mixture of pressurized water, sand and additives—less than 1

percent of the overall mixture—is used to create small fissures in the shale rock which releases the natural gas, allowing it to flow up the wellbore to be collected.

As natural gas development assumes a more prominent role in our Nation's energy supply, some Members of Congress and the administration are looking at ways to have the federal government regulate the natural gas industry. Natural gas drilling and hydraulic fracturing is regulated effectively at the State level. Legislation has been introduced in Congress, the Fracturing Responsibility and Awareness of Chemicals Act of 2009, FRAC Act, to impose new Federal regulations on hydraulic fracturing which would only add unnecessary regulations on this vital industry.

The Environmental Protection Agency, EPA, is considering how to construct its study of fracking, which was ordered last year by Congress after the agency's 2004 study, that declared the technology safe, was criticized by some groups as being flawed. The EPA's Science Advisory Board recently released a list of candidates for its panel to assist with the review of its Hydraulic Fracturing Study Plan. This panel is to provide technical and scientific advice to the EPA as it crafts the study plan.

This is a great practice by the EPA to seek advice from knowledgeable experts and sound science to develop policy. These panel members must be above reproach. Sadly, several of these candidates have a troubled history, including questions about expert scientific credentials, error-laden research on the issue of hydraulic fracturing, and questions of objectivity based on previous research and statements regarding fracking.

One nominee is an environmental activist who also happens to be a scientist. A chemist by trade, she consults and advocates against various industries, including the petrochemical and natural gas industries. Her activist roots color her professional judgments. In fact, her expert testimony was once excluded from trial. If her so-called expert judgment was inadequate for a court of law, how can it be adequate for our nation's top environmental agency?

Another nominee issued a draft report concluding that natural gas production specifically using hydraulic fracturing negates the clean burning attributes of natural gas. However, the report contained so many errors that the author was forced to withdraw it shortly after it was released.

It is clear that these nominees are simply opposed to natural gas development and have already rendered a judgment regarding hydraulic fracturing, which raises serious questions about their ability to objectively assess scientific data on this issue and remain

impartial. Clearly, they are not impartial.

But more troubling are the questions raised about their scientific credentials and quality of their academic research. Having testimony thrown out by a court of law and being forced to withdraw research on this subject because of errors should disqualify an individual from serving on the Agency's panel of advisors.

EPA record for accepting comments on the nominees to assist the Science Advisory Board will soon close. I know that the EPA has received a wide variety of comments, and I urge the EPA Administrator and the Science Advisory Board to carefully consider these comments so that this study may be above reproach and not be affected by anti-natural gas political agendas.

ADDITIONAL STATEMENTS

REMEMBERING ALLAN PURDY

• Mr. BOND. Mr. President, on behalf of my fellow Missourians, I wish to remember the life and achievements of Mr. Allan Purdy, a native of Missouri and the founding president of the National Association of Student Financial Aid Administrators, NASFAA, who died at age 96 this past October. Mr. Purdy dedicated his life to removing financial barriers to higher education and the awards and scholarships that are named after him are a testament to his hard work and dedication to this purpose.

Mr. Purdy's passion for financial aid and serving students was sparked by his extraordinary life experiences. He graduated from high school without a nickel in 1932—the middle of the Great Depression. He managed to attend college through the National Youth Administration, a newly created national work program for students. Although he only earned \$15 a month at 25 cents an hour through the program, it was enough to attend the College of Agriculture at the University of Missouri, where he ultimately earned a graduate degree.

After graduating, Allan taught at Rutgers University and then joined the U.S. Navy where he served as a PT boat captain during World War II. After the war, he returned to the University of Missouri, MU, to work as an extension horticulturist—driving across the State to help farmers resolve problems with their fruit and vegetable crops. As he toured the State, he met many qualified students who lacked the financial resources to attend college. He advocated grant and work aid for these students to allow them to attend college. Allan was so diligent at recruiting these students that he was promoted to assistant to the dean of the College of Agriculture. In this position, he recruited students, arranged schol-

arships and part-time jobs for students, and helped graduates find jobs.

At this time, catching the attention of the MU president, Allan was asked to start a department in the President's Office to coordinate all scholarships, jobs, and loans for all students on campus. Under the direction of the MU president, Allan began meeting with other aid administrators in the Midwest, which led to the formation of the Midwest Association of Student Financial Aid Administrators in 1962. The group eventually grew to become NASFAA in 1969 and was incorporated in 1973 as a nonprofit corporation in the District of Columbia and emphasized, above all else, the needs of students.

Shortly after Allan's retirement in 1979, as then-Governor of Missouri, it was my pleasure to appoint him to the Missouri Higher Education Loan Authority, MOHELA, in 1981 where he served more than 20 years. During that time he worked to implement borrower benefit programs including loan forgiveness and low interest rates. The Purdy Scholarship Fund to benefit students demonstrating the greatest financial need was also established to honor his legacy.

At the 2006 NASFAA National Conference in Seattle, Mr. Purdy told his financial aid colleagues, "It has been a wonderful 40 years of service to students."

"It is, I'm sure, a wonderful experience to each of you when you see students that have long-since graduated and now are gray-haired, and they thank you for what you have done for them over the years," Allan added. "That is your overtime pay. Certainly we are not in the highest paid profession, but I think that we have the highest rewards for the work that we have done."

Allan is survived by his wife Vivian and their four children, Robert, George, Ray and Christina, and their families.

It is my distinct honor to remember Allan Purdy's life today. His legacy of opening the doors of college to Missourians will be remembered by the countless lives he touched.●

CALIFORNIA MEDAL WINNERS

• Mrs. BOXER. Mr. President, I ask my colleagues to join me in recognizing the recipients of the National Medal of Science and National Medal of Technology and Innovation from my State of California.

I am so proud of the National Medal of Science Recipients from California: Yahir Aharonov from Chapman University, Marye Anne Fox from the University of California San Diego, Stanley B. Prusiner from the University of California San Francisco, and Amnon Yariv, from the California Institute of Technology.

I am also very proud of the National Medal of Technology and Innovation Recipients: Marcian Hoff, Stanley Mazor, and Federico Faggin, from the Intel Corporation.

Since its creation by Congress in 1959, the National Medal of Science has honored individuals for their outstanding contributions to knowledge in the physical, biological, mathematical, engineering, chemistry, and social sciences.

The National Medal of Technology and Innovation is presented to individuals, teams, and companies for achievement in the innovation, development, commercialization, and management of technology.

It is a great honor to receive these medals which represent the highest honor for achievements in science and technology that are bestowed by the President of the United States.

This week, we recognized those who have invested so much in the advancement of knowledge and who inspire the next generation to follow in their footsteps. In order for our country to remain a strong leader in science and innovation, we must continue to promote and invest in the sciences and honor those who have accomplished so much in the name of discovery.

I offer my heartfelt congratulations to these accomplished recipients from my State and wish them the best in their continued pursuits of science and technology research and innovation.●

REMEMBERING CHRISTOPHER A. WILSON

• Mrs. BOXER. Mr. President, today I am honored to commemorate San Diego Police Officer Christopher A. Wilson, who tragically died in the line of duty on October 28, 2010 in San Diego. He was 50.

Throughout his 17-year career with the San Diego Police Department, Officer Wilson placed duty ahead of his personal safety while protecting the community in southeast San Diego.

Christopher Wilson was an extraordinary police officer. He trained more than 50 police officers, many of whom have stated that they are better officers because of him. A past trainee declared, "Chris was always interested in making me the best officer he could." In addition to training officers, for more than 2 years Officer Wilson helped a fellow officer recuperate from an on-duty shooting by monitoring his physical and mental health. San Diego Police Chief William Lansdowne said that Officer Wilson was "the kind of person you want in your department, your City."

In a moving tribute to a committed and caring man, more than 700 people attended a candlelight vigil in the Skyline neighborhood to honor Officer Wilson, demonstrating the community's

admiration for this brave and honorable man. More than 2,000 police officers, dignitaries, and community members paid tribute to Officer Wilson at his memorial service on November 4, 2010.

Officer Wilson is survived by his mother Anne Myers, son Conner, and daughter Kaylee. My thoughts and prayers are with them during this tragic time. I also send my deepest condolences to Officer Wilson's colleagues in the San Diego Police Department who serve our community and protect our people every day.●

WAYNE NATIONAL FOREST

● Mr. BROWN of Ohio. Mr. President, 75 years ago this November, Ohio's first national forest was established. On November 12, 1935, 43 acres in the Appalachian foothills of Lawrence County became the Wayne National Forest. Today, more than 240,000 acres of reclaimed and reforested land spanning 12 counties makeup the "Wayne."

For 75 years, rangers, foresters, and dedicated volunteers have worked to restore landscapes that had been abandoned or stripped bare by mining and logging. The early years of the Wayne corresponded with President Franklin Roosevelt's New Deal program, the Civilian Conservation Corps, CCC. The CCC gave young people across the country work—and a hot meal—improving our Nation's infrastructure and preserving our natural resources. The legacy of the CCC lives on in the Wayne's Shawnee and Snake Ridge Lookout Towers, constructed in 1939, and the Vesuvius Dam, completed in 1941 and now home to wildlife and recreational activities on the lake.

With the help of President Obama's American Recovery and Reinvestment Act of 2009, the Wayne National Forest is once again preparing for the future; restoring ecosystems, improving roads, and installing more than 250 solar panels on its headquarters in Nelsonville.

Home to more than 300 miles of trails, the Wayne receives thousands of visitors and families each year who go hiking, biking, hunting, horseback riding, and camping along the scenic hills and hollows of the forest.

The Wayne has also played an important role in preserving the storied history of the Adena and Hopewell Cultures in Ohio. Because the archaeological ruins of these mound-building cultures have been maintained, a new generation of visitors will learn about the history of Native Americans in Ohio.

Our public lands, and in particular the Wayne, are part of Ohio's heritage and history. John F. Seiberling, a former Congressman from Akron and longtime conservationist said, "We will never see the land as our ancestors did. But we can understand what made it beautiful and why they lived and

died to preserve it. And in preserving it for future generations, we will preserve something of ourselves. If we all have an interest in this land, then we all have a stake in its preservation. There is no more worthwhile cause."

The Wayne has strengthened the region's economy and encouraged responsible stewardship of southeast Ohio's varied ecosystems and habitats.

I congratulate and thank the rangers, staff, and supporters who for 75 years have served as stewards of Wayne National Forest. When Thomas Jefferson granted Ohio's statehood 207 years ago, southeastern Ohio was the gateway to our nation's westward expansion—and Marietta the first official town of the newly established Northwest Territory. Wayne National Forest plays a vital role in our frontier history and will continue to serve as a getaway for the tens of thousands of Ohioans who enjoy its beauty and embrace its role as one of Ohio's natural crown jewels.●

REMEMBERING JANE OPPENHEIMER

● Mr. CRAPO: Mr. President, today I honor the life of Jane Falk Oppenheimer. I join with her family, including her 4 children, 12 grandchildren and 1 great-grandchild, and her many friends in mourning her passing. Jane will be remembered warmly for her kindness, meaningful interest, sense of humor, wisdom, spirit and commitment to her family and the betterment of Idaho.

She leaves behind a legacy of support for Idaho's arts and significant Boise institutions and organizations. Jane helped establish and supported the Idaho Botanical Garden and the Idaho Community Foundation. She also supported the Boise Philharmonic, Idaho Public Television, Idaho Shakespeare Festival, Head Start, Boise Junior League, Family Advocate Program, College of Idaho, Boise Opera Guild, Boise Art Museum and the Young Tennis Foundation. She was also a member of the Boise Garden Club, Women's Investment Club, Hillcrest Country Club and Arid Club. She advocated for art programs throughout Idaho through her service on the Idaho Commission on the Arts, and her support of the arts was recognized through a Governor's Award for Lifetime Achievement in the Arts. Her patronage of the arts also extended to her consistent attendance at plays, concerts, art openings and other community events. Jane received many other awards and recognitions, including Idaho Statesman Distinguished Citizen, Girl Scout Women Leaders of Today and Tomorrow and the Boise Area Chamber of Commerce Distinguished Citizen of the Year Award for her outstanding service.

Born in Boise, Jane graduated from St. Teresa's Academy, attended Stan-

ford University and Finch School, and worked for the Navy. Jane then served in the Red Cross during World War II in Washington, DC, London and Walhampton, England. After returning from the war, Jane married Arthur Oppenheimer in 1945. They traveled the world together during their wonderful more than 55-year marriage.

Leo J. and Helen Falk, Jane's parents, were also dedicated supporters of Idaho institutions. Her father assisted with the construction of the Egyptian Theater, the Boise Depot and the Owyhee Plaza Hotel. Helen assisted with the establishment of the Boise Art Gallery, known today as the Boise Art Museum.

Jane Oppenheimer's dedication, benevolence and generous spirit will be greatly missed but not forgotten. Her legacy of loving and devoted support will continue to serve as an enduring example. Through her leadership and advocacy, more Idahoans are able to benefit from the arts. I extend deep gratitude for her many years of great service to our State and Idahoans.●

MESSAGE FROM THE HOUSE

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

At 1:45 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker has signed the following enrolled bills and joint resolution:

S. 1376. An act to restore immunization and sibling age exemptions for children adopted by United States citizens under the Hague convention on Inter-country Adoption to allow their admission into the United States.

S. 3567. An act to designate the facility of the United States Postal Service located at 100 Broadway in Lynbrook, New York, as the "Navy Corpsman Jeffrey L. Wiener Post Office Building".

S.J. Res. 40. Joint resolution appointing the day for the convening of the first session of the One Hundred Twelfth Congress.

The enrolled bills and joint resolution were subsequently signed by the President pro tempore (Mr. INOUE).

ENROLLED BILLS SIGNED

At 3:49 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

S. 3774. An act to extend the deadline for Social Services Block Grant expenditures of supplemental funds appropriated following disasters occurring in 2008.

H.R. 1722. An act to require the head of each executive agency to establish and implement a policy under which employees shall be authorized to telework, and for other purposes.

The enrolled bills were subsequently signed by the Acting President pro tempore (Mr. REID).

ENROLLED BILLS AND JOINT
RESOLUTION PRESENTED

The Secretary of the Senate reported that on November 19, 2010, she had presented to the President of the United States the following enrolled bills and joint resolution:

S. 1376. An act to restore immunization and sibling age exemptions for children adopted by United States citizens under the Hague convention on Intercountry Adoption to allow their admission into the United States.

S. 3567. An act to designate the facility of the United States Postal Service located at 100 Broadway in Lynbrook, New York, as the "Navy Corpsman Jeffrey L. Wiener Post Office Building".

S. 3774. An act to extend the deadline for Social Services Block Grant expenditures of supplemental funds appropriated following disasters occurring in 2008.

S.J. Res. 40. Joint resolution appointing the day for the convening of the first session of the One Hundred Twelfth Congress.

MEASURES PLACED ON THE
CALENDAR

The following bill was read the second time, and placed on the calendar:

S. 3975. A bill to permanently extend the 2001 and 2003 tax relief provisions, and to permanently repeal the estate tax, and to provide permanent alternative minimum tax relief, and for other purposes.

EXECUTIVE AND OTHER
COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-8030. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; PIAGGIO AERO INDUSTRIES S.p.A Model PIAGGIO P-180 Airplanes" ((RIN2120-AA64)(Docket No. FAA-2010-0736)) received in the Office of the President of the Senate on October 29, 2010; to the Committee on Commerce, Science, and Transportation.

EC-8031. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; PIAGGIO AERO INDUSTRIES S.p.A Model PIAGGIO P-180 Airplanes" ((RIN2120-AA64)(Docket No. FAA-2010-0734)) received in the Office of the President of the Senate on October 29, 2010; to the Committee on Commerce, Science, and Transportation.

EC-8032. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; PIAGGIO AERO INDUSTRIES S.p.A Model PIAGGIO P-180 Airplanes" ((RIN2120-AA64)(Docket No. FAA-2010-0737)) received in the Office of the President of the Senate on October 29, 2010; to the Committee on Commerce, Science, and Transportation.

EC-8033. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation,

transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB-500 Airplanes" ((RIN2120-AA64)(Docket No. FAA-2010-0754)) received in the Office of the President of the Senate on October 29, 2010; to the Committee on Commerce, Science, and Transportation.

EC-8034. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; McDonnell Douglas Corporation Model DC-10-10, DC-10-10F, DC-10-30, DC-10-30F (KDC-10), DC-10-40, and DC-10-40F Airplanes" ((RIN2120-AA64)(Docket No. FAA-2010-0672)) received in the Office of the President of the Senate on October 29, 2010; to the Committee on Commerce, Science, and Transportation.

EC-8035. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Eurocopter France (Eurocopter) Model AS350B, BA, B1, B2, B3, D, AS355E, F, F1, F2, and N Helicopters" ((RIN2120-AA64)(Docket No. FAA-2010-0969)) received in the Office of the President of the Senate on October 29, 2010; to the Committee on Commerce, Science, and Transportation.

EC-8036. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; McDonnell Douglas Corporation Model MD-90-30 Airplanes" ((RIN2120-AA64)(Docket No. FAA-2010-0554)) received in the Office of the President of the Senate on October 29, 2010; to the Committee on Commerce, Science, and Transportation.

EC-8037. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Eurocopter France (ECF) Model AS35B3 and EC130 B4 Helicopters" ((RIN2120-AA64)(Docket No. FAA-2010-0779)) received in the Office of the President of the Senate on October 29, 2010; to the Committee on Commerce, Science, and Transportation.

EC-8038. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Learjet Inc. Model 45 Airplanes" ((RIN2120-AA64)(Docket No. FAA-2010-0676)) received in the Office of the President of the Senate on October 29, 2010; to the Committee on Commerce, Science, and Transportation.

EC-8039. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Bombardier, Inc. Model CL-600-2B19 (Regional Jet Series 100 & 440) Airplanes" ((RIN2120-AA64)(Docket No. FAA-2010-1229)) received in the Office of the President of the Senate on October 29, 2010; to the Committee on Commerce, Science, and Transportation.

EC-8040. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Fokker Services B.V. Model F.28 Mark 0070 and 0100 Airplanes" ((RIN2120-AA64)(Docket No. FAA-2010-0479)) received in the Office of the President of the Senate on October 29,

2010; to the Committee on Commerce, Science, and Transportation.

EC-8041. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; BAE SYSTEMS (OPERATIONS) LIMITED Model BAe 146 and Avro 146-RJ Airplanes" ((RIN2120-AA64)(Docket No. FAA-2010-0642)) received in the Office of the President of the Senate on October 29, 2010; to the Committee on Commerce, Science, and Transportation.

EC-8042. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Bombardier, Inc., Model CL 600 2C10 (Regional Jet Series 700, 701, and 702) Airplanes, Model CL 600 2D15 (Regional Jet Series 705) Airplanes, and Model CL 600 2D24 (Regional Jet Series 900) Airplanes" ((RIN2120-AA64)(Docket No. FAA-2010-0438)) received during adjournment of the Senate in the Office of the President of the Senate on November 7, 2010; to the Committee on Commerce, Science, and Transportation.

EC-8043. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; The Boeing Company Model 747-100, 747-100B, 747-100B SUD, 747-200B, 747-200C, 747-200F, 747-300, 747-400, 747-400D, 747-400F, and 747SR Series Airplanes" ((RIN2120-AA64)(Docket No. FAA-2010-1069)) received during adjournment of the Senate in the Office of the President of the Senate on November 7, 2010; to the Committee on Commerce, Science, and Transportation.

EC-8044. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Eclipse Aerospace, Inc. Model EA500 Airplanes" ((RIN2120-AA64)(Docket No. FAA-2010-0691)) received during adjournment of the Senate in the Office of the President of the Senate on November 7, 2010; to the Committee on Commerce, Science, and Transportation.

EC-8045. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Agusta S.p.A. (Agusta) Model A109E Helicopters" ((RIN2120-AA64)(Docket No. FAA-2010-0449)) received during adjournment of the Senate in the Office of the President of the Senate on October 14, 2010; to the Committee on Commerce, Science, and Transportation.

EC-8046. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A310 Series Airplanes" ((RIN2120-AA64)(Docket No. FAA-2010-0680)) received in the Office of the President of the Senate on November 10, 2010; to the Committee on Commerce, Science, and Transportation.

EC-8047. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A330-201, -202, -203, -223, and -243 Airplanes, and Model A330-300 Series

Airplanes” ((RIN2120-AA64)(Docket No. FAA-2010-0697)) received in the Office of the President of the Senate on November 10, 2010; to the Committee on Commerce, Science, and Transportation.

EC-8048. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives; Eurocopter Deutschland GmbH Model MBB-BK 117 C-2 Helicopters” ((RIN2120-AA64)(Docket No. FAA-2010-0780)) received in the Office of the President of the Senate on November 10, 2010; to the Committee on Commerce, Science, and Transportation.

EC-8049. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Acephinocyl; Pesticide Tolerances” (FRL No. 8851-7) received during adjournment of the Senate in the Office of the President of the Senate on November 16, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC-8050. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Approval and Promulgation of Implementation Plans; Georgia; Prevention of Significant Deterioration and Nonattainment New Source Review Rules” (FRL No. 9229-5) received in the Office of the President of the Senate on November 16, 2010; to the Committee on Environment and Public Works.

EC-8051. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Approval and Promulgation of State Implementation Plan Revisions; State of North Dakota; Interstate Transport of Pollution for the 1997 PM_{2.5} and 8-hour Ozone NAAQS: ‘Interface with Maintenance’ Requirement” (FRL No. 9229-1) received in the Office of the President of the Senate on November 16, 2010; to the Committee on Environment and Public Works.

EC-8052. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Approval and Promulgation of State Implementation Plans; State of Colorado; Interstate Transport of Pollution Revisions for the 1997 8-hour Ozone NAAQS: ‘Interference with Maintenance’ Requirement” (FRL No. 9229-2) received in the Office of the President of the Senate on November 16, 2010; to the Committee on Environment and Public Works.

EC-8053. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Approval and Promulgation of Implementation Plans; New York Prevention of Significant Deterioration of Air Quality and Nonattainment New Source Review” (FRL No. 9212-1) received in the Office of the President of the Senate on November 16, 2010; to the Committee on Environment and Public Works.

EC-8054. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmit-

ting, pursuant to law, the report of a rule entitled “Cobalt Lithium Manganese Nickel Oxide; Withdrawal of Significant New Use Rule” (FRL No. 8853-2) received in the Office of the President of the Senate on November 16, 2010; to the Committee on Environment and Public Works.

EC-8055. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Extension of Deadline for Action on the Second Section 126 Petition From New Jersey” (FRL No. 9227-6) received in the Office of the President of the Senate on November 16, 2010; to the Committee on Environment and Public Works.

EC-8056. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Water Quality Standards for the State of Florida’s Lakes and Flowing Waters” (FRL No. 9228-7) received in the Office of the President of the Senate on November 16, 2010; to the Committee on Environment and Public Works.

EC-8057. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Mandatory Reporting of Greenhouse Gases: Additional Sources of Fluorinated GHGs” (FRL No. 9226-8) received in the Office of the President of the Senate on November 16, 2010; to the Committee on Environment and Public Works.

EC-8058. A communication from the Chairperson of the National Commission on Children and Disasters, transmitting, pursuant to law, the Commission’s 2010 report; to the Committee on Health, Education, Labor, and Pensions.

EC-8059. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled, “Review of D.C. Taxicab Commission’s Assessment/Commission Fund for Fiscal Years 2005 Through 2009, As of June 30, 2009”; to the Committee on Homeland Security and Governmental Affairs.

EC-8060. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled, “Review of the D.C. Taxicab Commission’s Fingerprinting Fund”; to the Committee on Homeland Security and Governmental Affairs.

EC-8061. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled, “Comparative Analysis of Actual Cash Collections to the Revised Revenue Estimate Through the 3rd Quarter of Fiscal Year 2009”; to the Committee on Homeland Security and Governmental Affairs.

EC-8062. A communication from the Director, Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report entitled “Statistical Programs of the United States Government: Fiscal Year 2011”; to the Committee on Homeland Security and Governmental Affairs.

EC-8063. A communication from the General Counsel, Federal Retirement Thrift Investment Board, transmitting, pursuant to law, the report of a rule entitled “Participants’ Choices of TSP Funds” (5 CFR Part 1601) received during adjournment of the Senate in the Office of the President of the

Senate on November 7, 2010; to the Committee on Homeland Security and Governmental Affairs.

EC-8064. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Flumioxazin; Pesticide Tolerances” (FRL No. 8850-3) received in the Office of the President of the Senate on November 10, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC-8065. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Flubendiamide; Pesticide Tolerances; Technical Correction” (FRL No. 8849-2) received in the Office of the President of the Senate on November 10, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC-8066. A communication from the Administrator of the Fruit and Vegetable Programs, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled “Haas Avocado Promotion, Research, and Information Order; Section 610 Review” (Docket No. AMS-FV-10-0007) received during adjournment of the Senate in the Office of the President of the Senate on November 3, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC-8067. A communication from the Director of Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled “Defense Federal Acquisition Regulation Supplement; Defense Cargo Riding Gang Members” (DFARS Case 2007-D002) received during adjournment of the Senate in the Office of the President of the Senate on October 21, 2010; to the Committee on Armed Services.

EC-8068. A communication from the Director of Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled “Defense Federal Acquisition Regulation Supplement; Award-Fee Reductions for Health and Safety Issues” (DFARS Case 2009-D039) received in the Office of the President of the Senate on November 10, 2010; to the Committee on Armed Services.

EC-8069. A communication from the Director of Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled “Defense Federal Acquisition Regulation Supplement; Prohibition on Interrogation of Detainees by Contractor Personnel” (DFARS Case 2010-D027) received in the Office of the President of the Senate on November 10, 2010; to the Committee on Armed Services.

EC-8070. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency with respect to Sudan that was declared in Executive Order 13067 of November 3, 1997; to the Committee on Banking, Housing, and Urban Affairs.

EC-8071. A communication from the President of the United States, transmitting, pursuant to law, a report on the continuation of the national emergency with respect to the proliferation of weapons of mass destruction that was declared in Executive Order 12938, as amended, is to continue in effect for 1 year beyond November 14, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC-8072. A communication from the General Counsel of the National Credit Union Administration, transmitting, pursuant to law, the report of a rule entitled "Display of Official Sign; Permanent Increase in Standard Maximum Share Insurance Amount" (RIN3133-AD78) received during adjournment of the Senate in the Office of the President of the Senate on November 7, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC-8073. A communication from the Associate General Counsel for Legislation and Regulations, Office of Public and Indian Housing, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled "HUD Programs: Violence Against Women Act Confirming Amendments" (RIN2577-AC65) received during adjournment of the Senate in the Office of the President of the Senate on November 7, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC-8074. A communication from the Secretary, Division of Trading and Markets, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled "Extension of Compliance Date for Amendments to Rule 201 and 200(g) of Regulation SHO—Short Sale-Related Circuit Breaker that Imposes a Short Sale Price Test Restriction" (RIN3235-AK35) received in the Office of the President of the Senate on November 10, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC-8075. A communication from the Secretary, Division of Trading and Markets, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled "Risk Management Controls for Brokers or Dealers with Market Access" (RIN3235-AK53) received in the Office of the President of the Senate on November 10, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC-8076. A communication from the General Counsel of the Federal Housing Finance Agency, transmitting, pursuant to law, the report of a rule entitled "Debt Collection Interim Final Rule" (RIN2590-AA15) received in the Office of the President of the Senate on November 10, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC-8077. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revisions to the California State Implementation Plan, Imperial County Air Pollution Control District" (FRL No. 9221-6) received in the Office of the President of the Senate on November 10, 2010; to the Committee on Environment and Public Works.

EC-8078. A communication from the Chief, Listing Branch, Fish and Wildlife Services, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants; Revised Designation of Critical Habitat for Bull Trout in the Coterminous United States" (RIN1018-AW88) received in the Office of the President of the Senate on November 10, 2010; to the Committee on Environment and Public Works.

EC-8079. A communication from the Chief, Division of Habitat and Resource Conservation, Fish and Wildlife Services, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Marine Mammal; Polar Bear Deterrence Guidelines" (RIN1018-AW94) received in the Office of the President of the Senate on November 10, 2010; to the Committee on Environment and Public Works.

EC-8080. A communication from the Chief, Listing Branch, Fish and Wildlife Services, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants; Determination of Endangered Status for the Georgia Pigtoe Mussel, Interrupted Rocksnail, and Rough Hornsnail and Designation of Critical Habitat" (RIN1018-AU88) received in the Office of the President of the Senate on November 10, 2010; to the Committee on Environment and Public Works.

EC-8081. A communication from the Chief, Branch of Foreign Species, Fish and Wildlife Services, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants; Determination of Endangered Status for the African Penguin; Final Rule" (RIN1018-AV60) received in the Office of the President of the Senate on November 10, 2010; to the Committee on Environment and Public Works.

EC-8082. A communication from the Chief, Branch of Recovery and Delisting, Fish and Wildlife Services, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants; Reinstatement of Protections for the Gray Wolf in the Northern Rocky Mountains in Compliance with a Court Order" (RIN1018-AX37) received in the Office of the President of the Senate on November 10, 2010; to the Committee on Environment and Public Works.

EC-8083. A communication from the Chief, Listing Branch, Fish and Wildlife Services, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants; Revised Critical Habitat for *Navarretia fossalis* (Spreading Navarretia)" (RIN1018-AW22) received in the Office of the President of the Senate on November 10, 2010; to the Committee on Environment and Public Works.

EC-8084. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "User Fees Relating to Enrollment and Preparer Tax Identification Numbers" (RIN1545-B171) received during adjournment of the Senate in the Office of the President of the Senate on November 7, 2010; to the Committee on Finance.

EC-8085. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Fringe Benefits Aircraft Valuation Formula" (Revenue Ruling 2010-22) received during adjournment of the Senate in the Office of the President of the Senate on November 7, 2010; to the Committee on Finance.

EC-8086. A communication from the Secretary of Commerce, transmitting, pursuant to law, a report relative to the export to the People's Republic of China of items not detrimental to the U.S. space launch industry; to the Committee on Foreign Relations.

EC-8087. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to the status of the Government of Cuba's compliance with the United States-Cuba September 1994 "Joint Communiqué" and on the treatment of persons returned to Cuba in accordance with the United States-Cuba May 1995 "Joint Statement"; to the Committee on Foreign Relations.

EC-8088. A communication from the Acting Assistant Secretary, Bureau of Legislative

Affairs, Department of State, transmitting, pursuant to law, a report entitled "Security-Related Assistance Provided by the United States to the Countries of Central Asia"; to the Committee on Foreign Relations.

EC-8089. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled "Report to Congress on the Impact and Effectiveness of Administration for Native Americans (ANA) Projects: Fiscal Year 2009"; to the Committee on Indian Affairs.

EC-8090. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled, "Comparative Analysis of Actual Cash Collections to the Revised Revenue Estimate Through the 4th Quarter of Fiscal Year 2009"; to the Committee on Homeland Security and Governmental Affairs.

EC-8091. A communication from the Deputy Assistant Administrator of Diversion Control, Drug Enforcement Administration, Department of Justice, transmitting, pursuant to law, the report of a rule entitled "Additions to Listing of Exempt Chemical Mixtures" (RIN1117-AB29) received during adjournment of the Senate in the Office of the President of the Senate on November 7, 2010; to the Committee on the Judiciary.

EC-8092. A communication from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, a report entitled "2009 Annual Report of the National Institute of Justice"; to the Committee on the Judiciary.

EC-8093. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Vessels Catching Pacific Cod for Processing by the Offshore Component in the Central Regulatory Area of the Gulf of Alaska" (RIN0648-XZ79) received during adjournment of the Senate in the Office of the President of the Senate on November 7, 2010; to the Committee on Commerce, Science, and Transportation.

EC-8094. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; PILATUS Aircraft Ltd. Model PC-7 Airplanes" ((RIN2120-AA64)(Docket No. FAA-2010-0849)) received in the Office of the President of the Senate on November 10, 2010; to the Committee on Commerce, Science, and Transportation.

EC-8095. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Fokker Services B.V. Model F.28 Mark 0070 and 0100 Airplanes" ((RIN2120-AA64)(Docket No. FAA-2010-0516)) received in the Office of the President of the Senate on November 10, 2010; to the Committee on Commerce, Science, and Transportation.

EC-8096. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; McDonnell Douglas Corporation Model MD-90-30 Airplanes" ((RIN2120-AA64)(Docket No. FAA-2010-0645)) received in the Office of the President of the Senate on November 10, 2010; to the Committee on Commerce, Science, and Transportation.

EC-8097. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation,

transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Rolls Royce Deutschland Ltd. and Co. KG, (RRD) Models Tay 650-15 and Tay 651-54 Turboprop Engines" ((RIN2120-AA64)(Docket No. FAA-2007-0037)) received in the Office of the President of the Senate on November 10, 2010; to the Committee on Commerce, Science, and Transportation.

EC-8098. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; McCauley Propeller Systems Five-Blade Propeller Assemblies" ((RIN2120-AA64)(Docket No. FAA-2005-22690)) received in the Office of the President of the Senate on November 10, 2010; to the Committee on Commerce, Science, and Transportation.

EC-8099. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Bombardier, Inc. Model CL 600 2B19 (Regional Jet Series 100 & 440) Airplanes" ((RIN2120-AA64)(Docket No. FAA-2010-1037)) received in the Office of the President of the Senate on November 10, 2010; to the Committee on Commerce, Science, and Transportation.

EC-8100. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Cessna Aircraft Company (Cessna) Models 336, 337, 337A (USAF 02B), 337B, M337B (USAF 02A), T337B, T337C, T337D, T337E, T337F, T337G, T337H, P337H, T337H, T337H-SP, F337E, FT337E, F337F, FT337F, F337G, FT337GP, F337H, and FT337HP Airplanes" ((RIN2120-AA64)(Docket No. FAA-2010-1013)) received in the Office of the President of the Senate on November 10, 2010; to the Committee on Commerce, Science, and Transportation.

EC-8101. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; The Boeing Company Model 767-200, -300, and -300F Series Airplanes" ((RIN2120-AA64)(Docket No. FAA-2010-1036)) received in the Office of the President of the Senate on November 10, 2010; to the Committee on Commerce, Science, and Transportation.

EC-8102. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; The Boeing Company Model 747-400, 747-400D, and 747-400F Series Airplanes" ((RIN2120-AA64)(Docket No. FAA-2010-0035)) received during adjournment of the Senate in the Office of the President of the Senate on October 6, 2010; to the Committee on Commerce, Science, and Transportation.

EC-8103. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A300 B4-600, B4-600R, and F4-600R Series Airplanes, and Model A300 C4-605R Variant F Airplanes (Collectively Called A300-600 Series Airplanes), and Model A300 and A310 Series Airplanes" ((RIN2120-AA64)(Docket No. FAA-2010-0478)) received during adjournment of the Senate in the Office of the President of the Senate on Octo-

ber 6, 2010; to the Committee on Commerce, Science, and Transportation.

EC-8104. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Bombardier, Inc. Model CL-600-2B19 (Regional Jet Series 100 and 440) Airplanes; Model CL-600-2C10 (Regional Jet Series 700, 701, and 702) Airplanes; Model CL-600-2D15 (Regional Jet Series 705) Airplanes; and Model CL-600-2D24 (Regional Jet Series 900) Airplanes" ((RIN2120-AA64)(Docket No. FAA-2010-0550)) received during adjournment of the Senate in the Office of the President of the Senate on October 6, 2010; to the Committee on Commerce, Science, and Transportation.

EC-8105. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Karnal Bunt; Regulated Areas in Arizona, California, and Texas" (Docket No. APHIS-2009-0079) received in the Office of the President of the Senate on November 16, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC-8106. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Update of Noxious Weed Regulations" (Docket No. APHIS-2007-0146) received in the Office of the President of the Senate on November 16, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC-8107. A communication from the Principal Deputy Under Secretary of Defense (Policy), transmitting, pursuant to law, a report relative to a request of the United States Government by the Government of Spain to contribute to a clean-up of plutonium contamination in Spain; to the Committee on Armed Services.

EC-8108. A communication from the President of the Federal Financing Bank, transmitting, pursuant to law, the Bank's Annual Report for Fiscal Year 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC-8109. A communication from the Chief Counsel of the Fiscal Service, Bureau of Public Debt, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Regulations Governing Securities Held in Treasury Direct" (31 CFR Part 363) received in the Office of the President of the Senate on November 16, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC-8110. A communication from the Chief Counsel of the Fiscal Service, Bureau of Public Debt, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Regulations Governing Securities Held in Treasury Direct" (31 CFR Part 363) received in the Office of the President of the Senate on November 16, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC-8111. A communication from the Administrator and Chief Executive Officer, Bonneville Power Administration, Department of Energy, transmitting, pursuant to law, the Administration's Annual Report for fiscal year 2010; to the Committee on Energy and Natural Resources.

EC-8112. A communication from the Acting Chief Human Capital Officer, Department of Energy, transmitting, pursuant to law, (16)

sixteen reports relative to vacancies in the Department of Energy; to the Committee on Energy and Natural Resources.

EC-8113. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "2010 Section 43 Inflation Adjustment" (Notice 2010-72) received in the Office of the President of the Senate on November 17, 2010; to the Committee on Finance.

EC-8114. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "2010 Marginal Production Rates" (Notice 2010-73) received in the Office of the President of the Senate on November 17, 2010; to the Committee on Finance.

EC-8115. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "ARRA Battery Grants" (Rev. Proc. 2010-45) received in the Office of the President of the Senate on November 17, 2010; to the Committee on Finance.

EC-8116. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "ARRA High-Speed Rail Grants" (Rev. Proc. 2010-46) received in the Office of the President of the Senate on November 17, 2010; to the Committee on Finance.

EC-8117. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Section 263A Safe Harbor Methods for Motor Vehicle Dealerships" (Rev. Proc. 2010-44) received in the Office of the President of the Senate on November 17, 2010; to the Committee on Finance.

EC-8118. A communication from the Program Manager, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medicare and Medicaid Programs: Changes to the Hospital and Critical Access Hospital Conditions of Participation to Ensure Visitation Rights for All Patients" (RIN0938-AQ06) received in the Office of the President of the Senate on November 17, 2010; to the Committee on Finance.

EC-8119. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled "Child Welfare Outcomes 2004-2007: Report to Congress"; to the Committee on Finance.

EC-8120. A communication from the Deputy Director of Regulations and Policy Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medical Devices; Radiology Devices; Reclassification of Full-Field Digital Mammography System" (Docket No. FDA-2008-N-0273) received in the Office of the President of the Senate on November 17, 2010; to the Committee on Health, Education, Labor, and Pensions.

EC-8121. A communication from Acting General Counsel, Corporation for National and Community Service, transmitting, pursuant to law, the report of a rule entitled "AmeriCorps National Service Program" (RIN3045-AA51) received in the Office of the

President of the Senate on November 17, 2010; to the Committee on Health, Education, Labor, and Pensions.

EC-8122. A communication from the Secretary of Labor, transmitting, pursuant to law, the Department of Labor's fiscal year 2010 financial report; to the Committee on Health, Education, Labor, and Pensions.

EC-8123. A communication from the Deputy Chief Financial Officer, Department of Homeland Security, transmitting, pursuant to law, the Department's Fiscal Year 2010 Annual Financial Report; to the Committee on Homeland Security and Governmental Affairs.

EC-8124. A communication from the Inspector General, Nuclear Regulatory Commission, transmitting, pursuant to law, a report relative to the Commission's Commercial and Inherently Governmental Activities for Fiscal Year 2010; to the Committee on Homeland Security and Governmental Affairs.

EC-8125. A communication from the Secretary of Veterans Affairs, transmitting, pursuant to law, the Department of Veterans Affairs Fiscal Year 2010 Performance and Accountability Report; to the Committee on Homeland Security and Governmental Affairs.

EC-8126. A communication from the Chairman of the Broadcasting Board of Governors, transmitting, pursuant to law, the Board's Performance and Accountability Report for Fiscal Year 2010; to the Committee on Homeland Security and Governmental Affairs.

EC-8127. A communication from the Chairman of the Federal Energy Regulatory Commission, transmitting, pursuant to law, the Commission's Performance and Accountability Report for Fiscal Year 2010; to the Committee on Homeland Security and Governmental Affairs.

EC-8128. A communication from the Chairman of the United States International Trade Commission, transmitting, pursuant to law, the Commission's Performance and Accountability Report for Fiscal Year 2010; to the Committee on Homeland Security and Governmental Affairs.

EC-8129. A communication from the Chairman of the National Credit Union Administration, transmitting, pursuant to law, the Semi-Annual Report of the Inspector General for the period from April 1, 2010 through September 30, 2010; to the Committee on Homeland Security and Governmental Affairs.

EC-8130. A communication from the Secretary of the Department of the Interior, transmitting, a report relative to the management of individual Indian trust accounts; to the Committee on Indian Affairs.

EC-8131. A communication from the Deputy Director of Regulations Management, Veterans Health Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled "Responding to Disruptive Patients" (RIN2900-AN45) received in the Office of the President of the Senate on November 16, 2010; to the Committee on Veterans' Affairs.

PETITIONS AND MEMORIALS

The following petition or memorial was laid before the Senate and was referred or ordered to lie on the table as indicated:

POM-146. A resolution adopted by the Legislature of the State of California urging Congress to pass House Resolution 5879, which would authorize the Secretary of Vet-

erans Affairs to inter in national cemeteries individuals who served in combat support of the Armed Services of the United States in the Kingdom of Laos from 1961 to 1975; to the Committee on Veterans' Affairs.

HOUSE RESOLUTION NO. 33

Whereas, from 1961 to 1975, during the Vietnam War, the United States Central Intelligence Agency (CIA) ran a covert counter-insurgency operation in Laos that became known as the Secret War; and

Whereas, the CIA recruited Hmong individuals from Laos to help fight the communists; and

Whereas, the Hmong soldiers fought shoulder-to-shoulder with American soldiers; and

Whereas, the Hmong were recruited initially to shield Laos from communist takeover, and were later instructed to interdict convoys of supplies on the Ho Chi Minh Trail; and

Whereas, these young Hmong earned a reputation as capable, loyal, and brave fighters, and their service in combat proved to match the best guerrilla fighters in the world; and

Whereas, many Hmong soldiers paid the ultimate sacrifice in service to our country, and our nation owes a debt of gratitude to them; and

Whereas, these Hmong soldiers played an important and unique role in United States military history; and

Whereas, about 130,000 ethnic Hmong moved to the United States after the 1975 communist takeover as political refugees; and

Whereas, it is fitting that the service of Hmong veterans be honored with burial benefits in our national cemeteries; and

Whereas, House Resolution 5879 would authorize the Secretary of Veterans Affairs to inter in national cemeteries individuals who served in combat support of the Armed Services of the United States in the Kingdom of Laos from 1961 to 1975; Now, therefore, be it Resolved by the Assembly of the State of California, That the Assembly of the State of California respectfully requests the Congress of the United States to pass, and the President to sign, House Resolution 5879, which would authorize the Secretary of Veterans Affairs to inter in national cemeteries individuals who served in combat support of the Armed Services of the United States in the Kingdom of Laos from 1961 to 1975; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, the Speaker of the House of Representatives, the President pro Tempore of the United States Senate, and each Senator and Representative from California in the Congress of the United States.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. KERRY, from the Committee on Foreign Relations, without amendment:

S. 3665. A bill to promote the strengthening of the private sector in Pakistan (Rept. No. 111-353).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. SANDERS (for himself, Mr. REID, Mr. SCHUMER, Mr. LEAHY, Mr. BROWN of Ohio, Mr. LAUTENBERG, Mr. WHITEHOUSE, Mrs. GILLIBRAND, Ms. STABENOW, Mr. BEGICH, and Mr. MENENDEZ):

S. 3976. A bill to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; to the Committee on Finance.

By Mrs. FEINSTEIN:

S. 3977. A bill for the relief of Shing Ma "Steve" Li; to the Committee on the Judiciary.

By Mr. JOHNSON:

S. 3978. A bill to ensure that home health agencies can assign the most appropriate skilled service to make the initial assessment visit for home health services for Medicare beneficiaries requiring rehabilitation therapy under a home health plan of care, based upon physician referral; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Ms. COLLINS (for herself and Ms. SNOWE):

S. Res. 686. A resolution designating December 11, 2010, as "Wreaths Across America Day"; to the Committee on the Judiciary.

By Ms. CANTWELL (for herself and Mrs. MURRAY):

S. Res. 687. A resolution honoring the life and career of Dave Niehaus; to the Committee on the Judiciary.

By Mr. CASEY:

S. Res. 688. A resolution supporting the goals and ideals of Pancreatic Cancer Awareness Month; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DORGAN (for himself, Mr. BARASSO, Mr. UDALL of New Mexico, Mr. CRAPO, Mr. BAUCUS, Mr. TESTER, Mr. FRANKEN, Mr. MERKLEY, Mr. BINGAMAN, Ms. CANTWELL, Mr. AKAKA, Ms. MURKOWSKI, Mrs. MURRAY, Mr. BEGICH, Mr. JOHNSON, and Mr. UDALL of Colorado):

S. Res. 689. A resolution recognizing National American Indian and Alaska Native Heritage Month and celebrating the heritage and culture of American Indians and Alaska Natives and the contributions of American Indians and Alaska Natives to the United States; considered and agreed to.

ADDITIONAL COSPONSORS

S. 470

At the request of Mr. DURBIN, the name of the Senator from Idaho (Mr. RISC) was added as a cosponsor of S. 470, a bill to combat organized crime involving the illegal acquisition of retail goods for the purpose of selling those illegally obtained goods through physical and online retail marketplaces.

S. 3739

At the request of Mr. CASEY, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 3739, a bill to amend the Safe and Drug-Free Schools and Communities Act to include bullying and harassment prevention programs.

S. 3906

At the request of Mr. ALEXANDER, the name of the Senator from Missouri (Mr. BOND) was added as a cosponsor of S. 3906, a bill to reduce preterm labor and delivery and the risk of pregnancy—related deaths and complications due to pregnancy, and to reduce infant mortality caused by prematurity.

S. CON. RES. 76

At the request of Mrs. BOXER, the names of the Senator from North Carolina (Mrs. HAGAN) and the Senator from New Jersey (Mr. MENENDEZ) were added as cosponsors of S. Con. Res. 76, a concurrent resolution to recognize and honor the commitment and sacrifices of military families of the United States.

S. RES. 664

At the request of Mr. SANDERS, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. Res. 664, a resolution expressing the sense of the Senate in opposition to privatizing Social Security, raising the retirement age, or other similar cuts to benefits under title II of the Social Security Act.

AMENDMENT NO. 4713

At the request of Mr. BAUCUS, the names of the Senator from Alaska (Mr. BEGICH), the Senator from Louisiana (Ms. LANDRIEU), the Senator from Michigan (Ms. STABENOW), the Senator from New Hampshire (Mrs. SHAHEEN), the Senator from Massachusetts (Mr. BROWN), the Senator from Minnesota (Ms. KLOBUCHAR), the Senator from Nebraska (Mr. NELSON), the Senator from Maryland (Mr. CARDIN), the Senator from Ohio (Mr. BROWN), the Senator from West Virginia (Mr. MANCHIN) and the Senator from Montana (Mr. TESTER) were added as cosponsors of amendment No. 4713 intended to be proposed to S. 510, a bill to amend the Federal Food, Drug, and Cosmetic Act with respect to the safety of the food supply.

AMENDMENT NO. 4715

At the request of Mr. HARKIN, the names of the Senator from Wyoming (Mr. ENZI), the Senator from Illinois (Mr. DURBIN) and the Senator from Connecticut (Mr. DODD) were added as cosponsors of amendment No. 4715 proposed to S. 510, a bill to amend the Federal Food, Drug, and Cosmetic Act with respect to the safety of the food supply.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. FEINSTEIN:

S. 3977. A bill for the relief of Shing Ma "Steve" Li; to the Committee on the Judiciary.

Mrs. FEINSTEIN. Mr. President, today I am introducing a private relief bill on behalf of Shing Ma "Steve" Li. Steve Li is a Peruvian national who,

until his recent detention, lived in San Francisco, California. He was brought to the United States as a child and is now a student at City College of San Francisco hoping to become a nurse.

I decided to introduce a private bill on Steve's behalf because I believe his removal would be unjust before the Senate gets a chance to vote on the DREAM Act. It is my sincere hope that Congress will consider and pass the DREAM Act before the end of this year. This important legislation would allow youngsters such as Steve Li to continue making a contribution to the United States, the country that they grew up in and call home.

Beginning with the new session in January, all of my bills are reviewed and evaluated for reintroduction.

Each year, approximately 65,000 undocumented youth graduate from American high schools. Most of these undocumented youth did not make a choice to come to the United States; they were brought by their parents. Many of these young people grew up in the United States and have little or no memory of the countries they came from. They are hard working young people dedicated to their education or serving in the Nation's military. They have stayed out of trouble. Some are valedictorians and honor roll students. Some are community leaders and have an unwavering commitment to serving the United States.

Steve Li is one such student.

Steve was only 12 years old when his parents brought him to the United States. Like many other DREAM Act eligible youngsters, Steve didn't have a choice to come to the United States, he came with his parents.

Steve's parents are Chinese nationals who fled China to Peru to escape economic oppression and the Chinese government's policies on reproductive rights. From China, Steve's parents went to Peru, where he was born. The family then sought asylum in the United States, which was denied.

Steve was ordered removed along with his parents; however, according to his mother and himself, he was never told about the denial or his illegal status.

So, Steve didn't know he was in the United States illegally or that his family had been ordered to leave. He went through all of his teenage years in the United States believing he was here legally.

This past September, Immigration and Customs Enforcement agents arrived at his home early one morning in September and took him into custody for removal to Peru. That is apparently when he learned about his illegal status. He has remained in detention in Arizona since October 8th. Steve's parents have been ordered to leave the United States and return to China. They cannot accompany their son to Peru.

Steve attended George Washington High School in San Francisco. While there, he was enrolled in the Honor's Program. Steve was an athlete on the cross country and track team. He worked for the school newspaper as a reporter, editor, and cameraman.

Steve also served his high school community by providing presentations to other students on the risks of drinking and driving and sexually transmitted diseases at the wellness center at George Washington High School. Steve graduated high school in 2008 and enrolled at City College of San Francisco to pursue a career in nursing.

City College of San Francisco awarded Steve the Goldman Scholarship, which covers the cost of his tuition. Steve has continued his active involvement in his community, joining the Asian American Student Success Center and the Science, Technology, Engineering and Mathematics Program, which is a two-year outreach and educational support program.

This past summer, Steve attended the San Francisco State University Summer Science Institute, which provided a year-long internship to prepare him for a career in health care upon his graduation from college.

My staff has talked with his parents and with Steve in the detention facility. It appears to me that the only positive future for Steve is that he be able to finish his education and remain in this country—at least until the DREAM Act is considered by the Congress. There is no future elsewhere.

With this in mind, I introduce this bill. It is an act of compassion for one young person whose only hope is America. He knows no one, or has he any roots, elsewhere.

Educators working with Steve have highlighted his potential for giving back to the United States, while his friends and other community members contacted me about the impact his compassion and helpfulness has had on his community. Enactment of the legislation I am introducing on behalf of Steve Li will enable him to continue to remain in the United States for the time being.

Steve Li's case demonstrates why we need to pass the DREAM Act now and I am pleased that Leader REID has announced that it will be brought to the floor in December. I will reevaluate this case in January.

I ask my colleagues to support this private bill.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3977

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PERMANENT RESIDENT STATUS FOR SHING MA "STEVE" LI.

(a) IN GENERAL.—Notwithstanding any other provision of law or any order, for purposes of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), Shing Ma "Steve" Li shall be—

(1) deemed to have been lawfully admitted to, and remained in, the United States; and

(2) eligible for issuance of an immigrant visa or for adjustment of status under section 245 of such Act (8 U.S.C. 1255).

(b) APPLICATION AND PAYMENT OF FEES.—Subsection (a) shall apply only if the applications for issuance of an immigrant visa or for adjustment of status are filed, with appropriate fees, not later than 2 years after the date of the enactment of this Act.

(c) REDUCTION OF IMMIGRANT VISA NUMBERS.—Upon the granting of an immigrant visa to Shing Ma "Steve" Li, the Secretary of State shall instruct the proper officer to reduce by 1, during the current or next following fiscal year, the total number of immigrant visas that are made available to natives of the country of the birth of Shing Ma "Steve" Li under—

(1) section 203(a) of the Immigration and Nationality Act (8 U.S.C. 1153(a); or

(2) section 202(e) of such Act (8 U.S.C. 1152(e)), if applicable.

SUBMITTED RESOLUTIONS**SENATE RESOLUTION 686—DESIGNATING DECEMBER 11, 2010, AS "WREATHS ACROSS AMERICA DAY"**

Ms. COLLINS (for herself and Ms. SNOWE) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 686

Whereas 19 years ago, the Wreaths Across America project began an annual tradition, during the month of December, of donating, transporting, and placing Maine balsam fir holiday wreaths on the graves of the fallen heroes buried at Arlington National Cemetery;

Whereas since that tradition began, through the hard work and generosity of the individuals involved in the Wreaths Across America project, hundreds of thousands of wreaths have been sent to national cemeteries and veterans memorials in every State and to locations overseas;

Whereas in 2009, wreaths were sent to over 400 locations across the United States, 100 more locations than the previous year, and 24 sites overseas;

Whereas in December 2010, the Patriot Guard Riders, a motorcycle and motor vehicle group that is dedicated to patriotic events and includes more than 200,000 members nationwide, will continue their tradition of escorting a tractor-trailer filled with donated wreaths from Harrington, Maine to Arlington National Cemetery;

Whereas thousands of individuals volunteer each December to escort and lay the wreaths;

Whereas December 12, 2009, was previously designated by the Senate as "Wreaths Across America Day"; and

Whereas the Wreaths Across America project will continue its proud legacy on December 11, 2010, bringing 15,000 wreaths to Arlington National Cemetery on that day: Now, therefore, be it

Resolved, That the Senate—

(1) designates December 11, 2010, as "Wreaths Across America Day";

(2) honors the Wreaths Across America project, the Patriot Guard Riders, and all of the volunteers and donors involved in this worthy tradition; and

(3) recognizes the sacrifices our veterans, members of the Armed Forces, and their families have made, and continue to make, for our great Nation.

SENATE RESOLUTION 687—HONORING THE LIFE AND CAREER OF DAVE NIEHAUS

Ms. CANTWELL (for herself and Mrs. MURRAY) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 687

Whereas Dave Niehaus was the voice of the Seattle Mariners and led the play-by-play announcing for the Seattle Mariners from 1977, the inaugural season of the franchise, until his passing in 2010 at the age of 75;

Whereas Dave Niehaus leaves behind a loving wife, Marilyn, 3 children, Andy, Matt, and Greta, and 6 grandchildren;

Whereas Dave Niehaus is largely considered one of the preeminent broadcasters in baseball history;

Whereas in 2008, Dave Niehaus was awarded the Ford C. Frick Award, the highest honor for baseball broadcasters, by the National Baseball Hall of Fame;

Whereas Dave Niehaus influenced multiple generations of baseball fans in the Pacific Northwest;

Whereas Dave Niehaus called nearly every Seattle Mariners game in the history of the franchise, calling 5,284 of the 5,385 Seattle Mariners games played during his illustrious career;

Whereas Dave Niehaus broadcast the amazing moments of players such as Ken Griffey Jr., Edgar Martinez, Dan Wilson, Randy Johnson, Alvin Davis, Jay Buhner, Ichiro Suzuki, and Felix Hernandez;

Whereas Dave Niehaus provided the play-by-play for a game between the Seattle Mariners and the New York Yankees in September 1995, the first Major League Baseball game to ever be broadcast over the Internet;

Whereas Dave Niehaus threw out the ceremonial first pitch at Safeco Field on July 15, 1999;

Whereas Dave Niehaus voiced such notable catchphrases as "My, Oh, My", "Fly Away", and "Get out the rye bread and mustard, Grandma, it is grand salami time!";

Whereas Dave Niehaus was given an award by the Washington State Society for the Blind for the compelling ways he used words to illustrate Seattle Mariners games;

Whereas in 2000, Dave Niehaus was the second person to be inducted into the Seattle Mariners Hall of Fame;

Whereas Dave Niehaus began his career with the Armed Forces Network and continued working in broadcasting for nearly half a century;

Whereas Dave Niehaus was the voice of the Seattle Mariners during the first 14 losing seasons of the franchise as well as the historic 2001 season in which the Seattle Mariners tied the Major League Baseball record with 116 wins;

Whereas baseball commissioner Bud Selig recently stated that Dave Niehaus "was one of the great broadcast voices of our generation, a true gentleman, and a credit to baseball";

Whereas Dave Niehaus, at the time of his passing, was the only Seattle Mariners staff member remaining from the original staff of 1977;

Whereas the soothing voice of Dave Niehaus reassured fans during the earthquake that shook the King Dome and caused tiles to fall from the ceiling of the King Dome in May 1996; and

Whereas Safeco Field, which might not have been possible without Dave Niehaus, was open on Saturday, November 13, 2010 so that fans could come and pay their respects to Dave Niehaus: Now, therefore, be it

Resolved, That the Senate—

(1) commends the long and industrious career of Dave Niehaus as the voice of the Seattle Mariners;

(2) recognizes the achievements of Dave Niehaus as a preeminent baseball broadcaster and as a fan and booster of baseball in Seattle, Washington; and

(3) requests the Secretary of the Senate to transmit an enrolled copy of this resolution for appropriate display to Marilyn Niehaus and to the Seattle Mariners organization.

SENATE RESOLUTION 688—SUPPORTING THE GOALS AND IDEALS OF PANCREATIC CANCER AWARENESS MONTH

Mr. CASEY submitted the following resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. RES. 688

Whereas more than 43,000 people will be diagnosed with pancreatic cancer this year in the United States;

Whereas pancreatic cancer is the fourth most common cause of cancer death in the United States and the tenth most commonly diagnosed cancer;

Whereas 76 percent of pancreatic cancer patients die within the first year of their diagnosis and only 5 percent survive more than 5 years, making pancreatic cancer the deadliest form of any major cancer;

Whereas the number of new pancreatic cancer cases is projected to increase by 12 percent this year and by 55 percent by 2030;

Whereas there has been no significant improvement in survival rates for pancreatic cancer during the last 30 years;

Whereas there are no early detection methods and minimal treatment options for pancreatic cancer;

Whereas the symptoms of pancreatic cancer generally present themselves too late for an optimistic prognosis, and the average survival rate of individuals diagnosed with metastatic pancreatic cancer is only 3 to 6 months;

Whereas the incidence rate of pancreatic cancer is 50 percent higher for African-Americans than for other ethnic groups; and

Whereas it would be appropriate to observe November 2010 as Pancreatic Cancer Awareness Month to educate communities across the United States about pancreatic cancer and the need for research funding, early detection methods, effective treatments, and treatment programs: Now, therefore, be it

Resolved, That the Senate supports the goals and ideals of Pancreatic Cancer Awareness Month.

SENATE RESOLUTION 689—RECOGNIZING NATIONAL AMERICAN INDIAN AND ALASKA NATIVE HERITAGE MONTH AND CELEBRATING THE HERITAGE AND CULTURE OF AMERICAN INDIANS AND ALASKA NATIVES AND THE CONTRIBUTIONS OF AMERICAN INDIANS AND ALASKA NATIVES TO THE UNITED STATES

Mr. DORGAN (for himself, Mr. BARASSO, Mr. UDALL of New Mexico, Mr. CRAPO, Mr. BAUCUS, Mr. TESTER, Mr. FRANKEN, Mr. MERKLEY, Mr. BINGAMAN, Ms. CANTWELL, Mr. AKAKA, Ms. MURKOWSKI, Mrs. MURRAY, Mr. BEGICH, Mr. JOHNSON, and Mr. UDALL of Colorado) submitted the following resolution; which was considered and agreed to:

S. RES. 689

Whereas from November 1, 2010, through November 30, 2010, the United States celebrates National American Indian and Alaska Native Heritage Month;

Whereas American Indians and Alaska Natives are descendants of the original, indigenous inhabitants of what is now the United States;

Whereas the United States Bureau of the Census estimated in 2009 that there were almost 5,000,000 individuals in the United States of American Indian or Alaska Native descent;

Whereas American Indians and Alaska Natives maintain vibrant cultures and traditions, and hold a deeply rooted sense of community;

Whereas American Indians and Alaska Natives have moving stories of tragedy, triumph, and perseverance that need to be shared with future generations;

Whereas American Indians and Alaska Natives speak and preserve indigenous languages, which have contributed to the English language by being used as names of individuals and locations throughout the United States;

Whereas Congress has recently reaffirmed its support of tribal self-governance and its commitment to improving the lives of all Native Americans by enhancing health care services, increasing law enforcement resources, and approving settlements of litigation involving Indian tribes and the United States;

Whereas Congress is committed to improving the housing conditions and socioeconomic status of American Indians and Alaska Natives;

Whereas the United States is committed to strengthening the government-to-government relationship that it has maintained with the various Indian Tribes;

Whereas Congress has recognized the contributions of the Iroquois Confederacy, and its influence on the Founding Fathers in the drafting of the Constitution of the United States with the concepts of freedom of speech, the separation of governmental powers, and the system of checks and balances between the branches of government;

Whereas American Indians and Alaska Natives have served with honor and distinction in the Armed Forces of the United States, and continue to serve in the Armed Forces in greater numbers per capita than any other group in the United States;

Whereas the United States has recognized the contribution of the Native American code talkers in World War I and World War II, who used indigenous languages as an un-

breakable military code, saving countless Americans; and

Whereas the people of the United States have reason to honor the great achievements and contributions of American Indians and Alaska Natives and their ancestors: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the month of November 2010 as National American Indian and Alaska Native Heritage Month;

(2) celebrates the heritage and culture of American Indians and Alaska Natives and honors the contributions of American Indians and Alaska Natives to the United States; and

(3) urges the people of the United States to observe National American Indian and Alaska Native Heritage Month with appropriate programs and activities.

AMENDMENTS SUBMITTED AND PROPOSED

SA 4716. Mr. DORGAN submitted an amendment intended to be proposed by him to the bill S. 510, to amend the Federal Food, Drug, and Cosmetic Act with respect to the safety of the food supply; which was ordered to lie on the table.

SA 4717. Mr. REID (for Mr. WYDEN) proposed an amendment to the bill S. 3650, to amend chapter 21 of title 5, United States Code, to provide that fathers of certain permanently disabled or deceased veterans shall be included with mothers of such veterans as preference eligibles for treatment in the civil service.

SA 4718. Mr. REID (for Mr. HATCH) proposed an amendment to the bill H.R. 6198, to amend title 11 of the United States Code to make technical corrections; and for related purposes.

SA 4719. Mr. REID (for Mr. BAUCUS) proposed an amendment to the bill H.R. 4783, may be cited as “The Claims Resettlement Act of 2010”.

SA 4720. Mr. REID (for Mr. BAUCUS (for himself and Mr. DORGAN)) proposed an amendment to the bill H.R. 4783, supra.

TEXT OF AMENDMENTS

SA 4716. Mr. DORGAN submitted an amendment intended to be proposed by him to the bill S. 510, to amend the Federal Food, Drug, and Cosmetic Act with respect to the safety of the food supply; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE V—IMPORTATION OF PRESCRIPTION DRUGS

SEC. 501. SHORT TITLE.

This title may be cited as the “Pharmaceutical Market Access and Drug Safety Act of 2010”.

SEC. 502. FINDINGS.

Congress finds that—

(1) Americans unjustly pay up to 5 times more to fill their prescriptions than consumers in other countries;

(2) the United States is the largest market for pharmaceuticals in the world, yet American consumers pay the highest prices for brand pharmaceuticals in the world;

(3) a prescription drug is neither safe nor effective to an individual who cannot afford it;

(4) allowing and structuring the importation of prescription drugs to ensure access to

safe and affordable drugs approved by the Food and Drug Administration will provide a level of safety to American consumers that they do not currently enjoy;

(5) American spend more than \$200,000,000,000 on prescription drugs every year;

(6) the Congressional Budget Office has found that the cost of prescription drugs are between 35 to 55 percent less in other highly-developed countries than in the United States; and

(7) promoting competitive market pricing would both contribute to health care savings and allow greater access to therapy, improving health and saving lives.

SEC. 503. REPEAL OF CERTAIN SECTION REGARDING IMPORTATION OF PRESCRIPTION DRUGS.

Chapter VIII of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 381 et seq.) is amended by striking section 804.

SEC. 504. IMPORTATION OF PRESCRIPTION DRUGS; WAIVER OF CERTAIN IMPORT RESTRICTIONS.

(a) IN GENERAL.—Chapter VIII of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 381 et seq.), as amended by section 503, is further amended by inserting after section 803 the following:

“SEC. 804. COMMERCIAL AND PERSONAL IMPORTATION OF PRESCRIPTION DRUGS.

“(a) IMPORTATION OF PRESCRIPTION DRUGS.—

“(1) IN GENERAL.—In the case of qualifying drugs imported or offered for import into the United States from registered exporters or by registered importers—

“(A) the limitation on importation that is established in section 801(d)(1) is waived; and

“(B) the standards referred to in section 801(a) regarding admission of the drugs are subject to subsection (g) of this section (including with respect to qualifying drugs to which section 801(d)(1) does not apply).

“(2) IMPORTERS.—A qualifying drug may not be imported under paragraph (1) unless—

“(A) the drug is imported by a pharmacy, group of pharmacies, or a wholesaler that is a registered importer; or

“(B) the drug is imported by an individual for personal use or for the use of a family member of the individual (not for resale) from a registered exporter.

“(3) RULE OF CONSTRUCTION.—This section shall apply only with respect to a drug that is imported or offered for import into the United States—

“(A) by a registered importer; or

“(B) from a registered exporter to an individual.

“(4) DEFINITIONS.—

“(A) REGISTERED EXPORTER; REGISTERED IMPORTER.—For purposes of this section:

“(i) The term ‘registered exporter’ means an exporter for which a registration under subsection (b) has been approved and is in effect.

“(ii) The term ‘registered importer’ means a pharmacy, group of pharmacies, or a wholesaler for which a registration under subsection (b) has been approved and is in effect.

“(iii) The term ‘registration condition’ means a condition that must exist for a registration under subsection (b) to be approved.

“(B) QUALIFYING DRUG.—For purposes of this section, the term ‘qualifying drug’ means a drug for which there is a corresponding U.S. label drug.

“(C) U.S. LABEL DRUG.—For purposes of this section, the term ‘U.S. label drug’ means a prescription drug that—

“(i) with respect to a qualifying drug, has the same active ingredient or ingredients, route of administration, dosage form, and strength as the qualifying drug;

“(ii) with respect to the qualifying drug, is manufactured by or for the person that manufactures the qualifying drug;

“(iii) is approved under section 505(c); and

“(iv) is not—

“(I) a controlled substance, as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802);

“(II) a biological product, as defined in section 351 of the Public Health Service Act (42 U.S.C. 262), including—

“(aa) a therapeutic DNA plasmid product;

“(bb) a therapeutic synthetic peptide product;

“(cc) a monoclonal antibody product for in vivo use; and

“(dd) a therapeutic recombinant DNA-derived product;

“(III) an infused drug, including a peritoneal dialysis solution;

“(IV) an injected drug;

“(V) a drug that is inhaled during surgery;

“(VI) a drug that is the listed drug referred to in 2 or more abbreviated new drug applications under which the drug is commercially marketed; or

“(VII) a sterile ophthalmic drug intended for topical use on or in the eye.

“(D) OTHER DEFINITIONS.—For purposes of this section:

“(i)(I) The term ‘exporter’ means a person that is in the business of exporting a drug to individuals in the United States from Canada or from a permitted country designated by the Secretary under subclause (II), or that, pursuant to submitting a registration under subsection (b), seeks to be in such business.

“(II) The Secretary shall designate a permitted country under subparagraph (E) (other than Canada) as a country from which an exporter may export a drug to individuals in the United States if the Secretary determines that—

“(aa) the country has statutory or regulatory standards that are equivalent to the standards in the United States and Canada with respect to—

“(AA) the training of pharmacists;

“(BB) the practice of pharmacy; and

“(CC) the protection of the privacy of personal medical information; and

“(bb) the importation of drugs to individuals in the United States from the country will not adversely affect public health.

“(ii) The term ‘importer’ means a pharmacy, a group of pharmacies, or a wholesaler that is in the business of importing a drug into the United States or that, pursuant to submitting a registration under subsection (b), seeks to be in such business.

“(iii) The term ‘pharmacist’ means a person licensed by a State to practice pharmacy, including the dispensing and selling of prescription drugs.

“(iv) The term ‘pharmacy’ means a person that—

“(I) is licensed by a State to engage in the business of selling prescription drugs at retail; and

“(II) employs 1 or more pharmacists.

“(v) The term ‘prescription drug’ means a drug that is described in section 503(b)(1).

“(vi) The term ‘wholesaler’—

“(I) means a person licensed as a wholesaler or distributor of prescription drugs in the United States under section 503(e)(2)(A); and

“(II) does not include a person authorized to import drugs under section 801(d)(1).

“(E) PERMITTED COUNTRY.—The term ‘permitted country’ means—

“(i) Australia;

“(ii) Canada;

“(iii) a member country of the European Union, but does not include a member country with respect to which—

“(I) the country’s Annex to the Treaty of Accession to the European Union 2003 includes a transitional measure for the regulation of human pharmaceutical products that has not expired; or

“(II) the Secretary determines that the requirements described in subclauses (I) and (II) of clause (vii) will not be met by the date on which such transitional measure for the regulation of human pharmaceutical products expires;

“(iv) Japan;

“(v) New Zealand;

“(vi) Switzerland; and

“(vii) a country in which the Secretary determines the following requirements are met:

“(I) The country has statutory or regulatory requirements—

“(aa) that require the review of drugs for safety and effectiveness by an entity of the government of the country;

“(bb) that authorize the approval of only those drugs that have been determined to be safe and effective by experts employed by or acting on behalf of such entity and qualified by scientific training and experience to evaluate the safety and effectiveness of drugs on the basis of adequate and well-controlled investigations, including clinical investigations, conducted by experts qualified by scientific training and experience to evaluate the safety and effectiveness of drugs;

“(cc) that require the methods used in, and the facilities and controls used for the manufacture, processing, and packing of drugs in the country to be adequate to preserve their identity, quality, purity, and strength;

“(dd) for the reporting of adverse reactions to drugs and procedures to withdraw approval and remove drugs found not to be safe or effective; and

“(ee) that require the labeling and promotion of drugs to be in accordance with the approval of the drug.

“(II) The valid marketing authorization system in the country is equivalent to the systems in the countries described in clauses (i) through (vi).

“(III) The importation of drugs to the United States from the country will not adversely affect public health.

“(b) REGISTRATION OF IMPORTERS AND EXPORTERS.—

“(1) REGISTRATION OF IMPORTERS AND EXPORTERS.—A registration condition is that the importer or exporter involved (referred to in this subsection as a ‘registrant’) submits to the Secretary a registration containing the following:

“(A)(i) In the case of an exporter, the name of the exporter and an identification of all places of business of the exporter that relate to qualifying drugs, including each warehouse or other facility owned or controlled by, or operated for, the exporter.

“(ii) In the case of an importer, the name of the importer and an identification of the places of business of the importer at which the importer initially receives a qualifying drug after importation (which shall not exceed 3 places of business except by permission of the Secretary).

“(B) Such information as the Secretary determines to be necessary to demonstrate that the registrant is in compliance with registration conditions under—

“(i) in the case of an importer, subsections (c), (d), (e), (g), and (j) (relating to the

sources of imported qualifying drugs; the inspection of facilities of the importer; the payment of fees; compliance with the standards referred to in section 801(a); and maintenance of records and samples); or

“(ii) in the case of an exporter, subsections (c), (d), (f), (g), (h), (i), and (j) (relating to the sources of exported qualifying drugs; the inspection of facilities of the exporter and the marking of compliant shipments; the payment of fees; and compliance with the standards referred to in section 801(a); being licensed as a pharmacist; conditions for individual importation; and maintenance of records and samples).

“(C) An agreement by the registrant that the registrant will not under subsection (a) import or export any drug that is not a qualifying drug.

“(D) An agreement by the registrant to—

“(i) notify the Secretary of a recall or withdrawal of a qualifying drug distributed in a permitted country that the registrant has exported or imported, or intends to export or import, to the United States under subsection (a);

“(ii) provide for the return to the registrant of such drug; and

“(iii) cease, or not begin, the exportation or importation of such drug unless the Secretary has notified the registrant that exportation or importation of such drug may proceed.

“(E) An agreement by the registrant to ensure and monitor compliance with each registration condition, to promptly correct any noncompliance with such a condition, and to promptly report to the Secretary any such noncompliance.

“(F) A plan describing the manner in which the registrant will comply with the agreement under subparagraph (E).

“(G) An agreement by the registrant to enforce a contract under subsection (c)(3)(B) against a party in the chain of custody of a qualifying drug with respect to the authority of the Secretary under clauses (ii) and (iii) of that subsection.

“(H) An agreement by the registrant to notify the Secretary not more than 30 days before the registrant intends to make the change, of—

“(i) any change that the registrant intends to make regarding information provided under subparagraph (A) or (B); and

“(ii) any change that the registrant intends to make in the compliance plan under subparagraph (F).

“(I) In the case of an exporter:

“(i) An agreement by the exporter that a qualifying drug will not under subsection (a) be exported to any individual not authorized pursuant to subsection (a)(2)(B) to be an importer of such drug.

“(ii) An agreement to post a bond, payable to the Treasury of the United States that is equal in value to the lesser of—

“(I) the value of drugs exported by the exporter to the United States in a typical 4-week period over the course of a year under this section; or

“(II) \$1,000,000.

“(iii) An agreement by the exporter to comply with applicable provisions of Canadian law, or the law of the permitted country designated under subsection (a)(4)(D)(i)(II) in which the exporter is located, that protect the privacy of personal information with respect to each individual importing a prescription drug from the exporter under subsection (a)(2)(B).

“(iv) An agreement by the exporter to report to the Secretary—

“(I) not later than August 1 of each fiscal year, the total price and the total volume of

drugs exported to the United States by the exporter during the 6-month period from January 1 through June 30 of that year; and

“(II) not later than January 1 of each fiscal year, the total price and the total volume of drugs exported to the United States by the exporter during the previous fiscal year.

“(J) In the case of an importer, an agreement by the importer to report to the Secretary—

“(i) not later than August 1 of each fiscal year, the total price and the total volume of drugs imported to the United States by the importer during the 6-month period from January 1 through June 30 of that fiscal year; and

“(ii) not later than January 1 of each fiscal year, the total price and the total volume of drugs imported to the United States by the importer during the previous fiscal year.

“(K) Such other provisions as the Secretary may require by regulation to protect the public health while permitting—

“(i) the importation by pharmacies, groups of pharmacies, and wholesalers as registered importers of qualifying drugs under subsection (a); and

“(ii) importation by individuals of qualifying drugs under subsection (a).

“(2) APPROVAL OR DISAPPROVAL OF REGISTRATION.—

“(A) IN GENERAL.—Not later than 90 days after the date on which a registrant submits to the Secretary a registration under paragraph (1), the Secretary shall notify the registrant whether the registration is approved or is disapproved. The Secretary shall disapprove a registration if there is reason to believe that the registrant is not in compliance with one or more registration conditions, and shall notify the registrant of such reason. In the case of a disapproved registration, the Secretary shall subsequently notify the registrant that the registration is approved if the Secretary determines that the registrant is in compliance with such conditions.

“(B) CHANGES IN REGISTRATION INFORMATION.—Not later than 30 days after receiving a notice under paragraph (1)(H) from a registrant, the Secretary shall determine whether the change involved affects the approval of the registration of the registrant under paragraph (1), and shall inform the registrant of the determination.

“(3) PUBLICATION OF CONTACT INFORMATION FOR REGISTERED EXPORTERS.—Through the Internet website of the Food and Drug Administration and a toll-free telephone number, the Secretary shall make readily available to the public a list of registered exporters, including contact information for the exporters. Promptly after the approval of a registration submitted under paragraph (1), the Secretary shall update the Internet website and the information provided through the toll-free telephone number accordingly.

“(4) SUSPENSION AND TERMINATION.—

“(A) SUSPENSION.—With respect to the effectiveness of a registration submitted under paragraph (1):

“(i) Subject to clause (ii), the Secretary may suspend the registration if the Secretary determines, after notice and opportunity for a hearing, that the registrant has failed to maintain substantial compliance with a registration condition.

“(ii) If the Secretary determines that, under color of the registration, the exporter has exported a drug or the importer has imported a drug that is not a qualifying drug, or a drug that does not comply with subsection (g)(2)(A) or (g)(4), or has exported a

qualifying drug to an individual in violation of subsection (i), the Secretary shall immediately suspend the registration. A suspension under the preceding sentence is not subject to the provision by the Secretary of prior notice, and the Secretary shall provide to the registrant an opportunity for a hearing not later than 10 days after the date on which the registration is suspended.

“(iii) The Secretary may reinstate the registration, whether suspended under clause (i) or (ii), if the Secretary determines that the registrant has demonstrated that further violations of registration conditions will not occur.

“(B) TERMINATION.—The Secretary, after notice and opportunity for a hearing, may terminate the registration under paragraph (1) of a registrant if the Secretary determines that the registrant has engaged in a pattern or practice of violating 1 or more registration conditions, or if on 1 or more occasions the Secretary has under subparagraph (A)(ii) suspended the registration of the registrant. The Secretary may make the termination permanent, or for a fixed period of not less than 1 year. During the period in which the registration is terminated, any registration submitted under paragraph (1) by the registrant, or a person that is a partner in the export or import enterprise, or a principal officer in such enterprise, and any registration prepared with the assistance of the registrant or such a person, has no legal effect under this section.

“(5) DEFAULT OF BOND.—A bond required to be posted by an exporter under paragraph (1)(I)(ii) shall be defaulted and paid to the Treasury of the United States if, after opportunity for an informal hearing, the Secretary determines that the exporter has—

“(A) exported a drug to the United States that is not a qualifying drug or that is not in compliance with subsection (g)(2)(A), (g)(4), or (i); or

“(B) failed to permit the Secretary to conduct an inspection described under subsection (d).

“(C) SOURCES OF QUALIFYING DRUGS.—A registration condition is that the exporter or importer involved agrees that a qualifying drug will under subsection (a) be exported or imported into the United States only if there is compliance with the following:

“(1) The drug was manufactured in an establishment—

“(A) required to register under subsection (h) or (i) of section 510; and

“(B)(i) inspected by the Secretary; or

“(ii) for which the Secretary has elected to rely on a satisfactory report of a good manufacturing practice inspection of the establishment from a permitted country whose regulatory system the Secretary recognizes as equivalent under a mutual recognition agreement, as provided for under section 510(i)(3), section 803, or part 26 of title 21, Code of Federal Regulations (or any corresponding successor rule or regulation).

“(2) The establishment is located in any country, and the establishment manufactured the drug for distribution in the United States or for distribution in 1 or more of the permitted countries (without regard to whether in addition the drug is manufactured for distribution in a foreign country that is not a permitted country).

“(3) The exporter or importer obtained the drug—

“(A) directly from the establishment; or

“(B) directly from an entity that, by contract with the exporter or importer—

“(i) provides to the exporter or importer a statement (in such form and containing such

information as the Secretary may require) that, for the chain of custody from the establishment, identifies each prior sale, purchase, or trade of the drug (including the date of the transaction and the names and addresses of all parties to the transaction);

“(ii) agrees to permit the Secretary to inspect such statements and related records to determine their accuracy;

“(iii) agrees, with respect to the qualifying drugs involved, to permit the Secretary to inspect warehouses and other facilities, including records, of the entity for purposes of determining whether the facilities are in compliance with any standards under this Act that are applicable to facilities of that type in the United States; and

“(iv) has ensured, through such contractual relationships as may be necessary, that the Secretary has the same authority regarding other parties in the chain of custody from the establishment that the Secretary has under clauses (ii) and (iii) regarding such entity.

“(4)(A) The foreign country from which the importer will import the drug is a permitted country; or

“(B) The foreign country from which the exporter will export the drug is the permitted country in which the exporter is located.

“(5) During any period in which the drug was not in the control of the manufacturer of the drug, the drug did not enter any country that is not a permitted country.

“(6) The exporter or importer retains a sample of each lot of the drug for testing by the Secretary.

“(d) INSPECTION OF FACILITIES; MARKING OF SHIPMENTS.—

“(1) INSPECTION OF FACILITIES.—A registration condition is that, for the purpose of assisting the Secretary in determining whether the exporter involved is in compliance with all other registration conditions—

“(A) the exporter agrees to permit the Secretary—

“(i) to conduct onsite inspections, including monitoring on a day-to-day basis, of places of business of the exporter that relate to qualifying drugs, including each warehouse or other facility owned or controlled by, or operated for, the exporter;

“(ii) to have access, including on a day-to-day basis, to—

“(I) records of the exporter that relate to the export of such drugs, including financial records; and

“(II) samples of such drugs;

“(iii) to carry out the duties described in paragraph (3); and

“(iv) to carry out any other functions determined by the Secretary to be necessary regarding the compliance of the exporter; and

“(B) the Secretary has assigned 1 or more employees of the Secretary to carry out the functions described in this subsection for the Secretary randomly, but not less than 12 times annually, on the premises of places of businesses referred to in subparagraph (A)(i), and such an assignment remains in effect on a continuous basis.

“(2) MARKING OF COMPLIANT SHIPMENTS.—A registration condition is that the exporter involved agrees to affix to each shipping container of qualifying drugs exported under subsection (a) such markings as the Secretary determines to be necessary to identify the shipment as being in compliance with all registration conditions. Markings under the preceding sentence shall—

“(A) be designed to prevent affixation of the markings to any shipping container that is not authorized to bear the markings; and

“(B) include anticounterfeiting or track-and-trace technologies, taking into account the economic and technical feasibility of those technologies.

“(3) CERTAIN DUTIES RELATING TO EXPORTERS.—Duties of the Secretary with respect to an exporter include the following:

“(A) Inspecting, randomly, but not less than 12 times annually, the places of business of the exporter at which qualifying drugs are stored and from which qualifying drugs are shipped.

“(B) During the inspections under subparagraph (A), verifying the chain of custody of a statistically significant sample of qualifying drugs from the establishment in which the drug was manufactured to the exporter, which shall be accomplished or supplemented by the use of anticounterfeiting or track-and-trace technologies, taking into account the economic and technical feasibility of those technologies, except that a drug that lacks such technologies from the point of manufacture shall not for that reason be excluded from importation by an exporter.

“(C) Randomly reviewing records of exports to individuals for the purpose of determining whether the drugs are being imported by the individuals in accordance with the conditions under subsection (i). Such reviews shall be conducted in a manner that will result in a statistically significant determination of compliance with all such conditions.

“(D) Monitoring the affixing of markings under paragraph (2).

“(E) Inspecting as the Secretary determines is necessary the warehouses and other facilities, including records, of other parties in the chain of custody of qualifying drugs.

“(F) Determining whether the exporter is in compliance with all other registration conditions.

“(4) PRIOR NOTICE OF SHIPMENTS.—A registration condition is that, not less than 8 hours and not more than 5 days in advance of the time of the importation of a shipment of qualifying drugs, the importer involved agrees to submit to the Secretary a notice with respect to the shipment of drugs to be imported or offered for import into the United States under subsection (a). A notice under the preceding sentence shall include—

“(A) the name and complete contact information of the person submitting the notice;

“(B) the name and complete contact information of the importer involved;

“(C) the identity of the drug, including the established name of the drug, the quantity of the drug, and the lot number assigned by the manufacturer;

“(D) the identity of the manufacturer of the drug, including the identity of the establishment at which the drug was manufactured;

“(E) the country from which the drug is shipped;

“(F) the name and complete contact information for the shipper of the drug;

“(G) anticipated arrival information, including the port of arrival and crossing location within that port, and the date and time;

“(H) a summary of the chain of custody of the drug from the establishment in which the drug was manufactured to the importer;

“(I) a declaration as to whether the Secretary has ordered that importation of the drug from the permitted country cease under subsection (g)(2)(C) or (D); and

“(J) such other information as the Secretary may require by regulation.

“(5) MARKING OF COMPLIANT SHIPMENTS.—A registration condition is that the importer involved agrees, before wholesale distribution (as defined in section 503(e)) of a quali-

fying drug that has been imported under subsection (a), to affix to each container of such drug such markings or other technology as the Secretary determines necessary to identify the shipment as being in compliance with all registration conditions, except that the markings or other technology shall not be required on a drug that bears comparable, compatible markings or technology from the manufacturer of the drug. Markings or other technology under the preceding sentence shall—

“(A) be designed to prevent affixation of the markings or other technology to any container that is not authorized to bear the markings; and

“(B) shall include anticounterfeiting or track-and-trace technologies, taking into account the economic and technical feasibility of such technologies.

“(6) CERTAIN DUTIES RELATING TO IMPORTERS.—Duties of the Secretary with respect to an importer include the following:

“(A) Inspecting, randomly, but not less than 12 times annually, the places of business of the importer at which a qualifying drug is initially received after importation.

“(B) During the inspections under subparagraph (A), verifying the chain of custody of a statistically significant sample of qualifying drugs from the establishment in which the drug was manufactured to the importer, which shall be accomplished or supplemented by the use of anticounterfeiting or track-and-trace technologies, taking into account the economic and technical feasibility of those technologies, except that a drug that lacks such technologies from the point of manufacture shall not for that reason be excluded from importation by an importer.

“(C) Reviewing notices under paragraph (4).

“(D) Inspecting as the Secretary determines is necessary the warehouses and other facilities, including records of other parties in the chain of custody of qualifying drugs.

“(E) Determining whether the importer is in compliance with all other registration conditions.

“(e) IMPORTER FEES.—

“(1) REGISTRATION FEE.—A registration condition is that the importer involved pays to the Secretary a fee of \$10,000 due on the date on which the importer first submits the registration to the Secretary under subsection (b).

“(2) INSPECTION FEE.—A registration condition is that the importer involved pays a fee to the Secretary in accordance with this subsection. Such fee shall be paid not later than October 1 and April 1 of each fiscal year in the amount provided for under paragraph (3).

“(3) AMOUNT OF INSPECTION FEE.—

“(A) AGGREGATE TOTAL OF FEES.—Not later than 30 days before the start of each fiscal year, the Secretary, in consultation with the Secretary of Homeland Security and the Secretary of the Treasury, shall establish an aggregate total of fees to be collected under paragraph (2) for importers for that fiscal year that is sufficient, and not more than necessary, to pay the costs for that fiscal year of administering this section with respect to registered importers, including the costs associated with—

“(i) inspecting the facilities of registered importers, and of other entities in the chain of custody of a qualifying drug as necessary, under subsection (d)(6);

“(ii) developing, implementing, and operating under such subsection an electronic system for submission and review of the notices required under subsection (d)(4) with respect to shipments of qualifying drugs

under subsection (a) to assess compliance with all registration conditions when such shipments are offered for import into the United States; and

“(iii) inspecting such shipments as necessary, when offered for import into the United States to determine if such a shipment should be refused admission under subsection (g)(5).

“(B) LIMITATION.—Subject to subparagraph (C), the aggregate total of fees collected under paragraph (2) for a fiscal year shall not exceed 2.5 percent of the total price of qualifying drugs imported during that fiscal year into the United States by registered importers under subsection (a).

“(C) TOTAL PRICE OF DRUGS.—

“(i) ESTIMATE.—For the purposes of complying with the limitation described in subparagraph (B) when establishing under subparagraph (A) the aggregate total of fees to be collected under paragraph (2) for a fiscal year, the Secretary shall estimate the total price of qualifying drugs imported into the United States by registered importers during that fiscal year by adding the total price of qualifying drugs imported by each registered importer during the 6-month period from January 1 through June 30 of the previous fiscal year, as reported to the Secretary by each registered importer under subsection (b)(1)(J).

“(ii) CALCULATION.—Not later than March 1 of the fiscal year that follows the fiscal year for which the estimate under clause (i) is made, the Secretary shall calculate the total price of qualifying drugs imported into the United States by registered importers during that fiscal year by adding the total price of qualifying drugs imported by each registered importer during that fiscal year, as reported to the Secretary by each registered importer under subsection (b)(1)(J).

“(iii) ADJUSTMENT.—If the total price of qualifying drugs imported into the United States by registered importers during a fiscal year as calculated under clause (ii) is less than the aggregate total of fees collected under paragraph (2) for that fiscal year, the Secretary shall provide for a pro-rata reduction in the fee due from each registered importer on April 1 of the subsequent fiscal year so that the limitation described in subparagraph (B) is observed.

“(D) INDIVIDUAL IMPORTER FEE.—Subject to the limitation described in subparagraph (B), the fee under paragraph (2) to be paid on October 1 and April 1 by an importer shall be an amount that is proportional to a reasonable estimate by the Secretary of the semiannual share of the importer of the volume of qualifying drugs imported by importers under subsection (a).

“(4) USE OF FEES.—

“(A) IN GENERAL.—Fees collected by the Secretary under paragraphs (1) and (2) shall be credited to the appropriation account for salaries and expenses of the Food and Drug Administration until expended (without fiscal year limitation), and the Secretary may, in consultation with the Secretary of Homeland Security and the Secretary of the Treasury, transfer some proportion of such fees to the appropriation account for salaries and expenses of the Bureau of Customs and Border Protection until expended (without fiscal year limitation).

“(B) AVAILABILITY.—Fees collected by the Secretary under paragraphs (1) and (2) shall be made available to the Food and Drug Administration.

“(C) SOLE PURPOSE.—Fees collected by the Secretary under paragraphs (1) and (2) are

only available to the Secretary and, if transferred, to the Secretary of Homeland Security, and are for the sole purpose of paying the costs referred to in paragraph (3)(A).

“(5) COLLECTION OF FEES.—In any case where the Secretary does not receive payment of a fee assessed under paragraph (1) or (2) within 30 days after it is due, such fee shall be treated as a claim of the United States Government subject to subchapter II of chapter 37 of title 31, United States Code.

“(f) EXPORTER FEES.—

“(1) REGISTRATION FEE.—A registration condition is that the exporter involved pays to the Secretary a fee of \$10,000 due on the date on which the exporter first submits that registration to the Secretary under subsection (b).

“(2) INSPECTION FEE.—A registration condition is that the exporter involved pays a fee to the Secretary in accordance with this subsection. Such fee shall be paid not later than October 1 and April 1 of each fiscal year in the amount provided for under paragraph (3).

“(3) AMOUNT OF INSPECTION FEE.—

“(A) AGGREGATE TOTAL OF FEES.—Not later than 30 days before the start of each fiscal year, the Secretary, in consultation with the Secretary of Homeland Security and the Secretary of the Treasury, shall establish an aggregate total of fees to be collected under paragraph (2) for exporters for that fiscal year that is sufficient, and not more than necessary, to pay the costs for that fiscal year of administering this section with respect to registered exporters, including the costs associated with—

“(i) inspecting the facilities of registered exporters, and of other entities in the chain of custody of a qualifying drug as necessary, under subsection (d)(3);

“(ii) developing, implementing, and operating under such subsection a system to screen marks on shipments of qualifying drugs under subsection (a) that indicate compliance with all registration conditions, when such shipments are offered for import into the United States; and

“(iii) screening such markings, and inspecting such shipments as necessary, when offered for import into the United States to determine if such a shipment should be refused admission under subsection (g)(5).

“(B) LIMITATION.—Subject to subparagraph (C), the aggregate total of fees collected under paragraph (2) for a fiscal year shall not exceed 2.5 percent of the total price of qualifying drugs imported during that fiscal year into the United States by registered exporters under subsection (a).

“(C) TOTAL PRICE OF DRUGS.—

“(i) ESTIMATE.—For the purposes of complying with the limitation described in subparagraph (B) when establishing under subparagraph (A) the aggregate total of fees to be collected under paragraph (2) for a fiscal year, the Secretary shall estimate the total price of qualifying drugs imported into the United States by registered exporters during that fiscal year by adding the total price of qualifying drugs exported by each registered exporter during the 6-month period from January 1 through June 30 of the previous fiscal year, as reported to the Secretary by each registered exporter under subsection (b)(1)(I)(iv).

“(ii) CALCULATION.—Not later than March 1 of the fiscal year that follows the fiscal year for which the estimate under clause (i) is made, the Secretary shall calculate the total price of qualifying drugs imported into the United States by registered exporters during that fiscal year by adding the total price of qualifying drugs exported by each registered

exporter during that fiscal year, as reported to the Secretary by each registered exporter under subsection (b)(1)(I)(iv).

“(iii) ADJUSTMENT.—If the total price of qualifying drugs imported into the United States by registered exporters during a fiscal year as calculated under clause (ii) is less than the aggregate total of fees collected under paragraph (2) for that fiscal year, the Secretary shall provide for a pro-rata reduction in the fee due from each registered exporter on April 1 of the subsequent fiscal year so that the limitation described in subparagraph (B) is observed.

“(D) INDIVIDUAL EXPORTER FEE.—Subject to the limitation described in subparagraph (B), the fee under paragraph (2) to be paid on October 1 and April 1 by an exporter shall be an amount that is proportional to a reasonable estimate by the Secretary of the semiannual share of the exporter of the volume of qualifying drugs exported by exporters under subsection (a).

“(4) USE OF FEES.—

“(A) IN GENERAL.—Fees collected by the Secretary under paragraphs (1) and (2) shall be credited to the appropriation account for salaries and expenses of the Food and Drug Administration until expended (without fiscal year limitation), and the Secretary may, in consultation with the Secretary of Homeland Security and the Secretary of the Treasury, transfer some proportion of such fees to the appropriation account for salaries and expenses of the Bureau of Customs and Border Protection until expended (without fiscal year limitation).

“(B) AVAILABILITY.—Fees collected by the Secretary under paragraphs (1) and (2) shall be made available to the Food and Drug Administration.

“(C) SOLE PURPOSE.—Fees collected by the Secretary under paragraphs (1) and (2) are only available to the Secretary and, if transferred, to the Secretary of Homeland Security, and are for the sole purpose of paying the costs referred to in paragraph (3)(A).

“(5) COLLECTION OF FEES.—In any case where the Secretary does not receive payment of a fee assessed under paragraph (1) or (2) within 30 days after it is due, such fee shall be treated as a claim of the United States Government subject to subchapter II of chapter 37 of title 31, United States Code.

“(g) COMPLIANCE WITH SECTION 801(a).—

“(1) IN GENERAL.—A registration condition is that each qualifying drug exported under subsection (a) by the registered exporter involved or imported under subsection (a) by the registered importer involved is in compliance with the standards referred to in section 801(a) regarding admission of the drug into the United States, subject to paragraphs (2), (3), and (4).

“(2) SECTION 505; APPROVAL STATUS.—

“(A) IN GENERAL.—A qualifying drug that is imported or offered for import under subsection (a) shall comply with the conditions established in the approved application under section 505(b) for the U.S. label drug as described under this subsection.

“(B) NOTICE BY MANUFACTURER; GENERAL PROVISIONS.—

“(i) IN GENERAL.—The person that manufactures a qualifying drug that is, or will be, introduced for commercial distribution in a permitted country shall in accordance with this paragraph submit to the Secretary a notice that—

“(I) includes each difference in the qualifying drug from a condition established in the approved application for the U.S. label drug beyond—

“(aa) the variations provided for in the application; and

“(bb) any difference in labeling (except ingredient labeling); or

“(II) states that there is no difference in the qualifying drug from a condition established in the approved application for the U.S. label drug beyond—

“(aa) the variations provided for in the application; and

“(bb) any difference in labeling (except ingredient labeling).

“(ii) INFORMATION IN NOTICE.—A notice under clause (i)(I) shall include the information that the Secretary may require under section 506A, any additional information the Secretary may require (which may include data on bioequivalence if such data are not required under section 506A), and, with respect to the permitted country that approved the qualifying drug for commercial distribution, or with respect to which such approval is sought, include the following:

“(I) The date on which the qualifying drug with such difference was, or will be, introduced for commercial distribution in the permitted country.

“(II) Information demonstrating that the person submitting the notice has also notified the government of the permitted country in writing that the person is submitting to the Secretary a notice under clause (i)(I), which notice describes the difference in the qualifying drug from a condition established in the approved application for the U.S. label drug.

“(III) The information that the person submitted or will submit to the government of the permitted country for purposes of obtaining approval for commercial distribution of the drug in the country which, if in a language other than English, shall be accompanied by an English translation verified to be complete and accurate, with the name, address, and a brief statement of the qualifications of the person that made the translation.

“(iii) CERTIFICATIONS.—The chief executive officer and the chief medical officer of the manufacturer involved shall each certify in the notice under clause (i) that—

“(I) the information provided in the notice is complete and true; and

“(II) a copy of the notice has been provided to the Federal Trade Commission and to the State attorneys general.

“(iv) FEE.—

“(I) IN GENERAL.—If a notice submitted under clause (i) includes a difference that would, under section 506A, require the submission of a supplemental application if made as a change to the U.S. label drug, the person that submits the notice shall pay to the Secretary a fee in the same amount as would apply if the person were paying a fee pursuant to section 736(a)(1)(A)(ii). Fees collected by the Secretary under the preceding sentence are available only to the Secretary and are for the sole purpose of paying the costs of reviewing notices submitted under clause (i).

“(II) FEE AMOUNT FOR CERTAIN YEARS.—If no fee amount is in effect under section 736(a)(1)(A)(ii) for a fiscal year, then the amount paid by a person under subclause (I) shall—

“(aa) for the first fiscal year in which no fee amount under such section is in effect, be equal to the fee amount under section 736(a)(1)(A)(ii) for the most recent fiscal year for which such section was in effect, adjusted in accordance with section 736(c); and

“(bb) for each subsequent fiscal year in which no fee amount under such section is in effect, be equal to the applicable fee amount for the previous fiscal year, adjusted in accordance with section 736(c).

“(v) TIMING OF SUBMISSION OF NOTICES.—

“(I) PRIOR APPROVAL NOTICES.—A notice under clause (i) to which subparagraph (C) applies shall be submitted to the Secretary not later than 120 days before the qualifying drug with the difference is introduced for commercial distribution in a permitted country, unless the country requires that distribution of the qualifying drug with the difference begin less than 120 days after the country requires the difference.

“(II) OTHER APPROVAL NOTICES.—A notice under clause (i) to which subparagraph (D) applies shall be submitted to the Secretary not later than the day on which the qualifying drug with the difference is introduced for commercial distribution in a permitted country.

“(III) OTHER NOTICES.—A notice under clause (i) to which subparagraph (E) applies shall be submitted to the Secretary on the date that the qualifying drug is first introduced for commercial distribution in a permitted country and annually thereafter.

“(vi) REVIEW BY SECRETARY.—

“(I) IN GENERAL.—In this paragraph, the difference in a qualifying drug that is submitted in a notice under clause (i) from the U.S. label drug shall be treated by the Secretary as if it were a manufacturing change to the U.S. label drug under section 506A.

“(II) STANDARD OF REVIEW.—Except as provided in subclause (III), the Secretary shall review and approve or disapprove the difference in a notice submitted under clause (i), if required under section 506A, using the safe and effective standard for approving or disapproving a manufacturing change under section 506A.

“(III) BIOEQUIVALENCE.—If the Secretary would approve the difference in a notice submitted under clause (i) using the safe and effective standard under section 506A and if the Secretary determines that the qualifying drug is not bioequivalent to the U.S. label drug, the Secretary shall—

“(aa) include in the labeling provided under paragraph (3) a prominent advisory that the qualifying drug is safe and effective but is not bioequivalent to the U.S. label drug if the Secretary determines that such an advisory is necessary for health care practitioners and patients to use the qualifying drug safely and effectively; or

“(bb) decline to approve the difference if the Secretary determines that the availability of both the qualifying drug and the U.S. label drug would pose a threat to the public health.

“(IV) REVIEW BY THE SECRETARY.—The Secretary shall review and approve or disapprove the difference in a notice submitted under clause (i), if required under section 506A, not later than 120 days after the date on which the notice is submitted.

“(V) ESTABLISHMENT INSPECTION.—If review of such difference would require an inspection of the establishment in which the qualifying drug is manufactured—

“(aa) such inspection by the Secretary shall be authorized; and

“(bb) the Secretary may rely on a satisfactory report of a good manufacturing practice inspection of the establishment from a permitted country whose regulatory system the Secretary recognizes as equivalent under a mutual recognition agreement, as provided under section 510(i)(3), section 803, or part 26 of title 21, Code of Federal Regulations (or any corresponding successor rule or regulation).

“(vii) PUBLICATION OF INFORMATION ON NOTICES.—

“(I) IN GENERAL.—Through the Internet website of the Food and Drug Administra-

tion and a toll-free telephone number, the Secretary shall readily make available to the public a list of notices submitted under clause (i).

“(II) CONTENTS.—The list under subclause (I) shall include the date on which a notice is submitted and whether—

“(aa) a notice is under review;

“(bb) the Secretary has ordered that importation of the qualifying drug from a permitted country cease; or

“(cc) the importation of the drug is permitted under subsection (a).

“(III) UPDATE.—The Secretary shall promptly update the Internet website with any changes to the list.

“(C) NOTICE; DRUG DIFFERENCE REQUIRING PRIOR APPROVAL.—In the case of a notice under subparagraph (B)(i) that includes a difference that would, under subsection (c) or (d)(3)(B)(i) of section 506A, require the approval of a supplemental application before the difference could be made to the U.S. label drug the following shall occur:

“(i) Promptly after the notice is submitted, the Secretary shall notify registered exporters, registered importers, the Federal Trade Commission, and the State attorneys general that the notice has been submitted with respect to the qualifying drug involved.

“(ii) If the Secretary has not made a determination whether such a supplemental application regarding the U.S. label drug would be approved or disapproved by the date on which the qualifying drug involved is to be introduced for commercial distribution in a permitted country, the Secretary shall—

“(I) order that the importation of the qualifying drug involved from the permitted country not begin until the Secretary completes review of the notice; and

“(II) promptly notify registered exporters, registered importers, the Federal Trade Commission, and the State attorneys general of the order.

“(iii) If the Secretary determines that such a supplemental application regarding the U.S. label drug would not be approved, the Secretary shall—

“(I) order that the importation of the qualifying drug involved from the permitted country cease, or provide that an order under clause (ii), if any, remains in effect;

“(II) notify the permitted country that approved the qualifying drug for commercial distribution of the determination; and

“(III) promptly notify registered exporters, registered importers, the Federal Trade Commission, and the State attorneys general of the determination.

“(iv) If the Secretary determines that such a supplemental application regarding the U.S. label drug would be approved, the Secretary shall—

“(I) vacate the order under clause (ii), if any;

“(II) consider the difference to be a variation provided for in the approved application for the U.S. label drug;

“(III) permit importation of the qualifying drug under subsection (a); and

“(IV) promptly notify registered exporters, registered importers, the Federal Trade Commission, and the State attorneys general of the determination.

“(D) NOTICE; DRUG DIFFERENCE NOT REQUIRING PRIOR APPROVAL.—In the case of a notice under subparagraph (B)(i) that includes a difference that would, under section 506A(d)(3)(B)(ii), not require the approval of a supplemental application before the difference could be made to the U.S. label drug the following shall occur:

“(i) During the period in which the notice is being reviewed by the Secretary, the au-

thority under this subsection to import the qualifying drug involved continues in effect.

“(ii) If the Secretary determines that such a supplemental application regarding the U.S. label drug would not be approved, the Secretary shall—

“(I) order that the importation of the qualifying drug involved from the permitted country cease;

“(II) notify the permitted country that approved the qualifying drug for commercial distribution of the determination; and

“(III) promptly notify registered exporters, registered importers, the Federal Trade Commission, and the State attorneys general of the determination.

“(iii) If the Secretary determines that such a supplemental application regarding the U.S. label drug would be approved, the difference shall be considered to be a variation provided for in the approved application for the U.S. label drug.

“(E) NOTICE; DRUG DIFFERENCE NOT REQUIRING APPROVAL; NO DIFFERENCE.—In the case of a notice under subparagraph (B)(i) that includes a difference for which, under section 506A(d)(1)(A), a supplemental application would not be required for the difference to be made to the U.S. label drug, or that states that there is no difference, the Secretary—

“(i) shall consider such difference to be a variation provided for in the approved application for the U.S. label drug;

“(ii) may not order that the importation of the qualifying drug involved cease; and

“(iii) shall promptly notify registered exporters and registered importers.

“(F) DIFFERENCES IN ACTIVE INGREDIENT, ROUTE OF ADMINISTRATION, DOSAGE FORM, OR STRENGTH.—

“(i) IN GENERAL.—A person who manufactures a drug approved under section 505(b) shall submit an application under section 505(b) for approval of another drug that is manufactured for distribution in a permitted country by or for the person that manufactures the drug approved under section 505(b) if—

“(I) there is no qualifying drug in commercial distribution in permitted countries whose combined population represents at least 50 percent of the total population of all permitted countries with the same active ingredient or ingredients, route of administration, dosage form, and strength as the drug approved under section 505(b); and

“(II) each active ingredient of the other drug is related to an active ingredient of the drug approved under section 505(b), as defined in clause (v).

“(ii) APPLICATION UNDER SECTION 505(b).—The application under section 505(b) required under clause (i) shall—

“(I) request approval of the other drug for the indication or indications for which the drug approved under section 505(b) is labeled;

“(II) include the information that the person submitted to the government of the permitted country for purposes of obtaining approval for commercial distribution of the other drug in that country, which if in a language other than English, shall be accompanied by an English translation verified to be complete and accurate, with the name, address, and a brief statement of the qualifications of the person that made the translation;

“(III) include a right of reference to the application for the drug approved under section 505(b); and

“(IV) include such additional information as the Secretary may require.

“(iii) TIMING OF SUBMISSION OF APPLICATION.—An application under section 505(b) required under clause (i) shall be submitted to

the Secretary not later than the day on which the information referred to in clause (ii)(II) is submitted to the government of the permitted country.

“(iv) NOTICE OF DECISION ON APPLICATION.—The Secretary shall promptly notify registered exporters, registered importers, the Federal Trade Commission, and the State attorneys general of a determination to approve or to disapprove an application under section 505(b) required under clause (i).

“(v) RELATED ACTIVE INGREDIENTS.—For purposes of clause (i)(II), 2 active ingredients are related if they are—

“(I) the same; or

“(II) different salts, esters, or complexes of the same moiety.

“(3) SECTION 502; LABELING.—

“(A) IMPORTATION BY REGISTERED IMPORTER.—

“(i) IN GENERAL.—In the case of a qualifying drug that is imported or offered for import by a registered importer, such drug shall be considered to be in compliance with section 502 and the labeling requirements under the approved application for the U.S. label drug if the qualifying drug bears—

“(I) a copy of the labeling approved for the U.S. label drug under section 505, without regard to whether the copy bears any trademark involved;

“(II) the name of the manufacturer and location of the manufacturer;

“(III) the lot number assigned by the manufacturer;

“(IV) the name, location, and registration number of the importer; and

“(V) the National Drug Code number assigned to the qualifying drug by the Secretary.

“(ii) REQUEST FOR COPY OF THE LABELING.—The Secretary shall provide such copy to the registered importer involved, upon request of the importer.

“(iii) REQUESTED LABELING.—The labeling provided by the Secretary under clause (ii) shall—

“(I) include the established name, as defined in section 502(e)(3), for each active ingredient in the qualifying drug;

“(II) not include the proprietary name of the U.S. label drug or any active ingredient thereof;

“(III) if required under paragraph (2)(B)(vi)(III), a prominent advisory that the qualifying drug is safe and effective but not bioequivalent to the U.S. label drug; and

“(IV) if the inactive ingredients of the qualifying drug are different from the inactive ingredients for the U.S. label drug, include—

“(aa) a prominent notice that the ingredients of the qualifying drug differ from the ingredients of the U.S. label drug and that the qualifying drug must be dispensed with an advisory to people with allergies about this difference and a list of ingredients; and

“(bb) a list of the ingredients of the qualifying drug as would be required under section 502(e).

“(B) IMPORTATION BY INDIVIDUAL.—

“(i) IN GENERAL.—In the case of a qualifying drug that is imported or offered for import by a registered exporter to an individual, such drug shall be considered to be in compliance with section 502 and the labeling requirements under the approved application for the U.S. label drug if the packaging and labeling of the qualifying drug complies with all applicable regulations promulgated under sections 3 and 4 of the Poison Prevention Packaging Act of 1970 (15 U.S.C. 1471 et seq.) and the labeling of the qualifying drug includes—

“(I) directions for use by the consumer;

“(II) the lot number assigned by the manufacturer;

“(III) the name and registration number of the exporter;

“(IV) if required under paragraph (2)(B)(vi)(III), a prominent advisory that the drug is safe and effective but not bioequivalent to the U.S. label drug;

“(V) if the inactive ingredients of the drug are different from the inactive ingredients for the U.S. label drug—

“(aa) a prominent advisory that persons with an allergy should check the ingredient list of the drug because the ingredients of the drug differ from the ingredients of the U.S. label drug; and

“(bb) a list of the ingredients of the drug as would be required under section 502(e); and

“(VI) a copy of any special labeling that would be required by the Secretary had the U.S. label drug been dispensed by a pharmacist in the United States, without regard to whether the special labeling bears any trademark involved.

“(ii) PACKAGING.—A qualifying drug offered for import to an individual by an exporter under this section that is packaged in a unit-of-use container (as those items are defined in the United States Pharmacopeia and National Formulary) shall not be repackaged, provided that—

“(I) the packaging complies with all applicable regulations under sections 3 and 4 of the Poison Prevention Packaging Act of 1970 (15 U.S.C. 1471 et seq.); or

“(II) the consumer consents to waive the requirements of such Act, after being informed that the packaging does not comply with such Act and that the exporter will provide the drug in packaging that is compliant at no additional cost.

“(iii) REQUEST FOR COPY OF SPECIAL LABELING AND INGREDIENT LIST.—The Secretary shall provide to the registered exporter involved a copy of the special labeling, the advisory, and the ingredient list described under clause (i), upon request of the exporter.

“(iv) REQUESTED LABELING AND INGREDIENT LIST.—The labeling and ingredient list provided by the Secretary under clause (iii) shall—

“(I) include the established name, as defined in section 502(e)(3), for each active ingredient in the drug; and

“(II) not include the proprietary name of the U.S. label drug or any active ingredient thereof.

“(4) SECTION 501; ADULTERATION.—A qualifying drug that is imported or offered for import under subsection (a) shall be considered to be in compliance with section 501 if the drug is in compliance with subsection (c).

“(5) STANDARDS FOR REFUSING ADMISSION.—A drug exported under subsection (a) from a registered exporter or imported by a registered importer may be refused admission into the United States if 1 or more of the following applies:

“(A) The drug is not a qualifying drug.

“(B) A notice for the drug required under paragraph (2)(B) has not been submitted to the Secretary.

“(C) The Secretary has ordered that importation of the drug from the permitted country cease under subparagraph (C) or (D) of paragraph (2).

“(D) The drug does not comply with paragraph (3) or (4).

“(E) The shipping container appears damaged in a way that may affect the strength, quality, or purity of the drug.

“(F) The Secretary becomes aware that—

“(i) the drug may be counterfeit;

“(ii) the drug may have been prepared, packed, or held under insanitary conditions; or

“(iii) the methods used in, or the facilities or controls used for, the manufacturing, processing, packing, or holding of the drug do not conform to good manufacturing practice.

“(G) The Secretary has obtained an injunction under section 302 that prohibits the distribution of the drug in interstate commerce.

“(H) The Secretary has under section 505(e) withdrawn approval of the drug.

“(I) The manufacturer of the drug has instituted a recall of the drug.

“(J) If the drug is imported or offered for import by a registered importer without submission of a notice in accordance with subsection (d)(4).

“(K) If the drug is imported or offered for import from a registered exporter to an individual and 1 or more of the following applies:

“(i) The shipping container for such drug does not bear the markings required under subsection (d)(2).

“(ii) The markings on the shipping container appear to be counterfeit.

“(iii) The shipping container or markings appear to have been tampered with.

“(h) EXPORTER LICENSURE IN PERMITTED COUNTRY.—A registration condition is that the exporter involved agrees that a qualifying drug will be exported to an individual only if the Secretary has verified that—

“(1) the exporter is authorized under the law of the permitted country in which the exporter is located to dispense prescription drugs; and

“(2) the exporter employs persons that are licensed under the law of the permitted country in which the exporter is located to dispense prescription drugs in sufficient number to dispense safely the drugs exported by the exporter to individuals, and the exporter assigns to those persons responsibility for dispensing such drugs to individuals.

“(i) INDIVIDUALS; CONDITIONS FOR IMPORTATION.—

“(1) IN GENERAL.—For purposes of subsection (a)(2)(B), the importation of a qualifying drug by an individual is in accordance with this subsection if the following conditions are met:

“(A) The drug is accompanied by a copy of a prescription for the drug, which prescription—

“(i) is valid under applicable Federal and State laws; and

“(ii) was issued by a practitioner who, under the law of a State of which the individual is a resident, or in which the individual receives care from the practitioner who issues the prescription, is authorized to administer prescription drugs.

“(B) The drug is accompanied by a copy of the documentation that was required under the law or regulations of the permitted country in which the exporter is located, as a condition of dispensing the drug to the individual.

“(C) The copies referred to in subparagraphs (A)(i) and (B) are marked in a manner sufficient—

“(i) to indicate that the prescription, and the equivalent document in the permitted country in which the exporter is located, have been filled; and

“(ii) to prevent a duplicative filling by another pharmacist.

“(D) The individual has provided to the registered exporter a complete list of all

drugs used by the individual for review by the individuals who dispense the drug.

“(E) The quantity of the drug does not exceed a 90-day supply.

“(F) The drug is not an ineligible subpart H drug. For purposes of this section, a prescription drug is an ‘ineligible subpart H drug’ if the drug was approved by the Secretary under subpart H of part 314 of title 21, Code of Federal Regulations (relating to accelerated approval), with restrictions under section 520 of such part to assure safe use, and the Secretary has published in the Federal Register a notice that the Secretary has determined that good cause exists to prohibit the drug from being imported pursuant to this subsection.

“(2) NOTICE REGARDING DRUG REFUSED ADMISSION.—If a registered exporter ships a drug to an individual pursuant to subsection (a)(2)(B) and the drug is refused admission to the United States, a written notice shall be sent to the individual and to the exporter that informs the individual and the exporter of such refusal and the reason for the refusal.

“(j) MAINTENANCE OF RECORDS AND SAMPLES.—

“(1) IN GENERAL.—A registration condition is that the importer or exporter involved shall—

“(A) maintain records required under this section for not less than 2 years; and

“(B) maintain samples of each lot of a qualifying drug required under this section for not more than 2 years.

“(2) PLACE OF RECORD MAINTENANCE.—The records described under paragraph (1) shall be maintained—

“(A) in the case of an importer, at the place of business of the importer at which the importer initially receives the qualifying drug after importation; or

“(B) in the case of an exporter, at the facility from which the exporter ships the qualifying drug to the United States.

“(k) DRUG RECALLS.—

“(1) MANUFACTURERS.—A person that manufactures a qualifying drug imported from a permitted country under this section shall promptly inform the Secretary—

“(A) if the drug is recalled or withdrawn from the market in a permitted country;

“(B) how the drug may be identified, including lot number; and

“(C) the reason for the recall or withdrawal.

“(2) SECRETARY.—With respect to each permitted country, the Secretary shall—

“(A) enter into an agreement with the government of the country to receive information about recalls and withdrawals of qualifying drugs in the country; or

“(B) monitor recalls and withdrawals of qualifying drugs in the country using any information that is available to the public in any media.

“(3) NOTICE.—The Secretary may notify, as appropriate, registered exporters, registered importers, wholesalers, pharmacies, or the public of a recall or withdrawal of a qualifying drug in a permitted country.

“(l) DRUG LABELING AND PACKAGING.—

“(1) IN GENERAL.—When a qualifying drug that is imported into the United States by an importer under subsection (a) is dispensed by a pharmacist to an individual, the pharmacist shall provide that the packaging and labeling of the drug complies with all applicable regulations promulgated under sections 3 and 4 of the Poison Prevention Packaging Act of 1970 (15 U.S.C. 1471 et seq.) and shall include with any other labeling provided to the individual the following:

“(A) The lot number assigned by the manufacturer.

“(B) The name and registration number of the importer.

“(C) If required under paragraph (2)(B)(vi)(III) of subsection (g), a prominent advisory that the drug is safe and effective but not bioequivalent to the U.S. label drug.

“(D) If the inactive ingredients of the drug are different from the inactive ingredients for the U.S. label drug—

“(i) a prominent advisory that persons with allergies should check the ingredient list of the drug because the ingredients of the drug differ from the ingredients of the U.S. label drug; and

“(ii) a list of the ingredients of the drug as would be required under section 502(e).

“(2) PACKAGING.—A qualifying drug that is packaged in a unit-of-use container (as those terms are defined in the United States Pharmacopeia and National Formulary) shall not be repackaged, provided that—

“(A) the packaging complies with all applicable regulations under sections 3 and 4 of the Poison Prevention Packaging Act of 1970 (15 U.S.C. 1471 et seq.); or

“(B) the consumer consents to waive the requirements of such Act, after being informed that the packaging does not comply with such Act and that the pharmacist will provide the drug in packaging that is compliant at no additional cost.

“(m) CHARITABLE CONTRIBUTIONS.—Notwithstanding any other provision of this section, this section does not authorize the importation into the United States of a qualifying drug donated or otherwise supplied for free or at nominal cost by the manufacturer of the drug to a charitable or humanitarian organization, including the United Nations and affiliates, or to a government of a foreign country.

“(n) UNFAIR AND DISCRIMINATORY ACTS AND PRACTICES.—

“(1) IN GENERAL.—It is unlawful for a manufacturer, directly or indirectly (including by being a party to a licensing agreement or other agreement), to—

“(A) discriminate by charging a higher price for a prescription drug sold to a registered exporter or other person in a permitted country that exports a qualifying drug to the United States under this section than the price that is charged, inclusive of rebates or other incentives to the permitted country or other person, to another person that is in the same country and that does not export a qualifying drug into the United States under this section;

“(B) discriminate by charging a higher price for a prescription drug sold to a registered importer or other person that distributes, sells, or uses a qualifying drug imported into the United States under this section than the price that is charged to another person in the United States that does not import a qualifying drug under this section, or that does not distribute, sell, or use such a drug;

“(C) discriminate by denying, restricting, or delaying supplies of a prescription drug to a registered exporter or other person in a permitted country that exports a qualifying drug to the United States under this section or to a registered importer or other person that distributes, sells, or uses a qualifying drug imported into the United States under this section;

“(D) discriminate by publicly, privately, or otherwise refusing to do business with a registered exporter or other person in a permitted country that exports a qualifying drug to the United States under this section or with a registered importer or other person that distributes, sells, or uses a qualifying

drug imported into the United States under this section;

“(E) knowingly fail to submit a notice under subsection (g)(2)(B)(i), knowingly fail to submit such a notice on or before the date specified in subsection (g)(2)(B)(v) or as otherwise required under paragraphs (3), (4), and (5) of section 504(e) of the Pharmaceutical Market Access and Drug Safety Act of 2010, knowingly submit such a notice that makes a materially false, fictitious, or fraudulent statement, or knowingly fail to provide promptly any information requested by the Secretary to review such a notice;

“(F) knowingly fail to submit an application required under subsection (g)(2)(F), knowingly fail to submit such an application on or before the date specified in subsection (g)(2)(F)(iii), knowingly submit such an application that makes a materially false, fictitious, or fraudulent statement, or knowingly fail to provide promptly any information requested by the Secretary to review such an application;

“(G) cause there to be a difference (including a difference in active ingredient, route of administration, dosage form, strength, formulation, manufacturing establishment, manufacturing process, or person that manufactures the drug) between a prescription drug for distribution in the United States and the drug for distribution in a permitted country;

“(H) refuse to allow an inspection authorized under this section of an establishment that manufactures a qualifying drug that is, or will be, introduced for commercial distribution in a permitted country;

“(I) fail to conform to the methods used in, or the facilities used for, the manufacturing, processing, packing, or holding of a qualifying drug that is, or will be, introduced for commercial distribution in a permitted country to good manufacturing practice under this Act;

“(J) become a party to a licensing agreement or other agreement related to a qualifying drug that fails to provide for compliance with all requirements of this section with respect to such drug;

“(K) enter into a contract that restricts, prohibits, or delays the importation of a qualifying drug under this section;

“(L) engage in any other action to restrict, prohibit, or delay the importation of a qualifying drug under this section; or

“(M) engage in any other action that the Federal Trade Commission determines to discriminate against a person that engages or attempts to engage in the importation of a qualifying drug under this section.

“(2) REFERRAL OF POTENTIAL VIOLATIONS.—The Secretary shall promptly refer to the Federal Trade Commission each potential violation of subparagraph (E), (F), (G), (H), or (I) of paragraph (1) that becomes known to the Secretary.

“(3) AFFIRMATIVE DEFENSE.—

“(A) DISCRIMINATION.—It shall be an affirmative defense to a charge that a manufacturer has discriminated under subparagraph (A), (B), (C), (D), or (M) of paragraph (1) that the higher price charged for a prescription drug sold to a person, the denial, restriction, or delay of supplies of a prescription drug to a person, the refusal to do business with a person, or other discriminatory activity against a person, is not based, in whole or in part, on—

“(i) the person exporting or importing a qualifying drug into the United States under this section; or

“(ii) the person distributing, selling, or using a qualifying drug imported into the United States under this section.

“(B) DRUG DIFFERENCES.—It shall be an affirmative defense to a charge that a manufacturer has caused there to be a difference described in subparagraph (G) of paragraph (1) that—

“(i) the difference was required by the country in which the drug is distributed;

“(ii) the Secretary has determined that the difference was necessary to improve the safety or effectiveness of the drug;

“(iii) the person manufacturing the drug for distribution in the United States has given notice to the Secretary under subsection (g)(2)(B)(i) that the drug for distribution in the United States is not different from a drug for distribution in permitted countries whose combined population represents at least 50 percent of the total population of all permitted countries; or

“(iv) the difference was not caused, in whole or in part, for the purpose of restricting importation of the drug into the United States under this section.

“(4) EFFECT OF SUBSECTION.—

“(A) SALES IN OTHER COUNTRIES.—This subsection applies only to the sale or distribution of a prescription drug in a country if the manufacturer of the drug chooses to sell or distribute the drug in the country. Nothing in this subsection shall be construed to compel the manufacturer of a drug to distribute or sell the drug in a country.

“(B) DISCOUNTS TO INSURERS, HEALTH PLANS, PHARMACY BENEFIT MANAGERS, AND COVERED ENTITIES.—Nothing in this subsection shall be construed to—

“(i) prevent or restrict a manufacturer of a prescription drug from providing discounts to an insurer, health plan, pharmacy benefit manager in the United States, or covered entity in the drug discount program under section 340B of the Public Health Service Act (42 U.S.C. 256b) in return for inclusion of the drug on a formulary;

“(ii) require that such discounts be made available to other purchasers of the prescription drug; or

“(iii) prevent or restrict any other measures taken by an insurer, health plan, or pharmacy benefit manager to encourage consumption of such prescription drug.

“(C) CHARITABLE CONTRIBUTIONS.—Nothing in this subsection shall be construed to—

“(i) prevent a manufacturer from donating a prescription drug, or supplying a prescription drug at nominal cost, to a charitable or humanitarian organization, including the United Nations and affiliates, or to a government of a foreign country; or

“(ii) apply to such donations or supplying of a prescription drug.

“(5) ENFORCEMENT.—

“(A) UNFAIR OR DECEPTIVE ACT OR PRACTICE.—A violation of this subsection shall be treated as a violation of a rule defining an unfair or deceptive act or practice prescribed under section 18(a)(1)(B) of the Federal Trade Commission Act (15 U.S.C. 57a(a)(1)(B)).

“(B) ACTIONS BY THE COMMISSION.—The Federal Trade Commission—

“(i) shall enforce this subsection in the same manner, by the same means, and with the same jurisdiction, powers, and duties as though all applicable terms and provisions of the Federal Trade Commission Act (15 U.S.C. 41 et seq.) were incorporated into and made a part of this section; and

“(ii) may seek monetary relief threefold the damages sustained, in addition to any other remedy available to the Federal Trade Commission under the Federal Trade Commission Act (15 U.S.C. 41 et seq.).

“(6) ACTIONS BY STATES.—

“(A) IN GENERAL.—

“(i) CIVIL ACTIONS.—In any case in which the attorney general of a State has reason to believe that an interest of the residents of that State have been adversely affected by any manufacturer that violates paragraph (1), the attorney general of a State may bring a civil action on behalf of the residents of the State, and persons doing business in the State, in a district court of the United States of appropriate jurisdiction to—

“(I) enjoin that practice;

“(II) enforce compliance with this subsection;

“(III) obtain damages, restitution, or other compensation on behalf of residents of the State and persons doing business in the State, including threefold the damages; or

“(IV) obtain such other relief as the court may consider to be appropriate.

“(ii) NOTICE.—

“(I) IN GENERAL.—Before filing an action under clause (i), the attorney general of the State involved shall provide to the Federal Trade Commission—

“(aa) written notice of that action; and

“(bb) a copy of the complaint for that action.

“(II) EXEMPTION.—Subclause (I) shall not apply with respect to the filing of an action by an attorney general of a State under this paragraph, if the attorney general determines that it is not feasible to provide the notice described in that subclause before filing of the action. In such case, the attorney general of a State shall provide notice and a copy of the complaint to the Federal Trade Commission at the same time as the attorney general files the action.

“(B) INTERVENTION.—

“(i) IN GENERAL.—On receiving notice under subparagraph (A)(ii), the Federal Trade Commission shall have the right to intervene in the action that is the subject of the notice.

“(ii) EFFECT OF INTERVENTION.—If the Federal Trade Commission intervenes in an action under subparagraph (A), it shall have the right—

“(I) to be heard with respect to any matter that arises in that action; and

“(II) to file a petition for appeal.

“(C) CONSTRUCTION.—For purposes of bringing any civil action under subparagraph (A), nothing in this subsection shall be construed to prevent an attorney general of a State from exercising the powers conferred on the attorney general by the laws of that State to—

“(i) conduct investigations;

“(ii) administer oaths or affirmations; or

“(iii) compel the attendance of witnesses or the production of documentary and other evidence.

“(D) ACTIONS BY THE COMMISSION.—In any case in which an action is instituted by or on behalf of the Federal Trade Commission for a violation of paragraph (1), a State may not, during the pendency of that action, institute an action under subparagraph (A) for the same violation against any defendant named in the complaint in that action.

“(E) VENUE.—Any action brought under subparagraph (A) may be brought in the district court of the United States that meets applicable requirements relating to venue under section 1391 of title 28, United States Code.

“(F) SERVICE OF PROCESS.—In an action brought under subparagraph (A), process may be served in any district in which the defendant—

“(i) is an inhabitant; or

“(ii) may be found.

“(G) MEASUREMENT OF DAMAGES.—In any action under this paragraph to enforce a

cause of action under this subsection in which there has been a determination that a defendant has violated a provision of this subsection, damages may be proved and assessed in the aggregate by statistical or sampling methods, by the computation of illegal overcharges or by such other reasonable system of estimating aggregate damages as the court in its discretion may permit without the necessity of separately proving the individual claim of, or amount of damage to, persons on whose behalf the suit was brought.

“(H) EXCLUSION ON DUPLICATIVE RELIEF.—The district court shall exclude from the amount of monetary relief awarded in an action under this paragraph brought by the attorney general of a State any amount of monetary relief which duplicates amounts which have been awarded for the same injury.

“(7) EFFECT ON ANTITRUST LAWS.—Nothing in this subsection shall be construed to modify, impair, or supersede the operation of the antitrust laws. For the purpose of this subsection, the term ‘antitrust laws’ has the meaning given it in the first section of the Clayton Act, except that it includes section 5 of the Federal Trade Commission Act to the extent that such section 5 applies to unfair methods of competition.

“(8) MANUFACTURER.—In this subsection, the term ‘manufacturer’ means any entity, including any affiliate or licensee of that entity, that is engaged in—

“(A) the production, preparation, propagation, compounding, conversion, or processing of a prescription drug, either directly or indirectly by extraction from substances of natural origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis; or

“(B) the packaging, repackaging, labeling, relabeling, or distribution of a prescription drug.”

(b) PROHIBITED ACTS.—The Federal Food, Drug, and Cosmetic Act is amended—

(1) in section 301 (21 U.S.C. 331), by striking paragraph (aa) and inserting the following:

“(aa)(1) The sale or trade by a pharmacist, or by a business organization of which the pharmacist is a part, of a qualifying drug that under section 804(a)(2)(A) was imported by the pharmacist, other than—

“(A) a sale at retail made pursuant to dispensing the drug to a customer of the pharmacist or organization; or

“(B) a sale or trade of the drug to a pharmacy or a wholesaler registered to import drugs under section 804.

“(2) The sale or trade by an individual of a qualifying drug that under section 804(a)(2)(B) was imported by the individual.

“(3) The making of a materially false, fictitious, or fraudulent statement or representation, or a material omission, in a notice under clause (i) of section 804(g)(2)(B) or in an application required under section 804(g)(2)(F), or the failure to submit such a notice or application.

“(4) The importation of a drug in violation of a registration condition or other requirement under section 804, the falsification of any record required to be maintained, or provided to the Secretary, under such section, or the violation of any registration condition or other requirement under such section.”;

(2) in section 303(a) (21 U.S.C. 333(a)), by striking paragraph (6) and inserting the following:

“(6) Notwithstanding subsection (a), any person that knowingly violates section 301(i)

(2) or (3) or section 301(aa)(4) shall be imprisoned not more than 10 years, or fined in accordance with title 18, United States Code, or both.”.

(c) AMENDMENT OF CERTAIN PROVISIONS.—

(1) IN GENERAL.—Section 801 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 381) is amended by striking subsection (g) and inserting the following:

“(g) With respect to a prescription drug that is imported or offered for import into the United States by an individual who is not in the business of such importation, that is not shipped by a registered exporter under section 804, and that is refused admission under subsection (a), the Secretary shall notify the individual that—

“(1) the drug has been refused admission because the drug was not a lawful import under section 804;

“(2) the drug is not otherwise subject to a waiver of the requirements of subsection (a);

“(3) the individual may under section 804 lawfully import certain prescription drugs from exporters registered with the Secretary under section 804; and

“(4) the individual can find information about such importation, including a list of registered exporters, on the Internet website of the Food and Drug Administration or through a toll-free telephone number required under section 804.”.

(2) ESTABLISHMENT REGISTRATION.—Section 510(i) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360(i)) is amended in paragraph (1) by inserting after “import into the United States” the following: “, including a drug that is, or may be, imported or offered for import into the United States under section 804,”.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on the date that is 90 days after the date of enactment of this Act.

(d) EXHAUSTION.—

(1) IN GENERAL.—Section 271 of title 35, United States Code, is amended—

(A) by redesignating subsections (h) and (i) as (i) and (j), respectively; and

(B) by inserting after subsection (g) the following:

“(h) It shall not be an act of infringement to use, offer to sell, or sell within the United States or to import into the United States any patented invention under section 804 of the Federal Food, Drug, and Cosmetic Act that was first sold abroad by or under authority of the owner or licensee of such patent.”.

(2) RULE OF CONSTRUCTION.—Nothing in the amendment made by paragraph (1) shall be construed to affect the ability of a patent owner or licensee to enforce their patent, subject to such amendment.

(e) EFFECT OF SECTION 804.—

(1) IN GENERAL.—Section 804 of the Federal Food, Drug, and Cosmetic Act, as added by subsection (a), shall permit the importation of qualifying drugs (as defined in such section 804) into the United States without regard to the status of the issuance of implementing regulations—

(A) from exporters registered under such section 804 on the date that is 90 days after the date of enactment of this Act; and

(B) from permitted countries, as defined in such section 804, by importers registered under such section 804 on the date that is 1 year after the date of enactment of this Act.

(2) REVIEW OF REGISTRATION BY CERTAIN EXPORTERS.—

(A) REVIEW PRIORITY.—In the review of registrations submitted under subsection (b) of such section 804, registrations submitted by

entities in Canada that are significant exporters of prescription drugs to individuals in the United States as of the date of enactment of this Act will have priority during the 90 day period that begins on such date of enactment.

(B) PERIOD FOR REVIEW.—During such 90-day period, the reference in subsection (b)(2)(A) of such section 804 to 90 days (relating to approval or disapproval of registrations) is, as applied to such entities, deemed to be 30 days.

(C) LIMITATION.—That an exporter in Canada exports, or has exported, prescription drugs to individuals in the United States on or before the date that is 90 days after the date of enactment of this Act shall not serve as a basis, in whole or in part, for disapproving a registration under such section 804 from the exporter.

(D) FIRST YEAR LIMIT ON NUMBER OF EXPORTERS.—During the 1-year period beginning on the date of enactment of this Act, the Secretary of Health and Human Services (referred to in this section as the “Secretary”) may limit the number of registered exporters under such section 804 to not less than 50, so long as the Secretary gives priority to those exporters with demonstrated ability to process a high volume of shipments of drugs to individuals in the United States.

(E) SECOND YEAR LIMIT ON NUMBER OF EXPORTERS.—During the 1-year period beginning on the date that is 1 year after the date of enactment of this Act, the Secretary may limit the number of registered exporters under such section 804 to not less than 100, so long as the Secretary gives priority to those exporters with demonstrated ability to process a high volume of shipments of drugs to individuals in the United States.

(F) FURTHER LIMIT ON NUMBER OF EXPORTERS.—During any 1-year period beginning on a date that is 2 or more years after the date of enactment of this Act, the Secretary may limit the number of registered exporters under such section 804 to not less than 25 more than the number of such exporters during the previous 1-year period, so long as the Secretary gives priority to those exporters with demonstrated ability to process a high volume of shipments of drugs to individuals in the United States.

(3) LIMITS ON NUMBER OF IMPORTERS.—

(A) FIRST YEAR LIMIT ON NUMBER OF IMPORTERS.—During the 1-year period beginning on the date that is 1 year after the date of enactment of this Act, the Secretary may limit the number of registered importers under such section 804 to not less than 100 (of which at least a significant number shall be groups of pharmacies, to the extent feasible given the applications submitted by such groups), so long as the Secretary gives priority to those importers with demonstrated ability to process a high volume of shipments of drugs imported into the United States.

(B) SECOND YEAR LIMIT ON NUMBER OF IMPORTERS.—During the 1-year period beginning on the date that is 2 years after the date of enactment of this Act, the Secretary may limit the number of registered importers under such section 804 to not less than 200 (of which at least a significant number shall be groups of pharmacies, to the extent feasible given the applications submitted by such groups), so long as the Secretary gives priority to those importers with demonstrated ability to process a high volume of shipments of drugs into the United States.

(C) FURTHER LIMIT ON NUMBER OF IMPORTERS.—During any 1-year period beginning on

a date that is 3 or more years after the date of enactment of this Act, the Secretary may limit the number of registered importers under such section 804 to not less than 50 more (of which at least a significant number shall be groups of pharmacies, to the extent feasible given the applications submitted by such groups) than the number of such importers during the previous 1-year period, so long as the Secretary gives priority to those importers with demonstrated ability to process a high volume of shipments of drugs to the United States.

(4) NOTICES FOR DRUGS FOR IMPORT FROM CANADA.—The notice with respect to a qualifying drug introduced for commercial distribution in Canada as of the date of enactment of this Act that is required under subsection (g)(2)(B)(i) of such section 804 shall be submitted to the Secretary not later than 30 days after the date of enactment of this Act if—

(A) the U.S. label drug (as defined in such section 804) for the qualifying drug is 1 of the 100 prescription drugs with the highest dollar volume of sales in the United States based on the 12 calendar month period most recently completed before the date of enactment of this Act; or

(B) the notice is a notice under subsection (g)(2)(B)(i)(II) of such section 804.

(5) NOTICE FOR DRUGS FOR IMPORT FROM OTHER COUNTRIES.—The notice with respect to a qualifying drug introduced for commercial distribution in a permitted country other than Canada as of the date of enactment of this Act that is required under subsection (g)(2)(B)(i) of such section 804 shall be submitted to the Secretary not later than 180 days after the date of enactment of this Act if—

(A) the U.S. label drug for the qualifying drug is 1 of the 100 prescription drugs with the highest dollar volume of sales in the United States based on the 12 calendar month period that is first completed on the date that is 120 days after the date of enactment of this Act; or

(B) the notice is a notice under subsection (g)(2)(B)(i)(II) of such section 804.

(6) NOTICE FOR OTHER DRUGS FOR IMPORT.—

(A) GUIDANCE ON SUBMISSION DATES.—The Secretary shall by guidance establish a series of submission dates for the notices under subsection (g)(2)(B)(i) of such section 804 with respect to qualifying drugs introduced for commercial distribution as of the date of enactment of this Act and that are not required to be submitted under paragraph (4) or (5).

(B) CONSISTENT AND EFFICIENT USE OF RESOURCES.—The Secretary shall establish the dates described under subparagraph (A) so that such notices described under subparagraph (A) are submitted and reviewed at a rate that allows consistent and efficient use of the resources and staff available to the Secretary for such reviews. The Secretary may condition the requirement to submit such a notice, and the review of such a notice, on the submission by a registered exporter or a registered importer to the Secretary of a notice that such exporter or importer intends to import such qualifying drug to the United States under such section 804.

(C) PRIORITY FOR DRUGS WITH HIGHER SALES.—The Secretary shall establish the dates described under subparagraph (A) so that the Secretary reviews the notices described under such subparagraph with respect to qualifying drugs with higher dollar volume of sales in the United States before the notices with respect to drugs with lower sales in the United States.

(7) **NOTICES FOR DRUGS APPROVED AFTER EFFECTIVE DATE.**—The notice required under subsection (g)(2)(B)(i) of such section 804 for a qualifying drug first introduced for commercial distribution in a permitted country (as defined in such section 804) after the date of enactment of this Act shall be submitted to and reviewed by the Secretary as provided under subsection (g)(2)(B) of such section 804, without regard to paragraph (4), (5), or (6).

(8) **REPORT.**—Beginning with the first full fiscal year after the date of enactment of this Act, not later than 90 days after the end of each fiscal year during which the Secretary reviews a notice referred to in paragraph (4), (5), or (6), the Secretary shall submit a report to Congress concerning the progress of the Food and Drug Administration in reviewing the notices referred to in paragraphs (4), (5), and (6).

(9) **USER FEES.**—

(A) **EXPORTERS.**—When establishing an aggregate total of fees to be collected from exporters under subsection (f)(2) of such section 804, the Secretary shall, under subsection (f)(3)(C)(i) of such section 804, estimate the total price of drugs imported under subsection (a) of such section 804 into the United States by registered exporters during the first fiscal year in which this title takes effect to be an amount equal to the amount which bears the same ratio to \$1,000,000,000 as the number of days in such fiscal year during which this title is effective bears to 365.

(B) **IMPORTERS.**—When establishing an aggregate total of fees to be collected from importers under subsection (e)(2) of such section 804, the Secretary shall, under subsection (e)(3)(C)(i) of such section 804, estimate the total price of drugs imported under subsection (a) of such section 804 into the United States by registered importers during—

(i) the first fiscal year in which this title takes effect to be an amount equal to the amount which bears the same ratio to \$1,000,000,000 as the number of days in such fiscal year during which this title is effective bears to 365; and

(ii) the second fiscal year in which this title is in effect to be \$3,000,000,000.

(C) **SECOND YEAR ADJUSTMENT.**—

(i) **REPORTS.**—Not later than February 20 of the second fiscal year in which this title is in effect, registered importers shall report to the Secretary the total price and the total volume of drugs imported to the United States by the importer during the 4-month period from October 1 through January 31 of such fiscal year.

(ii) **REESTIMATE.**—Notwithstanding subsection (e)(3)(C)(ii) of such section 804 or subparagraph (B), the Secretary shall reestimate the total price of qualifying drugs imported under subsection (a) of such section 804 into the United States by registered importers during the second fiscal year in which this title is in effect. Such reestimate shall be equal to—

(I) the total price of qualifying drugs imported by each importer as reported under clause (i); multiplied by

(II) 3.

(iii) **ADJUSTMENT.**—The Secretary shall adjust the fee due on April 1 of the second fiscal year in which this title is in effect, from each importer so that the aggregate total of fees collected under subsection (e)(2) for such fiscal year does not exceed the total price of qualifying drugs imported under subsection (a) of such section 804 into the United States by registered importers during such fiscal year as reestimated under clause (ii).

(D) **FAILURE TO PAY FEES.**—Notwithstanding any other provision of this section,

the Secretary may prohibit a registered importer or exporter that is required to pay user fees under subsection (e) or (f) of such section 804 and that fails to pay such fees within 30 days after the date on which it is due, from importing or offering for importation a qualifying drug under such section 804 until such fee is paid.

(E) **ANNUAL REPORT.**—

(i) **FOOD AND DRUG ADMINISTRATION.**—Not later than 180 days after the end of each fiscal year during which fees are collected under subsection (e), (f), or (g)(2)(B)(iv) of such section 804, the Secretary shall prepare and submit to the House of Representatives and the Senate a report on the implementation of the authority for such fees during such fiscal year and the use, by the Food and Drug Administration, of the fees collected for the fiscal year for which the report is made and credited to the Food and Drug Administration.

(ii) **CUSTOMS AND BORDER PROTECTION.**—Not later than 180 days after the end of each fiscal year during which fees are collected under subsection (e) or (f) of such section 804, the Secretary of Homeland Security, in consultation with the Secretary of the Treasury, shall prepare and submit to the House of Representatives and the Senate a report on the use, by the Bureau of Customs and Border Protection, of the fees, if any, transferred by the Secretary to the Bureau of Customs and Border Protection for the fiscal year for which the report is made.

(I) **SPECIAL RULE REGARDING IMPORTATION BY INDIVIDUALS.**—

(A) **IN GENERAL.**—Notwithstanding any provision of this title (or an amendment made by this title), the Secretary shall expedite the designation of any additional permitted countries from which an individual may import a qualifying drug into the United States under such section 804 if any action implemented by the Government of Canada has the effect of limiting or prohibiting the importation of qualifying drugs into the United States from Canada.

(B) **TIMING AND CRITERIA.**—The Secretary shall designate such additional permitted countries under subparagraph (A)—

(i) not later than 6 months after the date of the action by the Government of Canada described under such subparagraph; and

(ii) using the criteria described under subsection (a)(4)(D)(i)(II) of such section 804.

(F) **IMPLEMENTATION OF SECTION 804.**—

(1) **INTERIM RULE.**—The Secretary may promulgate an interim rule for implementing section 804 of the Federal Food, Drug, and Cosmetic Act, as added by subsection (a) of this section.

(2) **NO NOTICE OF PROPOSED RULEMAKING.**—The interim rule described under paragraph (1) may be developed and promulgated by the Secretary without providing general notice of proposed rulemaking.

(3) **FINAL RULE.**—Not later than 1 year after the date on which the Secretary promulgates an interim rule under paragraph (1), the Secretary shall, in accordance with procedures under section 553 of title 5, United States Code, promulgate a final rule for implementing such section 804, which may incorporate by reference provisions of the interim rule provided for under paragraph (1), to the extent that such provisions are not modified.

(G) **CONSUMER EDUCATION.**—The Secretary shall carry out activities that educate consumers—

(1) with regard to the availability of qualifying drugs for import for personal use from an exporter registered with and approved by the Food and Drug Administration under

section 804 of the Federal Food, Drug, and Cosmetic Act, as added by this section, including information on how to verify whether an exporter is registered and approved by use of the Internet website of the Food and Drug Administration and the toll-free telephone number required by this title;

(2) that drugs that consumers attempt to import from an exporter that is not registered with and approved by the Food and Drug Administration can be seized by the United States Customs Service and destroyed, and that such drugs may be counterfeit, unapproved, unsafe, or ineffective;

(3) with regard to the suspension and termination of any registration of a registered importer or exporter under such section 804; and

(4) with regard to the availability at domestic retail pharmacies of qualifying drugs imported under such section 804 by domestic wholesalers and pharmacies registered with and approved by the Food and Drug Administration.

(H) **EFFECT ON ADMINISTRATION PRACTICES.**—Notwithstanding any provision of this title (and the amendments made by this title), the practices and policies of the Food and Drug Administration and Bureau of Customs and Border Protection, in effect on January 1, 2004, with respect to the importation of prescription drugs into the United States by an individual, on the person of such individual, for personal use, shall remain in effect.

(I) **REPORT TO CONGRESS.**—The Federal Trade Commission shall, on an annual basis, submit to Congress a report that describes any action taken during the period for which the report is being prepared to enforce the provisions of section 804(n) of the Federal Food, Drug, and Cosmetic Act (as added by this title), including any pending investigations or civil actions under such section.

SEC. 505. DISPOSITION OF CERTAIN DRUGS DENIED ADMISSION INTO UNITED STATES.

(a) **IN GENERAL.**—Chapter VIII of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 381 et seq.), as amended by this Act, is further amended by adding at the end the following section:

“SEC. 810. DISPOSITION OF CERTAIN DRUGS DENIED ADMISSION.

“(a) **IN GENERAL.**—The Secretary of Homeland Security shall deliver to the Secretary a shipment of drugs that is imported or offered for import into the United States if—

“(1) the shipment has a declared value of less than \$10,000; and

“(2)(A) the shipping container for such drugs does not bear the markings required under section 804(d)(2); or

“(B) the Secretary has requested delivery of such shipment of drugs.

“(b) **NO BOND OR EXPORT.**—Section 801(b) does not authorize the delivery to the owner or consignee of drugs delivered to the Secretary under subsection (a) pursuant to the execution of a bond, and such drugs may not be exported.

“(c) **DESTRUCTION OF VIOLATIVE SHIPMENT.**—The Secretary shall destroy a shipment of drugs delivered by the Secretary of Homeland Security to the Secretary under subsection (a) if—

“(1) in the case of drugs that are imported or offered for import from a registered exporter under section 804, the drugs are in violation of any standard described in section 804(g)(5); or

“(2) in the case of drugs that are not imported or offered for import from a registered exporter under section 804, the drugs

are in violation of a standard referred to in section 801(a) or 801(d)(1).

“(d) CERTAIN PROCEDURES.—

“(1) IN GENERAL.—The delivery and destruction of drugs under this section may be carried out without notice to the importer, owner, or consignee of the drugs except as required by section 801(g) or section 804(i)(2). The issuance of receipts for the drugs, and recordkeeping activities regarding the drugs, may be carried out on a summary basis.

“(2) OBJECTIVE OF PROCEDURES.—Procedures promulgated under paragraph (1) shall be designed toward the objective of ensuring that, with respect to efficiently utilizing Federal resources available for carrying out this section, a substantial majority of shipments of drugs subject to described in subsection (c) are identified and destroyed.

“(e) EVIDENCE EXCEPTION.—Drugs may not be destroyed under subsection (c) to the extent that the Attorney General of the United States determines that the drugs should be preserved as evidence or potential evidence with respect to an offense against the United States.

“(f) RULE OF CONSTRUCTION.—This section may not be construed as having any legal effect on applicable law with respect to a shipment of drugs that is imported or offered for import into the United States and has a declared value equal to or greater than \$10,000.”.

(b) PROCEDURES.—Procedures for carrying out section 810 of the Federal Food, Drug, and Cosmetic Act, as added by subsection (a), shall be established not later than 90 days after the date of the enactment of this Act.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date that is 90 days after the date of enactment of this Act.

SEC. 506. WHOLESALE DISTRIBUTION OF DRUGS; STATEMENTS REGARDING PRIOR SALE, PURCHASE, OR TRADE.

(a) STRIKING OF EXEMPTIONS; APPLICABILITY TO REGISTERED EXPORTERS.—Section 503(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 353(e)) is amended—

(1) in paragraph (1)—

(A) by striking “and who is not the manufacturer or an authorized distributor of record of such drug”;

(B) by striking “to an authorized distributor of record or”; and

(C) by striking subparagraph (B) and inserting the following:

“(B) The fact that a drug subject to subsection (b) is exported from the United States does not with respect to such drug exempt any person that is engaged in the business of the wholesale distribution of the drug from providing the statement described in subparagraph (A) to the person that receives the drug pursuant to the export of the drug.

“(C)(i) The Secretary shall by regulation establish requirements that supersede subparagraph (A) (referred to in this subparagraph as ‘alternative requirements’) to identify the chain of custody of a drug subject to subsection (b) from the manufacturer of the drug throughout the wholesale distribution of the drug to a pharmacist who intends to sell the drug at retail if the Secretary determines that the alternative requirements, which may include standardized anti-counterfeiting or track-and-trace technologies, will identify such chain of custody or the identity of the discrete package of the drug from which the drug is dispensed with equal or greater certainty to the requirements of subparagraph (A), and that the alternative requirements are economically and technically feasible.

“(ii) When the Secretary promulgates a final rule to establish such alternative requirements, the final rule in addition shall, with respect to the registration condition established in clause (i) of section 804(c)(3)(B), establish a condition equivalent to the alternative requirements, and such equivalent condition may be met in lieu of the registration condition established in such clause (i).”;

(2) in paragraph (2)(A), by adding at the end the following: “The preceding sentence may not be construed as having any applicability with respect to a registered exporter under section 804.”; and

(3) in paragraph (3), by striking “and subsection (d)—” in the matter preceding subparagraph (A) and all that follows through “the term ‘wholesale distribution’ means” in subparagraph (B) and inserting the following: “and subsection (d), the term ‘wholesale distribution’ means”.

(b) CONFORMING AMENDMENT.—Section 503(d) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 353(d)) is amended by adding at the end the following:

“(4) Each manufacturer of a drug subject to subsection (b) shall maintain at its corporate offices a current list of the authorized distributors of record of such drug.

“(5) For purposes of this subsection, the term ‘authorized distributors of record’ means those distributors with whom a manufacturer has established an ongoing relationship to distribute such manufacturer’s products.”.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by paragraphs (1) and (3) of subsection (a) and by subsection (b) shall take effect on January 1, 2013.

(2) DRUGS IMPORTED BY REGISTERED IMPORTERS UNDER SECTION 804.—Notwithstanding paragraph (1), the amendments made by paragraphs (1) and (3) of subsection (a) and by subsection (b) shall take effect on the date that is 90 days after the date of enactment of this Act with respect to qualifying drugs imported under section 804 of the Federal Food, Drug, and Cosmetic Act, as added by section 504.

(3) EFFECT WITH RESPECT TO REGISTERED EXPORTERS.—The amendment made by subsection (a)(2) shall take effect on the date that is 90 days after the date of enactment of this Act.

(4) ALTERNATIVE REQUIREMENTS.—The Secretary shall issue regulations to establish the alternative requirements, referred to in the amendment made by subsection (a)(1), that take effect not later than January 1, 2013.

(5) INTERMEDIATE REQUIREMENTS.—The Secretary shall by regulation require the use of standardized anti-counterfeiting or track-and-trace technologies on prescription drugs at the case and pallet level effective not later than 1 year after the date of enactment of this Act.

(6) ADDITIONAL REQUIREMENTS.—

(A) IN GENERAL.—Notwithstanding any other provision of this section, the Secretary shall, not later than 18 months after the date of enactment of this Act, require that the packaging of any prescription drug incorporates—

(i) a standardized numerical identifier unique to each package of such drug, applied at the point of manufacturing and repackaging (in which case the numerical identifier shall be linked to the numerical identifier applied at the point of manufacturing); and

(ii) (I) overt optically variable counterfeit-resistant technologies that—

(aa) are visible to the naked eye, providing for visual identification of product authenticity without the need for readers, microscopes, lighting devices, or scanners;

(bb) are similar to that used by the Bureau of Engraving and Printing to secure United States currency;

(cc) are manufactured and distributed in a highly secure, tightly controlled environment; and

(dd) incorporate additional layers of non-visible convert security features up to and including forensic capability, as described in subparagraph (B); or

(II) technologies that have a function of security comparable to that described in subsection (I), as determined by the Secretary.

(B) STANDARDS FOR PACKAGING.—For the purpose of making it more difficult to counterfeit the packaging of drugs subject to this paragraph, the manufacturers of such drugs shall incorporate the technologies described in subparagraph (A) into at least 1 additional element of the physical packaging of the drugs, including blister packs, shrink wrap, package labels, package seals, bottles, and boxes.

SEC. 507. INTERNET SALES OF PRESCRIPTION DRUGS.

(a) IN GENERAL.—Chapter V of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 351 et seq.) is amended by inserting after section 503B the following:

“SEC. 503C. INTERNET SALES OF PRESCRIPTION DRUGS.

“(a) REQUIREMENTS REGARDING INFORMATION ON INTERNET SITE.—

“(1) IN GENERAL.—A person may not dispense a prescription drug pursuant to a sale of the drug by such person if—

“(A) the purchaser of the drug submitted the purchase order for the drug, or conducted any other part of the sales transaction for the drug, through an Internet site;

“(B) the person dispenses the drug to the purchaser by mailing or shipping the drug to the purchaser; and

“(C) such site, or any other Internet site used by such person for purposes of sales of a prescription drug, fails to meet each of the requirements specified in paragraph (2), other than a site or pages on a site that—

“(i) are not intended to be accessed by purchasers or prospective purchasers; or

“(ii) provide an Internet information location tool within the meaning of section 231(e)(5) of the Communications Act of 1934 (47 U.S.C. 231(e)(5)).

“(2) REQUIREMENTS.—With respect to an Internet site, the requirements referred to in subparagraph (C) of paragraph (1) for a person to whom such paragraph applies are as follows:

“(A) Each page of the site shall include either the following information or a link to a page that provides the following information:

“(i) The name of such person.

“(ii) Each State in which the person is authorized by law to dispense prescription drugs.

“(iii) The address and telephone number of each place of business of the person with respect to sales of prescription drugs through the Internet, other than a place of business that does not mail or ship prescription drugs to purchasers.

“(iv) The name of each individual who serves as a pharmacist for prescription drugs that are mailed or shipped pursuant to the site, and each State in which the individual is authorized by law to dispense prescription drugs.

“(v) If the person provides for medical consultations through the site for purposes of

providing prescriptions, the name of each individual who provides such consultations; each State in which the individual is licensed or otherwise authorized by law to provide such consultations or practice medicine; and the type or types of health professions for which the individual holds such licenses or other authorizations.

“(B) A link to which paragraph (1) applies shall be displayed in a clear and prominent place and manner, and shall include in the caption for the link the words ‘licensing and contact information’.

“(b) INTERNET SALES WITHOUT APPROPRIATE MEDICAL RELATIONSHIPS.—

“(1) IN GENERAL.—Except as provided in paragraph (2), a person may not dispense a prescription drug, or sell such a drug, if—

“(A) for purposes of such dispensing or sale, the purchaser communicated with the person through the Internet;

“(B) the patient for whom the drug was dispensed or purchased did not, when such communications began, have a prescription for the drug that is valid in the United States;

“(C) pursuant to such communications, the person provided for the involvement of a practitioner, or an individual represented by the person as a practitioner, and the practitioner or such individual issued a prescription for the drug that was purchased;

“(D) the person knew, or had reason to know, that the practitioner or the individual referred to in subparagraph (C) did not, when issuing the prescription, have a qualifying medical relationship with the patient; and

“(E) the person received payment for the dispensing or sale of the drug. For purposes of subparagraph (E), payment is received if money or other valuable consideration is received.

“(2) EXCEPTIONS.—Paragraph (1) does not apply to—

“(A) the dispensing or selling of a prescription drug pursuant to telemedicine practices sponsored by—

“(i) a hospital that has in effect a provider agreement under title XVIII of the Social Security Act (relating to the Medicare program); or

“(ii) a group practice that has not fewer than 100 physicians who have in effect provider agreements under such title; or

“(B) the dispensing or selling of a prescription drug pursuant to practices that promote the public health, as determined by the Secretary by regulation.

“(3) QUALIFYING MEDICAL RELATIONSHIP.—

“(A) IN GENERAL.—With respect to issuing a prescription for a drug for a patient, a practitioner has a qualifying medical relationship with the patient for purposes of this section if—

“(i) at least one in-person medical evaluation of the patient has been conducted by the practitioner; or

“(ii) the practitioner conducts a medical evaluation of the patient as a covering practitioner.

“(B) IN-PERSON MEDICAL EVALUATION.—A medical evaluation by a practitioner is an in-person medical evaluation for purposes of this section if the practitioner is in the physical presence of the patient as part of conducting the evaluation, without regard to whether portions of the evaluation are conducted by other health professionals.

“(C) COVERING PRACTITIONER.—With respect to a patient, a practitioner is a covering practitioner for purposes of this section if the practitioner conducts a medical evaluation of the patient at the request of a practitioner who has conducted at least one in-

son medical evaluation of the patient and is temporarily unavailable to conduct the evaluation of the patient. A practitioner is a covering practitioner without regard to whether the practitioner has conducted any in-person medical evaluation of the patient involved.

“(4) RULES OF CONSTRUCTION.—

“(A) INDIVIDUALS REPRESENTED AS PRACTITIONERS.—A person who is not a practitioner (as defined in subsection (e)(1)) lacks legal capacity under this section to have a qualifying medical relationship with any patient.

“(B) STANDARD PRACTICE OF PHARMACY.—Paragraph (1) may not be construed as prohibiting any conduct that is a standard practice in the practice of pharmacy.

“(C) APPLICABILITY OF REQUIREMENTS.—Paragraph (3) may not be construed as having any applicability beyond this section, and does not affect any State law, or interpretation of State law, concerning the practice of medicine.

“(c) ACTIONS BY STATES.—

“(1) IN GENERAL.—Whenever an attorney general of any State has reason to believe that the interests of the residents of that State have been or are being threatened or adversely affected because any person has engaged or is engaging in a pattern or practice that violates section 301(l), the State may bring a civil action on behalf of its residents in an appropriate district court of the United States to enjoin such practice, to enforce compliance with such section (including a nationwide injunction), to obtain damages, restitution, or other compensation on behalf of residents of such State, to obtain reasonable attorneys fees and costs if the State prevails in the civil action, or to obtain such further and other relief as the court may deem appropriate.

“(2) NOTICE.—The State shall serve prior written notice of any civil action under paragraph (1) or (5)(B) upon the Secretary and provide the Secretary with a copy of its complaint, except that if it is not feasible for the State to provide such prior notice, the State shall serve such notice immediately upon instituting such action. Upon receiving a notice respecting a civil action, the Secretary shall have the right—

“(A) to intervene in such action;

“(B) upon so intervening, to be heard on all matters arising therein; and

“(C) to file petitions for appeal.

“(3) CONSTRUCTION.—For purposes of bringing any civil action under paragraph (1), nothing in this chapter shall prevent an attorney general of a State from exercising the powers conferred on the attorney general by the laws of such State to conduct investigations or to administer oaths or affirmations or to compel the attendance of witnesses or the production of documentary and other evidence.

“(4) VENUE; SERVICE OF PROCESS.—Any civil action brought under paragraph (1) in a district court of the United States may be brought in the district in which the defendant is found, is an inhabitant, or transacts business or wherever venue is proper under section 1391 of title 28, United States Code. Process in such an action may be served in any district in which the defendant is an inhabitant or in which the defendant may be found.

“(5) ACTIONS BY OTHER STATE OFFICIALS.—

“(A) Nothing contained in this section shall prohibit an authorized State official from proceeding in State court on the basis of an alleged violation of any civil or criminal statute of such State.

“(B) In addition to actions brought by an attorney general of a State under paragraph

(1), such an action may be brought by officers of such State who are authorized by the State to bring actions in such State on behalf of its residents.

“(d) EFFECT OF SECTION.—This section shall not apply to a person that is a registered exporter under section 804.

“(e) GENERAL DEFINITIONS.—For purposes of this section:

“(1) The term ‘practitioner’ means a practitioner referred to in section 503(b)(1) with respect to issuing a written or oral prescription.

“(2) The term ‘prescription drug’ means a drug that is described in section 503(b)(1).

“(3) The term ‘qualifying medical relationship’, with respect to a practitioner and a patient, has the meaning indicated for such term in subsection (b).

“(f) INTERNET-RELATED DEFINITIONS.—

“(1) IN GENERAL.—For purposes of this section:

“(A) The term ‘Internet’ means collectively the myriad of computer and telecommunications facilities, including equipment and operating software, which comprise the interconnected world-wide network of networks that employ the transmission control protocol/internet protocol, or any predecessor or successor protocols to such protocol, to communicate information of all kinds by wire or radio.

“(B) The term ‘link’, with respect to the Internet, means one or more letters, words, numbers, symbols, or graphic items that appear on a page of an Internet site for the purpose of serving, when activated, as a method for executing an electronic command—

“(i) to move from viewing one portion of a page on such site to another portion of the page;

“(ii) to move from viewing one page on such site to another page on such site; or

“(iii) to move from viewing a page on one Internet site to a page on another Internet site.

“(C) The term ‘page’, with respect to the Internet, means a document or other file accessed at an Internet site.

“(D)(i) The terms ‘site’ and ‘address’, with respect to the Internet, mean a specific location on the Internet that is determined by Internet Protocol numbers. Such term includes the domain name, if any.

“(ii) The term ‘domain name’ means a method of representing an Internet address without direct reference to the Internet Protocol numbers for the address, including methods that use designations such as ‘.com’, ‘.edu’, ‘.gov’, ‘.net’, or ‘.org’.

“(iii) The term ‘Internet Protocol numbers’ includes any successor protocol for determining a specific location on the Internet.

“(2) AUTHORITY OF SECRETARY.—The Secretary may by regulation modify any definition under paragraph (1) to take into account changes in technology.

“(g) INTERACTIVE COMPUTER SERVICE; ADVERTISING.—No provider of an interactive computer service, as defined in section 230(f)(2) of the Communications Act of 1934 (47 U.S.C. 230(f)(2)), or of advertising services shall be liable under this section for dispensing or selling prescription drugs in violation of this section on account of another person’s selling or dispensing such drugs, provided that the provider of the interactive computer service or of advertising services does not own or exercise corporate control over such person.

“(h) NO EFFECT ON OTHER REQUIREMENTS; COORDINATION.—The requirements of this section are in addition to, and do not supersede, any requirements under the Controlled

Substances Act or the Controlled Substances Import and Export Act (or any regulation promulgated under either such Act) regarding Internet pharmacies and controlled substances. In promulgating regulations to carry out this section, the Secretary shall coordinate with the Attorney General to ensure that such regulations do not duplicate or conflict with the requirements described in the previous sentence, and that such regulations and requirements coordinate to the extent practicable.”

(b) **INCLUSION AS PROHIBITED ACT.**—Section 301 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 331) is amended by inserting after paragraph (k) the following:

“(l) The dispensing or selling of a prescription drug in violation of section 503C.”

(c) **INTERNET SALES OF PRESCRIPTION DRUGS; CONSIDERATION BY SECRETARY OF PRACTICES AND PROCEDURES FOR CERTIFICATION OF LEGITIMATE BUSINESSES.**—In carrying out section 503C of the Federal Food, Drug, and Cosmetic Act (as added by subsection (a) of this section), the Secretary of Health and Human Services shall take into consideration the practices and procedures of public or private entities that certify that businesses selling prescription drugs through Internet sites are legitimate businesses, including practices and procedures regarding disclosure formats and verification programs.

(d) **REPORTS REGARDING INTERNET-RELATED VIOLATIONS OF FEDERAL AND STATE LAWS ON DISPENSING OF DRUGS.**—

(1) **IN GENERAL.**—The Secretary of Health and Human Services (referred to in this subsection as the “Secretary”) shall, pursuant to the submission of an application meeting the criteria of the Secretary, make an award of a grant or contract to the National Clearinghouse on Internet Prescribing (operated by the Federation of State Medical Boards) for the purpose of—

(A) identifying Internet sites that appear to be in violation of Federal or State laws concerning the dispensing of drugs;

(B) reporting such sites to State medical licensing boards and State pharmacy licensing boards, and to the Attorney General and the Secretary, for further investigation; and

(C) submitting, for each fiscal year for which the award under this subsection is made, a report to the Secretary describing investigations undertaken with respect to violations described in subparagraph (A).

(2) **AUTHORIZATION OF APPROPRIATIONS.**—For the purpose of carrying out paragraph (1), there is authorized to be appropriated \$100,000 for each of the first 3 fiscal years in which this section is in effect.

(e) **EFFECTIVE DATE.**—The amendments made by subsections (a) and (b) take effect 90 days after the date of enactment of this Act, without regard to whether a final rule to implement such amendments has been promulgated by the Secretary of Health and Human Services under section 701(a) of the Federal Food, Drug, and Cosmetic Act. The preceding sentence may not be construed as affecting the authority of such Secretary to promulgate such a final rule.

SEC. 508. PROHIBITING PAYMENTS TO UNREGISTERED FOREIGN PHARMACIES.

(a) **IN GENERAL.**—Section 303 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 333) is amended by adding at the end the following:

“(h) **RESTRICTED TRANSACTIONS.**—

“(1) **IN GENERAL.**—The introduction of restricted transactions into a payment system or the completion of restricted transactions using a payment system is prohibited.

“(2) **PAYMENT SYSTEM.**—

“(A) **IN GENERAL.**—The term ‘payment system’ means a system used by a person described in subparagraph (B) to effect a credit transaction, electronic fund transfer, or money transmitting service that may be used in connection with, or to facilitate, a restricted transaction, and includes—

“(i) a credit card system;

“(ii) an international, national, regional, or local network used to effect a credit transaction, an electronic fund transfer, or a money transmitting service; and

“(iii) any other system that is centrally managed and is primarily engaged in the transmission and settlement of credit transactions, electronic fund transfers, or money transmitting services.

“(B) **PERSONS DESCRIBED.**—A person referred to in subparagraph (A) is—

“(i) a creditor;

“(ii) a credit card issuer;

“(iii) a financial institution;

“(iv) an operator of a terminal at which an electronic fund transfer may be initiated;

“(v) a money transmitting business; or

“(vi) a participant in an international, national, regional, or local network used to effect a credit transaction, electronic fund transfer, or money transmitting service.

“(3) **RESTRICTED TRANSACTION.**—The term ‘restricted transaction’ means a transaction or transmittal, on behalf of an individual who places an unlawful drug importation request to any person engaged in the operation of an unregistered foreign pharmacy, of—

“(A) credit, or the proceeds of credit, extended to or on behalf of the individual for the purpose of the unlawful drug importation request (including credit extended through the use of a credit card);

“(B) an electronic fund transfer or funds transmitted by or through a money transmitting business, or the proceeds of an electronic fund transfer or money transmitting service, from or on behalf of the individual for the purpose of the unlawful drug importation request;

“(C) a check, draft, or similar instrument which is drawn by or on behalf of the individual for the purpose of the unlawful drug importation request and is drawn on or payable at or through any financial institution; or

“(D) the proceeds of any other form of financial transaction (identified by the Board by regulation) that involves a financial institution as a payor or financial intermediary on behalf of or for the benefit of the individual for the purpose of the unlawful drug importation request.

“(4) **UNLAWFUL DRUG IMPORTATION REQUEST.**—The term ‘unlawful drug importation request’ means the request, or transmittal of a request, made to an unregistered foreign pharmacy for a prescription drug by mail (including a private carrier), facsimile, phone, or electronic mail, or by a means that involves the use, in whole or in part, of the Internet.

“(5) **UNREGISTERED FOREIGN PHARMACY.**—The term ‘unregistered foreign pharmacy’ means a person in a country other than the United States that is not a registered exporter under section 804.

“(6) **OTHER DEFINITIONS.**—

“(A) **CREDIT; CREDITOR; CREDIT CARD.**—The terms ‘credit’, ‘creditor’, and ‘credit card’ have the meanings given the terms in section 103 of the Truth in Lending Act (15 U.S.C. 1602).

“(B) **ACCESS DEVICE; ELECTRONIC FUND TRANSFER.**—The terms ‘access device’ and ‘electronic fund transfer’—

“(i) have the meaning given the term in section 903 of the Electronic Fund Transfer Act (15 U.S.C. 1693a); and

“(ii) the term ‘electronic fund transfer’ also includes any fund transfer covered under Article 4A of the Uniform Commercial Code, as in effect in any State.

“(C) **FINANCIAL INSTITUTION.**—The term ‘financial institution’—

“(i) has the meaning given the term in section 903 of the Electronic Transfer Fund Act (15 U.S.C. 1693a); and

“(ii) includes a financial institution (as defined in section 509 of the Gramm-Leach-Bliley Act (15 U.S.C. 6809)).

“(D) **MONEY TRANSMITTING BUSINESS; MONEY TRANSMITTING SERVICE.**—The terms ‘money transmitting business’ and ‘money transmitting service’ have the meaning given the terms in section 5330(d) of title 31, United States Code.

“(E) **BOARD.**—The term ‘Board’ means the Board of Governors of the Federal Reserve System.

“(7) **POLICIES AND PROCEDURES REQUIRED TO PREVENT RESTRICTED TRANSACTIONS.**—

“(A) **REGULATIONS.**—The Board shall promulgate regulations requiring—

“(i) an operator of a credit card system;

“(ii) an operator of an international, national, regional, or local network used to effect a credit transaction, an electronic fund transfer, or a money transmitting service;

“(iii) an operator of any other payment system that is centrally managed and is primarily engaged in the transmission and settlement of credit transactions, electronic transfers or money transmitting services where at least one party to the transaction or transfer is an individual; and

“(iv) any other person described in paragraph (2)(B) and specified by the Board in such regulations,

to establish policies and procedures that are reasonably designed to prevent the introduction of a restricted transaction into a payment system or the completion of a restricted transaction using a payment system

“(B) **REQUIREMENTS FOR POLICIES AND PROCEDURES.**—In promulgating regulations under subparagraph (A), the Board shall—

“(i) identify types of policies and procedures, including nonexclusive examples, that shall be considered to be reasonably designed to prevent the introduction of restricted transactions into a payment system or the completion of restricted transactions using a payment system; and

“(ii) to the extent practicable, permit any payment system, or person described in paragraph (2)(B), as applicable, to choose among alternative means of preventing the introduction or completion of restricted transactions.

“(C) **NO LIABILITY FOR BLOCKING OR REFUSING TO HONOR RESTRICTED TRANSACTION.**—

“(i) **IN GENERAL.**—A payment system, or a person described in paragraph (2)(B) that is subject to a regulation issued under this subsection, and any participant in such payment system that prevents or otherwise refuses to honor transactions in an effort to implement the policies and procedures required under this subsection or to otherwise comply with this subsection shall not be liable to any party for such action.

“(ii) **COMPLIANCE.**—A person described in paragraph (2)(B) meets the requirements of this subsection if the person relies on and complies with the policies and procedures of a payment system of which the person is a member or in which the person is a participant, and such policies and procedures of the

payment system comply with the requirements of the regulations promulgated under subparagraph (A).

“(D) ENFORCEMENT.—

“(i) IN GENERAL.—This subsection, and the regulations promulgated under this subsection, shall be enforced exclusively by the Federal functional regulators and the Federal Trade Commission under applicable law in the manner provided in section 505(a) of the Gramm-Leach-Bliley Act (15 U.S.C. 6805(a)).

“(ii) FACTORS TO BE CONSIDERED.—In considering any enforcement action under this subsection against a payment system or person described in paragraph (2)(B), the Federal functional regulators and the Federal Trade Commission shall consider the following factors:

“(I) The extent to which the payment system or person knowingly permits restricted transactions.

“(II) The history of the payment system or person in connection with permitting restricted transactions.

“(III) The extent to which the payment system or person has established and is maintaining policies and procedures in compliance with regulations prescribed under this subsection.

“(8) TRANSACTIONS PERMITTED.—A payment system, or a person described in paragraph (2)(B) that is subject to a regulation issued under this subsection, is authorized to engage in transactions with foreign pharmacies in connection with investigating violations or potential violations of any rule or requirement adopted by the payment system or person in connection with complying with paragraph (7). A payment system, or such a person, and its agents and employees shall not be found to be in violation of, or liable under, any Federal, State or other law by virtue of engaging in any such transaction.

“(9) RELATION TO STATE LAWS.—No requirement, prohibition, or liability may be imposed on a payment system, or a person described in paragraph (2)(B) that is subject to a regulation issued under this subsection, under the laws of any state with respect to any payment transaction by an individual because the payment transaction involves a payment to a foreign pharmacy.

“(10) TIMING OF REQUIREMENTS.—A payment system, or a person described in paragraph (2)(B) that is subject to a regulation issued under this subsection, must adopt policies and procedures reasonably designed to comply with any regulations required under paragraph (7) within 60 days after such regulations are issued in final form.

“(11) COMPLIANCE.—A payment system, and any person described in paragraph (2)(B), shall not be deemed to be in violation of paragraph (1)—

“(A)(i) if an alleged violation of paragraph (1) occurs prior to the mandatory compliance date of the regulations issued under paragraph (7); and

“(ii) such entity has adopted or relied on policies and procedures that are reasonably designed to prevent the introduction of restricted transactions into a payment system or the completion of restricted transactions using a payment system; or

“(B)(i) if an alleged violation of paragraph (1) occurs after the mandatory compliance date of such regulations; and

“(ii) such entity is in compliance with such regulations.”.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on the day that is 90 days after the date of enactment of this Act.

(c) IMPLEMENTATION.—The Board of Governors of the Federal Reserve System shall promulgate regulations as required by subsection (h)(7) of section 303 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 333), as added by subsection (a), not later than 90 days after the date of enactment of this Act.

SEC. 509. IMPORTATION EXEMPTION UNDER CONTROLLED SUBSTANCES IMPORT AND EXPORT ACT.

Section 1006(a)(2) of the Controlled Substances Import and Export Act (21 U.S.C. 956(a)(2)) is amended by striking “not import the controlled substance into the United States in an amount that exceeds 50 dosage units of the controlled substance.” and inserting “import into the United States not more than 10 dosage units combined of all such controlled substances.”.

SEC. 510. SEVERABILITY.

If any provision of this title, an amendment by this title, or the application of such provision or amendment to any person or circumstance is held to be unconstitutional, the remainder of this title, the amendments made by this title, and the application of the provisions of such to any person or circumstance shall not be affected thereby.

SA 4717. Mr. REID (for Mr. WYDEN) proposed an amendment to the bill S. 3650, to amend chapter 21 of title 5, United States Code, to provide that fathers of certain permanently disabled or deceased veterans shall be included with mothers of such veterans as preference eligibles for treatment in the civil service; as follows:

Strike section 1 and redesignate sections 2 and 3 as sections 1 and 2, respectively.

SA 4718. Mr. REID (for Mr. HATCH) proposed an amendment to the bill H.R. 6198, to amend title 11 of the United States Code to make technical corrections; and for related purposes; as follows:

On page 3, strike lines 1 through 5 and insert the following: “and

“(F) in paragraph (51D), by inserting ‘of the filing’ after ‘date’ the 1st place it appears,”

SA 4719. Mr. REID (for Mr. BAUCUS) proposed an amendment to the bill H.R. 4783, may be cited as “The claims Resettlement Act of 2010”, as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Claims Resolution Act of 2010”.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—INDIVIDUAL INDIAN MONEY ACCOUNT LITIGATION SETTLEMENT

Sec. 101. Individual Indian Money Account Litigation Settlement.

TITLE II—FINAL SETTLEMENT OF CLAIMS FROM IN RE BLACK FARMERS DISCRIMINATION LITIGATION

Sec. 201. Appropriation of funds for final settlement of claims from In re Black Farmers Discrimination Litigation.

TITLE III—WHITE MOUNTAIN APACHE TRIBE WATER RIGHTS QUANTIFICATION

Sec. 301. Short title.

Sec. 302. Purposes.

Sec. 303. Definitions.

Sec. 304. Approval of Agreement.

Sec. 305. Water rights.

Sec. 306. Contract.

Sec. 307. Authorization of WMAT rural water system.

Sec. 308. Satisfaction of claims.

Sec. 309. Waivers and releases of claims.

Sec. 310. White Mountain Apache Tribe Water Rights Settlement Sub-account.

Sec. 311. Miscellaneous provisions.

Sec. 312. Funding.

Sec. 313. Antideficiency.

Sec. 314. Compliance with environmental laws.

TITLE IV—CROW TRIBE WATER RIGHTS SETTLEMENT

Sec. 401. Short title.

Sec. 402. Purposes.

Sec. 403. Definitions.

Sec. 404. Ratification of Compact.

Sec. 405. Rehabilitation and improvement of Crow Irrigation Project.

Sec. 406. Design and construction of MR&I System.

Sec. 407. Tribal water rights.

Sec. 408. Storage allocation from Bighorn Lake.

Sec. 409. Satisfaction of claims.

Sec. 410. Waivers and releases of claims.

Sec. 411. Crow Settlement Fund.

Sec. 412. Yellowtail Dam, Montana.

Sec. 413. Miscellaneous provisions.

Sec. 414. Funding.

Sec. 415. Repeal on failure to meet enforceability date.

Sec. 416. Antideficiency.

TITLE V—TAOS PUEBLO INDIAN WATER RIGHTS

Sec. 501. Short title.

Sec. 502. Purposes.

Sec. 503. Definitions.

Sec. 504. Pueblo rights.

Sec. 505. Taos Pueblo Water Development Fund.

Sec. 506. Marketing.

Sec. 507. Mutual-Benefit Projects.

Sec. 508. San Juan-Chama Project contracts.

Sec. 509. Authorizations, ratifications, confirmations, and conditions precedent.

Sec. 510. Waivers and releases of claims.

Sec. 511. Interpretation and enforcement.

Sec. 512. Disclaimer.

Sec. 513. Antideficiency.

TITLE VI—AAMODT LITIGATION SETTLEMENT

Sec. 601. Short title.

Sec. 602. Definitions.

Subtitle A—Pojoaque Basin Regional Water System

Sec. 611. Authorization of Regional Water System.

Sec. 612. Operating Agreement.

Sec. 613. Acquisition of Pueblo water supply for Regional Water System.

Sec. 614. Delivery and allocation of Regional Water System capacity and water.

Sec. 615. Aamodt Settlement Pueblos' Fund.

Sec. 616. Environmental compliance.

Sec. 617. Funding.

Subtitle B—Pojoaque Basin Indian Water Rights Settlement

Sec. 621. Settlement Agreement and contract approval.

Sec. 622. Environmental compliance.

Sec. 623. Conditions precedent and enforcement date.

Sec. 624. Waivers and releases of claims.

Sec. 625. Effect.

Sec. 626. Antideficiency.

TITLE VII—RECLAMATION WATER SETTLEMENTS FUND

Sec. 701. Mandatory appropriation.

TITLE VIII—GENERAL PROVISIONS

Subtitle A—Unemployment Compensation Program Integrity

Sec. 801. Collection of past-due, legally enforceable State debts.

Sec. 802. Reporting of first day of earnings to directory of new hires.

Subtitle B—TANF

Sec. 811. Extension of the Temporary Assistance for Needy Families program.

Sec. 812. Modifications to TANF data reporting.

Subtitle C—Customs User Fees; Continued Dumping and Subsidy Offset

Sec. 821. Customs user fees.

Sec. 822. Limitation on distributions relating to repeal of continued dumping and subsidy offset.

Subtitle D—Emergency Fund for Indian Safety and Health

Sec. 831. Emergency Fund for Indian Safety and Health.

Subtitle E—Rescission of Funds From WIC Program

Sec. 841. Rescission of funds from WIC program.

Subtitle F—Budgetary Effects

Sec. 851. Budgetary effects.

TITLE I—INDIVIDUAL INDIAN MONEY ACCOUNT LITIGATION SETTLEMENT

SEC. 101. INDIVIDUAL INDIAN MONEY ACCOUNT LITIGATION SETTLEMENT.

(a) DEFINITIONS.—In this section:

(1) AGREEMENT ON ATTORNEYS' FEES, EXPENSES, AND COSTS.—The term "Agreement on Attorneys' Fees, Expenses, and Costs" means the agreement dated December 7, 2009, between Class Counsel (as defined in the Settlement) and the Defendants (as defined in the Settlement) relating to attorneys' fees, expenses, and costs incurred by Class Counsel in connection with the Litigation and implementation of the Settlement, as modified by the parties to the Litigation.

(2) AMENDED COMPLAINT.—The term "Amended Complaint" means the Amended Complaint attached to the Settlement.

(3) FINAL APPROVAL.—The term "final approval" has the meaning given the term in the Settlement.

(4) LAND CONSOLIDATION PROGRAM.—The term "Land Consolidation Program" means a program conducted in accordance with the Settlement, the Indian Land Consolidation Act (25 U.S.C. 2201 et seq.), and subsection (e)(2) under which the Secretary may purchase fractional interests in trust or restricted land.

(5) LITIGATION.—The term "Litigation" means the case entitled *Elouise Cobell et al. v. Ken Salazar et al.*, United States District Court, District of Columbia, Civil Action No. 96-1285 (TFH).

(6) PLAINTIFF.—The term "Plaintiff" means a member of any class certified in the Litigation.

(7) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(8) SETTLEMENT.—The term "Settlement" means the Class Action Settlement Agreement dated December 7, 2009, in the Litigation, as modified by the parties to the Litigation.

(9) TRUST ADMINISTRATION ADJUSTMENT FUND.—The term "Trust Administration Ad-

justment Fund" means the \$100,000,000 deposited in the Settlement Account (as defined in the Settlement) pursuant to subsection (j)(1) for use in making the adjustments authorized by that subsection.

(10) TRUST ADMINISTRATION CLASS.—The term "Trust Administration Class" means the Trust Administration Class as defined in the Settlement.

(b) PURPOSE.—The purpose of this section is to authorize the Settlement.

(c) AUTHORIZATION.—

(1) IN GENERAL.—The Settlement is authorized, ratified, and confirmed.

(2) AMENDMENTS.—Any amendment to the Settlement is authorized, ratified, and confirmed, to the extent that such amendment is executed to make the Settlement consistent with this section.

(d) JURISDICTIONAL PROVISIONS.—

(1) IN GENERAL.—Notwithstanding the limitation on the jurisdiction of the district courts of the United States in section 1346(a)(2) of title 28, United States Code, the United States District Court for the District of Columbia shall have jurisdiction of the claims asserted in the Amended Complaint for purposes of the Settlement.

(2) CERTIFICATION OF TRUST ADMINISTRATION CLASS.—

(A) IN GENERAL.—Notwithstanding the requirements of the Federal Rules of Civil Procedure, the court in the Litigation may certify the Trust Administration Class.

(B) TREATMENT.—On certification under subparagraph (A), the Trust Administration Class shall be treated as a class certified under rule 23(b)(3) of the Federal Rules of Civil Procedure for purposes of the Settlement.

(e) TRUST LAND CONSOLIDATION.—

(1) TRUST LAND CONSOLIDATION FUND.—

(A) ESTABLISHMENT.—On final approval of the Settlement, there shall be established in the Treasury of the United States a fund, to be known as the "Trust Land Consolidation Fund".

(B) AVAILABILITY OF AMOUNTS.—Amounts in the Trust Land Consolidation Fund shall be made available to the Secretary during the 10-year period beginning on the date of final approval of the Settlement—

(i) to conduct the Land Consolidation Program; and

(ii) for other costs specified in the Settlement.

(C) DEPOSITS.—

(i) IN GENERAL.—On final approval of the Settlement, the Secretary of the Treasury shall deposit in the Trust Land Consolidation Fund \$1,900,000,000 out of the amounts appropriated to pay final judgments, awards, and compromise settlements under section 1304 of title 31, United States Code.

(ii) CONDITIONS MET.—The conditions described in section 1304 of title 31, United States Code, shall be deemed to be met for purposes of clause (i).

(D) TRANSFERS.—In a manner designed to encourage participation in the Land Consolidation Program, the Secretary may transfer, at the discretion of the Secretary, not more than \$60,000,000 of amounts in the Trust Land Consolidation Fund to the Indian Education Scholarship Holding Fund established under paragraph (3).

(2) OPERATION.—The Secretary shall consult with Indian tribes to identify fractional interests within the respective jurisdictions of the Indian tribes for purchase in a manner that is consistent with the priorities of the Secretary.

(3) INDIAN EDUCATION SCHOLARSHIP HOLDING FUND.—

(A) ESTABLISHMENT.—On final approval of the Settlement, there shall be established in the Treasury of the United States a fund, to be known as the "Indian Education Scholarship Holding Fund".

(B) AVAILABILITY.—Notwithstanding any other provision of law governing competition, public notification, or Federal procurement or assistance, amounts in the Indian Education Scholarship Holding Fund shall be made available, without further appropriation, to the Secretary to contribute to an Indian Education Scholarship Fund, as described in the Settlement, to provide scholarships for Native Americans.

(4) ACQUISITION OF TRUST OR RESTRICTED LAND.—The Secretary may acquire, at the discretion of the Secretary and in accordance with the Land Consolidation Program, any fractional interest in trust or restricted land.

(5) TREATMENT OF UNLOCATABLE PLAINTIFFS.—A Plaintiff, the whereabouts of whom are unknown and who, after reasonable efforts by the Secretary, cannot be located during the 5-year period beginning on the date of final approval of the Settlement, shall be considered to have accepted an offer made pursuant to the Land Consolidation Program.

(f) TAXATION AND OTHER BENEFITS.—

(1) INTERNAL REVENUE CODE.—For purposes of the Internal Revenue Code of 1986, amounts received by an individual Indian as a lump sum or a periodic payment pursuant to the Settlement shall not be—

(A) included in gross income; or

(B) taken into consideration for purposes of applying any provision of the Internal Revenue Code that takes into account excludable income in computing adjusted gross income or modified adjusted gross income, including section 86 of that Code (relating to Social Security and tier 1 railroad retirement benefits).

(2) OTHER BENEFITS.—Notwithstanding any other provision of law, for purposes of determining initial eligibility, ongoing eligibility, or level of benefits under any Federal or federally assisted program, amounts received by an individual Indian as a lump sum or a periodic payment pursuant to the Settlement shall not be treated for any household member, during the 1-year period beginning on the date of receipt—

(A) as income for the month during which the amounts were received; or

(B) as a resource.

(g) INCENTIVE AWARDS AND AWARD OF ATTORNEYS' FEES, EXPENSES, AND COSTS UNDER SETTLEMENT AGREEMENT.—

(1) IN GENERAL.—Subject to paragraph (3), the court in the Litigation shall determine the amount to which the Plaintiffs in the Litigation may be entitled for incentive awards and for attorneys' fees, expenses, and costs—

(A) in accordance with controlling law, including, with respect to attorneys' fees, expenses, and costs, any applicable rule of law requiring counsel to produce contemporaneous time, expense, and cost records in support of a motion for such fees, expenses, and costs; and

(B) giving due consideration to the special status of Class Members (as defined in the Settlement) as beneficiaries of a federally created and administered trust.

(2) NOTICE OF AGREEMENT ON ATTORNEYS' FEES, EXPENSES, AND COSTS.—The description of the request of Class Counsel for an amount of attorneys' fees, expenses, and costs required under paragraph C.1.d. of the Settlement shall include a description of all

material provisions of the Agreement on Attorneys' Fees, Expenses, and Costs.

(3) EFFECT ON AGREEMENT.—Nothing in this subsection limits or otherwise affects the enforceability of the Agreement on Attorneys' Fees, Expenses, and Costs.

(h) SELECTION OF QUALIFYING BANK.—The United States District Court for the District of Columbia, in exercising the discretion of the Court to approve the selection of any proposed Qualifying Bank (as defined in the Settlement) under paragraph A.1. of the Settlement, may consider any factors or circumstances regarding the proposed Qualifying Bank that the Court determines to be appropriate to protect the rights and interests of Class Members (as defined in the Settlement) in the amounts to be deposited in the Settlement Account (as defined in the Settlement).

(i) APPOINTEES TO SPECIAL BOARD OF TRUSTEES.—The 2 members of the special board of trustees to be selected by the Secretary under paragraph G.3. of the Settlement shall be selected only after consultation with, and after considering the names of possible candidates timely offered by, federally recognized Indian tribes.

(j) TRUST ADMINISTRATION CLASS ADJUSTMENTS.—

(1) FUNDS.—

(A) IN GENERAL.—In addition to the amounts deposited pursuant to paragraph E.2. of the Settlement, on final approval, the Secretary of the Treasury shall deposit in the Trust Administration Adjustment Fund of the Settlement Account (as defined in the Settlement) \$100,000,000 out of the amounts appropriated to pay final judgments, awards, and compromise settlements under section 1304 of title 31, United States Code, to be allocated and paid by the Claims Administrator (as defined in the Settlement and pursuant to paragraph E.1.e of the Settlement) in accordance with this subsection.

(B) CONDITIONS MET.—The conditions described in section 1304 of title 31, United States Code, shall be deemed to be met for purposes of subparagraph (A).

(2) ADJUSTMENT.—

(A) IN GENERAL.—After the calculation of the pro rata share in Section E.4.b of the Settlement, the Trust Administration Adjustment Fund shall be used to increase the minimum payment to each Trust Administration Class Member whose pro rata share is—

(i) zero; or

(ii) greater than zero, but who would, after adjustment under this subparagraph, otherwise receive a smaller Stage 2 payment than those Trust Administration Class Members described in clause (i).

(B) RESULT.—The amounts in the Trust Administration Adjustment Fund shall be applied in such a manner as to ensure, to the extent practicable (as determined by the court in the Litigation), that each Trust Administration Class Member receiving amounts from the Trust Administration Adjustment Fund receives the same total payment under Stage 2 of the Settlement after making the adjustments required by this subsection.

(3) TIMING OF PAYMENTS.—The payments authorized by this subsection shall be included with the Stage 2 payments under paragraph E.4. of the Settlement.

(k) EFFECT OF ADJUSTMENT PROVISIONS.—Notwithstanding any provision of this section, in the event that a court determines that the application of subsection (j) is unfair to the Trust Administration Class—

(1) subsection (j) shall not go into effect; and

(2) on final approval of the Settlement, in addition to the amounts deposited into the Trust Land Consolidation Fund pursuant to subsection (e), the Secretary of the Treasury shall deposit in that Fund \$100,000,000 out of amounts appropriated to pay final judgments, awards, and compromise settlements under section 1304 of title 31, United States Code (the conditions of which section shall be deemed to be met for purposes of this paragraph) to be used by the Secretary in accordance with subsection (e).

TITLE II—FINAL SETTLEMENT OF CLAIMS FROM IN RE BLACK FARMERS DISCRIMINATION LITIGATION

SEC. 201. APPROPRIATION OF FUNDS FOR FINAL SETTLEMENT OF CLAIMS FROM IN RE BLACK FARMERS DISCRIMINATION LITIGATION.

(a) DEFINITIONS.—In this section:

(1) SETTLEMENT AGREEMENT.—The term "Settlement Agreement" means the settlement agreement dated February 18, 2010 (including any modifications agreed to by the parties and approved by the court under that agreement) between certain plaintiffs, by and through their counsel, and the Secretary of Agriculture to resolve, fully and forever, the claims raised or that could have been raised in the cases consolidated in *In re Black Farmers Discrimination Litigation*, Misc. No. 08-mc-0511 (PLF), including Pigford claims asserted under section 14012 of the Food, Conservation, and Energy Act of 2008 (Public Law 110-246; 122 Stat. 2209).

(2) PIGFORD CLAIM.—The term "Pigford claim" has the meaning given that term in section 14012(a)(3) of the Food, Conservation, and Energy Act of 2008 (Public Law 110-246; 122 Stat. 2210).

(b) APPROPRIATION OF FUNDS.—There is appropriated to the Secretary of Agriculture \$1,150,000,000, to remain available until expended, to carry out the terms of the Settlement Agreement if the Settlement Agreement is approved by a court order that is or becomes final and nonappealable, and the court finds that the Settlement Agreement is modified to incorporate the additional terms contained in subsection (g). The funds appropriated by this subsection are in addition to the \$100,000,000 of funds of the Commodity Credit Corporation made available by section 14012(i) of the Food, Conservation, and Energy Act of 2008 (Public Law 110-246; 122 Stat. 2212) and shall be available for obligation only after those Commodity Credit Corporation funds are fully obligated. If the Settlement Agreement is not approved as provided in this subsection, the \$100,000,000 of funds of the Commodity Credit Corporation made available by section 14012(i) of the Food, Conservation, and Energy Act of 2008 shall be the sole funding available for Pigford claims.

(c) USE OF FUNDS.—The use of the funds appropriated by subsection (b) shall be subject to the express terms of the Settlement Agreement.

(d) TREATMENT OF REMAINING FUNDS.—If any of the funds appropriated by subsection (b) are not obligated and expended to carry out the Settlement Agreement, the Secretary of Agriculture shall return the unused funds to the Treasury and may not make the unused funds available for any purpose related to section 14012 of the Food, Conservation, and Energy Act of 2008, for any other settlement agreement executed in *In re Black Farmers Discrimination Litigation*, No. 08-511 (D.D.C.), or for any other purpose.

(e) RULES OF CONSTRUCTION.—Nothing in this section shall be construed as requiring the United States, any of its officers or agen-

cies, or any other party to enter into the Settlement Agreement or any other settlement agreement. Nothing in this section shall be construed as creating the basis for a Pigford claim.

(f) CONFORMING AMENDMENTS.—Section 14012 of the Food, Conservation, and Energy Act of 2008 (Public Law 110-246; 122 Stat. 2209) is amended—

(1) in subsection (c)(1)—

(A) by striking "subsection (h)" and inserting "subsection (g)"; and

(B) by striking "subsection (i)" and inserting "subsection (h)";

(2) by striking subsection (e);

(3) in subsection (g), by striking "subsection (f)" and inserting "subsection (e)";

(4) in subsection (i)—

(A) by striking "(1) IN GENERAL.—Of the funds" and inserting "Of the funds";

(B) by striking paragraph (2); and

(C) by striking "subsection (g)" and inserting "subsection (f)";

(5) by striking subsection (j); and

(6) by redesignating subsections (f), (g), (h), (i), and (k) as subsections (e), (f), (g), (h), and (i), respectively.

(g) ADDITIONAL SETTLEMENT TERMS.—For the purposes of this section and funding for the Settlement Agreement, the following are additional terms:

(1) DEFINITIONS.—In this subsection:

(A) SETTLEMENT AGREEMENT.—The term "Settlement Agreement" means the settlement, including any modifications agreed to by the parties and approved by the court, between the Secretary of Agriculture and certain plaintiffs, by and through their counsel in litigation titled *Black Farmers Discrimination Litigation*, Misc. No. 08-mc-0511 (PLF).

(B) NEUTRAL ADJUDICATOR.—

(i) IN GENERAL.—The term "Neutral Adjudicator" means a Track A Neutral or a Track B Neutral as those terms are defined in the Settlement Agreement, who have been hired by Lead Class Counsel as that term is defined in the Settlement Agreement.

(ii) REQUIREMENT.—The Track A and B Neutrals called for in the Settlement Agreement shall be approved by the Secretary of the United States Department of Agriculture, the Attorney General, and the court.

(2) OATH.—Every Neutral Adjudicator shall take an oath administered by the court prior to hearing claims.

(3) ADDITIONAL DOCUMENTATION OR EVIDENCE.—Any Neutral Adjudicator may, during the course of hearing claims, require claimants to provide additional documentation and evidence if, in the Neutral Adjudicator's judgment, the additional documentation and evidence would be necessary or helpful in deciding the merits of the claim, or if the adjudicator suspects fraud regarding the claim.

(4) ATTORNEYS FEES, EXPENSES, AND COSTS.—

(A) IN GENERAL.—Subject to subparagraph (B) and the provisions of the Settlement Agreement regarding attorneys' fee caps and maximum and minimum percentages for awards of attorneys fees, the court shall make any determination as to the amount of attorneys' fees, expenses, and costs in accordance with controlling law, including, with respect to attorneys' fees, expenses, and costs, any applicable rule of law requiring counsel to produce contemporaneous time, expenses, and cost records in support of a motion for such fees, expenses, and costs.

(B) EFFECT ON AGREEMENT.—Nothing in this paragraph limits or otherwise affects

the enforceability of provisions regarding attorneys' fees, expenses, and costs that may be contained in the Settlement Agreement.

(5) **CERTIFICATION.**—An attorney filing a claim on behalf of a claimant shall swear, under penalty of perjury, that: "to the best of the attorney's knowledge, information, and belief formed after an inquiry reasonable under the circumstances, the claim is supported by existing law and the factual contentions have evidentiary support".

(6) **DISTRIBUTION OF CLAIMS DETERMINATIONS AND SETTLEMENT FUNDS.**—In order to ensure full transparency of the administration of claims under the Settlement Agreement, the Claims Administrator as that term is defined in the Settlement Agreement, shall provide to the Secretary of Agriculture, the Inspector General of the Department of Agriculture, the Attorney General, and Lead Class Counsel as that term is defined in the Settlement Agreement, all information regarding Distribution of Claims Determinations and Settlement Funds described in the Settlement Agreement.

(h) **REPORTS.**—

(1) **GOVERNMENT ACCOUNTABILITY OFFICE.**—

(A) **IN GENERAL.**—The Comptroller General of the United States shall evaluate the internal controls (including internal controls concerning fraud and abuse) created to carry out the terms of the Settlement Agreement, and report to the Congress at least 2 times throughout the duration of the claims adjudication process on the results of this evaluation.

(B) **ACCESS TO INFORMATION.**—Solely for purposes of conducting the evaluation under subparagraph (A), the Comptroller General shall have access, upon request, to the claims administrator, the claims adjudicators, and related officials, appointed in connection with the aforementioned settlement, and to any information and records generated, used, or received by them, including names and addresses.

(2) **USDA INSPECTOR GENERAL.**—

(A) **PERFORMANCE AUDIT.**—The Inspector General of the Department of Agriculture shall, within 180 days of the initial adjudication of claims, and subsequently as appropriate, perform a performance audit based on a statistical sampling of adjudicated claims.

(B) **AUDIT RECIPIENTS.**—The audits described in clause (i) shall be provided to Secretary of Agriculture and the Attorney General.

TITLE III—WHITE MOUNTAIN APACHE TRIBE WATER RIGHTS QUANTIFICATION

SEC. 301. SHORT TITLE.

This title may be cited as the "White Mountain Apache Tribe Water Rights Quantification Act of 2010".

SEC. 302. PURPOSES.

The purposes of this title are—

(1) to authorize, ratify, and confirm the Agreement;

(2) to authorize and direct the Secretary to execute the Agreement and take any other action necessary to carry out all obligations of the Secretary under the Agreement in accordance with this title;

(3) to authorize the amounts necessary for the United States to meet the obligations of the United States under the Agreement and this title; and

(4) to permanently resolve certain damage claims and all water rights claims among—

(A) the Tribe and its members;

(B) the United States, acting as trustee for the Tribe and its members;

(C) the parties to the Agreement; and

(D) all other claimants seeking to determine the nature and extent of the water

rights of the Tribe, its members, the United States, acting as trustee for the Tribe and its members, and other claimants in—

(i) the consolidated civil action in the Superior Court of the State of Arizona for the County of Maricopa styled In re the General Adjudication of All Rights To Use Water In The Gila River System and Source, W-1 (Salt), W-2 (Verde), W-3 (Upper Gila), W-4 (San Pedro); and

(ii) the civil action pending in the Superior Court of the State of Arizona for the County of Apache styled In re the General Adjudication of All Rights to Use Water in the Little Colorado River System and Source and numbered CIV-6417.

SEC. 303. DEFINITIONS.

In this title:

(1) **AGREEMENT.**—The term "Agreement" means—

(A) the WMAT Water Rights Quantification Agreement dated January 13, 2009; and

(B) any amendment or exhibit (including exhibit amendments) to that Agreement that are—

(i) made in accordance with this title; or

(ii) otherwise approved by the Secretary.

(2) **BUREAU.**—The term "Bureau" means the Bureau of Reclamation.

(3) **CAP.**—The term "CAP" means the reclamation project authorized and constructed by the United States in accordance with title III of the Colorado River Basin Project Act (43 U.S.C. 1521 et seq.).

(4) **CAP CONTRACTOR.**—The term "CAP contractor" means an individual or entity that has entered into a long-term contract (as that term is used in the repayment stipulation) with the United States for delivery of water through the CAP system.

(5) **CAP FIXED OM&R CHARGE.**—The term "CAP fixed OM&R charge" has the meaning given the term in the repayment stipulation.

(6) **CAP M&I PRIORITY WATER.**—The term "CAP M&I priority water" means the CAP water having a municipal and industrial delivery priority under the repayment contract.

(7) **CAP SUBCONTRACTOR.**—The term "CAP subcontractor" means an individual or entity that has entered into a long-term subcontract (as that term is used in the repayment stipulation) with the United States and the District for the delivery of water through the CAP system.

(8) **CAP SYSTEM.**—The term "CAP system" means—

(A) the Mark Wilmer Pumping Plant;

(B) the Hayden-Rhodes Aqueduct;

(C) the Fannin-McFarland Aqueduct;

(D) the Tucson Aqueduct;

(E) any pumping plant or appurtenant works of a feature described in any of subparagraphs (A) through (D); and

(F) any extension of, addition to, or replacement for a feature described in any of subparagraphs (A) through (E).

(9) **CAP WATER.**—The term "CAP water" means "Project Water" (as that term is defined in the repayment stipulation).

(10) **CONTRACT.**—The term "Contract" means—

(A) the proposed contract between the Tribe and the United States attached as exhibit 7.1 to the Agreement and numbered 08-XX-30-W0529; and

(B) any amendments to that contract.

(11) **DISTRICT.**—The term "District" means the Central Arizona Water Conservation District, a political subdivision of the State that is the contractor under the repayment contract.

(12) **ENFORCEABILITY DATE.**—The term "enforceability date" means the date described in section 309(d)(1).

(13) **INDIAN TRIBE.**—The term "Indian tribe" has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(14) **INJURY TO WATER RIGHTS.**—

(A) **IN GENERAL.**—The term "injury to water rights" means an interference with, diminution of, or deprivation of, a water right under Federal, State, or other law.

(B) **INCLUSIONS.**—The term "injury to water rights" includes—

(i) a change in the groundwater table; and

(ii) any effect of such a change.

(C) **EXCLUSION.**—The term "injury to water rights" does not include any injury to water quality.

(15) **LOWER COLORADO RIVER BASIN DEVELOPMENT FUND.**—The term "Lower Colorado River Basin Development Fund" means the fund established by section 403 of the Colorado River Basin Project Act (43 U.S.C. 1543).

(16) **OFF-RESERVATION TRUST LAND.**—The term "off-reservation trust land" means land—

(A) located outside the exterior boundaries of the reservation that is held in trust by the United States for the benefit of the Tribe as of the enforceability date; and

(B) depicted on the map attached to the Agreement as exhibit 2.57.

(17) **OPERATING AGENCY.**—The term "Operating Agency" means the 1 or more entities authorized to assume responsibility for the care, operation, maintenance, and replacement of the CAP system.

(18) **REPAYMENT CONTRACT.**—The term "repayment contract" means—

(A) the contract between the United States and the District for delivery of water and repayment of the costs of the CAP, numbered 14-06-W-245 (Amendment No. 1), and dated December 1, 1988; and

(B) any amendment to, or revision of, that contract.

(19) **REPAYMENT STIPULATION.**—The term "repayment stipulation" means the stipulated judgment and the stipulation for judgment (including any exhibits to those documents) entered on November 21, 2007, in the United States District Court for the District of Arizona in the consolidated civil action styled Central Arizona Water Conservation District v. United States, et al., and numbered CIV 95-625-TUC-WDB (EHC) and CIV 95-1720-PHX-EHC.

(20) **RESERVATION.**—

(A) **IN GENERAL.**—The term "reservation" means the land within the exterior boundary of the White Mountain Indian Reservation established by the Executive order dated November 9, 1871, as modified by subsequent Executive orders and Acts of Congress—

(i) known on the date of enactment of this Act as the "Fort Apache Reservation" pursuant to chapter 3 of the Act of June 7, 1897 (30 Stat. 62); and

(ii) generally depicted on the map attached to the Agreement as exhibit 2.81.

(B) **NO EFFECT ON DISPUTE OR AS ADMISSION.**—The depiction of the reservation described in subparagraph (A)(ii) shall not—

(i) be used to affect any dispute between the Tribe and the United States concerning the legal boundary of the reservation; or

(ii) constitute an admission by the Tribe with regard to any dispute between the Tribe and the United States concerning the legal boundary of the reservation.

(21) **SECRETARY.**—The term "Secretary" means the Secretary of the Interior.

(22) STATE.—The term “State” means the State of Arizona.

(23) TRIBAL CAP WATER.—The term “tribal CAP water” means the CAP water to which the Tribe is entitled pursuant to the Contract.

(24) TRIBAL WATER RIGHTS.—The term “tribal water rights” means the water rights of the Tribe described in paragraph 4.0 of the Agreement.

(25) TRIBE.—The term “Tribe” means the White Mountain Apache Tribe organized under section 16 of the Act of June 18, 1934 (commonly known as the “Indian Reorganization Act”) (25 U.S.C. 476).

(26) WATER RIGHT.—The term “water right” means any right in or to groundwater, surface water, or effluent under Federal, State, or other law.

(27) WMAT RURAL WATER SYSTEM.—The term “WMAT rural water system” means the municipal, rural, and industrial water diversion, storage, and delivery system described in section 307.

(28) YEAR.—The term “year” means a calendar year.

SEC. 304. APPROVAL OF AGREEMENT.

(a) APPROVAL.—

(1) IN GENERAL.—Except to the extent that any provision of the Agreement conflicts with a provision of this title, the Agreement is authorized, ratified, and confirmed.

(2) AMENDMENTS.—Any amendment to the Agreement is authorized, ratified, and confirmed, to the extent that such amendment is executed to make the Agreement consistent with this title.

(b) EXECUTION OF AGREEMENT.—

(1) IN GENERAL.—To the extent that the Agreement does not conflict with this title, the Secretary shall promptly—

(A) execute the Agreement, including all exhibits to the Agreement requiring the signature of the Secretary; and

(B) in accordance with the Agreement, execute any amendment to the Agreement, including any amendment to any exhibit to the Agreement requiring the signature of the Secretary, that is not inconsistent with this title; and

(2) DISCRETION OF THE SECRETARY.—The Secretary may execute any other amendment to the Agreement, including any amendment to any exhibit to the Agreement requiring the signature of the Secretary, that is not inconsistent with this title if the amendment does not require congressional approval pursuant to the Trade and Intercourse Act (25 U.S.C. 177) or other applicable Federal law (including regulations).

(c) NATIONAL ENVIRONMENTAL POLICY ACT.—

(1) ENVIRONMENTAL COMPLIANCE.—In implementing the Agreement and carrying out this title, the Secretary shall promptly comply with all applicable requirements of—

(A) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

(B) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

(C) all other applicable Federal environmental laws; and

(D) all regulations promulgated under the laws described in subparagraphs (A) through (C).

(2) EXECUTION OF AGREEMENT.—

(A) IN GENERAL.—Execution of the Agreement by the Secretary under this section shall not constitute a major Federal action under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(B) ENVIRONMENTAL COMPLIANCE.—The Secretary shall carry out all necessary environmental compliance activities required by Federal law in implementing the Agreement.

(3) LEAD AGENCY.—The Bureau shall serve as the lead agency with respect to ensuring environmental compliance associated with the WMAT rural water system.

SEC. 305. WATER RIGHTS.

(a) TREATMENT OF TRIBAL WATER RIGHTS.—The tribal water rights—

(1) shall be held in trust by the United States on behalf of the Tribe; and

(2) shall not be subject to forfeiture or abandonment.

(b) REALLOCATION.—

(1) IN GENERAL.—In accordance with this title and the Agreement, the Secretary shall reallocate to the Tribe, and offer to enter into a contract with the Tribe for the delivery in accordance with this section of—

(A) an entitlement to 23,782 acre-feet per year of CAP water that has a non-Indian agricultural delivery priority (as defined in the Contract) in accordance with section 104(a)(1)(A)(iii) of the Arizona Water Settlements Act (Public Law 108-451; 118 Stat. 3488), of which—

(i) 3,750 acre-feet per year shall be firmed by the United States for the benefit of the Tribe for the 100-year period beginning on January 1, 2008, with priority equivalent to CAP M&I priority water, in accordance with section 105(b)(1)(B) of that Act (118 Stat. 3492); and

(ii) 3,750 acre-feet per year shall be firmed by the State for the benefit of the Tribe for the 100-year period beginning on January 1, 2008, with priority equivalent to CAP M&I priority water, in accordance with section 105(b)(2)(B) of that Act (118 Stat. 3492); and

(B) an entitlement to 1,218 acre-feet per year of the water—

(i) acquired by the Secretary through the permanent relinquishment of the Harquahala Valley Irrigation District CAP subcontract entitlement in accordance with the contract numbered 3-07-30-W0290 among the District, Harquahala Valley Irrigation District, and the United States; and

(ii) converted to CAP Indian Priority water (as defined in the Contract) pursuant to the Fort McDowell Indian Community Water Rights Settlement Act of 1990 (Public Law 101-628; 104 Stat. 4480).

(2) AUTHORITY OF TRIBE.—Subject to approval by the Secretary under section 306(a)(1), the Tribe shall have the sole authority to lease, distribute, exchange, or allocate the tribal CAP water described in paragraph (1).

(c) WATER SERVICE CAPITAL CHARGES.—The Tribe shall not be responsible for any water service capital charge for tribal CAP water.

(d) ALLOCATION AND REPAYMENT.—For the purpose of determining the allocation and repayment of costs of any stage of the CAP constructed after November 21, 2007, the costs associated with the delivery of water described in subsection (b), regardless of whether the water is delivered for use by the Tribe or in accordance with any assignment, exchange, lease, option to lease, or other agreement for the temporary disposition of water entered into by the Tribe, shall be—

(1) nonreimbursable; and

(2) excluded from the repayment obligation of the District.

(e) WATER CODE.—Not later than 18 months after the enforceability date, the Tribe shall enact a water code that—

(1) governs the tribal water rights; and

(2) includes, at a minimum—

(A) provisions requiring the measurement, calculation, and recording of all diversions and depletions of water on the reservation and on off-reservation trust land;

(B) terms of a water conservation plan, including objectives, conservation measures, and an implementation timeline;

(C) provisions requiring the approval of the Tribe for the severance and transfer of rights to the use of water from historically irrigated land identified in paragraph 11.3.2.1 of the Agreement to diversions and depletions on other non-historically irrigated land not located on the watershed of the same water source; and

(D) provisions requiring the authorization of the Tribe for all diversions of water on the reservation and on off-reservation trust land by any individual or entity other than the Tribe.

SEC. 306. CONTRACT.

(a) IN GENERAL.—The Secretary shall enter into the Contract, in accordance with the Agreement, to provide, among other things, that—

(1) the Tribe, on approval of the Secretary, may—

(A) enter into contracts or options to lease, contracts to exchange, or options to exchange tribal CAP water in Maricopa, Pinal, Pima, and Yavapai Counties in the State providing for the temporary delivery to any individual or entity of any portion of the tribal CAP water, subject to the condition that—

(i) the term of the contract or option to lease shall not be longer than 100 years;

(ii) the contracts or options to exchange shall be for the term provided in the contract or option; and

(iii) a lease or option to lease providing for the temporary delivery of tribal CAP water shall require the lessee to pay to the Operating Agency all CAP fixed OM&R charges and all CAP pumping energy charges (as defined in the repayment stipulation) associated with the leased water; and

(B) renegotiate any lease at any time during the term of the lease, subject to the condition that the term of the renegotiated lease shall not exceed 100 years;

(2) no portion of the tribal CAP water may be permanently alienated;

(3)(A) the Tribe (and not the United States in any capacity) shall be entitled to all consideration due to the Tribe under any contract or option to lease or exchange tribal CAP water entered into by the Tribe; and

(B) the United States (in any capacity) has no trust or other obligation to monitor, administer, or account for, in any manner—

(i) any funds received by the Tribe as consideration under a contract or option to lease or exchange tribal CAP water; or

(ii) the expenditure of those funds;

(4)(A) all tribal CAP water shall be delivered through the CAP system; and

(B) if the delivery capacity of the CAP system is significantly reduced or anticipated to be significantly reduced for an extended period of time, the Tribe shall have the same CAP delivery rights as a CAP contractor or CAP subcontractor that is allowed to take delivery of water other than through the CAP system;

(5) the Tribe may use tribal CAP water on or off the reservation for any purpose;

(6) as authorized by subsection (f)(2)(A) of section 403 of the Colorado River Basin Project Act (43 U.S.C. 1543) and to the extent that funds are available in the Lower Colorado River Basin Development Fund established by subsection (a) of that section, the United States shall pay to the Operating Agency the CAP fixed OM&R charges associated with the delivery of tribal CAP water (except in the case of tribal CAP water leased by any individual or entity);

(7) the Secretary shall waive the right of the Secretary to capture all return flow from project exchange water flowing from the exterior boundary of the reservation; and

(8) no CAP water service capital charge shall be due or payable for the tribal CAP water, regardless of whether the water is delivered for use by the Tribe or pursuant to a contract or option to lease or exchange tribal CAP water entered into by the Tribe.

(b) REQUIREMENTS.—The Contract shall be—

(1) for permanent service (within the meaning of section 5 of the Boulder Canyon Project Act (43 U.S.C. 617d)); and

(2) without limit as to term.

(c) RATIFICATION.—

(1) IN GENERAL.—Except to the extent that any provision of the Contract conflicts with a provision of this title, the Contract is authorized, ratified, and confirmed.

(2) AMENDMENTS.—Any amendment to the Contract is authorized, ratified, and confirmed, to the extent that such amendment is executed to make the Contract consistent with this title.

(d) EXECUTION OF CONTRACT.—To the extent that the Contract does not conflict with this title, the Secretary shall execute the Contract.

(e) PAYMENT OF CHARGES.—The Tribe, and any recipient of tribal CAP water through a contract or option to lease or exchange, shall not be obligated to pay a water service capital charge or any other charge, payment, or fee for CAP water, except as provided in an applicable lease or exchange agreement.

(f) PROHIBITIONS.—

(1) USE OUTSIDE STATE.—No tribal CAP water may be leased, exchanged, forborne, or otherwise transferred by the Tribe in any way for use directly or indirectly outside the State.

(2) USE OFF RESERVATION.—Except as authorized by this section and paragraph 4.7 of the Agreement, no tribal water rights under this title may be sold, leased, transferred, or used outside the boundaries of the reservation or off-reservation trust land other than pursuant to an exchange.

(3) AGREEMENTS WITH ARIZONA WATER BANKING AUTHORITY.—Nothing in this title or the Agreement limits the right of the Tribe to enter into an agreement with the Arizona Water Banking Authority (or any successor entity) established by section 45-2421 of the Arizona Revised Statutes in accordance with State law.

(g) LEASES.—

(1) IN GENERAL.—To the extent that the leases of tribal CAP Water by the Tribe to the District and to any of the cities in the State, attached as exhibits to the Agreement, are not in conflict with the provisions of this title—

(A) those leases are authorized, ratified, and confirmed; and

(B) the Secretary shall execute the leases.

(2) AMENDMENTS.—To the extent that amendments are executed to make the leases described in paragraph (1) consistent with this title, those amendments are authorized, ratified, and confirmed.

SEC. 307. AUTHORIZATION OF WMAT RURAL WATER SYSTEM.

(a) IN GENERAL.—Consistent with subsections (a) and (e) of section 312 and subsection (h) of this section, the Secretary, acting through the Bureau, shall plan, design, and construct the WMAT rural water system to divert, store, and distribute water from the North Fork of the White River to the Tribe that shall consist of—

(1) a dam and storage reservoir, pumping plant, and treatment facilities located along

the North Fork of the White River near the community of Whiteriver;

(2) a distribution system consisting of pipelines extending from the treatment facilities to existing water distribution systems serving the communities of Whiteriver, Fort Apache, Canyon Day, Cedar Creek, Carrizo, and Cibecue;

(3) connections to existing distribution facilities for the communities described in paragraph (2), but not including any upgrades of, or improvements to, existing or future public water systems for the communities described in paragraph (2) that may be necessary to accommodate increased demand and flow rates (and any associated changes in water quality);

(4) connections to additional communities along the pipeline, provided that the additional connections may be added to the distribution system described in paragraph (2) at the expense of the Tribe;

(5) appurtenant buildings and access roads;

(6) electrical power transmission and distribution facilities necessary for operation of the project; and

(7) any other project components that the Secretary, in consultation with the Tribe, determines to be necessary.

(b) MODIFICATIONS.—The Secretary and the Tribe—

(1) may modify the components of the WMAT rural water system described in subsection (a) by mutual agreement; and

(2) shall make all modifications required under subsection (c)(2).

(c) FINAL PROJECT DESIGN.—

(1) IN GENERAL.—The Secretary shall issue a final project design of the WMAT rural water system, including the dam, pumping plants, pipeline, and treatment plant, that is generally consistent with the project extension report dated February 2007 after the completion of—

(A) any appropriate environmental compliance activity; and

(B) the review process described in paragraph (2).

(2) REVIEW.—

(A) IN GENERAL.—The Secretary shall review the proposed design of the WMAT rural water system and perform value engineering analyses.

(B) RESULTS.—Taking into consideration the review under subparagraph (A), the Secretary, in consultation with the Tribe, shall require appropriate changes to the design, so that the final design—

(i) meets Bureau of Reclamation design standards;

(ii) to the maximum extent practicable, incorporates any changes that would improve the cost-effectiveness of the delivery of water through the WMAT rural water system; and

(iii) may be constructed for the amounts made available under section 312.

(d) CONVEYANCE OF TITLE.—

(1) IN GENERAL.—Title to the WMAT rural water system shall be held by the United States until title to the WMAT rural water system is conveyed by the Secretary to the Tribe pursuant to paragraph (2).

(2) CONVEYANCE TO TRIBE.—The Secretary shall convey to the Tribe title to the WMAT rural water system not later than 30 days after the date on which the Secretary publishes in the Federal Register a statement of findings that—

(A) the operating criteria, standing operating procedures, emergency action plan, and first filling and monitoring criteria of the designers have been established and are in place;

(B) the WMAT rural water system has operated under the standing operating procedures of the designers, with the participation of the Tribe, for a period of 3 years;

(C) the Secretary has provided the Tribe with technical assistance on the manner by which to operate and maintain the WMAT rural water system;

(D) the funds made available under section 312(b)(3)(B) have been deposited in the WMAT Maintenance Fund; and

(E) the WMAT rural water system—

(i) is substantially complete, as determined by the Secretary; and

(ii) satisfies the requirement that—

(I) the infrastructure constructed is capable of storing, diverting, treating, transmitting, and distributing a supply of water as set forth in the final project design described in subsection (c); and

(II) the Secretary has consulted with the Tribe regarding the proposed finding that the WMAT rural water system is substantially complete.

(e) ALIENATION AND TAXATION.—

(1) IN GENERAL.—Conveyance of title to the Tribe pursuant to subsection (d) does not waive or alter any applicable Federal law (including regulations) prohibiting alienation or taxation of the WMAT rural water system or the underlying reservation land.

(2) ALIENATION OF WMAT RURAL WATER SYSTEM.—The WMAT rural water system, including the components of the WMAT rural water system, shall not be alienated, encumbered, or conveyed in any manner by the Tribe, unless a reconveyance is authorized by an Act of Congress enacted after the date of enactment of this Act.

(f) OPERATION AND MAINTENANCE.—

(1) IN GENERAL.—Consistent with subsections (d) and (e) of section 312, the Secretary, acting through the Bureau and in cooperation with the Tribe, shall operate, maintain, and replace the WMAT rural water system until the date on which title to the WMAT rural water system is transferred to the Tribe pursuant to subsection (d)(2).

(2) LIMITATION.—

(A) IN GENERAL.—Beginning on the date on which title to the WMAT rural water system is transferred to the Tribe pursuant to subsection (d)(2), the United States shall have no obligation to pay for the operation, maintenance, or replacement costs of the WMAT rural water system.

(B) LIMITATION ON LIABILITY.—Effective on the date on which the Secretary publishes a statement of findings in the Federal Register pursuant to subsection (d)(2), the United States shall not be held liable by any court for damages arising out of any act, omission, or occurrence relating to the land or facilities conveyed, other than damages caused by any intentional act or act of negligence committed by the United States, or by employees or agents of the United States, prior to the date on which the Secretary publishes a statement of findings in the Federal Register pursuant to subsection (d)(2).

(g) RIGHT TO REVIEW.—

(1) IN GENERAL.—The statement of findings published by the Secretary pursuant to subsection (d)(2) shall be considered to be a final agency action subject to judicial review under sections 701 through 706 of title 5, United States Code.

(2) EFFECT OF TITLE.—Nothing in this title gives the Tribe or any other party the right to judicial review of the determination by the Secretary under subsection (d) except under subchapter II of chapter 5, and chapter 7, of title 5, United States Code (commonly known as the “Administrative Procedure Act”).

(h) APPLICABILITY OF ISDEAA.—

(1) AGREEMENT FOR SPECIFIC ACTIVITIES.—On receipt of a request of the Tribe, and in accordance with the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.), the Secretary shall enter into 1 or more agreements with the Tribe to carry out the activities authorized by this section.

(2) CONTRACTS.—Any contract entered into pursuant to the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) for the purpose of carrying out any provision of this title shall incorporate such provisions regarding periodic payment of funds, timing for use of funds, transparency, oversight, reporting, and accountability as the Secretary determines to be necessary (at the sole discretion of the Secretary) to ensure appropriate stewardship of Federal funds.

(i) FINAL DESIGNS; PROJECT CONSTRUCTION.—

(1) FINAL DESIGNS.—All designs for the WMAT rural water system shall—

(A) conform to Bureau design standards; and

(B) be subject to review and approval by the Secretary.

(2) PROJECT CONSTRUCTION.—Each project component of the WMAT rural water system shall be constructed pursuant to designs and specifications approved by the Secretary, and all construction work shall be subject to inspection and approval by the Secretary.

(j) CONDITION.—As a condition of construction of the facilities authorized by this section, the Tribe shall provide, at no cost to the Secretary, all land or interests in land that the Secretary identifies as necessary for the construction, operation, and maintenance of those facilities.

SEC. 308. SATISFACTION OF CLAIMS.

(a) IN GENERAL.—Except as set forth in the Agreement, the benefits realized by the Tribe and its members under this title shall be in full satisfaction of all claims of the Tribe, its members, and the United States, acting as trustee for the benefit of the Tribe and its members, for water rights and injury to water rights under Federal, State, or other law with respect to the reservation and off-reservation trust land.

(b) USES OF WATER.—All uses of water on land outside of the reservation, if and when that land is subsequently and finally determined to be part of the reservation through resolution of any dispute between the Tribe and the United States over the location of the reservation boundary, and any fee land within the reservation placed into trust and made part of the reservation, shall be subject to the maximum annual diversion amounts and the maximum annual depletion amounts specified in the Agreement.

(c) NO RECOGNITION OF WATER RIGHTS.—Notwithstanding subsection (a), nothing in this title recognizes or establishes any right of a member of the Tribe to water on the reservation.

SEC. 309. WAIVERS AND RELEASES OF CLAIMS.

(a) IN GENERAL.—

(1) CLAIMS AGAINST THE STATE AND OTHERS.—Except for the specifically retained claims described in subsection (b)(1), the Tribe, on behalf of itself and its members, and the United States, acting in its capacity as trustee for the Tribe and its members, as part of the performance of the respective obligations of the United States and the Tribe under the Agreement, are authorized to execute a waiver and release of any claims against the State (or any agency or political subdivision of the State), or any other person, entity, corporation, or municipal cor-

poration under Federal, State, or other law for all—

(A)(i) past, present, and future claims for water rights for the reservation and off-reservation trust land arising from time immemorial and, thereafter, forever; and

(ii) past, present, and future claims for water rights arising from time immemorial and, thereafter, forever, that are based on aboriginal occupancy of land by the Tribe, its members, or their predecessors;

(B)(i) past and present claims for injury to water rights for the reservation and off-reservation trust land arising from time immemorial through the enforceability date;

(ii) past, present, and future claims for injury to water rights arising from time immemorial and, thereafter, forever, that are based on aboriginal occupancy of land by the Tribe, its members, or their predecessors; and

(iii) claims for injury to water rights arising after the enforceability date for the reservation and off-reservation trust land resulting from off-reservation diversion or use of water in a manner that is not in violation of the Agreement or State law; and

(C) past, present, and future claims arising out of, or relating in any manner to, the negotiation, execution, or adoption of the Agreement, an applicable settlement judgement or decree, or this title.

(2) CLAIMS AGAINST TRIBE.—Except for the specifically retained claims described in subsection (b)(3), the United States, in all capacities (except as trustee for an Indian tribe other than the Tribe), as part of the performance of its obligations under the Agreement, is authorized to execute a waiver and release of any and all claims against the Tribe, its members, or any agency, official, or employee of the Tribe, under Federal, State, or any other law for all—

(A) past and present claims for injury to water rights resulting from the diversion or use of water on the reservation and on off-reservation trust land arising from time immemorial through the enforceability date;

(B) claims for injury to water rights arising after the enforceability date resulting from the diversion or use of water on the reservation and on off-reservation trust land in a manner that is not in violation of the Agreement; and

(C) past, present, and future claims arising out of or related in any manner to the negotiation, execution, or adoption of the Agreement, an applicable settlement judgement or decree, or this title.

(3) CLAIMS AGAINST UNITED STATES.—Except for the specifically retained claims described in subsection (b)(2), the Tribe, on behalf of itself and its members, as part of the performance of the obligations of the Tribe under the Agreement, is authorized to execute a waiver and release of any claim against the United States, including agencies, officials, or employees of the United States (except in the capacity of the United States as trustee for other Indian tribes), under Federal, State, or other law for any and all—

(A)(i) past, present, and future claims for water rights for the reservation and off-reservation trust land arising from time immemorial and, thereafter, forever; and

(ii) past, present, and future claims for water rights arising from time immemorial and, thereafter, forever that are based on aboriginal occupancy of land by the Tribe, its members, or their predecessors;

(B)(i) past and present claims relating in any manner to damages, losses, or injuries to water, water rights, land, or other resources

due to loss of water or water rights (including damages, losses, or injuries to hunting, fishing, gathering, or cultural rights due to loss of water or water rights, claims relating to interference with, diversion, or taking of water, or claims relating to failure to protect, acquire, or develop water, water rights, or water infrastructure) within the reservation and off-reservation trust land that first accrued at any time prior to the enforceability date;

(ii) past, present, and future claims for injury to water rights arising from time immemorial and, thereafter, forever that are based on aboriginal occupancy of land by the Tribe, its members, or their predecessors; and

(iii) claims for injury to water rights arising after the enforceability date for the reservation and off-reservation trust land resulting from the off-reservation diversion or use of water in a manner that is not in violation of the Agreement or applicable law;

(C) past, present, and future claims arising out of, or relating in any manner to, the negotiation, execution, or adoption of the Agreement, an applicable settlement judgement or decree, or this title;

(D) past and present claims relating in any manner to pending litigation of claims relating to the water rights of the Tribe for the reservation and off-reservation trust land;

(E) past and present claims relating to the operation, maintenance, and replacement of existing irrigation systems on the reservation constructed prior to the enforceability date that first accrued at any time prior to the enforceability date, which waiver shall only become effective on the full appropriation and payment to the Tribe of \$4,950,000 of the amounts made available under section 312(b)(2)(B);

(F) any claims relating to operation, maintenance, and replacement of the WMAT rural water system, which waiver shall only become effective on the date on which funds are made available under section 312(b)(3)(B) and deposited in the WMAT Maintenance Fund;

(G) past and present breach of trust and negligence claims for damage to the land and natural resources of the Tribe caused by riparian and other vegetative manipulation by the United States for the purpose of increasing water runoff from the reservation that first accrued at any time prior to the enforceability date; and

(H) past and present claims for trespass, use, and occupancy of the reservation in, on, and along the Black River that first accrued at any time prior to the enforceability date.

(4) EFFECT ON BOUNDARY CLAIMS.—Nothing in this title expands, diminishes, or impacts any claims the Tribe may assert, or any defense the United States may assert, concerning title to land outside the most current survey, as of the date of enactment of this Act, of the northern boundary of the reservation.

(b) RESERVATION OF RIGHTS AND RETENTION OF CLAIMS.—

(1) RESERVATION OF RIGHTS AND RETENTION OF CLAIMS BY TRIBE AND UNITED STATES.—

(A) IN GENERAL.—Notwithstanding the waiver and release of claims authorized under subsection (a)(1), the Tribe, on behalf of itself and its members, and the United States, acting as trustee for the Tribe and its members, shall retain any right—

(i) subject to subparagraph 16.9 of the Agreement, to assert claims for injuries to, and seek enforcement of, the rights of the Tribe and its members under the Agreement or this title in any Federal or State court of competent jurisdiction;

(ii) to assert claims for injuries to, and seek enforcement of, the rights of the Tribe under the judgment and decree entered by the court in the Gila River adjudication proceedings;

(iii) to assert claims for injuries to, and seek enforcement of, the rights of the Tribe under the judgment and decree entered by the court in the Little Colorado River adjudication proceedings;

(iv) to object to any claims by or for any other Indian tribe, Indian community or nation, or dependent Indian community, or the United States on behalf of such a tribe, community, or nation;

(v) to participate in the Gila River adjudication proceedings and the Little Colorado River adjudication proceedings to the extent provided in subparagraph 14.1 of the Agreement;

(vi) to assert any claims arising after the enforceability date for injury to water rights not specifically waived under this section;

(vii) to assert any past, present, or future claim for injury to water rights against any other Indian tribe, Indian community or nation, dependent Indian community, allottee, or the United States on behalf of such a tribe, community, nation, or allottee;

(viii) to assert any past, present, or future claim for trespass, use, and occupancy of the reservation in, on, or along the Black River against Freeport-McMoRan Copper & Gold, Inc., Phelps Dodge Corporation, or Phelps Dodge Morenci, Inc. (or a predecessor or successor of those entities), including all subsidiaries and affiliates of those entities; and

(ix) to assert claims arising after the enforceability date for injury to water rights resulting from the pumping of water from land located within national forest land as of the date of the Agreement in the south $\frac{1}{2}$ of T. 9 N., R. 24 E., the south $\frac{1}{2}$ of T. 9 N., R. 25 E., the north $\frac{1}{2}$ of T. 8 N., R. 24 E., or the north $\frac{1}{2}$ of T. 8 N., R. 25 E., if water from the land is used on the land or is transported off the land for municipal, commercial, or industrial use.

(B) AGREEMENT.—On terms acceptable to the Tribe and the United States, the Tribe and the United States are authorized to enter into an agreement with Freeport-McMoRan Copper & Gold, Inc., Phelps Dodge Corporation, or Phelps Dodge Morenci, Inc. (or a predecessor or successor of those entities), including all subsidiaries and affiliates of those entities, to resolve the claims of the Tribe relating to the trespass, use, and occupancy of the reservation in, on, and along the Black River.

(2) RESERVATION OF RIGHTS AND RETENTION OF CLAIMS BY TRIBE AGAINST UNITED STATES.—Notwithstanding the waiver and release of claims authorized under subsection (a)(3), the Tribe, on behalf of itself and its members, shall retain any right—

(A) subject to subparagraph 16.9 of the Agreement, to assert claims for injuries to, and seek enforcement of, the rights of the Tribe and its members under the Agreement or this title, in any Federal or State court of competent jurisdiction;

(B) to assert claims for injuries to, and seek enforcement of, the rights of the Tribe and members under the judgment and decree entered by the court in the Gila River adjudication proceedings;

(C) to assert claims for injuries to, and seek enforcement of, the rights of the Tribe and members under the judgment and decree entered by the court in the Little Colorado River adjudication proceedings;

(D) to object to any claims by or for any other Indian tribe, Indian community or na-

tion, or dependent Indian community, or the United States on behalf of such a tribe, community, or nation;

(E) to assert past, present, or future claims for injury to water rights or any other claims other than a claim to water rights, against any other Indian tribe, Indian community or nation, or dependent Indian community, or the United States on behalf of such a tribe, community, or nation;

(F) to assert claims arising after the enforceability date for injury to water rights resulting from the pumping of water from land located within national forest land as of the date of the Agreement in the south $\frac{1}{2}$ of T. 9 N., R. 24 E., the south $\frac{1}{2}$ of T. 9 N., R. 25 E., the north $\frac{1}{2}$ of T. 8 N., R. 24 E., or the north $\frac{1}{2}$ of T. 8 N., R. 25 E., if water from that land is used on the land or is transported off the land for municipal, commercial, or industrial use;

(G) to assert any claims arising after the enforceability date for injury to water rights not specifically waived under this section;

(H) to seek remedies and to assert any other claims not specifically waived under this section; and

(I) to assert any claim arising after the enforceability date for a future taking by the United States of reservation land, off-reservation trust land, or any property rights appurtenant to that land, including any water rights set forth in paragraph 4.0 of the Agreement.

(3) RESERVATION OF RIGHTS AND RETENTION OF CLAIMS BY UNITED STATES.—Notwithstanding the waiver and release of claims authorized under subsection (a)(2), the United States shall retain any right to assert any claim not specifically waived in that subsection.

(C) EFFECTIVENESS OF WAIVER AND RELEASES.—Except as otherwise specifically provided in subparagraphs (E) and (F) of subsection (a)(3), the waivers and releases under subsection (a) shall become effective on the enforceability date.

(d) ENFORCEABILITY DATE.—

(1) IN GENERAL.—This section takes effect on the date on which the Secretary publishes in the Federal Register a statement of findings that—

(A)(i) to the extent that the Agreement conflicts with this title, the Agreement has been revised through an amendment to eliminate the conflict; and

(ii) the Agreement, as so revised, has been executed by the Secretary, the Tribe, and the Governor of the State;

(B) the Secretary has fulfilled the requirements of sections 305 and 306;

(C) the amount made available under section 312(a) has been deposited in the White Mountain Apache Tribe Water Rights Settlement Subaccount;

(D) the State funds described in subparagraph 13.3 of the Agreement have been deposited in the White Mountain Apache Tribe Water Rights Settlement Subaccount;

(E) the Secretary has issued a record of decision approving the construction of the WMAT rural water system in a configuration substantially similar to that described in section 307;

(F) the judgments and decrees substantially in the form of those attached to the Agreement as exhibits 12.9.6.1 and 12.9.6.2 have been approved by the respective trial courts; and

(G) the waivers and releases authorized and set forth in subsection (a) have been executed by the Tribe and the Secretary.

(2) FAILURE OF ENFORCEABILITY DATE TO OCCUR.—If the Secretary does not publish a

statement of findings under paragraph (1) by April 30, 2021—

(A) this title is repealed effective May 1, 2021, and any activity by the Secretary to carry out this title shall cease;

(B) any amounts made available under section 312 shall immediately revert to the general fund of the Treasury;

(C) any other amounts deposited in the White Mountain Apache Tribe Water Rights Settlement Subaccount (including any amounts paid by the State in accordance with the Agreement), together with any interest accrued on those amounts, shall immediately be returned to the respective sources of those funds; and

(D) the Tribe and its members, and the United States, acting as trustee for the Tribe and its members, shall retain the right to assert past, present, and future water rights claims and claims for injury to water rights for the reservation and off-reservation trust land.

(3) NO ADDITIONAL RIGHTS TO WATER.—Beginning on the enforceability date, all land held by the United States in trust for the Tribe and its members shall have no rights to water other than those specifically quantified for the Tribe and the United States, acting as trustee for the Tribe and its members, for the reservation and off-reservation trust land pursuant to paragraph 4.0 of the Agreement.

(e) UNITED STATES ENFORCEMENT AUTHORITY.—Nothing in this title or the Agreement affects any right of the United States to take any action, including environmental actions, under any laws (including regulations and the common law) relating to human health, safety, or the environment.

(f) NO EFFECT ON WATER RIGHTS.—Except as provided in paragraphs (1)(A)(ii), (1)(B)(ii), (3)(A)(ii), and (3)(B)(i) of subsection (a), nothing in this title affects any rights to water of the Tribe, its members, or the United States, acting as trustee for the Tribe and its members, for land outside the boundaries of the reservation or the off-reservation trust land.

(g) ENTITLEMENTS.—Any entitlement to water of the Tribe, its members, or the United States, acting as trustee for the Tribe and its members, relating to the reservation or off-reservation trust land shall be satisfied from the water resources granted, quantified, confirmed, or recognized with respect to the Tribe, its members, and the United States by the Agreement and this title.

(h) OBJECTION PROHIBITED.—Except as provided in paragraphs (1)(A)(ix) and (2)(F) of subsection (b), the Tribe and the United States, acting as trustee for the Tribe shall not—

(1) object to the use of any well located outside the boundaries of the reservation or the off-reservation trust land in existence on the enforceability date; or

(2) object to, dispute, or challenge after the enforceability date the drilling of any well or the withdrawal and use of water from any well in the Little Colorado River adjudication proceedings, the Gila River adjudication proceedings, or any other judicial or administrative proceeding.

SEC. 310. WHITE MOUNTAIN APACHE TRIBE WATER RIGHTS SETTLEMENT SUBACCOUNT.

(a) ESTABLISHMENT.—There is established in the Lower Colorado River Basin Development Fund a subaccount to be known as the “White Mountain Apache Tribe Water Rights Settlement Subaccount”, consisting of—

(1) the amounts deposited in the subaccount pursuant to section 312(a); and

(2) such other amounts as are available, including the amounts provided in subparagraph 13.3 of the Agreement.

(b) **USE OF FUNDS.**—

(1) **IN GENERAL.**—Subject to paragraph (2), the Secretary shall use amounts from the White Mountain Apache Tribe Water Rights Settlement Subaccount for the planning, design, and construction of the WMAT rural water system, in accordance with section 307(a).

(2) **REQUIREMENTS.**—In carrying out the activities described in paragraph (1), the Secretary shall use such sums as are necessary from the White Mountain Apache Tribe Water Rights Settlement Subaccount—

(A) to provide the Bureau with amounts sufficient to carry out oversight of the planning, design, and construction of the WMAT rural water system;

(B) to repay to the Treasury (or the United States) any outstanding balance on the loan authorized by the White Mountain Apache Tribe Rural Water System Loan Authorization Act (Public Law 110-390; 122 Stat. 4191), after which repayment, the Tribe shall have no further liability for the balance on that loan; and

(C) to carry out all required environmental compliance activities associated with the planning, design, and construction of the WMAT rural water system.

(c) **ISDEAA CONTRACT.**—

(1) **IN GENERAL.**—If the Tribe so requests, the planning, design, and construction of the WMAT rural water system shall be carried out pursuant to the terms of an agreement or agreements entered into under section 307(h).

(2) **ENFORCEMENT.**—The Secretary may pursue any judicial remedies and carry out any administrative actions that are necessary to enforce an agreement described in paragraph (1) to ensure that amounts in the White Mountain Apache Tribe Water Rights Settlement Subaccount are used in accordance with this section.

(d) **PROHIBITION ON PER CAPITA DISTRIBUTIONS.**—No amount of the principal, or the interest or income accruing on the principal, of the White Mountain Apache Tribe Water Rights Settlement Subaccount shall be distributed to any member of the Tribe on a per capita basis.

(e) **AVAILABILITY OF FUNDS.**—

(1) **IN GENERAL.**—Amounts in the White Mountain Apache Tribe Water Rights Settlement Subaccount shall not be available for expenditure by the Secretary until the enforceability date.

(2) **INVESTMENT.**—The Secretary shall invest the amounts in the White Mountain Apache Tribe Water Rights Settlement Subaccount in accordance with section 403(f)(4) of the Colorado River Basin Project Act (43 U.S.C. 1543(f)(4)).

(3) **USE OF INTEREST.**—The interest accrued on amounts invested under paragraph (2) shall not be available for expenditure or withdrawal until the enforceability date.

SEC. 311. MISCELLANEOUS PROVISIONS.

(a) **LIMITED WAIVER OF SOVEREIGN IMMUNITY.**—

(1) **IN GENERAL.**—In the case of a civil action described in paragraph (2)—

(A) the United States or the Tribe, or both, may be joined in the civil action; and

(B) any claim by the United States or the Tribe to sovereign immunity from the civil action is waived for the sole purpose of resolving any issue regarding the interpretation or enforcement of this title or the Agreement.

(2) **DESCRIPTION OF CIVIL ACTION.**—A civil action referred to in paragraph (1) is a civil action filed—

(A) by any party to the Agreement or signatory to an exhibit to the Agreement in a United States or State court that—

(i) relates solely and directly to the interpretation or enforcement of this title or the Agreement; and

(ii) names as a party the United States or the Tribe; or

(B) by a landowner or water user in the Gila River basin or Little Colorado River basin in the State that—

(i) relates solely and directly to the interpretation or enforcement of section 309 of this title and paragraph 12.0 of the Agreement; and

(ii) names as a party the United States or the Tribe.

(b) **EFFECT OF TITLE.**—Nothing in this title quantifies or otherwise affects any water right or claim or entitlement to water of any Indian tribe, band, or community other than the Tribe.

(c) **LIMITATION ON LIABILITY OF UNITED STATES.**—

(1) **IN GENERAL.**—The United States shall have no trust or other obligation—

(A) to monitor, administer, or account for, in any manner, any amount paid to the Tribe by any party to the Agreement other than the United States; or

(B) to review or approve the expenditure of those funds.

(2) **INDEMNIFICATION.**—The Tribe shall indemnify the United States, and hold the United States harmless, with respect to any claim (including claims for takings or breach of trust) arising out of the receipt or expenditure of funds described in paragraph (1)(A).

(d) **APPLICABILITY OF RECLAMATION REFORM ACT.**—The Reclamation Reform Act of 1982 (43 U.S.C. 390aa et seq.) and any other acreage limitation or full-cost pricing provision under Federal law shall not apply to any individual, entity, or land solely on the basis of—

(1) receipt of any benefit under this title;

(2) the execution or performance of the Agreement; or

(3) the use, storage, delivery, lease, or exchange of CAP water.

(e) **SECRETARIAL POWER SITES.**—The portions of the following named secretarial power site reserves that are located on the Fort Apache Indian Reservation or the San Carlos Apache Reservation, as applicable, shall be transferred and restored into the name of the Tribe or the San Carlos Apache Tribe, respectively:

(1) Lower Black River (T. 3 N., R. 26 E.; T. 3 N., R. 27 E.).

(2) Black River Pumps (T. 2 N., R. 25 E.; T. 2 N., R. 26 E.; T. 3 N., R. 26 E.).

(3) Carrizo (T. 4 N., R. 20 E.; T. 4 N., R. 21 E.; T. 4½ N., R. 19 E.; T. 4½ N., R. 20 E.; T. 4½ N., R. 21 E.; T. 5 N., R. 19 E.).

(4) Knob (T. 5 N., R. 18 E.; T. 5 N., R. 19 E.).

(5) Walnut Canyon (T. 5 N., R. 17 E.; T. 5 N., R. 18 E.).

(6) Gleason Flat (T. 4½ N., R. 16 E.; T. 5 N., R. 16 E.).

(f) **NO EFFECT ON FUTURE ALLOCATIONS.**—Water received under a lease or exchange of tribal CAP water under this title shall not affect any future allocation or reallocation of CAP water by the Secretary.

(g) **AFTER-ACQUIRED TRUST LAND.**—

(1) **REQUIREMENT OF ACT OF CONGRESS.**—

(A) **LEGAL TITLE.**—Subject to subparagraph (B), after the enforceability date, if the Tribe seeks to have legal title to additional land in the State located outside the exterior bound-

aries of the reservation taken into trust by the United States for the benefit of the Tribe, the Tribe may do so only pursuant to an Act of Congress specifically authorizing the transfer for the benefit of the Tribe.

(B) **EXCEPTIONS.**—Subparagraph (A) shall not apply to—

(i) the restoration of land to the reservation subsequently and finally determined to be part of the reservation through resolution of any dispute between the Tribe and the United States over the location of the reservation boundary, unless required by Federal law; or

(ii) off-reservation trust land acquired prior to January 1, 2008.

(2) **WATER RIGHTS.**—

(A) **IN GENERAL.**—After-acquired trust land that is located outside the reservation shall not include federally reserved rights to surface water or groundwater.

(B) **RESTORED LAND.**—Land that is restored to the reservation as the result of the resolution of any reservation boundary dispute between the Tribe and the United States, or any fee simple land within the reservation that is placed into trust, shall have water rights pursuant to section 308(b).

(3) **ACCEPTANCE OF LAND IN TRUST STATUS.**—

(A) **IN GENERAL.**—If the Tribe acquires legal fee title to land that is located within the exterior boundaries of the reservation, the Secretary shall accept the land in trust status for the benefit of the Tribe in accordance with applicable Federal law (including regulations) for such real estate acquisitions.

(B) **RESERVATION STATUS.**—Land held in trust by the Secretary under subparagraph (A), or restored to the reservation as a result of resolution of a boundary dispute between the Tribe and the United States, shall be deemed to be part of the reservation.

(h) **CONFORMING AMENDMENT.**—Section 3(b)(2) of the White Mountain Apache Tribe Rural Water System Loan Authorization Act (Public Law 110-390; 122 Stat. 4191) is amended by striking “January 1, 2013” and inserting “May 1, 2021”.

SEC. 312. FUNDING.

(a) **RURAL WATER SYSTEM.**—

(1) **MANDATORY APPROPRIATIONS.**—Subject to paragraph (2), out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary to carry out the planning, engineering, design, environmental compliance, and construction of the WMAT rural water system \$126,193,000.

(2) **INCLUSIONS.**—The amount made available under paragraph (1) shall include such sums as are necessary, but not to exceed 4 percent of the construction contract costs, for the Bureau to carry out oversight of activities for planning, design, environmental compliance, and construction of the rural water system.

(b) **WMAT SETTLEMENT AND MAINTENANCE FUNDS.**—

(1) **DEFINITION OF FUNDS.**—In this subsection, the term “Funds” means—

(A) the WMAT Settlement Fund established by paragraph (2)(A); and

(B) the WMAT Maintenance Fund established by paragraph (3)(A).

(2) **WMAT SETTLEMENT FUND.**—

(A) **ESTABLISHMENT.**—There is established in the Treasury of the United States a fund to be known as the “WMAT Settlement Fund”, to be administered by the Secretary, consisting of the amounts deposited in the fund under subparagraph (B), together with any interest accrued on those amounts, for use by the Tribe in accordance with subparagraph (C).

(B) TRANSFERS TO FUND.—

(i) IN GENERAL.—There are authorized to be appropriated to the Secretary for deposit in the WMAT Settlement Fund—

(I) \$78,500,000; and

(II) any additional amounts described in clause (ii), if applicable.

(ii) AUTHORIZATION OF ADDITIONAL AMOUNTS.—In accordance with subsection (e)(4)(B), if the WMAT rural water system is conveyed to the Tribe before the date on which the \$35,000,000 described in subsection (e)(2) is completely made available, there is authorized to be appropriated to the Secretary, for deposit in the WMAT Settlement Fund, any remaining amounts that would otherwise have been made available for expenditure from the Cost Overrun Subaccount.

(C) USE OF FUNDS.—

(i) IN GENERAL.—The Tribe shall use amounts in the WMAT Settlement Fund for any of the following purposes:

(I) Fish production, including hatcheries.

(II) Rehabilitation of recreational lakes and existing irrigation systems.

(III) Water-related economic development projects.

(IV) Protection, restoration, and economic development of forest and watershed health.

(ii) EXISTING IRRIGATION SYSTEMS.—Of the amounts deposited in the Fund under subparagraph (B), not less than \$4,950,000 shall be used for the rehabilitation of existing irrigation systems.

(3) WMAT MAINTENANCE FUND.—

(A) ESTABLISHMENT.—There is established in the Treasury of the United States a fund to be known as the “WMAT Maintenance Fund”, to be administered by the Secretary, consisting of the amounts deposited in the fund under subparagraph (B), together with any interest accrued on those amounts, for use by the Tribe in accordance with subparagraph (C).

(B) MANDATORY APPROPRIATIONS.—Out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary \$50,000,000 for deposit in the WMAT Maintenance Fund.

(C) USE OF FUNDS.—The Tribe shall use amounts in the WMAT Maintenance Fund only for the operation, maintenance, and replacement costs associated with the delivery of water through the WMAT rural water system.

(4) ADMINISTRATION.—The Secretary shall manage the Funds in accordance with the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001 et seq.), including by investing amounts in the Funds in accordance with—

(A) the Act of April 1, 1880 (25 U.S.C. 161); and

(B) the first section of the Act of June 24, 1938 (25 U.S.C. 162a).

(5) AVAILABILITY OF AMOUNTS FROM FUNDS.—Amounts in the Funds shall be available for expenditure or withdrawal only after the enforceability date and in accordance with subsection (f).

(6) EXPENDITURE AND WITHDRAWAL.—

(A) TRIBAL MANAGEMENT PLAN.—

(i) IN GENERAL.—The Tribe may withdraw all or part of the amounts in the Funds on approval by the Secretary of a tribal management plan, as described in the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001 et seq.).

(ii) REQUIREMENTS.—In addition to the requirements under the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001 et seq.), a tribal management plan under this subparagraph shall require

the Tribe to use any amounts withdrawn from the Funds in accordance with paragraph (2)(C) or (3)(C), as applicable.

(iii) ENFORCEMENT.—The Secretary may take judicial or administrative action to enforce the provisions of a tribal management plan described in clause (i) to ensure that any amounts withdrawn from the Funds under the tribal management plan are used in accordance with this title and the Agreement.

(iv) LIABILITY.—If the Tribe exercises the right to withdraw amounts from the Funds, neither the Secretary nor the Secretary of the Treasury shall retain any liability for the expenditure or investment of the amounts.

(B) EXPENDITURE PLAN.—

(i) IN GENERAL.—The Tribe shall submit to the Secretary for approval an expenditure plan for any portion of the amounts in the Funds that the Tribe does not withdraw under the tribal management plan.

(ii) DESCRIPTION.—The expenditure plan shall describe the manner in which, and the purposes for which, amounts remaining in the Funds will be used.

(iii) APPROVAL.—On receipt of an expenditure plan under clause (i), the Secretary shall approve the plan, if the Secretary determines that the plan is reasonable and consistent with this title and the Agreement.

(iv) ANNUAL REPORT.—For each of the Funds, the Tribe shall submit to the Secretary an annual report that describes all expenditures from the Fund during the year covered by the report.

(C) CERTAIN PER CAPITA DISTRIBUTIONS PROHIBITED.—No amount in the Funds shall be distributed to any member of the Tribe on a per capita basis.

(c) COST INDEXING.—All amounts made available under subsections (a), (b), and (e) shall be adjusted as necessary to reflect the changes since October 1, 2007, in the construction cost indices applicable to the types of construction involved in the construction of the WMAT rural water supply system, the maintenance of the rural water supply system, and the construction or rehabilitation of the other development projects described in subsection (b)(2)(C).

(d) OPERATION, MAINTENANCE, AND REPLACEMENT.—Out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary \$2,500,000 for the operation, maintenance, and replacement costs of the WMAT rural water system, to remain available until the conditions described in section 307(f) have been met.

(e) COST OVERRUN SUBACCOUNT.—

(1) ESTABLISHMENT.—There is established in the Lower Colorado River Basin Development Fund a subaccount to be known as the “WMAT Cost Overrun Subaccount”, to be administered by the Secretary, consisting of the amounts deposited in the subaccount under paragraph (2), together with any interest accrued on those amounts, for use by the Secretary in accordance with paragraph (4).

(2) MANDATORY APPROPRIATIONS; AUTHORIZATION OF APPROPRIATIONS.—

(A) MANDATORY APPROPRIATIONS.—Out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary \$24,000,000 for deposit in the WMAT Cost Overrun Subaccount.

(B) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for deposit in the WMAT Cost Overrun Subaccount \$11,000,000.

(3) AVAILABILITY OF FUNDS.—

(A) IN GENERAL.—Amounts in the WMAT Cost Overrun Subaccount shall not be available for expenditure by the Secretary until the enforceability date.

(B) INVESTMENT.—The Secretary shall invest the amounts in the WMAT Cost Overrun Subaccount in accordance with section 403(f)(4) of the Colorado River Basin Project Act (43 U.S.C. 1543(f)(4)).

(C) USE OF INTEREST.—The interest accrued on the amounts invested under subparagraph (B) shall not be available for expenditure or withdrawal until the enforceability date.

(4) USE OF COST OVERRUN SUBACCOUNT.—

(A) INITIAL USE.—The Secretary shall use the amounts in the WMAT Cost Overrun Subaccount to complete the WMAT rural water system or to carry out activities relating to the operation, maintenance, or replacement of facilities of the WMAT rural water system, as applicable, if the Secretary determines that the amounts made available under subsections (a) and (d) will be insufficient in the period before title to the WMAT rural water system is conveyed to the Tribe—

(i) to complete the WMAT rural water system; or

(ii) to operate and maintain the WMAT rural water system.

(B) TRANSFER OF FUNDS.—All unobligated amounts remaining in the Cost Overrun Subaccount on the date on which title to the WMAT rural water system is conveyed to the Tribe shall be—

(i) returned to the general fund of the Treasury; and

(ii) on an appropriation pursuant to subsection (b)(2)(B)(ii), deposited in the WMAT Settlement Fund and made available to the Tribe for use in accordance with subsection (b)(2)(C).

(f) CONDITIONS.—The amounts made available to the Secretary for deposit in the WMAT Maintenance Fund, together with any interest accrued on those amounts under subsection (b)(3) and any interest accruing on the WMAT Settlement Fund under subsection (b)(2), shall not be available for expenditure or withdrawal until the WMAT rural water system is transferred to the Tribe under section 307(d)(2).

(g) RECEIPT AND ACCEPTANCE.—The Secretary shall be entitled to receive, shall accept, and shall use to carry out this title the funds transferred under subsections (a), (b), (d), and (e), without further appropriation, to remain available until expended.

SEC. 313. ANTIDEFICIENCY.

The United States shall not be liable for failure to carry out any obligation or activity authorized to be carried out under this title (including any such obligation or activity under the Agreement) if adequate appropriations are not provided by Congress expressly to carry out the purposes of this title.

SEC. 314. COMPLIANCE WITH ENVIRONMENTAL LAWS.

In implementing the Agreement and carrying out this title, the Secretary shall promptly comply with all applicable requirements of—

(1) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

(2) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

(3) all other applicable Federal environmental laws; and

(4) all regulations promulgated under the laws described in paragraphs (1) through (3).

TITLE IV—CROW TRIBE WATER RIGHTS SETTLEMENT

SEC. 401. SHORT TITLE.

This title may be cited as the “Crow Tribe Water Rights Settlement Act of 2010”.

SEC. 402. PURPOSES.

The purposes of this title are—

(1) to achieve a fair, equitable, and final settlement of claims to water rights in the State of Montana for—

(A) the Crow Tribe; and
(B) the United States for the benefit of the Tribe and allottees;

(2) to authorize, ratify, and confirm the Crow Tribe-Montana Water Rights Compact entered into by the Tribe and the State of Montana on June 22, 1999;

(3) to authorize and direct the Secretary of the Interior—

(A) to execute the Crow Tribe-Montana Water Rights Compact; and

(B) to take any other action necessary to carry out the Compact in accordance with this title; and

(4) to ensure the availability of funds necessary for the implementation of the Compact and this title.

SEC. 403. DEFINITIONS.

In this title:

(1) **ALLOTTEE.**—The term “allottee” means any individual who holds a beneficial real property interest in an allotment of Indian land that is—

(A) located within the Reservation or the ceded strip; and

(B) held in trust by the United States.

(2) **CEDED STRIP.**—The term “ceded strip” means the area identified as the ceded strip on the map included in appendix 5 of the Compact.

(3) **CIP OM&R.**—The term “CIP OM&R” means—

(A) any recurring or ongoing activity associated with the day-to-day operation of the Crow Irrigation Project;

(B) any activity relating to scheduled or unscheduled maintenance of the Crow Irrigation Project; and

(C) any activity relating to replacement of a feature of the Crow Irrigation Project.

(4) **COMPACT.**—The term “Compact” means the water rights compact between the Tribe and the State of Montana contained in section 85-20-901 of the Montana Code Annotated (2009) (including any exhibit, part, or amendment to the Compact).

(5) **CROW IRRIGATION PROJECT.**—

(A) **IN GENERAL.**—The term “Crow Irrigation Project” means the irrigation project—

(i) authorized by section 31 of the Act of March 3, 1891 (26 Stat. 1040);

(ii) managed by the Secretary (acting through the Bureau of Indian Affairs); and

(iii) consisting of the project units of—

(I) Agency;
(II) Bighorn;
(III) Forty Mile;
(IV) Lodge Grass #1;
(V) Lodge Grass #2;
(VI) Pryor;
(VII) Reno;
(VIII) Soap Creek; and
(IX) Upper Little Horn.

(B) **INCLUSION.**—The term “Crow Irrigation Project” includes land held in trust by the United States for the Tribe and the allottees in the Bozeman Trail and Two Leggings irrigation districts.

(6) **ENFORCEABILITY DATE.**—The term “enforceability date” means the date on which the Secretary publishes in the Federal Register the statement of findings described in section 410(e).

(7) **FINAL.**—The term “final” with reference to approval of the decree described in section 410(e)(1)(A), means—

(A) completion of any direct appeal to the Montana Supreme Court of a decree by the Montana Water Court pursuant to section 85-2-235 of the Montana Code Annotated (2009), including the expiration of time for filing of any such appeal; or

(B) completion of any appeal to the appropriate United States Court of Appeals, including the expiration of time in which a petition for certiorari may be filed in the United States Supreme Court, denial of such petition, or issuance of a final judgment of the United States Supreme Court, whichever occurs last.

(8) **FUND.**—The term “Fund” means the Crow Settlement Fund established by section 411.

(9) **INDIAN TRIBE.**—The term “Indian tribe” has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(10) **JOINT STIPULATION OF SETTLEMENT.**—The term “joint stipulation of settlement” means the joint stipulation of settlement relating to the civil action styled *Crow Tribe of Indians v. Norton*, No. 02-284 (D.D.C. 2006).

(11) **MR&I SYSTEM.**—

(A) **IN GENERAL.**—The term “MR&I System” means the municipal, rural, and industrial water system of the Reservation, generally described in the document entitled “Crow Indian Reservation Municipal, Rural and Industrial Water System Engineering Report” prepared by DOWL HKM, and dated July 2008 and updated in a status report prepared by DOWL HKM dated December 2009.

(B) **INCLUSIONS.**—The term “MR&I System” includes—

(i) the raw water intake, water treatment plant, pipelines, storage tanks, pumping stations, pressure-reducing valves, electrical transmission facilities, and other items (including real property and easements necessary to deliver potable water to the Reservation) appurtenant to the system described in subparagraph (A); and

(ii) in descending order of construction priority—

(I) the Bighorn River Valley Subsystem;
(II) the Little Bighorn River Valley Subsystem; and

(III) Pryor Extension.

(12) **MR&I SYSTEM OM&R.**—The term “MR&I System OM&R” means—

(A) any recurring or ongoing activity associated with the day-to-day operation of the MR&I System;

(B) any activity relating to scheduled or unscheduled maintenance of the MR&I System; and

(C) any activity relating to replacement of project features of the MR&I System.

(13) **RESERVATION.**—The term “Reservation” means the area identified as the Reservation on the map in appendix 4 of the Compact.

(14) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

(15) **TRIBAL COMPACT ADMINISTRATION.**—The term “Tribal Compact Administration” means any activity relating to—

(A) the development or enactment by the Tribe of the tribal water code;

(B) establishment by the Tribe of a water resources department; and

(C) the operation by the Tribe of that water resources department (or a successor agency) during the 10-year period beginning on the date of establishment of the department.

(16) **TRIBAL WATER CODE.**—The term “tribal water code” means a water code adopted by the Tribe in accordance with section 407(f).

(17) **TRIBAL WATER RIGHTS.**—The term “tribal water rights” means—

(A) the water rights of the Tribe described in article III of the Compact; and

(B) the water rights provided to the Tribe under section 408.

(18) **TRIBE.**—The term “Tribe” means the Crow Tribe of Indians of the State of Montana on behalf of itself and its members (but not its members in their capacities as allottees).

SEC. 404. RATIFICATION OF COMPACT.

(a) **RATIFICATION OF COMPACT.**—

(1) **IN GENERAL.**—Except as modified by this title, and to the extent the Compact does not conflict with this title, the Compact is authorized, ratified, and confirmed.

(2) **AMENDMENTS TO COMPACT.**—If amendments are executed to make the Compact consistent with this title, those amendments are also authorized, ratified, and confirmed to the extent such amendments are consistent with this title.

(b) **EXECUTION OF COMPACT.**—

(1) **IN GENERAL.**—To the extent that the Compact does not conflict with this title, the Secretary is directed to and shall promptly execute the Compact, including all exhibits to or parts of the Compact requiring the signature of the Secretary.

(2) **MODIFICATIONS.**—Nothing in this title precludes the Secretary from approving modifications to appendices or exhibits to the Compact not inconsistent with this title, to the extent such modifications do not otherwise require Congressional approval pursuant to section 2116 of the Revised Statutes (25 U.S.C. 177) or other applicable Federal law.

(c) **ENVIRONMENTAL COMPLIANCE.**—

(1) **IN GENERAL.**—In implementing the Compact, the Secretary shall promptly comply with all applicable aspects of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), and all other applicable environmental Acts and regulations.

(2) **EXECUTION OF THE COMPACT.**—

(A) **IN GENERAL.**—Execution of the Compact by the Secretary under this section shall not constitute a major Federal action under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(B) **COMPLIANCE.**—The Secretary shall carry out all Federal compliance activities necessary to implement the Compact.

SEC. 405. REHABILITATION AND IMPROVEMENT OF CROW IRRIGATION PROJECT.

(a) **IN GENERAL.**—Notwithstanding any other provision of law, and without altering applicable law (including regulations) under which the Bureau of Indian Affairs collects assessments and carries out CIP OM&R, other than the rehabilitation and improvement carried out under this section, the Secretary, acting through the Commissioner of Reclamation, shall carry out such activities as are necessary to rehabilitate and improve the water diversion and delivery features of the Crow Irrigation Project, in accordance with an agreement to be negotiated between the Secretary and the Tribe.

(b) **LEAD AGENCY.**—The Bureau of Reclamation shall serve as the lead agency with respect to any activity to rehabilitate or improve the water diversion or delivery features of the Crow Irrigation Project.

(c) **SCOPE.**—

(1) **IN GENERAL.**—The scope of the rehabilitation and improvement under this section shall be as generally described in the document entitled “Engineering Evaluation of

Existing Conditions, Crow Agency Rehabilitation Study” prepared by DOWL HKM, and dated August 2007 and updated in a status report dated December 2009 by DOWL HKM, on the condition that prior to beginning construction activities, the Secretary shall review the design of the proposed rehabilitation or improvement and perform value engineering analyses.

(2) **NEGOTIATION WITH TRIBE.**—On the basis of the review described in paragraph (1), the Secretary shall negotiate with the Tribe appropriate changes to the final design so that the final design meets applicable industry standards, as well as changes, if any, that would improve the cost-effectiveness of the delivery of irrigation water and take into consideration the equitable distribution of water to allottees.

(d) **NONREIMBURSABILITY OF COSTS.**—All costs incurred by the Secretary in carrying out this section shall be nonreimbursable.

(e) **FUNDING.**—The total amount of obligations incurred by the Secretary in carrying out this section shall not exceed \$131,843,000, except that the total amount of \$131,843,000 shall be increased or decreased, as appropriate, based on ordinary fluctuations from May 1, 2008, in construction cost indices applicable to the types of construction involved in the rehabilitation and improvement.

(f) **TRIBAL IMPLEMENTATION AGREEMENT.**—

(1) **IN GENERAL.**—At the request of the Tribe, in accordance with applicable Federal law, the Secretary shall enter into 1 or more agreements with the Tribe to implement the provisions of this section by which the Tribe shall plan, design, and construct any or all of the rehabilitation and improvement required by this section.

(2) **OVERSIGHT COSTS.**—The Bureau of Reclamation and the Tribe shall negotiate the cost of any oversight activities carried out by the Bureau of Reclamation for each agreement under this section, provided that the total cost for that oversight shall not exceed 4 percent of the total project costs.

(g) **ACQUISITION OF LAND.**—

(1) **TRIBAL EASEMENTS AND RIGHTS-OF-WAY.**—

(A) **IN GENERAL.**—Upon request, and in partial consideration for the funding provided under section 414(a), the Tribe shall consent to the grant of such easements and rights-of-way over tribal land as may be necessary for the rehabilitation and improvement of the Crow Irrigation Project authorized by this section at no cost to the United States.

(B) **JURISDICTION.**—The Tribe shall retain criminal and civil jurisdiction over any lands that were subject to tribal jurisdiction prior to the granting of an easement or right-of-way in connection with the rehabilitation and improvement of the Crow Irrigation Project.

(2) **USER EASEMENTS AND RIGHTS-OF-WAY.**—In partial consideration of the rehabilitation and improvement of the Crow Irrigation Project authorized by this section and as a condition of continued service from the Crow Irrigation Project after the enforceability date, any water user of the Crow Irrigation Project shall consent to the grant of such easements and rights-of-way as may be necessary for the rehabilitation and improvements authorized under this section at no cost to the Secretary.

(3) **LAND ACQUIRED BY THE UNITED STATES.**—Land acquired by the United States in connection with rehabilitation and improvement of the Crow Irrigation Project authorized by this section shall be held in trust by the United States on behalf of the Tribe as part of the Reservation of the Tribe.

(h) **PROJECT MANAGEMENT COMMITTEE.**—The Secretary shall facilitate the formation of a project management committee composed of representatives from the Bureau of Reclamation, the Bureau of Indian Affairs, and the Tribe—

(1) to review cost factors and budgets for construction, operation, and maintenance activities relating to the Crow Irrigation Project;

(2) to improve management of inherently governmental activities through enhanced communication; and

(3) to seek additional ways to reduce overall costs for the rehabilitation and improvement of the Crow Irrigation Project.

SEC. 406. DESIGN AND CONSTRUCTION OF MR&I SYSTEM.

(a) **IN GENERAL.**—The Secretary, acting through the Commissioner of Reclamation, shall plan, design, and construct the water diversion and delivery features of the MR&I System, in accordance with 1 or more agreements between the Secretary and the Tribe.

(b) **LEAD AGENCY.**—The Bureau of Reclamation shall serve as the lead agency with respect to any activity to design and construct the water diversion and delivery features of the MR&I System.

(c) **SCOPE.**—

(1) **IN GENERAL.**—The scope of the design and construction under this section shall be as generally described in the document entitled “Crow Indian Reservation Municipal, Rural and Industrial Water System Engineering Report” prepared by DOWL HKM, and dated July 2008 and updated in a status report dated December 2009 by DOWL HKM, on the condition that prior to beginning construction activities, the Secretary shall review the design of the proposed MR&I System and perform value engineering analyses.

(2) **NEGOTIATION WITH TRIBE.**—On the basis of the review described in paragraph (1), the Secretary shall negotiate with the Tribe appropriate changes to the final design so that the final design meets applicable industry standards, as well as changes, if any, that would improve the cost-effectiveness of the delivery of MR&I System water and take into consideration the equitable distribution of water to allottees.

(d) **NONREIMBURSABILITY OF COSTS.**—All costs incurred by the Secretary in carrying out this section shall be nonreimbursable.

(e) **FUNDING.**—The total amount of obligations incurred by the Secretary in carrying out this section shall not exceed \$246,381,000, except that the total amount of \$246,381,000 shall be increased or decreased, as appropriate, based on ordinary fluctuations from May 1, 2008, in construction cost indices applicable to the types of construction involved in the design and construction of the MR&I System.

(f) **TRIBAL IMPLEMENTATION AGREEMENT.**—

(1) **IN GENERAL.**—At the request of the Tribe, in accordance with applicable Federal law, the Secretary shall enter into 1 or more agreements with the Tribe to implement the provisions of this section by which the Tribe shall plan, design, and construct any or all of the rehabilitation and improvement required by this section.

(2) **OVERSIGHT COSTS.**—The Bureau of Reclamation and the Tribe shall negotiate the cost of any oversight activities carried out by the Bureau of Reclamation for each agreement under this section, provided that the total cost for that oversight shall not exceed 4 percent of the total project costs.

(g) **ACQUISITION OF LAND.**—

(1) **TRIBAL EASEMENTS AND RIGHTS-OF-WAY.**—

(A) **IN GENERAL.**—Upon request, and in partial consideration for the funding provided under section 414(b), the Tribe shall consent to the grant of such easements and rights-of-way over tribal land as may be necessary for the construction of the MR&I System authorized by this section at no cost to the United States.

(B) **JURISDICTION.**—The Tribe shall retain criminal and civil jurisdiction over any lands that were subject to tribal jurisdiction prior to the granting of an easement or right-of-way in connection with the construction of the MR&I System.

(2) **LAND ACQUIRED BY THE UNITED STATES.**—Land acquired by the United States in connection with the construction of the MR&I System authorized by this section shall be held in trust by the United States on behalf of the Tribe as part of the Reservation of the Tribe.

(h) **CONVEYANCE OF TITLE TO MR&I SYSTEM FACILITIES.**—

(1) **IN GENERAL.**—The Secretary shall convey title to each MR&I System facility or section of a MR&I System facility authorized under subsection (a) to the Tribe after completion of construction of a MR&I System facility or a section of a MR&I System facility that is operating and delivering water.

(2) **LIABILITY.**—

(A) **IN GENERAL.**—Effective on the date of the conveyance authorized by this subsection, the United States shall not be held liable by any court for damages of any kind arising out of any act, omission, or occurrence relating to the land, buildings, or facilities conveyed under this subsection, other than damages caused by acts of negligence committed by the United States, or by employees or agents of the United States, prior to the date of conveyance.

(B) **TORT CLAIMS.**—Nothing in this section increases the liability of the United States beyond the liability provided in chapter 171 of title 28, United States Code (commonly known as the “Federal Tort Claims Act”).

(3) **NOTICE OF PROPOSED CONVEYANCE.**—Not later than 45 days before the date of a proposed conveyance of title to any MR&I System facility, the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and to the Committee on Energy and Natural Resources of the Senate notice of the conveyance of each such MR&I System facility or section of a MR&I System facility.

(4) **MR&I SYSTEM OM&R OBLIGATION OF THE FEDERAL GOVERNMENT AFTER CONVEYANCE.**—The Federal Government shall have no obligation to pay for the operation, maintenance, or replacement costs of the MR&I System beginning on the date on which—

(A) title to any MR&I System facility or section of a MR&I System facility under this subsection is conveyed to the Tribe; and

(B) the amounts required to be deposited in the MR&I System OM&R Account pursuant to section 411 have been deposited in that account.

(i) **AUTHORITY OF TRIBE.**—Upon transfer of title to the MR&I System or any section of a MR&I System facility to the Tribe in accordance with subsection (h), the Tribe is authorized to collect water use charges from customers of the MR&I System to cover—

(1) MR&I System OM&R costs; and

(2) any other costs relating to the construction and operation of the MR&I System.

(j) **ALIENATION AND TAXATION.**—Conveyance of title to the Tribe pursuant to subsection (h) does not waive or alter any applicable

Federal law prohibiting alienation or taxation of the MR&I System or the underlying Reservation land.

(k) **TECHNICAL ASSISTANCE.**—The Secretary shall provide technical assistance to prepare the Tribe for operation of the MR&I System, including operation and management training.

(l) **PROJECT MANAGEMENT COMMITTEE.**—The Secretary shall facilitate the formation of a project management committee composed of representatives from the Bureau of Reclamation, the Bureau of Indian Affairs, and the Tribe—

(1) to review cost factors and budgets for construction, operation and maintenance activities for the MR&I System;

(2) to improve management of inherently governmental activities through enhanced communication; and

(3) to seek additional ways to reduce overall costs for the MR&I System.

(m) **NON-FEDERAL CONTRIBUTION.**—

(1) **IN GENERAL.**—Prior to completion of the final design of the MR&I System required by subsection (c), the Secretary shall consult with the Tribe, the State of Montana, and other affected non-Federal parties to discuss the possibility of receiving non-Federal contributions to the cost of the MR&I System.

(2) **NEGOTIATIONS.**—If, based on the extent to which non-Federal parties are expected to use the MR&I System, a non-Federal contribution to the MR&I System is determined by the parties described in paragraph (1) to be appropriate, the Secretary shall initiate negotiations for an agreement on the means by which such contributions may be provided.

SEC. 407. TRIBAL WATER RIGHTS.

(a) **INTENT OF CONGRESS.**—It is the intent of Congress to provide to each allottee benefits that are equivalent to or exceed the benefits allottees possess as of the date of enactment of this Act, taking into consideration—

(1) the potential risks, cost, and time delay associated with litigation that would be resolved by the Compact and this title;

(2) the availability of funding under this title and from other sources;

(3) the availability of water from the tribal water rights; and

(4) the applicability of section 7 of the Act of February 8, 1887 (25 U.S.C. 381) and this title to protect the interests of allottees.

(b) **CONFIRMATION OF TRIBAL WATER RIGHTS.**—

(1) **IN GENERAL.**—The tribal water rights are ratified, confirmed, and declared to be valid.

(2) **USE.**—Use of the tribal water rights shall be subject to the terms and conditions established by the Compact.

(c) **HOLDING IN TRUST.**—The tribal water rights—

(1) shall be held in trust by the United States for the use and benefit of the Tribe and the allottees in accordance with this section; and

(2) shall not be subject to forfeiture or abandonment.

(d) **ALLOTTEES.**—

(1) **APPLICABILITY OF ACT OF FEBRUARY 8, 1887.**—The provisions of section 7 of the Act of February 8, 1887 (25 U.S.C. 381), relating to the use of water for irrigation purposes shall apply to the tribal water rights.

(2) **ENTITLEMENT TO WATER.**—Any entitlement to water of an allottee under Federal law shall be satisfied from the tribal water rights.

(3) **ALLOCATIONS.**—Allottees shall be entitled to a just and equitable allocation of water for irrigation purposes.

(4) **EXHAUSTION OF REMEDIES.**—Before asserting any claim against the United States under section 7 of the Act of February 8, 1887 (25 U.S.C. 381), or any other applicable law, an allottee shall exhaust remedies available under the tribal water code or other applicable tribal law.

(5) **CLAIMS.**—Following exhaustion of remedies available under the tribal water code or other applicable tribal law, an allottee may seek relief under section 7 of the Act of February 8, 1887 (25 U.S.C. 381), or other applicable law.

(6) **AUTHORITY.**—The Secretary shall have the authority to protect the rights of allottees as specified in this section.

(e) **AUTHORITY OF TRIBE.**—

(1) **IN GENERAL.**—Except as provided in paragraph (2), the Tribe shall have authority to allocate, distribute, and lease the tribal water rights—

(A) in accordance with the Compact; and

(B) subject to approval of the Secretary of the tribal water code under subsection (f)(3)(B).

(2) **LEASES BY ALLOTTEES.**—Notwithstanding paragraph (1), an allottee may lease any interest in land held by the allottee, together with any water right determined to be appurtenant to the interest in land.

(f) **TRIBAL WATER CODE.**—

(1) **IN GENERAL.**—Notwithstanding the time period set forth in article IV(A)(2)(b) of the Compact, not later than 3 years after the date on which the Tribe ratifies the Compact as set forth in section 410(e)(1)(E), the Tribe shall enact a tribal water code, that provides for—

(A) the management, regulation, and governance of all uses of the tribal water rights in accordance with the Compact; and

(B) establishment by the Tribe of conditions, permit requirements, and other limitations relating to the storage, recovery, and use of the tribal water rights in accordance with the Compact.

(2) **INCLUSIONS.**—Subject to the approval of the Secretary, the tribal water code shall provide that—

(A) tribal allocations of water to allottees shall be satisfied with water from the tribal water rights;

(B) charges for delivery of water for irrigation purposes for allottees shall be assessed on a just and equitable basis;

(C) there is a process by which an allottee may request that the Tribe provide water for irrigation use in accordance with this title;

(D) there is a due process system for the consideration and determination by the Tribe of any request by an allottee, or any successor in interest to an allottee, for an allocation of such water for irrigation purposes on allotted land, including a process for—

(i) appeal and adjudication of any denied or disputed distribution of water; and

(ii) resolution of any contested administrative decision; and

(E) there is a requirement that any allottee with a claim relating to the enforcement of rights of the allottee under the tribal water code or relating to the amount of water allocated to land of the allottee must first exhaust remedies available to the allottee under tribal law and the tribal water code before initiating an action against the United States or petitioning the Secretary pursuant to subsection (d)(6).

(3) **ACTION BY SECRETARY.**—

(A) **IN GENERAL.**—The Secretary shall administer the tribal water rights until the tribal water code is enacted in accordance with paragraph (1) and those provisions requiring approval pursuant to paragraph (2).

(B) **APPROVAL.**—The tribal water code shall not be valid unless—

(i) the provisions of the tribal water code required by paragraph (2) are approved by the Secretary; and

(ii) each amendment to the tribal water code that affects a right of an allottee is approved by the Secretary.

(C) **APPROVAL PERIOD.**—The Secretary shall approve or disapprove the tribal water code within a reasonable period of time after the date on which the Tribe submits it to the Secretary.

(g) **EFFECT.**—Except as otherwise specifically provided in this section, nothing in this title—

(1) authorizes any action by an allottee against any individual or entity, or against the Tribe, under Federal, State, tribal, or local law; or

(2) alters or affects the status of any action pursuant to section 1491(a) of title 28, United States Code.

SEC. 408. STORAGE ALLOCATION FROM BIGHORN LAKE.

(a) **STORAGE ALLOCATION TO TRIBE.**—

(1) **IN GENERAL.**—As described in and subject to article III(A)(1)(b) of the Compact, the Secretary shall allocate to the Tribe 300,000 acre-feet per year of water stored in Bighorn Lake, Yellowtail Unit, Lower Bighorn Division, Pick Sloan Missouri Basin Program, Montana, under a water right held by the United States and managed by the Bureau of Reclamation, as measured at the outlet works of Yellowtail Dam, including—

(A) not more than 150,000 acre-feet per year of the allocation, which may be used in addition to the natural flow right described in article III(A)(1)(a) of the Compact; and

(B) 150,000 acre-feet per year of the allocation, which may be used only as supplemental water for the natural flow right described in article III(A)(1)(a) of the Compact for use in times of natural flow shortage.

(2) **TREATMENT.**—

(A) **IN GENERAL.**—The allocation under paragraph (1) shall be considered to be part of the tribal water rights.

(B) **PRIORITY DATE.**—The priority date of the allocation under paragraph (1) shall be the priority date of the water right held by the Bureau of Reclamation.

(C) **ADMINISTRATION.**—

(i) **IN GENERAL.**—The Tribe shall administer the water allocated under paragraph (1) in accordance with the Compact.

(ii) **TEMPORARY TRANSFER.**—In accordance with subsection (c), the Tribe may temporarily transfer by service contract, lease, exchange, or other agreement, not more than 50,000 acre-feet of water allocated under paragraph (1)(A) off the Reservation, subject to the approval of the Secretary and the requirements of the Compact.

(b) **ALLOCATION AGREEMENT.**—

(1) **IN GENERAL.**—As a condition of receiving an allocation under this section, the Tribe shall enter into an allocation agreement with the Secretary to establish the terms and conditions of the allocation, in accordance with the terms and conditions of the Compact and this title.

(2) **INCLUSIONS.**—The allocation agreement under paragraph (1) shall include, among other things, a provision that—

(A) the agreement is without limit as to term;

(B) the Tribe, and not the United States, shall be entitled to all consideration due to the Tribe under any lease, contract, or agreement the Tribe may enter into pursuant to the authority in subsection (c);

(C) the United States shall have no trust obligation or other obligation to monitor, administer, or account for—

(i) any funds received by the Tribe as consideration under any lease, contract, or agreement the Tribe may enter into pursuant to the authority in subsection (c); or

(ii) the expenditure of such funds;

(D) if the facilities at Yellowtail Dam are significantly reduced or are anticipated to be significantly reduced for an extended period of time, the Tribe shall have the same storage rights as other storage contractors with respect to the allocation under this section;

(E) the costs associated with the construction of the storage facilities at Yellowtail Dam allocable to the Tribe—

(i) shall be nonreimbursable; and

(ii) shall be excluded from any repayment obligation of the Tribe;

(F) no water service capital charges shall be due or payable for any water allocated to the Tribe pursuant to this title and the allocation agreement, regardless of whether that water is delivered for use by the Tribe or is delivered under any leases, contracts, or agreements the Tribe may enter into pursuant to the authority in subsection (c);

(G) the Tribe shall not be required to make payments to the United States for any water allocated to the Tribe pursuant to this title and the allocation agreement except for each acre-foot of stored water leased or sold for industrial purposes; and

(H) for each acre-foot of stored water leased or sold by the Tribe for industrial purposes—

(i) the Tribe shall pay annually to the United States an amount to cover the proportionate share of the annual operation, maintenance, and replacement costs for the Yellowtail Unit allocable to the amount of water for industrial purposes leased or sold by the Tribe; and

(ii) the annual payments of the Tribe shall be reviewed and adjusted, as appropriate, to reflect the actual operation, maintenance, and replacement costs for the Yellowtail Unit.

(C) TEMPORARY TRANSFER FOR USE OFF RESERVATION.—

(1) IN GENERAL.—Notwithstanding any other provision of statutory or common law and subject to paragraph (2), on approval of the Secretary and subject to the terms and conditions of the Compact, the Tribe may enter into a service contract, lease, exchange, or other agreement providing for the temporary delivery, use, or transfer of not more than 50,000 acre-feet per year of water allocated under subsection (a)(1)(A) for use off the Reservation.

(2) REQUIREMENT.—An agreement under paragraph (1) shall not permanently alienate any portion of the water allocated under subsection (a)(1)(A).

(d) REMAINING STORAGE.—

(1) IN GENERAL.—As of the date of enactment of this Act, water in Bighorn Lake shall be considered to be fully allocated and no further storage allocations shall be made by the Secretary.

(2) EFFECT OF SUBSECTION.—Nothing in this subsection prevents the Secretary from—

(A) renewing the storage contract with Pennsylvania Power and Light Company consistent with the allocation to Pennsylvania Power and Light Company in existence on the date of enactment of this Act; or

(B) entering into future agreements with either the Northern Cheyenne Tribe or the Crow Tribe facilitating either tribe's use of its respective allocation of water from Bighorn Lake.

SEC. 409. SATISFACTION OF CLAIMS.

(a) IN GENERAL.—

(1) SATISFACTION OF TRIBAL CLAIMS.—The benefits realized by the Tribe under this title shall be in complete replacement of and substitution for, and full satisfaction of, all claims of the Tribe against the United States under paragraphs (1) and (3) of section 410(a).

(2) SATISFACTION OF ALLOTTEE CLAIMS.—The benefits realized by the allottees under this title shall be in complete replacement of and substitution for, and full satisfaction of—

(A) all claims waived and released under section 410(a)(2); and

(B) any claims of the allottees against the United States that the allottees have or could have asserted that are similar in nature to those described in section 410(a)(3).

(b) SATISFACTION OF CLAIMS RELATING TO CROW IRRIGATION PROJECT.—

(1) IN GENERAL.—Subject to paragraph (3), the funds made available under subsections (a) and (f) of section 414 shall be used to satisfy any claim of the Tribe or the allottees with respect to the appropriation of funds for the rehabilitation, expansion, improvement, repair, operation, or maintenance of the Crow Irrigation Project.

(2) SATISFACTION OF CLAIMS.—Upon complete transfer of the funds described in subsections (a) and (f) of section 414 any claim of the Tribe or the allottees with respect to the transfer of funds for the rehabilitation, expansion, improvement, repair, operation, or maintenance of the Crow Irrigation Project shall be deemed to have been satisfied.

(3) EFFECT.—Except as provided in section 405, nothing in this title affects any applicable law (including regulations) under which the United States collects irrigation assessments from—

(A) non-Indian users of the Crow Irrigation Project; and

(B) the Tribe, tribal entities and instrumentalities, tribal members, allottees, and entities owned by the Tribe, tribal members, or allottees, to the extent that annual irrigation assessments on such tribal water users exceed the amount of funds available under section 411(e)(3)(D) for costs relating to CIP OM&R.

(c) NO RECOGNITION OF WATER RIGHTS.—Notwithstanding subsection (a) and except as provided in section 407, nothing in this title recognizes or establishes any right of a member of the Tribe or an allottee to water within the Reservation or the ceded strip.

SEC. 410. WAIVERS AND RELEASES OF CLAIMS.

(a) IN GENERAL.—

(1) WAIVER AND RELEASE OF CLAIMS BY THE TRIBE AND THE UNITED STATES ACTING IN ITS CAPACITY AS TRUSTEE FOR THE TRIBE.—Subject to the retention of rights set forth in subsection (c), in return for recognition of the tribal water rights and other benefits as set forth in the Compact and this title, the Tribe, on behalf of itself and the members of the Tribe (but not tribal members in their capacities as allottees), and the United States, acting as trustee for the Tribe and the members of the Tribe (but not tribal members in their capacities as allottees), are authorized and directed to execute a waiver and release of all claims for water rights within the State of Montana that the Tribe, or the United States acting as trustee for the Tribe, asserted, or could have asserted, in any proceeding, including the State of Montana stream adjudication, prior to and including the enforceability date, except to the extent that such rights are recognized in the Compact or this title.

(2) WAIVER AND RELEASE OF CLAIMS BY THE UNITED STATES ACTING IN ITS CAPACITY AS

TRUSTEE FOR ALLOTTEES.—Subject to the retention of rights set forth in subsection (c), in return for recognition of the water rights of the Tribe and other benefits as set forth in the Compact and this title, the United States, acting as trustee for allottees, is authorized and directed to execute a waiver and release of all claims for water rights within the Reservation and the ceded strip that the United States, acting as trustee for the allottees, asserted, or could have asserted, in any proceeding, including the State of Montana stream adjudication, prior to and including the enforceability date, except to the extent that such rights are recognized in the Compact or this title.

(3) WAIVER AND RELEASE OF CLAIMS BY THE TRIBE AGAINST THE UNITED STATES.—Subject to the retention of rights set forth in subsection (c), the Tribe, on behalf of itself and the members of the Tribe (but not Tribal members in their capacities as allottees), is authorized to execute a waiver and release of—

(A) all claims against the United States, including the agencies and employees of the United States, relating to claims for water rights within the State of Montana that the United States, acting as trustee for the Tribe, asserted, or could have asserted, in any proceeding, including the State of Montana stream adjudication, except to the extent that such rights are recognized as tribal water rights in this title, including all claims relating in any manner to the claims reserved against the United States or agencies or employees of the United States in section 4(e) of the joint stipulation of settlement;

(B) all claims against the United States, including the agencies and employees of the United States, relating to damages, losses, or injuries to water, water rights, land, or natural resources due to loss of water or water rights (including damages, losses, or injuries to hunting, fishing, gathering, or cultural rights due to loss of water or water rights, claims relating to interference with, diversion or taking of water, or claims relating to failure to protect, acquire, replace, or develop water, water rights, or water infrastructure) within the State of Montana that first accrued at any time prior to and including the enforceability date, including all claims relating to the failure to establish or provide a municipal rural or industrial water delivery system on the Reservation and all claims relating to the failure to provide for, operate, or maintain the Crow Irrigation Project, or any other irrigation system or irrigation project on the Reservation;

(C) all claims against the United States, including the agencies and employees of the United States, relating to the pending litigation of claims relating to the water rights of the Tribe in the State of Montana;

(D) all claims against the United States, including the agencies and employees of the United States, relating to the negotiation, execution, or the adoption of the Compact (including exhibits) or this title;

(E) subject to the retention of rights set forth in subsection (c), all claims for monetary damages against the United States that first accrued at any time prior to and including the enforceability date with respect to—

(i) the failure to recognize or enforce the claim of the Tribe of title to land created by the movement of the Bighorn River; and

(ii) the failure to make productive use of that land created by the movement of the Bighorn River to which the Tribe has claimed title;

(F) all claims against the United States that first accrued at any time prior to and

including the enforceability date arising from the taking or acquisition of the land of the Tribe or resources for the construction of the Yellowtail Dam;

(G) all claims against the United States that first accrued at any time prior to and including the enforceability date relating to the construction and operation of Yellowtail Dam and the management of Bighorn Lake; and

(H) all claims that first accrued at any time prior to and including the enforceability date relating to the generation, or the lack thereof, of power from Yellowtail Dam.

(b) **EFFECTIVENESS OF WAIVERS AND RELEASES.**—The waivers under subsection (a) shall take effect on the enforceability date.

(c) **RESERVATION OF RIGHTS AND RETENTION OF CLAIMS.**—Notwithstanding the waivers and releases authorized in this title, the Tribe on behalf of itself and the members of the Tribe and the United States, acting as trustee for the Tribe and allottees, retain—

(1) all claims for enforcement of the Compact, any final decree, or this title;

(2) all rights to use and protect water rights acquired after the date of enactment of this Act;

(3) all claims relating to activities affecting the quality of water, including any claims the Tribe may have under—

(A) the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.), including for damages to natural resources;

(B) the Safe Drinking Water Act (42 U.S.C. 300f et seq.);

(C) the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.); and

(D) any regulations implementing the Acts described in subparagraphs (A) through (C);

(4) all claims relating to damages, losses, or injuries to land or natural resources not due to loss of water or water rights (including hunting, fishing, gathering, or cultural rights);

(5) all rights, remedies, privileges, immunities, and powers not specifically waived and released pursuant to this title or article VII(E) of the Compact;

(6) all claims against any person or entity other than the United States, including claims for monetary damages, with respect to—

(A) the claim of the Tribe of title to land created by the movement of the Bighorn River; and

(B) the productive use of that land created by the movement of the Bighorn River to which the Tribe has claimed title; and

(7) all claims that first accrued after the enforceability date with respect to claims otherwise waived in accordance with subparagraphs (B) and (E) through (H) of subsection (a)(3).

(d) **EFFECT OF COMPACT AND TITLE.**—Nothing in the Compact or this title—

(1) affects the ability of the United States, acting as sovereign, to take actions authorized by law, including any laws relating to health, safety, or the environment, including—

(A) the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.);

(B) the Safe Drinking Water Act (42 U.S.C. 300f et seq.);

(C) the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.); and

(D) any regulations implementing the Acts described in subparagraphs (A) through (C);

(2) affects the ability of the United States to take actions acting as trustee for any

other Indian tribe or allottee of any other Indian tribe;

(3) confers jurisdiction on any State court—

(A) to interpret Federal law regarding health, safety, or the environment;

(B) to determine the duties of the United States or other parties pursuant to Federal law regarding health, safety, or the environment; or

(C) to conduct judicial review of Federal agency action;

(4) waives any claim of a member of the Tribe in an individual capacity that does not derive from a right of the Tribe; or

(5) revives any claims waived by the Tribe in the joint stipulation of settlement.

(e) **ENFORCEABILITY DATE.**—

(1) **IN GENERAL.**—The enforceability date shall be the date on which the Secretary publishes in the Federal Register a statement of findings that—

(A)(i) the Montana Water Court has issued a final judgment and decree approving the Compact; or

(ii) if the Montana Water Court is found to lack jurisdiction, the district court of jurisdiction has approved the Compact as a consent decree and such approval is final;

(B) all of the funds made available under subsections (c) through (f) of section 414 have been deposited in the Fund;

(C) the Secretary has executed the agreements with the Tribe required by sections 405(a) and 406(a);

(D) the State of Montana has appropriated and paid into an interest-bearing escrow account any payments due as of the date of enactment of this Act to the Tribe under the Compact;

(E)(i) the Tribe has ratified the Compact by submitting this title and the Compact to a vote by the tribal membership for approval or disapproval; and

(ii) the tribal membership has voted to approve this title and the Compact by a majority of votes cast on the day of the vote, as certified by the Secretary and the Tribe;

(F) the Secretary has fulfilled the requirements of section 408(a); and

(G) the waivers and releases authorized and set forth in subsection (a) have been executed by the Tribe and the Secretary.

(f) **TOLLING OF CLAIMS.**—

(1) **IN GENERAL.**—Each applicable period of limitation and time-based equitable defense relating to a claim described in this section shall be tolled for the period beginning on the date of enactment of this Act and ending on the date on which the amounts made available to carry out this title are transferred to the Secretary.

(2) **EFFECT OF SUBSECTION.**—Nothing in this subsection revives any claim or tolls any period of limitation or time-based equitable defense that expired before the date of enactment of this Act.

(g) **EXPIRATION AND TOLLING.**—In the event that all appropriations authorized by this Act have not been made available to the Secretary by June 30, 2030—

(1) the waivers authorized in this section shall expire and be of no further force or effect; and

(2) all statutes of limitations applicable to any claim otherwise waived shall be tolled until June 30, 2030.

(h) **VOIDING OF WAIVERS.**—If the waivers pursuant to this section are void under subsection (g)—

(1) the United States' approval of the Compact under section 404 shall no longer be effective;

(2) any unexpended Federal funds appropriated or made available to carry out the

activities authorized in this Act, together with any interest earned on those funds, and any water rights or contracts to use water and title to other property acquired or constructed with Federal funds appropriated or made available to carry out the activities authorized in this Act shall be returned to the Federal Government, unless otherwise agreed to by the Tribe and the United States and approved by Congress; and

(3) except for Federal funds used to acquire or develop property that is returned to the Federal Government under paragraph (2), the United States shall be entitled to set off any Federal funds appropriated or made available to carry out the activities authorized in this Act that were expended or withdrawn, together with any interest accrued, against any claims against the United States relating to water rights in the State of Montana asserted by the Tribe or in any future settlement of the water rights of the Crow Tribe.

SEC. 411. CROW SETTLEMENT FUND.

(a) **ESTABLISHMENT.**—There is established in the Treasury of the United States a fund to be known as “the Crow Settlement Fund”, to be administered by the Secretary for the purpose of carrying out this title.

(b) **TRANSFERS TO FUND.**—The Fund shall consist of such amounts as are deposited in the Fund under subsections (c) through (h) of section 414.

(c) **ACCOUNTS OF CROW SETTLEMENT FUND.**—The Secretary shall establish in the Fund the following accounts:

(1) The Tribal Compact Administration account, consisting of amounts made available pursuant to section 414(c).

(2) The Energy Development Projects account, consisting of amounts made available pursuant to section 414(d).

(3) The MR&I System OM&R Account, consisting of amounts made available pursuant to section 414(e).

(4) The CIP OM&R Account, consisting of amounts made available pursuant to section 414(f).

(d) **DEPOSITS TO CROW SETTLEMENT FUND.**—

(1) **IN GENERAL.**—The Secretary of the Treasury shall promptly deposit in the Fund any amounts appropriated for that purpose.

(2) **PRIORITY OF DEPOSITS TO ACCOUNTS.**—Of the amounts appropriated for deposit in the Fund, the Secretary of the Treasury shall deposit amounts in the accounts listed in subsection (c)—

(A) in full; and

(B) in the order listed in subsection (c).

(e) **MANAGEMENT.**—

(1) **IN GENERAL.**—The Secretary shall manage the Fund, make investments from the Fund, and make amounts available from the Fund for distribution to the Tribe consistent with the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001 et seq.).

(2) **INVESTMENT OF CROW SETTLEMENT FUND.**—Beginning on the enforceability date, the Secretary shall invest amounts in the Fund in accordance with—

(A) the Act of April 1, 1880 (25 U.S.C. 161);

(B) the first section of the Act of June 24, 1938 (25 U.S.C. 162a); and

(C) the obligations of Federal corporations and Federal Government-sponsored entities, the charter documents of which provide that the obligations of the entities are lawful investments for federally managed funds, including—

(i) the obligations of the United States Postal Service described in section 2005 of title 39, United States Code;

(ii) bonds and other obligations of the Tennessee Valley Authority described in section

15d of the Tennessee Valley Authority Act of 1933 (16 U.S.C. 831n-4);

(iii) mortgages, obligations, and other securities of the Federal Home Loan Mortgage Corporation described in section 303 of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1452); and

(iv) bonds, notes, and debentures of the Commodity Credit Corporation described in section 4 of the Act of March 8, 1938 (15 U.S.C. 713a-4).

(3) DISTRIBUTIONS FROM CROW SETTLEMENT FUND.—

(A) IN GENERAL.—Amounts from the Fund shall be used for each purpose described in subparagraphs (B) through (E).

(B) TRIBAL COMPACT ADMINISTRATION ACCOUNT.—The Tribal Compact Administration account shall be used for expenditures by the Tribe for Tribal Compact Administration.

(C) ENERGY DEVELOPMENT PROJECTS ACCOUNT.—The Energy Development Projects account shall be used for expenditures by the Tribe for the following types of energy development on the Reservation, the ceded strip, and land owned by the Tribe:

(i) Development and marketing of power generation on the Yellowtail Afterbay Dam authorized in section 412(b).

(ii) Development of clean coal conversion projects.

(iii) Renewable energy projects other than the project described in clause (i).

(D) CIP OM&R ACCOUNT.—

(i) IN GENERAL.—Amounts in the CIP OM&R Account shall be used for CIP OM&R costs.

(ii) REDUCTION OF COSTS TO TRIBAL WATER USERS.—

(I) IN GENERAL.—Subject to subclause (II), the funds described in clause (i) shall be used to reduce the CIP OM&R costs to all tribal water users on a proportional basis for a given year.

(II) LIMITATION ON USE OF FUNDS.—Funds in the CIP OM&R Account shall be used to pay irrigation assessments only for the Tribe, tribal entities and instrumentalities, tribal members, allottees, and entities owned by the Tribe, tribal members, or allottees.

(E) MR&I SYSTEM OM&R ACCOUNT.—Funds from the MR&I System OM&R Account shall be used to assist the Tribe in paying MR&I System OM&R costs.

(4) WITHDRAWALS BY TRIBE.—

(A) IN GENERAL.—The Tribe may withdraw any portion of amounts in the Fund on approval by the Secretary of a tribal management plan in accordance with the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001 et seq.).

(B) REQUIREMENTS.—

(i) IN GENERAL.—In addition to the requirements under the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001 et seq.), the tribal management plan of the Tribe under subparagraph (A) shall require that the Tribe spend any amounts withdrawn from the Fund in accordance with this title.

(ii) ENFORCEMENT.—The Secretary may carry out such judicial or administrative actions as the Secretary determines to be necessary to enforce a tribal management plan to ensure that amounts withdrawn by the Tribe from the Fund under this paragraph are used in accordance with this title.

(C) LIABILITY.—The Secretary and the Secretary of the Treasury shall not be liable for the expenditure or investment of amounts withdrawn from the Fund by the Tribe under this paragraph.

(D) EXPENDITURE PLAN.—

(i) IN GENERAL.—For each fiscal year, the Tribe shall submit to the Secretary for ap-

proval an expenditure plan for any portion of the amounts described in subparagraph (A) that the Tribe elects not to withdraw under this paragraph during the fiscal year.

(ii) INCLUSION.—An expenditure plan under clause (i) shall include a description of the manner in which, and the purposes for which, amounts of the Tribe remaining in the Fund will be used during subsequent fiscal years.

(iii) APPROVAL.—On receipt of an expenditure plan under clause (i), the Secretary shall approve the plan if the Secretary determines that the plan is—

(I) reasonable; and

(II) consistent with this title.

(5) ANNUAL REPORTS.—The Tribe shall submit to the Secretary annual reports describing each expenditure by the Tribe of amounts in the Fund during the preceding calendar year.

(6) CERTAIN PER CAPITA DISTRIBUTIONS PROHIBITED.—No amount in the Fund shall be distributed to any member of the Tribe on a per capita basis.

(F) AVAILABILITY.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amounts in the Fund shall be available for use by the Secretary and withdrawal by the Tribe beginning on the enforceability date.

(2) EXCEPTION.—The amounts made available under section 414(c) shall be available for use by the Secretary and withdrawal by the Tribe beginning on the date on which the Tribe ratifies the Compact as provided in section 410(e)(1)(E).

(g) STATE CONTRIBUTION.—The State of Montana contribution to the Fund shall be provided in accordance with article VI(A) of the Compact.

(h) SEPARATE APPROPRIATIONS ACCOUNT.—Section 1105(a) of title 31, United States Code, is amended—

(1) by redesignating paragraphs (35) and (36) as paragraphs (36) and (37), respectively;

(2) by redesignating the second paragraph (33) (relating to obligational authority and outlays requested for homeland security) as paragraph (35); and

(3) by adding at the end the following:

“(38) a separate statement for the Crow Settlement Fund established under section 411 of the Crow Tribe Water Rights Settlement Act of 2010, which shall include the estimated amount of deposits into the Fund, obligations, and outlays from the Fund.”.

SEC. 412. YELLOWTAIL DAM, MONTANA.

(a) STREAMFLOW AND LAKE LEVEL MANAGEMENT PLAN.—

(1) IN GENERAL.—Nothing in this title, the Compact, or the Streamflow and Lake Level Management Plan referred to in article III(A)(7) of the Compact—

(A) limits the discretion of the Secretary under the section 4F of that plan; or

(B) requires the Secretary to give priority to any factor described in section 4F of that plan over any other factor described in that section.

(2) BIGHORN LAKE MANAGEMENT.—Bighorn Lake water management, including the Streamflow and Lake Level Management Plan, is a Federal activity, and the review and enforcement of any water management decisions relating to Bighorn Lake shall be as provided by Federal law.

(3) APPLICABILITY OF PARAGRAPHS (1) AND (2).—The Streamflow and Lake Level Management Plan referred to in and part of the Compact shall be interpreted to clearly reflect paragraphs (1) and (2).

(4) APPLICABILITY OF INSTREAM FLOW REQUIREMENTS IN PLAN.—Notwithstanding any

term (including any defined term) or provision in the Streamflow and Lake Level Management Plan, for purposes of this title, the Compact, and the Streamflow and Lake Level Management Plan, any requirement in the Streamflow and Lake Level Management Plan that the Tribe dedicate a specified percentage, portion, or number of acre-feet of water per year of the tribal water rights to instream flow means (and is limited in meaning and effect to) an obligation on the part of the Tribe to withhold from development or otherwise refrain from diverting or removing from the Bighorn River the specified quantity of water for the duration, at the locations, and under the conditions set forth in the applicable requirement.

(b) POWER GENERATION.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the Tribe shall have the exclusive right to develop and market power generation on the Yellowtail Afterbay Dam, provided that this exclusive right shall expire 15 years after the date of enactment of this Act if construction has not been substantially completed on the power generation project of the Tribe.

(2) BUREAU OF RECLAMATION COOPERATION.—The Bureau of Reclamation shall cooperate with the Tribe on the development of any power generation project under this subsection.

(3) AGREEMENT.—Before construction of a power generation project under this subsection, the Tribe shall enter into an agreement with the Bureau of Reclamation that contains provisions that—

(A) allocate the responsibilities for the design, construction, and operations of the project;

(B) assure the compatibility of the power generation project with the operations of the Yellowtail Unit and the Yellowtail Afterbay Dam, which shall include entering into agreements—

(i) regarding operating criteria and emergency procedures, as they relate to dam safety; and

(ii) under which, should the Tribe propose any modifications to facilities owned by the Bureau of Reclamation, the proposed modifications shall be subject to review and approval by the Secretary, acting through the Bureau of Reclamation;

(C) beginning 10 years after the date on which the Tribe begins marketing power generated from the Yellowtail Afterbay Dam, the Tribe shall make annual payments for operation, maintenance, and replacement costs in amounts determined in accordance with the guidelines and methods of the Bureau of Reclamation for assessing operation, maintenance, and replacement charges, provided that such annual payments shall not exceed 3 percent of gross annual revenue produced by the sale of electricity generated by such project; and

(D) the Secretary—

(i) shall review the charges established in the agreement on the date that is 5 years after the date on which the Tribe makes the first payment described in subparagraph (C) to the Secretary under the agreement and at 5 year intervals thereafter; and

(ii) may increase or decrease the charges in proportion to the amount of any increase or decrease in the costs of operation, maintenance, and replacement for the Yellowtail Afterbay Dam, provided that any increase in costs assessed to the Tribe may not exceed—

(I) 5 percent in any 5 year period; and

(II) 3 percent of the gross annual revenue produced by the sale of electricity generated by such project.

(4) **USE OF POWER BY TRIBE.**—Any hydroelectric power generated in accordance with this subsection shall be used or marketed by the Tribe.

(5) **REVENUES.**—The Tribe shall retain any revenues from the sale of hydroelectric power generated by a project under this subsection.

(6) **LIABILITY OF UNITED STATES.**—The United States shall have no trust obligation to monitor, administer, or account for—

(A) the revenues received by the Tribe under this subsection; or

(B) the expenditure of the revenues received by the Tribe under this subsection.

(c) **CONSULTATION WITH TRIBE.**—The Bureau of Reclamation shall consult with the Tribe on at least a quarterly basis on all issues relating to the management of Yellowstone Dam by the Bureau of Reclamation.

(d) **AMENDMENTS TO COMPACT AND PLAN.**—The provisions of subsection (a) apply to any amendment to—

(1) the Compact; or

(2) the Streamflow and Lake Level Management Plan.

SEC. 413. MISCELLANEOUS PROVISIONS.

(a) **WAIVER OF SOVEREIGN IMMUNITY BY THE UNITED STATES.**—Except as provided in subsections (a) through (c) of section 208 of the Department of Justice Appropriation Act, 1953 (43 U.S.C. 666), nothing in this title waives the sovereign immunity of the United States.

(b) **OTHER TRIBES NOT ADVERSELY AFFECTED.**—Nothing in this title quantifies or diminishes any land or water right, or any claim or entitlement to land or water, of an Indian tribe, band, or community other than the Tribe.

(c) **LIMITATION ON CLAIMS FOR REIMBURSEMENT.**—With respect to Indian land within the Reservation or the ceded strip—

(1) the United States shall not submit against any Indian-owned land located within the Reservation or the ceded strip any claim for reimbursement of the cost to the United States of carrying out this title and the Compact; and

(2) no assessment of any Indian-owned land located within the Reservation or the ceded strip shall be made regarding that cost.

(d) **LIMITATION ON LIABILITY OF UNITED STATES.**—

(1) **IN GENERAL.**—The United States has no trust or other obligation—

(A) to monitor, administer, or account for, in any manner, any funds provided to the Tribe by any party to the Compact other than the United States; or

(B) to review or approve any expenditure of those funds.

(2) **INDEMNIFICATION.**—The Tribe shall indemnify the United States, and hold the United States harmless, with respect to all claims (including claims for takings or breach of trust) arising from the receipt or expenditure of amounts described in paragraph (1)(A).

(e) **EFFECT ON CURRENT LAW.**—Nothing in this section affects any provision of law (including regulations) in effect on the day before the date of enactment of this Act with respect to pre-enforcement review of any Federal environmental enforcement action.

(f) **LIMITATIONS ON EFFECT.**—

(1) **IN GENERAL.**—Nothing in this title, the Compact, or the Streamflow and Lake Level Management Plan referred to in article III(A)(7) of the Compact—

(A) limits, expands, alters, or otherwise affects—

(i) the meaning, interpretation, implementation, application, or effect of any article,

provision, or term of the Yellowstone River Compact;

(ii) any right, requirement, or obligation under the Yellowstone River Compact;

(iii) any allocation (or manner of determining any allocation) of water under the Yellowstone River Compact; or

(iv) any present or future claim, defense, or other position asserted in any legal, administrative, or other proceeding arising under or relating to the Yellowstone River Compact (including the original proceeding between the State of Montana and the State of Wyoming pending as of the date of enactment of this Act before the United States Supreme Court);

(B) makes an allocation or apportionment of water between or among States;

(C) addresses or implies whether, how, or to what extent (if any)—

(i) the tribal water rights, or any portion of the tribal water rights, should be accounted for as part of or otherwise charged against any allocation of water made to a State under the provisions of the Yellowstone River Compact; or

(ii) the Yellowstone River Compact includes the tribal water rights or the water right of any Indian tribe as part of any allocation or other disposition of water under that compact; or

(D) waives the sovereign immunity from suit of any State under the Eleventh Amendment to the Constitution of the United States, except as expressly authorized in Article IV(F)(8) of the Compact.

(2) **EFFECT OF CERTAIN PROVISIONS IN COMPACT.**—The provisions in paragraphs (1) and (2) of article III (A)(6)(a), paragraphs (1) and (2) of article III(B)(6)(a), paragraphs (1) and (2) of article III(E)(6)(a), and paragraphs (1) and (2) of article III (F)(6)(a) of the Compact that provide protections to certain water rights recognized under the laws of the State of Montana do not affect in any way, either directly or indirectly, existing or future water rights (including the exercise of any such rights) outside of the State of Montana.

(g) **EFFECT ON RECLAMATION LAW.**—The activities carried out by the Bureau of Reclamation under this title shall not establish a precedent or impact the authority provided under any other provision of Federal reclamation law, including—

(1) the Rural Supply Act of 2006 (Public Law 109-451; 120 Stat. 3345); and

(2) the Omnibus Public Land Management Act of 2009 (Public Law 111-11; 123 Stat. 991).

SEC. 414. FUNDING.

(a) **REHABILITATION AND IMPROVEMENT OF CROW IRRIGATION PROJECT.**—

(1) **MANDATORY APPROPRIATION.**—Out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary \$73,843,000, adjusted to reflect changes since May 1, 2008, in construction cost indices applicable to the types of construction involved in the rehabilitation and improvement of the Crow Irrigation Project, for the rehabilitation and improvement of the Crow Irrigation Project.

(2) **AUTHORIZATION OF APPROPRIATIONS.**—In addition to the amount made available under paragraph (1), there is authorized to be appropriated to the Secretary for the rehabilitation and improvement of the Crow Irrigation Project \$58,000,000, adjusted to reflect changes since May 1, 2008, in construction cost indices applicable to the types of construction involved in the rehabilitation and improvement of the Crow Irrigation Project.

(b) **DESIGN AND CONSTRUCTION OF MR&I SYSTEM.**—

(1) **MANDATORY APPROPRIATION.**—Out of any funds in the Treasury not otherwise appro-

priated, the Secretary of the Treasury shall transfer to the Secretary \$146,000,000, adjusted to reflect changes since May 1, 2008, in construction cost indices applicable to the types of construction involved in the design and construction of the MR&I System, for the design and construction of the MR&I System.

(2) **AUTHORIZATION OF APPROPRIATIONS.**—In addition to the amount made available under paragraph (1), there is authorized to be appropriated to the Secretary for the design and construction of the MR&I System \$100,381,000, adjusted to reflect changes since May 1, 2008, in construction cost indices applicable to the types of construction involved in the design and construction of the MR&I System.

(c) **TRIBAL COMPACT ADMINISTRATION.**—Out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary \$4,776,000, adjusted to reflect changes in appropriate cost indices during the period beginning on the date of enactment of this Act and ending on the date of the transfer, for Tribal Compact Administration.

(d) **ENERGY DEVELOPMENT PROJECTS.**—Out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary \$20,000,000, adjusted to reflect changes in appropriate cost indices during the period beginning on the date of enactment of this Act and ending on the date of the transfer, for Energy Development Projects as set forth in section 411(e)(3)(C).

(e) **MR&I SYSTEM OM&R.**—Out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary \$47,000,000, adjusted to reflect changes in appropriate cost indices during the period beginning on the date of enactment of this Act and ending on the date of the transfer, for MR&I System OM&R.

(f) **CIP OM&R.**—Out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary \$10,000,000, adjusted to reflect changes in appropriate cost indices during the period beginning on the date of enactment of this Act and ending on the date of the transfer, for CIP OM&R.

(g) **USE.**—In addition to the uses authorized under subsections (a) and (b), such amounts as may be necessary of the amounts made available under those subsections may be used to carry out related activities necessary to comply with Federal environmental and cultural resource laws.

(h) **ACCOUNT TRANSFERS.**—

(1) **IN GENERAL.**—The Secretary may transfer from the amounts made available under subsection (a) such amounts as the Secretary, with the concurrence of the Tribe, determines to be necessary to supplement the amounts made available under subsection (b), on a determination of the Secretary, in consultation with the Tribe, that such a transfer is in the best interest of the Tribe.

(2) **OTHER APPROVED TRANSFERS.**—The Secretary may transfer from the amounts made available under subsection (b) such amounts as the Secretary, with the concurrence of the Tribe, determines to be necessary to supplement the amounts made available under subsection (a), on a determination of the Secretary, in consultation with the Tribe, that such a transfer is in the best interest of the Tribe.

(i) **RECEIPT AND ACCEPTANCE.**—The Secretary shall be entitled to receive, shall accept, and shall use to carry out this section

the funds transferred under subsections (a) through (f), without further appropriation.

SEC. 415. REPEAL ON FAILURE TO MEET ENFORCEABILITY DATE.

If the Secretary does not publish a statement of findings under section 410(e) not later than March 31, 2016, or the extended date agreed to by the Tribe and the Secretary, after reasonable notice to the State of Montana, as applicable—

(1) this title is repealed effective April 1, 2016, or the day after the extended date agreed to by the Tribe and the Secretary after reasonable notice to the State of Montana, whichever is later;

(2) any action taken by the Secretary and any contract or agreement pursuant to the authority provided under any provision of this title shall be void;

(3) any amounts made available under section 414, together with any interest on those amounts, shall immediately revert to the general fund of the Treasury;

(4) any amounts made available under section 414 that remain unexpended shall immediately revert to the general fund of the Treasury; and

(5) the United States shall be entitled to set off against any claims asserted by the Tribe against the United States relating to water rights—

(A) any funds expended or withdrawn from the amounts made available pursuant to this title; and

(B) any funds made available to carry out the activities authorized in this title from other authorized sources.

SEC. 416. ANTIDEFICIENCY.

The United States shall not be liable for any failure to carry out any obligation or activity authorized by this title (including any such obligation or activity under the Settlement Agreement) if adequate appropriations are not provided expressly by Congress to carry out the purposes of this title in the Reclamation Water Settlements Fund established under section 10501 of Public Law 111–11 or the “Emergency Fund for Indian Safety and Health” established by section 601(a) of the Tom Lantos and Henry J. Hyde United States Global Leadership Against HIV/AIDS, Tuberculosis, and Malaria Reauthorization Act of 2008 (25 U.S.C. 443c(a)).

TITLE V—TAOS PUEBLO INDIAN WATER RIGHTS

SEC. 501. SHORT TITLE.

This title may be cited as the “Taos Pueblo Indian Water Rights Settlement Act”.

SEC. 502. PURPOSES.

The purposes of this title are—

(1) to approve, ratify, and confirm the Taos Pueblo Indian Water Rights Settlement Agreement;

(2) to authorize and direct the Secretary to execute the Settlement Agreement and to perform all obligations of the Secretary under the Settlement Agreement and this title; and

(3) to authorize all actions and appropriations necessary for the United States to meet its obligations under the Settlement Agreement and this title.

SEC. 503. DEFINITIONS.

In this title:

(1) **ELIGIBLE NON-PUEBLO ENTITIES.**—The term “Eligible Non-Pueblo Entities” means the Town of Taos, the El Prado Water and Sanitation District, and the New Mexico Department of Finance and Administration Local Government Division on behalf of the Acequia Madre del Rio Lucero y del Arroyo Seco, the Acequia Madre del Prado, the Acequia del Monte, the Acequia Madre del

Rio Chiquito, the Upper Ranchitos Mutual Domestic Water Consumers Association, the Upper Arroyo Hondo Mutual Domestic Water Consumers Association, and the Llano Quemado Mutual Domestic Water Consumers Association.

(2) **ENFORCEMENT DATE.**—The term “Enforcement Date” means the date upon which the Secretary publishes the notice required by section 509(f)(1).

(3) **MUTUAL-BENEFIT PROJECTS.**—The term “Mutual-Benefit Projects” means the projects described and identified in articles 6 and 10.1 of the Settlement Agreement.

(4) **PARTIAL FINAL DECREE.**—The term “Partial Final Decree” means the Decree entered in *New Mexico v. Abeyta and New Mexico v. Arellano*, Civil Nos. 7896-BB (U.S. 6 D.N.M.) and 7939-BB (U.S. D.N.M.) (consolidated), for the resolution of the Pueblo’s water right claims and which is substantially in the form agreed to by the Parties and attached to the Settlement Agreement as Attachment 5.

(5) **PARTIES.**—The term “Parties” means the Parties to the Settlement Agreement, as identified in article 1 of the Settlement Agreement.

(6) **PUEBLO.**—The term “Pueblo” means the Taos Pueblo, a sovereign Indian tribe duly recognized by the United States of America.

(7) **PUEBLO LANDS.**—The term “Pueblo lands” means those lands located within the Taos Valley to which the Pueblo, or the United States in its capacity as trustee for the Pueblo, holds title subject to Federal law limitations on alienation. Such lands include Tracts A, B, and C, the Pueblo’s land grant, the Blue Lake Wilderness Area, and the Tenorio and Karavas Tracts and are generally depicted in Attachment 2 to the Settlement Agreement.

(8) **SAN JUAN-CHAMA PROJECT.**—The term “San Juan-Chama Project” means the Project authorized by section 8 of the Act of June 13, 1962 (76 Stat. 96 and 97), and the Act of April 11, 1956 (70 Stat. 105).

(9) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

(10) **SETTLEMENT AGREEMENT.**—The term “Settlement Agreement” means the contract dated March 31, 2006, between and among—

(A) the United States, acting solely in its capacity as trustee for Taos Pueblo;

(B) the Taos Pueblo, on its own behalf;

(C) the State of New Mexico;

(D) the Taos Valley Acequia Association and its 55 member districts;

(E) the Town of Taos;

(F) the El Prado Water and Sanitation District; and

(G) the 12 Taos area Mutual Domestic Water Consumers Associations, as amended to conform with this title.

(11) **STATE ENGINEER.**—The term “State Engineer” means the New Mexico State Engineer.

(12) **TAOS VALLEY.**—The term “Taos Valley” means the geographic area depicted in Attachment 4 of the Settlement Agreement.

SEC. 504. PUEBLO RIGHTS.

(a) **IN GENERAL.**—Those rights to which the Pueblo is entitled under the Partial Final Decree shall be held in trust by the United States on behalf of the Pueblo and shall not be subject to forfeiture, abandonment, or permanent alienation.

(b) **SUBSEQUENT ACT OF CONGRESS.**—The Pueblo shall not be denied all or any part of its rights held in trust absent its consent unless such rights are explicitly abrogated by an Act of Congress hereafter enacted.

SEC. 505. TAOS PUEBLO WATER DEVELOPMENT FUND.

(a) **ESTABLISHMENT.**—There is established in the Treasury of the United States a fund to be known as the “Taos Pueblo Water Development Fund” (referred to in this section as the “Fund”) to be used to pay or reimburse costs incurred by the Pueblo for—

(1) acquiring water rights;

(2) planning, permitting, designing, engineering, constructing, reconstructing, replacing, rehabilitating, operating, or repairing water production, treatment or delivery infrastructure, on-farm improvements, or wastewater infrastructure;

(3) restoring, preserving and protecting the Buffalo Pasture, including planning, permitting, designing, engineering, constructing, operating, managing and replacing the Buffalo Pasture Recharge Project;

(4) administering the Pueblo’s water rights acquisition program and water management and administration system; and

(5) watershed protection and enhancement, support of agriculture, water-related Pueblo community welfare and economic development, and costs related to the negotiation, authorization, and implementation of the Settlement Agreement.

(b) **MANAGEMENT OF FUND.**—The Secretary shall manage the Fund, invest amounts in the Fund, and make monies available from the Fund for distribution to the Pueblo consistent with the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001 et seq.) (hereinafter, “Trust Fund Reform Act”), this title, and the Settlement Agreement.

(c) **INVESTMENT OF FUND.**—Upon the Enforcement Date, the Secretary shall invest amounts in the Fund in accordance with—

(1) the Act of April 1, 1880 (21 Stat. 70, ch. 41, 25 U.S.C. 161);

(2) the first section of the Act of June 24, 1938 (52 Stat. 1037, ch. 648, 25 U.S.C. 162a); and

(3) the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001 et seq.).

(d) **AVAILABILITY OF AMOUNTS FROM FUND.**—Upon the Enforcement Date, all monies deposited in the Fund pursuant to section 509(c)(1) or made available from other authorized sources shall be available to the Pueblo for expenditure or withdrawal after the requirements of subsection (e) have been met.

(e) **EXPENDITURES AND WITHDRAWAL.**—

(1) **TRIBAL MANAGEMENT PLAN.**—

(A) **IN GENERAL.**—The Pueblo may withdraw all or part of the Fund on approval by the Secretary of a tribal management plan as described in the Trust Fund Reform Act.

(B) **REQUIREMENTS.**—In addition to the requirements under the Trust Fund Reform Act, the tribal management plan shall require that the Pueblo spend any funds in accordance with the purposes described in subsection (a).

(2) **ENFORCEMENT.**—The Secretary may take judicial or administrative action to enforce the requirement that monies withdrawn from the Fund are used for the purposes specified in subsection (a).

(3) **LIABILITY.**—If the Pueblo exercises the right to withdraw monies from the Fund, neither the Secretary nor the Secretary of the Treasury shall retain any liability for the expenditure or investment of the monies withdrawn.

(4) **EXPENDITURE PLAN.**—

(A) **IN GENERAL.**—The Pueblo shall submit to the Secretary for approval an expenditure plan for any portions of the funds made available under this title that the Pueblo does not withdraw under paragraph (1)(A).

(B) DESCRIPTION.—The expenditure plan shall describe the manner in which, and the purposes for which, amounts remaining in the Fund will be used.

(C) APPROVAL.—On receipt of an expenditure plan under subparagraph (A), the Secretary shall approve the plan if the Secretary determines that the plan is reasonable and consistent with this title.

(5) ANNUAL REPORT.—The Pueblo shall submit to the Secretary an annual report that describes all expenditures from the Fund during the year covered by the report.

(f) AMOUNTS AVAILABLE ON APPROPRIATION.—Notwithstanding subsection (d), \$15,000,000 of the monies deposited in the Fund—

(1) shall be available upon appropriation or availability of the funds from other authorized sources for the Pueblo's acquisition of water rights pursuant to Article 5.1.1.2.3 of the Settlement Agreement, the Buffalo Pasture Recharge Project, implementation of the Pueblo's water rights acquisition program and water management and administration system, the design, planning, engineering, permitting or construction of water or wastewater infrastructure eligible for funding under subsection (a), or costs related to the negotiation, authorization, and implementation of the Settlement Agreement, provided that such funds may be expended prior to the Enforcement Date only for activities which are determined by the Secretary to be more cost effective when implemented as early as possible; and

(2) shall be distributed by the Secretary to the Pueblo on receipt by the Secretary from the Pueblo of a written notice and a Tribal Council resolution that describes the purposes under paragraph (1) for which the monies will be used after a cost-effectiveness determination by the Secretary has been made as described in paragraph (1). The Secretary shall make the determination described in paragraph (1) within a reasonable period of time after receipt of the notice and resolution.

(g) NO PER CAPITA DISTRIBUTIONS.—No portion of the Fund shall be distributed on a per capita basis to members of the Pueblo.

SEC. 506. MARKETING.

(a) PUEBLO WATER RIGHTS.—Subject to the approval of the Secretary in accordance with subsection (e), the Pueblo may market water rights secured to it under the Settlement Agreement and Partial Final Decree, provided that such marketing is in accordance with this section.

(b) PUEBLO CONTRACT RIGHTS TO SAN JUAN-CHAMA PROJECT WATER.—Subject to the approval of the Secretary in accordance with subsection (e), the Pueblo may subcontract water made available to the Pueblo under the contract authorized under section 508(b)(1)(A) to third parties to supply water for use within or without the Taos Valley, provided that the delivery obligations under such subcontract are not inconsistent with the Secretary's existing San Juan-Chama Project obligations and such subcontract is in accordance with this section.

(c) LIMITATION.—

(1) IN GENERAL.—Diversion or use of water off Pueblo lands pursuant to Pueblo water rights or Pueblo contract rights to San Juan-Chama Project water shall be subject to and not inconsistent with the same requirements and conditions of State law, any applicable Federal law, and any applicable interstate compact as apply to the exercise of water rights or contract rights to San Juan-Chama Project water held by non-Federal, non-Indian entities, including all appli-

cable State Engineer permitting and reporting requirements.

(2) EFFECT ON WATER RIGHTS.—Such diversion or use off Pueblo lands under paragraph (1) shall not impair water rights or increase surface water depletions within the Taos Valley.

(d) MAXIMUM TERM.—

(1) IN GENERAL.—The maximum term of any water use lease or subcontract, including all renewals, shall not exceed 99 years in duration.

(2) ALIENATION OF RIGHTS.—The Pueblo shall not permanently alienate any rights it has under the Settlement Agreement, the Partial Final Decree, and this title.

(e) APPROVAL OF SECRETARY.—The Secretary shall approve or disapprove any lease or subcontract submitted by the Pueblo for approval within a reasonable period of time after submission, provided that no Secretarial approval shall be required for any water use lease for less than 10 acre-feet per year with a term of less than 7 years, including all renewals.

(f) NO FORFEITURE OR ABANDONMENT.—The nonuse by a lessee or subcontractor of the Pueblo of any right to which the Pueblo is entitled under the Partial Final Decree shall in no event result in a forfeiture, abandonment, relinquishment, or other loss of all or any part of those rights.

(g) NO PREEMPTION.—

(1) IN GENERAL.—The approval authority of the Secretary provided under subsection (e) shall not amend, construe, supersede, or preempt any State or Federal law, interstate compact, or international treaty that pertains to the Colorado River, the Rio Grande, or any of their tributaries, including the appropriation, use, development, storage, regulation, allocation, conservation, exportation, or quantity of those waters.

(2) APPLICABLE LAW.—The provisions of section 2116 of the Revised Statutes (25 U.S.C. 177) shall not apply to any water made available under the Settlement Agreement.

(h) NO PREJUDICE.—Nothing in this title shall be construed to establish, address, prejudice, or prevent any party from litigating whether or to what extent any applicable State law, Federal law, or interstate compact does or does not permit, govern, or apply to the use of the Pueblo's water outside of New Mexico.

SEC. 507. MUTUAL-BENEFIT PROJECTS.

(a) IN GENERAL.—Upon the Enforcement Date, the Secretary, acting through the Commissioner of Reclamation, shall provide financial assistance in the form of grants on a nonreimbursable basis to Eligible Non-Pueblo Entities to plan, permit, design, engineer, and construct the Mutual-Benefit Projects in accordance with the Settlement Agreement—

(1) to minimize adverse impacts on the Pueblo's water resources by moving future non-Indian ground water pumping away from the Pueblo's Buffalo Pasture; and

(2) to implement the resolution of a dispute over the allocation of certain surface water flows between the Pueblo and non-Indian irrigation water right owners in the community of Arroyo Seco Arriba.

(b) COST-SHARING.—

(1) FEDERAL SHARE.—The Federal share of the total cost of planning, designing, and constructing the Mutual-Benefit Projects authorized in subsection (a) shall be 75 percent and shall be nonreimbursable.

(2) NON-FEDERAL SHARE.—The non-Federal share of the total cost of planning, designing, and constructing the Mutual-Benefit Projects shall be 25 percent and may be in

the form of in-kind contributions, including the contribution of any valuable asset or service that the Secretary determines would substantially contribute to completing the Mutual-Benefit Projects.

(3) ADDITIONAL STATE CONTRIBUTION.—As a condition of expenditure by the Secretary of the funds made available under section 509(c)(2), the State shall—

(A) appropriate and make available the non-Federal share described in paragraph (2); and

(B) agree to provide additional funding associated with the Mutual-Benefit Projects as described in paragraph 10 of the Settlement Agreement.

SEC. 508. SAN JUAN-CHAMA PROJECT CONTRACTS.

(a) IN GENERAL.—Contracts issued under this section shall be in accordance with this title and the Settlement Agreement.

(b) CONTRACTS FOR SAN JUAN-CHAMA PROJECT WATER.—

(1) IN GENERAL.—The Secretary shall enter into 3 repayment contracts within a reasonable period after the date of enactment of this Act, for the delivery of San Juan-Chama Project water in the following amounts:

(A) 2,215 acre-feet/annum to the Pueblo.

(B) 366 acre-feet/annum to the Town of Taos.

(C) 40 acre-feet/annum to the El Prado Water and Sanitation District.

(2) REQUIREMENTS.—Each such contract shall provide that if the conditions precedent set forth in section 509(f)(2) have not been fulfilled by March 31, 2017, the contract shall expire on that date.

(3) APPLICABLE LAW.—Public Law 87-483 (76 Stat. 97) applies to the contracts entered into under paragraph (1) and no preference shall be applied as a result of section 504(a) with regard to the delivery or distribution of San Juan-Chama Project water or the management or operation of the San Juan-Chama Project.

(c) WAIVER.—With respect to the contract authorized and required by subsection (b)(1)(A) and notwithstanding the provisions of Public Law 87-483 (76 Stat. 96) or any other provision of law—

(1) the Secretary shall waive the entirety of the Pueblo's share of the construction costs, both principal and the interest, for the San Juan-Chama Project and pursuant to that waiver, the Pueblo's share of all construction costs for the San Juan-Chama Project, inclusive of both principal and interest shall be nonreimbursable; and

(2) the Secretary's waiver of the Pueblo's share of the construction costs for the San Juan-Chama Project will not result in an increase in the pro rata shares of other San Juan-Chama Project water contractors, but such costs shall be absorbed by the United States Treasury or otherwise appropriated to the Department of the Interior.

SEC. 509. AUTHORIZATIONS, RATIFICATIONS, CONFIRMATIONS, AND CONDITIONS PRECEDENT.

(a) RATIFICATION.—

(1) IN GENERAL.—Except to the extent that any provision of the Settlement Agreement conflicts with any provision of this title, the Settlement Agreement is authorized, ratified, and confirmed.

(2) AMENDMENTS.—To the extent amendments are executed to make the Settlement Agreement consistent with this title, such amendments are also authorized, ratified, and confirmed.

(b) EXECUTION OF SETTLEMENT AGREEMENT.—To the extent that the Settlement Agreement does not conflict with this title,

the Secretary shall execute the Settlement Agreement, including all exhibits to the Settlement Agreement requiring the signature of the Secretary and any amendments necessary to make the Settlement Agreement consistent with this title, after the Pueblo has executed the Settlement Agreement and any such amendments.

(c) FUNDING.—

(1) TAOS PUEBLO WATER DEVELOPMENT FUND.—

(A) MANDATORY APPROPRIATION.—Out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary for deposit in the Taos Pueblo Water Development Fund established by section 505(a), for the period of fiscal years 2011 through 2016, \$50,000,000, as adjusted by such amounts as may be required due to increases since April 1, 2007, in construction costs, as indicated by engineering cost indices applicable to the types of construction or rehabilitation involved.

(B) AUTHORIZATION OF APPROPRIATIONS.—In addition to the amount made available under subparagraph (A), there is authorized to be appropriated to the Secretary for deposit in the Taos Pueblo Water Development Fund established by section 505(a) \$38,000,000, as adjusted by such amounts as may be required due to increases since April 1, 2007, in construction costs, as indicated by engineering cost indices applicable to the types of construction or rehabilitation involved, for the period of fiscal years 2011 through 2016.

(2) MUTUAL-BENEFIT PROJECTS FUNDING.—

(A) FUNDING.—

(1) MANDATORY APPROPRIATION.—Out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary to provide grants pursuant to section 507 \$16,000,000 for the period of fiscal years 2011 through 2016.

(i) AUTHORIZATION OF APPROPRIATIONS.—In addition to the amount made available under clause (i), there is authorized to be appropriated to the Secretary to provide grants pursuant to section 507 \$20,000,000 for the period of fiscal years 2011 through 2016.

(B) DEPOSIT IN FUND.—The Secretary shall deposit the funds made available pursuant to subparagraph (A) into a noninterest-bearing fund, to be known as the “Taos Settlement Fund”, to be established in the Treasury of the United States so that such funds may be made available on the Enforcement Date as set forth in section 507(a).

(3) RECEIPT AND ACCEPTANCE.—The Secretary shall be entitled to receive, shall accept, and shall use to carry out this title the funds transferred under paragraphs (1)(A) and (2)(A)(i), without further appropriation, to remain available until expended.

(d) AUTHORITY OF SECRETARY.—The Secretary is authorized to enter into such agreements and to take such measures as the Secretary may deem necessary or appropriate to fulfill the intent of the Settlement Agreement and this title.

(e) ENVIRONMENTAL COMPLIANCE.—

(1) EFFECT OF EXECUTION OF SETTLEMENT AGREEMENT.—The Secretary's execution of the Settlement Agreement shall not constitute a major Federal action under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(2) COMPLIANCE WITH ENVIRONMENTAL LAWS.—In carrying out this title, the Secretary shall comply with each law of the Federal Government relating to the protection of the environment, including—

(A) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

(B) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

(f) CONDITIONS PRECEDENT AND SECRETARIAL FINDING.—

(1) IN GENERAL.—Upon the fulfillment of the conditions precedent described in paragraph (2), the Secretary shall publish in the Federal Register a statement of finding that the conditions have been fulfilled.

(2) CONDITIONS.—The conditions precedent referred to in paragraph (1) are the following:

(A) The President has signed into law the Taos Pueblo Indian Water Rights Settlement Act.

(B) To the extent that the Settlement Agreement conflicts with this title, the Settlement Agreement has been revised to conform with this title.

(C) The Settlement Agreement, so revised, including waivers and releases pursuant to section 510, has been executed by the Parties and the Secretary prior to the Parties' motion for entry of the Partial Final Decree.

(D) Congress has fully appropriated or the Secretary has provided from other authorized sources all funds made available under paragraphs (1) and (2) of subsection (c).

(E) The Legislature of the State of New Mexico has fully appropriated the funds for the State contributions as specified in the Settlement Agreement, and those funds have been deposited in appropriate accounts.

(F) The State of New Mexico has enacted legislation that amends NMSA 1978, section 72-6-3 to state that a water use due under a water right secured to the Pueblo under the Settlement Agreement or the Partial Final Decree may be leased for a term, including all renewals, not to exceed 99 years, provided that this condition shall not be construed to require that said amendment state that any State law based water rights acquired by the Pueblo or by the United States on behalf of the Pueblo may be leased for said term.

(G) A Partial Final Decree that sets forth the water rights and contract rights to water to which the Pueblo is entitled under the Settlement Agreement and this title and that substantially conforms to the Settlement Agreement and Attachment 5 thereto has been approved by the Court and has become final and nonappealable.

(g) ENFORCEMENT DATE.—The Settlement Agreement shall become enforceable, and the waivers and releases executed pursuant to section 510 and the limited waiver of sovereign immunity set forth in section 511(a) shall become effective, as of the date that the Secretary publishes the notice required by subsection (f)(1).

(h) EXPIRATION DATE.—

(1) IN GENERAL.—If all of the conditions precedent described in section (f)(2) have not been fulfilled by March 31, 2017, the Settlement Agreement shall be null and void, the waivers and releases executed pursuant to section 510 and the sovereign immunity waivers in section 511(a) shall not become effective, and any unexpended Federal funds, together with any income earned thereon, and title to any property acquired or constructed with expended Federal funds, shall be returned to the Federal Government, unless otherwise agreed to by the Parties in writing and approved by Congress.

(2) EXCEPTION.—Notwithstanding subsection (h)(1) or any other provision of law, except as provided in subsection (i), title to any property acquired or constructed with expended Federal funds made available under section 505(f) shall be retained by the Pueblo.

(i) RIGHT TO SET-OFF.—If the conditions precedent described in subsection (f)(2) have not been fulfilled by March 31, 2017, and the Settlement Agreement is null and void under subsection (h)(1)—

(1) the United States shall be entitled to set off any Federal funds made available under section 505(f) that were used for purposes other than the purchase of water rights against any claim of the Pueblo against the United States described in section 510(b) (but excluding any claim retained under section 510(c)); and

(2) the Pueblo shall have the option either—

(A) to accept an equitable credit for any water rights acquired with funds made available under section 505(f) against any water rights secured for the Pueblo by the Pueblo, or by the United States on behalf of the Pueblo, in any litigation or future settlement of the case styled *New Mexico v. Abeyta and New Mexico v. Arellano*, Civil Nos. 7896-BB (U.S.6 D.N.M.) and 7939-BB (U.S. D.N.M.) (consolidated); or

(B) to convey to the United States any water rights acquired with funds made available under section 505(f).

(j) EXTENSION.—The dates in subsections (h) and (i) and section 510(e) may be extended if the Parties agree that an extension is reasonably necessary.

SEC. 510. WAIVERS AND RELEASES OF CLAIMS.

(a) CLAIMS BY THE PUEBLO AND THE UNITED STATES.—In return for recognition of the Pueblo's water rights and other benefits, including but not limited to the commitments by non-Pueblo parties, as set forth in the Settlement Agreement and this title, the Pueblo, on behalf of itself and its members, and the United States acting in its capacity as trustee for the Pueblo are authorized to execute a waiver and release of claims against the parties to *New Mexico v. Abeyta and New Mexico v. Arellano*, Civil Nos. 7896-BB (U.S.6 D.N.M.) and 7939-BB (U.S. D.N.M.) (consolidated) from—

(1) all claims for water rights in the Taos Valley that the Pueblo, or the United States acting in its capacity as trustee for the Pueblo, asserted, or could have asserted, in any proceeding, including but not limited to in *New Mexico v. Abeyta and New Mexico v. Arellano*, Civil Nos. 7896-BB (U.S.6 D.N.M.) and 7939-BB (U.S. D.N.M.) (consolidated), up to and including the Enforcement Date, except to the extent that such rights are recognized in the Settlement Agreement or this title;

(2) all claims for water rights, whether for consumptive or nonconsumptive use, in the Rio Grande mainstream or its tributaries that the Pueblo, or the United States acting in its capacity as trustee for the Pueblo, asserted or could assert in any water rights adjudication proceedings except those claims based on Pueblo or United States ownership of lands or water rights acquired after the Enforcement Date, provided that nothing in this paragraph shall prevent the Pueblo or the United States from fully participating in the inter se phase of any such water rights adjudication proceedings;

(3) all claims for damages, losses or injuries to water rights or claims of interference with, diversion or taking of water (including but not limited to claims for injury to lands resulting from such damages, losses, injuries, interference with, diversion, or taking) in the Rio Grande mainstream or its tributaries or for lands within the Taos Valley that accrued at any time up to and including the Enforcement Date; and

(4) all claims against the State of New Mexico, its agencies, or employees relating to the negotiation or the adoption of the Settlement Agreement.

(b) CLAIMS BY THE PUEBLO AGAINST THE UNITED STATES.—The Pueblo, on behalf of

itself and its members, is authorized to execute a waiver and release of—

(1) all claims against the United States, its agencies, or employees relating to claims for water rights in or water of the Taos Valley that the United States acting in its capacity as trustee for the Pueblo asserted, or could have asserted, in any proceeding, including but not limited to in *New Mexico v. Abeyta and New Mexico v. Arellano*, Civil Nos. 7896-BB (U.S.6 D.N.M.) and 7939-BB (U.S. D.N.M.) (consolidated);

(2) all claims against the United States, its agencies, or employees relating to damages, losses, or injuries to water, water rights, land, or natural resources due to loss of water or water rights (including but not limited to damages, losses or injuries to hunting, fishing, gathering, or cultural rights due to loss of water or water rights, claims relating to interference with, diversion or taking of water or water rights, or claims relating to failure to protect, acquire, replace, or develop water, water rights or water infrastructure) in the Rio Grande mainstream or its tributaries or within the Taos Valley that first accrued at any time up to and including the Enforcement Date;

(3) all claims against the United States, its agencies, or employees for an accounting of funds appropriated by the Act of March 4, 1929 (45 Stat. 1562), the Act of March 4, 1931 (46 Stat. 1552), the Act of June 22, 1936 (49 Stat. 1757), the Act of August 9, 1937 (50 Stat. 564), and the Act of May 9, 1938 (52 Stat. 291), as authorized by the Pueblo Lands Act of June 7, 1924 (43 Stat. 636), and the Pueblo Lands Act of May 31, 1933 (48 Stat. 108), and for breach of trust relating to funds for water replacement appropriated by said Acts that first accrued before the date of enactment of this Act;

(4) all claims against the United States, its agencies, or employees relating to the pending litigation of claims relating to the Pueblo's water rights in *New Mexico v. Abeyta and New Mexico v. Arellano*, Civil Nos. 7896-BB (U.S.6 D.N.M.) and 7939-BB (U.S. D.N.M.) (consolidated); and

(5) all claims against the United States, its agencies, or employees relating to the negotiation, Execution or the adoption of the Settlement Agreement, exhibits thereto, the Final Decree, or this title.

(C) **RESERVATION OF RIGHTS AND RETENTION OF CLAIMS.**—Notwithstanding the waivers and releases authorized in this title, the Pueblo on behalf of itself and its members and the United States acting in its capacity as trustee for the Pueblo retain—

(1) all claims for enforcement of the Settlement Agreement, the Final Decree, including the Partial Final Decree, the San Juan-Chama Project contract between the Pueblo and the United States, or this title;

(2) all claims against persons other than the Parties to the Settlement Agreement for damages, losses or injuries to water rights or claims of interference with, diversion or taking of water rights (including but not limited to claims for injury to lands resulting from such damages, losses, injuries, interference with, diversion, or taking of water rights) within the Taos Valley arising out of activities occurring outside the Taos Valley or the Taos Valley Stream System;

(3) all rights to use and protect water rights acquired after the date of enactment of this Act;

(4) all rights to use and protect water rights acquired pursuant to State law, to the extent not inconsistent with the Partial Final Decree and the Settlement Agreement (including water rights for the land the Pueblo owns in Questa, New Mexico);

(5) all claims relating to activities affecting the quality of water including but not limited to any claims the Pueblo might have under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) (including but not limited to claims for damages to natural resources), the Safe Drinking Water Act (42 U.S.C. 300f et seq.), the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), and the regulations implementing those Acts;

(6) all claims relating to damages, losses, or injuries to land or natural resources not due to loss of water or water rights (including but not limited to hunting, fishing, gathering, or cultural rights); and

(7) all rights, remedies, privileges, immunities, powers, and claims not specifically waived and released pursuant to this title and the Settlement Agreement.

(d) **EFFECT.**—Nothing in the Settlement Agreement or this title—

(1) affects the ability of the United States acting in its sovereign capacity to take actions authorized by law, including but not limited to any laws relating to health, safety, or the environment, including but not limited to the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), the Safe Drinking Water Act (42 U.S.C. 300f et seq.), the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.), the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.), and the regulations implementing such Acts;

(2) affects the ability of the United States to take actions acting in its capacity as trustee for any other Indian tribe or allottee;

(3) confers jurisdiction on any State court to—

(A) interpret Federal law regarding health, safety, or the environment or determine the duties of the United States or other parties pursuant to such Federal law; or

(B) conduct judicial review of Federal agency action; or

(4) waives any claim of a member of the Pueblo in an individual capacity that does not derive from a right of the Pueblo.

(e) **TOLLING OF CLAIMS.**—

(1) **IN GENERAL.**—Each applicable period of limitation and time-based equitable defense relating to a claim described in this section shall be tolled for the period beginning on the date of enactment of this Act and ending on the earlier of—

(A) March 31, 2017; or

(B) the Enforcement Date.

(2) **EFFECT OF SUBSECTION.**—Nothing in this subsection revives any claim or tolls any period of limitation or time-based equitable defense that expired before the date of enactment of this Act.

(3) **LIMITATION.**—Nothing in this subsection precludes the tolling of any period of limitations or any time-based equitable defense under any other applicable law.

SEC. 511. INTERPRETATION AND ENFORCEMENT.

(a) **LIMITED WAIVER OF SOVEREIGN IMMUNITY.**—Upon and after the Enforcement Date, if any Party to the Settlement Agreement brings an action in any court of competent jurisdiction over the subject matter relating only and directly to the interpretation or enforcement of the Settlement Agreement or this title, and names the United States or the Pueblo as a party, then the United States, the Pueblo, or both may be added as a party to any such action, and any claim by the United States or the Pueblo to sovereign immunity from the action is waived, but only for the limited and sole purpose of such interpretation or enforcement, and no waiver of sovereign immunity is made for any ac-

tion against the United States or the Pueblo that seeks money damages.

(b) **SUBJECT MATTER JURISDICTION NOT AFFECTED.**—Nothing in this title shall be deemed as conferring, restricting, enlarging, or determining the subject matter jurisdiction of any court, including the jurisdiction of the court that enters the Partial Final Decree adjudicating the Pueblo's water rights.

(c) **REGULATORY AUTHORITY NOT AFFECTED.**—Nothing in this title shall be deemed to determine or limit any authority of the State or the Pueblo to regulate or administer waters or water rights now or in the future.

SEC. 512. DISCLAIMER.

Nothing in the Settlement Agreement or this title shall be construed in any way to quantify or otherwise adversely affect the land and water rights, claims, or entitlements to water of any other Indian tribe.

SEC. 513. ANTIDEFICIENCY.

The United States shall not be liable for failure to carry out any obligation or activity authorized to be carried out under this title (including any such obligation or activity under the Agreement) if adequate appropriations are not provided expressly to carry out the purposes of this title by Congress or there are not enough monies available to carry out the purposes of this title in the Reclamation Water Settlements Fund established under section 10501 of Public Law 111-11 or the "Emergency Fund for Indian Safety and Health" established by section 601(a) of the Tom Lantos and Henry J. Hyde United States Global Leadership Against HIV/AIDS, Tuberculosis, and Malaria Reauthorization Act of 2008 (25 U.S.C. 443c(a)).

TITLE VI—AAMODT LITIGATION SETTLEMENT

SEC. 601. SHORT TITLE.

This title may be cited as the "Aamodt Litigation Settlement Act".

SEC. 602. DEFINITIONS.

In this title:

(1) **AAMODT CASE.**—The term "Aamodt Case" means the civil action entitled *State of New Mexico, ex rel. State Engineer and United States of America, Pueblo de Nambe, Pueblo de Pojoaque, Pueblo de San Ildefonso, and Pueblo de Tesuque v. R. Lee Aamodt, et al.*, No. 66 CV 6639 MV/LCS (D.N.M.).

(2) **ACRE-FEET.**—The term "acre-foot" means acre-feet of water per year.

(3) **AUTHORITY.**—The term "Authority" means the Pojoaque Basin Regional Water Authority described in section 9.5 of the Settlement Agreement or an alternate entity acceptable to the Pueblos and the County to operate and maintain the diversion and treatment facilities, certain transmission pipelines, and other facilities of the Regional Water System.

(4) **CITY.**—The term "City" means the city of Santa Fe, New Mexico.

(5) **COST-SHARING AND SYSTEM INTEGRATION AGREEMENT.**—The term "Cost-Sharing and System Integration Agreement" means the agreement, dated August 27, 2009, to be executed by the United States, the State, the Pueblos, the County, and the City that—

(A) describes the location, capacity, and management (including the distribution of water to customers) of the Regional Water System; and

(B) allocates the costs of the Regional Water System with respect to—

(i) the construction, operation, maintenance, and repair of the Regional Water System;

(ii) rights-of-way for the Regional Water System; and

(iii) the acquisition of water rights.

(6) COUNTY.—The term “County” means Santa Fe County, New Mexico.

(7) COUNTY DISTRIBUTION SYSTEM.—The term “County Distribution System” means the portion of the Regional Water System that serves water customers on non-Pueblo land in the Pojoaque Basin.

(8) COUNTY WATER UTILITY.—The term “County Water Utility” means the water utility organized by the County to—

(A) receive water distributed by the Authority; and

(B) provide the water received under subparagraph (A) to customers on non-Pueblo land in the Pojoaque Basin.

(9) ENGINEERING REPORT.—The term “Engineering Report” means the report entitled “Pojoaque Regional Water System Engineering Report” dated September 2008 and any amendments thereto, including any modifications which may be required by section 611(d)(2).

(10) FUND.—The term “Fund” means the Aamodt Settlement Pueblos’ Fund established by section 615(a).

(11) OPERATING AGREEMENT.—The term “Operating Agreement” means the agreement between the Pueblos and the County executed under section 612(a).

(12) OPERATIONS, MAINTENANCE, AND REPLACEMENT COSTS.—

(A) IN GENERAL.—The term “operations, maintenance, and replacement costs” means all costs for the operation of the Regional Water System that are necessary for the safe, efficient, and continued functioning of the Regional Water System to produce the benefits described in the Settlement Agreement.

(B) EXCLUSION.—The term “operations, maintenance, and replacement costs” does not include construction costs or costs related to construction design and planning.

(13) POJOAQUE BASIN.—

(A) IN GENERAL.—The term “Pojoaque Basin” means the geographic area limited by a surface water divide (which can be drawn on a topographic map), within which area rainfall and runoff flow into arroyos, drainages, and named tributaries that eventually drain to—

(i) the Rio Pojoaque; or

(ii) the 2 unnamed arroyos immediately south; and

(iii) 2 arroyos (including the Arroyo Alamo) that are north of the confluence of the Rio Pojoaque and the Rio Grande.

(B) INCLUSION.—The term “Pojoaque Basin” includes the San Ildefonso Eastern Reservation recognized by section 8 of Public Law 87–231 (75 Stat. 505).

(14) PUEBLO.—The term “Pueblo” means each of the pueblos of Nambe, Pojoaque, San Ildefonso, or Tesuque.

(15) PUEBLOS.—The term “Pueblos” means collectively the Pueblos of Nambe, Pojoaque, San Ildefonso, and Tesuque.

(16) PUEBLO LAND.—The term “Pueblo land” means any real property that is—

(A) held by the United States in trust for a Pueblo within the Pojoaque Basin;

(B)(i) owned by a Pueblo within the Pojoaque Basin before the date on which a court approves the Settlement Agreement; or

(ii) acquired by a Pueblo on or after the date on which a court approves the Settlement Agreement, if the real property is located—

(I) within the exterior boundaries of the Pueblo, as recognized and conformed by a patent issued under the Act of December 22, 1858 (11 Stat. 374, chapter V); or

(II) within the exterior boundaries of any territory set aside for the Pueblo by law, executive order, or court decree;

(C) owned by a Pueblo or held by the United States in trust for the benefit of a Pueblo outside the Pojoaque Basin that is located within the exterior boundaries of the Pueblo as recognized and confirmed by a patent issued under the Act of December 22, 1858 (11 Stat. 374, chapter V); or

(D) within the exterior boundaries of any real property located outside the Pojoaque Basin set aside for a Pueblo by law, executive order, or court decree, if the land is within or contiguous to land held by the United States in trust for the Pueblo as of January 1, 2005.

(17) PUEBLO WATER FACILITY.—

(A) IN GENERAL.—The term “Pueblo Water Facility” means—

(i) a portion of the Regional Water System that serves only water customers on Pueblo land; and

(ii) portions of a Pueblo water system in existence on the date of enactment of this Act that serve water customers on non-Pueblo land, also in existence on the date of enactment of this Act, or their successors, that are—

(I) depicted in the final project design, as modified by the drawings reflecting the completed Regional Water System; and

(II) described in the Operating Agreement.

(B) INCLUSIONS.—The term “Pueblo Water Facility” includes—

(i) the barrier dam and infiltration project on the Rio Pojoaque described in the Engineering Report; and

(ii) the Tesuque Pueblo infiltration pond described in the Engineering Report.

(18) REGIONAL WATER SYSTEM.—

(A) IN GENERAL.—The term “Regional Water System” means the Regional Water System described in section 611(a).

(B) EXCLUSIONS.—The term “Regional Water System” does not include the County or Pueblo water supply delivered through the Regional Water System.

(19) SAN JUAN-CHAMA PROJECT.—The term “San Juan-Chama Project” means the Project authorized by section 8 of the Act of June 13, 1962 (76 Stat. 96, 97), and the Act of April 11, 1956 (70 Stat. 105).

(20) SAN JUAN-CHAMA PROJECT ACT.—The term “San Juan-Chama Project Act” means sections 8 through 18 of the Act of June 13, 1962 (76 Stat. 96, 97).

(21) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(22) SETTLEMENT AGREEMENT.—The term “Settlement Agreement” means the agreement among the State, the Pueblos, the United States, the County, and the City dated January 19, 2006, and signed by all of the government parties to the Settlement Agreement (other than the United States) on May 3, 2006, as amended in conformity with this title.

(23) STATE.—The term “State” means the State of New Mexico.

Subtitle A—Pojoaque Basin Regional Water System

SEC. 611. AUTHORIZATION OF REGIONAL WATER SYSTEM.

(a) IN GENERAL.—The Secretary, acting through the Commissioner of Reclamation, shall plan, design, and construct a regional water system in accordance with the Settlement Agreement, to be known as the “Regional Water System”—

(1) to divert and distribute water to the Pueblos and to the County Water Utility, in accordance with the Engineering Report; and

(2) that consists of—

(A) surface water diversion facilities at San Ildefonso Pueblo on the Rio Grande; and

(B) any treatment, transmission, storage and distribution facilities and wellfields for the County Distribution System and Pueblo Water Facilities that are necessary to supply 4,000 acre-feet of water within the Pojoaque Basin, unless modified in accordance with subsection (d)(2).

(b) FINAL PROJECT DESIGN.—The Secretary shall issue a final project design within 90 days of completion of the environmental compliance described in section 616 for the Regional Water System that—

(1) is consistent with the Engineering Report; and

(2) includes a description of any Pueblo Water Facilities.

(c) ACQUISITION OF LAND; WATER RIGHTS.—

(1) ACQUISITION OF LAND.—Upon request, and in exchange for the funding which shall be provided in section 617(c), the Pueblos shall consent to the grant of such easements and rights-of-way as may be necessary for the construction of the Regional Water System at no cost to the Secretary. To the extent that the State or County own easements or rights-of-way that may be used for construction of the Regional Water System, the State or County shall provide that land or interest in land as necessary for construction at no cost to the Secretary. The Secretary shall acquire any other land or interest in land that is necessary for the construction of the Regional Water System.

(2) WATER RIGHTS.—The Secretary shall not condemn water rights for purposes of the Regional Water System.

(d) CONDITIONS FOR CONSTRUCTION.—

(1) IN GENERAL.—The Secretary shall not begin construction of the Regional Water System facilities until the date on which—

(A) the Secretary executes—

(i) the Settlement Agreement; and

(ii) the Cost-Sharing and System Integration Agreement; and

(B) the State and the County have entered into an agreement with the Secretary to contribute the non-Federal share of the costs of the construction in accordance with the Cost-Sharing and System Integration Agreement.

(2) MODIFICATIONS TO REGIONAL WATER SYSTEM.—

(A) IN GENERAL.—The State and the County, in agreement with the Pueblos, the City, and other signatories to the Cost-Sharing and System Integration Agreement, may modify the extent, size, and capacity of the County Distribution System as set forth in the Cost-Sharing and System Integration Agreement.

(B) EFFECT.—A modification under subparagraph (A)—

(i) shall not affect implementation of the Settlement Agreement so long as the provisions in section 623 are satisfied; and

(ii) may result in an adjustment of the State and County cost-share allocation as set forth in the Cost-Sharing and System Integration Agreement.

(e) APPLICABLE LAW.—The Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) shall not apply to the design and construction of the Regional Water System.

(f) CONSTRUCTION COSTS.—

(1) PUEBLO WATER FACILITIES.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the expenditures of the Secretary to construct the Pueblo Water Facilities under this section shall not exceed \$106,400,000.

(B) EXCEPTION.—The amount described in subparagraph (A) shall be increased or decreased, as appropriate, based on ordinary fluctuations in construction costs since October 1, 2006, as determined using applicable engineering cost indices.

(2) COSTS TO PUEBLO.—The costs incurred by the Secretary in carrying out activities to construct the Pueblo Water Facilities under this section shall not be reimbursable to the United States.

(3) COUNTY DISTRIBUTION SYSTEM.—As a condition of the Secretary using the funds made available pursuant to section 617(a)(1), the costs of constructing the County Distribution System shall be a State and local expense pursuant to the Cost-Sharing and System Integration Agreement.

(g) INITIATION OF DISCUSSIONS.—

(1) IN GENERAL.—If the Secretary determines that the cost of constructing the Regional Water System exceed the amounts described in the Cost-Sharing and System Integration Agreement for construction of the Regional Water System and would necessitate funds in excess of the amount made available pursuant to section 617(a)(1), the Secretary shall initiate negotiations with the parties to the Cost-Sharing and System Integration Agreement for an agreement regarding non-Federal contributions to ensure that the Regional Water System can be completed as required by section 623(e).

(2) JOINT RESPONSIBILITIES.—The United States shall not bear the entire amount of any cost overrun, nor shall the State be responsible to pay any amounts in addition to the amounts specified in the Cost-Sharing and System Integration Agreement.

(h) CONVEYANCE OF REGIONAL WATER SYSTEM FACILITIES.—

(1) IN GENERAL.—Subject to paragraph (2), on completion of the construction of the Regional Water System as defined in section 623(e), the Secretary, in accordance with the Operating Agreement, shall convey to—

(A) each Pueblo the portion of any Pueblo Water Facility that is located within the boundaries of the Pueblo, including any land or interest in land located within the boundaries of the Pueblo that is acquired by the United States for the construction of the Pueblo Water Facility;

(B) the County the County Distribution System, including any land or interest in land acquired by the United States for the construction of the County Distribution System; and

(C) the Authority any portions of the Regional Water System that remain after making the conveyances under subparagraphs (A) and (B), including any land or interest in land acquired by the United States for the construction of the portions of the Regional Water System.

(2) CONDITIONS FOR CONVEYANCE.—The Secretary shall not convey any portion of the Regional Water System facilities under paragraph (1) until the date on which—

(A) construction of the Regional Water System is substantially complete, as defined in section 623(e); and

(B) the Operating Agreement is executed in accordance with section 612.

(3) SUBSEQUENT CONVEYANCE.—On conveyance by the Secretary under paragraph (1), the Pueblos, the County, and the Authority shall not reconvey any portion of the Regional Water System conveyed to the Pueblos, the County, and the Authority, respectively, unless the reconveyance is authorized by an Act of Congress enacted after the date of enactment of this Act.

(4) INTEREST OF THE UNITED STATES.—On conveyance of a portion of the Regional

Water System under paragraph (1), the United States shall have no further right, title, or interest in and to the portion of the Regional Water System conveyed.

(5) ADDITIONAL CONSTRUCTION.—On conveyance of a portion of the Regional Water System under paragraph (1), the Pueblos, County, or the Authority, as applicable, may, at the expense of the Pueblos, County, or the Authority, construct any additional infrastructure that is necessary to fully use the water delivered by the Regional Water System.

(6) TAXATION.—Conveyance of title to any portion of the Regional Water System, the Pueblo Water Facilities, or the County Distribution System under paragraph (1) does not waive or alter any applicable Federal law prohibiting taxation of such facilities or the underlying land.

(7) LIABILITY.—

(A) IN GENERAL.—Effective on the date of conveyance of any land or facility under this section, the United States shall not be held liable by any court for damages of any kind arising out of any act, omission, or occurrence relating to the land and facilities conveyed, other than damages caused by acts of negligence by the United States, or by employees or agents of the United States, prior to the date of conveyance.

(B) TORT CLAIMS.—Nothing in this section increases the liability of the United States beyond the liability provided in chapter 171 of title 28, United States Code (commonly known as the “Federal Tort Claims Act”).

(8) EFFECT.—Nothing in any transfer of ownership provided or any conveyance thereto as provided in this section shall extinguish the right of any Pueblo, the County, or the Regional Water Authority to the continuous use and benefit of each easement or right of way for the use, operation, maintenance, repair, and replacement of Pueblo Water Facilities, the County Distribution System or the Regional Water System or for wastewater purposes as provided in the Cost-Sharing and System Integration Agreement.

SEC. 612. OPERATING AGREEMENT.

(a) IN GENERAL.—The Pueblos and the County shall submit to the Secretary an executed Operating Agreement for the Regional Water System that is consistent with this title, the Settlement Agreement, and the Cost-Sharing and System Integration Agreement not later than 180 days after the later of—

(1) the date of completion of environmental compliance and permitting; or

(2) the date of issuance of a final project design for the Regional Water System under section 611(b).

(b) APPROVAL.—The Secretary shall approve or disapprove the Operating Agreement within a reasonable period of time after the Pueblos and the County submit the Operating Agreement described in subsection (a) and upon making a determination that the Operating Agreement is consistent with this title, the Settlement Agreement, and the Cost-Sharing and System Integration Agreement.

(c) CONTENTS.—The Operating Agreement shall include—

(1) provisions consistent with the Settlement Agreement and the Cost-Sharing and System Integration Agreement and necessary to implement the intended benefits of the Regional Water System described in those documents;

(2) provisions for—

(A) the distribution of water conveyed through the Regional Water System, including a delineation of—

(i) distribution lines for the County Distribution System;

(ii) distribution lines for the Pueblo Water Facilities; and

(iii) distribution lines that serve both—

(I) the County Distribution System; and

(II) the Pueblo Water Facilities;

(B) the allocation of the Regional Water System capacity;

(C) the terms of use of unused water capacity in the Regional Water System;

(D) terms of interim use of County unused capacity, in accordance with section 614(d);

(E) the construction of additional infrastructure and the acquisition of associated rights-of-way or easements necessary to enable any of the Pueblos or the County to fully use water allocated to the Pueblos or the County from the Regional Water System, including provisions addressing when the construction of such additional infrastructure requires approval by the Authority;

(F) the allocation and payment of annual operation, maintenance, and replacement costs for the Regional Water System, including the portions of the Regional Water System that are used to treat, transmit, and distribute water to both the Pueblo Water Facilities and the County Water Utility;

(G) the operation of wellfields located on Pueblo land;

(H) the transfer of any water rights necessary to provide the Pueblo water supply described in section 613(a);

(I) the operation of the Regional Water System with respect to the water supply, including the allocation of the water supply in accordance with section 3.1.8.4.2 of the Settlement Agreement so that, in the event of a shortage of supply to the Regional Water System, the supply to each of the Pueblos’ and to the County’s distribution system shall be reduced on a pro rata basis, in proportion to each distribution system’s most current annual use; and

(J) dispute resolution; and

(3) provisions for operating and maintaining the Regional Water System facilities before and after conveyance under section 611(h), including provisions to—

(A) ensure that—

(i) the operation of, and the diversion and conveyance of water by, the Regional Water System is in accordance with the Settlement Agreement;

(ii) the wells in the Regional Water System are used in conjunction with the surface water supply of the Regional Water System to ensure a reliable firm supply of water to all users of the Regional Water System, consistent with the intent of the Settlement Agreement that surface supplies will be used to the maximum extent feasible;

(iii) the respective obligations regarding delivery, payment, operation, and management are enforceable; and

(iv) the County has the right to serve any new water users located on non-Pueblo land in the Pojoaque Basin; and

(B) allow for any aquifer storage and recovery projects that are approved by the Office of the New Mexico State Engineer.

(d) EFFECT.—Nothing in this title precludes the Operating Agreement from authorizing phased or interim operations if the Regional Water System is constructed in phases.

SEC. 613. ACQUISITION OF PUEBLO WATER SUPPLY FOR REGIONAL WATER SYSTEM.

(a) IN GENERAL.—For the purpose of providing a reliable firm supply of water from the Regional Water System for the Pueblos in accordance with the Settlement Agreement, the Secretary, on behalf of the Pueblos, shall—

(1) acquire water rights to—

(A) 302 acre-feet of Nambe reserved water described in section 2.6.2 of the Settlement Agreement; and

(B) 1141 acre-feet from water acquired by the County for water rights commonly referred to as “Top of the World” rights in the Aamodt Case;

(2) enter into a contract with the Pueblos for 1,079 acre-feet in accordance with section 11 of the San Juan-Chama Project Act; and

(3) by application to the State Engineer, seek approval to divert the water acquired and made available under paragraphs (1) and (2) at the points of diversion for the Regional Water System, consistent with the Settlement Agreement and the Cost-Sharing and System Integration Agreement.

(b) **FORFEITURE.**—The nonuse of the water supply secured by the Secretary for the Pueblos under subsection (a) shall in no event result in forfeiture, abandonment, relinquishment, or other loss thereof.

(c) **TRUST.**—The Pueblo water rights secured under subsection (a) shall be held by the United States in trust for the Pueblos.

(d) **APPLICABLE LAW.**—The water supply made available pursuant to subsection (a)(2) shall be subject to the San Juan-Chama Project Act, and no preference shall be provided to the Pueblos as a result of subsection (c) with regard to the delivery or distribution of San Juan-Chama Project water or the management or operation of the San Juan-Chama Project.

(e) **CONTRACT FOR SAN JUAN-CHAMA PROJECT WATER SUPPLY.**—With respect to the contract for the water supply required by subsection (a)(2), such San Juan-Chama Project contract shall be pursuant to the following terms:

(1) **WAIVERS.**—Notwithstanding the provisions of the San Juan-Chama Project Act, or any other provision of law—

(A) the Secretary shall waive the entirety of the Pueblos’ share of the construction costs for the San Juan-Chama Project, and pursuant to that waiver, the Pueblos’ share of all construction costs for the San Juan-Chama Project, inclusive of both principal and interest, due from 1972 to the execution of the contract required by subsection (a)(2), shall be nonreimbursable;

(B) the Secretary’s waiver of each Pueblo’s share of the construction costs for the San Juan-Chama Project will not result in an increase in the pro rata shares of other San Juan-Chama Project water contractors, but such costs shall be absorbed by the United States Treasury or otherwise appropriated to the Department of the Interior; and

(C) the construction costs associated with any water made available from the San Juan-Chama Project which were determined nonreimbursable and nonreturnable pursuant to Public Law No. 88-293, 78 Stat. 171 (March 26, 1964), shall remain nonreimbursable and nonreturnable.

(2) **TERMINATION.**—The contract shall provide that it shall terminate only on—

(A) failure of the United States District Court for the District of New Mexico to enter a final decree for the Aamodt Case by the expiration date described in section 623(b), or within the time period of any extension of that deadline granted by the court; or

(B) entry of an order by the United States District Court for the District of New Mexico voiding the final decree and Settlement Agreement for the Aamodt Case pursuant to section 10.3 of the Settlement Agreement.

(f) **LIMITATION.**—The Secretary shall use the water supply secured under subsection (a) only for the purposes described in the Settlement Agreement.

(g) **FULFILLMENT OF WATER SUPPLY ACQUISITION OBLIGATIONS.**—Compliance with subsections (a) through (f) shall satisfy any and all obligations of the Secretary to acquire or secure a water supply for the Pueblos pursuant to the Settlement Agreement.

(h) **RIGHTS OF PUEBLOS IN SETTLEMENT AGREEMENT UNAFFECTED.**—Notwithstanding the provisions of subsections (a) through (g), the Pueblos, the County or the Regional Water Authority may acquire any additional water rights to ensure all parties to the Settlement Agreement receive the full allocation of water provided by the Settlement Agreement and nothing in this title amends or modifies the quantities of water allocated to the Pueblos thereunder.

SEC. 614. DELIVERY AND ALLOCATION OF REGIONAL WATER SYSTEM CAPACITY AND WATER.

(a) **ALLOCATION OF REGIONAL WATER SYSTEM CAPACITY.**—

(1) **IN GENERAL.**—The Regional Water System shall have the capacity to divert from the Rio Grande a quantity of water sufficient to provide—

(A) up to 4,000 acre-feet of consumptive use of water; and

(B) the requisite peaking capacity described in—

(i) the Engineering Report; and

(ii) the final project design.

(2) **ALLOCATION TO THE PUEBLOS AND COUNTY WATER UTILITY.**—Of the capacity described in paragraph (1)—

(A) there shall be allocated to the Pueblos—

(i) sufficient capacity for the conveyance of 2,500 acre-feet consumptive use; and

(ii) the requisite peaking capacity for the quantity of water described in clause (i); and

(B) there shall be allocated to the County Water Utility—

(i) sufficient capacity for the conveyance of up to 1,500 acre-feet consumptive use; and

(ii) the requisite peaking capacity for the quantity of water described in clause (i).

(3) **APPLICABLE LAW.**—Water shall be allocated to the Pueblos and the County Water Utility under this subsection in accordance with—

(A) this subtitle;

(B) the Settlement Agreement; and

(C) the Operating Agreement.

(b) **DELIVERY OF REGIONAL WATER SYSTEM WATER.**—The Authority shall deliver water from the Regional Water System—

(1) to the Pueblos water in a quantity sufficient to allow full consumptive use of up to 2,500 acre-feet per year of water rights by the Pueblos in accordance with—

(A) the Settlement Agreement;

(B) the Operating Agreement; and

(C) this subtitle; and

(2) to the County water in a quantity sufficient to allow full consumptive use of up to 1,500 acre-feet per year of water rights by the County Water Utility in accordance with—

(A) the Settlement Agreement;

(B) the Operating Agreement; and

(C) this subtitle.

(c) **ADDITIONAL USE OF ALLOCATION QUANTITY AND UNUSED CAPACITY.**—The Regional Water System may be used to—

(1) provide for use of return flow credits to allow for full consumptive use of the water allocated in the Settlement Agreement to each of the Pueblos and to the County; and

(2) convey water allocated to one of the Pueblos or the County Water Utility for the benefit of another Pueblo or the County Water Utility or allow use of unused capacity by each other through the Regional Water System in accordance with an inter-

governmental agreement between the Pueblos, or between a Pueblo and County Water Utility, as applicable, if—

(A) such intergovernmental agreements are consistent with the Operating Agreement, the Settlement Agreement, and this title;

(B) capacity is available without reducing water delivery to any Pueblo or the County Water Utility in accordance with the Settlement Agreement, unless the County Water Utility or Pueblo contracts for a reduction in water delivery or Regional Water System capacity;

(C) the Pueblo or County Water Utility contracting for use of the unused capacity or water has the right to use the water under applicable law; and

(D) any agreement for the use of unused capacity or water provides for payment of the operation, maintenance, and replacement costs associated with the use of capacity or water.

(d) **INTERIM USE OF COUNTY CAPACITY.**—In accordance with section 9.6.4 of the Settlement Agreement, the County may use unused capacity and water rights of the County Water Utility to supply water within the County outside of the Pojoaque Basin—

(1) on approval by the State and the Authority; and

(2) subject to the issuance of a permit by the New Mexico State Engineer.

SEC. 615. AAMODT SETTLEMENT PUEBLOS’ FUND.

(a) **ESTABLISHMENT OF THE AAMODT SETTLEMENT PUEBLOS’ FUND.**—There is established in the Treasury of the United States a fund, to be known as the “Aamodt Settlement Pueblos’ Fund,” consisting of—

(1) such amounts as are made available to the Fund under section 617(c) or other authorized sources; and

(2) any interest earned from investment of amounts in the Fund under subsection (b).

(b) **MANAGEMENT OF THE FUND.**—The Secretary shall manage the Fund, invest amounts in the Fund, and make amounts available from the Fund for distribution to the Pueblos in accordance with—

(1) the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001 et seq.); and

(2) this title.

(c) **INVESTMENT OF THE FUND.**—On the date on which the waivers become effective as set forth in section 623(d), the Secretary shall invest amounts in the Fund in accordance with—

(1) the Act of April 1, 1880 (25 U.S.C. 161);

(2) the first section of the Act of June 24, 1938 (25 U.S.C. 162a); and

(3) the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001 et seq.).

(d) **TRIBAL MANAGEMENT PLAN.**—

(1) **IN GENERAL.**—A Pueblo may withdraw all or part of the Pueblo’s portion of the Fund on approval by the Secretary of a tribal management plan as described in the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001 et seq.).

(2) **REQUIREMENTS.**—In addition to the requirements under the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001 et seq.), the tribal management plan shall require that a Pueblo spend any amounts withdrawn from the Fund in accordance with the purposes described in section 617(c).

(3) **ENFORCEMENT.**—The Secretary may take judicial or administrative action to enforce the provisions of any tribal management plan to ensure that any amounts withdrawn from the Fund under an approved tribal management plan are used in accordance with this subtitle.

(4) **LIABILITY.**—If a Pueblo or the Pueblos exercise the right to withdraw amounts from the Fund, neither the Secretary nor the Secretary of the Treasury shall retain any liability for the expenditure or investment of the amounts withdrawn.

(5) **EXPENDITURE PLAN.**—

(A) **IN GENERAL.**—The Pueblos shall submit to the Secretary for approval an expenditure plan for any portion of the amounts in the Fund that the Pueblos do not withdraw under this subsection.

(B) **DESCRIPTION.**—The expenditure plan shall describe the manner in which, and the purposes for which, amounts remaining in the Fund will be used.

(C) **APPROVAL.**—On receipt of an expenditure plan under subparagraph (A), the Secretary shall approve the plan if the Secretary determines that the plan is reasonable and consistent with this title, the Settlement Agreement, and the Cost-Sharing and System Integration Agreement.

(D) **ANNUAL REPORT.**—The Pueblos shall submit to the Secretary an annual report that describes all expenditures from the Fund during the year covered by the report.

(6) **NO PER CAPITA PAYMENTS.**—No part of the principal of the Fund, or the interest or income accruing on the principal shall be distributed to any member of a Pueblo on a per capita basis.

(7) **AVAILABILITY OF AMOUNTS FROM THE FUND.**—

(A) **APPROVAL OF SETTLEMENT AGREEMENT.**—

(i) **IN GENERAL.**—Except as provided in clause (ii), amounts made available under section 617(c)(1), or from other authorized sources, shall be available for expenditure or withdrawal only after the publication of the statement of findings required by section 623(a)(1).

(ii) **EXCEPTION.**—Notwithstanding clause (i), the amounts described in that clause may be expended before the date of publication of the statement of findings under section 623(a)(1) for any activity that is more cost-effective when implemented in conjunction with the construction of the Regional Water System, as determined by the Secretary.

(B) **COMPLETION OF CERTAIN PORTIONS OF REGIONAL WATER SYSTEM.**—Amounts made available under section 617(c)(1) or from other authorized sources shall be available for expenditure or withdrawal only after those portions of the Regional Water System described in section 1.5.24 of the Settlement Agreement have been declared substantially complete by the Secretary.

SEC. 616. ENVIRONMENTAL COMPLIANCE.

(a) **IN GENERAL.**—In carrying out this subtitle, the Secretary shall comply with each law of the Federal Government relating to the protection of the environment, including—

(1) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

(2) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

(b) **NATIONAL ENVIRONMENTAL POLICY ACT.**—Nothing in this title affects the outcome of any analysis conducted by the Secretary or any other Federal official under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

SEC. 617. FUNDING.

(a) **REGIONAL WATER SYSTEM.**—

(1) **FUNDING.**—

(A) **MANDATORY APPROPRIATION.**—Subject to paragraph (5), out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary for the planning, design, and construction of the Regional Water System and the conduct of environmental compliance activities under section 616 an amount not to exceed \$56,400,000, as adjusted under paragraph (4), for the period of fiscal years 2011 through 2016, to remain available until expended.

(B) **AUTHORIZATION OF APPROPRIATIONS.**—In addition to the amount made available under subparagraph (A), there is authorized to be appropriated to the Secretary for the planning, design, and construction of the Regional Water System and the conduct of environmental compliance activities under section 616 \$50,000,000, as adjusted under paragraph (4), for the period of fiscal years 2011 through 2024.

(2) **RECEIPT AND ACCEPTANCE.**—The Secretary shall be entitled to receive, shall accept, and shall use to carry out this title the funds transferred under paragraph (1)(A), without further appropriation, to remain available until expended.

(3) **PRIORITY OF FUNDING.**—Of the amounts made available under paragraph (1), the Secretary shall give priority to funding—

(A) the construction of the San Ildefonso portion of the Regional Water System, consisting of—

(i) the surface water diversion, treatment, and transmission facilities at San Ildefonso Pueblo; and

(ii) the San Ildefonso Pueblo portion of the Pueblo Water Facilities; and

(B) that part of the Regional Water System providing 475 acre-feet to Pojoaque Pueblo pursuant to section 2.2 of the Settlement Agreement.

(4) **ADJUSTMENT.**—The amounts made available under paragraph (1) shall be adjusted annually to account for increases in construction costs since October 1, 2006, as determined using applicable engineering cost indices.

(5) **LIMITATIONS.**—

(A) **IN GENERAL.**—No amounts shall be made available under paragraph (1) for the construction of the Regional Water System until the date on which the United States District Court for the District of New Mexico issues an order approving the Settlement Agreement.

(B) **RECORD OF DECISION.**—No amounts made available under paragraph (1) shall be expended for construction unless the record of decision issued by the Secretary after completion of an environmental impact statement provides for a preferred alternative that is in substantial compliance with the proposed Regional Water System, as defined in the Engineering Report.

(b) **ACQUISITION OF WATER RIGHTS.**—

(1) **IN GENERAL.**—Out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary for the acquisition of the water rights under section 613(a)(1)(B) \$5,400,000.

(2) **RECEIPT AND ACCEPTANCE.**—The Secretary shall be entitled to receive, shall accept, and shall use to carry out this title the funds transferred under paragraph (1), without further appropriation, to remain available until expended.

(c) **AAMODT SETTLEMENT PUEBLOS' FUND.**—

(1) **FUNDING.**—

(A) **MANDATORY APPROPRIATIONS.**—Out of any funds in the Treasury not otherwise ap-

propriated, the Secretary of the Treasury shall transfer to the Secretary the following amounts for the period of fiscal years 2011 through 2015:

(i) \$15,000,000, as adjusted according to the CPI Urban Index beginning on October 1, 2006, which shall be allocated to the Pueblos, in accordance with section 2.7.1 of the Settlement Agreement, for the rehabilitation, improvement, operation, maintenance, and replacement of the agricultural delivery facilities, waste water systems, and other water-related infrastructure of the applicable Pueblo.

(ii) \$5,000,000, as adjusted according to the CPI Urban Index beginning on January 1, 2011, and any interest on that amount, which shall be allocated to the Pueblo of Nambe only for the acquisition land, other real property interests, or economic development for the Nambe reserved water rights in accordance with section 613(a)(1)(A).

(B) **AUTHORIZATION OF APPROPRIATIONS.**—In addition to the amounts made available under clauses (i) and (ii) of subparagraph (A), respectively, there are authorized to be appropriated to the Secretary for the period of fiscal years 2011 through 2024, \$37,500,000 to assist the Pueblos in paying the Pueblos' share of the cost of operating, maintaining, and replacing the Pueblo Water Facilities and the Regional Water System.

(2) **OPERATION, MAINTENANCE, AND REPLACEMENT COSTS.**—

(A) **IN GENERAL.**—Prior to conveyance of the Regional Water System pursuant to section 611, the Secretary is authorized to and shall pay any operation, maintenance, and replacement costs associated with the Pueblo Water Facilities or the Regional Water System, up to the amount made available under subparagraph (B).

(B) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to the Secretary to carry out subparagraph (A) \$5,000,000.

(C) **OBLIGATION OF FEDERAL GOVERNMENT AFTER COMPLETION.**—After the date on which construction of the Regional Water System is completed and the amounts required to be deposited in the Aamodt Settlement Pueblos' Fund pursuant to paragraph (1) have been deposited by the Federal Government—

(i) the Federal Government shall have no obligation to pay for the operation, maintenance, and replacement costs associated with the Pueblo Water Facilities or the Regional Water System; and

(ii) the authorization for the Secretary to expend funds for the operation, maintenance, and replacement costs of those systems under subparagraph (A) shall expire.

(3) **RECEIPT AND ACCEPTANCE.**—The Secretary shall be entitled to receive, shall accept, and shall use to carry out this title the funds transferred under paragraphs (1)(A), without further appropriation, to remain available until expended or until the authorization for the Secretary to expend funds pursuant to paragraph (2) expires.

Subtitle B—Pojoaque Basin Indian Water Rights Settlement

SEC. 621. SETTLEMENT AGREEMENT AND CONTRACT APPROVAL.

(a) **APPROVAL.**—To the extent the Settlement Agreement and the Cost-Sharing and System Integration Agreement do not conflict with this title, the Settlement Agreement and the Cost-Sharing and System Integration Agreement (including any amendments to the Settlement Agreement and the Cost-Sharing and System Integration Agreement that are executed to make the Settlement Agreement or the Cost-Sharing and

System Integration Agreement consistent with this title) are authorized, ratified, and confirmed.

(b) **EXECUTION.**—To the extent the Settlement Agreement and the Cost-Sharing and System Integration Agreement do not conflict with this title, the Secretary shall execute the Settlement Agreement and the Cost-Sharing and System Integration Agreement (including any amendments that are necessary to make the Settlement Agreement or the Cost-Sharing and System Integration Agreement consistent with this title).

(c) **AUTHORITIES OF THE PUEBLOS.**—

(1) **IN GENERAL.**—Each of the Pueblos may enter into leases or contracts to exchange water rights or to forebear undertaking new or expanded water uses for water rights recognized in section 2.1 of the Settlement Agreement for use within the Pojoaque Basin, in accordance with the other limitations of section 2.1.5 of the Settlement Agreement, provided that section 2.1.5 is amended accordingly.

(2) **APPROVAL BY SECRETARY.**—Consistent with the Settlement Agreement, the Secretary shall approve or disapprove a lease or contract entered into under paragraph (1).

(3) **PROHIBITION ON PERMANENT ALIENATION.**—No lease or contract under paragraph (1) shall be for a term exceeding 99 years, nor shall any such lease or contract provide for permanent alienation of any portion of the water rights made available to the Pueblos under the Settlement Agreement.

(4) **APPLICABLE LAW.**—Section 2116 of the Revised Statutes (25 U.S.C. 177) shall not apply to any lease or contract entered into under paragraph (1).

(5) **LEASING OR MARKETING OF WATER SUPPLY.**—The water supply provided on behalf of the Pueblos pursuant to section 613(a)(1) may only be leased or marketed by any of the Pueblos pursuant to the intergovernmental agreements described in section 614(c)(2).

(d) **AMENDMENTS TO CONTRACTS.**—The Secretary shall amend the contracts relating to the Nambe Falls Dam and Reservoir that are necessary to use water supplied from the Nambe Falls Dam and Reservoir in accordance with the Settlement Agreement.

SEC. 622. ENVIRONMENTAL COMPLIANCE.

(a) **EFFECT OF EXECUTION OF SETTLEMENT AGREEMENT.**—The execution of the Settlement Agreement under section 611(b) shall not constitute a major Federal action under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(b) **COMPLIANCE WITH ENVIRONMENTAL LAWS.**—In carrying out this title, the Secretary shall comply with each law of the Federal Government relating to the protection of the environment, including—

(1) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

(2) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

SEC. 623. CONDITIONS PRECEDENT AND ENFORCEMENT DATE.

(a) **CONDITIONS PRECEDENT.**—

(1) **IN GENERAL.**—Upon the fulfillment of the conditions precedent described in paragraph (2), the Secretary shall publish in the Federal Register by September 15, 2017, a statement of findings that the conditions have been fulfilled.

(2) **REQUIREMENTS.**—The conditions precedent referred to in paragraph (1) are the conditions that—

(A) to the extent that the Settlement Agreement conflicts with this subtitle, the Settlement Agreement has been revised to conform with this subtitle;

(B) the Settlement Agreement, so revised, including waivers and releases pursuant to section 624, has been executed by the appropriate parties and the Secretary;

(C) Congress has fully appropriated, or the Secretary has provided from other authorized sources, all funds authorized by section 617, with the exception of subsection (a)(1) of that section;

(D) the Secretary has acquired and entered into appropriate contracts for the water rights described in section 613(a);

(E) for purposes of section 613(a), permits have been issued by the New Mexico State Engineer to the Regional Water Authority to change the points of diversion to the mainstem of the Rio Grande for the diversion and consumptive use of at least 2,381 acre-feet by the Pueblos as part of the water supply for the Regional Water System, subject to the conditions that—

(i) the permits shall be free of any condition that materially adversely affects the ability of the Pueblos or the Regional Water Authority to divert or use the Pueblo water supply described in section 613(a), including water rights acquired in addition to those described in section 613(a), in accordance with section 613(g); and

(ii) the Settlement Agreement shall establish the means to address any permit conditions to ensure the ability of the Pueblos to fully divert and consume at least 2,381 acre-feet as part of the water supply for the Regional Water System, including defining the conditions that will not constitute a material adverse affect;

(F) the State has enacted any necessary legislation and provided any funding that may be required under the Settlement Agreement;

(G) a partial final decree that sets forth the water rights and other rights to water to which the Pueblos are entitled under the Settlement Agreement and this subtitle and that substantially conforms to the Settlement Agreement has been approved by the United States District Court for the District of New Mexico;

(H) a final decree that sets forth the water rights for all parties to the Aamodt Case and that substantially conforms to the Settlement Agreement has been approved by the United States District Court for the District of New Mexico; and

(I) the waivers and releases described in section 624 have been executed.

(b) **EXPIRATION DATE.**—If all the conditions precedent described in subsection (a)(2) have not been fulfilled by September 15, 2017—

(1) the Settlement Agreement shall no longer be effective;

(2) the waivers and releases described in the Settlement Agreement and section 624 shall not be effective;

(3) any unexpended Federal funds appropriated or made available to carry out the activities authorized by this title, together with any interest earned on those funds, any water rights or contracts to use water, and title to other property acquired or constructed with Federal funds appropriated or made available to carry out the activities authorized by this title shall be returned to the Federal Government, unless otherwise agreed to by the Pueblos and the United States and approved by Congress; and

(4) except for Federal funds used to acquire or develop property that is returned to the Federal Government under paragraph (3), the United States shall be entitled to set off any Federal funds appropriated or made available to carry out the activities authorized by this title that were expended or withdrawn,

together with any interest accrued on those funds, against any claims against the United States—

(A) relating to water rights in the Pojoaque Basin asserted by any Pueblo that benefitted from the use of expended or withdrawn Federal funds; or

(B) in any future settlement of the Aamodt Case.

(c) **ENFORCEMENT DATE.**—The Settlement Agreement shall become enforceable beginning on the date on which the United States District Court for the District of New Mexico enters a partial final decree pursuant to subsection (a)(2)(G) and an Interim Administrative Order consistent with the Settlement Agreement.

(d) **EFFECTIVENESS OF WAIVERS.**—The waivers and releases executed pursuant to section 624 shall become effective as of the date that the Secretary publishes the notice required by subsection (a)(1).

(e) **REQUIREMENTS FOR DETERMINATION OF SUBSTANTIAL COMPLETION OF THE REGIONAL WATER SYSTEM.**—

(1) **CRITERIA FOR SUBSTANTIAL COMPLETION OF REGIONAL WATER SYSTEM.**—Subject to the provisions in section 611(d) concerning the extent, size, and capacity of the County Distribution System, the Regional Water System shall be determined to be substantially completed if the infrastructure has been constructed capable of—

(A) diverting, treating, transmitting, and distributing a supply of 2,500 acre-feet of water to the Pueblos; and

(B) diverting, treating, and transmitting the quantity of water specified in the Engineering Report to the County Distribution System.

(2) **CONSULTATION.**—On or after June 30, 2021, at the request of 1 or more of the Pueblos, the Secretary shall consult with the Pueblos and confer with the County and the State on whether the criteria in paragraph (1) for substantial completion of the Regional Water System have been met or will be met by June 30, 2024.

(3) **WRITTEN DETERMINATION BY SECRETARY.**—Not earlier than June 30, 2021, at the request of 1 or more of the Pueblos and after the consultation required by paragraph (2), the Secretary shall—

(A) determine whether the Regional Water System has been substantially completed based on the criteria described in paragraph (1); and

(B) submit a written notice of the determination under subparagraph (A) to—

(i) the Pueblos;

(ii) the County; and

(iii) the State.

(4) **RIGHT TO REVIEW.**—

(A) **IN GENERAL.**—A determination by the Secretary under paragraph (3)(A) shall be considered to be a final agency action subject to judicial review by the Decree Court under sections 701 through 706 of title 5, United States Code.

(B) **FAILURE TO MAKE TIMELY DETERMINATION.**—

(i) **IN GENERAL.**—If a Pueblo requests a written determination under paragraph (3) and the Secretary fails to make such a written determination by the date described in clause (ii), there shall be a rebuttable presumption that the failure constitutes agency action unlawfully withheld or unreasonably delayed under section 706 of title 5, United States Code.

(ii) **DATE.**—The date referred to in clause (i) is the date that is the later of—

(I) the date that is 180 days after the date of receipt by the Secretary of the request by the Pueblo; and

(II) June 30, 2023.

(C) EFFECT OF TITLE.—Nothing in this title gives any Pueblo or Settlement Party the right to judicial review of a determination of the Secretary regarding whether the Regional Water System has been substantially completed except under subchapter II of chapter 5, and chapter 7, of title 5, United States Code (commonly known as the “Administrative Procedure Act”).

(5) RIGHT TO VOID FINAL DECREE.—

(A) IN GENERAL.—Not later than June 30, 2024, on a determination by the Secretary, after consultation with the Pueblos, that the Regional Water System is not substantially complete, 1 or more of the Pueblos, or the United States acting on behalf of a Pueblo, shall have the right to notify the Decree Court of the determination.

(B) EFFECT.—The Final Decree shall have no force or effect on a finding by the Decree Court that a Pueblo, or the United States acting on behalf of a Pueblo, has submitted proper notification under subparagraph (A).

(f) VOIDING OF WAIVERS.—If the Final Decree is void under subsection (e)(5)—

(1) the Settlement Agreement shall no longer be effective;

(2) the waivers and releases executed pursuant to section 624 shall no longer be effective;

(3) any unexpended Federal funds appropriated or made available to carry out the activities authorized by this title, together with any interest earned on those funds, any water rights or contracts to use water, and title to other property acquired or constructed with Federal funds appropriated or made available to carry out the activities authorized by this title shall be returned to the Federal Government, unless otherwise agreed to by the Pueblos and the United States and approved by Congress; and

(4) except for Federal funds used to acquire or develop property that is returned to the Federal Government under paragraph (3), the United States shall be entitled to set off any Federal funds appropriated or made available to carry out the activities authorized by this title that were expended or withdrawn, together with any interest accrued on those funds, against any claims against the United States—

(A) relating to water rights in the Pojoaque Basin asserted by any Pueblo that benefitted from the use of expended or withdrawn Federal funds; or

(B) in any future settlement of the Aamodt Case.

(g) EXTENSION.—The dates in subsections (a)(1) and (b) may be extended if the parties to the Cost-Sharing and System Integration Agreement agree that an extension is reasonably necessary.

SEC. 624. WAIVERS AND RELEASES OF CLAIMS.

(a) CLAIMS BY THE PUEBLOS AND THE UNITED STATES.—In return for recognition of the Pueblos’ water rights and other benefits, including waivers and releases by non-Pueblo parties, as set forth in the Settlement Agreement and this title, the Pueblos, on behalf of themselves and their members, and the United States acting in its capacity as trustee for the Pueblos are authorized to execute a waiver and release of—

(1) all claims for water rights in the Pojoaque Basin that the Pueblos, or the United States acting in its capacity as trustee for the Pueblos, asserted, or could have asserted, in any proceeding, including the Aamodt Case, up to and including the waiver effectiveness date identified in section 623(d), except to the extent that such rights are recognized in the Settlement Agreement or this title;

(2) all claims for water rights for lands in the Pojoaque Basin and for rights to use water in the Pojoaque Basin that the Pueblos, or the United States acting in its capacity as trustee for the Pueblos, might be able to otherwise assert in any proceeding not initiated on or before the date of enactment of this Act, except to the extent that such rights are recognized in the Settlement Agreement or this title;

(3) all claims for damages, losses or injuries to water rights or claims of interference with, diversion or taking of water (including claims for injury to land resulting from such damages, losses, injuries, interference with, diversion, or taking) for land within the Pojoaque Basin that accrued at any time up to and including the waiver effectiveness date identified in section 623(d);

(4) their defenses in the Aamodt Case to the claims previously asserted therein by other parties to the Settlement Agreement;

(5) all pending and future inter se challenges to the quantification and priority of water rights of non-Pueblo wells in the Pojoaque Basin, except as provided by section 2.8 of the Settlement Agreement;

(6) all pending and future inter se challenges against other parties to the Settlement Agreement;

(7) all claims for damages, losses, or injuries to water rights or claims of interference with, diversion or taking of water (including claims for injury to land resulting from such damages, losses, injuries, interference with, diversion, or taking of water) attributable to City of Santa Fe pumping of groundwater that has effects on the ground and surface water supplies of the Pojoaque Basin, provided that this waiver shall not be effective by the Pueblo of Tesuque unless there is a water resources agreement executed between the Pueblo of Tesuque and the City of Santa Fe; and

(8) all claims for damages, losses, or injuries to water rights or claims of interference with, diversion or taking of water (including claims for injury to land resulting from such damages, losses, injuries, interference with, diversion, or taking of water) attributable to County of Santa Fe pumping of groundwater that has effects on the ground and surface water supplies of the Pojoaque Basin.

(b) CLAIMS BY THE PUEBLOS AGAINST THE UNITED STATES.—The Pueblos, on behalf of themselves and their members, are authorized to execute a waiver and release of—

(1) all claims against the United States, its agencies, or employees, relating to claims for water rights in or water of the Pojoaque Basin or for rights to use water in the Pojoaque Basin that the United States acting in its capacity as trustee for the Pueblos asserted, or could have asserted, in any proceeding, including the Aamodt Case;

(2) all claims against the United States, its agencies, or employees relating to damages, losses, or injuries to water, water rights, land, or natural resources due to loss of water or water rights (including damages, losses or injuries to hunting, fishing, gathering or cultural rights due to loss of water or water rights; claims relating to interference with, diversion or taking of water or water rights; or claims relating to failure to protect, acquire, replace, or develop water, water rights or water infrastructure) within the Pojoaque Basin that first accrued at any time up to and including the waiver effectiveness date identified in section 623(d);

(3) all claims against the United States, its agencies, or employees for an accounting of funds appropriated by Acts, including the Act of December 22, 1927 (45 Stat. 2), the Act

of March 4, 1929 (45 Stat. 1562), the Act of March 26, 1930 (46 Stat. 90), the Act of February 14, 1931 (46 Stat. 1115), the Act of March 4, 1931 (46 Stat. 1552), the Act of July 1, 1932 (47 Stat. 525), the Act of June 22, 1936 (49 Stat. 1757), the Act of August 9, 1937 (50 Stat. 564), and the Act of May 9, 1938 (52 Stat. 291), as authorized by the Pueblo Lands Act of June 7, 1924 (43 Stat. 636), and the Pueblo Lands Act of May 31, 1933 (48 Stat. 108), and for breach of Trust relating to funds for water replacement appropriated by said Acts that first accrued before the date of enactment of this Act;

(4) all claims against the United States, its agencies, or employees relating to the pending litigation of claims relating to the Pueblos’ water rights in the Aamodt Case; and

(5) all claims against the United States, its agencies, or employees relating to the negotiation, Execution or the adoption of the Settlement Agreement, exhibits thereto, the Partial Final Decree, the Final Decree, or this title.

(c) RESERVATION OF RIGHTS AND RETENTION OF CLAIMS.—Notwithstanding the waivers and releases authorized in this title, the Pueblos on behalf of themselves and their members and the United States acting in its capacity as trustee for the Pueblos retain—

(1) all claims for enforcement of the Settlement Agreement, the Cost-Sharing and System Integration Agreement, the Final Decree, including the Partial Final Decree, the San Juan-Chama Project contract between the Pueblos and the United States or this title;

(2) all rights to use and protect water rights acquired after the date of enactment of this Act;

(3) all rights to use and protect water rights acquired pursuant to state law to the extent not inconsistent with the Partial Final Decree, Final Decree, and the Settlement Agreement;

(4) all claims against persons other than Parties to the Settlement Agreement for damages, losses or injuries to water rights or claims of interference with, diversion or taking of water (including claims for injury to lands resulting from such damages, losses, injuries, interference with, diversion, or taking of water) within the Pojoaque Basin arising out of activities occurring outside the Pojoaque Basin;

(5) all claims relating to activities affecting the quality of water including any claims the Pueblos may have under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) (including claims for damages to natural resources), the Safe Drinking Water Act (42 U.S.C. 300f et seq.), the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), and the regulations implementing those laws;

(6) all claims against the United States relating to damages, losses, or injuries to land or natural resources not due to loss of water or water rights (including hunting, fishing, gathering or cultural rights);

(7) all claims for water rights from water sources outside the Pojoaque Basin for land outside the Pojoaque Basin owned by a Pueblo or held by the United States for the benefit of any of the Pueblos; and

(8) all rights, remedies, privileges, immunities, powers and claims not specifically waived and released pursuant to this title or the Settlement Agreement.

(d) EFFECT.—Nothing in the Settlement Agreement or this title—

(1) affects the ability of the United States acting in its sovereign capacity to take actions authorized by law, including any laws

relating to health, safety, or the environment, including the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.), the Safe Drinking Water Act (42 U.S.C. 300f et seq.), the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.), and the regulations implementing those laws;

(2) affects the ability of the United States to take actions acting in its capacity as trustee for any other Indian tribe or allottee; or

(3) confers jurisdiction on any State court to—

(A) interpret Federal law regarding health, safety, or the environment or determine the duties of the United States or other parties pursuant to such Federal law; or

(B) conduct judicial review of Federal agency action.

(e) TOLLING OF CLAIMS.—

(1) IN GENERAL.—Each applicable period of limitation and time-based equitable defense relating to a claim described in this section shall be tolled for the period beginning on the date of enactment of this Act and ending on June 30, 2021.

(2) EFFECT OF SUBSECTION.—Nothing in this subsection revives any claim or tolls any period of limitation or time-based equitable defense that expired before the date of enactment of this Act.

(3) LIMITATION.—Nothing in this section precludes the tolling of any period of limitations or any time-based equitable defense under any other applicable law.

SEC. 625. EFFECT.

Nothing in this title or the Settlement Agreement affects the land and water rights, claims, or entitlements to water of any Indian tribe, pueblo, or community other than the Pueblos.

SEC. 626. ANTIDEFICIENCY.

The United States shall not be liable for any failure to carry out any obligation or activity authorized by this title (including any such obligation or activity under the Settlement Agreement) if adequate appropriations are not provided expressly by Congress to carry out the purposes of this title in the Reclamation Water Settlements Fund established under section 10501 of Public Law 111-11 or the “Emergency Fund for Indian Safety and Health” established by section 601(a) of the Tom Lantos and Henry J. Hyde United States Global Leadership Against HIV/AIDS, Tuberculosis, and Malaria Reauthorization Act of 2008 (25 U.S.C. 443c(a)).

TITLE VII—RECLAMATION WATER SETTLEMENTS FUND

SEC. 701. MANDATORY APPROPRIATION.

(a) IN GENERAL.—Notwithstanding any other provision of law, out of any funds in the Treasury not otherwise appropriated, for each of fiscal years 2012 through 2014, the Secretary of the Treasury shall transfer to the Secretary of the Interior \$60,000,000 for deposit in the Reclamation Water Settlements Fund established in section 10501 of Public Law 111-11.

(b) RECEIPT AND ACCEPTANCE.—Starting in fiscal year 2012, the Secretary of the Interior shall be entitled to receive, shall accept, and shall use to carry out subtitle B of title X of Public Law 111-11 the funds transferred under subsection (a), without further appropriation, to remain available until expended.

TITLE VIII—GENERAL PROVISIONS

Subtitle A—Unemployment Compensation Program Integrity

SEC. 801. COLLECTION OF PAST-DUE, LEGALLY ENFORCEABLE STATE DEBTS.

(a) UNEMPLOYMENT COMPENSATION DEBTS.—Section 6402(f) of the Internal Revenue Code of 1986 is amended—

(1) in the heading, by striking “RESULTING FROM FRAUD”;

(2) by striking paragraphs (3) and (8) and redesignating paragraphs (4) through (7) as paragraphs (3) through (6), respectively;

(3) in paragraph (3), as so redesignated—

(A) in subparagraph (A), by striking “by certified mail with return receipt”;

(B) in subparagraph (B), by striking “due to fraud” and inserting “is not a covered unemployment compensation debt”;

(C) in subparagraph (C), by striking “due to fraud” and inserting “is not a covered unemployment compensation debt”;

(4) in paragraph (4), as so redesignated—

(A) in subparagraph (A)—

(i) by inserting “or the person’s failure to report earnings” after “due to fraud”; and

(ii) by striking “for not more than 10 years”; and

(B) in subparagraph (B)—

(i) by striking “due to fraud”; and

(ii) by striking “for not more than 10 years”.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to refunds payable under section 6402 of the Internal Revenue Code of 1986 on or after the date of the enactment of this Act.

SEC. 802. REPORTING OF FIRST DAY OF EARNINGS TO DIRECTORY OF NEW HIRES.

(a) ADDITION OF REQUIREMENT.—Section 453A(b)(1)(A) of the Social Security Act (42 U.S.C. 653a(b)(1)(A)) is amended by inserting “the date services for remuneration were first performed by the employee,” after “of the employee.”

(b) CONFORMING AMENDMENT REGARDING REPORTING FORMAT AND METHOD.—Section 453A(c) of the Social Security Act (42 U.S.C. 653a(c)) is amended by inserting “, to the extent practicable,” after “Each report required by subsection (b) shall”.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—Subject to paragraph (2), the amendments made by this section shall take effect 6 months after the date of the enactment of this Act.

(2) COMPLIANCE TRANSITION PERIOD.—If the Secretary of Health and Human Services determines that State legislation (other than legislation appropriating funds) is required in order for a State plan under part D of title IV of the Social Security Act to meet the additional requirements imposed by the amendment made by subsection (a), the plan shall not be regarded as failing to meet such requirements before the first day of the second calendar quarter beginning after the close of the first regular session of the State legislature that begins after the effective date of such amendment. If the State has a 2-year legislative session, each year of the session is deemed to be a separate regular session of the State legislature.

Subtitle B—TANF

SEC. 811. EXTENSION OF THE TEMPORARY ASSISTANCE FOR NEEDY FAMILIES PROGRAM.

(a) IN GENERAL.—Activities authorized by part A of title IV and section 1108(b) of the Social Security Act (other than the Emergency Contingency Fund for State Temporary Assistance for Needy Families Programs established under subsection (c) of

section 403 of such Act) shall continue through September 30, 2011, in the manner authorized for fiscal year 2010, and out of any money in the Treasury of the United States not otherwise appropriated, there are hereby appropriated such sums as may be necessary for such purpose. Grants and payments may be made pursuant to this authority on a quarterly basis through fiscal year 2011 at the level provided for such activities for the corresponding quarter of fiscal year 2010, except that—

(1) in the case of healthy marriage promotion and responsible fatherhood grants under section 403(a)(2) of such Act, such grants and payments shall be made in accordance with the amendments made by subsection (b) of this section;

(2) in the case of supplemental grants under section 403(a)(3) of such Act—

(A) such grants and payments for the period beginning on October 1, 2010, and ending on December 3, 2010, shall not exceed the level provided for such grants and payments under the Continuing Appropriations Act, 2011; and

(B) such grants and payments for the period beginning on December 4, 2010, and ending on June 30, 2011, shall not exceed the amount equal to the difference between \$490,000,000 and such sums as are necessary for amounts obligated under section 403(b) of the Social Security Act on or after October 1, 2010, and before the date of enactment of this Act; and

(3) in the case of the Contingency Fund for State Welfare Programs established under section 403(b) of such Act, grants and payments may be made in the manner authorized for fiscal year 2010 through fiscal year 2012, in accordance with the amendments made by subsection (c) of this section.

(b) HEALTHY MARRIAGE PROMOTION AND RESPONSIBLE FATHERHOOD GRANTS.—Section 403(a)(2) of the Social Security Act (42 U.S.C. 603(a)(2)) is amended—

(1) in subparagraph (A)—

(A) in clause (i), by striking “and (C)” and inserting “, (C), and (E)”;

(B) in clause (ii), in the matter preceding subclause (I), by inserting “(or, in the case of an entity seeking funding to carry out healthy marriage promotion activities and activities promoting responsible fatherhood, a combined application that contains assurances that the entity will carry out such activities under separate programs and shall not combine any funds awarded to carry out either such activities)” after “an application”;

(C) in clause (iii), by striking subclause (III) and inserting the following:

“(III) Marriage education, marriage skills, and relationship skills programs, that may include parenting skills, financial management, conflict resolution, and job and career advancement.”;

(2) in subparagraph (C)(i), by striking “\$50,000,000” and inserting “\$75,000,000”;

(3) by striking subparagraph (D) and inserting the following:

“(D) APPROPRIATION.—Out of any money in the Treasury of the United States not otherwise appropriated, there are appropriated for fiscal year 2011 for expenditure in accordance with this paragraph—

“(i) \$75,000,000 for awarding funds for the purpose of carrying out healthy marriage promotion activities; and

“(ii) \$75,000,000 for awarding funds for the purpose of carrying out activities promoting responsible fatherhood.

If the Secretary makes an award under subparagraph (B)(i) for fiscal year 2011, the

funds for such award shall be taken in equal portion from the amounts appropriated under clauses (i) and (ii)."; and

(4) by adding at the end the following:

"(E) PREFERENCE.—In awarding funds under this paragraph for fiscal year 2011, the Secretary shall give preference to entities that were awarded funds under this paragraph for any prior fiscal year and that have demonstrated the ability to successfully carry out the programs funded under this paragraph."

(c) CONTINGENCY FUND.—Section 403(b)(2) of the Social Security Act (42 U.S.C. 603(b)(2)), as amended by section 131(b)(2)(A) of the Continuing Appropriations Act, 2011, is amended—

(1) by striking "\$506,000,000" and inserting "such sums as are necessary for amounts obligated on or after October 1, 2010, and before the date of enactment of the Claims Resolution Act of 2010,"; and

(2) by striking "reduced" and all that follows up to the period.

(d) CONFORMING AMENDMENTS.—Section 403(a)(3) of the Social Security Act (42 U.S.C. 603(a)(3)), as amended by section 131(b)(1) of the Continuing Appropriations Act, 2011, is amended—

(1) in subparagraph (F)—

(A) by inserting "(or portion of a fiscal year)" after "a fiscal year"; and

(B) by inserting "(or portion of the fiscal year)" after "the fiscal year" each place it appears; and

(2) by striking clause (ii) of subparagraph (H) and inserting the following:

"(ii) subparagraph (G) shall be applied as if 'fiscal year 2011' were substituted for 'fiscal year 2001'";.

SEC. 812. MODIFICATIONS TO TANF DATA REPORTING.

(a) IN GENERAL.—Section 411 of the Social Security Act (42 U.S.C. 611) is amended by adding at the end the following new subsection:

"(c) PRE-REAUTHORIZATION STATE-BY-STATE REPORTS ON ENGAGEMENT IN ADDITIONAL WORK ACTIVITIES AND EXPENDITURES FOR OTHER BENEFITS AND SERVICES.—

"(1) STATE REPORTING REQUIREMENTS.—

"(A) REPORTING PERIODS AND DEADLINES.—Each eligible State shall submit to the Secretary the following reports:

"(i) MARCH 2011 REPORT.—Not later than May 31, 2011, a report for the period that begins on March 1, 2011, and ends on March 31, 2011, that contains the information specified in subparagraphs (B) and (C).

"(ii) APRIL-JUNE, 2011 REPORT.—Not later than August 31, 2011, a report for the period that begins on April 1, 2011, and ends on June 30, 2011, that contains with respect to the 3 months that occur during that period—

"(I) the average monthly numbers for the information specified in subparagraph (B); and

"(II) the information specified in subparagraph (C).

"(B) ENGAGEMENT IN ADDITIONAL WORK ACTIVITIES.—

"(i) With respect to each work-eligible individual in a family receiving assistance during a reporting period specified in subparagraph (A), whether the individual engages in any activities directed toward attaining self-sufficiency during a month occurring in a reporting period, and if so, the specific activities—

"(I) that do not qualify as a work activity under section 407(d) but that are otherwise reasonably calculated to help the family move toward self-sufficiency; or

"(II) that are of a type that would be counted toward the State participation rates under section 407 but for the fact that—

"(aa) the work-eligible individual did not engage in sufficient hours of the activity;

"(bb) the work-eligible individual has reached the maximum time limit allowed for having participation in the activity counted toward the State's work participation rate; or

"(cc) the number of work-eligible individuals engaged in such activity exceeds a limitation under such section.

"(ii) Any other information that the Secretary determines appropriate with respect to the information required under clause (i), including if the individual has no hours of participation, the principal reason or reasons for such non-participation.

"(C) EXPENDITURES ON OTHER BENEFITS AND SERVICES.—

"(i) Detailed, disaggregated information regarding the types of, and amounts of, expenditures made by the State during a reporting period specified in subparagraph (A) using—

"(I) Federal funds provided under section 403 that are (or will be) reported by the State on Form ACF-196 (or any successor form) under the category of other expenditures or the category of benefits or services provided in accordance with the authority provided under section 404(a)(2); or

"(II) State funds expended to meet the requirements of section 409(a)(7) and reported by the State in the category of other expenditures on Form ACF-196 (or any successor form).

"(ii) Any other information that the Secretary determines appropriate with respect to the information required under clause (i).

"(2) PUBLICATION OF SUMMARY AND ANALYSIS OF ENGAGEMENT IN ADDITIONAL ACTIVITIES.—Concurrent with the submission of each report required under paragraph (1)(A), an eligible State shall publish on an Internet website maintained by the State agency responsible for administering the State program funded under this part (or such State-maintained website as the Secretary may approve)—

"(A) a summary of the information submitted in the report;

"(B) an analysis statement regarding the extent to which the information changes measures of total engagement in work activities from what was (or will be) reported by the State in the quarterly report submitted under subsection (a) for the comparable period; and

"(C) a narrative describing the most common activities contained in the report that are not countable toward the State participation rates under section 407.

"(3) APPLICATION OF AUTHORITY TO USE SAMPLING.—Subparagraph (B) of subsection (a)(1) shall apply to the reports required under paragraph (1) of this subsection in the same manner as subparagraph (B) of subsection (a)(1) applies to reports required under subparagraph (A) of subsection (a)(1).

"(4) SECRETARIAL REPORTS TO CONGRESS.—

"(A) MARCH 2011 REPORT.—Not later than June 30, 2011, the Secretary shall submit to Congress a report on the information submitted by eligible States for the March 2011 reporting period under paragraph (1)(A)(i). The report shall include a State-by-State summary and analysis of such information, identification of any States with missing or incomplete reports, and recommendations for such administrative or legislative changes as the Secretary determines are necessary to require eligible States to report the information on a recurring basis.

"(B) APRIL-JUNE, 2011 REPORT.—Not later than September 30, 2011, the Secretary shall submit to Congress a report on the information submitted by eligible States for the April-June 2011 reporting period under paragraph (1)(A)(ii). The report shall include a State-by-State summary and analysis of such information, identification of any States with missing or incomplete reports, and recommendations for such administrative or legislative changes as the Secretary determines are necessary to require eligible States to report the information on a recurring basis.

"(5) AUTHORITY FOR EXPEDITIOUS IMPLEMENTATION.—The requirements of chapter 5 of title 5, United States Code (commonly referred to as the 'Administrative Procedure Act') or any other law relating to rule-making or publication in the Federal Register shall not apply to the issuance of guidance or instructions by the Secretary with respect to the implementation of this subsection to the extent the Secretary determines that compliance with any such requirement would impede the expeditious implementation of this subsection."

(b) APPLICATION OF PENALTY FOR FAILURE TO FILE REPORT.—

(1) IN GENERAL.—Section 409(a)(2) of such Act (42 U.S.C. 609(a)(2)) is amended—

(A) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively,

(B) by inserting before clause (i) (as redesignated by paragraph (1)), the following:

"(A) QUARTERLY REPORTS.—";

(C) in clause (ii) of subparagraph (A) (as redesignated by paragraphs (1) and (2)), by striking "subparagraph (A)" and inserting "clause (i)"; and

(D) by adding at the end the following:

"(B) REPORT ON ENGAGEMENT IN ADDITIONAL WORK ACTIVITIES AND EXPENDITURES FOR OTHER BENEFITS AND SERVICES.—

"(i) IN GENERAL.—If the Secretary determines that a State has not submitted the report required by section 411(c)(1)(A)(i) by May 31, 2011, or the report required by section 411(c)(1)(A)(ii) by August 31, 2011, the Secretary shall reduce the grant payable to the State under section 403(a)(1) for the immediately succeeding fiscal year by an amount equal to not more than 4 percent of the State family assistance grant.

"(ii) RESCISSION OF PENALTY.—The Secretary shall rescind a penalty imposed on a State under clause (i) with respect to a report required by section 411(c)(1)(A) if the State submits the report not later than—

"(I) in the case of the report required under section 411(c)(1)(A)(i), June 15, 2011; and

"(II) in the case of the report required under section 411(c)(1)(A)(ii), September 15, 2011.

"(iii) PENALTY BASED ON SEVERITY OF FAILURE.—The Secretary shall impose a reduction under clause (i) with respect to a fiscal year based on the degree of noncompliance."

(2) APPLICATION OF REASONABLE CAUSE EXCEPTION.—Section 409(b)(2) of such Act (42 U.S.C. 609(b)(2)) is amended by inserting before the period the following: "and, with respect to the penalty under paragraph (2)(B) of subsection (a), shall only apply to the extent the Secretary determines that the reasonable cause for failure to comply with a requirement of that paragraph is as a result of a one-time, unexpected event, such as a widespread data system failure or a natural or man-made disaster".

(3) NONAPPLICATION OF CORRECTIVE COMPLIANCE PLAN PROVISIONS.—Section 409(c)(4) of such Act (42 U.S.C. 609(c)(4)) is amended by inserting "(2)(B)," after "paragraph".

Subtitle C—Customs User Fees; Continued Dumping and Subsidy Offset

SEC. 821. CUSTOMS USER FEES.

Section 13031(j)(3) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(j)(3)) is amended—

(1) in subparagraph (A), by striking “December 10, 2018” and inserting “September 30, 2019”; and

(2) in subparagraph (B)(i), by striking “November 30, 2018” and inserting “September 30, 2019”.

SEC. 822. LIMITATION ON DISTRIBUTIONS RELATING TO REPEAL OF CONTINUED DUMPING AND SUBSIDY OFFSET.

Notwithstanding section 1701(b) of the Deficit Reduction Act of 2005 (Public Law 109-171; 120 Stat. 154 (19 U.S.C. 1675c note)) or any other provision of law, no payments shall be distributed under section 754 of the Tariff Act of 1930, as in effect on the day before the date of the enactment of such section 1701, with respect to the entries of any goods that are, on the date of the enactment of this Act—

(1) unliquidated; and

(2)(A) not in litigation; or

(B) not under an order of liquidation from the Department of Commerce.

Subtitle D—Emergency Fund for Indian Safety and Health

SEC. 831. EMERGENCY FUND FOR INDIAN SAFETY AND HEALTH.

Section 601 of the Tom Lantos and Henry J. Hyde United States Global Leadership Against HIV/ AIDS, Tuberculosis, and Malaria Reauthorization Act of 2008 (25 U.S.C. 443c) is amended—

(1) in subsection (b)(1), by striking “\$2,000,000,000” and inserting “\$1,602,619,000”; and

(2) in subsection (f)(2)(B), by striking “50 percent” and inserting “not more than \$602,619,000”.

Subtitle E—Rescission of Funds From WIC Program

SEC. 841. RESCISSION OF FUNDS FROM WIC PROGRAM.

Notwithstanding any other provision of law, of the amounts made available in appropriations Acts to provide grants to States under the special supplemental nutrition program for women, infants, and children established by section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786), \$562,000,000 is rescinded.

Subtitle F—Budgetary Effects

SEC. 851. BUDGETARY EFFECTS.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled “Budgetary Effects of PAYGO Legislation” for this Act, submitted for printing in the Congressional Record by the Chairman of the Senate Budget Committee, provided that such statement has been submitted prior to the vote on passage.

SA 4720. Mr. REID (for Mr. BAUCUS (for himself and Mr. DORGAN)) proposed an amendment to the bill H.R. 4783, may be cited as “The Claims Resettlement Act of 2010”; as follows:

Amend the title so as to read:
This Act may be cited as “The Claims Resettlement Act of 2010”.

ACCELERATING INCOME TAX BENEFITS FOR CHARITABLE CASH CONTRIBUTIONS FOR EARTHQUAKE RELIEF IN CHILE AND HAITI

Mr. REID. Mr. President, I ask unanimous consent that the Finance Committee be discharged from further consideration of H.R. 4783 and the Senate proceed to it immediately.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bill by title. The legislative clerk read as follows:

A bill (H.R. 4783) to accelerate the income tax benefits for charitable cash contributions for the relief of victims of the earthquake in Chile, and to extend the period from which such contributions for the relief of victims of the earthquake in Haiti may be accelerated.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. It is my understanding that there is a substitute amendment at the desk. I ask unanimous consent that that substitute be considered and agreed to; that the bill, as amended, be read a third time and passed, after the pay-go statement has been read into the RECORD; that the motion to reconsider be laid on the table; that the title amendment which is at the desk be considered and agreed to; and the motion to reconsider be laid on the table.

The PRESIDING OFFICER. The clerk will read the pay-go statement.

The legislative clerk read as follows:
Mr. Conrad: This is the Statement of Budgetary Effects of PAYGO Legislation for H.R. 4783, as amended.

Total Budgetary Effects of H.R. 4783 for the 5-year Statutory PAYGO Scorecard: net increase in the deficit of \$1.453 billion.
Total Budgetary Effects of H.R. 4783 for the 10-year Statutory PAYGO Scorecard: net decrease in the deficit of \$1 million.

Also submitted for the RECORD as part of this statement is a table prepared by the Congressional Budget Office, which provides additional information on the budgetary effects of this Act, as follows:

ESTIMATE OF THE STATUTORY PAY-AS-YOU-GO EFFECTS FOR A SENATE PROPOSAL, THE CLAIMS RESOLUTIONS ACT OF 2010 (AS TRANSMITTED TO CBO ON NOVEMBER 18, 2010)												
[Millions of dollars, by fiscal year]												
	Preliminary											
	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2011–2015	2011–2020
	Net Increase or Decrease (–) in the Deficit											
Statutory Pay-As-You-Go Impact	2,057	–729	–442	206	362	411	282	102	–2,055	–193	1,453	–1
Sources: Congressional Budget Office and the staff of the Joint Committee on Taxation. Note: Components may not sum to totals because of rounding.												

The amendment (No. 4719) was agreed to.

(The amendment is printed in today’s RECORD under “Text of Amendments.”)

The amendment (No. 4720) was agreed to, as follows:

Amend the title so as to read:
This Act may be cited as “The Claims Resettlement Act of 2010”.

Mr. REID. I ask unanimous consent that any statements relating to this matter be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr President, I rise today to express my support for passage of the Pigford and Cobell Settlements. But before I address the need to pass this legislation, I would like to take a few minutes to congratulate the other side of the aisle for keeping their

self imposed earmark ban for all of four days.

Much like Captain Renault in Casablanca I am sure that my colleagues will be shocked, just shocked to know that there are earmarks embedded in the extraneous provisions that have been added to this bill. When I first heard that these water rights bills were being added to Pigford I assumed they simply contained agreements to settle long delayed disputes over water claims with American Indian tribes. And if that were indeed the case, I would offer no objection and encourage the speedy adoption of this package.

But unfortunately that is only half the story. The reality is that these bills are laden down with pork, to use a phrase I know is a favorite of a few my colleagues. In fact, to single out one project in particular, this package

of bills will send hundreds of millions of dollars to one tribe in Arizona to help them make snow at their ski resort, improve water flow to their casino and build fish hatcheries to improve local fish production.

Now I am not an expert on the specifics of water rights claims in the West or what it costs to build a drinking water system in east central Arizona. To my knowledge I have never met any of the 15,000 members of the White Mountain Apache Tribe, which would benefit from this funding, and I hold nothing against them. Perhaps these projects are all crucial to helping provide economic opportunities for the tribe.

But as a long time member of the Appropriations Committee, I do know an earmark when I see it. And this, my

friends, is an earmark. What I find particularly fascinating about this earmark is that it goes to the very state whose Members of the House and Senate have been the loudest voices in opposing this type of spending. Over the last few months, and particularly in the days since the election, Members of the other side of the aisle have been tripping over themselves to take a stronger position in opposition of earmarks. As I noted previously, just this week the Senate Republican caucus took a position to support a complete ban on pursuing earmarks.

Now that the Senate is considering directing millions of dollars to the needs of their constituents, they are nowhere to be found. And I am just having the hardest time understanding why. Because I also recall a report that two of our colleagues put together this past August on what they believed to be wasteful spending from the Recovery Act.

In fact I have a vivid memory of how this report criticized an economic development project in Vermont that gave a loan for improvements at a ski area that needed to make upgrades to attract new business. I believe this report also took to task projects that supported economic activities related to casinos in Connecticut, Pennsylvania, and Mississippi.

I bring this up not to rehash whether these projects are a good use of Federal funds, though I strongly support the Vermont project. I do so to recall the outrage of my colleagues over this spending on ski resorts and casinos and ask, where are they now?

Where are the so called budget hawks who rail against what they see as wasteful spending now that their colleagues are pushing for an earmark for this same purpose?

Where are the voices of those who have spoken so strongly against targeted spending in other States, but clearly have no problem with this spending now that it benefits their own constituents?

The hypocrisy of the situation before us would be unbelievable if was not so predictable. I often advocate for projects that benefit Vermont within the budget framework that the Appropriations Committee has to work with each year. I am confident that the Vermont projects I have helped secure have improved our State's infrastructure, economy and quality of life.

I am proud of that work and stand by each and every project I have brought back to Vermont. But I cannot remain quiet as the other side of the aisle demagogues this work when it helps one area of the country and then works behind the scenes to slip an earmark of their own through the Senate.

It is my hope that before the next Congress a measure of sanity returns to discussion of the Federal budget. No one is claiming that changes to the

budget should not be made. But the empty rhetoric blaming earmarks as the cause of the current budget deficits obscures the real issues that need to be addressed.

Mr. GRASSLEY. Mr. President, I want to first start off by thanking my Senate colleagues and in particular the Senate Agriculture Committee for addressing a new cause of action in Federal court for those African-American farmers who may have been discriminated against and who were denied entry in the Pigford v. Glickman Consent Decree. The Food, Conservation, and Energy Act of 2008 included a provision titled Determination on Merits of Pigford Claims. It gave these farmers a chance to have their claims heard.

For those that don't know, in 1997 a lawsuit was filed in the United States District Court for the District of Columbia against the United States Department of Agriculture, USDA, Pigford v. Glickman, alleging that the USDA had violated the Equal Credit Opportunity Act and the Administrative Procedure Act by maintaining a pattern and practice of discrimination against African-American farmers. Such pattern and practice delayed, denied, or otherwise frustrated the efforts of African-American farmers to obtain loan assistance and to engage in the vocation of farming.

Because of the persistent practice of discrimination, Congress, in October 1998, passed a law tolling the statute of limitations under the Equal Credit Opportunity Act for an additional 2 years for African-American farmers who had been discriminated against between 1981 and 1996 and had filed complaints with USDA prior to July 1, 1997, so that they could file a civil action against USDA.

On April 14, 1999, the U.S. District Court for the District of Columbia approved a settlement and assigned four entities to facilitate implementation of the claims resolution process set out in the Consent Decree. To participate in this process, eligible farmers initially were required to submit completed claims packages to the Consent Decree Facilitator by October 12, 1999. This deadline was subsequently extended by the Court to September 15, 2000, upon a showing of "extraordinary circumstances beyond [the claimant's] control."

Approximately 61,000 petitions were filed after the original October 12, 1999, deadline, but on or before the September 15, 2000, "late-filing" deadline. Of these, only around 2,500 were permitted to proceed to a determination on the merits. Over 25,000 additional petitions were filed after the September 15, 2000 late-filing deadline and before the May 22, 2008, enactment of the 2008 farm bill.

On November 18, 2004, the Subcommittee on the Constitution of the

Committee on the Judiciary of the House of Representatives received sworn testimony highlighting the inadequate notice provided to those who had viable claims of discrimination against the USDA of the claims resolution process set out in the Consent Decree. Because of this inadequate notice, many potential claimants were denied participation in the Pigford claims resolution process as "late-filers."

Secretary Vilsack has reached a settlement agreement with the claimants who filed claims after the deadline set by the court who were denied a determination of the merits of their Pigford claims. The government has an obligation to fund this settlement which is subject to court approval and Congress must act to provide relief for these claimants quickly.

Today we have the opportunity to make right these past wrongs by the Department and give each individual claimant the right to tell their side of the story.

This second Pigford round is not the same as the claims adjudicated in Pigford 1. We've made changes to the settlement agreement that will enhance the Department's ability to fight fraud. We require the adjudicators to be a truly neutral party. We allow that neutral adjudicator to ask the claimant for additional documentation if he or she suspects any fraud. We require the claimants' attorneys to certify that there is evidentiary support for the claims. And we require the Office of Inspector General and the Government Accountability Office to evaluate the Department's internal controls and audit the process in adjudicating the claims.

I also thank John Boyd, president of the National Black Farmers Association, NBFA, for his help in getting us where we are today. Without his dedication to this issue, I don't think we would be passing this legislation today. My hope is that the Department will work with groups like NBFA to conduct outreach to the black community and claimants. No one wants to see fraud in the administration of these claims and stakeholder groups such as John's can be a valuable resource to getting that message out.

All these steps will help deter fraud and better protect taxpayer dollars.

Other provisions are included in this package including the Cobell settlement and four Native American tribal water agreements. In a fiscally responsible manner, we have fully offset the entire package.

The farm bill we passed 2 years ago does one thing right. It focuses a considerable amount of resources on new and beginning farmers and ranchers. Well, many of the Pigford claimants were in that same boat 20 years ago. It's time to rectify that. We know USDA has admitted that the discrimination occurred, and now we are obligated to do our best in getting those

that deserve it, some relief. It is time to make these claimants right and move forward into a new era of civil rights at the Department of Agriculture.

Mr. ENZI. Mr. President, the Senate is close to passing legislation that includes three water settlements as well as funding to settle the Cobell and Pigford claims. I want to briefly discuss the Crow Tribe Water Rights Settlement Act, which is included in the larger bill.

The Crow Tribe has water related claims against the United States and those claims need to be settled. While I believe it is necessary to solve legitimate water claims, I want to make clear that I do not support backdoor efforts to steal water from my home state of Wyoming.

In the West, we know that water is worth fighting for. It is a precious commodity, and there isn't enough of it to meet all of our State's needs. Just as other Western members work hard to protect their state's water rights, Senator BARRASSO and I work to protect Wyoming's water rights. Some have suggested that Wyoming water users will be harmed by this bill. That is not the intention of the legislation. It is in place to settle water claims from the Crow Tribe. It is not intended to be a hidden effort to harm Wyoming water users.

Senator BARRASSO worked closely with the Wyoming Attorney General's Office and the Wyoming State engineer to negotiate substantial changes to this bill to guard against unreasonable takings of Wyoming's water. My staff participated in some of the meetings where those changes were made, and after numerous discussions with water experts in Wyoming and here in Washington, I am convinced that this legislation will hold Wyoming's water users harmless.

While I remain concerned about the cost of this legislation and the fact that the proponents have bundled together distinctly different bills, on the specific issue of protecting Wyoming's water rights, there are numerous protections in the bill to ensure Wyoming's water users will not be harmed if this bill becomes law. Because of that, I am not objecting to the bill today.

Mr. CARDIN. Mr. President, I rise today to talk about the Pigford II settlement pending full action by the U.S. Senate.

We all know that farming is a difficult occupation. The hours are long, the weather unpredictable and the challenge of competing in a global marketplace intense. Tens of thousands of Black farmers have had to face all those normal challenges. Tragically, they have had to deal with a challenge that was unique to them based solely on race. The U.S. Department of Agriculture was discriminating against them.

More than 12 years ago Black farmers across America brought a class action suit against the U.S. Department of Agriculture, USDA, for racial discrimination. The history of that discrimination is a sad one, and it is well documented.

Farmers, as do all businesses, need access to loans. They need to borrow money for expensive equipment and they need funding to help them when droughts strike or when markets collapse. The Congress has recognized this need for decades, and we have established special loan programs in the USDA to support these special needs.

Tragically, tens of thousands of Black farmers were the victims of systemic discrimination. During the 1980s and 1990s, the average processing time for a loan application by White farmers was 30 days, while the average time for a loan application by Black farmers was 387 days. That is more than 12 times longer if you are a Black farmer. This discrimination earned the USDA the regrettable nickname "the Last Plantation."

Black farmers finally sought justice through a class action lawsuit in 1997. More than 20,000 farmers initiated claims citing racial discrimination in the USDA farm loan programs.

Two years after the action was initiated, the U.S. District Court for the District of Columbia entered a consent decree approving a class action settlement to compensate these farmers for years of racial discrimination by the USDA. Each farmer who could prove discrimination was entitled to damages. Out of the initial 20,000 farmers, 15,000 were meritorious in the claims they brought. As the legal process continued, additional farmers began to join the class action and file their own claims. Approximately 80,000 farmers eventually brought claims.

Unfortunately, many of these farmers did not know about the class action suit, and by the time they learned of its existence, the filing deadline had passed.

In 2008, Congress—recognizing the injustice of stopping 80 percent or more of the farmers who potentially suffered at the hand of discrimination by our government—decided to take action and created a new cause of action for farmers previously denied access to justice.

In the 2008 farm bill, with bipartisan support, Congress included \$100 million for payments and debt relief as a downpayment to satisfy the claims filed by deserving claimants denied participation in the original settlement because of timeliness issues.

After years of litigation and negotiation between the Department of Justice, which represented the USDA, and lawyers for the farmers, a settlement was finally reached in February 2010. The Pigford II settlement agreement will provide \$1.25 billion, which is con-

tingent on appropriation by Congress, to African-American farmers who can show they suffered racial discrimination in USDA farm loan programs. Once the money is appropriated farmers can pursue their individual claims through the same nonjudicial process used in the first case.

To address this funding need, President Obama included \$1.15 billion in additional funding for his fiscal year 2010 and fiscal year 2011 budget.

Both Chambers of Congress have worked to pass appropriations to fulfill the settlement agreement since February. The House of Representatives has passed funding language for the Pigford case twice; once as part of the war supplemental and the other on a tax extenders bill.

I thank my colleagues for working together and reaching a settlement on this important issue. We have provided our fellow Americans with redress for an injustice that occurred.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill (H.R. 4783), as amended, was read the third time and passed, as follows:

H.R. 4783

Resolved, That the bill from the House of Representatives (H.R. 4783) entitled "An Act to accelerate the income tax benefits for charitable cash contributions for the relief of victims of the earthquake in Chile, and to extend the period from which such contributions for the relief of victims of the earthquake in Haiti may be accelerated.", do pass with the following amendments:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Claims Resolution Act of 2010".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—INDIVIDUAL INDIAN MONEY ACCOUNT LITIGATION SETTLEMENT

Sec. 101. Individual Indian Money Account Litigation Settlement.

TITLE II—FINAL SETTLEMENT OF CLAIMS FROM IN RE BLACK FARMERS DISCRIMINATION LITIGATION

Sec. 201. Appropriation of funds for final settlement of claims from In re Black Farmers Discrimination Litigation.

TITLE III—WHITE MOUNTAIN APACHE TRIBE WATER RIGHTS QUANTIFICATION

Sec. 301. Short title.

Sec. 302. Purposes.

Sec. 303. Definitions.

Sec. 304. Approval of Agreement.

Sec. 305. Water rights.

Sec. 306. Contract.

Sec. 307. Authorization of WMAT rural water system.

Sec. 308. Satisfaction of claims.

Sec. 309. Waivers and releases of claims.

Sec. 310. White Mountain Apache Tribe Water Rights Settlement Sub-account.

Sec. 311. Miscellaneous provisions.

Sec. 312. Funding.

Sec. 313. Antideficiency.

Sec. 314. Compliance with environmental laws.

TITLE IV—CROW TRIBE WATER RIGHTS SETTLEMENT

Sec. 401. Short title.
 Sec. 402. Purposes.
 Sec. 403. Definitions.
 Sec. 404. Ratification of Compact.
 Sec. 405. Rehabilitation and improvement of Crow Irrigation Project.
 Sec. 406. Design and construction of MR&I System.
 Sec. 407. Tribal water rights.
 Sec. 408. Storage allocation from Bighorn Lake.
 Sec. 409. Satisfaction of claims.
 Sec. 410. Waivers and releases of claims.
 Sec. 411. Crow Settlement Fund.
 Sec. 412. Yellowtail Dam, Montana.
 Sec. 413. Miscellaneous provisions.
 Sec. 414. Funding.
 Sec. 415. Repeal on failure to meet enforceability date.
 Sec. 416. Antideficiency.

TITLE V—TAOS PUEBLO INDIAN WATER RIGHTS

Sec. 501. Short title.
 Sec. 502. Purposes.
 Sec. 503. Definitions.
 Sec. 504. Pueblo rights.
 Sec. 505. Taos Pueblo Water Development Fund.
 Sec. 506. Marketing.
 Sec. 507. Mutual-Benefit Projects.
 Sec. 508. San Juan-Chama Project contracts.
 Sec. 509. Authorizations, ratifications, confirmations, and conditions precedent.
 Sec. 510. Waivers and releases of claims.
 Sec. 511. Interpretation and enforcement.
 Sec. 512. Disclaimer.
 Sec. 513. Antideficiency.

TITLE VI—AAMODT LITIGATION SETTLEMENT

Sec. 601. Short title.
 Sec. 602. Definitions.
 Subtitle A—Pojoaque Basin Regional Water System
 Sec. 611. Authorization of Regional Water System.
 Sec. 612. Operating Agreement.
 Sec. 613. Acquisition of Pueblo water supply for Regional Water System.
 Sec. 614. Delivery and allocation of Regional Water System capacity and water.
 Sec. 615. Aamodt Settlement Pueblos' Fund.
 Sec. 616. Environmental compliance.
 Sec. 617. Funding.

Subtitle B—Pojoaque Basin Indian Water Rights Settlement

Sec. 621. Settlement Agreement and contract approval.
 Sec. 622. Environmental compliance.
 Sec. 623. Conditions precedent and enforcement date.
 Sec. 624. Waivers and releases of claims.
 Sec. 625. Effect.
 Sec. 626. Antideficiency.

TITLE VII—RECLAMATION WATER SETTLEMENTS FUND

Sec. 701. Mandatory appropriation.

TITLE VIII—GENERAL PROVISIONS

Subtitle A—Unemployment Compensation Program Integrity

Sec. 801. Collection of past-due, legally enforceable State debts.
 Sec. 802. Reporting of first day of earnings to directory of new hires.

Subtitle B—TANF

Sec. 811. Extension of the Temporary Assistance for Needy Families program.

Sec. 812. Modifications to TANF data reporting.

Subtitle C—Customs User Fees; Continued Dumping and Subsidy Offset

Sec. 821. Customs user fees.
 Sec. 822. Limitation on distributions relating to repeal of continued dumping and subsidy offset.

Subtitle D—Emergency Fund for Indian Safety and Health

Sec. 831. Emergency Fund for Indian Safety and Health.

Subtitle E—Rescission of Funds From WIC Program

Sec. 841. Rescission of funds from WIC program.

Subtitle F—Budgetary Effects

Sec. 851. Budgetary effects.

TITLE I—INDIVIDUAL INDIAN MONEY ACCOUNT LITIGATION SETTLEMENT

SEC. 101. INDIVIDUAL INDIAN MONEY ACCOUNT LITIGATION SETTLEMENT.

(a) DEFINITIONS.—In this section:

(1) AGREEMENT ON ATTORNEYS' FEES, EXPENSES, AND COSTS.—The term "Agreement on Attorneys' Fees, Expenses, and Costs" means the agreement dated December 7, 2009, between Class Counsel (as defined in the Settlement) and the Defendants (as defined in the Settlement) relating to attorneys' fees, expenses, and costs incurred by Class Counsel in connection with the Litigation and implementation of the Settlement, as modified by the parties to the Litigation.

(2) AMENDED COMPLAINT.—The term "Amended Complaint" means the Amended Complaint attached to the Settlement.

(3) FINAL APPROVAL.—The term "final approval" has the meaning given the term in the Settlement.

(4) LAND CONSOLIDATION PROGRAM.—The term "Land Consolidation Program" means a program conducted in accordance with the Settlement, the Indian Land Consolidation Act (25 U.S.C. 2201 et seq.), and subsection (e)(2) under which the Secretary may purchase fractional interests in trust or restricted land.

(5) LITIGATION.—The term "Litigation" means the case entitled *Elouise Cobell et al. v. Ken Salazar et al.*, United States District Court, District of Columbia, Civil Action No. 96-1285 (TFH).

(6) PLAINTIFF.—The term "Plaintiff" means a member of any class certified in the Litigation.

(7) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(8) SETTLEMENT.—The term "Settlement" means the Class Action Settlement Agreement dated December 7, 2009, in the Litigation, as modified by the parties to the Litigation.

(9) TRUST ADMINISTRATION ADJUSTMENT FUND.—The term "Trust Administration Adjustment Fund" means the \$100,000,000 deposited in the Settlement Account (as defined in the Settlement) pursuant to subsection (j)(1) for use in making the adjustments authorized by that subsection.

(10) TRUST ADMINISTRATION CLASS.—The term "Trust Administration Class" means the Trust Administration Class as defined in the Settlement.

(b) PURPOSE.—The purpose of this section is to authorize the Settlement.

(c) AUTHORIZATION.—

(1) IN GENERAL.—The Settlement is authorized, ratified, and confirmed.

(2) AMENDMENTS.—Any amendment to the Settlement is authorized, ratified, and confirmed, to the extent that such amendment

is executed to make the Settlement consistent with this section.

(d) JURISDICTIONAL PROVISIONS.—

(1) IN GENERAL.—Notwithstanding the limitation on the jurisdiction of the district courts of the United States in section 1346(a)(2) of title 28, United States Code, the United States District Court for the District of Columbia shall have jurisdiction of the claims asserted in the Amended Complaint for purposes of the Settlement.

(2) CERTIFICATION OF TRUST ADMINISTRATION CLASS.—

(A) IN GENERAL.—Notwithstanding the requirements of the Federal Rules of Civil Procedure, the court in the Litigation may certify the Trust Administration Class.

(B) TREATMENT.—On certification under subparagraph (A), the Trust Administration Class shall be treated as a class certified under rule 23(b)(3) of the Federal Rules of Civil Procedure for purposes of the Settlement.

(e) TRUST LAND CONSOLIDATION.—

(1) TRUST LAND CONSOLIDATION FUND.—

(A) ESTABLISHMENT.—On final approval of the Settlement, there shall be established in the Treasury of the United States a fund, to be known as the "Trust Land Consolidation Fund".

(B) AVAILABILITY OF AMOUNTS.—Amounts in the Trust Land Consolidation Fund shall be made available to the Secretary during the 10-year period beginning on the date of final approval of the Settlement—

(i) to conduct the Land Consolidation Program; and

(ii) for other costs specified in the Settlement.

(C) DEPOSITS.—

(i) IN GENERAL.—On final approval of the Settlement, the Secretary of the Treasury shall deposit in the Trust Land Consolidation Fund \$1,900,000,000 out of the amounts appropriated to pay final judgments, awards, and compromise settlements under section 1304 of title 31, United States Code.

(ii) CONDITIONS MET.—The conditions described in section 1304 of title 31, United States Code, shall be deemed to be met for purposes of clause (i).

(D) TRANSFERS.—In a manner designed to encourage participation in the Land Consolidation Program, the Secretary may transfer, at the discretion of the Secretary, not more than \$60,000,000 of amounts in the Trust Land Consolidation Fund to the Indian Education Scholarship Holding Fund established under paragraph (3).

(2) OPERATION.—The Secretary shall consult with Indian tribes to identify fractional interests within the respective jurisdictions of the Indian tribes for purchase in a manner that is consistent with the priorities of the Secretary.

(3) INDIAN EDUCATION SCHOLARSHIP HOLDING FUND.—

(A) ESTABLISHMENT.—On final approval of the Settlement, there shall be established in the Treasury of the United States a fund, to be known as the "Indian Education Scholarship Holding Fund".

(B) AVAILABILITY.—Notwithstanding any other provision of law governing competition, public notification, or Federal procurement or assistance, amounts in the Indian Education Scholarship Holding Fund shall be made available, without further appropriation, to the Secretary to contribute to an Indian Education Scholarship Fund, as described in the Settlement, to provide scholarships for Native Americans.

(4) ACQUISITION OF TRUST OR RESTRICTED LAND.—The Secretary may acquire, at the

discretion of the Secretary and in accordance with the Land Consolidation Program, any fractional interest in trust or restricted land.

(5) **TREATMENT OF UNLOCATABLE PLAINTIFFS.**—A Plaintiff, the whereabouts of whom are unknown and who, after reasonable efforts by the Secretary, cannot be located during the 5-year period beginning on the date of final approval of the Settlement, shall be considered to have accepted an offer made pursuant to the Land Consolidation Program.

(f) **TAXATION AND OTHER BENEFITS.**—

(1) **INTERNAL REVENUE CODE.**—For purposes of the Internal Revenue Code of 1986, amounts received by an individual Indian as a lump sum or a periodic payment pursuant to the Settlement shall not be—

(A) included in gross income; or

(B) taken into consideration for purposes of applying any provision of the Internal Revenue Code that takes into account excludable income in computing adjusted gross income or modified adjusted gross income, including section 86 of that Code (relating to Social Security and tier 1 railroad retirement benefits).

(2) **OTHER BENEFITS.**—Notwithstanding any other provision of law, for purposes of determining initial eligibility, ongoing eligibility, or level of benefits under any Federal or federally assisted program, amounts received by an individual Indian as a lump sum or a periodic payment pursuant to the Settlement shall not be treated for any household member, during the 1-year period beginning on the date of receipt—

(A) as income for the month during which the amounts were received; or

(B) as a resource.

(g) **INCENTIVE AWARDS AND AWARD OF ATTORNEYS' FEES, EXPENSES, AND COSTS UNDER SETTLEMENT AGREEMENT.**—

(1) **IN GENERAL.**—Subject to paragraph (3), the court in the Litigation shall determine the amount to which the Plaintiffs in the Litigation may be entitled for incentive awards and for attorneys' fees, expenses, and costs—

(A) in accordance with controlling law, including, with respect to attorneys' fees, expenses, and costs, any applicable rule of law requiring counsel to produce contemporaneous time, expense, and cost records in support of a motion for such fees, expenses, and costs; and

(B) giving due consideration to the special status of Class Members (as defined in the Settlement) as beneficiaries of a federally created and administered trust.

(2) **NOTICE OF AGREEMENT ON ATTORNEYS' FEES, EXPENSES, AND COSTS.**—The description of the request of Class Counsel for an amount of attorneys' fees, expenses, and costs required under paragraph C.1.d. of the Settlement shall include a description of all material provisions of the Agreement on Attorneys' Fees, Expenses, and Costs.

(3) **EFFECT ON AGREEMENT.**—Nothing in this subsection limits or otherwise affects the enforceability of the Agreement on Attorneys' Fees, Expenses, and Costs.

(h) **SELECTION OF QUALIFYING BANK.**—The United States District Court for the District of Columbia, in exercising the discretion of the Court to approve the selection of any proposed Qualifying Bank (as defined in the Settlement) under paragraph A.1. of the Settlement, may consider any factors or circumstances regarding the proposed Qualifying Bank that the Court determines to be appropriate to protect the rights and interests of Class Members (as defined in the Set-

tlement) in the amounts to be deposited in the Settlement Account (as defined in the Settlement).

(i) **APPOINTEES TO SPECIAL BOARD OF TRUSTEES.**—The 2 members of the special board of trustees to be selected by the Secretary under paragraph G.3. of the Settlement shall be selected only after consultation with, and after considering the names of possible candidates timely offered by, federally recognized Indian tribes.

(j) **TRUST ADMINISTRATION CLASS ADJUSTMENTS.**—

(1) **FUNDS.**—

(A) **IN GENERAL.**—In addition to the amounts deposited pursuant to paragraph E.2. of the Settlement, on final approval, the Secretary of the Treasury shall deposit in the Trust Administration Adjustment Fund of the Settlement Account (as defined in the Settlement) \$100,000,000 out of the amounts appropriated to pay final judgments, awards, and compromise settlements under section 1304 of title 31, United States Code, to be allocated and paid by the Claims Administrator (as defined in the Settlement and pursuant to paragraph E.1.e of the Settlement) in accordance with this subsection.

(B) **CONDITIONS MET.**—The conditions described in section 1304 of title 31, United States Code, shall be deemed to be met for purposes of subparagraph (A).

(2) **ADJUSTMENT.**—

(A) **IN GENERAL.**—After the calculation of the pro rata share in Section E.4.b of the Settlement, the Trust Administration Adjustment Fund shall be used to increase the minimum payment to each Trust Administration Class Member whose pro rata share is—

(i) zero; or

(ii) greater than zero, but who would, after adjustment under this subparagraph, otherwise receive a smaller Stage 2 payment than those Trust Administration Class Members described in clause (i).

(B) **RESULT.**—The amounts in the Trust Administration Adjustment Fund shall be applied in such a manner as to ensure, to the extent practicable (as determined by the court in the Litigation), that each Trust Administration Class Member receiving amounts from the Trust Administration Adjustment Fund receives the same total payment under Stage 2 of the Settlement after making the adjustments required by this subsection.

(3) **TIMING OF PAYMENTS.**—The payments authorized by this subsection shall be included with the Stage 2 payments under paragraph E.4. of the Settlement.

(k) **EFFECT OF ADJUSTMENT PROVISIONS.**—Notwithstanding any provision of this section, in the event that a court determines that the application of subsection (j) is unfair to the Trust Administration Class—

(1) subsection (j) shall not go into effect; and

(2) on final approval of the Settlement, in addition to the amounts deposited into the Trust Land Consolidation Fund pursuant to subsection (e), the Secretary of the Treasury shall deposit in that Fund \$100,000,000 out of amounts appropriated to pay final judgments, awards, and compromise settlements under section 1304 of title 31, United States Code (the conditions of which section shall be deemed to be met for purposes of this paragraph) to be used by the Secretary in accordance with subsection (e).

TITLE II—FINAL SETTLEMENT OF CLAIMS FROM IN RE BLACK FARMERS DISCRIMINATION LITIGATION

SEC. 201. APPROPRIATION OF FUNDS FOR FINAL SETTLEMENT OF CLAIMS FROM IN RE BLACK FARMERS DISCRIMINATION LITIGATION.

(a) **DEFINITIONS.**—In this section:

(1) **SETTLEMENT AGREEMENT.**—The term “Settlement Agreement” means the settlement agreement dated February 18, 2010 (including any modifications agreed to by the parties and approved by the court under that agreement) between certain plaintiffs, by and through their counsel, and the Secretary of Agriculture to resolve, fully and forever, the claims raised or that could have been raised in the cases consolidated in *In re Black Farmers Discrimination Litigation*, Misc. No. 08-mc-0511 (PLF), including Pigford claims asserted under section 14012 of the Food, Conservation, and Energy Act of 2008 (Public Law 110-246; 122 Stat. 2209).

(2) **PIGFORD CLAIM.**—The term “Pigford claim” has the meaning given that term in section 14012(a)(3) of the Food, Conservation, and Energy Act of 2008 (Public Law 110-246; 122 Stat. 2210).

(b) **APPROPRIATION OF FUNDS.**—There is appropriated to the Secretary of Agriculture \$1,150,000,000, to remain available until expended, to carry out the terms of the Settlement Agreement if the Settlement Agreement is approved by a court order that is or becomes final and nonappealable, and the court finds that the Settlement Agreement is modified to incorporate the additional terms contained in subsection (g). The funds appropriated by this subsection are in addition to the \$100,000,000 of funds of the Commodity Credit Corporation made available by section 14012(i) of the Food, Conservation, and Energy Act of 2008 (Public Law 110-246; 122 Stat. 2212) and shall be available for obligation only after those Commodity Credit Corporation funds are fully obligated. If the Settlement Agreement is not approved as provided in this subsection, the \$100,000,000 of funds of the Commodity Credit Corporation made available by section 14012(i) of the Food, Conservation, and Energy Act of 2008 shall be the sole funding available for Pigford claims.

(c) **USE OF FUNDS.**—The use of the funds appropriated by subsection (b) shall be subject to the express terms of the Settlement Agreement.

(d) **TREATMENT OF REMAINING FUNDS.**—If any of the funds appropriated by subsection (b) are not obligated and expended to carry out the Settlement Agreement, the Secretary of Agriculture shall return the unused funds to the Treasury and may not make the unused funds available for any purpose related to section 14012 of the Food, Conservation, and Energy Act of 2008, for any other settlement agreement executed in *In re Black Farmers Discrimination Litigation*, No. 08-511 (D.D.C.), or for any other purpose.

(e) **RULES OF CONSTRUCTION.**—Nothing in this section shall be construed as requiring the United States, any of its officers or agencies, or any other party to enter into the Settlement Agreement or any other settlement agreement. Nothing in this section shall be construed as creating the basis for a Pigford claim.

(f) **CONFORMING AMENDMENTS.**—Section 14012 of the Food, Conservation, and Energy Act of 2008 (Public Law 110-246; 122 Stat. 2209) is amended—

(1) in subsection (c)(1)—

(A) by striking “subsection (h)” and inserting “subsection (g)”; and

(B) by striking “subsection (i)” and inserting “subsection (h)”;

(2) by striking subsection (e);

(3) in subsection (g), by striking “subsection (f)” and inserting “subsection (e)”;

(4) in subsection (i)—

(A) by striking “(1) IN GENERAL.—Of the funds” and inserting “Of the funds”;

(B) by striking paragraph (2); and

(C) by striking “subsection (g)” and inserting “subsection (f)”;

(5) by striking subsection (j); and

(6) by redesignating subsections (f), (g), (h), (i), and (k) as subsections (e), (f), (g), (h), and (i), respectively.

(g) **ADDITIONAL SETTLEMENT TERMS.**—For the purposes of this section and funding for the Settlement Agreement, the following are additional terms:

(1) **DEFINITIONS.**—In this subsection:

(A) **SETTLEMENT AGREEMENT.**—The term “Settlement Agreement” means the settlement, including any modifications agreed to by the parties and approved by the court, between the Secretary of Agriculture and certain plaintiffs, by and through their counsel in litigation titled *Black Farmers Discrimination Litigation*, Misc. No. 08-mc-0511 (PLF).

(B) **NEUTRAL ADJUDICATOR.**—

(i) **IN GENERAL.**—The term “Neutral Adjudicator” means a Track A Neutral or a Track B Neutral as those terms are defined in the Settlement Agreement, who have been hired by Lead Class Counsel as that term is defined in the Settlement Agreement.

(ii) **REQUIREMENT.**—The Track A and B Neutrals called for in the Settlement Agreement shall be approved by the Secretary of the United States Department of Agriculture, the Attorney General, and the court.

(2) **OATH.**—Every Neutral Adjudicator shall take an oath administered by the court prior to hearing claims.

(3) **ADDITIONAL DOCUMENTATION OR EVIDENCE.**—Any Neutral Adjudicator may, during the course of hearing claims, require claimants to provide additional documentation and evidence if, in the Neutral Adjudicator’s judgment, the additional documentation and evidence would be necessary or helpful in deciding the merits of the claim, or if the adjudicator suspects fraud regarding the claim.

(4) **ATTORNEYS FEES, EXPENSES, AND COSTS.**—

(A) **IN GENERAL.**—Subject to subparagraph (B) and the provisions of the Settlement Agreement regarding attorneys’ fee caps and maximum and minimum percentages for awards of attorneys fees, the court shall make any determination as to the amount of attorneys’ fees, expenses, and costs in accordance with controlling law, including, with respect to attorneys’ fees, expenses, and costs, any applicable rule of law requiring counsel to produce contemporaneous time, expenses, and cost records in support of a motion for such fees, expenses, and costs.

(B) **EFFECT ON AGREEMENT.**—Nothing in this paragraph limits or otherwise affects the enforceability of provisions regarding attorneys’ fees, expenses, and costs that may be contained in the Settlement Agreement.

(5) **CERTIFICATION.**—An attorney filing a claim on behalf of a claimant shall swear, under penalty of perjury, that: “to the best of the attorney’s knowledge, information, and belief formed after an inquiry reasonable under the circumstances, the claim is supported by existing law and the factual contentions have evidentiary support”.

(6) **DISTRIBUTION OF CLAIMS DETERMINATIONS AND SETTLEMENT FUNDS.**—In order to

ensure full transparency of the administration of claims under the Settlement Agreement, the Claims Administrator as that term is defined in the Settlement Agreement, shall provide to the Secretary of Agriculture, the Inspector General of the Department of Agriculture, the Attorney General, and Lead Class Counsel as that term is defined in the Settlement Agreement, all information regarding Distribution of Claims Determinations and Settlement Funds described in the Settlement Agreement.

(h) **REPORTS.**—

(1) **GOVERNMENT ACCOUNTABILITY OFFICE.**—

(A) **IN GENERAL.**—The Comptroller General of the United States shall evaluate the internal controls (including internal controls concerning fraud and abuse) created to carry out the terms of the Settlement Agreement, and report to the Congress at least 2 times throughout the duration of the claims adjudication process on the results of this evaluation.

(B) **ACCESS TO INFORMATION.**—Solely for purposes of conducting the evaluation under subparagraph (A), the Comptroller General shall have access, upon request, to the claims administrator, the claims adjudicators, and related officials, appointed in connection with the aforementioned settlement, and to any information and records generated, used, or received by them, including names and addresses.

(2) **USDA INSPECTOR GENERAL.**—

(A) **PERFORMANCE AUDIT.**—The Inspector General of the Department of Agriculture shall, within 180 days of the initial adjudication of claims, and subsequently as appropriate, perform a performance audit based on a statistical sampling of adjudicated claims.

(B) **AUDIT RECIPIENTS.**—The audits described in clause (1) shall be provided to Secretary of Agriculture and the Attorney General.

TITLE III—WHITE MOUNTAIN APACHE TRIBE WATER RIGHTS QUANTIFICATION

SEC. 301. SHORT TITLE.

This title may be cited as the “White Mountain Apache Tribe Water Rights Quantification Act of 2010”.

SEC. 302. PURPOSES.

The purposes of this title are—

(1) to authorize, ratify, and confirm the Agreement;

(2) to authorize and direct the Secretary to execute the Agreement and take any other action necessary to carry out all obligations of the Secretary under the Agreement in accordance with this title;

(3) to authorize the amounts necessary for the United States to meet the obligations of the United States under the Agreement and this title; and

(4) to permanently resolve certain damage claims and all water rights claims among—

(A) the Tribe and its members;

(B) the United States, acting as trustee for the Tribe and its members;

(C) the parties to the Agreement; and

(D) all other claimants seeking to determine the nature and extent of the water rights of the Tribe, its members, the United States, acting as trustee for the Tribe and its members, and other claimants in—

(i) the consolidated civil action in the Superior Court of the State of Arizona for the County of Maricopa styled *In re the General Adjudication of All Rights To Use Water In The Gila River System and Source*, W-1 (Salt), W-2 (Verde), W-3 (Upper Gila), W-4 (San Pedro); and

(ii) the civil action pending in the Superior Court of the State of Arizona for the County of Apache styled *In re the General Adjudica-*

tion of All Rights to Use Water in the Little Colorado River System and Source and numbered CIV-6417.

SEC. 303. DEFINITIONS.

In this title:

(1) **AGREEMENT.**—The term “Agreement” means—

(A) the WMAT Water Rights Quantification Agreement dated January 13, 2009; and

(B) any amendment or exhibit (including exhibit amendments) to that Agreement that are—

(i) made in accordance with this title; or

(ii) otherwise approved by the Secretary.

(2) **BUREAU.**—The term “Bureau” means the Bureau of Reclamation.

(3) **CAP.**—The term “CAP” means the reclamation project authorized and constructed by the United States in accordance with title III of the Colorado River Basin Project Act (43 U.S.C. 1521 et seq.).

(4) **CAP CONTRACTOR.**—The term “CAP contractor” means an individual or entity that has entered into a long-term contract (as that term is used in the repayment stipulation) with the United States for delivery of water through the CAP system.

(5) **CAP FIXED OM&R CHARGE.**—The term “CAP fixed OM&R charge” has the meaning given the term in the repayment stipulation.

(6) **CAP M&I PRIORITY WATER.**—The term “CAP M&I priority water” means the CAP water having a municipal and industrial delivery priority under the repayment contract.

(7) **CAP SUBCONTRACTOR.**—The term “CAP subcontractor” means an individual or entity that has entered into a long-term subcontract (as that term is used in the repayment stipulation) with the United States and the District for the delivery of water through the CAP system.

(8) **CAP SYSTEM.**—The term “CAP system” means—

(A) the Mark Wilmer Pumping Plant;

(B) the Hayden-Rhodes Aqueduct;

(C) the Fannin-McFarland Aqueduct;

(D) the Tucson Aqueduct;

(E) any pumping plant or appurtenant works of a feature described in any of subparagraphs (A) through (D); and

(F) any extension of, addition to, or replacement for a feature described in any of subparagraphs (A) through (E).

(9) **CAP WATER.**—The term “CAP water” means “Project Water” (as that term is defined in the repayment stipulation).

(10) **CONTRACT.**—The term “Contract” means—

(A) the proposed contract between the Tribe and the United States attached as exhibit 7.1 to the Agreement and numbered 08-XX-30-W0529; and

(B) any amendments to that contract.

(11) **DISTRICT.**—The term “District” means the Central Arizona Water Conservation District, a political subdivision of the State that is the contractor under the repayment contract.

(12) **ENFORCEABILITY DATE.**—The term “enforceability date” means the date described in section 309(d)(1).

(13) **INDIAN TRIBE.**—The term “Indian tribe” has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(14) **INJURY TO WATER RIGHTS.**—

(A) **IN GENERAL.**—The term “injury to water rights” means an interference with, diminution of, or deprivation of, a water right under Federal, State, or other law.

(B) **INCLUSIONS.**—The term “injury to water rights” includes—

(i) a change in the groundwater table; and
(ii) any effect of such a change.

(C) EXCLUSION.—The term “injury to water rights” does not include any injury to water quality.

(15) LOWER COLORADO RIVER BASIN DEVELOPMENT FUND.—The term “Lower Colorado River Basin Development Fund” means the fund established by section 403 of the Colorado River Basin Project Act (43 U.S.C. 1543).

(16) OFF-RESERVATION TRUST LAND.—The term “off-reservation trust land” means land—

(A) located outside the exterior boundaries of the reservation that is held in trust by the United States for the benefit of the Tribe as of the enforceability date; and

(B) depicted on the map attached to the Agreement as exhibit 2.57.

(17) OPERATING AGENCY.—The term “Operating Agency” means the 1 or more entities authorized to assume responsibility for the care, operation, maintenance, and replacement of the CAP system.

(18) REPAYMENT CONTRACT.—The term “repayment contract” means—

(A) the contract between the United States and the District for delivery of water and repayment of the costs of the CAP, numbered 14-06-W-245 (Amendment No. 1), and dated December 1, 1988; and

(B) any amendment to, or revision of, that contract.

(19) REPAYMENT STIPULATION.—The term “repayment stipulation” means the stipulated judgment and the stipulation for judgment (including any exhibits to those documents) entered on November 21, 2007, in the United States District Court for the District of Arizona in the consolidated civil action styled Central Arizona Water Conservation District v. United States, et al., and numbered CIV 95-625-TUC-WDB (EHC) and CIV 95-1720-PHX-EHC.

(20) RESERVATION.—

(A) IN GENERAL.—The term “reservation” means the land within the exterior boundary of the White Mountain Indian Reservation established by the Executive order dated November 9, 1871, as modified by subsequent Executive orders and Acts of Congress—

(i) known on the date of enactment of this Act as the “Fort Apache Reservation” pursuant to chapter 3 of the Act of June 7, 1897 (30 Stat. 62); and

(ii) generally depicted on the map attached to the Agreement as exhibit 2.81.

(B) NO EFFECT ON DISPUTE OR AS ADMISSION.—The depiction of the reservation described in subparagraph (A)(ii) shall not—

(i) be used to affect any dispute between the Tribe and the United States concerning the legal boundary of the reservation; or

(ii) constitute an admission by the Tribe with regard to any dispute between the Tribe and the United States concerning the legal boundary of the reservation.

(21) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(22) STATE.—The term “State” means the State of Arizona.

(23) TRIBAL CAP WATER.—The term “tribal CAP water” means the CAP water to which the Tribe is entitled pursuant to the Contract.

(24) TRIBAL WATER RIGHTS.—The term “tribal water rights” means the water rights of the Tribe described in paragraph 4.0 of the Agreement.

(25) TRIBE.—The term “Tribe” means the White Mountain Apache Tribe organized under section 16 of the Act of June 18, 1934 (commonly known as the “Indian Reorganization Act”) (25 U.S.C. 476).

(26) WATER RIGHT.—The term “water right” means any right in or to groundwater, surface water, or effluent under Federal, State, or other law.

(27) WMAT RURAL WATER SYSTEM.—The term “WMAT rural water system” means the municipal, rural, and industrial water diversion, storage, and delivery system described in section 307.

(28) YEAR.—The term “year” means a calendar year.

SEC. 304. APPROVAL OF AGREEMENT.

(a) APPROVAL.—

(1) IN GENERAL.—Except to the extent that any provision of the Agreement conflicts with a provision of this title, the Agreement is authorized, ratified, and confirmed.

(2) AMENDMENTS.—Any amendment to the Agreement is authorized, ratified, and confirmed, to the extent that such amendment is executed to make the Agreement consistent with this title.

(b) EXECUTION OF AGREEMENT.—

(1) IN GENERAL.—To the extent that the Agreement does not conflict with this title, the Secretary shall promptly—

(A) execute the Agreement, including all exhibits to the Agreement requiring the signature of the Secretary; and

(B) in accordance with the Agreement, execute any amendment to the Agreement, including any amendment to any exhibit to the Agreement requiring the signature of the Secretary, that is not inconsistent with this title; and

(2) DISCRETION OF THE SECRETARY.—The Secretary may execute any other amendment to the Agreement, including any amendment to any exhibit to the Agreement requiring the signature of the Secretary, that is not inconsistent with this title if the amendment does not require congressional approval pursuant to the Trade and Intercourse Act (25 U.S.C. 177) or other applicable Federal law (including regulations).

(c) NATIONAL ENVIRONMENTAL POLICY ACT.—

(1) ENVIRONMENTAL COMPLIANCE.—In implementing the Agreement and carrying out this title, the Secretary shall promptly comply with all applicable requirements of—

(A) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

(B) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

(C) all other applicable Federal environmental laws; and

(D) all regulations promulgated under the laws described in subparagraphs (A) through (C).

(2) EXECUTION OF AGREEMENT.—

(A) IN GENERAL.—Execution of the Agreement by the Secretary under this section shall not constitute a major Federal action under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(B) ENVIRONMENTAL COMPLIANCE.—The Secretary shall carry out all necessary environmental compliance activities required by Federal law in implementing the Agreement.

(3) LEAD AGENCY.—The Bureau shall serve as the lead agency with respect to ensuring environmental compliance associated with the WMAT rural water system.

SEC. 305. WATER RIGHTS.

(a) TREATMENT OF TRIBAL WATER RIGHTS.—The tribal water rights—

(1) shall be held in trust by the United States on behalf of the Tribe; and

(2) shall not be subject to forfeiture or abandonment.

(b) REALLOCATION.—

(1) IN GENERAL.—In accordance with this title and the Agreement, the Secretary shall

reallocate to the Tribe, and offer to enter into a contract with the Tribe for the delivery in accordance with this section of—

(A) an entitlement to 23,782 acre-feet per year of CAP water that has a non-Indian agricultural delivery priority (as defined in the Contract) in accordance with section 104(a)(1)(A)(iii) of the Arizona Water Settlements Act (Public Law 108-451; 118 Stat. 3488), of which—

(i) 3,750 acre-feet per year shall be firm by the United States for the benefit of the Tribe for the 100-year period beginning on January 1, 2008, with priority equivalent to CAP M&I priority water, in accordance with section 105(b)(1)(B) of that Act (118 Stat. 3492); and

(ii) 3,750 acre-feet per year shall be firm by the State for the benefit of the Tribe for the 100-year period beginning on January 1, 2008, with priority equivalent to CAP M&I priority water, in accordance with section 105(b)(2)(B) of that Act (118 Stat. 3492); and

(B) an entitlement to 1,218 acre-feet per year of the water—

(i) acquired by the Secretary through the permanent relinquishment of the Harquahala Valley Irrigation District CAP subcontract entitlement in accordance with the contract numbered 3-07-30-W0290 among the District, Harquahala Valley Irrigation District, and the United States; and

(ii) converted to CAP Indian Priority water (as defined in the Contract) pursuant to the Fort McDowell Indian Community Water Rights Settlement Act of 1990 (Public Law 101-628; 104 Stat. 4480).

(2) AUTHORITY OF TRIBE.—Subject to approval by the Secretary under section 306(a)(1), the Tribe shall have the sole authority to lease, distribute, exchange, or allocate the tribal CAP water described in paragraph (1).

(c) WATER SERVICE CAPITAL CHARGES.—The Tribe shall not be responsible for any water service capital charge for tribal CAP water.

(d) ALLOCATION AND REPAYMENT.—For the purpose of determining the allocation and repayment of costs of any stage of the CAP constructed after November 21, 2007, the costs associated with the delivery of water described in subsection (b), regardless of whether the water is delivered for use by the Tribe or in accordance with any assignment, exchange, lease, option to lease, or other agreement for the temporary disposition of water entered into by the Tribe, shall be—

(1) nonreimbursable; and

(2) excluded from the repayment obligation of the District.

(e) WATER CODE.—Not later than 18 months after the enforceability date, the Tribe shall enact a water code that—

(1) governs the tribal water rights; and

(2) includes, at a minimum—

(A) provisions requiring the measurement, calculation, and recording of all diversions and depletions of water on the reservation and on off-reservation trust land;

(B) terms of a water conservation plan, including objectives, conservation measures, and an implementation timeline;

(C) provisions requiring the approval of the Tribe for the severance and transfer of rights to the use of water from historically irrigated land identified in paragraph 11.3.2.1 of the Agreement to diversions and depletions on other non-historically irrigated land not located on the watershed of the same water source; and

(D) provisions requiring the authorization of the Tribe for all diversions of water on the reservation and on off-reservation trust land by any individual or entity other than the Tribe.

SEC. 306. CONTRACT.

(a) **IN GENERAL.**—The Secretary shall enter into the Contract, in accordance with the Agreement, to provide, among other things, that—

(1) the Tribe, on approval of the Secretary, may—

(A) enter into contracts or options to lease, contracts to exchange, or options to exchange tribal CAP water in Maricopa, Pinal, Pima, and Yavapai Counties in the State providing for the temporary delivery to any individual or entity of any portion of the tribal CAP water, subject to the condition that—

(i) the term of the contract or option to lease shall not be longer than 100 years;

(ii) the contracts or options to exchange shall be for the term provided in the contract or option; and

(iii) a lease or option to lease providing for the temporary delivery of tribal CAP water shall require the lessee to pay to the Operating Agency all CAP fixed OM&R charges and all CAP pumping energy charges (as defined in the repayment stipulation) associated with the leased water; and

(B) renegotiate any lease at any time during the term of the lease, subject to the condition that the term of the renegotiated lease shall not exceed 100 years;

(2) no portion of the tribal CAP water may be permanently alienated;

(3)(A) the Tribe (and not the United States in any capacity) shall be entitled to all consideration due to the Tribe under any contract or option to lease or exchange tribal CAP water entered into by the Tribe; and

(B) the United States (in any capacity) has no trust or other obligation to monitor, administer, or account for, in any manner—

(i) any funds received by the Tribe as consideration under a contract or option to lease or exchange tribal CAP water; or

(ii) the expenditure of those funds;

(4)(A) all tribal CAP water shall be delivered through the CAP system; and

(B) if the delivery capacity of the CAP system is significantly reduced or anticipated to be significantly reduced for an extended period of time, the Tribe shall have the same CAP delivery rights as a CAP contractor or CAP subcontractor that is allowed to take delivery of water other than through the CAP system;

(5) the Tribe may use tribal CAP water on or off the reservation for any purpose;

(6) as authorized by subsection (f)(2)(A) of section 403 of the Colorado River Basin Project Act (43 U.S.C. 1543) and to the extent that funds are available in the Lower Colorado River Basin Development Fund established by subsection (a) of that section, the United States shall pay to the Operating Agency the CAP fixed OM&R charges associated with the delivery of tribal CAP water (except in the case of tribal CAP water leased by any individual or entity);

(7) the Secretary shall waive the right of the Secretary to capture all return flow from project exchange water flowing from the exterior boundary of the reservation; and

(8) no CAP water service capital charge shall be due or payable for the tribal CAP water, regardless of whether the water is delivered for use by the Tribe or pursuant to a contract or option to lease or exchange tribal CAP water entered into by the Tribe.

(b) **REQUIREMENTS.**—The Contract shall be—

(1) for permanent service (within the meaning of section 5 of the Boulder Canyon Project Act (43 U.S.C. 617d)); and

(2) without limit as to term.

(c) **RATIFICATION.**—

(1) **IN GENERAL.**—Except to the extent that any provision of the Contract conflicts with a provision of this title, the Contract is authorized, ratified, and confirmed.

(2) **AMENDMENTS.**—Any amendment to the Contract is authorized, ratified, and confirmed, to the extent that such amendment is executed to make the Contract consistent with this title.

(d) **EXECUTION OF CONTRACT.**—To the extent that the Contract does not conflict with this title, the Secretary shall execute the Contract.

(e) **PAYMENT OF CHARGES.**—The Tribe, and any recipient of tribal CAP water through a contract or option to lease or exchange, shall not be obligated to pay a water service capital charge or any other charge, payment, or fee for CAP water, except as provided in an applicable lease or exchange agreement.

(f) **PROHIBITIONS.**—

(1) **USE OUTSIDE STATE.**—No tribal CAP water may be leased, exchanged, forborne, or otherwise transferred by the Tribe in any way for use directly or indirectly outside the State.

(2) **USE OFF RESERVATION.**—Except as authorized by this section and paragraph 4.7 of the Agreement, no tribal water rights under this title may be sold, leased, transferred, or used outside the boundaries of the reservation or off-reservation trust land other than pursuant to an exchange.

(3) **AGREEMENTS WITH ARIZONA WATER BANKING AUTHORITY.**—Nothing in this title or the Agreement limits the right of the Tribe to enter into an agreement with the Arizona Water Banking Authority (or any successor entity) established by section 45-2421 of the Arizona Revised Statutes in accordance with State law.

(g) **LEASES.**—

(1) **IN GENERAL.**—To the extent that the leases of tribal CAP Water by the Tribe to the District and to any of the cities in the State, attached as exhibits to the Agreement, are not in conflict with the provisions of this title—

(A) those leases are authorized, ratified, and confirmed; and

(B) the Secretary shall execute the leases.

(2) **AMENDMENTS.**—To the extent that amendments are executed to make the leases described in paragraph (1) consistent with this title, those amendments are authorized, ratified, and confirmed.

SEC. 307. AUTHORIZATION OF WMAT RURAL WATER SYSTEM.

(a) **IN GENERAL.**—Consistent with subsections (a) and (e) of section 312 and subsection (h) of this section, the Secretary, acting through the Bureau, shall plan, design, and construct the WMAT rural water system to divert, store, and distribute water from the North Fork of the White River to the Tribe that shall consist of—

(1) a dam and storage reservoir, pumping plant, and treatment facilities located along the North Fork of the White River near the community of Whiteriver;

(2) a distribution system consisting of pipelines extending from the treatment facilities to existing water distribution systems serving the communities of Whiteriver, Fort Apache, Canyon Day, Cedar Creek, Carrizo, and Cibecue;

(3) connections to existing distribution facilities for the communities described in paragraph (2), but not including any upgrades of, or improvements to, existing or future public water systems for the communities described in paragraph (2) that may be necessary to accommodate increased demand

and flow rates (and any associated changes in water quality);

(4) connections to additional communities along the pipeline, provided that the additional connections may be added to the distribution system described in paragraph (2) at the expense of the Tribe;

(5) appurtenant buildings and access roads;

(6) electrical power transmission and distribution facilities necessary for operation of the project; and

(7) any other project components that the Secretary, in consultation with the Tribe, determines to be necessary.

(b) **MODIFICATIONS.**—The Secretary and the Tribe—

(1) may modify the components of the WMAT rural water system described in subsection (a) by mutual agreement; and

(2) shall make all modifications required under subsection (c)(2).

(c) **FINAL PROJECT DESIGN.**—

(1) **IN GENERAL.**—The Secretary shall issue a final project design of the WMAT rural water system, including the dam, pumping plants, pipeline, and treatment plant, that is generally consistent with the project extension report dated February 2007 after the completion of—

(A) any appropriate environmental compliance activity; and

(B) the review process described in paragraph (2).

(2) **REVIEW.**—

(A) **IN GENERAL.**—The Secretary shall review the proposed design of the WMAT rural water system and perform value engineering analyses.

(B) **RESULTS.**—Taking into consideration the review under subparagraph (A), the Secretary, in consultation with the Tribe, shall require appropriate changes to the design, so that the final design—

(i) meets Bureau of Reclamation design standards;

(ii) to the maximum extent practicable, incorporates any changes that would improve the cost-effectiveness of the delivery of water through the WMAT rural water system; and

(iii) may be constructed for the amounts made available under section 312.

(d) **CONVEYANCE OF TITLE.**—

(1) **IN GENERAL.**—Title to the WMAT rural water system shall be held by the United States until title to the WMAT rural water system is conveyed by the Secretary to the Tribe pursuant to paragraph (2).

(2) **CONVEYANCE TO TRIBE.**—The Secretary shall convey to the Tribe title to the WMAT rural water system not later than 30 days after the date on which the Secretary publishes in the Federal Register a statement of findings that—

(A) the operating criteria, standing operating procedures, emergency action plan, and first filling and monitoring criteria of the designers have been established and are in place;

(B) the WMAT rural water system has operated under the standing operating procedures of the designers, with the participation of the Tribe, for a period of 3 years;

(C) the Secretary has provided the Tribe with technical assistance on the manner by which to operate and maintain the WMAT rural water system;

(D) the funds made available under section 312(b)(3)(B) have been deposited in the WMAT Maintenance Fund; and

(E) the WMAT rural water system—

(i) is substantially complete, as determined by the Secretary; and

(ii) satisfies the requirement that—

(I) the infrastructure constructed is capable of storing, diverting, treating, transmitting, and distributing a supply of water as set forth in the final project design described in subsection (c); and

(II) the Secretary has consulted with the Tribe regarding the proposed finding that the WMAT rural water system is substantially complete.

(e) **ALIENATION AND TAXATION.**—

(1) **IN GENERAL.**—Conveyance of title to the Tribe pursuant to subsection (d) does not waive or alter any applicable Federal law (including regulations) prohibiting alienation or taxation of the WMAT rural water system or the underlying reservation land.

(2) **ALIENATION OF WMAT RURAL WATER SYSTEM.**—The WMAT rural water system, including the components of the WMAT rural water system, shall not be alienated, encumbered, or conveyed in any manner by the Tribe, unless a reconveyance is authorized by an Act of Congress enacted after the date of enactment of this Act.

(f) **OPERATION AND MAINTENANCE.**—

(1) **IN GENERAL.**—Consistent with subsections (d) and (e) of section 312, the Secretary, acting through the Bureau and in cooperation with the Tribe, shall operate, maintain, and replace the WMAT rural water system until the date on which title to the WMAT rural water system is transferred to the Tribe pursuant to subsection (d)(2).

(2) **LIMITATION.**—

(A) **IN GENERAL.**—Beginning on the date on which title to the WMAT rural water system is transferred to the Tribe pursuant to subsection (d)(2), the United States shall have no obligation to pay for the operation, maintenance, or replacement costs of the WMAT rural water system.

(B) **LIMITATION ON LIABILITY.**—Effective on the date on which the Secretary publishes a statement of findings in the Federal Register pursuant to subsection (d)(2), the United States shall not be held liable by any court for damages arising out of any act, omission, or occurrence relating to the land or facilities conveyed, other than damages caused by any intentional act or act of negligence committed by the United States, or by employees or agents of the United States, prior to the date on which the Secretary publishes a statement of findings in the Federal Register pursuant to subsection (d)(2).

(g) **RIGHT TO REVIEW.**—

(1) **IN GENERAL.**—The statement of findings published by the Secretary pursuant to subsection (d)(2) shall be considered to be a final agency action subject to judicial review under sections 701 through 706 of title 5, United States Code.

(2) **EFFECT OF TITLE.**—Nothing in this title gives the Tribe or any other party the right to judicial review of the determination by the Secretary under subsection (d) except under subchapter II of chapter 5, and chapter 7, of title 5, United States Code (commonly known as the “Administrative Procedure Act”).

(h) **APPLICABILITY OF ISDEAA.**—

(1) **AGREEMENT FOR SPECIFIC ACTIVITIES.**—On receipt of a request of the Tribe, and in accordance with the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.), the Secretary shall enter into 1 or more agreements with the Tribe to carry out the activities authorized by this section.

(2) **CONTRACTS.**—Any contract entered into pursuant to the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) for the purpose of carrying out any provision of this title shall incorporate such provisions regarding periodic payment of

funds, timing for use of funds, transparency, oversight, reporting, and accountability as the Secretary determines to be necessary (at the sole discretion of the Secretary) to ensure appropriate stewardship of Federal funds.

(i) **FINAL DESIGNS; PROJECT CONSTRUCTION.**—

(1) **FINAL DESIGNS.**—All designs for the WMAT rural water system shall—

(A) conform to Bureau design standards; and

(B) be subject to review and approval by the Secretary.

(2) **PROJECT CONSTRUCTION.**—Each project component of the WMAT rural water system shall be constructed pursuant to designs and specifications approved by the Secretary, and all construction work shall be subject to inspection and approval by the Secretary.

(j) **CONDITION.**—As a condition of construction of the facilities authorized by this section, the Tribe shall provide, at no cost to the Secretary, all land or interests in land that the Secretary identifies as necessary for the construction, operation, and maintenance of those facilities.

SEC. 308. SATISFACTION OF CLAIMS.

(a) **IN GENERAL.**—Except as set forth in the Agreement, the benefits realized by the Tribe and its members under this title shall be in full satisfaction of all claims of the Tribe, its members, and the United States, acting as trustee for the benefit of the Tribe and its members, for water rights and injury to water rights under Federal, State, or other law with respect to the reservation and off-reservation trust land.

(b) **USES OF WATER.**—All uses of water on land outside of the reservation, if and when that land is subsequently and finally determined to be part of the reservation through resolution of any dispute between the Tribe and the United States over the location of the reservation boundary, and any fee land within the reservation placed into trust and made part of the reservation, shall be subject to the maximum annual diversion amounts and the maximum annual depletion amounts specified in the Agreement.

(c) **NO RECOGNITION OF WATER RIGHTS.**—Notwithstanding subsection (a), nothing in this title recognizes or establishes any right of a member of the Tribe to water on the reservation.

SEC. 309. WAIVERS AND RELEASES OF CLAIMS.

(a) **IN GENERAL.**—

(1) **CLAIMS AGAINST THE STATE AND OTHERS.**—Except for the specifically retained claims described in subsection (b)(1), the Tribe, on behalf of itself and its members, and the United States, acting in its capacity as trustee for the Tribe and its members, as part of the performance of the respective obligations of the United States and the Tribe under the Agreement, are authorized to execute a waiver and release of any claims against the State (or any agency or political subdivision of the State), or any other person, entity, corporation, or municipal corporation under Federal, State, or other law for all—

(A)(i) past, present, and future claims for water rights for the reservation and off-reservation trust land arising from time immemorial and, thereafter, forever; and

(ii) past, present, and future claims for water rights arising from time immemorial and, thereafter, forever, that are based on aboriginal occupancy of land by the Tribe, its members, or their predecessors;

(B)(i) past and present claims for injury to water rights for the reservation and off-reservation trust land arising from time immemorial through the enforceability date;

(ii) past, present, and future claims for injury to water rights arising from time immemorial and, thereafter, forever, that are based on aboriginal occupancy of land by the Tribe, its members, or their predecessors; and

(iii) claims for injury to water rights arising after the enforceability date for the reservation and off-reservation trust land resulting from off-reservation diversion or use of water in a manner that is not in violation of the Agreement or State law; and

(C) past, present, and future claims arising out of, or relating in any manner to, the negotiation, execution, or adoption of the Agreement, an applicable settlement judgement or decree, or this title.

(2) **CLAIMS AGAINST TRIBE.**—Except for the specifically retained claims described in subsection (b)(3), the United States, in all capacities (except as trustee for an Indian tribe other than the Tribe), as part of the performance of its obligations under the Agreement, is authorized to execute a waiver and release of any and all claims against the Tribe, its members, or any agency, official, or employee of the Tribe, under Federal, State, or any other law for all—

(A) past and present claims for injury to water rights resulting from the diversion or use of water on the reservation and on off-reservation trust land arising from time immemorial through the enforceability date;

(B) claims for injury to water rights arising after the enforceability date resulting from the diversion or use of water on the reservation and on off-reservation trust land in a manner that is not in violation of the Agreement; and

(C) past, present, and future claims arising out of or related in any manner to the negotiation, execution, or adoption of the Agreement, an applicable settlement judgement or decree, or this title.

(3) **CLAIMS AGAINST UNITED STATES.**—Except for the specifically retained claims described in subsection (b)(2), the Tribe, on behalf of itself and its members, as part of the performance of the obligations of the Tribe under the Agreement, is authorized to execute a waiver and release of any claim against the United States, including agencies, officials, or employees of the United States (except in the capacity of the United States as trustee for other Indian tribes), under Federal, State, or other law for any and all—

(A)(i) past, present, and future claims for water rights for the reservation and off-reservation trust land arising from time immemorial and, thereafter, forever; and

(ii) past, present, and future claims for water rights arising from time immemorial and, thereafter, forever that are based on aboriginal occupancy of land by the Tribe, its members, or their predecessors;

(B)(i) past and present claims relating in any manner to damages, losses, or injuries to water, water rights, land, or other resources due to loss of water or water rights (including damages, losses, or injuries to hunting, fishing, gathering, or cultural rights due to loss of water or water rights, claims relating to interference with, diversion, or taking of water, or claims relating to failure to protect, acquire, or develop water, water rights, or water infrastructure) within the reservation and off-reservation trust land that first accrued at any time prior to the enforceability date;

(ii) past, present, and future claims for injury to water rights arising from time immemorial and, thereafter, forever that are based on aboriginal occupancy of land by the

Tribe, its members, or their predecessors; and

(iii) claims for injury to water rights arising after the enforceability date for the reservation and off-reservation trust land resulting from the off-reservation diversion or use of water in a manner that is not in violation of the Agreement or applicable law;

(C) past, present, and future claims arising out of, or relating in any manner to, the negotiation, execution, or adoption of the Agreement, an applicable settlement judgment or decree, or this title;

(D) past and present claims relating in any manner to pending litigation of claims relating to the water rights of the Tribe for the reservation and off-reservation trust land;

(E) past and present claims relating to the operation, maintenance, and replacement of existing irrigation systems on the reservation constructed prior to the enforceability date that first accrued at any time prior to the enforceability date, which waiver shall only become effective on the full appropriation and payment to the Tribe of \$4,950,000 of the amounts made available under section 312(b)(2)(B);

(F) any claims relating to operation, maintenance, and replacement of the WMAT rural water system, which waiver shall only become effective on the date on which funds are made available under section 312(b)(3)(B) and deposited in the WMAT Maintenance Fund;

(G) past and present breach of trust and negligence claims for damage to the land and natural resources of the Tribe caused by riparian and other vegetative manipulation by the United States for the purpose of increasing water runoff from the reservation that first accrued at any time prior to the enforceability date; and

(H) past and present claims for trespass, use, and occupancy of the reservation in, on, and along the Black River that first accrued at any time prior to the enforceability date.

(4) EFFECT ON BOUNDARY CLAIMS.—Nothing in this title expands, diminishes, or impacts any claims the Tribe may assert, or any defense the United States may assert, concerning title to land outside the most current survey, as of the date of enactment of this Act, of the northern boundary of the reservation.

(b) RESERVATION OF RIGHTS AND RETENTION OF CLAIMS.—

(1) RESERVATION OF RIGHTS AND RETENTION OF CLAIMS BY TRIBE AND UNITED STATES.—

(A) IN GENERAL.—Notwithstanding the waiver and release of claims authorized under subsection (a)(1), the Tribe, on behalf of itself and its members, and the United States, acting as trustee for the Tribe and its members, shall retain any right—

(i) subject to subparagraph 16.9 of the Agreement, to assert claims for injuries to, and seek enforcement of, the rights of the Tribe and its members under the Agreement or this title in any Federal or State court of competent jurisdiction;

(ii) to assert claims for injuries to, and seek enforcement of, the rights of the Tribe under the judgment and decree entered by the court in the Gila River adjudication proceedings;

(iii) to assert claims for injuries to, and seek enforcement of, the rights of the Tribe under the judgment and decree entered by the court in the Little Colorado River adjudication proceedings;

(iv) to object to any claims by or for any other Indian tribe, Indian community or nation, or dependent Indian community, or the United States on behalf of such a tribe, community, or nation;

(v) to participate in the Gila River adjudication proceedings and the Little Colorado River adjudication proceedings to the extent provided in subparagraph 14.1 of the Agreement;

(vi) to assert any claims arising after the enforceability date for injury to water rights not specifically waived under this section;

(vii) to assert any past, present, or future claim for injury to water rights against any other Indian tribe, Indian community or nation, dependent Indian community, allottee, or the United States on behalf of such a tribe, community, nation, or allottee;

(viii) to assert any past, present, or future claim for trespass, use, and occupancy of the reservation in, on, or along the Black River against Freeport-McMoRan Copper & Gold, Inc., Phelps Dodge Corporation, or Phelps Dodge Morenci, Inc. (or a predecessor or successor of those entities), including all subsidiaries and affiliates of those entities; and

(ix) to assert claims arising after the enforceability date for injury to water rights resulting from the pumping of water from land located within national forest land as of the date of the Agreement in the south $\frac{1}{2}$ of T. 9 N., R. 24 E., the south $\frac{1}{2}$ of T. 9 N., R. 25 E., the north $\frac{1}{2}$ of T. 8 N., R. 24 E., or the north $\frac{1}{2}$ of T. 8 N., R. 25 E., if water from the land is used on the land or is transported off the land for municipal, commercial, or industrial use.

(B) AGREEMENT.—On terms acceptable to the Tribe and the United States, the Tribe and the United States are authorized to enter into an agreement with Freeport-McMoRan Copper & Gold, Inc., Phelps Dodge Corporation, or Phelps Dodge Morenci, Inc. (or a predecessor or successor of those entities), including all subsidiaries and affiliates of those entities, to resolve the claims of the Tribe relating to the trespass, use, and occupancy of the reservation in, on, and along the Black River.

(2) RESERVATION OF RIGHTS AND RETENTION OF CLAIMS BY TRIBE AGAINST UNITED STATES.—Notwithstanding the waiver and release of claims authorized under subsection (a)(3), the Tribe, on behalf of itself and its members, shall retain any right—

(A) subject to subparagraph 16.9 of the Agreement, to assert claims for injuries to, and seek enforcement of, the rights of the Tribe and its members under the Agreement or this title, in any Federal or State court of competent jurisdiction;

(B) to assert claims for injuries to, and seek enforcement of, the rights of the Tribe and members under the judgment and decree entered by the court in the Gila River adjudication proceedings;

(C) to assert claims for injuries to, and seek enforcement of, the rights of the Tribe and members under the judgment and decree entered by the court in the Little Colorado River adjudication proceedings;

(D) to object to any claims by or for any other Indian tribe, Indian community or nation, or dependent Indian community, or the United States on behalf of such a tribe, community, or nation;

(E) to assert past, present, or future claims for injury to water rights or any other claims other than a claim to water rights, against any other Indian tribe, Indian community or nation, or dependent Indian community, or the United States on behalf of such a tribe, community, or nation;

(F) to assert claims arising after the enforceability date for injury to water rights resulting from the pumping of water from land located within national forest land as of the date of the Agreement in the south $\frac{1}{2}$ of

T. 9 N., R. 24 E., the south $\frac{1}{2}$ of T. 9 N., R. 25 E., the north $\frac{1}{2}$ of T. 8 N., R. 24 E., or the north $\frac{1}{2}$ of T. 8 N., R. 25 E., if water from that land is used on the land or is transported off the land for municipal, commercial, or industrial use;

(G) to assert any claims arising after the enforceability date for injury to water rights not specifically waived under this section;

(H) to seek remedies and to assert any other claims not specifically waived under this section; and

(I) to assert any claim arising after the enforceability date for a future taking by the United States of reservation land, off-reservation trust land, or any property rights appurtenant to that land, including any water rights set forth in paragraph 4.0 of the Agreement.

(3) RESERVATION OF RIGHTS AND RETENTION OF CLAIMS BY UNITED STATES.—Notwithstanding the waiver and release of claims authorized under subsection (a)(2), the United States shall retain any right to assert any claim not specifically waived in that subsection.

(c) EFFECTIVENESS OF WAIVER AND RELEASES.—Except as otherwise specifically provided in subparagraphs (E) and (F) of subsection (a)(3), the waivers and releases under subsection (a) shall become effective on the enforceability date.

(d) ENFORCEABILITY DATE.—

(1) IN GENERAL.—This section takes effect on the date on which the Secretary publishes in the Federal Register a statement of findings that—

(A)(i) to the extent that the Agreement conflicts with this title, the Agreement has been revised through an amendment to eliminate the conflict; and

(ii) the Agreement, as so revised, has been executed by the Secretary, the Tribe, and the Governor of the State;

(B) the Secretary has fulfilled the requirements of sections 305 and 306;

(C) the amount made available under section 312(a) has been deposited in the White Mountain Apache Tribe Water Rights Settlement Subaccount;

(D) the State funds described in subparagraph 13.3 of the Agreement have been deposited in the White Mountain Apache Tribe Water Rights Settlement Subaccount;

(E) the Secretary has issued a record of decision approving the construction of the WMAT rural water system in a configuration substantially similar to that described in section 307;

(F) the judgments and decrees substantially in the form of those attached to the Agreement as exhibits 12.9.6.1 and 12.9.6.2 have been approved by the respective trial courts; and

(G) the waivers and releases authorized and set forth in subsection (a) have been executed by the Tribe and the Secretary.

(2) FAILURE OF ENFORCEABILITY DATE TO OCCUR.—If the Secretary does not publish a statement of findings under paragraph (1) by April 30, 2021—

(A) this title is repealed effective May 1, 2021, and any activity by the Secretary to carry out this title shall cease;

(B) any amounts made available under section 312 shall immediately revert to the general fund of the Treasury;

(C) any other amounts deposited in the White Mountain Apache Tribe Water Rights Settlement Subaccount (including any amounts paid by the State in accordance with the Agreement), together with any interest accrued on those amounts, shall immediately be returned to the respective sources of those funds; and

(D) the Tribe and its members, and the United States, acting as trustee for the Tribe and its members, shall retain the right to assert past, present, and future water rights claims and claims for injury to water rights for the reservation and off-reservation trust land.

(3) NO ADDITIONAL RIGHTS TO WATER.—Beginning on the enforceability date, all land held by the United States in trust for the Tribe and its members shall have no rights to water other than those specifically quantified for the Tribe and the United States, acting as trustee for the Tribe and its members, for the reservation and off-reservation trust land pursuant to paragraph 4.0 of the Agreement.

(e) UNITED STATES ENFORCEMENT AUTHORITY.—Nothing in this title or the Agreement affects any right of the United States to take any action, including environmental actions, under any laws (including regulations and the common law) relating to human health, safety, or the environment.

(f) NO EFFECT ON WATER RIGHTS.—Except as provided in paragraphs (1)(A)(ii), (1)(B)(ii), (3)(A)(ii), and (3)(B)(ii) of subsection (a), nothing in this title affects any rights to water of the Tribe, its members, or the United States, acting as trustee for the Tribe and its members, for land outside the boundaries of the reservation or the off-reservation trust land.

(g) ENTITLEMENTS.—Any entitlement to water of the Tribe, its members, or the United States, acting as trustee for the Tribe and its members, relating to the reservation or off-reservation trust land shall be satisfied from the water resources granted, quantified, confirmed, or recognized with respect to the Tribe, its members, and the United States by the Agreement and this title.

(h) OBJECTION PROHIBITED.—Except as provided in paragraphs (1)(A)(ix) and (2)(F) of subsection (b), the Tribe and the United States, acting as trustee for the Tribe shall not—

(1) object to the use of any well located outside the boundaries of the reservation or the off-reservation trust land in existence on the enforceability date; or

(2) object to, dispute, or challenge after the enforceability date the drilling of any well or the withdrawal and use of water from any well in the Little Colorado River adjudication proceedings, the Gila River adjudication proceedings, or any other judicial or administrative proceeding.

SEC. 310. WHITE MOUNTAIN APACHE TRIBE WATER RIGHTS SETTLEMENT SUBACCOUNT.

(a) ESTABLISHMENT.—There is established in the Lower Colorado River Basin Development Fund a subaccount to be known as the “White Mountain Apache Tribe Water Rights Settlement Subaccount”, consisting of—

(1) the amounts deposited in the subaccount pursuant to section 312(a); and

(2) such other amounts as are available, including the amounts provided in subparagraph 13.3 of the Agreement.

(b) USE OF FUNDS.—

(1) IN GENERAL.—Subject to paragraph (2), the Secretary shall use amounts from the White Mountain Apache Tribe Water Rights Settlement Subaccount for the planning, design, and construction of the WMAT rural water system, in accordance with section 307(a).

(2) REQUIREMENTS.—In carrying out the activities described in paragraph (1), the Secretary shall use such sums as are necessary from the White Mountain Apache Tribe Water Rights Settlement Subaccount—

(A) to provide the Bureau with amounts sufficient to carry out oversight of the planning, design, and construction of the WMAT rural water system;

(B) to repay to the Treasury (or the United States) any outstanding balance on the loan authorized by the White Mountain Apache Tribe Rural Water System Loan Authorization Act (Public Law 110-390; 122 Stat. 4191), after which repayment, the Tribe shall have no further liability for the balance on that loan; and

(C) to carry out all required environmental compliance activities associated with the planning, design, and construction of the WMAT rural water system.

(c) ISDEAA CONTRACT.—

(1) IN GENERAL.—If the Tribe so requests, the planning, design, and construction of the WMAT rural water system shall be carried out pursuant to the terms of an agreement or agreements entered into under section 307(h).

(2) ENFORCEMENT.—The Secretary may pursue any judicial remedies and carry out any administrative actions that are necessary to enforce an agreement described in paragraph (1) to ensure that amounts in the White Mountain Apache Tribe Water Rights Settlement Subaccount are used in accordance with this section.

(d) PROHIBITION ON PER CAPITA DISTRIBUTIONS.—No amount of the principal, or the interest or income accruing on the principal, of the White Mountain Apache Tribe Water Rights Settlement Subaccount shall be distributed to any member of the Tribe on a per capita basis.

(e) AVAILABILITY OF FUNDS.—

(1) IN GENERAL.—Amounts in the White Mountain Apache Tribe Water Rights Settlement Subaccount shall not be available for expenditure by the Secretary until the enforceability date.

(2) INVESTMENT.—The Secretary shall invest the amounts in the White Mountain Apache Tribe Water Rights Settlement Subaccount in accordance with section 403(f)(4) of the Colorado River Basin Project Act (43 U.S.C. 1543(f)(4)).

(3) USE OF INTEREST.—The interest accrued on amounts invested under paragraph (2) shall not be available for expenditure or withdrawal until the enforceability date.

SEC. 311. MISCELLANEOUS PROVISIONS.

(a) LIMITED WAIVER OF SOVEREIGN IMMUNITY.—

(1) IN GENERAL.—In the case of a civil action described in paragraph (2)—

(A) the United States or the Tribe, or both, may be joined in the civil action; and

(B) any claim by the United States or the Tribe to sovereign immunity from the civil action is waived for the sole purpose of resolving any issue regarding the interpretation or enforcement of this title or the Agreement.

(2) DESCRIPTION OF CIVIL ACTION.—A civil action referred to in paragraph (1) is a civil action filed—

(A) by any party to the Agreement or signatory to an exhibit to the Agreement in a United States or State court that—

(i) relates solely and directly to the interpretation or enforcement of this title or the Agreement; and

(ii) names as a party the United States or the Tribe; or

(B) by a landowner or water user in the Gila River basin or Little Colorado River basin in the State that—

(i) relates solely and directly to the interpretation or enforcement of section 309 of this title and paragraph 12.0 of the Agreement; and

(ii) names as a party the United States or the Tribe.

(b) EFFECT OF TITLE.—Nothing in this title quantifies or otherwise affects any water right or claim or entitlement to water of any Indian tribe, band, or community other than the Tribe.

(c) LIMITATION ON LIABILITY OF UNITED STATES.—

(1) IN GENERAL.—The United States shall have no trust or other obligation—

(A) to monitor, administer, or account for, in any manner, any amount paid to the Tribe by any party to the Agreement other than the United States; or

(B) to review or approve the expenditure of those funds.

(2) INDEMNIFICATION.—The Tribe shall indemnify the United States, and hold the United States harmless, with respect to any claim (including claims for takings or breach of trust) arising out of the receipt or expenditure of funds described in paragraph (1)(A).

(d) APPLICABILITY OF RECLAMATION REFORM ACT.—The Reclamation Reform Act of 1982 (43 U.S.C. 390aa et seq.) and any other acreage limitation or full-cost pricing provision under Federal law shall not apply to any individual, entity, or land solely on the basis of—

(1) receipt of any benefit under this title;

(2) the execution or performance of the Agreement; or

(3) the use, storage, delivery, lease, or exchange of CAP water.

(e) SECRETARIAL POWER SITES.—The portions of the following named secretarial power site reserves that are located on the Fort Apache Indian Reservation or the San Carlos Apache Reservation, as applicable, shall be transferred and restored into the name of the Tribe or the San Carlos Apache Tribe, respectively:

(1) Lower Black River (T. 3 N., R. 26 E.; T. 3 N., R. 27 E.).

(2) Black River Pumps (T. 2 N., R. 25 E.; T. 2 N., R. 26 E.; T. 3 N., R. 26 E.).

(3) Carrizo (T. 4 N., R. 20 E.; T. 4 N., R. 21 E.; T. 4½ N., R. 19 E.; T. 4½ N., R. 20 E.; T. 4½ N., R. 21 E.; T. 5 N., R. 19 E.).

(4) Knob (T. 5 N., R. 18 E.; T. 5 N., R. 19 E.).

(5) Walnut Canyon (T. 5 N., R. 17 E.; T. 5 N., R. 18 E.).

(6) Gleason Flat (T. 4½ N., R. 16 E.; T. 5 N., R. 16 E.).

(f) NO EFFECT ON FUTURE ALLOCATIONS.—Water received under a lease or exchange of tribal CAP water under this title shall not affect any future allocation or reallocation of CAP water by the Secretary.

(g) AFTER-ACQUIRED TRUST LAND.—

(1) REQUIREMENT OF ACT OF CONGRESS.—

(A) LEGAL TITLE.—Subject to subparagraph (B), after the enforceability date, if the Tribe seeks to have legal title to additional land in the State located outside the exterior boundaries of the reservation taken into trust by the United States for the benefit of the Tribe, the Tribe may do so only pursuant to an Act of Congress specifically authorizing the transfer for the benefit of the Tribe.

(B) EXCEPTIONS.—Subparagraph (A) shall not apply to—

(i) the restoration of land to the reservation subsequently and finally determined to be part of the reservation through resolution of any dispute between the Tribe and the United States over the location of the reservation boundary, unless required by Federal law; or

(ii) off-reservation trust land acquired prior to January 1, 2008.

(2) WATER RIGHTS.—

(A) IN GENERAL.—After-acquired trust land that is located outside the reservation shall

not include federally reserved rights to surface water or groundwater.

(B) **RESTORED LAND.**—Land that is restored to the reservation as the result of the resolution of any reservation boundary dispute between the Tribe and the United States, or any fee simple land within the reservation that is placed into trust, shall have water rights pursuant to section 308(b).

(3) **ACCEPTANCE OF LAND IN TRUST STATUS.**—

(A) **IN GENERAL.**—If the Tribe acquires legal fee title to land that is located within the exterior boundaries of the reservation, the Secretary shall accept the land in trust status for the benefit of the Tribe in accordance with applicable Federal law (including regulations) for such real estate acquisitions.

(B) **RESERVATION STATUS.**—Land held in trust by the Secretary under subparagraph (A), or restored to the reservation as a result of resolution of a boundary dispute between the Tribe and the United States, shall be deemed to be part of the reservation.

(h) **CONFORMING AMENDMENT.**—Section 3(b)(2) of the White Mountain Apache Tribe Rural Water System Loan Authorization Act (Public Law 110-390; 122 Stat. 4191) is amended by striking “January 1, 2013” and inserting “May 1, 2021”.

SEC. 312. FUNDING.

(a) **RURAL WATER SYSTEM.**—

(1) **MANDATORY APPROPRIATIONS.**—Subject to paragraph (2), out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary to carry out the planning, engineering, design, environmental compliance, and construction of the WMAT rural water system \$126,193,000.

(2) **INCLUSIONS.**—The amount made available under paragraph (1) shall include such sums as are necessary, but not to exceed 4 percent of the construction contract costs, for the Bureau to carry out oversight of activities for planning, design, environmental compliance, and construction of the rural water system.

(b) **WMAT SETTLEMENT AND MAINTENANCE FUNDS.**—

(1) **DEFINITION OF FUNDS.**—In this subsection, the term “Funds” means—

(A) the WMAT Settlement Fund established by paragraph (2)(A); and

(B) the WMAT Maintenance Fund established by paragraph (3)(A).

(2) **WMAT SETTLEMENT FUND.**—

(A) **ESTABLISHMENT.**—There is established in the Treasury of the United States a fund to be known as the “WMAT Settlement Fund”, to be administered by the Secretary, consisting of the amounts deposited in the fund under subparagraph (B), together with any interest accrued on those amounts, for use by the Tribe in accordance with subparagraph (C).

(B) **TRANSFERS TO FUND.**—

(i) **IN GENERAL.**—There are authorized to be appropriated to the Secretary for deposit in the WMAT Settlement Fund—

(I) \$78,500,000; and

(II) any additional amounts described in clause (ii), if applicable.

(ii) **AUTHORIZATION OF ADDITIONAL AMOUNTS.**—In accordance with subsection (e)(4)(B), if the WMAT rural water system is conveyed to the Tribe before the date on which the \$35,000,000 described in subsection (e)(2) is completely made available, there is authorized to be appropriated to the Secretary, for deposit in the WMAT Settlement Fund, any remaining amounts that would otherwise have been made available for expenditure from the Cost Overrun Subaccount.

(C) **USE OF FUNDS.**—

(i) **IN GENERAL.**—The Tribe shall use amounts in the WMAT Settlement Fund for any of the following purposes:

(I) Fish production, including hatcheries.

(II) Rehabilitation of recreational lakes and existing irrigation systems.

(III) Water-related economic development projects.

(IV) Protection, restoration, and economic development of forest and watershed health.

(ii) **EXISTING IRRIGATION SYSTEMS.**—Of the amounts deposited in the Fund under subparagraph (B), not less than \$4,950,000 shall be used for the rehabilitation of existing irrigation systems.

(3) **WMAT MAINTENANCE FUND.**—

(A) **ESTABLISHMENT.**—There is established in the Treasury of the United States a fund to be known as the “WMAT Maintenance Fund”, to be administered by the Secretary, consisting of the amounts deposited in the fund under subparagraph (B), together with any interest accrued on those amounts, for use by the Tribe in accordance with subparagraph (C).

(B) **MANDATORY APPROPRIATIONS.**—Out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary \$50,000,000 for deposit in the WMAT Maintenance Fund.

(C) **USE OF FUNDS.**—The Tribe shall use amounts in the WMAT Maintenance Fund only for the operation, maintenance, and replacement costs associated with the delivery of water through the WMAT rural water system.

(4) **ADMINISTRATION.**—The Secretary shall manage the Funds in accordance with the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001 et seq.), including by investing amounts in the Funds in accordance with—

(A) the Act of April 1, 1880 (25 U.S.C. 161); and

(B) the first section of the Act of June 24, 1938 (25 U.S.C. 162a).

(5) **AVAILABILITY OF AMOUNTS FROM FUNDS.**—Amounts in the Funds shall be available for expenditure or withdrawal only after the enforceability date and in accordance with subsection (f).

(6) **EXPENDITURE AND WITHDRAWAL.**—

(A) **TRIBAL MANAGEMENT PLAN.**—

(i) **IN GENERAL.**—The Tribe may withdraw all or part of the amounts in the Funds on approval by the Secretary of a tribal management plan, as described in the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001 et seq.).

(ii) **REQUIREMENTS.**—In addition to the requirements under the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001 et seq.), a tribal management plan under this subparagraph shall require the Tribe to use any amounts withdrawn from the Funds in accordance with paragraph (2)(C) or (3)(C), as applicable.

(iii) **ENFORCEMENT.**—The Secretary may take judicial or administrative action to enforce the provisions of a tribal management plan described in clause (i) to ensure that any amounts withdrawn from the Funds under the tribal management plan are used in accordance with this title and the Agreement.

(iv) **LIABILITY.**—If the Tribe exercises the right to withdraw amounts from the Funds, neither the Secretary nor the Secretary of the Treasury shall retain any liability for the expenditure or investment of the amounts.

(B) **EXPENDITURE PLAN.**—

(i) **IN GENERAL.**—The Tribe shall submit to the Secretary for approval an expenditure

plan for any portion of the amounts in the Funds that the Tribe does not withdraw under the tribal management plan.

(ii) **DESCRIPTION.**—The expenditure plan shall describe the manner in which, and the purposes for which, amounts remaining in the Funds will be used.

(iii) **APPROVAL.**—On receipt of an expenditure plan under clause (i), the Secretary shall approve the plan, if the Secretary determines that the plan is reasonable and consistent with this title and the Agreement.

(iv) **ANNUAL REPORT.**—For each of the Funds, the Tribe shall submit to the Secretary an annual report that describes all expenditures from the Fund during the year covered by the report.

(C) **CERTAIN PER CAPITA DISTRIBUTIONS PROHIBITED.**—No amount in the Funds shall be distributed to any member of the Tribe on a per capita basis.

(c) **COST INDEXING.**—All amounts made available under subsections (a), (b), and (e) shall be adjusted as necessary to reflect the changes since October 1, 2007, in the construction cost indices applicable to the types of construction involved in the construction of the WMAT rural water supply system, the maintenance of the rural water supply system, and the construction or rehabilitation of the other development projects described in subsection (b)(2)(C).

(d) **OPERATION, MAINTENANCE, AND REPLACEMENT.**—Out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary \$2,500,000 for the operation, maintenance, and replacement costs of the WMAT rural water system, to remain available until the conditions described in section 307(f) have been met.

(e) **COST OVERRUN SUBACCOUNT.**—

(1) **ESTABLISHMENT.**—There is established in the Lower Colorado River Basin Development Fund a subaccount to be known as the “WMAT Cost Overrun Subaccount”, to be administered by the Secretary, consisting of the amounts deposited in the subaccount under paragraph (2), together with any interest accrued on those amounts, for use by the Secretary in accordance with paragraph (4).

(2) **MANDATORY APPROPRIATIONS; AUTHORIZATION OF APPROPRIATIONS.**—

(A) **MANDATORY APPROPRIATIONS.**—Out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary \$24,000,000 for deposit in the WMAT Cost Overrun Subaccount.

(B) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated for deposit in the WMAT Cost Overrun Subaccount \$11,000,000.

(3) **AVAILABILITY OF FUNDS.**—

(A) **IN GENERAL.**—Amounts in the WMAT Cost Overrun Subaccount shall not be available for expenditure by the Secretary until the enforceability date.

(B) **INVESTMENT.**—The Secretary shall invest the amounts in the WMAT Cost Overrun Subaccount in accordance with section 403(f)(4) of the Colorado River Basin Project Act (43 U.S.C. 1543(f)(4)).

(C) **USE OF INTEREST.**—The interest accrued on the amounts invested under subparagraph (B) shall not be available for expenditure or withdrawal until the enforceability date.

(4) **USE OF COST OVERRUN SUBACCOUNT.**—

(A) **INITIAL USE.**—The Secretary shall use the amounts in the WMAT Cost Overrun Subaccount to complete the WMAT rural water system or to carry out activities relating to the operation, maintenance, or replacement of facilities of the WMAT rural

water system, as applicable, if the Secretary determines that the amounts made available under subsections (a) and (d) will be insufficient in the period before title to the WMAT rural water system is conveyed to the Tribe—

(i) to complete the WMAT rural water system; or

(ii) to operate and maintain the WMAT rural water system.

(B) **TRANSFER OF FUNDS.**—All unobligated amounts remaining in the Cost Overrun Sub-account on the date on which title to the WMAT rural water system is conveyed to the Tribe shall be—

(i) returned to the general fund of the Treasury; and

(ii) on an appropriation pursuant to subsection (b)(2)(B)(ii), deposited in the WMAT Settlement Fund and made available to the Tribe for use in accordance with subsection (b)(2)(C).

(f) **CONDITIONS.**—The amounts made available to the Secretary for deposit in the WMAT Maintenance Fund, together with any interest accrued on those amounts under subsection (b)(3) and any interest accruing on the WMAT Settlement Fund under subsection (b)(2), shall not be available for expenditure or withdrawal until the WMAT rural water system is transferred to the Tribe under section 307(d)(2).

(g) **RECEIPT AND ACCEPTANCE.**—The Secretary shall be entitled to receive, shall accept, and shall use to carry out this title the funds transferred under subsections (a), (b), (d), and (e), without further appropriation, to remain available until expended.

SEC. 313. ANTIDEFICIENCY.

The United States shall not be liable for failure to carry out any obligation or activity authorized to be carried out under this title (including any such obligation or activity under the Agreement) if adequate appropriations are not provided by Congress expressly to carry out the purposes of this title.

SEC. 314. COMPLIANCE WITH ENVIRONMENTAL LAWS.

In implementing the Agreement and carrying out this title, the Secretary shall promptly comply with all applicable requirements of—

(1) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

(2) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

(3) all other applicable Federal environmental laws; and

(4) all regulations promulgated under the laws described in paragraphs (1) through (3).

TITLE IV—CROW TRIBE WATER RIGHTS SETTLEMENT

SEC. 401. SHORT TITLE.

This title may be cited as the “Crow Tribe Water Rights Settlement Act of 2010”.

SEC. 402. PURPOSES.

The purposes of this title are—

(1) to achieve a fair, equitable, and final settlement of claims to water rights in the State of Montana for—

(A) the Crow Tribe; and

(B) the United States for the benefit of the Tribe and allottees;

(2) to authorize, ratify, and confirm the Crow Tribe-Montana Water Rights Compact entered into by the Tribe and the State of Montana on June 22, 1999;

(3) to authorize and direct the Secretary of the Interior—

(A) to execute the Crow Tribe-Montana Water Rights Compact; and

(B) to take any other action necessary to carry out the Compact in accordance with this title; and

(4) to ensure the availability of funds necessary for the implementation of the Compact and this title.

SEC. 403. DEFINITIONS.

In this title:

(1) **ALLOTTEE.**—The term “allottee” means any individual who holds a beneficial real property interest in an allotment of Indian land that is—

(A) located within the Reservation or the ceded strip; and

(B) held in trust by the United States.

(2) **CEDED STRIP.**—The term “ceded strip” means the area identified as the ceded strip on the map included in appendix 5 of the Compact.

(3) **CIP OM&R.**—The term “CIP OM&R” means—

(A) any recurring or ongoing activity associated with the day-to-day operation of the Crow Irrigation Project;

(B) any activity relating to scheduled or unscheduled maintenance of the Crow Irrigation Project; and

(C) any activity relating to replacement of a feature of the Crow Irrigation Project.

(4) **COMPACT.**—The term “Compact” means the water rights compact between the Tribe and the State of Montana contained in section 85-20-901 of the Montana Code Annotated (2009) (including any exhibit, part, or amendment to the Compact).

(5) **CROW IRRIGATION PROJECT.**—

(A) **IN GENERAL.**—The term “Crow Irrigation Project” means the irrigation project—

(i) authorized by section 31 of the Act of March 3, 1891 (26 Stat. 1040);

(ii) managed by the Secretary (acting through the Bureau of Indian Affairs); and

(iii) consisting of the project units of—

(I) Agency;

(II) Bighorn;

(III) Forty Mile;

(IV) Lodge Grass #1;

(V) Lodge Grass #2;

(VI) Pryor;

(VII) Reno;

(VIII) Soap Creek; and

(IX) Upper Little Horn.

(B) **INCLUSION.**—The term “Crow Irrigation Project” includes land held in trust by the United States for the Tribe and the allottees in the Bozeman Trail and Two Leggings irrigation districts.

(6) **ENFORCEABILITY DATE.**—The term “enforceability date” means the date on which the Secretary publishes in the Federal Register the statement of findings described in section 410(e).

(7) **FINAL.**—The term “final” with reference to approval of the decree described in section 410(e)(1)(A), means—

(A) completion of any direct appeal to the Montana Supreme Court of a decree by the Montana Water Court pursuant to section 85-2-235 of the Montana Code Annotated (2009), including the expiration of time for filing of any such appeal; or

(B) completion of any appeal to the appropriate United States Court of Appeals, including the expiration of time in which a petition for certiorari may be filed in the United States Supreme Court, denial of such petition, or issuance of a final judgment of the United States Supreme Court, whichever occurs last.

(8) **FUND.**—The term “Fund” means the Crow Settlement Fund established by section 411.

(9) **INDIAN TRIBE.**—The term “Indian tribe” has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(10) **JOINT STIPULATION OF SETTLEMENT.**—The term “joint stipulation of settlement” means the joint stipulation of settlement relating to the civil action styled *Crow Tribe of Indians v. Norton*, No. 02-284 (D.D.C. 2006).

(11) **MR&I SYSTEM.**—

(A) **IN GENERAL.**—The term “MR&I System” means the municipal, rural, and industrial water system of the Reservation, generally described in the document entitled “Crow Indian Reservation Municipal, Rural and Industrial Water System Engineering Report” prepared by DOWL HKM, and dated July 2008 and updated in a status report prepared by DOWL HKM dated December 2009.

(B) **INCLUSIONS.**—The term “MR&I System” includes—

(i) the raw water intake, water treatment plant, pipelines, storage tanks, pumping stations, pressure-reducing valves, electrical transmission facilities, and other items (including real property and easements necessary to deliver potable water to the Reservation) appurtenant to the system described in subparagraph (A); and

(ii) in descending order of construction priority—

(I) the Bighorn River Valley Subsystem;

(II) the Little Bighorn River Valley Subsystem; and

(III) Pryor Extension.

(12) **MR&I SYSTEM OM&R.**—The term “MR&I System OM&R” means—

(A) any recurring or ongoing activity associated with the day-to-day operation of the MR&I System;

(B) any activity relating to scheduled or unscheduled maintenance of the MR&I System; and

(C) any activity relating to replacement of project features of the MR&I System.

(13) **RESERVATION.**—The term “Reservation” means the area identified as the Reservation on the map in appendix 4 of the Compact.

(14) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

(15) **TRIBAL COMPACT ADMINISTRATION.**—The term “Tribal Compact Administration” means any activity relating to—

(A) the development or enactment by the Tribe of the tribal water code;

(B) establishment by the Tribe of a water resources department; and

(C) the operation by the Tribe of that water resources department (or a successor agency) during the 10-year period beginning on the date of establishment of the department.

(16) **TRIBAL WATER CODE.**—The term “tribal water code” means a water code adopted by the Tribe in accordance with section 407(f).

(17) **TRIBAL WATER RIGHTS.**—The term “tribal water rights” means—

(A) the water rights of the Tribe described in article III of the Compact; and

(B) the water rights provided to the Tribe under section 408.

(18) **TRIBE.**—The term “Tribe” means the Crow Tribe of Indians of the State of Montana on behalf of itself and its members (but not its members in their capacities as allottees).

SEC. 404. RATIFICATION OF COMPACT.

(a) **RATIFICATION OF COMPACT.**—

(1) **IN GENERAL.**—Except as modified by this title, and to the extent the Compact does not conflict with this title, the Compact is authorized, ratified, and confirmed.

(2) **AMENDMENTS TO COMPACT.**—If amendments are executed to make the Compact consistent with this title, those amendments are also authorized, ratified, and confirmed

to the extent such amendments are consistent with this title.

(b) EXECUTION OF COMPACT.—

(1) IN GENERAL.—To the extent that the Compact does not conflict with this title, the Secretary is directed to and shall promptly execute the Compact, including all exhibits to or parts of the Compact requiring the signature of the Secretary.

(2) MODIFICATIONS.—Nothing in this title precludes the Secretary from approving modifications to appendices or exhibits to the Compact not inconsistent with this title, to the extent such modifications do not otherwise require Congressional approval pursuant to section 2116 of the Revised Statutes (25 U.S.C. 177) or other applicable Federal law.

(c) ENVIRONMENTAL COMPLIANCE.—

(1) IN GENERAL.—In implementing the Compact, the Secretary shall promptly comply with all applicable aspects of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), and all other applicable environmental Acts and regulations.

(2) EXECUTION OF THE COMPACT.—

(A) IN GENERAL.—Execution of the Compact by the Secretary under this section shall not constitute a major Federal action under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(B) COMPLIANCE.—The Secretary shall carry out all Federal compliance activities necessary to implement the Compact.

SEC. 405. REHABILITATION AND IMPROVEMENT OF CROW IRRIGATION PROJECT.

(a) IN GENERAL.—Notwithstanding any other provision of law, and without altering applicable law (including regulations) under which the Bureau of Indian Affairs collects assessments and carries out CIP OM&R, other than the rehabilitation and improvement carried out under this section, the Secretary, acting through the Commissioner of Reclamation, shall carry out such activities as are necessary to rehabilitate and improve the water diversion and delivery features of the Crow Irrigation Project, in accordance with an agreement to be negotiated between the Secretary and the Tribe.

(b) LEAD AGENCY.—The Bureau of Reclamation shall serve as the lead agency with respect to any activity to rehabilitate or improve the water diversion or delivery features of the Crow Irrigation Project.

(c) SCOPE.—

(1) IN GENERAL.—The scope of the rehabilitation and improvement under this section shall be as generally described in the document entitled “Engineering Evaluation of Existing Conditions, Crow Agency Rehabilitation Study” prepared by DOWL HKM, and dated August 2007 and updated in a status report dated December 2009 by DOWL HKM, on the condition that prior to beginning construction activities, the Secretary shall review the design of the proposed rehabilitation or improvement and perform value engineering analyses.

(2) NEGOTIATION WITH TRIBE.—On the basis of the review described in paragraph (1), the Secretary shall negotiate with the Tribe appropriate changes to the final design so that the final design meets applicable industry standards, as well as changes, if any, that would improve the cost-effectiveness of the delivery of irrigation water and take into consideration the equitable distribution of water to allottees.

(d) NONREIMBURSABILITY OF COSTS.—All costs incurred by the Secretary in carrying out this section shall be nonreimbursable.

(e) FUNDING.—The total amount of obligations incurred by the Secretary in carrying

out this section shall not exceed \$131,843,000, except that the total amount of \$131,843,000 shall be increased or decreased, as appropriate, based on ordinary fluctuations from May 1, 2008, in construction cost indices applicable to the types of construction involved in the rehabilitation and improvement.

(f) TRIBAL IMPLEMENTATION AGREEMENT.—

(1) IN GENERAL.—At the request of the Tribe, in accordance with applicable Federal law, the Secretary shall enter into 1 or more agreements with the Tribe to implement the provisions of this section by which the Tribe shall plan, design, and construct any or all of the rehabilitation and improvement required by this section.

(2) OVERSIGHT COSTS.—The Bureau of Reclamation and the Tribe shall negotiate the cost of any oversight activities carried out by the Bureau of Reclamation for each agreement under this section, provided that the total cost for that oversight shall not exceed 4 percent of the total project costs.

(g) ACQUISITION OF LAND.—

(1) TRIBAL EASEMENTS AND RIGHTS-OF-WAY.—

(A) IN GENERAL.—Upon request, and in partial consideration for the funding provided under section 414(a), the Tribe shall consent to the grant of such easements and rights-of-way over tribal land as may be necessary for the rehabilitation and improvement of the Crow Irrigation Project authorized by this section at no cost to the United States.

(B) JURISDICTION.—The Tribe shall retain criminal and civil jurisdiction over any lands that were subject to tribal jurisdiction prior to the granting of an easement or right-of-way in connection with the rehabilitation and improvement of the Crow Irrigation Project.

(2) USER EASEMENTS AND RIGHTS-OF-WAY.—In partial consideration of the rehabilitation and improvement of the Crow Irrigation Project authorized by this section and as a condition of continued service from the Crow Irrigation Project after the enforceability date, any water user of the Crow Irrigation Project shall consent to the grant of such easements and rights-of-way as may be necessary for the rehabilitation and improvements authorized under this section at no cost to the Secretary.

(3) LAND ACQUIRED BY THE UNITED STATES.—Land acquired by the United States in connection with rehabilitation and improvement of the Crow Irrigation Project authorized by this section shall be held in trust by the United States on behalf of the Tribe as part of the Reservation of the Tribe.

(h) PROJECT MANAGEMENT COMMITTEE.—The Secretary shall facilitate the formation of a project management committee composed of representatives from the Bureau of Reclamation, the Bureau of Indian Affairs, and the Tribe—

(1) to review cost factors and budgets for construction, operation, and maintenance activities relating to the Crow Irrigation Project;

(2) to improve management of inherently governmental activities through enhanced communication; and

(3) to seek additional ways to reduce overall costs for the rehabilitation and improvement of the Crow Irrigation Project.

SEC. 406. DESIGN AND CONSTRUCTION OF MR&I SYSTEM.

(a) IN GENERAL.—The Secretary, acting through the Commissioner of Reclamation, shall plan, design, and construct the water diversion and delivery features of the MR&I System, in accordance with 1 or more agreements between the Secretary and the Tribe.

(b) LEAD AGENCY.—The Bureau of Reclamation shall serve as the lead agency with respect to any activity to design and construct the water diversion and delivery features of the MR&I System.

(c) SCOPE.—

(1) IN GENERAL.—The scope of the design and construction under this section shall be as generally described in the document entitled “Crow Indian Reservation Municipal, Rural and Industrial Water System Engineering Report” prepared by DOWL HKM, and dated July 2008 and updated in a status report dated December 2009 by DOWL HKM, on the condition that prior to beginning construction activities, the Secretary shall review the design of the proposed MR&I System and perform value engineering analyses.

(2) NEGOTIATION WITH TRIBE.—On the basis of the review described in paragraph (1), the Secretary shall negotiate with the Tribe appropriate changes to the final design so that the final design meets applicable industry standards, as well as changes, if any, that would improve the cost-effectiveness of the delivery of MR&I System water and take into consideration the equitable distribution of water to allottees.

(d) NONREIMBURSABILITY OF COSTS.—All costs incurred by the Secretary in carrying out this section shall be nonreimbursable.

(e) FUNDING.—The total amount of obligations incurred by the Secretary in carrying out this section shall not exceed \$246,381,000, except that the total amount of \$246,381,000 shall be increased or decreased, as appropriate, based on ordinary fluctuations from May 1, 2008, in construction cost indices applicable to the types of construction involved in the design and construction of the MR&I System.

(f) TRIBAL IMPLEMENTATION AGREEMENT.—

(1) IN GENERAL.—At the request of the Tribe, in accordance with applicable Federal law, the Secretary shall enter into 1 or more agreements with the Tribe to implement the provisions of this section by which the Tribe shall plan, design, and construct any or all of the rehabilitation and improvement required by this section.

(2) OVERSIGHT COSTS.—The Bureau of Reclamation and the Tribe shall negotiate the cost of any oversight activities carried out by the Bureau of Reclamation for each agreement under this section, provided that the total cost for that oversight shall not exceed 4 percent of the total project costs.

(g) ACQUISITION OF LAND.—

(1) TRIBAL EASEMENTS AND RIGHTS-OF-WAY.—

(A) IN GENERAL.—Upon request, and in partial consideration for the funding provided under section 414(b), the Tribe shall consent to the grant of such easements and rights-of-way over tribal land as may be necessary for the construction of the MR&I System authorized by this section at no cost to the United States.

(B) JURISDICTION.—The Tribe shall retain criminal and civil jurisdiction over any lands that were subject to tribal jurisdiction prior to the granting of an easement or right-of-way in connection with the construction of the MR&I System.

(2) LAND ACQUIRED BY THE UNITED STATES.—Land acquired by the United States in connection with the construction of the MR&I System authorized by this section shall be held in trust by the United States on behalf of the Tribe as part of the Reservation of the Tribe.

(h) CONVEYANCE OF TITLE TO MR&I SYSTEM FACILITIES.—

(1) IN GENERAL.—The Secretary shall convey title to each MR&I System facility or

section of a MR&I System facility authorized under subsection (a) to the Tribe after completion of construction of a MR&I System facility or a section of a MR&I System facility that is operating and delivering water.

(2) **LIABILITY.**—

(A) **IN GENERAL.**—Effective on the date of the conveyance authorized by this subsection, the United States shall not be held liable by any court for damages of any kind arising out of any act, omission, or occurrence relating to the land, buildings, or facilities conveyed under this subsection, other than damages caused by acts of negligence committed by the United States, or by employees or agents of the United States, prior to the date of conveyance.

(B) **TORT CLAIMS.**—Nothing in this section increases the liability of the United States beyond the liability provided in chapter 171 of title 28, United States Code (commonly known as the “Federal Tort Claims Act”).

(3) **NOTICE OF PROPOSED CONVEYANCE.**—Not later than 45 days before the date of a proposed conveyance of title to any MR&I System facility, the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and to the Committee on Energy and Natural Resources of the Senate notice of the conveyance of each such MR&I System facility or section of a MR&I System facility.

(4) **MR&I SYSTEM OM&R OBLIGATION OF THE FEDERAL GOVERNMENT AFTER CONVEYANCE.**—The Federal Government shall have no obligation to pay for the operation, maintenance, or replacement costs of the MR&I System beginning on the date on which—

(A) title to any MR&I System facility or section of a MR&I System facility under this subsection is conveyed to the Tribe; and

(B) the amounts required to be deposited in the MR&I System OM&R Account pursuant to section 411 have been deposited in that account.

(1) **AUTHORITY OF TRIBE.**—Upon transfer of title to the MR&I System or any section of a MR&I System facility to the Tribe in accordance with subsection (h), the Tribe is authorized to collect water use charges from customers of the MR&I System to cover—

(1) MR&I System OM&R costs; and

(2) any other costs relating to the construction and operation of the MR&I System.

(j) **ALIENATION AND TAXATION.**—Conveyance of title to the Tribe pursuant to subsection (h) does not waive or alter any applicable Federal law prohibiting alienation or taxation of the MR&I System or the underlying Reservation land.

(k) **TECHNICAL ASSISTANCE.**—The Secretary shall provide technical assistance to prepare the Tribe for operation of the MR&I System, including operation and management training.

(l) **PROJECT MANAGEMENT COMMITTEE.**—The Secretary shall facilitate the formation of a project management committee composed of representatives from the Bureau of Reclamation, the Bureau of Indian Affairs, and the Tribe—

(1) to review cost factors and budgets for construction, operation and maintenance activities for the MR&I System;

(2) to improve management of inherently governmental activities through enhanced communication; and

(3) to seek additional ways to reduce overall costs for the MR&I System.

(m) **NON-FEDERAL CONTRIBUTION.**—

(1) **IN GENERAL.**—Prior to completion of the final design of the MR&I System required by

subsection (c), the Secretary shall consult with the Tribe, the State of Montana, and other affected non-Federal parties to discuss the possibility of receiving non-Federal contributions to the cost of the MR&I System.

(2) **NEGOTIATIONS.**—If, based on the extent to which non-Federal parties are expected to use the MR&I System, a non-Federal contribution to the MR&I System is determined by the parties described in paragraph (1) to be appropriate, the Secretary shall initiate negotiations for an agreement on the means by which such contributions may be provided.

SEC. 407. TRIBAL WATER RIGHTS.

(a) **INTENT OF CONGRESS.**—It is the intent of Congress to provide to each allottee benefits that are equivalent to or exceed the benefits allottees possess as of the date of enactment of this Act, taking into consideration—

(1) the potential risks, cost, and time delay associated with litigation that would be resolved by the Compact and this title;

(2) the availability of funding under this title and from other sources;

(3) the availability of water from the tribal water rights; and

(4) the applicability of section 7 of the Act of February 8, 1887 (25 U.S.C. 381) and this title to protect the interests of allottees.

(b) **CONFIRMATION OF TRIBAL WATER RIGHTS.**—

(1) **IN GENERAL.**—The tribal water rights are ratified, confirmed, and declared to be valid.

(2) **USE.**—Use of the tribal water rights shall be subject to the terms and conditions established by the Compact.

(c) **HOLDING IN TRUST.**—The tribal water rights—

(1) shall be held in trust by the United States for the use and benefit of the Tribe and the allottees in accordance with this section; and

(2) shall not be subject to forfeiture or abandonment.

(d) **ALLOTTEES.**—

(1) **APPLICABILITY OF ACT OF FEBRUARY 8, 1887.**—The provisions of section 7 of the Act of February 8, 1887 (25 U.S.C. 381), relating to the use of water for irrigation purposes shall apply to the tribal water rights.

(2) **ENTITLEMENT TO WATER.**—Any entitlement to water of an allottee under Federal law shall be satisfied from the tribal water rights.

(3) **ALLOCATIONS.**—Allottees shall be entitled to a just and equitable allocation of water for irrigation purposes.

(4) **EXHAUSTION OF REMEDIES.**—Before asserting any claim against the United States under section 7 of the Act of February 8, 1887 (25 U.S.C. 381), or any other applicable law, an allottee shall exhaust remedies available under the tribal water code or other applicable tribal law.

(5) **CLAIMS.**—Following exhaustion of remedies available under the tribal water code or other applicable tribal law, an allottee may seek relief under section 7 of the Act of February 8, 1887 (25 U.S.C. 381), or other applicable law.

(6) **AUTHORITY.**—The Secretary shall have the authority to protect the rights of allottees as specified in this section.

(e) **AUTHORITY OF TRIBE.**—

(1) **IN GENERAL.**—Except as provided in paragraph (2), the Tribe shall have authority to allocate, distribute, and lease the tribal water rights—

(A) in accordance with the Compact; and

(B) subject to approval of the Secretary of the tribal water code under subsection (f)(3)(B).

(2) **LEASES BY ALLOTTEES.**—Notwithstanding paragraph (1), an allottee may lease any interest in land held by the allottee, together with any water right determined to be appurtenant to the interest in land.

(f) **TRIBAL WATER CODE.**—

(1) **IN GENERAL.**—Notwithstanding the time period set forth in article IV(A)(2)(b) of the Compact, not later than 3 years after the date on which the Tribe ratifies the Compact as set forth in section 410(e)(1)(E), the Tribe shall enact a tribal water code, that provides for—

(A) the management, regulation, and governance of all uses of the tribal water rights in accordance with the Compact; and

(B) establishment by the Tribe of conditions, permit requirements, and other limitations relating to the storage, recovery, and use of the tribal water rights in accordance with the Compact.

(2) **INCLUSIONS.**—Subject to the approval of the Secretary, the tribal water code shall provide that—

(A) tribal allocations of water to allottees shall be satisfied with water from the tribal water rights;

(B) charges for delivery of water for irrigation purposes for allottees shall be assessed on a just and equitable basis;

(C) there is a process by which an allottee may request that the Tribe provide water for irrigation use in accordance with this title;

(D) there is a due process system for the consideration and determination by the Tribe of any request by an allottee, or any successor in interest to an allottee, for an allocation of such water for irrigation purposes on allotted land, including a process for—

(i) appeal and adjudication of any denied or disputed distribution of water; and

(ii) resolution of any contested administrative decision; and

(E) there is a requirement that any allottee with a claim relating to the enforcement of rights of the allottee under the tribal water code or relating to the amount of water allocated to land of the allottee must first exhaust remedies available to the allottee under tribal law and the tribal water code before initiating an action against the United States or petitioning the Secretary pursuant to subsection (d)(6).

(3) **ACTION BY SECRETARY.**—

(A) **IN GENERAL.**—The Secretary shall administer the tribal water rights until the tribal water code is enacted in accordance with paragraph (1) and those provisions requiring approval pursuant to paragraph (2).

(B) **APPROVAL.**—The tribal water code shall not be valid unless—

(i) the provisions of the tribal water code required by paragraph (2) are approved by the Secretary; and

(ii) each amendment to the tribal water code that affects a right of an allottee is approved by the Secretary.

(C) **APPROVAL PERIOD.**—The Secretary shall approve or disapprove the tribal water code within a reasonable period of time after the date on which the Tribe submits it to the Secretary.

(g) **EFFECT.**—Except as otherwise specifically provided in this section, nothing in this title—

(1) authorizes any action by an allottee against any individual or entity, or against the Tribe, under Federal, State, tribal, or local law; or

(2) alters or affects the status of any action pursuant to section 1491(a) of title 28, United States Code.

SEC. 408. STORAGE ALLOCATION FROM BIGHORN LAKE.

(a) STORAGE ALLOCATION TO TRIBE.—

(1) IN GENERAL.—As described in and subject to article III(A)(1)(b) of the Compact, the Secretary shall allocate to the Tribe 300,000 acre-feet per year of water stored in Bighorn Lake, Yellowtail Unit, Lower Bighorn Division, Pick Sloan Missouri Basin Program, Montana, under a water right held by the United States and managed by the Bureau of Reclamation, as measured at the outlet works of Yellowtail Dam, including—

(A) not more than 150,000 acre-feet per year of the allocation, which may be used in addition to the natural flow right described in article III(A)(1)(a) of the Compact; and

(B) 150,000 acre-feet per year of the allocation, which may be used only as supplemental water for the natural flow right described in article III(A)(1)(a) of the Compact for use in times of natural flow shortage.

(2) TREATMENT.—

(A) IN GENERAL.—The allocation under paragraph (1) shall be considered to be part of the tribal water rights.

(B) PRIORITY DATE.—The priority date of the allocation under paragraph (1) shall be the priority date of the water right held by the Bureau of Reclamation.

(C) ADMINISTRATION.—

(1) IN GENERAL.—The Tribe shall administer the water allocated under paragraph (1) in accordance with the Compact.

(2) TEMPORARY TRANSFER.—In accordance with subsection (c), the Tribe may temporarily transfer by service contract, lease, exchange, or other agreement, not more than 50,000 acre-feet of water allocated under paragraph (1)(A) off the Reservation, subject to the approval of the Secretary and the requirements of the Compact.

(b) ALLOCATION AGREEMENT.—

(1) IN GENERAL.—As a condition of receiving an allocation under this section, the Tribe shall enter into an allocation agreement with the Secretary to establish the terms and conditions of the allocation, in accordance with the terms and conditions of the Compact and this title.

(2) INCLUSIONS.—The allocation agreement under paragraph (1) shall include, among other things, a provision that—

(A) the agreement is without limit as to term;

(B) the Tribe, and not the United States, shall be entitled to all consideration due to the Tribe under any lease, contract, or agreement the Tribe may enter into pursuant to the authority in subsection (c);

(C) the United States shall have no trust obligation or other obligation to monitor, administer, or account for—

(i) any funds received by the Tribe as consideration under any lease, contract, or agreement the Tribe may enter into pursuant to the authority in subsection (c); or

(ii) the expenditure of such funds;

(D) if the facilities at Yellowtail Dam are significantly reduced or are anticipated to be significantly reduced for an extended period of time, the Tribe shall have the same storage rights as other storage contractors with respect to the allocation under this section;

(E) the costs associated with the construction of the storage facilities at Yellowtail Dam allocable to the Tribe—

(i) shall be nonreimbursable; and

(ii) shall be excluded from any repayment obligation of the Tribe;

(F) no water service capital charges shall be due or payable for any water allocated to the Tribe pursuant to this title and the allocation agreement, regardless of whether that water is delivered for use by the Tribe or is

delivered under any leases, contracts, or agreements the Tribe may enter into pursuant to the authority in subsection (c);

(G) the Tribe shall not be required to make payments to the United States for any water allocated to the Tribe pursuant to this title and the allocation agreement except for each acre-foot of stored water leased or sold for industrial purposes; and

(H) for each acre-foot of stored water leased or sold by the Tribe for industrial purposes—

(i) the Tribe shall pay annually to the United States an amount to cover the proportionate share of the annual operation, maintenance, and replacement costs for the Yellowtail Unit allocable to the amount of water for industrial purposes leased or sold by the Tribe; and

(ii) the annual payments of the Tribe shall be reviewed and adjusted, as appropriate, to reflect the actual operation, maintenance, and replacement costs for the Yellowtail Unit.

(c) TEMPORARY TRANSFER FOR USE OFF RESERVATION.—

(1) IN GENERAL.—Notwithstanding any other provision of statutory or common law and subject to paragraph (2), on approval of the Secretary and subject to the terms and conditions of the Compact, the Tribe may enter into a service contract, lease, exchange, or other agreement providing for the temporary delivery, use, or transfer of not more than 50,000 acre-feet per year of water allocated under subsection (a)(1)(A) for use off the Reservation.

(2) REQUIREMENT.—An agreement under paragraph (1) shall not permanently alienate any portion of the water allocated under subsection (a)(1)(A).

(d) REMAINING STORAGE.—

(1) IN GENERAL.—As of the date of enactment of this Act, water in Bighorn Lake shall be considered to be fully allocated and no further storage allocations shall be made by the Secretary.

(2) EFFECT OF SUBSECTION.—Nothing in this subsection prevents the Secretary from—

(A) renewing the storage contract with Pennsylvania Power and Light Company consistent with the allocation to Pennsylvania Power and Light Company in existence on the date of enactment of this Act; or

(B) entering into future agreements with either the Northern Cheyenne Tribe or the Crow Tribe facilitating either tribe's use of its respective allocation of water from Bighorn Lake.

SEC. 409. SATISFACTION OF CLAIMS.

(a) IN GENERAL.—

(1) SATISFACTION OF TRIBAL CLAIMS.—The benefits realized by the Tribe under this title shall be in complete replacement of and substitution for, and full satisfaction of, all claims of the Tribe against the United States under paragraphs (1) and (3) of section 410(a).

(2) SATISFACTION OF ALLOTTEE CLAIMS.—The benefits realized by the allottees under this title shall be in complete replacement of and substitution for, and full satisfaction of—

(A) all claims waived and released under section 410(a)(2); and

(B) any claims of the allottees against the United States that the allottees have or could have asserted that are similar in nature to those described in section 410(a)(3).

(b) SATISFACTION OF CLAIMS RELATING TO CROW IRRIGATION PROJECT.—

(1) IN GENERAL.—Subject to paragraph (3), the funds made available under subsections (a) and (f) of section 414 shall be used to satisfy any claim of the Tribe or the allottees with respect to the appropriation of funds for

the rehabilitation, expansion, improvement, repair, operation, or maintenance of the Crow Irrigation Project.

(2) SATISFACTION OF CLAIMS.—Upon complete transfer of the funds described in subsections (a) and (f) of section 414 any claim of the Tribe or the allottees with respect to the transfer of funds for the rehabilitation, expansion, improvement, repair, operation, or maintenance of the Crow Irrigation Project shall be deemed to have been satisfied.

(3) EFFECT.—Except as provided in section 405, nothing in this title affects any applicable law (including regulations) under which the United States collects irrigation assessments from—

(A) non-Indian users of the Crow Irrigation Project; and

(B) the Tribe, tribal entities and instrumentalities, tribal members, allottees, and entities owned by the Tribe, tribal members, or allottees, to the extent that annual irrigation assessments on such tribal water users exceed the amount of funds available under section 411(e)(3)(D) for costs relating to CIP OM&R.

(c) NO RECOGNITION OF WATER RIGHTS.—Notwithstanding subsection (a) and except as provided in section 407, nothing in this title recognizes or establishes any right of a member of the Tribe or an allottee to water within the Reservation or the ceded strip.

SEC. 410. WAIVERS AND RELEASES OF CLAIMS.

(a) IN GENERAL.—

(1) WAIVER AND RELEASE OF CLAIMS BY THE TRIBE AND THE UNITED STATES ACTING IN ITS CAPACITY AS TRUSTEE FOR THE TRIBE.—Subject to the retention of rights set forth in subsection (c), in return for recognition of the tribal water rights and other benefits as set forth in the Compact and this title, the Tribe, on behalf of itself and the members of the Tribe (but not tribal members in their capacities as allottees), and the United States, acting as trustee for the Tribe and the members of the Tribe (but not tribal members in their capacities as allottees), are authorized and directed to execute a waiver and release of all claims for water rights within the State of Montana that the Tribe, or the United States acting as trustee for the Tribe, asserted, or could have asserted, in any proceeding, including the State of Montana stream adjudication, prior to and including the enforceability date, except to the extent that such rights are recognized in the Compact or this title.

(2) WAIVER AND RELEASE OF CLAIMS BY THE UNITED STATES ACTING IN ITS CAPACITY AS TRUSTEE FOR ALLOTTEES.—Subject to the retention of rights set forth in subsection (c), in return for recognition of the water rights of the Tribe and other benefits as set forth in the Compact and this title, the United States, acting as trustee for allottees, is authorized and directed to execute a waiver and release of all claims for water rights within the Reservation and the ceded strip that the United States, acting as trustee for the allottees, asserted, or could have asserted, in any proceeding, including the State of Montana stream adjudication, prior to and including the enforceability date, except to the extent that such rights are recognized in the Compact or this title.

(3) WAIVER AND RELEASE OF CLAIMS BY THE TRIBE AGAINST THE UNITED STATES.—Subject to the retention of rights set forth in subsection (c), the Tribe, on behalf of itself and the members of the Tribe (but not Tribal members in their capacities as allottees), is authorized to execute a waiver and release of—

(A) all claims against the United States, including the agencies and employees of the

United States, relating to claims for water rights within the State of Montana that the United States, acting as trustee for the Tribe, asserted, or could have asserted, in any proceeding, including the State of Montana stream adjudication, except to the extent that such rights are recognized as tribal water rights in this title, including all claims relating in any manner to the claims reserved against the United States or agencies or employees of the United States in section 4(e) of the joint stipulation of settlement;

(B) all claims against the United States, including the agencies and employees of the United States, relating to damages, losses, or injuries to water, water rights, land, or natural resources due to loss of water or water rights (including damages, losses, or injuries to hunting, fishing, gathering, or cultural rights due to loss of water or water rights, claims relating to interference with, diversion or taking of water, or claims relating to failure to protect, acquire, replace, or develop water, water rights, or water infrastructure) within the State of Montana that first accrued at any time prior to and including the enforceability date, including all claims relating to the failure to establish or provide a municipal rural or industrial water delivery system on the Reservation and all claims relating to the failure to provide for, operate, or maintain the Crow Irrigation Project, or any other irrigation system or irrigation project on the Reservation;

(C) all claims against the United States, including the agencies and employees of the United States, relating to the pending litigation of claims relating to the water rights of the Tribe in the State of Montana;

(D) all claims against the United States, including the agencies and employees of the United States, relating to the negotiation, execution, or the adoption of the Compact (including exhibits) or this title;

(E) subject to the retention of rights set forth in subsection (c), all claims for monetary damages against the United States that first accrued at any time prior to and including the enforceability date with respect to—

(i) the failure to recognize or enforce the claim of the Tribe of title to land created by the movement of the Bighorn River; and

(ii) the failure to make productive use of that land created by the movement of the Bighorn River to which the Tribe has claimed title;

(F) all claims against the United States that first accrued at any time prior to and including the enforceability date arising from the taking or acquisition of the land of the Tribe or resources for the construction of the Yellowtail Dam;

(G) all claims against the United States that first accrued at any time prior to and including the enforceability date relating to the construction and operation of Yellowtail Dam and the management of Bighorn Lake; and

(H) all claims that first accrued at any time prior to and including the enforceability date relating to the generation, or the lack thereof, of power from Yellowtail Dam.

(b) **EFFECTIVENESS OF WAIVERS AND RELEASES.**—The waivers under subsection (a) shall take effect on the enforceability date.

(c) **RESERVATION OF RIGHTS AND RETENTION OF CLAIMS.**—Notwithstanding the waivers and releases authorized in this title, the Tribe on behalf of itself and the members of the Tribe and the United States, acting as trustee for the Tribe and allottees, retain—

(1) all claims for enforcement of the Compact, any final decree, or this title;

(2) all rights to use and protect water rights acquired after the date of enactment of this Act;

(3) all claims relating to activities affecting the quality of water, including any claims the Tribe may have under—

(A) the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.), including for damages to natural resources;

(B) the Safe Drinking Water Act (42 U.S.C. 300f et seq.);

(C) the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.); and

(D) any regulations implementing the Acts described in subparagraphs (A) through (C);

(4) all claims relating to damages, losses, or injuries to land or natural resources not due to loss of water or water rights (including hunting, fishing, gathering, or cultural rights);

(5) all rights, remedies, privileges, immunities, and powers not specifically waived and released pursuant to this title or article VII(E) of the Compact;

(6) all claims against any person or entity other than the United States, including claims for monetary damages, with respect to—

(A) the claim of the Tribe of title to land created by the movement of the Bighorn River; and

(B) the productive use of that land created by the movement of the Bighorn River to which the Tribe has claimed title; and

(7) all claims that first accrued after the enforceability date with respect to claims otherwise waived in accordance with subparagraphs (B) and (E) through (H) of subsection (a)(3).

(d) **EFFECT OF COMPACT AND TITLE.**—Nothing in the Compact or this title—

(1) affects the ability of the United States, acting as sovereign, to take actions authorized by law, including any laws relating to health, safety, or the environment, including—

(A) the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.);

(B) the Safe Drinking Water Act (42 U.S.C. 300f et seq.);

(C) the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.); and

(D) any regulations implementing the Acts described in subparagraphs (A) through (C);

(2) affects the ability of the United States to take actions acting as trustee for any other Indian tribe or allottee of any other Indian tribe;

(3) confers jurisdiction on any State court—

(A) to interpret Federal law regarding health, safety, or the environment;

(B) to determine the duties of the United States or other parties pursuant to Federal law regarding health, safety, or the environment; or

(C) to conduct judicial review of Federal agency action;

(4) waives any claim of a member of the Tribe in an individual capacity that does not derive from a right of the Tribe; or

(5) revives any claims waived by the Tribe in the joint stipulation of settlement.

(e) **ENFORCEABILITY DATE.**—

(1) **IN GENERAL.**—The enforceability date shall be the date on which the Secretary publishes in the Federal Register a statement of findings that—

(A)(i) the Montana Water Court has issued a final judgment and decree approving the Compact; or

(ii) if the Montana Water Court is found to lack jurisdiction, the district court of juris-

diction has approved the Compact as a consent decree and such approval is final;

(B) all of the funds made available under subsections (c) through (f) of section 414 have been deposited in the Fund;

(C) the Secretary has executed the agreements with the Tribe required by sections 405(a) and 406(a);

(D) the State of Montana has appropriated and paid into an interest-bearing escrow account any payments due as of the date of enactment of this Act to the Tribe under the Compact;

(E)(i) the Tribe has ratified the Compact by submitting this title and the Compact to a vote by the tribal membership for approval or disapproval; and

(ii) the Tribal membership has voted to approve this title and the Compact by a majority of votes cast on the day of the vote, as certified by the Secretary and the Tribe;

(F) the Secretary has fulfilled the requirements of section 408(a); and

(G) the waivers and releases authorized and set forth in subsection (a) have been executed by the Tribe and the Secretary.

(f) **TOLLING OF CLAIMS.**—

(1) **IN GENERAL.**—Each applicable period of limitation and time-based equitable defense relating to a claim described in this section shall be tolled for the period beginning on the date of enactment of this Act and ending on the date on which the amounts made available to carry out this title are transferred to the Secretary.

(2) **EFFECT OF SUBSECTION.**—Nothing in this subsection revives any claim or tolls any period of limitation or time-based equitable defense that expired before the date of enactment of this Act.

(g) **EXPIRATION AND TOLLING.**—In the event that all appropriations authorized by this Act have not been made available to the Secretary by June 30, 2030—

(1) the waivers authorized in this section shall expire and be of no further force or effect; and

(2) all statutes of limitations applicable to any claim otherwise waived shall be tolled until June 30, 2030.

(h) **VOIDING OF WAIVERS.**—If the waivers pursuant to this section are void under subsection (g)—

(1) the United States' approval of the Compact under section 404 shall no longer be effective;

(2) any unexpended Federal funds appropriated or made available to carry out the activities authorized in this Act, together with any interest earned on those funds, and any water rights or contracts to use water and title to other property acquired or constructed with Federal funds appropriated or made available to carry out the activities authorized in this Act shall be returned to the Federal Government, unless otherwise agreed to by the Tribe and the United States and approved by Congress; and

(3) except for Federal funds used to acquire or develop property that is returned to the Federal Government under paragraph (2), the United States shall be entitled to set off any Federal funds appropriated or made available to carry out the activities authorized in this Act that were expended or withdrawn, together with any interest accrued, against any claims against the United States relating to water rights in the State of Montana asserted by the Tribe or in any future settlement of the water rights of the Crow Tribe.

SEC. 411. CROW SETTLEMENT FUND.

(a) **ESTABLISHMENT.**—There is established in the Treasury of the United States a fund to be known as “the Crow Settlement Fund”,

to be administered by the Secretary for the purpose of carrying out this title.

(b) **TRANSFERS TO FUND.**—The Fund shall consist of such amounts as are deposited in the Fund under subsections (c) through (h) of section 414.

(c) **ACCOUNTS OF CROW SETTLEMENT FUND.**—The Secretary shall establish in the Fund the following accounts:

(1) The Tribal Compact Administration account, consisting of amounts made available pursuant to section 414(c).

(2) The Energy Development Projects account, consisting of amounts made available pursuant to section 414(d).

(3) The MR&I System OM&R Account, consisting of amounts made available pursuant to section 414(e).

(4) The CIP OM&R Account, consisting of amounts made available pursuant to section 414(f).

(d) **DEPOSITS TO CROW SETTLEMENT FUND.**—

(1) **IN GENERAL.**—The Secretary of the Treasury shall promptly deposit in the Fund any amounts appropriated for that purpose.

(2) **PRIORITY OF DEPOSITS TO ACCOUNTS.**—Of the amounts appropriated for deposit in the Fund, the Secretary of the Treasury shall deposit amounts in the accounts listed in subsection (c)—

(A) in full; and

(B) in the order listed in subsection (c).

(e) **MANAGEMENT.**—

(1) **IN GENERAL.**—The Secretary shall manage the Fund, make investments from the Fund, and make amounts available from the Fund for distribution to the Tribe consistent with the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001 et seq.).

(2) **INVESTMENT OF CROW SETTLEMENT FUND.**—Beginning on the enforceability date, the Secretary shall invest amounts in the Fund in accordance with—

(A) the Act of April 1, 1880 (25 U.S.C. 161);

(B) the first section of the Act of June 24, 1938 (25 U.S.C. 162a); and

(C) the obligations of Federal corporations and Federal Government-sponsored entities, the charter documents of which provide that the obligations of the entities are lawful investments for federally managed funds, including—

(i) the obligations of the United States Postal Service described in section 2005 of title 39, United States Code;

(ii) bonds and other obligations of the Tennessee Valley Authority described in section 153 of the Tennessee Valley Authority Act of 1933 (16 U.S.C. 831n-4);

(iii) mortgages, obligations, and other securities of the Federal Home Loan Mortgage Corporation described in section 303 of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1452); and

(iv) bonds, notes, and debentures of the Commodity Credit Corporation described in section 4 of the Act of March 8, 1938 (15 U.S.C. 713a-4).

(3) **DISTRIBUTIONS FROM CROW SETTLEMENT FUND.**—

(A) **IN GENERAL.**—Amounts from the Fund shall be used for each purpose described in subparagraphs (B) through (E).

(B) **TRIBAL COMPACT ADMINISTRATION ACCOUNT.**—The Tribal Compact Administration account shall be used for expenditures by the Tribe for Tribal Compact Administration.

(C) **ENERGY DEVELOPMENT PROJECTS ACCOUNT.**—The Energy Development Projects account shall be used for expenditures by the Tribe for the following types of energy development on the Reservation, the ceded strip, and land owned by the Tribe:

(i) Development and marketing of power generation on the Yellowtail Afterbay Dam authorized in section 412(b).

(ii) Development of clean coal conversion projects.

(iii) Renewable energy projects other than the project described in clause (i).

(D) **CIP OM&R ACCOUNT.**—

(i) **IN GENERAL.**—Amounts in the CIP OM&R Account shall be used for CIP OM&R costs.

(ii) **REDUCTION OF COSTS TO TRIBAL WATER USERS.**—

(I) **IN GENERAL.**—Subject to subclause (II), the funds described in clause (i) shall be used to reduce the CIP OM&R costs to all tribal water users on a proportional basis for a given year.

(II) **LIMITATION ON USE OF FUNDS.**—Funds in the CIP OM&R Account shall be used to pay irrigation assessments only for the Tribe, tribal entities and instrumentalities, tribal members, allottees, and entities owned by the Tribe, tribal members, or allottees.

(E) **MR&I SYSTEM OM&R ACCOUNT.**—Funds from the MR&I System OM&R Account shall be used to assist the Tribe in paying MR&I System OM&R costs.

(4) **WITHDRAWALS BY TRIBE.**—

(A) **IN GENERAL.**—The Tribe may withdraw any portion of amounts in the Fund on approval by the Secretary of a tribal management plan in accordance with the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001 et seq.).

(B) **REQUIREMENTS.**—

(i) **IN GENERAL.**—In addition to the requirements under the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001 et seq.), the tribal management plan of the Tribe under subparagraph (A) shall require that the Tribe spend any amounts withdrawn from the Fund in accordance with this title.

(ii) **ENFORCEMENT.**—The Secretary may carry out such judicial or administrative actions as the Secretary determines to be necessary to enforce a tribal management plan to ensure that amounts withdrawn by the Tribe from the Fund under this paragraph are used in accordance with this title.

(C) **LIABILITY.**—The Secretary and the Secretary of the Treasury shall not be liable for the expenditure or investment of amounts withdrawn from the Fund by the Tribe under this paragraph.

(D) **EXPENDITURE PLAN.**—

(i) **IN GENERAL.**—For each fiscal year, the Tribe shall submit to the Secretary for approval an expenditure plan for any portion of the amounts described in subparagraph (A) that the Tribe elects not to withdraw under this paragraph during the fiscal year.

(ii) **INCLUSION.**—An expenditure plan under clause (i) shall include a description of the manner in which, and the purposes for which, amounts of the Tribe remaining in the Fund will be used during subsequent fiscal years.

(iii) **APPROVAL.**—On receipt of an expenditure plan under clause (i), the Secretary shall approve the plan if the Secretary determines that the plan is—

(I) reasonable; and

(II) consistent with this title.

(5) **ANNUAL REPORTS.**—The Tribe shall submit to the Secretary annual reports describing each expenditure by the Tribe of amounts in the Fund during the preceding calendar year.

(6) **CERTAIN PER CAPITA DISTRIBUTIONS PROHIBITED.**—No amount in the Fund shall be distributed to any member of the Tribe on a per capita basis.

(f) **AVAILABILITY.**—

(1) **IN GENERAL.**—Except as provided in paragraph (2), the amounts in the Fund shall be available for use by the Secretary and withdrawal by the Tribe beginning on the enforceability date.

(2) **EXCEPTION.**—The amounts made available under section 414(c) shall be available for use by the Secretary and withdrawal by the Tribe beginning on the date on which the Tribe ratifies the Compact as provided in section 410(e)(1)(E).

(g) **STATE CONTRIBUTION.**—The State of Montana contribution to the Fund shall be provided in accordance with article VI(A) of the Compact.

(h) **SEPARATE APPROPRIATIONS ACCOUNT.**—Section 1105(a) of title 31, United States Code, is amended—

(1) by redesignating paragraphs (35) and (36) as paragraphs (36) and (37), respectively;

(2) by redesignating the second paragraph (33) (relating to obligational authority and outlays requested for homeland security) as paragraph (35); and

(3) by adding at the end the following:

“(38) a separate statement for the Crow Settlement Fund established under section 411 of the Crow Tribe Water Rights Settlement Act of 2010, which shall include the estimated amount of deposits into the Fund, obligations, and outlays from the Fund.”.

SEC. 412. YELLOWTAIL DAM, MONTANA.

(a) **STREAMFLOW AND LAKE LEVEL MANAGEMENT PLAN.**—

(1) **IN GENERAL.**—Nothing in this title, the Compact, or the Streamflow and Lake Level Management Plan referred to in article III(A)(7) of the Compact—

(A) limits the discretion of the Secretary under the section 4F of that plan; or

(B) requires the Secretary to give priority to any factor described in section 4F of that plan over any other factor described in that section.

(2) **BIGHORN LAKE MANAGEMENT.**—Bighorn Lake water management, including the Streamflow and Lake Level Management Plan, is a Federal activity, and the review and enforcement of any water management decisions relating to Bighorn Lake shall be as provided by Federal law.

(3) **APPLICABILITY OF PARAGRAPHS (1) AND (2).**—The Streamflow and Lake Level Management Plan referred to in and part of the Compact shall be interpreted to clearly reflect paragraphs (1) and (2).

(4) **APPLICABILITY OF INSTREAM FLOW REQUIREMENTS IN PLAN.**—Notwithstanding any term (including any defined term) or provision in the Streamflow and Lake Level Management Plan, for purposes of this title, the Compact, and the Streamflow and Lake Level Management Plan, any requirement in the Streamflow and Lake Level Management Plan that the Tribe dedicate a specified percentage, portion, or number of acre-feet of water per year of the tribal water rights to instream flow means (and is limited in meaning and effect to) an obligation on the part of the Tribe to withhold from development or otherwise refrain from diverting or removing from the Bighorn River the specified quantity of water for the duration, at the locations, and under the conditions set forth in the applicable requirement.

(b) **POWER GENERATION.**—

(1) **IN GENERAL.**—Notwithstanding any other provision of law, the Tribe shall have the exclusive right to develop and market power generation on the Yellowtail Afterbay Dam, provided that this exclusive right shall expire 15 years after the date of enactment of

this Act if construction has not been substantially completed on the power generation project of the Tribe.

(2) **BUREAU OF RECLAMATION COOPERATION.**—The Bureau of Reclamation shall cooperate with the Tribe on the development of any power generation project under this subsection.

(3) **AGREEMENT.**—Before construction of a power generation project under this subsection, the Tribe shall enter into an agreement with the Bureau of Reclamation that contains provisions that—

(A) allocate the responsibilities for the design, construction, and operations of the project;

(B) assure the compatibility of the power generation project with the operations of the Yellowstone Unit and the Yellowstone Afterbay Dam, which shall include entering into agreements—

(i) regarding operating criteria and emergency procedures, as they relate to dam safety; and

(ii) under which, should the Tribe propose any modifications to facilities owned by the Bureau of Reclamation, the proposed modifications shall be subject to review and approval by the Secretary, acting through the Bureau of Reclamation;

(C) beginning 10 years after the date on which the Tribe begins marketing power generated from the Yellowstone Afterbay Dam, the Tribe shall make annual payments for operation, maintenance, and replacement costs in amounts determined in accordance with the guidelines and methods of the Bureau of Reclamation for assessing operation, maintenance, and replacement charges, provided that such annual payments shall not exceed 3 percent of gross annual revenue produced by the sale of electricity generated by such project; and

(D) the Secretary—

(i) shall review the charges established in the agreement on the date that is 5 years after the date on which the Tribe makes the first payment described in subparagraph (C) to the Secretary under the agreement and at 5 year intervals thereafter; and

(ii) may increase or decrease the charges in proportion to the amount of any increase or decrease in the costs of operation, maintenance, and replacement for the Yellowstone Afterbay Dam, provided that any increase in operation, maintenance, and replacement costs assessed to the Tribe may not exceed—

(I) 5 percent in any 5 year period; and

(II) 3 percent of the gross annual revenue produced by the sale of electricity generated by such project.

(4) **USE OF POWER BY TRIBE.**—Any hydroelectric power generated in accordance with this subsection shall be used or marketed by the Tribe.

(5) **REVENUES.**—The Tribe shall retain any revenues from the sale of hydroelectric power generated by a project under this subsection.

(6) **LIABILITY OF UNITED STATES.**—The United States shall have no trust obligation to monitor, administer, or account for—

(A) the revenues received by the Tribe under this subsection; or

(B) the expenditure of the revenues received by the Tribe under this subsection.

(c) **CONSULTATION WITH TRIBE.**—The Bureau of Reclamation shall consult with the Tribe on at least a quarterly basis on all issues relating to the management of Yellowstone Dam by the Bureau of Reclamation.

(d) **AMENDMENTS TO COMPACT AND PLAN.**—The provisions of subsection (a) apply to any amendment to—

(1) the Compact; or

(2) the Streamflow and Lake Level Management Plan.

SEC. 413. MISCELLANEOUS PROVISIONS.

(a) **WAIVER OF SOVEREIGN IMMUNITY BY THE UNITED STATES.**—Except as provided in subsections (a) through (c) of section 208 of the Department of Justice Appropriation Act, 1953 (43 U.S.C. 666), nothing in this title waives the sovereign immunity of the United States.

(b) **OTHER TRIBES NOT ADVERSELY AFFECTED.**—Nothing in this title quantifies or diminishes any land or water right, or any claim or entitlement to land or water, of an Indian tribe, band, or community other than the Tribe.

(c) **LIMITATION ON CLAIMS FOR REIMBURSEMENT.**—With respect to Indian land within the Reservation or the ceded strip—

(1) the United States shall not submit against any Indian-owned land located within the Reservation or the ceded strip any claim for reimbursement of the cost to the United States of carrying out this title and the Compact; and

(2) no assessment of any Indian-owned land located within the Reservation or the ceded strip shall be made regarding that cost.

(d) **LIMITATION ON LIABILITY OF UNITED STATES.**—

(1) **IN GENERAL.**—The United States has no trust or other obligation—

(A) to monitor, administer, or account for, in any manner, any funds provided to the Tribe by any party to the Compact other than the United States; or

(B) to review or approve any expenditure of those funds.

(2) **INDEMNIFICATION.**—The Tribe shall indemnify the United States, and hold the United States harmless, with respect to all claims (including claims for takings or breach of trust) arising from the receipt or expenditure of amounts described in paragraph (1)(A).

(e) **EFFECT ON CURRENT LAW.**—Nothing in this section affects any provision of law (including regulations) in effect on the day before the date of enactment of this Act with respect to pre-enforcement review of any Federal environmental enforcement action.

(f) **LIMITATIONS ON EFFECT.**—

(1) **IN GENERAL.**—Nothing in this title, the Compact, or the Streamflow and Lake Level Management Plan referred to in article III(A)(7) of the Compact—

(A) limits, expands, alters, or otherwise affects—

(i) the meaning, interpretation, implementation, application, or effect of any article, provision, or term of the Yellowstone River Compact;

(ii) any right, requirement, or obligation under the Yellowstone River Compact;

(iii) any allocation (or manner of determining any allocation) of water under the Yellowstone River Compact; or

(iv) any present or future claim, defense, or other position asserted in any legal, administrative, or other proceeding arising under or relating to the Yellowstone River Compact (including the original proceeding between the State of Montana and the State of Wyoming pending as of the date of enactment of this Act before the United States Supreme Court);

(B) makes an allocation or apportionment of water between or among States;

(C) addresses or implies whether, how, or to what extent (if any)—

(i) the tribal water rights, or any portion of the tribal water rights, should be accounted for as part of or otherwise charged

against any allocation of water made to a State under the provisions of the Yellowstone River Compact; or

(ii) the Yellowstone River Compact includes the tribal water rights or the water right of any Indian tribe as part of any allocation or other disposition of water under that compact; or

(D) waives the sovereign immunity from suit of any State under the Eleventh Amendment to the Constitution of the United States, except as expressly authorized in Article IV(F)(8) of the Compact.

(2) **EFFECT OF CERTAIN PROVISIONS IN COMPACT.**—The provisions in paragraphs (1) and (2) of article III (A)(6)(a), paragraphs (1) and (2) of article III(B)(6)(a), paragraphs (1) and (2) of article III(E)(6)(a), and paragraphs (1) and (2) of article III (F)(6)(a) of the Compact that provide protections to certain water rights recognized under the laws of the State of Montana do not affect in any way, either directly or indirectly, existing or future water rights (including the exercise of any such rights) outside of the State of Montana.

(g) **EFFECT ON RECLAMATION LAW.**—The activities carried out by the Bureau of Reclamation under this title shall not establish a precedent or impact the authority provided under any other provision of Federal reclamation law, including—

(1) the Rural Supply Act of 2006 (Public Law 109-451; 120 Stat. 3345); and

(2) the Omnibus Public Land Management Act of 2009 (Public Law 111-11; 123 Stat. 991).

SEC. 414. FUNDING.

(a) **REHABILITATION AND IMPROVEMENT OF CROW IRRIGATION PROJECT.**—

(1) **MANDATORY APPROPRIATION.**—Out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary \$73,843,000, adjusted to reflect changes since May 1, 2008, in construction cost indices applicable to the types of construction involved in the rehabilitation and improvement of the Crow Irrigation Project, for the rehabilitation and improvement of the Crow Irrigation Project.

(2) **AUTHORIZATION OF APPROPRIATIONS.**—In addition to the amount made available under paragraph (1), there is authorized to be appropriated to the Secretary for the rehabilitation and improvement of the Crow Irrigation Project \$58,000,000, adjusted to reflect changes since May 1, 2008, in construction cost indices applicable to the types of construction involved in the rehabilitation and improvement of the Crow Irrigation Project.

(b) **DESIGN AND CONSTRUCTION OF MR&I SYSTEM.**—

(1) **MANDATORY APPROPRIATION.**—Out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary \$146,000,000, adjusted to reflect changes since May 1, 2008, in construction cost indices applicable to the types of construction involved in the design and construction of the MR&I System, for the design and construction of the MR&I System.

(2) **AUTHORIZATION OF APPROPRIATIONS.**—In addition to the amount made available under paragraph (1), there is authorized to be appropriated to the Secretary for the design and construction of the MR&I System \$100,381,000, adjusted to reflect changes since May 1, 2008, in construction cost indices applicable to the types of construction involved in the design and construction of the MR&I System.

(c) **TRIBAL COMPACT ADMINISTRATION.**—Out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary \$4,776,000, adjusted to reflect changes in appropriate cost

indices during the period beginning on the date of enactment of this Act and ending on the date of the transfer, for Tribal Compact Administration.

(d) **ENERGY DEVELOPMENT PROJECTS.**—Out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary \$20,000,000, adjusted to reflect changes in appropriate cost indices during the period beginning on the date of enactment of this Act and ending on the date of the transfer, for Energy Development Projects as set forth in section 411(e)(3)(C).

(e) **MR&I SYSTEM OM&R.**—Out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary \$47,000,000, adjusted to reflect changes in appropriate cost indices during the period beginning on the date of enactment of this Act and ending on the date of the transfer, for MR&I System OM&R.

(f) **CIP OM&R.**—Out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary \$10,000,000, adjusted to reflect changes in appropriate cost indices during the period beginning on the date of enactment of this Act and ending on the date of the transfer, for CIP OM&R.

(g) **USE.**—In addition to the uses authorized under subsections (a) and (b), such amounts as may be necessary of the amounts made available under those subsections may be used to carry out related activities necessary to comply with Federal environmental and cultural resource laws.

(h) **ACCOUNT TRANSFERS.**—

(1) **IN GENERAL.**—The Secretary may transfer from the amounts made available under subsection (a) such amounts as the Secretary, with the concurrence of the Tribe, determines to be necessary to supplement the amounts made available under subsection (b), on a determination of the Secretary, in consultation with the Tribe, that such a transfer is in the best interest of the Tribe.

(2) **OTHER APPROVED TRANSFERS.**—The Secretary may transfer from the amounts made available under subsection (b) such amounts as the Secretary, with the concurrence of the Tribe, determines to be necessary to supplement the amounts made available under subsection (a), on a determination of the Secretary, in consultation with the Tribe, that such a transfer is in the best interest of the Tribe.

(i) **RECEIPT AND ACCEPTANCE.**—The Secretary shall be entitled to receive, shall accept, and shall use to carry out this section the funds transferred under subsections (a) through (f), without further appropriation.

SEC. 415. REPEAL ON FAILURE TO MEET ENFORCEABILITY DATE.

If the Secretary does not publish a statement of findings under section 410(e) not later than March 31, 2016, or the extended date agreed to by the Tribe and the Secretary, after reasonable notice to the State of Montana, as applicable—

(1) this title is repealed effective April 1, 2016, or the day after the extended date agreed to by the Tribe and the Secretary after reasonable notice to the State of Montana, whichever is later;

(2) any action taken by the Secretary and any contract or agreement pursuant to the authority provided under any provision of this title shall be void;

(3) any amounts made available under section 414, together with any interest on those amounts, shall immediately revert to the general fund of the Treasury;

(4) any amounts made available under section 414 that remain unexpended shall immediately revert to the general fund of the Treasury; and

(5) the United States shall be entitled to set off against any claims asserted by the Tribe against the United States relating to water rights—

(A) any funds expended or withdrawn from the amounts made available pursuant to this title; and

(B) any funds made available to carry out the activities authorized in this title from other authorized sources.

SEC. 416. ANTIDEFICIENCY.

The United States shall not be liable for any failure to carry out any obligation or activity authorized by this title (including any such obligation or activity under the Settlement Agreement) if adequate appropriations are not provided expressly by Congress to carry out the purposes of this title in the Reclamation Water Settlements Fund established under section 10501 of Public Law 111-11 or the “Emergency Fund for Indian Safety and Health” established by section 601(a) of the Tom Lantos and Henry J. Hyde United States Global Leadership Against HIV/AIDS, Tuberculosis, and Malaria Reauthorization Act of 2008 (25 U.S.C. 443c(a)).

TITLE V—TAOS PUEBLO INDIAN WATER RIGHTS

SEC. 501. SHORT TITLE.

This title may be cited as the “Taos Pueblo Indian Water Rights Settlement Act”.

SEC. 502. PURPOSES.

The purposes of this title are—

(1) to approve, ratify, and confirm the Taos Pueblo Indian Water Rights Settlement Agreement;

(2) to authorize and direct the Secretary to execute the Settlement Agreement and to perform all obligations of the Secretary under the Settlement Agreement and this title; and

(3) to authorize all actions and appropriations necessary for the United States to meet its obligations under the Settlement Agreement and this title.

SEC. 503. DEFINITIONS.

In this title:

(1) **ELIGIBLE NON-PUEBLO ENTITIES.**—The term “Eligible Non-Pueblo Entities” means the Town of Taos, the El Prado Water and Sanitation District, and the New Mexico Department of Finance and Administration Local Government Division on behalf of the Acequia Madre del Rio Lucero y del Arroyo Seco, the Acequia Madre del Prado, the Acequia del Monte, the Acequia Madre del Rio Chiquito, the Upper Ranchitos Mutual Domestic Water Consumers Association, the Upper Arroyo Hondo Mutual Domestic Water Consumers Association, and the Llano Quemado Mutual Domestic Water Consumers Association.

(2) **ENFORCEMENT DATE.**—The term “Enforcement Date” means the date upon which the Secretary publishes the notice required by section 509(f)(1).

(3) **MUTUAL-BENEFIT PROJECTS.**—The term “Mutual-Benefit Projects” means the projects described and identified in articles 6 and 10.1 of the Settlement Agreement.

(4) **PARTIAL FINAL DECREE.**—The term “Partial Final Decree” means the Decree entered in New Mexico v. Abeyta and New Mexico v. Arellano, Civil Nos. 7896-BB (U.S.6 D.N.M.) and 7939-BB (U.S. D.N.M.) (consolidated), for the resolution of the Pueblo’s water right claims and which is substantially in the form agreed to by the Parties and attached to the Settlement Agreement as Attachment 5.

(5) **PARTIES.**—The term “Parties” means the Parties to the Settlement Agreement, as identified in article 1 of the Settlement Agreement.

(6) **PUEBLO.**—The term “Pueblo” means the Taos Pueblo, a sovereign Indian tribe duly recognized by the United States of America.

(7) **PUEBLO LANDS.**—The term “Pueblo lands” means those lands located within the Taos Valley to which the Pueblo, or the United States in its capacity as trustee for the Pueblo, holds title subject to Federal law limitations on alienation. Such lands include Tracts A, B, and C, the Pueblo’s land grant, the Blue Lake Wilderness Area, and the Tenorio and Karavas Tracts and are generally depicted in Attachment 2 to the Settlement Agreement.

(8) **SAN JUAN-CHAMA PROJECT.**—The term “San Juan-Chama Project” means the Project authorized by section 8 of the Act of June 13, 1962 (76 Stat. 96 and 97), and the Act of April 11, 1956 (70 Stat. 105).

(9) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

(10) **SETTLEMENT AGREEMENT.**—The term “Settlement Agreement” means the contract dated March 31, 2006, between and among—

(A) the United States, acting solely in its capacity as trustee for Taos Pueblo;

(B) the Taos Pueblo, on its own behalf;

(C) the State of New Mexico;

(D) the Taos Valley Acequia Association and its 55 member ditches;

(E) the Town of Taos;

(F) the El Prado Water and Sanitation District; and

(G) the 12 Taos area Mutual Domestic Water Consumers Associations, as amended to conform with this title.

(11) **STATE ENGINEER.**—The term “State Engineer” means the New Mexico State Engineer.

(12) **TAOS VALLEY.**—The term “Taos Valley” means the geographic area depicted in Attachment 4 of the Settlement Agreement.

SEC. 504. PUEBLO RIGHTS.

(a) **IN GENERAL.**—Those rights to which the Pueblo is entitled under the Partial Final Decree shall be held in trust by the United States on behalf of the Pueblo and shall not be subject to forfeiture, abandonment, or permanent alienation.

(b) **SUBSEQUENT ACT OF CONGRESS.**—The Pueblo shall not be denied all or any part of its rights held in trust absent its consent unless such rights are explicitly abrogated by an Act of Congress hereafter enacted.

SEC. 505. TAOS PUEBLO WATER DEVELOPMENT FUND.

(a) **ESTABLISHMENT.**—There is established in the Treasury of the United States a fund to be known as the “Taos Pueblo Water Development Fund” (referred to in this section as the “Fund”) to be used to pay or reimburse costs incurred by the Pueblo for—

(1) acquiring water rights;

(2) planning, permitting, designing, engineering, constructing, reconstructing, replacing, rehabilitating, operating, or repairing water production, treatment or delivery infrastructure, on-farm improvements, or wastewater infrastructure;

(3) restoring, preserving and protecting the Buffalo Pasture, including planning, permitting, designing, engineering, constructing, operating, managing and replacing the Buffalo Pasture Recharge Project;

(4) administering the Pueblo’s water rights acquisition program and water management and administration system; and

(5) watershed protection and enhancement, support of agriculture, water-related Pueblo

community welfare and economic development, and costs related to the negotiation, authorization, and implementation of the Settlement Agreement.

(b) **MANAGEMENT OF FUND.**—The Secretary shall manage the Fund, invest amounts in the Fund, and make monies available from the Fund for distribution to the Pueblo consistent with the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001 et seq.) (hereinafter, “Trust Fund Reform Act”), this title, and the Settlement Agreement.

(c) **INVESTMENT OF FUND.**—Upon the Enforcement Date, the Secretary shall invest amounts in the Fund in accordance with—

(1) the Act of April 1, 1880 (21 Stat. 70, ch. 41, 25 U.S.C. 161);

(2) the first section of the Act of June 24, 1938 (52 Stat. 1037, ch. 648, 25 U.S.C. 162a); and

(3) the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001 et seq.).

(d) **AVAILABILITY OF AMOUNTS FROM FUND.**—Upon the Enforcement Date, all monies deposited in the Fund pursuant to section 509(c)(1) or made available from other authorized sources shall be available to the Pueblo for expenditure or withdrawal after the requirements of subsection (e) have been met.

(e) **EXPENDITURES AND WITHDRAWAL.**—

(1) **TRIBAL MANAGEMENT PLAN.**—

(A) **IN GENERAL.**—The Pueblo may withdraw all or part of the Fund on approval by the Secretary of a tribal management plan as described in the Trust Fund Reform Act.

(B) **REQUIREMENTS.**—In addition to the requirements under the Trust Fund Reform Act, the tribal management plan shall require that the Pueblo spend any funds in accordance with the purposes described in subsection (a).

(2) **ENFORCEMENT.**—The Secretary may take judicial or administrative action to enforce the requirement that monies withdrawn from the Fund are used for the purposes specified in subsection (a).

(3) **LIABILITY.**—If the Pueblo exercises the right to withdraw monies from the Fund, neither the Secretary nor the Secretary of the Treasury shall retain any liability for the expenditure or investment of the monies withdrawn.

(4) **EXPENDITURE PLAN.**—

(A) **IN GENERAL.**—The Pueblo shall submit to the Secretary for approval an expenditure plan for any portions of the funds made available under this title that the Pueblo does not withdraw under paragraph (1)(A).

(B) **DESCRIPTION.**—The expenditure plan shall describe the manner in which, and the purposes for which, amounts remaining in the Fund will be used.

(C) **APPROVAL.**—On receipt of an expenditure plan under subparagraph (A), the Secretary shall approve the plan if the Secretary determines that the plan is reasonable and consistent with this title.

(5) **ANNUAL REPORT.**—The Pueblo shall submit to the Secretary an annual report that describes all expenditures from the Fund during the year covered by the report.

(f) **AMOUNTS AVAILABLE ON APPROPRIATION.**—Notwithstanding subsection (d), \$15,000,000 of the monies deposited in the Fund—

(1) shall be available upon appropriation or availability of the funds from other authorized sources for the Pueblo's acquisition of water rights pursuant to Article 5.1.1.2.3 of the Settlement Agreement, the Buffalo Pasture Recharge Project, implementation of the Pueblo's water rights acquisition pro-

gram and water management and administration system, the design, planning, engineering, permitting or construction of water or wastewater infrastructure eligible for funding under subsection (a), or costs related to the negotiation, authorization, and implementation of the Settlement Agreement, provided that such funds may be expended prior to the Enforcement Date only for activities which are determined by the Secretary to be more cost effective when implemented as early as possible; and

(2) shall be distributed by the Secretary to the Pueblo on receipt by the Secretary from the Pueblo of a written notice and a Tribal Council resolution that describes the purposes under paragraph (1) for which the monies will be used after a cost-effectiveness determination by the Secretary has been made as described in paragraph (1). The Secretary shall make the determination described in paragraph (1) within a reasonable period of time after receipt of the notice and resolution.

(g) **NO PER CAPITA DISTRIBUTIONS.**—No portion of the Fund shall be distributed on a per capita basis to members of the Pueblo.

SEC. 506. MARKETING.

(a) **PUEBLO WATER RIGHTS.**—Subject to the approval of the Secretary in accordance with subsection (e), the Pueblo may market water rights secured to it under the Settlement Agreement and Partial Final Decree, provided that such marketing is in accordance with this section.

(b) **PUEBLO CONTRACT RIGHTS TO SAN JUAN-CHAMA PROJECT WATER.**—Subject to the approval of the Secretary in accordance with subsection (e), the Pueblo may subcontract water made available to the Pueblo under the contract authorized under section 508(b)(1)(A) to third parties to supply water for use within or without the Taos Valley, provided that the delivery obligations under such subcontract are not inconsistent with the Secretary's existing San Juan-Chama Project obligations and such subcontract is in accordance with this section.

(c) **LIMITATION.**—

(1) **IN GENERAL.**—Diversion or use of water off Pueblo lands pursuant to Pueblo water rights or Pueblo contract rights to San Juan-Chama Project water shall be subject to and not inconsistent with the same requirements and conditions of State law, any applicable Federal law, and any applicable interstate compact as apply to the exercise of water rights or contract rights to San Juan-Chama Project water held by non-Federal, non-Indian entities, including all applicable State Engineer permitting and reporting requirements.

(2) **EFFECT ON WATER RIGHTS.**—Such diversion or use off Pueblo lands under paragraph (1) shall not impair water rights or increase surface water depletions within the Taos Valley.

(d) **MAXIMUM TERM.**—

(1) **IN GENERAL.**—The maximum term of any water use lease or subcontract, including all renewals, shall not exceed 99 years in duration.

(2) **ALIENATION OF RIGHTS.**—The Pueblo shall not permanently alienate any rights it has under the Settlement Agreement, the Partial Final Decree, and this title.

(e) **APPROVAL OF SECRETARY.**—The Secretary shall approve or disapprove any lease or subcontract submitted by the Pueblo for approval within a reasonable period of time after submission, provided that no Secretarial approval shall be required for any water use lease for less than 10 acre-feet per year with a term of less than 7 years, including all renewals.

(f) **NO FORFEITURE OR ABANDONMENT.**—The nonuse by a lessee or subcontractor of the Pueblo of any right to which the Pueblo is entitled under the Partial Final Decree shall in no event result in a forfeiture, abandonment, relinquishment, or other loss of all or any part of those rights.

(g) **NO PREEMPTION.**—

(1) **IN GENERAL.**—The approval authority of the Secretary provided under subsection (e) shall not amend, construe, supersede, or preempt any State or Federal law, interstate compact, or international treaty that pertains to the Colorado River, the Rio Grande, or any of their tributaries, including the appropriation, use, development, storage, regulation, allocation, conservation, exportation, or quantity of those waters.

(2) **APPLICABLE LAW.**—The provisions of section 2116 of the Revised Statutes (25 U.S.C. 177) shall not apply to any water made available under the Settlement Agreement.

(h) **NO PREJUDICE.**—Nothing in this title shall be construed to establish, address, prejudice, or prevent any party from litigating whether or to what extent any applicable State law, Federal law, or interstate compact does or does not permit, govern, or apply to the use of the Pueblo's water outside of New Mexico.

SEC. 507. MUTUAL-BENEFIT PROJECTS.

(a) **IN GENERAL.**—Upon the Enforcement Date, the Secretary, acting through the Commissioner of Reclamation, shall provide financial assistance in the form of grants on a nonreimbursable basis to Eligible Non-Pueblo Entities to plan, permit, design, engineer, and construct the Mutual-Benefit Projects in accordance with the Settlement Agreement—

(1) to minimize adverse impacts on the Pueblo's water resources by moving future non-Indian ground water pumping away from the Pueblo's Buffalo Pasture; and

(2) to implement the resolution of a dispute over the allocation of certain surface water flows between the Pueblo and non-Indian irrigation water right owners in the community of Arroyo Seco Arriba.

(b) **COST-SHARING.**—

(1) **FEDERAL SHARE.**—The Federal share of the total cost of planning, designing, and constructing the Mutual-Benefit Projects authorized in subsection (a) shall be 75 percent and shall be nonreimbursable.

(2) **NON-FEDERAL SHARE.**—The non-Federal share of the total cost of planning, designing, and constructing the Mutual-Benefit Projects shall be 25 percent and may be in the form of in-kind contributions, including the contribution of any valuable asset or service that the Secretary determines would substantially contribute to completing the Mutual-Benefit Projects.

(3) **ADDITIONAL STATE CONTRIBUTION.**—As a condition of expenditure by the Secretary of the funds made available under section 509(c)(2), the State shall—

(A) appropriate and make available the non-Federal share described in paragraph (2); and

(B) agree to provide additional funding associated with the Mutual-Benefit Projects as described in paragraph 10 of the Settlement Agreement.

SEC. 508. SAN JUAN-CHAMA PROJECT CONTRACTS.

(a) **IN GENERAL.**—Contracts issued under this section shall be in accordance with this title and the Settlement Agreement.

(b) **CONTRACTS FOR SAN JUAN-CHAMA PROJECT WATER.**—

(1) **IN GENERAL.**—The Secretary shall enter into 3 repayment contracts within a reasonable period after the date of enactment of

this Act, for the delivery of San Juan-Chama Project water in the following amounts:

(A) 2,215 acre-feet/annum to the Pueblo.

(B) 366 acre-feet/annum to the Town of Taos.

(C) 40 acre-feet/annum to the El Prado Water and Sanitation District.

(2) REQUIREMENTS.—Each such contract shall provide that if the conditions precedent set forth in section 509(f)(2) have not been fulfilled by March 31, 2017, the contract shall expire on that date.

(3) APPLICABLE LAW.—Public Law 87-483 (76 Stat. 97) applies to the contracts entered into under paragraph (1) and no preference shall be applied as a result of section 504(a) with regard to the delivery or distribution of San Juan-Chama Project water or the management or operation of the San Juan-Chama Project.

(c) WAIVER.—With respect to the contract authorized and required by subsection (b)(1)(A) and notwithstanding the provisions of Public Law 87-483 (76 Stat. 96) or any other provision of law—

(1) the Secretary shall waive the entirety of the Pueblo's share of the construction costs, both principal and the interest, for the San Juan-Chama Project and pursuant to that waiver, the Pueblo's share of all construction costs for the San Juan-Chama Project, inclusive of both principal and interest shall be nonreimbursable; and

(2) the Secretary's waiver of the Pueblo's share of the construction costs for the San Juan-Chama Project will not result in an increase in the pro rata shares of other San Juan-Chama Project water contractors, but such costs shall be absorbed by the United States Treasury or otherwise appropriated to the Department of the Interior.

SEC. 509. AUTHORIZATIONS, RATIFICATIONS, CONFIRMATIONS, AND CONDITIONS PRECEDENT.

(a) RATIFICATION.—

(1) IN GENERAL.—Except to the extent that any provision of the Settlement Agreement conflicts with any provision of this title, the Settlement Agreement is authorized, ratified, and confirmed.

(2) AMENDMENTS.—To the extent amendments are executed to make the Settlement Agreement consistent with this title, such amendments are also authorized, ratified, and confirmed.

(b) EXECUTION OF SETTLEMENT AGREEMENT.—To the extent that the Settlement Agreement does not conflict with this title, the Secretary shall execute the Settlement Agreement, including all exhibits to the Settlement Agreement requiring the signature of the Secretary and any amendments necessary to make the Settlement Agreement consistent with this title, after the Pueblo has executed the Settlement Agreement and any such amendments.

(c) FUNDING.—

(1) TAOS PUEBLO WATER DEVELOPMENT FUND.—

(A) MANDATORY APPROPRIATION.—Out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary for deposit in the Taos Pueblo Water Development Fund established by section 505(a), for the period of fiscal years 2011 through 2016, \$50,000,000, as adjusted by such amounts as may be required due to increases since April 1, 2007, in construction costs, as indicated by engineering cost indices applicable to the types of construction or rehabilitation involved.

(B) AUTHORIZATION OF APPROPRIATIONS.—In addition to the amount made available under subparagraph (A), there is authorized to be

appropriated to the Secretary for deposit in the Taos Pueblo Water Development Fund established by section 505(a) \$38,000,000, as adjusted by such amounts as may be required due to increases since April 1, 2007, in construction costs, as indicated by engineering cost indices applicable to the types of construction or rehabilitation involved, for the period of fiscal years 2011 through 2016.

(2) MUTUAL-BENEFIT PROJECTS FUNDING.—

(A) FUNDING.—

(i) MANDATORY APPROPRIATION.—Out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary to provide grants pursuant to section 507 \$16,000,000 for the period of fiscal years 2011 through 2016.

(ii) AUTHORIZATION OF APPROPRIATIONS.—In addition to the amount made available under clause (i), there is authorized to be appropriated to the Secretary to provide grants pursuant to section 507 \$20,000,000 for the period of fiscal years 2011 through 2016.

(B) DEPOSIT IN FUND.—The Secretary shall deposit the funds made available pursuant to subparagraph (A) into a noninterest-bearing fund, to be known as the "Taos Settlement Fund", to be established in the Treasury of the United States so that such funds may be made available on the Enforcement Date as set forth in section 507(a).

(3) RECEIPT AND ACCEPTANCE.—The Secretary shall be entitled to receive, shall accept, and shall use to carry out this title the funds transferred under paragraphs (1)(A) and (2)(A)(i), without further appropriation, to remain available until expended.

(d) AUTHORITY OF SECRETARY.—The Secretary is authorized to enter into such agreements and to take such measures as the Secretary may deem necessary or appropriate to fulfill the intent of the Settlement Agreement and this title.

(e) ENVIRONMENTAL COMPLIANCE.—

(1) EFFECT OF EXECUTION OF SETTLEMENT AGREEMENT.—The Secretary's execution of the Settlement Agreement shall not constitute a major Federal action under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(2) COMPLIANCE WITH ENVIRONMENTAL LAWS.—In carrying out this title, the Secretary shall comply with each law of the Federal Government relating to the protection of the environment, including—

(A) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

(B) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

(f) CONDITIONS PRECEDENT AND SECRETARIAL FINDING.—

(1) IN GENERAL.—Upon the fulfillment of the conditions precedent described in paragraph (2), the Secretary shall publish in the Federal Register a statement of finding that the conditions have been fulfilled.

(2) CONDITIONS.—The conditions precedent referred to in paragraph (1) are the following:

(A) The President has signed into law the Taos Pueblo Indian Water Rights Settlement Act.

(B) To the extent that the Settlement Agreement conflicts with this title, the Settlement Agreement has been revised to conform with this title.

(C) The Settlement Agreement, so revised, including waivers and releases pursuant to section 510, has been executed by the Parties and the Secretary prior to the Parties' motion for entry of the Partial Final Decree.

(D) Congress has fully appropriated or the Secretary has provided from other authorized sources all funds made available under paragraphs (1) and (2) of subsection (c).

(E) The Legislature of the State of New Mexico has fully appropriated the funds for the State contributions as specified in the Settlement Agreement, and those funds have been deposited in appropriate accounts.

(F) The State of New Mexico has enacted legislation that amends NMSA 1978, section 72-6-3 to state that a water use due under a water right secured to the Pueblo under the Settlement Agreement or the Partial Final Decree may be leased for a term, including all renewals, not to exceed 99 years, provided that this condition shall not be construed to require that said amendment state that any State law based water rights acquired by the Pueblo or by the United States on behalf of the Pueblo may be leased for said term.

(G) A Partial Final Decree that sets forth the water rights and contract rights to water to which the Pueblo is entitled under the Settlement Agreement and this title and that substantially conforms to the Settlement Agreement and Attachment 5 thereto has been approved by the Court and has become final and nonappealable.

(g) ENFORCEMENT DATE.—The Settlement Agreement shall become enforceable, and the waivers and releases executed pursuant to section 510 and the limited waiver of sovereign immunity set forth in section 511(a) shall become effective, as of the date that the Secretary publishes the notice required by subsection (f)(1).

(h) EXPIRATION DATE.—

(1) IN GENERAL.—If all of the conditions precedent described in section (f)(2) have not been fulfilled by March 31, 2017, the Settlement Agreement shall be null and void, the waivers and releases executed pursuant to section 510 and the sovereign immunity waivers in section 511(a) shall not become effective, and any unexpended Federal funds, together with any income earned thereon, and title to any property acquired or constructed with expended Federal funds, shall be returned to the Federal Government, unless otherwise agreed to by the Parties in writing and approved by Congress.

(2) EXCEPTION.—Notwithstanding subsection (h)(1) or any other provision of law, except as provided in subsection (i), title to any property acquired or constructed with expended Federal funds made available under section 505(f) shall be retained by the Pueblo.

(i) RIGHT TO SET-OFF.—If the conditions precedent described in subsection (f)(2) have not been fulfilled by March 31, 2017, and the Settlement Agreement is null and void under subsection (h)(1)—

(1) the United States shall be entitled to set off any Federal funds made available under section 505(f) that were used for purposes other than the purchase of water rights against any claim of the Pueblo against the United States described in section 510(b) (but excluding any claim retained under section 510(c)); and

(2) the Pueblo shall have the option either—

(A) to accept an equitable credit for any water rights acquired with funds made available under section 505(f) against any water rights secured for the Pueblo by the Pueblo, or by the United States on behalf of the Pueblo, in any litigation or future settlement of the case styled *New Mexico v. Abeyta and New Mexico v. Arellano*, Civil Nos. 7896-BB (U.S.6 D.N.M.) and 7939-BB (U.S. D.N.M.) (consolidated); or

(B) to convey to the United States any water rights acquired with funds made available under section 505(f).

(j) EXTENSION.—The dates in subsections (h) and (i) and section 510(e) may be extended

if the Parties agree that an extension is reasonably necessary.

SEC. 510. WAIVERS AND RELEASES OF CLAIMS.

(a) CLAIMS BY THE PUEBLO AND THE UNITED STATES.—In return for recognition of the Pueblo's water rights and other benefits, including but not limited to the commitments by non-Pueblo parties, as set forth in the Settlement Agreement and this title, the Pueblo, on behalf of itself and its members, and the United States acting in its capacity as trustee for the Pueblo are authorized to execute a waiver and release of claims against the parties to New Mexico v. Abeyta and New Mexico v. Arellano, Civil Nos. 7896-BB (U.S.6 D.N.M.) and 7939-BB (U.S. D.N.M.) (consolidated) from—

(1) all claims for water rights in the Taos Valley that the Pueblo, or the United States acting in its capacity as trustee for the Pueblo, asserted, or could have asserted, in any proceeding, including but not limited to in New Mexico v. Abeyta and New Mexico v. Arellano, Civil Nos. 7896-BB (U.S.6 D.N.M.) and 7939-BB (U.S. D.N.M.) (consolidated), up to and including the Enforcement Date, except to the extent that such rights are recognized in the Settlement Agreement or this title;

(2) all claims for water rights, whether for consumptive or nonconsumptive use, in the Rio Grande mainstream or its tributaries that the Pueblo, or the United States acting in its capacity as trustee for the Pueblo, asserted or could assert in any water rights adjudication proceedings except those claims based on Pueblo or United States ownership of lands or water rights acquired after the Enforcement Date, provided that nothing in this paragraph shall prevent the Pueblo or the United States from fully participating in the inter se phase of any such water rights adjudication proceedings;

(3) all claims for damages, losses or injuries to water rights or claims of interference with, diversion or taking of water (including but not limited to claims for injury to lands resulting from such damages, losses, injuries, interference with, diversion, or taking) in the Rio Grande mainstream or its tributaries or for lands within the Taos Valley that accrued at any time up to and including the Enforcement Date; and

(4) all claims against the State of New Mexico, its agencies, or employees relating to the negotiation or the adoption of the Settlement Agreement.

(b) CLAIMS BY THE PUEBLO AGAINST THE UNITED STATES.—The Pueblo, on behalf of itself and its members, is authorized to execute a waiver and release of—

(1) all claims against the United States, its agencies, or employees relating to claims for water rights in or water of the Taos Valley that the United States acting in its capacity as trustee for the Pueblo asserted, or could have asserted, in any proceeding, including but not limited to in New Mexico v. Abeyta and New Mexico v. Arellano, Civil Nos. 7896-BB (U.S.6 D.N.M.) and 7939-BB (U.S. D.N.M.) (consolidated);

(2) all claims against the United States, its agencies, or employees relating to damages, losses, or injuries to water, water rights, land, or natural resources due to loss of water or water rights (including but not limited to damages, losses or injuries to hunting, fishing, gathering, or cultural rights due to loss of water or water rights, claims relating to interference with, diversion or taking of water or water rights, or claims relating to failure to protect, acquire, replace, or develop water, water rights or water infrastructure) in the Rio Grande mainstream or

its tributaries or within the Taos Valley that first accrued at any time up to and including the Enforcement Date;

(3) all claims against the United States, its agencies, or employees for an accounting of funds appropriated by the Act of March 4, 1929 (45 Stat. 1562), the Act of March 4, 1931 (46 Stat. 1552), the Act of June 22, 1936 (49 Stat. 1757), the Act of August 9, 1937 (50 Stat. 564), and the Act of May 9, 1938 (52 Stat. 291), as authorized by the Pueblo Lands Act of June 7, 1924 (43 Stat. 636), and the Pueblo Lands Act of May 31, 1933 (48 Stat. 108), and for breach of trust relating to funds for water replacement appropriated by said Acts that first accrued before the date of enactment of this Act;

(4) all claims against the United States, its agencies, or employees relating to the pending litigation of claims relating to the Pueblo's water rights in New Mexico v. Abeyta and New Mexico v. Arellano, Civil Nos. 7896-BB (U.S.6 D.N.M.) and 7939-BB (U.S. D.N.M.) (consolidated); and

(5) all claims against the United States, its agencies, or employees relating to the negotiation, Execution or the adoption of the Settlement Agreement, exhibits thereto, the Final Decree, or this title.

(c) RESERVATION OF RIGHTS AND RETENTION OF CLAIMS.—Notwithstanding the waivers and releases authorized in this title, the Pueblo on behalf of itself and its members and the United States acting in its capacity as trustee for the Pueblo retain—

(1) all claims for enforcement of the Settlement Agreement, the Final Decree, including the Partial Final Decree, the San Juan-Chama Project contract between the Pueblo and the United States, or this title;

(2) all claims against persons other than the Parties to the Settlement Agreement for damages, losses or injuries to water rights or claims of interference with, diversion or taking of water rights (including but not limited to claims for injury to lands resulting from such damages, losses, injuries, interference with, diversion, or taking of water rights) within the Taos Valley arising out of activities occurring outside the Taos Valley or the Taos Valley Stream System;

(3) all rights to use and protect water rights acquired after the date of enactment of this Act;

(4) all rights to use and protect water rights acquired pursuant to State law, to the extent not inconsistent with the Partial Final Decree and the Settlement Agreement (including water rights for the land the Pueblo owns in Questa, New Mexico);

(5) all claims relating to activities affecting the quality of water including but not limited to any claims the Pueblo might have under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) (including but not limited to claims for damages to natural resources), the Safe Drinking Water Act (42 U.S.C. 300f et seq.), the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), and the regulations implementing those Acts;

(6) all claims relating to damages, losses, or injuries to land or natural resources not due to loss of water or water rights (including but not limited to hunting, fishing, gathering, or cultural rights); and

(7) all rights, remedies, privileges, immunities, powers, and claims not specifically waived and released pursuant to this title and the Settlement Agreement.

(d) EFFECT.—Nothing in the Settlement Agreement or this title—

(1) affects the ability of the United States acting in its sovereign capacity to take ac-

tions authorized by law, including but not limited to any laws relating to health, safety, or the environment, including but not limited to the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), the Safe Drinking Water Act (42 U.S.C. 300f et seq.), the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.), the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.), and the regulations implementing such Acts;

(2) affects the ability of the United States to take actions acting in its capacity as trustee for any other Indian tribe or allottee;

(3) confers jurisdiction on any State court to—

(A) interpret Federal law regarding health, safety, or the environment or determine the duties of the United States or other parties pursuant to such Federal law; or

(B) conduct judicial review of Federal agency action; or

(4) waives any claim of a member of the Pueblo in an individual capacity that does not derive from a right of the Pueblo.

(e) TOLLING OF CLAIMS.—

(1) IN GENERAL.—Each applicable period of limitation and time-based equitable defense relating to a claim described in this section shall be tolled for the period beginning on the date of enactment of this Act and ending on the earlier of—

(A) March 31, 2017; or

(B) the Enforcement Date.

(2) EFFECT OF SUBSECTION.—Nothing in this subsection revives any claim or tolls any period of limitation or time-based equitable defense that expired before the date of enactment of this Act.

(3) LIMITATION.—Nothing in this subsection precludes the tolling of any period of limitations or any time-based equitable defense under any other applicable law.

SEC. 511. INTERPRETATION AND ENFORCEMENT.

(a) LIMITED WAIVER OF SOVEREIGN IMMUNITY.—Upon and after the Enforcement Date, if any Party to the Settlement Agreement brings an action in any court of competent jurisdiction over the subject matter relating only and directly to the interpretation or enforcement of the Settlement Agreement or this title, and names the United States or the Pueblo as a party, then the United States, the Pueblo, or both may be added as a party to any such action, and any claim by the United States or the Pueblo to sovereign immunity from the action is waived, but only for the limited and sole purpose of such interpretation or enforcement, and no waiver of sovereign immunity is made for any action against the United States or the Pueblo that seeks money damages.

(b) SUBJECT MATTER JURISDICTION NOT AFFECTED.—Nothing in this title shall be deemed as conferring, restricting, enlarging, or determining the subject matter jurisdiction of any court, including the jurisdiction of the court that enters the Partial Final Decree adjudicating the Pueblo's water rights.

(c) REGULATORY AUTHORITY NOT AFFECTED.—Nothing in this title shall be deemed to determine or limit any authority of the State or the Pueblo to regulate or administer waters or water rights now or in the future.

SEC. 512. DISCLAIMER.

Nothing in the Settlement Agreement or this title shall be construed in any way to quantify or otherwise adversely affect the land and water rights, claims, or entitlements to water of any other Indian tribe.

SEC. 513. ANTIDEFICIENCY.

The United States shall not be liable for failure to carry out any obligation or activity authorized to be carried out under this

title (including any such obligation or activity under the Agreement) if adequate appropriations are not provided expressly to carry out the purposes of this title by Congress or there are not enough monies available to carry out the purposes of this title in the Reclamation Water Settlements Fund established under section 10501 of Public Law 111-11 or the "Emergency Fund for Indian Safety and Health" established by section 601(a) of the Tom Lantos and Henry J. Hyde United States Global Leadership Against HIV/AIDS, Tuberculosis, and Malaria Reauthorization Act of 2008 (25 U.S.C. 443c(a)).

TITLE VI—AAMODT LITIGATION SETTLEMENT

SEC. 601. SHORT TITLE.

This title may be cited as the "Aamodt Litigation Settlement Act".

SEC. 602. DEFINITIONS.

In this title:

(1) **AAMODT CASE.**—The term "Aamodt Case" means the civil action entitled *State of New Mexico, ex rel. State Engineer and United States of America, Pueblo de Nambe, Pueblo de Pojoaque, Pueblo de San Ildefonso, and Pueblo de Tesuque v. R. Lee Aamodt, et al.*, No. 66 CV 6639 MV/LCS (D.N.M.).

(2) **ACRE-FEET.**—The term "acre-feet" means acre-feet of water per year.

(3) **AUTHORITY.**—The term "Authority" means the Pojoaque Basin Regional Water Authority described in section 9.5 of the Settlement Agreement or an alternate entity acceptable to the Pueblos and the County to operate and maintain the diversion and treatment facilities, certain transmission pipelines, and other facilities of the Regional Water System.

(4) **CITY.**—The term "City" means the city of Santa Fe, New Mexico.

(5) **COST-SHARING AND SYSTEM INTEGRATION AGREEMENT.**—The term "Cost-Sharing and System Integration Agreement" means the agreement, dated August 27, 2009, to be executed by the United States, the State, the Pueblos, the County, and the City that—

(A) describes the location, capacity, and management (including the distribution of water to customers) of the Regional Water System; and

(B) allocates the costs of the Regional Water System with respect to—

(i) the construction, operation, maintenance, and repair of the Regional Water System; and

(ii) rights-of-way for the Regional Water System; and

(iii) the acquisition of water rights.

(6) **COUNTY.**—The term "County" means Santa Fe County, New Mexico.

(7) **COUNTY DISTRIBUTION SYSTEM.**—The term "County Distribution System" means the portion of the Regional Water System that serves water customers on non-Pueblo land in the Pojoaque Basin.

(8) **COUNTY WATER UTILITY.**—The term "County Water Utility" means the water utility organized by the County to—

(A) receive water distributed by the Authority; and

(B) provide the water received under subparagraph (A) to customers on non-Pueblo land in the Pojoaque Basin.

(9) **ENGINEERING REPORT.**—The term "Engineering Report" means the report entitled "Pojoaque Regional Water System Engineering Report" dated September 2008 and any amendments thereto, including any modifications which may be required by section 611(d)(2).

(10) **FUND.**—The term "Fund" means the Aamodt Settlement Pueblos' Fund established by section 615(a).

(11) **OPERATING AGREEMENT.**—The term "Operating Agreement" means the agreement between the Pueblos and the County executed under section 612(a).

(12) **OPERATIONS, MAINTENANCE, AND REPLACEMENT COSTS.**—

(A) **IN GENERAL.**—The term "operations, maintenance, and replacement costs" means all costs for the operation of the Regional Water System that are necessary for the safe, efficient, and continued functioning of the Regional Water System to produce the benefits described in the Settlement Agreement.

(B) **EXCLUSION.**—The term "operations, maintenance, and replacement costs" does not include construction costs or costs related to construction design and planning.

(13) **POJOAQUE BASIN.**—

(A) **IN GENERAL.**—The term "Pojoaque Basin" means the geographic area limited by a surface water divide (which can be drawn on a topographic map), within which area rainfall and runoff flow into arroyos, drainages, and named tributaries that eventually drain to—

(i) the Rio Pojoaque; or

(ii) the 2 unnamed arroyos immediately south; and

(iii) 2 arroyos (including the Arroyo Alamo) that are north of the confluence of the Rio Pojoaque and the Rio Grande.

(B) **INCLUSION.**—The term "Pojoaque Basin" includes the San Ildefonso Eastern Reservation recognized by section 8 of Public Law 87-231 (75 Stat. 505).

(14) **PUEBLO.**—The term "Pueblo" means each of the pueblos of Nambe, Pojoaque, San Ildefonso, or Tesuque.

(15) **PUEBLOS.**—The term "Pueblos" means collectively the Pueblos of Nambe, Pojoaque, San Ildefonso, and Tesuque.

(16) **PUEBLO LAND.**—The term "Pueblo land" means any real property that is—

(A) held by the United States in trust for a Pueblo within the Pojoaque Basin;

(B)(i) owned by a Pueblo within the Pojoaque Basin before the date on which a court approves the Settlement Agreement; or

(ii) acquired by a Pueblo on or after the date on which a court approves the Settlement Agreement, if the real property is located—

(I) within the exterior boundaries of the Pueblo, as recognized and conformed by a patent issued under the Act of December 22, 1858 (11 Stat. 374, chapter V); or

(II) within the exterior boundaries of any territory set aside for the Pueblo by law, executive order, or court decree;

(C) owned by a Pueblo or held by the United States in trust for the benefit of a Pueblo outside the Pojoaque Basin that is located within the exterior boundaries of the Pueblo as recognized and confirmed by a patent issued under the Act of December 22, 1858 (11 Stat. 374, chapter V); or

(D) within the exterior boundaries of any real property located outside the Pojoaque Basin set aside for a Pueblo by law, executive order, or court decree, if the land is within or contiguous to land held by the United States in trust for the Pueblo as of January 1, 2005.

(17) **PUEBLO WATER FACILITY.**—

(A) **IN GENERAL.**—The term "Pueblo Water Facility" means—

(i) a portion of the Regional Water System that serves only water customers on Pueblo land; and

(ii) portions of a Pueblo water system in existence on the date of enactment of this Act that serve water customers on non-Pueb-

lo land, also in existence on the date of enactment of this Act, or their successors, that are—

(I) depicted in the final project design, as modified by the drawings reflecting the completed Regional Water System; and

(II) described in the Operating Agreement.

(B) **INCLUSIONS.**—The term "Pueblo Water Facility" includes—

(i) the barrier dam and infiltration project on the Rio Pojoaque described in the Engineering Report; and

(ii) the Tesuque Pueblo infiltration pond described in the Engineering Report.

(18) **REGIONAL WATER SYSTEM.**—

(A) **IN GENERAL.**—The term "Regional Water System" means the Regional Water System described in section 611(a).

(B) **EXCLUSIONS.**—The term "Regional Water System" does not include the County or Pueblo water supply delivered through the Regional Water System.

(19) **SAN JUAN-CHAMA PROJECT.**—The term "San Juan-Chama Project" means the Project authorized by section 8 of the Act of June 13, 1962 (76 Stat. 96, 97), and the Act of April 11, 1956 (70 Stat. 105).

(20) **SAN JUAN-CHAMA PROJECT ACT.**—The term "San Juan-Chama Project Act" means sections 8 through 18 of the Act of June 13, 1962 (76 Stat. 96, 97).

(21) **SECRETARY.**—The term "Secretary" means the Secretary of the Interior.

(22) **SETTLEMENT AGREEMENT.**—The term "Settlement Agreement" means the agreement among the State, the Pueblos, the United States, the County, and the City dated January 19, 2006, and signed by all of the government parties to the Settlement Agreement (other than the United States) on May 3, 2006, as amended in conformity with this title.

(23) **STATE.**—The term "State" means the State of New Mexico.

Subtitle A—Pojoaque Basin Regional Water System

SEC. 611. AUTHORIZATION OF REGIONAL WATER SYSTEM.

(a) **IN GENERAL.**—The Secretary, acting through the Commissioner of Reclamation, shall plan, design, and construct a regional water system in accordance with the Settlement Agreement, to be known as the "Regional Water System"—

(1) to divert and distribute water to the Pueblos and to the County Water Utility, in accordance with the Engineering Report; and

(2) that consists of—

(A) surface water diversion facilities at San Ildefonso Pueblo on the Rio Grande; and

(B) any treatment, transmission, storage and distribution facilities and wellfields for the County Distribution System and Pueblo Water Facilities that are necessary to supply 4,000 acre-feet of water within the Pojoaque Basin, unless modified in accordance with subsection (d)(2).

(b) **FINAL PROJECT DESIGN.**—The Secretary shall issue a final project design within 90 days of completion of the environmental compliance described in section 616 for the Regional Water System that—

(1) is consistent with the Engineering Report; and

(2) includes a description of any Pueblo Water Facilities.

(c) **ACQUISITION OF LAND; WATER RIGHTS.**—

(1) **ACQUISITION OF LAND.**—Upon request, and in exchange for the funding which shall be provided in section 617(c), the Pueblos shall consent to the grant of such easements and rights-of-way as may be necessary for the construction of the Regional Water System at no cost to the Secretary. To the extent that the State or County own easements

or rights-of-way that may be used for construction of the Regional Water System, the State or County shall provide that land or interest in land as necessary for construction at no cost to the Secretary. The Secretary shall acquire any other land or interest in land that is necessary for the construction of the Regional Water System.

(2) **WATER RIGHTS.**—The Secretary shall not condemn water rights for purposes of the Regional Water System.

(d) **CONDITIONS FOR CONSTRUCTION.**—

(1) **IN GENERAL.**—The Secretary shall not begin construction of the Regional Water System facilities until the date on which—

(A) the Secretary executes—

(i) the Settlement Agreement; and

(ii) the Cost-Sharing and System Integration Agreement; and

(B) the State and the County have entered into an agreement with the Secretary to contribute the non-Federal share of the costs of the construction in accordance with the Cost-Sharing and System Integration Agreement.

(2) **MODIFICATIONS TO REGIONAL WATER SYSTEM.**—

(A) **IN GENERAL.**—The State and the County, in agreement with the Pueblos, the City, and other signatories to the Cost-Sharing and System Integration Agreement, may modify the extent, size, and capacity of the County Distribution System as set forth in the Cost-Sharing and System Integration Agreement.

(B) **EFFECT.**—A modification under subparagraph (A)—

(i) shall not affect implementation of the Settlement Agreement so long as the provisions in section 623 are satisfied; and

(ii) may result in an adjustment of the State and County cost-share allocation as set forth in the Cost-Sharing and System Integration Agreement.

(e) **APPLICABLE LAW.**—The Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) shall not apply to the design and construction of the Regional Water System.

(f) **CONSTRUCTION COSTS.**—

(1) **PUEBLO WATER FACILITIES.**—

(A) **IN GENERAL.**—Except as provided in subparagraph (B), the expenditures of the Secretary to construct the Pueblo Water Facilities under this section shall not exceed \$106,400,000.

(B) **EXCEPTION.**—The amount described in subparagraph (A) shall be increased or decreased, as appropriate, based on ordinary fluctuations in construction costs since October 1, 2006, as determined using applicable engineering cost indices.

(2) **COSTS TO PUEBLO.**—The costs incurred by the Secretary in carrying out activities to construct the Pueblo Water Facilities under this section shall not be reimbursable to the United States.

(3) **COUNTY DISTRIBUTION SYSTEM.**—As a condition of the Secretary using the funds made available pursuant to section 617(a)(1), the costs of constructing the County Distribution System shall be a State and local expense pursuant to the Cost-Sharing and System Integration Agreement.

(g) **INITIATION OF DISCUSSIONS.**—

(1) **IN GENERAL.**—If the Secretary determines that the cost of constructing the Regional Water System exceed the amounts described in the Cost-Sharing and System Integration Agreement for construction of the Regional Water System and would necessitate funds in excess of the amount made available pursuant to section 617(a)(1), the Secretary shall initiate negotiations with

the parties to the Cost-Sharing and System Integration Agreement for an agreement regarding non-Federal contributions to ensure that the Regional Water System can be completed as required by section 623(e).

(2) **JOINT RESPONSIBILITIES.**—The United States shall not bear the entire amount of any cost overrun, nor shall the State be responsible to pay any amounts in addition to the amounts specified in the Cost-Sharing and System Integration Agreement.

(h) **CONVEYANCE OF REGIONAL WATER SYSTEM FACILITIES.**—

(1) **IN GENERAL.**—Subject to paragraph (2), on completion of the construction of the Regional Water System as defined in section 623(e), the Secretary, in accordance with the Operating Agreement, shall convey to—

(A) each Pueblo the portion of any Pueblo Water Facility that is located within the boundaries of the Pueblo, including any land or interest in land located within the boundaries of the Pueblo that is acquired by the United States for the construction of the Pueblo Water Facility;

(B) the County the County Distribution System, including any land or interest in land acquired by the United States for the construction of the County Distribution System; and

(C) the Authority any portions of the Regional Water System that remain after making the conveyances under subparagraphs (A) and (B), including any land or interest in land acquired by the United States for the construction of the portions of the Regional Water System.

(2) **CONDITIONS FOR CONVEYANCE.**—The Secretary shall not convey any portion of the Regional Water System facilities under paragraph (1) until the date on which—

(A) construction of the Regional Water System is substantially complete, as defined in section 623(e); and

(B) the Operating Agreement is executed in accordance with section 612.

(3) **SUBSEQUENT CONVEYANCE.**—On conveyance by the Secretary under paragraph (1), the Pueblos, the County, and the Authority shall not reconvey any portion of the Regional Water System conveyed to the Pueblos, the County, and the Authority, respectively, unless the reconveyance is authorized by an Act of Congress enacted after the date of enactment of this Act.

(4) **INTEREST OF THE UNITED STATES.**—On conveyance of a portion of the Regional Water System under paragraph (1), the United States shall have no further right, title, or interest in and to the portion of the Regional Water System conveyed.

(5) **ADDITIONAL CONSTRUCTION.**—On conveyance of a portion of the Regional Water System under paragraph (1), the Pueblos, County, or the Authority, as applicable, may, at the expense of the Pueblos, County, or the Authority, construct any additional infrastructure that is necessary to fully use the water delivered by the Regional Water System.

(6) **TAXATION.**—Conveyance of title to any portion of the Regional Water System, the Pueblo Water Facilities, or the County Distribution System under paragraph (1) does not waive or alter any applicable Federal law prohibiting taxation of such facilities or the underlying land.

(7) **LIABILITY.**—

(A) **IN GENERAL.**—Effective on the date of conveyance of any land or facility under this section, the United States shall not be held liable by any court for damages of any kind arising out of any act, omission, or occurrence relating to the land and facilities con-

veyed, other than damages caused by acts of negligence by the United States, or by employees or agents of the United States, prior to the date of conveyance.

(B) **TORT CLAIMS.**—Nothing in this section increases the liability of the United States beyond the liability provided in chapter 171 of title 28, United States Code (commonly known as the “Federal Tort Claims Act”).

(8) **EFFECT.**—Nothing in any transfer of ownership provided or any conveyance thereto as provided in this section shall extinguish the right of any Pueblo, the County, or the Regional Water Authority to the continuous use and benefit of each easement or right of way for the use, operation, maintenance, repair, and replacement of Pueblo Water Facilities, the County Distribution System or the Regional Water System or for wastewater purposes as provided in the Cost-Sharing and System Integration Agreement.

SEC. 612. OPERATING AGREEMENT.

(a) **IN GENERAL.**—The Pueblos and the County shall submit to the Secretary an executed Operating Agreement for the Regional Water System that is consistent with this title, the Settlement Agreement, and the Cost-Sharing and System Integration Agreement not later than 180 days after the later of—

(1) the date of completion of environmental compliance and permitting; or

(2) the date of issuance of a final project design for the Regional Water System under section 611(b).

(b) **APPROVAL.**—The Secretary shall approve or disapprove the Operating Agreement within a reasonable period of time after the Pueblos and the County submit the Operating Agreement described in subsection (a) and upon making a determination that the Operating Agreement is consistent with this title, the Settlement Agreement, and the Cost-Sharing and System Integration Agreement.

(c) **CONTENTS.**—The Operating Agreement shall include—

(1) provisions consistent with the Settlement Agreement and the Cost-Sharing and System Integration Agreement and necessary to implement the intended benefits of the Regional Water System described in those documents;

(2) provisions for—

(A) the distribution of water conveyed through the Regional Water System, including a delineation of—

(i) distribution lines for the County Distribution System;

(ii) distribution lines for the Pueblo Water Facilities; and

(iii) distribution lines that serve both—

(I) the County Distribution System; and

(II) the Pueblo Water Facilities;

(B) the allocation of the Regional Water System capacity;

(C) the terms of use of unused water capacity in the Regional Water System;

(D) terms of interim use of County unused capacity, in accordance with section 614(d);

(E) the construction of additional infrastructure and the acquisition of associated rights-of-way or easements necessary to enable any of the Pueblos or the County to fully use water allocated to the Pueblos or the County from the Regional Water System, including provisions addressing when the construction of such additional infrastructure requires approval by the Authority;

(F) the allocation and payment of annual operation, maintenance, and replacement

costs for the Regional Water System, including the portions of the Regional Water System that are used to treat, transmit, and distribute water to both the Pueblo Water Facilities and the County Water Utility;

(G) the operation of wellfields located on Pueblo land;

(H) the transfer of any water rights necessary to provide the Pueblo water supply described in section 613(a);

(I) the operation of the Regional Water System with respect to the water supply, including the allocation of the water supply in accordance with section 3.1.8.4.2 of the Settlement Agreement so that, in the event of a shortage of supply to the Regional Water System, the supply to each of the Pueblos' and to the County's distribution system shall be reduced on a pro rata basis, in proportion to each distribution system's most current annual use; and

(J) dispute resolution; and

(3) provisions for operating and maintaining the Regional Water System facilities before and after conveyance under section 611(h), including provisions to—

(A) ensure that—

(i) the operation of, and the diversion and conveyance of water by, the Regional Water System is in accordance with the Settlement Agreement;

(ii) the wells in the Regional Water System are used in conjunction with the surface water supply of the Regional Water System to ensure a reliable firm supply of water to all users of the Regional Water System, consistent with the intent of the Settlement Agreement that surface supplies will be used to the maximum extent feasible;

(iii) the respective obligations regarding delivery, payment, operation, and management are enforceable; and

(iv) the County has the right to serve any new water users located on non-Pueblo land in the Pojoaque Basin; and

(B) allow for any aquifer storage and recovery projects that are approved by the Office of the New Mexico State Engineer.

(d) EFFECT.—Nothing in this title precludes the Operating Agreement from authorizing phased or interim operations if the Regional Water System is constructed in phases.

SEC. 613. ACQUISITION OF PUEBLO WATER SUPPLY FOR REGIONAL WATER SYSTEM.

(a) IN GENERAL.—For the purpose of providing a reliable firm supply of water from the Regional Water System for the Pueblos in accordance with the Settlement Agreement, the Secretary, on behalf of the Pueblos, shall—

(1) acquire water rights to—

(A) 302 acre-feet of Nambé reserved water described in section 2.6.2 of the Settlement Agreement; and

(B) 1141 acre-feet from water acquired by the County for water rights commonly referred to as "Top of the World" rights in the Aamodt Case;

(2) enter into a contract with the Pueblos for 1,079 acre-feet in accordance with section 11 of the San Juan-Chama Project Act; and

(3) by application to the State Engineer, seek approval to divert the water acquired and made available under paragraphs (1) and (2) at the points of diversion for the Regional Water System, consistent with the Settlement Agreement and the Cost-Sharing and System Integration Agreement.

(b) FORFEITURE.—The nonuse of the water supply secured by the Secretary for the Pueblos under subsection (a) shall in no event result in forfeiture, abandonment, relinquishment, or other loss thereof.

(c) TRUST.—The Pueblo water rights secured under subsection (a) shall be held by the United States in trust for the Pueblos.

(d) APPLICABLE LAW.—The water supply made available pursuant to subsection (a)(2) shall be subject to the San Juan-Chama Project Act, and no preference shall be provided to the Pueblos as a result of subsection (c) with regard to the delivery or distribution of San Juan-Chama Project water or the management or operation of the San Juan-Chama Project.

(e) CONTRACT FOR SAN JUAN-CHAMA PROJECT WATER SUPPLY.—With respect to the contract for the water supply required by subsection (a)(2), such San Juan-Chama Project contract shall be pursuant to the following terms:

(1) WAIVERS.—Notwithstanding the provisions of the San Juan-Chama Project Act, or any other provision of law—

(A) the Secretary shall waive the entirety of the Pueblos' share of the construction costs for the San Juan-Chama Project, and pursuant to that waiver, the Pueblos' share of all construction costs for the San Juan-Chama Project, inclusive of both principal and interest, due from 1972 to the execution of the contract required by subsection (a)(2), shall be nonreimbursable;

(B) the Secretary's waiver of each Pueblo's share of the construction costs for the San Juan-Chama Project will not result in an increase in the pro rata shares of other San Juan-Chama Project water contractors, but such costs shall be absorbed by the United States Treasury or otherwise appropriated to the Department of the Interior; and

(C) the construction costs associated with any water made available from the San Juan-Chama Project which were determined nonreimbursable and nonreturnable pursuant to Public Law No. 88-293, 78 Stat. 171 (March 26, 1964), shall remain nonreimbursable and nonreturnable.

(2) TERMINATION.—The contract shall provide that it shall terminate only on—

(A) failure of the United States District Court for the District of New Mexico to enter a final decree for the Aamodt Case by the expiration date described in section 623(b), or within the time period of any extension of that deadline granted by the court; or

(B) entry of an order by the United States District Court for the District of New Mexico voiding the final decree and Settlement Agreement for the Aamodt Case pursuant to section 10.3 of the Settlement Agreement.

(f) LIMITATION.—The Secretary shall use the water supply secured under subsection (a) only for the purposes described in the Settlement Agreement.

(g) FULFILLMENT OF WATER SUPPLY ACQUISITION OBLIGATIONS.—Compliance with subsections (a) through (f) shall satisfy any and all obligations of the Secretary to acquire or secure a water supply for the Pueblos pursuant to the Settlement Agreement.

(h) RIGHTS OF PUEBLOS IN SETTLEMENT AGREEMENT UNAFFECTED.—Notwithstanding the provisions of subsections (a) through (g), the Pueblos, the County or the Regional Water Authority may acquire any additional water rights to ensure all parties to the Settlement Agreement receive the full allocation of water provided by the Settlement Agreement and nothing in this title amends or modifies the quantities of water allocated to the Pueblos thereunder.

SEC. 614. DELIVERY AND ALLOCATION OF REGIONAL WATER SYSTEM CAPACITY AND WATER.

(a) ALLOCATION OF REGIONAL WATER SYSTEM CAPACITY.—

(1) IN GENERAL.—The Regional Water System shall have the capacity to divert from the Rio Grande a quantity of water sufficient to provide—

(A) up to 4,000 acre-feet of consumptive use of water; and

(B) the requisite peaking capacity described in—

(i) the Engineering Report; and

(ii) the final project design.

(2) ALLOCATION TO THE PUEBLOS AND COUNTY WATER UTILITY.—Of the capacity described in paragraph (1)—

(A) there shall be allocated to the Pueblos—

(i) sufficient capacity for the conveyance of 2,500 acre-feet consumptive use; and

(ii) the requisite peaking capacity for the quantity of water described in clause (i); and

(B) there shall be allocated to the County Water Utility—

(i) sufficient capacity for the conveyance of up to 1,500 acre-feet consumptive use; and

(ii) the requisite peaking capacity for the quantity of water described in clause (i).

(3) APPLICABLE LAW.—Water shall be allocated to the Pueblos and the County Water Utility under this subsection in accordance with—

(A) this subtitle;

(B) the Settlement Agreement; and

(C) the Operating Agreement.

(b) DELIVERY OF REGIONAL WATER SYSTEM WATER.—The Authority shall deliver water from the Regional Water System—

(1) to the Pueblos water in a quantity sufficient to allow full consumptive use of up to 2,500 acre-feet per year of water rights by the Pueblos in accordance with—

(A) the Settlement Agreement;

(B) the Operating Agreement; and

(C) this subtitle; and

(2) to the County water in a quantity sufficient to allow full consumptive use of up to 1,500 acre-feet per year of water rights by the County Water Utility in accordance with—

(A) the Settlement Agreement;

(B) the Operating Agreement; and

(C) this subtitle.

(c) ADDITIONAL USE OF ALLOCATION QUANTITY AND UNUSED CAPACITY.—The Regional Water System may be used to—

(1) provide for use of return flow credits to allow for full consumptive use of the water allocated in the Settlement Agreement to each of the Pueblos and to the County; and

(2) convey water allocated to one of the Pueblos or the County Water Utility for the benefit of another Pueblo or the County Water Utility or allow use of unused capacity by each other through the Regional Water System in accordance with an intergovernmental agreement between the Pueblos, or between a Pueblo and County Water Utility, as applicable, if—

(A) such intergovernmental agreements are consistent with the Operating Agreement, the Settlement Agreement, and this title;

(B) capacity is available without reducing water delivery to any Pueblo or the County Water Utility in accordance with the Settlement Agreement, unless the County Water Utility or Pueblo contracts for a reduction in water delivery or Regional Water System capacity;

(C) the Pueblo or County Water Utility contracting for use of the unused capacity or water has the right to use the water under applicable law; and

(D) any agreement for the use of unused capacity or water provides for payment of the operation, maintenance, and replacement costs associated with the use of capacity or water.

(d) **INTERIM USE OF COUNTY CAPACITY.**—In accordance with section 9.6.4 of the Settlement Agreement, the County may use unused capacity and water rights of the County Water Utility to supply water within the County outside of the Pojoaque Basin—

(1) on approval by the State and the Authority; and

(2) subject to the issuance of a permit by the New Mexico State Engineer.

SEC. 615. AAMODT SETTLEMENT PUEBLOS' FUND.

(a) **ESTABLISHMENT OF THE AAMODT SETTLEMENT PUEBLOS' FUND.**—There is established in the Treasury of the United States a fund, to be known as the “Aamodt Settlement Pueblos' Fund,” consisting of—

(1) such amounts as are made available to the Fund under section 617(c) or other authorized sources; and

(2) any interest earned from investment of amounts in the Fund under subsection (b).

(b) **MANAGEMENT OF THE FUND.**—The Secretary shall manage the Fund, invest amounts in the Fund, and make amounts available from the Fund for distribution to the Pueblos in accordance with—

(1) the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001 et seq.); and

(2) this title.

(c) **INVESTMENT OF THE FUND.**—On the date on which the waivers become effective as set forth in section 623(d), the Secretary shall invest amounts in the Fund in accordance with—

(1) the Act of April 1, 1880 (25 U.S.C. 161);

(2) the first section of the Act of June 24, 1938 (25 U.S.C. 162a); and

(3) the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001 et seq.).

(d) **TRIBAL MANAGEMENT PLAN.**—

(1) **IN GENERAL.**—A Pueblo may withdraw all or part of the Pueblo's portion of the Fund on approval by the Secretary of a tribal management plan as described in the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001 et seq.).

(2) **REQUIREMENTS.**—In addition to the requirements under the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001 et seq.), the tribal management plan shall require that a Pueblo spend any amounts withdrawn from the Fund in accordance with the purposes described in section 617(c).

(3) **ENFORCEMENT.**—The Secretary may take judicial or administrative action to enforce the provisions of any tribal management plan to ensure that any amounts withdrawn from the Fund under an approved tribal management plan are used in accordance with this subtitle.

(4) **LIABILITY.**—If a Pueblo or the Pueblos exercise the right to withdraw amounts from the Fund, neither the Secretary nor the Secretary of the Treasury shall retain any liability for the expenditure or investment of the amounts withdrawn.

(5) **EXPENDITURE PLAN.**—

(A) **IN GENERAL.**—The Pueblos shall submit to the Secretary for approval an expenditure plan for any portion of the amounts in the Fund that the Pueblos do not withdraw under this subsection.

(B) **DESCRIPTION.**—The expenditure plan shall describe the manner in which, and the purposes for which, amounts remaining in the Fund will be used.

(C) **APPROVAL.**—On receipt of an expenditure plan under subparagraph (A), the Secretary shall approve the plan if the Secretary determines that the plan is reasonable and consistent with this title, the Set-

tlement Agreement, and the Cost-Sharing and System Integration Agreement.

(D) **ANNUAL REPORT.**—The Pueblos shall submit to the Secretary an annual report that describes all expenditures from the Fund during the year covered by the report.

(6) **NO PER CAPITA PAYMENTS.**—No part of the principal of the Fund, or the interest or income accruing on the principal shall be distributed to any member of a Pueblo on a per capita basis.

(7) **AVAILABILITY OF AMOUNTS FROM THE FUND.**—

(A) **APPROVAL OF SETTLEMENT AGREEMENT.**—

(i) **IN GENERAL.**—Except as provided in clause (ii), amounts made available under section 617(c)(1), or from other authorized sources, shall be available for expenditure or withdrawal only after the publication of the statement of findings required by section 623(a)(1).

(ii) **EXCEPTION.**—Notwithstanding clause (i), the amounts described in that clause may be expended before the date of publication of the statement of findings under section 623(a)(1) for any activity that is more cost-effective when implemented in conjunction with the construction of the Regional Water System, as determined by the Secretary.

(B) **COMPLETION OF CERTAIN PORTIONS OF REGIONAL WATER SYSTEM.**—Amounts made available under section 617(c)(1) or from other authorized sources shall be available for expenditure or withdrawal only after those portions of the Regional Water System described in section 1.5.24 of the Settlement Agreement have been declared substantially complete by the Secretary.

SEC. 616. ENVIRONMENTAL COMPLIANCE.

(a) **IN GENERAL.**—In carrying out this subtitle, the Secretary shall comply with each law of the Federal Government relating to the protection of the environment, including—

(1) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

(2) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

(b) **NATIONAL ENVIRONMENTAL POLICY ACT.**—Nothing in this title affects the outcome of any analysis conducted by the Secretary or any other Federal official under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

SEC. 617. FUNDING.

(a) **REGIONAL WATER SYSTEM.**—

(1) **FUNDING.**—

(A) **MANDATORY APPROPRIATION.**—Subject to paragraph (5), out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary for the planning, design, and construction of the Regional Water System and the conduct of environmental compliance activities under section 616 an amount not to exceed \$56,400,000, as adjusted under paragraph (4), for the period of fiscal years 2011 through 2016, to remain available until expended.

(B) **AUTHORIZATION OF APPROPRIATIONS.**—In addition to the amount made available under subparagraph (A), there is authorized to be appropriated to the Secretary for the planning, design, and construction of the Regional Water System and the conduct of environmental compliance activities under section 616 \$50,000,000, as adjusted under paragraph (4), for the period of fiscal years 2011 through 2024.

(2) **RECEIPT AND ACCEPTANCE.**—The Secretary shall be entitled to receive, shall accept, and shall use to carry out this title the funds transferred under paragraph (1)(A),

without further appropriation, to remain available until expended.

(3) **PRIORITY OF FUNDING.**—Of the amounts made available under paragraph (1), the Secretary shall give priority to funding—

(A) the construction of the San Ildefonso portion of the Regional Water System, consisting of—

(i) the surface water diversion, treatment, and transmission facilities at San Ildefonso Pueblo; and

(ii) the San Ildefonso Pueblo portion of the Pueblo Water Facilities; and

(B) that part of the Regional Water System providing 475 acre-feet to Pojoaque Pueblo pursuant to section 2.2 of the Settlement Agreement.

(4) **ADJUSTMENT.**—The amounts made available under paragraph (1) shall be adjusted annually to account for increases in construction costs since October 1, 2006, as determined using applicable engineering cost indices.

(5) **LIMITATIONS.**—

(A) **IN GENERAL.**—No amounts shall be made available under paragraph (1) for the construction of the Regional Water System until the date on which the United States District Court for the District of New Mexico issues an order approving the Settlement Agreement.

(B) **RECORD OF DECISION.**—No amounts made available under paragraph (1) shall be expended for construction unless the record of decision issued by the Secretary after completion of an environmental impact statement provides for a preferred alternative that is in substantial compliance with the proposed Regional Water System, as defined in the Engineering Report.

(b) **ACQUISITION OF WATER RIGHTS.**—

(1) **IN GENERAL.**—Out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary for the acquisition of the water rights under section 613(a)(1)(B) \$5,400,000.

(2) **RECEIPT AND ACCEPTANCE.**—The Secretary shall be entitled to receive, shall accept, and shall use to carry out this title the funds transferred under paragraph (1), without further appropriation, to remain available until expended.

(c) **AAMODT SETTLEMENT PUEBLOS' FUND.**—

(1) **FUNDING.**—

(A) **MANDATORY APPROPRIATIONS.**—Out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary the following amounts for the period of fiscal years 2011 through 2015:

(i) \$15,000,000, as adjusted according to the CPI Urban Index beginning on October 1, 2006, which shall be allocated to the Pueblos, in accordance with section 2.7.1 of the Settlement Agreement, for the rehabilitation, improvement, operation, maintenance, and replacement of the agricultural delivery facilities, waste water systems, and other water-related infrastructure of the applicable Pueblo.

(ii) \$5,000,000, as adjusted according to the CPI Urban Index beginning on January 1, 2011, and any interest on that amount, which shall be allocated to the Pueblo of Nambe only for the acquisition land, other real property interests, or economic development for the Nambe reserved water rights in accordance with section 613(a)(1)(A).

(B) **AUTHORIZATION OF APPROPRIATIONS.**—In addition to the amounts made available under clauses (i) and (ii) of subparagraph (A), respectively, there are authorized to be appropriated to the Secretary for the period of

fiscal years 2011 through 2024, \$37,500,000 to assist the Pueblos in paying the Pueblos' share of the cost of operating, maintaining, and replacing the Pueblo Water Facilities and the Regional Water System.

(2) OPERATION, MAINTENANCE, AND REPLACEMENT COSTS.—

(A) IN GENERAL.—Prior to conveyance of the Regional Water System pursuant to section 611, the Secretary is authorized to and shall pay any operation, maintenance, and replacement costs associated with the Pueblo Water Facilities or the Regional Water System, up to the amount made available under subparagraph (B).

(B) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out subparagraph (A) \$5,000,000.

(C) OBLIGATION OF FEDERAL GOVERNMENT AFTER COMPLETION.—After the date on which construction of the Regional Water System is completed and the amounts required to be deposited in the Aamodt Settlement Pueblos' Fund pursuant to paragraph (1) have been deposited by the Federal Government—

(i) the Federal Government shall have no obligation to pay for the operation, maintenance, and replacement costs associated with the Pueblo Water Facilities or the Regional Water System; and

(ii) the authorization for the Secretary to expend funds for the operation, maintenance, and replacement costs of those systems under subparagraph (A) shall expire.

(3) RECEIPT AND ACCEPTANCE.—The Secretary shall be entitled to receive, shall accept, and shall use to carry out this title the funds transferred under paragraphs (1)(A), without further appropriation, to remain available until expended or until the authorization for the Secretary to expend funds pursuant to paragraph (2) expires.

Subtitle B—Pojoaque Basin Indian Water Rights Settlement

SEC. 621. SETTLEMENT AGREEMENT AND CONTRACT APPROVAL.

(a) APPROVAL.—To the extent the Settlement Agreement and the Cost-Sharing and System Integration Agreement do not conflict with this title, the Settlement Agreement and the Cost-Sharing and System Integration Agreement (including any amendments to the Settlement Agreement and the Cost-Sharing and System Integration Agreement that are executed to make the Settlement Agreement or the Cost-Sharing and System Integration Agreement consistent with this title) are authorized, ratified, and confirmed.

(b) EXECUTION.—To the extent the Settlement Agreement and the Cost-Sharing and System Integration Agreement do not conflict with this title, the Secretary shall execute the Settlement Agreement and the Cost-Sharing and System Integration Agreement (including any amendments that are necessary to make the Settlement Agreement or the Cost-Sharing and System Integration Agreement consistent with this title).

(c) AUTHORITIES OF THE PUEBLOS.—

(1) IN GENERAL.—Each of the Pueblos may enter into leases or contracts to exchange water rights or to forebear undertaking new or expanded water uses for water rights recognized in section 2.1 of the Settlement Agreement for use within the Pojoaque Basin, in accordance with the other limitations of section 2.1.5 of the Settlement Agreement, provided that section 2.1.5 is amended accordingly.

(2) APPROVAL BY SECRETARY.—Consistent with the Settlement Agreement, the Sec-

retary shall approve or disapprove a lease or contract entered into under paragraph (1).

(3) PROHIBITION ON PERMANENT ALIENATION.—No lease or contract under paragraph (1) shall be for a term exceeding 99 years, nor shall any such lease or contract provide for permanent alienation of any portion of the water rights made available to the Pueblos under the Settlement Agreement.

(4) APPLICABLE LAW.—Section 2116 of the Revised Statutes (25 U.S.C. 177) shall not apply to any lease or contract entered into under paragraph (1).

(5) LEASING OR MARKETING OF WATER SUPPLY.—The water supply provided on behalf of the Pueblos pursuant to section 613(a)(1) may only be leased or marketed by any of the Pueblos pursuant to the intergovernmental agreements described in section 614(c)(2).

(d) AMENDMENTS TO CONTRACTS.—The Secretary shall amend the contracts relating to the Nambe Falls Dam and Reservoir that are necessary to use water supplied from the Nambe Falls Dam and Reservoir in accordance with the Settlement Agreement.

SEC. 622. ENVIRONMENTAL COMPLIANCE.

(a) EFFECT OF EXECUTION OF SETTLEMENT AGREEMENT.—The execution of the Settlement Agreement under section 611(b) shall not constitute a major Federal action under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(b) COMPLIANCE WITH ENVIRONMENTAL LAWS.—In carrying out this title, the Secretary shall comply with each law of the Federal Government relating to the protection of the environment, including—

(1) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

(2) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

SEC. 623. CONDITIONS PRECEDENT AND ENFORCEMENT DATE.

(a) CONDITIONS PRECEDENT.—

(1) IN GENERAL.—Upon the fulfillment of the conditions precedent described in paragraph (2), the Secretary shall publish in the Federal Register by September 15, 2017, a statement of findings that the conditions have been fulfilled.

(2) REQUIREMENTS.—The conditions precedent referred to in paragraph (1) are the conditions that—

(A) to the extent that the Settlement Agreement conflicts with this subtitle, the Settlement Agreement has been revised to conform with this subtitle;

(B) the Settlement Agreement, so revised, including waivers and releases pursuant to section 624, has been executed by the appropriate parties and the Secretary;

(C) Congress has fully appropriated, or the Secretary has provided from other authorized sources, all funds authorized by section 617, with the exception of subsection (a)(1) of that section;

(D) the Secretary has acquired and entered into appropriate contracts for the water rights described in section 613(a);

(E) for purposes of section 613(a), permits have been issued by the New Mexico State Engineer to the Regional Water Authority to change the points of diversion to the mainstem of the Rio Grande for the diversion and consumptive use of at least 2,381 acre-feet by the Pueblos as part of the water supply for the Regional Water System, subject to the conditions that—

(i) the permits shall be free of any condition that materially adversely affects the ability of the Pueblos or the Regional Water Authority to divert or use the Pueblo water supply described in section 613(a), including water rights acquired in addition to those

described in section 613(a), in accordance with section 613(g); and

(ii) the Settlement Agreement shall establish the means to address any permit conditions to ensure the ability of the Pueblos to fully divert and consume at least 2,381 acre-feet as part of the water supply for the Regional Water System, including defining the conditions that will not constitute a material adverse affect;

(F) the State has enacted any necessary legislation and provided any funding that may be required under the Settlement Agreement;

(G) a partial final decree that sets forth the water rights and other rights to water to which the Pueblos are entitled under the Settlement Agreement and this subtitle and that substantially conforms to the Settlement Agreement has been approved by the United States District Court for the District of New Mexico;

(H) a final decree that sets forth the water rights for all parties to the Aamodt Case and that substantially conforms to the Settlement Agreement has been approved by the United States District Court for the District of New Mexico; and

(I) the waivers and releases described in section 624 have been executed.

(b) EXPIRATION DATE.—If all the conditions precedent described in subsection (a)(2) have not been fulfilled by September 15, 2017—

(1) the Settlement Agreement shall no longer be effective;

(2) the waivers and releases described in the Settlement Agreement and section 624 shall not be effective;

(3) any unexpended Federal funds appropriated or made available to carry out the activities authorized by this title, together with any interest earned on those funds, any water rights or contracts to use water, and title to other property acquired or constructed with Federal funds appropriated or made available to carry out the activities authorized by this title shall be returned to the Federal Government, unless otherwise agreed to by the Pueblos and the United States and approved by Congress; and

(4) except for Federal funds used to acquire or develop property that is returned to the Federal Government under paragraph (3), the United States shall be entitled to set off any Federal funds appropriated or made available to carry out the activities authorized by this title that were expended or withdrawn, together with any interest accrued on those funds, against any claims against the United States—

(A) relating to water rights in the Pojoaque Basin asserted by any Pueblo that benefitted from the use of expended or withdrawn Federal funds; or

(B) in any future settlement of the Aamodt Case.

(c) ENFORCEMENT DATE.—The Settlement Agreement shall become enforceable beginning on the date on which the United States District Court for the District of New Mexico enters a partial final decree pursuant to subsection (a)(2)(G) and an Interim Administrative Order consistent with the Settlement Agreement.

(d) EFFECTIVENESS OF WAIVERS.—The waivers and releases executed pursuant to section 624 shall become effective as of the date that the Secretary publishes the notice required by subsection (a)(1).

(e) REQUIREMENTS FOR DETERMINATION OF SUBSTANTIAL COMPLETION OF THE REGIONAL WATER SYSTEM.—

(1) CRITERIA FOR SUBSTANTIAL COMPLETION OF REGIONAL WATER SYSTEM.—Subject to the

provisions in section 611(d) concerning the extent, size, and capacity of the County Distribution System, the Regional Water System shall be determined to be substantially completed if the infrastructure has been constructed capable of—

(A) diverting, treating, transmitting, and distributing a supply of 2,500 acre-feet of water to the Pueblos; and

(B) diverting, treating, and transmitting the quantity of water specified in the Engineering Report to the County Distribution System.

(2) CONSULTATION.—On or after June 30, 2021, at the request of 1 or more of the Pueblos, the Secretary shall consult with the Pueblos and confer with the County and the State on whether the criteria in paragraph (1) for substantial completion of the Regional Water System have been met or will be met by June 30, 2024.

(3) WRITTEN DETERMINATION BY SECRETARY.—Not earlier than June 30, 2021, at the request of 1 or more of the Pueblos and after the consultation required by paragraph (2), the Secretary shall—

(A) determine whether the Regional Water System has been substantially completed based on the criteria described in paragraph (1); and

(B) submit a written notice of the determination under subparagraph (A) to—

- (i) the Pueblos;
- (ii) the County; and
- (iii) the State.

(4) RIGHT TO REVIEW.—

(A) IN GENERAL.—A determination by the Secretary under paragraph (3)(A) shall be considered to be a final agency action subject to judicial review by the Decree Court under sections 701 through 706 of title 5, United States Code.

(B) FAILURE TO MAKE TIMELY DETERMINATION.—

(i) IN GENERAL.—If a Pueblo requests a written determination under paragraph (3) and the Secretary fails to make such a written determination by the date described in clause (ii), there shall be a rebuttable presumption that the failure constitutes agency action unlawfully withheld or unreasonably delayed under section 706 of title 5, United States Code.

(ii) DATE.—The date referred to in clause (i) is the date that is the later of—

(I) the date that is 180 days after the date of receipt by the Secretary of the request by the Pueblo; and

(II) June 30, 2023.

(C) EFFECT OF TITLE.—Nothing in this title gives any Pueblo or Settlement Party the right to judicial review of a determination of the Secretary regarding whether the Regional Water System has been substantially completed except under subchapter II of chapter 5, and chapter 7, of title 5, United States Code (commonly known as the “Administrative Procedure Act”).

(5) RIGHT TO VOID FINAL DECREE.—

(A) IN GENERAL.—Not later than June 30, 2024, on a determination by the Secretary, after consultation with the Pueblos, that the Regional Water System is not substantially complete, 1 or more of the Pueblos, or the United States acting on behalf of a Pueblo, shall have the right to notify the Decree Court of the determination.

(B) EFFECT.—The Final Decree shall have no force or effect on a finding by the Decree Court that a Pueblo, or the United States acting on behalf of a Pueblo, has submitted proper notification under subparagraph (A).

(f) VOIDING OF WAIVERS.—If the Final Decree is void under subsection (e)(5)—

(1) the Settlement Agreement shall no longer be effective;

(2) the waivers and releases executed pursuant to section 624 shall no longer be effective;

(3) any unexpended Federal funds appropriated or made available to carry out the activities authorized by this title, together with any interest earned on those funds, any water rights or contracts to use water, and title to other property acquired or constructed with Federal funds appropriated or made available to carry out the activities authorized by this title shall be returned to the Federal Government, unless otherwise agreed to by the Pueblos and the United States and approved by Congress; and

(4) except for Federal funds used to acquire or develop property that is returned to the Federal Government under paragraph (3), the United States shall be entitled to set off any Federal funds appropriated or made available to carry out the activities authorized by this title that were expended or withdrawn, together with any interest accrued on those funds, against any claims against the United States—

(A) relating to water rights in the Pojoaque Basin asserted by any Pueblo that benefitted from the use of expended or withdrawn Federal funds; or

(B) in any future settlement of the Aamodt Case.

(g) EXTENSION.—The dates in subsections (a)(1) and (b) may be extended if the parties to the Cost-Sharing and System Integration Agreement agree that an extension is reasonably necessary.

SEC. 624. WAIVERS AND RELEASES OF CLAIMS.

(a) CLAIMS BY THE PUEBLOS AND THE UNITED STATES.—In return for recognition of the Pueblos’ water rights and other benefits, including waivers and releases by non-Pueblo parties, as set forth in the Settlement Agreement and this title, the Pueblos, on behalf of themselves and their members, and the United States acting in its capacity as trustee for the Pueblos are authorized to execute a waiver and release of—

(1) all claims for water rights in the Pojoaque Basin that the Pueblos, or the United States acting in its capacity as trustee for the Pueblos, asserted, or could have asserted, in any proceeding, including the Aamodt Case, up to and including the waiver effectiveness date identified in section 623(d), except to the extent that such rights are recognized in the Settlement Agreement or this title;

(2) all claims for water rights for lands in the Pojoaque Basin and for rights to use water in the Pojoaque Basin that the Pueblos, or the United States acting in its capacity as trustee for the Pueblos, might be able to otherwise assert in any proceeding not initiated on or before the date of enactment of this Act, except to the extent that such rights are recognized in the Settlement Agreement or this title;

(3) all claims for damages, losses or injuries to water rights or claims of interference with, diversion or taking of water (including claims for injury to land resulting from such damages, losses, injuries, interference with, diversion, or taking) for land within the Pojoaque Basin that accrued at any time up to and including the waiver effectiveness date identified in section 623(d);

(4) their defenses in the Aamodt Case to the claims previously asserted therein by other parties to the Settlement Agreement;

(5) all pending and future inter se challenges to the quantification and priority of water rights of non-Pueblo wells in the

Pojoaque Basin, except as provided by section 2.8 of the Settlement Agreement;

(6) all pending and future inter se challenges against other parties to the Settlement Agreement;

(7) all claims for damages, losses, or injuries to water rights or claims of interference with, diversion or taking of water (including claims for injury to land resulting from such damages, losses, injuries, interference with, diversion, or taking of water) attributable to City of Santa Fe pumping of groundwater that has effects on the ground and surface water supplies of the Pojoaque Basin, provided that this waiver shall not be effective by the Pueblo of Tesuque unless there is a water resources agreement executed between the Pueblo of Tesuque and the City of Santa Fe; and

(8) all claims for damages, losses, or injuries to water rights or claims of interference with, diversion or taking of water (including claims for injury to land resulting from such damages, losses, injuries, interference with, diversion, or taking of water) attributable to County of Santa Fe pumping of groundwater that has effects on the ground and surface water supplies of the Pojoaque Basin.

(b) CLAIMS BY THE PUEBLOS AGAINST THE UNITED STATES.—The Pueblos, on behalf of themselves and their members, are authorized to execute a waiver and release of—

(1) all claims against the United States, its agencies, or employees, relating to claims for water rights in or water of the Pojoaque Basin or for rights to use water in the Pojoaque Basin that the United States acting in its capacity as trustee for the Pueblos asserted, or could have asserted, in any proceeding, including the Aamodt Case;

(2) all claims against the United States, its agencies, or employees relating to damages, losses, or injuries to water, water rights, land, or natural resources due to loss of water or water rights (including damages, losses or injuries to hunting, fishing, gathering or cultural rights due to loss of water or water rights; claims relating to interference with, diversion or taking of water or water rights; or claims relating to failure to protect, acquire, replace, or develop water, water rights or water infrastructure) within the Pojoaque Basin that first accrued at any time up to and including the waiver effectiveness date identified in section 623(d);

(3) all claims against the United States, its agencies, or employees for an accounting of funds appropriated by Acts, including the Act of December 22, 1927 (45 Stat. 2), the Act of March 4, 1929 (45 Stat. 1562), the Act of March 26, 1930 (46 Stat. 90), the Act of February 14, 1931 (46 Stat. 1115), the Act of March 4, 1931 (46 Stat. 1552), the Act of July 1, 1932 (47 Stat. 525), the Act of June 22, 1936 (49 Stat. 1757), the Act of August 9, 1937 (50 Stat. 564), and the Act of May 9, 1938 (52 Stat. 291), as authorized by the Pueblo Lands Act of June 7, 1924 (43 Stat. 636), and the Pueblo Lands Act of May 31, 1933 (48 Stat. 108), and for breach of Trust relating to funds for water replacement appropriated by said Acts that first accrued before the date of enactment of this Act;

(4) all claims against the United States, its agencies, or employees relating to the pending litigation of claims relating to the Pueblos’ water rights in the Aamodt Case; and

(5) all claims against the United States, its agencies, or employees relating to the negotiation, Execution or the adoption of the Settlement Agreement, exhibits thereto, the Partial Final Decree, the Final Decree, or this title.

(c) RESERVATION OF RIGHTS AND RETENTION OF CLAIMS.—Notwithstanding the waivers

and releases authorized in this title, the Pueblos on behalf of themselves and their members and the United States acting in its capacity as trustee for the Pueblos retain.—

(1) all claims for enforcement of the Settlement Agreement, the Cost-Sharing and System Integration Agreement, the Final Decree, including the Partial Final Decree, the San Juan-Chama Project contract between the Pueblos and the United States or this title;

(2) all rights to use and protect water rights acquired after the date of enactment of this Act;

(3) all rights to use and protect water rights acquired pursuant to state law to the extent not inconsistent with the Partial Final Decree, Final Decree, and the Settlement Agreement;

(4) all claims against persons other than Parties to the Settlement Agreement for damages, losses or injuries to water rights or claims of interference with, diversion or taking of water (including claims for injury to lands resulting from such damages, losses, injuries, interference with, diversion, or taking of water) within the Pojoaque Basin arising out of activities occurring outside the Pojoaque Basin;

(5) all claims relating to activities affecting the quality of water including any claims the Pueblos may have under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) (including claims for damages to natural resources), the Safe Drinking Water Act (42 U.S.C. 300f et seq.), the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), and the regulations implementing those laws;

(6) all claims against the United States relating to damages, losses, or injuries to land or natural resources not due to loss of water or water rights (including hunting, fishing, gathering or cultural rights);

(7) all claims for water rights from water sources outside the Pojoaque Basin for land outside the Pojoaque Basin owned by a Pueblo or held by the United States for the benefit of any of the Pueblos; and

(8) all rights, remedies, privileges, immunities, powers and claims not specifically waived and released pursuant to this title or the Settlement Agreement.

(d) EFFECT.—Nothing in the Settlement Agreement or this title—

(1) affects the ability of the United States acting in its sovereign capacity to take actions authorized by law, including any laws relating to health, safety, or the environment, including the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.), the Safe Drinking Water Act (42 U.S.C. 300f et seq.), the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.), and the regulations implementing those laws;

(2) affects the ability of the United States to take actions acting in its capacity as trustee for any other Indian tribe or allottee; or

(3) confers jurisdiction on any State court to—

(A) interpret Federal law regarding health, safety, or the environment or determine the duties of the United States or other parties pursuant to such Federal law; or

(B) conduct judicial review of Federal agency action;

(e) TOLLING OF CLAIMS.—

(1) IN GENERAL.—Each applicable period of limitation and time-based equitable defense relating to a claim described in this section

shall be tolled for the period beginning on the date of enactment of this Act and ending on June 30, 2021.

(2) EFFECT OF SUBSECTION.—Nothing in this subsection revives any claim or tolls any period of limitation or time-based equitable defense that expired before the date of enactment of this Act.

(3) LIMITATION.—Nothing in this section precludes the tolling of any period of limitations or any time-based equitable defense under any other applicable law.

SEC. 625. EFFECT.

Nothing in this title or the Settlement Agreement affects the land and water rights, claims, or entitlements to water of any Indian tribe, pueblo, or community other than the Pueblos.

SEC. 626. ANTIDEFICIENCY.

The United States shall not be liable for any failure to carry out any obligation or activity authorized by this title (including any such obligation or activity under the Settlement Agreement) if adequate appropriations are not provided expressly by Congress to carry out the purposes of this title in the Reclamation Water Settlements Fund established under section 10501 of Public Law 111-11 or the “Emergency Fund for Indian Safety and Health” established by section 601(a) of the Tom Lantos and Henry J. Hyde United States Global Leadership Against HIV/AIDS, Tuberculosis, and Malaria Reauthorization Act of 2008 (25 U.S.C. 443c(a)).

TITLE VII—RECLAMATION WATER SETTLEMENTS FUND

SEC. 701. MANDATORY APPROPRIATION.

(a) IN GENERAL.—Notwithstanding any other provision of law, out of any funds in the Treasury not otherwise appropriated, for each of fiscal years 2012 through 2014, the Secretary of the Treasury shall transfer to the Secretary of the Interior \$60,000,000 for deposit in the Reclamation Water Settlements Fund established in section 10501 of Public Law 111-11.

(b) RECEIPT AND ACCEPTANCE.—Starting in fiscal year 2012, the Secretary of the Interior shall be entitled to receive, shall accept, and shall use to carry out subtitle B of title X of Public Law 111-11 the funds transferred under subsection (a), without further appropriation, to remain available until expended.

TITLE VIII—GENERAL PROVISIONS

Subtitle A—Unemployment Compensation Program Integrity

SEC. 801. COLLECTION OF PAST-DUE, LEGALLY ENFORCEABLE STATE DEBTS.

(a) UNEMPLOYMENT COMPENSATION DEBTS.—Section 6402(f) of the Internal Revenue Code of 1986 is amended—

(1) in the heading, by striking “RESULTING FROM FRAUD”;

(2) by striking paragraphs (3) and (8) and redesignating paragraphs (4) through (7) as paragraphs (3) through (6), respectively;

(3) in paragraph (3), as so redesignated—

(A) in subparagraph (A), by striking “by certified mail with return receipt”;

(B) in subparagraph (B), by striking “due to fraud” and inserting “is not a covered unemployment compensation debt”;

(C) in subparagraph (C), by striking “due to fraud” and inserting “is not a covered unemployment compensation debt”; and

(4) in paragraph (4), as so redesignated—

(A) in subparagraph (A)—

(i) by inserting “or the person’s failure to report earnings” after “due to fraud”; and

(ii) by striking “for not more than 10 years”;

(B) in subparagraph (B)—

(i) by striking “due to fraud”; and

(ii) by striking “for not more than 10 years”.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to refunds payable under section 6402 of the Internal Revenue Code of 1986 on or after the date of the enactment of this Act.

SEC. 802. REPORTING OF FIRST DAY OF EARNINGS TO DIRECTORY OF NEW HIRES.

(a) ADDITION OF REQUIREMENT.—Section 453A(b)(1)(A) of the Social Security Act (42 U.S.C. 653a(b)(1)(A)) is amended by inserting “the date services for remuneration were first performed by the employee,” after “of the employee.”

(b) CONFORMING AMENDMENT REGARDING REPORTING FORMAT AND METHOD.—Section 453A(c) of the Social Security Act (42 U.S.C. 653a(c)) is amended by inserting “, to the extent practicable,” after “Each report required by subsection (b) shall”.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—Subject to paragraph (2), the amendments made by this section shall take effect 6 months after the date of the enactment of this Act.

(2) COMPLIANCE TRANSITION PERIOD.—If the Secretary of Health and Human Services determines that State legislation (other than legislation appropriating funds) is required in order for a State plan under part D of title IV of the Social Security Act to meet the additional requirements imposed by the amendment made by subsection (a), the plan shall not be regarded as failing to meet such requirements before the first day of the second calendar quarter beginning after the close of the first regular session of the State legislature that begins after the effective date of such amendment. If the State has a 2-year legislative session, each year of the session is deemed to be a separate regular session of the State legislature.

Subtitle B—TANF

SEC. 811. EXTENSION OF THE TEMPORARY ASSISTANCE FOR NEEDY FAMILIES PROGRAM.

(a) IN GENERAL.—Activities authorized by part A of title IV and section 1108(b) of the Social Security Act (other than the Emergency Contingency Fund for State Temporary Assistance for Needy Families Programs established under subsection (c) of section 403 of such Act) shall continue through September 30, 2011, in the manner authorized for fiscal year 2010, and out of any money in the Treasury of the United States not otherwise appropriated, there are hereby appropriated such sums as may be necessary for such purpose. Grants and payments may be made pursuant to this authority on a quarterly basis through fiscal year 2011 at the level provided for such activities for the corresponding quarter of fiscal year 2010, except that—

(1) in the case of healthy marriage promotion and responsible fatherhood grants under section 403(a)(2) of such Act, such grants and payments shall be made in accordance with the amendments made by subsection (b) of this section;

(2) in the case of supplemental grants under section 403(a)(3) of such Act—

(A) such grants and payments for the period beginning on October 1, 2010, and ending on December 3, 2010, shall not exceed the level provided for such grants and payments under the Continuing Appropriations Act, 2011; and

(B) such grants and payments for the period beginning on December 4, 2010, and ending on June 30, 2011, shall not exceed the amount equal to the difference between \$490,000,000 and such sums as are necessary

for amounts obligated under section 403(b) of the Social Security Act on or after October 1, 2010, and before the date of enactment of this Act; and

(3) in the case of the Contingency Fund for State Welfare Programs established under section 403(b) of such Act, grants and payments may be made in the manner authorized for fiscal year 2010 through fiscal year 2012, in accordance with the amendments made by subsection (c) of this section.

(b) **HEALTHY MARRIAGE PROMOTION AND RESPONSIBLE FATHERHOOD GRANTS.**—Section 403(a)(2) of the Social Security Act (42 U.S.C. 603(a)(2)) is amended—

(1) in subparagraph (A)—

(A) in clause (i), by striking “and (C)” and inserting “, (C), and (E)”;

(B) in clause (ii), in the matter preceding subclause (I), by inserting “(or, in the case of an entity seeking funding to carry out healthy marriage promotion activities and activities promoting responsible fatherhood, a combined application that contains assurances that the entity will carry out such activities under separate programs and shall not combine any funds awarded to carry out either such activities)” after “an application”; and

(C) in clause (iii), by striking subclause (III) and inserting the following:

“(III) Marriage education, marriage skills, and relationship skills programs, that may include parenting skills, financial management, conflict resolution, and job and career advancement.”;

(2) in subparagraph (C)(i), by striking “\$50,000,000” and inserting “\$75,000,000”;

(3) by striking subparagraph (D) and inserting the following:

“(D) **APPROPRIATION.**—Out of any money in the Treasury of the United States not otherwise appropriated, there are appropriated for fiscal year 2011 for expenditure in accordance with this paragraph—

“(i) \$75,000,000 for awarding funds for the purpose of carrying out healthy marriage promotion activities; and

“(ii) \$75,000,000 for awarding funds for the purpose of carrying out activities promoting responsible fatherhood.

If the Secretary makes an award under subparagraph (B)(i) for fiscal year 2011, the funds for such award shall be taken in equal portion from the amounts appropriated under clauses (i) and (ii).”; and

(4) by adding at the end the following:

“(E) **PREFERENCE.**—In awarding funds under this paragraph for fiscal year 2011, the Secretary shall give preference to entities that were awarded funds under this paragraph for any prior fiscal year and that have demonstrated the ability to successfully carry out the programs funded under this paragraph.”.

(c) **CONTINGENCY FUND.**—Section 403(b)(2) of the Social Security Act (42 U.S.C. 603(b)(2)), as amended by section 131(b)(2)(A) of the Continuing Appropriations Act, 2011, is amended—

(1) by striking “\$506,000,000” and inserting “such sums as are necessary for amounts obligated on or after October 1, 2010, and before the date of enactment of the Claims Resolution Act of 2010.”; and

(2) by striking “, reduced” and all that follows up to the period.

(d) **CONFORMING AMENDMENTS.**—Section 403(a)(3) of the Social Security Act (42 U.S.C. 603(a)(3)), as amended by section 131(b)(1) of the Continuing Appropriations Act, 2011, is amended—

(1) in subparagraph (F)—

(A) by inserting “(or portion of a fiscal year)” after “a fiscal year”; and

(B) by inserting “(or portion of the fiscal year)” after “the fiscal year” each place it appears; and

(2) by striking clause (ii) of subparagraph (H) and inserting the following:

“(ii) subparagraph (G) shall be applied as if ‘fiscal year 2011’ were substituted for ‘fiscal year 2001’.”.

SEC. 812. MODIFICATIONS TO TANF DATA REPORTING.

(a) **IN GENERAL.**—Section 411 of the Social Security Act (42 U.S.C. 611) is amended by adding at the end the following new subsection:

“(c) **PRE-REAUTHORIZATION STATE-BY-STATE REPORTS ON ENGAGEMENT IN ADDITIONAL WORK ACTIVITIES AND EXPENDITURES FOR OTHER BENEFITS AND SERVICES.**—

“(1) **STATE REPORTING REQUIREMENTS.**—

“(A) **REPORTING PERIODS AND DEADLINES.**—Each eligible State shall submit to the Secretary the following reports:

“(i) **MARCH 2011 REPORT.**—Not later than May 31, 2011, a report for the period that begins on March 1, 2011, and ends on March 31, 2011, that contains the information specified in subparagraphs (B) and (C).

“(ii) **APRIL-JUNE, 2011 REPORT.**—Not later than August 31, 2011, a report for the period that begins on April 1, 2011, and ends on June 30, 2011, that contains with respect to the 3 months that occur during that period—

“(I) the average monthly numbers for the information specified in subparagraph (B); and

“(II) the information specified in subparagraph (C).

“(B) **ENGAGEMENT IN ADDITIONAL WORK ACTIVITIES.**—

“(i) With respect to each work-eligible individual in a family receiving assistance during a reporting period specified in subparagraph (A), whether the individual engages in any activities directed toward attaining self-sufficiency during a month occurring in a reporting period, and if so, the specific activities—

“(I) that do not qualify as a work activity under section 407(d) but that are otherwise reasonably calculated to help the family move toward self-sufficiency; or

“(II) that are of a type that would be counted toward the State participation rates under section 407 but for the fact that—

“(aa) the work-eligible individual did not engage in sufficient hours of the activity;

“(bb) the work-eligible individual has reached the maximum time limit allowed for having participation in the activity counted toward the State’s work participation rate; or

“(cc) the number of work-eligible individuals engaged in such activity exceeds a limitation under such section.

“(ii) Any other information that the Secretary determines appropriate with respect to the information required under clause (i), including if the individual has no hours of participation, the principal reason or reasons for such non-participation.

“(C) **EXPENDITURES ON OTHER BENEFITS AND SERVICES.**—

“(i) Detailed, disaggregated information regarding the types of, and amounts of, expenditures made by the State during a reporting period specified in subparagraph (A) using—

“(I) Federal funds provided under section 403 that are (or will be) reported by the State on Form ACF-196 (or any successor form) under the category of other expenditures or the category of benefits or services provided in accordance with the authority provided under section 404(a)(2); or

“(II) State funds expended to meet the requirements of section 409(a)(7) and reported by the State in the category of other expenditures on Form ACF-196 (or any successor form).

“(ii) Any other information that the Secretary determines appropriate with respect to the information required under clause (i).

“(2) **PUBLICATION OF SUMMARY AND ANALYSIS OF ENGAGEMENT IN ADDITIONAL ACTIVITIES.**—Concurrent with the submission of each report required under paragraph (1)(A), an eligible State shall publish on an Internet website maintained by the State agency responsible for administering the State program funded under this part (or such State-maintained website as the Secretary may approve)—

“(A) a summary of the information submitted in the report;

“(B) an analysis statement regarding the extent to which the information changes measures of total engagement in work activities from what was (or will be) reported by the State in the quarterly report submitted under subsection (a) for the comparable period; and

“(C) a narrative describing the most common activities contained in the report that are not countable toward the State participation rates under section 407.

“(3) **APPLICATION OF AUTHORITY TO USE SAMPLING.**—Subparagraph (B) of subsection (a)(1) shall apply to the reports required under paragraph (1) of this subsection in the same manner as subparagraph (B) of subsection (a)(1) applies to reports required under subparagraph (A) of subsection (a)(1).

“(4) **SECRETARIAL REPORTS TO CONGRESS.**—

“(A) **MARCH 2011 REPORT.**—Not later than June 30, 2011, the Secretary shall submit to Congress a report on the information submitted by eligible States for the March 2011 reporting period under paragraph (1)(A)(i). The report shall include a State-by-State summary and analysis of such information, identification of any States with missing or incomplete reports, and recommendations for such administrative or legislative changes as the Secretary determines are necessary to require eligible States to report the information on a recurring basis.

“(B) **APRIL-JUNE, 2011 REPORT.**—Not later than September 30, 2011, the Secretary shall submit to Congress a report on the information submitted by eligible States for the April-June 2011 reporting period under paragraph (1)(A)(ii). The report shall include a State-by-State summary and analysis of such information, identification of any States with missing or incomplete reports, and recommendations for such administrative or legislative changes as the Secretary determines are necessary to require eligible States to report the information on a recurring basis.

“(5) **AUTHORITY FOR EXPEDITIOUS IMPLEMENTATION.**—The requirements of chapter 5 of title 5, United States Code (commonly referred to as the ‘Administrative Procedure Act’) or any other law relating to rule-making or publication in the Federal Register shall not apply to the issuance of guidance or instructions by the Secretary with respect to the implementation of this subsection to the extent the Secretary determines that compliance with any such requirement would impede the expeditious implementation of this subsection.”.

(b) **APPLICATION OF PENALTY FOR FAILURE TO FILE REPORT.**—

(1) **IN GENERAL.**—Section 409(a)(2) of such Act (42 U.S.C. 609(a)(2)) is amended—

(A) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively,

(B) by inserting before clause (i) (as redesignated by paragraph (1)), the following:

“(A) QUARTERLY REPORTS.—”;

(C) in clause (ii) of subparagraph (A) (as redesignated by paragraphs (1) and (2)), by striking “subparagraph (A)” and inserting “clause (i)”; and

(D) by adding at the end the following:

“(B) REPORT ON ENGAGEMENT IN ADDITIONAL WORK ACTIVITIES AND EXPENDITURES FOR OTHER BENEFITS AND SERVICES.—

“(i) IN GENERAL.—If the Secretary determines that a State has not submitted the report required by section 411(c)(1)(A)(i) by May 31, 2011, or the report required by section 411(c)(1)(A)(ii) by August 31, 2011, the Secretary shall reduce the grant payable to the State under section 403(a)(1) for the immediately succeeding fiscal year by an amount equal to not more than 4 percent of the State family assistance grant.

“(ii) RESCISSION OF PENALTY.—The Secretary shall rescind a penalty imposed on a State under clause (i) with respect to a report required by section 411(c)(1)(A) if the State submits the report not later than—

“(I) in the case of the report required under section 411(c)(1)(A)(i), June 15, 2011; and

“(II) in the case of the report required under section 411(c)(1)(A)(ii), September 15, 2011.

“(iii) PENALTY BASED ON SEVERITY OF FAILURE.—The Secretary shall impose a reduction under clause (i) with respect to a fiscal year based on the degree of noncompliance.”.

(2) APPLICATION OF REASONABLE CAUSE EXCEPTION.—Section 409(b)(2) of such Act (42 U.S.C. 609(b)(2)) is amended by inserting before the period the following: “and, with respect to the penalty under paragraph (2)(B) of subsection (a), shall only apply to the extent the Secretary determines that the reasonable cause for failure to comply with the requirement of that paragraph is as a result of a one-time, unexpected event, such as a widespread data system failure or a natural or man-made disaster”.

(3) NONAPPLICATION OF CORRECTIVE COMPLIANCE PLAN PROVISIONS.—Section 409(c)(4) of such Act (42 U.S.C. 609(c)(4)) is amended by inserting “(2)(B),” after “paragraph”.

Subtitle C—Customs User Fees; Continued Dumping and Subsidy Offset

SEC. 821. CUSTOMS USER FEES.

Section 13031(j)(3) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(j)(3)) is amended—

(1) in subparagraph (A), by striking “December 10, 2018” and inserting “September 30, 2019”; and

(2) in subparagraph (B)(i), by striking “November 30, 2018” and inserting “September 30, 2019”.

SEC. 822. LIMITATION ON DISTRIBUTIONS RELATING TO REPEAL OF CONTINUED DUMPING AND SUBSIDY OFFSET.

Notwithstanding section 1701(b) of the Deficit Reduction Act of 2005 (Public Law 109–171; 120 Stat. 154 (19 U.S.C. 1675c note)) or any other provision of law, no payments shall be distributed under section 754 of the Tariff Act of 1930, as in effect on the day before the date of the enactment of such section 1701, with respect to the entries of any goods that are, on the date of the enactment of this Act—

(1) unliquidated; and

(2)(A) not in litigation; or

(B) not under an order of liquidation from the Department of Commerce.

Subtitle D—Emergency Fund for Indian Safety and Health

SEC. 831. EMERGENCY FUND FOR INDIAN SAFETY AND HEALTH.

Section 601 of the Tom Lantos and Henry J. Hyde United States Global Leadership Against HIV/ AIDS, Tuberculosis, and Malaria Reauthorization Act of 2008 (25 U.S.C. 443c) is amended—

(1) in subsection (b)(1), by striking “\$2,000,000,000” and inserting “\$1,602,619,000”; and

(2) in subsection (f)(2)(B), by striking “50 percent” and inserting “not more than \$602,619,000”.

Subtitle E—Rescission of Funds From WIC Program

SEC. 841. RESCISSION OF FUNDS FROM WIC PROGRAM.

Notwithstanding any other provision of law, of the amounts made available in appropriations Acts to provide grants to States under the special supplemental nutrition program for women, infants, and children established by section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786), \$562,000,000 is rescinded.

Subtitle F—Budgetary Effects

SEC. 851. BUDGETARY EFFECTS.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled “Budgetary Effects of PAYGO Legislation” for this Act, submitted for printing in the Congressional Record by the Chairman of the Senate Budget Committee, provided that such statement has been submitted prior to the vote on passage.

Amend the title so as to read: This Act may be cited as “The Claims Resettlement Act of 2010”.

The PRESIDING OFFICER. The various requests with respect to this bill are agreed to.

Mr. REID. The bill is passed?

The PRESIDING OFFICER. The bill is passed.

Mr. REID. Mr. President, I appreciate everyone's cooperation. This has been a long hard slog to get where we are. I appreciate Senator KYL, Senator MENENDEZ, and many others who have worked on this matter tirelessly for many years. I am grateful it is accomplished. It is one of the noteworthy items we have been able to pass this Congress. It is good for all people concerned.

SENATOR KENT CONRAD

Mr. REID. Mr. President, Senator CONRAD, because of his tenure of service, had the choice to take a number of different committees. He decided to stay as chairman of the Budget Committee. When I talked to him this morning, I said: I am elated. He is really a wizard with numbers. As a young man, he was academically extremely talented. And as a person who has experience in the Senate, no one knows numbers better than he does. We are fortunate as a country that KENT CONRAD is going to remain as chairman of the Budget Committee.

SIGNING AUTHORITY

Mr. REID. Mr. President, I ask unanimous consent that the majority leader be authorized to sign any duly enrolled bills or joint resolutions for the remainder of today.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 4713, AS MODIFIED

Mr. REID. I ask unanimous consent that the Baucus amendment No. 4713 be modified with the changes at the desk and that the November 18 order be modified to make it in order to consider the Baucus amendment No. 4713, as modified.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment, as modified, is as follows:

(Purpose: To repeal the expansion of information reporting requirements for payments of \$600 or more to corporations, and for other purposes)

At the end, add the following:

TITLE V—SMALL BUSINESS PAPERWORK RELIEF

SEC. 501. REPEAL OF EXPANSION OF INFORMATION REPORTING REQUIREMENTS.

(a) REPEAL OF PAYMENTS FOR PROPERTY AND OTHER GROSS PROCEEDS.—Subsection (b) of section 9006 of the Patient Protection and Affordable Care Act, and the amendments made thereby, are hereby repealed; and the Internal Revenue Code of 1986 shall be applied as if such subsection, and amendments, had never been enacted.

(b) REPEAL OF APPLICATION TO CORPORATIONS; APPLICATION OF REGULATORY AUTHORITY.—

(1) IN GENERAL.—Section 6041 of the Internal Revenue Code of 1986, as amended by section 9006(a) of the Patient Protection and Affordable Care Act and section 2101 of the Small Business Jobs Act of 2010, is amended by striking subsections (i) and (j) and inserting the following new subsection:

“(i) REGULATIONS.—The Secretary may prescribe such regulations and other guidance as may be appropriate or necessary to carry out the purposes of this section, including rules to prevent duplicative reporting of transactions.”.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall apply to payments made after December 31, 2010.

ANIMAL CRUSH VIDEO PROHIBITION ACT OF 2010

Mr. REID. Mr. President, I ask that the Chair now lay before the Senate the House message to accompany H.R. 5566.

The Presiding Officer laid before the Senate the following message from the House of Representatives:

H.R. 5566

Resolved, That the House agree to the amendment of the Senate to the bill (H.R. 5566) entitled “An Act to amend title 18, United States Code, to prohibit interstate commerce in animal crush videos, and for other purposes.”, with the following House amendment to Senate amendment:

In lieu of the matter proposed to be inserted by the amendment of the Senate, insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Animal Crush Video Prohibition Act of 2010”.

SEC. 2. FINDINGS.

The Congress finds the following:

(1) The United States has a long history of prohibiting the interstate sale, marketing, advertising, exchange, and distribution of obscene material and speech that is integral to criminal conduct.

(2) The Federal Government and the States have a compelling interest in preventing intentional acts of extreme animal cruelty.

(3) Each of the several States and the District of Columbia criminalize intentional acts of extreme animal cruelty, such as the intentional crushing, burning, drowning, suffocating, or impaling of animals for no socially redeeming purpose.

(4) There are certain extreme acts of animal cruelty that appeal to a specific sexual fetish. These acts of extreme animal cruelty are videotaped, and the resulting video tapes are commonly referred to as “animal crush videos”.

(5) The Supreme Court of the United States has long held that obscenity is an exception to speech protected under the First Amendment to the Constitution of the United States.

(6) In the judgment of Congress, many animal crush videos are obscene in the sense that the depictions, taken as a whole—

(A) appeal to the prurient interest in sex;

(B) are patently offensive; and

(C) lack serious literary, artistic, political, or scientific value.

(7) Serious criminal acts of extreme animal cruelty are integral to the creation, sale, distribution, advertising, marketing, and exchange of animal crush videos.

(8) The creation, sale, distribution, advertising, marketing, and exchange of animal crush videos is intrinsically related and integral to creating an incentive for, directly causing, and perpetuating demand for the serious acts of extreme animal cruelty the videos depict. The primary reason for those criminal acts is the creation, sale, distribution, advertising, marketing, and exchange of the animal crush video image.

(9) The serious acts of extreme animal cruelty necessary to make animal crush videos are committed in a clandestine manner that—

(A) allows the perpetrators of such crimes to remain anonymous;

(B) makes it extraordinarily difficult to establish the jurisdiction within which the underlying criminal acts of extreme animal cruelty occurred; and

(C) often precludes proof that the criminal acts occurred within the statute of limitations.

(10) Each of the difficulties described in paragraph (9) seriously frustrates and impedes the ability of State authorities to enforce the criminal statutes prohibiting such behavior.

SEC. 3. ANIMAL CRUSH VIDEOS.

(a) IN GENERAL.—Section 48 of title 18, United States Code, is amended to read as follows:

“§ 48. Animal crush videos

“(a) DEFINITION.—In this section the term ‘animal crush video’ means any photograph, motion-picture film, video or digital recording, or electronic image that—

“(1) depicts actual conduct in which 1 or more living non-human mammals, birds, reptiles, or amphibians is intentionally crushed, burned, drowned, suffocated, impaled, or otherwise subjected to serious bodily injury (as defined in section 1365 and including conduct that, if committed against a person and in the special maritime and territorial jurisdiction of the United States, would violate section 2241 or 2242); and

“(2) is obscene.

“(b) PROHIBITIONS.—

“(1) CREATION OF ANIMAL CRUSH VIDEOS.—It shall be unlawful for any person to knowingly create an animal crush video, if—

“(A) the person intends or has reason to know that the animal crush video will be distributed in, or using a means or facility of, interstate or foreign commerce; or

“(B) the animal crush video is distributed in, or using a means or facility of, interstate or foreign commerce.

“(2) DISTRIBUTION OF ANIMAL CRUSH VIDEOS.—It shall be unlawful for any person to knowingly sell, market, advertise, exchange, or distribute an animal crush video in, or using a means or facility of, interstate or foreign commerce.

“(c) EXTRATERRITORIAL APPLICATION.—Subsection (b) shall apply to the knowing sale, marketing, advertising, exchange, distribution, or creation of an animal crush video outside of the United States, if—

“(1) the person engaging in such conduct intends or has reason to know that the animal crush video will be transported into the United States or its territories or possessions; or

“(2) the animal crush video is transported into the United States or its territories or possessions.

“(d) PENALTY.—Any person who violates subsection (b) shall be fined under this title, imprisoned for not more than 7 years, or both.

“(e) EXCEPTIONS.—

“(1) IN GENERAL.—This section shall not apply with regard to any visual depiction of—

“(A) customary and normal veterinary or agricultural husbandry practices;

“(B) the slaughter of animals for food; or

“(C) hunting, trapping, or fishing.

“(2) GOOD-FAITH DISTRIBUTION.—This section shall not apply to the good-faith distribution of an animal crush video to—

“(A) a law enforcement agency; or

“(B) a third party for the sole purpose of analysis to determine if referral to a law enforcement agency is appropriate.

“(f) NO PREEMPTION.—Nothing in this section shall be construed to preempt the law of any State or local subdivision thereof to protect animals.”.

(b) CLERICAL AMENDMENT.—The item relating to section 48 in the table of sections for chapter 3 of title 18, United States Code, is amended to read as follows:

“48. Animal crush videos.”.

(c) SEVERABILITY.—If any provision of section 48 of title 18, United States Code (as amended by this section), or the application of the provision to any person or circumstance, is held to be unconstitutional, the provision and the application of the provision to other persons or circumstances shall not be affected thereby.

SEC. 4. PAYGO COMPLIANCE.

The budgetary effects of this Act, for purposes of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled “Budgetary Effects of PAYGO Legislation” for this Act, jointly submitted for printing in the Congressional Record by the Chairmen of the House and Senate Budget Committees, provided that such statement has been submitted prior to the vote on passage in the House acting first on this conference report or amendments between the Houses.

Mr. REID. Mr. President, I ask unanimous consent that the Senate concur in the House amendment, the motion to reconsider be laid upon the table, and any statements relating to this matter be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, today, the Senate passed the Animal Crush Video Prohibition Act of 2010. I thank Senators KYL, MERKLEY and BURR for their leadership on this important legislation, which bans the creation, sale and distribution of obscene animal crush videos. We worked together on a bipartisan basis to ensure that the bill respects the first amendment and the role of our court system, while at the same time giving law enforcement a valuable and necessary tool to stop obscene animal cruelty.

Earlier this year, in *United States v. Stevens*, the Supreme Court struck down a Federal statute banning depictions of animal cruelty because it held the statute to be overbroad and in violation of the first amendment. Animal crush videos, which can depict obscene, extreme acts of animal cruelty, were a primary target of that legislation.

Several months ago, in response to the *Stevens* decision, the House overwhelmingly passed a narrower bill banning animal crush videos on obscenity grounds. The Senate Judiciary Committee regularly looks at questions raised by Supreme Court decisions and the first amendment, and the House bill was referred to the Senate Judiciary Committee for consideration. The version of the bill passed today reflects a carefully crafted compromise between the House and Senate that strikes the right balance between the first amendment and the needs of law enforcement, while adhering to the separation of powers enshrined in our Constitution.

There are a few well-established exceptions to the first amendment. The United States has long prohibited the interstate sale of obscene materials, and the Supreme Court recognized this exception to the first amendment in 1957. Earlier this year, the Judiciary Committee held a hearing focused on the obscene nature of many animal crush videos. We heard testimony from experts who confirmed that many animal crush videos depict extreme acts of animal cruelty which are designed to appeal to a specific, prurient, sexual fetish. Indeed, these animal crush videos are patently offensive, lack any redeeming social value, and can be banned consistent with the Supreme Court's obscenity jurisprudence. Courts and juries play an important role in determining what is obscene, and I worked hard with Senator SESSIONS, and the bill sponsors, to make sure that the law passed today respects the role of both.

The United States also has a history of prohibiting speech that is integral to criminal conduct. The acts of animal cruelty depicted in many animal crush videos violate State laws, but these laws are hard to enforce. The animal cruelty is often committed in a clandestine manner that allows the perpetrators to remain anonymous. The

nature of the videos makes it extraordinarily difficult to establish the jurisdiction necessary to prosecute the crimes. Given the severe difficulties that State law enforcement agencies have encountered in investigating the underlying conduct, today Congress has taken an important step towards combating the crimes of extreme animal cruelty that obscene animal crush videos depict.

I have long been a champion of first amendment rights. As the son of Vermont printers, I know firsthand that the freedom of speech is the cornerstone of our democracy. This is why I have worked hard to pass legislation like the SPEECH Act, which protects American authors, journalists and publishers from foreign libel lawsuits that undermine the first amendment.

Today's success demonstrates that Congress can work on a bipartisan basis to pass legislation that is the focus of many competing interests. I commend the coalition that worked hard, alongside the Humane Society and first amendment experts, to strike the proper balance between the needs of law enforcement and the first amendment, and I am pleased that, once the President signs this bill into law, obscene animal crush videos will no longer threaten animal welfare.

COPYRIGHT CLEANUP, CLARIFICATION, AND CORRECTIONS ACT OF 2010

Mr. REID. Mr. President, I now ask that the Chair lay before the Senate a House message with respect to S. 3689.

The Presiding Officer laid before the Senate the following message from the House of Representatives:

S. 3689

Resolved, That the bill from the Senate (S. 3689) entitled "An Act to clarify, improve, and correct the laws relating to copyrights," do pass with the following amendments:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Copyright Cleanup, Clarification, and Corrections Act of 2010".

SEC. 2. REFERENCE.

Except as otherwise specifically provided, whenever in this Act a section or other provision is amended or repealed, such amendment or repeal shall be considered to be made to that section or other provision of title 17, United States Code.

SEC. 3. COPYRIGHT OFFICE PROCEDURES.

(a) DIRECTORY OF AGENTS OF SERVICE PROVIDERS.—Section 512(c)(2) is amended, in the matter following subparagraph (B), by striking ", in both electronic and hard copy formats".

(b) RECORDATION OF DOCUMENTS.—Section 205(a) is amended by adding at the end the following: "A sworn or official certification may be submitted to the Copyright Office electronically, pursuant to regulations established by the Register of Copyrights."

SEC. 4. REPEAL OF EXPIRED PROVISIONS.

(a) REPEAL.—Section 601, and the item relating to such section in the table of sections for chapter 6, are repealed.

(b) CONFORMING AMENDMENTS.—

(1) CLERICAL AMENDMENT.—(A) The heading for chapter 6 is amended to read as follows:

"CHAPTER 6—IMPORTATION AND EXPORTATION".

(B) The item relating to chapter 6 in the table of chapters is amended to read as follows:

"6. Importation and Exportation 601".

(2) APPLICATION FOR COPYRIGHT REGISTRATION.—Section 409 is amended—

(A) in paragraph (9), by adding "and" after the semicolon;

(B) by striking paragraph (10); and

(C) by redesignating paragraph (11) as paragraph (10).

(c) INFRINGING IMPORTATION OR EXPORTATION.—The second sentence of section 602(b) is amended by striking "unless the provisions of section 601 are applicable".

SEC. 5. CLARIFICATIONS.

(a) CERTAIN DISTRIBUTIONS OF PHONORECORDS.—Section 303(b) is amended by striking "the musical work" and inserting "any musical work, dramatic work, or literary work".

(b) PROCEEDINGS OF COPYRIGHT ROYALTY JUDGES.—Section 803(b)(6)(A) is amended by striking the second sentence and inserting the following: "All regulations issued by the Copyright Royalty Judges are subject to the approval of the Librarian of Congress and are subject to judicial review pursuant to chapter 7 of title 5, except as set forth in subsection (d)."

(c) LICENSES FOR CERTAIN NONEXEMPT TRANSMISSIONS.—Section 114(f)(2)(C) is amended by striking "preexisting subscription digital audio transmission services or preexisting satellite digital radio audio services" and inserting "eligible nonsubscription services and new subscription services".

SEC. 6. TECHNICAL CORRECTIONS.

(a) DEFINITIONS.—Section 101 is amended—

(1) by moving the definition of "Copyright Royalty Judges" to follow the definition of "Copyright owner";

(2) by moving the definition of "motion picture exhibition facility" to follow the definition of "Literary works"; and

(3) by moving the definition of "food service or drinking establishment" to follow the definition of "fixed";

(b) LICENSES FOR WEBCASTING.—Section 114(f)(2)(B) is amended in the fourth sentence, in the matter preceding clause (i), by striking "Judges shall base its decision" and inserting "Judges shall base their decision".

(c) SATELLITE CARRIERS.—Section 119(g)(4)(B)(vi) is amended by striking "the examinations" and inserting "an examination".

(d) REMEDIES FOR INFRINGEMENT.—Section 503(a)(1)(B) is amended by striking "copies of phonorecords" and inserting "copies or phonorecords".

(e) RETENTION OF COPIES IN COPYRIGHT OFFICE.—Section 704(e) is amended, in the second sentence, by striking "section 708(a)(10)" and inserting "section 708(a)".

(f) CORRECTION OF INTERNAL REFERENCES.—(1) Section 114(b) is amended by striking "118(g)" and inserting "118(f)".

(2) Section 504(c)(2) is amended by striking "subsection (g) of section 118" and inserting "section 118(f)".

(3) Sections 1203(c)(5)(B)(i) and 1204(b) are each amended by striking "118(g)" and inserting "118(f)".

(g) PRO-IP ACT.—Section 209(a)(3)(A) of Public Law 110-403 is amended by striking "by striking 'and 509'" and inserting "by striking 'and section 509'".

(h) TRADEMARK TECHNICAL AMENDMENTS ACT.—Section 4(a)(1) of Public Law 111-146 is amended by striking "by corporations attempting" and inserting "the purpose of which is".

(i) TRAFFICKING.—Section 2318(e)(6) of title 18, United States Code, is amended by striking "under section" and inserting "under this subsection".

Amend the title so as to read: "An Act to clarify, improve, and correct the laws relating to copyrights, and for other purposes."

Mr. REID. Mr. President, I move to concur in the House amendments, the motion to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating to this matter be printed in the RECORD.

The motion was agreed to.

Mr. LEAHY. Mr. President, I am pleased that the Senate today has taken up and passed bipartisan legislation to make a number of improvements to the way in which the Copyright Office functions, to clarify areas in copyright law that have become unclear, and make technical changes to current law. The Copyright Office provided important recommendations that are included in this legislation, and I thank them for their input and guidance on these issues.

The changes made by this legislation are commonsense improvements that will make the copyright system more efficient. Bills such as this underscore the point that when Congress works together in a bipartisan, bicameral fashion, we can pass good pieces of legislation. I appreciate the Senate acting quickly to pass this bill, and I look forward to the President signing it into law.

JESSICA ANN ELLIS GOLD STAR FATHERS ACT OF 2010

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 650, S. 3650.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 3650) to amend chapter 21 of title 5, United States Code, to provide that fathers of certain permanently disabled or deceased veterans shall be included with mothers of such veterans as preference eligibles for treatment in the civil service.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. Mr. President, I ask unanimous consent that the Wyden amendment, which is at the desk, be considered, and agreed to, the bill, as amended, be read a third time and passed, the motions to reconsider be laid upon the table with no intervening action or debate, and that any statements relating to this measure be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 4717) was agreed to, as follows:

(Purpose: To strike the short title)

Strike section 1 and redesignate sections 2 and 3 as sections 1 and 2, respectively.

The bill (S. 3650), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 3650

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PREFERENCE ELIGIBLE TREATMENT FOR FATHERS OF CERTAIN PERMANENTLY DISABLED OR DECEASED VETERANS.

Section 2108(3) of title 5, United States Code, is amended by striking subparagraphs (F) and (G) and inserting the following:

“(F) the parent of an individual who lost his or her life under honorable conditions while serving in the armed forces during a period named by paragraph (1)(A) of this section, if—

“(i) the spouse of that parent is totally and permanently disabled; or

“(ii) that parent, when preference is claimed, is unmarried or, if married, legally separated from his or her spouse;

“(G) the parent of a service-connected permanently and totally disabled veteran, if—

“(i) the spouse of that parent is totally and permanently disabled; or

“(ii) that parent, when preference is claimed, is unmarried or, if married, legally separated from his or her spouse; and”.

SEC. 2. EFFECTIVE DATE.

The amendment made by this Act shall take effect 90 days after the date of enactment of this Act.

BANKRUPTCY TECHNICAL CORRECTIONS ACT of 2010

Mr. REID. Mr. President, I ask unanimous consent the Judiciary Committee be discharged from further consideration of H.R. 6198.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 6198) to amend title 11 of the United States Code to make technical corrections; and for related purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. I ask unanimous consent that the Hatch amendment which is at the desk be agreed to; the bill, as amended, be read the third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to this matter be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 4718) was agreed to, as follows:

On page 3, strike lines 1 through 5 and insert the following: “and

“(F) in paragraph (51D), by inserting ‘of the filing’ after ‘date’ the 1st place it appears,”

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill (H.R. 6198), as amended, was read the third time and passed.

RECOGNIZING AND SUPPORTING THE EFFORTS OF THE USA BID COMMITTEE

Mr. REID. I ask unanimous consent to proceed to H. Con. Res. 327.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The assistant legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 327) recognizing and supporting the efforts of the USA Bid Committee to bring the 2022 Federation Internationale de Football Association (FIFA) World Cup Competition to the United States.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. REID. I ask unanimous consent that the concurrent resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating to this matter be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 327) was agreed to.

The preamble was agreed to.

CONGRATULATING THE CUMBERLAND VALLEY ATHLETIC CLUB

Mr. REID. I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Res. 611 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 611) congratulating the Cumberland Valley Athletic Club on the 48th anniversary of the running of the JFK 50-Mile Ultra-Marathon.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, without any intervening action or debate, and any statements relating to this matter be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 611) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 611

Whereas President John F. Kennedy set as a national goal the improvement of the health of the members of the United States Armed Forces;

Whereas President Kennedy, in 1963, issued an Executive order challenging United

States Marine officers to finish a 50-mile race in 20 hours, matching a similar challenge issued in 1908 by President Theodore Roosevelt;

Whereas, since that Executive order, thousands of Americans, not just servicemen and women, have taken up the challenge of the JFK 50-Mile Ultra-Marathon;

Whereas, since the inception of the JFK 50-Mile Ultra-Marathon, all members of the Armed Services have been invited to meet the challenge set by Presidents Kennedy and Roosevelt over an historic race course;

Whereas between 30 and 40 percent of participants in the JFK 50-Mile Ultra-Marathon each year are active duty military or veterans;

Whereas each of the branches of the United States Armed Forces fields at least 1 team each year in the JFK 50-Mile Ultra-Marathon, and the Navy typically fields several teams;

Whereas much of the course of the JFK 50-Mile Ultra-Marathon is located on Federal land, including the historic C&O Canal, the Appalachian Trail, and Antietam Battlefield;

Whereas the JFK 50-Mile Ultra-Marathon includes the War Correspondents Memorial Arch, a national monument located in Gathland State Park in the State of Maryland; and

Whereas following the assassination of President Kennedy, the first JFK 50-Mile Ultra-Marathon was organized as a way to honor President Kennedy, and has been held annually, rain or shine, ever since: Now, therefore, be it

Resolved, That the Senate—

(1) commends and congratulates the past, present, and future participants and organizers of the JFK 50-Mile Ultra-Marathon; and

(2) requests the Secretary of the Senate to transmit an enrolled copy of this resolution to the Cumberland Valley Athletic Club as an expression of the best wishes of the Senate for a glorious year of celebration.

NATIONAL SCHOOL PSYCHOLOGY WEEK

Mr. REID. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Res. 631 and that the Senate proceed to the consideration of that measure.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 631) designating the week beginning on November 8, 2010, as “National School Psychology Week.”

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating to the measure be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 631) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 631

Whereas all children and youth learn best when they are healthy, supported, and receive an education that meets their individual needs;

Whereas schools can more effectively ensure that all students are ready and able to learn if schools meet all the needs of each student;

Whereas learning and development are directly linked to the mental health of children, and a supportive learning environment is an optimal place to promote mental health;

Whereas sound psychological principles are critical to proper instruction and learning, social and emotional development, prevention and early intervention, and support for a culturally diverse student population;

Whereas school psychologists are specially trained to deliver mental health services and academic support that lower barriers to learning and allow teachers to teach more effectively;

Whereas school psychologists facilitate collaboration that helps parents and educators identify and reduce risk factors, promote protective factors, create safe schools, and access community resources;

Whereas school psychologists are trained to assess barriers to learning, utilize data-based decisionmaking, implement research-driven prevention and intervention strategies, evaluate outcomes, and improve accountability;

Whereas State educational agencies and other State entities credential more than 35,000 school psychologists who practice in schools in the United States as key professionals that promote the learning and mental health of all children;

Whereas the National Association of School Psychologists establishes and maintains high standards for training, practice, and school psychologist credentialing, in collaboration with organizations such as the American Psychological Association, that promote effective and ethical services by school psychologists to children, families, and schools;

Whereas the National Association of School Psychologists has a Model for Comprehensive and Integrated School Psychological Services that promotes standards for the consistent delivery of school psychological services to all students in need; and

Whereas the people of the United States should recognize the vital role school psychologists play in the personal and academic development of children in the United States: Now, therefore, be it

Resolved, That the Senate—

(1) designates the week beginning on November 8, 2010, as National School Psychology Week;

(2) honors and recognizes the contributions of school psychologists to the success of students in schools across the United States; and

(3) encourages the people of the United States to observe the week with appropriate ceremonies and activities that promote awareness of the vital role school psychologists play in schools, in the community, and in helping students develop into successful and productive members of society.

RECOGNIZING NATIONAL AMERICAN INDIAN AND ALASKA NATIVE HERITAGE MONTH

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 689.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 689) recognizing National American Indian and Alaska Native Heritage Month, and celebrating the heritage and culture of American Indians and Alaska Natives and the contributions of American Indians and Alaska Natives to the United States.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and that any statements related to the measure be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 689) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 689

Whereas from November 1, 2010, through November 30, 2010, the United States celebrates National American Indian and Alaska Native Heritage Month;

Whereas American Indians and Alaska Natives are descendants of the original, indigenous inhabitants of what is now the United States;

Whereas the United States Bureau of the Census estimated in 2009 that there were almost 5,000,000 individuals in the United States of American Indian or Alaska Native descent;

Whereas American Indians and Alaska Natives maintain vibrant cultures and traditions, and hold a deeply rooted sense of community;

Whereas American Indians and Alaska Natives have moving stories of tragedy, triumph, and perseverance that need to be shared with future generations;

Whereas American Indians and Alaska Natives speak and preserve indigenous languages, which have contributed to the English language by being used as names of individuals and locations throughout the United States;

Whereas Congress has recently reaffirmed its support of tribal self-governance and its commitment to improving the lives of all Native Americans by enhancing health care services, increasing law enforcement resources, and approving settlements of litigation involving Indian tribes and the United States;

Whereas Congress is committed to improving the housing conditions and socioeconomic status of American Indians and Alaska Natives;

Whereas the United States is committed to strengthening the government-to-government relationship that it has maintained with the various Indian Tribes;

Whereas Congress has recognized the contributions of the Iroquois Confederacy, and its influence on the Founding Fathers in the drafting of the Constitution of the United States with the concepts of freedom of speech, the separation of governmental powers, and the system of checks and balances between the branches of government;

Whereas American Indians and Alaska Natives have served with honor and distinction in the Armed Forces of the United States, and continue to serve in the Armed Forces in greater numbers per capita than any other group in the United States;

Whereas the United States has recognized the contribution of the Native American code talkers in World War I and World War II, who used indigenous languages as an unbreakable military code, saving countless Americans; and

Whereas the people of the United States have reason to honor the great achievements and contributions of American Indians and Alaska Natives and their ancestors: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the month of November 2010 as National American Indian and Alaska Native Heritage Month;

(2) celebrates the heritage and culture of American Indians and Alaska Natives and honors the contributions of American Indians and Alaska Natives to the United States; and

(3) urges the people of the United States to observe National American Indian and Alaska Native Heritage Month with appropriate programs and activities.

ORDERS FOR MONDAY, NOVEMBER 29, 2010

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn under the provisions of H. Con. Res. 332 until 2 p.m., Monday, November 29; that following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed to have expired, the time for the two leaders be reserved for their use later in the day, and that the Senate proceed to a period of morning business, until 4 p.m., with Senators permitted to speak therein for up to 10 minutes each; that following morning business the Senate resume consideration of S. 510, the FDA Food Safety Modernization Act, as provided under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. REID. Mr. President, the next vote will occur at 6:30 p.m. on Monday, November 29. Under the agreement we reached last night, at 6:30 p.m. on Monday the Senate will vote on the motion to invoke cloture on the substitute amendment. Senators should expect additional votes on the four motions to suspend the rules and on passage of the bill on Monday night. Therefore, Senators should expect up to six rollcall votes Monday evening.

ADJOURNMENT UNTIL MONDAY,
NOVEMBER 29, 2010, AT 2 P.M.

Mr. REID. Mr. President, if there is
nothing further to come before the

Senate—first of all, I appreciate the
Chair's courtesy in waiting this after-
noon, as we got this most important
legislation completed—I ask unani-

mous consent that the Senate adjourn
under the previous order.

There being no objection, the Senate,
at 4:33 p.m., adjourned until Monday,
November 29, at 2 p.m.

HOUSE OF REPRESENTATIVES—Monday, November 29, 2010

The House met at 2 p.m. and was called to order by the Speaker pro tempore (Ms. RICHARDSON).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
November 29, 2010.

I hereby appoint the Honorable LAURA RICHARDSON to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

All the ages, all the years and seasons of life are but an eternal moment before You, Almighty God.

Grateful for all the blessings You have showered upon this country in the past, we turn to You again in our present difficulties.

May this Congress accomplish the tasks set before it and act in accord with Your commands.

Help all Americans seize each new day and make the most of it with Your grace and inspiration and so give You glory by the way they live and the decisions they make both now and forever.

Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from New Jersey (Mr. PALLONE) come forward and lead the House in the Pledge of Allegiance.

Mr. PALLONE led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following commu-

nication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, November 19, 2010.

Hon. NANCY PELOSI,
The Speaker, House of Representatives,
Washington, DC.

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on November 19, 2010 at 9:33 a.m.:

That the Senate passed S. 1609.
That the Senate passed with amendments H.R. 5712.

That the Senate agreed to S. Con. Res. 75.
That the Senate agreed to S. Con. Res. 76.
That the Senate agreed to H. Con. Res. 332.
With best wishes, I am

Sincerely,

LORRAINE C. MILLER.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, November 22, 2010.

Hon. NANCY PELOSI,
The Speaker, House of Representatives,
Washington, DC.

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on November 22, 2010 at 2:53 p.m.:

That the Senate passed with amendments H.R. 4783.

That the Senate concurs in House amendment to Senate amendment H.R. 5566.

That the Senate concurs in House amendments S. 3689.

That the Senate passed S. 3650.

That the Senate passed with amendment H.R. 6198.

That the Senate agreed to without amendment H. Con. Res. 327.

With best wishes, I am

Sincerely,

LORRAINE C. MILLER.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 4 of rule I, the following enrolled bills and joint resolution were signed by the Speaker on Thursday, November 18, 2010:

S. 1376, to restore immunization and sibling age exemptions for children adopted by United States citizens under the Hague Convention on Intercountry Adoption to allow their admission into the United States;

S. 3567, to designate the facility of the United States Postal Service located at 100 Broadway in Lynbrook, New York, as the "Navy Corpsman Jeffrey L. Wiener Post Office Building";

S.J. Res. 40, appointing the day for the convening of the first session of the One Hundred Twelfth Congress;

and the Speaker signed on Friday, November 19, 2010:

H.R. 1722, to require the head of each executive agency to establish and implement a policy under which employees shall be authorized to telework, and for other purposes;

S. 3774, to extend the deadline for Social Services Block Grant expenditures of supplemental funds appropriated following disasters occurring in 2008.

RESIGNATION FROM THE HOUSE OF REPRESENTATIVES

The SPEAKER pro tempore laid before the House the following resignation from the House of Representatives:

HOUSE OF REPRESENTATIVES,
Washington, DC, November 24, 2010.

Hon. NANCY PELOSI,
Speaker of the House of Representatives,
Washington, DC.

DEAR MADAM SPEAKER: I hereby give notice of my resignation from the United States House of Representatives, effective 4:00 p.m., Eastern Standard Time, Monday, November 29, 2010. Attached is the letter I submitted to Governor Pat Quinn.

Serving the 10th District of Illinois has been one of the greatest honors of my life. We saved a veterans hospital, expanded commuter rail and defended Lake Michigan. We fought for our district, state, nation and our allies overseas.

I look forward to continuing our important work in the United States Senate.

Sincerely,

MARK KIRK,
Member of Congress.

HOUSE OF REPRESENTATIVES,
Washington, DC, November 24, 2010.

Hon. PAT QUINN,
Governor, State of Illinois, State House,
Springfield, IL.

DEAR GOVERNOR QUINN: I hereby submit my resignation as United States Representative of the 10th District of Illinois, effective 4:00 p.m., Eastern Standard Time, Monday, November 29, 2010.

Serving the 10th District of Illinois has been one of the greatest honors of my life. We saved a veterans hospital, expanded commuter rail and defended Lake Michigan. We fought for our district, state, nation and our allies overseas.

I look forward to working with you as a United States Senator to promote bipartisan pro-Illinois policies to strengthen our economy and improve our quality of life.

Sincerely,

MARK KIRK,
Member of Congress.

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

BLUE RIBBON COMMISSION

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Madam Speaker, the Blue Ribbon Commission on America's Nuclear Future is set to visit South Carolina and the Central Savannah River Area, CSRA, on January 6 and 7. Back in July, I invited the cochairmen of the commission to request that they hold their September meeting in the CSRA.

I'm grateful that the commission is planning a visit. This is a perfect location for the President's nuclear commission to review policies related to the storage of nuclear waste.

Waste material found in South Carolina is from the weapons production program of the Cold War resulting in victory over communism and also now from commercial nuclear reactors that produce energy. The Savannah River site should not indefinitely host nuclear waste. We should keep Yucca Mountain open. The closing has been criticized as breathtakingly irresponsible by The Post and Courier. The Greenville News editorialized last week that the Yucca closing is politically expedient but practically foolish.

Nuclear energy is a clean, safe, and cost-effective energy source that has provided over half of the electricity in South Carolina for 30 years. But in order to keep it safe, we must have a permanent site for disposal.

In conclusion, God bless our troops, and we will never forget September the 11th in the global war on terrorism.

PLEDGE TO AMERICA

(Ms. FOXX asked and was given permission to address the House for 1 minute.)

Ms. FOXX. Madam Speaker, when I first ran for public office in 1994, I said then that we have too much government. We still have too much government. In fact, we have way more government than we had then, and it is too much. But Republicans have been listening to the American people who agree with us that we have too much government, and we have made a Pledge to America to reduce the role of the Federal Government in our lives.

We invite you to look at the Pledge to America that Republicans took last fall. We believe it has had a major impact on the election that was held in November. What we promise is that we are going to fulfill that pledge and reduce the role of the Federal Government in our lives and take our country back to what it was meant to be.

□ 1410

HOUR OF MEETING ON TOMORROW

Mr. PALLONE. Madam Speaker, I ask unanimous consent that when the

House adjourns today, it adjourn to meet at 10:30 a.m. tomorrow for morning-hour debate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER
PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Record votes on postponed questions will be taken after 6 p.m. today.

THE PHYSICIAN PAYMENT AND
THERAPY RELIEF ACT OF 2010

Mr. PALLONE. Madam Speaker, I move to suspend the rules and concur in the Senate amendments to the bill (H.R. 5712) to provide for certain clarifications and extensions under Medicare, Medicaid, and the Children's Health Insurance Program.

The Clerk read the title of the bill.

The text of the Senate amendments is as follows:

Senate amendments:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "The Physician Payment and Therapy Relief Act of 2010".

SEC. 2. PHYSICIAN PAYMENT UPDATE.

Section 1848(d)(11) of the Social Security Act (42 U.S.C. 1395w-4(d)(11)) is amended—

(1) in the heading, by striking "NOVEMBER" and inserting "DECEMBER";

(2) in subparagraph (A), by striking "November 30" and inserting "December 31"; and

(3) in subparagraph (B)—

(A) in the heading, by striking "REMAINING PORTION OF 2010" and inserting "2011"; and

(B) by striking "the period beginning on December 1, 2010, and ending on December 31, 2010, and for".

SEC. 3. TREATMENT OF MULTIPLE SERVICE PAYMENT POLICIES FOR THERAPY SERVICES.

(a) SMALLER PAYMENT DISCOUNT FOR CERTAIN MULTIPLE THERAPY SERVICES.—Section 1848(b) of the Social Security Act (42 U.S.C. 1395w-4(b)) is amended by adding at the end the following new paragraph:

"(7) ADJUSTMENT IN DISCOUNT FOR CERTAIN MULTIPLE THERAPY SERVICES.—In the case of therapy services furnished on or after January 1, 2011, and for which payment is made under fee schedules established under this section, instead of the 25 percent multiple procedure payment reduction specified in the final rule published by the Secretary in the Federal Register on November 29, 2010, the reduction percentage shall be 20 percent."

(b) EXEMPTION OF PAYMENT REDUCTION FROM BUDGET-NEUTRALITY.—Section 1848(c)(2)(B)(v) of the Social Security Act (42 U.S.C. 1395w-4(c)(2)(B)(v)) is amended by adding at the end the following new subclause:

"(VII) REDUCED EXPENDITURES FOR MULTIPLE THERAPY SERVICES.—Effective for fee schedules

established beginning with 2011, reduced expenditures attributable to the multiple procedure payment reduction for therapy services (as described in subsection (b)(7))."

SEC. 4. DETERMINATION OF BUDGETARY EFFECTS.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled "Budgetary Effects of PAYGO Legislation" for this Act, submitted for printing in the Congressional Record by the Chairman of the Senate Budget Committee, provided that such statement has been submitted prior to the vote on passage.

Amend the title so as to read: "An Act Entitled The Physician Payment and Therapy Relief Act of 2010."

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. PALLONE) and the gentleman from Oregon (Mr. WALDEN) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey.

GENERAL LEAVE

Mr. PALLONE. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on concurring in the Senate amendments to H.R. 5712.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. PALLONE. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, this bill is a stopgap measure to guarantee that seniors and military families can continue to see their doctors during December while we work on a solution for the next year. Without this legislation, the fees Medicare pays to physicians will be reduced by 23 percent on December 1, this Wednesday. And because TRICARE, the civilian health program for military families and retirees, uses Medicare rates, fees for physicians seeing TRICARE patients would be cut by 23 percent as well.

Madam Speaker, I have to say that kind of cut is obviously not reasonable. We have a responsibility to ensure that Medicare is a steady partner for physicians so that we are able to maintain the kind of excellent access to care that seniors and people with disabilities have come to expect from the program. Medicare enrollees still enjoy better access to care than anyone else in the country. The rate cuts created by the SGR would undermine that trust that seniors and physicians have historically had in the program.

The 111th Congress has passed into law three SGR extensions of less than a year, and this will be the fourth. I think we need to stop legislating SGR policy in 1 to 6 month intervals in order to provide some stability to the Medicare program for 2011. And I hope that before the 111th Congress adjourns, we can pass legislation addressing all of 2011 at a minimum.

I continue to be frustrated that we are unable to move beyond short-term fixes to this major problem facing the Medicare program. The House passed legislation in 2009 that I co-sponsored that would have dealt with this SGR problem for good; but until we have that long-term solution in hand, it is essential that Congress pass this legislation to ensure that seniors and military families do not experience a disruption in seeing their doctors this December.

This legislation, Madam Speaker, is completely paid for over 10 years. According to the rules of the statutory PAYGO law, we aren't supposed to pay for SGR bills; but this one is paid for despite that. It moved through the Senate by unanimous consent.

And so, Madam Speaker, there is no conceivable reason in my opinion to oppose this legislation. I would urge Members to vote "yes" on this bill and help me pursue a longer solution before Congress finishes business for this year.

I reserve the balance of my time.

Mr. WALDEN. Madam Speaker, I rise today in support of the Physician Payment and Therapy Relief Act.

On Wednesday, doctors who participate in Medicare will face a 21 percent cut in their reimbursement rates. It is unfortunate that we are again debating only a short-term solution to this problem. Thirty-day patches and 60-day fixes do not provide the certainty necessary for physicians to properly run their practices. Yet, inaction today would disrupt the Medicare system and jeopardize seniors' access to care just as the holidays are approaching.

We should pass H.R. 5712, but we must begin working on a long-term, financially viable solution to fix the manner in which physicians are reimbursed under Medicare. The first step must be to repeal the new health care law. The health law cut over \$500 billion from Medicare to expand Medicaid and create a new entitlement program, while completely ignoring the looming payment crisis that we must act on with this legislation today. Unfortunately, I think for the last 4 years there has not been a single hearing held on this particular issue. That is long overdue to be done.

So while the majority scrambles today to find money to fix the Medicare reimbursement system, we should remember that they deliberately chose not to do this with their disastrous health care law. They needed the law to appear less expensive, and the Medicare doc fix was simply ignored.

I support H.R. 5712 to provide a temporary reprieve from the reimbursement cut scheduled to take effect Wednesday; however, we must find a solution to the pending 26 percent cut scheduled to take effect now in January. And we have to work together to develop a longer term solution that

does bring stability to the Medicare program.

Madam Speaker, I reserve the balance of my time.

Mr. PALLONE. Madam Speaker, I yield 3 minutes to the gentlewoman from Texas (Ms. JACKSON LEE).

Ms. JACKSON LEE of Texas. Madam Speaker, I thank Mr. PALLONE for his constant leadership on health care matters, and the Energy Committee and its full complement of members, as well as Mr. STARK for his continued strength on the issues of providing fairness and balance in the health care system of America. To the managers, my colleagues on the other side of the aisle, I appreciate the recognition that we have a bipartisan crisis and that we all have to address the pending concern of a potential cut as we move forward into 2011. But during the Thanksgiving holiday as I was in my district, I saw a table of doctors in a restaurant who felt compelled to come and ask me to support what is called the doctor fix, the Medicare fix. I had to assure them that Members of Congress were equally concerned about the providers of health care, the implementers of good health for America having to face this kind of dastardly crisis.

In the State of Texas it is crucial, a State that has the highest number of uninsured and a rising number of impoverished who do not have access to health care, this kind of disaster would be more than a hurricane. And so I rise today to support this legislation to acknowledge the fact that doctors and Medicare go together and they equal good health for our constituents.

Seniors have to go to doctors and expect good health care. Doctors are in fact those who take the oath to ensure that they care for the sick and the feeble. The Houston Chronicle reported that more than 300 Texas doctors have dropped the Medicare program in the last 2 years, 50 in the first 3 months of 2010, because of this crisis. Many people think of doctors as rich and able; but many of our doctors are in rural areas and inner city areas and their goal is to serve patients who are in need, many without any other means other than Medicare and Medicaid. According to Dr. Susan Bailey, president of the Texas Medical Association, the Medicare system has to be fixed and action must be taken to ensure that Medicare payments to physicians are not drastically cut. It is a shame to say, doctors have overhead, they have offices, they have nurses, they have equipment that they have to pay for, and that is part of good health care. And so I think it is important that we look at this legislation as it comes to us, and that the final physician rule, the Centers for Medicare and Medicaid Services, modify the MPPR policy to apply a 25 percent reduction rather than the proposed 50 percent reduction to physician Medicare payments. However, I think

the reduction in itself is an oxymoron because the question is what are the needs of the patients and how can the doctors care for them and how do we ensure that doctors and Medicare work together to make sure that good health is promoted across America.

□ 1420

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mr. PALLONE. I yield the gentlewoman another 30 seconds.

Ms. JACKSON LEE of Texas. While that reduction shows movement in the right direction, any reduction will hinder the ability of doctors to effectively treat patients who need their care and who are the most vulnerable—pregnant women, children, the elderly and, of course, the feeble, who are suffering from preexisting diseases or chronic illnesses. So it is important that H.R. 5712, the Physician Payment and Therapy Relief Act of 2010, is passed.

What I would ask, Madam Speaker, is: Who are we if we cannot take care of the least of those?

I don't consider doctors wanting more than they deserve. I consider doctors getting what they deserve to help care for the sick of this Nation. I hope that we will have a bill that the President can sign and that we will be able to address the question of good health care in America.

Madam Speaker, I rise today in support of the amendment to H.R. 5712, "The Physician Payment and Therapy Relief Act of 2010."

Under the current health care law, more than 32 million additional Americans are expected to get insurance, either through an extension of Medicaid, the state-federal program for the poor, or through exchanges where low- and moderate-income individuals and families will be able to purchase private insurance with federal subsidies. The measure will require most Americans to have health insurance coverage; and it will regulate private insurers more closely, banning practices such as denial of care for pre-existing conditions. A key part of the new health law also encourages the development of "accountable care organizations" that would allow doctors to team up with each other and with hospitals, in new ways, to provide medical services. There are some very good provisions that seek to ultimately benefit the public.

Today, however, increasing numbers of doctors are not accepting Medicare patients because the payments they are receiving are inadequate to cover basic expenses of administering care. In fact the Houston Chronicle reported that more than 300 Texas doctors have dropped the program in the last two years, including 50 in the first three months of 2010. According to Dr. Susan Bailey, president of the Texas Medical Association, the Medicare system is on the verge of imploding unless action is taken by Congress to ensure that Medicare payments to physicians are not cut drastically.

Madam Speaker, I urge my colleagues to support not only H.R. 5712 but also the overall

health of many struggling Americans. I am an avid supporter of health care reform and I stand today in steadfast support of providing affordable health care for all Americans. However, if doctors are unwilling to accept patients with Medicare because they fear they will not receive payment for their services we face a serious dilemma. It is our duty as legislators to provide such payment guidelines for the legislation intended to provide affordable quality health care for all Americans to ensure that it achieves its purpose.

In the final physician rule, Centers for Medicare and Medicaid Services modified the MPPR policy to apply a 25 percent reduction, rather than the proposed 50 percent reduction to physicians Medicare payments. While that reduction shows movement in the right direction, any reduction will hinder doctors' ability to effectively treat patients who need their care the most like children and the elderly.

I ask my colleagues to please join me in supporting H.R. 5712, the Physician Payment and Therapy Relief Act of 2010.

The SPEAKER pro tempore. Without objection, the gentleman from California (Mr. HERGER) will control the time.

There was no objection.

Mr. HERGER. I yield myself such time as I may consume.

Madam Speaker, for the fifth time in the last year, Democrats' ability to properly manage the Medicare program is causing medical doctors to confront a looming massive cut in their Medicare reimbursement rates. In fact, when the cut went into effect in June, Medicare held physicians' payments for weeks, and it ultimately was forced to pay claims that cut physicians' rates by 21 percent, only to later send additional payments once the majority congressional Democrats decided to pass another patch. In practical terms, this meant for weeks doctors and other providers saw no or greatly reduced Medicare payments, but yet they still had to pay their rents, payrolls, and other overhead expenses.

Madam Speaker, this is unacceptable and irresponsible. As a result of the Democrats' failure to address this issue in a timely manner, tens of millions of taxpayer dollars were wasted to reprocess physicians' claims and to send new checks to doctors all because the majority party could not finish its work on time.

Physician practices, like most small businesses, are hurt by this dereliction of duty. In a letter signed by 117 physician specialty and State medical societies, physicians detailed how many practices were forced to seek loans to make payroll expenses, to lay off staff or to cancel capital improvements and investments in electronic health records and other technology. Furthermore, when payments resumed, many physicians experienced long delays in receiving the retroactive adjustments. The physician group letter states, "This is not the way to manage a program that seniors and the disabled rely on."

The legislation before us provides for a 1-month postponement of the 23-percent cut; but in 1 month, the cuts return, this time even deeper, with payment cliffs expected to reach nearly 25 percent on January 1.

Madam Speaker, the Democrats' practice of missing deadlines, of withholding payments and reprocessing Medicare claims is no way to run the program. Furthermore, the Democrats' new health law cuts more than one half trillion dollars from Medicare but spends nothing on fixing the physician payment problem. It is one of the many reasons we should replace that flawed legislation with reform Americans can afford and that we should address a true long-term fix for our doctors and seniors. A Republican House will run this program differently.

We cannot miss deadlines. We must ensure doctors get paid on time for the services they provide. We cannot string them along not knowing from one month to the next what they will be getting paid by Medicare. As doctors are making decisions about whether or not to participate in Medicare next year, I want them to know that a Republican House will not leave them twisting in the wind as they have been this past year.

Madam Speaker, I reserve the balance of my time.

Mr. PALLONE. I yield myself such time as I may consume.

You know, Madam Speaker, I was very upset to hear the gentleman from California because I thought, for once—and it's very rare around here—as I heard the gentleman from Oregon suggest that he was supporting this bill, that we finally had some bipartisan support and some Republican support for the SGR doctors' fix; but now I listen to the gentleman from California, and he starts suggesting that somehow the Democrats are to blame. Well, let me suggest that the opposite is true.

Back in November of 2009, about a year ago, the Democrats in this House passed a permanent fix. We wouldn't be here today if that legislation had been supported by the Republicans. To his credit, only one Republican—Dr. BURGESS, who is a member of my Health Subcommittee—did, in fact, support it, but he was the only one. It is the Republicans' fault that we are constantly dealing with these short-term fixes, because they don't want to take care of the doctors. They don't want to resolve this, and they refused to come to the table and resolve it with us while we were in the majority.

I don't want to go into it too much today because I know there is support on the Republican side of the aisle for this 60-day fix, until December 30; but in talking about the Democrats when the Republicans are the reason we are here today because they would not support the permanent fix and make it so that we didn't have to constantly go

back to the table, I think it is totally inappropriate for the gentleman of California to lay blame when, in fact, it is his own party that is to blame.

I reserve the balance of my time.

Mr. HERGER. Madam Speaker, I would like to mention to my friend, the gentleman from New Jersey, that the legislation he speaks of, which they offered, had a \$200 billion, non-paid-for bill on that. We have to begin living within our means, and through our legislation that we will be offering, we will be working to do that.

I reserve the balance of my time.

Mr. PALLONE. Madam Speaker, I ask unanimous consent that the balance of my time on the majority side be controlled by Representative STARK of the Committee on Ways and Means.

The SPEAKER pro tempore. Without objection, the gentleman from California will control the time.

There was no objection.

Mr. STARK. Madam Speaker, I yield myself such time as I may consume.

Before I start, I just want to comment that my distinguished colleague from northern California, on the other side of the aisle, can be so mean and so tough but, Madam Speaker, in a very gentle, pleasant way. I do so look forward to working with him in the next Congress to see how he is going to slap me around as we proceed to try and keep physicians paid and to keep Medicare the great program that it is.

I rise in support of H.R. 5712. The legislation as we know, Madam Speaker, provides for a 1-month extension. By extending current law in this manner, we put SGR reform on the same timetable as other Medicare provisions we need to renew before the end of the calendar year. Without this bill, as we have heard from doctors and other health providers, they will see their Medicare payments cut by 21 to 23 percent, and that is not acceptable.

□ 1430

It's a bad outcome for physicians, for patients, for the government. The only other solution would be for the Medicare agency to hold payments until longer-term SGR reform legislation is enacted in December, and that really plays hard with their practices. It is difficult for them to plan, to pay their employees, pay their rent, and know that payments will be postponed for 1 month.

So I join with my distinguished colleague across the aisle in supporting H.R. 5712 and asking my colleagues to support it this morning.

Mr. DINGELL. Madam Speaker, I rise today to acknowledge my support of the one month patch to the Sustainable Growth Rate, but to state once again, that we cannot continue to kick this can down the road. I continue to support a permanent fix to the flawed SGR formula, like the one we passed in the House of Representatives last year. I also want to express my continued frustration that the Republicans in the United States Senate thwarted

them from following the House's lead on this sound policy.

It is necessary that we pass this one-month extension today, but it is far from sufficient. Two weeks ago, I introduced H.R. 6427, the "Medicare Physician Payment Update Extension Act." This legislation will extend the current physician Medicare reimbursements for 13 additional months. I believe this longer extension will give our seniors and physicians the peace of mind they need while Congress works on a permanent solution to this long-standing problem.

Tonight we will pass a one-month extension to ensure that seniors have access to the same doctors they do today, and so doctors will be fairly reimbursed for their services over the next month. However, when we come together to address this problem again in 30 days, I urge my colleagues to pass a permanent solution, or at minimum, pass a year long extension so that we can ensure some stability to the Medicare program.

Mr. CONYERS. Madam Speaker, I rise today in strong support of H.R. 5712, "The Physician Payment and Therapy Relief Act of 2010." One of the most important priorities of Congress, regardless of our current economic downturn, is the financial well-being of our Nation's hospitals, and the ability of patients to have access to medically necessary care when they need it.

Passage of H.R. 5712 accomplishes both goals by blocking the 23 percent cut in Medicare payments to doctors, for one month, while Congress and the Obama Administration work together to put together a permanent fix to ensure the optimal Medicare reimbursement rate to doctors and hospitals.

In order to have world class hospitals in the United States, we must have the needed funding to ensure that our Nation's hospitals can provide the highest quality care possible. Passage of H.R. 5712 will help strengthen our Nation's hospitals, especially those located in our inner cities and rural areas. Many of these hospitals are experiencing serious funding shortages, and are at risk of losing much needed doctors and medical staff.

H.R. 5712 is a bipartisan bill that costs one billion dollars, and is fully paid for. This legislation helps to protect access to doctors for Medicare beneficiaries and military families, given that payment rates for doctors in TRICARE, the health care program for active-duty service members, National Guard and Reserve members, military retirees, and their families are tied to Medicare rates.

H.R. 5712 is a good example of how Members of Congress working together in a spirit of bipartisan unity can improve the health and well being of all Americans. I encourage my colleagues to support the bill.

Mr. VAN HOLLEN. Madam Speaker, I rise in support of legislation that would avert a 23 percent payment cut for Medicare physicians and continue to provide them with a 2.2 percent update through December 31, 2010.

While I would like to see a permanent, long-term solution to the flawed Medicare physician payment formula, this stop-gap legislation is necessary so that Medicare beneficiaries can continue to see their doctor of choice and have access to the care they need. However, a long-term solution to this problem is needed

to provide stability for physicians who provide services under Medicare so that their practices can adequately plan for the expenses they incur for treating Medicare beneficiaries. In fact, the House passed legislation this Congress that would have permanently fixed the Medicare physician payment formula. Unfortunately, it was blocked in the Senate.

Madam Speaker, I hope our Republican colleagues will join us in finding a long-term solution to this problem. I urge my colleagues to support this legislation.

Mr. STARK. Madam Speaker, I yield back the balance of my time.

Mr. HERGER. Madam Speaker, while I intend to support this bill and urge its passage, our work does not end here. We must find a long-term, stable and fiscally responsible solution to this problem.

Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. PALLONE) that the House suspend the rules and concur in the Senate amendments to the bill, H.R. 5712.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the Senate amendments were concurred in.

A motion to reconsider was laid on the table.

LANCE CORPORAL ALEXANDER SCOTT ARREDONDO, UNITED STATES MARINE CORPS POST OFFICE BUILDING

Mr. CLAY. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 5877) to designate the facility of the United States Postal Service located at 655 Centre Street in Jamaica Plain, Massachusetts, as the "Lance Corporal Alexander Scott Arredondo, United States Marine Corps Post Office Building".

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5877

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. LANCE CORPORAL ALEXANDER SCOTT ARREDONDO, UNITED STATES MARINE CORPS POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 655 Centre Street in Jamaica Plain, Massachusetts, shall be known and designated as the "Lance Corporal Alexander Scott Arredondo, United States Marine Corps Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Lance Corporal Alexander Scott Arredondo, United States Marine Corps Post Office Building".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Missouri (Mr. CLAY) and the gentleman from Virginia (Mr. WOLF) each will control 20 minutes.

The Chair recognizes the gentleman from Missouri.

GENERAL LEAVE

Mr. CLAY. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. CLAY. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, on behalf of the Committee on Oversight and Government Reform, I am pleased to present H.R. 5877, legislation that designates the U.S. Postal Service facility located at 655 Centre Street in Jamaica Plain, Massachusetts, as the "Lance Corporal Alexander Scott Arredondo, United States Marine Corps Post Office Building."

Introduced by our colleague, the gentleman from Massachusetts, Representative MICHAEL CAPUANO, on July 27, 2010, H.R. 5877 enjoys the support of Massachusetts' entire delegation to the House.

Madam Speaker, Lance Corporal Arredondo of Randolph, Massachusetts, was the 968th U.S. military fatality of Operation Iraqi Freedom. An avid martial arts enthusiast, he studied at the New England Academy of Martial Arts in Randolph, where he also taught courses to young students.

He was assigned to Battalion Landing Team 1/4, 11th Marine Expeditionary Unit, I Marine Expeditionary Force, out of Marine Corps Base Camp Pendleton. Sadly, on August 25, 2004, Lance Corporal Arredondo was killed by a sniper in Najaf. He was 20 years old.

In closing, let us pay tribute to the life and service of Lance Corporal Alexander Scott Arredondo by naming the Jamaica Plain Post Office Building in his honor. I urge my colleagues to join me in supporting H.R. 5877.

Madam Speaker, I reserve the balance of my time.

Mr. WOLF. Madam Speaker, I yield myself such time as I may consume.

I rise today in support of H.R. 5877, to designate the facility of the United States Postal Service located at 655 Centre Street in Jamaica Plain, Massachusetts, as the "Lance Corporal Alexander Scott Arredondo, United States Marine Corps Post Office Building."

Madam Speaker, it is altogether fitting and proper that we name this post office in Jamaica Plain for a true American hero who made the ultimate sacrifice for our country.

Born August 5, 1984, Alexander Scott Arredondo graduated from Blue Hills Regional Technical School in Canton, Massachusetts, in the year 2002. He joined the Marine Corps and was assigned to the 1 Marine Expeditionary Force based out of Camp Pendleton, California. He was deployed to Iraq and

served his first tour of duty in 2003, which lasted 9 months. In June, 2004, Lance Corporal Arredondo was deployed back to Iraq. Sadly, Madam Speaker, Lance Corporal Arredondo died in Najaf, Iraq, defending freedom and protecting our Nation.

At only 20 years old, Lance Corporal Arredondo was on his second tour of duty supporting Operation Iraqi Freedom, proving this young man's bravery, courage, and dedication. He is truly an American hero, and I urge all Members to join us in support of this bill.

Madam Speaker, I reserve the balance of my time.

Mr. CLAY. Madam Speaker, I yield 5 minutes to the chief sponsor of the legislation, the gentleman from Massachusetts (Mr. CAPUANO).

Mr. CAPUANO. I thank the gentleman for yielding. I also want to thank the committee for putting this bill out.

Lance Corporal Arredondo was a recipient of the Navy Cross with combat V and a Purple Heart. He was nominated for the Bronze Star, and he gave his life for this country on August 25, 2004. As you heard, he was on his second tour of duty in Iraq.

I just want to read a paragraph that was written about one of his actions, his last action, by a lieutenant general that I think sums up what his own colleagues, his other Marines, thought of him.

"On August 25, 2004, Lance Corporal Arredondo gallantly performed the duties of a fire team leader while fighting enemy forces in the old city of Najaf. While moving with his squad to attack and clear a two-story building, the platoon became heavily engaged at close ranges by enemy small arms, machine gun, and RPG fire. He never hesitated as he led his Marines under intense fire through the building, personally clearing rooms and assuming the greatest risk as grenade explosions raised an impenetrable cloud of dust and dirt in each room.

"Lance Corporal Arredondo led his Marines clearing the objective in a superb manner, never slowing down and never showing any fear. After the exhausting attack, when the platoon had gained control of the building, Lance Corporal Arredondo personally replaced his marines in an exemplary manner while setting up a defense and preparing for further engagements with the enemy.

"After his fire team was set in defense, Lance Corporal Arredondo was shot and mortally wounded by a sniper as he walked the line checking his marines. Lance Corporal Arredondo fought alongside his fellow marines and displayed the highest levels of courage and selflessness during the three weeks of fighting in Najaf. He gave his life fighting for freedom and defending his fellow marines."

That was not written by me or my staff. That was written by his commander. I think that that alone, that one paragraph, clearly underscores exactly what kind of a person Lance Corporal Arredondo was. For a man to give his life at such a young and tender age is an incredible thing, and I am proud—and I want to be very clear, this is the first time I have been here on something like this. I don't take this lightly at all this. This is not just naming another thing after another person. This particular one is very important to me, to my constituents, and to his family because of the service he rendered for this country, because of the fact that he gave his life fighting for our freedom and our rights. I just want to say thank you to the committee again for bringing this bill to the floor, and thank you to the people who have supported this bill.

□ 1440

Mr. WOLF. Madam Speaker, I yield back the balance of my time.

Mr. CLAY. Madam Speaker, I again urge my colleagues to join me in supporting this measure.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Missouri (Mr. CLAY) that the House suspend the rules and pass the bill, H.R. 5877.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. CLAY. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

NATIONAL MESOTHELIOMA AWARENESS DAY

Mr. CLAY. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 771) supporting the goals and ideals of a National Mesothelioma Awareness Day.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 771

Whereas mesothelioma is a terminal, asbestos-related cancer that affects the linings of the lungs, abdomen, heart, or testicles;

Whereas workers exposed on a daily basis over a long period of time are most at risk, but even short-term exposures can cause the disease and an exposure to asbestos for as little as one month can result in mesothelioma 20–50 years later;

Whereas asbestos was used in the construction of virtually all office buildings, public schools, and homes built before 1975 and asbestos is still on the United States market in over 3,000 products;

Whereas there is no known safe level of exposure to asbestos;

Whereas millions of workers in the United States have been, and continue to be, exposed to dangerous levels of asbestos;

Whereas the National Institutes of Health reported to Congress in 2006 that mesothelioma is a difficult disease to detect, diagnose, and treat;

Whereas the National Cancer Institute recognizes a clear need for new agents to improve the outlook for patients with mesothelioma and other asbestos-related diseases;

Whereas for decades, the need to develop treatments for mesothelioma was overlooked and today, even the best available treatments usually have only a very limited effect and the expected survival time of those diagnosed with the disease is between 8 and 14 months;

Whereas mesothelioma has claimed the lives of such heroes and public servants as Admiral Elmo Zumwalt, Jr., and Congressman Bruce F. Vento, and a high percentage of today's mesothelioma victims were exposed to asbestos while serving in the United States Navy;

Whereas it is believed that many of the firefighters, police officers, and rescue workers from Ground Zero on September 11, 2001, may be at increased risk of contracting mesothelioma in the future;

Whereas the establishment of a National Mesothelioma Awareness Day would raise public awareness of the disease and of the need to develop treatments and enhance public awareness for it; and

Whereas cities and localities across the country are recognizing September 26 as Mesothelioma Awareness Day: Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the goals and ideals of Mesothelioma Awareness Day; and

(2) urges the President to issue a proclamation calling on the people of the United States, Federal departments and agencies, States, localities, organizations, and media to annually observe a National Mesothelioma Awareness day with appropriate ceremonies and activities.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Missouri (Mr. CLAY) and the gentleman from Virginia (Mr. WOLF) each will control 20 minutes.

The Chair recognizes the gentleman from Missouri.

GENERAL LEAVE

Mr. CLAY. I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. CLAY. I yield myself such time as I may consume.

I rise in support of House Resolution 771, a bill supporting the goals and ideals of National Mesothelioma Awareness Day. This resolution will raise awareness of this often fatal disease. House Res. 771 was introduced by our colleague, the gentlewoman from Minnesota, Representative BETTY MCCOLLUM on September 24, 2009. It was referred to the Committee on Oversight and Government Reform which

ordered it reported favorably on July 15, 2010. It comes to the floor today with the support of over 50 cosponsors.

Madam Speaker, mesothelioma is a very difficult cancer to detect, diagnose, and treat. Though relatively rare, with about 2,000 new cases diagnosed each year, those diagnosed with mesothelioma have an expected survival time of only 8 to 14 months.

Exposure to asbestos is the major risk factor for mesothelioma. A history of asbestos exposure in the workplace is reported in 70 to 80 percent of cases. Asbestos was a common building material before 1975 and is still found in over 3,000 products that are on the market today. An exposure for as little as 1 month may lead to a diagnoses of mesothelioma decades later.

Madam Speaker, mesothelioma is a serious and difficult-to-control form of cancer, and there is much work to be done to find new treatment options. Let us now show our support for the awareness of the disease and need for these treatment options through the passage of House Resolution 771. I urge my colleagues to join me in supporting it.

I reserve the balance of my time.

Mr. WOLF. Madam Speaker, I yield myself such time as I may consume.

I rise today in support of H. Res. 771, supporting the goals and ideals of a National Mesothelioma Awareness Day. It is a terrible disease, form of cancer, debilitating ailment that is terminal. Madam Speaker, many all over the world have suffered and died from this disease, including a former Member of this body.

Bruce F. Vento, a Member who I served with for 19 years died of mesothelioma in the year 2000. He represented Minnesota's Fourth District for 12 terms until his death. I still remember the last time I spoke to Mr. Vento. He was in the back rail there close to the Democratic Cloakroom.

So I strongly support and thank the gentleman and gentlelady from Minnesota for offering this and urge all Members to support it.

I yield back the balance of my time.

Ms. MCCOLLUM. Madam Speaker, I introduced House Resolution 771 on September 24, 2009 to recognize the 3,000 Americans diagnosed with Mesothelioma each year and raise awareness about this rare form of cancer. After more than a year of work, a coalition of support came together to mark September 26, 2010 as the first ever "National Mesothelioma Awareness Day." I have to thank 58 of my colleagues—both Democrats and Republicans—who co-sponsored this resolution and all the advocates for their work.

Mesothelioma is an asbestos-linked cancer most often found in a person's chest, lungs, or abdomen. More than a million Americans are exposed to dangerous levels of asbestos while on the job, including military personnel, firefighters, and construction workers. In fact, workers in our own Capitol complex are suffering from asbestos exposure. Many of these

individuals are unaware of the risk at the time of exposure.

Despite decades of warnings about the dangers of asbestos, too many Americans are still unaware of the devastating nature of this disease. Although over 50 countries have banned asbestos, the United States has not. It is found in millions of products sold in this country, including brake pads, roofing materials, and gaskets.

The fight against Mesothelioma is a personal issue for me. In 2000, my friend and predecessor Congressman Bruce Vento was diagnosed with Pleural Mesothelioma. The news was devastating for his family, friends, and all of us in Minnesota that knew him. Bruce represented Minnesota's Fourth Congressional District from 1977–2000. During his service in Congress, he was tireless advocate on behalf of his constituents and a national champion for environmental protection and the rights of the homeless.

Awareness is critical for early diagnosis and treatment. "National Mesothelioma Awareness Day" honors those living with Mesothelioma, those that have died from the disease, and their families. House Resolution 771 is an important step toward educating the nation about the causes of this deadly disease and the need for better treatments and additional research.

I strongly urge all of my colleagues to support passage of this bipartisan resolution.

Mr. CLAY. Madam Speaker, I again urge my colleagues to join me in support of this measure.

I yield back the balance of my time. The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Missouri (Mr. CLAY) that the House suspend the rules and agree to the resolution, H. Res. 771.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the yeas have it.

Mr. CLAY. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

COLONEL GEORGE JUSKALIAN POST OFFICE BUILDING

Mr. CLAY. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 6392) to designate the facility of the United States Postal Service located at 5003 Westfields Boulevard in Centreville, Virginia, as the "Colonel George Juskalian Post Office Building".

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6392

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. COLONEL GEORGE JUSKALIAN POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 5003

Westfields Boulevard in Centreville, Virginia, shall be known and designated as the "Colonel George Juskalian Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Colonel George Juskalian Post Office Building".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Missouri (Mr. CLAY) and the gentleman from Virginia (Mr. WOLF) each will control 20 minutes.

The Chair recognizes the gentleman from Missouri.

GENERAL LEAVE

Mr. CLAY. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. CLAY. I yield myself such time as I may consume.

Madam Speaker, on behalf of the Committee on Oversight and Government Reform, I am pleased to present H.R. 6392, legislation that designates the U.S. Postal Service facility located at 5003 Westfield Boulevard in Centreville, Virginia, as the "Colonel George Juskalian Post Office Building." Introduced by our colleague, the gentleman from Virginia, Representative FRANK WOLF, on September 29, 2010, H.R. 6392 enjoys the support of Virginia's entire delegation to the House.

Colonel Juskalian served with high distinction in the U.S. Army for nearly 30 years, which included service in World War II, Korea, and Vietnam. Colonel Juskalian survived the hardships of being a German prisoner of war, enduring nearly 3 years in Nazi POW camps. For his bravery and heroism throughout this ordeal and his later service in Korea and Vietnam, Colonel Juskalian earned two Silver Stars and four Bronze Stars for actions in combat.

After leaving the military, Colonel Juskalian continued to serve his Virginia community until his death at the age of 96. As a retired veteran, Colonel Juskalian volunteered to help mentor and educate youth throughout the Fairfax County, Virginia, school district.

In closing, Madam Speaker, let us now pay tribute to Colonel Juskalian's outstanding service and legacy to our country and to his community through the passage of H.R. 6392 and designate the Centreville, Virginia, postal facility on Westfields Boulevard in his honor, a true American hero. I urge my colleagues to join me in supporting H.R. 6392.

I reserve the balance of my time.

Mr. WOLF. I yield myself such time as I may consume.

I introduced this legislation to commemorate the life of my constituent, the late Army Colonel George Juskalian, by dedicating the post office of Centreville, Virginia, as the "Colonel George Juskalian Post Office Building."

The colonel was born in Fitchburg, Massachusetts. He passed away this past July 4 at the age of 96, and he served our Nation for nearly 30 years on active duty, including campaigns in World War II, Korea, and Vietnam.

□ 1450

He joined the United States Army in 1939 and was called to active duty as a first lieutenant in 1940 and served with distinction in World War II. During this time, he was captured by the Germans in Tunisia and spent 27 months in prisoner of war camps in Italy, Germany, and Poland.

Colonel Juskalian was in General Eisenhower's secretariat in the Pentagon between 1945 and 1948, and was an adviser to the Imperial Iranian Army in Tehran. He also served our Nation with distinction in France and on the home front, retiring with the rank of colonel in 1967. Awards he received include the Army's highest award, the Legion of Merit, for noncombat service, as well as the Silver Star, the Bronze Star, the Army Commendation Medal, the Air Medal, and the Parachutist Badge, and the combat Infantry Badge with a Star awarded for World War II and the Korean War.

He learned the value of community service at an early age from his parents, who were at the forefront of Armenians immigrating to this country and who worked to establish the Armenian Church in the United States.

The colonel was a longtime resident of Centreville and remained actively involved in his community until his death through organizations such as the Armenian Assembly of America, American Legion Post 1995, and the Blue and Gray Veterans of Foreign Wars Post 8469. Many knew the colonel through his volunteer work at local schools.

I want to thank each Member of the Virginia delegation as they joined with me to introduce this bill. I also want to thank the gentleman from New York (Mr. TOWNS) and the gentleman from California (Mr. ISSA) for working with me to bring this legislation to the floor for consideration.

Naming the Centreville, Virginia, post office facility after Colonel George Juskalian will be a fitting tribute to his many, many years of service, and will also serve as a constant reminder of the sacrifices made by members of the United States Armed Services.

I urge a "yes" vote.

I yield back the balance of my time.

Mr. CLAY. Madam Speaker, I urge my colleagues to support this legislation.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Missouri (Mr. CLAY) that the House suspend the rules and pass the bill, H.R. 6392.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

PROCESS IN THE HOUSE

Mr. BUYER. Madam Speaker, since this bill has not gone through the committee, I think we ought to just go through regular order and go to the next bill. As a matter of fact, we'll shut the book on this, Madam Speaker. What do you think?

The SPEAKER pro tempore. The gentleman will suspend.

Mr. BUYER. Suspend? I ask to be recognized.

The SPEAKER pro tempore. The gentleman has not been recognized.

Mr. BUYER. I ask to be recognized. I ask unanimous consent to address the House for 1 minute.

The SPEAKER pro tempore. For what purpose does the gentleman seek recognition?

Mr. BUYER. I ask unanimous consent to address the House for 5 minutes.

Hearing no objection—

The SPEAKER pro tempore. Five-minute special orders are not being recognized at this time.

Mr. BUYER. I ask unanimous consent to address the House for 1 minute.

Hearing no objection—

The SPEAKER pro tempore. One-minute requests are not being entertained at this time.

Mr. BUYER. Oh. So as a sitting Member of the House, the Speaker chooses not to recognize another sitting Member. Is that correct?

The SPEAKER pro tempore. Recognition is within the discretion of the Speaker.

Mr. BUYER. So the discretion of the Speaker here is not to recognize a ranking Republican member on a bill that is about to be heard that was never gone through the process of the committee.

I ask to be recognized.

The SPEAKER pro tempore. The House is proceeding with motions to suspend the rules.

Mr. BUYER. And if the chairman is not here to present the bill, shouldn't we go to the next bill, and we would therefore withdraw this bill?

The SPEAKER pro tempore. The gentleman will suspend. The gentleman has not been recognized.

Mr. BUYER. I ask to be recognized. I ask unanimous consent to address the House for 1 minute.

The SPEAKER pro tempore. Is there an objection for the gentleman to

speak for 1 minute? Hearing none, the gentleman is recognized for 1 minute.

Mr. BUYER. Wow. Was treating another Member with dignity so hard, Madam Speaker? I don't believe it was. You see, you are right. It is within your sole discretion to recognize a Member. But you chose to exercise the power of the gavel, Madam Speaker. Therein lies the problem.

I am here. The chairman is not here. He wants a bill brought under suspension that was not gone through regular order of the committee over the objections of the ranking Republican. That is an abuse of the process. As a matter of fact, he wants to bring a bill under suspension and then do this sort of political treachery of doing a manager's amendment, and I object to it all. And he is not even here to do it.

So what I am asking is, Madam Speaker, for regular order. If he is not here to pull off this political stunt, then we should just proceed and this bill should be withdrawn. It is the right thing to do by the American people to stop these tactics.

I yield back the balance of my time.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 2 o'clock and 59 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 1801

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. CUELLAR) at 6 o'clock and 1 minute p.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Under clause 5(d) of rule XX, the Chair announces to the House that, in light of the resignation of the gentleman from Illinois (Mr. KIRK), the whole number of the House is 434.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order: H.R. 5877, by the yeas and nays; and H. Res. 771, by the yeas and nays.

The first electronic vote will be conducted as a 15-minute vote. The second will be conducted as a 5-minute vote.

LANCE CORPORAL ALEXANDER SCOTT ARREDONDO, UNITED STATES MARINE CORPS POST OFFICE BUILDING

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 5877) to designate the facility of the United States Postal Service located at 655 Centre Street in Jamaica Plain, Massachusetts, as the "Lance Corporal Alexander Scott Arredondo, United States Marine Corps Post Office Building," on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Missouri (Mr. CLAY) that the House suspend the rules and pass the bill.

The vote was taken by electronic device, and there were—yeas 366, nays 0, not voting 67, as follows:

[Roll No. 581]

YEAS—366

Ackerman	Clarke	Garrett (NJ)
Aderholt	Clay	Giffords
Adler (NJ)	Cleaver	Gingrey (GA)
Akin	Clyburn	Gohmert
Alexander	Coble	Gonzalez
Altmire	Coffman (CO)	Goodlatte
Andrews	Cohen	Gordon (TN)
Baca	Cole	Granger
Bachmann	Conaway	Graves (GA)
Bachus	Connolly (VA)	Graves (MO)
Baird	Cooper	Grayson
Baldwin	Costa	Green, Al
Barrow	Costello	Green, Gene
Bartlett	Courtney	Griffith
Barton (TX)	Crenshaw	Guthrie
Bean	Critz	Hall (TX)
Becerra	Crowley	Halvorson
Berkley	Cuellar	Hare
Biggert	Culberson	Harman
Billray	Cummings	Harper
Bilirakis	Davis (CA)	Hastings (WA)
Bishop (NY)	Davis (IL)	Heinrich
Bishop (UT)	Davis (KY)	Heller
Blackburn	Davis (TN)	Hensarling
Blumenauer	DeGette	Herger
Blunt	DeLauro	Herseth Sandlin
Bocchieri	Dent	Higgins
Bonner	Deutch	Hill
Boren	Diaz-Balart, L.	Himes
Boswell	Diaz-Balart, M.	Hinche
Boucher	Dicks	Hinojosa
Boustany	Dingell	Hirono
Boyd	Djou	Hodes
Brady (TX)	Doggett	Hoekstra
Braley (IA)	Donnelly (IN)	Holden
Bright	Doyle	Holt
Broun (GA)	Dreier	Honda
Brown (SC)	Drieaus	Hoyer
Brown, Corrine	Duncan	Hunter
Buchanan	Edwards (MD)	Inglis
Burgess	Ehlers	Inslee
Butterfield	Ellison	Israel
Buyer	Ellsworth	Issa
Calvert	Emerson	Jackson (IL)
Camp	Engel	Jackson Lee
Campbell	Eshoo	(TX)
Cantor	Etheridge	Jenkins
Cao	Farr	Johnson (GA)
Capito	Fattah	Johnson, E. B.
Capps	Filner	Johnson, Sam
Capuano	Flake	Jones
Cardoza	Forbes	Jordan (OH)
Carnahan	Fortenberry	Kagen
Carson (IN)	Foster	Kanjorski
Carter	Fox	Kaptur
Cassidy	Frank (MA)	Kennedy
Castle	Franks (AZ)	Kildee
Castor (FL)	Frelinghuysen	Kilroy
Chaffetz	Fudge	Kind
Chandler	Gallegly	King (IA)
Chu	Garamendi	King (NY)

Kingston	Mitchell	Schock
Kirkpatrick (AZ)	Moore (KS)	Schrader
Kissell	Moore (WI)	Schwartz
Klein (FL)	Murphy (CT)	Scott (GA)
Kline (MN)	Murphy (NY)	Sensenbrenner
Kosmas	Murphy, Tim	Serrano
Kratovil	Nadler (NY)	Sessions
Kucinich	Napolitano	Sestak
Lamborn	Neugebauer	Shea-Porter
Lance	Nunes	Sherman
Langevin	Nye	Shimkus
Larsen (WA)	Oberstar	Shuler
Larson (CT)	Obey	Simpson
Latham	Olson	Sires
LaTourette	Olver	Skelton
Latta	Owens	Slaughter
Lee (CA)	Pallone	Smith (NE)
Lee (NY)	Pascarella	Smith (NJ)
Levin	Paul	Smith (TX)
Lewis (CA)	Paulsen	Smith (WA)
Lewis (GA)	Payne	Snyder
LoBiondo	Perlmutter	Space
Loebach	Perriello	Spratt
Lofgren, Zoe	Peters	Stearns
Lowe	Peterson	Stupak
Lucas	Petri	Stutzman
Luetkemeyer	Pingree (ME)	Sullivan
Lujan	Pitts	Sutton
Lummis	Platts	Teague
Lungren, Daniel	Poe (TX)	Terry
E.	Polis (CO)	Thompson (CA)
Lynch	Pomeroy	Thompson (MS)
Maffei	Posey	Thompson (PA)
Maloney	Price (GA)	Thornberry
Manzullo	Price (NC)	Tiahrt
Marshall	Quigley	Tierney
Matheson	Rahall	Titus
Matsui	Rangel	Towns
McCarthy (CA)	Reed	Turner
McCarthy (NY)	Rehberg	Upton
McCaul	Reichert	Van Hollen
McClintock	Richardson	Velazquez
McCollum	Roe (TN)	Visclosky
McCotter	Rogers (AL)	Walden
McDermott	Rogers (KY)	Walz
McGovern	Rogers (MI)	Wasserman
McHenry	Rohrabacher	Schultz
McIntyre	Rooney	Waters
McKeon	Ros-Tehtinen	Watson
McMorris	Roskam	Watt
Rodgers	Ross	Waxman
McNerney	Rothman (NJ)	Weiner
Meek (FL)	Roybal-Allard	Welch
Meeks (NY)	Royce	Westmoreland
Melancon	Ruppersberger	Whitfield
Mica	Ryan (WI)	Wilson (OH)
Michaud	Salazar	Wilson (SC)
Miller (FL)	Sarbanes	Wolf
Miller (MI)	Scalise	Woolsey
Miller (NC)	Schakowsky	Yarmuth
Miller, Gary	Schauer	Young (FL)
Miller, George	Schiff	
Minnick	Schmidt	

NOT VOTING—67

Arcuri	Gerlach	Putnam
Austria	Grijalva	Radanovich
Barrett (SC)	Gutierrez	Reyes
Berman	Hall (NY)	Rodriguez
Berry	Hastings (FL)	Rush
Bishop (GA)	Johnson (IL)	Ryan (OH)
Boehner	Kilpatrick (MI)	Sánchez, Linda
Bono Mack	Linder	T.
Boozman	Lipinski	Sanchez, Loretta
Brady (PA)	Mack	Scott (VA)
Brown-Waite,	Marchant	Shadegg
Ginny	Markey (CO)	Shuster
Burton (IN)	Markey (MA)	Speier
Carney	McMahon	Stark
Childers	Mollohan	Tanner
Conyers	Moran (KS)	Taylor
Dahlkemper	Moran (VA)	Tiberi
Davis (AL)	Murphy, Patrick	Tonko
DeFazio	Myrick	Tsongas
Delahunt	Neal (MA)	Wamp
Edwards (TX)	Ortiz	Wittman
Fallin	Pastor (AZ)	Wu
Fleming	Pence	Young (AK)

□ 1831

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

NATIONAL MESOTHELIOMA AWARENESS DAY

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution (H. Res. 771) supporting the goals and ideals of a National Mesothelioma Awareness Day, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Missouri (Mr. CLAY) that the House suspend the rules and agree to the resolution.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 363, nays 0, not voting 70, as follows:

[Roll No. 582]

YEAS—363

Ackerman	Chu	Fudge
Aderholt	Clarke	Gallegly
Adler (NJ)	Clay	Garamendi
Akin	Cleaver	Garrett (NJ)
Alexander	Clyburn	Giffords
Altmire	Coble	Gingrey (GA)
Andrews	Coffman (CO)	Gohmert
Baca	Cohen	Gonzalez
Bachmann	Cole	Goodlatte
Bachus	Conaway	Gordon (TN)
Baird	Connolly (VA)	Granger
Baldwin	Cooper	Graves (GA)
Barrow	Costa	Graves (MO)
Bartlett	Costello	Grayson
Barton (TX)	Courtney	Green, Al
Bean	Crenshaw	Green, Gene
Becerra	Critz	Griffith
Berkley	Crowley	Guthrie
Biggert	Cuellar	Hall (TX)
Billray	Culberson	Halvorson
Bilirakis	Cummings	Hare
Bishop (NY)	Davis (CA)	Harman
Bishop (UT)	Davis (IL)	Harper
Blackburn	Davis (KY)	Hastings (WA)
Blumenauer	Davis (TN)	Heinrich
Blunt	DeGette	Heller
Bocchieri	DeLauro	Hensarling
Bonner	Dent	Herger
Boren	Deutch	Herseth Sandlin
Boswell	Diaz-Balart, L.	Higgins
Boucher	Diaz-Balart, M.	Hill
Boustany	Dicks	Himes
Boyd	Dingell	Hinche
Brady (TX)	Djou	Hinojosa
Braley (IA)	Doggett	Hirono
Bright	Donnelly (IN)	Hodes
Broun (GA)	Doyle	Hoekstra
Brown (SC)	Dreier	Holden
Buchanan	Drieaus	Holt
Burgess	Duncan	Honda
Butterfield	Edwards (MD)	Hoyer
Buyer	Ehlers	Hunter
Calvert	Ellison	Inglis
Camp	Ellsworth	Inslee
Campbell	Emerson	Israel
Cao	Engel	Issa
Capito	Eshoo	Jackson (IL)
Capps	Etheridge	Jackson Lee
Capuano	Farr	(TX)
Cardoza	Fattah	Jenkins
Carnahan	Filner	Johnson (GA)
Carson (IN)	Flake	Johnson, E. B.
Carter	Forbes	Johnson, Sam
Cassidy	Fortenberry	Jones
Castle	Foster	Jordan (OH)
Castor (FL)	Fox	Kagen
Chaffetz	Frank (MA)	Kanjorski
Chandler	Franks (AZ)	Kaptur
	Frelinghuysen	Kennedy

Kildee
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
LoBiondo
Loebach
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Lujan
Lummis
Lungren, Daniel E.
Lynch
Maffei
Maloney
Manzullo
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMorris
Rodgers
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)

Miller, Gary
Miller, George
Minnick
Mitchell
Moore (KS)
Moore (WI)
Murphy (CT)
Murphy (NY)
Murphy, Tim
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Owens
Pallone
Pascarella
Paul
Paulsen
Payne
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Quigley
Rahall
Rangel
Reed
Rehberg
Reichert
Richardson
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Ryan (WI)
Salazar
Sarbanes
Scalise
Schakowsky
Schauer

Schiff
Schmidt
Schock
Schradner
Schwartz
Scott (GA)
Sensenbrenner
Sessions
Sestak
Shea-Porter
Sherman
Shimkus
Shuler
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Space
Spratt
Stearns
Stupak
Stutzman
Sullivan
Sutton
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tierney
Titus
Towns
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wasserman
Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Whitfield
Wilson (OH)
Wilson (SC)
Wolf
Woolsey
Yarmuth
Young (FL)

NOT VOTING—70

Arcuri
Austria
Barrett (SC)
Berman
Berry
Bishop (GA)
Boehner
Bono Mack
Boozman
Brady (PA)
Brown-Waite,
Ginny
Burton (IN)
Cantor
Carney
Childers
Conyers
Dahlkemper
Davis (AL)
DeFazio
Delahunt
Edwards (TX)
Fallin
Fleming

Gerlach
Grijalva
Gutierrez
Hall (NY)
Hastings (FL)
Johnson (IL)
Kilpatrick (MI)
Linder
Lipinski
Mack
Marchant
Markey (CO)
Markey (MA)
McMahon
McNerney
Mollohan
Moran (KS)
Moran (VA)
Murphy, Patrick
Myrick
Ortiz
Pastor (AZ)
Pence
Putnam

Radanovich
Reyes
Rodriguez
Roskam
Rush
Ryan (OH)
Sanchez, Linda T.
Sanchez, Loretta
Scott (VA)
Serrano
Shadegg
Shuster
Speier
Stark
Tanner
Taylor
Tiberi
Tonko
Tsongas
Wamp
Wittman
Wu
Young (AK)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Two minutes remain in this vote.

□ 1839

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. CONYERS. Mr. Speaker, on November 29, 2010, I regret that I was not present to vote on H.R. 5877 and H. Res. 771.

Had I been present, I would have voted "yea" on both bills.

PERSONAL EXPLANATION

Mr. GUTIERREZ. Mr. Speaker, I was unavoidably absent for votes in the House Chamber today. I would like the RECORD to show that, had I been present, I would have voted "yea" on rollcall votes 581 and 582.

IMPENDING CRISIS IN HEALTH CARE SYSTEM

(Ms. BERKLEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. BERKLEY. Madam Speaker, I rise today to talk about an impending crisis in our health care system. If this Congress can't figure out a way to reimburse the doctors that take care of our older Americans, our fellow citizens, our mothers and fathers and grandparents that are on Medicare, this Nation is going to be in a world of hurt. It is time that we put aside petty politics, figure out how we're going to reimburse the doctors and keep the Medicare system going.

There are millions of Americans, certainly hundreds of thousands of seniors in the district that I represent, that depend on Medicare to have their health care needs met. You take away their doctors, you take away any chance they have of getting medical care.

Let's get moving on this and provide a permanent fix to reimbursing the doctors, and let's help our seniors stay on Medicare.

THE CHILDREN'S TRUST SIXTH ANNUAL CHAMPIONS FOR CHILDREN AWARD CEREMONY

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Madam Speaker, the Children's Trust hosted its sixth annual Champions for Children awards ceremony just recently in south Florida. It honored the exceptional individuals who dedicate their time and services to the children of south Florida.

The Children's Trust is an altruistic humanitarian organization committed

to the children and families of our south Florida community. It operates on a simple motto, Madam Speaker: "Because all children are our children."

It is this belief that has motivated the Children's Trust since its inception in the year 2002. It has collaborated with children and parents throughout our community in an attempt to strengthen the family bond and to help facilitate opportunities to allow the children of south Florida to achieve their full potential.

I encourage all throughout our community to take an interest in this great organization because, indeed, all children are our children.

INSULT MOSQUE

(Mr. POE of Texas asked and was given permission to address the House for 1 minute.)

Mr. POE of Texas. Madam Speaker, the people who want to build a mosque at Ground Zero now want American taxpayers to pay \$5 million to help build that mosque. Those who beg for American money to build an insult mosque on Ground Zero disrespect the 3,000 people of all faiths, nations, and religions that were murdered by a radical Islamic faction on 9/11.

Ground Zero is sacred American soil. It's where America was ambushed by killers from the sky. A taxpayer-funded mosque at the site comes across as a memorial and tribute to the radical terrorists that murdered in the name of religion. Such a plan is unwise, insensitive, and shameful.

Those who wish to build a mosque should instead build a monument and a memorial to the victims of 9/11—victims that include Christians, Jews, and Muslims. Otherwise, Ground Zero is off-limits.

And that's just the way it is.

DIABETES AWARENESS MONTH

(Mr. PAULSEN asked and was given permission to address the House for 1 minute.)

Mr. PAULSEN. Madam Speaker, I rise today to remind my colleagues that as Diabetes Awareness Month comes to a close, we must continue to work together to protect future generations from this disease.

Cases of diabetes among Americans is growing at an alarming rate. Today, nearly 24 million children and adults suffer from this disease, that's nearly one in every three Americans, and another 57 million Americans are at risk.

Madam Speaker, in addition to the alarming number of people affected by diabetes, the costs associated with this disease are far too great. The American Diabetes Association estimates that the total cost associated with diabetes care costs approximately \$174 billion annually.

With health care costs rising and the number of diagnosed diabetics at an all-time high, we must work to prevent diabetes through education and awareness, as well as work to lower the cost of care associated with this disease.

□ 1850

SPECIAL ORDERS

The SPEAKER pro tempore (Ms. KILROY). Under the Speaker's announced policy of January 6, 2009, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

HONORING LEOPOLDO CIFUENTES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. LINCOLN DIAZ-BALART) is recognized for 5 minutes.

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, I rise to honor the memory of a friend who passed away just a few days ago, a larger than life personality, a generous and extraordinary man, Leopoldo Cifuentes.

Scion of a distinguished Cuban family, his grandfather purchased the famed Partagas cigar factory in 1875. The Cifuentes family symbolizes Cuban tobacco and cigars, the best in the world. And Leopoldo Cifuentes symbolized his remarkable family.

When the Cuban Communist tyranny confiscated all businesses in Cuba in 1960, including the tobacco business of the Cifuentes family, young Leo came to the United States of America, a country he loved and admired deeply. He married Dagmar Hidalgo Nunez, an extraordinary woman, in 1962.

That year Leopoldo Cifuentes volunteered to join the United States Army. Years later, he received an honorable discharge and the commendation of the then Army Secretary Cyrus Vance. Leo and Dagmar subsequently moved to Spain, where much of their extended family resided. Their children, Leopoldo, Jr., and Mayte, were born there. As Leopoldo and Dagmar's family grew, so did Leo's business success. But he never stopped loving the United States of America, nor the country of his birth, Cuba. Leopoldo Cifuentes, along with his son Leo Jr., and his nephew Rafael, have been bulwarks in the fight for Cuba's freedom.

Madam Speaker, just this last July, when I visited Spain to meet with recently arrived former Cuban political prisoners, Leo, Leo Jr., and Rafa helped me to lend a hand to our heroes, the just-released-from-the-gulag former political prisoners. And that's typical of their generosity and their patriotism.

I send my deepest condolences to Dagmar, Mayte, Leo Jr., Rafa, and the

entire wonderful family of Leopoldo Cifuentes. I will never forget him.

DESTROYING THEIR PROPERTY AND INSULTING THEIR INTELLIGENCE

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Madam Speaker, the trip taken by the U.S. delegation to the NATO summit in Lisbon was an expensive one indeed. The decision made there to extend our military occupation of Afghanistan into 2014 and possibly beyond will exact untold, unsustainable, unacceptable costs.

A war that has already tragically cost us 1,400 American lives will now take many hundreds more. A war that has already drained the Treasury of \$370 billion will drive us further into debt and stall our economic recovery. And a war that has undermined our national security goals will continue to make us less safe.

Here we are patting down holiday travelers at the airport while we escalate a war that is fomenting, rather than fighting, terrorism. That's the current state of our national security policy. Talk about missing the forest for the trees.

This decision to stay the disastrous course in Afghanistan represents a broken promise plain and simple, a promise that was to at least begin ending this war in July of next year. Meanwhile, as the timetable extends, the tactics seem to grow more violent.

Remember shock and awe in Iraq? Well, we are now engaged in what one American officer called, "Awe, shock, and firepower" in the form of enormous tanks now rolling into Afghanistan for the first time during this war. As if Afghans needed another reminder of the 1980s Soviet invasion, which was heavy on tank artillery, and left an indelible mark on the national consciousness.

The optics here, Madam Speaker, are very bad, and the rhetoric is disturbing as well, with one official boasting to the Washington Post, and I quote him, he said, "We've taken the gloves off." And another saying that counterinsurgency, and I quote him, "doesn't mean you don't blow up stuff or kill people who need to be killed." Of course, the problem is that we are killing a lot of people who don't need to be killed, innocent civilians caught in the cross-fire.

How exactly are we supposed to win people's hearts and minds when we are destroying their homes and exterminating their families? When will we understand that this kind of warfare, this entire war is the best propaganda tool the Taliban could ask for? And besides, Madam Speaker, tank deployment flies directly in the face of the COIN doctrine that is supposed to be guiding our

Afghanistan strategy. We have all heard General Petraeus wax philosophical about U.S. troops moving within communities, helping forge a bond between the people and their government. Except that tanks and night raids are about just the opposite—removing our troops from Afghan communities in favor of launching deadly explosives from a safe distance.

But apparently NATO officials have come up with a creative way out of that contradiction. The Post reports that an Afghan farmer asked a general at a public meeting, "Why do you have to blow up so many of our fields and homes?" He was told that when villagers travel to town to submit a claim for property damage it helps better connect them to their government. Can you imagine a response more galling, Madam Speaker? Now we are not only destroying their property, we are insulting their intelligence, too.

This must end, it must end now. And Madam Speaker, we must bring our troops home. Our troops should have come home a long time ago.

□ 1900

MIAMI CHILDREN'S HOSPITAL'S VENTILATOR ASSISTED CHILDREN'S CENTER CAMP

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Florida (Ms. ROS-LEHTINEN) is recognized for 5 minutes.

Ms. ROS-LEHTINEN. Madam Speaker, I am so pleased, so pleased, to recognize the Miami Children's Hospital's Ventilator Assisted Children's Center Camp and congratulate them on their 25th anniversary.

This extraordinary camp serves children who depend upon medical technology to breathe. It gives them a chance to just be kids for a week.

Founded in 1986 by Dr. Moises Simpson, the camp has grown from serving 50 to over 250. This one magical week is the work of hundreds of volunteers and a year's worth of planning and preparation. The VACC Camp is the first of its kind in the Nation, and families come from across the country to participate.

For this 1 week every year, children who are usually all but confined to their hospital rooms and their homes can experience camp activities and a near-normal life. Packed with activities and field trips, this week is a week of firsts: First-time dancing, first-time bowling, first-time swimming. VACC Camp is not about what the campers cannot do; it's about what they can do.

Through a partnership with Shake-A-Leg Miami, the camp even developed a special sailboat that campers can steer with their chins, regardless of how much medical equipment they require. Other field trips include cruising on Biscayne Bay, shopping at Bayside

Marketplace, a day at the beach, and lunch at the Hard Rock Cafe. Often this is the one time a year that these children have a chance to go outside in the fresh air and feel the sunshine on their faces.

At camp, volunteers make the week unique by putting on carnival nights and themed dance parties. But above all, the camp offers a chance to escape wheelchairs, medical tubes, and breathing equipment by going swimming. The process of getting each child into the pool takes over 20 minutes and five to six volunteers.

VACC camp is unique for the opportunities that it provides to its campers and their families. Caring for a child who is dependent upon technology to breathe puts an incredible amount of pressure on even the strongest of families. Parents are responsible for intensive 24-hour care without a day off.

Of all the difficulties of caring for a sick child, one of the most trying is social isolation. VACC Camp serves not just the kids but also their siblings and their parents. With programs like Parents' Dinner Out, this camp is a time to have fun and take a day off. What a luxury.

VACC Camp is an opportunity for these children and their parents to see that they are not alone, to build a community and a support structure.

Camp is a life-changing week for the families and the selfless volunteers who make it happen. Sponsored by Miami Children's Hospital and supported by hundreds of volunteers, VACC Camp is completely free for the families. The camp depends not only on the medical professionals who use their vacation days but also on its many teen volunteers. Local high school students interact with campers to make the week truly special and fun, and they leave the week with lifelong friendships. Camp is as much of a life-changing event for these high school students as it has been for the campers themselves.

I am so appreciative, Madam Speaker, of the hard work and the countless volunteers who come together to make this camp a magical week year after year.

To Dr. Simpson and everyone involved at the VACC Camp: You have touched the lives of so many families and helped so many become happier and healthier children. Happy 25th anniversary, VACC Camp, and keep up the good work.

GEORGIA'S FIRST SQUADRON, 108TH CAVALRY OF THE 48TH IN- FANTRY BRIGADE COMBAT TEAM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. GRAVES) is recognized for 5 minutes.

Mr. GRAVES of Georgia. Madam Speaker, I rise today to honor the dis-

tinguished service of seven men from Georgia's First Squadron, 108th Cavalry of the 48th Infantry Brigade Combat Team based in northwest Georgia.

On September 2, 2010, these men received the Bronze Star and Army Commendation Medals with "V" Device for their personal valor and action in an intense firefight during Operation Brest Thunder. Operation Brest Thunder, an operation involving U.S. troops, French marines, and the Afghanistan National Army, was designed in order to persuade the citizens of Afghanistan that it was safe for them to participate in the electoral process in the dangerous insurgency area of the Shpee Valley and the Kapisa Province.

It was through their bravery and boldness during this operation that the following men have been recognized for their outstanding action. The Bronze Star Medal with "V" device was awarded to:

Captain Nathaniel C. Stone of Monticello, Georgia; Sergeant First Class Kenneth Brooks of Calhoun, Georgia; Staff Sergeant William Bookout of Villa Rica, Georgia; Sergeant Roger Mavis of Dallas, Georgia; and Specialist Christopher Lowe from Savannah, Georgia.

Receiving the Army Commendation Medal with "V" device were Staff Sergeant William Moore of Newnan, Georgia, and Specialist Justin Evans of Silver Creek, Georgia.

During Operation Brest Thunder, a large number of Taliban had entered the Shpee Valley in Afghanistan in order to reinforce insurgents already there. At the start of their mission, U.S. forces immediately took heavy fire from enemy forces in every direction.

After a fellow captain was mortally wounded, and the assisting soldier, Specialist Lowe, wounded and incapacitated, Captain Stone and Specialist Evans sprung into action. Captain Stone was dispatched to lead the Quick Reaction Force to evacuate Specialist Lowe and the fallen soldier from the battlefield back to the combat outpost. Meanwhile, Specialist Evans treated Specialist Lowe's wounds while staying off enemy fire.

Maneuvering under fire, Captain Stone and Sergeant First Class Brooks, the onsite commander, immediately assessed the situation and the course of action for evacuation. They soon realized that the only way to retrieve the casualties was to immediately employ their men to lay down fire at a tree line that had been the source of the heaviest assault.

Once their men were in place and able to begin an aggressive attack, Captain Stone, along with another soldier, sprinted approximately 50 meters up high ground towards the house where the casualties were located without regard for their own personal safety. Upon reaching Specialist Evans and

Specialist Lowe, Captain Stone realized Specialist Lowe was losing a lot of blood and must be rapidly evacuated out of harm's way. Captain Stone sprinted towards one of the vehicles where Specialist Lowe was placed, while several rounds of enemy fire shot around him, skimming the top of his right boot.

And Captain Stone ran through enemy fire to ensure that Specialist Lowe received medical attention and that the body of his fellow soldier was retrieved.

This quick thinking and courageous action by Captain Stone and Specialist Evans, without regard for their own safety, saved Specialist Lowe's life and assured the retrieval of their fellow man. Throughout the duration of Operation Brest Thunder, Sergeant First Class Brooks, Staff Sergeant Moore, Sergeant Mavis and Sergeant Bookout endured heavy enemy fire.

These men led valiantly, calmly, and decisively. Although they were under heavy enemy fire, these men and their team pressed on and unfortunately sustained two casualties. However, they were able to maneuver their forces and hold overwatch positions until the Quick Reaction Force could respond to medevac any casualties and help neutralize the enemy threat. They simultaneously oversaw the defense of their combat outpost from heavy fire upon the return of their mission.

A few of these men have noted Operation Brest Thunder to be one of the toughest battles they have fought. But it is because of their strength of skill that a Taliban commander and almost two dozen insurgents fell, helping the United States and her allies grow stronger, protecting her from those who wish to do her harm.

The courageous actions of these men show their commitment to their mission, to each other, and to their country.

Madam Speaker, I have taken this opportunity to commend the heroic actions of these men. But I would also like to take this opportunity to thank them. I would like to thank these men for sacrificing their lives and their livelihoods for this country.

I want to thank their families for showing tremendous support, strength, and resiliency, and I want to be sure that they and their brothers and sisters all across the United States Armed Forces know that we at home are always thinking and supportive of them. Americans can sleep more peacefully, Americans can live their lives more freely knowing that soldiers like these brave men from Georgia's First Squadron, 108th Cavalry of the 48th Infantry Brigade Combat Team are out there fighting for our freedoms.

God bless them and their families, and may the Lord continue to bless this great and glorious cause called America.

□ 1910

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF SENATE AMENDMENTS TO H.R. 4783, CLAIMS RESOLUTION ACT OF 2010

Mr. POLIS, from the Committee on Rules, submitted a privileged report (Rept. No. 111-660) on the resolution (H. Res. 1736) providing for consideration of the Senate amendments to the bill (H.R. 4783) to accelerate the income tax benefits for charitable cash contributions for the relief of victims of the earthquake in Chile, and to extend the period from which such contributions for the relief of victims of the earthquake in Haiti may be accelerated, which was referred to the House Calendar and ordered to be printed.

THE RULE OF LAW: FEDERAL REGULATIONS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Texas (Mr. CARTER) is recognized for 60 minutes.

Mr. CARTER. Thank you, Madam Speaker.

We've been talking for a couple of years now about the rule of law and how the rules that we set up for ourselves are rules that glue our society together. But there are times when there are rules that people have a misconception about. This happens more and more when you're back home, somebody will come to you in the business community or even in their personal life and complain about something or some way that the government was interfering with their lives. There are times when, at least in my office, where people come in griping about it and unfortunately it's not the Federal Government. It's rarely not the Federal Government, but sometimes it's not the Federal Government but it's the State government. But almost always people presume that the law that is intrusive upon their life, and these are people that are not in the regular course of dealing with Washington, those laws were passed by Congress. So, therefore, Congress did this to you. And, in a way, it's true.

Tonight, I want to talk about Federal regulatory authority. Federal regulations. We're at a time right now that some would argue is at least equal to the Great Depression in a time of joblessness and in a time of economic stagnation. Some would argue we're second to the Great Depression. Which ever it is, we have literally hundreds of thousands and millions of people in this country who need a job. They need to work. They want to work. They want to be out there and be productive members of society. That's the most important thing in their life.

Feeding your family. People go to great strains to try to make sure that

they can provide for their families. And I think all Americans feel that way. Nothing hurts more than to realize that whether it's your fault or the fault of the economy or what, you can't find a job in the town you live in, or maybe even anyplace within driving distance of where you live. You hesitate to move all the way across the country to someplace where you hear there are jobs because it's so disruptive to your family. The pressure is tremendously bad on people in this country right now. There are folks that are trying to create jobs, and they have things that are interfering with their lives.

There's all kinds of reasons why you get stagnation and you get companies that are fearful to create jobs, that people are, as we hear, quote, hoarding their profits. One of the reasons we talk about all the time is uncertainty—"I don't know what's going to happen and until I know what's going to happen, I'm holding onto my money." That might be actually some pretty good planning in many ways. But there's also that "I can't explain it" factor that is in people's lives. "I can't explain it; I just don't feel good about things right now." I believe that a lot of the "I can't explain it, I just don't feel good about things right now" feeling that a lot of Americans have, actually you could go back to what FDR said: "The only thing we have to fear is fear itself." We can't define what causes us to be afraid in many instances. But there are things that go on that we create in this Congress. Through acts of Congress, we create authorities, agencies, boards, commissions, departments, all kinds of entities that have career Federal bureaucrats that work for them, and we give them what's called regulatory authority. Regulatory authority basically gives them authority to write additional rules to implement the overall plan of what the Congress perceived to be a need of the country and passed in the form of a piece of legislation. From that standpoint, I guess all rules are the resulting fault of the Congress. But in the vast majority of instances, the regulations are never addressed by the Congress.

Tonight, some of my friends are joining me and I'm really proud to have them here. We're going to talk about the fact that this is not the first time this has been recognized as an interference in the ability to create growth and create jobs in this country. Back in the nineties, back in, I believe it was right after the 1994 Republican takeover of the House, the Contract with America, there were a lot of pieces of legislation passed. Some of the things they tried to do were things that would get some of the regulators off the backs of small and large businesses which would prevent the creation of wealth, prevent the creation of jobs. They passed something called the Con-

gressional Review Act. It was signed into law by President Clinton. The Congressional Review Act requires all Federal agencies to submit any new major regulation—that's what I was telling you about; agencies have regulatory authority and those regulations are like laws written by bureaucrats—to Congress for 60 days prior to the enactment of that regulation, during which time Congress can vote to block the new rules.

With President Obama in the White House and REID still throttling the Senate, the CRA, the Congressional Review Act, gives the House the potential to look at these things and to realize that probably the largest concentration of regulatory rules that will ever be written in the history of this country are probably going to be written, or are in the process of being written on ObamaCare right now.

You hear all these many things that are going on, if you just watch your television, about the Secretary has come up with a new rule and has granted a new waiver to rules, a temporary waiver, a permanent waiver, a 60-day rule; a rule forever. Rules are actually epidemic. Last year, the Federal Government issued a total of 3,316 new rules and regulations, an average of 13 rules a day. Seventy-eight of those new rules were major rules. A major rule is any rule that may result in an annual effect on the economy of \$100 million or more; a major increase in cost or prices for consumers; or a significant adverse effect on the economy. We are already seeing that ObamaCare seems to be the mother of all rules.

The Congressional Research Service reports that ObamaCare gives Federal agencies substantial responsibility and authority to, quote, fill in the blanks, fill in the details, for the legislation that was passed by this Congress and submitted for regulations.

□ 1920

There are more than 40 provisions in the health care overhaul that require, permit, or contemplate Federal rule-making. We have this tool called the CRA. And I've got a board here that tells you a little bit about it, and I told you some of it. So it passed as part of the Small Business Regulatory Enforcement Fairness Act of 1996, part of the Contract for America Advancement Act of 1996. The purpose was to allow Congress to review every new Federal regulation issued by the government, government agencies, or passed by a joint resolution and overrule that regulation.

The way it works is the Federal agencies shall submit to each House of Congress and to the Comptroller General a comprehensive report on any major proposed rule. Congress has 60 days to pass a joint resolution of disapproval of any rule. The Senate must

vote on the CRA resolution of disapproval if this House votes to disapprove the rule. So that's the way it works. This is a tool that I have a lot of questions with.

My first job out of law school when I was a young, stupid lawyer and had a lot to learn was to be drafting legislation for the Texas Legislative Council. And I didn't learn a lot there, but I learned one thing: When the word "shall" appeared, it meant you do it. If it said "may," you had other options you could take. But if the legislation says "shall submit," you shall submit it. You shall do it. You have to do it. But interestingly enough, I don't think that this tells you what happens if you don't. So there are a lot of questions in this bill. This bill needs some further work.

A good friend of mine, Representative GEOFF DAVIS, has actually been looking into putting a little bit more teeth into the Congress' power to oversee these regulations. So, at this time, I'm going to yield as much time as he wishes to consume to my friend, GEOFF DAVIS, to tell us about what he looked at when he started with his REINS Act that he proposed and tell us about it.

Take the time you need.

Mr. DAVIS of Kentucky. Thank you, Judge. It's good to be with you tonight working in common cause on this issue. So many of us have seen not simply in the last 2 years or the last 4 years, but a growth of government really over the last 50 years that is unprecedented, and it's increasing every year in size.

The intent behind the Congressional Review Act in 1996 was absolutely solid. But when it went into law, one of the challenges that happened was that law didn't really have the teeth in it to force accountability of the agency community with the Congress. And I'm going to talk a little bit about some of the things that led up to our introduction of the REINS Act, H.R. 3765, the Regulations from the Executive In Need of Scrutiny Act. And it's a long name to really give the analogy of pulling back on this unbridled growth or race to increase the size of the government.

The only time that the Congressional Review Act has been effectively used to block the implementation of a regulation was the ergonomics rule from the Clinton administration's Department of Labor that was going to be implemented in early 2001, and it was struck down by the incoming Congress and then signed into law by President Bush as one of his earliest legislative actions in 2001. Since that time of the Republican administration and a subsequent Democrat administration, we have seen an explosion of regulations. We can name virtually any agency in the Federal Government that on account of two reasons—one, a lack of congressional oversight and enforcement,

where an agency can literally go out and move independent of the clear intent of Congress because of some of the nebulous language that's allowed to go into bills to get compromises to get it passed; and the second thing that happens in that, as well, is that these regulations get promulgated as a means of an administration in the executive branch to, in effect, subvert what the desire of the Congress is. We saw it in immigration policy. We've seen it in environmental policy, and we've seen it in aspects of defense policy. No Child Left Behind is filled with unfunded mandates that are placed upon local school systems. And the cumulative sum of this is a huge amount of the economy.

Compliance with regulation comes with a cost. There's a scoring system of rules, and what we chose to focus on was major rules, which I will get to in a minute, but a major rule is one that has a cumulative economic effect of \$100 million a year. That is an awful lot of money. But when we look at a country of over 300 million people, we can get there very, very quickly.

Let me give you a personal example. For people who might be watching this broadcast tonight, I ask you this question: Has your sewer bill gone up or your water bill gone up in the last 5 years? The majority of communities in this country have seen a great increase due to a mandate, an unfunded mandate, from the Environmental Protection Agency for storm water compliance. Is environmental stewardship relevant? Absolutely. But here is the bigger question. I'll go to northern Kentucky, and this became the genesis of the REINS Act.

We had just at the peak, the tipping point of economic growth, about 5 years ago, a consent decree was negotiated in a draconian fashion where we dictated to the water district in northern Kentucky for the three counties where I live, in Boone, Kenton, and Campbell Counties. That consent decree to mandate a change in storm water runoff and how that was going to be handled in our cities in those three counties of our 24 counties was an \$800 million unfunded mandate on three counties in Kentucky. It overnight doubled everybody's water and sewer bills. The sewer bills were the first thing that came.

The second thing that we saw, though, because we are one of the more prosperous parts of the State in terms of having a sustainable tax base and manufacturing industry, as painful and unpleasant as it was, if it were, in fact, the correct thing to do, there was a means to cope with that. But I have towns in my district, particularly in the rural areas and some of the poorer areas, areas where folks do not have the tax base, smaller cities that have a diminishing and aging population that are heavily centered on retirees where

the cost of storm water compliance is actually more than the city budget, and there is absolutely no relief at all or context to be applied in these regulations.

I was very concerned about this and had spoken out on it, and a constituent came and talked to me. And he just asked this question. He said, How come you all can't vote on these regulations? And we went to work. We went back and looked at the original intent of the Congressional Review Act. And the more that our legislative staff and I studied that, what we began to see was it takes an action of the House and the Senate overwhelmingly to repeal that regulation.

I thought about this from my time in manufacturing and operations, learning how to build things. If we can create something the equivalent of a stoplight that will simply stop the process, that becomes the basis of this, and that was the genesis of what became the REINS Act.

There was no way for accountability to be given to the American people. When it's a faceless executive in an agency, when it's a department, a subdepartment within an agency that issues a regulation, comments are rarely carried out. As you noted earlier, we very rarely actually see those regulations briefed. It just comes in a thick congressional register of thousands of pages.

And here is the thing that came to mind when we looked at that idea of how to deal with this from a voting perspective. What my friend shared opened our eyes to do an amendment to the Congressional Review Act that would change the nature of it from Congress has the option to. As you know, our good friends in the Senate are somewhat slower than we are in being able to get things done. There are more abilities to throw a stumbling block in place. We decided just to take that same idea; let's create a mandated process that, in fact, will force these regulations to be vetted so the American people have somebody to hold accountable.

If the head of the EPA, for example, a regional director of the EPA came into my district in August and made a statement to the effect of, If we have to put you all out of business and you have to move to other parts of the country that have a policy that we think is more acceptable, then so be it; but there's no ability for them to, in effect, strike back at the ballot box, to express another opinion. And these are not people that disagree with the EPA as an agency or any other agency for that matter. It's a question of constitutional authority, and it should be vested here. The power of the purse is in the House of Representatives, and the financial impact of these regulations should be in the House as well.

And this is what we propose with REINS—to rein in the government

when a regulation of this magnitude is proposed. What would happen is that at the end of the comment period, instead of being enforced unilaterally upon the American people or being in endless court or remediation fights, what would happen, very simply, is those bills or those regulations would come back here to Capitol Hill. We would have a stand-alone, up-or-down vote, a no-excuses vote where Members of Congress of all 435 districts would have to vote and be accountable back to their citizens for the decision they took. If we're going to have an \$800 million increase in water and sewer bills, they would vote. If we're going to increase the unfunded mandates on our schools, there would be Members of Congress and of the Senate who would have had to take that vote. I think it would have a restraining factor, knowing that people had an out, that there was accountability.

□ 1930

This extends into so many areas with EPA rules and the multiple rules that you mentioned with health care and with the new financial regulations, I could go on ad nauseam, and the sum of this economically is devastating to our country and it moves us away from looking at ways to be more efficient.

I say put the stop in place. This bill will do that. The REINS Act, H.R. 3765, makes us all accountable to our citizens. The benefits of this are twofold. The first benefit is that this is non-partisan. In the Bush administration, as some of us have talked about, we noticed regulations that were being brought about and implemented that were against the better interest of our economy, of our communities in many parts of the country. There wasn't an open and public debate to be able to address that. The thing that this would do is it would push power back to the legislature where it needs to be, stop the unbridled growth of the executive branch so voters would always have a say.

The second thing it would do, and we saw this with the health care bill, 2,700 pages, much of it nebulous language that was given to us midnight Friday before a Sunday vote on that bill, there was no way to fully vet the consequences of that. I believe what the REINS Act would do is take those rules and it would lead to more streamlined and crisp language and eloquent legislative language stated, and avoid the ability of any outstanding agency to subvert the will of Congress.

I appreciate being part of this discussion tonight.

Mr. CARTER. I thank the gentleman. My good friend, the gentleman from Georgia (Mr. WESTMORELAND) is here, and I want to let him make the comments he wishes to make.

Mr. WESTMORELAND. I want to thank my friend from Texas and also

my friend from Kentucky for introducing the REINS Act, and especially the gentleman from Texas for your work in this body late at night like this, talking about things that we need to do and what the public expects us to do as far as ethics and as far as reining in some of the government that we have. You know, I think what a lot of people don't understand is that this new TSA ruling, this is something that did not come out of Congress.

Mr. CARTER. That is right.

Mr. WESTMORELAND. This came out of the Department of Homeland Security making their own rules. The ObamaCare bill that was passed out of here, I believe there are 111 agencies, boards and commissions that are to be formed by that bill. Each one of those will write their own rules and regs. For CBO or anybody else to try to tell us how much money this is going to cost, it is impossible because we don't know what type of rules and regs these agencies, boards and commissions are going to come up with.

We had a hearing in the Small Business Committee, and we had somebody there from the GAO. We asked them: When these agencies get this legislation, do they ever go back and talk to the Member that offered the legislation or the committee that it came back through?

No, not that we know of. It is not a rule. It is not a practice.

So while this body might pass something with a certain legislative intent, by the time it gets to that agency, they write rules and regs that go way beyond where this body wanted it to go perhaps, or maybe not as far as they wanted it to go. As the gentleman from Kentucky mentioned with the water bill, the Clean Air Act, the Clean Water Act, it has gone way beyond what the intention of this body was with the EPA and the Fish and Wildlife and the other agencies that got hold of that bill.

The REINS Act talks about the Portland cement, the new regulations that the EPA is trying to put on that. A lot of people don't know this, but if you live on a dirt road with the new dust requirements that the EPA may come out with, you are not going to be able to drive down that dirt road and create dust. Well, I live on a dirt road and I am going to tell you, I don't know how to keep it from having dust unless you have a rainstorm, and then you are going to get mud.

Mr. CARTER. You will need to have a water truck in front of you to get to your house.

Mr. WESTMORELAND. That's right. And we have people come up to us all of the time and say, you know, why did you all pass this law that says, you know, that you can't have dust or you can't have spray that blows if you are spraying your pastures or your fields or your bushes. You go, you know, that

wasn't in the law. That is not something that we had; that's something that the EPA did or that is something that the IRS did or that's something that Homeland Security did on their own. And so I just think this is a great piece of legislation. I appreciate you opening up the debate to it.

Mr. CARTER. Recapturing a little bit of my time here, talking about the Portland cement issue, when I started looking into this, and first off to make this very clear, we are not talking about company called Portland Cement, we are talking about a process for making cement. It is kind of interesting. Cement is the second most consumed product globally in the world. The first is water. So honestly, just about everything that is constructed, buildings and roadways, has something to do with cement. And the projections on what this is going to do to the Portland cement industry, the people who make the concrete that we depend on, you know probably 90 percent of the skyscrapers of the world use some form of pre-stressed concrete to build a skyscraper. It is a major building material for a thriving economy. What they are telling us now is that construction spending amounts to about a trillion dollars annually, and that is about a fourth of the gross domestic product. The cement industry has declined in relation to the national economic downturn, and so has the construction industry.

If they do this, this could cost us around 153,000 jobs nationwide. That is lost jobs. We are trying to figure out a way to create jobs in this Congress; that is lost jobs. The cement industry generates \$7.5 billion annually in wages and benefits. According to the Minnesota Plan, about \$27.5 billion of America's economic activity, gross output, occurred in the cement manufacturing industry, and almost \$931 million in indirect tax revenues were generated for State and local governments. The economic footprint for the cement industry is a trillion dollars. It is very important.

Now what can happen. According to a study done by SMU, which happens to be in the great State of Texas, they have looked at what this regulation that is being proposed by the regulators, and when we say regulators, remember, nobody elected these people to this job. Most of them work under the civil service idea that once they are here, unless they commit armed robbery, you can't get them out of their job. So they are employees for life. They sit around in little offices and come up with all of these new ideas, and they expand upon the thoughts that Congress had when we created these agencies. And I would argue that EPA has expanded beyond anybody's imagination the things that they can do. And they don't think about the fact, like blowing when you

are crop dusting or spraying your roses in your yard if the wind is blowing, you're in violation of the EPA regulation they are proposing. They don't realize what the impact is on human beings.

What will happen to us on the Portland cement industry is right now our major competition is overseas anyway. I mean, China and Japan are importing, mainly China now, are importing tons of concrete into the United States every year. If we put our manufacturers out of business because of this extremely expensive regulation that would cause them to be noncompetitive in the world market. Even if they tried to compete, their increased costs would be such that they would be put out of business from a market standpoint. Other people would just have a better price. Even with shipping costs, they would have a better price. But more so, you lose all of the jobs that are created around here for the cement industry if you pass these regulations.

These are the kinds of things that Congress ought to be looking at because we are responsible to the people of the United States. This House is called the People's House because every 2 years we have to look our neighbors in the face and answer those questions that your neighbors ask you about why in the world did you guys do this?

□ 1940

Well, we're getting blamed for it anyway. We ought to at least look into it, and if we can do something about it, we ought to do something about it.

I see Congressman DAVIS is back. I'm glad to see you. We're talking about what this Portland Cement case is going to do to the cement industry. Quite honestly, it's disastrous.

Mr. DAVIS of Kentucky. I would agree wholeheartedly with you. In fact, we can extend that almost into every area of small business. For those who have experience in manufacturing and in any number of business areas or construction that deal with the use of various chemicals, resins and compounds, there is a compliance requirement called Material Safety Data Sheets, MSDS compliance, which requires a very large amount of documentation in a business. We look at Portland cements, which are very large businesses that have these burdens placed upon them that are very high, but it's even in very small businesses.

In working with many manufacturing companies in my time before coming to Congress, in the 12 years before my coming to Congress, after I had left the Service, I saw that these regulations created an undue hidden tax on America's ability to compete. It's not the idea of being antiregulation. I think standards can be very good and very helpful, but it's the point at which that compliance is mandated and the context of that.

A case in point, I think, that I saw that typified this more than anything else was the case with my dry cleaners that I had used for years before I ended up running for office. It's called Braxton's Cleaners. It was started by a couple of entrepreneurs who wanted to build this business. They built it. It grew. They had very high quality customer service. Like all of us who have started small businesses, we've encountered the issue of how to deal with all of the hidden costs that come with just running any kind of small business.

Well, they hit a point where they were doing so much business—they were starting some satellite operations—that the owner decided that he would install another dry cleaning machine. He suddenly found out that, by wanting to do that, he had an EPA mandate through the State environmental cabinet of the Commonwealth of Kentucky that he had to have boreholes drilled through his floor to see if dry cleaning fluid in any capacity had gotten into the groundwater.

The standard that had been levied by the Environmental Protection Agency—and this is going back to actually 1999—for the amount of particulate matter of dry cleaning fluid—and essentially you and I could drink it. It would be awful stuff and probably make us sick, but it's not going to kill us—has been listed with many other chemicals as a possible carcinogen. You would have to pump this into somebody's body to create a real health issue, but it was so few parts per million that it was actually a higher standard than drinking water is in our county, which is maintained at a very high standard.

When this was found—and they found one teaspoon of water under the concrete pad at Braxton's Cleaners in Burlington, Kentucky—the inspector said, Well, you're going to have to remediate this.

His response was, Well, I don't have the money to do that.

Then the inspector said, You don't understand. We're going to shut you down if you don't do this.

So he spent over \$50,000, in effect, to tear up the floor and to clean up one teaspoon of water.

The context issue here is that this is not Dow Chemical pumping out millions and millions of gallons of highly toxic chemicals. This is the local dry cleaner. I've had friends who were auto mechanics, running small garages, who built businesses, and who were successful entrepreneurs—taxpayers—creating jobs and growing. They've run into the same kinds of issues that lose context when they're complying and seeking to fulfill the intent of the law.

Before I yield back, I'll mention one other. I see the egregious example of regulatory intrusion. The purpose, for example, of the Transportation Security Administration is to provide secu-

rity for the traveling public. That's the premise. I sat in here on October 31, 2001, as a candidate for Congress, during the anthrax scare, and I watched Norman Mineta—former Clinton administration Secretary of Transportation, who stayed over into the Bush administration—pleading as the father of two airline pilots not to implement the processes the way the TSA was going to. He said it would create an onerous cost, that it would create an excessive economic burden on the airline industry and that it wouldn't materially change the outcome of security. He advocated the use of a much more principle-based and systemic method used by the Israelis, which involves questioning and which gets the bags before they ever go into the airport.

Now we find a situation where I believe, personally, we're getting into some Fourth Amendment grounds, not as an attorney because I'm not one, but by questioning the need for these intrusive searches of everybody within the traveling public when, in fact, threats have already penetrated a secure area. The bigger question when I see the nun here and when I saw the video of the—

Mr. CARTER. Reclaiming my time for a minute, it is very clear from the cameras that this is basically a TSA employee doing a leg search of a nun.

Go ahead.

Mr. DAVIS of Kentucky. With that visual, keep in mind I've spent the last 26 years of my life traveling in and out of the Middle East in various capacities—serving there in the military and being in and out of the region, traveling on business, and now as a Member of Congress. I've had a chance to watch a system that is virtually flawless, and it's based on a series of questions that is not intrusive. It's a free society. They've maintained their civil liberties with a dramatically higher threat to terrorism.

Yet what we have done, if we look at this, is create the bureaucratization of security. We're not going to deal with the root cause issues; we're going to treat the symptoms. Nobody will ever take down an airplane with a box cutter or a pocketknife the way the hijackers did on 9/11. Now that citizens who are flying know, there have been multiple instances in flight where people have had erratic behavior, mainly trying to get to the lavatory, and they were tackled by passengers out of concern for this. Americans will fight back.

The situation has changed, and in effect, we're fighting the last battle; we're fighting the last terrorist attack as opposed to something like the Israeli system, which really incurs virtually no cost and manages to keep a very robust flying public that's very safe, and it all begins with asking ques-

People bring up the argument, Oh, well, you can't do that because that's profiling.

I would disagree with the misuse and misunderstanding of that term related to the cost. We are driving people away from traveling right now because of these intrusions. It's creating a huge burden on the flying public, and it's entirely unnecessary because it's checking innocent people, and 99 percent of our capacity is devoted to checking people for a threat that any trained security inspector would know is not even there. That's a poor use of assets.

I'll go back to the Israeli system. I was traveling out of Israel, alone, with a backpack, 17 years ago, on a short trip that I had had to make into Jerusalem. At the time, because of what I did and because of where I had been in the military, I had had lots of stamps from countries all over that area—some areas which weren't particularly friendly to Israel. I was asked questions—a blue-eyed, Caucasian male, from the United States, who spoke with an Ohio Valley accent. They began asking me a series of questions.

They looked at the passport stamps and moved me over and said, We'd like you to talk to this person over here.

The other 200-plus people who were going on that L-1011 Delta flight, in fact, were moved right on through. I was asked questions for over an hour and a half. There was no cost to those other people. The airline was able to do what they did, and they were able to very quickly verify that I was, A, no threat and a legitimate customer. That system works, and it works today, and it's almost impossible for somebody to fool that system.

The other thing that's important is we don't need these billions of dollars spent on these scanners that are being overused. Again, it comes down to situation awareness. We can address this issue with a lower cost by stepping back and applying what you and Congressman WESTMORELAND have been talking about tonight, which is just bringing some common sense to this.

What is the problem we really want to solve? Give us the most flexibility and the most options to deal with this after the fact.

Again, before regulations like this should be implemented, I believe we need to have a vote of Congress. Let the will of the people be made known in this rather than just simply giving away another set of our liberties without asking that question when, in fact, it comes at a significant cost. I think if our taxpayers who don't travel regularly understood the amount of money that we spend on hardware, which can still be penetrated by some type of a serious threat that was just outside that set of assumptions in TSA, we'd be in a different world.

This doesn't impugn the motivation of the folks in the Transportation Se-

curity Agency. I know there is an ongoing argument below the senior management levels of what works and what doesn't work, and it is by those who have lived in that world. They've lived in a high-threat environment and have been able to thrive.

I believe we can do that; but again, let's come back to these constitutional underpinnings that regulations and rules that are going to govern the lives, the comings and goings and the commerce of all Americans should be decided here in House of Representatives, over in the Senate, and then signed by the President and not brought into being on the unilateral decision of one individual.

Mr. CARTER. Reclaiming my time for a moment, this morning, in an airport, as I was coming to Washington, I was on one of the earliest flights going out of Austin, Texas. We're a midsized city, and I've never seen so many lines in my life. I mean, they were a good half mile long. They were back and forth and back and forth. All I could think was that I got there early enough that, by the time I got through, I could just sit and watch the rest of those lines build up. They built up, built up, built up. It was unbelievable.

□ 1950

A guy sitting next to me said, well, there are going to be a lot of people missing their flights today, they're not going to make it—because these were all the people, I guess, who were coming back from Thanksgiving and instead of flying on Sunday when the cost was more they waited until Monday to get a cheaper flight. Well, what is that going to do to the airline industry? They are going to have planes flying empty. They are going to have people demanding refunds. It's going to hurt the airline industry. Before we turn around, we're going to have somebody coming in here and saying, holy cow, TSA put together this regulation, and now we're causing all these airlines to get in serious financial problems and we're going to have to buy the airline industry like we bought the automobile industry. I think we should get out of that business. That's why this Congress, or somebody who must respond to the American people, needs to be involved. That is why I think putting teeth in the Congressional Review Act through the REINS Act is good.

I will yield as much time as Mr. WESTMORELAND needs.

Mr. WESTMORELAND. I thank the gentleman for yielding.

I wanted to go back to the cement.

Mr. CARTER. All right, let's go back to it.

Mr. WESTMORELAND. Being an old builder that really spent my whole life in construction, there is a byproduct that comes from power plants that's called fly ash. Fly ash is a byproduct that comes out of the coal-burning

plants and it is used in concrete. It keeps it from setting up so rapidly to allow the people to work with it, to get a good finish on it. It takes it longer to set up. In the winter, you can either put calcium in the concrete to make it dry harder—or to at least make it dry if it's cold outside—or you can leave the fly ash out of it and use a bag mix, which makes the concrete more expensive.

The EPA came out with a rule—or they are looking at a rule that would make this fly ash a toxin. And so the cement industry, the concrete industry went to them and said, look, we are mixing this stuff with concrete. Once the concrete is poured, it's encased, it's part of the mix, it's concrete. So the EPA said, yeah, that makes sense, it's not there. But we are still having hearings—or at least from people that are trying to help with the rulemaking—about burying this because right now a lot of that fly ash or the stuff that has been taken out of the TVA where those power plants ran have been taken to Alabama and put in the ground and other sites, and they are trying to make a rule to make that a toxic material. Well, the concrete industry thought they had it all settled until the EPA came back and said, you know what? I wonder if you recycle that concrete—because right now everything is being recycled, I mean, we recycle asphalt, we recycle concrete, we even recycle dirt, we clean the dirt—and so they said if you recycle this concrete, then it's going to put the fly ash back in the air. So what are you going to do with it? I mean, are you going to just bury it all now and put it in the ground or are you going to use it in concrete? And if you recycle it, you are actually putting it to better use because you're putting it back in concrete. And so this is just another part of those stupid regulations.

I come from the construction business, and I know that we, as the new majority that comes in in January, are going to do everything we can do to create jobs and we are going to work hard at it, but until we get the construction industry back on its feet, this economy is going to be very slow to turn around. We have got to put the building industry back on its feet. And doing things that the EPA is doing right now—and not only the EPA, but the Department of Labor with the new OSHA rules that are coming out, it is just all different types of things that are slowing down that building industry and slowing down our productivity that we have. Until that gets fixed, this economy is not going to recover like it can.

So I just hope that we can get something done about this where these rules and these regs have to come back in front of us. Let us have hearings on them. At least let us give them an idea of what the legislative intent was and

also allow us to look at what these are and to vote on them because if we're going to get blamed for it, like you said, we might as well at least have a vote on it.

But when the EPA itself says that these regulations could cost the cement industry \$340 million a year and decrease the production in this country by 10 percent, in 2007 I guess it was, or whenever we had Katrina, we had a shortage of concrete, we had a shortage of cement. We actually couldn't import, there was a large import fee on it. We reduced that and started importing cement from Mexico just to make up for the difference because we had a shortage. And now, if they continue with the regulations they're continuing with, in 5 years we wouldn't have any more domestic cement, it would all be coming from foreign countries. And what does that do? They produce it without the same environmental regulations that we have. So the EPA is just defeating its purpose of trying to clean the air up when we're having to import all of our cement.

The gentleman from Texas knows, we put our steel mills out of business, it cost thousands and thousands of jobs and money. If we put ourselves out of business in the cement industry, we are going to be totally reliant on our steel and our cement, two of the biggest components that we use in the construction of all of our facilities today.

Mr. CARTER. Reclaiming my time, what you just described is part of the American frustration factor that is part of what has got Americans frustrated in this economy right now. It is the unknown. It is the what is the government going to do to me next that's out there that has got businessmen, job creators standing around, scratching their heads, then they hear this story.

I want to tell you a story from my youth. I was working for the legislative counsel, and then when I left that job, I got hired as the attorney for the Ag Committee of the Texas House of Representatives. I will make this short, but it is a great story. The Federal Government passed a new meat-cutting law, and it was going to affect all these mom and pop sausage makers all over the State of Texas—at that time we had literally thousands of them. We were having hearings from these people complaining about what these new regulations were doing to them, and in comes two people from the Department of Corrections with a guy in a prison uniform. They put him on the stand in the Ag Committee and said, what are you here to testify about? And he said, me and my brother were the best sausage makers in east Texas, we were the best. And this fellow comes in our door one day and says, I'm from the Federal Government, I've got some new regulations. You're going to have to tear out all your equipment and buy new equipment. He said we went to the bank and

we borrowed \$25,000 because he said we made the best sausage in east Texas and we put it all in. Six months later that same fellow came through our door and said we've got new regulations, you've got to have a drain and a cement floor and you've got to have all stainless steel, so all that stuff has got to go. He said, me and my brother, we went down and borrowed another \$50,000 from the bank and we redid all that. He said, about 1 year later that same fellow walked in the door and said, I've got bad news for you, so I shot the guy, and now I'm in prison for attempted manslaughter. That is a true story.

Mr. WESTMORELAND. Now he's making sausage for the State of Texas.

Mr. CARTER. That is how frustrating regulations can be.

I yield to my friend, Mr. DAVIS.

Mr. DAVIS of Kentucky. There are so many stories that we can think of, and it comes back to this issue of having context.

A very successful entrepreneur who actually started working in a coal mine at the age of 15, who is a very successful industry executive, made a comment to me when I first got elected to Congress that he wished that no person could run a Federal agency or serve in the House or the Senate unless they created one job so that they would know what it was like to deal with the consequences of regulations.

□ 2000

We come back and qualify this. The overall intent of the founding of some of these agencies was a very good thing, but let's step away from the EPA for a moment—we'll come back there in just a second—but move over to education.

We have some outstanding schools, blue ribbon schools in our region, and their increases in performance are not due to the mandates inside of the No Child Left Behind bill. In fact, I brought the Secretary of Education from the Bush administration, Dr. Margaret Spellings, to Kentucky in 2008. It took almost 9 months to get her there. Because I wanted her to be able to see as an educator—I'm the husband of a teacher and the father of a current school teacher—that the real key to success in education is not a regulatory mandate; it's again coming back to that context on the front lines.

In this case, I took her to two schools, one urban school and one rural school that had gone through dramatic turnarounds and that were both near the top of their state in their performance. And in each case it was a Back to the Future story. Reestablishing parental visitation, empowering teachers to bring families that might have some challenges literally into the community. Packing food backpacks for the weekend to make sure that kids in tough circumstances—having been a

kid in a tough circumstance growing up, I appreciate what teachers did for me at the time.

And then we get down to the numbers. If we look at the impact of some of these regulations, when you have got an adequate performing or exceptionally well performing school system and then impose on that a mandate that requires a huge amount of paperwork and consumes hours of time, it detracts from the classroom. And then the promises under the Individuals with Disabilities in Education Act, which—the intent of the law is good but the implementation is awful because the promise of 40 percent funding on an unfunded mandate in already strapped school systems, and the best—the average funding in Kentucky runs between 11 and 13 percent of that 40 percent.

So again, it's a tax by regulation that's imposed on local communities on an issue frankly I think should be controlled by the States and local communities.

I'll give you another case in our district of a very successful young man from Lewis County, Kentucky. He ran in the current wave of activism of people wanting to make a difference. To get elected county judge executive of Lewis County, Kentucky. They are in tough economic times. His name is Tom Massie. He was a stellar student at Lewis County High School. He went to MIT. Got a graduate degree. He invented some remarkable robotics technologies. Was very successful in business, and came back home to invest in his county—not monetarily but to make a difference and turn it around.

Energy is an issue not only in Texas and Kentucky. We're energy-producing states. We help to run—in effect our States are part of the engine of this Nation to help lay that foundation in the base of the economy.

Tom Massie came up with a brilliant idea that didn't involve coal or oil or nuclear power—all of which we should use and let the market work in this area—but he came up with an idea that would leverage the resources available in Lewis County because it has one of the longest stretches of the Ohio River of any county in Kentucky. We also have a lot of hills. You might call them mountains in Texas where you live. We call them hills and hollers where we're from.

And this MIT-trained engineer had a brilliant idea. And he took the equivalent of a dual-faced pump—and he had seen some examples done in other parts of the world—that would create a system of two lakes, and we have the Ohio River flowing in the front of this, one of the largest rivers in the country. And all it would take is channeling water, pumping it up to a lake on the top of the hill and creating in effect a self-replenishing hydroelectric generating system that would meet the hydroelectric needs for a good part of

that multicounty area in addition to the current base.

It would create jobs. It would provide low-cost utilities so working families and the elderly and the poor would have access to electricity. It would be cheap. It would be an incentive for businesses to grow and for manufacturing to come into these areas because we wouldn't just do it there, we would do it all through the river basins of our Nation.

He found something out in his first impact with the regulatory framework that was done out of context. This brilliant idea that would have saved jobs and created jobs in Lewis County, Kentucky. He found out if they take water out of the Ohio River—which I must say is not one of the more pristine rivers of the country in terms of all of its accumulated detritus coming from the Allegheny and Monongahela, coming down from Pittsburgh to Cairo, Illinois—the water, it would be considered dirty by our standards. But if he takes water out of the river if they have overflow from rain and wants to put it back in, the whole project was killed on one basis: That any water put back into the river had to be cleaner than drinking water under the current EPA standards.

This affects the energy industry. Coal produces almost 60 percent of power in this country. One of the issues is with stream mitigation and slurry runoff, which is a problem, but the operators of the coal mine who want to comply—and most do; they want to do the right thing. They also create jobs, and they create jobs that have an impact not simply in West Virginia, Kentucky, southern Ohio, in my part of the world. They also support jobs and manufacturing in New York and New Jersey and Pennsylvania because that electricity goes by wire to other parts of the country.

That basically creates the same standpoint. If an operator wants to clean part of the creek, the standard actually is for water that's cleaner than the water that already exists with the wildlife population that already might be there. It creates kind of an impossible situation—a double bind for anybody who wants to do business.

My request is, let's step back. Regulations like that need to be brought into context. And the place to do that is here. And I just appreciate you investing the time to make this difference, to bring this issue before the American people because it's a question of the—the one saying I heard over and over through our election is we want to take back America. What's the taking back?

Really what we're talking about is restoring a constitutional balance that will allow and assure that the elected representatives and senators of the people will ultimately be accountable for any decisions made by the executive branch.

I appreciate a chance to participate in this debate and thank you for advocating so fiercely on this issue.

Mr. CARTER. I'm glad you're here with me, and I hope you'll join me again because we're going to be talking about this a lot this year because it's something that matters to the American people. I encourage them to contact us if there are regulations that are of their lives that are driving them crazy because we want to talk about these things. And we need to get to work getting the teeth put in the previous act so we can actually get this accomplished and start fleeing out these, I would say, intrusive regulations that are costing us jobs when our job here today and every day until this country is back on its feet is to create jobs, not cost jobs.

I think it's time for me to call it a night tonight. So we're going to rein this thing in. And I thank you for joining me tonight, Mr. DAVIS, and we will visit some more.

I yield back the balance of my time.

REPORT ON RESOLUTION IN THE MATTER OF REPRESENTATIVE CHARLES B. RANGEL

Ms. ZOE LOFGREN of California (during the Special Order of Mr. CARTER), from the Committee on Standards of Official Conduct, submitted a privileged report (Rept. No. 111-661) on the resolution (H. Res. 1737) in the matter of Representative CHARLES B. RANGEL of New York, which was referred to the House Calendar and ordered to be printed.

PIGFORD FARMS AND DISCRIMINATION

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Iowa (Mr. KING) is recognized for 60 minutes.

Mr. KING of Iowa. Madam Speaker, it's my privilege to be recognized to address you here on the floor of the United States House of Representatives and to take up the issues that are on my mind and the issues that I hope are on the minds of the American people, the minds of the people who are the elected leaders here in the United States Congress, and hopefully on the minds of those of us who see this American taxpayer dollar as a pretty sacred dollar that should be invested wisely and responsibly.

And there are any number of issues that can be brought up under that particular parameter. But I choose to come to the floor tonight, Madam Speaker, to talk to you about the situation of Pigford Farms.

Pigford Farms is an issue that emerged here in the United States government around about and exactly on, began I'd say in 1983, in 1983 when the United States Department of Agricul-

tural civil rights office was closed. At that period of time, there wasn't an oversight department within the USDA that might have looked over the shoulders of our USDA employees to see if they were actually treating people equally with equal opportunity under the law, as I think everyone in this Congress will agree every American citizen deserves equal opportunity under the law. That's part of the 14th Amendment. We take an oath to uphold the Constitution that includes the 14th Amendment and equal protection under the law and provide for equal opportunity, not necessarily equality of result, but equality of opportunity.

And so I suspect that that focus under the USDA diminished somewhat or at least didn't have a check on it from 1983 on. But with the Pigford Farms issue—and this is the largest civil rights class action lawsuit in the history of America, Pigford Farms.

□ 2010

It looms over the heads of the Members of Congress here to be not what it was just a few years ago, \$1.05 billion, not what it was when the Farm Bill passed here on the floor of the House under the direction of the chairman of the Ag Committee, COLLIN PETERSON of Minnesota, at an additional \$100 million, which was designed to be the sum total that would ever be required to sweep up any of the remnants of Pigford Farms, this civil rights case, and package it all up and make sure that people were compensated and put it behind us. No, it has reared its ugly head again, Madam Speaker. It's reared its ugly head with an issue called Pigford II.

It wasn't enough to have Pigford I. Pigford I, which emerged because I believe there was discrimination taking place within some of our USDA offices, particularly around the South, where the culture of segregation had prevailed beyond the end of the legal segregation that we had, and was still, I believe, in some of the offices manifested in the form of discrimination between the Farm Service Administration personnel. But that discrimination that then perhaps, and I think likely, and I believe did carry on through some of those years of the eighties, perhaps as far back as the seventies, but this case deals with the eighties, the eighties and the nineties.

So Pigford Farms, the chronology of it goes this way, Madam Speaker. In 1983, the United States Department of Agriculture Civil Rights Office was closed. In 1994, and this would be under Bill Clinton's administration with Dan Glickman as the Secretary of Agriculture, commissioned an accounting firm or an analysis firm to analyze the treatment of minorities and women in the Farm Service agencies throughout the United States.

The study examined the conditions from 1990 until 1995 and looked primarily at crop payments and disaster payment programs in Commodity Credit Corporations, that's CCC, loans. A final report found from 1990 until 1995, minority participation in Farm Service Administration programs was very low, and that minorities received less than their fair share of USDA money for crop payments, disaster payments, and loans.

Now, Madam Speaker, I am always suspicious of the "their fair share." I know that the word "fair" comes up in law over and over again. It comes up in many, many pieces of case law, precedent cases out there. If one would read through that case law, you will see the word "fair" over and over again. You will hear the word "fair" debated here on the House of Representatives over and over again. And whenever I hear this word "fair," didn't receive their fair share, I always cringe, because you know, we are a body that should be dealing with facts and empirical data. And the judgment should be on the facts, not the judgment of the facts.

But the word "fair" is always in the mind and the eyes of the person who utters that word "fair." And none of us can agree on what the meaning of the word is of the word "fair." Didn't receive their fair share. Perhaps that's true. I actually believe it is true.

But Marilyn and I have raised three sons. And anybody that's raised two or more kids knows there is no such thing as fair unless it's the State Fair or the World Fair or the County Fair or a fair ball or a foul ball versus fair. But this word "fair" that's a judgment call is an amorphous word. It could be anything. It could be within the context of what was fair in 1776 doesn't fit with what was fair in 1865, doesn't fit with what was fair in 1942, and not with what's fair in 2010. It's subjective, not objective, the term "fair." And I would like to get away from using the word "fair."

But nonetheless, the data didn't support that African American farmers were engaged in the programs to a similar extent as non-African American farmers, what primarily would be white farmers. So that was the report from 1994. Two years later, actually the end of that year, 1996, December of 1996, the Secretary of Agriculture Dan Glickman ordered a suspension of government foreclosures all the way across the country pending the outcome of an investigation into racial discrimination in the United States Department of Agriculture's agency loan program. And he later announced the appointment of a USDA Civil Rights Task Force.

So under the Reagan administration the USDA Civil Rights Office was closed, 1983. Dan Glickman in 1996 reestablished a similar agency called the USDA Civil Rights Task Force. And in

February of '97 that task force recommended 92 changes to address the racial bias that existed, I believe, and to the extent is negotiable or debatable as part of the USDA Civil Rights Action Plan. And while the action plan acknowledged past problems and offered solutions for the future improvements, it did not satisfy those seeking redress of past wrongs and compensation for losses suffered.

So there was a move that was made to try to alleviate the allegations of racial discrimination within the USDA. Dan Glickman stepped forward in 1996 and announced the formation of the Civil Rights Task Force. That press conference in December of 1996, Madam Speaker, was essentially the confession by the Department of Agriculture that they had engaged in racial discrimination with farm programs, crop payments, disaster payments, and loans. And this started then the litigation that was at least anticipated at the time. And this litigation began in 1997.

So in February, February 28 of '97, the Civil Rights Task Force of the USDA recommended 92 changes. And those changes were not implemented. And so in 1997, same year, the litigation against the U.S. Department of Agriculture for discrimination against African American farmers began in August of '97. Two cases. One was brought by Timothy Pigford, Pigford v. Glickman. The other one was Brewington v. Glickman. And it dealt with the farmers from 1983 until 1997, when they applied for Federal financial help, and again by failing to investigate allegations of discrimination, the allegations of discrimination were not aggressively investigated, and those who applied for financial help often didn't get it.

But Madam Speaker, I remember those years. I remember what they were like for white farmers in my neighborhood. I remember what they were like for me. And I did business with the Farm Service Administration in some of those years that are included in these that I have noted. And I would remind the body, and yourself included, Madam Speaker, that we had a farm crisis throughout the eighties. I remember what that was like.

I can remember a booming economy in 1979, where we had more work than we could do. I was doing custom work on farms, terraces, dams, waterways, cleaning out cattle yards, shaping up, trying to improve upon what Mother Nature gave us. And in 1979, we were already watching the consolidation of farms. We were watching family farms that people were being pushed off their land, they were losing their farms, they were selling their farms. The bid was so high sometimes that they couldn't afford not to sell. Other times they didn't have the equity to be able to stand and refuse an offer. And I lived right on the line between that good land that runs out flat all the way up

to Canada versus from where I live it starts running hilly all the way down through Missouri into Arkansas until you get down to the rice country in Louisiana before it flattens out. Right there on that line.

Good land, good producers to the north, they had more money and more equity in their land. It appreciated more because it produced more. And they could afford to buy that land from where I lived south in the hills and pay a pretty good price for it and fix it up. While that was going on was the beginning of the downward spiral of the farm crisis. And there was farm family after farm family.

And I remember the people, I remember the families, I remember their kids, I remember them walking the long lane to get out and get on the bus. And I remember the days that they moved to town or moved off to a city or to another State and the neighbors bought the farm and hired me or others to come in and burn the buildings and bury them and put it back to farmland. Family after family after family.

In 1979, very, very busy. In 1980, we were now down really into the meat of the farm crisis. And that went on, '79, 1980, '81, '82, '83, '84, '85. I, Madam Speaker, lived for 3½ years with a knot in my gut, not knowing if we were going to be able to make it, not knowing if I was going to be able to feed the kids. And on April 26, on Friday afternoon, at 3:00 o'clock in the afternoon, the FDIC, the Federal Deposit Insurance Corporation, and the Iowa Highway Patrol pulled into my bank.

□ 2020

They locked the doors on the bank and stood a guard in front of that door with a red sticker on the door and it said, Banks closed by order of the FDIC.

There I was. I actually had two pennies in my pocket to rub together, two pennies only, a payroll to meet with my crew. My accounts were frozen and so were the accounts of most of my customers. We had a lot of farmers go out of business throughout the whole decade of the 1980s, Madam Speaker. A lot of them were white farmers. A lot of them didn't have a recourse. A lot of them would have liked to have had a loan from the USDA. A lot of them would have had liked to have had some program benefits. A lot of them would have liked to have made what they would have considered to be a more fair shake from the board of the Farm Service Administration.

There were very tough decisions made throughout that entire decade. I remember how difficult it was to be holding some assets, equipment, a little bit of land, and watching as my customers couldn't pay me. And when they couldn't pay me, it was awfully hard for me to pay the people that had provided credit for me.

The downward spiral of that, as you see land values going down, equipment values going down, the assets even of accounts receivable going down, looking for a way out, you can't get out of a downward spiral. I watched it crush good men. I watched people whose entire identity was wrapped up in the farm that had been homesteaded by their ancestors. Some of them could hold it, but it ruined them. Others couldn't hold it, and they forever carried the guilt of that.

And this farm crisis era of the 1980s is part of the Pigford Farms issue. It's not something that can be divorced from it. And so I am convinced that there were many black farmers that lost their farms during the 1980s when the farm crisis was in a downward spiral. There were many black farmers that believed that they should have had a loan program or a commodity program, a disaster payment that they didn't get, that they believed they were discriminated against by the board of the Farm Service Administration, which, by the way, is elected by all the people that are participating in the farm programs in the county. I don't have any doubt they believe they were discriminated against. In fact, I don't doubt some of them were discriminated against. And probably in one way or another all of them that didn't get the program they asked for were discriminated against in one way or another. I don't believe they were all discriminated against on if basis of their race, although some, I believe, were.

That's the scenario of the farm crisis in the 1980s. That's the scenario by which the issue was raised and the civil rights class action lawsuit was brought forward against the USDA, that 1997 litigation that brought about the *Pigford v. Glickman* case and the *Brewington v. Glickman* case that covered those years of 1983 until 1997.

Then in mid-November of 1997 the government agreed to mediation and to explore a settlement in Pigford. In the next month in December the parties agreed to stay the course for 6 months while mediation was pursued and settlement discussions took place. But the USDA had acknowledged past discrimination, and the Justice Department opposed blanket mediation, so they argued that the case had to be investigated separately. I would agree with that from a legal standpoint.

But a year later, a little less, October of 1998, the Court issued a ruling that certified as a class black farmers who filed discrimination complaints against the USDA for the period of time between 1983 and February 21 of 1997. And then, in April of 1999, the Court approved this consent decree.

This is Pigford I, and they set forth a revised settlement agreement of all claims raised by the class members that reviewed the claims. And that began almost immediately and the ini-

tial disbursement of checks to qualifying farmers began on November 9, 1999.

Now, this is where some of the rest of the USDA employees came in. To summarize this, Madam Speaker, it works like this. Ronald Reagan's administration shut down their USDA Civil Rights Office and, under Bill Clinton, they started a similar entity back up again. In 1994, 2 years later, Dan Glickman, the Secretary of Agriculture, essentially confessed that the USDA had been discriminating against black farmers. So he appointed a company to do an analysis of it and, over time, it devolved into the courts declaring that the black farmers that had filed the complaints were a class, a class that could be dealt with by the courts to try to get them some compensation.

And so Pigford I was born and it resulted in \$1.05 billion being distributed—now there was a couple hundred million of administrative costs that I believe are in addition to that and not part of that accounting—but roughly \$1.05 billion was distributed to farmers who, well, let me say this, African Americans who filed claims. And, in order to administer all of these claims, this massive number, over 22,000 claims, it was required of the USDA to expedite this to call from across the country their FSA county directors, Farm Service Administration county directors, to come to Washington D.C. to administer these claims, to plow through these piles of paperwork.

And so they did. And they came from many of the States and certainly they come from Iowa, we are a farm State after all. And as the FSA directors and other personnel arrived here in Washington, D.C. and began to dig down through this paperwork, working with a lot of it by certifying it as a paperwork application and others face-to-face or over the telephone with the claimants.

Here is what came back to me. One of those individuals, and I have had anecdotes from several, but one of those individuals felt the burden of the corruption and the fraudulent claims that were coming forward in front of him, that he copied a box of applications, and a literal box of applications, which I am really sure that would not have been very constructive to him maintaining his job with the USDA.

But it bothered his conscience so much, and when he came back to Iowa, he wanted to make it a point to make sure that I knew that these applications that he was dealing with were, he believed were a minimum of 75 percent fraudulent, 75 percent fraudulent. Now if you just apply that to the \$1.05 billion in claims that were paid out, if he is right in that number, \$750 million were wasted paying people that didn't have it coming, 250 or so million dollars perhaps went to those that did have a claim that had it coming.

And these applications are quite interesting to read through them one after another, take the stack and read through them. And you will see that there also were copies of complaints that were filed about fraudulent claims. And the fraudulent claims might be, well, Johnny, yeah, he was raised on a farm but he wouldn't help his daddy. He went off to the city and became a drug addict. And when his daddy needed the help, Johnny wouldn't come and help his daddy. But now his daddy has died and Johnny wants the \$50,000 that comes from the USDA under this claim.

Pigford I was set up to do this, to pay out claims to people who met—I believe it's four criteria, and I will see, Madam Speaker, if I can remember them—people that were black, people that farmed or people that wanted to farm, those who believed they were discriminated against by the people within the FSA office, Farm Service Administration office within the counties, and those who also issued a complaint, filed a complaint in one of the criteria that's allowed under Pigford I.

This would mean that if there is an individual that, if you were back, and you wanted to farm, and you wanted to apply for a farm program, and you believed that they would not treat you fairly because of your skin color, and you complained about it to the proper authorities, that's all that's required. You didn't have to be a farmer. There actually wasn't a verification that you would be black either, but let's just presume that's the case.

So if you are an African American, and you didn't have to farm or ever farm or even know what a farm looked like, you just had to want to farm. You didn't have to know where the Farm Service Administration was, you just had to have complained that they weren't going to treat you right and get somebody to sign an affidavit that says that, yep, Joe complained about it to the Farm Service Administration employee at a public meeting somewhere, or a Member of Congress or there are a couple of other criteria there.

And if Joe and Tom can agree to sign each other's affidavit, that's all the proof that's required. It's not proof of discrimination. It's an allegation that you believe you were discriminated against.

□ 2030

What comes out of the USDA? In Pigford I is this, and I read through form after form of these, if you are black and farmed or wanted to farm and you believed you were discriminated against and you were willing to say so on the application and you allege that you complained, even verbally, to an FSA employee, a Member of Congress, a couple other criteria, and if somebody else will attest in an

affidavit that you have actually filed that complaint, that's it. There is no check on whether they have been discriminated against. The consent decree doesn't allow for verification of discrimination. It just simply pays out what they consider to be a legitimate allegation of discrimination this way, an allegation of discrimination that meets those four criteria with someone who signed the affidavit, \$50,000 essentially automatic, \$50,000 and because of the tax liability that comes with it, there's another \$12,500, Madam Speaker, that check gets cut to the IRS so that that there's not a tax liability. And if you actually happen to be a farmer and you had engaged in programs with the USDA Farm Service Administration and you say you had farm loans, program loans, a 100 percent debt forgiveness was automatic that went along with the \$50,000 payment, and another 25 percent of that, an additional 25 percent of the debt forgiveness was a check that was also written to the IRS so that the tax liability would be gone.

And Judge Paul Friedman, who approved this consent decree, wrote in his opinion that the average settlement would not be \$50,000, it would be \$187,500 because a \$50,000 check for the discrimination, or alleged discrimination, \$12,500, or an additional 25 percent to the IRS, plus Judge Friedman concluded in his calculation that the average debt to the USDA was \$100,000, that's forgiven along with another \$25,000 check for 25 percent of the debt forgiveness to the IRS. So you add those numbers up—50, 1,250, 100,000, \$187,000 was supposedly to be the average settlement in Pigford I. This all out of the pockets of the taxpayers, all without a shred of proof, just—well, I guess you could say a shred of proof because the signature on the affidavit from Joe's buddy Tom is the proof, that affidavit, and, yes, the application is filled out by the staff of a lawyer.

Well, this door was opened up in a huge yawning way. And the lawyers went to work to begin to promote this across the South, black churches, town hall meetings, fish fries, they promoted it as your 40 acres and a mule. That seems a little bit appalling, and it sounds perhaps like it's a stretch, Madam Speaker, but in reading Judge Paul Friedman's decision, it starts out with these words, and I quote, the very first words in Judge Paul Friedman's decision, and I quote, "40 acres and a mule." Forty acres and a mule.

And he goes on to lament that all of the wrongs of slavery and segregation cannot be corrected in the largest civil rights class action suit and settlement in the history of America. But he sets about to try. And that's how he comes with the \$50,000 plus the tax component of it and the \$100,000 average debt waiver plus the \$25,000 in IRS tax liability.

He also addresses the issue of some of the groups in the black farmers wanted

to have an exemption from the inheritance tax, the estate tax, because they believed that the money that would come from Pigford would be a large enough sum that they wouldn't want to pay estate tax on that when they died and passed it along to the next generation. Judge Friedman, I guess that would be one part of the good judgment, concluded that that was a bridge too far. It was too much to ask for. And so, Pigford I was supposedly settled and resolved.

And before the House Judiciary Committee there was a new bill introduced for Pigford II by BOBBY SCOTT of Virginia and others, and this would be the companion, although it may not be exactly verbatim, but essentially at least the de facto companion to the bill that was introduced by then United States Senator Barack Obama.

Now figure this out, Madam Speaker. We have a very, very urban Senator, Barack Obama, who has decided he is going to run for President. And what does he do? He introduces legislation to create a whole new Pigford claim. Pigford I should have been settled. That's what the courts decided to do. Why would there be an action of a court? Why would there be a consent decree that essentially was a handshake signed off on by Dan Glickman and, well, true it was Dan Glickman and the black farmers organization, the Clinton administration, why would they sign off on all of that if it didn't end the Pigford issue? Yes, it was designed to end the Pigford claim. It was designed to package it up and put it behind us and move on.

But it didn't work that way because Barack Obama introduced—there was a statute of limitations by the way. And the statute of limitations from the opening up of Pigford I until it closed, the consent decree was approved in April 14 of 1999, and they had 6 months to file all of their claims, which would have settled that in October, I've got October 12 of 1999, and there were over 22,000 that claimed they had been discriminated against and that they had complained about it, and they got in line for the \$50,000, plus the debt forgiveness, plus the tax liability being paid up front along with the rest, to over 22,000 almost 22,500 claims. And there must have been some paperwork glitches along the way, because over 14,000 of those were paid out, and that's the \$1.05 billion, Madam Speaker.

To pass this statute of limitations, the effort on the part of Barack Obama and BOBBY SCOTT from Virginia here in this House whom I serve with, and they introduced legislation to open up Pigford again, to disregard the statute of limitations and allow for a new sign-up period because they had accumulated some 74,000, maybe only 72, but 74,000 new names of black farmers who believed they were discriminated against who were shut out of that process on Columbus Day in 1999.

So we had hearings. They had a hearing on the bill in the House Judiciary Committee. And the hearing went along about like this, John Boyd, the president of the black farmers organization, which was formed to move forward and collect on Pigford, testified under oath before the House Judiciary Committee that there are 18,000 black farmers.

Now, if you are listening, Madam Speaker, you will have already added up that there are 94,000 claims, if you are listening, Madam Speaker, 94,000 claims. That would be 22,000 plus 72,000, 94,000 claims. John Boyd, the head of this, who has driven a tractor around Washington, D.C. and filed his claims and made this a high priority public issue, testified there were 18,000 black farmers. So how is it even if one would concede the point—and I do not for an instant, Madam Speaker, even when we concede the point that every black farmer was discriminated against, that would be 18,000 claims, not 94,000 claims. One could go back through the records and try to find the time we had the highest population of black farmers in modern record history, and we were able to go back into the 1970s and through some convoluted rationale put together some numbers that might justify twice that many, as high as 36,000. But John Boyd's under oath testimony was 18,000 black farmers, 94,000 claims.

How does that work? When I asked him the question under oath, he said, we have brothers, we have family who maybe they never saw the farm, maybe they moved off to the city, but they have a share. They have been discriminated against, too. Well, it seems to me to be a great big stretch, Madam Speaker, that we could have 18,000 black farmers and 94,000 claims.

And nobody that is advocating for the funding for Pigford can get around this, they can't get their brain around this concept that how would it be that 100 percent of the black farmers were discriminated against?

□ 2040

The data that I have seen that shows the percentage of the populations in each of the counties where there were Pigford claims, the percentage of African Americans in those counties, the percentage of claims is directly proportional to the black population in those counties. Now, Madam Speaker, think about that. If the percentage of claims reflected the discrimination, then wouldn't it be that there would be a variance in that relationship between the black population and the black farmers, for one thing? You are not always going to have an equal between the black population and the black farmers. That is not going to be the same county to county. Some counties there is a higher percentage of farmers to black population, and some there would be less, but also, an equal distribution of claims for discrimination.

Madam Speaker, I can't seem to reconcile this idea that if you look at the data, the data would show that the discrimination was equal county by county by county in nearly every county all the way across the land in proportion to the black population. How could that possibly be? And I will say it can't possibly be because I know something about the culture within the FSA offices, Farm Service Administration offices. I dealt with them on a regular basis for nearly 30 years. Here is what I know:

Each office, a county office, has its own culture. The culture of that office is sometimes shaped by the career employees that work behind the counter. A lot of times they are farmers' wives. They know nearly every farmer in the county. They know their land. They know what kind of crops they raise. They know their personalities, their idiosyncrasies, and they know how to take care of them and how to process them. And the director, the county director, is hired by the county board. The county board is elected by the people who participate in the farm programs in the county. So it is very much a reflection of the county.

Now, it could well be, and I wouldn't take issue with a statement that there likely were counties that discriminated against black farmers as a matter of practice. I actually think that happened. But I don't believe that it happened in equal proportion in every county where there were black farmers, which is what the data, what the data would indicate.

I believe that there could have been counties that discriminated against every black farmer in that county. And we know there are counties that had all black staff. It is hard to believe that they would have discriminated against every black farmer. And I am convinced there were counties that had county directors and staff people behind the counter where the culture there would not tolerate discrimination in any way, shape, or form. In fact, I believe, of all of these hundreds of counties that were involved, probably there is a full spectrum of culture within each of those counties. But there is no way I can accept the idea that they all discriminated equally county to county across the board. There is no way I can accept that because the cultures of these counties changed.

But I will and I can get my mind around the idea that if you get enough lawyers that understand that there is a nice contingency fee for doing a little bit of work, that they can go out and promote the idea of every African American that they can convince that will fill out the forms that may have some form of a complaint or willing to file one without actually having a complaint, that they could gin this thing up, and we have the data that supports the idea that they did.

So what we have is Pigford II, a Pigford II set up, Madam Speaker, at least by the words of our Secretary of Agriculture, Tom Vilsack, by the 2008 farm bill. So when he told me that I had voted for legislation that directed him to sit down with Eric Holder and John Boyd and negotiate a settlement for opening up Pigford a second time in a settlement, it was a pretty shocking thing for me to hear. I wasn't aware that I had been complicit in facilitating what I consider to be a high percentage of billions of dollars worth of fraud here in the United States.

So I went back and I read the bill. I remember the discussion we had on the way in here with the chairman of the Agriculture Committee, COLLIN PETERSON, when they slipped in at the last minute a hundred million dollar provision in the 2008 farm bill that was designed, it was designed to fund Pigford II. Now, remember, Pigford I was done. It was packaged up. It had a limitation equivalent to a statute of limitation, a closing date, which was October 12, 1999. There were those who said that they missed their chance to sign up. They thought there was 70,000-some out there who would do that. Bobby Scott and others introduced legislation in the House; it didn't go anywhere. Barack Obama, down this hallway, introduced legislation in the United States Senate; it didn't go anywhere. Congress never acted on a willful means to open up Pigford II. It didn't happen. Congress didn't act. Congress didn't appropriate. Congress didn't authorize. Congress accepted the consent decree that closed the filing October 12 of 1999. Even though Congress didn't act, not the House, not the Senate, it still was not enough to say no to some of the people who wanted to see this happen.

The chairman of the House Ag Committee, COLLIN PETERSON, said \$100 million will close up Pigford. We need to have that provision in the farm bill. I argued that was a placeholder for \$1.3 billion. He argued back that I was completely wrong; \$100 million would settle the account and be done with it. Now, \$100 million is not loose change, Madam Speaker. It is a lot of money, but it is a whole lot less than \$1.3 billion, which I alleged would be the cost of him providing this placeholder in the 2008 farm bill. We sharply disagreed on that.

And now I will read from the 2008 farm bill, Madam Speaker, what went into that bill, and this is the language that the Secretary of Agriculture says authorizes him to sit down with Eric Holder, the Attorney General, John Boyd, the head of the black farmers, and open up Pigford II for another \$1.15 billion.

The limitation under Pigford—and this is the 2008 farm bill, H.R. 2419 for those who are paying attention, limitation—in general and subject to para-

graph 2, all payments of debt relief shall be made exclusively from funds made available under this subsection. This subsection right here, Madam Speaker, item number 2, maximum amount. The total amount of payments and debt relief pursuant to actions commenced under section B shall not exceed \$100 million.

That is consistent with what the chairman of the Ag Committee told me: \$100 million will cap the United States Government's liability to black farmers for discrimination by adding an additional \$100 million to the previous \$1.15 billion that had already been distributed, to clean up anything left out there, and here is the language that says so. This is intent language. It says it is the intent of Congress as to remedial nature of section, it is the intent of Congress that this section be liberally construed so as to effectuate its remedial purpose of giving a full determination on the merits of each Pigford claim previously denied that determination.

That means if anybody was denied a determination, even by a statute of limitation that closed this on October 12, 1999, that this \$100 million was to be the sum total that would be used to settle this issue.

The Secretary of Agriculture says this language gives him license to sit down with Eric Holder and John Boyd and put the American people in debt, because this is debt for another \$1.15 billion, without having any proof of discrimination.

Madam Speaker, I read this language and I point this out because that is why this chart is here. Subject paragraph 2: All payment or debt relief shall be made exclusively from funds made available under subsection (i). Maximum amount, \$100 million. That is what was in the farm bill of 2008. That is what was represented to me by the chairman of the Ag Committee, by Chairman PETERSON from Minnesota, who argued with me vociferously that I was wrong, that it wouldn't be \$1.3 billion; it would be \$100 million.

Now, Madam Speaker, I point out that we are looking tomorrow or the next day at \$1.15 billion coming at us down the pipe through the Rules Committee, no amendments allowed, although I have got one up there in a request, but it is not going to be allowed. They have already told me, You're wasting paper and staff time. \$100 million plus \$1.15 billion is \$1.25 billion.

□ 2050

My number was \$1.3 billion, a lot closer than this \$100 million here—a placeholder that opened the door. We have bureaucrats, Cabinet members, the Secretary of Agriculture, and the Attorney General of the United States that take it upon themselves to read license in this language to put the American people in further debt to a tune of

\$1.15 billion and open this door up so that people that allege they believe they were discriminated against and allege that they filed a claim and have some friend that will sign an affidavit, will get a \$50,000 check, and the IRS gets the tax liability of \$12,500 on top of that. And by the way, if they have any USDA FSA debt, that is all forgiven, and the taxes are paid on it, and they are unhappy because they don't get a State tax waiver on these particular assets. This is what's happening.

We've got to stand up at some point and say we're not going to pay slavery reparations in the United States Congress. That war has been fought. That was over a century ago. That debt was paid for in blood—it was paid for in the blood of a lot of Yankees especially—and there are no reparations for the blood that paid for the sin of slavery. No one is filing that claim. They're just filing claims because they think they can get away with it and because they believe they understand, probably appropriately, that not a lot of Members of Congress want to stand and fight that battle. Well, it's a matter of justice and equity. It's a matter of needing to look into this and of needing to bring the facts out.

Madam Speaker, I want to make sure that the Members of this Congress know what they will be voting on tomorrow. I will be voting "no." I will be voting "no" because there is no justice in this decision. This is something of which there is no court decision that enables it. There is no legal authorization that provides for it. There is no directive from Congress that directs the Secretary of Agriculture or the Attorney General to enter into any kind of an agreement. There is no court agreement. The court hasn't approved this. They sat around a table, wrote up a document and apparently shook hands. I don't even know if they shook hands.

This document said that if Congress authorized or appropriated the money by March 31 of 2010, then they would have an agreement that would bind the black farmers and, if that day went by, then they wouldn't be bound. That's what has happened. If government can sit down and decide to pay reparations with money borrowed from the Chinese, this government is still in free fall. We've got to fix it, and we've got to arrest it.

One of the people who is here to arrest the free fall in the United States Congress is my good friend, the gentlelady from Minnesota, who can withstand anything they throw at her, MICHELE BACHMANN, to whom I would yield as much time as she may consume.

Mrs. BACHMANN. I want to thank the gentleman from Iowa, STEVE KING.

It was some months ago when STEVE KING had first told me about the situation with Pigford. He has been inves-

tigating and looking into this matter for probably about 3 years now. He is very interestingly situated by having a seat on both the Judiciary Committee and the Agriculture Committee, and both of those committees have something to do with this case.

I want to go back to basics for just a moment, if I can, because, as Congressman KING was giving me details about this case, on every level, it just didn't add up. He had talked a little bit about the reparations angle, and that, of course, was an opinion that was written by Judge Friedman in the very first class certification case with Pigford, Pigford I. That was about \$1 billion of tax money that went out to the claimants.

This is now a situation called Pigford II. As Congressman KING rightly said, there is no judgment. This is simply something negotiated around a table with, I believe, Attorney General Eric Holder and, I believe, with Tom Vilsack, Ag Secretary. They got together and came up with an agreement. They came up with this settlement, but here is part of the problem.

I am a former Federal tax litigation attorney, Madam Speaker. In that capacity, when I was working as a Federal tax lawyer, we had to refer to something as our standard of measurement. We would use the Bureau of Labor Statistics. Well, according to the Bureau of Labor Statistics, in the years in question, the maximum number of black farmers in the entire period for which we were talking about giving people money for alleged discrimination claims was about 33,000 black farmers. Now, there is dispute that even that number is egregiously high, 33,000. Well, in the Pigford I settlement, there has already been \$1 billion that has been paid out. The estimate is something like 15,000 to 18,000 claims that have already been paid out.

So here is the situation: Under Pigford II, we now have new claimants who have come to the fore who have said they want to have money, too. Well, just think. If the entire universe of black farmers is 33,000, today we have 94,000 claimants asking for money in order to be made whole.

How does this make sense? If you have a total universe of 33,000 black farmers, how can you possibly have 94,000 claimants?

You'd have to presume that every black farmer in the United States applied for a loan to the U.S. Department of Agriculture. That's almost statistically impossible. Then you'd have to assume that every black farmer who applied for a loan qualified for that loan. That would also be a statistical improbability. Then you'd have to assume that every black farmer in the United States who applied for a loan was qualified and that they were turned down for their loans. As to every single black farmer, not one

would have been given a loan. Then you'd have to presume that every single black farmer in the country applied for a loan, that they qualified and that they were turned down. Then you'd also have to assume that every one of them was turned down because they were discriminated against.

This is unbelievable. Even if you believe all of that, we still have 60,000 too many claimants than there were black farmers. The numbers just bespeak obvious fraud in this situation. So the taxpayers are supposed to pay out another \$1.15 billion? It doesn't make sense.

Remember, what we would have to talk about is that every black farmer in the United States would have had to apply for a loan and would have had to be turned down because of obvious discrimination.

What's even more bizarre is that after all of this terrible discrimination that has been alleged, after the \$1 billion that has been paid out and after the \$1.15 billion that Speaker PELOSI wants to pay out this week—after all that and after all of this discrimination at the USDA, there isn't even one employee who has been fired, who has been suspended, who has paid a fine or who has been reprimanded. We can't find evidence of even one. In fact, just the opposite is true.

There are whistleblowers who have come forward from the department who have been willing to testify privately that there is obvious fraud that's going on right now. So it really begs the question: Why have the settlement? Why pay out 94,000 claimants when there is only a total universe of maybe 33,000 black farmers? Why is that? What's going on?

In an article that just came out last week in the Associated Press, the reporter wrote that, once this claim is satisfied of \$1.15 billion for Pigford II, the next claimants are already in the queue. They're the Hispanic farmers who allege they've been discriminated against, and they're the women farmers who allege they've been discriminated against. If that's the case, why is the United States Department of Agriculture even allowed to be in business anymore if they have this blatant level of bigotry and discrimination going on? Why haven't they been fired?

I think what we need to have—and I believe that this is something in the future that Congress needs to do because it's certainly not happening today, Madam Speaker, under the headship of Speaker NANCY PELOSI. What we need to have is a very thorough review of every single claim that's going out the door, because these payments are going out in the form of \$50,000 payments per claimant, tax free.

□ 2100

So not only do they not pay the taxes, we the taxpayers are paying the

taxes for the claimants. We're paying a payment of \$12,500 to the IRS on behalf of each claimant. So the claimant will get \$50,000 tax free, and we the taxpayers will even pay their tax bill for them. And what's worse, we will even wipe off the books any outstanding loans that they have on their farm property. Everybody's going to want to know where to go to sign up for this deal. Who wouldn't want to do that? You have farmers all across the country right now that are trying to make ends meet, and meanwhile they have to watch this spectacle go on at the USDA.

Every single claimant needs to be fully investigated. Not one check should go out the door if it's not warranted. No one disagrees that if the USDA did something wrong and if they acted in a discriminatory manner, the people should be allowed to be made whole. Everyone agrees. But I would be the first person to stand on this floor of the House of Representatives and say if that is the case, then each of these USDA employees should be, at minimum—at minimum—written up in their personnel file, reprimanded, fined, and most likely fired if they're causing the taxpayers to have to pay out what would add up to be over \$2 billion. We are here talking about, in these weeks, what can we do to cut the budget. I think this is the perfect place to start here in Pigford when we're paying out 94,000 claimants when there is a total universe of 33,000.

I want to thank my dear colleague from Iowa, Representative STEVE KING, for being on this issue and dogging this issue for 3 years. And now here we are coming to the climax. We are about to see another \$1.15 billion about to go out the door, \$1.15 billion that we don't have, which my colleague rightly said we will have to go to China and borrow and our children will have to get second and third jobs to pay back. This is just flat out wrong. Can we say it? Can we be gutsy enough on the floor of this House of Representatives to say this is pure and complete fraud that is about to be voted on this week. It's wrong, and it's got to stop.

And I want to encourage any of my colleagues on either side of the aisle, vote "no" on this bill. I will be voting "no." Representative KING said he will be voting "no" because this will be a vote that I guarantee will haunt Members of Congress in the future if they vote "yes" because of the obvious fraud that will very soon be discovered and played out for the American people to see.

I yield to my distinguished colleague from Iowa.

Mr. KING of Iowa. Reclaiming my time and thanking the gentlelady from Minnesota for coming to the floor to add to this discussion, I happened to have clicked on YouTube on the Internet, I did a little search today because

I wanted to see what I could find on Timothy Pigford, who is the lead plaintiff in Pigford Farms v. the USDA. It is a video of Timothy Pigford sitting there telling his story, but then he goes on to say that he's hopeful that, first, that they all get paid; second, that it lays the foundation so that the Hispanics, the Native Americans and the women farmers all get paid, too.

So when I listen to that I think, what is the motive for this? Do you really believe that there isn't any place in America where people who are listed in his list of minorities get a fair shake? Not one place, not one county, not one FSA director, not one staff that sits behind the counter and says this is the right thing to do, we're going to treat everybody as if they're equal in our eyes just like we're all equal under the eyes of God? Doesn't that happen in one single county in America somewhere? They would deny it, Madam Speaker. They would deny that Americans can be nondiscriminating and understand this equal opportunity and equal justice under the law concept. And to have this kind of pressing that comes on from Timothy Pigford and a number of the other personalities involved here, this system—and there are a good number of African American farmers that filed their complaints, they complain that it has distorted their reputation. They may have a legitimate claim that wasn't settled adequately, and because this has been a full court press at all on, pushed by lawyers in bow ties from the Northeast and sold in the South and marketed as your 40 acres and a mule, this has damaged the legitimate black farmers.

I can't think of a more honorable profession than raising food out of this soil. I can't think of a more honorable profession than sometimes bending over and getting dirty and being out in the weather—in all kinds of weather, the summer and winter, rain and storm, out there having your roots go into the soil. Nothing makes you more rooted to America than being rooted in the soil. And I applaud every farmer, black or white or Native American or women or Hispanics, whatever they might be. It's a hard way to make a living, but there is a certain honor and glory to it that can't be replicated anywhere else. It builds character and it builds honor, and they are being besmirched by this broader effort here.

We need to say "no" tomorrow to the Pigford Farms funding that's coming, "no" because it wasn't authorized by the United States Congress. There wasn't even a head fake—to use something that might be the President's language—from Congress that said Secretary of Agriculture and the Attorney General, why don't you see if you can sit down with the head of the black farmers who formed the organization for the purposes of pressing the taxpayers for money—I don't think in the

beginning he really thought we were going to borrow it all from the Chinese, but there is no directive on the part of Congress. Congress said, even though I disagreed with it, that \$100 million would cap this, it puts an end to it, and anybody that didn't have their case resolved in Pigford I would be resolved here under the 2008 farm bill. But Tom Vilsack took license and sat down with Eric Holder, and they're poised tomorrow to stick the taxpayers for another \$1.15 billion, Madam Speaker. And it's time the American people said enough. This election was about debt and deficit and jobs and the economy, and we have to have the will to say "no" and draw a bright line. And there isn't guilt on the part of this country that should cause us—it can't be assuaged anyway by borrowing money and paying out people that don't have it coming. We want to make sure we make those people whole who were discriminated against.

I want to look into this deeply. I want to follow the money. I want to track and sort the applications, put them all on a big spreadsheet and see what the data indicates. And I think we will find that there is a massive amount of fraud. And we may lose this vote tomorrow, Madam Speaker, we may lose it. And if we lose this vote tomorrow, it still calls upon us to shed sunlight on this issue so the American people know what happened so that we don't do it again, so that we don't queue this up to go down the list of the other minorities—the Hispanics, the women, the Native Americans, and so on.

So I come to speak of the Pigford Farms issue, which I am completely convinced has far more fraud in it than it has legitimate claims, and that the American people deserve equal justice under the law, and if they have a legitimate claim it should be able to withstand the scrutiny.

I stand in opposition to the funding of Pigford II and the people that perpetrated it, Madam Speaker.

I yield back the balance of my time.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. GINNY BROWN-WAITE of Florida (at the request of Mr. BOEHNER) for today and November 30 on account of family medical reasons.

Mr. BURTON of Indiana (at the request of Mr. BOEHNER) for today on account of personal reasons.

Mr. DEFazio (at the request of Mr. HOYER) for today and the balance of the week.

Mr. GERLACH (at the request of Mr. BOEHNER) for today on account of attending a funeral of a fallen soldier from his district.

Ms. KILPATRICK of Michigan (at the request of Mr. HOYER) for today.

Mr. WU (at the request of Mr. HOYER) for today.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. WOOLSEY) to revise and extend their remarks and include extraneous material:)

Ms. KAPTUR, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

(The following Members (at the request of Mr. LINCOLN DIAZ-BALART of Florida) to revise and extend their remarks and include extraneous material:)

Mr. JONES, for 5 minutes, today, November 30, December 1, 2, 3, and 6.

Mr. POE of Texas, for 5 minutes, today, November 30, December 1, 2, 3, and 6.

Mr. GARRETT of New Jersey, for 5 minutes, today, November 30, December 1, 2, and 3.

Mr. BURTON of Indiana, for 5 minutes, today, November 30, December 1, 2, and 3.

Mr. MORAN of Kansas, for 5 minutes, December 1, 2, 3, and 6.

Mr. LINCOLN DIAZ-BALART of Florida, for 5 minutes, today, November 30, December 1, 2, and 3.

Ms. ROS-LEHTINEN, for 5 minutes, today, November 30, December 1, 2, and 3.

Mr. GRAVES of Georgia, for 5 minutes, today.

SENATE BILLS AND CONCURRENT RESOLUTIONS REFERRED

Bills and concurrent resolutions of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 1609. An act to authorize a single fisheries cooperative for the Bering Sea Aleutian Islands longline catcher processor subsector, and for other purposes; to the Committee on Natural Resources.

S. 3650. An act to amend chapter 21 of title 5, United States Code, to provide that fathers of certain permanently disabled or deceased veterans shall be included with mothers of such veterans as preference eligibles for treatment in the civil service; to the Committee on Oversight and Government Reform.

S. Con. Res. 75. Concurrent Resolution authorizing the use of the rotunda of the Capitol for an event marking the 50th anniversary of the inaugural address of President John F. Kennedy; to the Committee on House Administration.

S. Con. Res. 76. Concurrent Resolution to recognize and honor the commitment and sacrifices of military families of the United States; to the Committee on Armed Services.

ENROLLED BILLS SIGNED

Lorraine C. Miller, Clerk of the House, reported and found truly en-

rolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 1722. An act to require the head of each executive agency to establish and implement a policy under which employees shall be authorized to telework, and for other purposes.

H.R. 5566. An act to amend title 18, United States Code, to prohibit interstate commerce in animal crush videos, and for other purposes.

H.R. 5712. An act entitled the Physician Payment and Therapy Relief Act of 2010.

SENATE ENROLLED BILLS AND JOINT RESOLUTION SIGNED

The Speaker announced her signature to enrolled bills of the Senate of the following titles:

S. 1376. An act to restore immunization and sibling age exemptions for children adopted by United States citizens under the Hague convention on Intercountry Adoption to allow their admission into the United States.

S. 3567. An act to designate the facility of the United States Postal Service located at 100 Broadway in Lynbrook, New York, as the "Navy Corpsman Jeffrey L. Wiener Post Office Building".

S. 3689. An act to clarify, improve, and correct the laws relating to copyrights, and for other purposes.

S. 3774. An act to extend the deadline for Social Services Block Grant expenditures of supplemental funds appropriated following disasters occurring in 2008.

S.J. Res. 40. Appointing the day for the convening of the first session of the One Hundred Twelfth Congress.

ADJOURNMENT

Mr. KING of Iowa. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 8 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, November 30, 2010, at 10:30 a.m., for morning-hour debate.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

10419. A letter from the Director, Regulatory Review Group, Department of Agriculture, transmitting the Department's "Major" final rule — Biomass Crop Assistance Program (RIN: 0560-AH92) received November 16, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10420. A letter from the Director, Program Development & Regulatory Analysis, Rural Utilities Service, transmitting the Department's final rule — Specifications and Drawings for Construction of Direct Buried Plant received October 25, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10421. A letter from the Acting Under Secretary, Department of Defense, transmitting Selected Acquisition Reports (SARs) for the

September 2010 reporting period pursuant to section 2432, Title 10 United States Code; to the Committee on Armed Services.

10422. A letter from the Assistant to the Board, Federal Reserve System, transmitting the System's "Major" final rule — Truth in Lending [Regulation Z; Docket No: R-1384] received November 15, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

10423. A letter from the Assistant to the Board, Federal Reserve System, transmitting the System's "Major" final rule — Electronic Fund Transfers [Regulation E; Docket No. R-1377] received November 15, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

10424. A letter from the Secretary, Securities and Exchange Commission, transmitting the Commission's "Major" final rule — Risk Management Controls for Brokers or Dealers with Market Access [Release No.: 34-63241; File No.: S7-03-10] (RIN: 3235-AK53) received November 15, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

10425. A letter from the Secretary, Securities and Exchange Commission, transmitting the Commission's "Major" final rule — Regulation SHO [Release No.: 34-63247; File No.: S7-08-09] (RIN: 3235-AK35) received November 15, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

10426. A letter from the Assistant General Counsel for Regulatory Services, Office of the General Counsel, Department of Education, transmitting the Department's "Major" final rule — Program Integrity Issues [Docket ID: ED-2010-OPE-0004] (RIN: 1840-AD02) received November 15, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

10427. A letter from the Assistant General Counsel for Regulatory Services, Office of the General Counsel, Department of Education, transmitting the Department's final rule — Program Integrity: Gainful Employment — New Programs [Docket ID: ED-2010-OPE-0012] (RIN: 1840-AD04) received November 1, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

10428. A letter from the Assistant General Counsel for Regulatory Services, Office of the General Counsel, Department of Education, transmitting the Department's final rule — Foreign Institutions-Federal Student Aid Programs [Docket ID: ED-2010-OPE-0009] (RIN: 1840-AD03) received November 1, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

10429. A letter from the Assistant Secretary, Employee Benefits Security Administration, Department of Labor, transmitting the Department's "Major" final rule — Fiduciary Requirements for Disclosure in Participant-Directed Individual Account Plans (RIN: 1210-AB07) received November 15, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

10430. A letter from the Program Manager, Department of Health and Human Services, transmitting the Department's final rule — State Systems Advance Planning Document (ADP) Process (RIN: 0970-AC33) received October 28, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

10431. A letter from the Principal Deputy General Counsel, Federal Energy Regulatory Commission, transmitting the Commission's final rule — Credit Reforms in Organized Wholesale Electric Markets [Docket No.: RM10-13-000; Order No. 741] received October 27, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

10432. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting notification of an Accountability Review Board to examine the facts and the circumstances of the loss of life at a U.S. mission abroad and to report and make recommendations, pursuant to 22 U.S.C. 4834(d)(1); to the Committee on Foreign Affairs.

10433. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting Transmittal No. 10-49, pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended; to the Committee on Foreign Affairs.

10434. A letter from the Acting Deputy Director, Defense Security Cooperation Agency, transmitting Transmittal No. 10-24, pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended; to the Committee on Foreign Affairs.

10435. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting Transmittal No. 10-0A, pursuant to the reporting requirements of Section 36(b)(5)(C) of the Arms Export Control Act, as amended; to the Committee on Foreign Affairs.

10436. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting Transmittal No. 10-38, pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended; to the Committee on Foreign Affairs.

10437. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting Transmittal No. 10-50, pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended; to the Committee on Foreign Affairs.

10438. A letter from the Assistant Secretary of State for Political-Military Affairs, Department of State, transmitting a report pursuant to Section 201 of Public Law 110-429; to the Committee on Foreign Affairs.

10439. A letter from the Inspector General, Department of Transportation, transmitting the Semiannual Report of the Office of Inspector General for the period ending March 31, 2010, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Oversight and Government Reform.

10440. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-564, "Randall School Disposition Restatement Temporary Act of 2010"; to the Committee on Oversight and Government Reform.

10441. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-565, "Office of Cable Television Property Acquisition and Special Purpose Revenue Reprogramming Temporary Act of 2010"; to the Committee on Oversight and Government Reform.

10442. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-566, "Automated Traffic Enforcement Fund Temporary Amendment Act of 2010"; to the Committee on Oversight and Government Reform.

10443. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-567, "University of the District of Columbia Board of Trustees Quorum and Contracting Reform Temporary Amendment Act of 2010"; to the Committee on Oversight and Government Reform.

10444. A letter from the Chairman, Council of the District of Columbia, transmitting

Transmittal of D.C. ACT 18-568, "Budget Support Act Clarification and Technical Amendment Temporary Amendment Act of 2010"; to the Committee on Oversight and Government Reform.

10445. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-594, "Expanding Access to Juvenile Records Amendment Act of 2010"; to the Committee on Oversight and Government Reform.

10446. A letter from the District of Columbia Auditor, Office of the District of Columbia Auditor, transmitting copy of the report entitled "Comparative Analysis of Actual Cash Collections to the Revised Revenue Estimate Through the 3rd Quarter of Fiscal Year 2009", pursuant to D.C. Code section 47-117(d); to the Committee on Oversight and Government Reform.

10447. A letter from the District of Columbia Auditor, Office of the District of Columbia Auditor, transmitting copy of the report entitled "Comparative Analysis of Actual Cash Collections to the Revised Revenue Estimate Through the 4th Quarter of Fiscal Year 2009", pursuant to D.C. Code section 47-117(d); to the Committee on Oversight and Government Reform.

10448. A letter from the Acting Director, Office of Financial Management, United States Capitol Police, transmitting Statement Of Disbursements Of The U.S. Capitol Police For The Period April 1, 2010 through September 30, 2010, pursuant to Public Law 109-55, section 1005; (H. Doc. No. 111—155); to the Committee on House Administration and ordered to be printed.

10449. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Atlantic Herring Fishery; Total Allowable Catch Harvested for Management Area 1B [Docket No.: 0907301205-0289-02] (RIN: 0648-XZ00) received October 25, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

10450. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 630 of the Gulf of Alaska [Docket No.: 010131362-0087-02] (RIN: 0648-XZ13) received October 25, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

10451. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Shallow-Water Species by Vessels Using Trawl Gear in the Gulf of Alaska [Docket No.: 0910131362-0087-02] (RIN: 0648-XZ06) received October 25, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

10452. A letter from the Assistant Administrator for Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Northeast Multispecies Fisheries; Adjustment to Fishing Year 2010 Georges Bank Yellowtail Flounder Total Allowable Catch [Docket No.: 0910051338-0403-04] (RIN: 0648-AY29) received October 27, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

10453. A letter from the Deputy Assistant Administrator for Operations, NMFS, Na-

tional Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Pacific Halibut Fisheries; Limited Access for Guided Sport Charter Vessels in Alaska [Docket No.: 100503209-0430-02] (RIN: 0648-AY85) received October 27, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

10454. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Reallocation of Crab and Halibut Prohibited Species Catch Allowances in the Bering Sea and Aleutian Islands Management Area [Docket No.: 0910131363-0087-02] (RIN: 0648-XZ08) received October 27, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

10455. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 610 in the Gulf of Alaska [Docket No.: 0910131362-0087-02] (RIN: 0648-XZ04) received October 27, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

10456. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Atlantic Highly Migratory Species; North and South Atlantic Swordfish Quotas [Docket No.: 100315147-0403-02] (RIN: 0648-XV31) received October 27, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

10457. A letter from the Assistant Administrator for Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Atlantic Highly Migratory Species; Atlantic Billfish Management, White Marlin (*Kajikia albidus*), Roundscale Speafish (*Tetrapturus georgii*) [Docket No.: 100729315-0331-01] (RIN: 0648-BA12) received October 27, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

10458. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Vessels Catching Pacific Cod for Processing by the Inshore Component in the Central Regulatory Area of the Gulf of Alaska [Docket No.: 0910131362-0087-02] (RIN: 0648-XZ05) received October 27, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

10459. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; VERMILION 380A at Block 380 Outer Continental Shelf Fixed Platform in the Gulf of Mexico [Docket No.: USCG-2010-0857] (RIN: 1625-AA00) received October 28, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10460. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; San Diego Harbor Shark Fest Swim; San Diego Bay, San Diego, CA [Docket No.: USCG-2010-0462] (RIN: 1625-AA00) received October 28, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10461. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Special

Local Regulations, Sabine River; Orange, TX [Docket No.: USCG-2010-0518] (RIN: 1625-AA08) received October 28, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10462. A letter from the Attorney, Department of Homeland Security, transmitting the Department's final rule — Navigation and Navigable Waters; Technical, Organizational, and Conforming Amendments, Sector Columbia River; Correction [Docket No.: USCG-2010-0351] (RIN: 1625-ZA25) received October 28, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10463. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; NASSCO Launching of USNS Washington Chambers, San Diego Bay, San Diego, CA [Docket No.: USCG-2010-0728] (RIN: 1625-AA00) received October 28, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10464. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone, Mackinac Bridge, Straits of Mackinac, Michigan [Docket No.: USCG-2010-0790] received October 28, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10465. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Fireworks Displays, Potomac River, National Harbor, MD [Docket No.: USCG-2010-0776] (RIN: 1625-AA00) received October 28, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10466. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Mississippi River, Mile 212.0 to 214.5 [Docket No.: USCG-2010-0576] (RIN: 1625-AA00) received October 28, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10467. A letter from the Regulations Officer, FHWA, Department of Transportation, transmitting the Department's "Major" final rule — Real-Time System Management Information Program (RIN: 2125-AF19) received November 15, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10468. A letter from the Branch Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Inflation Adjusted Items for 2011 (Rev. Pro. 2010-40) received November 2, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10469. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Examination of returns and claims for refund, credit, or abatement; determination of tax liability (Rev. Proc. 2010-29) received November 2, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. PERLMUTTER: Committee on Rules. House Resolution 1736. Resolution providing

for consideration of the Senate amendments to the bill (H.R. 4783) to accelerate the income tax benefits for charitable cash contributions for the relief of victims of the earthquake in Chile, and to extend the period from which such contributions for the relief of victims of the earthquake in Haiti may be accelerated (Rept. 111-660). Referred to the House Calendar.

Ms. ZOE LOFGREN: Committee on Standards of Official Conduct. House Resolution 1737. Resolution in the matter of Representative CHARLES B. RANGEL (Rept. 111-661). Referred to the House Calendar.

DISCHARGE OF COMMITTEE

[Omitted from the Record of November 15, 2010]

Pursuant to clause 2 of rule XIII the Committee on Science and Technology discharged from further consideration. H.R. 1997 referred to the Committee of the Whole House on the State of the Union and ordered to be printed.

[The following action occurred on November 19, 2010]

Pursuant to clause 2 of rule XIII the Committee on the Judiciary discharged from further consideration of H.R. 2267.

TIME LIMITATION OF REFERRED BILL PURSUANT TO RULE XII

[The following action occurred on November 19, 2010]

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

H.R. 2267. Referral to the Committee on Energy and Commerce extended for a period ending not later than November 30, 2010.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. KIRK:

H.R. 6448. A bill to establish the Grace Commission II to review and make recommendations regarding cost control in the Federal Government, and for other purposes; to the Committee on Oversight and Government Reform, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ACKERMAN:

H.R. 6449. A bill to repeal provisions of the recently enacted health care reform law that prohibit preexisting condition exclusions or other discrimination based on health status for adults; to the Committee on Energy and Commerce.

By Mr. ACKERMAN:

H.R. 6450. A bill to repeal provisions of the recently enacted health care reform law that require the extension of dependent coverage to adult children under age 26; to the Committee on Energy and Commerce.

By Mr. ACKERMAN:

H.R. 6451. A bill to repeal provisions of the recently enacted health care reform law that prohibit preexisting condition exclusions or other discrimination based on health status for children; to the Committee on Energy and Commerce.

By Mr. ACKERMAN:

H.R. 6452. A bill to repeal provisions of the recently enacted health care reform law that

prohibit the establishment of annual limits on health benefits; to the Committee on Energy and Commerce.

By Mr. ACKERMAN:

H.R. 6453. A bill to repeal provisions of the recently enacted health care reform law that prohibit the establishment of lifetime limits on health benefits; to the Committee on Energy and Commerce.

By Mr. ACKERMAN:

H.R. 6454. A bill to repeal provisions of the recently enacted health care reform law that prohibit health coverage rescissions; to the Committee on Energy and Commerce.

By Mr. FATTAH:

H.R. 6455. A bill to amend the Internal Revenue Code of 1986 to permanently extend the American opportunity tax credit increases made to the Hope Scholarship Credit; to the Committee on Ways and Means.

By Ms. KAPTUR (for herself, Mr. VISCLOSKEY, Mr. GRIJALVA, Mr. CONYERS, Ms. HIRONO, Mr. STARK, Ms. WOOLSEY, Ms. BALDWIN, and Ms. CASTOR of Florida):

H.R. 6456. A bill to authorize the President to reestablish the Civilian Conservation Corps as a means of providing gainful employment to unemployed and underemployed citizens of the United States through the performance of useful public work, and for other purposes; to the Committee on Education and Labor.

By Mr. McDERMOTT:

H.R. 6457. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income distributions from individual retirement plans during periods of unemployment in 2009, 2010, and 2011; to the Committee on Ways and Means.

By Mr. McDERMOTT (for himself, Mr. WEINER, Mr. HASTINGS of Florida, Ms. LINDA T. SANCHEZ of California, Mr. RANGEL, Mr. MORAN of Virginia, Mr. CARNAHAN, and Mr. FARR):

H.R. 6458. A bill to amend the Internal Revenue Code of 1986 to require that the Secretary of the Treasury provide a Tax Receipt to each taxpayer who files a Federal income tax return; to the Committee on Ways and Means.

By Mr. CARTER:

H.J. Res. 100. A joint resolution disapproving a rule submitted by the Environmental Protection Agency relating to the National Emission Standards for Hazardous Air Pollutants from the Portland Cement Manufacturing Industry and Standards of Performance for Portland Cement Plants; to the Committee on Energy and Commerce.

By Mr. POE of Texas (for himself, Ms. BERKLEY, Ms. ROS-LEHTINEN, Mr. WEINER, Mr. BURTON of Indiana, and Mr. ACKERMAN):

H. Res. 1734. A resolution reaffirming Congressional opposition to the unilateral declaration of a Palestinian state, and for other purposes; to the Committee on Foreign Affairs.

By Mr. BERMAN (for himself, Ms. ROS-LEHTINEN, Mr. FALEOMAVAEGA, Mr. MANZULLO, Mr. DJOU, Mr. SCOTT of Georgia, Mr. MCMAHON, Mr. LARSEN of Washington, Ms. BORDALLO, Mr. LAMBORN, Mr. ENGEL, Mr. BURTON of Indiana, Mr. DEUTCH, Ms. BERKLEY, Mr. CONNOLLY of Virginia, and Mr. SMITH of New Jersey):

H. Res. 1735. A resolution condemning North Korea in the strongest terms for its unprovoked military attack against South Korea on November 23, 2010; to the Committee on Foreign Affairs.

By Mr. BURTON of Indiana (for himself, Mr. ROHRBACHER, Mr. POE of

Texas, Mr. PIERLUISI, Ms. BORDALLO, Mr. PAYNE, Ms. BERKLEY, Mr. GINGREY of Georgia, Mr. WU, Mr. LINCOLN DIAZ-BALART of Florida, Mr. CONNOLLY of Virginia, Ms. JACKSON LEE of Texas, Mr. MARIO DIAZ-BALART of Florida, and Mr. FALDOMAVAEGA):

H. Res. 1738. A resolution expressing condolences to the people and Government of the Republic of China (Taiwan) and the people and Government of the Republic of the Philippines in the aftermath of Super Typhoon Megi which struck in October 2010; to the Committee on Foreign Affairs.

By Mr. HASTINGS of Florida (for himself and Ms. BORDALLO):

H. Res. 1739. A resolution expressing support for the Republic of India to gain a permanent seat on the United Nations Security Council; to the Committee on Foreign Affairs.

By Mr. LATTA (for himself, Mr. HUNTER, Mr. WILSON of South Carolina, Mr. MILLER of Florida, Mr. LOBIONDO, Mr. ROGERS of Alabama, Mr. COURTNEY, Mr. MORAN of Virginia, Mr. HOLDEN, Mrs. BLACKBURN, Mr. LATHAM, Mr. CALVERT, Mr. BRADY of Pennsylvania, Mrs. CHRISTENSEN, Mr. BOREN, Mr. LOEBSACK, Mr. PETERS, Mr. BISHOP of Georgia, Mr. HARPER, Mr. BLUNT, Mr. WU, Mr. PAULSEN, Mr. WOLF, Ms. CORRINE BROWN of Florida, Mr. DICKS, Mr. CONAWAY, Mr. SCHOCK, Mr. BOSWELL, Mr. REHBERG, Mr. WELCH, Mr. LATOURETTE, Ms. JENKINS, Mr. HOLT, Ms. GIFFORDS, Mr. PITTS, Ms. MCCOLLUM, Mr. COSTELLO, Mr. CARSON of Indiana, Mr. JOHNSON of Georgia, Mr. WITTMAN, Mr. TONKO, Mr. GORDON of Tennessee, Ms. NORTON, Ms. TSONGAS, Mrs. McMORRIS RODGERS, Mr. LEE of New York, Mr. KISSELL, Mr. TURNER, Mr. KLINE of

Minnesota, Mrs. MYRICK, Mr. FRANKS of Arizona, Mr. AKIN, Mr. FORBES, Mr. ROONEY, Mr. JONES, Mr. LAMBORN, and Mr. DONNELLY of Indiana):

H. Res. 1740. A resolution recognizing and honoring the National Guard on the occasion of its 374rd anniversary; to the Committee on Armed Services.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 240: Mrs. BLACKBURN.
H.R. 745: Mrs. McMORRIS RODGERS.
H.R. 1625: Mr. SMITH of New Jersey.
H.R. 1718: Mr. McDERMOTT.
H.R. 1751: Mr. SHERMAN, Mr. GRAYSON, and Mr. ANDREWS.
H.R. 1990: Mr. ROGERS of Kentucky.
H.R. 2254: Mr. REICHERT and Ms. HIRONO.
H.R. 2414: Mr. GRAYSON and Mr. LEVIN.
H.R. 2538: Mr. DREIER.
H.R. 2766: Mr. FARR.
H.R. 2855: Ms. NORTON.
H.R. 3302: Mr. INSLEE.
H.R. 3668: Ms. CLARKE.
H.R. 3734: Ms. HIRONO.
H.R. 3765: Mr. CARTER.
H.R. 3907: Mr. LANGEVIN and Ms. NORTON.
H.R. 4363: Mr. BERMAN.
H.R. 4756: Ms. TSONGAS.
H.R. 4806: Ms. TSONGAS.
H.R. 4986: Mr. ACKERMAN.
H.R. 5028: Mr. AL GREEN of Texas, Ms. WOOLSEY, and Mr. HOLT.
H.R. 5137: Mr. OLVER.
H.R. 5376: Ms. HIRONO.
H.R. 5460: Mr. DAVIS of Illinois.
H.R. 5939: Mr. MELANCON and Mr. CUELLAR.
H.R. 5976: Ms. LINDA T. SÁNCHEZ of California.
H.R. 6036: Mr. COHEN.

H.R. 6045: Ms. CLARKE.

H.R. 6123: Mr. CRITZ and Mr. HINCHEY.

H.R. 6128: Mr. SCHRADER, Mr. CARNAHAN, and Mr. DeFAZIO.

H.R. 6184: Ms. WOOLSEY.

H.R. 6282: Ms. SCHAKOWSKY.

H.R. 6308: Mr. HOLT.

H.R. 6332: Mr. ROGERS of Alabama.

H.R. 6403: Mr. DREIER, Mr. SENSENBRENNER, and Mr. REED.

H.R. 6427: Mr. LEWIS of Georgia, Ms. MATSUI, and Ms. BERKLEY.

H.R. 6437: Mr. FARR.

H. Con. Res. 323: Mr. POLIS, Ms. GIFFORDS, Mr. SHERMAN, Mr. MCGOVERN, Mr. COHEN, Ms. CLARKE, Mr. LEVIN, Mr. KUCINICH, Ms. TITUS, Mr. TONKO, Mr. BACA, Mr. LINCOLN DIAZ-BALART of Florida, Mr. HARE, Mr. VAN HOLLEN, Mr. COURTNEY, Mr. SCHIFF, Mr. QUIGLEY Mrs. McMORRIS RODGERS, Ms. RICHARDSON, Mr. LANCE, Mr. PETERS, Mr. CROWLEY, Mr. LANGEVIN, Mr. MURPHY of Connecticut, Mr. MARKEY of Massachusetts, and Mr. SIRES.

H. Res. 20: Mr. WAMP.

H. Res. 764: Mr. CAPUANO, Ms. JACKSON LEE of Texas, and Mr. TIERNEY.

H. Res. 1264: Ms. TSONGAS, Mr. LEWIS of Georgia, and Mr. POMEROY.

H. Res. 1402: Mr. MCGOVERN and Mr. POMEROY.

H. Res. 1431: Ms. MATSUI.

H. Res. 1476: Mr. PAYNE.

H. Res. 1498: Mrs. BACHMANN.

H. Res. 1531: Ms. GRANGER.

H. Res. 1585: Mr. BOUCHER, Mrs. DAVIS of California, Ms. LORETTA SANCHEZ of California, Mr. THOMPSON of California, Mr. SHERMAN, Mr. LOEBSACK, Mr. SMITH of Washington, Mr. KISSELL, Mr. COURTNEY, Mr. BOREN, Mr. ISRAEL, Mr. ROGERS of Alabama, Mr. REYES, Mr. WILSON of South Carolina, Mr. BOSWELL, and Mr. HEINRICH.

H. Res. 1644: Mr. SHERMAN and Ms. SUTTON.

H. Res. 1690: Ms. BORDALLO.

SENATE—Monday, November 29, 2010

The Senate met at 2 p.m. and was called to order by the Honorable AL FRANKEN, a Senator from the State of Minnesota.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

O Lord, our God and provider, we thank You for the many blessings we enjoy as citizens of this great Nation. May we be good stewards of Your gifts. Lord, as we reflect on the future, we pray that Your sovereign presence will protect us from evil and equip us to do what is right and just and good.

We pray for our Senators today, asking that You would keep them in good health and focused on Your plans to guide and prosper them and the Nation they serve. We are grateful that You are here on Capitol Hill, listening, watching, and judging. May all of our elected leaders do what is right for Your everlasting glory.

We pray in Your loving Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable AL FRANKEN led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUE).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, November 29, 2010.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable AL FRANKEN, a Senator from the State of Minnesota, to perform the duties of the Chair.

DANIEL K. INOUE,
President pro tempore.

Mr. FRANKEN thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, following any leader remarks, there will be a period of morning business until 4 p.m. today, with Senators permitted to speak for up to 10 minutes during that period of time. Following morning business, the Senate will resume consideration of the Food Safety Modernization Act. At 5:30 today, Senator-elect MARK KIRK will be sworn to be a Senator from the State of Illinois. At 6:30, the Senate will proceed to vote on the substitute amendment to the food safety bill. Under an agreement reached before the recess, if cloture is invoked, all postcloture debate time will be yielded back except for the time allotted in agreement and the only amendments or motions in order are motions to suspend the rules offered by Senators JOHANNIS and BAUCUS, both relating to 1099 forms, and two offered by Senator COBURN, one relating to earmarks and another, a complete substitute for the bill. If cloture is invoked, we will debate the motions and then stack the votes for later tonight. There is up to 1 hour total on the Johannis and Baucus motions and 4 hours on the Coburn motions. Upon disposition of the motions, the Senate will proceed to vote on passage of the food safety bill.

I spoke to Senator MCCONNELL earlier today. It was suggested that what we would do, if we can get permission from the Senate, is have the two votes. We will have the cloture vote and Johannis and Baucus, and then there is 4 hours of debate, which would put us until 11, 11:30 tonight. I think Senator MCCONNELL and I believe it would be to everyone's interest to have those three votes in the morning at 9 o'clock. Senator MCCONNELL and I have a meeting at the White House, and we would have to have the votes start at 9. That is where we will try to get to, so everyone should be alerted to the schedule issue.

UNIVERSITY OF NEVADA'S UPSET OF BOISE STATE

Mr. REID. Mr. President, when you talk about the top teams in college football since the start of the century, you have to talk about Boise State University. A lot of people know about their famous blue turf and their quick, creative offense. Even casual college football fans can talk like experts about the stunning trick plays that led the Broncos over a heavily favored Oklahoma team in a 2007 bowl game.

It is decidedly one of the most dominant programs of the decade. How dominant? Since Boise State joined the

Western Athletic Conference in 2001, it had lost just four conference games in 10 years.

On Friday night in Reno, it lost its fifth.

Boise State came in ranked third in the country and was on track for its third undefeated season in 5 years. It had a shot at the national championship. But thanks to the University of Nevada Wolf Pack and its brilliant head coach, Chris Ault, Boise State is no longer in the running. And now when you talk about the top upsets in college football, you have to talk about Nevada.

Nevada and Boise State have been rivals for a long time—back when they played in the Big Sky and Big West Conferences, and in the Western Athletic Conference where they play today. They will soon leave the WAC together to join the Mountain West Conference, and the rivalry will continue. Although some recent games have been close—the 2007 one went to four overtimes—Nevada had not won since 1998.

But this year's Nevada team has been among the best in school history. It leads the conference in offense, rushing yards and points scored. After this weekend's win, it is ranked fourteenth in the country.

Still, beating a powerhouse like Boise State was no piece of cake. No one had beaten the Broncos since December 2008. The Wolf Pack were 14-point underdogs. They were down 17-0 late in the second quarter. Then quarterback Colin Kaepernick led an incredible second-half comeback and forced overtime.

They won the game when a 5-foot-6 freshman from McQueen High School in Reno, a young man named Anthony Martinez, kicked the most important field goal in State history.

It was not that long ago that the University of Nevada did not even field a Division I team. Now our proud program has knocked off one of the toughest teams in the Nation.

It is no fluke. Coach Chris Ault is an exceptional leader and a good man. I am proud to call him a very good friend.

I have known Chris for a long time. When he was just 23 years old, he became the youngest high school head coach in the state, leading the Bishop Monogue Miners in Reno. I was a member of the school's athletic booster club, and I was impressed with Chris Ault from the day I met him.

He led the Wolf Pack as its quarterback in the 1960s, as its athletic director two decades later, and has been its

head coach three times, totaling 26 years. He is one of the smartest coaches in the country. A few years ago he invented the Pistol offense. Now schools across the Nation, and even some NFL teams, are copying it.

In fact, only two men enshrined in the College Football Hall of Fame are still actively coaching at the sport's highest level: the legendary Joe Paterno and Nevada's Chris Ault.

At the end of October, I was in church in Reno when a tall young man sat down next to me. It was Nevada's quarterback, Colin Kaepernick, preparing himself spiritually for the next game. In Friday's game, he became the first player in NCAA history to throw for more than 2,000 yards and run for 1,000 yards in three straight seasons.

Sometimes it is true what they say—that it is just a game. But this is one of those times when it is much more. This remarkable, memorable win means so much for an underrated and underappreciated athletic program, for a great university and for the whole State of Nevada.

Congratulations to Coach Ault, Colin Kaepernick, Anthony Martinez and the Wolf Pack. I never doubted you would pull it off.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period of morning business until 4 p.m., with Senators permitted to speak therein for up to 10 minutes each.

The Senator from Pennsylvania.

START TREATY RATIFICATION

Mr. SPECTER. Mr. President, I have sought recognition principally to urge my colleagues to ratify the START treaty with Russia. I ask unanimous consent at the outset that the text of a memorandum from Senator JON KYL and Senator BOB CORKER, two Republican Members, dated November 24, 2010, regarding progress in defining nuclear modernization requirements be printed in the RECORD at the conclusion of my statement.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 1.)

Mr. SPECTER. I urge my colleagues to move ahead with the prompt ratification of this treaty.

I have long been interested in the relationship between the United States and the Soviet Union, predecessor to Russia, on the issue of arms control,

going back to my college days as a student of international relations.

One of the first items which attracted my concern on election to the Senate was a Saturday speech made by then-President Reagan where he said essentially that the United States had sufficient weapons to destroy the Soviet Union and, similarly, the Soviet Union had sufficient weapons to destroy the United States. For decades, the two countries lived under the truce, so to speak, of mutual assured destruction. That has given way to arms control negotiations and the successful negotiation of treaties. For example, the START I treaty in 1992 was approved by a margin of 93 to 6. The START II treaty of 1996 was approved by a margin of 87 to 4. The Moscow Treaty of 2003 was approved by a vote of 98 to nothing.

The memorandum I have referenced raises a number of concerns which I submit to my colleagues ought not to stop us from moving ahead with ratification. For example, the memorandum makes this point on page 5:

Additional funding could be applied to accelerate the construction of these facilities to ensure on schedule completion. . . .

Well, there is no showing of a problem on on-schedule completion. To talk about "additional funding could be applied" is far from saying it is necessary for our national security.

The memorandum further says:

Further Administration effort to advance funding is the best path to successful completion of these facilities.

Well, here again, there is no showing that advance funding is necessary for successful completion. It simply says it "is the best path to successful completion of these facilities," but no showing that the current path is not an adequate path.

The memorandum, in another spot, makes this statement:

. . . the NNSA is reviewing an updated surveillance plan that could lead to greater budget requirements.

"Could." It does not say it would lead to greater budget requirements, and what is speculative as to what could happen ought not to be taken as any reason for objecting to the ratification.

Still later in the memorandum there is the statement:

. . . there are still no costs or funding commitments beyond FY 2015.

Well, that is not surprising when we are in the year 2010. Adequate time to consider and make commitments beyond 2015 is hardly a reason not to move ahead with ratification.

Then, on page 5, under the category of "Conclusion," there is a statement about "assurances from the appropriate authorizers and appropriators must be obtained to ensure that the enacted budget reflects the President's request."

Well, that is unrealistic. There is no way to get assurances from author-

izers—that is referring to the Armed Services Committee—or the appropriators, specifically the Defense Appropriations Subcommittee, a subcommittee on which I have served during my tenure.

When you talk about getting assurances from legislators, from Senators, from Members of the House of Representatives, that, simply stated, is unrealistic, I submit.

The concerns I had in the early days of my tenure in the Senate led me to propose a resolution for a summit meeting which was contested by Senator Tower, who was then-chairman of the Armed Services Committee. On this floor—I can still see Senator Tower on the end seat in the third row back and I in the junior league my first couple of years in the Senate. Senator Tower was a tough advocate. We had quite a protracted debate about the triad.

I had done my homework. I had been to Grand Forks, ND, and seen the Minuteman II. It was my first experience seeing a nuclear weapon, and it was quite a sight. I recall looking down an open space—I think it went close to 100 feet, perhaps 90 feet; I would not affirm exactly what it was—and seeing the Minuteman II, and that was, in effect, small potatoes compared to what we have had since. I went to the Air Force base in California to look at the B bomber, the B-1 or the B-2 at that time, and to South Carolina to Charleston to see the nuclear submarines.

I had quite a debate with Senator Tower as to whether the subs were detectable, which bore on the issue of whether we had sufficient strength, and the tabling motion was defeated on a vote of 60 to 38. I recall Senator Laxalt walking down the aisle and voting no and starting to head for the Republican cloakroom, and Senator Tower walked fast, chasing him up the aisle, and said: You don't understand, Paul, this is a tabling motion. I am looking for an "aye." And Laxalt turned and said: I understand what you are after, John, but I agree with Arlen Specter. Senator Tower said: He is trying to tell the President what to do. Senator Laxalt said: Well, so is everybody else—really, in effect, saying that is what Senators do from time to time, just expressing their opinions.

The tabling motion was defeated 60 to 38, and the resolution was adopted 90 to 8.

There has been a lot of unease and consternation among foreign nations as to what is going on in the Senate. I do not question the motives of the writers of the memorandum. I do not question their motives or their good faith. But there is considerable concern both at home and abroad as to the gridlock which now confronts the Senate. That is inevitable when one Senator says: We are going to see to it that this is President Obama's Waterloo, and

when leadership on the other side of the aisle says: Our principal objective is to defeat President Obama in 2012. There is a concern about what is happening, whether there are really bona fide objections to the START talks.

In connection with the travels I have undertaken during the course of the past many months—in India, with a congressional delegation, a group of us met with the Prime Minister of India, a concern about agreements made with our executive branch, whether they will be upheld; a meeting with officials in China on certain trade issues; talking to leaders in other foreign countries, a real question about what is going on in the government of the United States.

In this interdependent world, I suggest it is very important we project a national image, a national posture of rationality in what we are doing and not to throw up roadblocks to international agreements such as START without good reason in the context where at least in appearances there is obstructionism.

When we talk about risks involved, my own view is that we are far at this point from a threat with the Russian Government. This is not the day of the Cuban missile crisis in 1962 when the world may have teetered on the edge of a nuclear confrontation. The relations with the Soviet Union were disintegrated. The relations with Russia are vastly improved, and we need the cooperation of Russia in dealing with many very vexing international problems, paramount of which is our dealings with Iran and the need to have the Russians join us in sanctions against Iran and to promote the Russian offer to enrich the uranium from Iran so they do not enrich it themselves, posing a threat with what Iran would do with enriched uranium—a threat which is not present if it is not in Iran's hands when uranium is enriched, which could be used for peaceful purposes.

We see today the importance of the cooperation of China in the concerns we have with North Korea. When that problem broke last week, my first comment publicly in a television interview on MSNBC was to state what was the obvious: that we had to engage China to deal with North Korea. China's initial comments were muted, were not very encouraging. I am pleased to see the most recent reports are that China is moving ahead to try to deal with a threat posed by North Korea, having shuttle talks between North Korea and South Korea.

So it is in this overall context of having the assurances registered with foreign governments that there is rationality. When we talk about risks, my own assessment—and I have studied this situation closely. I was a member of the U.S. arms talks in Geneva going back into 1987, during that decade and beyond. But the risks are not what

they once were. It is never possible to eliminate risks entirely, but when we are looking to evaluate the balance of risks and international cooperation with Russia and our conduct on START, as we project an image of strength with other countries, the risk is well worth taking to the extent that it exists. Again, I say my own evaluation is that there is not much of a risk involved.

The Washington Post, last Friday, November 26, quoted one of the authors of the memorandum expressing satisfaction:

I've come to the conclusion that the administration is intellectually committed to modernization now. . . . Whether they're committed in the heart is another matter. Suppose Start is ratified, and they no longer have to worry about that? Will they continue to press for the money?

Well, if we concede there is a commitment, be it an intellectual commitment, there is not a whole lot more that we can ask for.

EMBRYONIC STEM CELL RESEARCH

Mr. SPECTER. Mr. President, I had spoken about this when we reconvened several weeks ago, that it is my hope that Congress, the Senate specifically, will take up legislation which I have introduced which would authorize the use of Federal funding for embryonic stem cell research. Embryonic stem cell research holds enormous potential. You take the embryos which are the most flexible of all of the stem cells and they can replace diseased parts of the body and they offer promise of a veritable fountain of youth.

The U.S. District Court for the District of Columbia said the Executive order issued by President Obama was invalid. But Congress has the authority to legislate to cure any defect. The case is on appeal to the circuit court, and a stay has been issued. But the scientists are very apprehensive, as they testified before the Labor, Health and Human Services Subcommittee. There are some 200 projects with some \$200 million involved.

It is not a constitutional matter. It is a matter of statutory interpretation on the existing statute. But to the extent there is any ambiguity, this is something which we ought to address and we ought to address promptly because it is a life-and-death matter. As long as the litigation is pending in the Federal court, the scientists do not know which way to turn. So they have made their point very clear.

The case could go on for a very protracted period of time when you have to file briefs, have argument, and a decision in the Court of Appeals for the District of Columbia. Then a possible petition for certiorari could take a matter of years. With the ideological issues involved, who knows what the

final outcome would be in the judicial system. But that can all be put to rest by legislation.

TELEVISIONING THE SUPREME COURT

Mr. SPECTER. One other point briefly—I see a colleague awaiting an opportunity to speak—and that is my hope we will address, before the end of the year, the issue of televising the proceedings of the Supreme Court of the United States. This is an issue I have worked on, on the Judiciary Committee, for a couple decades now. It has been reported a number of times out of committee. It is currently on the Senate agenda.

The Supreme Court of the United States decides all of the cutting edge questions. There ought to be transparency. When the case of Bush v. Gore was argued, then-Senator BIDEN and I wrote to the Chief Justice urging that the proceedings be televised. We got a response back in the negative, but on that day there was a simultaneous audio released. I noticed 2 weeks ago that on C-SPAN there was a Supreme Court argument which was a couple weeks old with an audio, and they had a picture of the Justice who was speaking and a picture of the lawyer arguing the case—sort of like movies before talking; sort of like silent movies. There was an audio.

It is high time the public's business be open. Newspaper reporters can walk into the Supreme Court, make notes, upheld by the Supreme Court of the United States. Visitors are limited to some 3 minutes. The chambers can only hold about 250 people. It is time the Court was televised. I hope the Senate will act. I have discussed the issue with the leadership in the House and there are positive responses on the issue.

EXHIBIT 1

From: Sen. Jon Kyl, Sen. Bob Corker
To: Republican Members
Date: November 24, 2010
Re: Progress in Defining Nuclear Modernization Requirements

We appreciate your willingness to consider New START in the context of modernization of our nuclear complex and the weapons it supports.

In advance of having an opportunity to discuss the issue more fully next week in Washington, we want to summarize the status of our discussions with the administration.

SUMMARY

Throughout the Obama administration's pursuit of a New START treaty, we have been clear, as has Secretary Gates, that we could not support reductions in U.S. nuclear forces unless there is adequate attention to modernizing those forces and the infrastructure that supports them. The Administration's recent update of the 1251 plan, originally submitted in May in accordance with Section 1251 of the FY2010 NDAA, is an acknowledgment that more resources we needed to accomplish the objectives set forth in the Nuclear Posture Review for the modernization of the U.S. nuclear deterrent. This

memo discusses our concerns with the original 1251 plan, changes made and our assessment of those changes and remaining issues.

BACKGROUND—THE DECLINE OF THE NUCLEAR WEAPON STOCKPILE AND INFRASTRUCTURE

Since the end of the Cold War, the U.S. nuclear weapons infrastructure (including laboratories, production facilities and supporting capabilities) has been allowed to deteriorate. The weapons have remained safe, secant and reliable, but they and their caretakers have been in a state of limbo—only when critical problems have arisen has action been taken. The production facilities are Cold War relics, safety and security costs have grown exponentially, and critical skills have been jeopardized through layoffs, hiring freezes, and the retirement of skilled scientists and technicians who earlier were able to fully exercise the full set of nuclear weapons-related skills. In FY2010, the Obama administration invested only \$6.4 billion in the National Nuclear Security Administration Weapons Activities funding line, a 20 percent loss in purchasing power from FY2005 alone. It is no longer possible to continue deferring maintenance of either the facilities or the weapons. As a result, the 2010 Nuclear Posture Review set forth a broad range of modernization and sustainment requirements that would be impossible without additional budget support.

A detailed explanation of these concepts is located in the appendix to this memo; but to help understand the current situation, imagine an automotive expert working in a garage built in 1942. The roof leaks and his tools are becoming outdated. Moreover, he has responsibility for a fleet of eight racing Ferraris, which have been sitting in storage for about 30 years. The last time any engine was turned on was 1992, but this “steward” is responsible for assuring that, at any given moment, each of the eight finely-tuned cars will respond to the key turn. To do this, he is allowed to assess components of the cars for aging—leaks, cracks, rust, etc. (though he isn’t able to look at the components often enough and in sufficient detail because of his maintenance budget).

Even on a shoe-string budget, he is beginning to see signs of age throughout the fleet, and realizes that each and every car will require a complete overhaul (a “life extension” program). To be successful, he needs a new garage, updated tools, and skilled assistants (because truthfully, the expert will be retiring long before the overhauls are complete, assuming his pension fund is still solvent). He will have to replace some of the parts (especially the electronics—some of his fleet of Ferraris still have vacuum tubes), because they just aren’t available anymore; but some parts will have to be reused, or manufactured to be as close to the original as possible. Some of the original parts contained materials that are now illegal for safety or environmental reasons. To add to the problem, the owner is asking for air bags, anti-lock brakes and anti-theft technology. Each overhaul will take about a decade, from planning through execution and without a new garage, he will be unable to finish the overhauls on time. And at the end of the day, the mechanic is fairly certain that he will not be allowed to turn the ignition to check his work.

This is the state of our nuclear deterrent today, except, we’re dealing not with cars, but with the most sophisticated and dangerous weapons ever devised by man.

SECTION 1251 PLAN AND FY2011 BUDGET—A RESPONSE TO THE NUCLEAR POSTURE REVIEW

The initial section 1251 report showed a ten-year budget plan for Weapons Activities

totaling \$80 billion. But most of that \$80 billion is not directed at modernization activities called for in the NPR—it is mostly consumed in “keeping the lights on” at the laboratories and plants, including safety, security, facility upkeep (which is difficult on very old facilities that would have been replaced long ago in the private sector), and routine warhead maintenance.

Only about \$10 billion of that ten year number was for new weapons activity, about half of it coming from DOD and half from “savings” assumed from low inflation projections. We doubt such savings can be realized and the DOD funding is not enough to cover everything that needs to be done. It provides for a small increase to stockpile surveillance for warhead evaluation, funding for the W76 life extension program and the B61 and W78 life extension studies, and partial funding for badly-needed design, engineering and a modest investment for construction of new plutonium and uranium processing facilities—the Chemistry and Metallurgy Research Replacement (CMRR) nuclear facility and the Uranium Processing Facility (UPF). These new facilities will replace Manhattan Project-era buildings that are a substantial maintenance burden and are becoming increasingly challenging to maintain in a safe and operable condition.

Recognizing that more money was needed up front, the administration’s FY2011 budget request of \$7.0 billion for Weapons Activities improved the FY2010 budget by \$624 million. The \$624 million was included as a budget “anomaly” in the two month C.R. we passed before the October recess, but will have to be maintained in the longer-term C.R. or Omnibus we will pass in December.

The initial 1251 plan left a lot of questions about how all the work articulated in the NPR would be funded. Numerous experts expressed concerns about obvious shortfalls in funding and about restrictions placed on designers that will constrain their ability to work through stockpile issues. The funding levels for CMRR and UPF were of significant concern, as was the funding for Life Extension Programs—especially to incorporate improved safety, security and reliability in these warheads. And of great concern to the directors of the national weapons laboratories, much of the promised budget increase for modernization was not pledged until FY 16, by which point the Administration’s commitment (if it is still in office) may have waned. As a result, we requested an update to the 1251 plan that would answer the questions we raised and that would show a stronger commitment to modernization.

UNDATED 1251 PLAN

After reviewing our questions, and with further review of the requirements imposed by the NPR, the Administration agreed that updated budgets were required. Thus, on November 17, 2010, an updated 1251 report was provided to the Senate, including an early FY12 budget projection with White House approval. The 1251 update, and the briefing provided as part of the update, satisfied many, but not all, of the initial questions we had earlier expressed.

The 1251 plan update increases the FY2012 budget request by an additional \$600 million, increases the FY2012 five-year plan by \$4.1 billion, and adds to the total FY11 ten-year plan between \$5.4 and \$62 billion. We are told that the new increases will not be taken from the DOD budget line. This update brings the ten-year plan (from FY11) to between \$85.4 and \$86.2 billion. Again, approximately \$70 billion of the original pledge of \$80 billion was needed just to maintain cur-

rent operations of the nuclear weapons complex, without covering the expense of the needed modernization of the stockpile or infrastructure. This update also includes revised cost estimates for CMRR and UPF; those estimates now range from \$3.7 to \$5.8 billion for CMRR and \$4.2 to \$6.5 billion for UPF.

The new \$4.1 billion for the five years of the FY2012 FYNSP is divided as follows:

\$340 million for design and engineering and modest construction activity for CMRR and UPF (see below for more detail);

\$1.7 billion (approximately) for other facility construction and maintenance requirements, including the High Explosive Pressing Facility at Pantex and test facilities at Sandia National Laboratories;

\$1.0 billion (approximately) for stockpile work, with added funding for life extension programs, stockpile surveillance and other design and research activities, though some of this funding (\$255 million for the W76) is only needed because one life extension program will take longer due to the capacity bottleneck in the complex;

\$1.1 billion for contractor pension obligations spread through Weapons Activities accounts (which, while needed, does not support modernization).

REMAINING CONCERNS

Despite this new increase, there remain a few substantial concerns about the adequacy of the proposed budget. For one, the Administration is attempting to address the enormous increases in the cost estimates for CMRR and UPF by delaying the full operation of those facilities by one to two years. This would stretch the final completion of CMRR to 2023 and UPF to 2024, although the Administration states that some operational capability would be established (as required) in 2020. If extended, hundreds of millions of dollars would be needed annually to maintain Manhattan Project-era facilities at LANL & Y-12. Additional funding could be applied to accelerate the construction of these facilities to ensure on schedule completion and prevent wasted investments in maintaining an securing facilities that are being replaced anyway.

Furthermore, the Administration is ignoring the benefits of ensuring funding commitments for these facilities early in the budget process. Responsible advance funding mechanisms exist, such as a FY12 request for three-year rolling funding (recommended by some NNSA budget specialists), or alternatively, an Administration commitment to seek advanced funding in FY13 following the completion of the 90 percent design cost estimate. Further Administration effort to advance funding is the best path to successful completion of these facilities.

Given the need to live with our currently aging stockpile until an adequate production capability is established (after 2020), accurate assessment of the state of the current stockpile is paramount. The 1251 plan update shows a doubling of surveillance funding from FY09 to FY11—which is commendable—but is our understanding that the NNSA is reviewing an updated surveillance plan that could lead to greater budget requirements. NNSA should affirm that this review has been completed and the budget request will reflect updated requirements.

Finally, the 1251 update made clear that NNSA will not restore a production capability adequate to maintain our current stockpile levels (declassified as 5,113 weapons total), and instead allow up to 1,500 warheads to be retired or held with no maintenance unless funding increases are sought and obtained. Failing to maintain hedge weapons

will increase the risk that the U.S. cannot respond to a problem in our aging stockpile. The Administration should not engage in further cuts to our deployed or non-deployed stockpile without first determining if such cuts are in our national security interest and then obtaining corresponding reductions in other nations' nuclear weapons stockpiles, such as Russia's large stockpile of weapons not limited by New START (e.g., its tactical nuclear weapons).

MODERNIZATION OF U.S. STRATEGIC DELIVERY SYSTEMS

The 1251 update deals not only with our nuclear weapons, but the delivery systems that are part of our TRIAD. The update indicates somewhat clearer intent by the Administration to pursue a follow-on heavy bomber (though not specifically nuclear) and air-launched cruise missile (ALCM), though development costs beyond FY 2015 are yet to be determined. While the update notes that estimated costs for a follow-on bomber for FY 2011 through FY 2015 are \$1.7 billion, there are still no costs or funding commitments beyond FY 2015. It is the same for the ALCM: \$800 million programmed over the FYDP, but no cost estimates are included beyond FY 2015. We should have a better idea of these estimated costs over the full ten years of the 1251 plan, and know whether the Administration intends to make this new heavy bomber and ALCM nuclear capable.

Decision-making for an ICBM follow-on is unlikely before FY 2015, at the completion of an ongoing analysis of alternatives. The update notes: "While a decision on an ICBM follow-on is not needed for several years, preparatory analysis is needed and is in fact now underway. This work will consider a range of deployment options, with the objective of defining a cost-effective approach for an ICBM follow-on that supports continued reductions in U.S. nuclear weapons while promoting stable deterrence." (emphasis added) We think it important to understand what the Administration intends when it suggests that a decision regarding a follow-on ICBM must be guided, in part, by whether it "supports continued reductions" in U.S. nuclear weapons—especially since we seriously doubt it's in our interests to pursue reductions beyond the New START treaty. One logical inference from this criterion is that a follow-on ICBM is no longer needed because the U.S. is moving to drastically lower numbers of nuclear weapons. We continue to press for a letter from the DOD confirming its commitment to follow-on nuclear-capable delivery systems.

CONCLUSION

Until these issues are resolved, it will be difficult to adequately assess the updated 1251 plan, despite the welcome increases in proposed spending. And as has always been clear, assurances from the appropriate authorizers and appropriators must be obtained to ensure that the enacted budget reflects the President's request.

APPENDIX

Briefly, some of the stockpile programs most affected by the lack of Administration support for modernization include:

Replacing Manhattan Project-era Facilities: Since the closure of the Rocky Flat Plant in 1989, the U.S. has had only a limited capability to produce the core component of our stockpile weapons: the plutonium pit. To establish a pit production capability, a 60-year-old research laboratory must be replaced by the Chemistry and Metallurgy Research Replacement (CMRR) nuclear facility at Los Alamos. Likewise, producing uranium

components at the 70-year-old facility at Y-12 in Oak Ridge is an increasing risk that requires construction of a new Uranium Processing Facility (UPF). Completion of these new facilities will be essential in meeting life extension program requirements starting in 2020.

Production Capacity: As Secretary Gates stated, "Currently, the United States is the only declared nuclear power that is neither modernizing its nuclear arsenal nor has the capability to produce a new nuclear warhead." The United States requires a nuclear weapon production capability with sufficient capacity to satisfy the life extension requirement of our aging weapons, as well as to provide a "hedge" against future technical or political problems. Currently, we are limited to producing a handful of plutonium pits a year for one weapon, but are unprepared to produce most of the remaining pieces of that weapon. Modernization of the NNSA laboratories and plants is required to correct this issue, with the stated goal of establishing a "capability-based" production capacity. Without this capacity, there can be no stockpile reductions. In fact, General Chilton argues the stockpile might have to be increased: "I would say because of the lack of a production capacity there's a fear that you might need to increase your deployed numbers because of the changing and uncertain strategic environment in the future."

Life Extension Programs: Under current policy, the laboratories and plants are constrained to extending the life of existing warheads to keep them in the stockpile for much longer than originally expected. Thus, as the weapons age and concerns are observed, the laboratories and plants determine how best to repair the weapons. Aging components are replaced, remanufactured or inspected for reuse in the stockpile. In performing life extension for the W87 and the ongoing W76, our experts have discovered that it is very difficult to reconstitute processes and capabilities that have been allowed to atrophy. Currently, the W76 warhead is in LEP production, the B61 LEP study is underway and the NPR called for an FY2011 start to a W78/W88 LEP study that will research if the two warheads can be life-extended simultaneously.

Surveillance: The average age of our current nuclear weapons is approaching 30 years. To ensure that each warhead remains reliable, each year approximately 11 warheads per type should be returned from the military for dismantlement and evaluation. Components are inspected and tested to ensure reliable operation. This program aids in the annual assessment of the stockpile performed by the laboratories and is the lead mechanism for identifying potential stockpile issues. Due to inadequate funding, surveillance requirements have not been met for many years, raising concerns about confidence in the stockpile.

Deferring Maintenance, Creating Chokepoints: In addition to the CMRR and UPF construction projects to replace aging facilities, a significant number of buildings in our laboratories and plants have been accumulating a backlog of maintenance. This deferred maintenance creates a substantial number of facilities that could (and occasionally do) become a choke point in the progress of a life extension program. Maintenance can only be deferred for so long, until, eventually, something breaks; and when it does break, it is usually much more expensive to replace than routine maintenance would have cost. Reducing deferred maintenance is a demonstration that we are moving

from a nuclear weapons complex in decline, to a revitalized and robust capability.

Critical Skills: Perhaps the most significant attribute of a strong deterrent is the scientific and technical capability that is present in our laboratories and military complex. Maintaining those skills, especially as most nuclear-test experienced weapon designers are past retirement age, is a growing challenge within the NNSA laboratories and plants.

Hedging: Without a robust production capability, the U.S. maintains a large non-deployed stockpile as a technical hedge against stockpile concerns and a political hedge that allows rapid upload should another nation become increasingly adversarial. With the technical hedge, if one weapon type were discovered to have an urgent issue requiring replacement, alternate components in the force structure theoretically could be used to compensate for that loss of capability. For example, W78 warheads on Minuteman III might be replaced by W87 warheads maintained in storage, and vice-versa.

Delivery Systems: Nuclear weapon delivery systems require replacement within the next thirty years. These systems include:

The B-52H bomber, first deployed in 1961 and scheduled to be sustained through 2035;

The B-2 penetrating bomber, deployed in 1993 is currently being updated for long-term sustainment;

The Air-Launched Cruise Missile (ALCM), deployed in 1981 and scheduled to be sustained through 2030;

The Minuteman III ICBM, deployed in 1970, undergoing life extension and scheduled for replacement by 2030;

And the ballistic missile submarines and missiles. Ohio-class SSBNs were first deployed in 1981 and commence retirement in 2027. The Trident II Submarine Launched Ballistic Missile (SLBM), deployed in 1990, will be sustained through at least 2042, following a life extension.

Mr. SPECTER. I thank the Chair and yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Nebraska.

1099 REPEAL

Mr. JOHANNES. Mr. President, we have a distinct opportunity to take what I regard as very clear and decisive action to uphold two very important principles. We as a Senate, No. 1, support enabling job creation. In this regard, repealing the 1099 paperwork mandate helps fulfill our promise to clear Federal roadblocks that are stopping small businesses from expanding and putting Americans to work.

Small businesses want to expand. They want to hire more workers. Millions of Americans want to get back to work. Yet the tax paperwork mandate hidden in the health care law requires businesses to file a mountain of additional 1099 tax forms. It will consume resources that would otherwise be spent on wages for new employees. Our job creators need to be focusing their time and energy on hiring and expanding, not dealing with government-directed mounds of paperwork.

In addition to halting this enormous amount of tax paperwork, full repeal would prevent erroneous IRS fines and

hefty accountant bills from slamming our job creators.

As the President of the National Federation of Independent Business put it:

You can't operate and grow your business if you are spending all your time filling out IRS forms and haggling with auditors.

I couldn't agree more, and that is why I have been actively advocating for a complete and full repeal of this burdensome 1099 requirement for many months now. Anything less than a complete repeal is simply unacceptable.

No. 2, we take seriously the concerns of so many Americans with our government's out-of-control spending. That is the second principle we can stand for today. The elections recently held, I believe, sent a very clear message about Washington's spending habits and our enormous \$14 trillion debt. Voters expressed dismay and alarm with the rate of government spending and with enormously good reason. Spending has increased by more than 21 percent since 2008 and annual deficits weigh in at more than \$1 trillion.

American households across this great country are doing the best they can to put food on the table and pay the mortgage. In the face of a very difficult economic environment, they are doing everything they can to survive. Our families have seen their wages slashed, jobs lost, and home values plummet. Their solution to these difficulties isn't to continue spending with disregard for the level of their debt. Instead, they dig deep and figure out ways to cut costs and to make ends meet. Meanwhile, they look at their Federal Government in disbelief when they see how we continue to spend money we don't have.

My amendment takes their concerns to heart by fully offsetting the cost of the 1099 repeal. The alternative amendment piles \$19 billion of debt onto the backs of future generations, further kicking the fiscal responsibility can down the road.

Then-Senator Obama said this in 2006: America has a debt problem and a failure of leadership.

When he refers to the debt problem, he is absolutely right. How true that is. Even the sponsor of the alternative has spoken very well on this issue. Again, I am quoting, and the board shows the quote:

There is no one here who would argue the point that our deficits are too high. . . . We have to pay our national debt and then go on and find ways to reduce the budget deficits. I think all of us can agree that is something we have to do.

Getting our fiscal house in order will not be easy, but for the sake of the country's future, we have to take action.

Today we have an opportunity to do that: No. 1, repeal the onerous 1099 requirement; and No. 2, without adding a single penny to our deficit or to the cost of the health care law.

Some here may try to argue that we don't have to pay for the repeal. I could not disagree more. This repeal should and must be offset. As my colleagues may recall, in September, I offered a similar repeal that also was fully offset. It did receive significant bipartisan support, but some objected to my proposed offsets and came to me on the floor and said: I would be with you on this but for the offsets.

Opponents explained they voted no because they opposed taking money from the new health care law. So we sat down and, in the spirit of compromise, I took those criticisms to heart and came up with a new, non-controversial way to pay for this needed repeal.

My amendment uses unspent and unobligated funds from Federal accounts to fully pay for the repeal of the 1099 mandate. This fiscally responsible approach is not controversial, and it has been done many times before. At the end of every year, there is money left in the accounts of Federal agencies that has not been obligated for a specific purpose. According to the most recent OMB estimate, roughly \$684 billion is just sitting in these accounts at the end of fiscal year 2010. This almost \$700 billion does not include—does not include—accounts for the Department of Defense or Veterans Affairs. We leave them off the table. So my amendment boils down to using about 5 percent of these funds—5 percent.

Additionally, my amendment gives the Office of Management and Budget discretion to decide what programs from which the funds can come. Again, this is not unusual; it has been done before. This approach is better than an across-the-board cut. It allows important programs to be spared any reduction. However, let's face it. This funding has been available all year long—some of it for several fiscal years. If it was important to our Nation, Federal agencies would have spent it now. As a former Cabinet member, I ran one of these agencies.

So there is no basis for the claims about what vital programs this amendment might reduce. Again, I emphasize, this has been done many times before. It is simply 5 percent of the non-security-related funding that was lying dormant in Federal accounts at the end of the year. If we cannot agree to this noncontroversial offset, then the public demand for fiscal responsibility voiced in November has fallen on deaf ears.

In September, when the Senate first voted down my 1099 amendment, the concern was about the source of the offsets. No one argued that we simply did not need to pay for the repeal. No one got up and said: Well, we don't have to pay for this. This was never a part of anyone's argument. Yet that is exactly what the Baucus alternative amendment proposes. It says to our children and grandchildren: It is too

tough for us to find \$19 billion, so we are going to add it to the debt you will have to assume. It is a rejection of fiscal responsibility.

After all the hoopla over pay as you go, the alternative amendment doesn't include a single budgetary offset to cover costs. The amendment simply says: Let our kids and our grandkids sort it out on top of the \$14 trillion of debt we are leaving them. That is unfortunate. If we can't come together to agree on a few billion dollars in budget constraint, how do we ever hope to address the \$14 trillion national debt?

Any Senator who votes for the Baucus amendment is sending a clear message to his or her constituents that fiscal responsibility is not a priority. Any claim otherwise truly does ring hollow.

So I urge my colleagues to oppose the Baucus alternative and vote for the Johanns amendment. It will be a vote to protect our job creators and the prosperity of our children and grandchildren. We simply cannot keep kicking the fiscal responsibility can down the road.

I yield the floor and I note the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Ms. MIKULSKI. Mr. President, I ask unanimous consent to speak for up to 15 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

CONGRESSIONALLY DESIGNATED PROJECTS

Ms. MIKULSKI. Mr. President, I rise today to talk about my opposition to an amendment that is going to be offered by the Senator from Oklahoma to eliminate congressionally designated projects.

For me, the job has always been about the people, and the best ideas do come from the people. As I have traveled around the State of Maryland, whether to worksites or roundtables or unfettered, uncensored conversations in diners, I listen to the people. What they tell me is that they are mad at Washington because when all is said and done, more gets said than gets done. Families are stretched and stressed, and they want a government that is on their side. They want a strong economy, a safer country, and a government that is as frugal and thrifty as they are. People want us to focus on a constitutionally based government.

I support the people because I feel the same way. I do think we have to

focus on building a strong economy. We do have to focus on being a more frugal government. However, I say to my colleagues, getting rid of congressionally designated projects is really a false journey to be on. If we eliminate every congressionally designated project—otherwise known as earmarks—we won't do anything to reduce the deficit because congressionally designated projects are less than one-half of 1 percent of total Federal spending. What it will do, however, is make it harder to meet compelling human and community needs many of us hear about from our constituents. Without these congressionally designated projects, often their needs will be cast aside by a big government or a big bureaucracy.

I believe we need to fight for real deficit reduction, and the way we do it is to look at the recommendations of the various commissions that are being put forward, whether it is Simpson-Bowles or Domenici-Rivlin or others.

What I do think is that we also should maintain our constitutional prerogatives of fighting for our constituents and fighting by being able to put special projects into the Federal checkbook.

I have been clearly on the side of reform. We have had many requests for earmarks in my Subcommittee on Commerce, Justice, Science. I got \$3 billion worth of requests, including \$580 million for police officer technology. Another \$980 million came for fighting crime, drugs, and gangs through enforcement, prevention, and intervention. Also, we got \$220 million worth of requests in science and in education. We cannot fund those at those levels. In fact, we severely reduced them and stayed within what we think are acceptable limits. So we need the local communities to keep our communities safe, to educate our children in science and technology, and make sure we keep our police officers safe with earmarks of \$3 billion.

There have been abuses of congressionally designated projects. That is why I support reform, and the leadership is focused on reform. In 2007, new Senate rules began to require full disclosure of these projects. In 2009, Senator INOUE insisted on more significant reforms: Every project must be posted by Senators on their Web site. Every project must be less than 1 percent of the discretionary budget.

Today, congressionally designated projects—otherwise known as earmarks—are 50 percent below what they were when the Republicans controlled the Congress. Mr. President, I emphasize that under Democratic leadership, we reduced earmarks by 50 percent below what they were in 2006, and we made the process open and transparent. I think this is very important.

In the Commerce-Justice bill, I instituted my own reforms. I even went a step further. I established criteria that

met community needs and must be supported by a viable organization, and it must have matching funds.

I have also fought and led the subcommittee in a more aggressive reform effort. I provided robust funding to inspectors general to be the watchdogs of the agencies. I am the first Senator on an appropriations subcommittee to insist that the inspector general testify at every one of my subcommittee hearings of an agency on issues relating to waste and abuse.

I established an early warning system on cost overruns, and then I reduced overhead by 10 percent by getting rid of lavish banquets and conferences and also cutting the amount that could be spent on tchotchke giveaways at the conferences they did have. That might sound like a small thing, but, my gosh, getting an inspector general there, we found all kinds of things under every rock where another couple million were hidden and we worked to get rid of that. We also got rid of things such as the \$4 meatball or \$66 for bagels for one person at a Department of Justice breakfast. So we said: Let's get rid of the folly, let's get rid of the fraud, let's into get into a more frugal atmosphere, and we were able to do this.

I would hope we could institutionalize these reforms. There are reforms we could put in place that are common sense, but it would enable colleagues to exercise their constitutional prerogative of not letting big bureaucracies and big government determine the destiny of our communities. I am always going to fight for Maryland. I am not here to defend earmarks, but I am here to defend my ability to help Maryland. So I oppose Coburn.

Coburn would have a moratorium for 3 years on appropriations bills, authorizing bills and tax bills. I oppose it because I do not think, first of all, it will reduce the Federal deficit; secondly, it takes away my constitutional power—the power of the purse that was given to Congress—to be able to help my constituents; and lastly but most of all, I wish to have every tool at my disposal to make sure big bureaucracies don't forget the little people who pay the taxes. So I hope we defeat Coburn.

At the same time, what I want to be able to do is stand on the side of reform. I can assure my colleagues, if Coburn is defeated, I will do everything in the institution to follow the leadership already established by Senator INOUE—a real reformer—to further reform our process. Let's get rid of abuse, but let's not give away our ability to stand and fight for our constituents.

Let me close by giving a couple examples. The Port of Baltimore provides over 1,000 jobs. I want to be ready when those big ships come through the Panama Canal, so I have a dredging earmark in that makes my port fit for duty for the 21st century.

I also have another earmark in for Ocean City beach replenishment, which we have already done. It protects millions of dollars of real estate along Maryland's coast, where we generate over \$10 billion in tourism.

I have also funded small projects but big in the hearts of my constituents, such as helping with the building of a children's hospice. Imagine having a child so sick they require hospice care. The least America can do and the least the Senate can do is to partner with families, the local government, and people at great institutions, such as hospice, to make sure children at the end stage of life have a place to be.

So do I fight for congressional projects? You bet I do. Has it made a difference in the lives and economy of Maryland? You bet it does. So we can have this moratorium, but I will predict we will be back 15 months from now to reinstate it. I say: Let's keep it, let's reform it, let's have a stronger economy, safer communities, and a more frugal government.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Minnesota.

Ms. KLOBUCHAR. Mr. President, I wish to first acknowledge the Senator from Maryland and to say I appreciate her work in reforming the system of congressionally initiated projects.

I also wished to mention, before I get to my main topic today, which is the expiration of the volumetric ethanol excise tax, the important vote we are having this evening on food safety. As the Chair knows, coming from the State of Minnesota, we had three people who died during the last foodborne illness tragedy—the salmonella in peanut butter episode. One of those individuals included Shirley Ulmer, mother of Jeff Ulmer, who has worked so hard to get this bill passed, and we are hopeful we have finally gotten the votes to improve our food safety system, which hasn't been improved since the 1930s. Clearly, we have seen a lot of changes to our food supply since then, and so this is long overdue.

VOLUMETRIC ETHANOL EXCISE TAX

Ms. KLOBUCHAR. Mr. President, I rise to underscore the need to invest in homegrown energy and to reduce our dependence on foreign energy. Our Nation's ability to produce a reliable low-cost domestic source of energy is both an economic issue and a national security issue.

Two years ago, our Nation got a wake-up call. Gas prices exceeded \$4 a gallon, even \$5 in some places. It was a chilling reminder that the United States spends more than \$400,000 per minute on foreign oil. That money is shipped out of our economy, adding to our enormous trade deficit and economic woes, and leaving us reliant on

unstable parts of the world to meet our basic energy needs.

Some of our colleagues have called for the volumetric ethanol excise tax credit—known as VEETC—to expire at the end of December. This tax credit was created 5 years ago to help bring ethanol from our farms to our gas pumps. It has helped us start to invest in the farmers and the workers of the Midwest instead of the oil cartels of the Mideast.

My colleagues talk about how we need to let the free market solve our dependence on foreign energy. Well, I wholly support free markets, but I say: Let's have a level playing field and let the best ideas succeed. I would like to know if my colleagues truly think there is a level playing field for those trying to compete with the oil industry. We have an oil industry that has received decades of government support. Yet we have an emerging biofuels industry, powered by American farmers, that is starting to grow the crops, to improve the ethanol that is finally displacing our demand for oil. Over the last few decades, more than \$360 billion worth of taxpayer subsidies and loopholes have lined the pockets of oil companies. This is nearly 10 times greater than the investments we have made in homegrown biofuels. Meanwhile, in just the last 5 years, the top five oil companies recorded \$560 billion in profits.

Since the ethanol tax credit was first adopted, it has helped the renewable fuels industry grow and grow not just with the same kind of renewable fuel but to begin to expand—as you know, from our home State of Minnesota—into cellulosic ethanol, into using water and, a better part of the process, into conserving water and into using all kinds of new ideas. But to pull the rug out from under this new growing industry, when it is competing against the big guys—against big oil—is the wrong thing to do. In our State alone, employment and economic output from the ethanol biofuels industry has doubled. This year's biofuels production in Minnesota is expected to exceed 1 billion gallons, employing nearly 8,400 people and creating an economic impact of more than \$3 billion. Instead, do we want to give all those jobs to the Mideast, to give them to countries we don't even want to be doing business with?

Nationally, homegrown ethanol displaces about 5 percent of our oil consumption or about 350 million barrels. The ethanol industry employed nearly half a million Americans to produce the ethanol right here in our country. Letting this tax credit expire would almost certainly put thousands of jobs in jeopardy and would also increase our dependence on foreign oil, thereby hurting our national security. The oil spill in the gulf was a poignant reminder. Our addiction to oil comes

with serious cost and it is time our Nation gets serious about investing in alternatives.

We didn't see a windmill blow up in the middle of a corn field. We didn't see an ethanol plant blowing up in the middle of a corn field.

Senators CONRAD and GRASSLEY have called for a 5-year extension of the ethanol tax credit, and I support their bipartisan legislation. Senator JOHNSON and I have introduced the Securing America's Future with Energy and Sustainable Technologies—the

SAFEST Act—with similar provisions calling for an extension of the tax credit, but it also includes a strong renewable energy standard—something we need in this country and something Senator SNOWE and I have worked on.

I see Senator KERRY of Massachusetts is here. I was devoted last year to focusing on alternative energy and ways to focus on our homegrown energy industry. I know this ethanol tax credit will not always be necessary. That is why I have also been working to develop a new more cost-effective tax credit that would replace the existing VEETC credit and would more directly benefit and focus on the farmers who are growing our transportation fuel.

No one is denying we can improve the tax credit to make it even more effective with investments in alternative fuels, but the ethanol industry, the biofuels industry, and private investors with billions of dollars in capital need to know our Nation is serious about supporting alternative fuels. Are we going to pull the rug out from under them? Are we going to put our heads in the sand and send all that money instead to the Mideast?

Allowing this tax credit to expire before we can come up with a long-term agreement about how to continue to invest in homegrown energy would send the wrong signal to investors. Letting this tax credit expire with no replacement would say America is not serious about finding alternatives to oil and we are not serious about reducing our dependence on foreign energy.

Our Nation has an unemployment rate of 9.6 percent. To meet our basic fuel needs, we continue to send \$730 million a day to foreign countries, many of which have been known to funnel money to terrorists. Now is not the time to pull that rug out from underneath the largest, most established domestic alternative to petroleum fuel. Now is not the time to put in jeopardy tens of thousands of jobs. Now is the time to extend the biofuels tax credit and invest in those farmers in the Midwest instead of those oil cartels in the Mideast. Now is the time to increase our support for alternative energy. These investments will help us to lower the unemployment rate, reduce the amount of money we send overseas to meet our energy needs, and these in-

vestments will help make our Nation less reliant on unfriendly nations—on those we don't want to be doing business with.

I hope my colleagues will listen to this argument and look at these numbers—at how much money the oil industry is getting.

I note the Senator from Massachusetts is here, and I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Massachusetts.

Mr. KERRY. Mr. President, I ask unanimous consent to speak as in morning business for such time as I will consume.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

NEW START TREATY

Mr. KERRY. Mr. President, we are in what we all understand are very difficult times—challenging in every respect and certainly with respect to the national security concerns of the country. As we speak, American soldiers are fighting a war in Afghanistan, winding down a war in Iraq, and our Nation has young men and women in harm's way in many parts of the world, engaged in a persistent challenge against global terrorism. Iran's nuclear program continues to advance, and North Korea is building a uranium enrichment facility and provoking the south on a regular basis with its military aggression.

Every single one of these is a complex challenge without any easy solution. But in the middle of all these challenges, the Senate has been given an opportunity to actually reduce the dangers our country faces. We have been given an opportunity set an example for the world. We have been given an opportunity to make the decision that would help to put greater pressure on Iran, on North Korea or on any other country that might be contemplating the notion of moving toward nuclear weapons. The Senate has been given the opportunity in the next days to express the leadership of our country with respect to moving in the opposite direction—away from nuclear weapons to greater controls, greater accountability, greater security and safety for our people.

With one simple vote before we leave here in the next days, we could approve the New START treaty and make America and the world more secure and take an important step forward in leadership as we express to the world our sense of responsibility with respect to the challenge of nuclear weapons. That is the opportunity we have. The question before every Senator is going to be whether we come here in these next days to do the business of the American people, to do our constitutional responsibility to advise and consent to a treaty negotiated by the executive department of the country.

New START is, quite simply, a commonsense agreement to control the world's most dangerous weapons and enhance stability between the two countries that possess over 90 percent of them. Just think of the statement it makes to those countries contemplating where Iran may be going when the countries that possess 90 percent of these weapons begin to dismantle these weapons and provide intrusive verification steps between us for how we will both behave. What an important statement at this moment in time with respect to Iranian behavior, with respect to North Korean behavior, and what a completely opposite, irresponsible decision it would be if the Senate just got bogged down in politics and walked away from this moment, unwilling to make that kind of decision that offers the leadership that I think the world and certainly the American people expect us to make.

This treaty will limit the number of nuclear weapons Russia can deploy to 1,550 warheads. What American who contemplates the nature of nuclear war and conflict and the potential damage of 1 weapon, 10 weapons, 20 weapons—what American does not understand the common sense of limiting Russia to 1,550 weapons pointing at the United States of America, some of them directly pointing at us even as I stand here and speak today?

This treaty will give us flexibility in deploying our own arsenal so we do not have to live by a strict restraint with respect to land or sea or air. We have flexibility in which weapons we want to put into which modality, and the verification provisions will significantly deepen our understanding of Russian forces. It has been almost a full year now since the original START treaty and its verification procedures expired. Every day since then, insight that treaty provided has been degrading.

New START does more than just restrain the weapons. It does more than just provide verification. It actually strengthens the relationship between the United States and Russia, and it enhances the global nonproliferation regime we signed up to years and years ago during the Cold War. It will improve our efforts to constrain Iran and, most important, to contain the loose nuclear materials we all fear could one day fall into the hands of terrorists and, if not result in a nuclear explosion, result in what we call a dirty bomb explosion where nuclear material is, in fact, scattered for want of the ability to create a nuclear weapon itself but with grave consequences of radioactive material doing enormous injury to large populations as a result. Already in the 7 months since we signed the New START, Russia has shown greater dedication to this renewed relationship. They have supported harsher sanctions against Iran.

They have suspended the sale of the S-300 air defense system to Tehran.

The original START agreement which was the bedrock of the Nunn-Lugar Cooperative Threat Reduction Program, a program whereby we are currently reducing nuclear warheads with Russia and containing the nuclear material—one of the great contributions to nonproliferation of modern times—that is the most successful nonproliferation effort to date in which any country has engaged. That would be threatened if this START agreement does not pass. It is strengthened if the START agreement does pass.

Without the START treaty, the New START treaty—I think nobody expresses concern greater than Senator LUGAR. Senator LUGAR, a Republican Senator, has shown enormous leadership on this issue for years and years now. He is respected all across the globe by those people who follow these issues. He has expressed the urgency of passing this treaty now, in this Senate, in this Congress, in this session.

In summary, the New START helps the United States to lead other countries so we help each other to address the lingering dangers of the old nuclear age, and it gives us a very important set of tools in order to combat the threats of the new nuclear age. Indeed, the single most significant question being raised at this point in time is not about the substance of the treaty within the four corners of the treaty; it is about language external to the treaty with respect to whether it somehow might limit our missile defenses. All of us acknowledge that those missile defense investments we have made to date will go a long way toward helping us to be able to address the threat of rogue states.

Let me just say as unequivocally as I know how that there is nothing in this treaty—there is no way this treaty—there is no way the policies of this administration—there is no way any language that is formal or binding between our nations or any other language, in fact, binds the United States or restrains us from pursuing missile defense. The answer with respect to any question on missile defense in this treaty is, no, it unequivocally does not restrain America's ability to develop and deploy missile defense. What is more, the evidence of that was very clear in Lisbon just the other day where the President of the United States, together with European countries, publicly announced the procedure by which we are going forward to deploy a missile defense in Europe in order to deal with the rogue threat problem.

Let me be even more clear. With respect to the question of any limitation of missile defense, the Secretary of Defense, appointed by President George W. Bush, says no, there is no limitation on missile defense; the Chairman of the

Joint Chiefs of Staff says no, there is no limitation on missile defense; the commander of our nuclear forces says no, no limitation on missile defense; the Director of the Missile Defense Agency says no, there is no limitation on missile defense. Again and again, senior military leaders have said unambiguously that this treaty does not limit our missile defense plans. So, in my judgment and the judgment of most people I know who reasonably approach this treaty, there is no issue of missile defense with respect to this treaty.

Now we are beginning to hear people say that maybe we do not have time, in the context of the lameduck session, to deal with this question of American leadership, this constitutional responsibility that ought properly to be executed by the Senate that has done all of the work on this treaty. There is in that statement about lack of time, to some degree, a sort of question: Maybe there are a whole bunch of issues out there that just have not been resolved. Let me try to deal with that for a moment because I wish to make it very clear that the New START treaty's inspection and evaluation and analysis process by the Senate and appropriate committees has been extensive and exhaustive.

I wish to make clear what the record says about the time we have to consider this treaty. The Senate has been working on this treaty for the past year and a half, ever since the negotiations first began.

Starting in June of 2009, the Foreign Relations Committee was briefed at least five times during the talks with the Russians. Senators from the Armed Services Committee, the Select Committee on Intelligence, the Senate's National Security Working Group—all of them took part in those briefings. That was an obligation of this Congress. This Congress was present during the briefings with the negotiators, this Congress was privy to those negotiations as they went along—something a future Congress could not be because the negotiations are over. That underscores even more why this is the Congress that is the appropriate Congress to deal with this treaty. Roughly 60 U.S. Senators, through those committees I named, were able to follow the negotiations in detail, and individual Senators had additional opportunities to meet with our negotiating team, and a delegation of Senators even traveled to Geneva in the fall of 2009 to meet with the negotiators. I might add that included Senator KYL, who has been one of the leading Senators on the other side involved in our discussions on this treaty. In other words, by the time the New START treaty was formally submitted to the Senate in May, the 111th Congress was already steeped in this, deeply steeped in this. No other Senate can now replicate the input we had into these negotiations.

Over the next 6 months after the Senate treaty was submitted, the Senate became even more immersed in the treaty's details through hearings, briefings, documents, and hundreds upon hundreds of questions that were submitted to the administration. Something like 900 questions were submitted to the administration, and all of them have been answered in full.

This Senate has done its homework on the New START treaty, and it is this Senate that has an obligation to complete the advice and consent on that treaty.

The fact is, there are also very important security reasons for us not to wait. Next Sunday, December 5, it will have been 1 year since the original START treaty expired—a whole year without on-the-ground inspections in Russia. Some people say it doesn't really make a difference whether it be a month or 2 months or whatever. I have to tell you something: When it comes to nuclear arsenals, every day matters. Without this treaty, we know too little about the only arsenal in the world that has the potential to destroy the United States.

As James Clapper, the Director of National Intelligence, said—and he does not come to us with an opinion that is clouded by politics; he doesn't come to us as a Democrat or a Republican; he comes to us as a professional whose task it is to defend the security of our country and who has a lifetime career wearing the uniform of our Nation, defending our country—he says of ratifying New START, “I think the earlier, the sooner, the better.”

One of our most solemn responsibilities is this responsibility of advice and consent. We have been through a tough political year. The American people, we all understand—Senators keep coming to the floor and referring to the anger. It is real. It is there. We know the American people are angry. But they are angry because the business of the country does not seem to get done. They are angry because they see a partisan food fight, a political food fight taking place instead of the serious business of our Nation.

I believe other countries are watching us to see whether we can fulfill our constitutional responsibilities. Just how well does this democracy we sell all over the world actually work? If we can't make it work here at home and we can't deliver now, what kind of a message does it send about the power of the United States to leverage its values and its interests in the challenging world we face today?

Every Senator has an obligation to ask that question of themselves over the course of these next days: Are we a credible partner? Can other nations rely on us? What happens when the President of the United States negotiates a treaty, and he comes back here and the rest of the world sees that

treaty bogged down, not in the substance of the treaty but in the politics of the day?

With this vote we can demonstrate our resolve and our leadership, and we can demonstrate something about the quality of our democracy. I think the schedule of the Foreign Relations Committee shows good-faith efforts which we have applied to live up to the Senate's responsibility.

After the treaty was signed in April, Senator LUGAR and I worked together to set up a bipartisan review of the treaty. Never once did Senator LUGAR or I approach this in a partisan way. I am grateful to Senator LUGAR for his exceptional leadership and his willingness to stand up to some of the currents of the day and act on the interests of the country as he sees them.

Our primary consideration in the scheduling of witnesses before our committee was not whether they would support or oppose the treaty, we looked for expertise and we looked for experience. On April 29, the committee heard from Bill Perry, former Secretary of Defense, and Jim Schlesinger, former Secretary of Defense, Secretary of Energy, and Director of Central Intelligence.

These men recently led the congressionally mandated Strategic Posture Commission. They both said we should approve the New START treaty. Dr. Schlesinger said it is—this is the quote of Dr. Schlesinger, who served a Republican President—“obligatory”—that is his word—“obligatory for the United States to ratify New START.”

Dr. Perry told us this treaty advances American security objectives, particularly with respect to nuclear proliferation and nuclear terrorism. On May 18, the committee held a hearing with Secretary Clinton, Secretary Gates, and Admiral Mullen. Admiral Mullen told us the New START treaty “has the full support of your uniformed military.”

Secretary Gates made clear the treaty will not constrain U.S. missile defense efforts. He said:

From the very beginning of this process more than 40 years ago the Russians have hated missile defense. They do not want to devote the resources to it and so they try and stop us from doing it through political means. This treaty does not accomplish that for them.

That is what Secretary Gates said. The next day, former Secretary of State Jim Baker, who helped negotiate START I and helped negotiate START II, said that the New START “appears to take our country in a direction that can enhance our national security while at the same time reducing the number of nuclear warheads on the planet.”

A week later, on May 25, Henry Kissinger recommended ratification of the treaty. He also cautioned us that rejection of the treaty would, in his words,

have an “unsettling impact” on the international environment.

We also heard from two former National Security Advisers; Stephen Hadley, who served under George W. Bush, who told us the treaty is “a modest but nonetheless useful contribution to the security of the United States and to international security”; and Brent Scowcroft, who served under George H.W. Bush, said he supports the treaty and he told us the New START does not restrict our missile defense plans. He said the Russian unilateral statement was simply an issue of “domestic politics for the Russians.”

So we heard from some of the most eminent statesmen this country has produced, Republicans and Democrats, with decades and decades of public service. They said we should approve this treaty. In all, six former Secretaries of State, five former Secretaries of Defense, the Chair and Vice Chair of the 9/11 Commission, and numerous other distinguished Americans have said it is important we approve New START.

On July 14, seven former heads of the U.S. Strategic Command and Strategic Air Command sent the committee a letter urging approval of the treaty. Indeed, some of the strongest support for this treaty has come from the military, which unanimously supports the treaty. On June 16, I chaired a hearing on the U.S. nuclear posture, modernization of the nuclear weapons complex, and our missile defense plans.

GEN Kevin Chilton, commander of the U.S. Strategic Command, which is responsible for overseeing our nuclear deterrence, explained why the military supports the New START. He said:

If we don't get the treaty, A, the Russians are not constrained in their development of force structure, and, B, we have no insight into what they are doing. So it is the worst of both possible worlds.

Again, the commander of the U.S. Strategic Command says not ratifying this treaty is the worst of both possible worlds. And LTG Patrick O'Reilly, who heads the Missile Defense Agency, told us the New START does not limit our missile defense plans.

I have briefed the Russians, personally in Moscow, on every aspect of our missile defense development. I believe they understand what that is. And that these plans for development are not limited by this Treaty.

In other words, the Russians know what we intend to do and they signed the treaty, nonetheless.

On July 14, the committee had a closed hearing on monitoring and verification of treaty compliance with senior officials from the intelligence community. Obviously, that was a highly classified briefing. But every Senator is welcome to go down to the Office of Senate Security and read the transcript of that hearing, which I suspect will stay there and not appear in WikiLeaks.

If my colleagues want a public statement on verification, I would once again cite what James Clapper, the Director of National Intelligence, said last week about ratifying the New START treaty:

I think the earlier, the sooner, the better. You know the thing is, from an intelligence perspective only—

This is General Clapper's perspective—

are we better off with it or without it? We're better off with it.

The committee also heard testimony from the directors of the Nation's three nuclear laboratories. As we all know, much of the debate on the treaty has focused on the resources that are needed to sustain our nuclear deterrent and modernize our nuclear weapons infrastructure, and it was important for our committee to hear from the responsible officials directly. They praised the Obama administration's budget request for this fiscal year. I suspect my colleague from North Dakota, in a few minutes, will have something to say about that additional funding for the nuclear modernization program and the plan of action that has been outlined.

I will simply say, again and again, the administration has bent over backward to work in good faith openly and accountably with Senator KYL. I have been part of those discussions all along. I think we have acted in good faith to try to meet the needs—so much so that we put money into the continuing resolution a few months ago, in order to show our good faith for this effort to try to produce the modernization funding as we go forward.

In all, the Foreign Relations Committee conducted 12 open and classified hearings, featuring more than 20 witnesses. The Armed Services and Intelligence Committees held more than eight hearings and classified briefings of their own. We did not stack the deck with Democrats. In fact, most of the former officials who testified were Republicans. Even the executive branch witnesses included several holdovers from the last administration—Secretary Gates, Admiral Mullen, General Chilton, Lieutenant General O'Reilly—all originally appointed to their posts by President Bush.

Overwhelmingly, these witnesses supported timely ratification of the New START treaty. As I have said, some of the strongest endorsements came from America's military leaders. The combined wisdom of our current and former military and civilian leaders, accumulated over decades in service, not to political parties but in service to the Nation as a whole, was clear: All of them said this treaty should be ratified.

Over the summer, the committee also reviewed a number of important documents, including a National Intelligence Estimate, assessing the U.S. ca-

pability to monitor compliance with the terms of the New START, a State Department report assessing international compliance with arms control agreements, including Russia's compliance with the original START, the State Department's analysis of the New START's verifiability, a classified summary of discussions during the treaty negotiations on the issue of missile defense.

By the end of July, the Foreign Relations Committee had compiled an extensive record. We could have reported the treaty out of committee then. We had the votes. I was prepared to move forward, but because some Republican Senators knew we were prepared to move forward, they came and asked for more time to review the treaty and to look at the testimony and the documents we had gathered.

So, in August, in direct response to this Republican request, I made a decision as chairman to postpone for 6 weeks, over the course of the August recess, until after that so Members would have more time to review the record, as the Republicans requested. Frankly, the treaty, I have said again and again, is too important to get caught up in partisan politics, so I thought it was very important not to allow anybody to say we were rushing it.

We gave that additional time, even though we had the votes. We came back afterwards and we dealt with each and every one of the concerns that were raised in good faith. Frankly, it is important to have reciprocal good faith in the workings of the Senate. Over the next 6 weeks, I encouraged Senators to contact Senator LUGAR and me with their comments on a draft resolution of ratification. In discussions with Senator LUGAR, Senator CORKER, Senator ISAKSON, I made it clear we welcomed and needed their input and, indeed, we got their input.

At the same time, the Armed Services and Intelligence Committees were wrapping up their work on the treaty. Senators LEVIN and MCCAIN each wrote to the Foreign Relations Committee with their views on the treaty, as did Senators FEINSTEIN and BOND from the Intelligence Committee.

We received the answers to several outstanding questions Senators had posed to the administration. In all, over the past 7 months, Senators formally submitted some 900 questions to the Obama administration, and they have received thorough responses to every one of them.

By mid-September, our bipartisan work produced a resolution of ratification we should all be able to support. Our review process was not designed to cheerlead for the treaty. It was designed to probe every aspect of the treaty and to come up with a resolution that provided the Senate's input and protected the prerogatives of the

Senate and, indeed, of individual Senator's points of views. That is what we have done. At 28 pages, the resolution of ratification—including 13 conditions, 3 understandings, 10 declarations—addresses every serious topic we have discussed over these months. If a Senator was worried about the treaty and missile defense, then condition (5), understanding (1), and declarations (1) and (2) addressed those issues.

If they were worried about modernization of our nuclear weapons complex and strategic delivery vehicles, then condition (9) and declaration (13) addressed those concerns.

If they were worried about conventional prompt global strike capabilities, then conditions (6) and (7), understanding (3) and declaration (3) addressed those.

Worried about tactical nuclear weapons? Well, that is in there. Verifying Russian compliance? It is in there. Even the concern that was raised about rail-mobile missiles was fully addressed in the resolution of ratification.

In short, the resolution is the product of careful, bipartisan deliberation and collaboration intended to address each of the concerns that was raised. That does not mean the resolution is perfect. It does not mean it could not possibly be further improved. But in the past weeks, I have been reaching out to colleagues to get additional ideas. I will be happy to consider any germane amendment that colleagues might propose. But the only way to do that is by having the floor debate on this treaty.

With the Senate now back in session, there are 33 days before the end of the year. All of us would obviously not like to repeat what happened last year and not be here right up until Christmas Eve. But there is plenty of time in the next 3 weeks for debate.

Look at the record. The original START agreement was a far more dramatic treaty than the New START because its cuts were sharper and because the Soviet Union had just collapsed, leaving tremendous uncertainty in its wake. Yet the full Senate needed only 5 days of floor time before it approved that treaty, by a vote of 93 to 6, a far more complicated and far more provocative, if you will, treaty at that time.

The START II treaty took only 2 days on the floor in the Senate before it was approved by a vote of 87 to 4.

So leave the precedent aside for a moment. When it comes to protecting our national security, the American people expect us to make time. That is exactly what we are prepared to do.

We are prepared to work around the clock. If time is the only concern, then we have no concerns. Given the time that it took to consider past treaties, it is clear we can do this. We are not new to this business. We are not new to this treaty. We could get this done if

there is a will to do so. I know some Senators still worry about the administration's plans with respect to modernization of the nuclear weapons complex. That is not directly within the four corners of the treaty, but I understand their concern. So let's review the work very quickly that has been done there.

The Obama administration proposed spending \$80 billion over the next 10 years. That is a 15-percent increase over the baseline budget, even after accounting for inflation. It is much more than was spent during the Bush administration's 8 years. Still some Senators have concerns.

On September 15, the Vice President assured our committee that the 10-year plan would be updated and a revised 2012 budget figure would be provided this fall. In the meantime, because I believed that the nuclear weapons program ought to be adequately funded, I worked with other colleagues—with the leader and Senators DORGAN and INOUE—to guarantee that an anomaly in the continuing resolution that we passed in October provided an additional \$100 million for the past 2 months. It ensured that we would get the updated figures from the administration. The administration has now provided those figures. It is asking for an additional \$5 billion over the next 10 years.

I remind colleagues that according to the resolution of ratification, if any of this funding does not materialize in future years, the President will be required to report to Congress as to how he is going to address the shortfall. But if the Senate does not now approve the ratification of the New START, it will become increasingly difficult without any requirement for a report, and it will become increasingly difficult to provide that funding. That is a solid reason why we ought to get this done now.

Ultimately, bottom line, we need to approve this treaty because it is critical to the security of our country. It is better to have fewer nuclear weapons aimed at the United States. It is better to have the right to inspect Russian facilities. It is better to have Russia as an ally in our efforts to contain Iran and North Korea and in order to deal with the global proliferation challenge. Our military thinks it is better to have these things. If any of my colleagues disagree, let them make their case to the full Senate. That is the way it is supposed to work around here. Let them make their case to the American people. If the American people said anything in this election year, it is that Congress needs to get down to the real business of our Nation. If the national security of our Nation is not the real business, I don't know what is. They have asked us to protect American interests. By ratifying this treaty, we will do so.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I thank the Senator from Massachusetts. Senator KERRY, as chairman of the committee, has done an extraordinary job. I also mention Senator LUGAR and others who have worked very hard on the issue of the ratification of the START treaty. I was a member of the Senate National Security Working Group, and the Administration kept us informed all along the way during the negotiations with the Russians. We had meetings in various locations and were briefed by the negotiators who described to us what the negotiations were about, what the progress was, and so on. Some of my colleagues from this Chamber who were a part of that National Security Working Group came to the meetings. We all had an opportunity to ask a lot of questions. It is not as if someone just dropped on the Senate some package called the START treaty. We have been a part of that all along and have been a part of having discussions and descriptions of the work of this treaty for some long while.

I wish to go through a couple of things today. First, some colleagues have decided we should not proceed with the ratification of this new arms reduction treaty that we have negotiated with the Russians. Some have alleged that there are all kinds of difficulties with it. They say it would limit our ability to produce and deploy an antiballistic missile. That is not the case. It is not accurate. They are suggesting that our modernization program of existing nuclear weapons or the lifetime extension programs for existing nuclear weapons is not funded sufficiently, and that is not the case. They indicate it would not meet our national security requirements to go ahead with this treaty.

Let me describe what some very distinguished Americans who would know about this have said. The Chairman of the Joint Chiefs, Admiral Mike Mullen, said: I, as well as our combatant commanders around the world, stand solidly behind this new treaty.

That is from the Chairman of Joint Chiefs of Staff.

This is General Chilton, commander of the Strategic Command that is in charge of our nuclear weapons. He says:

The United States strategic command was closely consulted throughout the development of the nuclear posture review and during negotiations on the new strategic arms reduction treaty. . . .

What we negotiated is absolutely acceptable to the United States strategic command for what we need to do to provide a deterrent for the country.

This chart pictures former nuclear commanders who support this treaty: Generals Davis, Welch, Chain, and Butler, Admiral Chiles, General Habiger,

Admiral Ellis. I have worked with many of these folks, and they are very respected. All of them believe this treaty is the right thing for this country and its security.

Dr. Henry Kissinger says:

It should be noted I come from the hawkish side of this debate so I'm not here advocating these measures in the abstract. I try to build them into my perception of the national interest. I recommend ratification of this treaty.

This chart shows America's most prominent national security experts who support this New START treaty, Republicans and Democrats, the most significant thinkers about foreign policy in this country today. They say they support this treaty and what it means to the country.

Some have said there is not enough funding for our modernization program for existing nuclear weapons or for the lifetime extension program for existing nuclear weapons, and that would be a problem. They are wrong about that. Let me describe what Linton Brooks, the former NNSA administrator in charge of these areas, nuclear weapons and the modernization and the lifetime extension programs, says, someone who served under the Bush administration in that role:

As I understand it, it is a good idea on its own merits, but I think for those who think it is only a good idea if you only have a strong weapons program, this budget ought to take care of that. Coupled with the out-year projections, it takes care of the concerns about the complex and it does very good things about the stockpile. And it should keep the labs healthy.

Then he said:

I would have killed for this budget.

This is from the man who headed NNSA during the Bush administration.

Let me go through the issue of spending because one of the principal concerns has been we are not spending enough money on the existing nuclear weapons stockpile. There are roughly 25,000 nuclear weapons in this world. With respect to our portion of those nuclear weapons, we modernize them. We have life extension programs to make certain they can be certified as workable nuclear weapons, notwithstanding the fact that we don't ever want to have to see that one works because it seems to me the explosion of a nuclear weapon in a major city will change everything in the future. But, nonetheless, we have a certification program. We spend a great deal of money modernizing and keeping up to date with lifetime extension programs, the existing stock of nuclear weapons.

I chair the appropriations subcommittee that funds the nuclear weapons stockpile among other things. The Appropriations Committee considered a request from the President this year for \$7 billion for these weapons programs. In my subcommittee, which does a lot of things—energy and water programs and nuclear weapons—almost

everything else was either flatlined or reduced. But nuclear weapons was increased substantially. The \$7 billion the President requested was a 10-percent increase over the previous year. Some of my colleagues have said that leaves us way short of what we need.

That \$7 billion was put into the continuing resolution in November. There wasn't much discussion of that. So while virtually all other functions of government will continue to function at last year's appropriations level, the nuclear NNSA, nuclear weapons function, will be able to spend at the new funding level of \$7 billion, up 10 percent from the previous year.

Let me also describe what has happened with respect to fiscal years 2011 to 2015. The President's budget plan for those years provided \$5.4 billion above the previous plan. So this President has proposed generous appropriations to make certain that modernization and the life extension programs of existing nuclear weapons is funded well. I mentioned it went to \$7 billion.

Now, in November, the President sent a report to Congress which reported that he plans to request \$7.6 billion for the year 2012. That is a \$600 million increase over 2011 which was a \$600 million increase over 2010. Overall, the request in this new report is a \$4.1 billion increase over the baseline during 2012 to 2016. So then we will be spending \$85 billion in the 10-year period, \$85 billion on modernization of our current nuclear stockpile and the life extension program in our current nuclear stockpile, and even that is not enough. We are told that is not nearly enough money.

How much is enough? If we can certify the stockpile works and the stockpile provides a deterrent, how much is enough? This President has robustly funded the requests that were needed. Now we are told not nearly enough money has been appropriated.

By the way, those who are saying this are saying we need to substantially cut Federal spending and reduce the Federal budget deficit. Very interesting.

Let me relate, as I have in the past, something that happened over 9 years ago to describe the importance of this subject. On 9/11/2001, this country was attacked. One month later, October 11, 2001, there was a report by a CIA agent code named Dragonfire. One of our agents had a report that said there was a nuclear weapon smuggled into New York, a 10-kiloton Russian nuclear weapon stolen and smuggled into New York by terrorists to be detonated. That was 1 month to the day after 9/11. That report from the CIA agent caused apoplexy among the entire national security community. It was not public at that point. It was not made public.

After about a month, they decided that it was perhaps not a credible piece of intelligence. But when they did the

post mortem, they discovered that clearly someone could have stolen a Russian nuclear weapon, perhaps a 10-kiloton weapon, and could have smuggled it into New York City. A terrorist group could have detonated it, and a couple hundred thousand people could have perished—one stolen nuclear weapon. There are 25,000 of them on the planet—25,000.

The question is, Do these agreements matter? Do they make a difference? Of course, they do. The fact is, nuclear arms agreements have made a very big difference.

I have had in the drawer of my desk for a long period a couple of things I would like unanimous consent to show.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DORGAN. This is a piece of metal from a Soviet Backfire bomber. We didn't shoot this bomber down. It was sawed off. They sawed the wings off this bomber. They did it because we paid for it under the Nunn-Lugar agreement in which we have actually reduced nuclear weapons, both delivery vehicles and nuclear weapons.

So I have in my desk a piece of a Soviet bomber that had its wings sheared off because of a US-Russian agreement, and that delivery system is gone. I have a hinge that was on a silo in Ukraine for a missile that had on it a nuclear weapon aimed at this country. Well, that missile is now gone. I have the hinge in my hand. That missile that held a nuclear warhead aimed at America is gone. In its place on that field are sunflowers—sunflowers—not missiles.

I have in this desk as well some copper wire that was ground up from a Soviet submarine that was dismantled as a result of a US-Russian arms control agreement. These agreements work. We know they work. We have reduced the number of delivery vehicles; yes, submarines, bombers, missiles. We have reduced the number of nuclear weapons. This agreement will further reduce the number of nuclear weapons.

Now, if it is not the responsibility of our country to begin addressing the ability to stop the spread of nuclear weapons and to reduce the number of nuclear weapons on the face of this Earth, then whose responsibility is it? It is clearly our responsibility to shoulder that leadership. One important element of that is when we negotiate these kinds of treaties, arms reduction treaties, that virtually everyone—Republicans and Democrats who know anything at all about national security and about arms reduction agreements—has said makes sense for our country, when we do that, it seems to me we ought not have the same old thing on the floor of the Senate, and this ought not be a part of gridlock.

This is a negotiation between our country and Russia with respect to re-

ducing delivery vehicles and reducing nuclear weapons. The National Security Working Group, of which I was a member—and a number of my colleagues were members—met in this Capitol Building, and we were briefed and briefed and briefed again by those who were negotiating this treaty. This is not a surprise. There is nothing surprising here. In my judgment, this Senate should, in this month, do what is necessary to have the debate and ratify this treaty.

Again, let me say, this President sent to the Congress a budget request that had ample and robust funding, with a 10-percent increase for modernization and life extension programs for our nuclear weapons. I know that because I chaired the committee that put in the money at the President's request.

Then, because of those who believed you had to have the extra money for the nuclear weapons program, that money was put in a continuing resolution so that program goes ahead with a 10-percent increase, while the rest of the Federal Government goes on at last year's level. I did not object to that. But I do object when they say there is not ample funding here—a 10-percent increase this year, a 10-percent increase next year. Testimony by everyone who knows about these weapons programs, the cost of them and the effectiveness of these treaties, ought to be demonstration enough for us to do our job and to do our job right.

We have a lot of important issues in front of us. I understand that. But all of these issues will pale by comparison if we do not find a way to get our arms around this question of stopping the spread of nuclear weapons and reducing the number of nuclear weapons. If one, God forbid—one nuclear weapon is exploded in a city on this planet, life on this planet will change.

So the question of whether we assume the responsibility of leadership—whether we are willing to assume that responsibility—will determine in large part, it seems to me, about our future and about whether we will have a world in which we systematically and consistently reduce the number of nuclear weapons and therefore reduce the threat of nuclear weapons in the future.

I do hope my colleagues—and, by the way, I do not suggest they are operating in bad faith at all. But some of my colleagues have insisted—insisted—there is not enough funding. It is just not the case. The demonstration is clear. It is the one area that has had consistent, robust increases in funding, requested by this President, and complied with by this Congress, and now even advance funding through the continuing resolution. It seems to me it is time to take yes for an answer on the question of funding, and let's move ahead and debate this treaty and do

what this country has a responsibility to do: ratify this treaty, and do it soon.

Mr. President, I yield the floor.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

FDA FOOD SAFETY MODERNIZATION ACT

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of S. 510, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 510) to amend the Federal Food, Drug, and Cosmetic Act with respect to the safety of the food supply.

Pending:

Reid (for Harkin) amendment No. 4715, in the nature of a substitute.

The ACTING PRESIDENT pro tempore. The Senator from Nebraska.

Mr. JOHANNES. Mr. President, I do not see Senator BAUCUS in the Chamber, so I will go ahead and get started. My understanding is we will be going back and forth. So I will finish my opening remarks, and then if he arrives I will yield to him.

In just a few hours Senators are going to have a distinct choice. Two amendments will be offered to repeal what I think we have all come to regard as a very nonsensical tax paperwork mandate that was included in the health care reform bill.

There is broad agreement the 1099 repeal is necessary to remove Federal roadblocks to job creation. But today we have a choice on the two amendments. Today's choice comes down to what I regard as a very straightforward choice, a choice relative to fiscal responsibility, and it is illustrated by the chart I have in the Chamber.

My amendment fully offsets the cost of the 1099 repeal. The alternative Baucus amendment piles \$19 billion of debt onto the backs of future generations. The irony of this is just unmistakable. On one hand, we have a provision in the health care law that we have all come to regard as crazy, foolishness. Even the President has said it does not make any sense—or words to that effect.

On one hand, to repeal it, we are adding to the debt of future generations. On the other hand, my amendment fully offsets that cost.

Americans have sounded an alarm regarding Washington's out-of-control spending. They demand we address what is a huge \$14 trillion debt. They look at their Federal Government in disbelief when they see Washington continuing to spend money we simply do not have.

Yet the alternative amendment proposes to do more of the same. It does

not have a single offset. It simply passes the buck, and in this case it passes the buck to our children and grandchildren.

Now, both amendments, as you can see from the chart, repeal the 1099 requirement. But in the case of the Johannes amendment, it repeals the 1099 requirement without adding a single penny to our deficit or to the cost of the health care bill.

It also has taken care of the issue of the controversial offsets. As my colleagues remember, I listened in September when many came up to me and said: Look, I am with you on repealing this 1099 provision. My small businesses are asking me to get it repealed. But I just cannot go along with your offsets. Well, my new 1099 amendment uses unspent and unobligated funds from Federal accounts to fully pay for the repeal.

At the end of every year, there is money left in the accounts of Federal agencies that is not obligated. As someone who was a Cabinet official in a previous life, I can tell you that occurs. My amendment boils down to using about 5 percent of these funds—5 percent.

Additionally, the amendment I am offering gives the Office of Management and Budget the ability to decide what programs to pull funds from and in what amounts. This approach is far better than an across-the-board cut, and it allows important programs to continue to be funded.

Some are probably going to argue: Whoa, this is historic. This has never been done before. But I want to assure my colleagues, it has been done repeatedly.

If my colleagues choose the alternative amendment in a few hours, then the public demand for fiscal responsibility will have fallen on deaf ears. In September, when the Senate first voted down my 1099 amendment, the concern was about the source of the offsets. It was the health care bill, and many said to me: Look, I am with you, but I cannot go along with these offsets. So we changed them. But back then, no one—no one—argued that we simply did not need to pay for the repeal. No one argued that. Yet today the Baucus alternative amendment proposes no pay-fors, adding \$19 billion to the national debt, without a dime of budgetary offsets.

So after all the hoopla about pay as you go, there is not a single budgetary offset to cover the cost of this amendment. So I urge all of my colleagues to vote for the fully offset Johannes amendment. It will be a vote to protect our job creators. It will be a bipartisan vote because we have all come to agree that this 1099 provision does not make any sense. And, most importantly, when we talk to our constituents about how we did this, we will be able to clearly tell them we paid for it, we

took care of the cost of repealing the 1099 amendment with offsets that were a compromise to try to get this done and get this behind us.

Several of my colleagues also want to speak on this issue, so I am going to yield 5 minutes of my time to Senator ENZI, followed by 5 minutes to Senator THUNE, 5 minutes to Senator BROWN, and 5 minutes to Senator HUTCHISON. So I yield to Senator ENZI.

The ACTING PRESIDENT pro tempore. The Senator from Wyoming.

Mr. ENZI. Mr. President, I rise today to speak about the Johannes amendment that would repeal a provision in the health care reform law that, if not repealed today, will impose significant burdens on small businesses across this country.

Repealing this provision has the support of many of my colleagues on both sides of the aisle. Even the President has commented that this provision is onerous on small businesses and warrants immediate adjustment.

Starting in 2012, the new health care law will require that all businesses purchasing \$600 or more in property or services from another entity, including corporations, must provide the vendor and the Internal Revenue Service with a tax information return. This new government mandate will impose significant burdens on both small and large businesses, and taxpayers' costs will increase as a result of accumulating the information and preparing the tax forms necessary to comply with this expanded mandate.

Imagine if you are a freelance writer and you buy a new laptop. Well, now you have to send form 1099 to Apple and to the IRS or be labeled a tax cheat. Oh, and you will need the Apple taxpayer identification number too, so do not forget to ask the salesman for that.

This new reporting requirement hits small businesses hardest because they typically do not have in-house accounting departments and have to hire outside help. Every penny a small business spends on these services is money they cannot spend on hiring new workers and expanding their business. Every hour a small business owner spends filling out these new tax forms is time he or she is not making a sale, manufacturing a product, or working with a customer.

I understand the challenges this can create for small business. Before I came to the Senate, my wife and I owned shoe stores in Wyoming. When you own a small business, you have to be the CEO, the bookkeeper, the salesman, and the person who cleans the bathroom.

Every hour I spent filling out government-mandated paperwork was an hour I could not spend selling shoes. Government mandates such as the new 1099 requirement have a real cost, and it is small businesses that will end up having to pay them.

This new 1099 reporting requirement is just one of many things in the new health care reform law that need to be reexamined immediately. Our small businesses need to be focused on creating jobs and helping our economy recover, not spending countless hours on new government paperwork burdens.

We all would do well to remember the claims of the sponsors of the health care reform law who said this new law would actually reduce the Federal deficit. Most Americans didn't believe those claims when they were made, and today they are seeing the first evidence of their falsity.

Today, when confronted with the nationwide opposition to this ill-conceived expanded information reporting policy, one of the leading proponents of the new health care law in the Senate is offering an amendment that will eliminate it, but it eliminates the revenues it produces. More importantly, his amendment makes no attempt to pay for the lost revenues. That means his amendment will further increase the Federal deficit.

While this may be the first time we see this, it certainly will not be the last. The funding for the entire health care law was built on a fiction of cost estimates and actuarial assumptions. As each of these provisions confronts the harsh reality of the light of day, we will see more and more of these provisions undone in the coming years. When millions of seniors across the country lose existing Medicare benefits and face escalating out-of-pocket costs, there will be an urgent push to restore these benefits. When hospitals, nursing homes, and home health agencies begin to close their doors because Medicare payment rates cause them to operate at a loss, Congress will move to undo those cuts, at a cost to the deficit. When the new insurance benefits are slashed as a result of formula gimmicks that will force automatic reductions in benefits, I suspect many of the supporters of the new law will argue for the urgent necessity of delaying these cuts.

We can make a statement right now to America's small businesses that we want them creating more jobs, hiring new employees, and growing their businesses—not worrying about what Washington will require of them next. Let's tell our small business men and women that we stand behind them, not on top of their backs, and let's repeal this new tax paperwork burden in a fiscally responsible way.

Mr. President, I yield the floor and reserve the remainder of the time.

The ACTING PRESIDENT pro tempore. The Senator from Montana.

Mr. BAUCUS. Mr. President, at 6:30 this evening, the Senate will vote on the motion to invoke cloture on the substitute amendment to the food safety bill. Under a previous order, once cloture is invoked, there was to be up

to 60 minutes of debate on competing motions to suspend rule XXII offered by Senator JOHANNIS and myself. I understand that the two leaders intend to propound an agreement that would provide for the Senate to vote on our two motions immediately after the cloture vote this evening. So Senators should be on notice that there may be three back-to-back votes beginning at 6:30.

The Senator from Nebraska and I share a common goal. We both want to repeal some IRS reporting requirements scheduled to take effect in the year 2012. Each of our two motions would allow consideration of an amendment to prevent the expansion of those IRS reporting rules. Thus, each of our two amendments would help small businesses across America. How? By repealing these burdensome paperwork requirements.

But there are two big differences between our two amendments. First, my alternative is especially friendly to small businesses. It takes extra measures to permit the IRS to waive certain duplicative reporting requirements that small businesses now must experience; that is, the small businesses that use credit cards to pay their bills. My alternative goes further and gives more relief to small businesses. Second, our two versions differ as far as paying for the change. The alternative offered by my colleague from Nebraska would give the unelected Director of OMB unprecedented authority to slash spending all on his own. The Johannis alternative would thus abdicate Congress's responsibility over the budget. For these reasons, I urge my colleagues to oppose the Johannis amendment and support my alternative.

First, let me talk about what we have in common. Each of our two amendments is designed to get rid of a set of rules that requires reporting to the IRS. Many have referred to these rules as the "1099 provision." That is because these new rules would require filing more IRS forms numbered 1099. These rules would impose new paperwork burdens and costs on small businesses, and these burdens would fall on small businesses just as they are struggling to emerge from the great recession. The new rules expand existing information reporting to the IRS to include payments that businesses make to corporations and payments they make for goods and property.

As I travel around my home State of Montana, I listen to small business owners such as Darrell Keck. Darrell owns the Dixie Inn in Shelby, MT. Darrell and his wife Jeanne run a tight ship. They are hard working. They pay their taxes. Darrell told me that he and his wife just do not have the manpower or the software to make the new reporting rules work. And Darrell and his wife Jeanne run just one business of the many mom-and-pop businesses in Montana that have told me this. I dare-

say most of the Members of this body hear the same things I hear as they travel. I have listened to small businesses. I have heard them. I am responding to small businesses by offering this amendment. My amendment would fully repeal the new reporting requirements—fully.

My amendment also responds to the concerns of owners of rental property. Some of these owners were concerned about their ability to comply with new rental expense information reporting rules included in the small business bill which Congress enacted just this last September. My amendment would scale back those rules. My amendment would apply the same rules to rental expense reporting as would apply to all businesses.

Now let me turn to the differences between my amendment and the Johannis amendment.

First, my amendment includes another feature that would further reduce the paperwork burdens on small businesses. My amendment would grant the Secretary of the Treasury the authority to issue regulations to avoid duplicative reporting. The Treasury has issued guidance under similar authority to allow small businesses that use credit cards to forgo reporting expenses they pay with their credit cards. Under this new guidance, to the extent small businesses use their credit cards to pay service vendors, they would actually have even less compliance burden than they did under the old law; that is, before the new requirement.

The competing amendment offered by my colleague from Nebraska would repeal the Treasury's authority to make rules to avoid duplicative reporting. It would repeal it. Doing so would thus risk placing undue and unnecessary paperwork burdens on small businesses that use credit cards to pay their bills.

So my alternative is especially friendly to small businesses. It takes extra measures to permit the IRS to waive duplicative reporting, especially those requirements for small businesses that use credit cards.

The second main difference between our two amendments is the offset in the Johannis amendment—and this is a big one. The Joint Tax Committee estimates that the tax law changes in the Johannis amendment would cost about \$22 billion.

The Johannis amendment also includes a cut of \$39 billion in appropriated funds, to be determined by the Office of Management and Budget. The Johannis amendment cuts about twice what it needs to do to pay for the repeal of the reporting requirements. As a matter of dollars and cents, the Johannis amendment is mostly about cutting appropriated spending. That is what it really is. So it is not about repealing the reporting requirement. To make these spending cuts, the Johannis

amendment would give the unelected Director of OMB unprecedented authority to determine the source of this funding, and that would abdicate congressional responsibility over the budget.

The Joint Tax Committee estimates that my amendment would cost about \$19 billion. That is a little less than the tax part of the JOHANNIS amendment. But my amendment does not include an offset. These days, finding a \$19 billion offset that can get 67 votes is pretty close to impossible. We have spent much of this year haggling over one offset or another. My amendment tries to avoid that.

We are talking about a paperwork requirement that has not yet even taken effect and, in fact, will not take effect, if not repealed, until the year 2012. Let's just repeal this reporting requirement. Let's just get it done. Let's just repeal it lock, stock, and barrel. Let's just get it done and not do all of these extra, other things which really are not good policy.

The IRS has used form 1099 for decades to better track income, but the new reporting rules just went too far. The time that it spends for small businesses to comply with the new rules far exceeds any benefit.

Especially in these tough economic times, now is not the time to put additional stress on small businesses to meet complicated government rules. Rather, now is the time to eliminate this paperwork burden. Small businesses are the backbone of the American economy. That is especially true in Montana. In Montana, a greater share of workers work in small businesses than in any other State in the country—a greater proportion than in any other State in the country. Business owners need to focus their efforts on growing their businesses and creating jobs, not filling out paperwork.

Small businesses in Montana and across America want to comply with tax laws, but these new rules stretch their ability to do that. It just went too far. I urge my colleagues to support their full repeal. But let's not hand over a blank check to the OMB Director to slash \$39 billion wherever he wants. That part of the JOHANNIS amendment also goes too far. So I urge my colleagues to help small businesses. I urge my colleagues to avoid sweeping delegations of power to an unelected OMB Director. Thus, I urge my colleagues to oppose the JOHANNIS amendment and support the BAUCUS amendment when it comes up for a vote this evening.

Mr. President, I have a unanimous consent request which I understand has been cleared on both sides.

I ask unanimous consent that the agreement with respect to S. 510 be modified as follows:

That after the cloture vote at 6:30 p.m. today, and if cloture is invoked,

then all debate time with respect to the JOHANNIS and BAUCUS motions be considered expired; Senator JOHANNIS be recognized to offer his motion to suspend; that once the motion has been made, Senator BAUCUS then be recognized to offer his motion to suspend; that once made, the Senate then proceed to vote with respect to the JOHANNIS amendment to suspend; that upon disposition of that motion, the Senate then proceed to vote with respect to the BAUCUS motion to suspend; that upon disposition of those two motions, Senator COBURN then be recognized as provided for under the order of November 18 and 19; that all debate time with respect to the COBURN motion be utilized during today's session; that at 9 a.m. Tuesday, November 30, after the prayer and the pledge and any leader time, the Senate then resume consideration of S. 510 with 2 minutes of debate, equally divided and controlled between Senators COBURN and INOUE, prior to the vote in relation to the COBURN motion regarding earmarks, No. 4697; that upon disposition of that motion, there be 2 minutes of debate equally divided and controlled in the usual form; that the Senate then proceed to vote with respect to the COBURN motion regarding the substitute amendment No. 4696; further, that any other provisions of the previous order remain in effect; provided further that prior to passage of the bill, the Budget Committee pay-go statement be read into the record; further, that after the first vote today and tomorrow, the succeeding votes be limited to 10 minutes each; and that prior to the succeeding votes tonight, there be 2 minutes equally divided and controlled in the usual form.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. INHOFE. Reserving the right to object.

The ACTING PRESIDENT pro tempore. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, it is my intention that I be heard tonight concerning some of the amendments to be voted on tomorrow. It is my understanding further that Senator ENZI from Wyoming has the time between 5:30 and 6 o'clock. I request that I be recognized for 15 minutes during that timeframe.

Mr. BAUCUS. Reserving the right to object, Mr. President, may I further amend that request to provide that after the swearing in of Senator-elect KIRK, the time be equally divided until 6:30 p.m. this evening, and that the Senator from Oklahoma be recognized to speak for 15 minutes, and the time to be divided between the two leaders or their designees.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. INHOFE. What time will that be approximately, right after the vote or before?

Mr. BAUCUS. Before.

Mr. INHOFE. Before. No objection.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from South Dakota is recognized.

Mr. THUNE. Mr. President, I ask unanimous consent to be added as a cosponsor of the JOHANNIS amendment No. 4702 to S. 510, the Food Safety Modernization Act.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. THUNE. Mr. President, I compliment the Senator from Nebraska for his leadership on this issue. He has done a great job advocating on behalf of small businesses, farmers, ranchers, and all the people to be impacted by this onerous provision in the health care bill.

I fear this is something we are going to be doing and repeating quite frequently in the years ahead as more Americans find out what is in the Democrats' health care bill. This is egregious because it requires various entities to send suppliers 1099 forms if they engage in business-to-business transactions totaling more than \$600 in a single year.

While I believe everyone ought to pay their fair share of taxes, I am concerned that the burden of compliance falls not on the tax delinquents but instead on the countless businesses, churches, local governments, and nonprofits that pay their taxes on time and in full or may not even have a tax liability.

This means these entities will have less time to fulfill their core missions, whether that is building products, administering to the poor, helping students learn or building local infrastructure. Instead, they are going to be filling out form after form to become compliant with this measure.

Because of the heavy compliance costs associated with this measure, its repeal is supported by a wide variety of business organizations and agricultural organizations across the country, including the Chamber of Commerce, National Federation of Independent Business, and the American Farm Bureau, to name a few.

It is not just national organizations that I have heard from. In numerous constituent meetings across South Dakota, I have heard from the citizens of South Dakota, whether they be farmers, ranchers, small businesses, CPAs, and others, about the effect this measure would have on them, their businesses, and their employees.

While this requirement is not set to take effect until next year, I believe it is important we act now to give these types of entities certainty that they will not have to take steps to comply with this measure.

I add that our government now has a debt that is approaching \$14 trillion,

and we need to do everything we can to make sure that debt does not increase. It is a debt that we continue to pile on more and more and hand to the next generation of Americans.

Because of that concern, I am pleased this amendment is fully offset by rescinding unspent Federal funds. The Senator from Nebraska came up with a way, through rescinding unspent Federal funds, to offset this amendment in a commonsense way. Of course, it excepts the Department of Defense and Department of Veterans Affairs, which will protect our national security interests and those who have served our country. I believe the rescissions he calls for in unspent Federal funds are a good way to make sure this doesn't add to our debt. This amendment perfectly captures that belief, and I think it is a belief that is shared by many of my colleagues in the Senate and by citizens across this country.

We need to be focused on bringing down our debt, and we will start doing that by eliminating government spending, not putting new, burdensome requirements on businesses and charities.

Unfortunately, there were numerous other provisions in the health care bill and other bills in the past 2 years which shifted the burden onto small businesses and employers. We will have to revisit each of those to ensure they don't slow economic growth and job creation, which is what the people want us to be focused on now.

I hope we can take this first step and support the Senator from Nebraska on his amendment, which addresses this critical issue, this egregious provision that puts a costly burden on small businesses, and do it in a way that is fiscally responsible and doesn't add to the debt and burden future generations with more debt.

I think the Senator from Nebraska came up with a great solution. I hope colleagues on both sides of the aisle—Republicans and Democrats—who have heard, as I have, from their constituents will take this very commonsense amendment and pass it with a big margin. Let's get this particular provision in the health care bill repealed and the negative impact it would have on economic growth and job creation in this country.

With that, I withhold the remainder of my time.

The ACTING PRESIDENT pro tempore. The Senator from Hawaii is recognized.

Mr. INOUE. Mr. President, the amendment offered today by Senator JOHANNIS proposes to rescind unobligated balances of appropriated funds that are designated for specific purposes in various appropriations bills previously enacted by Congress. The Senator offers these rescissions in order to offset the loss of revenues resulting from his amendment.

Much like similar amendments offered in the past, this amendment sim-

ply provides for a generic rescission of funds, with the authority and decision-making for which programs are impacted delegated entirely to the executive branch.

Consideration of this amendment is the first of two attempts this evening to shift the power of and responsibility for the Nation's purse strings from the legislative branch to the executive branch.

Rescinding funds in this manner, should this amendment be adopted, may be politically expedient because it simply cites a dollar figure, but it is also reckless and irresponsible, and hides the accountability for future actions when legitimate programs are shut down.

Mr. President, we should make no mistake about it, an across the board cut is the legislative equivalent of performing surgery with a meat cleaver, and Senators would be right to reject the amendment for this reason alone.

I can assure my colleagues that if this amendment passes, the impact will be felt throughout this country, and the arbitrary nature of the cuts will only intensify the pain.

Why do I know this? Because for the past several months Senator COCHRAN and I have instructed our staffs to scrub the books of every single Federal agency in order to fund Pell Grants, while at the same time maintaining the discretionary spending level for fiscal year 2011 proposed by Senators SESSIONS and MCCASKILL.

Even after reviewing in great detail unobligated balances across all the agencies and rescinding those funds that were truly unobligated balances, we still have to cut spending for fiscal year 2011 in order to pay for Pell Grants to the level at which almost everyone in this Chamber desires that it be funded.

Consequently, the only unobligated balances remaining are those in accounts that have slow spend rates such as construction and infrastructure accounts. To rescind \$39 billion from these remaining accounts without congressional guidance, and without any analysis of the ultimate costs and benefits, is simply irresponsible.

Throughout this past year, every time an amendment similar to this one has been offered, I and my colleagues on the Appropriations Committee have come to the Floor and provided real examples of real programs that would be impacted by such an amendment. While I will not go into such detail tonight, I will take a moment and give Members a sense of which agency accounts have unobligated balances:

International narcotics control and law enforcement programs that provide police training and counter-drug programs in Afghanistan, Pakistan, Mexico and Colombia, among others.

Global Health and Child Survival, which impacts global HIV/AIDS, malaria, TB, polio and other programs.

The State Department's worldwide security program, including funding for requirements in Iraq, again impacting our embassy and personnel security costs worldwide.

Coast Guard construction of ships and planes, including the National Security Cutter, the Maritime Patrol Aircraft, and Fast Response Cutters.

Funds to maintain and upgrade the southwest border fence in Arizona and California.

The FEMA Disaster Relief Fund which is still paying for Katrina, Rita, Gustav and Ike.

Cyber security investments to secure Federal information systems.

Funds to procure and install TSA advanced imaging technology and other explosive detection systems.

Funds to build border patrol stations in Texas, Arizona, California and Washington.

Funds to build schools and hospitals under the Bureau of Indian Affairs and Indian Health Services.

The \$500 million in non-emergency unobligated fire suppression funds remaining in the Forest Service and Interior Wildland Fire accounts is the minimum needed to make sure there are enough funds available in case the fire season turns out to be worse than forecast.

Section 8 tenant-based and Section 8 project-based rental assistance. These programs receive advanced appropriations to run through the end of the calendar year. If these funds were rescinded, there would be no funding to continue to provide housing for low-income families living in housing today.

In the case of homeless assistance grants, there is a time-consuming competitive process that communities go through in order to get these funds. Accordingly, these programs have unobligated funds.

If these funds were rescinded, existing homeless programs in communities across the country wouldn't have sufficient funds to continue serving the homeless—literally leaving people on the streets.

And finally, as one would imagine, Corps of Engineers construction projects as well as funding for flood control and coastal emergencies have substantial unobligated balances.

Supporters of the JOHANNIS amendment may claim that I and my colleagues on the Appropriations Committee are simply citing the worst case scenario of where unobligated balances may come from. The fact of the matter is that these accounts are exactly where the unobligated balances will come from.

Let me also point out to my colleagues that if this amendment is enacted, we cannot stop rescissions of unobligated balances from any of the accounts mentioned because the amendment gives sole decision-making power regarding where to cut to the executive branch.

Unlike the situation with deciding how to fund the FY 2011 omnibus, where Ranking Member COCHRAN and I, along with our committee members, decided after much scrutiny of accounts which unobligated balances were truly available for rescission, this amendment places all authority with the executive branch.

Mr. President, this amendment is not the way to do business. This is certainly not the way to fund the Federal Government. We need to stop trying to shift our fiscal responsibilities to the executive branch. We need to stop claiming there is an excess in Federal funds where none exists. And if we want to cut funds and hamper those critical programs, then we need to stop hiding behind generic rescissions.

For all these reasons, I urge my colleagues to vote against the JOHANNNS amendment.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Nebraska.

Mr. JOHANNNS. Mr. President, may I inquire how much time we have on this side?

The ACTING PRESIDENT pro tempore. Thirteen minutes.

Mr. JOHANNNS. Mr. President, let me address some of the arguments that have been raised.

First of all, on this issue of the Baucus amendment simply doing more than the JOHANNNS amendment or that it is especially friendly, here is what I would tell you. We checked into that and we have an e-mail from the Chief of Staff of the Joint Committee on Taxation and he says the two amendments do the same thing—they repeal the 1099 requirement. That seems to be especially friendly. As Senator BAUCUS pointed out, we are both going to accomplish the same thing; that is, we are going to repeal the 1099 requirement.

To get to the issue of this being an unprecedented grant of power to the executive branch versus the legislative branch, we also researched that. The Consolidated Appropriations Act for fiscal year 2004 basically gave the Secretary of Commerce the sole discretion to determine from which accounts and in what amounts funds would be rescinded. In other words, the Secretary had sole discretion to decide how to rescind that.

The Consolidated Appropriations Act for fiscal year 2008, when my friends on the other side of the aisle were in control of both the House and the Senate, rescinded more than \$192 million in unobligated balances available to NASA and gave the Administrator sole discretion.

The Consolidated Appropriations Act of fiscal year 2008, again when my friends on the other side of the aisle were in sole control of the House and the Senate, rescinded \$33 million in unobligated balances for the National

Science Foundation and gave the Director sole discretion.

The Emergency Steel Loan Guarantee and Emergency Oil and Gas Guarantee Loan Act rescinded \$270 million of nondefense administrative and travel funds and again gave sole discretion to the executive branch.

Very simply, the argument that somehow this is new, this is unprecedented, and this has never happened before simply doesn't hold water.

I then heard the argument of my colleague from Hawaii, a very respected Member. But I look at these unobligated balances—the Department of Agriculture, \$9.6 billion. I ran that Department for about 3 years. He talks about fire suppression. We dealt with fire suppression every year. Yes, some years were worse than others when it came to fire suppression. If we had a year where literally we had to go find additional funding because the fires were worse, we worked through that and we solved the problem. We dealt with that issue when it was presented to us.

Here is what I would say. In September, I came to the floor and I said: Look, here is how I want to pay for this. It came out of the health care bill. My colleagues said: Oh, we can't do that, but I am with you on this 1099 repeal. I listened. This repeal is paid for by using money that is literally sitting there in Federal accounts.

The other matter I would point to is that the alternative is the Baucus amendment, and here is what the Baucus amendment does. Yes, it handles the problem, just like Congress has been handling the problem for way too long. It says to our children and grandchildren: Out of this multitrillion-dollar annual budget—\$1 trillion in deficit, with 40 percent of the money being literally borrowed—we can't find \$19 billion. It is too hard. It is too hard, and so our kids and our grandkids are going to have to deal with it. That is exactly what the Baucus amendment does. It says it is too hard.

It is going to be the President's own Budget Director who is going to identify the funds that will pay for this. Are my colleagues on the other side suggesting we can't trust that process? Well, if we can't solve this problem and pay for it, how do we ever solve the multitrillion-dollar deficit this country is facing? Congress has allowed the administration to deal with this kind of issue on other occasions. To somehow claim that on this occasion it can't simply misses the point.

With that, I yield to Senator HUTCHISON from Texas, who wishes to speak on this issue.

The ACTING PRESIDENT pro tempore. The Senator from Texas.

Mrs. HUTCHISON. I wish to thank the Senator from Nebraska for offering this amendment. Obviously, it has been offered before, but every time I go

home it renews my energy to try to stop this from taking effect.

Small businesspeople are approaching me and saying: This is crazy. Do we have to report every trip to the Office Depot? Do we have to report every travel voucher for \$600 because I am going to a meeting in California? This defies description, except to say it is one more overbearing government intrusion on free enterprise in our country.

So I hope very much that because of the message of the elections in November more people will see this is not necessary. It is certainly not a part of health care reform. In fact, when I saw this come out—this little provision tucked in the enormous health care reform bill—my thinking was twofold: One, they are paying for this enormous cost of the government takeover of health care on the backs of small businesspeople in our country. That would be one interpretation. The other would be that all the talk coming out of Washington about new taxes and possibly a value-added tax means they are starting to want to get the reports that would be the basis of a new tax system. Neither of those things should be part of health care reform in this country. So I am hopeful we can put a stop to this right now.

I think the people of America well understand the burdens of this health care reform bill, passed on Christmas Eve of last year, over our objections on this side of the aisle. So maybe we can start peeling away some of the most onerous provisions—particularly this one, which takes effect in 2012—and begin to let people know we are going to try to mitigate the damage the health care bill has done, and we are going to do it a little bit at a time until we can repeal the whole thing and start all over.

It is not that our system doesn't need reform. We all have said we need health care reform. But having to report a trip to the Office Depot to buy stationery or a fax machine is not the way to a better health care system. It is a non sequitur. So I hope Senator JOHANNNS' amendment to this bill passes. It is a freestanding bill, but it is a great amendment to this bill. If we can stop this now, that would be one thing we could take off the table as we are addressing the major issues that actually do deal with health care reform. Maybe we can bring it down to a level where we would be able to address it in a more responsible way.

I might add that even the National Taxpayer Advocate Division of the IRS has said they would have significant challenges in processing and analyzing the enormous volume if this piece of the Health Care Reform Act goes through. Even the IRS is asking: How could we do it, which then would lead to: What, more employees at the IRS? Well, that should scare the people of

America. The last thing we need is a bigger government created to try to go into the small businesses and see if they are complying with a \$600 requirement for every transaction they would make.

So I commend the Senator from Nebraska for offering this amendment. I am a cosponsor of this amendment, and I hope we will have enough votes to stop this provision in its tracks, take it off the table, and then deal with health care reform on issues that actually affect health care reform, not issues such as this, which just burden small business in our country at a time when we want them to hire people. We want them to open their doors to hiring more workers. But the more restrictions and the more burdensome paperwork we put on them, the less chance there is they are going to hire people. That is what I am hearing from my constituents, and I know it is the same for all of us who have been home listening to what the people are saying.

I thank the Chair, and I yield the floor.

Mr. JOHANNIS. Mr. President, may I inquire how much time remains on our side.

The ACTING PRESIDENT pro tempore. Three minutes.

Mr. JOHANNIS. Mr. President, I will use that 3 minutes just to wrap up with a couple thoughts.

The first point I wish to make in wrapping up this evening is that there has been a 21-percent increase in appropriated funding over the last 2 years—21 percent. So every small business out there is asking the question: Why is the cost, at least in part of this health care bill, falling on my back, when there has been a 21-percent increase in appropriated funding over the last 2 years? Why are you punishing me, when I am trying to do everything I can to stay afloat?

Senator HUTCHISON said it well. You can't go anywhere in this country without a small businessperson saying to you: What is it about this 1099 requirement? They are dreading the fact that they will spend valuable resources on accountants to be in compliance and to deal with this requirement. They are asking the question: Why are you picking on us?

The second point I wish to make is, the money from unappropriated, unobligated accounts—again, excluding the Department of Defense and Veterans Affairs—is 5 percent. It is 5 percent of the total. I look at that massive Federal budget, I look at what we are dealing with, and I get down to the same point—\$19 billion. Why would you add that to the Federal deficit? That is exactly what the Baucus amendment does.

You simply will not find offsets that are better equipped to deal with this problem than the one I am proposing. Again, I just wish to emphasize, in Sep-

tember, when we were arguing this on the floor and my colleagues were coming to me and saying: MIKE, look, I am with you, I want to repeal this, this doesn't make any sense, and my phone is ringing off the hook, but I can't go along with these health care offsets, we changed the offsets. We are paying for the Johanns amendment.

The Baucus approach simply does not pay for it. So what does it do? In the end, it hampers the next generation. It adds to the national debt. If we can't find \$19 billion to solve this problem, how are we ever going to solve the problem of this massive deficit we are passing on to our children and grandchildren?

With that, I ask my colleagues to support the Johanns amendment and to oppose the Baucus amendment. My hope is that we can get the votes necessary, pass this amendment, and move on to the next issues we face.

Mr. President, I yield the floor, and I ask unanimous consent that the time during the quorum call be equally charged to both sides.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. JOHANNIS. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CHAMBLISS. Mr. President, I ask unanimous consent the order for the quorum call be rescinded and I ask to speak as in morning business.

The PRESIDING OFFICER (Mr. DODD). Without objection, it is so ordered.

Mr. CHAMBLISS. Mr. President, as an original cosponsor of S. 510, I am very disappointed that I cannot support tonight's cloture vote or the final passage of this bill.

Since the bill's introduction and throughout the HELP Committee mark-up process, there has been strong bipartisan cooperation to craft legislation that strikes the right balance between industry practices and FDA oversight to ensure the safest food supply possible.

Unfortunately, the Senate will not have the opportunity to vote for S. 510 as it passed the HELP Committee, nor will Senators have the opportunity to offer amendments to improve the bill. Compounding my concerns is the uncertainty about the opportunity to have an open, transparent conference with our colleagues in the House of Representatives at this late hour of the legislative session.

Instead, we are faced with voting for S. 510 with new language that was added at the 11th hour which creates a loophole in the Federal food safety system. The newly added language, referred to as the "Tester amendment," creates an exemption for small farms

and business operations through an arbitrary size and distance threshold—neither of which have any basis in science or risk. For example, this new language would exempt a food facility or farm if it has sales of \$500,000 or less, or sells half of its food to retailers, restaurants, or consumers in the same state or within 275 miles.

It is extremely important to note that S. 510 as originally introduced and passed by the HELP Committee includes many provisions to protect the rights of farmers and in particular the needs of small farmers. These small farm protections were essential in my decision to be an original cosponsor of the bill, and I fully support them.

Specifically, the original S.510 does not subject small entities that produce food for their own consumption or market the majority of their food directly to consumers to new recordkeeping requirements. Also, the original bill makes no change in definition of "facility" under the Bioterrorism Act of 2002 which requires certain facilities to register with FDA, thus farms and restaurants remain exempted in S. 510.

Additionally, small businesses are given regulatory flexibility throughout the original version of S. 510. For example, small processors are given additional time to comply with new food safety practices and guidelines created by the bill, and the FDA may modify or exempt small processors based on risk.

Finally, regarding risk-based traceability, farms and small businesses that are not food facilities are not expected to create new records in the original version of S. 510. Only during an active investigation of a foodborne illness outbreak, in consultation with State and local officials, the FDA may ask a farm to identify potential immediate recipients of food if it is necessary to protect public health or mitigate a foodborne illness outbreak.

Unfortunately, the new language before us tonight goes beyond small farm protections. My concern with the "Tester language" is that it creates a loophole for small processing facilities by exempting them from HACCP and traceability requirements or products entering the food supply in ways other than direct sales to consumers. I am concerned that these arbitrarily exempted products would comele with items that must follow risk-based preventive controls—such as bagged salads. In the case of a foodborne illness outbreak, this exemption will make FDA's job much harder to identify and remove the tainted source from the food chain.

To state it bluntly, this new language goes far beyond protecting small farms and establishes arbitrary factors in determining the safety of food—none of which are based on risk or science.

I am opposing cloture and final passage of this bill because I have been denied the opportunity to offer any

amendments, especially to strike or improve the Tester language.

I would have liked my colleagues to have had the opportunity to consider an amendment which would have limited the exemption only for products sold to qualified end users as defined in the Tester language, such as direct sales to consumers, restaurants, or retail food establishments. Without this limit, there is a significant chance that exempted products will be commingled with regulated products, thus rendering the protections created by S. 510 useless.

The full implications of the Tester amendment are unknown. I think it would be wise for the Senate to take a closer look at the potential impact before we pass this legislation. The Senate should have had the opportunity to vote on S. 510 as it was passed by the HELP Committee without this loophole. All Senators should have the opportunity to offer and consider amendments, but we do not.

Again, I also want to voice my concern regarding the opportunity to have an open, transparent conference with our colleagues in the House of Representatives at this late hour of the legislative session. For these reasons, I am voting no on cloture and no on final passage of S. 510.

I would also add, for the reasons I have expressed, virtually every processor, food processor in the country has now come out and changed their opinion regarding their support of this bill, and they are opposing the bill because of the extended loopholes that are provided by the Tester amendment that are going to take the safest food supply in the world, which we have in the United States of America, and we are now going to offer loopholes and exceptions in the chain from the farm to the restaurant, from the farm to the grocery store, from the farm to the consumer's table, and we are going to render the potential for unsafe products to enter the market, and FDA is going to have no opportunity to regulate those.

That is wrong. That is not what we started out to do with S. 510. Senator DURBIN and I talked about this, now, it is almost years ago, when we initially started the process of reforming the food safety system in this country. Unfortunately, we have gotten way away now from the original intention of this bill, to a point where it is not going to accomplish the results we started seeking to accomplish.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Connecticut.

Mr. DODD. I want to address the issue that has been talked about by my friend from Georgia; that is, the Food and Drug Administration Food Safety and Modernization Act. I commend my colleagues and those who have been involved, as we have been, for weeks and

weeks on end now to produce this bill, which I am hopeful our colleagues will support.

We have enjoyed a few days off to celebrate the Thanksgiving holiday, the centerpiece of which is, of course, the great meal with family and friends. It is fitting at the wake of that, that we gather to deal with the issue of food safety, a bill that is intended to help ensure the safety of the food we feed our families and loved ones each and every day in this country.

One of the great things about being in this country is that every day we consume products with a sense of security that what we are ingesting or using is not going to cause us any great harm or put our lives in jeopardy. So it is important, particularly when you deal today with the processing of food that occurs, that reassurance, that sense of security that all Americans would like to have is going to be guaranteed to the maximum extent possible. Never perfect, obviously. None of us can engage in casting or creating ideas or legislation that is designed to produce perfection. But we have come close with this bill to providing that sense of security that all Americans deserve.

Before I speak about the substance of the bill, I want to take a moment to highlight the collaborative process that characterizes the construction of this bill. The bill is a bipartisan effort on the part of Senators HARKIN, ENZI, DURBIN, GREGG, BURR, and myself, along with 14 of our colleagues in this Chamber and is designed to strengthen the country's ability to address and hopefully prevent foodborne illnesses.

I realize the bipartisan road is not always easy to follow, but I can confidently say when we approach legislation in this manner we often end up with a better, stronger, and more responsive law in the end. I think this bill is an example of that. It was not always easy. We had our differences, obviously, but we overcame them in an effort to respond to an issue that impacts all Americans regardless of political affiliation and economic circumstance; that is, again, foodborne illnesses.

This collaborative process is not limited to Members and staff. I am including outside advocates and organizations. In fact, an impressive range of constituent groups, including the Consumers Union and the Grocery Manufacturers Association, have provided valuable input in support during this process. Looking at the list of groups which support this bill says a great deal about the product itself. It says we cannot afford to ignore the topic of food safety any longer. It says our industries and consumers want to see good consistent policy in place to help prevent, and when they do occur, address these illnesses.

We have all heard the statistics. On average, 76 million Americans are

sickened each year, and 5,000 die each year because of foodborne illnesses. But these are not just numbers. These are the lives of our fellow citizens in every region and economic group in the Nation. As the recall of a half billion eggs this summer due to Salmonella contamination has shown, foodborne illness is something that can impact a significant portion of our population at any given time.

According to the Centers for Disease Control and Prevention, more than 1,800 people became ill due to these contaminated eggs. Let's not forget that the most vulnerable of our population suffer the most when stricken with foodborne illnesses, especially children.

One such life significantly impacted by a strain of E. coli was a constituent of mine in Wilton, CT. She survived the contaminated lettuce she consumed, but her life has been changed as a result.

There is a lot in this bill we can be proud of. I want to focus on one particular area that I have a concern with and have been involved in for years and years—it is food allergies.

Long before I had a family of my own, I got involved in the issue. But with the arrival of my first child, Grace, in 2001, we discovered shortly thereafter that she had serious food allergies. She had been in anaphylactic shock four or five times by the time she was 4 or 5. This is a great concern to her parents, obviously, as it is for millions of people in this country. Twelve million of our fellow citizens have food allergies, many with life-threatening ones, and we are watching the numbers grow.

According to those who keep these statistics, from 1997 to 2007 the prevalence of food allergies among children increased by 18 percent. Today, approximately 3 million children in the United States are suffering from one kind of food allergy or another. While food allergies were at one time considered relatively infrequent, they now rank third among chronic diseases in children under the age of 18. Peanuts are among the several allergenic foods that can produce life-threatening allergic reactions in children.

With this bill, what we have done here, is to develop a voluntary food allergy management guideline for preventing exposure to food allergens and ensuring a prompt response when a child suffers a potentially fatal anaphylactic reaction. It also provides for school-based food allergy management incentive grants to local educational agencies to assist with the adoption and implementation of food allergy management guidelines in grades K through 12.

My State of Connecticut is one of eight that has already done this on their own. But a lot of other States, obviously, 42 have not. This bill voluntarily provides small amounts of grant

money to States to help them develop these procedures that will minimize the kind of dangers that occur to children when they are exposed to food that can cause them life-threatening diseases and illness.

The Food and Drug Administration is responsible for regulating 80 percent of the Nation's food supply. But for too long, the FDA has lacked the resources and authorities necessary to adequately protect our food. This bill recognizes we cannot underfund this critical agency and gives the FDA the tools necessary to protect our food and our health.

In fact this bill establishes, for the first time, a mandatory inspection schedule, which was a priority for many who worked so tirelessly on food safety. Under the provisions of S. 510 the number of inspections conducted by the FDA will increase from 7,400 in 2009 to nearly 50,000 in 2015. Mr. President, we need these inspections. We need to pass this bill.

I am hopeful that my colleagues will recognize the importance of passing the FDA Food Safety Modernization Act. Because every family sitting down to dinner tonight deserves to know that all reasonable measures have been taken to ensure the safety of the food they are eating. It's time we put politics aside for the sake of America's families and get this bill passed.

I want to comment quickly, before my time expires, on the comments of my good friend from Georgia who just spoke, SAXBY CHAMBLISS. This was a difficult bill to put together. I commend my colleague from Montana, JON TESTER, who represents an awful lot of small farmers, small food processors.

Putting this bill together required compromise. It is what we do in this Chamber every single day, and so had we not included the Tester language in this bill I think we would have had a hard time passing the legislation. The argument would have been: Well, you have included the small truck farmers who, frankly, cannot subject themselves to the kind of rules that large producers of food can, and we would have put the whole bill in jeopardy.

By adopting the modified Tester language, we have made it possible for this bill to become law. So I commend my fellow Senator from Montana for his work. I commend Senator HARKIN, the chairman of the committee, for bringing this all together to the point where, despite all of the allegations that this body cannot come to a common agreement on a matter as important as this one is wrong. We can when we work at it, and we have done so with this bill.

I urge my colleagues to be supportive of this very important and historic piece of legislation.

I yield the floor.

Mr. DURBIN. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The VICE PRESIDENT. Without objection, it is so ordered.

CERTIFICATE OF ELECTION

The VICE PRESIDENT. The Chair lays before the Senate the certificate of election to fill the unexpired term for the State of Illinois. The certificate, the Chair is advised, is in the form suggested by the Senate.

If there be no objection, the reading of the certificate will be waived, and it will be printed in full in the RECORD.

There being no objection, the certificate was ordered to be printed in the RECORD, as follows:

STATE OF ILLINOIS

Executive Department

CERTIFICATE OF APPOINTMENT

To the President of the Senate of the United States:

This is to Certify that on the Second day of November, Two Thousand and Ten, Mark Steven Kirk was duly chosen by the qualified electors of the State of Illinois a Senator for the unexpired term ending at noon on the third day of January, Two Thousand and Eleven, to fill the vacancy in the representation from said State in the Senate of the United States caused by the Resignation of then-Senator Barack Obama.

Witness: His Excellency Our Governor, Pat Quinn, and our seal hereto affixed at the City of Springfield, Illinois, this Twenty-Third day of November, in the year of our Lord Two Thousand and Ten.

By the Governor:

PAT QUINN,
Governor.

JESEE WHITE,
Secretary of State.

[State Seal Affixed]

ADMINISTRATION OF OATH OF OFFICE

The VICE PRESIDENT. If the Senator-elect will now present himself at the desk, the Chair will administer the oath of office.

The Senator-elect, MARK KIRK, escorted by Mr. DURBIN and Mr. Fitzgerald, advanced to the desk of the Vice President; the oath prescribed by law was administered to him by the Vice President; and he subscribed to the oath in the Official Oath Book.

The VICE PRESIDENT. Congratulations, Senator.

(Applause, Senators rising.)

Mr. REID. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HARKIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. SHAHEEN). Without objection, it is so ordered.

FDA FOOD SAFETY MODERNIZATION ACT—Continued

Mr. HARKIN. Mr. President, in about 35 minutes we are going to be voting on cloture on the food safety modernization bill, a bill that brings us forward almost 70 years. Seven decades it has been since we have modernized or changed our food inspection and safety system in America. So we are taking that step tonight. Hopefully, we will have a final vote on it by tomorrow.

I just want to take a few minutes now before that vote to again lay out why this bill is so important and why we need to invoke cloture tonight so we can have a final vote on this bill tomorrow.

First of all, the statistics are that Americans are getting sick and they are dying because of foodborne illnesses. You would think in this day with modernization and such we would not have this.

Madam President, 325,000 Americans every year are hospitalized and over 5,000 die. Many of these are kids. I have met them with a group called Safe Tables Our Priority. I have met some of these kids. They will be damaged for life, I say to my friend from Illinois, Senator DURBIN, who has been such a leader on this bill. In fact, I daresay we would not be here were it not for Senator DURBIN's leadership in getting this bill started, how many years ago I do not know.

Mr. DURBIN. Will the Senator yield for a question.

Mr. HARKIN. I would be glad to yield.

Mr. DURBIN. First, I thank the Senator from Iowa for his leadership on this issue. The fact is, it was almost 18 years ago when I received a letter from a woman in Chicago—written to me as a Congressman—named Nancy Donley. Nancy had a personal tragedy. Her 6-year-old son Alex died from E. Coli from food Nancy literally prepared for him in their home. She wrote to me a handwritten letter, to me as a Congressman from Springfield, IL, 200 miles away, saying we have to do something about food safety.

Nancy lost her son, but she never lost her passion for this issue. As the Senator said, she formed the organization Safe Tables Our Priority, which has been an effective voice for so many others to bring us to this moment.

But, for the record, I have worked on this issue for a long time, and we would not be on the Senate floor tonight with this historic vote were it not for the Senator from Iowa who has lead the effort. Senator TOM HARKIN has, with the help of Senator MIKE ENZI and a number on the other side of the aisle who have stepped up to make this bipartisan. This is a reasonable approach to

making our food safer in America. I thank the Senator from Iowa for all of his leadership on this issue and so many others.

Mr. HARKIN. Well, I thank my friend from Illinois, but he is being way too generous. Again, I recognize the instigators of this, the ones who started this ball rolling, and Senator DURBIN is the one who got us started many years ago. And it has taken us many years to put this together. But that is why we have such a good bipartisan bill. We have worked on this. We reported this out of our committee a year ago without one dissenting vote, Republican or Democrat. Since that time, we have been working to get other people, not on the committee, obviously, onboard to get the way paved so we could have a bill that would be broadly supported.

This bill is very broadly supported, both by the industry and by the consumers. It is one of the few bills where, as a matter of fact, we have a wide range of consumer and industry support, everything from the Snack Food Association, the Grocery Manufacturers Association, Consumers Union, Center for Science in the Public Interest, the U.S. Chamber of Commerce, U.S. Public Interest Research Group. Anytime you get the Chamber of Commerce and the U.S. Public Interest Research Group on the same bill, you know you have a bill that has broad support. This bill does.

Again, I thank my colleague, Senator ENZI from Wyoming, our ranking member on our committee, for all of his help in getting this bill through and working on it diligently over the past year.

I would be remiss if I did not also thank Senator GREGG and Senator BURR for being heavily involved in this bill and working through all of the compromises a bill like this entails.

The Food Safety Modernization Act enhances our food safety system in three critical ways. It improves the prevention of food safety problems. I always think this is key. We have to get in front of this, not to just sort of catch the food once it is contaminated and try to get it done, but to try to prevent it in the beginning. We had success in the meat and poultry industry some years ago with a preventive plan to look at where pathogens could enter the food supply and stop it there. We have applied the lessons we have learned from those last 20, almost 25 years now of that to this, so now we are going to be able to look to have a better system of preventing food safety problems and foodborne pathogens.

It improves the detection or response to foodborne illness outbreaks—detect it earlier, stop it earlier, and have a better response to what is happening. In other words, for example, in the bill we provide that retailers have to in some way notify customers if a food has been recalled. That could be a gro-

cery store putting a sign on the shelf, for example, saying: This food has been recalled, maybe putting out a notice in their supplements that they put out in order to advise consumers they may have purchased a food that has been recalled.

Third, it enhances our Nation's food defense capabilities. Right now, how many people know that less than 2 percent—about 1.5 percent—of all of the food imported into America is ever inspected? That is 1.5 percent. Well, this is going to increase those inspections. It is also going to increase the defense capabilities in case we have a problem. For example, we have stronger trace-back authority so we can get to the source of where this happened in a better way than we ever have been able to do in the past.

As I mentioned earlier, it provides the FDA with mandatory recall authority. A lot of people are surprised to know—consumers are surprised to find out that if there is a foodborne illness or outbreak, the Food and Drug Administration has no authority to even recall the food. One may say: Well, the companies have the authority to recall it—and they do because, frankly, they don't want to get sued, obviously. So why have a mandatory recall? Well, you might have bad actors. You might have a company that is located offshore. Maybe they have imported some bad food into this country, and maybe they think they can just take a few bucks and run. The FDA would not have mandatory recall authority. Now they would have that to protect our consumers. As I said, it also requires the retailer to notify consumers if they sold food that has been contaminated.

Now, again, the opponents of this bill have put a lot of rumors out there. Since I have lived with this bill for so long, I am surprised people would be saying things like this. One myth I read is that this bill would outlaw home gardens—you couldn't even have a home garden. I think that comes from Glenn Beck, if I am not mistaken, but it is factually incorrect. It said it would do away with family farms. In fact, the bill states explicitly that the produce standards "shall not apply to produce that is produced by an individual for personal consumption." There is also an exemption for small farmers, small facilities, as they sell their products at roadside stands, farmers markets, places such as those.

Then there is another rumor that anyone who grows any food will now come under the jurisdiction of the Department of Homeland Security. I heard this myth that Homeland Security agents now will be tromping through your farms and your pastures and your tomato plants—again, absolutely, totally, factually wrong.

I am proud to say this legislation comprehensively modernizes our food safety system and does so without in-

jury to farms and small processors; otherwise, we wouldn't have all of the industry groups on board if we were adding undue hardship on our processors and farmers. Our food safety system will continue to fail Americans unless we modernize our food safety laws and regulations. We should give the FDA the authority it needs to cope with the growing, varied risks that threaten today's more abundant food supply. We need to act, and we need to act now. We need to invoke cloture on this bill in just a little over half an hour.

How much time do I have remaining? The PRESIDING OFFICER. Eight minutes 10 seconds.

Mr. HARKIN. Madam President, I know my friend, Senator COBURN, was on the floor earlier talking about this bill. He has a substitute he is going to offer. I have worked with Senator COBURN over the months. I know we have a basic philosophical difference about the role of government in this area. Be that as it may, we have worked hard, as I said, on bill compromises between people who do have differences of opinion. Again, as with any bill, there may be some things in here that I don't particularly like that I think we ought to do differently, but in the spirit of compromise, we don't get our way all the time around here; we have to give and take to get something done. That is what this bill is.

So I say to my friend, Senator COBURN, I know he has some problems with it, but, quite frankly, his substitute—and I wish to say this very forthrightly—his substitute kills our bill in its entirety. It kills it in its entirety. In its place, what my friend from Oklahoma would offer would be a few studies to help improve collaboration between FDA and USDA. There is weaker language on preventive contamination, which I think is so important—to prevent in the first place. The substitute will eliminate all of our prevention control provisions. It would eliminate the provisions that enhance coordination between State and Federal laboratories.

My friend from Oklahoma—and maybe later on we will get into this and debate it a little bit—my friend has always been saying we need better coordination. He is right. I said that earlier. He is absolutely right. We need better coordination between the FDA and USDA and other agencies, and that is being done. It is being done in this bill. But at the same time, his substitute would eliminate the provisions in our bill that enhance the coordination between State and Federal laboratories, which is exactly what we need to do—have State and Federal coordination. His substitute would eliminate the trace-back provisions that are so important to find out where the foodborne pathogen might be originating from. It would eliminate the

important foreign supplier verification provisions we put in this bill—that if you are importing food from a foreign country, you have to verify that the food has met the same kinds of inspection standards we have in our own country. The substitute of my friend from Oklahoma would eliminate that provision. It would eliminate the requirement that we increase our inspection frequencies in this country, and it would eliminate the FDA's ability to recall food—the mandatory recall provision we have—even when life-threatening contamination is detected.

So for all of those reasons, I hope the substitute will not be adopted. As I said, I know my friend has some feelings about this bill. I understand that. But many of the things Senator COBURN brought up earlier and in good faith I worked with him and his staff on—some of his ideas, we appropriated in this bill. Senator COBURN—I say this as a friend—has a keen eye a lot of times for things that are duplicative or things that maybe sound good but don't do what you think they are going to do. He has a keen eye. I give him credit for that. So a lot of those things we have looked at that in the past he suggested, and we have adopted those things and put them in the bill.

Lastly, one of Senator COBURN's objections is that the bill is not paid for. Again, I think that is misguided. He knows my feelings on this issue. This is an authorization bill. Any funding that would come for this would have to be appropriated in the future. There would be absolutely no deficit increase at all.

This is from the Congressional Budget Office. From our bill, we asked them what would it do to increase the deficit. As my colleagues can see, from 2010 to 2020, there is a zero increase in the deficit because of our bill.

So, again, while I understand Senator COBURN has problems with the bill, I think his substitute really wipes out everything we have done on a bipartisan basis. Senator ENZI has worked hard, as well as Senator GREGG, Senator BURR, and others. We have worked with industry and consumer groups for over a year now to make sure we had a good bill, a comprehensive bill—one that was a true compromise between competing interests but one that gets the job done. And what is the job? To help reduce the number of foodborne illnesses in this country.

I say in closing, is this bill going to stop everybody from getting sick while eating food? No, no. It will not be 100 percent. Will it be better than what we have? You bet. It is going to prevent a lot of foodborne illnesses that otherwise would happen in this country under the present system.

Just think about this: We are operating under a food inspection safety system in this country that was adopted 70 years ago. Think of how our food

supply—the growing, the processing, and the shipping—have all changed in that 70 years. We go to the grocery store in the wintertime and we buy fresh raspberries from Chile or blueberries from Argentina. We go to the store in the summertime and we buy produce made in this country from all over, commingled and shipped together. A lot of times, you don't know where it is coming from. There are so many different things that have happened over the last 70 years. Yet our inspection system has not kept up with how our food is produced, how it is processed, how it is shipped and stored, and we have not updated what we should do with imported foods. We are getting more and more imported foods into this country.

So for all of those reasons, I hope we will have a good, strong vote, a good bipartisan vote on the cloture issue and that the other measures that are coming up—we have an amendment on taxes—if either the Johannis amendment or the Baucus amendment is adopted, it will kill this bill. It will kill the bill.

I happen to be one of those who think we have to change the 1099 provisions for small businesses but not on this bill. We will do that before the end of the year, but if it is adopted on this bill, it will kill our food safety bill because the House will blue-slip it because the Constitution says bills of revenue have to originate in the House, not in the Senate; likewise, the earmark provision Senator COBURN will be offering—we will have a good debate on that too—again, if that is adopted, it will kill the bill. There is just no doubt about it.

So we worked hard for many years to get to this point. We have a good bipartisan bill. We have a bill we believe the House will pass and send on to the President to keep our people more safe. So I hope this body will reject any extraneous amendments.

Madam President, I yield the floor and note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. MCCASKILL. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. MCCASKILL. Madam President, I rise to talk about an amendment we will be voting on tomorrow concerning earmarks. Since coming to the Senate, I have decided I am not going to participate in what I think is a very flawed process. I don't think it is the right way to spend public money. I am not going to quarrel that some of the projects that have been funded are not meritorious; they are. In my State, some of the projects that have received earmarked funds are wonderful expend-

itures of public money. But it is the way in which the money is expended that is a problem; the way to decide it is the problem. It is the process.

There have been a number of defenses of earmarking. I am going to spend a couple minutes debunking the defenses of earmarking. I will tell you my favorite one: We are somehow abdicating the power of the purse that is delineated in the Constitution. Give me a break. We decide every dime of Federal money. Congress makes the decision on appropriations for every Federal program. How is giving up a secretive process, where nobody is sure how it is decided who gets how much money—how is getting rid of that somehow removing our constitutional authority to make spending decisions? It is like they want the American people to believe that if we quit earmarking, the appropriations process is going to go away, that we will no longer pass judgment on the President's budget, that we will not have oversight over Federal money. It is silly and absurd. In some ways, it is almost insulting.

The constitutional powers to decide how Federal money is spent will remain with the Congress long after this bad habit has been broken. Make no mistake about it, it may not be this year, it may not be next year, but the American people are on to us. They now know and understand that earmarking is about who you are. It is about what committee you sit on. It is about whom you know.

If this is such a fair process, if this is something we should be proud of, then I want someone to come to the floor and explain to me how they decide who gets the money. I ask it at home all the time, and I say: If you know, will you tell me because I am a Member of the Senate and I don't know.

In some committees, the ranking member and the chairman of the subcommittee get more money than everybody else. In other committees, they don't. Where is that decided? In what room? Is there a hearing? Can I go and watch? When the money is split, who is in the room? Who is on the phone? If we are brutally honest with the American people, we will tell them that is a process we don't want them to see. Yes, we are better because we reformed. I am proud my party led the reforms on earmarking right after I came to the Senate. Now your name is on your earmark.

I will tell you what is not public. Do you know what people at home actually believe? They believe the Senators don't pick the winners and losers. They actually think there is some mysterious process, but what we don't know is what are all the earmarks that Senators say no to. Senators say no to these earmarks. It is not a committee that says no to these. It is not a chairman. Each individual Senator decides winners and losers. I don't think the

losers know that. I think the losers think that Senator had nothing to do with them being a loser. If we can make all that public, this would be a much less popular activity because all of a sudden the people who wanted the bridge in this part of the State would realize that the Senator thought the bridge on the other side of the State was more important. So we take credit for the earmarks we get, but we are not willing to own the fact that we have chosen winners and losers.

Finally, this notion that somehow the bureaucrats are going to decide—most of the money taken for earmarks comes out of programs that are grant programs and formula programs and are decided by population or by local people. It is not Washington bureaucrats. They are supplanting the judgment of one person for the local planning process and the State planning process. That is not the way.

I hope people vote for the Coburn-McCaskill amendment. This is the wrong way to spend public money. Whether it happens tomorrow or 2 or 3 years from now, make no mistake about it, the American people are tired of it.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CARDIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Pursuant to rule XXII, the Chair lays before the Senate the following cloture motion, which the clerk will report.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the Harkin substitute amendment No. 4715 to Calendar No. 247, S. 510, the FDA Food Safety Modernization Act.

Harry Reid, Patrick J. Leahy, Claire McCaskill, Tom Harkin, Carl Levin, Daniel K. Inouye, Richard J. Durbin, Byron L. Dorgan, Jack Reed, Jeff Bingaman, Mark Begich, Blanche L. Lincoln, Robert Menendez, Daniel K. Akaka, Sherrod Brown, Sheldon Whitehouse, Patty Murray, Debbie Stabenow, Barbara Boxer.

The PRESIDING OFFICER. By unanimous consent the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on amendment No. 4715 to S. 510, a bill to amend the Federal Food, Drug, and Cosmetic Act with respect to the safety of the food supply shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Connecticut (Mr. LIEBER-

MAN), the Senator from Arkansas (Mr. PRYOR), and the Senator from Montana (Mr. TESTER) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Kansas (Mr. BROWNBACK) and the Senator from North Carolina (Mr. BURR).

The yeas and nays resulted—yeas 69, nays 26, as follows:

[Rollcall Vote No. 252 Leg.]

YEAS—69

Akaka	Franken	Merkley
Alexander	Gillibrand	Mikulski
Baucus	Grassley	Murkowski
Bayh	Gregg	Murray
Begich	Hagan	Nelson (NE)
Bennet	Harkin	Nelson (FL)
Bingaman	Inouye	Reed
Boxer	Johanns	Reid
Brown (MA)	Johnson	Rockefeller
Brown (OH)	Kerry	Sanders
Cantwell	Kirk	Schumer
Cardin	Klobuchar	Shaheen
Carper	Kohl	Snowe
Casey	Landrieu	Specter
Collins	Lautenberg	Stabenow
Conrad	Leahy	Udall (CO)
Cooms	LeMieux	Udall (NM)
Dodd	Levin	Vitter
Dorgan	Lincoln	Voinovich
Durbin	Lugar	Warner
Enzi	Manchin	Webb
Feingold	McCaskill	Whitehouse
Feinstein	Menendez	Wyden

NAYS—26

Barrasso	Crapo	McCain
Bennett	DeMint	McConnell
Bond	Ensign	Risch
Bunning	Graham	Roberts
Chambliss	Hatch	Sessions
Coburn	Hutchison	Shelby
Cochran	Inhofe	Thune
Corker	Isakson	Wicker
Cornyn	Kyl	

NOT VOTING—5

Brownback	Lieberman	Tester
Burr	Pryor	

The PRESIDING OFFICER. On this vote, the yeas are 69, the nays are 26. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Mr. BROWN of Massachusetts. Madam President, I come to the floor today to talk about a provision that was included in the Federal health care reform bill. It is a provision that adversely impacts small businesses and entrepreneurs, both an engine of job growth in Massachusetts and across the country.

I support Mr. JOHANN'S efforts and leadership to repeal this provision of the law. I am proud to be a cosponsor of his efforts to do just this.

The provision that I am referring to—section 9006 of the Federal health care reform bill—requires that every business, charity, and local and State government entity submit a 1099 form for every business transaction totaling \$600 or more in a given year. It has been estimated that this mandate would affect approximately 40 million entities across the country.

Under the law, businesses will be required to report purchases of items such as office equipment, food and bottled water, gasoline, lumber, and plumbing supplies if payments to any

vendor in the course of a year total at least \$600. They will, in many cases, also have to report payments for things such as travel and telephone and Internet service. To comply with the mandate, businesses—especially small businesses—would have to institute new, complex record-keeping data collection and reporting requirements that track every purchase by vendor and payment method. The provision will increase accounting costs, expose businesses to costly and unjustified audits by the IRS, and subject more small businesses to the challenges of electronic filing.

So what does all of this really mean? And why does this provision need to be repealed? Well, what it means is that small businesses and entrepreneurs will be busy completing paperwork, filling out forms, and complying with government mandates.

The provision needs to be repealed because when small businesses are focused on keeping the government at bay, they aren't creating jobs or making investments that spur economic growth.

This is a policy we can all agree on—from both sides of the aisle. It is a policy that I have supported from the very start and that I will continue to support and fight for.

Passing this amendment is the right thing to do—for small business owners, for entrepreneurs, and for every business that is eager to hire workers, expand its business, and grow.

I commend my colleague's leadership on this issue. My colleague, Mr. JOHANN'S has been leading this effort since the Federal health care reform passed earlier this year, and I support him fully. And I urge my fellow Senators to repeal this job-and investment-killing mandate.

The PRESIDING OFFICER. Under the previous order, the Senator from Nebraska will be recognized to offer a motion to suspend the rules.

MOTION TO SUSPEND

Mr. JOHANN'S. Madam President, I move to suspend the rule XXII, including any germaneness requirements, for the purposes of proposing and considering amendment No. 4702, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The yeas and nays were ordered.

MOTION TO SUSPEND

Mr. BAUCUS. Madam President, pursuant to the previous order, I move to suspend the rules for the consideration of my amendment, which is at the desk, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Under the previous order, the vote will first occur on the motion of the Senator from Nebraska.

The Senator from Montana.

Mr. BAUCUS. Madam President, I understand, under the order, each side gets to speak for 1 minute.

The PRESIDING OFFICER. That is correct. The Senator from Nebraska.

Mr. JOHANNIS. Madam President, if I might take my minute to explain what is happening tonight, the first amendment we will vote on is the Johanns' amendment. It repeals the 1099 requirement in the health care law. This came before us in September. Many colleagues came to me and said: I do not like the pay-fors coming out of the health care law. This is paid for. It is paid for out of unobligated funds in the Federal system, if you will.

The second amendment, the Baucus amendment, simply is not paid for. So you will be adding to the Federal deficit if you support the Baucus amendment.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. The Senator from Nebraska and I both seek to repeal the provisions in the health care reform act referring to 1099. They are identical in that respect, but actually we go further and give more relief to small business than does the Senator from Nebraska.

The Johanns amendment would also give the unelected Director of the Office of Management and Budget the power to slash \$33 billion in appropriated spending entirely at his own discretion, taking away the responsibility of the Congress. I do not think that is a good idea.

The Johanns amendment, thus, puts at particular risk slower spending accounts that fund vital purposes. The Johanns amendment puts at risk international narcotics control, law enforcement funding, \$39 billion worth of funding solely in the discretion of the OMB Director, taking that power away from the Congress. I think that is a bad idea. I urge my colleagues to oppose the Johanns amendment.

Mr. JOHANNIS. Madam President, do I have any time remaining?

The PRESIDING OFFICER. The Senator has 24 seconds remaining.

Mr. JOHANNIS. In reference to the argument of the Senator from Montana, Congress has allowed the administration to make similar decisions on rescinding funds in 1999, 2004, and twice in 2008, while our friends on the other side of the aisle were in control of Congress. That argument simply does not hold water.

I urge my colleagues to support the paid-for amendment, the Johanns amendment.

The PRESIDING OFFICER. All time has expired. The question is on agreeing to the motion of the Senator from Nebraska.

The yeas and nays are ordered.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Connecticut (Mr. LIEBERMAN) and the Senator from Arkansas (Mr. PRYOR) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Kansas (Mr. BROWNBACK) and the Senator from North Carolina (Mr. BURR).

The yeas and nays resulted—yeas 61, nays 35, as follows:

[Rollcall Vote No. 253 Leg.]

YEAS—61

Alexander	Feingold	Menendez
Barrasso	Graham	Murkowski
Bayh	Grassley	Nelson (NE)
Bennet	Gregg	Nelson (FL)
Bennett	Hagan	Risch
Bingaman	Hatch	Roberts
Bond	Hutchison	Sessions
Brown (MA)	Inhofe	Shelby
Bunning	Isakson	Snowe
Cantwell	Johanns	Stabenow
Chambliss	Kirk	Tester
Coburn	Klobuchar	Thune
Cochran	Kohl	Udall (CO)
Collins	Kyl	Udall (NM)
Conrad	LeMieux	Vitter
Corker	Lincoln	Voinovich
Cornyn	Lugar	Warner
Crapo	Manchin	Webb
DeMint	McCain	Wicker
Ensign	McCaskill	
Enzi	McConnell	

NAYS—35

Akaka	Feinstein	Mikulski
Baucus	Franken	Murray
Begich	Gillibrand	Reed
Boxer	Harkin	Reid
Brown (OH)	Inouye	Rockefeller
Cardin	Johnson	Sanders
Carper	Kerry	Schumer
Casey	Landrieu	Shaheen
Coons	Lautenberg	Specter
Dodd	Leahy	Whitehouse
Dorgan	Levin	Wyden
Durbin	Merkley	

NOT VOTING—4

Brownback	Lieberman
Burr	Pryor

The PRESIDING OFFICER (Mr. MERKLEY). On this vote, the yeas are 61, the nays are 35. Two-thirds of the Senators voting not having voted in the affirmative, the motion is rejected.

The Senator from Montana.

MOTION TO Suspend

Mr. BAUCUS. Mr. President, this next vote is very simple. It repeals the 1099 provisions that we all said to small businesses that we are going to repeal. Purely and simply, it repeals 1099. I urge Members to vote to repeal, get this over with so we can move on to other business.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. JOHANNIS. Mr. President, this adds \$19 billion to the Federal deficit.

I yield the remainder of my time to Senator JUDD GREGG.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, this is not the proper way to address this issue, to add \$19 billion to our deficit. That has to be paid too by our children and by small businesses being affected by this 1099 proposal. Let's do this the right way. Let's do it the way the Senator from Nebraska has suggested—pay

for it. It should be corrected that way, not by adding \$19 billion to our debt.

The PRESIDING OFFICER. All time is yielded back.

The question is on agreeing to the motion offered by the Senator from Montana.

The yeas and nays having been ordered, the clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Connecticut (Mr. LIEBERMAN) is necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Kansas (Mr. BROWNBACK) and the Senator from North Carolina (Mr. BURR).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 44, nays 53, as follows:

[Rollcall Vote No. 254 Leg.]

YEAS—44

Akaka	Hagan	Nelson (NE)
Baucus	Inouye	Reed
Bayh	Johnson	Reid
Begich	Kerry	Rockefeller
Boxer	Kirk	Sanders
Brown (MA)	Klobuchar	Schumer
Brown (OH)	Landrieu	Shaheen
Cantwell	Lautenberg	Specter
Cardin	Leahy	Stabenow
Casey	Levin	Tester
Coons	Manchin	Warner
Dorgan	Menendez	Webb
Feinstein	Merkley	Whitehouse
Franken	Mikulski	Wyden
Gillibrand	Murray	

NAYS—53

Alexander	Durbin	McCain
Barrasso	Ensign	McCaskill
Bennet	Enzi	McConnell
Bennett	Feingold	Murkowski
Bingaman	Graham	Nelson (FL)
Bond	Grassley	Pryor
Bunning	Gregg	Risch
Carper	Harkin	Roberts
Chambliss	Hatch	Sessions
Coburn	Hutchison	Shelby
Cochran	Inhofe	Snowe
Collins	Isakson	Thune
Conrad	Johanns	Udall (CO)
Corker	Kohl	Udall (NM)
Cornyn	Kyl	Vitter
Crapo	LeMieux	Voinovich
DeMint	Lincoln	Wicker
Dodd	Lugar	

NOT VOTING—3

Brownback	Burr	Lieberman
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The PRESIDING OFFICER. On this vote, the yeas are 44, the nays are 53. Two-thirds of the Senators voting not having voted in the affirmative, the motion is rejected.

VOTE EXPLANATIONS

Mr. TESTER. Mr. President, unfortunately, I was not able to be present to cast an important vote this evening due to a delayed flight. The vote was for cloture on the substitute food safety bill, which includes my amendment. After widespread foodborne illnesses have sickened millions of Americans throughout the country, including in Montana, this bill will help restore Americans' confidence in our food supply. With my amendment, it will also recognize that family-scale producers that have immediate relationships

with their customers at a local level have not been at the root of our food safety problems, so they should not and cannot bear the same regulatory burden.

Had I been present, on vote No. 252, cloture on substitute amendment No. 4175 to S. 510, Food Safety Modernization Act, 60 vote threshold, I would have voted in the affirmative.

Mr. PRYOR. Mr. President, due to my airline flight delay traveling back from Arkansas, I inadvertently missed the vote on Senator JOHANN'S motion to suspend rule XXII for the purpose of proposing and considering his amendment No. 4702 to repeal the 1099 information reporting requirement. I would have voted for Senator JOHANN'S motion had I been present.

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

• Mr. LIEBERMAN. Mr. President, I regret having missed votes to suspend the rules and consider two amendments to the FDA Food Safety Modernization Act. I was unable to be present for these votes due to a family wedding.

Had I been present, I would have voted in favor of the motion to suspend the rules to consider Senator BAUCUS'S amendment to repeal the form 1099 reporting requirement. This provision imposes an onerous compliance requirement on businesses of all sizes, and Congress should act quickly to remove that burden and allow businesses to direct their time, energy, and resources to growing their businesses and creating new jobs.

I would have voted against the motion to suspend the rules to consider the Johanns amendment because it would have delegated Congress's constitutionally delegated responsibility to make spending decisions to the executive branch, also shifting accountability for making difficult and unpopular spending cuts from Congress to the President. •

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. Mr. President, we have just invoked cloture on the food safety bill, and I think it is important for the American people to know what that means. That means we are going to spend another \$1.4 billion of their money. No. 2, we are going to raise the cost of food over the next year, and therefore we are at about \$200 million to \$300 million. We set \$141 billion per year in unfunded mandates on the States if we pass this bill, and we didn't fix the real problem with food safety in this country, according to the Government Accountability Office.

The other point I wish to make is that we went through this process over the last week and a half with no amendments being allowed—no amendments being allowed—which really violates the spirit of the Senate. We could have finished this bill probably the

week before Thanksgiving had amendments been allowed.

The thing Washington gets wrong—it is not their intent, it is not their well-meaning desire to fix problems that are in front of the country—what Washington gets wrong is they think spending more money and setting up a ton more regulations will fix problems, and it doesn't. What it does is it raises costs. So we are going to see a lot of small food manufacturers no longer making food. We are going to raise the cost of our food and, by the way, see significant increases—if I could have my charts on the floor, I would appreciate it—this year in food, and we are going to see that extended, but we are not going to fix the real issue.

Food safety is on the minds of everybody in this country because of the recent 500 billion egg recall in this country. It is important to know what went on there. It is important to note that the head of the FDA, Dr. Margaret Hamburg, said had their rule been in existence, we wouldn't have had that problem of salmonella with eggs. They promulgated the finished rule around the time of the salmonella infection and contamination on the eggs.

The problem with that is it took 10 years to develop that rule. Nobody has asked why it took 10 years. Nobody had a hearing before we passed this rule to say: How did we allow this to happen? But we took 10 years.

Senator HARKIN has the right idea on food safety. He didn't get it proper, that bill, because he couldn't get it through, but his idea is that we need one food safety organization, not three, and we now have three, and we are going to exacerbate that problem with the bill on which we just deemed cloture.

The intent of my colleagues is great, but, as somebody trained in the art of medicine, what I see in this bill is different from what you see in this bill. You see, I see the problem is not lacking regulatory authority; the problem is not holding the regulators in their expertise and carrying out the authority they have. How do I know that for sure? Because it wasn't a week after the recall on the eggs on the salmonella scare that we had two FDA inspectors cross-contaminating farms in Iowa, not even following their own regulations. This doesn't do anything for that because the only thing that is going to fix the real problems with food safety in this country is us holding the regulators accountable, not giving them a whole bunch more regulations, and we haven't done that. We have failed to do that.

It is not just in food safety. The reason we have a \$1.3 trillion deficit is because we don't hold agencies accountable. We are going to have a debate in a minute on earmarks, and we are going to hear it put forward that the only way we can control it is to direct

money ourselves. That is just absolutely an untruth. The way you can direct where money gets spent in this country is having oversight on the agencies and them knowing you are going to look every time on how they are spending the money and make them justify it. But the fact is, we are not looking because we have decided we will take ours and we will put our \$16 billion over here, and you, administration, can take your money and put your money where you want to put it. That is the real debate on earmarks. There is nothing in our oath that says anything about our obligation to our State to bring money back to it. And the hidden little secret on earmarks is that they are used as much as a political tool as they are to claim "I am doing something good for my State."

MOTIONS TO SUSPEND

I ask unanimous consent to move to suspend the rules for the consideration of amendment No. 4696 and amendment No. 4697.

The PRESIDING OFFICER. Is there objection?

Mr. DURBIN. Mr. President, reserving the right to object, I wish to ask the Senator from Oklahoma if he could explain the nature of his unanimous consent request. I may not object, but I just didn't understand it.

Mr. COBURN. To the Senator from Illinois, I am just bringing these up. I have to bring them up either in the morning or this evening for votes in the morning, so I am just bringing them up to be available for consideration under a suspension of the rules.

Mr. DURBIN. So it is my understanding the votes will still be tomorrow on the two issues the Senator has pending?

Mr. COBURN. Yes, they will.

Mr. DURBIN. I do not object.

The PRESIDING OFFICER. The motions to suspend are pending rather than the amendments themselves. Is there objection?

Without objection, it is so ordered.

The Senator from Oklahoma has the floor.

Mr. COBURN. Mr. President, I just want to show my colleagues the difference. One of the motions we will vote on on suspending the rules tomorrow is, here is S. 510, 280 pages of new rules and new regulations. Here is the alternative, which is one-sixth of that. This one costs \$1.4 billion in direct costs, \$400 billion in food increased costs, and \$141 million in mandatory new spending, mandates to the States. This one does none of that.

What does this bill do? This bill uses common sense to say what really controls our food safety. Our food safety is controlled by market forces more than anything. And if you look at our history on foodborne contamination, we are by far the safest in the world, and our rates have been coming down since 1996. Over the last 14 years, our rates

have come down in terms of foodborne illnesses.

I am not fighting against food safety; I am fighting for common sense. What we see in the bill we are going to vote on versus the alternative which I am going to offer is one builds and grows the government, one raises the cost of government, and ultimately we will be taxed to pay for that. One raises the price of food and one puts unfunded mandates on the States.

I am saying that we can accomplish exactly the same goal as my chairman, the Senator from Iowa, would like to accomplish without 280 pages of new rules and regulations. So what do we do? We require the FDA and the USDA to immediately establish a comprehensive plan to share their data. They have agreements to share data, but they don't share the data, so we force them to do that. We require a strategic plan for updating their health information technology systems, which the Government Accountability Office for the last 5 years has been saying is their No. 1 problem. We require the FDA to submit a plan to expeditiously approve new food safety technologies and more effectively communicate those technologies to the industry and consumers. We leverage the free market existing food safety activities by allowing the FDA to accredit third-party inspectors, and we provide unlimited new authority without imposing new costs or additional regulatory burdens. These new authorities intend to better leverage the free markets and focus resources on preventing foodborne illness and contamination. They include emergency access to records, clarifying the HACCP authority relating to high-risk foods, and allowing the FDA to develop strategic international relationships.

What will this bill do? It will fix the real problem: ineffective government, ineffective bureaucracies. What we are going to do when we pass the food safety bill that is on the floor is we are going to grow the government. We are going to create more barriers. We are going to raise the cost, and we are still going to have foodborne illnesses.

So I will end with that and move over to earmarks. I know I have several colleagues who wish to speak about it. I am not going to spend a long time on it. We have debated it and debated it. The fact is that this country did just fine for the first 200 years without the first earmark. And when anybody in the Senate in the first 200 years in this country tried the earmark, they got shouted down in this body because they were told their responsibility was to the country as a whole, not to the privileged, well-connected, well-knowing few who helped them come up here.

We have a problem, and the problem isn't earmarks; the problem is the confidence of the American people. They see the conflicts of interest associated with earmarks. It is not wrong to want

to help your State. It is not wrong to go through an authorizing process where your colleagues can actually see it. It is wrong to hide something in a bill that benefits you and the well-heeled few without it being shown in light to the American people.

If we are to solve the major problems that are in front of this country over the next 2 or 3 years—and they are the largest we have ever seen, they are the biggest problems we have ever seen in this country—we have to restore the confidence of the American people.

Utilization of an earmark is not our prerogative; it is our pleasure. We claim a power that we have in fact created. We do direct where the money goes. But we should never do it with a conflict of interest that benefits just those we represent from our States or just those who help us become Senators. All we have to do is look at campaign contributions and earmarks, and there is a stinky little secret associated with that: the correlation is close to one. That is not something this body should embrace, tolerate, or stand for.

The American people expect us to be transparent, aboveboard, doing the best, right thing for the country as a whole. The real process is that the Appropriations Committee ignores authorizing committees; \$380 billion a year in discretionary funds are appropriated every year that are unauthorized. With that rebuff of the authorizing committees, they also put in any earmarks they want or that any other Member wants. It is time that stops. It is time we re-earn the trust of the American people.

With that, I yield to my colleague, the Senator from Arizona.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. MCCAIN. Mr. President, I thank Senator COBURN. I also express my appreciation to Senator MCCASKILL and Senator UDALL for joining in this very important amendment. As the Senator from Oklahoma mentioned, this issue has been debated many times on the floor of the Senate. There have been efforts to repeal certain most egregious earmarks. A "bridge to nowhere" in Alaska was one of those that became more famous than others.

I have to say to my colleagues that I have seen with my own eyes—and I say this with great regret—the influence of money and contributions in the shaping of legislation. I have seen that come in the form of earmarks. One of the individuals I admired a great deal, a former Member of the House of Representatives, now resides in Federal prison because of earmarking. Another Member of Congress recently got out of prison. It was earmarking. We just saw that the former majority leader of the U.S. House of Representatives was convicted in court in Texas, and earmarking played a major role. The system of rewards for campaign contribu-

tions was an important factor in that conviction.

So for many years I have been coming to this floor to express my frustration with this corrupt practice. It has been a lonely fight and hasn't won me many friends in this body. I understand that. But I also want to point out that my criticisms have not been directed just from the other side of the aisle. Earmarking is a bipartisan disease, and it requires a bipartisan cure. After so many years in the trenches to eliminate this practice, I am pleased the American people are demanding that they stop this practice.

As my colleagues know, earlier this month the Senate Republican caucus unanimously adopted a nonbinding resolution to put into place a 2-year earmark moratorium. I applaud my fellow Republicans in the Senate for joining our Republican colleagues in the House in sending a message to the American people that we heard them loud and clear in the election on November 2 that we will get spending under control and we will start by eliminating the corrupt practice of earmarking.

Mr. President, I have had a lot of communications and relations with and even attended tea party rallies across my State. There is very little doubt that a real revolt is going on out there. I can't call it a revolution because I don't know how long it is going to last. I don't know how it is going to be channeled. I don't know exactly where this movement will go. But I do know it involved millions of Americans who had never been involved in the political process before because of their anger and frustration over our practices here, and they believe earmarking is a corrupt practice. They believe their tax dollars should not be earmarked in the middle of the night, without any authorization, without hearings.

The Senator from Oklahoma just pointed out \$380 billion in earmarks. Some of those earmarks are worthy. If they are worthy, then they should be authorized. So what has happened? What we have seen in the last 30 years or so is an incredible shift from the hands of many to the decisions of a few. We don't do authorization bills anymore. We don't do an authorization bill for foreign operations. We don't do an authorization bill for all of these other functions of government for which there are requirements because, what do we do? We stuff them all into the appropriations bills. Then the members of the Appropriations Committee make decisions that are far-reaching in their consequences, with incredibly billions of dollars, without the authorizing committees carrying out their proper role of examination, scrutiny, and approval.

The way the system is supposed to work—and did for a couple hundred years—is that projects, programs,

whatever they are, are authorized, and then the appropriators appropriate the certain dollars they feel necessary to make this authorization most effective and efficient. So we don't authorize anymore. We only appropriate. That is wrong. That really puts so much power in the hands of a very few Members of this body and, inevitably, it leads to corruption—inevitably.

The Heritage Foundation wrote a report I urge my colleagues to read. It is entitled "Why Earmarks Matter." The first point they make is this:

They invite corruption. Congress does have a proper role in determining the rules, eligibility and benefit criteria for federal grant programs. However, allowing lawmakers to select exactly who receives government grants invites corruption. Instead of entering a competitive application process within a federal agency, grant-seekers now often have to hire a lobbyist to win the earmark auction. Encouraged by lobbyists who saw a growth industry in the making, local governments have become hooked on the earmark process for funding improvement projects.

There are small towns in my State that feel obligated to hire a lobbyist to get an earmark here through the Appropriations Committee. They should not have to do that. They should not be spending thousands and thousands or tens of thousands of dollars for a lobbyist to come here to get an earmark. They should have their desires and their needs and their requirements considered on an equal basis with everybody else's, not only in their State but in this country. But now they believe the only way they will get their pork or their project done is through the hiring of a lobbyist.

The Heritage Foundation goes on:

They encourage spending. While there may not be a causal relationship between the two, the number of earmarks approved each year tracks closely with growth in federal spending.

Then the Heritage Foundation says:

They distort priorities. Many earmarks do not add new spending by themselves, but instead redirect funds already slated to be spent through competitive grant programs or by states into specific projects favored by an individual member. So, for example, if a member of the Nevada delegation succeeded in getting a \$2 million earmark to build a bicycle trail in Elko in 2005, then that \$2 million would be taken out of the \$254 million allocated to the Nevada Department of Transportation for that year. So if Nevada had wanted to spend that money fixing a highway in rapidly expanding Las Vegas, thanks to the earmark, they would now be out of luck.

So what we do is deprive the Governors and the legislators from setting the priorities they feel are the priorities for their States. And all too often, the earmark is not what the State or the local citizenry or town or county needs as their priorities because they are decided with the influence of lobbyists in Washington. I say, with all due respect to the appropriators, they don't know the needs of my State like I know the needs of my State, and not

nearly as much as the mayor, the city council, the Governor, and the legislature. Let them make the decision where these moneys should be spent, and not on a bike path instead of improving a highway.

Mr. President, I could go on and on. I come down here year after year and look at the porkbarrel projects and earmarks, and we discuss the ones that are the most egregious and then I am amused and entertained by Members who come down and defend many of these absolutely unneeded and unnecessary projects. I will not go into many of my favorites at this time. I know my colleagues are waiting to speak.

I ask my colleagues to understand the voice of the people of this country. I just read today that more seats were gained by the Republican Party than in any election since 1938. Since 1938, there has not been such a political upheaval in this country. That is not because our constituents have now fallen in love with Republicans. That is not the case. The message is that all of our constituents are tired of the way both Republicans and Democrats conduct their business in Washington, frivolously and outrageously spending their hard-earned tax dollars. They believe we are not doing right by them, that we are not careful stewards of their tax dollars, that we are engaging in practices that need to stop which has disconnected us from the American people. We need to connect again with the American people.

I am going to hear the arguments that it is only a few dollars, not much money, and we don't trust the Federal Government to do it. I have heard all of those arguments year after year. I have watched year after year the earmarks go up and up. I have seen the corruption. Senator DORGAN and I had hearings in the Indian Affairs Committee about a guy named Jack Abramoff. We saw firsthand the effects of unscrupulous lobbyists and the millions and millions of dollars they got in earmarks as a result of their corrupt influence. There are many Jack Abramoffs in this town; they just haven't gotten famous.

Mr. President, again, I thank Senators COBURN, UDALL, MCCASKILL, and others who support this amendment. As I said 20-some years ago, we will keep coming back and back and back to the floor of this body until we clean up this practice and restore the confidence and faith of the American people—the people who send us here to do their work, not our work.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. INOUE. Mr. President, I rise this evening—

Mr. COBURN. Would the Senator yield for a unanimous consent request?

Mr. INOUE. I yield.

Mr. COBURN. Mr. President, I ask unanimous consent that after the

chairman of the Appropriations Committee speaks we alternate back and forth. We are planning to turn in a bunch of our time—to yield back a bunch of our time—and I would suggest that Senator UDALL be given 8 minutes after the chairman of the Appropriations Committee, and following him Senator LEMIEUX, with an intervening statement from the other side, followed by Senator MCCASKILL for 10 and Senator INHOFE for 15 minutes, alternating back and forth.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COBURN. I thank the chairman for yielding.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. INOUE. Mr. President, I rise this evening to speak against the Coburn amendment which imposes a moratorium on congressional initiatives for the next 3 years.

Mr. President, our Founding Fathers bestowed upon the Congress the authority to ensure that the people's representatives would make the final decision upon spending, not the executive branch. They had lived under a monarchy in which the power of the purse resided with the Executive, and they had no desire to repeat that experience. In short, our Founding Fathers did not want another King, they wanted a President but a President whose power would be held firmly in check by a co-equal Congress.

None of us should be surprised that President Obama is expressing his opposition to earmarks. A ban on earmarks would serve to strengthen the executive branch of government by empowering the President to make decisions that the Constitution wisely places in the hands of Congress. This is the exact same reason Presidents Clinton and Bush sought the line-item veto during their Presidencies.

As I have said many times before, the people of Hawaii did not elect me to serve as a rubberstamp for any administration. Handing over the power of the purse to the executive branch would turn the Constitution on its head.

So I must admit, Mr. President, I find it puzzling that some Republicans would want to grant all authority over spending to any President but especially a Democratic President. Make no mistake, that is exactly what this amendment will do.

We have heard numerous misleading arguments from opponents of earmarks, but several in particular seem to be repeated again and again. I cannot allow the misinformation or misrepresentation to go unanswered.

First and foremost, opponents falsely claim that earmarks contribute to the deficit. Perhaps the strongest proponent of this argument is the junior Senator from South Carolina who stated the following in a fundraising letter he sent out in October:

I am not willing to bankrupt my country for earmarks.

It is a fine statement. This is but one example of the many times over the past year in which so-called deficit hawks have falsely asserted that earmarks are the root cause of our Nation's fiscal problems. This is especially galling when you consider that many of these same individuals supported the policies that led directly to the current budget crisis.

In the interest of setting the record straight, and as chairman of the Senate Appropriations Committee, I feel compelled to point out to my colleagues that eliminating earmarks would do virtually nothing to balance the Federal budget. This is a cynical attempt to distract the American people from the serious challenges before us and nothing more.

The numbers clearly demonstrate just how misleading the arguments of earmark opponents are. According to the most recent Congressional Budget Office estimate, Federal spending for fiscal year 2010 totals about \$3.5 trillion, and revenues for that year total about \$2.2 trillion, resulting in a deficit of \$1.3 trillion. Congressional initiatives make up less than $\frac{1}{2}$ of 1 percent of the total Federal spending. If we accept this proposal to eliminate all earmarks and take the second necessary step of actually applying the savings to deficit reduction, the total deficit for the United States would still be \$1.3 trillion.

If opponents were serious about eliminating the deficit and paying down the national debt, they would offer a specific plan for cutting the \$1.2 trillion in spending or for increasing revenues. Instead, they choose to mislead the American people by implying that we can balance the budget by cutting a tiny fraction of Federal spending.

Calling for the elimination of congressional earmarks is a legitimate philosophical position to take, although not one with which I agree. However, to suggest that earmarks are the cause of our deficit of \$1.3 trillion is irresponsible.

Adding to this misleading rhetoric are allegations that congressionally directed spending is an inherently corrupt practice that is hidden from the public eye. That allegation is simply false. We all recognize that the practices of the previous majorities led to significant abuses of the system. However, since we recaptured the Congress in 2006, Democrats have instituted a series of major reforms that now hold Members accountable and have made earmarking more transparent than ever. That is the law.

I would ask any of my colleagues: Can anyone name another part of the Federal budget—and let me remind my colleagues we are talking about less than $\frac{1}{2}$ of 1 percent of the budget—that

is subject to more scrutiny than earmarks?

The Appropriations Committee requires every Member to post his or her request 30 days prior to the committee's consideration of the relevant appropriations bill. The committee requires every Member to submit a letter that he or she does not have a pecuniary interest in the projects for which the funding is being requested. The committee's Web site provides a link to every single Member's request. These are all reforms that were implemented when the Democrats took control of the Senate and the House.

To pretend and suggest that earmarks are being doled out in a business-as-usual manner reflective of previous Congresses is flatout misleading. Reforms have been made that allow great projects that provide benefits to the Nation and to individual States and districts to be funded while ensuring that the abuses of the early and mid-2000s are a thing of the past. There can be no doubt that we have entered an age of real transparency when it comes to earmarks.

Moreover, each and every earmark that comes before the Senate today is listed in the committee report so that all Members are able to identify them and know exactly what they are voting on. Of course, the Internet makes all earmark requests available to the press and to the public. The Internet also makes all campaign contributions over \$200 equally accessible. So where is the so-called corruption? Where are the secret deals? I would like to know about them.

Further, I remind my colleagues that in 2010, funding for earmarks is less than half of the \$32 billion in earmarks provided in 2006.

I have spent considerable time refuting the misinformation being spread by those who are opposed to congressionally directed spending initiatives. If I may, I would like to highlight a few examples of why the practice of earmarking is indeed necessary.

As chairman of the Defense Appropriations Subcommittee, I have witnessed the benefits of earmarks firsthand over many years. I have previously discussed the benefits to our troops and our Nation of the Predator drone—the pilotless drone that is able to pick up enemy sites without endangering our troops. I have pointed to the new bandages that quickly stop bleeding in serious wounds that have saved countless lives of our soldiers fighting in Iraq and Afghanistan. Mr. President, these are earmarks.

Let me now turn to other areas of the Federal budget. I will start by reminding my colleagues that one of the most successful programs for low-income women and infants started out as an earmark. In the 1969 Agriculture appropriations bill, Congress earmarked funds for a new program called WIC to

provide critical nutrition to low-income women, infants, and children.

Over the past 41 years, this program has provided nutritional assistance to over 150 million women, infants, and children, making a critical contribution to the health of the Nation. This vital program has provided much needed assistance to millions, and it came into existence as an earmark.

In 1969 and 1970, Congress earmarked \$25 million for a children's hospital in Washington, DC, despite the objections to and the veto by the President. That funding resulted in what we know today as the Children's National Medical Center. Children's Hospital has become a national and international leader in neonatal and pediatric care, providing health care to over 5 million children since its doors opened. Again, I note this was an idea—an earmark—directed by Congress and vetoed by the President.

In 1987, Congress earmarked funds at the request of Senator Domenici for mapping the human gene. This project became known as the human genome project. This research has led to completely new strategies for disease prevention and treatment, including the discoveries of dramatic new methods of identifying and treating breast, ovarian, and colon cancers. No one disputes that these advances will save many lives, and it all began with an earmark. This was a project that was not supported by unelected agency bureaucrats in the executive branch, and thus would never have made it into the budget without congressional intervention.

In the early 1990s, I pursued, along with my dear friend, the Senator from Alaska, the late Ted Stevens, an earmark through NOAA to fund a tsunami warning system. This earmark came under attack in the late 1990s and early 2000 by a few Members as wasteful spending. Of course, in this particular case, as in many others, time and events would prove this to be a wise investment of tax dollars.

We all remember that on December 26, 2004, the Indian Ocean tsunami occurred, killing over 200,000 people in 14 countries. Two years later, the Republican Congress passed and the Bush administration signed into law the Tsunami Warning and Education Act. This legislation was based on the foundation established by the 14 years of earmarking for the Tsunami Hazard Mitigation Program.

A congressional initiative that began in 1998 at the behest of Senator GREGG would lead to the creation of the National Domestic Preparedness Consortium, which is now the principal vehicle through which FEMA identifies, develops, tests, and delivers training to State and local emergency responders. The program began as a series of earmarks for several nationally recognized organizations which focused on

counterterrorism preparedness and response needs of the Nation's Federal, State, and local emergency first responders and emergency management agencies. As a result of the training and expertise providing by NDPC members, thousands of New York City first responders had been through counterterrorism preparedness and response training at the centers prior to the 9/11 terrorist attacks.

There are thousands of other earmarks just like these that, over the years, have made a difference in the lives of Americans, projects the bureaucrats in downtown Washington never hear about because they do not communicate with constituents on a regular basis, programs such as the Predator and the Human Genome Project that are so innovative that an unelected, unaccountable government official is reluctant to include them in the budget out of fear that he or she will be accused of wasting taxpayer funds on an unproven technology.

Other Members will be speaking against this amendment and will have examples of why simply stopping all earmarking is wrong and detrimental for government and our citizens. The Founding Fathers bestowed upon Congress the responsibility to determine how our taxes should be spent, rather than leaving those decisions to unelected bureaucrats in the administration, and obviously with good reason. Certainly we can all agree that Members of Congress who return home nearly every weekend to meet with constituents have a much better understanding of what is needed in our cities and towns across rural America than do the bureaucrats sitting in Washington.

For all these reasons, I will continue to defend the right of Congress to direct spending to worthy projects as long as I am privileged to serve in the Senate and call attention to those who distort the facts of the subject.

I urge my colleagues to vote against the Coburn amendment. We have already taken significant and forceful steps to ensure the abuses of the past are not repeated. This amendment ignores those steps while at the same time deprives the Congress of essential constitutional prerogatives. It does nothing to decrease the debt and is designed to give political cover to those who lack a serious commitment to deficit reduction.

I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. UDALL OF Colorado. Mr. President, I will take a few minutes, if I can, to speak in favor of the bipartisan earmark moratorium amendment before us. This is the amendment that Senator COBURN, Senator MCCASKILL, Senator MCCAIN, and I have introduced.

I wish to specifically start by talking about what I have heard in Colorado.

There is an old saying—I know it is widespread; you hear it all over our great country—that if you are in a hole, you stop digging. That sums up what I have heard from many Coloradans who are justifiably worried about our Federal deficit. I believe we cannot climb out of that hole we have dug for ourselves unless each one of us here in the Senate—and, frankly, across the Rotunda in the U.S. House of Representatives—takes ownership of this problem and agrees to pitch in to solve it.

I have long pushed for the President to have line-item veto authority, and we ought to restate pay-as-you-go spending which served us so well in the 1990s, among other measures. But we can't just continue to talk about these reforms; we need to take action. That is why I have joined a chorus, a growing chorus of legislators on both sides of the aisle to end the practice known as earmarking.

I know many people will argue that earmarking does not significantly contribute to the budget deficit. But, with all due respect, I disagree with that argument, and I believe it misses the point. It is true that earmarks are a tiny fraction of money we spend each year—less than 1 percent of the Federal budget or \$16 billion last year, according to numerous watchdogs. It is also true that some earmarks may be worthwhile, even necessary projects. But because earmarks are inserted in spending bills by lawmakers, thereby circumventing the budget process, they are both a symptom and a source of the spending problem in Congress and are emblematic of how poor our budgeting habits have become. Members of Congress have become so focused on protecting their pet projects that they feel pressure to not speak up about Congress's spending habits. In fact, I suggest that earmarks lure Members into habitually voting for increased spending so as not to jeopardize their own earmarks.

In addition, from a practical standpoint, I believe Congress spends its limited time and resources shuffling earmarks when we could be conducting much needed oversight, making our Federal Government leaner and more responsive to the people. This diversion means earmarks are partly to blame for the lack of oversight necessary to ensure that the remaining 99 percent of the Federal budget is well spent. If we had extra money to spend, that would be one thing, but we are truly in a deep fiscal hole, and we need to stop digging. Earmarks are only a small part of why we are in that spending hole, but banning them now, in my view, will be a small but important step toward fiscal discipline.

Ultimately, I believe that all Colorado families, and Americans, are the ones who will be hurt if we do not begin to reform spending and control

our debt. We will have many more opportunities to address our crushing deficits in the coming months and years, but banning earmarks is the right place to begin down this path of fiscal responsibility.

I urge my colleagues to support this important small step to fiscal responsibility. It is a bipartisan amendment. I look forward to the vote tomorrow, and I know many of my colleagues are going to join me and this bipartisan group of Senators who believe it is now time to reform this earmarking projects.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa. Just a moment.

The understanding was to alternate between those who are opposed and those who are supporting.

The Senator from Iowa.

Mr. HARKIN. Mr. President, I ask if I could have 15 minutes.

Mr. INOUE. I yield 15 minutes.

Mr. HARKIN. Mr. President, I thank the Senator from Hawaii for yielding me 15 minutes of our time.

I challenge anyone—even my friend from Colorado who just spoke, a new Member of this body—I challenge anyone to identify any other part of the Federal budget that is more transparent, more open, more subject to scrutiny, more accessible to the media and the public than congressionally directed funding or earmarks. Every Member who requests an earmark in an appropriations bill must post his or her request online at least 30 days before the Appropriations Committee considers the bill. Every Member who requests an earmark must certify that he or she does not have a pecuniary interest in those requests. Each and every earmark that comes before the Senate is listed in the committee report for all to see, and if you log on to the committee Web site, you can find a link to every single request any Member has made. It is all out there in the open.

I remind people of this because one of the misleading arguments against congressionally directed earmarks is that they are supposedly done in secret, hidden from the public eye. At one time, that may have been true to some extent but today, thanks to reforms that were implemented by Democrats, by a Democratic House and a Democratic Senate in 2007, there is more sunshine on congressionally directed spending than on any other spending decisions in the entire Federal Government.

There is more sunshine on congressionally directed funding than on any other Federal spending in the entire Federal Government. Why do I emphasize that? Let's consider how the executive branch—the President—directs spending to States and local communities. Make no mistake about it, the executive branch earmarks funding, but there is very little sunshine when it comes to those decisions. They are very hidden.

When a Federal agency announces that a facility should be built in Nebraska rather than Texas or Alabama or whether a defense contract should go to a company in Colorado or Arizona rather than Rhode Island or Ohio, there may be no accountability to voters for those decisions. The employees of Federal agencies are civil servants. They are good people, but they are not elected. They do not meet with constituents. They cannot possibly understand the needs of local communities as well as those who stand for election.

Most important, no one knows when those civil servants get a phone call from their bosses, higher up, telling them, for example, to jiggle, to rig a grant competition for political reasons. Does anyone doubt that is done? Every single year it is done.

Frankly, Senators and Congressmen do it. What Senator worth his or her salt or any Member of the House fighting for their constituency doesn't call up the Secretary of Transportation, Secretary of Housing and Urban Development, Secretary of Defense? We all do it. We all do it to protect our own constituents. And if you happen to be on the right committee—for public works, maybe, or for education or for the myriad of things the Federal Government does—those Secretaries tend to pay attention, and they especially pay attention if they are in the same party you are or they may pay attention if they want your vote for something else.

An example: A few years ago during the Bush administration, I asked the inspector general to examine a program in the Employment and Training Administration called High-Growth Jobs Initiative. It sounds great, doesn't it—High-Growth Jobs Initiative. This was an executive branch program. The IG reported that, of the 157 grants awarded under the program, 134 had been awarded without any competition.

Noncompetitive awards accounted for 87 percent of the total funding, and the inspector general found many serious lapses in the award process. For example, a failure to explain why there was no competition; the lack of any documentation regarding potential conflicts of interest.

So was it any surprise when we found out that some of these noncompetitive grants went to organizations that supported President Bush's reelection campaign or was this just a coincidence? Let's not be naive. This happens. I may have pointed out President Bush because it happened to be an investigation I asked for. It happens under Democratic Presidents too.

If this amendment passes, if the Coburn amendment passes, there will still be earmarks. There will be earmarks, but only the executive branch will be able to do it. They will have the power to designate where those earmarks go, and that flies in the face of

the clear intent of the Constitution. Article 1 of the Constitution expressly gives the power of the purse to the Congress. We are all familiar with the principle of checks and balances.

One way the Constitution puts a check on the executive branch is by giving this branch, the legislative branch, the final say on spending. I have said so many times that the President of the United States cannot spend one dime that we do not authorize him to, and we can take it all back if we want. Oh, they have set up an executive branch but only because Congress gives that power to the President.

The Constitution gives Congress the final say on spending. I realize the Constitution may seem like ancient history to some people. I am sorry to say it may seem like ancient history to some Members of this body. So let me paint a picture of a world where only the executive branch can decide to direct Federal spending. Let me paint this picture. Let's imagine the Coburn amendment passes and a future President wants Congress to pass a bill. It can be a Democratic President or it can be a Republican President. It does not matter.

The vote on the bill is going to be close. The President calls Senator Jones and says: Senator, I would like your support on this bill. Senator Jones says: I am sorry, Mr. President, I have thought hard about it. I am not going to be able to support that bill.

Oh, there is probably a little pause on the phone, and the President says: You know, Senator, I know that replacing that bridge in your capital city is real important to you. It would be a real shame if your State missed out when the executive branch is setting its priorities for next year. Now, Senator Jones, would you like to reconsider how you are going to vote on that bill?

That is executive branch earmarking. Again, as I said, it makes no difference whether the President is a Republican or Democrat. It is a matter of respecting the Constitution and preserving the constitutional prerogatives of the legislative branch. Some people say: Well, HARKIN, why do you fight so hard for these earmarks? As Senator UDALL says, it is ½ percent of total Federal spending. I fight so hard because the Constitution gives that power to the legislative branch. We should protect the constitutional prerogatives of the legislative branch, not just willy-nilly give them to any President of the United States, which is what the Coburn amendment does.

Read the amendment carefully. See how it defines "earmarks." It applies only to "a provision or report language included primarily at the request of a Senator or Member of the House of Representatives."

There is nothing in the Coburn amendment to prohibit any earmarks

by the President. They can earmark anything, and they will because they always do. They will earmark, and guess what. Senators—Senators—will start going to the President and saying: Mr. President, can you, please, I need that bridge. I need that flood control project. We just had a disaster, Mr. President.

Well, Senator, I will think about it when we set our priorities next year. Well, now, Senator, how are you going to vote on my priorities?

Do you want to be in that position? I do not want to be in that position. I want to be in the position where Congress fulfills its Constitutional prerogative. So under the Coburn amendment, if Congress requests, it is an earmark; if the President requests, it is not an earmark. How does that make sense? How does that make sense?

Well, here is an example again of the double standard. The fiscal year 2011 Labor, Health and Human Services, Education appropriations bill that the Senate will probably vote on in December includes funding for national education groups such as Teach for America, Reading is Fundamental, Reach Out and Read, the National Writing Project, and many others. These are successful, proven programs with significant bipartisan support.

But under the definition of the Coburn amendment, all are earmarks and none would be funded. They would all be eliminated. But under the terms of the Coburn amendment, if the President wanted to fund those programs, no problem. They would not be considered earmarks at all and they could receive funding, as long as the President wanted to do it. Again, I ask, what sense does that make?

My State of Iowa had terrible floods in 2008—a lot of damage. Louisiana and Texas have had destructive hurricanes on a regular basis. In the wake of these disasters, typically the Corps of Engineers comes up with a plan to mitigate the damage from future possible disasters. For example, the Corps is now working to improve a flood prevention program in Cedar Rapids, IA, which was devastated by the worst flood in the history of Iowa in 2008.

If the Coburn amendment passes, whatever the Corps plan comes up with will be final, even if local officials strongly disagree with that. Under the terms of the Coburn amendment, a strong case may be made that any legislative action by Members of Congress to modify the Corps plan would be an earmark—an earmark. Representing my constituents, it would take an extraordinary two-thirds vote in the Senate to change the Corps of Engineers plan—not a majority, not 60 percent but two-thirds of the Senate. Again, I again ask you, what sense does that make? How are we fighting for our constituents when the President decides it; we cannot.

We have local constituents who say: We have better ideas and plans on what to do. The Corps says no. Well, that is the end of it, unless the President tells the Corps what to do. I do not want to lose my ability to intervene effectively for local or State officials when this kind of issue arises, and I do not think Senators from Texas, Louisiana or any other State want to lose their ability to stand for the best interests of their State. I cannot imagine any Senator who would forfeit this important constitutional prerogative, give up, give up your constitutional prerogative to the President, so you would not be able to fight for your State and your constituents. Is that what you are going to tell them?

Proponents of this amendment say: Forget about article 1 of the Constitution. We have to do whatever it takes to cut the deficit. The only way to do that is to ban earmarks.

This is grossly misleading. Yes, we do need to cut the deficit. Banning earmarks will not do anything to help.

Congressionally funded mandates, as I said, are less than one-half of 1 percent of total Federal spending. As one observer noted: The best way to lose weight is to shave. My friend, Senator UDALL, said reforms circumvent the budget process. No, it does not. Nothing we do on appropriations at all circumvents the budget process.

He said: When you are in a hole, stop digging. Well, sure, we can stop digging. We can stop the earmarks here. We are just going to shift them to the President. That is all. That is all that is going to happen.

Lastly, I had to laugh when I read this quote from Representative MICHELE BACHMANN in the House. This was in Congressional Quarterly Today. She is founder of the House Tea Party Caucus, one of several lawmakers who have pledged not to seek earmarks. But she told the Minneapolis Star Tribune she thinks the word "earmark" should not apply to infrastructure projects. "I don't believe that building roads and bridges and interchanges should be considered an earmark."

Oh, so she gets to decide what is an earmark. She wants no earmarks except for what she wants as an earmark. That is it. Congressman MICA of Florida said: "There are some bills that require some legislative language to direct the funds, otherwise you're just writing a blank check to the administration." That is a Republican Congressman from Florida.

Congressionally directed spending is congressionally directed spending whether it is a highway or a hospital, whether it is in Wyoming or Tennessee. I, for one, am proud of the directed funding that I have been able to secure on behalf of my State and for other States that I have worked hard for or other entities such as Teach for America. It does not necessarily help Iowa but it helps a lot of States.

These fundings have created jobs, trained nurses, built roads, and, as the distinguished chairman said, one time I remember when Pete Domenici put that money in there for the Human Genome Project, it led to the establishment of the Human Genome Institute and a complete mapping and sequencing of the human gene. Had that money not been directed, it never would have happened, I say to my chairman.

So a lot of times Congressmen, Senators have good ideas on what to do to direct some of this funding. I think we ought to be proud of that. As long as the sunshine is on it, it is out in the open, everybody knows where it goes, everybody knows who has requested it, to me, this is the constitutional prerogative of the Senate and the House, and we should not—should not—give it up to any President.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. I ask unanimous consent, to get an order so we know what we are doing after we hear from the Senator from Florida, Mr. LEMIEUX, and then the words from the Senator from New Jersey, Mr. LAUTENBERG, that I then would get my 15 minutes from this side to run consecutively from the 15 minutes I would get from the distinguished Senator from Hawaii.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Florida.

Mr. LEMIEUX. Before I start my remarks, I ask unanimous consent to be added as a cosponsor to Senator COBURN's amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEMIEUX. Mr. President, it occurs to me that when I address this august Chamber tonight—and I follow my colleagues who have served here for a very long time and with distinction; I am new to this Chamber—I have a different perspective.

But my comments tonight are not meant without respect because I have a great deal of respect for those who have spoken in opposition to this amendment, but I have a differing view. I am new to the Senate, as you know. I came here last year, in 2009. I did not have a specific position on earmarks before I got here. I knew that there was a problem with Federal spending. But I had not yet made a decision as to whether I would support earmarks.

When you hear about a project for your home State, whether it be for a hospital or for a road or for a bridge or for a sewage treatment plant—and for the folks who are at home who are watching this, if they have not yet found Monday Night Football on their television and may have stumbled across C-SPAN, these projects all sound very good, and a lot of them are very good.

I hear from a lot of people in my State wanting me to support a particular project via an earmark. An earmark is a Member-driven appropriation, where a Member of Congress says: I want this specific spending for my home State or for an issue or project that I think is important.

They come to me and they say: We need this project. We need this funding. We need this research. It all sounds good. I think in a world where our financial house was more in order, there could be a role for those earmarks, if transparent.

But I cannot support them in the situation we are in. The chairman of the Appropriations Committee, just a few moments ago in his speech, raised the point that this Congress in last year's budget was \$1.3 trillion in deficit.

It is our constitutional responsibility to appropriate. That is what article 1 says. The power of the purse lies in the Congress. Congress has not been doing a very good job—\$1.3 trillion in debt, in deficit, in just 1 year. It took 200 years for this country to go \$1 trillion in debt. We just incurred a \$1.3 trillion deficit.

Those who are in favor of continuing earmarks and who are against this prohibition say: Look, it is just a small percentage; it is \$16 billion. In light of a \$1.3 trillion deficit, what is a mere \$16 billion? Frankly, that argument doesn't ring true with the people of Florida. When one talks to a Floridian and says there is \$16 billion in spending, that is still a lot of money to regular people.

But it is more than that. When I came here and started to vote on appropriations bills, in the first few months of 2009, I noticed those appropriations bills were 5, 10, 15, 20 percent more than the last year's appropriations bills. No wonder the country is so far in debt, nearly \$14 trillion. It is estimated that by the end of the decade, it will be 26. We spend \$200 billion a year on interest now, the debt service on programs we couldn't afford in the past. It will be \$900 billion by the end of the decade because the appropriations bills go up and up and up.

I believe, sitting here, with all due respect, and listening to my colleagues, part of the reason those appropriations bills get support is because there are Member projects in them. You can't vote against the bill once your hometown project is in it. It is the engine that drives the train. So it is not losing weight by shaving, as my distinguished colleague analogized. It is, as Senator MCCAIN said, the gateway drug. It enables the spending we can't afford.

We have to solve these spending problems. The future is in jeopardy. We can't afford \$900 billion in interest payments. What will this Congress do when the interest payment alone is \$900 billion? This is not 20 years from now. This is not 40 years from now.

This is 10 years—really 9 years from now. I contend this government will not function with a \$900 billion interest payment.

Maybe this is emblematic, but I believe it is more than that. If we can't do the easy things, how is this Congress going to do the hard things? How is it going to cap spending? How is it going to cut spending?

The President announced today a moratorium on pay increases for Federal employees. That is a good start. But there are 270,000 new Federal employees since this administration took over, according to the Cato Institute, 270,000 new employees with average salaries of about \$70,000 a year. We can't nibble around the edges, not with a \$1.3 trillion deficit this year alone, and not with \$26 trillion staring us in the face by the end of the decade.

The future of the country is at stake. Our Founding Fathers gave this Congress the power of the purse, but with that power comes a responsibility not to run the country into the ground with deficit spending.

This is an important step. It is a first step. It needs to be done. What needs to be tackled next is much more difficult—the across-the-board spending cuts that will have to come, tackling Social Security, tackling Medicare and making sure those programs are there for our seniors now but are reformed in a way that will save them for the future and not run this country into a financial hole it can't get out of. My friend from Colorado, who was courageous to talk on this issue tonight, said: When you are in a hole, stop digging. This is the first step. If we can't take this easy step, I don't know how in the world Congress is going to take the harder steps that must happen if we are going to save this country.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, it is my understanding that I have 15 minutes to make my presentation. I thank Senator INOUE for enabling that.

I oppose the Coburn motion to place a 3-year moratorium on earmarks. I thank Chairman INOUE for his leadership on this issue. It seems, as has been said over the years, that we have heard this song before. If Members really believe these programs are responsible for our terrible fiscal condition, they are wrong. It is make believe. The deficit we are wrestling with had its biggest boost during the Bush years when 8 years of tax cuts for the wealthiest among us brought a \$2 trillion increase in the national debt. But we never hear about that.

Earmarks are a vital investment for our communities. They help build levees, dams that protect coastal towns from flooding. Look at the water shortages across the country. A lot of these

are helped by earmarks, by congressionally designated programs. We earmark funds for waste and drinking water problems, very serious problems. These are not frivolous ideas. They help police departments, first responders, hospital upgrades, and the purchase of new equipment. Look at transportation. It is falling apart. These earmarks, congressionally designated, build roads, bridges, and rail stations that strengthen our transportation infrastructure. One wouldn't know any of this by listening to the critics of designated funding from those sent here by our States to represent them with a special knowledge of their needs and requirements. These critics have dismissed earmarks as an example of wasteful, runaway government spending. We hear them called dirty programs, et cetera, mocking them.

To these critics I say: I would like you to see what happened in Jersey City, NJ, where an earmark enabled the Metropolitan Family Health Clinic to now screen women for breast cancer for the first time, thanks to new equipment funded by an earmark. Or tell it to the millions of people whose livelihoods are connected to the ports of New York and New Jersey. Earmarks permit us to deepen the harbor at our port so ever larger vessels can bring the cargo to our ports and help stimulate the economy. That means 230,000 jobs and is a critical component of our region's economy. Local communities rely upon this kind of funding in times like these when so many State and community budgets are stretched thin and revenues shrink and even philanthropy is drying up all over the country.

The fact is, hundreds of communities and nonprofit organizations across the country are expecting to receive congressionally earmarked funds for the unfinished fiscal 2011 appropriations bills. The Coburn amendment would pull the rug from underneath these communities, snatching away the Federal support they are counting on us to deliver.

One has only to see the reception of an organization such as Campus Kitchen, a nonprofit project that recently launched in Atlantic City to feed needy families who flock there over Thanksgiving and at the same time help unemployed workers upgrade their job skills. Campus Kitchen is counting on \$100,000 worth of congressionally directed funds. If this amendment passes, they will close their doors, and those who need the food and can only get it there will go hungry.

What about the resources needed to protect our residents from terrorism. Hudson County sits just across the river from New York City, right in the heart of one of the most vulnerable areas in the country for terrorism.

This year's Homeland Security appropriations bill includes funding for

an emergency operations center so that the county can prepare and respond to emergencies and potential terrorist threats. One of the most serious problems we saw on 9/11, when 3,000 people perished that day, was because the police departments could not talk to one another, because first responders could not talk to one another, because firemen could not talk to their leadership and died that day. Thousands more are now sick from the dust and the atmosphere that was created as a result of the demolition resulting from the attack. This amendment would eliminate funding for this vital program. Yet those who criticize these projects are the very same ones who were all too happy to provide earmarks when they were in charge.

I don't want to fool the public. Let them understand what is going on here. We are seeing raw politics at work. Earmarks make up just one-half of 1 percent of the Homeland Security bill for fiscal year 2011 that was passed by the Senate Appropriations Committee. I was proud to author that bill as the chairman of the subcommittee, building on the work begun by our recently departed Senator Byrd.

Compare this to the fiscal year 2006 bill which was written when our colleagues on the other side controlled the Congress. Under Republican control, earmarks in the Homeland Security appropriations bill were 60 percent higher than the fiscal year 2011 bill.

In addition to funding emergency operations centers, the Homeland Security bill funds important research that helps our Nation discover new ways to prevent potential terrorist attacks and respond when they happen. Earmarks also help to strengthen the Coast Guard whose mission and value continually increase. It is not wasteful spending. Over the years many people have recognized the value of these programs. Democrats and Republicans alike proudly included earmarks for worthwhile projects in their States. In fact, earmarks flourished when the Republicans controlled the Senate. In fiscal year 2006, total funding for earmarks was twice the amount included in last year's bills when Democrats were in charge, and it was Democrats who implemented the ethics reforms and earmark transparency that has significantly improved congressionally designated programs.

Since becoming Appropriations Committee chairman, Senator INOUE has been a great leader in this office. He has instituted important changes that have made the earmarking process stronger and more transparent. It was an essential factor in our review. At Chairman INOUE's request, Senators are now required to post their earmark requests on the Internet in advance so the public can see them. He has brought this entire process further into the light of day, allowing constituents,

the news media, and outside watchdog organizations to track how taxpayer dollars are spent.

But a funny thing has occurred. Some of our Republican friends who have used earmarks to serve their constituents for years suddenly have had a change of heart and jumped on the anti-earmark bandwagon. In fact, the Republican leader, who in the past brought home hundreds of millions of dollars to his State of Kentucky, has done an about-face in calling for an earmark ban.

The hypocrisy of these new earmark critics is outrageous. Here is what the critics never mention: Earmarks do not add one cent to the deficit, not a single cent. We heard that from our leader here, from Senator INOUE.

When Congress includes an earmark in an agency's budget, it is not increasing that budget. It is specifying how a portion of the funding should be spent based on their understanding of their State's needs. After hearing many requests all of us do, they can evaluate which ones they see as the most important. It is a voice of reason and understanding.

The fact is the Founding Fathers gave Congress the power of the purse when they wrote the Constitution. Directing funding to specific projects is one way Congress exercises this power.

If we eliminate earmarks, we will transfer our funding powers to the President, and that is not the way the Constitution is structured. It undermines the authority the Founders placed on us two centuries ago.

The people who work in the Federal agencies here in Washington include some of America's best and brightest, but they simply do not necessarily know the needs of our States as well as we do. This debate over earmarks is nothing more than a distraction from the pressing issues on which we should be focused.

I call on my colleagues to consider the facts and not the rhetoric. Do not be misled. Do not allow the truth to be mangled, misconstrued, and misrepresented. Earmarks help create jobs and help millions of Americans through their lives, especially now in this stressful period where we have people who are afraid they are going to lose their jobs after many years of loyal support or, still, lose their homes because they cannot afford the mortgages they were sold.

So I urge my colleagues to oppose the Coburn amendment because it will not solve a single problem we face. I hope we will use our time for more constructive debate. I would suggest that everybody who talks in opposition to earmarks, congressionally designated programs, say now on this floor—take an oath that you will in your own State announce the fact you are opposing the earmarks that were proposed for it. Tell the people back home that you are

going to deny their right to accept these things because it is dirty, because it is unclear, and they say that it goes only to those who contribute large sums of money.

If you want to look at those who contribute large sums of money, look at that side of the aisle. They dwarf what we do in our debate about where funding goes and where funding stops.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. LAUTENBERG. Will the Senator yield?

Mr. INHOFE. Let me ask if I could extend my time by 5 minutes. Is there objection?

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

NOTICE OF INTENT TO OBJECT

Mr. WYDEN. Mr. President, consistent with Senate Standing Orders and my policy of publishing in the RECORD a statement whenever I place a hold on legislation, I am announcing my intention to object to any unanimous consent request to proceed to S. 3804, the Combating Online Infringement and Counterfeits Act, COICA.

Promoting American innovation, and securing its protection, is vital to creating new, good-paying jobs. But it is important that the government reach an appropriate balance between protecting intellectual property and promoting innovation on the one hand and the freedom to innovate, share expression, and promote ideas over the Internet. I am concerned that the current version of COICA has this balance wrong; it attempts to protect intellectual property in the digital arena in a way that could trample free speech and stifle competition and important new innovations in the digital economy.

Of perhaps greater concern, the sweeping new powers offered to the U.S. Department of Justice under COICA are granted without giving due consideration to the consequences. COICA may not only be ineffective at combating copyright infringement and the distribution of counterfeit goods, it gives license to foreign regimes to further censor and filter online content to serve protectionist commercial motives and repressive political aims. Until these issues are thoroughly considered and properly addressed, I will object to a unanimous consent request to proceed to the legislation.

COMBATING MILITARY COUNTERFEITS ACT

Mr. WHITEHOUSE. Mr. President, I rise to speak about a bill I recently introduced: S. 3941, the Combating Military Counterfeits Act of 2010. This bill will help protect America's Armed Forces from the risk of defective equip-

ment by enhancing the ability of prosecutors to keep counterfeit goods out of the military supply chain.

The safety of our servicemembers and the success of their missions depend upon the proper performance of weapon systems, body armor, aircraft parts, and countless other mission-critical products. Unfortunately, America's military faces a significant and growing threat: the infiltration of the military supply chain by counterfeit products. These counterfeit products do not meet military standards, putting troops' lives at risk, compromising military readiness, and costing taxpayers millions in replacement costs. In the case of microelectronics, counterfeit parts also provide an avenue for cybersecurity threats to enter military systems, possibly enabling hackers to disable or track crucial national security applications.

Let me give you a few examples from a recent report by the Government Accountability Office:

The Defense Department discovered in testing that it had procured body armor that was misrepresented as being "Kevlar." Think about that: a criminal sold fake body armor to the military, putting our troops' lives at risk just to make a buck. The law must provide strong deterrence and harsh sanctions for such conduct.

And in another example, a supplier sold the Defense Department a personal computer part that it falsely claimed was a \$7,000 circuit that met the specifications of a missile guidance system. As my colleagues may know, military grade chips are required to withstand extreme temperature, force, and vibration. Chips that don't meet those specifications are prone to fail—for example, when a jet is at high altitude, when a missile is launching, or when a GPS unit is out in the field. The possible tragic consequences of such equipment failing are unthinkable.

And the increasing number of counterfeits has broad ramifications for our national security. A January 2010 study by the Commerce Department, for example, quoted a Defense Department official as estimating that counterfeit aircraft parts were "leading to a 5 to 15 percent annual decrease in weapons systems reliability." And the risk is growing. The Commerce Department study, which surveyed military manufacturers, contractors, and distributors, reported approximately two and a half times as many incidents of counterfeit electronics in 2008 as in 2005. It is only going to get worse as the high prices of military grade products attract more and more counterfeits. Consider, for example, that before fleeing the country, the supplier that sold a counterfeit \$7,000 circuit for a missile guidance system had been paid \$3 million as part of contracts worth a total of \$8 million.

We should also evaluate this bill in the context of the relentless cyber attacks America weathers every day. The chip might not only be counterfeit, it might be the carrier for dangerous viruses and malware that may create windows for enemies to enter to sabotage our military equipment to steal our military secrets.

I applaud those of my colleagues who have been working with the Department of Defense to ensure that it does everything it can to keep counterfeits out of its supply chain. And I am pleased the administration, and particularly the intellectual property enforcement coordinator, Victoria Espinel, is taking on this issue.

But I also believe that Congress needs to give the executive branch more tools to address these problems. As a former U.S. attorney, I know the significant deterrent effect criminal sanctions can provide. To that end, the Department of Justice has a vital role to play in using criminal investigations and prosecutions to identify and deter trafficking in counterfeit military goods.

Current law is insufficient. The existing counterfeit trafficking statute, 18 U.S.C. § 2320, provides for heightened penalties for trafficking in counterfeits that result in bodily injury or death. But unlike cases of counterfeit pharmaceuticals, it may not be possible to prove that a military counterfeit caused bodily injuries or death, since the faulty part may never be recovered from a battlefield. As a result, traffickers in military counterfeits are likely to face penalties that do not reflect the unacceptable risk that counterfeits impose on our troops, our military readiness, and our national and cyber security.

We must address this flaw in our laws and we must do so soon. Traffickers should face stiff penalties if they knowingly sell the military a piece of counterfeit body armor that could fail in combat, a counterfeit missile control system that could short-circuit at launch, or a counterfeit GPS that could fail on the battlefield.

The Combating Military Counterfeits Act of 2010 will make sure that such reprehensible criminals face appropriate criminal sanctions. It creates an enhanced offense for an individual who traffics in counterfeits and knows that the counterfeit product either is intended for military use or is identified as meeting military standards. It doubles the statutory maximum penalty for such offenses. The bill also directs the Sentencing Commission to update the Sentencing Guidelines as appropriate to reflect Congress's intent that trafficking in counterfeit military items be punished sufficiently to deter this reckless endangerment of our servicemembers and weakening of our national security.

The bill is narrowly crafted. It adds to an existing offense so that it only

targets particularly malicious offenders—those who already are guilty of trafficking in counterfeit goods and know that the goods in question are intended for military use. As a result, this bill will not affect legitimate military contractors who might be unaware that a counterfeit chip has made its way into one of their products. Nor will it apply to makers of products that unintentionally fall short of military specifications as a result of innocent mistakes. Indeed, this bill will help military suppliers by deterring criminals from selling counterfeits to them or to their subcontractors. Manufacturers will benefit from the protection of their intellectual property.

To that end, I have received a letter of support from the U.S. Chamber of Commerce which explains that “[t]his legislation would . . . provide an important deterrent to those seeking to profit from the sale of counterfeit parts to the military.” The Semiconductor Industry Association has similarly weighed in with their support, explaining the irresponsible manner in which counterfeit chips are made and the harm that counterfeit chips, most of which are imported into the United States, can cause to the military and to their industry. I am grateful for their early support and I welcome the comments of other stakeholders as I work to make the legislation as effective as possible in its deterrence of this shameful criminal activity.

I of course also very much look forward to working with my colleagues on what I expect to be bipartisan legislation that we can act on promptly. We all have had the privilege of visiting with our troops. We all know the sacrifices they make for our country. We all want to do everything we can to ensure that their equipment functions properly and that counterfeits do not compromise our nation's military readiness or security. By deterring trafficking in counterfeit military goods, the Combating Military Counterfeits Act of 2010 is a vital and necessary step towards these important goals.

HONORING OUR ARMED FORCES

SPECIALIST DYLAN T. REID

Mr. BENNET. Mr. President, it is with a heavy heart that I rise today to honor the life and heroic service of SPC Dylan T. Reid. Specialist Reid, who was assigned to the 1st Battalion, 8th Infantry Regiment, 4th Infantry Division, in Fort Carson, CO, died on October 16, 2010. Specialist Reid was serving in support of Operation New Dawn in Amarah, Iraq. He was 24 years old.

A native of Missouri, Specialist Reid graduated from Desert Technology High School in Lake Havasu City, AZ, in 2005 and entered the Army in September 2008. He joined his current unit in April of last year and deployed to Iraq this past March. He was serving

his first tour of duty, and quickly showed his commitment and skill.

During more than 2 years of service, Specialist Reid distinguished himself through his courage, dedication to duty, and willingness to take on any job. He was given numerous awards and medals, including the Army Commendation Medal, the Army Good Conduct Medal, the National Defense Service Medal, the Iraq Campaign Medal with Campaign Star, the Global War on Terrorism Service Medal, the Army Service Ribbon, and the Overseas Service Ribbon.

Specialist Reid worked on the front lines of battle, serving in the most dangerous areas of Iraq. He is remembered by those who knew him as a consummate professional with an unending commitment to excellence. Friends and loved ones remember how proud Specialist Reid was of his new daughter, Avery. They also remember his love for fixing things and working on cars.

Mark Twain once said, “The fear of death follows from the fear of life. A man who lives fully is prepared to die at any time.” Specialist Reid's service was in keeping with this sentiment—by selflessly putting country first, he lived life to the fullest. He lived with a sense of the highest honorable purpose.

At substantial personal risk, he braved the chaos of combat zones throughout Iraq. And though his fate on the battlefield was uncertain, he pushed forward, protecting America's citizens, her safety, and the freedoms we hold dear. For his service and the lives he touched, Specialist Reid will forever be remembered as one of our country's bravest.

To Specialist Reid's parents, his wife, his daughter, and his entire family I cannot imagine the sorrow you must be feeling. I hope that, in time, the pain of your loss will be eased by your pride in Dylan's service and by your knowledge that his country will never forget him. We are humbled by his service and his sacrifice.

ADDITIONAL STATEMENTS

EASTON, MARYLAND

• Mr. CARDIN. Mr. President, today I ask my colleagues to join me in congratulating the Eastern Shore town of Easton, MD, which is concluding its 300th anniversary celebration.

In 1710, the Assembly of the Province of Maryland chose Easton as the site for a new court house to serve the pre-Revolution population of sea merchants and farmers. Easton was incorporated as a town in Talbot County, MD, in 1790 and serves as the county seat.

Easton is located on the shore of the Tred Avon River that flows into the Chesapeake Bay. It was a bustling port for Eastern Shore agricultural products and seafood for much of its first

200 years. Many of the farms on the Eastern Shore of Maryland had slaves, and it was in Talbot County where Frederick Douglass, the abolitionist, was raised. Because of his national leadership in the abolitionist movement, a statue of Mr. Douglass will soon be erected on the court house lawn in Easton.

Easton remains a cultural and community center for merchants, lawyers, bankers, trades people, farmers, and watermen. Weekend visitors, sailors and retirees have been added to the mix and continue to enrich the community.

Today, Easton is a country town with urbane sensibilities. A 1786 survey of the town showed that Easton was barely 95 acres, a tiny collection of government offices, residences, and shops surrounded by wide expanses of farms and forests. Today, Easton is comprised of 6,866 acres, home to an airport, medical centers, schools, museums, music, art competitions, the young Chesapeake Film Festival, and the celebrated annual Waterfowl Festival, which fills the closed downtown streets with thousands of bird and art lovers.

I ask my colleagues to join me in saluting the town of Easton, MD, on its 300th birthday.●

TRIBUTE TO NORBERT SEBADE

● Mr. THUNE. Mr. President, today I wish to recognize Norbert Sebade as he celebrates his retirement after 43 years of extraordinary service in the banking community. Norbert is ending a career marked by outstanding community service and longstanding dedication to economic growth and development in the Black Hills through his numerous leadership roles in the banking field and beyond.

Norbert began his banking career in Madison, SD, in the summer of 1967. He quickly distinguished himself as a leader in the industry. Norbert has served as the former President of First Western Bank Wall, former chairman of the board of First Western Bank Custer, vice chairman of the board First Western Bank Sturgis, former board member of South Dakota Bankers Association, SDBA, Insurance Services, former chairman of South Dakota Rural Enterprise, and an appointee to the West River Economic Development Coalition. Additionally, Norbert has focused his attention and energy on the well-being of his communities in other ways, serving as a trustee and former chairman of the Rapid City Regional Hospital, a trustee for the Black Hills State University Foundation in Spearfish, and a board member of the South Dakota Community Foundation. He retires today as the regional president of First Interstate Bank of the Southern Hills.

I would like to thank Norbert for his commitment to South Dakota's com-

munities and congratulate him on a well-deserved retirement.●

MESSAGES FROM THE HOUSE

At 3:35 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House agrees to the amendments of the Senate to the bill (H.R. 5712) to provide for certain clarifications and extensions under Medicare, Medicaid, and the Children's Health Insurance Program.

ENROLLED BILLS SIGNED

At 6:14 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

S. 3689. An act to clarify, improve, and correct the laws relating to copyrights, and for other purposes.

H.R. 5566. An act to amend title 18, United States Code, to prohibit interstate commerce in animal crush videos, and for other purposes.

H.R. 5712. An act entitled the Physician Payment and Therapy Relief Act of 2010.

The enrolled bills were subsequently signed by the President pro tempore (Mr. INOUE).

MEASURES READ THE FIRST TIME

The following bill was read the first time:

S. 3985. A bill to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-8132. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Robert E. Rust, Jr. Model DeHavilland DH.C1 Chipmunk 21, DH.C1 Chipmunk 22, and DH.C1 Chipmunk 22A Airplanes" ((RIN2120-AA64)(Docket No. FAA-2010-0632)) received during adjournment of the Senate in the Office of the President of the Senate on October 6, 2010; to the Committee on Commerce, Science, and Transportation.

EC-8133. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Rolls-Royce Deutschland Ltd and Co KG (RRD) Models Tay 620-15, Tay 650-15, and Tay 651-54 Turboprop Engines" ((RIN2120-AA64)(Docket No. FAA-2010-0301)) received during adjournment of the Senate in the Office of the President of the Senate on October 29, 2010; to the Committee on Commerce, Science, and Transportation.

EC-8134. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of

a rule entitled "Airworthiness Directives; McDonnell Douglas Corporation Model MD-11 and MD-11F Airplanes Equipped with General Electric CF6-80C2 Series Engines" ((RIN2120-AA64)(Docket No. FAA-2008-0403)) received during adjournment of the Senate in the Office of the President of the Senate on October 6, 2010; to the Committee on Commerce, Science, and Transportation.

EC-8135. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A330-200 and Model A340-200, -300, -500, and -600 Series Airplanes" ((RIN2120-AA64)(Docket No. FAA-2009-1215)) received during adjournment of the Senate in the Office of the President of the Senate on October 6, 2010; to the Committee on Commerce, Science, and Transportation.

EC-8136. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Rolls Royce plc RB211 Trent 700 and Trent 800 Series Turbofan Engines" ((RIN2120-AA64)(Docket No. FAA-2010-0364)) received during adjournment of the Senate in the Office of the President of the Senate on October 6, 2010; to the Committee on Commerce, Science, and Transportation.

EC-8137. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; The Cessna Aircraft Company Model 750 Airplanes" ((RIN2120-AA64)(Docket No. FAA-2010-0380)) received during adjournment of the Senate in the Office of the President of the Senate on October 6, 2010; to the Committee on Commerce, Science, and Transportation.

EC-8138. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Turbomeca S.A. ARRIEL 2B and 2B1 Turbo-shaft Engines" ((RIN2120-AA64)(Docket No. FAA-2007-28077)) received during adjournment of the Senate in the Office of the President of the Senate on October 6, 2010; to the Committee on Commerce, Science, and Transportation.

EC-8139. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Bombardier-Rotax GmbH Type 912 F, 912 S, and 914 F Series Reciprocating Engines" ((RIN2120-AA64)(Docket No. FAA-2010-0342)) received during adjournment of the Senate in the Office of the President of the Senate on October 6, 2010; to the Committee on Commerce, Science, and Transportation.

EC-8140. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Bombardier, Inc. Model CL-600-2B19 (Regional Jet Series 100 and 440) Airplanes; Model CL-600-2C10 (Regional Jet Series 700, 701, and 702) Airplanes; Model CL-600-2D15 (Regional Jet Series 705) and Model CL-600-2D24 (Regional Jet Series 900) Airplanes" ((RIN2120-AA64)(Docket No. FAA-2010-0375)) received during adjournment of the Senate in the Office of the President of the Senate on October 6, 2010; to the Committee on Commerce, Science, and Transportation.

EC-8141. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; GROB-WERKE (Type Certificate Previously Held by BURKHART GROB Luft- und Raumfahrt) Models G115C, G115D and G115D2 Airplanes" ((RIN2120-AA64)(Docket No. FAA-2010-0260)) received during adjournment of the Senate in the Office of the President of the Senate on October 6, 2010; to the Committee on Commerce, Science, and Transportation.

EC-8142. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Bombardier, Inc. Model CL-600-2B16 (CL-604 Variants (Including CL-605 Marketing Variant)) Airplanes" ((RIN2120-AA64)(Docket No. FAA-2010-0439)) received during adjournment of the Senate in the Office of the President of the Senate on October 6, 2010; to the Committee on Commerce, Science, and Transportation.

EC-8143. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; International Aero Engines AG V2500-A1, V2522-A5, V2524-A5, V2525-D5, V2527-A5, V2527E-A5, V2527M-A5, V2528-D5, V2530-A5, and V2533-A5 Turbofan Engines" ((RIN2120-AA64)(Docket No. FAA-2009-1100)) received during adjournment of the Senate in the Office of the President of the Senate on October 6, 2010; to the Committee on Commerce, Science, and Transportation.

EC-8144. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Pacific Aerospace Limited Models FU24-954 and FU24A-954 Airplanes" ((RIN2120-AA64)(Docket No. FAA-2010-0941)) received during adjournment of the Senate in the Office of the President of the Senate on October 6, 2010; to the Committee on Commerce, Science, and Transportation.

EC-8145. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; McDonnell Douglas Corporation Model DC-10-10, DC-10-10F, DC-10-15, DC-10-30, DC-10-30F (KC-10A and KDC-10), DC-10-40, DC-10-40F, MD-10-10F, MD-10-30F, MD-11, and MD-11F Airplanes" ((RIN2120-AA64)(Docket No. FAA-2010-0384)) received during adjournment of the Senate in the Office of the President of the Senate on October 14, 2010; to the Committee on Commerce, Science, and Transportation.

EC-8146. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; McDonnell Douglas Corporation Model DC-10-30, DC-10-30F, DC-10-30F (KC-10A and KDC-10), DC-10-40, DC-10-40F, and MD-10-30F Airplanes" ((RIN2120-AA64)(Docket No. FAA-2010-0514)) received during adjournment of the Senate in the Office of the President of the Senate on October 14, 2010; to the Committee on Commerce, Science, and Transportation.

EC-8147. A communication from the Senior Program Analyst, Federal Aviation Adminis-

tration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Bombardier Inc., Model CL 600 2B19 (Regional Jet Series 100 & 440) Airplanes" ((RIN2120-AA64)(Docket No. FAA-2010-0276)) received during adjournment of the Senate in the Office of the President of the Senate on October 6, 2010; to the Committee on Commerce, Science, and Transportation.

EC-8148. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; McDonnell Douglas Corporation Model DC-8-31, DC-8-32, DC-8-33, DC-8-41, DC-8-42, and DC-8-43 Airplanes; Model DC-8-50 Series Airplanes; Model DC-8F-54 and DC-8F-55 Airplanes; Model DC-8-60 Series Airplanes; Model DC-8-60F Series Airplanes; Model DC-8-70 Series Airplanes; and Model DC-8-70F Series Airplanes" ((RIN2120-AA64)(Docket No. FAA-2010-0639)) received during adjournment of the Senate in the Office of the President of the Senate on October 14, 2010; to the Committee on Commerce, Science, and Transportation.

EC-8149. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; The Boeing Company Model 747-100, 747-200B, and 747-200F Series Airplanes" ((RIN2120-AA64)(Docket No. FAA-2010-0552)) received during adjournment of the Senate in the Office of the President of the Senate on October 14, 2010; to the Committee on Commerce, Science, and Transportation.

EC-8150. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; BAE SYSTEMS (Operations) Limited Model 4101 Airplanes" ((RIN2120-AA64)(Docket No. FAA-2010-0474)) received during adjournment of the Senate in the Office of the President of the Senate on October 14, 2010; to the Committee on Commerce, Science, and Transportation.

EC-8151. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A300 B4-600 Series Airplanes, Model A300 B4-600R Series Airplanes, Model A300 C4-605R Variant F Airplanes, and Model A300 F4-600R Series Airplanes (Collectively called A300-600 Series Airplanes)" ((RIN2120-AA64)(Docket No. FAA-2010-0644)) received during adjournment of the Senate in the Office of the President of the Senate on October 14, 2010; to the Committee on Commerce, Science, and Transportation.

EC-8152. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Bombardier, Inc. Model DHC-8 Airplanes" ((RIN2120-AA64)(Docket No. FAA-2010-0643)) received during adjournment of the Senate in the Office of the President of the Senate on October 14, 2010; to the Committee on Commerce, Science, and Transportation.

EC-8153. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Eurocopter France Model SA-365N, SA-

365N1, AS-365N2, AS-365N3, SA-366G1, EC 155B, EC155B1, SA-365C, SA-365C1, SA-365C2, SA-360C Helicopters" ((RIN2120-AA64)(Docket No. FAA-2010-0610)) received during adjournment of the Senate in the Office of the President of the Senate on October 14, 2010; to the Committee on Commerce, Science, and Transportation.

EC-8154. A communication from the Trial Attorney, Federal Railroad Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Positive Train Control Systems" (RIN2130-AC03) received during adjournment of the Senate in the Office of the President of the Senate on September 30, 2010; to the Committee on Commerce, Science, and Transportation.

EC-8155. A communication from the Trial Attorney, Federal Railroad Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Inflation Adjustment of the Ordinary Maximum and Aggravated Maximum Civil Monetary Penalties for a Violation of the Hazardous Material Transportation Laws and Regulations" (RIN2130-ZA03) received during adjournment of the Senate in the Office of the President of the Senate on October 14, 2010; to the Committee on Commerce, Science, and Transportation.

EC-8156. A communication from the Trial Attorney, Federal Railroad Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Miscellaneous Amendments to the Federal Railroad Administration's Accident/Incident Reporting Requirements" (RIN2130-AB82) received in the Office of the President of the Senate on October 29, 2010; to the Committee on Commerce, Science, and Transportation.

EC-8157. A communication from the Program Analyst, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Insurer Reporting Requirements; List of Insurers Required to File Reports" (RIN2127-AK69) received in the Office of the President of the Senate on November 10, 2010; to the Committee on Commerce, Science, and Transportation.

EC-8158. A communication from the Program Analyst, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Federal Motor Vehicle Safety Standards; Seat Belt Assembly Anchorages, School Bus Passenger Seating and Crash Protection" (RIN2127-AK49) received in the Office of the President of the Senate on November 10, 2010; to the Committee on Commerce, Science, and Transportation.

EC-8159. A communication from the Regulations Officer, Federal Highway Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Real-Time System Management Information Program" (RIN2125-AF19) received in the Office of the President of the Senate on November 10, 2010; to the Committee on Commerce, Science, and Transportation.

EC-8160. A communication from the Assistant Chief Counsel for Legislation and Regulations, Maritime Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Launch Barge Waiver Program" (RIN2133-AB67) received during adjournment of the Senate in the Office of the President of the Senate on September 30, 2010; to the Committee on Commerce, Science, and Transportation.

EC-8161. A communication from the Regulatory Ombudsman, Federal Motor Carrier Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Limiting the Use of Wireless Communication Devices" (RIN2126-AB22) received during adjournment of the Senate in the Office of the President of the Senate on September 30, 2010; to the Committee on Commerce, Science, and Transportation.

EC-8162. A communication from the Assistant Chief Counsel for Hazardous Materials Safety, Pipeline and Hazardous Materials Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Hazardous Materials: Miscellaneous Packaging Amendments" (RIN2137-AD89) received during adjournment of the Senate in the Office of the President of the Senate on September 30, 2010; to the Committee on Commerce, Science, and Transportation.

EC-8163. A communication from the Senior Regulations Analyst, Office of the Secretary of Transportation, Department of Transportation, transmitting, pursuant to law, a rule entitled "Procedures for Transportation Workplace Drug and Alcohol Testing Programs: Federal Drug Testing Custody and Control Form; Technical Amendment" (RIN2105-AE03) received during adjournment of the Senate in the Office of the President of the Senate on September 30, 2010; to the Committee on Commerce, Science, and Transportation.

EC-8164. A communication from the Chief of the Policy and Rules Division, Office of Engineering and Technology, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Improving Public Safety Communications in the 800 MHz Band" ((WT Docket No. 02-55)(FCC 10-179)) received in the Office of the President of the Senate on November 1, 2010; to the Committee on Commerce, Science, and Transportation.

EC-8165. A communication from the Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Amendment to Existing Validated End-User Authorization in the People's Republic of China: Semiconductor Manufacturing International Corporation" (RIN0694-AF02) received in the Office of the President of the Senate on November 1, 2010; to the Committee on Commerce, Science, and Transportation.

EC-8166. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Grants Pass, Oregon)" (MB Docket No. 10-117) received during adjournment of the Senate in the Office of the President of the Senate on November 7, 2010; to the Committee on Commerce, Science, and Transportation.

EC-8167. A communication from the Associate Bureau Chief, Wireline Competition Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Schools and Libraries Universal Services Support Mechanism, A National Broadband Plan for Our Future" (FCC 10-175) received during adjournment of the Senate in the Office of the President of the Senate on October 14, 2010; to the Committee on Commerce, Science, and Transportation.

EC-8168. A communication from the Chairman of the National Transportation Safety

Board, transmitting, pursuant to law, a report relative to the Board's efforts to prevent organizational waste and mismanagement; to the Committee on Commerce, Science, and Transportation.

EC-8169. A communication from the Deputy Chief Financial Officer, Department of Homeland Security, transmitting, pursuant to law, a report relative to the transfer of funds from the Oil Spill Liability Trust Fund to the Emergency Fund, which is administered by the United States Coast Guard; to the Committee on Commerce, Science, and Transportation.

EC-8170. A communication from the Assistant Secretary of Legislative Affairs, U.S. Department of State, transmitting, pursuant to law, a report relative to certifications granted in relation to the incidental capture of sea turtles in commercial shrimping operations; to the Committee on Commerce, Science, and Transportation.

EC-8171. A communication from the Manager of the Eastern Region, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, a report relative to a Final Environmental Impact Statement for the proposed Capacity Enhancement Program at the Philadelphia International Airport; to the Committee on Commerce, Science, and Transportation.

EC-8172. A communication from the Secretary of Transportation, transmitting, the Department's Fiscal Year 2009 Annual Report as required by the Superfund Amendments and Reauthorization Act of 1986; to the Committee on Commerce, Science, and Transportation.

EC-8173. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report entitled "The Transportation of Hazardous Materials: Insurance, Security, and Safety Costs"; to the Committee on Commerce, Science, and Transportation.

EC-8174. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report entitled "National Plan of Integrated Airport Systems (NPIAS) 2011-2015"; to the Committee on Commerce, Science, and Transportation.

EC-8175. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Change in Disease Status of Japan Because of Foot-and-Mouth Disease" (Docket No. APHIS-2010-0077) received during adjournment of the Senate in the Office of the President of the Senate on November 22, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC-8176. A communication from the Director of the Regulatory Review Group, Farm Service Agency, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Emergency Forest Restoration Program and Emergency Conservation Program" (RIN0560-AH89) received during adjournment of the Senate in the Office of the President of the Senate on November 22, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC-8177. A communication from the Director of Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Defense Federal Acquisition Regulation Supplement; Trade Agreements—New Thresholds" (DFARS Case 2009-D040) received during adjournment of the Senate in the Office of the President of the Senate on November 22, 2010; to the Committee on Armed Services.

EC-8178. A communication from the Director of Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Defense Federal Acquisition Regulation Supplement; Safety of Facilities, Infrastructure, and Equipment for Military Operations" (DFARS Case 2009-D029) received during adjournment of the Senate in the Office of the President of the Senate on November 22, 2010; to the Committee on Armed Services.

EC-8179. A communication from the Director of Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Defense Federal Acquisition Regulation Supplement; Balance of Payments Program Exemption for Commercial Information Technology—Construction Material" (DFARS Case 2009-D041) received during adjournment of the Senate in the Office of the President of the Senate on November 22, 2010; to the Committee on Armed Services.

EC-8180. A communication from the Director of Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Defense Federal Acquisition Regulation Supplement; Cost and Software Data Reporting System" (DFARS Case 2008-D027) received during adjournment of the Senate in the Office of the President of the Senate on November 22, 2010; to the Committee on Armed Services.

EC-8181. A communication from the Director of Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Defense Federal Acquisition Regulation Supplement; Contract Authority for Advanced Component Development or Prototype Units" (DFARS Case 2009-D034) received during adjournment of the Senate in the Office of the President of the Senate on November 22, 2010; to the Committee on Armed Services.

EC-8182. A communication from the Director of Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Defense Federal Acquisition Regulation Supplement; Contractor Insurance/Pension Review" (DFARS Case 2009-D025) received during adjournment in the Office of the President of the Senate on November 22, 2010; to the Committee on Armed Services.

EC-8183. A communication from the Director of Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Defense Federal Acquisition Regulation Supplement; Services of Senior Mentors" (DFARS Case 2010-D025) received during adjournment of the Senate in the Office of the President of the Senate on November 22, 2010; to the Committee on Armed Services.

EC-8184. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting a report on the approved retirement of General Carrol H. Chandler, United States Air Force, and his advancement to the grade of general on the retired list; to the Committee on Armed Services.

EC-8185. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency with respect to Burma that was declared in Executive Order 13047 of May 20, 1997; to the Committee on Banking, Housing, and Urban Affairs.

EC-8186. A communication from the Chairman and President of the Export-Import

Bank, transmitting, pursuant to law, a report relative to transactions involving U.S. exports to Mexico; to the Committee on Banking, Housing, and Urban Affairs.

EC-8187. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to law, a report entitled "Operation of the Enterprise for the Americas Initiative and the Tropical Forest Conservation Act 2009 Annual Report to Congress"; to the Committee on Foreign Relations.

EC-8188. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed technical assistance agreement for the export of defense articles, to include technical data, and defense services to Saudi Arabia related to the operation and maintenance of HAWK and PATRIOT Air Defense Missile Systems in the amount of \$50,000,000 or more; to the Committee on Foreign Relations.

EC-8189. A communication from the Program Manager, Office of Consumer Information and Insurance Oversight, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Amendment to the Interim Final Rules for Group Health Plans and Health Insurance Coverage Relating to Status as a Grandfathered Health Plan Under the Patient Protection and Affordable Care Act" (RIN0950-AA17) received in the Office of the President of the Senate on November 17, 2010; to the Committee on Health, Education, Labor, and Pensions.

EC-8190. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report relative to transitioning to a value-based purchasing for physicians and other professional services paid under the Medicare physician fee schedule; to the Committee on Health, Education, Labor, and Pensions.

EC-8191. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report relative to implementation of menu and vending machine labeling; to the Committee on Health, Education, Labor, and Pensions.

EC-8192. A communication from the Director, Employee Services, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled "Recruitment, Selection, and Placement (General)" (RIN3206-AL04) received during adjournment of the Senate in the Office of the President of the Senate on November 22, 2010; to the Committee on Homeland Security and Governmental Affairs.

EC-8193. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled, "Comparative Analysis of Actual Cash Collections to the Revised Revenue Estimate Through the 2nd Quarter of Fiscal Year 2010"; to the Committee on Homeland Security and Governmental Affairs.

EC-8194. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled, "Comparative Analysis of Actual Cash Collections to the Revised Revenue Estimate Through the 1st Quarter of Fiscal Year 2010"; to the Committee on Homeland Security and Governmental Affairs.

EC-8195. A communication from the Chairman, Federal Maritime Commission, transmitting, pursuant to law, the Commission's Fiscal Year 2010 Performance and Accountability Report; to the Committee on Homeland Security and Governmental Affairs.

EC-8196. A communication from the Chairman, Merit System Protection Board, transmitting, pursuant to law, a report entitled "Performance and Accountability Report for FY 2010"; to the Committee on Homeland Security and Governmental Affairs.

EC-8197. A communication from the Chairman, U.S. Nuclear Regulatory Commission, transmitting, pursuant to law, the Commission's Performance and Accountability Report for fiscal year 2010; to the Committee on Homeland Security and Governmental Affairs.

EC-8198. A communication from the Secretary of the Treasury, transmitting, pursuant to law, the Department's Performance and Accountability Report for fiscal year 2010; to the Committee on Homeland Security and Governmental Affairs.

EC-8199. A communication from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, a report relative to the Bureau of Prisons' compliance with the privatization requirements of the National Capital Revitalization and Self-Government Improvement Act of 1997; to the Committee on the Judiciary.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. AKAKA, from the Committee on Veterans' Affairs, with an amendment in the nature of a substitute:

S. 3517. A bill to amend title 38, United States Code, to improve the processing of claims for disability compensation filed with the Department of Veterans Affairs, and for other purposes (Rept. No. 111-354).

By Mr. ROCKEFELLER, from the Committee on Commerce, Science, and Transportation, with an amendment in the nature of a substitute:

S. 3302. A bill to amend title 49, United States Code, to establish new automobile safety standards, make better motor vehicle safety information available to the National Highway Traffic Safety Administration and the public, and for other purposes.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. BROWN of Ohio (for himself, Mr. DURBIN, Mr. WHITEHOUSE, Mr. MERKLEY, Mr. REED, Mr. MENENDEZ, and Mr. WYDEN):

S. 3979. A bill to amend the Emergency Economic Stabilization Act of 2008 to allow amounts under the Troubled Assets Relief Program to be used to provide legal assistance to homeowners to avoid foreclosure; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. ENSIGN:

S. 3980. A bill to direct the Secretary of the Interior to transfer to the Secretary of the Navy certain Federal land in Churchill County, Nevada; to the Committee on Energy and Natural Resources.

By Mr. BAUCUS (for himself, Mr. REID, Mr. STABENOW, Mr. REED, Mr. CASEY, Mr. DURBIN, Mrs. MURRAY, Mr. DODD, Mr. KERRY, Mr. BROWN of Ohio, Mrs. BOXER, Mr. SCHUMER, Mr. LAUTENBERG, Mr. FRANKEN, Mr. ROCKE-

FELLER, Mr. WYDEN, Mr. WHITEHOUSE, Mr. HARKIN, Mrs. SHAHEEN, and Mr. LEVIN):

S. 3981. A bill to provide for a temporary extension of unemployment insurance provisions; to the Committee on Finance.

By Mrs. FEINSTEIN:

S. 3982. A bill to amend the limitation on liability for certain passenger rail accidents or incidents under section 28103 of title 49, United States Code, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. VOINOVICH:

S. 3983. A bill to authorize the State of Ohio to reprogram grant funds received for intercity passenger rail service pursuant to title XII of the American Recovery and Reinvestment Act of 2009 for other transportation projects; to the Committee on Commerce, Science, and Transportation.

By Mr. REED (for himself, Mr. ENZI, Mr. HARKIN, and Mr. BURR):

S. 3984. A bill to amend and extend the Museum and Library Services Act, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SANDERS (for himself, Mr. REID, Mr. SCHUMER, Mr. LEAHY, Mr. BROWN of Ohio, Mr. LAUTENBERG, Mr. WHITEHOUSE, Mrs. GILLIBRAND, Ms. STABENOW, Mr. BEGICH, Mr. MENENDEZ, and Mr. CASEY):

S. 3985. A bill to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; read the first time.

ADDITIONAL COSPONSORS

S. 510

At the request of Mr. HARKIN, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 510, a bill to amend the Federal Food, Drug, and Cosmetic Act with respect to the safety of the food supply.

S. 1545

At the request of Mrs. GILLIBRAND, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 1545, a bill to expand the research and awareness activities of the National Institute of Arthritis and Musculoskeletal and Skin Diseases and the Centers for Disease Control and Prevention with respect to scleroderma, and for other purposes.

S. 1787

At the request of Mr. BINGAMAN, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 1787, a bill to reauthorize the Federal Land Transaction Facilitation Act, and for other purposes.

S. 2747

At the request of Mr. BINGAMAN, the names of the Senator from Connecticut (Mr. DODD) and the Senator from Connecticut (Mr. LIEBERMAN) were added as cosponsors of S. 2747, a bill to amend the Land and Water Conservation Fund Act of 1965 to provide consistent and reliable authority for, and for the funding of, the land and water conservation fund to maximize the effectiveness of the fund for future generations, and for other purposes.

S. 2919

At the request of Mr. UDALL of Colorado, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 2919, a bill to amend the Federal Credit Union Act to advance the ability of credit unions to promote small business growth and economic development opportunities, and for other purposes.

S. 3184

At the request of Mrs. BOXER, the names of the Senator from Washington (Ms. CANTWELL) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. 3184, a bill to provide United States assistance for the purpose of eradicating severe forms of trafficking in children in eligible countries through the implementation of Child Protection Compacts, and for other purposes.

S. 3320

At the request of Mr. WHITEHOUSE, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 3320, a bill to amend the Public Health Service Act to provide for a Pancreatic Cancer Initiative, and for other purposes.

S. 3324

At the request of Mr. BROWN of Ohio, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 3324, a bill to amend the Internal Revenue Code of 1986 to extend the qualifying advanced energy project credit.

S. 3398

At the request of Mr. BAUCUS, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of S. 3398, a bill to amend the Internal Revenue Code of 1986 to extend the work opportunity credit to certain recently discharged veterans.

S. 3626

At the request of Mr. FRANKEN, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 3626, a bill to encourage the implementation of thermal energy infrastructure, and for other purposes.

S. 3925

At the request of Mr. BINGAMAN, the names of the Senator from Wisconsin (Mr. KOHL) and the Senator from Washington (Mrs. MURRAY) were added as cosponsors of S. 3925, a bill to amend the Energy Policy and Conservation Act to improve the energy efficiency of, and standards applicable to, certain appliances and equipment, and for other purposes.

S. 3926

At the request of Mr. BENNET, the name of the Senator from Colorado (Mr. UDALL) was added as a cosponsor of S. 3926, a bill to amend the National Trails System Act to provide for the study of the Pike National Historic Trail.

S. 3935

At the request of Mr. BINGAMAN, the name of the Senator from New Hamp-

shire (Mrs. SHAHEEN) was added as a cosponsor of S. 3935, a bill to amend the Internal Revenue Code of 1986 to improve and extend certain energy-related tax provisions, and for other purposes.

S. 3960

At the request of Mr. LAUTENBERG, the names of the Senator from Hawaii (Mr. AKAKA) and the Senator from Vermont (Mr. SANDERS) were added as cosponsors of S. 3960, a bill to prevent harassment at institutions of higher education, and for other purposes.

S. 3965

At the request of Ms. STABENOW, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 3965, a bill to amend title XVIII of the Social Security Act to ensure continued access to Medicare for seniors and people with disabilities and to TRICARE for America's military families.

AMENDMENT NO. 4697

At the request of Mr. COBURN, the names of the Senator from Tennessee (Mr. CORKER) and the Senator from Florida (Mr. LEMIEUX) were added as cosponsors of amendment No. 4697 intended to be proposed to S. 510, a bill to amend the Federal Food, Drug, and Cosmetic Act with respect to the safety of the food supply.

AMENDMENT NO. 4702

At the request of Mr. JOHANNIS, the names of the Senator from South Dakota (Mr. THUNE), the Senator from Wyoming (Mr. ENZI), the Senator from Oklahoma (Mr. INHOFE) and the Senator from Massachusetts (Mr. BROWN) were added as cosponsors of amendment No. 4702 intended to be proposed to S. 510, a bill to amend the Federal Food, Drug, and Cosmetic Act with respect to the safety of the food supply.

AMENDMENT NO. 4713

At the request of Mr. BAUCUS, the name of the Senator from Delaware (Mr. COONS) was added as a cosponsor of amendment No. 4713 intended to be proposed to S. 510, a bill to amend the Federal Food, Drug, and Cosmetic Act with respect to the safety of the food supply.

AMENDMENT NO. 4715

At the request of Mr. HARKIN, the name of the Senator from New Hampshire (Mr. GREGG) was added as a cosponsor of amendment No. 4715 proposed to S. 510, a bill to amend the Federal Food, Drug, and Cosmetic Act with respect to the safety of the food supply.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. FEINSTEIN:

S. 3982. A bill to amend the limitation on liability for certain passenger rail accidents or incidents under section 28103 of title 49, United States Code, and for other purposes; to the

Committee on Commerce, Science, and Transportation.

Mrs. FEINSTEIN. Mr. President, I rise to introduce a bill to raise the cap on rail liability in cases of gross negligence. This bill was originally introduced in the House of Representatives by Congressman Elton Gallegly of the 24th District of California, and I thank him for all of his hard work on it.

When Congress passed the Amtrak Reform and Accountability Act in 1997, it included a small provision imposing a strict cap on liability in railroad crashes. The cap is now contained in 49 U.S.C. § 28103 and states that the "aggregate allowable awards to all rail passengers, against all defendants, for all claims, including claims for punitive damages, arising from a single accident or incident, shall not exceed \$200,000,000."

What this means is that regardless of the circumstances no matter how many people are killed or injured in a train crash, and no matter what caused the crash total liability for all of the passengers hurt or killed in the crash cannot exceed \$200 million.

The problem is that when a real catastrophe occurs, this number is just not sufficient and there is no way around it.

Let me tell you what happened 2 years ago in California.

On September 12, 2008, a commuter train in Chatsworth, California carrying more than 200 people crashed head-on into a freight train.

The carnage from this crash was unspeakable. Twenty-five people were killed. Their bodies, many torn to pieces, had to be extracted from heaps of steel and wreckage.

Another 101 people were injured. Volunteers and rescue crews worked that day to help pull them from the wreckage. Emergency response agencies transported over 100 people to hospitals. Their injuries ranged from blood in the brain and collapsed lungs to bone fractures, gashes, and scratches.

For some people, the crash was a horrible, harrowing experience, but they have been able to return to the lives they had before.

For others, the families of the 25 people who died and for those who suffered the most serious of injuries, life will never be the same.

According to the final report of the National Transportation Safety Board, NTSB, no unexpected equipment malfunction or weather problem was responsible for this crash.

The National Transportation Safety Board report states: "the probable cause of the September 12, 2008, collision was the failure of the Metrolink engineer to observe and appropriately respond to the red signal because he was engaged in text messaging that distracted him from his duties."

The NTSB found, in other words, that the engineer wasn't paying attention,

and he sailed through a red signal, crashing head-on into the freight train. In fact, the report finds that he was so busy texting that he never even hit the brakes.

According to the report, on the day of the crash, the engineer sent 21 text messages, received 20 text messages, and made four outgoing telephone calls while he was driving the train.

NTSB wrote,

the investigation further revealed that this amount of activity was not unusual for this engineer. Wireless records for the 7 days preceding the accident showed that on each workday, the engineer had sent or received text messages or made voice calls during the time he was responsible for operating a train. Two days before the accident, he sent or received about 125 messages during the time he was responsible for operating a train. He had also made phone calls during these periods.

Astoundingly, the NTSB found that “the content of all of the engineer’s text messages over the previous 7 days, including those during and outside the times the engineer was responsible for operating a train, indicated that the engineer and, a teenage boy, had been coordinating to allow, the teenage boy, to operate, Metrolink, train 111 on the evening of the accident.”

Although texting while driving the train was clearly prohibited under the operating rules of Veolia Transportation, who employed and oversaw the engineer under contract with Metrolink, this engineer had been violating these rules habitually and had not been stopped.

The conductor who worked with the engineer on Metrolink train 111 observed him using his cell phone while driving the train a month before the accident. According to NTSB, “He said he spoke to the engineer about it and he later brought the incident to the attention of a supervisor.” But the behavior obviously continued.

Bottom line: The report says the engineer wasn’t paying attention to the passengers’ safety, he was sending text messages on his cell phone, and no one else took action to stop this dangerous behavior. As a result, 25 people died.

This is unbelievable. And it is unacceptable.

Since the Chatsworth Crash, I have worked to improve rail safety. In October 2008, Congress passed and the President signed the “Rail Safety Improvement Act,” which included a key provision that I strongly pushed requiring mandatory collision-avoidance systems on America’s major passenger, commuter, and freight lines.

But this \$200 million liability cap remains in place.

That means that under current law, the train operator, Metrolink, and the company that hired and oversaw the engineer, Veolia, believe they only have to pay \$200 million total to all of the victims of the Chatsworth crash and their families.

It doesn’t matter how tragic the families’ losses were. Or how high the survivors’ medical bills are. Or how much has been lost in their ability to work and care for their families. The cap is \$200 million total, regardless of the circumstances.

This is terrible public policy, should never have been adopted, and needs to be changed.

In a large crash involving hundreds of people and very serious injuries, a court needs to be able to award the damages that it finds are necessary to care for the victims and their families—to pay their medical bills and to compensate for wages they will never again be able to earn.

The bill I am introducing is straightforward. It would raise the liability cap in any case where a court finds gross negligence or willful misconduct to \$500 million. And it would do so retroactively to ensure that those who were injured or whose family members were killed are not unfairly deprived of the benefits of what was really the right policy in the first place.

I understand that the rail industry believes that the cap on damages keeps their insurance costs and risk exposure down, and I appreciate all the feedback that has been provided by California’s passenger rail systems.

I look forward to working with them to make sure this legislation will not have any unintended consequences. I do not expect this bill to be considered and enacted this week. Facing that reality, I will work with the interested parties, including California High Speed Rail Authority and CalTrain, to further refine this legislation. There will be an opportunity to introduce an improved product as a “first day bill” in the next Congress.

But I believe we must do everything we can first to improve safety on our rail lines and second to ensure that when the very worst occurs and people are injured or lose their lives in these accidents, they and their families are fairly compensated.

I urge my colleagues to work with me to amend this law and raise the cap in cases of gross negligence.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3982

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ACCIDENT LIABILITY.

(a) AMENDMENTS.—Section 28103 of title 49, United States Code, is amended—

(1) in subsection (a)(2), by striking “The aggregate” and inserting “Except as provided in paragraph (3), the aggregate”;

(2) by adding at the end of subsection (a) the following:

“(3) The liability cap under paragraph (2) shall be \$500,000,000 if the accident or inci-

dent was proximately caused by gross negligence or willful misconduct of the defendant. Such amount shall be adjusted annually by the Secretary of Transportation to reflect changes in the Consumer Price Index-All Urban Consumers.”; and

(3) in subsection (c), by striking “\$200,000,000” and inserting “\$500,000,000”.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall be effective for any passenger rail accident or incident occurring on or after September 12, 2008.

By Mr. REED— (for himself, Mr. ENZI, Mr. HARKIN, and Mr. BURR):

S. 3984. A bill to amend and extend the Museum and Library Services Act, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. REED. Mr. President, today I am pleased to be joined by my colleagues on the Health, Education, Labor, and Pensions Committee—Chairman HARKIN, Ranking Member ENZI, and Senator BURR in introducing the Museum and Library Services Act of 2010.

Together our offices worked to craft a bipartisan bill that updates museum and library services funded through the Institute for Museum and Library Services, IMLS, to better meet the needs of Americans of all ages and in all types of locations.

The Museum and Library Services Act was first enacted in 1996, and my predecessor, the late Senator Claiborne Pell, was instrumental in its development and enactment. This law established IMLS, an independent Federal agency, to oversee funding and programs authorized under the law’s two main subtitles, the Library Services and Technology Act, LSTA, and the Museum Services Act.

Libraries and museums are rich centers of learning, woven into the fabric of our communities, big and small, urban and rural.

Libraries are not just places to read and borrow books or for parents to bring their children for story time. During the economic recession, even as libraries are being forced to do more with less, more and more people are also turning to their public libraries for access to information and the Internet, job search and training programs, and business development help.

As noted in the new report, “Opportunity for All: How the American Public Benefits from Internet Access at U.S. Libraries,” nearly half of the 169 million visitors to public libraries over the past year used a library computer to connect to the Internet during their visit. Accessing information on education, employment, and health were most commonly cited for this computer and Internet usage.

Museums also provide 21st century learning opportunities, while connecting communities to the culture, science, art, and events that make up humankind’s history. The estimated 17,500 museums in the United States reflect the great diversity of our nation.

They are large and small; urban and rural; local, national, and international; and include aquariums, arboreta, historical societies, nature centers, zoos, planetariums, art museums, and many other types of museums.

Museums contribute to the quality of life and the economic development of their home communities. They are key partners in offering hands-on, self directed learning for students of all ages. They draw tourism, which contributes to local economies.

The Museum and Library Services Act represents our national commitment to these institutions that are essential to building strong and vibrant communities. Through a relatively modest federal investment, this law helps build capacity to support and expand access to library and museum services at the state and local level.

In Rhode Island, library funding has supported improved online resources; literacy initiatives, including a summer reading program; and the provision of talking books to residents with visual impairments and disabilities. Through museum funding, the Museum of Art at the Rhode Island School of Design, the Preservation Society of Newport, and the Blithewold Mansion, Gardens, and Arboretum have all received support this past year.

The legislation we are introducing updates the law to reflect the education and workforce development role libraries have been playing, including helping the out-of-work look for jobs, equipping business owners with data to make informed business decisions, and helping young and old alike gain critical digital literacy skills—the skills that help to discern fact from fiction when using the Internet.

Our bill will also help enhance training and professional development for librarians and ensure the development of a diverse library workforce, including by authorizing the Laura Bush 21st Century Librarian program, which has been previously funded through annual appropriations.

It will help build state capacity to support museums by authorizing IMLS to support state assessments of museum services and the development and implementation of state plans to improve and enhance those services. Our bill will also strengthen conservation and preservation efforts.

Additionally, it seeks to fully leverage the role of libraries and museums in supporting the learning, educational, and workforce development needs of Americans by requiring IMLS to improve coordination and collaboration with other federal agencies that also have an interest in and responsibilities for the improvement of museum and libraries and information services.

I thank my colleagues for joining me in this endeavor and urge the Senate to

take quick action to adopt this important legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3984

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Museum and Library Services Act of 2010”.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. References.

TITLE I—GENERAL PROVISIONS

Sec. 101. General definitions.

Sec. 102. Responsibilities of Director.

Sec. 103. Personnel.

Sec. 104. Board.

Sec. 105. Awards and medals.

Sec. 106. Research and analysis.

Sec. 107. Hearings.

Sec. 108. Administrative funds.

TITLE II—LIBRARY SERVICES AND TECHNOLOGY

Sec. 201. Purposes.

Sec. 202. Authorization of appropriations.

Sec. 203. Reservations and allotments.

Sec. 204. State plans.

Sec. 205. Grants.

Sec. 206. Grants, contracts, or cooperative agreements.

Sec. 207. Laura Bush 21st Century Librarian Program.

Sec. 208. Conforming amendments.

TITLE III—MUSEUM SERVICES

Sec. 301. Purpose.

Sec. 302. Definitions.

Sec. 303. Museum services activities.

Sec. 304. Authorization of appropriations.

TITLE IV—REPEAL OF THE NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE ACT

Sec. 401. Repeal.

SEC. 2. REFERENCES.

Except as otherwise expressly provided, wherever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Museum and Library Services Act (20 U.S.C. 9101 et seq.).

TITLE I—GENERAL PROVISIONS

SEC. 101. GENERAL DEFINITIONS.

Section 202 (20 U.S.C. 9101) is amended—

(1) by redesignating paragraphs (2) through (7) as paragraphs (3) through (8), respectively; and

(2) by inserting after paragraph (1) the following:

“(2) DIGITAL LITERACY SKILLS.—The term ‘digital literacy skills’ means the skills associated with using technology to enable users to find, evaluate, organize, create, and communicate information.”

SEC. 102. RESPONSIBILITIES OF DIRECTOR.

Section 204 (20 U.S.C. 9103) is amended—

(1) by striking subsection (c) and inserting the following:

“(c) DUTIES AND POWERS.—

“(1) PRIMARY RESPONSIBILITY.—The Director shall have primary responsibility for the

development and implementation of policy to ensure the availability of museum, library, and information services adequate to meet the essential information, education, research, economic, cultural, and civic needs of the people of the United States.

“(2) DUTIES.—In carrying out the responsibility described in paragraph (1), the Director shall—

“(A) advise the President, Congress, and other Federal agencies and offices on museum, library, and information services in order to ensure the creation, preservation, organization, and dissemination of knowledge;

“(B) engage Federal, State, and local governmental agencies and private entities in assessing the museum, library, and information services needs of the people of the United States, and coordinate the development of plans, policies, and activities to meet such needs effectively;

“(C) carry out programs of research and development, data collection, and financial assistance to extend and improve the museum, library, and information services of the people of the United States; and

“(D) ensure that museum, library, and information services are fully integrated into the information and education infrastructures of the United States.”;

(2) by redesignating subsections (f) and (g) as subsections (h) and (i), respectively; and

(3) by striking subsection (e) and inserting the following:

“(e) INTERAGENCY AGREEMENTS.—The Director may—

“(1) enter into interagency agreements to promote or assist with the museum, library, and information services-related activities of other Federal agencies, on either a reimbursable or non-reimbursable basis; and

“(2) use funds appropriated under this Act for the costs of such activities.

“(f) COORDINATION.—The Director shall ensure coordination of the policies and activities of the Institute with the policies and activities of other agencies and offices of the Federal Government having interest in and responsibilities for the improvement of museums and libraries and information services. Where appropriate, the Director shall ensure that such policies and activities are coordinated with—

“(1) activities under section 1251 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6383);

“(2) programs and activities under the Head Start Act (42 U.S.C. 9831 et seq.) (including programs and activities under subparagraphs (H)(vii) and (J)(iii) of section 641(d)(2) of such Act) (42 U.S.C. 9836(d)(2));

“(3) activities under the Workforce Investment Act of 1998 (29 U.S.C. 2801 et seq.) (including activities under section 134(c) of such Act) (29 U.S.C. 2864(c)); and

“(4) Federal programs and activities that increase the capacity of libraries and museums to act as partners in economic and community development, education and research, improving digital literacy skills, and disseminating health information.

“(g) INTERAGENCY COLLABORATION.—The Director shall work jointly with the individuals heading relevant Federal departments and agencies, including the Secretary of Labor, the Secretary of Education, the Administrator of the Small Business Administration, the Chairman of the Federal Communications Commission, the Director of the National Science Foundation, the Secretary of Health and Human Services, the Secretary of State, the Administrator of the Environmental Protection Agency, the Secretary of

the Interior, the Secretary of Housing and Urban Development, the Chairman of the National Endowment for the Arts, the Chairman of the National Endowment of the Humanities, and the Director of the Office of Management and Budget, or the designees of such individuals, on—

“(1) initiatives, materials, or technology to support workforce development activities undertaken by libraries;

“(2) resource and policy approaches to eliminate barriers to fully leveraging the role of libraries and museums in supporting the early learning, literacy, lifelong learning, digital literacy, workforce development, and education needs of the people of the United States; and

“(3) initiatives, materials, or technology to support educational, cultural, historical, scientific, environmental, and other activities undertaken by museums.”.

SEC. 103. PERSONNEL.

Section 206 (20 U.S.C. 9105) is amended—

(1) by striking paragraph (2) of subsection (b) and inserting the following:

“(2) NUMBER AND COMPENSATION.—

“(A) IN GENERAL.—The number of employees appointed and compensated under paragraph (1) shall not exceed $\frac{1}{2}$ of the number of full-time regular or professional employees of the Institute.

“(B) RATE OF COMPENSATION.—

“(i) IN GENERAL.—Except as provided in clause (ii), the rate of basic compensation for the employees appointed and compensated under paragraph (1) may not exceed the rate prescribed for level GS-15 of the General Schedule under section 5332 of title 5, United States Code.

“(ii) EXCEPTION.—The Director may appoint not more than 3 employees under paragraph (1) at a rate of basic compensation that exceeds the rate described in clause (i) but does not exceed the rate of basic pay in effect for positions at level IV of the Executive Schedule under section 5315 of title 5, United States Code.”; and

(2) by adding at the end the following:

“(d) EXPERTS AND CONSULTANTS.—The Director may use experts and consultants, including panels of experts, who may be employed as authorized under section 3109 of title 5, United States Code.”.

SEC. 104. BOARD.

Section 207 (20 U.S.C. 9105a) is amended—

(1) in subsection (b)—

(A) in paragraph (1)—

(i) by striking subparagraph (D); and

(ii) by redesignating subparagraphs (E) and (F) as subparagraphs (D) and (E), respectively;

(B) in paragraph (2)—

(i) in the matter preceding clause (i) of subparagraph (A), by striking “(1)(E)” and inserting “(1)(D)”;

(ii) in the matter preceding clause (i) of subparagraph (B), by striking “(1)(F)” and inserting “(1)(E)”;

(C) in paragraph (4)—

(i) by inserting “and” after “Library Services”;

(ii) by striking “, and the Chairman of the National Commission on Library and Information Science”;

(2) in subsection (c)—

(A) in paragraph (1)—

(i) by striking “Except as otherwise provided in this subsection, each” and inserting “Each”;

(ii) by striking “(E) or (F)” and inserting “(D) or (E)”;

(B) in paragraph (2), by striking “INITIAL BOARD APPOINTMENTS.—” and all that follows through “The terms of the first members”

and inserting the following: “AUTHORITY TO ADJUST TERMS.—The terms of the members”;

(3) in subsection (d)—

(A) in paragraph (1), by striking “relating to museum and library services, including financial assistance awarded under this title” and inserting “relating to museum, library, and information services”;

(B) by striking paragraph (2) and inserting the following:

“(2) NATIONAL AWARDS AND MEDALS.—The Museum and Library Services Board shall advise the Director in awarding national awards and medals under section 209.”; and

(4) in subsection (i), by striking “take steps to ensure that the policies and activities of the Institute are coordinated with other activities of the Federal Government” and inserting “coordinate the development and implementation of policies and activities as described in subsections (f) and (g) of section 204”.

SEC. 105. AWARDS AND MEDALS.

Section 209 (20 U.S.C. 9107) is amended to read as follows:

“SEC. 209. AWARDS AND MEDALS.

“The Director, with the advice of the Museum and Library Services Board, may annually award national awards and medals for library and museum services to outstanding libraries and museums that have made significant contributions in service to their communities.”.

SEC. 106. RESEARCH AND ANALYSIS.

Section 210 (20 U.S.C. 9108) is amended to read as follows:

“SEC. 210. POLICY RESEARCH, ANALYSIS, DATA COLLECTION, AND DISSEMINATION.

“(A) IN GENERAL.—The Director shall annually conduct policy research, analysis, and data collection to extend and improve the Nation’s museum, library, and information services.

“(b) REQUIREMENTS.—The policy research, analysis, and data collection shall be conducted in ongoing collaboration (as determined appropriate by the Director), and in consultation, with—

“(1) State library administrative agencies;

“(2) national, State, and regional library and museum organizations; and

“(3) other relevant agencies and organizations.

“(c) OBJECTIVES.—The policy research, analysis, and data collection shall be used to—

“(1) identify national needs for and trends in museum, library, and information services;

“(2) measure and report on the impact and effectiveness of museum, library, and information services throughout the United States, including the impact of Federal programs authorized under this Act;

“(3) identify best practices; and

“(4) develop plans to improve museum, library, and information services of the United States and to strengthen national, State, local, regional, and international communications and cooperative networks.

“(d) DISSEMINATION.—Each year, the Director shall widely disseminate, as appropriate to accomplish the objectives under subsection (c), the results of the policy research, analysis, and data collection carried out under this section.

“(e) AUTHORITY TO CONTRACT.—The Director is authorized—

“(1) to enter into contracts, grants, cooperative agreements, and other arrangements with Federal agencies and other public and private organizations to carry out the objectives under subsection (c); and

“(2) to publish and disseminate, in a form determined appropriate by the Director, the

reports, findings, studies, and other materials prepared under paragraph (1).

“(f) AUTHORIZATION OF APPROPRIATIONS.—

“(1) IN GENERAL.—There are authorized to be appropriated to carry out this section \$3,500,000 for fiscal year 2011 and such sums as may be necessary for each of the fiscal years 2012 through 2016.

“(2) AVAILABILITY OF FUNDS.—Sums appropriated under paragraph (1) for any fiscal year shall remain available for obligation until expended.”.

SEC. 107. HEARINGS.

Subtitle A (20 U.S.C. 9101 et seq.) is amended by adding at the end the following:

“SEC. 210B. HEARINGS.

“The Director is authorized to conduct hearings at such times and places as the Director determines appropriate for carrying out the purposes of this subtitle.”.

SEC. 108. ADMINISTRATIVE FUNDS.

Subtitle A (20 U.S.C. 9101 et seq.), as amended by section 107, is further amended by adding at the end the following:

“SEC. 210C. ADMINISTRATIVE FUNDS.

“Notwithstanding any other provision of this Act, the Director shall establish one account to be used to pay the Federal administrative costs of carrying out this Act, and not more than a total of 7 percent of the funds appropriated under sections 210(f), 214, and 275 shall be placed in such account.”.

TITLE II—LIBRARY SERVICES AND TECHNOLOGY

SEC. 201. PURPOSES.

Section 212 (20 U.S.C. 9121) is amended—

(1) by striking paragraph (1) and inserting the following:

“(1) to enhance coordination among Federal programs that relate to library and information services”;

(2) in paragraph (2), by inserting “continuous” after “promote”;

(3) in paragraph (3), by striking “and” after the semicolon;

(4) in paragraph (4), by striking the period at the end and inserting a semicolon; and

(5) by adding at the end the following:

“(5) to promote literacy, education, and lifelong learning and to enhance and expand the services and resources provided by libraries, including those services and resources relating to workforce development, 21st century skills, and digital literacy skills;

“(6) to enhance the skills of the current library workforce and to recruit future professionals to the field of library and information services;

“(7) to ensure the preservation of knowledge and library collections in all formats and to enable libraries to serve their communities during disasters;

“(8) to enhance the role of libraries within the information infrastructure of the United States in order to support research, education, and innovation; and

“(9) to promote library services that provide users with access to information through national, State, local, regional, and international collaborations and networks.”.

SEC. 202. AUTHORIZATION OF APPROPRIATIONS.

Section 214 (20 U.S.C. 9123) is amended—

(a) by striking subsection (a) and inserting the following:

“(a) IN GENERAL.—There are authorized to be appropriated—

“(1) to carry out chapters 1, 2, and 3, \$232,000,000 for fiscal year 2011 and such sums as may be necessary for each of the fiscal years 2012 through 2016; and

“(2) to carry out chapter 4, \$24,500,000 for fiscal year 2011 and such sums as may be necessary for each of the fiscal years 2012 through 2016.”; and

(b) by striking subsection (c).

SEC. 203. RESERVATIONS AND ALLOTMENTS.

Section 221(b)(3) (20 U.S.C. 9131(b)(3)) is amended—

(1) in subparagraph (A)—

(A) by striking “\$340,000” and inserting “\$680,000”; and

(B) by striking “\$40,000” and inserting “\$60,000”;

(2) by striking subparagraph (C); and

(3) by redesignating subparagraph (D) as subparagraph (C).

SEC. 204. STATE PLANS.

Section 224 (20 U.S.C. 9134) is amended—

(1) in subsection (b)—

(A) by redesignating paragraphs (6) and (7) as paragraphs (7) and (8), respectively; and

(B) after paragraph (5), by inserting the following:

“(6) describe how the State library administrative agency will work with other State agencies and offices where appropriate to coordinate resources, programs, and activities and leverage, but not replace, the Federal and State investment in—

“(A) elementary and secondary education, including coordination with the activities within the State that are supported by a grant under section 1251 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6383);

“(B) early childhood education, including coordination with—

“(i) the State’s activities carried out under subsections (b)(4) and (e)(1) of section 642 of the Head Start Act (42 U.S.C. 9837); and

“(ii) the activities described in the State’s strategic plan in accordance with section 642B(a)(4)(B)(i) of such Act (42 U.S.C. 9837(b)(4)(B)(i));

“(C) workforce development, including coordination with—

“(i) the activities carried out by the State workforce investment board under section 111(d) of the Workforce Investment Act of 1998 (29 U.S.C. 2821(d)); and

“(ii) the State’s one-stop delivery system established under section 134(c) of such Act (29 U.S.C. 2864(c)); and

“(D) other Federal programs and activities that relate to library services, including economic and community development and health information;”; and

(2) in subsection (e)(2), by inserting “, including through electronic means” before the period at the end.

SEC. 205. GRANTS.

Section 231 (20 U.S.C. 9141) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by inserting before the semicolon the following: “in order to support such individuals’ needs for education, lifelong learning, workforce development, and digital literacy skills”;

(B) in paragraph (2), by striking “electronic networks;” and inserting “collaborations and networks; and”; and

(C) by redesignating paragraph (2) as amended by subparagraph (B) as paragraph (7), and by moving such paragraph so as to appear after paragraph (6);

(D) by striking paragraph (3);

(E) by inserting after paragraph (1) the following:

“(2) establishing or enhancing electronic and other linkages and improved coordination among and between libraries and entities, as described in section 224(b)(6), for the purpose of improving the quality of and access to library and information services;

“(3)(A) providing training and professional development, including continuing education, to enhance the skills of the current library workforce and leadership, and ad-

vance the delivery of library and information services; and

“(B) enhancing efforts to recruit future professionals to the field of library and information services;”;

(F) in paragraph (5), by striking “and” after the semicolon;

(G) in paragraph (6), by striking the period and inserting a semicolon; and

(H) by adding at the end the following:

“(8) carrying out other activities consistent with the purposes set forth in section 212, as described in the State library administrative agency’s plan.”; and

(2) by striking subsection (b) and inserting the following:

“(b) SPECIAL RULE.—Each State library administrative agency receiving funds under this chapter may apportion the funds available for the priorities described in subsection (a) as appropriate to meet the needs of the individual State.”.

SEC. 206. GRANTS, CONTRACTS, OR COOPERATIVE AGREEMENTS.

Section 262(a) (20 U.S.C. 9162(a)) is amended—

(1) by striking paragraphs (1) and (2) and inserting the following:

“(1) building workforce and institutional capacity for managing the national information infrastructure and serving the information and education needs of the public;

“(2)(A) research and demonstration projects related to the improvement of libraries or the enhancement of library and information services through effective and efficient use of new technologies, including projects that enable library users to acquire digital literacy skills and that make information resources more accessible and available; and

“(B) dissemination of information derived from such projects;”; and

(2) in paragraph (3)—

(A) by striking “digitization” and inserting “digitizing”; and

(B) by inserting “, including the development of national, regional, statewide, or local emergency plans that would ensure the preservation of knowledge and library collections in the event of a disaster” before “; and”.

SEC. 207. LAURA BUSH 21ST CENTURY LIBRARIAN PROGRAM.

Subtitle B (20 U.S.C. 9121 et seq.) is amended by adding at the end the following:

“CHAPTER 4—LAURA BUSH 21ST CENTURY LIBRARIANS

“SEC. 264. LAURA BUSH 21ST CENTURY LIBRARIAN PROGRAM.

“(a) PURPOSE.—It is the purpose of this chapter to develop a diverse workforce of librarians by—

“(1) recruiting and educating the next generation of librarians, including by encouraging middle or high school students and postsecondary students to pursue careers in library and information science;

“(2) developing faculty and library leaders, including by increasing the institutional capacity of graduate schools of library and information science; and

“(3) enhancing the training and professional development of librarians and the library workforce to meet the needs of their communities, including those needs relating to literacy and education, workforce development, lifelong learning, and digital literacy.

“(b) ACTIVITIES.—From the amounts provided under section 214(a)(2), the Director may enter into arrangements, including grants, contracts, cooperative agreements, and other forms of assistance, with libraries,

library consortia and associations, institutions of higher education (as defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001)), and other entities that the Director determines appropriate, for projects that further the purpose of this chapter, such as projects that—

“(1) increase the number of students enrolled in nationally accredited graduate library and information science programs and preparing for careers of service in libraries;

“(2) recruit future professionals, including efforts to attract promising middle school, high school, or postsecondary students to consider careers in library and information science;

“(3) develop or enhance professional development programs for librarians and the library workforce;

“(4) enhance curricula within nationally accredited graduate library and information science programs;

“(5) enhance doctoral education in order to develop faculty to educate the future generation of library professionals and develop the future generation of library leaders; and

“(6) conduct research, including research to support the successful recruitment and education of the next generation of librarians.

“(c) EVALUATION.—The Director shall establish procedures for reviewing and evaluating projects supported under this chapter.”.

SEC. 208. CONFORMING AMENDMENTS.

The National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 951 et seq.) is amended—

(1) in section 4(a) (20 U.S.C. 953(a)), by striking “Institute of Museum Services” and inserting “Institute of Museum and Library Services”; and

(2) in section 9 (20 U.S.C. 958), by striking “Institute of Museum Services” each place the term appears and inserting “Institute of Museum and Library Services”.

TITLE III—MUSEUM SERVICES

SEC. 301. PURPOSE.

Section 272 (20 U.S.C. 9171) is amended—

(1) in paragraph (3), by inserting “through international, national, regional, State, and local networks and partnerships” after “services”; and

(2) in paragraph (5), by striking “and” after the semicolon;

(3) in paragraph (6), by striking the period and inserting a semicolon; and

(4) by adding at the end the following:

“(7) to encourage and support museums as a part of economic development and revitalization in communities;

“(8) to ensure museums of various types and sizes in diverse geographic regions of the United States are afforded attention and support; and

“(9) to support efforts at the State level to leverage museum resources and maximize museum services.”.

SEC. 302. DEFINITIONS.

Section 273(1) (20 U.S.C. 9172(1)) is amended by inserting “includes museums that have tangible and digital collections and” after “Such term”.

SEC. 303. MUSEUM SERVICES ACTIVITIES.

Section 274 (20 U.S.C. 9173) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by inserting “, States, local governments,” after “with museums”; and

(B) by redesignating paragraphs (5) through (10) as paragraphs (6) through (11), respectively;

(C) by striking paragraphs (3) and (4) and inserting the following:

“(3) supporting the conservation and preservation of museum collections, including efforts to—

“(A) provide optimal conditions for storage, exhibition, and use;

“(B) prepare for and respond to disasters and emergency situations;

“(C) establish endowments for conservation; and

“(D) train museum staff in collections care;

“(4) supporting efforts at the State level to leverage museum resources, including statewide assessments of museum services and needs and development of State plans to improve and maximize museum services through the State;

“(5) stimulating greater collaboration, in order to share resources and strengthen communities, among museums and—

“(A) libraries;

“(B) schools;

“(C) international, Federal, State, regional, and local agencies or organizations;

“(D) nongovernmental organizations; and

“(E) other community organizations;”;

(D) in paragraph (6) (as redesignated by subparagraph (B)), by striking “broadcast media” and inserting “media, including new ways to disseminate information;” and

(E) in paragraph (9) (as redesignated by subparagraph (B)), by striking “at all levels,” and inserting “, and the skills of museum staff, at all levels, and to support the development of the next generation of museum leaders and professionals;” and

(2) in subsection (c)—

(A) by redesignating paragraph (2) as paragraph (3);

(B) by inserting after paragraph (1) the following:

“(2) GRANT DISTRIBUTION.—In awarding grants, the Director shall take into consideration the equitable distribution of grants to museums of various types and sizes and to different geographic areas of the United States;” and

(C) in paragraph (2)—

(i) in subparagraph (A), by striking “awards;” and

(ii) in subparagraph (B), by striking “, but subsequent” and inserting “, Subsequent”.

SEC. 304. AUTHORIZATION OF APPROPRIATIONS.

Section 275 (20 U.S.C. 9176) is amended—

(1) by striking subsection (a) and inserting the following:

“(a) GRANTS.—For the purpose of carrying out this subtitle, there are authorized to be appropriated to the Director \$38,600,000 for fiscal year 2011 and such sums as may be necessary for each of the fiscal years 2012 through 2016.”;

(2) by striking subsection (b);

(3) by redesignating subsection (c) as subsection (b); and

(4) by adding at the end the following:

“(c) FUNDING RULES.—Notwithstanding any other provision of this subtitle, if the amount appropriated under subsection (a) for a fiscal year is greater than the amount appropriated under such subsection for fiscal year 2011 by more than \$10,000,000, then an amount of not less than 30 percent but not more than 50 percent of the increase in appropriated funds shall be available, from the funds appropriated under such subsection for the fiscal year, to enter into arrangements under section 274 to carry out the State assessments described in section 274(a)(4) and to assist States in the implementation of such plans.”.

TITLE IV—REPEAL OF THE NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE ACT

SEC. 401. REPEAL.

(a) IN GENERAL.—The National Commission on Libraries and Information Science Act (20 U.S.C. 1501 et seq.) is repealed.

(b) TRANSFER OF FUNCTIONS.—The functions that the National Commission on Libraries and Information Science exercised before the date of enactment of this Act shall be transferred to the Institute of Museum and Library Services established under section 203 of the Museum and Library Services Act (20 U.S.C. 9102).

(c) TRANSFER AND ALLOCATION OF APPROPRIATIONS AND PERSONNEL.—The personnel and the assets, contracts, property, records, and unexpended balance of appropriations, authorizations, allocations, and other funds employed, held, used, arising from, available to, or to be made available for the functions and activities vested by law in the National Commission on Libraries and Information Science shall be transferred to the Institute of Museum and Library Services upon the date of enactment of this Act.

(d) REFERENCES.—Any reference to the National Commission on Libraries and Information Science in any Federal law, Executive Order, rule, delegation of authority, or document shall be construed to refer to the Institute of Museum and Library Services when the reference regards functions transferred under subsection (b).

PRIVILEGES OF THE FLOOR

Mr. BAUCUS. Mr. President, I ask unanimous consent that the following staff be allowed floor privileges during consideration of the food safety bill: James Baker, Mary Baker, Will Kellogg, Nicole Lemire, Deborah Ma, Brychan Manry, Nicole Marchman, Jack McGillis, Kane Ossorio, and Lisa Yen.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DODD. Mr. President, I ask unanimous consent that Monica Anatalio, a detailee to the Committee on Homeland Security and Governmental Affairs, be granted floor privileges for the remainder of this session.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

SUPPORTING THE GOALS AND IDEALS OF AMERICAN DIABETES MONTH

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the Health, Education, Labor, and Pensions Committee be discharged from further consideration of S. Res. 676, and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 676) supporting the goals and ideals of American Diabetes Month.

There being no objection, the Senate proceeded to consider the resolution.

Mr. LAUTENBERG. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements related to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 676) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 676

Whereas according to the Centers for Disease Control (referred to in this preamble as the “CDC”), nearly 24,000,000 people of the United States have diabetes and 57,000,000 people of the United States have pre-diabetes;

Whereas diabetes is a serious chronic condition that affects people of every age, race, ethnicity, and income level;

Whereas the CDC reports that Hispanic, African, Asian, and Native Americans are disproportionately affected by diabetes and suffer from diabetes at rates that are much higher than the general population;

Whereas according to the CDC, 3 people are diagnosed with diabetes every minute;

Whereas each day, approximately 4,384 people are diagnosed with diabetes;

Whereas in 2007, the CDC estimates that approximately 1,600,000 individuals aged 20 and older were newly diagnosed with diabetes;

Whereas a joint National Institutes of Health and CDC study found that approximately 15,000 youth in the United States are diagnosed with type 1 diabetes annually and approximately 3,700 youth are diagnosed with type 2 diabetes annually;

Whereas according to the CDC, between 1980 and 2007, diabetes prevalence in the United States increased by more than 300 percent;

Whereas the CDC reports that over 24 percent of individuals with diabetes are undiagnosed, a decrease from 30 percent in 2005;

Whereas the National Diabetes Fact Sheet issued by the CDC states that more than 10 percent of adults of the United States and 23.1 percent of people of the United States age 60 and older have diabetes;

Whereas the CDC estimates that 1 in 3 people of the United States born in the year 2000 will develop diabetes in the lifetime of that individual;

Whereas the CDC estimates that 1 in 2 Hispanic, African, Asian, and Native Americans born in the year 2000 will develop diabetes in the lifetime of that individual;

Whereas according to the American Diabetes Association, in 2007, the total cost of diagnosed diabetes in the United States was \$174,000,000,000, and 1 in 10 dollars spent on health care was attributed to diabetes and its complications;

Whereas according to a Lewin Group study, in 2007, the total cost of diabetes (including both diagnosed and undiagnosed diabetes, pre-diabetes, and gestational diabetes) was \$218,000,000,000;

Whereas a Mathematica Policy study found that, for each fiscal year, total expenditures for Medicare beneficiaries with diabetes comprise 32.7 percent of the Medicare budget;

Whereas according to the CDC, diabetes was the seventh leading cause of death in 2007 and contributed to the deaths of over 230,000 Americans in 2005;

Whereas there is not yet a cure for diabetes;

Whereas there are proven means to reduce the incidence of, and delay the onset of, type 2 diabetes;

Whereas with the proper management and treatment, people with diabetes live healthy, productive lives; and

Whereas American Diabetes Month is celebrated in November: Now, therefore, be it

Resolved, That the Senate—

(1) supports the goals and ideals of American Diabetes Month, including—

(A) encouraging the people of the United States to fight diabetes through public awareness about prevention and treatment options; and

(B) increasing education about the disease;

(2) recognizes the importance of early detection of diabetes, awareness of the symptoms of diabetes, and the risk factors that often lead to the development of diabetes, including—

(A) being over the age of 45;

(B) having a specific racial and ethnic background;

(C) being overweight;

(D) having a low level of physical activity level;

(E) having high blood pressure; and

(F) having a family history of diabetes or a history of diabetes during pregnancy; and

(3) supports decreasing the prevalence of type 1, type 2, and gestational diabetes in the United States through increased research, treatment, and prevention.

COMMEMORATING THE 100TH ANNIVERSARY OF THE WEEKS LAW

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the Agriculture Committee be discharged from further consideration and the Senate now proceed to S. Res. 679.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 679) commemorating the 100th anniversary of the Weeks Law.

There being no objection, the Senate proceeded to consider the resolution.

Mr. LAUTENBERG. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 679) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 679

Whereas the 100th anniversary of the Act of March 1, 1911 (commonly known as the "Weeks Law") (16 U.S.C. 552 et seq.), marks one of the most significant moments in conservation and Forest Service history;

Whereas New Hampshire, along with the southern Appalachians, was at the center of efforts to pass the Weeks Law;

Whereas John Wingate Weeks, sponsor of the Weeks Law, was born in Lancaster, New Hampshire, and maintained a summer home there that is now Weeks State Park;

Whereas, in 1903, the Appalachian Mountain Club, and the newly formed Society for the Protection of New Hampshire's Forests, helped draft a bill for the creation of a forest reserve in the White Mountains;

Whereas passage of the Weeks Law on March 1, 1911, was made possible by an unprecedented collaboration of a broad spectrum of interests, including the Appalachian Mountain Club, the Society for the Protection of New Hampshire Forests, industrialists, small businesses, and the tourist industry;

Whereas, in 1914, the first 7,000 acres of land destined to be part of the White Mountain National Forest were acquired in Benton, New Hampshire, under the Weeks Law;

Whereas national forests were established and continue to be managed as multiple use public resources, providing recreational opportunities, wildlife habitat, watershed protection, and renewable timber resources;

Whereas the forest conservation brought about by the Weeks Law encouraged and inspired additional conservation by State and local government as well as private interests, further protecting the quality of life in the United States;

Whereas the White Mountain National Forest continues to draw millions of visitors annually who gain a renewed appreciation of the inherent value of the outdoors;

Whereas the multiple values and uses supported by the White Mountain National Forest today are a tribute to the collaboration of 100 years ago, an inspiration for the next 100 years, and an opportunity to remind the people of the United States to work together toward common goals on a common landscape; and

Whereas President Theodore Roosevelt stated "We want the active and zealous help of every man far-sighted enough to realize the importance from the standpoint of the nation's welfare in the future of preserving the forests": Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the significance of the 100th anniversary of the Act of March 1, 1911 (commonly known as the "Weeks Law") (16 U.S.C. 552 et seq.), to the history of conservation and the power of cooperation among unlikely allies;

(2) encourages efforts to celebrate the centennial in the White Mountain National Forest with a focus on the future as well as to commemorate the past; and

(3) encourages continued collaboration and cooperation among Federal, State, and local governments, as well as business, tourism, and conservation interests, to ensure that the many values and benefits flowing from the White Mountain National Forest today to the citizens of New Hampshire, and the rest of the United States, are recognized and supported in perpetuity.

MEASURE READ THE FIRST TIME—S. 3985

Mr. LAUTENBERG. I understand that S. 3985 introduced earlier by Senator SANDERS is at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 3985) to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes.

Mr. LAUTENBERG. I ask for its second reading and object to my own request.

The PRESIDING OFFICER. Objection having been heard, the bill will be read the second time the next legislative day.

APPOINTMENT

The PRESIDING OFFICER. The Chair, on behalf of the majority leader, pursuant to Public Law 107-12, appoints the following individual as a member of the Public Safety Officer Medal of Valor Review Board: Albert H. Gillespie of Nevada vice Thomas J. Scotto of New York.

ORDERS FOR TUESDAY, NOVEMBER 30, 2010

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9 a.m. on Tuesday, November 30; that following the prayer and pledge, the Journal of Proceedings be approved to date, the morning hour be deemed to have expired, the time for the two leaders be reserved for their use later in the day; that following any leader remarks, the Senate resume consideration of S. 510, the FDA Food Safety Modernization Act, as provided for under the previous order; that upon disposition of S. 510, the Senate proceed to a period of morning business, with Senators permitted to speak therein for up to 10 minutes each; further, that the Senate recess from 12:30 until 4 p.m. to allow for the party caucus meetings; and finally, I ask that Senator DODD be recognized to speak at 4 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. LAUTENBERG. Mr. President, Senators should expect a series of up to three rollcall votes beginning at approximately 9:15 tomorrow. The votes will be in relation to two Coburn motions to suspend the rules and on the passage of the FDA Food Safety Modernization Act.

ORDER FOR ADJOURNMENT

Mr. LAUTENBERG. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order following the remarks of the Senator from Oklahoma.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Oklahoma.

EARMARKS

Mr. INHOFE. Mr. President, first of all, I appreciate the fact no one objected to my unanimous consent request that I will be taking my 15 minutes from this side and 15 minutes from the other side and run them together. I appreciate that very much.

Let me say, before getting into this subject, something really great happened today in a bipartisan nature. We have a new Governor who will be coming in to Oklahoma, MARY FALLIN, who used to serve over in the House. In fact, I flew her around in my airplane and helped her campaign, and she won handily.

She made her first—she is still Governor-elect, but she made her first commitment today, and I was very excited about it. We have a guy in Oklahoma named Gary Ridley who has been the highway director and then the secretary of transportation in the State now for years and years and years. I was so proud that today she said she was going to reappoint him.

I can remember 8 years ago when Governor Brad Henry, who is a Democrat, was elected. I called him up and I said: I only have one request, and that is you keep Gary Ridley because he's the best there is in the Nation, and I really believe that. Now, 8 years later, she has done this.

I remember when I was critical of President Clinton in 1998 when he took \$8 billion out of the highway trust fund and put it into deficit reduction. It was something that was the wrong thing to do, and Gary Ridley stood by my side for 8 years before we were able to correct that. So we are going to have a great road program and hopefully we will be able to get into some of these things. After all, that is what we are supposed to be doing.

In a minute I am going to kind of identify myself as a different type of person than you have been hearing from on the floor. I happen to have the distinction of being the only Republican who objected in our conference a couple weeks ago to the ban on earmarks, as they define it. I just had no problem doing that at all. But it is something that is not a fun thing to do.

Something happened tonight that went completely by everybody. It was a total change in the Republican position, and it is a good change when Senator McCAIN and Senator COBURN both talked about authorization. I have often said that authorization is the only discipline on appropriations, and I believe that, and that is true. So we have a situation where I have been saying—not for months but for years—that if you will just define an earmark as an appropriations that has not been authorized, I am with you. I heard them tonight say that. Unfortunately, that is not what the bill that we are going to have before us says.

I would just like to do away with the whole word “earmarks” or else define

it in such a way as I just described it. Now it seems as if everybody would be in agreement with it, and maybe that is going to be the road we will be taking.

Let me, first of all, before I surprise a lot of people, give my conservative credentials. I have always been ranked as one of the most conservative or the most conservative Member of the U.S. Senate, the National Journal's most conservative Senator for 2009. That is the last one they gave out: “The only Senator with a perfect score on 99 key votes.” I have also been voted the “most outstanding U.S. Senator” by Human Events.

So I am a conservative. I am a conservative but a conservative who loves the Constitution. I have also been waiting for a long time. I love these guys. Certainly the author of this, Senator COBURN, is a brother and I love him. And brothers do fight sometimes. This fight is going to be over with and we are going to have a happy ending.

I have been waiting for years for this Tea Party thing to happen, for conservatives, anti-establishment people to come in, and I just get very excited when I see what we are looking at. Yet we have an administration with a majority in both Houses that we have had now for quite some time: spend, spend, spend. When they talk about George W. Bush, look, it is this administration with the increase in the debt to the amount it is now, which is a greater increase in debt than we have had collectively with every President, every administration from George Washington to George W. Bush.

All the time, they have been talking about earmarks that totally distract people from the real problem. That is not the problem. I have been listening on the floor now for the last 2 years. Every night we go through the same thing. They talk about earmarks, earmarks, earmarks. What they do not do is pay attention to the fact that during that discussion this President, with his majority in both Houses, was able to give my 20 kids and grandkids a \$3 trillion deficit in 1 year. It is mind-boggling that this could happen. But we hear the President say: Spend, spend, spend. And he has used the words quite often: We need to give the people what they desire. It reminds me of the story of the guy who went in the department store and there was a beautiful, young, voluptuous saleslady who came up and said: Sir, what is your desire? He said: Well, my desire is to pick you up after work and go to a fine restaurant, have dinner, and buy a bottle of champagne, go to my place, and make mad passionate love. But I need a pair of socks.

Now, what we are going to have to understand is, there is a difference between desire and need. That is what I am here to try to do. To think we could actually have said today—now, the bill does not do this, but it was said that

authorizing is kind of a lost art. Senator McCAIN said that. Frankly, I do not quite agree with that because we have an authorization committee in Armed Services of which he is the ranking member, and I am the second ranking member, and it is something on which we have done a pretty good job. But in other areas we have not. Keep in mind, authorizing is the only discipline that there is to appropriating.

Now, I have a family picture I show you in the Chamber. These are my 20 kids and grandkids. I have to tell the occupier of the chair that I was so proud to have all of them at one table on Thanksgiving. How many people are blessed that way? Not many. But this little guy here—where is Jase Rapert. Here he is down there on the picture, the football guy.

He came up to me one time—this is some time ago—and he said: PopI—“I” is for “Inhofe.” So MomI and PopI. He said: PopI, why is it you do things no one else will? I said: That's the reason, because no one else will.

I am reminded of 9 years ago when everybody—I am talking about Democrats and Republicans—all said global warming is coming. The world is coming to an end. It is manmade gases that cause global warming. I looked into the science. At that time Republicans were in the majority. I was the chairman of the Environment and Public Works Committee that has that jurisdiction. I looked at that and I found out they were cooking the science, that it was not true.

Then we had the McCain-Lieberman bill and all these things that would pass a cap and trade which would constitute the largest tax increase in the history of this country. We beat them one at a time. The last one was Waxman-Markey. But, again, this has been something that has finally evolved, that that one, my voice in the wilderness 10 years ago, is now the prevailing thought. That is why I said to my little grandson, Jase Rapert, that I do it because no one else will.

So let me just say this. How much more fun it would be to come down here and do the politically correct thing and say: yes, earmarks are bad, earmarks are bad, earmarks are bad. We are going to do away with earmarks, and let everyone applaud before they realize what it really is.

I hear the staffers right now telling their Members: You know, you have the greatest opportunity. You can vote for this amendment to ban these earmarks and you can make people think you are conservative, No. 1. No. 2, you can make President Obama happy because he is publicly supporting this. This is what he wants because this means, as has been said by Senator LAUTENBERG, Senator HARKIN, and several others, if we do not do it, that goes to the President. I want to explain how that works in just a minute.

We could also be politically correct, so there would be a lot of them thinking: What an opportunity this is. People will think, if I vote for this amendment, I am a conservative. Obviously, I can make our President happy. That will do me no harm, and I can be politically correct.

Well, it has been demagoging now for so many years. Let me define what Webster's Third New International Dictionary says about demagoguery. The definition of demagoguery: "Political leaders who seek to gain personal or partisan advantage through specious, extravagant claims, promises and charges." That is what we have been listening to now for at least the last 2 years, on a regular basis.

The big problem I have with all the demagoging that has been going on every night for the last 2 years is that people are just not paying attention to the real problem. The real problem is not earmarks. The real problem is that during that 2-year period—when everyone is concerned about a few dollars—we found out we have increased the debt more than it has been increased in the history of this country, and we have given my 20 kids and grandkids a \$3 trillion deficit in just 2 years. I thought that was not possible. I never believed that could happen. But that is what has happened here. They have distracted people. Get this thing behind us so we can start working on this and not make people think we are doing something great for them when we really are not. It would be nothing short of criminal to go through all the trouble of electing great, new anti-establishment conservatives, only to be politically correct and have them cede to Obama their constitutional power of the purse. That is exactly what would happen.

I want these new people coming in to tackle the three issues to really save America, in my opinion the deficit, the debt, and Obamacare, and not be distracted by the bogus issue of earmarks. I say "bogus." It is kind of a strong word. Why is it bogus? It is bogus and unconstitutional, but the bogus part shows the definition of what we are saying. The House of Representatives Republicans—not the Democrats, the Republicans—took a moratorium, a 1-year moratorium banning earmarks in that period of time. How did they define it? They said:

Resolved, that it is the policy of the Republican Conference that no Member shall request a congressional earmark, limited tax benefit, or limited tariff benefit, as such terms are used in clause 9 of rule XXI of the Rules of the House. . . .

What is clause 9 of rule XXI? It applies to every appropriation or authorization. In other words, they have said: we will neither appropriate nor authorize for a whole year. Now, the Democrats are going to do it. The President is going to do it. But they say they are not going to do it.

Of course, the authors of this amendment, they all agreed with and praised the House for doing this. But let's go ahead and see what the Constitution says, article I, section 9. Several people here have talked about the Constitution. It is times like this that I miss Bob Byrd. Senator Byrd, talking about the Constitution right now, would be really outraged. It is so plain what we are supposed to be doing here. But article 1, section 9 says:

No money shall be drawn from the Treasury but in consequence of appropriations made by law.

Law, that is us. Article I, section 9 of the Constitution. That is not the President.

I would just say if you are looking at the Senate language, it says the term "congressionally directed spending" means a provision primarily at the request of a Senator providing expenditures, and so forth, to an entity targeted to a specific State or with anything is with or to an entity. In other words, they say—again, they are talking about all appropriations, all authorizations. We are not going to do that anymore. We are going to let the President do that. That is what this whole thing is about.

I was so excited when I heard for the first time them agreeing with me. By the way, it is not appropriate for me to tell this group or to say publicly what goes on inside a conference. In a Republican conference, I can say what I said, and I said to my colleagues when they were trying to get us, and they did, I went up in 2008 and I went ahead and voted for a ban because I was told they would define it as an appropriation that has not been authorized. Now, all of a sudden—they didn't do it then, and all of a sudden they are talking about doing it, and I think I know why and I will tell you in a minute why I think it is.

So we are having this situation now where we are saying we are not going to authorize, we are not going to appropriate. There are two reasons to ban Senate spending by either definition. It cedes constitutional authority to the President and also gives cover to big spenders.

Let's go back to that article I, section 9 chart. The Constitution restricts spending only to the legislative branch and specifically denies that honor to the President. We take an oath to uphold article 1, section 9 of the Constitution. Now, maybe there is some doubt about this. If you think there is some doubt, let's go back and see what the Founders of this country said. Let's see what the authors of the Constitution said. Let's look at James Madison. He said:

The power over the purse may, in fact, be regarded as the most complete and effectual weapon with which any Constitution can arm the immediate representatives of the people for obtaining redress of every grievance.

The two reasons he did, if you studied the Federalist Papers, they said they wanted Congress to do the spending because if they do it wrong—first of all, they know the needs of the people of their State or their—whatever the unit was at that time. If they do it wrong, they can fire them. Look what happened on November 2. That is exactly what happened. Alexander Hamilton said:

The legislature not only commands the purse but prescribes the rules by which the duties and rights of every citizen should be regulated.

That is what we are supposed to be doing.

Mr. President, I have talked about Alexander Hamilton and James Madison. Probably the guy who was most knowledgeable on the Constitution was Justice Joseph Story, back in the early 1800s, when he actually said in his commentary:

It is highly proper that Congress should possess the power to decide how and when any money should be applied. If it were otherwise, the executive would possess an unbounded power. Congress is made the guardian of the Treasury.

I say all this to impress upon any impartial patriot that the legislative branch—which is us—has the power to spend money. How does a ban on earmarks cede our authority to the President? This is something that is heavy lifting, but I think it is very important people understand why and how this happened. This is how it works. This is the way things work here and have for many years. The Constitution is very clear.

The President submits a budget to the House and Senate—us. There is an overall budget, but within the budget he says how much is going to be spent to defend America, for roads and highways, for water and infrastructure, all these things. We have these top lines under which we are operating. So let's take this as an example. I happen to be the second ranking member on the Armed Services Committee. In his budget last year, he had, I think, \$330 million set aside for a launching system called a box of rockets. It is a good program, something we need. But with limited funding, we on the Armed Services Committee—and Senator McCain talked about this—have experts who look at our missile defense system and say: How can we best defend America? The President doesn't know this. They can say that comes from the Pentagon, but that is not so. That is the reality. Instead of this launching system for \$330 million, we decide to spend that same amount of money and buy six new, shiny FA-18 fighters or things that we knew we needed at this time. It didn't cost any more money. We are taking that money he wanted to spend on something else and we are exercising our constitutional prerogative. If we substitute our appropriation for

his budget item, it would be an earmark by any definition. If we pass this, that means we have to take whatever the President wants to spend on America, and we would not do anything we wanted to. So we said six new FA-18s were what we needed, and it didn't cost 1 cent more.

In other words, we would be letting the President do what James Madison wanted us to do. If you look at this in the Armed Services Committee, the unmanned aerial vehicles, right now we have 36 of them flying around Southwest Asia over areas where there is combat, feeding information to our kids in the field there. We would not have unmanned aerial vehicles if it weren't for earmarks. We took something the President wanted and put that same amount of money into these unmanned aerial vehicles. Also, we would not have our improved armored vehicles and add-on armor. Why do you think we on the committee spent so much time on Iraq, Afghanistan, and around the world on that? We do it to find out our needs. Then we know more than the President knows about the needs.

We are doing what Hamilton, Madison, and Story wanted us to do. That is what we are supposed to do. I don't know how many of our young men and women in uniform would be dead today if it hadn't been for that. We wouldn't have Mine Resistant Ambush Protected vehicles. That was a congressional earmark. We wouldn't have had \$14.2 million for the detection of landmines and suspected bombmakers and IEDs in Iraq and Afghanistan. That was my earmark on the Armed Services Committee. It didn't cost another cent. We merely canceled an equal amount of money that the President wanted to spend on something else and we exercised our Constitutional right. It didn't cost anything additional.

Eliminating earmarks wouldn't allow us to change anything in the Obama budget and would allow President Obama to perform our constitutional duties. As I said, constitutionally that is where we are and that money would be transferred, for all practical purposes, to President Obama. Second, it gives cover to big spenders. Under the current definition, let's look at two of the four largest earmarks in 2008. Using the Senate definition "expenditures with or to an entity," the following qualified as earmarks. But rather than arguing as to whether they are earmarks, I will put them up to get a perspective. These are two of them in 2008. The TARP is one that I think—I know people get upset when I say this, but 10, 15, 20 years from now, historians will say the most egregious vote ever cast by the Senate was on the \$700 billion bailout. You know where that went—AIG, Chrysler, and the General Motors bailout. That \$700 billion was given to an unelected bureaucrat to do what he preferred.

Next was the PEPFAR bill, \$50 billion. The author of this amendment, Senator COBURN, voted for both of these. I voted against them. This is something I wish all Members would do. This is called the Inhofe factor. I know I am not as smart as a lot of guys around here. When I see billions and trillions of dollars, I have to put it somehow into a perspective that I know what this costs my people in Oklahoma.

In 2009, \$2 trillion in taxes was paid by individuals across the country, and \$18 billion came from Oklahomans, which is about 1 percent of the Federal total. The average Oklahoma individual's tax return was \$11,100 that year. Therefore, the average Oklahoma taxpayer is responsible for providing the percentage shown here of the total Federal revenue. For every \$10 million in spending, Oklahomans pay about a nickel—not all the State but each taxpayer who files a tax return in Oklahoma. So that is what we have.

Put the next chart up. We see how that works in reality. If you take the amount and use the same factor to those two bills, the TARP bill, the \$700 billion bailout, and the \$50 billion PEPFAR bill, that is \$750 billion, and you apply that factor, each of my tax-paying families in Oklahoma would have to have an obligation of \$3,500 that year. That is what it would cost. Someone might argue that they didn't spend the whole \$700 billion, that some of that came back in. That is true. But they authorized it and said you can do it. They were willing to have each taxpayer in Oklahoma spend \$3,552 in taxes. The total amount of requests that I had—in other words, earmarks—were some \$80 million, and that was mostly in the area of defense. Using the same factor for each family in Oklahoma to get to the \$80 million, because we are trying to defend America, it would cost them 40 cents. Those are earmarks—40 cents versus \$3,552 that the author of this amendment we are talking about would have to spend. You know, I think at some point you have to look and see what this cost is.

If you go back to the chart No. 4 there, several things have been said today that were not true. I am not saying they intentionally misrepresented the truth, but they did it inadvertently while being caught up in this thing. The statement was made by a Senator—it might have been the occupant of the chair. The statement was made that, as earmarks are going up, this is causing spending to go up. That is not what is happening. If you take the total amount of earmarks in 2010, according to OMB, that would have been \$11 billion. If you look and see what happened each year, it goes down in the amount. It started at \$18 billion 5 years ago and went down to \$15 billion and then to \$12 billion and now to \$11 billion. So it is coming down. That is why we have to look at this in reality.

I notice my good friend, Senator DEMINT, from South Carolina, has been active in this, and the last time I spoke on the floor I pointed out that Senator DEMINT had all these different earmarks that he has been able to get for his State, and I don't know how you can talk about eliminating earmarks and yet do that.

The platitudes that are used—it is interesting when you don't have the facts on your side, you don't have logic on your side, but you have a population who has been led to believe earmarks are bad—that means appropriations are bad, authorizations are bad unless they are done by the President; those individuals say earmarks are a gateway drug that needs to be eliminated in order to demonstrate that we are serious about fiscal restraint. There is only one problem with that. It is not true.

According to the Office of Management and Budget, again, and the Federal spending watchdog groups such as Citizens Against Government Waste, earmarks have dramatically decreased over the last several years. I mentioned 2005, \$19 billion; 2008, \$16 billion; 2009, \$15 billion; 2010, \$11 billion. So while the total number of earmarks and all dollars of earmarks have declined, the Obama deficit has ballooned to \$3 trillion in 2 years. So obviously they are not a gateway drug, but it sounds good. But these are the platitudes.

When they say it is symptomatic of all this garbage, we are talking about real dollars here. And we can't get down to doing something about real spending until we quit demagoguing this issue.

I am going to give an easy way to correct this problem in just a minute, but if you need further proof, in 2009 the Senate performed a rare action of considering many appropriations bills individually rather than doing the irresponsible thing we are talking about doing now and lumping them all into one bill to consider at the end of the year. The value of considering these bills individually is that it gives Senators the opportunity to exercise some oversight in government.

In 2009, Senators could offer amendments to both cut spending and strike particular earmarks if they desired, and they did desire. Between the months of July and November of 2009, there were 18 votes specifically targeting earmarks. Now, they failed, but if they had passed, it wouldn't have saved one penny. Instead of putting the money back into the pockets of the American people by reducing spending or shrinking the deficit, these efforts to eliminate earmarks would have put the money into the hands of President Obama by allowing his administration to spend the money as it saw fit. At the end of the day, none of the money would have been saved. President Obama wins, the American people lose.

In another case, Members offered an amendment to strike funding out of a program called Save America's Treasures, for specific art centers throughout the United States, but the money was simply shifted to allow the Obama administration to do it. The same thing happened with the transportation projects. Several Members offered amendments to strike a variety of transportation projects in many States, and they were unsuccessful. So what happened? That money went back to the bureaucracy controlled by President Obama. Not one of these actions saved a dime, but it made President Obama happy because it went back to his coffers.

We have clearly demonstrated two points. First of all, spending is the exclusive obligation of the Senate and, secondly, killing an earmark doesn't save a dime; it merely gives money to President Obama.

It reminds me of what I went through 10 years ago when I couldn't get anyone to understand how they were cooking the science and why we should not pass a cap and trade. Everybody thought the world was coming to an end, and I was that one person. Granted, that was 10 years ago, but now it is the prevailing thought here in Congress. In fact, the United Nations, which started the whole concept of global warming, is having their big annual party next week and not even one—none—of the media is going to show up. Hardly anyone is going to show up to the thing because people realize it was a phony issue. It was, in fact, the greatest hoax ever perpetrated on the American people. I said it, and everyone got mad at me and even hated me. So I do not mind being the only one, and I am the only one on this.

A couple of good things have happened, though. It has been mentioned by several of those who were the most adamant in opposition to earmarks. In the case of Rand Paul, from Kentucky, our new Senator—whom I am so happy to have with us—has said he would argue for things for the State of Kentucky. And Senator Mike Lee said:

I wouldn't say there's a mandate to stop spending for roads or any other general purpose like that.

Another House Member, MICHELE BACHMANN, said—and I think this has already been stated by one of the other Senators:

I don't believe that building roads and bridges and interchanges should be considered an earmark.

Great. I agree. That is my whole point. So we are seeing these people now coming around and saying: Well, we do have a job to do.

Senator CHAMBLISS said:

There are times when crises arise or issues come forth of such importance to Georgia, such as the Port of Savannah, that I reserve the right to ask Congress and the President to approve funding.

Well, there it is. So I would say those individuals who are on the other side realize that is the wrong side. But let me say something else. I am very proud of some of the talk shows. I am on quite a few talk shows. And when you get a chance to talk, the way I am now, and explain to people what the situation is—I am looking now at I think 12 major talk show hosts in America who now pretty much agree with what I am saying tonight: Mike Gallagher, Mark Levin, Dennis Prager, Scott Hennen, Janet Parshall, Hugh Hewitt, Michael Savage, Crane Durham, Lars Larson, Jason Lewis, Rusty Humphries, Jerry Doyle, and quite a few others. And it was not easy for them to say: Maybe INHOFE has a point, so let's look at this a little closer.

So let me just say there is a solution. And I have to give credit where credit is due. These are not my thoughts. This is what I did. We have eight great Americans and the conservative groups they head up, and I am talking about Tom Schatz, president of Citizens Against Government Waste; Melanie Sloan, director of Citizens for Responsibility and Ethics in Washington; Steve Ellis, Taxpayers for Common Sense; Craig Holman, Public Citizen; Jim Walsh, Rich Gold, Manny Rouvelas, and Dave Wenholt. Thanks to them, we can put this whole earmark issue to rest because they authored "The 5 Principles of Earmark Reform." There they are, the five principles of earmark reform. These are all the conservatives who said we really need to do something about this and at the same time preserve our constitution. So I introduced, a couple of weeks ago, S. 3939, and what I did is I took everything they had and I put that into a bill. And there it is. So take it a section at a time.

No. 1 of the five principles: To cut the cord between earmarks and campaign contributions, Congress should limit earmarks directed to campaign contributors—exactly what S. 3939 does.

Section 2:

No earmark beneficiary shall make contributions aggregating more than \$5,000.

The second principle: to eliminate any connection between legislation and campaign contributions. That is the second. The third principle: To increase transparency, Congress should create a new database of all congressional earmarks. And it goes on, and they elaborate and say this is all something you can find, but you can't get your hands on it. It is too complicated. So consequently we put in our bill, in section 4, the following:

The Secretary of the Senate and the Clerk of the House shall post on a public Web site of their respective houses, a link to the earmark database maintained by the Office of Management and Budget.

Every one of these things—and I could go through each and every one—

is answered in S. 3939. So if you really want to do something about it, pass that bill and you will have solved the problem and you will have kept our constitutional duties intact.

We did one more thing because it goes one more step. This is very important. There was an oversight, but they all agree with this now. This goes a step further. It says that the administration—President Obama, the bureaucracies—will have the same transparency as senatorial earmarks. So Senator MCCAIN talked about lobbying these bureaucracies. Sure, they are doing it, because if we don't do the spending or the appropriating and authorizing, then the President does it. So the bureaucracy is doing that. So we have a section in this bill that subjects them to the same thing.

Do you remember when Sean Hannity came up with the 102 most egregious earmarks? This is just some of them. There were 102, and I read them all on the floor from this podium, and I did it to make sure people understood what he had found out. I said at the end of reading all of these earmarks—look at some of these: \$300,000 for helicopter equipment to detect radioactive rabbit droppings—that all 102 have something in common: not one of them was a congressional earmark. They were all bureaucratic Obama earmarks. So that is the reason for that. And if you want reform, that is how to get it.

I know there will be some Members who will not be able to resist the fact that they can have a great opportunity with one vote. They can make people think they are conservative and give President Obama what he wants, and they can be politically correct. But, again, we have a solution to the problem. That solution will come.

Mr. President, in that conference I mentioned about 30 minutes ago, I said that if you want to do something to do away with the earmark and all this, all you have to do is define an earmark as an appropriation that has not been authorized. Authorizing committees are the discipline for appropriations. A lot of our appropriating friends won't like this idea, but that would do it. We heard several of the Senators, including my junior Senator, the author of this amendment, and Senator MCCAIN, saying this is good, we have done away with authorizing. We need to authorize these things.

In the Armed Services Committee, we have experts in every field. One of the experts is a group of people who look at our missile defense system. Right now, we are in very serious problems in this country by taking down the site in Poland that would stop the ground-based interceptor site. That is something we should be doing. We need to have redundancy. We know we can hit a bullet with a bullet, and we should do that. We have the experts who know how to do that.

So I would say we have an opportunity. We can reform this. We can subject the bureaucracy to the same transparency to which we are subjected. We should do away completely with terms such as “earmarks” as people are thinking of them in their minds and go to having them redefined as appropriations that have not been authorized. I know it is a hard concept and one that not many people want to believe, but it is much easier to oversimplify it and say that all earmarks are bad. Well, if you define them properly, I agree they would all be bad. Anything that is appropriated that is

not authorized, in my opinion, is bad and should be done away with.

So with that, this one voice in the wilderness, one conservative is saying this is the true story. If you really do want to cede our constitutional authority to President Obama, you can do it by passing this amendment. This allows them to get the authority we have. And if you really believe that is the thing to do, after looking at the Constitution and what Justice Joseph Story and Hamilton and Madison all said we are supposed to be doing here, let’s seriously consider that and resolve this problem, put it behind us so

we can quit distracting from the big spending going on today that has given us a \$3 trillion deficit in 2 years.

With that, Mr. President, I yield the floor.

ADJOURNMENT UNTIL 9 A.M.
TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until 9 a.m. tomorrow.

Thereupon, the Senate, at 10:01 p.m.; adjourned until Tuesday, November 30, 2010, at 9 a.m.

EXTENSIONS OF REMARKS

PERSONAL EXPLANATION

HON. JOHN BOOZMAN

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Monday, November 29, 2010

Mr. BOOZMAN. Madam Speaker, on rollcall No. 579, I was not present and am not recorded due to a family illness. Had I been present, I would have voted "no."

HONORING THE ARIZONA STATE MUSEUM

HON. RAÚL M. GRIJALVA

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 29, 2010

Mr. GRIJALVA. Madam Speaker, it is my pleasure to rise today to honor the Arizona State Museum on achieving re-accreditation from the American Association of Museums.

Accreditation comes after a comprehensive and rigorous performance appraisal which recognizes only the highest professional standards of operation. The Arizona State Museum joins an impressive group of 778 institutions accredited by the AAM.

The official curator for the archaeological treasures of the great state of Arizona, Arizona State Museum is located in Tucson, on the campus of the University of Arizona. Established in 1893, it pre-dates the state and stands as the oldest and largest anthropology museum in the Southwest region.

Its archaeological repository is the largest and busiest in the nation, second only to the Smithsonian itself.

Its vast and various collections, coupled with the collective body of research conducted there over the past century, are among the world's most significant resources for the study of southwestern peoples and the archaeology and history of the southwest.

Among the millions of objects it holds in trust for the people of Arizona is the world's largest and most comprehensive collection of Southwest American Indian pottery—some 20,000 whole vessels. Equal in number and significance is its collection of Southwest American Indian basketry.

The nation's museums play an important role in education, tourism and to the quality of life it provides for every community it resides in. The Arizona State Museum is one of these organizations and the people of Arizona have these and many more reasons to be proud of their state museum.

CONGRATULATING THE 2010 JOHN GLENN HIGH SCHOOL SPELL BOWL TEAM

HON. JOE DONNELLY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 29, 2010

Mr. DONNELLY of Indiana. Madam Speaker, I rise today to congratulate the John Glenn High School Spell Bowl team of Walkerton, Indiana for winning the Division II Indiana Academic Spell Bowl held on November 13, 2010 at Purdue University.

Champions for the 15th time in 24 years, the spellers earned a score of 86 out of 90, the third highest score out of all 30 teams in the four enrollment divisions at the state finals. John Glenn is also the only high school to win Spell Bowl State Championships in two different enrollment divisions.

Earning perfect scores at state were Seniors Erika Groves, Rachel Simms and Chloe Jacobson; Juniors Elly Alexander and Miranda Kafantaris; and Sophomore J.J. Silvey. Near perfect spellers were Senior Garrett Blad; Junior Kim Lord; Sophomore Ann Heckaman-Davis; and Freshman Erin Patterson. Alternates on the team were Tyler Foster, Ben Keller, Emily Thomas, Maryellen Schmalzried, Sage Bladow, Chris Mahank, Morgan Kafantaris, Katie Groves, and Raven Miller. The team is coached by English teacher Paul Hernandez who credited hard work and practicing three times a week for the victory.

Again, I rise to offer my congratulations to the members of the John Glenn High School Spell Bowl team for their extraordinary accomplishments throughout the competition.

HONORING THE GRADUATES OF "I AM . . . WE ARE"

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 29, 2010

Ms. NORTON. Madam Speaker, I rise today to ask the House of Representatives to join me in celebrating the graduates of the "I Am . . . We Are" community service program.

The "I Am . . . We Are" community service program is run by Project Director Michael Williams and Tamara Jenkins through the offices of the TimeBanks, USA program initiated by Chris Gray and Edgar Cahn.

The 40 graduates performed community service in the District of Columbia at the National Park Service, The Frederick Douglass House, The D.C. Department of Parks and Recreation, the Metropolitan Police Department and many other places, with the support of several D.C. Council members.

Despite coming from underprivileged and impoverished neighborhoods, the teen grad-

uates devoted their summer beautifying our many parks and assisting the National Park Service with sprucing up the Frederick Douglass House.

The Honorable Lee F. Satterfield, Chief Judge of the Superior Court of the District of Columbia, offered these young people his inspirational and hearty congratulations as the keynote speaker at the graduation ceremony. D.C. Council members Phil Mendelson and Michael Brown also praised the graduates at the ceremony. The awardees and honorees include Brenda Richardson, Community Liaison in the Office of D.C. Council member Marion Barry; Ivana Williams, who successfully secured the grant for this program; Nicole Straughter, of the Campbell Group, who is a third-year student at the University of the District of Columbia (UDC) David A. Clarke School of Law; Jeanne Campbell, CEO of the Campbell Group; Katherine S. Broderick, Dean of the UDC law school; Madelyn Yates, of the National Park Service; Julie Kutruff, Director, Frederick Douglass House; and Sheila Lock, of WINN Development Corporation. Supporters and parents of the graduates also attended the ceremony to congratulate the students on their hard work in the District of Columbia.

Madam Speaker, I ask the House of Representatives to join me in celebrating the graduates of "I Am . . . We Are" community service program as they look forward to welcoming another class of inspiring youth.

PERSONAL EXPLANATION

HON. JOHN BOOZMAN

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Monday, November 29, 2010

Mr. BOOZMAN. Madam Speaker, on rollcall No. 578, I was not present and am not recorded due to a family illness. Had I been present, I would have voted "no."

ACKNOWLEDGING ELAINE AND MIKE ADLER FOR THEIR GENEROUS CONTRIBUTION TO RAMAPO COLLEGE

HON. STEVEN R. ROTHMAN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, November 29, 2010

Mr. ROTHMAN of New Jersey. Madam Speaker, I rise today to recognize Elaine and Mike Adler for their generous contribution to Ramapo College of New Jersey. Mr. and Mrs. Adler have recently announced a \$2 million gift that will finance the new Adler Center for Nursing Excellence. This donation will be the lead gift in Ramapo College's capital campaign to renovate its Science Center.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

The Adler Center for Nursing Excellence will provide a new home for Ramapo College's nursing programs. This building will double the size of available laboratories and classroom space for nursing students. The Adlers' gift will help fulfill a critical need, felt both on campus and across the Nation, for an increase in facilities, resources, and educators to train our future nurses. The Nursing Programs at Ramapo College have clinical partnerships with Englewood Hospital and Medical Center, as well as The Valley Hospital. These unique partnerships allow students to experience some of the best nursing departments in the country. Ramapo College is one of the few institutions that offers a masters of science in nursing, which prepares nurses to serve as educators in their field.

Mike and Elaine are longtime supporters of Ramapo College. Amongst their many contributions, the Adlers have established an endowed scholarship program to ensure that financially disadvantaged students are not excluded from receiving a quality college education. Elaine serves on the Ramapo College Foundation Board of Governors, which exists to provide resources that will make a difference in the college's quest for educational excellence. In 1999, Mike and Elaine received honorary degrees and were recognized at Ramapo College's Distinguished Citizens Dinner. The Adlers are a true embodiment of the American dream. In 1949, they founded Myron Manufacturing in the basement of their home, and it has since grown into a large international corporation, based out of Maywood, New Jersey, within my congressional district.

Madam Speaker, today I would like to express my profound thanks to my dear friends Elaine and Mike Adler for their generous contribution to Ramapo College's nursing programs and for their lifelong commitment to serving their community.

CONGRATULATING MR. EDWARD L. BLACKSHEARE, SR. FOR HIS COUNTLESS CONTRIBUTIONS TO EDUCATION AND THE SANFORD COMMUNITY

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 29, 2010

Mr. HASTINGS of Florida. Madam Speaker, I rise today to congratulate my dear friend, Mr. Edward L. Blacksheare, Sr., on being honored by the Crooms Academy Alumni Association, Inc. at its first-ever "Legacy of Hope and Love Banquet." This ceremony will honor Mr. Blacksheare's distinguished career as an educator and his countless contributions to the Sanford community. Mr. Blacksheare has always welcomed the challenge to serve the underserved, and it is this devotion that has earned him recognition from the Crooms Academy Alumni Association.

Mr. Blacksheare carries himself with integrity, respect, and dedication in everything he does for his profession and community. A look into his background shows just how successful he has been on both of these fronts. As a Sanford, Florida native, Mr. Blacksheare at-

tended Crooms Academy, graduating in 1943. After college, Mr. Blacksheare came back to Sanford and began his career as an educator at Oviedo High School. In 1948, he returned home to Crooms Academy as a teacher, which marked the beginning of a long and illustrious career. Mr. Blacksheare was appointed assistant principal in 1960 and was elevated to principal in 1964. After serving as principal for 21 years, Mr. Blacksheare took a position with the Seminole County School Board before retiring in 1992 with 43 years of service in education.

In addition, Mr. Blacksheare is also a proud Kappa man. He was a great role model for me and others in our community, serving Kappa Alpha Psi Fraternity in many leadership roles. In fact, I became a Kappa at Fisk University because of Mr. Blacksheare. When he found out that I had pledged Kappa at Fisk University, he was so excited. Years later, when I was nominated for Kappa Alpha Psi Fraternity's highest award, the Laurel Wreath, he wrote one of the first letters to the Laurel Wreath Committee on my behalf. Brother Blacksheare truly knows the meaning of PHI NU PI.

Mr. Blacksheare is a man of great faith and excellent character. He is a man known for his many good works and his love for his students, family, and friends. As a Crooms Academy alumnus, I am grateful for the many years of guidance and leadership Mr. Blacksheare devoted to my alma mater. He has always displayed selfless compassion and a desire to help those around him. A student in the Class of 1976 described Mr. Blacksheare as, "a man of great strength and patience . . . a principal who is interested in today's youth, concerned with our welfare and our school." I can think of no one else more deserving of this tremendous honor, which will be bestowed upon him at the "Legacy of Hope and Love Banquet."

Madam Speaker, it is truly a privilege and an honor for me to recognize Mr. Edward Blacksheare, Sr., for his dedication to education, Crooms Academy, its students, and the Sanford community as a whole.

PERSONAL EXPLANATION

HON. JOHN BOOZMAN

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Monday, November 29, 2010

Mr. BOOZMAN. Madam Speaker, on rollcall No. 577, I was not present and am not recorded due to a family illness. Had I been present, I would have voted "no."

CONGRATULATING THE 2010 PENN HIGH SCHOOL SPELL BOWL TEAM

HON. JOE DONNELLY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 29, 2010

Mr. DONNELLY of Indiana. Madam Speaker, I rise today to congratulate the Penn High School Spell Bowl team of Mishawaka, Indi-

ana for winning at the Division I Indiana Academic Spell Bowl held at Purdue University on November 13, 2010. Penn won with a perfect score, and has now won or tied for first place in the Class I Division with perfect scores since 1999.

Spell Bowl team members included Maddy Anderson, Maaz Arif, Nitin Arora, Nisha Bhatt, Alex Cao, Christy Chang, Laura Harmon, Austin Heckaman, Leah Hersberger, Yifei Hu, Jenny Huang, Richard Jung, Neena Kallokulangara, Marija Lapkus, James McGinness, Sheena Shah, Nithin Varadharajan, and Andy Wang. They are coached by Peter De Kever.

Mr. De Kever noted that their goal was not only winning, but doing so with a perfect score. He said, "They executed perfectly and all their hard work came to fruition." The team practices centered on repetition, and they wrote an estimated 30,000 words this season as part of the training. Again, I offer my congratulations to the members of the Penn High School Spell Bowl team for their accomplishments throughout the competition.

TRIBUTE TO WALTER J. BECKERT III

HON. DIANA DeGETTE

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, November 29, 2010

Ms. DeGETTE. Madam Speaker, I would like to recognize the wonderful life and exceptional accomplishments of a remarkable man. This distinguished citizen possessed an impressive record of civic leadership and invaluable service. His achievements in making our city and state a better place merit our recognition and gratitude. It is to commend this eminent citizen that I rise to honor Walter "Uncle Walt" Beckert III.

Walt Beckert, "Uncle Walt" to all, devoted his time, skill and energy to making our state and our community a better place. Walt achieved a Masters in Bilingual Education, Curriculum Development and Administration from the University of Colorado. He served in the Peace Corps where he worked in Ecuador on bilingual education and curriculum development.

Walt was a labor leader and political activist who was in the vanguard of those dedicated to economic and social justice. As an AFL-CIO Colorado executive board member, former president of AFSCME Council 76, and Vice President of local 158; Walt was a union man through and through. Anyone who knew him was impressed by his unending spirit, drive and determination. Walt was an example of a true union leader in every sense of the term. Walt cared about all working people, not just those of his organization. His dedication and commitment to the labor movement was without question.

As a long time employee of the City and County of Denver as Director of Denver's Safe City Office, Walt worked to prevent violence by and against youth. His work allowed him to witness families that have fallen on hard times, whether by drugs, illness, or victimization. These experiences gave him a unique

perspective in helping youth and were a motivating factor in his community service interests. These interests lead him to be appointed to the Governor's Commission on Community Service.

Walt was an invaluable member of any committee or endeavor. From labor union, to political party to the St. Patrick's Day Parade committee, he was always there with a smile and a hug and an attitude that made everyone want to work harder. He made every job look easy and fun, and with Uncle Walt it was.

Our thoughts and our prayers are with his loved ones. Please join me in celebrating the life of Walt Beckert, a man who inspired everyone he met by his actions and deeds to make the world a better place for everyone.

**RECOGNIZING CATHY GLASER FOR
THIRTY SIX YEARS OF SERVICE
TO SAN DIEGO COUNTY**

HON. DARRELL E. ISSA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 29, 2010

Mr. ISSA. Madam Speaker, I rise today to recognize the honorable civil service of Cathy Glaser and commend her tremendous career of thirty six years with the San Diego County Registrar of Voters Office.

Joining the team at San Diego County in 1976 with the District Attorney's office, Family Support Division, Ms. Glaser began her historic tenure with the County that has made an impression on countless San Diegans.

Transferring to the Registrar of Voters Office as a Senior Clerk in 1977, Ms. Glaser was soon promoted to Candidate Filing. She filled an invaluable role by assisting candidates in all their filing aspects.

Starting with San Diego County at the age of 22, and now ending at the helm of Campaign Services, Ms. Glaser has worked for 8 Registrars' of Voters. She has seen 9 election cycles of Presidents, Governors, U.S. Senators, State Senators, State Assembly, County Supervisors, Mayors, City Councilmembers, Community College Boards and School Boards to name a few. She has supervised the ballot preparation for all of the candidates for these offices as well as state, county and local propositions and measures.

Ms. Glaser has seen the transformation from the time of less than 5,000 Absentee Voters, voting on "paper"; and when results were delivered on election night. She has since been at the forefront of change with now more than 700,000 Vote by Mail Voters.

Under Ms. Glaser's guidance and expertise, San Diego County has won several awards for streamlining the election process. She also created the prominent "Candidate's Guide" which has become the "go to" guide for candidates, consultants, treasurers and campaign managers. Her work is often used as a model for other counties across the nation.

It is an honor to recognize her three and a half decades of dedicated, professional public service. I offer Ms. Glaser my congratulations on her achievements.

Madam Speaker, I ask you to please join me in paying tribute to Ms. Glaser's loyal serv-

ice to the San Diego County Registrar of Voters on the occasion of her retirement.

PERSONAL EXPLANATION

HON. JOHN BOOZMAN

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Monday, November 29, 2010

Mr. BOOZMAN. Madam Speaker, on rollcall No. 576, I was not present and am not recorded due to a family illness. Had I been present, I would have voted "no."

**HONORING THE CAREER OF
THOMAS MAX WILLSON**

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, November 29, 2010

Mr. STUPAK. Madam Speaker, I rise to honor the career and achievements of Thomas Max Willson of Traverse City, Michigan. Tom is retiring after nearly 30 years of diligent public service in the 86th Judicial District Court in Traverse City. Throughout his long career, Tom has performed his duties with the utmost dedication and professionalism while being a devoted husband and father. Tom is also a dear friend of mine.

Tom was born in Detroit, Michigan on January 12, 1951 and grew up in Royal Oak, Michigan; graduating from Shrine High School in 1969. Following high school, Tom enrolled at Northwestern Michigan College in Traverse City where he and I became good friends. In 1973, Tom transferred to Ferris State University in Big Rapids, Michigan where he earned a Bachelor of Arts degree in Criminal Justice.

After earning his college degree in 1975, Tom knew he wanted to serve the public and play an integral role in his community. Tom headed back to Traverse City where he served as a sheriff deputy for Grand Traverse County. After two years as a sheriff deputy, Tom continued his career in public service as a probation officer for the 86th District Judicial Court, serving the counties of Grand Traverse, Antrim and Leelanau.

Looking for a change in his professional life, Tom entered the private sector and became a sales supervisor with H. Cox & Sons Wholesale Distributor. Additionally, Tom was given the incredible opportunity to teach classes as an adjunct instructor at Northwestern Michigan College (NMC). To this day, Tom continues to enlighten students at NMC every semester with his experience and insightful teachings.

Tom's passion for public service never faded. He returned to the 86th District Judicial Court to work as a probation officer in 1987—the same position he will be retiring from on December 31 of this year. Tom married his college sweetheart Deborah in May of 1974. Tom and Debbie celebrated their 36th wedding anniversary this year. They have two daughters, Heather and Ashley, and a granddaughter, Ava Rose.

On a personal note, Tom has been a dear friend who is always ready to help out and go

the extra mile. He and Debbie have frequently offered to host out of town visitors and show them the beauty of northern Michigan. Tom is known in Washington as an unofficial ambassador to northern Michigan.

Madam Speaker, Thomas Max Willson has devoted his career to serving and protecting the residents of his local community and the State of Michigan. I ask my colleagues in the U.S. House of Representatives to join me in recognizing and honoring his lifetime of commitment and hard work.

**HONORING HELEN MACLEOD
THOMSON**

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 29, 2010

Mr. THOMPSON of California. Madam Speaker, I rise today to honor Helen MacLeod Thomson for her 36 years of public service that began in 1974 when she was elected as a member of the Davis Joint Unified School District Board of Education and where she served 3 terms. She was elected to the Yolo County Board of Supervisors in 1986 and re-elected in 1990 and 1994. In 1996 she won the 8th district seat in the California State Assembly where she served three terms.

As a legislator Thomson chaired both the Health Committee and the Select Committee on Mental Health and served on numerous standing and select committees. She was on the leadership teams of four Speakers, including as Majority Floor Whip and Assistant Speaker Pro Tem. She led legislative efforts to reform the state-local government fiscal relationship and to end discrimination against those who suffer from serious mental illness.

Assemblywoman Thomson authored 81 bills signed into law by both Democratic and Republican governors. Most notably was AB 88, the mental health parity bill, which ended the historic discrimination in insurance benefits for those who suffer from mental illness and AB 1421, "Laura's Law," which established a court ordered program of Assisted Outpatient Treatment for those persons who are severely mentally ill. Thomson's legislation spanned a spectrum of subjects including local government finance, civil grand jury reform, highway safety, county social services delivery, water conservation, and the rights of the disabled.

In 2002, when her assembly term ended, Thomson again was elected to the Yolo County Board of Supervisors and was re-elected without opposition in June 2006. She will retire at the end of her term in December 2010. Supervisor Thomson has served on a variety of local and statewide boards. Of continuing importance to her is the Children's Health Initiative, which works to insure children 0–18, who are not covered by other health insurance programs, the Yolo Indigent Health Medical Services Program and the county's alcohol, drug and mental health programs. A registered nurse, she is a member of the National Advisory Committee for the newly established Betty Irene Moore School of Nursing at UC Davis.

A champion of Yolo County agriculture, Supervisor Thomson is a founder of the Yolo

Land Trust and this year was awarded its 2010 Thomson-Rominger award for her decades of work in land conservation. A major goal of her county service was the adoption of the new County General Plan in December 2009. This 2030 General Plan continues Yolo County's historic preservation of agricultural lands, natural resources and open space, while creating opportunities for strategic economic development. It emphasizes policies that address issues of "smart growth" and climate change.

Madam Speaker, it is appropriate at this time to acknowledge and thank Helen M. Thomson for her 36 years of exemplary leadership and her lasting contributions that have done so much to directly improve the lives of those she has so ably represented.

**HONORING ARMY MASTER
SERGEANT MITTMAN**

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 29, 2010

Mr. BURTON of Indiana. Madam Speaker, today I rise to celebrate and honor the service of Army Master Sergeant Jeffrey Mittman for receiving the Osborne A. "Oz" Day AbilityOne Awareness Award. The prestigious "Oz" Award is presented by the Committee for Purchase from People Who Are Blind or Severely Disabled to an employee at a federal agency who demonstrates exceptional service promoting the AbilityOne Program throughout the federal, state and local communities.

Now, the National Account Manager for the National Industries for the Blind's Midwest Region, Master Sergeant Mittman supports a mission of employment for others with disabilities by promoting the AbilityOne Program through the federal procurement process in Indiana's 5th Congressional District. This patriot's story is a remarkable one, for his story does not start nor finish here with this award.

Master Sergeant Mittman's indefatigable commitment to serve his fellow Americans began as a soldier in the United States Army in 1989. Having fought in Operation Desert Storm, Operation Desert Shield, Operation Enduring Freedom, and in 2003, Operation Iraqi Freedom, Master Sergeant Mittman was the All-American hero who never turned down defending his country. It wasn't till his return to Iraq in 2005 as a special advisor to the Iraqi Department of the Interior that he came face to face with death changing his life forever.

Tragically, an improvised explosive device exploded near his vehicle in Iraq, leaving Master Sergeant Mittman without a nose, lips, most of his teeth, and the majority of his vision. Since that time, he has endured more than 40 operations and spent over four years recovering physically and emotionally. To his great credit, he has traveled the country sharing the lessons he learned from these experiences with the world.

He is noted for saying it is the veteran who has to take that very first step to recovering and that he realized this after attending the Blinded Veterans Association Conference in 2006, where he met people who were blinded

years ago who are now attorneys, teachers and business executives. After realizing life can be good in spite of having a disability, he decided to help others who also have disabilities find jobs and lead meaningful lives.

Master Sergeant Mittman, a 40-year-old decorated warrior, husband of 17 years, father of two and outspoken military veteran was and forever will be an All-American hero whose determination and selflessness continue to serve our country and inspire our hearts. Today, we salute you.

PERSONAL EXPLANATION

HON. JOHN BOOZMAN

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Monday, November 29, 2010

Mr. BOOZMAN. Madam Speaker, on rollcall No. 580 I was not present and am not recorded due to a family illness.

Had I been present, I would have voted "yes."

**HONORING JUDGE WILLIAM C.
HARRISON**

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 29, 2010

Mr. THOMPSON of California. Madam Speaker, I rise today to recognize Judge William C. Harrison, who is retiring after serving 20 years as a Superior Court Judge in Solano County, California.

Judge Harrison was appointed to the bench in 1990 by California Governor George Deukmejian. He twice served as Presiding Judge of the Courts and was Supervising Judge of the Civil Division for four years, the Criminal Division for two years and the Vallejo Branch for two years. He is a past judge of the Juvenile Delinquency and Dependency Calendars and past probate judge. He currently serves as President of the Solano County Law Library Board.

He served as a member of the Executive Board of the California Judges Association and was a member of its Public Information and Education Committee and the Probate and Mental Health Committee. He served as President of the organization in 2000–2001.

Judge Harrison was also a member of the Judicial Council of California, the policymaking body of the California courts, which is the largest court system in the Nation. He served as Vice Chair of the Council's Internal Rules and Project Committee and Chair of the Internal Litigation Management Committee. He has also served as an instructor and facilitator for the California Center for Judicial Education and Research, the educational arm of the Judicial Council which provides continuing education to California's judges, and is currently co-chair of the Presiding Judges and Court Executive Officers Executive Committee.

For the last eight years, Judge Harrison has served by appointment of the Chief Justice of California on working groups and task forces

dealing with judicial selection, court fees, the transfer of court facilities to the state, and court security.

Madam Speaker, Judge Harrison has served his community well and has distinguished himself throughout his career as an attorney practicing in Vallejo, California and as a member of the bench. It is therefore appropriate that we acknowledge his many contributions and wish him well on his retirement.

**CONGRATULATING MARY ALICE
D'ARCY ON HER RETIREMENT**

HON. PETER J. ROSKAM

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, November 29, 2010

Mr. ROSKAM. Madam Speaker, I rise today to congratulate a special constituent from my congressional district, Mary Alice D'Arcy, on her upcoming retirement. For the past thirty years, she has had a remarkable impact on Easter Seals DuPage and the Fox Valley Region.

Since 1981, Mary Alice has served as President and CEO of Easter Seals, one of the largest out-patient pediatric rehabilitation centers in Illinois. Under her leadership, Easter Seals was awarded the highest possible accreditation for outpatient rehabilitation from the Commission for Accreditation of Rehabilitation Facilities in 2007 and 2010.

Mary Alice has been an important advocate of the organization's mission to enable infants, children and adults with disabilities to achieve independence. She has dedicated her life to helping these individuals in overcoming obstacles, and has been a great friend and mentor to families across the State of Illinois.

Madam Speaker and Distinguished Colleagues, please join me in recognizing her extraordinary service and wishing her every happiness in the well deserved respite of her retirement.

**HONORING THOMAS DREWES OF
RARITAN TOWNSHIP, NEW JERSEY**

HON. LEONARD LANCE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, November 29, 2010

Mr. LANCE. Madam Speaker, I rise today to pay special tribute to Mr. Thomas Drewes of Raritan Township, New Jersey.

At the end of 2010, Thomas Drewes will retire from the United States Department of Agriculture's Natural Resources Conservation Service after 36 years of dedicated public service.

Throughout his long and distinguished career Mr. Drewes has been an enthusiastic advocate for the importance of soil health and has inspired many educational and outreach efforts in New Jersey. Thomas Drewes has made a real difference in his community and throughout New Jersey as a lead conservationist.

Over the years Mr. Drewes has received numerous awards for his contributions to conservation. In 2005 Mr. Drewes was nominated

by his peers and selected to receive the New Jersey "State Conservationist Award" for his leadership in conservation in the Garden State. In 2010 the New Jersey Association of Conservation Districts presented Mr. Drewes with a "Special Recognition Award" for his commitment and dedication to conservation in New Jersey. That same year Mr. Drewes received the "Employee Choice Award" from the New Jersey Conservation District Employees Association.

It gives me great pleasure to share the remarkable efforts of Mr. Thomas Drewes of Raritan Township, New Jersey with my colleagues in the United States Congress and with the American people.

I am honored to join his friends, family and colleagues in congratulating him on his retirement after 36 years of service to the people of New Jersey in making a real difference in my home state's conservation efforts.

Congratulations Tom and best of luck to you in your retirement.

PERSONAL EXPLANATION

HON. JOHN BOOZMAN

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Monday, November 29, 2010

Mr. BOOZMAN. Madam Speaker, on rollcall No. 575, I was not present and am not recorded due to a family illness. Had I been present, I would have voted "yes."

BROTHER . . . BROTHER . . . COMBAT MEDIC SPC JEROD HEATH OSBORNE, UNITED STATES ARMY

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, November 29, 2010

Mr. HALL of Texas. Madam Speaker, I rise today to honor a great American family, and a fallen hero and his brother. On July 5, 2010, Combat Medic SPC Jerod Heath Osborne of Royce, Texas, of the 4/73 82nd Airborne, died during an IED explosion in Afghanistan. In his short life he was a combat medic, an Angel on the Battlefield, the ones who rush in while all around the face of hell is going on. The lives that he has saved in his brief but great life will be measured in the future, with children and heroes that he has saved. His brother SSG Wautash Grillet of the 10th Mountain Div. 1st Combat Team 2nd Batt. 22nd Infantry, on September 21 of that same year almost died in a mortar attack and is currently fighting to save his leg. This family, throughout the generations, has served our nation in the Armed Forces. As recently as the Vietnam war, their uncle James Carter gave his life in the name of freedom. The very bed of our Nation's freedom is built upon selfless families, our prayers and thoughts go out to them. SSG Grillet has said that his brother Jerod always wanted to be just like him, but now he wants to be like his brother.

BROTHER . . . BROTHER . . .

Brother . . . Brother . . .

My . . .
My Brother's Gift . . .
So very precious, as was this . . .
My Brother's Faith, shall forever so wave

My Brother's life, one of such so sure selfless sacrifice . . .

All in his amazing grace . . .
My Brother's life, so very short . . . yet shines so bright!

Moments, are all we have!
To grab hearts, To Make A Difference . . . to Heaven rise!

As an Angel on The Battlefield . . .
As into the face of death Jerod, you so ran . . . and not to yield . . .

To but so save sacred life, as was your mission . . . as was his most divine light!
From dusk to dawn, as a battlefield combat medic your courage worn!

As all around you Jerod, the face of death so swarmed!

And what child may be born?
All from your love Jerod, upon battlefields of honor adorned!

That might so save the world, who now lives on . . .

And all those lives you saved, just moments from the grave . . .

And what children, all on this morning will awake?

With but the greatest gift of all, in their hearts to take!

With a Mother or Father, a Sister or Brother whose fine lives you saved . . .

Brother . . . Brother, oh how it's for you I cry!

A promise I've made, as I wipe these tears from my eyes!

That I will live for you, each and every new day, every sunrise!

To the fullest! All in your fine name!
And if ever I have a new son, your name will be his . . . this one!

Brother . . . Brother . . . I am so very proud of you!

All in what you have done . . . oh yes it's true!

Only the good die young, as now you shine all up in Heaven's sun!

As an Angel In The Army of our Lord, with your new battle begun!

To watch over us, as Thy Will Be Done!
Brother . . . Brother . . .

All across Texas this night . . .
As we lay our heads down to rest, as comes a gentle rain . . .

As upon us, are but our Lord's tears to wash over us . . .

And so bless us, to so ease our pain!
As he cries for your most sacred sacrifice, this rain . . .

Brother . . . Brother . . . I cannot wait until up in Heaven we meet again . . .

And we won't have to cry anymore, all in this pain . . .

Brother, Brother, once you so wanted to be just like me . . .

Now, I'm the one who so wants . . . to be like you!

Brother . . . Brother . . . Amen . . .

PERSONAL EXPLANATION

HON. JOHN BOOZMAN

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Monday, November 29, 2010

Mr. BOOZMAN. Madam Speaker, on rollcall No. 574 I was not present and am not recorded due to a family illness. Had I been present, I would have voted "yes."

HONORING TERRI HEMMERT

HON. MIKE QUIGLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, November 29, 2010

Mr. QUIGLEY. Madam Speaker, I rise today to recognize the outstanding achievements in broadcasting of Chicago's own Terri Hemmert. Ms. Hemmert, who is already featured in the Rock and Roll Hall of Fame's "Rock and Radio" exhibit, was inducted into The Radio Hall of Fame on November 6, 2010.

Ms. Hemmert first fell in love with music after watching The Beatles on The Ed Sullivan Show as a child in Piqua, Ohio. She began her career in broadcasting as a late night disc-jockey at WCMF in Rochester, New York, before returning to the Midwest and in 1973 joined the burgeoning progressive rock station WXRT in Chicago, where she has stayed for 37 years.

In 1981, Ms. Hemmert's career took off when she became Chicago's first female morning drive personality. The knowledge and love of the music she played, coupled with her infectious personality made Terri Hemmert one of the household names in the city's ring of FM broadcasters. As a renowned Beatles expert, she was the ideal candidate to host Chicago's Fest For Beatles Fans, a position she's held for 30 years.

Ms. Hemmert contributes to the City of Chicago in other vital ways. She serves on the Board of Directors of the Peace Museum, Facets Multimedia and many other non-profit organizations. She teaches the History of Rock and Soul at Columbia College Chicago and lends her expertise as an advisor to the student radio station.

Madam Speaker, I ask my colleagues to join me in recognizing Terri Hemmert and her extraordinary career, numerous contributions to gender equality in broadcasting and bringing joy to thousands of Chicagoans stuck in traffic on their morning commutes. I would like to congratulate Ms. Hemmert on a life of accomplishment with more sure to come.

RECOGNIZING THE WORK OF MICHAEL REAGAN, AN ARTIST AND VIETNAM WAR VETERAN FROM EDMONDS, WASHINGTON

HON. JAY INSLEE

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Monday, November 29, 2010

Mr. INSLEE. Madam Speaker, all members of this body and indeed all Americans are united in the high esteem we have for the men and women of our Armed Forces who have given their lives in service to our country.

A constituent of mine provides a grand example in this regard. Mr. Michael Reagan, a portrait artist residing in Edmonds, Washington, a member of the U.S. Marine Corps, a combat veteran of the Vietnam War, and a member of the local Veterans of Foreign Wars, has committed himself to providing surviving families with hand-drawn portraits of every man or woman killed in Iraq and Afghanistan. To date, Mr. Reagan has completed over 2,400 portraits of servicemembers.

These portraits make a difference. A wife of a fallen Marine wrote to Mr. Reagan, "I sit in the living room every day looking at the portrait you drew . . . It just brings me a little bit of peace because I feel like he's right there with me."

In honoring the dead and comforting the living, Mr. Reagan helps the families to hold their loved ones in their hearts forever and helps assure that our Nation will never forget the service they gave and the sacrifice they made. I believe we should reflect on Mr. Reagan's contribution and ask ourselves how we, too can continue to honor the brave men and women of our Armed Forces.

PERSONAL EXPLANATION

HON. JOHN BOOZMAN

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Monday, November 29, 2010

Mr. BOOZMAN. Madam Speaker, on rollcall No. 573 I was not present and am not recorded due to a family illness.

Had I been present, I would have voted "yes."

HONORING THE SERVICE OF SCOTT SCHLOEGEL

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, November 29, 2010

Mr. STUPAK. Madam Speaker, I rise today to pay tribute to my good friend and Chief of Staff Scott Schloegel. Scott has worked for me for nearly two decades in both the Michigan House of Representatives and in Congress. Over the years, Scott has demonstrated an unwavering dedication to his work, and I am forever grateful for his tireless service to both me and the citizens of northern Michigan.

Scott began his service in 1990 when, fresh off his graduation from Northern Michigan University, he came to work as my legislative aide in Lansing, MI. When I came to Congress in 1993, Scott served as my District Director in Michigan where he oversaw hiring staff and opening six of my district offices. He instilled in the district staff that casework and constituent service should be their main focus and a hallmark of my tenure. As District Director, Scott logged hundreds of hours on the road with me and represented me at countless meetings and events across northern Michigan. He would meet with local officials, hold constituent outreach hours and would speak to groups for me while I was in Washington. Scott had a great feel for the political landscape of my rural district, and for more than four years he worked determinedly to help raise the profile of our office and convert what was a solid Republican area into one that consistently supported me with increasing re-election margins.

In 1997, I asked Scott to become my Chief of Staff. Scott and his wife Kirsten moved to DC and began what would become a 13½-year reign as my top advisor. Over the ensu-

ing years, we have been through many historical and personal tribulations. During the years that Scott was my Chief of Staff, we experienced the impeachment trial of President Clinton; the cliffhanger election between Vice President Al Gore and then Governor George W. Bush; the terrorist attacks on September 11, 2001; the anthrax attacks; the DC sniper; and key legislative battles regarding guns, energy, health care and many more. Also during this time, Scott and I both lost our mothers and my son B.J. passed away.

Throughout my tenure I knew that I could always count on Scott to give me sound advice on political and legislative issues. When he disagreed with me he would not hesitate to tell me so. And, while he didn't win every battle, I knew that he always had my best interests and the best interests of northern Michigan in mind. One of his favorite tactics when he disagreed with how I was going to vote was to sit down and write a TV or radio commercial that he would run against me in the next election and then say, "If you can counter that in a 30 second TV spot or a 60 second radio spot, then go ahead and vote that way. If you can't, then maybe it isn't the right thing for the district."

Four years ago, when I became Chairman of the Energy & Commerce Committee's Oversight & Investigations Subcommittee, Scott took over to handle my O&I work in addition to his Chief of Staff duties. He assisted in dozens of hearings into such critical issues as our nation's nuclear weapon's labs, cyber security, food and drug imports, health care reform, automobile safety, telecommunications and energy hearings. He has a great mind for oversight and investigations and I could always count on him to think ahead and represent my interests with the Committee staff.

Over the years, we have done a tremendous amount of good for our nation and northern Michigan and I know that along the way, Scott has taken as much joy in helping his home district as I have. We have frequently reflected upon the many accomplishments of my tenure and the multitude of improvements across northern Michigan as a result of our work on improving infrastructure, helping businesses secure financing for research and development, and securing financing for communities and universities across the district.

Madam Speaker, as I prepare to leave this great institution, I want to thank Scott for his leadership and friendship over all these years. I also want to thank his wife Kirsten and his daughters Emma and Lauren for the sacrifice they have made as Scott toiled for Michigan's First Congressional District. Kirsten and the girls had to put up with Scott working extremely long hours and I know there are times where he put service to me above his duties at home. Any elected official will tell you that the sacrifice of service is one that can test the strength of relationships at home, and I want Kirsten and the girls to know that I truly do appreciate the fact that they have allowed Scott to serve the people of Michigan and our nation. I ask my colleagues in the U.S. House of Representatives to join me in recognizing Scott Schloegel's 20 years of public service.

HONORING CHARLIE KRUSE

HON. JO ANN EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, November 29, 2010

Mrs. EMERSON. Madam Speaker, I rise today to pay tribute to Charlie Kruse for his 18 years of service as President of the Missouri Farm Bureau Federation.

Over the years, Charlie's uncommonly wise counsel has been a blessing, as it was for my late husband, Bill, before me. Whether it was changes in agriculture policy, EPA regulations, or even school funding, I know I can rely on Charlie and the folks at Missouri Farm Bureau to provide, honest, reliable assessments for rural Missouri. But more important than Charlie's advice, I appreciate Charlie's friendship; and I look forward to keeping it for years to come.

Missouri Farm Bureau has grown to be an even more effective organization under Charlie's strong leadership. When Charlie was elected President of the organization in 1992, membership stood at just over 75,000. Membership today stands at just under 112,000 members. This is a testament to Charlie's leadership and the dedicated staff and membership he has surrounded himself with. Moreover, public servants from both political parties agree that Missouri Farm Bureau continues to be one of the most respected organizations in our state.

No tribute to Charlie would be complete without mentioning Charlie's wife, Pam. I believe it is clear to all that Pam's dedication to her husband and her family enabled Charlie to work so hard for rural Missouri. Pam's unselfishness and generosity of time and energy are to be commended.

On behalf of the farmers and ranchers of Southern Missouri and the grateful constituents of the Eighth Congressional District, I congratulate Charlie and Pam on this occasion. Thank you, Charlie, for your 18 years of dedicated leadership with Missouri Farm Bureau. Best of wishes to you and your family as you pursue new challenges in the many bright years ahead of you.

PERSONAL EXPLANATION

HON. JOHN BOOZMAN

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Monday, November 29, 2010

Mr. BOOZMAN. Madam Speaker, on rollcall No. 572, I was not present and am not recorded due to a family illness. Had I been present, I would have voted "no."

HONORING KENNETH ROBERTS OF LAKE COUNTY, CALIFORNIA

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 29, 2010

Mr. THOMPSON of California. Madam Speaker, I rise today to recognize Mr. Kenneth

Roberts, who is celebrating his 80th birthday this Saturday. Mr. Roberts is being honored at a luncheon to commemorate this milestone along with his years of service to the community.

Mr. Roberts was born in Washington State in 1930. He went on to serve as a Buck Sergeant in the United States Marine Corps during the Korean War before settling in Lake County with his wonderful wife, Irene. He had a long and fruitful career with Homestake Mining and retired in 1995.

Mr. Roberts is a committed activist and outdoorsman. He is known for his patience, tolerance and kind demeanor, but he'll never shy away from a lively debate on the issues. He is an avid hiker who is a member of the Redbud Audubon Society and Sierra Club. His commitment and passion for his community has also manifested itself in his work with the Lake County Adult Literacy Coalition. Ken mentored three Hispanic adults in reading and writing English and tutored one in preparation for the U.S. Citizenship exam, which his student passed.

Madam Speaker and colleagues, it is appropriate at this time that we thank my friend Mr. Kenneth Roberts for the work he has done on behalf of the people an environment of Lake County and wish him a happy 80th birthday. I join his 7 children, 18 grandchildren, 30 great grandchildren and 3 great-great grandchildren in wishing him continued good health and fulfillment.

ACKNOWLEDGING WORLD
REMEMBRANCE DAY

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 29, 2010

Mr. BURTON of Indiana. Madam Speaker, I rise today to take a moment to pay my respects to road traffic victims in honor of World Day of Remembrance, this Sunday. Since 1993, this special Remembrance Day responds to the great need that road crash victims and their loved ones harbor for public recognition of their loss and pain.

The sense of grief and distress of this large group of people is all the greater because many of the victims are young and many of the crashes could have been prevented. The response to road death and injury is often experienced as inadequate, cruelly unsympathetic, and inappropriate to a loss of life or quality of life. In 2005, the United Nations took it global, endorsing it to be the third Sunday in November each year, encouraging NGOs, such as the Association for Safe International Road Travel to commemorate this day.

Clinton Oster, an environment and public policy professor at Indiana University in Bloomington, served as chairman of a committee that wrote a report on reducing traffic deaths in our Nation, released on Tuesday.

According to the report, transportation safety authorities in other countries have been successful at reducing fatalities by taking a different overall approach, with an emphasis on demonstrating and documenting programs that work and then aggressively making their case

for those programs with political leaders and the public.

It is estimated that 1.3 million people die in road crashes each year. Unless action is taken, road traffic injuries are predicted to become the fifth leading cause of death by 2030.

As Oster said, if such programs were widely adopted in the U.S., it's probable that thousands of lives could be saved each year.

It is my hope that recognizing Remembrance Day will signal the importance the issue of reducing road danger to government.

PERSONAL EXPLANATION

HON. JOHN BOOZMAN

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Monday, November 29, 2010

Mr. BOOZMAN. Madam Speaker, on rollcall No. 571 I was not present and am not recorded due to a family illness. Had I been present, I would have voted "yes."

RETIREMENT TRIBUTE TO SOLANO
COUNTY SUPERINTENDENT OF
SCHOOLS DEE ALARCON

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 29, 2010

Mr. GEORGE MILLER of California. Madam Speaker, we rise to recognize Dee Alarcon, Superintendent of Solano County Office of Education, as she retires after 42 years of outstanding public service through education.

Before being elected to serve as Solano County's Superintendent of Public Education, Dee Alarcon worked for 20 years as a teacher, principal and administrator in half of Solano County's six school districts—Dixon, Travis and Benicia. During this period she also taught at the university level. In 1998, Dee began working for the Office of Education as the Director of Curriculum and Instruction/Public Information Office, then as Director ACSA Principals Academy, and quickly moved up to Associate Superintendent of Educational Services, then Associate Superintendent/Chief Business Official, and finally to Deputy Superintendent from 2001–2003. It was in 2003 that Dee was elected as the first female county superintendent in Solano County's 158-year history; rightfully, an achievement of great pride for her.

Professionally Dee has been an outstanding leader among her peers. She is well-known across the nation for her expertise in professional development for teachers and administrators and her depth of knowledge has made her a subject-matter expert in curriculum and instruction. She holds life teaching and administrative service credentials including a Bachelor of Arts in Fine Arts from California State University, Chico, and a Master of Arts in Educational Administration from California State University, Sacramento.

As Solano County Superintendent, Dee has directed and implemented the strategic plan for the Office of Education, developed and

monitored the \$64 million budget, and monitored the combined school district budgets of \$500 million. In 2007, Solano County was awarded "America's Promise 100 Best Communities for Young People" with the Office of Education serving as lead agency in submitting the application. It is with great pride that we note Solano County has won this distinguished designation a total of three times.

Dee Alarcon also represents the Solano County Office of Education through her memberships in various professional organizations and committees. She was recognized with a Women of Distinction Award in 2004 by Soroptimist International of Dixon for her outstanding service in education and to the community.

Dee has been elected President of the ACSA, Region 4, and served on ACSA's state Board of Directors for 3 years. In 2005, ACSA honored her as Administrator of the Year. She currently serves as the President of the Association of Educational Service Agencies, AESA, Council and she will direct the Association of California School Administrators, ACSA, Superintendents Academy this year at the Solano County Office of Education.

Additionally, Dee's experience in community relations and collective bargaining along with her amiable personality are assets in fostering positive and collaborative relationships among educational institutions, professional organizations, governmental agencies, and members of the community.

When asked to comment on the leading factor motivating her to serve in the education profession, Dee explains, "I have never lost focus of why I am in this business—for the children."

As Superintendent Dee Alarcon retires, we are pleased to have this opportunity to thank her publically for her remarkable leadership and dedication to excellence in education. Our children, their families, and our entire community have benefitted immensely from her work. Hers is a lasting legacy and we join together with Dee's husband Alex, her sons A.J. and Phil, her extended family and friends to wish her the very best in her retirement.

PERSONAL EXPLANATION

HON. JOHN BOOZMAN

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Monday, November 29, 2010

Mr. BOOZMAN. Madam Speaker, on rollcall No. 570 I was not present and am not recorded due to a family illness. Had I been present, I would have voted "yes."

HONORING JANICE KAMENIR-
REZNIK

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 29, 2010

Mr. BERMAN. Madam Speaker, it gives me great pleasure to rise today and pay tribute to an outstanding citizen of our country, my good

friend Janice Kamenir-Reznik. She is being honored as the Co-Founder and President of Jewish World Watch (JWW) at the Global Soul event on February 1, 2011. Janice is one of Los Angeles' most dedicated activists, as seen by her relentless advocacy for human and civil rights worldwide.

Through co-founding JWW with Rabbi Harold M. Schulweis, Janice has directed the energies of this effective Jewish movement to focus attention on ending current and future genocides and mass atrocities. Her dedication and efforts to end the current crises in regions such as the Sudan and the Democratic Republic of Congo are clear examples of her compassionate and caring nature.

JWW urges individuals and communities to take local action to produce powerful global results in the fight against genocide. The organization has impressively enlisted 65 synagogues, and works in coalition with schools, churches, individuals, communities, and partner organizations that share a vision of a world without genocide. JWW has successfully influenced legislation that ends the trade of conflict minerals from Congo which funds armed groups committing atrocities in the region. They also provide high-impact relief and development projects that improve the lives of survivors and help build the foundation for a stable region.

Janice is a pillar of society and a role model for all of us. As President of JWW, she has demonstrated not only the influence of advocacy but the power of action as well. She ensures that this important movement will not "stand idly by" as she continues to provide educational awareness, advocacy and direct relief efforts in the killing fields of Sudan and war-torn Congo.

Madam Speaker and distinguished colleagues, I ask you to join me in saluting Janice Kamenir-Reznik for her invaluable contributions and dedication to the JWW cause.

NOVEMBER IS AMERICAN DIABETES MONTH

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, November 29, 2010

Mr. TOWNS. Madam Speaker, I rise today to acknowledge November as National Diabetes Month. This is a time for us to officially recognize the importance of and to increase the awareness of this relentless, debilitating and—without question deadly disease. If left undiagnosed or untreated, the consequences of diabetes are far more serious than many people realize. This month is an opportunity for Americans to look at diabetes differently and to get involved to stop and prevent this disease.

Currently, there are nearly 24 million American children and adults who have diabetes; there are another 57 million Americans that have prediabetes, putting them at high risk for developing the disease. Every minute three people are diagnosed with diabetes and over 700,000 New Yorkers have the disease—almost a third do not know they have it and more than 100,000 of them with very poorly

controlled diabetes are at high risk of heart attack, stroke, kidney failure, blindness, and amputations.

The American Diabetes Association estimates that the total cost of diagnosed diabetes in the United States is more than \$174 billion annually. Further published studies suggest that when additional costs for gestational diabetes, prediabetes and undiagnosed diabetes are included, the total diabetes-related costs in the United States could exceed \$218 billion each year if people do not have access to the tools necessary to manage their diabetes. Every day, nearly 200 people with diabetes will undergo an amputation, 130 people enter end-stage kidney disease programs and 50 people go blind from diabetes. Diabetes kills more Americans each year than breast cancer and AIDS combined.

Diabetes is not merely a condition; it is a disease with deadly consequences. Drastic action is needed from everyone for we simply cannot afford to continue to ignore this epidemic. The most critical thing you can do is to take control of your own health and to encourage your family and community to do the same. Fortunately, there are a number of steps you can take if you have or are at risk for developing diabetes. Everyone can start by knowing the "ABCs of diabetes"; this will help in keeping it under control, as well as, prevent or delay any serious and deadly complications. The ABCs are simple and consist of the following:

Average Glucose—Most people with diabetes should check their A1C (a measure of average glucose) every 3 to 6 months. The A1C test measures how well they are managing their diabetes over time. A1C can also be reported as estimated Average Glucose, or eAG. In most cases, it is important to keep A1C less than 7 percent (eAG less than 154 mg/dl).

Blood Pressure—People with diabetes should have a target blood pressure of less than 130/80 mmHg.

Cholesterol—LDL (bad) cholesterol should be below 100 mg/dl; HDL (healthy) cholesterol should be above 40 mg/dl for men and 50 mg/dl for women; triglycerides should be below 150 mg/dl.

Diabetes is an epidemic in New York City, fueled by the increase in obesity nationwide and worldwide. In the past 15 years, the number of people with diabetes in NYC has more than doubled. In 2008, 550,000 New Yorkers reported being diagnosed with diabetes. Though serious, diabetes can be prevented and controlled—weight management is an important step.

Therefore, I encourage everyone to talk to their doctor, participate in some form of physical activity, maintain a healthy diet and take your medications. These are just a few preventive measures that you can do in taking control of your diabetes. So, please join me in recognizing November as National Diabetes Month and increasing the awareness by jump starting your way to a healthier life.

PERSONAL EXPLANATION

HON. JOHN BOOZMAN

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Monday, November 29, 2010

Mr. BOOZMAN. Madam Speaker, on rollcall No. 569, I was not present and am not recorded due to a family illness. Had I been present, I would have voted "yes."

IN HONOR OF ANASTASIOS (TASSOS) EFSTRATIADES

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, November 29, 2010

Mr. ANDREWS. Madam Speaker, I rise today to honor Mr. Anastasios, Tassos, Efstratiades, whose personal commitment to preserve the proud heritage of Cypriot Americans and efforts to raise awareness of the continued strife in Cyprus is worthy of recognition.

Mr. Efstratiades's love for his homeland is admirable and his accomplishments as a father and businessman are truly inspirational.

Mr. Efstratiades, a partner at Obermayer, Rebmann, Maxwell & Hippel, LLP, has been named Chairman on both the Governor's Commission on International Trade for New Jersey and the Cherry Hill Economic Development Committee. He has also served on the New Jersey General Assembly's Task Force on Business Retention, Expansion and Export Development. In these roles Mr. Efstratiades has demonstrated his abilities as a leader, spearheading efforts to improve commerce and create economic growth, contributing directly to the well-being and prosperity for many families in Southern New Jersey.

As a leader in Greek American initiatives, Mr. Efstratiades's service is truly extraordinary. Serving as chairman of the Greek American Chamber of Commerce, he has worked to cultivate relationships and ease business struggles for countless Greek and Cypriot-American businesspeople. Mr. Efstratiades's civic leadership helped him earn this prestigious title, while his tireless efforts have garnered him the respect and admiration of his peers and colleagues.

Madam Speaker, Anastasios Efstratiades's commitment to South Jersey must be recognized. I wish him the best in his future endeavors and thank him for his continued dedication to Cypriot Americans.

POSTHUMOUS TRIBUTE TO SERGEANT WILLIE JAMES QUINCE

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, November 29, 2010

Mr. PASCRELL. Madam Speaker, I would like to call your attention to the life and work of an outstanding individual, the late Sergeant Willie James Quince of Paterson, New Jersey,

whose life will be celebrated during a memorial service on Monday, November 29, 2010, at the First A.M.E. Zion Church.

It is only fitting that he be honored in this, the permanent record of the greatest democracy ever known, for he served countless others throughout his lifetime.

Sergeant Willie James Quince was born in Valdosta, Georgia, in 1921 to Mr. Remer Quince and Helen Braswell. His family moved to West Palm Beach, Florida, for where he finished elementary school and graduated from Industrial High School. He went on to courses at Purple Kerpels School of Mechanical Dentistry in New York City, NY. He then studied 4 years at the Jones Barber School in Atlantic City, NJ, and the Interracial Barber College in Atlantic City, NJ, graduating in three years. After graduation, he moved to Paterson, N.J. in January 1958 and opened Quince's Barber Shop.

He was married to Mary M. Quince for 61 years, and together they raised five children, Wiley "Sonny" Quince, William A. Quince (Linda), Madgeline Z. Quince, Sylvia A. Lucas, and Kelvin C. Quince (Cora); and also now have ten grandchildren and thirteen great grandchildren. Mr. Quince was a faithful husband, dedicated father, grandfather and great grandfather, and a committed community servant. He earned many accolades and had a long record of accomplishment as a forerunner for civil rights and a leader throughout Paterson. He was a long time member of First A.M.E. Zion Church where he was elected Man Of The Year multiple times, served on the Board of Trustees for 31 years and served as Chairman for 15 years. He also served on the Stewart Board, Usher Board, The Dreamers, The Kitchen Cabinet, and The Zion Seniors.

He served our Nation as a Drill Sergeant during World War II Army Air Force and received the Medal of Good Conduct, WWII Victory Medal and ATO Medal. He was an Honored Life Member of the NAACP Paterson Branch, a member of the Habitat for Humanity Paterson Chapter Tenants Selection Committee for Home Ownership. He was the 1st African-American elected chairman of the Paterson Housing Authority Board of Commissioners, and he served as Project Housing Manager of Christopher Columbus Housing Development and as Manager of the Riverside Terrace Housing Development. He also served as Paterson's 4th Ward Leader of the Passaic County Democratic Party for many years. He was known for his superb social mannerisms and good conversation.

The job of a United States Congressman involves much that is rewarding, yet nothing compares to recognizing the lifetime achievement of a giving person such as Sergeant Willie James Quince.

Madam Speaker, I ask that you join our colleagues, Willie's family and friends, and me in recognizing the late Sergeant Willie James Quince's outstanding life of service to his community.

RECOGNIZING THE 87TH ANNIVERSARY OF TURKEY'S REPUBLIC DAY

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, November 29, 2010

Mr. TOWNS. Madam Speaker, I rise today to offer my congratulations to the Republic of Turkey on the occasion of the 87th anniversary of Republic Day.

On October 29, 1923, the new republic was declared in the new capital of Ankara. Mustafa Kemal Ataturk was the founder and first President of the Republic of Turkey, and his leadership proved essential to the foundation for the secular republic. In recent decades, the republic has strengthened politically and economically.

Turkey's membership in NATO, beginning in 1952, has been one facet of a strong relationship between Turkey and the United States. It is important that our two nations continue to work together toward our common goals.

I extend my best wishes to the citizens of Turkey, and urge my colleagues to recognize this important occasion.

HONORING GEORGE THOMAS "MICKEY" LELAND

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, November 29, 2010

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I rise to pay tribute to Congressman George Thomas "Mickey" Leland, who lost his life in a plane crash during a humanitarian mission in Ethiopia. Were he still with us, he would have turned 66 last week on November 27.

Congressman Leland was best known for his advocacy for low-income families and individuals, both at home and abroad. Before he even held political office, he was active in pressing for crucial health care reforms in Houston, such as community health clinics. In 1972 he ran for the Texas House of Representatives as a member of the "People's Five," a slate of minority candidates in a state that had not seen an African American state representative since Reconstruction. Congressman Leland won his election, and two subsequent reelections. In his tenure, he was lauded for his work to allow generic drugs to be prescribed, lowering costs and increasing access to life-saving medications for many Texans.

In 1978, Congressman Leland took over the seat vacated by Barbara Jordan's retirement from the United States House of Representatives. He was reelected to his position as a United States Congressman five times, typically winning majorities of 90 percent or more. Initially he drew attention with his unique sense of style, later for his ability to develop bipartisan partnerships. Congressman Leland chaired the Congressional Black Caucus in the 99th Congress, from 1985 to 1987. He was an ally to all minority groups, including

the many Latinos in his district. He once surprised his colleagues by arguing in Spanish on the House Floor in favor of preserving the bilingual clauses of the Voting Rights Act.

However, Congressman Leland's greatest passion—the fight against world hunger—was born during a three-month trip through East Africa. There, he witnessed mobs of people rubbing their stomachs and pleading for food in Ethiopian refugee camps. There, he held a young girl in his arms as she died of starvation. After that fateful visit, Congressman Leland became a dedicated crusader, raising awareness of domestic and international hunger. He was instrumental in the creation of the Select Committee on Hunger, which in 1984 was able to push through Congress a nearly \$800 million aid package for famine relief. He continued to travel to Africa frequently, often guiding his Congressional colleagues to refugee camps so they could see for themselves the dramatic impact of the aid money.

It was during a trip to Africa, during which he planned to monitor the delivery of supplies and inspect a refugee camp on August 7, 1989, that Congressman Leland's plane crashed into a mountainside. He and 15 others died in the course of this humanitarian mission. Many of the communities he had touched, both in Texas and nationally, were quick to honor his memory with awards, dedications, and outreach projects in Africa. His greatest legacy is, of course, his family—he is survived by his wife Alison and his three children.

Madam Speaker, I ask that my colleagues join me in recognizing this remarkable man for his lifetime of service.

INTRODUCING A RESOLUTION EXPRESSING SUPPORT FOR THE REPUBLIC OF INDIA GAINING A PERMANENT SEAT ON THE UNITED NATIONS SECURITY COUNCIL

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 29, 2010

Mr. HASTINGS of Florida. Madam Speaker, I rise to introduce a resolution in support of the Republic of India gaining a permanent seat on the United Nations Security Council. Addressing a joint session of India's Parliament this past November 8, President Obama said that "the United States not only welcomes India as a rising global power, we fervently support it." I could not agree more. In recent years India has proven to be a solid and supportive ally of the United States. As the international community looks to reform the policies and procedures of the Security Council, no nation deserves a seat at the table more than India.

As the world's most populous democracy—and second most-populous nation—India is an increasingly influential power, not only in its neighborhood in South Asia but also on the world's stage. India is one of the fastest-growing economies in the world, enjoys the second-largest labor force, and is rapidly becoming a major hub for high-tech industry, telecommunications, and automobile manufacturing. As a major export/import nation, India

is an important trading partner for dozens of countries around the world.

India's position at the nexus of global security issues, from Pakistan and Kashmir to China and the Indian Ocean, makes its participation in international security decisions essential. Having already provided tens of thousands of troops for dozens of UN peace-keeping missions around the world, India has earned a permanent role for itself in security decision-making, global conflict resolution, and questions of war and peace. As a nation which has suffered more casualties from terrorism than almost any other, India's commitment to effective counterterrorism measures is aligned with the United States' goals, and India has proved an indispensable ally with respect to our efforts in South Asia.

Finally, India regularly participates in numerous regional and international organizations, including the G20, the World Trade Organization, the East Asian Summit, and the South Asian Association for Regional Cooperation. India has thus demonstrated a commitment to international dialogue and constructive engagement, and, indeed, enjoys good relations with most countries around the world.

Madam Speaker, India is already a nation of great influence, respect, ambition, and ability, and a trusted member of the international community. An overwhelming majority of the United Nations General Assembly recently elected India to serve as the Asian regional representative to the Security Council. The permanent membership of the Security Council reflects the reality of global power in the immediate aftermath of World War II—not to today's 21st century reality of rising powers. As President Obama and many other world leaders have pointed out, India deserves a permanent seat on a reformed Security Council, where its voice and clout will be a much-welcomed and much-needed addition to the global security regime. I strongly applaud this effort and urge my colleagues to support this resolution.

OUR UNCONSCIONABLE NATIONAL DEBT

HON. MIKE COFFMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, November 29, 2010

Mr. COFFMAN of Colorado. Madam Speaker, today our national debt is \$13,794,243,004,364.88.

On January 6, 2009, the start of the 111th Congress, the national debt was \$10,638,425,746,293.80.

This means the national debt has increased by \$3,155,817,258,071.00 so far this Congress.

This debt and its interest payments we are passing to our children and all future Americans.

TRIBUTE TO DR. MALCOLM MILLER

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 29, 2010

Mr. CALVERT. Madam Speaker, I rise today to recognize and honor the life of Dr. Malcolm Miller, a retired anesthesiologist and Mayor of the City of Norco, California. Malcolm passed away last night at the age of 65 after a brief battle with liver cancer. He will be deeply missed.

Dr. Miller graduated from medical school from the University of Cape Town in South Africa and specialized as an anesthesiologist at Harvard Medical School. After teaching at Harvard for three years, he transferred to the University of California, Irvine where he taught as an Assistant Professor in the Department of Anesthesiology.

Dr. Miller later entered private practice at Orange County's St. Joseph Hospital and Children's Hospital where he served as Chairman of the Department of Anesthesiology and as a member of the Board of Trustees. He was elected as the District Director for the Orange County Society of Anesthesiologists and served on the Board of Directors of the California Society of Anesthesiologists. He also served as a member of the Claims Review Committee of the Cooperative of American Physicians.

Dr. Miller is a naturalized citizen of the United States. He moved to Norco in 1997 when he married his wife, Donna, a longtime resident. Since then, he has served on the Streets and Trails Commission and was elected to the Norco City Council in 2007. Both Dr. Miller and his wife have been avid equestrians, and proud members of the Norco Horsemen's Association. Furthermore, Dr. Miller was a strong advocate for an innovative and forward-thinking project to convert animal waste into a renewable energy source.

Dr. Miller was in his first term on the City Council after being elected in 2007, and will be remembered for using his profound intellect to better the community around him.

On behalf of all those who knew him, it is my honor to offer these remarks as a tribute to the remarkable life and legacy of Dr. Miller. His life and presence will be sorely missed and I extend my condolences to his wife and his dear family and friends.

TRIBUTE TO NANCY KAUFMAN

HON. JOHN F. TIERNEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, November 29, 2010

Mr. TIERNEY. Madam Speaker, I rise today to recognize the accomplishments of Nancy K. Kaufman. For the past 20 years, Ms. Kaufman has served as the Executive Director of the Jewish Community Relations Council of Greater Boston, an umbrella group for 42 local and national Jewish organizations. She has been a charismatic leader for JCRC, for the Boston Jewish community and for the Commonwealth of Massachusetts.

I have had the privilege of knowing Nancy for many years, and have traveled to Israel with her. Those who know Nancy can attest to her energy, effectiveness and enthusiasm for building a better world.

Due to Nancy's efforts, JCRC's impact has been felt across the country. As a result of her vision, passion and determination, the organization has developed a national model for creating community cohesion and building bridges. As an advocate for those in need, a community organizer and one committed to maintaining strong ties between Israel and the United States, Nancy has led the Jewish community with distinction and passion, and has been an outspoken and effective advocate for issues of importance to the Jewish community at the state and federal level.

Before joining the JCRC, Nancy worked for the Commonwealth of Massachusetts as Deputy Director of the Governor's Office of Human Resources, Assistant Secretary of Health and Human Services and Deputy Commissioner of the Department of Public Welfare. Starting in January 2011, Ms. Kaufman will join the National Council of Jewish Women as its new President.

Ms. Kaufman is the recipient of several distinguished awards, including the Littauer Award for Excellence from the Kennedy School of Government and the Award for Greatest Contribution to Social Policy and Social Change from the Massachusetts chapter of National Association of Social Workers. Ms. Kaufman was also awarded the Warren B. Kohn Award for Jewish Communal Service in 2001, and was noted among the "Top 50" American Jewish leaders in the Forward Newspaper in 2000.

As she concludes her tenure at the Jewish Community Relations Council of Greater Boston, I wish to recognize Nancy Kaufman for her outstanding achievements as a citizen and advocate and wish her continued success in her new position.

HONORING MIKE COX

HON. THADDEUS G. McCOTTER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, November 29, 2010

Mr. McCOTTER. Madam Speaker, today I rise to honor and acknowledge the distinguished career of Mike Cox, Michigan's 52nd Attorney General.

Born on December 29, 1961, the son of Irish immigrants, Michael Anthony Cox graduated from Detroit Catholic Central High School in 1980 and went on to serve his country as a Marine from 1980 until 1983. Serving with distinction, Mike Cox rose to the rank of Corporal and earned the Navy Achievement Medal and Command Marine of the Year Designation.

Mike Cox graduated from the University of Michigan in 1986, before earning his Juris Doctorate from the University of Michigan Law School in 1989. Mike worked in the Oakland County Prosecutors' office from 1989–1990. Mr. Cox joined the Wayne County Prosecutors' Office from 1990–2002, serving as Director of the Homicide Unit from 2000–2002. With

tireless devotion to the citizens of Michigan, Mike Cox was elected Attorney General of the State of Michigan in 2002 and again in 2006.

During his tenure, Attorney General Cox has recovered a record \$3.2 billion for Michigan consumers while also saving taxpayers more than \$1.7 billion in defense of state lawsuits. Fighting utility rate increases, Attorney General Cox has saved families and businesses more than \$2.4 billion. He diligently fought rate hikes for Blue Cross Blue Shield of Michigan enrollees and implemented a website allowing consumers to find the fairest price on prescription drugs.

As a father of four and a Little League coach, Mike Cox has set the protection of children as a top priority. By establishing the nation's first Child Support Unit, Attorney General Cox has helped more than 60,000 of Michigan's youngest citizens receive the child support owed them and the unit is on track to collect over \$100 million by early 2011. His expanded efforts to keep children safe while online have resulted in the arrest of 258 internet sexual predators, making Michigan's Internet Predator Unit one of the most productive in the country. Cox's office developed the Michigan Cyber Safety Initiative. This innovative program has reached more than a half million.

With his unwavering commitment to all citizens, Michigan Attorney General Mike Cox has actively sought to protect our vulnerable senior citizens from unscrupulous caregivers, testified before Congress in defense of the embattled auto industry and led the fight to keep dangerously invasive Asian Carp from destroying our bountiful Great Lakes.

Madam Speaker, during his distinguished career, Attorney General has bettered the lives of countless Michiganders. As he embarks upon the next chapter of his life with his beloved wife Laura and his children Lindsey, Sinead, Conor and Rory, I ask my colleagues to join me in applauding his legendary leadership, and in thanking him for his unfaltering service to our community and our country.

TAXPAYER RECEIPT ACT OF 2010

HON. JIM McDERMOTT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Monday, November 29, 2010

Mr. McDERMOTT. Madam Speaker, Oliver Wendell Holmes said "taxes are the price we pay for a civilized society" and taxes are a very big topic in our national debate today. How much federal income tax people pay and what those taxes buy is not well understood by many Americans. It is hard and complicated to figure out. Very little information about how tax revenues are spent is ever made available to the American people. This results in significant misinformation. For example, a Washington Post and Kaiser Foundation poll found that by a margin of two to one, Americans believe that the federal government spends more on foreign aid than on either Social Security or Medicare. This is why I am introducing the Taxpayer Receipt Act of 2010. This bill requires the Secretary of the Treasury to provide each taxpayer with a simple annual

statement explaining how his or her federal income tax dollars were spent.

Similar to the annual Social Security statement, the Taxpayer Receipt will show the taxpayer's income tax liability, the amount of the liability spent on major spending categories, and the actual federal outlays for each category. It will also provide information on the state of the deficit and the 10 costliest tax breaks for that year. This simple annual Taxpayer Receipt will provide clear and consistent information to taxpayers that will serve to educate taxpayers on government spending—a subject full of misinformation.

Thomas Jefferson once said, "Information is the currency of democracy." To that end, providing Americans with information and transparency on government spending is essential to maintaining the strength and health of our democracy.

TO SUPPORT THE NUCLEAR ENERGY RESEARCH AND DEVELOPMENT ACT OF 2010

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, November 29, 2010

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I rise today to support H.R. 5866, the Nuclear Energy Research and Development Act of 2010.

I am proud to see this vital piece of legislation up for consideration under suspension of the rules today. My colleagues and I on the Science and Technology Committee worked tirelessly on this bill which amends the Energy Policy Act of 2005 to modify and augment existing nuclear research and development programs at the Department of Energy. This legislation is an important step in ensuring the next generation of affordable and safe nuclear energy.

Our country should focus on creating environmentally safe and economically sustainable nuclear energy in order to reduce reliance on fossil-fuel resources. I was pleased the Science and Technology Committee included an amendment I offered during the Energy and Environment Subcommittee Markup on July 27th, 2010 which is now section 13 of H.R. 5866. Section 13 calls for the Secretary of Energy to work with the National Academies to conduct a long-term operating study of our Nation's existing nuclear power plants.

We need to know how long these facilities can last safely and what can be done to maintain these plants better. We should also identify what major impediments are threatening their long-term operational viability. To help transition to a low carbon economy, Congress needs these questions answered.

The United States currently has 104 reactors in 31 States that generate approximately 20 percent of our nation's electricity. Data indicates that it is possible that one-third of nuclear facilities in our country will be retired in the next 20–25 years. Given that nuclear power provides approximately 20 percent of the electricity in the United States, this topic is of critical national concern.

Many existing nuclear facilities in the U.S. are nearing the end of their initial 40-year li-

censes. Many of these facilities are likely to seek and receive license renewals for an additional 20 years. As the demand for low-carbon electricity grows, it is not too soon to identify options for these plants beyond the 60-year mark. The dearth of new nuclear units necessitates that our current nuclear infrastructure must continue to operate reliability, safely, and efficiently.

In the U.S. there are 59 nuclear plants that have reapplied for licenses through the Nuclear Regulatory Commission for an additional 20 years, taking the age of their plants from 40 to 60. The need to demonstrate the technical and financial feasibility of extending the life of nuclear facilities beyond 60 years is evident. Madam Speaker, the best way to lower energy costs is to identify and implement affordable clean energy.

I would like to thank Chairman BART GORDON for introducing this critical legislation. I urge my colleagues to support this important legislation in order to shed some light on the best path forward for our National Nuclear R&D strategy.

PROVIDING RELIEF TO THE UNEMPLOYED

HON. JIM McDERMOTT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Monday, November 29, 2010

Mr. McDERMOTT. Madam Speaker, the current recession has impacted the lives of millions of American families. Unemployment rates in the past 3 years have reached record highs, with competition for employment so steep that roughly five Americans compete for every available job. Providing meaningful relief to the unemployed in these scarce times is, by definition, our responsibility as legislators.

To get through these hard times, millions of unemployed Americans are raiding their retirement savings to put food on the table. In 2007, over 34 million Americans participated in their employer-sponsored retirement plans, and over 20 million Americans had an Individual Retirement Account. Unfortunately, withdrawing retirement funds early can carry stiff penalties. That is why I am introducing legislation to waive the penalty for unemployed taxpayers who have turned to their retirement savings for an early distribution. This bill will waive the penalty for such distributions made during 2009, 2010, or 2011, so long as the taxpayer received 12 consecutive weeks of unemployment compensation in the year the distribution was made.

In creating retirement accounts with special tax treatment, Congress was encouraging saving towards a financially stable retirement. It was the right thing to do. Congress wanted these funds to be for retirement, but Congress did not foresee the economic disaster we are going through. By allowing temporary, penalty-free withdrawals from retirement accounts when folks are unemployed we are helping the unemployed when they need it most.

HONORING BRUCE PATTERSON

HON. THADDEUS G. McCOTTER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, November 29, 2010

Mr. McCOTTER. Madam Speaker, today I rise to honor and acknowledge the distinguished career of Bruce Patterson, Michigan State Senator representing the 7th District.

Born in Detroit, Michigan on February 7, 1947, Senator Patterson now resides in Canton. After graduating from Redford High School, he earned a Bachelor of Arts degree from Wayne State University in 1969, and thereafter, in 1972, a Juris Doctorate Degree from Wayne State University Law School.

Prior to beginning his storied political career, Senator Patterson served 20 years as an Associate Attorney, Vice President and President of McCabe, Middleton and Patterson, PC. Senator Patterson has been a member of the State Bar of Michigan since 1972 and was a member of the Plymouth-Canton Public School's Educational Excellence Foundation Board of Directors from 1989–1997. As Director of Planned Giving for Eastern Michigan University, Senator Patterson diligently worked from 1991 to 1994. He devoted his time and energy as President of the Canton Economic Club from 1991 to 1992 and to the Canton Community Foundation from its inception in 1989 until 1996. Later in his career, Senator Patterson became a member of the Schoolcraft Community College Board of Trustees. With tireless devotion, he dedicated his time to improving his community as a Wayne County Commissioner from 1995 to 1998, and was elected to the Michigan State House of Representatives, where he was the first freshman ever elected to the position of Associate Speaker Pro Tempore, serving the 21st District for 4 years. While in the State House, Senator Patterson also served as Majority Leader.

Thereafter, on November 7, 2002, Senator Patterson was elected to the Michigan State Senate. During his tenure, Senator Patterson served as Chair of the Energy Policy and Public Utilities Committee, Health Policy Committee, Judiciary Committee, Natural Resources and Environmental Affairs Committee and Legislative Council.

For his unwavering commitment to excellence, Senator Patterson was inducted into the Canton Township Hall of Fame. Senator Bruce Patterson has earned a number of prestigious awards, including: the Michigan Chamber of Commerce Champion of Commerce Award, Michigan Associated Underground Contractors Legislator of the Year, the Michigan Nursing Association Friend of Nursing Award, Senior Alliance Legislative Award, Michigan Manufacturers' Association's "Advocate of the Year," the Iron Rider Award given by ABATE of Michigan, Michigan Municipal League's "Distinguished Service Award," Michigan League of Conservation Voters "Environmental Leadership Award," Michigan Education Association "Friend of Public Education Award," Legislator of the Year Award from the Michigan Psychological Association, the Michigan Court Officers, Deputy Sheriffs and Process Servers Association Legislator of the Year Award,

Michigan Association of Health Plans Legislator of the Year and the "Free Market Champion Award" from the Telecommunications Association of Michigan. Senator Patterson was chosen as the first ever recipient for both the Michigan Chapter of the American Institute of Architects Legislator of the Year Award and the Michigan Council of Nurse Practitioners Advocate of the Year Award as well as Best Local Politician by the Plymouth Observer Newspaper.

Madam Speaker, during his distinguished career, Senator Patterson has bettered the lives of countless Michiganders. As he embarks upon the next chapter of his life with his beloved wife Phyllis and his children Denise, Lauren and Justin, I ask my colleagues to join me in applauding his legendary leadership, and in thanking him for his unfaltering service to our community and our country.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, November 30, 2010 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

DECEMBER 1

9:30 a.m.

Banking, Housing, and Urban Affairs

To hold hearings to examine problems in mortgage servicing from modification to foreclosure, part 2.

SD-538

9:45 a.m.

Health, Education, Labor, and Pensions

Business meeting to consider S. 3817, to amend the Child Abuse Prevention and Treatment Act, the Family Violence Prevention and Services Act, the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978, and the Abandoned Infants Assistance Act of 1988 to reauthorize the Acts, S. 3199, to amend the Public Health Service Act regarding early detection, diagnosis, and treatment of hearing loss, S. 3036, to establish the Office of the National Alzheimer's Project, S. 1275, to establish a National Foundation on Physical Fitness and Sports to carry out activities to support and supplement the mission of the President's Council on Physical Fitness and Sports, H.R. 2941,

to reauthorize and enhance Johanna's Law to increase public awareness and knowledge with respect to gynecologic cancers, an original bill entitled, "The Museum and Library Services Act of 2010", and the nominations of Anthony Bryk, of California, Robert Anacletus Underwood, of Guam, and Kris D. Gutierrez, of Colorado, all to be a Member of the Board of Directors of the National Board for Education Sciences, Sean P. Buckley, of New York, to be Commissioner of Education Statistics, Department of Education, Susan H. Hildreth, of Washington, to be Director of the Institute of Museum and Library Services, Cora B. Marrett, of Wisconsin, to be Deputy Director of the National Science Foundation, and Allison Blakely, of Massachusetts, to be a Member of the National Council on the Humanities, and subcommittee assignments; to be immediately followed by a hearing to examine the Pension Benefit Guaranty Corporation, focusing on management and oversight.

SD-430

10 a.m.

Judiciary

Business meeting to consider S. 3675, to amend chapter 11 of title 11, United States Code, to address reorganization of small businesses, S. 2888, to amend section 205 of title 18, United States Code, to exempt qualifying law school students participating in legal clinics from the application of the general conflict of interest rules under such section, S. 3728, to amend title 17, United States Code, to extend protection to fashion design, S. 1598, to amend the National Child Protection Act of 1993 to establish a permanent background check system, and the nominations of Robert Neil Chatigny, and Susan L. Carney, both of Connecticut, both to be United States Circuit Judge for the Second Circuit, Amy Totenberg, to be United States District Judge for the Northern District of Georgia, James Emanuel Boasberg, and Amy Berman Jackson, both to be United States District Judge for the District of Columbia, James E. Shadid, and Sue E. Myerscough, both to be United States District Judge for the Central District of Illinois, James E. Graves, Jr., of Mississippi, to be United States Circuit Judge for the Fifth Circuit, Paul Kinloch Holmes, III, to be United States District Judge for the Western District of Arkansas, Anthony J. Battaglia, to be United States District Judge for the Southern District of California, Edward J. Davila, to be United States District Judge for the Northern District of California, Diana Saldana, to be United States District Judge for the Southern District of Texas, Max Oliver Cogburn, Jr., to be United States District Judge for the Western District of North Carolina, Marco A. Hernandez, and Michael H. Simon, both to be United States District Judge for the District of Oregon, and Steve C. Jones, to be United States District Judge for the Northern District of Georgia, and Michele Marie Leonhart, of California, to be Administrator of Drug Enforcement, and Stacia A. Hylton, of Virginia, to be Director of the United States Marshals Service, both of the Department of Justice, and Patti B. Saris, of Massachusetts, and

Dabney Langhorne Friedrich, of Maryland, both to be a Member of the United States Sentencing Commission.
SD-226

10:30 a.m.

Commerce, Science, and Transportation
To hold hearings to examine transition and implementation, focusing on the NASA Authorization Act of 2010.
SR-253

2:30 p.m.

Commerce, Science, and Transportation
To hold hearings to examine mini med policies.
SR-253

Foreign Relations

To hold hearings to examine Latin America in 2010, focusing on opportunities, challenges, and the future of the United States policy in the hemisphere.
SD-419

DECEMBER 2

9 a.m.

Armed Services

To hold hearings to examine the report on the Department of Defense Working Group that conducted a comprehensive review of the issues associated with a repeal of section 654 of title 10, United States Code, "Policy Concerning Homosexuality in the Armed Forces".
SD-G50

10 a.m.

Commerce, Science, and Transportation
Consumer Protection, Product Safety, and Insurance Subcommittee

To hold an oversight hearing to examine the Consumer Product Safety Commission, focusing on product safety in the holiday season.
SR-253

Homeland Security and Governmental Affairs

Federal Financial Management, Government Information, Federal Services, and International Security Subcommittee

To hold hearings to examine finding solutions to the challenges facing the United States Postal Service.
SD-342

Finance

To hold hearings to examine tax reform, focusing on historical trends in income and revenue.
SD-215

2 p.m.

Foreign Relations

Business meeting to consider S. 2982, to combat international violence against women and girls, S. 3688, to establish an international professional exchange program, S. 1633, to require the Secretary of Homeland Security, in consultation with the Secretary of State, to establish a program to issue Asia-Pacific Economic Cooperation Business Travel Cards, S. 3798, to authorize appropriations of United States assistance to help eliminate conditions in foreign prisons and other detention facilities that do not meet minimum human standards of health, sanitation, and safety, S. Con. Res. 71, recognizing the United States national interest in helping to prevent and mitigate acts of genocide and other mass atrocities against civilians, and supporting and encouraging efforts to develop a whole of government approach to prevent and mitigate such acts, treaty between the Government of the United States of America and the Government of the Republic of Rwanda Concerning the Encouragement and Reciprocal Protection of Investment, signed at Kigali on February 19, 2008 (Treaty Doc. 110-23), international Treaty on Plant Genetic Resources for Food and Agriculture, adopted by the Food and Agriculture Organization of the United Nations on November 3, 2001, and signed by the United States on November 1, 2002 (the "Treaty") (Treaty Doc. 110-19), and the nominations of Thomas R. Nides, of the District of Columbia, to be Deputy Secretary for Management and Resources, William R. Brownfield, of Texas, to be Assistant Secretary for International Narcotics and Law Enforcement Affairs, and Suzan D. Johnson Cook, of New York, to be Ambassador at Large for International Religious Freedom, all of the Department of State, Paige Eve Alexander, of Georgia, to be an Assistant Administrator of the United States Agency for International Development, and Alan J. Patricof, of New York, and Mark Green, of Wisconsin, both to be a Member of the Board of Directors of the Millennium Challenge Corporation.
S-116, Capitol

2:15 p.m.

Commerce, Science, and Transportation
Aviation Operations, Safety, and Security Subcommittee

To hold hearings to examine international aviation screening standards.
SR-253

2:30 p.m.

Intelligence

To hold closed hearings to examine certain intelligence matters.
SH-219

DECEMBER 3

9 a.m.

Armed Services

To continue hearings to examine the report on the Department of Defense Working Group that conducted a comprehensive review of the issues associated with a repeal of section 654 of title 10, United States Code, "Policy Concerning Homosexuality in the Armed Forces".
SD-G50

9:30 a.m.

Joint Economic Committee

To hold hearings to examine the employment situation for November 2010.
SH-216

DECEMBER 7

2:30 p.m.

Homeland Security and Governmental Affairs

To hold hearings to examine catastrophic preparedness, focusing on FEMA.
SD-342

DECEMBER 8

10 a.m.

Homeland Security and Governmental Affairs

To hold hearings to examine border security, focusing on the challenge of protecting Federal lands.
SD-342

SENATE—Tuesday, November 30, 2010

The Senate met at 9 a.m. and was called to order by the Honorable AL FRANKEN, a Senator from the State of Minnesota.

PRAYER

The PRESIDING OFFICER. Today's opening prayer will be offered by Rev. Father Gregoire J. Fluet, pastor of Saint Bridget of Kildare Church, Moodus, CT.

The guest Chaplain offered the following prayer:

For our prayer this day, I paraphrase a prayer written in 1791 by the first American Catholic bishop, Archbishop John Carroll, making his words my own.

Let us pray.

We pray that You, O God of might, wisdom and justice, through whom authority is rightly administered, laws are enacted, and judgment decreed would assist, with your Holy Spirit of counsel and fortitude, the President of these United States; that his administration may be conducted in righteousness, and eminently useful to Your people over whom he presides; by encouraging due respect for virtue and religion; by a faithful execution of the laws of justice and mercy; and by restraining vice and immorality.

Let the light of Your divine wisdom direct the deliberations of Congress, and shine forth in all the proceedings and laws framed for our rule and government, so that they may tend to the preservation of peace, the promotion of national happiness, the increase of industry, sobriety, and useful knowledge; and may perpetuate to us the blessings of equal liberty.

We recommend likewise, to Your unbounded mercy, all our brethren and fellow citizens throughout the United States, that they may be blessed in Your most holy law; that they may be preserved in union, and in that peace which the world cannot give. Great God, make of us a virtuous people, and allow us to walk always in Your love.

We beseech You to send Your special blessings and graces upon these elected leaders.

In Your Name, we pray. Amen.

PLEDGE OF ALLEGIANCE

The Honorable AL FRANKEN led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUE).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, November 30, 2010.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable AL FRANKEN, a Senator from the State of Minnesota, to perform the duties of the Chair.

DANIEL K. INOUE,
President pro tempore.

Mr. FRANKEN thereupon assumed the chair as Acting President pro tempore.

The ACTING PRESIDENT pro tempore. The Senator from Connecticut.

WELCOMING THE GUEST CHAPLAIN

Mr. DODD. Mr. President, it was a great honor to have Father Gregoire Fluet, my parish priest in East Haddam, CT, provide the opening prayer this morning. I thank him immensely for his words. Reaching back to Archbishop Carroll was a wonderful way to begin the session.

Father Fluet is not only my parish priest, Mr. President. He is a dear friend and practically a member of my extended family. Father Fluet and I first met nearly 30 years ago when he was pastor of St. Joseph's Church in North Grosvenordale, CT. Since his appointment in 1998 as pastor of my home parish, Saint Bridget of Kildare in East Haddam, Father Fluet has been an important figure in my life, providing spiritual advice and counsel to me on a number of occasions. Father Fluet has also played an important role in the lives of my two daughters, Grace and Christina. He baptized both of them after they were born, and provided religious instruction and first communion to my older daughter, Grace.

In addition to being a great spiritual leader, Father Fluet has long dedicated himself to the study of our Nation's history and particularly to the history of New England. Ever the consummate scholar, Father Fluet was awarded a doctorate in American History by Clark University in 2002, taught Western Civilization and World History as an adjunct professor at Quinebaug Valley Community College in Danielson, CT, and even published a history of the Diocese of Norwich.

But beyond his love of history, Father Fluet has always, first and foremost, demonstrated an unshakeable commitment to his flock and the people of our community. He is a wonderful human being, and I am confident that Saint Bridget of Kildare will continue to be blessed for years to come by Father Fluet's dedicated spiritual leadership.

Once again, I would like to reiterate what a true honor it has been to listen to Father Fluet's words this morning. Thank you for taking the time to be here today, Father Fluet. But most of all, thank you for everything you have done over the years for the people of our community.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SENATOR CHRIS DODD

Mr. REID. Mr. President, the good priest has a wonderful person as one of his parishioners, someone we all look up to, someone we will miss dearly. For me, it is a personal loss. He is very proud of his religion. Obviously, the guest Chaplain is one reason.

Mr. MCCONNELL. Will the majority leader allow me to make an observation?

Mr. REID. Of course.

Mr. MCCONNELL. Mr. President, I had the opportunity to meet the father in the hall. I expressed to him my admiration for Senator DODD. In fact, I said he was my favorite Democrat. We are indeed going to miss Senator DODD in the Senate in the coming years. I thank him for being with us this morning.

SCHEDULE

Mr. REID. Mr. President, after any leader remarks, the Senate will resume consideration of the food safety bill. There will be 2 minutes for debate prior a series of three rollcall votes. We will have the Coburn motion to suspend rule XXII for the purpose of proposing and considering Coburn amendment No. 4697, a Coburn motion to suspend rule XXII for purposes of proposing and considering Coburn amendment No. 4694, and then passage of this most important bill, the food safety bill.

Upon disposition of the food safety legislation, there will be a period of morning business, with Senators permitted to speak for up to 10 minutes

each, and the Senate will recess from 12:30 to 4 p.m. to allow for party caucus meetings. They are a little longer today than normal because of organizational things we are working through.

At 4 p.m. today, Senator DODD will be recognized to give his farewell speech to us and the country.

MEASURE PLACED ON THE CALENDAR

Mr. REID. Mr. President, S. 3985 is at the desk and due for a second reading.

The ACTING PRESIDENT pro tempore. The clerk will read the title of the bill for the second time.

The assistant legislative clerk read as follows:

A bill (S. 3985) to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes.

Mr. REID. Mr. President, I object to any further proceedings with respect to this legislation.

The ACTING PRESIDENT pro tempore. Objection is heard.

The bill will be placed on the calendar.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The minority leader is recognized.

WHITE HOUSE SUMMIT

Mr. MCCONNELL. Mr. President, congressional leaders of both parties will meet with the President at the White House today to talk about the work we have to do before the end of the year and, hopefully, about the things we can do together to foster the right conditions for businesses to start investing again and creating jobs.

Americans are watching the economic drama that is playing out in Europe. They expect us to read the signs of the times and work together to make sure that we avoid a similar crisis here, that we don't walk right into the same problems through a lack of will or political courage.

The American people expect us to put the national interest ahead of party interest. And, frankly, that is why it has been so distressing for many of us to watch our Democrat friends grope for a clear and unified position on whether or not to raise taxes in the middle of a recession.

One would think that this issue would be simple and straightforward.

Economists say that preventing a tax increase is one of the most important things Congress can do to help the economy. And the voters ratified that view earlier this month by sending candidates from both parties to Washington who vowed not to raise taxes once they got here.

But our Democrat friends are apparently still reluctant to draw any clear lessons from the election. With millions of American households staring at the imminent prospect of smaller paychecks in just a few short weeks unless Congress does something, Democrats are still searching for a solution that enables them to benefit politically—regardless of what it does to the economy or to families.

Just take the latest proposal.

Some Democrats now say they only want to raise taxes on businesses that make more than \$1 million a year. Where did that number come from? Well, it turns out this figure has no economic justification whatsoever. Nowhere will we find a study or survey which indicates that raising taxes on small businesses with over \$1 million in income will create jobs or help spur the economy.

In fact, the author of this proposal freely admits it isn't an economic policy proposal at all, but rather one that was designed to provide better political messaging—an astonishing admission.

Let us get something straight. Millions of out-of-work Americans don't want a message. They want a job. Millions of struggling families trying to make ends meet don't need the Democrat messaging to improve; they need the economy to improve.

Selling bad economic policy to the American people is not an acceptable alternative to creating an environment that will put people back to work and help spur the economy.

We have heard a lot of chatter here in Washington lately about the negotiations that are expected to take place on this looming tax hike in the weeks ahead—on how to prevent it. How about we start with this: the beginning and end of any negotiation shouldn't be what is good for any political party. It should be what is good for the economy and for the American people. An if we leave the politics aside, if we look at the facts, the answer here is simple: no tax hikes on anybody—period.

So the question isn't what is best for the economy and jobs—the answer to that is obvious. The question is when will our friends on the other side get serious about either one.

It has been reported that the author of the \$1 million proposal ran it through a focus group to see how it polled. This is precisely the kind of thing Americans are telling us to put aside. The election was a month ago. It is time to move on. It is time to work together on the priorities Americans want us to address.

Republicans have heard the voters loud and clear. They want us to focus on preventing a tax hike on every taxpayer, on reining in Washington spending and on making it easier for employers to start hiring again. That is why Republican leaders are reiterating our offer to work with anyone, from either

party, who is ready to focus on priorities like these.

The day after the election, the President acknowledged that “the overwhelming message” of the voters “[was] that . . . we want you to focus completely on jobs and the economy.”

That is the same message Republicans will bring to the White House today.

And that is why there is no reason we shouldn't be able to reach an agreement on taxes soon.

It is unclear how long our friends across the aisle will continue to resist the message of the election and cling to the liberal wish list that got us a job-killing healthcare law, a “cap-and-trade” national energy tax, an out-of-control spending spree, million more jobs lost, trillions more in debt, but not a single appropriations bill to fund the government or a bill to prevent the coming tax hikes.

With just a few weeks left before the end of the year, they are still clinging to the wrong priorities—instead of preventing a tax hike, they want to focus on immigration and don't ask, don't tell—and, maybe, if there is time left, see what they can do about jobs and the economy.

Indeed, their entire legislative plan for the rest of the lame duck session appears to be to focus on anything except jobs, which is astonishing when we consider the election we have just had.

Republicans aren't looking for a fight. We are appealing to common sense and a shared sense of responsibility for the millions of Americans who are looking to us to work together not on the priorities of the left, but on their priorities. And those priorities are clear.

Together, we must focus on the things Americans want us to do—not on what government wants Americans to accept. There is still time to do the right thing. The voters want us to show that we heard them, and Republicans are ready to work with anyone who is willing to do just that.

I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

FDA FOOD SAFETY MODERNIZATION ACT

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of S. 510, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 510) to amend the Federal Food, Drug, and Cosmetic Act with respect to the safety of the food supply.

Pending:

Reid (for Harkin) amendment No. 4715, in the nature of a substitute.

Coburn motion to suspend rule XXII of the Standing Rules of the Senate, for the purposes of proposing and considering Coburn amendment No. 4696.

Coburn motion to suspend rule XXII of the Standing Rules of the Senate, for the purposes of proposing and considering Coburn amendment No. 4697.

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be 2 minutes of debate equally divided and controlled between the Senator from Oklahoma, Mr. COBURN, and the Senator from Hawaii, Mr. INOUE.

The Senator from Illinois.

Mr. DURBIN. Mr. President, in the absence of Senator INOUE, I ask unanimous consent to speak on his behalf for the 1 minute allocated.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

MOTIONS TO SUSPEND

Mr. DURBIN. Mr. President, I am going to vote today against the Coburn effort to change our rules relative to earmark legislation.

I wish to tell you, as a member of the Senate Appropriations Committee, we have put in place what I consider to be the most dramatic reform of this appropriations process since I have served in Congress. There is full disclosure, in my office, of every single request for an appropriation. We then ask those who have made the request for the appropriation to have a full disclaimer of their involvement in the appropriation so it is there for the public record.

This kind of transparency is virtually unprecedented, and I think it is an effort to overcome some of the embarrassing episodes which occurred primarily in the House of Representatives under the other party's leadership, where people literally went to jail because of abuse of the earmark process.

I believe I have an important responsibility to the State of Illinois and the people I represent to direct Federal dollars into projects critically important for our State and its future. What the Senator from Oklahoma is setting out to do is to eliminate that option.

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

Mr. DURBIN. I hope my colleagues will join me in opposing the Coburn motion.

Mr. LEVIN. Mr. President, Senator COBURN has proposed an amendment to the badly needed food safety legislation now before the Senate that seeks to end congressionally directed spending, or earmarks. Senator COBURN described his amendment as an attempt to get spending under control, but it fails the test of accomplishing that goal and fails to meet Congress's constitutional obligation to exercise the power of the purse.

Article I, section 9 of the Constitution of the United States places the power of Federal spending in the Congress, the branch of government most

directly connected to the people. The power of the purse is great, and therefore accountability for the exercise of that power should be great as well.

Our greater responsiveness in Congress to immediate public needs is essential. If the Coburn amendment passes, we would be barred from bringing that judgment to bear on some of the most pressing issues of the day. Instead, the executive branch—which is, in practice, the most bureaucratic and least responsive branch—would control these decisions. For example, under Senator COBURN's proposal, only the executive branch would have the power to initiate funding for disaster relief. Measures to appropriate funds in response to disasters would be prohibited because they would dedicate funding to specific locations. So, had this measure been in place when Hurricane Katrina struck the Gulf Coast, Congress would have been powerless to react. Similarly, had this restriction been in place when a Mississippi River bridge collapsed in Minnesota in 2007, Congress could not have appropriated the \$195 million it set aside for repair and reconstruction.

This measure also would prevent Members from addressing the urgent needs of our communities. I and other Members from Great Lakes States have urged the Army Corps of Engineers and other agencies to address the growing threat that Asian carp will make their way from the Mississippi River watershed into the Great Lakes. These invasive species of fish would devastate the lakes, doing enormous harm to our States' economies. So long as the Army Corps continues to underfund this important work, only the action of Congress can prevent an economic disaster.

I would argue that each of these expenditures is important and necessary. But the wisdom or folly of these decisions lies in the merits of the projects themselves, not in the manner by which they were funded. Allowing the Congress to make these decisions allows the voters to judge them on their own merits, to reward their representatives when they make wise choices, and to render judgment in the voting booth when they do not.

Senator COBURN is rightly concerned about the long-term fiscal condition of the government. But it has been repeatedly pointed out, despite the fiction surrounding this issue, that this amendment would do nothing to improve our fiscal situation. Year after year, Congress works within the top line of budgets submitted by the President, readjusting priorities without increasing total spending. For this reason, the Coburn amendment would not reduce spending levels; it would simply shift greater authority for deciding how money is spent from the legislative branch to the executive.

There are two ways to close our fiscal gap. We can reduce spending or we

can increase revenue. Banning congressionally directed spending does neither. It would create the impression that we have taken a step toward fiscal responsibility, without making any of the difficult choices that reducing the deficit will require. I applaud Senator COBURN's desire to address our debt. But this measure fails to do so and in the process abdicates our constitutional responsibilities. So I will oppose this amendment and urge our colleagues to do the same.

Mrs. FEINSTEIN. Mr. President, I rise today in opposition to the Coburn-McCaskill amendment, which would impose a 3-year moratorium on earmarks.

This amendment is a direct attack on the authority vested in the Congress to determine how Federal funds are spent, despite the fact that this power is clearly established in Article I of the U.S. Constitution.

I, for one, take great exception to this attack. It would set a dangerous precedent, in my view, to simply turn over a blank check to the executive branch and undermine the power that the Constitution grants Congress. What if an administration is not focused on the needs of a particular State, perhaps because that State didn't vote for that President?

For years I have fought for funding of flood control in Sacramento. Sacramento is one of the most endangered cities in the country when it comes to catastrophic risk of flooding. Neither Democratic nor Republican administrations have requested sufficient funding for the flood control improvements that will protect lives and property in that community.

As the Senator elected to represent the people behind those levees, shouldn't I be able to fight for the funding, whether or not the President agrees? I was elected by the people of California to represent the needs of California. And the people of Sacramento certainly believe they need flood control. This is my duty as a Senator. Isn't that why we have a Congress?

As a coequal branch of government, we shouldn't be forced to approach the administration with our hat in hand every time we believe something needs to be done.

Another flaw in this amendment is the well-trod idea that it will save this country money. Simply put, that is incorrect.

Discretionary spending is a popular target to attack. But the truth is that earmarks make up less than one-half of a percentage point of all Federal spending.

Earmarks are not the problem, so banning earmarks is not the solution.

The real problem is entitlement spending. But tackling entitlement reform is neither easy nor popular. So, instead, we attack earmarks. It sounds

good, and it gets applause. But we all know that it doesn't solve the problem.

This amendment won't save this country one penny. It will merely shift the power of the purse from Congress to the White House and executive agencies.

If you want to reduce discretionary spending, it must be done through the budget process.

I am also concerned about the process the Coburn-McCaskill amendment sets forth for waiving this new rule.

Rather than putting into effect a traditional budgetary point of order, which requires a three-fifths vote to waive, this amendment calls for a two-thirds vote.

This means that if this amendment is approved, funding a public works project would require the same number of votes as constitutional amendments, impeachments, treaties, or the expulsion of Senators.

Why should the question of an earmark rise above the three-fifths requirement to invoke cloture on the very bill containing the earmark?

Finally, this amendment disregards the significant reforms that have already taken place to make the process transparent.

Since Democrats regained control of the Senate, the following reforms have been enacted: Members must publicly certify that they have no private interest in earmarks they request. Members must post their earmark requests on the internet. Every bill with earmarks includes a table listing the Senators who made the requests. This is the most transparent earmark process ever, and I believe the reforms have worked.

The earmark process has been abused in the past, but I firmly believe that eliminating the discretion of Congress to appropriate taxpayer dollars is folly. A knee-jerk reaction that tips the balance of power toward the executive branch is not the solution.

Let me say this: I am open to further reform if it will make the process even more transparent.

The House of Representatives already bans earmarks to most private firms, and I would support doing so in the Senate.

I believe the best use of earmarks is to provide funding for projects that are essential to the public good, such as water infrastructure improvements in a city such as East Palo Alto that cannot provide clean water to its residents without a funding share from the Federal Government, or interoperable communications equipment in Contra Costa and Alameda Counties, which can be used when an earthquake or other catastrophe strikes.

I believe this amendment is wrong for the Senate, it is wrong for our States, and it is wrong for the people we come here to serve.

Handing over a fundamental responsibility to the executive branch, at a

savings of zero dollars to the taxpayer, is not the solution. Continued reform of a process that is important to so many of our communities is the better alternative.

Mr. DORGAN. Mr. President, I rise today to speak against the Coburn amendment that would impose a 3-year moratorium on Congress' constitutional responsibility to direct the spending of the Federal Government.

The amendment in question compounds a problem that doesn't exist, a solution that resolves nothing, and an argument that is factually baseless.

This amendment will not lead to deficit reduction. In fiscal year 2010, congressionally directed initiatives make up less than one-half of 1 percent of total Federal spending.

With total spending at \$3.5 trillion it is irresponsible to tell the American people that congressionally directed spending of one-half of 1 percent of this total amount is the cause of our country's deficit problem.

Mathematically it is incorrect and mechanically it is incorrect. Doing away with congressionally directed initiatives does not guarantee deficit reduction—it guarantees members of the administration will make all the funding decisions.

Inherent in the arguments of the amendment's supporters is the contention that projects and activities selected by the administration are superior. The argument seems to rely on the notion that there is some objective formula used by the administration to select the best and most worthy projects to fund. This is false.

The fact is even in programs where some formula may be used, such as a cost-benefit ratio formula, the formula is not necessarily perfect and can often fail to capture all the facts.

A small port dredging project may not look worthwhile when just the commercial traffic is calculated. However, when the sport fishery impact is included it makes the calculation different. Further, if the fish processing plant reliant on the commercial fishery is the largest employer in the county that makes a difference.

While the formula may not capture these facts and thus the project fails to make the President's budget request, the areas congressional members and senators will know the facts and seek to modify the budget.

There was a recent news article using a Missouri project as an illustration of this debate. The project was not requested in the budget and the senior Senator from Missouri rectified this fact by adding an earmark.

The junior Senator from Missouri is quoted in this article saying the project would have been funded without such an earmark if funding had not been diverted to less worthwhile earmarks. I am sorry, but there is no basis for the junior Senator's claim.

We have no idea what the administration will send up in the budget. A very worthwhile project may come forward and it may not. And the reverse may be true. The administration may send up a project that is not currently justified.

During the George W. Bush administration the budget request one year included construction funding for a Corps of Engineers project. The problem was the chief engineer's report was not completed yet because the studies were still on-going. Thus there was no way for the administration to know based upon any objective criteria whether the project should move into the construction phase.

While the project may have proved to be worthy there was no objective basis for the administration making that assessment at that time. The fact is the administration added the project out of some political calculation, not an objective calculation.

Let me provide some facts on earmarks using the civil side of the Corps of Engineers and the Bureau of Reclamation which have two of the most highly earmarked budgets of any Federal agency due to the way projects are authorized and appropriated.

For fiscal year 2010, the President proposed spending \$6.2 billion for these two agencies. In his request the President proposed 1,184 individual line items valued at \$4.8 billion based on criteria of his choosing. This criteria is not based in law nor was the criteria coordinated with anyone outside of the administration.

The criteria was developed to "get the biggest bang for the buck" but how do we know that? Just because that is what the administration says.

Upon my review of the budget request, I was convinced that the administration had left many priorities unfunded. That is why in preparing the fiscal year 2010 Energy and Water appropriations bill, the subcommittee of which I am the chair, we used the criteria established in law to determine what projects were eligible for funding.

Further, we gave particular credence to funding ongoing work. It is not prudent to fund a construction project in one year and not fund it in the next. Yet the administration did not propose funding for more than 175 ongoing construction projects that were funded in fiscal year 2009.

These termination costs were not accounted for in the budgets that the agencies provided to Congress. The Corps or the Bureau of Reclamation cannot walk away from a construction site because they are not funded for that project. They would have to reprogram funds from other projects to make the site safe for the public until it was funded again.

Funding projects in this manner delays completion of the projects, increases the costs and defers the benefits that these projects provide to the national economy.

For fiscal year 2010, Congress provided \$6.58 billion for the COE and the Bureau of Reclamation. Congress directed \$817 million of this total funding. All of this directed funding was disclosed in the required disclosure tables in the report that accompanied the bill.

Let me list just a few projects that would not be funded in fiscal year 2011 if we enacted the President's budget request as proposed:

Blue River Basin flood control project in Missouri; Swope Park Industrial Area flood control project in Kansas City, MO; the Puget Sound and Adjacent Waters Environmental Restoration project in Washington; the Charleston Harbor, SC, navigation deepening study; the Virginia Beach, VA, hurricane protection project; and the Western Sarpy and Clear Creek, NE, flood control project.

For that last project in Nebraska, the funds proposed in the fiscal year 2011 Senate report would complete the project, yet it did not make it into the President's budget. Imagine these objective criteria that the administration uses would leave the completion of a fully authorized and economically justified construction budget for another year.

I must also mention the issue of transparency. Today all Member requests are available on line for public review. All Members must certify that they and their family have no pecuniary interest in these projects.

If there are legitimate proposals on further improving transparency then I am sure they will be given consideration, but as of today the public knows who is backing the projects we fund. There is accountability and there is sunlight.

I fear that if Congress cedes its authority to direct spending then we will go back to a time when Members, staff, and entities outside of the Federal Government will begin to pressure the administration and bureaucracy on getting specific projects funded.

There will be no disclosure of these phone calls and meetings. We will not know if any trades have been made in exchange for project support.

Why would we give up sunlight and accountability for darkness and unaccountability?

Let me close by reiterating the basic points.

First, this amendment will not reduce the deficit. At less than one-half of 1 percent of total spending congressionally directed spending is simply not going to make a difference, particularly when that funding will be left for the administration to direct its allocation.

Second, there is no objective formula that makes sure funding goes to the most worthwhile projects. It simply doesn't exist. The Constitution gives Congress the power of the purse. This ensures the President's power is checked and assures Federal elected officials closest to the people are making these decisions. It is absurd to give to an unelected bureaucracy that may never have been in your state the final decision on what projects to fund.

Third in project based accounts such as the Corps of Engineers the administration already earmarks the vast majority of projects funded. Congress is not abusing the power of the purse.

Lastly, we have greater transparency today on congressionally directed spending than ever before. If we do away with this transparent process we will be left with a dark, unknown process of congressional Members, constituent groups, and lobbyists seeking to influence the administration. We should not trade transparency for darkness.

Mrs. BOXER. Mr. President, I oppose the Coburn amendment to impose a 3-year moratorium on spending for local priorities, or "earmarks." Those who support this amendment claim that it will help reduce the deficit and put us on the path to fiscal responsibility. This is just incorrect.

Eliminating earmarks would not reduce spending and does nothing to decrease the deficit. This amendment would merely transfer spending authority away from elected members of Congress to the executive branch.

The Coburn amendment would strip elected leaders' ability to direct funding to their constituents' priorities. We should all agree that elected Members of Congress have a much better understanding of what is needed in our cities and towns, and across our States than those sitting in Washington, DC.

In addition, since 2006, Democrats have instituted a series of major reforms that have made earmarks more transparent than ever, and have reduced earmark levels by 50 percent. Members of Congress are now required to list their names next to requested projects and to post all requests on their official Web site. Through these initiatives Congress has taken significant steps to improve transparency and allow for greater scrutiny of these requests.

I am proud to say that I have helped fund hundreds of local priorities across my home State of California: priorities that have helped build safer roads, increased commerce, prevented homes from flooding, improved health care services, spurred job creation and helped veterans recover from combat injuries.

I oppose the motion to suspend the rules and allow for consideration of the Coburn amendment.

Mr. LEAHY. Mr. President, I rise today to express my opposition to the

Coburn amendment. The legislative branch has a constitutional duty to make modifications and adjustments to the budget for the Federal Government. As a U.S. Senator and a member of the Appropriations Committee, I take very seriously the responsibility of the Senate to help craft the annual Federal budget. Members of Congress have a duty to their constituents to preserve their role in working with the executive branch, whether Democratic or Republican, about how, where, and in what manner Federal dollars are spent.

The U.S. Constitution gives the responsibility of spending and taxation to the Congress, not to unelected bureaucrats in the executive branch. The notion that individuals who are completely unaccountable to the American people will make spending decisions undermines the most basic principle of democracy. Instead, the Founding Fathers correctly put this burden on the shoulders of individuals who have to answer to voters at the ballot box.

Over the last few months, and particularly in the days since the election, some Members of Congress and Members-elect have been tripping over themselves to take a stronger position in opposition to so-called earmarks. Proponents of this amendment claim that it targets earmarks. I would argue otherwise. This amendment strikes at the heart of the balance that our Founding Fathers established between the executive and legislative branches of our government.

Every single State would be short-changed by the proposed moratorium on earmarks. The Founders knew better. They knew that a Washington bureaucracy would not always make decisions that were best for country, including people working and living in small towns and big cities across America.

That also includes making better decisions for the men and women who serve in our military. There is no better example than the National Guard and Reserve Equipment Account. Republican and Democratic administrations alike have short-changed the Guard equipment budget for decades and have done so even as the Guard has been called to provide as much as half of the troops needed for operations in Iraq and Afghanistan. Without the National Guard and Reserve equipment account, our National Guard units would still be going into battle without equipment like body armor and blast-protected vehicles. Congress insisted on providing funding to our National Guard and that has saved countless lives and enabled them to carry out their missions more effectively.

Adopting this amendment is a vote for less transparency. It is a vote for backroom dealing and less sunlight on how decisions regarding Federal spending are made. One need only look back

to when Congress has in the past failed to pass the appropriations bills and the government operated under a continuing resolution for the year. Federal spending did not go down by a single dime. Instead, unelected administration appointees made decisions on which projects they wanted to see funded.

It is my hope that before the next Congress a measure of sanity returns to discussion of the Federal budget. Everyone agrees that we must make serious changes to our Federal balance sheet and bring our fiscal house in order. But it was not earmarks that created our alarming Federal debt. Eliminating earmarks is not going to get our fiscal house in order. Instead it is going to expand the power of the executive branch and its employees. It also rolls back all of the transparency that Congress has embedded into its budget process.

Congress and the administration need to work together to address our Federal deficit. Adopting this amendment banning earmarks is a publicity stunt that has serious ramifications that actually moves our country in the wrong direction toward solving our problems in an open and constructive way.

Ms. KLOBUCHAR. Mr. President, I rise today to discuss the amendment offered by the senator from Oklahoma that would prohibit congressionally designated spending items from being included in any authorization, appropriations, or other bill for 3 years.

I firmly believe the appropriations process needs to be changed. I have supported strong reforms to increase transparency and accountability, and have pushed hard for these necessary reforms while ensuring that my State of Minnesota is not put at a competitive disadvantage.

In fact, before being sworn in as a U.S. Senator, I promised Minnesotans that I would fight to fund their priorities in an open manner and pledged to include these requests on my official Web site. At that point in time, the posting of requests online was not a role of U.S. Senate.

Since arriving in the Senate, I have supported several important reforms to how Congress directs spending. I have voted for limitations on earmarks, including voting to ensure that American Recovery and Reinvestment Act funds would be competitively bid. I also voted to rescind funds directed to certain transportation projects that have not been spent.

Clearly, there is more we can do to improve this process and I will continue to push for necessary reforms.

However, I believe that congressional appropriations help provide much-needed resources for important programs and projects across my State. All of the projects I sponsor are based on Minnesota constituent requests and are available for the public to review.

Many of the requests I receive come from my visits to all 87 counties in Minnesota every year. A local mayor will show me a busy road that children in the community must cross many times a day to reach their school and baseball fields. And the mayor will ask me to request funds to help build an underpass that will allow these kids to safely get to school and their games.

Or a sheriff will show me how the local law enforcement's outdated communications equipment interferes with emergency response and endangers lives. And the sheriff will ask me to earmark funds to upgrade the department's radios.

In my State of Minnesota, we remember all too well how on August 1, 2007, the I-35W bridge across the Mississippi River in Minneapolis collapsed without warning. After we mourned the loss of 13 lives and the shock of the disaster had subsided, we got to work with enormous task of constructing a new bridge.

I worked hard with my colleagues in the Senate, especially Majority Whip DICK DURBIN, Transportation Appropriations Chairman PATTY MURRAY and Senator Norm Coleman, to provide up to \$195 million in funds to help with the cost of constructing a new bridge. Under Senator COBURN's amendment, this funding would be considered an earmark, and Minnesota would have been left looking for other ways to recover from this tragic event.

Earmarks have done more than build bridges in Minnesota. Earmarks have provided critical funding to the Minnesota National Guard's groundbreaking "Beyond the Yellow Ribbon Program," which is nationally recognized for the assistance it provides our service men and women who bravely served our nation and are now transitioning to civilian life.

Congressionally directed projects protect communities against annual flooding across my State from Roseau in the north to Moorhead in the west to Owatonna in the south. And congressionally initiated spending funds an innovative program in Stearns County, Minnesota to help protect women and children who have been the victims of domestic violence, provides much-needed resources to improve law enforcement communication and interoperability, and is building a new highway interchange in Blue Earth County, MN, that will improve safety and ease congestion while helping generate economic development.

Congressionally initiated spending cannot be discussed without also considering the grave financial situation we face as a nation. It is clear that we will need to make very tough decisions in the coming years to restore fiscal responsibility and get our nation on a path towards strong growth. Yet the Coburn amendment would not direct any savings from the elimination of

earmarks to be used for deficit reduction.

We need a serious commitment to deficit reduction, and I believe we need real reforms. I look forward to the report by the President's National Commission on Fiscal Responsibility and Reform and others who are taking a comprehensive look at government spending. It is my hope that we can come together to consider these recommendations carefully and reduce our nation's debt.

I am committed to serious fiscal discipline, and will continue to support real reforms to increase transparency to the appropriations process.

Mr. VOINOVICH. Mr. President, I rise today to express my opposition to the moratorium on earmarks that has been proposed by many of my colleagues.

We have done a lot of crusading around here against these so-called earmarks, or congressionally directed spending items, in our appropriations bills. They are often criticized by Members of Congress when discussing the unsustainable fiscal path of the Federal Government or its irresponsible overspending of taxpayers' dollars.

But my colleagues who oppose the use of earmarks miss the point. Earmarks, whether good or bad, are not the problem with our government. According to data from the Congressional Research Service and the Congressional Budget Office, in fiscal year 2010 earmarks accounted for 0.009 percent of the Federal budget. That is nine one-thousandths of 1 percent. Total earmarks amounted to \$32 billion, while the entire Federal budget was over \$3.5 trillion. And by the way, I would like to point out that the President-himself requested \$22 billion in earmarks.

But the biggest threat we face as a nation is not a special request for this or that project. The biggest threat we face is an unsustainable fiscal course caused by explosive and unchecked growth in entitlement spending and no money to pay for it. We have got an outdated tax code that does not sufficiently encourage economic growth, and a skyrocketing national debt that puts our credit-rating in serious jeopardy. In fiscal year 2010, entitlement spending accounted for 55 percent of the budget, compared with the 0.009 percent for earmarks I just referred to.

Now, I will say that I do agree with much of the criticism expressed in this chamber over bad earmarks. I don't support wasteful use of any taxpayer money, especially for egregiously useless projects that my colleagues often highlight as examples of why we should eliminate earmarks altogether.

But why throw out the baby with the bathwater? Certainly there is both good and bad government spending. I support the kind of government spending that facilitates activity that is helpful to my State of Ohio and to our

national economy: transportation and infrastructure, for example. And I am perfectly willing to defend that kind of spending and let the public decide whether my decision to help build roads and bridges in Ohio is an outrageous—or a proper—function of Federal Government. The Senate appropriations earmark process is transparent, and I welcome the public review of the projects I support, which I find constructive especially for hard-working, economically challenged families in Ohio.

The truth is Congress has a constitutional obligation to determine how the Nation spends its money. Banning earmarks cedes this power to unelected Federal bureaucrats in the administration. Congress should not be criticized for spending money, but only for spending it wastefully or irresponsibly, be it through earmarks or other spending. But the media loves to single out earmarks; they are hoodwinking people into thinking that by cracking down on earmarks, Congress is doing something responsible to solve this looming fiscal crisis staring us in the face. It's a disingenuous approach. And Congress is fooling the public by pretending that earmarks are the problem, when the real issues are spending and tax and entitlement reform.

It is interesting to note that many of my colleagues who are so strongly opposed to earmarks voted against the Conrad-Gregg fiscal commission that could very well have forced Congress to act upon tax and entitlement reform recommendations. How could one be so outspoken against earmarks in the name of fiscal responsibility and then oppose the commission that would propose reforms to the tax code and entitlements in order to put the country on a fiscally sustainable path?

So if my colleagues want to demonstrate true fiscal responsibility, if they admit that earmarks they have supported in the past are good use of tax dollars, and if they admit that banning earmarks would cede this control of spending from Congress to the administration, then why take such a blunt approach? Why don't we take more thoughtful and nuanced steps outlined by Senator INHOFE, who suggested we reform the already transparent earmark process and offered specific ideas on how to do it? Some of my colleagues practically admit that banning earmarks is not a very good idea per se, but that eliminating them is only politically expedient, as the public has come to see earmarks as a symbol of Washington's irresponsibility.

I don't want the public to be fooled by this. I don't support every earmark. There will always be examples of some wasteful projects somewhere. But earmarks are not the problem that gravely threatens our country's way of life, and the future of our children and

grandchildren. This is why for over 5 years I have worked to create a commission to solve our Nation's real fiscal problems, and why I hope that the commission created by the President can produce a final legislative proposal that will effectively address our unchecked entitlement growth, our outdated and overly complex Tax Code, and return our Nation to a sustainable fiscal path.

The ACTING PRESIDENT pro tempore. Under the previous order, the question is on agreeing to the Coburn motion to suspend the rules with respect to amendment No. 4697.

Mr. GRASSLEY. I ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays are ordered.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from California (Mrs. BOXER), the Senator from Maryland (Ms. MIKULSKI), and the Senator from New Hampshire (Mrs. SHAHEEN) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Missouri (Mr. BOND) and the Senator from Kansas (Mr. BROWNBACK).

The PRESIDING OFFICER (Mr. BENNET). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 39, nays 56, as follows:

[Rollcall Vote No. 255 Leg.]

YEAS—39

Alexander	Ensign	McCain
Barrasso	Enzi	McCaskill
Bayh	Feingold	McConnell
Bennet	Graham	Nelson (FL)
Brown (MA)	Grassley	Risch
Bunning	Gregg	Roberts
Burr	Hatch	Sessions
Chambliss	Hutchison	Snowe
Coburn	Isakson	Thune
Corker	Johanns	Udall (CO)
Cornyn	Kirk	Vitter
Crapo	Kyl	Warner
DeMint	LeMieux	Wicker

NAYS—56

Akaka	Gillibrand	Murkowski
Baucus	Hagan	Murray
Begich	Harkin	Nelson (NE)
Bennett	Inhofe	Pryor
Bingaman	Inouye	Reed
Brown (OH)	Johnson	Reid
Cantwell	Kerry	Rockefeller
Cardin	Klobuchar	Sanders
Carper	Kohl	Schumer
Casey	Landrieu	Shelby
Cochran	Lautenberg	Specter
Collins	Leahy	Stabenow
Conrad	Levin	Tester
Coons	Lieberman	Udall (NM)
Dodd	Lincoln	Voinovich
Dorgan	Lugar	Webb
Durbin	Manchin	Whitehouse
Feinstein	Menendez	Wyden
Franken	Merkley	

NOT VOTING—5

Bond	Brownback	Shaheen
Boxer	Mikulski	

The PRESIDING OFFICER. On this vote, the yeas are 39, the nays are 56.

Two-thirds of the Senators voting not having voted in the affirmative, the motion is rejected.

Under the previous order, the question is on the Coburn motion to suspend the rules with respect to amendment No. 4696. There will be 2 minutes of debate equally divided prior to the vote.

Who yields time? The Senator from Iowa.

Mr. HARKIN. Mr. President, we are rapidly approaching the final vote on the Food Safety Modernization Act. For the first time in seven decades, the Congress has addressed this issue. It has taken several years to get to this point. We have had involvement from Republicans and Democrats, from the business community, and from the consumers groups. It is widely supported by both the business sector and the consumer groups. We have had good bipartisan support on this bill with Senator ENZI and others on our committee. This is the product of a long effort to reach the compromise we needed to get good legislation through.

The vote we are about to have now is on a substitute offered by my friend, the Senator from Oklahoma. This substitute would basically kill all of this work we have done. It eliminates a lot of the provisions we have in this bill, such as the preventive control provisions that I think is one of the most important parts of this bill, to get preventive measures in and to prevent the contamination of food in the first place.

It also eliminates the important trace-back provisions that we have in this bill that we have worked on on a bipartisan basis. It would eliminate the important foreign supplier verification provisions which say they have to verify that the food coming into this country is the same as this.

I ask Senators to reject the substitute.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. COBURN. Mr. President, Senator HARKIN and many on the HELP Committee have worked hard on the bill that is before us. But it has fatal flaws, especially at a time when there is a \$14 trillion debt and a \$1.3 trillion deficit, and it doesn't fix the real problem. We can spend \$1.4 billion in this bill. We can cause food prices to go up at least \$300 million to \$400 million. We can put unfunded mandates on the States for \$141 billion a year. That is what we will do if we reject this alternative. This accomplishes the same thing, given that we have the safest food in the world. We will continue to have the safest food in the world, we will move forward, but we won't do it by creating layers upon layers of additional costs and regulations. The problem with food safety is that the agencies don't do what they are supposed to be doing now. They need less regulation, not more.

I yield the floor.

Mr. ALEXANDER. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The question is on agreeing to the motion. The clerk will call the roll.

The legislative clerk called the roll.

Mr. KYL. The following Senators are necessarily absent: the Senator from Missouri (Mr. BOND) and the Senator from Kansas (Mr. BROWNBACK).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 36, nays 62, as follows:

[Rollcall Vote No. 256 Leg.]

YEAS—36

Alexander	Crapo	Kyl
Barrasso	DeMint	LeMieux
Bennett	Ensign	McCain
Brown (MA)	Enzi	McConnell
Bunning	Graham	Murkowski
Burr	Grassley	Risch
Chambliss	Gregg	Roberts
Coburn	Hatch	Sessions
Cochran	Hutchison	Shelby
Collins	Inhofe	Snowe
Corker	Isakson	Thune
Cornyn	Johanns	Wicker

NAYS—62

Akaka	Hagan	Nelson (NE)
Baucus	Harkin	Nelson (FL)
Bayh	Inouye	Pryor
Begich	Johnson	Reed
Bennet	Kerry	Reid
Bingaman	Kirk	Rockefeller
Boxer	Klobuchar	Sanders
Brown (OH)	Kohl	Schumer
Cantwell	Landrieu	Shaheen
Cardin	Lautenberg	Specter
Carper	Leahy	Stabenow
Casey	Levin	Tester
Conrad	Lieberman	Udall (CO)
Coons	Lincoln	Udall (NM)
Dodd	Lugar	Vitter
Dorgan	Manchin	Voinovich
Durbin	McCaskill	Warner
Feingold	Menendez	Webb
Feinstein	Merkley	Whitehouse
Franken	Mikulski	Wyden
Gillibrand	Murray	

NOT VOTING—2

Bond Brownback

The PRESIDING OFFICER. On this vote, the yeas are 36, the nays are 62. Two-thirds of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

Mrs. BOXER. Mr. President, I move to reconsider the vote by which the motion was rejected and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

VOTE EXPLANATION

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I was unavoidably delayed on vote No. 255, the Coburn motion to suspend the rules as to the Coburn amendment on earmarks. I would have voted a very strong no because I believe that authority should remain with the elected representatives and not go to bureaucrats.

SAVINGS CLAUSES

Mr. DURBIN. Will the distinguished floor manager for this bill yield in order to enter into a colloquy to clarify the meaning of certain provisions in the legislation?

Mr. HARKIN. I am pleased to yield to the distinguished majority whip and lead sponsor of this legislation.

Mr. DURBIN. Mr. President, I wanted to clarify an important part of this bill. While this bill does grant FDA many new authorities, the savings clauses in this bill—in particular, sections 403(3), 418(1)(3)(B), and 41900(3)(B)—preserve all of FDA's existing authority under both the Federal Food, Drug, and Cosmetic Act and the Public Health Service Act, am I correct?

Mr. HARKIN. That is correct.

Mr. DURBIN. So while the bill does provide for certain exemptions from FDA authority for small farms and food processing facilities, these exemptions are based only on the specific provisions added by S. 510; they do not prevent FDA from taking appropriate actions against specific farms or facilities—or from issuing regulations in the future that might affect those exempted farms and facilities—based on existing authorities that are currently in effect and will continue to be in effect after enactment of S. 510. Am I understanding this correctly?

Mr. HARKIN. My colleague is correct. The exemptions for small farms and facilities in S. 510 do not in any way circumscribe FDA's existing authority under current laws. As my distinguished colleague has just stated, this existing authority is expressly preserved in the savings clauses in the bill. Over the past 15 years, FDA has relied on a number of provisions in existing law in establishing preventive control, or "HACCP," and other preventive requirements for seafood, eggs, and juice. These authorities include section 402(a)(4) of the Federal Food Drug and Cosmetic Act, which gives FDA the authority to take action against "adulterated food" when that food has been subjected to "insanitary conditions." In adopting these regulations, FDA has also relied on section 701(a) of the food and drug law, which gives it broad authority to issue regulations "for the efficient enforcement" of that law, as well as its authority to "prevent the introduction, transmission, or spread of communicable diseases" under section 361 of the Public Health Service Act.

Mr. DURBIN. I thank my distinguished colleague for clarifying this important matter.

Mr. LEVIN. Mr. President, each year, 76 million Americans are sickened by foodborne illness. More than 300,000 become so sick they must be hospitalized. More than 5,000 die of their illness. These statistics are deeply worrisome. And behind each number is a family

dealing with tragic loss or expensive hospital bills or concern for a sick child.

The situation cries for action, which is why I support passage of the legislation we are now considering, the FDA Food Safety Modernization Act. This legislation seeks to address major deficiencies in the system that protects Americans from foodborne illnesses. It includes provisions recommended by Republicans and Democrats, by government experts and outside groups. It should have strong bipartisan support.

The bill would give FDA authority to initiate food recalls even when producers of unsafe foods refuse to do so voluntarily. It would strengthen FDA's ability to trace harmful products to their source. It would crack down on the unsafe food imports that have been the source of many health-risk incidents. It would increase FDA's authority to inspect food-producing facilities to prevent illnesses. And it would require greater diligence on the part of those producers to prevent foodborne illnesses and other health threats.

Passing this legislation will make our food safer and protect Americans from harm. I will vote to approve it, and I hope for a strong bipartisan vote in favor of this bill.

Mr. WHITEHOUSE. Mr. President, I rise today in support of the FDA Food Safety Modernization Act. I commend Senator DURBIN, Senator HARKIN, and the many other Senators who have worked so hard for so long on this important legislation. It is long past time that we make improvements to our food safety procedures in the United States, and we can see by the diversity of interests that have come together to support this bill from industry to farm to consumer groups that the time to address this issue is now.

Like so many Rhode Islanders, I have been appalled by the stories of deaths and serious illnesses from seemingly benign foods such as peanut butter and spinach. These are foods we bring into our homes, expecting them to nourish our families. We shouldn't have to worry that they might make our children sick. American families need to know that their government is protecting the food supply.

This bill goes a long way toward improving the Food and Drug Administration's food inspection and recall system. First, the bill improves our ability to prevent food safety emergencies through better record keeping, hazard analysis, controls, and food safety plans. These standards are also applied to imported foods, which is increasingly important in our global economy. Second, FDA's ability to react to foodborne illness outbreaks is significantly enhanced by increasing inspection and surveillance, making food more traceable in order to more quickly pinpoint the source of an outbreak. Furthermore, the bill grants the FDA

the authority to order a mandatory recall of food if a company refuses to participate in a voluntary recall. Finally, this bill enhances FDA's capability to protect the American food supply from terrorist threats and from intentional contamination through building cooperation with the Department of Homeland Security at our ports.

I am very pleased that all of this is accomplished while protecting small farmers and producers. Rhode Island is very proud of its small farms, local produce, and the wonderful farmers markets that can be found throughout the State. Our farmers are proud to feed families in Rhode Island and the surrounding States, and I know they do everything possible to ensure the food they sell is safe. I thank Senator TESTER for his work on a compromise to protect farmers like those in Rhode Island, and throughout Nation, who believe in the value of locally grown food.

It has been disappointing that the process to bring this bill about has taken so long. The bill's sponsors have been trying to bring it to the floor of the Senate for a vote for months, during which time the outbreak of salmonella in eggs made the need to improve our food inspection system even more clear. This is not a perfect bill, but it is a necessary one. Once it is passed, we must continue to build upon it. The matter of our families' safety is not a partisan issue; ensuring food safety is a fundamental function of our Federal Government.

Mr. CASEY. Mr. President, the next time we sit down to eat dinner with our families, are we sure that the food on our tables is safe to eat? I understand that many Americans are concerned about food safety issues. We all want food for our families that is nutritious and free from foodborne pathogens and contaminants. Ensuring that our food supply, both domestic and foreign food products, is safe is a high priority for me. I am focused on food safety not only as a lawmaker but also as a consumer and a father.

Americans have every right to expect a safe food supply. We need solutions to give Americans peace of mind that the foods they eat and give to their families are safe to consume. There are 76 million cases of foodborne illness in this country every year. These illnesses send an estimated 300,000 Americans to the hospital each year and they kill an estimated 5,000 individuals yearly. Many of these deaths occur in vulnerable members of our communities: young children, the elderly, or those with chronic illnesses.

I will share with you the story, a real story, of Kevin Kowalczyk, a 2-year-old boy, who was sickened with an E. coli O157:H7 infection that he acquired from eating a common food. I want to speak about Kevin because I want to be clear that when we are not talking about statistics today, we are talking about

real people, real lives. Kevin's illness started with vomiting and diarrhea, but soon he was passing large amounts of blood. On the third day of his illness, he was diagnosed and hospitalized. On the following day, his kidneys started to fail. The medical staff, while brutally honest about how hemolytic uremic syndrome, HUS, affected children, felt that Kevin would live. They told Kevin's parents that he would go to the brink of death—which he did on several occasions—because “this is the way it is for HUS kids.”

On day 12 of his illness, this normally healthy little boy looked as sick as a child can look. His body was swollen to three times its normal size, and he was hooked up to a dialysis machine and a respirator. His heart raced at 200 beats per minute, and light from huge sun lamps focused on him, in attempt to raise his body temperature. Kevin could not speak or cry. His loving family could not hold him. He suffered three heart attacks as they struggled to put him on a heart-lung machine. And then Kevin died. The autopsy later showed that his entire intestinal tract had been destroyed by gangrene.

One month after Kevin's August 11, 2001, death, America experienced the horrible 9/11 attack, and the Kowalczyk family were told that they were having another baby. Kevin's grandmother, Pat Buck, a Pennsylvania resident, was very concerned about her daughter and her new grandchild, and she was horrified by the type of death that her grandson had endured. So Pat did what any teacher would do and started studying foodborne illnesses. What she learned shocked and appalled her.

By March 2002, Kevin's family was actively involved in food safety advocacy. In April 2003, Senator HARKIN declared that the Meat and Poultry Pathogen Reduction and Enforcement Act would be renamed Kevin's Law. In 2006, after the spinach outbreak, Barbara Kowalczyk, Kevin's mother, and Pat Buck founded the Center for Foodborne Illness Research & Prevention, CFI, a national nonprofit dedicated to preventing foodborne illness through research, education, advocacy, and service. In 2007, Barbara and Pat were asked to participate in the filming of the Oscar-nominated documentary, “Food Inc.” Today, CFI is viewed as a credible organization that is looking for science-based solutions to America's food safety challenges.

I tell you about Kevin's story because it is a powerful reminder that real people are being affected by foodborne disease, not just once in awhile but every day. I want to thank Barbara and Pat Buck for sharing their story and becoming involved in such an important issue that affects all of our lives. In particular, I am thankful to them for turning their family's tragedy into an action that will help to ensure no child would ever again go through Kevin's horrible experience.

As Pat said to me once while visiting my office, “It is time to move forward. Too many people are being sickened, too many are suffering negative, long-term health consequences and too many are dying because they ate a common food, such as peanut butter, cookie dough or fresh produce. The 1938 law governing the Food and Drug Administration is too obsolete and it does not provide the Agency with the authorities or resources needed to develop a proactive approach to food safety. S. 510 will help FDA to become more proactive. This legislation is needed to help America meet the food challenges of the 21st century.”

The U.S. Senate must modernize the U.S. system of food safety and inspection. That is why I am pleased to support passage of S. 510, Senator DURBIN's Food Safety Modernization Act. We must provide the agencies that regulate food safety with additional authorities to ensure the safety of our Nation's food supply. We must provide increased resources to the FDA so that it can hire more personnel and so it can invest in improvements to domestic and imported food products inspection systems. We must mandate science-based regulations to ensure the safety of food products that carry the most risk. We must improve coordination between USDA, FDA, and the various other Federal and State agencies charged with regulating food safety. We must implement a national traceability system so we have consistency and know where our food comes from. And we must ensure the safety of both domestic and foreign food products.

With Senator GRASSLEY, I introduced the EAT SAFE Act, which is designed to address a critical aspect of the food and agricultural import system: food being smuggled into the United States. The greatest threat of smuggled food and agricultural products comes from the companies, importers, and individuals who circumvent U.S. inspection requirements or restrictions on imports of certain products from a particular country. Some examples of prohibited products discovered in U.S. commerce in recent years include unpasteurized raw cheeses from Mexico containing a bacterium that causes tuberculosis and strawberries from Mexico contaminated with hepatitis A. These smuggled food and agriculture products present safety risks to our food, plants, and animals and pose a threat to our Nation's health, economy, and security.

I am grateful to Chairman HARKIN, Ranking Member ENZI, Senator DURBIN, Senator DODD, Senator GREGG, and Senator BURR for incorporating portions of the EAT SAFE Act into S. 510. These provisions would add personnel to detect, track, and remove smuggled food, call for the development and implementation of strategies to stop food

from being smuggled into the United States, and require data sharing amongst Federal agencies dealing with food safety and foodborne illnesses. I am thankful that this important issue is being addressed so that mothers and fathers across the Nation won't have to be concerned when they pack their children's lunches, sit down to eat a family dinner, or give their child a snack.

In the Senate, we owe it every American consumer to make needed improvements to our food safety system before another outbreak sickens our citizens, and we need to make sure that we are vigilant and vigorously monitor and update our food safety system so that Americans can continue to be confident that the food they eat is safe.

Mr. GREGG. Mr. President, I rise to speak briefly about S. 510, the FDA Food Safety Modernization Act, which we will be voting on today.

This bill incorporates the best ideas from food safety experts, farmers, small business owners, the Bush administration's Food Protection Plan, the Obama administration's Food Safety Working Group, and Members on both sides of the aisle. When enacted, it will transform America's approach to food safety by emphasizing prevention and by strengthening our capacity to detect and rapidly respond when food safety emergencies occur in the future.

I would especially like to thank Senator DURBIN for all of his efforts on the issue of food safety and his commitment to working on this issue in a bipartisan manner. We originally teamed up to begin this effort in the spring of 2008, and after numerous drafts and twist and turns, I am hopeful that we are close to getting this bill across the finish line.

None of this would have been possible without a core group of bipartisan Members who have helped shepherd this bill since its inception. Senator BURR has been a key leader on food defense issues and has worked tirelessly to ensure that this bill is not burdensome for small farmers and food producers. Senator DODD, along with Senator ALEXANDER, contributed greatly to the bill as a whole, and were instrumental in providing a key provision relating to the need for schools to be more prepared to protect children with life-threatening food allergies.

We have also been extremely fortunate to have the tireless support of both Chairman HARKIN and Ranking Member ENZI, who assisted in moving the bill through the HELP Committee with unanimous support roughly a year ago, and who, in the last year have helped us navigate our way to the floor.

Finally, I would like to thank our staffs who have put so much time into this legislative effort. Although it has been a long and sometimes arduous process, they have shown time and

again that almost every problem is solvable when you get a group of hard working folks around a table. I would like to especially recognize and thank my own lead staffer on this bill, Liz Wroe, as well as the following:

Dave Lazarus, Candice Cho, and Albert Sanders with Senator DURBIN; Jenny Ware, Jenn Alton, Josh Martin, Margaret Brooks, and Anna Abram with Senator BURR; Jenelle Krishnamoorthy, Tom Kraus, and Bill McConagha with Senator HARKIN; Amy Muhlberg, Travis Jordan, Keith Flanagan, and Chuck Clapton with Senator ENZI; and Tamar Magarik Haro and Anna Staton with Senator DODD.

Mr. LEAHY. Mr. President, the Senate is poised to pass the FDA Food Safety Modernization Act, which will take much needed and long overdue steps to protect Americans from unsafe food. I am disappointed that the Senate will not consider, however, an important amendment I proposed that would have held criminals who poison our food supply accountable for their crimes. My amendment would have greatly strengthened the ability to deter outrageous conduct that puts Americans at risk. It received unanimous, bipartisan support when it was reported by the Judiciary Committee as the Food Safety Accountability Act. It is unfortunate that, despite this bipartisan support in committee, Republican objections prevented the amendment from being considered by the full Senate.

This legislative proposal would increase the sentences that prosecutors can seek for people who knowingly violate our food safety laws in those cases where there is conscious or reckless disregard of a risk of death or serious bodily injury. If it were passed, those who knowingly contaminate our food supply and endanger Americans could receive up to 10 years in jail.

Just this summer, a salmonella outbreak caused hundreds of people to fall ill and triggered a national egg recall. The cause of the outbreak is still under investigation, but salmonella poisoning is too common and sometimes results from inexcusable knowing conduct. The company responsible for the eggs at the root of this summer's salmonella crisis had a long history of environmental, immigration, labor, and food safety violations. It is clear that fines are not enough to protect the public and effectively deter this unacceptable conduct. We need to make sure that those who knowingly poison the food supply will go to jail. This amendment would have done that in the most egregious cases.

Current statutes do not provide sufficient criminal sanctions for those who knowingly violate our food safety laws. Knowingly distributing adulterated food is already illegal, but it is merely a misdemeanor right now, and the Sentencing Commission has found that it

generally does not result in jail time. The fines and recalls that usually result from criminal violations under current law fall short in protecting the public from harmful products. Too often, those who are willing to endanger our children in pursuit of profits view such fines or recalls as merely the cost of doing business.

Last year, a mother from Vermont, Gabrielle Meunier, testified before the Senate Agriculture Committee about her 7-year-old son, Christopher, who became severely ill and was hospitalized for 6 days after he developed salmonella poisoning from peanut crackers. Thankfully, Christopher recovered, but Mrs. Meunier's story highlighted improvements that are needed in our food safety system. No parent should have to go through what she experienced. The American people should be confident that the food they buy for their families is safe.

After hearing Mrs. Meunier's account last year, I called on the Department of Justice to conduct a criminal investigation into the outbreak of salmonella that made Christopher and many others so sick. In that case, the outbreak was traced to the Peanut Corporation of America. The president of that company, Stewart Parnell, came before Congress and invoked his right against self-incrimination, refusing to answer questions about his role in distributing contaminated peanut products. These products were linked to the deaths of 9 people and have sickened more than 600 others.

It appears that Mr. Parnell knew that peanut products from his company had tested positive for deadly salmonella, but rather than immediately disposing of the products, he sought ways to sell them anyway. The evidence suggests that he knowingly put profit above the public's safety. Our laws must be strengthened to ensure this does not happen again. My amendment would increase the chances that those who disregard the safety of Americans and commit food safety crimes will face jail time, rather than a slap on the wrist, for their criminal conduct.

On behalf of the hundreds of individuals sickened by this summer's and last year's salmonella outbreaks, we must repair our broken food safety system. The House has already passed a provision similar to my amendment. I am sorry that partisan objections from a few Senators prevented the Senate from quickly adopting this important amendment. I will continue to try to pass this commonsense legislation even if it cannot be coupled with the FDA Food Safety Modernization Act, and I hope the Senate will act quickly to pass it separately.

Mr. HARKIN. Mr. President, one of the most difficult issues I have had to face as manager of S. 510 is the balance between small growers and processors

and larger producers and food companies. This is always a tough issue in agriculture. Those of us who work with our food system know that one size does not fit all. It is always hard to get it right.

In this case, I know that some of my colleagues think the Tester-sponsored language goes too far to help small growers and processors. I don't think we have, and here is why I say that. There are some very important limitations on the Tester provisions in S. 510. First, small businesses as we define them here are really small—a company that does \$500,000 of sales a year is very small. We can't say exactly how much food these small companies sell, but here is a good example that shows how small these eligible companies are: The smallest member of the California League of Food Processors reports between \$2.5 and \$3 million a year in sales or five times as much as any company eligible under the Tester provisions.

Second, many food companies that buy product from eligible producers will tell them: Hey I want you to follow FDA regulations. I want all my suppliers to follow FDA rules. Some may even require their suppliers to do more than FDA requires. That decision is part of a private contractual relationship. This bill does not affect these arrangements. They will continue to exist and will limit the application of any exemptions provided in this bill.

Third, processors that want to be exempted will have to document that they meet the exemption. There are

two ways to do that. First, they must show they are in compliance with State law or second, they must show that they have completed a food safety plan of their own. Many processors will simply decide that for competitive reasons or lack of capacity they will simply stick with whatever FDA requires. This is another pragmatic limitation on the Tester provisions.

Fourth and finally, FDA is specifically authorized to take action and revoke an exemption if it determines that the food presents a public health risk, and FDA can act to prevent an outbreak if needed. This provision creates a "one-strike-you are out" exemption: once a farm or food processing facility has lost its exemption, it may never be reinstated.

Mr. President, it is not the intent of this legislation to include in the definition of "facility," for purposes of either FFDCA Sec. 415 or for the pending bill, seed production or storage establishments as long as they do not manufacture, process, pack, or hold seed reasonably expected to be used as food or feed. Further, we note that seeds not used as food or feed have historically not been subject to oversight by FDA.

The PRESIDING OFFICER. Under the previous order, amendment No. 4715 is agreed to.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, I ask unanimous consent that after adoption of the substitute amendment to S. 510 and now, after the third reading, the Senate then proceed to Calendar No. 74, H.R. 2751; that all after the enacting clause be stricken and the text of S. 510, as amended, be inserted in lieu thereof; that no further amendments or motions be in order; that the bill, as amended, be read a third time, and after the reading of the Budget Committee pay-go letter, the Senate then proceed to vote on the passage of H.R. 2751, as amended; further, that the title amendment, which is at the desk, be considered and agreed to.

The PRESIDING OFFICER. Is there objection?

Mr. COBURN. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Under the previous order, the clerk will read the pay-go statement.

The legislative clerk read as follows:

Mr. Conrad: This is the Statement of Budgetary Effects of PAYGO Legislation for S. 510, as amended.

Total Budgetary Effects of S. 510 for the 5-year statutory PAYGO Scorecard: \$0.

Total Budgetary Effects of S. 510 for the 10-year Statutory PAYGO Scorecard: \$0.

Also submitted for the Record as part of this statement is a table prepared by the Congressional Budget Office, which provides additional information on the budgetary effects of this Act, as follows:

CBO ESTIMATE OF THE STATUTORY PAY-AS-YOU-GO EFFECTS FOR SENATE AMENDMENT 4715 IN THE NATURE OF A SUBSTITUTE TO S. 510, FDA FOOD SAFETY MODERNIZATION ACT

By fiscal year, in millions of dollars—

	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2011–2015	2011–2020
Statutory Pay-As-You-Go-Impact ^a	0	0	0	0	0	0	0	0	0	0	0	0

^a S. 510 would increase federal efforts to ensure the safety of commercially distributed food. S. 510 would stipulate that the failure to comply with new requirements, such as mandatory recalls and risk-based preventive controls, could result in the assessment of civil or criminal penalties. Criminal fines are recorded as revenues, then deposited in the Crime Victims Fund, and later spent. Enacting S. 510 could increase revenues and direct spending, but CBO estimates that the net budget impact would be negligible for each year.

Source: Congressional Budget Office.

The ACTING PRESIDENT pro tempore. Under the previous order, the cloture motion with respect to the bill is withdrawn and the question is on passage of S. 510, as amended.

Ms. LANDRIEU. Mr. President, I ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second? There appears to be a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. KYL. The following Senators are necessarily absent: the Senator from Missouri (Mr. BOND) and the Senator from Kansas (Mr. BROWNBACK).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 73, nays 25, as follows:

[Rollcall Vote No. 257 Leg.]

YEAS—73

Akaka	Gillibrand	Murkowski
Alexander	Grassley	Murray
Baucus	Gregg	Nelson (NE)
Bayh	Hagan	Nelson (FL)
Begich	Harkin	Pryor
Bennet	Inouye	Reed
Bingaman	Johanns	Reid
Boxer	Johnson	Rockefeller
Brown (MA)	Kerry	Sanders
Brown (OH)	Kirk	Schumer
Burr	Klobuchar	Shaheen
Cantwell	Kohl	Snowe
Cardin	Landrieu	Specter
Carper	Lautenberg	Stabenow
Casey	Leahy	Tester
Collins	LeMieux	Udall (CO)
Conrad	Levin	Udall (NM)
Coons	Lieberman	Vitter
Dodd	Lincoln	Voinovich
Dorgan	Lugar	Warner
Durbin	Manchin	Webb
Enzi	McCaskill	Whitehouse
Feingold	Menendez	Wyden
Feinstein	Merkley	
Franken	Mikulski	

NAYS—25

Barrasso	DeMint	McConnell
Bennett	Ensign	Risch
Bunning	Graham	Roberts
Chambliss	Hatch	Sessions
Coburn	Hutchison	Shelby
Cochran	Inhofe	Thune
Corker	Isakson	Wicker
Cornyn	Kyl	
Crapo	McCain	

NOT VOTING—2

Bond Brownback

The bill (S. 510), as amended, was aged to.

Mr. HARKIN. Mr. President, I move to reconsider the vote and move to lay that motion upon the table.

The motion to lay upon the table was agreed to.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a

period of morning business with Senators permitted to speak for up to 10 minutes each.

PASSAGE OF S. 510

Mr. HARKIN. Mr. President, today with the passage of the Food Safety Modernization Act by this overwhelming vote of 73 to 25, we have taken momentous steps to help strengthen food safety in America. The Food Safety Modernization Act will bring America's food safety system into the 21st century.

This bill gives the FDA the authority the agency needs to help protect America from foodborne illnesses. While this bill is a historic step forward in ensuring that our food supply is safe and protecting Americans from foodborne illnesses, we have to now ensure that the FDA has adequate resources to fulfill their profound responsibilities.

I look forward to working with my colleagues on the Appropriations Committee and the entire Senate to ensure that they have the necessary resources to fulfill the provisions of this legislation.

As the primary cosponsors of the bill, Senators DURBIN and GREGG deserve a great deal of thanks for their outstanding leadership. I asked Senator DURBIN when he started working on this bill. He said back in the House 18 years ago. So sometimes it takes a long time to get these things done. But this is the first time in 70 years we have ever had a major revision of our food safety laws. Senator GREGG has also worked at least a dozen years, that I know of, on this bill in his time in the Senate. I would also like to thank my colleagues, Senator ENZI, the ranking member of the committee, former chairman and ranking member of the committee, for his help and also Senator BURR for working hard on the legislation and getting it where it is today.

Finally, I thank my friend, Senator DODD, for his tireless efforts. The Senate will certainly miss his leadership on this and so many other important issues. Additionally, I thank members of our staffs who helped to make this possible, and let me just—I am going to read their names, but let me say at the outset, while many of us were perhaps not around during Thanksgiving week or perhaps even the week after the elections, I can tell you the staffs were hard at work day after day, sometimes late in the evenings, sometimes on weekends, to help get this bill together. These staff people deserve so many thanks from not only me but from everyone involved with this legislation.

From Senator DURBIN's staff: Albert Sanders, Anne Wall, and Dena Morris; from Senator ENZI's staff: Chuck Clapton, Keith Flanagan, Travis Jordan, Frank Macchiarola, and Amy

Muhlberg; Senator DODD's staff: Anna Staton and Tamar Haro; Senator GREGG's staff has worked on this bill from the beginning: Elizabeth Wroe; Senator BURR's staff: Anna Abram and Margaret Brooks; Senator REED's staff: Carolyn Gluck and Kasey Gillette; and from my staff: Kathleen Laird, Tom Kraus, Bill McConagha, Mark Halverson, Jenelle Krishnamoorthy, Pam Smith, and Dan Smith. All of them are heroes and heroines in my book. They really put forth supreme effort to get this bill to us today so we could have this overwhelming vote of approval.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

TRIBUTE TO SENATOR RUSS FEINGOLD

Mr. MCCAIN. Mr. President, I want to say a few words about a friend and colleague whom I will miss very much when he leaves the Senate after we adjourn, Senator RUSS FEINGOLD. I cannot thank him for his service without mentioning the outstanding work of his capable staff: Mary Irving, his chief of staff; Sumner Slichter, his policy director; Bob Schiff, chief counsel; and Paul Weinberger, his legislative director, a loyal and outstanding team.

Without intending it as a commentary on his successor, I have to confess I think the Senate will be a much poorer place without RUSS FEINGOLD in it. I know that in my next term I will experience fewer occasions of inspiration because of the departure of RUSS FEINGOLD, a man whose courage and dedication to the principles that guided his Senate service often inspired me.

I will also miss the daily experience of RUSS FEINGOLD's friendship, and the qualities that distinguish his friendship, his thoughtfulness, kindness, humor and loyalty. I have treasured that friendship all the years we have served together, and while friendship does not end with a Senate career, I will sorely miss his presence. I will miss seeing him every day. I will miss traveling with him. I will miss the daily reminder of what a blessing it is to have a true friend in Washington.

Our first encounter with one another was in a Senate debate in which we argued about an aircraft carrier, somewhat heatedly, if memory serves. RUSS thought the U.S. Navy had one too many. I thought we did not have enough. It was, I am sorry to admit, not a very considerate welcome on my part to a new colleague, whom I would soon have many reasons to admire. But to RUSS's credit, he did not let my discourtesy stand in the way of working together on issues where we were in agreement. And to my good fortune, he did not let it stand in the way of our friendship either.

We are of different parties and our political views are often opposed.

We have had many debates on many issues. But where we agreed on wasteful spending, ethics reform, campaign finance reform and other issues, it was a privilege to fight alongside and not against RUSS FEINGOLD.

We do not often hear anymore about Members of Congress who distinguish themselves by having the courage of their convictions; who risk their personal interests for what they believe is in the public interest. I have seen many examples of it here, but the cynicism of our times, among the political class and the media and the voters, tends to miss examples of political courage or dismiss them as probable frauds or, at best, exceptions that prove the rule. In his time in the Senate, RUSS FEINGOLD, every day and in every way, had the courage of his convictions. And though I am quite a few years older than RUSS, and have served in this body longer than he has, I confess I have always felt he was my superior in that cardinal virtue.

We were both up for re-election in 1998. I had an easy race. RUSS had a difficult one. As many of our colleagues will remember, RUSS and I opposed soft money, the unlimited corporate and labor donations to political parties that we believed were compromising the integrity of Congress, and we were a nuisance on the subject. RUSS's opponent in 1998 was outspending him on television, and the race became tighter. It reached a point where most observers, Democrats and Republicans, expected him to lose. The Democratic Party pleaded with RUSS to let it spend soft money on his behalf. RUSS refused. He risked his seat, the job he loved, because his convictions were more important to him than any personal success. I think he is one of the most admirable people I have ever met in my life.

We have had a lot of experiences together. We fought together for many things, important things. And we have fought many times on opposite sides. We have been honored together and scorned together. We have traveled abroad together. We could not be farther apart in our views on the wars in Iraq and Afghanistan, but we traveled there together as well, to gain knowledge that would inform our views and challenge them. We have listened to each other; debated each other; defended each other; joked and commiserated together.

And in my every experience with RUSS FEINGOLD, in agreement and disagreement, in pleasant times and difficult ones, in heated arguments and in the relaxed conversation of friends, he was an exemplary public servant; a gentleman; good company; an irreplaceable friend; a kind man; a man to be admired.

I can not do justice in these remarks to all of RUSS's many qualities or express completely how much I think this institution benefited from his

service here and how much I benefited from knowing him. I lack the eloquence. I do not think he is replaceable. We would all do well to keep his example in our minds as we serve our constituents and country and convictions. We could not have a better role model.

I have every expectation we will remain good friends long after we have both ended our Senate careers. But I will miss him every day. And I will try harder to become half the public servant he is. Because his friendship is an honor and honors come with responsibilities.

God bless my friend RUSS FEINGOLD.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWN of Ohio. Mr. President, I want to speak as in morning business for up to 10 minutes.

The PRESIDING OFFICER. The Senator has that right.

HEALTH CARE REFORM

Mr. BROWN of Ohio. Mr. President, I spent a lot of time, as my colleagues have, traveling our States during the elections, to be sure, but also since. I hear a lot of discussion from regular people—not from people running for office per se but regular people—about what this new health care law has meant to them. I meet 22-year-olds who are now on their parents' health insurance plan. If you are 22 in this country today, your chances of finding a job with decent health care are not real high in most places in our country, and they now celebrate the fact that they can be on their parents' health insurance automatically. That is a big victory for consumers and a big victory for those families.

I also talk to people who have children who have preexisting conditions and could not get insurance as a result. The law now is, an insurance company cannot deny insurance to a family with a child with preexisting conditions. We also know now that someone who is sick and their health care is very expensive, that they cannot be thrown off their insurance because it costs the insurance company too much money.

We know now, and I hear from small businesses who almost all want to insure their employees but simply cannot because of the high costs, they now are getting a 30-percent tax credit to be able to insure their employees, something, as I said, they wanted to do whether they live in Conneaut in northeast Ohio or Middletown and

Hamilton in southwest Ohio. I see that all over my State—in Bowling Green, in Toledo, in Zanesville and Chillacothe and Columbus and Bellaire. We are also seeing that so many senior citizens are getting hit hard by high drug prices.

We have begun. As one of the leaders in that effort on the HELP Committee, Senator BENNET, the Presiding Officer, knows that we have been helpful in now beginning to close that doughnut hole that seniors fall into. After they have had \$2,000 of drug costs, they are still paying the premium every month, but they do not get any coverage until their costs go above \$5,000. That is sort of a cruel bargain that this Congress, for reasons I did not exactly understand—I opposed it back then—passed the drug benefit and inflicted that on seniors. We are beginning to fix that.

We know all that. Those are citizens I talk to about that. Put that aside for a minute, unfortunately, and look at so many elected officials in a State, conservative elected officials, mostly Republicans, who are saying we should repeal the health care law and we should bring back preexisting condition, take 23-year-olds, home from college or home from the service or whatever, and if they do not have TRICARE, throw them off their parents' health care plan, take away the tax cuts to small businesses. That is what they want to do and repeal this health care plan.

My only question is, I guess I am waiting for the first Republican elected official—whether he is an attorney general in Ohio or elsewhere or whether he is a Congressman or she is a Congresswoman or a Senator—I am waiting for the first one who says: I want to repeal this plan. Take away these consumer protections; I want to repeal this plan and take away health insurance for people who are in high risk pools who are getting insurance now and people down the road who are going to get covered with health insurance, the 50 million Americans who do not have it and the tens of millions of Americans who are underinsured. I want to hear one of those elected officials, who is saying repeal the health care plan, say they are not going to take their government health insurance. I cannot believe the number of elected officials, mostly Republicans, who have been the beneficiaries of government-sponsored health insurance—taxpayer-financed health insurance for 10 years, 20 years, 30 years—who are saying: No, I want to repeal health insurance for millions of Americans who are about to receive it. Some of them are already getting it; all of them getting better consumer protections.

They will keep their plan, paid for by taxpayers. They want to deny it to others. I am waiting for one of my colleagues—and Republicans around the State and around the country who are calling for this health care law to be

repealed—to step up and say: Oh, I am not going to take government insurance either. I am still waiting for that day.

I yield the floor.

The PRESIDING OFFICER. The Senator from Florida.

HOME BUYER TAX CREDIT

Mr. NELSON of Florida. Mr. President, if we want to revive our economy, one thing we can do is to bring back and extend the home buyer tax credit we enacted earlier this year. It was for a limited time. It has expired, but it was hugely successful.

It is an \$8,000 tax credit for qualified first-time home buyers and a \$6,500 tax credit for repeat, move-up home buyers. And this tax credit that we passed that was law was largely responsible for many of the homes that were purchased in States like mine, Florida, where the housing market has gone kaput. The mortgages were inflated when the housing bubble burst, the property values dropped and you see a number of our States that have been hit so hard, albeit, the entire Nation has been hit hard by the housing bubble bursting.

Well, we tried this home buyer tax credit, and it worked. It was popular in other States, like California, like in Texas. Texas had a more stable housing market, but folks recognized that a good housing market provides a lot of ancillary benefits for the economy. It creates jobs. It generates consumer spending. The studies have shown, looking back on this tax credit we gave for housing, it was in the first quarter of this year, it led to a 6-percent increase in all home sales, and it led to a whopping 42-percent increase in the sale of new homes.

Now by contrast, when that credit expired, the home sales plummeted. Well, what does it mean in real terms to real people and real families? It means jobs. It means jobs selling houses, jobs constructing houses, jobs financing houses—anything associated with a person having one of their most important assets, their home. And then it means a lot of jobs about making all the things that go inside a house. And that's the kind of boost we need again.

We need again to get this economy moving. Now, since it has been shown to work because it generates home sales and purchases—in States where the real estate industry is a large part of the economy, in States where housing values have dropped, where many homes are underwater in the value of their fair market value now compared to the face amount of their mortgage in many communities that are distressed by foreclosures—and what community has not been hit by that?—what it does is it turns that around and boosts the home sales. That is a part of economic recovery. Now, there are

those who are out there who are going to say: Well, it is too expensive. That it doesn't yield good results in certain parts of the country that were not hit with the housing crisis like the rest of us were. And some people will claim: Well, we're coming out of the recession—by their estimation—and it would be better to target our efforts elsewhere.

Mr. President, the recession's not over for many, many Americans. And if something has proven it works, why don't we reinstitute it? It was President Franklin Roosevelt who said, during another time of economic peril, the Great Depression, he said:

Only a foolish optimist can deny the dark realities of the moment.

Mr. President, do we not have the "dark realities of the moment" of what's happening in the State of the Presiding Officer right now, in my State, and many others? Indeed, these are dark economic times, and most every American knows it. Just look to the elections. In almost every exit poll after the election, 60 percent of the voters said the economy was the most important issue facing the Nation—that they were concerned about as they walked into that polling place. Forty percent of those same voters said their families are worse off financially than they were just a few years ago. And 33 percent of them said that someone in their household had lost a job recently. Is that not the "dark realities of the moment"?

So let's take something that worked. And despite the fact that it's costly, let's find an offset. Let's find another source of revenue to pay for approximately the \$15 to \$20 billion that the home buyer tax credit cost before that boosted the sales of homes and started to revive the housing industry and, therefore, revive the fair market values of people's homes. Let's move to quickly bring back this home buyer tax credit. It's worked before, and it will work again.

Mr. President, if I may be recognized again, since no one is waiting to speak.

The PRESIDING OFFICER. The Senator from Florida is recognized.

DISCLOSURE OF CLASSIFIED CABLES

Mr. NELSON of Florida. Mr. President, America's secrets are not what are at risk with the exposure of thousands and thousands of documents of classified cables. America's friends and allies are at risk and, therefore, America's national security is at risk.

When classified cables identify certain people who have helped us from around the world as we advance the interests of the free world, defend our national security, and the safety of all humankind—when those people are exposed, there are a lot of bad people out there who want to get rid of those kind

of people. When sources of information—I will dress it up and tell you exactly what it is; it is called intelligence—when sources of intelligence are betrayed by being made public, by the disclosure, indiscriminately, of thousands and thousands of cables that were marked "Top Secret" or marked "Secret," then what we have done is we have started to shackle our arms behind ourselves in our ability to defend ourselves.

Why do I say that? Well, look at all the recent attempts at a terrorist act. We were able to avert the terrorist striking because we got the information that he was going to strike before he struck. Where did that source of information come? Often that source of information comes from far corners of the globe because we have a relationship with people who are giving us information that we then track down and find that, in fact, it is true and stop the terrorist from doing their dastardly deed upon innocent humans.

Since 2001 and the September 11th bombings and the September 11th crashes of the airliners, over and over again the newspapers of this country have chronicled terrorist plots that have been thwarted for the reasons I have just said. Now along comes someone who, for whatever reasons of being a misfit, wants to disgorge thousands of classified cables that start to betray our sources of information to protect ourselves and protect others—not even necessarily our allies—but other innocent victims in other countries with whom we may not even have a relationship.

This is the height of dishonoring our country and our people and all humankind, and it is the height of traitorous activity. It has to stop. We cannot continue to thwart these terrorist acts if we do not have reliable sources of information in order to disrupt the terrorist plots. Do you know what? The newspapers have chronicled, since the attempt, for example, of blowing up FedEx and UPS—and, by the way, those packages also were carried on commercial airliners with passengers on them—you know what the newspapers have chronicled? They have pointed out how the terrorist organizations are crowing about how little it costs them and how they will find another way in order to do this. As the newspapers reported, we found out and stopped that plot by long-distance sources of information that came to us. To betray those sources, to now put their lives in jeopardy by the indiscriminate turning over to an organization called WikiLeaks that suddenly puts all of this up on the Web, is the height of irresponsibility, an act against humanity, and it has to be stopped.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

TAX POLICY

Mr. CASEY. Mr. President, I rise today to speak about our economy and some of the debates and discussions we are engaged in now about tax policy as well as to emphasize the need to be guided during these debates by the two essential priorities on which we must focus. Obviously, those priorities are job creation and continuing economic growth, continuing our recovery. We also must make sure that in the process of doing that, we don't take steps that will increase long-term deficits. So while we debate these many tax issues, I think it is critically important that we don't forget about provisions that both combat poverty and assist those who fall in the lower income brackets.

Last month, the Nation added over 150,000 jobs, which is strong evidence that we are slowly recovering from the devastating impacts of the recent recession. But we are certainly not out of the woods yet, and the Senate must continue to pass legislation that will spur economic growth as well as to focus on ways we can extend certain tax provisions that are set to expire this year.

The debate, unfortunately, has largely focused only on whether to extend the current income tax rates. I am 100 percent in favor of extending income tax rates for middle and lower income tax brackets. Now is not the time to raise taxes on those middle-income families who are still recovering from the recession. Plus, the more money we put in the pockets of those middle-income families means more money is being pumped into the economy through the purchase of goods and services. That is for sure, and I think we will even have consensus on that point alone.

Even as our recovery is slow, there have been a number of bright spots. One bright spot in the recovery is the rate of private sector hiring. In fact, according to the figures released by the Bureau of Labor Statistics, more private sector jobs have been created in 2010 when compared to the entire 8 years under President Bush. Private sector jobs decreased by 673,000 in the 8 years of President Bush's Presidency—a decrease of 673,000 private sector jobs. The increase I speak of occurred within this calendar year of 2010—an increase of 874,000 private sector jobs in 2010, and the year, of course, is not over yet.

The tax cuts for upper income folks implemented by President Bush had limited impact on jobs in those years, and the income tax breaks for upper income folks added hundreds of billions to our deficit. However, due to the current condition of the economy and to take every step necessary that we must take to continue the recovery, I believe it is imperative that we maintain certainty. That is what economists have talked to many of us about—to take

steps not just to further economic growth and to continue to push forward the recovery but to do that in a way that creates some measure of certainty. Whether a small business owner—hundreds and hundreds of thousands across the country—or a large company, uncertainty and change often tend to make businesses less willing to expand and less willing to hire. Over the last few months, many of our colleagues in the Senate and I have spoken to both business owners and economists to get their views on how we should handle the expiring tax provisions. What I learned, among several lessons from these experts, is that certainty and consistency are needed when the economy is still in a fragile condition.

So I will have more to say as the debate continues about tax cuts, but during these discussions about the income tax cuts and what we should do between now and the end of the year, two important provisions have been barely mentioned: the child tax credit and the marriage penalty under the so-called earned-income tax credit. Both provisions provide necessary tax relief for those in the lower income brackets, and both provisions are necessary to help working families barely getting by for their children during this recession, at a time when poverty levels, unfortunately, are increasing. At this time, this Senate must act to provide tax relief to those who are in desperate need of assistance while they recover from the effects of the recession.

First, the child tax credit. This provides tax relief to working families with children of up to \$1,000 per child. The tax credit was first enacted in 1997 and was expanded last year in the Recovery Act to increase the number of families eligible to receive the credit. As a result of this expansion of the child tax credit, millions of previously ineligible families received critical relief during these tough economic times.

These expanded tax cuts will expire if they are not extended by the end of the year. Here are the numbers from the Center on Budget and Policy Priorities: 7.6 million children will lose their child tax credit if we don't continue it. An additional 10.5 million children will see those credits reduced or the credits their families receive reduced. In Pennsylvania, half a million children will lose that credit.

To put this in perspective, if you have a family with two children and earning minimum wage, that family would see its child tax credit reduced by \$825. That is the equivalent of almost 3 weeks of pretax wages for a minimum wage worker—\$825—which would have an adverse impact even on a middle-income family, but to say that about a family earning the minimum wage I think speaks volumes about the impact of not extending the

child tax credit. That would be a horrific result for a minimum wage-earning family.

This vital tax relief is necessary to help families struggling to provide their children with basic essentials. If that argument is not convincing enough for folks in the Senate as a reason to extend it, consider that the money that child tax credit results in will be spent immediately and go right back into local economies. It is the same argument we have made on unemployment insurance—that it has an impact on the overall economy.

The child tax credit is not the only poverty-fighting tax provision that is in jeopardy of being reversed. Enhancements to the earned-income tax credit are also set to expire. The so-called EITC—the earned-income tax credit—encourages and rewards work by providing a refundable credit for working people against their payroll and income taxes. Millions of working families with incomes of up to \$48,000 are eligible for the Federal earned-income tax credit.

The Recovery Act we passed in 2009 reduced the so-called marriage penalty in the earned-income tax credit by increasing the income level at which it phases out for married couples. If this expanded tax relief is not extended, 6 million workers will see their earned-income tax credit reduced and 11 million children will be affected. So children get harmed by both. They get harmed by the failure to extend the earned-income tax credit and the failure to extend the child tax credit.

So while the debate has been focused on the extension of tax rates on income, the Senate must not overlook sound tax policy that both fights poverty and spurs economic growth. So I would encourage all Members of the Senate to push for an extension of the provisions that expand eligibility for the child tax credit as well as the earned-income tax credit.

Finally, in addition to those tax provisions, we must not forget that today, November 30, 2010, is the day that federally funded unemployment insurance programs will expire. I encourage other Members of the Senate to not block legislation that will reauthorize unemployment insurance programs through the end of 2011—in other words, unemployment insurance to help the newly unemployed still suffering through and fighting through this recession.

If folks in the Senate block this legislation today—an extension of unemployment insurance—if they block it, I hope they will have an answer for the following question or two: What is your strategy to help these folks get through this time when they have lost a job through no fault of their own? What are you going to do? What action are you going to take to try to help them?

That is one question. If you don't have an answer to that question, you

should also have to answer this question: What are you doing affirmatively to put in place strategies to create jobs? Are you just talking about job creation, are you just talking about helping people, or are you going to take action to extend unemployment insurance or have something else that will help those who are going through this difficult period in their lives—many families who never dreamed they would be in this position—and are you going to do something to help the overall economy to grow and to continue the recovery? Because unemployment insurance does both. It helps the vulnerable get through this recession. It is the right thing to do. It also has a substantial, immeasurable impact on economic growth. All the studies show that. It is irrefutable that it is probably the best thing we can do to create jobs and to continue the recovery—pass a reauthorization of unemployment insurance.

So I encourage my colleagues to not block, but if they block, they need to have an answer to those basic questions.

In Pennsylvania, the unemployment rate now is 8.8 percent. Thank goodness it fell below 9, but 8.8 percent in our State means 560,000 people out of work. In the summer, it went as high as 592,000, so it was approaching 600,000. We have approximately 560,000 unemployed Pennsylvanians right now. We have to have an answer for those folks. We can't just say: Well, it got a little difficult in Washington, or put some other institutional or policy argument out there without having an answer or an alternative for those who are unemployed.

As have many of the Members of the Senate, I have discussed the impact of the expiration of unemployment insurance with folks in Pennsylvania and others who will be suffering through this. In the course of those discussions, we have had a chance to review what the impact would be on the economy as well as on Americans who have lost their jobs through no fault of their own.

There is one group we often don't mention. We talk about unemployment, jobless Americans and the economy. We often don't talk about the adverse impact specifically on children. Mr. President, 1 in 10 Pennsylvania children has an unemployed parent, and that is true across the country—roughly 1 in 10 in many States.

That translates to 265,000 children under the age of 18 in the Commonwealth of Pennsylvania who are directly impacted by unemployment—265,300 children who are affected just by unemployment. So as we address ways to improve the economic outlook in our country and discuss the tax provisions, we must recognize the impact the economy has on our children.

I will end with a line from the Scriptures that says that "a faithful friend

is a sturdy shelter." It goes on to talk about how important having a faithful friend in life is. There are a lot of folks, politicians especially, who talk non-stop about helping children and the importance of doing that and the priority placed on our children and the priority to protect our children from harm and to help them especially in a recession. You have to do more than talk.

If you consider yourself a friend of children, you would support an extension of the child tax credit. You would support other provisions, such as unemployment insurance, that help families such as those families who have 265,000 children who are affected by unemployment in Pennsylvania. If you are going to say you are a faithful friend and want to be a sturdy shelter for children, what are you going to do about it?

The question we must ask ourselves, among many, is: Will the Senate be a faithful friend to children, not just by talk and rhetoric but by actions, taking steps to help children get through this recession, helping their families and also spur and continue economic growth and recovery?

With that, I yield the floor.

The PRESIDING OFFICER (Mr. UDALL of New Mexico). The Senator from Tennessee is recognized.

COMMENDING RETIRING SENATORS

Mr. ALEXANDER. Mr. President, 16 Senators will retire this year. There is also a pretty big turnover in this body, but that is a lot of Senators at once. We are losing an enormous amount of talent, but, of course, we are gaining a lot of talent with the new Senators.

I wish to show my respect for those who have served, which I will do in a summary fashion because we are talking about 16 individuals with very complex and distinguished backgrounds.

One might ask, what are the characteristics of a Senator? There are a lot of different answers to that, depending on your background and attitude toward politics and government, I suppose. I have always thought that one characteristic of almost every Member of the Senate is that he or she probably was a first grader sitting in the front row, hand in the air waiting to be recognized. This is an eager bunch or you would not have gotten here.

Second, it is a group of risk-takers. Most people who end up in the Senate get here because a lot of other people who wanted to be Senators were standing around waiting for the right time to run. A lot of people who were elected to the Senate seemed to have no chance of winning at the time they decided to run, but the voters decided differently, and here they are.

A third characteristic of Senators is that we are almost all professional and congenial. That is a big help. It is al-

most a requirement in an organization of 100 individuals who spend almost all their time with one another, who serve in a body that operates by unanimous consent, when just one Senator can bring the whole place to a halt, and whose job basically is to argue about some of the most difficult issues that face the American people. So it helps that almost every Member of the Senate is an especially congenial person.

Back in Tennessee, people often say to me it must be rough being in that job. They are awfully mean up there. The truth is, I don't know of a more congenial group than the Members of the Senate. We begin the day in the gym. The next thing you know we are at a Prayer Breakfast, and then we are at a committee hearing. Then we are on the floor voting, and then we have lunch. It goes through the day until 7 or 8 o'clock, or sometimes later. We live together and we get along very well. We know and respect each other.

Not long ago, the Presiding Officer and I were having dinner together with our wives. We were lamenting the loss of families who know one another, the way it happened when his father was serving in Congress and when I first came to the Senate to work for Senator Baker. And that's true. We've lost some of that. Still, there is an enormous amount of affection and goodwill here. You don't always get to be very close friends in this job, but you get to be very good acquaintances, and you learn to respect people for their strengths.

Senator Domenici said, when he left, that we don't do a very good job of saying goodbye here. That is true. As one part of saying goodbye, I wish to say at least one good thing about each one of the 16 retiring Senators. Much more could be said about each, of course. Mostly, I am going in alphabetical order.

First is Senator BOB BENNETT of Utah. I have known him the longest. We served together in the Nixon administration. I was in the White House working with Bryce Harlow, and he was in the Department of Transportation. That was in 1969 and 1970. What I will remember about BOB BENNETT—and most Senators will remember this about his legacy—are his careful expositions of economic issues. He has a background as an entrepreneur and businessman. He served with distinction on the Joint Economic Committee. His expertise in helping us better understand the economy has been valuable.

Senator EVAN BAYH is one of four Governors leaving the Senate. I am one who thinks the more Governors, the better. That is a somewhat parochial attitude on my part. But Governors have gotten results and are used to working across party lines. Governor BAYH served two terms as a Senator. Still young, he obviously has a long ca-

reer ahead of him. Whatever direction he chooses to go in, what I will remember most about EVAN BAYH is the civility and bipartisanship he has shown on numerous occasions—and his courtesy to me as an individual Senator.

Senator KIT BOND, another Governor. He and I once served as law clerks on the Fifth Circuit Court of Appeals for two judges who helped integrate the South, Judges Tuttle and Wisdom. Senator BOND has a great many things that could be said about him. But what most of us admire greatly about his time here is his devotion to our intelligence community and national security, as vice chairman of our Intelligence Committee, making sure our intelligence agencies have the tools they need to prevent terrorist attacks on America.

Senator SAM BROWNBACK is going the other way, from Senator to Governor of Kansas. During the health care debate, I often said that everybody who voted for the health care law ought to be sentenced to serve as Governor for two terms and try to implement it. Well, Senator BROWNBACK voted against the health care law, but he's going home and will have the opportunity to "enjoy" all those unfunded mandates on Medicaid and see how Kansas deals with it. What we'll miss about SAM BROWNBACK, in addition to his extraordinary kindness, is his devotion to human rights, including giving voice to the oppressed people in North Korea and being an outspoken critic of the genocide in Darfur.

Senator JIM BUNNING. Everybody knows about him and baseball. Nobody would want to be a batter when he is throwing pitches. We understand he is the only person to strike out Ted Williams three times in one game. But what not as many people know about him is that JIM BUNNING has been a persistent leader in fighting for sick nuclear workers who served our country during the fifties and sixties and were sick because of their work in handling nuclear weapons. So JIM BUNNING deserves the thanks of all the families of the sick nuclear workers in America for his service here.

Senator CHRIS DODD. Children and families are his hallmark and legacy. He has been here a long time—five terms. But I have felt privileged to work with him on the Subcommittee on Children and Families. One thing we've focused on together is premature births, but he's also worked on a whole variety of other legislation. We will miss his congeniality, his good humor, and his devotion to the Senate as an institution, making sure it stays unique as a place where we have unlimited debate and unlimited amendments, so the voices of the American people can be heard.

Senator BYRON DORGAN. I once heard the Chaplain say there is no better storyteller in the Senate than Senator

DORGAN. He didn't mean making up stories. He said he was good at taking what he figured was the truth and explaining it in ways the rest of us could understand. I have enjoyed working with him on legislation that would make it easier to introduce electric cars and trucks in our country and reduce our dependence on foreign oil.

Senator RUSS FEINGOLD will be remembered for his strong stands—sometimes solitary stands—such as when he voted against the PATRIOT Act and went to work early on campaign finance. I thank him for our work together on the Africa subcommittee, on which he has served during his whole time here.

There is no better Senator than JUDD GREGG on either side of the aisle. One indication of that is that the last three leaders of Republicans in the Senate have asked him to sit in on leadership meetings to get his wisdom and advice. He doesn't say too much, but what he says we all pay attention to. He has been the voice of our party and we believe the voice of Americans who are concerned about fiscal responsibility, about spending, and too much debt.

Senator BLANCHE LINCOLN has been a pioneer throughout her career, as a staff member and a Congresswoman, and later as a Senator occupying Senator Hattie Caraway's desk, who was the first woman to be elected to the Senate. BLANCHE LINCOLN was the youngest woman ever to be elected to the Senate and left her mark with the passage of the 2008 farm bill.

ARLEN SPECTER from Pennsylvania. The word to describe him is "courage." The other word is "survivor." And they both go together. ARLEN has had a distinguished career from his youngest days. He was a member of the Warren Commission, investigating President Kennedy's assassination. In the Senate, his work has spanned the entire mark. One of the things I appreciate most about Senator and Mrs. SPECTER is their work on Constitution Hall in Philadelphia, which is such an example of living history.

Senator GEORGE VOINOVICH has been a mayor and a Governor and a Senator, a strong voice in concerns of federalism. Federal workers have GEORGE to thank for years of attention to issues involving Federal employees that most of us were too busy to pay as much attention to.

There have been four Members appointed to the Senate who are retiring, and that is quite a number.

Senator TED KAUFMAN of Delaware was a great teacher and a longtime Senate staffer before serving in the Senate himself.

Senator GEORGE LEMIEUX of Florida made his focus balancing the budget and controlling the debt. We have not heard the last of GEORGE LEMIEUX, I am sure, in politics.

Senator Roland Burris of Illinois was a State comptroller and attorney gen-

eral. He is his own man, and capped off a long career in public service by serving here.

Senator Carte Goodwin, the youngest Senator who replaced the oldest in Senator Byrd. He was here only a few months, but we've enjoyed having him.

It has been my privilege to serve with these 16 Senators. We thank them for their service to our country. They have had a chance to serve in what we regard as the world's greatest deliberative body; it is a special institution. We will miss their leadership, and we hope they will stay in touch with us because they are not just retiring Senators, they are all our friends.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

WAR AGAINST THE MIDDLE CLASS

Mr. SANDERS. Mr. President, there is a war going on in this country, and I am not referring to the wars in Iraq or Afghanistan. I am talking about a war being waged by some of the wealthiest and most powerful people in this country against the working families of the United States of America, against the disappearing and shrinking middle class of our country.

The reality is, many of the Nation's billionaires are on the warpath. They want more, more, more. Their greed has no end, and apparently there is very little concern for our country or for the people of this country if it gets in the way of the accumulation of more and more wealth and more and more power.

Mr. President, in the year 2007, the top 1 percent of all income earners in the United States made 23½ percent of all income. The top 1 percent earned 23½ percent of all income—more than the entire bottom 50 percent. That is apparently not enough. The percentage of income going to the top 1 percent has nearly tripled since the 1970s. In the mid-1970s, the top 1 percent earned about 8 percent of all income. In the 1980s, that figure jumped to 14 percent. In the late 1990s, that 1 percent earned about 19 percent. And today, as the middle class collapses, the top 1 percent earns 23½ percent of all income—more than the bottom 50 percent. Today, if you can believe it, the top one-tenth of 1 percent earns about 12 cents of every dollar earned in America.

We talk about a lot of things on the floor of the Senate, but somehow we forget to talk about the reality of who is winning in this economy and who is losing. It is very clear to anyone who spends 2 minutes studying the issue that the people on top are doing extraordinarily well at the same time as the middle class is collapsing and poverty is increasing. Many people out there are angry, and they are wondering what is happening to their own

income, to their lives, to the lives of their kids.

If you can believe this, since between 1980 and 2005, 80 percent of all new income created in this country went to the top 1 percent—80 percent of all new income. That is why people are wondering and asking: What is going on in my life? How come I am working longer hours for lower wages? How come I am worrying about whether my kids will have as good a standard of living as I had? From 1980 until 2005, 80 percent of all income went to the top 1 percent.

Today, the Wall Street executives—the crooks on Wall Street whose actions resulted in the severe recession we are in right now; the people whose illegal, reckless actions have resulted in millions of Americans losing their jobs, their homes, their savings—guess what. After we bailed them out, those CEOs today are now earning more money than they did before the bailout. And while the middle class of this country collapses and the rich become much richer, the United States now has by far the most unequal distribution of income and wealth of any major country on Earth.

Mr. President, when we were in school, we used to read the textbooks which talked about the banana republics in Latin America. We used to read the books about countries in which a handful of people owned and controlled most of the wealth of those countries. Well, guess what. That is exactly what is happening in the United States today. And apparently the only concern of some of the wealthiest people in this country is more and more wealth and more and more power—not all of them, by the way. Not all of them. There are many wealthy people in this country who understand and are proud to be Americans, who understand that one of the things that is important is that all of us do well. And this is an issue—greed is an issue—we have to deal with.

In the midst of all of this growing income and wealth inequality in this country, we are now faced with the issue of what we do with the Bush tax cuts of 2001 and 2003. And if you can believe it, we have people here—many of my Republican colleagues—who tell us: Oh, I am so concerned about our record-breaking deficit. I am terribly concerned about a \$13.7 trillion national debt. I am terribly concerned about the debt we are going to be leaving to our kids and our grandchildren. But wait a minute. It is very important that we give, over a 10-year period, \$700 billion in tax breaks to the top 2 percent. Oh yeah, we are concerned about the debt, we are concerned about the deficit, but we are more concerned that millionaires—people who earn at least \$1 million a year or more—get, on average, \$100,000 a year in tax breaks. So we have a \$13.7 trillion national debt, and

growing, we have growing income inequality—the top 1 percent earning more income than the bottom 50 percent—but the highest priority of many of my Republican colleagues is to make sure millionaires and billionaires get more tax breaks. I think that is absurd.

But it is not only income tax rates that we are dealing with; it is the estate tax as well. And let's be clear. While some of my friends want to eliminate completely the estate tax—which has been in existence in this country since 1916—every nickel of all of those benefits will go to the top three-tenths of 1 percent. If we did as some of my friends would like—eliminate the estate tax completely—it would cost us \$1 trillion in revenue over a 10-year period, with all of the benefits going to the top three-tenths of 1 percent.

So I am sure that in a little while my friends will come to the floor and say: We are very concerned about the deficit, we are very concerned about the national debt, but do you know what we are more concerned about? Giving huge tax breaks to the wealthiest people in this country.

Mr. President, the tax issue is just one part of what some of our wealthy friends want to see happen in this country. The reality is that many of these folks want to bring the United States back to where we were in the 1920s, and they want to do their best to eliminate all traces of social legislation which working families fought tooth and nail to develop to bring a modicum of stability and security to their lives.

There are people out there—not all, but there are some—who want to privatize or completely eliminate Social Security. They want to privatize or cut back substantially on Medicare. Yes, if you are 75 years of age and you have no money, good luck to you getting your health insurance at an affordable cost from a private insurance company. I am just sure there are all kinds of private insurance companies out there just delighted to take care of low-income seniors who are struggling with cancer or another disease.

Furthermore, there are corporate leaders out there, and many Members of Congress, who not only want to continue but they want to expand our disastrous trade policies. My wife and I went shopping the other day—started our Christmas shopping—and we looked and we looked, and virtually every consumer product that was out there in the stores was China, China, and China. We seem to be a country in which we have a 51st State named China which is producing virtually all of the products we as Americans consume.

Our trade policy has resulted in the loss of millions of good-paying jobs as large corporations and CEOs have said:

Why do I want to reinvest in America when I can go to countries where people are paid 50 cents, 75 cents an hour? That is what I am going to do; to heck with the working people of this country. So not only are we saddled with this disastrous trade policy, but there are people who actually want to expand it.

One of the things we are going to see is while we struggle with a record-breaking deficit and a large national debt—caused by the wars in Iraq and Afghanistan, caused by tax breaks for the wealthy, caused by an unpaid-for Medicare Part D prescription drug program, caused by the Wall Street bailout driving up the deficit, driving up the national debt—some people will say: Oh my goodness, we have all those expenses, and then we have to give tax breaks to millionaires and billionaires, but we want to balance the budget. Gee, how are we going to do that?

Obviously, we know how they are going to do that. They are going to cut back on health care, they are going to cut back on education, they are going to cut back on child care, and they are going to cut back on Pell programs. We just don't have enough money for working families and nannies. We are going to cut back on food stamps. We are surely not going to expand unemployment compensation. We have a higher priority, Mr. President: We have got to, got to, got to give tax breaks to millionaires. I mean, that is what this place is all about, isn't it? They fund the campaigns, so they get what is due them.

Amazingly enough, we have the CEOs on Wall Street and the large financial institutions that want to rescind or slow down many of the provisions—the very modest provisions—in the financial reform bill. I voted for the financial reform bill, but I will tell you clearly that it did not go anywhere near far enough, but it went too far for our Wall Street friends and their lobbyists, who are all over here. And for the hundreds of millions of dollars Wall Street spends on this place, they want to rescind, slow down some of the reforms there.

These people want to cut back on the powers of the EPA and the Department of Energy so that ExxonMobil can remain the most profitable corporation in world history while oil and coal companies continue to pollute our air and our water. Last year, ExxonMobil made \$19 billion in profit. Guess what. They paid zero in taxes. They got a \$156 million refund from the IRS. I guess that is not good enough. We have to give the oil companies even more tax breaks.

So I think that is where we are. We have to own up to it. There is a war going on. The middle class is struggling for existence, and they are taking on some of the wealthiest and most powerful forces in the world whose

greed has no end. And if we don't begin to stand together and start representing those families, there will not be a middle class in this country.

Mr. President, with that, I yield the floor.

The PRESIDING OFFICER. The Senator from Utah is recognized.

COMMENDING SENATOR BOB BENNETT

Mr. HATCH. Mr. President, I rise today to recognize the retirement and the departure of my great friend, BOB BENNETT. Senator BENNETT and I have jointly represented the State of Utah for many years. We are close. During that time, we have worked together as partners, collaborators, but most of all as good friends. BOB's presence in the Senate is going to be sorely missed.

Senator BENNETT is a lot of things. He is honest, he is thoughtful, he is knowledgeable. But more than anything else, Senator BENNETT is a fighter for the people of Utah. BOB has served with unwavering devotion to our State, its people, and its interests. Throughout his 18 years in the Senate, the State of Utah has been foremost in BOB's thoughts, and I don't believe he has made a single decision he didn't believe was in the best interests of our State and of our Nation.

Senator BENNETT is the son of Frances and Wallace F. Bennett. Wallace F. Bennett, we should all remember, was also a great U.S. Senator from Utah who served four terms between 1951 and 1974. I think that is accurate. BOB is also the grandson of Heber J. Grant, the seventh President of the Church of Jesus Christ of Latter-day Saints.

After attending East High School in Salt Lake City, BOB graduated from the University of Utah, where he was elected the student body president and obtained a degree in political science in 1959. His first political job was managing his father's 1962 successful reelection campaign. BOB then spent several years working as a Mormon chaplain in the Utah Army National Guard before becoming a chief congressional liaison at the U.S. Department of Transportation.

After his time at the Transportation Department, Senator BENNETT moved on to a successful career in public relations. For over a decade, he presided over some of the most successful and high-profile public relations organizations in the country. He became well known for his hard work, his leadership ability, and his entrepreneurial prowess. This was solidified in 1984 when BOB was named the CEO of the Franklin International Institute, which is now known as Franklin Covey. Franklin Covey is now one of the premier personal and organizational effectiveness firms in the world. The products and services provided by the company

impact literally millions of people every year.

But when BOB joined the company they had only four employees. During his tenure that number grew to over 1,000. By the time he left to run for the Senate, the company was listed on the New York Stock Exchange. It was at that time an already thriving corporation, a world leader in its industry, thanks in no small part to BOB's leadership. For his efforts, BOB was named Inc. Magazine's Entrepreneur of the Year for the Rocky Mountain region.

BOB was elected to the Senate in 1992 after a hotly contested Republican primary and a hard-fought general election. His father—once again, the great Senator Wallace F. Bennett—lived just long enough to see his son win an election and serve in the Senate for almost a full year. I know that must have been a great source of pride for the senior Senator Bennett and his family.

Over his 18 years in the Senate, BOB has continued to demonstrate sound judgment and strong leadership. Republican Senators have considered him a trusted resource when it comes to strategy and policy. He has been a consistent resource for those who seek thoughtful answers to difficult political questions. For these reasons, among others, BOB has served on the leadership teams of our current minority leader, Senator McCONNELL, as well as his predecessor, Senator Bill Frist.

While he is more well known for his quiet, contemplative demeanor, Senator BENNETT has always been an outstanding orator. He comes often to the floor to discuss various issues at length, rarely reading from notes and almost never skipping a beat. His contributions to our debates in the Senate have always been very valuable, and I think people on both sides of the aisle will acknowledge that and have appreciated the type of advocacy he has brought to the floor of the Senate—always courteous, always well thought out, always reasonable, and always, in my opinion, right.

As I mentioned before, I know few Senators who can match Senator BENNETT's commitment to the people he represents. Every single person in the State of Utah has benefited from the work of Senator BENNETT. One cannot ride on a train or drive on a freeway in Utah or avail oneself of so many other assets and attributes in Utah without seeing the results of Senator BENNETT's service in the Senate.

Our State has seen a lot of growth in recent years due to the expansion of our population and the fact that more and more companies have recognized that Utah is a great place to do business. Utah's infrastructure has for the most part been able to keep pace with the rapid growth, thanks in large measure to the work of Senator BENNETT.

I will miss working with Senator BENNETT to help the people of our

State, but I will miss him more as a friend. BOB and his wonderful wife Joyce—and she has been a tremendous companion to him, tremendous helpmate to him over these years—have been married for 48 years. They have 6 children and 20 grandchildren. I know every one of them is proud of the great service BOB has rendered to his country and the Senate, and they should be. I too am so pleased and proud of my friend, Senator BENNETT, and I am certain that BOB will be successful in any endeavor he chooses in the future upon leaving the Senate.

BOB BENNETT is a wise counselor. He is a truly honest man. He cares not only for the people he represented but everybody in this country and many people throughout the world.

He lives his religious beliefs. Other than family, I can't compliment anybody more than that. He lives his religion. He is exemplary. He is one of the most thoughtful people I have ever known. I value his friendship and I value his advice and I have valued it over these years that we have served together. He has always been a serious and productive leader who also has a tremendously great sense of humor. After all is said and done, he is a great father, grandfather, husband, and friend—just to mention a few.

BOB will be successful in whatever he chooses to do. He is a good man. I personally will miss him. I think everybody in the Senate will miss him, and I believe it is safe to say everybody in Utah will miss him as well—some more than others. Nevertheless, if they look at his record and they look at the things he has done for our State, for our people, they are going to thank God that BOB BENNETT was a Senator for 18 solid years. I personally thank the Father in Heaven for having him here as a partner to me, as a friend, and as somebody on whom I could rely and with whom I could counsel on some of these very earthshakingly important matters that come before our Senate.

I have such a great opinion of BOB BENNETT, I don't think even he has known—maybe not until today—how great that opinion has been. I think the world of him. I love him as a human being, and I wish him the very best, he and his family.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. BENNETT. Mr. President, I am embarrassed and humbled and gratified by the comments of my senior colleague, Senator HATCH. My wife has said, by virtue of our retirement from the Senate: It is a little like going to your own funeral. You are hearing all of the eulogies but you are still alive.

We, indeed, are planning a significant life and activity after the Senate. I will have more to say about that at some other time. But I want to express my gratitude to Senator HATCH for the

kind words he has spoken, but more importantly for the relationship we have developed in the time we have served together.

We did not know each other very well prior to my running for the Senate. He was a Senator off in Washington; I was a businessman in Utah. We had little occasion to see our paths cross and become acquainted.

One of the things I will treasure the most out of my experiences in the Senate has been the opportunity to come to know ORRIN as a friend, as a dedicated legislator, and a role model and mentor. He has guided me many times when I needed some guidance. We have disagreed sometimes when that was appropriate given our particular positions on an issue or two, but always I have been able to look to ORRIN HATCH as a mentor, a friend, someone upon whom I could depend.

In the recent election when there were those who were suggesting that maybe ORRIN should distance himself from me for his own political benefit, I am gratified by the fact that he not only refused to do that but until the very end did everything he could throughout the State to see to it that I was triumphant in that election.

It turned out I was not, as far as the convention is concerned, but elections and conventions are not the be-all-and-end-all of life. I will go on to other activities, but I will hang onto my friendship with ORRIN HATCH and continue my respect and love for him in the years to come.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FRANKEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FRANKEN. Mr. President, are we in morning business?

The PRESIDING OFFICER. The Senator is correct.

NEW START TREATY

Mr. FRANKEN. Mr. President, I rise today to speak once again about the New START treaty. Today I will talk about the New START treaty and the maintenance of a safe, secure, and effective nuclear deterrent. That means maintaining and sustaining the nuclear weapons stockpile and delivery platforms; modernizing the buildings and equipment in the nuclear weapons complex; and supporting the experts and scientists who are involved in it.

I would like to preface my remarks by underlining the urgency for the Senate to ratify the treaty. How can it be that we do not have a treaty with Russia in place, along with its verification

regime 360 days after the expiration of the original START treaty? That is more than 6 months after the administration submitted the treaty to the Senate.

The verification regime will provide crucial insight into Russian forces, insight that is degrading over time without the treaty in place. We need to ratify this treaty now.

For decades, our relations with the Soviet Union, and now with Russia, have been stabilized and made more predictable and cooperative through arms control agreements. How can it be that now, when Russia is no longer our enemy and yet not our ally, my friends across the aisle are refusing to move forward on ratifying a modest treaty that is critical for our national security?

If consideration of the treaty is delayed or blocked, it will make cooperation with Russia on national security interests much more difficult, if not impossible. Do you seriously believe that, if you block or reject the treaty, we will see Russia's continued cooperation with international sanctions on Iran? Are you not concerned that Russia will reconsider its prohibition on the sale of the S-300 anti-air defense missile systems to Iran, as it did in September?

And why put the Nunn-Lugar Cooperative Threat Reduction Program at risk? Senator LUGAR himself has warned that failure to ratify the treaty could imperil that enormously successful program in securing loose nukes.

If this modest treaty is blocked by the minority, I do not believe my friends on the other side will be pleased with the consequences.

Many of my colleagues on the other side of the aisle want to see negotiations with Russia on reductions in tactical nuclear weapons. I agree. That is going to be a difficult task under any circumstances. But as our lead negotiator Rose Gottemoeller said recently, there is zero chance of getting to the negotiating table with the Russians on tactical nuclear weapons unless we get this treaty ratified and entered into force.

It is also important to note that my colleagues on the other side of the aisle have been delaying consideration of the treaty for some time. Back in August, Senator McCONNELL said, "The only way this treaty gets in trouble is if it's rushed." And Senator KYL told reporters that since it could be hard to get everything done before the November election, the Senate might need a lame-duck session to vote on New START.

The administration and Chairman KERRY deferred to those Republicans, but now those same colleagues are saying we can not do it during the lame-duck session. To them, I say, if not now, when? If we defer and delay further, we risk a collapse in relations

with Russia, including the loss of their continued cooperation on the all-important Iran issue.

Now, the remaining major objection to ratification that Republicans have raised is not a feature of the treaty itself, but maintenance and modernization of our nuclear arsenal and complex.

There is bipartisan agreement that as our nuclear arsenal gets smaller through arms control agreements, ensuring that it remains safe, secure, and effective takes on added importance. From my perspective that is the fundamental justification for nuclear modernization. And I agree with Senator KYL, who emphasized in a floor statement, and I quote, the "direct link between nuclear force reductions and modernization of the U.S. nuclear weapons complex." Likewise, Senator McCain has noted that, "as we move to reduce the size of our nuclear stockpile, this modernization effort becomes all the more important."

The Obama administration has made a serious commitment to nuclear modernization, and they have paired it with arms control. We have an extensive set of programs in place to retain confidence in the stockpile without testing. We are extending the life of our current nuclear delivery vehicles and studying, planning, and beginning the next generation. And we are continuing to develop plans for major improvements in the complex of facilities that support the nuclear enterprise.

I support the administration's approach to modernization tethered to arms control. Now I have to admit, in these tough economic times, I do have concerns with spending \$85 billion on an enormous nuclear complex, that is a staggering amount of money. Without a commitment to arms control and nonproliferation, it is impossible to justify spending that much money. This is the 21st century, not the cold war, and our needs are different.

That is why I will not support this massive investment in modernization without an equal commitment to arms control and nonproliferation. That is why earlier this year I joined several colleagues in writing to the Budget Committee in support of the administration's massive Fiscal Year 2011 request for the National Nuclear Security Administration, or NNSA.

I will continue to fight for nuclear modernization paired with arms control. But they must be paired. Our national security requires it. And political reality requires it.

That is what the Congressional Commission on the Strategic Posture of the United States, better known as the Perry-Schlesinger Commission, made clear. The Commission's report has been the main touchstone on all sides of the debate over New START.

The December 15, 2009 letter to the President from 41 of my colleagues, in-

cluding all the members of the minority, relies heavily on the Commission's recommendations in spelling out its requirements for the treaty and modernization. Senator McCain's September 14 letter to the Foreign Relations Committee relies on the Commission's perspective on the modernization of the nuclear complex. Senator KYL's May 24, 2010, floor speech on New START also makes prominent reference to and endorses the Commission's report.

Here is the first page of the report's Executive Summary:

"While deterrence plays an essential role in reducing nuclear dangers, it is not the only means for doing so, and accordingly the United States must seek additional cooperative measures of a political kind, including for example arms control and nonproliferation. This is a time when these approaches can be renewed and reenergized."

Not only deterrence, but also arms control and nonproliferation. We must be committed to both together. That is why the Commission goes on to say, "These components of strategy must be integrated into a comprehensive approach."

It is just such a comprehensive approach that the administration has taken. In its very first recommendation, the Commission warns of the importance of maintaining both components of strategy:

The United States should continue to pursue an approach to reducing nuclear dangers that balances deterrence, arms control, and nonproliferation. Singular emphasis on one or another element would reduce the nuclear security of the United States and its allies."

I submit that the administration and those of us who have pushed nuclear modernization in good faith, to support deterrence and nonproliferation and arms control, are following this recommendation. Those who have held the New START treaty hostage to ungrounded complaints about modernization and ever-changing demands are not.

I believe many of my colleagues on the other side will vote for this treaty. They understand that it is modest but also important, and they will put national security ahead of partisan political pressures. But if a small number of Republicans continue to delay and block this treaty, they will be responsible for the disintegration of the consensus on nuclear modernization, and the complex and arsenal will once again become subject to controversy, dispute, and drift. That is just the reality.

It is true that Republicans have broadly questioned the administration's commitment on nuclear modernization. But their criticisms do not stand up to scrutiny.

Thus, Senator KYL's criticisms of the Obama administration's pledge to spend \$100 billion to maintain and modernize nuclear delivery systems, that is right, \$100 billion, is that "the plan

makes a commitment only to a next-generation submarine, not to a next-generation bomber, ballistic missile, or air-launched cruise missile.”

This makes it sound like the administration lacks commitment to a credible deterrent, but that is just not true. Where decisions need to be made now, the administration has made them, with respect to the SSBN(X), the next-generation submarine. Where decisions would benefit from further consideration, and do not need to be made now, that is what is happening.

The administration is undertaking a comprehensive set of assessments of 21st century threats and needs, and it will then make decisions on what follows the Minuteman III, the Air-Launched Cruise Missile, and the B-52 and B-2.

The Minuteman III missile is, by congressional mandate, having its life extended through 2030. Studies to inform the decision about the follow-on are needed now, and they are happening.

Similarly, the Department of Defense is studying the right mix of long-range strike capabilities, and part of that will be the appropriate role for successors to the Air-Launched Cruise Missile and the bomber. The decision with respect to our bombers can be made in the future because the bombers, though old, don't get that much stress and still have a lot of life left in them. The same is true for the Air-Launched Cruise Missile, though a decision on what will follow next needs to be made sooner.

The decision on our long-range strike capabilities should be deferred in part because, as the Under Secretary of Defense recently explained, the DoD will seek the same productivity growth and cost savings here as it is pursuing with the SSBN(X) submarine.

On the nuclear stockpile, the administration, with congressional support, is moving forward with the ongoing Life Extension Program for the W76 and with studies for the B61 Life Extension Program. It will also conduct a similar study for the W78, including exploring the potential for a common system with the W88 warhead.

Some of my Republican friends have complained that the administration's policy for the refurbishment, reuse, and replacement of nuclear components in the warheads unduly constrains the work of scientists in the nuclear complex. This is not so, as the lab directors have testified. These lab directors are on the frontlines of maintaining and modernizing the stockpile, and they will have the flexibility they need.

Then there is the nuclear complex. In the 10-year plan the administration submitted under section 1251 of last year's defense authorization, the administration made an historic investment in the nuclear complex. It set a dramatically higher baseline for fiscal

year 2011. It included several years of funding increases consistent with what the NNSA can absorb and execute. And over 10 years, it initially committed to an \$80 billion investment in the nuclear complex, a \$10 billion increase.

Now, the Democratic Congress took the extraordinary step this past September of including funding at the full fiscal year 2011 level for weapons activities in the continuing resolution we passed. Almost everything else in the continuing resolution stuck to 2010 levels.

The nuclear complex is one of the most controversial parts of the debate over nuclear modernization, particularly the prospect of replacing two major facilities. The first is the chemistry and metallurgy research facility replacement at Los Alamos, which is central to our plutonium capabilities. The second is the uranium processing facility at the Y-12 plant in Tennessee.

Republicans have complained that there is uncertainty and not enough funding for these two replacement projects. But the administration's budget has shown a significant commitment. Where there is uncertainty, it is not due to a lack of commitment on the administration's part, but simply because the design and planning processes for these facilities are in an early phase.

We simply do not know what construction of the facilities is going to cost, and that is something the fiscal year 2011 budget submission from NNSA makes abundantly clear. To budget as though we did know those costs would be irresponsible—especially for an agency that has historically been plagued by cost overruns. It is simply too soon to have a solid baseline planning number.

To be sure, the administration has been updating and revising its plans and estimates. Two weeks ago, it released an update to its section 1251 report with a revised, substantially higher cost estimate for both replacement facilities.

It also included yet more funding for the NNSA's overall budget. The administration has proposed an additional \$600 million in funding for fiscal year 2012 and an additional \$4.1 billion over the next 5 years. That brings the total for the next decade to \$85 billion. This both serves as a reminder that it is too early to have a fixed budget for the new facilities, and also strongly reinforces the administration's good-faith effort and commitment.

This brings me back to my fundamental point. I believe that support for the two new facilities can be sustained if we follow the path laid out by the Perry-Schlesinger Commission and pursued by the administration. This means balancing deterrence, arms control, and non-proliferation. The reality is that there will be significant questions and doubts about proceeding with

such a costly modernization effort if it is not accompanied by equal support for arms control and non-proliferation.

There is no doubt that the existing facilities are aging and run down. There are even safety problems. Something must be done.

But if we are going to move forward effectively, modernization must be paired with arms control. And that starts with a modest first step—ratification of the New START.

Without that step, consensus will break down, the replacement facilities will once again lose a coherent mission, and we will be stuck with drift and controversy. The Perry-Schlesinger Commission recognizes that if it is not possible to sustain the budget requisite for both facilities concurrently, choices will have to be made.

They give powerful reasons for moving forward with the chemistry and metallurgy research facility before the uranium processing facility. That is the kind of tough choice we will have to make if New START is not ratified. Similarly, real uncertainty will creep into the consideration of just what sort of project the chemistry and metallurgy research facility should be.

Let me conclude by noting that the administration and the Democratic Congress have met every demand that many of my friends across the aisle have made on modernization. To my friends on the other side, I say, look at the demands in the December 2009 letter that you all signed. The administration has met each of those demands.

Look at what Senator KYL said in an op-ed in July: “A key test is whether the Democratic-controlled Congress will approve the president's nuclear modernization requests for the coming fiscal year.” We passed that test, and as I mentioned earlier under an otherwise flat-lined continuing resolution.

In that same piece, and in his March letter with Senator MCCONNELL to the President, Senator KYL indicated he wanted assurances that the fiscal year 2012 budget would include adequate funding as well. Although next year's budget is not due out until February, as I mentioned before, the administration has already announced what it will be requesting, and it will be another enormous increase in the weapons activities budget. Can there really be any doubt that the administration will move aggressively forward with modernization—if Republicans take the first modest step of ratifying New START now?

We have passed our key test. The administration has met the demands Senator KYL had laid out. Now the key test for Senator KYL and others is whether they will join us in ratifying the New START. If they don't do that now, the consensus that we have built will fall apart. Our national security will be put at risk. And we will return

to the dark days when the nuclear enterprise was the subject of neglect and controversy.

The New START is a modest but very important step. It is one we should all take together, without controversy.

I thank the Chair, and I yield the floor.

RECESS

Mr. FRANKEN. Mr. President, I ask unanimous consent that the Senate now stand in recess for the weekly caucus meetings, as provided under the previous order.

There being no objection, at 12:21 p.m., the Senate recessed until 4 p.m. and reassembled when called to order by the Presiding Officer (Mr. BENNET).

The PRESIDING OFFICER. The Senator from Connecticut.

FAREWELL TO THE SENATE

Mr. DODD. Mr. President, first of all, let me express my gratitude to all of the colleagues and other individuals who have come to the Chamber at this moment.

Everyone who serves in Congress usually recalls two moments in their service: the maiden speech they give shortly after their arrival and their closing remarks. I can't recall what the first speech I gave as a new member of the House of Representatives 36 years ago was even about. I do, however, recall very vividly that there was no one else in the Chamber when I gave it. It was an empty hall early one evening with the exception of one colleague, Johnny Dent from Pennsylvania. He was sitting in his chair with his trademark dark glasses, listening patiently as I gave my knee-rattling, hand-shaking maiden address. Midway through the speech, he walked up to me and said quietly: You know, kid, it is not on the level. Well, that was my first speech before the House, and I am deeply honored that so many of you have come out to listen to my closing remarks today so I do not have to speak to an empty Chamber.

For more than 200 years, a uniquely American story has unfolded here in the Chamber of the United States Senate—a fascinating, inspiring, often tumultuous tale of conflict and compromise, reflecting the awesome potential of our still-young democracy and its occasional moments of agonizing frustration.

For much of my life, this story has intersected with my own in ways that have been both thrilling and humbling. As a 14-year-old boy, I sat in the family gallery of this very Chamber watching as my father took the oath of office as a new Senator. A few years later, in 1962, I sat where these young men and women sit today, serving as a Senate page. John F. Kennedy was President and Lyndon Johnson presided over this

body. Eighteen years later, in the fall of 1980, the people of Connecticut gave me the honor of a lifetime when they asked me to give voice to their views, electing me to serve as their U.S. Senator. For the past 30 years, I have worked hard to sustain that trust. I am proud of the work I have done, but it is time for my story and that of this institution, which I cherish so much, to diverge. Thus, Mr. President, I rise to give some valedictory remarks as my service as a U.S. Senator from Connecticut comes to a close.

Now, it is common for retiring Senators to say the following: I will miss the people but not the work. Mr. President, you won't hear that from me. Most assuredly, I will miss the people of the Senate, but I will miss the work as well. Over the years, I have both witnessed and participated in some great debates in this Chamber, moments when statesmen of both parties gathered together in this Hall to weigh the great questions of our time. And while I wish there had been more of those moments, I will always remember the Senate debates on issues such as Central America, the Iraq war, campaign finance reform, securities litigation, health care, and, of course, financial reform.

And when I am home in Connecticut, I see the results of the work we did every day. I see workers coming home from their shifts at Pratt & Whitney, Electric Boat, the Sikorsky helicopter plant—the lifeblood of a defense manufacturing sector so critical to our national security and to the economic well-being of my home State. I see communities preparing for high-speed rail and breaking ground for new community health centers. I see the grants we fought for helping cities and towns to build sustainable communities and promote economic development.

When I am home, I meet parents who, because of the Family and Medical Leave Act, don't have to choose between keeping their jobs and taking care of their sick children. I visit with elderly folks who no longer have to choose between paying for their prescription drugs and paying for their heat. I hear from consumers who have been victimized by unfair practices on the part of credit card companies and who will no longer be subject to those abuses. And I meet young children as well who, through Early Head Start or access to afterschool programs, have blossomed academically in spite of difficult economic circumstances.

As proud as I am of the work that has made these stories possible over the last three decades, I am keenly aware, particularly today, that I did not do any of this alone. Until this last Congress, with rare exceptions, every major piece of legislation I authored that became law—including the ones I have just mentioned—had a Republican cosponsor as well as support from my

Democratic caucus. So to my Democratic and Republican Senate colleagues who joined me in all these efforts over 30 years, I say thank you this afternoon.

I also want to thank, if I can, the unsung heroes of this institution—the Senate staff and my personal staff. It would be a grievous understatement to simply say they make the trains run on time. Without them, as all of us know, the trains would never leave the station at all—the floor staff, the cloakroom professionals of both parties, and the hundreds of unknown and unseen people who show up every day in this body to make this critical institution of democracy function. Without them, no Senator could fulfill his or her obligations to the American people.

Many of my personal staff and committee staff are present in the Senate gallery today. Neither I nor the millions of Americans whose lives you have enriched or whose burdens you have lightened can ever thank you enough. I only hope your time with me has been as fulfilling as my time with you.

Of course, I owe an enormous debt of gratitude to the people of Connecticut, whose confidence, patience, and spirit have given my life and its work deep meaning. As rich as our common language is, words cannot even come close to capturing the depth of my affection for and appreciation of the people of the State of Connecticut. For almost four decades—three terms in the House of Representatives, five terms in this Chamber—you have entrusted me to labor on your behalf, and I deeply thank you for that honor.

And lastly, my family. My parents are long since deceased, but their guidance, inspiration, and example have never departed. For the past 30 years, I have sat at this very same desk occupied by my father during the 12 years he served in this Chamber. His courage, character, and conviction have been a constant reminder of what it means to be a U.S. Senator. I thank my siblings and their children and other relatives for their enthusiastic support, particularly during the rough patches. From time to time, we all need the safe harbor of family at the darker moments. And to Jackie, Grace, and Christina, who have supported and inspired me every day: You mean more to me than I could ever say in these few short moments. So come January, I am glad I will have more time to say it to you more often. And to Jackie in particular: You have been my anchor to windward in the rough and turbulent waters of public service. When it was the darkest, you were the brightest. I love you more than life.

As this chapter in my career comes to a close, a new chapter in the Senate's history is beginning. When this body is gavelled to order in January, nearly half of its Members will be in

their first term. And even though I could spend hours fondly recalling a lifetime of yesterdays, this new Senate and the Nation must confront a very uncertain tomorrow. So rather than recite a long list of personal memories or to revisit video highlights of my Senate service, I would like to take this brief time, in these few short moments, to offer a few thoughts to those who will write the Senate's next chapter.

I will begin by stating the sadly obvious. Our electoral system is a mess. Powerful financial interests, free to throw money about with little transparency, have corrupted, in my view, the basic principles underlying our representative democracy. As a result, our political system at the Federal level is completely dysfunctional. Those who were elected to the Senate just a few weeks ago must already begin the unpleasant work of raising money for their reelection 6 years hence. Newly-elected Senators will learn that their every legislative maneuver, their every public utterance, and even some of their private deliberations will be fodder for a 24/7 political media industry that seems to favor speculation over analysis and conflict over consensus.

This explosion of new media brings with it its own benefits and its drawbacks—and it is occurring simultaneously as the presence of traditional media outlets in our Nation is declining. So while the corridors of Congress are crowded with handheld video and cell phone cameras, there is a declining roll for newspaper, radio, and network journalists reporting the routine deliberations that are taking place in our subcommittee hearings. Case in point: Ten years ago, 11 or 12 reporters from Connecticut covered the delegation's legislative activities. Today, there is only one doing the same work.

Meanwhile, intense partisan polarization has raised the stakes in every debate and on every vote, making it difficult to lose with grace and nearly impossible to compromise without cost. Americans' distrust of politicians provides compelling incentives for Senators to distrust each other, to disparage this very institution, and to disengage from the policymaking process.

These changes have already had their effect on the Senate. The purpose of insulating one-half of the national legislature from the volatile shifts in public mood has been degraded. And while I strongly favor reforming our campaign finance system, revitalizing and rehabilitating our journalistic traditions, and restoring citizen faith in government and politics, I know that wishes won't make it so.

I have heard some people suggest that the Senate as we know it simply cannot function in such a highly charged political environment; that we should change Senate rules to make it more efficient, more responsive to the public mood—more like the House of

Representatives, where the majority can essentially bend the minority to its will. I appreciate the frustrations many have with the slow pace of the legislative process, and I certainly share some of my colleagues' anger with the repetitive use and abuse of the filibuster. Thus, I can understand the temptation to change the rules that make the Senate so unique and simultaneously so terribly frustrating. But whether such a temptation is motivated by a noble desire to speed up the legislative process or by pure political expedience, I believe such changes would be unwise.

We 100 Senators are but temporary stewards of a unique American institution, founded upon universal principles. The Senate was designed to be different, not simply for the sake of variety but because the Framers believed the Senate could and should be the venue in which statesmen would lift America up to meet its unique challenges.

As a Senator from the State of Connecticut—and the longest serving one in its history—I take special pride in the role two Connecticut Yankees played in the establishment of this very body. It was Roger Sherman and Oliver Ellsworth, delegates from Connecticut to the Constitutional Convention in 1787, who proposed the idea of a bicameral national legislature. The Connecticut Compromise, as it came to be known, was designed to ensure that no matter which way the political winds blew or how hard the gusts, there would be a place—one place—for every voice to be heard.

The history of this young democracy, the Framers decided, should not be written solely in the hand of the political majority. In a nation founded in revolution against tyrannical rule which sought to crush dissent, there should be one institution that would always provide a space where dissent was valued and respected. *E pluribus unum*—out of many, one. And though we would act as one, and should, the Framers believed our political debate should always reflect that in our beliefs and aspirations, we are, in fact, many. In short, our Founders were concerned not only with what we legislated but, just as importantly, with how we legislated.

In my years here, I have learned that the appreciation of the Senate's role in our national debate is an acquired taste. Therefore, to my fellow Senators who have never served a day in the minority, I urge you to pause in your enthusiasm to change Senate rules. And to those in the minority who routinely abuse the rules of the Senate to delay or defeat almost any Senate decision, know that you will be equally responsible for undermining the unique value of the Senate—a value, I would argue, that is greater than that which you might assign to the political motivations driving your obstruction.

So in the end, of course, I would suggest this isn't about the filibuster. What will determine whether this institution works or not, what has always determined whether we fulfill the Framers' highest hopes or justify the cynics' worst fears is not the Senate rules or the calendar or the media; it is whether each of the 100 Senators can work together, living up to the incredible honor that comes with this title and the awesome responsibility that comes with this office.

Politics today seemingly rewards only passion and independence, not deliberation and compromise as well. It has become commonplace to hear candidates for this body campaign on how they are going to Washington to shake things up—all by themselves. May I politely suggest that you are seeking election to the wrong office. The U.S. Senate does not work that way, nor can it, nor should it. Mayors, Governors, and Presidents can sometimes succeed by the sheer force of their will, but there has never been a Senator so persuasive, so charismatic, so clever, or so brilliant that they could make a significant difference while refusing to work with other Members of this body.

Simply put, Senators cannot ultimately be effective alone.

As I noted earlier, until last year's health care bill, there had not been a single piece of legislation I had ever passed without a Republican partner.

Of course, none of those victories came easily. The notion that partisan politics is a new phenomenon, or that partisan politics serve no useful purpose, is just flat wrong.

From the moment of our founding, America has been engaged in an eternal and often pitched partisan debate. That is no weakness. In fact, it is at the core of our strength as a democracy, and success as a nation.

Political bipartisanship is a goal, not a process.

You do not begin the debate with bipartisanship—you arrive there. And you can do so only when determined partisans create consensus—and thus bipartisanship.

In the end, the difference between a partisan brawl and a passionate, but ultimately productive, debate rests on the personal relationships among those of us who serve here.

A legislative body that operates on unanimous consent, as we do, cannot function unless the Members trust each other. There is no hope of building that trust unless there is the will to treat each other with respect and civility, and to invest the time it takes to create that trust and strengthen those personal bonds.

No matter how obnoxious you find a colleague's rhetoric or how odious you find their beliefs, you will need them. And despite what some may insist, you do no injustice to your ideological principles when you seek out common

ground. You do no injustice to your political beliefs when you take the time to get to know those who don't share them.

I have served with several hundred Senators under every partisan configuration imaginable: Republican presidents and Democratic presidents, divided government and one party control.

And as odd as it may sound in the present political environment, in the last three decades I have served here, I cannot recall a single Senate colleague with whom I could not work.

Sometimes those relationships take time, but then, that is why the Framers gave us 6-year terms: so that members could build the social capital necessary to make the Senate function.

Under our Constitution, Senators are given 6 years, but only you can decide how to use them. And as one Senator who has witnessed what is possible here, I urge each of you: Take the time to use those years well. I pledge to those of you who have recently arrived, your tenure here will be so much more rewarding.

More importantly, you will be vindicating the confidence that the Framers placed in each person who takes the oath of office, as a U.S. Senator, upholding a trust that echoes through the centuries.

I share the confidence that Roger Sherman, Oliver Ellsworth, and the Framers placed in this body and in its Members. But I am not blind. The Senate today, in the view of many, is not functioning as it can and should.

I urge you to look around. This moment is difficult, not only for this body, but for the nation it serves. In the end, what matters most in America is not what happens within the walls of this Chamber, but rather the consequences of our decisions across the Nation and around the globe.

Our economy is struggling, and many of our people are experiencing real hardship—unemployment, home foreclosures, endangered pensions.

Meanwhile, our Nation faces real challenges: a mounting national debt, energy, immigration, nuclear proliferation, ongoing conflicts in Afghanistan and Iraq and so much more. All these challenges make the internal political and procedural conflicts we face as Senators seem small and petty.

History calls each of us to lift our eyes above the fleeting controversies of the moment, and to refocus our attention on our common challenge and common purpose.

By regaining its footing, the Senate can help this nation to regain confidence, and restore its sense of optimism.

We must regain that focus. And, most importantly, we need our confidence back—we need to feel that same optimism that has sustained us through more than two centuries.

Now, I am not naïve. I am aware of the conventional wisdom that predicts gridlock in the Congress.

But I know both the Democratic and Republican leaders. I know the sitting members of this chamber as well. And my confidence is unshaken.

Why? Because we have been here before. The country has recovered from economic turmoil. Americans have come together to heal deep divides in our Nation and the Senate has led by finding its way through seemingly intractable political division.

We have proven time and time again that the Senate is capable of meeting the test of history. We have evidenced the wisdom of the Framers who created its unique rules and set the high standards that we must meet.

After all, no other legislative body grants so much power to each member, nor does any other legislative body ask so much of each member.

Just as the Senate's rules empower each Member to act like a statesman, they also require statesmanship from each of us.

But these rules are merely requiring from us the kind of leadership that our constituents need from us, that history calls on us to provide in difficult times such as the ones we're encountering.

Maturity in a time of pettiness, calm in a time of anger, and leadership in a time of uncertainty—that is what the Nation asks of the Senate, and that is what this office demands of us.

Over the past two centuries, some 1,900 men and women have shared the privilege of serving in this body. Each of us has been granted a temporary, fleeting moment in which to indulge either our political ambition and ideological agenda, or, alternatively, to rise to the challenge and make a constructive mark on our history.

My moment is now at an end, but to those whose moments are not yet over, and to those whose moments will soon begin, I wish you so much more than good fortune.

I wish you wisdom. I wish you courage. And I wish for each of you that, one day, when you reflect on your moment, you will know that you have lived up to the tremendous honor and daunting responsibility of being a United States Senator.

To quote St. Paul, “. . . the time of my departure has come. I have fought the good fight, I have finished the race, I have kept the faith.”

So, Mr. President, it is with great pride, deep humility and incredible gratitude, as a United States Senator, that I yield the floor.

Thank you, Mr. President.

(Applause, Senators rising.)

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, I have on many occasions spoken of my affection for my friend CHRIS DODD. At the caucus today—the Presiding Officer was

there—I indicated very few people have had the opportunity and the challenges in a single Congress as CHRIS DODD. He found himself chairman of the Banking Committee at a time when the country was collapsing, the banks were collapsing. Yet he led the way to working with the Republican President to do the so-called TARP. It was something that was done on a bipartisan basis. There was never a better example in my entire government career of a more cooperative group of Senators, Democrats and Republicans, House and the Senate, working together to create something that was badly needed.

Then we had, of course, many other issues beginning with Wall Street reform. Then, to complicate his life and to add to the challenges in his life—the best friend a man could ever have was CHRIS DODD's best friend, Ted Kennedy—Ted Kennedy was stricken very ill. Senator DODD knew he would not be back to the Senate. Very few people knew that, but he knew that. He, in effect, was chairing two major committees at the same time, the HELP Committee and the Banking Committee. He did it in a way that is so commendable, so exemplary.

I have so much, I repeat, affection for CHRIS DODD that I am not capable of expressing how deeply I feel about this good man. I will have more to say later, but I did want to take this opportunity, as soon as the Republican leader makes his remarks, to allow his colleague from the State of Connecticut to speak following the two leaders, if that is OK.

I ask unanimous consent that following the remarks of Senator MCCONNELL, Senator LIEBERMAN be recognized.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Republican leader.

Mr. MCCONNELL. Mr. President, like most Members of this body, I am rarely at a loss for words, but I think we have just had an opportunity to hear one of the most important speeches in the history of the Senate about our beginnings, about our traditions, about what is unique about this institution which makes it different from any other legislative body in the world. I have heard many people discuss that over the years but never anyone so cogently point out why the uniqueness of this institution is so important to our country as the senior Senator from Connecticut has done it today. So while we have a huge number of Senators on the floor, I am going to strongly recommend that those who were not here have an opportunity to take a look at his remarks because I think they are an enormously significant and important contribution to this institution and to its future.

On a personal basis, I want to say to my good friend from Connecticut how much I am going to miss him—his wonderful personality, his ability to talk

to anybody—a uniquely effective individual.

So we bid adieu to the senior Senator from Connecticut and hope our paths will cross again in the future.

I yield the floor.

Mr. DODD. I thank the Senator.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, for 22 years it has been a blessing for me to have served with CHRIS DODD in the Senate as my colleague from Connecticut, as my dear friend, as my legislative partner. I am going to miss him a lot, as everybody in this Chamber will. I think when we listened to the words he spoke to us just a few moments ago—how full of wisdom and warmth they were—we knew how much we are going to miss him and how much we should consider what has made him not only our great friend but a truly great Senator.

CHRIS mentioned Sherman and Ellsworth, whose pictures are out in the reception area just off the Senate, who crafted the Connecticut Compromise, really created the Senate. I think CHRIS DODD, who is the 54th Senator from the State of Connecticut in our history, took this institution that Sherman and Ellsworth created in the Connecticut Compromise and made it work to the great benefit of the people of Connecticut and the people of America.

To the great benefit of the people of Connecticut and the people of America, CHRIS DODD was born to a legacy, an honorable legacy of public service, which he watched, as so many of us did in Connecticut, and, of course, learned from, from his father, Senator Thomas J. Dodd. I could say a lot about Senator Dodd, Sr. He was a prosecutor at the Nuremberg trials, remarkably principled, skillful prosecutor, who became a Member of the Senate.

I will tell you that as a young man in Connecticut, me, growing up, thinking about a political career, when I heard that Senator Tom Dodd was somewhere within range of where I lived or went to school, I went to listen to him speak. He was a classic orator, an extraordinarily principled man who had a great career in the Senate.

As we know from the years we have served with CHRIS, the characteristics I have described of his father were taken and put to extraordinarily good use in the Senate.

CHRIS's words were very important, and, as Senator McCONNELL said, should be studied by all of us and by anyone thinking about coming to the Senate. We all talk about this being an age of hyperpartisanship. But I think that misses the point because, as CHRIS said, he is a partisan in the best sense of the word. He is a principled partisan. He is passionate about what he believes in. But he knows we come to a point when partisanship ends, and you have

to get something done for the public that was good enough to send you here.

Over and over again, any of us on both sides of the aisle who have watched CHRIS work a bill know how persistent, how open, how anxious he was to try to find common ground, yes, to compromise because ultimately our work is the art of the possible. Somebody once said to me: The futility of the failure to compromise, there is no result from it. But if you have a goal, a principled goal, you know you can achieve a significant part of that goal if you can build enough support in this Chamber, and time and time again CHRIS DODD did that.

The other reason I think he did it is because of the truth that he spoke in his remarks, which is that beyond the great debates and the headlines and the sniping back and forth, the Senate, after all, is 100 people who go to work in the same place every day, and your ability to get things done in the Senate, as is true in offices and factories all over America and other places of work, your ability to get things done here is affected, in great measure, by the trust your colleagues have in you and even the extent to which they like you.

I think, by those standards, CHRIS DODD has been totally trustworthy. As we were taught when we grew up in Connecticut politics, his word has been his bond, and his personality has warmed each of us as we have gone through the labors we go through here.

CHRIS DODD has served longer in the Senate than any Senator from Connecticut. So on this day—and he will forgive me a little bit of hyperbole. I would guess, as a matter of friendship and faith, that he has probably accomplished more than any other Senator in the history of the State of Connecticut, and he has done it because he cares about people. When he takes something on, he simply does not quit.

I just want to tell you one story. In 1989, CHRIS met a woman named Eva Bunnell at her church in East Haddam, CT. She told him her daughter had been born with a rare brain disease and was fighting for her life in the intensive care unit. But when her husband asked his employer for time off to be with his wife and critically sick infant, he was told to go home and never come back, leaving a family without income or health insurance.

The story, all too common at the time, is the kind of injustice that has repeatedly moved CHRIS DODD to action. He authored, as we know, the Family and Medical Leave Act. He worked, as I said before, on compromises that made it acceptable to a large number of people, stuck with it through two Presidential vetoes, and then finally saw it signed into law by President Clinton in 1993.

Today, the records will show that more than 50 million people, 50 million

people, have been able to take time off from work to care for a loved one or give birth to a child without fear of losing their jobs.

That is a lifetime achievement, but it is only one of many such achievements CHRIS DODD has had in the Senate. Senator REID talked about this last session of his Senate career, extraordinary accomplishments: health care reform, Wall Street reform, the Iran sanctions bill which came out of the Banking Committee, which is, in my opinion, the strongest such bill we have ever passed and the last best hope to avoid the necessity to take military action against Iran. This is the kind of record CHRIS has built.

Up until this time, I have been serious, and when you talk about CHRIS DODD, it would be wrong to be totally serious because one of the things we are going to miss is that booming laugh and the extraordinary sense of humor. I have had many great laughs with colleagues here. I have probably given too many laughs to colleagues, as I think about it. But I have never laughed louder or more over the years than I have with CHRIS DODD.

Perhaps it is not totally appropriate on the Senate floor, but I have two of his comments, one about me, that I wish to share. I notice the former comedian is here. A while ago, only CHRIS DODD would have told an audience here in Washington that he thought enough time had passed in my career that he could reveal that JOE LIEBERMAN actually had not been born Jewish but was born a Baptist and raised a Baptist, and then when I got into politics and saw how many events I would have to go to on Friday night or Saturday, I converted to Judaism to take the Sabbath off. Then CHRIS said: And, you know, I am thinking of converting to Judaism myself but only for the weekends.

Another quick quip. As my colleagues in the Senate know, it is our honor to walk our State colleagues down the center aisle in the Senate to be sworn in for a new term. The first time I did that, we walked arm in arm, as we always have. CHRIS turned to me and said: You know, JOE, there are people who are worried that you may be the only person I will ever walk down an aisle with.

Well, fortunately, that was not true because, CHRIS and Jackie got married and had these two wonderful daughters, Grace and Christina, who have provided so much joy and satisfaction and hopefulness to CHRIS.

We are going to miss you. I am going to miss you personally. I speak for myself, but I speak, I would bet, for just everybody in this Chamber in saying we feel so close to you that we know our friendship will go on.

I would say CHRIS DODD leaves, to sum up an extraordinary Senate career, having achieved a record of results that benefited the people of Connecticut and America in untold ways. He has a wonderful family with whom he looks forward to spending time, and he has oh so many great years ahead of him, including, I hope and believe, times when he will again be of service to our country.

God bless you, CHRIS, and your family.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I wish to join with my colleagues in saluting the departure of one of our best, Senator CHRIS DODD. I first saw his father, though I did not meet him, when I was a student intern for Senator Paul Douglas of Illinois, who had an office that was next door to CHRIS DODD's father's. I saw Senator Thomas Dodd leaving that office and was certainly aware of the great contribution he made to America.

Little did I know some 16 years later, when I would be a candidate for the House of Representatives, that his son would come to Decatur, IL, to do an event for me in my campaign. It was a smashing success, the biggest turnout ever. I am sure Senator DODD believes it might have been because of his presence. It also could have been because it was a \$1 chicken dinner and people came from miles around. But I was happy to advertise him as the star talent at that event.

What a great life story. CHRISTOPHER JOHN DODD, the fifth of six children of Thomas and Grace Dodd, was born in 1944 with a caul, a thin veil of skin thought to be a sign of good luck, covering his head. The doctor who delivered him told his mother that with this sign of good luck, this baby might grow up to be President, to which Mrs. Dodd replied: "What is the matter with Franklin Roosevelt?"

It was a great line, but the truth is, while Grace and Tom Dodd were both ardent New Dealers, they knew America would not depend on one leader forever, not even FDR. They knew and they taught their children they all have an obligation in our own time to try to move America closer to a more perfect Union.

Thomas Dodd, Senator DODD's father, worked to fulfill that obligation in his time. He chased John Dillinger as an FBI agent, prosecuted war criminals and KKK members as a government lawyer, and served in both the House and Senate. His son CHRIS followed his father's example, found his way to serve America by serving in the Peace Corps as a volunteer in the Dominican Republic, where he lived for 2 years in a mountaintop village in a house with a tin roof and no running water or telephone.

In that village he started a maternity hospital, family planning program, a youth club, and a school. Those were the first installments of what would become, for CHRIS DODD, a lifetime of work protecting women and children worldwide.

Senator DODD was elected to the Senate in 1980, at the ripe age of 36. He is both the youngest person ever elected to the Senate in Connecticut history and the longest serving, as has been said. Early on, his colleagues recognized his talents and named him one of the three most effective freshman Senators. He has never let up on his efforts to help America and help Connecticut.

He is a passionate, articulate voice for economic justice, for civil, constitutional and human rights and for America's role as a moral leader in the world. He is a champion of fairness, co-founder of the Senate Children's Caucus, lead sponsor, as Senator LIEBERMAN mentioned, in 1993, of the Family and Medical Leave Act, which has helped countless millions of Americans.

He has achieved more in the last 2 years, though, than most Senators achieve in long careers. As chairman of the Senate Banking Committee, he led the fight in the Senate for the most important Wall Street reform since the Great Depression. He picked up the fallen standard from his dear friend Ted Kennedy and helped lead the fight Ted Kennedy always dreamed of for affordable health care for all Americans. For that achievement alone, CHRIS DODD has earned a place in history.

CHRIS DODD has, as Eugene O'Neill might say, "the map of Ireland on his face," but he has the promise of America written in his heart. His work in the Senate has made that promise real for millions of Americans. In his office in the Russell Senate Office Building, an office once occupied by his father, are portraits of two Thomases: Thomas Dodd, his father, and another of his heroes, Sir Thomas More.

I listened to CHRIS's speech just a moment ago, and I was reminded of what Thomas More wrote in his masterwork, "Utopia." He said:

If you can't completely eradicate wrong ideas, or deal with inveterate vices as effectively as you could wish, that is no reason for turning your back on public life all together. You wouldn't abandon a ship in a storm just because you couldn't control the winds.

For 30 years in the Senate, even when he has had to sail through fierce headwinds, CHRIS DODD has kept his compass fixed on the ideals that make America both great and good. In doing so, he has made the Senate, Connecticut, and America a better place.

I am proud to have served with him and call him a friend. I thank him for his efforts that brought me to the House of Representatives so many years ago. I thank him for his service

in the Senate and a special thanks to his wonderful family; Jackie, a great friend, and those two great daughters, Grace and Christine, whom I have seen as swimmers at the Senate pool, good health and good luck to the whole family for many more chapters in their lives.

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Mr. President, I rise this afternoon to pay tribute to my dear friend and colleague and, in a very real sense, mentor. I can testify from the experience of the last 2 years to his remarkable contributions to this country.

I don't believe any other Senator could have navigated the treacherous waters of the Dodd-Frank bill. It was like watching a great conductor conduct a complicated piece of music: knowing when to pause and let tempers cool, knowing when to pick up the tempo, knowing when to come to the final conclusion. It was a virtuosos performance, in keeping with a career of contributing to Connecticut and to this country.

The most remarkable tribute I have ever heard about this wonderful man was in a very unusual place by a person who honestly probably doesn't know who he is. It was May 21, 2010. I was visiting a wounded soldier at Walter Reed Army Hospital, a member of the Second Battalion, 508 Parachute Infantry Regiment of the 82nd Airborne Division. He had been wounded around Kandahar by an IED. Fortunately, he was on the road to recovery. We joked for a moment and talked about his experiences, and I turned to his mother, who was sitting there watching her son, her life, her hope make a full recovery, and I said: How are you doing?

She said to me very simply: I am doing fine. You see, I was able to take family medical leave and be with my son while he recuperated.

She probably doesn't know who Senator DODD is or what he did, but she, along with 50 million other Americans, was by the hospital bed of a wounded son or a sick child or an ailing parent. To me, that is the greatest tribute to what Senator DODD has done.

There is a great line I recall about Franklin Roosevelt. His cortege was winding its way through Washington. A man was sobbing, sobbing, sobbing. A reporter rushed up to him: Well, you are so affected. You must have known the President. Did you know the President?

He said: No, I never knew the President, but he knew me.

CHRIS DODD knew the people of Connecticut and the people of the United States, and in every moment, he served them with integrity and diligence and honor.

CHRIS, to you, to your family—and I say this because your mother is from

Westerly, RI, God bless her; and your beloved sister, our dear friends Martha and Bernie, from Rhode Island—as an adopted son of Rhode Island, thank you for your service to the Nation.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. WHITEHOUSE. Mr. President, may I associate myself with the remarks of my distinguished senior Senator and reemphasize our pride in the contacts that Chairman DODD, Senator DODD, our friend CHRIS DODD has with Rhode Island.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, I wish to take a couple of minutes to salute the service of one great Senator, CHRIS DODD.

CHRIS and I have served together for more than 25 years. When I arrived here—and I was not one of the youngest people to get here at that time, but CHRIS was someone I knew from other walks of life—I turned to him, as well as my dear friend who used to occupy this seat, Ted Kennedy, for advice and counsel. Sometimes the counseling was better than the advice, but we were younger then.

CHRIS DODD has that incredible personality that gets things done, that presents a leadership position on issues. He has shown incredible patience in the way he dealt with financial reform and with health care. But never, as I saw it, did CHRIS leave the people who disagreed with him with anger, with a feeling of anger or with anything other than respect and friendship.

CHRIS comes from a distinguished family. His father occupied a seat here for a dozen years. Now Senator CHRIS DODD has decided to leave the Senate. It was a decision he made with which I totally disagreed. It was bad judgment, I can tell my colleagues that. When I left after 18 years of service, three terms, I decided I had had enough. I left. Good fortune smiled on me, and I came back after 2 years, after a 2-year absence, missing being here maybe more than it missed me.

I remember, as I made my outgoing visits—no, my decisionmaking visits—CHRIS invited me to his office with Ted Kennedy and a colleague whom we had at the time, Paul Wellstone, now deceased but a wonderful colleague. The three of them sat with me in CHRIS's office, and CHRIS tried to talk me out of leaving. I said: No, it is a decision I made. I began to have misgivings about it, but by then, the die was cast; there were other people who wanted to run for the job. So I left with lots of regrets. I was away from here for a period of time. In 2001 when I left, it was a terrible year—the year of 9/11 and the beginning of a recession and the beginning of war and all of those things. So I tried to play turnaround with CHRIS,

and I talked to CHRIS about leaving and I said: CHRIS, don't leave. Don't do it.

CHRIS DODD will leave a void. I think it is obvious that someone will follow, take the reins. It doesn't mean they will ever take his place. I don't think that is possible. CHRIS DODD will have left an impression here of decency and honesty and honor and respect on all of us on both sides of the aisle—one of the few times we all agree.

So I say to CHRIS and Jackie and your two little girls that we wish you well. Our friendship will endure way past our time serving together.

CHRIS, follow my example. Give it a couple of years and get back here, will you. Thank you very, very much, CHRIS DODD, for your wonderful service. We love you, and we will miss you, and we will always think about you.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Mr. President, I rise to speak briefly in honor of our friend and colleague, the senior Senator from Connecticut. I have watched him from the day I came here. We knew each other a little bit when I was in the House. He left the House to go to the Senate, but we had many of the same friends when I came to the House. I always marveled at his abilities.

For those of us who have served here—I have only been here 12 years—we know the joys and difficulties of legislating in the Senate. We know it is not easy, and we know how satisfying it is. There are very few who reach the acme of how to do it and who devote their lives to it. I guess they are given a title—I don't know if it is official; it is probably not—they are the “men and women of the Senate.” We have had two leave us in the last year: Senator Robert Byrd and Senator Ted Kennedy. They were truly men of the Senate. It is not a title bestowed easily or lightly or frequently.

CHRIS DODD is a man of the Senate. He is in the category of Ted Kennedy and Robert Byrd in terms of his ability to get things done, his ability as a legislative craftsman, as somebody who is able to combine idealism and practicality, as somebody who is able to sit down with someone, as has been mentioned before, with a totally different viewpoint and get them to compromise and be on his side and be part of the effort he is leading. He is a man of the Senate. He will always be a man of the Senate. I will miss him personally for his guidance and friendship, and I think every one of us will.

CHRIS, good luck and Godspeed.

Mr. DODD. Thank you very, very much.

Mr. COCHRAN. Mr. President, if there is no other Senator wishing to speak, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNEMPLOYMENT BENEFITS

Mr. REED. Mr. President, today we have an opportunity to assist literally hundreds of thousands of families across this country who are out of work through no fault of their own, who are battling with the most severe economic downturn since the Great Depression, who are chasing jobs that have disappeared, and they are looking everywhere to try to find work. We have the opportunity to extend unemployment benefits for an additional year.

In my State of Rhode Island, people are in a very serious situation. They are struggling to stay in their homes, to educate their children, to deal with the challenges of everyday life. They have worked hard and long all of their lives, and now they are finding it difficult to find a job.

In every situation previously in this country, we have come to their assistance. We have done so by extending unemployment benefits. We have never failed to do that as long as the unemployment rate was above 7.2 or 7.4 percent. Today across the country, it is close to 9 percent nationally. In my State of Rhode Island, it is much higher. We have always done it on an emergency basis because it truly is an emergency. We haven't had to offset because we have always determined that it was necessary to get the money to the people who could use it, who needed it desperately, and we should do that again.

I find it difficult to understand how some of my colleagues on the other side would object to an extension of unemployment benefits for a year that are not offset but at the same time insist that we provide tax cuts to the very richest Americans, without paying for them, and insist that we add approximately \$700 billion to our deficit by extending tax cuts for people making over \$250,000 a year—and many making many times that amount—yet for unemployed Americans desperately seeking work and not finding it, they would insist that we not only have to pay for it, but we have delayed and delayed the process of getting them assistance. It is difficult to justify those two positions.

It is also difficult to justify those two positions because what we know is that unemployment compensation benefits give us a much bigger bang for the buck than the extension of tax relief to upper income citizens. The Congressional Budget Office has rated the effectiveness of various techniques to provide assistance and stimulate demand in the economy. They have found

that unemployment insurance is far and away the most effective form—much more effective than tax cuts to the wealthy.

CBO estimates that for every dollar of unemployment compensation benefits that we inject into the economy, we get \$1.90 of economic activity, which is almost a 2-for-1 payback. So we are in a situation where this is not only the appropriate policy to pursue, but it is the most effective one in order to keep demand and the economy and growth moving forward.

I am someone who believes in fiscal responsibility. That is why I took, in the 1990s, difficult votes in order to balance the budget under President Clinton, to raise not only our output but also to balance the budget and have a surplus in 2000. I opposed the proposal and the tax cuts favored by Republican colleagues in 2000 because I understood that the difficult, hard fought, fiscal responsibility could easily be frittered away because what looked like a surplus in 2000 could be affected by unforeseen events, such as terrorist attacks, natural disasters, or changes in the world economy that we could not contemplate. I knew how difficult it was in the nineties to get our house in order. I was opposed to these tax cuts. I hope everybody else realizes the demographics of the country at that time.

In 1993-1994, we took tough votes to build up a surplus because we knew what was coming. We had a demographic wave—the baby boomers—that would qualify for Medicare and Social Security, and that would, by the nature of the sheer size of that population, put extra demands upon our budget.

Despite all of that, taxes were cut, wars were pursued unpaid for. For the first time in the history of the country, we engaged in major military operations and didn't even make an attempt to pay for them. That is not the definition of fiscal responsibility. Yet many of the same proponents of that policy are urging us today that we cannot do unemployment compensation insurance unless we pay for it. But, of course, let's extend the Bush tax cuts for all Americans, including the wealthiest, and in that case add another \$700 billion to our deficit over 10 years. That doesn't seem to make any economic sense.

This proposal is supported by people who are knowledgeable about the way the economy works. In a statement released today, 33 economists, including 5 recipients of the Nobel Prize in economics and 5 former chairs of the Council of Economic Advisers, have said:

Continuing the about-to-expire federal emergency unemployment insurance program, which provides extra weeks of benefits to the long-term unemployed, is sensible economic policy that will not only assist the unemployed but help maintain spending, overall demand, and employment at this

critical point in the recovery. . . . Eliminating these benefits, on the other hand, will cause hardship for the long-term unemployed, scale back spending, and weaken the economy since unemployment benefits are one of the most effective means available to support overall demand. Unemployment has remained above 9 percent for 18 months already and will likely remain high for some time to come, making a strong case for continuing the current program for another 12 months. Moreover, the special provisions for extending unemployment insurance during recessions have traditionally been financed by short-term fiscal deficits and this remains a prudent approach. The program will not contribute significantly to long-term deficits because its costs will diminish automatically as the economy recovers and unemployment returns to more normal levels.

Let me say that again in my own words. Our colleagues are suggesting a permanent extension of tax cuts that will cost, over 10 years, \$700 billion, and presumably 10 years after that and 10 years after that. That is a huge structural change to our revenue. Unemployment compensation benefits are cyclical. They rise in difficult times, like today, and they fall as the economy recovers. So we are not talking about a long-term commitment to a program of deficit enhancement; we are talking about short-term relief for struggling Americans.

I think these economists make the case extraordinarily well. I ask unanimous consent that their letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ECONOMIC POLICY INSTITUTE,
Washington, DC, November 29, 2010.

HON. BARACK OBAMA,
President of the United States, The White House, Washington, DC.

HON. NANCY PELOSI,
Speaker, House of Representatives, Washington, DC.

HON. HARRY REID,
Majority Leader, U.S. Senate, Washington, DC.

HON. JOHN BOEHNER,
Minority Leader, House of Representatives, Washington, DC.

HON. MITCH MCCONNELL,
Minority Leader, U.S. Senate, Washington, DC.

DEAR MR. PRESIDENT, SPEAKER PELOSI, MAJORITY LEADER REID, CONGRESSMAN BOEHNER, AND SENATOR MCCONNELL: Congress must decide whether to continue the Emergency Unemployment Compensation program (EUC), a decision that will directly affect millions of families and the entire economy. Authorization for the additional benefits Congress has been providing since the passage of the American Recovery and Reinvestment Act in February 2009 expires tomorrow, November 30, and millions of unemployed workers will soon be affected. I write you out of concern for the jobless, who through no fault of their own, cannot find work in an economy with only one job vacancy for every five unemployed workers, and who depend on EUC to pay their rent or mortgage, pay for groceries and gas, and pay for their heating bills and other utilities.

But I write also out of concern for the economy. Together with Lawrence Katz of

Harvard University, I gathered the signatures of 33 prominent economists on the attached statement, which warns that letting the Emergency Unemployment Compensation program expire will weaken the economy by reducing the spending of the unemployed and overall consumer demand. All of us agree that EUC should be extended for another 12 months and that there is no danger that continuing to provide extended unemployment insurance benefits will materially raise overall unemployment. We also agree that deficit financing for EUC is prudent and will not contribute significantly to long-term deficits.

We hope that you act swiftly to renew these benefits, for the good of the economy and the well-being of millions of deserving Americans who depend on them.

Sincerely,
LAWRENCE MISHEL,
President, Economic Policy Institute.

STATEMENT FROM LEADING AMERICAN ECONOMISTS

Continuing the about-to-expire federal emergency unemployment insurance program, which provides extra weeks of benefits to the long-term unemployed, is sensible economic policy that will not only assist the unemployed but help maintain spending, overall demand, and employment at this critical point in the recovery. Given that there remains a historically high number of unemployed workers per job opening, there is no danger that continuing to provide extended unemployment insurance will materially raise overall unemployment. Eliminating these benefits, on the other hand, will cause hardship for the long-term unemployed, scale back spending, and weaken the economy since unemployment benefits are one of the most effective means available to support overall demand. Unemployment has remained above 9.0% for 18 months already and will likely remain high for some time to come, making a strong case for continuing the current program for another 12 months. Moreover, the special provisions for extended unemployment insurance during recessions have traditionally been financed by short-term fiscal deficits and this remains a prudent approach. The program will not contribute significantly to long-term deficits because its costs will diminish automatically as the economy recovers and unemployment returns to more normal levels.

SIGNERS

Henry J. Aaron, Brookings Institution; Kenneth Arrow, Nobel Laureate in Economics, Stanford University; David Autor, Massachusetts Institute of Technology; Martin Neil Baily, Chair, Council of Economic Advisers, Brookings Institution;

Dean Baker, Center for Economic and Policy Research; Alan S. Blinder, Princeton University; Gary Burtless, Brookings Institution; Raj Chetty, Harvard University; David Cutler, Harvard University; Janet Currie, Columbia University; J. Bradford Delong, University of California—Berkeley; Robert H. Frank, Cornell University; Richard Freeman, Harvard University; James K. Galbraith, University of Texas; Claudia Goldin, Harvard University; Jonathan Gruber, Massachusetts Institute of Technology;

Harry J. Holzer, Georgetown University; Robert Johnson, Roosevelt Institute; Lawrence Katz, Harvard University; Frank Levy, Massachusetts Institute of Technology; Eric S. Maskin, Nobel

Laureate in Economics, Princeton University; Daniel L. McFadden, Nobel Laureate in Economics University of California—Berkeley; Lawrence Mishel, Economic Policy Institute; Christina Romer, Chair, Council of Economic Advisers University of California—Berkeley; Christopher Ruhm, University of North Carolina—Greensboro; Emmanuel Saez, University of California—Berkeley; Charles L. Schultze, Chair, Council of Economic Advisers, Brookings Institution; Robert M. Solow, Nobel Laureate in Economics, Massachusetts Institute of Technology; Timothy M. Smeeding, University of Wisconsin; Joseph E. Stiglitz, Nobel Laureate in Economics, Chair, Council of Economic Advisers, Columbia University; Laura D. Tyson, Chair, Council of Economic Advisers University of California—Berkeley; Till Von Wachter, Columbia University; Justin Wolfers, University of Pennsylvania.

Mr. REED. As I indicated before, their view has been echoed by the CBO. Tax cuts, in their view, are the least effective form of economic stimulus, and the most effective is unemployment insurance benefits.

On November 16, the Department of Labor released an independent study that was commissioned during the Bush administration. It found that since mid-2008, the Federal unemployment insurance program has saved 1.6 million jobs in every quarter, averting 1.8 million layoffs per quarter at the height of the downturn, and reduced the unemployment rate by 1.2 points.

Separately, the Economic Policy Institute has found that continuing the programs through the end of 2011 will support the creation of 700,000 full-time equivalent jobs.

People who get unemployment insurance benefits tend to take that money and go to the grocery store or buy shoes for their children or pay down, if they can, some of their credit card debt. Maybe in this holiday season they will buy an extra present for their children. That keeps our economy moving, and it keeps the people in the grocery stores working, people at department stores working, and the manufacturers producing these goods working.

Our economy grew at 2 percent in the third quarter and in a recent Wall Street Journal article, Goldman Sachs analyst Alec Phillips estimated that if unemployment insurance benefits expired, it would shave half a percentage point from growth. Such a decline would cost hundreds of thousands of jobs. So here is a policy that will expand jobs, maintain jobs, and if we don't pursue it, we will find ourselves contracting employment at the very time that all Americans are asking us to do something very clear-cut: get jobs, keep jobs, produce jobs, and find a way to create them. This could also engender a downward spiral because if the jobs contract, that could be the beginning of further contraction, and it could leave us in a worse situation.

So not only will families feel the brunt of this lack of unemployment compensation benefits, it is the small businesses throughout every community—it is the retailers and the people who depend upon their neighborhood customers to come in and buy the goods and services that not only provide them what they need but also provides the cash flow for small businesses to keep operating.

Failure to maintain unemployment insurance will mean that 2 million jobless workers will lose benefits in December. Two million Americans, this December, will stop receiving benefits. Several hundred thousand unemployed workers will lose their benefits every month, culminating in up to 6 million losing benefits by the end of 2011. Now is the time to govern, the time to act, and now is the time to do what we have always done in a situation like this. It is the time to act promptly and timely and pass an extension of the unemployment insurance benefits.

We have seen over the last year delay after delay. We have seen benefits expire only to retroactively be restored through procedural votes and delays.

One of the ironies is that we get these procedural votes that we can't move forward on a bill but, finally, when the bill comes up to a vote, there is overwhelming support, which suggests to me that the process of delay has taken primacy over the substance of policy. That is not worthy of our constituents and the crisis they face today in this country. We have, as I said, continuously maintained unemployment compensation benefits, and we have extended benefits whenever our unemployment rate nationally is above 7.2 percent. Republican administrations, Democratic administrations, Republican Congresses, and Democratic Congresses have always recognized that at the level of 9 percent unemployment, extended unemployment benefits were almost automatic—something you had to do for all the reasons I have cited, such as the economic effects on the economy, but most fundamentally it is giving people a chance to just make ends meet until they can find a job.

So I think we are in a position where we must go forward. Acting now is the right thing to do, the responsible thing to do, and the wise economic thing to do. We need to swiftly pass this 1-year extension.

Many colleagues are joining Senator BAUCUS, the chairman of the committee, in introducing this legislation. I urge at this point that we move forward, and at this point I make the following request.

Mr. DURBIN. Before the Senator makes his request, may I pose a question to the Senator.

Mr. REED. Yes.

Mr. DURBIN. I thank the Senator for his time and his leadership on this

issue. I am happy to join him. I want to make sure we put this into the context of the lameduck session. This is a session when we are debating tax cuts, and the position held by the other side of the aisle is that we should give tax cuts to those making \$1 million a year in income, which is roughly \$20,000 a week. If I understand the differences in the Democratic position and the Republican position, we think those making \$1 million a year should get roughly \$6,000 in tax cuts. They believe those making \$1 million year should get \$100,000 in tax cuts. I also understand if the Republican position prevails, it will add \$700 billion to the deficit over 10 years, just to give tax cuts to those making over \$250,000 a year or \$70 billion a year.

So their position, when it comes to tax cuts for the wealthiest in America, is that we can afford to add \$70 billion to the deficit with a tax cut for millionaires each year and not accept the reality that that is one of the poorest ways to spark growth in our economy. Our position is that, historically, when we reach high levels of unemployment—over 7.2 percent—we have extended unemployment benefits. We are now at about 9.6 percent. And we believe we should extend unemployment benefits for those who have lost their jobs through no fault of their own. The benefits average about \$300 a week for someone to keep their family in food, clothing, pay the utility bills in the winter, that sort of thing. And we are told by the Congressional Budget Office that unemployment benefits are the best catalyst for sparking growth in the economy. It is money spent immediately by people who need disposable income and who will turn around and purchase goods and services immediately with it.

So \$70 billion for tax breaks—\$70 billion in deficits each year for tax breaks for the wealthiest people in America, for something that doesn't spark the economy, versus some \$60 billion for extending the unemployment insurance benefits for 1 year, which will spark growth in the economy. Is that the choice we are facing?

Mr. REED. I think the Senator from Illinois has stated it very clearly, very succinctly, and very accurately. That, apparently, is the choice. It is a choice I find difficult to understand for the reasons the Senator has laid out. We want to respond to the needs of so many families, working families. And this is one of those programs that, by definition—if you qualify for unemployment benefits, you had a job, you just lost it. So these are working families who are now looking for some support as they search desperately for jobs.

As we pointed out too, not just in terms of the individual recipients but for the economy overall, the benefit is substantial. It is about \$1.90 in economic activity for every \$1 that we put

into the benefit. On the other side of the spectrum, economists have looked at the impact of these tax cuts for the wealthiest Americans and find very little growth in economic activity, and, frankly, that makes sense. This is not economics at MIT or Harvard or anywhere else. If you are struggling at \$368 a month, it is not going to go into your vacation fund or for buying objects of art. It is going to go to the grocery store and into all of the demands of a family. If you are fortunate enough through your hard work and through your ingenuity to be making over \$1 million a year, your consumption package is not going to be altered dramatically by these tax cuts. That is the conclusion of the economists, and I think the Senator said it very well.

UNANIMOUS-CONSENT REQUEST—S. 3981

So I thank the Senator from Illinois, but at this juncture, I would like to formally, Madam President, ask unanimous consent that the Finance Committee be discharged from further consideration of S. 3981, a bill to provide for a temporary extension of unemployment insurance provisions, and that the Senate then proceed to its immediate consideration; that the bill be read three times, passed, and the motion to reconsider be laid upon the table; and that any statements relating thereto appear at the appropriate place in the RECORD, as if read.

The PRESIDING OFFICER (Mrs. HAGAN). Is there objection?

Mr. BROWN of Massachusetts. Madam President, I object. And I have a pay-for alternative on which I would like to speak.

The PRESIDING OFFICER. Objection is heard.

Mr. REED. If the Senator will pause for a moment, I am concluding, and then the Senator will have his own time.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Again, I think it is unfortunate that we cannot move this bill. I think, to put it very succinctly, we will try again. I hope we can. I hope we will for the sake of our country, small businesses, and families across my State and in this Nation who need this help and assistance.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. BROWN of Massachusetts. Madam President, I wish to thank the Senator from Rhode Island, who passionately spoke about his proposal, his bill to deal with a very important problem we are facing in the United States.

I am not the new person here anymore. Somebody came in yesterday. But I will say that it is still new to me that here we are, with 6½ hours before the benefits will expire, and we are now discussing this. God forbid we actually think ahead and spend a little bit of forethought in preparing and working

together to try to come up with some type of solution before being faced with a 6½-hour deadline before the benefits expire. So, once again, I know I am not the newest guy anymore, but I have to say that this is not the way to do business in the Senate. And if it is, it needs to change.

So here we are. The Senator just spoke about our needing to do this to keep the economy moving. No, we have to start focusing on jobs. That is what we have to do to get this economy moving. We have to start focusing on the things that are important—the deficit, the spending. Yesterday, we couldn't even pass the 1099 fix—something small businesses and all businesses in this country are clamoring for. We could not do that one thing—one thing. Now all of a sudden we are going to do another extension.

I have complete and total sympathy and understanding for this. I want to help. More than anybody here, I want to help. But to just keep throwing money at a problem when it is not paid for, with 6½ hours left, to put people on the spot instead of doing it the right way—working together, getting together in an office with the leadership and the people who care about these issues and coming up with a common solution—makes no sense to me.

The reason we are having this high unemployment which my colleagues keep referring to—9 percent unemployment—is because there is no certainty in business. There is so much uncertainty right now in the business world, whether it is with the financial services people or the estate planners. Right now, we have zero percent. If you die—folks say it is a good year to die because next year it could be 55 percent or it could be less. Who knows. So there is so much money on the sidelines right now that we don't know what to do. It is not coming in to get the economy moving.

We can't do the 1099 fix, we can't do the R&D tax credits, we can't work on accelerated depreciation, and we haven't repatriated any of the monies that are offshore. What do we do? We put up more and more roadblocks for businesses, so they do not want to hire these people off the unemployment rolls. Yet here we are with 6½ hours left, people aren't hiring, and we spent 7 days on food safety. Listen, I love to eat as much as the next guy, but give me a break. We should have spent 7 days working on the one thing the people who voted in November wanted—and they sent us a very powerful message—and that is getting our economy moving again; focusing on jobs, jobs, jobs; streamlining the regulatory process; and firing away to get this economy moving. But we needed to work on food safety. Oh my gosh, that was so important. I am glad I rushed back from our break to work on food safety. Now, I know we have some issues in

that regard, but don't you think the 1099 fix and unemployment benefits and all these other things are a little bit more important?

Some of my colleagues will say—the Senator from Illinois just said it—that we are here debating tax cuts. No, we are not. We are not debating tax cuts. I have been here for every vote we have had. I have been to every meeting since I have been back here. Where were we talking about tax cuts? Am I missing something? No, we haven't been talking about tax cuts. We haven't debated or discussed anything to do with business and getting our businesses and our economy moving again.

The recent job numbers in Massachusetts reflect over 280,000 people unemployed in my State alone—over 8 percent of the Massachusetts workforce. As the Senator from Rhode Island mentioned—and I know Rhode Island well; I eat in Federal Hill regularly—the unemployment is much higher there. They have very serious problems. And one of the reasons we have problems is because we are not focusing on anything to do with business. We are not giving them the tools and resources they need to actually hire the people on the unemployment rolls. It is like a catch-22.

Nearly 15 million people across the country are unemployed, 6 million of them having been without work for 6 months or more. That is roughly five people for every one job opening. Families in Massachusetts, Rhode Island, and Illinois are all struggling. They sent that very powerful message a couple of weeks ago. They are struggling to make ends meet and, as the Senator from Rhode Island said, to buy food, to buy shoes, to buy extra Christmas presents. I understand that. But if they had a job and had the pride of going out and working hard each day and if businesses had that certainty of hiring that new employee, they could do that and a lot more. They could actually invest in the future of our country.

We are in the midst of a historic economic crisis. I realize that. People are unable to find work, and I recognize that as well. The longer they are out of work, the harder it is to actually find work and become employable.

I could go on and on as to how Congress has chosen to spend its time. I remember that before we went on break, before the elections, we wasted so much time on stuff that did nothing to help the economy. So here we are. I figured that when we came back, after the message was sent, we would get it loudly and clearly—big change over in the House. Here we are. We are going to get right back to the economy. But what do we do? We do food safety. Are you kidding me? People deserve better. The people who are unemployed deserve better.

The consequences of our failure to act are the 15 million unemployed

workers in our country because they are unable to find that job. So here we are, 6½ hours before the benefits are going to expire. And I do not want to see that happen. Let me make it very clear to anyone listening or watching or however the press wants to regurgitate my statements: I don't want this to happen. It doesn't need to happen. As many of my colleagues know, if we fail to act today, 60,000 Bay Staters will see their unemployment checks evaporate at the end of the week and 800,000 workers will see their checks disappear. That number will increase to 2 million by the end of December.

So we are faced with another important decision, as we are with every other decision we make here: Do we provide the important benefits by burdening future generations, by adding on to that almost \$14 trillion national debt, or do we provide the important benefits by raising taxes on businesses that are already struggling?

If you want to talk about the Bush tax cuts, listen, that was a tax policy proposed by a President, supported by Congress, and it has been the tax policy for the last 10 years. To put a tax increase on anybody in the middle of a 2-year recession is going to add to these unemployment numbers and will be an absolute job killer.

So is there a better way? Of course. There is always a better way, especially when we work together. We can always find a better way, as I have tried to work with the Senator from Oregon and other Senators to find commonsense solutions to our very serious problems. That is why I am once again offering an offset extension of unemployment benefits.

The funny thing is that the proposal—and this is what I find so ironic. I will see where everyone wants to stand. If my colleagues want to do something today, I say to the Senators who are here and listening, we can provide that 1-year extension. In fact, I am offering an offset that was supported by 21 Democrats yesterday when we tried to do the 1099 offset bill, which I supported. I was a cosponsor, in a bipartisan manner. I supported both the Republican and the Democratic proposal just hoping, God forbid, we could get one thing done—just one. Twenty-one Democrats supported that bill.

So here I am with my offer. My proposal is to offset the unemployment insurance—sorry, I need to take a breath here—the offset they supported yesterday would rescind unobligated discretionary funding. It is the same offset we did yesterday. So what is the difference? Do you know what the difference is? People are hurting, and they need the help in 6½ hours. The 1099 fix we can address down the road, but others need it in 6½ hours.

So for those who supported it yesterday, I am certainly hopeful that they will support it again today. I don't

know, is it me? I ask my colleagues to join in and be cosponsors. Is it because I am a Republican that we will not pass it? It is because it is my idea? I am the almost new guy. I get that. But what about looking past party politics, as I have done since the day I got here, to try to find commonsense solutions for people who are hurting. And trust me, there are a lot of people hurting. Why don't my colleagues join me in supporting this proposal that 21 other Democrats proposed yesterday and who actually went down in the well and voted on? This is a truly bipartisan proposal that we should be able to rally around. I am confident that we can work together, as the people demanded only a couple of weeks ago.

As we enter the final weeks of this 111th Congress, there are several priorities that lie ahead. As I said earlier—I know I am getting worked up, but it just incenses me—we are here with 6½ hours remaining, and we just found out really today, or late yesterday, that we were even going to talk about this. We have to provide that certainty to businesses, from small mom-and-pop businesses all the way to the biggest corporations. They need to know what is up. They need to know they can actually rely on us to set policy that allows them to plan for the future, so they can get those 9-plus percent people off of unemployment.

Do you think we are going to keep creating more and more government jobs; that is it? We are just going to keep printing the money and there is no consequence? There is plenty of consequence. The consequence is not on our grandchildren now; we are at our great-great-grandchildren as to paying this obligation back.

We still have to ensure that the Federal Government keeps running. Let me see: We have the estate tax issue, we have dealing with tax proposals or policy at all, we are trying to get the regulatory scheme in place so we can give businesses the incentive to maybe bring money back from the offshore accounts they are holding so they do not invest in other businesses in other countries, we have this issue—we have a lot of other things on the table and we have done nothing. We spent time on food safety.

I love to eat. I have seen many people around here, we all love to eat. I want my food safe, make no mistake about it. I do not want to belittle that effort. But we need to provide money so people can actually go out and buy the food we are trying to make safe. We cannot keep spending and borrowing with no regard to our future, to our fiscal future. We need to be fiscally responsible and find ways to pay for the initiatives and policies that we think are important.

When you talk about the money—listen, it is not the government's money. It is people's money. When they have

money, they traditionally invest it, and they invest in businesses and they continue to get that economic engine going. It is not the government's money.

It is also very clear to me that people want to work and they want us to focus on that one issue. I do not know why we are avoiding it—I do not. Did you know we are avoiding that one issue that can get our country back on track? Let's just say we took all the recommendations from the debt commission that have been proposed. If we do not do the other things, it is going to be short-lived, if it works at all.

Creating jobs and supporting policies that improve economic growth have been my priority and will continue to be my focus in the Senate. There is nothing more important. I encourage the administration to immediately drop everything and focus on the economy. It is the one thing that is our ticket out of the economic mess we are in right now; instead, we are doing food safety.

I also think we need to give people that lifeline in order to get them through the tough times. Make no mistake, I agree they need help. But I look at it, are we going to do it from the bank account or are we going to put it on the credit card—bank account, credit card? How about you folks up there—bank account, credit card? OK. I know what I want to do. I will use the bank account. Let's use money that is already in the system and put it to good use immediately by 12 o'clock tonight. Let's do it.

We can settle this tonight. We can provide that extension of benefits tonight. My bipartisan idea will allow that to happen and will prevent millions of Americans from losing their benefits. Providing this 1-year extension will allow us to focus on the many other important priorities we have and that we have to handle before the end of the year.

You want to stay through the holidays and everything. Hey, I am here. Whatever. My kids are grown; they do their own thing anyway. Do I want to stay here? Sure, I will stay. We will stay and we will go out and celebrate Christmas here. Whatever. But we have so many things we need to do and we could do them right now.

I am glad food safety is done. We do not have to do it anymore. So what is next? Let me see—just pick something. I guarantee, I bet—I know betting is illegal here—I will bet we do not do anything that has to do with the economy. I will bet you.

I encourage my colleagues to join with me and stop using the credit card and burdening additional generations with this tremendous debt that we cannot afford.

UNANIMOUS CONSENT REQUEST—H.R. 4915

I ask unanimous consent the Finance Committee be discharged and the Senate proceed to the immediate consideration of H.R. 4915; that all after the enacting clause be stricken and the substitute amendment at the desk be agreed to; that the bill, as amended, be read a third time and passed, the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Is there objection?

Mr. REED. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. BROWN of Massachusetts. I yield.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Madam President, my colleague from Massachusetts has made a rather vigorous and impassioned statement. What I sense, though, is he is quite willing to put \$700 billion of tax cuts for the wealthiest Americans on the credit card but not extend unemployment benefits, as we have done persistently, decade after decade, without offsets, for people who are struggling without work. So if we are talking about coming together, avoiding increased deficits, let's look at this big issue of these tax cuts for the wealthiest Americans. Let's look at the offsets there, I suggest.

I also suggest, in terms of his argument we are not doing anything, that the record, unfortunately, of my colleagues on the other side, with respect to this issue—and we are talking about the issue of unemployment compensation benefits extension—has been one of delay and delay and delay. June 17 of this year we tried to extend these benefits and it failed in a cloture vote. They would not even let us get to the substance of the bill or amendments, perhaps, which could have paid for them or tried to offset them.

Then we came back on June 24, a week later, and had another vote. Of course, again, by 57 to 41 it was opposed.

Now we come to July 20. It finally passed 60 to 40, the minimum number of votes. The vast majority of the opposing caucus still says no.

The notion that we are somehow blocking dealing with the economic issues is so far from reality. What we have seen is obstruction, particularly when it comes to unemployment compensation benefits. Now here we are again. As I said, when you look back to Republican administrations and Democratic administrations, when we have had this level of unemployment, we have always managed to come together and to go ahead and pass these measures on a bipartisan basis and not with three cloture votes but with one perhaps procedural vote and then a substantive vote.

The issue, though, is let's not be selective. If we are serious about the def-

icit, let's take some positive steps to reduce the deficit. One is not to extend tax cuts to the wealthiest Americans at \$700 billion over 10 years. That is a positive step. If that is something that is going to be entertained by the other side, I encourage that discussion. But as we go forward, we are going to come back, again, because ultimately we have these discussions.

I think my colleague from Massachusetts has passion, sincerity, and great energy which he has brought to this body, but ultimately we are going to have to go to people in Rhode Island and Massachusetts, several million of them over the next year, and say: Sorry, you are not getting any unemployment compensation benefits.

Will we go to the wealthiest and say: Oh, by the way, we took care of you folks; you are getting \$100,000 in tax benefits. I think we have to deal with the immediate crisis. I think we have to deal with the families who are struggling today. I think we have to do it now. I hope our leaders could work out an arrangement where we could come to this floor and, in a scheduled debate, 5 hours on one side, 5 on the other, and take the vote. That has not been the record on unemployment compensation in this Congress.

Again, I object. The issue, the offset, discretionary spending—I think if you burrowed down into that, you would find that would be funds of a whole category of programs that could be spent, should be spent, to help the economy move forward.

But I again urge we reconvene, that we once again see if we can work our way forward on these unemployment compensation benefits. We have done this before through these procedural delays that were as a result of votes by my colleagues on this side not to take up the bill in a timely manner. We had periods of time where unemployment lapsed and we had to retroactively restore it. We may have to do that again.

If there is delay, if we are at the 11th hour, I, frankly, looking backward, and others would have preferred an extension of benefits that would have gone way past this point, would have gone into next year if we had to. We are talking about a year's extension now. I hope we can get that. We will continue to fight.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. BROWN of Massachusetts. Madam President, once again, make no mistake, I have great respect for the Senator from Rhode Island. We worked on many regional issues—fishing and military issues. I respect his service not only to the military but also to his State. But I have to respectfully disagree with his presentation and representation on some of the issues.

He keeps referring back to the tax cuts for the rich. That is great. We are not dealing with that right now. It is

not something we are dealing with because we have not dealt with anything to do with any tax policy or structure since I have been here—zero. We have not done the estate tax, we have not done any tax policies, we have not done anything. Now you want to kind of muck it up and talk about if you do this, we should not do that. Listen, we are here, we have 6 hours and 15 minutes to deal with this issue. I am not quite sure why it took so long to get to this point. Why couldn't we have spent the last 7 days, when we were doing food safety, dealing with this? Why? Because there is no priority in taking care of people who are hurting and dealing with the issues that are affecting our economy and our country on a very real and personal basis.

My colleague says there have been delays, we should just do it for longer than 1 year. He wants to do it for longer than 1 year? Great. Pay for it. The reason there have been delays is because we wanted to find a funding source. We could have initially taken it out of the unallocated stimulus dollars that were being used as special slush funds for folks and agencies. That was one of the delays, I remember, being part of that. That didn't pass. I think I got two Democrats.

Yesterday, we did a 1099 fix and 21 Democrats supported it. What is the difference? Now we are talking about real people—about kids. It is about the kids. I keep saying it is about the kids. It is not just about the kids who are here right now; it is about the future generations who are going to have to try to figure out a way to pay for this insurmountable debt.

I reiterate, it is pretty simple—bank account, credit card. That is all I am saying. Happy to help, folks. The folks up there listening, go back and say to your friends and family: Senator BROWN of Massachusetts said bank accounts, credit card. It makes sense.

I want to help. But I also want to streamline, consolidate this, weed out any fraud, waste, abuse, any money we are not using properly, and get it out the door into businesses and families and get the economy moving again.

So here we are, I am very curious to see what is next. I enjoyed the food safety. I voted for it. I gave some input on it, and I voted for it. I am happy to help. It is not going to be implemented in 6 hours and 15 minutes. The people need our help right now.

Madam President, I appreciate your paying attention and leading us. I am just hopeful that we can come together and use some common sense and start to focus on the economy. It is the economy, period.

I yield the floor.

Mr. DURBIN. Madam President, every once in a while, Congress is faced with a policy choice that clearly defines for the American people exactly who each member is fighting for.

We are nearing one of those clarifying moments here on the Senate floor.

Today, the authorization for emergency unemployment insurance expires.

For the 15 million Americans who are struggling to put food on the table as they look for work during this Great Recession, the Republicans are demanding that we cancel the extra assistance we have provided since the economic crisis began.

The Democrats will fight to ensure that this assistance to struggling middle class families continues through the holidays and through next year.

Even as emergency unemployment assistance expires, the Republicans are demanding that the Bush-era tax cuts be extended for everyone.

Most importantly for them, the Republicans are demanding that the wealthiest people in America receive a massive tax cut, on top of the hundreds of billions of dollars of tax cuts they have already pocketed over the last 10 years.

The Republicans don't think a \$6,300 tax cut per year is good enough for millionaires. They are demanding that millionaires receive \$100,000 in tax cuts every single year—and if not, no one should receive anything.

The cost for permanently extending the Bush tax cuts for people making over \$250,000? About \$700 billion over the next 10 years alone. Plus interest.

Meanwhile, the Republicans oppose extending emergency assistance to the unemployed, supposedly because it costs too much.

The cost for extending emergency unemployment assistance for 1 year? About \$60 billion.

Just as importantly, the Republicans are demanding that we spend another \$700 billion on what CBO has determined is one of the weakest options we have for spurring job growth.

The wealthy don't spend extra money they receive. That doesn't drive up demand for goods and services. Employers don't hire more people if they can't sell more things.

At the same time, the Republicans oppose spending \$60 billion on what CBO has determined is one of the strongest options we have for spurring job growth.

The unemployed spend every extra penny they receive as they buy the bare necessities, so aggregate demand gets a boost. Employers hire more people when they can sell more things.

Democrats oppose spending \$700 billion we don't have on tax cuts that don't help people get back to work.

We support spending less than 10 percent of that amount—\$60 billion—on assistance to the unemployed that does help people get back to work.

We have seen this movie before, of course.

Republicans opposed extending the TANF Jobs program, which helped cre-

ate 250,000 new jobs and which even some Republican Governors applauded as an example of smart government. That program expired at the end of September.

They oppose extending the Obama tax provisions from the Recovery Act which benefit middle-class Americans, including the earned-income tax credit, the child tax credit, and the making work pay credit. Those provisions expire at the end of the year.

We can't afford those, they say. But we can afford to give another \$700 billion to the wealthiest 2 percent of Americans, according to the Republicans.

We have the money for the equivalent of another economic recovery bill but we can't afford a small fraction of that cost to help middle-class families who need a helping hand.

The difference between the Republicans and Democrats couldn't be more clear.

Republicans won't allow tax cuts for anyone unless the rich get a far bigger share, and won't allow those looking for work to receive any continued emergency assistance.

The Democrats, on the other hand, want to give 98 percent of Americans a tax cut, and want to help the unemployed keep food on the table for their children while they compete with the other 15 million unemployed Americans in looking for work.

The PRESIDING OFFICER. The Senator from Washington.

RED FLAG PROGRAM CLARIFICATION ACT OF 2010

Mrs. MURRAY. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 3987, introduced earlier today.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant editor of the Daily Digest read as follows:

A bill (S. 3987) to amend the Fair Credit Reporting Act with respect to the applicability of identify theft guidelines to creditors.

There being no objection, the Senate proceeded to consider the bill.

DEFINITION OF CREDITOR

Mr. THUNE. Madam President, I wish to engage my colleagues Senator DODD and Senator BEGICH in colloquy.

I rise today in support of S. 3987, the Red Flag Program Clarification Act of 2010, legislation that Senator BEGICH and I have introduced to narrow the scope of section 114 of the Fair and Accurate Credit Transactions Act of 2003—the FACT Act. This section of the FACT Act directed financial regulatory agencies, including the Federal Trade Commission, FTC, to promulgate rules requiring “creditors” and “financial institutions” to implement programs to detect and respond to red flags—pat-

terns, practices, or specific activities—that could indicate identity theft.

The purpose of the Red Flag Program Clarification Act of 2010 is to identify and limit the type of “creditor” that must be covered. If the FTC's final red flags rule is implemented, this rule could require small businesses to undertake costly, burdensome measures to prevent identity theft in industries where it poses little threat. Identity theft is a serious problem, but the definition of “creditor” for purposes of the FTC's red flags rule is too broad and would cover small businesses that pose little risk to consumers.

Under the legislation that Senator BEGICH and I are proposing, only a “creditor” that regularly and in the ordinary course of its business obtains or uses consumer reports in connection with a credit transaction, furnishes information to consumer reporting agencies in connection with a credit transaction, or advances funds would be required to develop and implement a written identity theft prevention and detection program.

So, for example, an accountant would not become a creditor simply for obtaining a consumer report—with the permission of any consumer whose report is obtained—in order to examine the integrity of a company's management.

And the legislation makes clear that an advance of funds does not include a creditor's payment in advance for fees, materials, or services that are incidental to the creditor's ability to provide another service that a person initiated or requested, such as the advance payment of expert witness fees by a lawyer to support the representation of a client.

Any other type of creditor may only be covered through a rulemaking based upon an agency's determination that these types of creditors offer or maintain accounts that pose a reasonably foreseeable risk of identity theft. Such creditors would receive notice that they could be covered by a rule, and there would be a public airing of the issues when the proposed rule is published for notice and comment.

Could Senator DODD, as chairman of the committee of jurisdiction, the Senate Banking Committee, provide us with some context regarding the legislation under which the FTC's rule was promulgated?

Mr. DODD. Gladly. The FTC's red flags rule implementing section 114 of the FACT Act became effective on January 1, 2008. The rule applied to “creditors,” defined under the FACT Act the same way as in the Equal Credit Opportunity Act, ECOA, to include any person that sells a product or service for which the consumer can pay later.

After the red flags rule became final, many businesses and other entities indicated that they were not aware that they would be covered by this rule. At

first, the FTC delayed enforcement of the rule several times to allow these entities time to come into compliance with the rule. Then, a number of professional organizations, including the American Bar Association and the American Medical Association, sued the FTC for taking the position that professionals were “creditors” when they allowed consumers to pay later, and would have to comply with its red flags rule. On May 28, 2010, the FTC announced that it would delay enforcing its red flags rule through December 31, 2010, and asked Congress to pass legislation that would resolve any questions about which entities should be covered as “creditors” and to obviate the need for further enforcement delays.

Mr. BEGICH. I thank the Senator. Unless this bipartisan bill becomes law, many small businesses for which identity theft is not a threat could be required to spend time and effort to comply with the red flags rule implementing the FACT Act. This could require them to take time away from growing their businesses and creating jobs. Small businesses are the economic driver of our country, and in a time of high unemployment and stagnant economic growth, businesses should be focused on job creation, and should not have to spend the money to comply with regulatory burdens disproportionate to the scope of the identity theft problem.

This bill would address what the chairman of the FTC, Jon Leibowitz, called “the unintended consequences of the legislation establishing the red flags rule.” While this list isn’t exclusive, many small businesses such as doctor’s and dentist’s offices, pharmacies, veterinary clinics, accounting offices, and other types of health care providers and other service providers were classified as “creditors” because they sometimes let clients pay after they provide their services. This legislation makes clear that these small businesses should not be swept under the red flags rule in the future just because they allow payment to be deferred, when they don’t offer or maintain accounts that pose a reasonably foreseeable risk of identity theft.

I would ask the chairman of the Banking Committee if he agrees with my description of what the Red Flag Program Clarification Act of 2010 will accomplish?

Mr. DODD. Yes, I agree that this bill narrows the applicability of the red flag identity theft provisions of the FACT Act to cover those creditors where identity thieves can do the most harm—creditors that use consumer reports, furnish information to consumer reporting agencies, and other creditors that loan money, such as payday lenders, that do not necessarily use consumer reports or furnish information to consumer reporting agencies.

The legislation also makes clear that lawyers, doctors, dentists, ortho-

dontists, pharmacists, veterinarians, accountants, nurse practitioners, social workers, other types of health care providers and other service providers will no longer be classified as “creditors” for the purposes of the red flags rule just because they do not receive payment in full from their clients at the time they provide their services, when they don’t offer or maintain accounts that pose a reasonably foreseeable risk of identity theft.

Mr. THUNE. I applaud the FTC’s cooperation in delaying implementation of their red flags rule to wait for congressional clarification on this issue and thank Senator DODD for his assistance in drafting this legislation. I am confident that our efforts to provide a legislative solution that protects consumers and businesses alike can be achieved through this legislation.

Mrs. MURRAY. Madam President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 3987

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Red Flag Program Clarification Act of 2010”.

SEC. 2. SCOPE OF CERTAIN CREDITOR REQUIREMENTS.

(a) AMENDMENT TO FCRA.—Section 615(e) of the Fair Credit Reporting Act (15 U.S.C. 1681m(e)) is amended by adding at the end the following:

“(4) DEFINITIONS.—As used in this subsection, the term ‘creditor’—

“(A) means a creditor, as defined in section 702 of the Equal Credit Opportunity Act (15 U.S.C. 1691a), that regularly and in the ordinary course of business—

“(i) obtains or uses consumer reports, directly or indirectly, in connection with a credit transaction;

“(ii) furnishes information to consumer reporting agencies, as described in section 623, in connection with a credit transaction; or

“(iii) advances funds to or on behalf of a person, based on an obligation of the person to repay the funds or repayable from specific property pledged by or on behalf of the person;

“(B) does not include a creditor described in subparagraph (A)(iii) that advances funds on behalf of a person for expenses incidental to a service provided by the creditor to that person; and

“(C) includes any other type of creditor, as defined in that section 702, as the agency described in paragraph (1) having authority over that creditor may determine appropriate by rule promulgated by that agency, based on a determination that such creditor offers or maintains accounts that are subject to a reasonably foreseeable risk of identity theft.”.

(b) EFFECTIVE DATE.—The amendment made by this section shall become effective on the date of enactment of this Act.

The PRESIDING OFFICER. The Senator from Washington.

UNEMPLOYMENT INSURANCE REAUTHORIZATION

Mrs. MURRAY. Madam President, I came to the floor this afternoon to speak on behalf of thousands of families in my home State of Washington who stand to lose everything they have because a few Republican Senators continue to put politics ahead of policy. Men and women in my State from Seattle to Spokane, who lost their jobs through no fault of their own, get up every single day; they scour the want ads; they send out their resumes and desperately try to find work in an economy that continues to struggle. These workers do not want to be where they are. They would like nothing more than to be back on the job doing what many of them have been doing for years—working hard and adding value to their companies and contributing to their communities and providing for their families.

But while they struggle to find work, many of them depend on the unemployment insurance programs we put in place to keep their heads above water. This support has allowed these families to put food on the table, to stay in their homes, and to pay for their children’s health care. These programs are not extravagant. But for a lot of our workers today, they made all the difference.

Workers such as a woman named Judy Curtis, who lives in Mill Creek, WA, wrote to my office urging us to do everything we could to reauthorize this program. She is a single mom who worked hard her whole life to support herself and her developmentally disabled son Sean. She told me she has been laid off twice since this downturn began and has been looking for a new job every day but without any luck.

Her unemployment insurance is going to be cut off on January 15 unless we reauthorize it. She does not know how she and her son are going to make it if that happens. So it is because of stories like hers that I am so disappointed we are once again throwing families into a state of uncertainty and turmoil by allowing these emergency unemployment programs to expire today. It does not make any sense.

Our economy still has a long way to go on the road to recovery. There are five job seekers for every open position today. The unemployment rate stands at 9.6 percent, and Senate Republicans think now is a good time to cut families off from the support on which they depend? We cannot allow this to happen. We cannot sit on the sidelines while more families are pushed into bankruptcy and lose their health care and their homes are foreclosed on. We cannot stand by and watch as our working families who have already

been pushed to the brink by this financial crisis—that they did not create by the way—are now shoved to the edge through no fault of their own. It is wrong and it does not make sense. It does not make sense to pull billions of dollars out of our economy. It does not make sense to remove purchasing power from so many families. And it does not make sense to lose the multiplier effect of these funds that keep millions of workers on the job. It certainly does not make any sense to do this right before the holidays.

I have to say, I find it very interesting that some of the Senators who oppose extending this support for middle-class families are the very same ones who have no problem extending the Bush tax cuts for the richest Americans that will cost us almost \$1 trillion. They talk about helping the economy. But economists across the board agree that unemployment insurance programs are one of the best ways to provide a much needed boost. So for those Republicans it is not about the deficit, it is not about what is best for the economy, it is certainly not about good policy, it is about politics, plain and simple.

I am going to keep fighting to maintain these emergency unemployment compensation benefits through next year for Judy Curtis's family, for thousands of families like hers across Washington State, and for millions in America. These programs were not meant to continue indefinitely. But until our economy gets back on track, it would be devastating to cut those families off from this critical lifeline now.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant editor of the Daily Digest proceeded to call the roll.

Mr. BROWN of Ohio. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. UDALL of Colorado). Without objection, it is so ordered.

Mr. BROWN of Ohio. I ask unanimous consent to speak for up to 10 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNEMPLOYMENT COMPENSATION

Mr. BROWN of Ohio. Mr. President, I come to the floor to share letters from Ohioans from all corners of my State, letters mostly from people who have lost their jobs and depend on something called unemployment insurance. It is insurance, not welfare, not giveaways. People work at a business. Their employer pays into the unemployment insurance fund. Obviously, it is money the employee does not get as income, so we could say it either way: the employee pays or the employer

pays. Either way it is insurance. They pay into a fund. When someone loses their job, they get assistance from the fund. This is why it works so well.

When the unemployment rate is above a certain level, a relatively high unemployment rate, we always have extended and maintained unemployment insurance benefits for those workers who have lost jobs. We do that for two reasons: One, because it is the right thing to do if someone loses their job. Whether it is in Boulder in the State of the Presiding Officer or in Galion, OH, it is the humanitarian thing to do. That worker who has lost their job can at least pay most of their bills then, at least stay in the apartment or house and pay the mortgage, pay the rent, pay for food, take care of the kids. They wouldn't be able to without the unemployment insurance monthly payments.

The second reason we do it is, as one of JOHN MCCAIN's chief economic advisers said repeatedly, a dollar in unemployment benefits is about the best stimulus for the economy one could have. When we give a tax cut to a millionaire, as most of my Republican colleagues want to do, if we give \$10,000 to a millionaire, they will likely not spend it. They have already spent their money on what they want because they have more than enough to do that. So a tax cut doesn't mean much to them. But an unemployment check means that an unemployed worker will spend that money in the community, at the grocery store, buying shoes for the kids, paying the property tax, paying for their rent and gas bill, paying for gas in the car to go around looking for jobs. The money is recirculated. It is a good economic stimulus and the right thing to do for the worker who has lost their job. That is why the Presiding Officer and others have fought so hard to make sure those benefits are there. It is not welfare; it is insurance.

In spite of what some conservative politicians like to suggest, that it is people sitting around who don't want to work, almost everybody I talked to—whether it was in Conneaut or Middleton or Sidney or Portsmouth—who lost a job wants to go back to work. Unemployment compensation is never as much as the person is making on the job. That is under a formula. That is why they want to go back to work. Plus these are hard-working people who understand that they need to keep looking for a job.

For every job out there, there are roughly five people seeking a job. That is a national figure. But in Ohio, it is no better. That is why I am going to share these letters.

I will start with Timothy from Fairfield. That is a prosperous suburban Cincinnati community in Butler County in southwest Ohio. It happens everywhere, not just the inner city, not just rural Appalachia. It is not just small

towns or medium-size cities. It is generally pretty affluent suburbs.

He writes:

Unemployment extensions end in about two weeks and once again my family worries about what the future will bring.

The last delay made us unable to pay many bills on time and we still have not fully recovered.

If another delay happens we will certainly be put in such a hole that I don't see us getting out of.

Not to mention it's the holiday season and I really don't know what I would tell my 4 and 7 year old if Christmas wasn't as it has been in the past.

I am in the manufacturing field. I worked as an inspector and quality engineer.

This next week will be my first of my final 20 weeks of Ohio emergency unemployment. I search for openings in quality inspectors and quality engineers within a 50 mile radius of our town.

How is he going to afford gas if his unemployment extension runs out?

I found zero results. I have been applying for retail jobs, janitorial jobs, and maintenance jobs.

If I even get to interview the answer is the same. You are way overqualified for this job.

I was told that the new sporting goods store had over 3,000 applicants.

Are both sides willing to do what needs to be done to avoid another delay? I don't know what we will do if the extension is not passed in time.

It is unbelievable that my conservative colleagues are willing to give tax cuts to millionaires and billionaires but are unwilling to maintain unemployment benefits for people such as Timothy. When one thinks about that, it is also the anxiety that somebody like Tim feels about his children, about his house, about his being able to provide what he needs during the Christmas season or any other season. So many people in this country have to wait until the Republicans drop their filibuster in order for us to maintain these benefits. That is pretty unconscionable.

Kelly from Summit County, the Akron area in northeast Ohio, writes:

Please help get the unemployment extension passed during this session.

I am about to exhaust my benefits in three weeks. Everyday I look for employment, but to no avail.

My mortgage company leaves no room for late or missing payments.

I don't need the money for Christmas—I need it to pay my bills and my mortgage.

There will be no Christmas this year, especially when I begin to get behind on payments.

Kelly says what so many are saying in letters to our office, that this is essential. Getting this relatively meager unemployment assistance, not a lot of money but enough to at least pay her rent—although I don't know if Kelly is male or female—but to pay the rent, not Christmas presents, nothing elaborate, not even Christmas dinner but to just pay the rent.

Richard from Summit County says:

I am writing to share the reality of my situation that I'm sure millions are also experiencing. Today I filed my final claim for unemployment. This is the moment that made

me lay awake at night. The reality is at our home there will be no Thanksgiving and no Christmas this year. I hear carols being played, I see ads for Christmas sales. It makes me depressed like never before. I feel the gifts and celebrations are meant for other people—the “haves.” No more money for my diabetes medicine, dental checkups, eye drops for glaucoma. Never have I felt like throwing in the towel before now.

I just wish my colleagues would talk to people like Richard: When I hear carols being played for Christmas sales, it makes me depressed like never before. I feel the gifts and celebrations are meant for other people. No more money for my diabetes meds, no more dental checkups, no more eye drops for glaucoma.

Unemployment benefits are not going to make him comfortable or rich, but it will help him get through these rough times. Instead, to make a political point, my colleagues are saying we are not going to maintain unemployment benefits.

The last one I will read is from Jacqueline from Cuyahoga County in the Cleveland area:

I have been an unemployed human resources professional for a year and a half. Even after having applied for over 170 jobs, I am still very active in my job search.

These are not people sitting around cashing their checks. She is still very active in her job search.

I go to at least 2 networking events/meetings per week and I keep a positive attitude in spite of my situation. Yes, I have applied for jobs in other fields or professions which use similar and transferable skills. I get no response. I have worked with recruiters and head hunters, online networks, and have appealed to friends and family members to look for opportunities. I have worked full-time since I was 16 years old, even through college. At age 45 and as an educated professional with so much to offer an organization, I still want to work for many more years.

She has worked since she was 16. She is now 45. She has worked twice as long as almost the age of these pages who sit in front of us. She has worked for 29 years. She is not a deadbeat. She doesn't want to sit around and collect unemployment. She wants a job. As I said, there are five people pursuing every job out there.

Without unemployment benefits, my family would have lost our home by now. I am begging you to fight to extend unemployment benefits until more companies start hiring. Please don't let 15 million Americans have to worry about feeding their families this winter. Please urge your colleagues to pass an unemployment benefit extension before December 1.

December 1 is approaching. We still can't get our Republican colleagues—it is pretty unbelievable. We have been through this for the third time, I believe, in the last year or so where we have begged and cajoled and pleaded and asked and done whatever we can to get our colleagues to say yes, to not filibuster, to get our colleagues to say yes, to get the supermajority, the 60 votes we need to extend the unemployment benefits.

There is a lot of fear out there. Whether it is in Denver or Cleveland, whether it is in Trinidad or Mansfield, there is all kinds of anxiety and fear and anguish out there. We could do something in this body to lessen it for our fellow Americans.

I ask my colleagues to move forward in maintaining unemployment benefits for the millions of Americans for whom the Christmas season, the holiday season will not be very happy this year.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWN of Ohio. I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

CAMPAIGN TO STOP BULLYING

Mr. BROWN of Ohio. Over the last few months, our Nation has mourned the loss of several lesbian, gay, bisexual, and transgender teenagers driven to suicide because of hateful and ignorant bullying and harassment. These tragic circumstances brought families, friends, and concerned citizens together through vigils on public squares in communities all over this country and on college campuses throughout the Nation. Together, millions of fellow Americans have drawn attention to intolerance and violence that LGBT Americans face each day. Together, we can ensure all LGBT Americans that life will get better for them.

As a father, I cannot bear to imagine the unspeakable pain endured by the parents of those teenagers who tragically took their own lives. No parent should have to bury a child. No child should ever feel so hopeless and so forgotten and so alone and so isolated that suicide seems like their only escape. But the rash of highly publicized suicides of LGBT students not only highlights the national epidemic of bullying these students face, it also reminds us that we all as adults, as clergy, as educators, or as peers of these students—we all have a role to play in preventing discrimination.

Bullies target the vulnerable and subject them to cruelty through taunts in the classroom or on the Internet, through chants on the playing field or physical abuse in the neighborhood. Prejudices based on religion or race or disability or sexual orientation or gender or physical or intellectual differences too often translate into phys-

ical torment and isolation and abuse against others.

LGBT youth, in particular, are frequently targeted by bullies. Public surveys indicate that 80 percent of LGBT students report regular harassment by fellow students—a rate three times that of heterosexual teens, three times the rate of their heterosexual peers. Seventy-five percent of high school students routinely hear homophobic remarks in school, reinforcing stereotypes and prejudices. Without a safe space to speak openly with a caring adult or a like-minded peer, victims are left to question their self-worth.

On top of the self-doubt and insecurity that all young people feel already regardless of gender or race or sexual orientation—we have all been through that certainly as young teenagers and older teenagers, too, for that matter, but add to that the kind of insecurities that are put on them by bullying tactics, by so many people spouting homophobic remarks.

Too many young gay men and women, boys and girls, are forced into secrecy about who they are rather than affirming the person they should proudly be.

A brave young Ohioan named Nicholas sent me a letter detailing an attack by a schoolyard bully. Here is what Nicholas wrote:

On September 18th, 2009 I was attacked by a student at my school for being gay. This student beat me in the head with a hammer three times. He chased me down so he could get the last two hits. The student attacked me for being gay. I have no way of using this attack to promote gay rights, to promote gay equality, but you do. And you could do this for me. I need your help more than anything. No one deserves to go through what I went through.

My message to Nicholas and to all LGBT Americans is this: You are not alone. Life will get better. You can find the love and acceptance you deserve, and you will find the love and acceptance you deserve, free from fear and hate. You will realize your full potential every bit as much as anyone else because things are changing in this country.

There is no acceptable justification for the violence experienced by Nicholas or the physical and emotional mistreatment of LGBT students in our schools and in our communities. That is why the Senate must take crucial steps to ensure that schools are safe places for learning, safe places for students, and not breeding grounds for bullying.

First, we must pass the Safe Schools Improvement Act which would help schools implement LGBT-inclusive programming to combat bullying and harassment. Second, we must pass the Student Nondiscrimination Act which would bar schools which receive public money from implementing programs that discriminate based on sexual orientation or gender identity.

Legislation alone, of course, will not eradicate or put an end to bullying, but we also know what legislation did for women, for children, for civil rights. Attitudes change over time. Legislation helps accelerate that change. That is why those two pieces of legislation matter. They will be major steps toward ensuring safety and equal treatment for all students in our school systems.

Parents and teachers also have a special responsibility to help LGBT youth confront the bullying they face at school. They, too, should ensure that every student knows she is valued, knows he is valued, regardless of sexual orientation or gender identity.

LGBT community centers or national organizations such as the Gay, Lesbian and Straight Education Network are valuable resources for students, parents, and educators.

I remember several years ago an event where students sat together as part of a gay/straight alliance at a high school in western Cuyahoga County. There were 10 students at 2 different tables, 5 gay students, 5 straight students, all supporting one another, understanding each other and accepting their differences. They can still care about one another, and they can protect them, in many cases, from some of the bullying that might have befallen some of them.

To our own LGBT students who are either forced to live a lie or face hostility for simply living their lives, all of you should know there are resources to help you in times of need. The Trevor Project is the leading national organization focused on crisis and suicide prevention among lesbian, gay, bisexual, transgender, and questioning youth. For more information, if you are feeling alone, anyone watching today feeling alone, helpless, or in crisis, people can visit the Trevor Project's Web site, thetrevorproject.org, or they can call the hotline at 866-488-7386.

For anyone who is in suicidal crisis or in need of help, the National Suicide Prevention Lifeline is available 24 hours a day, 7 days a week by calling 1-800-273-TALK.

To Nick: I don't normally come to the floor and talk about a service like this. I think, though, when people feel alone, they don't always know there is help out there for them. Young people need to know that it is getting better, that life will get better for them, so it is important to share that information on the Senate floor.

To Nicholas: History is on your side. It will, in fact, get better. Workers fought for the right to organize, women fought for the right to vote, African Americans fought for equal justice, and now LGBT Americans of all backgrounds are fighting for equality.

It is up to us to join this fight. It is up to us to be on the side of people

whose lives are a little bit more difficult, perhaps, than others' lives. It is that spirit of inclusion, it is the pursuit of the American dream, that will, in fact, make it better for these young people, and it will make it better for all Americans.

I yield the floor, and I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

COIN MODERNIZATION, OVERSIGHT, AND CONTINUITY ACT OF 2010

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that the Banking Committee be discharged from further consideration of H.R. 6162 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will state the bill by title.

The assistant bill clerk read as follows:

A bill (H.R. 6162) to provide research and development authority for alternative coinage materials to the Secretary of Treasury, increase congressional oversight over coin production, and ensure the continuity of certain numismatic items.

There being no objection, the Senate proceeded to consider the bill.

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that the bill be read the third time and passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and that any statements related to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 6162) was read the third time and passed.

AMERICAN EAGLE PALLADIUM BULLION COIN ACT OF 2010

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that the Banking Committee be discharged from further consideration of H.R. 6166 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will state the bill by title.

The assistant bill clerk read as follows:

A bill (H.R. 6166) to authorize the production of palladium bullion coins to provide affordable opportunities for investments in precious metals, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that the bill be

read the third time and passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and that any statements related to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 6166) was read the third time and passed.

COMMEMORATING THE 175TH ANNIVERSARY OF THE BIRTH OF MARK TWAIN

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 690, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant bill clerk read as follows:

A resolution (S. Res. 690) commemorating the 175th anniversary of the birth of Mark Twain.

There being no objection, the Senate proceeded to consider the resolution.

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and that any statements related to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 690) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 690

Whereas Mark Twain was born with the name Samuel Langhorne Clemens on November 30, 1835, in Florida, Missouri, the 6th child of John Marshall and Jane Lampton Clemens;

Whereas in 1839, the Clemens family moved to Hannibal, Missouri, the inspiration for the fictional town of St. Petersburg depicted in the novels "The Adventures of Tom Sawyer" and "Adventures of Huckleberry Finn", where the Clemens family lived until 1853, including several years of residence at 206 Hill Street, known as the boyhood home of Mark Twain;

Whereas in 1848, Samuel Clemens left school to become a printer's apprentice at the Missouri Courier newspaper, his first in a series of occupations that include, most notably, author, but also, printer, typesetter, steamboat pilot, journalist, lecturer, publisher, editor, prospector, and political activist;

Whereas while working at the Virginia City newspaper, the Territorial Enterprise, Clemens first used the pen name "Mark Twain" in 1863;

Whereas with the publication of the short story "Jim Smiley and His Jumping Frog" in The Saturday Press in 1865, Mark Twain experienced his first significant success as an author;

Whereas in 1869, Twain's first book, "The Innocents Abroad", was published, detailing

Twain's adventures through Europe and the Middle East;

Whereas Samuel Clemens, known for the love and affection he demonstrated for his wife and family and to whom the quote, "What is a home without a child?", is attributed, in 1870 married Olivia Langdon, with whom he had 4 children, Langdon, Olivia Susan, Clara Langdon, and Jane Lampton;

Whereas the book "Roughing It", part autobiography and part tall tale, chronicling Twain's adventures in the early American West and critiquing society's treatment of Chinese Americans, was published in 1872;

Whereas "The Gilded Age: A Tale of Today", a novel Twain wrote in collaboration with Charles Dudley Warner satirizing political corruption and greed in American life, was published in 1873;

Whereas Twain's novel, "The Adventures of Tom Sawyer", through which he sought "to pleasantly remind adults of what they once were themselves, and of how they felt and thought and talked, and what queer enterprises they sometimes engaged in", was published in 1876;

Whereas in 1881, Twain addressed class issues and attacked injustice and hypocrisy in English society with the publication of his novel, "The Prince and the Pauper";

Whereas in 1883, "Life on the Mississippi", Twain's book exploring the history and lore of the Mississippi River and detailing his time spent as a Mississippi River steamboat pilot, was published;

Whereas Mark Twain's most famous work, "Adventures of Huckleberry Finn", which attacked the institution of slavery, the failures of Reconstruction, and the continued mistreatment of African Americans in American society, and which is considered a masterpiece of American fiction and is widely known as one of the Great American Novels, was published in 1884;

Whereas Twain's powerful social critique, "A Connecticut Yankee in King Arthur's Court", was published in 1889;

Whereas "The Tragedy of Pudd'nhead Wilson", Twain's strongest critique of racism and the institution of slavery, was published in 1894;

Whereas on April 21, 1910, Samuel Clemens died at the age of 74; and

Whereas the 175th anniversary of the birth of Mark Twain is an historic occasion: Now, therefore, be it

Resolved, That the Senate commemorates the 175th anniversary of the birth of Mark Twain on November 30, 2010, and his enduring legacy as one of our Nation's greatest authors and humorists.

PERMITTING USE OF SENATE BUILDINGS

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 691, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant bill clerk read as follows:

A resolution (S. Res. 691) to permit the collection of clothing, toys, food, and housewares during the holiday season for charitable purposes in Senate buildings.

There being no objection, the Senate proceeded to consider the resolution.

Mr. BROWN of Ohio. I ask unanimous consent that the resolution be agreed

to, the motion to reconsider be laid upon the table, and any statements related to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 691) was agreed to, as follows:

S. RES. 691

SECTION 1. COLLECTION OF CLOTHING, TOYS, FOOD, AND HOUSEWARES DURING THE HOLIDAY SEASON FOR CHARITABLE PURPOSES IN SENATE BUILDINGS.

(a) IN GENERAL.—Notwithstanding any other provision of the rules or regulations of the Senate—

(1) a Senator, officer, or employee of the Senate may collect from another Senator, officer, or employee of the Senate within Senate buildings nonmonetary donations of clothing, toys, food, and housewares for charitable purposes related to serving those in need or members of the Armed Services and their families during the holiday season, if the charitable purposes do not otherwise violate any rule or regulation of the Senate or of Federal law; and

(2) a Senator, officer, or employee of the Senate may work with a nonprofit organization with respect to the delivery of donations described in paragraph (1).

(b) EXPIRATION.—The authority provided by this resolution shall expire at the end of the 2nd session of the 111th Congress.

Mr. BROWN of Ohio. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. HAGAN. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

HONORING OUR ARMED FORCES

LANCE CORPORAL BRANDON W. PEARSON

Mr. BENNET. Mr. President, it is with a heavy heart that I rise today to honor the life and heroic service of LCpl Brandon W. Pearson. Lance Corporal Pearson, who was assigned to the 3rd Battalion, 5th Marine Regiment, Regimental Combat Team-2, I Marine Expeditionary Force Forward, 1st Marine Division, out of Camp Pendleton, CA, died on November 4, 2010, from wounds he received while supporting combat operations in Helmand Province, Afghanistan. He was 21 years old.

A native of Colorado, Lance Corporal Pearson graduated from Ralston Valley High School in Arvada. He was serving his second tour of duty. Although this was his first tour in Afghanistan, his battalion was assigned to one of the most dangerous districts in Helmand Province.

During his 3 years of service, Lance Corporal Pearson distinguished himself through his courage, dedication to duty, and willingness to take on any job. He was given numerous awards and medals, including the Marine Corps

Good Conduct Medal, the Afghanistan Campaign Medal, the Global War on Terrorism Service Medal, and the National Defense Service Medal.

Lance Corporal Pearson worked on the front lines of battle, serving in the most dangerous areas of Afghanistan. He is remembered by those who knew him as a consummate professional with an unending commitment to excellence. Friends and loved ones remember Lance Corporal Pearson's dedication to friends and family. He was always there when someone was in a tight spot. His decision to serve influenced a close friend to join the Marines as well. All remember his unwavering bravery.

Mark Twain once said, "The fear of death follows from the fear of life. A man who lives fully is prepared to die at any time." Lance Corporal Pearson's service was in keeping with this sentiment by selflessly putting country first, he lived life to the fullest. He lived with a sense of the highest honorable purpose.

At substantial personal risk, he braved the chaos of combat zones throughout Afghanistan. And though his fate on the battlefield was uncertain, he pushed forward, protecting America's citizens, her safety, and the freedoms we hold dear. For his service and the lives he touched, Lance Corporal Pearson will forever be remembered as one of our country's bravest.

To Lance Corporal Pearson's entire family—I cannot imagine the sorrow you must be feeling. I hope that, in time, the pain of your loss will be eased by your pride in Brandon's service and by your knowledge that his country will never forget him. We are humbled by his service and his sacrifice.

UNITED STATES-KOREA FREE TRADE AGREEMENT

Mr. LEVIN. Mr. President, as our economy struggles to recover from the worst recession since the Great Depression, we must look at all ways to create jobs here at home. One obvious way to create jobs is to sell more products to overseas markets. That's why President Obama has announced the goal of doubling U.S. exports by the year 2015. That is an admirable goal and one that I support.

To achieve that goal we have to examine our trade policies and change them when they are not working. That is surely what we need to do when it comes to the so-called U.S.-Korea Free Trade Agreement and automotive trade.

This agreement, still being negotiated, would perpetuate an unlevel playing field that unfairly disadvantages U.S. automotive exports. One of the reasons the agreement has not been brought before the U.S. Congress for approval is because the agreement is skewed in favor of Korean automakers.

The Bush administration made a major error in how it approached the growing field of electric vehicles during treaty negotiations. The agreement would allow for a 10 year phase-out of the 8 percent Korean tariff on hybrid electric passenger vehicles and the 2.5 percent U.S. tariff. This is not a fair deal for U.S. electric car exports. It's bad enough that the current Korean electric car tariff is more than three times the U.S. tariff. This agreement would lock in place for 10 years Korea's electric car tariff advantage as it is phased out. Why in the world would we agree to that?

It is as if you beat me up eight times a day and I beat you up two times a day and you expect me to be happy when you reduce that beating to seven times per day—that is still not much of a deal for me.

It is a stubborn thing this image some people have of free trade. It is like a blind faith belief that any trade agreement is automatically good for the United States. This seems to hold true no matter how many American jobs may have been lost as a result of unfair trading practices by our trading partners and no matter how bad a deal a specific free trade agreement might be for certain sectors in the United States. The response always seems to be the same for those that criticize an unbalanced free trade agreement: they call the critics protectionists.

The protectionism enmeshed in the U.S.-Korea trade relationship is protectionism by Korea. Until 1989 Korea did not even allow imported autos into its market. Once it did officially allow imported vehicles into its market, Korea found other, less visible ways of keeping them out, including maintaining tariff and nontariff barriers, such as discriminatory taxes based on engine size, unique standards, inadequate regulatory transparency, and inadequate ability of stakeholders to provide input at an early stage into the development of regulations and standards.

When it comes to automotive trade with Korea, the numbers tell the story. Korea has free unfettered access to the U.S. market and we have extremely limited access into Korea's market.

Last year Korea shipped 476,833 autos to the United States. And while Korea relies on exports to support its domestic auto makers, Korea remains one of the most closed auto markets in the world. In a market of almost 1.5 million annual vehicle sales, the U.S. exported just 5,878 autos to Korea last year. And it's not just American autos that are being kept out. Vehicles made in Korea account for 94 percent of the Korean market—only 6 percent of vehicles sold in Korea are imports. That is lower than every other developed country except Japan. In the U.S., over 41 percent of our auto market is made up of imports. In Germany that number is 55 percent, in Mexico it is 57 percent,

and in Spain, Canada and Italy it is over 70 percent or higher.

Korea's protected automotive market provides a huge source of profit and jobs for Korea and, in contrast, it is a huge source of trade deficits and job loss for the United States. About 74 percent of the \$10.6 billion U.S. trade deficit with South Korea is in automotive trade.

So to those who say we are protectionist when we complain about this, I respond that we are not the protectionists and we have not protected our automotive market. The nearly 500,000 Korean-made vehicles that come into the U.S. market each year validate this point, as does our 2.5 percent auto tariff compared to Korea's 8 percent auto tariff and numerous non-tariff barriers that keep our vehicles out of Korea.

Despite efforts by the U.S. Government for over a decade to open the Korean auto market, Korea has successfully kept its market closed. Auto-specific agreements negotiated in 1995 and 1998 failed to make any progress in opening Korea's automotive market. Although the previous agreements were intended to sweep away some of the most overt non-tariff barriers, Korea quickly replaced them. For instance, the year after the 1998 auto-specific agreement was signed committing Korea to, "Not take any new measures that directly or indirectly adversely affect market access for foreign passenger vehicles" Korea introduced three new and unique auto safety standards: front tow hook, headlamp, and remote keyless entry. In the 3 years after that, Korea introduced seven more auto safety and emissions regulations. And in the 4 years after that, Korea introduced another seven, and the list continues. Our protests were for naught.

Any trade agreement with South Korea should level the playing field for U.S. auto exports. Unfortunately, the pending agreement, reached more than 3 years ago but now being renegotiated, leaves South Korea with the effective ability to use rules and regulations to continue limiting automotive imports into the Korean marketplace. Korea has used such rules and regulations before to discriminate against imported vehicles and they will be used again unless we have a strong mechanism to remove them. This agreement does not include such a mechanism to deal with any new nontariff barriers, such as auto safety standards or emissions regulations that Korea could introduce once the current draft agreement is entered into and approved by the Congress.

The agreement is strongly opposed by Ford and Chrysler because the agreement does not ensure that South Korea will not take measures to impede access of imported U.S. made cars. GM is neutral on the agreement because it gained access to the Korea

market by buying Daewoo, not by exporting cars to Korea from the United States.

Ensuring fair access to the Korean market would have an important impact on our auto industry's drive to regain its competitive strength and health. We need to fight for American jobs, not let them go overseas as a result of poorly negotiated trade agreements. We need to find a way to gain meaningful access to Korea's auto market and so far this trade agreement has not achieved that goal.

CLAIMS RESOLUTION ACT OF 2010

Mr. BAUCUS. Mr. President, I rise today regarding the Claims Resolution Act of 2010. It is a rare day in the Congress that we have an opportunity like this to end, once and for all, decades-old injustices and water related claims against the government so that we can move forward together. I am proud that the House of Representatives passed the Claims Resolution Act, which passed the Senate by unanimous consent on Friday, November 19.

The Claims Resolution Act of 2010 includes the Cobell settlement, which settles claims resulting from mismanagement of trust accounts of close to 300,000 American Indians.

It includes the Pigford settlement, which settles discrimination claims by black farmers against the USDA.

It settles water related claims of tribes in Arizona, New Mexico, and Montana.

The bill is fully offset.

Each settlement in this package has its own history—each compelling in its own regard—that has brought us to this day of resolution. I want to focus in particular on the Cobell settlement and the Crow Water Compact, which are both so important to Montana.

Tribal members comprise over 6 percent of Montana's population. American Indians live in every county in Montana, and our State has several counties where more than half of the population is comprised of tribal members. Nine percent of Montana's land base is located within the boundaries of our State's seven Indian Reservations.

The Cobell settlement resolves the class-action lawsuit brought by Native American representatives and lead plaintiff Elouise Cobell, a member of the Blackfeet Tribe in northwestern Montana, against the U.S. Government. This case dealt with the mismanagement of Indian trust assets by the U.S. Government.

In 1887 the Federal Government allotted tribal lands to individual Indians in parcels between 40 and 160 acres. The Department of Interior was supposed to hold these parcels in trust for a period of 25 years and then turn them over to the individual Indians. The Department of Interior has held these allotments in trust until the present day.

During the 123 years since 1887, these lands have become highly fractionated as successive generations of Indian owners bequeathed the land to their children.

Today the Department of the Interior holds about 56 million acres of land in trust for individual Indians. These 56 million acres generate approximately \$357 million annually in coal sales, timber sales, oil and gas leases, and grazing leases. This \$357 million is supposed to be dispersed to the over 230,000 Indians who have an interest in various parcels.

In the Cobell case, the plaintiffs sought a historical accounting of what individuals were owed and the Department of Interior contended that it could not provide such an accounting.

This case has been going on for 14 years, leaving the plaintiffs without resolution of their claims and diverting attention and resources away from other projects in Indian Country. On December 8, 2009, Secretary Salazar and the plaintiffs agreed to a \$3.4 billion settlement. It is a testament to both sides in this litigation that a fair agreement has been reached.

The Claims Resolution Act of 2010 provides the funding needed to implement this settlement. I am proud of the diligence and focus with which Eloise Cobell pursued justice in this case. I am proud that she is a Montanan, proud of the result, and proud of the Congress for doing the right thing.

I am just as proud of the action we took with regard to the Crow Water Rights Settlement Act of 2010. The Crow Tribe has a membership of approximately 12,000 people. About 7,900 reside on the Crow Indian Reservation in Montana. It is the largest of Montana's seven reservations, comprising approximately 2.3 million acres. The current reservation was established by the Treaty of Fort Laramie with the United States dated May 7, 1868. At the time of its establishment, the reservation comprised nearly 5.9 million acres in both Wyoming and Montana. However, over time the reservation was reduced by nearly 3.6 million acres. The last cession of Crow land, in 1904, included what came to be known as the Ceded Strip, 1 million acres on the north side of the reservation.

There are a number of large streams that flow through the Crow Indian Reservation, including the Bighorn River and its tributaries, one of which is the Little Bighorn River. Another significant stream on the western portion of the Crow Indian Reservation is Pryor Creek and its tributaries.

The Crow Tribe Water Rights Settlement Act of 2010 ratifies the Crow-Montana Water Rights Compact, which was adopted by the Montana State Legislature in 1999. It establishes tribal water rights and settles claims against the government. The bill provides for funding that will be used to more fully de-

velop tribal water resources. This water compact was endorsed by the administration—one of the first to receive this level of consensus and support.

I commend the tribe and the administration, particularly Chairman Cedric Black Eagle and the Commissioner of the Bureau of Reclamation, Mike Connor, and their respective teams for their hard work on this. I also want to thank the Senate Indian Affairs Committee, Chairman DORGAN and Ranking Member BARASSO, for their work reaching consensus. Finally, I want to thank my colleague from Montana, Senator JON TESTER, who has worked so hard to push this through the Senate.

This was truly a bi-partisan effort with cooperation here in the Senate from Senator BINGAMAN, Senator KYL, Senator DORGAN, and Senator GRASSLEY, all of whom worked together and compromised so that we could come together today and do the right thing.

With the House passage of this bill, we are settling decades-old injustices and claims against the government. We are bringing our Nation closer together. I am proud to stand here today, having been a part of making this happen, and I look forward to the day that we see President Obama's signature on this bill.

TRIBUTE TO GREYSON BUCKINGHAM

Mr. BARRASSO. Mr. President, I would like to take the opportunity to express my appreciation to Greyson Buckingham for his hard work as an intern in my Washington, DC, office. I recognize his efforts and contributions to my office as well as to the State of Wyoming.

Greyson is a native of Wyoming and graduated from Jackson Hole High School. He currently attends Georgetown University, where he is majoring in history and government and minoring in Spanish and philosophy. Throughout his internship, he has demonstrated a strong work ethic which has made him an invaluable asset to our office. The quality of his work is reflected in his great efforts over the last several months.

I want to thank Greyson for the dedication he has shown while working for me and my staff. It was a pleasure to have him as part of our team. I know he will have continued success with all of his future endeavors. I wish him all my best on his next journey.

TRIBUTE TO IAN LOWE

Mr. BARRASSO. Mr. President, I would like to take the opportunity to express my appreciation to Ian Lowe for his hard work as an intern in my Washington, DC, office. I recognize his efforts and contributions to my office as well as to the State of Wyoming.

Ian is a native of Wyoming and graduated from Campbell County High School. He graduated from the University of Wyoming, where he majored in international studies and environment. Throughout his internship, he has demonstrated a strong work ethic which has made him an invaluable asset to our office. The quality of his work is reflected in his great efforts over the last several months.

I want to thank Ian for the dedication he has shown while working for me and my staff. It was a pleasure to have him as part of our team. I know he will have continued success with all of his future endeavors. I wish him all my best on his next journey.

TRIBUTE TO ROBERT DALEY

Mr. BARRASSO. Mr. President, I would like to take the opportunity to express my appreciation to Robert Daley for his hard work as an intern in my Washington, DC, office. I recognize his efforts and contributions to my office as well as to the State of Wyoming.

Robert is a native of Pennsylvania and graduated from Governor Mifflin Public High School. He graduated from American University, where he majored in political science. Throughout his internship, he has demonstrated a strong work ethic which has made him an invaluable asset to our office. The quality of his work is reflected in his great efforts over the last several months.

I want to thank Robert for the dedication he has shown while working for me and my staff. It was a pleasure to have him as part of our team. I know he will have continued success with all of his future endeavors. I wish him all my best on his next journey.

TRIBUTE TO MAX WEISS

Mr. BARRASSO. Mr. President, I would like to take the opportunity to express my appreciation to Max Weiss for his hard work as an intern in my Rock Springs office. I recognize his efforts and contributions to my office as well as to the State of Wyoming.

Max is a native of Wyoming and graduated from Rock Springs High School. He attended Leiden University where he received his master's of clinical psychology. Throughout his internship, he has demonstrated a strong work ethic which has made him an invaluable asset to our office. The quality of his work is reflected in his great efforts over the last several months.

I want to thank Max for the dedication he has shown while working for me and my staff. It was a pleasure to have him as part of our team. I know he will have continued success with all of his future endeavors. I wish him all my best on his next journey.

ADDITIONAL STATEMENTS

TRIBUTE TO JOHN P. COLLIER

• Mrs. SHAHEEN. Mr. President, today I congratulate Professor John Collier for being recognized as the 2010 New Hampshire Professor of the Year. This prestigious award recognizes Professor Collier's extraordinary dedication to undergraduate teaching and his positive influence on the lives and careers of his students.

Professor Collier is the Myron Tribus Professor of Engineering at Dartmouth, and has been teaching the introductory engineering course at Dartmouth's Thayer School of Engineering since the 1980s. His course is extremely popular among students because of its emphasis on practical, hands-on skills and problem solving. With Professor Collier's expert guidance, students in his introductory engineering course work in teams to solve real-world engineering problems in creative ways. Many former students of Professor Collier's note that the system of thinking they learned in his classes proved to be not only a cornerstone of their undergraduate educations but also their chosen professions.

Professor Collier is an expert on orthopedic implant design and engineering, and one of the world's foremost researchers on how and why implants fail. Failed implants are sent to his lab by the thousands, and his research is often used by implant manufacturers to improve the quality of their products.

The U.S. Professors of the Year program acknowledges the most exceptional undergraduate instructors in the country—those who stand out in their teaching and are a positive influence on the lives and careers of their students. It is important that we recognize the contributions that dedicated professors like John Collier make in educating young people. I am extremely proud that Professor Collier has been recognized with this distinguished honor. •

TRANSMITTING NOTIFICATION OF THE IMPLEMENTATION OF AN ALTERNATIVE PAY PLAN FOR LOCALITY PAY INCREASES FOR CIVILIAN FEDERAL EMPLOYEES COVERED BY THE GENERAL SCHEDULE AND CERTAIN OTHER PAY SYSTEMS IN JANUARY 2011—PM 68

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Homeland Security and Governmental Affairs:

To the Congress of the United States:

The law authorizes me to implement an alternative pay plan for locality pay

increases for civilian Federal employees covered by the General Schedule and certain other pay systems in January 2011, if I view the adjustments that would otherwise take effect as inappropriate due to "national emergency or serious economic conditions affecting the general welfare." Our country faces serious economic conditions affecting the general welfare. As the economic recovery continues, the time has come to put our Nation back on a sustainable fiscal course, an effort that requires tough choices and shared sacrifice. Accordingly, I have determined that it is appropriate to exercise my statutory alternative plan authority under 5 U.S.C. 5304a to set alternative January 2011 locality pay rates. This decision will not materially affect our ability to attract and retain a well-qualified Federal workforce.

Under the authority of section 5304a of title 5, United States Code, I have determined that the current locality pay percentages in Schedule 9 of Executive Order 13525 of December 23, 2009, shall not increase from their 2010 levels. Pursuant to the Non-Foreign Area Retirement Equity Assurance Act of 2009 (sections 1911-1919, Public Law 111-84), I am also establishing applicable 2011 locality pay rates for Alaska and Hawaii that are based on 2010 locality pay levels.

The locality pay rates established in 2010, and continued in 2011 under this alternative plan, are shown in the attachment.

BARACK OBAMA.

THE WHITE HOUSE, November 30, 2010.

MESSAGE FROM THE HOUSE

At 11:38 a.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 5877. An act to designate the facility of the United States Postal Service located at 655 Centre Street in Jamaica Plain, Massachusetts, as the "Lance Corporal Alexander Scott Arredondo, United States Marine Corps Post Office Building".

H.R. 6392. An act to designate the facility of the United States Postal Service located at 5003 Westfields Boulevard in Centreville, Virginia, as the "Colonel George Juskalian Post Office Building".

MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 5877. An act to designate the facility of the United States Postal Service located at 655 Centre Street in Jamaica Plain, Massachusetts, as the "Lance Corporal Alexander Scott Arredondo, United States Marine Corps Post Office Building"; to the Committee on Homeland Security and Governmental Affairs.

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

S. 3985. A bill to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, November 30, 2010, she had presented to the President of the United States the following enrolled bill:

S. 3689. An act to clarify, improve, and correct the laws relating to copyrights, and for other purposes.

MEASURES READ THE FIRST TIME

The following bills were read the first time:

S. 3991. A bill to provide collective bargaining rights for public safety officers employed by States or their political subdivisions.

S. 3992. A bill to authorize the cancellation of removal and adjustment of status of certain alien students who are long-term United States residents and who entered the United States as children and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-8200. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 620 in the Gulf of Alaska" (RIN0648-XZ54) received during adjournment of the Senate in the Office of the President of the Senate on November 22, 2010; to the Committee on Commerce, Science, and Transportation.

EC-8201. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 610 of the Gulf of Alaska" (RIN0648-XZ81) received during adjournment of the Senate in the Office of the President of the Senate on November 22, 2010; to the Committee on Commerce, Science, and Transportation.

EC-8202. A communication from the Deputy Assistant Administrator for Regulatory Programs, Office of Protected Resources, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "List of Fisheries for 2011" (RIN0648-AY69) received in the Office of the President of the Senate on November 17, 2010; to the Committee on Commerce, Science, and Transportation.

EC-8203. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the

Northeastern United States; Northeast Multispecies Fishery; Correction to Cod Landing Limit for Handgear A Vessels in the Common Pool Fishery" (RIN0648-XZ44) received during adjournment of the Senate in the Office of the President of the Senate on November 22, 2010; to the Committee on Commerce, Science, and Transportation.

EC-8204. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revocation and Establishment of Class E Airspace; St. George, UT" ((RIN2120-AA66)(Docket No. FAA-2010-0660)) received during adjournment of the Senate in the Office of the President of the Senate on November 22, 2010; to the Committee on Commerce, Science, and Transportation.

EC-8205. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revocation of Class E Airspace; Brunswick, ME; and Establishment of Class E Airspace; Wiscasset, ME" ((RIN2120-AA66)(Docket No. FAA-2010-0248)) received during adjournment of the Senate in the Office of the President of the Senate on November 22, 2010; to the Committee on Commerce, Science, and Transportation.

EC-8206. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Eurocopter France Model AS350 B, BA, B1, B2, B3, and D, and Model AS355 E, F, F1, F2, and N Helicopters" ((RIN2120-AA64)(Docket No. FAA-2010-0611)) received during adjournment of the Senate in the Office of the President of the Senate on November 22, 2010; to the Committee on Commerce, Science, and Transportation.

EC-8207. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace; Jeannette, PA" ((RIN2120-AA66)(Docket No. FAA-2010-0052)) received during adjournment of the Senate in the Office of the President of the Senate on November 22, 2010; to the Committee on Commerce, Science, and Transportation.

EC-8208. A communication from the Deputy Chief Financial Officer, Department of Homeland Security, transmitting, pursuant to law, a report relative to the transfer of funds from the Oil Spill Liability Trust Fund to the Emergency Fund, which is administered by the United States Coast Guard; to the Committee on Commerce, Science, and Transportation.

EC-8209. A communication from the Administrator, Research and Innovative Technology Administration, Department of Transportation, transmitting, pursuant to law, a report entitled "Transportation Statistics Annual Report 2009"; to the Committee on Commerce, Science, and Transportation.

EC-8210. A communication from the Secretary of Transportation, transmitting, pursuant to law, the Department of Transportation's fiscal year 2010 annual financial report; to the Committee on Commerce, Science, and Transportation.

EC-8211. A communication from the Acting Administrator of the Livestock and Seed Programs, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Sorghum Promotion and Research Pro-

gram: Procedures for the Conduct of Referenda" (Docket No. AMS-LS-10-0003) received in the Office of the President of the Senate on November 29, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC-8212. A communication from the Administrator of the Fruit and Vegetable Programs, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Pistachios Grown in California, Arizona, and New Mexico; Modification of the Aflatoxin Regulations" (Docket No. AMS-FV-10-0031; FV10-983-1 FIR) received during adjournment of the Senate in the Office of the President of the Senate on November 29, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC-8213. A communication from the Administrator of the Fruit and Vegetable Programs, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Popcorn Promotion, Research, and Consumer Information Order; Reapportionment" (Docket No. AMS-FV-10-0010) received in the Office of the President of the Senate on November 29, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC-8214. A communication from the Administrator of the Fruit and Vegetable Programs, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Domestic Dates Produced or Packed in Riverside County, CA; Increased Assessment Rate" (Docket No. AMS-FV-10-0059; FV10-987-2 FR) received in the Office of the President of the Senate on November 29, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC-8215. A communication from the Administrator of the Fruit and Vegetable Programs, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Dried Prunes Produced in California; Increased Assessment Rate" (Docket No. AMS-FV-10-0007; FV10-993-1 FR) received in the Office of the President of the Senate on November 29, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC-8216. A communication from the Administrator of the Fruit and Vegetable Programs, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Kiwifruit Grown in California; Changes to District Boundaries" (Docket No. AMS-FV-08-0085; FV08-920-3 FIR) received in the Office of the President of the Senate on November 29, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC-8217. A communication from the Secretary, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled "Extension of Temporary Exemptions for Eligible Credit Default Swaps to Facilitate Operation of Central Counterparties to Clear and Settle Credit Default Swaps" (RIN3235-AK26) received in the Office of the President of the Senate on November 29, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC-8218. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Suspension of Community Eligibility" ((44 CFR Part 64)(Internal Agency Docket No. FEMA-8157)) received in the Office of the President of the Senate on November 29, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC-8219. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Suspension of Community Eligibility" ((44 CFR Part 64)(Internal Agency Docket No. FEMA-8159)) received in the Office of the President of the Senate on November 29, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC-8220. A communication from the Legal Information Assistant, Office of Thrift Supervision, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Community Reinvestment Act" (RIN1550-AC35) received in the Office of the President of the Senate on November 29, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC-8221. A communication from the Director, Financial Crimes Enforcement Network, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Financial Crimes Enforcement Network; Confidentiality of Suspicious Activity Reports" (RIN1506-AA99) received in the Office of the President of the Senate on November 29, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC-8222. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency with respect to the stabilization of Iraq that was declared in Executive Order 13303 of May 22, 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC-8223. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Modification of Section 833 Treatment of Certain Health Organizations" (Notice 2010-79) received in the Office of the President of the Senate on November 29, 2010; to the Committee on Finance.

EC-8224. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Applicable Federal Rates—December 2010" (Rev. Rul. 2010-29) received in the Office of the President of the Senate on November 29, 2010; to the Committee on Finance.

EC-8225. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Amendment to Rules Relating to Status as a Grandfathered Health Plan under PPACA" ((RIN1545-BJ91)(TD 9506)) received in the Office of the President of the Senate on November 29, 2010; to the Committee on Finance.

EC-8226. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Tier II Issue—Interchange and Merchant Discount Fees—Directive No. 2" (LBandI-4-1110-030) received in the Office of the President of the Senate on November 29, 2010; to the Committee on Finance.

EC-8227. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Build America Bonds and Other State and Local Bonds: Timing of Issuing Bonds" (Notice 2010-81) received in the Office of the President of the

Senate on November 29, 2010; to the Committee on Finance.

EC-8228. A communication from the Director, Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Ohio Regulatory Program" (Docket No. OH-253-FOR) received in the Office of the President of the Senate on November 29, 2010; to the Committee on Energy and Natural Resources.

EC-8229. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, a report prepared by the Department of State on progress toward a negotiated solution of the Cyprus question covering the periods August 1, 2010 through September 30, 2010; to the Committee on Foreign Relations.

EC-8230. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to the proposed transfer of major defense equipment (235 various M113 series vehicles) from the Government of Jordan to the government of Pakistan with an original acquisition cost of \$14,000,000; to the Committee on Foreign Relations.

EC-8231. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to the proposed transfer of major defense equipment from the Government of Jordan to the government of Pakistan with an original acquisition cost of \$14,000,000; to the Committee on Foreign Relations.

EC-8232. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, status reports relative to Iraq for the period of June 16, 2010 through August 18, 2010; to the Committee on Foreign Relations.

EC-8233. A communication from the Financial Assistance Program Manager, Office of Acquisition and Property Management, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Department of the Interior Implementation of OMB Guidance on Drug-Free Workplace Requirements (Financial Assistance)" (RIN1093-AA12) received in the Office of the President of the Senate on November 29, 2010; to the Committee on Health, Education, Labor, and Pensions.

EC-8234. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-564 "Randall School Disposition Restatement Temporary Act of 2010"; to the Committee on Homeland Security and Governmental Affairs.

EC-8235. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-565 "Office of Cable Television Property Acquisition and Special Purpose Revenue Reprogramming Temporary Act of 2010"; to the Committee on Homeland Security and Governmental Affairs.

EC-8236. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-566 "Automated Traffic Enforcement Fund Temporary Amendment Act of 2010"; to the Committee on Homeland Security and Governmental Affairs.

EC-8237. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-567 "University of the District of Columbia Board of Trustees Quorum and Contracting Reform Temporary Amendment Act of 2010"; to the Committee on Homeland Security and Governmental Affairs.

EC-8238. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-568 "Budget Support Act Clarification and Technical Amendment Temporary Amendment Act of 2010"; to the Committee on Homeland Security and Governmental Affairs.

EC-8239. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-594 "Expanding Access to Juvenile Records Amendment Act of 2010"; to the Committee on Homeland Security and Governmental Affairs.

EC-8240. A communication from the Deputy Archivist, National Archives and Records Administration, transmitting, pursuant to law, the report of a rule entitled "Changes to National Archives and Records Administration Hours of Operations" (RIN3095-AB68) received in the Office of the President of the Senate on November 29, 2010; to the Committee on Homeland Security and Governmental Affairs.

EC-8241. A communication from the Chairman of the Railroad Retirement Board, transmitting, pursuant to law, the Semi-Annual Report of the Inspector General for the period from April 1, 2010 through September 30, 2010; to the Committee on Homeland Security and Governmental Affairs.

EC-8242. A communication from the Federal Co-Chair, Appalachian Regional Commission, transmitting, pursuant to law, the Semiannual Report of the Inspector General for the period from April 1, 2010 through September 30, 2010; to the Committee on Homeland Security and Governmental Affairs.

EC-8243. A communication from the General Counsel, Government and Accountability Office, transmitting, pursuant to law, a report relative to the number of federal agencies that did not fully implement a recommendation made by the Office in response to a bid protest during fiscal year 2010; to the Committee on Homeland Security and Governmental Affairs.

EC-8244. A communication from the Secretary of Education, transmitting, pursuant to law, a report entitled "Fiscal Year 2010 Agency Financial Report"; to the Committee on Homeland Security and Governmental Affairs.

EC-8245. A communication from the Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office (USPTO), transmitting, pursuant to law, the USPTO's 2010-2015 Strategic Plan; to the Committee on the Judiciary.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. ROCKEFELLER, from the Committee on Commerce, Science, and Transportation, with an amendment in the nature of a substitute:

S. 1938. A bill to establish a program to reduce injuries and deaths caused by cellphone use and texting while driving (Rept. No. 111-355).

By Mrs. BOXER, from the Committee on Environment and Public Works, without amendment:

H.R. 4387. A bill to designate the Federal building located at 100 North Palafox Street in Pensacola, Florida, as the "Winston E. Arnow Federal Building".

H.R. 5651. A bill to designate the Federal building and United States courthouse lo-

cated at 515 9th Street in Rapid City, South Dakota, as the "Andrew W. Bogue Federal Building and United States Courthouse".

H.R. 5706. To designate the building occupied by the Government Printing Office located at 31451 East United Avenue in Pueblo, Colorado, as the "Frank Evans Government Printing Office Building".

H.R. 5773. To designate the Federal building located at 6401 Security Boulevard in Baltimore, Maryland, commonly known as the Social Security Administration Operations Building, as the "Robert M. Ball Federal Building".

By Mr. DODD, from the Committee on Banking, Housing, and Urban Affairs, with an amendment in the nature of a substitute:

S. 118. A bill to amend section 202 of the Housing Act of 1959, to improve the program under such section for supportive housing for the elderly, and for other purposes.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mrs. BOXER for the Committee on Environment and Public Works.

*Samuel Epstein Angel, of Arkansas, to be a Member of the Mississippi River Commission for a term of nine years.

By Mr. LIEBERMAN for the Committee on Homeland Security and Governmental Affairs.

*Eugene Louis Dodaro, of Virginia, to be Comptroller General of the United States for a term of fifteen years.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mrs. GILLIBRAND (for herself, Mr. CASEY, Mr. SANDERS, Mr. HARKIN, Ms. STABENOW, Mr. SPECTER, Mr. BROWN of Ohio, Mr. CARPER, Mr. LAUTENBERG, and Mr. SCHUMER):

S. 3986. A bill to amend the Department of Agriculture Reorganization Act of 1994 to establish in the Department of Agriculture a Healthy Food Financing Initiative; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. THUNE (for himself and Mr. BEGICH):

S. 3987. A bill to amend the Fair Credit Reporting Act with respect to the applicability of identity theft guidelines to creditors; considered and passed.

By Mr. KIRK:

S. 3988. A bill to establish the Grace Commission II to review and make recommendations regarding cost control in the Federal Government, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. WYDEN (for himself, Mr. SESSIONS, Mrs. McCASKILL, and Mr. THUNE):

S. 3989. A bill to amend the Internal Revenue Code of 1986 to allow an offset against

income tax refunds to pay for restitution and other State judicial debts that are past-due; to the Committee on Finance.

By Mr. BROWN of Massachusetts:

S. 3990. A bill to extend emergency unemployment benefits without adding to the Federal budget deficit, and for other purposes; to the Committee on Finance.

By Mr. REID:

S. 3991. A bill to provide collective bargaining rights for public safety officers employed by States or their political subdivisions; read the first time.

By Mr. DURBIN:

S. 3992. A bill to authorize the cancellation of removal and adjustment of status of certain alien students who are long-term United States residents and who entered the United States as children and for other purposes; read the first time.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mrs. MCCASKILL (for herself and Mr. BOND):

S. Res. 690. A resolution commemorating the 175th anniversary of the birth of Mark Twain; considered and agreed to.

By Mr. REID (for himself and Mr. MCCONNELL):

S. Res. 691. A resolution to permit the collection of clothing, toys, food, and housewares during the holiday season for charitable purposes in Senate buildings; considered and agreed to.

ADDITIONAL COSPONSORS

S. 332

At the request of Mrs. FEINSTEIN, the name of the Senator from Virginia (Mr. WEBB) was added as a cosponsor of S. 332, a bill to establish a comprehensive interagency response to reduce lung cancer mortality in a timely manner.

S. 372

At the request of Mr. AKAKA, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 372, a bill to amend chapter 23 of title 5, United States Code, to clarify the disclosures of information protected from prohibited personnel practices, require a statement in nondisclosure policies, forms, and agreements that such policies, forms, and agreements conform with certain disclosure protections, provide certain authority for the Special Counsel, and for other purposes.

S. 2736

At the request of Mr. FRANKEN, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 2736, a bill to reduce the rape kit backlog and for other purposes.

S. 3221

At the request of Mr. KOHL, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 3221, a bill to amend the Farm Security and Rural Investment Act of 2002 to extend the suspension of limitation on

the period for which certain borrowers are eligible for guaranteed assistance.

S. 3260

At the request of Mr. HARKIN, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 3260, a bill to enhance and further research into the prevention and treatment of eating disorders, to improve access to treatment of eating disorders, and for other purposes.

S. 3437

At the request of Mrs. LINCOLN, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 3437, a bill to amend the Child Abuse Prevention and Treatment Act to establish grant programs for the development and implementation of model undergraduate and graduate curricula on child abuse and neglect at institutions of higher education throughout the United States and to assist States in developing forensic interview training programs, to establish regional training centers and other resources for State and local child protection professionals, and for other purposes.

S. 3572

At the request of Mrs. LINCOLN, the names of the Senator from North Carolina (Mr. BURR), the Senator from Tennessee (Mr. ALEXANDER) and the Senator from Idaho (Mr. CRAPO) were added as cosponsors of S. 3572, a bill to require the Secretary of the Treasury to mint coins in commemoration of the 225th anniversary of the establishment of the Nation's first law enforcement agency, the United States Marshals Service.

S. 3626

At the request of Mr. FRANKEN, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 3626, a bill to encourage the implementation of thermal energy infrastructure, and for other purposes.

S. 3737

At the request of Mr. BARRASSO, his name was added as a cosponsor of S. 3737, a bill to amend the Public Health Service Act and title XVIII of the Social Security Act to make the provision of technical services for medical imaging examinations and radiation therapy treatments safer, more accurate, and less costly.

S. 3819

At the request of Mrs. LINCOLN, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 3819, a bill to amend the Internal Revenue Code of 1986 to reduce the mileage threshold for the deduction for National Guard and Reservists overnight travel expenses.

S. 3981

At the request of Mr. BAUCUS, the names of the Senator from New York (Mrs. GILLIBRAND) and the Senator from Oregon (Mr. MERKLEY) were added as cosponsors of S. 3981, a bill to pro-

vide for a temporary extension of unemployment insurance provisions.

S. 3984

At the request of Mr. REED, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 3984, a bill to amend and extend the Museum and Library Services Act, and for other purposes.

S. RES. 680

At the request of Mr. KERRY, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of S. Res. 680, a resolution supporting international tiger conservation efforts and the upcoming Global Tiger Summit in St. Petersburg, Russia.

AMENDMENT NO. 4618

At the request of Mr. NELSON of Florida, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of amendment No. 4618 intended to be proposed to S. 3454, an original bill to authorize appropriations for fiscal year 2011 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 4697

At the request of Mr. JOHANNIS, his name was added as a cosponsor of amendment No. 4697 intended to be proposed to S. 510, a bill to amend the Federal Food, Drug, and Cosmetic Act with respect to the safety of the food supply.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. WYDEN (for himself, Mr. SESSIONS, Mrs. MCCASKILL, and Mr. THUNE):

S. 3989. A bill to amend the Internal Revenue Code of 1986 to allow an offset against income tax refunds to pay for restitution and other State judicial debts that are past-due; to the Committee on Finance.

Mr. WYDEN. Mr. President, today, along with my colleagues Senators SESSIONS, MCCASKILL, and THUNE, I am introducing a bill to help crime victims and state courts recover the restitution and fees that are owed to them. This bipartisan bill would accomplish this worthy goal by intercepting tax refunds of deadbeat debtors who've failed to pay restitution or court fees. If enacted, this bill would essentially allow state courts to cross-reference outstanding debts with the IRS and use existing procedures to withhold tax refunds in order to satisfy past due debts.

This bill would not only deliver justice to crime victims who are owed restitution, but would also provide much-needed resources to help keep court rooms open and court programs operating. At a time when our State and

local governments are struggling to find funding for vital programs—including keeping courthouse doors open—unpaid court fees represent an important source of revenue that should be captured. This bill would help close budget gaps and provide additional revenue without raising taxes or imposing any new costs or burdens. In fact, participation in the program would be optional for states, but I expect most states to participate and to benefit greatly from this bill.

This bill would operate the same way as the very successful child support debt collection system. The bill will allow states to share information on outstanding restitution owed and court debts with the IRS, which would then be required to intercept any Federal tax refunds of debtors and send that money to the victim or court owed that debt.

It has been estimated by the National Center for State Courts that outstanding court debts across the country total approximately \$15 billion. In my home State of Oregon alone, the outstanding restitution and court fee debt amount is \$987 million. Only a portion of outstanding debts are owed by individuals who will receive Federal tax refunds, so a portion of court debts would not be collected immediately. Nonetheless, the State of Oregon estimates that passage of this bill would allow the state to collect \$30 million per year.

Without this straight-forward and efficient mechanism, the collection of victim restitution and court debts is a costly and time-consuming process. Enactment of this bill would reduce the fiscal cost and administrative burden that victims and courts bear in attempting to collect those debts. Again, in the midst of a challenging fiscal crisis, it only makes common sense to collect revenues that are already owed—through an efficient and convenient method.

Because this bill would benefit both the court system, and those who rely upon it, the Court Fee Tax Intercept Act is endorsed by a broad array of court, government, law enforcement, and crime victims organizations. The bill is supported by the National Center for Victims of Crime, the National District Attorneys Association, the American Probation and Parole Association, the Conference of Chief Justices, the Conference of State Court Administrators, the National Association for Court Managers, the National Conference of State Legislatures, the National Association of Counties, and the Government Finance Officers Association.

I urge all colleagues to support this bipartisan legislation.

By Mr. REID:

S. 3991. A bill to provide collective bargaining rights for public safety offi-

cers employed by States or their political subdivisions; read the first time.

Mr. REID. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3991

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Public Safety Employer-Employee Cooperation Act of 2010”.

SEC. 2. DECLARATION OF PURPOSE AND POLICY.

The Congress declares that the following is the policy of the United States:

(1) Labor-management relationships and partnerships are based on trust, mutual respect, open communication, bilateral consensual problem solving, and shared accountability. Labor-management cooperation fully utilizes the strengths of both parties to best serve the interests of the public, operating as a team, to carry out the public safety mission in a quality work environment. In many public safety agencies, it is the union that provides the institutional stability as elected leaders and appointees come and go.

(2) State and local public safety officers play an essential role in the efforts of the United States to detect, prevent, and respond to terrorist attacks, and to respond to natural disasters, hazardous materials, and other mass casualty incidents. State and local public safety officers, as first responders, are a component of our Nation’s National Incident Management System, developed by the Department of Homeland Security to coordinate response to and recovery from terrorism, major natural disasters, and other major emergencies. Public safety employer-employee cooperation is essential in meeting these needs and is, therefore, in the National interest.

(3) The Federal Government needs to encourage conciliation, mediation, and voluntary arbitration to aid and encourage employers and the representatives of their employees to reach and maintain agreements concerning rates of pay, hours, and working conditions, and to make all reasonable efforts through negotiations to settle their differences by mutual agreement reached through collective bargaining or by such methods as may be provided for in any applicable agreement for the settlement of disputes.

(4) The absence of adequate cooperation between public safety employers and employees has implications for the security of employees and can affect interstate and intrastate commerce. The lack of such labor-management cooperation can detrimentally impact the upgrading of police and fire services of local communities, the health and well-being of public safety officers, and the morale of the fire and police departments. Additionally, these factors could have significant commercial repercussions. Moreover, providing minimal standards for collective bargaining negotiations in the public safety sector can prevent industrial strife between labor and management that interferes with the normal flow of commerce.

(5) Many States and localities already provide public safety officers with collective bargaining rights comparable to or greater than the rights and responsibilities set forth in this Act, and such State and local laws should be respected.

SEC. 3. DEFINITIONS.

In this Act:

(1) **AUTHORITY.**—The term “Authority” means the Federal Labor Relations Authority.

(2) **CONFIDENTIAL EMPLOYEE.**—The term “confidential employee” has the meaning given such term under applicable State law on the date of enactment of this Act. If no such State law is in effect, the term means an individual, employed by a public safety employer, who—

(A) is designated as confidential; and

(B) is an individual who routinely assists, in a confidential capacity, supervisory employees and management employees.

(3) **EMERGENCY MEDICAL SERVICES PERSONNEL.**—The term “emergency medical services personnel” means an individual who provides out-of-hospital emergency medical care, including an emergency medical technician, paramedic, or first responder.

(4) **EMPLOYER; PUBLIC SAFETY AGENCY.**—The terms “employer” and “public safety agency” mean any State, or political subdivision of a State, that employs public safety officers.

(5) **FIREFIGHTER.**—The term “firefighter” has the meaning given the term “employee engaged in fire protection activities” in section 3(y) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(y)).

(6) **LABOR ORGANIZATION.**—The term “labor organization” means an organization composed in whole or in part of employees, in which employees participate, and which represents such employees before public safety agencies concerning grievances, conditions of employment, and related matters.

(7) **LAW ENFORCEMENT OFFICER.**—The term “law enforcement officer” has the meaning given such term in section 1204 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796b).

(8) **MANAGEMENT EMPLOYEE.**—The term “management employee” has the meaning given such term under applicable State law in effect on the date of enactment of this Act. If no such State law is in effect, the term means an individual employed by a public safety employer in a position that requires or authorizes the individual to formulate, determine, or influence the policies of the employer.

(9) **PERSON.**—The term “person” means an individual or a labor organization.

(10) **PUBLIC SAFETY OFFICER.**—The term “public safety officer”—

(A) means an employee of a public safety agency who is a law enforcement officer, a firefighter, or an emergency medical services personnel;

(B) includes an individual who is temporarily transferred to a supervisory or management position; and

(C) does not include a permanent supervisory, management, or confidential employee.

(11) **STATE.**—The term “State” means each of the several States of the United States, the District of Columbia, and any territory or possession of the United States.

(12) **SUBSTANTIALLY PROVIDES.**—The term “substantially provides”, when used with respect to the rights and responsibilities described in section 4(b), means compliance with each right and responsibility described in such section.

(13) **SUPERVISORY EMPLOYEE.**—The term “supervisory employee” has the meaning given such term under applicable State law in effect on the date of enactment of this Act. If no such State law is in effect, the term means an individual, employed by a public safety employer, who—

(A) has the authority in the interest of the employer to hire, direct, assign, promote, reward, transfer, furlough, lay off, recall, suspend, discipline, or remove public safety officers, to adjust their grievances, or to effectively recommend such action, if the exercise of the authority is not merely routine or clerical in nature but requires the consistent exercise of independent judgment; and

(B) devotes a majority of time at work to exercising such authority.

SEC. 4. DETERMINATION OF RIGHTS AND RESPONSIBILITIES.

(a) DETERMINATION.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Authority shall make a determination as to whether a State substantially provides for the rights and responsibilities described in subsection (b).

(2) CONSIDERATION OF ADDITIONAL OPINIONS.—In making the determination described in paragraph (1), the Authority shall consider the opinions of affected employers and labor organizations. In the case where the Authority is notified by an affected employer and labor organization that both parties agree that the law applicable to such employer and labor organization substantially provides for the rights and responsibilities described in subsection (b), the Authority shall give such agreement weight to the maximum extent practicable in making the Authority's determination under this subsection.

(3) LIMITED CRITERIA.—In making the determination described in paragraph (1), the Authority shall be limited to the application of the criteria described in subsection (b) and shall not require any additional criteria.

(4) SUBSEQUENT DETERMINATIONS.—

(A) IN GENERAL.—A determination made pursuant to paragraph (1) shall remain in effect unless and until the Authority issues a subsequent determination, in accordance with the procedures set forth in subparagraph (B).

(B) PROCEDURES FOR SUBSEQUENT DETERMINATIONS.—Upon establishing that a material change in State law or its interpretation has occurred, an employer or a labor organization may submit a written request for a subsequent determination. If satisfied that a material change in State law or its interpretation has occurred, the Authority shall issue a subsequent determination not later than 30 days after receipt of such request.

(5) JUDICIAL REVIEW.—Any person or employer aggrieved by a determination of the Authority under this section may, during the 60-day period beginning on the date on which the determination was made, petition any United States Court of Appeals in the circuit in which the person or employer resides or transacts business or in the District of Columbia circuit, for judicial review. In any judicial review of a determination by the Authority, the procedures contained in subsections (c) and (d) of section 7123 of title 5, United States Code, shall be followed.

(b) RIGHTS AND RESPONSIBILITIES.—In making a determination described in subsection (a), the Authority shall consider a State's law to substantially provide the required rights and responsibilities unless such law fails to provide rights and responsibilities comparable to or greater than the following:

(1) Granting public safety officers the right to form and join a labor organization, which may exclude management employees, supervisory employees, and confidential employees, that is, or seeks to be, recognized as the exclusive bargaining representative of such employees.

(2) Requiring public safety employers to recognize the employees' labor organization (freely chosen by a majority of the employees), to agree to bargain with the labor organization, and to commit any agreements to writing in a contract or memorandum of understanding.

(3) Providing for the right to bargain over hours, wages, and terms and conditions of employment.

(4) Making available an interest impasse resolution mechanism, such as fact-finding, mediation, arbitration, or comparable procedures.

(5) Requiring enforcement of all rights, responsibilities, and protections provided by State law and enumerated in this section, and of any written contract or memorandum of understanding between a labor organization and a public safety employer, through—

(A) a State administrative agency, if the State so chooses; and

(B) at the election of an aggrieved party, the State courts.

(c) COMPLIANCE WITH REQUIREMENTS.—If the Authority determines, acting pursuant to its authority under subsection (a), that a State substantially provides rights and responsibilities described in subsection (b), then this Act shall not preempt State law.

(d) FAILURE TO MEET REQUIREMENTS.—

(1) IN GENERAL.—If the Authority determines, acting pursuant to its authority under subsection (a), that a State does not substantially provide for the rights and responsibilities described in subsection (b), then such State shall be subject to the regulations and procedures described in section 5 beginning on the later of—

(A) the date that is 2 years after the date of enactment of this Act;

(B) the date that is the last day of the first regular session of the legislature of the State that begins after the date of the enactment of this Act; or

(C) in the case of a State receiving a subsequent determination under subsection (a)(4), the date that is the last day of the first regular session of the legislature of the State that begins after the date the Authority made the determination.

(2) PARTIAL FAILURE.—If the Authority makes a determination that a State does not substantially provide for the rights and responsibilities described in subsection (b) solely because the State law substantially provides for such rights and responsibilities for certain categories of public safety officers covered by the Act but not others, the Authority shall identify those categories of public safety officers that shall be subject to the regulations and procedures described in section 5, pursuant to section 8(b)(3) and beginning on the appropriate date described in paragraph (1), and those categories of public safety officers that shall remain subject to State law.

SEC. 5. ROLE OF FEDERAL LABOR RELATIONS AUTHORITY.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Authority shall issue regulations in accordance with the rights and responsibilities described in section 4(b) establishing collective bargaining procedures for employers and public safety officers in States which the Authority has determined, acting pursuant to section 4(a), do not substantially provide for such rights and responsibilities.

(b) ROLE OF THE FEDERAL LABOR RELATIONS AUTHORITY.—The Authority, to the extent provided in this Act and in accordance with regulations prescribed by the Authority, shall—

(1) determine the appropriateness of units for labor organization representation;

(2) supervise or conduct elections to determine whether a labor organization has been selected as an exclusive representative by a voting majority of the employees in an appropriate unit;

(3) resolve issues relating to the duty to bargain in good faith;

(4) conduct hearings and resolve complaints of unfair labor practices;

(5) resolve exceptions to the awards of arbitrators;

(6) protect the right of each employee to form, join, or assist any labor organization, or to refrain from any such activity, freely and without fear of penalty or reprisal, and protect each employee in the exercise of such right; and

(7) take such other actions as are necessary and appropriate to effectively administer this Act, including issuing subpoenas requiring the attendance and testimony of witnesses and the production of documentary or other evidence from any place in the United States, and administering oaths, taking or ordering the taking of depositions, ordering responses to written interrogatories, and receiving and examining witnesses.

(c) ENFORCEMENT.—

(1) AUTHORITY TO PETITION COURT.—The Authority may petition any United States Court of Appeals with jurisdiction over the parties, or the United States Court of Appeals for the District of Columbia Circuit, to enforce any final orders under this section, and for appropriate temporary relief or a restraining order. Any petition under this section shall be conducted in accordance with subsections (c) and (d) of section 7123 of title 5, United States Code.

(2) PRIVATE RIGHT OF ACTION.—Unless the Authority has filed a petition for enforcement as provided in paragraph (1), any party has the right to file suit in any appropriate district court of the United States to enforce compliance with the regulations issued by the Authority pursuant to subsection (b), and to enforce compliance with any order issued by the Authority pursuant to this section. The right provided by this subsection to bring a suit to enforce compliance with any order issued by the Authority pursuant to this section shall terminate upon the filing of a petition seeking the same relief by the Authority.

SEC. 6. STRIKES AND LOCKOUTS PROHIBITED.

(a) IN GENERAL.—Subject to subsection (b), an employer, public safety officer, or labor organization may not engage in a lockout, sickout, work slowdown, strike, or any other organized job action that will measurably disrupt the delivery of emergency services and is designed to compel an employer, public safety officer, or labor organization to agree to the terms of a proposed contract.

(b) NO PREEMPTION.—Nothing in this section shall be construed to preempt any law of any State or political subdivision of any State with respect to strikes by public safety officers.

SEC. 7. EXISTING COLLECTIVE BARGAINING UNITS AND AGREEMENTS.

A certification, recognition, election-held, collective bargaining agreement or memorandum of understanding which has been issued, approved, or ratified by any public employee relations board or commission or by any State or political subdivision or its agents (management officials) and is in effect on the day before the date of enactment of this Act shall not be invalidated by the enactment of this Act.

SEC. 8. CONSTRUCTION AND COMPLIANCE.

(a) **CONSTRUCTION.**—Nothing in this Act shall be construed—

(1) to preempt or limit the remedies, rights, and procedures of any law of any State or political subdivision of any State that provides greater or comparable rights and responsibilities than the rights and responsibilities described in section 4(b);

(2) to prevent a State from enforcing a right-to-work law that prohibits employers and labor organizations from negotiating provisions in a labor agreement that require union membership or payment of union fees as a condition of employment;

(3) to preempt or limit any State law in effect on the date of enactment of this Act that provides for the rights and responsibilities described in section 4(b) solely because such State law permits an employee to appear on the employee's own behalf with respect to the employee's employment relations with the public safety agency involved;

(4) to preempt or limit any State law in effect on the date of enactment of this Act that provides for the rights and responsibilities described in section 4(b) solely because such State law excludes from its coverage employees of a State militia or national guard;

(5) to permit parties in States subject to the regulations and procedures described in section 5 to negotiate provisions that would prohibit an employee from engaging in part-time employment or volunteer activities during off-duty hours;

(6) to prohibit a State from exempting from coverage under this Act a political subdivision of the State that has a population of less than 5,000 or that employs less than 25 full-time employees;

(7) to prohibit a State from exempting from coverage under this Act individuals employed by the office of the sheriff in States that do not provide the rights and responsibilities described in section 4(b) for law enforcement officers prior to the date of enactment of this Act; or

(8) to preempt or limit the laws or ordinances of any State or political subdivision of a State that provide for the rights and responsibilities described in section 4(b) solely because such law or ordinance does not require bargaining with respect to pension, retirement, or health benefits.

For purposes of paragraph (6), the term "employee" includes each and every individual employed by the political subdivision except any individual elected by popular vote or appointed to serve on a board or commission.

(b) **COMPLIANCE.**—

(1) **ACTIONS OF STATES.**—Nothing in this Act or the regulations promulgated under this Act shall be construed to require a State to rescind or preempt the laws or ordinances of any of the State's political subdivisions if such laws provide rights and responsibilities for public safety officers that are comparable to or greater than the rights and responsibilities described in section 4(b).

(2) **ACTIONS OF THE AUTHORITY.**—Nothing in this Act or the regulations promulgated under this Act shall be construed to preempt—

(A) the laws or ordinances of any State or political subdivision of a State, if such laws provide collective bargaining rights for public safety officers that are comparable to or greater than the rights enumerated in section 4(b);

(B) the laws or ordinances of any State or political subdivision of a State that provide for the rights and responsibilities described in section 4(b) with respect to certain cat-

egories of public safety officers covered by this Act solely because such rights and responsibilities have not been extended to other categories of public safety officers covered by this Act; or

(C) the laws or ordinances of any State or political subdivision of a State that provide for the rights and responsibilities described in section 4(b), solely because such laws or ordinances provide that a contract or memorandum of understanding between a public safety employer and a labor organization must be presented to a legislative body as part of the process for approving such contract or memorandum of understanding.

(3) **LIMITED ENFORCEMENT POWER.**—In the case of a law described in paragraph (2)(B), the Authority shall only exercise the powers provided in section 5 with respect to those categories of public safety officers who have not been afforded the rights and responsibilities described in section 4(b).

(4) **EXCLUSIVE ENFORCEMENT PROVISION.**—Notwithstanding any other provision of the Act, and in the absence of a waiver of a State's sovereign immunity, the Authority shall have the exclusive power to enforce the provisions of this Act with respect to employees of a State.

SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

By Mr. DURBIN:

S. 3992. A bill to authorize the cancellation of removal and adjustment of status of certain alien students who are long-term United States residents and who entered the United States as children and for other purposes; read the first time.

Mr. DURBIN. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3992

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Development, Relief, and Education for Alien Minors Act of 2010" or the "DREAM Act of 2010".

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

- Sec. 1. Short title.
- Sec. 2. Table of contents.
- Sec. 3. Definitions.
- Sec. 4. Cancellation of removal of certain long-term residents who entered the United States as children.
- Sec. 5. Conditional nonimmigrant status.
- Sec. 6. Adjustment of status.
- Sec. 7. Retroactive benefits.
- Sec. 8. Exclusive jurisdiction.
- Sec. 9. Penalties for false statements.
- Sec. 10. Confidentiality of information.
- Sec. 11. Higher education assistance.
- Sec. 12. Treatment of aliens with adjusted status for certain purposes.
- Sec. 13. Military enlistment.
- Sec. 14. GAO report.

SEC. 3. DEFINITIONS.

In this Act:

(1) **IN GENERAL.**—Except as otherwise specifically provided, a term used in this Act

that is used in the immigration laws shall have the meaning given such term in the immigration laws.

(2) **ARMED FORCES.**—The term "Armed Forces" has the meaning given the term "armed forces" in section 101(a) of title 10, United States Code.

(3) **CONDITIONAL NONIMMIGRANT.**—

(A) **DEFINITION.**—The term "conditional nonimmigrant" means an alien who is granted conditional nonimmigrant status under this Act.

(B) **DESCRIPTION.**—A conditional nonimmigrant—

(i) shall be considered to be an alien within a nonimmigrant class for purposes of the immigration laws;

(ii) may have the intention permanently to reside in the United States; and

(iii) is not required to have a foreign residence which the alien has no intention of abandoning.

(4) **IMMIGRATION LAWS.**—The term "immigration laws" has the meaning given such term in section 101(a)(17) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(17)).

(5) **INSTITUTION OF HIGHER EDUCATION.**—The term "institution of higher education" has the meaning given such term in section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002), except that the term does not include an institution of higher education outside the United States.

SEC. 4. CANCELLATION OF REMOVAL OF CERTAIN LONG-TERM RESIDENTS WHO ENTERED THE UNITED STATES AS CHILDREN.

(a) **SPECIAL RULE FOR CERTAIN LONG-TERM RESIDENTS WHO ENTERED THE UNITED STATES AS CHILDREN.**—

(1) **IN GENERAL.**—Notwithstanding any other provision of law and except as otherwise provided in this Act, the Secretary of Homeland Security may cancel removal of an alien who is inadmissible or deportable from the United States, and grant the alien conditional nonimmigrant status, if the alien demonstrates by a preponderance of the evidence that—

(A) the alien has been physically present in the United States for a continuous period of not less than 5 years immediately preceding the date of the enactment of this Act and was younger than 16 years of age on the date the alien initially entered the United States;

(B) the alien has been a person of good moral character since the date the alien initially entered the United States;

(C) the alien—

(i) is not inadmissible under paragraph (1), (2), (3), (4), (6)(E), (6)(G), (8), (10)(A), (10)(C), or (10)(D) of section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a));

(ii) is not deportable under paragraph (1)(E), (1)(G), (2), (4), (5), or (6) of section 237(a) of the Immigration and Nationality Act (8 U.S.C. 1227(a));

(iii) has not ordered, incited, assisted, or otherwise participated in the persecution of any person on account of race, religion, nationality, membership in a particular social group, or political opinion; and

(iv) has not been convicted of—

(I) any offense under Federal or State law punishable by a maximum term of imprisonment of more than 1 year; or

(II) 3 or more offenses under Federal or State law, for which the alien was convicted on different dates for each of the 3 offenses and sentenced to imprisonment for an aggregate of 90 days or more;

(D) the alien—

(i) has been admitted to an institution of higher education in the United States; or

(ii) has earned a high school diploma or obtained a general education development certificate in the United States;

(E) the alien has never been under a final administrative or judicial order of exclusion, deportation, or removal, unless the alien—

(i) has remained in the United States under color of law after such order was issued; or

(ii) received the order before attaining the age of 16 years; and

(F) the alien was younger than 30 years of age on the date of the enactment of this Act.

(2) **WAIVER.**—Notwithstanding paragraph (1), the Secretary of Homeland Security may waive the ground of ineligibility under paragraph (1), (4), or (6) of section 212(a) of the Immigration and Nationality Act and the ground of deportability under paragraph (1) of section 237(a) of that Act for humanitarian purposes or family unity or when it is otherwise in the public interest.

(3) **PROCEDURES.**—The Secretary of Homeland Security shall provide a procedure by regulation allowing eligible individuals to apply affirmatively for the relief available under this subsection without being placed in removal proceedings.

(4) **DEADLINE FOR SUBMISSION OF APPLICATION.**—An alien shall submit an application for cancellation of removal and conditional nonimmigrant status under this subsection no later than the date that is 1 year after the later of—

(A) the date the alien was admitted to an institution of higher education in the United States;

(B) the date the alien earned a high school diploma or obtained a general education development certificate in the United States; or

(C) the date of the enactment of this Act.

(5) **SUBMISSION OF BIOMETRIC AND BIOGRAPHIC DATA.**—The Secretary of Homeland Security may not cancel the removal of an alien or grant conditional nonimmigrant status to the alien under this subsection unless the alien submits biometric and biographic data, in accordance with procedures established by the Secretary. The Secretary shall provide an alternative procedure for applicants who are unable to provide such biometric or biographic data because of a physical impairment.

(6) **BACKGROUND CHECKS.**—

(A) **REQUIREMENT FOR BACKGROUND CHECKS.**—The Secretary of Homeland Security shall utilize biometric, biographic, and other data that the Secretary determines is appropriate—

(i) to conduct security and law enforcement background checks of an alien seeking relief available under this subsection; and

(ii) to determine whether there is any criminal, national security, or other factor that would render the alien ineligible for such relief.

(B) **COMPLETION OF BACKGROUND CHECKS.**—The security and law enforcement background checks required by subparagraph (A)(i) shall be completed, to the satisfaction of the Secretary, prior to the date the Secretary cancels the removal of the alien under this subsection.

(7) **MEDICAL EXAMINATION.**—An alien applying for relief available under this subsection shall undergo a medical observation and examination. The Secretary of Homeland Security, with the concurrence of the Secretary of Health and Human Services, shall prescribe policies and procedures for the nature, frequency, and timing of such observation and examination.

(8) **MILITARY SELECTIVE SERVICE.**—An alien applying for relief available under this sub-

section shall establish that the alien has registered under the Military Selective Service Act (50 U.S.C. App. 451 et seq.), if the alien is subject to such registration under that Act.

(b) **TERMINATION OF CONTINUOUS PERIOD.**—For purposes of this section, any period of continuous residence or continuous physical presence in the United States of an alien who applies for cancellation of removal under subsection (a) shall not terminate when the alien is served a notice to appear under section 239(a) of the Immigration and Nationality Act (8 U.S.C. 1229(a)).

(c) **TREATMENT OF CERTAIN BREAKS IN PRESENCE.**—

(1) **IN GENERAL.**—An alien shall be considered to have failed to maintain continuous physical presence in the United States under subsection (a) if the alien has departed from the United States for any period in excess of 90 days or for any periods in the aggregate exceeding 180 days.

(2) **EXTENSIONS FOR EXCEPTIONAL CIRCUMSTANCES.**—The Secretary of Homeland Security may extend the time periods described in paragraph (1) if the alien demonstrates that the failure to timely return to the United States was due to exceptional circumstances. The exceptional circumstances determined sufficient to justify an extension should be no less compelling than serious illness of the alien, or death or serious illness of a parent, grandparent, sibling, or child.

(d) **EXEMPTION FROM NUMERICAL LIMITATIONS.**—Nothing in this section may be construed to apply a numerical limitation to the number of aliens who may be eligible for cancellation of removal under subsection (a).

(e) **REGULATIONS.**—

(1) **INITIAL PUBLICATION.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Homeland Security shall publish regulations implementing this section.

(2) **INTERIM REGULATIONS.**—Notwithstanding section 553 of title 5, United States Code, the regulations required by paragraph (1) shall be effective, on an interim basis, immediately upon publication but may be subject to change and revision after public notice and opportunity for a period of public comment.

(3) **FINAL REGULATIONS.**—Within a reasonable time after publication of the interim regulations in accordance with paragraph (1), the Secretary of Homeland Security shall publish final regulations implementing this section.

(f) **REMOVAL OF ALIEN.**—The Secretary of Homeland Security may not remove any alien who—

(1) has a pending application for conditional nonimmigrant status under this Act; and

(2) establishes prima facie eligibility for cancellation of removal and conditional nonimmigrant status under subsection (a).

SEC. 5. CONDITIONAL NONIMMIGRANT STATUS.

(a) **LENGTH OF STATUS.**—Conditional nonimmigrant status granted under section 4 shall be valid for a period of 10 years, subject to termination under subsection (c) of this section.

(b) **TERMS OF CONDITIONAL NONIMMIGRANT STATUS.**—

(1) **EMPLOYMENT.**—A conditional nonimmigrant shall be authorized to be employed in the United States incident to conditional nonimmigrant status.

(2) **TRAVEL.**—A conditional nonimmigrant may travel outside the United States and may be admitted (if otherwise admissible) upon return to the United States without having to obtain a visa if—

(A) the alien is the bearer of valid, unexpired documentary evidence of conditional nonimmigrant status; and

(B) the alien's absence from the United States was not for a period exceeding 180 days.

(c) **TERMINATION OF STATUS.**—

(1) **IN GENERAL.**—The Secretary of Homeland Security shall terminate the conditional nonimmigrant status of any alien if the Secretary determines that the alien—

(A) ceases to meet the requirements of subparagraph (B) or (C) of section 4(a)(1);

(B) has become a public charge; or

(C) has received a dishonorable or other than honorable discharge from the Armed Forces.

(2) **RETURN TO PREVIOUS IMMIGRATION STATUS.**—Any alien whose conditional nonimmigrant status is terminated under paragraph (1) shall return to the immigration status the alien had immediately prior to receiving conditional nonimmigrant status.

SEC. 6. ADJUSTMENT OF STATUS.

(a) **IN GENERAL.**—A conditional nonimmigrant may file with the Secretary of Homeland Security, in accordance with subsection (c), an application to have the alien's status adjusted to that of an alien lawfully admitted for permanent residence. The application shall provide, under penalty of perjury, the facts and information so that the Secretary may make the determination described in paragraph (b)(1).

(b) **ADJUDICATION OF APPLICATION FOR ADJUSTMENT OF STATUS.**—

(1) **IN GENERAL.**—If an application is filed in accordance with subsection (a) for an alien, the Secretary of Homeland Security shall make a determination as to whether the alien meets the requirements set out in subparagraphs (A) through (E) of subsection (d)(1).

(2) **ADJUSTMENT OF STATUS IF FAVORABLE DETERMINATION.**—If the Secretary determines that the alien meets such requirements, the Secretary shall notify the alien of such determination and adjust the alien's status to that of an alien lawfully admitted for permanent residence, effective as of the date of approval of the application.

(3) **TERMINATION IF ADVERSE DETERMINATION.**—If the Secretary determines that the alien does not meet such requirements, the Secretary shall notify the alien of such determination and terminate the conditional nonimmigrant status of the alien as of the date of the determination.

(c) **TIME TO FILE APPLICATION.**—An alien shall file an application for adjustment of status during the period beginning 1 year before and ending on either the date that is 10 years after the date of the granting of conditional nonimmigrant status or any other expiration date of the conditional nonimmigrant status as extended by the Secretary of Homeland Security in accordance with this Act. The alien shall be deemed to be in conditional nonimmigrant status in the United States during the period in which such application is pending.

(d) **DETAILS OF APPLICATION.**—

(1) **CONTENTS OF APPLICATION.**—Each application for an alien under subsection (a) shall contain information to permit the Secretary of Homeland Security to determine whether each of the following requirements is met:

(A) The alien has demonstrated good moral character during the entire period the alien has been a conditional nonimmigrant.

(B) The alien is in compliance with section 4(a)(1)(C).

(C) The alien has not abandoned the alien's residence in the United States. The Secretary shall presume that the alien has abandoned such residence if the alien is absent from the United States for more than 365 days, in the aggregate, during the period of conditional nonimmigrant status, unless the alien demonstrates that the alien has not abandoned the alien's residence. An alien who is absent from the United States due to active service in the Armed Forces has not abandoned the alien's residence in the United States during the period of such service.

(D) The alien has completed at least 1 of the following:

(i) The alien has acquired a degree from an institution of higher education in the United States or has completed at least 2 years, in good standing, in a program for a bachelor's degree or higher degree in the United States.

(ii) The alien has served in the Armed Forces for at least 2 years and, if discharged, has received an honorable discharge.

(E) The alien has provided a list of each secondary school (as that term is defined in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801)) that the alien attended in the United States.

(2) HARSHIP EXCEPTION.—

(A) **IN GENERAL.**—The Secretary of Homeland Security may, in the Secretary's discretion, adjust the status of an alien if the alien—

(i) satisfies the requirements of subparagraphs (A), (B), and (C) of paragraph (1);

(ii) demonstrates compelling circumstances for the inability to complete the requirements described in paragraph (1)(D); and

(iii) demonstrates that the alien's removal from the United States would result in exceptional and extremely unusual hardship to the alien or the alien's spouse, parent, or child who is a citizen or a lawful permanent resident of the United States.

(B) **EXTENSION.**—Upon a showing of good cause, the Secretary of Homeland Security may extend the period of conditional nonimmigrant status for the purpose of completing the requirements described in paragraph (1)(D).

(e) CITIZENSHIP REQUIREMENT.—

(1) **IN GENERAL.**—Except as provided in paragraph (2), the status of a conditional nonimmigrant shall not be adjusted to permanent resident status unless the alien demonstrates that the alien satisfies the requirements of section 312(a) of the Immigration and Nationality Act (8 U.S.C. 312(a)).

(2) **EXCEPTION.**—Paragraph (1) shall not apply to an alien who is unable because of a physical or developmental disability or mental impairment to meet the requirements of such paragraph.

(f) PAYMENT OF FEDERAL TAXES.—

(1) **IN GENERAL.**—Not later than the date on which an application is filed under subsection (a) for adjustment of status, the alien shall satisfy any applicable Federal tax liability due and owing on such date.

(2) **APPLICABLE FEDERAL TAX LIABILITY.**—For purposes of paragraph (1), the term "applicable Federal tax liability" means liability for Federal taxes imposed under the Internal Revenue Code of 1986, including any penalties and interest thereon.

(g) **SUBMISSION OF BIOMETRIC AND BIOGRAPHIC DATA.**—The Secretary of Homeland Security may not adjust the status of an alien under this section unless the alien submits biometric and biographic data, in accordance with procedures established by the Secretary. The Secretary shall provide an al-

ternative procedure for applicants who are unable to provide such biometric or biographic data because of a physical impairment.

(h) BACKGROUND CHECKS.—

(1) **REQUIREMENT FOR BACKGROUND CHECKS.**—The Secretary of Homeland Security shall utilize biometric, biographic, and other data that the Secretary determines appropriate—

(A) to conduct security and law enforcement background checks of an alien applying for adjustment of status under this section; and

(B) to determine whether there is any criminal, national security, or other factor that would render the alien ineligible for such adjustment of status.

(2) **COMPLETION OF BACKGROUND CHECKS.**—The security and law enforcement background checks required by paragraph (1)(A) shall be completed, to the satisfaction of the Secretary, prior to the date the Secretary grants adjustment of status.

(i) **EXEMPTION FROM NUMERICAL LIMITATIONS.**—Nothing in this section or in any other law may be construed to apply a numerical limitation on the number of aliens who may be eligible for adjustment of status under this section.

(j) **CONDITIONAL NONIMMIGRANTS OTHERWISE ELIGIBLE FOR ADJUSTMENT.**—Nothing in this section may be construed to limit the eligibility of a conditional nonimmigrant for adjustment of status, issuance of an immigrant visa, or admission as a lawful permanent resident alien at any time, if the conditional nonimmigrant is otherwise eligible for such benefit under the immigration laws.

(k) **ELIGIBILITY FOR NATURALIZATION.**—An alien whose status is adjusted under this section to that of an alien lawfully admitted for permanent residence may be naturalized upon compliance with all the requirements of the immigration laws except the provisions of paragraph (1) of section 316(a) of the Immigration and Nationality Act (8 U.S.C. 1427(a)), if such person immediately preceding the date of filing the application for naturalization has resided continuously, after being lawfully admitted for permanent residence, within the United States for at least 3 years, and has been physically present in the United States for periods totaling at least half of that time and has resided within the State or the district of U.S. Citizenship and Immigration Services in the United States in which the applicant filed the application for at least 3 months. An alien described in this subsection may file the application for naturalization as provided in the second sentence of subsection (a) of section 344 of the Immigration and Nationality Act (8 U.S.C. 1445).

SEC. 7. RETROACTIVE BENEFITS.

If, on the date of the enactment of this Act, an alien has satisfied all the requirements of section 4(a)(1) and section 6(d)(1)(D), the Secretary of Homeland Security may cancel removal and grant conditional nonimmigrant status in accordance with section 4. The alien may apply for adjustment of status in accordance with section 6(a) if the alien has met the requirements of subparagraphs (A), (B), and (C) of section 6(d)(1) during the entire period of conditional nonimmigrant status.

SEC. 8. EXCLUSIVE JURISDICTION.

(a) **IN GENERAL.**—The Secretary of Homeland Security shall have exclusive jurisdiction to determine eligibility for relief under this Act, except where the alien has been placed into deportation, exclusion, or removal proceedings either prior to or after fil-

ing an application for cancellation of removal and conditional nonimmigrant status or adjustment of status under this Act, in which case the Attorney General shall have exclusive jurisdiction and shall assume all the powers and duties of the Secretary until proceedings are terminated, or if a final order of deportation, exclusion, or removal is entered the Secretary shall resume all powers and duties delegated to the Secretary under this Act.

(b) **STAY OF REMOVAL OF CERTAIN ALIENS ENROLLED IN PRIMARY OR SECONDARY SCHOOL.**—The Attorney General shall stay the removal proceedings of any alien who—

(1) meets all the requirements of subparagraphs (A), (B), (C), and (E) of section 4(a)(1);

(2) is at least 12 years of age; and

(3) is enrolled full time in a primary or secondary school.

(c) **EMPLOYMENT.**—An alien whose removal is stayed pursuant to subsection (b) may be engaged in employment in the United States consistent with the Fair Labor Standards Act (29 U.S.C. 201 et seq.) and State and local laws governing minimum age for employment.

(d) **LIFT OF STAY.**—The Attorney General shall lift the stay granted pursuant to subsection (b) if the alien—

(1) is no longer enrolled in a primary or secondary school; or

(2) ceases to meet the requirements of subsection (b)(1).

SEC. 9. PENALTIES FOR FALSE STATEMENTS.

Whoever files an application for any benefit under this Act and willfully and knowingly falsifies, misrepresents, or conceals a material fact or makes any false or fraudulent statement or representation, or makes or uses any false writing or document knowing the same to contain any false or fraudulent statement or entry, shall be fined in accordance with title 18, United States Code, imprisoned not more than 5 years, or both.

SEC. 10. CONFIDENTIALITY OF INFORMATION.

(a) **PROHIBITION.**—Except as provided in subsection (b), no officer or employee of the United States may—

(1) use the information furnished by an individual pursuant to an application filed under this Act to initiate removal proceedings against any person identified in the application;

(2) make any publication whereby the information furnished by any particular individual pursuant to an application under this Act can be identified; or

(3) permit anyone other than an officer or employee of the United States Government or, in the case of an application filed under this Act with a designated entity, that designated entity, to examine such application filed under this Act.

(b) **REQUIRED DISCLOSURE.**—The Attorney General or the Secretary of Homeland Security shall provide the information furnished under this Act, and any other information derived from such furnished information, to—

(1) a Federal, State, tribal, or local law enforcement agency, intelligence agency, national security agency, component of the Department of Homeland Security, court, or grand jury in connection with a criminal investigation or prosecution, a background check conducted pursuant to the Brady Handgun Violence Protection Act (Public Law 103-159; 107 Stat. 1536) or an amendment made by that Act, or for homeland security or national security purposes, if such information is requested by such entity or consistent with an information sharing agreement or mechanism; or

(2) an official coroner for purposes of affirmatively identifying a deceased individual (whether or not such individual is deceased as a result of a crime).

(c) **FRAUD IN APPLICATION PROCESS OR CRIMINAL CONDUCT.**—Notwithstanding any other provision of this section, information concerning whether an alien seeking relief under this Act has engaged in fraud in an application for such relief or at any time committed a crime may be used or released for immigration enforcement, law enforcement, or national security purposes.

(d) **PENALTY.**—Whoever knowingly uses, publishes, or permits information to be examined in violation of this section shall be fined not more than \$10,000.

SEC. 11. HIGHER EDUCATION ASSISTANCE.

Notwithstanding any provision of the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.), with respect to assistance provided under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.), an alien who is granted conditional nonimmigrant status or lawful permanent resident status under this Act shall be eligible only for the following assistance under such title:

(1) Student loans under parts B, D, and E of such title IV (20 U.S.C. 1071 et seq., 1087a et seq., 1087aa et seq.), subject to the requirements of such parts.

(2) Federal work-study programs under part C of such title IV (42 U.S.C. 2751 et seq.), subject to the requirements of such part.

(3) Services under such title IV (20 U.S.C. 1070 et seq.), subject to the requirements for such services.

SEC. 12. TREATMENT OF ALIENS WITH ADJUSTED STATUS FOR CERTAIN PURPOSES.

(a) **IN GENERAL.**—An individual granted conditional nonimmigrant status under this Act shall, while such individual remains in such status, be considered lawfully present for all purposes except—

(1) section 36B of the Internal Revenue Code of 1986 (concerning premium tax credits), as added by section 1401 of the Patient Protection and Affordable Care Act (Public Law 111-148); and

(2) section 1402 of the Patient Protection and Affordable Care Act (concerning reduced cost sharing; 42 U.S.C. 18071).

(b) **FOR PURPOSES OF THE 5-YEAR ELIGIBILITY WAITING PERIOD UNDER PRWORA.**—An individual who has met the requirements under this Act for adjustment from conditional nonimmigrant status to lawful permanent resident status shall be considered, as of the date of such adjustment, to have completed the 5-year period specified in section 403 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1613).

SEC. 13. MILITARY ENLISTMENT.

Section 504(b)(1) of title 10, United States Code, is amended by adding at the end the following new subparagraph:

“(D) An alien who is a conditional nonimmigrant (as that term is defined in section 3 of the DREAM Act of 2010).”.

SEC. 14. GAO REPORT.

Not later than 7 years after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report setting forth—

(1) the number of aliens who were eligible for cancellation of removal and grant of conditional nonimmigrant status under section 4(a);

(2) the number of aliens who applied for cancellation of removal and grant of condi-

tional nonimmigrant status under section 4(a);

(3) the number of aliens who were granted conditional nonimmigrant status under section 4(a); and

(4) the number of aliens whose status was adjusted to that of an alien lawfully admitted for permanent residence under section 6.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 690—COMMEMORATING THE 175TH ANNIVERSARY OF THE BIRTH OF MARK TWAIN

Mrs. MCCASKILL (for herself and Mr. BOND) submitted the following resolution; which was considered and agreed to:

S. RES. 690

Whereas Mark Twain was born with the name Samuel Langhorne Clemens on November 30, 1835, in Florida, Missouri, the 6th child of John Marshall and Jane Lampton Clemens;

Whereas in 1839, the Clemens family moved to Hannibal, Missouri, the inspiration for the fictional town of St. Petersburg depicted in the novels “The Adventures of Tom Sawyer” and “Adventures of Huckleberry Finn”, where the Clemens family lived until 1853, including several years of residence at 206 Hill Street, known as the boyhood home of Mark Twain;

Whereas in 1848, Samuel Clemens left school to become a printer's apprentice at the Missouri Courier newspaper, his first in a series of occupations that include, most notably, author, but also, printer, typesetter, steamboat pilot, journalist, lecturer, publisher, editor, prospector, and political activist;

Whereas while working at the Virginia City newspaper, the Territorial Enterprise, Clemens first used the pen name “Mark Twain” in 1863;

Whereas with the publication of the short story “Jim Smiley and His Jumping Frog” in The Saturday Press in 1865, Mark Twain experienced his first significant success as an author;

Whereas in 1869, Twain's first book, “The Innocents Abroad”, was published, detailing Twain's adventures through Europe and the Middle East;

Whereas Samuel Clemens, known for the love and affection he demonstrated for his wife and family and to whom the quote, “What is a home without a child?”, is attributed, in 1870 married Olivia Langdon, with whom he had 4 children, Langdon, Olivia Susan, Clara Langdon, and Jane Lampton;

Whereas the book “Roughing It”, part autobiography and part tall tale, chronicling Twain's adventures in the early American West and critiquing society's treatment of Chinese Americans, was published in 1872;

Whereas “The Gilded Age: A Tale of Today”, a novel Twain wrote in collaboration with Charles Dudley Warner satirizing political corruption and greed in American life, was published in 1873;

Whereas Twain's novel, “The Adventures of Tom Sawyer”, through which he sought “to pleasantly remind adults of what they once were themselves, and of how they felt and thought and talked, and what queer enterprises they sometimes engaged in”, was published in 1876;

Whereas in 1881, Twain addressed class issues and attacked injustice and hypocrisy

in English society with the publication of his novel, “The Prince and the Pauper”;

Whereas in 1883, “Life on the Mississippi”, Twain's book exploring the history and lore of the Mississippi River and detailing his time spent as a Mississippi River steamboat pilot, was published;

Whereas Mark Twain's most famous work, “Adventures of Huckleberry Finn”, which attacked the institution of slavery, the failures of Reconstruction, and the continued mistreatment of African Americans in American society, and which is considered a masterpiece of American fiction and is widely known as one of the Great American Novels, was published in 1884;

Whereas Twain's powerful social critique, “A Connecticut Yankee in King Arthur's Court”, was published in 1889;

Whereas “The Tragedy of Pudd'nhead Wilson”, Twain's strongest critique of racism and the institution of slavery, was published in 1894;

Whereas on April 21, 1910, Samuel Clemens died at the age of 74; and

Whereas the 175th anniversary of the birth of Mark Twain is an historic occasion: Now, therefore, be it

Resolved, That the Senate commemorates the 175th anniversary of the birth of Mark Twain on November 30, 2010, and his enduring legacy as one of our Nation's greatest authors and humorists.

SENATE RESOLUTION 691—TO PERMIT THE COLLECTION OF CLOTHING, TOYS, FOOD, AND HOUSEWARES DURING THE HOLIDAY SEASON FOR CHARITABLE PURPOSES IN SENATE BUILDINGS

Mr. REID (for himself and Mr. McCONNELL) submitted the following resolution; which was considered and agreed to:

S. RES. 691

Resolved,

SECTION 1. COLLECTION OF CLOTHING, TOYS, FOOD, AND HOUSEWARES DURING THE HOLIDAY SEASON FOR CHARITABLE PURPOSES IN SENATE BUILDINGS.

(a) **IN GENERAL.**—Notwithstanding any other provision of the rules or regulations of the Senate—

(1) a Senator, officer, or employee of the Senate may collect from another Senator, officer, or employee of the Senate within Senate buildings nonmonetary donations of clothing, toys, food, and housewares for charitable purposes related to serving those in need or members of the Armed Services and their families during the holiday season, if the charitable purposes do not otherwise violate any rule or regulation of the Senate or of Federal law; and

(2) a Senator, officer, or employee of the Senate may work with a nonprofit organization with respect to the delivery of donations described in paragraph (1).

(b) **EXPIRATION.**—The authority provided by this resolution shall expire at the end of the 2nd session of the 111th Congress.

AMENDMENTS SUBMITTED AND PROPOSED

SA 4721. Mrs. HAGAN (for Mr. ROCKEFELLER (for himself and Mrs. HUTCHISON)) proposed an amendment to the bill S. 3386, to

protect consumers from certain aggressive sales tactics on the Internet.

TEXT OF AMENDMENTS

SA 4721. Mrs. HAGAN (for Mr. ROCKEFELLER (for himself and Mrs. HUTCHISON)) proposed an amendment to the bill S. 3386, to protect consumers from certain aggressive sales tactics on the Internet; as follows:

On page 15, line 17, strike “purchaser’s” and insert “consumer’s”.

On page 15, line 19, strike “purchaser” and insert “consumer”.

On page 17, beginning with line 4, strike through line 15 on page 18.

On page 18, line 16, strike “(d)” and insert “(c)”.

On page 18, line 21, strike “(e)” and insert “(d)”.

On page 19, strike lines 3 through 7.

On page 19, line 8, strike “(3)” and insert “(2)”.

On page 19, strike lines 17 and 18 and insert the following:

(C) is not—

(i) the initial merchant;

(ii) a subsidiary or corporate affiliate of the initial merchant; or

(iii) a successor of an entity described in clause (i) or (ii).

On page 19, between line 18 and 19, insert the following:

SEC. 4. NEGATIVE OPTION MARKETING ON THE INTERNET.

It shall be unlawful for any person to charge or attempt to charge any consumer for any goods or services sold in a transaction effected on the Internet through a negative option feature (as defined in the Federal Trade Commission’s Telemarketing Sales Rule in part 310 of title 16, Code of Federal Regulations), unless the person—

(1) provides text that clearly and conspicuously discloses all material terms of the transaction before obtaining the consumer’s billing information;

(2) obtains a consumer’s express informed consent before charging the consumer’s credit card, debit card, bank account, or other financial account for products or services through such transaction; and

(3) provides simple mechanisms for a consumer to stop recurring charges from being placed on the consumer’s credit card, debit card, bank account, or other financial account.

On page 19, line 19, strike “SEC. 4.” and insert “SEC. 5.”.

On page 20, strike lines 5 through 8.

On page 20, line 9, strike “(c)” and insert “(b)”.

On page 20, line 16, strike “(d)” and insert “(c)”.

On page 20, line 19, strike “SEC. 5.” and insert “SEC. 6.”.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. SANDERS. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on November 30, 2010, at 3:30 p.m. in room 253 of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. SANDERS. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on November 30, 2010.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. SANDERS. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on November 30, 2010.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON CRIME AND DRUGS

Mr. SANDERS. Mr. President, I ask unanimous consent that the Committee on the Judiciary, Subcommittee on Crime and Drugs, be authorized to meet during the session of the Senate, on November 30, 2010, at 10 a.m. in room SD-226 of the Dirksen Senate Office Building, to conduct a hearing entitled “Examining Enforcement of the Foreign Corrupt Practices Act.”

The PRESIDING OFFICER. Without objection, it is so ordered.

RESTORE ONLINE SHOPPERS’ CONFIDENCE ACT

Mrs. HAGAN. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of Calendar No. 500, S. 3386.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 3386) to protect consumers from certain aggressive sales tactics on the Internet.

There being no objection, the Senate proceeded to consider the bill (S. 3386) to protect consumers from certain aggressive sales tactics on the Internet, which had been reported from the Committee on Commerce, Science, and Transportation, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Restore Online Shoppers’ Confidence Act”.

SEC. 2. FINDINGS; DECLARATION OF POLICY.

The Congress finds the following:

(1) The Internet has become an important channel of commerce in the United States, accounting for billions of dollars in retail sales every year. Over half of all American adults have now either made an online purchase or an online travel reservation.

(2) Consumer confidence is essential to the growth of online commerce. To continue its development as a marketplace, the Internet must provide consumers with clear, accurate information and give sellers an opportunity to fairly compete with one another for consumers’ business.

(3) An investigation by the Senate Committee on Commerce, Science, and Transportation found abundant evidence that the aggressive sales tactics many companies use against their online customers have undermined consumer confidence in the Internet and thereby harmed the American economy.

(4) The Committee showed that, in exchange for “bounties” and other payments, hundreds of reputable online retailers and websites shared their customers’ billing information, including credit card and debit card numbers, with third party sellers through a process known as “data pass”. These third party sellers in turn used aggressive, misleading sales tactics to charge millions of American consumers for membership clubs the consumers did not want.

(5) Third party sellers offered membership clubs to consumers as they were in the process of completing their initial transactions on hundreds of websites. These third party “post-transaction” offers were designed to make consumers think the offers were part of the initial purchase, rather than a new transaction with a new seller.

(6) Third party sellers charged millions of consumers for membership clubs without ever obtaining consumers’ billing information, including their credit or debit card information, directly from the consumers. Because third party sellers acquired consumers’ billing information from the initial merchant through “data pass”, millions of consumers were unaware they had been enrolled in membership clubs.

(7) The use of a “data pass” process defied consumers’ expectations that they could only be charged for a good or a service if they submitted their billing information, including their complete credit or debit card numbers.

(8) Third party sellers used a free trial period to enroll members, after which they periodically charged consumers until consumers affirmatively canceled the memberships. This use of “free-to-pay conversion” and “negative option” sales took advantage of consumers’ expectations that they would have an opportunity to accept or reject the membership club offer at the end of the trial period.

SEC. 3. PROHIBITIONS AGAINST CERTAIN UNFAIR AND DECEPTIVE INTERNET SALES PRACTICES.

(a) REQUIREMENTS FOR CERTAIN INTERNET-BASED SALES.—It shall be unlawful for any post-transaction third party seller to charge or attempt to charge any consumer’s credit card, debit card, bank account, or other financial account for any good or service sold in a transaction effected on the Internet, unless—

(1) before obtaining the purchaser’s billing information, the post-transaction third party seller has clearly and conspicuously disclosed to the purchaser all material terms of the transaction, including—

(A) a description of the goods or services being offered;

(B) the fact that the post-transaction third party seller is not affiliated with the initial merchant, which may include disclosure of the name of the post-transaction third party in a manner that clearly differentiates the post-transaction third party seller from the initial merchant; and

(C) the cost of such goods or services; and

(2) the post-transaction third party seller has received the express informed consent for the charge from the consumer whose credit card, debit card, bank account, or other financial account will be charged by—

(A) obtaining from the consumer—

(i) the full account number of the account to be charged; and

(ii) the consumer’s name and address and a means to contact the consumer; and

(B) requiring the consumer to perform an additional affirmative action, such as clicking on

a confirmation button or checking a box that indicates the consumer's consent to be charged the amount disclosed.

(b) **PROHIBITION ON DATA-PASS USED TO FACILITATE CERTAIN DECEPTIVE INTERNET SALES TRANSACTIONS.**—It shall be unlawful for an initial merchant to disclose a credit card, debit card, bank account, or other financial account number, or to disclose other billing information that is used to charge a customer of the initial merchant, to any post-transaction third party seller for use in an Internet-based sale of any goods or services from that post-transaction third party seller.

(c) **LIMITATIONS ON USE OF NEGATIVE OPTION FEATURE IN INTERNET-BASED SALES TRANSACTIONS.**—It shall be unlawful for any person to charge or attempt to charge any consumer for any goods or services sold in a transaction effected on the Internet through a negative option feature, unless—

(1) before obtaining the purchaser's initial agreement to participate in the negative option plan, the seller has clearly and conspicuously disclosed all material terms of the transaction, including—

(A) the name of the entity offering the goods or services;

(B) a description of the goods or services being offered;

(C) the cost of such goods or services;

(D) notice of when billing will begin and at what intervals the charges will occur;

(E) the length of any trial period, including a statement that the consumer's account will be charged unless the consumer takes affirmative action and the steps the consumer must take to the avoid the charge; and

(F) instructions for stopping the recurring charges in accordance with the requirements of paragraph (3);

(2) the seller has obtained the express informed consent described in subsection (a)(2) from the purchaser before charging or attempting to charge the purchaser's credit card, debit card, bank account, or other financial account on a recurring basis; and

(3) the seller enables the purchaser to stop recurring charges from being made to the purchaser's credit card, debit card, bank account, or other financial account through a simple process that is available via—

(A) the Internet; or

(B) e-mail.

(d) **APPLICATION WITH OTHER LAW.**—Nothing in this Act shall be construed to supersede, modify, or otherwise affect the requirements of the Electronic Funds Transfer Act (15 U.S.C. 1693 et seq.) or any regulation promulgated thereunder.

(e) **DEFINITIONS.**—In this section:

(1) **INITIAL MERCHANT.**—The term “initial merchant” means a person that has obtained a consumer's billing information directly from the consumer through an Internet transaction initiated by the consumer.

(2) **NEGATIVE OPTION FEATURE.**—The term “negative option feature” has the meaning given that term in section 310.2(t) of the Federal Trade Commission's Telemarketing Sales Rule regulations (16 C.F.R. 310.2(t)).

(3) **POST-TRANSACTION THIRD PARTY SELLER.**—The term “post-transaction third party seller” means a person that—

(A) sells, or offers for sale, any good or service on the Internet;

(B) solicits the purchase of such goods or services on the Internet through an initial merchant after the consumer has initiated a transaction with the initial merchant; and

(C) is not a subsidiary or corporate affiliate of the initial merchant.

SEC. 4. ENFORCEMENT BY FEDERAL TRADE COMMISSION.

(a) **IN GENERAL.**—Violation of this Act or any regulation prescribed under this Act shall be

treated as a violation of a rule under section 18 of the Federal Trade Commission Act (15 U.S.C. 57a) regarding unfair or deceptive acts or practices. The Federal Trade Commission shall enforce this Act in the same manner, by the same means, and with the same jurisdiction, powers, and duties as though all applicable terms and provisions of the Federal Trade Commission Act (15 U.S.C. 41 et seq.) were incorporated into and made a part of this Act.

(b) **REGULATIONS.**—Notwithstanding any other provision of law, the Commission may promulgate such regulations as it finds necessary or appropriate under this Act under section 553 of title 5, United States Code.

(c) **PENALTIES.**—Any person who violates this Act or any regulation prescribed under this Act shall be subject to the penalties and entitled to the privileges and immunities provided in the Federal Trade Commission Act as though all applicable terms and provisions of the Federal Trade Commission Act were incorporated in and made a part of this Act.

(d) **AUTHORITY PRESERVED.**—Nothing in this section shall be construed to limit the authority of the Commission under any other provision of law.

SEC. 5. ENFORCEMENT BY STATE ATTORNEYS GENERAL.

(a) **RIGHT OF ACTION.**—Except as provided in subsection (e), the attorney general of a State, or other authorized State officer, alleging a violation of this Act or any regulation issued under this Act that affects or may affect such State or its residents may bring an action on behalf of the residents of the State in any United States district court for the district in which the defendant is found, resides, or transacts business, or wherever venue is proper under section 1391 of title 28, United States Code, to obtain appropriate injunctive relief.

(b) **NOTICE TO COMMISSION REQUIRED.**—A State shall provide prior written notice to the Federal Trade Commission of any civil action under subsection (a) together with a copy of its complaint, except that if it is not feasible for the State to provide such prior notice, the State shall provide such notice immediately upon instituting such action.

(c) **INTERVENTION BY THE COMMISSION.**—The Commission may intervene in such civil action and upon intervening—

(1) be heard on all matters arising in such civil action; and

(2) file petitions for appeal of a decision in such civil action.

(d) **CONSTRUCTION.**—Nothing in this section shall be construed—

(1) to prevent the attorney general of a State, or other authorized State officer, from exercising the powers conferred on the attorney general, or other authorized State officer, by the laws of such State; or

(2) to prohibit the attorney general of a State, or other authorized State officer, from proceeding in State or Federal court on the basis of an alleged violation of any civil or criminal statute of that State.

(e) **LIMITATION.**—No separate suit shall be brought under this section if, at the time the suit is brought, the same alleged violation is the subject of a pending action by the Federal Trade Commission or the United States under this Act.

Mrs. HAGAN. I ask unanimous consent that a Rockefeller-Hutchison managers' amendment which is at the desk be agreed to, the committee substitute amendment, as amended, be agreed to, the bill as amended be read a third time and passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and

any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 4721) was agreed to, as follows:

(Purpose: To make minor and technical changes in the bill as reported, and for other purposes)

On page 15, line 17, strike “purchaser's” and insert “consumer's”.

On page 15, line 19, strike “purchaser” and insert “consumer”.

On page 17, beginning with line 4, strike through line 15 on page 18.

On page 18, line 16, strike “(d)” and insert “(c)”.

On page 18, line 21, strike “(e)” and insert “(d)”.

On page 19, strike lines 3 through 7.

On page 19, line 8, strike “(3)” and insert “(2)”.

On page 19, strike lines 17 and 18 and insert the following:

(C) is not—

(i) the initial merchant;

(ii) a subsidiary or corporate affiliate of the initial merchant; or

(iii) a successor of an entity described in clause (i) or (ii).

On page 19, between line 18 and 19, insert the following:

SEC. 4. NEGATIVE OPTION MARKETING ON THE INTERNET.

It shall be unlawful for any person to charge or attempt to charge any consumer for any goods or services sold in a transaction effected on the Internet through a negative option feature (as defined in the Federal Trade Commission's Telemarketing Sales Rule in part 310 of title 16, Code of Federal Regulations), unless the person—

(1) provides text that clearly and conspicuously discloses all material terms of the transaction before obtaining the consumer's billing information;

(2) obtains a consumer's express informed consent before charging the consumer's credit card, debit card, bank account, or other financial account for products or services through such transaction; and

(3) provides simple mechanisms for a consumer to stop recurring charges from being placed on the consumer's credit card, debit card, bank account, or other financial account.

On page 19, line 19, strike “SEC. 4.” and insert “SEC. 5.”.

On page 20, strike lines 5 through 8.

On page 20, line 9, strike “(c)” and insert “(b)”.

On page 20, line 16, strike “(d)” and insert “(c)”.

On page 20, line 19, strike “SEC. 5.” and insert “SEC. 6.”.

The Committee amendment in the nature of a substitute, as amended, was agreed to.

The bill (S. 3386), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 3386

SECTION 1. SHORT TITLE.

This Act may be cited as the “Restore Online Shoppers' Confidence Act”.

SEC. 2. FINDINGS; DECLARATION OF POLICY.

The Congress finds the following:

(1) The Internet has become an important channel of commerce in the United States, accounting for billions of dollars in retail

sales every year. Over half of all American adults have now either made an online purchase or an online travel reservation.

(2) Consumer confidence is essential to the growth of online commerce. To continue its development as a marketplace, the Internet must provide consumers with clear, accurate information and give sellers an opportunity to fairly compete with one another for consumers' business.

(3) An investigation by the Senate Committee on Commerce, Science, and Transportation found abundant evidence that the aggressive sales tactics many companies use against their online customers have undermined consumer confidence in the Internet and thereby harmed the American economy.

(4) The Committee showed that, in exchange for "bounties" and other payments, hundreds of reputable online retailers and websites shared their customers' billing information, including credit card and debit card numbers, with third party sellers through a process known as "data pass". These third party sellers in turn used aggressive, misleading sales tactics to charge millions of American consumers for membership clubs the consumers did not want.

(5) Third party sellers offered membership clubs to consumers as they were in the process of completing their initial transactions on hundreds of websites. These third party "post-transaction" offers were designed to make consumers think the offers were part of the initial purchase, rather than a new transaction with a new seller.

(6) Third party sellers charged millions of consumers for membership clubs without ever obtaining consumers' billing information, including their credit or debit card information, directly from the consumers. Because third party sellers acquired consumers' billing information from the initial merchant through "data pass", millions of consumers were unaware they had been enrolled in membership clubs.

(7) The use of a "data pass" process defied consumers' expectations that they could only be charged for a good or a service if they submitted their billing information, including their complete credit or debit card numbers.

(8) Third party sellers used a free trial period to enroll members, after which they periodically charged consumers until consumers affirmatively canceled the memberships. This use of "free-to-pay conversion" and "negative option" sales took advantage of consumers' expectations that they would have an opportunity to accept or reject the membership club offer at the end of the trial period.

SEC. 3. PROHIBITIONS AGAINST CERTAIN UNFAIR AND DECEPTIVE INTERNET SALES PRACTICES.

(a) REQUIREMENTS FOR CERTAIN INTERNET-BASED SALES.—It shall be unlawful for any post-transaction third party seller to charge or attempt to charge any consumer's credit card, debit card, bank account, or other financial account for any good or service sold in a transaction effected on the Internet, unless—

(1) before obtaining the consumer's billing information, the post-transaction third party seller has clearly and conspicuously disclosed to the consumer all material terms of the transaction, including—

(A) a description of the goods or services being offered;

(B) the fact that the post-transaction third party seller is not affiliated with the initial merchant, which may include disclosure of the name of the post-transaction third party

in a manner that clearly differentiates the post-transaction third party seller from the initial merchant; and

(C) the cost of such goods or services; and
(2) the post-transaction third party seller has received the express informed consent for the charge from the consumer whose credit card, debit card, bank account, or other financial account will be charged by—

(A) obtaining from the consumer—

(i) the full account number of the account to be charged; and

(ii) the consumer's name and address and a means to contact the consumer; and

(B) requiring the consumer to perform an additional affirmative action, such as clicking on a confirmation button or checking a box that indicates the consumer's consent to be charged the amount disclosed.

(b) PROHIBITION ON DATA-PASS USED TO FACILITATE CERTAIN DECEPTIVE INTERNET SALES TRANSACTIONS.—It shall be unlawful for an initial merchant to disclose a credit card, debit card, bank account, or other financial account number, or to disclose other billing information that is used to charge a customer of the initial merchant, to any post-transaction third party seller for use in an Internet-based sale of any goods or services from that post-transaction third party seller.

(c) APPLICATION WITH OTHER LAW.—Nothing in this Act shall be construed to supersede, modify, or otherwise affect the requirements of the Electronic Funds Transfer Act (15 U.S.C. 1693 et seq.) or any regulation promulgated thereunder.

(d) DEFINITIONS.—In this section:

(1) INITIAL MERCHANT.—The term "initial merchant" means a person that has obtained a consumer's billing information directly from the consumer through an Internet transaction initiated by the consumer.

(2) POST-TRANSACTION THIRD PARTY SELLER.—The term "post-transaction third party seller" means a person that—

(A) sells, or offers for sale, any good or service on the Internet;

(B) solicits the purchase of such goods or services on the Internet through an initial merchant after the consumer has initiated a transaction with the initial merchant; and

(C) is not—

(i) the initial merchant;

(ii) a subsidiary or corporate affiliate of the initial merchant; or

(iii) a successor of an entity described in clause (i) or (ii).

SEC. 4. NEGATIVE OPTION MARKETING ON THE INTERNET.

It shall be unlawful for any person to charge or attempt to charge any consumer for any goods or services sold in a transaction effected on the Internet through a negative option feature (as defined in the Federal Trade Commission's Telemarketing Sales Rule in part 310 of title 16, Code of Federal Regulations), unless the person—

(1) provides text that clearly and conspicuously discloses all material terms of the transaction before obtaining the consumer's billing information;

(2) obtains a consumer's express informed consent before charging the consumer's credit card, debit card, bank account, or other financial account for products or services through such transaction; and

(3) provides simple mechanisms for a consumer to stop recurring charges from being placed on the consumer's credit card, debit card, bank account, or other financial account.

SEC. 5. ENFORCEMENT BY FEDERAL TRADE COMMISSION.

(a) IN GENERAL.—Violation of this Act or any regulation prescribed under this Act shall be treated as a violation of a rule under section 18 of the Federal Trade Commission Act (15 U.S.C. 57a) regarding unfair or deceptive acts or practices. The Federal Trade Commission shall enforce this Act in the same manner, by the same means, and with the same jurisdiction, powers, and duties as though all applicable terms and provisions of the Federal Trade Commission Act (15 U.S.C. 41 et seq.) were incorporated into and made a part of this Act.

(b) PENALTIES.—Any person who violates this Act or any regulation prescribed under this Act shall be subject to the penalties and entitled to the privileges and immunities provided in the Federal Trade Commission Act as though all applicable terms and provisions of the Federal Trade Commission Act were incorporated in and made part of this Act.

(c) AUTHORITY PRESERVED.—Nothing in this section shall be construed to limit the authority of the Commission under any other provision of law.

SEC. 6. ENFORCEMENT BY STATE ATTORNEYS GENERAL.

(a) RIGHT OF ACTION.—Except as provided in subsection (e), the attorney general of a State, or other authorized State officer, alleging a violation of this Act or any regulation issued under this Act that affects or may affect such State or its residents may bring an action on behalf of the residents of the State in any United States district court for the district in which the defendant is found, resides, or transacts business, or wherever venue is proper under section 1391 of title 28, United States Code, to obtain appropriate injunctive relief.

(b) NOTICE TO COMMISSION REQUIRED.—A State shall provide prior written notice to the Federal Trade Commission of any civil action under subsection (a) together with a copy of its complaint, except that if it is not feasible for the State to provide such prior notice, the State shall provide such notice immediately upon instituting such action.

(c) INTERVENTION BY THE COMMISSION.—The Commission may intervene in such civil action and upon intervening—

(1) be heard on all matters arising in such civil action; and

(2) file petitions for appeal of a decision in such civil action.

(d) CONSTRUCTION.—Nothing in this section shall be construed—

(1) to prevent the attorney general of a State, or other authorized State officer, from exercising the powers conferred on the attorney general, or other authorized State officer, by the laws of such State; or

(2) to prohibit the attorney general of a State, or other authorized State officer, from proceeding in State or Federal court on the basis of an alleged violation of any civil or criminal statute of that State.

(e) LIMITATION.—No separate suit shall be brought under this section if, at the time the suit is brought, the same alleged violation is the subject of a pending action by the Federal Trade Commission or the United States under this Act.

MEASURES READ THE FIRST TIME—S. 3991 AND S. 3992 EN BLOC

Mrs. HAGAN. Mr. President, I understand there are two bills at the desk. I ask for their first reading en bloc.

The PRESIDING OFFICER. The clerk will report the bills by title.

The assistant legislative clerk read as follows:

A bill (S. 3991) to provide collective bargaining rights for public safety officers employed by States or their political subdivisions.

A bill (S. 3992) to authorize the cancellation of removal and adjustment of status of certain alien students who are long-term United States residents and who entered the United States as children and for other purposes.

Mrs. HAGAN. I now ask for second reading en bloc, and I object to my own request en bloc.

The PRESIDING OFFICER. Objection is heard. The bills will be read for

the second time on the next legislative day.

ORDERS FOR WEDNESDAY,
DECEMBER 1, 2010

Mrs. HAGAN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m. on Wednesday, December 1; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate proceed to a period of morning business with Senators permitted to speak for up to 10 minutes each, with the Republicans

controlling the first 30 minutes and the majority controlling the next 30 minutes; and, finally, I ask that the Senate recess from 12:30 until 3:30 p.m. for the Democratic caucus meeting.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL 9:30 A.M.
TOMORROW

Mrs. HAGAN. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 8:42 p.m. adjourned until Wednesday, December 1, 2010, at 9:30 a.m.

HOUSE OF REPRESENTATIVES—Tuesday, November 30, 2010

The House met at 10:30 a.m. and was called to order by the Speaker pro tempore (Mr. SALAZAR).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
November 30, 2010.

I hereby appoint the Honorable JOHN T. SALAZAR to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 6, 2009, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

The Chair will alternate recognition between the parties, with each party limited to 30 minutes and each Member, other than the majority and minority leaders and the minority whip, limited to 5 minutes.

RATIFY START IMMEDIATELY

The SPEAKER pro tempore. The Chair recognizes the gentleman from Illinois (Mr. QUIGLEY) for 1 minute.

Mr. QUIGLEY. Mr. Speaker, I rise today to urge my colleagues in the Senate to ratify the Strategic Arms Reduction Treaty or START immediately because every day we wait to ratify START is one more day that Russia's nuclear arsenal goes uninspected.

When our last nuclear arms treaty with Russia expired last December, so did our ability to inspect their nuclear sites. This means no Americans have inspected Russian nuclear facilities for almost a year. Despite the urgent need to ratify this vital treaty which also reduces unneeded nuclear stockpiles and builds much-needed confidence with Russia, some members in the other body have continued to stall, putting politics ahead of national security.

START has been through 18 hearings, is endorsed by dozens of foreign policy and defense experts, and passed out of committee with a strong bipartisan majority. Our colleagues on the other side of the aisle claim to be the strongest proponents of national security;

ratification of START is an opportunity for them to act on those claims and keep America and our allies safe.

RENEWING AMERICAN EXCEPTIONALISM

The SPEAKER pro tempore. The Chair recognizes the gentleman from Indiana (Mr. PENCE) for 5 minutes.

Mr. PENCE. Mr. Speaker, I rise today, the day after I had the privilege of speaking at one of the storied venues in American public life. The Detroit Economic Club for 75 years has been a place where American leaders of every political persuasion and philosophy have come to talk about the economy of this Nation. I had the real privilege of being able to address that gathering yesterday, and I want to express my appreciation to the organizers and the board for that. But I thought I might reflect for a few minutes this morning on my comments because what I sought to do at the Detroit Economic Club yesterday was really broaden the debate here in Washington, DC.

We live in no ordinary times. Our economy is struggling in the city and on the farm. Unemployment is at a heartbreaking 9.6 percent nationally; 42 million Americans are on food stamps; and America has seen better days. After years of runaway Federal spending, borrowing and bailouts by both political parties, I believe there is a better way. I believe that we can renew American exceptionalism by returning our national policy to the principles and practices that made this economy and our economy the freest and most prosperous in the history of the world. I believe if we return to the practice of those principles, as I said yesterday in Detroit, that we can restore and rebuild our economy.

Fiscal discipline is where it all begins, though. We have to put our fiscal house in order, and clearly the American people on November 2 sent a deafening message to policymakers here in Washington, DC, that they want a government that lives within their means again. Fortunately, there is no shortage these days of ideas about putting our fiscal house in order: admirable suggestions of the President's Debt Commission that we will learn more about this week; the Republicans' Pledge to America; there are thoughtful proposals and blueprints by Members of Congress in both political parties, and I commend them all.

On my part, I have coauthored legislation to establish a constitutional

spending limit amendment. I think it is time that we limited Federal spending to 20 percent of our economy in the Constitution of the United States of America. We have a saying back in Indiana, Mr. Speaker, that good fences make good neighbors. I think we ought to use the Constitution of the United States in the years ahead to put fence lines around spending to give this and future Congresses a clear guideline of just how much of the American economy this government can consume, and to give them an incentive for growth.

But let me say, fiscal discipline alone will not be enough to bring jobs and prosperity back to America. We need an agenda for growth, and that is what brought me to Detroit yesterday. What I described and sought to describe were the building blocks, the traditional American building blocks of growth, an incentive-based agenda. I think it is five-fold. First is sound monetary policy. Second is not only tax relief but tax reform. Third is access to all American resources in energy. Fourth is regulatory relief and reform. And finally, it is expanded international trade. S-T-A-R-T. I believe that it is a prescription for a fresh start in the American economy. And what I expanded on yesterday was my belief that if we will in this next Congress which will gather just weeks from now, if we from both ends of Pennsylvania Avenue will repair to these ideas and seek to advance not the arguments that are happening in Washington even at this very hour at the White House, do we preserve tax rates, do we let some tax rates expire and become tax increases, but rather how do we really pursue policies that will release the trapped energy in this economy.

Some experts suggest that there is more than \$2 trillion in profits on the sidelines in this economy. I believe in pursuing sound monetary policy at the Fed, having them focus on price stability and by preserving all current tax rates but then embracing tax reform like a flat tax. I believe the time has come to abandon our progressive tax rates and have the same flat rate, after a generous allowance, on individuals and businesses. What could be more fair than the more money you make, the more money you pay to the government, but everybody pays the same flat rate.

We need to develop an all-of-the-above energy strategy that gives the American people access to new technologies, new resources that are in our own making and in our own reach. We

need to bring regulatory reform to lessen the burden on small business owners and family farmers that regulatory red tape provides. I think it is time for regulatory PAYGO, Mr. Speaker. I think if we are going to raise regulation in one area, we ought to lower it in another. And how about a 10-year timeline on any new regulations. And, of course, expanded trade has to be a critical part of any growth agenda.

With that, I would send any of those that are looking into my Web site at MikePence.house.gov, I would love to have them take a look at our speech at the Detroit Economic Club yesterday. I hope that it starts a conversation in this and the next Congress about growth because I believe that as we put our fiscal house in order, it is imperative that we return to the practices and principles that have made this the most prosperous nation in the history of the world, and I believe with all my heart will make this Nation the most prosperous nation for decades and decades to come, so help us God.

RENEWING AMERICAN EXCEPTIONALISM: AN AGENDA FOR ECONOMIC GROWTH AND PROSPERITY, MIKE PENCE, NOVEMBER 29, 2010

DETROIT ECONOMIC CLUB

Thank you, L. Brooks Patterson, for that kind introduction and heartfelt thanks to Beth Chappell and all the members of the Detroit Economic Club for hosting me. For 75 years, the Detroit Economic Club has been a premier venue for leaders interested in saying something significant about our economy and I am genuinely grateful to be able to join the ranks of those who had the privilege to "say it here."

And it's great to be in Detroit—home to Motown, the Lions (you know who this Colts fan was cheering for on Thanksgiving) and the "Car Capital of the World."

My father ran a chain of gas stations so, like most Americans, I have had a life long love affair with the automobile. Try to imagine America without the Ford Mustang, the Chevrolet Corvette, or the Dodge Charger.

Being from Indiana, I am especially proud of the role that Hoosiers have played and continue to play in this unique American industry. And it all started here in Detroit. America owes a debt to the ingenuity and entrepreneurship of this great city. You helped define the character of a nation.

But Detroit and America have seen better days and I come to this storied podium to say after years of runaway federal spending, borrowing and bailouts by both political parties, that there is a better way, a way we can renew American exceptionalism by returning to the principles and practices that built this great city and this great country and can build it again.

We live in no ordinary times. Our economy is struggling in the city and on the farm. Unemployment is at a heartbreaking 9.6 percent nationally and nearly 13 percent in Michigan. Nearly 42 million Americans on food stamps. A housing crisis and dismal GDP growth.

And it seems that those in authority have no idea what to do about it. Some in the administration call it the "new normal," (like we haven't heard that before) In the 70's they called it a national "malaise."

With more than 15 million people still looking for work, President Obama and

Democrats in Congress have tried to borrow and spend the country back to prosperity resulting in trillion dollar plus annual deficits and a nearly \$14 trillion national debt. To this runaway federal spending they added a government takeover of health care, attempted a national energy tax and approved one bailout after another.

In September 2008, when the Bush Administration proposed that Congress give them \$700 billion to bail out Wall Street, I was the first Member of Congress to publicly oppose it. I didn't think we should do nothing, I just thought it was wrong to take \$700 billion from Main Street to bailout bad decisions on Wall Street. I warned that passing TARP could fundamentally change the relationship between the government and the financial sector and so it has.

Dodd-Frank codified "too big to fail" for some Wall Street firms and made taxpayers the first line of defense against failure. And we continue to bailout Fannie and Freddie to the tune of about \$150 billion, with more expected, despite the fact that many of us have been fighting for years to get them off the Government's books. The partnership between the federal government and Fannie and Freddie socializes losses and privatizes profits with taxpayers getting the short end of the stick.

And, even though I am proud of the American automotive tradition and Indiana's ongoing role it, I even opposed bailing out GM and Chrysler. While the administration has been busy making the point that GM is on the rebound and taxpayers are being repaid, most Americans know that it still would have been better if GM had gone through an orderly reorganization bankruptcy without taxpayer support.

Taxpayer funded bailouts are no substitute for economic policies that will create real consumer demand. I have no doubt that American automakers and autoworkers can compete and win in a growing American economy.

To restore American exceptionalism, we must end all this Keynesian spending and get back to the practice of free market economics. The freedom to succeed must include the freedom to fail. The free market is what made America's economy the greatest in the world, and we cannot falter in our willingness to defend it.

Even though our economy is struggling and America seems at a low point, I believe we can restore our economy but it will take vision and courage to do it. And everything starts with putting our fiscal house in order.

The good news is there is no shortage of plans for fiscal discipline in Washington these days. We have the Pledge to America, the president's Debt Commission, and over time we've had budgets, blueprints, outlines, and thoughtful proposals from Members of Congress, and blue-ribbon panels.

For my part, I believe the answer is a Spending Limit Amendment to the Constitution. Since World War II the federal government has operated on an average of just under 20 percent of gross domestic product. But, in the past three years, Federal spending has climbed to nearly 25 percent of GDP. Left unchecked, and accounting for no new programs, federal spending will reach 50 percent of GDP by 2055.

We should remember what Ronald Reagan said, "No government ever voluntarily reduces itself in size." We must have a mechanism that forces Washington as a whole to make the hard choices necessary to reform our nation's addiction to big spending and unsustainable entitlements. By limiting

Federal spending to 20 percent of our nation's economy in the Constitution, except for certain conditions such as a war, we will create a framework for this and future Congresses to live within our means and have the incentive to grow the economy.

To grow the economy we must shrink the size of the federal government but fiscal discipline alone will not be enough to bring jobs and prosperity back to America.

We need a new agenda for economic growth and that is principally what brings me to Detroit to discuss today.

As Margaret Thatcher said in equally challenging economic times (1977):

... Of course we're not going to solve our problems just by cuts, just by restraint ... it was not restraint that started the Industrial Revolution ... It wasn't restraint that inspired us to explore for oil in the North Sea and bring it ashore. It was incentive—positive, vital, driving, individual incentive.

What was true for England in the 1970's, is true for America today. Permitting people to enjoy the fruits of their labor is what built our cities, conquered our frontiers, and made America the most prosperous nation in the history of the world.

The new Republican majority in Congress must embrace a bold agenda for economic growth built on timeless free market practices and reform.

So what are the building blocks of an incentive-based, growth agenda? I submit they are the following:

- Sound monetary policy;
- Tax relief and reform;
- Access to American energy;
- Regulatory reform;
- Trade

"S.T.A.R.T." You could call it a prescription for a fresh start for the American economy. Some of these are new ideas. Some are timeless. Taken together, they will put us back on track for job creation and prosperity.

Sound Monetary Policy and a Restoration of Free Market Principles

Sound monetary policy is the foundation of our prosperity. A strong dollar means a strong America.

The American people know we cannot borrow and spend our way back to a growing America and sent a deafening message of restraint to Washington D.C. on November 2nd. But it doesn't look like the administration got the message and neither did the Federal Reserve. During 2008 and 2009, the Fed pushed well over \$1 trillion into the financial system in an attempt to rein in unemployment through more government stimulus, yet the national jobless rate has been well above 9 percent for a record-tying 18 straight months. The Fed's second and latest round of "quantitative easing," known as QE2, actually seeks inflation in an effort to bring down unemployment. Printing money is no substitute for sound fiscal policy. And while there is no guarantee that this policy will succeed in reducing unemployment, it is near certain that the value of the dollar will be diluted. As economist Larry Kudlow says, the Fed can print money, but it can't print jobs.

I do not lay the blame solely at the feet of the Federal Reserve. The problem for the Fed began in 1977 when Congress imposed a dual mandate, which requires that the central bank pursue price stability and maximum employment in executing its policies. Too often, this conflicting mandate has pit short-term hopes for job gains against long-term costs to the economy. QE2 is an example of what happens when the Fed involves itself too much in macroeconomic meddling.

A couple weeks ago, I introduced legislation to end the dual mandate and return the Fed to its original, single mandate—price stability. Treasury Secretary Timothy Geithner recently said the administration will oppose any effort to end the dual mandate arguing that it was “very important to keep politics out of monetary policy”. But Congress created the dual mandate in 1977 and getting the Fed back to its original mission of price stability is precisely how we get politics out of monetary policy.

It's time that the Federal Reserve focus exclusively on price stability and protecting the dollar. And it's also time that policymakers in Washington D.C. embrace the kind of reforms that will promote real growth.

Before I move on, I would like to note that in the midst of all that has happened recently—massive government borrowing and spending, quantitative easing—a debate is starting anew over an anchor for the global monetary system.

My dear friend, the late Jack Kemp probably would have urged me to adopt a gold standard here and now. Robert Zoellick, President of the World Bank, encouraged that we re-think the international currency system, including the role of gold and I agree. The time has come to have a debate over gold and the proper role it should play in our Nation's monetary affairs.

Tax Relief and Reform: Flat Tax

The first principle of a tax system in a free society must be certainty. Uncertainty is the enemy of our prosperity. For too long on tax policy, uncertainty has been the order of the day.

To end the uncertainty that is stifling investment, innovation and growth, we must preserve current tax rates and promote permanent tax reform.

For starters, of course, Congress must permanently extend the 2001 and 2003 tax rates to ensure no American faces a tax hike on January 1st, and I have introduced a bill with Sen. Jim DeMint to do just that. Most Americans know that higher taxes won't get anybody hired. Raising taxes on job creators won't create jobs.

But, preventing a tax increase is not enough. If the current tax rates were sufficient to get this economy moving again, it would be and it's not.

The time has come for Congress and this administration to take bold action to simplify our tax system and lower people's taxes.

The tax code has grown too large and complex. It has 3.8 million words. The forms are dizzying. And nothing about it seems fair.

People are taxed on their income. Then after they pay their bills, they take the leftover money and put it into savings or an investment. If their savings or investments make any money, they are taxed again. If they buy stock in a company, the company pays taxes on its profits. Then it takes those profits and provides a dividend to shareholders and it is taxed again. The final outrage occurs at death, when your estate pays taxes once again on all the money you'd previously paid taxes on while living.

All I really know about economics is what you tax you get less of and what you subsidize you get more of. We need a tax system that will encourage income, savings, investment and growth, but our tax code does the opposite. It punishes savers and investors by taxing them twice and in some cases more times than that.

To promote income, savings and investment, we need a system built on the principle that income should be taxed once and

just once. We need a fair and effective method of taxation that will make doing your taxes easy and remove the confusion of the present tax code.

In an upcoming study written by the legendary Dr. Art Laffer, Wayne Winegarden and John Childs, they found the cost of compliance with today's tax code to be over \$540 billion annually and that individuals and businesses spend 7.6 billion hours on their taxes.

Just imagine if Americans were putting that time and money into enjoying their lives or growing their businesses. The Laffer study predicts that by simplifying the tax code and cutting complexity costs in half, our economy would grow \$1.3 trillion more over ten years than if we maintain the status quo. That means each person in this country would be approximately \$4,200 wealthier. And that's just from simplifying our tax code by half.

But we can do better than that. How about a system where you could file your taxes on a BlackBerry, or a system where you might even be able to file a return with 140 characters or less? How would you like to tweet your taxes?

We can create a twenty-first century American tax system that will provide government with the revenue it needs without discouraging growth or placing an undue burden of compliance on our citizens.

There is one system that meets all of these criteria: the best option, the most pro-growth option is a flat tax. I believe it is time that America adopted a flat tax and scrapped the current system once and for all.

A flat tax would release enormous amounts of capital into the system, and it would operate under a simple principle: what you take out of the economy is taxed, like wages and business income, and what you put into the economy is not, like savings and investments.

Individuals and businesses would pay taxes at the same rate. Individuals would pay taxes on their wages or salary after receiving a basic income exemption and an exemption for any dependents, including children and elderly family members and others who you care for in your home. Imagine how easy this would be for people. Gross income minus a generous standard deduction minus any dependent exemptions and you've got your taxable income. Apply the rate and your taxes are done. Everyone pays the same rate, and the more money you make, the more you pay. It's fair, simple and effective.

If you are a business, you pay tax on your gross income for the year minus one hundred percent of your expenses: rent, wages, fuel, supplies, etc. Depreciation is no longer necessary because the entire cost of investment spending can be deducted in one year.

The flat tax eliminates all of the credits and deductions and special preferences and tax loopholes that Congress and an army of lobbyists have built into the tax code over time. These fuel special interests and generally benefit one person, business or industry over another. Our tax system should not pick winners and losers, but should treat every business, small and large, with the same basic rules.

Instead, everyone would be on a level playing field with certainty as to your taxes. A taxpayer would either subtract his basic and dependent exemptions or business expenses and end up with taxable income. It would reduce compliance costs by hundreds of billions of dollars.

Following the principle of only taxing once, it eliminates the AMT, the capital

gains and dividends taxes, and the death and gift taxes.

And this is hardly radical. A flat tax is in use in more than twenty countries around the world, and they have been proposed and supported by various legislators and economists in America over the past 30 years, such as Robert Hall and Alvin Rabushka, Dick Armey, Steve Forbes, Art Laffer, Jack Kemp and Richard Gephardt. We don't think about it, but we already use flat taxes in America as taxes for Social Security, Medicare taxes, sales and property taxes.

It may come as a surprise to many, but even the New York Times wrote favorably about a flat tax saying, “. . . every dollar of income would be taxed once and only once. The plan would subsidize saving, and create an exemption that would protect the poor. [I]t is perfectly simple.” The Gray Lady was right.

And a flat tax will make America more globally competitive. New York City is still the financial capital of the world, but for how long will that be true? The Wall Street Journal recently reported that in New York City in 2011, the combined federal and state tax rate will be nearly 54 percent. With government taking more than half of your money, is that an incentive to work hard or to take your business elsewhere?

A global economy means New York is now competing to keep businesses and capital from moving to Beijing or Bangalore. Right now, our corporate tax rate is 15 points higher than the rest of the world. And more than twenty countries with growing economies have a flat tax in place for businesses and individuals.

Hong Kong instituted its flat tax in 1947 and has no tax on capital gains or dividends. Its tax code is short, to the point, and effective, and Hong Kong is a wealthy, thriving city with a growing economy and government surpluses. Russia, Czech Republic, and Ukraine all have flat taxes. The hard truth is the future is flat. The world is going flat everywhere but in America, and to lead the next American century, our nation needs to lead in capital formation and tax reform again.

And a flat tax will mean jobs. According to one study by the Heritage Foundation, the flat tax would result in tremendous economic growth with GDP potentially growing by as much as 7 percent within 3 years and nearly 1.5 million jobs being created.

Not that this should come as a surprise. If you look back at history, the Kennedy, Reagan and 2001/2003 tax reforms were all followed by strong economic growth. The flat tax goes beyond these tax cuts and provides not just lower taxes but a greatly simplified system.

After the Kennedy tax cuts, the top rate went from 91 percent to 70 percent. Economic growth soared: unemployment went down by more than 2 percent and tax receipts increased by 33 percent.

Two decades later, President Reagan's across-the-board tax cuts brought America back from a devastating recession. In 1981, unemployment was at 7.6 percent nationally. The Dow Jones was at 777. Mortgage interest rates were over 20 percent. By 1987, the prime rate was down to 8.2 percent. The Dow was up to 3,000 by the end of Reagan's term, and 17 million new jobs were created. That's real growth. It created true opportunity and improved the lives of average Americans.

And after the 2001 and 2003 Bush tax cuts, the economy again grew, as did government revenues by \$785 billion from 2004 to 2007, a record. There is an indisputable historical

case to be made that tax relief and reform creates jobs and incentivizes growth in our economy.

American Energy

A source of American greatness observed since our founding has been our abundant natural resources. As Daniel Webster said, in words inscribed in the chamber of the House of Representatives:

Let us develop the resources of our land, call forth its powers, build up its institutions, promote all its great interests and see whether we also in our day and generation may not perform something worthy to be remembered.

A policy for developing American energy must be a component of any plan for growth. We must embrace an all-of-the-above energy policy that promotes energy independence in an environmentally responsible manner. An all-of-the-above energy policy should not mean subsidizing all-of-the-above. It means allowing all types of energy to be developed and compete honestly in a free marketplace.

We can and should wisely use these resources to better the lives of our citizens. Our environment can be protected while we increase energy production, encourage greater efficiency and conservation, and promote the development and use of alternative fuels, and innovative new technologies like we're seeing developed right here in Detroit.

It also is time for a nuclear energy renaissance in America. The regulatory process for new applications can be accelerated, and we can safely store and recycle spent nuclear fuel. Nuclear energy not only means a source of clean emissions-free energy; it also means construction jobs, manufacturing jobs, and science-based economic growth.

Developing our own sources of energy here at home will provide certainty about our future, ensure that energy remains affordable and create jobs.

Regulatory Relief and Reform

Next, to restore incentive and encourage growth we must reduce the regulatory burden on our economy. There is a place for regulations that ensure safety and soundness and protect people from danger, but our regulatory structure has grown out of control.

Today we have too many regulations and too many regulatory authorities that have expanded the reach of the federal government too far. These regulations add billions to the cost of doing business and in their wake they kill jobs.

Take the requirement from ObamaCare that businesses must file with the IRS a form 1099 for any purchases from a vendor for goods or services over \$600 in a year. Seriously, that is in the law. Of course, this is ridiculously burdensome and just adds to the redtape that small businesses face across the country. It should be repealed immediately.

According to the Small Business Administration, the average small business faces a cost of \$10,585 in federal regulations per employee each year. These small employers represent 99.7 percent of all businesses and have created 64 percent of all new jobs over the past 15 years.

Imagine if small businesses could put the \$10,000 per employee they spend each year on federal regulations directly back into new jobs.

Ronald Reagan once said "A government bureau is the nearest thing to eternal life we'll ever see on this earth." It's time to change that, at least when it comes to regulations.

I propose that any existing regulation with an economic impact of \$100 million or more

must be reviewed and if still necessary, repromulgated every ten years to allow for public comment and a reassessment of the cost of the regulation. Instead of eternal life, these regulations will get ten years.

After ten years, there is no reason not to review, modernize, improve and reduce the cost of existing regulations.

Further, I believe that all new regulations that impose an economic cost on families, businesses or local governments should be subject to a regulatory "paygo" procedure before implementation. If government wants to issue a new regulation that is going to impose an economic cost, then it needs to reduce another regulatory burden elsewhere so that there is no new burden on the economy.

Some regulations, and some bills that have passed Congress, however, impose costs that are too great and can never be offset and must be repealed.

ObamaCare, Dodd-Frank, TARP, and Section 404 of Sarbanes-Oxley fall in that category. Also, Congress must override the EPA's endangerment finding so that regulatory cap and trade cannot be forced on the American people against their will.

Increased Trade

As most Americans know, trade means jobs, and that is especially true in places like Indiana and Michigan where we grow food that the world consumes and make cars and other products that are used around the globe. Encouraging free trade lowers barriers to entry for our goods, and that in turn allows U.S. companies to create more jobs.

Protectionism and closing our doors to other countries does not help us, or people in the rest of the world. We must support expanded free trade to renew American exceptionalism and create jobs.

Despite the president's stated objective of doubling American exports in the next five years, trade has largely been ignored by Democrats in Congress and the administration in recent years. With a new Republican majority in the House, I am hopeful that the free trade agreements with Panama, Colombia and South Korea can move forward. We need to get those deals done, and done right, but it should not end there. We must promote increased trade at every opportunity around the world. When the world "buys American," Americans go to work.

Renewing the Character of the Nation

Finally, to renew American exceptionalism, we must recognize that our present crisis is not merely economic but moral in nature. At the root of these times should be the realization that people in positions of authority from Washington to Wall Street have walked away from the timeless truths of honesty, integrity, an honest day's work for an honest day's pay and the simple notion that you ought to treat the other guy the way you want to be treated.

As strongly as I believe in the economic policies in this address, I know we will not restore this nation with public policy alone. It will require public virtue. "When the foundations are being destroyed, what can the righteous do?" As we promote policies to restore American exceptionalism, we must also reaffirm our nation's commitment to the values that have made our prosperity possible. As we seek to build national wealth, we must renew our commitment to the institutions that nurture the character of our people—traditional family and religion.

Conclusion

In 1977, my brother and I went backpacking through Europe and found our way

to West Berlin. I will never forget the day I walked past the barbed wire and tank traps that barricaded the Berlin Wall, passed through security at Checkpoint Charlie and took my first steps into a wider understanding of the world.

Standing in West Berlin I saw the energy, bustling streets and glass towers of a big city built on freedom and free market economics. The strassen were filled with stores, people, and bustling commerce.

When we crossed through Checkpoint Charlie, past the harsh glare of uniformed East German guards, everything changed. The excitement and energy of West Berlin gave way to the dour reality of Soviet controlled East Berlin.

The buildings were drab—concrete block tenement structures. Damage from World War II was still evident in many buildings. The cars were vintage 1950's and people all seemed to be wearing the same colorless apparel. It was a gray, harsh reality.

In that moment, I saw the difference between East and West, between a free market economy and a planned economy run by the state. Freedom and personal responsibility contrasted with socialism and decline.

The problem with our economy today is that, after years of runaway spending and growth of government under both political parties, America is on that wall between West and East. No longer the vibrant free market that built cities like Detroit but not yet overtaken by the policies that have engulfed Europe in a sea of debt and mediocrity.

To restore American economic exceptionalism, we have to decide that we believe in it again and turn and pursue a free market economy again with all our hearts.

We have to choose. Ronald Reagan said it best:

You and I are told we must choose between a left or right, but I suggest there is no such thing as a left or right. There is only an up or down. Up to man's age-old dream—the maximum of individual freedom consistent with order—or down to the ant heap of totalitarianism.

I choose the West. I choose limited government and freedom. I choose the free market, personal responsibility and equality of opportunity. I choose fiscal restraint, sound money, a flat tax, regulatory reform, American energy, expanded trade and a return to traditional values.

In a word, I choose a boundless American future built on the timeless ideals of the American people. I believe the American people are ready for this choice and await men and women who will lead us back to that future, back to the West, back to American exceptionalism. Here's to that future. Our best days are yet to come.

Thank you.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until noon today.

Accordingly (at 10 o'clock and 39 minutes a.m.), the House stood in recess until noon.

□ 1200

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Ms. RICHARDSON) at noon.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Lord, full of compassion and mercy, draw near to Your people and show us Your saving power.

In times of uncertainty, be our surety.

Guide us in every step to full recovery; that this Nation may be strengthened both in stability and integrity.

May we prove ourselves Your disciples and come to fullness of life in You and with You, both now and forever.

Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Texas (Mr. POE) come forward and lead the House in the Pledge of Allegiance.

Mr. POE of Texas led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MIDDLE CLASS TAX CUTS

(Ms. WATSON asked and was given permission to address the House for 1 minute.)

Ms. WATSON. Madam Speaker, standing in our way are those who will be holding the middle class hostage in favor of giving added tax breaks to millionaires and billionaires, even though the bonus tax breaks would add \$700 billion to the national debt.

Ninety-eight percent of Americans face a tax increase January 1. For the typical middle class American family, that can mean the loss of \$2,000 next year. The Republicans' demands would mean that those making more than \$1 million a year would receive an average cut of \$100,000 annually, and the middle class would be saddled with \$700 billion in new debt to pay for the multi-million dollar tax cuts for billionaires. But that is the exact policy choice congressional Republicans would have us make, citing concerns about the deficit when it comes to American families, but not when it comes to tax cuts for the wealthiest few.

THE LAND OF LAWLESS DAYS

(Mr. POE of Texas asked and was given permission to address the House for 1 minute.)

Mr. POE of Texas. Madam Speaker, the border war continues to escalate. Over 2,200 people have been killed just this year in drug-related violence in Mexico. The battles are spilling over into American communities. The drug cartels are shooting their way across the Rio Grande River. The Federal Government's answer is to put up danger signs: "Warning, Keep Out of Parts of America. It's Just too Dangerous." And now there are reports that the handful of National Guard troops on the borders are going to be reduced. That is no answer.

The National Guard Border Enforcement Act will change all that. It will authorize 10,000 National Guard troops to be put on the border. The troops will be paid for by the Federal Government under the supervision of the Border Of Governors. Now that's a plan we can live with. Otherwise the border war will continue in the valley of the gun and the land of lawless days.

And that's just the way it is.

TAX RELIEF FOR THE MIDDLE CLASS

(Mr. BACA asked and was given permission to address the House for 1 minute.)

Mr. BACA. When President Obama took office, he inherited a \$1.2 trillion deficit, two wars, the recession and mounting job losses that pushed our economy to the brink. Since then, we have made steady progress towards recovery and have laid the groundwork to create new jobs. But during these tough times, we must act decisively to extend tax relief for middle class families.

If Congress does not act soon, 98 percent of Americans will face a tax increase in January 1. For the typical middle class family, this means the loss of \$2,000 next year. Two thousand means an awful lot to middle income families.

Republicans must stop holding these tax cuts for the middle class hostage. I state, Republicans must stop holding these tax cuts for the middle class hostage. Extending the tax cut for the rich will not create jobs and stimulate the economy, but it will add—I state, it will add—\$700 billion to our national deficit—\$700 billion to our national deficit. The time for simply saying "no" is over. Let's work together to create jobs.

HONORING W. CARY EDWARDS

(Mr. LANCE asked and was given permission to address the House for 1 minute.)

Mr. LANCE. Madam Speaker, I rise today to pay tribute to one of New Jersey's great public servants, W. Cary Edwards, who passed away in October at the age of 66.

Over the course of four decades in public life, Cary Edwards served at the

highest levels of New Jersey government, including as State assemblyman, chief counsel to Governor Thomas H. Kean, and State attorney general. At the time of his death, he was chairman of the New Jersey State Commission of Investigation.

To me, he was a wonderful mentor and good friend. I had the honor of working under him and learning from him when he served as Governor Kean's chief counsel in the first half of the 1980s. Cary Edwards inspired a whole generation of young people in the field of law and public policy. He will be remembered as an inspiring leader in the State of New Jersey.

To his wonderful wife, Lynn, his daughters and sister and to the entire Edwards family, we extend our deepest sympathy. W. Cary Edwards of Oakland, Bergen County, New Jersey, will be greatly missed by the people of our State.

HOPE SCHOLARSHIPS

(Mr. COHEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COHEN. Madam Speaker, today the United States received very good news concerning education in America. Nationwide, high school graduation rates rose 2 percent. But even better, in my State of Tennessee, the rates rose 15 percent, the number one increase in the United States of America. Those are statistics from the year 2002 to 2009 as determined by the Promise Institute that Colin Powell headed. And part of that I'm happy to attribute it to, and that is the Tennessee education lottery which was my hallmark legislation as a State senator. The lottery referendum passed in 2002, and the education law went into effect in 2003, giving children the incentive that they can go to college, that they can have a better life. Giving them hope with HOPE scholarships has helped kids make better grades in high school and turn out better graduates in Tennessee.

I appreciate the fact that Tennessee has been recognized today as the country's education grades and scores have gone up, and we need to continue working on this. And if every State gave their students HOPE, we would have a better Nation.

□ 1210

TAXES

(Mr. SMITH of Nebraska asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Nebraska. Madam Speaker, time and time again Members from both sides of the aisle have spoken on the need to create jobs and cut government spending. This is what the

American people want, and it is past time for Washington to start listening. We have just a few short weeks to take that message to heart and stop the \$3 trillion tax hike set to take effect on January 1. Our country needs real economic growth—which can't happen if Washington doesn't prevent these tax increases on farmers, ranchers and small businesses. We won't solve our fiscal challenges until we cut spending, stop the growth of government and extend the current tax rates. The sooner we can provide certainty to American businesses, the sooner they can get our economy back on track and start hiring again. Over the next few weeks, we have the chance to do what is right for our economy. Let's make it sooner rather than later.

UNEMPLOYMENT BENEFITS

(Mr. BISHOP of New York asked and was given permission to address the House for 1 minute.)

Mr. BISHOP of New York. Madam Speaker, starting tomorrow, 31,000 of my constituents, 400,000 New Yorkers and 2 million Americans will begin to lose their unemployment benefits. Before Thanksgiving, 143 Republicans and 11 Democrats voted against extending unemployment insurance. With that vote they said the unemployed mother, or the husband who lost his job to outsourcing are the ones who should shoulder the burden of reducing the national debt.

In the same breath, Republicans call on Congress to pass a tax break for the wealthiest Americans—adding hundreds of billions of dollars to the deficit. Republicans say we can't afford unemployment benefits, but they are alone in their logic. Economists widely agree that extending unemployment benefits does far more to stimulate economic growth than tax breaks for millionaires.

Madam Speaker, as we enter the winter season when home heating, gas and other basic living costs will rise, I ask my colleagues to help those American families who are most in need, not those wealthiest who need it the least.

CONGRATULATING WAYZATA HIGH SCHOOL, MINNESOTA STATE FOOTBALL CHAMPIONS

(Mr. PAULSEN asked and was given permission to address the House for 1 minute.)

Mr. PAULSEN. Madam Speaker, I rise to congratulate the Wayzata High School football team on winning the Minnesota State high school championship this year. Sophomore Chad Underhill ran for a remarkable four touchdowns, leading the top-ranked Trojans to a 31-14 victory over Rosemount. The victory gave Wayzata their fourth State championship.

Wayzata's perfect season included an overtime victory over last year's State

champions in the final game of the regular season and a very gutsy victory over Minnetonka, converting a two-point conversion to win the game with no time left on the clock. In the playoffs, the Trojans held their opponents scoreless for 15 straight quarters.

Wayzata's State championship continues an outstanding tradition of football excellence at Wayzata High School. Since the year 2000, Wayzata has now produced an NFL Pro Bowler in running back Marion Barber, a Butkus Award winner in linebacker James Laurinaitis, and four State championships.

Congratulations to the student athletes, the parents, and the coaches at Wayzata High School.

TAXES AND UNEMPLOYMENT BENEFITS

(Mr. YARMUTH asked and was given permission to address the House for 1 minute.)

Mr. YARMUTH. Madam Speaker, we are now in a situation in this country in which we have the greatest disparity between the very wealthiest people and everybody else that we have had in 100 years. Already this year, the top 1 percent of the income earners in this country have earned 24 percent of total income. Despite all of this, our colleagues on the Republican side want to preserve tax cuts for those very, very fortunate people who have more now as a percentage of the American economy than they have ever had. Meanwhile, they're going to deny 2 million Americans an extension of unemployment benefits which every economist agrees is the best way to create economic activity.

The American people rightly wonder whose side their government is on, and the problem, the juxtaposition of these issues that we face this week, the question of tax cuts for the very wealthiest Americans or extending unemployment benefits for those people who are struggling, is a clear delineation of whose side this government is on.

We're on the side of the American people.

PLEDGE TO AMERICA

(Ms. FOXX asked and was given permission to address the House for 1 minute.)

Ms. FOXX. Madam Speaker, as I sit here and listen to my colleagues across the aisle, I want to remind them that the American people showed on November 2 that they're not buying the class warfare that our friends are still trying to sell. We're a month away from tax increases that will hit every American taxpayer. The Obama-Pelosi-Reid spending spree that has racked up \$6.1 trillion in Federal spending in just 22 months is about to hand the American people a massive tax increase.

Democrats have majorities in both houses of Congress until January, and there's time for them to do something to stop the \$3.9 trillion tax increase. But so far all we're seeing on the agenda is more spending.

Republicans are ready to work in a bipartisan way to stop these tax increases and to cut spending. But if the President and congressional Democrats don't take action before the end of the year to stop all the tax hikes and cut spending, the new House majority will in January. That's our Pledge to America, and we intend to keep it.

TAX INCREASES LOOM

(Mr. BUTTERFIELD asked and was given permission to address the House for 1 minute.)

Mr. BUTTERFIELD. Madam Speaker, 98 percent of American families face a tax increase on January 1, 2011. That's right; 98 percent. Democrats are prepared this week to prevent that from happening. Our recovery demands keeping as much income as possible in the hands of those who need it the most—America's middle class. By extending the middle class tax cuts, we can protect American families and strengthen our economy.

But with a national debt already exceeding \$13 trillion, we simply cannot afford to borrow \$700 billion needed to cut taxes for the 2 percent richest families in America. It is also important to remember that the richest Americans would still receive substantial tax cuts on the first \$250,000 of their income.

This is not class warfare. I urge my colleagues to support permanent tax cuts for America's middle class. Don't hold the tax cuts hostage to help 2 percent of America's families.

FIVE NEW AMERICAN FREEDOMS

(Mr. KAGEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KAGEN. Madam Speaker, earlier this morning I joined my congressional staff on a tour of our Capitol. What a wonderful place this is. And if there's any lesson we should learn from our Capitol, from our Nation's history, it is that our freedom is ours for only as long as we can hang onto it. It wasn't that long ago that the Democrats led Americans into five new essential American freedoms.

We are now free from discrimination due to any preexisting medical condition. We're free from cancellation by any insurance corporation just because you get sick. We're free from going broke just because a child has an accident or becomes seriously ill. We're free to choose our own doctor. And we're free to go to the closest emergency room.

These five new essential American freedoms will be yours for only as long

as you can hang onto them. We as Democrats fought very hard to secure them. We're going to work very hard with everyone in this country to hold onto these newfound freedoms. Your freedoms are yours for only as long as you can hang onto them.

MIDDLE CLASS TAX CUTS

(Ms. CHU asked and was given permission to address the House for 1 minute.)

Ms. CHU. During the worst recession in decades, should we be giving hundreds of billions in borrowed money to the rich? No. Instead, we should reignite the economy and focus on protecting the middle class. That's why I support extending tax cuts for them, who are 98 percent of American families.

But some in Congress are holding the middle class hostage in order to cut taxes for the wealthiest 2 percent. In tough times like these, millionaires should be giving to charity, not getting it. This will force our cash strapped government to lose \$700 billion over the next decade.

And where will this money go? Straight into the pockets of those making more than half a million a year. What's worse, the wealthy are less likely to spend this money, doing little to help our economy recover.

To me, the answer is clear—let's put our money where it creates jobs and helps the people who need it. Let's extend middle class tax cuts.

THE FEDERAL EMPLOYMENT PAY FREEZE

(Mr. MORAN of Virginia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MORAN of Virginia. Madam Speaker, I can understand why President Obama has chosen to freeze Federal pay for the next 2 years. From a political standpoint, it preempts what the Republicans would have tried to do next year, anyway, and it responds to an antigovernment attitude that was most profoundly reflected in this month's congressional elections.

From a policy standpoint, though, it is, as they say, penny wise and pound foolish. The Federal Government has been subjected to a brain drain over the last decade, where the best and brightest folks in procurement, research and development, information technology, program management, budget and accounting and a host of other essential skill sets have gone over to the private sector for more pay and, in many cases, better working conditions.

Most of the Federal civil service is eligible for retirement within the next few years. This move, which saves very little money, sends a signal individ-

ually and collectively to accelerate that decision, thereby potentially leaving our economy and our society in a weaker position to compete globally and to prosper domestically.

□ 1220

DEFINING CHOICES FOR THE MIDDLE CLASS

(Mr. BRALEY of Iowa asked and was given permission to address the House for 1 minute.)

Mr. BRALEY of Iowa. Madam Speaker, as the American middle class continues to endure tough economic challenges, the deadline looms for extending middle class tax cuts that will provide continued relief when it is needed the most.

Standing in our way are Republicans who are holding the middle class hostage in favor of giving added tax breaks to millionaires and billionaires, even though these bonus tax breaks would add \$700 billion to the national deficit.

So what is at stake? These middle class tax cuts will provide 98 percent of Americans who face a tax increase on January 1 the much needed relief that they deserve. For the typical middle class family, that means the loss of \$2,000 next year. The Republican demands would mean that those making more than \$1 million a year would receive an average of \$100,000 annually, and the middle class would be saddled with \$700 billion in new debt to pay for multimillion-dollar tax cuts for billionaires. In tough times like these, millionaires should be giving charity, not getting it, and that is the choice that the American people should be demanding that we make.

AMERICA'S NUCLEAR WASTE PROBLEM

(Ms. BERKLEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. BERKLEY. Madam Speaker, the incoming House leadership has signaled that they are once again resurrecting Yucca Mountain as a solution to this Nation's nuclear waste problem. This is the height of insanity.

Let me remind my colleagues on the other side of the aisle that we are talking about shipping 77,000 tons of lethal, radioactive nuclear waste across 43 States to be buried in a hole in the Nevada desert where we have groundwater issues, seismic activity and volcanic activity, and it is 90 miles from a major population center—Las Vegas.

There are no EPA radiation standards. There is no way to protect the shipments from terrorist attacks. It requires millions of gallons of water. We are in the desert; there is no water. We are in the middle of a drought.

This is a waste of taxpayer money. Let's bury this ridiculous idea and fig-

ure out what we are going to do with this Nation's nuclear waste before we continue to produce more nuclear waste that we still don't know what to do with. Let's forget this nonsense and figure out how this Nation is going to become energy independent. Nuclear is not the way to go.

TAX CUTS FOR MILLIONAIRES

(Ms. SHEA-PORTER asked and was given permission to address the House for 1 minute.)

Ms. SHEA-PORTER. Madam Speaker, Republicans are holding tax cuts for the middle class hostage as they try to extend tax cuts for millionaires. They say letting tax cuts for the very wealthy expire will hurt small businesses. It is just not true. Ninety-seven percent of small businesses would see no tax increase under the Democratic plan. If the Republicans think they are talking about small businesses, they are truly out of touch.

While they stand in the way of unemployment benefits for millions of Americans still reeling from the crisis Wall Street and the previous administration created, they are doing everything they can to give huge checks to millionaires. This is just one more example of who the Republicans are really watching out for.

PROVIDING FOR CONSIDERATION OF SENATE AMENDMENTS TO H.R. 4783, CLAIMS RESOLUTION ACT OF 2010

Mr. PERLMUTTER. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 1736 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1736

Resolved, That upon adoption of this resolution it shall be in order to take from the Speaker's table the bill (H.R. 4783) to accelerate the income tax benefits for charitable cash contributions for the relief of victims of the earthquake in Chile, and to extend the period from which such contributions for the relief of victims of the earthquake in Haiti may be accelerated, with the Senate amendments thereto, and to consider in the House, without intervention of any point of order, a single motion offered by the chair of the Committee on Natural Resources or his designee that the House concur in the Senate amendments. The Senate amendments shall be considered as read. The motion shall be debatable for one hour, with 50 minutes equally divided and controlled by the chair and ranking minority member of the Committee on Natural Resources and 10 minutes equally divided and controlled by the chair and ranking minority member of the Committee on Ways and Means. The previous question shall be considered as ordered on the motion to its adoption without intervening motion or demand for division of the question.

The SPEAKER pro tempore. The gentleman from Colorado is recognized for 1 hour.

Mr. PERLMUTTER. Madam Speaker, for purposes of debate only, I yield the customary 30 minutes to my friend from North Carolina, Dr. Foxx.

GENERAL LEAVE

Mr. PERLMUTTER. I also ask unanimous consent that all Members be given 5 legislative days in which to revise and extend their remarks on House Resolution 1736.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. PERLMUTTER. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, House Resolution 1736 provides for the consideration of the bill H.R. 4783, the Claims Resolution Act of 2010. It makes in order a motion to concur in the Senate amendment thereon by the chairman of the Committee on Natural Resources. It provides 1 hour of debate, with 50 minutes of debate controlled by the Natural Resources Committee and 10 minutes controlled by the Ways and Means Committee.

The bill contains a number of important provisions, many of which have already passed the House. It approves settlements in the class action lawsuits brought against the United States Department of Agriculture by African American farmers and against the Interior Department by Native Americans.

The bill will fully fund America's obligations in these cases and settles both the Cobell and Pigford class action lawsuits. Both of these have been in the courts and settlement talks for years and years.

In Cobell, the Interior Department was ruled at fault for mismanaging billions of dollars in grazing land, gas, and other royalties owed to thousands of American Indians. This settlement will pay off roughly 500,000 plaintiffs in the case. In Pigford, the Agriculture Department discriminated against thousands of African American farmers who applied for loans and other assistance during the 1980s and 1990s.

The plaintiffs in these cases have waited decades for resolution of this matter. Justice must not be delayed any further. Passing this measure will bring closure for hundreds of thousands of Americans who have been mistreated or had their rights violated by the government.

Passage will also approve four water rights settlements with American Indian tribes, providing the tribes with funding to rehabilitate and build new reservoirs, irrigation and water distribution systems. The House has already approved three out of four of these settlements.

Another critical provision in this bill is the extension of Temporary Assistance to Needy Families, also known as TANF. This comes at a time when so

many Americans are struggling financially and are due to lose the support of this program if the House does not act. While the Senate amendments we are considering today incur more costs in the short term, over 10 years this bill will actually save money and reduce the deficit.

On November 19, the Senate took up the bill, adopted an amendment in the nature of a substitute, and passed the bill, all by unanimous consent. The House must pass these measures without any further delay. I urge my colleagues to vote in favor of the rule and the underlying bill.

I reserve the balance of my time.

Ms. FOXX. Madam Speaker, I yield myself such time as I may consume, and I thank my colleague from Colorado for yielding me this time.

Madam Speaker, I am going to talk about this rule and the underlying bill, but I have to say again, in response to our colleagues who were speaking just before we began this debate, those across the aisle who are in the majority by at least 39 votes, they are in the majority in the Senate also, and they cannot continue to say that Republicans are holding any bill hostage. We do not have the capability of holding bills hostage in this House, and it is really a concern of mine and some of my colleagues on this side of the aisle that our friends keep making that comment. They can bring a bill up any time they want to, just like we will be dealing with these five bills, six bills today. They can't blame Republicans for their inadequacies.

□ 1230

Madam Speaker, I have several concerns with the underlying bill that the Democrats have brought before us today. For a start, this bill is over 270 pages and costs over \$5.7 billion; it is not PAYGO-compliant; it was written behind closed doors in the dark of night; it does not afford Republicans the opportunity to amend the legislation to improve the bill and to make it more responsible to the taxpayer; and it combines six pieces of controversial legislation of concern to my colleagues on this side of the aisle.

While there may be merit in addressing each of these items individually, to combine them in one single piece of legislation and to force a single vote with full knowledge that Members and their constituents have several outstanding concerns represents irresponsible behavior. It does not represent the kind of governing that the people of this country deserve.

I do want to say to my colleague across the aisle that Republicans abhor any type of discrimination, and inasmuch as people have been discriminated in this country in the past, we object to that. We abhor it. So our objections have nothing to do with past discriminations but, rather, with the

way that money is being spent and the way bills are being brought up continually under closed rules.

This bill contains two bills which settle two different class action lawsuits and four bills approving four different water rights settlements.

It provides \$3.4 billion to approve a settlement reached by the Department of the Interior and Native Americans to resolve the Cobell v. Salazar case concerning the alleged mismanagement of royalties owed to Native American tribes by the Department of the Interior.

There is merit to reaching a resolution to this longstanding case. However, individual Native Americans and respected Native American organizations have outstanding concerns with this settlement which they have voiced directly to Congress. Instead of addressing these concerns, Democrats have brought this bill to the floor under a structured rule that does not allow Members the opportunity to fix the concerns.

One of the major concerns with this settlement is it allows plaintiff attorneys to be paid in excess of \$100 million. Since every dollar paid to attorneys comes from the pockets of individual Native Americans, Ranking Member DREIER offered an amendment last night in the Rules Committee to limit attorneys' fees to \$50 million, but his amendment was rejected by the ruling Democrats, so we are unable to consider it on the floor today.

The second individual bill contained in this legislation provides \$1.15 billion to approve the Pigford v. Glickman legal case in which African American farmers alleged discrimination by the Department of Agriculture when applying for loans in the 1980s and 1990s. Alarming, when this case was originally brought forward in 1997, it was then estimated that 2,000 farmers may have suffered from discrimination by the USDA. Today, while the number widely varies, it is estimated that approximately 65,000 potential claims exist.

Former Agriculture Secretary Ed Schafer stated that, while those who were discriminated against "should be reimbursed," there are other hangers-on trying to game the system. According to former Secretary Schafer, "The problem you have with the class action lawsuits is a lot of people jump in that may be on the fringe, that maybe don't deserve it, that sounded good because their neighbor got a check. It is very expensive, very time consuming. Some people will get paid that probably don't deserve it. I don't like that kind of thing. I like to settle on merit."

Therefore, the \$1.15 billion provided in this bill may go to claimants who do not have valid claims but, who due to the gross incompetency of the Federal Government, may now receive fast-track payments for up to \$50,000 in taxpayer money. Approval of the Pigford

v. Glickman settlement is not PAYGO-compliant and is in addition to the \$100 million already provided for in this case by the 2008 farm bill.

The next four bills contained in this legislation are four separate water rights settlements with Native American tribes. Taken together, they direct the government to fund nearly \$1 billion and to participate in the construction and maintenance of the specified local water systems.

The first water rights settlement included in this bill provides \$324.5 million to create a new rural water system with the White Mountain Apache Tribe in Arizona. The second water rights settlement included in this bill provides \$136 million to approve a settlement agreement among the Taos Pueblo, the Federal Government and the State of New Mexico. The third water rights settlement included in this bill provides \$465 million to approve the 1999 settlement between the Crow Nation and the State of Montana. The fourth water rights settlement included in this bill authorizes \$199 million to approve the controversial Aamodt Litigation Settlement in New Mexico.

Although some of these settlements are well-intended, there are fiscal concerns and a multitude of unanswered questions that still need to be addressed.

It is unclear whether these settlement amounts are in the best interest of U.S. taxpayers. The Republicans on the Natural Resources Committee asked the Department of Justice months ago whether these settlement amounts represent a net benefit to taxpayers as compared to the consequences and costs of litigation, but we have not yet received a response.

Voting to approve these water rights settlements forces Congress to be an arbitrator between sides involved in litigation. That is not a role that Congress should be forced to assume without sufficient information, information which still has not been provided by the Department of Justice. These settlements would be better resolved at the local level.

As Representatives, we owe it to our constituents to make sure settlements are not being made that will overcompensate a group or locality at the expense of the taxpayers. There is no documentation that these settlements would save the taxpayers money, and therefore it is unclear whether Congress is fulfilling its fiduciary responsibilities to the taxpayer.

As my colleague from Colorado said a little bit ago, the philosophy of our friends across the aisle is that spending saves money. That isn't an argument that the American people are buying anymore. As you can see, Madam Speaker, each of these six bills has individual concerns that must be addressed on the floor of the House. In-

stead of affording Members the opportunity to fix these bills, however, the bill before us today is another representation of the failed Democrat strategy for passing legislation: throw numerous bills together into one cumbersome legislative vehicle; slap an outrageous price tag on it; waive PAYGO; and call for an immediate vote under a structured rule which does not allow for any amendments.

The American people have grown tired of waiting for real solutions to their problems. Fortunately, help is on the way, and in January, this House will set a new course toward protecting individual liberty and shrinking the unending expansion of the suffocating Federal bureaucracy. That's why I will urge my colleagues to vote "no" on this irresponsible rule and on the underlying legislation.

I reserve the balance of my time.

Mr. PERLMUTTER. In response to my friend from North Carolina, I would say that the Republicans in the United States Senate are the ones who have been holding up legislation just as this until they get what they want. They put all these things together, and send it back to the House.

With that, I yield 3 minutes to my friend from Missouri (Mr. CLAY).

Mr. CLAY. Madam Speaker, today I rise to urge the adoption of this rule as well as the underlying bill.

I support this funding to right two historic wrongs that have tarnished our Nation for far too long—the Pigford and Cobell settlements. It is a sad truth that the USDA, under both Republican and Democratic administrations, have previously engaged in well-documented discrimination in loan, grant and trust programs.

These indefensible actions adversely affected thousands of African American and Native American farmers. Patterns of discrimination resulted in the foreclosures of family farms and in severe financial hardships, some of which are still being felt to this day.

In my home State of Missouri, I have personally met with numerous African American farmers who were misled, discriminated against and, in some cases, deliberately deceived by the USDA. These descendants of freed slaves were victimized by their own government time and time again.

□ 1240

In Congress, compensation for Pigford I, Pigford II and Cobell has been blocked by partisan attempts to politicize this issue. This delay is inexcusable. This is not about politics; it is a test of our commitment to honesty, fairness, and justice for all.

Today we have a bipartisan opportunity to end this obstruction and finally do the right thing for those whom this government has failed. I urge my colleagues on both sides of the aisle to exercise our shared sense of

American decency to swiftly pass this bill and the rule as we take final action together to resolve this grave injustice.

Ms. FOXX. Madam Speaker, I yield 5 minutes to my colleague from Iowa (Mr. KING).

Mr. KING of Iowa. I thank the gentlelady from North Carolina for yielding.

I come to the floor troubled, considerably troubled by—and in opposition to the rule—by this Pigford settlement proposal that we've heard about just now.

It was brought to my attention sometime after I was elected to Congress. I had a number of Iowa USDA employees that were deployed to Washington, D.C., and other locations to assist in administering the Pigford I settlement. They distributed \$1.05 billion to African American farmers, some of whom were discriminated against. All of those that were discriminated against I would agree, I think with all of my colleagues, that they should be compensated to the degree that is practicable by law. However, as I sat down with the individuals that were administering the Pigford I settlement, and one of them came back with a box of file forms and applications sick to his stomach and told me that he had been compelled to engage in a practice that he believed was 75 percent fraudulent at a minimum, I thought that was a high and shocking number and put the information away until it emerged again and again in this Congress. It emerged before the Judiciary Committee in hearings before the committee on Pigford II to open it up again. There, the president of the Black Farmers Organization, John Boyd, testified under oath that there are 18,000 black farmers. As I go back through the USDA records, I can find a peak of perhaps as many as 36,000, but his number of 18,000 sticks in my mind. We are up to 94,000 claims, Madam Speaker, and 18,000 black farmers. And if you presume that everyone was discriminated against—which I reject on its face—we are looking at something here that is a multiplier beyond what this Congress ever intended. And as the gentlelady from North Carolina said, an anticipated couple of thousand applicants turns into now 90,000-plus applicants, of which perhaps two-thirds of them may be successful in their \$50,000 stipend.

There was a statute of limitations. That consent decree was closed April 14, 1999, and since that time it has been opened up a second time. The Ag Committee is the other component of this. Myself and Congressman GOODLATTE of Virginia are the only two that serve on Judiciary and on Ag. There, in the 2008 farm bill, the chairman of the Ag Committee, Mr. PETERSON, put in \$100 million to be the end, the settlement of Pigford. That was going to be the end of it for all time. We had an intense

conversation on that. I said it will be an additional \$1.3 billion; he insisted that \$100 million would end it. I have the language here, Madam Speaker, that puts the cap on this at \$100 million. Here we are, 2 short years later, with \$1.3 billion, and the people that I'm talking to that have administered this at higher levels yet than those that first brought it to my attention tell me that the levels of fraud are higher yet. And it is not just \$50,000, it's \$50,000 plus 25 percent of that check that goes to the IRS to pay the tax liability, so there's another \$12,500. Judge Paul Friedman estimated the debt that would be forgiven would be an average of \$100,000 per black farmer and another 25 percent IRS checks. So we're at \$187,500, and still this Congress has no access to the records other than those that have been spirited out of the USDA.

So it isn't just that we should not fund this; there is no deal. There was no Congress directive that sent Eric Holder and Tom Vilsack to sit down with John Boyd of the Black Farmers and make a new deal and come to this Congress and say appropriate \$1.5 billion additional dollars to fund the Pigford II. That was their elective. In fact, that was their elective in the face of Congress' direction that it would be capped at \$100 million in the 2008 farm bill. There is no deal unless Congress authorizes this today. And if we do so, we are asking Members that haven't had access to the information to ratify an agreement that was put together by Eric Holder and Tom Vilsack at their own volition, not by the direction of Congress.

The next Congress has an obligation to look into these records and check the data and follow through the threads of fraud and be honest with the American taxpayers and make sure that those that have been discriminated against are compensated. But the central point here is this, Madam Speaker: For the altogether \$2.3 billion that the taxpayers have accepted this liability, there hasn't been one USDA employee that has been fired or disciplined, not one. And the Secretary of Agriculture tells me he's not willing to relitigate Pigford I, he's not willing to open up the records to allow us to look at it, and he's not willing to allow us to look over his shoulder to assure that Pigford II is less fraudulent than Pigford I.

For all of these reasons, I ask my colleagues to vote "no" on the rule and "no" on the bill.

H.R. 2419 SEC. 14012. DETERMINATION ON MERITS OF PIGFORD CLAIMS.

(a) DEFINITIONS.—In this section:

(1) CONSENT DECREE.—The term 'consent decree' means the consent decree in the case of *Pigford v. Glickman*, approved by the United States District Court for the District of Columbia on April 14, 1999.

(2) DEPARTMENT.—The term 'Department' means the Department of Agriculture.

(3) PIGFORD CLAIM.—The term 'Pigford claim' means a discrimination complaint, as defined by section 1(h) of the consent decree and documented under section 5(b) of the consent decree.

(4) PIGFORD CLAIMANT.—The term 'Pigford claimant' means an individual who previously submitted a late-filing request under section 5(g) of the consent decree.

(b) DETERMINATION ON MERITS.—Any Pigford claimant who has not previously obtained a determination on the merits of a Pigford claim may, in a civil action brought in the United States District Court for the District of Columbia, obtain that determination.

(c) LIMITATION.—

(1) IN GENERAL.—Subject to paragraph (2), all payments or debt relief (including any limitation on foreclosure under subsection (h)) shall be made exclusively from funds made available under subsection (i).

(2) MAXIMUM AMOUNT.—The total amount of payments and debt relief pursuant to actions commenced under subsection (b) shall not exceed \$100,000,000.

(d) INTENT OF CONGRESS AS TO REMEDIAL NATURE OF SECTION.—It is the intent of Congress that this section be liberally construed so as to effectuate its remedial purpose of giving a full determination on the merits for each Pigford claim previously denied that determination.

(e) LOAN DATA.—

(1) REPORT TO PERSON SUBMITTING PETITION.—

(A) IN GENERAL.—Not later than 120 days after the Secretary receives notice of a complaint filed by a claimant under subsection (b), the Secretary shall provide to the claimant a report on farm credit loans and noncredit benefits, as appropriate, made within the claimant's county (or if no documents are found, within an adjacent county as determined by the claimant), by the Department during the period beginning on January 1 of the year preceding the period covered by the complaint and ending on December 31 of the year following the period.

(B) REQUIREMENTS.—A report under subparagraph (A) shall contain information on all persons whose application for a loan or benefit was accepted, including—

- (i) the race of the applicant;
- (ii) the date of application;
- (iii) the date of the loan or benefit decision, as appropriate;
- (iv) the location of the office making the loan or benefit decision, as appropriate;
- (v) all data relevant to the decisionmaking process for the loan or benefit, as appropriate; and
- (vi) all data relevant to the servicing of the loan or benefit, as appropriate.

(2) NO PERSONALLY IDENTIFIABLE INFORMATION.—The reports provided pursuant to paragraph (1) shall not contain any information that would identify any person who applied for a loan from the Department.

(3) REPORTING DEADLINE.—

(A) IN GENERAL.—The Secretary shall—

(i) provide to claimants the reports required under paragraph (1) as quickly as practicable after the Secretary receives notice of a complaint filed by a claimant under subsection (b); and

(ii) devote such resources of the Department as are necessary to make providing the reports expeditiously a high priority of the Department.

(B) EXTENSION.—A court may extend the deadline for providing the report required in a particular case under paragraph (1) if the Secretary establishes that meeting the dead-

line is not feasible and demonstrates a continuing effort and commitment to provide the required report expeditiously.

(f) EXPEDITED RESOLUTIONS AUTHORIZED.—

(1) IN GENERAL.—Any person filing a complaint under this section for discrimination in the application for, or making or servicing of, a farm loan, at the discretion of the person, may seek liquidated damages of \$50,000, discharge of the debt that was incurred under, or affected by, the 1 or more programs that were the subject of the 1 or more discrimination claims that are the subject of the person's complaint, and a tax payment in the amount equal to 25 percent of the liquidated damages and loan principal discharged, in which case—

(A) if only such damages, debt discharge, and tax payment are sought, the complainant shall be able to prove the case of the complainant by substantial evidence (as defined in section 1(1) of the consent decree); and

(B) the court shall decide the case based on a review of documents submitted by the complainant and defendant relevant to the issues of liability and damages.

(2) NONCREDIT CLAIMS.—

(A) STANDARD.—In any case in which a claimant asserts a noncredit claim under a benefit program of the Department, the court shall determine the merits of the claim in accordance with section 9(b)(i) of the consent decree.

(B) RELIEF.—A claimant who prevails on a claim of discrimination involving a noncredit benefit program of the Department shall be entitled to a payment by the Department in a total amount of \$3,000, without regard to the number of such claims on which the claimant prevails.

(g) ACTUAL DAMAGES.—A claimant who files a claim under this section for discrimination under subsection (b) but not under subsection (f) and who prevails on the claim shall be entitled to actual damages sustained by the claimant.

(h) LIMITATION ON FORECLOSURES.—Notwithstanding any other provision of law, during the pendency of a Pigford claim, the Secretary may not begin acceleration on or foreclosure of a loan if—

- (1) the borrower is a Pigford claimant; and
- (2) makes a prima facie case in an appropriate administrative proceeding that the acceleration or foreclosure is related to a Pigford claim.

(i) FUNDING.—

(1) IN GENERAL.—Of the funds of the Commodity Credit Corporation, the Secretary shall make available for payments and debt relief in satisfaction of claims against the United States under subsection (b) and for any actions under subsection (g) \$100,000,000 for fiscal year 2008, to remain available until expended.

(2) AUTHORIZATION OF APPROPRIATIONS.—In addition to funds made available under paragraph (1), there are authorized to be appropriated such sums as are necessary to carry out this section.

(j) REPORTING REQUIREMENTS.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act and every 180 days thereafter until the funds made available under subsection (i) are depleted, the Secretary shall submit to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate a report that describes the status of available funds under subsection (i) and the number of pending claims under subsection (f).

(2) DEPLETION OF FUNDS REPORT.—In addition to the reports required under paragraph

(1), the Secretary shall submit to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate a report that notifies the Committees when 75 percent of the funds made available under subsection (i)(1) have been depleted.

(k) **TERMINATION OF AUTHORITY.**—The authority to file a claim under this section terminates 2 years after the date of the enactment of this Act.

Mr. PERLMUTTER. I would just say to my friend from Iowa that the settlement now applies to all African American farmers who were discriminated against, not just those that filed their claim by 1997, and as a consequence, it's a much broader class that is being settled with. We just can't have this kind of discrimination going on in this country, and America needs to pay its debts and not allow this kind of discrimination to go forward.

Madam Speaker, I yield 2 minutes to my friend from Ohio, Congresswoman FUDGE.

Ms. FUDGE. Thank you for the time.

Madam Speaker, here we go again. It's just a matter of delay, delay, no, no, no.

Eleven years ago, tens of thousands of black farmers settled a landmark court case which addressed years and years of discrimination by the Department of Agriculture. Finally, finally, today, Madam Speaker, these farmers, these men and women who literally put food on our tables are receiving justice.

While litigation against the USDA for discrimination against black farmers began in August of 1997 with the Pigford and Glickman case, the injustice has spanned decades. Over 66,000 black farmers were routinely denied USDA farm loans or forced to wait, to wait and wait for loan approvals much longer than non-minorities. These farmers faced foreclosure and financial ruin because of USDA's discriminatory denials and unconscionable actions. Many of these farmers died, helplessly, hopelessly waiting for justice. Today, finally this Congress will pass the funding legislation, which is about more than just money; today's vote is about justice.

Now, make no mistake, I do indeed take issue with redirecting money from our Nation's needy infants and children to right this wrong. However, justice delayed is justice denied, and I would hope that my colleagues across the aisle who keep talking about fraud, we've been talking about Pigford for years, if there is fraud, where is your proof? Madam Speaker, I say today that there is no fraud. The courts have put in every single hoop they can possibly put in for black farmers to jump through. It is time for us to pay these people their just due.

Ms. FOXX. Madam Speaker, I yield myself such time as I may consume.

I think the debate on this bill today points out why we have such a broken system in this country right now.

□ 1250

The Federal Government has no business being in the farm business. We need to get our Federal Government back to the intended purposes of the Federal Government, which are very limited in our Constitution. Every time the Federal Government gets involved in things it has no business getting involved in, they go awry, and I think the arguments from our colleagues across the aisle point that out.

I also want to point out that contrary to statements repeated over and over again by our colleagues across the aisle, Americans have not enjoyed any tax cuts in the past 4 years since they have been in charge of this Congress. To the contrary, the House Republican Ways and Means Committee has highlighted more than \$680 billion in tax increases that have been imposed on the American people since the ruling liberal Democrats took control of Washington in January of 2009. Now, because of Democrat inaction, the American people are looking at the largest tax increase in the history of our country, which would affect all married couples, all families with children, seniors, and small businesses. That would destroy an average of 693 jobs every year through 2020; drain \$726 billion from disposable income, \$38 billion from personal savings, and \$33 billion from business investments.

That would raise taxes on the 55 percent of all joint filers earning more than \$250,000 who run small businesses that employ others; cost the average nonfarm small business owner \$3,500 more in taxes; cost the 49 percent of all seniors with income below \$250,000 525 more dollars in additional dividend taxes, and cost the 25 percent of seniors with income below \$250,000 \$742 in higher taxes.

President Obama's plan to allow portions of the 2001 and 2003 tax rates to expire, resulting in steep tax hikes beginning in January of 2011 for small businesses and those earning \$250,000 or more would significantly affect the economy in North Carolina, most notably in the number of jobs and changes in personal income.

According to the Heritage Foundation, from 2011 to 2020, North Carolina's Fifth Congressional District would lose, on average, 1,577 jobs annually; lose, per household, \$4,647 in total disposable income; and see total district-wide individual income taxes increase by \$827 million.

The job-killing consequences continue with evidence based on a simulation of the Moody's Analytics macroeconomic model, which indicates that an across-the-board tax increase would precipitate a double-dip recession during the first half of 2011; leave employment in decline throughout 2011, ultimately leading to 8.6 million fewer jobs than we had in 2007; aggravate the unemployment rate, which would remain

above 10 percent through late 2012; promote a sluggish GDP growth of 0.9 percent in 2011; and prevent a return to full employment until 2015.

Although the proposal to increase income taxes for those earning over \$250,000 technically applies to 2 percent of taxpayers, the simple truth is that the top two income brackets play a critical role in keeping the economy running, as they already contribute 50 percent of all tax dollars, spend 25 percent of U.S. personal outlays, and generate 50 percent of small business income.

Those with income under \$250,000 will be impacted by the increase in dividends and capital gains taxes as 24 percent of tax filers with incomes less than \$250,000 would be hit by increased dividend taxes and 10 percent by increased capital gains taxes. Furthermore, half of seniors earning under \$250,000 would have to pay higher taxes for dividends, capital gains, or both. Over the next 10 years, the Heritage Foundation projects a \$1.1 trillion GDP loss if current tax rates are not extended.

The case is clear. The Democrats' misguided tax plan is motivated by class warfare, not sound economic policy.

Fortunately, Americans roundly rejected this incompetent governance and Republicans stand ready to promote policies to help restore America's economic vitality.

With that, Madam Speaker, I reserve the balance of my time.

Mr. PERLMUTTER. Madam Speaker, I would remind the body that we're here to discuss *Cobell v. Salazar*, *Pigford v. Glickman*, plus the settlement of a number of water right cases.

But even having said that, I would like to respond to my friend from North Carolina that not even the Republican Congress that set forth these tax cuts for millionaires and billionaires thought they would go on forever. They set them so that they would expire at the end of this year so that this Nation would have the revenue that it needs to pay its bills. But the Republicans who have now taken this House want to continue those tax cuts for millionaires and billionaires so that this country can't pay its bills as it's supposed to.

So the tax cuts, prosecuting two wars without paying for them, allowing the bottom to fall out of Wall Street without any regulation sent this country into a huge deficit which has to stop, and it has to stop now.

Now, we've seen, since we've passed the Recovery Act, growth in the economy, not that loss of 6 percent as we saw in the final quarter of the Bush administration. But we've seen five consecutive quarters of growth. We've seen increased employment from the private sector. We have a long way to go, and tax cuts for millionaires and billionaires are not the way to do it.

With that, I yield 3½ minutes to my friend from Texas, Congresswoman JACKSON LEE.

Ms. JACKSON LEE of Texas. Let me thank my good friend from Colorado, and I will agree with you that this underlying bill is not a bill about billionaires and millionaires.

I am delighted to rise now and support H.R. 4783, which has been amended by the Senate. And I will tell you that this bill is not an entitlement. It is a bill that was earned by the sweat and tears and the loss of land and the death of many who stood for the empowerment on the basis of the ownership of land that would generate a legacy for those who happened to be Native Americans and, as well, justice for those who happened to be African Americans.

I'm delighted that we have come to a conclusion on the Cobell settlement and the Pigford settlement—one dealing with the trust lands of Native Americans, and the other dealing with the inequities in the Department of Agriculture dealing with black farmers.

This is the work of the Agriculture Committee, and it's the work of the Judiciary Committee, the Department of Justice, and President Obama's administration.

How many of you have stood alongside of farmers who have had tears in their eyes because the only thing they wanted to do is to till the soil and to produce for the American people? This has happened across America. The name of Shirley Sherrod, who attempted in her new appointment to make sure that all farmers were included as related to the resources of the Department of Agriculture. How many of you have heard of stories where one farmer would get a small pittance of a loan and another farmer would not just because of the color of their skin, and it would result in a bankruptcy, a loss of land?

America is a place of equality. And so to the Apache Tribe, the Crow Tribe, the Taos Pueblo Tribe dealing with water rights, legitimate issues addressing native lands have now been resolved. This is not a handout. The courts determined that the Native Americans prevailed, and they determined over 2 or 3 years ago that the black farmers prevailed as well. There was an inequity in addressing the question of treatment under the Department of Agriculture.

So who are we as a Nation? We are proud Americans who have been able to produce our own food. That has been one of the elements of our greatness. These farmers simply wanted to do what was right by America, and they were not allowed to do so.

And with respect to Native American lands and the trust of dealing with, specifically, water rights, these were lands owned and designated historically by law, but they were not treated right and we have now addressed that question.

□ 1300

This legislation is paid for. So I support the rule and the underlying bill. But I don't want my colleagues to rise mistakenly to the floor and suggest that we are handing out dollars, that we are not paying for dollars, that we are not being fiscally responsible. We are. And I ask my colleagues to support this.

Justice finally has arrived, and it is time for us to accept the call to justice and provide for those who simply want to provide for the American people in their own way. Thank you for this settlement for black farmers and Native Americans.

Ms. FOXX. Madam Speaker, I yield myself the balance of my time.

I realize that we are here to debate something other than the continuation of the tax cuts and staving off the tax increases which are coming right around the corner. However, it is important that we continue to remind the American people that our colleagues across the aisle continue to refuse to deal with what's the most important issue that we need to be dealing with. Instead, we are here day after day, day after day naming post offices and celebrating anniversaries of sports figures when our colleagues have known that the tax increases were going to occur on January 1, 2011, since that bill was passed. But they have been in control for 4 years, and they have refused to deal with it.

Furthermore, we have a President and a Congress of the same party. They both know this had to be dealt with, but they seem to want to leave everything until the last possible minute and then blame Republicans because something isn't being done. Well, ladies and gentlemen, that is just not the case. Our colleagues across the aisle, the Democrats, are in control. They could have brought the tax increase bill up any time they wanted to. They refused to do it. They have left it until the last minute. We need to remind the American people of that, and we are not going to be told that we are holding something hostage.

I would also like to point out to my colleague from Colorado that when the stimulus bill was passed, what you call the Recovery Act, we were promised, the American people were promised that unemployment would not go above 8 percent. The Treasury Department recently issued its Final Monthly Treasury Statement for Fiscal Year 2010. This statement indicated the deficit for that fiscal year totaled \$1.294 trillion, or 8.9 percent of GDP. This is only the second time in history that an annual deficit has exceeded \$1 trillion. When was the last time? Last year, when again we had a Democratic President and Democrats in control of the Congress.

Over the past 22 months, President Obama and congressional Democrats

have embarked on an unprecedented spending spree that has lowered economic growth, reduced investment, increased the cost of borrowing, and killed American jobs. Now, rather than reducing spending, Democrats hope to move a \$1.1 trillion omnibus discretionary spending bill that would increase expenditures by hundreds of billions of dollars. In doing so, Democrats are ignoring the clear message of the American people and endangering the well-being of future generations.

Since President Obama took office in January 2009, the liberals ruling over Washington have implemented an agenda of record spending and deficits that's unprecedented in this country's history. Since the liberals seized control of the White House and Congress last year, profligate spending has led to \$2.51 trillion in budget deficits. To give a little perspective, the total amount of deficit spending in the first 22 months of President Obama's administration is more than the combined deficits of President Bush 43's administration over 8 years, which were previously the highest deficits of any President in history.

In the 22 months since President Obama moved into the White House, Democrats have spent \$6.1 trillion, which is more than the first 22 months of the administrations of President Clinton and Bush 43 combined.

The Treasury Department reported that in October 2010 alone, the government spent \$24.1 billion to make interest payments on the money it borrowed. In fiscal year 2010, the government has spent \$414 billion on interest payments, an amount equal to 32 percent of our deficit.

Americans made it very clear they want the Washington spending spree to end. Democrats, however, have turned a deaf ear, and still want to pass a disastrous \$1.1 trillion spending bill in the lame duck session of Congress. The growing deficits under the Democrats' leadership will ultimately lead to a lower standard of living and less opportunity for future generations of Americans. As spending by the Federal Government grows to unsustainable levels, the U.S. will sacrifice its sovereignty by becoming dependent on debt borrowed from foreign countries. As the Nation's debt grows, confidence in financial markets will erode and propel the U.S. into a perpetual economic spiral.

Everything from a senseless energy tax, government takeover of health care, bailouts of the auto industry, megabanks, and the European Union, combined with endless tax and spending increases leave the American people sitting in amazement wondering where the imagination of these European wannabes will lead us next.

As the American people have been scared to death witnessing the deterioration of everything from the economy,

foreign policy, and national security, they should know that fortunately there is a choice between the same old tired liberal agenda and new, innovative solutions being offered by the GOP.

In September, House Republicans put forward a pledge that will put America on a path toward economic prosperity. The pledge includes actions that will create jobs, end economic uncertainty, and make America more competitive. Specifically, the pledge would permanently stop all job-killing tax hikes; allow small business owners a 20 percent tax deduction against income to allow capital formation and investment, which will stimulate business expansion and new hiring; require congressional approval of costly regulations to reduce the cost burden that government growth imposes on businesses; repeal the ObamaCare 1099 requirement, to eliminate the wasteful and expensive mandate that all businesses report vendor purchases in excess of \$600 annually; immediately cut government spending to pre-bailout levels to save at least \$100 billion in the first year, and put the Federal Government on a path to balance the budget and pay down the debt, moving away from a debt-driven economy, and eliminating the fear that unsustainable spending has created.

The evidence is in, Madam Speaker: The liberal Democrat agenda has failed. They need to go back to the drawing board and come back to the American people with real solutions to their real problems. This isn't the time to dither and blame the Republican minority for the disappointing collapse of governance we have seen since the liberal majority seized control of Congress in 2007.

I urge my colleagues to take this opportunity to force the ruling liberal Democrats to rethink their misguided proposals by rejecting this rule and the underlying bill to protest the liberal agenda that continues to distract from private sector job creation and getting the economy back on its feet.

With that, Madam Speaker, I yield back the balance of my time.

Mr. PERLMUTTER. Madam Speaker, I guess I have a completely opposite view of my friend from North Carolina as to the importance of this bill. The payment for wrongs against thousands and thousands and thousands of people that were delayed under Republican Congresses, Republican Presidents, it is about time that we settle these cases and pay the bills to people who were either discriminated against or had their trust moneys bungled by the Interior Department.

We actually, through the course of all this, had one Interior Secretary under a Republican President who got herself in trouble. Ultimately, it was all resolved. Now it's time to settle these particular cases. Decades of liti-

gation, decades of settlement talks. It is a red-letter day that the discrimination and the mismanagement that harmed so many people are resolved.

□ 1310

That's the purpose. That's why this has been a bipartisan bill and I hope will be a bipartisan vote later today when we take up the bill.

There are 500,000 Native Americans whose communities were deprived of revenue rightfully and legally owed to them for commercial development of their land. There are thousands of other Native Americans whose communities will benefit by completing long overdue water projects.

There are also 70,000 farmers in the Pigford case who were deprived of their ability to farm because of their race, out and out discrimination. Hundreds of thousands of Americans will receive some help this holiday season because we will extend temporary assistance for needy families.

My Republican friends like to talk about tax cuts for millionaires and billionaires, tax cuts that were supposed to expire, have been planned to expire by a Republican Congress from the beginning of the decade. This isn't something new. This isn't some big surprise. But the Republicans in the House and the Republicans in the Senate would like to hole up and do nothing until their friends, the millionaires and billionaires, continue these tax cuts, and at the same time stop payment and satisfaction of claims that have been long overdue to these hundreds of thousands of Native Americans and thousands and thousands of black farmers, as well as millions of people who need assistance under the Temporary Assistance for Needy Families.

This country pays its bills, doesn't just give tax cuts to the wealthiest Americans among us. That's what this Democratic Congress is about. That's what the Democratic Senate and this President is about. It is about honoring our commitments and stopping discrimination.

I am pleased we are going to pass this bill today, and I hope that all Members support it and not delay any further these rightful claims that have existed for so long.

With that I urge a "yes" vote on the previous question and on the rule.

Madam Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. FOXX. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 223, nays 168, not voting 42, as follows:

[Roll No. 583]

YEAS—223

Ackerman	Halvorson	Oliver
Altmire	Hare	Owens
Andrews	Harman	Pallone
Arcuri	Heinrich	Pascarella
Baca	Herger	Pastor (AZ)
Baldwin	Higgins	Payne
Barrow	Hinchey	Perlmutter
Bean	Hinojosa	Perriello
Becerra	Hirono	Peters
Berkley	Hodes	Peterson
Berman	Holden	Pingree (ME)
Bishop (GA)	Holt	Polis (CO)
Bishop (NY)	Hoyer	Pomeroy
Blumenauer	Inslee	Price (NC)
Boccheri	Israel	Quigley
Boswell	Jackson (IL)	Rahall
Boucher	Jackson Lee	Rangel
Boyd	(TX)	Reyes
Brady (PA)	Johnson (GA)	Richardson
Braley (IA)	Johnson, E. B.	Rodriguez
Brown, Corrine	Kagen	Ross
Butterfield	Kanjorski	Rothman (NJ)
Capps	Kaptur	Royal-Allard
Capuano	Kennedy	Ruppersberger
Cardoza	Kildee	Rush
Carnahan	Kilpatrick (MI)	Ryan (OH)
Carson (IN)	Kilroy	Salazar
Castor (FL)	Kind	Sánchez, Linda
Childers	Kirkpatrick (AZ)	T.
Chu	Kissell	Sanchez, Loretta
Clarke	Klein (FL)	Sarbanes
Clay	Kosmas	Schakowsky
Clyburn	Kratovil	Schauer
Cohen	Kucinich	Schiff
Connolly (VA)	Larsen (WA)	Schrader
Cooper	Larson (CT)	Schwartz
Costa	Levin	Scott (GA)
Costello	Lewis (GA)	Scott (VA)
Courtney	Lipinski	Serrano
Critz	Loebach	Sestak
Crowley	Lofgren, Zoe	Shea-Porter
Cuellar	Lowey	Sherman
Cummings	Lujan	Sires
Dahlkemper	Lynch	Skelton
Davis (CA)	Maffei	Slaughter
Davis (IL)	Maloney	Smith (WA)
Davis (TN)	Markey (CO)	Snyder
DeGette	Markey (MA)	Space
Delahunt	Marshall	Speier
DeLauro	Matsui	Spratt
Dicks	McCarthy (NY)	Stark
Dingell	McCollum	Stupak
Djou	McDermott	Sutton
Doggett	McGovern	Tanner
Doyle	McIntyre	Teague
Driehaus	McMahon	Thompson (CA)
Edwards (MD)	McNerney	Thompson (MS)
Ellison	Meek (FL)	Tierney
Ellsworth	Meeks (NY)	Titus
Engel	Melancon	Tonko
Eshoo	Michaud	Towns
Etheridge	Miller (NC)	Van Hollen
Farr	Miller, George	Velázquez
Fattah	Minnick	Visclosky
Filner	Mitchell	Walz
Foster	Mollohan	Wasserman
Frank (MA)	Moore (KS)	Schultz
Garamendi	Moore (WI)	Waters
Gonzalez	Moran (VA)	Watson
Gordon (TN)	Murphy (CT)	Watt
Grayson	Murphy, Patrick	Weiner
Green, Al	Nadler (NY)	Welch
Green, Gene	Napolitano	Wilson (OH)
Grijalva	Neal (MA)	Yarmuth
Gutierrez	Nye	
Hall (NY)	Obey	

NAYS—168

Aderholt	Blunt	Camp
Adler (NJ)	Boehner	Campbell
Akin	Bonner	Cantor
Alexander	Bono Mack	Cao
Austria	Boozman	Capito
Bachmann	Boren	Carter
Bachus	Boustany	Cassidy
Bartlett	Brady (TX)	Castle
Barton (TX)	Bright	Chaffetz
Berry	Broun (GA)	Coble
Biggart	Brown (SC)	Coffman (CO)
Blibray	Buchanan	Cole
Bilirakis	Burgess	Conaway
Blackburn	Calvert	Crenshaw

Culberson
Davis (KY)
Dent
Diaz-Balart, L.
Donnelly (IN)
Dreier
Duncan
Ehlers
Emerson
Flake
Fleming
Forbes
Fortenberry
Foxy
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves (GA)
Graves (MO)
Griffith
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Hersteth Sandlin
Hoekstra
Hunter
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
King (IA)
King (NY)

Kingston
Kline (MN)
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel
E.
Mack
Manzullo
Matheson
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McMorris
Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Murphy (NY)
Murphy, Tim
Neugebauer
Nunes
Olson
Paul
Paulsen
Pence
Petri
Pitts
Platts
Poe (TX)

Posey
Price (GA)
Reed
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Stearns
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Turner
Upton
Walden
Westmoreland
Whitfield
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—42

Baird
Barrett (SC)
Bishop (UT)
Brown-Waite,
Ginny
Burton (IN)
Buyer
Carney
Chandler
Cleaver
Conyers
Davis (AL)
DeFazio
Deutch
Diaz-Balart, M.

Edwards (TX)
Fallin
Fudge
Giffords
Hastings (FL)
Hill
Himes
Honda
Inglis
Langevin
Lee (CA)
Marchant
Moran (KS)
Myrick
Oberstar

Ortiz
Putnam
Radanovich
Ros-Lehtinen
Shadegg
Taylor
Tiahrt
Tsongas
Wamp
Waxman
Wittman
Woolsey
Wu

□ 1343

Messrs. RYAN of Wisconsin, SMITH of Texas, BERRY, and KING of Iowa changed their vote from “yea” to “nay.”

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Ms. GIFFORDS. Madam Speaker, on November 30, 2010, I missed a vote on the rule providing for consideration of H.R. 4783, the Claims Resolution Act of 2010. Had I been present, I would have voted “yea” on this measure.

Mr. GONZALEZ. Madam Speaker, a meeting at the Department of Commerce prevented my presence in the House for a vote earlier today. Had I been present, I would have voted “yea” on the motion to concur in the Senate Amendments to the Claims Resolution Act of 2010 (H.R. 4783).

Ms. WOOLSEY. Madam Speaker, on November 30, 2010, I was unavoidably detained and was unable to record my vote for rollcall

No. 583. Had I been present I would have voted: Rollcall No. 583: “yes”—Providing for consideration of the Senate amendments to the bill (H.R. 4783) to accelerate the income tax benefits for charitable cash contributions for the relief of victims of the earthquake in Chile, and to extend the period from which such contributions for the relief of victims of the earthquake in Haiti may be accelerated.

CLAIMS RESOLUTION ACT OF 2010

Mr. RAHALL. Madam Speaker, pursuant to House Resolution 1736, I move to take from the Speaker's table the bill (H.R. 4783) to accelerate the income tax benefits for charitable cash contributions for the relief of victims of the earthquake in Chile, and to extend the period from which such contributions for the relief of victims of the earthquake in Haiti may be accelerated, with the Senate amendments thereto, and I have a motion at the desk.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The Clerk will designate the Senate amendments.

The text of the Senate amendments is as follows:

Senate amendments:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Claims Resolution Act of 2010”.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—INDIVIDUAL INDIAN MONEY ACCOUNT LITIGATION SETTLEMENT

Sec. 101. Individual Indian Money Account Litigation Settlement.

TITLE II—FINAL SETTLEMENT OF CLAIMS FROM IN RE BLACK FARMERS DISCRIMINATION LITIGATION

Sec. 201. Appropriation of funds for final settlement of claims from In re Black Farmers Discrimination Litigation.

TITLE III—WHITE MOUNTAIN APACHE TRIBE WATER RIGHTS QUANTIFICATION

Sec. 301. Short title.

Sec. 302. Purposes.

Sec. 303. Definitions.

Sec. 304. Approval of Agreement.

Sec. 305. Water rights.

Sec. 306. Contract.

Sec. 307. Authorization of WMAT rural water system.

Sec. 308. Satisfaction of claims.

Sec. 309. Waivers and releases of claims.

Sec. 310. White Mountain Apache Tribe Water Rights Settlement Sub-account.

Sec. 311. Miscellaneous provisions.

Sec. 312. Funding.

Sec. 313. Antideficiency.

Sec. 314. Compliance with environmental laws.

TITLE IV—CROW TRIBE WATER RIGHTS SETTLEMENT

Sec. 401. Short title.

Sec. 402. Purposes.

Sec. 403. Definitions.

Sec. 404. Ratification of Compact.

Sec. 405. Rehabilitation and improvement of Crow Irrigation Project.

Sec. 406. Design and construction of MR&I System.

Sec. 407. Tribal water rights.

Sec. 408. Storage allocation from Bighorn Lake.

Sec. 409. Satisfaction of claims.

Sec. 410. Waivers and releases of claims.

Sec. 411. Crow Settlement Fund.

Sec. 412. Yellowtail Dam, Montana.

Sec. 413. Miscellaneous provisions.

Sec. 414. Funding.

Sec. 415. Repeal on failure to meet enforceability date.

Sec. 416. Antideficiency.

TITLE V—TAOS PUEBLO INDIAN WATER RIGHTS

Sec. 501. Short title.

Sec. 502. Purposes.

Sec. 503. Definitions.

Sec. 504. Pueblo rights.

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TITLE I—INDIVIDUAL INDIAN MONEY ACCOUNT LITIGATION SETTLEMENT

SEC. 101. INDIVIDUAL INDIAN MONEY ACCOUNT LITIGATION SETTLEMENT.

(a) DEFINITIONS.—In this section:

(1) AGREEMENT ON ATTORNEYS' FEES, EXPENSES, AND COSTS.—The term "Agreement on Attorneys' Fees, Expenses, and Costs" means the agreement dated December 7, 2009, between Class Counsel (as defined in the Settlement) and the Defendants (as defined in the Settlement) relating to attorneys' fees, expenses, and costs incurred by Class Counsel in connection with the Litigation and implementation of the Settlement, as modified by the parties to the Litigation.

(2) AMENDED COMPLAINT.—The term "Amended Complaint" means the Amended Complaint attached to the Settlement.

(3) FINAL APPROVAL.—The term "final approval" has the meaning given the term in the Settlement.

(4) LAND CONSOLIDATION PROGRAM.—The term "Land Consolidation Program" means a program conducted in accordance with the Settlement, the Indian Land Consolidation Act (25 U.S.C. 2201 et seq.), and subsection (e)(2) under which the Secretary may purchase fractional interests in trust or restricted land.

(5) LITIGATION.—The term "Litigation" means the case entitled *Elouise Cobell et al. v. Ken Salazar et al.*, United States District Court, District of Columbia, Civil Action No. 96-1285 (TFH).

(6) PLAINTIFF.—The term "Plaintiff" means a member of any class certified in the Litigation.

(7) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(8) SETTLEMENT.—The term "Settlement" means the Class Action Settlement Agreement dated December 7, 2009, in the Litigation, as modified by the parties to the Litigation.

(9) TRUST ADMINISTRATION ADJUSTMENT FUND.—The term "Trust Administration Adjustment Fund" means the \$100,000,000 deposited in the Settlement Account (as defined in the Settlement) pursuant to subsection (j)(1) for use in making the adjustments authorized by that subsection.

(10) TRUST ADMINISTRATION CLASS.—The term "Trust Administration Class" means the Trust Administration Class as defined in the Settlement.

(b) PURPOSE.—The purpose of this section is to authorize the Settlement.

(c) AUTHORIZATION.—

(1) IN GENERAL.—The Settlement is authorized, ratified, and confirmed.

(2) AMENDMENTS.—Any amendment to the Settlement is authorized, ratified, and confirmed, to the extent that such amendment is executed to make the Settlement consistent with this section.

(d) JURISDICTIONAL PROVISIONS.—

(1) IN GENERAL.—Notwithstanding the limitation on the jurisdiction of the district courts of the United States in section 1346(a)(2) of title 28, United States Code, the United States District Court for the District of Columbia shall have jurisdiction of the

claims asserted in the Amended Complaint for purposes of the Settlement.

(2) CERTIFICATION OF TRUST ADMINISTRATION CLASS.—

(A) IN GENERAL.—Notwithstanding the requirements of the Federal Rules of Civil Procedure, the court in the Litigation may certify the Trust Administration Class.

(B) TREATMENT.—On certification under subparagraph (A), the Trust Administration Class shall be treated as a class certified under rule 23(b)(3) of the Federal Rules of Civil Procedure for purposes of the Settlement.

(e) TRUST LAND CONSOLIDATION.—

(1) TRUST LAND CONSOLIDATION FUND.—

(A) ESTABLISHMENT.—On final approval of the Settlement, there shall be established in the Treasury of the United States a fund, to be known as the "Trust Land Consolidation Fund".

(B) AVAILABILITY OF AMOUNTS.—Amounts in the Trust Land Consolidation Fund shall be made available to the Secretary during the 10-year period beginning on the date of final approval of the Settlement—

(i) to conduct the Land Consolidation Program; and

(ii) for other costs specified in the Settlement.

(C) DEPOSITS.—

(i) IN GENERAL.—On final approval of the Settlement, the Secretary of the Treasury shall deposit in the Trust Land Consolidation Fund \$1,900,000,000 out of the amounts appropriated to pay final judgments, awards, and compromise settlements under section 1304 of title 31, United States Code.

(ii) CONDITIONS MET.—The conditions described in section 1304 of title 31, United States Code, shall be deemed to be met for purposes of clause (i).

(D) TRANSFERS.—In a manner designed to encourage participation in the Land Consolidation Program, the Secretary may transfer, at the discretion of the Secretary, not more than \$60,000,000 of amounts in the Trust Land Consolidation Fund to the Indian Education Scholarship Holding Fund established under paragraph (3).

(2) OPERATION.—The Secretary shall consult with Indian tribes to identify fractional interests within the respective jurisdictions of the Indian tribes for purchase in a manner that is consistent with the priorities of the Secretary.

(3) INDIAN EDUCATION SCHOLARSHIP HOLDING FUND.—

(A) ESTABLISHMENT.—On final approval of the Settlement, there shall be established in the Treasury of the United States a fund, to be known as the "Indian Education Scholarship Holding Fund".

(B) AVAILABILITY.—Notwithstanding any other provision of law governing competition, public notification, or Federal procurement or assistance, amounts in the Indian Education Scholarship Holding Fund shall be made available, without further appropriation, to the Secretary to contribute to an Indian Education Scholarship Fund, as described in the Settlement, to provide scholarships for Native Americans.

(4) ACQUISITION OF TRUST OR RESTRICTED LAND.—The Secretary may acquire, at the discretion of the Secretary and in accordance with the Land Consolidation Program, any fractional interest in trust or restricted land.

(5) TREATMENT OF UNLOCATABLE PLAINTIFFS.—A Plaintiff, the whereabouts of whom are unknown and who, after reasonable efforts by the Secretary, cannot be located during the 5-year period beginning on the

date of final approval of the Settlement, shall be considered to have accepted an offer made pursuant to the Land Consolidation Program.

(f) TAXATION AND OTHER BENEFITS.—

(1) INTERNAL REVENUE CODE.—For purposes of the Internal Revenue Code of 1986, amounts received by an individual Indian as a lump sum or a periodic payment pursuant to the Settlement shall not be—

(A) included in gross income; or

(B) taken into consideration for purposes of applying any provision of the Internal Revenue Code that takes into account excludable income in computing adjusted gross income or modified adjusted gross income, including section 86 of that Code (relating to Social Security and tier 1 railroad retirement benefits).

(2) OTHER BENEFITS.—Notwithstanding any other provision of law, for purposes of determining initial eligibility, ongoing eligibility, or level of benefits under any Federal or federally assisted program, amounts received by an individual Indian as a lump sum or a periodic payment pursuant to the Settlement shall not be treated for any household member, during the 1-year period beginning on the date of receipt—

(A) as income for the month during which the amounts were received; or

(B) as a resource.

(g) INCENTIVE AWARDS AND AWARD OF ATTORNEYS' FEES, EXPENSES, AND COSTS UNDER SETTLEMENT AGREEMENT.—

(1) IN GENERAL.—Subject to paragraph (3), the court in the Litigation shall determine the amount to which the Plaintiffs in the Litigation may be entitled for incentive awards and for attorneys' fees, expenses, and costs—

(A) in accordance with controlling law, including, with respect to attorneys' fees, expenses, and costs, any applicable rule of law requiring counsel to produce contemporaneous time, expense, and cost records in support of a motion for such fees, expenses, and costs; and

(B) giving due consideration to the special status of Class Members (as defined in the Settlement) as beneficiaries of a federally created and administered trust.

(2) NOTICE OF AGREEMENT ON ATTORNEYS' FEES, EXPENSES, AND COSTS.—The description of the request of Class Counsel for an amount of attorneys' fees, expenses, and costs required under paragraph C.1.d. of the Settlement shall include a description of all material provisions of the Agreement on Attorneys' Fees, Expenses, and Costs.

(3) EFFECT ON AGREEMENT.—Nothing in this subsection limits or otherwise affects the enforceability of the Agreement on Attorneys' Fees, Expenses, and Costs.

(h) SELECTION OF QUALIFYING BANK.—The United States District Court for the District of Columbia, in exercising the discretion of the Court to approve the selection of any proposed Qualifying Bank (as defined in the Settlement) under paragraph A.1. of the Settlement, may consider any factors or circumstances regarding the proposed Qualifying Bank that the Court determines to be appropriate to protect the rights and interests of Class Members (as defined in the Settlement) in the amounts to be deposited in the Settlement Account (as defined in the Settlement).

(i) APPOINTEES TO SPECIAL BOARD OF TRUSTEES.—The 2 members of the special board of trustees to be selected by the Secretary under paragraph G.3. of the Settlement shall be selected only after consultation with, and after considering the names of

possible candidates timely offered by, federally recognized Indian tribes.

(j) TRUST ADMINISTRATION CLASS ADJUSTMENTS.—

(1) FUNDS.—

(A) IN GENERAL.—In addition to the amounts deposited pursuant to paragraph E.2. of the Settlement, on final approval, the Secretary of the Treasury shall deposit in the Trust Administration Adjustment Fund of the Settlement Account (as defined in the Settlement) \$100,000,000 out of the amounts appropriated to pay final judgments, awards, and compromise settlements under section 1304 of title 31, United States Code, to be allocated and paid by the Claims Administrator (as defined in the Settlement and pursuant to paragraph E.1.e of the Settlement) in accordance with this subsection.

(B) CONDITIONS MET.—The conditions described in section 1304 of title 31, United States Code, shall be deemed to be met for purposes of subparagraph (A).

(2) ADJUSTMENT.—

(A) IN GENERAL.—After the calculation of the pro rata share in Section E.4.b of the Settlement, the Trust Administration Adjustment Fund shall be used to increase the minimum payment to each Trust Administration Class Member whose pro rata share is—

(i) zero; or

(ii) greater than zero, but who would, after adjustment under this subparagraph, otherwise receive a smaller Stage 2 payment than those Trust Administration Class Members described in clause (i).

(B) RESULT.—The amounts in the Trust Administration Adjustment Fund shall be applied in such a manner as to ensure, to the extent practicable (as determined by the court in the Litigation), that each Trust Administration Class Member receiving amounts from the Trust Administration Adjustment Fund receives the same total payment under Stage 2 of the Settlement after making the adjustments required by this subsection.

(3) TIMING OF PAYMENTS.—The payments authorized by this subsection shall be included with the Stage 2 payments under paragraph E.4. of the Settlement.

(k) EFFECT OF ADJUSTMENT PROVISIONS.—Notwithstanding any provision of this section, in the event that a court determines that the application of subsection (j) is unfair to the Trust Administration Class—

(1) subsection (j) shall not go into effect; and

(2) on final approval of the Settlement, in addition to the amounts deposited into the Trust Land Consolidation Fund pursuant to subsection (e), the Secretary of the Treasury shall deposit in that Fund \$100,000,000 out of amounts appropriated to pay final judgments, awards, and compromise settlements under section 1304 of title 31, United States Code (the conditions of which section shall be deemed to be met for purposes of this paragraph) to be used by the Secretary in accordance with subsection (e).

TITLE II—FINAL SETTLEMENT OF CLAIMS FROM IN RE BLACK FARMERS DISCRIMINATION LITIGATION

SEC. 201. APPROPRIATION OF FUNDS FOR FINAL SETTLEMENT OF CLAIMS FROM IN RE BLACK FARMERS DISCRIMINATION LITIGATION.

(a) DEFINITIONS.—In this section:

(1) SETTLEMENT AGREEMENT.—The term “Settlement Agreement” means the settlement agreement dated February 18, 2010 (including any modifications agreed to by the parties and approved by the court under that

agreement) between certain plaintiffs, by and through their counsel, and the Secretary of Agriculture to resolve, fully and forever, the claims raised or that could have been raised in the cases consolidated in *In re Black Farmers Discrimination Litigation*, Misc. No. 08-mc-0511 (PLF), including Pigford claims asserted under section 14012 of the Food, Conservation, and Energy Act of 2008 (Public Law 110-246; 122 Stat. 2209).

(2) PIGFORD CLAIM.—The term “Pigford claim” has the meaning given that term in section 14012(a)(3) of the Food, Conservation, and Energy Act of 2008 (Public Law 110-246; 122 Stat. 2210).

(b) APPROPRIATION OF FUNDS.—There is appropriated to the Secretary of Agriculture \$1,150,000,000, to remain available until expended, to carry out the terms of the Settlement Agreement if the Settlement Agreement is approved by a court order that is or becomes final and nonappealable, and the court finds that the Settlement Agreement is modified to incorporate the additional terms contained in subsection (g). The funds appropriated by this subsection are in addition to the \$100,000,000 of funds of the Commodity Credit Corporation made available by section 14012(i) of the Food, Conservation, and Energy Act of 2008 (Public Law 110-246; 122 Stat. 2212) and shall be available for obligation only after those Commodity Credit Corporation funds are fully obligated. If the Settlement Agreement is not approved as provided in this subsection, the \$100,000,000 of funds of the Commodity Credit Corporation made available by section 14012(i) of the Food, Conservation, and Energy Act of 2008 shall be the sole funding available for Pigford claims.

(c) USE OF FUNDS.—The use of the funds appropriated by subsection (b) shall be subject to the express terms of the Settlement Agreement.

(d) TREATMENT OF REMAINING FUNDS.—If any of the funds appropriated by subsection (b) are not obligated and expended to carry out the Settlement Agreement, the Secretary of Agriculture shall return the unused funds to the Treasury and may not make the unused funds available for any purpose related to section 14012 of the Food, Conservation, and Energy Act of 2008, for any other settlement agreement executed in *In re Black Farmers Discrimination Litigation*, No. 08-511 (D.D.C.), or for any other purpose.

(e) RULES OF CONSTRUCTION.—Nothing in this section shall be construed as requiring the United States, any of its officers or agencies, or any other party to enter into the Settlement Agreement or any other settlement agreement. Nothing in this section shall be construed as creating the basis for a Pigford claim.

(f) CONFORMING AMENDMENTS.—Section 14012 of the Food, Conservation, and Energy Act of 2008 (Public Law 110-246; 122 Stat. 2209) is amended—

(1) in subsection (c)(1)—

(A) by striking “subsection (h)” and inserting “subsection (g)”; and

(B) by striking “subsection (i)” and inserting “subsection (h)”; and

(2) by striking subsection (e);

(3) in subsection (g), by striking “subsection (f)” and inserting “subsection (e)”; and

(4) in subsection (i)—

(A) by striking “(1) IN GENERAL.—Of the funds” and inserting “Of the funds”; and

(B) by striking paragraph (2); and

(C) by striking “subsection (g)” and inserting “subsection (f)”; and

(5) by striking subsection (j); and

(6) by redesignating subsections (f), (g), (h), (i), and (k) as subsections (e), (f), (g), (h), and (i), respectively.

(g) ADDITIONAL SETTLEMENT TERMS.—For the purposes of this section and funding for the Settlement Agreement, the following are additional terms:

(1) DEFINITIONS.—In this subsection:

(A) SETTLEMENT AGREEMENT.—The term “Settlement Agreement” means the settlement, including any modifications agreed to by the parties and approved by the court, between the Secretary of Agriculture and certain plaintiffs, by and through their counsel in litigation titled *Black Farmers Discrimination Litigation*, Misc. No. 08-mc-0511 (PLF).

(B) NEUTRAL ADJUDICATOR.—

(i) IN GENERAL.—The term “Neutral Adjudicator” means a Track A Neutral or a Track B Neutral as those terms are defined in the Settlement Agreement, who have been hired by Lead Class Counsel as that term is defined in the Settlement Agreement.

(ii) REQUIREMENT.—The Track A and B Neutrals called for in the Settlement Agreement shall be approved by the Secretary of the United States Department of Agriculture, the Attorney General, and the court.

(2) OATH.—Every Neutral Adjudicator shall take an oath administered by the court prior to hearing claims.

(3) ADDITIONAL DOCUMENTATION OR EVIDENCE.—Any Neutral Adjudicator may, during the course of hearing claims, require claimants to provide additional documentation and evidence if, in the Neutral Adjudicator's judgment, the additional documentation and evidence would be necessary or helpful in deciding the merits of the claim, or if the adjudicator suspects fraud regarding the claim.

(4) ATTORNEYS FEES, EXPENSES, AND COSTS.—

(A) IN GENERAL.—Subject to subparagraph (B) and the provisions of the Settlement Agreement regarding attorneys' fee caps and maximum and minimum percentages for awards of attorneys fees, the court shall make any determination as to the amount of attorneys' fees, expenses, and costs in accordance with controlling law, including, with respect to attorneys' fees, expenses, and costs, any applicable rule of law requiring counsel to produce contemporaneous time, expenses, and cost records in support of a motion for such fees, expenses, and costs.

(B) EFFECT ON AGREEMENT.—Nothing in this paragraph limits or otherwise affects the enforceability of provisions regarding attorneys' fees, expenses, and costs that may be contained in the Settlement Agreement.

(5) CERTIFICATION.—An attorney filing a claim on behalf of a claimant shall swear, under penalty of perjury, that: “to the best of the attorney's knowledge, information, and belief formed after an inquiry reasonable under the circumstances, the claim is supported by existing law and the factual contentions have evidentiary support”.

(6) DISTRIBUTION OF CLAIMS DETERMINATIONS AND SETTLEMENT FUNDS.—In order to ensure full transparency of the administration of claims under the Settlement Agreement, the Claims Administrator as that term is defined in the Settlement Agreement, shall provide to the Secretary of Agriculture, the Inspector General of the Department of Agriculture, the Attorney General, and Lead Class Counsel as that term is defined in the Settlement Agreement, all information regarding Distribution of Claims Determinations and Settlement Funds described in the Settlement Agreement.

(h) REPORTS.—

(1) GOVERNMENT ACCOUNTABILITY OFFICE.—

(A) IN GENERAL.—The Comptroller General of the United States shall evaluate the internal controls (including internal controls concerning fraud and abuse) created to carry out the terms of the Settlement Agreement, and report to the Congress at least 2 times throughout the duration of the claims adjudication process on the results of this evaluation.

(B) ACCESS TO INFORMATION.—Solely for purposes of conducting the evaluation under subparagraph (A), the Comptroller General shall have access, upon request, to the claims administrator, the claims adjudicators, and related officials, appointed in connection with the aforementioned settlement, and to any information and records generated, used, or received by them, including names and addresses.

(2) USDA INSPECTOR GENERAL.—

(A) PERFORMANCE AUDIT.—The Inspector General of the Department of Agriculture shall, within 180 days of the initial adjudication of claims, and subsequently as appropriate, perform a performance audit based on a statistical sampling of adjudicated claims.

(B) AUDIT RECIPIENTS.—The audits described in clause (i) shall be provided to Secretary of Agriculture and the Attorney General.

TITLE III—WHITE MOUNTAIN APACHE TRIBE WATER RIGHTS QUANTIFICATION

SEC. 301. SHORT TITLE.

This title may be cited as the “White Mountain Apache Tribe Water Rights Quantification Act of 2010”.

SEC. 302. PURPOSES.

The purposes of this title are—

(1) to authorize, ratify, and confirm the Agreement;

(2) to authorize and direct the Secretary to execute the Agreement and take any other action necessary to carry out all obligations of the Secretary under the Agreement in accordance with this title;

(3) to authorize the amounts necessary for the United States to meet the obligations of the United States under the Agreement and this title; and

(4) to permanently resolve certain damage claims and all water rights claims among—

(A) the Tribe and its members;

(B) the United States, acting as trustee for the Tribe and its members;

(C) the parties to the Agreement; and

(D) all other claimants seeking to determine the nature and extent of the water rights of the Tribe, its members, the United States, acting as trustee for the Tribe and its members, and other claimants in—

(i) the consolidated civil action in the Superior Court of the State of Arizona for the County of Maricopa styled *In re the General Adjudication of All Rights To Use Water In The Gila River System and Source*, W-1 (Salt), W-2 (Verde), W-3 (Upper Gila), W-4 (San Pedro); and

(ii) the civil action pending in the Superior Court of the State of Arizona for the County of Apache styled *In re the General Adjudication of All Rights To Use Water in the Little Colorado River System and Source* and numbered CIV-6417.

SEC. 303. DEFINITIONS.

In this title:

(1) AGREEMENT.—The term “Agreement” means—

(A) the WMAT Water Rights Quantification Agreement dated January 13, 2009; and

(B) any amendment or exhibit (including exhibit amendments) to that Agreement that are—

(i) made in accordance with this title; or

(ii) otherwise approved by the Secretary.

(2) BUREAU.—The term “Bureau” means the Bureau of Reclamation.

(3) CAP.—The term “CAP” means the reclamation project authorized and constructed by the United States in accordance with title III of the Colorado River Basin Project Act (43 U.S.C. 1521 et seq.).

(4) CAP CONTRACTOR.—The term “CAP contractor” means an individual or entity that has entered into a long-term contract (as that term is used in the repayment stipulation) with the United States for delivery of water through the CAP system.

(5) CAP FIXED OM&R CHARGE.—The term “CAP fixed OM&R charge” has the meaning given the term in the repayment stipulation.

(6) CAP M&I PRIORITY WATER.—The term “CAP M&I priority water” means the CAP water having a municipal and industrial delivery priority under the repayment contract.

(7) CAP SUBCONTRACTOR.—The term “CAP subcontractor” means an individual or entity that has entered into a long-term subcontract (as that term is used in the repayment stipulation) with the United States and the District for the delivery of water through the CAP system.

(8) CAP SYSTEM.—The term “CAP system” means—

(A) the Mark Wilmer Pumping Plant;

(B) the Hayden-Rhodes Aqueduct;

(C) the Fannin-McFarland Aqueduct;

(D) the Tucson Aqueduct;

(E) any pumping plant or appurtenant works of a feature described in any of subparagraphs (A) through (D); and

(F) any extension of, addition to, or replacement for a feature described in any of subparagraphs (A) through (E).

(9) CAP WATER.—The term “CAP water” means “Project Water” (as that term is defined in the repayment stipulation).

(10) CONTRACT.—The term “Contract” means—

(A) the proposed contract between the Tribe and the United States attached as exhibit 7.1 to the Agreement and numbered 08-XX-30-W0529; and

(B) any amendments to that contract.

(11) DISTRICT.—The term “District” means the Central Arizona Water Conservation District, a political subdivision of the State that is the contractor under the repayment contract.

(12) ENFORCEABILITY DATE.—The term “enforceability date” means the date described in section 309(d)(1).

(13) INDIAN TRIBE.—The term “Indian tribe” has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(14) INJURY TO WATER RIGHTS.—

(A) IN GENERAL.—The term “injury to water rights” means an interference with, diminution of, or deprivation of, a water right under Federal, State, or other law.

(B) INCLUSIONS.—The term “injury to water rights” includes—

(i) a change in the groundwater table; and

(ii) any effect of such a change.

(C) EXCLUSION.—The term “injury to water rights” does not include any injury to water quality.

(15) LOWER COLORADO RIVER BASIN DEVELOPMENT FUND.—The term “Lower Colorado River Basin Development Fund” means the fund established by section 403 of the Colorado River Basin Project Act (43 U.S.C. 1543).

(16) OFF-RESERVATION TRUST LAND.—The term “off-reservation trust land” means land—

(A) located outside the exterior boundaries of the reservation that is held in trust by the United States for the benefit of the Tribe as of the enforceability date; and

(B) depicted on the map attached to the Agreement as exhibit 2.57.

(17) OPERATING AGENCY.—The term “Operating Agency” means the 1 or more entities authorized to assume responsibility for the care, operation, maintenance, and replacement of the CAP system.

(18) REPAYMENT CONTRACT.—The term “repayment contract” means—

(A) the contract between the United States and the District for delivery of water and repayment of the costs of the CAP, numbered 14-06-W-245 (Amendment No. 1), and dated December 1, 1988; and

(B) any amendment to, or revision of, that contract.

(19) REPAYMENT STIPULATION.—The term “repayment stipulation” means the stipulated judgment and the stipulation for judgment (including any exhibits to those documents) entered on November 21, 2007, in the United States District Court for the District of Arizona in the consolidated civil action styled *Central Arizona Water Conservation District v. United States*, et al., and numbered CIV 95-625-TUC-WDB (EHC) and CIV 95-1720-PHX-EHC.

(20) RESERVATION.—

(A) IN GENERAL.—The term “reservation” means the land within the exterior boundary of the White Mountain Indian Reservation established by the Executive order dated November 9, 1871, as modified by subsequent Executive orders and Acts of Congress—

(i) known on the date of enactment of this Act as the “Fort Apache Reservation” pursuant to chapter 3 of the Act of June 7, 1897 (30 Stat. 62); and

(ii) generally depicted on the map attached to the Agreement as exhibit 2.81.

(B) NO EFFECT ON DISPUTE OR AS ADMISSION.—The depiction of the reservation described in subparagraph (A)(ii) shall not—

(i) be used to affect any dispute between the Tribe and the United States concerning the legal boundary of the reservation; or

(ii) constitute an admission by the Tribe with regard to any dispute between the Tribe and the United States concerning the legal boundary of the reservation.

(21) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(22) STATE.—The term “State” means the State of Arizona.

(23) TRIBAL CAP WATER.—The term “tribal CAP water” means the CAP water to which the Tribe is entitled pursuant to the Contract.

(24) TRIBAL WATER RIGHTS.—The term “tribal water rights” means the water rights of the Tribe described in paragraph 4.0 of the Agreement.

(25) TRIBE.—The term “Tribe” means the White Mountain Apache Tribe organized under section 16 of the Act of June 18, 1934 (commonly known as the “Indian Reorganization Act”) (25 U.S.C. 476).

(26) WATER RIGHT.—The term “water right” means any right in or to groundwater, surface water, or effluent under Federal, State, or other law.

(27) WMAT RURAL WATER SYSTEM.—The term “WMAT rural water system” means the municipal, rural, and industrial water diversion, storage, and delivery system described in section 307.

(28) YEAR.—The term “year” means a calendar year.

SEC. 304. APPROVAL OF AGREEMENT.

(a) APPROVAL.—

(1) IN GENERAL.—Except to the extent that any provision of the Agreement conflicts with a provision of this title, the Agreement is authorized, ratified, and confirmed.

(2) AMENDMENTS.—Any amendment to the Agreement is authorized, ratified, and confirmed, to the extent that such amendment is executed to make the Agreement consistent with this title.

(b) EXECUTION OF AGREEMENT.—

(1) IN GENERAL.—To the extent that the Agreement does not conflict with this title, the Secretary shall promptly—

(A) execute the Agreement, including all exhibits to the Agreement requiring the signature of the Secretary; and

(B) in accordance with the Agreement, execute any amendment to the Agreement, including any amendment to any exhibit to the Agreement requiring the signature of the Secretary, that is not inconsistent with this title; and

(2) DISCRETION OF THE SECRETARY.—The Secretary may execute any other amendment to the Agreement, including any amendment to any exhibit to the Agreement requiring the signature of the Secretary, that is not inconsistent with this title if the amendment does not require congressional approval pursuant to the Trade and Intercourse Act (25 U.S.C. 177) or other applicable Federal law (including regulations).

(c) NATIONAL ENVIRONMENTAL POLICY ACT.—

(1) ENVIRONMENTAL COMPLIANCE.—In implementing the Agreement and carrying out this title, the Secretary shall promptly comply with all applicable requirements of—

(A) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

(B) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

(C) all other applicable Federal environmental laws; and

(D) all regulations promulgated under the laws described in subparagraphs (A) through (C).

(2) EXECUTION OF AGREEMENT.—

(A) IN GENERAL.—Execution of the Agreement by the Secretary under this section shall not constitute a major Federal action under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(B) ENVIRONMENTAL COMPLIANCE.—The Secretary shall carry out all necessary environmental compliance activities required by Federal law in implementing the Agreement.

(3) LEAD AGENCY.—The Bureau shall serve as the lead agency with respect to ensuring environmental compliance associated with the WMAT rural water system.

SEC. 305. WATER RIGHTS.

(a) TREATMENT OF TRIBAL WATER RIGHTS.—The tribal water rights—

(1) shall be held in trust by the United States on behalf of the Tribe; and

(2) shall not be subject to forfeiture or abandonment.

(b) REALLOCATION.—

(1) IN GENERAL.—In accordance with this title and the Agreement, the Secretary shall reallocate to the Tribe, and offer to enter into a contract with the Tribe for the delivery in accordance with this section of—

(A) an entitlement to 23,782 acre-feet per year of CAP water that has a non-Indian agricultural delivery priority (as defined in the Contract) in accordance with section 104(a)(1)(A)(iii) of the Arizona Water Settlements Act (Public Law 108-451; 118 Stat. 3488), of which—

(i) 3,750 acre-feet per year shall be firmed by the United States for the benefit of the Tribe for the 100-year period beginning on

January 1, 2008, with priority equivalent to CAP M&I priority water, in accordance with section 105(b)(1)(B) of that Act (118 Stat. 3492); and

(ii) 3,750 acre-feet per year shall be firmed by the State for the benefit of the Tribe for the 100-year period beginning on January 1, 2008, with priority equivalent to CAP M&I priority water, in accordance with section 105(b)(2)(B) of that Act (118 Stat. 3492); and

(B) an entitlement to 1,218 acre-feet per year of the water—

(i) acquired by the Secretary through the permanent relinquishment of the Harquahala Valley Irrigation District CAP subcontract entitlement in accordance with the contract numbered 3-07-30-W0290 among the District, Harquahala Valley Irrigation District, and the United States; and

(ii) converted to CAP Indian Priority water (as defined in the Contract) pursuant to the Fort McDowell Indian Community Water Rights Settlement Act of 1990 (Public Law 101-628; 104 Stat. 4480).

(2) AUTHORITY OF TRIBE.—Subject to approval by the Secretary under section 306(a)(1), the Tribe shall have the sole authority to lease, distribute, exchange, or allocate the tribal CAP water described in paragraph (1).

(c) WATER SERVICE CAPITAL CHARGES.—The Tribe shall not be responsible for any water service capital charge for tribal CAP water.

(d) ALLOCATION AND REPAYMENT.—For the purpose of determining the allocation and repayment of costs of any stage of the CAP constructed after November 21, 2007, the costs associated with the delivery of water described in subsection (b), regardless of whether the water is delivered for use by the Tribe or in accordance with any assignment, exchange, lease, option to lease, or other agreement for the temporary disposition of water entered into by the Tribe, shall be—

(1) nonreimbursable; and

(2) excluded from the repayment obligation of the District.

(e) WATER CODE.—Not later than 18 months after the enforceability date, the Tribe shall enact a water code that—

(1) governs the tribal water rights; and

(2) includes, at a minimum—

(A) provisions requiring the measurement, calculation, and recording of all diversions and depletions of water on the reservation and on off-reservation trust land;

(B) terms of a water conservation plan, including objectives, conservation measures, and an implementation timeline;

(C) provisions requiring the approval of the Tribe for the severance and transfer of rights to the use of water from historically irrigated land identified in paragraph 11.3.2.1 of the Agreement to diversions and depletions on other non-historically irrigated land not located on the watershed of the same water source; and

(D) provisions requiring the authorization of the Tribe for all diversions of water on the reservation and on off-reservation trust land by any individual or entity other than the Tribe.

SEC. 306. CONTRACT.

(a) IN GENERAL.—The Secretary shall enter into the Contract, in accordance with the Agreement, to provide, among other things, that—

(1) the Tribe, on approval of the Secretary, may—

(A) enter into contracts or options to lease, contracts to exchange, or options to exchange tribal CAP water in Maricopa, Pinal, Pima, and Yavapai Counties in the State providing for the temporary delivery

to any individual or entity of any portion of the tribal CAP water, subject to the condition that—

(i) the term of the contract or option to lease shall not be longer than 100 years;

(ii) the contracts or options to exchange shall be for the term provided in the contract or option; and

(iii) a lease or option to lease providing for the temporary delivery of tribal CAP water shall require the lessee to pay to the Operating Agency all CAP fixed OM&R charges and all CAP pumping energy charges (as defined in the repayment stipulation) associated with the leased water; and

(B) renegotiate any lease at any time during the term of the lease, subject to the condition that the term of the renegotiated lease shall not exceed 100 years;

(2) no portion of the tribal CAP water may be permanently alienated;

(3)(A) the Tribe (and not the United States in any capacity) shall be entitled to all consideration due to the Tribe under any contract or option to lease or exchange tribal CAP water entered into by the Tribe; and

(B) the United States (in any capacity) has no trust or other obligation to monitor, administer, or account for, in any manner—

(i) any funds received by the Tribe as consideration under a contract or option to lease or exchange tribal CAP water; or

(ii) the expenditure of those funds;

(4)(A) all tribal CAP water shall be delivered through the CAP system; and

(B) if the delivery capacity of the CAP system is significantly reduced or anticipated to be significantly reduced for an extended period of time, the Tribe shall have the same CAP delivery rights as a CAP contractor or CAP subcontractor that is allowed to take delivery of water other than through the CAP system;

(5) the Tribe may use tribal CAP water on or off the reservation for any purpose;

(6) as authorized by subsection (f)(2)(A) of section 403 of the Colorado River Basin Project Act (43 U.S.C. 1543) and to the extent that funds are available in the Lower Colorado River Basin Development Fund established by subsection (a) of that section, the United States shall pay to the Operating Agency the CAP fixed OM&R charges associated with the delivery of tribal CAP water (except in the case of tribal CAP water leased by any individual or entity);

(7) the Secretary shall waive the right of the Secretary to capture all return flow from project exchange water flowing from the exterior boundary of the reservation; and

(8) no CAP water service capital charge shall be due or payable for the tribal CAP water, regardless of whether the water is delivered for use by the Tribe or pursuant to a contract or option to lease or exchange tribal CAP water entered into by the Tribe.

(b) REQUIREMENTS.—The Contract shall be—

(1) for permanent service (within the meaning of section 5 of the Boulder Canyon Project Act (43 U.S.C. 617d)); and

(2) without limit as to term.

(c) RATIFICATION.—

(1) IN GENERAL.—Except to the extent that any provision of the Contract conflicts with a provision of this title, the Contract is authorized, ratified, and confirmed.

(2) AMENDMENTS.—Any amendment to the Contract is authorized, ratified, and confirmed, to the extent that such amendment is executed to make the Contract consistent with this title.

(d) EXECUTION OF CONTRACT.—To the extent that the Contract does not conflict with this

title, the Secretary shall execute the Contract.

(e) **PAYMENT OF CHARGES.**—The Tribe, and any recipient of tribal CAP water through a contract or option to lease or exchange, shall not be obligated to pay a water service capital charge or any other charge, payment, or fee for CAP water, except as provided in an applicable lease or exchange agreement.

(f) **PROHIBITIONS.**—

(1) **USE OUTSIDE STATE.**—No tribal CAP water may be leased, exchanged, forborne, or otherwise transferred by the Tribe in any way for use directly or indirectly outside the State.

(2) **USE OFF RESERVATION.**—Except as authorized by this section and paragraph 4.7 of the Agreement, no tribal water rights under this title may be sold, leased, transferred, or used outside the boundaries of the reservation or off-reservation trust land other than pursuant to an exchange.

(3) **AGREEMENTS WITH ARIZONA WATER BANKING AUTHORITY.**—Nothing in this title or the Agreement limits the right of the Tribe to enter into an agreement with the Arizona Water Banking Authority (or any successor entity) established by section 45-2421 of the Arizona Revised Statutes in accordance with State law.

(g) **LEASES.**—

(1) **IN GENERAL.**—To the extent that the leases of tribal CAP Water by the Tribe to the District and to any of the cities in the State, attached as exhibits to the Agreement, are not in conflict with the provisions of this title—

(A) those leases are authorized, ratified, and confirmed; and

(B) the Secretary shall execute the leases.

(2) **AMENDMENTS.**—To the extent that amendments are executed to make the leases described in paragraph (1) consistent with this title, those amendments are authorized, ratified, and confirmed.

SEC. 307. AUTHORIZATION OF WMAT RURAL WATER SYSTEM.

(a) **IN GENERAL.**—Consistent with subsections (a) and (e) of section 312 and subsection (h) of this section, the Secretary, acting through the Bureau, shall plan, design, and construct the WMAT rural water system to divert, store, and distribute water from the North Fork of the White River to the Tribe that shall consist of—

(1) a dam and storage reservoir, pumping plant, and treatment facilities located along the North Fork of the White River near the community of Whiteriver;

(2) a distribution system consisting of pipelines extending from the treatment facilities to existing water distribution systems serving the communities of Whiteriver, Fort Apache, Canyon Day, Cedar Creek, Carrizo, and Cibecue;

(3) connections to existing distribution facilities for the communities described in paragraph (2), but not including any upgrades of, or improvements to, existing or future public water systems for the communities described in paragraph (2) that may be necessary to accommodate increased demand and flow rates (and any associated changes in water quality);

(4) connections to additional communities along the pipeline, provided that the additional connections may be added to the distribution system described in paragraph (2) at the expense of the Tribe;

(5) appurtenant buildings and access roads;

(6) electrical power transmission and distribution facilities necessary for operation of the project; and

(7) any other project components that the Secretary, in consultation with the Tribe, determines to be necessary.

(b) **MODIFICATIONS.**—The Secretary and the Tribe—

(1) may modify the components of the WMAT rural water system described in subsection (a) by mutual agreement; and

(2) shall make all modifications required under subsection (c)(2).

(c) **FINAL PROJECT DESIGN.**—

(1) **IN GENERAL.**—The Secretary shall issue a final project design of the WMAT rural water system, including the dam, pumping plants, pipeline, and treatment plant, that is generally consistent with the project extension report dated February 2007 after the completion of—

(A) any appropriate environmental compliance activity; and

(B) the review process described in paragraph (2).

(2) **REVIEW.**—

(A) **IN GENERAL.**—The Secretary shall review the proposed design of the WMAT rural water system and perform value engineering analyses.

(B) **RESULTS.**—Taking into consideration the review under subparagraph (A), the Secretary, in consultation with the Tribe, shall require appropriate changes to the design, so that the final design—

(i) meets Bureau of Reclamation design standards;

(ii) to the maximum extent practicable, incorporates any changes that would improve the cost-effectiveness of the delivery of water through the WMAT rural water system; and

(iii) may be constructed for the amounts made available under section 312.

(d) **CONVEYANCE OF TITLE.**—

(1) **IN GENERAL.**—Title to the WMAT rural water system shall be held by the United States until title to the WMAT rural water system is conveyed by the Secretary to the Tribe pursuant to paragraph (2).

(2) **CONVEYANCE TO TRIBE.**—The Secretary shall convey to the Tribe title to the WMAT rural water system not later than 30 days after the date on which the Secretary publishes in the Federal Register a statement of findings that—

(A) the operating criteria, standing operating procedures, emergency action plan, and first filling and monitoring criteria of the designers have been established and are in place;

(B) the WMAT rural water system has operated under the standing operating procedures of the designers, with the participation of the Tribe, for a period of 3 years;

(C) the Secretary has provided the Tribe with technical assistance on the manner by which to operate and maintain the WMAT rural water system;

(D) the funds made available under section 312(b)(3)(B) have been deposited in the WMAT Maintenance Fund; and

(E) the WMAT rural water system—

(i) is substantially complete, as determined by the Secretary; and

(ii) satisfies the requirement that—

(I) the infrastructure constructed is capable of storing, diverting, treating, transmitting, and distributing a supply of water as set forth in the final project design described in subsection (c); and

(II) the Secretary has consulted with the Tribe regarding the proposed finding that the WMAT rural water system is substantially complete.

(e) **ALIENATION AND TAXATION.**—

(1) **IN GENERAL.**—Conveyance of title to the Tribe pursuant to subsection (d) does not

waive or alter any applicable Federal law (including regulations) prohibiting alienation or taxation of the WMAT rural water system or the underlying reservation land.

(2) **ALIENATION OF WMAT RURAL WATER SYSTEM.**—The WMAT rural water system, including the components of the WMAT rural water system, shall not be alienated, encumbered, or conveyed in any manner by the Tribe, unless a reconveyance is authorized by an Act of Congress enacted after the date of enactment of this Act.

(f) **OPERATION AND MAINTENANCE.**—

(1) **IN GENERAL.**—Consistent with subsections (d) and (e) of section 312, the Secretary, acting through the Bureau and in cooperation with the Tribe, shall operate, maintain, and replace the WMAT rural water system until the date on which title to the WMAT rural water system is transferred to the Tribe pursuant to subsection (d)(2).

(2) **LIMITATION.**—

(A) **IN GENERAL.**—Beginning on the date on which title to the WMAT rural water system is transferred to the Tribe pursuant to subsection (d)(2), the United States shall have no obligation to pay for the operation, maintenance, or replacement costs of the WMAT rural water system.

(B) **LIMITATION ON LIABILITY.**—Effective on the date on which the Secretary publishes a statement of findings in the Federal Register pursuant to subsection (d)(2), the United States shall not be held liable by any court for damages arising out of any act, omission, or occurrence relating to the land or facilities conveyed, other than damages caused by any intentional act or act of negligence committed by the United States, or by employees or agents of the United States, prior to the date on which the Secretary publishes a statement of findings in the Federal Register pursuant to subsection (d)(2).

(g) **RIGHT TO REVIEW.**—

(1) **IN GENERAL.**—The statement of findings published by the Secretary pursuant to subsection (d)(2) shall be considered to be a final agency action subject to judicial review under sections 701 through 706 of title 5, United States Code.

(2) **EFFECT OF TITLE.**—Nothing in this title gives the Tribe or any other party the right to judicial review of the determination by the Secretary under subsection (d) except under subchapter II of chapter 5, and chapter 7, of title 5, United States Code (commonly known as the “Administrative Procedure Act”).

(h) **APPLICABILITY OF ISDEAA.**—

(1) **AGREEMENT FOR SPECIFIC ACTIVITIES.**—On receipt of a request of the Tribe, and in accordance with the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.), the Secretary shall enter into 1 or more agreements with the Tribe to carry out the activities authorized by this section.

(2) **CONTRACTS.**—Any contract entered into pursuant to the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) for the purpose of carrying out any provision of this title shall incorporate such provisions regarding periodic payment of funds, timing for use of funds, transparency, oversight, reporting, and accountability as the Secretary determines to be necessary (at the sole discretion of the Secretary) to ensure appropriate stewardship of Federal funds.

(i) **FINAL DESIGNS; PROJECT CONSTRUCTION.**—

(1) **FINAL DESIGNS.**—All designs for the WMAT rural water system shall—

(A) conform to Bureau design standards; and

(B) be subject to review and approval by the Secretary.

(2) **PROJECT CONSTRUCTION.**—Each project component of the WMAT rural water system shall be constructed pursuant to designs and specifications approved by the Secretary, and all construction work shall be subject to inspection and approval by the Secretary.

(j) **CONDITION.**—As a condition of construction of the facilities authorized by this section, the Tribe shall provide, at no cost to the Secretary, all land or interests in land that the Secretary identifies as necessary for the construction, operation, and maintenance of those facilities.

SEC. 308. SATISFACTION OF CLAIMS.

(a) **IN GENERAL.**—Except as set forth in the Agreement, the benefits realized by the Tribe and its members under this title shall be in full satisfaction of all claims of the Tribe, its members, and the United States, acting as trustee for the benefit of the Tribe and its members, for water rights and injury to water rights under Federal, State, or other law with respect to the reservation and off-reservation trust land.

(b) **USES OF WATER.**—All uses of water on land outside of the reservation, if and when that land is subsequently and finally determined to be part of the reservation through resolution of any dispute between the Tribe and the United States over the location of the reservation boundary, and any fee land within the reservation placed into trust and made part of the reservation, shall be subject to the maximum annual diversion amounts and the maximum annual depletion amounts specified in the Agreement.

(c) **NO RECOGNITION OF WATER RIGHTS.**—Notwithstanding subsection (a), nothing in this title recognizes or establishes any right of a member of the Tribe to water on the reservation.

SEC. 309. WAIVERS AND RELEASES OF CLAIMS.

(a) **IN GENERAL.**—

(1) **CLAIMS AGAINST THE STATE AND OTHERS.**—Except for the specifically retained claims described in subsection (b)(1), the Tribe, on behalf of itself and its members, and the United States, acting in its capacity as trustee for the Tribe and its members, as part of the performance of the respective obligations of the United States and the Tribe under the Agreement, are authorized to execute a waiver and release of any claims against the State (or any agency or political subdivision of the State), or any other person, entity, corporation, or municipal corporation under Federal, State, or other law for all—

(A)(i) past, present, and future claims for water rights for the reservation and off-reservation trust land arising from time immemorial and, thereafter, forever; and

(ii) past, present, and future claims for water rights arising from time immemorial and, thereafter, forever, that are based on aboriginal occupancy of land by the Tribe, its members, or their predecessors;

(B)(i) past and present claims for injury to water rights for the reservation and off-reservation trust land arising from time immemorial through the enforceability date;

(ii) past, present, and future claims for injury to water rights arising from time immemorial and, thereafter, forever, that are based on aboriginal occupancy of land by the Tribe, its members, or their predecessors; and

(iii) claims for injury to water rights arising after the enforceability date for the reservation and off-reservation trust land resulting from off-reservation diversion or use of water in a manner that is not in violation of the Agreement or State law; and

(C) past, present, and future claims arising out of, or relating in any manner to, the negotiation, execution, or adoption of the Agreement, an applicable settlement judgement or decree, or this title.

(2) **CLAIMS AGAINST TRIBE.**—Except for the specifically retained claims described in subsection (b)(3), the United States, in all capacities (except as trustee for an Indian tribe other than the Tribe), as part of the performance of its obligations under the Agreement, is authorized to execute a waiver and release of any and all claims against the Tribe, its members, or any agency, official, or employee of the Tribe, under Federal, State, or any other law for all—

(A) past and present claims for injury to water rights resulting from the diversion or use of water on the reservation and on off-reservation trust land arising from time immemorial through the enforceability date;

(B) claims for injury to water rights arising after the enforceability date resulting from the diversion or use of water on the reservation and on off-reservation trust land in a manner that is not in violation of the Agreement; and

(C) past, present, and future claims arising out of or related in any manner to the negotiation, execution, or adoption of the Agreement, an applicable settlement judgement or decree, or this title.

(3) **CLAIMS AGAINST UNITED STATES.**—Except for the specifically retained claims described in subsection (b)(2), the Tribe, on behalf of itself and its members, as part of the performance of the obligations of the Tribe under the Agreement, is authorized to execute a waiver and release of any claim against the United States, including agencies, officials, or employees of the United States (except in the capacity of the United States as trustee for other Indian tribes), under Federal, State, or other law for any and all—

(A)(i) past, present, and future claims for water rights for the reservation and off-reservation trust land arising from time immemorial and, thereafter, forever; and

(ii) past, present, and future claims for water rights arising from time immemorial and, thereafter, forever that are based on aboriginal occupancy of land by the Tribe, its members, or their predecessors;

(B)(i) past and present claims relating in any manner to damages, losses, or injuries to water, water rights, land, or other resources due to loss of water or water rights (including damages, losses, or injuries to hunting, fishing, gathering, or cultural rights due to loss of water or water rights, claims relating to interference with, diversion, or taking of water, or claims relating to failure to protect, acquire, or develop water, water rights, or water infrastructure) within the reservation and off-reservation trust land that first accrued at any time prior to the enforceability date;

(ii) past, present, and future claims for injury to water rights arising from time immemorial and, thereafter, forever that are based on aboriginal occupancy of land by the Tribe, its members, or their predecessors; and

(iii) claims for injury to water rights arising after the enforceability date for the reservation and off-reservation trust land resulting from the off-reservation diversion or use of water in a manner that is not in violation of the Agreement or applicable law;

(C) past, present, and future claims arising out of, or relating in any manner to, the negotiation, execution, or adoption of the Agreement, an applicable settlement judgement or decree, or this title;

(D) past and present claims relating in any manner to pending litigation of claims relating to the water rights of the Tribe for the reservation and off-reservation trust land;

(E) past and present claims relating to the operation, maintenance, and replacement of existing irrigation systems on the reservation constructed prior to the enforceability date that first accrued at any time prior to the enforceability date, which waiver shall only become effective on the full appropriation and payment to the Tribe of \$4,950,000 of the amounts made available under section 312(b)(2)(B);

(F) any claims relating to operation, maintenance, and replacement of the WMAT rural water system, which waiver shall only become effective on the date on which funds are made available under section 312(b)(3)(B) and deposited in the WMAT Maintenance Fund;

(G) past and present breach of trust and negligence claims for damage to the land and natural resources of the Tribe caused by riparian and other vegetative manipulation by the United States for the purpose of increasing water runoff from the reservation that first accrued at any time prior to the enforceability date; and

(H) past and present claims for trespass, use, and occupancy of the reservation in, on, and along the Black River that first accrued at any time prior to the enforceability date.

(4) **EFFECT ON BOUNDARY CLAIMS.**—Nothing in this title expands, diminishes, or impacts any claims the Tribe may assert, or any defense the United States may assert, concerning title to land outside the most current survey, as of the date of enactment of this Act, of the northern boundary of the reservation.

(b) **RESERVATION OF RIGHTS AND RETENTION OF CLAIMS.**—

(1) **RESERVATION OF RIGHTS AND RETENTION OF CLAIMS BY TRIBE AND UNITED STATES.**—

(A) **IN GENERAL.**—Notwithstanding the waiver and release of claims authorized under subsection (a)(1), the Tribe, on behalf of itself and its members, and the United States, acting as trustee for the Tribe and its members, shall retain any right—

(i) subject to subparagraph 16.9 of the Agreement, to assert claims for injuries to, and seek enforcement of, the rights of the Tribe and its members under the Agreement or this title in any Federal or State court of competent jurisdiction;

(ii) to assert claims for injuries to, and seek enforcement of, the rights of the Tribe under the judgment and decree entered by the court in the Gila River adjudication proceedings;

(iii) to assert claims for injuries to, and seek enforcement of, the rights of the Tribe under the judgment and decree entered by the court in the Little Colorado River adjudication proceedings;

(iv) to object to any claims by or for any other Indian tribe, Indian community or nation, or dependent Indian community, or the United States on behalf of such a tribe, community, or nation;

(v) to participate in the Gila River adjudication proceedings and the Little Colorado River adjudication proceedings to the extent provided in subparagraph 14.1 of the Agreement;

(vi) to assert any claims arising after the enforceability date for injury to water rights not specifically waived under this section;

(vii) to assert any past, present, or future claim for injury to water rights against any other Indian tribe, Indian community or nation, dependent Indian community, allottee,

or the United States on behalf of such a tribe, community, nation, or allottee;

(viii) to assert any past, present, or future claim for trespass, use, and occupancy of the reservation in, on, or along the Black River against Freeport-McMoRan Copper & Gold, Inc., Phelps Dodge Corporation, or Phelps Dodge Morenci, Inc. (or a predecessor or successor of those entities), including all subsidiaries and affiliates of those entities; and

(ix) to assert claims arising after the enforceability date for injury to water rights resulting from the pumping of water from land located within national forest land as of the date of the Agreement in the south $\frac{1}{2}$ of T. 9 N., R. 24 E., the south $\frac{1}{2}$ of T. 9 N., R. 25 E., the north $\frac{1}{2}$ of T. 8 N., R. 24 E., or the north $\frac{1}{2}$ of T. 8 N., R. 25 E., if water from the land is used on the land or is transported off the land for municipal, commercial, or industrial use.

(B) AGREEMENT.—On terms acceptable to the Tribe and the United States, the Tribe and the United States are authorized to enter into an agreement with Freeport-McMoRan Copper & Gold, Inc., Phelps Dodge Corporation, or Phelps Dodge Morenci, Inc. (or a predecessor or successor of those entities), including all subsidiaries and affiliates of those entities, to resolve the claims of the Tribe relating to the trespass, use, and occupancy of the reservation in, on, and along the Black River.

(2) RESERVATION OF RIGHTS AND RETENTION OF CLAIMS BY TRIBE AGAINST UNITED STATES.—Notwithstanding the waiver and release of claims authorized under subsection (a)(3), the Tribe, on behalf of itself and its members, shall retain any right—

(A) subject to subparagraph 16.9 of the Agreement, to assert claims for injuries to, and seek enforcement of, the rights of the Tribe and its members under the Agreement or this title, in any Federal or State court of competent jurisdiction;

(B) to assert claims for injuries to, and seek enforcement of, the rights of the Tribe and members under the judgment and decree entered by the court in the Gila River adjudication proceedings;

(C) to assert claims for injuries to, and seek enforcement of, the rights of the Tribe and members under the judgment and decree entered by the court in the Little Colorado River adjudication proceedings;

(D) to object to any claims by or for any other Indian tribe, Indian community or nation, or dependent Indian community, or the United States on behalf of such a tribe, community, or nation;

(E) to assert past, present, or future claims for injury to water rights or any other claims other than a claim to water rights, against any other Indian tribe, Indian community or nation, or dependent Indian community, or the United States on behalf of such a tribe, community, or nation;

(F) to assert claims arising after the enforceability date for injury to water rights resulting from the pumping of water from land located within national forest land as of the date of the Agreement in the south $\frac{1}{2}$ of T. 9 N., R. 24 E., the south $\frac{1}{2}$ of T. 9 N., R. 25 E., the north $\frac{1}{2}$ of T. 8 N., R. 24 E., or the north $\frac{1}{2}$ of T. 8 N., R. 25 E., if water from that land is used on the land or is transported off the land for municipal, commercial, or industrial use;

(G) to assert any claims arising after the enforceability date for injury to water rights not specifically waived under this section;

(H) to seek remedies and to assert any other claims not specifically waived under this section; and

(I) to assert any claim arising after the enforceability date for a future taking by the United States of reservation land, off-reservation trust land, or any property rights appurtenant to that land, including any water rights set forth in paragraph 4.0 of the Agreement.

(3) RESERVATION OF RIGHTS AND RETENTION OF CLAIMS BY UNITED STATES.—Notwithstanding the waiver and release of claims authorized under subsection (a)(2), the United States shall retain any right to assert any claim not specifically waived in that subsection.

(C) EFFECTIVENESS OF WAIVER AND RELEASES.—Except as otherwise specifically provided in subparagraphs (E) and (F) of subsection (a)(3), the waivers and releases under subsection (a) shall become effective on the enforceability date.

(d) ENFORCEABILITY DATE.—

(1) IN GENERAL.—This section takes effect on the date on which the Secretary publishes in the Federal Register a statement of findings that—

(A)(i) to the extent that the Agreement conflicts with this title, the Agreement has been revised through an amendment to eliminate the conflict; and

(ii) the Agreement, as so revised, has been executed by the Secretary, the Tribe, and the Governor of the State;

(B) the Secretary has fulfilled the requirements of sections 305 and 306;

(C) the amount made available under section 312(a) has been deposited in the White Mountain Apache Tribe Water Rights Settlement Subaccount;

(D) the State funds described in subparagraph 13.3 of the Agreement have been deposited in the White Mountain Apache Tribe Water Rights Settlement Subaccount;

(E) the Secretary has issued a record of decision approving the construction of the WMAT rural water system in a configuration substantially similar to that described in section 307;

(F) the judgments and decrees substantially in the form of those attached to the Agreement as exhibits 12.9.6.1 and 12.9.6.2 have been approved by the respective trial courts; and

(G) the waivers and releases authorized and set forth in subsection (a) have been executed by the Tribe and the Secretary.

(2) FAILURE OF ENFORCEABILITY DATE TO OCCUR.—If the Secretary does not publish a statement of findings under paragraph (1) by April 30, 2021—

(A) this title is repealed effective May 1, 2021, and any activity by the Secretary to carry out this title shall cease;

(B) any amounts made available under section 312 shall immediately revert to the general fund of the Treasury;

(C) any other amounts deposited in the White Mountain Apache Tribe Water Rights Settlement Subaccount (including any amounts paid by the State in accordance with the Agreement), together with any interest accrued on those amounts, shall immediately be returned to the respective sources of those funds; and

(D) the Tribe and its members, and the United States, acting as trustee for the Tribe and its members, shall retain the right to assert past, present, and future water rights claims and claims for injury to water rights for the reservation and off-reservation trust land.

(3) NO ADDITIONAL RIGHTS TO WATER.—Beginning on the enforceability date, all land held by the United States in trust for the Tribe and its members shall have no rights

to water other than those specifically quantified for the Tribe and the United States, acting as trustee for the Tribe and its members, for the reservation and off-reservation trust land pursuant to paragraph 4.0 of the Agreement.

(e) UNITED STATES ENFORCEMENT AUTHORITY.—Nothing in this title or the Agreement affects any right of the United States to take any action, including environmental actions, under any laws (including regulations and the common law) relating to human health, safety, or the environment.

(f) NO EFFECT ON WATER RIGHTS.—Except as provided in paragraphs (1)(A)(ii), (1)(B)(ii), (3)(A)(ii), and (3)(B)(ii) of subsection (a), nothing in this title affects any rights to water of the Tribe, its members, or the United States, acting as trustee for the Tribe and its members, for land outside the boundaries of the reservation or the off-reservation trust land.

(g) ENTITLEMENTS.—Any entitlement to water of the Tribe, its members, or the United States, acting as trustee for the Tribe and its members, relating to the reservation or off-reservation trust land shall be satisfied from the water resources granted, quantified, confirmed, or recognized with respect to the Tribe, its members, and the United States by the Agreement and this title.

(h) OBJECTION PROHIBITED.—Except as provided in paragraphs (1)(A)(ix) and (2)(F) of subsection (b), the Tribe and the United States, acting as trustee for the Tribe shall not—

(1) object to the use of any well located outside the boundaries of the reservation or the off-reservation trust land in existence on the enforceability date; or

(2) object to, dispute, or challenge after the enforceability date the drilling of any well or the withdrawal and use of water from any well in the Little Colorado River adjudication proceedings, the Gila River adjudication proceedings, or any other judicial or administrative proceeding.

SEC. 310. WHITE MOUNTAIN APACHE TRIBE WATER RIGHTS SETTLEMENT SUBACCOUNT.

(a) ESTABLISHMENT.—There is established in the Lower Colorado River Basin Development Fund a subaccount to be known as the “White Mountain Apache Tribe Water Rights Settlement Subaccount”, consisting of—

(1) the amounts deposited in the subaccount pursuant to section 312(a); and

(2) such other amounts as are available, including the amounts provided in subparagraph 13.3 of the Agreement.

(b) USE OF FUNDS.—

(1) IN GENERAL.—Subject to paragraph (2), the Secretary shall use amounts from the White Mountain Apache Tribe Water Rights Settlement Subaccount for the planning, design, and construction of the WMAT rural water system, in accordance with section 307(a).

(2) REQUIREMENTS.—In carrying out the activities described in paragraph (1), the Secretary shall use such sums as are necessary from the White Mountain Apache Tribe Water Rights Settlement Subaccount—

(A) to provide the Bureau with amounts sufficient to carry out oversight of the planning, design, and construction of the WMAT rural water system;

(B) to repay to the Treasury (or the United States) any outstanding balance on the loan authorized by the White Mountain Apache Tribe Rural Water System Loan Authorization Act (Public Law 110-390; 122 Stat. 4191), after which repayment, the Tribe shall have no further liability for the balance on that loan; and

(C) to carry out all required environmental compliance activities associated with the planning, design, and construction of the WMAT rural water system.

(c) ISDEAA CONTRACT.—

(1) IN GENERAL.—If the Tribe so requests, the planning, design, and construction of the WMAT rural water system shall be carried out pursuant to the terms of an agreement or agreements entered into under section 307(h).

(2) ENFORCEMENT.—The Secretary may pursue any judicial remedies and carry out any administrative actions that are necessary to enforce an agreement described in paragraph (1) to ensure that amounts in the White Mountain Apache Tribe Water Rights Settlement Subaccount are used in accordance with this section.

(d) PROHIBITION ON PER CAPITA DISTRIBUTIONS.—No amount of the principal, or the interest or income accruing on the principal, of the White Mountain Apache Tribe Water Rights Settlement Subaccount shall be distributed to any member of the Tribe on a per capita basis.

(e) AVAILABILITY OF FUNDS.—

(1) IN GENERAL.—Amounts in the White Mountain Apache Tribe Water Rights Settlement Subaccount shall not be available for expenditure by the Secretary until the enforceability date.

(2) INVESTMENT.—The Secretary shall invest the amounts in the White Mountain Apache Tribe Water Rights Settlement Subaccount in accordance with section 403(f)(4) of the Colorado River Basin Project Act (43 U.S.C. 1543(f)(4)).

(3) USE OF INTEREST.—The interest accrued on amounts invested under paragraph (2) shall not be available for expenditure or withdrawal until the enforceability date.

SEC. 311. MISCELLANEOUS PROVISIONS.

(a) LIMITED WAIVER OF SOVEREIGN IMMUNITY.—

(1) IN GENERAL.—In the case of a civil action described in paragraph (2)—

(A) the United States or the Tribe, or both, may be joined in the civil action; and

(B) any claim by the United States or the Tribe to sovereign immunity from the civil action is waived for the sole purpose of resolving any issue regarding the interpretation or enforcement of this title or the Agreement.

(2) DESCRIPTION OF CIVIL ACTION.—A civil action referred to in paragraph (1) is a civil action filed—

(A) by any party to the Agreement or signatory to an exhibit to the Agreement in a United States or State court that—

(i) relates solely and directly to the interpretation or enforcement of this title or the Agreement; and

(ii) names as a party the United States or the Tribe; or

(B) by a landowner or water user in the Gila River basin or Little Colorado River basin in the State that—

(i) relates solely and directly to the interpretation or enforcement of section 309 of this title and paragraph 12.0 of the Agreement; and

(ii) names as a party the United States or the Tribe.

(b) EFFECT OF TITLE.—Nothing in this title quantifies or otherwise affects any water right or claim or entitlement to water of any Indian tribe, band, or community other than the Tribe.

(c) LIMITATION ON LIABILITY OF UNITED STATES.—

(1) IN GENERAL.—The United States shall have no trust or other obligation—

(A) to monitor, administer, or account for, in any manner, any amount paid to the Tribe by any party to the Agreement other than the United States; or

(B) to review or approve the expenditure of those funds.

(2) INDEMNIFICATION.—The Tribe shall indemnify the United States, and hold the United States harmless, with respect to any claim (including claims for takings or breach of trust) arising out of the receipt or expenditure of funds described in paragraph (1)(A).

(d) APPLICABILITY OF RECLAMATION REFORM ACT.—The Reclamation Reform Act of 1982 (43 U.S.C. 390aa et seq.) and any other acreage limitation or full-cost pricing provision under Federal law shall not apply to any individual, entity, or land solely on the basis of—

(1) receipt of any benefit under this title;

(2) the execution or performance of the Agreement; or

(3) the use, storage, delivery, lease, or exchange of CAP water.

(e) SECRETARIAL POWER SITES.—The portions of the following named secretarial power site reserves that are located on the Fort Apache Indian Reservation or the San Carlos Apache Reservation, as applicable, shall be transferred and restored into the name of the Tribe or the San Carlos Apache Tribe, respectively:

(1) Lower Black River (T. 3 N., R. 26 E.; T. 3 N., R. 27 E.).

(2) Black River Pumps (T. 2 N., R. 25 E.; T. 2 N., R. 26 E.; T. 3 N., R. 26 E.).

(3) Carrizo (T. 4 N., R. 20 E.; T. 4 N., R. 21 E.; T. 4½ N., R. 19 E.; T. 4½ N., R. 20 E.; T. 4½ N., R. 21 E.; T. 5 N., R. 19 E.).

(4) Knob (T. 5 N., R. 18 E.; T. 5 N., R. 19 E.).

(5) Walnut Canyon (T. 5 N., R. 17 E.; T. 5 N., R. 18 E.).

(6) Gleason Flat (T. 4½ N., R. 16 E.; T. 5 N., R. 16 E.).

(f) NO EFFECT ON FUTURE ALLOCATIONS.—Water received under a lease or exchange of tribal CAP water under this title shall not affect any future allocation or reallocation of CAP water by the Secretary.

(g) AFTER-ACQUIRED TRUST LAND.—

(1) REQUIREMENT OF ACT OF CONGRESS.—

(A) LEGAL TITLE.—Subject to subparagraph (B), after the enforceability date, if the Tribe seeks to have legal title to additional land in the State located outside the exterior boundaries of the reservation taken into trust by the United States for the benefit of the Tribe, the Tribe may do so only pursuant to an Act of Congress specifically authorizing the transfer for the benefit of the Tribe.

(B) EXCEPTIONS.—Subparagraph (A) shall not apply to—

(i) the restoration of land to the reservation subsequently and finally determined to be part of the reservation through resolution of any dispute between the Tribe and the United States over the location of the reservation boundary, unless required by Federal law; or

(ii) off-reservation trust land acquired prior to January 1, 2008.

(2) WATER RIGHTS.—

(A) IN GENERAL.—After-acquired trust land that is located outside the reservation shall not include federally reserved rights to surface water or groundwater.

(B) RESTORED LAND.—Land that is restored to the reservation as the result of the resolution of any reservation boundary dispute between the Tribe and the United States, or any fee simple land within the reservation that is placed into trust, shall have water rights pursuant to section 308(b).

(3) ACCEPTANCE OF LAND IN TRUST STATUS.—

(A) IN GENERAL.—If the Tribe acquires legal fee title to land that is located within the exterior boundaries of the reservation, the Secretary shall accept the land in trust status for the benefit of the Tribe in accordance with applicable Federal law (including regulations) for such real estate acquisitions.

(B) RESERVATION STATUS.—Land held in trust by the Secretary under subparagraph (A), or restored to the reservation as a result of resolution of a boundary dispute between the Tribe and the United States, shall be deemed to be part of the reservation.

(h) CONFORMING AMENDMENT.—Section 3(b)(2) of the White Mountain Apache Tribe Rural Water System Loan Authorization Act (Public Law 110-390; 122 Stat. 4191) is amended by striking “January 1, 2013” and inserting “May 1, 2021”.

SEC. 312. FUNDING.

(a) RURAL WATER SYSTEM.—

(1) MANDATORY APPROPRIATIONS.—Subject to paragraph (2), out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary to carry out the planning, engineering, design, environmental compliance, and construction of the WMAT rural water system \$126,193,000.

(2) INCLUSIONS.—The amount made available under paragraph (1) shall include such sums as are necessary, but not to exceed 4 percent of the construction contract costs, for the Bureau to carry out oversight of activities for planning, design, environmental compliance, and construction of the rural water system.

(b) WMAT SETTLEMENT AND MAINTENANCE FUNDS.—

(1) DEFINITION OF FUNDS.—In this subsection, the term “Funds” means—

(A) the WMAT Settlement Fund established by paragraph (2)(A); and

(B) the WMAT Maintenance Fund established by paragraph (3)(A).

(2) WMAT SETTLEMENT FUND.—

(A) ESTABLISHMENT.—There is established in the Treasury of the United States a fund to be known as the “WMAT Settlement Fund”, to be administered by the Secretary, consisting of the amounts deposited in the fund under subparagraph (B), together with any interest accrued on those amounts, for use by the Tribe in accordance with subparagraph (C).

(B) TRANSFERS TO FUND.—

(i) IN GENERAL.—There are authorized to be appropriated to the Secretary for deposit in the WMAT Settlement Fund—

(I) \$78,500,000; and

(II) any additional amounts described in clause (ii), if applicable.

(ii) AUTHORIZATION OF ADDITIONAL AMOUNTS.—In accordance with subsection (e)(4)(B), if the WMAT rural water system is conveyed to the Tribe before the date on which the \$35,000,000 described in subsection (e)(2) is completely made available, there is authorized to be appropriated to the Secretary, for deposit in the WMAT Settlement Fund, any remaining amounts that would otherwise have been made available for expenditure from the Cost Overrun Subaccount.

(C) USE OF FUNDS.—

(i) IN GENERAL.—The Tribe shall use amounts in the WMAT Settlement Fund for any of the following purposes:

(I) Fish production, including hatcheries.

(II) Rehabilitation of recreational lakes and existing irrigation systems.

(III) Water-related economic development projects.

(IV) Protection, restoration, and economic development of forest and watershed health.

(i) EXISTING IRRIGATION SYSTEMS.—Of the amounts deposited in the Fund under subparagraph (B), not less than \$4,950,000 shall be used for the rehabilitation of existing irrigation systems.

(3) WMAT MAINTENANCE FUND.—

(A) ESTABLISHMENT.—There is established in the Treasury of the United States a fund to be known as the “WMAT Maintenance Fund”, to be administered by the Secretary, consisting of the amounts deposited in the fund under subparagraph (B), together with any interest accrued on those amounts, for use by the Tribe in accordance with subparagraph (C).

(B) MANDATORY APPROPRIATIONS.—Out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary \$50,000,000 for deposit in the WMAT Maintenance Fund.

(C) USE OF FUNDS.—The Tribe shall use amounts in the WMAT Maintenance Fund only for the operation, maintenance, and replacement costs associated with the delivery of water through the WMAT rural water system.

(4) ADMINISTRATION.—The Secretary shall manage the Funds in accordance with the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001 et seq.), including by investing amounts in the Funds in accordance with—

(A) the Act of April 1, 1880 (25 U.S.C. 161); and

(B) the first section of the Act of June 24, 1938 (25 U.S.C. 162a).

(5) AVAILABILITY OF AMOUNTS FROM FUNDS.—Amounts in the Funds shall be available for expenditure or withdrawal only after the enforceability date and in accordance with subsection (f).

(6) EXPENDITURE AND WITHDRAWAL.—

(A) TRIBAL MANAGEMENT PLAN.—

(i) IN GENERAL.—The Tribe may withdraw all or part of the amounts in the Funds on approval by the Secretary of a tribal management plan, as described in the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001 et seq.).

(ii) REQUIREMENTS.—In addition to the requirements under the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001 et seq.), a tribal management plan under this subparagraph shall require the Tribe to use any amounts withdrawn from the Funds in accordance with paragraph (2)(C) or (3)(C), as applicable.

(iii) ENFORCEMENT.—The Secretary may take judicial or administrative action to enforce the provisions of a tribal management plan described in clause (i) to ensure that any amounts withdrawn from the Funds under the tribal management plan are used in accordance with this title and the Agreement.

(iv) LIABILITY.—If the Tribe exercises the right to withdraw amounts from the Funds, neither the Secretary nor the Secretary of the Treasury shall retain any liability for the expenditure or investment of the amounts.

(B) EXPENDITURE PLAN.—

(i) IN GENERAL.—The Tribe shall submit to the Secretary for approval an expenditure plan for any portion of the amounts in the Funds that the Tribe does not withdraw under the tribal management plan.

(ii) DESCRIPTION.—The expenditure plan shall describe the manner in which, and the purposes for which, amounts remaining in the Funds will be used.

(iii) APPROVAL.—On receipt of an expenditure plan under clause (i), the Secretary

shall approve the plan, if the Secretary determines that the plan is reasonable and consistent with this title and the Agreement.

(iv) ANNUAL REPORT.—For each of the Funds, the Tribe shall submit to the Secretary an annual report that describes all expenditures from the Fund during the year covered by the report.

(C) CERTAIN PER CAPITA DISTRIBUTIONS PROHIBITED.—No amount in the Funds shall be distributed to any member of the Tribe on a per capita basis.

(c) COST INDEXING.—All amounts made available under subsections (a), (b), and (e) shall be adjusted as necessary to reflect the changes since October 1, 2007, in the construction cost indices applicable to the types of construction involved in the construction of the WMAT rural water supply system, the maintenance of the rural water supply system, and the construction or rehabilitation of the other development projects described in subsection (b)(2)(C).

(d) OPERATION, MAINTENANCE, AND REPLACEMENT.—Out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary \$2,500,000 for the operation, maintenance, and replacement costs of the WMAT rural water system, to remain available until the conditions described in section 307(f) have been met.

(e) COST OVERRUN SUBACCOUNT.—

(1) ESTABLISHMENT.—There is established in the Lower Colorado River Basin Development Fund a subaccount to be known as the “WMAT Cost Overrun Subaccount”, to be administered by the Secretary, consisting of the amounts deposited in the subaccount under paragraph (2), together with any interest accrued on those amounts, for use by the Secretary in accordance with paragraph (4).

(2) MANDATORY APPROPRIATIONS; AUTHORIZATION OF APPROPRIATIONS.—

(A) MANDATORY APPROPRIATIONS.—Out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary \$24,000,000 for deposit in the WMAT Cost Overrun Subaccount.

(B) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for deposit in the WMAT Cost Overrun Subaccount \$11,000,000.

(3) AVAILABILITY OF FUNDS.—

(A) IN GENERAL.—Amounts in the WMAT Cost Overrun Subaccount shall not be available for expenditure by the Secretary until the enforceability date.

(B) INVESTMENT.—The Secretary shall invest the amounts in the WMAT Cost Overrun Subaccount in accordance with section 403(f)(4) of the Colorado River Basin Project Act (43 U.S.C. 1543(f)(4)).

(C) USE OF INTEREST.—The interest accrued on the amounts invested under subparagraph (B) shall not be available for expenditure or withdrawal until the enforceability date.

(4) USE OF COST OVERRUN SUBACCOUNT.—

(A) INITIAL USE.—The Secretary shall use the amounts in the WMAT Cost Overrun Subaccount to complete the WMAT rural water system or to carry out activities relating to the operation, maintenance, or replacement of facilities of the WMAT rural water system, as applicable, if the Secretary determines that the amounts made available under subsections (a) and (d) will be insufficient in the period before title to the WMAT rural water system is conveyed to the Tribe—

(i) to complete the WMAT rural water system; or

(ii) to operate and maintain the WMAT rural water system.

(B) TRANSFER OF FUNDS.—All unobligated amounts remaining in the Cost Overrun Subaccount on the date on which title to the WMAT rural water system is conveyed to the Tribe shall be—

(i) returned to the general fund of the Treasury; and

(ii) on an appropriation pursuant to subsection (b)(2)(B)(ii), deposited in the WMAT Settlement Fund and made available to the Tribe for use in accordance with subsection (b)(2)(C).

(f) CONDITIONS.—The amounts made available to the Secretary for deposit in the WMAT Maintenance Fund, together with any interest accrued on those amounts under subsection (b)(3) and any interest accruing on the WMAT Settlement Fund under subsection (b)(2), shall not be available for expenditure or withdrawal until the WMAT rural water system is transferred to the Tribe under section 307(d)(2).

(g) RECEIPT AND ACCEPTANCE.—The Secretary shall be entitled to receive, shall accept, and shall use to carry out this title the funds transferred under subsections (a), (b), (d), and (e), without further appropriation, to remain available until expended.

SEC. 313. ANTIDEFICIENCY.

The United States shall not be liable for failure to carry out any obligation or activity authorized to be carried out under this title (including any such obligation or activity under the Agreement) if adequate appropriations are not provided by Congress expressly to carry out the purposes of this title.

SEC. 314. COMPLIANCE WITH ENVIRONMENTAL LAWS.

In implementing the Agreement and carrying out this title, the Secretary shall promptly comply with all applicable requirements of—

(1) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

(2) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

(3) all other applicable Federal environmental laws; and

(4) all regulations promulgated under the laws described in paragraphs (1) through (3).

TITLE IV—CROW TRIBE WATER RIGHTS SETTLEMENT

SEC. 401. SHORT TITLE.

This title may be cited as the “Crow Tribe Water Rights Settlement Act of 2010”.

SEC. 402. PURPOSES.

The purposes of this title are—

(1) to achieve a fair, equitable, and final settlement of claims to water rights in the State of Montana for—

(A) the Crow Tribe; and

(B) the United States for the benefit of the Tribe and allottees;

(2) to authorize, ratify, and confirm the Crow Tribe-Montana Water Rights Compact entered into by the Tribe and the State of Montana on June 22, 1999;

(3) to authorize and direct the Secretary of the Interior—

(A) to execute the Crow Tribe-Montana Water Rights Compact; and

(B) to take any other action necessary to carry out the Compact in accordance with this title; and

(4) to ensure the availability of funds necessary for the implementation of the Compact and this title.

SEC. 403. DEFINITIONS.

In this title:

(1) ALLOTTEE.—The term “allottee” means any individual who holds a beneficial real property interest in an allotment of Indian land that is—

(A) located within the Reservation or the ceded strip; and

(B) held in trust by the United States.

(2) CEDED STRIP.—The term “ceded strip” means the area identified as the ceded strip on the map included in appendix 5 of the Compact.

(3) CIP OM&R.—The term “CIP OM&R” means—

(A) any recurring or ongoing activity associated with the day-to-day operation of the Crow Irrigation Project;

(B) any activity relating to scheduled or unscheduled maintenance of the Crow Irrigation Project; and

(C) any activity relating to replacement of a feature of the Crow Irrigation Project.

(4) COMPACT.—The term “Compact” means the water rights compact between the Tribe and the State of Montana contained in section 85-20-901 of the Montana Code Annotated (2009) (including any exhibit, part, or amendment to the Compact).

(5) CROW IRRIGATION PROJECT.—

(A) IN GENERAL.—The term “Crow Irrigation Project” means the irrigation project—

(i) authorized by section 31 of the Act of March 3, 1891 (26 Stat. 1040);

(ii) managed by the Secretary (acting through the Bureau of Indian Affairs); and

(iii) consisting of the project units of—

(I) Agency;

(II) Bighorn;

(III) Forty Mile;

(IV) Lodge Grass #1;

(V) Lodge Grass #2;

(VI) Pryor;

(VII) Reno;

(VIII) Soap Creek; and

(IX) Upper Little Horn.

(B) INCLUSION.—The term “Crow Irrigation Project” includes land held in trust by the United States for the Tribe and the allottees in the Bozeman Trail and Two Leggings irrigation districts.

(6) ENFORCEABILITY DATE.—The term “enforceability date” means the date on which the Secretary publishes in the Federal Register the statement of findings described in section 410(e).

(7) FINAL.—The term “final” with reference to approval of the decree described in section 410(e)(1)(A), means—

(A) completion of any direct appeal to the Montana Supreme Court of a decree by the Montana Water Court pursuant to section 85-2-235 of the Montana Code Annotated (2009), including the expiration of time for filing of any such appeal; or

(B) completion of any appeal to the appropriate United States Court of Appeals, including the expiration of time in which a petition for certiorari may be filed in the United States Supreme Court, denial of such petition, or issuance of a final judgment of the United States Supreme Court, whichever occurs last.

(8) FUND.—The term “Fund” means the Crow Settlement Fund established by section 411.

(9) INDIAN TRIBE.—The term “Indian tribe” has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(10) JOINT STIPULATION OF SETTLEMENT.—The term “joint stipulation of settlement” means the joint stipulation of settlement relating to the civil action styled *Crow Tribe of Indians v. Norton*, No. 02-284 (D.D.C. 2006).

(11) MR&I SYSTEM.—

(A) IN GENERAL.—The term “MR&I System” means the municipal, rural, and industrial water system of the Reservation, generally described in the document entitled

“Crow Indian Reservation Municipal, Rural and Industrial Water System Engineering Report” prepared by DOWL HKM, and dated July 2008 and updated in a status report prepared by DOWL HKM dated December 2009.

(B) INCLUSIONS.—The term “MR&I System” includes—

(i) the raw water intake, water treatment plant, pipelines, storage tanks, pumping stations, pressure-reducing valves, electrical transmission facilities, and other items (including real property and easements necessary to deliver potable water to the Reservation) appurtenant to the system described in subparagraph (A); and

(ii) in descending order of construction priority—

(I) the Bighorn River Valley Subsystem;

(II) the Little Bighorn River Valley Subsystem; and

(III) Pryor Extension.

(12) MR&I SYSTEM OM&R.—The term “MR&I System OM&R” means—

(A) any recurring or ongoing activity associated with the day-to-day operation of the MR&I System;

(B) any activity relating to scheduled or unscheduled maintenance of the MR&I System; and

(C) any activity relating to replacement of project features of the MR&I System.

(13) RESERVATION.—The term “Reservation” means the area identified as the Reservation on the map in appendix 4 of the Compact.

(14) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(15) TRIBAL COMPACT ADMINISTRATION.—The term “Tribal Compact Administration” means any activity relating to—

(A) the development or enactment by the Tribe of the tribal water code;

(B) establishment by the Tribe of a water resources department; and

(C) the operation by the Tribe of that water resources department (or a successor agency) during the 10-year period beginning on the date of establishment of the department.

(16) TRIBAL WATER CODE.—The term “tribal water code” means a water code adopted by the Tribe in accordance with section 407(f).

(17) TRIBAL WATER RIGHTS.—The term “tribal water rights” means—

(A) the water rights of the Tribe described in article III of the Compact; and

(B) the water rights provided to the Tribe under section 408.

(18) TRIBE.—The term “Tribe” means the Crow Tribe of Indians of the State of Montana on behalf of itself and its members (but not its members in their capacities as allottees).

SEC. 404. RATIFICATION OF COMPACT.

(a) RATIFICATION OF COMPACT.—

(1) IN GENERAL.—Except as modified by this title, and to the extent the Compact does not conflict with this title, the Compact is authorized, ratified, and confirmed.

(2) AMENDMENTS TO COMPACT.—If amendments are executed to make the Compact consistent with this title, those amendments are also authorized, ratified, and confirmed to the extent such amendments are consistent with this title.

(b) EXECUTION OF COMPACT.—

(1) IN GENERAL.—To the extent that the Compact does not conflict with this title, the Secretary is directed to and shall promptly execute the Compact, including all exhibits to or parts of the Compact requiring the signature of the Secretary.

(2) MODIFICATIONS.—Nothing in this title precludes the Secretary from approving

modifications to appendices or exhibits to the Compact not inconsistent with this title, to the extent such modifications do not otherwise require Congressional approval pursuant to section 2116 of the Revised Statutes (25 U.S.C. 177) or other applicable Federal law.

(c) ENVIRONMENTAL COMPLIANCE.—

(1) IN GENERAL.—In implementing the Compact, the Secretary shall promptly comply with all applicable aspects of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), and all other applicable environmental Acts and regulations.

(2) EXECUTION OF THE COMPACT.—

(A) IN GENERAL.—Execution of the Compact by the Secretary under this section shall not constitute a major Federal action under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(B) COMPLIANCE.—The Secretary shall carry out all Federal compliance activities necessary to implement the Compact.

SEC. 405. REHABILITATION AND IMPROVEMENT OF CROW IRRIGATION PROJECT.

(a) IN GENERAL.—Notwithstanding any other provision of law, and without altering applicable law (including regulations) under which the Bureau of Indian Affairs collects assessments and carries out CIP OM&R, other than the rehabilitation and improvement carried out under this section, the Secretary, acting through the Commissioner of Reclamation, shall carry out such activities as are necessary to rehabilitate and improve the water diversion and delivery features of the Crow Irrigation Project, in accordance with an agreement to be negotiated between the Secretary and the Tribe.

(b) LEAD AGENCY.—The Bureau of Reclamation shall serve as the lead agency with respect to any activity to rehabilitate or improve the water diversion or delivery features of the Crow Irrigation Project.

(c) SCOPE.—

(1) IN GENERAL.—The scope of the rehabilitation and improvement under this section shall be as generally described in the document entitled “Engineering Evaluation of Existing Conditions, Crow Agency Rehabilitation Study” prepared by DOWL HKM, and dated August 2007 and updated in a status report dated December 2009 by DOWL HKM, on the condition that prior to beginning construction activities, the Secretary shall review the design of the proposed rehabilitation or improvement and perform value engineering analyses.

(2) NEGOTIATION WITH TRIBE.—On the basis of the review described in paragraph (1), the Secretary shall negotiate with the Tribe appropriate changes to the final design so that the final design meets applicable industry standards, as well as changes, if any, that would improve the cost-effectiveness of the delivery of irrigation water and take into consideration the equitable distribution of water to allottees.

(d) NONREIMBURSABILITY OF COSTS.—All costs incurred by the Secretary in carrying out this section shall be nonreimbursable.

(e) FUNDING.—The total amount of obligations incurred by the Secretary in carrying out this section shall not exceed \$131,843,000, except that the total amount of \$131,843,000 shall be increased or decreased, as appropriate, based on ordinary fluctuations from May 1, 2008, in construction cost indices applicable to the types of construction involved in the rehabilitation and improvement.

(f) TRIBAL IMPLEMENTATION AGREEMENT.—

(1) IN GENERAL.—At the request of the Tribe, in accordance with applicable Federal

law, the Secretary shall enter into 1 or more agreements with the Tribe to implement the provisions of this section by which the Tribe shall plan, design, and construct any or all of the rehabilitation and improvement required by this section.

(2) **OVERSIGHT COSTS.**—The Bureau of Reclamation and the Tribe shall negotiate the cost of any oversight activities carried out by the Bureau of Reclamation for each agreement under this section, provided that the total cost for that oversight shall not exceed 4 percent of the total project costs.

(g) **ACQUISITION OF LAND.**—

(1) **TRIBAL EASEMENTS AND RIGHTS-OF-WAY.**—

(A) **IN GENERAL.**—Upon request, and in partial consideration for the funding provided under section 414(a), the Tribe shall consent to the grant of such easements and rights-of-way over tribal land as may be necessary for the rehabilitation and improvement of the Crow Irrigation Project authorized by this section at no cost to the United States.

(B) **JURISDICTION.**—The Tribe shall retain criminal and civil jurisdiction over any lands that were subject to tribal jurisdiction prior to the granting of an easement or right-of-way in connection with the rehabilitation and improvement of the Crow Irrigation Project.

(2) **USER EASEMENTS AND RIGHTS-OF-WAY.**—In partial consideration of the rehabilitation and improvement of the Crow Irrigation Project authorized by this section and as a condition of continued service from the Crow Irrigation Project after the enforceability date, any water user of the Crow Irrigation Project shall consent to the grant of such easements and rights-of-way as may be necessary for the rehabilitation and improvements authorized under this section at no cost to the Secretary.

(3) **LAND ACQUIRED BY THE UNITED STATES.**—Land acquired by the United States in connection with rehabilitation and improvement of the Crow Irrigation Project authorized by this section shall be held in trust by the United States on behalf of the Tribe as part of the Reservation of the Tribe.

(h) **PROJECT MANAGEMENT COMMITTEE.**—The Secretary shall facilitate the formation of a project management committee composed of representatives from the Bureau of Reclamation, the Bureau of Indian Affairs, and the Tribe—

(1) to review cost factors and budgets for construction, operation, and maintenance activities relating to the Crow Irrigation Project;

(2) to improve management of inherently governmental activities through enhanced communication; and

(3) to seek additional ways to reduce overall costs for the rehabilitation and improvement of the Crow Irrigation Project.

SEC. 406. DESIGN AND CONSTRUCTION OF MR&I SYSTEM.

(a) **IN GENERAL.**—The Secretary, acting through the Commissioner of Reclamation, shall plan, design, and construct the water diversion and delivery features of the MR&I System, in accordance with 1 or more agreements between the Secretary and the Tribe.

(b) **LEAD AGENCY.**—The Bureau of Reclamation shall serve as the lead agency with respect to any activity to design and construct the water diversion and delivery features of the MR&I System.

(c) **SCOPE.**—

(1) **IN GENERAL.**—The scope of the design and construction under this section shall be as generally described in the document entitled “Crow Indian Reservation Municipal,

Rural and Industrial Water System Engineering Report” prepared by DOWL HKM, and dated July 2008 and updated in a status report dated December 2009 by DOWL HKM, on the condition that prior to beginning construction activities, the Secretary shall review the design of the proposed MR&I System and perform value engineering analyses.

(2) **NEGOTIATION WITH TRIBE.**—On the basis of the review described in paragraph (1), the Secretary shall negotiate with the Tribe appropriate changes to the final design so that the final design meets applicable industry standards, as well as changes, if any, that would improve the cost-effectiveness of the delivery of MR&I System water and take into consideration the equitable distribution of water to allottees.

(d) **NONREIMBURSABILITY OF COSTS.**—All costs incurred by the Secretary in carrying out this section shall be nonreimbursable.

(e) **FUNDING.**—The total amount of obligations incurred by the Secretary in carrying out this section shall not exceed \$246,381,000, except that the total amount of \$246,381,000 shall be increased or decreased, as appropriate, based on ordinary fluctuations from May 1, 2008, in construction cost indices applicable to the types of construction involved in the design and construction of the MR&I System.

(f) **TRIBAL IMPLEMENTATION AGREEMENT.**—

(1) **IN GENERAL.**—At the request of the Tribe, in accordance with applicable Federal law, the Secretary shall enter into 1 or more agreements with the Tribe to implement the provisions of this section by which the Tribe shall plan, design, and construct any or all of the rehabilitation and improvement required by this section.

(2) **OVERSIGHT COSTS.**—The Bureau of Reclamation and the Tribe shall negotiate the cost of any oversight activities carried out by the Bureau of Reclamation for each agreement under this section, provided that the total cost for that oversight shall not exceed 4 percent of the total project costs.

(g) **ACQUISITION OF LAND.**—

(1) **TRIBAL EASEMENTS AND RIGHTS-OF-WAY.**—

(A) **IN GENERAL.**—Upon request, and in partial consideration for the funding provided under section 414(b), the Tribe shall consent to the grant of such easements and rights-of-way over tribal land as may be necessary for the construction of the MR&I System authorized by this section at no cost to the United States.

(B) **JURISDICTION.**—The Tribe shall retain criminal and civil jurisdiction over any lands that were subject to tribal jurisdiction prior to the granting of an easement or right-of-way in connection with the construction of the MR&I System.

(2) **LAND ACQUIRED BY THE UNITED STATES.**—Land acquired by the United States in connection with the construction of the MR&I System authorized by this section shall be held in trust by the United States on behalf of the Tribe as part of the Reservation of the Tribe.

(h) **CONVEYANCE OF TITLE TO MR&I SYSTEM FACILITIES.**—

(1) **IN GENERAL.**—The Secretary shall convey title to each MR&I System facility or section of a MR&I System facility authorized under subsection (a) to the Tribe after completion of construction of a MR&I System facility that is operating and delivering water.

(2) **LIABILITY.**—

(A) **IN GENERAL.**—Effective on the date of the conveyance authorized by this sub-

section, the United States shall not be held liable by any court for damages of any kind arising out of any act, omission, or occurrence relating to the land, buildings, or facilities conveyed under this subsection, other than damages caused by acts of negligence committed by the United States, or by employees or agents of the United States, prior to the date of conveyance.

(B) **TORT CLAIMS.**—Nothing in this section increases the liability of the United States beyond the liability provided in chapter 171 of title 28, United States Code (commonly known as the “Federal Tort Claims Act”).

(3) **NOTICE OF PROPOSED CONVEYANCE.**—Not later than 45 days before the date of a proposed conveyance of title to any MR&I System facility, the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and to the Committee on Energy and Natural Resources of the Senate notice of the conveyance of each such MR&I System facility or section of a MR&I System facility.

(4) **MR&I SYSTEM OM&R OBLIGATION OF THE FEDERAL GOVERNMENT AFTER CONVEYANCE.**—The Federal Government shall have no obligation to pay for the operation, maintenance, or replacement costs of the MR&I System beginning on the date on which—

(A) title to any MR&I System facility or section of a MR&I System facility under this subsection is conveyed to the Tribe; and

(B) the amounts required to be deposited in the MR&I System OM&R Account pursuant to section 411 have been deposited in that account.

(i) **AUTHORITY OF TRIBE.**—Upon transfer of title to the MR&I System or any section of a MR&I System facility to the Tribe in accordance with subsection (h), the Tribe is authorized to collect water use charges from customers of the MR&I System to cover—

(1) MR&I System OM&R costs; and

(2) any other costs relating to the construction and operation of the MR&I System.

(j) **ALIENATION AND TAXATION.**—Conveyance of title to the Tribe pursuant to subsection (h) does not waive or alter any applicable Federal law prohibiting alienation or taxation of the MR&I System or the underlying Reservation land.

(k) **TECHNICAL ASSISTANCE.**—The Secretary shall provide technical assistance to prepare the Tribe for operation of the MR&I System, including operation and management training.

(l) **PROJECT MANAGEMENT COMMITTEE.**—The Secretary shall facilitate the formation of a project management committee composed of representatives from the Bureau of Reclamation, the Bureau of Indian Affairs, and the Tribe—

(1) to review cost factors and budgets for construction, operation and maintenance activities for the MR&I System;

(2) to improve management of inherently governmental activities through enhanced communication; and

(3) to seek additional ways to reduce overall costs for the MR&I System.

(m) **NON-FEDERAL CONTRIBUTION.**—

(1) **IN GENERAL.**—Prior to completion of the final design of the MR&I System required by subsection (c), the Secretary shall consult with the Tribe, the State of Montana, and other affected non-Federal parties to discuss the possibility of receiving non-Federal contributions to the cost of the MR&I System.

(2) **NEGOTIATIONS.**—If, based on the extent to which non-Federal parties are expected to use the MR&I System, a non-Federal contribution to the MR&I System is determined

by the parties described in paragraph (1) to be appropriate, the Secretary shall initiate negotiations for an agreement on the means by which such contributions may be provided.

SEC. 407. TRIBAL WATER RIGHTS.

(a) INTENT OF CONGRESS.—It is the intent of Congress to provide to each allottee benefits that are equivalent to or exceed the benefits allottees possess as of the date of enactment of this Act, taking into consideration—

(1) the potential risks, cost, and time delay associated with litigation that would be resolved by the Compact and this title;

(2) the availability of funding under this title and from other sources;

(3) the availability of water from the tribal water rights; and

(4) the applicability of section 7 of the Act of February 8, 1887 (25 U.S.C. 381) and this title to protect the interests of allottees.

(b) CONFIRMATION OF TRIBAL WATER RIGHTS.—

(1) IN GENERAL.—The tribal water rights are ratified, confirmed, and declared to be valid.

(2) USE.—Use of the tribal water rights shall be subject to the terms and conditions established by the Compact.

(c) HOLDING IN TRUST.—The tribal water rights—

(1) shall be held in trust by the United States for the use and benefit of the Tribe and the allottees in accordance with this section; and

(2) shall not be subject to forfeiture or abandonment.

(d) ALLOTTEES.—

(1) APPLICABILITY OF ACT OF FEBRUARY 8, 1887.—The provisions of section 7 of the Act of February 8, 1887 (25 U.S.C. 381), relating to the use of water for irrigation purposes shall apply to the tribal water rights.

(2) ENTITLEMENT TO WATER.—Any entitlement to water of an allottee under Federal law shall be satisfied from the tribal water rights.

(3) ALLOCATIONS.—Allottees shall be entitled to a just and equitable allocation of water for irrigation purposes.

(4) EXHAUSTION OF REMEDIES.—Before asserting any claim against the United States under section 7 of the Act of February 8, 1887 (25 U.S.C. 381), or any other applicable law, an allottee shall exhaust remedies available under the tribal water code or other applicable tribal law.

(5) CLAIMS.—Following exhaustion of remedies available under the tribal water code or other applicable tribal law, an allottee may seek relief under section 7 of the Act of February 8, 1887 (25 U.S.C. 381), or other applicable law.

(6) AUTHORITY.—The Secretary shall have the authority to protect the rights of allottees as specified in this section.

(e) AUTHORITY OF TRIBE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the Tribe shall have authority to allocate, distribute, and lease the tribal water rights—

(A) in accordance with the Compact; and

(B) subject to approval of the Secretary of the tribal water code under subsection (f)(3)(B).

(2) LEASES BY ALLOTTEES.—Notwithstanding paragraph (1), an allottee may lease any interest in land held by the allottee, together with any water right determined to be appurtenant to the interest in land.

(f) TRIBAL WATER CODE.—

(1) IN GENERAL.—Notwithstanding the time period set forth in article IV(A)(2)(b) of the Compact, not later than 3 years after the

date on which the Tribe ratifies the Compact as set forth in section 410(e)(1)(E), the Tribe shall enact a tribal water code, that provides for—

(A) the management, regulation, and governance of all uses of the tribal water rights in accordance with the Compact; and

(B) establishment by the Tribe of conditions, permit requirements, and other limitations relating to the storage, recovery, and use of the tribal water rights in accordance with the Compact.

(2) INCLUSIONS.—Subject to the approval of the Secretary, the tribal water code shall provide that—

(A) tribal allocations of water to allottees shall be satisfied with water from the tribal water rights;

(B) charges for delivery of water for irrigation purposes for allottees shall be assessed on a just and equitable basis;

(C) there is a process by which an allottee may request that the Tribe provide water for irrigation use in accordance with this title;

(D) there is a due process system for the consideration and determination by the Tribe of any request by an allottee, or any successor in interest to an allottee, for an allocation of such water for irrigation purposes on allotted land, including a process for—

(i) appeal and adjudication of any denied or disputed distribution of water; and

(ii) resolution of any contested administrative decision; and

(E) there is a requirement that any allottee with a claim relating to the enforcement of rights of the allottee under the tribal water code or relating to the amount of water allocated to land of the allottee must first exhaust remedies available to the allottee under tribal law and the tribal water code before initiating an action against the United States or petitioning the Secretary pursuant to subsection (d)(6).

(3) ACTION BY SECRETARY.—

(A) IN GENERAL.—The Secretary shall administer the tribal water rights until the tribal water code is enacted in accordance with paragraph (1) and those provisions requiring approval pursuant to paragraph (2).

(B) APPROVAL.—The tribal water code shall not be valid unless—

(i) the provisions of the tribal water code required by paragraph (2) are approved by the Secretary; and

(ii) each amendment to the tribal water code that affects a right of an allottee is approved by the Secretary.

(C) APPROVAL PERIOD.—The Secretary shall approve or disapprove the tribal water code within a reasonable period of time after the date on which the Tribe submits it to the Secretary.

(g) EFFECT.—Except as otherwise specifically provided in this section, nothing in this title—

(1) authorizes any action by an allottee against any individual or entity, or against the Tribe, under Federal, State, tribal, or local law; or

(2) alters or affects the status of any action pursuant to section 1491(a) of title 28, United States Code.

SEC. 408. STORAGE ALLOCATION FROM BIGHORN LAKE.

(a) STORAGE ALLOCATION TO TRIBE.—

(1) IN GENERAL.—As described in and subject to article III(A)(1)(b) of the Compact, the Secretary shall allocate to the Tribe 300,000 acre-feet per year of water stored in Bighorn Lake, Yellowtail Unit, Lower Bighorn Division, Pick Sloan Missouri Basin Program, Montana, under a water right held

by the United States and managed by the Bureau of Reclamation, as measured at the outlet works of Yellowtail Dam, including—

(A) not more than 150,000 acre-feet per year of the allocation, which may be used in addition to the natural flow right described in article III(A)(1)(a) of the Compact; and

(B) 150,000 acre-feet per year of the allocation, which may be used only as supplemental water for the natural flow right described in article III(A)(1)(a) of the Compact for use in times of natural flow shortage.

(2) TREATMENT.—

(A) IN GENERAL.—The allocation under paragraph (1) shall be considered to be part of the tribal water rights.

(B) PRIORITY DATE.—The priority date of the allocation under paragraph (1) shall be the priority date of the water right held by the Bureau of Reclamation.

(C) ADMINISTRATION.—

(i) IN GENERAL.—The Tribe shall administer the water allocated under paragraph (1) in accordance with the Compact.

(ii) TEMPORARY TRANSFER.—In accordance with subsection (c), the Tribe may temporarily transfer by service contract, lease, exchange, or other agreement, not more than 50,000 acre-feet of water allocated under paragraph (1)(A) off the Reservation, subject to the approval of the Secretary and the requirements of the Compact.

(b) ALLOCATION AGREEMENT.—

(1) IN GENERAL.—As a condition of receiving an allocation under this section, the Tribe shall enter into an allocation agreement with the Secretary to establish the terms and conditions of the allocation, in accordance with the terms and conditions of the Compact and this title.

(2) INCLUSIONS.—The allocation agreement under paragraph (1) shall include, among other things, a provision that—

(A) the agreement is without limit as to term;

(B) the Tribe, and not the United States, shall be entitled to all consideration due to the Tribe under any lease, contract, or agreement the Tribe may enter into pursuant to the authority in subsection (c);

(C) the United States shall have no trust obligation or other obligation to monitor, administer, or account for—

(i) any funds received by the Tribe as consideration under any lease, contract, or agreement the Tribe may enter into pursuant to the authority in subsection (c); or

(ii) the expenditure of such funds;

(D) if the facilities at Yellowtail Dam are significantly reduced or are anticipated to be significantly reduced for an extended period of time, the Tribe shall have the same storage rights as other storage contractors with respect to the allocation under this section;

(E) the costs associated with the construction of the storage facilities at Yellowtail Dam allocable to the Tribe—

(i) shall be nonreimbursable; and

(ii) shall be excluded from any repayment obligation of the Tribe;

(F) no water service capital charges shall be due or payable for any water allocated to the Tribe pursuant to this title and the allocation agreement, regardless of whether that water is delivered for use by the Tribe or is delivered under any leases, contracts, or agreements the Tribe may enter into pursuant to the authority in subsection (c);

(G) the Tribe shall not be required to make payments to the United States for any water allocated to the Tribe pursuant to this title and the allocation agreement except for each acre-foot of stored water leased or sold for industrial purposes; and

(H) for each acre-foot of stored water leased or sold by the Tribe for industrial purposes—

(i) the Tribe shall pay annually to the United States an amount to cover the proportionate share of the annual operation, maintenance, and replacement costs for the Yellowtail Unit allocable to the amount of water for industrial purposes leased or sold by the Tribe; and

(ii) the annual payments of the Tribe shall be reviewed and adjusted, as appropriate, to reflect the actual operation, maintenance, and replacement costs for the Yellowtail Unit.

(C) TEMPORARY TRANSFER FOR USE OFF RESERVATION.—

(1) IN GENERAL.—Notwithstanding any other provision of statutory or common law and subject to paragraph (2), on approval of the Secretary and subject to the terms and conditions of the Compact, the Tribe may enter into a service contract, lease, exchange, or other agreement providing for the temporary delivery, use, or transfer of not more than 50,000 acre-feet per year of water allocated under subsection (a)(1)(A) for use off the Reservation.

(2) REQUIREMENT.—An agreement under paragraph (1) shall not permanently alienate any portion of the water allocated under subsection (a)(1)(A).

(d) REMAINING STORAGE.—

(1) IN GENERAL.—As of the date of enactment of this Act, water in Bighorn Lake shall be considered to be fully allocated and no further storage allocations shall be made by the Secretary.

(2) EFFECT OF SUBSECTION.—Nothing in this subsection prevents the Secretary from—

(A) renewing the storage contract with Pennsylvania Power and Light Company consistent with the allocation to Pennsylvania Power and Light Company in existence on the date of enactment of this Act; or

(B) entering into future agreements with either the Northern Cheyenne Tribe or the Crow Tribe facilitating either tribe's use of its respective allocation of water from Bighorn Lake.

SEC. 409. SATISFACTION OF CLAIMS.

(a) IN GENERAL.—

(1) SATISFACTION OF TRIBAL CLAIMS.—The benefits realized by the Tribe under this title shall be in complete replacement of and substitution for, and full satisfaction of, all claims of the Tribe against the United States under paragraphs (1) and (3) of section 410(a).

(2) SATISFACTION OF ALLOTTEE CLAIMS.—The benefits realized by the allottees under this title shall be in complete replacement of and substitution for, and full satisfaction of—

(A) all claims waived and released under section 410(a)(2); and

(B) any claims of the allottees against the United States that the allottees have or could have asserted that are similar in nature to those described in section 410(a)(3).

(b) SATISFACTION OF CLAIMS RELATING TO CROW IRRIGATION PROJECT.—

(1) IN GENERAL.—Subject to paragraph (3), the funds made available under subsections (a) and (f) of section 414 shall be used to satisfy any claim of the Tribe or the allottees with respect to the appropriation of funds for the rehabilitation, expansion, improvement, repair, operation, or maintenance of the Crow Irrigation Project.

(2) SATISFACTION OF CLAIMS.—Upon complete transfer of the funds described in subsections (a) and (f) of section 414 any claim of the Tribe or the allottees with respect to the transfer of funds for the rehabilitation, expansion, improvement, repair, operation, or

maintenance of the Crow Irrigation Project shall be deemed to have been satisfied.

(3) EFFECT.—Except as provided in section 405, nothing in this title affects any applicable law (including regulations) under which the United States collects irrigation assessments from—

(A) non-Indian users of the Crow Irrigation Project; and

(B) the Tribe, tribal entities and instrumentalities, tribal members, allottees, and entities owned by the Tribe, tribal members, or allottees, to the extent that annual irrigation assessments on such tribal water users exceed the amount of funds available under section 411(e)(3)(D) for costs relating to CIP OM&R.

(c) NO RECOGNITION OF WATER RIGHTS.—Notwithstanding subsection (a) and except as provided in section 407, nothing in this title recognizes or establishes any right of a member of the Tribe or an allottee to water within the Reservation or the ceded strip.

SEC. 410. WAIVERS AND RELEASES OF CLAIMS.

(a) IN GENERAL.—

(1) WAIVER AND RELEASE OF CLAIMS BY THE TRIBE AND THE UNITED STATES ACTING IN ITS CAPACITY AS TRUSTEE FOR THE TRIBE.—Subject to the retention of rights set forth in subsection (c), in return for recognition of the tribal water rights and other benefits as set forth in the Compact and this title, the Tribe, on behalf of itself and the members of the Tribe (but not tribal members in their capacities as allottees), and the United States, acting as trustee for the Tribe and the members of the Tribe (but not tribal members in their capacities as allottees), are authorized and directed to execute a waiver and release of all claims for water rights within the State of Montana that the Tribe, or the United States acting as trustee for the Tribe, asserted, or could have asserted, in any proceeding, including the State of Montana stream adjudication, prior to and including the enforceability date, except to the extent that such rights are recognized in the Compact or this title.

(2) WAIVER AND RELEASE OF CLAIMS BY THE UNITED STATES ACTING IN ITS CAPACITY AS TRUSTEE FOR ALLOTTEES.—Subject to the retention of rights set forth in subsection (c), in return for recognition of the water rights of the Tribe and other benefits as set forth in the Compact and this title, the United States, acting as trustee for allottees, is authorized and directed to execute a waiver and release of all claims for water rights within the Reservation and the ceded strip that the United States, acting as trustee for the allottees, asserted, or could have asserted, in any proceeding, including the State of Montana stream adjudication, prior to and including the enforceability date, except to the extent that such rights are recognized in the Compact or this title.

(3) WAIVER AND RELEASE OF CLAIMS BY THE TRIBE AGAINST THE UNITED STATES.—Subject to the retention of rights set forth in subsection (c), the Tribe, on behalf of itself and the members of the Tribe (but not Tribal members in their capacities as allottees), is authorized to execute a waiver and release of—

(A) all claims against the United States, including the agencies and employees of the United States, relating to claims for water rights within the State of Montana that the United States, acting as trustee for the Tribe, asserted, or could have asserted, in any proceeding, including the State of Montana stream adjudication, except to the extent that such rights are recognized as tribal water rights in this title, including all

claims relating in any manner to the claims reserved against the United States or agencies or employees of the United States in section 4(e) of the joint stipulation of settlement;

(B) all claims against the United States, including the agencies and employees of the United States, relating to damages, losses, or injuries to water, water rights, land, or natural resources due to loss of water or water rights (including damages, losses, or injuries to hunting, fishing, gathering, or cultural rights due to loss of water or water rights, claims relating to interference with, diversion or taking of water, or claims relating to failure to protect, acquire, replace, or develop water, water rights, or water infrastructure) within the State of Montana that first accrued at any time prior to and including the enforceability date, including all claims relating to the failure to establish or provide a municipal rural or industrial water delivery system on the Reservation and all claims relating to the failure to provide for, operate, or maintain the Crow Irrigation Project, or any other irrigation system or irrigation project on the Reservation;

(C) all claims against the United States, including the agencies and employees of the United States, relating to the pending litigation of claims relating to the water rights of the Tribe in the State of Montana;

(D) all claims against the United States, including the agencies and employees of the United States, relating to the negotiation, execution, or the adoption of the Compact (including exhibits) or this title;

(E) subject to the retention of rights set forth in subsection (c), all claims for monetary damages against the United States that first accrued at any time prior to and including the enforceability date with respect to—

(i) the failure to recognize or enforce the claim of the Tribe of title to land created by the movement of the Bighorn River; and

(ii) the failure to make productive use of that land created by the movement of the Bighorn River to which the Tribe has claimed title;

(F) all claims against the United States that first accrued at any time prior to and including the enforceability date arising from the taking or acquisition of the land of the Tribe or resources for the construction of the Yellowtail Dam;

(G) all claims against the United States that first accrued at any time prior to and including the enforceability date relating to the construction and operation of Yellowtail Dam and the management of Bighorn Lake; and

(H) all claims that first accrued at any time prior to and including the enforceability date relating to the generation, or the lack thereof, of power from Yellowtail Dam.

(b) EFFECTIVENESS OF WAIVERS AND RELEASES.—The waivers under subsection (a) shall take effect on the enforceability date.

(c) RESERVATION OF RIGHTS AND RETENTION OF CLAIMS.—Notwithstanding the waivers and releases authorized in this title, the Tribe on behalf of itself and the members of the Tribe and the United States, acting as trustee for the Tribe and allottees, retain—

(1) all claims for enforcement of the Compact, any final decree, or this title;

(2) all rights to use and protect water rights acquired after the date of enactment of this Act;

(3) all claims relating to activities affecting the quality of water, including any claims the Tribe may have under—

(A) the Comprehensive Environmental Response, Compensation, and Liability Act of

1980 (42 U.S.C. 9601 et seq.), including for damages to natural resources;

(B) the Safe Drinking Water Act (42 U.S.C. 300f et seq.);

(C) the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.); and

(D) any regulations implementing the Acts described in subparagraphs (A) through (C);

(4) all claims relating to damages, losses, or injuries to land or natural resources not due to loss of water or water rights (including hunting, fishing, gathering, or cultural rights);

(5) all rights, remedies, privileges, immunities, and powers not specifically waived and released pursuant to this title or article VII(E) of the Compact;

(6) all claims against any person or entity other than the United States, including claims for monetary damages, with respect to—

(A) the claim of the Tribe of title to land created by the movement of the Bighorn River; and

(B) the productive use of that land created by the movement of the Bighorn River to which the Tribe has claimed title; and

(7) all claims that first accrued after the enforceability date with respect to claims otherwise waived in accordance with subparagraphs (B) and (E) through (H) of subsection (a)(3).

(d) **EFFECT OF COMPACT AND TITLE.**—Nothing in the Compact or this title—

(1) affects the ability of the United States, acting as sovereign, to take actions authorized by law, including any laws relating to health, safety, or the environment, including—

(A) the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.);

(B) the Safe Drinking Water Act (42 U.S.C. 300f et seq.);

(C) the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.); and

(D) any regulations implementing the Acts described in subparagraphs (A) through (C);

(2) affects the ability of the United States to take actions acting as trustee for any other Indian tribe or allottee of any other Indian tribe;

(3) confers jurisdiction on any State court—

(A) to interpret Federal law regarding health, safety, or the environment;

(B) to determine the duties of the United States or other parties pursuant to Federal law regarding health, safety, or the environment; or

(C) to conduct judicial review of Federal agency action;

(4) waives any claim of a member of the Tribe in an individual capacity that does not derive from a right of the Tribe; or

(5) revives any claims waived by the Tribe in the joint stipulation of settlement.

(e) **ENFORCEABILITY DATE.**—

(1) **IN GENERAL.**—The enforceability date shall be the date on which the Secretary publishes in the Federal Register a statement of findings that—

(A)(i) the Montana Water Court has issued a final judgment and decree approving the Compact; or

(ii) if the Montana Water Court is found to lack jurisdiction, the district court of jurisdiction has approved the Compact as a consent decree and such approval is final;

(B) all of the funds made available under subsections (c) through (f) of section 414 have been deposited in the Fund;

(C) the Secretary has executed the agreements with the Tribe required by sections 405(a) and 406(a);

(D) the State of Montana has appropriated and paid into an interest-bearing escrow account any payments due as of the date of enactment of this Act to the Tribe under the Compact;

(E)(i) the Tribe has ratified the Compact by submitting this title and the Compact to a vote by the tribal membership for approval or disapproval; and

(ii) the tribal membership has voted to approve this title and the Compact by a majority of votes cast on the day of the vote, as certified by the Secretary and the Tribe;

(F) the Secretary has fulfilled the requirements of section 408(a); and

(G) the waivers and releases authorized and set forth in subsection (a) have been executed by the Tribe and the Secretary.

(f) **TOLLING OF CLAIMS.**—

(1) **IN GENERAL.**—Each applicable period of limitation and time-based equitable defense relating to a claim described in this section shall be tolled for the period beginning on the date of enactment of this Act and ending on the date on which the amounts made available to carry out this title are transferred to the Secretary.

(2) **EFFECT OF SUBSECTION.**—Nothing in this subsection revives any claim or tolls any period of limitation or time-based equitable defense that expired before the date of enactment of this Act.

(g) **EXPIRATION AND TOLLING.**—In the event that all appropriations authorized by this Act have not been made available to the Secretary by June 30, 2030—

(1) the waivers authorized in this section shall expire and be of no further force or effect; and

(2) all statutes of limitations applicable to any claim otherwise waived shall be tolled until June 30, 2030.

(h) **VOIDING OF WAIVERS.**—If the waivers pursuant to this section are void under subsection (g)—

(1) the United States' approval of the Compact under section 404 shall no longer be effective;

(2) any unexpended Federal funds appropriated or made available to carry out the activities authorized in this Act, together with any interest earned on those funds, and any water rights or contracts to use water and title to other property acquired or constructed with Federal funds appropriated or made available to carry out the activities authorized in this Act shall be returned to the Federal Government, unless otherwise agreed to by the Tribe and the United States and approved by Congress; and

(3) except for Federal funds used to acquire or develop property that is returned to the Federal Government under paragraph (2), the United States shall be entitled to set off any Federal funds appropriated or made available to carry out the activities authorized in this Act that were expended or withdrawn, together with any interest accrued, against any claims against the United States relating to water rights in the State of Montana asserted by the Tribe or in any future settlement of the water rights of the Crow Tribe.

SEC. 411. CROW SETTLEMENT FUND.

(a) **ESTABLISHMENT.**—There is established in the Treasury of the United States a fund to be known as “the Crow Settlement Fund”, to be administered by the Secretary for the purpose of carrying out this title.

(b) **TRANSFERS TO FUND.**—The Fund shall consist of such amounts as are deposited in the Fund under subsections (c) through (h) of section 414.

(c) **ACCOUNTS OF CROW SETTLEMENT FUND.**—The Secretary shall establish in the Fund the following accounts:

(1) The Tribal Compact Administration account, consisting of amounts made available pursuant to section 414(c).

(2) The Energy Development Projects account, consisting of amounts made available pursuant to section 414(d).

(3) The MR&I System OM&R Account, consisting of amounts made available pursuant to section 414(e).

(4) The CIP OM&R Account, consisting of amounts made available pursuant to section 414(f).

(d) **DEPOSITS TO CROW SETTLEMENT FUND.**—

(1) **IN GENERAL.**—The Secretary of the Treasury shall promptly deposit in the Fund any amounts appropriated for that purpose.

(2) **PRIORITY OF DEPOSITS TO ACCOUNTS.**—Of the amounts appropriated for deposit in the Fund, the Secretary of the Treasury shall deposit amounts in the accounts listed in subsection (c)—

(A) in full; and

(B) in the order listed in subsection (c).

(e) **MANAGEMENT.**—

(1) **IN GENERAL.**—The Secretary shall manage the Fund, make investments from the Fund, and make amounts available from the Fund for distribution to the Tribe consistent with the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001 et seq.).

(2) **INVESTMENT OF CROW SETTLEMENT FUND.**—Beginning on the enforceability date, the Secretary shall invest amounts in the Fund in accordance with—

(A) the Act of April 1, 1880 (25 U.S.C. 161);

(B) the first section of the Act of June 24, 1938 (25 U.S.C. 162a); and

(C) the obligations of Federal corporations and Federal Government-sponsored entities, the charter documents of which provide that the obligations of the entities are lawful investments for federally managed funds, including—

(i) the obligations of the United States Postal Service described in section 2005 of title 39, United States Code;

(ii) bonds and other obligations of the Tennessee Valley Authority described in section 15d of the Tennessee Valley Authority Act of 1933 (16 U.S.C. 831n-4);

(iii) mortgages, obligations, and other securities of the Federal Home Loan Mortgage Corporation described in section 303 of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1452); and

(iv) bonds, notes, and debentures of the Commodity Credit Corporation described in section 4 of the Act of March 8, 1938 (15 U.S.C. 713a-4).

(3) **DISTRIBUTIONS FROM CROW SETTLEMENT FUND.**—

(A) **IN GENERAL.**—Amounts from the Fund shall be used for each purpose described in subparagraphs (B) through (E).

(B) **TRIBAL COMPACT ADMINISTRATION ACCOUNT.**—The Tribal Compact Administration account shall be used for expenditures by the Tribe for Tribal Compact Administration.

(C) **ENERGY DEVELOPMENT PROJECTS ACCOUNT.**—The Energy Development Projects account shall be used for expenditures by the Tribe for the following types of energy development on the Reservation, the ceded strip, and land owned by the Tribe:

(i) Development and marketing of power generation on the Yellowstone Afterbay Dam authorized in section 412(b).

(ii) Development of clean coal conversion projects.

(iii) Renewable energy projects other than the project described in clause (i).

(D) **CIP OM&R ACCOUNT.**—

(i) **IN GENERAL.**—Amounts in the CIP OM&R Account shall be used for CIP OM&R costs.

(ii) **REDUCTION OF COSTS TO TRIBAL WATER USERS.**—

(I) **IN GENERAL.**—Subject to subclause (II), the funds described in clause (i) shall be used to reduce the CIP OM&R costs to all tribal water users on a proportional basis for a given year.

(II) **LIMITATION ON USE OF FUNDS.**—Funds in the CIP OM&R Account shall be used to pay irrigation assessments only for the Tribe, tribal entities and instrumentalities, tribal members, allottees, and entities owned by the Tribe, tribal members, or allottees.

(E) **MR&I SYSTEM OM&R ACCOUNT.**—Funds from the MR&I System OM&R Account shall be used to assist the Tribe in paying MR&I System OM&R costs.

(4) **WITHDRAWALS BY TRIBE.**—

(A) **IN GENERAL.**—The Tribe may withdraw any portion of amounts in the Fund on approval by the Secretary of a tribal management plan in accordance with the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001 et seq.).

(B) **REQUIREMENTS.**—

(i) **IN GENERAL.**—In addition to the requirements under the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001 et seq.), the tribal management plan of the Tribe under subparagraph (A) shall require that the Tribe spend any amounts withdrawn from the Fund in accordance with this title.

(ii) **ENFORCEMENT.**—The Secretary may carry out such judicial or administrative actions as the Secretary determines to be necessary to enforce a tribal management plan to ensure that amounts withdrawn by the Tribe from the Fund under this paragraph are used in accordance with this title.

(C) **LIABILITY.**—The Secretary and the Secretary of the Treasury shall not be liable for the expenditure or investment of amounts withdrawn from the Fund by the Tribe under this paragraph.

(D) **EXPENDITURE PLAN.**—

(i) **IN GENERAL.**—For each fiscal year, the Tribe shall submit to the Secretary for approval an expenditure plan for any portion of the amounts described in subparagraph (A) that the Tribe elects not to withdraw under this paragraph during the fiscal year.

(ii) **INCLUSION.**—An expenditure plan under clause (i) shall include a description of the manner in which, and the purposes for which, amounts of the Tribe remaining in the Fund will be used during subsequent fiscal years.

(iii) **APPROVAL.**—On receipt of an expenditure plan under clause (i), the Secretary shall approve the plan if the Secretary determines that the plan is—

- (I) reasonable; and
- (II) consistent with this title.

(5) **ANNUAL REPORTS.**—The Tribe shall submit to the Secretary annual reports describing each expenditure by the Tribe of amounts in the Fund during the preceding calendar year.

(6) **CERTAIN PER CAPITA DISTRIBUTIONS PROHIBITED.**—No amount in the Fund shall be distributed to any member of the Tribe on a per capita basis.

(f) **AVAILABILITY.**—

(1) **IN GENERAL.**—Except as provided in paragraph (2), the amounts in the Fund shall be available for use by the Secretary and withdrawal by the Tribe beginning on the enforceability date.

(2) **EXCEPTION.**—The amounts made available under section 414(c) shall be available

for use by the Secretary and withdrawal by the Tribe beginning on the date on which the Tribe ratifies the Compact as provided in section 410(e)(1)(E).

(g) **STATE CONTRIBUTION.**—The State of Montana contribution to the Fund shall be provided in accordance with article VI(A) of the Compact.

(h) **SEPARATE APPROPRIATIONS ACCOUNT.**—Section 1105(a) of title 31, United States Code, is amended—

- (1) by redesignating paragraphs (35) and (36) as paragraphs (36) and (37), respectively;
- (2) by redesignating the second paragraph (33) (relating to obligational authority and outlays requested for homeland security) as paragraph (35); and

(3) by adding at the end the following:

“(38) a separate statement for the Crow Settlement Fund established under section 411 of the Crow Tribe Water Rights Settlement Act of 2010, which shall include the estimated amount of deposits into the Fund, obligations, and outlays from the Fund.”.

SEC. 412. YELLOWTAIL DAM, MONTANA.

(a) **STREAMFLOW AND LAKE LEVEL MANAGEMENT PLAN.**—

(1) **IN GENERAL.**—Nothing in this title, the Compact, or the Streamflow and Lake Level Management Plan referred to in article III(A)(7) of the Compact—

(A) limits the discretion of the Secretary under the section 4F of that plan; or

(B) requires the Secretary to give priority to any factor described in section 4F of that plan over any other factor described in that section.

(2) **BIGHORN LAKE MANAGEMENT.**—Bighorn Lake water management, including the Streamflow and Lake Level Management Plan, is a Federal activity, and the review and enforcement of any water management decisions relating to Bighorn Lake shall be as provided by Federal law.

(3) **APPLICABILITY OF PARAGRAPHS (1) AND (2).**—The Streamflow and Lake Level Management Plan referred to in and part of the Compact shall be interpreted to clearly reflect paragraphs (1) and (2).

(4) **APPLICABILITY OF INSTREAM FLOW REQUIREMENTS IN PLAN.**—Notwithstanding any term (including any defined term) or provision in the Streamflow and Lake Level Management Plan, for purposes of this title, the Compact, and the Streamflow and Lake Level Management Plan, any requirement in the Streamflow and Lake Level Management Plan that the Tribe dedicate a specified percentage, portion, or number of acre-feet of water per year of the tribal water rights to instream flow means (and is limited in meaning and effect to) an obligation on the part of the Tribe to withhold from development or otherwise refrain from diverting or removing from the Bighorn River the specified quantity of water for the duration, at the locations, and under the conditions set forth in the applicable requirement.

(b) **POWER GENERATION.**—

(1) **IN GENERAL.**—Notwithstanding any other provision of law, the Tribe shall have the exclusive right to develop and market power generation on the Yellowtail Afterbay Dam, provided that this exclusive right shall expire 15 years after the date of enactment of this Act if construction has not been substantially completed on the power generation project of the Tribe.

(2) **BUREAU OF RECLAMATION COOPERATION.**—The Bureau of Reclamation shall cooperate with the Tribe on the development of any power generation project under this subsection.

(3) **AGREEMENT.**—Before construction of a power generation project under this sub-

section, the Tribe shall enter into an agreement with the Bureau of Reclamation that contains provisions that—

(A) allocate the responsibilities for the design, construction, and operations of the project;

(B) assure the compatibility of the power generation project with the operations of the Yellowtail Unit and the Yellowtail Afterbay Dam, which shall include entering into agreements—

(i) regarding operating criteria and emergency procedures, as they relate to dam safety; and

(ii) under which, should the Tribe propose any modifications to facilities owned by the Bureau of Reclamation, the proposed modifications shall be subject to review and approval by the Secretary, acting through the Bureau of Reclamation;

(C) beginning 10 years after the date on which the Tribe begins marketing power generated from the Yellowtail Afterbay Dam, the Tribe shall make annual payments for operation, maintenance, and replacement costs in amounts determined in accordance with the guidelines and methods of the Bureau of Reclamation for assessing operation, maintenance, and replacement charges, provided that such annual payments shall not exceed 3 percent of gross annual revenue produced by the sale of electricity generated by such project; and

(D) the Secretary—

(i) shall review the charges established in the agreement on the date that is 5 years after the date on which the Tribe makes the first payment described in subparagraph (C) to the Secretary under the agreement and at 5 year intervals thereafter; and

(ii) may increase or decrease the charges in proportion to the amount of any increase or decrease in the costs of operation, maintenance, and replacement for the Yellowtail Afterbay Dam, provided that any increase in operation, maintenance, and replacement costs assessed to the Tribe may not exceed—

(I) 5 percent in any 5 year period; and

(II) 3 percent of the gross annual revenue produced by the sale of electricity generated by such project.

(4) **USE OF POWER BY TRIBE.**—Any hydroelectric power generated in accordance with this subsection shall be used or marketed by the Tribe.

(5) **REVENUES.**—The Tribe shall retain any revenues from the sale of hydroelectric power generated by a project under this subsection.

(6) **LIABILITY OF UNITED STATES.**—The United States shall have no trust obligation to monitor, administer, or account for—

(A) the revenues received by the Tribe under this subsection; or

(B) the expenditure of the revenues received by the Tribe under this subsection.

(c) **CONSULTATION WITH TRIBE.**—The Bureau of Reclamation shall consult with the Tribe on at least a quarterly basis on all issues relating to the management of Yellowtail Dam by the Bureau of Reclamation.

(d) **AMENDMENTS TO COMPACT AND PLAN.**—The provisions of subsection (a) apply to any amendment to—

(1) the Compact; or

(2) the Streamflow and Lake Level Management Plan.

SEC. 413. MISCELLANEOUS PROVISIONS.

(a) **WAIVER OF SOVEREIGN IMMUNITY BY THE UNITED STATES.**—Except as provided in subsections (a) through (c) of section 208 of the Department of Justice Appropriation Act, 1953 (43 U.S.C. 666), nothing in this title waives the sovereign immunity of the United States.

(b) **OTHER TRIBES NOT ADVERSELY AFFECTED.**—Nothing in this title quantifies or diminishes any land or water right, or any claim or entitlement to land or water, of an Indian tribe, band, or community other than the Tribe.

(c) **LIMITATION ON CLAIMS FOR REIMBURSEMENT.**—With respect to Indian land within the Reservation or the ceded strip—

(1) the United States shall not submit against any Indian-owned land located within the Reservation or the ceded strip any claim for reimbursement of the cost to the United States of carrying out this title and the Compact; and

(2) no assessment of any Indian-owned land located within the Reservation or the ceded strip shall be made regarding that cost.

(d) **LIMITATION ON LIABILITY OF UNITED STATES.**—

(1) **IN GENERAL.**—The United States has no trust or other obligation—

(A) to monitor, administer, or account for, in any manner, any funds provided to the Tribe by any party to the Compact other than the United States; or

(B) to review or approve any expenditure of those funds.

(2) **INDEMNIFICATION.**—The Tribe shall indemnify the United States, and hold the United States harmless, with respect to all claims (including claims for takings or breach of trust) arising from the receipt or expenditure of amounts described in paragraph (1)(A).

(e) **EFFECT ON CURRENT LAW.**—Nothing in this section affects any provision of law (including regulations) in effect on the day before the date of enactment of this Act with respect to preenforcement review of any Federal environmental enforcement action.

(f) **LIMITATIONS ON EFFECT.**—

(1) **IN GENERAL.**—Nothing in this title, the Compact, or the Streamflow and Lake Level Management Plan referred to in article III(A)(7) of the Compact—

(A) limits, expands, alters, or otherwise affects—

(i) the meaning, interpretation, implementation, application, or effect of any article, provision, or term of the Yellowstone River Compact;

(ii) any right, requirement, or obligation under the Yellowstone River Compact;

(iii) any allocation (or manner of determining any allocation) of water under the Yellowstone River Compact; or

(iv) any present or future claim, defense, or other position asserted in any legal, administrative, or other proceeding arising under or relating to the Yellowstone River Compact (including the original proceeding between the State of Montana and the State of Wyoming pending as of the date of enactment of this Act before the United States Supreme Court);

(B) makes an allocation or apportionment of water between or among States;

(C) addresses or implies whether, how, or to what extent (if any)—

(i) the tribal water rights, or any portion of the tribal water rights, should be accounted for as part of or otherwise charged against any allocation of water made to a State under the provisions of the Yellowstone River Compact; or

(ii) the Yellowstone River Compact includes the tribal water rights or the water right of any Indian tribe as part of any allocation or other disposition of water under that compact; or

(D) waives the sovereign immunity from suit of any State under the Eleventh Amendment to the Constitution of the United

States, except as expressly authorized in Article IV(F)(8) of the Compact.

(2) **EFFECT OF CERTAIN PROVISIONS IN COMPACT.**—The provisions in paragraphs (1) and (2) of article III (A)(6)(a), paragraphs (1) and (2) of article III(B)(6)(a), paragraphs (1) and (2) of article III(E)(6)(a), and paragraphs (1) and (2) of article III (F)(6)(a) of the Compact that provide protections to certain water rights recognized under the laws of the State of Montana do not affect in any way, either directly or indirectly, existing or future water rights (including the exercise of any such rights) outside of the State of Montana.

(g) **EFFECT ON RECLAMATION LAW.**—The activities carried out by the Bureau of Reclamation under this title shall not establish a precedent or impact the authority provided under any other provision of Federal reclamation law, including—

(1) the Rural Supply Act of 2006 (Public Law 109-451; 120 Stat. 3345); and

(2) the Omnibus Public Land Management Act of 2009 (Public Law 111-11; 123 Stat. 991).

SEC. 414. FUNDING.

(a) **REHABILITATION AND IMPROVEMENT OF CROW IRRIGATION PROJECT.**—

(1) **MANDATORY APPROPRIATION.**—Out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary \$73,843,000, adjusted to reflect changes since May 1, 2008, in construction cost indices applicable to the types of construction involved in the rehabilitation and improvement of the Crow Irrigation Project, for the rehabilitation and improvement of the Crow Irrigation Project.

(2) **AUTHORIZATION OF APPROPRIATIONS.**—In addition to the amount made available under paragraph (1), there is authorized to be appropriated to the Secretary for the rehabilitation and improvement of the Crow Irrigation Project \$58,000,000, adjusted to reflect changes since May 1, 2008, in construction cost indices applicable to the types of construction involved in the rehabilitation and improvement of the Crow Irrigation Project.

(b) **DESIGN AND CONSTRUCTION OF MR&I SYSTEM.**—

(1) **MANDATORY APPROPRIATION.**—Out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary \$146,000,000, adjusted to reflect changes since May 1, 2008, in construction cost indices applicable to the types of construction involved in the design and construction of the MR&I System, for the design and construction of the MR&I System.

(2) **AUTHORIZATION OF APPROPRIATIONS.**—In addition to the amount made available under paragraph (1), there is authorized to be appropriated to the Secretary for the design and construction of the MR&I System \$100,381,000, adjusted to reflect changes since May 1, 2008, in construction cost indices applicable to the types of construction involved in the design and construction of the MR&I System.

(c) **TRIBAL COMPACT ADMINISTRATION.**—Out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary \$4,776,000, adjusted to reflect changes in appropriate cost indices during the period beginning on the date of enactment of this Act and ending on the date of the transfer, for Tribal Compact Administration.

(d) **ENERGY DEVELOPMENT PROJECTS.**—Out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary \$20,000,000, adjusted to reflect changes in appropriate cost indices during the period beginning on the

date of enactment of this Act and ending on the date of the transfer, for Energy Development Projects as set forth in section 411(e)(3)(C).

(e) **MR&I SYSTEM OM&R.**—Out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary \$47,000,000, adjusted to reflect changes in appropriate cost indices during the period beginning on the date of enactment of this Act and ending on the date of the transfer, for MR&I System OM&R.

(f) **CIP OM&R.**—Out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary \$10,000,000, adjusted to reflect changes in appropriate cost indices during the period beginning on the date of enactment of this Act and ending on the date of the transfer, for CIP OM&R.

(g) **USE.**—In addition to the uses authorized under subsections (a) and (b), such amounts as may be necessary of the amounts made available under those subsections may be used to carry out related activities necessary to comply with Federal environmental and cultural resource laws.

(h) **ACCOUNT TRANSFERS.**—

(1) **IN GENERAL.**—The Secretary may transfer from the amounts made available under subsection (a) such amounts as the Secretary, with the concurrence of the Tribe, determines to be necessary to supplement the amounts made available under subsection (b), on a determination of the Secretary, in consultation with the Tribe, that such a transfer is in the best interest of the Tribe.

(2) **OTHER APPROVED TRANSFERS.**—The Secretary may transfer from the amounts made available under subsection (b) such amounts as the Secretary, with the concurrence of the Tribe, determines to be necessary to supplement the amounts made available under subsection (a), on a determination of the Secretary, in consultation with the Tribe, that such a transfer is in the best interest of the Tribe.

(i) **RECEIPT AND ACCEPTANCE.**—The Secretary shall be entitled to receive, shall accept, and shall use to carry out this section the funds transferred under subsections (a) through (f), without further appropriation.

SEC. 415. REPEAL ON FAILURE TO MEET ENFORCEABILITY DATE.

If the Secretary does not publish a statement of findings under section 410(e) not later than March 31, 2016, or the extended date agreed to by the Tribe and the Secretary, after reasonable notice to the State of Montana, as applicable—

(1) this title is repealed effective April 1, 2016, or the day after the extended date agreed to by the Tribe and the Secretary after reasonable notice to the State of Montana, whichever is later;

(2) any action taken by the Secretary and any contract or agreement pursuant to the authority provided under any provision of this title shall be void;

(3) any amounts made available under section 414, together with any interest on those amounts, shall immediately revert to the general fund of the Treasury;

(4) any amounts made available under section 414 that remain unexpended shall immediately revert to the general fund of the Treasury; and

(5) the United States shall be entitled to set off against any claims asserted by the Tribe against the United States relating to water rights—

(A) any funds expended or withdrawn from the amounts made available pursuant to this title; and

(B) any funds made available to carry out the activities authorized in this title from other authorized sources.

SEC. 416. ANTIDEFICIENCY.

The United States shall not be liable for any failure to carry out any obligation or activity authorized by this title (including any such obligation or activity under the Settlement Agreement) if adequate appropriations are not provided expressly by Congress to carry out the purposes of this title in the Reclamation Water Settlements Fund established under section 10501 of Public Law 111-11 or the “Emergency Fund for Indian Safety and Health” established by section 601(a) of the Tom Lantos and Henry J. Hyde United States Global Leadership Against HIV/AIDS, Tuberculosis, and Malaria Reauthorization Act of 2008 (25 U.S.C. 443c(a)).

TITLE V—TAOS PUEBLO INDIAN WATER RIGHTS

SEC. 501. SHORT TITLE.

This title may be cited as the “Taos Pueblo Indian Water Rights Settlement Act”.

SEC. 502. PURPOSES.

The purposes of this title are—

(1) to approve, ratify, and confirm the Taos Pueblo Indian Water Rights Settlement Agreement;

(2) to authorize and direct the Secretary to execute the Settlement Agreement and to perform all obligations of the Secretary under the Settlement Agreement and this title; and

(3) to authorize all actions and appropriations necessary for the United States to meet its obligations under the Settlement Agreement and this title.

SEC. 503. DEFINITIONS.

In this title:

(1) **ELIGIBLE NON-PUEBLO ENTITIES.**—The term “Eligible Non-Pueblo Entities” means the Town of Taos, the El Prado Water and Sanitation District, and the New Mexico Department of Finance and Administration Local Government Division on behalf of the Acequia Madre del Rio Lucero y del Arroyo Seco, the Acequia Madre del Prado, the Acequia del Monte, the Acequia Madre del Rio Chiquito, the Upper Ranchitos Mutual Domestic Water Consumers Association, the Upper Arroyo Hondo Mutual Domestic Water Consumers Association, and the Llano Quemado Mutual Domestic Water Consumers Association.

(2) **ENFORCEMENT DATE.**—The term “Enforcement Date” means the date upon which the Secretary publishes the notice required by section 509(f)(1).

(3) **MUTUAL-BENEFIT PROJECTS.**—The term “Mutual-Benefit Projects” means the projects described and identified in articles 6 and 10.1 of the Settlement Agreement.

(4) **PARTIAL FINAL DECREE.**—The term “Partial Final Decree” means the Decree entered in *New Mexico v. Abeyta* and *New Mexico v. Arellano*, Civil Nos. 7896-BB (U.S. 6 D.N.M.) and 7939-BB (U.S. D.N.M.) (consolidated), for the resolution of the Pueblo’s water right claims and which is substantially in the form agreed to by the Parties and attached to the Settlement Agreement as Attachment 5.

(5) **PARTIES.**—The term “Parties” means the Parties to the Settlement Agreement, as identified in article 1 of the Settlement Agreement.

(6) **PUEBLO.**—The term “Pueblo” means the Taos Pueblo, a sovereign Indian tribe duly recognized by the United States of America.

(7) **PUEBLO LANDS.**—The term “Pueblo lands” means those lands located within the Taos Valley to which the Pueblo, or the

United States in its capacity as trustee for the Pueblo, holds title subject to Federal law limitations on alienation. Such lands include Tracts A, B, and C, the Pueblo’s land grant, the Blue Lake Wilderness Area, and the Tenorio and Karavas Tracts and are generally depicted in Attachment 2 to the Settlement Agreement.

(8) **SAN JUAN-CHAMA PROJECT.**—The term “San Juan-Chama Project” means the Project authorized by section 8 of the Act of June 13, 1962 (76 Stat. 96 and 97), and the Act of April 11, 1956 (70 Stat. 105).

(9) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

(10) **SETTLEMENT AGREEMENT.**—The term “Settlement Agreement” means the contract dated March 31, 2006, between and among—

(A) the United States, acting solely in its capacity as trustee for Taos Pueblo;

(B) the Taos Pueblo, on its own behalf;

(C) the State of New Mexico;

(D) the Taos Valley Acequia Association and its 55 member ditches;

(E) the Town of Taos;

(F) the El Prado Water and Sanitation District; and

(G) the 12 Taos area Mutual Domestic Water Consumers Associations, as amended to conform with this title.

(11) **STATE ENGINEER.**—The term “State Engineer” means the New Mexico State Engineer.

(12) **TAOS VALLEY.**—The term “Taos Valley” means the geographic area depicted in Attachment 4 of the Settlement Agreement.

SEC. 504. PUEBLO RIGHTS.

(a) **IN GENERAL.**—Those rights to which the Pueblo is entitled under the Partial Final Decree shall be held in trust by the United States on behalf of the Pueblo and shall not be subject to forfeiture, abandonment, or permanent alienation.

(b) **SUBSEQUENT ACT OF CONGRESS.**—The Pueblo shall not be denied all or any part of its rights held in trust absent its consent unless such rights are explicitly abrogated by an Act of Congress hereafter enacted.

SEC. 505. TAOS PUEBLO WATER DEVELOPMENT FUND.

(a) **ESTABLISHMENT.**—There is established in the Treasury of the United States a fund to be known as the “Taos Pueblo Water Development Fund” (referred to in this section as the “Fund”) to be used to pay or reimburse costs incurred by the Pueblo for—

(1) acquiring water rights;

(2) planning, permitting, designing, engineering, constructing, reconstructing, replacing, rehabilitating, operating, or repairing water production, treatment or delivery infrastructure, on-farm improvements, or wastewater infrastructure;

(3) restoring, preserving and protecting the Buffalo Pasture, including planning, permitting, designing, engineering, constructing, operating, managing and replacing the Buffalo Pasture Recharge Project;

(4) administering the Pueblo’s water rights acquisition program and water management and administration system; and

(5) watershed protection and enhancement, support of agriculture, water-related Pueblo community welfare and economic development, and costs related to the negotiation, authorization, and implementation of the Settlement Agreement.

(b) **MANAGEMENT OF FUND.**—The Secretary shall manage the Fund, invest amounts in the Fund, and make monies available from the Fund for distribution to the Pueblo consistent with the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C.

4001 et seq.) (hereinafter, “Trust Fund Reform Act”), this title, and the Settlement Agreement.

(c) **INVESTMENT OF FUND.**—Upon the Enforcement Date, the Secretary shall invest amounts in the Fund in accordance with—

(1) the Act of April 1, 1880 (21 Stat. 70, ch. 41, 25 U.S.C. 161);

(2) the first section of the Act of June 24, 1938 (52 Stat. 1037, ch. 648, 25 U.S.C. 162a); and

(3) the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001 et seq.).

(d) **AVAILABILITY OF AMOUNTS FROM FUND.**—Upon the Enforcement Date, all monies deposited in the Fund pursuant to section 509(c)(1) or made available from other authorized sources shall be available to the Pueblo for expenditure or withdrawal after the requirements of subsection (e) have been met.

(e) **EXPENDITURES AND WITHDRAWAL.**—

(1) **TRIBAL MANAGEMENT PLAN.**—

(A) **IN GENERAL.**—The Pueblo may withdraw all or part of the Fund on approval by the Secretary of a tribal management plan as described in the Trust Fund Reform Act.

(B) **REQUIREMENTS.**—In addition to the requirements under the Trust Fund Reform Act, the tribal management plan shall require that the Pueblo spend any funds in accordance with the purposes described in subsection (a).

(2) **ENFORCEMENT.**—The Secretary may take judicial or administrative action to enforce the requirement that monies withdrawn from the Fund are used for the purposes specified in subsection (a).

(3) **LIABILITY.**—If the Pueblo exercises the right to withdraw monies from the Fund, neither the Secretary nor the Secretary of the Treasury shall retain any liability for the expenditure or investment of the monies withdrawn.

(4) **EXPENDITURE PLAN.**—

(A) **IN GENERAL.**—The Pueblo shall submit to the Secretary for approval an expenditure plan for any portions of the funds made available under this title that the Pueblo does not withdraw under paragraph (1)(A).

(B) **DESCRIPTION.**—The expenditure plan shall describe the manner in which, and the purposes for which, amounts remaining in the Fund will be used.

(C) **APPROVAL.**—On receipt of an expenditure plan under subparagraph (A), the Secretary shall approve the plan if the Secretary determines that the plan is reasonable and consistent with this title.

(5) **ANNUAL REPORT.**—The Pueblo shall submit to the Secretary an annual report that describes all expenditures from the Fund during the year covered by the report.

(f) **AMOUNTS AVAILABLE ON APPROPRIATION.**—Notwithstanding subsection (d), \$15,000,000 of the monies deposited in the Fund—

(1) shall be available upon appropriation or availability of the funds from other authorized sources for the Pueblo’s acquisition of water rights pursuant to Article 5.1.1.2.3 of the Settlement Agreement, the Buffalo Pasture Recharge Project, implementation of the Pueblo’s water rights acquisition program and water management and administration system, the design, planning, engineering, permitting or construction of water or wastewater infrastructure eligible for funding under subsection (a), or costs related to the negotiation, authorization, and implementation of the Settlement Agreement, provided that such funds may be expended

prior to the Enforcement Date only for activities which are determined by the Secretary to be more cost effective when implemented as early as possible; and

(2) shall be distributed by the Secretary to the Pueblo on receipt by the Secretary from the Pueblo of a written notice and a Tribal Council resolution that describes the purposes under paragraph (1) for which the monies will be used after a cost-effectiveness determination by the Secretary has been made as described in paragraph (1). The Secretary shall make the determination described in paragraph (1) within a reasonable period of time after receipt of the notice and resolution.

(g) NO PER CAPITA DISTRIBUTIONS.—No portion of the Fund shall be distributed on a per capita basis to members of the Pueblo.

SEC. 506. MARKETING.

(a) PUEBLO WATER RIGHTS.—Subject to the approval of the Secretary in accordance with subsection (e), the Pueblo may market water rights secured to it under the Settlement Agreement and Partial Final Decree, provided that such marketing is in accordance with this section.

(b) PUEBLO CONTRACT RIGHTS TO SAN JUAN-CHAMA PROJECT WATER.—Subject to the approval of the Secretary in accordance with subsection (e), the Pueblo may subcontract water made available to the Pueblo under the contract authorized under section 508(b)(1)(A) to third parties to supply water for use within or without the Taos Valley, provided that the delivery obligations under such subcontract are not inconsistent with the Secretary's existing San Juan-Chama Project obligations and such subcontract is in accordance with this section.

(c) LIMITATION.—

(1) IN GENERAL.—Diversion or use of water off Pueblo lands pursuant to Pueblo water rights or Pueblo contract rights to San Juan-Chama Project water shall be subject to and not inconsistent with the same requirements and conditions of State law, any applicable Federal law, and any applicable interstate compact as apply to the exercise of water rights or contract rights to San Juan-Chama Project water held by non-Federal, non-Indian entities, including all applicable State Engineer permitting and reporting requirements.

(2) EFFECT ON WATER RIGHTS.—Such diversion or use off Pueblo lands under paragraph (1) shall not impair water rights or increase surface water depletions within the Taos Valley.

(d) MAXIMUM TERM.—

(1) IN GENERAL.—The maximum term of any water use lease or subcontract, including all renewals, shall not exceed 99 years in duration.

(2) ALIENATION OF RIGHTS.—The Pueblo shall not permanently alienate any rights it has under the Settlement Agreement, the Partial Final Decree, and this title.

(e) APPROVAL OF SECRETARY.—The Secretary shall approve or disapprove any lease or subcontract submitted by the Pueblo for approval within a reasonable period of time after submission, provided that no Secretarial approval shall be required for any water use lease for less than 10 acre-feet per year with a term of less than 7 years, including all renewals.

(f) NO FORFEITURE OR ABANDONMENT.—The nonuse by a lessee or subcontractor of the Pueblo of any right to which the Pueblo is entitled under the Partial Final Decree shall in no event result in a forfeiture, abandonment, relinquishment, or other loss of all or any part of those rights.

(g) NO PREEMPTION.—

(1) IN GENERAL.—The approval authority of the Secretary provided under subsection (e) shall not amend, construe, supersede, or preempt any State or Federal law, interstate compact, or international treaty that pertains to the Colorado River, the Rio Grande, or any of their tributaries, including the appropriation, use, development, storage, regulation, allocation, conservation, exportation, or quantity of those waters.

(2) APPLICABLE LAW.—The provisions of section 2116 of the Revised Statutes (25 U.S.C. 177) shall not apply to any water made available under the Settlement Agreement.

(h) NO PREJUDICE.—Nothing in this title shall be construed to establish, address, prejudice, or prevent any party from litigating whether or to what extent any applicable State law, Federal law, or interstate compact does or does not permit, govern, or apply to the use of the Pueblo's water outside of New Mexico.

SEC. 507. MUTUAL-BENEFIT PROJECTS.

(a) IN GENERAL.—Upon the Enforcement Date, the Secretary, acting through the Commissioner of Reclamation, shall provide financial assistance in the form of grants on a nonreimbursable basis to Eligible Non-Pueblo Entities to plan, permit, design, engineer, and construct the Mutual-Benefit Projects in accordance with the Settlement Agreement—

(1) to minimize adverse impacts on the Pueblo's water resources by moving future non-Indian ground water pumping away from the Pueblo's Buffalo Pasture; and

(2) to implement the resolution of a dispute over the allocation of certain surface water flows between the Pueblo and non-Indian irrigation water right owners in the community of Arroyo Seco Arriba.

(b) COST-SHARING.—

(1) FEDERAL SHARE.—The Federal share of the total cost of planning, designing, and constructing the Mutual-Benefit Projects authorized in subsection (a) shall be 75 percent and shall be nonreimbursable.

(2) NON-FEDERAL SHARE.—The non-Federal share of the total cost of planning, designing, and constructing the Mutual-Benefit Projects shall be 25 percent and may be in the form of in-kind contributions, including the contribution of any valuable asset or service that the Secretary determines would substantially contribute to completing the Mutual-Benefit Projects.

(3) ADDITIONAL STATE CONTRIBUTION.—As a condition of expenditure by the Secretary of the funds made available under section 509(c)(2), the State shall—

(A) appropriate and make available the non-Federal share described in paragraph (2); and

(B) agree to provide additional funding associated with the Mutual-Benefit Projects as described in paragraph 10 of the Settlement Agreement.

SEC. 508. SAN JUAN-CHAMA PROJECT CONTRACTS.

(a) IN GENERAL.—Contracts issued under this section shall be in accordance with this title and the Settlement Agreement.

(b) CONTRACTS FOR SAN JUAN-CHAMA PROJECT WATER.—

(1) IN GENERAL.—The Secretary shall enter into 3 repayment contracts within a reasonable period after the date of enactment of this Act, for the delivery of San Juan-Chama Project water in the following amounts:

(A) 2,215 acre-feet/annum to the Pueblo.

(B) 366 acre-feet/annum to the Town of Taos.

(C) 40 acre-feet/annum to the El Prado Water and Sanitation District.

(2) REQUIREMENTS.—Each such contract shall provide that if the conditions precedent set forth in section 509(f)(2) have not been fulfilled by March 31, 2017, the contract shall expire on that date.

(3) APPLICABLE LAW.—Public Law 87-483 (76 Stat. 97) applies to the contracts entered into under paragraph (1) and no preference shall be applied as a result of section 504(a) with regard to the delivery or distribution of San Juan-Chama Project water or the management or operation of the San Juan-Chama Project.

(c) WAIVER.—With respect to the contract authorized and required by subsection (b)(1)(A) and notwithstanding the provisions of Public Law 87-483 (76 Stat. 96) or any other provision of law—

(1) the Secretary shall waive the entirety of the Pueblo's share of the construction costs, both principal and the interest, for the San Juan-Chama Project and pursuant to that waiver, the Pueblo's share of all construction costs for the San Juan-Chama Project, inclusive of both principal and interest shall be nonreimbursable; and

(2) the Secretary's waiver of the Pueblo's share of the construction costs for the San Juan-Chama Project will not result in an increase in the pro rata shares of other San Juan-Chama Project water contractors, but such costs shall be absorbed by the United States Treasury or otherwise appropriated to the Department of the Interior.

SEC. 509. AUTHORIZATIONS, RATIFICATIONS, CONFIRMATIONS, AND CONDITIONS PRECEDENT.

(a) RATIFICATION.—

(1) IN GENERAL.—Except to the extent that any provision of the Settlement Agreement conflicts with any provision of this title, the Settlement Agreement is authorized, ratified, and confirmed.

(2) AMENDMENTS.—To the extent amendments are executed to make the Settlement Agreement consistent with this title, such amendments are also authorized, ratified, and confirmed.

(b) EXECUTION OF SETTLEMENT AGREEMENT.—To the extent that the Settlement Agreement does not conflict with this title, the Secretary shall execute the Settlement Agreement, including all exhibits to the Settlement Agreement requiring the signature of the Secretary and any amendments necessary to make the Settlement Agreement consistent with this title, after the Pueblo has executed the Settlement Agreement and any such amendments.

(c) FUNDING.—

(1) TAOS PUEBLO WATER DEVELOPMENT FUND.—

(A) MANDATORY APPROPRIATION.—Out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary for deposit in the Taos Pueblo Water Development Fund established by section 505(a), for the period of fiscal years 2011 through 2016, \$50,000,000, as adjusted by such amounts as may be required due to increases since April 1, 2007, in construction costs, as indicated by engineering cost indices applicable to the types of construction or rehabilitation involved.

(B) AUTHORIZATION OF APPROPRIATIONS.—In addition to the amount made available under subparagraph (A), there is authorized to be appropriated to the Secretary for deposit in the Taos Pueblo Water Development Fund established by section 505(a) \$38,000,000, as adjusted by such amounts as may be required due to increases since April 1, 2007, in construction costs, as indicated by engineering cost indices applicable to the types of

construction or rehabilitation involved, for the period of fiscal years 2011 through 2016.

(2) **MUTUAL-BENEFIT PROJECTS FUNDING.**—

(A) **FUNDING.**—

(i) **MANDATORY APPROPRIATION.**—Out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary to provide grants pursuant to section 507 \$16,000,000 for the period of fiscal years 2011 through 2016.

(ii) **AUTHORIZATION OF APPROPRIATIONS.**—In addition to the amount made available under clause (i), there is authorized to be appropriated to the Secretary to provide grants pursuant to section 507 \$20,000,000 for the period of fiscal years 2011 through 2016.

(B) **DEPOSIT IN FUND.**—The Secretary shall deposit the funds made available pursuant to subparagraph (A) into a noninterest-bearing fund, to be known as the “Taos Settlement Fund”, to be established in the Treasury of the United States so that such funds may be made available on the Enforcement Date as set forth in section 507(a).

(3) **RECEIPT AND ACCEPTANCE.**—The Secretary shall be entitled to receive, shall accept, and shall use to carry out this title the funds transferred under paragraphs (1)(A) and (2)(A)(i), without further appropriation, to remain available until expended.

(d) **AUTHORITY OF SECRETARY.**—The Secretary is authorized to enter into such agreements and to take such measures as the Secretary may deem necessary or appropriate to fulfill the intent of the Settlement Agreement and this title.

(e) **ENVIRONMENTAL COMPLIANCE.**—

(1) **EFFECT OF EXECUTION OF SETTLEMENT AGREEMENT.**—The Secretary's execution of the Settlement Agreement shall not constitute a major Federal action under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(2) **COMPLIANCE WITH ENVIRONMENTAL LAWS.**—In carrying out this title, the Secretary shall comply with each law of the Federal Government relating to the protection of the environment, including—

(A) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

(B) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

(f) **CONDITIONS PRECEDENT AND SECRETARIAL FINDING.**—

(1) **IN GENERAL.**—Upon the fulfillment of the conditions precedent described in paragraph (2), the Secretary shall publish in the Federal Register a statement of finding that the conditions have been fulfilled.

(2) **CONDITIONS.**—The conditions precedent referred to in paragraph (1) are the following:

(A) The President has signed into law the Taos Pueblo Indian Water Rights Settlement Act.

(B) To the extent that the Settlement Agreement conflicts with this title, the Settlement Agreement has been revised to conform with this title.

(C) The Settlement Agreement, so revised, including waivers and releases pursuant to section 510, has been executed by the Parties and the Secretary prior to the Parties' motion for entry of the Partial Final Decree.

(D) Congress has fully appropriated or the Secretary has provided from other authorized sources all funds made available under paragraphs (1) and (2) of subsection (c).

(E) The Legislature of the State of New Mexico has fully appropriated the funds for the State contributions as specified in the Settlement Agreement, and those funds have been deposited in appropriate accounts.

(F) The State of New Mexico has enacted legislation that amends NMSA 1978, section

72-6-3 to state that a water use due under a water right secured to the Pueblo under the Settlement Agreement or the Partial Final Decree may be leased for a term, including all renewals, not to exceed 99 years, provided that this condition shall not be construed to require that said amendment state that any State law based water rights acquired by the Pueblo or by the United States on behalf of the Pueblo may be leased for said term.

(G) A Partial Final Decree that sets forth the water rights and contract rights to water to which the Pueblo is entitled under the Settlement Agreement and this title and that substantially conforms to the Settlement Agreement and Attachment 5 thereto has been approved by the Court and has become final and nonappealable.

(g) **ENFORCEMENT DATE.**—The Settlement Agreement shall become enforceable, and the waivers and releases executed pursuant to section 510 and the limited waiver of sovereign immunity set forth in section 511(a) shall become effective, as of the date that the Secretary publishes the notice required by subsection (f)(1).

(h) **EXPIRATION DATE.**—

(1) **IN GENERAL.**—If all of the conditions precedent described in section (f)(2) have not been fulfilled by March 31, 2017, the Settlement Agreement shall be null and void, the waivers and releases executed pursuant to section 510 and the sovereign immunity waivers in section 511(a) shall not become effective, and any unexpended Federal funds, together with any income earned thereon, and title to any property acquired or constructed with expended Federal funds, shall be returned to the Federal Government, unless otherwise agreed to by the Parties in writing and approved by Congress.

(2) **EXCEPTION.**—Notwithstanding subsection (h)(1) or any other provision of law, except as provided in subsection (i), title to any property acquired or constructed with expended Federal funds made available under section 505(f) shall be retained by the Pueblo.

(i) **RIGHT TO SET-OFF.**—If the conditions precedent described in subsection (f)(2) have not been fulfilled by March 31, 2017, and the Settlement Agreement is null and void under subsection (h)(1)—

(1) the United States shall be entitled to set off any Federal funds made available under section 505(f) that were used for purposes other than the purchase of water rights against any claim of the Pueblo against the United States described in section 510(b) (but excluding any claim retained under section 510(c)); and

(2) the Pueblo shall have the option either—

(A) to accept an equitable credit for any water rights acquired with funds made available under section 505(f) against any water rights secured for the Pueblo by the Pueblo, or by the United States on behalf of the Pueblo, in any litigation or future settlement of the case styled *New Mexico v. Abeyta and New Mexico v. Arellano*, Civil Nos. 7896-BB (U.S.6 D.N.M.) and 7939-BB (U.S. D.N.M.) (consolidated); or

(B) to convey to the United States any water rights acquired with funds made available under section 505(f).

(j) **EXTENSION.**—The dates in subsections (h) and (i) and section 510(e) may be extended if the Parties agree that an extension is reasonably necessary.

SEC. 510. WAIVERS AND RELEASES OF CLAIMS.

(a) **CLAIMS BY THE PUEBLO AND THE UNITED STATES.**—In return for recognition of the Pueblo's water rights and other benefits, including but not limited to the commitments

by non-Pueblo parties, as set forth in the Settlement Agreement and this title, the Pueblo, on behalf of itself and its members, and the United States acting in its capacity as trustee for the Pueblo are authorized to execute a waiver and release of claims against the parties to *New Mexico v. Abeyta and New Mexico v. Arellano*, Civil Nos. 7896-BB (U.S.6 D.N.M.) and 7939-BB (U.S. D.N.M.) (consolidated) from—

(1) all claims for water rights in the Taos Valley that the Pueblo, or the United States acting in its capacity as trustee for the Pueblo, asserted, or could have asserted, in any proceeding, including but not limited to in *New Mexico v. Abeyta and New Mexico v. Arellano*, Civil Nos. 7896-BB (U.S.6 D.N.M.) and 7939-BB (U.S. D.N.M.) (consolidated), up to and including the Enforcement Date, except to the extent that such rights are recognized in the Settlement Agreement or this title;

(2) all claims for water rights, whether for consumptive or nonconsumptive use, in the Rio Grande mainstream or its tributaries that the Pueblo, or the United States acting in its capacity as trustee for the Pueblo, asserted or could assert in any water rights adjudication proceedings except those claims based on Pueblo or United States ownership of lands or water rights acquired after the Enforcement Date, provided that nothing in this paragraph shall prevent the Pueblo or the United States from fully participating in the inter se phase of any such water rights adjudication proceedings;

(3) all claims for damages, losses or injuries to water rights or claims of interference with, diversion or taking of water (including but not limited to claims for injury to lands resulting from such damages, losses, injuries, interference with, diversion, or taking) in the Rio Grande mainstream or its tributaries or for lands within the Taos Valley that accrued at any time up to and including the Enforcement Date; and

(4) all claims against the State of New Mexico, its agencies, or employees relating to the negotiation or the adoption of the Settlement Agreement.

(b) **CLAIMS BY THE PUEBLO AGAINST THE UNITED STATES.**—The Pueblo, on behalf of itself and its members, is authorized to execute a waiver and release of—

(1) all claims against the United States, its agencies, or employees relating to claims for water rights in or water of the Taos Valley that the United States acting in its capacity as trustee for the Pueblo asserted, or could have asserted, in any proceeding, including but not limited to in *New Mexico v. Abeyta and New Mexico v. Arellano*, Civil Nos. 7896-BB (U.S.6 D.N.M.) and 7939-BB (U.S. D.N.M.) (consolidated);

(2) all claims against the United States, its agencies, or employees relating to damages, losses, or injuries to water, water rights, land, or natural resources due to loss of water or water rights (including but not limited to damages, losses or injuries to hunting, fishing, gathering, or cultural rights due to loss of water or water rights, claims relating to interference with, diversion or taking of water or water rights, or claims relating to failure to protect, acquire, replace, or develop water, water rights or water infrastructure) in the Rio Grande mainstream or its tributaries or within the Taos Valley that first accrued at any time up to and including the Enforcement Date;

(3) all claims against the United States, its agencies, or employees for an accounting of funds appropriated by the Act of March 4, 1929 (45 Stat. 1562), the Act of March 4, 1931

(46 Stat. 1552), the Act of June 22, 1936 (49 Stat. 1757), the Act of August 9, 1937 (50 Stat. 564), and the Act of May 9, 1938 (52 Stat. 291), as authorized by the Pueblo Lands Act of June 7, 1924 (43 Stat. 636), and the Pueblo Lands Act of May 31, 1933 (48 Stat. 108), and for breach of trust relating to funds for water replacement appropriated by said Acts that first accrued before the date of enactment of this Act;

(4) all claims against the United States, its agencies, or employees relating to the pending litigation of claims relating to the Pueblo's water rights in New Mexico v. Abeyta and New Mexico v. Arellano, Civil Nos. 7896-BB (U.S.6 D.N.M.) and 7939-BB (U.S. D.N.M.) (consolidated); and

(5) all claims against the United States, its agencies, or employees relating to the negotiation, Execution or the adoption of the Settlement Agreement, exhibits thereto, the Final Decree, or this title.

(c) **RESERVATION OF RIGHTS AND RETENTION OF CLAIMS.**—Notwithstanding the waivers and releases authorized in this title, the Pueblo on behalf of itself and its members and the United States acting in its capacity as trustee for the Pueblo retain—

(1) all claims for enforcement of the Settlement Agreement, the Final Decree, including the Partial Final Decree, the San Juan-Chama Project contract between the Pueblo and the United States, or this title;

(2) all claims against persons other than the Parties to the Settlement Agreement for damages, losses or injuries to water rights or claims of interference with, diversion or taking of water rights (including but not limited to claims for injury to lands resulting from such damages, losses, injuries, interference with, diversion, or taking of water rights) within the Taos Valley arising out of activities occurring outside the Taos Valley or the Taos Valley Stream System;

(3) all rights to use and protect water rights acquired after the date of enactment of this Act;

(4) all rights to use and protect water rights acquired pursuant to State law, to the extent not inconsistent with the Partial Final Decree and the Settlement Agreement (including water rights for the land the Pueblo owns in Questa, New Mexico);

(5) all claims relating to activities affecting the quality of water including but not limited to any claims the Pueblo might have under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) (including but not limited to claims for damages to natural resources), the Safe Drinking Water Act (42 U.S.C. 300f et seq.), the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), and the regulations implementing those Acts;

(6) all claims relating to damages, losses, or injuries to land or natural resources not due to loss of water or water rights (including but not limited to hunting, fishing, gathering, or cultural rights); and

(7) all rights, remedies, privileges, immunities, powers, and claims not specifically waived and released pursuant to this title and the Settlement Agreement.

(d) **EFFECT.**—Nothing in the Settlement Agreement or this title—

(1) affects the ability of the United States acting in its sovereign capacity to take actions authorized by law, including but not limited to any laws relating to health, safety, or the environment, including but not limited to the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), the Safe Drinking Water Act (42 U.S.C. 300f et seq.), the Comprehensive Environmental Response,

Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.), the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.), and the regulations implementing such Acts;

(2) affects the ability of the United States to take actions acting in its capacity as trustee for any other Indian tribe or allottee;

(3) confers jurisdiction on any State court to—

(A) interpret Federal law regarding health, safety, or the environment or determine the duties of the United States or other parties pursuant to such Federal law; or

(B) conduct judicial review of Federal agency action; or

(4) waives any claim of a member of the Pueblo in an individual capacity that does not derive from a right of the Pueblo.

(e) **TOLLING OF CLAIMS.**—

(1) **IN GENERAL.**—Each applicable period of limitation and time-based equitable defense relating to a claim described in this section shall be tolled for the period beginning on the date of enactment of this Act and ending on the earlier of—

(A) March 31, 2017; or

(B) the Enforcement Date.

(2) **EFFECT OF SUBSECTION.**—Nothing in this subsection revives any claim or tolls any period of limitation or time-based equitable defense that expired before the date of enactment of this Act.

(3) **LIMITATION.**—Nothing in this subsection precludes the tolling of any period of limitations or any time-based equitable defense under any other applicable law.

SEC. 511. INTERPRETATION AND ENFORCEMENT.

(a) **LIMITED WAIVER OF SOVEREIGN IMMUNITY.**—Upon and after the Enforcement Date, if any Party to the Settlement Agreement brings an action in any court of competent jurisdiction over the subject matter relating only and directly to the interpretation or enforcement of the Settlement Agreement or this title, and names the United States or the Pueblo as a party, then the United States, the Pueblo, or both may be added as a party to any such action, and any claim by the United States or the Pueblo to sovereign immunity from the action is waived, but only for the limited and sole purpose of such interpretation or enforcement, and no waiver of sovereign immunity is made for any action against the United States or the Pueblo that seeks money damages.

(b) **SUBJECT MATTER JURISDICTION NOT AFFECTED.**—Nothing in this title shall be deemed as conferring, restricting, enlarging, or determining the subject matter jurisdiction of any court, including the jurisdiction of the court that enters the Partial Final Decree adjudicating the Pueblo's water rights.

(c) **REGULATORY AUTHORITY NOT AFFECTED.**—Nothing in this title shall be deemed to determine or limit any authority of the State or the Pueblo to regulate or administer waters or water rights now or in the future.

SEC. 512. DISCLAIMER.

Nothing in the Settlement Agreement or this title shall be construed in any way to quantify or otherwise adversely affect the land and water rights, claims, or entitlements to water of any other Indian tribe.

SEC. 513. ANTIDEFICIENCY.

The United States shall not be liable for failure to carry out any obligation or activity authorized to be carried out under this title (including any such obligation or activity under the Agreement) if adequate appropriations are not provided expressly to carry out the purposes of this title by Congress or there are not enough monies available to carry out the purposes of this title in the

Reclamation Water Settlements Fund established under section 10501 of Public Law 111-11 or the "Emergency Fund for Indian Safety and Health" established by section 601(a) of the Tom Lantos and Henry J. Hyde United States Global Leadership Against HIV/AIDS, Tuberculosis, and Malaria Reauthorization Act of 2008 (25 U.S.C. 443c(a)).

TITLE VI—AAMODT LITIGATION SETTLEMENT

SEC. 601. SHORT TITLE.

This title may be cited as the "Aamodt Litigation Settlement Act".

SEC. 602. DEFINITIONS.

In this title:

(1) **AAMODT CASE.**—The term "Aamodt Case" means the civil action entitled State of New Mexico, ex rel. State Engineer and United States of America, Pueblo de Nambe, Pueblo de Pojoaque, Pueblo de San Ildefonso, and Pueblo de Tesuque v. R. Lee Aamodt, et al., No. 66 CV 6639 MV/LCS (D.N.M.).

(2) **ACRE-FEET.**—The term "acre-foot" means acre-feet of water per year.

(3) **AUTHORITY.**—The term "Authority" means the Pojoaque Basin Regional Water Authority described in section 9.5 of the Settlement Agreement or an alternate entity acceptable to the Pueblos and the County to operate and maintain the diversion and treatment facilities, certain transmission pipelines, and other facilities of the Regional Water System.

(4) **CITY.**—The term "City" means the city of Santa Fe, New Mexico.

(5) **COST-SHARING AND SYSTEM INTEGRATION AGREEMENT.**—The term "Cost-Sharing and System Integration Agreement" means the agreement, dated August 27, 2009, to be executed by the United States, the State, the Pueblos, the County, and the City that—

(A) describes the location, capacity, and management (including the distribution of water to customers) of the Regional Water System; and

(B) allocates the costs of the Regional Water System with respect to—

(i) the construction, operation, maintenance, and repair of the Regional Water System;

(ii) rights-of-way for the Regional Water System; and

(iii) the acquisition of water rights.

(6) **COUNTY.**—The term "County" means Santa Fe County, New Mexico.

(7) **COUNTY DISTRIBUTION SYSTEM.**—The term "County Distribution System" means the portion of the Regional Water System that serves water customers on non-Pueblo land in the Pojoaque Basin.

(8) **COUNTY WATER UTILITY.**—The term "County Water Utility" means the water utility organized by the County to—

(A) receive water distributed by the Authority; and

(B) provide the water received under subparagraph (A) to customers on non-Pueblo land in the Pojoaque Basin.

(9) **ENGINEERING REPORT.**—The term "Engineering Report" means the report entitled "Pojoaque Regional Water System Engineering Report" dated September 2008 and any amendments thereto, including any modifications which may be required by section 611(d)(2).

(10) **FUND.**—The term "Fund" means the Aamodt Settlement Pueblos' Fund established by section 615(a).

(11) **OPERATING AGREEMENT.**—The term "Operating Agreement" means the agreement between the Pueblos and the County executed under section 612(a).

(12) **OPERATIONS, MAINTENANCE, AND REPLACEMENT COSTS.**—

(A) IN GENERAL.—The term “operations, maintenance, and replacement costs” means all costs for the operation of the Regional Water System that are necessary for the safe, efficient, and continued functioning of the Regional Water System to produce the benefits described in the Settlement Agreement.

(B) EXCLUSION.—The term “operations, maintenance, and replacement costs” does not include construction costs or costs related to construction design and planning.

(13) POJOAQUE BASIN.—

(A) IN GENERAL.—The term “Pojoaque Basin” means the geographic area limited by a surface water divide (which can be drawn on a topographic map), within which area rainfall and runoff flow into arroyos, drainages, and named tributaries that eventually drain to—

- (i) the Rio Pojoaque; or
- (ii) the 2 unnamed arroyos immediately south; and
- (iii) 2 arroyos (including the Arroyo Alamo) that are north of the confluence of the Rio Pojoaque and the Rio Grande.

(B) INCLUSION.—The term “Pojoaque Basin” includes the San Ildefonso Eastern Reservation recognized by section 8 of Public Law 87-231 (75 Stat. 505).

(14) PUEBLO.—The term “Pueblo” means each of the pueblos of Nambe, Pojoaque, San Ildefonso, or Tesuque.

(15) PUEBLOS.—The term “Pueblos” means collectively the Pueblos of Nambe, Pojoaque, San Ildefonso, and Tesuque.

(16) PUEBLO LAND.—The term “Pueblo land” means any real property that is—

- (A) held by the United States in trust for a Pueblo within the Pojoaque Basin;
- (B)(i) owned by a Pueblo within the Pojoaque Basin before the date on which a court approves the Settlement Agreement; or

(ii) acquired by a Pueblo on or after the date on which a court approves the Settlement Agreement, if the real property is located—

(I) within the exterior boundaries of the Pueblo, as recognized and conformed by a patent issued under the Act of December 22, 1858 (11 Stat. 374, chapter V); or

(II) within the exterior boundaries of any territory set aside for the Pueblo by law, executive order, or court decree;

(C) owned by a Pueblo or held by the United States in trust for the benefit of a Pueblo outside the Pojoaque Basin that is located within the exterior boundaries of the Pueblo as recognized and confirmed by a patent issued under the Act of December 22, 1858 (11 Stat. 374, chapter V); or

(D) within the exterior boundaries of any real property located outside the Pojoaque Basin set aside for a Pueblo by law, executive order, or court decree, if the land is within or contiguous to land held by the United States in trust for the Pueblo as of January 1, 2005.

(17) PUEBLO WATER FACILITY.—

(A) IN GENERAL.—The term “Pueblo Water Facility” means—

(i) a portion of the Regional Water System that serves only water customers on Pueblo land; and

(ii) portions of a Pueblo water system in existence on the date of enactment of this Act that serve water customers on non-Pueblo land, also in existence on the date of enactment of this Act, or their successors, that are—

(I) depicted in the final project design, as modified by the drawings reflecting the completed Regional Water System; and

(II) described in the Operating Agreement.

(B) INCLUSIONS.—The term “Pueblo Water Facility” includes—

(i) the barrier dam and infiltration project on the Rio Pojoaque described in the Engineering Report; and

(ii) the Tesuque Pueblo infiltration pond described in the Engineering Report.

(18) REGIONAL WATER SYSTEM.—

(A) IN GENERAL.—The term “Regional Water System” means the Regional Water System described in section 611(a).

(B) EXCLUSIONS.—The term “Regional Water System” does not include the County or Pueblo water supply delivered through the Regional Water System.

(19) SAN JUAN-CHAMA PROJECT.—The term “San Juan-Chama Project” means the Project authorized by section 8 of the Act of June 13, 1962 (76 Stat. 96, 97), and the Act of April 11, 1956 (70 Stat. 105).

(20) SAN JUAN-CHAMA PROJECT ACT.—The term “San Juan-Chama Project Act” means sections 8 through 18 of the Act of June 13, 1962 (76 Stat. 96, 97).

(21) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(22) SETTLEMENT AGREEMENT.—The term “Settlement Agreement” means the agreement among the State, the Pueblos, the United States, the County, and the City dated January 19, 2006, and signed by all of the government parties to the Settlement Agreement (other than the United States) on May 3, 2006, as amended in conformity with this title.

(23) STATE.—The term “State” means the State of New Mexico.

Subtitle A—Pojoaque Basin Regional Water System

SEC. 611. AUTHORIZATION OF REGIONAL WATER SYSTEM.

(a) IN GENERAL.—The Secretary, acting through the Commissioner of Reclamation, shall plan, design, and construct a regional water system in accordance with the Settlement Agreement, to be known as the “Regional Water System”—

(1) to divert and distribute water to the Pueblos and to the County Water Utility, in accordance with the Engineering Report; and

(2) that consists of—

(A) surface water diversion facilities at San Ildefonso Pueblo on the Rio Grande; and

(B) any treatment, transmission, storage and distribution facilities and wellfields for the County Distribution System and Pueblo Water Facilities that are necessary to supply 4,000 acre-feet of water within the Pojoaque Basin, unless modified in accordance with subsection (d)(2).

(b) FINAL PROJECT DESIGN.—The Secretary shall issue a final project design within 90 days of completion of the environmental compliance described in section 616 for the Regional Water System that—

(1) is consistent with the Engineering Report; and

(2) includes a description of any Pueblo Water Facilities.

(c) ACQUISITION OF LAND; WATER RIGHTS.—

(1) ACQUISITION OF LAND.—Upon request, and in exchange for the funding which shall be provided in section 617(c), the Pueblos shall consent to the grant of such easements and rights-of-way as may be necessary for the construction of the Regional Water System at no cost to the Secretary. To the extent that the State or County own easements or rights-of-way that may be used for construction of the Regional Water System, the State or County shall provide that land or interest in land as necessary for construction at no cost to the Secretary. The Sec-

retary shall acquire any other land or interest in land that is necessary for the construction of the Regional Water System.

(2) WATER RIGHTS.—The Secretary shall not condemn water rights for purposes of the Regional Water System.

(d) CONDITIONS FOR CONSTRUCTION.—

(1) IN GENERAL.—The Secretary shall not begin construction of the Regional Water System facilities until the date on which—

(A) the Secretary executes—

- (i) the Settlement Agreement; and
- (ii) the Cost-Sharing and System Integration Agreement; and

(B) the State and the County have entered into an agreement with the Secretary to contribute the non-Federal share of the costs of the construction in accordance with the Cost-Sharing and System Integration Agreement.

(2) MODIFICATIONS TO REGIONAL WATER SYSTEM.—

(A) IN GENERAL.—The State and the County, in agreement with the Pueblos, the City, and other signatories to the Cost-Sharing and System Integration Agreement, may modify the extent, size, and capacity of the County Distribution System as set forth in the Cost-Sharing and System Integration Agreement.

(B) EFFECT.—A modification under subparagraph (A)—

(i) shall not affect implementation of the Settlement Agreement so long as the provisions in section 623 are satisfied; and

(ii) may result in an adjustment of the State and County cost-share allocation as set forth in the Cost-Sharing and System Integration Agreement.

(e) APPLICABLE LAW.—The Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) shall not apply to the design and construction of the Regional Water System.

(f) CONSTRUCTION COSTS.—

(1) PUEBLO WATER FACILITIES.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the expenditures of the Secretary to construct the Pueblo Water Facilities under this section shall not exceed \$106,400,000.

(B) EXCEPTION.—The amount described in subparagraph (A) shall be increased or decreased, as appropriate, based on ordinary fluctuations in construction costs since October 1, 2006, as determined using applicable engineering cost indices.

(2) COSTS TO PUEBLO.—The costs incurred by the Secretary in carrying out activities to construct the Pueblo Water Facilities under this section shall not be reimbursable to the United States.

(3) COUNTY DISTRIBUTION SYSTEM.—As a condition of the Secretary using the funds made available pursuant to section 617(a)(1), the costs of constructing the County Distribution System shall be a State and local expense pursuant to the Cost-Sharing and System Integration Agreement.

(g) INITIATION OF DISCUSSIONS.—

(1) IN GENERAL.—If the Secretary determines that the cost of constructing the Regional Water System exceed the amounts described in the Cost-Sharing and System Integration Agreement for construction of the Regional Water System and would necessitate funds in excess of the amount made available pursuant to section 617(a)(1), the Secretary shall initiate negotiations with the parties to the Cost-Sharing and System Integration Agreement for an agreement regarding non-Federal contributions to ensure that the Regional Water System can be completed as required by section 623(e).

(2) **JOINT RESPONSIBILITIES.**—The United States shall not bear the entire amount of any cost overrun, nor shall the State be responsible to pay any amounts in addition to the amounts specified in the Cost-Sharing and System Integration Agreement.

(h) **CONVEYANCE OF REGIONAL WATER SYSTEM FACILITIES.**—

(1) **IN GENERAL.**—Subject to paragraph (2), on completion of the construction of the Regional Water System as defined in section 623(e), the Secretary, in accordance with the Operating Agreement, shall convey to—

(A) each Pueblo the portion of any Pueblo Water Facility that is located within the boundaries of the Pueblo, including any land or interest in land located within the boundaries of the Pueblo that is acquired by the United States for the construction of the Pueblo Water Facility;

(B) the County the County Distribution System, including any land or interest in land acquired by the United States for the construction of the County Distribution System; and

(C) the Authority any portions of the Regional Water System that remain after making the conveyances under subparagraphs (A) and (B), including any land or interest in land acquired by the United States for the construction of the portions of the Regional Water System.

(2) **CONDITIONS FOR CONVEYANCE.**—The Secretary shall not convey any portion of the Regional Water System facilities under paragraph (1) until the date on which—

(A) construction of the Regional Water System is substantially complete, as defined in section 623(e); and

(B) the Operating Agreement is executed in accordance with section 612.

(3) **SUBSEQUENT CONVEYANCE.**—On conveyance by the Secretary under paragraph (1), the Pueblos, the County, and the Authority shall not reconvey any portion of the Regional Water System conveyed to the Pueblos, the County, and the Authority, respectively, unless the reconveyance is authorized by an Act of Congress enacted after the date of enactment of this Act.

(4) **INTEREST OF THE UNITED STATES.**—On conveyance of a portion of the Regional Water System under paragraph (1), the United States shall have no further right, title, or interest in and to the portion of the Regional Water System conveyed.

(5) **ADDITIONAL CONSTRUCTION.**—On conveyance of a portion of the Regional Water System under paragraph (1), the Pueblos, County, or the Authority, as applicable, may, at the expense of the Pueblos, County, or the Authority, construct any additional infrastructure that is necessary to fully use the water delivered by the Regional Water System.

(6) **TAXATION.**—Conveyance of title to any portion of the Regional Water System, the Pueblo Water Facilities, or the County Distribution System under paragraph (1) does not waive or alter any applicable Federal law prohibiting taxation of such facilities or the underlying land.

(7) **LIABILITY.**—

(A) **IN GENERAL.**—Effective on the date of conveyance of any land or facility under this section, the United States shall not be held liable by any court for damages of any kind arising out of any act, omission, or occurrence relating to the land and facilities conveyed, other than damages caused by acts of negligence by the United States, or by employees or agents of the United States, prior to the date of conveyance.

(B) **TORT CLAIMS.**—Nothing in this section increases the liability of the United States

beyond the liability provided in chapter 171 of title 28, United States Code (commonly known as the “Federal Tort Claims Act”).

(8) **EFFECT.**—Nothing in any transfer of ownership provided or any conveyance thereto as provided in this section shall extinguish the right of any Pueblo, the County, or the Regional Water Authority to the continuous use and benefit of each easement or right of way for the use, operation, maintenance, repair, and replacement of Pueblo Water Facilities, the County Distribution System or the Regional Water System or for wastewater purposes as provided in the Cost-Sharing and System Integration Agreement.

SEC. 612. OPERATING AGREEMENT.

(a) **IN GENERAL.**—The Pueblos and the County shall submit to the Secretary an executed Operating Agreement for the Regional Water System that is consistent with this title, the Settlement Agreement, and the Cost-Sharing and System Integration Agreement not later than 180 days after the later of—

(1) the date of completion of environmental compliance and permitting; or

(2) the date of issuance of a final project design for the Regional Water System under section 611(b).

(b) **APPROVAL.**—The Secretary shall approve or disapprove the Operating Agreement within a reasonable period of time after the Pueblos and the County submit the Operating Agreement described in subsection (a) and upon making a determination that the Operating Agreement is consistent with this title, the Settlement Agreement, and the Cost-Sharing and System Integration Agreement.

(c) **CONTENTS.**—The Operating Agreement shall include—

(1) provisions consistent with the Settlement Agreement and the Cost-Sharing and System Integration Agreement and necessary to implement the intended benefits of the Regional Water System described in those documents;

(2) provisions for—

(A) the distribution of water conveyed through the Regional Water System, including a delineation of—

(i) distribution lines for the County Distribution System;

(ii) distribution lines for the Pueblo Water Facilities; and

(iii) distribution lines that serve both—

(I) the County Distribution System; and

(II) the Pueblo Water Facilities;

(B) the allocation of the Regional Water System capacity;

(C) the terms of use of unused water capacity in the Regional Water System;

(D) terms of interim use of County unused capacity, in accordance with section 614(d);

(E) the construction of additional infrastructure and the acquisition of associated rights-of-way or easements necessary to enable any of the Pueblos or the County to fully use water allocated to the Pueblos or the County from the Regional Water System, including provisions addressing when the construction of such additional infrastructure requires approval by the Authority;

(F) the allocation and payment of annual operation, maintenance, and replacement costs for the Regional Water System, including the portions of the Regional Water System that are used to treat, transmit, and distribute water to both the Pueblo Water Facilities and the County Water Utility;

(G) the operation of wellfields located on Pueblo land;

(H) the transfer of any water rights necessary to provide the Pueblo water supply described in section 613(a);

(I) the operation of the Regional Water System with respect to the water supply, including the allocation of the water supply in accordance with section 3.1.8.4.2 of the Settlement Agreement so that, in the event of a shortage of supply to the Regional Water System, the supply to each of the Pueblos and to the County's distribution system shall be reduced on a pro rata basis, in proportion to each distribution system's most current annual use; and

(J) dispute resolution; and

(3) provisions for operating and maintaining the Regional Water System facilities before and after conveyance under section 611(h), including provisions to—

(A) ensure that—

(i) the operation of, and the diversion and conveyance of water by, the Regional Water System is in accordance with the Settlement Agreement;

(ii) the wells in the Regional Water System are used in conjunction with the surface water supply of the Regional Water System to ensure a reliable firm supply of water to all users of the Regional Water System, consistent with the intent of the Settlement Agreement that surface supplies will be used to the maximum extent feasible;

(iii) the respective obligations regarding delivery, payment, operation, and management are enforceable; and

(iv) the County has the right to serve any new water users located on non-Pueblo land in the Pojoaque Basin; and

(B) allow for any aquifer storage and recovery projects that are approved by the Office of the New Mexico State Engineer.

(d) **EFFECT.**—Nothing in this title precludes the Operating Agreement from authorizing phased or interim operations if the Regional Water System is constructed in phases.

SEC. 613. ACQUISITION OF PUEBLO WATER SUPPLY FOR REGIONAL WATER SYSTEM.

(a) **IN GENERAL.**—For the purpose of providing a reliable firm supply of water from the Regional Water System for the Pueblos in accordance with the Settlement Agreement, the Secretary, on behalf of the Pueblos, shall—

(1) acquire water rights to—

(A) 302 acre-feet of Nambe reserved water described in section 2.6.2 of the Settlement Agreement; and

(B) 1141 acre-feet from water acquired by the County for water rights commonly referred to as “Top of the World” rights in the Aamodt Case;

(2) enter into a contract with the Pueblos for 1,079 acre-feet in accordance with section 11 of the San Juan-Chama Project Act; and

(3) by application to the State Engineer, seek approval to divert the water acquired and made available under paragraphs (1) and (2) at the points of diversion for the Regional Water System, consistent with the Settlement Agreement and the Cost-Sharing and System Integration Agreement.

(b) **FORFEITURE.**—The nonuse of the water supply secured by the Secretary for the Pueblos under subsection (a) shall in no event result in forfeiture, abandonment, relinquishment, or other loss thereof.

(c) **TRUST.**—The Pueblo water rights secured under subsection (a) shall be held by the United States in trust for the Pueblos.

(d) **APPLICABLE LAW.**—The water supply made available pursuant to subsection (a)(2) shall be subject to the San Juan-Chama Project Act, and no preference shall be provided to the Pueblos as a result of subsection (c) with regard to the delivery or distribution of San Juan-Chama Project water or the management or operation of the San Juan-Chama Project.

(e) **CONTRACT FOR SAN JUAN-CHAMA PROJECT WATER SUPPLY.**—With respect to the contract for the water supply required by subsection (a)(2), such San Juan-Chama Project contract shall be pursuant to the following terms:

(1) **WAIVERS.**—Notwithstanding the provisions of the San Juan-Chama Project Act, or any other provision of law—

(A) the Secretary shall waive the entirety of the Pueblos' share of the construction costs for the San Juan-Chama Project, and pursuant to that waiver, the Pueblos' share of all construction costs for the San Juan-Chama Project, inclusive of both principal and interest, due from 1972 to the execution of the contract required by subsection (a)(2), shall be nonreimbursable;

(B) the Secretary's waiver of each Pueblo's share of the construction costs for the San Juan-Chama Project will not result in an increase in the pro rata shares of other San Juan-Chama Project water contractors, but such costs shall be absorbed by the United States Treasury or otherwise appropriated to the Department of the Interior; and

(C) the construction costs associated with any water made available from the San Juan-Chama Project which were determined nonreimbursable and nonreturnable pursuant to Public Law No. 88-293, 78 Stat. 171 (March 26, 1964), shall remain nonreimbursable and nonreturnable.

(2) **TERMINATION.**—The contract shall provide that it shall terminate only on—

(A) failure of the United States District Court for the District of New Mexico to enter a final decree for the Aamodt Case by the expiration date described in section 623(b), or within the time period of any extension of that deadline granted by the court; or

(B) entry of an order by the United States District Court for the District of New Mexico voiding the final decree and Settlement Agreement for the Aamodt Case pursuant to section 10.3 of the Settlement Agreement.

(f) **LIMITATION.**—The Secretary shall use the water supply secured under subsection (a) only for the purposes described in the Settlement Agreement.

(g) **FULFILLMENT OF WATER SUPPLY ACQUISITION OBLIGATIONS.**—Compliance with subsections (a) through (f) shall satisfy any and all obligations of the Secretary to acquire or secure a water supply for the Pueblos pursuant to the Settlement Agreement.

(h) **RIGHTS OF PUEBLOS IN SETTLEMENT AGREEMENT UNAFFECTED.**—Notwithstanding the provisions of subsections (a) through (g), the Pueblos, the County or the Regional Water Authority may acquire any additional water rights to ensure all parties to the Settlement Agreement receive the full allocation of water provided by the Settlement Agreement and nothing in this title amends or modifies the quantities of water allocated to the Pueblos thereunder.

SEC. 614. DELIVERY AND ALLOCATION OF REGIONAL WATER SYSTEM CAPACITY AND WATER.

(a) **ALLOCATION OF REGIONAL WATER SYSTEM CAPACITY.**—

(1) **IN GENERAL.**—The Regional Water System shall have the capacity to divert from the Rio Grande a quantity of water sufficient to provide—

(A) up to 4,000 acre-feet of consumptive use of water; and

(B) the requisite peaking capacity described in—

- (i) the Engineering Report; and
- (ii) the final project design.

(2) **ALLOCATION TO THE PUEBLOS AND COUNTY WATER UTILITY.**—Of the capacity described in paragraph (1)—

(A) there shall be allocated to the Pueblos—

(i) sufficient capacity for the conveyance of 2,500 acre-feet consumptive use; and

(ii) the requisite peaking capacity for the quantity of water described in clause (i); and

(B) there shall be allocated to the County Water Utility—

(i) sufficient capacity for the conveyance of up to 1,500 acre-feet consumptive use; and

(ii) the requisite peaking capacity for the quantity of water described in clause (i).

(3) **APPLICABLE LAW.**—Water shall be allocated to the Pueblos and the County Water Utility under this subsection in accordance with—

(A) this subtitle;

(B) the Settlement Agreement; and

(C) the Operating Agreement.

(b) **DELIVERY OF REGIONAL WATER SYSTEM WATER.**—The Authority shall deliver water from the Regional Water System—

(1) to the Pueblos water in a quantity sufficient to allow full consumptive use of up to 2,500 acre-feet per year of water rights by the Pueblos in accordance with—

(A) the Settlement Agreement;

(B) the Operating Agreement; and

(C) this subtitle; and

(2) to the County water in a quantity sufficient to allow full consumptive use of up to 1,500 acre-feet per year of water rights by the County Water Utility in accordance with—

(A) the Settlement Agreement;

(B) the Operating Agreement; and

(C) this subtitle.

(c) **ADDITIONAL USE OF ALLOCATION QUANTITY AND UNUSED CAPACITY.**—The Regional Water System may be used to—

(1) provide for use of return flow credits to allow for full consumptive use of the water allocated in the Settlement Agreement to each of the Pueblos and to the County; and

(2) convey water allocated to one of the Pueblos or the County Water Utility for the benefit of another Pueblo or the County Water Utility or allow use of unused capacity by each other through the Regional Water System in accordance with an intergovernmental agreement between the Pueblos, or between a Pueblo and County Water Utility, as applicable, if—

(A) such intergovernmental agreements are consistent with the Operating Agreement, the Settlement Agreement, and this title;

(B) capacity is available without reducing water delivery to any Pueblo or the County Water Utility in accordance with the Settlement Agreement, unless the County Water Utility or Pueblo contracts for a reduction in water delivery or Regional Water System capacity;

(C) the Pueblo or County Water Utility contracting for use of the unused capacity or water has the right to use the water under applicable law; and

(D) any agreement for the use of unused capacity or water provides for payment of the operation, maintenance, and replacement costs associated with the use of capacity or water.

(d) **INTERIM USE OF COUNTY CAPACITY.**—In accordance with section 9.6.4 of the Settlement Agreement, the County may use unused capacity and water rights of the County Water Utility to supply water within the County outside of the Pojoaque Basin—

(1) on approval by the State and the Authority; and

(2) subject to the issuance of a permit by the New Mexico State Engineer.

SEC. 615. AAMODT SETTLEMENT PUEBLOS' FUND.

(a) **ESTABLISHMENT OF THE AAMODT SETTLEMENT PUEBLOS' FUND.**—There is established

in the Treasury of the United States a fund, to be known as the "Aamodt Settlement Pueblos' Fund," consisting of—

(1) such amounts as are made available to the Fund under section 617(c) or other authorized sources; and

(2) any interest earned from investment of amounts in the Fund under subsection (b).

(b) **MANAGEMENT OF THE FUND.**—The Secretary shall manage the Fund, invest amounts in the Fund, and make amounts available from the Fund for distribution to the Pueblos in accordance with—

(1) the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001 et seq.); and

(2) this title.

(c) **INVESTMENT OF THE FUND.**—On the date on which the waivers become effective as set forth in section 623(d), the Secretary shall invest amounts in the Fund in accordance with—

(1) the Act of April 1, 1880 (25 U.S.C. 161);

(2) the first section of the Act of June 24, 1938 (25 U.S.C. 162a); and

(3) the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001 et seq.).

(d) **TRIBAL MANAGEMENT PLAN.**—

(1) **IN GENERAL.**—A Pueblo may withdraw all or part of the Pueblo's portion of the Fund on approval by the Secretary of a tribal management plan as described in the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001 et seq.).

(2) **REQUIREMENTS.**—In addition to the requirements under the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001 et seq.), the tribal management plan shall require that a Pueblo spend any amounts withdrawn from the Fund in accordance with the purposes described in section 617(c).

(3) **ENFORCEMENT.**—The Secretary may take judicial or administrative action to enforce the provisions of any tribal management plan to ensure that any amounts withdrawn from the Fund under an approved tribal management plan are used in accordance with this subtitle.

(4) **LIABILITY.**—If a Pueblo or the Pueblos exercise the right to withdraw amounts from the Fund, neither the Secretary nor the Secretary of the Treasury shall retain any liability for the expenditure or investment of the amounts withdrawn.

(5) **EXPENDITURE PLAN.**—

(A) **IN GENERAL.**—The Pueblos shall submit to the Secretary for approval an expenditure plan for any portion of the amounts in the Fund that the Pueblos do not withdraw under this subsection.

(B) **DESCRIPTION.**—The expenditure plan shall describe the manner in which, and the purposes for which, amounts remaining in the Fund will be used.

(C) **APPROVAL.**—On receipt of an expenditure plan under subparagraph (A), the Secretary shall approve the plan if the Secretary determines that the plan is reasonable and consistent with this title, the Settlement Agreement, and the Cost-Sharing and System Integration Agreement.

(D) **ANNUAL REPORT.**—The Pueblos shall submit to the Secretary an annual report that describes all expenditures from the Fund during the year covered by the report.

(6) **NO PER CAPITA PAYMENTS.**—No part of the principal of the Fund, or the interest or income accruing on the principal shall be distributed to any member of a Pueblo on a per capita basis.

(7) **AVAILABILITY OF AMOUNTS FROM THE FUND.**—

(A) APPROVAL OF SETTLEMENT AGREE-
MENT.—

(i) IN GENERAL.—Except as provided in clause (ii), amounts made available under section 617(c)(1), or from other authorized sources, shall be available for expenditure or withdrawal only after the publication of the statement of findings required by section 623(a)(1).

(ii) EXCEPTION.—Notwithstanding clause (i), the amounts described in that clause may be expended before the date of publication of the statement of findings under section 623(a)(1) for any activity that is more cost-effective when implemented in conjunction with the construction of the Regional Water System, as determined by the Secretary.

(B) COMPLETION OF CERTAIN PORTIONS OF REGIONAL WATER SYSTEM.—Amounts made available under section 617(c)(1) or from other authorized sources shall be available for expenditure or withdrawal only after those portions of the Regional Water System described in section 1.5.24 of the Settlement Agreement have been declared substantially complete by the Secretary.

SEC. 616. ENVIRONMENTAL COMPLIANCE.

(a) IN GENERAL.—In carrying out this subtitle, the Secretary shall comply with each law of the Federal Government relating to the protection of the environment, including—

(1) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

(2) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

(b) NATIONAL ENVIRONMENTAL POLICY ACT.—Nothing in this title affects the outcome of any analysis conducted by the Secretary or any other Federal official under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

SEC. 617. FUNDING.

(a) REGIONAL WATER SYSTEM.—

(1) FUNDING.—

(A) MANDATORY APPROPRIATION.—Subject to paragraph (5), out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary for the planning, design, and construction of the Regional Water System and the conduct of environmental compliance activities under section 616 an amount not to exceed \$56,400,000, as adjusted under paragraph (4), for the period of fiscal years 2011 through 2016, to remain available until expended.

(B) AUTHORIZATION OF APPROPRIATIONS.—In addition to the amount made available under subparagraph (A), there is authorized to be appropriated to the Secretary for the planning, design, and construction of the Regional Water System and the conduct of environmental compliance activities under section 616 \$50,000,000, as adjusted under paragraph (4), for the period of fiscal years 2011 through 2024.

(2) RECEIPT AND ACCEPTANCE.—The Secretary shall be entitled to receive, shall accept, and shall use to carry out this title the funds transferred under paragraph (1)(A), without further appropriation, to remain available until expended.

(3) PRIORITY OF FUNDING.—Of the amounts made available under paragraph (1), the Secretary shall give priority to funding—

(A) the construction of the San Ildefonso portion of the Regional Water System, consisting of—

(i) the surface water diversion, treatment, and transmission facilities at San Ildefonso Pueblo; and

(ii) the San Ildefonso Pueblo portion of the Pueblo Water Facilities; and

(B) that part of the Regional Water System providing 475 acre-feet to Pojoaque Pueblo pursuant to section 2.2 of the Settlement Agreement.

(4) ADJUSTMENT.—The amounts made available under paragraph (1) shall be adjusted annually to account for increases in construction costs since October 1, 2006, as determined using applicable engineering cost indices.

(5) LIMITATIONS.—

(A) IN GENERAL.—No amounts shall be made available under paragraph (1) for the construction of the Regional Water System until the date on which the United States District Court for the District of New Mexico issues an order approving the Settlement Agreement.

(B) RECORD OF DECISION.—No amounts made available under paragraph (1) shall be expended for construction unless the record of decision issued by the Secretary after completion of an environmental impact statement provides for a preferred alternative that is in substantial compliance with the proposed Regional Water System, as defined in the Engineering Report.

(b) ACQUISITION OF WATER RIGHTS.—

(1) IN GENERAL.—Out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary for the acquisition of the water rights under section 613(a)(1)(B) \$5,400,000.

(2) RECEIPT AND ACCEPTANCE.—The Secretary shall be entitled to receive, shall accept, and shall use to carry out this title the funds transferred under paragraph (1), without further appropriation, to remain available until expended.

(c) AAMODT SETTLEMENT PUEBLOS' FUND.—

(1) FUNDING.—

(A) MANDATORY APPROPRIATIONS.—Out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary the following amounts for the period of fiscal years 2011 through 2015:

(i) \$15,000,000, as adjusted according to the CPI Urban Index beginning on October 1, 2006, which shall be allocated to the Pueblos, in accordance with section 2.7.1 of the Settlement Agreement, for the rehabilitation, improvement, operation, maintenance, and replacement of the agricultural delivery facilities, waste water systems, and other water-related infrastructure of the applicable Pueblo.

(ii) \$5,000,000, as adjusted according to the CPI Urban Index beginning on January 1, 2011, and any interest on that amount, which shall be allocated to the Pueblo of Nambe only for the acquisition land, other real property interests, or economic development for the Nambe reserved water rights in accordance with section 613(a)(1)(A).

(B) AUTHORIZATION OF APPROPRIATIONS.—In addition to the amounts made available under clauses (i) and (ii) of subparagraph (A), respectively, there are authorized to be appropriated to the Secretary for the period of fiscal years 2011 through 2024, \$37,500,000 to assist the Pueblos in paying the Pueblos' share of the cost of operating, maintaining, and replacing the Pueblo Water Facilities and the Regional Water System.

(2) OPERATION, MAINTENANCE, AND REPLACEMENT COSTS.—

(A) IN GENERAL.—Prior to conveyance of the Regional Water System pursuant to section 611, the Secretary is authorized to and shall pay any operation, maintenance, and replacement costs associated with the Pueblo Water Facilities or the Regional Water

System, up to the amount made available under subparagraph (B).

(B) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out subparagraph (A) \$5,000,000.

(C) OBLIGATION OF FEDERAL GOVERNMENT AFTER COMPLETION.—After the date on which construction of the Regional Water System is completed and the amounts required to be deposited in the Aamodt Settlement Pueblos' Fund pursuant to paragraph (1) have been deposited by the Federal Government—

(i) the Federal Government shall have no obligation to pay for the operation, maintenance, and replacement costs associated with the Pueblo Water Facilities or the Regional Water System; and

(ii) the authorization for the Secretary to expend funds for the operation, maintenance, and replacement costs of those systems under subparagraph (A) shall expire.

(3) RECEIPT AND ACCEPTANCE.—The Secretary shall be entitled to receive, shall accept, and shall use to carry out this title the funds transferred under paragraphs (1)(A), without further appropriation, to remain available until expended or until the authorization for the Secretary to expend funds pursuant to paragraph (2) expires.

Subtitle B—Pojoaque Basin Indian Water Rights Settlement

SEC. 621. SETTLEMENT AGREEMENT AND CONTRACT APPROVAL.

(a) APPROVAL.—To the extent the Settlement Agreement and the Cost-Sharing and System Integration Agreement do not conflict with this title, the Settlement Agreement and the Cost-Sharing and System Integration Agreement (including any amendments to the Settlement Agreement and the Cost-Sharing and System Integration Agreement that are executed to make the Settlement Agreement or the Cost-Sharing and System Integration Agreement consistent with this title) are authorized, ratified, and confirmed.

(b) EXECUTION.—To the extent the Settlement Agreement and the Cost-Sharing and System Integration Agreement do not conflict with this title, the Secretary shall execute the Settlement Agreement and the Cost-Sharing and System Integration Agreement (including any amendments that are necessary to make the Settlement Agreement or the Cost-Sharing and System Integration Agreement consistent with this title).

(c) AUTHORITIES OF THE PUEBLOS.—

(1) IN GENERAL.—Each of the Pueblos may enter into leases or contracts to exchange water rights or to forebear undertaking new or expanded water uses for water rights recognized in section 2.1 of the Settlement Agreement for use within the Pojoaque Basin, in accordance with the other limitations of section 2.1.5 of the Settlement Agreement, provided that section 2.1.5 is amended accordingly.

(2) APPROVAL BY SECRETARY.—Consistent with the Settlement Agreement, the Secretary shall approve or disapprove a lease or contract entered into under paragraph (1).

(3) PROHIBITION ON PERMANENT ALIENATION.—No lease or contract under paragraph (1) shall be for a term exceeding 99 years, nor shall any such lease or contract provide for permanent alienation of any portion of the water rights made available to the Pueblos under the Settlement Agreement.

(4) APPLICABLE LAW.—Section 2116 of the Revised Statutes (25 U.S.C. 177) shall not apply to any lease or contract entered into under paragraph (1).

(5) LEASING OR MARKETING OF WATER SUPPLY.—The water supply provided on behalf of the Pueblos pursuant to section 613(a)(1) may only be leased or marketed by any of the Pueblos pursuant to the intergovernmental agreements described in section 614(c)(2).

(d) AMENDMENTS TO CONTRACTS.—The Secretary shall amend the contracts relating to the Nambe Falls Dam and Reservoir that are necessary to use water supplied from the Nambe Falls Dam and Reservoir in accordance with the Settlement Agreement.

SEC. 622. ENVIRONMENTAL COMPLIANCE.

(a) EFFECT OF EXECUTION OF SETTLEMENT AGREEMENT.—The execution of the Settlement Agreement under section 611(b) shall not constitute a major Federal action under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(b) COMPLIANCE WITH ENVIRONMENTAL LAWS.—In carrying out this title, the Secretary shall comply with each law of the Federal Government relating to the protection of the environment, including—

(1) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

(2) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

SEC. 623. CONDITIONS PRECEDENT AND ENFORCEMENT DATE.

(a) CONDITIONS PRECEDENT.—

(1) IN GENERAL.—Upon the fulfillment of the conditions precedent described in paragraph (2), the Secretary shall publish in the Federal Register by September 15, 2017, a statement of findings that the conditions have been fulfilled.

(2) REQUIREMENTS.—The conditions precedent referred to in paragraph (1) are the conditions that—

(A) to the extent that the Settlement Agreement conflicts with this subtitle, the Settlement Agreement has been revised to conform with this subtitle;

(B) the Settlement Agreement, so revised, including waivers and releases pursuant to section 624, has been executed by the appropriate parties and the Secretary;

(C) Congress has fully appropriated, or the Secretary has provided from other authorized sources, all funds authorized by section 617, with the exception of subsection (a)(1) of that section;

(D) the Secretary has acquired and entered into appropriate contracts for the water rights described in section 613(a);

(E) for purposes of section 613(a), permits have been issued by the New Mexico State Engineer to the Regional Water Authority to change the points of diversion to the mainstem of the Rio Grande for the diversion and consumptive use of at least 2,381 acre-feet by the Pueblos as part of the water supply for the Regional Water System, subject to the conditions that—

(i) the permits shall be free of any condition that materially adversely affects the ability of the Pueblos or the Regional Water Authority to divert or use the Pueblo water supply described in section 613(a), including water rights acquired in addition to those described in section 613(a), in accordance with section 613(g); and

(ii) the Settlement Agreement shall establish the means to address any permit conditions to ensure the ability of the Pueblos to fully divert and consume at least 2,381 acre-feet as part of the water supply for the Regional Water System, including defining the conditions that will not constitute a material adverse affect;

(F) the State has enacted any necessary legislation and provided any funding that may be required under the Settlement Agreement;

(G) a partial final decree that sets forth the water rights and other rights to water to which the Pueblos are entitled under the Settlement Agreement and this subtitle and that substantially conforms to the Settlement Agreement has been approved by the United States District Court for the District of New Mexico;

(H) a final decree that sets forth the water rights for all parties to the Aamodt Case and that substantially conforms to the Settlement Agreement has been approved by the United States District Court for the District of New Mexico; and

(I) the waivers and releases described in section 624 have been executed.

(b) EXPIRATION DATE.—If all the conditions precedent described in subsection (a)(2) have not been fulfilled by September 15, 2017—

(1) the Settlement Agreement shall no longer be effective;

(2) the waivers and releases described in the Settlement Agreement and section 624 shall not be effective;

(3) any unexpended Federal funds appropriated or made available to carry out the activities authorized by this title, together with any interest earned on those funds, any water rights or contracts to use water, and title to other property acquired or constructed with Federal funds appropriated or made available to carry out the activities authorized by this title shall be returned to the Federal Government, unless otherwise agreed to by the Pueblos and the United States and approved by Congress; and

(4) except for Federal funds used to acquire or develop property that is returned to the Federal Government under paragraph (3), the United States shall be entitled to set off any Federal funds appropriated or made available to carry out the activities authorized by this title that were expended or withdrawn, together with any interest accrued on those funds, against any claims against the United States—

(A) relating to water rights in the Pojoaque Basin asserted by any Pueblo that benefitted from the use of expended or withdrawn Federal funds; or

(B) in any future settlement of the Aamodt Case.

(c) ENFORCEMENT DATE.—The Settlement Agreement shall become enforceable beginning on the date on which the United States District Court for the District of New Mexico enters a partial final decree pursuant to subsection (a)(2)(G) and an Interim Administrative Order consistent with the Settlement Agreement.

(d) EFFECTIVENESS OF WAIVERS.—The waivers and releases executed pursuant to section 624 shall become effective as of the date that the Secretary publishes the notice required by subsection (a)(1).

(e) REQUIREMENTS FOR DETERMINATION OF SUBSTANTIAL COMPLETION OF THE REGIONAL WATER SYSTEM.—

(1) CRITERIA FOR SUBSTANTIAL COMPLETION OF REGIONAL WATER SYSTEM.—Subject to the provisions in section 611(d) concerning the extent, size, and capacity of the County Distribution System, the Regional Water System shall be determined to be substantially completed if the infrastructure has been constructed capable of—

(A) diverting, treating, transmitting, and distributing a supply of 2,500 acre-feet of water to the Pueblos; and

(B) diverting, treating, and transmitting the quantity of water specified in the Engineering Report to the County Distribution System.

(2) CONSULTATION.—On or after June 30, 2021, at the request of 1 or more of the Pueb-

los, the Secretary shall consult with the Pueblos and confer with the County and the State on whether the criteria in paragraph (1) for substantial completion of the Regional Water System have been met or will be met by June 30, 2024.

(3) WRITTEN DETERMINATION BY SECRETARY.—Not earlier than June 30, 2021, at the request of 1 or more of the Pueblos and after the consultation required by paragraph (2), the Secretary shall—

(A) determine whether the Regional Water System has been substantially completed based on the criteria described in paragraph (1); and

(B) submit a written notice of the determination under subparagraph (A) to—

- (i) the Pueblos;
- (ii) the County; and
- (iii) the State.

(4) RIGHT TO REVIEW.—

(A) IN GENERAL.—A determination by the Secretary under paragraph (3)(A) shall be considered to be a final agency action subject to judicial review by the Decree Court under sections 701 through 706 of title 5, United States Code.

(B) FAILURE TO MAKE TIMELY DETERMINATION.—

(i) IN GENERAL.—If a Pueblo requests a written determination under paragraph (3) and the Secretary fails to make such a written determination by the date described in clause (ii), there shall be a rebuttable presumption that the failure constitutes agency action unlawfully withheld or unreasonably delayed under section 706 of title 5, United States Code.

(ii) DATE.—The date referred to in clause (i) is the date that is the later of—

(I) the date that is 180 days after the date of receipt by the Secretary of the request by the Pueblo; and

(II) June 30, 2023.

(C) EFFECT OF TITLE.—Nothing in this title gives any Pueblo or Settlement Party the right to judicial review of a determination of the Secretary regarding whether the Regional Water System has been substantially completed except under subchapter II of chapter 5, and chapter 7, of title 5, United States Code (commonly known as the “Administrative Procedure Act”).

(5) RIGHT TO VOID FINAL DECREE.—

(A) IN GENERAL.—Not later than June 30, 2024, on a determination by the Secretary, after consultation with the Pueblos, that the Regional Water System is not substantially complete, 1 or more of the Pueblos, or the United States acting on behalf of a Pueblo, shall have the right to notify the Decree Court of the determination.

(B) EFFECT.—The Final Decree shall have no force or effect on a finding by the Decree Court that a Pueblo, or the United States acting on behalf of a Pueblo, has submitted proper notification under subparagraph (A).

(f) VOIDING OF WAIVERS.—If the Final Decree is void under subsection (e)(5)—

(1) the Settlement Agreement shall no longer be effective;

(2) the waivers and releases executed pursuant to section 624 shall no longer be effective;

(3) any unexpended Federal funds appropriated or made available to carry out the activities authorized by this title, together with any interest earned on those funds, any water rights or contracts to use water, and title to other property acquired or constructed with Federal funds appropriated or made available to carry out the activities authorized by this title shall be returned to the Federal Government, unless otherwise

agreed to by the Pueblos and the United States and approved by Congress; and

(4) except for Federal funds used to acquire or develop property that is returned to the Federal Government under paragraph (3), the United States shall be entitled to set off any Federal funds appropriated or made available to carry out the activities authorized by this title that were expended or withdrawn, together with any interest accrued on those funds, against any claims against the United States—

(A) relating to water rights in the Pojoaque Basin asserted by any Pueblo that benefitted from the use of expended or withdrawn Federal funds; or

(B) in any future settlement of the Aamodt Case.

(g) **EXTENSION.**—The dates in subsections (a)(1) and (b) may be extended if the parties to the Cost-Sharing and System Integration Agreement agree that an extension is reasonably necessary.

SEC. 624. WAIVERS AND RELEASES OF CLAIMS.

(a) **CLAIMS BY THE PUEBLOS AND THE UNITED STATES.**—In return for recognition of the Pueblos' water rights and other benefits, including waivers and releases by non-Pueblo parties, as set forth in the Settlement Agreement and this title, the Pueblos, on behalf of themselves and their members, and the United States acting in its capacity as trustee for the Pueblos are authorized to execute a waiver and release of—

(1) all claims for water rights in the Pojoaque Basin that the Pueblos, or the United States acting in its capacity as trustee for the Pueblos, asserted, or could have asserted, in any proceeding, including the Aamodt Case, up to and including the waiver effectiveness date identified in section 623(d), except to the extent that such rights are recognized in the Settlement Agreement or this title;

(2) all claims for water rights for lands in the Pojoaque Basin and for rights to use water in the Pojoaque Basin that the Pueblos, or the United States acting in its capacity as trustee for the Pueblos, might be able to otherwise assert in any proceeding not initiated on or before the date of enactment of this Act, except to the extent that such rights are recognized in the Settlement Agreement or this title;

(3) all claims for damages, losses or injuries to water rights or claims of interference with, diversion or taking of water (including claims for injury to land resulting from such damages, losses, injuries, interference with, diversion, or taking) for land within the Pojoaque Basin that accrued at any time up to and including the waiver effectiveness date identified in section 623(d);

(4) their defenses in the Aamodt Case to the claims previously asserted therein by other parties to the Settlement Agreement;

(5) all pending and future inter se challenges to the quantification and priority of water rights of non-Pueblo wells in the Pojoaque Basin, except as provided by section 2.8 of the Settlement Agreement;

(6) all pending and future inter se challenges against other parties to the Settlement Agreement;

(7) all claims for damages, losses, or injuries to water rights or claims of interference with, diversion or taking of water (including claims for injury to land resulting from such damages, losses, injuries, interference with, diversion, or taking of water) attributable to City of Santa Fe pumping of groundwater that has effects on the ground and surface water supplies of the Pojoaque Basin, provided that this waiver shall not be effective

by the Pueblo of Tesuque unless there is a water resources agreement executed between the Pueblo of Tesuque and the City of Santa Fe; and

(8) all claims for damages, losses, or injuries to water rights or claims of interference with, diversion or taking of water (including claims for injury to land resulting from such damages, losses, injuries, interference with, diversion, or taking of water) attributable to County of Santa Fe pumping of groundwater that has effects on the ground and surface water supplies of the Pojoaque Basin.

(b) **CLAIMS BY THE PUEBLOS AGAINST THE UNITED STATES.**—The Pueblos, on behalf of themselves and their members, are authorized to execute a waiver and release of—

(1) all claims against the United States, its agencies, or employees, relating to claims for water rights in or water of the Pojoaque Basin or for rights to use water in the Pojoaque Basin that the United States acting in its capacity as trustee for the Pueblos asserted, or could have asserted, in any proceeding, including the Aamodt Case;

(2) all claims against the United States, its agencies, or employees relating to damages, losses, or injuries to water, water rights, land, or natural resources due to loss of water or water rights (including damages, losses or injuries to hunting, fishing, gathering or cultural rights due to loss of water or water rights; claims relating to interference with, diversion or taking of water or water rights; or claims relating to failure to protect, acquire, replace, or develop water, water rights or water infrastructure) within the Pojoaque Basin that first accrued at any time up to and including the waiver effectiveness date identified in section 623(d);

(3) all claims against the United States, its agencies, or employees for an accounting of funds appropriated by Acts, including the Act of December 22, 1927 (45 Stat. 2), the Act of March 4, 1929 (45 Stat. 1562), the Act of March 26, 1930 (46 Stat. 90), the Act of February 14, 1931 (46 Stat. 1115), the Act of March 4, 1931 (46 Stat. 1552), the Act of July 1, 1932 (47 Stat. 525), the Act of June 22, 1936 (49 Stat. 1757), the Act of August 9, 1937 (50 Stat. 564), and the Act of May 9, 1938 (52 Stat. 291), as authorized by the Pueblo Lands Act of June 7, 1924 (43 Stat. 636), and the Pueblo Lands Act of May 31, 1933 (48 Stat. 108), and for breach of Trust relating to funds for water replacement appropriated by said Acts that first accrued before the date of enactment of this Act;

(4) all claims against the United States, its agencies, or employees relating to the pending litigation of claims relating to the Pueblos' water rights in the Aamodt Case; and

(5) all claims against the United States, its agencies, or employees relating to the negotiation, Execution or the adoption of the Settlement Agreement, exhibits thereto, the Partial Final Decree, the Final Decree, or this title.

(c) **RESERVATION OF RIGHTS AND RETENTION OF CLAIMS.**—Notwithstanding the waivers and releases authorized in this title, the Pueblos on behalf of themselves and their members and the United States acting in its capacity as trustee for the Pueblos retain.—

(1) all claims for enforcement of the Settlement Agreement, the Cost-Sharing and System Integration Agreement, the Final Decree, including the Partial Final Decree, the San Juan-Chama Project contract between the Pueblos and the United States or this title;

(2) all rights to use and protect water rights acquired after the date of enactment of this Act;

(3) all rights to use and protect water rights acquired pursuant to state law to the extent not inconsistent with the Partial Final Decree, Final Decree, and the Settlement Agreement;

(4) all claims against persons other than Parties to the Settlement Agreement for damages, losses or injuries to water rights or claims of interference with, diversion or taking of water (including claims for injury to lands resulting from such damages, losses, injuries, interference with, diversion, or taking of water) within the Pojoaque Basin arising out of activities occurring outside the Pojoaque Basin;

(5) all claims relating to activities affecting the quality of water including any claims the Pueblos may have under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) (including claims for damages to natural resources), the Safe Drinking Water Act (42 U.S.C. 300f et seq.), the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), and the regulations implementing those laws;

(6) all claims against the United States relating to damages, losses, or injuries to land or natural resources not due to loss of water or water rights (including hunting, fishing, gathering or cultural rights);

(7) all claims for water rights from water sources outside the Pojoaque Basin for land outside the Pojoaque Basin owned by a Pueblo or held by the United States for the benefit of any of the Pueblos; and

(8) all rights, remedies, privileges, immunities, powers and claims not specifically waived and released pursuant to this title or the Settlement Agreement.

(d) **EFFECT.**—Nothing in the Settlement Agreement or this title—

(1) affects the ability of the United States acting in its sovereign capacity to take actions authorized by law, including any laws relating to health, safety, or the environment, including the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.), the Safe Drinking Water Act (42 U.S.C. 300f et seq.), the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.), and the regulations implementing those laws;

(2) affects the ability of the United States to take actions acting in its capacity as trustee for any other Indian tribe or allottee; or

(3) confers jurisdiction on any State court to—

(A) interpret Federal law regarding health, safety, or the environment or determine the duties of the United States or other parties pursuant to such Federal law; or

(B) conduct judicial review of Federal agency action;

(e) **TOLLING OF CLAIMS.**—

(1) **IN GENERAL.**—Each applicable period of limitation and time-based equitable defense relating to a claim described in this section shall be tolled for the period beginning on the date of enactment of this Act and ending on June 30, 2021.

(2) **EFFECT OF SUBSECTION.**—Nothing in this subsection revives any claim or tolls any period of limitation or time-based equitable defense that expired before the date of enactment of this Act.

(3) **LIMITATION.**—Nothing in this section precludes the tolling of any period of limitations or any time-based equitable defense under any other applicable law.

SEC. 625. EFFECT.

Nothing in this title or the Settlement Agreement affects the land and water rights,

claims, or entitlements to water of any Indian tribe, pueblo, or community other than the Pueblos.

SEC. 626. ANTIDEFICIENCY.

The United States shall not be liable for any failure to carry out any obligation or activity authorized by this title (including any such obligation or activity under the Settlement Agreement) if adequate appropriations are not provided expressly by Congress to carry out the purposes of this title in the Reclamation Water Settlements Fund established under section 10501 of Public Law 111-11 or the "Emergency Fund for Indian Safety and Health" established by section 601(a) of the Tom Lantos and Henry J. Hyde United States Global Leadership Against HIV/AIDS, Tuberculosis, and Malaria Reauthorization Act of 2008 (25 U.S.C. 443c(a)).

TITLE VII—RECLAMATION WATER SETTLEMENTS FUND

SEC. 701. MANDATORY APPROPRIATION.

(a) IN GENERAL.—Notwithstanding any other provision of law, out of any funds in the Treasury not otherwise appropriated, for each of fiscal years 2012 through 2014, the Secretary of the Treasury shall transfer to the Secretary of the Interior \$60,000,000 for deposit in the Reclamation Water Settlements Fund established in section 10501 of Public Law 111-11.

(b) RECEIPT AND ACCEPTANCE.—Starting in fiscal year 2012, the Secretary of the Interior shall be entitled to receive, shall accept, and shall use to carry out subtitle B of title X of Public Law 111-11 the funds transferred under subsection (a), without further appropriation, to remain available until expended.

TITLE VIII—GENERAL PROVISIONS

Subtitle A—Unemployment Compensation Program Integrity

SEC. 801. COLLECTION OF PAST-DUE, LEGALLY ENFORCEABLE STATE DEBTS.

(a) UNEMPLOYMENT COMPENSATION DEBTS.—Section 6402(f) of the Internal Revenue Code of 1986 is amended—

(1) in the heading, by striking "RESULTING FROM FRAUD";

(2) by striking paragraphs (3) and (8) and redesignating paragraphs (4) through (7) as paragraphs (3) through (6), respectively;

(3) in paragraph (3), as so redesignated—

(A) in subparagraph (A), by striking "by certified mail with return receipt";

(B) in subparagraph (B), by striking "due to fraud" and inserting "is not a covered unemployment compensation debt";

(C) in subparagraph (C), by striking "due to fraud" and inserting "is not a covered unemployment compensation debt"; and

(4) in paragraph (4), as so redesignated—

(A) in subparagraph (A)—

(i) by inserting "or the person's failure to report earnings" after "due to fraud"; and

(ii) by striking "for not more than 10 years"; and

(B) in subparagraph (B)—

(i) by striking "due to fraud"; and

(ii) by striking "for not more than 10 years".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to refunds payable under section 6402 of the Internal Revenue Code of 1986 on or after the date of the enactment of this Act.

SEC. 802. REPORTING OF FIRST DAY OF EARNINGS TO DIRECTORY OF NEW HIRES.

(a) ADDITION OF REQUIREMENT.—Section 453A(b)(1)(A) of the Social Security Act (42 U.S.C. 653a(b)(1)(A)) is amended by inserting "the date services for remuneration were first performed by the employee," after "of the employee,".

(b) CONFORMING AMENDMENT REGARDING REPORTING FORMAT AND METHOD.—Section 453A(c) of the Social Security Act (42 U.S.C. 653a(c)) is amended by inserting ", to the extent practicable," after "Each report required by subsection (b) shall".

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—Subject to paragraph (2), the amendments made by this section shall take effect 6 months after the date of the enactment of this Act.

(2) COMPLIANCE TRANSITION PERIOD.—If the Secretary of Health and Human Services determines that State legislation (other than legislation appropriating funds) is required in order for a State plan under part D of title IV of the Social Security Act to meet the additional requirements imposed by the amendment made by subsection (a), the plan shall not be regarded as failing to meet such requirements before the first day of the second calendar quarter beginning after the close of the first regular session of the State legislature that begins after the effective date of such amendment. If the State has a 2-year legislative session, each year of the session is deemed to be a separate regular session of the State legislature.

Subtitle B—TANF

SEC. 811. EXTENSION OF THE TEMPORARY ASSISTANCE FOR NEEDY FAMILIES PROGRAM.

(a) IN GENERAL.—Activities authorized by part A of title IV and section 1108(b) of the Social Security Act (other than the Emergency Contingency Fund for State Temporary Assistance for Needy Families Programs established under subsection (c) of section 403 of such Act) shall continue through September 30, 2011, in the manner authorized for fiscal year 2010, and out of any money in the Treasury of the United States not otherwise appropriated, there are hereby appropriated such sums as may be necessary for such purpose. Grants and payments may be made pursuant to this authority on a quarterly basis through fiscal year 2011 at the level provided for such activities for the corresponding quarter of fiscal year 2010, except that—

(1) in the case of healthy marriage promotion and responsible fatherhood grants under section 403(a)(2) of such Act, such grants and payments shall be made in accordance with the amendments made by subsection (b) of this section;

(2) in the case of supplemental grants under section 403(a)(3) of such Act—

(A) such grants and payments for the period beginning on October 1, 2010, and ending on December 3, 2010, shall not exceed the level provided for such grants and payments under the Continuing Appropriations Act, 2011; and

(B) such grants and payments for the period beginning on December 4, 2010, and ending on June 30, 2011, shall not exceed the amount equal to the difference between \$490,000,000 and such sums as are necessary for amounts obligated under section 403(b) of the Social Security Act on or after October 1, 2010, and before the date of enactment of this Act; and

(3) in the case of the Contingency Fund for State Welfare Programs established under section 403(b) of such Act, grants and payments may be made in the manner authorized for fiscal year 2010 through fiscal year 2012, in accordance with the amendments made by subsection (c) of this section.

(b) HEALTHY MARRIAGE PROMOTION AND RESPONSIBLE FATHERHOOD GRANTS.—Section 403(a)(2) of the Social Security Act (42 U.S.C. 603(a)(2)) is amended—

(1) in subparagraph (A)—

(A) in clause (i), by striking "and (C)" and inserting " , (C), and (E)";

(B) in clause (ii), in the matter preceding subclause (I), by inserting "(or, in the case of an entity seeking funding to carry out healthy marriage promotion activities and activities promoting responsible fatherhood, a combined application that contains assurances that the entity will carry out such activities under separate programs and shall not combine any funds awarded to carry out either such activities)" after "an application"; and

(C) in clause (iii), by striking subclause (III) and inserting the following:

"(III) Marriage education, marriage skills, and relationship skills programs, that may include parenting skills, financial management, conflict resolution, and job and career advancement.";

(2) in subparagraph (C)(i), by striking "\$50,000,000" and inserting "\$75,000,000";

(3) by striking subparagraph (D) and inserting the following:

"(D) APPROPRIATION.—Out of any money in the Treasury of the United States not otherwise appropriated, there are appropriated for fiscal year 2011 for expenditure in accordance with this paragraph—

"(i) \$75,000,000 for awarding funds for the purpose of carrying out healthy marriage promotion activities; and

"(ii) \$75,000,000 for awarding funds for the purpose of carrying out activities promoting responsible fatherhood.

If the Secretary makes an award under subparagraph (B)(i) for fiscal year 2011, the funds for such award shall be taken in equal portion from the amounts appropriated under clauses (i) and (ii)."; and

(4) by adding at the end the following:

"(E) PREFERENCE.—In awarding funds under this paragraph for fiscal year 2011, the Secretary shall give preference to entities that were awarded funds under this paragraph for any prior fiscal year and that have demonstrated the ability to successfully carry out the programs funded under this paragraph.".

(c) CONTINGENCY FUND.—Section 403(b)(2) of the Social Security Act (42 U.S.C. 603(b)(2)), as amended by section 131(b)(2)(A) of the Continuing Appropriations Act, 2011, is amended—

(1) by striking "\$506,000,000" and inserting "such sums as are necessary for amounts obligated on or after October 1, 2010, and before the date of enactment of the Claims Resolution Act of 2010"; and

(2) by striking ", reduced" and all that follows up to the period.

(d) CONFORMING AMENDMENTS.—Section 403(a)(3) of the Social Security Act (42 U.S.C. 603(a)(3)), as amended by section 131(b)(1) of the Continuing Appropriations Act, 2011, is amended—

(1) in subparagraph (F)—

(A) by inserting "(or portion of a fiscal year)" after "a fiscal year"; and

(B) by inserting "(or portion of the fiscal year)" after "the fiscal year" each place it appears; and

(2) by striking clause (ii) of subparagraph (H) and inserting the following:

"(ii) subparagraph (G) shall be applied as if 'fiscal year 2011' were substituted for 'fiscal year 2001'.".

SEC. 812. MODIFICATIONS TO TANF DATA REPORTING.

(a) IN GENERAL.—Section 411 of the Social Security Act (42 U.S.C. 611) is amended by adding at the end the following new subsection:

“(c) PRE-REAUTHORIZATION STATE-BY-STATE REPORTS ON ENGAGEMENT IN ADDITIONAL WORK ACTIVITIES AND EXPENDITURES FOR OTHER BENEFITS AND SERVICES.—

“(1) STATE REPORTING REQUIREMENTS.—

“(A) REPORTING PERIODS AND DEADLINES.—Each eligible State shall submit to the Secretary the following reports:

“(i) MARCH 2011 REPORT.—Not later than May 31, 2011, a report for the period that begins on March 1, 2011, and ends on March 31, 2011, that contains the information specified in subparagraphs (B) and (C).

“(ii) APRIL-JUNE, 2011 REPORT.—Not later than August 31, 2011, a report for the period that begins on April 1, 2011, and ends on June 30, 2011, that contains with respect to the 3 months that occur during that period—

“(I) the average monthly numbers for the information specified in subparagraph (B); and

“(II) the information specified in subparagraph (C).

“(B) ENGAGEMENT IN ADDITIONAL WORK ACTIVITIES.—

“(i) With respect to each work-eligible individual in a family receiving assistance during a reporting period specified in subparagraph (A), whether the individual engages in any activities directed toward attaining self-sufficiency during a month occurring in a reporting period, and if so, the specific activities—

“(I) that do not qualify as a work activity under section 407(d) but that are otherwise reasonably calculated to help the family move toward self-sufficiency; or

“(II) that are of a type that would be counted toward the State participation rates under section 407 but for the fact that—

“(aa) the work-eligible individual did not engage in sufficient hours of the activity;

“(bb) the work-eligible individual has reached the maximum time limit allowed for having participation in the activity counted toward the State's work participation rate; or

“(cc) the number of work-eligible individuals engaged in such activity exceeds a limitation under such section.

“(ii) Any other information that the Secretary determines appropriate with respect to the information required under clause (i), including if the individual has no hours of participation, the principal reason or reasons for such non-participation.

“(C) EXPENDITURES ON OTHER BENEFITS AND SERVICES.—

“(i) Detailed, disaggregated information regarding the types of, and amounts of, expenditures made by the State during a reporting period specified in subparagraph (A) using—

“(I) Federal funds provided under section 403 that are (or will be) reported by the State on Form ACF-196 (or any successor form) under the category of other expenditures or the category of benefits or services provided in accordance with the authority provided under section 404(a)(2); or

“(II) State funds expended to meet the requirements of section 409(a)(7) and reported by the State in the category of other expenditures on Form ACF-196 (or any successor form).

“(ii) Any other information that the Secretary determines appropriate with respect to the information required under clause (i).

“(2) PUBLICATION OF SUMMARY AND ANALYSIS OF ENGAGEMENT IN ADDITIONAL ACTIVITIES.—Concurrent with the submission of each report required under paragraph (1)(A), an eligible State shall publish on an Internet website maintained by the State agency re-

sponsible for administering the State program funded under this part (or such State-maintained website as the Secretary may approve)—

“(A) a summary of the information submitted in the report;

“(B) an analysis statement regarding the extent to which the information changes measures of total engagement in work activities from what was (or will be) reported by the State in the quarterly report submitted under subsection (a) for the comparable period; and

“(C) a narrative describing the most common activities contained in the report that are not countable toward the State participation rates under section 407.

“(3) APPLICATION OF AUTHORITY TO USE SAMPLING.—Subparagraph (B) of subsection (a)(1) shall apply to the reports required under paragraph (1) of this subsection in the same manner as subparagraph (B) of subsection (a)(1) applies to reports required under subparagraph (A) of subsection (a)(1).

“(4) SECRETARIAL REPORTS TO CONGRESS.—

“(A) MARCH 2011 REPORT.—Not later than June 30, 2011, the Secretary shall submit to Congress a report on the information submitted by eligible States for the March 2011 reporting period under paragraph (1)(A)(i). The report shall include a State-by-State summary and analysis of such information, identification of any States with missing or incomplete reports, and recommendations for such administrative or legislative changes as the Secretary determines are necessary to require eligible States to report the information on a recurring basis.

“(B) APRIL-JUNE, 2011 REPORT.—Not later than September 30, 2011, the Secretary shall submit to Congress a report on the information submitted by eligible States for the April-June 2011 reporting period under paragraph (1)(A)(ii). The report shall include a State-by-State summary and analysis of such information, identification of any States with missing or incomplete reports, and recommendations for such administrative or legislative changes as the Secretary determines are necessary to require eligible States to report the information on a recurring basis.

“(5) AUTHORITY FOR EXPEDITIOUS IMPLEMENTATION.—The requirements of chapter 5 of title 5, United States Code (commonly referred to as the ‘Administrative Procedure Act’) or any other law relating to rule-making or publication in the Federal Register shall not apply to the issuance of guidance or instructions by the Secretary with respect to the implementation of this subsection to the extent the Secretary determines that compliance with any such requirement would impede the expeditious implementation of this subsection.”

(b) APPLICATION OF PENALTY FOR FAILURE TO FILE REPORT.—

(1) IN GENERAL.—Section 409(a)(2) of such Act (42 U.S.C. 609(a)(2)) is amended—

(A) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively,

(B) by inserting before clause (i) (as redesignated by paragraph (1)), the following:

“(A) QUARTERLY REPORTS.—”;

(C) in clause (ii) of subparagraph (A) (as redesignated by paragraphs (1) and (2)), by striking “subparagraph (A)” and inserting “clause (i)”; and

(D) by adding at the end the following:

“(B) REPORT ON ENGAGEMENT IN ADDITIONAL WORK ACTIVITIES AND EXPENDITURES FOR OTHER BENEFITS AND SERVICES.—

“(i) IN GENERAL.—If the Secretary determines that a State has not submitted the re-

port required by section 411(c)(1)(A)(i) by May 31, 2011, or the report required by section 411(c)(1)(A)(ii) by August 31, 2011, the Secretary shall reduce the grant payable to the State under section 403(a)(1) for the immediately succeeding fiscal year by an amount equal to not more than 4 percent of the State family assistance grant.

“(ii) RESCISSION OF PENALTY.—The Secretary shall rescind a penalty imposed on a State under clause (i) with respect to a report required by section 411(c)(1)(A) if the State submits the report not later than—

“(I) in the case of the report required under section 411(c)(1)(A)(i), June 15, 2011; and

“(II) in the case of the report required under section 411(c)(1)(A)(ii), September 15, 2011.

“(iii) PENALTY BASED ON SEVERITY OF FAILURE.—The Secretary shall impose a reduction under clause (i) with respect to a fiscal year based on the degree of noncompliance.”

(2) APPLICATION OF REASONABLE CAUSE EXCEPTION.—Section 409(b)(2) of such Act (42 U.S.C. 609(b)(2)) is amended by inserting before the period the following: “and, with respect to the penalty under paragraph (2)(B) of subsection (a), shall only apply to the extent the Secretary determines that the reasonable cause for failure to comply with a requirement of that paragraph is as a result of a one-time, unexpected event, such as a widespread data system failure or a natural or man-made disaster”.

(3) NONAPPLICATION OF CORRECTIVE COMPLIANCE PLAN PROVISIONS.—Section 409(c)(4) of such Act (42 U.S.C. 609(c)(4)) is amended by inserting “(2)(B),” after “paragraph”.

Subtitle C—Customs User Fees; Continued Dumping and Subsidy Offset

SEC. 821. CUSTOMS USER FEES.

Section 13031(j)(3) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(j)(3)) is amended—

(1) in subparagraph (A), by striking “December 10, 2018” and inserting “September 30, 2019”; and

(2) in subparagraph (B)(i), by striking “November 30, 2018” and inserting “September 30, 2019”.

SEC. 822. LIMITATION ON DISTRIBUTIONS RELATING TO REPEAL OF CONTINUED DUMPING AND SUBSIDY OFFSET.

Notwithstanding section 1701(b) of the Deficit Reduction Act of 2005 (Public Law 109-171; 120 Stat. 154 (19 U.S.C. 1675c note)) or any other provision of law, no payments shall be distributed under section 754 of the Tariff Act of 1930, as in effect on the day before the date of the enactment of such section 1701, with respect to the entries of any goods that are, on the date of the enactment of this Act—

(1) unliquidated; and

(2)(A) not in litigation; or

(B) not under an order of liquidation from the Department of Commerce.

Subtitle D—Emergency Fund for Indian Safety and Health

SEC. 831. EMERGENCY FUND FOR INDIAN SAFETY AND HEALTH.

Section 601 of the Tom Lantos and Henry J. Hyde United States Global Leadership Against HIV/AIDS, Tuberculosis, and Malaria Reauthorization Act of 2008 (25 U.S.C. 443c) is amended—

(1) in subsection (b)(1), by striking “\$2,000,000,000” and inserting “\$1,602,619,000”; and

(2) in subsection (f)(2)(B), by striking “50 percent” and inserting “not more than \$602,619,000”.

Subtitle E—Rescission of Funds From WIC Program

SEC. 841. RESCISSION OF FUNDS FROM WIC PROGRAM.

Notwithstanding any other provision of law, of the amounts made available in appropriations Acts to provide grants to States under the special supplemental nutrition program for women, infants, and children established by section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786), \$562,000,000 is rescinded.

Subtitle F—Budgetary Effects

SEC. 851. BUDGETARY EFFECTS.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go-Act of 2010, shall be determined by reference to the latest statement titled "Budgetary Effects of PAYGO Legislation" for this Act, submitted for printing in the Congressional Record by the Chairman of the Senate Budget Committee, provided that such statement has been submitted prior to the vote on passage.

Amend the title so as to read: This Act may be cited as "The Claims Resettlement Act of 2010.".

MOTION TO CONCUR

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. Rahall moves that the House concur in the Senate amendments to H.R. 4783.

The SPEAKER pro tempore. Pursuant to House Resolution 1736, the motion shall be debatable for 1 hour, with 50 minutes equally divided and controlled by the chair and ranking minority member of the Committee on Natural Resources and 10 minutes equally divided and controlled by the chair and ranking minority member of the Committee on Ways and Means.

The gentleman from West Virginia (Mr. RAHALL) and the gentleman from Washington (Mr. HASTINGS) each will control 25 minutes. The gentleman from Michigan (Mr. LEVIN) and the gentleman from Texas (Mr. BRADY) each will control 5 minutes.

The Chair recognizes the gentleman from West Virginia.

GENERAL LEAVE

Mr. RAHALL. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the matter under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

Mr. RAHALL. Madam Speaker, today, we are considering a measure which will settle over a combined century of litigation. The bill will bring to closure some shameful acts undertaken by the United States, and it will allow several communities to move forward in rebuilding their communities and their trust in the United States.

□ 1350

With passage of this legislation, Congress will resolve six outstanding liti-

gation matters consisting of two class action lawsuits and four water settlements. In addition, the bill includes the initial installment to fund another water settlement passed earlier this Congress.

First, claims by individual Indians for a historical accounting and mismanagement of individual Indian money accounts in *Cobell vs. Salazar* will be resolved. After a century of mismanagement by the Federal Government, a class action lawsuit was initiated by individual Indians against the United States seeking redress for the mismanagement. This bill will provide \$1.5 billion to be distributed to individual Indians and to pay administrative and attorneys' fees. An additional \$1.9 billion will be used to fund a Trust Land Consolidation Fund so that highly fractionated lands may be repurchased and consolidated into single tribal ownership again. This will streamline administration of trust lands. After 14 years of litigation and several attempts by the parties to settle, the administration has brought an end to a problem first created by Congress over 120 years ago.

Second, discrimination claims by African American farmers against the United States will finally be settled. The settlement resolves claims by African American farmers who were denied loans based on racial discrimination.

Third, H.R. 4783 will resolve the water rights claims of seven tribes and pueblos in the States of Arizona, New Mexico and Montana, bringing to an end nearly a century of active litigation.

When tribes were moved to reservations, the Nation assumed a legal obligation that water should be supplied to meet the native people's needs. This legislation meets the Nation's legal commitments and provides water certainty to surrounding non-Indian regions, towns and industries, thereby allowing economies and jobs to continue to grow.

Water in the West is in short supply. After years of negotiating, the tribes have agreed in these settlements to an amount of water far less than what they were originally requesting. The tribes, States and local partners negotiated these water settlements, often in contentious proceedings, over many years. They are to be commended for sticking with the process and working together to find a mutually agreed upon solution.

Finally, H.R. 4783 would provide initial funding to the Reclamation Water Settlement Fund passed earlier this Congress. The settlement fund provides financial support that will be used to develop water supplies for the reservation. Many Navajo people today continue to haul water to meet their daily needs. It is time to provide this basic human right.

I am proud to say that we have been able to resolve these longstanding liti-

gation matters without adding to the Federal deficit. The entire bill, with an estimated cost of approximately \$5.4 billion, is fully paid for.

In closing, I think it is important to note that the House has already passed most of the various components of the bill before us today in this Congress, some even twice. This legislation has received the administration's full support.

Although the Crow Nation water settlement has not yet passed in the House of Representatives, the Water and Power Subcommittee has held a hearing on this measure. All concerns by the administration have been addressed and resolved. As a result, I support inclusion of the Crow Nation water settlement in this legislation. The Senate has finally acted. It is time that we do our part one last time and send this measure to the President.

Madam Speaker, I reserve the balance of my time.

Mr. HASTINGS of Washington. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, the process by which Congress conducts the American people's business matters. For a long time, Beltway insiders claimed that Americans don't care about process. It was a self-comforting excuse to conduct business out of the public view and to shut down debate. However, the message from the voters in November's election was unmistakable: It's very clear the American people do care about Congress acting in a transparent, open, and fiscally responsible manner. Unfortunately, Madam Speaker, not everyone in Congress has heeded this message, and this is evidenced today by the manner in which the Democrats are seeking to pass this bill.

When this bill originally passed the House in March, H.R. 4783 was aimed at addressing income tax benefits to charitable contributions for the relief of victims of disasters in Haiti and Chile. Two weeks ago, this bill emerged in the Senate and looked completely different. The Senate secretly rewrote the bill behind closed doors to create an over 270-page, \$5.78 billion omnibus package of largely Indian settlement bills. And the House is now slated to debate this package without a single House Member, Madam Speaker, not one House Member, Republican or Democrat, having the opportunity to offer an amendment to improve it.

As I have stated several times on the House floor as well as in the Natural Resources Committee, I believe there is real merit in responsibly settling legitimate legal claims, especially when a settlement reduces the potential risk and costs posed to taxpayers by lengthy, uncertain litigation. It is with this view that I would like to review two pieces in this omnibus package, the *Cobell vs. Salazar* settlement and the settlements of Indian water rights claims with four tribes.

First, in the Cobell case, I agree that the lawsuit has gone on far too long and that it is important for individual Indians to be treated fairly by the Federal Government. Yet, since the proposed terms of the settlement were first publicly revealed the Congress has been petitioned by several Indians and respected Indian organizations expressing real concern with the details of that settlement. It is very disappointing that these very legitimate concerns by directly affected Indians are being dismissed by this Congress. In particular, Madam Speaker, the concerns over the possible payment of over \$100 million to lawyers and the handling of damages claims deserves a response by this Congress. The Senate bill makes modifications in both areas, but to be bluntly honest about it, Madam Speaker, the new text is nothing more than window dressing because it can be completely disregarded by the judge. To address one of these concerns, I offered an amendment in the Rules Committee yesterday to cap the Cobell attorney fees at \$50 million. The Rules Committee blocked the House from voting on this simple amendment.

Under this bill, a literal handful of plaintiff attorneys may be paid over \$100 million. This equates to one-third of the amount awarded in the settlement for the claims actually litigated by these attorneys. Let me repeat that, Madam Speaker. This equates to one-third of the amount litigated by these attorneys. This is simply too high. Some have argued the lawyer fees are just 3 percent of the settlement, but such a calculation would require proposing to pay lawyers a share of funds from cases in which they had absolutely no involvement in representing. It also should be noted that the \$50 million cap on fees is not arbitrary. It reflects an amount plaintiff attorneys indicated they can live with under their signed agreement with the government.

This legislation should be about fairness to individual Indians, but those who control Congress right now are bending over backwards to protect a \$100 million payout to a few lawyers. Let's be clear: every dollar paid to attorneys is a dollar that comes out of the pocket of individual Indians in this settlement. Congress has an obligation to ensure that individual Indians, not lawyers, receive the most money possible, but sadly, in this bill, that is not happening.

In regard to the four Indian water rights settlements included in this bill, three of these have previously passed the House. At that time, I expressed my sympathy with such settlements; however, at a time of record deficit spending and record Federal debt, it is the duty of Congress to ask questions to ensure that these settlements are in the best interest of the taxpayers.

Over the past year, Congressman TOM MCCLINTOCK of California, the ranking

member of the Water and Power Subcommittee, has sent written inquiries to the Department of Justice asking a basic question, and that basic question is: "Do these settlement amounts represent a net benefit to taxpayers as compared to the consequences and cost of litigation?" Very simple question.

□ 1400

To date, the Justice Department has regrettably not answered these questions even though they did answer similar questions with respect to the Cobell settlement. It is for this primary reason that I was compelled to oppose those settlements when they passed the House.

Now there are four such settlements, and the pricetag for them is \$1.23 billion. If Congress is going to spend this much money, it seems to me there's a duty first to show whether this is a fair deal. Without answers from the Justice Department, informed decisions cannot be made, and it is not responsible, in my view, to support this bill.

So for all of these reasons I must recommend to my colleagues that they oppose this bill until these reasonable questions can be answered and the clear deficiencies of the settlements are answered.

Madam Speaker, I yield the balance of my time to the gentleman from California (Mr. MCCLINTOCK) and I ask unanimous consent that he may control that time as he sees fit.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. HASTINGS of Washington. With that, I reserve the balance of my time.

Mr. RAHALL. Madam Speaker, I am honored to yield 5 minutes to the distinguished majority whip, the gentleman from South Carolina (Mr. CLYBURN).

Mr. CLYBURN. Madam Speaker, I thank my good friend for yielding me this time.

Madam Speaker, I rise in strong support of H.R. 4783, the Claims Resolution Act of 2010.

Madam Speaker, today is a great day for our Nation's black farmers and Native Americans who were discriminated against by their own government—our government—for years. Thousands of families have waited for years to receive the settlements awarded to them in two class action lawsuits that have gone unresolved because of political gamesmanship.

In this Congress alone, we have twice passed legislation that would have resolved this issue. Today, the games have come to an end. Today we will mete out some modicum of justice. After more than a decade, this bill finally in some significant measure resolves the Pigford v. Glickman case, a lawsuit which was settled back in 1999. That lawsuit was filed by African

American farmers against the Department of Agriculture for discriminating against black farmers who applied for access to loans and other assistance.

The Department of Agriculture has admitted that the discrimination took place and repeatedly urged this body to compensate those farmers who were discriminated against. Nothing in the Pigford settlement would prevent the government from prosecuting fraudulent claims. And this bill, which is fully paid for, includes strict provisions designed to ensure that payments are distributed to only deserving claimants.

Mr. Speaker, I want to address two issues—the issues of neutral adjudicator and performance audits, both of which are found in this bill and cause me great concern as to whether or not we're setting up a process by which witch hunts and intimidations will take place.

Now, I want the record to show that these two processes are not found anywhere else, but they are in this bill. I'm very concerned about that because I think they could open the door for witch hunts to take place as to whether or not these farmers are in fact deserving and whether or not intimidation may take place as to whether or not we will shield activities on the part of farmers who should be filing claims. I don't want anybody to be unjustly enriched, but I hope that nobody will be intimidated by the process.

I used to run the South Carolina Commission for Farm Workers, and I can tell you that from 1968, when I became director of that agency, I saw the discrimination taking place not just in farm loans but in housing loans as well. And the intimidation factor was great among these rural families that did not feel equipped to fight the process.

We have put these two procedures in this bill. I want the record to show that we do not put them there for people to be intimidated but only to provide a process by which the Federal Government can find out whether or not people are deserving of the service and of the resolution.

I would hope, Mr. Speaker, that as we carry forth this settlement that we will not once again visit upon these families the intimidation factor that so many of them experienced for years now. Now this case goes back to 1981. But I can tell you that these cases go back for nearly a century and they ought not be intimidated at this point in the process.

Mr. BRADY of Texas. Mr. Speaker, I yield myself such time as I may consume.

I rise today with strong concerns about two provisions in this bill related to the pay-fors. First, some of the policies in this bill make sense such as extending welfare programs or better

preventing incorrect unemployment insurance payments. But beyond this, instead of using the UI and trade-related savings in this bill to reduce our Nation's staggering deficit or pay for extending unemployment benefits or promoting job-creating trade, Democrats want to use these savings for new, unrelated spending. Going on a spending spree now will make the job of helping the unemployed, promoting job-creating trade, and balancing the budget next year even harder.

For example, by better preventing and recovering unemployment benefit overpayments, this bill saves about \$3 billion over the next decade. But at a time of record budget deficits when many States and Federal unemployment programs are bankrupt and deeply in debt, that money will not be used to strengthen unemployment insurance programs or even to pay for a needed extension of these benefits. Instead, this legislation diverts that money outside of the unemployment insurance system for unrelated spending. How that makes sense is beyond me.

While we're on the issue of diversion, this bill uses customs user fees, which are fees associated with the import process and which typically are used when we are passing trade legislation to benefit U.S. manufacturers, farmers, ranchers, and workers such as the miscellaneous trade bill, our preference programs for developing countries, and trade promotion agreements.

The fact that this bill diverts the fees to offset a nontrade program limits our ability to pass trade legislation that helps create American jobs and levels the playing field abroad for our U.S. farmers, manufacturers, and service companies.

I've grown tired, frankly, Mr. Speaker, of this Congress using the Ways and Means Committee to support its spending sprees. When we spend money on a new program, we should offset that with spending cuts, not by using funds already designated for a pro-growth, pro-job purpose.

With that, Mr. Speaker, I would yield the balance of my time to the gentleman from California (Mr. MCCLINTOCK).

The SPEAKER pro tempore (Mr. CUELLAR). Without objection, the gentleman from California will control the time.

There was no objection.

Mr. RAHALL. Mr. Speaker, I am honored to yield 1 minute to our distinguished majority leader, the gentleman from Maryland, Mr. STENY HOYER.

Mr. HOYER. I thank the gentleman for yielding.

I rise in strong support of this legislation. This legislation is years late in passing. The injustices that it addresses are long term in being.

Today the House has an opportunity to bring an end to two historic injustices. We can do so by approving the

settlement in the Pigford and Cobell class action lawsuits, helping to make amends to African American farmers and more than 300,000 Native Americans.

□ 1410

Few people in this Nation have been treated as poorly by their Nation as have African Americans and Native Americans. This was a continuing injustice that should have been addressed decades ago and, indeed, of course, should not have happened.

The Pigford settlement concerns a decades-old pattern of racial discrimination in Department of Agriculture loans to black farmers. For too long, farmers were denied loans because of their race. Even black farmers who received loans were paid significantly less than their white counterparts. In some cases, I am told that the amount of the loan on paper did not reflect the proceeds that were received. In fact, the proceeds were far below the face amount of the loan.

The Cobell settlement concerns mismanagement of Federal trust funds in which billions of dollars, billions of dollars in fees and royalties on reservation land were unaccounted for.

This bill can ensure that the individual account holders are properly paid. Now, I just said that, but unfortunately there are some who we will never be able to properly pay because they died before this injustice was righted. This will prevent similar mismanagement, hopefully, from reoccurring and resolve other outstanding land and water rights disputes that are deeply concerning to tribal governments.

Above all, passing this bill means living up to our obligation to those who have deserved better from the Federal Government. These settlements have been reached in court, and now it is our job to ensure that the Federal Government lives up to its end of the bargain.

I am glad that this bill funds the Pigford and Cobell settlements without adding to the deficit, and I am also glad this bill can bring to a close an unfortunate blemish on the record of this government in dealing with its people. It closes an unfortunate chapter in our history.

I urge my colleagues, hopefully unanimously, to pass this piece of legislation. We did the wrong thing, but all of us acknowledge it is never too late to do the right thing. So that although this is late, this legislation is the right thing to do. Let us do it now.

Mr. MCCLINTOCK. Mr. Speaker, I yield 1 minute to the gentleman from Oklahoma (Mr. LUCAS), the ranking member of the Agriculture Committee.

Mr. LUCAS. Mr. Speaker, I must rise in opposition to this bill. This bill includes more than \$1 billion to settle the Pigford discrimination suit against USDA, in addition to the billion dollars

we have already spent. While I want to see a resolution to the settlement, I cannot, in good conscience, support the process through which we attempted to address these problems.

The House passed H.R. 4783, a bill intended to encourage charitable contributions, by voice vote in March. What we have received back from the Senate instead is a bill that will cost the taxpayers more than \$5 billion. By using this procedure, we are unable to offer a motion to recommit to change the bill. Additionally, we are considering this legislation under a closed rule, which prevents any Member from offering an amendment.

We are rushing through consideration of a massive spending bill. The Senate acted on this 269-page bill 10 days ago, and we are already bringing it to the floor. Let's slow down and ensure that we consider this massive bill in a thorough and deliberative process.

Sadly, I must urge my colleagues to vote "no."

Mr. LEVIN. Mr. Speaker, I yield myself such time as I may consume.

This is a long injustice. And the question has been raised: Why use monies within the jurisdiction of Ways and Means and Finance to support this bill? The answer is very clear. There is no escape. There is a moral compulsion to act on this legislation. And no one should hide behind issues of jurisdiction. We have tried to do this for years. The Finance Committee decided there was a way to finance it. This is a morally right thing to do period.

The bill also extends the basic TANF program through September 30 of next year. I greatly regret that the TANF provisions included in this bill do not include an extension of the TANF Emergency Fund. That fund has helped unemployed families find work and assisted local economies in coping with the recession. Roughly 250,000 jobs were created, most of them in the private sector. Unfortunately, Republican opposition in the Senate has repeatedly blocked our efforts to extend this program.

This is serious legislation. I urge its support.

I yield the balance of the Ways and Means' time to Mr. McDERMOTT.

The SPEAKER pro tempore. Without objection, the gentleman from Washington will control the time.

There was no objection.

Mr. McDERMOTT. I yield myself such time as I may consume.

Mr. Speaker, I rise in support of the Claims Resolution Act to remedy past injustices against Native Americans and African Americans. This bill will provide a resolution to respond to past mismanagement of tribal lands and to discrimination against African American farmers by the Department of Agriculture. In short, we are taking at least a partial step to right old, old, old wrongs.

This legislation also extends, through fiscal year 2011, the basic Temporary Assistance for Needy Families. That's the TANF program. This extension of the program is welcome, but it is not enough. This bill does not include the TANF Emergency Fund, which provided funds to our States to help needy families and to establish or expand employment programs for jobless Americans. Roughly 250,000 jobs were created by the program, primarily through private sector employers. The House passed the extension of these job programs on two separate occasions earlier this year, but Republicans in the Senate have repeatedly blocked the extension.

Additionally, the bill before us fails to maintain full funding for the Child Support Enforcement Program, which means less support will be ultimately collected and sent to children. The fact that these important supports are expiring should be a wake-up call to the American public. Watch the Republicans control this House. They need to know that Republicans are actively working to shred America's safety net just when it's needed most.

In closing, I will support this bill's response to those who suffered in the past. It is said that justice delayed is justice denied, but it's better to get it late than never. But I find it regrettable that this bill does so little to help those who are suffering today. This is about what went on a long time ago. It is not dealing with what's happening today.

I urge the support of this act. We will be back on unemployment insurance and the other issues that need to be dealt with in the near future.

I reserve the balance of my time.

Mr. MCCLINTOCK. Mr. Speaker, I yield 3 minutes to the gentleman from Oklahoma (Mr. COLE).

Mr. COLE. I thank the gentleman for yielding.

Mr. Speaker, America is a great and a good country, but sometimes in its past it's made great and lamentable mistakes. H.R. 4783 offers this Congress the opportunity to correct some of the worst mistakes that we made in the course of our long and distinguished history.

□ 1420

There are three parts to this legislation: a component to deal with African American farmers, and that ought to be passed; a component to deal with Indian water rights, and that certainly needs to be passed. Finally, the largest portion of this bill deals with the so-called Cobell lawsuit.

For those of my colleagues who are not familiar with that suit, it's a 14-year lawsuit. It involves almost half a million claimants. It deals with accumulated mistakes and misdeeds of the American Government from 1887 to the present. We have twice in the course of

this lawsuit had Federal officials held in contempt of court in two different administrations, one Republican and one Democrat. And, frankly, the previous administration thought we should settle this bill at between 8 and \$11 billion.

So, frankly, this settlement is a bargain for the American taxpayers, and we are going to hear a lot of arguments against this particular piece of legislation. Some people will say it costs too much. The reality is, number one, it's fully paid for. It passed the United States Senate by unanimous consent, which means some of our colleagues over there who are famous for being frugal signed off on it.

Second, we ought to think about the cost of not settling it. The United States Government has spent almost a billion dollars on this lawsuit in the course of 14 years. If we do not pass this legislation, we will be in court again. And if the plaintiffs prevail, the costs could be well beyond what's been negotiated by the administration.

We will hear arguments about process, and to my colleagues, I have got to ask you, how much process do you want when you have been waiting since 1887 to deal with a bill? This suit has been around 14 years. It's been in this Congress years and years.

I have been to many hearings about this lawsuit and, frankly, we have seen it and we have passed it twice in this Congress already. So the idea that it hasn't been thoroughly vetted, I think, is not true.

Finally, we are going to hear about legal fees. I have got to tell you if you can get lawyers for 3 cents on the dollar, take the deal. That is the best legal deal I have ever seen in front of the Congress of the United States, far below what you would normally expect contingency fees to be.

The administration, frankly, has done a good job in negotiating this settlement, bringing it to us. We need to do a good job as well and pass it enthusiastically and recognize that we are getting a good deal for the American taxpayer. But much more importantly, we are correcting historic wrongs that should never have occurred in the first place.

Mr. McDERMOTT. Mr. Speaker, I yield the balance of my time to the gentleman from West Virginia (Mr. RAHALL).

The SPEAKER pro tempore. Without objection, the gentleman from West Virginia will control the time.

There was no objection.

Mr. RAHALL. Mr. Speaker, may I inquire as to how much time remains on both sides?

The SPEAKER pro tempore. The gentleman from West Virginia has 16 minutes remaining, and the gentleman from California has 17½ minutes remaining.

Mr. RAHALL. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Michigan (Mr. KILDEE).

Mr. KILDEE. I thank the gentleman for yielding.

Mr. Speaker, today I rise in strong support of H.R. 4783, the Claims Resolution Act of 2010. I want to thank Chairman NICK RAHALL and Congressman TOM COLE, my fellow cochair of the Native American Caucus, for their hard work on this legislation.

In the past, the U.S. Government mismanaged over 300,000 individual Indian trust accounts, causing unneeded hardship and strain. H.R. 4783 will go a long way towards righting this terrible wrong.

This legislation authorizes and approves the settlement, the 14-year long Cobell v. Salazar litigation. The settlement agreement provides for the distribution of \$1.5 billion directly to individual Indians and for the creation of a \$1.9 billion fund to purchase highly fractionated interests in trust lands. It also sets up \$60 million for educational scholarships for Indian children.

This win/win agreement was already passed by the Senate. I urge my colleagues to vote "yes" on H.R. 4783 to turn the page on this sad chapter of Federal Native American relations.

Mr. MCCLINTOCK. Mr. Speaker, I yield 3 minutes to the gentleman from Iowa (Mr. KING).

Mr. KING of Iowa. I thank the gentleman from California for yielding.

Mr. Speaker, I rise in opposition to this bill. It is, I think, something that even though it's been vetted fairly well, on those that are paying attention it hasn't been vetted very well by this Congress. And, from my standpoint, I am one of the people that's actually read the consent decree from Pigford I. I brought a copy of it to the floor. It starts out with these words, "40 acres and a mule."

Now, we know what that started out to be in the aftermath of the Civil War, a promise from the Federal Government that there would be 40 acres for African Americans, newly freed slaves, provided by the Federal Government, by either federally owned land or southern land that had been confiscated by the Union, and there would be a rented mule to go along with that, or a loaned mule.

That has been the promise of slavery reparations. Of course, it didn't come to pass. In a few cases it did, but not many. But in truth we have here the modern-day version of reparations that are going on. Pigford I allowed for those who had a legitimate claim of discrimination to file that claim. Many who didn't have legitimate claims also filed claims.

What I am seeing, information that comes to me, boxes, stacks of data, and people have been deployed to administer the first \$1.05 billion, and they say to me they are sick to their stomach, they are heartsick because of all the fraud that they see. And the level, 75 percent, it's a low number. I am

hearing numbers into the high nineties, and still we don't see the data. We don't see the applications. We don't see how it matches up with Judge Friedman's opinion here, this decision on the first consent decree, where he says that it's not \$50,000, it's \$187,500.

Mr. Speaker, this has become a modern-day reparations component, and it's wrong. The \$50,000 was essentially automatic to whoever applied. They didn't have to approve discrimination, they just needed a friend that would sign an affidavit that said that they knew at one time that they were or wanted to be a farmer and that they may or may not have spoken to anyone at the USDA, but that they had complained either verbally or in writing with someone who was either an employee of the USDA or perhaps they were a Member of Congress or a couple of other categories.

This issue needs to be examined far more thoroughly. The Shirley Sherrod case comes into this. Now it's curious that Shirley Sherrod is the number one recipient in the largest civil rights class action case in the history of America, Pigford Farms. Shirley Sherrod is the individual who became so well-known in the media a few months ago when the Secretary of Agriculture summarily fired her for a little clip of a speech that she gave before the NAACP.

I don't take issue with the totality of the statement that she made, Mr. Speaker, but it's curious to me that Shirley Sherrod got the notice that she, and whoever her partners might have been, were going to receive \$13 million from Pigford Farms, 22nd of July, 2009. The 25th of July, 2009, Secretary of Agriculture Vilsack hired her to be the head of USDA Rural Development in the State of Georgia.

What does this mean, Mr. Speaker? Well, I don't know the answer to that yet, but I know this. The tremendous amount of data, 94,000 claims, 18,000 black farmers, 4½ claimants for every black farmer, it's got to be fraud. I urge a "no" vote.

Mr. RAHALL. Mr. Speaker, I yield 3 minutes to the gentlewoman from California (Mrs. NAPOLITANO), a subcommittee chair and member of the Committee on Natural Resources who has been intimately and powerfully involved with these issues over a number of years.

Mrs. NAPOLITANO. Thank you, Mr. Chairman.

Mr. Speaker, I am very happy to rise in strong support and approval of H.R. 4783.

Title III through VI settle the water rights claims for seven tribes and pueblos in the States of Arizona, New Mexico and Montana. In the case of the five New Mexico pueblos, this legislation would end a combined total of 84 years of protracted, divisive and expensive litigation.

This litigation is fully paid for, as has been stated repeatedly. Most of these settlements involve either the rehabilitation of facilities or the design and construction of much-needed drinking water systems. Having an offset for the entire cost of this litigation allows for project construction to start earlier and to stay on schedule, save money, ultimately saving taxpayers millions of dollars in construction costs that are subject to inflation increases. In the case of White Mountain Apache and the Miner Flat Project, it is estimated that these savings are as much as \$7 million annually.

The scarcity of water in the West and a long-running effort to meet the needs of the tribal communities has required compromise and development of trust in the process. The tribes have negotiated in good faith and ultimately have settled for water rights that is far less than what their initial claims asserted in their litigation against the United States.

□ 1430

When this Nation established reservations, we did so with a commitment to supply the tribes with water. The beauty of these four settlements is that the tribal, Federal, State, and local stakeholders all see the benefit as not just for the tribal members but for the communities and regions as a whole. All four settlements have received bipartisan support and have been considered and debated by the House, whether through a subcommittee hearing or House passage.

Title VII of this legislation provides initial funding to the Reclamation Water Settlement Fund, established in Public Law 111-11 dated 3/30/09. The initial funding will go toward design, planning, and construction of the Navajo-Gallup Water Supply Project. This project will bring water to the Navajo Nation and their non-Indian neighbors. It is time that we in the United States and this Congress provide the infrastructure for these people so they don't have to wait for a water truck to navigate the unmaintained roads to deliver water to the residences. Water is a basic human right and should be provided to all of our citizens. It is time the U.S. Congress stepped up to our commitment. None of us would want to have this situation in our districts.

I would like to commend all of the parties involved in the negotiation of these settlements, from the tribes and the pueblos, their nontribal neighbors, and the local and State entities that have spent countless hours in bringing water certainty to their communities. We would also like to commend the administration in their rededication to the Indian water settlement negotiation process, and our respective staffs. It is to the administration's credit that we have in front of us four settlements that we can fully support.

It is time that we give the settlements their full support and provide water certainty, and more importantly, a water future for our tribes and their neighbors.

Mr. McCLINTOCK. Mr. Speaker, I yield 3 minutes to the gentlewoman from Minnesota (Mrs. BACHMANN).

Mrs. BACHMANN. Mr. Speaker, I thank my distinguished colleague from California for yielding.

To me, one of the most obvious problems with this bill that we are being called upon to verify today and to vote for is simply a numbers problem. If we are looking at this Pigford claim whereby we have black farmers who are stating that they are discriminated against, we had approximately 14,500 claims that were paid out in the first Pigford I class action lawsuit. But now what's very interesting is that the black farmers themselves are saying we are looking at a potential universe of about 18,000 black farmers. The period in question when the United States Department of Agriculture is alleged to have discriminated against black farmers is between 1981 and 1997. Between that 16-year period, according to the numbers that people agree on, there is a universe of about 18,000 black farmers. Well, in the Pigford I settlement, 14,500 black farmers received claims. What this means then is we would have to presume that nearly every black farmer in the United States applied for a loan from the USDA. Then we would have to presume that every black farmer qualified for receiving that loan from the USDA. Then we would have to presume that every black farmer who applied who qualified was turned down for a loan, and then finally we would have to presume that every black farmer in the United States was also discriminated against, and that's why they were turned down.

So it wouldn't just be one office of the USDA. This would be rampant discrimination all over the country. What's unbelievable is that in the face of this alleged gross discrimination by which the taxpayers of this country have already paid out \$1 billion in payments, not one USDA employee in the country has been fired for discrimination. Not one employee has even been suspended or reprimanded or fined. How could this be?

And now in the Pigford II settlement, which isn't even a lawsuit, which is something that Attorney General Eric Holder and the Ag Secretary Tom Vilsack came together and just came up with an idea that they would have a second settlement because apparently there were even more claimants that wanted to receive money, now we have a universe that will be paid out in this settlement today of 94,000 claimants.

How in the world, Mr. Speaker, can you have 94,000 claimants in addition to the previous 14,500 claimants if there

were originally only 18,000 black farmers in the country? This is a simple math problem. That's why we're saying before one more dime goes out of the U.S. Treasury for a claim, we have to investigate before the checks go out to claimants, not after. We aren't even talking about subsequent investigations.

This is an outrage and one vote that no Member of this Congress should vote for. This will be an albatross around the neck of any Member of Congress that votes to fund this obviously fraudulent claim.

I urge my colleagues to consider what the Claims Settlement Act truly represents before voting on the bill. This legislation includes over a billion dollars to settle the Pigford discrimination claims of black farmers alleged against the United States Department of Agriculture. Unfortunately, Pigford is rife with fraudulent claims and to settle before an investigation can take place does the American taxpayer a disservice.

Why has Eric Holder not investigated these allegations of fraud? Why has no one at the USDA been fired over this?

As a consistent fighter against out-of-control government spending, I cannot stand idly by as I see the United States taxpayer put on the hook for even a dime to Pigford. It's time for Congress to fully investigate the Pigford claims because the numbers just don't add up.

By the National Black Farmers Association's own data, only 18,000 black farmers exist in the United States, but under Pigford II 94,000 claims of racial discrimination have been filed thus far.

Justice should be served to those who experienced discrimination, but settlement funds should only go to those wronged.

Mr. RAHALL. Mr. Speaker, our Committee on the Judiciary has been very instrumental in the drafting of this legislation, especially in regard to the paid-for section.

I yield 6 minutes to the distinguished chairman of that committee, the gentleman from Michigan, Mr. JOHN CONYERS, and I ask unanimous consent that he control that time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

Mr. CONYERS. I want to let the gentlelady from Minnesota know that I would like to work with her on getting these numbers straightened out because there were some erroneous conceptions involved here.

I would like to begin by recognizing the chairman of the Subcommittee on Crime in the Judiciary Committee for 1½ minutes, my dear friend, BOBBY SCOTT.

Mr. SCOTT of Virginia. Mr. Speaker, I rise in support of H.R. 4783, with particular reference to the Pigford late filer claims provision, regarding claims of widespread, rampant racial discrimination by the Department of Agriculture against black farmers.

Mr. Speaker, we have heard about the 18,000 farms, the 18,000, many more

than 18,000 farmers, former farmers, many of them lost their farms and others tried, and they were too subjected to racial discrimination. But in 1999 the court ruled that black farmers who farmed between 1981 and 1996 and who had filed a complaint against the department by July 1, 1997, were eligible to seek monetary compensation from the government if they could prove their case. Unfortunately, tens of thousands of black farmers complained that they were not made aware of the July 1997 cutoff date.

To provide relief to those farmers left out of the original action, Congress authorized a cause of action for those late filers who were denied a determination on the merits of their discrimination claims, and those claims have now been settled, conditioned upon congressional appropriation of \$1.15 billion.

This bill provides the funding for the resolution of the longstanding claims for those who can prove it. This settlement is long overdue, and I hope my colleagues will approve this matter, as we have twice before, to bring this longstanding matter to a close.

Mr. Speaker, finally, I would like to thank my fellow Virginian, John Boyd, the president of the National Black Farmers Association for his hard work over many years on behalf of black farmers.

□ 1440

Mr. CONYERS. Mr. Speaker, I yield myself such time as I may consume.

I am a little dismayed that we come back after this recess and after a struggle that has gone on for generations, and we come here, and of all my colleagues on the other side of the aisle, I am stunned that only one person rises in support of a claim that is so gross, so discriminatory, and I was glad that the gentlelady raised the question of why nobody was ever fired or punished or discharged. That is how deep and pervasive this problem has been over the centuries in this country. That is why nobody was punished. That is why it makes it all the more important that we, if we can, get as bipartisan a vote from everybody in this House on this matter.

Chairman BOBBY SCOTT mentioned John Boyd of the National Black Farmers Association. He is sitting up in the gallery right now. I want you to know that he came to me in the spring of 1983. That was 27 years ago, and we have been working on this matter ever since. All across the South—we even had problems, we found out, in the North. It wasn't just the South, but the South was obviously the most pervasive.

So we are talking about something that was written up by Wil Haygood a number of years ago in *The Washington Post*, on October 3, 2004, in an article entitled, "The Promised Land.

Bigotry and bankruptcy haven't driven Ricky Haynie from the fields his ancestors worked as slaves."

Now, as much as I appreciate the Secretary of Agriculture for his work in this, and as much as I appreciate those who are going to support this measure, I am sorry to say that this matter of fairness to farmers of color, Hispanics, and women is not yet resolved. And they are black farmers who, because they were late filers—and how can you be somewhere out in God knows where, and you are supposed to know when the filing date for things are. There are over 12,000 African American farmers that have been excluded from the Pigford settlement merely because they didn't do it on time. Do you think they have got a lawyer out there? Of course they don't.

The claims of Latino farmers, late filers, and women farmers are still not resolved even when we finally pass this measure.

I yield back the balance of my time.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will remind Members not to draw attention to visitors in the gallery.

Mr. MCCLINTOCK. Mr. Speaker, I yield myself 4 minutes.

Mr. Speaker, titles III through VI of the bill purport to settle four water rights claims against the United States by signing away the public's right to nearly 300 billion gallons of water every year in perpetuity in addition to spending more than a billion dollars.

Now, the proponents of the bill are correct that if the taxpayers are going to end up paying more if these claims go to trial, then we should settle them out of court, but that is simply not the case. For the better part of a year, I asked for a legal opinion from the Attorney General on this question to no avail until a day before the issue was first brought to the House floor. And what we received was not a legal opinion assessing the validity of the claims or the extent of the taxpayers' liability; it was a general statement of their preference for settling claims rather than litigating them, and it is undermined by very many specific objections raised by the administration over the course of the last 2 years.

For example, with respect to the White Mountain Apache settlement, the Department of the Interior wrote on November 15 of this year: "This authorizes Federal appropriations for numerous tribal projects that are extraneous to the settlement." They urged, "These projects should be considered on their own merits in separate authorizing legislation."

Last year, it warned that funding would "be excessive," would be excessive, if it were viewed as settlement consideration. They also warned, a year ago, of language that is still in the bill which waives the sovereign immunity of the United States for future

litigation. They warned: "This provision will engender additional litigation and, likely, in competing State and Federal forums rather than resolving the water rights disputes."

Engender additional litigation, extraneous to the settlement, excessive if viewed as settlement consideration—these are the administration's own words. In fact, the administration expressed so many reservations about aspects of these settlements that we can only conclude that they are not settlements negotiated by the Attorney General and presented to the Congress, but, rather, they are a grab bag written by the Congress itself and now rubber-stamped by the administration on political and not legal grounds.

We were initially told that the Attorney General never comments on the validity of claims, but we found this to be false. For example, in the Cobell case in 1994 when the Attorney General's office believed that we needed to settle out of court, they said so. They said: "We are not well-postured for a victory on this claim." They warned: "The outcome could easily be a significant cost to the taxpayers and the public," and that is not what they are saying now with respect to these four settlement claims.

Mr. Speaker, we have many more Indian water settlements pending for vast quantities of water and substantial sums of money. We need to get our act together on this. I believe Congress needs to demand that the administration be candid and forthcoming on all claims for settlement; and that Congress insist that before it begins deliberating on a settlement, that the Attorney General has conducted and completed the negotiations, determined all of the details, certified that the settlement is within the legal liability of the government, and only then submits that settlement for consideration by Congress. Anything less is breaching the fiduciary responsibility that we hold to all of the people of the United States.

I reserve the balance of my time.

Mr. RAHALL. Mr. Speaker, I yield for a UC only to the gentleman from Illinois (Mr. DAVIS).

Mr. DAVIS of Illinois. Mr. Speaker, I rise in strong support of H.R. 4783, the Claims Resolution Act of 2010.

Mr. RAHALL. Mr. Speaker, I yield 1 minute to the gentleman from New Mexico (Mr. HEINRICH).

Mr. HEINRICH. Mr. Speaker, I rise in strong support of the Claims Resolution Act, a bill that is the result of many long years of negotiations. This bill will ratify settlements in two significant New Mexico water rights cases. The Aamodt and Taos Pueblo Indian water rights cases have been in Federal court for many decades. These cases sought to bring justice to Native Pueblos who, like any other Western community, depend on water as their lifeblood.

After many decades, the Claims Resolution Act will bring much-needed certainty to the Pueblos of northern New Mexico by restoring their right to clean, reliable water. Cooperation and collaboration are far too rare when it comes to managing water resources in the West.

The Aamodt and Taos Pueblo Indian water bills are an example of how we can manage this precious resource without pitting towns against farms and farms against tribes. The legislation has bipartisan support and was passed by the Senate by unanimous consent. I commend President Obama and Secretary Salazar for upholding our Nation's responsibilities to Native Americans, and we should finish that work today by ratifying these settlements.

□ 1450

Mr. MCCLINTOCK. I reserve the balance of my time.

Mr. RAHALL. Mr. Speaker, I yield for a unanimous consent only to the gentleman from Pennsylvania (Mr. FATTAH).

Mr. FATTAH. Mr. Speaker, I rise in support of this settlement and towards a more perfect union.

Mr. RAHALL. Mr. Speaker, I yield 1 minute to the gentleman from Washington (Mr. INSLEE).

Mr. INSLEE. Mr. Speaker, George Washington said something which I thought was appropriate to the Cobell settlement. He said, "The administration of justice is the firmest pillar of government." Today, that is what we are administering—some justice for the 50,000 individual Native Americans and more than 100 tribes across this country.

We have known, in no uncertain terms, that there has been an injustice to thousands of these Americans for decades, and we have struggled mightily to find the right resolution of that, and we have found a settlement that, in fact, achieves that. The point I want to make about this is we know how important this has been to Native Americans. We know of their attachment to the land and of the abuses they have suffered at the hands of their government.

Conservatives should like the fact that we are forcing a government that acted inappropriately to pay for the damage it did to their citizens as this is not just justice for Native Americans. A justice for any is a justice for all, and justice for Native Americans today is justice for all Americans. We all ought to feel proud that we are taking a step forward to make this a more just Nation.

Mr. RAHALL. Mr. Speaker, I yield 1 minute to a valued member of our Committee on Natural Resources, the gentleman from California (Mr. BACA).

Mr. BACA. Mr. Speaker, I rise today to voice my strong support for H.R. 4783.

I want to thank the congressional leadership, Mr. RAHALL and the White House for their commitment to ensure justice for those individuals and communities we have wronged in the past. The treatment of minority farmers by the USDA remains a dark stain on our Nation's history.

When I first came to Congress, I worked extensively on the Agriculture Committee with our former colleague Eva Clayton to bring justice to African American, Hispanic, Native American, and female farmers. We hosted several meetings; wrote letters; and chaired numerous subcommittee hearings on this very issue to address past discrimination.

Today, I am pleased to say that we are taking an important step forward in righting those past wrongs of injustice by this country. H.R. 4783 provides the additional funding required to settle the Pigford lawsuit brought by the African American farmers. It also includes funds to settle the Cobell case and to finally provide justice to Native American communities whose trust accounts were mishandled by the government.

Thousands of people have been affected who still bear the wounds of past discrimination. They have waited too long. This legislation also includes important measures to settle the water rights claims to many tribes, including the White Mountain Apache, the Crow Montana, the Navajo Nation, the Taos Pueblo, and other southwestern Pueblo tribes.

We still have a long road ahead before we bring justice to all groups discriminated against by the USDA, including Hispanic farmers and female farmers, but we are moving in the right direction.

Mr. RAHALL. Mr. Speaker, I yield for a UC only to the gentlelady from Texas, Ms. SHEILA JACKSON LEE.

Ms. JACKSON LEE of Texas. Mr. Speaker, I rise enthusiastically to support the Pigford-Cobell settlement, and ask that we continue to seek justice for those who have been denied it.

Mr. Speaker, I would like to thank all of my colleagues who were instrumental in furthering this legislative effort and bringing this momentous bill to the House floor. H.R. 4783 serves as a means of justice and vindication for minority farmers and landowners who were previously wronged by the Agriculture Department and the Interior Department when they were only trying to make a living. These were American farmers, who have dedicated their lives to the prosperity of the United States, by in essence, providing for their fellow citizens.

I have long been an adamant supporter of American farmers in their mission to strengthen agriculture in our Nation. As a senior member of the House Judiciary Committee, I have been actively involved in the fight to ensure that black farmers and Native Americans received justice for the discrimination they encountered. For nearly a decade, I have worked alongside my colleagues in the Congressional Black Caucus, other Members of

Congress, and civil rights advocacy groups to uphold the standards of equality and fairness, and ensure that the government is held accountable for its wrongdoings.

I am pleased that the Senate has passed this legislation by unanimous consent earlier this month to right the many past wrongs of our government. I hope that today, in the House, my colleagues too will vote to pass this important legislation. H.R. 4783 deals with the unfortunate situations addressed in the Pigford II and Cobell v. Salazar cases. Black farmers and Native Americans were discriminated against in those aforementioned cases based solely on their race. They are owed restitution by the Department of Agriculture and the Department of the Interior; they are owed a chance to rebuild their communities and continue with their lives.

In the Pigford case, there are numerous accounts of black farmers receiving unfair and unequal treatment when applying for farm loans or assistance through the Department of Agriculture. As if that were not enough, when these minority farmers submitted their discrimination complaints, they heard no response from the Department of Agriculture and were essentially ignored. The judge in the Pigford case said that the holding was, "a historical first step toward righting the wrongs visited upon thousands of African-American farmers for decades." It is truly disheartening to know that an arm of the federal government, which has a duty to treat all Americans fairly and equally, played a role in the historic plight of the minority farmer in the United States.

The Cobell case is important because of its resolution of many American-Indian tribes' claims to water, one of the necessary elements to sustain life, and the poor management of Indian trusts. The White Mountain Apache Tribe settlement, the Crow Tribe settlement, the Taos Pueblo settlement, the Aamodt settlement, and finally the Reclamation Water Settlements provided for the tribal water rights claims for a number of American-Indian tribes.

Furthermore, H.R. 4783 also allows for the settlement of billions of dollars in Indian trusts that were mishandled by the Department of Interior. In the holding of the Cobell case, the judge states that, "it would be difficult to find a more historically mismanaged federal program than the Individual Indian Money (IIM) trust."

Such gross mismanagement impeded the livelihood of more than 300,000 Native Americans. How are Native Americans, or any minority for that matter, expected to trust the United States government if, as lawmakers, we do not stand up for their rights? This settlement ensures the recognition of these past civil infractions by the government, and portends a brighter future for the minorities in America.

Essentially, the right to life and livelihood are resolved by this settlement. American-Indian tribes will finally receive access to drinking water, and black farmers will receive restitution for and recognition of previous racist actions that directly affected their ability to sustain themselves.

In July of this year, Shirley Sherrod's forced resignation from the Department of Agriculture was reminiscent of the racist trend many black

farmers faced when dealing with the government. The media whirlwind surrounding the treatment of Sherrod raised allegations of racism by the hands of the government. Images of black farmers being denied loans for their own farms, in order to maintain their own livelihood resurfaced. Despite the wrongs Sherrod faced personally, she focused attention on the very types of discriminatory practices that perpetuated racism, led to losses of land, and ultimately resulted in these lawsuits. She reiterated the importance of equal treatment for all American farmers, regardless of their race. Systematic racism should not occur in the United States in the 21st century, and H.R. 4783 reaffirms that notion by taking steps to reverse a history of gross racism and civil rights infractions.

The passing of H.R. 4783 will finally allow for the compensation of these gross injustices. While I am in strong support of the passage of this bill, it is unfortunate that this long awaited settlement comes riddled with stipulations. The Claims Resolution Act, as amended, creates two payment "tracks" by which the victims of past discrimination may state their claims. These payment tracks effectively raise the evidentiary bar for those who were victimized by the government's past injustices, making it more difficult for them to receive the settlement that this bill provides.

The first track, which requires substantial evidence of discrimination, limits victims' settlement to \$50,000 per person. This standard is too restrictive because of the passage of time since the incidents of discrimination took place, and the possibility that many of the records and documentation of discrimination have been lost.

The second track, which allows victims to receive a settlement of up to \$250,000, requires a much stronger evidentiary standard; victims must be able to show evidence of economic loss as a result of discrimination. Such a standard will often be too burdensome to meet, as it is difficult to prove definitively that discrimination was the sole cause for someone's loss of land, and that other mitigating factors may not have played a role in the loss. This standard could leave those victims who lost the most due to discrimination by the USDA with a lesser settlement than they rightfully deserve.

A settlement of \$50,000 poses a hardship to Black farmers and Native Americans, and certainly is not enough to properly compensate for the years of discrimination they experienced. Nonetheless, it is a positive first step toward making these victims whole again.

Mr. Speaker, for over a decade, I have been a strong voice and advocate for Black and Native American farmers in the United States who are truly dedicated to the American dream. The Claims Resolution Act of 2010 represents nearly a decade-long battle for equality and justice. It is now time to finally acknowledge the systematic injustices experienced by black farmers, and Native Americans everywhere. I urge my colleagues to join me in voting to pass H.R. 4783, and to finally allow those affected to move on with their lives.

Mr. RAHALL. Mr. Speaker, I yield 1 minute to the gentleman from Georgia (Mr. BARROW).

Mr. BARROW. I thank the chairman for yielding and for his leadership on this issue.

Mr. Speaker, this country has a proud heritage of African American farmers who have contributed more than their fair share to our national economy, but our government has not given them its fair share of support. It is shameful that many of those farmers have faced discrimination by their own government. I applaud this effort to finally right some of those wrongs, and I encourage my colleagues to support this bill.

However, I feel compelled to make the point that, while this is progress, it won't be providing relief for everyone who needs it. I have a constituent who is an original plaintiff in the Pigford suit, and because of bad lawyering and bad judging, he has never had so much as a hearing on his discrimination case. This settlement will likely do him no good.

I hate to think about how many other folks might still be left out of their rights in this instance. I hope that the passage of this bill will be the first step toward righting some of those wrongs as well.

Mr. RAHALL. May I have a time check, please, Mr. Speaker?

The SPEAKER pro tempore. The gentleman has 2 minutes remaining.

Mr. RAHALL. I yield 1 minute to the gentlelady from Arizona (Mrs. KIRKPATRICK), a member of our Committee on Natural Resources.

Mrs. KIRKPATRICK of Arizona. Mr. Speaker, I rise in support of the Claims Resolution Act. This legislation will have an enormous impact on Indian Country, and it will also help meet our trust obligations to tribal nations.

Included in this legislation is the White Mountain Apache settlement that resolves the water rights of the tribe and communities in the White Mountains of Arizona. Growing up in that area, I remember having to boil water before using it. That is simply not acceptable in the 21st century. This legislation is critical, and I was proud to have it be the first bill I introduced.

I want to thank tribal Chairman Lupe, Senator KYL, Chairman RAHALL, and the other stakeholders involved in this process. It was a collaboration of many partners and many years. I am proud to see it passed into law today.

I urge my colleagues to pass the Claims Resolution Act.

The SPEAKER pro tempore. The gentleman from West Virginia has 1 minute remaining. The gentleman from California has 8 minutes remaining.

The gentleman from West Virginia has the right to close.

Mr. MCCLINTOCK. Mr. Speaker, there is no doubt that Americans of African descent and Native Americans have suffered grave injustices over the years at the hands of this government,

and they deserve justice—no more and no less; but if we are excessive in our zeal to do justice to one group, we end up necessarily doing injustice to others. That is the concern that is raised in this bill.

Legal settlements—and that is what this bill purports to be—should be settled on legal grounds, but there is serious question, including serious question, obviously, within the administration in using their own words, as to whether these settlements are in the interest of justice or in the interest of all the people of our land.

In one hour of debate, the proponents have not cited one argument—not one word—on the legal issues of a bill that purports to settle legal issues, and that ought to tell us a very great deal right there. That is the problem with this bill, and that is why action should be deferred on this bill until the Attorney General actually conducts good faith negotiations on behalf of the people of the United States.

I yield back the balance of my time.

Mr. RAHALL. Mr. Speaker, to conclude debate on the majority's side, I yield all of the remaining time to the gentlelady from California, Ms. MAXINE WATERS.

Ms. WATERS. Mr. Speaker and Members, I rise in support of H.R. 4783.

Today, we have the opportunity to right the wrongs perpetrated on both black farmers and Native Americans in this country. The history of shameful and, yes, rampant discrimination against black farmers and the shameful mismanagement of Native Americans' oil, gas and water rights are being addressed here today. We vote today to settle the Pigford II Black Farmers case against the USDA and the Cobell case on mishandled Native American oil and gas claims against Interior and several tribal water rights claims.

The Black Farmers case against the USDA goes back decades. I was a member of the Judiciary Committee and the chair of the Congressional Black Caucus from 1996 to 1998 when we worked with the Clinton administration, and we were able to waive the statute of limitations so we could get Pigford I up before us. Yet thousands of black farmers lost their farms; many are dead, and many of them did not get their paperwork filed.

□ 1500

This bill provides \$1.15 billion to settle the Black Farmers case and \$3.4 billion to settle the Cobell claims.

Mr. Speaker and Members, institutional racism and discrimination must be aggressively fought and eliminated. I am so proud of John Boyd and all of the Members of this Congress who have worked so hard. Mr. RAHALL and the rest of them, to do what needs to be done. I am pleased and honored to serve as a Member of Congress where we are dealing with justice and fairness and equality today.

Mr. MORAN of Virginia. Mr. Speaker, I support the Individual Indian Money Account Litigation Settlement. The settlement of this litigation represents a turning point for the Federal Government's trust relationship. There are three reasons I support this settlement.

First, it provides monetary compensation to more than 300,000 individual Indians for their historical trust accounting claims and their potential claims that prior U.S. Government officials mismanaged their trust assets.

Second, this settlement seeks to address the growing problem of "fractionated" land interests. This settlement allows individual Indians owning shares of fractionated land to voluntarily sell their land back to the federal government, in exchange for a cash payment. In turn tribal communities will have the opportunity to consolidate these fractionated interests and use the land for homes, schools, and economic development.

Third, this settlement addresses the future by establishing and providing education scholarships for Native Americans. Studies have shown that Native Americans represent less than one percent of all students enrolled in colleges. The Indian Education Scholarship Holding Fund can help improve these statistics by providing much needed financial assistance to Native American students to defray the costs at post-secondary vocational schools and other institutions of higher learning.

Mr. FALCOMA. Mr. Speaker, I rise today in strong support of the Claims Resolution Act of 2010, to authorize, ratify and confirm the settlement reached as a result of the Indian Trust Fund litigation, or the Cobell v. Salazar case.

First I want to thank the Chairman NICK RAHALL, members of the Natural Resources Committee, and all my colleagues for their support on this bill.

Under the Class Action Settlement Agreement that was signed on December 7, 2009, the government agrees to pay \$1.4 billion to establish the "Accounting/Trust Administration Fund" for members of the class who sought to have a historical accounting of their Individual Indian Monies (IIM) accounts. In addition, the Federal Government has agreed to pay \$2 billion to establish the "Trust Land Consolidation Fund" for the purpose of consolidating the fractionated trust and restricted lands.

Since 1831, when the Supreme Court first formulated the concept of the federal government as trustee for Indian tribes, the relationship between the American Indians and the United States government has been likened to that of a "ward to its guardian." In its capacity as trustee, the United States government holds titles to much of Indian tribal land and land allotted to individual Indians. Subsequently, responsibilities to manage Indian monies and assets derived from these lands and held in trust lie with the U.S. government.

Allegations of breach of trusteeship and fiduciary responsibilities led to the Cobell v. Salazar that was first filed in 1996. A group of IIM account holders filed a class action alleging that the Secretaries of Interior and Treasury, acting on behalf of the federal government, had breached their fiduciary duties owed to American Indians. Over the next 13 years, the federal government has struggled to bring resolution to this litigation.

It was not until December 7, 2009 when a settlement was reached. The settlement agreement originally called for Congress to authorize it legislatively by December 31, 2009. The deadline, however, has been extended eight times to February 28, 2010, April 16, May 25, June 15, July 9, August 6, October 15, and currently to January 7, 2011. It is time to bring resolution to this issue.

For far too long, the government has ignored its responsibilities and constitutional duties with respect to American Indians. The proposed legislation, H.R. 4783, will administer justice to those American Indians that have suffered as a result of mismanagement and of neglect of our government trustee responsibilities. I urge my colleagues to support H.R. 4783 and authorize the Class Action Settlement Agreement.

Mr. VAN HOLLEN. Mr. Speaker, I rise in support of this legislation that will make amends to thousands of African American farmers and Native Americans, and bring a long-delayed close to the serious cases of discrimination and mismanagement committed by the Federal government.

The Claims Resolution Act provides funding to implement the settlements of both the Pigford and Cobell class action lawsuits in a budget neutral manner. The Pigford case involved past discrimination committed against black farmers by the Department of Agriculture while in the Cobell case, the Department of the Interior mismanaged Native American trust funds. With this legislation, it is time to provide long overdue justice and uphold the Federal government's responsibility of the settlements.

Mr. Speaker, we are one step closer to providing African American farmers and Native Americans compensation for the past failures of the Federal government. I urge my colleagues to do the right thing and support this legislation so that it can be sent to the President's desk for his signature.

Mr. BISHOP of Georgia. Mr. Speaker, I rise today in support of H.R. 4783, The Claims Resolution Act of 2010. It is time to end this decades-long dispute and long process of overdue justice.

The Senate overcame a major hurdle on November 19, and their actions should encourage us to build on their momentum, pass this legislation, and send it to President Obama in the interest of doing what is right. As Dr. Martin Luther King, Jr. said, "The time is always right to do what is right."

I am pleased to see that this legislation has strong support from both sides of the aisle, and I know that fiscally conservative Members like me are especially pleased that this legislation is fully paid for.

This has not been a process of swift justice, but the Senate's recent accomplishment is good news for the victims of prejudice and discrimination. I am particularly pleased for the thousands of black farmers, as well as Native Americans and Hispanics, who will now finally receive a measure of justice.

Discrimination in any form cannot be tolerated, and today my colleagues and I are presented with the opportunity to close the final chapter in this saga of flagrant prejudice.

Now there are a number of Members who have expressed their concern with respect to potential fraud and abuse. Interestingly, out of

the three groups included in H.R. 4783—Hispanic, Native American, and Black, only the Black farmers are saddled with fraud allegations and specific statutory language aimed at stemming fraud.

I, too, am concerned with fraud! And I believe the bill adequately addresses this issue, as does the Department of Agriculture and I am confident this issue will be taken care of.

We cannot let a few bad apples spoil the bunch. There are many hard-working, honest individuals and families who have suffered at the hand of discrimination, and we should all aim to see justice done so that those who have suffered from bias and bigotry can now move on with their lives.

Mr. Speaker, as children, we are taught the Pledge of Allegiance and we are ingrained from an early age that these United States provide liberty and justice for all. Therefore, I ask my colleagues to keep that pledge and pass this legislation. Our great nation was founded on the principle that all men are created equal and it is time to see this gross injustice put to rest.

Ms. RICHARDSON. Mr. Speaker, I rise today in support of H.R. 4783, which authorizes and approves the settlement in the Cobell v. Salazar case. This important legislation finally authorizes funding for the settlement that was reached over 14 years ago. H.R. 4783 also settles the Pigford lawsuit which is a decades old discrimination lawsuit brought by African American farmers against the USDA.

As a member of the Native American Caucus, I have worked with my colleagues in Congress to address the needs of Native Americans. This legislation before us today is not a handout, but it repays the Native Americans who had their trust assets mismanaged by the Federal Government. Over 300,000 Native Americans will benefit from this legislation.

Mr. Speaker, this bill also establishes a \$60 million educational scholarship fund for Native American children. The passage of this legislation will allow more Native Americans to attend colleges and universities. This bill is revenue neutral and is even projected to reduce the budget deficit by approximately \$1 million over 10 years.

California is home to over 100 federally recognized tribes. This legislation will ensure that these Native American beneficiaries receive the compensation that is long overdue.

The Claims Resolution Act also provides \$1.15 billion to settle the claims of African American farmers against the USDA. This will compensate families that were unfairly denied access to USDA loans and other financial assistance solely based upon their skin color. While the passage of this legislation will not erase this sad chapter in our history, it will assist our African American farmers who were unfairly discriminated against.

Mr. Speaker, I have a constituent named Alice Robinson who will benefit from this legislation. Her family was one of the many African American farmers that faced discrimination in accessing loans from the USDA. They struggled to maintain their farm without any assistance from the USDA. No farmer should face discrimination based on the color of their skin. Alice Robinson and other farmers across the country deserve the assistance that this legislation will provide that was previously denied to them.

The House has twice passed legislation this year authorizing payment of the Cobell v. Salazar lawsuit and the Pigford settlement. I am pleased that the Senate has passed this important piece of legislation and I urge my colleagues to join me in supporting H.R. 4783. While we can't undo the damage that the Federal Government inflicted on black farmers and Native Americans, today we will help compensate them for their losses and ensure that this never happens again.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise in strong support of H.R. 4783, the Claims Resolution Act of 2010. When I first entered the Congress in 1993 this issue was at the top of my legislative agenda. Throughout my tenure in Congress, I have been committed to bring justice to black farmers who were discriminated against by the U.S. Department of Agriculture. Fairness has long been overdue for black farmers who were blatantly denied access to low-interest loans and farm subsidies by the government. As a longstanding advocate of this issue, I am particularly pleased to see this bill up for consideration today.

Mr. Speaker, it has been over a decade now we have been fighting for integrity and righteousness for black farmers who were unfairly discriminated against by the United States government in what is otherwise known as the "Pigford case". Resolving cases of discrimination and injustice should be a top priority for this country. As Dr. Martin Luther King famously said, "Injustice anywhere is a threat to justice everywhere."

The evidence of discrimination in Pigford is clear and reminds us to remain vigilant against acts of racism which have unduly hurt so many hardworking families. When black farmers did receive loans, they were often at a rate higher than those offered to white farmers. Equipment grants and subsidies often came too late and without explanation, as farming is an extremely time sensitive endeavor.

Aside from justice, this money also will be going to some of the poorest counties in this country who are the most in need. Although this payment is not enough to save all of the black farmers now in jeopardy of losing their family land, it will help some survive and at least be partially compensated for the discrimination they faced. The 2007 Census of Agriculture reveals in my state of Texas, there are 6,124 Black principal farm operators, the largest number in any state.

Mr. Speaker, my community will stand ready for justice for these unconscionable actions of discrimination.

I urge my colleagues to support this legislation not only to bring justice to those who faced years of unwarranted discrimination, but to provide for those who work tirelessly every day to provide much needed goods for this country.

Mr. CUMMINGS. Mr. Speaker, I rise today in strong support of the motion to concur in the Senate amendments to H.R. 4783. I applaud Chairman RAHALL for his work on this legislation and commend Speaker PELOSI and Leader HOYER for bringing this legislation to the floor.

The Senate amendments to H.R. 4783 include, among other provisions, the funds necessary to implement settlements reached in

the Pigford case brought by black farmers who were discriminated against by the U.S. Department of Agriculture, USDA, between 1983 and 1997.

These farmers were denied farm loans and related financial assistance—such as disaster assistance—or were forced to wait so long to receive such assistance that many of them suffered significant financial loss and even the foreclosure of their property.

Perhaps not surprisingly given how the USDA had already treated them, many of these farmers were subsequently unable to obtain justice from the USDA when they brought discrimination complaints to the agency.

Multiple studies of the USDA's lending process revealed the scope of the discrimination inherent in the USDA's practices, showing that the agency awarded a disproportionate portion of aid to white farmers and even to major corporations—and had made significantly larger awards to white farmers. Discrepancies were noted particularly in the provision of disaster assistance payments.

I note that according to the 2007 Census, the average annual market value of African American-owned farms was less than \$31,000. By comparison, the average value of farms owned by white farmers exceeded \$140,000—and many of the corporations that were receiving USDA payments were worth millions of dollars.

While the USDA changed its practices in the late 1990s, the agency remained unable or simply unwilling to rectify the harm its discriminatory action had caused to black farmers—leading Timothy Pigford to file a class action lawsuit seeking relief.

A settlement resolving this suit was approved in 1999—and according to the Congressional Research Service, as of September 2010, nearly 7,000 of the 22,721 farmers eligible to join this class action suit had received approved adjudications.

However, many thousands more who suffered discrimination and were eligible to receive a settlement have still not received an adjudication—or missed the deadline to submit a claim under the original settlement.

Subsequently, Congress enacted legislation permitting those who had not received a determination to petition for one in civil court. And in February of this year, the Obama administration reached a \$1.25 billion settlement of these so-called "Pigford II" claims.

The Senate amendments to H.R. 4783 include the funds necessary to pay these claims and bring closure to thousands of families who have waited for so many years for this restitution.

I note that the Senate amendments also include the funds necessary to resolve suits brought by Native Americans pertaining to the mismanagement by the Department of the Interior of natural resource royalty funds.

The finalization of these funds is a critical step that we take as a nation to show the world that we are truly committed to equality, and that we are a nation where every person is treated fairly, regardless of race, creed or color. We are also a nation where even the Federal Government is not above the law—as evidenced by the payment of reparations to those who have been harmed by the government's illegal and discriminatory acts.

I urge the adoption of the Senate amendments to H.R. 4783.

Ms. SCHAKOWSKY. Mr. Speaker, I rise today to express my sincere happiness that the House of Representatives passed by a vote of 256–152, the Claims Resolution Act. I regret that I was unable to vote on this landmark legislation and would like the RECORD to reflect that had I been able to vote, I would have voted yea.

The Claims Resolution Act includes provisions that many black farmers and American Indians have literally been waiting decades for. H.R. 4783 contains funding to implement the settlements of the Pigford class action lawsuit involving past discrimination against black farmers by the Agriculture Department and the Cobell class action lawsuit involving funds for American Indians mismanaged by the Interior Department.

I voted for this legislation twice earlier this year as the House has passed funding for the Pigford and Cobell settlement—first in passing the American Jobs and Closing Tax Loopholes Act and then in adopting an amendment to the FY 2010 Supplemental—but both bills were blocked by Republicans in the Senate.

That is why I am so pleased that Senate was finally able to pass this important legislation and now, with passage in the House, it will go to the President's desk for signature, finally closing this dark episode in American history.

Ms. MCCOLLUM. Mr. Speaker, I rise today in support of the Senate Amendments to H.R. 4783, the Claims Resolution Act, and Cobell and Pigford II settlements now included.

In 1996, Indian plaintiffs, including Eloise Cobell, filed a class action suit against the federal government for mismanagement of Indian trust land and other assets. During the 13 years that followed, courts repeatedly ruled in favor of the plaintiffs' assertions that the government violated its trust responsibility, did not provide accurate accounting, and did not provide Indians with their share of the revenue from the Individual Indian Money (IIM) accounts. One year ago, on December 8, 2009, the plaintiffs and the U.S. Interior and Justice Departments announced a \$3.4 billion settlement for this long-running suit.

This settlement should have been approved by Congress in a timely manner. Too many deadlines for Congressional action have passed this year, requiring the settlement parties to keep extending the approval deadline. Tribal members whose trust accounts were mismanaged have waited too long for compensation. Already this year, I have voted for funding the settlement twice. Both times the funding passed the House only to have the funds stripped by Republican obstruction in the Senate. Finally, on November 19, the Senate passed the approval for the settlement in the Senate Amendments to H.R. 4783, the Claims Resolution Act, and sent it back to us.

In addition, I applaud the \$1.15 billion settlement of the Pigford II class action lawsuit for finally rectifying an injustice that is an inexcusable stain on our Nation's history. In 1910, African American farmers owned 15 million acres of land. Now, that number has dwindled to two million acres. This settlement represents an important step forward towards ensuring the fair and equal treatment of all farmers, regardless of their race.

These injustices have been perpetrated for decades, and today the House has the opportunity to vote again to uphold our end of the trust relationship with all American Indians and Alaska Natives and settle discrimination claims made by African American farmers.

Though these funds come decades too late for many of the people affected, it is important for the U.S. Government to recognize the many past wrongs inflicted on the indigenous people of this country and black farmers who have been discriminated against. This is a vote that will make a difference in hundreds of thousands of lives, finally beginning to right some wrongs.

For far too long, American Indian trust account holders and African American farmers have had to wait for justice. Today there will be justice, but it will not come without a fight against bigotry, intolerance, and the champions of inequality. The fact that some Republican voices, including a Member from Minnesota, are calling the settlement with African American farmers a fraud and a scam reflects the very racial intolerance and discrimination that are at the root of this settlement.

With this legislation, the Federal Government can honor its commitment in a fiscally responsible manner. The funding is completely offset. The Senate passed it by unanimous consent. If it passes the House today, it will go directly to the President for his signature. I urge my colleagues to vote yes on the Senate Amendments to H.R. 4783 because American Indians and African American farmers have waited long enough.

Mr. DAVIS of Illinois. Mr. Speaker, I rise today in support of H.R. 4783, Claims Resolution Act, as amended by the Senate to resolve claims against the United States government related to the Pigford class action lawsuit, and the Cobell class action lawsuit. The Claims Resolution Act included several provisions addressing a long-delayed justice for tens of thousands of African-Americans and hundreds of thousands of Native Americans.

In 1999, a federal judge approved a settlement agreement in a class action lawsuit (Pigford v. Glickman) filed by African-American farmers against the United States Department of Agriculture, USDA, for denying them federal loans, disaster assistance, and other services. Under this agreement, black farmers, who were eligible and filed a complaint against the USDA by July 1, 1997, were to receive compensation resulting from discrimination practices. However, tens of thousands of black farmers filed after the cutoff date because they reported not receiving or being notified of any information regarding a filing deadline. Therefore, they were not included in this class action to receive compensation. As a result, black farmers and the federal government have been fighting over this issue for years.

H.R. 4783 is a bill that contained a provision to provide some relief to those that were left out of the original class action. This legislative measure provides an estimated \$1.15 billion to resolve the longstanding Pigford case. In addition, other legislative language was included in H.R. 4783 to address an injustice against the Native Americans regarding a long-running class action lawsuit (Cobell v. Salazar).

The Cobell class action lawsuit alleged that the Interior Department mismanaged billions of

dollars in grazing land, gas, oil and other royalties owed to hundreds of thousands of American Indians. H.R. 4783 resolves claims against the government regarding the government's management and accounting for over 500,000 individual Indians' trust accounts. This provision is estimated to cost \$3.412 billion.

H.R. 4783 is a bill that is long overdue to address past failures and misjudgments of the United States Department of Agriculture and Department of the Interior toward African-American farmers and Native Americans. Moving forward as a Nation, we hope that we can build on the existence of our past to learn from our failures and to move forward without any racial, gender, and religious malice.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to clause 1(c) of rule XIX, further consideration of this motion is postponed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Record votes on postponed questions will be taken later.

HONORING AIR WINGS AT TRAVIS AIR FORCE BASE

Mr. GARAMENDI. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1585) honoring and recognizing the exemplary service and sacrifice of the 60th Air Mobility Wing, the 349th Air Mobility Wing, the 15th Expeditionary Mobility Task Force, and the 615th Contingency Response Wing civilians and families serving at Travis Air Force Base, California, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1585

Whereas the base originally named Fairfield-Suisun Army Air Base, the "Gateway to the Pacific", was renamed Travis Air Force Base in 1951;

Whereas Team Travis includes the 13,900 active duty, reservists, and civilians of the 60th Air Mobility Wing, the 349th Air Mobility Wing, the 15th Expeditionary Mobility Task Force, the 615th Contingency Response Wing, and their families;

Whereas the 60th Air Mobility Wing, one of the Air Force's largest air mobility organizations, significantly contributed to the defense of our Nation during World War II, the Korean War, the Vietnam War, the Persian Gulf War, and operations Enduring Freedom and Iraqi Freedom;

Whereas, after the September 11, 2001, terrorist attacks, Team Travis played major roles in providing airlift, air refueling, and aero medical evacuation in support of Operations Enduring and Iraqi Freedom, flying

102,581 hours for Operation Iraqi Freedom and 70,940 hours for Operation Enduring Freedom;

Whereas in January 2009, Travis aircrews from the 60th Air Mobility Wing and 349th Air Mobility Wing supported humanitarian aid operations in the Darfur region of Sudan;

Whereas the 615th Contingency Response Wing, one of two Air Force Contingency Response Wings, facilitated airlift efforts from Rwanda in support of the Rwandan peace-keeping mission;

Whereas, after a 7.0 magnitude earthquake struck Haiti on January 12, 2010, Team Travis conducted the first humanitarian airlift mission, providing search and rescue personnel, medical experts and supplies, and facilitated the delivery of more than 1,000,000 pounds of cargo during the duration of the Haitian Relief Effort; and

Whereas the 60th Air Mobility Wing and Team Travis valiantly fulfill its motto of being "America's First Choice", for true global reach: Now, therefore, be it

Resolved, That the House of Representatives—

(1) honors and recognizes the exemplary service and sacrifice of the 60th Air Mobility Wing, the 349th Air Mobility Wing, the 15th Expeditionary Mobility Task Force, and the 615th Contingency Response Wing civilians and families serving at Travis Air Force Base, California;

(2) offers condolences to the families of the brave servicemembers of Team Travis who have lost their lives in defense of the United States; and

(3) commends the actions of private citizens and organizations in the Travis Air Force Base community for their steadfast support of members of the United States Armed Forces and their families.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. GARAMENDI) and the gentleman from Alabama (Mr. ROGERS) each will control 20 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. GARAMENDI. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. GARAMENDI. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of House Resolution 1585, a resolution expressing appreciation of the House of Representatives for the service and sacrifice of the members of the 60th Air Mobility Wing, 349th Air Reserve Wing, 15th Expeditionary Mobility Task Force, 615th Contingency Response Wing, and Travis Air Force Base.

Affectionately known as "Team Travis," the team includes 13,900 active duty reservists and civilians of the wings. Travis was established in 1942, originally named the Fairfield-Suisun Army Air Base. In 1951, it was renamed Travis Air Force Base, and its vital missions have continued.

Travis Air Force Base has been called the "Gateway to the Pacific," and brave men and women who have served at Travis know a thing or two about their neighbors, particularly those across the Pacific and in every corner of the globe. Brave men and women of the Travis Air Force Base have fought in World War II, the Korean War, the Cuban Missile Crisis, the Vietnam War, and the Persian Gulf War. More recently, Team Travis has played a major role in providing airlift, air refueling, and aero-medical evacuation in support of combat missions in Iraq and Afghanistan, flying 102,581 hours for Operation Iraqi Freedom and 70,940 hours for Operation Enduring Freedom. That's a lot of flight time.

They have carried out vital humanitarian missions in Berlin, Darfur, Rwanda, and Haiti. Indeed, after a 7.0 magnitude earthquake struck Haiti on January 12, 2010, Team Travis conducted the first humanitarian airlift mission, provided search and rescue personnel, medical experts, and supplies, and facilitated delivery of more than 1 million pounds of cargo during the duration of the Haitian relief effort. They also set up the logistics at the airport, which was destroyed.

After the tragic 2004 tsunami that devastated much of South Asia, Travis delivered more than 2 million pounds of supplies, providing a full third of the entire U.S. relief effort. Given their broad contribution to humanitarian causes around the world, it's clear that the 60th Air Mobility Wing and Team Travis valiantly fulfill their motto of being "America's First Choice."

Not only is Travis a vital and valued base furthering American missions and humanitarianism abroad, it is also a very, very important part of the Solano County economy. Travis spends roughly \$300 million a year in Solano County. They are the largest sector of the economy, and at least 5,600 jobs outside of the air base are included.

For the past 12 years, our good friend, IKE SKELTON, has been a consistent supporter of Travis, and I want to thank him for the honor of presenting this bill today and for his support in making it possible for this bill to move beyond this committee. He has been an extraordinary leader.

Today, let's honor the Travis Air Force Base entire family while offering our condolences to the families of the bravest of the brave servicemembers of Team Travis and all of those who have lost their lives in the defense of the United States. Travis is home to thousands of heroes, and it is my privilege and honor to represent them here in Congress.

Mr. Speaker, I urge my colleagues to support House Resolution 1585.

I reserve the balance of my time.

Mr. ROGERS of Alabama. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of House Resolution 1585, as amended, which honors the service and sacrifice of the 60th Air Mobility Wing, the 15th Expeditionary Mobility Task Force, and the 615th Contingency Response Wing, civilians and families serving at Travis Air Force Base in California.

I would like to thank the gentleman from California for introducing this resolution. I am honored to pay tribute to Team Travis and the 13,900 active duty members, reservists, and civilians who make Travis Air Force Base, located in northern California, an integral part of our Air Force and our Nation's security.

The 60th Air Mobility Wing is one of the largest mobility organizations and has supported operations during World War II, the Korean War, and the Persian Gulf War. After September 11, the Air Mobility Wing provided close to 175,000 hours of airlift, refueling, and aero-medical evacuation support during Operations Enduring Freedom and Iraqi Freedom. More recently, the 60th Air Mobility Wing supported humanitarian aid operations in Darfur.

After the devastating earthquake struck Haiti earlier this year, Team Travis was first to provide humanitarian airlift and continued support with search and rescue, medical efforts, and the delivery of more than 1 million pounds of cargo.

Mr. Speaker, I would be remiss if I did not also pay tribute to the incredible families of these brave airmen who waited at home while their loved one answered our Nation's call. Some of these airmen have paid the ultimate price to defend our freedom, and I offer my condolences to their families. We are proud of Team Travis. Therefore, Mr. Speaker, I strongly urge all Members to support this resolution.

Mr. Speaker, I yield back the balance of my time.

Mr. GARAMENDI. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. GARAMENDI) that the House suspend the rules and agree to the resolution, H. Res. 1585, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. ROGERS of Alabama. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

HONORING NATIONAL GUARD ON 374TH ANNIVERSARY

Mr. GARAMENDI. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1740) recognizing and honoring the National Guard on the occasion of its 374th anniversary.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1740

Whereas the National Guard celebrates its 374th birthday on December 13, 2010;

Whereas the National Guard and its citizen-soldiers have participated in all major American conflicts, most recently Operation Enduring Freedom, Operation Iraqi Freedom, and Operation New Dawn;

Whereas the National Guard is the oldest component of the United States Armed Forces;

Whereas the National Guard has served with distinction as America's first line of defense against natural and man-made disasters within the United States;

Whereas Colonial and State militias were the precursors to the National Guard;

Whereas the militia stood their ground during the opening shots of the Revolutionary War at Lexington Green and Concord Bridge in 1775;

Whereas more than 164,000 members of the militia from the 13 colonies served under the command of George Washington during the Revolutionary War;

Whereas in 1824, the 2nd Battalion, 11th Regiment, New York Artillery became the first military organization in the United States to adopt the title "National Guard";

Whereas during the Mexican War of 1846-1848, more than 70 percent of the total manpower effort was from citizen-soldiers through volunteer militiamen;

Whereas the Union and Confederate Armies relied heavily on militias and volunteer regiments during the Civil War of 1861-1865;

Whereas on April 15, 1861, President Abraham Lincoln invoked the Calling Forth Act of 1792 and ordered 75,000 militiamen into Federal service for 90 days;

Whereas during the Spanish-American War in 1898, over 160,000 National Guardsmen volunteered for active duty;

Whereas a group of National Guardsmen from Arizona, New Mexico, Oklahoma and Texas were called the "Rough Riders" and were led by Lieutenant Colonel and future United States President Theodore "Teddy" Roosevelt;

Whereas in 1902, Major General Charles W. Dick, commander of the Ohio Division of the National Guard and a member of the United States House of Representatives, became president of the National Guard Association;

Whereas the Militia Act of 1903 created the modern National Guard and affirmed the National Guard as the primary organized combat reserve force of the Armed Forces;

Whereas in World War I, the National Guard made up 40 percent of the United States combat divisions;

Whereas the National Defense Act of 1920 established the Army of the United States, to consist of the Regular Army, the Organized Reserve Corps, and the National Guard, when called into Federal service;

Whereas an amendment to the National Defense Act enacted on June 15, 1933, established the National Guard of the United States as a reserve component of the Army;

Whereas the National Security Act of 1947 established the Air National Guard as a reserve component of the Air Force;

Whereas more than 300,000 members of the National Guard, including 18 infantry divisions, participated in World War II;

Whereas more than 138,000 members of the Army National Guard and more than 45,000 members of the Air National Guard were called to active duty during the Korean War;

Whereas almost 23,000 members of the Army and Air National Guard were mobilized for two years of active duty during the Vietnam War;

Whereas more than 70,000 members of the Army and Air National Guard were called upon to participate in Operation Desert Shield and Operation Desert Storm in 1990 and 1991;

Whereas since the attacks on September 11, 2001, hundreds of thousands of members of the Army and Air National Guard have been called upon by their States and the Federal Government to provide security at home and combat terrorism abroad; and

Whereas more than 50,000 members of the Army and Air National Guard were deployed in the Gulf States following Hurricane Katrina in 2005: Now, therefore, be it

Resolved, That the House of Representatives—

(1) thanks the members of the National Guard for their service in response to the attacks on September 11, 2001, and their continuing role in homeland security and military operations;

(2) supports providing the National Guard with the necessary resources to ensure its readiness;

(3) expresses its condolences and gratitude to the families of those members of the National Guard who have lost their lives through their dedication and commitment to the freedom and security of the United States while serving in the National Guard; and

(4) honors and supports the compassionate, courageous, and dedicated members of the National Guard who serve a critical role in protecting the United States and its citizens' freedoms and treasured liberties.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. GARAMENDI) and the gentleman from Alabama (Mr. ROGERS) each will control 20 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. GARAMENDI. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

□ 1510

Mr. GARAMENDI. Mr. Speaker, I yield myself such time as I may consume.

I rise in support of House Resolution 1740 introduced by our colleague from Ohio (Mr. LATTI) which recognizes the 374th birthday of the Nation's military first responder, our National Guard. I looked at that, too, and I said, "374? How could that be?"

Well, on December 13, 2010, we will celebrate the enormous contributions that our Nation's citizen soldiers and airmen have contributed to our national defense for over 300 years. Our forefathers relied on its citizen soldiers to protect this young Nation. Today we continue to rely on our citizen soldiers to protect the values and inalienable rights that Americans enjoy today.

Our men and women in the National Guard not only volunteer to serve overseas in our national defense, they are also an integral part of our local communities, providing assistance, support, and protection to their neighbors and loved ones in cases of natural and manmade disasters within the United States.

The history of the National Guard began back during the very earliest days of our Nation. The colonists adopted the English militia system which required all males between the ages of 16 and 60 to bear arms and contribute to the defense of their communities. In those early days, the militia provided the first line of defense in our Nation and it continues to do so to this very day.

Throughout our Nation's conflicts, the National Guard has been an integral part of our country's national defense. During World War I, the National Guard made up 40 percent of America's combat divisions. The National Defense Act of 1933 established the National Guard as a reserve component of the Army. And in 1947 the National Security Act established the air component of the National Guard as a reserve component of the Air Force.

More than 300,000 members of the National Guard participated in World War II. And over 180,000 members of the National Guard participated in the Korean War, and nearly 23,000 deployed in support of the Vietnam War. More than 50,000 members of the National Guard were deployed in the Gulf States in support of Hurricane Katrina. Today, almost a quarter of a million members of the National Guard have mobilized in support of Operation Noble Eagle, Operation Enduring Freedom, Operation Iraqi Freedom, and Operation New Dawn.

Today we are here to express our appreciation to those who served in the National Guard and their families, who are also making a contribution in defense of this Nation. We are here to express our gratitude and respect for those in the National Guard who have given their lives in defense of our Nation. Our sympathy and prayers are with their families and loved ones. Their sacrifice is noted and will not be forgotten.

Mr. Speaker, I urge my colleagues to support House Resolution 1740 and join us as we wish America's National Guard a happy 374th birthday.

I reserve the balance of my time.

Mr. ROGERS of Alabama. Mr. Speaker, I yield such time as he may consume to the sponsor of this legislation, my friend and colleague from Ohio (Mr. LATTA).

Mr. LATTA. I thank the gentleman for yielding.

Mr. Speaker, I rise today in support of my House Resolution 1740, a resolution honoring the National Guard on their 374th anniversary. And as the gentleman alluded to, 374 years long predates this Nation.

The National Guard origins date to December 13, 1636, when the General Court of the Massachusetts Bay Colony ordered existing militias to be organized into three regiments. Since then, the National Guard has fought in every major war and conflict. From the “shot heard round the world” on April 19, 1775, on Lexington Green and later that day that running battle that occurred at Concord Bridge, to the men and women who have stood strong and fighting in Afghanistan and Iraq, the National Guard and its citizen soldiers have been there for us no matter what, always ready, always there.

Going back to that day on April 19, 1775, it was one of these days that we have to remember, it was April 18, 1775, that Paul Revere and two others left Boston to alert the countryside not that the Red Coats were out but that the regulars were out. As Revere Road became known later as Battle Road from Boston across to Lexington and Concord, he was alerting the countryside, and the countryside was alarmed and the people awoke. And those were the early National Guard or the militia that responded.

They were the ones that stood up on April 19, 1775, on Lexington Green to the command to stand down from the British. No one knows who fired that fateful first shot, but that was the beginning of the Revolutionary War. And it was the militia—now our National Guard—that was there for us and is still there for us today.

The National Guard is the oldest component of the Armed Forces in the United States. The National Guard's number one priority is the security and defense of our homeland at home and abroad. Americans have relied on their National Guard for more than three and a half centuries, long before the establishment of these United States.

I want to thank all past and present members of the National Guard for their service in response to the attacks on our homeland on September 11, 2001, and their continuing role in homeland security and military operations.

In today's world, it is essential that we honor and support all of our service-members who have sacrificed so much to ensure our freedoms and liberties that we cherish so dearly in these United States. We need to support and provide our men and women in the National Guard and all of the Armed

Forces with enough resources to ensure their readiness and success.

As the National Guard's official song goes, “Defending Freedom, protecting dreams, this is the spirit of what it means to me. For my God and my home that I love: I Guard America, Guarding America, America.”

I urge passage of the resolution.

Mr. GARAMENDI. I continue to re-serve the balance of my time.

Mr. ROGERS of Alabama. Mr. Speaker, I yield myself such time as I may consume.

I rise in strong support of House Resolution 1740, which recognizes the service and sacrifices of the members of the Army and Air National Guard on the occasion of the 374th anniversary of the National Guard. I want to commend Representative ROBERT LATTA of Ohio for sponsoring this legislation.

Mr. Speaker, America is such a dynamic, forward moving, ever changing Nation that few institutions can survive for long unless they repeatedly prove their worth and are capable of changing to meet new challenges.

For more than 300 years, the National Guard has repeatedly demonstrated its worth and value to this Nation in the crises of peace and war. The courage and commitment and sacrifices of National Guard members have been an integral part of every war this Nation has fought.

These citizen soldiers most recently have accepted an entirely new role in our national security and enthusiastically transformed themselves and their units from a ready reserve to an operational reserve where repeated deployments to combat have become the norm, not the exception.

While providing significant combat power to support ongoing wars, the Guard has remained true to its mission to support the individual States in times of natural disasters. With this dual requirement to support not only the Nation but also the people of the States from which they come, the National Guard is indispensable to the well-being, safety, and security of all Americans.

This is why it is therefore right and proper that we recognize the National Guard for 374 years of outstanding service, and I urge all Members to support this resolution.

I yield back the balance of my time.

Mr. GARAMENDI. I want to thank the gentleman from Ohio for offering this resolution.

I think every Member on this floor understands the critical importance of the National Guard in their own communities and in their State, and it's certainly appropriate that we recognize the 374th birthday of the National Guard. You had me on that one. I didn't know it was 374 until this moment. But I do know the history of my own State of California and the critical importance of the National Guard not

only in all of the traumas that occur in my State, but also overseas and the wars.

Mr. LOEBESACK. Mr. Speaker, I'm proud to be an original cosponsor of this Resolution honoring our National Guard on the occasion of its 374th anniversary.

The National Guard was formed on December 13, 1636 and has fought in every major American conflict since that time.

Today's National Guard Soldiers and Airmen are an operational reserve that has served our country admirably in Iraq, Afghanistan, and around the world.

In fact, as we honor the National Guard today, almost 3,000 Iowa National Guard Soldiers are deploying to Afghanistan—the largest deployment for our state since World War II.

They have stood up an Agricultural Development Team which is helping to move the Afghan economy away from poppy production and they will help train the Afghan National Security Forces so that the Afghan people can provide for their own security.

Indeed, today's National Guard is deploying in unprecedented numbers, and our National Guard families are coping with multiple deployments.

And they are doing so while continuing to carry out their homeland security mission here at home—protecting our country's airspace and our communities from disasters such as the flooding that hit Iowa in 2008.

So, as we honor the men and women of the National Guard today, let us thank our Citizen Soldiers, Airmen, and their families for their service to our Nation.

And, during this holiday season, let us remember all of our sons and daughters who are defending our freedom overseas.

Mr. GINGREY of Georgia. Mr. Speaker, I rise today as a proud cosponsor of H. Res. 1740, which recognizes and honors the National Guard on the occasion of its 374th anniversary. I would also like to thank Congressman LATTA for offering this resolution and for his recognition of this important aspect of our Armed Forces.

The National Guard is America's oldest military component dating back to 1636 when colonial militias—comprised of ordinary citizens—would put aside their occupations to defend their fellow countrymen and towns from hostile attacks. From their service in the Revolutionary War where they stood their ground during the opening shots at Lexington Green and Concord Bridge to most recently valiantly fighting in Operation Enduring Freedom and Operation Iraqi Freedom, the Guard has participated in every major American conflict. All Guardsmen are combat-trained, and while abroad they serve in combat missions, build schools and hospitals, and train local peacekeepers.

In 1824, the 2nd Battalion, 11th Regiment, New York Artillery became the first military organization in the United States to adopt the title “National Guard.” During the Mexican War, more than 70 percent of the total manpower effort was from citizen-soldiers, and in the Spanish-American War, over 160,000 National Guardsmen volunteered for active duty on behalf of their country. As evidenced throughout history, the Guard has always

been there in our time of need. Guard troops comprise more than 40 percent of the manpower for the U.S. in World War I, 300,000 Guardsmen participated in World War II, 183,000 in the Korean War, 23,000 in the Vietnam War, and 70,000 in Operations Desert Shield and Desert Storm. Finally, since the September 11, 2001 attacks, hundreds of thousands of Guardsmen have and continue to serve in combating terrorism at home and abroad.

Mr. Speaker, while the National Guard has certainly had an impressive track record of keeping our nation safe at home and throughout the world, they also support our countrymen when they are endangered by storms, floods, fires, and other disasters. Every state in the United States utilizes the National Guard for disaster assistance, and when Hurricane Katrina devastated the Gulf of Mexico, over 50,000 Guardsmen were deployed to aid in clean-up and restoration efforts.

I am particularly honored to have the Georgia National Guard headquartered in Georgia's 11th Congressional District, which I have proudly represented for 8 years. In 2005, the Naval Air Station—Atlanta was closed by the Base Closure and Realignment Commission, and on September 29, 2009, the Georgia National Guard took control of that facility adjacent to Dobbins Air Force Base. The Georgia Guardsmen have always served with integrity and have been there for our State during times of need.

I would also like to congratulate Major General William Nesbitt—who has a decorated career in the National Guard—for being reappointed as the Adjutant General of the Georgia National Guard by my good friend and former colleague in the House of Representatives, Governor-Elect Nathan Deal.

Mr. Speaker, it is truly a privilege to recognize the 374 years of service of the National Guard on behalf of our country, but we must take a moment to honor the men and women who have paid the ultimate sacrifice on the battlefield keeping the citizens of this great Nation safe. I want to say a gracious thank you to these brave individuals for their service and thank their families for bearing the great cost of a loved one so that America can be a better place. We will never forget these heroes, and we will always honor and admire their sacrifice.

The National Guard has and always will be an icon of the United States Armed Services, and I am very proud of the job these men and women continue to do at home and around the world.

Mr. GARAMENDI. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. GARAMENDI) that the House suspend the rules and agree to the resolution, H. Res. 1740.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. ROGERS of Alabama. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

□ 1520

HONORING FORT DRUM'S SOLDIERS OF 10TH MOUNTAIN DIVISION

Mr. OWENS. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1217) honoring Fort Drum's soldiers of the 10th Mountain Division for their past and continuing contributions to the security of the United States, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1217

Whereas the 10th Mountain Division was first activated as the 10th Light Division on July 15, 1943, at Camp Hale, Colorado;

Whereas the 10th Mountain Division began a rigorous training regimen designed to prepare for the imminent invasion of Axis-controlled Europe;

Whereas, on January 7, 1944, the 10th Mountain Division patch was authorized, featuring a blue background with two red-crossed bayonets forming the Roman numeral for 10, emblazoned over a powder keg representing the Division's explosive power;

Whereas, in November 1944, the 10th Light Division was redesignated the 10th Mountain Division and soldiers were first authorized to wear the blue and white "Mountain" tab;

Whereas the 10th Mountain Division first entered combat on January 1945, being deployed to the North Apennine Mountains in Italy opposite battle-hardened German mountain troops;

Whereas soldiers of the 10th Mountain Division assaulted the German lines along the Monte Belvedere-Monte della Torracchia Ridge in a series of stunning attacks that broke the German Apennine front;

Whereas, on April 14, 1945, the 10th Mountain Division served as the vanguard of the Fifth Army's drive to the Po Valley, suffering tremendous casualties in a hail of artillery, mortar, and small arms fire from German troops;

Whereas the 10th Mountain Division continued its relentless drive to liberate Italy, culminating in the Division's occupation of Lake Garda and preventing the escape of German troops to the north through the Brenner Pass;

Whereas the 10th Mountain Division saw one of its soldiers, Private First Class John D. Magrath posthumously awarded the Medal of Honor;

Whereas, on November 30, 1945, the 10th Mountain Division was temporarily inactivated;

Whereas, on July 1, 1948, the 10th Mountain Division was reactivated at Fort Riley, Kansas, as a training division, preparing 123,000 soldiers for Cold War service and combat in the Korean Peninsula;

Whereas, between 1955 and 1958, the 10th Mountain Division was redesignated a combat infantry division and deployed to West Germany, protecting strategic North Atlan-

tic Treaty Organization (NATO) points against possible Soviet aggression;

Whereas, on June 14, 1958, the 10th Mountain Division was again temporarily inactivated;

Whereas, on February 13, 1985, the 10th Mountain Division (Light Infantry) was activated in the heart of the North Country on Fort Drum, New York;

Whereas, during Operations Desert Shield and Desert Storm, 10th Mountain Division soldiers contributed support personnel to the 24th Infantry Division in Iraq;

Whereas, in December 1992, 10th Mountain Division soldiers deployed to Somalia in support of Operation Restore Hope, bringing much-needed security to relief operations;

Whereas, on May 4, 1993, 10th Mountain Division soldiers began supporting Operation Continue Hope under the direction of the United Nations Operations in Somalia (UNOSOM II);

Whereas, on October 3, 1993, and October 4, 1993, 10th Mountain Division soldiers of 2d Battalion, 14th Infantry fought a brutal gun battle through Mogadishu to secure an evacuation route for Rangers surrounded in the city;

Whereas the 10th Mountain Division spearheaded Operation Uphold Democracy in Haiti from September 19, 1994, to January 15, 1995, conducting the United States Army's first carrier-based air assault;

Whereas, following the September 11, 2001, attacks on the United States, units of the 10th Mountain Division first deployed in support of Operation Enduring Freedom in late 2001, fighting to secure remote elements of Afghanistan against Taliban forces;

Whereas, in 2003, the 10th Mountain Division headquarters and 1st Brigade returned to Afghanistan to battle insurgents in remote areas of the country and provide humanitarian assistance;

Whereas, from May to December 2003, the 2d Brigade, 10th Mountain Division headquarters, and 4th Battalion, 31st Infantry deployed to Afghanistan in support of Task Force Phoenix and training for the Afghan National Army;

Whereas, in July 2004, the 2d Brigade, 10th Mountain Division, deployed to Iraq in support of Operation Iraqi Freedom, securing the areas west of Baghdad and enduring more enemy contacts and casualties than any other unit in Iraq at the time;

Whereas the 1st Brigade Combat Team deployed to Iraq in late 2005 in support of Operation Iraqi Freedom, bringing security to embattled areas in and around Baghdad;

Whereas the 2d Brigade Combat Team deployed to Iraq in August of 2006, moving in to an area referred to as the "Triangle of Death", vastly improving security and enduring a grueling 15-month deployment;

Whereas the 10th Mountain Division headquarters and 3d Brigade Combat Team deployed again to Afghanistan in 2006, serving in the eastern Afghanistan-Pakistan border region;

Whereas the 1st Brigade Combat Team returned to Iraq in 2007, conducting stability and security operations in Kirkuk and training the Sons of Iraq to protect their neighborhoods from insurgent violence;

Whereas, in April 2008, the 10th Mountain Division headquarters and 4th Brigade Combat Team deployed to Baghdad, coordinating and fighting large-scale operations such as Operation Phantom Phoenix;

Whereas, in January 2009, the 3d Brigade Combat Team deployed to the Logar and Wardak provinces in Afghanistan, guarding

the southern approaches to Kabul and bringing much-needed security to both provinces; and

Whereas the soldiers of the 10th Mountain Division continue to serve in Iraq and Afghanistan, with their families supporting them through arduous deployments: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes the achievements of the soldiers serving in the 10th Mountain Division, as well as citizen-soldiers of the Army Reserve and National Guard who have fought with the 10th Mountain Division during its 60-year history;

(2) expresses its gratitude to the family members of the 10th Mountain Division for their tireless service and sacrifice on behalf of the United States;

(3) commends the North Country community for their unwavering support of Fort Drum and the men and women serving in uniform; and

(4) offers its heartfelt condolences to the family and friends of the 10th Mountain Division soldiers who have given the ultimate sacrifice in the defense of the United States.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. OWENS) and the gentleman from Alabama (Mr. ROGERS) each will control 20 minutes.

The Chair recognizes the gentleman from New York.

GENERAL LEAVE

Mr. OWENS. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. OWENS. Mr. Speaker, I yield myself such time as I may consume.

The United States Army's 10th Mountain Division, stationed on Fort Drum, New York, has a long and storied history of defending the American way of life.

The 10th Mountain Division was first activated as the 10th Light Division on July 13, 1943, at Camp Hale, Colorado. From there, the brave soldiers who made up the 10th Mountain Division's first unit immediately began a rigorous training regimen designed to prepare for the imminent invasion of Axis-controlled Europe. They first entered combat in January of 1945 as they were deployed to the North Apennine Mountains in Italy, opposite battle-hardened German troops, which marked the beginning of a relentless drive to liberate Italy from the clutches of the enemy.

As the nature of warfare has changed throughout the decades, the 10th Mountain Division has adapted to defend the Nation against foreign threats. From its work as a training division preparing soldiers for Cold War service to deployments in West Germany, Somalia, Mogadishu, and Haiti, and the current war on terror in Iraq and Afghanistan, the 10th Mountain Division has served to maintain both national and global stability.

On February 13, 1985, the 10th Mountain Division was activated in the heart of the North Country at Fort Drum. Following the September 11 attacks, units of the 10th Mountain Division were deployed in support of Operation Enduring Freedom. Since then, the unit has played a role in major offenses throughout the war on terror that have brought stability to embattled areas in the Middle East. For more than 65 years, the brave men and women and their families who make up the 10th Mountain Division have endured untold sacrifices to make the Nation safer and more secure.

Mr. Speaker, I stand here today to recognize the achievements of the soldiers serving in the 10th Mountain Division, as well as citizen soldiers of the Army Reserve and National Guard who have fought with the 10th Mountain Division during its 60-year history. I would like to thank the family members of the 10th Mountain Division for their tireless service and sacrifice on behalf of the United States, and I commend the North Country community for their unwavering support of Fort Drum and the men and women serving in uniform.

Finally, I speak for the House of Representatives when I offer my condolences to the family and friends of the 10th Mountain Division soldiers who have given the ultimate sacrifice in the defense of freedom.

Mr. Speaker, I reserve the balance of my time.

Mr. ROGERS of Alabama. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of House Resolution 1217, as amended, which honors the Fort Drum soldiers of the 10th Mountain Division for their contribution to the security of the United States. I am honored to pay tribute to the current and former members of the 10th Mountain Division who have stood steadfastly and courageously defended and served this great country on our shores and in distant lands.

First activated in Colorado in 1943 during the early stages of World War II, the division known as the 10th Light Division prepared to join the fight against the Axis in Europe. When it finally entered combat in 1945, the division broke through battle-hardened German mountain troops in the Italian North Apennine Mountains. Victory was won in hard-fought battles in places like Po Valley, where the division suffered tremendous casualties. It was during the campaign in Italy that the division's own Private First Class John D. Magrath was posthumously awarded the Medal of Honor.

Following World War II, the 10th Mountain Division trained soldiers at Fort Riley, Kansas, and was deployed to West Germany to protect NATO. In 1985, the division began its long and

storied relationship with the people of the North Country when it was located on Fort Drum, New York. Since then, the 10th Mountain Division has participated in Operation Desert Storm, Operation Continue Hope in Somalia, where it fought through the streets of Mogadishu to assist Rangers who were surrounded in the city, and Operation Uphold Democracy in Haiti.

In late 2001, following the September 11 attacks, the division deployed in support of Operation Enduring Freedom to oust the Taliban in Afghanistan. Subsequently, the division returned to Afghanistan in 2003, 2006, and 2009. At the same time, the 10th Mountain Division has played a vital role in the successes of Operation Iraqi Freedom, deploying to Iraq for sometimes up to 15 months in 2004, 2005, 2007, and 2009. Today, these incredible soldiers continue to serve in Iraq and Afghanistan.

Sadly, the valiant service of the 10th Mountain Division has not been without enormous sacrifice. Throughout its history, members of the division have paid the ultimate price to ensure our freedom.

Mr. Speaker, I would be remiss if I did not also pay tribute to the incredible families of these brave soldiers who waited at home while their loved ones answered our Nation's call. The entire Nation owes the soldiers and veterans of the 10th Mountain Division a debt of gratitude. To each and every one of them I say, "Climb to glory." We are proud of their service. And, therefore, Mr. Speaker, I strongly urge all Members to support this resolution.

I yield back the balance of my time.

Mr. OWENS. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. OWENS) that the House suspend the rules and agree to the resolution, H. Res. 1217, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. ROGERS of Alabama. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

COMMENDING THE CITY OF JACKSONVILLE, ARKANSAS

Mr. SNYDER. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1724) commending the

city of Jacksonville, Arkansas, for its outstanding support in creating a unique and lasting partnership with Little Rock Air Force Base, members of the Armed Forces stationed there and their families, and the Air Force, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1724

Whereas, for more than 50 years, the community of Jacksonville, Arkansas, has supported and served the members of the Armed Forces and their families at Little Rock Air Force Base;

Whereas, after September 11, 2001, Little Rock Air Force Base restricted access to much of the community for security reasons, and in response to the tragedy and the restrictions caused by the terrorist attacks of September 11, 2001, the community and air base came together to address a need for a new education facility for both military members and civilians;

Whereas, recognizing the need to raise funds for a new educational facility, the City Council of Jacksonville, Arkansas, held a special election in which the citizens of Jacksonville overwhelmingly voted to adopt a temporary one-cent sales tax, which raised \$5,000,000;

Whereas these funds were donated to the Air Force to help build a new Joint Education Center on Federal property outside the base perimeter, so that the facility could be accessible to community people, students, and faculty, as well as air base personnel;

Whereas, in 2009, local individuals and businesses raised over \$50,000 for the base's 2010 Air show and more than \$22,000 was donated in support of Little Rock Air Force Base rodeo teams that compete at McChord Air Force Base;

Whereas community leaders sponsor numerous events, including dances and community sporting and musical events, for members of the Armed Forces and their families at Little Rock Air Force Base and provide discounted or free tickets;

Whereas the community sponsors a quarterly dinner for families of deployed members and over 15,000 volunteer hours are provided by retirees at the Airman's Attic, the Base Clinic, the Retirees Activities Office, and other base activities; and

Whereas, on March 3, 2009, the City of Jacksonville, Arkansas, was awarded the Abilene Trophy, which honors a civilian community for exceptional support of Air Mobility Command base at Little Rock Air Force Base: Now, therefore, be it

Resolved, That the House of Representatives commends the City of Jacksonville, Arkansas, for its outstanding support in creating a unique and lasting partnership with Little Rock Air Force Base, members of the Armed Forces stationed there, and their families.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arkansas (Mr. SNYDER) and the gentleman from Alabama (Mr. ROGERS) each will control 20 minutes.

The Chair recognizes the gentleman from Arkansas.

GENERAL LEAVE

Mr. SNYDER. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to

revise and extend their remarks on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. SNYDER. Mr. Speaker, I yield myself such time as I may consume.

People in America support our men and women in uniform. Everywhere, from coast to coast, regardless of political view, Americans support our military. Nowhere is this more true than in Arkansas. Nowhere is this more true than in the city of Jacksonville, Arkansas. Any Arkansan can tell you the Little Rock Air Force Base is not in Little Rock. Until this debate today, however, I would guess that most Members of Congress assumed the Little Rock Air Force Base is in the town of Little Rock. Be assured it is not; although all of central Arkansas, including the people of Little Rock, are supportive of the Little Rock Air Force Base.

Recognition of the great work done by the men and women of the Little Rock Air Force Base in Jacksonville, Arkansas, is apparent to anyone familiar with the C-130 mission. Every Member of Congress who has flown in a C-130, including the one Member, Mr. BOCCIERI, who flies C-130s, relied on the training done at the Little Rock Air Force Base in Jacksonville, Arkansas. Yet compliments don't tell the full story.

When the attacks of September 11, 2001, occurred, community access to all our military bases was disrupted, including access to on-base college classes by the civilian faculty and students. Yet we all know higher education is essential to our military. Anticipating a solution, the city of Jacksonville, Arkansas, and the leadership of the Little Rock Air Force Base came up with a plan to build a Joint Education Center on base property but outside the perimeter. Time went by, but the city of Jacksonville, Arkansas, did its part. Tax votes in a community are difficult, but the city of Jacksonville taxed itself through a vote of the people and raised \$5 million to donate to the Air Force to help build the Joint Education Center.

Soon after that vote, the money began accumulating. Unaware, in fact, that there would be a delay in construction approval, \$5 million sat in the account for quite a long time. Legally, permission finally was given for the \$5 million to be transferred to the Air Force. Long after the vote in Jacksonville, construction began. You will be very pleased, Mr. Speaker, to see the almost complete Joint Education Center underway. It is about ready.

□ 1530

It came about because of the people of Jacksonville, Arkansas and their willingness to donate \$5 million to the Air Force.

They have also raised money for the air show, which I attended with my little boys this year, and for the rodeo teams. The community council has been very, very active through the years and, in fact, the city of Jacksonville originally put together the land that was donated to the Federal Government, to the Department of Defense and the Air Force, on which the Air Force base is located today.

This partnership between the city of Jacksonville, Arkansas, and the Little Rock Air Force Base has gone on for over a half a century. Particularly in view of their willingness to tax themselves and donate \$5 million to the Air Force, it seemed to me appropriate to recognize their work today, and I recommend approval of H. Res. 1724.

I reserve the balance of my time.

Mr. ROGERS of Alabama. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of House Resolution 1724, which commends the city of Jacksonville, Arkansas, for its outstanding support and enduring partnership with Little Rock Air Force Base.

I also want to commend my friend and colleague, Representative VIC SNYDER from Arkansas, for sponsoring this legislation.

Mr. Speaker, the city of Jacksonville has long embraced the Air Force members and their families stationed at Little Rock Air Force Base, treating all like lifelong members of the community. While the city supports the base in a number of ways, one recent action was especially unusual. Recognizing the need for a new education facility, the voters of Jacksonville overwhelmingly agreed to temporarily raise their own taxes to pay for a Joint Education Center, donating \$5 million to the Air Force for that purpose.

It is no surprise that the city of Jacksonville was honored by the Air Mobility Command with the award of the Abilene Trophy for the city's exceptional support for the Little Rock Air Force Base.

I urge all Members to support this resolution.

I yield back the balance of my time.

Mr. SNYDER. I appreciate the kind words of the gentleman.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arkansas (Mr. SNYDER) that the House suspend the rules and agree to the resolution, H. Res. 1724, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. ROGERS of Alabama. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make

the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

CLAIMS RESOLUTION ACT OF 2010

The SPEAKER pro tempore. Pursuant to clause 1(c) of rule XIX, proceedings will now resume on the motion to concur in the Senate amendments to the bill (H.R. 4783) to accelerate the income tax benefits for charitable cash contributions for the relief of victims of the earthquake in Chile, and to extend the period from which such contributions for the relief of victims of the earthquake in Haiti may be accelerated.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 1736, the previous question is ordered.

The question is on the motion by the gentleman from West Virginia (Mr. RAHALL).

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. ROGERS of Alabama. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 8 of rule XX, this 15-minute vote on the motion to concur will be followed by 5-minute votes on suspending the rules with regard to House Resolution 1585 and House Resolution 1740.

The vote was taken by electronic device, and there were—yeas 256, nays 152, not voting 25, as follows:

[Roll No. 584]

YEAS—256

Ackerman	Capps	Dahlkemper
Adler (NJ)	Capuano	Davis (AL)
Altmire	Cardoza	Davis (CA)
Andrews	Carnahan	Davis (IL)
Arcuri	Carson (IN)	Davis (TN)
Baca	Cassidy	DeGette
Baird	Castor (FL)	Delahunt
Baldwin	Chandler	DeLauro
Barrow	Childers	Diaz-Balart, L.
Bean	Chu	Diaz-Balart, M.
Becerra	Clarke	Dicks
Berkley	Clay	Dingell
Berman	Cleaver	Djou
Berry	Clyburn	Doggett
Bishop (GA)	Cohen	Donnelly (IN)
Bishop (NY)	Cole	Doyle
Blumenauer	Connolly (VA)	Driehaus
Boccheri	Conyers	Edwards (MD)
Boren	Costa	Edwards (TX)
Boswell	Costello	Ellison
Boyd	Courtney	Ellsworth
Brady (PA)	Critz	Emerson
Braley (IA)	Crowley	Engel
Brown, Corrine	Cuellar	Eshoo
Butterfield	Cummings	Etheridge

Farr	Loeb sack	Rodriguez
Fattah	Lofgren, Zoe	Ross
Finler	Lowey	Rothman (NJ)
Foster	Lujan	Roybal-Allard
Frank (MA)	Lummis	Ruppersberger
Fudge	Lynch	Rush
Galleghy	Maffei	Ryan (OH)
Garamendi	Maloney	Salazar
Giffords	Markey (CO)	Sanchez, Linda
Gordon (TN)	Markey (MA)	T.
Grayson	Marshall	Sanchez, Loretta
Green, Al	Matheson	Sarbanes
Green, Gene	Matsui	Schauer
Grijalva	McCarthy (NY)	Schiff
Gutierrez	McCollum	Schrader
Hall (NY)	McDermott	Schwartz
Halvorson	McGovern	Scott (GA)
Hare	McIntyre	Scott (VA)
Harman	McKeon	Serrano
Harper	McMahon	Sestak
Heinrich	McNerney	Shadegg
Herseth Sandlin	Meek (FL)	Shea-Porter
Higgins	Meeks (NY)	Sherman
Hill	Melancon	Shuler
Himes	Michaud	Simpson
Hinchee	Miller (NC)	Sires
Hinojosa	Miller, George	Skelton
Hirono	Minnick	Slaughter
Hodes	Mitchell	Smith (WA)
Holden	Mollohan	Snyder
Holt	Moore (KS)	Speier
Honda	Moore (WI)	Spratt
Hoyer	Moran (VA)	Stark
Inslee	Murphy (CT)	Stupak
Israel	Murphy (NY)	Sullivan
Jackson (IL)	Murphy, Patrick	Sutton
Jackson Lee	Murphy, Tim	Tanner
(TX)	Nadler (NY)	Teague
Johnson (GA)	Napolitano	Thompson (CA)
Johnson, E. B.	Neal (MA)	Thompson (MS)
Kagen	Nye	Tierney
Kanjorski	Oberstar	Titus
Kaptur	Obey	Tonko
Kennedy	Oliver	Towns
Kildee	Owens	Van Hollen
Kilpatrick (MI)	Pallone	Velázquez
Kilroy	Pascarell	Visclosky
Kilroy	Pastor (AZ)	Walz
Kind	Payne	Wasserman
Kirkpatrick (AZ)	Perlmutter	Schultz
Kissell	Perriello	Waters
Klein (FL)	Peters	Watson
Kosmas	Peterson	Watt
Kratovil	Pingree (ME)	Waxman
Kucinich	Polis (CO)	Weiner
Langevin	Pomeroy	Welch
Larsen (WA)	Price (NC)	Wilson (OH)
Larson (CT)	Quigley	Woolsey
LaTourette	Rahall	Yarmuth
Lee (CA)	Rangel	Young (AK)
Levin	Reyes	
Lewis (GA)	Richardson	
Lipinski		

NAYS—152

Aderholt	Carter	Hall (TX)
Akin	Castle	Hastings (WA)
Alexander	Chaffetz	Heller
Austria	Coble	Hensarling
Bachmann	Coffman (CO)	Herger
Bachus	Conaway	Hoekstra
Bartlett	Cooper	Hunter
Barton (TX)	Crenshaw	Inglis
Biggert	Culberson	Jenkins
Bilbray	Davis (KY)	Johnson (IL)
Bilirakis	Dent	Johnson, Sam
Bishop (UT)	Dreier	Jones
Blackburn	Duncan	Jordan (OH)
Blunt	Ehlers	King (IA)
Boehner	Flake	King (NY)
Bonner	Fleming	Kingston
Bono Mack	Forbes	Kline (MN)
Boozman	Fortenberry	Lamborn
Boustany	Fox	Lance
Brady (TX)	Franks (AZ)	Latham
Bright	Frelinghuysen	Latta
Brown (GA)	Garrett (NJ)	Lee (NY)
Brown (SC)	Gerlach	Lewis (CA)
Buchanan	Gingrey (GA)	Linder
Burgess	Gohmert	LoBiondo
Calvert	Goodlatte	Lucas
Camp	Granger	Luetkemeyer
Campbell	Graves (GA)	Lungren, Daniel
Cantor	Graves (MO)	E.
Cao	Griffith	Mack
Capito	Guthrie	Manzullo

McCarthy (CA)	Price (GA)	Smith (NJ)
McCaul	Reed	Smith (TX)
McClintock	Rehberg	Stearns
McCotter	Reichert	Stutzman
McHenry	Roe (TN)	Taylor
McMorris	Rogers (AL)	Terry
Rodgers	Rogers (KY)	Thompson (PA)
Mica	Rogers (MI)	Thornberry
Miller (FL)	Rohrabacher	Tiahrt
Miller (MI)	Rooney	Tiberi
Miller, Gary	Roskam	Turner
Nunes	Royce	Upton
Olson	Ryan (WI)	Walden
Paul	Scalise	Westmoreland
Paulsen	Schmidt	Whitfield
Pence	Schock	Wilson (SC)
Petri	Sensenbrenner	Wittman
Pitts	Sessions	Wolf
Platts	Shimkus	Young (FL)
Poe (TX)	Shuster	
Posey	Smith (NE)	

NOT VOTING—25

Barrett (SC)	Fallin	Putnam
Boucher	Gonzalez	Radanovich
Brown-Waite,	Hastings (FL)	Ros-Lehtinen
Ginny	Issa	Schakowsky
Burton (IN)	Marchant	Space
Buyer	Moran (KS)	Tsongas
Carney	Myrick	Wamp
DeFazio	Neugebauer	Wu
Deutch	Ortiz	

□ 1603

Mr. MACK changed his vote from "yea" to "nay."

Messrs. SMITH of Washington, LINCOLN DIAZ-BALART of Florida and SHADEGG changed their vote from "nay" to "yea."

So the motion was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MOMENT OF SILENCE IN MEMORY OF FORMER MEMBER STEVE SOLARZ

(Mr. RANGEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RANGEL. Mr. Speaker, I would soulfully report to this body the loss of a great Member, Congressman Steve Solarz, who just left us. He passed away at the age of 70 years. He served in this body from 1975 to 1992. Republican or Democrat, he loved this country, and he fought hard for a sound foreign policy.

At this point, I would like to yield to Congressman JERRY NADLER, whose district now takes in a great part of former Congressman Solarz' congressional district.

Mr. NADLER of New York. Mr. Speaker, Steve Solarz served the people of Brooklyn in this House from 1975 to 1992. He served with distinction, boundless energy, great intellect, and a true passion to pursue justice.

I have had the privilege of representing a large portion of Brooklyn that was once his district, and I can attest that he is still fondly remembered and admired by the people of Brooklyn. He was also a vigorous advocate for our communities close to home and for human dignity around the world.

Steve was a member of the historic Watergate class of 1974, and he very soon became one of the leading voices in Congress on foreign affairs. As chairman of the Africa Subcommittee, he was one of the architects of legislation imposing sanctions on the apartheid government of South Africa. As chairman of the Subcommittee on Asian and Pacific Affairs, he led the investigation that exposed the corruption of the Marcos Government in the Philippines, where he is still revered for having steered U.S. policy away from support of that brutal and corrupt government and in support of true democratic change, which resulted in the election of Corazon Aquino.

Israel never had a better friend in the Congress than Steve Solarz. That commitment was more than just a personal one. He was one of the architects of the plan which was finally adopted by the United Nations to end the bloody war in Cambodia, which brought an end to the notorious killing fields.

Steve's dedication to religious liberty had a profound effect on our legal system. In response to the Supreme Court's decision in *Employment Division v. Smith*, he drafted the Religious Freedom Restoration Act, which restored the application of strict scrutiny to governmental burdens on the free exercise of religion.

On a more personal note, Steve Solarz was a mensch. He leaves behind friends and colleagues who will miss him very much. Our country is a better place because of his commitment to public service. The people of the world have lost a tireless advocate for freedom and democracy.

I want to extend the condolences of this House to Nina Solarz, to their children—Randy Glantz and Lisa Prickett—and to their families. The Nation shares in their loss and wishes them well.

Mr. Speaker, I rise today to remember an outstanding public servant, Congressman Stephen J. Solarz, who passed away last night. Steve served the people of Brooklyn in the House from 1975 to 1992, with distinction, boundless energy, great intellect, and a true passion to pursue justice.

I have had the privilege of representing a large portion of Brooklyn that was once in his district, and I can attest that he is still fondly remembered and admired by the people of Brooklyn. He was always a vigorous advocate for our communities close to home, and for human dignity around the world.

His passing is a great loss to the Nation, but also to people around the world who saw in him the best of what the United States has to offer; a country fully engaged with other nations in the effort to bring peace, human rights, and freedom to every corner of the globe.

Steve Solarz served in the New York State Assembly from 1968 until he was elected to the House of Representatives as part of the historic Watergate class in 1974. He very soon became one of the leading voices in Congress

on foreign affairs. He was respected by his colleagues for his breadth of knowledge and his insight into some of the most vexing international issues.

As Chairman of the Africa Subcommittee, he was one of the architects of legislation imposing sanctions on the Apartheid government of South Africa. As Chairman of the Subcommittee on Asian and Pacific Affairs he led the investigation that exposed the corruption of the Marcos government in the Philippines, where he is still revered for having steered U.S. policy away from support of that brutal and corrupt government, and in support of true democratic change which resulted in the election of Corazon Aquino.

Israel never had a better friend in the Congress than Steve Solarz. That commitment was more than just a personal one. He understood the importance of the U.S.-Israel alliance to our national interests in a way that few others did. When he spoke, it was both from the heart and from the head. I think that is why he was often so persuasive.

He was one of the architects of the plan, finally adopted by the United Nations, to end the bloody war in Cambodia, which brought an end to the notorious killing fields.

He also used his expertise to help people on a very personal level. He managed to negotiate with the Asad government of Syria the right of Syrian Jewish women to emigrate to the United States because there were no Jewish men in Syria for them to marry. The freedom he won for the "Syrian Brides" is still remembered fondly in New York's Syrian Jewish community which I now represent.

His dedication to religious liberty had a profound effect on our legal system. In response to the Supreme Court's decision in *Employment Division v. Smith*, he drafted the Religious Freedom Restoration Act, which restored the application of strict scrutiny to governmental burdens on the free exercise of religion. Although later gutted by the Supreme Court with respect to the states, it remains the law of the land at the federal level.

Less well known was the so-called "Yarmulke Bill," which he introduced in response to the Supreme Court's decision in *Goldman v. Weinberger*, in which the Court held that Americans serving in uniform had no religious right to wear even non-obtrusive religious articles such as a yarmulke. The bill eventually passed over vocal opposition from the Reagan administration, and remains the law of the land.

In these endeavors, he managed to bring together a diverse coalition of religious and civil liberties organizations from across the spectrum; from the American Civil Liberties Union, to the National Association of Evangelicals.

As a son of Brooklyn, who never forgot where he came from, he was always active in the life of the neighborhoods he represented. Although not as well known as his more high profile accomplishments, he fought for Brooklyn's working waterfront as a member of the Merchant Marine and Fisheries Committee. He shepherded through the reconstruction of the historic beach at Coney Island. Whether people had concerns about local transportation issues, or the quality of their schools, Steve Solarz was always there fighting for his neighbors.

Even after leaving office, Steve Solarz was a respected voice in international affairs. His vast knowledge and experience were of great importance to decision makers when grappling with some of the most complex and sensitive global issues. We will miss his wise counsel as we face an increasingly complex future.

On a more personal note, Steve Solarz was a mensch. He leaves behind friends and colleagues who will miss him very much. Our country is a better place because of his commitment to public service. The people of the world have lost a tireless advocate for freedom and democracy.

I want to extend my personal condolences to Nina Solarz, their children, Randy Glantz and Lisa Prickett, and to their families. The Nation shares in their loss, and wishes them well.

Mr. RANGEL. Mr. Speaker, I would like to recognize my friend and colleague, the gentleman from New York, PETER KING.

Mr. KING of New York. I thank the gentleman for yielding.

Mr. Speaker, I want to join with my colleagues in expressing condolences on the death of Steve Solarz, who served with distinction in the New York State Legislature and for many years here in Congress, earning a bipartisan reputation for his expertise in foreign affairs.

In an age of partisanship, I will bring out that, in a bipartisan nature, he worked very closely with President Bush 41 in cosponsoring the resolution for Operation Desert Storm, and he was also a principal adviser to President Bill Clinton in his campaign for President in 1992. He transcended party politics. He was a true foreign policy expert, and all of New York mourns his passing.

The SPEAKER pro tempore. Members and guests of the House will please rise to observe a moment of silence.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Ms. Wanda Evans, one of his secretaries.

HONORING AIR WINGS AT TRAVIS AIR FORCE BASE

The SPEAKER pro tempore. Without objection, 5-minute voting will continue.

There was no objection.

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and agreeing to the resolution (H. Res. 1585) honoring and recognizing the exemplary service and sacrifice of the 60th Air Mobility Wing, the 349th Air Mobility Wing, the 15th Expeditionary Mobility Task Force, and the 615th Contingency Response Wing civilians and families serving at Travis Air Force Base, California, as amended.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. GARAMENDI) that the House suspend the rules and agree to the resolution, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

RECORDED VOTE

Mr. CONNOLLY of Virginia. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 408, noes 0, not voting 25, as follows:

[Roll No. 585]

AYES—408

Ackerman	Childers	Giffords
Aderholt	Chu	Gingrey (GA)
Adler (NJ)	Clarke	Gohmert
Akin	Clay	Gonzalez
Alexander	Cleaver	Goodlatte
Altmire	Clyburn	Gordon (TN)
Andrews	Coble	Granger
Arcuri	Coffman (CO)	Graves (GA)
Austria	Cohen	Graves (MO)
Baca	Cole	Grayson
Bachmann	Conaway	Green, Al
Bachus	Connolly (VA)	Green, Gene
Baird	Conyers	Griffith
Baldwin	Cooper	Grijalva
Barrow	Costa	Guthrie
Bartlett	Costello	Gutierrez
Barton (TX)	Crenshaw	Hall (NY)
Bean	Critz	Hall (TX)
Becerra	Crowley	Halvorson
Berkley	Cuellar	Hare
Berman	Culberson	Harman
Berry	Cummings	Harper
Biggart	Dahlkemper	Hastings (WA)
Bilbray	Davis (AL)	Heinrich
Bilirakis	Davis (CA)	Heller
Bishop (GA)	Davis (IL)	Hensarling
Bishop (NY)	Davis (KY)	Herger
Bishop (UT)	Davis (TN)	Herseth Sandlin
Blackburn	DeGette	Higgins
Blumenauer	Delahunt	Hill
Blunt	DeLauro	Himes
Bocieri	Dent	Hinchee
Boehner	Diaz-Balart, L.	Hinojosa
Bonner	Diaz-Balart, M.	Hirono
Bono Mack	Dicks	Hodes
Boozman	Dingell	Hoekstra
Boren	Djou	Holden
Boswell	Doggett	Holt
Boucher	Donnelly (IN)	Honda
Boustany	Doyle	Hoyer
Boyd	Dreier	Hunter
Brady (PA)	Drieaus	Inglis
Brady (TX)	Duncan	Inslee
Braley (IA)	Edwards (MD)	Israel
Bright	Edwards (TX)	Issa
Broun (GA)	Ehlers	Jackson (IL)
Brown (SC)	Ellison	Jackson Lee
Brown, Corrine	Ellsworth	(TX)
Buchanan	Emerson	Jenkins
Burgess	Engel	Johnson (GA)
Butterfield	Etheridge	Johnson (IL)
Calvert	Farr	Johnson, E. B.
Camp	Fattah	Johnson, Sam
Campbell	Filner	Jones
Cantor	Flake	Jordan (OH)
Cao	Fleming	Kagen
Capito	Forbes	Kanjorski
Capps	Fortenberry	Kaptur
Capuano	Foster	Kennedy
Cardoza	Fox	Kildee
Carnahan	Frank (MA)	Kilpatrick (MI)
Carson (IN)	Franks (AZ)	Kilroy
Carter	Frelinghuysen	Kind
Cassidy	Fudge	King (IA)
Castle	Gallegly	King (NY)
Castor (FL)	Garamendi	Kingston
Chaffetz	Garrett (NJ)	Kirkpatrick (AZ)
Chandler	Gerlach	Kissell

Klein (FL)	Murphy (NY)	Schrader
Kline (MN)	Murphy, Patrick	Schwartz
Kosmas	Murphy, Tim	Scott (GA)
Kratovil	Nadler (NY)	Scott (VA)
Kucinich	Napolitano	Sensenbrenner
Lamborn	Neal (MA)	Serrano
Lance	Neugebauer	Sessions
Langevin	Nunes	Sestak
Larsen (WA)	Nye	Shadegg
Larson (CT)	Oberstar	Shea-Porter
Latham	Obey	Sherman
LaTourette	Olson	Shimkus
Latta	Olver	Shuler
Lee (CA)	Owens	Shuster
Lee (NY)	Pallone	Simpson
Levin	Pascarella	Sires
Lewis (CA)	Pastor (AZ)	Skelton
Lewis (GA)	Paul	Slaughter
Linder	Paulsen	Smith (NE)
Lipinski	Payne	Smith (NJ)
LoBiondo	Pence	Smith (TX)
Loebach	Perlmutter	Smith (WA)
Lofgren, Zoe	Perriello	Snyder
Lowe	Peters	Speier
Lucas	Peterson	Spratt
Luetkemeyer	Petri	Stark
Lujan	Pingree (ME)	Stearns
Lummis	Pitts	Stupak
Lungren, Daniel	Platts	Stutzman
E.	Poe (TX)	Sullivan
Lynch	Polis (CO)	Sutton
Mack	Pomeroy	Tanner
Maffei	Posey	Taylor
Maloney	Price (GA)	Teague
Manzullo	Price (NC)	Terry
Markley (CO)	Quigley	Thompson (CA)
Markey (MA)	Rahall	Thompson (MS)
Marshall	Rangel	Thompson (PA)
Matheson	Reed	Thornberry
Matsui	Rehberg	Tiahrt
McCarthy (CA)	Reichert	Tiberi
McCarthy (NY)	Reyes	Tierney
McCauley	Richardson	Titus
McClintock	Rodriguez	Tonko
McColum	Roe (TN)	Towns
McCotter	Rogers (AL)	Turner
McDermott	Rogers (KY)	Upton
McGovern	Rogers (MI)	Van Hollen
McHenry	Rohrabacher	Velázquez
McIntyre	Rooney	Visclosky
McKeon	Ros-Lehtinen	Walden
McMahon	Roskam	Walz
McMorris	Ross	Wasserman
Rodgers	Rothman (NJ)	Schultz
McNerney	Roybal-Allard	Watson
Meek (FL)	Royce	Watt
Meeks (NY)	Ruppersberger	Waxman
Melancon	Ryan (OH)	Weiner
Mica	Ryan (WI)	Welch
Michaud	Salazar	Westmoreland
Miller (FL)	Sánchez, Linda	Whitfield
Miller (MI)	T.	Wilson (OH)
Miller (NC)	Sánchez, Loretta	Wilson (SC)
Miller, Gary	Sarbanes	Wittman
Minnick	Scalise	Wolf
Mitchell	Schakowsky	Woolsey
Mollohan	Schauer	Yarmuth
Moore (KS)	Schiff	Young (AK)
Moran (VA)	Schmidt	Young (FL)
Murphy (CT)	Schrock	

NOT VOTING—25

Barrett (SC)	Eshoo	Putnam
Brown-Waite,	Fallin	Radanovich
Ginny	Hastings (FL)	Rush
Burton (IN)	Marchant	Space
Buyer	Miller, George	Tsongas
Carney	Moore (WI)	Wamp
Courtney	Moran (KS)	Waters
DeFazio	Myrick	Wu
Deutch	Ortiz	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining on this vote.

□ 1618

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. GEORGE MILLER of California. Mr. Speaker, earlier today, I was unavoidably detained and missed rollcall vote No. 585, on H. Res. 1585. Had I been present, I would have proudly voted "yea" in support of this important resolution honoring the men and women serving at Travis Air Force Base.

HONORING NATIONAL GUARD ON 374TH ANNIVERSARY

The SPEAKER pro tempore (Mr. LANGEVIN). The unfinished business is the question on suspending the rules and agreeing to the resolution (H. Res. 1740) recognizing and honoring the National Guard on the occasion of its 374th anniversary.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. GARAMENDI) that the House suspend the rules and agree to the resolution.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

RECORDED VOTE

Mr. SCHRADER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 404, noes 0, not voting 29, as follows:

[Roll No. 586]

AYES—404

Ackerman	Boyd	Conyers
Aderholt	Brady (PA)	Cooper
Adler (NJ)	Brady (TX)	Costa
Akin	Braley (IA)	Costello
Alexander	Bright	Crenshaw
Altmire	Broun (GA)	Critz
Andrews	Brown (SC)	Crowley
Arcuri	Brown, Corrine	Cuellar
Austria	Buchanan	Culberson
Baca	Burgess	Cummings
Bachmann	Butterfield	Dahlkemper
Bachus	Camp	Davis (AL)
Baird	Campbell	Davis (CA)
Baldwin	Cantor	Davis (IL)
Barrow	Cao	Davis (KY)
Bartlett	Capito	Davis (TN)
Barton (TX)	Capps	DeGette
Bean	Capuano	Delahunt
Becerra	Cardoza	DeLauro
Berkley	Carnahan	Dent
Berman	Carson (IN)	Diaz-Balart, L.
Berry	Carter	Diaz-Balart, M.
Biggart	Cassidy	Dicks
Bilbray	Castle	Dingell
Bilirakis	Castor (FL)	Djou
Bishop (GA)	Chaffetz	Doggett
Bishop (NY)	Chandler	Donnelly (IN)
Bishop (UT)	Childers	Doyle
Blackburn	Chu	Dreier
Blumenauer	Clarke	Drieaus
Blunt	Clay	Duncan
Bocieri	Cleaver	Edwards (MD)
Bonner	Clyburn	Edwards (TX)
Bono Mack	Coble	Ehlers
Boozman	Coffman (CO)	Ellison
Boren	Cohen	Ellsworth
Boswell	Cole	Emerson
Boucher	Conaway	Engel
Boustany	Connolly (VA)	Etheridge

Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxy
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Granger
Graves (GA)
Graves (MO)
Grayson
Green, Al
Green, Gene
Griffith
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseeth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson Lee
(TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)

Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loeb sack
Loftgren, Zoe
Lowey
Lucas
Luetkemeyer
Lujan
Lummis
Lungren, Daniel
E.
Lynch
Mack
Maffei
Maloney
Manzullo
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCauley
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris
Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Owens
Pallone
Pascarella
Pastor (AZ)
Paul
Paulsen
Payne
Pence
Perlmutter
Perrillo
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Quigley
Rahall
Rangel

Reed
Rehberg
Reichert
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sanchez, Linda
T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skeltan
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Speier
Spratt
Stark
Stearns
Stupak
Stutzman
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wasserman
Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Whitfield
Wilson (OH)
Wilson (SC)

Wittman
Wolf

Woolsey
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—29

Barrett (SC)
Boehner
Brown-Waite,
Ginny
Burton (IN)
Buyer
Calvert
Carney
Courtney
DeFazio

Deutch
Eshoo
Fallin
Gordon (TN)
Grijalva
Hastings (FL)
Johnson, E. B.
Marchant
Moran (KS)
Myrick

Ortiz
Putnam
Radanovich
Reyes
Rush
Schrader
Space
Tsongas
Wamp
Wu

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE
The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

□ 1629

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF HOUSE JOINT RESOLUTION 101, FURTHER CONTINUING APPROPRIATIONS, FISCAL YEAR 2011

Mr. PERLMUTTER, from the Committee on Rules, submitted a privileged report (Rept. No. 111-664) on the resolution (H. Res. 1741) providing for consideration of the joint resolution (H.J. Res. 101) making further continuing appropriations for fiscal year 2011, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF S. 3307, HEALTHY, HUNGER-FREE KIDS ACT OF 2010

Mr. PERLMUTTER, from the Committee on Rules, submitted a privileged report (Rept. No. 111-665) on the resolution (H. Res. 1742) providing for consideration of the bill (S. 3307) to reauthorize child nutrition programs, and for other purposes, which was referred to the House Calendar and ordered to be printed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Record votes on postponed questions will be taken later.

HONORING GOLF LEGEND JUAN ANTONIO "CHI CHI" RODRIGUEZ

Ms. WOOLSEY. Mr. Speaker, I move to suspend the rules and agree to the

resolution (H. Res. 1430) honoring and saluting golf legend Juan Antonio "Chi Chi" Rodriguez for his commitment to Latino youth programs of the Congressional Hispanic Caucus Institute, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1430

Whereas Juan Antonio "Chi Chi" Rodriguez taught himself how to play golf;

Whereas Rodriguez' strive for perfection, along with his uncompromising sportsmanship, resulted in a lifetime 38 professional wins, including 8 PGA Tour wins and 22 Senior PGA Tour wins;

Whereas Rodriguez was the first Puerto Rican inducted into the World Golf Hall of Fame and was elected to the World Humanitarian Sports Hall of Fame in 1994;

Whereas the Congressional Hispanic Caucus Institute (CHCI), a Latino youth leadership development and educational organization in the United States, honored Rodriguez with the CHCI Service Award for his ongoing commitment to providing opportunities for Latino youth to succeed;

Whereas Rodriguez is a supporter of CHCI's Fiesta de Golf Scholarship Challenge, and helped raise more than \$824,000 for CHCI's Scholarship Awards Program the past three years;

Whereas Rodriguez' efforts resulted in financial support for more than 430 scholarships over the past three years to help Latino youth to attend institutions of higher education;

Whereas Rodriguez remains active with his own Chi Chi Rodriguez Youth Foundation, which funds the Chi Chi Rodriguez Academy, whose mission is to assist at-risk children by improving their self-esteem, character, work ethic, social adjustment, and academic performance, using the golf course as a living classroom;

Whereas Rodriguez has helped raise more than \$4 million for his youth foundation, which annually brings 600 children from Latino and non-Latino low-income families or broken homes to a municipal golf course to learn responsibility and discipline by working at the various jobs in golf;

Whereas the Chi Chi Rodriguez Academy's program is based on love and respect, one that builds confidence, instills discipline and provides positive educational experiences; and

Whereas the Chi Chi Rodriguez Youth Foundation has earned a number of awards, including the National Golf Foundation Award for the Best Youth Program in the United States in 1986, the Pinellas County Sports Salute XVIII for working with youth in 1990, the 758th Point of Light in 1992, the Gannett Company's USA Weekend Most Valuable Athlete Award in 1983, based on an athlete's contribution, caring and commitment off the field, and the Robie Award for Humanitarianism, presented by the Jackie Robinson Foundation in 1996: Now, therefore, be it

Resolved, That the House of Representatives—

(1) honors and salutes Juan Antonio "Chi Chi" Rodriguez for his contributions to the successful programs of the Congressional Hispanic Caucus Institute for Latino youth and his lifelong leadership in shaping the lives of at-risk youth who benefit from the generosity and devotion of the Chi Chi Rodriguez Youth Foundation; and

(2) directs the Clerk of the House of Representatives to make available an enrolled copy of this resolution to the Congressional Hispanic Caucus Institute and to the Chi Chi Rodriguez Youth Foundation.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Ms. WOOLSEY) and the gentleman from Tennessee (Mr. ROE) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

Ms. WOOLSEY. Mr. Speaker, I request 5 legislative days during which Members may revise and extend and insert extraneous material on House Resolution 1430 into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Ms. WOOLSEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of House Resolution 1430, which honors and salutes golf legend Juan Antonio Rodriguez, widely known as Chi Chi Rodriguez, for his commitment to the Latino Congressional Hispanic Caucus Institute, or CHCI. Mr. Rodriguez is an extraordinarily accomplished golfer. With 38 professional wins, including eight PGA Tour and 22 Senior PGA Tour victories, it is no surprise that he was inducted in 1992 into the World Golf Hall of Fame, the first Puerto Rican ever to earn this honor.

Chi Chi Rodriguez worked hard for his success and has never forgotten his roots in Puerto Rico, where he worked for a dollar a day cutting sugar cane. Using his surroundings to teach himself the game of golf, he used a tree branch as a golf club and a metal can as a golf ball.

Chi Chi Rodriguez has worked as tirelessly off the course as well as on it through his dedicated support of youth and their educational aspirations. Over the past 3 years, he has raised over \$824,000 for CHCI's Scholarship Awards Program to assist Latino youths in their pursuit of higher education. These efforts have resulted in financial support for more than 430 scholarships. Moreover, Mr. Rodriguez continues to contribute to his own Chi Chi Rodriguez Youth Foundation, which funds the Chi Chi Rodriguez Academy.

The Chi Chi Rodriguez Academy assists at-risk children by improving their self-esteem, character, work ethic, social adjustment, and academic performance, using the golf course as a living classroom. Mr. Rodriguez has raised more than \$4 million for his academy, which every year brings 600 children from low-income families or broken homes to a golf course to learn responsibility and discipline through the game of golf.

Chi Chi Rodriguez's work for CHCI and his foundation have been recognized numerous times, including an in-

duction into the World Humanitarian Sports Hall of Fame in 1994 and receiving the Congressional Hispanic Caucus Institute renowned Service Award in the year 2010.

Mr. Speaker, I ask my colleagues to join me in supporting this resolution to honor and salute golf legend Juan Antonio "Chi Chi" Rodriguez for his commitment to Latino youth programs of the Congressional Hispanic Caucus.

I reserve the balance of my time.

Mr. ROE of Tennessee. Mr. Speaker, I yield myself as much time as I may consume.

Chi Chi Rodriguez was born into a poor family in Puerto Rico, and by the time he was 9 years old he was proficient at golf. And in 1947, at the age of 12, he scored a remarkable 67, which I do many times, but I haven't completed 18 holes of golf at that time.

Rodriguez turned professional in 1960. In 1963, at age 28, he won the Denver Open, which he considers as his favorite win. In total, he won eight titles on the PGA Tour between 1963 and 1979. And Rodriguez became eligible to play on the Senior Tour, now known as the Champions Tour, in 1985, and did so for many years with great success, accumulating 22 tournament victories between 1986 and 1993. He was the first player on the Senior PGA Tour to win the same event in three consecutive years, and he set a Tour record with eight consecutive birdies en route to a win in the 1987 Silver Classic.

In 1989, he was voted the Bobby Jones Award, the highest honor given by the United States Golf Association, in recognition of distinguished sportsmanship in golf. In 1991, he lost an 18-hole playoff to the legendary Jack Nicklaus in the U.S. Senior Open. In 1992, Chi Chi Rodriguez was inducted into the World Golf Hall of Fame, the first Puerto Rican so honored.

Rodriguez considers a brief encounter with Mother Teresa as the greatest moment in his life. This event inspired him to help others. Together with former golf pro Bill Hayes and Bobby Jones, Rodriguez established the Chi Chi Rodriguez Youth Foundation, which funds the Chi Chi Rodriguez Academy, whose mission is to assist at-risk youth by improving their self-esteem, character, work ethic, social adjustment, and academic performance, using the golf course as a living classroom.

Rodriguez has helped raise more than \$4 million for his foundation, which annually brings 600 children from Latino and non-Latino families or broken homes to learn life skills by working various jobs in golf.

I urge my colleagues to support this resolution.

I reserve the balance of my time.

Ms. WOOLSEY. Mr. Speaker, I am pleased to yield the gentleman from California, Congressman BACA, as much time as he may consume.

Mr. BACA. Mr. Speaker, I rise in strong support of H.R. 1430, honoring and saluting golf legend Juan Antonio "Chi Chi" Rodriguez. First, I would like to thank Chairman GEORGE MILLER, Ranking Member JOHN KLINE, Subcommittee Chair CAROLYN MCCARTHY, Ms. WOOLSEY, Ranking Member TODD RUSSELL PLATTS, and Mr. ROE. I want to take the time to thank all of my colleagues for their support.

I rise today in strong support of H.R. 1430, to honor Juan Antonio "Chi Chi" Rodriguez. In 1935, Chi Chi Rodriguez was born into a poor family in Rio Piedras, Puerto Rico. He was one of six siblings. His father used to earn only \$18 a week as a laborer and cattle herder. His mother was a housekeeper. Their family struggled. When Chi Chi was only 7 years old, he helped families by earning money as a water carrier on the sugar plantation.

□ 1640

He soon learned that he could earn more money as a caddy. At that time, he also taught himself how to play golf—and that is very difficult for anyone who is playing golf. I have been playing golf for some time, and it's still very difficult, and I am still trying to learn—by using tree limbs and a metal can hammered into a ball.

With unyielding determination and discipline by 9 years of age, Chi Chi could play and win. Boy, that's difficult. You know, we wish we could play and would have played when we were young like that at the age of 9.

His uncompromising sportsmanship resulted in a lifetime 38 professional wins, including eight PGA wins, 1963, 1964, 1967, 1968, 1972, 1973 and 1979, and 22 senior PGA Tour wins.

Chi Chi Rodriguez was inducted into the PGA World Hall of Fame in 1992. However, his legacy does not end on the links. And I want to remind everybody, this resolution is not about his golf and what he did for golf, but it's about what he did as a human being and his contributions and scholarships to many individuals, and that's why we are honoring him. I want people to remember that and my colleagues to remember that. This is not about a golfer, this is about an individual who was willing to do as much as he can to help other individuals.

Chi Chi Rodriguez's robust charitable contributions for the benefit of at-risk and underprivileged youth have helped thousands of young people. He and his wife, Iwalani, have changed lives, and can you imagine many individuals lives that are changed because someone cared, someone touched their lives, someone gave them direction, someone gave them confidence in themselves and said, you know what, there is a better way of life.

Chi Chi wanted to make a better way of life for many individuals, and that's why we are honoring him and that's

why we are recognizing them. They have strengthened self-confidence and fostered stellar discipline in many young people by founding the Chi Chi Rodriguez Academy.

The mission of the academy is to assist at-risk children by improving their self-esteem, character, work ethic, social adjustment, and academic performance, using the golf course as a living classroom. In addition, the Congressional Hispanic Caucus Institute honored Chi Chi Rodriguez with a CHCI Service Award for his ongoing commitment to providing opportunities for Latino youth to succeed.

His support of CHCI's fiesta, which is a bipartisan Fiesta de Golf Scholarship Challenge, has helped raise more than \$824,000 for CHCI's Scholarship Awards Program over the past 3 years. These are a sample of many of the 430-some scholarships that have helped many of our kids, Javier Colon, Ronnie Gonzalez, Ashley Garcia. These are a few of many that I could name here tonight but when you look at the faces and you look at individuals who had an opportunity to pursue their education, become successful, contribute to our society, this is what Chi Chi is about, improving our communities, making sure that they become productive in our communities.

Chi Chi has received many other humanitarian awards due to his giving nature and leadership. He has received the Salvation Army Gold Crest Award and the Good Sport Award from Sports Illustrated for Kids.

He was inducted into the World Sport Humanitarian Hall of Fame and received an honorary doctor of humane letters degree from Georgetown College in Kentucky. He also received the American Education Award from the American Association of School Administrators.

With his support, The Chi Chi Rodriguez Youth Foundation earned the National Golf Foundation Award for the Best Youth Program in the United States in 1986 and the Robie Award for Humanitarianism presented by The Jackie Robinson Foundation in 1996.

His success on the links has earned Chi Chi Rodriguez a special place in history.

However, his work, and I state, however his work in helping many disadvantaged children has earned Chi Chi a special place in each of our hearts, because it's about giving, it's not about receiving, it's about helping others, not about what you get. He wasn't about me, myself and Irene, it was about what can I do to help others. And that's what Chi Chi wanted to do. He wanted to touch those lives.

He proved that humble beginnings do not define a person. He has shown us that with hard work and determination that you can be successful, but you can be caring and you can give back. Because the Lord gave him something,

and he wanted to return something back to others.

By giving back to help our youth, he taught us. Please join me in honoring and saluting Chi Chi Rodriguez. I urge all Members to support the passage of H. Res. 1430.

Mr. CHAFFETZ. Will the gentleman yield?

Mr. BACA. I yield to the gentleman from Utah.

Mr. CHAFFETZ. My understanding is that you are actually a board member of the Congressional Hispanic Institute, is that correct?

Mr. BACA. Yes.

Mr. CHAFFETZ. My understanding is that actually 13 of the 28 sponsors of this bill are on the board of this, is that correct?

Mr. BACA. Yes.

Would you like to join? We would love to have you join and be part of the sponsors as well. Because we also have, from your side, a member of our board that's on that board as well.

Mr. CHAFFETZ. My understanding is that the Congressional Hispanic Caucus Institute is an independent 501(c)3.

Mr. BACA. That's correct.

Mr. CHAFFETZ. My question, my concern about this is I have one about recognizing sports folks—and that's a separate issue. He has certainly accomplished so much on the golf course and off the golf course. I admire the work that you have done in this Congress.

Mr. BACA. Thank you.

Mr. CHAFFETZ. But it does seem to be a huge conflict of interest to sponsor a bill recognizing Chi Chi Rodriguez, who then, in turn for his accomplishments for youth programs of the Congressional Hispanic Caucus Institute. Isn't that a conflict of interest?

Mr. BACA. No, it's not. It's really thinking about someone who has contributed, someone who has done an awful lot. And it's bipartisan individuals, both Republican and Democrat, that belong to the CHCI board as well. We welcome the new Members that were elected to become part of that board that will say, you know what, we have got to honor individuals.

It's not about a conflict of interest, it's not about anything else. It's about doing something that's positive for individuals. When someone is going to receive something in return, then it becomes a conflict of interest. But we are not receiving anything in return. All we are doing is honoring an individual.

Mr. ROE of Tennessee. Mr. Speaker, I yield 5 minutes to the gentleman from Utah (Mr. CHAFFETZ).

Mr. CHAFFETZ. Mr. Speaker, if the gentleman from California would engage with me here, I do have a few more questions, and I appreciate the dialogue and the passion you have for this.

One of my concerns is that it actually, I think, detracts from the idea of the accomplishments of Chi Chi Rodri-

guez and also the good work that I am sure that the Congressional Hispanic Caucus Institute has done. But to say that there is nothing in receipt, that it's all about giving and no receiving, it seems to me, on the appearance of it, that there is a huge conflict of interest. For Members of Congress, who serve independently on a 501(c)3, they serve independently with this organization, with a fiduciary responsibility to that organization, to use the office of being a Member in Congress to advance legislation that is surely, surely going to benefit the Congressional Hispanic Caucus Institute.

I would be happy to yield some of my time to address this.

Mr. BACA. Thank you. Again, this is about children.

Mr. CHAFFETZ. Reclaiming my time, for the record, I have absolutely no doubt that the Congressional Hispanic Caucus Institute does good. You have mentioned some scholarships. I have looked at the Web site. There is no doubt. There is no question in my mind. My question is, why this particular foundation, one that you serve on the board of directors.

This country has thousands of foundations that do good work. But if the threshold here, and my understanding is the institute raises in the neighborhood of 6 to \$7 million—

Mr. BACA. Will the gentleman yield?

Mr. CHAFFETZ. I yield to the gentleman from California.

Mr. BACA. We would love to honor other foundations and other individuals as well. This is only one of many that we should recognize, just as I am honoring Arnold Palmer that we gave the Congressional Gold Medal. And at one time I hope you are here to celebrate when we have the actual gold medal that we will present under your leadership that we will be able to do here on the floor later on next year because it won't happen now.

□ 1650

Mr. CHAFFETZ. Reclaiming my time, I feel, Mr. Speaker, that this is a colossal waste of time to recognize sports heroes. That is a separate subject. That is a separate subject. Last week I voted against Joe Paterno, for goodness' sakes, one of the great football coaches in this country. Chi Chi Rodriguez has accomplished amazing feats. There's no doubt in my mind about this. But I feel as if the floor of the House of Representatives is being used for Members' own personal benefits to actually move forward their own foundation. And that is the concern.

There are thousands, as you just agreed to, thousands of foundations that do great work, that inspire kids and youth. That's part of what makes this country such a great country. But the only reason this bill is moving forward today, the reason it's coming to the floor of the House, is that we have

13 Members of Congress who serve on the board of directors of this, which seems like a conflict of interest.

If you want to address that, I would be happy to yield more time to you to address it.

Mr. BACA. Once again, I would like to state for the record that this is not a conflict of interest. This is about bipartisan individuals who sit on the board who continue to want to provide assistance to many individuals who are in need of help. Whether it's this organization or whether it's any other organization, I think it's important that we do recognize individuals that are willing to give of their time and their effort to make life better for someone else. And this is a humanitarian individual.

Mr. CHAFFETZ. Reclaiming my time, Mr. Speaker, I do appreciate the gentleman addressing the questions. I really do. One of the concerns that is there is if you look at the opportunity, if you will, to attract corporate money to this. I went to the Web site today. These companies donate in excess of \$200,000 to the Congressional Hispanic Caucus Institute: AstraZeneca, Exxon Mobil, Toyota, Wal-Mart. These are companies that donate over \$100,000, according to the Website: AFL-CIO and affiliate unions, Altria Group, American Petroleum Institute, Anheuser-Busch, AT&T, Change to Win and affiliate unions, Comcast Corporation, Dell, Lilly, Lockheed Martin, Motorola, PepsiCo, Southwest, State Farm Insurance, Telemundo, Time Warner Cable, the Coca-Cola Company, UnitedHealthcare Foundation, Univision, UPS.

The purpose of this bill, according to the resolution, the very last line here, is to direct the Clerk of the House of Representatives to make available an enrolled copy of this resolution to the Congressional Hispanic Caucus Institute, of which 13 Members of this body sit on the board of directors, and to the Chi Chi Rodriguez Youth Foundation.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. ROE of Tennessee. Mr. Speaker, I yield the gentleman 3 additional minutes.

Mr. CHAFFETZ. Mr. Speaker, just to finish the conclusion of that thought, the reason, at least from my vantage point, and I would hope that you would address this, the reason that this resolution is moving forward is that there is a benefit to the Congressional Hispanic Caucus Institute. They can use this as a tool to go out and solicit more money, more support, and grow their own personal foundation. It's not something that's afforded to other foundations. And the only reason this is moving forward is because we have 13 Members in this body that are cosponsors of this legislation that sit on the board of directors. And that is of deep concern.

Ms. WOOLSEY. Mr. Speaker, I am pleased to yield 1 minute to the gentleman from California (Mr. BACA).

Mr. BACA. I know we are on the subject of recognizing the sports individual, and I would like just for the record to state that my colleague that just spoke actually supported a resolution to support a sports individual as well, and that was H. Res. 942, for the record. So if we are going to be consistent, let's be consistent on both angles.

With that, I would like to, once again, state that many corporations and many individuals give because they're good corporate citizens, because they want to make our communities a lot better. They want to provide an opportunity for individuals to enhance their education, further their education, be productive citizens. And sometimes many individuals cannot afford to go on to a college or university. It's that assistance that we give to individuals that will allow an individual to further their education, thus for becoming productive individuals.

This is an individual that has helped in that endeavor to make sure that we raise the additional money, whether it's for this institution or whether it's for other institutions. I belong to a variety of different institutions that raise money on a bipartisan basis to make sure that we allow many individuals to be productive individuals within our communities.

Ms. WOOLSEY. I would like to know how much time we have on both sides, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from California has 7½ minutes remaining. The gentleman from Tennessee has 12 minutes remaining.

Mr. ROE of Tennessee. I yield 1 minute to the gentleman from Utah.

Mr. CHAFFETZ. Mr. Speaker, what the gentleman from California pointed out is true. Previously I had sponsored and voted for resolutions regarding sports folks. I finally realized this is a colossal waste of time. I took a pledge that I was no longer going to do it. I did it in the past. It was wrong. We have people unemployed. We have people who can't meet their mortgages.

Mr. BACA. It wasn't wrong. It was a good thing you did.

Mr. CHAFFETZ. I have come to find I think they are absolutely a colossal waste of time. Even though they're a lot of good people, but we're not recognizing taking care of the people's business. That's my own personal belief.

But to clarify the question that you had, yes, I did do that in the past. I wish I hadn't, but I'm a freshman. I made a mistake, and I'm moving forward.

Mr. BACA. I appreciate your doing it in the past, and I look forward to your continued support.

Mr. ROE of Tennessee. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Ms. WOOLSEY. Mr. Speaker, again, I ask my colleagues to join me in supporting this resolution to honor and salute golf legend Juan Antonio "Chi Chi" Rodriguez for his commitment to Latino youth programs of the Congressional Hispanic Caucus Institute.

Mr. Rodriguez uses his experience and his career success to expand opportunities for disadvantaged youth, and he helps them reach their full potential. I thank Representative BACA for his leadership in bringing this resolution forward.

I yield back the balance of my time. The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Ms. WOOLSEY) that the House suspend the rules and agree to the resolution, H. Res. 1430, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. ROE of Tennessee. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

SUPPORTING NATIONAL GEAR UP DAY

Ms. WOOLSEY. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1638) supporting the goals and ideals of National GEAR UP Day.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1638

Whereas Congress created the Gaining Early Awareness and Readiness for Undergraduate Programs (GEAR UP) in 1998 to increase the number of low-income students who are prepared to enter and succeed in postsecondary education;

Whereas increasing the number of low-income students who complete postsecondary education is critical to the health and vitality of our communities and the Nation as a whole;

Whereas, on February 24, 2009, President Barack Obama addressed a Joint Session of Congress, during which he stated his goal that the United States would once again have the highest proportion of college graduates;

Whereas GEAR UP is currently providing essential college preparatory services to 670,000 students in over 5,000 schools across 46 States, the District of Columbia, America Samoa, Micronesia, and Puerto Rico;

Whereas GEAR UP students are taking more rigorous and advanced courses, graduating from high school and enrolling in postsecondary education at rates significantly higher than their low-income peers;

Whereas these remarkable achievements are attributable to the selfless dedication of the students, families, education professionals, and business and community leaders involved in GEAR UP;

Whereas in September 2009 GEAR UP Day was recognized across the United States, including proclamations by the Governors of the States of Iowa, Maine, Ohio, Oklahoma, and West Virginia, the Governor of American Samoa, and other observances noticed in the Congressional Record on Tuesday, September 22, 2009; and

Whereas September 29, 2010, would be an appropriate day to designate as National GEAR UP Day: Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the goals and ideals of a National GEAR UP Day;

(2) recognizes with gratitude the contributions of caring teachers, counselors, and program staff who encourage and prepare students for success in college; and

(3) encourages all students to set ambitious goals and to work hard to achieve their dreams.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Ms. WOOLSEY) and the gentleman from Tennessee (Mr. ROE) will each control 20 minutes.

The Chair recognizes the gentlewoman from California.

□ 1700

GENERAL LEAVE

Ms. WOOLSEY. Mr. Speaker, I request 5 legislative days during which Members may revise and extend their remarks and insert extraneous material on House Resolution 1638 into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Ms. WOOLSEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of House Resolution 1638 which recognizes the goals and ideals of National GEAR UP Day, celebrated on September 29, 2010. GEAR UP, or Gaining Early Awareness and Readiness for Undergraduate Programs, was created by Congress in 1998 to help increase the number of low-income and underserved students who are prepared to succeed in postsecondary education.

This year, the GEAR UP program provided college prep services to over 670,000 students in over 5,000 schools across 46 States, the District of Columbia, American Samoa, Micronesia, and Puerto Rico.

National GEAR UP Day, sponsored by the National Council for Community and Education Partnerships, is an opportunity for us to recognize the continued success of GEAR UP programs nationwide. It guarantees an entire cohort of students beginning no later than the seventh grade and follows that group through high school.

GEAR UP funds are also used to provide college scholarships to low-income students. Students participating in the

GEAR UP program, Mr. Speaker, are encouraged in a variety of ways to enter and complete postsecondary education. They may visit local postsecondary institutions and survey classes that interest them, learn about financial aid and scholarship opportunities, or meet with a counselor for career planning.

I want to thank Representative FATTAH for introducing this resolution and, once again, express my support for House Resolution 1638, which celebrates National GEAR UP Day.

I reserve the balance of my time.

Mr. ROE of Tennessee. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of House Resolution 1638, supporting the goals and ideals of National GEAR UP Day.

While access to postsecondary education is a barrier for many low-income students, far too many students who enter college fail to complete programs and attain credentials. The goal of the Gaining Early Awareness and Readiness for Undergraduate Programs, GEAR UP, program is to address both access and success changes to ensure more low-income students succeed in the workforce. GEAR UP provides 6-year grants to States and partnerships to provide services at high-poverty middle schools and high schools. GEAR UP grantees serve an entire cohort of students beginning no later than the seventh grade and follow the cohort through high school or their first year of college. GEAR UP funds are also used to provide college scholarships to low-income students.

Nearly 77 million Americans will retire over the next several decades, and the United States will face a worker gap, a skills gap, and a wage gap. Filling these gaps will require developing better trained and more skilled workers for productive jobs with upward mobility. Ensuring that the Nation's youth enter adulthood well educated, prepared for work, and able to integrate into society will help to ensure we are able to fill these gaps. Currently, the GEAR UP program is providing important college preparatory services to approximately 670,000 students in over 5,000 schools throughout the country.

Today, we support the goals and ideals of National GEAR UP Day, recognize the contribution of teachers, counselors, and program staff that encourage and prepare students for success in college and beyond. I urge my colleagues to support this resolution.

I yield back the balance of my time.

Ms. WOOLSEY. Mr. Speaker, I am pleased to yield 4 minutes to the gentleman from Pennsylvania (Mr. FATTAH), the author of this resolution and the author of GEAR UP.

Mr. FATTAH. I thank the gentlelady and I thank her colleague for their support for this resolution.

GEAR UP continues, as from its inception, to have bipartisan support. On National GEAR UP Day, we had Governors like Haley Barbour from Mississippi and Governors throughout the country claim GEAR UP Days in their State. We had mayors and school superintendents and college associations all across our country celebrate the great achievements of young people who have been a part of this program and the adults who have worked with them.

The Federal Government partners with States and with higher education institutions in what I call an elongated conversation with young people over the course of 6 years. And in this Congress, we reauthorized GEAR UP and we have now added a seventh year. GEAR UP has proven to be successful over its first decade of work, given the research that has been done, and it has shown that there has been a remarkable success across the 40-plus States, and now 46 States. In communities of every stripe, GEAR UP has worked to increase the number of young people graduating from high school, taking rigorous courses, and going on to college.

We saw a multiday series in The Washington Post focusing on students in Virginia, and thankfully going to colleges in Pennsylvania, through GEAR UP. I have visited GEAR UP youngsters in Wichita, Kansas, and Oklahoma City and California, all across our land. It is an amazing and extraordinary feat to see young people who statistically others would have written off, but now, because of the work of the GEAR UP program and because of their own work and parental involvement, they have been written back in.

The President has said we need to return our country to leadership in the world by 2020 with the number of adults with a college degree. We now are ninth in the world with the number of our young people graduating from college. This is an important program. It is the largest early college program in our country and in our country's history. It began with bipartisan support, and it continues to have that support because it is locally administered. It is a partnership program involving higher education institutions in partnership with middle schools and high schools and community and civic associations. It has worked well in Native American communities and rural communities and urban cities. It has helped in terms of youngsters who have English as a second language.

My great partner in this, Congressman HINOJOSA, who will be speaking, and many others in this Congress have been strong supporters of GEAR UP. I thank the gentleman and the gentlelady for yielding me an appreciable amount of time, and I thank them for their support of this resolution.

Ms. WOOLSEY. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Texas (Mr. HINOJOSA).

Mr. HINOJOSA. Mr. Speaker, I rise today in support of House Resolution 1638, a resolution supporting the goals and ideals of National GEAR UP Day.

As subcommittee chairman for Higher Education, Lifelong Learning, and Competitiveness, I want to thank my good friend and colleague, the gentleman from Pennsylvania (Mr. FATTAH), the father of the GEAR UP program, for his outstanding leadership and unwavering commitment to ensure that low-income students enter and succeed in postsecondary education as well as in life.

I am proud to have joined Congressman FATTAH on the Education Committee back in 1998 to be an original cosponsor of this great GEAR UP program that he introduced.

In supporting the goals and ideals of National GEAR UP Day, it is important that we recognize national teachers and counselors and program staff for their tireless work on behalf of our neediest students. Throughout the year, these extraordinary individuals provide essential college preparatory services to over 670,000 students in over 5,000 schools across 46 States, as well as in the District of Columbia, and American Samoa, Micronesia, and Puerto Rico.

I am extremely proud of GEAR UP students in the Rio Grande Valley of south Texas for setting ambitious career goals and for making their education a top priority. Our region serves approximately 18,000 students, and these young people are studying hard, taking rigorous courses, graduating from high school, and preparing themselves to earn a college degree.

In my congressional district, we are fortunate to have talented and committed individuals who have made GEAR UP a huge success. I personally want to thank Tina Atkins, the director of the Region 1 GEAR UP program, as well as Dr. Martha Cantu, director of the University of Texas-Pan American in Edinburg for their GEAR UP program, and business and community leaders in our region who have done a terrific job in educating and encouraging GEAR UP students and their families to reach for the stars.

On March 30, 2010, President Obama signed the Health Care Education Reconciliation Act of 2010 into law. With the enactment of this law, President Obama and Congress are taking bold steps to ensure accessibility and affordability in higher education.

□ 1710

The SPEAKER pro tempore. The time of the gentleman has expired.

Ms. WOOLSEY. I yield the gentleman an additional 1½ minutes.

Mr. HINOJOSA. These investments in education will undoubtedly provide

thousands of GEAR UP students throughout the country with the financial aid and support they need to succeed in college.

As our Nation strives to build a world-class educational system, to increase graduation rates at all levels and to lead the world in the proportion of college graduates by the year 2020, it is critical that we continue to invest in successful Federal programs like GEAR UP.

Today, I urge my colleagues and our Nation to support H.R. 1638 and to encourage greater numbers of low-income students to pursue their dreams by supporting the goals and ideals of a National GEAR UP Day.

Ms. WOOLSEY. Mr. Speaker, I want to thank Representative FATTAH and Representative HINOJOSA for their participation in introducing this resolution.

Once again, I want to express my support for House Resolution 1638, which celebrates National GEAR UP Day—a chance for all of us to recognize the GEAR UP program's accomplishments and its success in increasing the accessibility of college for those students who need it the most. I urge my colleagues to join me in supporting this resolution.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today in support of H. Res. 1638, a resolution supporting the goals and ideals of National GEAR UP Day. Since 1998, the Gaining Early Awareness and Readiness for Undergraduate Programs (GEAR UP) have been serving thousands of at-risk students in entering into and succeeding in postsecondary education.

The GEAR UP programs have been extremely successful in raising expectations amongst our youth. They show our students that obtaining a college education is possible. In communities and high schools where the dropout rate is much greater than the graduation rate, students face an uphill battle in achieving a degree in higher education. GEAR UP exposes them to achievement, and gives them the tools to create academic success in their own lives.

GEAR UP is implementing the type of intervention programs that we need on a larger scale, including: promoting educational ideals of parent involvement; rigorous curriculum; academic and personal counseling; mentoring and tutoring; and college awareness. GEAR UP tracks student progress, rather than letting our children become part of a larger statistical tally. These GEAR UP students were able to attend and succeed in college; a goal that all students should be able to achieve.

We are currently losing millions of bright minds to the achievement gap. Our failure to invest in all of our students has resulting in America falling behind in the rankings of global education. If this continues, America will not be able to compete in the global economy. Programs such as GEAR UP help close that gap.

I would like to thank Congressman FATTAH for introducing this resolution and support its passage.

Ms. WOOLSEY. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. WOOLSEY) that the House suspend the rules and agree to the resolution, H. Res. 1638.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. ROE of Tennessee. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

SUPPORTING NATIONAL WORK AND FAMILY MONTH

Ms. WOOLSEY. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1598) expressing support for the designation of the month of October as National Work and Family Month.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1598

Whereas, according to a report entitled "Attraction and Retention" published by an organization called WorldatWork, the quality of workers' jobs and the supportiveness of their workplaces are key predictors of job productivity, job satisfaction, commitment to employers, and retention;

Whereas, according to a 2008 report by the Families and Work Institute entitled National Study of the Changing Workforce, employees with a high level of work-life integration are, compared to employees with moderate or low levels of work-life integration, more highly engaged and less likely to look for a new job in the next year, and also enjoy better overall health, better mental health, and lower levels of stress;

Whereas, according to a 2004 report entitled "Overwork in America", employees who are able to effectively balance family and work responsibilities are less likely to report making mistakes or feeling resentment toward employers and coworkers;

Whereas, according to the Best Places to Work in the Federal Government rankings released by the Partnership for Public Service and American University's Institute for the Study of Public Policy Implementation, work-life balance and a family-friendly culture are among the key drivers of employee engagement and satisfaction in the Federal workforce;

Whereas finding a good work-life balance is important for workers in multiple generations, as indicated by a 2009 survey entitled "Great Expectations! What Students Want in an Employer and How Federal Agencies Can Deliver It", which found that attaining a healthy work-life balance was an important career goal of 66 percent of respondents, and

a 2008 study entitled "A Golden Opportunity", which found that workers between the ages of 50 and 65 are a strong source of experienced talent for the Federal workforce and that nearly 50 percent of these potential workers find flexible work schedules "extremely appealing";

Whereas, according to research by the Radcliffe Public Policy Center in 2000, men in their 20s and 30s and women in their 20s, 30s, and 40s identified as the most important job characteristic a work schedule that allows them to spend time with their families;

Whereas, according to research by the Sloan Center for Aging and Work, a majority of workers age 53 and older attribute their success as an employee, by a great or moderate extent, to job flexibility, and also report that, to a great extent, job flexibility contributes to an overall higher quality of life;

Whereas employees who are able to effectively balance family and work responsibilities feel healthier and more successful in their relationships with their spouses, children, and friends;

Whereas 85 percent of United States wage and salaried workers have immediate, day-to-day family responsibilities outside of their jobs;

Whereas, according to the 2006 American Community Survey, 47 percent of wage and salaried workers are parents with children under the age of 18 who live with them at least half-time;

Whereas job flexibility often allows parents to be more involved in their children's lives, and parental involvement is associated with higher child achievement in language and mathematics, improved behavior, greater academic persistence, and lower dropout rates;

Whereas a 2000 study entitled Urban Working Families revealed that a lack of job flexibility for parents negatively affects child health by preventing children from making needed doctors' appointments and receiving adequate early care, which makes illnesses more severe and prolonged;

Whereas, from 2001 to early 2008, 1,700,000 active duty troops have served in Iraq and 600,000 members of the National Guard and Reserve (133,000 on more than one tour) have been called up to serve, creating a need for policies and programs to help military families adjust to the realities that come with having a family member in the military;

Whereas, according to a Centers for Disease Control and Prevention (CDC) report, breastfeeding is the most beneficial form of infant nutrition, and the greater the duration of breastfeeding, the lower the odds of pediatric overweight and obesity;

Whereas, according to the CDC, less than half of mothers who work full time exclusively breastfeed their newborns;

Whereas, according to the CDC, employer policies that encourage breastfeeding benefit individual families as well as employers by improving productivity and staff loyalty, enhancing the employer's public image, and reducing absenteeism, health care costs, and employee turnover;

Whereas studies show that a third of children and adolescents in the United States are obese or overweight and that healthy lifestyle habits, including healthy eating and physical activity, can lower the risk of becoming obese and developing related diseases;

Whereas studies report that family rituals, such as sitting down to dinner together and sharing activities on weekends and holidays, positively influence children's health and de-

velopment, and that children who ate dinner with their family every day consumed nearly a full serving more of fruits and vegetables per day than those who never ate family dinners or only did so occasionally;

Whereas unpaid family caregivers will likely continue to be the largest source of long-term care for elderly United States citizens, and the Department of Health and Human Services estimates the number of such caregivers to reach 37,000,000 by 2050, an increase of 85 percent from 2000, as baby boomers reach retirement age in record numbers; and

Whereas the month of October would be an appropriate month to designate as National Work and Family Month: Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the designation of National Work and Family Month;

(2) recognizes the importance of balancing work and family to job productivity and healthy families;

(3) recognizes that an important job characteristic is a work schedule that allows employees to spend time with families;

(4) supports the goals and ideals of National Work and Family Month, and urges public officials, employers, employees, and the general public to work together to achieve more balance between work and family; and

(5) requests that the President issue a proclamation calling upon the people of the United States to observe National Work and Family Month with appropriate ceremonies and activities.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Ms. WOOLSEY) and the gentleman from Tennessee (Mr. ROE) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

Ms. WOOLSEY. Mr. Speaker, I request 5 legislative days during which Members may revise and extend and insert extraneous material on House Resolution 1598 into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Ms. WOOLSEY. I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of House Resolution 1598, which expresses support for designating October as National Work and Family Month.

Over the past 40 years, the family dynamic has changed. Women comprise nearly half of the United States workforce. For most working women, their responsibilities do not cease at the end of the workday but continue on at home as most women serve as their families' primary caregivers. Beyond caring for their own families, working women often take on additional caregiver responsibilities by caring for their parents and/or their spouses' parents.

But it isn't just women who face the challenge of balancing work and family, Mr. Speaker. More than ever before, men have taken on a greater

share of family responsibilities in addition to their workplace duties.

With working families taking on extra hours to make ends meet during these tough economic times, the need for a work-life balance is more crucial than ever. Employers who afford their employees with policies that help to balance work and family reap substantial benefits, ranging from improving an employer's bottom line, increasing retention rates, decreasing absenteeism, and improving productivity and morale.

A 2008 report by the Families and Work Institute found that workers who are able to balance work and family are more highly engaged in their work and less likely to look for jobs in the next year. They also enjoy better overall health, better mental health, and lower levels of stress.

Finding a good balance between work and family is important to most people. A 2009 survey of students found that two-thirds of respondents cited a healthy work-life balance as an important career goal. In addition, Mr. Speaker, research by the Radcliffe Public Policy Center found that women in their 20s, 30s and 40s and men in their 20s and 30s identified the most important job characteristic to be a job schedule that allows them to spend time with their families.

According to research by the Sloan Center on Aging & Work, a majority of workers aged 53 and older attribute their success as employees to job flexibility, which contributes to an overall higher quality of life. Job flexibility often allows parents to be more involved in their children's lives, and parental involvement is associated with higher child achievement in language and mathematics, improved behavior, greater academic persistence, and lower dropout rates.

Families with working parents face many challenges when it comes to balancing family time with working hard to provide for their families, and it is so important that we recognize this every day, because it is such a challenge; but it is equally important to recognize that the substantial benefits accorded and afforded to parents, children and employers when workers have access to policies of support lead to a much healthier work-life balance.

I reserve the balance of my time.

Mr. ROE of Tennessee. I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of House Resolution 1598, expressing support for the designation of the month of October as National Work and Family Month.

Establishing a healthy balance between work and family obligations is something that most workers—women and men both—struggle with at some point in their careers. Studies have shown that employees who are able to effectively balance family and work responsibilities are less likely to report

making mistakes or to feel resentment toward employers or coworkers.

Eighty-five percent of United States wage and salaried workers have immediate, day-to-day family responsibilities outside of their jobs. Workplace flexibility often allows parents to be more involved in their children's lives. Parental involvement is associated with children's higher achievement in language and mathematics, improved behavior, greater academic persistence, and lower dropout rates.

Today, with this resolution, we support the designation of the month of October as National Work and Family Month. Through this designation, we recognize the importance of balancing work and family, and we urge public officials, employers, employees, and the general public to work together to achieve more balance between work and family.

With that, I stand in support of this resolution, and I ask my colleagues for their support.

I reserve the balance of my time.

Ms. WOOLSEY. Mr. Speaker, I am pleased to yield 2 minutes to the author of this resolution, the gentlewoman from New York, Congresswoman MCCARTHY.

Mrs. MCCARTHY of New York. I want to thank Ms. WOOLSEY, who is my colleague on the Education Committee and who has been working with me on this also, and I want to thank Mr. ROE from Tennessee for bringing this up.

Mr. Speaker, I rise today in support of House Resolution 1598, a resolution supporting the recognition of National Work and Family Month. I think my colleague, Ms. WOOLSEY, really spoke about the essence of the bill, so I am going to speak a little bit shorter on this.

I want to thank Representative PLATTS for introducing this resolution with me, and I want to thank Chairman MILLER and Ranking Member KLINE for bringing this resolution to the floor today under suspension.

This resolution highlights the need to focus on a healthy work and family balance. Study after study has shown that finding the right balance between work responsibilities and family obligations is one of the most important things for all of our workers. Workers who have a better work-family balance have better overall health and have less stress. Children also benefit from having their parents available more often. Employees who are able to spend enough time with their families are happier at work and are more productive than those employees who do not have enough time to spend with their families. Achieving a work-family balance is good for all employers, employees and their families.

This resolution just basically asks all Americans to consider how to achieve a healthier work-family balance, to increase the quality of life for our em-

ployees and their families and improve productivity for our employers.

Thank you, and I urge the passage of this resolution.

□ 1720

Mr. ROE of Tennessee. Mr. Speaker, I will simply say that one of the great challenges in my life was to balance a professional practice with my family. And I will say also that you will never regret 1 minute that you spend with your children or your grandchildren. So I would encourage support of this.

I thank the gentlelady from California and New York for speaking about this. I think one of the most important issues we have today is time with our families. As our families break down, our children are left alone so much. I would encourage everyone, especially at this time of year, to spend as much time with their families as they can. It will be the best investment you have ever made.

Mr. Speaker, I yield back the balance of my time.

Ms. WOOLSEY. Mr. Speaker, most children are lucky if they have a two-parent family these days, but if they even have one parent or two parents, both of those parents are in the workforce. They work long hours, they commute long distances to put food on the table, and quite often they are not able to sit at that table and share that food with their families because their work-life balance is so unbalanced. So families with working parents face many, many challenges when it comes to balancing family time with working to provide for their families, and it's important that we recognize this as an everyday challenge.

It is equally important to recognize that substantial benefits are afforded to parents, children, and employers when workers have access to policies that support a healthy work-life balance. So I want to thank Representative MCCARTHY for sponsoring this important resolution, and I thank Congressman ROE for being part of this with us. I encourage my colleagues to join me today in support of House Resolution 1598.

Mrs. MCMORRIS RODGERS. Mr. Speaker, I rise in strong support for H. Res. 1598, a resolution expressing support for designating October as National Work and Family Month.

As the mom of a three year old and another one on the way, I know first hand the struggles parents face. One of the most challenging aspects is how to balance work and family responsibilities—knowing that our attention to both is critical. We know that parental involvement plays a direct role in our children's growth and development. We know that providing direct care to our aging parents may sometimes be the best and/or only option. Yet, we also know that our employers are looking at ways to stay in business and improve their bottom lines.

H. Res. 1598 highlights the benefits of balancing work and family needs and recognizes the efforts that employers have undertaken.

Statistics demonstrate that a growing number of employers recognize the benefits of providing flexibility in the workplace and are successfully meeting the needs of their employees. Employers understand that having programs in place to address work-life balance issues are effective and necessary and are to the companies' benefit.

I urge my colleagues to support this resolution.

Ms. WOOLSEY. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. WOOLSEY) that the House suspend the rules and agree to the resolution, H. Res. 1598.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. ROE of Tennessee. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

RECOGNIZING PARENTS OF SPECIAL NEEDS CHILDREN

Ms. WOOLSEY. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1576) expressing the sense of the House of Representatives that a National Day of Recognition for Parents of Special Needs Children should be established, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1576

Whereas the reported prevalence of children with special needs, which may include children with healthcare needs, behavioral needs, learning needs, and mental health needs, has grown significantly throughout the last 50 years;

Whereas the Centers for Disease Control and Prevention estimates that an average of 1 in 110 children in the United States have an autism spectrum disorder and 1 in 1000 children are born with Down syndrome;

Whereas active and supportive parents serve a critical role in the development of children with special needs and in preparing them to succeed in school and in life;

Whereas parents of children with special needs deserve annual national recognition for their selfless dedication, compassion, and sacrifice; and

Whereas it is appropriate that the Nation reserve a special day each year to celebrate and honor the parents of children with special needs across the United States: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes the importance of honoring the Nation's parents of children with special needs;

(2) expresses its sense that a National Day of Recognition for Parents of Children with Special Needs should be established to honor such parents; and

(3) urges the President to issue a proclamation calling on the people of the United States to observe such a day with appropriate ceremonies, programs, and activities.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Ms. WOOLSEY) and the gentleman from Tennessee (Mr. ROE) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

Ms. WOOLSEY. Mr. Speaker, I request 5 legislative days during which Members may revise and extend and insert extraneous material on House Resolution 1576 into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Ms. WOOLSEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of House Resolution 1576, which supports the establishment of a National Day of Recognition for Parents of Children With Special Needs.

Parents of children with special needs serve a critical role in the development of their children and in preparing them to succeed in school and in life. Through selfless dedication and sacrifice, these parents work with their schools and communities to ensure that their children are granted equal access to a free and appropriate education that recognizes their individual learning, behavioral, and mental health needs in a healthy and supportive learning environment.

We know that the number of parents raising children with special needs is significant, and it is growing. A National Day of Recognition for Parents of Children With Special Needs not only serves to honor the dedication of these parents, but to highlight resources that they can turn to for information and support.

Mr. Speaker, I want to thank Representative BURTON of Indiana for introducing this resolution and once again express my support for House Resolution 1576, which supports the establishment of a National Day of Recognition for Parents of Children With Special Needs. I urge my colleagues to join me in supporting this resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. ROE of Tennessee. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of House Resolution 1576, expressing the sense of the House of Representatives that a National Day of Recognition for Parents of Special Needs Children should be established.

Parents of special needs children must give their children extra time, at-

tention, care, and love. For this reason, they deserve recognition for their selfless dedication, compassion, and sacrifice.

According to the Department of Health and Human Services, 14 percent of children between age 1 and 17 years of age in the United States are diagnosed as having special health care needs. Children with special needs are defined as those who have a chronic physical, developmental, behavioral, or emotional condition that requires special health-related services of a type or amount beyond that required by children generally.

Those of us who have children understand the time, effort, and sacrifice being a parent requires. However, having a child with a disability or chronic illness requires additional time and effort. These parents must find and manage treatment, attend doctor appointments, handle conflicts at daycare or school, and most importantly, seek the right educational choices for their children. In addition, they advocate for their child and must be proactive and take necessary steps to make sure their child receives appropriate services.

Active and supportive parents of children with special needs play an integral role in their children's development and in preparing them for school and for life. Parents of children with special needs often work tirelessly on behalf of their children in the face of financial hardship and maintaining a work-life balance. Although these parents often have additional stress, it is indeed a labor of love in which the rewards are many.

In recognition of the day-to-day love and sacrifice by the parents of children with special needs, and for the exemplary example of courage and devotion these parents provide—in many instances a lifetime of care for their children—I urge my colleagues to support this resolution.

Mr. Speaker, I reserve the balance of my time.

Ms. WOOLSEY. Mr. Speaker, I continue to reserve.

Mr. ROE of Tennessee. Mr. Speaker, I would just close by saying that in 30-plus years of practicing medicine and delivering many thousands of babies—many of those special needs children—in a smaller community where I am from, I have seen the stresses personally that this has put on families and have so much respect for these families and what the children offer the parents and the community. I have had my own daughter work in high school in a special needs classroom. I have attended many special needs classrooms while I have been in Congress. So I would urge support for this. This is a terrific resolution, and I appreciate very much the support of this House.

Mr. BURTON of Indiana. Mr. Speaker, I rise in strong support of House Resolution 1576,

expressing the Support of the House of Representatives for the establishment of a National Day of Recognition for parents of special needs children. I would like to thank the members of the Education and Labor Committee, especially Chairman MILLER and Ranking Member KLINE for their effort to bring this resolution to the floor today. As the author of the resolution, I also would like to extend my sincere appreciation to all my colleagues who agreed to co-sponsor this resolution. Finally, I would like to thank Representative TURNER of Ohio—a leading co-sponsor of the resolution—who inspired this resolution based on the experiences of one of his constituents, a Mr. George Brooks.

Mr. Brooks, who himself is a disabled veteran, worked for 2 years as an attendant on a handicapped school bus for Centerville City Schools in Ohio. Every day he realized how demanding his job was just providing a safe trip to and from school for these children. However, the more he thought about it, the more he realized that the challenges he faced paled in comparison to what the parents of these children had to cope with every single solitary day of their child's life.

As many of my colleagues already know, my own grandson is autistic, so I know firsthand the kind of challenges Mr. Brooks was contemplating. In addition, as an autism advocate I have talked with countless families who struggle to deal with the most severe behaviors associated with autism such as seizures with severe breakdowns and explosive behaviors which have caused injury to their child, as well as other children. For these families, broken bones and stitches have become a part of their everyday life. I have also spoken with families who have mortgaged their homes and gone into bankruptcy in their pursuit of treatments to help their children cope with their autism—some treatments, which have helped but are not covered by any insurance, driving these families thousands of dollars into debt with no end in sight.

And autism, although it affects an average of 1 in 110 children in the United States according to Centers for Disease Control's latest figures, is simply one of the many medical and educational special needs that families may face. Cancer and heart defects, muscular dystrophy and cystic fibrosis; chronic conditions like asthma and diabetes; congenital conditions like cerebral palsy and dwarfism; and health threats like food allergies and obesity; ADHD, Fetal Alcohol Spectrum Disorder, Tourette Syndrome, Down syndrome, dyslexia; Mr. Speaker, the list could go on and on.

It has been said that if you pick any two families of children with special needs, you would think that they have very little in common; as a family dealing with developmental delays has different immediate concerns than one dealing with chronic illness, or one dealing with mental illness or learning problems or behavioral challenges. Yet the truth is that all of these families share a common thread, their incredible love and devotion to their children. And it is this love and devotion that gives them the strength to fight for appropriate care and accommodations for their children; for their children to be accepted in their extended family, school and community; plan for their

children's uncertain future; and constantly adjust routines and expectations to meet their children's needs.

H. Res. 1576 is a very straight-forward resolution; it: (1) recognizes the importance of honoring the Nation's parents of special needs children; (2) expresses the sense that a National Day of Recognition for Parents of Special Needs Children should be established to honor such parents; and (3) urges the President to issue a proclamation calling on the people of the United States to observe such a day with appropriate ceremonies, programs, and activities.

Parents of children with special needs are often more flexible, compassionate, stubborn and resilient than other parents because they have to be. And I strongly believe it is appropriate for this House to honor their sacrifices. To that end, I respectfully ask all of my colleagues to support H. Res. 1576.

Mr. McMORRIS RODGERS. Mr. Speaker, I rise today in strong support for H. Res. 1576, a resolution expressing support for a National Day of Recognition for Parents of Special Needs Children.

Three years ago, my husband Brian and I were blessed with our amazing son, Cole. Not only has Cole given us a new perspective on life, but he has introduced us to so many other parents of special needs children, who have selflessly dedicated their lives for the betterment of their children. It is these parents who have opened their hearts and shared their lives in order to pave the road forward for Cole and other children.

H. Res. 1576 recognizes the tireless efforts of these parents and urges the rest of the Nation to recognize them as well.

Everywhere Brian and I go—we meet families who share with us their stories about a loved one who has special needs. They all speak passionately about the positive impact that their children have on their lives. And it is these parents who have helped Brian and I to see the amazing impact that Cole will continue to have on our lives and in this world.

I urge my colleagues to support H. Res. 1576.

Mr. ROE of Tennessee. Mr. Speaker, I yield back the balance of my time.

Ms. WOOLSEY. Mr. Speaker, I want to again thank Representative BURTON from Indiana for introducing this resolution and Representative ROE for his support of this resolution. I want to express my support for House Resolution 1576, which supports the establishment of a National Day of Recognition for Parents of Children With Special Needs. I urge my colleagues to join us in supporting this resolution.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. WOOLSEY) that the House suspend the rules and agree to the resolution, H. Res. 1576, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. ROE of Tennessee. Mr. Speaker, I object to the vote on the ground that a

quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

□ 1730

SUPPORTING CHILD ADVOCACY CENTER MONTH

Ms. WOOLSEY. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1313) expressing support for designation of May as "Child Advocacy Center Month" and commending the National Child Advocacy Center in Huntsville, Alabama, on their 25th anniversary in 2010.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1313

Whereas, in May 1985, the National Child Advocacy Center opened its doors in Huntsville, Alabama;

Whereas there are now more than 900 Child Advocacy Centers in the United States, all based off of the first one in Huntsville, Alabama;

Whereas, in 2009, child advocacy centers served more than 260,000 children;

Whereas services are offered to children who are physically and sexually abused entirely for free to the family;

Whereas child advocacy centers work to streamline the investigation process so that the child may be helped most effectively;

Whereas this is done through a multidisciplinary team managing alleged cases of abuse from the initial investigation all the way through prosecution;

Whereas, during this time, child advocacy centers offer medical, therapeutic, and other support services to victim's and victim's families;

Whereas 1 in 4 girls and 1 in 7 boys will be sexually abused before the age of 18;

Whereas child advocacy centers also reach out to the community and sponsor programs that help bring awareness to this problem;

Whereas education and support for communities has proven to be successful in preventing abuse from occurring;

Whereas the United States Department of Health and Human Services sponsored the Fourth National Incidence Study of Child Abuse and Neglect Report to Congress which found that from 1993 to 2006 there was a 44 percent decrease in the rate of sexual abuse; and

Whereas May would be an appropriate month to designate as "Child Advocacy Center Month": Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the designation of "Child Advocacy Center Month"; and

(2) commends the National Child Advocacy Center in Huntsville, Alabama, on their 25th anniversary.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Ms. WOOLSEY) and the gen-

tleman from Tennessee (Mr. ROE) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

Ms. WOOLSEY. Mr. Speaker, I request 5 legislative days during which Members may revise and extend and insert extraneous material on House Resolution 1313 into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Ms. WOOLSEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of House Resolution 1313, which supports the designation of the month of May as Child Advocacy Center Month and commends the National Child Advocacy Center for 25 years of service and leadership in confronting the epidemic of child abuse.

Tragically, Mr. Speaker, five children die each day as a result of child abuse and neglect in the United States of America. In 2008, a total of 1,740 children died as a result of such abuse. The National Child Advocacy Center provides critical training, prevention intervention, and treatment services to fight this urgent national problem.

In May of 1985, the National Children's Advocacy Center in Huntsville, Alabama, was founded by a young district attorney from Madison County named Robert Cramer, Jr. Mr. Cramer—who went on to be a Member of the House of Representatives from 1991 to 2009—organized the center to improve assistance to abused children and work to end child abuse.

Since then, the National Children's Advocacy Center has become a national leader for training child abuse specialists since their doors opened. After that, the center has trained more than 54,000 professionals from the United States and 20 other countries altogether. The work of the center has helped many children overcome the emotional distress that results from the frightening experience of abuse. This year, child advocacy centers nationwide will celebrate over 25 years of providing invaluable service to the hundreds of thousands of child abuse victims each year, which is an opportunity for us all to recognize the contributions of child advocacy centers.

Mr. Speaker, I express my support for Child Advocacy Center Month and thank Representative GRIFFITH for bringing the bill forward. I urge my colleagues to join me in support of this resolution.

I reserve the balance of my time.

Mr. ROE of Tennessee. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of House Resolution 1313, recognizing the month of May as Child Advocacy Center Month and commending the National Child Advocacy Center in Huntsville, Alabama, on its 25th anniversary.

Recognizing Child Advocacy Center Month allows us not only to raise awareness around the abuse and neglect that many of our children face every day, but also recognize the important work that child advocacy centers do in providing training, prevention, intervention, and treatment services to combat child abuse and neglect so that our Nation's children can live without fear.

Child abuse may include physical abuse, neglect, sexual abuse, and emotional abuse; and often children are victims of multiple forms of abuse. Statistics show that one in four girls and one in seven boys will be sexually abused before age 18. This saddening number highlights the need for child advocacy centers and will provide a place for various members from the community to provide the abused child with appropriate treatment and prevent further victimization while also deciding the best ways to investigate and prosecute child abuse cases.

In May of 1985, the National Child Advocacy Center opened in Huntsville, Alabama. It was the first center to utilize the resources of not only law enforcement and criminal justice professionals, but also child protective services and medical and mental health professionals in one comprehensive group.

In the 25 years since the creation of the Child Advocacy Center model, more than 900 centers have followed in those important first footsteps. Research has shown that education and support for communities has been successful in preventing child abuse. Therefore, it is imperative that, as members of the community, we know how we can help prevent and stop ongoing child abuse. Child advocacy centers provide an important element in these prevention activities. This is why I stand in support of this resolution.

Mr. Speaker, I think one of the greatest tragedies in America today is child abuse. The stories that you read, the horrific stories that you read in the newspapers, to me, are beyond comprehension when you see children die or children are abused. And this abuse will affect them—I have seen this as a physician—30, 40, 50 years after the abuse. I find it incomprehensible that an adult or anyone would abuse a child. You're only a child for a very short time in your life. I was blessed with a loving mother and father to be raised with, so I can't comprehend the situation that many children find themselves.

I want to encourage our colleagues, I want to thank all of the people in this country who get up every day and deal with these tragedies. This is very hard for the caregivers and people who deal with this—law enforcement personnel, the nurses, the doctors, the social workers who deal with this on a daily basis. It's difficult for them, too.

From the bottom of my heart, I absolutely support this, and I want to encourage everyone in this House to wholeheartedly support this resolution.

I yield back the balance of my time. Ms. WOOLSEY. Mr. Speaker, I once again want to thank Representative GRIFFITH for bringing this bill forward, and I thank Representative ROE for his support of this initiative. I support it, and I ask my colleagues to join me in support of Resolution 1313.

I yield back the balance of my time. The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. WOOLSEY) that the House suspend the rules and agree to the resolution, H. Res. 1313.

The question was taken. The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. ROE of Tennessee. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

CALLING FOR DIGNITY, COMFORT, AND SUPPORT FOR HOLOCAUST SURVIVORS

Mrs. MCCARTHY of New York. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 323) supporting the goal of ensuring that all Holocaust survivors in the United States are able to live with dignity, comfort, and security in their remaining years.

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

H. CON. RES. 323

Whereas during the Holocaust, which took place between 1933 and 1945, an estimated 6,000,000 Jews and other targeted groups were murdered by the Nazis and their collaborators;

Whereas prior to and during World War II, the United States consistently refused to permit large-scale immigration of Jewish refugees, including the refusal of 936 Jewish refugees on the SS *St. Louis* in 1939;

Whereas after the end of World War II and the liberation of the concentration, labor, and death camps, many Jewish refugees who returned home were the victims of numerous violent pogroms, and those who did not return were housed in displaced persons camps in Europe;

Whereas between 1945 and 1952, approximately 96,000 Holocaust survivors displaced after the end of World War II were admitted to the United States;

Whereas since 1952, more than 100,000 additional Holocaust survivors, including Russian immigrants who suffered from persecu-

tion and anti-Semitic acts under the Soviet regime, emigrated to the United States;

Whereas approximately 127,000 Holocaust survivors remain in the United States, and many pass away each year;

Whereas those who survived torture and forced labor under Nazi occupation in concentration, labor, and death camps, as well as those who were forced to flee to a country or region not under Nazi rule or occupation during that time, continue to live with the scars of this unconscionable tragedy;

Whereas all Holocaust survivors are at least 65 years old with approximately three-quarters of them older than 75 and a majority in their 80s and 90s;

Whereas approximately two-thirds of Holocaust survivors are elderly women who have challenges such as family caregiving, face risks such as isolation and financial insecurity, and have specific health needs;

Whereas Holocaust survivors are 5 times more likely to be living below the poverty line than other older people living in the United States, and more than half of all Holocaust survivors fall beneath 200 percent of the Federal poverty threshold;

Whereas Holocaust survivors are more reliant on social service programs than most people in the United States over the age of 65, with proportionally more survivors than other older people needing home health care;

Whereas approximately two-thirds of Holocaust survivors live alone, and living alone is a risk factor for institutionalization;

Whereas while institutionalized settings are beneficial for some older people in the United States, institutions have a disproportionate adverse effect on Holocaust survivors by reintroducing the sights, sounds, and routines of institutionalization that are reminiscent of experiences during the Holocaust;

Whereas Holocaust survivors are getting older and frailer, and will be seeking support and assistance from social service providers to enable them to age in place; and

Whereas the United States represents and defends the values of freedom, liberty, and justice and has a moral obligation to acknowledge the plight and uphold the dignity of Holocaust survivors to ensure their well-being in their remaining years: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress—

(1) supports the goal of ensuring that all Holocaust survivors in the United States are able to live with dignity, comfort, and security in their remaining years;

(2) applauds the nonprofit organizations and agencies that work tirelessly to honor and assist Holocaust survivors in their communities;

(3) urges the Administration and the Department of Health and Human Services, in conjunction with the Administration on Aging (AoA), to provide Holocaust survivors with needed social services through existing programs; and

(4) encourages the Administration on Aging to expeditiously develop and implement programs that ensure Holocaust survivors are able to age in place in their communities and avoid institutionalization during their remaining years.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from New York (Mrs. MCCARTHY) and the gentleman from Tennessee (Mr. ROE) each will control 20 minutes.

The Chair recognizes the gentlewoman from New York.

GENERAL LEAVE

Mrs. MCCARTHY of New York. Mr. Speaker, I request 5 legislative days during which Members may revise and extend and insert extraneous material on House Concurrent Resolution 323 into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from New York?

There was no objection.

Mrs. MCCARTHY of New York. I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of House Concurrent Resolution 323, which supports the goals of ensuring that all Holocaust survivors in the United States are able to live with dignity, comfort, and security in their remaining years.

During the Holocaust, which took place between 1933 and 1945, the Nazis and their partners murdered an estimated 6 million Jews and other targeted groups. Those who survived torture and forced labor under Nazi occupation continue to live with the scars of this horrible tragedy.

□ 1740

This resolution supports the goal of ensuring that all Holocaust survivors in the United States are able to live with dignity and comfort in their remaining years. I applaud the nonprofit organizations and agencies that work extensively to honor and assist the Holocaust survivors in their communities.

This resolution urges the administration and the Department of Health and Human Services, in conjunction with the Administration on Aging, to provide Holocaust survivors with needed social services through existing programs.

Lastly, the resolution encourages the Administration on Aging to develop and implement programs that ensure Holocaust survivors are able to age in place in their communities and avoid being institutionalized during their remaining years.

Mr. Speaker, I want to thank my colleague, Representative WASSERMAN SCHULTZ, for introducing this resolution, and once again express my support. I urge my colleagues to support this important resolution.

I reserve the balance of my time.

Mr. ROE of Tennessee. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, I rise today in support of House Concurrent Resolution 323, to support the goal of ensuring that all Holocaust survivors in the United States are able to live with dignity, comfort, and security in their remaining years. Sixty-seven years ago, a brave group of Jewish resistance fighters rose up against their German occupiers in the Warsaw Ghetto when the Nazis attempted to transport the re-

maining population to Treblinka extermination camp. Launched on January 18, 1943, the bulk of the uprising took place from April the 19 through May 16. It was the largest single revolt by the Jewish people during the Holocaust.

The United States officially commemorates the Holocaust during the Days of Remembrance, which is held each April, marking the anniversary of the Warsaw Ghetto Uprising. For the Holocaust survivors admitted or emigrated to the United States in the wake of the horrific atrocities during World War II, these events are a stark reminder of the darkness and hate they endured on a daily basis for more than 12 years.

Today, there are more than 36 million people in the United States who are over the age of 65, making it the fastest growing age group in the country. Of this total, more than 127,000 are Holocaust survivors remaining in the United States. All Holocaust survivors are at least 65 years old, and approximately three-quarters of them are older than 75 years of age, and a majority in their eighties and nineties. As more of these survivors age every year, our Federal, State, and local governments must provide them with the needed services they need to maintain their health and independence in their homes and communities.

The U.S. Administration on Aging, part of the U.S. Department of Health and Human Services, and responsible for administering the Older Americans Act, plays an important role in organizing and delivering social services for elderly Americans. The Older Americans Act is the first stop for seniors and their families to identify home- and community-based long-term care options, as well as transportation, nutrition, and referral to home care, health, and other social services.

When Congress, led by the Education and Labor Committee, last reauthorized the law in 2006, we strengthened the act to promote consumer choice, as well as home- and community-based supports to help older individuals avoid institutional care, improve health and nutrition programs, and educational and volunteer services, increase Federal, State, and local coordination, and reform employment-based training for older Americans. These important changes will ensure the quality and effectiveness of Federal programs aimed at assisting the elderly, including the Holocaust survivors still living and residing in the U.S.

Mr. Speaker, today we honor 127,000 survivors of the Holocaust currently living in the United States, and we pay tribute to those brave souls who have passed away over the last six decades. We applaud the work of nonprofit organizations and agencies that have worked and continued to work tirelessly to honor and to assist Holocaust survivors in their local communities.

And we must commit to providing those survivors with needed social services so they are able to live with dignity, comfort, and security in their remaining years.

I urge my colleagues to support House Concurrent Resolution 323.

I reserve the balance of my time.

Mrs. MCCARTHY of New York. Mr. Speaker, I am pleased to yield 5 minutes to the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ), who is the author of this resolution.

Ms. WASSERMAN SCHULTZ. Mr. Speaker, I rise today to offer House Concurrent Resolution 323, Ensuring that Holocaust Survivors Live with Dignity, Comfort, and Security. This important resolution recognizes the plight of Holocaust survivors, honors their unique needs, and pledges to help survivors attain the utmost comfort and well-being in their remaining years. And I want to thank my colleague from Virginia (Mr. WOLF) for cosponsoring it with me.

At the end of World War II, the Jewish population of Europe had been decimated through brutal, systematic annihilation by the Nazis. The atrocities perpetrated by the Nazi regime against Jews, Roma, the disabled, and other minority populations introduced a level of inhumanity previously unknown to this world. The Holocaust is a stain on our history which our society has pledged to never forget lest we risk repeating the barbarity of the past. The Jewish population around the world is still grieving from the loss of 6 million.

In the wake of this incomparable human destruction, thousands of survivors immigrated to America. Here, they hoped to secure a better future for themselves and their children. Escaping a ravaged Europe, survivors saw our Nation as a global example of freedom, liberty, and justice. They left the wreckage of the Holocaust and sought comfort on our shores. These brave survivors, who faced the terror of concentration camps, the trauma of fleeing Nazi occupation, and the grief of losing so many loved ones, embraced the American dream, raised families, and enriched our Nation and society in fields ranging from academia to medicine, art and government. Our country is stronger for their contributions, and our children have learned so much from the experiences of Holocaust survivors.

Now, more than 70 years later, there is more we can and must do to ensure that those who survived such atrocities live out their remaining years in peace. There are more than 127,000 Holocaust survivors still living in our Nation today, with more than three-quarters of them older than age 75, and a majority in their eighties and nineties. Roughly two-thirds of all survivors in America live alone, and many lack the financial resources for the most basic

necessities, including proper housing and health care. In fact, a majority of Holocaust survivors fall below 200 percent of the Federal poverty line, equivalent to \$21,660 per year, making this fragile community most at risk for being forced into a group living situation.

It is a little known tragedy that so many survivors of the death camps have aged in poverty and destitution in the United States. As a Nation that so strongly upholds the values of freedom and justice, we have a moral obligation to acknowledge the plight of these survivors and uphold their dignity to ensure their well-being in their remaining years. It is vital that we help this population, as a testament to what they have endured, and to fulfill the promise of justice that they sought in the United States.

As victims of terror and torture, these survivors have special needs that would benefit from the further development of social service programs to allow survivors to age in place in their current residences. Institutionalized settings, while appropriate and even beneficial for many older Americans, have a disproportionately adverse effect on Holocaust survivors, as these environments reintroduce the sights, sounds, and routines reminiscent of experiences during the Holocaust.

It is impossible for us to imagine the traumatic nightmares that survivors still experience. That is why it is so important for us to help this particular population secure alternatives to institutionalization such as aging in place, which may be more appropriate for a Holocaust survivor.

In introducing this legislation, we applaud those organizations that have already dedicated their tireless efforts to honoring and assisting Holocaust survivors in their communities across the country. These organizations strive every day to improve the difficult situations facing survivors in our communities. It is important that in coming years Congress work with the administration and the Department of Health and Human Services to provide Holocaust survivors with needed social services through existing programs, such as at the Administration on Aging.

It is fortuitous that this resolution comes to the floor the same week that we celebrate Chanukah, the Jewish festival of lights. This holiday is a time to dedicate ourselves to the ideals of justice. At a time of year when people of all backgrounds are exchanging gifts, we must remember those in our society who have had so much taken from them in their lifetimes. We must share these stories and proclaim these lessons in public, that ours is a Nation of freedom and justice for all.

Our children's generation will be the last to know Holocaust survivors and hear their stories firsthand. We must

do all we can to honor their struggles and their lives by granting them the utmost peace in their remaining years.

I want to thank my colleagues on both sides of the aisle for their strong support; 102 Members are cosponsors of this resolution.

Mr. ROE of Tennessee. Mr. Speaker, I yield 5 minutes to my distinguished colleague from Virginia (Mr. WOLF).

□ 1750

Mr. WOLF. Mr. Speaker, I rise today in support of H. Con. Res. 323 and thank the gentleman for yielding.

I believe we have a moral obligation to ensure that all members of our society are able to age with grace and dignity and to speak out, to speak out if we notice that a particular group within our society is facing unique barriers toward this goal.

As many have noted earlier, there are approximately 127,000 Holocaust survivors living in the United States today. Despite being victims of unfathomable crimes, and crimes that unfortunately the world stood by and looked the other way for years and years and years, these individuals immigrated and assimilated into the United States to become valuable members and contributors to our society.

Nursing homes and assisted care settings provide many of my constituents with an invaluable service and caring homes. However, we are noticing that a disproportionate number of Holocaust survivors, many of whom are now in their eighties and nineties, are not able to easily transition to these facilities.

This is specifically due to their horrific past experiences. Just remember the movie, *Schindler's List*. Many facilities simply do not have the additional resources that would be necessary to care for most of these survivors.

Given this challenge, it is important we work to raise awareness of existing opportunities to minimize this emerging situation. Many Holocaust survivors and the nonprofit organizations and agencies that work with them daily have found that aging-in-place programs help to alleviate this problem.

I urge that the administration, the Department of Health and Human Services, in partnership with the Administration on Aging, and nonprofit groups, work with the Holocaust survivors to address their needs through existing programs and also to work on developing innovative and efficient solutions to address this challenge.

I am pleased to work again with my colleague from Florida (Ms. WASSERMAN SCHULTZ), to introduce this resolution to highlight this issue. Again, as I said, for the longest time in the thirties and forties, the world looked the other way.

Just go to the Holocaust Museum and see many times people were crying out

and the word was coming out of Germany and yet people looked the other way.

So I strongly urge support of this and I hope when it's voted on, if there is a roll call vote, it will be a unanimous vote.

Mrs. MCCARTHY of New York. Mr. Speaker, I yield 1 minute to the gentlewoman from Illinois (Ms. SCHAKOWSKY).

Ms. SCHAKOWSKY. I rise today in support of this resolution to ensure that all Holocaust survivors in the United States are able to live with dignity, comfort and security and congratulate Congresswoman WASSERMAN SCHULTZ on its introduction.

An estimated 127,000 Holocaust survivors live in the United States today, including over 3,500 in the Chicago area, many in my congressional district. The Village of Skokie is home to one of the largest concentrations of Holocaust survivors in the country, and they inspired the building of the world-class Illinois Holocaust Museum and Education Center in Skokie.

Holocaust survivors are five times more likely to be living below the poverty level than other older Americans, and over half fall beneath 200 percent of the Federal poverty threshold. These men and women have survived the worst of human abuses and many have special needs as they age. It is critical that we uphold the dignity of Holocaust survivors and ensure their well-being in their remaining years.

I would like to applaud the efforts of the Jewish Federation of Metropolitan Chicago and other such organization that are working tirelessly to honor and assist Holocaust survivors in our community. We must all do more to ensure that Holocaust survivors can spend their remaining years living in comfort, dignity and security.

Mr. ROE of Tennessee. I reserve the balance of my time.

Mrs. MCCARTHY of New York. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. QUIGLEY).

Mr. QUIGLEY. I rise today to support this resolution and thank its sponsor, the gentlewoman from Florida, and call for its quick passage.

This important resolution highlights the often forgotten special needs of the few remaining Holocaust survivors. It also calls for the assurances that their final years will be comfortable and dignified.

Over 100,000 Holocaust survivors live in the U.S. today with 3,500 of those living in my city, Chicago. Three-quarters of those are in their eighties and nineties. The majority live alone and more than half live below the poverty line. As these individuals who survived torture, starvation and unspeakable terrors age, they deserve to do so in their own homes rather than in institutional settings.

After all they have endured and overcome, these spirited survivors of the

Holocaust deserve access to social service programs sensitive to their unique needs. This resolution will ensure they spend their last years with the same dignity with which they lived.

Mr. ROE of Tennessee. Mr. Speaker, I reserve the balance of my time.

Mrs. McCARTHY of New York. I yield 1 minute to the gentleman from New York (Mr. ENGEL).

Mr. ENGEL. I thank my fellow New Yorker for yielding.

I rise to support this legislation, this resolution. Everyone has spoken very eloquently, and I concur with everything that has been said. When I was looking at the resolution and the reasons for supporting it, I was absolutely shocked to see that there were still 127,000 Holocaust survivors left in the United States. I would have thought it was much, much less. And, of course, as people are saying many of them are in their eighties and nineties and deserve a little added help.

This great country has been a refuge for so many people throughout the years of this great republic and certainly the Holocaust survivors that came here after the Holocaust have been treated with dignity, have moved into American society. Their children and grandchildren have achieved great heights. But, unfortunately, too many of them today still live alone, are in their eighties and nineties, and need our help.

So I rise to support this resolution. I think this is the most noble thing that we can do. It's a great testimony to our great Nation, and I urge all my colleagues to support it.

Mr. ROE of Tennessee. Mr. Speaker, I want to associate my last remarks with the gentleman from New York and the remarks that have been made.

I think one of the greatest blights in world history is the history of the Holocaust. The world stood by and watched the murder of millions of innocent men, women and children. We just a moment ago spoke about child advocacy, and look at the families that were dislodged, displaced. It's one of the most horrific events in world history, I believe, and should never, ever, be allowed to be repeated on this Earth.

So I strongly encourage my colleagues to vote "yes" on this resolution. It's a privilege to be here and be on the House floor to speak on behalf of that.

With that, I yield back the balance of my time.

Mrs. McCARTHY of New York. Mr. Speaker, the Holocaust was one of the most unspeakable tragedies in history. The amount pain and suffering of those individuals who endured the terror of the Nazi regime can never be quantified.

House Concurrent Resolution 323 is an important resolution that calls on our Nation to ensure that Holocaust

survivors are afforded appropriate resources in order to live their remaining years with dignity.

I am thankful that we live in a country that continues to cherish individual freedoms and maintains an unbreakable bond with Israel. It's imperative that our Nation teach lessons from the past, be a force for tolerance, and build upon shared democratic values and desire for security and stability.

With this in mind, I was proud to introduce H.R. 6363, the Supporting Law Enforcement through Lessons of the Holocaust Act earlier this Congress.

This legislation creates a new 4-year grant at the Department of Justice, our State and local law enforcement agencies, to carry out the programs that will teach these officers about the implications of the Holocaust for modern day law enforcement professionals.

Stories of personal struggle from the Holocaust live on through our historic records, families, friends and survivors of that horrific time. Our Nation owes it to the survivors to ensure their security and safety with utmost priority.

With that, I yield 1 minute to the gentleman from Florida (Mr. KLEIN).

□ 1800

Mr. KLEIN of Florida. I thank the lady.

Mr. Speaker, I rise today to support H. Con. Res. 323, a resolution that calls attention to the thousands of Holocaust survivors who are living below the poverty line. We know in Florida we have a tremendous number of people that have come from that background. They deserve to live their lives in dignity. Holocaust survivors have endured torturous and unimaginable nightmares. All the more so they should be assured a life of comfort and security. It is truly tragic that Holocaust survivors are five times more likely to live below the poverty line than other older Americans.

We are coming together as Members today to send a clear message that we must all help lift Holocaust survivors out of poverty. This is a community obligation because we are human, and we must not allow suffering like this to reach those who have already suffered so much.

I would like to thank my friend, Congresswoman DEBBIE WASSERMAN SCHULTZ, the chief sponsor of this legislation. South Florida is truly lucky to have you. I would also like to commend the many good organizations in Florida and around the country that provide stellar social services to Holocaust survivors. They understand the unique needs of the survivor population and the urgent imperative to solve this crisis.

I call on my colleagues to swiftly pass this important resolution so that we may tell Holocaust survivors, you are not alone.

Mr. VAN HOLLEN. Mr. Speaker, I rise as an original sponsor of H. Con. Res. 323, a bipar-

tisan resolution conceived with the purpose of ensuring that all Holocaust survivors in the United States are able to live with dignity, comfort, and security in their remaining years.

During the Holocaust, an estimated 6,000,000 Jews and other targeted groups were murdered by the Nazis and their collaborators. Approximately 96,000 Holocaust survivors were admitted to the United States immediately after the war. Another 100,000 Holocaust survivors were admitted after 1952. Today, approximately 127,000 Holocaust survivors live in the United States.

The majority of Holocaust survivors are at least 65 years old and approximately two-thirds of them are elderly women. Many of them face the risk of isolation and financial insecurity.

Holocaust survivors are 5 times more likely to be living below the poverty line than other older people living in the United States. They are more reliant on social service programs and most of them live alone. Living alone puts these survivors at increased risk of institutionalization.

While institutionalized settings are beneficial for some older people, institutionalization has a disproportionate adverse effect on Holocaust survivors by reintroducing sights, sounds, and routines that are reminiscent of their experiences during the Holocaust.

This bill encourages the Administration and the Department of Health and Human Services, in conjunction with the Administration on Aging, to provide Holocaust survivors with needed social services through existing programs. The bill also urges the Administration to expeditiously develop and implement programs that ensure Holocaust survivors are able to live their remaining years in place in their communities.

Mr. Speaker, the United States is a nation that values freedom, liberty, and justice. As such, we are morally obligated to acknowledge the plight and encourage the dignity of our citizens, such as survivors of the Holocaust, who have suffered and who are in need.

I encourage my colleagues to join me in support of this resolution.

Mr. HASTINGS of Florida. Mr. Speaker, I rise in proud support of H. Con. Res. 323, a resolution supporting the goal of ensuring that all Holocaust survivors in the United States are able to live with dignity, comfort, and security in their remaining years. Following the tragic and unforgivable circumstances of their youth, these survivors came to the United States seeking a better life. They found a new home here in America, and it is our duty to provide for their well-being as best we can.

Over 127,000 Holocaust survivors live in the United States, about three-fourths of whom are in their 80s and 90s, and a majority of whom live alone. Sadly, more than half of these survivors fall beneath the 200-percent threshold for the federal poverty line, meaning they earn less than \$21,660 a year. In fact, Holocaust survivors are five times more likely to be living below the poverty line than other older Americans. My constituents in South Florida are not immune from this reality, and they need our support.

Holocaust survivors have special needs that would greatly benefit from access to social

service programs that would enable them to age in place in their current residences, with access to transportation and other services to ensure their health and well-being. This legislation encourages the Department of Health and Human Services and the Administration on Aging to expeditiously develop and implement programs that ensure Holocaust survivors have access to the care they need and deserve.

Mr. Speaker, I am pleased to stand with so many of my colleagues on this important resolution, and I applaud the efforts of the many nonprofit organizations and agencies which work tirelessly to honor and assist Holocaust survivors throughout the United States. Freedom and liberty, justice and human rights—these are the values represented by the survivors of the Holocaust. We have a moral obligation to acknowledge their plight and uphold their dignity to ensure their well-being in their remaining years.

I urge my colleagues to support the passage of this worthy legislation.

Ms. RICHARDSON. Mr. Speaker, I rise today in support of H. Con. Res. 323, which supports efforts in ensuring that all Holocaust survivors in the United States are able to live in comfort and dignity. I am proud to co-sponsor H. Con. Res. 323 and I thank my colleague, Congresswoman DEBBIE WASSERMAN SCHULTZ for introducing this resolution.

The Nazis systematically exterminated over six million Jewish people and killed between 11 and 17 million people overall. They established concentration camps, including the infamous Auschwitz-Birkenau, Treblinka, Belzec, and Sobibor where they worked people to death and systematically exterminated them.

There are approximately 127,000 Holocaust survivors currently living in the United States. These survivors live everyday with the scars from this tragedy. They were forced to live in concentration, labor, or death camps where they were tortured by Nazi soldiers. Those individuals “lucky enough” to escape the labor camps, were forced to flee their countries leaving their families, homes, and possessions behind.

All of the Holocaust survivors are at least 65 years old with the majority being over 75. These individuals are five times more likely to be living in poverty than other Americans their age. More than two-thirds live alone.

Non-profit organizations provide many essential services to Holocaust survivors. These organizations often are underappreciated for all of the great work that they do. I am pleased that this resolution also recognizes the efforts of these organizations.

Mr. Speaker, I urge my colleagues to join me in supporting H. Con. Res. 323. We must work to ensure that all Holocaust survivors are able to live out their remaining years in comfort and dignity.

Ms. BERKLEY. Mr. Speaker, I rise in support of this resolution and to thank my colleague from Florida for her leadership on this resolution supporting the survivors of the Holocaust.

It has been 65 years since the horrors of the Holocaust came to a close, leaving in its wake six million dead Jews as well as millions of displaced persons, orphans and widows, some of the most vulnerable and victimized

people the world has ever known. Impoverished and starving, many of them arrived at our shores with little besides the clothing on their backs and their resolute determination to rebuild their lives. They started families, built businesses, synagogues and community centers and became not only contributing members of our society, but even national leaders. We all remember and miss our good friend Tom Lantos, whose dedication to human rights was so unparalleled that Congress named our Human Rights Commission in his memory.

These survivors are not only models of resilience, but are a living reminder of the horrors that evil people, if given the chance, will visit upon the defenseless. Every year we lose more and more of these heroes, who by their mere existence remind us that it is our collective responsibility to prevent genocide from ever occurring again. With Israel under threat from all sides, this message is needed more than ever before.

Sixty-five years after the Holocaust, the remaining survivors are once again entering a vulnerable time in their lives. They are growing older and relying more on government and communal services. Now is not the time to turn our backs on these survivors, whose legacy and leadership is an inspiration to us all. We must heed the call of the Old Testament Psalm: Do not cast me away when I am old; do not forsake me when my strength is gone.

I urge support for this resolution.

Mr. HOLT. Mr. Speaker, I rise in strong support of House Concurrent Resolution 323, and I thank Representatives WASSERMAN SCHULTZ and WOLF for introducing this important measure. I have long advocated for providing resources to help our senior citizens age in their own homes with dignity, comfort, and security. That is why I worked hard to create and fund the Community Innovations for Aging in Place program at the Department of Health and Human Services. This initiative assists millions of older adults throughout the country get the services they need to live at home.

H. Con. Res. 323 brings attention to a special population of older Americans to whom aging in place is especially important. All of the approximately 127,000 Holocaust survivors living in the United States are at least 65 years old, and they are five times more likely than other older Americans to live below the poverty line. These individuals often have experienced unimaginable violence, torture, and systematic extermination in concentration camps. For them, the prospect of living in an institutional setting may be particularly frightening. We have a moral obligation to help the remaining Holocaust survivors live out their lives safely and comfortably in their own homes and local communities. I urge support for this resolution, and I look forward to working with my colleagues to ensure that Holocaust survivors have the social services they need and deserve.

Mr. WAXMAN. Mr. Speaker, there are not many Holocaust survivors left in the world. Each year as the number dwindles, we worry about how people will remember the evils of the Holocaust when there are no longer eyewitnesses to give their personal accounts. We promote remembrance and teach tolerance. We fight Holocaust deniers and those who

grotesquely glorify the Holocaust and denigrate the memory of the six million.

But while we focus intently on ensuring awareness of the tragedy of the past we are losing sight of a tragedy in our midst: Many Holocaust survivors are living their final days in poverty.

According to the Jewish Federations of North America, more than half of the 127,000 Holocaust survivors living in the United States fall beneath 200 percent of the federal poverty threshold, meaning they live on less than \$21,660 per year. Holocaust survivors are five times more likely to be living below the poverty line than the general senior population.

In Los Angeles, one in six survivors requires community assistance. In the past year, the LA Jewish Federation has seen the number of survivors needing emergency assistance for basic housing, food, medical, dental and transportation needs rise by 20 percent.

The vast majority of these survivors are now in their 80's and 90's and two-thirds of them live alone. Very few have any family support network, which is not surprising considering that so few had family that survived the war. As a result, many are forced into institutional care because they cannot afford to receive care in their homes.

While institutionalized care settings are beneficial for many older adults, Holocaust survivors react poorly and can be prone to emotional suffering and physical deterioration from sights, sounds and routines that may resurrect Holocaust experiences. Research indicates that survivors, in particular, benefit tremendously from access to social service programs that allow them to age in place in their current residences. It is a solution that is both cost-effective and humane.

As one of the original sponsors of the U.S. Administration on Aging grant program now known as the Community Innovations In Aging In Place, I am hopeful that we can find the resources to help these survivors in their time of need.

I urge my colleagues to support H. Con. Res. 323 and I look forward to working with them to achieve its goal of ensuring that all Holocaust survivors in the United States are able to live with dignity, comfort, and security in their remaining years.

Mrs. MCCARTHY of New York. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from New York (Mrs. MCCARTHY) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 323.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mrs. MCCARTHY of New York. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

SUPPORTING AMERICAN DIABETES MONTH

Mr. PALLONE. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1690) supporting the observance of American Diabetes Month, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1690

Whereas, according to the Centers for Disease Control and Prevention (CDC), there are nearly 24,000,000 Americans with diabetes and 57,000,000 with prediabetes;

Whereas diabetes is a serious chronic condition that affects people of every age, race and ethnicity, and income level;

Whereas the CDC reports that Hispanic-, African-, Asian-, and Native Americans are disproportionately affected by diabetes and suffer at rates higher than the general population;

Whereas, according to the CDC, every minute 3 people are diagnosed with diabetes, approximately 4,384 people each day;

Whereas, according to the CDC, approximately 1,600,000 new cases of diabetes were diagnosed last year in people 20 years or older;

Whereas a joint CDC and National Institutes of Health study found that 15,000 youth in the United States are diagnosed with type 1 diabetes annually and about 3,700 youth are diagnosed with type 2 diabetes annually;

Whereas, according to the CDC, between 1980 and 2007, diabetes prevalence in the United States increased by more than 300 percent;

Whereas the CDC reports that over 24 percent of diabetes is undiagnosed, down from 30 percent in 2005;

Whereas, according to the CDC National Diabetes Fact Sheet, over 10 percent of American adults and nearly a quarter (23.1 percent) of Americans age 60 and older have diabetes;

Whereas, according to the CDC, one in three Americans born in the year 2000 will develop diabetes in their lifetime; this statistic grows to nearly one in two for minority populations;

Whereas, according to the American Diabetes Association, in 2007, the total cost of diagnosed diabetes in the United States was \$174,000,000,000, and one in ten dollars spent on health care is attributed to diabetes and its complications;

Whereas, according to a Mathematica Policy study, total expenditures for Medicare beneficiaries with diabetes comprise 32.7 percent of the Medicare budget;

Whereas, according to the CDC, every day 230 people with diabetes undergo an amputation, 120 people enter end-stage kidney disease programs, and 55 people go blind from diabetes;

Whereas, according to the CDC, diabetes was the seventh leading cause of death in 2007, and contributed to the deaths of over 230,000 Americans in 2005;

Whereas there is not yet a cure for diabetes;

Whereas there are proven means to reduce the incidence of or delay the onset of type 2 diabetes;

Whereas people with diabetes live healthy, productive lives with the proper management and treatment; and

Whereas November is widely recognized as American Diabetes Month: Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the goals and ideals of American Diabetes Month, including encouraging Americans to fight diabetes through raising public awareness about stopping diabetes and increasing education about the disease;

(2) recognizes the importance of early detection of diabetes, awareness of the symptoms of diabetes, and awareness of the risk factors for diabetes, which include being over the age of 45, being a member of a specific racial and ethnic background, being overweight, having a low physical activity level, having high blood pressure, and having a family history of diabetes or a history of diabetes during pregnancy; and

(3) supports decreasing the prevalence of type 1, type 2, and gestational diabetes in the United States through increased research, treatment, and prevention.

The SPEAKER pro tempore (Mr. OWENS). Pursuant to the rule, the gentleman from New Jersey (Mr. PALLONE) and the gentleman from Nebraska (Mr. TERRY) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey.

GENERAL LEAVE

Mr. PALLONE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. PALLONE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H. Res. 1690. Earlier this year, the Energy and Commerce Health Subcommittee held a hearing on our collective battle against diabetes, the progress we have made so far and the challenges that remain.

Over 30 years ago, Congress passed the National Diabetes Research and Education Act, the first significant legislation directed at coordinating and expanding the government's research and prevention efforts related to diabetes. While we have made tremendous progress in understanding and treating diabetes, it remains a significant public health epidemic.

It's staggering to realize that over 23 million Americans have some form of diabetes today and the number is growing. Even more troubling is that 57 million Americans are at serious risk for developing type 2 diabetes, including women with gestational diabetes.

Until recently, kids were rarely diagnosed with anything but type 1 diabetes. But the increasing rate of childhood obesity is changing the face of diabetes, and certainly not for the better. Furthermore, diabetes is the leading cause of heart disease, stroke, blindness, and kidney failure. As is often the case, diabetes disproportionately affects racial and ethnic minorities. American Indians have the highest prevalence of diabetes nationwide,

and Hispanics and African Americans are close behind.

Moreover, there is clear economic cost. It has been estimated that over \$220 billion in medical expenses in 2007 can be attributed to diabetes. There are serious problems which need aggressive and innovative action. The National Institute of Diabetes and Digestive and Kidney Diseases located at NIH and the Centers for Disease Control are both doing landmark research and surveillance work related to diabetes and have translated this into more effective prevention and treatment strategies, including the development of key therapies and technologies.

I want to commend the sponsor of this legislation, the gentlewoman from Colorado (Ms. DEGETTE) not only for the work on this bill but for all the work on the Energy and Commerce Committee and also as the cochair of the Congressional Diabetes Caucus. I know I'm a member of it. It has well over 200 members, and it does a lot to raise awareness and increase education about the disease.

I urge my colleagues to support this resolution.

I reserve the balance of my time, Mr. Speaker.

Mr. TERRY. I yield myself as much time as I may consume.

Mr. Speaker, as a member of the Diabetes Caucus and a former vice chair and member of a regional board that included Nebraska for the American Diabetes Association before I came to the United States Congress, I rise in support of House Resolution 1690 supporting the observance of American Diabetes Month.

Diabetes touches nearly every life in this country. There are an estimated 24 million Americans today afflicted with diabetes, and that number is projected to double in the next 25 years. Diabetes is a group of diseases characterized by high blood glucose. It results when the body does not produce sufficient insulin or is unable to process insulin, a hormone that is needed to convert sugars, starches, and other food into needed energy for daily life.

Type 1 diabetes results from the body's failure to produce insulin, which allows glucose to enter and fuel the cells of the body. The most common form of type 1 diabetes is immune mediated diabetes, in which the body's immune system attacks and destroys the insulin-producing cells of the pancreas.

The common name for type 1 diabetes is juvenile diabetes. Even though juvenile diabetes is typically diagnosed during childhood or adolescence, it is a disease individuals must manage their entire lives. Type 2 diabetes, sometimes known as adult onset diabetes, results from the body's inability to make enough or properly use insulin. Type 2 diabetes is the most common form of diabetes, and its prevalence is

rising every year. Approximately 57 million Americans are thought to have pre-type 2 diabetes. The complications from both forms of diabetes can be devastating and life altering, ranging from heart disease, stroke, and blindness to kidney disease.

In the case of type 2 diabetes, people can take steps to avoid the onset of the disease and mitigate its effects. Americans must understand that their health and the health of their families are in their hands. Balanced diets and increased physical activity can prevent the disease and its complications. Those with histories of diabetes in their families must be especially vigilant.

□ 1810

I would like to thank the author of this resolution, the gentlewoman from Denver, the Rocky Mountain State, Ms. DEGETTE, for her efforts to improve awareness of this disease and supporting all of the education efforts. She is very vigilant on this issue, as I know because we are on the Energy and Commerce Committee together. The issue and why it is so necessary to educate is to highlight the importance of early detection. I encourage all of my colleagues to support this resolution.

I reserve the balance of my time.

Mr. PALLONE. Mr. Speaker, I would like to now yield such time as she may consume to the gentlewoman from Colorado (Ms. DEGETTE), who is the author of the resolution and also the cochair of the Diabetes Caucus.

Ms. DEGETTE. Mr. Speaker, I want to thank Mr. PALLONE, the chairman of my subcommittee, who does such wonderful work on these diabetes issues, and also the gentleman from Nebraska. We have served for many, many years together on the committee.

I am very pleased we are able to bring this resolution to the floor while it is still, in fact, Diabetes Awareness Month, November, because diabetes is one of the top public health threats in our country today.

About 70,000 people are thought to have died from underlying causes of diabetes on an annual basis, with tens of thousands more deaths related to the disease. The CDC estimates that right now about 81 million Americans have diabetes or prediabetes, and we know many more will get it. With better research, we can determine how people lose their lives to this disease, and we can both, we hope, find a cure for the disease and also mitigate the losses.

As well as a terrible public health threat in this country, diabetes is also an important economic issue, which is why the Diabetes Caucus worked so hard to raise awareness in this body. Diabetes will cost this Nation almost \$3.4 trillion through 2020, according to a recent study released by the United Health Group. One in every \$10 in

health care in this country is attributed to diabetes and its complications, and diabetes takes up more than 30 percent of our Medicare dollars.

What is more disturbing, Mr. Speaker, is that type 2 diabetes is increasing to epidemic levels, and as previous speakers have mentioned, threatens to take up an even bigger part of our budget in years to come and will affect millions more Americans.

Families, like my family, see diabetes up close every day. We have been touched just in my family by type 1 diabetes, type 2 diabetes, and gestational diabetes. This is not uncommon in America, as more and more families have experience with type 2 diabetes. Even though diabetes is increasing so dramatically, though, because of the research that we have done at the National Institutes of Health, at the CDC, and in the States, the personal toll of diabetes is becoming more manageable as we discover ways both to prevent type 2 diabetes and to treat and even find cures for type 1 and type 2 diabetes. Advancements in lifestyle interventions, screening, and testing can save money and save even more lives.

This year marked the 60th anniversary of the National Institute of Diabetes and Digestive and Kidney Diseases, which is the leading research organization at the NIH dedicated to tackling this devastating disease. And so six decades later, we continue to find different ways to approach this disease and help the millions of families that are affected by it.

So this year, as we support the goals of National Diabetes Month, let's also pass a bill separate from this bill that many of us have cosponsored to fund a special diabetes program. As with all things, this research must be paid for; but the cost of inaction, both physically and economically, is too high.

Diabetes issues have consistently been addressed by this body with interest and passion on both sides of the aisle, and we expect in the 112th Congress that this will continue. The Diabetes Caucus, which several have mentioned, of which I am the cochair, is, in fact, the largest caucus in Congress, with close to 250 members.

I want to take a moment just now because two of our great leaders in this body on this issue are going to be leaving us at the end of this session. MIKE CASTLE, who has been an extraordinary cochair of the Diabetes Caucus, is leaving, as well as ZACK SPACE, a beloved member of our committee, who is the vice chairman of the Diabetes Caucus. I invite all Members to join this caucus. And also, if anyone is interested in being a cochair, let me know, because it is important work that we do.

In the spirit of the bipartisan commitment that all of us have made, I think we need to come together and not just talk about how important research is but actually commit our-

selves in the next session of Congress to working together on legislation. We can work together not just on recognizing Diabetes Month, but also work together on the Special Diabetes Program, which will help to save countless American lives and to not leave this critical initiative on the to-do list again another year.

Mr. TERRY. Mr. Speaker, the gentle lady from Colorado mentioned the gentleman from Delaware who wanted to be here and speak on this resolution, her cochair, MIKE CASTLE, but he was called back to his home since we don't have any more votes this evening.

At this time, I yield 2 minutes to the new gentleman to the House of Representatives from the State of New York (Mr. REED).

Mr. REED. I thank my colleague from Nebraska, and I thank you, Mr. Speaker, for the opportunity to stand tonight and rise in support of H. Res. 1690. I appreciate the opportunity to speak today in regard to American Diabetes Month.

To me, it has been an honor and a privilege to be involved with many diabetes advocacy groups over the years, particularly the Juvenile Diabetes Research Foundation.

This issue is a personal issue with my family. My son, Will, who is 10 years old, was diagnosed with type 1 diabetes at the age of 4. I personally will never forget the day, being rushed to the emergency room, as I had to hold him down and look him in the eye, with tears in his eyes, as he screamed in terror as to why, Daddy, are you holding me and letting these doctors hurt me? And we were doing it for his best interest because he had to be administered insulin to take care of his diabetic situation. My wife and I have been living with this disease for well over 6 years. I watch my wife every night get up at 2, 3, 4 in the morning, testing his blood glucose levels to make sure that he is properly monitored and that his diabetes is kept in check.

It is important to me today to stand up and recognize that there is no cure at this point in time for juvenile diabetes or diabetes itself. I hope in the near future and as a Member of this Chamber that that cure will be found. But in the meantime, I join my colleagues in expressing my concern for the 24 million children and adults in the United States who are living with this disease, and the estimated 57 million Americans that are at risk.

Today, we must become aware of this disease and its symptoms to make sure that everyone who suffers these symptoms of frequent urination, unusual thirst, extreme hunger, unusual weight loss, extreme fatigue and irritability check with their medical providers and make sure that they are checked for diabetes, because it has life-threatening impacts such as blindness, amputation, and kidney failure.

I am here today to stand in support of this measure, and I will do whatever is in my power to raise awareness for diabetes and finding its cure as my tenure here in this House so allows.

Mr. PALLONE. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. ENGEL), who is the sponsor of the Gestational Diabetes Act, H.R. 5354, which passed the House earlier this year.

Mr. ENGEL. I thank my good friend from New Jersey, the chairman of our subcommittee, who does an excellent job, for yielding to me, and I rise today in support of H. Res. 1690, a resolution supporting the observance of American Diabetes Month. As a member of the Congressional Diabetes Caucus and a cosponsor of this resolution, I urge my colleagues to vote in favor of H. Res. 1690.

My colleagues may be aware that one in every 10 Americans suffers from diabetes. This is nearly 24 million people. Additionally, according to the Centers for Disease Control and Prevention, there are 57 million Americans with prediabetes.

□ 1820

Even more troubling is that these staggering numbers will continue to grow if we sit idle and do nothing. We must continue to raise awareness and find new treatments and preventative measures.

In October, the CDC issued a report which states, if current trends continue, as many as one in three American adults could have diabetes by the year 2050. The report also states that the \$174 billion currently spent on diabetes will at least double by 2050. These are costs that we cannot afford both financially and physically, and the prospect of these statistics jumping from 1 in 10 to 1 in 3 is frightening, but the good news is that it is also preventable.

That's why, as the chairman mentioned, I introduced the Gestational Diabetes Act, or GeDi. The GeDi Act focuses research resources on reducing the incidence of gestational diabetes, which is a condition that can result in a higher risk of developing type 2 diabetes during pregnancy for both the mother and child.

The GeDi Act passed the House of Representatives in September. I call upon our colleagues in the other body to pass my legislation in the 111th Congress so we can help turn the tide away from these dire predictions.

While we cannot fight family history, genetic risk factors, or the aging process, we can fight the causes of new cases of diabetes. We in the House of Representatives have the ability and responsibility to raise public awareness about the implications of diabetes and how to prevent it. That is why I stand in strong support of H. Res. 1690.

Mr. TERRY. I continue to reserve the balance of my time.

Mr. PALLONE. Mr. Speaker, I now yield 2 minutes to a member of the Energy and Commerce Committee, the gentleman from Ohio (Mr. SPACE).

Mr. SPACE. Thank you, Mr. Chairman, and thank you, Ms. DEGETTE, for your leadership on this issue.

Mr. Speaker, I sympathize with the new Member from New York. He and Ms. DEGETTE and I have something in common. We all have children who suffer from type 1 diabetes. Although it is a family tragedy when it happens—and we all have those stark memories of being told that your child is going to be for the rest of his or her life dependent upon insulin—and although it is life changing, it transcends. The issue of diabetes transcends the personal tragedy that it inflicts on millions of families, and we have heard the numbers by some of my colleagues today.

The ADA, the American Diabetes Association, estimates now that north of \$200 billion a year is spent on diabetes in this country. That's "billion" with a "B." Those are warlike numbers. The real tragedy is we could avoid that. If we had any kind of foresight envisioned as a Nation, we would invest in a cure. For a fraction of what we spend in this country on diabetes every year, we could cure the disease. It's within reach. This isn't cancer or some complicated disease of the brain. This is an autoimmune disorder that affects the pancreas. We already have the technology for the artificial pancreas. With a very small fraction of what we spend on diabetes every year, we could give every type 1 diabetic in America a closed-loop system—an insulin pump and a glucose monitor—that, through technology, works like a pancreas. We could save, not billions, but trillions of dollars over the next 30 to 40 years.

As parents of diabetics, we know what our children face. By the time my son is my age, for example, he will be facing the prospect of blindness, kidney disease, and amputation, and our government is going to pay for it.

There is an alternative, and I urge this body in the 112th Congress to strongly consider investing here. For every dollar you put in, you will receive hundreds back. You will save lives, and you will advance human life in ways that are difficult to even conceive of right now.

So, again, I want to thank my colleague from Colorado (Ms. DEGETTE) for her tireless work, and I want to thank my chairman, Mr. PALLONE, for this time.

Mr. TERRY. I continue to reserve the balance of my time.

Mr. PALLONE. Mr. Speaker, I now yield 2 minutes to the gentleman from Georgia (Mr. SCOTT).

Mr. SCOTT of Georgia. Thank you very much.

Ladies and gentlemen of the House, with nearly 23 million children and adults in the United States living with

this disease, it is, indeed, time to reassess our own fitness and nutrition choices, to educate ourselves on the risk factors, and to then encourage everyone, especially our loved ones, to get tested.

In my home State of Georgia, approximately 700,000 children and adults, or 7.8 percent of Georgia's entire population, have been diagnosed with diabetes. Raising awareness about the devastating effects that diabetes can have on people and their families must not go overlooked.

Many people do not realize that diabetes is the leading cause of blindness among adults between the ages of 20 and 74 years old. It also contributes to serious health problems such as heart disease, stroke, and kidney failure. Nationwide, 23.6 million people, or 7.8 percent of the Nation's entire population, have diabetes. Further, 17.9 million people have been diagnosed, 5.7 million are undiagnosed, at least 57 million people are prediabetic in this country, and 220 million people have diabetes worldwide. These are startling statistics, and the numbers continue to rise. Sadly, thousands more are at an increased risk of getting diabetes because of advancing age, obesity, sedentary lifestyles, unhealthy eating habits, and insufficient physical activity.

Diabetes not only affects the health of our Nation but our economic well-being as well. In my State of Georgia, the cost of diabetes due to medical care, lost productivity, and premature death is over \$5.1 billion per year, with \$356 million lost in my own congressional district alone.

Early testing is crucial to saving lives and even to preventing the onset of the disease in the first place. When diabetes is diagnosed in later stages, the treatments are more extreme, more difficult, and hospital visits are more frequent. Catching the disease in its early stages helps patients mitigate the harmful effects early.

As a Member of Congress, I will do everything in my power, along with all of my colleagues, to ensure that Americans are empowered to take control of their health and to get tested.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. PALLONE. I yield the gentleman 1 additional minute.

Mr. SCOTT of Georgia. I also want to continue to work with my colleagues in Congress to address juvenile diabetes because it can be prevented at an early stage with just testing, care, and increased funding for additional research as the number of cases continues to steadily increase.

Again, I am honored to observe November as American Diabetes Month, and I am hopeful with an increased awareness of this devastating disease that we can save more people from being diagnosed with diabetes. We can

lick this. There is a cure. All we have to do is put it as the priority it needs to be, and we will save lives, millions of lives.

I certainly appreciate and commend Mr. PALLONE and the gentlelady from Colorado (Ms. DEGETTE) for authoring this important resolution.

Mr. TERRY. I yield back the balance of my time.

Mr. PALLONE. Mr. Speaker, I urge passage of the legislation, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. PALLONE) that the House suspend the rules and agree to the resolution, H. Res. 1690, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the yeas have it.

Mr. TERRY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

□ 1830

COMMERCIAL ADVERTISEMENT LOUDNESS MITIGATION ACT

Ms. ESHOO. Mr. Speaker, I move to suspend the rules and pass the bill (S. 2847) to regulate the volume of audio on commercials.

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 2847

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Commercial Advertisement Loudness Mitigation Act" or the "CALM Act".

SEC. 2. RULEMAKING ON LOUD COMMERCIALS REQUIRED.

(a) **RULEMAKING REQUIRED.**—Within 1 year after the date of enactment of this Act, the Federal Communications Commission shall prescribe pursuant to the Communications Act of 1934 (47 U.S.C. 151 et seq.) a regulation that is limited to incorporating by reference and making mandatory (subject to any waivers the Commission may grant) the "Recommended Practice: Techniques for Establishing and Maintaining Audio Loudness for Digital Television" (A/85), and any successor thereto, approved by the Advanced Television Systems Committee, only insofar as such recommended practice concerns the transmission of commercial advertisements by a television broadcast station, cable operator, or other multichannel video programming distributor.

(b) **IMPLEMENTATION.**—

(1) **EFFECTIVE DATE.**—The Federal Communications Commission shall prescribe that the regulation adopted pursuant to sub-

section (a) shall become effective 1 year after the date of its adoption.

(2) **WAIVER.**—For any television broadcast station, cable operator, or other multichannel video programming distributor that demonstrates that obtaining the equipment to comply with the regulation adopted pursuant to subsection (a) would result in financial hardship, the Federal Communications Commission may grant a waiver of the effective date set forth in paragraph (1) for 1 year and may renew such waiver for 1 additional year.

(3) **WAIVER AUTHORITY.**—Nothing in this section affects the Commission's authority under section 1.3 of its rules (47 C.F.R. 1.3) to waive any rule required by this Act, or the application of any such rule, for good cause shown to a television broadcast station, cable operator, or other multichannel video programming distributor, or to a class of such stations, operators, or distributors.

(c) **COMPLIANCE.**—Any broadcast television operator, cable operator, or other multichannel video programming distributor that installs, utilizes, and maintains in a commercially reasonable manner the equipment and associated software in compliance with the regulations issued by the Federal Communications Commission in accordance with subsection (a) shall be deemed to be in compliance with such regulations.

(d) **DEFINITIONS.**—For purposes of this section—

(1) the term "television broadcast station" has the meaning given such term in section 325 of the Communications Act of 1934 (47 U.S.C. 325); and

(2) the terms "cable operator" and "multichannel video programming distributor" have the meanings given such terms in section 602 of Communications Act of 1934 (47 U.S.C. 522).

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Ms. ESHOO) and the gentleman from Nebraska (Mr. TERRY) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

Ms. ESHOO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Ms. ESHOO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise this evening to urge my colleagues to vote in favor of a bill designed to eliminate the ear-splitting levels of television advertisements and return control of television sound modulation to the American consumer. A vote for this bipartisan bill with 90 cosponsors will send it on to the President for his signature, and when he signs it, it will bring relief to millions of television viewers across the country.

I first introduced the CALM Act more than 3 years ago in the previous Congress. The premise of the bill then, as now, was simple, to make the vol-

ume of commercials and regular programming uniform so consumers can control sound levels.

The problem with ear-splitting TV advertisements has existed for more than 50 years—not 5, 50. Television advertisers first realized that consumers often left the room during commercials, so they used loud commercials to grab their attention as they moved to other parts of their home. This has been one of the top complaints to the Federal Communications Commission for decades.

The bill directs the FCC to adopt the engineering standards recommended by the body that sets the technical standards for digital television as mandatory rules within 1 year. These standards were developed when I introduced the legislation in the last Congress.

So now we don't have to wait another 50 years for a solution. With the passage of this legislation, we will end the practice of consumers being subjected to advertisements that are ridiculously loud, and we can protect people from needlessly loud noise spikes that can actually harm their hearing. This technical fix is long overdue, and under the CALM Act, as amended by the Senate, consumers will be in the driver's seat.

I look forward to the enactment of this bill, but most importantly, so do millions of consumers across the country. So I urge my colleagues to vote for the bill.

Mr. Speaker, I reserve the balance of my time.

Mr. TERRY. Mr. Speaker, I yield myself such time as I may consume.

How many times a night does this scenario play out: You're on your couch and you're watching a nice program. The program has people conversing and it's getting to that pinnacle point in the show and it fades, and the commercial comes on and it's really loud. You reach for your remote and you can't find the remote. Your spouse in the other room, with her impatient voice, says, Turn that down, but you can't find the remote. You say, where is that blanked-out remote. Then you look between the cushions and there it is. You hit the mute button, and peace and calm is now restored in the living rooms of thousands of American households.

Several of my colleagues, people in this House, have said that this act isn't needed, but for that living room on that night it was sure helpful to restore calm. The Commercial Advertisement Loudness Mitigation, or CALM Act, is why we are here today. Some say, and especially coming on the heels of the last bill, a Diabetes Awareness Month bill, that maybe there are more important issues to deal with; well, not for that family in that living room on that night.

I do want to point out one thing here in that the industry has recognized that there is an issue with the loudness

of the commercials. On November 5, 2009, the Advanced Television Systems Committee, ATSC, announced the approval of an industry standard, the "ATSC Recommended Practice: Techniques for Establishing and Maintaining Audio Loudness for Digital Television," which provides guidance to creators and distributors of TV content focusing on audio measurement, audio monitoring techniques, and methods to control loudness. It's not as easy as we may think to control that, especially when you come off of a calm commercial or a show into a more boisterous commercial.

Now this bill has been amended in the Senate to codify that standard that has been developed by the experts. The industry will move to solve the purported concerns by simply moving to comply with that consensus standard. Furthermore, the act would create a kind of "safe harbor" by deeming an operator that installs, utilizes and maintains the appropriate equipment and software in compliance with the act.

Now while many Members may feel that there are more important issues for this Congress to deal with, this is the issue at hand. And as a member of the Energy and Commerce Committee where this went through regular order of subcommittee and committee, we stand in support.

Mr. Speaker, I yield back the balance of my time.

Ms. ESHOO. Mr. Speaker, in closing, I would like to thank all of the staff, both at the committee and certainly at my office, that have worked hard on this bill over the last 3 years. And I would like to thank Mr. TERRY for the remarks that he made about the legislation.

This really is a very simple bill. It started out as a one-page bill, it's now maybe two and a few lines. It was never drafted with the intent that it would solve some of the great, great challenges that are facing our country. It is a small bill, but it is consumer friendly. And it does recognize the complaints that the American people have registered with the FCC over the last 50 years; in fact, it's been the top complaint.

I want to thank the broadcasters for working with us, for those that came up with the technology, the technology standard that will be the national standard for broadcasters, satellite and cable.

Again, I would like to thank all that were involved in this and urge my colleagues to vote for this bill. I think that we will have more peace in homes across the country, as Mr. TERRY described it.

Mr. GENE GREEN of Texas. Mr. Speaker, I am an original cosponsor of the House companion to the bill we are considering today.

I appreciate the leadership shown by Congresswoman ESHOO, who introduced the

CALM Act and moved it through our committee and saw it passed by voice vote on the floor late last year.

I am pleased we have the opportunity to consider these measures once again, because I believe it is important to set some boundaries for reasonable practices for television advertisements.

Perhaps only during the Super Bowl do Americans actually look forward to television commercials.

The rest of the time, most of us are mildly inconvenienced but understand that this short time spent watching ads allows for the programming we enjoy.

What has become increasingly prevalent and extremely disruptive is the distinctly higher volume of sound of these commercials compared with the volume of the programming. There is a significant difference and it interferes with the viewer's ability to enjoy the experience.

This bill will effectively end this discrepancy in volume.

I believe that this is reasonable regulation and preserves the viewers' ability to control their own electronic devices without wildly fluctuating sound.

I urge my colleagues to support this bill.

Ms. ESHOO. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. ESHOO) that the House suspend the rules and pass the bill, S. 2847.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. TERRY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

□ 1840

CONDEMNING NORTH KOREA FOR ATTACK AGAINST SOUTH KOREA

Mr. BERMAN. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1735) condemning North Korea in the strongest terms for its unprovoked military attack against South Korea on November 23, 2010.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1735

Whereas Yeonpyeong Island is a South Korean island in the Yellow Sea, inhabited by over 1,000 South Korean civilians and military personnel;

Whereas, on November 23, 2010, at approximately 2:34 p.m. local time, the North Korean military began firing artillery shells at Yeonpyeong Island;

Whereas North Korea fired over 100 artillery shells, causing considerable harm and damage;

Whereas the artillery barrage killed 2 South Korean marines, 2 civilians, and wounded at least 19 others;

Whereas the USS George Washington Carrier Strike Group is conducting exercises with Republic of Korea naval forces in the waters west of the Korean Peninsula;

Whereas North Korea's shelling of Yeonpyeong Island follows the hostile torpedo attack against the South Korean naval vessel Cheonan on March 26, 2010, that killed 46 sailors;

Whereas the North Korean artillery barrage was one of the most serious attacks on civilians since the Korean War, and press reports indicate the highest levels of North Korea's government ordered the attack;

Whereas the recent disclosure of a newly operational North Korean uranium enrichment plant is a violation of United Nations Security Council Resolutions 1695 (2006), 1718 (2006), and 1874 (2009); and

Whereas the United States is firmly committed to the defense of South Korea and to the maintenance of regional peace and stability: Now, therefore, be it

Resolved, That the House of Representatives—

(1) condemns North Korea in the strongest terms for its unprovoked military attack against South Korea in violation of the Korean War Armistice Agreement and for causing civilian casualties;

(2) calls for North Korea to renounce further acts of aggression and abide by the terms of the Korean War Armistice Agreement and its international obligations;

(3) expresses its deep condolences and sympathy to the South Korean victims and their families;

(4) stands in solidarity with the people and Government of the Republic of Korea at this time of national crisis;

(5) reaffirms its strong commitment to the alliance between the United States and the Republic of Korea, the security of South Korea, and stability on the Korean Peninsula;

(6) supports further close, security cooperation between the United States and the Republic of Korea;

(7) encourages continued dialogue and cooperation between the United States and United States allies and other countries in the region in the interests of enhancing peace and security in the Asia-Pacific region;

(8) calls on China to restrain North Korea, its treaty ally, from further acts of belligerence and to work constructively with the international community to promote regional stability;

(9) calls upon North Korea to immediately cease any and all uranium enrichment activities and take concrete steps to dismantle, under international verification and assistance, all sensitive nuclear facilities, in accordance with United Nations Security Council Resolutions 1695 (2006), 1718 (2006), and 1874 (2009); and

(10) urges responsible nations to abide by United Nations Security Council Resolutions 1695, 1718, and 1874, and to fully implement the sanctions and other obligations contained therein.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. BERMAN) and the gentleman from Texas (Mr. POE) each will control 20 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. BERMAN. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. BERMAN. Mr. Speaker, I rise in strong support of this resolution, and I yield myself such time as I may consume.

A little over a week ago on November 23, North Korea launched a brazen daytime artillery barrage on a South Korean island inhabited by civilians. North Korea fired over 100 rounds at Yeonpyeong Island, killing two South Korean civilians and two young Marines. The shelling also caused considerable damage to the island.

This provocative military act by North Korea was one of the most serious attacks involving civilians since the end of the Korean War and is in violation of the Armistice Agreement.

This bipartisan resolution strongly condemns North Korea's unprovoked attack, calls on the North to renounce further acts of aggression and abide by the terms of the Armistice Agreement.

I would also like to express my deepest sympathies and condolences to the South Korean victims and their families.

This resolution expresses the House of Representatives' firm solidarity with the people and the government of South Korea. We stand shoulder-to-shoulder with them at this time of national crisis.

This resolution also expresses support for the continued close security cooperation between the United States and South Korea and for the alliance between our two nations. Indeed, a U.S. aircraft carrier strike group is currently conducting exercises with the South Korean Navy in waters west of the Korean Peninsula. This exercise demonstrates the strength of the alliance and of U.S. commitment to regional stability through deterrence.

The United States is committed to the security of South Korea, maintaining stability on the Korean Peninsula, and ensuring peace in Northeast Asia. We are ready to encourage cooperation and dialogue with our allies and other countries in the region to promote peace and security in the Asia-Pacific.

Last week's artillery attack was just the latest in a long line of provocations by North Korea. The recent revelations about a new North Korean uranium enrichment facility are very troubling, as it will enable North Korea to again expand its nuclear arsenal.

The construction of this enrichment facility is a clear violation of Security

Council resolutions that were passed in 2006 and 2009. We call on North Korea to cease its uranium enrichment activities, take concrete steps to dismantle all of its nuclear facilities, and fully and transparently abide by the relevant Security Council resolutions.

Finally, this resolution urges China to restrain North Korea from further acts of belligerence and to work constructively with the rest of the world to promote lasting peace on the Korean Peninsula and stability in Northeast Asia.

A longtime treaty ally of the North, China can clearly exercise significant leverage on that nation. No one wants to see another war on the Korean Peninsula, but North Korea must understand that its actions have consequences, that it cannot violate the Armistice, kill innocent civilians and break its international obligations.

I urge all of my colleagues to support this resolution.

I reserve the balance of my time.

Mr. POE of Texas. Mr. Speaker, I yield myself such time as I may consume.

I rise in strong, vigorous support of this resolution condemning the continued belligerent behavior of North Korea. Pyongyang's brinkmanship threatens the peace and security of not only the Korean Peninsula but the whole region.

The artillery shelling of a South Korean island last week was the first such attack directed at civilians since the Korean War in the 1950s. We join our South Korean allies in mourning the deaths of both civilians and young Marines and offer our sincere condolences to the victims' families.

In addressing another Korean crisis, as a presidential candidate almost six decades ago, Dwight Eisenhower said, "In this anxious autumn for America one fact looms above all others in our people's minds. One tragedy challenges all men dedicated to the work of peace. This word is Korea."

For the shelling which we condemn today, and the treacherous attack on civilians, is merely the tip of the North Korean spear of hostility.

Another revelation came a mere week earlier of a North Korean secret uranium enrichment plant, a revelation described by a visiting American physicist as "stunning."

The plant also laid bare the duplicity, deceit, and treachery with which North Korea has approached the whole denuclearization issue for the past 20 years.

The unconscionable revelations of classified information in the past few days by WikiLeaks have nonetheless opened our eyes to the full extent of the North Korean cooperation with the little tyrant from the desert, Ahmadinejad, and the Iranian regime on missile technology. Thanks to Pyongyang's proliferation, Iranian

warheads, possibly carrying a nuclear payload, can now reach American allies in the Middle East and even as far away as Europe.

We have also learned that Air Iran transports landed at a Beijing airport to carry missile equipment from North Korea to Iran. There is indeed a North Korean-Iranian axis of evil with malice toward mankind. Its linkage runs right through the heart of Beijing, China.

Does China, a permanent member of the U.N. Security Council, have no guilt or have no shame when it blatantly disregards the Security Council's resolutions directed at both Pyongyang and Tehran?

In that anxious autumn of 1952, Dwight Eisenhower pointed to his World War II experience as a roadmap for dealing with the dictators of Pyongyang. "I know something of this totalitarian mind," the General said. "Through the years of World War II, I carried a heavy burden of decision in the free world's crusade against the tyranny then threatening us all."

"World War II should have taught us all one lesson. The lesson is this: to vacillate, to hesitate, to appease—even by merely betraying unsteady purpose—is to feed the dictator's appetite for conquest and to invite war itself."

Without firm resolve, more Six Party tea parties in Beijing, as proposed by China, will prove as meaningless as those that have occurred in the past. Beijing must come to understand and clearly demonstrate that it will no longer provide diplomatic, economic, and even military cover for Pyongyang's dangerously recklessly behavior.

From the Mediterranean to the Yellow Sea, through missiles and artillery, North Korea has become an increasing threat to the peace and the stability of the community of all nations. China must firmly rein in its out-of-control puppet state before events spiral completely out of control.

The risks are grave, Mr. Speaker. Our resolve must be firm as we stand with our South Korean allies in their hour of potential peril. I urge my colleagues to give their vigorous support to this resolution, which I am proud to be a cosponsor.

I reserve the balance of my time.

□ 1850

Mr. BERMAN. Mr. Speaker, I am pleased to yield 1 minute to a very distinguished member of our committee, the gentleman from Tennessee (Mr. TANNER).

Mr. TANNER. Thank you, Mr. Chairman.

I, too, want to express my appreciation for this resolution. I am proud to be a cosponsor. After this event happened, this unprovoked attack by the North on the island, my son and I communicated with a good friend of ours in Korea and learned of some of the devastation and so on. This is a serious matter. This resolution speaks in, I think,

excellent detail as to what we expect in terms of activity by the North. And I want to again thank Chairman BERMAN and Mr. POE and others who have brought this to the floor.

Mr. POE of Texas. Mr. Speaker, I yield 2 minutes to the gentleman from Hawaii (Mr. DJOU).

Mr. DJOU. Mr. Speaker, I rise in strong support of this resolution.

Mr. Speaker, my congressional district potentially lies in the flight arc of North Korea's ballistic missiles. Should anything happen in the Korean Peninsula and deteriorate to war, it is the soldiers, sailors, and airmen in my congressional district at Pearl Harbor, Hickam Air Force Base, and Schofield Barracks who will be the first ones called into action on the Korean Peninsula.

The United States must make a firm and clear commitment not only to condemn these belligerent acts by North Korea, but also firmly commit our Nation to unifying the Korean Peninsula under a free, democratic, and capitalist regime. Our Nation must make a commitment to a unified, free, and capitalist Korea in the same fashion that we committed to a united, free, and capitalist Germany during the Cold War.

During this past year, the North Korean Government has shown its unwarranted, unprovoked attacks on South Korea by illegally seizing a South Korean fishing vessel and illegally sinking a South Korean naval vessel. And now the shelling of a South Korean island, unprovoked, shows that the North Korean regime cannot be trusted and must be changed.

This is why it is so important the United States commit to a quick and prompt passage of a free trade agreement between the United States and South Korea, and through the passage of this resolution. We must strengthen our bonds between the United States and South Korea to stand as a bulwark against the aggressive and repressive North Korean Government.

Mr. Speaker, I thank you for the opportunity to speak and urge passage of this resolution.

Mr. BERMAN. Mr. Speaker, I am pleased to yield 1 minute to my friend and colleague from the committee, as well as the Financial Services and Agriculture Committee, the gentleman from Georgia (Mr. SCOTT).

Mr. SCOTT of Georgia. Thank you very much, Chairman BERMAN.

This unwarranted attack by North Korea on South Korea demonstrates more than anything else the dangerous state that our world is in. It is extraordinarily important that we here in Congress condemn in the strongest possible way this act, unprovoked on the part of North Korea, and to let the people of South Korea and the people of the world know just where the United States stands. We stand strongly and

firmly with our ally South Korea and condemn this unwarranted, gross, unjustified attack on South Korea. I commend Chairman BERMAN for bringing this important resolution to the floor.

Mr. POE of Texas. Mr. Speaker, I yield 5 minutes to the gentleman from New Jersey (Mr. SMITH), who is the ranking member of the Foreign Affairs Subcommittee on Africa and Global Health.

Mr. SMITH of New Jersey. I thank my good friend for yielding.

Mr. Speaker, I want to rise in strong support of H. Res. 1735, condemning North Korea's unprovoked shelling of the South Korean island of Yeonpyeong on November 23. I want to thank my good friend and colleague Chairman BERMAN and Ranking Member ILEANA ROS-LEHTINEN for introducing the resolution. And I, too, like Mr. POE and others, am very proud to be a cosponsor.

Mr. Speaker, with this resolution, we extend our deep condolences and sympathy to the families of those killed and injured in the attack. It's especially fitting that we as Americans do this since, along with the tremendous sacrifices for freedom made by the people of South Korea, we have lost tens of thousands of Americans in that same cause.

Mr. Speaker, since the shelling of Yeonpyeong Island was an act of aggression committed against an ally, the resolution also rightly affirms our alliance with South Korea, supports further cooperation on security matters, and calls on China to use its influence to restrain North Korea.

Mr. Speaker, it's important to remember that North Korea's aggression toward South Korea has almost been nonstop since 1950. It has taken the form of either full-scale war or, since 1953, sporadic shelling and shooting and skirmishing near the DMZ, or tunneling under the DMZ, or seizing the Pueblo, an American vessel, in 1968, or kidnapping South Koreans abroad, or torpedoing the Cheonan, a South Korean vessel, in March of this year.

Similarly, since 1950, the North Korean Government has treated its own citizenry with profound disrespect and outright hostility. It makes normal human relations impossible for them by creating a system in which parents and children, friends and relatives are forced to spy and report on each other—an atmosphere of total distrust, total fear, and total social atomization.

It terrorizes them into worshipping the Kims, father and son, as if they were gods. Their personality cult is the only religion permitted in North Korea. Economic life is such madness that, about 10 years ago, as many as 2 million North Koreans starved to death. And within this large gulag that is North Korea, the Kim family has created smaller, more severe gulags,

Kwan-li-so prison camps, and sent an estimated 200,000 people to live or, better stated, survive in them. Here we move from the nightmare of everyday life into a veritable hell on Earth, where forced labor, near starvation, rape, and the cruelest forms of torture prevail, and forced abortion and chemical experimentation on inmates is commonplace.

Mr. Speaker, our government must continue to stand in solidarity with all those threatened and terrorized by the monstrous Government of North Korea, and with the residents of Yeonpyeong Island, and with all the people of both South and North Korea. I urge strong support for the resolution.

Mr. BERMAN. Mr. Speaker, I reserve the balance of my time.

Mr. POE of Texas. Mr. Speaker, I yield 2 minutes to the gentleman from Tennessee, Dr. ROE.

Mr. ROE of Tennessee. Mr. Speaker, I rise in strong support of this resolution condemning North Korea's act of aggression toward South Korea. Thirty-seven years ago, I was stationed in Korea, within an artillery shell of the DMZ. I have seen firsthand and up close what freedom can do. When I arrived there, it was a military dictatorship. Today, you have a market economy with a freely elected democracy that's being attacked relentlessly, as other speakers have said, by the rogue nation in the North.

I can't emphasize strong enough how important it is for us to act decisively against this act of aggression against a free nation. And I want to associate my remarks also with all of the speakers that have been here today. I also want to call on China to exert every bit of pressure they can on the rogue nation of North Korea. I urge my colleagues to support this resolution.

Mr. BERMAN. I reserve the balance of my time.

Mr. POE of Texas. I yield myself such time as I may consume.

In closing, Mr. Speaker, the United Nations reports that North Korea trades in missiles and nuclear technology with not only Syria and Iran, but even Burma. And this is a grave situation since China won't do anything, and North Korea takes our western money with the empty promises of peace, but still rattles its sabers and soon will rattle its nuclear weapons.

□ 1900

The United States must finally adopt a policy that holds both North Korea and China accountable for their belligerent actions against South Korea and the free world.

I do want to thank the chairman for bringing this strong resolution to the House floor. I urge all my colleagues to adopt this resolution.

I yield back the balance of my time.

Mr. PAUL. Mr. Speaker, I rise in opposition to this saber-rattling resolution that unnecessarily escalates tensions between North and

South Korea and may in fact put U.S. troops stationed in the area at risk. This resolution portrays the recent hostilities between the two Koreas as “an unprovoked military attack” by North Korea, which is untrue. We know that South Korea was conducting live fire military exercises in the vicinity of disputed territory and that this action, taken with U.S. military support and participation, likely led to the exchange of gunfire between the two sides.

As the resolution states, the “USS George Washington Carrier Strike Group is conducting exercises with Republic of Korea naval forces in the waters west of the Korean Peninsula.” Let us for a moment imagine the Chinese military holding joint exercises with Venezuela off the Texas coast. Might that be viewed as provocative by the United States? This is not to excuse or endorse the actions of the North Korean military, which are certainly regrettable, but it is important to accurately portray the events.

This resolution is long on inaccuracies and hyperbole but it avoids the real issue, which is why, more than fifty years after the end of the Korean war, the American taxpayer is still forced to pay for the U.S. military to defend a modern and wealthy South Korea. The continued presence of the U.S. military as a “tripwire” to deter North Korea is ineffective and dangerous. It is designed to deter renewed hostilities by placing American lives between the two factions. As we have seen recently, South Korean leaders, emboldened by the U.S. protection, seek to provoke North Korean reaction rather than to work for a way to finally end the conflict. The U.S. presence only serves to prolong the conflict, further drain our empty treasury, and place our military at risk. I encourage my colleagues to reject this jingoistic resolution and instead use our Constitutionally-granted authority to finally end the U.S. military presence in and defense of South Korea.

Mr. LARSEN of Washington. Mr. Speaker, I rise today to condemn North Korea's unprovoked artillery attack against the Republic of Korea. We stand with our treaty ally during this challenging time.

The artillery attack against Yeonpyeong is part of a recent pattern of aggressive and violent behavior by the North. Earlier this year, a North Korean submarine attacked the South Korean ship Cheonan, killing 46 sailors.

I commend the Administration for standing side by side with South Korea. South Korea is a strong trading partner and ally in the Asia-Pacific region. South Korea, and all countries around the world, must know that the U.S. stands with its friends.

Our nation has been steadfast in our support of our Korean allies for over 60 years. We will not waver now.

It is time for all nations interested in a stable and denuclearized Korean peninsula to denounce the recent aggression by North Korea and work for continued peace and prosperity in the region.

Mr. BERMAN. Mr. Speaker, I join in asking for an “aye” vote, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. BERMAN) that the House suspend the

rules and agree to the resolution, H. Res. 1735.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. POE of Texas. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

PROVIDING FOR APPROVAL OF U.S.-AUSTRALIA NUCLEAR ENERGY AGREEMENT

Mr. TANNER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6411) to provide for the approval of the Agreement Between the Government of the United States of America and the Government of Australia Concerning Peaceful Uses of Nuclear Energy.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6411

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. APPROVAL OF AGREEMENT BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF AUSTRALIA CONCERNING PEACEFUL USES OF NUCLEAR ENERGY.

(a) IN GENERAL.—Notwithstanding the provisions for congressional consideration of a proposed agreement for cooperation in subsection d. of section 123 of the Atomic Energy Act of 1954 (42 U.S.C. 2153), the Agreement Between the Government of the United States of America and the Government of Australia Concerning Peaceful Uses of Nuclear Energy, done at New York, May 4, 2010, may become effective on or after October 8, 2010, as if all the requirements in such section 123 for consideration of such agreement had been satisfied, subject to subsection (b) of this section.

(b) APPLICABILITY OF ATOMIC ENERGY ACT OF 1954 AND OTHER PROVISIONS OF LAW.—Upon coming into effect, the agreement referred to in subsection (a) shall be subject to the provisions of the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.) and any other applicable United States law as if such agreement had come into effect in accordance with the requirements of section 123 of the Atomic Energy Act of 1954.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Tennessee (Mr. TANNER) and the gentleman from Texas (Mr. POE) each will control 20 minutes.

The Chair recognizes the gentleman from Tennessee.

GENERAL LEAVE

Mr. TANNER. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and ex-

tend their remarks and include extraneous material on the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

Mr. TANNER. Mr. Speaker, H.R. 6411 approves the U.S.-Australia agreement for peaceful nuclear cooperation, which replaces the current U.S.-Australia agreement that expires in January.

I know everyone here agrees that Australia is a close friend and valued ally to our country. Moreover, Australia provides over 20 percent of the uranium used by U.S. domestic nuclear power reactors. While the United States does not need a framework agreement for peaceful nuclear cooperation in force to purchase and receive uranium fuel supplies, Australian law does require such an agreement in order to export uranium.

If a new agreement is not passed and does not come into effect this year, it will have to be resubmitted to the next Congress. Given the statutory requirement for 90 days of continuous session to elapse, it would likely be May before the new agreement could come into effect.

If Australia is therefore forbidden by its own law to export uranium to the United States in the interim, it would stand to lose some \$250 million in revenue. But, more importantly, the bill would ensure that this new agreement comes into force and that we, the United States, can continue to purchase what we require in this nuclear domestic power reaction field.

I reserve the balance of my time, Mr. Speaker.

Mr. POE of Texas. Mr. Speaker, I yield myself such time as I may consume.

This companion bill to S. 3844 ensures that the proposed nuclear cooperation agreement with Australia is approved before the existing agreement expires at the end of this calendar year.

Since the Australia 123 agreement was submitted on May 5, changes to the announced House schedule created the possibility that Congress might possibly adjourn before the agreement met the Atomic Energy Act's requirement of a review period of 90 days of continuous session.

The direct result would have been a disruption of several months of our nuclear trade and cooperation with Australia, which supplies the United States 25 percent of its uranium. But now it appears that the projected extension of the lame duck session will be sufficient to meet the 90-day requirement.

However, there are still several reasons the House should still vote to pass this bill. The most important is the opportunity to express our strong support and admiration for our close ally, Australia. For seven decades the United

States and Australia have developed ever closer ties, which have been repeatedly tested in both war and peace.

Beginning in World War II and extending through Korea, Vietnam, Iraq, and now Afghanistan, the United States and Australian troops have fought side by side. In fact, Mr. Speaker, Australia has been a loyal ally in every major war since World War II that the United States has fought in.

Without its bedrock support, the defense of our interests in the East and South Asia would be greatly undermined. Reliable allies are rare in this world, and close friends are even rarer.

This bill also is a recognition of Australia's exemplary record in preventing the proliferation of nuclear weapons worldwide. It has taken responsibility very seriously and cooperated closely with the United States on nonproliferation issues across the board, most recently by joining with us to impose new and tougher sanctions on Iran.

There is another and equally important reason the House should vote for this bill: Namely, to demonstrate the contrast between this nuclear cooperation agreement with Australia and that proposed for Russia, which is also before Congress and which also faces an expiration of the 90-day deadline.

While Australia has been a reliable ally and a partner and honest with the United States, Russia has worked to undermine our interests around the world, from Iran to Europe and Venezuela to Syria. Moscow's overt and covert assistance to Iran's nuclear program has been crucial to Tehran's progress in developing a nuclear weapons capabilities.

It has built the Bushehr nuclear facility, which is scheduled to come online in January, and the Russians have said they are ready to construct several more. Russia has repeatedly acted to protect Iran from international pressure aimed at halting its nuclear weapons program.

Its repeated threats to veto any significant U.N. Security Council effort to impose sanctions on Iran have ensured that only weak measures have been adopted, which Tehran has laughed at and ignored. Russia has also signed nuclear cooperation agreements with the rogue regimes in Burma and Venezuela and continues to market its nuclear wares anywhere in the world to anyone that has a little money to spend.

Given this record, an intelligent observer might wonder why we are even considering nuclear cooperation with a country so determined to undermine our interests, that consistently does not tell the truth. Well, the answer is that this nuclear cooperation agreement was offered to Russia first by the previous and then by the current administration as one of a series of gifts in an effort to bribe Moscow into cooperating on Iran.

The strategy obviously has not worked, and the agreement certainly

cannot be sold on its merits. Moscow sees this as a way to make money, but it is difficult to identify how the United States might benefit from the agreement.

By voting for this bill, the House will reaffirm its strong support for the United States' alliance with our friends and allies, the Australians.

It will thereby demonstrate that we will support nuclear cooperation agreements only with those countries which have earned our trust, which have not aided our enemies, and which have consistently acted to prevent the spread of nuclear weapons. Russia meets none of these conditions, and we must not reward it for its actions that, either recklessly or deliberately, have greatly undermined the security of the American people and that of the world as a whole.

Mr. Speaker, I reserve the balance of my time.

Mr. TANNER. Do you have any more speakers?

Mr. POE of Texas. We have no other speakers, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will address the Chair.

Mr. POE of Texas. I yield back the balance of my time.

Ms. RICHARDSON. Mr. Speaker, I rise today in support of H.R. 6411, which would approve the cooperation agreement between the government of the United States and the government of Australia concerning the peaceful use of nuclear energy. This important legislation will renew a long-standing agreement between one of our strongest allies and promote the safe trade of nuclear energy products.

I thank Chairman BERMAN for his leadership in bringing this bill to the floor. I also thank the sponsor of this legislation, ILENA ROS-LEHTINEN, for her commitment to the safe, secure trade and peaceful use of nuclear energy products.

Mr. Speaker, the United States has had an ongoing civilian nuclear cooperation agreement with Australia since 1957. Australia sells around 36 percent of its \$1 billion in uranium exports to the United States. This accounts for 13 percent of our uranium supplies. This cooperation agreement also facilitates Australia's sale of uranium to other countries that will use it with technology made in the United States.

The civilian nuclear cooperation agreement with Australia is set to renew automatically upon the 90th day of continuous session since the President's May 5 transmittal of the renewal agreement. However, it is nonetheless appropriate for us to come together to affirm this agreement with Australia, one of our closest and most strategically important allies.

The United States and Australia have a strong relationship rooted in our shared values, historical ties, and strategic outlook. Our militaries conduct joint military exercises and Australian troops are currently in Afghanistan fighting alongside U.S. service men and women. In addition, Australia has an excellent record on nuclear safety and has worked with the United States to fight nuclear proliferation. Australia's efforts to reduce proliferation have

made them one of the world's leaders on global nuclear security and arms reduction.

Mr. Speaker, for these reasons I urge my colleagues to join me in showing their support for this important agreement with Australia. This cooperation agreement is good for our relationship with an old ally, good for our energy sector, and good for international nuclear security.

Mr. TANNER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Tennessee (Mr. TANNER) that the House suspend the rules and pass the bill, H.R. 6411.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

□ 1910

COMMENDING THE NATO SCHOOL

Mr. TANNER. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 527) commending the NATO School for its critical support of North Atlantic Treaty Organization (NATO) efforts to promote global peace, stability, and security, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 527

Whereas the NATO School in Oberammergau, Germany is the North Atlantic Treaty Organization's (NATO) premier operational-level education and training facility and has administered courses to over 185,000 officers, noncommissioned officers, and civilians from NATO allied and partner nations since its inception in 1953;

Whereas for 60 years, NATO has served as the bedrock of transatlantic security and defense, successfully defending the territories of its North American and European member states from a range of external threats and promoting democratic values throughout North America, Europe, and Eurasia;

Whereas since the fall of the Berlin Wall and the end of the Cold War, NATO has been adapting to address a range of new and emerging security challenges, including transnational terrorism, the proliferation of weapons of mass destruction, the re-emergence of regional and local conflicts, cyber attacks, piracy, and threats to global energy security;

Whereas while NATO transforms to address the emerging security challenges of the 21st century, the NATO School functions as the Alliance's primary vehicle to educate and train the men and women serving in NATO missions to successfully carry out the full spectrum of crisis management operations, from combat and peacekeeping to logistics support, humanitarian relief and governance enhancement, institution building, and civil security;

Whereas the NATO School plays a crucial role in supporting NATO's ongoing operations in Afghanistan, Iraq, Kosovo, the Mediterranean, and elsewhere, providing

much of the training for NATO personnel serving in NATO's core stabilization mission in Afghanistan and conducting almost all of NATO's out-of-country training of Iraqi military officers;

Whereas NATO School efforts to support NATO's ongoing mission in Afghanistan, including through its training for personnel in NATO's Provincial Reconstruction Teams, are a particularly critical component of international efforts to combat transnational terrorism;

Whereas the NATO School offers a broad-based and comprehensive approach to its training and educational activities including courses in civil-military cooperation, crisis management, peace support operations, and arms control and non-proliferation that draw upon a range of military, development, and governance tools;

Whereas the NATO School currently offers 90 courses to individuals from over 100 countries including an array of unique programs dedicated to building civilian, governance, and military capacity in aspiring NATO member states;

Whereas in addition to offering courses at its headquarters in Oberammergau, the NATO School conducts a variety of programs through its network of 15 Partnership for Peace Training and Education Centers located in countries ranging from Ukraine to the United States;

Whereas the NATO School raises a large portion of its operating expenses through tuition fees, but also receives significant financial support from both the United States and German governments and relies in large part on the invaluable contribution of expert faculty from NATO member states and partner countries;

Whereas in February 2009 the NATO School hosted a United States Congressional delegation for the first time in the School's history when the United States House delegation to the NATO Parliamentary Assembly (NATO PA) visited the School in an effort to boost domestic and international public and parliamentary support for NATO missions and activities; and

Whereas Congress continues to support the NATO School and recognizes the critical role it plays in enhancing the ability of NATO and the United States to successfully confront the security challenges of the 21st century: Now, therefore, be it

Resolved, That the House of Representatives—

(1) commends the NATO School for its critical support of North Atlantic Treaty Organization (NATO) efforts to promote global peace, stability, and security;

(2) reaffirms its commitment to NATO as the bedrock of transatlantic security and defense; and

(3) expresses appreciation to Colonel James J. Tabak, USA-MC, for his leadership of the NATO School during his tenure as commandant from June 2006 to June 2009 and to the NATO School faculty and staff for their hard work and commitment to advancing the School's mission, to NATO member states and partner countries for their consistent and invaluable contribution of expert faculty to the NATO School, and for the strong partnership between the United States and German governments in providing financial support and leadership for the NATO School.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Tennessee (Mr. TANNER) and the gentleman from Texas (Mr. POE) each will control 20 minutes.

The Chair recognizes the gentleman from Tennessee.

GENERAL LEAVE

Mr. TANNER. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

Mr. TANNER. Mr. Speaker, this resolution commending the NATO School for its critical efforts to promote peace, stability and security is something long overdue, in my opinion.

Last year, I had the honor of participating in a visit of the bipartisan House delegation to the NATO Parliamentary Assembly to the NATO School in Oberammergau, Germany. The NATO School's mission is to provide courses in support of the current and developing NATO strategy and policy, including cooperation and dialogue with military and civilian personnel from non-NATO countries. As such, the school serves as NATO's premier operational-level education and training center, and it plays, I can tell you, a crucial role in preparing the United States and its allies to face the evolving security challenges of the 21st century.

Since 1953, more than 185,000 officers, noncommissioned officers and civilians from all allied and national military commands within the NATO Alliance have attended courses at the school. In addition, students from the Alliance's Partnership for Peace Program and the Mediterranean Dialogue attend the school. I'm proud to report that ours was the first U.S. congressional delegation to visit the NATO School in its 57-year history.

The curriculum taught at the NATO School offers our soldiers, civilian leaders and allies over 90 different specialized courses on subjects such as arms control strategies, counterinsurgency training, intelligence gathering, electronic warfare, special operations and a host of other programs. Courses are continually revised and updated to reflect current operations and developments in NATO, and in so doing, the school strives for top-down clarity of vision in the educational process.

With the unveiling of NATO's new Strategic Concept earlier this month in Lisbon, which details NATO's evolving role in global affairs, it is especially important that we stop and take a moment to acknowledge and support the work of the NATO School so that we can continue to operate as a truly unified alliance.

I would ask our colleagues to support this resolution.

With that, I reserve the balance of my time.

Mr. POE of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to first congratulate the gentleman from Tennessee (Mr. TANNER) for sponsoring this legislation, and I rise in strong support of House Resolution 527, which commends the NATO School in Oberammergau, Germany, for its critical support of the NATO Alliance's efforts to promote global peace, stability and security.

The NATO School in Germany provides support and training for NATO's operations, including the stabilization mission in Afghanistan and the training of Iraqi officers. The school offers courses and programs to individuals from different countries focusing on peace support operations, arms control and nonproliferation, civil-military cooperation, governance and the building of military capacity in aspiring NATO member states.

As we all know, the NATO Alliance was the heart of trans-Atlantic security during the Cold War and is now transforming itself to address new security challenges. There is indeed a multitude of emerging threats and challenges that the Alliance must play a role in addressing, including the proliferation of weapons of mass destruction and piracy and the challenge NATO faces in the stabilization mission in Afghanistan. Indeed, NATO's performance in Afghanistan will serve as a test with regard to the Alliance's effectiveness and relevance in addressing the security challenges of the 21st century.

As the measure notes, the NATO School itself is playing an important role in ensuring that the NATO mission in Afghanistan is a complete success.

Again, I would like to express my support of this resolution, and I urge all my colleagues on both sides of the aisle to support it as well.

I reserve the balance of my time.

Mr. TANNER. Thank you, Mr. POE.

At this time, it is with a great deal of pleasure that I yield 3 minutes to my colleague, DAVID SCOTT, from Georgia. Mr. SCOTT is a member of the NATO parliamentary delegation from the Congress to the NATO Parliamentary Assembly headquartered in Brussels, and he has made an enormous contribution in that area.

Mr. SCOTT of Georgia. Thank you very much, Mr. TANNER. I certainly appreciate that.

Mr. Speaker, I rise today in order to recognize and commend the NATO School for its critical support of NATO's efforts to promote global peace, stability and security. As a member of the NATO Parliamentary Assembly, I have seen firsthand and I have been a part of and supported the many great efforts of the North Atlantic Treaty Organization to maintain

security and favorable relations between not only the NATO member states but with those states that are outside of the region and our 28-nation Alliance.

Mr. Speaker, for over 60 years, NATO has been the foundation in maintaining trans-Atlantic security and defense. It has successfully defended the territories of its North American and European member states from numerous external threats while promoting democracy and its values throughout the Western World and Eurasia. Since NATO's beginning, the NATO School in Germany has served as a premier operational-level education and training facility and has supplemented the knowledge, skills and experience of over 185,000 officers, noncommissioned officers, and civilians from NATO-allied and partner nations.

Mr. Speaker, I have visited the NATO School personally during a recent trip to Germany, and I have seen firsthand the extraordinary and effective job that they are doing. As NATO continues to evolve and transform to address 21st century threats, the NATO School's importance is all the more emphasized. Its support role is critical to NATO's ongoing operations in Afghanistan and Iraq, Kosovo and elsewhere, and the NATO School continues to provide much of the training for personnel serving in NATO stabilization mission in Afghanistan and conducts much of NATO's out-of-country training of Iraqi military officers. It is very important to note that the training and education the school provides beyond strictly military strategies, including civil-military cooperation, crisis management, and peace support operations and arms control and non-proliferation, issues that draw upon a range of military, development and governance tools.

Our recognition of the NATO School today, Mr. Speaker, falls just 2 days after confirmation that six NATO troops were killed during training operations in eastern Afghanistan. Their sacrifices underscore the continued importance and relevance of NATO and the NATO School as it evolves in the 21st century, making our Nation's commitment to the organization and its efforts to promote global peace and democracy all the more important.

So this resolution is very important, and I commend the gentleman from Tennessee (Mr. TANNER), who is also the president of the NATO Parliamentary Assembly. And I commend him not only for this resolution, but I commend Mr. TANNER also for the extraordinary service that he has given over the years to NATO.

Mr. POE of Texas. I yield back the balance of my time.

Mr. TANNER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. McMAHON). The question is on the mo-

tion offered by the gentleman from Tennessee (Mr. TANNER) that the House suspend the rules and agree to the resolution, H. Res. 527, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. POE of Texas. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

□ 1920

COMMENDING THE MARSHALL CENTER

Mr. TANNER. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 528) commending the George C. Marshall European Center for Security Studies for its efforts to promote peace, stability and security throughout North America, Europe, and Eurasia.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 528

Whereas The George C. Marshall European Center for Security Studies (the Marshall Center), a joint partnership of the United States and German governments located in the German city of Garmisch-Partenkirchen, is a world-renowned international security and defense studies institute promoting dialogue and understanding among the nations of North America, Europe, and Eurasia;

Whereas since its inception in 1993, the Marshall Center has sought to advance the legacy, goals, and ideals of the 1948-1951 Marshall Plan by advancing democratic institutions, promoting peaceful security cooperation, and enhancing partnerships among the nations of North America, Europe, and Eurasia;

Whereas the Marshall Center has played and continues to play a critical role in fostering the peaceful transition to stable democratic governance in the formerly communist states of Central and Eastern Europe and Eurasia by developing and expanding defense and security cooperation between these countries and North America and Western Europe;

Whereas today, the security of the United States remains inseparably linked to the peace and stability of Europe and Eurasia;

Whereas the United States and Europe face an array of new and emerging security challenges ranging from transnational terrorism and the proliferation of nuclear, biological, or chemical weapons to regional and local conflicts and failing and failed states;

Whereas successful resolution of these 21st century security challenges will require strong transatlantic cooperation and international, interagency, and interdisciplinary responses;

Whereas through its tailored educational and outreach programs in areas ranging from transnational terrorism and post-conflict stability operations to advanced security studies, the Marshall Center prepares leaders from North America, Europe, and Eurasia to address emerging security challenges and to forge a 21st century security environment defined by peace and cooperation;

Whereas the Marshall Center's programs play a vital role in building support for United States and German defense and security policy and strategies, and fostering understanding and support among friends and allies to combat transnational terrorism and other security threats and to transform national defense establishments to effectively meet the array of 21st century security challenges;

Whereas to date, general officers, members of parliament, ministers, ambassadors, and other high-ranking government officials from over 100 countries have benefited from the Marshall Center's unique programs; and

Whereas the United States House of Representatives' delegation to the NATO Parliamentary Assembly (NATO PA) visited the Marshall Center in February 2009, recognizes the importance of the Center's work, and seeks to support the Center's efforts by engaging in constructive dialogue with parliamentarians from NATO member and associate and observer states on key transatlantic security issues: Now, therefore, be it Resolved, That the House of Representatives—

(1) commends the Marshall Center for its efforts to promote peace, stability, and security throughout North America, Europe, and Eurasia;

(2) expresses appreciation for the strong partnership between the United States and German governments in advancing their mutual national security interests through the Marshall Center's programs;

(3) expresses appreciation to Marshall Center Director Dr. John P. Rose and his outstanding faculty and staff for their hard work and commitment to advancing the Center's mission;

(4) notes that the security of the United States remains inseparably linked to peace and stability on the European continent; and

(5) reaffirms its commitment to promoting transatlantic cooperation through international collaborative educational programs such as those offered by the Marshall Center.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Tennessee (Mr. TANNER) and the gentleman from Texas (Mr. POE) each will control 20 minutes.

The Chair recognizes the gentleman from Tennessee.

GENERAL LEAVE

Mr. TANNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

Mr. TANNER. Mr. Speaker, I yield myself such time as I may consume.

This resolution goes hand in glove with the one that we just took up. It commends the George Marshall European Center for Security Studies. Last

year when we visited the NATO School in Oberammergau, we went then to the Marshall Center, which is located in Garmisch not far from Oberammergau, in Garmisch-Partenkirchen, Germany, to highlight our interest as Members of Congress in what was happening and taking place in both the NATO School and in the Marshall Center there.

The Marshall Center was formed in 1993 as a German-American partnership. The Marshall Center is a world-renowned international security and defense studies institute with the mission of creating a more stable security environment by advancing democratic institutions and relationships, especially in the field of defense; promoting peaceful security cooperation; and strengthening partnerships among nations of North America, Europe, and Eurasia.

It is named after the legacy and vision of General George C. Marshall. The Marshall Plan, as we all remember after World War II, was a highly successful event, and the Marshall Center has a variety of unique courses and programs which involve officials from more than 110 countries. The center contributes, in our view, to the national strategy of security cooperation throughout the region through professional education and research, dialogue, and detailed and thoughtful examination of issues that confront nations today.

I am proud of recognizing these institutions, particularly the NATO School and the Marshall Center, because I think it is very important now in this uncertain time internationally, and we have been talking about it now for 30 minutes about the uncertainty in the world today, that we, as the United States House of Representatives, recognize and applaud what is taking place there in Germany in these two institutions.

I think it is time well spent for us to debate, and the critical role that the Marshall Center is playing, particularly in fostering peaceful transitions and stable democracy in the former Warsaw Pact communist states of Central and Eastern Europe and Eurasia, is particularly important today.

With that, Mr. Speaker, I reserve the balance of my time.

Mr. POE of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of House Resolution 528, a measure that commends the George C. Marshall European Center for Security Studies for its efforts to promote peace, stability, and security throughout North America, Europe, and Eurasia.

The Marshall Center, located in Germany, is named after George C. Marshall, a general in the United States Army, who served as U.S. Army Chief of Staff during World War II, and later as our country's Secretary of State under President Harry Truman.

General Marshall is most remembered for his role in formulating the famous Marshall Plan, which sought to help rebuild and strengthen war-torn Western Europe after World War II. The center, established in 1993, plays a significant role in helping the formerly communist countries of Europe and Eurasia to strengthen their democratic institutions while developing security cooperation with the other countries in the trans-Atlantic community.

Thousands of leading officers from dozens of different countries have participated in programs and courses at the Marshall Center focusing on common security threats, the building of defense institutions, and the fostering of partnerships among the nations of North America, Europe, and Eurasia.

Through its program, the Marshall Center also serves as an important tool in strengthening partnerships aimed at addressing new and emerging security challenges, including the proliferation of nuclear, biological, and chemical weapons. Among other things, this resolution commends the Marshall Center for its work in promoting peace, stability, and security throughout North America, Europe, and Eurasia.

I support this bipartisan measure and urge my colleagues on both sides to support it as well.

I reserve the balance of my time.

Mr. TANNER. Mr. Speaker, I reserve the balance of my time.

Mr. POE of Texas. Before I yield back the balance of my time, I want to commend Mr. TANNER for this resolution and the previous resolution, and his long-time work with NATO and his 22 years' experience here in the House of Representatives, much of that time serving on the Foreign Affairs Committee.

I yield back the balance of my time.

Ms. RICHARDSON. Mr. Speaker, I rise today in support of H. Res. 528, which commends the George C. Marshall European Center for Security Studies for its valuable contributions to international peace and security throughout Post-Soviet Europe and Asia. This important measure honors the Marshall Center for promoting regional stability through a new generation of military and civilian leaders; commends its Director, Dr. John P. Rose; and strengthens the bonds between America and its allies as we work to ensure global peace and prosperity.

I thank Chairman BERMAN for his leadership in bringing this resolution to the floor and for his dedication to promoting effective foreign policy that meets the challenges of an ever-changing world.

I also applaud Congressman TANNER for sponsoring this legislation. This resolution is emblematic of his commitment to transatlantic security cooperation, a cause he has championed both as a Member of Congress and as President of the NATO Parliamentary Assembly.

Mr. Speaker, the George C. Marshall European Center for Security Studies, the Marshall Center, was established in 1993. It is an insti-

tute dedicated to security and defense studies tailored to advancing post-Cold War democracies in Europe and Central Asia.

As a joint partnership of the United States and German governments, the Marshall Center stands as a testament to the power of international collaboration. Alumni of the Marshall Center serve as military officers, ambassadors, government ministers, and elected officials in over 100 countries. Carried by the spirit of the Marshall Plan, which rebuilt Europe following World War II, the Marshall Center has created a new generation of leaders fully prepared to tackle the most important security issues facing Europe, Asia, and North America.

Mr. Speaker, since World War II, the security of the United States has been intimately connected to the stability of Europe and Eurasia. Many of my constituents fought bravely overseas to protect and promote this stability. We owe it to our veterans and to future generations to continue working for global security; the Marshall Center is a crucial part of this effort.

I urge my colleagues to join me in supporting H. Res. 528.

Mr. TANNER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Tennessee (Mr. TANNER) that the House suspend the rules and agree to the resolution, H. Res. 528.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. POE of Texas. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

REQUIRING FDIC TO FULLY INSURE INTEREST ON LAWYERS TRUST ACCOUNTS

Mr. DOGGETT. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6398) to require the Federal Deposit Insurance Corporation to fully insure Interest on Lawyers Trust Accounts, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6398

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. INTEREST ON LAWYERS TRUST ACCOUNTS.

(a) IN GENERAL.—Section 11(a)(1)(B)(iii) of the Federal Deposit Insurance Act, as added by section 343 of the Dodd-Frank Wall Street Reform and Consumer Protection Act (Public Law 111-203), is amended—

(1) by redesignating subclauses (I), (II), and (III) as items (aa), (bb), and (cc), respectively, and adjusting the margins accordingly;

(2) by striking “means a deposit” and inserting the following:

“means—

“(I) a deposit”;

(3) in item (cc), as so redesignated, by striking the period at the end and inserting “; and”; and

(4) by adding at the end the following:

“(II) a trust account established by an attorney or law firm on behalf of a client, commonly known as an ‘Interest on Lawyers Trust Account’, or a functionally equivalent account, as determined by the Corporation.”.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on December 31, 2010.

SEC. 2. DETERMINATION OF BUDGETARY EFFECTS.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled “Budgetary Effects of PAYGO Legislation” for this Act, submitted for printing in the Congressional Record by the Chairman of the House Budget Committee, provided that such statement has been submitted prior to the vote on passage.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. DOGGETT) and the gentlewoman from Illinois (Mrs. BIGGERT) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

GENERAL LEAVE

Mr. DOGGETT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this legislation and insert extraneous material herein.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. DOGGETT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the chairman and ranking member of the Financial Services Committee, Mr. FRANK and Mr. BACHUS; my colleague and member of the Financial Services Committee, Mrs. BIGGERT; as well as Leaders HOYER and BOEHNER for their assistance in expediting the consideration of this measure.

When an attorney receives funds for use on behalf of a client, those funds are usually deposited in a trust account at some financial institution. Many years ago, leaders in the legal community across America determined that interest could be earned on such accounts and applied to finance legal services for those who otherwise might have no access to our justice system. They recognized, as we do today, the wisdom of Judge Learned Hand’s writing: “If we are to keep our democracy, there must be one commandment—thou shall not ration justice.”

For decades, revenue from these Interest on Lawyer’s Trust Accounts, or

IOLTAs as they are commonly referred to, have provided a key funding source for the disadvantaged in all 50 States. Before coming to Congress, I served as a justice on the Texas Supreme Court, which sets forth the rules and oversees the operation of such IOLTA accounts in my State.

□ 1930

I saw firsthand the benefits of these programs in ensuring access to justice for those who otherwise might be unable to secure justice. Some of those who need legal assistance the most—veterans who have served honorably, domestic violence victims, and persons with disabilities—are too often the least able to obtain it. In some States, IOLTA funds are also used to reduce litigation by encouraging conflict resolution outside of the court system.

After hearing a few weeks ago from Terry Tottenham, who is the president of the State Bar of Texas, and after hearing from a number of other local leaders, I introduced this bill to assure continued full FDIC protection for these trust accounts. This protection, which exists today under existing law, would otherwise have expired for these accounts at the end of this year, when the existing law is to be fully replaced by the extensive new Wall Street reform law. Today’s legislation simply extends existing Federal Deposit Insurance Corporation protection into the future.

At a time when interest rates are at an all-time low, it is particularly important that there be a complete government-backed guarantee against any loss on these trust accounts. Such protection also ensures that small, independent banks are on a level playing field with their larger competitors in securing these trust fund deposits. This bill is supported by a broad range of groups, including the Independent Community Bankers of America and the American Bar Association. I urge my colleagues to approve it.

I reserve the balance of my time.

Mrs. BIGGERT. I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 6398, which would extend the current Federal Deposit Insurance Corporation’s, or FDIC’s, guarantee of Interest on Lawyer Trust Accounts, also called IOLTAs, for another 2 years.

I would also like to thank my colleague from Texas (Mr. DOGGETT) for introducing this corrections bill to amend the Dodd-Frank Act.

The IOLTA program represents a significant source of financial support to civil legal aid programs for the poor. These programs operate in all 50 States. In 37 States, including my home State of Illinois, they are mandatory. IOLTAs contain client funds held by a lawyer for a short period of time. Interest generated from these accounts is paid to charitable organizations, not to the lawyer or the client.

In 1978, Florida was the first State to establish an IOLTA program. Illinois became the 11th State to establish IOLTAs, and in 1983, the Supreme Court of Illinois required that the interest from these accounts be collected and administered by the Lawyers Trust Fund, a not-for-profit corporation created in 1981 by the Illinois State Bar Association and the Chicago Bar Association. Since then, these funds have supported civil legal assistance to the impoverished in Illinois.

When State legislatures and State supreme courts created IOLTA, the FDIC carved out an exception to Regulation D that allowed the payment of interest on these demand accounts.

The current Term Asset Guarantee program, or TAG program, under which the FDIC guarantees the total amount of client funds maintained in IOLTAs, expires December 31, 2010. The Dodd-Frank Act creates an equivalent program, running for 2 years beginning January 1, 2011, but makes several changes, including a more narrow definition of a “covered account.” In what appears to have been a drafting error, IOLTAs were not covered under the new program established by the Dodd-Frank Act. This bill corrects that inadvertent omission so that IOLTAs are fully insured.

If the current guarantee were allowed to lapse, attorneys in the 37 States with IOLTA mandates, acting in accordance with their fiduciary duties to maintain the security of the client funds, might be forced to transfer IOLTA accounts from local community banks to larger, safer institutions, and attorneys in the other jurisdictions might be forced to transfer funds from IOLTA accounts to non-interest-bearing accounts to qualify for unlimited FDIC coverage. If the coverage for these accounts is not extended, a critical source of civil legal aid might unnecessarily and inappropriately shrink. In addition, according to the Independent Community Bankers of America, the ICBA, “without this coverage, potentially hundreds of millions of dollars will be withdrawn from IOLTAs, adversely impacting liquidity in the banking system with a disproportionate impact on community banks.”

This bill is supported by the ICBA and the American Bar Association. The Congressional Budget Office has determined that, although the bill costs \$15 million over a period of 5 years, the bill would raise \$2 million over a 10-year period.

I again urge support for the legislation, and I yield back the balance of my time.

Mr. DOGGETT. Mr. Speaker, our colleague from Illinois has provided further explanation of the nature of this bill. It is a clean proposal. If we do not get this into law before the end of December, there will be some problems presented. So I would hope not only

that we would approve it here but that the Senate would act promptly to approve this narrow bill without attaching any other extraneous matter to it.

In closing, I would also extend my thanks to both the Democrat and Republican staffs on the Financial Services Committee for working with us to see that this measure is promptly approved.

I would move adoption of the bill.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. DOGGETT) that the House suspend the rules and pass the bill, H.R. 6398, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

SUPPORTING NATIONAL HOMELESS PERSONS' MEMORIAL DAY

Mr. PETERS. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 325) supporting the goals and ideals of National Homeless Persons' Memorial Day.

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

H. CON. RES. 325

Whereas more than 500,000 people in the United States do not have a place to call home each night and half of them are without shelter;

Whereas nationwide each year, an estimated 2,000,000 people experience homelessness;

Whereas adequate housing is essential for healthy families and communities;

Whereas housing has become increasingly inaccessible due to rising costs and a shortage of rental and single-family housing;

Whereas a recent study published in the May 13, 2010, American Journal of Public Health has shown that over 70 percent of people experiencing homelessness have at least one unmet health need and almost half report two or more;

Whereas the mortality rate among homeless populations has been shown to be almost four times that of the general population;

Whereas every member of society, including individuals experiencing homelessness, deserves the dignity of safe, decent, accessible, and affordable housing;

Whereas the President and Congress were presented on June 22, 2010, "Opening Doors: Federal Strategic Plan to Prevent and End Homelessness" which describes how the Federal Government will partner with States, local communities, nonprofit organizations, and the private sector;

Whereas remembering that winter poses extreme hardships for inadequately housed low-income men, women, and children across the United States, the National Coalition for the Homeless and the National Healthcare for the Homeless Council will hold memorial services on December 21, 2010, for those who die each year because of conditions associated with homelessness;

Whereas December 21, 2010, is the first day of winter and the longest night of the year;

Whereas the spirit of the holiday season provides an opportunity for affirmation and renewal regarding the commitment to ending homelessness and promoting compassion and concern for all, especially the homeless;

Whereas in remembering those who died on the streets, the cause of ending homelessness is kept urgent as is the Nation's collective commitment to preventing such deaths in the future; and

Whereas National Homeless Persons' Memorial Day is recognized on December 21, 2010: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress—

(1) supports the goals and ideals of National Homeless Persons' Memorial Day, in recognition of the people who have died on the streets, in emergency shelters, condemned or abandoned properties, and from elements directly related to homelessness;

(2) encourages the President to issue a proclamation in support of the goals and ideals of National Homeless Persons' Memorial Day;

(3) encourages States, territories, possessions of the United States, and localities to support the goals and ideals of National Homeless Persons' Memorial Day by issuing proclamations designating National Homeless Persons' Memorial Day;

(4) encourages media organizations to participate in National Homeless Persons' Memorial Day to help educate the public about homelessness in the United States;

(5) commends the efforts of the States, territories, and possessions of the United States who support the goals and ideals of National Homeless Persons' Memorial Day;

(6) recognizes and reaffirms the Nation's commitment to ending homelessness by promoting a comprehensive national response that addresses the housing, health care, income, and civil rights causal factors and consequences of extreme poverty; and

(7) acknowledges all of the people in the United States living on the streets who have paid the ultimate price for the Nation's failure to end homelessness and salutes the dedicated professionals and organizations who provide assistance to people in need.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. PETERS) and the gentlewoman from Illinois (Mrs. BIGGERT) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan.

GENERAL LEAVE

Mr. PETERS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on this legislation and to insert extraneous material thereon.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. PETERS. I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of House Concurrent Resolution 325, which supports the goals and ideals of National Homeless Persons' Memorial Day.

I want to thank Congressman ALCEE HASTINGS for introducing this important resolution.

An estimated 2 million people experience homelessness in the United States each year, and every night, more than a half a million people are homeless. These individuals are at a high risk for mortality, sickness, and mental illness. The mortality rate among homeless persons is four times greater than that of the general population.

Furthermore, according to a 2010 study published in the American Journal of Public Health, over 70 percent of the homeless population has at least one unmet health need, and almost half report two or more. In particular, approximately 2 million youth experience homelessness over the course of a year, and nearly 200,000 children in families were homeless, which is according to a recent one-night count of homelessness by the Urban Institute.

The problem facing the homeless is also why House Concurrent Resolution 325 is so important. It will recognize December 21, 2010, as National Homeless Persons' Memorial Day, and it will reaffirm the commitment of Congress to end homelessness by promoting a comprehensive national response to address the housing, health, and economic causes and consequences of extreme poverty.

Preventing homelessness has been a longtime priority for Congress and this administration. On May 20, 2009, President Obama signed into law S. 896, the Helping Families Save Their Homes Act, which included the Homeless Emergency Assistance and Rapid Transition to Housing Act.

□ 1940

House Concurrent Resolution 325 furthers the mission of Congress to help prevent and end homelessness in the United States. I commend Congressman HASTINGS for introducing this very important legislation and urge my colleagues to vote in support of House Concurrent Resolution 325.

Mr. Speaker, I reserve the balance of my time.

Mrs. BIGGERT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today as an original cosponsor of House Concurrent Resolution 325, supporting the goals and ideals of National Homeless Persons' Memorial Day on December 21, 2010.

I thank Mr. PETERS of Michigan for managing this bill. I would also like to thank my colleagues, Mr. HASTINGS of Florida, Mr. DAVIS of Kentucky and Ms. BERNICE JOHNSON of Texas, who all worked to bring this important measure to the floor.

As many of you know, the four of us joined together this May to form the bipartisan Congressional Caucus on Homelessness. As part of that effort, we aim to raise awareness about the importance of preventing and ending homelessness in our country through efforts such as the resolution before us today. I would strongly encourage any

Member who hasn't already done so to consider joining this important new caucus. Following our initial launch, we held a successful briefing in October to discuss ending veterans' homelessness. During the 112th Congress, we hope to hold similar forums to facilitate exchanges among interested stakeholders to raise national attention and discuss solutions to the challenges facing homeless families, veterans, and especially children and youth.

Today, with this concurrent resolution, we bring to the attention of our colleagues one of the most tragic realities that too often goes unnoticed among homeless Americans, the loss of life. Each year, the National Coalition for the Homeless organizes memorial events on the first day of winter to recognize those Americans who have passed away. Last year, over 150 cities held events to honor those homeless children and adults who died, many without any family, friends or loved ones being given a chance to bear witness to their final moments or to mourn their loss. While homeless individuals too often die in anonymity, their lives each held meaning, purpose and value. This resolution is an opportunity to recognize that fact and reflect on the lives that have been lost.

This winter in the Chicago area, church officials and members, homeless providers, volunteers, government officials, and others will gather on National Homeless Persons' Memorial Day. In my home district, DuPage Public Action to Deliver Shelter, or DuPage PADS, will host an event to recognize the lives of six homeless people in DuPage County who passed away in 2010. In the City of Chicago, where an estimated 25 homeless people have passed away this year, the Ignatian Spirituality Project will sponsor a memorial service at St. Patrick's Church.

Whether in public or in prayer, I encourage my colleagues in Congress as well as Americans across our great country to take a moment during this holiday season to remember our homeless neighbors who have passed on. I also encourage every American to join together at local events this winter as we continue our national campaign to prevent and end homelessness.

I ask my colleagues to support this resolution.

Mr. HASTINGS of Florida. Mr. Speaker, I rise today to offer my strong support of House Concurrent Resolution 325, a concurrent resolution to support the goals and ideals of a National Homeless Persons' Memorial Day, in recognition of the people who have died on our streets, in emergency shelters, condemned or abandoned properties, and from elements directly related to homelessness.

On or near the first day of winter and the longest night of the year, National Homeless Persons' Memorial Day events have been held nationwide every year since 1990 to remember the homeless persons whose lives and

deaths might otherwise go without any recognition.

Throughout my home state of Florida, this important day is recognized, along with over 200 other local municipalities, organizations, and statewide organizations throughout the United States holding communitywide vigils, memorials, and service events. With the support of more than twelve national organizations, including the National Coalition for the Homeless, the National Consumer Advisory Board, and the National Health Care for the Homeless Council, National Homeless Persons' Memorial Day brings attention to the tragedy of homelessness and memorializes our homeless neighbors and friends who have lost their lives because of our collective failure to end homelessness.

More than half a million people in the United States do not have a place to call home each night and half of them are without shelter. Nationwide each year, an estimated 2,000,000 people experience homelessness. Furthermore, the mortality rate among homeless populations has been shown to be almost four times that of the general population. Homelessness is expensive and can be prevented.

This resolution provides us with the opportunity to commend the efforts of the States, territories, and possessions of the United States who support the goals and ideals of National Homeless Persons' Memorial Day, to encourage those not already doing so, and to salute the dedicated professionals and organizations who provide assistance 365 days a year to people in need.

Most importantly, a national memorial day will ensure that we keep the problem in perspective. Through all the statistics on homelessness, all too often, we forget that numbers correspond to actual individuals with actual lives and families.

As the 2010 Federal Strategic Plan to Prevent and End Homelessness declares: "There are no 'homeless people,' but rather people who have lost their homes who deserve to be treated with dignity and respect." In remembering those who died on the streets, the cause of ending homelessness is kept urgent as is the Nation's collective commitment to preventing such deaths in the future.

Mr. Speaker, we must remember their lives—men, women, and children—and we must remember why they died.

I urge my colleagues to support this resolution and reaffirm Congress' commitment to ending homelessness by promoting a comprehensive national response that addresses the housing, health care, income, and civil rights causal factors and consequences of extreme poverty. Let us make this year's first night of winter and longest night of the year, December 21, 2010, a true National Memorial Day.

Mrs. BIGGERT. Mr. Speaker, I yield back the balance of my time.

Mr. PETERS. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. PETERS) that the House suspend the rules and agree to the resolution, H. Con. Res. 325.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mrs. BIGGERT. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

NUCLEAR ENERGY RESEARCH AND DEVELOPMENT ACT OF 2010

Mr. GORDON of Tennessee. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5866) to amend the Energy Policy Act of 2005 requiring the Secretary of Energy to carry out initiatives to advance innovation in nuclear energy technologies, to make nuclear energy systems more competitive, to increase efficiency and safety of civilian nuclear power, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5866

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Nuclear Energy Research and Development Act of 2010".

SEC. 2. OBJECTIVES.

Section 951(a) of the Energy Policy Act of 2005 (42 U.S.C. 16271(a)) is amended—

(1) by redesignating paragraphs (2) through (8) as paragraphs (5) through (11), respectively;

(2) by inserting after paragraph (1) the following new paragraphs:

"(2) Reducing the costs of nuclear reactor systems.

"(3) Reducing used nuclear fuel and nuclear waste products generated by civilian nuclear energy.

"(4) Supporting technological advances in areas that industry by itself is not likely to undertake because of technical and financial uncertainty."; and

(3) by inserting after paragraph (11), as so redesignated, the following new paragraph:

"(12) Researching and developing technologies and processes so as to improve and streamline the process by which nuclear power systems meet Federal and State requirements and standards.".

SEC. 3. FUNDING.

Section 951 of the Energy Policy Act of 2005 (42 U.S.C. 16271) is further amended—

(1) in subsection (b), by striking paragraphs (1) through (3) and inserting the following:

"(1) \$419,000,000 for fiscal year 2011;

"(2) \$429,000,000 for fiscal year 2012; and

"(3) \$439,000,000 for fiscal year 2013."; and

(2) in subsection (d)—

(A) by striking "under subsection (a)" and inserting "under subsection (b)";

(B) by amending paragraph (1) to read as follows:

"(1) For activities under section 953—

"(A) \$201,000,000 for fiscal year 2011;

"(B) \$201,000,000 for fiscal year 2012; and

"(C) \$201,000,000 for fiscal year 2013."; and

(C) by inserting after paragraph (3) the following new paragraphs:

“(A) For activities under section 952, other than those described in section 952(d)—

“(A) \$64,000,000 for fiscal year 2011;

“(B) \$64,000,000 for fiscal year 2012; and

“(C) \$64,000,000 for fiscal year 2013.

“(5) For activities under section 952(d)—

“(A) \$55,000,000 for fiscal year 2011;

“(B) \$65,000,000 for fiscal year 2012; and

“(C) \$75,000,000 for fiscal year 2013.

“(6) For activities under section 958—

“(A) \$99,000,000 for fiscal year 2011;

“(B) \$99,000,000 for fiscal year 2012; and

“(C) \$99,000,000 for fiscal year 2013.”.

SEC. 4. PROGRAM OBJECTIVES STUDY.

Section 951 of the Energy Policy Act of 2005 (42 U.S.C. 16271) is amended by adding at the end the following new subsection:

“(f) PROGRAM OBJECTIVES STUDY.—In furtherance of the program objectives listed in subsection (a) of this section, the Secretary shall, within one year after the date of enactment of this subsection, transmit to the Congress a report on the results of a study on the scientific and technical merit of major State requirements and standards, including moratoria, that delay or impede the further development and commercialization of nuclear power, and how the Department in implementing the programs can assist in overcoming such delays or impediments.”.

SEC. 5. NUCLEAR ENERGY RESEARCH AND DEVELOPMENT PROGRAMS.

Section 952 of the Energy Policy Act of 2005 (42 U.S.C. 16272) is amended by striking subsections (c) through (e) and inserting the following:

“(c) REACTOR CONCEPTS.—

“(1) IN GENERAL.—The Secretary shall carry out a program of research, development, demonstration, and commercial application to advance nuclear power systems as well as technologies to sustain currently deployed systems.

“(2) DESIGNS AND TECHNOLOGIES.—In conducting the program under this subsection, the Secretary shall examine advanced reactor designs and nuclear technologies, including those that—

“(A) are economically competitive with other electric power generation plants;

“(B) have higher efficiency, lower cost, and improved safety compared to reactors in operation as of the date of enactment of the Nuclear Energy Research and Development Act of 2010;

“(C) utilize passive safety features;

“(D) minimize proliferation risks;

“(E) substantially reduce production of high-level waste per unit of output;

“(F) increase the life and sustainability of reactor systems currently deployed;

“(G) use improved instrumentation;

“(H) are capable of producing large-scale quantities of hydrogen or process heat; or

“(I) minimize water usage or use alternatives to water as a cooling mechanism.

“(3) INTERNATIONAL COOPERATION.—In carrying out the program under this subsection, the Secretary shall seek opportunities to enhance the progress of the program through international cooperation through such organizations as the Generation IV International Forum, or any other international collaboration the Secretary considers appropriate.

“(4) EXCEPTIONS.—No funds authorized to be appropriated to carry out the activities described in this subsection shall be used to fund the activities authorized under sections 641 through 645.”.

SEC. 6. SMALL MODULAR REACTOR PROGRAM.

Section 952 of the Energy Policy Act of 2005 (42 U.S.C. 16272) is further amended by adding at the end the following new subsection:

“(d) SMALL MODULAR REACTOR PROGRAM.—

“(1) IN GENERAL.—

“(A) The Secretary shall carry out a small modular reactor program to promote research, development, demonstration, and commercial application of small modular reactors, including through cost-shared projects for commercial application of reactor systems designs.

“(B) The Secretary shall consult with and utilize the expertise of the Secretary of the Navy in establishing and carrying out such program.

“(C) Activities may also include development of advanced computer modeling and simulation tools, by Federal and non-Federal entities, which demonstrate and validate new design capabilities of innovative small modular reactor designs.

“(2) DEFINITION.—For the purposes of this subsection, the term ‘small modular reactor’ means a nuclear reactor—

“(A) with a rated capacity of less than 300 electrical megawatts;

“(B) with respect to which most parts can be factory assembled and shipped as modules to a reactor plant site for assembly; and

“(C) that can be constructed and operated in combination with similar reactors at a single site.

“(3) LIMITATION.—Demonstration activities carried out under this section shall be limited to individual technologies and systems, and shall not include demonstration of full reactor systems or full plant operations.

“(4) ADMINISTRATION.—In conducting the small modular reactor program, the Secretary may enter into cooperative agreements to support small modular reactor designs that enable—

“(A) lower capital costs or increased access to private financing in comparison to current large reactor designs;

“(B) reduced long-term radiotoxicity, mass, or decay heat of the nuclear waste produced by generation;

“(C) increased operating safety of nuclear facilities;

“(D) reduced dependence of reactor systems on water resources;

“(E) increased seismic resistance of nuclear generation;

“(F) reduced proliferation risks through integrated safeguards and security proliferation controls; and

“(G) increased efficiency in reactor manufacturing and construction.

“(5) APPLICATION.—To be eligible to enter into a cooperative agreement with the Secretary under this subsection, an applicant shall submit to the Secretary a proposal for the small modular reactor project to be undertaken. The proposal shall document—

“(A) all partners and suppliers that will be active in the small modular reactor project, including a description of each partner or supplier's anticipated domestic and international activities;

“(B) measures to be undertaken to enable cost-effective implementation of the small modular reactor project;

“(C) an accounting structure approved by the Secretary;

“(D) all known assets that shall be contributed to satisfy the cost-sharing requirement under paragraph (6); and

“(E) the extent to which the proposal will increase domestic manufacturing activity, exports, or employment.

“(6) COST SHARING.—Notwithstanding section 988, the Secretary shall require the parties to a cooperative agreement under this subsection to be responsible for not less than 50 percent of the costs of the small modular reactor project.

“(7) CALCULATION OF COST SHARING AMOUNT.—A recipient of financial assistance under this section may not satisfy the cost sharing requirement under paragraph (6) by using funds received from the Federal Government through appropriation Acts.

“(8) PROJECT SELECTION CRITERIA.—The Secretary shall consider the following factors in entering into a cooperative agreement under this subsection:

“(A) The domestic manufacturing capabilities of the parties to the cooperative agreement and their partners and suppliers.

“(B) The viability of the reactor design and the business plan or plans of the parties to the cooperative agreement.

“(C) The parties to the cooperative agreement's potential to continue the development of small modular reactors without Federal subsidies or loan guarantees.

“(D) The cost share to be provided.

“(E) The degree to which the following goals will be advanced:

“(i) Lower capital costs or increased access to private financing in comparison to current large reactor designs.

“(ii) Reduced long-term radiotoxicity, mass, or decay heat of the nuclear waste produced by generation.

“(iii) Increased operating safety of nuclear facilities.

“(iv) Reduced dependence of reactor systems on water resources.

“(v) Increased seismic resistance of nuclear generation.

“(vi) Reduced proliferation risks through integrated safeguards and security proliferation controls.

“(vii) Increased efficiency in reactor manufacturing and construction.”.

SEC. 7. CONVENTIONAL IMPROVEMENTS TO NUCLEAR POWER PLANTS.

Section 952 of the Energy Policy Act of 2005 (42 U.S.C. 16272) is further amended by adding at the end the following new subsection:

“(e) CONVENTIONAL IMPROVEMENTS TO NUCLEAR POWER PLANTS.—

“(1) IN GENERAL.—The Secretary may carry out a Nuclear Energy Research Initiative for research and development related to steam-side improvements to nuclear power plants to promote the research, development, demonstration, and commercial application of—

“(A) cooling systems;

“(B) turbine technologies;

“(C) heat exchangers and pump design;

“(D) special coatings to improve lifetime of components and performance of heat exchangers; and

“(E) advanced power conversion systems for advanced reactor technologies.

“(2) ADMINISTRATION.—The Secretary may undertake initiatives under this subsection only when the goals are relevant and proper to enhance the performance of technologies developed under subsection (c). Not more than \$10,000,000 of funds authorized for this section may be used for carrying out this subsection.”.

SEC. 8. FUEL CYCLE RESEARCH AND DEVELOPMENT.

(a) AMENDMENTS.—Section 953 of the Energy Policy Act of 2005 (42 U.S.C. 16273) is amended—

(1) in the section heading by striking “ADVANCED FUEL CYCLE INITIATIVE” and inserting “FUEL CYCLE RESEARCH AND DEVELOPMENT”;

(2) by striking subsection (a);

(3) by redesignating subsections (b) through (d) as subsections (e) through (g), respectively; and

(4) by inserting before subsection (e), as so redesignated by paragraph (3) of this subsection, the following new subsections:

“(a) IN GENERAL.—The Secretary shall conduct a fuel cycle research, development, demonstration, and commercial application program (referred to in this section as the ‘program’) on fuel cycle options that improve uranium resource utilization, maximize energy generation, minimize nuclear waste creation, improve safety, mitigate risk of proliferation, and improve

waste management in support of a national strategy for spent nuclear fuel and the reactor concepts research, development, demonstration, and commercial application program under section 952(c).

“(b) **FUEL CYCLE OPTIONS.**—Under this section the Secretary may consider implementing the following initiatives:

“(1) **OPEN CYCLE.**—Developing fuels, including the use of nonuranium materials, for use in reactors that increase energy generation and minimize the amount of nuclear waste produced in an open fuel cycle.

“(2) **MODIFIED OPEN CYCLE.**—Developing fuel forms, reactors, and limited separation and transmutation methods that increase fuel utilization and reduce nuclear waste in a modified open fuel cycle.

“(3) **FULL RECYCLE.**—Developing advanced recycling technologies, including Generation IV Reactors, to reduce the risk of proliferation, radiotoxicity, mass, and decay heat to the greatest extent possible.

“(4) **ADVANCED STORAGE METHODS.**—Developing advanced storage technologies for both onsite and long-term storage that substantially prolong the effective life of current storage devices or that substantially improve upon existing nuclear waste storage technologies and methods, including repositories.

“(5) **ALTERNATIVE AND DEEP BOREHOLE STORAGE METHODS.**—Developing alternative storage methods for long-term storage, including deep boreholes into stable crystalline rock formations and mined repositories in a range of geologic media.

“(6) **OTHER TECHNOLOGIES.**—Developing any other technology or initiative that the Secretary determines is likely to advance the objectives of the program established under subsection (a).

“(c) **ADDITIONAL ADVANCED RECYCLING AND CROSSCUTTING ACTIVITIES.**—In addition to and in support of the specific initiatives described in paragraphs (1) through (6), the Secretary may support the following activities:

“(1) Development and testing of integrated process flow sheets for advanced nuclear fuel recycling processes.

“(2) Research to characterize the byproducts and waste streams resulting from fuel recycling processes.

“(3) Research and development on reactor concepts or transmutation technologies that improve resource utilization or reduce the radiotoxicity of waste streams.

“(4) Research and development on waste treatment processes and separations technologies, advanced waste forms, and quantification of proliferation risks.

“(5) Identification and evaluation of test and experimental facilities necessary to successfully implement the advanced fuel cycle initiative.

“(6) Advancement of fuel cycle-related modeling and simulation capabilities.

“(d) **BLUE RIBBON COMMISSION REPORT.**—

“(1) In carrying out this section, the Secretary shall give consideration to the final report on a long-term nuclear waste solution produced by the Blue Ribbon Commission on America's Nuclear Future.

“(2) Not later than 180 days after the release of the Blue Ribbon Commission on America's Nuclear Future final report, the Secretary shall transmit to Congress a report, which shall include—

“(A) any plans the Department may have to incorporate any relevant recommendations from this report into the program; and

“(B) how those recommendations for long-term nuclear waste solutions that will be incorporated into the plan compare with plans for a long-term nuclear waste solution of a repository at Yucca Mountain, that may or may not be incorporated into the plan, with regard to the

safety, security, legal, cost, and technological and site readiness factors associated with any recommendations related to final disposition pathways for spent nuclear fuel and high-level radioactive waste to the same factors associated with permanent deep geological disposal at the Yucca Mountain waste repository.

“(3) The analysis described in paragraph (2)(B) shall be conducted using scientific and technical materials and information used to support policy actions related to the Yucca Mountain project.”.

(b) **CONFORMING AMENDMENT.**—The item relating to section 953 in the table of contents of the Energy Policy Act of 2005 is amended to read as follows:

“Sec. 953. Fuel cycle research and development.”.

SEC. 9. NUCLEAR ENERGY ENABLING TECHNOLOGIES PROGRAM.

(a) **AMENDMENT.**—Subtitle E of title IX of the Energy Policy Act of 2005 (42 U.S.C. 16271 et seq.) is amended by adding at the following new section:

“SEC. 958. NUCLEAR ENERGY ENABLING TECHNOLOGIES.

“(a) **IN GENERAL.**—The Secretary shall conduct a program to support the integration of activities undertaken through the reactor concepts research, development, demonstration, and commercial application program under section 952(c) and the fuel cycle research and development program under section 953, and support crosscutting nuclear energy concepts. Activities commenced under this section shall be concentrated on broadly applicable research and development focus areas.

“(b) **ACTIVITIES.**—Activities conducted under this section may include research involving—

“(1) advanced reactor materials;

“(2) advanced radiation mitigation methods;

“(3) advanced proliferation and security risk assessment methods;

“(4) advanced sensors and instrumentation;

“(5) advanced nuclear manufacturing methods; or

“(6) any crosscutting technology or transformative concept aimed at establishing substantial and revolutionary enhancements in the performance of future nuclear energy systems that the Secretary considers relevant and appropriate to the purpose of this section.

“(c) **REPORT.**—The Secretary shall submit, as part of the annual budget submission of the Department, a report on the activities of the program conducted under this section, which shall include a brief evaluation of each activity's progress.”.

(b) **CONFORMING AMENDMENT.**—The table of contents of the Energy Policy Act of 2005 is amended by adding at the end of the items for subtitle E of title IX the following new item:

“Sec. 958. Nuclear energy enabling technologies.”.

SEC. 10. EMERGENCY RISK ASSESSMENT AND PREPAREDNESS REPORT.

Not later than 180 days after the date of enactment of this Act, the Secretary shall transmit to the Congress a report summarizing quantitative risks associated with the potential of a severe accident arising from the use of civilian nuclear energy technology, including reactor technology deployed or likely to be deployed as of the date of enactment of this Act, and outlining the technologies currently available to mitigate the consequences of such an accident. The report shall include recommendations of areas of technological development that should be pursued to reduce the potential public harm arising from such an incident.

SEC. 11. NEXT GENERATION NUCLEAR PLANT.

(a) **PROTOTYPE PLANT LOCATION.**—Section 642(b)(3) of the Energy Policy Act of 2005 (42

U.S.C. 16022(b)(3)) is amended to read as follows:

“(3) **PROTOTYPE PLANT LOCATION.**—The prototype nuclear reactor and associated plant shall be constructed at a location determined by the consortium through an open and transparent competitive selection process.”.

(b) **REPORT.**—

(1) **REQUIREMENT.**—Not later than 1 year after the date of enactment of this Act, the Comptroller General shall transmit to the Congress a report providing a status update of the Next Generation Nuclear Plant program that provides analysis of—

(A) its progress;

(B) how Federal funds appropriated for the project have been distributed and spent; and

(C) the current and expected participation by non-Federal entities.

(2) **CONTENTS.**—The report shall include—

(A) an analysis of the proposed facility's technical capabilities and remaining technological development challenges, and a cost estimate and construction schedule;

(B) an assessment of the advantages and disadvantages of funding a pilot-scale research reactor project in lieu of a full-scale commercial power reactor;

(C) an assessment of alternative construction sites proposed by private industry;

(D) an assessment of the extent to which the Department of Energy is working with industry and the Nuclear Regulatory Commission to ensure that the Next Generation Nuclear Plant program meets industry expectations for long-term application of technologies and addresses potential licensing procedures for deployment;

(E) an assessment of the known or anticipated challenges to securing private non-Federal cost share funds and any measures to overcome these challenges, including any alternative funding approaches such as front loading the Federal share;

(F) an assessment of project risks, including those related to—

(i) project scope, schedule, and resources;

(ii) the formation of partnerships or agreements between the Department and the private sector necessary for the project's success; and

(iii) the Department's capabilities to identify and manage such risks; and

(G) an assessment of what is known about the potential impact of natural gas and other fossil fuel prices on private entity participation in the project.

SEC. 12. TECHNICAL STANDARDS COLLABORATION.

(a) **IN GENERAL.**—The Director of the National Institute of Standards and Technology shall establish a nuclear energy standards committee (in this section referred to as the “technical standards committee”) to facilitate and support, consistent with the National Technology Transfer and Advancement Act of 1995, the development or revision of technical standards for new and existing nuclear power plants and advanced nuclear technologies.

(b) **MEMBERSHIP.**—

(1) **IN GENERAL.**—The technical standards committee shall include representatives from appropriate Federal agencies and the private sector, and be open to materially affected organizations involved in the development or application of nuclear energy-related standards.

(2) **CO-CHAIRS.**—The technical standards committee shall be co-chaired by a representative from the National Institute of Standards and Technology and a representative from a private sector standards organization.

(c) **DUTIES.**—The technical standards committee shall, in cooperation with appropriate Federal agencies—

(1) perform a needs assessment to identify and evaluate the technical standards that are needed to support nuclear energy, including those

needed to support new and existing nuclear power plants and advanced nuclear technologies;

(2) formulate, coordinate, and recommend priorities for the development of new technical standards and the revision of existing technical standards to address the needs identified under paragraph (1);

(3) facilitate and support collaboration and cooperation among standards developers to address the needs and priorities identified under paragraphs (1) and (2);

(4) as appropriate, coordinate with other national, regional, or international efforts on nuclear energy-related technical standards in order to avoid conflict and duplication and to ensure global compatibility; and

(5) promote the establishment and maintenance of a database of nuclear energy-related technical standards.

(d) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated \$1,000,000 for each of fiscal years 2011 through 2013 to the Director of the National Institute for Standards and Technology for activities under this section.

SEC. 13. EVALUATION OF LONG-TERM OPERATING NEEDS.

(a) **IN GENERAL.**—The Secretary of Energy shall enter into an arrangement with the National Academies to conduct an evaluation of the scientific and technological challenges to the long-term maintenance and safe operation of currently deployed nuclear power reactors up to and beyond the specified design-life of reactor systems.

(b) **REPORT.**—Not later than 1 year after the date of enactment of this Act, the Secretary shall transmit to the Congress, and make publicly available, the results of the evaluation undertaken by the Academies pursuant to subsection (a).

SEC. 14. AVAILABLE FACILITIES DATABASE.

The Secretary of Energy shall prepare a database of non-Federal user facilities receiving Federal funds that may be used for unclassified nuclear energy research. The Secretary shall make this database accessible on the Department of Energy's website.

SEC. 15. NUCLEAR WASTE DISPOSAL.

To the extent consistent with the requirements of current law, the Department of Energy shall be responsible for disposal of high-level radioactive waste or spent nuclear fuel generated by reactors under the programs authorized in this Act, or the amendments made by this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Tennessee (Mr. GORDON) and the gentlewoman from Illinois (Mrs. BIGGERT) each will control 20 minutes.

The Chair recognizes the gentleman from Tennessee.

GENERAL LEAVE

Mr. GORDON of Tennessee. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include extraneous material on H.R. 5866, the bill now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

Mr. GORDON of Tennessee. Mr. Speaker, I yield myself such time as I may consume.

The ongoing national discussion on our path forward towards a comprehen-

sive energy strategy necessarily raises questions about climate change, national security, and economic stability. In having this discussion, most experts have come to agree that any realistic strategy will require a diverse portfolio of energy sources. Renewables, clean coal and gas, and nuclear power must all play a role in moving our Nation towards energy independence while balancing our Nation's economic interests.

Before us today is H.R. 5866, which amends the Energy Policy Act of 2005 to modernize and improve our Federal nuclear energy R&D programs. I introduced this legislation after close collaboration with my friend from Texas, RALPH HALL, Mrs. BIGGERT, and many others on the committee on a bipartisan basis who share my belief that we must continue to seek the answers to the challenges of high capital costs for nuclear power systems and management and recycling of nuclear waste. Our Nation's 104 commercial reactors today produce 20 percent of our electricity, 70 percent of our emissions-free energy. Clearly, if we are to increase our energy independence, nuclear must continue to be a large part of our Nation's energy mix.

Once the world's leader in nuclear energy technologies, the U.S. is losing its competitive edge after decades of being dormant. Of the nearly 60 reactors currently under construction worldwide, most are in Asia, with China making up the bulk of that using its own CPR-1000 reactor technology. This trend will represent billions of dollars in foregone opportunities for the U.S.

As I mentioned, this bill is the result of a truly bipartisan effort over the past 8 months that has won the support of the nuclear industry, nuclear suppliers, and numerous trade associations. I would like to take a moment to thank the committee staff who worked on this bill, specifically Rob Walther and Chris King of the majority side and Dan Byers on the minority side. And I would like to thank Energy Subcommittee Ranking Member Mr. INGELIS and Subcommittee Chair Dr. BAIRD for their effort to bring this bill before us today. I call on my colleagues to support H.R. 5866.

Mr. Speaker, I reserve the balance of my time.

Mrs. BIGGERT. Mr. Speaker, I yield myself such time as I may consume.

I am pleased to be a cosponsor of H.R. 5866, and I thank Chairman GORDON and Ranking Member HALL for their leadership on this legislation.

Due to population and estimated economic growth over the next 25 years, the United States' demand for electricity is expected to rise by 30 percent. To meet rising demand for power for our homes and businesses, we need to expand our domestic and electricity production and create affordable, reliable electricity production in an envi-

ronmentally responsible way. Nuclear power is the only way to do this.

My home State of Illinois already leads the way, deriving half of its electricity from nuclear energy, but we need to do more to expand nuclear here and across the country. That is why I cosponsored this legislation which supports the development and deployment of small modular nuclear reactors and reauthorizes nuclear R&D activities at the Department of Energy.

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A complement to existing large-scale reactors, small modular reactors create less time and money to construct and are based on current reactor designs, thereby reducing the burdensome licensing process. This is an ideal solution for growing communities and cash-strapped utilities that need extra generation capacity at a fraction of the cost.

More importantly, H.R. 5866 extends and modifies R&D activities that promote advanced research to close the nuclear fuel cycle and recycle spent nuclear fuel. My district's scientists and engineers at Argonne National Laboratory lead the Nation in research and development for nuclear fuel or recycling.

Recycling is not just important for the reduction of waste created but also for the conservation of worldwide uranium resources. It will also encourage the deployment of expanded nuclear power for industry and States that want to provide affordable electricity without unnecessary liabilities.

In summary, H.R. 5866 is a strong bipartisan bill. It will complement the current revival of the nuclear industry by extending DOE's research and development activities to pursue longer term advances in three ways: reactor designs, fuel cycle R&D, and in cross-cutting areas such as materials and computer modeling and simulation.

I do want to note that there are a few minor changes made to the bill that was reported by the committee in section 4 and section 15. These changes should in no way be interpreted to change the intent or purpose of the language.

This bill is endorsed by a comprehensive group of key stakeholders, including the Nuclear Energy Institute, the Next Generation Nuclear Plant Industry Alliance, the American Chemical Society, Toshiba-Westinghouse, and GE-Hitachi.

I urge Members to support H.R. 5866. I reserve the balance of my time.

Mr. GORDON of Tennessee. Mr. Speaker, I yield such time as he may consume to my friend from California (Mr. ROHRABACHER).

Mr. ROHRABACHER. Thank you very much, Mr. Chairman, and I would like to express my deep appreciation of the ranking member as well as the chairman now of the full committee.

And again, you have heard these accolades many times, but you will be missed in the next Congress. We have worked together in a very bipartisan way to accomplish things through technology for our country and our people and the people of the world.

I rise today in support of H.R. 5866. Nuclear power has been a cornerstone of American domestic energy policy for decades, and it could have had a greater positive impact had we not succumbed to irrational attacks by environmental radicals who seem to oppose any type of energy. They ended up costing us hundreds of billions of dollars for imports that we otherwise would not have needed.

We now, however, have a tremendous opportunity to use the latest nuclear technology developments to produce safe, clean, cost-effective energy for our country and for the world. This bill updates America's nuclear energy research and funds those technologies that show the greatest possibilities. We are on the cusp of a new era, a new era of nuclear energy. Small modular reactors will provide safe, cost-effective electricity without the significant risks evident in the current, large-scale reactor system.

The next generation of reactors will be using as fuel the waste of today's reactors. Thus America's waste storage needs will be drastically cut. Advanced, gas-cooled nuclear systems will meet industrial needs without relying on a lot of water sources, eliminating conflict over water use and leftover waste and other environmental concerns. New high-temperature, gas-cooled reactor systems will leave behind less waste, and it will be impossible for them to melt down; this, based on their pebble bed design.

Investments in such innovations now will provide long-term benefits of energy production, waste disposal, and environmental stewardship; all of these enhanced by this legislation and the use of these reactors.

The security implications, of course, of weaning ourselves off of foreign oil is evident to all Americans. Obviously, a sustainable long-term, domestically produced clean energy future is in the best interests of all Americans. Investing in new nuclear technologies can accomplish this and will put our country back on the path to energy self-sufficiency.

One admonition, however. Powerful interests would have us waste money on old technologies like light water reactors or on nuclear fusion, which has had little demonstrable progress after decades of massive investment. So it is time for us to start building what is possible for us to build, especially when it has come so far already and is ready to go.

It is for these reasons that I strongly endorse the American nuclear energy industry, and I ask all of my colleagues to join me in support of H.R. 5866.

Mrs. BIGGERT. In closing, I would like to thank the chairman for all of the work he has done as chairman of the Science Committee, and this bill shows what you've been able to accomplish in the research and development, the basic science, and how this will benefit so much our country, and we really thank you for all the work that you put into this.

I yield back the balance of my time. Mr. GORDON of Tennessee. I will conclude by saying it's a "we," not "you." Mrs. BIGGERT and Mr. ROHR-ABACHER have been a strong part and, again, a bipartisan effort in an effort to bring forth good legislation. I'm proud of the fact this is the 151st bill and resolution that we have been able to bring forth here in a bipartisan way in the last 4 years. I think that's a record. And I thank you for being a part of that.

I yield back the balance of my time. The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Tennessee (Mr. GORDON) that the House suspend the rules and pass the bill, H.R. 5866, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

HONORING THE HISTORIC CONTRIBUTIONS OF VETERANS

Mr. FILNER. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1622) honoring the historic contributions of veterans throughout all conflicts involving the United States.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1622

Whereas veterans of service in the United States Armed Forces have served the Nation with honor and great sacrifices;

Whereas the people of the United States owe the security of the Nation to those who defended it;

Whereas United States veterans past and present have served the Nation in times of peace and war at great personal sacrifice for both themselves and their families;

Whereas historic contributions include involvement in the Revolutionary War, War of 1812, Eastern Indian Wars, Mexican War, Civil War, Western Indian Wars, Spanish-American War, World War I, World War II, Korean War, Vietnam Conflict, Lebanon crisis of 1958, Persian Gulf War, Operation Enduring Freedom, Operation Iraqi Freedom, and other conflicts;

Whereas veterans have served the United States in hundreds of deployments, large and small, responding to acts of aggression against the United States and its allies, protecting and evacuating civilians, bringing stability to areas experiencing political turmoil, and providing comfort and support in the wake of natural disasters;

Whereas the service and sacrifice of generations of men and women have shaped the history of the United States and transformed its society;

Whereas as civilians, veterans continue to provide a valuable service by working and volunteering in their communities across the Nation;

Whereas on Veterans Day each year, the Nation honors those who have defended democracy by serving in the Armed Forces;

Whereas the observance of Veterans Day is an expression of faith in democracy, faith in American values, and faith that those who fight for freedom will defeat those whose cause is unjust;

Whereas section 6103(a) of title 5, United States Code, provides that "Veterans day, November 11th" is a legal public holiday;

Whereas we must honor and express the Nation's gratitude to all veterans for their unwavering commitment to country, justice, and democracy; and

Whereas as the Nation reaffirms its obligation to provide veterans and their families with the essential support they were promised and have earned: Now, therefore, be it

Resolved, that the House of Representatives—

(1) recognizes and honors the courage, service, and sacrifice of all veterans and their historic contributions to the United States;

(2) encourages the people of the United States to demonstrate their support for Veterans Day each year by treating that day as a special day of reflection;

(3) encourages schools and teachers to educate students on the historic contributions veterans have made to the country and its history, both while serving as members of the United States Armed Forces and after completing their service; and

(4) requests that the President issue a proclamation each year in connection with the observance of Veterans Day calling on the people of the United States to recognize the historic contribution of all veterans by observing that day with appropriate ceremonies and activities.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. FILNER) and the gentleman from Tennessee (Mr. ROE) each will control 20 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. FILNER. I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H. Res. 1622.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. FILNER. I yield myself such time as I may consume.

Mr. Speaker, 2 weeks ago, as we all know, Americans came together to honor Veterans Day and pay tribute to the over 23 million veterans that have served our Nation. We have a proud legacy of appreciation and commitment to the men and women who have worn the uniform and have made great sacrifices. We know that we owe the security of this Nation to those who defended it.

This resolution before us encourages Americans to demonstrate their support for veterans also. No other group of Americans has stood stronger and braver for our democracy than our troops and our veterans.

I firmly believe that Veterans Day should not be observed for just one day a year but that our Nation's heroes must be celebrated, honored, and remembered for their service to our Nation the whole year through. So I encourage all Americans to reach out to veterans, thank them and their families for their amazing sacrifice, learn more about their great contribution to our Nation, and gain the wisdom of their personal stories of this Nation's history.

This year, like the last, our country observed Veterans Day while engaged in conflicts abroad that required the dedication of our uniformed troops. Our thoughts remain with those who are in uniform engaged in conflicts abroad.

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We must be united in seeing that every soldier, sailor, airman, and marine is welcomed back with all the care and compassion that this grateful Nation can bestow. This democracy must stand together to support our veterans because our freedom and liberty depend on it. On Veterans Day and this whole year through, join me and take the time to show your gratitude to those who have answered the call to duty.

Mr. Speaker, I reserve the balance of my time.

Mr. ROE of Tennessee. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, I rise in support of House Resolution 1622, a bill honoring the historic contributions of veterans throughout all conflicts involving the United States. All of our veterans have provided a great service to our country through their personal sacrifices. As a Nation, we owe them our gratitude for their service.

Section 6103 of title 5 of the United States Code provides that Veterans Day, November 11, is a legal public holiday. House Resolution 1622 reaffirms the Nation's obligation to support our veterans and their families.

H.R. 1622 would resolve that the House of Representatives recognizes the honor, the courage, sacrifice, of all veterans, and their historic contributions to the United States. It encourages the people of the United States to demonstrate their support for Veterans Day each year by treating that day as a special day of reflection. It encourages schools and teachers to educate students on the historic contributions veterans have made to the country and its history, both while serving as members of the United States Armed Forces, and after completing their service, and requests that the Presi-

dent issue a proclamation each year in connection with the observance of Veterans Day, calling on the people of the United States to recognize the historic contribution of all veterans by observing that day with appropriate ceremonies and activities.

However, I am saddened that the House of Representatives was unable to pass this worthy resolution before Veterans Day, November 11.

Again I urge my colleagues to support H.R. 1622, and I reserve the balance of my time.

Mr. FILNER. I reserve the balance of my time.

Mr. ROE of Tennessee. Mr. Speaker, I do want to again say that in our district and in many districts around the country it's not just Veterans Day, it's Veterans Week. We spend an entire week celebrating the service and sacrifice made by our veterans. During this past 2 weeks ago we had Veterans Day during the entire week because many of us as Congressmen like to attend as many of these as we can. To show you the support, in one small community of Morristown, Tennessee, there were almost 6,000 people at an event for veterans. Our keynote speaker was General Livingston, who is a Medal of Honor winner, a Marine.

I attended church the following Sunday with Arnold "Bud" Pate, who lost his arm in Vietnam, who is a Baptist pastor there. And on and on we see stories of these heroes who served our Nation. So I would encourage all of us to support this resolution.

Mr. BACA. Mr. Speaker, I am proud to rise in support of House Resolution 1622, legislation I introduced to honor the historic contributions of veterans throughout all conflicts involving the United States.

Every Veterans Day, Americans come together to remember those who have served our country in the name of freedom and democracy.

It's important that all Americans reflect on the sacrifices made by men and women in uniform from all conflicts involving the United States, from the Revolutionary War to current wars and conflicts.

Regardless in time of peace or in the time of war—the service and sacrifice of generations of men and women shaped America's history and transformed our society.

A great example of this courage is one of my constituents from Fontana, California—CPL Ernest Gonzalez, who received the bronze star for actions against Cambodian armed and hostile forces in 1970, including bravely exposing himself to enemy fire to retrieve his platoon leader.

For most veterans, their contributions extend well beyond active duty, and include their service as valuable members of our communities.

Another constituent of mine, Robert Allen Bartleman, from San Bernardino, California recently received military decorations for his courageous service as a combat Marine in Vietnam. He is now active in the legal community in my district.

Pete Martinez, an Airborne Paratrooper during the Korean war, is currently active in the Inland Empire Airborne Association in my district. He continues to work on behalf of veterans and is a great asset to his community.

After serving his country, Marine Col. John Kazalunas—formerly of the Rialto Unified School Board—went on to obtain his Ph.D. in Education to further contribute his talents and hard work in the field of education.

John Weininger, a proud Marine and Army veteran, and formerly a member of my district staff, remains a dedicated supporter and true champion of veterans after his service to this country.

Two additional veterans I'd like to mention are Mike Trujillo, a former member of my district staff and Jess Vizcaino, currently on my district staff. Both have been valuable assets to me by providing outstanding public service to the constituents of my district.

Another dedicated veteran is Anthony Acevedo, a World War II veteran who was 1 of 300 captured American soldiers held prisoner at a Nazi slave labor camp.

Through his courageous work as a medic, Mr. Acevedo kept a detailed diary of his imprisonment. Decades later he worked tirelessly to obtain the recognition of the U.S. Army for this group; his diary is now part of the U.S. Holocaust Memorial Museum.

This resolution: Urges all Americans to recognize and encourages schools to educate students about the historic contributions of all veterans; and makes a request to the President to issue a proclamation for Veterans Day.

I urge my colleagues to vote in favor of H. Res. 1622. As a Vietnam-era veteran, I am committed to ensure America keeps its promises to our nation's troops and the 23 million plus American veterans.

Ms. JACKSON LEE of Texas. Mr. Speaker, I stand before you today in support of H. Res. 1622, "Honoring the historic contributions of veterans throughout all conflicts involving the United States." I would like to begin by thanking my colleague, Representative BACA, for introducing this resolution to the House, as honoring those who have fought for our Nation should remain a priority. I urge my colleagues to also support this resolution, which recognizes that our great Nation stands strong today because of the dedication and sacrifice of American veterans. The United States is surely indebted to the veterans of every conflict, who have made great sacrifices for themselves and their families in defense of our national security. Our freedom is intertwined with the sacrifices of our veterans, whose devotion to our way of life is unparalleled. I am privileged to officially honor their sacrifices and the role they play in our Nation.

Every Veterans Day, Americans come together to remember those who have served our country around the world in the name of freedom and democracy. The debt that we owe to them is immeasurable. Their sacrifices and those of their families are freedom's foundation. Without the brave efforts of all the soldiers, sailors, airmen, marines and Coast Guardsmen and their families, our country would not live so freely.

This resolution not only solidifies the importance of Veterans Day, but also extends the importance of support for veterans throughout

the year. In observing Veterans Day, the people of the United States must also encourage the education of our youth on how those dedicated individuals have contributed to the United States history and today's society. We must continue the tradition of honoring those who have served for the greatest causes, freedom, democracy, and justice; their commitment to the United States at home and abroad should never be forgotten. I am truly proud to rise in support of the recognition of the courage, service, and sacrifice of all United States veterans.

We recognize and honor the veterans of the Armed Forces not only of today, but also of years past, who have sacrificed their lives for our great Nation. House Resolution 1622 recognizes the historic contributions of the United States veterans in the involvement of the Revolutionary War, War of 1812, Eastern Indian Wars, Mexican War, Civil War, Western Indian Wars, Spanish-American War, World War I, World War II, Korean War, Vietnam Conflict, Lebanon crisis of 1958, Persian Gulf War, Operation Enduring Freedom, Operation Iraqi Freedom, among other conflicts. This resolution reaffirms our country's utmost respect and pride for our service people who have contributed to the shaping of the United States' history and our current place in the world today. This resolution expresses our deepest gratitude to United States Armed Forces veterans throughout history who have committed and sacrificed their lives to serve their country and its dedication to democracy. Currently, our Nation has 3 million troops and reservists, and 23 million veterans, who deserve the greatest respect from their fellow citizens. Our Nation has a proud legacy of appreciation and commitment to the men and women who have worn the uniform in defense of this country, and we must ensure that this legacy continues in the future.

Mr. ROE of Tennessee. I yield back the balance of my time.

Mr. FILNER. Mr. Speaker, I have no further requests for time, I urge my colleagues to unanimously support House Resolution 1622, and yield back the balance of my time.

The SPEAKER pro tempore (Mr. TONKO). The question is on the motion offered by the gentleman from California (Mr. FILNER) that the House suspend the rules and agree to the resolution, H. Res. 1622.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

DIRECTING VA TO DISPLAY A WOMEN VETERANS BILL OF RIGHTS

MR. FILNER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5953) to direct the Secretary of Veterans Affairs to display in each facility of the Department of Veterans Affairs a Women Veterans Bill of Rights, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5953

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DISPLAY OF WOMEN VETERANS BILL OF RIGHTS.

(a) DISPLAY.—The Secretary of Veterans Affairs shall ensure that the Women Veterans Bill of Rights described in subsection (b) is printed on signs in accessible formats and displayed prominently and conspicuously in each facility of the Department of Veterans Affairs and distributed widely to women veterans.

(b) WOMEN VETERANS BILL OF RIGHTS.—The Women Veterans Bill of Rights described in this subsection is a sign stating that women veterans should have the following rights:

(1) The right to a coordinated, comprehensive, primary women's health care, at every Department of Veterans Affairs medical facility, including the recognized models of best practices, systems, and structures for care delivery that ensure that every woman veteran has access to a Department of Veterans Affairs primary care provider who can meet all her primary care needs, including gender-specific, acute and chronic illness, preventive, and mental health care.

(2) The right to be treated with dignity and respect at all Department of Veterans Affairs facilities.

(3) The right to innovation in care delivery promoted and incentivized by the Veterans Health Administration to support local best practices fitted to the particular configuration and women veteran population.

(4) The right to request and get treatment by clinicians with specific training and experience in women's health issues.

(5) The right to enhanced capabilities of medical providers, clinical support, non-clinical, and administrative, to meet the comprehensive health care needs of women veterans.

(6) The right to request and expect gender equity in provision of clinical health care services.

(7) The right to equal access to health care services as that of their male counterparts.

(8) The right to parity to their male veteran counterpart regarding the outcome of performance measures of health care services.

(9) The right to be informed, through outreach campaigns, of benefits under laws administered by the Secretary of Veterans Affairs and to be included in Department outreach materials for any benefits and service to which they are entitled.

(10) The right to be featured proportionately, including by age and ethnicity, in Department outreach materials, including electronic and print media that clearly depict them as being the recipient of the benefits and services provided by the Department.

(11) The right to be recognized as an important separate population in new strategic plans for service delivery within the health care system of the Department of Veterans Affairs.

(12) The right to equal consideration in hiring and employment for any job to which they apply.

(13) The right to equal consideration in securing Federal contracts.

(14) The right to equal access and accommodations in homeless programs that will meet their unique family needs.

(15) The right to have their claims adjudicated equally, fairly, and accurately without bias or disparate treatment.

(16) The right to have their military sexual trauma and other injuries compensated in a way that reflects the level of trauma sustained.

(17) The right to expect that all veteran service officers, especially those who are trained by the Department of Veterans Affairs Training Responsibility Involvement Preparation program for claims processing, are required to receive training to be aware of and sensitive to the signs of military sexual trauma, domestic violence, and personal assault.

(18) The right to the availability of female personnel to assist them in the disability claims application and appellate processes of the Department.

(19) The right to the availability of female compensation and pension examiners.

(20) The right to expect specialized training be provided to disability rating personnel regarding military sexual trauma and gender-specific illnesses so that these claims can be adjudicated more accurately.

(21) The right to expect the collection of gender-specific data on disability ratings, for the performance of longitudinal and trend analyses, and for other applicable purposes.

(22) The right to a method to identify and track outcomes for all claims involving personal assault trauma, regardless of the resulting disability.

(23) The right for women veterans' programs and women veteran coordinators to be measured and evaluated for performance, consistency, and accountability.

(24) The right to burial benefits under the laws administered by the Secretary of Veterans Affairs.

SEC. 2. DISPLAY OF INJURED AND AMPUTEE VETERANS BILL OF RIGHTS.

(a) DISPLAY.—The Secretary of Veterans Affairs shall ensure that the Injured and Amputee Veterans Bill of Rights described in subsection (b) is printed on signs in accessible formats and displayed prominently and conspicuously in each prosthetics and orthotics clinic of the Department of Veterans Affairs.

(b) INJURED AND AMPUTEE VETERANS BILL OF RIGHTS.—The Injured and Amputee Veterans Bill of Rights described in this subsection is a statement that injured and amputee veterans should have the following rights:

(1) The right to access the highest quality prosthetic and orthotic care, including the right to the most appropriate technology and best qualified practitioners.

(2) The right to continuity of care in the transition from the Department of Defense health program to the Department of Veterans Affairs health care system, including comparable benefits relating to prosthetic and orthotic services.

(3) The right to select the practitioner that best meets their orthotic and prosthetic needs, whether or not that practitioner is an employee of the Department of Veterans Affairs, a private practitioner who has entered into a contract with the Secretary of Veterans Affairs to provide prosthetic and orthotic services, or a private practitioner with specialized expertise.

(4) The right to consistent and portable health care, including the right to obtain comparable services and technology at any medical facility of the Department of Veterans Affairs across the country.

(5) The right to timely and efficient prosthetic and orthotic care, including a speedy authorization process with expedited authorization available for veterans visiting from another area of the country.

(6) The right to play a meaningful role in rehabilitation decisions, including the right to receive a second opinion regarding prosthetic and orthotic treatment options.

(7) The right to receive appropriate treatment, including the right to receive both a primary prosthesis or orthosis and a functional spare.

(8) The right to be treated with respect and dignity and have an optimal quality of life both during and after rehabilitation.

(9) The right to transition and readjust to civilian life in an honorable manner, including by having ample access to vocational rehabilitation, employment programs, and housing assistance.

(c) **MONITORING AND RESOLUTION OF COMPLAINTS.**—

(1) **IN GENERAL.**—The Secretary of Veterans Affairs, acting through the veteran liaison at each medical center of the Department of Veterans Affairs, shall collect information relating to the alleged mistreatment of injured and amputee veterans.

(2) **QUARTERLY REPORTS.**—For each fiscal quarter, the veteran liaison at each medical center of the Department shall submit to the Chief Consultant of Prosthetics and Sensory Aids of the Department a report on any information collected under paragraph (1) during that quarter.

(3) **INVESTIGATION AND ADDRESSING OF COMPLAINTS.**—The Chief Consultant, in cooperation with appropriate employees of a medical center of the Department, shall investigate and address any information collected under paragraph (1) at that medical center.

SEC. 3. EDUCATION AND OUTREACH.

(a) **EDUCATION OF DEPARTMENT EMPLOYEES.**—The Secretary of Veterans Affairs shall ensure that—

(1) all employees of the Department of Veterans Affairs receive training on the Women Veterans Bill of Rights described in section 1; and

(2) employees of the Department who work at prosthetics and orthotics clinics and who work as patient advocates with veterans who receive care at such clinics, including Federal recovery coordinators and case managers, receive training on the Injured and Amputee Veterans Bill of Rights described in section 2.

(b) **OUTREACH TO VETERANS.**—The Secretary of Veterans Affairs shall conduct outreach to inform veterans about the Women Veterans Bill of Rights described in section 1 and the Injured and Amputee Veterans Bill of Rights described in section 2 by—

(1) ensuring that such Bills of Rights are available on the Internet website of the Department of Veterans Affairs; and

(2) conducting other types of outreach targeted at specific groups of veterans, which may include outreach conducted on other Internet websites or through veterans service organizations.

SEC. 4. EXCLUSION OF CERTAIN SERVICES.

Nothing in this Act shall be construed to establish a right to any service excluded under 38 C.F.R. 17.38, as in effect on the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. FILNER) and the gentleman from Tennessee (Mr. ROE) each will control 20 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. FILNER. Mr. Speaker, I ask unanimous consent that all Members

may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 5953, as amended.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. FILNER. I yield myself such time as I may consume.

Mr. Speaker, this bill before us is an important piece of legislation, establishing a bill of rights on the one hand for women veterans, and on the other hand for injured and amputee veterans. This has been the subject of over a year of discussion in our committee and around the country with various groups and stakeholders to try and refine the legislation to one that everyone can support.

Let me just speak on the first half, and that is women veterans. There are almost 2 million women veterans now, Mr. Speaker, and they are one of the fastest growing subgroups of veterans in our Nation. It is estimated that the number of female veterans who use the VA health care system will double, assuming that the current enrollment rates remain constant.

The VA health care system, as we know it, was built to accommodate the war-related illnesses and injuries of male veterans. It's a male institution as it was created. In fact, many of the VA providers, many of the VA customers are veterans, have little or no exposure to women veterans. As women are serving in combat conditions alongside their male counterparts, it is important that the Department embrace and recognize the needs of all veterans, both men and women alike.

Through hearings and roundtable discussions that we have held during this year, women veterans have come forward to share their personal stories. From their accounts, it is clear that while the VA has made some strides in caring for women veterans, significant gaps remain. The veterans testifying before the committee have shared stories of feeling unwelcomed, alienated, disrespected in some of our VA medical centers so that they are now reluctant to pursue the benefits and services that they have earned with service to their country.

We have heard about women veterans walking into the lobby of a medical center and having catcalls come from all corners of that lobby. We have heard that a woman who had her arm amputated from battle in Fallujah, when she appeared before a doctor at her VA, the doctor thought she had cancer. He couldn't imagine her as having lost an arm due to combat conditions. We have had single women who have had to bring their children because they could not get child care, and doctors refusing to see them. We have got to change this institution to meet the needs, the real needs of the women veterans of our Nation.

The VA must recognize and be equipped to treat the unique medical concerns that women veterans have. They must respect privacy concerns, eliminate cultural insensitivity that may otherwise bar women from accessing the VA health care system. In most of the VA medical centers they are not even changing in privacy curtains so that women may have that deserved privacy.

We made a lot of progress this Congress in addressing the women veterans with the enactment of S. 1963, the Caregivers and Veterans Omnibus Health Services Act of 2010. This bill, H.R. 5953, would bring the VA another step closer to providing equal care for women to their male counterparts.

My bill would require the VA to display in all of its facilities the 24 fundamental principles governing the treatment of women veterans, as well as require VA to widely distribute the bill of rights to women veterans.

Among the key principles of this bill of rights is the right to coordinated, comprehensive primary women's health care at every VA medical center, the right to receive care from clinicians who have special training and experience in women's health issues, and gender equity in accessing all clinical services. My hope is that this legislation will lead to bold changes that will effectively tackle the needs of our brave and honored women veterans.

This bill, as amended, mandates also another bill of rights. Let me just say one last thing, though, on the women's bill of rights. There was some concern raised in recent days about the relationship to this bill and the rights conferred on women veterans, and therefore the bringing of abortion services into the VA medical facilities. This bill did not do that. It made no reference to all the laws on the books that prevent Federal facilities from doing that. But in a discussion with the gentleman from New Jersey (Mr. SMITH), who previously chaired this VA Committee, who is a leader of the so-called pro-life forces in this Congress, he said we can fix that for you. All you have to do is add a line that he gave us and we have put in this bill.

So nobody need be concerned that this bill somehow overrides all previous laws and mandates abortion services in the VA clinics. It says and is included in this bill by manager's amendment that nothing in this act shall be construed to establish a right to any service excluded under 38 Code of Federal Regulations 17.38, as in effect on the date of the enactment of this act.

□ 2010

Those are the regulations that ban abortions in Federal facilities. So just to make sure that people feel that they can vote for this without violating some other principles, this sentence is in there, and the gentleman from New

Jersey feels that that adequately and definitively eliminates that problem that had been brought up in recent days.

Let me if I may, Mr. Speaker, go on to the Injured and Amputee Bill of Rights. There are not many of us who have not heard of the horrific battle-ground stories experienced by our young men and women who have served in Operation New Dawn and Operation Enduring Freedom. These stories reveal a gruesome and difficult war in which servicemembers often sustain long-lasting emotional and physical injuries. Of these none is more disheartening than the amputations undergone by servicemembers as a direct result of the widespread use of roadside bombs, otherwise known as IEDs, Improvised Explosive Devices.

This class of injuries, which has spiked significantly since the onset of Operation New Dawn, requires special consideration within the Department of Veterans Affairs. After returning home, these individuals must embark upon a long road to recovery that includes extensive rehabilitation and specialized treatment.

This bill instructs the VA to inform veterans and educate employees at each VA prosthetics and orthotics clinic that there is an Injured and Amputee Veterans' Bill of Rights. The bill requires the VA to monitor and resolve complaints from injured and amputee veterans alleging mistreatment.

I believe that this bill will do much to protect the rights of our injured and amputee veterans, as well as bolster the consistency of prosthetic and orthotic care throughout the VA health care system.

I urge my colleagues to support this important legislation. We have been working on these bills for a long, long time, and I am pleased that we have been allowed to bring these bills even in this lame duck session to allow the VA to move into the 21st century in terms of treatment of our women veterans and in treatment of our veterans who have undergone amputations.

I reserve the balance of my time.

Mr. ROE of Tennessee. Mr. Speaker, I yield myself as much time as I may consume.

H.R. 5953, as amended, would direct the Secretary of Veterans Affairs to display in each VA facility a Women Veterans' Bill of Rights. Included as part of the manager's amendment is H.R. 5428, a bill to direct VA to create, educate, and inform staff and veterans about an Injured and Amputee Veterans' Bill of Rights.

The intent of the bill is laudable. The sacrifices of women, injured and amputee veterans should be recognized and respected. And, unquestionably, they have unique needs that require specialized care and services. But H.R. 5953 is a flawed bill that has been brought to the floor under a flawed process.

In Congress, certain procedures are put in place to ensure that policy is done correctly. Under regular order, once a bill has been introduced, it's referred to a committee of jurisdiction. Once in committee, it may be referred to a particular subcommittee or held in full committee, where hearings and markups—and that for the public would be votes—are held and Members and interested stakeholders are given the opportunity to examine legislation for sound policy and unintended consequences. If Members desire, they may offer amendments to improve a bill before it's voted out of committee and brought to the House floor for further debate before being voted on by the full House.

This is a time-tested democratic process, and I have seen numerous bills made better when we follow regular order. Instead, this bill is being brought to the floor in a closed process. It bypasses regular order in spite of numerous and serious objections, including those of our ranking member, Congressman BUYER.

We were supposed to have debated and voted on H.R. 5953 yesterday, but it was pulled from consideration at the very last minute after grave concerns were raised by the Pro-Life Caucus, the National Right to Life Committee, the Concerned Women for America, and the United States Conference of Catholic Bishops, among others, over language that could have created a legal basis to require government-funded abortions at VA medical centers. I am pleased that a new section was added to the bill we will consider today that is intended to address these particular concerns.

However, H.R. 5953, as amended, still continues to raise significant policy questions, including whether rights are consistent with current veterans' health care eligibility under title 38 of the United States Code.

Among these rights in question are the right to equal consideration in hiring and employment. This right seems to create an unfounded expectation regarding employment in both public and private sectors but leaves the meaning of equal consideration unknown. Equal to whom or what? Do existing employment laws and regulations meet this new undefined standard or will additional regulations be required?

The right for female veterans to have female personnel assist them in their disability claims process. It is unclear whether this provision refers to VA employees, to veterans service organizations, to others who may assist a veteran in filing or appealing a claim, or to all of the above groups. But VA has no control over the gender of third parties who represent claimants before VA.

Similarly, the right for female compensation and pension examiners to be made available to women veterans is

problematic. There are several locations where a female examiner may not be present, which could place the female veteran at a disadvantage for a timely exam.

Correcting issues like these are why we have a hearing process. Good government is worth taking our time.

The Committee on Veterans' Affairs has never held a hearing on H.R. 5953. Consequently, Members have not been provided the opportunity to examine or amend the legislation to rectify any unintended consequences the bill could have or to improve it. Even the VA has not been provided the opportunity to present their official views, and none of the veterans service organizations or other interested stakeholders have been provided the opportunity to comment on the bill, which could directly impact so many of their daily lives.

Additionally, we are going to vote on the bill without knowing what it will cost because the Congressional Budget Office was not given the opportunity to prepare a cost estimate.

Yesterday, a last-minute fix was needed to ensure this bill would not provide a basis for federally funded abortions. What else is in the bill that may require a fix? We don't know because we weren't able to properly vet it before it was brought to the floor.

How would this Bill of Rights be enforced? What would happen if VA personnel didn't comply? We don't know.

What we do know is the VA already has a comprehensive list of patients' rights displayed in each facility. The existing Bill of Rights applies to each and every veteran and includes the right to be treated with dignity, compassion, and respect, and the right to information about VA benefits to which you may be entitled and other important rights for veteran patients cared for in a VA medical facility, including women veterans and veterans with amputations.

I and my Republican colleagues are strongly committed to meaningful oversight for the benefits and services we provide for our veterans. I would have appreciated the opportunity to have a voice in the process of bringing H.R. 5953 to the floor today. That is why the voters of Tennessee sent me to Congress, and I fully intend as a member of the VA Committee to ask for hearings on these issues in the 112th Congress.

I just want to say, the chairman and I have worked on many things together during this past year, many good things. And I, as a veteran, I am a veteran, and I am an Ob/Gyn physician who has treated veteran patients for over 30 years in my community, which has a veterans hospital, so I am very well aware of these issues.

I certainly agree with a Bill of Rights. The problem is we had no way and no process in which to look through this.

I understand what the chairman—as I said, it's laudable what he wants to do. I agree with many of the issues here. I have no problem with that. I am here discussing basically the process of how we got here to the floor.

I reserve the balance of my time.

Mr. FILNER. Mr. Speaker, I do want to assure the gentleman that, as he knows, we have had several roundtables. We call them roundtables rather than hearings, because we literally sit around the table and have discussions rather than just have people questioned. And we have had people from all over the country testify on this bill.

We have sent the bill to every single veterans service organization, to everyone who has ever asked or complained about treatment as women veterans. We have had enormous input from around the country on this, probably more than any other bill that we have done. The bill has undergone a whole lot of changes and has responded to a lot of the input that we had, including from Members of the opposite party who have been at some of the roundtable discussions.

□ 2020

It is time, Mr. Speaker, to move into the 21st century on this. The VA has been a male institution. We cannot keep waiting for change. It has to come. Women are performing an incredible, incredible role in the conflicts that we have ongoing. We should not say “thank you” by an unwelcome response to their coming to a VA facility. It's time that we had a Bill of Rights for women veterans.

I reserve the balance of my time.

Mr. ROE of Tennessee. Mr. Speaker, again, this bill, 5953, did not come in from the full Veterans' Affairs Committee like other bills that I've seen. Again, I'm new, as you are. I have been here 2 years. But what I've seen is these bills come up. We have a markup, and a markup means just a vote on the bill, and then the chairman will ask, Are there any amendments at the table? We will discuss those amendments and vote them up or down. We didn't have a chance to vet that with this process.

And I think it's a laudable thing, as I have said, to do. I certainly see many things in here, and I've got the Bill of Rights right here that the VA has posted on the wall, and I certainly would have liked to have had the opportunity to go over this Bill of Rights. This particular bill was introduced July 29, 2010. I was at all the Veterans' markups. I certainly didn't miss this one, and it didn't come through the regular order. That's my complaint, not the content so much.

Mr. SMITH of New Jersey. Mr. Speaker, every American has a duty to respect, honor and support our veterans.

Congress has the responsibility to ensure that the profound respect owed to our vet-

erans is translated into meaningful and tangible action.

For generations, Members on both sides of the aisle have sought world class medical care for wounded and ill veterans, compensation for the service connected disabled, funding for higher education and housing, and programs to rescue and re-enfranchise the homeless.

And as Lincoln said so eloquently, the Federal Government should care for “his widow and orphan.”

I am the prime sponsor of numerous veterans laws, including the Homeless Veterans Assistance Act, the Veterans Education and Benefits Expansion Act, Veterans Survivor Benefits Improvement Act and numerous health care laws including the Veterans Health Program Improvement Act which, among scores of provisions, made permanent the authority of the Secretary to provide sexual trauma counseling to veterans—especially women.

Women who serve in our nation's Armed Forces deserve special gratitude and recognition in law. As veterans, they face unique challenges that both the Executive and Legislative Branch has and is attempting to address.

In September, the Advisory Committee on Women Veterans made ten recommendations to improve the quality of care provided to women veterans—to help ensure that the services and benefits we provide keep pace with the fastest growing segment of the veterans' population. They stated that we must bulk up the VA's gender-specific workforce and train and equip qualified staff to handle the unique challenges women face when transitioning to civilian life. They confirmed what many of us know and have been working on for years—that homelessness among veterans, and women in particular, is a plague we must work harder to eliminate. Improvements in outreach and childcare services would allow more women to take advantage of the health care, and mental health care in particular, that are available for them.

Today, the House considers a bill to establish a Bill of Rights for women veterans as well as those men and women who have lost limbs to further ensure prompt, comprehensive and effective treatment within the VA.

I am especially pleased that Chairman FILNER's bill—H.R. 5953—makes absolutely clear that abortion is not health care under this bill and so-called abortion rights are not implied by any of the rights specified in the legislation. In addition to eliminating any legal grounds for implying a right to abortion access, abortion funding or any other abortion-related activity, the newly added Section 4 also neutralizes any legal effort to use the Women Veterans Bill of Rights as a basis to infer a right to other controversial services such as abortion counseling, IVF and gender alteration as well as spa or gym memberships, care for veterans in prison and unapproved drugs and devices.

Section 4 of H.R. 5953 states: “Nothing in this Act shall be construed to establish a right to any service excluded under 38 CFR 17.18, as in effect on the date of enactment of this Act.”

Specifically the services listed as exclusions under 38 CFR 17.38 as of the date of enactment of H.R. 5953:

(1) Abortions and abortion counseling.

(2) In vitro fertilization.

(3) Drugs, biologicals, and medical devices not approved by the Food and Drug Administration unless the treating medical facility is conducting formal clinical trials under an Investigational Device Exemption, IDE, or an Investigational New Drug, IND, application, or the drugs, biologicals, or medical devices are prescribed under a compassionate use exemption.

(4) Gender alterations.

(5) Hospital and outpatient care for a veteran who is either a patient or inmate in an institution of another government agency if that agency has a duty to give the care or services.

(6) Membership in spas and health clubs.

Mr. Speaker, VA hospitals and Community Based Outpatient Clinics are today extraordinary places of healing, recovery, and recuperation. Abortion is not health care.

Because abortion methods dismember, decapitate, crush, poison, starve to death and induce premature labor, pro-life Members of Congress, and according to every reputable poll, significant majorities of Americans want no complicity whatsoever in this violence.

Abortion hurts women's health and puts future children subsequently born to women who aborted at significant risk. At least 102 studies show significant psychological harm, major depression and elevated suicide risk in women who abort.

Recently, the Times of London reported that, “[S]enior . . . psychiatrists say that new evidence has uncovered a clear link between abortion and mental illness in women with no previous history of psychological problems.” They found, “that women who have had abortions have twice the level of psychological problems and three times the level of depression as women who have given birth or who have never been pregnant. . . .”

In 2006, a comprehensive New Zealand study found that 78.6 percent of the 15–18 year-olds who had abortions displayed symptoms of major depression as compared to 31 percent of their peers. The study also found that 27 percent of the 21–25 year-old women who had abortions had suicidal idealizations compared to 8 percent of those who did not have an abortion.

At least 28 studies—including three in 2009—show that abortion increases the risk of breast cancer by some 30–40 percent or more yet the abortion industry has largely succeeded in suppressing these facts.

Abortion isn't safe for subsequent children born to women who have had an abortion. At least 113 studies show a significant association between abortion and subsequent premature births. For example a study by researchers Shah and Zoe showed a 36 percent increased risk for preterm birth after one abortion and a staggering 93 percent increased risk after two.

Similarly, the risk of subsequent children being born with low birth weight increases by 35 percent after one and 72 percent after two or more abortions. Another study shows the risk increases 9 times after a woman has had three abortions.

What does this mean for her children? Preterm birth is the leading cause of infant

mortality in the industrialized world after congenital anomalies. Preterm infants have a greater risk of suffering from chronic lung disease, sensory deficits, cerebral palsy, cognitive impairments and behavior problems. Low birth weight is similarly associated with neonatal mortality and morbidity.

Ms. JACKSON LEE of Texas. Mr. Speaker, I stand before you in support of H.R. 5953, "to direct the Secretary of Veterans Affairs to display in each facility of the Department of Veterans Affairs a Women Veterans Bill of Rights." I would like to begin by thanking my colleague, Representative FILNER for introducing H.R. 5953 in the House. I urge my colleagues to also support this noble resolution as it reaffirms the importance of gender equality within the Department of Veterans Affairs. This bill recognizes the absolute importance of equity between men and women veterans, as they have both equally sacrificed for our great Nation. As patriotic Americans, in return, we must honor and respect these heroes.

Women's contribution to our armed forces has a long tradition, which began during World War II. This contribution included not only the women who courageously served in our Armed Forces at a time in our Nation's history where women did not possess the rights we have today, but also the six million women who manned the manufacturing plants which produced munitions and material during World War II while the men who traditionally performed this work were off fighting the war.

Today, there are 1.8 million women veterans throughout the United States, that still deserve the same acknowledgement of rights that other veterans have received. This is an important resolution which recognizes the Women Veterans Bill of Rights within each facility of the Department of Veterans Affairs. This resolution upholds a strong standard of respect and dignity for equality within the Department of Veterans Affairs. Our commitment to veterans is to both men and women veterans who have courageously dedicated their lives to serve their Nation.

The Women Veterans Bill of Rights enumerates a number of non-controversial, necessary rights for female veterans of the United States Armed Forces. The Bill of Rights includes the right to be treated with dignity, the rights to primary health care, and the right to treatment by those clinicians with training and experience in women's health issues among others.

This is an important bill that advocates the equal treatment of women veterans. It encourages the fair treatment of anyone that has served this country by defending the United States, and establishes that no one should be treated any differently based on their gender. This bill is truly American and represents an undivided Nation that respects both men and women equally and fairly. I urge my colleagues to support H.R. 5953 and support the rights of women veterans throughout the United States.

Mr. ROE of Tennessee. I yield back the balance of my time.

Mr. FILNER. Mr. Speaker, I urge my colleagues to support H.R. 5953, as amended.

I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. FILNER) that the House suspend the rules and pass the bill, H.R. 5953, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The title was amended so as to read: "A bill to direct the Secretary of Veterans Affairs to display in each facility of the Department of Veterans Affairs a Women Veterans Bill of Rights and to display in each prosthetics and orthotics clinic of the Department an Injured and Amputee Veterans Bill of Rights, and for other purposes."

A motion to reconsider was laid on the table.

SUPPORTING DESIGNATION OF NATIONAL VETERANS HISTORY PROJECT WEEK

Mr. FILNER. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1644) expressing support for designation of a "National Veterans History Project Week".

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1644

Whereas 2010 marks the 10th anniversary of the establishment of the Veterans History Project by the United States Congress in order to collect and preserve the wartime stories of United States veterans;

Whereas Congress charged the American Folklife Center at the Library of Congress to undertake the Veterans History Project and to engage the public in the creation of a collection of oral histories that would be a lasting tribute to individual veterans;

Whereas the Veterans History Project relies on a corps of volunteer interviewers, partner organizations, and an array of civic minded institutions nationwide who interview veterans according to the guidelines it provides;

Whereas these oral histories have created an abundant resource for scholars to gather first-hand accounts of veterans' experience in World War I, World War II, the Korean War, the Vietnam War, the Persian Gulf War, and the Afghanistan and Iraq conflicts;

Whereas there are 17,000,000 wartime veterans in the United States whose stories can educate people of all ages about important moments and events in the history of the United States and the world and provide instructive narratives that illuminate the meanings of "service", "sacrifice", "citizenship", and "democracy";

Whereas more than 70,000 oral histories have already been collected and more than 8,000 oral histories are fully digitized and available through the website of the Library of Congress;

Whereas the Veterans History Project will increase the number of oral histories that can be collected and preserved and increase the number of veterans it honors; and

Whereas "National Veterans Awareness Week" has been recognized by Congress in previous years: Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the designation of a "National Veterans History Project Week";

(2) recognizes "National Veterans Awareness Week";

(3) calls on the people of the United States to interview at least one veteran in their families or communities according to guidelines provided by the Veterans History Project; and

(4) encourages local, State, and national organizations along with Federal, State, city, and county governmental institutions to participate in support of the effort to document, preserve, and honor the service of United States wartime veterans.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. FILNER) and the gentleman from Tennessee (Mr. ROE) each will control 20 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. FILNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on House Resolution 1644.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. FILNER. I yield myself such time as I might consume.

Mr. Speaker, this bill, H. Res. 1644, the National Veterans History Project Week, comes to us from our colleague from Wisconsin (Mr. KIND) to honor the lives of our Nation's veterans, and I thank him for introducing the resolution before us today.

I would like to yield to the gentleman from Wisconsin for as much time as he may consume.

Mr. KIND. Mr. Speaker, I thank my good friend and colleague from California for yielding me this time and for his support of H. Res. 1644.

Mr. Speaker, as the author of the Veterans History Project, I rise in strong support of this resolution before us this evening. The Veterans History Project, however, isn't new. It's been in existence for 10 years. We celebrated its 10-year anniversary just this year.

Simply put, it's the last task of a grateful Nation to our veterans to ask them to help us preserve an important part of American history—what it was like for them to serve our Nation during times of conflict and times of peace. And since the creation of the Veterans History Project, we have close to 80,000 veterans' stories that have been recorded, collected, and are now being archived in probably the best place in the entire world where it can and should be archived—out of our own Library of Congress here in Washington, D.C.

The genesis of the Veterans History Project occurred over a Father's Day weekend back home in my city of La Crosse, Wisconsin. I was sitting around

the picnic table with my father, who is a Korea generation veteran, Elroy, and his brother, my uncle, Don Kind, who was with a bomber crew in the Pacific during the Second World War, and they started sharing with me their experience in serving our Nation. And I told them to wait. Since my two little boys were toddlers at the time and couldn't understand or wouldn't understand what they were saying, I ran into the house, grabbed the family video camera, set it up on the picnic table, and then asked them to continue talking about their experience serving our Nation. And I got to thinking, given the advent of modern technology today, how accessible it is for most families, most people, we should be doing this nationwide, and that was the basis of the Veterans History Project.

Today, it is the largest oral history collection in the United States, and I believe it's the world's largest oral history collection. I want to commend the leadership of the Library of Congress, under Colonel Bob Patrick, who heads up the Veterans History Project and his 25-person staff there, but also especially our own Librarian of Congress, Dr. Jim Billington, for his leadership on this as well.

What I've discovered throughout the years in conducting many of the interviews myself and reading many of the transcripts of the Veterans History Project is a common theme that runs through most of the stories. First, most of the veterans don't feel they did anything special. They were only doing their duty. They were answering the call to service. And secondly, one of the great motivators in having them do that, especially at times of conflict, was not letting their colleagues down serving next to them. And yet these are ordinary Americans from all walks of life, from every corner of America who went on to do extraordinary things, and each of them had a role to play at times of conflict, at times of peace.

Sometimes it's difficult asking our veterans to come forward and share their stories because they don't feel like they have much to contribute or anything significant, but each of them do in their own way.

And I also want to thank the tremendous support and contribution of so many organizations and entities around the country that have been helping to get the word out that this Veterans History Project, in fact, exists, from the VFW and American Legion halls through the Nation, AARP has been a major sponsor of this legislation, to countless social and community organizations in all of our towns and communities. And that has been one of the great challenges, because the clock is ticking and time is of the essence.

We are losing close to 1,700 veterans a day, mainly of the World War II and

Korea generation who are passing away. And if we don't go and talk to them and record their stories, they take with them an important part of American history—their service to our Nation. And that's why the Library of Congress, again, has been working furiously to try to get the word out about the existence of this project, and they have done a commendable job in doing it.

That's why I think this resolution is necessary to have Congress consider designating a week for the Veterans History Project which would help us get information out to even more people. And it's as simple as a person just approaching their own family member, friend, neighbor, loved one in their life and asking them to share their story and then setting up that family video camera across the kitchen table and letting them go. It could be a 10-minute interview; it could be 2 hours, depending on how much the veteran wants to share. And that's what makes these stories so remarkable.

I had an at-risk high school back in La Crosse, Wisconsin, who has taken the lead for a number of years of those students that are actually going out making contact and interviewing these veterans. Many of these kids are at risk of dropping out. They're not the greatest performers in school, and yet this is a project that has caused the history to come alive in their own lives. They have to do a little bit of research, some background on the veterans and the time period in which they're going to conduct the interview, and then it gives them a chance to connect with the veterans in their own community. It's been a great bridge between the older and younger generation.

And I asked one of the students who got done interviewing a veteran, who participated in it, what he thought of it. And he said, you know, I've never been a great student. I don't like doing a lot of reading. History bores me to death. But by doing this project, I felt as if I was doing my own small contribution to preserving American history.

That's what this is about. It's about preserving these stories so future generations never forget. And if I had a nickel every time a family member or acquaintance or some stranger walked up to me said, Gee, I wish I had talked to my father or mother or grandfather or grandmother before they had passed away, I would probably be the richest person in the whole world right now. There is a lot of regret out there. But it doesn't have to be that way with the help and cooperation of so many people throughout the Nation.

I've been especially pleased with the strong bipartisan support that this and previous Congresses have shown toward the Veterans History Project, but there's still so much work that needs

to be done, especially now with so many of our veterans returning home from conflicts overseas, whether it's Iraq, Afghanistan or wherever our troops are serving us throughout the globe.

So I would encourage my colleagues to support this resolution, to support the Veterans History Project overall, help get the word out. And for those who are looking for more information about what this is and how they can participate, they can go to the Library of Congress Web site, loc.gov, and read and download the information, or they can contact any one of our congressional or Senate offices or get in touch with a veterans service organization right in their own community who would have this information readily available.

□ 2030

In 10 years, there are close to 80,000 stories.

And one final note, I also want to thank and commend the National Court Reporters Association. My wife, who happens to be a court reporter, very early on in the creation of this project approached them to see if they could volunteer their time in transcribing a lot of these video interviews so there is a written record of it, too. Many of them throughout the Nation have stepped up and have donated countless volunteer hours in transcribing these videotapes, so there is a written record.

The library now is creating books and documentaries based on these interviews. Historians have a place to go and receive original historical research for books and articles that they are writing. It has really turned into a treasure trove of information, and again an important part of American history, what it was like for our veterans to serve our Nation during times of peace and also during times of war.

I encourage my colleagues to support the resolution. I want to thank Chairman FILNER for his support of the resolution, and the gentleman from Tennessee, and encourage its passage.

Mr. FILNER. I thank the gentleman. Thank you for your leadership, Mr. KIND. You have done an incredible job. I happen to be an historian myself. I have done a lot of work in oral history, and you described it so eloquently. I wish my father, who was in World War II, we could have taped before he died.

Just a couple of weeks ago when I was back home, I met with a group of black soldiers who in 1946, 2 years before the Executive Order that integrated our armed forces, the black soldiers had been approached by General Eisenhower to say hey, the Battle of the Bulge has taken so many of our infantrymen, who will volunteer to join the infantry, the white infantry? About 5,000 volunteered. To hear their stories, and I referred them. I said get right

over to our project; we need to hear that because most of us don't know about that little history, and that is very inspiring to hear what they were able to do.

Thank you for your leadership. I think, as you said, it is not only to maintain our own history, but to bridge the gap between generations. So I thank the gentleman once again.

I reserve the balance of my time.

Mr. ROE of Tennessee. Mr. Speaker, I yield myself such time as I may consume.

I rise in support of House Resolution 1644, a bill expressing the support of the House of Representatives for the designation of a National Veterans History Week.

On October 27, 2000, Public Law 106-380 was signed by President William Jefferson Clinton to establish the Veterans History Project. The legislation before us supports the designation of a National Veterans History Project Week, recognizes National Veterans Awareness Week, and calls on the people of the United States to interview at least one veteran in their families or communities according to guidelines provided by the Veterans History Project, and encourages local, State and national organizations along with Federal, State, city and county governmental institutions to participate in support of the effort to document, preserve, and honor the service of United States wartime veterans.

The Veterans History Project is maintained by the American Folklife Center in the Library of Congress. It collects, preserves, and makes accessible the personal accounts of American war veterans so that future generations may hear directly from veterans and better understand the realities of war.

The collection features firsthand accounts of U.S. veterans who served in World War I, World War II, the Korean War, the Vietnam War, the Persian Gulf War from 1990-1995, or Afghanistan and Iraq conflicts, 2001 to present.

It also contains the accounts of U.S. citizen civilians who actively supported war efforts such as war industry workers, USO workers, flight instructors, medical volunteers, defense contractors, and so on. Citizens can participate by obtaining a field kit from the Library of Congress which contains the tools necessary to conduct interviews or help veterans with the interview process.

Several Members of Congress have already participated in interviews relating to their military service. I am one of them. Other Members are CLIFF STEARNS, the deputy ranking member of the committee, who reported his experience as an Air Force captain during the Vietnam War; and Ranking Republican STEVE BUYER, who recorded his experiences during the Persian Gulf War in Iraq.

Again, I urge my colleagues to support H. Res. 1644, and just to thank the gentleman. We had the Traveling Vietnam Wall in my hometown of Johnson City, Tennessee, a little over a year, a year and a half ago. We had thousands of people come by. I was able to participate myself as a veteran. We got hundreds of stories from during the Vietnam War.

In a small church in Sevierville, Tennessee, a small Baptist church, 15 young men went off to World War II and three did not return. I asked them to record this history for their church and for their community.

My history professor in college, Dr. Preston Hubbard, wrote a book "Apocalypse Undone," recounting his capture in the Philippines, the Death March, and time as a slave laborer in Japan for 4 years, an incredible account.

I spoke recently to a 96-year-old veteran at the Mountain Home VA Medical Center in Johnson City about his experience before there was World War II when the U-boats wolf pack were sinking our ships taking supplies to England. He flew missions to bomb those before there was a war. I looked at his record and that part was inked out. That is a history that would have been lost without this.

My own father-in-law flew combat missions in Burma supporting Merrill's Marauders during World War II.

I was in a Hardees one morning campaigning, shaking hands. I sat down to talk to two gentlemen, and who did I talk to but two veterans who had survived the Battle of the Bulge, and they shared their stories with me.

One veteran in the same county the very same day had won a Silver Star after having a severe head injury. And I asked him how he was doing. He said he was cutting back on his farming a little bit; he was 87 years old. That is the generation that built this Nation. To lose those histories, and I agree with you completely, how many times have we heard, I wish I had taken a note of it, I talked to someone who served and gotten their story.

It is not all, most of us veterans won't share everything we did. I want to make that clear, too, for the House tonight. There are some things that probably just need to be left unsaid. But those stories have meant a lot to me and my family, and I would encourage now that we have an opportunity for all veterans who can and are able to and are willing to, to share these stories and document them. They are very important, because as was stated, we are losing 1,500 to 1,700 World War II veterans per day.

I strongly encourage my colleagues to vote for this resolution.

I yield back the balance of my time.

Ms. SUTTON. Mr. Speaker, I rise in support of H. Res. 1644. This resolution expresses support for the designation of a National Vet-

erans History Project week, recognizing a truly incredible program that honors our veterans.

The National Veterans History project collects the personal narratives and mementos of our veterans, in order to preserve a rich history of the brave men and women who have so honorably served our country. The project—administered by the American Folklife Center of the Library of Congress—allows veterans and interested parties to register and acquire a free field kit to participate.

This year marks the 10th anniversary of a project that has already collected more than 70,000 oral histories—ensuring the preservation of these stories for generations to come. This educational project provides people of all ages the opportunity to learn an important history of the meanings of service, sacrifice, and democracy—directly from many of those who have honored those values.

I am honored that so many veterans of the 13th district of Ohio have shared their incredible stories with me—all of which are deserving of being shared with the world. Our support for the National Veterans History project will help make that happen.

Mr. FILNER. Mr. Speaker, I yield myself such time as I may consume.

I have had the honor, privilege of chairing the Veterans' Affairs Committee for the last 4 years. The voters of this Nation have changed the party in charge, and so I think this will probably be my last day on the floor as the chairman. I just want to thank the veterans of this Nation from around the country and around the world. I have met with them. They have changed me as a person. I have learned incredible amounts from them. I have learned how much we have to do to fulfill our commitment to our Nation's veterans.

I think we have done a lot in this committee for the last 4 years. Some of our staff is here, and I want to thank them because they have made it all possible. In fact, Mr. Speaker, we have a fellow from the Military Fellows Program who worked with us for a year that the Speaker set up for us to bring in the military folks from different services and from different occupations to both help us and to help them with a year on Capitol Hill. One of those is completing his year just about now, Ricco Player. We want to thank you, Ricco, for all of your work. As a marine, he is going to be deployed to Afghanistan after Christmas, so we wish him the best but we want to thank him for the work. He has taught us a lot, and hope that you will bring back some of our knowledge to your fellow marines.

In the last 4 years, Mr. Speaker, we have added almost \$25 billion to the health care needs of our veterans. That is over a 65 percent increase. That is unprecedented in the history of VA to have such an increase, and we needed to do that. We have literally hundreds of thousands of new veterans, many with brain injury, many with PTSD, post-traumatic stress disorder. We have veterans from Vietnam War who

are aging, and even earlier wars, obviously. So we have tremendous need, and we put in billions of dollars into especially mental health care of our Nation's veterans.

We wrote a GI bill for the 21st century which matched the GI bill really from 1944, the original GI bill.

□ 2040

I don't know about you, Mr. Speaker, but I'm here because of the GI Bill. My dad came back from the war. He got some education, and we were able to buy a house. We were middle class for the first time in our lives because of the GI Bill, like 8 million other families who took advantage of that.

So we have brought those benefits in line to what it really costs to go to college. As you have seen today, we have worked on homeless veterans, and we have worked on women veterans. We have tried to improve access for rural veterans. We have done quite a bit.

I am looking forward to working with our counterparts in the new Congress to continue the progress that we have made for veterans. We intend to cooperate fully. Mr. ROE has been very good to work with.

I am not sure who the chairman will be from your side, but we have established, I think, good working relationships with nearly every member of your committee.

So, as we conclude this bill, Mr. Speaker, I want to thank again the staff of our committee. I want to thank the staffs on both sides of the aisle for their work and for doing so much for veterans during the last 4 years.

I would urge passage of the Kind bill, H. Res. 1644.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. FILNER) that the House suspend the rules and agree to the resolution, H. Res. 1644.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

ALTERNATIVE PLAN FOR 2011 LOCALITY-BASED COMPARABILITY PAYMENTS—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 111-156)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and referred to the Committee on Oversight and Government Reform and ordered to be printed:

To the Congress of the United States:

The law authorizes me to implement an alternative pay plan for locality pay increases for civilian Federal employ-

ees covered by the General Schedule and certain other pay systems in January 2011, if I view the adjustments that would otherwise take effect as inappropriate due to "national emergency or serious economic conditions affecting the general welfare." Our country faces serious economic conditions affecting the general welfare. As the economic recovery continues, the time has come to put our Nation back on a sustainable fiscal course, an effort that requires tough choices and shared sacrifice. Accordingly, I have determined that it is appropriate to exercise my statutory alternative plan authority under 5 U.S.C. 5304a to set alternative January 2011 locality pay rates. This decision will not materially affect our ability to attract and retain a well-qualified Federal workforce.

Under the authority of section 5304a of title 5, United States Code, I have determined that the current locality pay percentages in Schedule 9 of Executive Order 13525 of December 23, 2009, shall not increase from their 2010 levels. Pursuant to the Non-Foreign Area Retirement Equity Assurance Act of 2009 (sections 1911-1919, Public Law 111-84), I am also establishing applicable 2011 locality pay rates for Alaska and Hawaii that are based on 2010 locality pay levels.

The locality pay rates established in 2010, and continued in 2011 under this alternative plan, are shown in the attachment.

BARACK OBAMA.

THE WHITE HOUSE, November 30, 2010.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

HONORING THE LIFE AND COMMUNITY SERVICE OF JERRY LONG

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Ms. FOXX) is recognized for 5 minutes.

Ms. FOXX. Mr. Speaker, today I rise to honor the rich and transformative legacy of Jerry Long. Mr. Long died earlier this month after serving as a leader in Winston-Salem, North Carolina, civic and business life for decades.

From his years of serving at the helm of the Winston-Salem Chamber of Commerce or his dedicated philanthropic efforts, Jerry Long was nothing short of a catalyst for dramatic and positive change for the people of Forsyth County and Winston-Salem. Thanks to his decades of tireless advocacy for Winston-Salem, the area is today a better place to live than it would have been had Jerry Long not taken such keen interest in the well-

being of the people and businesses of Winston-Salem.

Passing away earlier this month at 82 years of age, Jerry Long left a potent legacy of caring, generosity and a positive force of personality that helped transform Forsyth County and Winston-Salem into the place it is today. His irreplaceable impact on this corner of North Carolina will not soon be forgotten.

Jerry Long's investment in the community was only one facet of his character. He was also a dedicated husband of 56 years to his wife, Marieanne, as well as a faithful father to their six children and a grandfather to 16 grandchildren and one great-grandchild. He was truly a man who knew how to live well and shape his world for the better.

I hope that, upon reflecting on his rich life, many will be inspired to invest in and give back to their communities and families in the way that Jerry Long poured himself into Winston-Salem, Forsyth County and his own family.

□ 2050

VACATING 5-MINUTE SPECIAL ORDER

The SPEAKER pro tempore. Without objection, the 5-minute Special Order ordered in favor of the gentleman from Arizona (Mr. FRANKS) is vacated.

There was no objection.

THE STATE OF OUR NATIONAL SECURITY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Arizona (Mr. FRANKS) is recognized for 60 minutes as the designee of the minority leader.

Mr. FRANKS of Arizona. Mr. Speaker, I know that it comes as no surprise to this House that I have been one very critical of this administration's policies on a number of different fronts, and I suppose that will be no different tonight. But Mr. Speaker, I guess I wanted to start out tonight by addressing the WikiLeaks issue. I know that a lot of people across America have looked upon this with interest, and I guess it's significant in my mind that what we've seen on the WikiLeaks issue is really more confirmatory than it is anything that's informative. In many ways what the WikiLeaks information has demonstrated is that this administration has practiced for a long time a foreign policy of appeasement, and I think it has been a disaster for our country, Mr. Speaker.

I suppose it goes without saying that the most pressing question is how a 22-year-old private first class in a remote location in Iraq could have gained access to so many of these documents, especially since they are far outside his

scope of responsibilities. It represents, really, a glaring failure on parts of the State Department and even some parts of the Defense Department. And some of these commonsense security measures could have been implemented prior to this. The Pentagon has since announced that it will be implementing new policies, including a technology that makes it impossible to copy classified documents to portable storage devices. Now the fact is that it has taken too long for such a commonsense policy to sink in, and this administration certainly had lead time to consider this long before now, but I guess it is, in a sense, indicative of why bureaucracies are so inefficient most of the time. It took the leak of hundreds of thousands of sensitive documents before this government decided to get up to speed with the unique risks posed by one of the most basic modern conveniences, that being the computer.

Private Bradley Manning, the U.S. Army soldier suspected of leaking the documents, and WikiLeaks founder Julian Assange hid behind the claim that the government's so-called "lack of transparency" is unjustified. This is their main reason for justifying their own actions, Mr. Speaker. Unfortunately, in that process they have provided a wealth of aid and comfort to groups that are at war with the United States of America. Of course Mr. Assange claims to be fighting for truth and transparency. The reality is that his desire to promote himself has outweighed his concern for scores and perhaps hundreds of innocent lives that he has endangered with his reckless publicity in this kind of a stunt in the guise of some greater cause.

But Mr. Speaker, it's telling that the foreign media sometimes is almost more comforting to justice than the American media sometimes. The American media willingly complied in disseminating this information and they are complicit, in my judgment, in any harm that will come to American servicemembers or American personnel across the country as well.

Just to give you an example, Mr. Speaker, the same New York Times that was reticent to cover the story that's often referred to as "Climategate" willingly ran the WikiLeaks cover story on the front page of their newspaper. Now this is a hypocrisy, Mr. Speaker, that I think is absolutely astounding. In other words, just to put it in perspective, I will just read what one of the bloggers there of The New York Times said. Andrew Revkin of The New York Times, he is actually a reporter, was one of the first ones to cover Climategate. And in his first story only a matter of a few hours after Climategate's blog posted, in his story he states, "The documents"—this is the Climategate documents, Mr. Speaker—"appear to have been acquired illegally and contain all manner

of private information and statements that were never intended for the public eye, so they will not be posted here." Well, how gallant, how noble of Mr. Revkin to want to protect some of his perhaps liberal friends from being exposed in some of the over-hyped notion of global warming, but yet when people's lives are at stake, when American national security is at stake, then all of a sudden The New York Times is all too willing to publish the WikiLeaks information in the interest of full disclosure and grand journalism, and I find that unbelievable, Mr. Speaker. If the Times reporters had felt such urges of chivalry when it comes to protecting the men and women who give up their lives so that we can all sleep peacefully at night, it's just a strange time for them to do that. And to cap it all off, Mr. Speaker, it is rumored that the leading candidate for Time magazine's "Man of the Year" now is none other than WikiLeaks' Julian Assange.

Mr. Speaker, before I yield to one of my colleagues here, I would just like to say that, unlike authoritarian regimes across the world, democratic governments like ours hold secrets largely because citizens agree that they should in order to protect legitimate policy and national security. But this massive breach of our national security has endangered our ability to build trust and cooperation with our allies, it has certainly not served the public's interest, and most of all, it has strengthened and emboldened our enemies. Mr. Assange and WikiLeaks should be profoundly ashamed, and I think they should be pursued with whatever legal actions can be brought, and of course The New York Times, for their complicity in this effort, should be ashamed beyond measure.

With that, I would like to yield to my good friend, Congressman LAMBORN from Colorado, to see if he has any thoughts.

Mr. LAMBORN. I thank the gentleman for yielding.

Let me point out that, to its credit, The Wall Street Journal did not accept the offer to disseminate these WikiLeaks latest round of documents from the diplomatic arena, and I think that that is to their credit. Unfortunately, The New York Times did not have the same scruples, which is extremely disappointing to me.

Representative FRANKS, as we look at some of the reports of what were contained in these diplomatic leaks, there are some really troubling national security implications that arise. One is that we find, for instance, that it is confirmed that Iran has received 19 advanced missiles from North Korea. Now we have long suspected that there have been ties on a covert basis between those two countries, we have some evidence of that; this just makes it more of a glaring issue. And our administration needs to be doing more, not just to

stop WikiLeaks in the future from revealing our national secrets, but in stopping Iran and North Korea from the propagation of deadly nuclear and missile technology that they seem to be doing. The fact that Iran has received 19 advanced missiles from North Korea, each of which is capable of reaching Western Europe or even Moscow, is very troubling to me. These are our NATO allies that we are bound to defend if they are attacked, and I don't think our administration is doing enough to stop the propagation, the dissemination of deadly technology from North Korea to other countries.

When we are done talking about WikiLeaks, Representative, I would like to make sure we talk more about some of these national security implications as well.

I would like to yield back at this time.

Mr. FRANKS of Arizona. Well, thank you, Mr. LAMBORN. It is my judgment that this would probably be a good time to transition to that. And we would also like to hear from Congressman STEVE KING from Iowa. STEVE, do you have any thoughts about this? Because some of these national security issues I know DOUG and I are kind of obsessed with them—for good reason, but we know that they care about national security in Iowa as well.

□ 2100

Mr. KING of Iowa. I thank the gentleman from Arizona for yielding and for managing this Special Order here tonight and for bringing this issue, Mr. Speaker, before the American people.

This is a critical national security issue. And I'm so grateful that we have individuals here in this Congress, as intended by our Founding Fathers, that focus on a variety of issues that could clearly see and be focused on the intelligence that can bring this before the American people in such a way that they can understand, Mr. Speaker, that you will turn your focus hopefully on this subject matter.

There has been a lot of discussion across the country now and in the news media about the WikiLeaks issue. And I look at this, and I think Julian Assange, an Australian citizen, a person who made his living as a hacker, a person who is proud of being able to crack anybody's security code and get in there and pull that information out and then dump it into the public arena, into the public media sphere. For what purpose? What possible constructive purpose could be achieved by an individual who is a product of Western civilization pouring forth state secrets from Western civilization itself? It has to be for either self-aggrandizement, for that or the combination of undermining Western civilization. An enemy, an enemy of the things that we believe in.

And I don't stand here with the intent to indict the Aussies. I love the

Australians. They are a free spirited, strong free market, free will group of people. They had to also take a continent and settle a continent about the size of the United States itself and make a living down there in an environment that's sometimes beautiful and sometimes harsh. They have a spirit of their own. They remind me that in every conflict that the United States has been in they got there first, and some of them they've been in all of them. It's a pretty good thing to say about the relationship between the United States and Australia.

There's not much to say about their citizen—whom I wish today were an American citizen, and at that point I think he might be subject to charges of treason against the United States.

So as I listened to the speakers here, I reached into my dog-eared Constitution and took up this definition, the constitutional definition of treason, and it says—and I know that some have called for charges of treason to be brought against Mr. Assange. I know they apply to an American citizen. But this says, Article III, section 3: Treason against the United States shall consist only in levying war against them or in adhering to their enemies—which certainly al Qaeda and the Taliban and the enemies of the terrorists who are lining up against us are our enemies—and giving them aid and comfort, giving aid and comfort to the enemies.

Well, Mr. Speaker, I think it's a subject that we wouldn't have much debate on here in this Congress that Mr. Assange has given aid and comfort to the enemy. He's empowered the enemy. He's put Americans at risk. He's put the allies of Americans at risk. And in this precarious situation around the globe, in this geopolitical-military-economic chess game that goes on constantly on the entire planet, he's taken away some of our advantage and he's given it to our enemies.

And I wish and I hope that there's a way that we can find a way to prosecute a man like that, that we can protect ourselves. And if we fail to do that, or even if we're successful in that and it exposes some other vulnerabilities, I suggest, Mr. Speaker, that this Congress take a look at some new legislation, a new structure of law, that's really not brought about because of the actions of Mr. Assange but brought about because of the actions of our enemies, our terrorist enemies.

And I have come to realize, and I think that there will be a significant number of Members of Congress that have come to realize, that we don't have the tools to fight these enemies; that the idea that we could catch terrorists like, for example, Osama bin Ladin's chauffeur, and we can't find a way to try that chauffeur and put him on trial with legitimate expectations of an effective prosecution and a conviction and a penalty.

We have Khalid Sheikh Mohammed sitting down in Guantanamo Bay yet. Two years into the Obama Presidency, when President Obama said he was going to close Guantanamo Bay and try these terrorists in civilian courts, and now we found out what happens when you try these terrorists in civilian courts—a whole bunch of evidence that's essential to the conviction has been left out of the prosecution, and they were not successful in an effective prosecution and conviction of the last terrorist that was tried in civilian court.

So I look at this and I make the charge that I think our military tribunals are a useful way to do this and Guantanamo Bay is the best place on the planet to keep them. But we don't quite have the legislative tools. We don't have the judicial tools.

I'm hopeful that this Congress will consider a proposal that's rooted in this thought; that we will set up a special court like a FISA court, or perhaps even the FISA court, and ask them to immediately adjudicate when we catch somebody that's working against the United States, that's perpetrating terrorism against the United States, and be able to process them immediately through a special court, and have that court be able to rule that this was an attack against Americans or whether it was an attack against America's civilization that was designed to spread terror and fear here rather than a crime that was committed against individual Americans, and be able to rule that that individual then fit within the category of an enemy of the United States, an enemy in this war on terror that we have, and then instantly move them off of the shores of the United States and down to Guantanamo Bay or another jurisdiction that's even further removed from these courts, and under Article III, section 2, strip these Federal courts from the jurisdiction of ruling upon these decisions of terrorists that are attacking America.

If we do that—and it's a pretty sticky constitutional question on how we would deal with American citizens in that category, but it's not when we deal with someone like Julian Assange. An Australian citizen could be put into that category, moved over to a place offshore of the United States outside of the jurisdiction of the Federal courts, the civilian Federal courts in the United States, and adjudicated under a military tribunal in a fashion that was designed by this Congress and directed by this Congress. That's what I'm hopeful that we'll be able to do.

Mr. LAMBORN. I think this recent civilian trial of the person formerly who was in Guantanamo Bay, who was tried in New York City, I believe, who was found not guilty of about 250 counts of murder—although that's about how many people were killed in the terrorist attack on the embassy in

Africa—but was found only guilty of conspiracy to destroy government property when over 200 people were murdered in that terrorist attack shows the weakness of using civilian trials to try these terrorists who are committing acts of war against our country.

And the WikiLeaks documents, getting back to those, show that this administration has been trying to place these Guantanamo detainees in other countries around the world, like Saudi Arabia. They are offering them money. They are offering them concessions if they'll take some of these people off of our hands so that the President can move closer to his goal of closing Guantanamo Bay. But that is a misguided policy from day one.

These people should not be released. I think Saudi Arabia said in one of the cables that was disclosed, or they said later on, that they would just release the people eventually if they were sent to their country and they would ultimately, as we know from cases in the past, many of them would find their way back to the battlefield where they would kill Americans or American allies.

So I think that the whole misguided policy of Guantanamo Bay being closed is exposed by some of these WikiLeaks documents. But still, these should have never been disclosed in the first place. This administration needs to find a way to punish those involved and make sure it never happens again.

Mr. FRANKS of Arizona. I guess, Mr. Speaker, I would like to agree with the gentleman from Colorado because, you know, many of us, including the gentleman from Colorado, including the gentleman from Iowa, were very vociferous in saying that there would come a time where it would be obvious to the world that these civilian trials wouldn't work for enemy combatants that are terrorists that were taken off the battlefield in Afghanistan or Iraq or wherever it might be, because we knew that this would give al Qaeda and other terrorist groups a perfect opportunity, a staging ground, as it were, to be able to manipulate our system.

Not only does it give them the ability to have discovery where they are able to potentially undermine our security apparatus and gain information that is critical to protecting our agents in the field, but this also gives them the ability to claim all kinds of things before the world. And of course you know the security elements of it are astonishing. And of course they use our own court system and our own court rules to make it very possible for them to escape justice.

I thought, to paraphrase President Bush, he said something like this. He said, We should not allow our enemies to use, to destroy liberty by using the forums of liberty to destroy liberty

itself. And the reality is that sometimes we can become victims of our own ostensible decency.

And this administration, in its kowtowing to terrorists, has been more committed to protecting terrorist rights than it has been to protecting the lives of American citizens. And I think that is profound beyond anything I could suggest.

□ 2110

Because it just tells me that somehow the administration has a philosophical bent that is going in a way that I think endangers American freedom and future generations. And I am hoping that somehow they will wake up in time. But yes, the gentleman is correct that WikiLeaks, among other things, has exposed once again this administration's effort to try to put these combatants in different countries to try to avoid the trap that they have set for themselves in America by insisting that this be done in civilian trials.

And again, it is a disgrace beyond words that this man that was instrumental in the murder of about, I think it was 224 people, Mr. LAMBORN, and yet he gets conspiracy to destroy government property. And that is unfortunately—you know, sometimes the administration thinks of these things always in sort of academic terms. But this is real life. And national security in the 9/11 age is something we should all be focused on. And this administration seems to be asleep at the wheel. And I just wonder if my colleague from Iowa might have any thoughts on that.

Mr. KING of Iowa. I thank the gentleman from Arizona. And I reflect upon a trip that I made down to Guantanamo Bay I believe it was a year ago last Easter. And the trip was designed to fill me and a handful of other members on the Judiciary Committee in on the practices and the facilities that they had at Guantanamo Bay. And I think this is something that the American people have not had an opportunity to witness or actually hear about within the news, that there is a facility that's perfectly structured for the job that we have, which is to bring these terrorists to a location and legitimately try them and give some resolution to their circumstances.

And I don't remember the exact number of inmates that they had down there at the time, but it was down to the hard core of the hard core. They had already released those that could be released. And the rest of them were a danger to Americans, a danger to free people everywhere, and a danger if they were released to come back, and as Mr. LAMBORN said, to attack Americans again, but also NATO troops and other people that represent the free world.

And as we are looking at that facility, oh, it's a pretty wonderful facility if you want to be in a jail and be a

Muslim, for example. And you walk into these cells, first of all the temperature is set at 75 degrees. Seventy-five. My house is a lot warmer than that in Iowa in the summertime. Because 75 degrees, they argued, was their cultural temperature. And I don't know that that's true. I would think 140 degrees is more likely some of their cultural temperature. But in any case it's set at 75.

And you open the door on any of the cells, and they have their own personalized cells, there is an arrow there that points towards Mecca. So they never have to guess which direction that they are praying. Every one of them gets a nice fancy prayer rug that's all embroidered. It takes a lot of hand work. It's a beautiful piece of work. And they get a little skullcap that's also hand-worked and done. And the Korans that they get are carried in a ziplock bag so they are nice and protected and never touched by the hands of an infidel, because that might anger the inmates at Gitmo. And they had their nice television and a little break room that they got together. And here is this flat screen TV. And that went on pretty fine for a while.

Oh, by the way, their meals, they get a choice out of nine selections a day of Islamicly approved meals. And they can pick three squares out of the nine every day that fit within their cultural heritage in their way. It isn't like Americans are serving them ham and beans like they would give me or you or anybody else that was in there. They get to select from this special menu, a special menu for special people that get a special rug and a special skullcap and a special ziplock bag-delivered Koran that is never touched by an infidel.

And they have as many as 20 attacks on Americans a day at Guantanamo Bay. About half of them are physical attacks, where they try to get one of our guards down, usually Navy personnel, and get their handcuffed chains around their throat and try to strangle them, attack them with the metal that's part of their restraints. And the other half are throwing human feces in the face of our troops. What is the punishment for that? If it happened to be a domestic prisoner in a domestic prison, if you continued with that you would find yourself in solitary confinement. And eventually, the punishment would go to the point where you would be locked up in prison for life. Eventually.

But what we do is nothing. There is no penalty. If Khalid Sheikh Mohammed attacks the guards every day, several times a day, the worst thing we can do to him is cut his outdoor exercise down to 2 hours a day. Two hours a day outdoors. The rest of the time you are in 75-degree air conditioning with your own selected meals, three out of the nine that are the choice of

the menu there, on your own specialized prayer rug with your own Koran. And there was one inmate that wanted a Bible in Gitmo. He converted to Christianity. But it was verboten to bring a Bible into Guantanamo Bay because it would set the inmates off, the other inmates off who thought that a Bible was an insult and affront to them.

And they were watching their flat screen TV in their little break room, and a lady came on to do a commercial, and she had a short-sleeved shirt on and showed her elbow. Showed her elbow. I don't get really all that worked up over an elbow. But they got all worked up over the elbow and trashed the room, tore up the furniture, broke the flat screen TV, scattered it all. It was like a little riot in their little break room. What's their punishment for that? New furniture, new flat screen TV. We coddle these prisoners. We don't even have a punishment for those that attack our American guards.

And we set up the trial room so that there are microphones, a sound system, places for witnesses to sit, places for family members to observe, a sound-proof glass that's there. And when it gets down to the critical component of the testimony, we have an officer that is assigned with the job to cut off the testimony until such time as the witnesses that don't have access to classified are marched out of the witness chamber, and they pick up the testimony.

This facility is laid out for the purposes of trying people where national security is an issue. And if we had been trying the individual you talked about, Mr. LAMBORN, I believe he would have been convicted in Guantanamo Bay. Because the evidence that was necessary to convict him would have been used rather than held back for fear that it becomes a spillage of a national secret that becomes the subject here of the WikiLeaks.

So those are things that go across my mind. We have got to do a lot more. We have got to be a lot smarter about this. What would be very helpful is if we had a Commander in Chief who was making the ask of this Congress rather than us trying to push that chain uphill, having a President that would actually be pulling it in that right direction. I yield back.

Mr. FRANKS of Arizona. Thank you, Mr. KING. You know, I suppose that there are a lot of different issues we could talk about with the WikiLeaks situation here. But I would point out that probably one of the big things that it showed is that just our appeasement toward our enemies. And I think probably one of the most dangerous areas there has been is just the passive nature that this administration has shown toward North Korea.

North Korea is one of the most dangerous police states in the world. And

they have shown time and again that they are not interested in becoming a stable diplomatic partner really to any member of the international community for that matter, but certainly not the United States.

And a recent timeline of North Korea's blatant provocations would probably be worth looking at here. Just to give you an example, in March of 2010 they were involved in the sinking of a South Korean submarine. It killed 46 sailors. In November of 2010, U.N. Security Council reports revealed that North Korea has been passing, as Mr. LAMBORN said, forbidden nuclear technology to state sponsors of terror. I know Mr. LAMBORN mentioned the missile technology, which is more recent, but also nuclear technology to sponsors of terrorism, including Iran and Syria. Of course the Syrian plant was almost a mirror image of the one in North Korea. And fortunately our friends in Israel were able to make sure that that one didn't work so well any more. And they did the world a great favor in that regard. Because nuclear weapons in the hands of Iran or Syria would be a great danger to the human family to say the very least.

In November of 2010, North Korea shelled the Yeonpyeong Island, a group of South Korean islands, and it claimed the lives of two South Korean marines. Two civilians I believe were also killed. It wounded somewhere around 15 marines and three other civilians. And of course this administration, while they have some shows of resolve here lately, a lot of these things have occurred because they have stood by and let North Korea get away with this so long. And really in a sense North Korea sometimes does this to get attention, and they have no respect for innocent human life. So blowing up a few people to try to get one of the Democrat administrations to give them more money is something that they don't hesitate to do. And they have done this on a regular basis.

The U.S., Mr. Speaker, must move to re-list North Korea as a state sponsor of terrorism and call on all responsible nations to adopt tough new sanctions on the North Korean regime. The North Korean regime will collapse on itself if China and other countries in the world do not continue to prop them up.

□ 2120

China should be especially called upon to stop enabling this regime and to join responsible nations in sending an unequivocal message to North Korea, abandon your aggressive agenda now. And, of course, you know it shouldn't come as a surprise to us, but China's objections kept us from seeing a U.N. Security Council report revealing that North Korea has been passing banned technology to nations like Syria and Iran, and they delayed that for 6 months.

In other words, because of China, because of their commitment to delay this, Iran was given 6 additional months to work on advancing their nuclear capacity without public scrutiny. And there is no telling how far they were able, willing to go, really, to advance this effort. But they were eventually forced to see this information like the rest of the world.

Mr. Speaker, I just have to say that, you know, weakness and passiveness is provocative. It invites aggression, and it is time that this administration and the United States embark on one singular goal for North Korea, and that is to see that North Korean Government fall and North Korea be reunited and somehow, some semblance of freedom come to that people and that this country, like many of its people, would like for it to be reunited with the world community in a responsible way.

To pursue a lot of diplomacy with North Korea is wasted effort, and we should be pursuing now the effort to see a North Korea and South Korea reunited under a free government like South Korea.

I wonder if my friend from Colorado would have any comments on that?

Mr. LAMBORN. I thank the gentleman from Arizona for yielding.

I would like to say that this administration has not done enough with North Korea. Some good efforts have been made, but much more needs to be done and much more needs to be done with Iran.

I am particularly appalled that we did nothing in the last year, when the Green Revolution started, when the fraudulent election took place, Ahmadinejad was reelected as President. There was rampant fraud throughout the country. It was obvious to any observer, and the people of Iran were offended and resented that and they rebelled and took to the streets.

We did nothing to support them.

That would have been, and maybe still is, the best way possible to overthrow this murderous regime in Tehran. But we are doing nothing to help the opposition.

That type of lack of effort, I don't understand it. It's our best shot at freeing the people of Iran so that they can become more democratic and peace loving. There are many pro-Western Iranians, especially young people. Some of them have been to the West, and they like the West. And yet we are doing nothing to support those in opposition to this government.

And to find out from WikiLeaks, to have the confirmation that 19 intermediate range missiles that could go as far as Moscow or Western Europe have been sent from North Korea to Iran, and that we know Iran is working on a nuclear weapon at the same time to put on these missiles, there is no question about that, this is unacceptable. This should not be happening. We

should not be allowing North Korea to send deadly arms to countries like Iran or Syria. Rumors have it that they want to do the same with Burma or Venezuela. We have to not let North Korea proliferate like this, and our administration should and needs to do more.

Mr. FRANKS of Arizona. Before I yield to my friend from Iowa, I would just like to kind of follow up what the gentleman from Colorado said.

You know, sometimes I think we are unaware as a people—and certainly this administration seems oblivious—to how serious a nuclear Iran, what a serious danger to the peace of the entire human family that would represent.

But just for a moment, let's consider that for a moment. You know, the Ahmadinejad government, the government of the mullahs and Ahmadinejad there, have, through their very brazen, open statements, have condemned Israel, have condemned the United States and threatened both of our countries in very specific terms, wanting to see Israel wiped off the map and the United States be ended as a world power and to see us completely brought to our knees.

I mean, it's hard to even, to repeat some of the things that this Iranian administration has said about America. And it's very clear what their intent is, and there are two elements to every threat, Mr. Speaker, when it comes to national security. One is the intent of a potential enemy and the second one is the capacity of that enemy to carry through with their threats.

And if we have not understood by now the intent of jihad, the intent of state sponsors of terrorism like Iran, then we are not listening very well, Mr. Speaker. The intent is clear. Iran would see America destroyed tomorrow if they could. Now, not the Iranian people, but the Iranian Government, as it stands now, would see America in ashes if they could.

So the idea of allowing them to gain nuclear capability seems to be just astonishing beyond words to me, Mr. Speaker. I mean, this administration seems to have embraced some sort of a surreptitious policy of allowing Iran to gain nuclear weapons and then pursuing the traditional idea of containment, like we have in other situations with the Soviet Union.

But that won't work with a jihadist government. Because when we were dealing with the Soviet Union, we put our security, in a sense, in their sanity. We knew that they wanted to survive and we had the capability to respond in such an overwhelming way that they were deterred from attacking America. But when it comes to the jihadist mindset, Mr. Speaker, that is no longer a strategy that can be embraced.

Let me just say, Mr. Speaker, if Iran gains a nuclear capability, if they gain

nuclear weapons, this world will step into the shadow of nuclear terrorism. Terrorists will have these weapons and, Mr. Speaker, I can't express to you the danger that that will represent and the change that it will represent to all of us in the free world and, really, throughout the planet.

Because Iran has shown themselves willing to make some of the most deadly weapons that we face in Iraq and blowing up our soldiers with their explosively formed penetrators. They pay money to see some of the Taliban kill American soldiers in Afghanistan. They have demonstrated their intent very clearly, and this administration seems willing to allow them to have the capacity to carry out that intent.

Mr. Speaker, let me just, while I am walking by the neighborhood, remind this administration that Iran has done military exercises that appear to every reasonable military analyst to be preparation for an EMP attack against this country or some other enemy that they might have.

Mr. Speaker, I think that this administration seems woefully unprepared or even unaware of how serious an electromagnetic pulse or a high altitude nuclear blast to create an electromagnetic pulse could be to this country. Mr. Speaker, if Iran gains a nuclear capability it will give them the asymmetric capability to, in fact, launch an EMP attack against this country, and that could cripple our infrastructure. It could cause an almost inarticulable damage to this country.

The EMP Commission says a major EMP attack on this country could be the one thing that could defeat the U.S. military. It could see more than 60 percent of the population of the United States unsustainable. I don't know how you wrap your mind around a number like that.

But, yet, that is the path that we are on with this administration continuing to allow Iran to gain nuclear weapons. And I would just call upon the Senate, Mr. Speaker, tonight on this floor, to pass the grid bill that we passed out of this body some time ago to begin to protect our electric infrastructure from either geomagnetic storms or from a high altitude electromagnetic pulse from a nuclear weapon that could be launched against us like Iran.

This administration has paid no attention to that, and yet it represents a very real, very credible threat against the United States, and it is the ideal asymmetric weapon for terrorists, and they know it. We have discovered their writings. They understand that and yet we stand by, and this administration embraces the notion that we can allow a jihadist, terrorist state like Iran to gain the world's most dangerous weapons and to be able to potentially launch against this country an attack that could be absolutely devastating to our civilization.

I just continue to be astonished that this administration has forsaken its number one constitutional duty in making sure that the protection of the citizens of this country and the national security of this country are job one.

□ 2130

And I really don't know what to add to that except maybe to ask my friend from Ohio—from Iowa—I know you are not from Ohio—to comment.

Mr. KING of Iowa. Well, I thank the gentleman from Arizona. And I loved Ohio until Ohio State beat the Hawkeyes a week and a half ago, but I'm holding my judgment until next year when we have some reconciliation meeting that takes place.

I'm very interested in the comment that you have made, the shadow of nuclear terrorism, that comment. When we think about this as Americans, watching this world, this Western civilization world falling under the shadow of nuclear terrorism, if we think worrying about some jet airliners being flown into the Twin Towers or into the Pentagon just down the road a little ways or off into the field in Pennsylvania, what that did to this country, how it shook up this country, how it immobilized our financial markets and our daily lives, right down to football games and weddings were brought to an immediate halt, even though it was more than 1,000 miles away, nearly 2,000 miles away to get to the other side of the continent, they stopped their football games there, too. They stopped their weddings there, too. And I suppose they stopped some funerals for a while. That's how much it devastated this country. And I thought that we really should have looked at those crises on September 11, 2001 and said it's not going to break our stride. We're going to keep our pace. We're going to go forward, and we're going to live, and we're going to live while we adapt to the new threat that has come upon us.

But this new threat that's out there now that hangs over our head, the shadow of nuclear terrorism that hangs over our head out of North Korea, who is completely belligerent today, and out of Iran as well.

And I will tell you, Mr. Speaker, that I wasn't very happy with the job that was done by then-Commander in Chief Bill Clinton on each of these issues but primarily with Korea. I thought that he was too soft, too tepid, not bold enough, and I looked through that and I thought North Korea will march through his path and they'll become a nuclear power and nothing is going to stop them because we are not bold, we're not strong enough, and we didn't show the resolve necessary to cause them to back up and back off, North Korea. Also true with Iran.

And as I watched President Bush, Bush 43, come into office, I was hopeful

there would be a bolder position with regard to our posture towards North Korea and towards Iran. And I can remember serving here in this Congress through some of those years. And I watched how the political handcuffs were put on George W. Bush in such a way that he didn't have the political support to use the bold actions that I believe might have been necessary then to avert the nuclear power that has materialized in North Korea nor the impending nuclear power that appears to be materializing in Iran. I don't think that George Bush was able to utilize those tools. I don't know if he had the will. I believe he did. I believe he had the judgment, but I don't think he had the political tools because this Congress was so lined up against George Bush, there were so many debates that emerged from over on this side of the aisle that attacked the President, the Commander in Chief, and undermined our military when they were in the field where lives were being sacrificed for our liberty, 44 votes forced by this Speaker of the House that were designed to unfund, underfund or undermine our troops. And all of that was designed to expand their political power and diminish the power of the Commander in Chief.

While that was going on, North Korea was furiously building a nuclear capability, Iran was building a nuclear capability, and one thing that did happen very good, and many of them did happen good under George Bush, was he began the process to establish the missiles in Poland and the radar in Czechoslovakia and he had it set up to go to protect Western Europe and eventually America from missiles coming out of Iran, and what happened? We elected a new President, one who I don't think has an understanding of this geopolitical chess game that's going on with our national security and the destiny of all humanity, who did what? Pulled the missiles out of Poland, the radar out of Czechoslovakia, and the headlines in the Warsaw paper said "betrayed." Betrayed. And I believe that that was the largest and most colossal foreign policy mistake made by the Obama administration that emboldened not just Iran to accelerate their nuclear endeavors but emboldened North Korea as well to go to the point of shelling the island in South Korea because they know or they believe, and I actually think they know, this President doesn't have the resolve to do the confrontation necessary to protect our liberty.

So we live now under the shadow of a nuclear terrorism that is emerging.

And I would just ask this question, does this Nation have the capability and the will to shut off that capability, that building capability in Iran and in North Korea? If we do, we have a strong position to negotiate from. If we do not, we need to achieve that ability and negotiate from a strong position.

There is more I would say, but I yield back to the gentleman from the Arizona.

Mr. FRANKS of Arizona. I thank the gentleman. I would like to yield to the gentleman from Colorado.

Mr. LAMBORN. I thank the gentleman, Representative TRENT FRANKS from Arizona, and I thank STEVE KING for making some good points about Iran and the mistakes made by this administration in canceling the third site. And I was with the group that went and talked to the people in Warsaw and Prague, and they were not happy. They put the best face on it. They knew it was inevitable, but they were not and are not happy. And, yes, there are attempts to contain Iran with a theater defense, and that's good as far as it goes. But theater defense for missiles against missiles is not the same as defense against intercontinental ballistic missiles. And that's what we would have had with the ground based interceptors in Poland.

So, yes, I do like that we will have Aegis ships with theater missile defense missiles on them in places around Iran. I'm troubled by the role of Turkey. I think they are not as stable of an ally as they once were under their current leadership. And I'm not sure they're very dependable these days. I hope they become more so. But Iran is developing threats that will go beyond our theater defenses faster than we will have intercontinental protection in place. So they will be able to go beyond our theater defenses before we have intercontinental defenses. So their threat is emerging faster than our defenses will be put into place.

And that is what concerns me about the phased adaptive approach, which is the theater defense in the alternative to the third site that would have been in Poland. And I yield back to the gentleman from Arizona, who is an expert on these issues.

Mr. FRANKS of Arizona. Well, I think the gentleman is absolutely correct, not that I'm an expert, but that your points are absolutely correct.

I would say that it's important to realize that the European site was not only a redundant protection to the United States from potentially ICBMs coming from Iran, but it was also something that could have calculated or factored into the calculus of Iran in moving towards developing nuclear capability in the first place, because in a sense, Mr. Speaker, missile defense is the last line of defense against an incoming missile. And I think everyone can understand that basic equation. But it's also the first line of defense against nuclear proliferation. Because a rogue state like Iran knows that they face great challenges and great dangers by pursuing nuclear weapons because they realize that their neighbors understand the aggressive nature of that rogue state of Iran and can't abide them having nuclear weapons, and they

realize that could potentially invite some type of preemptive attack. But they continue to do that because they understand the strategic advantage that they would gain to threaten their neighbors would be overwhelming.

But if indeed, Mr. Speaker, we could have been in a place in Poland to be able to intercept or knock down any missiles coming toward our allies in Europe or the United States, it could have demonstrated to Iran that they would not have gained any strategic advantage by continuing forward, and it may some day in the history books be written that that is where we lost the battle because that is maybe where Iran began to see that they were going to be able to get away with creating a nuclear capability.

But, Mr. Speaker, it's astonishing that this administration betrayed the people of Poland, betrayed the people of the Czech Republic. When we had made promises to them, we did everything we could to reach out to them to have courage to stand with America in this endeavor, and then our own administration pulls the plug and betrays them. And now it makes it very difficult for other allies to express that same kind of courage.

Of course the phased adaptive approach is a name that we put on. It's a good name. There's nothing wrong with the name. Some of our military leaders understand that there are many, as Mr. LAMBORN said, many important aspects to the phased adaptive approach. The irony is that the Bush administration was pursuing the phased adaptive approach long before the Obama administration ever even understood that there was such a thing. And these things were on the books, and all the Obama administration really did was to cancel the third site and unfortunately then make it clear that we would not have redundant capability to interdict any ICBMs or long-range missiles that Iran could place a nuclear weapon on because we simply would not be able to do it in time. Our Aegis capability is a wonderful capability, Mr. Speaker. But the present Aegis capability does not have the capacity or the speed to shoot down ICBMs, unless they're in a perfect spot, which is a very rare occurrence. And I would just suggest to you that this administration, once again, has placed their ideological commitment to the left above national security.

□ 2140

You know, there may be some day when we wished we had these days back again. With all of the challenges we face, it seems like the administration forgets its first responsibility, its first constitutional duty of defending the citizens and the national security of this country. It shouldn't surprise us that they forget the idea of property rights, and it shouldn't surprise us that

they forget the idea of protecting the rights of innocent, unborn children. And it shouldn't surprise us that they are willing to put people on the courts that have no respect for the Constitution. And it shouldn't surprise us that somehow the foundations of the Nation, the right to live and be free and pursue our dreams, is subordinated to the notion that we want to build a large State. Those things shouldn't surprise us. But if this administration continues to go in the direction it is going, Mr. Speaker, I am afraid that we will all wish we had these days back again when we could have prevented some great tragedies that may befall us because of the ideological commitment of this administration to weaken America.

I wonder if my good friend, the gentleman from Texas (Mr. GOHMERT) has any comments along those lines.

Mr. GOHMERT. I have the same concerns my good friend from Arizona has. As has been discussed here, people around the world, nations around the world watch everything we do to determine are we serious about providing for a defense for America. Are we serious about providing a defense for our allies. Are we serious about standing up against rogue nations, against attacks on freedom and liberty.

I know there is some disagreement among historians, but there are those who believe that when the Secretary of State 60 years ago gave a speech which in essence indicated that Korea was really outside our sphere of influence, North Korea had been massing and they had been preparing, but it happened that they began moving south after that speech. People notice when there is a weakness evidenced in America's leadership, and often it leads to acts of violence.

Do you think it was any accident that the flotilla went against the Israeli blockade of Gaza where thousands of rockets had flown into Israel, destroying, killing, terrorizing Israelis. We agreed originally that the blockade was necessary because of all of the death and destruction. Was it any accident that the flotilla ends up setting sail to try to at least challenge that blockade after this White House snubs the prime minister of Israel, treats them worse than Chavez or some Third World dictator, treats them so shabbily, and begins to side with Israel's enemies, like in May voting with Israel's enemies to make them disclose all of their weaponry. I mean, was it any accident that is when those who want to challenge Israel's very existence sent the flotilla south? I don't think so.

When it comes to strong leadership that protects America, I mean, my friends have been discussing this issue of Guantanamo. I know that you would be as delighted as I was to read the headline, "5 Charged in 9/11 Attacks

Seek to Plead Guilty.” A New York Times article, Guantanamo Bay, Cuba: “The five Guantanamo detainees charged with coordinating the September 11 attacks told a military judge on Monday that they wanted to confess in full, a move that seemed to challenge the government to put them to death. At the start of what had been listed as routine proceedings Monday, Judge Henry said he had received a written statement from the five men dated November 4 saying they planned to stop filing legal motions and to ‘announce our confessions to plea in full’. Speaking in what has become a familiar high-pitched tone in the cavernous courtroom here, the most prominent of the five, Khalid Sheikh Mohammed said, ‘We don’t want to waste our time with motions.’” That was what they said.

This administration, unfortunately, came in after, just a month after this because this is December 8, 2008. These guys were ready to plead guilty. They were ready to be put to death. They had already proclaimed, as Khalid Sheikh Mohammed did, as well as authorized by the other four, they were ready to plead guilty and take their punishment. Oh, no. The strong leaders in this administration came in and said, whoa, whoa, not so fast. We want to give you a show trial in New York City, cost ourselves billions of dollars, put New Yorkers at risk so you can have a big show, and we can pound our chest and talk about how civilized we are.

What civilized nation would not protect itself so it can remain civilized instead of being overtaken by barbarians? The civilized thing to do is to protect the civilized people that put you in office. But that is not what this administration did. They came in and basically said, you know what, hold off on that guilty plea. Once these guys heard they were going to get a show trial, well for heaven’s sake, they pulled back on their guilty pleas and here 2 years later, 2 full years later, this administration has now announced basically that we are not sure when we are going to get around to bringing them to trial. We are not sure where we are going to try them. It has shown weakness in leadership.

I just remind my friend, and I know he knows the quote from John Stuart Mill, who said in the 1800s: “War is an ugly thing, but not the ugliest of things. The decayed and degraded state of moral and patriotic feeling which thinks that nothing is worth war is much worse. The person who has nothing for which he is willing to fight, nothing which is more important than his own personal safety, is a miserable creature and has no chance of being free unless made and kept so by the exertions of better men than himself.”

Mr. FRANKS of Arizona. Mr. Speaker, it is kind hard to top that. The mes-

sage I was hoping that could be relayed more than anything else is that there has been a general lackadaisical, asleep-at-the-wheel, detached perspective of this administration when it comes to national security. And unfortunately, we live in a 9/11 world where there are those out there who don’t hold to the ideals of freedom and protecting innocent life, like has been the ideal of America. This administration is continuing down this path.

Mr. Speaker, I don’t want to have to come to this floor in future days and have to decry what we failed to do. I think there is still time for this administration to wake up and realize that allowing Iran to gain nuclear weapons, allowing North Korea to proliferate nuclear capability, missile capability throughout the world, allowing terrorists to use the forms of liberty to destroy liberty itself in our civilian courts, allowing the potential of terrorists to gain control of an EMP capability that could threaten our whole society, standing by while the Senate sits quietly and does nothing to pass the GRID bill passed in the House of Representatives, these are very, very important things, Mr. Speaker. I just hope somehow this administration realizes that their first purpose and their first responsibility to God, country, and their fellow human beings is to protect the lives and constitutional rights of the citizens of the United States.

Mr. Speaker, I hope that happens.

GETTING BACK TO OUR CONSTITUTION

The SPEAKER pro tempore. Under the Speaker’s announced policy of January 6, 2009, the gentleman from Texas (Mr. GOHMERT) is recognized for 60 minutes.

Mr. GOHMERT. Mr. Speaker, I have so much respect and abiding love and appreciation for my dear friend from Arizona, as well as my friend from Colorado and my friend who was here earlier from Iowa, my dear friend STEVE KING. Congressman KING and I were down in Guantanamo together, and I heard him earlier talking about pulling back the privileges and punishing assaults at Guantanamo Bay against our own servicemembers.

□ 2150

I did recall something that he may not have recalled. There is another severe form of punishment when such an assault is committed on our guards at Guantanamo, which apparently is pretty customary down there, of throwing urine or feces on our guards. They have to come up with creative ways to do that, and do so.

One of the other ways—and it’s the only other way in addition to taking some of their outdoor exercise time down to 2 hours. The other thing that

they have been known to do in order to really punish them, to actually torture them, is to take away some of their movie-watching time during the day. It’s just devastating, you know, to the Guantanamo detainees to have some of their movie-watching privileges taken away because they threw feces or urine on one of our gallant servicemen or -women. You’ve got to take away some of their movie-watching. It really teaches them a lesson. It just shows them we’re not going to be messed with. If you mess with us, you won’t get to watch as many movies today as you would have otherwise. We’ll show ‘em.

I was also hearing on the news today that Uyghurs, Chinese Muslims who have been transferred out of Guantanamo, had given interviews, indicating, actually, they were a lot better treated in Guantanamo than they were at home in China. So, despite the way some people have tried to characterize the prison in Guantanamo, it is not quite as bad—in fact, not by a long shot. It provides better living conditions than many of these people have ever had in their lives.

Then again, some of them wanted to blow themselves up, and they haven’t had that opportunity down there. So, if their version of a great, abundant life is to blow themselves up and to kill a lot of innocent people, then, yes, they have not had that kind of abundant life of blowing themselves up and killing innocent people in Guantanamo Bay.

But the messages that are coming out of this administration are particularly worrisome. When our own enemies perceive weakness in the President of this country or his administration, it propels them into action. It propels them into actions that harm the United States that they would otherwise be afraid to move forward with. In fact, when one thinks about President Bush, with support from Democrats and Republicans alike, going into Iraq, one of the things that came out of that was a country teetering once again on the edge of nuclear proliferation, a nuclear program going forward.

When President Bush ordered our troops into Iraq, the potential terrorist-harboring state of Libya realized, uh-oh, this President is quite serious. He is willing to commit American troops into harm’s way to take out a ruthless leader who at least says he supports terrorism and supports threatening the United States. “Maybe I’d better cancel our nuclear program and make peace with the United States.”

One of the byproducts of the invasion of Iraq was a message that, at that time at least, there was a President who would step up and who was not afraid to take action when someone continued to try to threaten the United States.

A friend who publishes in the Jerusalem Post—and I've had the opportunity, honor and privilege to read some of Caroline Glick's writing here on the House floor before—has great insight so often into areas of foreign policy, not only with regard to Israel but with regard to the United States and our place in international stability when we do show that we can and will be strong. There was an article that was published in the Jerusalem Post, written by Caroline Glick on November 26, 2010. Caroline's perspective and the things she has to say, I think, are important enough to read into our RECORD, Mr. Speaker, for anyone who may not otherwise have been privy to her observations. This is her article.

It begins, "Crises are exploding throughout the world. And the leader of the free world is making things worse." I'm quoting from Caroline Glick.

"On the Korean Peninsula, North Korea just upended 8 years of State Department obfuscation by showing a team of U.S. nuclear scientists its collection of thousands of state-of-the-art centrifuges installed in its Yongbyon nuclear reactor.

"And just to top off the show, as Stephen Bosworth, U.S. President Barack Obama's point man on North Korea, was busily arguing that this revelation is not a crisis, the North fired an unprovoked artillery barrage at South Korea, demonstrating that, actually, it is a crisis.

"But the Obama administration remains unmoved. On Tuesday, Defense Secretary Robert Gates thanked his South Korean counterpart, Kim Tae-young, for showing 'restraint.'

"On Thursday, Kim resigned in disgrace for that restraint.

"The U.S. has spoken strongly of not allowing North Korea's aggression to go unanswered. But in practice, its only answer is to try to tempt North Korea back to feckless multilateral disarmament talks that will go nowhere because China supports North Korean armament. Contrary to what Obama and his advisers claim, China does not share the U.S.'s interest in denuclearizing North Korea. Consequently, Beijing will not lift a finger to achieve that goal.

"Then there is Iran. The now inarguable fact that Pyongyang is developing nuclear weapons with enriched uranium makes it all but certain that the hyperactive proliferators in Pyongyang are involved in Iran's uranium-based nuclear weapons program. Obviously, the North Koreans don't care that the U.N. Security Council placed sanctions on Iran. And their presumptive role in Iran's nuclear weapons program exposes the idiocy of the concept that these sanctions can block Iran's path to a nuclear arsenal.

"Every day, as the regime in Pyongyang and Teheran escalate their

aggression and confrontational stances, it becomes more and more clear that the only way to neutralize the threats they pose to international security is to overthrow them. At least in the case of Iran, it is also clear that the prospects for regime change have never been better.

"Iran's regime is in trouble. Since the fraudulent Presidential elections 17 months ago, the regime has moved ferociously against its domestic foes.

"But dissent has only grown. And as popular resentment towards the regime has grown, the likes of President Mahmoud Ahmadinejad, supreme dictator Ali Khamenei and their Revolutionary Guards have become terrified of their own people. They have imprisoned rappers and outlawed Western music. They have purged their schoolbooks of Persian history. Everything that smacks of anything non-Islamic is viewed as a threat.

"Members of the regime are so frightened by the public that, this week, several members of parliament tried to begin impeachment proceedings against Ahmadinejad. Apparently, they hope that ousting him will be sufficient to end the public's call for revolutionary change.

□ 2200

"But Khamenei is standing by his man, and the impeachment proceedings have ended as quickly as they began. The policy implications of all this are clear.

"The U.S. should destroy Iran's nuclear installations and help the Iranian people overthrow the regime, but the Obama administration will have none of it.

"Earlier this month, Gates said, 'If it's military solution, as far as I'm concerned, it will bring together a divided nation.'

"So in his view, the Iranian people, who risk death to defy the regime every day, the Iranian people who revile Ahmadinejad as 'the chimpanzee' and call for Khamenei's death from their rooftops every evening, will rally around the chimp and the dictator if the U.S. or Israel attacks Iran's nuclear installations."

Continuing with Caroline Glick's article, she says, "Due to this thinking, as far as the Obama administration is concerned the U.S. should stick to its failed sanctions policy and continue its failed attempts to cut a nuclear deal with the mullahs.

"As Michael Ledeen noted last week at Pajamas Media, this boilerplate assertion, backed by no evidence whatsoever, is what passes for strategic wisdom in Washington as Iran completes its nuclear project. And this U.S. refusal to understand the policy implications of popular rejection of the regime is what brings State Department wise men and women to the conclusion that the U.S. has no dog in this fight. As

State Department spokesman P.J. Crowley told The Wall Street Journal this week, the Parliament's bid to impeach Ahmadinejad was nothing more than the product of 'rivalries within the Iranian Government.'

"Then there is Lebanon. Since Ahmadinejad's visit last month, it is obvious that Iran is now the ruler of Lebanon and that it exerts its authority over the country through its Hizbullah proxy.

"Hizbullah's open threats to overthrow Prime Minister Saad Hariri's government if Hizbullah's role in assassinating his father in 2005 is officially acknowledged just make this tragic reality more undeniable. And yet, the Obama administration continues to deny that Iran controls Lebanon.

"A month after Ahmadinejad's visit, Obama convinced the lame duck Congress to lift its hold on \$100 million in U.S. military assistance to the Hizbullah-dominated Lebanese military. And the U.S. convinced Israel to relinquish the northern half of the border town of Ghajar to U.N. forces despite the fact that the U.N. forces are at Hizbullah's mercy.

"In the midst of all these crises, Obama has maintained faith with his two central foreign policy goals: forcing Israel to withdraw to the indefensible 1949 armistice lines and scaling back the U.S. nuclear arsenal with an eye towards unilateral disarmament. That is, as the forces of mayhem and war escalate their threats and aggression, Obama's central goals remain weakening the U.S.'s most powerful regional ally in the Middle East and rendering the U.S. incompetent to deter or defeat rapidly proliferating rogue states that are at war with the U.S. and its allies.

"Having said that, the truth is that in advancing these goals, Obama is not out of step with his predecessors. George H.W. Bush and Bill Clinton both enacted drastic cuts in the U.S. conventional and nonconventional arsenals. Clinton and George W. Bush adopted appeasement policies towards North Korea. Indeed, Pyongyang owes its nuclear arsenal to both Presidents' desire to be deceived and do nothing.

"Moreover, North Korea's ability to proliferate nuclear weapons to the likes of Iran, Syria and Venezuela owes in large part to then-Secretary of State Condoleezza Rice's insistence that Israel say nothing about North Korea's nuclear ties to Iran and Syria in the wake of Israel's destruction of the North Korean-built and Iranian-financed nuclear reactor in Syria in September 2007.

"As for Iran, Obama's attempt to appease the regime is a little different from his predecessors' policies. The Bush administration refused to confront the fact that the wars in Afghanistan and Iraq are to a large degree Iranian proxy wars.

"The Bush administration refused to acknowledge that Syria and Hizbullah are run by Teheran and that the 2006 war against Israel was nothing more than an expansion of the proxy wars Iran is running in Iraq and Afghanistan.

"Obama's failed 'reset' policy towards Russia is also little different from his predecessors' policies.

"Bush did nothing but squawk after Russia invaded U.S. ally Georgia. The Clinton administration set the stage for Vladimir Putin's KGB state by squandering the U.S.'s massive influence over post-Soviet Russia and allowing Boris Yeltsin and his cronies to transform the country into an impoverished kleptocracy.

"Finally, Obama's obsession with Israel land giveaways to the PLO were shared by Clinton and by the younger Bush, particularly after 2006. Rice, who compared Israel to the Jim Crow South, was arguably as hostile toward Israel as Obama.

"So is Obama really worse than everyone else or is he just the latest in the line of U.S. Presidents who have no idea how to run an effective foreign policy? The short answer is that he is far worse than his predecessors.

"A U.S. President's maneuver room in foreign affairs is always very small. The foreign policy establishment in Washington is entrenched and uniformly opposed to bending to the will of elected leaders. The elites in the State Department and the CIA and their cronies in academia and policy circles in Washington are also consistently unmoved by reality, which as a rule exposes their policies as ruinous.

"The President has two ways to shift the ship of state. First, he can use his bully pulpit. Second, he can appoint people to key positions in the foreign policy bureaucracy.

"Since entering office, Obama has used both these powers to ill effect. He has traveled across the world condemning and apologizing for U.S. world leadership. In so doing, he has convinced ally and adversary alike that he is not a credible leader; that no one can depend on U.S. security guarantees during his watch; and that it is possible to attack the U.S., its allies and interests with impunity.

"Obama's call for a nuclear-free world combined with his aggressive stance toward Israel's purported nuclear arsenal, his bid to disarm the U.S. nuclear arsenal, and his ineffective response to North Korea's nuclear brinksmanship and Iran's nuclear project have served to convince nations from the Persian Gulf to South America to the Pacific Rim that they should begin developing nuclear weapons. By calling for nuclear disarmament, he has provoked the greatest wave of nuclear armament in history.

"Given his own convictions, it is no surprise that all his key foreign policy

appointments share his dangerous views. The State Department's legal advisor, Harold Koh, believes the U.S. should subordinate its laws to an abstract and largely unfounded notion of international law. Undersecretary of Defense for Policy, Michele Flournoy, believes terrorists become radicalized because they are poor. She is advised by leftist extremist Rosa Brooks. Attorney General Eric Holder has decided to open criminal investigations against CIA operatives who interrogated terrorists and to try illegal enemy combatants in civilian courts.

"In all these cases and countless others, Obama's senior appointees are implementing policies that are even more radical and dangerous than the radical and dangerous policies of the Washington policy establishment.

□ 2210

"Not only are they weakening the U.S. and its allies, they are demoralizing public servants who are dedicated to defending their country by signaling clearly that the Obama administration will leave them high and dry in a crisis.

"When a Republican occupies the White House, his foreign policies are routinely criticized and constrained by the liberal media. Radical Democratic Presidents like Woodrow Wilson have seen their foreign policies reined in by Republican congresses.

"Given the threats Obama's radical policies are provoking, it can only be hoped that through hearings and other means, the Republicans in the Senate and the House of Representatives will take an active role in curbing his policies. If they are successful, the American people and the international community will owe them a debt of gratitude."

That was as published in the Jerusalem Post posted November 26, 2010. Interesting.

It is quite disconcerting when we realized that this administration is sending out signals we won't stand by our friends and thinking that if we send a message out that we will embrace those who want to destroy our way of life, destroy our country and have pledged to do so; if we just show that we're willing to be compassionate, they'll be deeply moved and they'll come around to our side. Hardly.

History teaches us very clearly that when people who despise another nation get messages that that nation they despise is weak or will not defend itself, then they are provoked to action to destroy it, to take it over. Now, hopefully we're a long way from that happening because there are enough people here in Washington that believe that strength and a showing of strength and a showing of willingness to do what it takes to keep our oath to provide for the common defense of this country, that that is what keeps us at

peace, that is what helps prevent wars. I believe it was Reagan who used to talk about no one was ever attacked because people believed they were too strong. They attack because they think there is a weakness they can take advantage of.

That's why after we pulled out of Vietnam and that footage remains being shown to Muslims in an attempt to radicalize them, see, America flees in the face of danger. See what happened in 1983 after the Marine barracks was blown up and nearly 300 Marines were killed? They left Beirut. See what happened back in 1979 when an act of international law, what international law would say was an act of war, American soil was attacked when our embassy was attacked, hostages taken. We did nothing but beg for Tehran to let them go for over a year. That was another sign of weakness.

When another act of war on the USS Cole was committed, we responded by lobbing some rockets doing virtually no damage to people who were at war with us.

So what are our enemies who want to see the United States destroyed, who have sworn to destroy this country and our way of life, what are they to think when repeatedly we show weakness and we show that those who have nothing but hate, disdain, and contempt for this country will be met with a warm embrace? What are they to think but to have more contempt for this country?

Now Caroline Glick mentions international law and that this President is advised by people who believe the U.S. should subordinate its laws to an abstract and largely unfounded notion of international law. I took a course in international law at Baylor Law School under a visiting professor from Japan. I did a research paper. Got an A on it by the dean of a Japanese law school who was visiting Baylor for that year.

And in having a conversation with him after the course was over, I said, For all of the reading we've done, all of the studying, the discussion, the debate, I come back to the conclusion that basically in short international law is whatever the strongest nation around says it is. And he says in essence, you have learned from this course well. That's exactly right. International law is whatever the strongest nation around says it is.

And yet in response to attacks, threatened attacks, threatened efforts to destroy our way of life, what we have seen is an effort to bow before those who want to destroy us, those who are not our friends.

I filed in the three Congresses that I have been in office here, and I will file in the fourth one next year, the U.N. Voting Accountability Act that says a nation that votes against us more than half the time in the U.N.—they're sovereign nations; they can do what they

want to. We're not going to tell them how they have to vote, but any nation that votes against our position more than half the time will not get a dime of financial assistance from this country for the following year. As I said, you don't have to pay people to hate you. They'll do it for free. And it's still true.

America, the United States of America is truly the greatest nation in the history of mankind. There are more liberties and more freedoms in this country than have ever been observed by the citizens of any country. As great as Solomon's Israel was, it didn't have the liberties for the people that this Nation has.

This is a nation that is supposed to be governed by the people who, on Election Day, go out and actually hire people to do their bidding for the subsequent years. For too long, not enough people have come on hiring day to make sure that the best people got hired. For too long people have not studied the applications, the resumes, done the interviews of those who are seeking to be hired as the servants to go do their bidding as the people are the government.

And so as the old adage goes, democracy ensures people are governed no better than they deserve. So we've gotten what we've deserved whether anyone likes it or not; whether anyone likes the prior President, the Nation got what we deserved; whether anyone likes this President or not, the Nation got what we deserved.

And absolutely a truism that you can take to the bank, Madam Speaker, is that in 2012's elections, we will have a President elected or reelected who's no better than the Nation deserves.

Now, there is one area of tremendous ignorance in this country. And there is nothing wrong with ignorance in an area of someone's knowledge unless they persist in that ignorance and refuse to learn and fill that void.

We are told by our President that this is not a Christian nation, and I will not debate that. Maybe we're not. But I know how the Nation was founded, and I know enough history. And there are so many wonderful books. This is another one by William Federer, *America's God and Country*. And I have read all of the things that I am about to enter into here in different areas as I studied history, was a history hanger major at Texas A&M. But Federer has put these together succinctly to help illuminate how we got started.

So in going back to July of 1776—hopefully most people in America would know July of 1776 is when the Declaration of Independence was signed, made public.

□ 2220

But in July of 1776, Benjamin Franklin was appointed part of a committee

to draft a seal for the newly United States which would characterize the spirit of the Nation. Now, this was not adopted, but this was Benjamin Franklin's proposal. He proposed, and this is a quote, "Moses lifting up his wand and dividing the Red Sea, and Pharaoh in his chariot overwhelmed with the waters. This motto: 'Rebellion to tyrants is obedience to God.'" That was Benjamin Franklin's proposal for our national seal.

Of course what we ultimately had, going back to 1776, the Great Seal, two-sided seal, is reflected on the back of every dollar bill. On the one side the eagle with the ribbon through his mouth with the Latin words *E Pluribus Unum*, meaning out of many, one. We come from all over the world, immigrants loving immigration, immigrants coming from all over the world, come here to the United States and become one. One in language, one in tradition, one in our history, one strong American people. The intent was, back then as they came from all areas of the world, that there would be no hyphenated Americans.

When you came here, whether it was Europe, Africa, Asia, you came here, you were no longer African, European, Asian, South American, you were American. You were brothers and sisters together in this land. And although you celebrate traditions of your rich culture from wherever your immigrant ancestors had come from, still you would be here and become one people.

Well, in a letter that Ben Franklin wrote in March of 1778, Ben Franklin is attributed with this writing. "Whoever shall introduce into public affairs the principles of primitive Christianity will change the face of the world."

Another quote from Benjamin Franklin was, "A Bible and a newspaper in every house, a good school in every district—all studied and appreciated as they merit—are the principal support of virtue, morality, and civil liberty."

In Ben Franklin's pamphlet entitled "Information to Those Who Would Remove to America," which was written to Europeans who were considering the move to America, or intending to send their young people to seek their fortune in this land of opportunity, Ben Franklin wrote the following: "Hence, bad examples to youth are more rare in America, which must be a comfortable consideration to parents. To this may be truly added, that serious religion, under its various denominations, is not only tolerated, but respected and practiced." Ben Franklin went on to say, "Atheism is unknown there," talking about America, "infidelity rare and secret; so that persons may live to a great age in that country without having their piety shocked by meeting with either an atheist or an infidel." Further with Ben Franklin's quote, "And the Divine Being seems to have

manifested his approbation of the mutual forbearance and kindness with which the different sects treat each other; by the remarkable prosperity with which he has been pleased to favor the whole country," unquote from Ben Franklin. He was talking about the sects, s-e-c-t-s, and denominations. These were Christian denominations he was talking about.

In a letter to Robert R. Livingston, 1784, Ben Franklin wrote this: "I am now entering on my 78th year. If I live to see this peace concluded, I shall beg leave to remind the Congress of their promise, then to dismiss me. I shall be happy to sing with old Simeon, 'Now lettest thou thy servant depart in peace, for mine eyes have seen thy salvation.'" In another letter that Ben Franklin wrote, April 17, 1787, he said, "Only a virtuous people are capable of freedom. As nations become corrupt and vicious, they have more need of masters."

Then on June 28, 1787, Ben Franklin delivered a powerful speech to the Constitutional Convention, which was embroiled in a bitter debate over how each State was to be represented in the new government. The hostile feelings created by the smaller States being pitted against the larger States was so bitter that some delegates actually left the convention. Ben Franklin, being the president (governor) of Pennsylvania, hosted the rest of the 55 delegates attending the convention. Being the senior member of the convention at 81 years of age, he commanded the respect of all present. And as recorded in James Madison's detailed records, he rose to speak in this moment of crisis.

This is from Federer's book. But this speech that Ben Franklin gave in 1787 at the Constitutional Convention truly was given at a moment of crisis. They had been going for nearly 5 weeks, and nothing but anger and bitterness had persisted in the convention. They were nowhere close to coming to any kind of agreement on anything, much less a Constitution.

Now, I was taught in school that Benjamin Franklin was a deist, that he believed some deity, some power, some something created the universe, created the nature that we have come to know, and then steps back and never intercedes, never lifts a finger, never does anything to interfere with the ways of man. Yet when you read his own words, you read letters he wrote, things he said, it's quite clear a deist he was not. Here he was about 2 years away from meeting his maker. He was suffering from gout at the time. He had, as the senior delegate, governor, president, whatever you wish to call him from Pennsylvania at the convention and considered the host, he still had to be helped in. He was not doing well physically. But mentally he was sharp as ever. His wit was amazing as ever.

And this is the speech that Ben Franklin gave up in this time of critical crisis in the Constitutional Convention in 1787. He was addressing the president of the Constitutional Convention, President Washington—not President of the country yet because there was no Constitution, so there was no President under that—but the president of the convention was addressed. And he said, “Mr. President, the small progress we have made after 4 or 5 weeks close attendance and continual reasonings with each other—our different sentiments on almost every question, several of the last producing as many noes as ayes, is methinks a melancholy proof of the imperfection of the human understanding. We indeed seem to feel our own want of political wisdom, since we have been running about in search of it. We have gone back to ancient history for models of government, and examined the different forms of those republics which, having been formed with the seeds of their own dissolution, now no longer exist. And we viewed modern States all around Europe, but find none of their Constitutions suitable to our circumstances.”

□ 2230

“In this situation of this Assembly, groping as it were in the dark to find political truth, and scarce able to distinguish it when presented to us, how has it happened, Sir, that we have not hitherto once thought of humbly applying to the Father of lights to illuminate our understanding?”

“In the beginning of this Contest with Great Britain, when we were sensible of danger, we had daily prayer in this room for Divine protection. Our prayers, Sir, were heard, and they were graciously answered. All of us who were engaged in the struggle must have observed frequent instances of a superintending Providence in our favor.”

“To that kind Providence we owe this happy opportunity of consulting in peace on the means of establishing our future national felicity. And have we now forgotten that powerful Friend? Or do we imagine we no longer need His assistance?”

Ben Franklin goes on and says, “I have lived, Sir, a long time, and the longer I live, the more convincing proofs I see of this truth, that God governs in the affairs of men. And if a sparrow cannot fall to the ground without His notice, is it probable that an empire can rise without His aid?”

“We have been assured, Sir, in the Sacred Writings that, ‘except the Lord build the House, they labor in vain that build it.’”

Franklin then says, “I firmly believe this, and I also believe that without His concurring aid we shall succeed in this political building no better than the Builders of Babel. We shall be divided by our partial local interests, our

projects will be confounded, and we, ourselves, shall become a reproach and bye word down to future ages.”

“And what is worse, mankind may hereafter from this unfortunate instance, despair of establishing governments by human wisdom and leave it to chance, war and conquest.”

“I therefore beg leave to move, that henceforth prayers imploring the assistance of Heaven, and its blessing on our deliberations, be held in this Assembly every morning before we proceed to business, and that one or more of the clergy of this city be requested to officiate in that service.”

Franklin sat down. Federer notes, “The response of the convention to this speech by Benjamin Franklin was reported by Jonathan Dayton, the delegate from New Jersey.”

Delegate Jonathan Dayton from New Jersey wrote these words. When he says “the Doctor,” he is talking about Benjamin Franklin, as some affectionately called him.

Dayton said, “‘The Doctor sat down; and never did I behold a countenance at once so dignified and delighted as was that of Washington at the close of the address; nor were the members of the convention generally less affected. The words of the venerable Franklin fell upon our ears with a weight and authority, even greater than we may suppose an oracle to have had in a Roman senate.’”

“Following Franklin’s historical address, James Madison moved, seconded by Roger Sherman of Connecticut, that Dr. Franklin’s appeal for prayer be enacted. Edmund Jennings Randolph of Virginia further moved:

“‘That a sermon be preached at the request of the convention on the 4th of July, the anniversary of Independence, and thenceforward prayers be used in ye Convention every morning.’”

“The clergy of Philadelphia responded to this request and effected a profound change in the convention when they reconvened on July 2, 1787, and Jonathan Dayton again records these words:

“‘We assembled again, and every unfriendly feeling had been expelled, and a spirit of conciliation had been cultivated.’”

“On July 4th, the entire Convention assembled in the Reformed Calvinistic Church, according to the proposal by Edmund Jennings Randolph of Virginia, and heard a sermon by Rev. William Rogers. His prayer reflected the hearts of the delegates following Franklin’s admonition:

“‘We fervently recommend to the fatherly notice . . . our Federal convention . . . Favor them, from day to day, with thy inspiring presence; be their wisdom and strength; enable them to devise such measures as may prove happy instruments in healing all divisions and prove the good of the great whole . . . that the United States of

America may form one example of a free and virtuous government . . . May we . . . continue, under the influence of republican virtue”—and that’s with a little “r,” not this Republican Party—“to partake of all the blessings of cultivated and Christian society.”

With that prayer, Rev. William Jennings concluded, as requested, by the gentleman from Virginia, Edmund Jennings Randolph. And as a result of Franklin’s speech, as a result of following through on Franklin’s request to begin with prayer, as followed by Randolph’s request for a sermon, and ending with a powerful prayer, we got a Constitution, although it’s certainly ignored around this town so often.

And even by the Supreme Court, as they did when they ignored the bankruptcy law and the Constitution to allow the travesty of the GM and Chrysler debacle to become law, as unconstitutional and illegal as it was, we still have a Constitution that we have got to get back to.

We still have a situation that Franklin noted, that so many in our early days noted, can sustain us if we continue with the prayer, as Franklin sought, if we continue to hold to those values in which this Nation was founded.

But a Nation in which you destroy the family, destroy the nuclear family, you’ve destroyed the building block for any great, truly great society. That has been broken down. You enslave people, basically, or make them indentured servants, by doling out money from Washington, luring young people into ruts from which they can never rise. It’s disgraceful. It’s immoral.

This Congress, this city, this government should be propelling young people, encouraging, invigorating, incentivizing people to reach their God-given potential, for heaven’s sake, not luring them into ruts from which they can never rise, not luring them into ruts from which they can only clamor and beg for more help from Washington.

□ 2240

They are to be empowered, empowered with opportunity, not with handouts but with opportunity to reach their own God-given potential. A mother eagle does not continue to feed her babies indefinitely. The little hatchlings are not fed for the rest of their lives. They are nurtured, they are taught, and then they are given the opportunity to spread their wings and fly.

It drove me from the bench as a judge to have seen repeatedly what this Congress’ laws had done to lure people into holes and give them no way out. That was never the intention of the Founders. That should never be the intention of a moral society. You help those who truly cannot help themselves. But for those that can, you don’t keep telling them to get in the wagon and continue

to make fewer and fewer people pull the wagon until they can no longer bear the load and the whole system collapses of its own weight. You can't keep doing that.

We have done so much damage to this Nation, 1 trillion 5, \$1.6 trillion deficit last year, \$1.3 trillion projected for this year, \$3 trillion in 2 years? Incredible. Do people not know even modern history? The Soviet Union didn't even spend that kind of equivalent, but they spent quickly enough trying to keep up with our defensive posture through the defense system, and with their own socialistic programs, they could not get anyone to loan them more money. Gee, does that sound familiar? We are having to buy our own debt. We are not having to, we just won't quit spending. It's immoral. It's just so irresponsible.

And I hear people saying, but it's just so hard to make these difficult cuts. It isn't. As a freshman here in 2005, in 2006, standing on this side of the aisle, I heard people rightfully on the other side of the aisle saying, you guys are running a deficit budget, between 100 and \$200 billion, that's irresponsible. And the Democrats who said that were right. We should not have been running a deficit budget in 2005 and 2006. It was irresponsible. It needed to stop. Friends on that side of the aisle said, you put us in the majority, we'll end this crazy spending in such a deficit form. And yet, when the gavel was handed to Speaker PELOSI in January of 2007, what we began to experience was spending like this Nation has never known, until January of 2009, when the spending went on steroids, and instead of having a \$100 to \$200 billion deficit, in 1 year, we went to having nearly between a \$1 and \$2 trillion deficit in 1 year.

How long before we face the same consequence that the Soviet Union faced when countries around the world said, look, we have been warning you that if you didn't get your spending under control we wouldn't loan you any more money? We won't. We're done. You're on your own. And then the Nation realizes, you can't print enough money to pay your way out of the debt the Soviet Union had created

and the very kind of debt we are creating now. So they had to announce, we're out of business. The States are on their own.

It can happen here. It has got to stop. And it's not that hard. All we have to do is go back to the budget of 2006 or even 2007, the Republican Congress created, and say, do you know what? We as Democrats condemned the Republicans for spending too much in the 2006, 2007 budget, and so let's go back to that budget. We condemn them for spending too much in 2006 and 2007, let's go back to that budget. Let's use that budget. And let's stop these automatic increases every year. I've been filing that bill every Congress. It's time it passed.

I brought it to the attention of our leaders in 2006, in January, February, 2006, yet no action was taken by the Republican Congress, and obviously the last two Democratic Congresses haven't, a zero baseline budget bill, no automatic increases. Go back to 2006, 2007, no automatic increases, we get the spending under control, we get credibility around the world, we took care of our indebtedness. And we are still strong and even stronger. That's where we need to go. And then we send a message loud and clear, and I hope that Speaker BOEHNER will do as I have encouraged to be done, invite Prime Minister Netanyahu to come stand at that podium, address a joint session so the world can see both sides of this aisle standing and applauding the leader of our great friend and ally in the Middle East, Israel. Let the nations see that, and then that symbolism be followed by action where we don't reward our enemies and the enemies of our dear friend, Israel, and we don't punish our dear friends and dear allies. If you're our friend and ally, we work with you. If you're not, good luck. You're on your own. We're not going to keep propping up countries that hate us. It's irresponsible as well.

There are so many lessons to be learned from history, both ancient, both our own Nation and foreign and current history. And may God have mercy on us if we do not learn those lessons.

And with that, Madam Speaker, I yield back.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. WU (at the request of Mr. HOYER) for today and for the balance of the week.

Mr. DAVIS of Illinois (at the request of Mr. HOYER) for today.

Mr. BURTON of Indiana (at the request of Mr. BOEHNER) for today on account of personal reasons.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. FILNER) to revise and extend their remarks and include extraneous material:)

Mr. FRANK of Massachusetts, for 5 minutes, today.

Ms. RICHARDSON, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

(The following Members (at the request of Ms. FOXX) to revise and extend their remarks and include extraneous material:)

Mr. POE of Texas, for 5 minutes, December 7.

Mr. JONES, for 5 minutes, December 7.

Mrs. MILLER of Michigan, for 5 minutes, today.

Mr. FRANKS of Arizona, for 5 minutes, today, December 1, 2, and 3.

Ms. FOXX, for 5 minutes, today.

ADJOURNMENT

Mr. GOHMERT. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 47 minutes p.m.), the House adjourned until tomorrow, Wednesday, December 1, 2010, at 10 a.m.

BUDGETARY EFFECTS OF PAYGO LEGISLATION

Pursuant to Public Law 111-139, Mr. SPATT hereby submits, prior to the vote on passage, the attached estimate of the costs of H.R. 6398, To require the Federal Deposit Insurance Corporation to fully insure Interest on Lawyers Trust Accounts, as amended, for printing in the CONGRESSIONAL RECORD.

CBO ESTIMATE OF THE STATUTORY PAY-AS-YOU-GO EFFECTS FOR H.R. 6398, A BILL TO REQUIRE THE FEDERAL DEPOSIT INSURANCE CORPORATION TO FULLY INSURE INTEREST ON LAWYERS TRUST ACCOUNTS, AS AMENDED

By fiscal year, in millions of dollars—

	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2011– 2015	2011– 2020
NET INCREASE OR DECREASE (–) IN THE DEFICIT												
Statutory Pay-As-You-Go Impact	12	10	1	–3	–5	–6	–8	–3	0	0	15	–2

H.R. 6398 would amend existing law to extend federal deposit insurance to amounts held in certain interest-bearing accounts through December 31, 2012. CBO estimates that enacting this legislation would increase the cost of resolving failed institutions over the next few years but such costs would be offset by higher insurance premiums by 2020.

Source: Congressional Budget Office.

EXECUTIVE COMMUNICATIONS,
ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

10470. A letter from the Acting Under Secretary, Department of Defense, transmitting a report identifying each extension of a contract period to a total of more than 10 years that was granted under 10 U.S.C. 2304a(f) for the Department's task and delivery order contracts during fiscal year 2009, pursuant to Public Law 108-375, section 813; to the Committee on Armed Services.

10471. A letter from the Deputy Assistant Secretary, Department of Defense, transmitting a letter on new mental health procedures for the armed services, pursuant to Public Law 111-84, section 708; to the Committee on Armed Services.

10472. A letter from the Under Secretary, Department of Defense, transmitting the Department's second Equipment Delivery Report for fiscal years 2009 and 2010; to the Committee on Armed Services.

10473. A letter from the Under Secretary, Department of Defense, transmitting a letter regarding developing methods to account for the full life-cycle costs of munitions, pursuant to Public Law 111-84, section 316; to the Committee on Armed Services.

10474. A letter from the Acting Director, Executive Office of the President, transmitting report of the estimated cost of assets purchased under the Emergency Economic Stabilization Act of 2008; to the Committee on Financial Services.

10475. A letter from the Secretary, Department of Health and Human Services, transmitting Biennial report to Congress on the Status of Children in Head Start Programs for Fiscal year 2007; to the Committee on Education and Labor.

10476. A letter from the Assistant Secretary, Department of Energy, transmitting the Department's annual report on the Economic Dispatch and Variable Generation Resources, pursuant to Sections 1234 and 1832 of the Energy Policy Act of 2005; to the Committee on Energy and Commerce.

10477. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's FY 2009 annual performance report to Congress required by the Prescription Drug User Fee Act of 1992 (PDUFA), as amended; to the Committee on Energy and Commerce.

10478. A letter from the Secretary, Department of Transportation, transmitting the Department's Fiscal Year 2009 annual report as required by the Superfund Amendments and Reauthorization Act (SARA) of 1986, as amended, pursuant to 42 U.S.C. 9620; to the Committee on Energy and Commerce.

10479. A letter from the Special Inspector General for Afghanistan Reconstruction, transmitting the ninth quarterly report on the Afghanistan reconstruction, pursuant to Public Law 110-181, section 1229; to the Committee on Foreign Affairs.

10480. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Report to Congress on the United States Policy in Iraq, Section 1227 of the National Defense Authorization Act for Fiscal Year 2006; to the Committee on Foreign Affairs.

10481. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting report prepared by the Department of State concerning international agreements other than treaties entered into by the United States to be transmitted to the Congress within the sixty-day period specified in the Case-Zablocki Act; to the Committee on Foreign Affairs.

10482. A letter from the Acting Executive Secretary, Agency for International Development, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

10483. A letter from the Acting Executive Secretary, Agency for International Development, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

10484. A letter from the Acting Executive Secretary, Agency for International Development, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

10485. A letter from the Acting Executive Secretary, Agency for International Development, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

10486. A letter from the Acting Executive Secretary, Agency for International Development, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

10487. A letter from the Acting Executive Secretary, Agency for International Development, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

10488. A letter from the Chairman and CEO, Farm Credit Administration, transmitting in accordance with Pub. L. 105-270, the Federal Activities Inventory Reform Act of 1998 (FAIR Act), the Administration's inventory of commercial activities until June 2010; to the Committee on Oversight and Government Reform.

10489. A letter from the General Counsel, Institute of Museum and Library Services, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

10490. A letter from the General Counsel, Pension Benefit Guaranty Corporation, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the

Committee on Oversight and Government Reform.

10491. A letter from the Service Officer, American Gold Star Mothers, Inc., transmitting the organization's report and financial audit for the year ending June 30, 2010, pursuant to 36 U.S.C. 1101(63) and 1103; to the Committee on the Judiciary.

10492. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's determination on a petition on behalf of a class of workers from the Revere Copper and Brass, in Detroit, Michigan, to be added to the Special Exposure Cohort (SEC), pursuant to the Energy Employees Occupational Illness Compensation Program Act of 2000 (EEOICPA); to the Committee on the Judiciary.

10493. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's determination on a petition on behalf of a class of workers from the Ames Laboratory, in Ames, Iowa to be added to the Special Exposure Cohort (SEC), pursuant to the Energy Employees Occupational Illness Compensation Program Act of 2000 (EEOICPA); to the Committee on the Judiciary.

10494. A letter from the Assistant Attorney General, Department of Justice, transmitting second annual report to Congress submitted in accordance with the NICS Improvement Amendments Act of 2007 (Pub. L. 110-180); to the Committee on the Judiciary.

10495. A letter from the Assistant Attorney General, Department of Justice, transmitting 2010 Annual Report to Congress on Enforcement of Registration Requirements, pursuant to Public Law 109-248, section 635; to the Committee on the Judiciary.

10496. A letter from the Staff Director, Sentencing Commission, transmitting report on the compliance of the federal district courts with documentation submission requirements on sentencing, pursuant to 28 U.S.C. 994(w)(1); to the Committee on the Judiciary.

10497. A letter from the Deputy Chief Financial Officer, Department of Homeland Security, transmitting notification that a seventh transfer of \$100 million from the Oil Spill Liability Trust Fund to the Emergency Fund has occurred; to the Committee on Transportation and Infrastructure.

10498. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Kalaupapa, HI [Docket No.: FAA-2010-0650; Airspace Docket No. 10-AWP-9] received October 26, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10499. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule—Revocation of Class C Airspace, Establishment of Class D Airspace, and Modification of Class E Airspace; Columbus, GA [Docket No.: FAA-2010-0386; Airspace Docket No. 10-AWA-1] received October 26, 2010, pursuant to 5 U.S.C.

801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10500. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Port Clarence, AK [Docket No.: FAA-2010-0354 Airspace Docket No. 10-AAL-10] received October 26, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10501. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Clifton/Morenci, AZ [Docket No.: FAA-2010-0634; Airspace Docket No. 10-AWP-8] received October 26, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10502. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule—Revocation of Class E Airspace; Franklin, TX [Docket No.: FAA-2010-0603; Airspace Docket No. 10-ASW-9] received October 26, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10503. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; BAE SYSTEMS (OPERATIONS) LIMITED Model BAe 146 and Avro 146-RJ Airplanes [Docket No.: FAA-2010-0642; Directorate Identifier 2007-NM-332-AD; Amendment 39-16470; AD 2010-21-10] (RIN: 2120-AA64) received October 26, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10504. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Fokker Services B.V. Model F.28 Mark 0070 and 0100 Airplanes [Docket No.: FAA-2010-0479; Directorate Identifier 2009-NM-220-AD; Amendment 39-16472; AD 2010-21-12] (RIN: 2120-AA64) received October 26, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10505. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Bombardier, Inc. Model CL-600-2B19 (Regional Jet Series 100 & 440) Airplanes [Docket No.: FAA-2009-1229; Directorate Identifier 2009-NM-106-AD; Amendment 39-16471; AD 2010-21-11] (RIN: 2120-AA64) received October 26, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10506. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Learjet Inc. Model 45 Airplanes [Docket No.: FAA-2010-0676; Directorate Identifier 2010-NM-095-AD; Amendment 39-16479; AD 2010-21-19] (RIN: 2120-AA64) received October 26, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10507. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Eurocopter France (ECF) Model AS650B3 and EC130 B4 Helicopters [Docket No.: FAA-2010-0779; Directorate Identifier 2009-SW-84-AD; Amendment 39-16467; AD 2010-21-07] (RIN: 2120-AA64) received October 26, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10508. A letter from the Program Analyst, Department of Transportation, transmitting

the Department's final rule—Airworthiness Directives; McDonnell Douglas Corporation Model MD-90-30 Airplanes [Docket No.: FAA-2010-0554; Directorate Identifier 2010-NM-082-AD; Amendment 39-16476; AD 2010-21-16] (RIN: 2120-AA64) received October 26, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10509. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Eurocopter France (Eurocopter) Model AS350B, BA, B1, B2, B3, AS355E, F, F1, F2, and N Helicopters [Docket No.: FAA-2010-0969; Directorate Identifier 2009-SW-62-AD; Amendment 39-16461; AD 2010-21-01] (RIN: 2120-AA64) received October 26, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10510. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Corporation Model DC-10-10, DC-10-10F, DC-10-30, DC-10-30F (KDC-10), DC-10-40, and DC-10-40F Airplanes [Docket No.: FAA-2010-0672; Directorate Identifier 2010-NM-047-AD; Amendment 39-16473; AD 2010-21-13] (RIN: 2120-AA64) received October 26, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10511. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB-500 Airplanes [Docket No.: FAA-2010-0754; Directorate Identifier 2010-CE-039-AD; Amendment 39-16475; AD 2010-21-15] (RIN: 2120-AA64) received October 26, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10512. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; PIAGGIO AERO INDUSTRIES S.p.A. Model PIAGGIO P-180 Airplanes [Docket No.: FAA-2010-0737; Directorate Identifier 2010-CE-037-AD; Amendment 39-16468; AD 2010-21-08] (RIN: 2120-AA64) received October 26, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10513. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; PIAGGIO AERO INDUSTRIES S.p.A. Model PIAGGIO P-180 Airplanes [Docket No.: FAA-2010-0734; Directorate Identifier 2010-CE-036-AD; Amendment 39-16474; AD 2010-21-14] (RIN: 2120-AA64) received October 26, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10514. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; PIAGGIO AERO INDUSTRIES S.p.A. Model PIAGGIO P-180 Airplanes [Docket No.: FAA-2010-0736; Directorate Identifier 2010-CE-035-AD; Amendment 39-16469; AD 2010-21-09] (RIN: 2120-AA64) received October 26, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10515. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Pratt & Whitney JT8D-9, -9A, -11, -15, -17, and -17R Turbofan Engines [Docket No.: FAA-2010-0514; Directorate Identifier 2010-NE-02-AD; Amendment 39-16477; AD

2010-21-17] (RIN: 2120-AA64) received October 26, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10516. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Bombardier, Inc. Model CL-600-2B19 (Regional Jet Series 100 & 440) Airplanes [Docket No.: FAA-2010-0482; Directorate Identifier 2009-NM-225-AD; Amendment 39-16411; AD 2010-17-17] (RIN: 2120-AA64) received October 26, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10517. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 747-100, 747-100B, 747-100B SUD, 747-200B, 747-200F, 747-300, 747-400, 747-400D, 747SP, and 747SR Series Airplanes [Docket No.: FAA-2010-0950; Directorate Identifier 2009-NM-194-AD; Amendment 39-16460; AD 2009-19-06] (RIN: 2120-AA64) received October 26, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10518. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule—IFR Altitudes; Miscellaneous Amendments [Docket No.: 30742; Amdt. No. 489] received October 26, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10519. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No.: 30748; Amdt. No. 3395] received October 26, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10520. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No.: 30747; Amdt. No. 3394] received October 26, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10521. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule—Revocation and Establishment of Class E Airspace; Northeast Alaska, AK [Docket No.: FAA-2010-0445; Airspace Docket No. 10-AAL-13] received October 26, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10522. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; Tanana, AK [Docket No.: FAA-2010-0588 Airspace Docket No. 10-AAL-16] received October 26, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10523. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; Unalakleet, AK [Docket No.: FAA-2010-0119 Airspace Docket No. 10-AAL-6] received October 26, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10524. A letter from the Trial Attorney, Federal Railroad Administration, Department of Transportation, transmitting the Department's final rule—Restrictions on

Railroad Operating Employees' Use of Cellular Telephones and Other Electronic Devices [Docket No.: FRA-2009-0118] (RIN: 2130-AC21) received November 3, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10525. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule—Applicable Federal Rates—November 2010 (Rev. Rul. 2010-26) received October 26, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10526. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule—Section 457(b) Unforeseeable Emergency Guidance [CASE MIS Number: RR-117629-10] (Rev. Rul. 2010-27) received October 27, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10527. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule—Hybrid Retirement Plans [TD 9505] (RIN: 1545-BG36) received October 26, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10528. A letter from the Chief Privacy Officer, Department of Homeland Security, transmitting the Department's fourth quarter report for fiscal year 2010 from the Office of Security and Privacy; to the Committee on Homeland Security.

10529. A letter from the Assistant Secretary, Legislative Operations, Department of State, transmitting certification to Congress regarding the Incidental Capture of Sea Turtles in Commercial Shrimping Operations, pursuant to Public Law 101-162, section 609(b); jointly to the Committees on Natural Resources and Appropriations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. OBERSTAR: Committee on Transportation and Infrastructure. H.R. 5112. A bill to provide for the training of Federal building personnel, and for other purposes (Rept. 111-662). Referred to the Committee of the Whole House on the State of the Union.

Mr. THOMPSON of Mississippi: Committee on Homeland Security. H.R. 5562. A bill to amend the Homeland Security Act of 2002 to prohibit requiring the use of a specified percentage of a grant under the Urban Area Security Initiative and State Homeland Security Grant Program for specific purposes, and for other purposes (Rept. 111-663). Referred to the Committee of the Whole House on the State of the Union.

Mr. POLIS: Committee on Rules. House Resolution 1741. Resolution providing for consideration of the joint resolution (H.J. Res. 101) making further continuing appropriations for fiscal year 2011, and for other purposes (Rept. 111-664). Referred to the House Calendar.

Mr. MCGOVERN: Committee on Rules. House Resolution 1742. Resolution providing for consideration of the bill (S. 3307) to reauthorize child nutrition programs, and for other purposes (Rept. 111-665). Referred to the House Calendar.

Mr. CONYERS: Committee on the Judiciary. H.R. 42. A bill to establish a fact-finding Commission to extend the study of a prior Commission to investigate and determine

facts and circumstances surrounding the relocation, internment, and deportation to Axis countries of Latin Americans of Japanese descent from December 1941 through February 1948, and the impact of those actions by the United States, and to recommend appropriate remedies, and for other purposes; with an amendment (Rept. 111-666). Referred to the Committee of the Whole House on the State of the Union.

Mr. CONYERS: Committee on the Judiciary. H.R. 3290. A bill to provide the spouses and children of aliens who perished in the September 11 terrorist attacks an opportunity to adjust their status to that of an alien lawfully admitted for permanent residence (Rept. 111-667). Referred to the Committee of the Whole House on the State of the Union.

Mr. THOMPSON of Mississippi: Committee on Homeland Security. H.R. 5101. A bill to establish a Chief Veterinary Officer in the Department of Homeland Security, and for other purposes; with an amendment (Rept. 111-668, Pt. 1). Ordered to be printed.

Mr. CONYERS: Committee on the Judiciary. H.R. 233. A bill to amend the Federal antitrust laws to provide expanded coverage and to eliminate exemptions from such laws that are contrary to the public interest with respect to railroads; with an amendment (Rept. 111-669, Pt. 1). Referred to the Committee of the Whole House on the State of the Union.

DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XIII the Committee on Transportation and Infrastructure discharged from further consideration. H.R. 233 referred to the Committee of the Whole House on the State of the Union.

Pursuant to clause 2 of rule XIII the Committee on Energy and Commerce discharged from further consideration. H.R. 2267 referred to the Committee of the Whole House on the State of the Union and ordered to be printed.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

H.R. 5105. Referral to the Committee on Agriculture extended for a period ending not later than December 10, 2010.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. GONZALEZ:

H.R. 6459. A bill to amend section 1848 of the Social Security Act to provide for a 4-year transition in reductions in relative value units for certain newly bundled services to allow physician practice time to adjust to new payment rates; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. KAPTUR:

H.R. 6460. A bill to prohibit Fannie Mae, Freddie Mac, and Ginnie Mae from owning or

guaranteeing any mortgage that is assigned to the Mortgage Electronic Registration Systems or for which MERS is the mortgagee of record; to the Committee on Financial Services.

By Mr. PERRIELLO (for himself, Mr. COSTA, Mr. DUNCAN, Mr. GRIJALVA, Mr. KRATOVIL, and Mr. MCGOVERN):

H.R. 6461. A bill to amend the Higher Education Act of 1965 to improve education and prevention related to campus sexual violence, intimate partner violence, and stalking; to the Committee on Education and Labor.

By Ms. SCHWARTZ (for herself, Mr. BURGESS, Mr. BLUMENAUER, Ms. VELÁZQUEZ, Mr. FATTAH, and Mr. RUSH):

H.R. 6462. A bill to amend the Department of Agriculture Reorganization Act of 1994 to establish in the Department of Agriculture a Healthy Food Financing Initiative; to the Committee on Agriculture.

By Mr. OBEY:

H.J. Res. 101. A joint resolution making further continuing appropriations for fiscal year 2011, and for other purposes; to the Committee on Appropriations.

By Mr. BISHOP of Utah:

H.J. Res. 102. A joint resolution proposing an amendment to the Constitution of the United States to give States the right to repeal Federal laws and regulations when ratified by the Legislatures of two thirds of the several States; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 476: Mr. JACKSON of Illinois.
H.R. 739: Mrs. CHRISTENSEN.
H.R. 859: Mr. GRAYSON.
H.R. 1030: Mr. PLATTS, Ms. NORTON, Mrs. MALONEY, and Mr. RAHALL.
H.R. 1193: Mr. MARKEY of Massachusetts.
H.R. 1551: Mr. HOLT.
H.R. 1631: Mr. HOLT.
H.R. 2130: Mr. GRAYSON.
H.R. 3118: Mr. FILNER.
H.R. 3173: Mr. KIND.
H.R. 3238: Mrs. CHRISTENSEN.
H.R. 3303: Mr. FILNER.
H.R. 3790: Mr. PASTOR of Arizona.
H.R. 4116: Mr. MARKEY of Massachusetts.
H.R. 4224: Mr. GRAYSON.
H.R. 4278: Mr. HILL and Mr. RYAN of Wisconsin.

H.R. 4662: Mr. LEWIS of Georgia.
H.R. 4689: Mr. CAPUANO.
H.R. 4752: Mr. FRANK of Massachusetts.
H.R. 4959: Mr. LATOURETTE.
H.R. 5137: Mr. McDERMOTT.
H.R. 5575: Mr. HOLT.
H.R. 5803: Mr. SIRES, Mrs. MALONEY, Ms. LINDA T. SÁNCHEZ of California, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. PLATTS, Mr. ROSS, and Mr. HARE.

H.R. 5833: Mr. QUIGLEY Ms. SUTTON, Mr. ROTHMAN of New Jersey, and Mr. MARSHALL.
H.R. 5987: Mr. LARSEN of Washington.
H.R. 6021: Mr. TIERNEY, Mr. CAPUANO, Mr. WU, and Mr. FILNER.

H.R. 6085: Ms. MOORE of Wisconsin and Mr. RUPPERSBERGER.

H.R. 6150: Ms. LEE of California, Mr. BERMAN, and Ms. LINDA T. SÁNCHEZ of California.
H.R. 6199: Mr. WATT, Mr. PAYNE, Mr. LEWIS of Georgia, Ms. RICHARDSON, Mr. CUMMINGS, and Mr. BUTTERFIELD.

H.R. 6214: Mr. GRIJALVA and Ms. MOORE of Wisconsin.

H.R. 6354: Mr. JOHNSON of Georgia.
 H.R. 6355: Mr. MARKEY of Massachusetts and Mr. GRIJALVA.
 H.R. 6379: Mr. ANDREWS, Mr. HOLT, Mr. FRELINGHUYSEN, Mr. ADLER of New Jersey, Mr. LOBIONDO, Mr. GARRETT of New Jersey, Mr. SIREs, and Mr. LANCE.
 H.R. 6398: Mr. GUTIERREZ and Mr. SARBANES.
 H.R. 6410: Mr. NADLER of New York.
 H.R. 6415: Mrs. MYRICK, Mr. BURTON of Indiana, and Mr. DUNCAN.
 H.R. 6441: Mr. HASTINGS of Florida.
 H.R. 6447: Mr. OWENS.
 H. Con. Res. 267: Mr. ADERHOLT.
 H. Con. Res. 320: Ms. BORDALLO.
 H. Con. Res. 323: Mr. HODES, Mr. SERRANO, Ms. SUTTON, Mr. BISHOP of New York, Mr. KILDEE, Mr. LYNCH, Mr. CAPUANO, Mr. LIPINSKI, Mrs. BIGGERT, Ms. BORDALLO, Mr. PAYNE, Mr. FRELINGHUYSEN, Mr. PASCRELL, Mr. SARBANES, Mr. CARNAHAN, Mr. NEAL of Massachusetts, Mr. LEWIS of Georgia, Mr. FATTAH, and Ms. DELAURO.
 H. Con. Res. 331: Mr. FRANK of Massachusetts and Mr. HASTINGS of Florida.
 H. Res. 20: Mr. PENCE.
 H. Res. 236: Mr. PENCE.
 H. Res. 1217: Mr. WELCH.
 H. Res. 1402: Ms. GRANGER and Mr. MILLER of Florida.
 H. Res. 1567: Mr. PLATTS.
 H. Res. 1585: Mr. PLATTS.
 H. Res. 1590: Mr. LATTA.
 H. Res. 1685: Mr. THOMPSON of California and Mr. ALEXANDER.
 H. Res. 1687: Mr. WILSON of South Carolina, Mr. SHIMKUS, Mr. REICHERT, Mr. MCCARTHY of California, Mr. LEE of New York, Mr. ISSA, Mr. KING of Iowa, Mr. COBLE, Mrs. CAPITO, Mr. DAVIS of Kentucky, Ms. ROS-LEHTINEN, Mr. PLATTS, Mr. WHITFIELD, Mr. LEWIS of California, Mr. JOHNSON of Illinois, Mr. INGALLS, Mr. UPTON, Mr. BERMAN, Mr. GERLACH, Mr. TIM MURPHY of Pennsylvania, Mr. TERRY, Mr. BACHUS, Mr. ROE of Tennessee, Mrs. BONO MACK, Ms. GINNY BROWN-WAITE of Florida, Mr. LINCOLN DIAZ-BALART of Florida, Mr. EHLERS, Mrs. EMERSON, Mr. LATTA, Mrs. McMORRIS RODGERS, Mr. MILLER of Florida, Mrs. MILLER of Michigan, Mr. PAULSEN, Mr. PETRI, Mr. PRICE of Georgia, Mr. ROSKAM, Mr. SMITH of Nebraska, and Mr. WOLF.
 H. Res. 1690: Mr. SPACE.

H. Res. 1696: Ms. LEE of California and Mr. LEWIS of Georgia.
 H. Res. 1722: Ms. NORTON and Ms. ESHOO.
 H. Res. 1725: Mr. MORAN of Virginia, Mr. HASTINGS of Florida, Mr. MCGOVERN, Mr. LEVIN, Mr. BURTON of Indiana, Mr. LAMBORN, Mr. MCCOTTER, Mr. DUNCAN, and Mr. BILLRAKIS.
 H. Res. 1727: Mr. ROHRABACHER, Mr. MCCLINTOCK, Mr. BILBRAY, Mr. LEWIS of California, Mr. CONYERS, Mr. UPTON, Mr. NADLER of New York, Mr. AKIN, Ms. JACKSON-LEE of Texas, Mr. MCHENRY, Mr. OBEY, Mr. BERMAN, Mr. MACK, Mr. DUNCAN, Mr. KING of New York, Mr. MANZULLO, Mr. LAMBORN, Mr. BACHUS, Mr. BARTLETT, Mr. WESTMORELAND, Mr. BLUNT, Mrs. LUMMIS, Mr. KINGSTON, Mr. MCCARTHY of California, Mr. ROONEY, Mr. MARKEY of Massachusetts, Mr. CONAWAY, Ms. GRANGER, Mr. THOMPSON of Pennsylvania, Mr. WHITFIELD, Mr. CALVERT, Mr. OLSON, Mr. PETRI, Mr. SABLAN, Mr. WOLF, Mr. JONES, Mr. BURGESS, Mr. HENSARLING, Mr. SESSIONS, Mr. HALL of Texas, Mr. CULBERSON, Mr. MCCAUL, Mr. THORNBERRY, Mr. NEUGEBAUER, Mr. LANCE, Mr. POE of Texas, Mrs. BLACKBURN, Mr. ROGERS of Kentucky, Mr. SHIMKUS, Mr. GALLEGLY, Mr. FORBES, Mr. DANIEL E. LUNGREN of California, Mrs. BONO MACK, Mr. GINGREY of Georgia, Mr. WEINER, Ms. MATSUI, Mr. REYES, Mr. DELAHUNT, Mr. DOGGETT, Mr. HINOJOSA, Ms. LINDA T. SANCHEZ of California, Mr. DINGELL, Mr. KILDEE, Mr. GOODLATTE, Mr. REED, and Mr. COOPER.
 H. Res. 1733: Mr. CHILDERS, Mr. BERMAN, Mr. ROSS, Mr. MCCAUL, Mr. REYES, Ms. LORETTA SANCHEZ of California, Mr. COHEN, Mr. WU, Mr. THOMPSON of California, Mr. BOCIERI, Mr. PERRIELLO, Mr. BERRY, Mr. WILSON of Ohio, Mr. TEAGUE, Mr. OLVER, Mr. MILLER of North Carolina, Mr. SPRATT, Ms. CORRINE BROWN of Florida, Mrs. NAPOLITANO, Mr. LARSEN of Washington, Mr. JONES, Mr. DANIEL E. LUNGREN of California, Mr. ROTHMAN of New Jersey, Mr. THORNBERRY, Mr. BRADY of Texas, Mrs. BONO MACK, Mr. BILBRAY, Mr. LOBIONDO, Mr. STEARNS, Mr. BURGESS, Mrs. LOWEY, Mr. KING of New York, Mr. BOREN, Mr. BARROW, Mr. MORAN of Virginia, Mr. LIPINSKI, Mr. VISCLOSKEY, Mr. YOUNG of Florida, Ms. DEGETTE, Ms. BERKLEY, Mr. LEWIS of Georgia, Ms. WATSON, Mr. CONNOLLY of Virginia, Mr. HINOJOSA, Mr. MINNICK, Ms. HARMAN, Mr. CARNAHAN, Mr. WELCH, Mr. KLEIN of Florida, Ms. SCHAKOWSKY, Mr.

KRATOVIL, Mr. ARCURI, Ms. SUTTON, Mr. DOGGETT, Mr. JOHNSON of Georgia, Ms. WASSERMAN SCHULTZ, Mr. BUTTERFIELD, Mr. SALAZAR, Mr. INSLEE, Mr. McDERMOTT, and Mr. LARSON of Connecticut.

H. Res. 1734: Mr. PENCE, Mr. BILIRAKIS, and Mr. ROGERS of Alabama.

H. Res. 1735: Mr. MORAN of Virginia, Mr. CROWLEY, Mr. ACKERMAN, Ms. LORETTA SANCHEZ of California, Mr. PENCE, Mr. POMEROY, Ms. HIRONO, Mr. CARNAHAN, Ms. MCCOLLUM, Mr. WILSON of South Carolina, Mr. POE of Texas, Mr. OLSON, Mr. TANNER, Mr. ROTHMAN of New Jersey, Mr. KING of New York, Mr. SIREs, Mr. LANGEVIN, and Mr. COSTA.

H. Res. 1738: Mr. HASTINGS of Florida, Mr. TOWNS, Mr. RUSH, Mr. MARKEY of Massachusetts, and Mr. MCCOTTER.

H. Res. 1740: Mr. SHERMAN.

CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, OR LIMITED TARIFF BENEFITS

Under clause 9 of rule XXI, lists or statements on congressional earmarks, limited tax benefits, or limited tariff benefits were submitted as follows:

OFFERED BY Mr. GEORGE MILLER OF CALIFORNIA

The provisions that warranted a referral to the Committee on Education and Labor, in S. 3307, the Healthy, Hunger-Free Kids Act of 2010, do not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI.

OFFERED BY Mr. SPRATT

The provisions that warranted a referral to the Committee on the Budget in S. 3307, the Healthy, Hunger-Free Kids Act of 2010, do not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI.

OFFERED BY Mr. OBEY

H.J. Res. 101, making further continuing appropriations for fiscal year 2011, and for other purposes, contains no congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI.

EXTENSIONS OF REMARKS

IN RECOGNITION OF JOANNA
SACCONE

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 30, 2010

Mrs. MALONEY. Madam Speaker, I rise to acknowledge the achievements of Joanna Saccone, an outstanding New Yorker who has distinguished herself through years of service to New York City and New York State. A respected, highly successful presence in New York politics for over thirty years, Joanna Saccone has worked tirelessly on behalf of the people of New York her entire adult life. Ms. Saccone is known for her indefatigable advocacy, her love of politics and her uncanny political sense.

A lifelong resident of Greenwich Village, Joanna Saccone has been deeply active in the political life of her community and her city. She first became active in politics during her time at the prestigious Maxwell School of Syracuse University in 1969. While earning a degree in International Relations, Ms. Saccone distinguished herself as a leader on campus, organizing her fellow students to protest the war in Vietnam. She cut her political teeth working on the successful Syracuse mayoral campaign of Lee Alexander, the first Democrat to win the mayoralty of Syracuse in fifty years.

Upon graduating in 1972, Ms. Saccone returned home to New York City, and joined the Village Independent Democrats, where she worked under the guidance of District Leader John LoCicero and worked to elect Village politician Ed Koch as Mayor of the City of New York. In 1983, along with Mayor Koch and others, she broke away from the Village Independent Democrats and helped establish the Village Reform Democratic Club, which continues to play an important role in New York City politics today.

In her professional life, Ms. Saccone worked in the New York City Economic Development Administration, focusing primarily on the City's budget and human resources. By 1976, she had transitioned to a position in the office of New York State Assembly Speaker Stanley Steingut. This began a 34-year career as an Assembly staffer, working under four Speakers in a variety of roles. Under Speaker Stanley Fink, she worked with House Operations, where she advised Democratic Assembly members on legislation, staffing, creation of newsletters and pamphlets, and media relations. She also assisted constituents who were having difficulty getting benefits to which they were entitled from State government. Speaker Fink appointed her the first Sexual Harassment Officer for the New York City region, an appointment he reportedly called "the greatest political appointment of his career." Under Speaker Mel Miller, she coordinated the first Employee Assistance Program, which aids

employees on matters relating to alcohol and drug abuse and psychological ailments. She has continued her significant involvement in all aspects of State government under current Speaker Sheldon Silver.

While government may have been her career, Ms. Saccone's passion has been politics. She has made a name for herself as a relentless campaigner, a resourceful networker, and an extraordinary strategist. As a sounding board, an adviser, and as a friend, there are few as adept as Ms. Saccone in navigating the complex path to victory. She has worked on many important city, state, and federal elections, including numerous judicial races. Indeed, few have her track record of success in helping judicial candidates navigate the intricacies of running a judicial race.

Throughout her busy career and political activism, Joanna has been a devoted and dedicated mother to her son, Phillip Anthony Saccone, whom she considers her greatest accomplishment.

Madam Speaker, I ask that my distinguished colleagues join me in recognizing the enormous contributions to our civic and political life made by Joanna Saccone, and congratulate her on the occasion of her retirement.

RECOGNIZING NEXTEER
AUTOMOTIVE

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 30, 2010

Mr. KILDEE. Madam Speaker, I rise today to recognize the workers, management and owners of Nexteer Automotive as the company transitions to its new partnership with Pacific Century Motors.

In 1906 the machining firm of Jackson, Church, and Wilcox developed a better quality steering gear for Buick Motors and began manufacturing the steering gear in Saginaw that same year. Four years later General Motors purchased Jackson, Church and Wilcox and renamed the company Saginaw Steering Gear Division. Over the years, Saginaw Steering Gear Division became Saginaw County's largest employer as the sole supplier of steering mechanisms to General Motors. The first power steering system, the first energy-absorbing steering column and the first adjustable steering wheel were developed and built by Saginaw Steering Gear Division. Saginaw Steering Gear became the Saginaw Division and later Delphi Saginaw Steering Systems. As Nexteer Automotive they persist in innovation, recently designing QuadraSteer and Active Steering drive train technology. Nexteer Automotive and Pacific Century Motors are starting a "New Beginning" that will allow Nexteer to advance its products in the global marketplace.

Madam Speaker, I ask the House of Representatives to join me in congratulating the employees and management of Nexteer Automotive for their past achievements and as they embark upon a new international partnership with Pacific Century Motors. I welcome this collaboration of ideas, diligence and enthusiasm and I hope their success in technological development will continue for many, many years to come.

HONORING THE LIFE OF GEORGE
BALTZER OSBORNE

HON. JIM MATHESON

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 30, 2010

Mr. MATHESON. Madam Speaker, today I would like to honor an exemplary individual. As a young man, Mr. George Baltzer Osborne of the State of Utah valiantly sacrificed to serve his country during World War II. Born in 1920, we commemorated his 90th birthday on November 7. At this time, I'd like to recognize him and his comrades as members of "The Greatest Generation" and thank them most sincerely for their brave and selfless service.

Mr. Osborne joined the Marines during WWII and began an eventful history in the service as a CB operator. He trained at Camp Pendleton, where he was assigned to the 4th division and stationed in Hawaii. From there, he was sent to Iwo Jima. When his division landed, Mr. Osborne was an integral part of a group of eight Marines whose mission was to find high ground in order to radio ship's bombing orders. During his service, Mr. Osborne consistently put his life on the line. At one point, a grenade was launched into a foxhole he had just evacuated. Fittingly, Mr. Osborne was present on February 23, 1945, when the American flag was raised atop Mount Suribachi during the Battle of Iwo Jima. This timeless symbol represents our country's strength and more personally, Mr. Osborne's dedication.

Even after active military service, Mr. Osborne continued to serve his country. After being discharged, he worked three jobs so his wife could stay home and raise their 12 children. Mr. Osborne spent many years devoted to his work as an administrator at the VA hospital. He loves his family, which has grown to 21 children, 36 grandchildren, 26 great-grandchildren, and 3 great-great-grandchildren.

George Baltzer Osborne's sacrifice, bravery, and service to family, career, and country serve as hallmarks of a noble American life. We recognize him today and express our gratitude for his contributions to this great country, the United States of America.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

TRIBUTE TO WENDELL L.
SAWYER, SR.

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 30, 2010

Mr. BONNER. Madam Speaker, I rise to pay homage to the memory of a much-beloved member of South Alabama's business community, Mr. Wendell L. Sawyer, Sr., of Mobile.

Mr. Sawyer passed away on August 29, 2010, at the age of 73 after a battle with leukemia.

America is made great through the contributions of local community leaders, either in business or in public service, who give more than their share to better the lives of their fellow man. Wendell Sawyer was just such a person.

Born in Monroeville, Alabama in 1937, Wendell moved with his parents to Chickasaw in Mobile County where he grew up, graduating from Vigor High School.

A hardworking businessman with a friendly manner and generous spirit, Wendell labored in the retail furniture business for nearly 55 years. He began his career with Sokol Furniture in Pritchard, Alabama. When the business closed in 1970, he established his own store, Sawyer Furniture, which became an icon in the community and the flagship for a chain of five locations in the Mobile area.

Sadly, his Pritchard furniture store was lost to a fire earlier this year. But local residents and customers remembered Wendell as a special kind of businessman; a person who always treated others as best friends. He also helped those in need, returning the kindness that his community had bestowed upon him and his family for more than a half century.

Madam Speaker, Wendell Sawyer was a pillar of our community and his loss will be sorely felt. On behalf of the people of south Alabama, I offer condolences to his children, Wendell "Del" Sawyer, Jr., Dawn Sawyer Cooper, John H. Sawyer, and his grandchildren, Jaclyn Sawyer, Wendell "Trey" L. Sawyer, III, Jacob Cooper, Zachary Sawyer, Cameron Cooper, Rachel Sawyer, Rebecca Sawyer, Kristen Sawyer and Joshua Sawyer, as well as his brothers and sisters, Elaine S. Sanford, Terrill Sawyer, Norville Sawyer, Malcolm Sawyer, and Emily S. Blount. You are all in our thoughts and prayers.

IN RECOGNITION OF THE SERVICE
OF DR. ADEWALE TROUTMAN TO
LOUISVILLE

HON. JOHN A. YARMUTH

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 30, 2010

Mr. YARMUTH. Madam Speaker, I rise in recognition of a man whose service to my hometown has not just improved our community, but has literally saved lives. Since 2003, Dr. Adewale Troutman has led the Louisville Metro Department of Health and Wellness with an ambition only topped by his achievements. As he moves on from our community to pursue

new opportunities, no one can doubt that his work has left our community healthier and stronger.

Locally and nationally, Dr. Troutman's name has become synonymous with the fight to achieve real health equity and better health outcomes for each and every one of our citizens. And, his legacy is visible in every corner of our community.

It's evident at Healthy Start, the Louisville program that has dramatically reduced infant mortality and provided exceptional care to expecting and new mothers under Dr. Troutman's watch. It's seen in the cleaner air in our public places, thanks to Dr. Troutman's fight for a public smoking ban. And it's found in his widespread efforts to reduce health disparities and ensure every citizen of Louisville has the opportunity to live a long, fulfilling life. Through that work and so much more, Dr. Troutman has played a critical role in establishing Louisville as a place where the health and well-being of every resident is a top priority.

Every American should aspire to make their community a better place. Along with his wife Denise Vazquez Troutman, and her service at Louisville's Center for Women and Families, the Troutmans have more than exceeded that goal.

We in Louisville will miss Dr. Troutman's service but will continue to benefit from his legacy for years to come. Though he and Denise are leaving our community, the thousands of children and families that now have better opportunities to be healthy and better chances to succeed in life will serve as long-standing reminders of their work.

Therefore, I ask my colleagues to join me today in recognition of the extraordinary work and dedication of Dr. Adewale Troutman to Louisville, Kentucky.

IN RECOGNITION OF ANDY PROZES

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 30, 2010

Mrs. MALONEY. Madam Speaker, I rise today to recognize Global CEO of LexisNexis Andy Prozes as he announces his retirement from the company. Andy Prozes has been the global CEO for more than 10 years. During his tenure, Mr. Prozes has transformed LexisNexis into one of the largest, most technologically advanced information solutions companies in the world. Today, LexisNexis serves over one million users daily and has over 17,000 employees in over 100 locations around the world. LexisNexis' global headquarters is located in my district in Manhattan and employs over 800 people.

Mr. Prozes' positive impact on LexisNexis and the people who work there will be felt long after he retires. Mr. Prozes grew LexisNexis from \$1.7 billion in revenue in 2000 to over \$4 billion in 2009. In addition to serving corporate and legal clients, LexisNexis provides important information solutions to federal and state law enforcement agencies in New York and across the country to help them locate missing children, investigate crimes, and track down sex offenders and other criminals.

Protecting children is one of Mr. Prozes' passions. Under Andy Prozes' leadership, LexisNexis has donated information solutions to the National Center for Missing and Exploited Children (NCMEC) to help that organization accomplish its important mission. With the help of information provided by LexisNexis, NCMEC has recovered hundreds of missing children and reunited them with their loved ones.

Mr. Prozes has also been a leader in the battle against human trafficking—particularly with respect to the horrific practice of trafficking young boys and girls as sex slaves. Mr. Prozes is an active supporter of the Somali Mam Foundation, an organization dedicated to combating human trafficking and assisting children and other victims of this despicable crime. This past October, the Somali Mam Foundation honored Mr. Prozes for his efforts on behalf of those who are unable to fight for themselves. He was also recognized by the Asian Woman's Center in October of 2009, for his leadership on this important issue.

Mr. Prozes has also been a vocal proponent of the Rule of Law and is a recognized leader within his industry for advancing the Rule of Law around the globe. LexisNexis, under Mr. Prozes' leadership, has provided thousands of hours of pro bono work to protect basic human rights and help society flourish through independent judiciaries and fair and equal access to justice for all.

Madam Speaker, please join me in congratulating Mr. Prozes on his many accomplishments, and thanking him for the tremendous contributions he has made in promoting the Rule of Law and helping to combat human trafficking around the globe.

HONORING SPECIALIST JESSE A.
SNOW

HON. STEVE AUSTRIA

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 30, 2010

Mr. AUSTRIA. Madam Speaker, while we can never fully express the depth of our appreciation for those who give their lives to protect our freedoms, I rise today to recognize and honor the life of Specialist Jesse A. Snow.

A 2003 Fairborn High School graduate and Army service member, Snow was killed while serving this country in Afghanistan on November 14, 2010. He gave his life, along with four other service members, in the defense of our freedoms.

Snow, 25, was full of energy and life. He had a kind spirit and he cared about everyone. He never let an opportunity pass by to make sure those around him were laughing and smiling. He is remembered by many as often telling jokes and expressing his personal care for others.

Snow was content with life but felt a calling to serve. Friends and family remember him as a noble gentleman who always placed others' needs in front of his own. In April of 2009 he joined the U.S. Army, as an infantryman assigned to the 1st Battalion, 327th Infantry Regiment, 1st Brigade Combat Team, 101st Airborne Division (Air Assault), Fort Campbell, Kentucky.

He served with distinction and his awards and decorations include the National Defense Service Medal, the Global War on Terrorism Service Medal, the Army Service Ribbon, the NATO Medal and Combat Infantryman Badge.

Survived by his parents, John W. Snow, Sr., and Janice Snow of Fairborn, and siblings, Snow is remembered as a loving son, brother and uncle. His devotion to his family, friends, fellow service members, and to this nation are honorable. A hard worker and a loyal patriot, he selflessly served this country with bravery and valor.

Thus, it is that I stand on behalf of those constituents of the Ohio's Seventh Congressional District to honor the life and memory of Specialist Jesse A. Snow, a true hero.

HONORING JACOB GEORGE
HUDSON

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 30, 2010

Mr. DUNCAN. Madam Speaker, Jacob George Hudson, or Shag as he was known by almost everyone, is one of the most liked and respected men in Greenback, Tennessee, a town in my District. I recently received the sad news that Shag passed away at the age of 93.

He lived a long life full of family, friends, and the respect of everyone who knew him.

He was a very close friend to both me and my late father and one of the strongest supporters we ever had.

Although Shag accomplished much personal success, his devotion to God, family, and Country always came first.

He was a member of Greenback First Presbyterian Church for 62 years and served his congregation in every way possible as an Elder and Deacon. Before his death, Shag asked that people donate to the Greenback First Presbyterian Church Building Fund upon his passing instead of sending flowers. Even in death, he continued to give.

Shag also devoted his life to his community. He served on the Loudon County Commission from 1954–1982. In that capacity, he married more than 3,000 couples. I cannot think of a better way to strengthen the base of a community than with an investment in family, and Shag has been there from the beginning for so many families in Greenback. Shag did not just officiate the ceremonies, but he also served as a living example of commitment through his 69-year marriage to his wife Willie Dixon Hudson.

Many in Greenback also know Shag from his 65 years as a cattle broker and his 60-year membership in the Greenback Masonic lodge.

He is especially proud of the time he spent as a member of the Farm Service Agency State Committee from 1987–1992. In this position, he was able to help farmers all across the State of Tennessee.

Madam Speaker, I would like to call the remarkable life of Shag Hudson to the attention of my Colleagues and other readers of the RECORD and extend my sympathies to his wife Willie, son and daughter-in-law Ronald and Judy Hudson, daughter and son-in-law Brenda

and Johnny Powell, five grandchildren, five great grandchildren, and brother Howard. He is greatly missed and fondly remembered by everyone lucky enough to have known him.

IN HONOR OF THE DUTCH KILLS
CIVIC ASSOCIATION

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 30, 2010

Mrs. MALONEY. Madam Speaker, I rise to pay special tribute to the Dutch Kills Civic Association, a not-for-profit organization that has made significant contributions to the economic and civic life of the community in western Queens that it serves. This month, the Dutch Kills Civic Association is celebrating its 30th Anniversary Fundraiser and Celebration at Riccardo's by the Bridge in Astoria, Queens.

The historic community of Dutch Kills traces its origins back to the original settlers of Queens in the seventeenth century, who were first granted a license to settle the area in 1642. In recognition of that heritage, the Dutch Kills Civic Association adopted a windmill as part of its logo when it was first founded in 1979.

Under the able stewardship of its President, Gerald J. Walsh, and its Executive Director, George Stamatiades, the Dutch Kills Civic Association embraced as its mission the promotion and stimulation of a more active participation in the improving and maintaining of proper services of the community. The Association focuses on maintaining the quality of life and assuring the adequate delivery of municipal government services in the areas such as health, safety, housing, ecology, highways and traffic, sanitation, lighting, education, fire, police protection, youth and senior citizens welfare, planning and zoning development, consumer protection, utilities, fair taxation, and water supply. Its members seek to represent, unite, and mobilize the Dutch Kills community in order to maintain the community as a desirable place in which to live and work.

The Dutch Kills Civic Association made an invaluable contribution to city planning efforts when it commissioned a land use survey and report in March and April of 2005. The Survey included a Visual Field Inspection of land use in the Dutch Kills community, with the results were placed on 37 grid maps that were color coded, graphed and totaled. The survey inspected all structures on streets, avenues and roads in the Dutch Kills community and has provided an invaluable guide to community leaders, residents, and civic planners.

Madam Speaker, I am proud to offer my heartiest congratulations to the Dutch Kills Civic Association as it marks three decades of representing its community in western Queens. I salute the work of the Dutch Kills Civic Association and I ask that my distinguished colleagues join me in recognizing the outstanding work of the Association and its members for their many contributions to the civic life of our nation's greatest city.

RECOGNIZING THE IMPORTANT
CONTRIBUTIONS OF RON HAYES
TOWARDS ENHANCING WORK-
PLACE SAFETY AND AWARENESS

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 30, 2010

Mr. BONNER. Madam Speaker, I am honored to bring to the attention of the House the work of a remarkable American and constituent of mine, Mr. Ron Hayes, of Fairhope, Alabama.

As blessed as we are to be living in America, we would do well to remember that our society continues to be enhanced through the noble efforts of those who tirelessly and passionately pursue a better quality of life for us all. These often unsung heroes seek only the reward of knowing they have transformed our laws and our land for the better.

I rise today to honor one such individual who has spent nearly two decades advocating for the safety of all Americans in the workplace and to provide timely moral support to the accident victims and their families. His efforts have made a difference.

Ron Hayes began his journey to improve workplace safety in 1993 when he lost his beloved 19-year-old son, Patrick, to a grain silo accident in Florida. Facing tremendous emotional pain, Ron and his wife, Dot, sought details of their son's death as well as survivor's benefits from local, state and federal agencies, only to be met with delays and few answers. After two years of navigating the bureaucracy, they resolved to learn everything they could about workplace safety standards and sought ways to both improve job safety rules and enforcement.

Ron Hayes' dedication resulted in the revision of the Occupational Safety and Health Administration's, OSHA, grain handling standards. But this was only the beginning. Ron and his wife founded the Families In Grief Hold Together Project, a non-profit group devoted to assisting families and workers cope with the consequences of workplace accidents and deaths.

Some 10,000 people lose their lives while working each year. Ron Hayes worked with OSHA to create a policy which the agency often uses in communicating with family members after a workplace accident.

Since its founding, the FIGHT Project has reached out to nearly 800 families, providing valuable help in the grieving process, negotiating the red tape and finally, in healing.

Ron Hayes could have stopped there, but his dedication to improving worker safety has motivated him to speak to almost 50,000 workers and taken him to some of the largest companies in the world. He has testified before Congress on numerous occasions and has served as a special advisor to the Senate Labor Committee.

Ron Hayes has been awarded many awards for humanitarian efforts.

Madam Speaker, on behalf of this entire House, I commend Ron Hayes' selfless dedication to worker safety while providing comfort and valuable counsel to families.

In our society it is possible for one person, or in this case a husband and wife, to make

a difference that will positively impact the lives of millions. Ron Hayes has shown us that a lone voice for good can not only be heard, but can change society for the better.

PERSONAL EXPLANATION

HON. LINDA T. SÁNCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 30, 2010

Ms. LINDA T. SÁNCHEZ of California. Madam Speaker, unfortunately, I was unable to be present in the Capitol for votes on Monday, November 29, 2010.

However, had I been present, I would have voted as follows:

"Yea" on H.R. 5877 to designate the facility of the United States Postal Service located at 655 Centre Street in Jamaica Plain, Massachusetts, as the "Lance Corporal Alexander Scott Arredondo, United States Marine Corps Post Office Building."

"Yea" on H. Res. 771, supporting the goals and ideals of a National Mesothelioma Awareness Day.

HONORING CHARLOTTE NEWFELD

HON. MIKE QUIGLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 30, 2010

Mr. QUIGLEY. Madam Speaker, I rise today to honor an important member of the Chicago community, Charlotte Newfeld, who celebrated her 80th birthday on November 26.

Charlotte has long been an outstanding activist in the community since she moved to Chicago in the 1950s. Since then, she has been a marathon runner of community activism, tackling a myriad of important issues.

One such issue is her dedication to equal rights for the Lesbian, Gay, Bisexual and Transgender community. Among other accomplishments, she helped establish the Chicago Mayor's Committee on Gay and Lesbian Issues and lobbied for the passage of the city's gay-inclusive human rights ordinance. In 1996, she was inducted into the Chicago Gay and Lesbian Hall of Fame as a Friend of the Community.

Additionally, Charlotte has been a vocal green advocate and environmentalist. Serving as the project director of the Bill Jarvis Migratory Bird Sanctuary, she organizes volunteers to keep the area clean and safe. Due to her steadfast dedication to the eight acres of the sanctuary, she has earned the nickname some have given her, "the Jarvis Earth mother."

Twenty years ago, I saw firsthand the tenacity and dedication with which Charlotte pursued every issue she found important, from LGBT and environmental issues to an organization we founded together: CUBS, or Citizens United for Baseball in Sunshine. The community would be better off if we had more people like her.

Madam Speaker, I ask my colleagues to join me in recognizing Charlotte Newfeld for her

years of service and to thank her for 80 great and dedicated years.

IN RECOGNITION OF THE HONORABLE GEORGE ONORATO, DISTINGUISHED NEW YORK STATE SENATOR

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 30, 2010

Mrs. MALONEY. Madam Speaker, I rise to pay tribute to Senator George Onorato, a distinguished public servant who will be retiring from the New York State Legislature at the end of the current session. Throughout his career, George Onorato has devoted himself to his country and to public service.

In recognition of his lifetime of service to others, Senator Onorato was honored last month by the Taminent Democratic Club in Astoria, New York. George Onorato has served as the Chair of its Board of Directors since 1972, and this year is marking his sixth decade as an active Club member. As its Male District Leader, he has helped ensure the Taminent Club's premier status as one of the largest and most active Democratic political clubs in all of Queens County. He is a life-long resident of the western Queens community that he has served as an elected official with distinction for more than a quarter century.

A compassionate, dedicated public servant, Senator Onorato is deservedly respected by colleagues on both sides of the aisle in both chambers of the New York State Legislature. Since first being elected to represent the people of his beloved Queens in the New York State Senate in 1983, he has successfully sponsored legislation to preserve and improve the quality of life for consumers, tenants, the environment, members and fellow veterans of the U.S. armed forces, and the elderly, including hundreds of thousands of Medicare patients. He has served in the Senate leadership since 1992, currently holding the position of Assistant Majority Leader and the Senate Majority's Liaison to the Executive Branch. Drawing on the keen understanding of the needs of working men and women that he developed while serving for a decade and a half as Secretary/Treasurer of Bricklayer's Local #41, George Onorato is Chairman of the Senate Standing Committee on Labor. He has also been a champion of the environment and in particular on issues involving air quality and on waterfront development. He has also been a passionate and effective advocate for providing more affordable housing for the elderly and for moderate and low income New Yorkers. He is a past President of the Conference of Italian American Legislators.

In addition to his long and distinguished tenure as a New York State Senator, George Onorato served heroically in our nation's armed forces. He earned a Presidential Citation for his service in the United States Army, 118th Medical Battalion from 1950 to 1952. Steadfast in his devotion to his fellow veterans and those currently serving in the armed forces, he sponsored legislation providing stu-

dent aid to Vietnam veterans, and in 1997 introduced a measure to increase the level of such funding. He sponsored and supported legislation to help develop a database for research on dioxin-related birth defects of children born to Vietnam veterans. And in 2003, Senator Onorato helped found the bipartisan New York State Armed Forces Legislative Caucus.

In addition to his dedicated public service, George Onorato is deeply devoted to his family and his faith. He is married to the former Athena Georgakakos. They have three adult children, Joanne, George and Janice, and six grandchildren. His wife regularly accompanies him to legislative sessions in Albany, where the two of them are a universally admired and inseparable couple.

Madam Speaker, in recognition of his courageous wartime service to our country in the United States Army, to the people of the State of New York, and to his beloved family, I ask that my distinguished colleagues join me to pay tribute to the enormous contributions to civic life made by the Honorable George Onorato.

TRIBUTE TO JOHN "JACK" HENRY FRIEND, JR.

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 30, 2010

Mr. BONNER. Madam Speaker, I rise to pay tribute to Mr. Jack Friend, a respected Mobile businessman, historian and author who recently passed away at the age of 81.

A consummate scholar, a lover of military traditions and the foremost authority on the Civil War history of Mobile Bay, Jack Friend was passionate about Mobile and its past.

A native of Mobile, Jack Friend was a graduate of McGill Institute, the Virginia Military Institute, and the Tuck School of Business at Dartmouth College.

Jack proudly served in the U.S. Army as a 1st Lieutenant and tank company commander in Korea. His deep reverence for military service and his country were an important part of Jack's life.

After his military service, he founded a market research company in Mobile which he headed for some 25 years.

Jack made his mark as a local military historian. In 2004, he wrote the definitive work on the Civil War history of Mobile Bay—"West Wind, Flood Tide: The Battle of Mobile Bay."

Jack was also a lover of the outdoors, sports fishing and local wildlife and was a member of many civic and historic organizations in Baldwin and Mobile counties.

I wish to extend my condolences to Jack's family for their loss: his wife, Venetia Friend; his sons, John Friend and Danner Friend; and his sister, Emily Bayle; and five grandchildren. You are all in our thoughts and prayers.

IN RECOGNITION OF MR. DONALD WILLIAMS, SR.

HON. VERNON J. EHLERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 30, 2010

Mr. EHLERS. Madam Speaker, it is my distinct pleasure to join with students, parents, friends and staff of Mr. Donald Williams, Sr., to pay tribute to him as he steps back from his intense community involvement including his work with the Gerald R. Ford Job Corps Center. I have had the privilege of working on many civic and community activities with Don throughout the years, and am delighted to honor him today.

Don Williams, Sr. received his Bachelor's degree in special education at Eastern Michigan University and went on to receive a Master's degree in educational administration from West Virginia University. Assuming responsibility for the administration of special colleges at Rutgers University was the beginning of Don's career, which has spanned over 30 years of experience in the administration of special programs with special emphasis and political sensitivity.

Throughout his career, Don has received widespread recognition for his considerable talent in assisting minority students. In 1980, his devotion to improving opportunities for minority youth led him to Grand Rapids, when he was approached by a group of educators and professionals working to create a residential training center for youth. This position led Don to be named Director of the Minority Business Education Center at the prestigious F.E. Seidman School of Business at Grand Valley State University. In 1989, he was named GVSU Dean of Minority Affairs/Multicultural Center. During his service at GVSU, Don coordinated and developed programs to assist minority students on campus, and created a very visible and dynamic outreach to other community organizations and activities, including development of the Minority Teacher Education Center and Minority Science Education Center. For the past several years, Don has devoted his time and talents to the Gerald R. Ford Job Corps Center, an organization that provides quality job training and education so students can become equipped with the skills and self-discipline necessary for success in today's workforce.

Don has been recognized by the Grand Rapids Area Chamber of Commerce as Minority Advocate of the Year, has received the coveted Liberty Bell award from the Grand Rapids Bar Association, and was named the Walter E. Coe Giant for Outstanding Community Service in 1991. In 2008, he received special recognition from the Grand Rapids community by being named their "Giant Among Giants."

When Don received the Giants award, I wrote him that his life is notable because of his commitment to ending racial inequities and mentoring the next generation. Through his strong convictions, Don has demonstrated to others that lives can be transformed. He has a unique and wonderful willingness to be outspoken when he senses an injustice. Many of us have been influenced by Don's unwavering

principles but, along the way, he has never lost his perspective or his great sense of humor.

Having the chance to impact students in a very positive way lured Don to our community, and with his vision of hope, he has mightily impacted not just our youth, but all of us as well. May his love for community, students and a brighter future through education never end!

RECOGNIZING THE EXEMPLARY SERVICE OF "TEAM TRAVIS"

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 30, 2010

Mr. GEORGE MILLER of California. Madam Speaker, I rise today to recognize the enormous contributions of those serving our country at Travis Air Force Base in my home state of California. The 60th Air Mobility Wing, the 349th Air Mobility Wing, the 15th Expeditionary Mobility Task Force, and the 615th Contingency Response Wing, as well as the civilians and families serving at Travis have truly served our community and our Nation with the utmost dignity, honor and courage, and they truly deserve all of our respect.

The members of "Team Travis" have gone above and beyond the call of duty in serving our Nation in missions around the globe. The active duty members and civilians who serve out of Travis have flown hundreds of thousands of hours in a number of military conflicts, as well as humanitarian and peace-keeping missions. Most recently, Team Travis provided search and rescue personnel, medical experts and supplies, and 82,600 pounds of cargo in support of the relief mission following the January 12, 2010 earthquake in Haiti.

As a congressman representing much of Solano County, California, many members of Team Travis are my constituents, and I can personally attest that these honorable men and women serve our community with just as much energy and dedication as they do our country. I have seen them volunteering, participating in the community, serving as positive role models for our young people, and so much more.

I am proud to be a lead co-sponsor of this resolution honoring the men and women serving at Travis Air Force Base and I would like to thank my friend and colleague, Representative GARAMENDI, for introducing it. Once again, my deepest thanks to the men and women of Team Travis and I ask that all of my colleagues join me in supporting this important resolution.

IN HONOR OF PAMELA HANLON

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 30, 2010

Mrs. MALONEY. Madam Speaker, I rise to honor Ms. Pamela Hanlon. Ms. Hanlon has

devoted herself to others and to her beloved community of Turtle Bay on Manhattan's East Side. This month, her efforts are being honored by the Turtle Bay Association at its annual meeting.

A longtime journalist and public relations professional, Ms. Hanlon has lived in Turtle Bay with her husband, Charles Hanley, since 1976. She began her career as a journalist with the Associated Press, and eventually moved to the field of corporate communications, where she rose to become Vice President for Public Relations at American Express. She has also dedicated herself to the betterment of the community throughout that time, serving on the Board of Directors of the Turtle Bay Association and as Editor of its newsletter, the Turtle Bay News. Ms. Hanlon authored a handsome volume about the postwar history of the fabled neighborhood. Her book, Manhattan's Turtle Bay: Story of A Midtown Neighborhood, offers an incisive, engaging look at the charming enclave to which she has been so devoted.

The Turtle Bay neighborhood is one of the most storied in our nation's greatest city, dating back to 1639, when the Dutch rulers of Manhattan Island granted two English settlers a land grant. Turtle Bay's natural beauty was noted by famous Americans from Horace Greeley to Edgar Allan Poe. Today, as the home to the United Nations, Turtle Bay is a fitting symbol of New York City's status as the capital of the world. Famous Turtle Bay residents have included Katherine Hepburn, Walter Cronkite, Kurt Vonnegut, Dorothy Thompson, Derek Jeter, and the brilliant Broadway composer Stephen Sondheim.

For more than half a century, the dedicated members of the Turtle Bay Association have served as passionate and conscientious stewards of one of Manhattan's most celebrated and historic neighborhoods. Its members have conserved their area's low-rise architectural cohesiveness and esthetic beauty by successfully fighting for rezoning efforts. They have also undertaken numerous neighborhood beautification initiatives, and, thanks in large part to Ms. Hanlon's tireless efforts, have kept Association members informed through the publication of regular newsletters.

Madam Speaker, I request that my distinguished colleagues join me in honoring Pamela Hanlon, a great New Yorker and a great American, for her devotion and service to the Turtle Bay community and for her contributions to the civic life of our nation's greatest city.

TRIBUTE TO THE HONORABLE HENRY E. BROWN, JR.

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 30, 2010

Mr. YOUNG of Alaska. Madam Speaker, at the end of the 111th Congress, our distinguished colleague from Hanahan, South Carolina, the Honorable HENRY E. BROWN, JR., will retire from this institution. Congressman HENRY BROWN has served the people of the 1st Congressional District, those living in

South Carolina, and this nation with the highest distinction for the past twenty nine years.

His distinguished career in public service began on the Hanahan Planning Commission and City Council in 1981. Four years later, he was elected to the South Carolina House of Representatives and he became the first Republican Chairman of the Ways and Means Committee. In that capacity, just like President Ronald Reagan, he successfully led the fight for the largest tax cut in the history of the state. It has been his consistent view that the hardworking men and women of South Carolina deserve to keep more of their hard earned money and not the government.

After serving fifteen years in the South Carolina legislature, HENRY BROWN was overwhelmingly elected by the voters of the 1st Congressional District and for the past decade has served on the House Committees on Natural Resources, Transportation and Infrastructure and Veterans' Affairs. He has also served as the Co-Chairman of the Coastal Caucus, Congressional Friends of Canada Caucus, Congressional Shellfish Caucus and the Port Security Caucus.

For the past two Congresses, he has served as the Ranking Republican on the House Natural Resources Subcommittee on Insular Affairs, Oceans and Wildlife. By working in a bipartisan manner with the Chairwoman of that Subcommittee, the Honorable MADELEINE Z. BORDALLO of Guam, HENRY BROWN was successful in having at least two of his legislative proposals enacted into law. These include H.R. 3891, the National Fish and Wildlife Foundation Act Amendments of 2008 and H.R. 1454, the Multinational Species Conservation Funds Semipostal Stamp Act of 2010. Congressman BROWN remains hopeful that prior to adjournment this year, the Senate will adopt his bill, H.R. 509, the Marine Turtle Conservation Reauthorization Act which passed the House of Representatives last year.

While these represent just a few of the legislative proposals he has championed, his tireless dedication and leadership in sponsoring H.R. 1454 is an excellent example of why the people of the 1st Congressional District in South Carolina have come to know their Representative as a "workhorse" and not a "show horse".

Let me spend just a few minutes talking about H.R. 1454. This is a remarkable bill, which I was pleased to co-sponsor. At a time of record federal deficits, this proposal will raise a significant amount of money to save some of the most beloved and endangered iconic wildlife species on this planet without spending a single dime of taxpayer money. In addition, while the 111th Congress will be remembered for its highly partisan environment, this bill was co-sponsored by 86 Democrats and 68 Republicans. Even more remarkable, it has been endorsed by more than 40 different organizations including the Humane Society of the United States and Safari Club International, two groups that do not agree on many issues.

Under this simple but innovative approach, the American people will be given the opportunity to voluntarily purchase U.S. postal stamps and certain proceeds from their sale will assist in saving African and Asian ele-

phants, rhinoceros, tigers, Great Apes and marine turtles for future generations. This legislation is a tribute to Congressman BROWN's perseverance and leadership.

During his distinguished career in public service, the hard work of Congressman HENRY BROWN has not gone unnoticed. In fact, among the awards he has received are the College of Charleston's Founders Medal in 2005, the National Republican Legislator of the Year Award, the South Carolina Association of Realtors Legislator of the Year, the South Carolina Taxpayers Watchdog Award and the Order of the Palmetto in 2000. This award is the highest honor a civilian can receive from the State of South Carolina.

Madam Speaker, at the end of this year, this outstanding representative of the people of the 1st Congressional District will return to his beloved farm in Berkeley County, South Carolina. I wish him and his entire family the very best in the future.

HONORING JUAN ANTONIO "CHI CHI" RODRIGUEZ

HON. GUS M. BILIRAKIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 30, 2010

Mr. BILIRAKIS. Madam Speaker, I rise today to honor Juan Antonio "Chi Chi" Rodriguez for the remarkable work he has done to improve the lives of so many at-risk youth. The same dedication and determination he displayed on the golf course is now readily apparent in his community service through youth programs.

While visiting a juvenile detention center in Florida, Mr. Rodriguez realized a better way to help at risk children succeed. Through discipline and responsibility on the golf course, instructors work with youth to build self-esteem, character, work ethic, social adjustment, and academic performance.

To realize his goals of helping to advance children both intellectually and morally, Mr. Rodriguez has been instrumental in raising over \$4 million for his youth foundation, which supports his Academy. I am honored that that Chi Chi Rodriguez Academy is in my Congressional District.

In addition to the 600 children that benefit annually from the inspiration of his programs on the golf course, Mr. Rodriguez has been able to provide more than 430 scholarships over the past three years to help Latino youth attend institutions of higher education.

Mr. Rodriguez's dedication to improving the lives of children is truly inspirational. He has expanded his personal successes into youth programs based in love and respect and has laid a foundation in which pupils build confidence, learn discipline, and gain positive educational experiences.

Madam Speaker, it is my privilege to speak of the contributions stemming from Mr. Rodriguez's vision not just in my community, but throughout the nation, and I strongly encourage passage of H. Res. 1430.

TRIBUTE TO WILBUR PILLMAN, JR.

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 30, 2010

Mr. BONNER. Madam Speaker, I rise to pay tribute to the memory of a beloved citizen of Mobile, Alabama and denizen of the arts who passed away October 15, 2010.

Wilbur Pillman was a graduate of McGill Institute and served with the U.S. Navy, Pacific Theatre, during World War II. He was a talented artist, dancer and director, appearing in many musical productions of the Mobile Catholic Theatre Guild later the Mobile Theatre Guild. He was president of the First Theatre of the Deep South in Prichard, took part in Mobile Optimist Club's annual minstrel, and served in many church, civic and social organizations as performer and director.

Wilbur formed and directed the Phi Gamma Chi High School Sorority annual "Follies" for many years, and directed and performed in the Alpha Delta Kappa Sorority's annual "Minstrel". He directed and performed in the American Business Women's yearly "Riverboat Follies" as well as the Insurance Women's annual show for "Boss Wright". He co-directed and performed in the annual Epsilon Chapter, and the Phi Delta Kappa Business Men's Fraternity show for the March of Dimes.

Wilbur also served as guest artist, director and performer for many local conventions, the Convent of Mercy's annual "Soiree", as well as the Shriner's annual charity benefit shows. Mr. Pillman had the lead in three local productions of "The Music Man" as well as starring as "George M".

He also lent his talents to many of Mobile's Mardi Gras Mystic Societies where he designed costumes, wrote tableaux, narrated the balls, choreographed the skits, and often performed to open some of the balls. Through the University of South Alabama he spoke for many years to the visiting "Snowbirds" on the history and background of Mardi Gras and its activities, often appearing in a colorful costume. He was a regular volunteer at the Mobile Carnival Museum as a docent from its beginning.

As a member of his beloved Mystic Strippers Society since 1955, he was knighted into the Royal Order of Strippers in 2000, being the third recipient of this honor. In 2008, upon the celebration of his 50th year as the society's official Court Jester, Wilbur was honored by the Strippers when the theme of their annual parade and ball was based around the Court Jester, and he also served as Grand Marshall for two of Mobile's women's Mystic Organizations parades.

Wilbur was an icon of the Mobile area performing arts and especially Mardi Gras, and his absence will be deeply felt across our community.

On behalf of the people of Mobile, I offer my condolences to his sister, Miss Alilee Pillman; his grandchildren, Elizabeth, Michael, Joseph, Mary Grace, Sarah and Emma Rose Kennedy, Christina, Jennifer, and Theresa Cranford, Claire, Sophie, and Dane Arden, and Aubrey River Gewehr and his many many friends. You are all in our thoughts and prayers.

IN RECOGNITION OF DR. MURRAY
ITZKOWITZ

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 30, 2010

Mrs. MALONEY. Madam Speaker, it is my great privilege to pay tribute to Dr. Murray Itzkowitz, who is receiving the 2010 Adaptive Design Association Lifetime Achievement Award. His leadership, advocacy and contributions to children with disabilities and his work on behalf of the mental health rehabilitation community have enhanced the lives of countless individuals throughout my district and the greater New York City area.

Dr. Itzkowitz joined the board of directors of the Adaptive Design Association (ADA) in 2005. The ADA's mission is to "engage families, schools, and communities in the process of designing and building responsible, child-specific, adaptive equipment."

As a board member, Dr. Itzkowitz played a pivotal role in the relocation of the ADA's workshop and training center to a more appropriate space in Midtown Manhattan. Dr. Itzkowitz recognized that the organization's small space on Riverside Drive was limiting its ability to fulfill its mission and urged the organization to move to a larger and more central location. His passion for the organization is contagious and has led to the recruitment of new board members and relationships that continue to allow the organization to grow. In April 2010 Dr. Itzkowitz was recognized for his exceptional drive and dedication by being elected Vice Chair of the Board.

Dr. Itzkowitz has been a tireless advocate and visionary for vulnerable populations. In 1954 he was one of the founding members of The Bridge Inc. (The Bridge) a non-profit organization at the forefront of mental health and rehabilitative services. He became the first full time Executive Director of The Bridge in 1969 and retired in 2000. Under Dr. Itzkowitz's direction, The Bridge has matured from a small, self-help group to an award-winning and nationally recognized organization that annually serves more than 1,500 adults.

During his tenure as Executive Director, Dr. Itzkowitz nurtured The Bridge's comprehensive and pioneering approach to treatment. With his support and guidance The Bridge developed programs that could meet the growing needs of its clients. In the 1970s, Dr. Itzkowitz identified the need for supervised residences and expanded The Bridge's services to include housing. Under his leadership, The Bridge developed properties throughout New York City and today houses 902 adults, many of whom suffer from not only mental health issues but also homelessness, substance abuse disorders, and HIV/AIDS—a notable increase from the first residency they established in 1979 which housed only 20 clients.

Dr. Itzkowitz was also instrumental in creating The Bridge's Vocational and Job Training Services, a key element of rehabilitation that had long been neglected. Building on Dr. Itzkowitz's responsive approach to treatment; today, The Bridge offers mental health and substance abuse treatment, housing, vocational training, and job placement, healthcare,

education and creative arts therapies. All of these afford countless clients help, hope, and opportunities to enjoy healthier and more fulfilling lives.

In addition to his long history of commitment to and achievement within the social services field, Dr. Itzkowitz has been a devoted husband to his wife, Phyllis, and father to his sons, David and Jake. Jake continues his father's legacy of service as Chief of Staff for New York City Councilwoman Margaret Chin.

Madam Speaker, I ask that my distinguished colleagues join me in congratulating Dr. Murray Itzkowitz on his much deserved 2010 Adaptive Design Association Lifetime Achievement Award.

**NATIONAL EPILEPSY AWARENESS
MONTH—GET SEIZURE SMART!**

HON. JO ANN EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 30, 2010

Mrs. EMERSON. Madam Speaker, I rise today and join the Epilepsy Foundation in calling for Americans to Get Seizure Smart! this November as part of National Epilepsy Awareness Month. More than three million American families are affected by epilepsy—over 60,000 Missourians have been diagnosed with epilepsy or reoccurring seizures.

Epilepsy Foundation staff and volunteers are distributing the Get Seizure Smart! Quiz across the country this month to raise awareness. By taking the online quiz at www.GetSeizureSmart.org, Americans can learn about the condition and how to treat it.

Epilepsy awareness is critically important for public servants. Because first responders are often called when someone is having a seizure, it's critical they have good information on which to act.

I commend the Epilepsy Foundation for their 40-year campaign to raise awareness and reduce the stigma associated with this condition. I encourage my colleagues to learn more about epilepsy and to connect with the Epilepsy Foundation in their community.

HONORING KEVIN RIDLEY

HON. DEBBIE WASSERMAN SCHULTZ

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 30, 2010

Ms. WASSERMAN SCHULTZ. Madam Speaker, I rise today to honor Kevin Ridley on the occasion of his retirement after more than 40 years of service to our Nation and his community.

While I have no doubt Kevin has many new exciting chapters left to write in his life, I take this moment to commemorate his achievements of the last 4 decades.

Kevin Ridley is the son of an Air Force colonel and learned early in life the meaning of commitment to country and family. Following in his father's footsteps, Kevin enlisted in the Air Force in late 1968, after graduating high school in Tokyo, Japan.

Trained as a weapons loader for A-7 and F-100 jet fighters, Kevin was stationed at Luke Air Force Base in Arizona for 2 years before doing a tour of duty during the Vietnam War. While in Vietnam during 1971 and into 1972, he saw time in both Saigon and Da Nang.

Following his honorable discharge from the Air Force later in 1972, Kevin continued to serve our Nation as a member of the National Guard, compiling a remarkable 26 years of military service. In the National Guard, he served as a full-time civilian weapons technician and was stationed for 17 years at Otis Air Force Base in Cape Cod, Massachusetts.

I know that while Kevin Ridley possesses a fierce determination to excel, he is also a humble man, much like many of our Nation's military personnel. He would never seek to tout his own accomplishments. However, I am proud to tell you that Kevin consistently stood out during his military service, accumulating 15 decorations and awards during the Vietnam War and in his time with the Air Force Reserve and National Guard.

Beginning in 1989, and continuing through his retirement in December of this year, Kevin has worked for the Department of Defense's Defense Contract Administration Services as a plant representative with Raytheon Corporation in Massachusetts. In that capacity, he has continued his service to military defense efforts and his deep commitment to the security of the United States. While with the Defense Contract Administration Services, he has contributed his expertise to over 30 defense programs. He also worked on a program near and dear to the State of Florida—NASA's Space Station modules program.

Most importantly, Kevin is a dedicated family man. He is a loving spouse to Andrea Ridley and father of two wonderful children. Andrea is an 8th grade math teacher at Franklin Middle School, his daughter Alexandra is currently a freshman at Lynn University in Boca Raton, Florida, and his son Phillip is a sophomore in high school in Medfield, Massachusetts.

I'm sure that his friends and family would agree that his record of excellence, bravery, and dedication is a living testament to a life well lived, and proof that the American dream is alive and well.

I offer my deepest gratitude to Kevin Ridley for his contributions to the fabric of this nation and wish him all the best in his future endeavors. Congratulations, Kevin.

**IN HONOR OF THE EAST RIVER
DEVELOPMENT ALLIANCE**

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 30, 2010

Mrs. MALONEY. Madam Speaker, I rise to pay special tribute to the East River Development Alliance, a not-for-profit organization that has made extraordinary contributions to the economic and civic life of the residents of underserved communities in western Queens. This month, the East River Development Alliance (ERDA) is celebrating its Sixth Anniversary Fundraiser and Celebration at the Ace Hotel in Manhattan.

Under the able stewardship of the Bishop Mitchell Taylor, the East River Development Alliance helps residents of New York City Housing Authority complexes and other New Yorkers with limited income achieve economic security and self-empowerment through employment, financial counseling and education, college access and community revitalization initiatives. ERDA has developed a range of programs to help the more than 20,000 residents of public housing in its catchment area to achieve economic stability and mobility, and ensure that these neighborhoods have access to critical goods and services.

In the last year alone, the Alliance opened the ERDA Federal Credit Union—the first new credit union chartered in New York City in a decade; helped more than 150 low-income New Yorkers find good jobs. As New York City Mayor Michael Bloomberg noted in his State of the City Address earlier this year, a big impact can be achieved by “credit unions serving public housing residents, like the one Bishop Taylor is opening in Long Island City this spring,” going on to praise him as “one banker who truly is doing God’s work.” ERDA has also helped more than 500 individuals build savings and reduce debt, is sending a cohort of high school seniors to college—nearly all of whom are the first in their families to obtain a higher education.

At its Sixth Anniversary Event, the East River Development Alliance is honoring three noteworthy community leaders: Matthew Bishop, American Business Editor and New York Bureau Chief of The Economist magazine and the author of Philanthrocapitalism; John Rhea, Chairman of the New York City Housing Authority; and Diana Taylor, Managing Director of the Wolfensohn & Company, LLC and former New York State Superintendent of Banking in the administration of Governor George Pataki. All are being honored for their outstanding efforts to improve the lives of their fellow New Yorkers and the economic vitality of our communities.

Congratulations to Bishop Taylor and the East River Development Alliance on another successful year in pursuing its vital mission of ensuring public housing communities are neighborhoods of great opportunities. Madam Speaker, I salute the work of the East River Development Alliance and I ask that my distinguished colleagues join me in recognizing the outstanding work of ERDA and its 2010 honorees for their many contributions to the civic and spiritual life of our Nation.

TRIBUTE TO AUSTAL USA CEO
BOB BROWNING

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 30, 2010

Mr. BONNER. Madam Speaker, I rise to recognize the outstanding record of outgoing Austal USA Chief Executive Officer, Mr. Bob Browning. During his tenure, Mr. Browning helped to transform the face of Mobile’s industrial waterfront and secure the long-term return of Navy shipbuilding to Alabama’s port city.

On November 16, Bob Browning officially stepped down as CEO for Austal USA ship-

building in Mobile to pursue a new business opportunity. He has held Austal USA’s top position for the last 2 years after joining the company in 2007.

Bob arrived at Austal as it was establishing itself as a force to be reckoned with in building quality, high-speed ships. For the last decade Austal has been expanding its footprint along the Mobile River and Bob played a significant role in making Mobile home to the largest aluminum shipyard in the world.

Bob guided the growth of Austal’s high-speed military shipbuilding program by preparing it to successfully compete in major military contracts. In 2008, Austal secured a coveted \$1.6 billion contract to build joint high-speed vessels, JHSV, for the U.S. Army and Navy. The program is continuing with Austal on track to build the fourth and fifth vessels.

Bob has also well positioned Austal to successfully compete for a \$5 billion U.S. Navy contract to produce ten littoral combat ships. Austal and partner General Dynamics were awarded a contract in 2005 to construct their first LCS, the USS *Independence*, which was commissioned in January 2010.

Under Bob’s leadership, Austal has since become the leader in the contract to build the full 10-ship Navy LCS fleet. The Navy is expected to make a decision by the end of the year. The award would mean a doubling of Austal’s local workforce of 1,800 employees.

As Bob and his family transition to new challenges, I wish to convey the appreciation of Alabama’s coastal community for a job well done. His leadership and his dedication to our local workforce have made our region stronger.

HONORING DANIEL JOHNSON

HON. MIKE QUIGLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 30, 2010

Mr. QUIGLEY. Madam Speaker, I rise today to honor the service and sacrifice of Senior Airman Daniel Johnson. Daniel was killed by an improvised explosive device last month in Kandahar, Afghanistan. He was just 23 years old.

Daniel spent much of his childhood in Minnesota and Wisconsin before moving to Schiller Park, Illinois to live with his grandmother. Family members remember fondly Daniel’s lifelong dream to fight for his country and the pride he felt when he put on his uniform. In Afghanistan he disarmed dangerous bombs, continuously risking his life to protect others.

His commitment to service extended beyond the battlefield. Daniel attended Triton College with the admirable goal of one day working as an emergency medical technician. Today, I offer my deepest condolences to all of those who had the privilege to know such a selfless and giving young man.

I join with them in mourning the loss of this brave airman and exemplary American. On behalf of the United States Congress and the 5th district of Illinois I thank him for his courage. To his family, friends, and loved ones: Daniel’s country will never forget his service.

IN HONOR OF THE HEALTHCARE
CHAPLAINCY

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 30, 2010

Mrs. MALONEY. Madam Speaker, I rise to pay special tribute to the HealthCare Chaplaincy, a nonprofit multi-faith healthcare organization that is devoted to serving the spiritual needs of patients seeking palliative care and their families. This month, the Chaplaincy hosts its annual “Wholeness of Life” Awards Dinner in Manhattan.

Founded in 1961 by a syndicate of churches, the HealthCare Chaplaincy has served nearly 5 million people, relieving medical suffering and improving the quality of life of countless grateful clients and their families. Over the course of those five decades, the HealthCare Chaplaincy has sought tirelessly to expand palliative care by improving its accessibility, affordability, and quality, and by training qualified chaplains for hospital ministry. As the largest clinical pastoral education and research center of its kind in the United States, the HealthCare Chaplaincy has become an integral part of the medical community, caring for both residential and non-residential patients with serious progressive illnesses and helping to reduce the severity of disease symptoms.

The HealthCare Chaplaincy is hosting its 23rd Wholeness of Life Awards Dinner this month to celebrate its 50th Anniversary. I also wish to congratulate this year’s most worthy honorees: the Chairmen of the Board of Trustees, as well as doctors and nurses who excelled at patient care in the palliative medical field.

The HealthCare Chaplaincy’s remarkable achievements would not be possible without its President and Chief Executive Officer, the Reverend Dr. Walter J. Smith, and Executive Vice President and Chief Operating Officer, Claire Haaga-Altman. A specialist in end-of-life palliative care, the Rev. Dr. Walter Smith has served at the HealthCare Chaplaincy for nearly two decades. Ms. Haaga-Altman has served in the non-profit sector for more than 30 years, helping to develop New York City’s Access-a-Ride program and fostering and facilitating the growth of the multi-faith palliative medical field. At the Chaplaincy, she is overseeing an innovative and critically needed assisted living program.

Madam Speaker, I salute the work of HealthCare Chaplaincy and I ask that my distinguished colleagues join me in recognizing the outstanding work of the HealthCare Chaplaincy and its 2010 honorees for their many contributions to the civic and spiritual life of our Nation.

HONORING ELAINE ROTH FOR HER
42 YEARS OF PUBLIC SERVICE

HON. STEVE ISRAEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 30, 2010

Mr. ISRAEL. Madam Speaker, I rise today to congratulate Elaine Roth, former District

Manager of the Social Security Administration field office in Melville, NY, who will be retiring later this year. Her 42-year career with Social Security is a testament to Ms. Roth's dedication to public service.

Ms. Roth's career with Social Security began in 1968 when she was hired as a Claims Representative in Brooklyn, NY. Between then and 1980 she was promoted multiple times and served as Branch Manager of the field offices in Kings Plaza (Brooklyn), Riverhead (Long Island), and Flushing (Queens). She was then promoted to District Manager of the field office in Melville in 1998, a position she held until 2004 when she was asked to join Social Security's National Medicare Planning Task Force.

Throughout her four decades with Social Security, Ms. Roth's many accomplishments have been recognized with various awards. Most notably, she received a Deputy Commissioner's Citation (August 2007 and October 2005), a Component Head's Citation (August 2006), and the Commissioner's Citation—Social Security's highest honor—in September 2005 and three times previously.

Ms. Roth and her husband are long-time residents of Long Island and she will be entering her well-earned retirement as a loving mother of two and a devoted grandmother of one. I thank her for her service to the Second District of New York and wish her all the best in the future.

HONORING ETHAN J. SMITH

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 30, 2010

Mr. GRAVES of Missouri. Madam Speaker, I proudly pause to recognize Ethan J. Smith. Ethan is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 332, and earning the most prestigious award of Eagle Scout.

Ethan has been very active with his troop, participating in many scout activities. Over the many years Ethan has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community. Most notably, Ethan has contributed to his community through his Eagle Scout project. Ethan painted and renovated the Pink Hill Park playground prior to that park hosting the Wall That Heals traveling Vietnam War Memorial exhibit.

Madam Speaker, I proudly ask you to join me in commending Ethan J. Smith for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

HONORING THE LIFE OF DR. BRIAN MARSDEN

HON. DANA ROHRBACHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 30, 2010

Mr. ROHRBACHER. Madam Speaker, Dr. Brian Marsden directed the Minor Planet Cen-

ter, MPC, at the Smithsonian Astrophysical Observatory in Cambridge, Massachusetts for nearly 30 years, where he kept track of the thousands of daily asteroid and comet observations from around the world. The responsibility of keeping track of these near-Earth objects, and potentially the fate of all humanity, could not have been in better hands than those of this capable, conscientious scientist.

Dr. Marsden became interested in astrophysics at the early age of five, when his mother displayed to him that method by which eclipses could be predicted in advance. His teen years were spent calculating forecasts of astronomical phenomena—long before modern computers or even calculators were available. By the time he was an undergraduate student, he had achieved an international reputation for the accuracy of his predictions of comets and for a number of new discoveries.

One of the most outstanding examples of his predictive prowess can be seen in his calculation of the return of comet Swift-Tuttle. The scientific consensus was that the comet would return in 1981, almost 120 years after it was last seen, but Dr. Marsden analyzed the available data and projected correctly that it would not return to the inner solar system until late 1992, over a decade later than previously expected. Swift-Tuttle has the longest period of any comet whose return has been successfully predicted.

Dr. Brian Marsden passed away on November 18, 2010. His soaring accomplishments have made this planet a safer place, and his legacy will live on for centuries.

TRIBUTE TO COMMANDER LORENZO "PETE" CASALEGNO

HON. DUNCAN HUNTER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 30, 2010

Mr. HUNTER. Madam Speaker, I rise today to recognize the dedication, public service and patriotism of U.S. Navy Commander "Pete" Casalegno for 30 years of distinguished service to our nation, both with the U.S. Navy and the U.S. Air Force.

Commander Casalegno's military service began in 1965 when he enlisted in the Air Force and served as a weather observer and forecaster. A veteran of the Vietnam War, he served as a member of the combat weather team at Tan Son Nhut, Vietnam, from December 1967 to December 1968.

Upon graduation from the University of San Francisco, Commander Casalegno was commissioned and subsequently designated as a naval flight officer. After completion of advanced training in the E-2 Hawkeye aircraft, Commander Casalegno was assigned to Carrier Airborne Early Warning Squadron 114 and completed two overseas deployments onboard the USS *Kitty Hawk* (CV-63) and the USS *Coral Sea* (CV-43). During this assignment, Commander Casalegno completed arduous qualifications as Officer of the Deck and Tactical Action Officer.

After graduating from the United States Postgraduate School in 1981 with a Master of Science in Systems Engineering, Commander

Casalegno was assigned to the staff of the Cruiser Destroyer Group Three as Assistant Air Operations and Electronic Warfare Officer. Involved in frequent deployments to both the Western Pacific and Southwest Asia, Commander Casalegno participated in military operations following the fall of the Shah of Iran and numerous humanitarian operations.

In 1985, Commander Casalegno reported to Carrier Airborne Early Warning Squadron 116 where he served as Operations Officer and Maintenance Officer during deployments to the Western Pacific and Southwest Asia. Commander Casalegno was involved in operations which included escorting U.S. merchant ships through the Straits of Hormuz and retributive strikes on Iranian oil facilities.

Following the tour, Commander Casalegno was assigned to the staff of Commander Allied Forces Southern Europe in Naples, Italy. As a staff officer, he was involved in numerous North American Treaty Organization operations, including support of allied forces during Operations Desert Shield and Desert Storm.

In 1990, Commander Casalegno was assigned as the United States Navy Exchange Officer to the Royal Navy's Maritime Tactical School in Portsmouth, England, where he trained senior allied officials in the employment of naval forces. In 1994, Commander Casalegno returned to the United States to serve at the Navy's Tactical Training Group, Atlantic Fleet, as the air defense instructor.

Commander Casalegno, his wife Marla, his daughter Julie, and his sons Cory and Phillip are stalwart Americans who have made enormous sacrifices over the last 30 years. Commander Casalegno has honorably and faithfully upheld the nation's special trust and confidence conveyed through his military commission. In every way, he has upheld his oath of office with true faith and allegiance. It is with the greatest sense of respect and appreciation that I stand today in recognition of Commander Casalegno and, along with the rest of my colleagues, wish him all the best in his retirement.

TRIBUTE TO FORMER STATE REPRESENTATIVE F.P. "SKIPPY" WHITE

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 30, 2010

Mr. BONNER. Madam Speaker, it is with sadness that I rise to inform the House of the passing of long-time South Alabama State Representative F.P. "Skippy" White. Representative White died on October 21, 2010, after an extended illness at age 69.

Skippy was the epitome of a public servant. He served with distinction in the Alabama House of Representatives for three decades, proudly representing the people of Baldwin and Escambia counties from 1982 to 2006.

He began his career in public service as a firefighter and later councilman for his beloved hometown of Pollard, Alabama where he held office for seven years. In 1982, he was elected as a Democrat to the Alabama House of Representatives and served in that capacity

for 24 years. In fact, he was the longest serving legislator from Escambia County.

During his career in the Alabama State Legislature, Representative White worked tirelessly on behalf of south Alabama. He was distinguished as an outstanding legislator and served on the House Rules Committee and the Joint Transportation Committee. He is credited with improving the roads and bridges in his district where he took a great personal interest.

On behalf of the people of south Alabama, I extend deepest sympathy to his lovely wife, Clara; their wonderful children, Todd, Hugh, and Sarah Anne; and his family and many friends.

Representative Skippy White was much loved and respected by his constituents for his tireless dedication to Baldwin and Escambia counties. He will be deeply missed by all who knew him.

HONORING HANK DAVID GAMEL

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 30, 2010

Mr. GRAVES of Missouri. Madam Speaker, I proudly pause to recognize Hank David Gamel. Hank is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 1494, and earning the most prestigious award of Eagle Scout.

Hank has been very active with his troop, participating in many scout activities. Over the many years Hank has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community. Most notably, Hank has earned the rank of Warrior in the Tribe of Mic-O-Say. Hank has also contributed to his community through his Eagle Scout project. Hank designed and constructed a sign for the entrance of the Church of the Annunciation in Kearney, Missouri.

Madam Speaker, I proudly ask you to join me in commending Hank David Gamel for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

RECOGNIZING JAMES J. BOLlich AS 2010 AMERICAN LEGION POST 241 LEGIONNAIRE OF THE YEAR

HON. CHARLES W. BOUSTANY, JR.

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 30, 2010

Mr. BOUSTANY. Madam Speaker, I want to recognize Sergeant James J. Bollich who was recently named Legionnaire of the Year by American Legion Post 241 in Lafayette, Louisiana. Sergeant Bollich served this Nation with honor and distinction, and has lived an exemplary American life worthy of approbation.

Sergeant Bollich was born in the small farm community of Mowata and attended college at

Southwestern Louisiana Institute, now the University of Louisiana at Lafayette. His time there was cut short, as in 1940 he joined the Army Air Corps at Barksdale Field in Shreveport, and participated in the Louisiana Maneuvers in 1941. His squadron was sent overseas, where he fought for the defense of the Philippines.

Serving as an infantryman during the Battle of Bataan, Bollich was captured by the Japanese and was forced to participate in the Bataan Death March as a prisoner of war. Despite the cruelty endured at the hands of his captors, and the thousands of deaths of his fellow servicemen he witnessed, Bollich bravely persevered and survived. He ultimately spent three and a half years at the Japanese POW camp in San Fernando before he and his fellow survivors were freed by the Russian Army in 1945.

After his harrowing ordeal, he returned to the United States and returned to college. Upon graduating, he worked as a subsurface petroleum geologist until his retirement. He has written several books, including "A Soldier's Story" which told his story of his time as a prisoner of war. For his courage in the face of unimaginable hardship, he received several commendations and medals, including the Bronze Star, the Victory Medal, and the POW medal. In addition to this, he was recently inducted to the Louisiana Veterans Hall of Honor. He has sacrificed much for his country, and should serve as an example and a reminder of true patriotism to this Nation.

It goes without saying that Sergeant James J. Bollich is very deserving of the honor of being named American Legion Post 241's Legionnaire of the Year. His story is one of bravery and dedication, and I am honored to serve as his member of Congress. He is part of our "Greatest Generation" and my words cannot express the gratitude we should all show to those who served in World War II. I wholeheartedly thank Sergeant Bollich for his service to the United States, and I congratulate him on this most recent honor.

PERSONAL EXPLANATION

HON. JIM GERLACH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 30, 2010

Mr. GERLACH. Madam Speaker, unfortunately, on Monday, November 29, 2010, I missed two recorded votes on the House floor. I ask that the record reflect that had I been present, I would have voted "yea" on rollcall 581 and "yea" on rollcall 582.

IN HONOR OF DR. RUSS COLSON

HON. COLLIN C. PETERSON

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 30, 2010

Mr. PETERSON. Madam Speaker, I rise today to congratulate one of my distinguished constituents, Dr. Russ Colson, the 2010 Professor of the Year awarded by Carnegie Foun-

dation for the Advancement of Teaching and the Council for Advancement and Support of Education.

Dr. Colson was hired by Minnesota State University Moorhead in 1993 to teach geology at a school that did not have an existing geology program. In an area like the Red River Valley with its rich geologic history, a strong program was necessary and Dr. Colson worked to create a stand-out geology program at one of our nation's stand-out universities.

He has put an emphasis on experiential learning in nearly three-quarters of his classes. A self-described "science coach," Dr. Colson introduces students to geology around the globe through hands-on experiences—applying what is learned in books to the real world.

He is beloved by faculty and students alike. His students praise his teaching style for helping them develop skills necessary in the 21st century. A fellow faculty member refers to Dr. Colson as "the best."

Dr. Colson is the first professor from a Minnesota public university to receive this award but likely not the last. I offer my heartfelt congratulations to Dr. Colson, his family and the MSUM community on this impressive achievement.

PERSONAL EXPLANATION

HON. MIKE PENCE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 30, 2010

Mr. PENCE. Madam Speaker, I was absent from the House floor on the legislative day of November 29, 2010. Had I been present, I would have voted "yea" on rollcall votes 581 and 582.

CONGRATULATING MARY, MOTHER OF THE REDEEMER'S CATHOLIC EDUCATION CENTER

HON. ALLYSON Y. SCHWARTZ

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 30, 2010

Ms. SCHWARTZ. Madam Speaker, I rise today to honor and congratulate Mary, Mother of the Redeemer's Catholic Education Center on the momentous achievement of being designated a 2010 Blue Ribbon School of Excellence. Mary, Mother of the Redeemer is a Catholic Parish in North Wales, Montgomery County. In 1997, the ten-year old parish saw the need for a school of its own and began laying the groundwork to establishing what would become an award winning educational center. In 2002, after years of planning and fundraising, the parish began construction and only two years later the school had an enrollment of nearly 700 students. The education center has a mission statement of recognizing the uniqueness of each student to provide a quality Catholic education.

The Blue Ribbon Program is a project of the Department of Education that identifies the best school leadership and teaching practices,

setting a standard of excellence for all middle and high schools. This year, 254 public and 50 private schools were chosen for this honor. Schools are chosen based on their ability to produce students who, regardless of their backgrounds, are high performing.

Being chosen as a Blue Ribbon School designates Mary, Mother of the Redeemer as a model for other schools across the country. Of the 413 schools nationwide that can be nominated, only 50 originate with the Council for Private Education, through which Mary, Mother of the Redeemer was nominated. The school is fully committed to maintaining its five year Blue Ribbon designation and being nominated again in 2015. I am proud to represent in congress a school that is so committed to excellence that it is nationally recognized, serving as a model nationwide.

Madam Speaker, once again I ask that my colleagues join me in congratulating Mary, Mother of the Redeemer on its momentous designation as a Blue Ribbon School.

RECOGNIZING THE ONE HUNDREDTH ANNIVERSARY OF THE CHAUTAUQUA HALL OF BROTHERHOOD

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 30, 2010

Mr. MILLER of Florida. Madam Speaker, on behalf of the United States Congress, it is an honor for me to rise today to recognize the centennial anniversary of the Chautauqua Hall of Brotherhood, located in DeFuniak Springs, Florida.

On Lake Chautauqua in western New York, the original Chautauqua Institution was founded in 1874 as a vacation school for Sunday school teachers. Chautauqua retreats gained popularity in the 1880s; in 1885, the first Florida Chautauqua program, and second in the nation, was founded and convened on the banks of Lake DeFuniak. It served as a platform for discussion of the latest thinking in politics, economics, literature, science and religion and attracted noted scholars and famous lecturers.

In 1910, the Hall of Brotherhood was completed. The Dome was dedicated to the soldiers and sailors of the Republic, and the columns on the outside of the building represent the Presidents of the United States. The expansive edifice incorporated many large meeting rooms and contained a 4,000 seat amphitheatre, fully equipped with electrical lights, dissolving color effects and foot lights for the presentation of plays and grand concerts. It was the largest Chautauqua amphitheatre in the southern United States.

As he laid the cornerstone at the dedication ceremony, General John B. Gordon remarked, "The Hall of Brotherhood tells the story. Every beam and timber, each brick and stone that shall complete its structure, from this supporting cornerstone now laid to its finished turret, will speak to coming generations of the sentiment that suggested it. American brotherhood, a reunited country, on which depends not only the life and perpetuity of the Republic,

but the welfare of universal humanity, are the glorious realities which this Hall is to represent. In the name, therefore, of every state in this Union, and of our priceless freedom, invoking Heaven's blessing upon it, I dedicate this spot where the Hall of Brotherhood is to stand a holy invocation to the everlasting fraternity of the American People."

On August 7, 1972 the Chautauqua Hall of Brotherhood was listed in the National Register of Historic Places.

Madam Speaker, on behalf of the United States Congress, I am proud to celebrate the centennial anniversary of the Chautauqua Hall of Brotherhood.

CONGRATULATING DIAMOND STANDARD ON EXCELLENCE IN CREATING AFTER-MARKET PARTS

HON. STEVE COHEN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 30, 2010

Mr. COHEN. Madam Speaker, I rise today to congratulate Diamond Standard, a Memphis based company, for receiving an excellent rating from the Insurance Institute for Highway Safety (IIHS) for their after-market bumpers. The IIHS, widely considered to be a leading authority on crash testing and auto safety, describes itself as "an independent, nonprofit, scientific, and educational organization dedicated to reducing the losses—deaths, injuries, and property damage—from crashes on the nation's highways." IIHS found Diamond Standard's bumpers to be equivalent to factory equipment.

Diamond Standard is truly an American company that shows the American dream is still alive and well. Owner and founder Mike O'Neal started his work in the automotive business as an employee for his father, John O'Neal, who owned a bumper re-chroming shop in West Memphis. In the 1990's, Mike saw a demand for high-end, after-market bumpers. However, Diamond Standard did not officially begin selling its product until four years ago.

Today, Diamond Standard and its sister companies have manufacturing and warehousing facilities in Ohio, Michigan, Oklahoma, Washington State, Pennsylvania, Arizona and Taiwan. Diamond Standard provides jobs for approximately 439 Americans, including 65 in Memphis.

The collision replacement industry is estimated to generate more than \$16 billion a year. Diamond Standard provides parts to nearly 15 percent of companies within this industry. Because of the tremendous work they are doing, the company is worth an estimated \$150 million a year. Mr. O'Neal has said that the Insurance Institute certification has the potential to double Diamond Standard's business in the next 24 months.

For the past 5–6 years Diamond Standard has invested about \$2 million for research and testing to prove that its parts are comparable to those that are factory-made. Their recent invention of an after-market bumper that is comparable to a factory bumper is significant be-

cause it has never been done before. This new and safe bumper has the potential to lower bumper-replacement costs for hard working Americans.

Diamond Standard has given Memphis much of which to be proud. Its investment in research and development, revolutionary innovation and operational expansion is truly emblematic of the American entrepreneurial spirit. Madam Speaker, I ask the House to join me in congratulating Diamond Standard for the excellent rating they received for their after-market bumpers and for the bright future Diamond Standard will surely have.

HONORING ADELE LICHTENBERGER, RECIPIENT OF THE AMERICAN METEOROLOGICAL SOCIETY/NASA EARTH SCIENCE GRADUATE FELLOWSHIP

HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 30, 2010

Mr. CONNOLLY of Virginia. Madam Speaker, I rise to recognize Adele Lichtenberger, of Springfield, VA, for receiving the American Meteorological Society and NASA Earth Science Graduate Fellowship. This fellowship program is designed to encourage careers in environmental science—specifically atmospheric, oceanic and hydrological fields—for the bright young scientists. It selects promising students in their first year of graduate study who are interested in a variety of concentrations including meteorology, physics, mathematics, hydrology, oceanography, marine science, computer science and engineering. Ms. Lichtenberger received one of only thirteen fellowships from the American Meteorological Society.

Ms. Lichtenberger recently received her bachelor's degree in meteorology and physics from North Carolina State University, where she was recognized as the Outstanding Senior in Meteorology in May 2010. She has also earned the American Meteorological Society's Richard and Helen Hagemeyer Scholarship for the 2009 school year as well as the National Oceanic and Atmospheric Administration's Ernest F. Hollings Undergraduate Scholarship for the 2008 and 2009 school years. Ms. Lichtenberger's studies were focused on cloud and aerosol physics, and she will continue this focus in her graduate studies at Colorado State University.

Madam Speaker, I ask my colleagues to join me in honoring Adele Lichtenberger as the recipient of the AMS/NASA Earth Science Graduate Fellowship and for her commitment to her study of meteorological science.

TRIBUTE TO LUCILLE RYAN

HON. WILLIAM L. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 30, 2010

Mr. OWENS. Madam Speaker, I rise today to honor Lucille Ryan of Brooklyn, my cousin and Godmother, on her 90th Birthday.

Lucille has spent most of her life in Brooklyn and now lives in Whiting, New Jersey with her husband, Bill. They have been married for 58 years, raising three wonderful children; and have eight grandchildren and three great grandchildren. They have contributed to their church and local communities in immeasurable ways.

As my Godmother, I have known Lucille for my entire life, spending many holidays at her house. Lucille always kept a warm and welcoming environment in her home, teaching me the value of hospitality and a strong family relationship from an early age. As a person of deep religious conviction, I learned how important love, understanding and tolerance truly are.

To this day, Lucille continues to bring loved ones together and teach a whole new generation the value of family. The lessons and values I have learned from her will stay with me throughout my life. I congratulate her on 90 full years and thank her for playing such a strong role in my life.

PERSONAL EXPLANATION

HON. TIM RYAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 30, 2010

Mr. RYAN of Ohio. Madam Speaker, on Monday, November 29, 2010, I was unable to return to Washington, DC, in time to cast my vote for rollcall votes 581 and 582. Had I been present, I would have voted "aye" on both.

NOVEMBER IS NATIONAL HOSPICE AWARENESS MONTH

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 30, 2010

Mr. TOWNS. Madam Speaker, I rise today to acknowledge the month of November being designated as National Hospice Awareness Month. We may hear of hospice care from friends or colleagues that have had the unfortunate experience of placing their loved one in a hospice facility. Oftentimes, when we hear the word hospice, we think of it as a cold and uncaring place that our loved one may transition to before their final resting place. However, "hospice" care is a compassionate approach to caring for those who are faced with a life-limiting illness. It provides families with the supportive services that not only keep the patient comfortable, but educates the family and provides emotional support.

Hospice care brings together a team of specifically trained professionals and volunteers who work with the patient's doctor to provide a plan of care designed to control the pain and ease end-of-life struggles for the patient and family. The typical hospice team consists of the patient's physician and the hospice physician; registered nurses; social workers; spiritual care coordinators; bereavement counselors; dietitians; pharmacists; physical, occupational and speech therapists; home care

aides; and volunteers. Some patients even benefit from having access to music, art and massage therapists as well, all of which are services provided in hospice care.

In the state of New York, there are over 20 specialized Hospice and Palliative Care facilities, three of which are in my district. If you read the testimonies from family members who have received any type of hospice service for a loved one, I believe that you would have a different outlook and better understanding of hospice care. Hospice is covered under Medicare Part A, Medicaid and private insurance. It is truly underutilized by those who would benefit the most and many hospices will not turn anyone away based on their ability to pay.

In closing, I no longer want you to think of "hospice" care as cold and uncaring, but a philosophy of services available to you and your loved one. The kind of health care services that are available round the clock; services that don't end once your loved one have gone to their final resting place, but bereavement services that extends beyond that timeframe and as needed. Therefore, it is important for me to recognize the many organizations that provide these specialized services in a nation that is hurting from so many crises on a daily basis. I want to recognize and honor these facilities around the world.

RECOGNIZING FACETS AND "A TASTE OF FALL"

HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 30, 2010

Mr. CONNOLLY of Virginia. Madam Speaker, it is my great honor to rise today to recognize FACETS, a Northern Virginia non-profit that is a leader in providing dynamic and responsive service to those suffering from poverty and homelessness. Tonight we are here for the "Taste of Fall" in support of this organization.

Founded in 1988 by Ms. Linda D. Wimpey and three Episcopal churches, FACETS works to address the needs of those living on the brink of homelessness. To successfully work towards this goal, FACETS has grown its partnerships in the community, drawing in faith organizations, businesses, individuals, and local government. In the past year, nightly meals and Sunday morning breakfasts were served by a core group of 35 faith partners and 1000 volunteers who cooked and delivered more than 42,000 meals to men, women, children who are homeless in Fairfax. With the help of an additional 400 volunteers, FACETS also provides social work services, housing, and supportive programs for individuals and families that are homeless or living in government-subsidized housing sites in Fairfax County.

FACETS approach to its quality service is in its guiding values of dignity, commitment, and integrity.

The homeless suffer from the stigmas and biases, making it difficult to navigate the challenges they face. Recognizing this shortcoming, FACETS has committed itself to treat-

ing clients with dignity and respect. Understanding without judging is important to promoting the self esteem necessary to self improvement.

Through a strong commitment to its volunteers, staff, partners, donors and clients, FACETS works to foster an atmosphere of camaraderie and teamwork in achieving their goal of ending homelessness and poverty. The caliber of work FACETS performs is a testament to the people involved in this mission.

Integrity of operations and transparency in management is critical to FACETS' ability to maintain high quality services. FACETS holds the communities trust in its stewardship of resources, and its discipline in providing the best quality service possible.

Madam Speaker, I ask my colleagues to join me in thanking FACETS for its work to end homelessness and poverty in Fairfax County. It is the collaboration of volunteers, donors, government, and businesses that enable FACETS to carry out its mission. You have the appreciation of the Northern Virginia community, and my personal thanks for your important service.

REMEMBERING JOHN ALVIS

HON. KEVIN BRADY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 30, 2010

Mr. BRADY of Texas. Madam Speaker, ten years ago today, our world lost a great champion for global democracy and the rule of law.

John Alvis, a close friend and constituent of mine, was murdered on November 30, 2000 in Baku, Azerbaijan where he was working for the cause most dear to his heart spreading democracy around the globe. For those of you who never had the honor to meet John, I'd like to tell you today about this 36 year old idealistic warrior for international democracy who never met a stranger.

I first got to know John when he helped guide my first campaign for Congress and in 1999, I was honored to witness first hand John's impact around the globe as he assisted the Republic of Georgia in their transition to a democratic government. His passion to export American democratic principles was unrivaled and that lead him from his home in Texas to the former Soviet Union.

John's young life was ended by an unknown assailant while he serving as a resident director of the International Republican Institute, training campaign workers and election officials in Azerbaijan. One of his colleagues there probably described John best as someone who "touched the lives of everyone he came in contact with." I and members of my staff remember John for his infectious laugh, his great sense of humor, his passion for all things politics, his love for man's best friend, his Dalmatian Jersey, and his innate ability to keep people together even in the toughest of times.

Even though it was just two weeks before John was due to return home to celebrate Christmas that he was killed, this proud Aggie lives on through the recipients of the John Alvis Memorial Scholarship at Texas A&M University who exemplify his passionate American Patriotism through their public service.

I am concerned that John's murder remains unsolved. Madam speaker, I want to take this opportunity to impress on the Government of Azerbaijan and the FBI the necessity to continue to press to bring those responsible for this heinous act to justice.

PERSONAL EXPLANATION

HON. JOHN SULLIVAN

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 30, 2010

Mr. SULLIVAN. Madam Speaker, I rise to state for the record that I intended to vote "nay" on rollcall vote 584 taken on November 30, 2010. The CONGRESSIONAL RECORD currently lists me as an "aye" vote on this measure. As a fiscal conservative, I cannot support \$4.6 billion in government spending in a period of record federal deficits and budget constraints facing American families.

HONORING SERENA SUTHERS AS A
RUNNER UP IN THE 2010 "GOLD-
EN CARROT AWARDS" FOR INNO-
VATION IN SCHOOL FOOD-
SERVICE

HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 30, 2010

Mr. CONNOLLY of Virginia. Madam Speaker, I rise to recognize Serena Suthers for receiving the runner-up award in the Physicians Committee for Responsible Medicine's (PCRM) Golden Carrot Awards celebrating innovation in school foodservice. PCRM established The Golden Carrot Awards in 2004 to recognize exceptional efforts to improve the nutritional value of school lunches. It identifies school programs that have encouraged students to eat fresh fruits and vegetables, while also offering students plenty of healthful options.

Ms. Suthers serves as the Director of School Food and Nutrition Services for the Prince William County Public Schools (PWCS). As part of an initiative to make healthy eating habits and nutrition education fun and engaging for students, PWCS offers various events and programs to promote a healthy diet. The school system offers daily vegetarian and vegan meal options and other healthy choices such as whole grains, soymilk, brown rice, and granola bars. It also hosts tasting parties featuring a fruit or vegetable of the month and has developed a partnership with a local vendor to provide lettuce for PWCS' salads.

Madam Speaker, I ask that my colleagues join me in recognizing Serena Suthers for receiving the PCRM's Golden Carrot runner-up prize for her dedication to child nutrition and innovation in school foodservice. I would like to congratulate her for her achievement in creating a more healthy community for the students of Prince William County Public Schools.

SENATE—Wednesday, December 1, 2010

The Senate met at 9:30 a.m. and was called to order by the Honorable TOM UDALL, a Senator from the State of New Mexico.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal unchanging God, You are our rock, our fortress, and our stronghold. Empower our lawmakers to change in ways that will render them more faithful to Your will and more responsive to Your call. May they develop such moral and ethical fitness that they will clearly comprehend Your desires and be eager to do Your will. As they grow in grace and in knowledge of You, deliver them from the bonds of anxiety, as You turn their spirits toward the light of Your presence.

May the knowledge of Your blessings to our Nation bring us all to a deeper commitment to You.

We pray in Your strong Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable TOM UDALL led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUE).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, December 1, 2010.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable TOM UDALL, a Senator from the State of New Mexico, to perform the duties of the Chair.

DANIEL K. INOUE,
President pro tempore.

Mr. UDALL of New Mexico thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, following any leader remarks, there will be a pe-

riod of morning business. Senators will be allowed to speak for up to 10 minutes each during that time. Republicans will control the first 30 minutes, and the majority will control the final 30 minutes. We are going to recess from 12:30 until 3:30 today to allow for a caucus the Democrats are having.

MEASURES PLACED ON THE CALENDAR—S. 3991 and S. 3992

Mr. REID. Mr. President, there are two bills at the desk due for a second reading.

The ACTING PRESIDENT pro tempore. The clerk will read the bills by title for the second time.

The assistant legislative clerk read as follows:

A bill (S. 3991) to provide collective bargaining rights for public safety officers employed by States or their political subdivisions.

A bill (S. 3992) to authorize the cancellation of removal and adjustment of status of certain alien students who are long-term United States residents and entered the United States as children and for other purposes.

Mr. REID. Mr. President, I object to any further proceeding with respect to these two bills.

The ACTING PRESIDENT pro tempore. Objection having been heard, the bills will be placed on the calendar under rule XIV.

LEGISLATIVE PROGRESS

Mr. REID. Mr. President, last night we began the rule XIV process on two important bills—the DREAM Act and Firefighters Collective Bargaining.

It had been my intent to file cloture on both of these bills. However, supporters of the original bills requested that modifications be made.

Those changes are reflected in the bills we introduced last night, and I intend to move forward on both of these.

In addition, I intend to file cloture this week on the 9/11 health bill. So I will file cloture on all three at the same time.

The current continuing resolution expires this Friday. We are awaiting House action on short term CR which we will receive later this week.

I hope Members on both sides of the aisle will allow us to act quickly on this short term CR when we receive it.

As we work to clear the short term CR, the House and Senate Appropriations Committees are working on legislation to fund the government for the remainder of the fiscal year.

Earlier this morning, I received a letter from my Republican colleagues in-

dicating they will filibuster any legislative matter brought to the floor prior to the completion of the spending and tax bills. No one is more eager to put both these issues behind us than I; however, passing either will require Republican votes. I wish I could report we are close to wrapping up action on both bills, but we are not.

The first meeting that was requested by the President is taking place this morning. Senator MCCONNELL chose Senator KYL to represent Republicans. I chose the chairman of the Finance Committee, Senator BAUCUS, to represent Democrats. So they are moving forward on that to see if there is something that can be worked out. My Republican colleagues knew this, as they drafted this letter; therefore, they also know that the true effect of this letter is to prevent the Senate from acting on many important issues that have bipartisan support. With this letter, they have simply put in writing the political strategy the Republicans have pursued this entire Congress; namely, obstruct and delay action on critical matters and then blame Democrats for not addressing the needs of the American people. It is cynical but obvious and transparent.

We must move forward on matters of importance. We have numerous judges who need to be taken care of. I am trying to work something out with the Republican leader on those. I hope everyone understands there are issues we need to deal with. There are meetings going on as we speak to try to help us move forward and to allow us to complete action at the earliest possible date.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period of morning business, with Senators permitted to speak therein for up to 10 minutes each, with Republicans controlling the first 30 minutes and Democrats controlling the next 30 minutes.

Mr. REID. I suggest the absence of quorum and ask unanimous consent that the time be charged equally.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

CONGRESSIONAL PRIORITIES

Mr. McCONNELL. Mr. President, for the last 2 years, Democratic leaders in Washington have spent virtually all of their time ticking off items on the liberal wish list while they have had the chance: government-run health care, a national energy tax, financial regulations, bigger government, bigger deficits, union bailouts, government takeovers. So here we are, with just a few weeks left in the session, and they are still at it.

Last month, the American people issued their verdict on the Democratic priorities. Democrats have responded by doubling down. For 2 years, they legislated as if they were not in the middle of a national jobs crisis, and now they are legislating as if they do not realize the government is about to run out of money and every taxpayer in America is about to get slammed with a giant tax hike.

With just a few weeks to go before the end of the session, Democrats continue to place their priorities over the priorities of the American people. These are the things Democrats have chosen to do instead of preventing a massive tax hike that economists tell us would stifle the economy.

Republicans have pleaded with Democrats to put aside their wish list, to focus on the things Americans want us to focus on. They have ignored us. The voters repudiated their agenda at the polls. They have ignored them. Time is running out, and they are ignoring that.

The election was a month ago. It is time to get serious. It is time to focus on priorities.

Now, a little while ago, I delivered a letter to Senator REID signed by all 42 Senate Republicans. It says every Republican will vote against proceeding to any legislative matter until we have funded the government and protected every taxpayer from a tax hike. Basically, what it means is, first things first.

With time running out in this session, we need to focus on these critical priorities. As the letter states:

Our constituents have repeatedly asked us to focus on creating an environment for private-sector job growth; it is time that our constituents' priorities become the Senate's priorities.

At the moment, every taxpayer in the country stands to get a massive tax increase and a cut in pay on December 31. We need to show the American people we care more about them and their ability to pay their bills than we do about the special interest groups' legislative Christmas list. Republicans are united in our opposition to proceeding to any of these things until Democrats make the priorities of the American people their own.

Mr. President, I ask unanimous consent that the letter to Senator REID I just referenced be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,

Washington, DC, November 29, 2010.

Hon. HARRY REID,

*Majority Leader, Capitol Building,
Washington, DC.*

DEAR LEADER REID: The nation's unemployment level, stuck near 10 percent, is unacceptable to Americans. Senate Republicans have been urging Congress to make private-sector job creation a priority all year. President Obama in his first speech after the November election said "we owe" it to the American people to "focus on those issues that affect their jobs." He went on to say that Americans "want jobs to come back faster." Our constituents have repeatedly asked us to focus on creating an environment for private-sector job growth; it is time that our constituents' priorities become the Senate's priorities.

For that reason, we write to inform you that we will not agree to invoke cloture on the motion to proceed to any legislative item until the Senate has acted to fund the government and we have prevented the tax increase that is currently awaiting all American taxpayers. With little time left in this Congressional session, legislative scheduling should be focused on these critical priorities. While there are other items that might ultimately be worthy of the Senate's attention, we cannot agree to prioritize any matters above the critical issues of funding the government and preventing a job-killing tax hike.

Given our struggling economy, preventing the tax increase and providing economic certainty should be our top priority. Without Congressional action by December 31, all American taxpayers will be hit by an increase in their individual income-tax rates and investment income through the capital gains and dividend rates. If Congress were to adopt the President's tax proposal to prevent the tax increase for only some Americans, small businesses would be targeted with a job-killing tax increase at the worst possible time. Specifically, more than 750,000 small businesses will see a tax increase, which will affect 50 percent of small-business income and nearly 25 percent of the entire workforce. The death tax rate will also climb from zero percent to 55 percent, which makes it the top concern for America's small businesses. Republicans and Democrats agree that small businesses create most new jobs, so we ought to be able to agree that raising taxes on small businesses is the wrong remedy in this economy. Finally, Congress still needs to act on the "tax extenders" and the alternative minimum tax "patch," all of which expired on December 31, 2009.

We look forward to continuing to work with you in a constructive manner to keep

the government operating and provide the nation's small businesses with economic certainty that the job-killing tax hike will be prevented.

Sincerely,

Mitch McConnell, Republican Leader;
Jon Kyl, Republican Whip; Robert F. Bennett; Kay Bailey Hutchison; John Barrasso; John Cornyn; David Vitter; Tom Coburn; Pat Roberts; Mike Crapo; James M. Inhofe; Richard G. Lugar; Jim DeMint; John Thune; Lamar Alexander; Jim Bunning; Michael B. Enzi; Saxby Chambliss; John McCain; James E. Risch; Roger F. Wicker; Chuck Grassley; Johnny Isakson; Christopher S. Bond; Judd Gregg; Richard C. Shelby; Orrin G. Hatch; Bob Corker; Susan M. Collins; Richard Burr; George S. LeMieux; Mike Johanns; George V. Voinovich; Lindsey Graham; Jeff Sessions; Scott Brown; John Ensign; Thad Cochran; Sam Brownback; Lisa Murkowski; Olympia J. Snowe.

Mr. McCONNELL. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

The ACTING PRESIDENT pro tempore. The Senator from Alaska.

Mr. BEGICH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

THE ECONOMY

Mr. BEGICH. Mr. President, I wasn't planning to actually come to the floor this morning, but as we prepare for the day, sometimes we watch those who make comments and reflect on what was talked about yesterday and what we discussed and what we see on the floor. I have this new attitude that as I see people put information on the floor that has to have a balance to it, I am going to come out and give that balance when I can. The biggest one is on the economy.

I sat here yesterday and heard some folks on the other side complaining that it took us a week to deal with the food safety law, and they wondered why. Well, it is because the other side continues to require filibusters for 30 hours. I know the Presiding Officer has been working aggressively on this to try to figure out a way to get things on this floor more quickly so we can have a debate. But what shocked me is, they complained that it took a week when, in fact, their delay tactics caused the week delay. So they wonder why. They create the problem and then they complain about the problem.

The bigger issue is on the economy. The Presiding Officer and I came here 2 years ago. We came and were sworn in, in this Chamber, in January of 2009. This economy was collapsing. It was a disaster. It did not matter if you were from Alaska or New Mexico; wherever

you went, you heard the stories about the problems with the economy and where we were headed. It was incumbent upon us to do as many things as possible to assist the economy to grow, to figure out the pathway. Not all ideas we laid on the table that passed were perfect, but they were multiple and multifaceted, to figure out what to do. The converse is, the other side just kept saying no, no, no. They weren't interested in doing anything to move this economy forward. We were in a crisis moment.

When we think about issues and we look back—and always at the time we are making decisions and we are hoping for the best and we are trying everything possible—it is helpful to remind ourselves where we were. It didn't matter, again, as I said, if you were from Alaska or New Mexico, the economic condition of this country and this world was at risk. So we made some moves that were controversial, and today many of us don't like to talk about them because the pollsters will tell us: That is bad news; don't talk about it. The public hates it. Maybe it is the TARP or the bailout or the stimulus. Figure out the list.

Every day I read Business Week, the Wall Street Journal, CNBC. I look at all the business publications online and in print. What I like to see is not what politicians are saying about how the economy is going but what other people are saying—the people who actually work every single day to try to build this economy. I can speak to this. Meaning no disrespect—I know the Presiding Officer is an attorney. I mean no disrespect to the attorneys who are here. We have lots of them in the Senate.

I am from the private sector. My first business license was at the age of 14. My wife owns four retail stores. We are businesspeople. We understand what it takes to go to the bank and try to scratch a loan from them to build a business, expand a business. We understand when a banker says no, so we have to go raise capital from other folks to try to make our dreams come true.

There are a lot of people who come to this floor on the other side who talk a lot about business who have never been in it, who have never had to make a payroll. They have worked their way through another means of income. So it is frustrating to me when I hear people who have never been in it come out on this floor and talk about the business world.

Let me give some data points. I will probably do this more often than I should over the next several months because the American people have heard the story from the other side over and over.

I was no big fan of the auto bailout—a lot of us weren't—but 10 days ago, a little blip in the news: GM had the

largest initial public offering in stock market history. The first day they estimated that about \$17 billion would be subscribed to it. Then it was \$20 billion. The latest news is \$23 billion. The American people put their money on the table and bet on GM: \$23 billion. Unbelievable. Actually, what truly shocked me was when I grabbed—and I get it every day, I read it, and I think there are incredible news stories. It is not a liberal newspaper—the Wall Street Journal. It has very conservative views on a lot of things. But their headline: "GM Stock Sale in High Gear. Government-backed carmakers on pace to score one of the largest U.S. IPOs ever."

The government owned 61 percent then. With this IPO, it is now down to about 26 percent. It clearly shows, even though it was controversial and still is controversial, even though no one wants to talk about it, that investment to save an American company in order for it to sustain American jobs in this country is succeeding. It is not because I am saying it. It is not because the Presiding Officer might say it or the other side now wants to take some credit, which is amazing—I love some of the quotes I read.

When this first was kicked around, they called it socialism, the world was collapsing, the sky was falling. Now you read the quotes from some of the folks on the other side and they say: Well, with our help, we made it a better deal. They didn't vote for anything to make it a better deal. That is just a fact. The fact is, we took the risk to make an American company survive. That is what we did on this side of the aisle. Today, that company is more profitable than ever before.

When you look at the data, the private sector is successful and the American people are investing in that company. That is the true test of the work we did—even though it was controversial—what the outcome was.

As I sit here in the last couple of days, I am going to read a couple more data points. Again, it is not me saying this or writing these issues; it is the private sector that is identifying where we are going in this economy. Later this week, we will get a report—on Friday. I heard today in some of the comments that we should let the private sector do as much as it can. I 100 percent agree. I come from the private sector. Many on the other side talk about it, but they have never been there. The private sector added 93,000 jobs last month.

When you look at another one, the number I like to look at is consumer confidence. When consumers are more confident about the economy, they will spend more money, drive our economy, and invest in their country.

Interestingly, "Consumer, Manufacturing Reports Beat Forecasts." That came out yesterday. Again, it is an-

other indicator that the economy is moving in the right direction. It is still rough and fragile, and the policies are controversial, yes, but we took the risk and bet on the American people. That is what the Democrats did. We said that we believe in America, our ingenuity, innovation, and the capacity to pull us out of this recession. We are going to help them with some tools. They are making it happen.

I can tell you this from my wife being in the retail business. Black Friday—the Friday after Thanksgiving—is what retailers focus on when moving into the fourth quarter. Is it going to be successful? If you look at all the reports compared to a year ago, retailers have strong momentum coming out of Black Friday. Everyone did very well. That is another good indication.

As a matter of fact, one encouraging sign—and this is out of another business document. CNBC did this. It comes from the NPD Group, figuring out where consumers are after Black Friday and other shopping days. Shoppers are starting to buy items for themselves. In addition to gifts for others, about 35 percent of shoppers told NPD on Black Friday that they also made purchases for themselves. If shoppers are starting to splurge on themselves, that is an important development. It can push the holiday season past the forecasts.

I am not making this up. This is what is happening because, again, this side of the aisle said: We are going to bet on the American people. We are going to bet that the work we did in early 2009, trying everything possible to jump-start this economy, is going to have a payoff down the road because we are going to focus on the private sector, helping them get the tools they need, just as we did before the August break in passing the small business incentive program and tax incentives and loan capacity. We only received two votes from the other side for that. So be it. We go the road alone. The net result for the last 2 years is that—I have been here for 2 years, and the occupant of the chair has been on the other side for a decade or so. But we came here to get work done. It may be controversial at times. Leadership is not easy. It is not just saying we are going to do that because everybody loves it. Sometimes the tough decisions are the ones the public has the hardest time with in the worst situations—the recession. We made some decisions—again not perfect—but the results are slowly and surely coming true.

The economy is moving in the right direction. Every time I hear from the other side that the private sector needs to do more—absolutely. As a matter of fact, the largest companies have more cash in their bank accounts today than they have had in decades because they have done well in the last few years in preparing for the new growth that is occurring right now in our economy.

I didn't plan to come down here. I was getting prepared for a Commerce Committee hearing. The occupant of the chair and I are both on that committee. Anybody who suggests we are not focused on this economy or on job creation or figuring out how to make sure the middle-class taxpayers of this country get a fair shake and make sure they have a tax break coming forward and continuing forward—those who say we are not focused on that are mistaken. I learned this when I was a mayor: We can do more than one thing at a time.

The reason I came down to talk is that nobody was talking. It is a dead zone. That is what happens. When they come down here and say: Gee, I wish we would be working on this or that—well, quit filibustering and doing the 30-hour delays and get on with the work. We are multitasking. The American people have asked us to work on jobs, the economy, taxes, and the budget. We are 100 people, and we can do this. Anybody who sits around and thinks we are not focused on the economy—as someone who lived in the private sector, comes from it, who deals with small businesspeople every single day, I understand exactly what they are feeling. So those who have never experienced that should experience it once and understand that every day is an opportunity.

I am going to continue to come down here and talk about the positive news, the opportunities that are occurring from the work we have done in the last 2 years. The other side may complain or argue over was it right or wrong. The proof will be in the pudding in the fact that other people—not politicians jawboning about it—in the private sector are telling us. We have had some good news over the last several months.

The last point I will leave on is another bit of good news. It was small business again. They do an indicator and try to determine the confidence level of a small businessperson. That is important because the small business community is the largest driver of new employment now and in the future. So you want to make sure their confidence level is high. Well, in the last 5 months, it has increased every single month. I believe it is because of actions we have done here to give them faith that we believe in them, in the American people, and we believe the ability to move this economy forward is ahead of us, and we are doing it today.

Again, I will continue to come down here with data points and articles—not out of liberal magazines or publications. I heard earlier today about some liberal agenda. I don't know what that is about. I know what the American agenda is. I know what Alaska's agenda is. That is what I am here to do. If we just get off of these partisan kinds of activities and focus on what is right,

we can get a lot done around this place. So I will continue to come down here and talk about the positive aspects of what is going on in the economy. Believe in the future and have an attitude of being positive about what we can do, and it is amazing what this country and this economy can do.

Mr. President, I appreciate the time I have had to discuss this issue. I warned my staff as I left—I said: Turn on the TV. I didn't tell them why I was coming here. They will ask me when I get back what I was doing. I will come down and talk about the positive aspects of this economy and will no longer listen to the other side naysay with negative attitudes. We have an economy that is improving—fragile but improving in the right direction because we on this side bet on the American people. I believe we bet right.

I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HATCH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. MANCHIN.) Without objection, it is so ordered.

TAX INCREASES

Mr. HATCH. Mr. President, we are a few hours into the month of December, 2010. Normally, the month of December means holiday times for most American families. For Jewish Americans, Hanukkah starts at sundown. As anyone who visits a department store knows, Santa Claus is already as much a fixture as the shelves and lights. The congressional Christmas tree will be lit in a few days.

This should be a happy time for families. But the festive mood is dampened by the high unemployment and the slow economic growth rate in this country.

Too many businesses are struggling. Too many investors are holding back their capital. Too many workers are idled. And here in Washington, we hear too much talk and take too little action to effectively address these problems.

For almost 4 years, our friends on the other side have failed to take action on the tax increase that will soon hit virtually every income taxpaying American.

There is bipartisan resolution staring us all in the face. It is the only bipartisan compromise. I am talking about a seamless extension of current bipartisan tax policy that was enacted in 2001 and 2003. How is it the only bipartisan compromise on the table?

Look no further than the statements of members themselves. I am aware of no Republican in the House or Senate

favoring less than a full prevention of the widespread tax hikes set to kick in in 31 short days.

Democrats are split. That is why we have seen no action for almost 4 years. It seems they may be split three ways.

I have heard rumors that many Democrats in both bodies would privately prefer current law; that is, they would prefer to leave the law as it is and let the tax hikes kick in. But that is a privately held sentiment. The politics of advocating a tax increase on virtually every American income taxpayer are not, shall we say, compelling. This is the first group.

The second group is aligned with President Obama's budget. That position would guarantee a marginal tax rate hike on all small business owners with incomes above \$200,000 if single or \$250,000 if married. That's the second group.

A significant number of Democratic House and Senate Members have signaled that a short-term seamless extension of all current law tax relief is their preferred course. That is the third group.

There might be a fourth group who think that we ought to raise that \$200,000 to \$500,000, and that \$250,000 to \$1 million. But that still hits small business right in the face at a time when we need to create jobs. We Republicans understand that. I cannot understand why my Democratic friends do not seem to understand that. The Presiding Officer understands that.

Republicans generally support a permanent tax freeze. That position is embodied in Leader MCCONNELL's bill. I am pleased to be a cosponsor of that bill. But we Republicans know that, as good as that policy is, we will not likely find at least 18 Democrats to join us. We likely will not get 60 votes for it now. We would make it permanent if we could.

The wisdom of the bipartisan compromise is that it keeps intact the political glue that made the bipartisan tax relief possible in the first place.

Republicans supported the original plan because of the mix of two key tax relief policies. The first policy was tax relief for America's families. The second policy was tax relief designed to spur economic growth.

The fact that we are divided now is due to the Democratic leadership's insistence that the growth incentives part of the compromise be broken off. They want to break it off, using language like "decoupling," and discard the pro-growth policy.

That is the essence of the difference. Democrats are split, but the Democratic leadership is united on the point of breaking off the pro-growth piece of the policy.

In an effort to avoid the obvious compromise, two members of the Senate Democratic leadership have put forward a new proposal. The proposal

would apply the pending rate hikes to single taxpayers at \$500,000 of income and married couples at \$1 million of income. This latest partisan proposal is said to be necessary for fiscal reasons. Finance Committee Republican staff, using data from the non-partisan Joint Committee on Taxation, conducted a preliminary analysis of this proposal. They concluded that less than half the revenue sought by the Democratic leadership would be raised by this proposal. That tells me the reason behind this new proposal may be ideological.

Now, some may ask why Republicans do not give in and agree to hike taxes on those earning over \$500,000 or \$1 million. Certainly, it puts a fine point on the usual political game of class warfare.

To those of us on this side of the aisle, the sting of the proposal's political shot is far outweighed by its economic harm. Why is it so important?

Let me turn to two broad principles where Democrats and Republicans generally agree. The first principle is that a healthy growing economy is a very good antidote to our fiscal ailments. The second principle is that small business will be the source of new jobs. Do not think you'll find much daylight between Republicans and Democrats on these principles.

Now, let's consider the merits of this so-called "millionaire" tax in light of these bipartisan principles.

Fiscal history shows, without question that revenues will grow and temporary social safety net entitlement spending will drop if the economy grows. I have a chart that shows this history. If you follow this chart, you will see revenue is very sensitive to the changes in growth. Revenue is red, GDP is green. Growth goes up. Revenue goes up. Growth goes down. Revenue goes down.

It is well established that capital is the lifeblood of business. According to Answers.Com and I quote:

CAPITAL is the life by which the body [of business] operates. A business without finance is like a body in coma. No matter how great the environment is, the entity is considered dead. It is the blood that keeps men alive. Drain the blood and watch life end for even the strongest and most privileged human that exists.

No one disputes the notion that taxpayers with incomes above \$500,000 for singles and \$1 million for married couples are a small fraction of the tax-paying population. But they account for a lot of capital gain income.

A proposal to raise the marginal rate on capital gain income by 33 percent on this group may seem like it would have minimal impact on the pool of capital income. Internal Revenue Service data indicate the contrary is true. The latest data from IRS Statistics of Income division are revealing.

According to SOL, taxpayers at \$1 million and over accounted for 56½ percent of the net long-term capital

gain income for 2008. This figure reached close to 70 percent the year before. Keep in mind that statistic understates the impact. The reason is that the capital gain income for single taxpayers with income between \$500,000 and \$1 million is not counted.

The proposed so-called millionaire's tax would pile up rates on this large pool of capital income. I have a chart that illustrates the impact. The chart shows the current tax rate for this group of taxpayers rising to almost 24 percent in a little over two years. That means an almost 60 percent higher tax take on earnings from capital from current law.

If capital is the lifeblood of business, does it make sense to make the investment of it dramatically less attractive? Considering the current slow growth, jobless recovery, should we put in place policy that drives down the after-tax rate of return on capital?

I have talked only about the hike on capital income since flow-through small business income would be adversely affected by the tax hikes on ordinary income. You can see I am concerned. Look what that means. It is true that these small business owners would be earning over \$500,000 if single and over \$1 million if married. They represent a significant portion of the ownership of small businesses that will create new jobs. According to the non-partisan Joint Committee on Taxation, the President's tax hikes would hit half of flow-through small business income. I do not have the same calculation for this revised proposal. But do we have the margin for error? In this rough patch of our economic history, shouldn't the policy bias be towards business expansion? Why should we send the opposite signal? In this economic climate, what justifies a higher marginal rate of 17 percent on the most successful of our small businesses? Why hit the small businesses most likely to expand and hire people and give them jobs?

The way is clear. To my friends in the Democratic leadership, and they are my friends, I dare say, everybody in this body is a friend of mine. There are good people here. Why are we not working in a bipartisan way to solve these proposals? I say throw down the partisan weapons. Don't sharpen them with a more partisan, edgy proposal, like the so-called "millionaire's tax." On our side, we would like to keep the current low tax rates in effect. We want them to be permanent. We, however, recognize that the legislative calendar of this session is about to end. We are ready to take a short-term time out with a seamless short-term extension of current tax relief. I ask our friends on the other side to do the same.

Now, it is no secret that 42 all 42 Republicans have said we should go to work on these problems right now and

quit playing games around here. And we are unwilling to let anything else go forward until we solve these problems. These problems are the problems of extending the current tax relief for everybody.

We would like it to be permanent. Most of the Democrats would not like it to be permanent. There has to be a way of bringing us together. We are not going to agree, it seems to me. We are not going to be free to go to what our friends on the other side want to do and increase taxes at this time in the economic history of this country.

All 42 Republicans have signed a letter making it clear we will not get cloture on anything until we resolve these problems. Then let's go to work after that. If the leadership does want to keep playing around in December, in the holiday season, let's at least go to work on other problems. I can think of a lot of other problems. For instance, the so-called SGR doc fix. The Democrats have taken \$500 billion out of Medicare. If they took \$282 billion of that, that solves the doc fix. We don't have to worry about it every year as we do right now. That money is there. What about the death tax? If we don't solve the death tax, it dramatically goes up. Who does it hurt? Small businesspeople, farmers, and others who don't have all the lawyers in the world to help them evade those taxes.

What about the alternative minimum tax? That was a tax that was supposed to affect 155 multimillionaires who didn't pay taxes that year. Today it will affect 23 to 26 million people, many in the middle class. Democrats always talk like they want to get rid of it, but they love it because it means more revenue for them to spend. Why don't we get rid of it? Even if we don't have an offset, I prefer to get rid of it because it goes up every year. We have to patch it every year, it costs billions of dollars, where if we do it once, it is a one-hit thing that at least we know where we are and we can work the deficit down from there.

What about the research and development tax credit? Virtually everybody in this body knows how important that is to our high-tech industry, which in some ways is not competitive because we always foul it up. It has now been absent for a year because even though the Democrats have had abject control of this body and could have done anything they wanted to do to preserve it and protect it, they haven't done a dog-gone thing. As somebody who works on intellectual property issues day in and day out and has done so for 34 years in the Senate and has done so in a bipartisan way—and I don't think anybody on the other side can say I haven't worked with them in these areas; Senator LEAHY and I worked together very closely on these issues—why aren't we making it possible for our high-tech world to create jobs by being more

competitive, by giving them what we all basically agree they should have and do it permanently; that is, the research and development tax credit.

These are just a few things I think we ought to be able to get together on in a bipartisan way and accomplish at the end of this year.

If I was the President—and I am not, but if I was, and it is nice to speculate every once in a while, especially on the floor of the Senate, when we see all these problems—I would be banging on Democrats and Republicans to resolve these problems I have been discussing today. The President would have all December. He would have all January, virtually, since we don't get geared up and going very much until February. He would have most of February, and he might even have most of March almost all to himself and to his organization in the White House. I can't understand, for the life of me, why the President isn't weighing in to get this problem solved now as well as the problems I have been talking about. It is to his advantage. Instead, we will play these phony political games right up to Christmas Day. We have done that before. I can live with that. I can work on Christmas Day, as far as I am concerned. But it is ridiculous what is going on around here. It is ridiculous. Here we have 3 or 4 days gone, where hardly anything is going to be done, where we could resolve these problems.

We have this group together. It is a good group with good representatives from the House and Senate and, of course, the Treasury Secretary and the Director of OMB. I have high hopes they will wise up and come to a conclusion that this is what we have to do and do it as quickly as we can, in the best interests of the country, so there is some certainty for our business community to create jobs and our banks to start loaning again and for others to get involved in the economy. This is to the advantage of the President. I don't understand why he is not beating on the guys on the other side and over there in the House to wake up and do what is right. Then let's get this over with and get this country back on track again.

Republicans are dedicated to try to resolve the problem. We will not get pushed around on this. Frankly, we want to solve it with our friends on the other side. I just hope we can.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Ms. STABENOW. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT REQUEST— S. 3981

Ms. STABENOW. Mr. President, as we come to the end of the year and the end of the session, I want to talk about what is happening for the American people, for small businesses, what is happening in terms of the Senate, and what is at stake as we come to the end of the year for American families, folks who are struggling every day, people trying to keep in the middle class, get into the middle class, a small business trying to keep its head above water, as well as our manufacturers, and so on.

It is extremely concerning to me that colleagues on the other side of the aisle—and they have shown it again today in a letter that was written to the leader—are willing to risk everything in order to get a bonus round of tax cuts for millionaires and billionaires. They are literally willing to stop everything, risk everything in the economy, in order to get an extra tax cut.

The reason I say “extra” or “bonus” is because we have in front of us an agreement that 97 percent of the public who earn less than \$250,000 a year for their family should be continuing to receive tax cuts permanently. Everyone who has income up to \$250,000, whether their real income is \$1 billion or not, they get a tax cut up to \$250,000 of their income. So the question we will be answering this month is whether millionaires and billionaires get a bonus, get an extra tax cut on top of that.

Here, as shown on this chart, is what the Republicans are willing to put at risk. I say to the Presiding Officer, who heard it as well as I did throughout the year, talking about the deficit, how we needed to stop the exploding deficit, that we need to bring deficits down, in order to get a bonus tax cut for millionaires and billionaires, they are willing to risk the Federal deficit, balloon it another \$700 billion—not paid for.

Now they are saying we ought to pay for unemployment benefits for somebody who lost their job in this economy through no fault of their own. But \$700 billion? The average tax cut is \$100,000 for somebody earning \$1 million. Mr. President, \$100,000 is more than the average person in Michigan makes. My guess is, in West Virginia it is the same.

So in order to keep \$100,000 a year going in a bonus tax cut for people earning \$1 million, they are willing to risk the Federal deficit exploding. They are willing to risk jobs because we have seen a policy in the last 10 years of basically giving tax cuts to folks at the top and everybody else waiting for them to trickle down. My folks are tired. I think colleagues on the other side of the aisle just think we have not waited long enough for this to trickle down to everybody else. But the

reality is that policy they want to continue, that explodes deficits, gives a bonus tax cut for people at the top, has not created jobs.

In fact, my question is, after 10 years of tax cuts for the wealthy, where are the jobs? My State has lost over 800,000 jobs during the period of this bonus tax cut policy for millionaires and billionaires. If it had worked, if we had created 800,000 jobs in Michigan rather than losing 800,000 jobs, I would be on the floor of the Senate fighting to continue this policy.

This is not partisanship. This is about common sense and what works. We have had a policy in place that has not worked, so why would we continue it? They say we have to continue this because we are in a recession.

This is part of the reason we are in a recession in terms of the fact that it did not invest in the right way. If we want to take those dollars and put them back into clean energy manufacturing and focus on making things in America, if we want to put it into what that we know is actually going to focus on jobs, good-paying, middle-class jobs, I am all for it. But \$700 billion of a policy that has not worked for 10 years makes no sense.

So that is my question. Where are the jobs? Show me the jobs, and I will be the first person on the Senate floor voting yes to continue it. But they are willing to risk the deficit. They are willing to risk jobs. They are willing now, in the letter they have sent to the leader today, to risk tax cuts for middle-class families and small businesses by saying: Do you know what. We are not going to do anything else until we continue the tax cuts for everybody in this country, including millionaires and billionaires.

They are not willing to work with us to make sure middle-class families, who are the folks who need to have money back in their pockets, and small businesses, that need that money back in their pockets, get permanent help. Then we can work on the rest of it where people disagree.

We are going to hear a lot about small business. And I find it quite surprising that colleagues have filibustered in the last 2 years 16 different tax cuts for small business—a small business jobs bill to make capital available for small business so they can keep their heads above water, refinance, grow their business. Personally, I am not going to be lectured by people who voted against 16 different tax cuts in the last 2 years for small businesses, who are now using small businesses to hide behind—the folks who are hiding behind small businesses that they are holding up as the ones for whom they are fighting.

We are happy on our side. We take a back seat to no one on fighting for small business. I thank our Chair, MARY LANDRIEU, who was on the Senate floor over and over from the Small

Business Committee and a wonderful group of colleagues who fought and fought to make sure we put forward a bill—it took way too long because of foot dragging, everybody trying to throw sand in the gears, but we finally got it passed, a tremendous amount of effort to increase capital and to add eight tax cuts in the small business jobs bill, on which only two Republican colleagues had the courage to step across the aisle and join us. We are very grateful they were willing to do that.

But the Senate Republican caucus is willing to put all of that in jeopardy, hold hostage tax cuts needed by people—working people, middle-class families, small businesses—if they cannot get a bonus tax cut for millionaires and billionaires.

They are also willing, frankly, to jeopardize Social Security and Medicare. We have a debt commission coming up with proposals that are very concerning. There are tough decisions about Social Security and Medicare going forward because we have a deficit. They are saying: Oh well, wait a minute. First, you have to increase the deficit by \$700 billion in order to give millionaires and billionaires a tax cut. No, we don't care. We don't care if that impacts Social Security and Medicare and tough decisions that have to be made for seniors who live on Social Security and Medicare.

The most important thing—and we have heard this over and over—is we don't care if it is paid for, it doesn't matter if it is paid for or if anything else gets done for national security. We are not going to take up the START treaty. We don't care about our relationship with Russia. We don't care about national security issues. We want a tax cut for our friends, the millionaires and billionaires, adding \$700 billion to the debt. They are willing to risk it all, stop the tax cuts for middle-class families and small businesses, in order to get that bonus tax cut.

Finally—and most insulting to me of all—is they can stand and say we will not support helping people who are out of work in an economy that is way beyond normal, where there are five people looking for every one job. In my State, you are talking about folks who have never been out of work before in their life and they are mortified and they are doing everything they can to hold it together. They are trying desperately to keep their heads above water, while their houses are underwater, and they may not have been able to have their kids continue in college this year. Folks are trying to make it, and they are saying we didn't create this economy, create the crisis on Wall Street or create all the rest of this. They have done nothing but play by the rules their whole lives, and now they are in a situation where they can't find a job.

I have talked to a lot of folks, 50, 55, 60 years old, who worked all their lives. We are coming up to the holidays now. All they want to do is what we have always done as a country in the case of high unemployment; that is, allow them to receive unemployment benefits to get them through a tough time temporarily, while we should be focusing on jobs because people want to work. People don't want to get \$200 or \$300 in unemployment benefits. They want to work. They want the dignity of work. Americans know how to work and they want to work. They are looking to us to create a climate of certainty in the marketplace, working with businesses so they can get a job.

But here we have a situation where the Republicans in the House turned down unemployment benefits yesterday. Senator JACK REED came to the floor to ask unanimous consent—which I will ask again—to be able to extend unemployment benefits, just the regular system. I also believe we need to add additionally for people who have run out of their benefits, the “ninety-niners.” We need to help them as well. This is just to keep the regular system going, so somebody who loses their job today or is beginning to lose their job is treated as fairly as the person who lost their job on Monday. Right now, the system is up in the air.

We hear on the other side: My goodness. We can't possibly extend unemployment benefits without “paying for it” and cutting someplace else. It is, for a year, about \$50 billion. That is a lot of money; I am not saying it is not. But how about we help pay for it by not giving a bonus tax cut to millionaires in this country—\$700 billion—and colleagues on the other side of the aisle do not believe that should be paid for. Somehow tax cuts for millionaires and billionaires have different rules than a little bit of help for somebody who lost their job, through no fault of their own, and is trying to keep their family together and a roof over their heads in these times.

That is a heck of a choice in terms of values. I am amazed. But what we have, as we come to the end of the year, is a situation where colleagues on the other side of the aisle have indicated they are going to continue to block everything. Well, the filibuster is not new. It has been done every day on this floor for the last 2 years. Now they are saying that in addition to extending—obviously, getting the budget done, and we all agree with that. But if we don't extend the tax cuts for everybody—meaning millionaires and billionaires—then they are going to filibuster everything else, including unemployment benefits.

Let me say, in closing, that we are in a situation where right now, today, we could give 97 percent of the public certainty going forward about tax cuts, small businesses, middle-class families,

by simply joining on a proposal to protect and extend permanently middle-class tax cuts and those for the vast majority of small businesses. We certainly can come together in a way that does more for small business. This is the side that voted 16 times for tax cuts for small businesses. But we believe it is economically and morally wrong to allow an average \$100,000 in additional tax relief for a millionaire next year, while somebody who worked all their life and lost their job, through no fault of their own cannot keep a roof over their head this year. It is absolutely not right.

By the way, let me just reiterate—because we are going to hear a lot about small businesses—this is not about small businesses. We are willing to come together, as we always have, for small businesses. This is about a few people, and not even everyone in that category is asking for a tax cut, by the way. A lot of these folks understand we have the biggest deficit in the history of the country. They are blessed through their circumstances to be very well off, and many are saying: I want to do my part and I am willing to do my part. Ask me to do my part and I will. They are not asking to hurt people who are out of work in order for them to get another tax cut.

Unfortunately, on the other side of the aisle, our colleagues are willing to risk everything—the deficit, jobs, Social Security, Medicare, tax cuts for the middle class and small businesses, and help for people who are out of work in order to give a bonus tax cut for a privileged few people. That is not what we are about. That is not what we are about or what we are going to fight for.

At this point, because it is absolutely critical that we understand what families are going through now in this holiday season and that someone who is losing a job today should be treated as fairly as somebody who lost their job 2 days ago, I ask unanimous consent that the Finance Committee be discharged of S. 3981, a bill to provide for temporary extension of unemployment insurance provisions; that the Senate then proceed to its immediate consideration; that the bill be read the third time and passed and the motion to reconsider be laid upon the table; that any statements relating thereto be printed in the RECORD.

The PRESIDING OFFICER. Is there objection?

Mr. BARRASSO. Mr. President, reserving the right to object, and I will object, I understand Senator BROWN of Massachusetts objected to this request yesterday and offered a fully offset alternative. Therefore, on his behalf, I do object and ask unanimous consent that his proposal be printed in the RECORD.

The PRESIDING OFFICER. Objection is heard to the unanimous-consent request offered by Senator STABENOW.

Is there objection to the request of the Senator from Wyoming?

Ms. STABENOW. Mr. President, reserving the right to object, and I will not object, I simply want to say it is a sad day for millions of families in this country. This is a message we should all be embarrassed to have sent; that millionaires and billionaires should be the ones who are being fought for on the floor of the Senate and that millions of people who are out of work don't count. I regret that.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

(Purpose: To provide for a substitute)

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Emergency Unemployment Benefits Extension Act of 2010".

SEC. 2. EXTENSION OF UNEMPLOYMENT INSURANCE PROVISIONS.

(a) IN GENERAL.—(1) Section 4007 of the Supplemental Appropriations Act, 2008 (Public Law 110-252; 26 U.S.C. 3304 note) is amended—

(A) by striking "November 30, 2010" each place it appears and inserting "January 3, 2012";

(B) in the heading for subsection (b)(2), by striking "NOVEMBER 30, 2010" and inserting "JANUARY 3, 2012"; and

(C) in subsection (b)(3), by striking "April 30, 2011" and inserting "June 9, 2012".

(2) Section 2005 of the Assistance for Unemployed Workers and Struggling Families Act, as contained in Public Law 111-5 (26 U.S.C. 3304 note; 123 Stat. 444), is amended—

(A) by striking "December 1, 2010" each place it appears and inserting "January 4, 2012"; and

(B) in subsection (c), by striking "May 1, 2011" and inserting "June 11, 2012".

(3) Section 5 of the Unemployment Compensation Extension Act of 2008 (Public Law 110-449; 26 U.S.C. 3304 note) is amended by striking "April 30, 2011" and inserting "June 10, 2012".

(b) FUNDING.—Section 4004(e)(1) of the Supplemental Appropriations Act, 2008 (Public Law 110-252; 26 U.S.C. 3304 note) is amended—

(1) in subparagraph (E), by striking "and" at the end; and

(2) by inserting after subparagraph (F) the following:

"(G) the amendments made by section 2(a)(1) of the Emergency Unemployment Benefits Extension Act of 2010; and".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the enactment of the Unemployment Compensation Extension Act of 2010 (Public Law 111-205).

SEC. 3. TEMPORARY MODIFICATION OF INDICATORS UNDER THE EXTENDED BENEFIT PROGRAM.

(a) INDICATOR.—Section 203(d) of the Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note) is amended, in the flush matter following paragraph (2), by inserting after the first sentence the following sentence: "Effective with respect to compensation for weeks of unemployment beginning after the date of enactment of the Emergency Unemployment Benefits Extension Act of 2010 (or, if later, the date established pursuant to State law), and ending on or before December 31, 2011, the State may by law provide that the determination of whether there has been a state 'on' or 'off' indicator beginning or ending

any extended benefit period shall be made under this subsection as if the word 'two' were 'three' in subparagraph (1)(A)."

(b) ALTERNATIVE TRIGGER.—Section 203(f) of the Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note) is amended—

(1) by redesignating paragraph (2) as paragraph (3); and

(2) by inserting after paragraph (1) the following new paragraph:

"(2) Effective with respect to compensation for weeks of unemployment beginning after the date of enactment of the Emergency Unemployment Benefits Extension Act of 2010 (or, if later, the date established pursuant to State law), and ending on or before December 31, 2011, the State may by law provide that the determination of whether there has been a state 'on' or 'off' indicator beginning or ending any extended benefit period shall be made under this subsection as if the word 'either' were 'any', the word 'both' were 'all', and the figure '2' were '3' in clause (1)(A)(ii)."

SEC. 4. RESCISSION OF UNSPENT FEDERAL FUNDS TO OFFSET LOSS IN REVENUES.

(a) IN GENERAL.—Notwithstanding any other provision of law, of all available unobligated funds, \$95,000,000,000 in appropriated discretionary funds are hereby rescinded.

(b) IMPLEMENTATION.—The Director of the Office of Management and Budget shall determine and identify from which appropriation accounts the rescission under subsection (a) shall apply and the amount of such rescission that shall apply to each such account. Not later than 60 days after the date of the enactment of this Act, the Director of the Office of Management and Budget shall submit a report to the Secretary of the Treasury and Congress of the accounts and amounts determined and identified for rescission under the preceding sentence.

(c) EXCEPTION.—This section shall not apply to the unobligated funds of the Department of Defense or the Department of Veterans Affairs.

SEC. 5. BUDGETARY PROVISIONS.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled "Budgetary Effects of PAYGO Legislation" for this Act, jointly submitted for printing in the Congressional Record by the Chairmen of the House and Senate Budget Committees, provided that such statement has been submitted prior to the vote on passage in the House acting first on this conference report or amendment between the Houses.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. BARRASSO. Mr. President, welcome to the Senate. It is a pleasure to have the Senator from West Virginia joining this body. I will tell the Senator that ever since the health care law has been passed, I come to the floor every week as a physician, as someone who has practiced medicine for a quarter of a century, taking care of families across the State of Wyoming, to give a doctor's second opinion about the health care law. I bring that each week, bringing a different story of someone who has not been helped by the health care law, someone who has been hurt by it, an identifiable victim of the health care law.

I heard it at home over Thanksgiving from doctors, nurses, as well as patients. I believe this law is going to be bad for patients, for providers, the nurses and doctors who take care of them, as well as for taxpayers. It has been no surprise to me that Americans want and expect repeal of this health care law.

The most recent Rasmussen poll showed that Americans support repeal of ObamaCare by a margin of 21 percent; 58 percent are for repeal and 37 percent are not. Independent voters support repeal by 24 percentage points, 59 to 35 percent.

So I continue to come to the floor to bring out to our colleagues the concerns I have about the health care law and the concerns I hear at home from patients and from providers and from taxpayers.

I wish to mention that recently the Secretary of Health and Human Services, Kathleen Sebelius, sent a letter to members of the medical school class of 2014. These would be the incoming medical students, first year medical students in your State and mine. In the letter that goes to about 15,000 or 16,000 first-year medical students, she talks about this health care law and about how she believes it will be good for them as medical students and good for their patients.

One of the things she talks about in the letter, interestingly enough, is she said that many of you and your siblings are undoubtedly under the age of 26, as many first-year medical students are. She then raises the issue that says you will now be able to stay on your family's insurance policies until you are 26.

As you know, this was one of the selling points behind this health care law, that young people would be able to stay on their insurance policies until the age of 26. The Secretary points that out to all incoming medical students. I think it came as quite a surprise—it did to me, and I think it should have to these medical students and others—to read a story on November 20 in the Wall Street Journal that talks about—the headline is: "Union Drops Health Coverage for Workers' Children."

The idea was that children were supposed to be covered under this health care law. I will start by reading this:

One of the largest union-administered health insurance funds in New York is dropping coverage for the children of more than 30,000 low-wage home attendants, union officials say.

This is the Service Employees International Union. They are dropping coverage for about 6,000 children. The President has said no children will be dropped. The Secretary said no children will be dropped. Yet a union, which has encouraged, through its lobbying efforts, support of the health care law is now dropping 6,000 children. Why are they doing it? It says the

health care reform legislation requires plans with dependent coverage to expand the coverage up to age 26. What they say is:

Our limited resources are already stretched as far as possible, and meeting this new requirement would be financially impossible.

During the entire debate on the health care law, people said that many of these rules and regulations and requirements are going to be financially demanding. Yet this body, before the occupant of the chair arrived, crammed this law down the throats of the American people—the American people who don't want it or like it and have asked that it be repealed and replaced. Now even one of the unions that lobbied for it is saying: We are actually going to drop 6,000 children who had previously been covered because of the legislation, and they say it would be financially impossible to comply with.

So, Mr. President, I looked at the Secretary's letter, I looked at this response, and TOM COBURN, another physician in the Senate, and I had a lot of concerns about the letter the Secretary sent to the medical students of this country. So we also sent a letter, an open letter, to America's medical students in the first year of their medical school.

What we wanted to do was to first congratulate these young men and women on dedicating their time, their talent, and their skill in the service to others. We talked about the importance as physicians and as medical students of truly listening to their patients because one of the basic tenets of medicine is nothing should come between a doctor and his or her patients. It is important for them to be able to have the time to listen, to focus, and to spend time and not allow anyone or anything to come between the doctor and the patient. Yet here in the Senate we passed a health care law that puts Washington and faceless bureaucrats between the doctor and the patient. We talked about the significant change in the doctor-patient relationship in this letter Senator COBURN and I sent to medical students and our concerns that Washington is now going to have more power to determine the care these medical students and future doctors are going to be able to deliver to their patients. We talked about the 150 new government regulating bodies coming out as a result of this 2,700-page bill and that they are going to intrude upon the doctor-patient relationship. We talked about our concerns about what is called cookbook medicine—follow these rules—because of the new authorities that have been provided by these 150 new bodies that have been created by the law and that decisions will be made based on cost rather than on what may be best for the individual patients.

The President continues to talk about providing coverage for more peo-

ple. Well, there is a lot of difference between coverage and care, and that is why, when a leader in Saudi Arabia had a recent health problem within the last 2 weeks, he chose to come to the United States—because it is the best care in the world. The World Health Organization may have someone else listed at No. 1, but the ruler from Saudi Arabia decided to come to the United States. He didn't go to Cuba or England or Canada; he came here for our care. We want the young men and women who are in medicine, who are going into medicine and training in medicine to be able to provide that kind of care. And we want the American people to be able to continue to receive that kind of care. Unfortunately, in this body, political passion overtook good policy, and a law was passed that I think is not going to be good for patients or for providers or for those people paying the bill.

So that is what I hear every weekend at home in Wyoming. It may be what you hear as well. I know you have heard that in your home State. Yet the President of the United States sat for a wide-ranging interview with Barbara Walters on television the other evening, and when he described this health care law, he said he was extraordinarily proud of health care reform. What I consider a health spending bill he calls a lasting legacy which he said, "I am extraordinarily proud of."

That is one reason I was surprised to see the headline in the Washington Post, which actually, I believe, was the same day as the President's interview with Barbara Walters. In the Washington Post edition of Friday, November 26, the front-page headline reads "Doctors Say Medicare Cuts Forcing Them to Shift Away From Elderly." Medicare cuts are forcing them to shift away from the elderly. This is what we talked about during the debate on the floor of the Senate when that health care law was being debated, that they have taken \$500 billion away from Medicare—not to save Medicare, not to help our seniors, not to extend the life of Medicare, no, but to start a whole new government program.

That is why every week I come to the floor to offer a doctor's second opinion and share with all those in this Chamber and the American people why I believe, as a doctor who has practiced medicine for a long time, that this is a health care law that we need to repeal and replace—replace it with something that is good for patients, good for providers, and good for the taxpayers of this country.

With that, Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia.

JOBS, THE ECONOMY, AND HOUSING

Mr. ISAKSON. Mr. President, first of all, let me congratulate you on your victory and welcome you to the Senate. I know you will be a great addition to the Senate. I have already enjoyed serving with you on the HELP Committee this morning.

Mr. President, I rise for just a few minutes to talk about three issues—jobs, the economy, and housing—that I think all of us around the country will recognize are the three biggest problems thwarting our recovery. There are some realistic solutions that are out there that I think we could all come together on if we would just take the time to realize that working on disagreement rather than finding agreement is not serving the Senate very well right now.

One of the reasons we have had a slow job recovery is because of the uncertainty American businesses and American wage earners have in what their tax rates are going to be.

I ran a company. It started out as a small company, and it became a pretty good-sized company. This was the time of year—every December—when we had our managers' retreat, and we would plan what we would do the next year. We would do our budget, we would talk about new hires, new departments, and new ideas.

Right now, corporations and small businesses in this country that are sitting around their planning retreats and talking about next year do not know what their tax rates are going to be, they do not know what their regulatory environment is going to be. So they are doing what every business does: They are making conservative decisions. They are not risking capital. They are going to wait until their future tax lives and regulatory lives have some degree of certainty.

So one way to bring back jobs to America and bring them back quicker than anything else would be for this Senate and the House to come together and extend the existing tax rates for a predictable, foreseeable period of time so businesses know what the playing field is going to look like. The absence of certainty between now and the end of the year means that no one will make a decision to hire anybody until we first make a decision on what their taxes are going to be. If we decide they are going to go up, if we capitulate and let the current sunset take place, then American businesses, at a time of high unemployment and low productivity in terms of business activity, will see an increase in their tax rate and we will see a decrease in employment next year in the United States. I hope that doesn't happen. I hope we will find common ground and find a way to extend the existing tax rates.

Secondly, I wish to talk about housing for a second because it is an important part of jobs. I know there have

been two speeches on the floor this week talking about some stimulus to bring the housing market back. One stimulus that will bring it back is to make taxes certain because if taxes become certain, people know what the taxes will cost them and they make important big-purchase decisions. When they have uncertainty in what their income or their net is going to be, they do not make big-ticket purchases, whether it is an automobile or a house.

But there are other problems in housing as well. We need to fundamentally return to a marketplace that has some degree of liquidity in it for acquisition and purchases. Right now, except for the FHA and an occasional lender in terms of a jumbo lender to a big-ticket client, there is basically no mortgage money in the United States for an American home buyer. Because of mark to market being applied by the FDIC and the other cease-and-desist orders the banking institution and lenders are under, nobody is extending credit.

In my State of Georgia—in Atlanta, GA—in 2006 there were 63,000 housing permits. That was 2006, 4 years ago. This year, there were 5,300. That is a 90-percent reduction in new construction. Granted, we were in a hyper-economy in 2006 and, granted, overbuilding probably contributed to the decline of the economy later on, but a 90-percent reduction is unhealthy. If we continue to sustain that reduction, we will continue to sustain what is a difficult economic period now.

We need to be looking to the future. So my recommendations are, first, give us a platform of predictability by extending existing tax rates and not raising them in a recession. That is No. 1. Secondly, recognize there is no liquidity in mortgage money in the United States.

The longer we wait to address the question of what happens after Freddie and after Fannie, the longer the housing market will suffer. So I propose a solution for that problem in terms of housing finance. I don't think there is any question that Freddie and Fannie have to be wound down. They are in a conservatorship now. They have already cost us billions of dollars, and they will cost us billions more, which is why I worked hard to get them under the financial reregulation bill so we could peel back the layers of the onion and figure out what went wrong, but this body decided not to do that.

But whatever happens, we have to create a new entity, and whatever happens, it will have to look, in some ways, like Freddie and Fannie but in other ways remarkably different. But there has to be a solution. The long-term solution can't be a government-sponsored entity or an implied government guarantee. That is what imploded in terms of Freddie and Fannie. And the taxpayers of America don't want

you or me pledging their future full faith and credit behind a mortgage entity just to provide mortgage money. By the same token, they want us to be leaders, to find a way to get from where we are now, with no liquidity, to where we need to be, and that is with good liquidity.

Here is my suggestion: we create a new entity to replace Freddie and Fannie—an entity that ends up having a government-implied sponsorship or guarantee, but over a 10-year period of time, it declines 10 percent a year to zero. During that same 10-year period of time, on every mortgage loan made in the United States, a fee will be attached to it at closing—maybe it is 50 basis points or half a percent, whatever it might be—that goes into a sinking fund. That sinking fund is walled off, and it grows over 10 years. As it grows, the government guarantee declines—for example, a-100 percent guarantee in the first year of the fund, 90 percent in the second year, 80 in the third, going down to zero in 10 years. As that fund guarantee goes down, the fund builds up, so it becomes the backstop for another failure that may or may not happen in the future but one for which we have to plan.

This is not a new idea. There are not a lot of new ideas. In Great Britain, they have had Pool Re for years. That is the sinking fund they set up to handle catastrophic losses in terms of insurance. It has built up to be able to withstand the largest of catastrophic calls and has made their insurance system work very well.

We need to establish a way for the government to sponsor an entity that gets out of the guaranteeing business but gets into the building of liquidity business and becomes an entity that can supply mortgages in the United States because there is not one now and there will not be one in the future until we create an entity that gives a foundation for liquidity to come back to the housing market. So here we are, 30 days from the end of the year. We don't know what our taxes are going to be next year, and if we wanted to go buy a house, we wouldn't know where we would find the mortgage money.

This Senate can act and act quickly to make changes that see to it that jobs come back, and that is by extending the existing tax rates.

When we come back together next year, I look forward to working with my colleagues on the other side and my colleagues in the Senate to create a mortgage-sponsored entity that will work and begin to bring liquidity back to the housing market so that construction returns, jobs come back, and America recovers.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

JUDICIAL NOMINATIONS

Mr. LEAHY. Mr. President, 2 weeks ago, before the Thanksgiving Day recess, I urged Republicans and Democrats in the Senate to come together and take action to begin to end the vacancy crisis that is threatening our Federal courts. My call was not extreme nor radical nor partisan. I asked only that Senators follow the Golden Rule. Regrettably, that did not happen, and that is really too bad for the country.

There are now 38 judicial nominees being delayed who could be confirmed before we adjourn—38 judicial nominees who have had their hearings and whose qualifications are well established.

Two weeks ago, I asked the Republican leadership to treat President Obama's nominees as they would have those of a Republican President. I asked for nothing more than that we move forward together in the spirit that we teach our children from a young age by referring to a nearly universal rule of behavior that extends across most major religions and ethical behavior systems.

I urged adherence to the Golden Rule as a way to look forward and make progress. I had hoped that we could remember our shared values. That simple step would help us return to our Senate traditions and allow the Senate to better fulfill its responsibilities to the American people and the Federal judiciary.

Yesterday, I listened to my dear friend, the senior Senator from Connecticut, Mr. DODD. He gave a lesson similar to others I have heard from Senators over the years—it could have been said by Senators of either party—about why in the Senate we need to work together on certain shared issues. We have 300 million Americans, but only 100 of us have the privilege to serve in this body to represent all 300 million. Senators should certainly stand up for their political positions, but there are certain areas in which the American people expect us to come together. They certainly do not expect us to stall judicial nominations for the sake of stalling, especially nominations that have the strong support of both Republicans and Democrats and that come out of the Judiciary Committee unanimously.

Had we adhered to the Golden Rule, 16 of the judicial nominees being held hostage without a vote, who were each reported unanimously by all Republicans and Democrats on the Judiciary Committee, would have been confirmed before Thanksgiving. So too would an additional nominee supported by all but one of the committee's 19 members. They would be on the Federal bench and Federal judicial vacancies would have been reduced to less than 100. Instead, the across-the-board stalling of judicial nominations that I have been

trying to end has continued. We have noncontroversial nominations being delayed and obstructed for no good reason. There is no good reason to hold up consideration for weeks and months of nominees reported without opposition from the Judiciary Committee. I have been urging since last year that these consensus nominees be considered promptly and confirmed. If Senators would merely follow the Golden Rule, that would have happened.

As the Senate recessed, the Washington Post and the Charlotte Observer each criticized the stalling of noncontroversial judicial nominees in editorials published the weekend of November 19. The Washington Post entitled its editorial "Unconscionable Delays for President Obama's Court Picks" and recognized that "even nominees without a whiff of opposition are being blocked" and concluded "the hold-up of nominees who have garnered unanimous, bipartisan support is particularly offensive." The Charlotte Observer entitled its editorial "Senate Must End Games, Confirm Strong N.C. Judges" and called what is going on "infantile political gamesmanship" and "partisan high jinks" in its comments about the delays in considering Judge Albert Diaz and Judge Catherine Eagles. In an opinion column in *Politico*, a former judge appointed by a Democratic President and one appointed by a Republican joined together to call for the Senate to address the judicial vacancies crisis. They cited the use of "secret holds and filibusters to block the votes" and observed:

Fewer nominees have been confirmed during the Obama administration than at any time since President Richard Nixon was in office. These tactics are, as one senator noted, "delay for delay's sake." They are creating an unprecedented shortfall of judicial confirmations and, ultimately, a shortage of judges available to hear cases. For many Americans, this means justice is likely to be unnecessarily delayed—and often denied.

I will ask that copies of these pieces be printed in the RECORD at the end of my statement.

In addition to letters from the President of the United States, the Chief Judge of the United States Court of Appeals for the Ninth Circuit, the Chief Judge of the United States District Court for the District of Columbia, and the American Bar Association that I placed in the record with my statement on November 18, I have now received a copy of the November 19 letter to Senators REID and MCCONNELL from the Federal Bar Association that I will ask also be print in the RECORD at the conclusion of my statement.

The Federal Bar Association President notes that "the large number of judicial vacancies prevents the prompt and timely administration of justice" and that this "is causing unnecessary hardship and increased costs on indi-

viduals and businesses with lawsuits pending in the federal courts." She also notes that seven of the judicial nominees who were reported with near unanimity but are being stalled would fill judicial emergency vacancies: Albert Diaz of North Carolina, Kimberly Mueller of California, Ray Lohier of New York, John Gibney of Virginia, Susan Nelson of Minnesota, Mary Murguia of Arizona and Charlton Reeves of Mississippi.

As of today there are 110 vacancies on the Federal courts around the country; 50 of them are for vacancies deemed judicial emergencies by the nonpartisan Administrative Office of the U.S. Courts. We already know of 20 future vacancies. In addition, the Senate has not acted on the request by the Judicial Conference of the United States to authorize 56 additional judges, which will allow the Federal judiciary to do its work. So we are currently more than 190 judges short of those needed. I urged, before the last Presidential election, that we pass legislation to create additional judgeships, but unfortunately it was blocked.

The vast majority of the President's judicial nominees are consensus nominees and should be confirmed by large bipartisan majorities. Many of them will be confirmed unanimously. These are well-qualified nominees with the support of their home State Senators, both Republicans and Democrats. I have not proceeded in the Judiciary Committee with a single nominee who is not supported by both home State Senators. I have worked with all Republican Senators to make sure they were included in this process. President Obama has worked hard with home State Senators regardless of party affiliation, and by doing so has done his part to restore comity to the process, as have I as chairman.

Regrettably, despite our efforts and the President's selection of outstanding nominees, the Senate is not being allowed to promptly consider his consensus nominees. To the contrary, as the President has pointed out, nominees are being stalled who, if allowed to be considered, would receive unanimous or near unanimous support, be confirmed, and be serving in the administration of justice throughout the country.

We have had nominees on whom we have had to file cloture to get to a vote, then the rollcall vote is 100 to 0 or 99 to 0. This makes no sense. It breaks with every tradition in this body. I speak as one who has been here 36 years. There is only one Member of this body who served here longer than I have. I know both Republican and Democratic leaders and Republican and Democratic Presidents and we have never seen this happen. It is counterproductive.

Like the President, I welcome debate and a vote on those few nominees that

some Republican Senators would oppose. Nominees like Benita Pearson of Ohio, William Martinez of Colorado, Louis Butler of Wisconsin, Edward Chen of California, John McConnell of Rhode Island, and Goodwin Liu of California. I have reviewed their records and considered their character, background and qualifications. I have heard the criticisms of the Republican Senators on the Judiciary Committee as they have voted against this handful of nominees. I disagree, and believe the Senate would vote, as I have, to confirm them. That they will not be conservative activist judges should not disqualify them from serving.

But that is not what is happening. Republican Senators are not debating the merits of those nominations, as Democratic Senators did when we opposed the most extreme handful of nominees of President Bush. What is happening is that judicial confirmations are being stalled virtually across the board.

What is new and particularly damaging is that 26 judicial nominees who were all reported unanimously by the Senate Judiciary Committee, without Republican opposition, are still being delayed. These nominees include Albert Diaz and Catherine Eagles of North Carolina. They are both supported by Senator HAGAN and Senator BURR. Sadly, Senator BURR's support has not freed them from the across the board Republican hold on all judicial nominees. Judge Diaz was reported unanimously in January, almost 12 months ago, and still waits for an agreement from the minority in order for the Senate to consider his nomination so that he may be confirmed.

Also being delayed for no good reason from joining the bench of the most overloaded Federal district in the country in the Eastern District of California is Kimberly Mueller, whose nomination was reported last May, more than seven months ago, without any opposition. Her nomination is one of four circuit and district nominations to positions in the Ninth Circuit currently on the Executive Calendar that Republicans are blocking from Senate consideration. In addition to the Liu and Chen nominations, the nomination of Mary Murguia from Arizona to the Ninth Circuit has been stalled since August despite the strong support of Senator KYL, the assistant Republican leader.

Justice Anthony Kennedy, a Republican nominated by a Republican President, spoke to the Ninth Circuit Judicial Conference about skyrocketing judicial vacancies in California and throughout the country. He said:

It's important for the public to understand that the excellence of the federal judiciary is at risk.

He added:

If judicial excellence is cast upon a sea of congressional indifference, the rule of law is imperiled.

The Advisory Board of the Ninth Circuit sent a letter last week to the majority and minority leaders urging action on pending nominations to address the growing vacancy crisis in that circuit. The Board writes: "Allowing the current judicial vacancy crisis to continue and expand—as it inevitably will if nothing changes—is unacceptable. The current situation places unreasonable burdens on sitting judges and undermines the ability of our federal courts to serve the people and businesses of the Ninth Circuit." I will ask that this letter be printed in the RECORD at the conclusion of my statement.

The District of Columbia suffers from four vacancies on its Federal District Court. We have four outstanding nominees who could help that court, but they are now being delayed. Beryl Howell was reported by the committee unanimously. She is well known to many of us from her 10 years of service as a counsel on the Senate Judiciary Committee. She is a decorated former Federal prosecutor and the child of a military family. Robert Wilkins was also reported without opposition. James Boasberg and Amy Jackson could have been reported before Thanksgiving, but were needlessly delayed in Committee for another 2 weeks.

John Gibney of Virginia, James Bredar and Ellen Hollander of Maryland, Susan Nelson of Minnesota, Edmond Chang of Illinois, Leslie Kobayashi of Hawaii, and Denise Casper of Massachusetts are the other district court nominees reported unanimously from the Judiciary Committee and could have been confirmed as consensus nominees long ago.

Another district court nominee is Carlton Reeves of Mississippi, who is supported by Senator COCHRAN and is a former president of the Magnolia Bar Association. Only Senator COBURN asked to be recorded as opposing his nomination. I believe Mr. Reeves would receive a strong bipartisan majority vote for confirmation.

Counting Judge Diaz, there are seven consensus nominees to the circuit courts who are being stalled on the Senate Executive Calendar. Judge Ray Lohier of New York would fill one of the four current vacancies on the United States Court of Appeals for the Second Circuit. He is another former prosecutor with support from both sides of the aisle. His confirmation has been stalled for no good reason for more than 6 months, as well. Scott Matheson is a Utah nominee with the support of Senator HATCH who was reported without opposition. Mary Murguia is from Arizona and is supported by Senator KYL and was reported without opposition. Judge Kathleen O'Malley of Ohio, nominated to the Federal Circuit, was reported without opposition. Susan Carney of Con-

necticut was reported with 17 bipartisan votes by the Judiciary Committee to serve on the Second Circuit. James Graves of Mississippi was reported unanimously to serve on the Fifth Circuit.

Many of these nominees could have been considered and confirmed before the August recess. 23 of them could have been considered and confirmed before the October recess. They could and should have been confirmed before the Thanksgiving recess. They were not. They are being held in limbo. They do not know where their life should be at this point, and their courts are empty.

They were not considered because of Republican objections that, I suspect, have nothing to do with the qualifications or quality of these nominees. These are not judicial nominees whose judicial philosophy Republicans question. Most of them were voted for by every single Republican on the Senate Judiciary Committee.

The President noted, in his September letter to Senate leaders, that the "real harm of this political game-playing falls on the American people, who turn to the courts for justice," and that the unnecessary delay in considering these noncontroversial judicial nominations "is undermining the ability of our courts to deliver justice to those in need . . . from working mothers seeking timely compensation for their employment discrimination claims to communities hoping for swift punishment of perpetrators of crimes to small business owners seeking protection from unfair and anticompetitive practices."

I think the Senate should end this across-the-board blockade against confirming noncontroversial judicial nominees. Democrats did not engage in such a practice with President Bush, and Republicans should not continue in their practice any longer. With 110 vacancies plaguing the Federal courts, we do not have the luxury of indulging in these kinds of games.

The Senate is well behind the pace set by the Democratic majority in the Senate considering President Bush's nominations during his first 2 years in office. In fact, at the end of President Bush's second year in office, the Senate, with a Democratic majority, had confirmed 100 of his Federal circuit and district court nominations. I know because they all, every one of them, were considered and confirmed during the 17 months I chaired the Senate Judiciary Committee. Not a single nominee reported by the Judiciary Committee remained pending on the Senate's Executive Calendar at the end of the Congress.

In sharp contrast, during President Obama's first 2 years in office, the minority has allowed only 41 Federal circuit and district court nominees to be considered by the Senate. In fact, in 2002, we proceeded in the lameduck ses-

sion after the election to confirm 20 more of President Bush's judicial nominees. There are 34 judicial nominees ready for Senate consideration and another 4 noncontroversial nominations on the committee's business agenda. That is 38 additional confirmations that could be easily achieved with a little cooperation from Republicans. That would increase the confirmation from the historically low level of 41 where it currently stands, to almost 80. That would be in the range of judicial confirmations during President George H.W. Bush's first 2 years, 70, while resting below President Reagan's first 2 years, 87, and pale in comparison to the 100 confirmed in the first 2 years of the George W. Bush administration or those confirmed during President Clinton's first 2 years, 127.

During the 17 months I chaired the Judiciary Committee during President Bush's first 2 years, I scheduled 26 hearings for the judicial nominees of a Republican President and the Judiciary Committee worked diligently to consider them. During the 2 years of the Obama administration, I have tried to maintain that same approach. The committee held 25 hearings for President Obama's Federal circuit and district court nominees this Congress. I have not altered my approach and neither have Senate Democrats.

One thing that has changed is that we now receive the paperwork on the nominations, the nominee's completed questionnaire, the confidential background investigation and the America Bar Association, ABA, peer review almost immediately after a nomination is made, allowing us to proceed to hearings more quickly. During 2001 and 2002, President Bush abandoned the procedure that President Eisenhower had adopted and that had been used by President George H.W. Bush, President Reagan and all Presidents for more than 50 years. Instead, President George W. Bush delayed the start of the ABA peer review process until after the nomination was sent to the Senate. That added weeks and months to the timeline in which hearings were able to be scheduled on nominations.

I was puzzled to hear the ranking Republican on the Senate Judiciary Committee say a few weeks ago that "President Obama's nominees have fared better and moved better than President Bush's nominees." I have worked with the ranking Republican in connection with our consideration and confirmation of the President's two nominees to the Supreme Court, Justice Sotomayor and Justice Kagan. He opposed both, but agreed that the process was fair. I have worked with him on procedures to consider the President's other nominees and with some exceptions we have been able to have the Judiciary Committee consider and report them. In terms of comparisons, however, we actually reviewed far more of

President Bush's nominees during his first 2 years than we have been allowed to consider during President Obama's first 2 years.

The comparison is that I held 26 hearings for 103 of President Bush's Federal circuit and district court nominees and the committee favorably reported 100 of them. All 100 were confirmed by the Senate. We did that in 17 months. By comparison, during the 19 months the committee has been holding hearings on President Obama's Federal circuit and district court nominees, we have held 25 hearings for 80 nominees. Of the 75 favorably reported, only 41 have been considered by the Senate. Several required cloture petitions and votes to end unsuccessful Republican filibusters. There were no Democratic filibusters of President Bush's nominees during the first 2 years of his Presidency.

In sum, the bottom line is that the Senate has been allowed to consider and confirm less than half of the Federal circuit and district court nominees we proceeded to confirm during President Bush's first 2 years. Forty-one confirmations does not equal or exceed the 100 confirmations we achieved during the first 2 years of the Bush administration. For that matter, the 75 Federal circuit and district court nominees voted on and favorably reported on by the Senate Judiciary Committee does not equal the 100 we reported out in less time during the Bush administration. How the ranking Republican can contend that President Obama's nominees "have fared better and moved faster than President Bush's nominees" during their first 2 years in office is beyond me.

When I became chairman of the Senate Judiciary Committee midway through President Bush's first tumultuous year in office, I worked hard to make sure Senate Democrats did not perpetuate the judge wars as a tit-for-tat. Despite the fact that Senate Republicans pocket-filibustered more than 60 of President Clinton's judicial nominations and refused to proceed on them while judicial vacancies skyrocketed during the Clinton administration, in 2001 and 2002, during the 17 months I chaired the committee during President Bush's first 2 years in office, the Senate proceeded to confirm 100 of his judicial nominees.

This chart shows where we were. President Clinton became president and in the first couple of years we went from the 109 vacancies down to 49. Then the Republicans took over, they started pocket-filibustering, and the vacancies went up to 110.

Democrats were in charge for 17 months with a Republican President. We said we were not going to play the games that they did with President Clinton. We brought judicial vacancies down to 60 under President Bush. We actually moved judges faster for Presi-

dent Bush than the Republicans did when they regained control of the Senate.

Towards the end of President Bush's presidency, we got the vacancies down to 34. However, since President Obama has been in power, confirmations have been held up, and vacancies again reached 110. That might sound good in some kind of fund-raising letter. It doesn't sound good if you are the one trying to have your case heard in a court. It does not sound very good if you are the prosecutor and you want a criminal prosecuted and the judge is not there.

What I cannot understand is why, having worked with President Bush to bring the Federal court vacancies down from 110 to 34, and the Federal circuit vacancies which were at a high of 32, down to single digits, judges are still being blocked. It looks like old habits die hard.

By refusing to proceed on President Clinton's nominations while judicial vacancies skyrocketed during the 6 years they controlled the pace of nominations, Senate Republicans allowed vacancies to rise to more than 110 by the end of the Clinton administration. As a result of their strategy, Federal circuit court vacancies doubled. When Democrats regained the Senate majority halfway into President Bush's first year in office, we turned away from these bad practices. As a result, overall judicial vacancies were reduced during the Bush years from more than 10 percent to less than 4 percent. During the Bush years, the Federal court vacancies were reduced from 110 to 34 and Federal circuit court vacancies were reduced from a high of 32 down to single digits.

This progress has not continued with a Democratic President back in office. Instead, Senate Republicans are returning to the strategy they used during the Clinton administration of blocking the nominations of a Democratic President, again leading to skyrocketing vacancies.

Last year, the Senate confirmed only 12 Federal circuit and district court judges, the lowest total in 50 years. The judiciary is not supposed to be political or politicized. When litigants are in a Federal court, they assume they will get impartial justice, regardless of whether they are a Republican or a Democrat. But this kind of game playing, of holding up nominees of a Democratic President, hurts the whole administration of justice.

This year we have yet to confirm 30 Federal circuit and district judges. We are not even keeping up with retirements and attrition. As a result, judicial vacancies are again at 110, more than 10 percent.

There are also the personal consequences. We have highly qualified people who get nominated for the Federal court, with backing from the Re-

publican and Democratic Senators from their State. They are in a law practice, and everybody congratulates them. However, their firms are limited in what cases they can take if the nominee stays on, and they end up in limbo.

Many of those people are taking a huge cut in pay to go on the Federal bench. Suddenly, they are forced to wait for 6, 7, 8 months, without being able to earn anything. Then eventually they are confirmed 100 to 0. This needs to change.

Regrettably, the Senate is not being allowed to consider the consensus, mainstream judicial nominees favorably reported from the Judiciary Committee. It has taken nearly five times as long to consider President Obama's judicial nominations as it did to consider President Bush's during his first 2 years in office. During the first 2 years of the Bush administration, the 100 judges confirmed were considered by the Senate an average of 25 days from being reported by the Judiciary Committee. The average time for confirmed circuit court nominees was 26 days. By contrast, the average time for the 41 Federal circuit and district court judges confirmed since President Obama took office is 90 days and the average time for circuit nominees is 148 days—and that disparity is increasing.

Mr. President, I ask unanimous consent that the materials to which I referred be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Nov. 19, 2010]

UNCONSCIONABLE DELAYS FOR PRESIDENT OBAMA'S COURT PICKS

Mary Helen Murguia enjoys the support of her two Republican home state senators, Jon Kyl and John McCain of Arizona. The Senate Judiciary Committee unanimously approved her nomination in August. Yet Ms. Murguia, President Obama's pick for a seat on the U.S. Court of Appeals for the 9th Circuit, has yet to receive a full vote on the Senate floor.

Albert Diaz, a 4th Circuit nominee, has waited even longer—nearly one year—for his floor vote after receiving a thumbs-up from all 19 of the Judiciary Committee's members and winning the backing of his Republican home state senator, North Carolina's Richard Burr.

Even trial court nominees—typically not the target of stall tactics or intense attacks—are getting caught up in the perplexing political game. Kimberly J. Mueller, for example, also earned unanimous approval from the Judiciary Committee for a California trial court that is among the busiest in the country; she has spent the past six months waiting for final approval.

In all, 23 of Mr. Obama's nominees are awaiting a Senate floor vote; 16 of them received unanimous approval from the Judiciary Committee and the vast majority were deemed "well qualified" by the American Bar Association. Eight—including the three mentioned above—have been tapped for seats designated "judicial emergencies" because of the length of the vacancy and the workload of the court.

There is plenty of blame to go around for the delays, starting with the president, who has been slow and often late in sending up names. The White House has also been timid in fighting for nominees. Senate Majority Leader Harry M. Reid (D-Nev.) has not been assertive in scheduling floor votes, and the push by some interest groups to win confirmation for liberal favorites such as controversial 9th Circuit pick Goodwin Liu may be holding up progress on the broader slate of more moderate nominees. Republicans, including Minority Leader Mitch McConnell (Ky.), have been all too eager to object to votes even on nominees with bipartisan support. The stall tactics are undoubtedly pay-back for Democratic filibusters of controversial but highly qualified nominees of President George W. Bush. The difference today is that even nominees without a whiff of opposition are being blocked.

Presidents deserve significant deference in judicial nominations, and every nominee deserves an up-or-down vote. But the hold-up of nominees who have garnered unanimous, bipartisan support is particularly offensive. These nominees should be confirmed swiftly before Congress recesses next month.

[From the Charlotte Observer, Nov. 21, 2010]
SENATE MUST END GAMES, CONFIRM STRONG
N.C. JUDGES; CONGRESS' FAILURE TO AP-
PROVE DIAZ, EAGLES IS SHAMEFUL

So here we are, 297 days after the Senate Judiciary Committee unanimously—unanimously!—recommended Judge Albert Diaz of Charlotte for a seat on the federal appeals court. Thanks to infantile political gamesmanship, the Senate still has not confirmed him. And so a judge that most everyone agrees is well-qualified languishes in limbo and a busy court one step below the U.S. Supreme Court remains in a staffing crisis.

Time is running out on the Senate to do the right thing. If it does not confirm Diaz in the current lame duck session, his nomination expires. That would be an ignominious chapter for that once-august body. Facing the same fate: Catherine Eagles of Greensboro, another qualified, non-controversial nominee who in May easily won the Judiciary Committee's approval for a federal judgeship in North Carolina.

Diaz and Eagles are among a couple dozen capable judges whose careers are being hamstrung by partisan high jinks. The whole farce helps explain why the public is disgusted with how Congress operates these days. Many members put party before country.

Democrats and Republicans alike have blocked skilled judicial nominees over the years, particularly in North Carolina. Today, each party claims that the other is to blame for the current impasse. It appears, though, that Sen. Mitch McConnell, R-Ky., is the biggest impediment.

Republican Sen. Richard Burr and Democratic Sen. Kay Hagan both support Diaz and Eagles. Burr should publicly and privately work to persuade McConnell to permit up-or-down votes on these nominees, without a paralyzing 30 hours of debate on each and every one of them.

This all matters because dozens of seats have reached a level of "judicial emergency," according to the Administrative Office of the U.S. Courts, meaning the workload is unsustainable and judges are needed. That includes the 4th U.S. Circuit Court of Appeals in Richmond, Va. North Carolina is the largest of five states in the circuit but until recently had only one of its three seats on the bench filled.

Diaz, a special Superior Court judge specializing in complex business litigation, is trying to fill a seat that has been vacant for three and a half years. Eagles, a senior resident Superior Court judge, would fill a judgeship that has been vacant for nearly two years. Both received the highest rating from the American Bar Association—"unanimously well qualified."

McConnell recently reversed his position on earmarks. If he has any sense, he'll now reverse himself on blocking qualified judges this state and the nation need.

[From the Politico, Nov. 18, 2010]

LET'S FIX JUDICIAL NOMINEE PROCESS

(By: Abner J. Mikva and Timothy Lewis)

When the Senate left for the election recess, it had confirmed just one of the 48 pending judicial nominees. Its failure to consider nominations has exacerbated a vacancy crisis for our federal courts that has reached critical proportions.

Almost one in eight seats on the federal bench is empty and has been for months. This grave problem is only likely to worsen as more judges retire and senators block efforts to appoint new ones.

As federal judges appointed by presidents from different parties, we urge the Senate to end the excessive politicization of the confirmation process that is creating these delays.

This obstruction and the way it undermines our democratic process would be outrageous at any time. But it is especially shameful now, because many of these qualified nominees received bipartisan support when nominated and were then approved by the Senate Judiciary Committee with broad support. Yet they have waited more than a year to be confirmed because the Senate never put their nomination to a vote.

Instead of confirming these nominees, some senators have used secret holds and filibusters to block the votes, leaving nominees in limbo for a year or more and undermining the credibility of our judiciary. Fewer nominees have been confirmed during the Obama administration than at any time since President Richard Nixon was in office.

These tactics are, as one senator noted, "delay for delay's sake." They are creating an unprecedented shortfall of judicial confirmations and, ultimately, a shortage of judges available to hear cases. For many Americans, this means justice is likely to be unnecessarily delayed—and often denied.

There are now 106 vacancies on the federal courts, almost half deemed so debilitating that they are labeled "emergencies" by the Administrative Office of the U.S. Courts. An additional six seats are slated to become vacant in the next few months. This is untenable for a country that believes in the rule of law.

An increasing number of public officials are now speaking out. President Barack Obama called on the Senate to "stop playing games" with the judicial nominations process. Supreme Court Justices Anthony Kennedy and Ruth Bader Ginsburg each independently criticized the partisanship that has permeated the confirmation process. Several other former federal judges joined us in writing a letter to Senate leaders, expressing our dismay and calling for a better confirmation process.

With the Senate now back for the lame-duck session, political pressure on nominations may not be so intense. This is the time for the Senate to return to an effective process for confirming judges—one that can eliminate the appearance of excessive par-

tisanship and apply to both Democratic and Republican administrations.

Only in this way can we begin to restore the public's faith in the integrity of our judiciary, a crucial element of our Constitution's delicate system of checks and balances and fundamental to our democratic system of government.

FEDERAL BAR ASSOCIATION,
OFFICE OF THE PRESIDENT,

New Orleans, LA, November 19, 2010.

Hon. HARRY REID,
Majority Leader, U.S. Senate, The Capitol,
Washington, DC.

Hon. MITCH MCCONNELL,
Minority Leader, U.S. Senate, The Capitol,
Washington, DC.

DEAR MAJORITY LEADER REID AND MINORITY LEADER MCCONNELL: I write on behalf of the approximately sixteen thousand members of the Federal Bar Association (FBA) to encourage expedient Senate floor action on the judicial candidates reported out of the Senate Judiciary Committee and awaiting a Senate floor vote. As the Senate reconvenes, there is a very real need—in the interest of our federal court system—for the Senate to fulfill its constitutional responsibility to vote on these pending nominees.

The FBA is the foremost national association of private and public attorneys engaged in the practice of law before the federal courts and federal agencies. We seek the fair and swift administration of justice for all litigants in the federal courts. We want to assure that the federal courts are operating at their full, authorized capacity and that justice is timely delivered by the federal courts. The large number of judicial vacancies prevents the prompt and timely administration of justice in the federal courts. This is causing unnecessary hardship and increased costs on individuals and businesses with lawsuits pending in the federal courts.

Our Association's interest is focused upon prompt, dispositive action by the Senate in filling vacancies as they arise on the federal bench. Prompt, dispositive action by the Senate on judicial candidates will assure that lawsuits filed in our federal courts are heard and decided with out delay. The justice system suffers when vacancies are not filled in a timely manner. Vacancies create a burden of added litigation and economic costs that at times overwhelm the system and its ability to hear and decide matters in a timely and effective manner.

Seventeen of the 23 federal judicial candidates who await a Senate floor vote have been approved by the Senate Judiciary Committee by unanimous consent or without controversy. These candidates deserve an up-or-down vote before the 111th Congress reaches an end.

In particular, 7 of these 17 noncontroversial judicial candidates cleared by the Senate Judiciary Committee have been nominated to circuit and district court judgeships that have stood vacant for substantial periods of time and are associated with courts with especially high caseloads. These vacancies have been designated as "judicial emergencies" by the Judicial Conference, the policy-making body of the federal judiciary, because each vacancy has existed for a significant period of time and is associated with a court that has caseloads that are considerably higher than normal.

The 7 candidates associated with judicial vacancies that have been designated as "judicial emergencies" are:

Albert Diaz, nominated to the Fourth Circuit Court of Appeals (North Carolina), to

the judgeship vacated by Judge William Wilkins on July 1, 2007; this vacancy has existed for 1237 days.

Kimberly Mueller, nominated to the Eastern District of California, to the judgeship vacated by Judge Frank C. Damrell on January 1, 2009; this vacancy has existed for 1091 days and is located in the federal district court with the highest caseload in the nation.

Raymond Lohier, nominated to the Second Circuit Court of Appeals (New York), to the judgeship vacated by Justice Sonia Sotomayor on August 6, 2009; this vacancy has existed for 470 days.

John A. Gibney, nominated to the Eastern District of Virginia, to the judgeship vacated by Judge Robert E. Payne on May 7, 2007; this vacancy has existed for 1293 days.

Susan R. Nelson, nominated to the District Court of Minnesota, to the judgeship vacated by Judge James R. Rosenbaum on October 26, 2009; this vacancy has existed for 389 days.

Mary H. Murguia, nominated to the Ninth Circuit Court of Appeals (Arizona), to the judgeship vacated by Judge Michael Daly Hawkins on February 12, 2010; this vacancy has existed for 280 days.

Carlton W. Reeves, nominated to the Southern District Court of Mississippi, to the judgeship vacated by Judge William Henry Barbour, Jr. on February 4, 2006; this vacancy has existed for 1748 days, the longest period of any of these seven candidates.

The Federal Bar Association as a matter of policy takes no position on the credentials or qualifications of specific nominees to the federal bench. The FBA's foremost interest lies in the assurance of prompt, dispositive action by the President in nominating qualified federal judicial candidates and the Senate in either confirming or not confirming them in a prompt manner. Such action will ultimately reduce the number of vacancies to a more tolerable level.

The Federal Bar Association firmly believes that all judicial candidates, once cleared by the Senate Judiciary Committee, deserve a prompt up-or-down vote by the Senate. Swift action is particularly needed on those candidates associated with federal circuit and district courts whose caseloads are in emergency status. We urge the Senate to vote upon these pending nominees before the end of the current legislative session.

Thank you for your support of the nation's federal court system and your consideration of our views.

Sincerely yours,

ASHLEY L. BELLEAU.

ADVISORY BOARD OF THE NINTH CIRCUIT,

November 24, 2010.

Hon. HARRY REID,

Majority Leader, U.S. Senate, Washington, DC.

Hon. MITCH MCCONNELL,

Minority Leader, U.S. Senate, Washington, DC.

DEAR SENATORS REID AND MCCONNELL: We write to you as members of the Advisory Board of the Ninth Circuit to seek your assistance and commitment to solve a growing—and increasingly urgent—crisis facing the federal courts of the Ninth Circuit: the ever expanding number of vacancies on both our district and appellate courts. This growing crisis threatens the effective delivery of justice to the people and businesses who come before our federal courts.

We recognize that you cannot solve this problem alone. The President must select and submit to the Senate for review nominees to fill these vacancies. Consequently, we are seeking the assistance and commitment of the President to address this crisis as well.

It is no exaggeration to call the growing number of judicial vacancies on our federal courts a crisis. Between 1981 and 2008, there were on average 48 vacancies each year for all of the lower federal courts, including vacancies created by two bills expanding the number of federal judges. Over this same period, the nomination and confirmation process filled only 43 vacancies on average each year, causing the vacancy rate to more than double in the last 30 years. In the Ninth Circuit, the number of vacancies has doubled in the last 22 months.

This fact alone would signal a serious problem but the situation is very likely to get worse. Over the next decade, the number of vacancies on the lower federal courts is likely to increase because of the age of current judges and the need to expand the judiciary to keep up with caseload growth. The Justice Department has estimated that annual vacancies over the coming decade will average closer to 60 positions each year. In the last two years, however, only 41 federal judges have been nominated and confirmed to the federal district and appellate courts nationwide. Unless something changes quickly and dramatically, at the end of the coming decade, half the seats on the lower federal courts could be empty.

The Ninth Circuit is fully immersed in this growing crisis. There are currently 18 vacancies among the 142 authorized appellate and district court Article III judges in the Circuit. The President has forwarded to the Senate nominations for ten of these vacancies but the Senate has yet to act on them. While the Senate has confirmed seven nominees to vacancies within the Circuit since January 1, 2009, seven have been pending without a confirmation vote for more than 120 days and three of these have been voted out of the Senate Judiciary Committee and forwarded to the full Senate for action with little or no Committee opposition.

As you know, our federal judiciary at all levels is a beacon of justice across the country and around the world. The judges who sit on our federal courts are dedicated to their jobs and committed to both the rule of law and the ideal of justice for all. Allowing the current judicial vacancy crisis to continue and expand—as it inevitably will if nothing changes—is unacceptable. The current situation places unreasonable burdens on sitting judges and undermines the ability of our federal courts to serve the people and businesses of the Ninth Circuit.

We recognize that both the President's role in nominating individuals to serve as federal judges and the Senate's role in reviewing and determining whether to confirm those nominees are solemn and serious duties. The health and integrity of an entire branch of our government depends on the faithful and careful execution of these duties. We believe, however, that a crisis in one of our branches of government also demands swift, effective, and appropriate action from the coordinate branches. According to the Library of Congress, from 1977 to 2003, the average time from nomination to confirmation for lower federal court judges was less than 90 days. Current vacancies nationwide have been pending for an unsustainable 516 days. On average, the vacancies filled by the 41 judges confirmed during the 111th Congress were pending 803 days from vacancy creation to confirmation. We can and must do better.

For this reason, we ask you to make a commitment to a confirmation vote in the Senate for each judicial nominee within no more than 120 days after the Senate receives a nomination from the President. We will

make a similar request of the President to forward nominations to the Senate within no more than 120 days after the President learns of a judicial vacancy. While Congress will ultimately need to pass legislation to expand the federal judiciary, filling the current vacancies in a more timely manner will do much to alleviate the immediate crisis and improve the delivery of judicial services to those who come before the federal courts.

We are convinced that with your leadership and that of the President we can solve the vacancy crisis facing our federal courts. We urge you to make a clear and open commitment to address the vacancy crisis in the Ninth Circuit as expeditiously as possible. Thank you for your consideration of this request.

Sincerely,

Todd D. True (Chair), Seattle, WA; Steve Cochran (Past-Chair), Los Angeles, CA; Robert A. Goodin, San Francisco, CA; Margaret C. Toledo, Sacramento, CA; Janet L. Chubb, Reno, NV; Miriam A. Vogel, Los Angeles, CA; Robert S. Brewer, Jr., San Diego, CA; Eric M. George, Los Angeles, CA; William H. Neukom, San Francisco, CA; Norman C. Hile, Sacramento, CA; Harvey I. Saferstein, Los Angeles, CA; Dana L. Christensen, Kalispell, MT; Robert C. Bundy, Anchorage, AK.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 3:30 p.m.

Thereupon, the Senate, at 12:31 p.m., recessed until 3:30 p.m. and reassembled when called to order by the Presiding Officer (Mr. MERKLEY).

Mr. BROWN of Ohio. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BROWN of Ohio. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT REQUESTS

Mr. BROWN of Ohio. Mr. President, I will in a moment—in the spirit of fair play, we are waiting for some Republicans to enter the Chamber—I will ask unanimous consent that the Finance Committee be discharged from S. 3981 so we can bring up and move forward on maintaining unemployment benefits for thousands of people. In my State alone, last night at midnight, 88,000—that is 1,000 people in every county; we have 88 counties in Ohio—Ohioans saw their unemployment benefits stopped because my colleagues on the other side of the aisle do not want to maintain unemployment benefits. What is shocking to me is that this Senate and the House of Representatives, regardless of party, for years, when our country has been in bad economic times, have maintained unemployment benefits for laid-off workers.

Senator MCCONNELL, the Republican leader, has made a couple comments that disturb me and make it very hard to do this. We need a supermajority. We need 60 votes. They continue to filibuster or threaten to filibuster. Senator MCCONNELL has made two statements, one through a letter in the last 24 hours and one 3 or 4 weeks ago when he said his No. 1 goal is that Barack Obama be a one-term President. I understand political parties, but his No. 1 goal is that President Obama serve only one term? Minority Leader MCCONNELL, in a letter signed by all his Republican colleagues, which was sent to Senator REID, signed by every Republican, said:

We write to inform you we will not agree to invoke cloture on the motion to proceed on any legislative item until the Senate has acted to fund the government and we have prevented the tax increases that currently will happen in January.

What the Republicans are doing, I don't even understand it. They are saying they insist on a millionaire and billionaire tax cut come January, and they will, for all intents and purposes, shut down the government if they don't get their way. They are saying: Forget extending unemployment benefits, forget food safety legislation, forget don't ask, don't tell, forget the Russian-American START treaty—it used to be that politics ended at the water's edge; those days are over—and forget a middle-class tax cut. They are saying: We will shut down the government if we can't get a tax cut for billionaires and millionaires. My first priority is extending unemployment benefits to the 60 or 70,000 Michiganders; perhaps from the State of Senator SCHUMER, I would guess over 100,000 New Yorkers; from New Mexico, I would guess probably 10,000; and Alaska, thousands in that State. They are willing to say to those unemployed workers—and this is not unemployment welfare; this is unemployment insurance. Every worker in the State, he or his employer—academicians will debate whether the employee or employer actually pays it, but they put into the unemployment insurance fund. When they are laid off, they get money out of the fund. It is similar to health insurance or car insurance. You don't want to collect on it, but it is called insurance. You hope you are working so you don't have to collect on it, but they need to.

There are five people applying for every open job, on average. In Michigan and Ohio, it is probably worse than that. These are not people sitting around with nothing to do, not wanting to work. I will not do this today, but I have read letter after letter from Ohioans saying: Here is my story. I have lost my medical coverage because I don't have a job, and you are cutting off my unemployment benefits—"you" meaning the Republican filibuster.

They will say: I am about to lose my house, and I have to tell my 12-year-old daughter we will have to switch schools, and I don't even know what school we will go to because we are going to live in an apartment somewhere else because the house is foreclosed on. They are now going to the food bank they used to give money to.

Do my Republican colleagues know any of these people? Do they go out and talk to people who have lost their jobs and have to explain to their families that they will lose their house and explain to the wife that their insurance has been canceled because they will not extend unemployment benefits? This is not a big, new welfare program. This is extending unemployment benefits. I just don't get it. They would rather do tax cuts for millionaires and billionaires. They would rather borrow \$700 billion from the Chinese, put it on a credit card that their kids and grandkids will have to pay off, and then give it to billionaires and millionaires. That is the choice they are making.

It is clear whose side people are on here. Are you on the side of maintaining unemployment benefits or are you on the side of millionaires and billionaires? Are you for giving a tax cut to the middle class, moving to pay down the budget deficit? It is so clear what we need to do.

My colleagues still aren't here to make the request. I will add a few more comments.

The other reason to maintain unemployment benefits is all economics. Senator MCCAIN, when he was a candidate, his chief economic adviser said the best way to grow the economy, the best stimulus dollar you can spend is unemployment insurance. Because when you put a dollar in a laid-off worker's pocket from Lima or Zanesville, she will spend it at the local grocery store, the local shoe store, to pay property tax, to pay the gas bill, whatever.

That money is recycled in the economy. You give a tax cut to upper income people—a millionaire or billionaire—according to JOHN MCCAIN's economic adviser, you only get a 32-cent bang for your buck out of that versus \$1.60 when you extend unemployment benefits, when you pay unemployment benefits. What that means clearly is the best thing to do for our economy is these unemployment benefits, not tax cuts for somebody already making \$3 million a year. They are not going to buy anything more. They already have what they need. To give them another \$30,000 or \$50,000 in tax cuts simply does not mean anything.

It is so important for purposes of the budget deficit, it is so important for purposes of growing this economy, and it is so important because it is the right thing to do for our workers, our laid off people, our communities that

suffer if these workers are not spending these dollars in our communities. It is just so important that we move forward and do that.

Mr. President, I will yield the floor for one of my colleagues who has another unanimous-consent request.

Mr. SCHUMER. Mr. President, before my colleague sits down, would he yield for a question?

Mr. BROWN of Ohio. Yes.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. I thank you, Mr. President.

The beginning of this letter, signed by 42 of our Republican colleagues, says:

The Nation's unemployment level, stuck near 10 percent, is unacceptable to Americans.

I just want to clarify what my colleague is saying. We will all be talking about this. It is more important to the people on the other side of the aisle to get tax breaks for millionaires and billionaires than move forward on unemployment insurance. We are going to ask unanimous consent on that proposal and on other proposals which we will hear from.

But is my colleague basically saying, despite the fact that our colleagues admit unemployment is high—many are out of work—their solution to unemployment and people looking for jobs is to give tax breaks to people who are making millions and billions of dollars and people who did very well over the last decade—the only group? Is that basically it?

Mr. BROWN of Ohio. Yes, that is it. To illustrate that further to Senator SCHUMER and to the Presiding Officer, as to the last two big tax cuts that were done in this country for the wealthy—in 2003 by President Bush, in 2001 by President Bush—we know what happened from those two tax cuts. In the 8 years of President Bush, the hallmark of his economic policy was two major tax cuts for the wealthy, and there was a 1 million job increase in those 8 years during George Bush's Presidency—a million jobs—not even a net increase, not even enough to keep up with people coming out of the Army or coming out of college or high school.

During the Clinton years, where they had a mix of tax cuts, some increases for higher income people, and they balanced the budget, did some budget cuts that Senator MCCASKILL supports—some of those—we ended up during President Clinton's 8 years with a 22 million job increase. There was a 22 million job increase by managing the budget right and giving assistance to middle-class people.

In the Bush 8 years, with tax cuts for the wealthy: 1 million jobs. Yet Republicans now are arguing that the most important thing, possibly, to do for the economy, the most important thing to do for our country, is to reward the

people who have already done very well in the last 10 years, at the expense of the broad middle class who have seen basically stagnant wages or worse during this decade.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Mr. President, I will be very brief.

We are here on the Senate floor, and we will be staying on the Senate floor for a little while to make one point. I would say this to the American people: We have an economy that needs improvement, and our colleagues have said they will not let anything happen, whether it be tax credits for employers who hire the unemployed, which I am talking about, help for the energy industry, tax credits to help manufacturers hire people, or unemployment insurance. All of those will be put on hold until we give tax breaks to the millionaires and billionaires who—God bless them—are wonderful. They are part of the American dream. But they are the one group that has done well. It seems to me, as we will talk about for the next little while, it is absolutely absurd to say that should be the linchpin of our economic policy.

We will ask unanimous consent to bring forth proposals that we think will do far more to get people back to work and help the middle class stretch the paycheck than giving tax breaks to the billionaires.

I yield the floor because I know my colleague wishes to speak.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Mr. President, just to follow with my colleagues—and I so appreciate the Senator from Ohio and his comments regarding what is happening to people who have lost jobs through no fault of their own—five people at least are looking for every one job that is available. There is a critical urgency families feel. I thank the Senator from New York for his passion as well as my other colleagues.

Let me take a moment to emphasize what we are talking about. The Republicans—and they have now done through a letter to the leader—are basically saying they are willing to risk everything—everything—to give a bonus tax cut—as my friend and colleague from Alaska talks about, not a tax cut. Everyone is going to get a tax cut on their first \$250,000 of income. They want a bonus tax cut on millionaires and billionaires that for the average millionaire will be about \$100,000 next year, which is more than the average person in Michigan makes in a year. So they are willing to shut this place down and risk everything in order to be able to get a bonus tax cut for millionaires and billionaires.

What does that mean? Well, they are willing to risk the deficit. They say we cannot help people who are out of work because it will cost \$50 billion unless it

is totally paid for. But \$700 billion for their wealthiest friends and supporters is OK. So they will risk the deficit.

They will risk jobs. Where are the jobs? We have had 10 years of this policy, 10 years of this policy of tax cuts at the top waiting for it to trickle down. They think we just have not waited long enough. Folks in Michigan have waited far too long for it to trickle down. We are tired of waiting. We want a proposal that works.

I will put forward a unanimous-consent request on something that has worked, an advanced manufacturing tax credit that has allowed now a number of businesses—I think over 12 businesses—to open in Michigan with clean energy manufacturing, stamped “Made in America.” In fact, we want to see “Made in Michigan” stamped on everything. We need to extend this tax credit because it is putting people back to work in Michigan and across the country. I will be making that unanimous consent request in just a moment. But they are willing to risk jobs, go home without focusing on jobs.

They are willing to hold tax cuts for middle-class families and small businesses hostage for a tax cut for a few people at the top. We will not be lectured by them about small business, by a group of folks who have filibustered 16 different tax cuts for small businesses in this Congress—16 different tax cuts—including 8 tax cuts for small businesses in the small business jobs bill that added capital for small businesses last fall. So, believe me, we are here for small business as well as middle-class families.

Social Security and Medicare: The debt commission is coming out with very serious recommendations that are focused on Social Security and Medicare. They are willing to risk that by adding more to the debt. Does that mean more changes to Social Security and Medicare?

Then, finally, help for people who are out of work: They are willing to say our country, our great country, is not good enough, is not strong enough to step up when our families need it the most—families who never before in their lives have needed help. For the families in my State, the average person is 50, 55, 60 years old, who has worked all their life and never dreamed they would find themselves in this situation. But here they are, through no fault of their own.

Now, in this holiday season, when we are asking that we just extend the regular program, not even dealing with the long-term unemployed, which is also what I want to do, but to extend the regular program so the person who today loses their job gets the same kind of opportunity to get help as the person who lost their job on Monday, because today over 100,000 people in Michigan are going to lose the opportunity to get any kind of temporary help because they lost their job.

So our colleagues have set their priorities, big letters, tax cuts for millionaires and billionaires. They do not want us to do anything else until that gets done. We have a different set of priorities on behalf of American families, middle-class families, small businesses, people who need help right now.

I am going to yield the floor at the moment, but I am going to be happy to have a unanimous consent request regarding a very effective jobs tax credit that we could pass today and get going and get people back to work.

The PRESIDING OFFICER (Mr. FRANKEN). The Senator from Alaska.

Mr. BEGICH. Mr. President, thank you very much.

Earlier today I spoke on the Senate floor and talked about how the economy is fragile but going in the right direction and how many of us on this side of the aisle—as a matter of fact, all of us on this side of the aisle—took a lonely road over the last 2 years on some controversial issues that the public sees as controversial, but we knew we had to do something—something—to get this economy moving, and we are now seeing the benefits.

Every time I open—I do not care if it is the Wall Street Journal, Business Week—you name the business magazine or newspaper—which are not the liberal magazines; they are very conservative magazines and newspapers, or on the Internet—they will show you statistic after statistic that we are moving in the right direction. For this last month, I think it is 92,000 new jobs the private sector created. But in order to do it, we need to do some more.

I am a little frustrated by the letter. I also have a unanimous consent request that I hope to be able to bring up on HUBZones and to amend the Small Business Act. It is the idea of rebuilding local small businesses. What amazes me about this letter is it seems as though for some reason we can only do one thing at a time in this place.

Now, I come from local government where, as a mayor, we had to do multiple tasks because we always had many of them on the table. It did not matter whether it was public safety or creating jobs or rebuilding a neighborhood or working with the community, we had to do multiple things.

This country has multiple issues in front of it. We have an important START treaty that needs to be done. I am a member of the Armed Services Committee. Our national security is at risk, but for some reason the other side wants to wait until we give—I am not even going to call it a tax cut. I call it a bonus for the millionaires and billionaires. It is a bonus. It is not a tax cut. It is a bonus they want to give, \$700 billion of money we do not have. We cannot afford it. The working class of this country cannot afford it. The middle class cannot afford it. My son cannot afford it. My son's future kids

cannot afford it—\$700 billion of more debt to give a bonus to the people who drove our economy into the ditch. I do not really get it.

It seemed as though when I came here there was going to be a logical thought process, great debate. Once again, we are down here. Nothing on the other side. They will come out. I know they will have their charts and one-liners about how the economy will fall if we do not give millionaires and billionaires another tax break or bonus. It is not going to. We are on the road to recovery because this side took that lonely road when people told us: Wow, that is politically going to hurt you, and it did. We lost some people this last election. But leadership is not about taking the easy road, the easy answer, the simple solution.

We are in a very complex time with many issues facing us internationally and nationally—economic, energy, world issues. We have to be able to juggle those all and move them forward. The public demands it of us.

So this ultimatum, or whatever it is, this letter that they wrote just shows the classic tactic they have used the last 2 years. I mentioned this morning, and I will mention again, that I read in one of the political news stories yesterday that someone on the other side, one of the Senators from the other side, one of my colleagues, said: I can't believe it took us a week—a week—to do food safety. Neither can I. But it was not anyone on this side of the equation. Over there, they demanded us to have two 30-hour periods to debate food safety that ended up passing with over three-quarters of the body supporting it. Why? Because it is a good bill. But they wanted to delay it so we don't get to the main issues.

Again, Mr. President, I have a unanimous consent request. I want to give it. We thought they would be down here at 3:30. We thought they would be down here at 3:45. Now it is 4 o'clock. They told us to get busy. We are trying to get busy by doing some unanimous consent requests on job creation. But I will just tell you, it is important for us to recognize what their goal is here: delay, delay, not helping the American people, and basically giving bonuses to millionaires and billionaires, which is unreal.

I see my colleague from New York wants to jump in, so I am going to yield for my colleague from New York. Again, I am hopeful there will be Members on the other side so we can get on with propounding unanimous-consent requests to get the Senate moving.

I yield the floor.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Mr. President, I know my colleague from New Mexico wants to say a few words about some of the job-creating proposals he has that have been held up by Republicans

blocking for their millionaire tax cuts, but here is a headline I wanted to alert my colleagues and the American people to. This is Newsweek. It came out today. I want to read this headline to the American people. And this is not a Democratic publication. "Republicans Hold Senate Ransom for Rich Tax Cut." Let me repeat that. "Republicans Hold Senate Ransom for Rich Tax Cut." I couldn't have said it better myself. That is exactly what the other side is doing. They are so eager to reward the wealthiest among us with a huge tax cut—even though we have a deficit, even though we have unemployment, even though we have so many other things to do—that they are holding up the entire Senate.

Enough already. Enough already. And I would like them to come to the floor and defend holding everything up for a tax cut for the millionaires. We are willing, and many of us—I know the Senator from Missouri and myself—are saying: Give the tax cut to the middle class but not to the wealthiest among us, not because we don't like them, not because we don't admire them but, rather, because they are doing well, we have a deficit, and we have other problems.

"Republicans Hold Senate Ransom for Rich Tax Cut." That says it all.

Mrs. McCASKILL. Mr. President, will the Senator yield for a question?

Mr. SCHUMER. I will yield for a question.

Mrs. McCASKILL. I say to the Senator through the Chair that an awful lot of economists have met with I think all the Senators about the frustrations we have with this economy. So the question we have asked over and over is, What is the most stimulative thing we can do for the economy? What can we do in terms of our actions that will provide injection of the most money into the economy and therefore create the most jobs?

I am wondering if the Senator could share with us what it is that is the most stimulative thing we can do.

Mr. SCHUMER. I thank my colleague from Missouri for the question, which I will answer through the Chair.

The most stimulative thing we can do is to extend unemployment benefits. Those folks will spend every dollar in our stores, in our restaurants, and it will create jobs. If we give a tax break to multimillionaires, oh, yeah, they will rush right to the supermarket to buy that prime rib because they didn't have the money. Please.

Mrs. McCASKILL. Let me ask another question.

Mr. SCHUMER. I yield for another question.

Mrs. McCASKILL. We obviously passed this tax cut a decade or so ago, and they decided to make it temporary, not permanent, when it was passed. So there was a decision made by the Senate that it wasn't worthy of

being permanent, that it was temporary. So now here we are, it was temporary, and we have to decide whether we make it permanent. That is really where the rubber meets the road because—and correct me if I am wrong—they made it temporary to see if this tax cut for the wealthy would create jobs.

I am so sick of hearing on every TV show in America, well, if you give a 3-percent tax differential to the wealthiest people in America, they are going to create all these jobs. Well, I am trying to figure out where the jobs are that this tax cut for the wealthy created. This was an experiment. It didn't work. It didn't create the jobs. That is why we have this debate right now.

We have to decide whose side we are on. Are we on the side of the middle class, with shrinking income, with more frustration because they can't do some of the basic things with their families that they always assumed they would be able to do in America or are we going to continue a bonus to the wealthiest Americans which doesn't even stimulate jobs?

In fact, what we are going to do today is we are going to make a number of unanimous consent requests for things that will create jobs and see whether we can get our Republican colleagues to go along.

The Senator was here for that debate, but I am assuming one of the reasons it was temporary was to see if this experiment in more bonuses for the wealthy would trickle down and create these jobs. It has been a decade, and I ask the Senator, how well has it worked?

Mr. SCHUMER. My colleague asks an excellent question. It has not worked. Unemployment is higher today with these tax cuts in effect than it was before they went into effect. We have had the slowest job growth in this decade even before the recession with these so-called breaks for the wealthy in effect.

Let's go back a decade. The tax rate was, for the wealthiest, at 40 percent. We are not talking about a huge increase here; we are talking about the difference between 35 and 39.6. But during that time, jobs were created at a much more rapid rate, No. 1; No. 2, middle-class incomes expanded at a quicker rate than they did in this decade; and No. 3, we had a surplus, not a deficit.

The bottom line is very simple: The tax cuts for the wealthy did not work. The tax cuts for the wealthy did not work. They may have their ideological reasons to give them, but I would rather see that money go not only for unemployment insurance—and I will talk later about this—but also for the HIRE Act, which gives breaks to businesses, where they do not have to pay the payroll tax if they hire someone who is unemployed; for energy tax credits, which my colleague from New Mexico will

talk about; and for all kinds of different activities that have been proven to work.

I know my colleague from New Mexico is waiting, but I will once more read the headline from Newsweek, an article by Ben Adler, "Republicans Hold Senate Ransom for Rich Tax Cut." How do you like that, America?

I yield the floor because I know my colleague from New Mexico has been waiting.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. BROWN of Ohio. Mr. President, I would emphasize what all my colleagues are saying, particularly what the Senator from Missouri said—a State that, as of last night at midnight, probably had some 40,000 to 50,000, to 60,000 unemployed people lose their unemployment benefits they had earned because they had worked and they and their employer paid into it, but I would especially emphasize what she said.

Ten years ago, these tax cuts primarily, overwhelmingly, went to the wealthiest Americans, and it was an economic experiment. I opposed them. I was in the House then. Congresswoman STABENOW opposed them. She was in the Senate then, I guess. But it is clear they haven't worked—1 million jobs during the Bush years, 22 million jobs during the Clinton years.

As a result—and I would emphasize this too—all of these proposals we are going to bring forward now—and we will ask unanimous consent to get these passed to get the economy up and running—the cost of all of them is less than the cost of this tax cut to millionaires and billionaires.

So, Mr. President, I ask unanimous consent that the Finance Committee be discharged of S. 3981, a bill to provide for a temporary extension of unemployment insurance provisions; that the Senate then proceed to its immediate consideration, the bill be read three times, passed, and the motion to reconsider be laid upon the table; that any statements relating thereto appear at the appropriate place in the RECORD as if read.

The PRESIDING OFFICER. Is there objection?

The Senator from Wyoming.

Mr. BARRASSO. I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from New Mexico.

Mr. UDALL of New Mexico. Mr. President, we have heard here and in speaking with the Senators here on the floor about a really appalling action that has been taking place. I have a letter here signed by all of the Republicans who are really threatening to bring this place to a halt, completely bring it to a halt. They have written a letter to Senator REID, and in the letter, they say:

We write to inform you that we will not agree to invoke cloture on a motion to proceed to any legislative item.

They will not proceed to any legislative item until they get what I would characterize as these taxpayer-funded bonuses for millionaires and billionaires. So they are going to bring the entire Senate to a stop.

Their letter quotes President Obama saying:

We owe it to the American people to focus on those issues that affect their jobs.

Well, I have a bill right here that will affect the jobs of the American people. It is called the clean energy bill. This is a clean energy bill. It is S. 1574, the Clean Energy for Homes and Buildings Act.

As all of us know, clean energy is going to be the industrial revolution of the future, trying to move us toward renewable energy—solar, wind, biomass, and geothermal. This is where we are going to see job growth in the future. This is our chance to be out there in front on the technology we invented here in the United States. This is the way you create clean energy jobs.

So the demand they have issued to us—the ultimatum, really—is, you can't bring a clean energy jobs bill, which we have worked on very hard to get to the floor.

Mr. President, I ask unanimous consent that the Energy Committee be discharged from further consideration of S. 1574; that the Senate proceed to its immediate consideration; that the bill be read three times and passed, the motion to reconsider be laid upon the table with no intervening action or debate, and that any statements relating to the measure be printed in the RECORD at the appropriate place.

The PRESIDING OFFICER. Is there objection?

Mr. BARRASSO. Mr. President, reserving the right to object, this request just came to us moments ago. This is the first time we have seen this request, and I cannot speak to the merits of this bill or the problems that may exist.

What I do know is that 42 Senators from this side of the aisle have signed a letter to say that what we ought to do and what we need to do is to find a way to fund the government and prevent a tax hike on every American come January 1.

Mr. President, some of these requests may have bipartisan support, but we don't know anything about the specific legislation as we have just received this request. I think almost every bill in this package of requests that we are going to be considering now is still in committee, so we don't even know if the ranking member of that committee has concerns or potential changes.

This is not the way to handle this. This is December; it is a lameduck session. Let's stop the theater and get to the business we all know we need to address.

I object.

Mr. SCHUMER. Would my colleague yield for a question?

Mr. BARRASSO. I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from New Mexico has the floor.

Mr. UDALL of New Mexico. Mr. President, the Senator from Wyoming has said these bills we are trying to bring to the floor here aren't out of committee. I believe he is incorrect when it comes to things such as the START treaty.

Here we have the Republican Party saying they aren't going to consider anything else until they get these taxpayer-funded bonuses for their millionaires and billionaires. That is what they are saying. Yet we have a treaty that is pending. It is on the calendar, Mr. President. If we look on that Executive Calendar there, it is on the calendar. We want to bring that up. In fact, I believe Senator KYL said today that we are not going to bring that up. We are going to stop everything. I saw him on television talking about how we are going to stop everything and that we are just not going to bring up that treaty.

So there are things pending on the calendar that are ready to go. And this treaty in particular deals with our national security. National security used to be an issue where Democrats and Republicans worked together. But with this letter, it looks as if they are not going to be bipartisan. They are going to issue this ultimatum, and they are not going to try to work with us on these kinds of issues.

While they are doing that, we no longer have inspections, we no longer are allowed to go to Russia and look at their sites and find out if they are complying with previous treaties. This new START treaty would allow us to do that. But, instead, what we are seeing here, over and over again, are these kinds of objections.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Mr. President, may I ask my colleague from Wyoming a question in reference to what he just spoke about? I thank him for yielding for a question.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SCHUMER. Mr. President, my colleague said he wanted to make sure his colleagues on that side of the aisle didn't want to do anything else until they made sure there was a tax cut for every American. Let me pose a hypothetical. Let's say we gave a tax break to every American whose income was below \$1 million but not to people above \$1 million. Would he and his colleagues continue to block things, such as the unemployment insurance, the HIRE Act, and energy tax credits? In other words, when the Senator says a tax break for every American, does he mean it has to be for millionaires?

Mr. BARRASSO. Mr. President, my statement was, what I do know is that 42 Republicans have signed a letter to say what we ought to do and what we need to do is to find a way to fund the government and prevent a tax hike on every American come January 1.

Mr. SCHUMER. Would my colleague yield for another question, a followup?

The PRESIDING OFFICER. Is there objection?

Mr. BARRASSO. I would be happy to read the entire letter that was sent to Senator REID if there is some question as to what was exactly in that letter.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SCHUMER. My question is very simple. The Senator said he wanted to prevent a tax hike on every American. Hypothetically, if we prevented a tax hike on every American except the small number whose income was over \$1 million last year, would my colleague and his colleagues continue to block efforts to do any other piece of legislation?

Mr. BARRASSO. Mr. President, I am not going to answer a hypothetical. What I will tell you is, we did send a letter to Leader REID. I will be happy to go through the entire letter at this point:

DEAR LEADER REID: The nation's unemployment level, stuck near 10 percent, is unacceptable to Americans. Senate Republicans have been urging Congress to make private-sector job creation a priority all year. President Obama in his first speech after the November election said "we owe" it to the American people to "focus on those issues that affect their jobs." He went on to say that Americans "want jobs to come back faster." Our constituents have repeatedly asked us to focus on creating an environment for private-sector job growth; it is time that our constituents' priorities become the Senate's priorities.

For that reason, we write to inform you that we will not agree to invoke cloture on the motion to proceed to any legislative item until the Senate has acted to fund the government and we have prevented the tax increase that is currently awaiting all American taxpayers. With little time left in this Congressional session, legislative scheduling should be focused on these critical priorities. While there are other items that might ultimately be worthy of the Senate's attention, we cannot agree to prioritize any matters above the critical issues of funding the government and preventing a job-killing tax hike.

Given our struggling economy, preventing the tax increase and providing economic certainty should be our top priority. Without Congressional action by December 31, all American taxpayers will be hit by an increase in their individual income-tax rates and investment income through the capital gains and dividend rates. If Congress were to adopt the President's tax proposal to prevent the tax increase for only some Americans, small businesses would be targeted with a job-killing tax increase at the worst possible time. Specifically, more than 750,000 small businesses will see a tax increase, which will affect 50 percent of small-business income and nearly 25 percent of the entire workforce. The death tax rate will also climb

from zero percent to 55 percent, which makes it the top concern for America's small businesses. Republicans and Democrats agree that small businesses create most new jobs, so we ought to be able to agree that raising taxes on small businesses is the wrong remedy in this economy. Finally, Congress still needs to act on the "tax extenders" and the alternative minimum tax "patch," all of which expired on December 31, 2009.

We look forward to continuing to work with you in a constructive manner to keep the government operating and provide the nation's small businesses with economic certainty that the job-killing tax hike will be prevented.

With that, I tell you that all 42 members of the Republican Party, this side of the aisle, have signed their names.

I yield the floor.

Mr. SCHUMER. Mr. President, reclaiming my time, I have a great deal of respect for my colleague from Wyoming, but he has not answered the question and it is obvious why, because the Republican Party and all 42 members care as much or more about giving a \$100,000 tax break to someone whose income is \$1 million as they care to give a small tax break to somebody whose income is \$50,000. That is what we are here talking about.

The reason this letter and the response of my good friend from Wyoming to my question doesn't answer the question is because they are hiding. They are hiding behind the curtain of protecting the millionaires. We are pulling that curtain open and we are showing the American people and will continue to show that the No. 1 goal of the Republican Party is not jobs, it is not helping the middle class, it is not getting our green energy industry going, it is not helping small businesses hiring people as in the HIRE Act, it is to give the millionaires a huge tax break and hold hostage that the middle class will not get their tax break. We are going to continue to go at it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Mr. President, I agree with one thing my friend from Wyoming said in the letter they signed, which is we should not be continuing job-killing practices. I would say after 10 years of tax cuts for the wealthy, where are the jobs? If there ever was a policy that didn't work, it was that one. We have lost, in Michigan alone, over 800,000 jobs under the policy they want to continue. In the country we have lost over 8 million jobs under the economic policy they want to continue—not helping the middle class, not helping small business but giving the bonus benefit, the extra tax cut to those at the top, hoping it will trickle down. Frankly, we are tired of waiting for it to trickle down.

What we are proposing and I am going to offer as a unanimous consent request is to continue something that is actually working, that is actually

creating jobs in this country and beginning to turn manufacturing around.

I think the exchange between the distinguished Senator from New York with my friend from Wyoming is very telling. Even if we were talking about tax cuts for those up to \$1 million, that is still not enough.

This is not about small business. People on the other side of the aisle have filibustered and voted against 16 different tax cuts for small businesses in the last 18 months, 8 of those in September and October. This is not about small business. We are the folks who have been fighting for small business and will continue to do that, as well as those in the middle class.

I am going to ask, in a moment, unanimous consent for something that is an extremely effective and exciting new focus for our country; that is, on something called clean energy manufacturing. We are committing to making it in America. We want to see the words "Made in America" again. I want to see "Made in Michigan," frankly, on all those products.

One of the things that 18 months ago we passed as part of the Recovery Act was something called an advanced manufacturing tax credit, to allow companies to deduct 30 percent of their costs for new plants, new equipment, hiring people in the area of green energy: wind, solar, electric, batteries, and so on. We have seen across the country now, 183 new manufacturing facilities in 43 different States across the country as a result of that. People are being hired, and every month we are seeing manufacturing numbers go up rather than down in the last 18 months. If, in fact, we add another \$5 billion, another small investment compared to the \$700 billion for millionaires and billionaires in the tax cut—if we just invest \$5 billion of that, it is estimated we will unleash at least \$15 billion in total capital investments, partnering with the private sector, and create tens of thousands of new construction and manufacturing jobs.

That is our priority—things that work, focusing on jobs and making things in America again.

Therefore, Mr. President, I ask unanimous consent that the Finance Committee be discharged from further consideration of S. 3324, the Senate proceed to its immediate consideration and the bill be read three times and passed, the motion to reconsider be laid upon the table with no intervening action or debate, and any statements relating to the measure be printed in the RECORD at the appropriate place.

The PRESIDING OFFICER. Is there objection?

Mr. BARRASSO. Mr. President, reserving the right to object, this request, again, has come to us just moments ago. This is the first time we have had a chance to look at this. I will not speak to the merits of the bill

and the problems that may exist, but this is not the way to handle this. As you know, we are now in December, in the lameduck session. There are things that could have been brought up any time in the last 1½ years to 2 years, and we have focused specifically on making sure taxes are not increased for Americans between now and January 1. All Americans are concerned about those taxes going up.

As a result, I think it is time to stop the theater we have and get to the business we all know we need to address and I object.

The PRESIDING OFFICER. Objection is heard.

Ms. STABENOW. Mr. President, this is not theater. This is about real people in my State who want to work. This is about investing in middle-class jobs and manufacturing. It is about taking a policy that has been in place now for 18 months that has worked and being able to extend it.

In terms of bringing this up for the first time, we have focused on it and have been debating it and discussing it over and over. The bill I asked unanimous consent for is bipartisan. This is not new. We have not been able to get through the obstructionism, the throwing of sand in the gears, and the filibustering to bring this up. If we want to focus on something between now and the end of the year, let's focus on jobs and getting people back to work.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. BARRASSO. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 4915, something we have been discussing the last week, and that all after the enacting clause be stricken and the substitute amendment at the desk, a fully offset repeal of section 9006 of the Patient Protection and Affordable Care Act, the Small Business 1099 paperwork mandate, be agreed to, that the bill, as amended, be read a third time and passed and that the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Is there objection? The Senator from Michigan.

Ms. STABENOW. Mr. President, reserving the right to object, let me indicate, as someone who has voted in fact to repeal this particular provision, I think it is important we get that done. We actually have a majority of Members who have supported getting that done. Senator BAUCUS, the chair of the Finance Committee, brought forward a proposal that unfortunately did not get the bipartisan support necessary to be able to do it, but we are committed to getting this done. It is something I hope our colleagues will join with us in as we bring the tax bill to the floor before the end of the year. It is important, in my judgment, that we repeal this provision, which I do believe is onerous for small business, but it needs

to be done in the context of the broader package, so I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Wyoming still has the floor.

Mr. BARRASSO. Mr. President, I appreciate the comments by my colleague from Michigan because this was brought to the floor previously but with a threshold of 67 votes, and there were two different approaches to trying to help the small businesses across the country that are all being held hostage by a very onerous paperwork requirement in filing. But the threshold of needing 67 votes was too high, even though people from both sides of the aisle voted for both the measures that were offered.

We want to help small businesses around the country and eliminate what the IRS says is going to be almost impossible to comply with, what small businesses say is going to be expensive to carry out, and what Senator JOHANNIS, in an amendment, has a paid-for solution. I think this is something we should, as a Senate and as a body, be committed to adopting. The President of the United States says this needs to be solved.

What I heard now is an objection to something I think is a very reasonable request, and I am sorry that objection has been made.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Let me just indicate again, as a Senator who voted for both proposals that were in front of us, I could not agree more. We have to get this done. I believe there is a commitment on both sides of the aisle to get this done. You are correct that the 67-vote threshold was very high. We need to come back in a different context and get this done. I am committed to working with my colleague to do that.

The PRESIDING OFFICER. The Senator from Missouri.

Mrs. MCCASKILL. Mr. President, my friend from Wyoming, who is a good guy, just said that the motions we are making, unanimous-consent motions—that these things could have been brought up earlier. Oh, if only it were true. If only it were true that we could have brought these things up earlier. If anybody has been paying attention, they would understand that our friends across the aisle have been blocking everything, including motherhood and apple pie, for the last year. They have voted unanimously to move judicial nominations out of the Judiciary Committee, and then they languish and they will not allow us to bring them up for a vote.

Then my friend said we need to stop the theater. Well, let me tell you what theater is. Theater is when a Senator says: If we cannot get everything resolved and all of the spending decisions

made by Monday, well, then, I just don't think we can do the START treaty. Theater is having 42 Senators say: We will not participate unless you do what we want to do today. That is theater. That is theater. Theater is saying: Well, you could have brought this up earlier, when everyone knows they blocked everything we wanted to bring up. That is theater. What you are seeing on this side right now is a healthy dose of indignation on behalf of the American people who are hurting.

I think back. I think back to elections past when great patriots were accused in the most vivacious ways of being soft on national security. I remember a Senator who lost his limbs in battle who had advertisements run against him that somehow he was soft on terror because of a twist and distortion of a vote he had cast in the Senate.

Now fast forward. We have a treaty that the military unanimously supports, that the Secretaries of State for those Republican Presidents who warned us about loose nuclear weapons and terrorists—their Secretaries of State have stood up and said this is the thing to do. The ranking member of the Foreign Relations Committee in the Senate, Senator LUGAR—is there anyone more respected on what we should be doing to protect this Nation than Senator DICK LUGAR? And they are holding this treaty hostage to protect millionaires. Has it come to that? They now are willing to risk national security, the security of this Nation, because they refuse to allow us to stop the extra-big tax bonuses to millionaires and billionaires. Can you imagine what would have happened to somebody in my party who had the nerve to stand up in the face of our allies, our military, bipartisan support, everyone from Pat Buchanan to Colin Powell, who has said to the American people that this START treaty is necessary? And they are saying: Well, if you don't give us a tax break for millionaires by Monday, we are going to go home. Really? It takes your breath away. It just takes your breath away. I have some unanimous-consent requests I will also make today, but I really want that to sink in.

We have reached every goalpost they have put up on the START treaty, and then they have moved it. We have no verification of nuclear weapons in Russia right now, and we haven't for months, and they are nibbling around the edges because—do you know what I believe this might be? I might believe this is part of the strategy that was announced by the leader of the Republican Party that their No. 1 priority is to defeat President Obama, to damage him. They want to deny the passage of this treaty, I believe—it certainly has the appearance, anyway, that this is about damaging President Obama.

We should be focused on our national security. We should be focused on giving tax cuts to Middle America. We should be focused on tax cuts to small businesses. We have done net tax cuts in this country of \$300 billion in the last 18 months, and all of those tax cuts were focused like a laser on the middle class and on small businesses.

Do not let anybody sell you a bill of goods that the Democratic Party is not fighting for tax cuts for Middle America and small business. Now, we are not so excited about the millionaires. Those are not stimulative. They have not created the jobs. It has been an economic experiment that has failed. Once again, the trickle down did not trickle. And it is time for us to get busy, make these tax cuts permanent for the middle class, and continue to try to reduce our deficit.

I see my friend. Nobody has worked harder, and I have tried to be a partner with him to reduce spending in the Federal Government. But this all of a sudden “we are going to take our football and go home if you don’t give us what we want by Monday”—and here is the richest part of this. The person who is saying “we are going to go home on Monday if we don’t get it by Monday” is the person who is negotiating. He is supposed to be negotiating at 5:30. I mean, it is like looking in the mirror and saying: Hey, if you don’t get it done by Monday—if he wants to get it done by Monday, then be reasonable about the millionaires. Be reasonable about the millionaires, and we can get this done, and we can go home and celebrate Christmas with our families and come back and start hard next year to reduce this deficit with a good downpayment—\$300 billion going to reduce the deficit because we are not going to give a very small, incremental tax increase to people who have plenty of cash right now. What they really need, those millionaires, they need the middle class to have some money to spend to create the demand. That is the economic policy that makes sense in this climate.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. BEGICH. Mr. President, I have a unanimous consent I wish to do, but before I do that, I want to say that I know the Senator from Wyoming is not here right now, but I want to echo the point that we are going to deal with the 1099s. It is a question of making sure we pay for it the right way. I do not think anyone in this body—we are motivated and I think a lot of us are working in a bipartisan way to resolve that issue.

As someone who has been in the small business world since the age of 14, who has had a business license since that age, I have aggressively talked about the issue of small business, I have lived small business, and I clearly

understand what the 1099 is all about. I talked about this issue back in July and made it clear that we need to deal with it and get rid of it. So we are going to be working on it. We will see this, hopefully, as part of the tax package, a tax extender package, and we will deal with it.

I come to the floor because I also have a unanimous consent I would like to do in regard to small business. This is a bill that will help what they call HUBZones, HUB areas that are high unemployment to the tune of 140 percent of the average adjusted unemployment rate. These have been very helpful for many different communities across this country as well as in our State.

This is the Rebuilding Local Business Act of 2010. It amends the Small Business Act and designates HUBZones and gives them another 3 years of opportunity.

Mr. President, I ask unanimous consent that the Small Business Committee be discharged from further consideration of S. 3563 and that the Senate then proceed to its immediate consideration, the bill be read three times and passed, the motion to reconsider be laid upon the table with no intervening action or debate, and that any statements relating to the measure be printed in the RECORD.

The PRESIDING OFFICER. Is there objection?

Mr. ALEXANDER. Mr. President, reserving the right to object—and I wonder if I might be recognized to speak following the objection I intend to make—reserving the right to object, Republicans have said that we believe the single most important step we can take to create jobs is to keep the current tax rates, which will go up automatically on January 1; secondly, we need to fund the government—funding expires this Friday; and that after that, we can move to whatever else the Democratic leader would like to bring up. We should fund the government, keep the tax rates where they are, freeze spending, and go home.

I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Alaska.

Mr. BEGICH. Mr. President, still having the floor, let me respond. First off, I want to make sure, as the public is watching this, what that means. Keeping the tax rates where they are means millionaires and billionaires continue to get a bonus because that is what it is, with no disrespect to my colleague on the other side. I mean, corporations, businesses today—and I can speak about this, again with no disrespect to my colleague, as someone in the small business world. Our family is in this business. My wife owns four retail stores, started from scratch, just as I did in many of my businesses. The small business community—the small

business community—benefits not by the people over the 2 percent, the top 2 percent; the small business community are the ones below that. Half of the businesses in this country, the small businesses, gross less than \$25,000. That is a fact.

So for us to just kind of continue business as usual and keep these tax rates where they are for the millionaire and billionaire club—that didn’t help us the last 3 years. The fact is, right now they have those tax breaks. Right today, they have those. They had them last year. They had them the year before. And what happened to this economy? It crashed and burned almost to the ground. What has happened to the millionaire and billionaire club? They have more money in their bank accounts today than ever before. That is not me saying it; that is other independent data out there. Corporations have more cash on hand today than they have had in decades.

So for us now to say: Hey, let’s give the millionaires and billionaires another bonus for the next year for running our economy into the ground doesn’t make any sense to me and doesn’t make sense to the people back home in my State, the Alaskans I talk to every single day. As a matter of fact, when I came here in January of 2009, we were in our fourth or fifth month, if I remember right, of losing 500,000 to 700,000 jobs a month. Do you know what that is equal to? That is the total population of my State every single month being lost.

People who are saying we have to make sure the millionaires and billionaires have this \$700 billion bonus, paid for by the taxpayers of this country, to drive us more into debt, and believe that is going to solve this economic problem is absolutely wrong. I have had to scratch nickles and dimes together to build businesses. I have done it before. I have succeeded and failed. That is not what grows business, giving millionaires and billionaires breaks. What makes a difference, for example, is the small business bill we passed, where we only got two votes on the other side, a small business bill that brought money to loan small businesses. That is what makes a difference, or extending the tax credit, which we did, not only during the recovery bill, the stimulus bill, which I know everyone on the other side hates, but also during our small business bill so people can buy equipment and depreciate it in the first year, write it off in the first year. That is of real benefit to small businesses. Extending the SBA loan program, expanding it from the limitations they had before to \$5 million to make sure that the front-end fees do not have to be charged, what did that do in my State? It tripled—tripled—the loan capacity of SBA to small businesses. That was supported on this side. You want to grow small

business. That is how you do it, because the way it has worked, we drove into the biggest recession since the Great Depression.

So I respect the comments on the other side, but for us to say to the American taxpayers: Hey, we are going to give another \$700 billion to millionaires and billionaires, is beyond comprehension—beyond comprehension, especially when we tell them: Oh, by the way, it is going to be debt financed. So my son, who is 8 today, and his kids, my grandkids, maybe, in the future, will still be paying that bill because we were told that by Monday we have to make a decision.

I am not doing that. I didn't come here to play those games, to swap off the START treaty or national security for the benefit of millionaires and billionaires.

The other thing I have learned about this place, we can multitask. I came down here this morning, no one was on the Senate floor. I go to committee meetings—there is supposed to be 15, 25 people—2 people show up, maybe 4. I don't know what other people are doing. I am showing up because that is what I was sent here to do by the people of my State, to come here and work. For us to sit around and say we can only do one thing at a time—I talk to families every single day. They are doing multiple things every day, every single day. Why we can't, with all the staff we have, all the abilities we have, focus on more than one thing is ridiculous.

Again, no disrespect to the Senator from Tennessee. I mean him no ill words. I am frustrated. I didn't come here for these kinds of games. We put a 1099 amendment on the Food Safety Act. People are asking: What are we doing? I heard yesterday, why did we spend a week on the food safety bill. The other side wanted to delay it because it was good politics for them to delay and drag it out. So here we are. We have a deadline. We have to get this passed or we are going home. If you don't want to be around here, then go home. But the fact is, the American people sent us here, Alaskans sent me here to not just do one issue but to do multiple issues. That is what our country is about. It is complex. There is no single issue that drives the economy. But giving millionaires and billionaires a \$700 billion tax bonus is ridiculous.

I appreciate the comments. I am sorry my colleague objected to this one item because in order to build this economy, we have to have multiple things in play. This gives more tools to the private sector to grow their neighborhoods and businesses.

The PRESIDING OFFICER. The Senator has used 10 minutes.

Mr. BEGICH. I appreciate the opportunity to rant for a little bit and yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

SENATE AGENDA

Mr. ALEXANDER. Mr. President, I see the Senator from Alabama here. I don't want to take time from him. Let me see if I can go back to the beginning.

The government runs out of money Friday. Taxes go up at the end of the month. Republicans have written a letter to the majority leader that says: Let's focus on those two things. Let's fund the government and let's keep the tax rates where they are which would be the single best thing we could do in the middle of an economic downturn to help create jobs, and then we are ready to go home.

We think we heard the results of the election. Our friends on the other side keep on insisting on an encore after a concert which attracted a lot of boos. What the American people were saying to us is, fund the government, keep the tax rates where they are, freeze spending, and go home. Bring the new Congress back in January, and let's begin to work on the priorities of the American people which are, No. 1, to make it easier and cheaper to create private sector jobs; No. 2, bring spending closer to revenues; and No. 3, be smart and strategic in dealing with terror. So one, two, three—those should be our objectives.

In the last 2 weeks in this so-called lameduck session, insisting on an encore after a concert that attracted a lot of boos shows a lot of tone deaf politicians.

What we Republicans have asked is extraordinarily reasonable. The President—and I give him great credit for this—had a bipartisan leadership meeting. It was the best one he has had since he has been President. It was constructive. As a result, the Republican and Democratic leaders who met together said: We will designate a smaller group to see if we can work out the tax part of this. Then, in the discussion that came afterwards, we, on our side, made it clear to the President and to the Democratic leader that after you fund the government—remember, the money runs out Friday. We have to do this. Nobody wants the government to shut down. After we deal with taxes—remember, they go up automatically at the first of the year—then we will go to wherever the majority leader of the Senate wants to go. He is the single person who can bring up something, and if he chooses to go to the DREAM Act, if he chooses to go to Don't Ask, Don't Tell, if he chooses to go to a whole laundry list of other issues, that is entirely his prerogative.

We, under the traditions of the Senate, have the right to make the voices heard of the people we represent and amend and debate things. If the majority leader says: I have listened to the President. He thinks the New START treaty is the most important thing to go to next. He can bring that up if he

wishes to. We can debate that. We would want ample time to do that. That is a part of the Senate tradition as well.

There is nothing in the letter that 42 Republicans signed that says anything about national security or the New START treaty. It talks about legislative proposals. We recognize that until some fortuitous event should occur that we might have the majority, it is up to the Democratic leader what comes up.

The Senator from Missouri was talking about the New START treaty. We are not talking about it. In fact, we are meeting on it. We are working with the administration to see if nuclear modernization can be properly done.

Mrs. MCCASKILL. Will the Senator yield for a question?

Mr. ALEXANDER. I will not. I will continue my remarks and the Senator may gain the floor later.

We are working on making certain that if the New START treaty is approved, we are not left with a collection of wet matches. We want to make sure the nuclear warheads we have work.

I am one Republican who is open to voting for the New START treaty. I see the advantages of the data and of the inspections that come from it. I know the tradition of disarmament and nuclear arms control. I am deeply concerned about the condition of the facilities that do our nuclear modernization. I am impressed with the progress the President is making in that area. Let's continue to make that progress. If the majority leader wants to move to that, he can. But instead this afternoon we get a long list of new proposals that have come in here that we haven't read, that haven't been through committee. It reminds me of Christmas Eve a year ago. Let's just bring a bunch of bills in here. Nobody has read them. It doesn't matter.

The American people said in November they didn't like that. So they sent a bunch of new people here.

With all respect, we understand what it is like to lose an election. We have lost a lot of them lately. We had very few Republicans elected in 2006. We had very few elected in 2008. We thought the people had something to say to us. We tried to learn from that. We hadn't been doing some things well. We are trying to work our way back. We are trying to re-earn the confidence of the American people going step by step. We think the steps that are appropriate today are to keep the tax rates where they are in the middle of an economic downturn. It makes no sense to tax job creators at a time when unemployment has been above 9.5 percent for 16 out of the last 17 months and when it has only been that high for 30 out of the last 862 months.

What we are suggesting is the kind of thing that President Obama's former

budget director has suggested, Mr. Orszag. He said: Let's extend it for 2 years because raising taxes in the middle of an economic downturn makes no sense because it doesn't create jobs. We would like for them to be permanent. That is a possible area of compromise. Keep the tax rates where they are, deal with funding the government, and then let's move to whatever subject the majority leader would like to move to, including the New START treaty, if he thinks that is the most important area.

I wish to make sure the Republican position is well understood. I understand we have printed in the RECORD our letter to Senator REID of yesterday which says very simply: Dear Mr. Majority Leader, we 42 Republicans believe that we should keep tax rates where they are because they go up at the end of the month, and we should fund the government because it runs out of money Friday. And after those two, we can move to whatever legislative item you would like to. Of course, we have no comment on whether you move to a treaty such as the New START treaty. That is our position. We believe that is a reasonable position.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. I will be brief, but I do appreciate so much the comments of the Senator from Tennessee. He is one of our most valuable Members. He is an honest person. He can summarize complex matters in ways even I can understand. I think he stated honestly and fairly where we are today.

Not only did President Obama's own Office of Management and Budget Director, Peter Orszag, say we ought to keep the rates where they are, not go up on the upper income people at this time of economic stress and job loss, not raise taxes on them—although my colleague is saying that somehow if we pass this legislation it would be a bonus. For 10 years these rates have been at this level. We are talking about raising the rates if we don't take action.

I am going to recall that Senator ALEXANDER serves on the Budget Committee, as does Senator MCCASKILL. We worked hard on some important legislation together that I think will be helpful in containing spending.

We recently had a Budget Committee hearing a few months ago. I think Senators ALEXANDER and MCCASKILL were there. We had three premier, exceedingly well-known economists testify, two called by the majority and one called by the Republican minority. That is sort of traditional. We had Mr. Zandi from Moody's, Allen Blinder of Princeton, and John Taylor of the Taylor rule. The violation of his rule by Mr. Bernanke was a significant factor in the bubble in housing. But Mr. TAY-

LOR was a Republican witness. All three said: Don't raise taxes now in this economy.

It is offensive to me a bit to have my colleagues stand up and in a demagogic way say: You are trying to give a tax benefit, a bonus to millionaires. I don't believe that is accurate. These three premier economists, two of them called by the Democratic majority, said: Don't raise taxes.

Do you think these economists were saying this because they want to help millionaires, or do you think they were making that opinion because they believe it would be best for the economy and help more Americans who are out of work get work?

Mr. ALEXANDER. Assuming the Senator from Alabama still has the floor, I agree with him, in answer to the question. The idea is that you don't raise taxes in the middle of an economic downturn because it makes it harder to create jobs. And that raising those taxes now makes no sense. That is simply the argument.

Mr. SESSIONS. And Mr. Orszag was a former Congressional Budget Office head and also was chosen by President Obama when he first came to office for that significant, premier center of the government, the Office of Management and Budget, a student of these issues, far more liberal in ways than I would be in a lot of matters. But he has indicated he did not think we should raise taxes now that he has left the administration.

Mr. ALEXANDER. Yes, that is his point. He wrote that in the Wall Street Journal shortly after he left the administration. I believe, in fairness to Mr. Orszag, he said tax rates ought to be differentiated, and he expects that we would have a big argument about the levels of taxation, if we are doing something in a permanent way. But he did say very clearly that given the length and severity of the economic downturn, that the logical thing to do would be to keep the current rates exactly where they are for at least 2 years because not to do so would clearly cause job loss.

If we are listening to the American people and we have our eyes open, making it easier and cheaper to create private sector jobs should be our main objective, and raising taxes on anybody in an economic downturn runs against that objective.

Mr. SESSIONS. I thank the Senator for sharing those thoughts. I would say it is concerning that this gets boiled down to some sort of an idea that we are just trying to protect the rich.

What we are trying to do is to do something to help this economy to allow the private sector to create jobs and reduce this unemployment, which is maddeningly remaining at very high, unacceptable levels. Everybody, all the economists and others, tells us the economy will not come back until we

have a lower unemployment rate. Raising taxes is not the way to lower unemployment, and we are talking about a significant increase to 39.6 percent on upper income taxpayers.

These are small businesspeople. I met one gentleman who has 10 fast food restaurants and 200 employees. He told me with the health care bill and the stress he is seeing, he expects to be laying off 70 of those employees. We do not need to even be laying off 7. We need to be able to hire more, if we can, so we can have more people working.

Then we have, in addition, a 2.9-percent increase on upper income people, a 2.9-percent additional tax for Medicare. That makes the total tax rate about 42.8 percent or 42.6 percent. Plus, my State of Alabama has a 5-percent income tax. That makes it 47 percent. Some have 10 percent income tax. Then we pay sales taxes. Then we pay property taxes, and other taxes, gasoline taxes and those things. So the idea that we can just continue to ratchet up taxes without consequence to the economy is not accurate.

I do remember and would say one more thing. I talked to a businessman at an airport of an international company. He is the CEO for North America. He told me they had sought to obtain an environmental chemical process in the United States at their plant, and he thought he had won it. The people in Europe, who evaluate the proposals—it would have added 200 jobs in my State of Alabama—they said: Sorry, you have lost because you did not count taxes. And tax rates are higher in the United States than for the competing company. They had plants all over the world. This other plant, in another country that had lower taxes, was going to get it. We lost 200 jobs in the United States as a direct result of higher taxes.

So I just want to repeat, it is an absolute myth that we can just raise taxes on productive enterprises and small businesspeople who do a subchapter S and take their money directly rather than through corporate taxes; that we can raise those taxes and it will not have a job impact. It will have a job impact. That is why all three of the economists who testified before the Budget Committee—two of them Democrats—said: Don't raise taxes now. That is why Mr. Orszag said: Don't raise taxes now.

I see my colleague seeking the floor, and I am pleased to yield.

The PRESIDING OFFICER. The Senator from Missouri.

Mrs. MCCASKILL. Mr. President, I yield the floor so the Senator from New York can be recognized.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Mr. President, I thank my colleague for yielding the floor. I will be brief.

I would first like to ask my colleagues a question of any of my Republican colleagues. They say we have to

do this by Monday. It is one of the most important economic issues we have. If today we were to offer you—certainly I would; I cannot speak for every one of my colleagues—we will keep the tax rates the same for everyone whose income is below \$1 million and have them go up to what they were in the Clinton years for people \$1 million or higher, how is that for a compromise? Would you accept it? Well, I would ask any of my colleagues to come on the floor and tell us why they would or would not accept it.

We all know there was greater prosperity in the Clinton years than there was during the Bush years. We all know there was less of a deficit—in fact, a surplus at the end of the Clinton years—and a huge deficit in the Bush years. We also all know just about every economist tells us that tax cuts, taxes for millionaires, do not create jobs. This is not capital gains. This is not an investment tax credit. This is personal income of millionaires and billionaires. It is one of the least effective ways to create jobs.

So, again, I would ask my colleagues, are you willing to accept that compromise? I am.

I would like the RECORD to show no Republican colleague has accepted that compromise.

I have another proposal I would like to offer before I yield back quickly to my colleague from Missouri.

ORRIN HATCH and I passed a bipartisan bill, a tax cut for small businesses and large businesses, called the HIRE Act. It said if you hired somebody during the course of 2010, and they were unemployed for 60 days, they did not pay payroll tax. It has been regarded as a success. Five million jobs have been created since it passed. We cannot attribute all of them to the HIRE Act, but certainly it had to do with a good number of them. I would like to see us move that bill right now. It is a tax cut. It is for business. It creates jobs.

So I ask unanimous consent—and I would like to do that now, not to wait until we give a tax break to millionaires. These could be retired people who do nothing, who have a load of money, not small businesses working hard that would get a tax break.

So I ask unanimous consent that the Finance Committee be discharged from further consideration of S. 3623 and that the Senate then proceed to its immediate consideration, the bill be read three times and passed, the motion to reconsider be laid upon the table with no intervening action or debate, and that any statements related to the measure be printed in the RECORD.

The PRESIDING OFFICER. Is there objection?

Mr. SESSIONS. Mr. President, reserving the right to object.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. I would say as to the question raised by my esteemed colleague, I respect his economic judgment, but I respect the economic judgment more of Mr. Zandi of Moody's, Mr. Blinder of Princeton, and Mr. Taylor of the Taylor rule. They all have said without exception: Do not raise taxes in this economy, and those persons who might be making higher incomes most likely are the people who have the most employees and could be affected. They could pay for that by reducing employees. I would also cite him Mr. Peter Orszag, President Obama's own former budget director. Therefore, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. SCHUMER. Mr. President, I yield for my colleague from Missouri who graciously yielded to me.

The PRESIDING OFFICER. The Senator from Missouri.

Mrs. MCCASKILL. Mr. President, sometimes we selectively like certain testimony and dislike other testimony around here. My friend from Alabama is so proud of Mr. Zandi. I think it is important we put on the record what else Mr. Zandi said.

Mr. Zandi said if we had not passed the stimulus, we would have a depression. Now I hear the other side saying there was nothing worse than the stimulus. Mr. Zandi said if we had not done the stimulus, we would have a depression.

Now, I think Mr. Zandi would also say, if he were here right now, that the least stimulative tax cut we could do is a personal tax rate at the very highest bracket. Do you know what he would say is the most stimulative thing we could do to the economy right now? Unemployment benefits. And what are we fighting over? They are blocking the most stimulating thing we can do for the economy to do the least stimulating thing for the economy for the millionaires and billionaires.

Let's go over that again to make sure we understand this. The same economist my Republican friend is hanging his hat on has said, time and time again, the only thing that stood between this country and a depression was passing the stimulus. Now my colleagues want to use that same economist to justify holding up unemployment benefits, holding up the START Treaty, national security, and holding up any other business of the Senate, judicial nominations, work that needs to be done, to protect the millionaires and billionaires.

We do not need to argue about whether tax cuts are good. I think we have shown that. The proof is in the pudding. All my Republican friends know we have passed tax cut after tax cut. We have passed tax cuts for almost everybody in America. We passed tax cuts through payroll taxes. We passed middle-class tax cuts. We passed tax

cuts for small businesses, which they were busy opposing. That is rich. They opposed the tax cut for small businesses, and now they want to go to the mat for the millionaires.

People need to understand what they are saying. The reason the economists say do not raise taxes in a down economy is because we want money to go into the economy in a recession. We are trying to get money to circulate. We are trying to get investment. We are trying to get people to buy things. So that is why we look at spending on an emergency basis like a stimulus. And we look at tax policy and figure out what is the most stimulative thing we can do with the Tax Code to help this economy. That is why we focused on the middle class and small businesses. And they are stuck with those millionaires.

Now, I am very blessed; my husband's first job out of college was in a steel mill. I worked my way through college as a waitress. My husband has been very successful in business. When I talk to him—and he is an economist, very bright—when I talk to him about the various things we can do to stimulate investment—he has invested in many businesses through the years, created thousands and thousands of jobs—when I ask him is a 3-percent differential in your tax rate going to make a difference in your investment decisions next year, he kind of laughs. It may make a difference in terms of how much money he has to invest in one thing or another, but this is not the engine of our economy—a 3-percent difference in the tax rate for people who make millions of dollars. What does make a difference is a tax cut for the rest of America.

Here is where their argument falls apart even further. How many times have we heard our friends on the other side of the aisle talk about the deficit? Here is the dirty little secret. They do not want to extend taxes temporarily because we have a down economy. They want to do it permanently. They want to go borrow trillions of dollars from China to make sure we keep this tax break there for the millionaires permanently. They are not focused on the next year. They are not focused on the next 2 years. They want to blow the lid off this deficit and not pay for a dime of it by extending them permanently.

So he can say: Well, we don't raise taxes in a down economy. Then they ought to immediately acknowledge that this should only be a 2-year extension. But they will not even acknowledge that at this point. We agree on permanent tax relief for the middle class. Book it, Danno. We agree on that. Let's get that done: permanent tax relief for the middle class. All of us agree on that.

I, frankly, think it is time we start looking at the deficit, take the least stimulative money that we spend,

which is this extra money for millionaires, and put that against the deficit. We will never get this deficit solved if anybody thinks we can do it on discretionary spending.

I have worked hard on discretionary spending. Senator SESSIONS and I have sponsored an amendment and put it before the Senate time after time trying to get our colleagues to accept a cap on spending. We have not been able to get it across the finish line. I am confident we will in the coming months, and we will put a cap on spending. That is part of the equation: take a hard look at entitlements, figure out if we really need to be buying prescription drugs for millionaires with tax dollars when we are in debt. I do not know. I do not think that makes a lot of sense. That is part of the entitlement program I think we should take a look at, as to how many rich people we are buying prescription drugs for. Then, finally, we need to look at tax policy. If we can't bring the tax rate for millionaires—not talking about a corporate tax rate, not talking about capital gains, not talking about dividends, I am talking about the permanent tax rate—if we can't bring it back to the 1990s—find me a millionaire that didn't do well in the 1990s. I would like to meet one. Man, it was tall cotton in the 1990s for wealthy people in this country and, by the way, it hasn't been bad for the last 10 years. We haven't seen a lot of job creation after this tax cut. We created 22 million jobs in the Clinton years with the tax rate we want to go to for the millionaires, and they created 1 million after this tax cut was created—22 million versus 1 million. Really? We want to blow the lid off a deficit for that kind of job creation? No, we don't.

I wish to clarify one thing. Senator KYL didn't yield for a question. I didn't ever say there was a threatening on START in the letter written by the Republicans. I said Senator KYL today—and let me read the quote.

If taxes all can't be resolved and voted on and completed, and spending for the government for the next 10 months completed by next Monday, I don't know how there is enough time to complete START.

Keep in mind, we have had 16 hearings on START; close to 1,000 congressional inquiries. It is hard to find somebody who understands the threat who doesn't support START. They are saying: Well, the verification doesn't go far enough. We have no verification now.

So Senator KYL is the one who is saying that if we don't get everything done by Monday, they are done on the START treaty. I think I can speak for my colleagues on this side of the aisle. We are not done. We are not ready to go home. We want to stay here until we make sure we cut taxes for the middle class and continue that tax cut for the middle class. We want to stay here until we get that START treaty done,

and we want to stay here and make sure we get an agreement to continue to fund the government. We will stay here, and I think most of us are willing to stay here weekends, all night, Christmas Eve, Christmas Day, and the day after Christmas. I think we will stay here as long as it takes to complete this work.

So the sooner we find out the compromises they are willing to make, the better. Will they hold the middle class hostage, are they holding unemployment benefits hostage, and now will they hold the START treaty hostage for tax cuts for millionaires, the least stimulative tax break we can give? I hope not. For the sake of our economy, the future of this country, our grandchildren, deficit reduction, and national security, I hope not.

I yield the floor.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Mr. President, I wish to thank my colleague from Missouri for her outstanding words.

Again, let us take three facts. First, over the last decade, middle-class incomes have declined for the first time since World War II. Second, over the last decade, if you made over \$1 million, you did just great. Third, in 2001, when George Bush took over, until today, we have gone from a surplus of \$300 billion to a huge deficit. Yet what are my colleagues suggesting we do? That we hold up the entire government until we get tax breaks for the wealthy, the people who have done well, the people who have plenty of money, the people who, when they get a tax break, don't rush out to the grocery store or to the clothing store because they haven't had enough money to buy things.

That is what they want to do. It is hard to believe. It is hard to believe politics aren't at stake; that there aren't a group of very wealthy people who believe they made all their money all by themselves and they do not want to pay any taxes and that is what is pulling that party so far to the right.

My good friend from Tennessee talked about elections. I want him to come to the floor and tell me that in this election the electorate cried out: Give more tax breaks to the millionaires. Everyone knows they didn't. They said: Help the middle class. If our party had a fault—and I believe we did—we didn't pay enough attention to the middle class. But they are not going to convince us that because they won a few seats in the Senate and picked up the House that the election was a mandate to give more tax breaks to the people who need it the least—the millionaires and billionaires. Oh, no.

In fact, we are listening to the electorate far more than they are. We are saying: Give the middle class tax breaks and deal with the deficit not by preventing unemployment insurance

from being extended, not by preventing the HIRE Act from being enacted, and not by preventing tax breaks for manufacturing or green energy. Oh, no. We want to do those things, and we want to deal with the deficit by not giving an extra huge tax cut to the millionaires and billionaires.

Here is another thing I don't want to hear from my colleagues, if they persist with this policy. I don't want to hear them say: The deficit is the reason we can't spend money on middle-class needs such as education or transportation or unemployment insurance, because there are lots of middle-class people unemployed.

I don't want to ever hear that again. If they are willing to increase the deficit by \$300 billion or \$400 billion to give tax breaks to the wealthy—unpaid for—I don't want to hear about deficit reduction from the other side because they are not honest about it. "Deficit reduction" is code for giving more money to the wealthy and less money to the middle class.

I am somebody who believes in the American dream, and I think people who have made a lot of money in America are great. I think they are terrific, and they do create jobs. A whole lot of wealthy people—many of them—have inherited money, it is true, but many more made it by themselves. God bless them. But it is only a small percentage of the wealthy who are so eager to get a tax break when they know the country has so much trouble. Lots of wealthy people I speak to—Republicans in my State—say: You know what. I know the rates could go back up to what they were in the Clinton years for me, and I can afford it. If the money goes to a good purpose—improving our schools, building our roads or decreasing our deficit—I am all for it. So we are not talking about class warfare. We are talking about an economic problem America faces. Middle-class incomes are declining and they need a tax break. Upper incomes are greatly increasing and they can help reduce the deficit and improve America.

I have heard the economists whom my good friend from Alabama was talking about, and I believe that if you talk to them, they will also tell you that you get far more bang for the buck in other types of policies to get the economy going than in giving an additional huge tax break to the millionaires and the billionaires.

We are not going to stop. The Republicans have hidden for 15 or 20 years behind the idea of "don't increase taxes on anybody." Those are code words. It means, don't increase taxes on millionaires. That is what they care about. Because right now I have offered them a deal. Give everybody else the tax break except the millionaires. Are they going to take it? Of course not, because the millionaires come first in the economic books of my friends—most of my friends—on the other side of the aisle.

I remember when my Republican friends discovered the words "death tax." It had its effect in a way I didn't like, but it had its effect. Well, now we have the millionaire tax break. Millionaire tax. You know what. It is going to have the same effect, and we are going to finally be able to show America what the other party has been all about: tax breaks for the wealthy, above all—above the deficit, above helping the middle class, above creating jobs. The days of hiding behind the screen are over because the tax debate we are having now pulls back that screen and shows exactly where my Republican friends are.

So again I repeat my offer. I see my good friend from Tennessee is on the floor. I would offer him, if he wants to improve this by Monday—here are more colleagues—I will offer this deal. We will take the tax break for everyone below \$1 million. Will you accept it—that is a great compromise—or are you going to say: Oh, no, we are holding out for the millionaires. Take it or leave it.

I can't speak for my whole party, but I can speak for myself and my colleague from Missouri and many others on our side. We can solve this problem tonight. Tax breaks for everybody else but not for the millionaires. Take it or leave it. You said you wanted to negotiate, here is an offer.

I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. I thank the Presiding Officer, and I thank the Senator from New York for mentioning me.

There is a little problem with our negotiating. We weren't invited to the meeting. The Senator from New York and I were in the Capitol doing our work, tending to constituencies, while the President and the Democratic leaders and the Republican leaders were at the White House. They had a very constructive meeting, from what I understand, and they designated certain Democrats and certain Republicans to see if they could come up with a compromise.

One of those who might have been at the meeting may have just walked onto the Senate floor and maybe he can inform us, but the negotiations are continuing where they should continue. I was delighted to see the President invite the leaders down to the White House for such a good meeting. I know they have had some joint meetings before, but we are never going to get anywhere in the Senate where we have a relatively equal number of Members—as we now do or are now about to—unless we swap ideas. So I assume they are down there swapping ideas.

I assume they can read the calendar, and I assume they can remember that last year we were standing here in the worst snowstorm in decades in the middle of the night—1 a.m.—voting on bills

nobody had read. I don't think we want to do that kind of thing again. So we Republicans have said, very simply, let's deal with the tax issue because taxes go up automatically at the end of the month, let's fund the government because it runs out of money on Friday, and then, if we have any time left, let's do whatever the Democratic leader would like to do.

If he wants to bring up the new START treaty, that would be fine. We would have time to debate it. If he wants to bring up a whole string of other things, that is up to him.

What would the terms of the tax agreement be? I guess it will be whatever that group who discusses, our negotiators, come back with. If the President were to say, for example, he agrees with his former Budget Director, that raising taxes on anybody in the middle of an economic downturn makes it harder to create jobs—and in my words, therefore, makes no sense—he would probably get a welcome response on our side.

So while the Senator from New York is one of the most skillful debaters and negotiators anywhere on the planet, and he would be very good in any sort of discussion on taxes—he is a member of the Finance Committee, and he is chairman of the Rules Committee—he wasn't in the meeting and neither was I and those in the meeting are having the discussion and they will make a recommendation. My hope is they make a recommendation that permits tax rates to stay right where they are because raising taxes on anybody in the middle of a recession is a bad idea because it makes it harder to create jobs.

Mr. SCHUMER. Mr. President, through the Chair, may I ask my good friend from Tennessee a question?

The PRESIDING OFFICER. Will the Senator yield for a question?

Mr. ALEXANDER. I will be happy to yield for a question.

Mr. SCHUMER. Mr. President, I understand we are not in the negotiating room right now, but he and I are both in the leadership of our respective parties. We are good friends. I have tremendous respect and admiration for my friend from Tennessee. I do. I think he is a fine man, and we have passed some good legislation together. So I understand the negotiators are doing their negotiating, but we might be able to help.

Again, I repeat my offer: Will my colleague—just he and I can agree. That might break the ice. We will give tax breaks to everyone—Bush tax cuts—below \$1 million. We will continue their capital gains rates at the same rate, we will continue their dividend rates at the same rate but not the people above \$1 million because, as I mentioned, their incomes are doing fine. Most economists will tell you it is a highly inefficient way to get jobs or

money flowing into the economy. Unemployment insurance, which my colleagues insist be paid for, is much better.

Let just he and I agree that that is a good idea, a good starting point. Will he?

Mr. ALEXANDER. Mr. President, I am delighted to hear the eloquence of the Senator from New York. As I was listening to him I was reminded that most of the people whose taxes he is trying to raise live in New York. They are not in Tennessee. We are a relatively low-income State. So I admire him for his courage—it is almost a tax earmark to be so specific that we are going to raise taxes on just a small number of people, most of whom live on Wall Street and in New York. That makes a pretty good line.

But what I agree with is what I repeatedly said, what the Republican leader said, and the former budget director said. Let me just say it again because it makes very good sense, and I think most Americans would instinctively agree with this. We are in the middle of a very severe economic recession. We have had more than 9.5 percent unemployment for 16 out of the last 17 months. We have only had 30 months in modern history where we have had unemployment that high. Almost half of those months have been lately.

Making it easier and cheaper to create private sector jobs should be our main objective. Almost every economist—the President's former budget director, almost everyone who has looked at this—says raising taxes on anybody in the middle of an economic downturn makes it harder to create jobs.

We may want to have a big argument when the economy recovers about whether people in New York should pay more and people of more modest means in Tennessee should pay less. We could have that argument at some point. But what we are saying is at the end of the year, taxes are going up, almost everyone except some on that side seem to agree that it makes it harder to create jobs if we raise taxes on anybody. We are saying let's not raise taxes on anybody. We want that permanently. But most of us are saying, if we would do what Mr. Orszag says, that would have wide support here.

That is our position. We respect the position of the Senator from New York. Maybe someday we will have a debate about what the permanent tax rates ought to be. But right now the goal is to make it easier and cheaper to create private sector jobs. The single best thing we can do is keep tax rates where they are before they automatically go up at the end of the month.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I thank my colleague from New York and my

colleague from Missouri who was here a moment ago and all those who came to the floor to talk. I assume my colleagues are aware of the fact that all across America there have been cable TV subscribers who have been calling in and asking for a refund because when they turned on C-SPAN to see the Senate they saw an empty Chamber and nothing going on, and at least now we give them a little activity on the Senate floor. But, unfortunately, that activity is not going to lead to anything meaningful. The Senator from New York even offers a legislative idea that doesn't seem to be greeted by any applause on the other side or any counteroffer of any conciliatory magnitude.

I was at the meeting the Senator talked about yesterday, and it was a historic meeting with the President and Senator KYL, Senator MCCONNELL, Senator REID, myself, the President, the leaders of the House, as well and some members of the President's Cabinet—Secretary Geithner, for example. Vice President BIDEN was there.

I would say the reports generally have been accurate, that the President said: I want to change the environment, I want to change the dialog, I want there to be more meetings like this, open to suggestions from the other side about how we can work together and solve the problems facing our Nation.

Then the President did something which those of us who have been fortunate to visit the White House once in a while really considered to be rare. He stood up and said: I would like to ask the elected Members and the Vice President to come with me to my private dining room off the Oval Office.

We went in and had another cup of coffee and in a much more isolated and private setting had an even more candid conversation. I really felt good at the end of it. I felt we were starting at least to develop the kind of dialog the American people asked for in the November 2 election.

The President asked us, Senator REID and some others: Pick someone and let's sit down and talk about this tax situation. Let's try to find some common ground if we can, and I understand the group met this morning and again this afternoon. It is all, from my point of view, a very positive development and good for our Nation.

But what troubles me, I say to the Senator from Tennessee, is this letter. I see the letter is dated November 29, so it started circulating even before this peacemaking meeting we had. It seems that this letter which was sent to Senator REID is basically an ultimatum. The ultimatum is, we are not going to do anything on the floor of the Senate until we act on the tax measure and funding our government—nothing. It says basically that your side, the Republican side, the 42 Senators who

signed it, are going to object to moving to any other item of business—anything.

Now we are back into the cable TV problem, where people are going to see this empty Chamber and wonder why, with all the things we could be doing in the Senate, why we can do nothing—nothing whatsoever, according to this letter—until we reach an agreement on the tax issue.

I think we all concede the fact that we need to do it. We all concede the fact we need to fund the government. But what is the point? Really, if we are going to draw a paycheck for coming into the Senate, shouldn't we at least do the people's business? Do we have to sit here with empty desks and an empty Chamber and quorum calls day after day because of this threat that says: Don't try to bring up another issue?

It strikes me as odd. I know the Senator from Tennessee is an industrious man. He served as Secretary of Education. He was a Governor. He plays the piano. The man sings songs. He has more talents than most people I ever met. To think you would want us to just do nothing—nothing on the floor of the Senate.

The Senator from New York has offered an idea—I think a reasonable idea. Let's agree. Let's agree that people making \$1 million or less will have the same tax cuts that they had before, no questions asked, to invigorate the economy. But let's say to Paris Hilton and Bill Gates and Warren Buffett, no; you are not going to get a \$100,000 tax cut each year. If you make \$1 million, that is the average. We don't think that really invigorates the economy.

I would add as a postscript to what the Senator from New York raised, wouldn't it be reasonable for us also to say if we are going to give tax cuts to the wealthiest people in America, and add to our deficit in the process, shouldn't we help those who are unemployed in Tennessee—I see the two Senators from Tennessee—or Wyoming—I see the Senator from Wyoming is here—or Minnesota or Illinois? Do you think it is right for us to cut off unemployment benefits for people in the midst of this holiday season?

There are 127,000 people in the State of Illinois who will lose their unemployment benefits this month. Merry Christmas.

I know what those people receive. It is about \$300 a week. I don't know any of us who could survive on that. They try, they try to keep going. Yet we cut them off. There have been efforts on the Senate floor, unanimous consent requests to fund the unemployment benefits for another year, objected to by the Republican side of the aisle.

I find it hard to follow the logic on the Republican side that we cannot afford to help those who are out of work through no fault of their own but we

can afford to give a tax break, a huge tax break to Warren Buffett—who is not asking for it, incidentally—Bill Gates, Paris Hilton, or any of these others. I don't follow the logic.

I think, although the Senator is fervent in his belief that tax cuts are the key to prosperity—some of us may question how much they are the key—it really is fundamentally unfair that those who are unemployed would face this kind of problem.

I am going to make a unanimous consent request on another issue that I think will help create jobs. It will save jobs in Tennessee and Wyoming and Illinois and Minnesota, and it relates to something that is not new because it is already on the calendar. For those who want to follow this and say where is this coming from, turn to page 73, the Calendar of Business of the Senate, and go to order No. 578, S. 3816, a bill I introduced with others to amend the Internal Revenue Code of 1986, create American jobs, and prevent offshoring of such jobs overseas.

It was actually read the second time and placed on the calendar September 22 of this year. It relates to something which has affected the Senator's State and mine. When a company in Tennessee decides to send jobs overseas, to close down a local production facility, and to ship those jobs and that production facility to another country—China, Mexico, wherever it happens to be—we reward them. We give them tax benefits and tax deductions to help facilitate that decision.

Many of us believe that is upside-down. If a company thinks it is in its best interest, profit motive and best interest to locate overseas, so be it. Let them make that decision. But we should not encourage it. We should not subsidize it. We should not reward it. The reward should actually go to the many businesses that stay in Minnesota and Illinois and Tennessee and Wyoming, hiring American workers, paying them a decent wage and giving them basic benefits and retirement. That is where the reward ought to be in the Tax Code. It should not be in the area where we are creating tax incentives for companies to move jobs overseas.

If the economy, prosperity, and jobs are really the No. 1 goal here—I think they are, and I think they should be—then let's change this provision in the Tax Code. That is what this does. It tries to slow down the exodus of jobs from the United States. It will save jobs in Tennessee and save jobs in other places as well. This provision called "Creating American Jobs and Ending Offshoring Act" that I introduced with Senators HARRY REID, BYRON DORGAN, and Senator SCHUMER is a simple bill with three common-sense provisions.

Let me describe it before I make the unanimous consent request. I will be brief.

First, we make two changes that discourage U.S. companies from giving out pink slips to Americans while they open their doors abroad. We will say to firms: If you want to shut down operations here and move them somewhere else, we are not going to let you take tax deductions on the shutdown expenses.

We also say to firms: If you want to sell your products in this country, we are not going to let you start making those goods abroad, ship them back to this country, and avoid paying taxes on your profits.

Second, we make it more attractive for companies to bring the production of goods back home. We say to firms: If you bring jobs home from another country, you don't have to pay your share of payroll taxes on those U.S. workers for 3 years, repatriating jobs from overseas back into the United States. It is not radical, it is basic.

There are a lot of folks who defend this loophole I am trying to close: the Chamber of Commerce, National Association of Manufacturers. They oppose this. Republican leaders have spoken out in the past against it, but I think these two brilliant leaders from Tennessee on the floor of the Senate are not going to join that group. They are going to stand by their workers and companies from Tennessee. I am sure of that when I make this unanimous consent request.

So I hope they will join me in this effort. With this measure we can literally bring to the floor of the Senate a measure which will help save American jobs and create American jobs. We can debate it and get it over for a final vote in a matter of hours, and we can still have negotiations going on about taxes. We can walk and chew gum in the Senate. We can do more than one thing at a time. We should not be victims of an ultimatum that says: You will either do the tax cuts and funding the government or else.

So I am going to make this unanimous consent request that the Finance Committee be discharged from further consideration of Calendar No. 578, S. 3816, the bill be read three times and passed, the motion to reconsider be laid upon the table with no intervening action or debate, and that any statements be printed in the RECORD.

The PRESIDING OFFICER. Is there objection? The Senator from Tennessee.

Mr. CORKER. Mr. President, I reserve the right to object and say, as is the Senator from New York, the Senator from Illinois is most eloquent, and I always enjoy listening to his comments. I agree with him that many attributes regarding the senior Senator from Tennessee are all true—and many more, I might add. He is a multitasked person.

But I say the President's commission on deficit reduction actually is addressing this issue.

And they have actually made many bold steps in trying to address the many deficit issues, the tax expenditure issues which cause our country, in many cases, not to be as competitive as we could be around the world. So knowing that it is imminent, that this group is meeting on Friday, I object.

I would like to say for the C-SPAN watchers that there is not really much happening on the floor right now that matters. I would agree with the Senator from Tennessee, the senior Senator, that there is a great negotiation that is taking place, and I applaud the President for bringing members of both parties together. I think there is a lot of activity.

I just came in from the hallway. I know one of our negotiators was rushing to a meeting. I know that in a meeting about an hour ago, he had to step out because the President had called regarding this very issue we are talking about regarding taxes, regarding keeping the government operating. So I think there is work taking place in the Senate. I know there is work looking at nuclear modernization, and there is all kinds of activity throughout the course of this building and other buildings adjacent. It is just that here on the floor, we have somewhat of a charade taking place while that is occurring.

So I look forward to fruitful activity. I think most Americans realize that on Friday, our government is going to shut down, and I think what Republican Senators have said is that we think it is important that we deal with actually funding our government so it continues to operate past Friday. We think it is important to deal with the tax issues since forms are going out across our country—some have already gone out, as a matter of fact—and Americans want to know what they are going to be paying as it relates to tax rates.

And actually, what the letter said is any legislative item. I think the Senator from Illinois, whom I greatly respect, knows full well that things such as the START treaty are not legislative items, they are executive items.

That was excluded in our letter on purpose so that in the event the START treaty wanted to be brought to the floor by the leader, it could be brought to the floor. I know the President has said this is something of great national interest.

So all we are trying to do is prioritize. We know any debate that is taking place on the floor right now over taxes has no real meaning. The real debate will take place after these negotiators finish their discussions. I think, again, they are being done in a very fruitful and earnest manner, and after that the debate that takes place will be real. We will be talking about something we have given leaders of each party the ability to negotiate. So

that is when the real debate will take place. I hope the C-SPAN watchers who were alluded to will actually tune in at that time. All of this discussion now is really not nearly as relevant as what is happening in other places. I think there is a lot of work taking place.

I would just add that I think all of us on our side have been watching as the majority party has met for hours and hours and hours each day trying to figure out what they feel should come to the floor. And we understand that. But I think what we have said is that instead of debating things that could be well debated next year, that do not have the urgency of causing government to continue to function, when you have two wars underway and you have all kinds of issues that need to be dealt with, we have said: Please, we ask you to prioritize. Let's deal with those most important issues first. If you want to bring up the START treaty, that is not a legislative item, that is an executive item, bring it up. But let's deal with those issues that are most important to the American people first. If there is time to deal with all of these other issues, certainly after that is done, we would be more than glad to stay as long as the other side would like to debate all of those issues.

I thank you for the time to speak. I thank the Senator from Illinois for all of the kind comments he has made about the senior Senator and me. I thank him. I thank him for the leadership he shows on the other side of the aisle.

The PRESIDING OFFICER. Objection is heard.

Mr. DURBIN. Mr. President, I wanted to give my friend from Tennessee time to make his objection in its entirety. I thank him for that. I am glad he clarified the fact that we could bring the START treaty to the floor. I sincerely hope we do. I think it would be a serious mistake for us to leave Washington for the holiday season without voting on that treaty on the floor.

This is a treaty which the President has worked on and which is supported by previous administrations, Democratic and Republican. It is an effort to reach an agreement with the Russians. It should be based on a premise that most Republicans applaud because it goes back to an earlier statement by President Reagan that we should "trust but verify." The fact is, for over 1 calendar year, we have not had any inspectors on the ground in Russia to verify the safety and treaty compliance of their nuclear weaponry.

Senator LUGAR, on that side of the aisle, a man whom I greatly respect, supports this treaty, and if there is one person in the Senate who is probably more expert than any other when it comes to this issue of nuclear weapons, nuclear weapon control and modernization, it is Senator LUGAR of Indiana. He supports this treaty and wants it to

come forward. I hope Senators feel he is right. I think he is.

I hope we can do this. The notion that we do not have time—I said at an appearance a few days ago that we had time to create the Department of Homeland Security in a lameduck session because two extraordinary Senators—SUSAN COLLINS of Maine, a Republican, and JOSEPH LIEBERMAN, then a Democrat of Connecticut—worked overtime to put together a bipartisan bill which we considered in a lameduck session and literally reorganized the intelligence structure of America. It was an amazing undertaking and one I believe has served us well. We did it in a lameduck session, and no one stood up and said: I object; do not go forward. I object; I need 2 weeks. People really worked together to get it done.

We can do it in that same spirit when it comes to the START treaty. Let's get that done. Let's get the tax provision done. Let's get funding the government done. And let's get the START treaty done before we go home. We can do this. We are capable of doing this. But an empty Chamber and empty desks and no Senators on the floor will not achieve that.

I am glad the Senator clarified that he is not stepping in the way of considering the START treaty with this ultimatum that was sent out from 42 Republican Senators. I wish we could do a few other things, too, such as extend unemployment benefits, but apparently there is an objection to that.

So I hope we can work forward from this point in a more positive way. I truly value my friendship and the fact that I can serve with these two fine Senators from Tennessee. Although I spent a lot of time extolling the virtue of the senior Senator from Tennessee, I guarantee you, next time, I will extoll the virtues of the junior Senator so that he has a positive feeling about our relationship.

I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. CORKER. Mr. President, if I can just briefly indulge, I wish to thank the Senator, and actually, based on his closing comments, I think he may have actually signed the letter himself had it been presented, because I agree that we should fund the government, we should deal with the tax issue, and that if we did that, there would be ample time to deal with the START treaty. It is not to say we do not want to deal with all of those other issues; it is to say: Let's prioritize based on those things that are of most national significance.

The issue he recalled regarding homeland security was of national significance at the time. I think most Americans would agree that making sure the government functions beyond this Friday is of national significance.

So I thank him for his comments. I thank him for his good humor and tone.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. MERKLEY. Mr. President, I also rise to talk about the importance of creating jobs and how the Republican plan is the exact opposite. We have on our desks this letter that was put forward that says there should be tax cuts for all Americans. Well, you know what, that is the Democratic plan. That is the plan we have been putting forward that would create tax cuts on the first \$250,000 that every single American makes. But if you scanned the letter the Republicans signed, you find in the fine print, down there in the third paragraph that, no, it is not tax cuts for all Americans that they want; they want a version that creates bonuses, paid by the taxpayer, for billionaires. Bonuses for billionaires. That is the only version they want to see debated, the only version they say they will vote for, and it is the sole goal they put as an obstacle to every other important piece of legislation to get America back to work.

We have been trying so hard this year to get job-creation bills on the floor of the Senate, and we have endured a recordbreaking number of filibusters.

When I came here as an intern back in 1976, bills were passed by majority vote. Upon rare occasion, someone would say an issue is so important as to obstruct the Senate. But not our Republican majority. Not this year in 2010. Not last year in 2009. No. My colleagues have said: It is our goal to paralyze the Senate. It is our goal not only to prevent legislation from occurring but to damage the executive branch by obstructing nominations in unprecedented numbers and to damage the judicial branch by obstructing nominations.

This attack on the American system of government has gone way too far, and now my friends across the aisle say: Unless we get bonuses for billionaires, paid for by the taxpayers of the United States of America, we will block every effort to create jobs in this country. At some point, it needs to be said on the floor of the Senate—and so I am saying it now—that is simply wrong. It is misguided to put the top priorities to be billionaire bonuses. I think the American public weighed in on this in the discussion over Wall Street. It is wrong to fund those bonuses out of the pockets of working Americans who are paying their taxes, and it is certainly wrong to bring this body to a standstill once again in order to get those bonuses for billionaires.

I would like to ask my friends across the aisle to reconsider the substance of their vision for America, a vision in which ordinary workers fund extrava-

gant bonuses for the richest Americans—how big a bonus? An average of \$100,000. Now, I can tell you, in my working-class neighborhood, there are very few people who earn \$100,000 a year. There are folks who might not earn \$100,000 in the course of multiple years because they are working for minimum wage. They may be earning, if they can get a full-time minimum wage job, \$16,000. If they are working two jobs and their spouse is working, maybe they can bring home \$30,000 or \$40,000.

So I would suggest that stopping the business of the Senate to create a \$100,000-per-taxpayer bonus—and I say "bonus" because it is on top of the tax cut they would get under the Democratic plan—is simply completely out of touch with the challenges faced by ordinary working Americans who are trying to make ends meet, who would like to see us spend the funds in our Treasury to create jobs because they know the best program for any single person is the opportunity to have a living-wage job. It not only creates the finances that shore up the foundations of the family, it creates a sense of pride, it creates a sense of work ethic, it provides a strong example to our children, it builds a family. But a \$100,000 bonus for the richest Americans does not build those financial foundations for working Americans, and funding it out of the pockets of the working Americans is absolutely one of the most diabolical plots I could have ever imagined—in fact, I couldn't probably have imagined. If it would have been in a novel that my colleagues are bringing the work of the Senate to a stop in order to do \$100,000 bonuses for the richest Americans, funded by the rest of the taxpayers, I would have said: No way. That plot is beyond anything that could possibly happen on the Senate floor. But today we have it right here in writing that it has to be the billionaire bonus plan or none at all.

But at any point, the Senate can, by unanimous consent, come back to its senses and pursue that which builds our economy, builds opportunity for working Americans. There have been a host of bipartisan bills that have said: There is a strategy that is estimated to create more jobs than any other per dollar invested, and that is low-cost loans for energy-saving renovations. This core idea recognizes that very few of us can go out and put double-paned vinyl windows in our house or full insulation in our house because we do not have the money in our bank account for the upfront costs. But if we can get a low-cost loan, then we can, in fact, pay for those vinyl windows out of the savings on our electric bill.

This basic concept is a concept now embodied in the HOME Star bill, a bipartisan bill. It is the basic concept embodied in the Building Star bill,

which aims more at commercial buildings. It is the same basic concept embodied in the Rural Energy Savings Program, which is not only a bipartisan bill but is fiercely advocated for by our rural electrical co-ops that understand this would be a tremendous value to Americans in rural America. Knowing we can bring the Senate back to do good work through unanimous consent, I am going to ask for such unanimous consent.

I will start with a bill, which is the rural energy savings plan bill, supported by rural co-ops across America so rural Americans such as those in rural Oregon, such as those in rural Illinois, such as those in rural Tennessee, such as those throughout rural America everywhere can pursue these low-cost, easy-to-arrange loans through their local electric co-op. One of the reasons people get excited about this concept is, it is not just about the fact that your house now functions a lot better with these energy-saving renovations. It is not just about the fact that now the monthly cost of your electric bill or your gas bill goes down, often more than your loan payments would be, but it is the fact that through this kind of conservation, we actually create jobs—installation jobs and jobs producing the products for those energy-saving installations. Because virtually every aspect, from caulk to pink fiberglass to double-paned windows, is made here in America, manufactured in America. So people know they are not only creating jobs locally, but they are creating jobs in manufacturing America. If we don't build things in America, we will not have a middle class in America. People understand this at their core.

There is something else they like about this. Every time we address our energy needs domestically, we are decreasing our demand for foreign oil. Why does that make Americans smile? Because we would rather have red, white, and blue American energy and American energy savings than import oil from overseas. When we buy that oil from overseas, the money goes out of the economy. It doesn't go into the local grocery store. It doesn't go into the local retailer on Main Street. It doesn't build the financial foundations of American families. It goes to places such as Iraq and Saudi Arabia and Nigeria and Venezuela. What is happening with the money that goes overseas to places such as that? Some of it ends up in the hands of terrorists who oppose our policies around the world.

It has been said by national security experts that our current wars in Iraq and Afghanistan are the first American wars where we are funding both sides. What they are referring to is our purchase of foreign oil. So when we engage in energy savings here, we are doing what is right for our economy and for our families and for our national security.

By the way, these types of jobs cannot be shipped overseas, installation cannot be shipped overseas. Not only are the materials made in America, the installation can't be shipped overseas. It is the perfect strategy to help address the challenges in our current economy. That is why I have some hope my colleagues across the aisle will join in this unanimous consent to get this bill done so we can help folks in rural America get back to work, improve their homes, shore up their financial foundations and, in the process, improve our national security.

I ask unanimous consent that the Agriculture Committee be discharged from further consideration of S. 3102; that the Senate proceed to its immediate consideration, the bill be read three times and passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating to the measure be printed in the RECORD.

The PRESIDING OFFICER (Mr. BEGICH). Is there objection?

Mr. ALEXANDER. Mr. President, reserving the right to object, there must be something about the interval between the Thanksgiving holiday and Christmas and the effect it has on our Democratic friends. Again, this year, as they did last year, they begin to disappear for hours at a time into a room together, without any Republicans or any other kind of person there to talk and they get excited about issues and they come together. They persuade each other that they are right, and then they rush to the Senate floor after several hours and offer a bill of the most urgent kind. In this case, it is about double-paned vinyl windows. Here we are. The Senator from Oregon, a good colleague, a distinguished friend—this may be a good bill, but he is asking by his request that we not debate, that we not amend, and that we just pass it.

He is saying, at the same time, that this must be the most urgent thing before us. When he is finished with his other matters, I wish to say a little bit more. But let me reiterate what I have said over and over again. We have suggested to the majority leader that we focus on dealing with funding the government first, since we run out of money Friday, and deal with the tax issue next since taxes automatically go up the first of the year. After we have done those two things, we move to whatever the majority leader brings up. He may wish to bring up the new START treaty. He could bring up the new START treaty today. We said nothing about that in our letter. So all this talk I just heard has nothing to do with our letter, with what has been said on the floor.

I will have more to say about that in a moment. But we should fund the government, keep tax rates where they are. Then I think what the American

people said to us was: Go home, bring this new Congress back, and let's begin to deal with the debt. We have a report of the debt commission coming out. We should be making it easier and cheaper to create private sector jobs. The best way to do that is not to raise taxes on anybody in the middle of an economic downturn. That makes it harder to create jobs and makes no sense. We want to do that first. Therefore, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. MERKLEY. Mr. President, I appreciate that my good friend from Tennessee rose to defend his caucus's letter. I certainly enjoy working with him. Here I am talking about energy efficiency. We have had the pleasure of working together on a bill that is about deployment of electric cars that can save enormous amounts of fuel and have many beneficial effects that I have been speaking to in regard to the importation of foreign oil, cutting off that flow of oil from abroad, and the American money that goes out to buy it. I certainly treasure that relationship, that working relationship. But we couldn't have a more different perspective. We couldn't have a broader disagreement on this issue. I have noted that the Democrats have laid out a plan that provides tax cuts for all Americans. But my good friend from Tennessee just noted he wants the version that has no increase on anyone.

What he didn't explain—but I will—is that the difference between the two is additional bonus tax cuts for the richest Americans. Those are the tax cuts that are \$100,000 per person. Those are the tax cuts that will create a \$700 billion addition to the national debt over the next 10 years. When I have families who are struggling to get by on the best jobs they can find—and those jobs are paying near minimum wage, and they are lucky to make \$16,000 to \$20,000 a year, if they can find a minimum wage job—is it justifiable to give bonuses paid by other taxpayers or by additional debt on our children to the richest Americans to the tune of \$100,000 each? I would say, no, that is a bad decision. In that regard, we are coming from different places.

I can tell my colleagues, if there is something in the air in this period between Thanksgiving and Christmas, it is that it further increases or should increase our connection to the fact that American families are suffering. They need jobs, and it is our duty to create them, not our role to charge working Americans so \$100,000 bonuses can be handed out to the richest Americans.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, if I could reflect for a few minutes on what we have heard. There is a lot of passion in the Senate. This is actually a place

where there is supposed to be. We come here to debate the most important issues that are before us. Let me talk first about what Republicans have suggested. I have said this a few times during the debate, but I wish to say it again. We have suggested setting priorities in the Senate. We have a right to be heard. There are 42 of us now. There will be 47 after January. It is not our voices. It is the voices of the American people. They expect to be heard. Just a few weeks ago they said to us and to the entire country:

We have had a government of too much taxes, too much debt, too much spending, and too many Washington takeovers. We would like Members of Congress to focus on making it easier and cheaper to create private sector jobs, No. 1; bring spending under control so we don't have such a debt, No. 2; and be smart about terror, No. 3. That is what we would like to do.

This lameduck session is a period after an election where people usually listen to the voters. So our recommended view is we should keep the tax rates where they are, fund the government, consider the debt commission's report, which we hope to receive this week, and go home and bring the new Congress back, which was just elected, to begin to deal with jobs, debt, and terror.

If the President feels it is sufficiently important for the new START treaty to be dealt with before Christmas, his majority leader can bring it up any day he wants to. He has a right to do that tonight, this afternoon. He can put it on the floor, and we can have several days of debate. But remember, the government runs out of money Friday. Tax forms are being filled out because taxes automatically go up in January for almost everybody, and we are saying: Why have we waited so late to deal with this? Let's do it.

There is nothing wrong with priority in government. In fact, I respectfully suggest that for the last couple years the lack of priorities has been a big part of the problem. We have had a lot of very smart people in the government, but managers, leaders usually say: Here is the most important thing. Let's work on it until we fix it.

We do not have to go far back in history to have General Eisenhower, running for President in 1952, saying: I shall go to Korea. He did not announce 23 different things he needed to do. He said: I shall go to Korea. In October he said that, and in November he was elected. By the beginning of December he was in Korea, and he said: I shall spend my time on this until I get it done, and the people of the world and of the United States believed in him because they knew that a President of the United States who throws himself into almost any subject, with as much as he has for as long as it takes, can get a pretty good result.

We should be doing that with jobs. There is no magic formula on that. But virtually every economist who has testified—either those called by the Democrats or the Republicans—have said to us this simple fact that I bet most Americans would agree with: Raising taxes on anybody in the middle of an economic downturn makes it harder to create jobs. If our No. 1 priority is to make it easier and cheaper to create private sector jobs, raising taxes makes no sense as a policy. That is our position.

We would like for those tax rates to be permanent. The President's former Budget Director, Mr. Orszag, after he left the President's employ just a few months ago, said: Well, perhaps a 2-year extension of the current tax rates would be a good idea because it does make it harder to create jobs. He is aware, as all of us are aware, that for 16 out of the last 17 months unemployment has been at more than 9.5 percent.

So it is all right to consider a bill to deal with double-paned windows, but when tax rates are going up on everybody in America, including the job creators, if we want to take a step toward making it easier and cheaper to create private sector jobs, not more government jobs, we need to keep the tax rates right where they are right now and send that signal to the American people. All we are saying to the Democratic majority is, let's do that first, let's fund the government, and then let's go to the other issues.

The President, to his great credit, had a meeting yesterday which had a decidedly different tone to it. I had been mystified by the relationship of the President and the Republican leader over the last 2 years. I came up here 40 years ago in the Senate as a young aide. I remember Senator Howard Baker's story of when he first came here. I was his legislative assistant. He said he was sitting in there in the Republican leader's office, the phone rang, and it was President Johnson calling Senator Dirksen. He heard Senator Dirksen say: No, Mr. President, I can't come down and have a drink with you tonight. I did that last night and Louella is very mad at me.

Then, about 30 minutes later, there was a big rustle outside and the noise came up and two beagles came through the door with the President behind them and the President said to the Republican leader: Everett, if you won't come have a drink with me, I will have one with you.

David Gergen told me that President Johnson called the Republican leader at 5 o'clock almost every afternoon. That was the kind of relationship they had.

Yet for the first 2 years, the current President and the Republican leader had only one one-on-one meeting because the whole attitude around here

was: We won the election. We will write the bill.

So you jammed the health care law through last Christmas, which nobody had a chance to read, feeling pretty good about it. So there have been immediate, multiple efforts to repeal it from the day it passed.

Compare that with the relationship 40 years ago when the civil rights bill passed. It was written in the Republican leader's office, even though the Democratic majority was large and the President was a Democrat, because they not only wanted to pass it, they wanted it to be supported by the country. When it was passed, even though Senator Russell, for whom one of the buildings here is named, had opposed it for years—the Civil Rights Act of 1968—he went back to Georgia and said: It is the law of the land. We should enforce it, because he respected the process by which it had been done.

So this attitude that we won the election, we will write the bill, we will jam it down your throat whether you like it or not—that was the last 2 years, but that is over. When 47 Republicans come in, it is going to be a balanced Senate. There is going to be a change toward more balance, and that is an important part of what the American people voted for just a few weeks ago.

The President, to his credit, recognizes that. He had a meeting yesterday at the White House which had a decidedly different tone to it. Everybody who was a part of it says that, both Democrats and Republicans. One thing they talked about was taxes. We have to deal with it. So they formed a little group, and they are busy trying to work that out. The other thing is fund the government. We run out of money Friday. We are busy trying to work that out.

On the New START treaty, senators have very strong opinions: Senator KYL, Senator CORKER, Senator LUGAR. We respect the President on matters of national security, and if he says something is important, it is important to us, even if he is a Democratic President and we are Republicans. So the majority leader may want to bring that up. But he is the majority leader. It is up to him to bring it up. We cannot do that until we have the majority, which we hope we do someday. So he can bring it up.

So we have said: Let's set a couple of priorities around here: deal with taxes, fund the government, and then if there is time left, Mr. Majority Leader, bring up what you want. If you want to bring up a bill about double-paned windows, that is fine. If you want to bring up don't ask, don't tell, that will take a week of debate. If you want to bring up a bill about this, that or the other, that is fine. You set the priorities.

There is one other thing I heard during this discussion: Why aren't we working?

I will tell you why we are not working. It is because of the schedule of the Democratic leader. Forty times he has brought up legislation, and then he said there will be no amendment and no debate. That is like having the Grand Ole Opry open and saying: There will be no singing. That is what we do. We offer amendments. We debate on behalf of the American people. This is the only body in the world where you have unlimited debate and unlimited amendment.

When you bring up any bill, whether it is the double-paned windows bill that was so urgently presented a moment ago, whether it is the New START treaty, which has to do with our nuclear modernization and our national security, we bring it up, hopefully, after it has had careful consideration by the committees, where the military experts and the foreign policy experts have weighed in, and then we have a debate and everyone gets to offer their amendments and everyone gets to say what they think about those amendments. If we have to stay Monday night, we should stay Monday night—and Tuesday night and Wednesday night and we can even stay Friday. We have not voted on one Friday this year. That is not because of the Republican schedule. We are not in charge of the schedule. So, why is there nobody here to debate? Because there is nothing to debate. The Democratic leader brings up a bill and then he says there will be no amendment and no debate.

My hope is that as a result of this more evenly balanced Senate and the good will of the Democratic leader, whom I greatly respect, and the Republican leader—he and Senator REID are very much veterans of the Senate. They respect this institution greatly. I would like to see us get back to the point at which we were not very long ago.

I can remember the Senate in the days of the late Senator Byrd and Senator Baker, with whom I first came to the Senate as a staff member. They basically had an agreement that worked like this: Senator Baker was majority leader for 4 years, Senator Byrd majority leader for 4 years, but they led their parties for 8 years. When they did, Senator Baker would say to the committees: Don't bring a bill to the floor unless it has the chairman and the ranking minority committee member both agreeing to it. Then, when it came to the floor, they would say: All right, let everybody offer their amendments. There might be 300 amendments. Then, after a while, they would offer a motion to agree to have no more amendments, and usually they would get that. Then they would, by discussion, narrow that down to a number and then people would get their amendments. You might have to be here late one night. You might have to be here Friday. You might have to be

here Saturday. Senators would say: Well, I wonder how important this amendment is. But the American people were heard on the floor of the Senate.

So it is my great hope that in the new Congress, where there will be a relatively even number of Senators—Democrats will still be setting the agenda, they can bring up whatever they wish—I would hope what we agree to do is to go back to this body being what it was and can be and should be.

We have 16 new Senators, 3 of them Democratic, 13 Republican. They ran for this office in very difficult races. It is not easy to do these days. They are here not just for their voices to be heard but for the voices of the people of their States to be heard—for the people of Kentucky, for the people of Wyoming, for the people of Pennsylvania, for the people of Delaware. They want to be heard here.

If we bring up the New START treaty or the double-paned window bill or the tax bill or whatever it is, the Senator from Delaware, the Senator from Pennsylvania, the Senator from Tennessee ought to have a chance to amend it, ought to have a chance to be heard. Then, after we do that, we can decide: OK. That is enough of that. Let's have a vote.

That is the way we do things. I think we can do that. I have seen it happen time and time again. We did it on the energy bill. We tried it on the immigration bill. Sometimes it works; sometimes it does not. It is a great way to legislate. So it would again be a joy to be a Member of the Senate.

This period between Thanksgiving and Christmas is not a great time to do very much. We have been here for 2 years. We just had an election. We are waiting for the new Members to come. They have their marching orders. I said to some of my friends the other day: My friends on the Democratic side keep insisting on an encore for a concert that drew a lot of boos.

I think what most Americans would like for us to do is keep the tax rates right where they are, fund the government before it runs out of money, consider the proposals for reducing the debt, and go home. If the President thinks it is important for us to deal with the New START treaty before Christmas, then he might say a word to the Democratic leader that after we deal with taxes and fund the government, that maybe that ought to be the next order of business instead of the double-paned window bill or any other variety of bills, all of which may be fine legislation. But you just do not walk in here 3 weeks before Christmas with some bill with nobody here and ask it be passed by unanimous consent. That is not the way the American people want us to do business, and that does not give this body the respect it deserves.

So I greatly appreciate my friends on the other side and their passion for their point of view. I respect that passion. I think one of the cardinal rules of this body is never to question the motive of another Senator and always to respect the passion and point of view of another Senator. But I would like for us to get back to the point where you bring up something and we debate it—not you bring up something and you cut off amendments, you cut off debate, and then you do not do anything for a week. That is why nobody is here.

I will conclude with these remarks, by just restating our position. We sent this letter at the beginning of the week saying that the 42 Republican Senators want to use our voices to say that first we should fund the government, since we run out of money by the end of the week, and, second, we should deal with taxes so we can prevent a tax increase on anybody in the middle of an economic downturn. Then we should go to any other legislative item the majority leader wishes. Of course, he is free to bring up something like the New START treaty any time he wants to.

That seems, to me, to be a very reasonable approach, presented at the right time, in the right way, during a time when the President and the Republican and Democratic leaders are meeting together, when negotiations are going on about what the tax bill might be, when discussions are going on about how to fund the government, and when we are all in meetings right through this stretch about whether we are modernizing our nuclear weapons sufficiently so we can, in good conscience, vote to ratify the New START treaty.

Those are the most important issues, and that is what we should be talking about this month.

I thank the Presiding Officer and yield the floor.

Mr. President, I suggest the absence of a quorum.

THE PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. LEMIEUX. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

THE PRESIDING OFFICER. Without objection, it is so ordered.

JOB CREATION AND SPENDING

Mr. LEMIEUX. Mr. President, I rise today to talk about the issues and the topics this body badly needs to get to. Just a month ago there was an election in this country, and the people of this country spoke loudly and clearly. What they said is they wanted this Congress to focus on two things: No. 1, they wanted us to focus on creating jobs. This is the most difficult economy anyone who is working now has ever had to experience.

In my home State of Florida, unemployment is nearly 12 percent. If you figure in all the people who are underemployed—who have lost their job and now must work two or three jobs to make even less than what they used to make to barely get by, to provide for their families—nearly one out of five people of working age in Florida are unemployed or underemployed.

We are in the top three in mortgage foreclosures. In the first half of the year, Floridians were No. 1 on being behind on their mortgage payments. Although there are some spots of hope and some things to look at as potentially growing our economy again, we just recently found out that in southeast Florida—which in many ways has been ground zero for mortgage foreclosures—mortgage foreclosures have gone up in the third quarter more than 25 percent over the second quarter.

Times are tough in Florida. Times are tough all across this country. So the people of this country spoke, and they sent new people to Washington who will be taking office—some have already taken office, most will take office in January—to get this country back to work. What they asked this Congress to do is to focus on job creation.

The second thing they want this Congress to do is to stop the out-of-control spending. This government is putting this country on the brink of financial disaster. We know from the Congressional Budget Office, which keeps count of spending in this country, that this last year, 2010, the Congress spent \$1.3 trillion more than it took in—\$1.3 trillion more than it took in. It took 200 years for this country to go in debt. Yet just this last year, this Congress went \$1.3 trillion in debt.

Our national debt—the total amount of deficits that have accumulated over time—is nearly \$14 trillion. In the past 4 years, the national debt has gone up \$5 trillion. The American people are worried about this. When I go around Florida and talk to my constituents, they tell me they are concerned about the future for their kids, for their grandkids. They wonder whether our children are going to grow up in a country that has the same promise and opportunity that we have all experienced.

So these have been the two big issues. They are resounding. If you turn on the television and watch any of these cable talk shows, the two issues that come up are jobs and the out-of-control spending. Yet despite the overwhelming chorus from the people of this country—which manifested itself a month ago on election day—this Congress is failing to address these two primary issues.

Why in the world are we talking about a bunch of ancillary issues—albeit important in their own right—when the most pressing issues facing

this country, and what the American people want us to do, is to focus on these two issues?

Part and parcel of the economic problem is the uncertainty that is being caused by Washington. For the past 2 years, instead of focusing on creating jobs, creating an environment that would allow businesses to create jobs, we have created all sorts of uncertainty for American entrepreneurs. I come from a State of small businesses. There are not a lot of big businesses in Florida. When I meet with small business, they tell me there is so much uncertainty that it is preventing them from hiring.

They cite the health care bill. How do we know if we can hire a new person? If we do we may be under some new mandate, some new penalty or fine that will make us pay more. We don't know whether we can afford that new employee. Therefore, they do not hire. No wonder unemployment is so high and has not come down.

They wonder about the financial regulatory reform bill. One business in Florida told me they will move some of their employees overseas so as to not come under the restrictions of that bill.

Most of all what they tell me is they do not know what their taxes are going to be next year. They do not know what they are going to pay in taxes. Because they can't plan, they cannot hire. Because they can't plan, they do not buy that new piece of equipment. Because they can't plan, they do not take on that extra lease space or hire the construction company to build an addition on their building or build a new facility.

So all of this uncertainty created by Washington not having its focus on what the American people want Washington to have its focus on is exacerbating the problem with the economy. So why in the world—knowing for the past 2 years that these tax cuts were set to expire—have we not addressed them?

When we voted to adjourn before the election, I voted not to adjourn because I thought it was fundamentally unfair to the businesses and job creators in this country for us to leave and not finish our work with them not knowing what their taxes would be next year. I knew that would hurt the effort to employ more people in my State. Yet here we are, the first day of December, just a month left in the time of this Congress, and we still have not addressed the tax issues.

We are talking about food safety, we are talking about the DREAM Act, we are talking about the repeal of don't ask, don't tell. However you feel about those issues—and I respect that people have differing views—that is not what the American people are focused on. We should be about the work of focusing on the issues that matter most,

putting first things first. What should be first is creating an environment so that entrepreneurs and job creators can get people back to work.

Secondly, we must tackle this issue of spending. We just saw the report from the debt commission, and we are all still reviewing the good work they have done. Let me say, first of all, this is a serious proposal from serious and responsible people, and it is the kind of work that should be done in Washington. I don't agree with all of its provisions, but I am proud of the work they have done because it is serious, it is sober, and it addresses the compelling crisis that confronts us and threatens the very future of this country.

As the cochairmen of that commission—Erskine Bowles and former Senator Simpson—have said this crisis will not wait 10, 20 years. This crisis is now.

But as much as I respect the work they have done, it doesn't go nearly far enough. Realize that the proposals they have made will cut the national debt and deficit \$4 trillion. That is a lot of money. It is a good start. It is being widely condemned by Democrats and Republicans. It tackles defense spending, so some Republicans don't like it. It tackles Medicare, Medicaid, and Social Security, so some Democrats don't like it. I think the Speaker of the House, NANCY PELOSI, dismissed it because of what it does on Social Security. But realize this: It only cuts \$4 trillion out of the next \$12 trillion that will be incurred in the next decade.

So let's put it in perspective. Right now our national debt is nearly \$14 trillion. It is projected to be \$26 trillion by 2020. If we adopted every proposal of the debt commission—every single one of them—we would reduce the projected national debt from \$26 trillion to \$22 trillion, and that is not enough. It is not even close to being enough.

Now, why is that the case? It is the case because we spend \$200 billion a year right now in our current budgetary environment on debt service—\$200 billion a year paying interest on money we have borrowed for things we should not have spent money on in the past.

Here is the truth the American people have not been told: For the past 30 or 40 years, this government has spent much more money than it has taken in. What it did first was it took the money out of Social Security and wrote an IOU to Social Security. When the Social Security money was unable to be raided anymore by Congress, which has been just recently, then this government had to go out and borrow the money from foreign countries such as China and Japan. That is why we have this huge unfunded portion of Social Security that is tens of trillions of dollars and that is why we have this national debt that is racking up.

For the last 30 or 40 years, this Congress has spent way more than it has

taken in. Now we are in a situation where we put the future of this country in peril. At the end of this decade, if we have a \$26 trillion national debt—and even if it is \$22 trillion if we adopted every measure from the debt commission—we will still be \$800 to \$900 billion in debt service by the end of the decade, \$800 billion to \$900 billion. When we are that far into our debt service payments—basically for the average American family this is similar to, thinking of this like a credit card, when you can't pay the minimum balance and every month the amount you owe keeps cascading more and more. That is where the American Government is headed.

When we get to \$800 billion or \$900 billion a year in interest payments, the government will not function. As Erskin Bowles said today, the world markets will not wait for that point. So what you are seeing in Europe right now with Greece and Ireland and Portugal and Spain will happen here, except there will not be a European Union or anybody else to bail out the United States of America.

It is a crisis. Yet this Congress is not doing anything about it. We are talking about adopting a continuing resolution because this Congress will not do an appropriations bill. A continuing resolution at its best will freeze spending at last year's level.

Some of my colleagues will say: That is good. See, we are not increasing the spending.

It is not an accomplishment, when last year we were more than \$1 trillion in deficit, to freeze spending at that level.

The two issues the American people want us to deal with are jobs and out-of-control government spending. Yet we are failing to do both. There is a lot of frustration in this Chamber. I watched some of my colleagues on the other side today come speak on the floor, and they are frustrated that we are not getting things done. I am frustrated too. Two of my colleagues are proposing a change to the way the procedures of this body work. They do not think it should take 60 votes for us to do some things.

I do not agree with them, but I share their frustration because, as much as I am privileged to be here—and I am in awe of this institution—the way this Congress works and this body works is dysfunctional. The way it should work and the way it used to work, from what people tell me who were here before, is that a proposal would come up, a piece of legislation, and it would come to the floor and we would all have a chance to offer an amendment. We would all have a chance to make it better.

My constituents in Florida think I have the opportunity to offer amendments and let their voices be heard through my actions. If my proposal is not good or not worthy, then it should

not pass. But it should see the light of day. This was a time when Senators stayed by their desks and listened to the proposals and amendments of other Senators and were able to quickly call home to the group that the proposal might affect. Say it was an agricultural proposal. They might call their local farmers or if it would affect banks, they might call banks to see how it would affect their constituents in their home State, and the level of discourse was better.

The people of this country expect us to get to work. They expect us to get to work on the issues that matter most. They are suffering and we should get about the work that they want us to do because the future of the country is at stake.

I yield the floor.

ADVANCED PRACTICE REGISTERED NURSE PROGRAMS

Mr. INOUE. Mr. President, today I rise to recognize the need to transition the Advanced Practice Registered Nurse—APRN—programs at the Uniformed Services University of the Health Sciences—USUHS—to the Doctorate of Nursing Practice. It was my hope to establish a program to educate advanced practice nurses at USUHS and in 1993 Congress founded the Uniformed Services University of the Health Sciences Graduate School of Nursing, GSN. Doctoral nursing programs are designed to prepare advanced practice nurses and Ph.D.s for the unique challenges of military health care. The GSN students explore the fields of nursing through a signature blend of science, research, and field training. The lessons learned on the USU campus and beyond the traditional classroom prepare the GSN graduates to take on a diverse range of challenges that have led to their success in any environment.

The American Association of Colleges of Nursing—AACN—Position Statement on the Doctorate of Nursing Practice, DNP, dated October 2004, identified 13 advanced practice degree recommendations in response to the increasing complexity of healthcare and rising patient acuties. In recommendation 10 of its position statement, the AACN stated, “the practice doctorate be the graduate degree for advanced nursing practice preparation including, but not limited, to the four current APRN roles: clinical nurse specialist, nurse anesthetist, nurse midwife and nurse practitioner.” Additionally, the American Association of Colleges of Nursing and the American Association of Nurse Anesthetists, Council on Accreditation have stated that APRN programs should be converted from the master's degree to Doctorate of Nursing Practice programs by 2015 and 2025, respectively. These endorsements were preceded by almost 4 years

of research and consensus-building by an AACN task force charged with examining the need for the practice doctorate with a variety of stakeholder groups. Of the 388 APRN programs in the country, 72 percent are offering or planning DNP programs. To maintain professional standards for military APRNs and remain competitive for high quality students, the Graduate School of Nursing at USUHS must transition to the DNP for its APRN programs. A report is requested from USUHS, within 180 days, outlining the GSN's progress toward DNP program transition and planned implementation.

WORLD AIDS DAY

Mr. DURBIN. Mr. President, next year marks the 30th anniversary of the first diagnosis by the Centers for Disease Control of acquired immune deficiency syndrome or AIDS. This year, 33.3 million people are living with HIV. Last year 2.6 million people were infected with HIV, and 1.8 million people died from AIDS. And today we commemorate World AIDS Day, acknowledging the suffering and death that AIDS has caused and reaffirming our commitment to fight the global AIDS pandemic.

For three decades this preventable disease has devastated families and communities. But there also has been a global response from the research community, government, health workers, and patient advocates to fight this disease and save lives. This battle has yielded notable victories. Fewer people are becoming infected with HIV, biomedical innovations have created drugs that can transform AIDS into a chronic disease rather than a death sentence, more people have access to HIV treatment, and mothers can prevent their babies from becoming infected with HIV. A recent CDC report, indicating that 11.4 million more people were tested for HIV in 2006 compared to 2009, highlights the advancements that have been made.

The U.S. has been at the frontline combating the AIDS pandemic. We have established aggressive and effective programs, notably the Ryan White HIV/AIDS Program and the Tom Lantos and Henry J. Hyde U.S. Global Leadership against HIV/AIDS, Tuberculosis and Malaria Act, known more commonly as PEPFAR. These programs provide funding and support to initiatives combating AIDS and providing critical services to people in the U.S. and developing countries.

Progress has certainly been made, but the U.S. must continue to be a leader in the fight against HIV/AIDS. In the United States over 1.1 million people have HIV, but one in five of these people do not know they are infected. Each year 56,300 Americans become infected with HIV.

We can bring this number to zero. While Black Americans represent 12 percent of the U.S. population, they account for almost half of people living with HIV and half of new infections each year. We can alter the trajectory of this disease and eliminate these disparities.

World AIDS Day causes us to remember those who have been lost to this disease, but it is also an opportunity to renew our commitment to fighting the AIDS pandemic, to eliminating stigma against those with this disease, and to stopping the spread of HIV.

I look forward to working with my colleagues to make these goals a reality.

HONORING OUR ARMED FORCES

SPECIALIST DAVID S. ROBINSON

Mrs. LINCOLN. Mr. President, today I honor SPC David S. Robinson, 25, of Fort Smith, AR, who died November 20, 2010, in Zabul Province, Afghanistan, in support of Operation Enduring Freedom. According to initial reports, Specialist Robinson died of injuries sustained when his military vehicle overturned.

My heart goes out to the family of Specialist Robinson, who made the ultimate sacrifice on behalf of our Nation. Along with all Arkansans, I am grateful for his service and for the service and sacrifice of all of our military servicemembers and their families.

More than 11,000 Arkansans on Active Duty and more than 10,000 Arkansas reservists have served in Iraq or Afghanistan since September 11, 2001. These men and women have shown tremendous courage and perseverance through the most difficult of times. As neighbors, as Arkansans, and as Americans, it is incumbent upon us to do everything we can to honor their service and to provide for them and their families, not only when they are in harm's way but also when they return home. It is the least we can do for those whom we owe so much.

Specialist Robinson was assigned to A Troop, 2nd Squadron, 2nd Stryker Cavalry Regiment, V Corps, Vilseck, Germany. His mother resides in Fort Smith, AR, and his father in Canton, PA. His wife and children reside in Clarksville, TN.

STAFF SERGEANT KEVIN MATTHEW PAPE

Mr. BAYH. Mr. President, I rise today to honor the life of SSG Kevin Matthew Pape of the U.S. Army and Fort Wayne, IN.

Staff Sergeant Pape was assigned to C Company, 1st Battalion, in the 75th Ranger Regiment at Hunter Army Airfield in Georgia. He was 30 years old when he lost his life on November 16, 2010, while bravely serving in support of Operation Enduring Freedom in Kunar Province, Afghanistan. He was on his third tour of duty in Afghanistan, after three tours in Iraq.

A native of Fort Wayne, Staff Sergeant Pape graduated from Concordia High School in 1998. He enlisted in the U.S. Army in 2005 and graduated from the Ranger Assessment and Selection Program in 2006, where he served as a machine gunner, team leader and squad leader.

COL Michael Kurilla, Commander of the 75th Ranger Regiment, recalled that Staff Sergeant Pape, "had two priorities in his life—his family and the Rangers he led. By the manner in which he lived his life, Staff Sergeant Pape defined sacrifice, dedicated, and selfless service."

Staff Sergeant Pape's numerous awards and decorations include the Ranger Tab, the Expert Infantry Badge, the Combat Infantry Badge and the Parachutist Badge. He was posthumously awarded the Bronze Star Medal, the Purple Heart and the Meritorious Service Medal.

Today, I join Staff Sergeant Pape's family and friends in mourning his death. He is survived by his wife Amelia Rose Pape and his daughter Anneka Sue, both of Savannah, GA, and his father Marc Dennis Pape of Fort Wayne, IN.

We take pride in the example of this dedicated soldier and American hero, even as we struggle to express our grief over this loss. We cherish the legacy of his service and his life.

As I search for words to honor this fallen soldier, I recall President Lincoln's words to the families of the fallen at Gettysburg: "We cannot dedicate, we cannot consecrate, we cannot hallow this ground. The brave men, living and dead, who struggled here, have consecrated it, far above our poor power to add or detract. The world will little note nor long remember what we say here, but it can never forget what they did here."

It is my sad duty to enter the name of SSG Kevin Matthew Pape in the RECORD of the U.S. Senate for his service to our country and for his profound commitment to freedom, democracy and peace.

UNEMPLOYMENT INSURANCE

Mr. BAUCUS. Mr. President, today, without congressional action, hundreds of thousands of Americans will lose their unemployment benefits. Earlier this week, along with 19 of my colleagues, I introduced the Unemployment Insurance Stabilization Act of 2010—the USA bill. Our bill would reauthorize the Federal unemployment benefits program.

Unemployment benefits are the only lifeline that many workers in Montana and across the nation have left in this tough economy. These benefits help millions of Americans to put food on the table and roofs over their heads. These benefits pump money into our economy and help to create jobs.

The nonpartisan Congressional Budget Office says that unemployment benefits have one of the largest effects on economic output and employment per dollar spent of any policy.

This Congress has spent a lot of time reauthorizing unemployment benefits for a few months at a time. This bill would reauthorize the program for a full year.

A longer reauthorization of the unemployment benefits program would provide certainty. It would provide certainty for our economy. And it would provide the certainty that Americans looking for work need.

This bill would fund unemployment insurance for people who have lost their jobs in the latter portion of the recession.

This bill would not provide anyone with more than 99 weeks of benefits. This bill would ensure that out-of-work Americans who lost their jobs recently would get benefits similar to those received by their neighbors who lost their jobs earlier in the recession.

The Department of Labor reports that for every dollar spent on unemployment insurance, two dollars are re-invested in the economy.

This bill is crucial to our economy. This bill is about jobs.

This bill is about jobs because unemployment insurance goes to people who will spend it immediately. That increases economic demand. And that helps to support our fragile economic recovery.

CBO says that aid to the unemployed is among the policies best suited to creating jobs per dollar of budgetary cost.

With unemployment at 9.6 percent, now is not the time to stop investing in economic recovery. This bill would keep in place a major source of our recovery. This bill would support Americans who have worked, are looking for work, and will work again.

For millions of people, unemployment insurance is the bridge to the next job. This bill would provide a bridge over troubled waters.

I think of a woman from Helena, MT, who called my office. She told us that unemployment benefits are keeping her family afloat. She was laid off when she was 8 months pregnant. And she wants the Senate to know that she has worked since she was a teenager. She wants to work. And she will work again.

And I think of a Montana father with three small children who was laid off after 18 years of service. The company could no longer pay his wages. He has no income. But he continues to look for work. His home is going into foreclosure. Unemployment insurance has been his only income. It is what puts food on the table for his family.

This is America. When there is an emergency, we don't leave people behind.

We cannot take Federal unemployment insurance benefits away before our economy and out-of-work Americans have found their footing.

Let's not leave the unemployed behind.

I urge my colleagues to support this commonsense legislation.

HEALTH CARE

Mr. BROWN of Massachusetts. Mr. President, I rise today to continue to urge my colleagues for quick passage of my legislation that would restore access to life-saving medicines for children's hospitals.

As my colleagues are aware, I introduced independent legislation in September that would protect the lives of the most vulnerable among us—our Nation's children—by immediately restoring access and ensuring children's hospitals across the country are able to purchase orphan drugs at a discount.

Children's hospitals lost access to these medicines when Congress passed the Patient Protection and Affordable Care Act.

That wasn't right.

And so my legislation sought to fix it and restore access to these life-saving medicines for children's hospitals. Without this fix, children's hospitals across the country will be faced with higher drug costs. I introduced this legislation with the support of several of my Republican colleagues. And I know that my Democratic colleagues support the intent of my legislation too.

Unfortunately, and despite passage in the House, the Senate has not passed legislation to correct this flaw in the Patient Protection and Affordable Care Act.

But I am hopeful that the Senate will take action soon. I continue to work with my colleagues on the Senate Finance Committee and with Senate leadership to ensure that the Senate acts swiftly to correct this error in the Federal health care reform bill.

As my colleagues are aware, access to orphan drugs are critically important to children, many of whom, if they are ill, suffer from rare diseases or conditions. Orphan drugs, by definition, are designed and developed to help and treat diseases or conditions that affect fewer than 200,000 people, many of whom are children. On a daily basis, the Children's Hospital of Boston uses most of the 347 medicines that are designated orphan drugs.

I will say again that my legislation has the support of my colleagues from both sides of the aisle. And I have this support because fixing this provision and restoring access to life-saving medicines is the right thing to do.

My legislation restores and protects the ability for children's hospitals to access those outpatient medicines through the 340B drug discount program authorized in the Public Health

Services Act. Access to this program and the corresponding discount saves the Children's Hospital of Boston nearly \$3 million annually, but more importantly, Children's Hospital of Boston is able to save lives as a result. Hospitals and doctors at children's hospitals are able to access life-saving medicines, children live better lives, and families are given peace of mind.

Passing my bill quickly is the right thing to do and I encourage my colleagues in the Senate to act swiftly to enact my legislation to ensure that children's hospitals can once again receive discounted pricing on these life-saving medicines.

There is no cause for delay. The House has passed this restorative language twice already. The Senate needs to do the same. And we should do so before the end of this year.

I believe quick passage is possible—quick passage should be possible—because of the support and efforts that I have seen demonstrated by my fellow Senators.

ADDITIONAL STATEMENTS

COLORADO RAPIDS SOCCER TEAM

• Mr. BENNET. Mr. President, today I congratulate and honor the tenacious play of the Colorado Rapids soccer team, that recently fought their way to victory over F.C. Dallas in the MLS Cup. This was truly a come-from-behind victory. The Rapids struggled against F.C. Dallas in two games earlier this season, and in the championship game, Dallas scored first, early in the first half. But as they had done throughout the playoffs, the Rapids relied on their character, concentration, and grit and came back in the championship game to win 2 to 1 in overtime.

This is the first MLS Cup championship victory in Colorado Rapids history. And it is a testament to the resiliency of the team. From the creativity of our strikers to the concentration of our goalkeeper, our side showed that they have what it takes to win, again and again. The Rapids have proudly represented our State and the Colorado ideal that hard work and determination pay off. That is a lesson I am proud to share with my three daughters, all of whom play soccer. The Rapids have proven that we have world-class teams and world-class fans in Colorado. I am proud to support the Colorado Rapids and again congratulate them on this remarkable accomplishment.●

TRIBUTE TO DOMINIC CALABRO

• Mr. LEMIEUX. Mr. President, today I wish to recognize the distinguished career of Mr. Dominic Calabro of Tallahassee, FL, who is in his 30th year of

public service with Florida TaxWatch, a nonpartisan, nonprofit government watchdog and research institute that has served the taxpayers for decades in my home State of Florida. The group has been chaired for the past 2 years by the distinguished leadership of David A. Smith of Jacksonville, FL.

Florida TaxWatch first hired Mr. Calabro in 1980 as a senior research analyst. His hard work and dedication was quickly recognized, as he was promoted to executive director in 1982 and CEO in 1986. Mr. Calabro has guided the growth of TaxWatch into a dynamic, influential organization dedicated to improving government productivity and taxpayer value through research and civic engagement. Approximately 70 percent of TaxWatch's recommendations have been adopted by Florida's government, saving billions of dollars for Florida taxpayers.

Under Mr. Calabro's leadership, Florida TaxWatch has grown from an organization with a membership of approximately 30 and annual revenues of approximately \$64,000 to a statewide organization boasting a membership of nearly 1,000 individuals and organizations and revenues that have grown more than twentyfold to over \$1,500,000.

In addition to identifying and working to improve government spending in the public interest, Mr. Calabro and TaxWatch are the key players in the annual Prudential-Davis Productivity Awards, a nationally unique public-private partnership that recognizes and rewards exceptional Florida state employees whose innovative work measurably increases productivity and saves taxpayer money. Mr. Calabro has received numerous honors and awards, including being named by the National Junior Chamber of Commerce as one of Ten Outstanding Young Americans for 1994.

Mr. Calabro has been supported in all of his endeavors by his loving wife of 31 years, Debbie. They are devoted to their four children, Diana, Dominic, Christina, and Danny.

Mr. Calabro is also a driving force for improvements in public education. He is on the Board of Advisors for Florida State University's Graduate School of Social Work. Mr. Calabro also serves on the Florida Education Foundation and Communities in Schools of Florida.

Many Florida TaxWatch recommendations have served as the impetus for important changes to Florida budgetary and taxation policy, including the Taxpayers Bill of Rights of 1992, the Government Performance Accountability Act of 1994, the complete phase-out of the Intangibles Tax, and a recent Government Cost Savings Task Force that so far has saved the state nearly \$3 billion to weather the current economic climate.

I congratulate Mr. Calabro on his 30 years of service with Florida

TaxWatch, and to wish him nothing but the best in his future endeavors.●

REMEMBERING FATHER ALLEN NOVOTNY

● Ms. MURKOWSKI. Mr. President, on October 27th the Gonzaga College High School and Jesuit community lost a leader and dear friend. Father Allen Novotny served as the president of the oldest private high school in Washington, DC, and led the charge to modernize the school's aging facilities. When I moved my family to Washington, DC, I knew that under the leadership of Father Novotny, my two sons would receive the best education possible at Gonzaga. The school, which is known for its motto "Men for Others" encourages students to participate in service projects throughout DC, the country, and the world. During his 16 years at Gonzaga, Father Novotny increased the funding and variety of these essential service projects that gave thousands of young men the opportunity to grow in their faith and serve those in need.

Allen Paul Novotny was born in Baltimore in 1952 and received his education at the Sacred Heart of Jesus School in Baltimore and then Loyola High School in Towson. He entered the Society of Jesus at the Novitiate of St. Isaac Jogues in Wernersville, PA, in 1970, and received a degree in history from Fordham University in 1975. He then went on to teach history at his alma mater Loyola, and by 1989 had received three master's degrees in divinity, pastoral counseling, and business administration. These credentials along with Father Novotny's passion to provide a productive learning environment for the young men at Gonzaga resulted in a \$30 million campaign to renovate and expand the schools aging cafeteria, classrooms, gymnasium, and other facilities.

Along with his tireless efforts to improve the school structurally, Father Novotny also ensured the spiritual and educational improvement of the student body, parents, and faculty. With his calm demeanor and strong faith, he guided the school through times of national tragedy in 2001 when the September 11 attacks took the lives of family and friends in the Gonzaga community and again in 2002 during the Washington DC, sniper shootings. He also led the school to great educational and athletic triumphs. During his tenure, courses offered for college credit at Gonzaga significantly increased and Gonzaga's basketball program has consistently been nationally ranked.

Father Novotny had a very personal connection with his students, which I always admired as a parent. He constantly attended the games of Gonzaga's various sports teams and participated with the students in their service projects. In the weeks since his

passing, there has been an outpouring of condolences from thousands of former and current students, parents, faculty, and friends who have shared their stories of the influence that Father Novotny had on their lives. Gonzaga will now have to search for a replacement to serve as the school's president, but we will never be able to replace in our hearts such a great leader, mentor, teacher, and friend. May he rest in peace.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Pate, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the Committee on the Judiciary.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 10:16 a.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has agreed to the amendments of the Senate to the bill (H.R. 4783) to accelerate the income tax benefits for charitable cash contributions for the relief of victims of the earthquake in Chile, and to extend the period from which such contributions for the relief victims of the earthquake in Haiti may be accelerated.

At 12:19 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 5866. An act to amend the Energy Policy Act of 2005 requiring the Secretary of Energy to carry out initiatives to advance innovation in nuclear energy technologies, to make nuclear energy systems more competitive, to increase efficiency and safety of civilian nuclear power, and for other purposes.

H.R. 5953. An act to direct the Secretary of Veterans Affairs to display in each facility of the Department of Veterans Affairs a Women Veterans Bill of Rights and to display in each prosthetics and orthotics clinic of the Department an Injured and Amputee Veterans Bill of Rights, and for other purposes.

H.R. 6398. An act to require the Federal Deposit Insurance Corporation to fully insure Interest on Lawyers Trust Accounts.

H.R. 6411. An act to provide for the approval of the Agreement Between the Government of the United States of America and the Government of Australia Concerning Peaceful Uses of Nuclear Energy.

At 3:31 p.m., a message from the House of Representatives, delivered by

Mrs. Cole, one of its reading clerks, announced that the House has passed the following joint resolution, in which it requests the concurrence of the Senate:

H.J. Res. 101. Joint resolution making further continuing appropriations for fiscal year 2011, and for other purposes.

At 6:24 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 6184. An act to amend the Water Resources Development Act of 2000 to extend and modify the program allowing the Secretary of the Army to accept and expend funds contributed by non-Federal public entities to expedite the evaluation of permits, and for other purposes.

The message also announced that the House has passed the following bills, without amendment:

S. 1338. An act to require the accreditation of English language training programs, and for other purposes.

S. 1421. An act to amend section 42 of title 18, United States Code, to prohibit the importation and shipment of certain species of carp.

S. 3250. An act to provide for the training of Federal building personnel, and for other purposes.

The message further announced that that House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 323. Concurrent resolution supporting the goal of ensuring that all Holocaust survivors in the United States are able to live with dignity, comfort, and security in their remaining years.

The message also announced that the House has agreed to the following concurrent resolution, without amendment:

S. Con. Res. 75. Concurrent resolution authorizing the use of the rotunda of the Capitol for an event marking the 50th anniversary of the inaugural address of President John F. Kennedy.

The message further announced that the House has agreed to the amendment of the Senate to the bill (H.R. 5283) to provide for adjustment of status for certain Haitian orphans paroled into the United States after the earthquake of January 12, 2010.

ENROLLED BILLS SIGNED

At 6:54 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

H.R. 6162. An act to provide research and development authority for alternative coinage materials to the Secretary of the Treasury, increase congressional oversight over coin production, and ensure the continuity of certain numismatic items.

H.R. 6166. An act to authorize the production of palladium bullion coins to provide affordable opportunities for investments in precious metals, and for other purposes.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 5866. An act to amend the Energy Policy Act of 2005 requiring the Secretary of Energy to carry out initiatives to advance innovation in nuclear energy technologies, to make nuclear energy systems more competitive, to increase efficiency and safety of civilian nuclear power, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 5953. An act to direct the Secretary of Veterans Affairs to display in each facility of the Department of Veterans Affairs a Women Veterans Bill of Rights and to display in each prosthetics and orthotics clinic of the Department an Injured and Amputee Veterans Bill of Rights, and for other purposes; to the Committee on Veterans' Affairs.

H.R. 6411. An act to provide for the approval of the Agreement Between the Government of the United States of America and the Government of Australia Concerning Peaceful Uses of Nuclear Energy; to the Committee on Foreign Relations.

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 323. Concurrent resolution supporting the goal of ensuring that all Holocaust survivors in the United States are able to live with dignity, comfort, and security in their remaining years; to the Committee on the Judiciary.

MEASURES PLACED ON THE CALENDAR

The following bills were read the second time, and placed on the calendar:

S. 3991. A bill to provide collective bargaining rights for public safety officers employed by States or their political subdivisions.

S. 3992. A bill to authorize the cancellation of removal and adjustment of status of certain alien students who are long-term United States residents and who entered the United States as children and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-8246. A communication from the Secretary of the American Battle Monuments Commission, transmitting, pursuant to law, a report relative to a violation of the Antideficiency Act that occurred within the Commission; to the Committee on Appropriations.

EC-8247. A communication from the Secretary of Defense, transmitting a report on the approved retirement of Lieutenant General Kevin T. Campbell, United States Army, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

EC-8248. A communication from the Executive Secretary, Operations, Federal Financial Institutions Examination Council, transmitting, pursuant to law, the report of a rule entitled "Description of Office, Procedures, and Public Information" (12 CFR Part 1101) received in the Office of the President of the Senate on November 30, 2010; to the

Committee on Banking, Housing, and Urban Affairs.

EC-8249. A communication from the Chairman and President of the Export-Import Bank, transmitting, pursuant to law, a report relative to transactions involving U.S. exports to Ireland; to the Committee on Banking, Housing, and Urban Affairs.

EC-8250. A communication from the Secretary of Energy, transmitting, pursuant to law, an annual report relative to the Strategic Petroleum Reserve for calendar year 2009; to the Committee on Energy and Natural Resources.

EC-8251. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Guidance on Pre-Approved Individual Retirement Arrangements (IRAs)" (Rev. Proc. 2010-48) received in the Office of the President of the Senate on November 30, 2010; to the Committee on Finance.

EC-8252. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to the Case-Zablocki Act, 1 U.S.C. 112b, as amended, the report of the texts and background statements of international agreements, other than treaties (List 2010-0171—2010-0175); to the Committee on Foreign Relations.

EC-8253. A communication from the Deputy Director of Regulations and Policy Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "New Animal Drugs for Minor Use and Minor Species" (Docket No. FDA-2010-N-0534) received in the Office of the President of the Senate on November 30, 2010; to the Committee on Health, Education, Labor, and Pensions.

EC-8254. A communication from the Secretary of the Department of Energy, transmitting, pursuant to law, the Semi-Annual Report of the Inspector General for the period from April 1, 2010 through September 30, 2010; to the Committee on Homeland Security and Governmental Affairs.

EC-8255. A communication from the Chairman of the Securities and Exchange Commission, transmitting, pursuant to law, the Semi-Annual Report of the Inspector General for the period from April 1, 2010 through September 30, 2010; to the Committee on Homeland Security and Governmental Affairs.

EC-8256. A communication from the Special Assistant to the President and Director, Office of Administration, Executive Office of the President, transmitting, pursuant to law, a report relative to personnel employed in the White House Office, the Executive Residence at the White House, the Office of the Vice President, the Office of Policy Development (Domestic Policy Staff), and the Office of Administration; to the Committee on Homeland Security and Governmental Affairs.

EC-8257. A communication from the General Counsel, National Labor Relations Board, transmitting, pursuant to law, the Office of Inspector General's Semiannual Report for the period of April 1, 2010 through September 30, 2010; to the Committee on Homeland Security and Governmental Affairs.

EC-8258. A communication from the Deputy Assistant Administrator for Regulatory Programs, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries in the Western Pacific; Hawaii

Bottomfish and Seamount Groundfish; Measures to Rebuild Overfished Armorhead at Hancock Seamounts" (RIN0648-AY92) received in the Office of the President of the Senate on November 30, 2010; to the Committee on Commerce, Science, and Transportation.

EC-8259. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Western and Central Pacific Fisheries for Highly Migratory Species; 2010 Bigeye Tuna Longline Fishery Closure" (RIN0648-XZ39) received in the Office of the President of the Senate on November 30, 2010; to the Committee on Commerce, Science, and Transportation.

EC-8260. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch in the Bering Sea Subarea of the Bering Sea and Aleutian Islands Management Area" (RIN0648-XAO21) received in the Office of the President of the Senate on November 30, 2010; to the Committee on Commerce, Science, and Transportation.

EC-8261. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch in the Western Aleutian District of the Bering Sea and Aleutian Islands Management Area" (RIN0648-XAO36) received in the Office of the President of the Senate on November 30, 2010; to the Committee on Commerce, Science, and Transportation.

EC-8262. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch in the Eastern Aleutian District of the Bering Sea and Aleutian Islands Management Area" (RIN0648-XAO34) received in the Office of the President of the Senate on November 30, 2010; to the Committee on Commerce, Science, and Transportation.

EC-8263. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures (54); Amdt. 3399" (RIN2120-AA65) received in the Office of the President of the Senate on November 30, 2010; to the Committee on Commerce, Science, and Transportation.

EC-8264. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Berryville, AR" (RIN2120-AA66) (Docket No. FAA-2010-0690) received in the Office of the President of the Senate on November 30, 2010; to the Committee on Commerce, Science, and Transportation.

EC-8265. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment and Amendment of Area Navigation (RNAV) Routes;

Alaska" ((RIN2120-AA66) (Docket No. FAA-2010-0397)) received in the Office of the President of the Senate on November 30, 2010; to the Committee on Commerce, Science, and Transportation.

EC-8266. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace; Kennett, MO" ((RIN2120-AA66) (Docket No. FAA-2010-0606)) received in the Office of the President of the Senate on November 30, 2010; to the Committee on Commerce, Science, and Transportation.

EC-8267. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "IFR Altitudes; Miscellaneous Amendments (51); Amendment No. 490" (RIN2120-AA63) received in the Office of the President of the Senate on November 30, 2010; to the Committee on Commerce, Science, and Transportation.

EC-8268. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Aging Airplane Program: Widespread Fatigue Damage" ((RIN2120-AI05) (Docket No. FAA-2006-24281)) received in the Office of the President of the Senate on November 30, 2010; to the Committee on Commerce, Science, and Transportation.

EC-8269. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Austro Engine GmbH Model E4 Diesel Piston Engines" ((RIN2120-AA64) (Docket No. FAA-2010-1055)) received in the Office of the President of the Senate on November 30, 2010; to the Committee on Commerce, Science, and Transportation.

EC-8270. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Eurocopter France (Eurocopter) Model SA-365N1, AS-365N2, and AS 365 N3 Helicopters" ((RIN2120-AA64) (Docket No. FAA-2010-1082)) received in the Office of the President of the Senate on November 30, 2010; to the Committee on Commerce, Science, and Transportation.

EC-8271. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; General Electric Company (GE) CT7-9C and -9C3 Turboprop Engines" ((RIN2120-AA64) (Docket No. FAA-2010-0732)) received in the Office of the President of the Senate on November 30, 2010; to the Committee on Commerce, Science, and Transportation.

EC-8272. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Viking Air Limited (Type Certificate Previously Held by Bombardier, Inc.) Model DHC-7 Airplanes" ((RIN2120-AA64) (Docket No. FAA-2010-0699)) received in the Office of the President of the Senate on November 30, 2010; to the Committee on Commerce, Science, and Transportation.

EC-8273. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation,

transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; MD Helicopters, Inc. Model MD900 Helicopters" ((RIN2120-AA64) (Docket No. FAA-2010-1126)) received in the Office of the President of the Senate on November 30, 2010; to the Committee on Commerce, Science, and Transportation.

EC-8274. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Eurocopter France (Eurocopter) Model AS332L2 Helicopters" ((RIN2120-AA64) (Docket No. FAA-2010-1125)) received in the Office of the President of the Senate on November 30, 2010; to the Committee on Commerce, Science, and Transportation.

EC-8275. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Bell Helicopter Textron Canada Model 206L, 206L-1, and 206L-3 Helicopters" ((RIN2120-AA64) (Docket No. FAA-2008-1242)) received in the Office of the President of the Senate on November 30, 2010; to the Committee on Commerce, Science, and Transportation.

EC-8276. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; The Boeing Company Model 777-200, -200LR, -300, and -300ER Series Airplanes" ((RIN2120-AA64) (Docket No. FAA-2010-0376)) received in the Office of the President of the Senate on November 30, 2010; to the Committee on Commerce, Science, and Transportation.

EC-8277. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Bombardier, Inc. Model CL-600-2B19 (Regional Jet Series 100 and 440), CL-600-2C10 (Regional Jet Series 700, 701, and 702), CL-600-2D15 (Regional Jet Series 705), and CL-600-2D24 (Regional Jet Series 900) Airplanes" ((RIN2120-AA64) (Docket No. FAA-2010-0223)) received in the Office of the President of the Senate on November 30, 2010; to the Committee on Commerce, Science, and Transportation.

EC-8278. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Eurocopter France (Eurocopter) Model AS332C, L, L1, and L2 Helicopters" ((RIN2120-AA64) (Docket No. FAA-2010-0907)) received in the Office of the President of the Senate on November 30, 2010; to the Committee on Commerce, Science, and Transportation.

EC-8279. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; PIAGGIO AERO INDUSTRIES S.p.A. Model PIAGGIO P-180 Airplanes" ((RIN2120-AA64) (Docket No. FAA-2010-0778)) received in the Office of the President of the Senate on November 30, 2010; to the Committee on Commerce, Science, and Transportation.

EC-8280. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives;

Austro Engine GmbH Model E4 Diesel Piston Engines" ((RIN2120-AA64) (Docket No. FAA-2010-1055)) received in the Office of the President of the Senate on November 30, 2010; to the Committee on Commerce, Science, and Transportation.

EC-8281. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A318, A319, A320, and A321 Series Airplanes" ((RIN2120-AA64) (Docket No. FAA-2010-0279)) received in the Office of the President of the Senate on November 30, 2010; to the Committee on Commerce, Science, and Transportation.

EC-8282. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Bombardier, Inc. Model DHC-8-400 Series Airplanes" ((RIN2120-AA64) (Docket No. FAA-2010-1041)) received in the Office of the President of the Senate on November 30, 2010; to the Committee on Commerce, Science, and Transportation.

EC-8283. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; EADS CASA (Type Certificate Previously Held by Construcciones Aeronauticas, S.A.) Model CN-235, CN-235-100, CN-235-200, and CN-235-300 Airplanes, and Model C-295 Airplanes" ((RIN2120-AA64) (Docket No. FAA-2010-0640)) received in the Office of the President of the Senate on November 30, 2010; to the Committee on Commerce, Science, and Transportation.

EC-8284. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; The Boeing Company Model 757 and 767 Airplanes" ((RIN2120-AA64) (Docket No. FAA-2010-1040)) received in the Office of the President of the Senate on November 30, 2010; to the Committee on Commerce, Science, and Transportation.

EC-8285. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; McDonnell Douglas Corporation Model DC-9-14, DC-9-15, and DC-9-15F Airplanes; and Model DC-9-20, DC-9-30, DC-9-40, and DC-9-50 Series Airplanes" ((RIN2120-AA64) (Docket No. FAA-2010-0705)) received in the Office of the President of the Senate on November 30, 2010; to the Committee on Commerce, Science, and Transportation.

EC-8286. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A330-201, -202, -203, -223, -223F, -243, and -243F Airplanes, Model A330-300 Series Airplanes, and Model A340-200, A340-300, A340-500, and A340-600 Series Airplanes" ((RIN2120-AA64) (Docket No. FAA-2010-0675)) received in the Office of the President of the Senate on November 30, 2010; to the Committee on Commerce, Science, and Transportation.

EC-8287. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of

a rule entitled "Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB-500 Airplanes" ((RIN2120-AA64) (Docket No. FAA-2010-0870)) received in the Office of the President of the Senate on November 30, 2010; to the Committee on Commerce, Science, and Transportation.

EC-8288. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Bombardier, Inc. Model CL-600-2C10 (Regional Jet Series 700, 701, and 702), CL-600-2D15 (Regional Jet Series 705), and CL-600-2D24 (Regional Jet Series 900) Airplanes" ((RIN2120-AA64) (Docket No. FAA-2010-0700)) received in the Office of the President of the Senate on November 30, 2010; to the Committee on Commerce, Science, and Transportation.

EC-8289. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; The Boeing Company Model 757 Airplanes" ((RIN2120-AA64) (Docket No. FAA-2010-0483)) received in the Office of the President of the Senate on November 30, 2010; to the Committee on Commerce, Science, and Transportation.

EC-8290. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Bombardier, Inc. Model CL-600-2C10 (Regional Jet Series 700, 701, and 702), Model CL-600-2D15 (Regional Jet Series 705), and Model CL-600-2D24 (Regional Jet Series 900) Airplanes" ((RIN2120-AA64) (Docket No. FAA-2010-1106)) received in the Office of the President of the Senate on November 30, 2010; to the Committee on Commerce, Science, and Transportation.

EC-8291. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A380-800 Series Airplanes" ((RIN2120-AA64) (Docket No. FAA-2010-1102)) received in the Office of the President of the Senate on November 30, 2010; to the Committee on Commerce, Science, and Transportation.

EC-8292. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Bombardier, Inc. Model BD-700-1A10 and BD-700-1A11 Airplanes" ((RIN2120-AA64) (Docket No. FAA-2010-0548)) received in the Office of the President of the Senate on November 30, 2010; to the Committee on Commerce, Science, and Transportation.

EC-8293. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Custer and Onkama, Michigan)" (MB Docket No. 08-86) received in the Office of the President of the Senate on November 30, 2010; to the Committee on Commerce, Science, and Transportation.

EC-8294. A communication from the Secretary of Transportation, transmitting, pursuant to law, an annual report relative to the Maritime Administration for fiscal year

2008; to the Committee on Commerce, Science, and Transportation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LIEBERMAN, from the Committee on Homeland Security and Governmental Affairs, without amendment:

H.R. 5758. A bill to designate the facility of the United States Postal Service located at 2 Government Center in Fall River, Massachusetts, as the "Sergeant Robert Barrett Post Office Building".

H.R. 6118. To designate the facility of the United States Postal Service located at 2 Massachusetts Avenue, NE, in Washington, D.C., as the "Dorothy I. Height Post Office".

H.R. 6237. A bill to designate the facility of the United States Postal Service located at 1351 2nd Street in Napa, California, as the "Tom Kongsgaard Post Office Building".

H.R. 6387. A bill to designate the facility of the United States Postal Service located at 337 West Clark Street in Eureka, California, as the "Sam Sacco Post Office Building".

By Mr. DORGAN, from the Committee on Indian Affairs, with amendments:

S. 2802. A bill to settle land claims within the Fort Hall Reservation.

By Mr. LIEBERMAN, from the Committee on Homeland Security and Governmental Affairs, without amendment:

S. 3784. A bill to designate the facility of the United States Postal Service located at 4865 Tallmadge Road in Rootstown, Ohio, as the "Marine Sgt. Jeremy E. Murray Post Office".

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. HARKIN, from the Committee on Health, Education, Labor, and Pensions:

*Robert Anacleto Underwood, of Guam, to be a Member of the Board of Directors of the National Board for Education Sciences for a term expiring November 28, 2012.

*Anthony Bryk, of California, to be a Member of the Board of Directors of the National Board for Education Sciences for a term expiring November 28, 2011.

*Kris D. Gutierrez, of Colorado, to be a Member of the Board of Directors of the National Board for Education Sciences for a term expiring November 28, 2012.

*Sean P. Buckley, of New York, to be Commissioner of Education Statistics for a term expiring June 21, 2015.

*Susan H. Hildreth, of Washington, to be Director of the Institute of Museum and Library Services.

*Allison Blakely, of Massachusetts, to be a Member of the National Council on the Humanities for a term expiring January 26, 2016.

By Mr. LEAHY, from the Committee on the Judiciary:

Susan L. Carney, of Connecticut, to be United States Circuit Judge for the Second Circuit.

James E. Graves, Jr., of Mississippi, to be United States Circuit Judge for the Fifth Circuit.

Amy Totenberg, of Georgia, to be United States District Judge for the Northern District of Georgia.

James Emanuel Boasberg, of the District of Columbia, to be United States District Judge for the District of Columbia.

Amy Berman Jackson, of the District of Columbia, to be United States District Judge for the District of Columbia.

James E. Shadid, of Illinois, to be United States District Judge for the Central District of Illinois.

Sue E. Myerscough, of Illinois, to be United States District Judge for the Central District of Illinois.

Paul Kinloch Holmes, III, of Arkansas, to be United States District Judge for the Western District of Arkansas.

Anthony J. Battaglia, of California, to be United States District Judge for the Southern District of California.

Edward J. Davila, of California, to be United States District Judge for the Northern District of California.

Diana Saldana, of Texas, to be United States District Judge for the Southern District of Texas.

Michele Marie Leonhart, of California, to be Administrator of Drug Enforcement.

Stacia A. Hylton, of Virginia, to be Director of the United States Marshals Service, vice John F. Clark, resigned.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. WYDEN (for himself, Mr. RISCH, Mr. CRAPO, and Mr. MERKLEY):

S. 3993. A bill to expand geothermal production, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. DURBIN (for himself and Mr. SCHUMER):

S. 3994. A bill to delay the effective date of the mandatory purchase requirement for new flood hazard areas, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Ms. SNOWE (for herself and Mr. WARNER):

S. 3995. A bill to direct the Administrator of the General Services Administration to install Wi-Fi hotspots and wireless neutral host systems in all Federal buildings in order to improve in-building wireless communications coverage and commercial network capacity by offloading wireless traffic onto wireless broadband networks; to the Committee on Environment and Public Works.

By Mr. LAUTENBERG:

S. 3996. A bill to amend the Truth in Lending Act and the Higher Education Act of 1965 to require additional disclosures and protections for students and cosigners with respect to student loans, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. DORGAN (for himself, Mr. JOHNSON, and Mr. CONRAD):

S. 3997. A bill to authorize appropriations for certain Native American programs; to the Committee on Indian Affairs.

By Mr. SCHUMER (for himself and Mr. HATCH):

S. 3998. A bill to extend the Child Safety Pilot Program; considered and passed.

By Mr. VITTER:

S. 3999. A bill to provide for reductions in the number of employees in Federal departments and agencies, freeze Federal employee compensation, reduce funding to the White House and Congress, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

ADDITIONAL COSPONSORS

S. 2747

At the request of Mr. BINGAMAN, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 2747, a bill to amend the Land and Water Conservation Fund Act of 1965 to provide consistent and reliable authority for, and for the funding of, the land and water conservation fund to maximize the effectiveness of the fund for future generations, and for other purposes.

S. 3934

At the request of Mr. WICKER, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 3934, a bill to provide tax relief for persons affected by the discharge of oil in connection with the explosion on, and sinking of, the mobile offshore drilling unit Deepwater Horizon.

S. 3950

At the request of Mr. KERRY, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 3950, a bill to amend title XVIII of the Social Security Act to provide for the application of a consistent Medicare part B premium for all Medicare beneficiaries for 2011.

S. 3981

At the request of Mr. BAUCUS, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 3981, a bill to provide for a temporary extension of unemployment insurance provisions.

S. 3992

At the request of Mr. LEAHY, his name was added as a cosponsor of S. 3992, a bill to authorize the cancellation of removal and adjustment of status of certain alien students who are long-term United States residents and who entered the United States as children and for other purposes.

AMENDMENT NO. 4626

At the request of Mr. UDALL of Colorado, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of amendment No. 4626 intended to be proposed to S. 3454, an original bill to authorize appropriations for fiscal year 2011 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. WYDEN (for himself, Mr. RISCH, Mr. CRAPO, and Mr. MERKLEY):

S. 3993. A bill to expand geothermal production, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. WYDEN. Mr. President, I am pleased to join with my colleagues from Idaho and Oregon, Senator JAMES RISCH, Senator MIKE CRAPO, and Senator JEFF MERKLEY, in introducing the Geothermal Production Expansion Act of 2010. This legislation will amend an already existing law—the Geothermal Steam Act—governing the way the Federal Government leases public lands for the development of geothermal energy projects.

Geothermal energy facilities provide a continuous supply of renewable energy with very few environmental impacts. Although the United States has more geothermal capacity than any other country, this potential has been barely tapped. This shortfall is partly due to the high initial cost and risk involved in locating and developing geothermal resources. Like oil and natural gas exploration, until exploration and production wells are actually drilled, the true energy value of the site is not known nor is the full extent of the underground reservoir or energy source.

This legislation is intended to expand the future production of geothermal energy on federally-owned lands by taking some of the uncertainty and guess work out of the leasing and development process by allowing the Interior Department to issue geothermal leases for adjacent lands on a non-competitive basis, based on fair-market value. This would allow a geothermal developer to expand a successful geothermal lease without being forced into a bidding war with speculators or uncooperative competitors who might threaten project expansion or even prevent the project from reaching commercial scale.

Under current law, the Department of Interior is charged with issuing geothermal energy leases through a competitive lease sale. There are, however, several situations where the Department is allowed to issue non-competitive leases, for example, if there were no competitive bids offered, or where there is an already existing mining claim, or where the geothermal energy will be used directly on site for heating or other uses and not sold as electricity. This legislation would add an additional category of non-competitive leases for lands that are immediately adjacent to an existing, competitively-awarded, geothermal lease where there is an identified, validated geothermal energy discovery. They would not just be given away to an existing lease holder. These non-competitive leases would be made at fair-market value as

independently determined by the Department of Interior. They could also not be taken away from any existing lease holder, if they were already leased, nor could they be removed from competitive leasing if they had already been nominated to be competitively leased.

These safeguards are intended to insure that this new non-competitive lease authority is a limited exception to the general policy of competitive leasing for geothermal resources on our public lands. At the same time, this new authority will help ensure that when and where a geothermal resource has been discovered, the project developer will be able to tap that resource and turn it into a viable, commercial energy business and provide clean, renewable energy for our country.

This bill is a companion to bipartisan legislation sponsored by Representative JAY INSLEE in the House of Representatives. The House Committee on Natural Resources held hearings on the underlying House bill, H.R. 3709, in February of this year. The legislation Sen. RISCH and I are introducing today incorporates changes resulting from those hearings, primarily making it clear that any non-competitive leases issued under this authority would be at fair-market value.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the additional material was ordered to be printed in the RECORD, as follows:

S. 3993

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Geothermal Production Expansion Act of 2010”.

SEC. 2. FINDINGS.

Congress finds that—

- (1) it is in the best interest of the United States to develop clean renewable geothermal energy;
- (2) development of that energy should be promoted on appropriate Federal land;
- (3) under the Energy Policy Act of 2005 (42 U.S.C. 15801 et seq.), the Bureau of Land Management is authorized to issue 3 different types of noncompetitive leases for production of geothermal energy on Federal land, including—
 - (A) noncompetitive geothermal leases to mining claim holders that have a valid operating plan;
 - (B) direct use leases; and
 - (C) leases on parcels that do not sell at a competitive auction;
- (4) Federal geothermal energy leasing activity should be directed towards persons seeking to develop the land as opposed to persons seeking to speculate on geothermal resources and artificially raising the cost of legitimate geothermal energy development;
- (5) developers of geothermal energy on Federal land that have invested substantial capital and made high risk investments should be allowed to secure a discovery of geothermal energy resources; and
- (6) successful geothermal development on Federal land will provide increased revenue

to the Federal Government, with the payment of production royalties over decades.

SEC. 3. NONCOMPETITIVE LEASING OF ADJOINING AREAS FOR DEVELOPMENT OF GEOTHERMAL RESOURCES.

Section 4(b) of the Geothermal Steam Act of 1970 (30 U.S.C. 1003(b)) is amended by adding at the end the following:

“(4) ADJOINING LAND.—

“(A) DEFINITIONS.—In this paragraph:

“(i) FAIR MARKET VALUE PER ACRE.—The term ‘fair market value per acre’ means a dollar amount per acre that—

“(I) except as provided in this clause, shall be equal to the market value per acre as determined by the Secretary under regulations issued under this paragraph;

“(II) shall be determined by the Secretary with respect to a lease under this paragraph, by not later than the end of the 90-day period beginning on the date the Secretary receives an application for the lease; and

“(III) shall be not less than the greater of—

“(aa) 4 times the median amount paid per acre for all land leased under this Act during the preceding year; or

“(bb) \$50.

“(ii) INDUSTRY STANDARDS.—The term ‘industry standards’ means the standards by which a qualified geothermal professional assesses whether downhole or flowing temperature measurements with indications of permeability are sufficient to produce energy from geothermal resources, as determined through flow or injection testing or measurement of lost circulation while drilling.

“(iii) QUALIFIED FEDERAL LAND.—The term ‘qualified Federal land’ means land that is otherwise available for leasing under this Act.

“(iv) QUALIFIED GEOTHERMAL PROFESSIONAL.—The term ‘qualified geothermal professional’ means an individual who is an engineer or geoscientist in good professional standing with at least 5 years of experience in geothermal exploration, development, or project assessment.

“(v) QUALIFIED LESSEE.—The term ‘qualified lessee’ means a person that may hold a geothermal lease under part 3202.10 of title 43, Code of Federal Regulations, as in effect on the date of enactment of the Geothermal Production Expansion Act of 2010.

“(vi) VALID DISCOVERY.—The term ‘valid discovery’ means a discovery of a geothermal resource by a new or existing slim hole or production well, that exhibits downhole or flowing temperature measurements with indications of permeability that are sufficient to meet industry standards.

“(B) AUTHORITY.—An area of qualified Federal land that adjoins other land for which a qualified lessee holds a legal right to develop geothermal resources may be available for a noncompetitive lease under this section to the qualified lessee at the fair market value per acre, if—

“(i) the area of qualified Federal land—

“(I) consists of not less than 1 acre and not more than 640 acres; and

“(II) is not already leased under this Act or nominated to be leased under subsection (a);

“(ii) the qualified lessee has not previously received a noncompetitive lease under this paragraph in connection with the valid discovery for which data has been submitted under clause (iii)(I); and

“(iii) sufficient geological and other technical data prepared by a qualified geothermal professional has been submitted by the qualified lessee to the applicable Federal land management agency that would lead individuals who are experienced in the subject matter to believe that—

“(I) there is a valid discovery of geothermal resources on the land for which the qualified lessee holds the legal right to develop geothermal resources; and

“(II) that thermal feature extends into the adjoining areas.

“(C) DETERMINATION OF FAIR MARKET VALUE.—

“(i) IN GENERAL.—The Secretary shall—

“(I) publish a notice of any request to lease land under this paragraph;

“(II) determine fair market value for purposes of this paragraph in accordance with procedures for making those determinations that are established by regulations issued by the Secretary;

“(III) provide to a qualified lessee and publish any proposed determination under this subparagraph of the fair market value of an area that the qualified lessee seeks to lease under this paragraph;

“(IV) provide to the qualified lessee the opportunity to appeal the proposed determination during the 30-day period beginning on the date that the proposed determination is provided to the qualified lessee; and

“(V) provide to any interested member of the public the opportunity to appeal the proposed determination in accordance with the process established under parts 4 and 1840, and section 3200.5, of title 43, Code of Federal Regulations (as in effect on the date of enactment of the Geothermal Production Expansion Act of 2010) during the 30-day period beginning on the date that the proposed determination is published.

“(ii) LIMITATION ON NOMINATION.—After publication of a notice of request to lease land under this paragraph, the Secretary may not accept under subsection (a) any nomination of the land for leasing unless the request has been denied or withdrawn.

“(D) REGULATIONS.—Not later than 180 days after the date of enactment of the Geothermal Production Expansion Act of 2010, the Secretary shall issue regulations to carry out this paragraph.”.

By Ms. SNOWE (for herself and Mr. WARNER):

S. 3995. A bill to direct the Administrator of the General Services Administration to install Wi-Fi hotspots and wireless neutral host systems in all Federal buildings in order to improve in-building wireless communications coverage and commercial network capacity by offloading wireless traffic onto wireless broadband networks; to the Committee on Environment and Public Works.

Ms. SNOWE. Mr. President, I rise today, along with Senator WARNER, to introduce pro-consumer wireless legislation, which will improve wireless coverage and go a long way toward preventing the annoying dropped phone calls that many of us frequently experience indoors and in rural areas.

Specifically, the Federal Wi-Net Act would require the installation of small wireless base stations, such as femtocells or similar technologies, and Wi-Fi hot-spots in Federal buildings to improve wireless coverage and network capacity. In addition, the bill would streamline Federal rights-of-way and wireless transmitter sitings on Federal buildings, which will simplify and expedite the placement of wireless and broadband network infrastructure, re-

sulting in the expansion of coverage and more reliable service to consumers and businesses.

Over the past year, there has been growing concern about a looming radio spectrum crisis given the significant growth in the wireless industry. Currently, there are more than 276 million wireless subscribers in the U.S., and American consumers use more than 6.4 billion minutes of air time per day. While the foundation for wireless services has been voice communication, more subscribers are utilizing it for broadband. According to the Pew Research Center, 56 percent of adult Americans have accessed the Internet via a wireless device. And ABI Research forecasts there will be 150 million mobile broadband subscribers by 2014—a 2,900 percent increase from 2007.

To meet this growing demand, a multi-faceted solution is required that includes fostering technological advancement and more robust spectrum management. Such technologies as femtocells and Wi-Fi hotspots will help alleviate growing wireless demand by offloading that traffic onto wireline broadband networks.

To that point, approximately 40 percent of cell phone calls are made indoors and more than 25 percent of U.S. households have “cut-the-cord,” relying solely on cell phones to make voice calls. On the data side, Cisco’s Virtual Network Index reports that approximately 60 percent of mobile Internet use is done inside—either at home or at work.

As the Federal Communications Commission’s National Broadband Plan highlights, most smartphones sold today have Wi-Fi capabilities to take advantage of the growing ubiquity of wireless networks. According to a November 2008 report from AdMob, 42 percent of all iPhone traffic was transported over Wi-Fi networks rather than AT&T’s cellular network. So installing more mini-base stations, such as femtocells, and Wi-Fi hotspots will improve indoor coverage and wireless network capacity.

But in addition to improving indoor coverage and network capacity, we must take steps to expand wireless coverage—primarily in rural areas. The General Services Administration, GSA, manages approximately 8,600 buildings across the country that can be used to house wireless and broadband infrastructure.

As the National Broadband Plan acknowledges, “to effectively deploy broadband, providers often need to be able to place equipment on this federally controlled property, or to use the rights-of-way that pass through the property.” So we must make it a priority to streamline the processes, zoning, and permitting to ensure that carriers have reasonable, timely, and appropriate access to Federal buildings.

Doing so will, without question, dramatically improve the service availability on which more than 276 million wireless subscribers rely daily.

The increasing importance of wireless communications and broadband has a direct correlation to our Nation's competitiveness, economy, and national security and therefore demands that we make the appropriate changes to current spectrum policy and management to avert a spectrum crisis and continue to realize the boundless benefits of spectrum-based services. That is why I sincerely hope that my colleagues join Senator WARNER and me in supporting this important legislation.

AMENDMENTS SUBMITTED AND PROPOSED

SA 4722. Mr. UDALL of Colorado submitted an amendment intended to be proposed by him to the bill S. 3454, to authorize appropriations for fiscal year 2011 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table.

SA 4723. Mr. UDALL of Colorado submitted an amendment intended to be proposed by him to the bill S. 3454, supra; which was ordered to lie on the table.

SA 4724. Mr. WARNER (for himself and Mr. WEBB) submitted an amendment intended to be proposed by him to the bill S. 3454, supra; which was ordered to lie on the table.

SA 4725. Mr. WHITEHOUSE (for Mr. DURBIN) proposed an amendment to the bill S. 987, to protect girls in developing countries through the prevention of child marriage, and for other purposes.

TEXT OF AMENDMENTS

SA 4722. Mr. UDALL of Colorado submitted an amendment intended to be proposed by him to the bill S. 3454, to authorize appropriations for fiscal year 2011 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle J of title V, add the following:

SEC. 594. SUICIDE PREVENTION MONITORING OF MEMBERS OF THE ARMED FORCES ADMINISTRATIVELY SEPARATED FOR HIGH RISK BEHAVIOR DURING THEIR TRANSITION TO DEPARTMENT OF VETERANS AFFAIRS CARE.

(a) FINDINGS.—Congress makes the following findings:

(1) Suicide rates for members of the Armed Forces on active duty and veterans have risen as a result of multiple tours of duty in ongoing military operations in Afghanistan and Iraq, with 20 percent of all suicides in the United States committed by veterans. On average, 18 veterans commit suicide each day, but just 5 such veterans—or 27 percent—are under the care of the Department of Veterans Affairs at the time.

(2) The 2010 Army Health Promotion Risk Reduction Suicide Prevention Report states that the current suicide problem in the Army is exacerbated by an acceptance of high risk behaviors, which have been increasing since fiscal year 2004. The report contains recommendations that could result in the separation from the Armed Forces for disciplinary reasons of members who have a potential for suicide.

(3) To address this possibility, the Department of Defense and the Department of Veterans Affairs should jointly develop policies and procedures to specifically mitigate the risks associated with such separations.

(b) SUICIDE PREVENTION MONITORING.—

(1) IN GENERAL.—The Secretary of Defense and the Secretary of Veterans Affairs shall jointly carry out a program to monitor members of the Armed Forces who are administratively separated from the Armed Forces for high risk behavior during their transition to receipt of care from the Department of Veterans Affairs and to otherwise assist such members in that transition. The program shall be known as the “DOD-to-VA Suicide Prevention Pipeline Program”.

(2) ELEMENTS.—Under the program, the Secretary of Defense and the Secretary of Veterans Affairs shall jointly assign to each individual who is administratively separated from the Armed Forces for high risk behavior a case worker who shall meet with such individual, with such frequency as the Secretary of Defense and the Secretary of Veterans Affairs jointly determine appropriate, in order to monitor the behavior of such individual, offer support to such individual, and encourage such individual to take advantage of benefits and care provided by the Department of Veterans Affairs. Such meetings shall continue for a given individual until the individual is under the effective jurisdiction of the Department of Veterans Affairs or the Secretary of Defense and the Secretary of Veterans Affairs otherwise jointly determine such meetings are no longer necessary.

(3) HIGH RISK BEHAVIOR.—For purposes of this subsection, high risk behavior includes attempted suicide, illicit use of drugs (whether prescription or illegal), substance abuse, criminal activity, gambling, infidelity, excessive spending, reckless driving, and other such behavior that alone or in combination with other behavior results in administrative separation from the Armed Forces.

(c) REPORT.—Not later than 18 months after the date of the enactment of this Act, the Secretary of Defense and the Secretary of Veterans Affairs shall jointly submit to the Committee on Armed Services of the Senate and Committee on Armed Services of the House of Representatives a report on the program required by subsection (b). The report shall set forth a description of the program and an assessment of the effectiveness of the program in preventing suicide among individuals who are administratively separated from the Armed Forces for high risk behavior.

SA 4723. Mr. UDALL of Colorado submitted an amendment intended to be proposed by him to the bill S. 3454, to authorize appropriations for fiscal year 2011 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes;

which was ordered to lie on the table; as follows:

At the end of subtitle B of title VII, add the following:

SEC. 718. EXPANSION OF EMBEDDING OF BEHAVIORAL HEALTH PROVIDERS IN OPERATIONAL UNITS OF THE ARMY THROUGH MOBILE BEHAVIORAL HEALTH TEAMS.

(a) FINDINGS.—Congress makes the following findings:

(1) The Final Report of the Department of Defense Task Force on the Prevention of Suicide by Members of the Armed Forces, published in August 2010, states that “Service Members and behavioral health providers report overwhelmingly positive experiences with embedded mental health providers in operational units; however, the practice is underutilized.” The report further states that embedded behavioral health providers help members of the Armed Forces retain functionality in stressful environments, improve their psychological and emotional fitness, expedite their return to duty when exposed to traumatic events, and reduce stigma associated with behavioral healthcare, and calls for an expansion of the practice of embedding behavioral health providers in operational units.

(2) An evaluation of the pilot Mobile Behavioral Health Service (MBHS) at Fort Carson, Colorado, determined that the level of support for the Mobile Behavioral Health Service among soldiers and key unit leaders at Fort Carson and the positive effect of the Mobile Behavioral Health Teams on inpatient psychiatric admissions, off-post referrals, unit risk behaviors, soldiers characterized as non-deployable for behavioral health reasons, and potential cost savings of the Mobile Behavioral Health Service warranted replication of this model at other Army installations.

(b) IN GENERAL.—By not later than 180 days after the date of the enactment of this Act, the Secretary of the Army shall put in place at not less than four Army installations with a brigade combat team selected by the Secretary for purposes of this section a Mobile Behavioral Health Team (MBHT) for purposes of facilitating early identification and treatment of behavioral health concerns among members of such combat teams and mitigating both inpatient psychiatric admissions and the necessity of referrals off-post for mental health care among such members.

(c) ELEMENTS OF MBHT.—The Secretary shall consider utilizing a model for each Mobile Behavioral Health Team put in place under subsection (b) that includes the assignment of credentialed behavioral health providers exclusively to a single battalion within a brigade combat team to identify behavioral health problems early and with more accuracy, to remove barriers to care, and to improve treatment outcomes.

(d) REPORT.—Not later than 18 months after the date of the enactment of this Act, the Secretary shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the actions taken under this section. The report shall include a comprehensive description of the activities of the Mobile Behavioral Health Teams put in place under this section and an assessment of the effectiveness of such teams in meeting the purposes of such teams as described in subsections (b) and (c).

SA 4724. Mr. WARNER (for himself and Mr. WEBB) submitted an amendment intended to be proposed by him

to the bill S. 3454, to authorize appropriations for fiscal year 2011 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title III, add the following:

SEC. 349. REPORT ON AIR SURVEILLANCE CONFLICTS AT VIRGINIA BEACH, VIRGINIA.

(a) **REPORT REQUIRED.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on potential air surveillance conflicts at Virginia Beach, Virginia.

(b) **ELEMENTS.**—The report required under subsection (a) shall include the following:

(1) An assessment of the impact on the performance of the Oceana Air Surveillance Radar (ARSR) of proposed construction of buildings in the Virginia Beach, Virginia, oceanfront area that are less than 200 feet high.

(2) An evaluation of the cost and impact on air surveillance operations of various options for reducing or eliminating potential air surveillance conflicts in the area, including—

(A) relocating the Oceana ARSR;

(B) upgrading the signal processing or power management capabilities of the Oceana ARSR;

(C) providing supplementary, “gap filler” radar through sources other than Oceana ARSR, including a cost estimate for the procurement and installation of such radar; and

(D) any other alternative options that would mitigate potential air surveillance conflicts.

(c) **CONSULTATION.**—In preparing the report required under subsection (a), the Secretary of Defense shall consult with the Secretary of the Navy, the Secretary of the Air Force, the Administrator of the Federal Aviation Administration, the Commander of the North American Aerospace Defense Command, and the Secretary of Homeland Security.

SA 4725. Mr. WHITEHOUSE (for Mr. DURBIN) proposed an amendment to the bill S. 987, to protect girls in developing countries through the prevention of child marriage, and for other purposes; as follows:

In lieu of the matter proposed to be inserted, insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “International Protecting Girls by Preventing Child Marriage Act of 2010”.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Child marriage, also known as “forced marriage” or “early marriage”, is a harmful traditional practice that deprives girls of their dignity and human rights.

(2) Child marriage as a traditional practice, as well as through coercion or force, is a violation of article 16 of the Universal Declaration of Human Rights, which states, “Marriage shall be entered into only with the free and full consent of intending spouses”.

(3) According to the United Nations Children’s Fund (UNICEF), an estimated 60,000,000 girls in developing countries now ages 20 through 24 were married under the

age of 18, and if present trends continue more than 100,000,000 more girls in developing countries will be married as children over the next decade, according to the Population Council.

(4) Between $\frac{1}{2}$ and $\frac{3}{4}$ of all girls are married before the age of 18 in Niger, Chad, Mali, Bangladesh, Guinea, the Central African Republic, Mozambique, Burkina Faso, and Nepal, according to Demographic Health Survey data.

(5) Factors perpetuating child marriage include poverty, a lack of educational or employment opportunities for girls, parental concerns to ensure sexual relations within marriage, the dowry system, and the perceived lack of value of girls.

(6) Child marriage has negative effects on the health of girls, including significantly increased risk of maternal death and morbidity, infant mortality and morbidity, obstetric fistula, and sexually transmitted diseases, including HIV/AIDS.

(7) According to the United States Agency for International Development (USAID), increasing the age at first birth for a woman will increase her chances of survival. Currently, pregnancy and childbirth complications are the leading cause of death for women 15 to 19 years old in developing countries.

(8) Most countries with high rates of child marriage have a legally established minimum age of marriage, yet child marriage persists due to strong traditional norms and the failure to enforce existing laws.

(9) Secretary of State Hillary Clinton has stated that child marriage is “a clear and unacceptable violation of human rights”, and that “the Department of State categorically denounces all cases of child marriage as child abuse”.

(10) According to an International Center for Research on Women analysis of Demographic and Health Survey data, areas or regions in developing countries in which 40 percent or more of girls under the age of 18 are married are considered high-prevalence areas for child marriage.

(11) Investments in girls’ schooling, creating safe community spaces for girls, and programs for skills building for out-of-school girls are all effective and demonstrated strategies for preventing child marriage and creating a pathway to empower girls by addressing conditions of poverty, low status, and norms that contribute to child marriage.

SEC. 3. CHILD MARRIAGE DEFINED.

In this Act, the term “child marriage” means the marriage of a girl or boy, not yet the minimum age for marriage stipulated in law in the country in which the girl or boy is a resident or, where there is no such law, under the age of 18.

SEC. 4. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) child marriage is a violation of human rights, and the prevention and elimination of child marriage should be a foreign policy goal of the United States;

(2) the practice of child marriage undermines United States investments in foreign assistance to promote education and skills building for girls, reduce maternal and child mortality, reduce maternal illness, halt the transmission of HIV/AIDS, prevent gender-based violence, and reduce poverty; and

(3) expanding educational opportunities for girls, economic opportunities for women, and reducing maternal and child mortality are critical to achieving the Millennium Development Goals and the global health and development objectives of the United States, including efforts to prevent HIV/AIDS.

SEC. 5. STRATEGY TO PREVENT CHILD MARRIAGE IN DEVELOPING COUNTRIES.

(a) **ASSISTANCE AUTHORIZED.**—

(1) **IN GENERAL.**—The President is authorized to provide assistance, including through multilateral, nongovernmental, and faith-based organizations, to prevent the incidence of child marriage in developing countries through the promotion of educational, health, economic, social, and legal empowerment of girls and women.

(2) **PRIORITY.**—In providing assistance authorized under paragraph (1), the President shall give priority to—

(A) areas or regions in developing countries in which 40 percent or more of girls under the age of 18 are married; and

(B) activities to—

(i) expand and replicate existing community-based programs that are successful in preventing the incidence of child marriage;

(ii) establish pilot projects to prevent child marriage; and

(iii) share evaluations of successful programs, program designs, experiences, and lessons.

(b) **STRATEGY REQUIRED.**—

(1) **IN GENERAL.**—The President shall establish a multi-year strategy to prevent child marriage and promote the empowerment of girls at risk of child marriage in developing countries, which should address the unique needs, vulnerabilities, and potential of girls under age 18 in developing countries.

(2) **CONSULTATION.**—In establishing the strategy required by paragraph (1), the President shall consult with Congress, relevant Federal departments and agencies, multilateral organizations, and representatives of civil society.

(3) **ELEMENTS.**—The strategy required by paragraph (1) shall—

(A) focus on areas in developing countries with high prevalence of child marriage;

(B) encompass diplomatic initiatives between the United States and governments of developing countries, with attention to human rights, legal reforms, and the rule of law;

(C) encompass programmatic initiatives in the areas of education, health, income generation, changing social norms, human rights, and democracy building; and

(D) be submitted to Congress not later than one year after the date of the enactment of this Act.

(c) **REPORT.**—Not later than three years after the date of the enactment of this Act, the President should submit to Congress a report that includes—

(1) a description of the implementation of the strategy required by subsection (b);

(2) examples of best practices or programs to prevent child marriage in developing countries that could be replicated; and

(3) an assessment, including data disaggregated by age and sex to the extent possible, of current United States funded efforts to specifically prevent child marriage in developing countries.

(d) **COORDINATION.**—Assistance authorized under subsection (a) shall be integrated with existing United States development programs.

(e) **ACTIVITIES SUPPORTED.**—Assistance authorized under subsection (a) may be made available for activities in the areas of education, health, income generation, agriculture development, legal rights, democracy building, and human rights, including—

(1) support for community-based activities that encourage community members to address beliefs or practices that promote child marriage and to educate parents, community leaders, religious leaders, and adolescents of

the health risks associated with child marriage and the benefits for adolescents, especially girls, of access to education, health care, livelihood skills, microfinance, and savings programs;

(2) support for activities to educate girls in primary and secondary school at the appropriate age and keeping them in age-appropriate grade levels through adolescence;

(3) support for activities to reduce education fees and enhance safe and supportive conditions in primary and secondary schools to meet the needs of girls, including—

(A) access to water and suitable hygiene facilities, including separate lavatories and latrines for girls;

(B) assignment of female teachers;

(C) safe routes to and from school; and

(D) eliminating sexual harassment and other forms of violence and coercion;

(4) support for activities that allow adolescent girls to access health care services and proper nutrition, which is essential to both their school performance and their economic productivity;

(5) assistance to train adolescent girls and their parents in financial literacy and access economic opportunities, including livelihood skills, savings, microfinance, and small-enterprise development;

(6) support for education, including through community and faith-based organizations and youth programs, that helps remove gender stereotypes and the bias against girls used to justify child marriage, especially efforts targeted at men and boys, promotes zero tolerance for violence, and promotes gender equality, which in turn help to increase the perceived value of girls;

(7) assistance to create peer support and female mentoring networks and safe social spaces specifically for girls; and

(8) support for local advocacy work to provide legal literacy programs at the community level to ensure that governments and law enforcement officials are meeting their obligations to prevent child and forced marriage.

SEC. 6. RESEARCH AND DATA.

It is the sense of Congress that the President and all relevant agencies should, as part of their ongoing research and data collection activities—

(1) collect and make available data on the incidence of child marriage in countries that receive foreign or development assistance from the United States where the practice of child marriage is prevalent; and

(2) collect and make available data on the impact of the incidence of child marriage and the age at marriage on progress in meeting key development goals.

SEC. 7. DEPARTMENT OF STATE'S COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES.

The Foreign Assistance Act of 1961 is amended—

(1) in section 116 (22 U.S.C. 2151n), by adding at the end the following new subsection: “(g) The report required by subsection (d) shall include, for each country in which child marriage is prevalent, a description of the status of the practice of child marriage in such country. In this subsection, the term ‘child marriage’ means the marriage of a girl or boy, not yet the minimum age for marriage stipulated in law or under the age of 18 if no such law exists, in the country in which such girl or boy is a resident.”; and

(2) in section 502B (22 U.S.C. 2304), by adding at the end the following new subsection: “(i) The report required by subsection (b) shall include, for each country in which child marriage is prevalent, a description of the

status of the practice of child marriage in such country. In this subsection, the term ‘child marriage’ means the marriage of a girl or boy, not yet the minimum age for marriage stipulated in law or under the age of 18 if no such law exists, in the country in which such girl or boy is a resident.”.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Ms. STABENOW. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on December 1, 2010, at 9:30 a.m., to conduct a hearing entitled, “Problems in Mortgage Servicing from Modifications to Foreclosure, Part II.”

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Ms. STABENOW. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on December 1, 2010, at 10:30 a.m., in room 253 of the Russell Senate Office Building. The Committee will hold a hearing entitled, “Transition and Implementation: The NASA Authorization Act of 2010.”

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Ms. STABENOW. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on December 1, 2010, at 2:30 p.m., in room 253 of the Russell Senate Office Building. The Committee will hold a hearing entitled, “Are Mini Med Policies Really Health Insurance?”

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Ms. STABENOW. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on December 1, 2010, at 2:30 p.m., to hold a hearing entitled, “Latin America in 2010: Opportunities, Challenges and the Future of U.S. Policy in the Hemisphere.”

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Ms. STABENOW. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet during the session of the Senate on December 1, 2010, at 9:45 a.m., in SD-430.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Ms. STABENOW. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet, during the session of the Senate, to conduct a hearing entitled “Is Stronger Management and Oversight Needed?” on December 1, 2010. The hearing will commence at 10:15 a.m. in room 430 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Ms. STABENOW. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate, on December 1, 2010, at 10 a.m., in SD-226 of the Dirksen Senate Office Building, to conduct an executive business meeting.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXTENDING THE CHILD SAFETY PILOT PROGRAM

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of S. 3998, which was introduced earlier today.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant editor of the Daily Digest read as follows:

A bill (S. 3998) to extend the Child Safety Pilot Program.

There being no objection, the Senate proceeded to consider the bill.

Mr. WHITEHOUSE. I ask the bill be read a third time and passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 3998) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 3998

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Criminal History Background Checks Pilot Extension Act of 2010”.

SEC. 2. EXTENSION.

Section 108(a)(3)(A) of the PROTECT Act (42 U.S.C. 5119a note) is amended by striking “92-month” and inserting “104-month”.

INTERNATIONAL PROTECTING GIRLS BY PREVENTING CHILD MARRIAGE ACT OF 2010

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of Calendar No. 637, S. 987.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant editor of the Daily Digest read as follows:

A bill (S. 987) to protect girls in developing countries through the prevention of child marriage and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Foreign Relations, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "International Protecting Girls by Preventing Child Marriage Act of 2010".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Child marriage, also known as "forced marriage" or "early marriage", is a harmful traditional practice that deprives girls of their dignity and human rights.

(2) Child marriage as a traditional practice, as well as through coercion or force, is a violation of article 16 of the Universal Declaration of Human Rights, which states, "Marriage shall be entered into only with the free and full consent of intending spouses".

(3) According to the United Nations Children's Fund (UNICEF), an estimated 60,000,000 girls in developing countries now ages 20 through 24 were married under the age of 18, and if present trends continue more than 100,000,000 more girls in developing countries will be married as children over the next decade, according to the Population Council.

(4) Between $\frac{1}{2}$ and $\frac{3}{4}$ of all girls are married before the age of 18 in Niger, Chad, Mali, Bangladesh, Guinea, the Central African Republic, Mozambique, Burkina Faso, and Nepal, according to Demographic Health Survey data.

(5) Factors perpetuating child marriage include poverty, a lack of educational or employment opportunities for girls, parental concerns to ensure sexual relations within marriage, the dowry system, and the perceived lack of value of girls.

(6) Child marriage has negative effects on the health of girls, including significantly increased risk of maternal death and morbidity, infant mortality and morbidity, obstetric fistula, and sexually transmitted diseases, including HIV/AIDS.

(7) According to the United States Agency for International Development (USAID), increasing the age at first birth for a woman will increase her chances of survival. Currently, pregnancy and childbirth complications are the leading cause of death for women 15 to 19 years old in developing countries.

(8) Most countries with high rates of child marriage have a legally established minimum age of marriage, yet child marriage persists due to strong traditional norms and the failure to enforce existing laws.

(9) Secretary of State Hillary Clinton has stated that "child marriage is a clear and unacceptable violation of human rights, and that the Department of State denounces all cases of child marriage as child abuse".

(10) According to an International Center for Research on Women analysis of Demographic and Health Survey data, areas or regions in developing countries in which 40 percent or more of girls under the age of 18 are married are considered high-prevalence areas for child marriage.

(11) Investments in girls' schooling, creating safe community spaces for girls, and programs for skills building for out-of-school girls are all effective and demonstrated strategies for preventing child marriage and creating a pathway

to empower girls by addressing conditions of poverty, low status, and norms that contribute to child marriage.

SEC. 3. CHILD MARRIAGE DEFINED.

In this Act, the term "child marriage" means the marriage of a girl or boy, not yet the minimum age for marriage stipulated in law in the country in which the girl or boy is a resident.

SEC. 4. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) child marriage is a violation of human rights, and the prevention and elimination of child marriage should be a foreign policy goal of the United States;

(2) the practice of child marriage undermines United States investments in foreign assistance to promote education and skills building for girls, reduce maternal and child mortality, reduce maternal illness, halt the transmission of HIV/AIDS, prevent gender-based violence, and reduce poverty; and

(3) expanding educational opportunities for girls, economic opportunities for women, and reducing maternal and child mortality are critical to achieving the Millennium Development Goals and the global health and development objectives of the United States, including efforts to prevent HIV/AIDS.

SEC. 5. STRATEGY TO PREVENT CHILD MARRIAGE IN DEVELOPING COUNTRIES.

(a) ASSISTANCE AUTHORIZED.—

(1) IN GENERAL.—The President is authorized to provide assistance, including through multilateral, nongovernmental, and faith-based organizations, to prevent the incidence of child marriage in developing countries through the promotion of educational, health, economic, social, and legal empowerment of girls and women.

(2) PRIORITY.—In providing assistance authorized under paragraph (1), the President shall give priority to—

(A) areas or regions in developing countries in which 40 percent or more of girls under the age of 18 are married; and

(B) activities to—

(i) expand and replicate existing community-based programs that are successful in preventing the incidence of child marriage;

(ii) establish pilot projects to prevent child marriage; and

(iii) share evaluations of successful programs, program designs, experiences, and lessons.

(b) STRATEGY REQUIRED.—

(1) IN GENERAL.—The President shall establish a multi-year strategy to prevent child marriage and promote the empowerment of girls at risk of child marriage in developing countries, and should include addressing the unique needs, vulnerabilities, and potential of girls under age 18 in developing countries.

(2) CONSULTATION.—In establishing the strategy required by paragraph (1), the President shall consult with relevant stakeholders.

(3) ELEMENTS.—The strategy required by paragraph (1) shall—

(A) focus on areas in developing countries with high prevalence of child marriage;

(B) encompass diplomatic initiatives between the United States and governments of developing countries, with attention to human rights, legal reforms and the rule of law, and programmatic initiatives in the areas of education, health, income generation, changing social norms, human rights, and democracy building; and

(C) be implemented not later than one year after the date of the enactment of this Act.

(c) REPORT.—Not later than three years after the date of the enactment of this Act, the President shall submit to Congress a report that includes—

(1) a description of the implementation of the strategy required by subsection (b);

(2) examples of best practices or programs to prevent child marriage in developing countries that could be replicated; and

(3) an assessment, including data disaggregated by age and sex to the extent possible, of current United States funded efforts to specifically prevent child marriage in developing countries.

(d) COORDINATION.—Assistance authorized under subsection (a) shall be integrated with existing United States programs for advancing appropriate age and grade-level basic and secondary education through adolescence, ensure school enrollment and completion for girls, health, income generation, agriculture development, legal rights, democracy building, and human rights, including—

(1) support for community-based activities that encourage community members to address beliefs or practices that promote child marriage and to educate parents, community leaders, religious leaders, and adolescents of the health risks associated with child marriage and the benefits for adolescents, especially girls, of access to education, health care, livelihood skills, microfinance, and savings programs;

(2) support for activities to educate girls in primary and secondary school at the appropriate age and keeping them in age-appropriate grade levels through adolescence;

(3) support for activities to reduce education fees and enhance safe and supportive conditions in primary and secondary schools to meet the needs of girls, including—

(A) access to water and suitable hygiene facilities, including separate lavatories and latrines for girls;

(B) assignment of female teachers;

(C) safe routes to and from school; and

(D) eliminating sexual harassment and other forms of violence and coercion;

(4) support for activities that allow adolescent girls to access health care services and proper nutrition, which is essential to both their school performance and their economic productivity;

(5) assistance to train adolescent girls and their parents in financial literacy and access economic opportunities, including livelihood skills, savings, microfinance, and small-enterprise development;

(6) support for education, including through community and faith-based organizations and youth programs, that helps remove gender stereotypes and the bias against girls used to justify child marriage, especially efforts targeted at men and boys, promotes zero tolerance for violence, and promotes gender equality, which in turn help to increase the perceived value of girls;

(7) assistance to create peer support and female mentoring networks and safe social spaces specifically for girls; and

(8) support for local advocacy work to provide legal literacy programs at the community level to ensure that governments and law enforcement officials are meeting their obligations to prevent child and forced marriage.

SEC. 6. RESEARCH AND DATA.

It is the sense of the Senate that the President and all relevant agencies should work through the Administrator of the United States Agency for International Development and any other relevant agencies of the Department of State, and in conjunction with relevant executive branch agencies as part of their ongoing research and data collection activities, to—

(1) collect and make available data on the incidence of child marriage in countries that receive foreign or development assistance from the United States where the practice of child marriage is prevalent; and

(2) collect and make available data on the impact of the incidence of child marriage and the age at marriage on progress in meeting key development goals.

SEC. 7. DEPARTMENT OF STATE'S COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES.

The Foreign Assistance Act of 1961 is amended—

(1) in section 116 (22 U.S.C. 2151n), by adding at the end the following new subsection:

“(g) The report required by subsection (d) shall include for each country in which child marriage is prevalent at rates at or above 40 percent in at least one subnational region, a description of the status of the practice of child marriage in such country. In this subsection, the term ‘child marriage’ means the marriage of a girl or boy, not yet the minimum age for marriage stipulated in law or under the age of 18 if no such law exists, in the country in which such girl or boy is a resident.”; and

(2) in section 502B (22 U.S.C. 2304), by adding at the end the following new subsection:

“(i) The report required by subsection (b) shall include for each country in which child marriage is prevalent at rates at or above 40 percent in at least one subnational region, a description of the status of the practice of child marriage in such country. In this subsection, the term ‘child marriage’ means the marriage of a girl or boy, not yet the minimum age for marriage stipulated in law or under the age of 18 if no such law exists, in the country in which such girl or boy is a resident.”.

Mr. DURBIN. Mr. President, today, with the passage of the International Protecting Girls by Preventing Child Marriage Act, the Senate takes a step toward ending child marriage.

Child marriage is often carried out through force or coercion. It deprives young girls, and sometimes boys, of their dignity and human rights. And it poses grave health risks. In some countries, it is not uncommon for girls as young as 7 or 8 years old to be married.

Child marriage also undermines U.S. foreign assistance to developing countries. We invest in education and skills-building for girls, improving maternal and child health, ending the transmission of HIV/AIDS, preventing gender-based violence, and reducing poverty. But where the girls targeted for assistance are married, these development strategies only go so far.

UNICEF estimates that 60 million girls in developing countries now ages 20 to 24 were married under the age of 18. The Population Council estimates that the number will increase by 100 million over the next decade if trends continue.

The International Protecting Girls by Preventing Child Marriage Act seeks to reverse those trends. Thanks to Senator OLYMPIA SNOWE and 41 other cosponsors from both sides of the aisle, the leadership of Senators JOHN KERRY and RICHARD LUGAR on the Foreign Relations Committee, and Representatives BETTY MCCOLLUM and ANDER CRENSHAW in the House for supporting the legislation to make ending child marriage a priority in foreign affairs.

I would also like to thank The Elders, a group of world leaders including Nelson Mandela, Desmond Tutu, and President Jimmy Carter, who work together to address major causes of human suffering around the globe.

Their help and persistence on the legislation have been invaluable.

The human rights community has rightly identified the practice of child marriage as a major concern that treats young girls as property and traps them in a life of servitude. It denies girls educational and economic opportunities, sustaining a cycle of poverty in some of the world's poorest countries.

Many child brides live their lives in crushing hopelessness. Some are driven to attempt suicide to escape their misery.

A recent New York Times article entitled, “For Afghan Wives, a Desperate, Fiery Way Out,” shared the story of Farzana, engaged at 8 and married by 12. By the age of 17, she had endured years of verbal and physical abuse from her husband and his family.

She thought of ways to get out. She thought of running away but worried it would offend her family's sense of honor.

Finally, seeing no other way out and desperate, Farzana doused herself in cooking fuel and lit herself on fire.

Before this hell, Farzana had dreamed of becoming a teacher. Now, after 57 days in the hospital and multiple skin grafts, she has recovered from burns that covered more than half of her body.

Today she says, “Five years I spent in his house with those people. My marriage was for other people. They should never have given me in a child marriage.” Unfortunately, in many parts of the world, stories like these are common. Except, unlike Farzana, many succeed in killing themselves. Young girls in the developing world should not be made to face the choice between life as a child bride without hope or dying at their own hands to escape their torment.

In addition to denying tens of millions of women and girls their dignity, child marriage also endangers their health. Marriage at an early age puts girls at greater risk of dying as a result of childbirth. Pregnancy and childbirth complications are the leading cause of death for women 15 to 19 years old in developing countries. Their children also face higher mortality rates.

In September 2009, a highly publicized example of this occurred in Yemen. A 12-year-old girl died of severe bleeding after three agonizing days in labor. Her child died as well. She was married to a 24-year old man. Child brides are also at an increased risk of contracting a sexually transmitted disease, including HIV and AIDS.

The bill we passed today would require our government to develop an integrated, strategic approach to combating child marriage with the goal of eliminating this scourge worldwide. It authorizes assistance to prevent child marriage in developing countries and to promote the educational, health,

economic, social and legal empowerment of girls and women. It would require priority for regions in developing countries with a high prevalence of child marriage.

The bill also would require the Federal Government to do a better job of tracking child marriage prevalence overseas.

In the Senate today, we take a big step toward helping children we will never meet in places we will never visit. There are some issues we must look at through the shared experience of humanity. Ensuring that children throughout the world do not have their childhoods robbed of them is one such issue.

The United States has always tried to be a leader in international human rights. By passing this bill, the Senate shows its determination to keep the United States at the forefront of human rights protection around the world.

I urge my colleagues in the House to work with Representatives MCCOLLUM and CRENSHAW and House Foreign Affairs Committee Chairman HOWARD BERMAN and Ranking Member LEANA ROS-LEHTINEN and Speaker PELOSI to do the same.

Mr. WHITEHOUSE. I ask unanimous consent that the Durbin amendment be agreed to; the committee-reported substitute, as amended, be agreed to; the bill, as amended, be read a third time and passed with no intervening action or debate; and that any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 4725) was agreed to.

(The text of the amendment is printed in today's RECORD under “Text of Amendments.”)

The committee amendment in the nature of a substitute, as amended, was agreed to.

The bill (S. 987), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

THE CALENDAR

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the Senate proceed en bloc to the following Federal naming bills, Calendar Nos. 658 through 661: H.R. 4387, H.R. 5651, H.R. 5706, and H.R. 5773.

There being no objection, the Senate proceeded to consider the bills.

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the bills be read a third time and passed en bloc, the motions to reconsider be laid upon the table en bloc with no intervening action or debate, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

WINSTON E. ARNOW FEDERAL BUILDING

The bill (H.R. 4387) to designate the Federal Building located at 100 North Palafox Street in Pensacola, Florida, as the "Winston E. Arnow Federal Building," was ordered to a third reading, read the third time, and passed.

ANDREW W. BOGUE FEDERAL BUILDING AND UNITED STATES COURTHOUSE

The bill (H.R. 5651) to designate the Federal building and United States courthouse located at 515 9th Street in Rapid City, South Dakota, as the "Andrew W. Bogue Federal Building and United States Courthouse," was ordered to a third reading, read the third time, and passed.

FRANK EVANS GOVERNMENT PRINTING OFFICE BUILDING

The bill (H.R. 5706) to designate the building occupied by the Government Printing Office located at 31451 East United Avenue in Pueblo, Colorado, as the "Frank Evans Government Printing Office Building," was ordered to a third reading, read the third time, and passed.

ROBERT M. BALL FEDERAL BUILDING

The bill (H.R. 5773) to designate the Federal building located at 6401 Security Boulevard in Baltimore, Maryland, commonly known as the Social Security Administration Operations Building, as the "Robert M. Ball Federal Building," was ordered to a third reading, read the third time, and passed.

WREATHS ACROSS AMERICA

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of and the Senate now proceed to S. Res. 686.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the resolution by title.

The assistant editor of the Daily Digest read as follows:

A resolution (S. Res. 686) designating December 11, 2010, as "Wreaths Across America Day."

There being no objection, the Senate proceeded to consider the resolution.

Ms. COLLINS. Mr. President, in honor of the hard work and generosity of all those involved in the Wreaths Across America project, U.S. Senators OLYMPIA J. SNOWE and I have submitted a resolution in the Senate that would designate Saturday, December 11, as "Wreaths Across America Day."

On Saturday, December 11, a convoy of Mainers will arrive at Arlington Na-

tional Cemetery to honor our Nation's fallen heroes. At each of the thousands of gravesites at our country's most hallowed resting place, citizens from Maine will lay Maine-made balsam wreaths at each gravesite that identifies one of our Nation's fallen veterans. Joining them will be the Patriot Guard Riders, an organization made up of men and women who have volunteered a portion of their lives to consecrating the sacrifice of the service men and women who gave their all for our country. Together, they will continue their tradition of escorting and driving tractor-trailers filled with donated wreaths on the journey from Harrington, ME, to Arlington National Cemetery. This is the 19th consecutive year that Morrill Worcester, owner of Worcester Wreath Company in Harrington, has made this generous donation. And once again, more than 100,000 wreaths will be placed in more than 400 locations, including Arlington National Cemetery and at veterans cemeteries in America and abroad.

The holiday season is one that many Americans enjoy by spending time in the comfort and company of their family and close friends. Many families who have lost loved ones serving their country will not share the same comfort and joy during this holiday season. The men and women behind the Wreaths Across America project work hard to honor these families and their lost love ones. Our resolution is a modest way for the U.S. Senate to honor these men and women, as well as the veterans and families who sacrifice so much in order to make it possible for us to celebrate this holiday season in freedom.

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 686) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 686

Whereas 19 years ago, the Wreaths Across America project began an annual tradition, during the month of December, of donating, transporting, and placing Maine balsam fir holiday wreaths on the graves of the fallen heroes buried at Arlington National Cemetery;

Whereas since that tradition began, through the hard work and generosity of the individuals involved in the Wreaths Across America project, hundreds of thousands of wreaths have been sent to national cemeteries and veterans memorials in every State and to locations overseas;

Whereas in 2009, wreaths were sent to over 400 locations across the United States, 100 more locations than the previous year, and 24 sites overseas;

Whereas in December 2010, the Patriot Guard Riders, a motorcycle and motor vehi-

cle group that is dedicated to patriotic events and includes more than 200,000 members nationwide, will continue their tradition of escorting a tractor-trailer filled with donated wreaths from Harrington, Maine, to Arlington National Cemetery;

Whereas thousands of individuals volunteer each December to escort and lay the wreaths;

Whereas December 12, 2009, was previously designated by the Senate as "Wreaths Across America Day"; and

Whereas the Wreaths Across America project will continue its proud legacy on December 11, 2010, bringing 15,000 wreaths to Arlington National Cemetery on that day: Now, therefore, be it

Resolved, That the Senate—

(1) designates December 11, 2010, as "Wreaths Across America Day";

(2) honors the Wreaths Across America project, the Patriot Guard Riders, and all of the volunteers and donors involved in this worthy tradition; and

(3) recognizes the sacrifices our veterans, members of the Armed Forces, and their families have made, and continue to make, for our great Nation.

ORDERS FOR THURSDAY, DECEMBER 2, 2010

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m. on Thursday, December 2; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each, with the majority controlling the first 30 minutes and the Republicans controlling the next 30 minutes. Finally, I ask that the Senate recess from 12:30 until 3:30 p.m. for the Democratic caucus meeting.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. WHITEHOUSE. If there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 7:32 p.m., adjourned until Thursday, December 2, 2010, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate:

THE JUDICIARY

BERNICE BOUIE DONALD, OF TENNESSEE, TO BE UNITED STATES CIRCUIT JUDGE FOR THE SIXTH CIRCUIT, VICE RONALD LEE GILMAN, RETIRED.

ARENDA L. WRIGHT ALLEN, OF VIRGINIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF VIRGINIA, VICE JEROME B. FRIEDMAN, RETIRED.

MICHAEL FRANCIS URBANSKI, OF VIRGINIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF VIRGINIA, VICE NORMAN K. MOON, RETIRED.

CLAIRE C. CECCHI, OF NEW JERSEY, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF NEW JERSEY, VICE JOSEPH A. GREENAWAY, ELEVATED.

ESTHER SALAS, OF NEW JERSEY, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF NEW JERSEY, VICE KATHARINE SWEENEY HAYDEN, RETIRED.
MARK RAYMOND HORNAK, OF PENNSYLVANIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF PENNSYLVANIA, VICE DONETTA W. AMBROSE, RETIRED.

ROBERT DAVID MARIANI, OF PENNSYLVANIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE MIDDLE DISTRICT OF PENNSYLVANIA, VICE JAMES M. MUNLEY, RETIRED.
JOHN ANDREW ROSS, OF MISSOURI, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF MISSOURI, VICE CHARLES A. SHAW, RETIRED.

DEPARTMENT OF JUSTICE

CHRISTOPHER R. THYER, OF ARKANSAS, TO BE UNITED STATES ATTORNEY FOR THE EASTERN DISTRICT OF ARKANSAS FOR THE TERM OF FOUR YEARS, VICE HARRY E. CUMMINS, III, RESIGNED.

HOUSE OF REPRESENTATIVES—Wednesday, December 1, 2010

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. CUELLAR).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
December 1, 2010.

I hereby appoint the Honorable HENRY CUELLAR to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

PRAYER

Rev. Tom Dore, Pastor Emeritus, St. Giles Parish, Oak Park, Illinois, offered the following prayer:

Gracious Lord, the Members of the United States House of Representatives have been given the awesome responsibility and privilege of the stewardship of governance by the citizens of our country. They must be truly grateful for the trust placed in them by those same citizens.

Today, I ask for Your gift of wisdom, right judgment and hearts and minds open to Your Spirit.

I pray for the spirit of cooperation and collaboration as they seek to guide our country as it faces the many significant challenges both nationally and internationally.

Although there may be differences on how to accomplish specific goals, the Members of the House must always keep in mind the inspiring vision of our Founders—the common good of the people they serve.

Gracious and loving God, be with them in their deliberations, for without Your help and guidance, the deliberations may prove limited and disappointing.

Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from New Jersey (Mr. PASCRELL) come forward and lead the House in the Pledge of Allegiance.

Mr. PASCRELL led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed without amendment bills of the House of the following titles:

H.R. 6162. An act to provide research and development authority for alternative coinage materials to the Secretary of the Treasury, increase congressional oversight over coin production, and ensure the continuity of certain numismatic items.

H.R. 6166. An act to authorize the production of palladium bullion coins to provide affordable opportunities for investments in precious metals, and for other purposes.

The message also announced that the Senate has passed bills of the following titles in which the concurrence of the House is requested:

S. 3386. An act to protect consumers from certain aggressive sales tactics on the Internet.

S. 3987. An act to amend the Fair Credit Reporting Act with respect to the applicability of identity theft guidelines to creditors.

The message also announced that pursuant to Public Law 107-12, the Chair, on behalf of the Majority Leader, appoints the following individual as a member of the Public Safety Officer Medal of Valor Review Board:

Albert H. Gillespie of Nevada vice Thomas J. Scotto of New York.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain up to 15 requests for 1-minute speeches on each side of the aisle.

THE ELEPHANT IN THE ROOM

(Mr. PASCRELL asked and was given permission to address the House for 1 minute.)

Mr. PASCRELL. Mr. Speaker, today I rise to address the elephant in the room—the expiration of the tax rates that will occur 31 days from now.

We all agree that it is imperative that we work together to provide America's working-class families with tax relief as soon as possible. That is why I applaud the President for meeting with Members from the House and

Senate in order to forge a bipartisan compromise.

But to be fair, this past September, I, along with Messrs. CAPUANO, HIGGINS and OWENS, proposed a compromise that provides tax relief for American families and that gives Congress the fiscal flexibility to address our long-term deficit. I am proud to say that the Joint Committee on Taxation has confirmed that this plan costs significantly less and provides greater flexibility to reduce the national debt.

Our compromise includes a 5-year extension of the middle class tax rates and the current rates on long-term capital gains and qualified dividends, costing \$801.5 billion; and a 1-year extension of the current rates for income earned between \$250,000 and \$500,000, costing \$8.27 billion.

This plan is better than the \$2.2 trillion over 10 years which is now before us. It is a compromise, and we ought to try it sometime.

H.R. 5866, THE NERD ACT

(Mr. TIM MURPHY of Pennsylvania asked and was given permission to address the House for 1 minute.)

Mr. TIM MURPHY of Pennsylvania. Mr. Speaker, by 2030, America's energy needs will increase by 40 percent, and our nuclear power plants are, on average, 30 years old and are nearing the end of their life cycles.

We need more energy.

The Nuclear Energy Research and Development Act, which passed the House last night, accelerates the development of small, pre-made reactors that can be built in factories and shipped to sites at a fraction of the cost. Today, a typical nuclear power plant costs \$10 billion, takes 5 years to build, and produces more than 1,100 megawatts. Small reactors cost \$750 million, which can be quickly added to the grid and shipped into the place.

We need energy independence; but to rebuild our economy, we need products that can be developed here, built in our factories, and sold all over the world; or we can keep sending our dollars to OPEC. This year, the U.S. will buy \$350 billion of foreign oil; and for roughly 1 day's worth of oil purchased from a foreign country, this bill invests in the technology that produces these new energy plants.

The stimulus bill gave us windmills made in China. Let's not repeat that mistake. If we don't do this in the USA, other countries can and will make them and ship them here. Let's support U.S. jobs for U.S. energy.

I urge the Senate to quickly adopt H.R. 5866.

BUSH TAX CUTS

(Ms. SCHWARTZ asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. SCHWARTZ. Mr. Speaker, this morning, I rise in support of middle class Americans.

As Americans continue to face economic challenges, the deadline looms for extending middle class tax cuts that provide relief where it is most needed; but congressional Republicans are holding these middle class tax cuts hostage in favor of tax breaks for the wealthiest 1 percent of Americans, burdening our children and our grandchildren with unsustainable debt.

Their argument for millionaire tax breaks: it will trickle down to the middle class and create jobs.

But if that were true, America would not be in the economic situation it is in now. If personal tax cuts for the very wealthy create jobs—and they've had them for 10 years—where are those jobs?

Congressional Republicans have made it quite clear that they are willing to hold up tax breaks for middle-income families to protect multi-millionaires. Republicans talk about reducing our deficit, but they are perfectly happy to balloon the deficit by \$700 billion to give tax breaks to the richest Americans.

In the coming weeks, we will see if Republicans stand up for middle class Americans or if they stand against them.

IT IS TIME TO SHUT WIKILEAKS DOWN

(Mrs. MILLER of Michigan asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MILLER of Michigan. Mr. Speaker, we saw again this week the organization WikiLeaks release hundreds of thousands of classified documents which threaten to undercut American foreign policy as well as our national security.

The person who has been accused of releasing this sensitive information is an American PFC, who is now facing charges that could lead to 52 years in prison if he is convicted. These penalties are too lenient because this PFC has not just violated orders; he has committed treason.

I think that WikiLeaks and its founder, Julian Assange, should be facing criminal charges; and his Web site, which he uses to aid and abet our terrorist enemies, should also be shut down to defend our national security.

Attorney General Eric Holder held a press conference the other day, proudly

announcing that the Federal Government had shut down several Web sites for selling knock-off purses and other items. Well, I have an idea for Attorney General Holder: shut down WikiLeaks, which represents a far greater threat to our national security than the sale of fake Louis Vuitton bags.

It is time that the Obama administration treats WikiLeaks for what it is—a terrorist organization, whose continued operation threatens our security.

Shut it down. Shut it down. It is time to shut down this terrorist organization, this terrorist Web site, WikiLeaks. Shut it down, Attorney General Holder.

□ 1010

REPEAL DON'T ASK, DON'T TELL

(Mr. HIMES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HIMES. Mr. Speaker, in 1857, just down the hall, the Supreme Court, which met in this building at the time, decided Dred Scott, in which they said that a black American was not entitled to the rights of the Constitution promised to all men. The good news is that over the years this institution has done the right thing—civil rights legislation, any number of things—to expiate that sin, but 17 years ago this body passed legislation which discriminated against our soldiers that said if you are gay, you can't serve your country; that regardless of how much we spent to train you, regardless of how critical your expertise is to keeping this country safe, you cannot serve your country.

A report came out yesterday which indicates that there is, at most, a negligible threat, a negligible problem if we get rid of Don't Ask, Don't Tell. Now is the time to fix that sin of 17 years ago and say to gay Americans that if you're patriotic enough to serve this country, we welcome you in the armed services.

I urge the Senate to act to repeal this act and to really get us closer to our founding creed.

LET'S GET TO WORK FOR THE AMERICAN PEOPLE

(Mr. NEUGEBAUER asked and was given permission to address the House for 1 minute.)

Mr. NEUGEBAUER. Mr. Speaker, today is December 1, just 25 days until Christmas, but the American people have Christmas on their mind right now. In fact, they sent a list of some of the things that they do and do not want on November 2 to this administration and to this body. They said we want jobs, not more taxes. They said

we want jobs, not more spending and deficits. We want jobs, not more Big Government.

If we want to make sure that the American people have a very merry Christmas, let's pass H.R. 4676, which I introduced, which brings taxpayers certainty and gives every American taxpayer tax relief that they both deserve and need.

Let's give the American people a merry Christmas. Let's do the right thing for the American people. Let's do the right thing for the future of our children and our grandchildren. Let's get to work and quit naming post offices in this country and go to work for the American people.

EXTENDING TAX CUTS

(Mr. TONKO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TONKO. Mr. Speaker, I rise today with one question for former President George W. Bush and the Republican leadership in Congress: Where are the jobs?

With inspirational titles promising economic growth and job creation, the 2001 and 2003 tax cut packages fell well short of their names. From 2001 to 2007, the economy grew at its slowest pace since World War II.

The Bush tax cuts failed to bring the growth they promised, and now my colleagues on the other side of the aisle want a no-questions-asked extension of this failed policy. Not so fast. Sixty-six percent of all growth between 2001 and 2007 went to the top 1 percent of Americans. Did that trickle down to the rest of us? All you have to do is ask a family in Albany or Schenectady or Troy, New York that I represent. My district will say it most certainly did not.

In the debate over extending tax cuts, the choice is clear. I stand with the 98.1 percent of households in my district, the middle-income community, the working families. I hope my colleagues on both sides will review their own district numbers and do the same.

FINISH BUSINESS

(Mr. FLEMING asked and was given permission to address the House for 1 minute.)

Mr. FLEMING. Mr. Speaker, on November 2, Americans sent a message to Washington that we are sick and tired of the out-of-control spending and bigger government that has existed over the last 2 years. While the lame duck Congress has unfinished business to complete, such as permanently extending the current income tax rates, Democrats in Congress have hinted at other plans to continue their irresponsible spending spree by passing a massive omnibus spending bill.

Mr. Speaker, after the bell-ringing on November 2, surely Democrats in their few remaining days of control are not intending to use this lame duck session to continue the failed policies that got us into this mess to begin with. I implore this body to act immediately to cut spending, balance the budget, extend the current tax rates, and send this Nation on a new path to greatness while ensuring the people's voice is once again heard in Washington.

EXTENDING TAX CUTS VERSUS UNEMPLOYMENT BENEFITS

(Ms. PINGREE of Maine asked and was given permission to address the House for 1 minute.)

Ms. PINGREE of Maine. Mr. Speaker, in the remaining days of this Congress we have some choices to make, and those choices couldn't be more clear. Are we going to extend tax cuts for the rich, giving millionaires an average break of over \$100,000, or are we going to continue unemployment benefits of about \$245 a week for out-of-work Americans? Are we going to approve a giveaway to high-paid CEOs that the Congressional Budget Office puts at the bottom of their list of what would stimulate the economy, or are we going to extend the unemployment benefits the CBO puts at the top of that same list? Are we going to hand out tax breaks to the wealthy that will add \$700 billion to the deficit, or are we going to continue funding unemployment checks that generate \$2 in economic activity for every \$1 in benefits paid?

The American people sent us here to set priorities and make tough choices. Putting American workers ahead of millionaires and billionaires should be our priority, and it shouldn't be a tough choice to make.

BIG GOVERNMENT ORDERS BIG SIGNS

(Mr. POE of Texas asked and was given permission to address the House for 1 minute.)

Mr. POE of Texas. Mr. Speaker, the Federal Highway Administration is ordering all local governments to go out and purchase new road signs. Why? Because the brilliant bureaucrats say these signs are easier to read. It took 800 pages of "easy-to-read" regulations and redtape to mandate making letters two inches taller. The new signs must be reflective and cannot be in all caps. New York City alone will have to spend \$27 million just to revamp their sufficient signs. Millions will be spent by other financially troubled cities.

Why is this happening? Because, as the saying goes, "We're from government, and we're here to help you." What if the towns refuse to replace their perfectly good signs with the Federally authorized signs? Will the intru-

sive Federal street sign police come out and cart the city officials off to jail for road sign violations? And what's next? Will the Feds soon require signs be in multiple languages? Once again, Big Government solves problems that don't exist and answers questions no one is asking. And that's just the way it is.

MIDDLE CLASS TAX CUTS AND JOBS

(Mr. BACA asked and was given permission to address the House for 1 minute.)

Mr. BACA. Mr. Speaker, we must remind the American people when President Obama took office, he inherited a \$1.2 trillion deficit, the recession, and mounting job losses. In the last 2 years we have worked hard to end the outsourcing of jobs overseas and lay the groundwork to create new jobs here at home. But with the unemployment rate at 9.6 across the Nation and over 14 percent in my area in California, we must do more. If Congress does not act to extend the unemployment insurance benefit, 2 million Americans stand to lose benefits during the holiday season. Yet, instead of working with us to provide assistance to struggling families, Republicans—I state Republicans—continue to obstruct and push for budget-busting tax breaks for America's millionaires.

We must extend unemployment benefits, and we must approve the Obama middle class tax cut plan without the deficit-increasing tax breaks for America's richest few. Let's work together to help families through these tough times and create the jobs the American people need.

AMERICA'S ECONOMIC CRISIS

(Mr. DUNCAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DUNCAN. Mr. Speaker, Ireland, with a population of just 4.4 million, has been forced to get a \$90 billion bailout to keep from crashing. With our debt of almost \$14 trillion and trillion-dollar yearly deficits, we are very close to becoming a gigantic Ireland financially. A similar bailout for the U.S. would be over \$6 trillion.

In yesterday's Washington Post, columnist Fareed Zakaria, concerning what he called our economic crisis, wrote this:

"Washington is asking consumers to stop saving and start spending, while the government issues more debt and the Fed lowers rates—all measures designed to increase debt." "In other words," he wrote, "we are fighting a crisis caused by excessive debt by encouraging excessive debt. Is that really the best way to get growth?"

A few months ago the Post editorialized, "It's time to stop worrying about

the deficit and start panicking about the debt. The fiscal situation was serious before the recession; it is now dire."

The problem is that the Post, like too many in this city, always attacks any attempts to cut spending.

□ 1020

CONGRATULATING CHARLES BARNUM ELEMENTARY SCHOOL

(Mr. COURTNEY asked and was given permission to address the House for 1 minute.)

Mr. COURTNEY. Mr. Speaker, yesterday U.S. Secretary of Education Arne Duncan placed a call to the principal of the Charles Barnum Elementary School in Groton, Connecticut, to congratulate the school's 100 percent math score and 92 percent reading score in the Connecticut Mastery tests.

The school's success was notable for two reasons: First, because Barnum is a good old-fashioned public school that raised its test scores to almost perfection the right way—through teamwork by administration, teachers, staff, students, and parents—and second, because it's a school adjacent to the Groton Navy sub base with over 90 percent of its student body children of active duty Navy. These are families which face tremendous challenges with parents away at sea for months at a time incommunicado with their kids. Despite that environment, the Barnum community has made sure that its kids are achieving the highest level of proficiency in reading and math.

Congratulations to Principal Valerie Nelson and everyone at Barnum, and thank you for giving the country an example of educational success which we in Congress should carefully examine as the time approaches to reform America's schools.

EARMARKS

(Mr. REHBERG asked and was given permission to address the House for 1 minute.)

Mr. REHBERG. Mr. Speaker, earmarks represent the culture of spending that has led to record deficits and debts that are literally costing us our future. We've got to change that culture, and we've got to start right now. Today, we can save the American taxpayer as much as \$16.5 billion. That money can go to pay down some of the debt we've accrued against our children's future. That's why I made the decision last year to forgo earmarks. It wasn't an easy decision, but it was the right one. That's why President Obama and Montana's Democrat Governor have also thrown their support behind eliminating earmarks.

But earmarks are just the beginning. We also need to balance the budget and seriously cut spending across the

board. If Congress doesn't have the courage to cut earmarks, how can we hope to tackle the bigger problems later?

HONORING ANTOINE GARIBALDI

(Mrs. DAHLKEMPER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. DAHLKEMPER. Mr. Speaker, I rise today to honor a great leader in Erie, Pennsylvania, Antoine Garibaldi, the sixth president of Gannon University.

Dr. Garibaldi has been a dynamic force in higher education and throughout the community. Since 2001, he has worked to ensure that Gannon remains a world-class university. Dr. Garibaldi's visionary leadership has helped Gannon's enrollment grow by more than 24 percent.

With his wife, Carol, Antoine has led revitalization efforts to make downtown Erie a vibrant, thriving area. The Garibaldis' work benefits not only the students of Gannon but the whole of the Erie community. I am grateful for their commitment to our city.

Antoine Garibaldi is a pillar in the Erie community, and it is with grateful hearts that we wish him the greatest of fortune as he takes on the role of president of the University of Detroit Mercy next year.

Dr. Garibaldi's service in the area will be greatly missed, and we thank him for all that he has done.

NATIONAL DAY OF RECOGNITION FOR PARENTS OF CHILDREN WITH SPECIAL NEEDS

(Mr. THOMPSON of Pennsylvania asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THOMPSON of Pennsylvania. Mr. Speaker, I rise today as a cosponsor of the National Day of Recognition for Parents of Children with Special Needs to honor those who have dedicated themselves to making the lives of their special needs children better and more fulfilling.

I saw a news program over the Thanksgiving holiday that talked about a time in this country when children who were different or had special needs were often institutionalized or forgotten. That was less than 50 years ago.

There are still children who need extreme care that can't be given by their parents alone, but many of these parents begin a journey with their special needs child with a goal of making their lives as complete and stimulating as possible. The journey takes them through medical journals and expert opinions. It often places them in opposition to established school procedures and leads them to new solutions to

pave the way for other special needs students. It takes their time, their treasure, and most of all their love and patience.

These parents don't give up or give in, and their children are the better for it.

UNEMPLOYMENT INSURANCE AND TAX CUTS

(Ms. EDWARDS of Maryland asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. EDWARDS of Maryland. Mr. Speaker, I rise today to give voice to the growing chorus of millions of hard-working Americans who are without their unemployment benefits and to middle class taxpayers who deserve tax cuts on their income up to \$250,000 permanently.

We're seeing a steady improvement in the economy, but families are still struggling and need unemployment benefits to put food on the table and remain in their homes. Extending unemployment is more than support for our families, friends, and neighbors; it's also good economics. According to the independent Congressional Budget Office, it's hands down the most cost-effective stimulus available.

Mr. Speaker, I want to clear up the confusion. My colleagues on the other side of the aisle are fighting for tax cuts for millionaires while millions of Americans are losing unemployment benefits. My colleagues on the other side are calling for us to pay for \$18 billion to extend unemployment but refuse to see the hypocrisy of putting \$700 billion of tax cuts for millionaires on the backs of our children and grandchildren.

To be clear, Mr. Speaker, this Congresswoman and congressional Democrats are fighting for real families, 98 percent of middle class families, 9.6 percent unemployed. Republicans are fighting for the 2 percenters, the millionaires.

Let's stop it right here.

HONORING "CHI CHI" RODRIGUEZ

(Mr. PIERLUISI asked and was given permission to address the House for 1 minute.)

Mr. PIERLUISI. Mr. Speaker, I rise in strong support of House Resolution 1430, which honors "Chi Chi" Rodriguez for his commitment to Latino youth programs.

Chi Chi was born into a poor family in Puerto Rico and began working at the age of 7. He taught himself how to play golf and enjoyed a very successful professional career, becoming the first Puerto Rican inducted into the World Golf Hall of Fame.

I rise today, though, to commend Chi Chi not for his extraordinary golf skills but for his philanthropy. His civic

work has helped countless youths and earned him membership in the World Humanitarian Hall of Fame.

Yesterday, it was suggested on the floor of this House that it is a waste of time and resources to consider and pass this resolution. With all due respect, it is never a waste of time to recognize and praise the actions of a great human being, particularly when those actions help our youth.

It is one thing to promote fiscal responsibility; it is quite another to ignore or, even worse, intend to demean the feats of an extraordinary American.

I urge all of my colleagues to vote for House Resolution 1430.

JEC UNEMPLOYMENT INSURANCE REPORT MAKES STRONG CASE

(Mrs. MALONEY asked and was given permission to address the House for 1 minute.)

Mrs. MALONEY. Mr. Speaker, last night the unemployment benefits expired for 2 million Americans, including over 159,000 New Yorkers and 95,000 residents of New York City. The Joint Economic Committee, which I chair, released a report that finds that there could be serious unintended consequences if Congress should not renew this vital program; consequences not just for 2 million Americans who lost their jobs, but for our larger economy as well.

Failing to renew the program with its 99-week cap could result in the loss of over 1 million jobs over the next year, wiping out almost a year's worth of hard-won progress. Failing to preserve unemployment benefits would also drain the economy of \$80 billion in purchasing power just as our fragile economy is recovering.

At a time when there are five unemployed Americans for every job opening, failing to extend unemployment benefits goes against both all common sense and economic sense. We must support and extend this vital renewal of this program.

MIDDLE CLASS TAXES

(Ms. EDDIE BERNICE JOHNSON of Texas asked and was given permission to address the House for 1 minute.)

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, middle-income families are the backbone of our economy, and that is why we should not wait any longer to vote on extending tax cuts for middle-income families. Extension of these taxes have been held hostage by the discussion of whether to extend the rates for the wealthiest Americans.

Ninety-eight percent of Americans face a tax increase January 1. For the typical middle-income American family, that would be the loss of \$2,000 a year. The Republican demands would

mean that those making more than a million dollars a year would receive an average of \$100,000 annually, and the middle-income would be saddled with the \$700 billion in new debt to pay for the multimillion-dollar tax cut for billionaires.

The billionaires' lifestyles will not change, and no significant jobs will be created. If they were going to be, they would be now.

I am committed to continuing tax cuts for middle-income families on incomes up to \$250,000.

Mr. Speaker, I favor jobs. Tax cuts for the rich will change nothing, but it will increase the deficit.

□ 1030

PROVIDING FDIC PROTECTION FOR IOLTAS

(Mr. SARBANES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SARBANES. Mr. Speaker, I rise today in strong support of H.R. 6398, which I was proud to cosponsor with my colleague, Congressman DOGGETT. This important measure will ensure that lawyer trust accounts, the interest income from which goes to support legal services programs across this country, will be fully insured by the Federal Deposit Insurance Corporation, therefore providing to the providers of these programs an important assurance that going forward this source of funding will be protected.

For almost 20 years before I came to this body, I had the privilege of working with some of the finest legal services providers in the State of Maryland. And I want to thank them for the work they do every day to provide assistance to those underserved in our community. Every opportunity we get to support their work we should seize upon. And that's what we do with this measure. I thank my colleagues for their support of H.R. 6398.

PASS THE FREE TRADE AGREEMENTS

(Mr. DREIER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DREIER. Mr. Speaker, we all know the sad news of the expiration of unemployment benefits. And we feel very strongly about ensuring that the American people who are struggling are able to have their needs met. We also feel strongly that it must be paid for. We also feel very strongly, Mr. Speaker, that the focus should be on job creation and economic growth.

We have three pending trade agreements with Panama, Colombia, and South Korea, which not only would have far-reaching economic impacts on

the United States of America, but at the same time it would have a very, very important geopolitical impact. And it seems to me that as we look at creating good manufacturing jobs for union and nonunion workers in the United States, at companies like Caterpillar, John Deere, Whirlpool, other union companies, that the single best thing to do for those workers and potential union and nonunion workers is to open up markets where there are 40 million consumers in Colombia.

The single largest bilateral free trade agreement in the history of the world would be the U.S.-Korea free trade agreement. And so, Mr. Speaker, I would like to join, and I know there is bipartisan support for this, in encouraging the administration to send up those agreements so that we can focus on what it is the American people want us to do, and that is create good manufacturing jobs right here in the United States.

TRIBUTE TO CHAIRMAN JAMES L. OBERSTAR

(Mr. GARAMENDI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GARAMENDI. Mr. Speaker, I am struck by the comments of my colleague from California and his desire to build jobs here in America. My comments today are really directed towards the chairman of the Transportation and Infrastructure Committee, Mr. OBERSTAR, who will be leaving this House at the end of this year, an extraordinary individual who over his 40 years in this House has led the way for good American union jobs in the construction industry.

Unfortunately, when it came time in the stimulus bill, not one Republican voted for the stimulus bill that created 1.5 million union jobs in the construction industry. Unfortunately, that was the case. You can't have it both ways, I suppose. Mr. OBERSTAR has led the way time and time again for worker safety, to make sure that Americans had the transportation, the infrastructure that they needed.

I have had the great pleasure of working with him and learning from him. I am sure I join with every colleague in this House, Democrat and Republican, to say that we will miss him deeply, and his leadership will be lost upon us.

IN MEMORY OF BOB ABBOTT

(Ms. WATSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Ms. WATSON. Mr. Speaker, I come to memorialize Bob Abbott, a young man who saw the future in terms of technology and who worked on inventing

the digital ways of communicating. He was a researcher who looked around the world and saw what was needed in terms of computers. And he helped the team in Silicon Valley solve some of those problems. He died about a month ago.

He would be appalled to know that all of his hard work to bring communications together would leave out those who are unemployed. As you know, 39 percent say that not eliminating the tax cuts for those earning more than \$250,000 a year would be a travesty. Bob worked so hard to address these issues through his computer communications. We have to be sure that those people who have worked so diligently in manufacturing and in other areas of technology are taken care of when they lose their jobs.

In memory of a young man who worked so hard to bring communication skills to all Americans, I say to him we will make a move to see that the unemployed have work in your memory.

PROVIDING FOR CONSIDERATION OF HOUSE JOINT RESOLUTION 101, FURTHER CONTINUING APPROPRIATIONS, FISCAL YEAR 2011

Mr. POLIS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1741 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1741

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the joint resolution (H.J. Res. 101) making further continuing appropriations for fiscal year 2011, and for other purposes. All points of order against consideration of the joint resolution are waived except those arising under clause 9 or 10 of rule XXI. The joint resolution shall be considered as read. All points of order against provisions in the joint resolution are waived. The previous question shall be considered as ordered on the joint resolution to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on Appropriations; and (2) one motion to recommit.

The SPEAKER pro tempore. The gentleman from Colorado is recognized for 1 hour.

Mr. POLIS. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from California (Mr. DREIER). All time yielded during consideration of the rule is for debate only.

I yield myself such time as I consume.

GENERAL LEAVE

Mr. POLIS. I also ask unanimous consent that all Members be given 5 legislative days in which to revise and extend their remarks on H.R. 1741.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. POLIS. Mr. Speaker, H.R. 1741 provides a closed rule for consideration of H.J. Res. 101, making further continuing appropriations for fiscal year 2011, and for other purposes. The rule provides 1 hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on Appropriations.

The rule waives all points of order against consideration of the joint resolution except those arising under clause 9 or 10 of rule XXI. The rule provides that the joint resolution shall be considered as read. The rule waives all points of order against provisions of the joint resolution. Finally, the rule provides one motion to recommit the joint resolution with or without instructions.

Mr. Speaker, I rise today in strong support of approving a continuing resolution to maintain a level and consistent funding stream for our Federal Government. It is one of our primary constitutional responsibilities as Members of Congress to keep the Federal Government running through the passage of appropriations legislation. This continuing resolution will ensure that all necessary and vital functions of government will continue uninterrupted until both Chambers of our legislature have completed their work.

If we do not act now, Mr. Speaker, the Federal Government will effectively shut down this Friday, December 3. This continuing resolution is a short term, straightforward measure to keep the government running and get us through the next 2 weeks, until December 18, while bipartisan negotiations continue in the House and the Senate. It is my hope that my colleagues on both sides of the aisle will work with us to move this important bill forward and to pass a clean continuing resolution contained under this rule.

This continuing resolution will fund the Federal Government at levels already approved by the House in the fiscal year 2010 appropriations bills and the fiscal year 2009 supplementals. This includes extending the authority for the Department of Defense to execute the Commanders Emergency Response Program, an essential tool for military commanders in Iraq and Afghanistan.

□ 1040

It would also continue the application period for retroactive stop loss benefits through the duration of the continuing resolution.

The Retroactive Stop Loss Pay Program provides \$500 for each month served in stop loss status with an average benefit of \$3,700 to the brave servicemen and -women, veterans and beneficiaries of those whose service was involuntarily extended under stop loss.

This continuing resolution would also continue to fund VA hospitals al-

ready under construction, including one in my home State of Colorado, the Denver VA Hospital, which serves 58,000 veterans living in Colorado, Kansas, Nebraska, and Wyoming. Millions of veterans and their families across this Nation depend on the VA for medical care and support, and we must pass this CR so we continue to build these much-needed facilities. Absent this CR, construction on these VA facilities will grind to a halt, leaving our veterans in the lurch. Our veterans took an oath to defend our country, and they deserve to come home to better care and a quality hospital that meets their needs.

This CR would also allow the Federal air marshals to maintain the existing fiscal year 2010 fourth quarter coverage levels for international and domestic flights. This funding will allow for continued training, including investigative techniques, criminal terrorist behavior recognition, firearms proficiency, aircraft specific tactics, and self-defense measures that are necessary to protect the flying public.

This funding allows the Federal air marshals to fulfill their mission of protecting air passengers and crew. Protecting our Nation and combating terrorism is a top priority for this Congress, and without the passage of this CR, those efforts with regard to our air marshals will grind to a halt, leaving the traveling public at greater risk.

This continuing resolution would also allow the commissioner of U.S. Customs and Border Protection to maintain the level of Customs and Border Protection personnel in place for the final quarter and the final few weeks of fiscal year 2010. This provides proper funding to keep terrorists and their weapons out of the United States, secure and facilitate trade and travel and enforce hundreds of U.S. regulations, including immigration and drug laws.

U.S. Customs and Border Protection law enforcement professionals serve as America's front-line defense on our Nation's borders at ports of entry, field stations and check points across the United States. It's important that we maintain a consistent level of personnel at our Nation's borders. By interrupting these funds, we would be jeopardizing Customs and Border Protection's ability to do their job and protect America. This funding enables these officers to inspect our borders, process trade, combat terrorism and smuggling.

A vote against this continuing resolution is a vote to gut our border security when we need it the most.

In addition to extending the existing authority for the Department of Homeland Security to regulate chemical facilities to prevent high levels of risk, this continuing resolution would also extend the existing Federal Emergency Management Agency, or FEMA author-

ity, to provide technical and financial assistance to States and localities for pre-disaster hazard mitigation activity.

As an example, in my home State of Colorado, this continuing resolution would mean keeping in place vital programs like the 2008 Colorado Springs Wildfire Mitigation Project that removes vegetation around critical facilities and communities; to the 2008 Denver Regional Hazard Mitigation Plan, which assists 37 communities, townships, and counties in the Denver metro area in analyzing and assessing their hazard risks; the 2007 Coal Creek Crossing affecting the town of Erie in Boulder County, Colorado, flood reduction project that helps the town of Erie modify infrastructure around the Coal Creek Crossing to eliminate future damages.

My district, Mr. Speaker, recently suffered one of the worst forest fires in the history of Colorado, which completely destroyed over 100 residences. These emergencies can strike anywhere, anytime; and if we fail to pass this continuing resolution, we will cripple the ability of the Federal Government to help with emergencies wherever they occur and whatever their nature is.

This continuing resolution would also maintain the additional \$23 million in funding for the Department of the Interior's new Bureau of Ocean Energy Management for increased inspections for offshore oil rigs. In light of the recent disaster we all witnessed unfold this summer in the Gulf of Mexico, these funds should be the last thing that we want to allow to expire or to cut. These funds are critical to ensure that tragedies like the Deepwater Horizon spill are not repeated and that our oil rigs are inspected.

These funds allow existing rigs to continue operating in a manner that protects the workers on the rigs in the sensitive environmental areas in which these rigs operate, as well as protect our economy from future job loss. Interrupting these funds will put offshore oil rig workers' lives in danger, the environment in danger, and our economy in danger as well.

The continuing resolution before us also maintains the current rate of the Foreign Military Financing, FMF, program, to include the \$965 million that was advanced for Israel, Egypt, and Jordan in the fiscal year 2009 supplemental. By providing assistance and aid to our allies in the Middle East, we strengthen our position and make a vital investment in global and national security.

A vote against this continuing resolution is a vote to cut off aid to our allies like Israel and the Middle East at a time when they are critical for the global fight against terrorism and to prevent the proliferation of nuclear weapons to Iran.

Through this continuing resolution, we also continue the rate of operations for the Pakistan Counterinsurgency Capability Fund at \$700 million. This section also continues the terms and conditions included in the fiscal year 2009 and 2010 supplementals which will help build and maintain the counterinsurgency capability of Pakistan under the same terms and conditions.

Mr. Speaker, I have not been a supporter of the escalation of efforts in Afghanistan or in Iraq, but I think there is a strong bipartisan consensus in this body that assisting the Government of Pakistan in counterinsurgency efforts is one of the most critical fronts to protect Americans from terrorism, from a resurgence of the Taliban and from allowing al Qaeda a foothold in that area.

There are vital programs that we must continue to fund without interruption. There may be some who question the need for a CR. Let me remind everyone that with the exception of fiscal years 1989, 1995 and 1997, at least one continuing resolution has been enacted for each fiscal year since 1955.

I encourage my colleagues to support the necessary rule for this CR as well as the underlying CR to prevent the Federal Government from shutting down, jeopardizing our allies and friends across the world, as well as the safety and security of Americans.

I reserve the balance of my time.

Mr. DREIER. Mr. Speaker, I yield myself such time as I may consume.

I want to begin by expressing my appreciation to my good friend from Boulder, a hard-working member of the Rules Committee, and I want to associate myself with much of what he said.

We obviously have very important priorities that need to be addressed, whether it's dealing with environmental issues, border security, FMF, the Pakistani anti-insurgency effort, all of those things are very, very high priorities which need to be addressed; and so I think he is right on target in pointing to those.

The unfortunate thing, Mr. Speaker, is what is it that got us to the point where we are at this moment.

We all know that the American people are hurting. We know that unemployment benefits have expired. We know that we have looked at the election that took place on November 2 and that, in and of itself, was evidence of a high level of anger and frustration that has been shown by the American people. I mean, the largest turnover in this institution in nearly three-quarters of a century. And by virtue of that, it seems to me that we need to realize that there is a message that has been received, and that message is a clear one.

This business-as-usual pattern cannot continue. And when I say "business as usual," it's a very tragic and sad

commentary as to what business as usual has become. Because in this 111th Congress, we have for the first time since passage of the 1974 Budget and Impoundment Act not passed a budget. We have not even dealt with the budget issue, and that has played a role in getting us to where we are at this moment.

The importance of keeping the government running is one which Democrats and Republicans alike acknowledge, but we also know that we have what my friend described as constitutional responsibilities; and those constitutional responsibilities, under article 1, section 9, are for us to do everything that we can to make sure that we responsibly expend those taxpayer dollars. We basically abrogated our responsibility.

So for the first time in history, we have not passed a budget. And then, Mr. Speaker, if you look at what has happened in the last 2 years, we have for the first time ever not allowed Democrats or Republicans an opportunity to participate in a free-flowing open debate on appropriations bills, which had always been the case on virtually every appropriations bill up until this Congress.

□ 1050

And it's unfortunate that we have gotten to this point, because if we had had that free-flowing debate, Mr. Speaker, I'm convinced that we wouldn't be here today with this continuing resolution. Of course, I acknowledge that continuing resolutions have taken place in the past, but I wrote down the remarks that my friend just offered when he said that this continuing resolution will continue the funding levels that we have had already in existence. That's the funding level for the massive trillion-dollar so-called stimulus bill, the appropriations bills which have seen a 91 percent increase in the past 4 years in non-defense—nondefense discretionary spending. That's what is being maintained with this continuing resolution, and that is why we are very, very concerned, Mr. Speaker, about continuing to move in that direction.

Now, I believe that there are a number of things that have to be done. And the reason that I'm concerned and opposed to the continuing resolution that we have before us is that it does perpetuate this "business as usual." So I mentioned the message that came from the November 2 election. We all know that. Democrats and Republicans alike recognize that the American people are angry, they are hurting, and they want change.

Well, Mr. Speaker, we know how important this issue is that we are trying to address. We have the Debt Commission, which was scheduled to have a vote today. It's now been postponed until Friday. They are looking at at-

tacking this issue. We have a month before the 112th Congress convenes. And it seems to me that at this moment, certainly following the outcome of the November 2 election, the responsible thing for us to do would be to take on these issues right here and now.

We are looking at the challenge of getting the economy growing, as I said in my 1-minute presentation. And I bring this up because I know my friend from Boulder shares the commitment I have to prying open new markets around the world so that we can create good American jobs for people.

In fact, I met yesterday with the new Ambassador, Gabriel Silva, from Colombia, who has just taken over from Carolina Barco, who did a spectacular job, as we all know, working diligently to try and pass that U.S.-Colombia free trade agreement which has been languishing for 3 years. And again, for the first time in history, having passed the Trade Act in 1974, we saw that measure thrown aside by Speaker PELOSI nearly 3 years ago after the deal had been signed and was sent up by then-President Bush.

The numbers that we got yesterday from this meeting that I'm going to be releasing in a "Dear Colleague," that I know my friend will look at, interestingly enough is in the area of agricultural products. We have seen the level of exports of U.S. agricultural goods drop from 46 percent to 22 percent in the last 2 years from the U.S. to Colombia. And at the same time, Colombia is dramatically expanding its trade relationship with Mercosur, the four countries in South America: Paraguay, Uruguay, Argentina, and Brazil. They developed a greater linkage with Western Europe. And here in the United States of America, we could create good jobs, get our economy growing and generate revenues to deal with many of these priority items that my friend mentioned in his remarks that need to be addressed. We'd have the revenues to deal with border security, foreign policy issues, and environmental issues if we could create good American jobs by opening up these markets.

And so that is why, Mr. Speaker, it seems to me that, as we look at the notion of a 17-day continuing resolution to keep the government going and the expiration of unemployment benefits, what we should be doing is we should have a laser-like effort focused on our need to create good American manufacturing jobs.

My California colleague was critical of me for talking about the importance of creating union jobs. He said that I couldn't have it both ways because I didn't vote for the nearly trillion-dollar stimulus bill and somehow want to create good union jobs by expanding market-opening opportunities for U.S. workers. Well, I believe that union and nonunion workers will benefit.

Workers from companies, as I mentioned in my 1-minute speech, like Caterpillar, like John Deere, like Whirlpool and others, companies in my State of California, would have a chance to have union members, union and non-union workers, have opportunities that don't exist today because we haven't opened up these markets.

And so, Mr. Speaker, it seems to me that as we look at the challenges that are lying ahead, the notion of saying we are going to continue funding at the levels that created a 91 percent increase in nondefense discretionary spending, that we're going to continue the funding levels that have created that obviously failed \$787 billion, if you add interest and all, it's a trillion-dollar stimulus bill which has been decried as having failed by people all across the political spectrum, and if you look at the notion of our denying the American people a chance to have their proposals heard through their elected representatives with the kind of free-flowing debate when it comes to the notion of trying to bring about reductions in spending is just plain wrong.

That is why I'm going to urge my colleagues, Mr. Speaker, to oppose this measure. I believe that we can do better.

With that, I reserve the balance of my time.

Mr. POLIS. Mr. Speaker, I yield myself such time as I may consume.

I agree with my colleague from California that to the extent we can grow American markets we need to work together in a bipartisan way to do that. I joined my colleague on letters to the President as colleagues on both sides of the aisle to encourage the further development of trade relationships, certainly starting with trade agreements that are very near completion with Colombia, Panama, and South Korea.

And also, I had the opportunity to host the honorable ambassador from Panama, Jaime Aleman, in my district of Colorado not too long ago, and I was able to introduce him to a number of Colorado businesses which stand to benefit from these.

Now, of course, as a matter of how this comes to pass, that these efforts could not be initiated by this body, we could not have an amendment to a CR if this was an open rule. We could not have an amendment to an appropriations bill which contained a trade agreement. It has to be negotiated and delivered to us by the administration.

And I know that President Obama has been committed to delivering and working on these trade agreements. In fact, in this very body, in the State of the Union address, President Obama very proudly talked about the export agenda and what it meant for American job creation. Of course, this means union jobs and it means nonunion jobs. It means job creation overall. The

President remains committed to continuing to grow the market for American products and services across the world. That includes enforcing intellectual property provisions and it includes making sure that American products are available across the entire world.

Now, again, one of the issues that would be threatened if this continuing resolution is not passed is the flow of products across our border. The funding will run out for the Border Patrol and the ports of entry. Products coming into this country, for good reason, have to be inspected. Some of that has to do with whether there are illegal, illicit products, narcotics that are being smuggled, whether there are illegal people that are being smuggled, or whether products that are not allowed to be sold here or were not created in compliance with our existing trade agreements are created. The border security efforts would be gutted if this continuing resolution does not pass, leaving trade in the lurch and leaving American job creation in the lurch. So this bill has an important nexus in international trade.

The passage of this continuing resolution will facilitate the continued funding of our ports of entry, the continued funding of our border inspection services for both goods and people, which must continue. What degree of confidence would our negotiating partners of South Korea, Panama, and Colombia and many others have on our own ability to deliver on our trade agreements if the funding runs out at our ports of entry for goods and products? We must not allow that to happen.

□ 1100

I also certainly agree that the public, as demonstrated in the last election, they want a change in the business as usual, and I think that change has not yet fully manifested itself. Yesterday this body passed the Pickford-Cobell bill, a long-overdue bill to pass, but it had one earmark in it, a Republican earmark from the Senate, from Senator JON KYL of Arizona, a very large earmark that apparently was the price of support of getting it out of that body.

I am happy to say that this continuing resolution before us today is a very clean CR, a very clean continuing resolution, that would allow during this negotiating process—and where we wind up with regard to these appropriation bills next year and the year after is a very important issue for political discussion, a very important issue between both parties to come to consensus around what we can do to pass both bodies. But it is not what we are debating here today. We are simply allowing the Federal Government to continue to operate its ports of entries, its border security, counterinsurgency efforts in Pakistan, continued aid to

Israel, Egypt, Jordan, and the Middle East, continuing to allow these programs to operate for a 2-week period while we seek the bipartisan consensus that will emerge and is necessary to continue to be able to pass the appropriations bills that are necessary to allow government to continue funding.

So this CR is an important part of our democratic process, and at least one continuing resolution has been enacted for every fiscal year since 1955. Traditionally they have been in many of those cases clean continuing resolutions, and simply allowed at the previously agreed upon rates by these bodies the Federal Government to continue while the negotiations are pending.

I also believe it would strike panic in global financial markets if the Federal Government closes down and people don't have confidence that this Congress can even allow the Federal Government to continue its routine operations while the negotiating process for future agreements is still underway. So I encourage my colleagues to support this process through its conclusion over the next 2 weeks and support this continuing resolution.

I reserve the balance of my time.

Mr. DREIER. Mr. Speaker, I urge my colleagues to vote "no" on this resolution.

I yield back the balance of my time.

Mr. POLIS. Mr. Speaker, it is standard and bipartisan practice to consider continuing resolutions under a closed rule. I would say this has been the practice on both sides of the aisle. Republicans have issued closed rules for every continuing resolution that they considered in both the 108th and 109th Congresses. Our goal with this continuing resolution is to do this in as clean a way as possible that allow these vital functions of government to continue to function: facilitation of international trade, our counterinsurgency efforts in Pakistan, our border security, and our sky marshals.

In recent history, again since 1955, at least one continuing resolution has been enacted in each fiscal year except for three. And, in fact, during the entire 59-year period, from 1952 to 2010, there were only four instances when all of the regular appropriation acts were enacted on time.

Mr. Speaker, the democratic process is a time-consuming one, but it is one that is worthwhile, and it is one that ultimately will reflect the will of the American people with appropriations bills that emerge from the Senate and from the House ultimately to be signed by the President. This continuing resolution gives our democracy time to work and makes sure that the world will not lose confidence in our country. It makes sure that our vital security interests here and abroad are maintained—our aid to our allies, our security, and our ports of entry here at

home. We must make sure that the safety of the American people doesn't pay the price for the time it takes for our democracy to work. I strongly encourage my colleagues to support the rule and the bill.

I would like to thank Chairman OBEY for his leadership on this bill, and his staff for their hard work and their dedication.

I urge a "yes" vote on the previous question and the rule.

I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. DREIER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

PROVIDING FOR CONSIDERATION OF S. 3307, HEALTHY, HUNGER-FREE KIDS ACT OF 2010

Mr. MCGOVERN. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1742 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1742

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the bill (S. 3307) to reauthorize child nutrition programs, and for other purposes. All points of order against consideration of the bill are waived except those arising under clause 9 of rule XXI. The bill shall be considered as read. All points of order against the bill are waived. The previous question shall be considered as ordered on the bill to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on Education and Labor; and (2) one motion to recommit.

The SPEAKER pro tempore. The gentleman from Massachusetts is recognized for 1 hour.

Mr. MCGOVERN. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Florida (Mr. LINCOLN DIAZ-BALART). All time yielded during consideration of the rule is for debate only.

GENERAL LEAVE

Mr. MCGOVERN. I ask unanimous consent that all Members be given 5 legislative days within which to revise and extend their remarks on House Resolution 1742.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. MCGOVERN. Mr. Speaker, I yield myself such time as I may consume.

H. Res. 1742 provides a closed rule for consideration of S. 3307, the Healthy, Hunger-Free Kids Act of 2010. The rule provides 1 hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on Education and Labor.

The rules waives all points of order against consideration of the bill except those arising under clause 9 of rule XXI. The rule provides that the bill shall be considered as read. The rule waives all points of order against provisions of the bill. Finally, the rule provides one motion to recommit the bill with or without instructions.

Mr. Speaker, before I begin, as many of my colleagues know, my colleague from Florida (Mr. LINCOLN DIAZ-BALART) has decided not to seek reelection and move on to other endeavors in his home State of Florida. I just want to publicly thank him for his friendship over the years, and also thank him for his great service not only to the people of Florida but to the people of this country. This may be the last rule that we handle together, so I wanted to take this opportunity simply to acknowledge his service and to thank him.

Mr. Speaker, we have the opportunity today to pass a very good bill that will improve the lives of our children. And I believe that we must seize that opportunity.

I want to thank Speaker PELOSI and Chairman MILLER, Congresswoman DELAURO, Congresswoman MCCARTHY, and others who have worked so hard on this issue. And I want to say a special thank you to First Lady Michelle Obama. She has been an incredible champion for our children, particularly in the areas of nutrition and obesity.

□ 1110

She has challenged us to live up to one of our highest moral obligations—to make sure that the children of this Nation have the nutritious food they need to grow, to thrive, and to succeed.

Mr. Speaker, as many of my colleagues know, I chair both the House Hunger Caucus and the Congressional Hunger Center, and I've said many times that hunger is a political condition. We have the resources to end hunger, particularly childhood hunger, and what we need is the political will to make it happen.

President Obama has pledged to end childhood hunger in America by 2015. If we support that goal, then we must pass this bill. I hope that the Members of this House, all of us, Democrats and Republicans, can come together today to summon the political will necessary to move forward on this issue.

There is not a single community in America that is hunger free. Talk to any food bank. They will tell you that the demand has never been greater, and

far too many of the people who need help are children.

The child nutrition bill that we will take up today gives us a chance to provide healthy meals to hundreds of thousands of children who need them. It's also important to remember that hunger and obesity are two sides of the same coin. The fact is that highly processed, empty calorie foods are less expensive than fresh, nutritious foods. That's why so many families are forced to make unhealthy choices. This bill increases the reimbursement to schools for meals by 6 cents a meal, 6 cents, and that's the first increase in 30 years.

Too often, the only nutritious food our kids get is in a school setting, and this bill also increases access to after-school programs. And the bill helps communities to establish farm-to-school networks, which are not just good for children, but they're also good for our local farmers.

Now, it's no secret, Mr. Speaker, that I've had concerns with how this bill is paid for, and I remind my colleagues that this bill is fully paid for. The cuts to the SNAP, or food stamp, program don't make a lot of sense to me. I don't believe we should be taking access to food away from some people in order to provide it for others. But we have been assured, repeatedly, by the President and the White House that they will work with us to restore these cuts, and I look forward to working with the administration and my colleagues to make sure that the White House lives up to that commitment. Quite frankly, if I did not believe that this commitment to restore SNAP funding was real, I would have had a hard time voting for the underlying legislation.

Mr. Speaker, this bill, this exact same piece of legislation, passed unanimously in the Senate. Every single Member in the Senate, including a Who's Who of the most conservative Republicans, voted for reauthorizing our child nutrition programs. Unfortunately, from what I heard in the Rules Committee last night, that probably won't happen today in the House.

Some of my friends on the other side of the aisle have no problem expanding wasteful weapons systems. They have no problem expanding tax cuts for millionaires and billionaires on Wall Street, but apparently, some of them have a problem with expanding access to nutritious food for our children.

They say it's an outrageous example of Big Government or that a high school basketball team would be prohibited from having a bake sale. Nonsense. Utter nonsense. As the president of the national PTA has said, "The measure will effectively eliminate the constant presence of junk food in school while allowing reasonable practices like periodic PTA or other school group fundraisers, such as bake sales, and the sale of hot dogs and sodas at after-school sporting events."

An extra few million for a hedge fund manager who doesn't need it? No problem, so my Republican friends say, but heaven forbid we spend another 6 cents to make sure our kids have a more healthy school lunch. Those may be their priorities, Mr. Speaker, but they're not mine, and they're not the priorities of the people in my district.

Some of my friends on the other side will say that they want no children in our country to go hungry. Fair enough. Here's their opportunity to put their vote where their rhetoric is. Here's their opportunity to demonstrate that their concern for the hungry in this country is more than just lip service.

Mr. Speaker, I understand the politics here. It's pretty simple. If the President's for it, my Republican friends are against it. But I would ask them and I would plead with them to check those politics at the door just this once. Please don't sacrifice an opportunity to improve the lives of millions of our children on the altar of partisan politics.

The need to act is clear. Our moral obligation is clear. Our children are getting sicker and sicker and sicker. If kids don't have enough nutritious food to eat they don't learn. We are wasting millions and millions of dollars on health care for diseases like diabetes and heart disease that are preventable with healthier diets.

Today, we could begin to turn that tide. Please join us in doing the right thing. I urge my colleagues to support this rule and the underlying bill.

I reserve the balance of my time.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield myself such time as I may consume, and I thank my friend from Massachusetts (Mr. MCGOVERN) for yielding me the time.

First, Mr. Speaker, thank you. I don't know if I will have the privilege again of speaking on this floor while you're presiding, and I want to thank you for your service and especially for your friendship.

And to Mr. MCGOVERN, I thank him for his kind words. I said a few days ago in some remarks here on the floor that this is a great honor of being a Member of Congress of the United States I will never forget, and for the rest of my days, I will feel that honor. And I thanked all of my colleagues, those who have helped me during the years here and the many battles that I've been involved in, and those who have opposed me. And so I think it's appropriate to point to the example of the graciousness demonstrated by Mr. MCGOVERN. We've had very strong debates on this floor, and yet, he demonstrated that graciousness once again today. I thank him for his words, and as I did the other day, I thank all of my colleagues, those who have agreed with me and those who have opposed me, for the great honor of having been

able to serve along with them here in this Congress.

Mr. Speaker, we have been discussing the issue of the effect of the debt on the economic reality of the American people, and as a matter of fact as this Congress starts reaching an end, I think it's appropriate to bring forth the fact to remind our colleagues that this is going to be, I believe, the first Congress where we have not seen even one open rule. So we stand here today with another piece of legislation being brought to the floor with no amendments allowed by the Rules Committee and, in this case, a product from the Senate before us that has had absolutely no input from Members of the House.

I think that all of us in this House, certainly an overwhelming majority of the membership of the House, would support—I certainly do—the continuation and reauthorization of reduced and free school food programs. The bill before us unfortunately does not improve upon the current situation in that regard.

□ 1120

In fact, the bipartisan National Governors Association has outlined several problems that they have with this underlying legislation, and I was reading some hours ago their objections. Governors Ritter of Colorado and Rell of Connecticut highlighted new certification and monitoring mandates that will be forced on States by this legislation in order for the States to be able to continue their important participation in these programs.

Actually, I was disturbed to learn from the bipartisan National Governors Association that the underlying legislation sets a federally mandated minimum price that school districts must pay for meals. In the past, if a school district negotiated lower food costs, that was considered applying smart business practices by the school districts. But no longer. With a mandatory minimum, school districts are now going to have to pay more for their food programs, which of course will be passed along to middle class families in the form of higher meal costs.

So I think, in reality, what we are seeing in this legislation is a tax increase on working families. Unfortunately, a substitute that was brought forth in the Rules Committee by the minority, by Ranking Member KLINE, which would have reauthorized these important programs, was not allowed to be offered. That substitute amendment would have extended and strengthened the existing important programs but would have avoided the new mandates on States and communities.

There is another issue, Mr. Speaker, that I think is important to bring out. In order to pay for the new programs in

this legislation, the congressional majority decided to use previously appropriated funding intended for the Food Stamp Program. The Food Stamp funds were provided under the so-called stimulus legislation, so it's as though the majority is admitting that taxpayer dollars were incorrectly spent, and they are now using those stimulus funds to pay for these programs.

The stimulus bill was not subject to the so-called PAYGO requirements because the majority labeled it as "emergency spending." Under the rules of the House, emergency spending cannot be used as a PAYGO offset for future spending because it was never originally offset. As a result, the rule that we are debating must again waive the important PAYGO requirements.

Now, I know it's difficult to follow. I was trying to understand it in the Rules Committee last night. But the end result is that this bill is paid for by funds that are borrowed by the Federal Government. So I guess we could say that we are voting to provide our children with nutritious school lunches which will be paid to foreign entities in the future, with interest, foreign entities from which we are borrowing funds, thus adding to our national debt and imposing new fees on families.

By the way, we could have reauthorized these programs without adding to our national debt and imposing new fees on families. Adding to our national debt in that way and imposing new fees on families is not the solution to improving the Nation's school meal programs at a time when, obviously, many are struggling.

At this time, I reserve the balance of my time.

Mr. MCGOVERN. Let me just respond to my colleague briefly by saying, when he talks about borrowing, I can't help but be reminded of the fact that my friends on the other side of the aisle have borrowed countless billions of dollars to pay for tax cuts for millionaires and billionaires. They have no problem with doing that. They have no problem with borrowing money to pay for wars. That all goes onto our credit card. They have no problem with that.

Mr. Speaker, what we are doing here is improving the quality of nutritious food that our kids will have access to. In doing so, we accomplish a number of things.

One is we end up with healthier kids who, quite frankly, will grow up to be healthier adults, which—guess what?—will cost less to our public systems. We are ensuring when our kids get healthy meals that they can learn better in school. I don't think there is any debate—maybe there is on that side of the aisle—about the fact that there is a tie between kids' ability to concentrate and learn and having adequate food and having healthy food.

So I would say to my colleague Mr. DIAZ-BALART, we are paying for it, and

I know we are paying for it because I don't like the offset. I don't like the fact that the offset that the Senate gave us was in the SNAP Program. I've been fighting that offset. That is a real offset and it has real consequences. It is one of the reasons we are lobbying the White House: to find an alternative offset.

But let's not diminish the fact that, by passing this bill, we are actually saving this government countless billions, if not trillions, of dollars down the road by making sure that our kids have access to nutritious food in the school setting.

At this point, I yield 3 minutes to a valued member of the Rules Committee, the gentleman from Colorado (Mr. POLIS).

Mr. POLIS. I thank the gentleman from Massachusetts and would like to join him in expressing my great honor in having served with the gentleman from Florida.

It is my hope that he and I have another opportunity to manage a rule together. It is my expectation we will have the opportunity to manage another rule together. But in the event that that doesn't happen, I would like to express my warm wishes for his continued success in his future. I very much look forward to seeing what the gentleman from Florida will be involved with next, and I look forward to staying in touch and in close contact for many years in the future.

Mr. Speaker, I rise in support of S. 3307, the Healthy, Hunger-Free Kids Act of 2010. The passage of this bill, which would reauthorize the Child Nutrition Act, is critical to our Nation's children—to their health and well-being and to their academic success in school. Making sure that our children get a world-class education can't be accomplished if our children don't get the proper nutrition to make it through the day and learn.

I have a background of involvement in public education, both as the superintendent of a charter school I started as well as the chairman of the Colorado State Board of Education. I have tasted and eaten many school lunches. I have seen firsthand how the lack of access to nutritious food prevents too many kids from reaching their full potential—intellectually, academically, and physically.

Childhood hunger and poor nutrition are two of the greatest public health challenges—and yes, education challenges—that face our country. Nearly one-third of American children are overweight or obese, and many of those who are overweight or obese also suffer from malnutrition. This number has been on the rise nationally as well as in my home State of Colorado.

This bill tackles both hunger and obesity by addressing access to food and the nutritional quality of food, and I am proud to be an original cosponsor

of the House version of this bill. This bill facilitates a coordinated approach across all levels of government, the private sector, communities, school districts, and families to make real positive change.

Specifically, this bill ensures up to 115,000 more eligible children access to school meals through direct certification, reduces paperwork, makes qualification easier, and creates savings for school districts. It increases the lunch reimbursement rate by 6 cents per meal. That is the first real increase in over 30 years. It requires updated Federal nutritional standards for school meals, strengthens local school wellness policies, and continues to provide schools with increased resources and training to improve meal quality.

In particular, I am pleased that this bill will strengthen school districts' wellness policies. These provisions, which I introduced in the House in H.R. 5090, the Nutrition Education and Wellness in Schools, or NEW Schools Act, were also supported by the White House Task Force on Child Obesity report and included in the bill.

Our schools should be our first defense against childhood obesity and unhealthy nutrition habits that stay with kids as they mature into adults and even have an intergenerational effect across their lives. While hunger affects people of all ages, it is particularly devastating for children.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. MCGOVERN. I yield the gentleman an additional 30 seconds.

Mr. POLIS. Overall, this is a very strong bill that makes the necessary and responsible investments and that represents a critical step in answering President Obama and First Lady Obama's call to end childhood hunger. For the sake of the health and well-being of our Nation's schoolchildren and our future, I urge my colleagues to support the rule and to pass the Healthy, Hunger-Free Kids Act.

□ 1130

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, it is my pleasure to yield 3 minutes to my friend from New York (Mr. LEE), who is the author of the proposal that we will be discussing subsequently, the YouCut proposal.

Mr. LEE of New York. I thank the gentleman for yielding.

The American people are truly frustrated, and we saw that in the November election. They are demanding that Congress start to do what they were brought here for, and that is to get our fiscal house in order.

Mr. Speaker, I introduced the STOP the Overprinting Act earlier this year as a commonsense way to cut spending in Washington, and I appreciate your support in selecting it as this week's YouCut winner.

When a Member of Congress today introduces or cosponsors a bill, we receive five printed copies of the legislation, regardless of the length. The best example I can show is the 2,000-plus page health care bill that stands here. So, in essence, you would be getting 10,000 copies of paper in your office when, in fact, each office has it readily accessible online—a waste of money. This bill was introduced months ago, and we finally now have an opportunity to do something about this needless spending that's going on.

When the bill was introduced, just on this bill alone, the Government Printing Office had to print nearly a half million pieces of paper. Again, that's just on one single piece of legislation. In this last Congress, we've had more than 14,000 bills that were introduced—a lot of unnecessary cost and waste when the American people keep scratching their head as to what's going on in Washington. We have a very simple way to save money. This week's YouCut vote will save \$35 million over the next 10 years.

The unfortunate thing about Washington is that unless that amount has either a "B" or a "T" after it, bureaucrats are ignoring it. That has got to stop, and that's why we saw such a huge change in the November election.

Simply put, we've got the information online. Let's start doing what the private sector has been doing for years—going paperless. This is a very simple way to do it. We've got to start managing a budget and doing what the private sector is doing and looking for every way that we can start saving a dollar. Starting now, we truly can change that attitude in Washington and start cutting wasteful spending by supporting this YouCut bill.

Over the past several months, House Republicans have been stressing this for some time, and we have proposed over \$155 billion in savings for taxpayers through this YouCut initiative. Despite the more than 2.5 million votes cast, Republicans—and those of you who have cast your votes through YouCut—have been met with a lost resistance on the other side. Hopefully, that will change.

Again, thank you for your vote and for your participation in cutting Washington spending through this YouCut initiative.

Mr. MCGOVERN. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. BACA), who will focus on the important issue of child nutrition.

Mr. BACA. I thank the gentleman from Massachusetts, and I thank the gentleman from Florida and wish him the very best of luck in his future. He has been a good friend and a terrific legislator, too, as well here.

I rise in support of S. 3307, the Healthy, Hunger-Free Kids Act.

Too many families are struggling to put food on the table. There are 40 million people going hungry in the United

States right now. We recently passed the SNAP program. We recently put stimulus money to increase the SNAP program to provide food for many individuals. There is 9.6 percent unemployment in the United States, 14 percent in my district alone. These are individuals that are struggling to put food on the table.

Can you imagine a child that does not have the ability to put food in their stomach? One in four American children are currently at risk of going hungry. You have to feel what a person who is actually going hungry and doesn't know where their meal is coming from. And one in three American children are either overweight or obese. When we talk about it's going to cost the taxpayers money, no, it's actually going to save the taxpayers money in the long run because it's costing us, right now, \$147 billion in what we are paying for obesity right now. It would reduce our health costs in that area, reduce our costs overall.

As chair of the House Agriculture Committee on Nutrition, I chaired hearings both in Washington and in California to explore ways to fight childhood obesity and increase access to healthy food. Today's legislation offers a step forward in addressing both child hunger and obesity. This bill expands the after school and summer meals programs, better connects eligible children with free meal benefits, improves and expands the school breakfast programs, extends the WIC certification period for children, and puts more fresh fruits and vegetables into our schools.

We passed the No Child Left Behind. Well, can you imagine a child going to school and having to pass a test?

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. MCGOVERN. I yield the gentleman from California an additional 30 seconds.

Mr. BACA. Many children have a difficult time passing a lot of these tests because they're going hungry.

None of us are pleased with the cuts to the SNAP program made by this bill, but I am committed to work with the administration and my colleagues on the House Agriculture Committee to ensure that we fully fund the SNAP program.

I urge my colleagues to stand up with our children and pass this much-needed legislation. I ask you to support this.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, it is my privilege to yield 2 minutes to my friend from Michigan (Mrs. MILLER).

Mrs. MILLER of Michigan. I thank the gentleman for yielding me time.

Mr. Speaker, on Election Day, the American people sent a very clear and unmistakable message—that it is time to reduce the size of government and to cut spending. In fact, they have been demanding that we take these steps for

some time, but unfortunately the leadership in this Congress has been unwilling to listen.

The Republicans in this House have heard the calls of the American people and earlier this year began a YouCut program in which the American people actually get to choose specific spending cuts that we attempt to bring to the floor. We understand the need to change the culture around here from one of spending to one of fiscal discipline, cutting spending and ending the practice of piling a mountain of debt onto future generations.

Today's YouCut looks to end the practice of wasteful spending by eliminating the mandatory printing of all congressional bills and resolutions by the Government Printing Office, potentially saving over \$35 million over the next 10 years. Certainly that is something that we can all agree is a commonsense cut.

I would urge my colleagues to join me in voting "no" on the previous question so that we can have the opportunity to bring this commonsense spending cut to the floor. If they do not intend to join us in the effort to end the spending now, American taxpayers can rest assured that our new Republican majority will bring this cut and many, many others, Mr. Speaker, forward in the next Congress as we endeavor to get America's fiscal house in order.

Mr. MCGOVERN. Mr. Speaker, let me just say to the gentlewoman that when they are in charge next year, I am happy to support her in eliminating excessive paperwork. But I wish she and others would understand the importance of what we are discussing here today, feeding hungry kids, making sure that our children get nutritious meals at schools. I mean, I've got to be honest with you. I think that's a hell of a lot more important. The fact that, to some of my friends on the other side of the aisle, this appears as if it's some sort of a trivial issue tells me that they haven't been to food banks and they haven't been in some of their schools talking to teachers and talking to the people who oversee the food service program about the challenges that so many school districts face in providing healthy meals to our kids.

We all talk about how we want to control health care costs. Let's give our kids healthy food in school settings. That will do more to control health care costs and ensure that kids will have a healthy adulthood. You want to deal with the issue of better test scores? Making sure kids have a good, nutritious meal in a school setting is one of the ways to do that.

□ 1140

That's an important issue. This is a big deal what we're talking about here today. This is one of the most important pieces of legislation that has come

to this floor, and I would appreciate if my friends on the other side of the aisle would join us in supporting this underlying bill so we can get it on the President's desk at the end of the day to get him to sign this so we can move forward in an area that is of great importance.

Mr. Speaker, at this time I would like to yield 4 minutes to the gentlewoman from Connecticut (Ms. DELAURO) who's been a champion on this and so many issues dealing with food insecurity and hunger and good nutrition.

Ms. DELAURO. I thank the gentleman. And I might just say to the prior speaker on the other side of the aisle that the American people did not vote to cut food for kids in our country. They voted to cut the tax cuts that are provided to the corporate special interests in this Nation, which the other side of the aisle seems to have no problem with.

I rise today in support of this rule. The Hunger-Free Kids Act represents a long overdue, a much-needed recommitment to the health and to the well-being of our schoolchildren. We all know the double-edged problems that millions of young people currently face.

Today's kids are threatened by both a growing obesity epidemic, and far too many struggling families in this economy are facing gnawing hunger. According to a recent report, one out of every four young adults is too overweight to serve in our military. At the same time, according to the Food Research Action Center, one out of every four households with children experienced food hardship this year—meaning they did not have the money to purchase the food their families needed.

Don't let people fool you with words like "food hardship" and "food insecurity." It results in hunger. Kids in this Nation are going to bed hungry every single night.

This bill marks a significant step forward against both fronts of this dangerous pincer movement. By expanding access to and emphasizing good nutrition for all schoolchildren, this bill will reduce hunger. It will reduce obesity. The Hunger-Free Kids Act will add 115,000 new students into the school meals program by using Medicaid data to certify eligible kids. It will provide an additional 21 million meals a year by reimbursing providers for after-school meals to low-income children.

While expanding access to meal programs, this bill also works to improve the nutritional quality of all of the food in our schools. It sets national nutrition standards that will finally get all of the junk food infiltrating our classrooms and our cafeterias out the door. And for those schools who comply with these revised nutrition standards, it provides the first real reimbursement rate increase—6 cents a meal.

And that is the largest increase we have seen in over 30 years.

This bill will also strengthen the farm-to-school networks so that more healthy produce, local foods, even the foods that are grown in the school gardens can find their way into the menus.

Our kids consume roughly 35 to 50 percent of their daily calories during the school day. By passing this bill, we can help see they are getting enough nutritious food to stay healthy, to grow, to learn, to succeed.

Given the current economic climate, I know some will ask, How can we afford this bill? I say how can we afford not to pass it? Leaving millions of children hungry and malnourished in the name of budget-cutting is penny wise, pound foolish, and is unconscionable—especially from those who would now say let's provide the richest 2 percent of the people in this Nation with a tax cut of over \$100,000 a year. They're eating well, they're eating high on the hog, and kids are going to bed hungry every night in our Nation.

Countless studies have shown that kids with access to a nutritious breakfast learn more and perform better in school. From the very beginning, I have been working, and others have been working, to expand access to Federal aid, including the Supplemental Nutrition Assistance Program—yes, the food stamp program—for eligible children. We want to make sure that all of our kids have access to the nutrition that they need for a healthy future.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mr. MCGOVERN. I yield the gentlewoman an additional 1 minute.

Ms. DELAURO. Using the food stamp as an offset at a time when one in five kids receives food stamp assistance moves us away from that goal.

Nevertheless, this legislation is a big step forward. I, for one, and others have said we will continue to push to see that the SNAP funding is restored; we will work with the White House to make sure those funds are restored. I'm happy to see the Congress moving in the right direction today and pledge to fight to continue to have access to the resources that will allow us to have all kids who are eligible for these resources have the accessibility to gain these resources.

I urge my colleagues to vote in favor of this rule. Nothing that we do in this body is as important as ensuring that our children, our grandchildren, and the next generation of Americans have the tools, the opportunities and the nutrition that they need to thrive and to succeed. Our kids deserve no less.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I'd just like to point out I think it's important to clarify that if our proposal today, the YouCut proposal, to eliminate for the taxpayer unnecessary spending on pa-

perwork, if that's adopted it would not negate in any way consideration of the underlying bill on the lunch programs.

At this point I would like to yield 2 minutes to my friend from West Virginia (Mrs. CAPITO).

Mrs. CAPITO. Mr. Speaker, I would like to say that I applaud the first lady, Michelle Obama, for her efforts in childhood obesity. I hail from the State of West Virginia, which has probably some of the highest percentages of childhood obesity; and I think the issue in the underlying bill is tremendously important for our Nation and for the future, as is the nutritional aspects of that.

And as the gentleman from Florida said, I'm going to talk on the YouCut because I believe cutting spending and not passing on generational debt to those same children is an important issue as well.

Over the last few months, millions of Americans have used YouCut as a way to voice their concerns over the out-of-control spending in Washington, and many have offered their own solutions on how the government can be more efficient and more accountable. Unfortunately, most of these have fallen on deaf ears as the Congress has voted repeatedly not to try to rein in the spending of taxpayer dollars, and we simply cannot continue down this path. Each week we have brought a simple, yet effective way to cut spending before the House, and it has failed every time.

So today I will support eliminating the requirement to print copies of every single bill and resolution—imagine how many pages that is—that's been introduced in Congress because all of these are already available online.

I want to congratulate Mr. LEE of New York for bringing forth this proposal. This will save millions of dollars over the next decade—a small number in the grand scheme of things—but nevertheless a significant start.

There is no question that cutting the deficit will require some tough decisions on our part, but let's start out now on one which everyone can agree, and I think this should be one of them.

Mr. MCGOVERN. Mr. Speaker, I yield myself such time as I may consume.

When my friends talk about passing on to future generations debt, I can't help but wonder where they were when President Bush passed these tax cuts that added over a trillion dollars to our debt, totally unpaid for, most of it going to millionaires and billionaires. And I want to know where they are right now, they want to extend the tax cuts for millionaires and billionaires and they still don't want to pay for it.

But somehow when it comes to debt and piling it on to future generations, when it comes to tax cuts for very wealthy people, they're silent. Where were they when President Bush at 2 o'clock in the morning, they kept a

roll call open for 3 hours and passed a Medicare prescription drug bill that cost hundreds of billions of dollars that was totally unpaid for. That cost a lot more than was advertised. Totally silent.

Where are they when some of us are saying, we ought to pay for these wars. If you want them, you ought to pay for them or end them. I'd prefer to end them, but for those who want them you ought to pay for them. They're silent.

When it comes to closing loopholes for big corporations that routinely stick it to the American people, no, no, we can't do that. Even though it might save money for taxpayers, we can put it toward deficit reduction. No, no, no. Those are very wealthy special interests. They want to protect them, whether it's Big Oil or big pharmaceuticals or whatever, at any cost.

□ 1150

So when I hear them talk about debt, I am reminded of the fact that when President Clinton left office we had a surplus. They ran this place and drove this economy into a ditch. And quite frankly, it's been a nightmare trying to dig us out of this ditch.

And I give the President great credit for his courage in trying to move this country forward in the area of health care, and today in the area of trying to move this bill forward on child nutrition. So they have no credibility when it comes to talking about reducing deficits or debt.

And, in fact, as we speak, they are trying to figure out a way I think probably to defeat this bill, to take the money that this bill costs, the offsets for this bill, take that money and put it toward tax cuts for rich people. I mean, that's what they want do.

So again, I would urge my colleagues to understand the importance of what we are doing today. We are trying to make sure that our kids get healthy food and nutritious food in school settings. We are trying to pave the way for healthy futures for our kids. We want to make sure our kids can learn better. This is important stuff that we are talking about here today, and I would urge all my colleagues to support the rule and to support the underlying bill.

I reserve the balance of my time.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, in closing, I believe it's fitting that those of us on this side of the aisle are bringing forward another proposal, a YouCut proposal that's been voted on and recommended to this House by a significant number of our constituents. They continue to sound the alarm on government spending, and we must, this Congress must finally listen.

To date, participants in Republican Whip CANTOR's YouCut initiative have voted to cut over \$180 billion in spending. This week, those participating

have voted for a proposal by Congressman LEE of New York, who we heard from before, to end the unnecessary printing of congressional bills and resolutions.

I think it's appropriate that we finally acknowledge the existence of the Internet, and that much unnecessary spending is taking place through the printing of documents. That was appropriate and logical in the past, but not after the development of many new technologies.

So I will be asking Members to vote "no" on the previous question so we can have a vote on Congressman LEE's proposal. And again, I remind my colleagues that a "no" vote on the previous question will not preclude consideration of the underlying legislation that we have been debating today.

I ask unanimous consent, Mr. Speaker, that the text of the amendment and extraneous material be placed in the RECORD prior to the vote on the previous question.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. LINCOLN DIAZ-BALART of Florida. Again, I urge my colleagues to vote "no" on the previous question and "no" on the rule.

Having said that, I yield back the balance of my time.

Mr. MCGOVERN. I yield myself the balance of my time.

The SPEAKER pro tempore. The gentleman from Massachusetts is recognized for 5 minutes.

Mr. MCGOVERN. Mr. Speaker, my Republican friends will do what they always do. They will come up with some stunts to try to get us to delay or to not pass this bill today. That's just what they do. And the fact is that if we change this underlying bill in any way—and I would urge my colleagues to be prepared for probably an uncomfortable or an ugly motion to recommit later on in the debate. But if any of their procedural stunts prevail, then we will end up not passing this bill—the Senate will not consider an amended child nutrition bill; it ends it right here and now—and that would be a tragedy.

I would urge my colleagues on both sides of the aisle to stop the politics just for a few minutes and do the right thing when it comes to this child nutrition bill. This is a bill that will improve access for our kids. This is a bill that increases the focus on nutrition quality and on children's health. It is a bill that will improve program management and program integrity. It is fully paid for at no cost to the taxpayers.

And I would say to my colleagues on the Democratic side who are concerned about the current offset, that we have a commitment from the White House to fix that in a future vehicle so that

the offset is not the SNAP cuts. But the underlying bill here is a good bill, is a good bill that will mean a world of difference for hundreds of thousands, if not millions, of our kids all throughout this country. Making sure that hungry kids get at least one, hopefully more than one nutritious meal a day in a school setting is something we all should be for. It should not be the subject of partisan politics.

Making sure our kids get healthy, nutritious food and not junk in school should be a priority of all of ours, Republican and Democrat alike. This shouldn't be a partisan issue. I mean, the fact that we are here today and there is some controversy around this bill tells me that it's just politics as usual. My friends on the Republican side don't like it because the President likes it. Well, you know what? That's been the routine throughout the entire tenure of this President. But for once, for once, just put the party politics aside and do what's right.

I cochair the House Hunger Caucus and the Congressional Hunger Center. Hunger is a problem in this country. There are tens of millions of our citizens who are hungry. Seventeen million children in this country, the United States of America, the richest country on this planet, are hungry. It's a national disgrace. All of us in this Congress should be ashamed of that fact, that we haven't been able to help be part of the solution in a more significant way. This is one way that we can be part of that solution.

I have a list of national organizations and State organizations, too many to put in the CONGRESSIONAL RECORD, but it is significant. The support across this country for this legislation is significant.

I want to thank the Speaker of the House and Chairman GEORGE MILLER and ROSA DELAURO and CAROLYN MCCARTHY and BARBARA LEE and so many others who have been part of this legislation. I want to thank Senator BLANCHE LINCOLN, who was a champion of this legislation over in the Senate.

But we must act today. We must do what's right for our kids, not for our political party, but for our kids. So enough of the stunts. Let's say "no" to all the stunts today. Let's say "yes" to this important child nutrition reauthorization bill, "yes" to a healthier future for our kids, "yes" to making sure they can better learn in school, "yes" to developing better and healthier habits that will last them a lifetime. This is a good, this is an important bill. This is a big deal today. This is a huge deal, and everybody should join and support the final passage of the bill.

So I urge a "yes" vote on the previous question and on the rule. I urge my colleagues not to fall for any motion to recommit stunts when the bill is under consideration.

Mr. CANTOR. Mr. Speaker, since the beginning of the program, YouCut has offered the potential for Republicans and Democrats to join together to begin tackling America's unsustainable fiscal situation. That's why I was encouraged yesterday when President Obama embraced an idea originally chosen by YouCut voters by declaring a freeze on all non-military Federal employee salaries for the next two years.

This proposal was not an easy one for the President to make, nor was it a pain-free vote for House Republicans when we offered it back in May, as there are thousands of Federal employees who do important work for our country. But make no mistake, no one said that getting America back to opportunity, responsibility and success was going to be easy. We have to make tough choices together if we want to get our economy back to where it needs to be.

This week's YouCut proposal was developed by CHRIS LEE and would eliminate the mandatory printing of bills introduced before Congress, a practice that wasted nearly three million paper copies and approximately \$7 million taxpayer dollars during the 111th Congress alone. With all of the digital technology that's available, surely Congress can find a more efficient and fiscally responsible way to do its business. Changing this body's printing practices would be a simple and important step in the right direction. We must start injecting some common sense into Washington, and this is a no-brainer.

As we look to the new Republican majority, YouCut will serve as an important tool as we strive to transform the culture of spending in Washington into one of savings. As we wrap up this Congress, Mr. Speaker, I encourage our Democrat friends across the aisle to join us in voting for this common sense spending reduction.

The material previously referred to by Mr. LINCOLN DIAZ-BALART of Florida is as follows:

AMENDMENT TO H. RES. 1742 OFFERED BY MR. LINCOLN DIAZ-BALART OF FLORIDA

At the end of the resolution add the following new section:

SEC. 2. Immediately upon the adoption of this resolution the Speaker shall, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 4640) to amend title 44, United States Code, to eliminate the mandatory printing of bills and resolutions by the Government Printing Office for the use of the House of Representatives and Senate. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the Majority Leader and the Minority Leader or their respective designees. After general debate the bill shall be considered for amendment under the five-minute rule. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read. At the conclusion of

consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions. If the Committee of the Whole rises and reports that it has come to no resolution on the bill, then on the next legislative day the House shall, immediately after the third daily order of business under clause 1 of rule XIV, resolve into the Committee of the Whole for further consideration of the bill. Clause 1(c) of rule XIX shall not apply to the consideration of H.R. 4640.

(The information contained herein was provided by Democratic Minority on multiple occasions throughout the 109th Congress)

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Democratic majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives, (VI, 308-311) describes the vote on the previous question on the rule as "a motion to direct or control the consideration of the subject before the House being made by the Member in charge." To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that "the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition" in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: "The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition."

Because the vote today may look bad for the Democratic majority they will say "the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever." But that is not what they have always said. Listen to the definition of the previous question used in the Floor Procedures Manual published by the Rules Committee in the 109th Congress, (page 56). Here's how the Rules Committee described the rule using information from Congressional Quarterly's "American Congressional Dictionary": "If the previous question is defeated, control of debate shifts to the leading opposition member (usually the minority Floor Manager) who then manages an hour of debate and may offer a germane amendment to the pending business."

Deschler's Procedure in the U.S. House of Representatives, the subchapter titled "Amending Special Rules" states: "a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amend-

ment and further debate." (Chapter 21, section 21.2) Section 21.3 continues: Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon."

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Democratic majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

Mr. MCGOVERN. I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on ordering the previous question will be followed by 5-minute votes on adopting House Resolution 1742, if ordered; adopting House Resolution 1741; and suspending the rules with regard to House Concurrent Resolution 323; House Resolution 1735, if ordered; and House Resolution 1430, if ordered.

The vote was taken by electronic device, and there were—yeas 232, nays 180, not voting 21, as follows:

[Roll No. 587]

YEAS—232

Ackerman	Costa	Green, Gene
Altmire	Courtney	Grijalva
Andrews	Critz	Gutierrez
Arcuri	Crowley	Hall (NY)
Baca	Cuellar	Halvorson
Baird	Cummings	Hare
Baldwin	Dahlkemper	Harman
Barrow	Davis (AL)	Heinrich
Bean	Davis (CA)	Herseth Sandlin
Becerra	Davis (TN)	Higgins
Berkley	DeGette	Hill
Berman	Delahunt	Himes
Bishop (GA)	DeLauro	Hinchey
Bishop (NY)	Deutch	Hinojosa
Blumenauer	Dicks	Hirono
Boccieri	Dingell	Holden
Boswell	Doggett	Holt
Boucher	Donnelly (IN)	Honda
Brady (PA)	Doyle	Hoyer
Braley (IA)	Driehaus	Inslie
Brown, Corrine	Edwards (MD)	Israel
Butterfield	Edwards (TX)	Jackson (IL)
Capps	Ellison	Jackson Lee
Capuano	Ellsworth	(TX)
Cardoza	Engel	Johnson (GA)
Carnahan	Eshoo	Johnson, E. B.
Carney	Etheridge	Kagen
Carson (IN)	Farr	Kanjorski
Castor (FL)	Fattah	Kaptur
Chandler	Filner	Kennedy
Chu	Foster	Kildee
Clarke	Frank (MA)	Kilpatrick (MI)
Clay	Fudge	Kilroy
Cleaver	Garamendi	Kind
Clyburn	Giffords	Kissell
Cohen	Gonzalez	Klein (FL)
Connolly (VA)	Gordon (TN)	Kosmas
Conyers	Grayson	Kratovil
Cooper	Green, Al	Kucinich

Langevin	Oberstar	Serrano
Larsen (WA)	Obey	Sestak
Larson (CT)	Oliver	Shea-Porter
Lee (CA)	Ortiz	Sherman
Levin	Owens	Shuler
Lewis (GA)	Pallone	Sires
Lipinski	Pascarell	Skelton
Loeb sack	Pastor (AZ)	Slaughter
Lofgren, Zoe	Payne	Smith (WA)
Lowe y	Perlmutter	Snyder
Lujan	Perriello	Space
Lynch	Peters	Spratt
Maffei	Peterson	Stark
Maloney	Pingree (ME)	Stupak
Markey (CO)	Polis (CO)	Sutton
Marshall	Pomeroy	Tanner
Matheson	Price (NC)	Teague
Matsui	Quigley	Thompson (CA)
McCarthy (NY)	Rahall	Thompson (MS)
McCollum	Rangel	Tierney
McDermott	Reyes	Titus
McGovern	Richardson	Tonko
McMahon	Rodriguez	Towns
McNerney	Rothman (NJ)	Tsongas
Meek (FL)	Roybal-Allard	Van Hollen
Meeks (NY)	Ruppersberger	Velázquez
Michaud	Rush	Visclosky
Miller (NC)	Ryan (OH)	Walz
Miller, George	Salazar	Wasserman
Mitchell	Sánchez, Linda	Schultz
Mollohan	T.	Sanchez, Loretta
Moore (KS)	Sanchez, Loretta	Sarbanes
Moore (WI)	Sarbanes	Schakowsky
Moran (VA)	Schakowsky	Schauer
Murphy (CT)	Schauer	Schiff
Murphy (NY)	Schiff	Schrader
Murphy, Patrick	Schrader	Schwartz
Nadler (NY)	Schwartz	Scott (GA)
Napolitano	Scott (GA)	Scott (VA)
Neal (MA)	Scott (VA)	

NAYS—180

Aderholt	Emerson	Mack
Adler (NJ)	Flake	Manzullo
Akin	Fleming	McCarthy (CA)
Austria	Forbes	McCaul
Bachmann	Fortenberry	McClintock
Bachus	Foxo	McCotter
Bartlett	Franks (AZ)	McHenry
Barton (TX)	Frelinghuysen	McIntyre
Berry	Gallely	McKeon
Biggert	Garrett (NJ)	Mica
Bilbray	Gerlach	Miller (FL)
Bilirakis	Gingrey (GA)	Miller (MI)
Bishop (UT)	Gohmert	Miller, Gary
Blackburn	Goodlatte	Moran (KS)
Blunt	Granger	Murphy, Tim
Boehner	Graves (GA)	Neugebauer
Bonner	Graves (MO)	Nunes
Bono Mack	Griffith	Nye
Boozman	Guthrie	Olson
Boren	Hall (TX)	Paul
Boustany	Harper	Paulsen
Boyd	Hastings (WA)	Pence
Brady (TX)	Heller	Petri
Bright	Hensarling	Pitts
Broun (GA)	Herger	Platts
Brown (SC)	Hoekstra	Poe (TX)
Buchanan	Hunter	Posey
Burgess	Inglis	Price (GA)
Calvert	Issa	Putnam
Camp	Jenkins	Reed
Campbell	Johnson (IL)	Rehberg
Cantor	Johnson, Sam	Reichert
Cao	Jones	Roe (TN)
Capito	Jordan (OH)	Rogers (AL)
Carter	King (IA)	Rogers (KY)
Cassidy	King (NY)	Rogers (MI)
Castle	Kingston	Rohrabacher
Chaffetz	Kirkpatrick (AZ)	Rooney
Childers	Kline (MN)	Ros-Lehtinen
Coble	Lamborn	Roskam
Coffman (CO)	Lance	Ross
Cole	Latham	Royce
Conaway	LaTourette	Ryan (WI)
Crenshaw	Latta	Scalise
Culberson	Lee (NY)	Schmidt
Davis (KY)	Lewis (CA)	Schock
Dent	Linder	Sensenbrenner
Diaz-Balart, L.	LoBiondo	Sessions
Diaz-Balart, M.	Lucas	Shadegg
Djou	Luetkemeyer	Shimkus
Dreier	Lummis	Shuster
Duncan	Lungren, Daniel	Simpson
Ehlers	E.	Smith (NE)

Smith (NJ)
Smith (TX)
Stearns
Stutzman
Sullivan
Taylor
Terry
Thompson (PA)

Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Wamp
Westmoreland

NOT VOTING—21

Alexander
Barrett (SC)
Brown-Waite,
Ginny
Burton (IN)
Buyer
Costello
Davis (IL)

DeFazio
Fallin
Hastings (FL)
Hodes
Marchant
Markey (MA)
McMorris
Rodgers

Melancon
Minnick
Myrick
Radanovich
Speier
Welch
Wu

□ 1228

Mr. GERLACH changed his vote from “yea” to “nay.”

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 230, nays 174, not voting 29, as follows:

[Roll No. 588]

YEAS—230

Ackerman
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Bocieri
Boswell
Boucher
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Critz
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)

Davis (CA)
DeGette
Delahunt
DeLauro
Deutch
Dicks
Dingell
Djou
Doggett
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Fudge
Garamendi
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Heinrich
Higgins
Hill
Himes
Hinchev
Hinojosa
Hirono
Holden
Holt
Honda

Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee
(TX)
Johnson (GA)
Johnson, E. B.
Kagan
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loeb sack
Lofgren, Zoe
Lowey
Luján
Maffei
Maloney
Markey (CO)
Markey (MA)
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McMahon
McNerney
Meek (FL)

Meeks (NY)
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Obey
Oliver
Ortiz
Owens
Pallone
Pascarell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Pingree (ME)
Polis (CO)
Pomeroy

Price (NC)
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Rush
Ryan (OH)
Salazar
Sánchez, Linda
T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Smith (WA)

NAYS—174

Aderholt
Adler (NJ)
Akin
Austria
Bachmann
Bachus
Bartlett
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boustany
Boyd
Brady (TX)
Brown (GA)
Brown (SC)
Buchanan
Burgess
Calvert
Camp
Campbell
Cantor
Cao
Capito
Carter
Cassidy
Castle
Chaffetz
Chandler
Childers
Coble
Cole
Conaway
Crenshaw
Culberson
Davis (KY)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Donnelly (IN)
Dreier
Duncan
Ehlers
Emerson
Flake
Fleming
Forbes
Fortenberry
Foxy
Franks (AZ)
Frelinghuysen

Gallegly
Garrett (NJ)
Gerlach
Gingrey (GA)
Goodlatte
Granger
Graves (GA)
Graves (MO)
Griffith
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hereth Sandlin
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Jones
Jordan (OH)
King (IA)
King (NY)
Kingston
Kline (MN)
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel
E.
Mack
Manzullo
Marshall
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy (NY)
Murphy, Tim
Neugebauer

Nunes
Olson
Paul
Paulsen
Pence
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Quigley
Reed
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Stearns
Stutzman
Sullivan
Tanner
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Wamp
Westmoreland
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

NOT VOTING—29

Alexander
Barrett (SC)
Berkley
Bright
Brown-Waite,
Ginny
Burton (IN)
Buyer
Coffman (CO)
Davis (IL)
Davis (TN)

DeFazio
Fallin
Gohmert
Hastings (FL)
Hodes
Johnson, Sam
Lynch
Marchant
McKeon
McMorris
Rodgers

Melancon
Minnick
Myrick
Radanovich
Ruppersberger
Shadegg
Speier
Whitfield
Wu

□ 1236

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Ms. HIRONO. Mr. Speaker, on rollcall No. 589, had I been present, I would have voted “yea.”

PROVIDING FOR CONSIDERATION
OF HOUSE JOINT RESOLUTION
101, FURTHER CONTINUING AP-
PROPRIATIONS, FISCAL YEAR
2011

The SPEAKER pro tempore. The unfinished business is the vote on adoption of the resolution (H. Res. 1741) providing for consideration of the joint resolution (H.J. Res. 101) making further continuing appropriations for fiscal year 2011, and for other purposes, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the resolution.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 236, nays 172, not voting 25, as follows:

[Roll No. 589]

YEAS—236

Ackerman
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Bocieri
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Childers
Chu
Clarke

Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Critz
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (TN)
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Farr

Fattah
Filner
Foster
Frank (MA)
Fudge
Garamendi
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Heinrich
Herseth Sandlin
Higgins
Hill
Himes
Hinchev
Hinojosa
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee
(TX)
Johnson (GA)
Johnson, E. B.

Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loeb sack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Michaud
Miller (NC)
Miller, George

Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Nadler (NY)
Napolitano
Neal (MA)
Oberstar
Obey
Oliver
Ortiz
Owens
Pallone
Pascarell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peterson
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda
T.
Sanchez, Loretta
Sarbanes

Schakowsky
Schauer
Schiff
Schradler
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Space
Spratt
Stark
Stupak
Sutton
Tanner
Taylor
Teague
Thompson (CA)
Thompson (MS)
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman
Schultz
Watson
Watt
Waxman
Weiner
Welch
Wilson (OH)
Woolsey
Yarmuth

Sessions
Shadegg
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)

Stearns
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Turner
Upton

Walden
Wamp
Westmoreland
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Critz
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (KY)
Davis (TN)
DeGette
Delahunt
DeLauro
Dent
Deutch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Djou
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Fox
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Granger
Graves (GA)
Graves (MO)
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (TX)
Halvorson
Hare
Harper
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes

Hinchey
Hinojosa
Hirono
Hoekstra
Holden
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson Lee
(TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loeb sack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel
E.
Lynch
Mack
Maffei
Maloney
Manzullo
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McNerney
Meek (FL)
Meeks (NY)
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary

Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Oliver
Ortiz
Owens
Pallone
Pascarell
Pastor (AZ)
Paul
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Rahall
Rangel
Reed
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda
T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton

NOT VOTING—25

Alexander
Barrett (SC)
Brown-Waite,
Ginny
Burton (IN)
Buyer
Cao
Davis (IL)
DeFazio
Fallin
Hastings (FL)
Hirono
Hodes
Marchant
McMorris
Rodgers
Melancon
Minnick
Myrick
Radanovich
Schwartz
Speier
Tiahrt
Tierney
Waters
Whitfield
Wu

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The **SPEAKER** pro tempore (during the vote). There are 2 minutes remaining in this vote.

□ 1244

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

CALLING FOR DIGNITY, COMFORT, AND SUPPORT FOR HOLOCAUST SURVIVORS

The **SPEAKER** pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the concurrent resolution (H. Con. Res. 323) supporting the goal of ensuring that all Holocaust survivors in the United States are able to live with dignity, comfort, and security in their remaining years, on which the yeas and nays were ordered.

The Clerk read the title of the concurrent resolution.

The **SPEAKER** pro tempore. The question is on the motion offered by the gentlewoman from New York (Mrs. MCCARTHY) that the House suspend the rules and agree to the concurrent resolution.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 406, nays 0, not voting 27, as follows:

[Roll No. 590]

YEAS—406

Aderholt
Adler (NJ)
Akin
Austria
Bachmann
Bachus
Bartlett
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Buchanan
Burgess
Calvert
Camp
Campbell
Cantor
Capito
Carter
Cassidy
Castle
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Culberson
Davis (KY)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Djou
Dreier
Duncan
Ehlers
Emerson

Flake
Fleming
Forbes
Fortenberry
Foxy
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves (GA)
Graves (MO)
Griffith
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
King (IA)
King (NY)
Kingston
Kline (MN)
Kratovil
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer

Lummis
Lungren, Daniel
E.
Mack
Manzullo
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Neugebauer
Nunes
Nye
Olson
Paul
Paulsen
Pence
Peters
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Reed
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner

Ackerman
Aderholt
Adler (NJ)
Akin
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray

Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Bocciari
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Bright
Brown (GA)
Brown (SC)
Brown, Corrine

Buchanan
Burgess
Butterfield
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu

Gonzalez
Goodlatte
Granger
Graves (GA)
Graves (MO)
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (TX)
Halvorson
Hare
Harper
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes

Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loeb sack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel
E.
Lynch
Mack
Maffei
Maloney
Manzullo
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McNerney
Meek (FL)
Meeks (NY)
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary

Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Oliver
Ortiz
Owens
Pallone
Pascarell
Pastor (AZ)
Paul
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Rahall
Rangel
Reed
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda
T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton

Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Space
Spratt
Stark
Stearns
Stupak
Stutzman
Sullivan
Sutton
Tanner
Taylor
Teague
Terry

Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp

Wasserman
Schultz
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—27

Alexander
Barrett (SC)
Braley (IA)
Brown-Waite,
Ginny
Burton (IN)
Buyer
Davis (IL)
DeFazio
Fallin

Gordon (TN)
Hall (NY)
Harman
Hastings (FL)
Hodes
Holt
Marchant
McMorris
Rodgers
Melancon

Minnick
Murphy (CT)
Myrick
Radanovich
Rogers (KY)
Speier
Tierney
Waters
Wu

□ 1251

So (two-thirds being in the affirmative) the rules were suspended and the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

CONDEMNING NORTH KOREA FOR ATTACK AGAINST SOUTH KOREA

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and agreeing to the resolution (H. Res. 1735) condemning North Korea in the strongest terms for its unprovoked military attack against South Korea on November 23, 2010.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. BERMAN) that the House suspend the rules and agree to the resolution.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

RECORDED VOTE

Ms. DEGETTE. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 403, noes 2, not voting 28, as follows:

[Roll No. 591]

AYES—403

Ackerman
Aderholt
Adler (NJ)
Akin
Altmire
Andrews
Arcuri
Austria
Baca

Bachmann
Bachus
Baird
Baldwin
Barrow
Bartlett
Barton (TX)
Bean
Becerra

Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)

Blackburn
Blumenauer
Blunt
Boccheri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Buchanan
Burgess
Butterfield
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clarke
Clay
Clever
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Critz
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (KY)
Davis (TN)
DeGette
DeLauro
Dent
Deutch
Diaz-Balart, M.
Dicks
Dingell
Djou
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Farr
Fattah
Filner

Flake
Fleming
Forbes
Fortenberry
Foster
Foxy
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Graves (GA)
Graves (MO)
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (TX)
Halvorson
Hare
Harper
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchee
Hinojosa
Hirono
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson Lee
(TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirkpatrick (AZ)
Kissell
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo

Loeback
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel
E.
Lynch
Mack
Maffei
Maloney
Manzullo
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McNerney
Meek (FL)
Meeks (NY)
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Nadler (NY)
Napolitano
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Owens
Pallone
Pascarell
Pastor (AZ)
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Rahall
Reed
Rehberg
Reichert
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney

Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda
T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schmidt
Schmitt
Schock
Schradner
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter

Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Space
Spratt
Stark
Stearns
Stupak
Stutzman
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi

NOES—2

Kagen

Paul

NOT VOTING—28

Alexander
Barrett (SC)
Brown-Waite,
Ginny
Burton (IN)
Buyer
Davis (IL)
DeFazio
Diaz-Balart, L.
Fallin

Gordon (TN)
Granger
Hall (NY)
Harman
Hastings (FL)
Hodes
Klein (FL)
Marchant
McMorris
Rodgers

Melancon
Minnick
Myrick
Neal (MA)
Radanovich
Rangel
Reyes
Speier
Whitfield
Wu

□ 1259

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

HONORING GOLF LEGEND JUAN ANTONIO “CHI CHI” RODRIGUEZ

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and agreeing to the resolution (H. Res. 1430) honoring and saluting golf legend Juan Antonio “Chi Chi” Rodriguez for his commitment to Latino youth programs of the Congressional Hispanic Caucus Institute, as amended.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. WOOLSEY) that the House suspend the rules and agree to the resolution, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

RECORDED VOTE

Mr. CHAFFETZ. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 405, noes 2, not voting 26, as follows:

[Roll No. 592]

AYES—405

Ackerman	Cummings	Jenkins
Aderholt	Dahlkemper	Johnson (GA)
Adler (NJ)	Davis (CA)	Johnson (IL)
Akin	Davis (KY)	Johnson, E. B.
Altmire	Davis (TN)	Johnson, Sam
Andrews	DeGette	Jones
Arcuri	Delahunt	Jordan (OH)
Austria	DeLauro	Kagen
Baca	Dent	Kanjorski
Bachmann	Deutch	Kaptur
Bachus	Diaz-Balart, L.	Kennedy
Baird	Diaz-Balart, M.	Kildee
Baldwin	Dicks	Kilpatrick (MI)
Barrow	Dingell	Kilroy
Bartlett	Djou	Kind
Barton (TX)	Doggett	King (IA)
Bean	Donnelly (IN)	King (NY)
Becerra	Doyle	Kingston
Berkley	Dreier	Kirkpatrick (AZ)
Berman	Driehaus	Kissell
Berry	Duncan	Klein (FL)
Biggert	Edwards (MD)	Kline (MN)
Billbray	Edwards (TX)	Kosmas
Bilirakis	Ehlers	Kratovil
Bishop (GA)	Ellison	Kucinich
Bishop (NY)	Ellsworth	Lamborn
Bishop (UT)	Emerson	Lance
Blackburn	Engel	Langevin
Blumenauer	Eshoo	Larsen (WA)
Blunt	Etheridge	Larson (CT)
Boccheri	Farr	Latham
Boehner	Fattah	LaTourette
Bonner	Filner	Latta
Bono Mack	Flake	Lee (CA)
Boozman	Fleming	Lee (NY)
Boren	Forbes	Levin
Boswell	Fortenberry	Lewis (CA)
Boucher	Foster	Lewis (GA)
Boustany	Fox	Linder
Boyd	Frank (MA)	Lipinski
Brady (PA)	Franks (AZ)	LoBiondo
Brady (TX)	Frelinghuysen	Loeb
Braley (IA)	Fudge	Lofgren, Zoe
Bright	Galleghy	Lowe
Broun (GA)	Garamendi	Lucas
Brown (SC)	Garrett (NJ)	Luetkemeyer
Brown, Corrine	Gerlach	Lujan
Buchanan	Giffords	Lummis
Burgess	Gingrey (GA)	Lungren, Daniel
Butterfield	Gonzalez	E.
Calvert	Goodlatte	Lynch
Camp	Granger	Mack
Campbell	Graves (GA)	Maffei
Cantor	Graves (MO)	Maloney
Cao	Grayson	Manzullo
Capito	Green, Al	Markey (CO)
Capps	Green, Gene	Markey (MA)
Capuano	Griffith	Marshall
Carahan	Grijalva	Matheson
Carney	Guthrie	Matsui
Carson (IN)	Gutierrez	McCarthy (CA)
Carter	Hall (TX)	McCarthy (NY)
Cassidy	Halvorson	McCaul
Castle	Hare	McClintock
Castor (FL)	Harper	McCollum
Chandler	Hastings (WA)	McCotter
Childers	Heinrich	McDermott
Chu	Heller	McGovern
Clarke	Hensarling	McHenry
Clay	Herger	McIntyre
Cleaver	Herseth Sandlin	McKeon
Clyburn	Higgins	McMahon
Coble	Hill	McNerney
Coffman (CO)	Himes	Meek (FL)
Cohen	Hinche	Meeks (NY)
Cole	Hinojosa	Mica
Conaway	Hirono	Michaud
Connolly (VA)	Holden	Miller (FL)
Conyers	Holt	Miller (MI)
Cooper	Honda	Miller (NC)
Costa	Hoyer	Miller, Gary
Costello	Hunter	Miller, George
Courtney	Inglis	Mitchell
Crenshaw	Inslee	Mollohan
Critz	Israel	Moore (KS)
Crowley	Jackson (IL)	Moore (WI)
Cuellar	Jackson Lee	Moran (KS)
Culberson	(TX)	Moran (VA)

Murphy (CT)	Rogers (MI)
Murphy (NY)	Rohrabacher
Murphy, Patrick	Rooney
Murphy, Tim	Ros-Lehtinen
Nadler (NY)	Roskam
Napolitano	Ross
Neal (MA)	Rothman (NJ)
Neugebauer	Roybal-Allard
Nunes	Royce
Nye	Ruppersberger
Oberstar	Rush
Obey	Ryan (OH)
Olson	Ryan (WI)
Oliver	Salazar
Ortiz	Sánchez, Linda
Owens	T.
Pallone	Sanchez, Loretta
Pascarell	Sarbanes
Pastor (AZ)	Scalise
Paul	Schakowsky
Paulsen	Schauer
Payne	Schiff
Pence	Schmidt
Perlmutter	Schock
Perriello	Schrader
Peters	Schwartz
Peterson	Scott (GA)
Petri	Scott (VA)
Pingree (ME)	Sensenbrenner
Pitts	Serrano
Platts	Sessions
Poe (TX)	Sestak
Polis (CO)	Shadegg
Pomeroy	Shea-Porter
Posey	Sherman
Price (GA)	Shimkus
Price (NC)	Shuler
Putnam	Shuster
Quigley	Simpson
Rahall	Sires
Reed	Skelton
Rehberg	Slaughter
Rodriguez	Smith (NE)
Reichert	Smith (NJ)
Reyes	Smith (TX)
Richardson	Smith (WA)
Roe (TN)	Snyder
Rogers (AL)	Space
Rogers (KY)	Spratt

NOES—2

Chaffetz

Issa
NOT VOTING—26

Alexander
Barrett (SC)
Brown-Waite,
Ginny
Burton (IN)
Buyer
Cardoza
Davis (AL)
Davis (IL)
DeFazio

Fallin
Gohmert
Gordon (TN)
Hall (NY)
Harman
Hastings (FL)
Hodes
Hoekstra
Marchant

Stark
Stearns
Stupak
Stutzman
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman
Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Yarmuth
Young (AK)
Young (FL)

PERSONAL EXPLANATION

Mr. HOLT. Mr. Speaker, on vote number 590 that was recently taken, I was detained in a hearing in the Intelligence Committee and did not vote on the adoption of H. Con. Res. 323, supporting the goal of ensuring that all Holocaust survivors in the United States are able to live with dignity, comfort, and security in their remaining years. As a cosponsor of that bill, I would have voted “yes” had I been present.

FURTHER CONTINUING APPROPRIATIONS, FISCAL YEAR 2011

Mr. OBEY. Mr. Speaker, pursuant to the rule, I call up the joint resolution (H.J. Res. 101) making further continuing appropriations for fiscal year 2011, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The text of the joint resolution is as follows:

H.J. RES. 101

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Continuing Appropriations Act, 2011 (Public Law 111-242) is amended by striking the date specified in section 106(3) and inserting “December 18, 2010”.

The SPEAKER pro tempore (Mr. LARSEN of Washington). Pursuant to House Resolution 1741, the gentleman from Wisconsin (Mr. OBEY) and the gentleman from California (Mr. LEWIS) each will control 30 minutes.

The Chair recognizes the gentleman from Wisconsin.

GENERAL LEAVE

Mr. OBEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.J. Res. 101.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. OBEY. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, this legislation is one page long. It does only one thing: It changes the date so we can keep the government running from this Friday, December 3 to Saturday, December 18. Otherwise, the government would shut down. For the 2 weeks we are extending the current CR, it will provide us and the Senate time to consider the full year CR and the nominees that the administration should be sending us today.

I reserve the balance of my time.

Mr. LEWIS of California. Mr. Speaker, I yield myself such time as I might consume.

Mr. Speaker, by any definition, this year's appropriations process has been a complete and utter failure. We are now 5 weeks past the beginning of the

So (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to. The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

□ 1306

PERSONAL EXPLANATION

Mr. BURTON of Indiana. Mr. Speaker, I was unable to be on the House Floor for rollcall votes 581, 582, 583, 584, 585, 586, 587, 589, 590, 591 and 592.

Had I been present I would have voted: “Yea” on rollcall vote 581; “yea” on rollcall vote 582; “nay” on rollcall vote 583; “nay” on rollcall vote 584; “yea” on rollcall vote 585; “yea” on rollcall vote 586; “nay” on rollcall vote 587; “nay” on rollcall vote 588; “nay” on rollcall vote 589; “yea” on rollcall vote 590; “yea” on rollcall vote 591; and “yea” on rollcall vote 592.

new fiscal year and Congress has yet to enact a single appropriations bill. Out of 12 total bills, two have passed the House, while 10 bills were never even considered by the full committee.

Even more astonishing, Mr. Speaker, is this fact: During all of 2010, the full appropriations committee met just once—in July—and that meeting occurred almost a full year since the last time the committee met—in July of 2009.

□ 1310

This record is all the more striking when you consider the fact that the House has spent week after week, month after month considering hundreds of insignificant bills, while ignoring the substantive work required of the Congress to pass a Federal budget.

Today, the House is considering a 2-week extension of the current continuing resolution. Chairman OBEY and the Democrat leadership are hoping that 2 weeks will be enough time to muster enough Democratic votes to pass a massive 12-bill package, loaded with earmarks, with a price tag exceeding \$1.1 trillion. If they succeed, House Democrats will pass an omnibus without a single Republican vote.

Democratic staff in the House and the Senate began negotiations on the omnibus spending bill after Members of Congress left Washington in October. Realizing that these negotiations excluded input from the elected Members of Congress, and recognizing the likelihood that these negotiations would lead to yet another massive trillion-dollar government spending bill, I directed my staff not to engage in these negotiations. While Democratic staff was focused on additional ways to spend money, Republican staffers on the committee were working to identify spending cuts.

As I have made clear time and time again, I am strongly, unequivocally opposed to any potential omnibus spending bill the Democratic leadership may be planning to bring to the House floor before the end of the year. Likewise, I remain adamantly opposed to extending the CR for the balance of the fiscal year to current spending levels, which are, frankly, too darn high. I am encouraging my leadership and each of my colleagues who are concerned about excessive spending to oppose any effort to pass an omnibus or extend the CR beyond February.

Voters have made it abundantly clear that they want Congress to cut spending, starting today. There is no better place to begin this process than by returning to the U.S. Treasury unobligated funds from the American Recovery and Reinvestment Act, one of the most costly and ineffective bills in modern history. For this very reason, I introduced legislation on November 15 to immediately rescind billions of dollars of unspent stimulus funding and

immediately applying those dollars to the deficit. I am hopeful that rescinding this funding will be among the first orders of business in the 112th Congress.

This commitment to cut spending will also consist of rescinding previously appropriated dollars passed under the current Democratic majority as well as dramatically scaling back funding proposed by the President in his final 2 years in office.

I believe we ought to extend the CR until February, allowing the House Republicans the opportunity to begin putting our Nation's fiscal house in order by completing the FY 11 appropriations bills at an FY 2008 level or below, and saving taxpayers at least \$100 billion. It would be the clearest signal the House could send to the American people that we got the message and take seriously their commitment to cutting spending.

Should the Democratic leadership muster the votes to pass an omnibus in its last-gasp effort to spend yet another trillion-plus dollars, every penny above and beyond the 2008 levels will be on the chopping block come January. Or put another way, if House Democrats use their last 4 weeks in power to spend another \$1.1 trillion, House Republicans will rescind every penny above and beyond the 2008 levels when the new Congress convenes.

Mr. Speaker, I believe we should have shut down the government, but I cannot and will not support this CR because it continues unsustainable levels of spending established last year. At a time of historic deficits, record debt, and 10 percent unemployment, I believe we owe our constituents more than the status quo. Let's start cutting spending, Mr. Speaker, today. I urge a "no" vote.

Mr. Speaker, I am pleased to yield 3 minutes to my colleague from Kentucky (Mr. ROGERS).

Mr. ROGERS of Kentucky. Today's CR is nothing but a continuation of the culture of overspending, persistence of a broken process, and a refusal to make the tough decisions, end earmarks, and do the job we were sent here to do. As a result, our Federal spending is off the charts. We are staring at another trillion-dollar budget deficit. Debts are stacking up over \$13 trillion. Unemployment continues to hover around 10 percent, and congressional approval by the public remains at an all-time and dangerous low.

For the past 2 years, the administration has been given a free hand, with an unlimited credit card. The results are mind-boggling: 27 percent in growth in nondefense discretionary spending since 2008. And that's not including the bailouts and a failed stimulus package. Meanwhile, the Appropriations Committee has not done its job. No checks, no balances, no discipline, no bills.

What do we have to show for our work this year on the committee and in the Congress? A 2-week extension of more of the same. A date change is the sum total of the work of the Appropriations Committee. Disappointing to say the least. I believe we can do much better by severely cutting spending, conducting rigorous and thoughtful oversight, changing the culture of appropriations, and performing outreach inside and outside the Congress.

Fortunately, I believe wholesale change is on the way, Mr. Speaker. We have got to cut discretionary spending and exert fiscal discipline on fat agencies. We have got to stop the administration's regulatory war on small businesses and working families and rein in the out-of-control bureaucracies like the EPA. And we have got to start listening to the American people and their views rather than building these bills in the Speaker's office behind closed doors. Let's let the light shine in and open up some closets around that stale office.

Mr. Speaker, I urge the House to reject this 2-week delay, cut spending, return to regular order, and conduct our business out in the open.

Mr. LEWIS of California. Mr. Speaker, I yield back the balance of my time.

Mr. OBEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I made a mistake here today. I assumed that because the election was over that we would have at least a temporary suspension of election-year rhetoric. But evidently I was wrong. It's not the first time, but nonetheless I had hoped it would be otherwise today.

Let me simply say that I will take a lot of lectures from a lot of people on a lot of subjects, because I have made more than my share of mistakes in the years that I have served in this place. But the one thing that I will not take is lectures from the other side about fiscal responsibility. I mean, these are the folks who managed to turn \$6 trillion in expected surpluses when Bill Clinton left office into a \$1 trillion deficit. These are the same folks who insisted on passing two tax cuts primarily targeted at the wealthiest people in this country, all paid for with borrowed money.

□ 1320

These are the same folks that have insisted that we fight two wars on borrowed money rather than paying the bills. And these are the same folks who attacked President Obama for the so-called bailouts when, in fact, the mother of all bailouts, TARP, was brought to this Congress by the previous Republican administration.

While I don't like the way they implemented that bailout, I happen to think that that administration did what was necessary under the circumstances, circumstances created in

large part by previous policies that were pursued by the folks running Washington, D.C. I don't want to go any further than that. I didn't intend to get into the political side of the debate, but neither am I going to sit by and have these comments go unanswered.

With that, I would simply say this, again, is a very simple proposition. It extends the budget for 2 weeks at existing levels so that the Congress can make an attempt to finish its work so that we do not do what was done to us 4 years ago, because when we took over 4 years ago, we had to clean up all of the last year's fiscal mess before we could turn to next year's problems.

I would think that it is worth trying to finish action on our budget this year so that our friends, as they assume majority status in January, can start with a clean slate and be looking forward rather than backwards, and this resolution is an attempt to facilitate that. I urge passage of it.

I yield back the balance of my time. The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 1741, the joint resolution is considered read and the previous question is ordered.

The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the joint resolution.

The question was taken; and the Speaker pro tempore announced that the yeas appeared to have it.

Mr. LEWIS of California. Mr. Speaker, on that I demand the yeas and nays. The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

HEALTHY, HUNGER-FREE KIDS ACT OF 2010

Mr. GEORGE MILLER of California. Mr. Speaker, pursuant to House Resolution 1742, I call up the bill (S. 3307) to reauthorize child nutrition programs, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 3307

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Healthy, Hunger-Free Kids Act of 2010”.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Definition of Secretary.

TITLE I—A PATH TO END CHILDHOOD HUNGER

Subtitle A—National School Lunch Program
Sec. 101. Improving direct certification.

Sec. 102. Categorical eligibility of foster children.

Sec. 103. Direct certification for children receiving Medicaid benefits.

Sec. 104. Eliminating individual applications through community eligibility.

Sec. 105. Grants for expansion of school breakfast programs.

Subtitle B—Summer Food Service Program

Sec. 111. Alignment of eligibility rules for public and private sponsors.

Sec. 112. Outreach to eligible families.

Sec. 113. Summer food service support grants.

Subtitle C—Child and Adult Care Food Program

Sec. 121. Simplifying area eligibility determinations in the child and adult care food program.

Sec. 122. Expansion of afterschool meals for at-risk children.

Subtitle D—Special Supplemental Nutrition Program for Women, Infants, and Children

Sec. 131. Certification periods.

Subtitle E—Miscellaneous

Sec. 141. Childhood hunger research.

Sec. 142. State childhood hunger challenge grants.

Sec. 143. Review of local policies on meal charges and provision of alternate meals.

TITLE II—REDUCING CHILDHOOD OBESITY AND IMPROVING THE DIETS OF CHILDREN

Subtitle A—National School Lunch Program

Sec. 201. Performance-based reimbursement rate increases for new meal patterns.

Sec. 202. Nutrition requirements for fluid milk.

Sec. 203. Water.

Sec. 204. Local school wellness policy implementation.

Sec. 205. Equity in school lunch pricing.

Sec. 206. Revenue from nonprogram foods sold in schools.

Sec. 207. Reporting and notification of school performance.

Sec. 208. Nutrition standards for all foods sold in school.

Sec. 209. Information for the public on the school nutrition environment.

Sec. 210. Organic food pilot program.

Subtitle B—Child and Adult Care Food Program

Sec. 221. Nutrition and wellness goals for meals served through the child and adult care food program.

Sec. 222. Interagency coordination to promote health and wellness in child care licensing.

Sec. 223. Study on nutrition and wellness quality of child care settings.

Subtitle C—Special Supplemental Nutrition Program for Women, Infants, and Children

Sec. 231. Support for breastfeeding in the WIC Program.

Sec. 232. Review of available supplemental foods.

Subtitle D—Miscellaneous

Sec. 241. Nutrition education and obesity prevention grant program.

Sec. 242. Procurement and processing of food service products and commodities.

Sec. 243. Access to Local Foods: Farm to School Program.

Sec. 244. Research on strategies to promote the selection and consumption of healthy foods.

TITLE III—IMPROVING THE MANAGEMENT AND INTEGRITY OF CHILD NUTRITION PROGRAMS

Subtitle A—National School Lunch Program

Sec. 301. Privacy protection.

Sec. 302. Applicability of food safety program on entire school campus.

Sec. 303. Fines for violating program requirements.

Sec. 304. Independent review of applications.

Sec. 305. Program evaluation.

Sec. 306. Professional standards for school food service.

Sec. 307. Indirect costs.

Sec. 308. Ensuring safety of school meals.

Subtitle B—Summer Food Service Program
Sec. 321. Summer food service program permanent operating agreements.

Sec. 322. Summer food service program disqualification.

Subtitle C—Child and Adult Care Food Program

Sec. 331. Renewal of application materials and permanent operating agreements.

Sec. 332. State liability for payments to aggrieved child care institutions.

Sec. 333. Transmission of income information by sponsored family or group day care homes.

Sec. 334. Simplifying and enhancing administrative payments to sponsoring organizations.

Sec. 335. Child and adult care food program audit funding.

Sec. 336. Reducing paperwork and improving program administration.

Sec. 337. Study relating to the child and adult care food program.

Subtitle D—Special Supplemental Nutrition Program for Women, Infants, and Children

Sec. 351. Sharing of materials with other programs.

Sec. 352. WIC program management.

Subtitle E—Miscellaneous
Sec. 361. Full use of Federal funds.

Sec. 362. Disqualified schools, institutions, and individuals.

TITLE IV—MISCELLANEOUS

Subtitle A—Reauthorization of Expiring Provisions

PART I—RICHARD B. RUSSELL NATIONAL SCHOOL LUNCH ACT

Sec. 401. Commodity support.

Sec. 402. Food safety audits and reports by States.

Sec. 403. Procurement training.

Sec. 404. Authorization of the summer food service program for children.

Sec. 405. Year-round services for eligible entities.

Sec. 406. Training, technical assistance, and food service management institute.

Sec. 407. Federal administrative support.

Sec. 408. Compliance and accountability.

Sec. 409. Information clearinghouse.

PART II—CHILD NUTRITION ACT OF 1966

Sec. 421. Technology infrastructure improvement.

Sec. 422. State administrative expenses.

Sec. 423. Special supplemental nutrition program for women, infants, and children.

Sec. 424. Farmers market nutrition program.

Subtitle B—Technical Amendments

Sec. 441. Technical amendments.

Sec. 442. Use of unspent future funds from the American Recovery and Reinvestment Act of 2009.

Sec. 443. Equipment assistance technical correction.

Sec. 444. Budgetary effects.

Sec. 445. Effective date.

SEC. 2. DEFINITION OF SECRETARY.

In this Act, the term “Secretary” means the Secretary of Agriculture.

TITLE I—A PATH TO END CHILDHOOD HUNGER

Subtitle A—National School Lunch Program

SEC. 101. IMPROVING DIRECT CERTIFICATION.

(a) PERFORMANCE AWARDS.—Section 9(b)(4) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1758(b)(4)) is amended—

(1) in the paragraph heading, by striking “FOOD STAMP” and inserting “SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM”; and

(2) by adding at the end the following:

“(E) PERFORMANCE AWARDS.—

“(i) IN GENERAL.—Effective for each of the school years beginning July 1, 2011, July 1, 2012, and July 1, 2013, the Secretary shall offer performance awards to States to encourage the States to ensure that all children eligible for direct certification under this paragraph are certified in accordance with this paragraph.

“(ii) REQUIREMENTS.—For each school year described in clause (i), the Secretary shall—

“(I) consider State data from the prior school year, including estimates contained in the report required under section 4301 of the Food, Conservation, and Energy Act of 2008 (42 U.S.C. 1758a); and

“(II) make performance awards to not more than 15 States that demonstrate, as determined by the Secretary—

“(aa) outstanding performance; and

“(bb) substantial improvement.

“(iii) USE OF FUNDS.—A State agency that receives a performance award under clause (i)—

“(I) shall treat the funds as program income; and

“(II) may transfer the funds to school food authorities for use in carrying out the program.

“(iv) FUNDING.—

“(I) IN GENERAL.—On October 1, 2011, and each subsequent October 1 through October 1, 2013, out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary—

“(aa) \$2,000,000 to carry out clause (ii)(I)(aa); and

“(bb) \$2,000,000 to carry out clause (ii)(I)(bb).

“(II) RECEIPT AND ACCEPTANCE.—The Secretary shall be entitled to receive, shall accept, and shall use to carry out this clause the funds transferred under subclause (I), without further appropriation.

“(v) PAYMENTS NOT SUBJECT TO JUDICIAL REVIEW.—A determination by the Secretary whether, and in what amount, to make a performance award under this subparagraph shall not be subject to administrative or judicial review.”

(b) CONTINUOUS IMPROVEMENT PLANS.—Section 9(b)(4) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1758(b)(4)) (as amended by subsection (a)) is amended by adding at the end the following:

“(F) CONTINUOUS IMPROVEMENT PLANS.—

“(i) DEFINITION OF REQUIRED PERCENTAGE.—In this subparagraph, the term ‘required percentage’ means—

“(I) for the school year beginning July 1, 2011, 80 percent;

“(II) for the school year beginning July 1, 2012, 90 percent; and

“(III) for the school year beginning July 1, 2013, and each school year thereafter, 95 percent.

“(ii) REQUIREMENTS.—Each school year, the Secretary shall—

“(I) identify, using data from the prior year, including estimates contained in the report required under section 4301 of the Food, Conservation, and Energy Act of 2008 (42 U.S.C. 1758a), States that directly certify less than the required percentage of the total number of children in the State who are eligible for direct certification under this paragraph;

“(II) require the States identified under subclause (I) to implement a continuous improvement plan to fully meet the requirements of this paragraph, which shall include a plan to improve direct certification for the following school year; and

“(III) assist the States identified under subclause (I) to develop and implement a continuous improvement plan in accordance with subclause (II).

“(iii) FAILURE TO MEET PERFORMANCE STANDARD.—

“(I) IN GENERAL.—A State that is required to develop and implement a continuous improvement plan under clause (ii)(II) shall be required to submit the continuous improvement plan to the Secretary, for the approval of the Secretary.

“(II) REQUIREMENTS.—At a minimum, a continuous improvement plan under subclause (I) shall include—

“(aa) specific measures that the State will use to identify more children who are eligible for direct certification, including improvements or modifications to technology, information systems, or databases;

“(bb) a timeline for the State to implement those measures; and

“(cc) goals for the State to improve direct certification results.”

(c) WITHOUT FURTHER APPLICATION.—Section 9(b)(4) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1758(b)(4)) (as amended by subsection (b)) is amended by adding at the end the following:

“(G) WITHOUT FURTHER APPLICATION.—

“(i) IN GENERAL.—In this paragraph, the term ‘without further application’ means that no action is required by the household of the child.

“(ii) CLARIFICATION.—A requirement that a household return a letter notifying the household of eligibility for direct certification or eligibility for free school meals does not meet the requirements of clause (i).”

SEC. 102. CATEGORICAL ELIGIBILITY OF FOSTER CHILDREN.

(a) DISCRETIONARY CERTIFICATION.—Section 9(b)(5) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1758(b)(5)) is amended—

(1) in subparagraph (C), by striking “or” at the end;

(2) in subparagraph (D), by striking the period at the end and inserting “; or”; and

(3) by adding at the end the following:

“(E)(i) a foster child whose care and placement is the responsibility of an agency that administers a State plan under part B or E of title IV of the Social Security Act (42 U.S.C. 621 et seq.); or

“(ii) a foster child who a court has placed with a caretaker household.”

(b) CATEGORICAL ELIGIBILITY.—Section 9(b)(12)(A) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1758(b)(12)(A)) is amended—

(1) in clause (iv), by adding “)” before the semicolon at the end;

(2) in clause (v), by striking “or” at the end;

(3) in clause (vi), by striking the period at the end and inserting “; or”; and

(4) by adding at the end the following:

“(vii)(I) a foster child whose care and placement is the responsibility of an agency that administers a State plan under part B or E of title IV of the Social Security Act (42 U.S.C. 621 et seq.); or

“(II) a foster child who a court has placed with a caretaker household.”

(c) DOCUMENTATION.—Section 9(d)(2) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1758(d)(2)) is amended—

(1) in subparagraph (D), by striking “or” at the end;

(2) in subparagraph (E), by striking the period at the end and inserting “; or”; and

(3) by adding at the end the following:

“(F)(i) documentation has been provided to the appropriate local educational agency showing the status of the child as a foster child whose care and placement is the responsibility of an agency that administers a State plan under part B or E of title IV of the Social Security Act (42 U.S.C. 621 et seq.); or

“(ii) documentation has been provided to the appropriate local educational agency showing the status of the child as a foster child who a court has placed with a caretaker household.”

SEC. 103. DIRECT CERTIFICATION FOR CHILDREN RECEIVING MEDICAID BENEFITS.

(a) IN GENERAL.—Section 9(b) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1758(b)) is amended by adding at the end the following:

“(15) DIRECT CERTIFICATION FOR CHILDREN RECEIVING MEDICAID BENEFITS.—

“(A) DEFINITIONS.—In this paragraph:

“(i) ELIGIBLE CHILD.—The term ‘eligible child’ means a child—

“(I)(aa) who is eligible for and receiving medical assistance under the Medicaid program; and

“(bb) who is a member of a family with an income as measured by the Medicaid program before the application of any expense, block, or other income disregard, that does not exceed 133 percent of the poverty line (as defined in section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)), including any revision required by such section) applicable to a family of the size used for purposes of determining eligibility for the Medicaid program; or

“(II) who is a member of a household (as that term is defined in section 245.2 of title 7, Code of Federal Regulations (or successor regulations) with a child described in subclause (I).

“(ii) MEDICAID PROGRAM.—The term ‘Medicaid program’ means the program of medical assistance established under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.).

“(B) DEMONSTRATION PROJECT.—

“(i) IN GENERAL.—The Secretary, acting through the Administrator of the Food and Nutrition Service and in cooperation with selected State agencies, shall conduct a demonstration project in selected local educational agencies to determine whether direct certification of eligible children is an effective method of certifying children for free lunches and breakfasts under section 9(b)(1)(A) of this Act and section 4(e)(1)(A) of the Child Nutrition Act of 1966 (42 U.S.C. 1773(e)(1)(A)).

“(ii) SCOPE OF PROJECT.—The Secretary shall carry out the demonstration project under this subparagraph—

“(I) for the school year beginning July 1, 2012, in selected local educational agencies that collectively serve 2.5 percent of students certified for free and reduced price

meals nationwide, based on the most recent available data;

“(II) for the school year beginning July 1, 2013, in selected local educational agencies that collectively serve 5 percent of students certified for free and reduced price meals nationwide, based on the most recent available data; and

“(III) for the school year beginning July 1, 2014, and each subsequent school year, in selected local educational agencies that collectively serve 10 percent of students certified for free and reduced price meals nationwide, based on the most recent available data.

“(iii) PURPOSES OF THE PROJECT.—At a minimum, the purposes of the demonstration project shall be—

“(I) to determine the potential of direct certification with the Medicaid program to reach children who are eligible for free meals but not certified to receive the meals;

“(II) to determine the potential of direct certification with the Medicaid program to directly certify children who are enrolled for free meals based on a household application; and

“(III) to provide an estimate of the effect on Federal costs and on participation in the school lunch program under this Act and the school breakfast program established by section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773) of direct certification with the Medicaid program.

“(iv) COST ESTIMATE.—For each of 2 school years of the demonstration project, the Secretary shall estimate the cost of the direct certification of eligible children for free school meals through data derived from—

“(I) the school meal programs authorized under this Act and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.);

“(II) the Medicaid program; and

“(III) interviews with a statistically representative sample of households.

“(C) AGREEMENT.—

“(i) IN GENERAL.—Not later than July 1 of the first school year during which a State agency will participate in the demonstration project, the State agency shall enter into an agreement with the 1 or more State agencies conducting eligibility determinations for the Medicaid program.

“(ii) WITHOUT FURTHER APPLICATION.—Subject to paragraph (6), the agreement described in subparagraph (D) shall establish procedures under which an eligible child shall be certified for free lunches under this Act and free breakfasts under section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773), without further application (as defined in paragraph (4)(G)).

“(D) CERTIFICATION.—For the school year beginning on July 1, 2012, and each subsequent school year, subject to paragraph (6), the local educational agencies participating in the demonstration project shall certify an eligible child as eligible for free lunches under this Act and free breakfasts under the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.), without further application (as defined in paragraph (4)(G)).

“(E) SITE SELECTION.—

“(i) IN GENERAL.—To be eligible to participate in the demonstration project under this subsection, a State agency shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

“(ii) CONSIDERATIONS.—In selecting States and local educational agencies for participation in the demonstration project, the Secretary may take into consideration such factors as the Secretary considers to be appropriate, which may include—

“(I) the rate of direct certification;

“(II) the share of individuals who are eligible for benefits under the supplemental nutrition assistance program established under the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.) who participate in the program, as determined by the Secretary;

“(III) the income eligibility limit for the Medicaid program;

“(IV) the feasibility of matching data between local educational agencies and the Medicaid program;

“(V) the socioeconomic profile of the State or local educational agencies; and

“(VI) the willingness of the State and local educational agencies to comply with the requirements of the demonstration project.

“(F) ACCESS TO DATA.—For purposes of conducting the demonstration project under this paragraph, the Secretary shall have access to—

“(i) educational and other records of State and local educational and other agencies and institutions receiving funding or providing benefits for 1 or more programs authorized under this Act or the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.); and

“(ii) income and program participation information from public agencies administering the Medicaid program.

“(G) REPORT TO CONGRESS.—

“(i) IN GENERAL.—Not later than October 1, 2014, the Secretary shall submit to the Committee on Education and Labor of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate, an interim report that describes the results of the demonstration project required under this paragraph.

“(ii) FINAL REPORT.—Not later than October 1, 2015, the Secretary shall submit a final report to the committees described in clause (i).

“(H) FUNDING.—

“(i) IN GENERAL.—On October 1, 2010, out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary to carry out subparagraph (G) \$5,000,000, to remain available until expended.

“(ii) RECEIPT AND ACCEPTANCE.—The Secretary shall be entitled to receive, shall accept, and shall use to carry out subparagraph (G) the funds transferred under clause (i), without further appropriation.”

(b) DOCUMENTATION.—Section 9(d)(2) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1758(d)(2)) (as amended by section 102(c)) is amended—

(1) in subparagraph (E), by striking “or” at the end;

(2) in subparagraph (F)(ii), by striking the period at the end and inserting “; or”; and

(3) by adding at the end the following:

“(G) documentation has been provided to the appropriate local educational agency showing the status of the child as an eligible child (as defined in subsection (b)(15)(A)).”

(c) AGREEMENT FOR DIRECT CERTIFICATION AND COOPERATION BY STATE MEDICAID AGENCIES.—

(1) IN GENERAL.—Section 1902(a)(7) of the Social Security Act (42 U.S.C. 1396a(a)(7)) is amended to read as follows:

“(7) provide—

“(A) safeguards which restrict the use or disclosure of information concerning applicants and recipients to purposes directly connected with—

“(i) the administration of the plan; and

“(ii) the exchange of information necessary to certify or verify the certification of eligibility of children for free or reduced price breakfasts under the Child Nutrition

Act of 1966 and free or reduced price lunches under the Richard B. Russell National School Lunch Act, in accordance with section 9(b) of that Act, using data standards and formats established by the State agency; and

“(B) that, notwithstanding the Express Lane option under subsection (e)(13), the State may enter into an agreement with the State agency administering the school lunch program established under the Richard B. Russell National School Lunch Act under which the State shall establish procedures to ensure that—

“(i) a child receiving medical assistance under the State plan under this title whose family income does not exceed 133 percent of the poverty line (as defined in section 673(2) of the Community Services Block Grant Act, including any revision required by such section), as determined without regard to any expense, block, or other income disregard, applicable to a family of the size involved, may be certified as eligible for free lunches under the Richard B. Russell National School Lunch Act and free breakfasts under the Child Nutrition Act of 1966 without further application; and

“(ii) the State agencies responsible for administering the State plan under this title, and for carrying out the school lunch program established under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.) or the school breakfast program established by section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773), cooperate in carrying out paragraphs (3)(F) and (15) of section 9(b) of that Act;”

(2) EFFECTIVE DATE.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the amendments made by this subsection shall take effect on the date of enactment of this Act.

(B) EXTENSION OF EFFECTIVE DATE FOR STATE LAW AMENDMENT.—In the case of a State plan under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) which the Secretary of Health and Human Services determines requires State legislation in order for the plan to meet the additional requirements imposed by the amendments made by this section, the State plan shall not be regarded as failing to comply with the requirements of the amendments made by this section solely on the basis of its failure to meet such additional requirements before the first day of the first calendar quarter beginning after the close of the first regular session of the State legislature that begins after the date of the enactment of this Act. For purposes of the previous sentence, in the case of a State that has a 2-year legislative session, each year of the session is considered to be a separate regular session of the State legislature.

(d) CONFORMING AMENDMENTS.—Section 444(b)(1) of the General Education Provisions Act (20 U.S.C. 1232g(b)(1)) is amended—

(1) in subparagraph (I), by striking “and” at the end;

(2) in subparagraph (J)(ii), by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following:

“(K) the Secretary of Agriculture, or authorized representative from the Food and Nutrition Service or contractors acting on behalf of the Food and Nutrition Service, for the purposes of conducting program monitoring, evaluations, and performance measurements of State and local educational and other agencies and institutions receiving funding or providing benefits of 1 or more programs authorized under the Richard B. Russell National School Lunch Act (42 U.S.C.

1751 et seq.) or the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.) for which the results will be reported in an aggregate form that does not identify any individual, on the conditions that—

“(i) any data collected under this subparagraph shall be protected in a manner that will not permit the personal identification of students and their parents by other than the authorized representatives of the Secretary; and

“(ii) any personally identifiable data shall be destroyed when the data are no longer needed for program monitoring, evaluations, and performance measurements.”.

SEC. 104. ELIMINATING INDIVIDUAL APPLICATIONS THROUGH COMMUNITY ELIGIBILITY.

(a) UNIVERSAL MEAL SERVICE IN HIGH POVERTY AREAS.—

(1) ELIGIBILITY.—Section 11(a)(1) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1759a(a)(1)) is amended by adding at the end the following:

“(F) UNIVERSAL MEAL SERVICE IN HIGH POVERTY AREAS.—

“(i) DEFINITION OF IDENTIFIED STUDENTS.—The term ‘identified students’ means students certified based on documentation of benefit receipt or categorical eligibility as described in section 245.6a(c)(2) of title 7, Code of Federal Regulations (or successor regulations).

“(ii) ELECTION OF SPECIAL ASSISTANCE PAYMENTS.—

“(I) IN GENERAL.—A local educational agency may, for all schools in the district or on behalf of certain schools in the district, elect to receive special assistance payments under this subparagraph in lieu of special assistance payments otherwise made available under this paragraph based on applications for free and reduced price lunches if—

“(aa) during a period of 4 successive school years, the local educational agency elects to serve all children in the applicable schools free lunches and breakfasts under the school lunch program under this Act and the school breakfast program established under section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773);

“(bb) the local educational agency pays, from sources other than Federal funds, the costs of serving the lunches or breakfasts that are in excess of the value of assistance received under this Act and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.);

“(cc) the local educational agency is not a residential child care institution (as that term is used in section 210.2 of title 7, Code of Federal Regulations (or successor regulations)); and

“(dd) during the school year prior to the first year of the period for which the local educational agency elects to receive special assistance payments under this subparagraph, the local educational agency or school had a percentage of enrolled students who were identified students that meets or exceeds the threshold described in clause (viii).

“(II) ELECTION TO STOP RECEIVING PAYMENTS.—A local educational agency may, for all schools in the district or on behalf of certain schools in the district, elect to stop receiving special assistance payments under this subparagraph for the following school year by notifying the State agency not later than June 30 of the current school year of the intention to stop receiving special assistance payments under this subparagraph.

“(iii) FIRST YEAR OF OPTION.—

“(I) SPECIAL ASSISTANCE PAYMENT.—For each month of the first school year of the 4-year period during which a school or local

educational agency elects to receive payments under this subparagraph, special assistance payments at the rate for free meals shall be made under this subparagraph for a percentage of all reimbursable meals served in an amount equal to the product obtained by multiplying—

“(aa) the multiplier described in clause (vii); by

“(bb) the percentage of identified students at the school or local educational agency as of April 1 of the prior school year, up to a maximum of 100 percent.

“(II) PAYMENT FOR OTHER MEALS.—The percentage of meals served that is not described in subclause (I) shall be reimbursed at the rate provided under section 4.

“(iv) SECOND, THIRD, OR FOURTH YEAR OF OPTION.—

“(I) SPECIAL ASSISTANCE PAYMENT.—For each month of the second, third, or fourth school year of the 4-year period during which a school or local educational agency elects to receive payments under this subparagraph, special assistance payments at the rate for free meals shall be made under this subparagraph for a percentage of all reimbursable meals served in an amount equal to the product obtained by multiplying—

“(aa) the multiplier described in clause (vii); by

“(bb) the higher of the percentage of identified students at the school or local educational agency as of April 1 of the prior school year or the percentage of identified students at the school or local educational agency as of April 1 of the school year prior to the first year that the school or local educational agency elected to receive special assistance payments under this subparagraph, up to a maximum of 100 percent.

“(II) PAYMENT FOR OTHER MEALS.—The percentage of meals served that is not described in subclause (I) shall be reimbursed at the rate provided under section 4.

“(v) GRACE YEAR.—

“(I) IN GENERAL.—If, not later than April 1 of the fourth year of a 4-year period described in clause (ii)(I), a school or local educational agency has a percentage of enrolled students who are identified students that meets or exceeds a percentage that is 10 percentage points lower than the threshold described in clause (viii), the school or local educational agency may elect to receive special assistance payments under subclause (II) for an additional grace year.

“(II) SPECIAL ASSISTANCE PAYMENT.—For each month of a grace year, special assistance payments at the rate for free meals shall be made under this subparagraph for a percentage of all reimbursable meals served in an amount equal to the product obtained by multiplying—

“(aa) the multiplier described in clause (vii); by

“(bb) the percentage of identified students at the school or local educational agency as of April 1 of the prior school year, up to a maximum of 100 percent.

“(III) PAYMENT FOR OTHER MEALS.—The percentage of meals served that is not described in subclause (II) shall be reimbursed at the rate provided under section 4.

“(vi) APPLICATIONS.—A school or local educational agency that receives special assistance payments under this subparagraph may not be required to collect applications for free and reduced price lunches.

“(vii) MULTIPLIER.—

“(I) PHASE-IN.—For each school year beginning on or before July 1, 2013, the multiplier shall be 1.6.

“(II) FULL IMPLEMENTATION.—For each school year beginning on or after July 1,

2014, the Secretary may use, as determined by the Secretary—

“(aa) a multiplier between 1.3 and 1.6; and

“(bb) subject to item (aa), a different multiplier for different schools or local educational agencies.

“(viii) THRESHOLD.—

“(I) PHASE-IN.—For each school year beginning on or before July 1, 2013, the threshold shall be 40 percent.

“(II) FULL IMPLEMENTATION.—For each school year beginning on or after July 1, 2014, the Secretary may use a threshold that is less than 40 percent.

“(ix) PHASE-IN.—

“(I) IN GENERAL.—In selecting States for participation during the phase-in period, the Secretary shall select States with an adequate number and variety of schools and local educational agencies that could benefit from the option under this subparagraph, as determined by the Secretary.

“(II) LIMITATION.—The Secretary may not approve additional schools and local educational agencies to receive special assistance payments under this subparagraph after the Secretary has approved schools and local educational agencies in—

“(aa) for the school year beginning on July 1, 2011, 3 States; and

“(bb) for each of the school years beginning July 1, 2012 and July 1, 2013, an additional 4 States per school year.

“(x) ELECTION OF OPTION.—

“(I) IN GENERAL.—For each school year beginning on or after July 1, 2014, any local educational agency eligible to make the election described in clause (ii) for all schools in the district or on behalf of certain schools in the district may elect to receive special assistance payments under clause (iii) for the next school year if, not later than June 30 of the current school year, the local educational agency submits to the State agency the percentage of identified students at the school or local educational agency.

“(II) STATE AGENCY NOTIFICATION.—Not later than May 1 of each school year beginning on or after July 1, 2011, each State agency with schools or local educational agencies that may be eligible to elect to receive special assistance payments under this subparagraph shall notify—

“(aa) each local educational agency that meets or exceeds the threshold described in clause (viii) that the local educational agency is eligible to elect to receive special assistance payments under clause (iii) for the next 4 school years, of the blended reimbursement rate the local educational agency would receive under clause (iii), and of the procedures for the local educational agency to make the election;

“(bb) each local educational agency that receives special assistance payments under clause (iii) of the blended reimbursement rate the local educational agency would receive under clause (iv);

“(cc) each local educational agency in the fourth year of electing to receive special assistance payments under this subparagraph that meets or exceeds a percentage that is 10 percentage points lower than the threshold described in clause (viii) and that receives special assistance payments under clause (iv), that the local educational agency may continue to receive such payments for the next school year, of the blended reimbursement rate the local educational agency would receive under clause (v), and of the procedures for the local educational agency to make the election; and

“(dd) each local educational agency that meets or exceeds a percentage that is 10 percentage points lower than the threshold described in clause (viii) that the local educational agency may be eligible to elect to receive special assistance payments under clause (iii) if the threshold described in clause (viii) is met by April 1 of the school year or if the threshold is met for a subsequent school year.

“(III) PUBLIC NOTIFICATION OF LOCAL EDUCATIONAL AGENCIES.—Not later than May 1 of each school year beginning on or after July 1, 2011, each State agency with 1 or more schools or local educational agencies eligible to elect to receive special assistance payments under clause (iii) shall submit to the Secretary, and the Secretary shall publish, lists of the local educational agencies receiving notices under subclause (II).

“(IV) PUBLIC NOTIFICATION OF SCHOOLS.—Not later than May 1 of each school year beginning on or after July 1, 2011, each local educational agency in a State with 1 or more schools eligible to elect to receive special assistance payments under clause (iii) shall submit to the State agency, and the State agency shall publish—

“(aa) a list of the schools that meet or exceed the threshold described in clause (viii);

“(bb) a list of the schools that meet or exceed a percentage that is 10 percentage points lower than the threshold described in clause (viii) and that are in the fourth year of receiving special assistance payments under clause (iv); and

“(cc) a list of the schools that meet or exceed a percentage that is 10 percentage points lower than the threshold described in clause (viii).

“(xi) IMPLEMENTATION.—

“(I) GUIDANCE.—Not later than 90 days after the date of enactment of this subparagraph, the Secretary shall issue guidance to implement this subparagraph.

“(II) REGULATIONS.—Not later than December 31, 2013, the Secretary shall promulgate regulations that establish procedures for State agencies, local educational agencies, and schools to meet the requirements of this subparagraph, including exercising the option described in this subparagraph.

“(III) PUBLICATION.—If the Secretary uses the authority provided in clause (vii)(II)(bb) to use a different multiplier for different schools or local educational agencies, for each school year beginning on or after July 1, 2014, not later than April 1, 2014, the Secretary shall publish on the website of the Secretary a table that indicates—

“(aa) each local educational agency that may elect to receive special assistance payments under clause (ii);

“(bb) the blended reimbursement rate that each local educational agency would receive; and

“(cc) an explanation of the methodology used to calculate the multiplier or threshold for each school or local educational agency.

“(xii) REPORT.—Not later than December 31, 2013, the Secretary shall publish a report that describes—

“(I) an estimate of the number of schools and local educational agencies eligible to elect to receive special assistance payments under this subparagraph that do not elect to receive the payments;

“(II) for schools and local educational agencies described in subclause (I)—

“(aa) barriers to participation in the special assistance option under this subparagraph, as described by the nonparticipating schools and local educational agencies; and

“(bb) changes to the special assistance option under this subparagraph that would

make eligible schools and local educational agencies more likely to elect to receive special assistance payments;

“(III) for schools and local educational agencies that elect to receive special assistance payments under this subparagraph—

“(aa) the number of schools and local educational agencies;

“(bb) an estimate of the percentage of identified students and the percentage of enrolled students who were certified to receive free or reduced price meals in the school year prior to the election to receive special assistance payments under this subparagraph, and a description of how the ratio between those percentages compares to 1.6;

“(cc) an estimate of the number and share of schools and local educational agencies in which more than 80 percent of students are certified for free or reduced price meals that elect to receive special assistance payments under that clause; and

“(dd) whether any of the schools or local educational agencies stopped electing to receive special assistance payments under this subparagraph;

“(IV) the impact of electing to receive special assistance payments under this subparagraph on—

“(aa) program integrity;

“(bb) whether a breakfast program is offered;

“(cc) the type of breakfast program offered;

“(dd) the nutritional quality of school meals; and

“(ee) program participation; and

“(V) the multiplier and threshold, as described in clauses (vii) and (viii) respectively, that the Secretary will use for each school year beginning on or after July 1, 2014 and the rationale for any change in the multiplier or threshold.

“(xiii) FUNDING.—

“(I) IN GENERAL.—On October 1, 2010, out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary to carry out clause (xii) \$5,000,000, to remain available until September 30, 2014.

“(II) RECEIPT AND ACCEPTANCE.—The Secretary shall be entitled to receive, shall accept, and shall use to carry out clause (xii) the funds transferred under subclause (I), without further appropriation.”

(2) CONFORMING AMENDMENTS.—Section 11(a)(1)(B) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1759a(a)(1)(B)) is amended by striking “or (E)” and inserting “(E), or (F)”.

(b) UNIVERSAL MEAL SERVICE THROUGH CENSUS DATA.—Section 11 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1759a) is amended by adding at the end the following:

“(g) UNIVERSAL MEAL SERVICE THROUGH CENSUS DATA.—

“(1) IN GENERAL.—To the maximum extent practicable, the Secretary shall identify alternatives to—

“(A) the daily counting by category of meals provided by school lunch programs under this Act and the school breakfast program established by section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773); and

“(B) the use of annual applications as the basis for eligibility to receive free meals or reduced price meals under this Act.

“(2) RECOMMENDATIONS.—

“(A) CONSIDERATIONS.—

“(i) IN GENERAL.—In identifying alternatives under paragraph (1), the Secretary shall consider the recommendations of the Committee on National Statistics of the Na-

tional Academy of Sciences relating to use of the American Community Survey of the Bureau of the Census and other data sources.

“(ii) SOCIOECONOMIC SURVEY.—The Secretary shall consider use of a periodic socioeconomic survey of households of children attending school in the school food authority in not more than 3 school food authorities participating in the school lunch program under this Act.

“(iii) SURVEY PARAMETERS.—The Secretary shall establish requirements for the use of a socioeconomic survey under clause (ii), which shall—

“(I) include criteria for survey design, sample frame validity, minimum level of statistical precision, minimum survey response rates, frequency of data collection, and other criteria as determined by the Secretary;

“(II) be consistent with the Standards and Guidelines for Statistical Surveys, as published by the Office of Management and Budget;

“(III) be consistent with standards and requirements that ensure proper use of Federal funds; and

“(IV) specify that the socioeconomic survey be conducted at least once every 4 years.

“(B) USE OF ALTERNATIVES.—Alternatives described in subparagraph (A) that provide accurate and effective means of providing meal reimbursement consistent with the eligibility status of students may be—

“(i) implemented for use in schools or by school food authorities that agree—

“(I) to serve all breakfasts and lunches to students at no cost in accordance with regulations issued by the Secretary; and

“(II) to pay, from sources other than Federal funds, the costs of serving any lunches and breakfasts that are in excess of the value of assistance received under this Act or the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.) with respect to the number of lunches and breakfasts served during the applicable period; or

“(ii) further tested through demonstration projects carried out by the Secretary in accordance with subparagraph (C).

“(C) DEMONSTRATION PROJECTS.—

“(i) IN GENERAL.—For the purpose of carrying out demonstration projects described in subparagraph (B), the Secretary may waive any requirement of this Act relating to—

“(I) counting of meals provided by school lunch or breakfast programs;

“(II) applications for eligibility for free or reduced priced meals; or

“(III) required direct certification under section 9(b)(4).

“(ii) NUMBER OF PROJECTS.—The Secretary shall carry out demonstration projects under this paragraph in not more than 5 local educational agencies for each alternative model that is being tested.

“(iii) LIMITATION.—A demonstration project carried out under this paragraph shall have a duration of not more than 3 years.

“(iv) EVALUATION.—The Secretary shall evaluate each demonstration project carried out under this paragraph in accordance with procedures established by the Secretary.

“(v) REQUIREMENT.—In carrying out evaluations under clause (iv), the Secretary shall evaluate, using comparisons with local educational agencies with similar demographic characteristics—

“(I) the accuracy of the 1 or more methodologies adopted as compared to the daily counting by category of meals provided by school meal programs under this Act or the Child Nutrition Act of 1966 (42 U.S.C. 1771 et

seq.) and the use of annual applications as the basis for eligibility to receive free or reduced price meals under those Acts;

“(II) the effect of the 1 or more methodologies adopted on participation in programs under those Acts;

“(III) the effect of the 1 or more methodologies adopted on administration of programs under those Acts; and

“(IV) such other matters as the Secretary determines to be appropriate.”

SEC. 105. GRANTS FOR EXPANSION OF SCHOOL BREAKFAST PROGRAMS.

The Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.) is amended by adding at the end the following:

“SEC. 23. GRANTS FOR EXPANSION OF SCHOOL BREAKFAST PROGRAMS.

“(a) DEFINITION OF QUALIFYING SCHOOL.—In this section, the term ‘qualifying school’ means a school in severe need, as described in section 4(d)(1).

“(b) ESTABLISHMENT.—Subject to the availability of appropriations provided in advance in an appropriations Act specifically for the purpose of carrying out this section, the Secretary shall establish a program under which the Secretary shall provide grants, on a competitive basis, to State educational agencies for the purpose of providing subgrants to local educational agencies for qualifying schools to establish, maintain, or expand the school breakfast program in accordance with this section.

“(c) GRANTS TO STATE EDUCATIONAL AGENCIES.—

“(1) APPLICATION.—To be eligible to receive a grant under this section, a State educational agency shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

“(2) ADMINISTRATION.—In carrying out this section, the Secretary shall—

“(A) develop an appropriate competitive application process; and

“(B) make information available to State educational agencies concerning the availability of funds under this section.

“(3) ALLOCATION.—The amount of grants provided by the Secretary to State educational agencies for a fiscal year under this section shall not exceed the lesser of—

“(A) the product obtained by multiplying—

“(i) the number of qualifying schools receiving subgrants or other benefits under subsection (d) for the fiscal year; and

“(ii) the maximum amount of a subgrant provided to a qualifying school under subsection (d)(4)(B); or

“(B) \$2,000,000.

“(d) SUBGRANTS TO QUALIFYING SCHOOLS.—

“(1) IN GENERAL.—A State educational agency receiving a grant under this section shall use funds made available under the grant to award subgrants to local educational agencies for a qualifying school or groups of qualifying schools to carry out activities in accordance with this section.

“(2) PRIORITY.—In awarding subgrants under this subsection, a State educational agency shall give priority to local educational agencies with qualifying schools in which at least 75 percent of the students are eligible for free or reduced price school lunches under the school lunch program established under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.).

“(3) STATE AND DISTRICT TRAINING AND TECHNICAL SUPPORT.—A local educational agency or State educational agency may allocate a portion of each subgrant to provide training and technical assistance to the staff

of qualifying schools to carry out the purposes of this section.

“(4) AMOUNT; TERM.—

“(A) IN GENERAL.—Except as otherwise provided in this paragraph, a subgrant provided by a State educational agency to a local educational agency or qualifying school under this section shall be in such amount, and shall be provided for such term, as the State educational agency determines appropriate.

“(B) MAXIMUM AMOUNT.—The amount of a subgrant provided by a State educational agency to a local educational agency for a qualifying school or a group of qualifying schools under this subsection shall not exceed \$10,000 for each school year.

“(C) MAXIMUM GRANT TERM.—A local educational agency or State educational agency shall not provide subgrants to a qualifying school under this subsection for more than 2 fiscal years.

“(e) BEST PRACTICES.—

“(1) IN GENERAL.—Prior to awarding grants under this section, the Secretary shall make available to State educational agencies information regarding the most effective mechanisms by which to increase school breakfast participation among eligible children at qualifying schools.

“(2) PREFERENCE.—In awarding subgrants under this section, a State educational agency shall give preference to local educational agencies for qualifying schools or groups of qualifying schools that have adopted, or provide assurances that the subgrant funds will be used to adopt, the most effective mechanisms identified by the Secretary under paragraph (1).

“(f) USE OF FUNDS.—

“(1) IN GENERAL.—A qualifying school may use a grant provided under this section—

“(A) to establish, promote, or expand a school breakfast program of the qualifying school under this section, which shall include a nutritional education component;

“(B) to extend the period during which school breakfast is available at the qualifying school;

“(C) to provide school breakfast to students of the qualifying school during the school day; or

“(D) for other appropriate purposes, as determined by the Secretary.

“(2) REQUIREMENT.—Each activity of a qualifying school under this subsection shall be carried out in accordance with applicable nutritional guidelines and regulations issued by the Secretary.

“(g) MAINTENANCE OF EFFORT.—Grants made available under this section shall not diminish or otherwise affect the expenditure of funds from State and local sources for the maintenance of the school breakfast program.

“(h) REPORTS.—Not later than 18 months following the end of a school year during which subgrants are awarded under this section, the Secretary shall submit to Congress a report describing the activities of the qualifying schools awarded subgrants.

“(i) EVALUATION.—Not later than 180 days before the end of a grant term under this section, a local educational agency that receives a subgrant under this section shall—

“(1) evaluate whether electing to provide universal free breakfasts under the school breakfast program in accordance with Provision 2 as established under subsections (b) through (k) of section 245.9 of title 7, Code of Federal Regulations (or successor regulations), would be cost-effective for the qualified schools based on estimated administrative savings and economies of scale; and

“(2) submit the results of the evaluation to the State educational agency.

“(j) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as are necessary for each of fiscal years 2010 through 2015.”

Subtitle B—Summer Food Service Program SEC. 111. ALIGNMENT OF ELIGIBILITY RULES FOR PUBLIC AND PRIVATE SPONSORS.

Section 13(a) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1761(a)) is amended by striking paragraph (7) and inserting the following:

“(7) PRIVATE NONPROFIT ORGANIZATIONS.—

“(A) DEFINITION OF PRIVATE NONPROFIT ORGANIZATION.—In this paragraph, the term ‘private nonprofit organization’ means an organization that—

“(i) exercises full control and authority over the operation of the program at all sites under the sponsorship of the organization;

“(ii) provides ongoing year-round activities for children or families;

“(iii) demonstrates that the organization has adequate management and the fiscal capacity to operate a program under this section;

“(iv) is an organization described in section 501(c) of the Internal Revenue Code of 1986 and exempt from taxation under 501(a) of that Code; and

“(v) meets applicable State and local health, safety, and sanitation standards.

“(B) ELIGIBILITY.—Private nonprofit organizations (other than organizations eligible under paragraph (1)) shall be eligible for the program under the same terms and conditions as other service institutions.”

SEC. 112. OUTREACH TO ELIGIBLE FAMILIES.

Section 13(a) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1761(a)) is amended by adding at the end the following:

“(11) OUTREACH TO ELIGIBLE FAMILIES.—

“(A) IN GENERAL.—The Secretary shall require each State agency that administers the national school lunch program under this Act to ensure that, to the maximum extent practicable, school food authorities participating in the school lunch program under this Act cooperate with participating service institutions to distribute materials to inform families of—

“(i) the availability and location of summer food service program meals; and

“(ii) the availability of reimbursable breakfasts served under the school breakfast program established by section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773).

“(B) INCLUSIONS.—Informational activities carried out under subparagraph (A) may include—

“(i) the development or dissemination of printed materials, to be distributed to all school children or the families of school children prior to the end of the school year, that inform families of the availability and location of summer food service program meals;

“(ii) the development or dissemination of materials, to be distributed using electronic means to all school children or the families of school children prior to the end of the school year, that inform families of the availability and location of summer food service program meals; and

“(iii) such other activities as are approved by the applicable State agency to promote the availability and location of summer food service program meals to school children and the families of school children.

“(C) MULTIPLE STATE AGENCIES.—If the State agency administering the program under this section is not the same State agency that administers the school lunch program under this Act, the 2 State agencies

shall work cooperatively to implement this paragraph.”.

SEC. 113. SUMMER FOOD SERVICE SUPPORT GRANTS.

Section 13(a) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1761(a)) (as amended by section 112) is amended by adding at the end the following:

“(12) SUMMER FOOD SERVICE SUPPORT GRANTS.—

“(A) IN GENERAL.—The Secretary shall use funds made available to carry out this paragraph to award grants on a competitive basis to State agencies to provide to eligible service institutions—

“(i) technical assistance;

“(ii) assistance with site improvement costs; or

“(iii) other innovative activities that improve and encourage sponsor retention.

“(B) ELIGIBILITY.—To be eligible to receive a grant under this paragraph, a State agency shall submit an application to the Secretary in such manner, at such time, and containing such information as the Secretary may require.

“(C) PRIORITY.—In making grants under this paragraph, the Secretary shall give priority to—

“(i) applications from States with significant low-income child populations; and

“(ii) State plans that demonstrate innovative approaches to retain and support summer food service programs after the expiration of the start-up funding grants.

“(D) USE OF FUNDS.—A State and eligible service institution may use funds made available under this paragraph to pay for such costs as the Secretary determines are necessary to establish and maintain summer food service programs.

“(E) REALLOCATION.—The Secretary may reallocate any amounts made available to carry out this paragraph that are not obligated or expended, as determined by the Secretary.

“(F) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this paragraph \$20,000,000 for fiscal years 2011 through 2015.”.

Subtitle C—Child and Adult Care Food Program

SEC. 121. SIMPLIFYING AREA ELIGIBILITY DETERMINATIONS IN THE CHILD AND ADULT CARE FOOD PROGRAM.

Section 17(f)(3)(A)(ii)(I)(bb) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1766(f)(3)(A)(ii)(I)(bb)) is amended by striking “elementary”.

SEC. 122. EXPANSION OF AFTERSCHOOL MEALS FOR AT-RISK CHILDREN.

Section 17(r) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1766(r)) is amended by striking paragraph (5) and inserting the following:

“(5) LIMITATION.—An institution participating in the program under this subsection may not claim reimbursement for meals and snacks that are served under section 18(h) on the same day.

“(6) HANDBOOK.—

“(A) IN GENERAL.—Not later than 180 days after the date of enactment of the Healthy, Hunger-Free Kids Act of 2010, the Secretary shall—

“(i) issue guidelines for afterschool meals for at-risk school children; and

“(ii) publish a handbook reflecting those guidelines.

“(B) REVIEW.—Each year after the issuance of guidelines under subparagraph (A), the Secretary shall—

“(i) review the guidelines; and

“(ii) issue a revised handbook reflecting changes made to the guidelines.”.

Subtitle D—Special Supplemental Nutrition Program for Women, Infants, and Children

SEC. 131. CERTIFICATION PERIODS.

Section 17(d)(3)(A) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(d)(3)(A)) is amended by adding at the end the following:

“(iii) CHILDREN.—A State may elect to certify participant children for a period of up to 1 year, if the State electing the option provided under this clause ensures that participant children receive required health and nutrition assessments.”.

Subtitle E—Miscellaneous

SEC. 141. CHILDHOOD HUNGER RESEARCH.

The Richard B. Russell National School Lunch Act is amended by inserting after section 22 (42 U.S.C. 1769c) the following:

“SEC. 23. CHILDHOOD HUNGER RESEARCH.

“(a) RESEARCH ON CAUSES AND CONSEQUENCES OF CHILDHOOD HUNGER.—

“(1) IN GENERAL.—The Secretary shall conduct research on—

“(A) the causes of childhood hunger and food insecurity;

“(B) the characteristics of households with childhood hunger and food insecurity; and

“(C) the consequences of childhood hunger and food insecurity.

“(2) AUTHORITY.—In carrying out research under paragraph (1), the Secretary may—

“(A) enter into competitively awarded contracts or cooperative agreements; or

“(B) provide grants to States or public or private agencies or organizations, as determined by the Secretary.

“(3) APPLICATION.—To be eligible to enter into a contract or cooperative agreement or receive a grant under this subsection, a State or public or private agency or organization shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary shall require.

“(4) AREAS OF INQUIRY.—The Secretary shall design the research program to advance knowledge and understanding of information on the issues described in paragraph (1), such as—

“(A) economic, health, social, cultural, demographic, and other factors that contribute to childhood hunger or food insecurity;

“(B) the geographic distribution of childhood hunger and food insecurity;

“(C) the extent to which—

“(i) existing Federal assistance programs, including the Internal Revenue Code of 1986, reduce childhood hunger and food insecurity; and

“(ii) childhood hunger and food insecurity persist due to—

“(I) gaps in program coverage;

“(II) the inability of potential participants to access programs; or

“(III) the insufficiency of program benefits or services;

“(D) the public health and medical costs of childhood hunger and food insecurity;

“(E) an estimate of the degree to which the Census Bureau measure of food insecurity underestimates childhood hunger and food insecurity because the Census Bureau excludes certain households, such as homeless, or other factors;

“(F) the effects of childhood hunger on child development, well-being, and educational attainment; and

“(G) such other critical outcomes as are determined by the Secretary.

“(5) FUNDING.—

“(A) IN GENERAL.—On October 1, 2012, out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary to carry out

this subsection \$10,000,000, to remain available until expended.

“(B) RECEIPT AND ACCEPTANCE.—The Secretary shall be entitled to receive, shall accept, and shall use to carry out this subsection the funds transferred under subparagraph (A), without further appropriation.

“(b) DEMONSTRATION PROJECTS TO END CHILDHOOD HUNGER.—

“(1) DEFINITIONS.—In this subsection:

“(A) CHILD.—The term ‘child’ means a person under the age of 18.

“(B) SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM.—The term ‘supplemental nutrition assistance program’ means the supplemental nutrition assistance program established under the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.).

“(2) PURPOSE.—Under such terms and conditions as are established by the Secretary, the Secretary shall carry out demonstration projects that test innovative strategies to end childhood hunger, including alternative models for service delivery and benefit levels that promote the reduction or elimination of childhood hunger and food insecurity.

“(3) PROJECTS.—Demonstration projects carried out under this subsection may include projects that—

“(A) enhance benefits provided under the supplemental nutrition assistance program for eligible households with children;

“(B) enhance benefits or provide for innovative program delivery models in the school meals, afterschool snack, and child and adult care food programs under this Act and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.); and

“(C) target Federal, State, or local assistance, including emergency housing or family preservation services, at households with children who are experiencing hunger or food insecurity, to the extent permitted by the legal authority establishing those assistance programs and services.

“(4) GRANTS.—

“(A) DEMONSTRATION PROJECTS.—

“(i) IN GENERAL.—In carrying out this subsection, the Secretary may enter into competitively awarded contracts or cooperative agreements with, or provide grants to, public or private organizations or agencies (as determined by the Secretary), for use in accordance with demonstration projects that meet the purposes of this subsection.

“(ii) REQUIREMENT.—At least 1 demonstration project funded under this subsection shall be carried out on an Indian reservation in a rural area with a service population with a prevalence of diabetes that exceeds 15 percent, as determined by the Director of the Indian Health Service.

“(B) APPLICATION.—To be eligible to receive a contract, cooperative agreement, or grant under this subsection, an organization or agency shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

“(C) SELECTION CRITERIA.—Demonstration projects shall be selected based on publicly disseminated criteria that may include—

“(i) an identification of a low-income target group that reflects individuals experiencing hunger or food insecurity;

“(ii) a commitment to a demonstration project that allows for a rigorous outcome evaluation as described in paragraph (6);

“(iii) a focus on innovative strategies to reduce the risk of childhood hunger or provide a significant improvement to the food security status of households with children; and

“(iv) such other criteria as are determined by the Secretary.

“(5) CONSULTATION.—In determining the range of projects and defining selection criteria under this subsection, the Secretary shall consult with—

“(A) the Secretary of Health and Human Services;

“(B) the Secretary of Labor; and

“(C) the Secretary of Housing and Urban Development.

“(6) EVALUATION AND REPORTING.—

“(A) INDEPENDENT EVALUATION.—The Secretary shall provide for an independent evaluation of each demonstration project carried out under this subsection that—

“(i) measures the impact of each demonstration project on appropriate participation, food security, nutrition, and associated behavioral outcomes among participating households; and

“(ii) uses rigorous experimental designs and methodologies, particularly random assignment or other methods that are capable of producing scientifically valid information regarding which activities are effective in reducing the prevalence or preventing the incidence of food insecurity and hunger in the community, especially among children.

“(B) REPORTING.—Not later than December 31, 2013 and each December 31 thereafter until the date on which the last evaluation under subparagraph (A) is completed, the Secretary shall—

“(i) submit to the Committee on Agriculture and the Committee on Education and Labor of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that includes a description of—

“(I) the status of each demonstration project; and

“(II) the results of any evaluations of the demonstration projects completed during the previous fiscal year; and

“(ii) ensure that the evaluation results are shared broadly to inform policy makers, service providers, other partners, and the public in order to promote the wide use of successful strategies.

“(7) FUNDING.—

“(A) IN GENERAL.—On October 1, 2012, out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary to carry out this subsection \$40,000,000, to remain available until September 30, 2017.

“(B) RECEIPT AND ACCEPTANCE.—The Secretary shall be entitled to receive, shall accept, and shall use to carry out this subsection the funds transferred under subparagraph (A), without further appropriation.

“(C) USE OF FUNDS.—

“(i) IN GENERAL.—Funds made available under subparagraph (A) may be used to carry out this subsection, including to pay Federal costs associated with developing, soliciting, awarding, monitoring, evaluating, and disseminating the results of each demonstration project under this subsection.

“(ii) INDIAN RESERVATIONS.—Of amounts made available under subparagraph (A), the Secretary shall use a portion of the amounts to carry out research relating to hunger, obesity and type 2 diabetes on Indian reservations, including research to determine the manner in which Federal nutrition programs can help to overcome those problems.

“(iii) REPORT.—Not later than 1 year after the date of enactment of this section, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that—

“(I) describes the manner in which Federal nutrition programs can help to overcome

child hunger nutrition problems on Indian reservations; and

“(II) contains proposed administrative and legislative recommendations to strengthen and streamline all relevant Department of Agriculture nutrition programs to reduce childhood hunger, obesity, and type 2 diabetes on Indian reservations.

“(D) LIMITATIONS.—

“(i) DURATION.—No project may be funded under this subsection for more than 5 years.

“(ii) PROJECT REQUIREMENTS.—No project that makes use of, alters, or coordinates with the supplemental nutrition assistance program may be funded under this subsection unless the project is fully consistent with the project requirements described in section 17(b)(1)(B) of the Food and Nutrition Act of 2008 (7 U.S.C. 2026(b)(1)(B)).

“(iii) HUNGER-FREE COMMUNITIES.—No project may be funded under this subsection that receives funding under section 4405 of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 7517).

“(iv) OTHER BENEFITS.—Funds made available under this subsection may not be used for any project in a manner that is inconsistent with—

“(I) this Act;

“(II) the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.);

“(III) the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.); or

“(IV) the Emergency Food Assistance Act of 1983 (7 U.S.C. 7501 et seq.).”

SEC. 142. STATE CHILDHOOD HUNGER CHALLENGE GRANTS.

The Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.) is amended by inserting after section 23 (as added by section 141) the following:

“SEC. 24. STATE CHILDHOOD HUNGER CHALLENGE GRANTS.

“(a) DEFINITIONS.—In this section:

“(1) CHILD.—The term ‘child’ means a person under the age of 18.

“(2) SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM.—The term ‘supplemental nutrition assistance program’ means the supplemental nutrition assistance program established under the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.).

“(b) PURPOSE.—Under such terms and conditions as are established by the Secretary, funds made available under this section may be used to competitively award grants to or enter into cooperative agreements with Governors to carry out comprehensive and innovative strategies to end childhood hunger, including alternative models for service delivery and benefit levels that promote the reduction or elimination of childhood hunger by 2015.

“(c) PROJECTS.—State demonstration projects carried out under this section may include projects that—

“(1) enhance benefits provided under the supplemental nutrition assistance program for eligible households with children;

“(2) enhance benefits or provide for innovative program delivery models in the school meals, afterschool snack, and child and adult care food programs under this Act and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.);

“(3) target Federal, State, or local assistance, including emergency housing, family preservation services, child care, or temporary assistance at households with children who are experiencing hunger or food insecurity, to the extent permitted by the legal authority establishing those assistance programs and services;

“(4) enhance outreach to increase access and participation in Federal nutrition assistance programs; and

“(5) improve the coordination of Federal, State, and community resources and services aimed at preventing food insecurity and hunger, including through the establishment and expansion of State food policy councils.

“(d) GRANTS.—

“(1) IN GENERAL.—In carrying out this section, the Secretary may competitively award grants or enter into competitively awarded cooperative agreements with Governors for use in accordance with demonstration projects that meet the purposes of this section.

“(2) APPLICATION.—To be eligible to receive a grant or cooperative agreement under this section, a Governor shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

“(3) SELECTION CRITERIA.—The Secretary shall evaluate proposals based on publicly disseminated criteria that may include—

“(A) an identification of a low-income target group that reflects individuals experiencing hunger or food insecurity;

“(B) a commitment to approaches that allow for a rigorous outcome evaluation as described in subsection (f);

“(C) a comprehensive and innovative strategy to reduce the risk of childhood hunger or provide a significant improvement to the food security status of households with children; and

“(D) such other criteria as are determined by the Secretary.

“(4) REQUIREMENTS.—Any project funded under this section shall provide for—

“(A) a baseline assessment, and subsequent annual assessments, of the prevalence and severity of very low food security among children in the State, based on a methodology prescribed by the Secretary;

“(B) a collaborative planning process including key stakeholders in the State that results in a comprehensive agenda to eliminate childhood hunger that is—

“(i) described in a detailed project plan; and

“(ii) provided to the Secretary for approval;

“(C) an annual budget;

“(D) specific performance goals, including the goal to sharply reduce or eliminate food insecurity among children in the State by 2015, as determined through a methodology prescribed by the Secretary and carried out by the Governor; and

“(E) an independent outcome evaluation of not less than 1 major strategy of the project that measures—

“(i) the specific impact of the strategy on food insecurity among children in the State; and

“(ii) if applicable, the nutrition assistance participation rate among children in the State.

“(e) CONSULTATION.—In determining the range of projects and defining selection criteria under this section, the Secretary shall consult with—

“(1) the Secretary of Health and Human Services;

“(2) the Secretary of Labor;

“(3) the Secretary of Education; and

“(4) the Secretary of Housing and Urban Development.

“(f) EVALUATION AND REPORTING.—

“(1) GENERAL PERFORMANCE ASSESSMENT.—Each project authorized under this section shall require an independent assessment that—

“(A) measures the impact of any activities carried out under the project on the level of food insecurity in the State that—

“(i) focuses particularly on the level of food insecurity among children in the State; and

“(ii) includes a preimplementation baseline and annual measurements taken during the project of the level of food insecurity in the State; and

“(B) is carried out using a methodology prescribed by the Secretary.

“(2) INDEPENDENT EVALUATION.—Each project authorized under this section shall provide for an independent evaluation of not less than 1 major strategy that—

“(A) measures the impact of the strategy on appropriate participation, food security, nutrition, and associated behavioral outcomes among participating households; and

“(B) uses rigorous experimental designs and methodologies, particularly random assignment or other methods that are capable of producing scientifically valid information regarding which activities are effective in reducing the prevalence or preventing the incidence of food insecurity and hunger in the community, especially among children.

“(3) REPORTING.—Not later than December 31, 2011 and each December 31 thereafter until the date on which the last evaluation under paragraph (1) is completed, the Secretary shall—

“(A) submit to the Committee on Agriculture and the Committee on Education and Labor of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that includes a description of—

“(i) the status of each State demonstration project; and

“(ii) the results of any evaluations of the demonstration projects completed during the previous fiscal year; and

“(B) ensure that the evaluation results are shared broadly to inform policy makers, service providers, other partners, and the public in order to promote the wide use of successful strategies.

“(g) AUTHORIZATION OF APPROPRIATIONS.—

“(1) IN GENERAL.—There are authorized to be appropriated to carry out this section such sums as are necessary for each of fiscal years 2011 through 2014, to remain available until expended.

“(2) USE OF FUNDS.—Funds made available under paragraph (1) may be used to carry out this section, including to pay Federal costs associated with developing, soliciting, awarding, monitoring, evaluating, and disseminating the results of each demonstration project under this section.

“(3) LIMITATIONS.—

“(A) DURATION.—No project may be funded under this section for more than 5 years.

“(B) PERFORMANCE BASIS.—Funds provided under this section shall be made available to each Governor on an annual basis, with the amount of funds provided for each year contingent on the satisfactory implementation of the project plan and progress towards the performance goals defined in the project year plan.

“(C) ALTERING NUTRITION ASSISTANCE PROGRAM REQUIREMENTS.—No project that makes use of, alters, or coordinates with the supplemental nutrition assistance program may be funded under this section unless the project is fully consistent with the project requirements described in section 17(b)(1)(B) of the Food and Nutrition Act of 2008 (7 U.S.C. 2026(b)(1)(B)).

“(D) OTHER BENEFITS.—Funds made available under this section may not be used for

any project in a manner that is inconsistent with—

“(i) this Act;

“(ii) the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.);

“(iii) the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.); or

“(iv) the Emergency Food Assistance Act of 1983 (7 U.S.C. 7501 et seq.).”.

SEC. 143. REVIEW OF LOCAL POLICIES ON MEAL CHARGES AND PROVISION OF ALTERNATE MEALS.

(a) IN GENERAL.—

(1) REVIEW.—The Secretary, in conjunction with States and participating local educational agencies, shall examine the current policies and practices of States and local educational agencies regarding extending credit to children to pay the cost to the children of reimbursable school lunches and breakfasts.

(2) SCOPE.—The examination under paragraph (1) shall include the policies and practices in effect as of the date of enactment of this Act relating to providing to children who are without funds a meal other than the reimbursable meals.

(3) FEASIBILITY.—In carrying out the examination under paragraph (1), the Secretary shall—

(A) prepare a report on the feasibility of establishing national standards for meal charges and the provision of alternate meals; and

(B) provide recommendations for implementing those standards.

(b) FOLLOWUP ACTIONS.—

(1) IN GENERAL.—Based on the findings and recommendations under subsection (a), the Secretary may—

(A) implement standards described in paragraph (3) of that subsection through regulation; and

(B) test recommendations through demonstration projects; or

(C) study further the feasibility of recommendations.

(2) FACTORS FOR CONSIDERATION.—In determining how best to implement recommendations described in subsection (a)(3), the Secretary shall consider such factors as—

(A) the impact of overt identification on children;

(B) the manner in which the affected households will be provided with assistance in establishing eligibility for free or reduced price school meals; and

(C) the potential financial impact on local educational agencies.

TITLE II—REDUCING CHILDHOOD OBESITY AND IMPROVING THE DIETS OF CHILDREN

Subtitle A—National School Lunch Program

SEC. 201. PERFORMANCE-BASED REIMBURSEMENT RATE INCREASES FOR NEW MEAL PATTERNS.

Section 4(b) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1753(b)) is amended by adding at the end the following:

“(3) ADDITIONAL REIMBURSEMENT.—

“(A) REGULATIONS.—

“(i) PROPOSED REGULATIONS.—Notwithstanding section 9(f), not later than 18 months after the date of enactment of this paragraph, the Secretary shall promulgate proposed regulations to update the meal patterns and nutrition standards for the school lunch program authorized under this Act and the school breakfast program established by section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773) based on recommendations made by the Food and Nutrition Board of the National Research Council of the National Academy of Sciences.

“(ii) INTERIM OR FINAL REGULATIONS.—

“(I) IN GENERAL.—Not later than 18 months after promulgation of the proposed regulations under clause (i), the Secretary shall promulgate interim or final regulations.

“(II) DATE OF REQUIRED COMPLIANCE.—The Secretary shall establish in the interim or final regulations a date by which all school food authorities participating in the school lunch program authorized under this Act and the school breakfast program established by section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773) are required to comply with the meal pattern and nutrition standards established in the interim or final regulations.

“(iii) REPORT TO CONGRESS.—Not later than 90 days after the date of enactment of this paragraph, and each 90 days thereafter until the Secretary has promulgated interim or final regulations under clause (ii), the Secretary shall submit to the Committee on Education and Labor of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a quarterly report on progress made toward promulgation of the regulations described in this subparagraph.

“(B) PERFORMANCE-BASED REIMBURSEMENT RATE INCREASE.—Beginning on the later of the date of promulgation of the implementing regulations described in subparagraph (A)(ii), the date of enactment of this paragraph, or October 1, 2012, the Secretary shall provide additional reimbursement for each lunch served in school food authorities determined to be eligible under subparagraph (D).

“(C) ADDITIONAL REIMBURSEMENT.—

“(i) IN GENERAL.—Each lunch served in school food authorities determined to be eligible under subparagraph (D) shall receive an additional 6 cents, adjusted in accordance with section 11(a)(3), to the national lunch average payment for each lunch served.

“(ii) DISBURSEMENT.—The State agency shall disburse funds made available under this paragraph to school food authorities eligible to receive additional reimbursement.

“(D) ELIGIBLE SCHOOL FOOD AUTHORITY.—To be eligible to receive an additional reimbursement described in this paragraph, a school food authority shall be certified by the State to be in compliance with the interim or final regulations described in subparagraph (A)(ii).

“(E) FAILURE TO COMPLY.—Beginning on the later of the date described in subparagraph (A)(ii)(II), the date of enactment of this paragraph, or October 1, 2012, school food authorities found to be out of compliance with the meal patterns or nutrition standards established by the implementing regulations shall not receive the additional reimbursement for each lunch served described in this paragraph.

“(F) ADMINISTRATIVE COSTS.—

“(i) IN GENERAL.—Subject to clauses (ii) and (iii), the Secretary shall make funds available to States for State activities related to training, technical assistance, certification, and oversight activities of this paragraph.

“(ii) PROVISION OF FUNDS.—The Secretary shall provide funds described in clause (i) to States administering a school lunch program in a manner proportional to the administrative expense allocation of each State during the preceding fiscal year.

“(iii) FUNDING.—

“(I) IN GENERAL.—In the later of the fiscal year in which the implementing regulations described in subparagraph (A)(ii) are promulgated or the fiscal year in which this paragraph is enacted, and in the subsequent fiscal year, the Secretary shall use not more

than \$50,000,000 of funds made available under section 3 to make payments to States described in clause (i).

“(II) RESERVATION.—In providing funds to States under clause (i), the Secretary may reserve not more than \$3,000,000 per fiscal year to support Federal administrative activities to carry out this paragraph.”.

SEC. 202. NUTRITION REQUIREMENTS FOR FLUID MILK.

Section 9(a)(2)(A) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1758(a)(2)(A)) is amended by striking clause (i) and inserting the following:

“(i) shall offer students a variety of fluid milk. Such milk shall be consistent with the most recent Dietary Guidelines for Americans published under section 301 of the National Nutrition Monitoring and Related Research Act of 1990 (7 U.S.C. 5341);”.

SEC. 203. WATER.

Section 9(a) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1758(a)) is amended by adding at the end the following:

“(5) WATER.—Schools participating in the school lunch program under this Act shall make available to children free of charge, as nutritionally appropriate, potable water for consumption in the place where meals are served during meal service.”.

SEC. 204. LOCAL SCHOOL WELLNESS POLICY IMPLEMENTATION.

(a) IN GENERAL.—The Richard B. Russell National School Lunch Act is amended by inserting after section 9 (42 U.S.C. 1758) the following:

“SEC. 9A. LOCAL SCHOOL WELLNESS POLICY.

“(a) IN GENERAL.—Each local educational agency participating in a program authorized by this Act or the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.) shall establish a local school wellness policy for all schools under the jurisdiction of the local educational agency.

“(b) GUIDELINES.—The Secretary shall promulgate regulations that provide the framework and guidelines for local educational agencies to establish local school wellness policies, including, at a minimum,—

“(1) goals for nutrition promotion and education, physical activity, and other school-based activities that promote student wellness;

“(2) for all foods available on each school campus under the jurisdiction of the local educational agency during the school day, nutrition guidelines that—

“(A) are consistent with sections 9 and 17 of this Act, and sections 4 and 10 of the Child Nutrition Act of 1966 (42 U.S.C. 1773, 1779); and

“(B) promote student health and reduce childhood obesity;

“(3) a requirement that the local educational agency permit parents, students, representatives of the school food authority, teachers of physical education, school health professionals, the school board, school administrators, and the general public to participate in the development, implementation, and periodic review and update of the local school wellness policy;

“(4) a requirement that the local educational agency inform and update the public (including parents, students, and others in the community) about the content and implementation of the local school wellness policy; and

“(5) a requirement that the local educational agency—

“(A) periodically measure and make available to the public an assessment on the implementation of the local school wellness policy, including—

“(i) the extent to which schools under the jurisdiction of the local educational agency are in compliance with the local school wellness policy;

“(ii) the extent to which the local school wellness policy of the local educational agency compares to model local school wellness policies; and

“(iii) a description of the progress made in attaining the goals of the local school wellness policy; and

“(B) designate 1 or more local educational agency officials or school officials, as appropriate, to ensure that each school complies with the local school wellness policy.

“(c) LOCAL DISCRETION.—The local educational agency shall use the guidelines promulgated by the Secretary under subsection (b) to determine specific policies appropriate for the schools under the jurisdiction of the local educational agency.

“(d) TECHNICAL ASSISTANCE AND BEST PRACTICES.—

“(1) IN GENERAL.—The Secretary, in consultation with the Secretary of Education and the Secretary of Health and Human Services, acting through the Centers for Disease Control and Prevention, shall provide information and technical assistance to local educational agencies, school food authorities, and State educational agencies for use in establishing healthy school environments that are intended to promote student health and wellness.

“(2) CONTENT.—The Secretary shall provide technical assistance that—

“(A) includes resources and training on designing, implementing, promoting, disseminating, and evaluating local school wellness policies and overcoming barriers to the adoption of local school wellness policies;

“(B) includes model local school wellness policies and best practices recommended by Federal agencies, State agencies, and non-governmental organizations;

“(C) includes such other technical assistance as is required to promote sound nutrition and establish healthy school nutrition environments; and

“(D) is consistent with the specific needs and requirements of local educational agencies.

“(3) STUDY AND REPORT.—

“(A) IN GENERAL.—Subject to the availability of appropriations, the Secretary, in conjunction with the Director of the Centers for Disease Control and Prevention, shall prepare a report on the implementation, strength, and effectiveness of the local school wellness policies carried out in accordance with this section.

“(B) STUDY OF LOCAL SCHOOL WELLNESS POLICIES.—The study described in subparagraph (A) shall include—

“(i) an analysis of the strength and weaknesses of local school wellness policies and how the policies compare with model local wellness policies recommended under paragraph (2)(B); and

“(ii) an assessment of the impact of the local school wellness policies in addressing the requirements of subsection (b).

“(C) REPORT.—Not later than January 1, 2014, the Secretary shall submit to the Committee on Education and Labor of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that describes the findings of the study.

“(D) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this paragraph \$3,000,000 for fiscal year 2011, to remain available until expended.”.

(b) REPEAL.—Section 204 of the Child Nutrition and WIC Reauthorization Act of 2004 (42 U.S.C. 1751 note; Public Law 108-265) is repealed.

SEC. 205. EQUITY IN SCHOOL LUNCH PRICING.

Section 12 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1760) is amended by adding at the end the following:

“(p) PRICE FOR A PAID LUNCH.—

“(1) DEFINITION OF PAID LUNCH.—In this subsection, the term ‘paid lunch’ means a reimbursable lunch served to students who are not certified to receive free or reduced price meals.

“(2) REQUIREMENT.—

“(A) IN GENERAL.—For each school year beginning July 1, 2011, each school food authority shall establish a price for paid lunches in accordance with this subsection.

“(B) LOWER PRICE.—

“(i) IN GENERAL.—In the case of a school food authority that established a price for a paid lunch in the previous school year that was less than the difference between the total Federal reimbursement for a free lunch and the total Federal reimbursement for a paid lunch, the school food authority shall establish an average price for a paid lunch that is not less than the price charged in the previous school year, as adjusted by a percentage equal to the sum obtained by adding—

“(I) 2 percent; and

“(II) the percentage change in the Consumer Price Index for All Urban Consumers (food away from home index) used to increase the Federal reimbursement rate under section 11 for the most recent school year for which data are available, as published in the Federal Register.

“(ii) ROUNDING.—A school food authority may round the adjusted price for a paid lunch under clause (i) down to the nearest 5 cents.

“(iii) MAXIMUM REQUIRED PRICE INCREASE.—

“(I) IN GENERAL.—The maximum annual average price increase required to meet the requirements of this subparagraph shall not exceed 10 cents for any school food authority.

“(II) DISCRETIONARY INCREASE.—A school food authority may increase the average price for a paid lunch for a school year by more than 10 cents.

“(C) EQUAL OR GREATER PRICE.—

“(i) IN GENERAL.—In the case of a school food authority that established an average price for a paid lunch in the previous school year that was equal to or greater than the difference between the total Federal reimbursement for a free lunch and the total Federal reimbursement for a paid lunch, the school food authority shall establish an average price for a paid lunch that is not less than the difference between the total Federal reimbursement for a free lunch and the total Federal reimbursement for a paid lunch.

“(ii) ROUNDING.—A school food authority may round the adjusted price for a paid lunch under clause (i) down to the nearest 5 cents.

“(3) EXCEPTIONS.—

“(A) REDUCTION IN PRICE.—A school food authority may reduce the average price of a paid lunch established under this subsection if the State agency ensures that funding from non-Federal sources (other than in-kind contributions) is added to the nonprofit school food service account of the school food authority in an amount estimated to be equal to at least the difference between—

“(i) the average price required of the school food authority for the paid lunches under paragraph (2); and

“(ii) the average price charged by the school food authority for the paid lunches.

“(B) NON-FEDERAL SOURCES.—For the purposes of subparagraph (A), non-Federal sources does not include revenue from the sale of foods sold in competition with meals served under the school lunch program authorized under this Act or the school breakfast program established by section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773).

“(C) OTHER PROGRAMS.—This subsection shall not apply to lunches provided under section 17 of this Act.

“(4) REGULATIONS.—The Secretary shall establish procedures to carry out this subsection, including collecting and publishing the prices that school food authorities charge for paid meals on an annual basis and procedures that allow school food authorities to average the pricing of paid lunches at schools throughout the jurisdiction of the school food authority.”.

SEC. 206. REVENUE FROM NONPROGRAM FOODS SOLD IN SCHOOLS.

Section 12 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1760) (as amended by section 205) is amended by adding at the end the following:

“(q) NONPROGRAM FOOD SALES.—

“(1) DEFINITION OF NONPROGRAM FOOD.—In this subsection:

“(A) IN GENERAL.—The term ‘nonprogram food’ means food that is—

“(i) sold in a participating school other than a reimbursable meal provided under this Act or the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.); and

“(ii) purchased using funds from the non-profit school food service account of the school food authority of the school.

“(B) INCLUSION.—The term ‘nonprogram food’ includes food that is sold in competition with a program established under this Act or the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.).

“(2) REVENUES.—

“(A) IN GENERAL.—The proportion of total school food service revenue provided by the sale of nonprogram foods to the total revenue of the school food service account shall be equal to or greater than the proportion of total food costs associated with obtaining nonprogram foods to the total costs associated with obtaining program and nonprogram foods from the account.

“(B) ACCRUAL.—All revenue from the sale of nonprogram foods shall accrue to the non-profit school food service account of a participating school food authority.

“(C) EFFECTIVE DATE.—This subsection shall be effective beginning on July 1, 2011.”.

SEC. 207. REPORTING AND NOTIFICATION OF SCHOOL PERFORMANCE.

Section 22 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769c) is amended—

(1) by striking subsection (a) and inserting the following:

“(a) UNIFIED ACCOUNTABILITY SYSTEM.—

“(1) IN GENERAL.—There shall be a unified system prescribed and administered by the Secretary to ensure that local food service authorities participating in the school lunch program established under this Act and the school breakfast program established by section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773) comply with those Acts, including compliance with—

“(A) the nutritional requirements of section 9(f) of this Act for school lunches; and

“(B) as applicable, the nutritional requirements for school breakfasts under section 4(e)(1) of the Child Nutrition Act of 1966 (42 U.S.C. 1773(e)(1)).”;

(2) in subsection (b)(1), by striking subparagraphs (A) and (B) and inserting the following:

“(A) require that local food service authorities comply with the nutritional requirements described in subparagraphs (A) and (B) of paragraph (1);

“(B) to the maximum extent practicable, ensure compliance through reasonable audits and supervisory assistance reviews;

“(C) in conducting audits and reviews for the purpose of determining compliance with this Act, including the nutritional requirements of section 9(f)—

“(i) conduct audits and reviews during a 3-year cycle or other period prescribed by the Secretary;

“(ii) select schools for review in each local educational agency using criteria established by the Secretary;

“(iii) report the final results of the reviews to the public in the State in an accessible, easily understood manner in accordance with guidelines promulgated by the Secretary; and

“(iv) submit to the Secretary each year a report containing the results of the reviews in accordance with procedures developed by the Secretary; and

“(D) when any local food service authority is reviewed under this section, ensure that the final results of the review by the State educational agency are posted and otherwise made available to the public on request in an accessible, easily understood manner in accordance with guidelines promulgated by the Secretary.”.

SEC. 208. NUTRITION STANDARDS FOR ALL FOODS SOLD IN SCHOOL.

Section 10 of the Child Nutrition Act of 1966 (42 U.S.C. 1779) is amended—

(1) by striking the section heading and all that follows through “(a) The Secretary” and inserting the following:

“SEC. 10. REGULATIONS.

“(a) IN GENERAL.—The Secretary”; and

(2) by striking subsection (b) and inserting the following:

“(b) NATIONAL SCHOOL NUTRITION STANDARDS.—

“(1) PROPOSED REGULATIONS.—

“(A) IN GENERAL.—The Secretary shall—

“(i) establish science-based nutrition standards for foods sold in schools other than foods provided under this Act and the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.); and

“(ii) not later than 1 year after the date of enactment of this paragraph, promulgate proposed regulations to carry out clause (i).

“(B) APPLICATION.—The nutrition standards shall apply to all foods sold—

“(i) outside the school meal programs;

“(ii) on the school campus; and

“(iii) at any time during the school day.

“(C) REQUIREMENTS.—In establishing nutrition standards under this paragraph, the Secretary shall—

“(i) establish standards that are consistent with the most recent Dietary Guidelines for Americans published under section 301 of the National Nutrition Monitoring and Related Research Act of 1990 (7 U.S.C. 5341), including the food groups to encourage and nutrients of concern identified in the Dietary Guidelines; and

“(ii) consider—

“(I) authoritative scientific recommendations for nutrition standards;

“(II) existing school nutrition standards, including voluntary standards for beverages and snack foods and State and local standards;

“(III) the practical application of the nutrition standards; and

“(IV) special exemptions for school-sponsored fundraisers (other than fundraising through vending machines, school stores, snack bars, a la carte sales, and any other exclusions determined by the Secretary), if the fundraisers are approved by the school and are infrequent within the school.

“(D) UPDATING STANDARDS.—As soon as practicable after the date of publication by the Department of Agriculture and the Department of Health and Human Services of a new edition of the Dietary Guidelines for Americans under section 301 of the National Nutrition Monitoring and Related Research Act of 1990 (7 U.S.C. 5341), the Secretary shall review and update as necessary the school nutrition standards and requirements established under this subsection.

“(2) IMPLEMENTATION.—

“(A) EFFECTIVE DATE.—The interim or final regulations under this subsection shall take effect at the beginning of the school year that is not earlier than 1 year and not later than 2 years following the date on which the regulations are finalized.

“(B) REPORTING.—The Secretary shall submit to the Committee on Agriculture, Nutrition, and Forestry of the Senate and the Committee on Education and Labor of the House of Representatives a quarterly report that describes progress made toward promulgating final regulations under this subsection.”.

SEC. 209. INFORMATION FOR THE PUBLIC ON THE SCHOOL NUTRITION ENVIRONMENT.

Section 9 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1758) is amended by adding at the end the following:

“(k) INFORMATION ON THE SCHOOL NUTRITION ENVIRONMENT.—

“(1) IN GENERAL.—The Secretary shall—

“(A) establish requirements for local educational agencies participating in the school lunch program under this Act and the school breakfast program established by section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773) to report information about the school nutrition environment, for all schools under the jurisdiction of the local educational agencies, to the Secretary and to the public in the State on a periodic basis; and

“(B) provide training and technical assistance to States and local educational agencies on the assessment and reporting of the school nutrition environment, including the use of any assessment materials developed by the Secretary.

“(2) REQUIREMENTS.—In establishing the requirements for reporting on the school nutrition environment under paragraph (1), the Secretary shall—

“(A) include information pertaining to food safety inspections, local wellness policies, meal program participation, the nutritional quality of program meals, and other information as determined by the Secretary; and

“(B) ensure that information is made available to the public by local educational agencies in an accessible, easily understood manner in accordance with guidelines established by the Secretary.

“(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection such sums as are necessary for each of fiscal years 2011 through 2015.”.

SEC. 210. ORGANIC FOOD PILOT PROGRAM.

Section 18 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769) is amended by adding at the end the following:

“(j) ORGANIC FOOD PILOT PROGRAM.—

“(1) ESTABLISHMENT.—The Secretary shall establish an organic food pilot program (referred to in this subsection as the ‘pilot program’) under which the Secretary shall provide grants on a competitive basis to school food authorities selected under paragraph (3).

“(2) USE OF FUNDS.—

“(A) IN GENERAL.—The Secretary shall use funds provided under this section—

“(i) to enter into competitively awarded contracts or cooperative agreements with school food authorities selected under paragraph (3); or

“(ii) to make grants to school food authority applicants selected under paragraph (3).

“(B) SCHOOL FOOD AUTHORITY USES OF FUNDS.—A school food authority that receives a grant under this section shall use the grant funds to establish a pilot program that increases the quantity of organic foods provided to schoolchildren under the school lunch program established under this Act.

“(3) APPLICATION.—

“(A) IN GENERAL.—A school food authority seeking a contract, grant, or cooperative agreement under this subsection shall submit to the Secretary an application in such form, containing such information, and at such time as the Secretary shall prescribe.

“(B) CRITERIA.—In selecting contract, grant, or cooperative agreement recipients, the Secretary shall consider—

“(i) the poverty line (as defined in section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2), including any revision required by that section)) applicable to a family of the size involved of the households in the district served by the school food authority, giving preference to school food authority applicants in which not less than 50 percent of the households in the district are at or below the Federal poverty line;

“(ii) the commitment of each school food authority applicant—

“(I) to improve the nutritional value of school meals;

“(II) to carry out innovative programs that improve the health and wellness of schoolchildren; and

“(III) to evaluate the outcome of the pilot program; and

“(iii) any other criteria the Secretary determines to be appropriate.

“(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection \$10,000,000 for fiscal years 2011 through 2015.”.

Subtitle B—Child and Adult Care Food Program

SEC. 221. NUTRITION AND WELLNESS GOALS FOR MEALS SERVED THROUGH THE CHILD AND ADULT CARE FOOD PROGRAM.

Section 17 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1766) is amended—

(1) in subsection (a), by striking “(a) GRANT AUTHORITY” and all that follows through the end of paragraph (1) and inserting the following:

“(a) PROGRAM PURPOSE, GRANT AUTHORITY AND INSTITUTION ELIGIBILITY.—

“(1) IN GENERAL.—

“(A) PROGRAM PURPOSE.—

“(i) FINDINGS.—Congress finds that—

“(i) eating habits and other wellness-related behavior habits are established early in life; and

“(II) good nutrition and wellness are important contributors to the overall health of young children and essential to cognitive development.

“(ii) PURPOSE.—The purpose of the program authorized by this section is to provide aid to child and adult care institutions and family or group day care homes for the provision of nutritious foods that contribute to the wellness, healthy growth, and development of young children, and the health and wellness of older adults and chronically impaired disabled persons.

“(B) GRANT AUTHORITY.—The Secretary may carry out a program to assist States through grants-in-aid and other means to initiate and maintain nonprofit food service programs for children in institutions providing child care.”;

(2) by striking subsection (g) and inserting the following:

“(g) NUTRITIONAL REQUIREMENTS FOR MEALS AND SNACKS SERVED IN INSTITUTIONS AND FAMILY OR GROUP DAY CARE HOMES.—

“(1) DEFINITION OF DIETARY GUIDELINES.—In this subsection, the term ‘Dietary Guidelines’ means the Dietary Guidelines for Americans published under section 301 of the National Nutrition Monitoring and Related Research Act of 1990 (7 U.S.C. 5341).

“(2) NUTRITIONAL REQUIREMENTS.—

“(A) IN GENERAL.—Except as provided in subparagraph (C), reimbursable meals and snacks served by institutions, family or group day care homes, and sponsored centers participating in the program under this section shall consist of a combination of foods that meet minimum nutritional requirements prescribed by the Secretary on the basis of tested nutritional research.

“(B) CONFORMITY WITH THE DIETARY GUIDELINES AND AUTHORITATIVE SCIENCE.—

“(i) IN GENERAL.—Not less frequently than once every 10 years, the Secretary shall review and, as appropriate, update requirements for meals served under the program under this section to ensure that the meals—

“(I) are consistent with the goals of the most recent Dietary Guidelines; and

“(II) promote the health of the population served by the program authorized under this section, as indicated by the most recent relevant nutrition science and appropriate authoritative scientific agency and organization recommendations.

“(ii) COST REVIEW.—The review required under clause (i) shall include a review of the cost to child care centers and group or family day care homes resulting from updated requirements for meals and snacks served under the program under this section.

“(iii) REGULATIONS.—Not later than 18 months after the completion of the review of the meal pattern under clause (i), the Secretary shall promulgate proposed regulations to update the meal patterns for meals and snacks served under the program under this section.

“(C) EXCEPTIONS.—

“(i) SPECIAL DIETARY NEEDS.—The minimum nutritional requirements prescribed under subparagraph (A) shall not prohibit institutions, family or group day care homes, and sponsored centers from substituting foods to accommodate the medical or other special dietary needs of individual participants.

“(ii) EXEMPT INSTITUTIONS.—The Secretary may elect to waive all or part of the requirements of this subsection for emergency shelters participating in the program under this section.

“(3) MEAL SERVICE.—Institutions, family or group day care homes, and sponsored centers shall ensure that reimbursable meal service contributes to the development and socialization of enrolled children by providing that food is not used as a punishment or reward.

“(4) FLUID MILK.—

“(A) IN GENERAL.—If an institution, family or group day care home, or sponsored center provides fluid milk as part of a reimbursable meal or supplement, the institution, family or group day care home, or sponsored center shall provide the milk in accordance with the most recent version of the Dietary Guidelines.

“(B) MILK SUBSTITUTES.—In the case of children who cannot consume fluid milk due to medical or other special dietary needs other than a disability, an institution, family or group day care home, or sponsored center may substitute for the fluid milk required in meals served, a nondairy beverage that—

“(i) is nutritionally equivalent to fluid milk; and

“(ii) meets nutritional standards established by the Secretary, including, among other requirements established by the Secretary, fortification of calcium, protein, vitamin A, and vitamin D to levels found in cow’s milk.

“(C) APPROVAL.—

“(i) IN GENERAL.—A substitution authorized under subparagraph (B) may be made—

“(I) at the discretion of and on approval by the participating day care institution; and

“(II) if the substitution is requested by written statement of a medical authority, or by the parent or legal guardian of the child, that identifies the medical or other special dietary need that restricts the diet of the child.

“(ii) EXCEPTION.—An institution, family or group day care home, or sponsored center that elects to make a substitution authorized under this paragraph shall not be required to provide beverages other than beverages the State has identified as acceptable substitutes.

“(D) EXCESS EXPENSES BORNE BY INSTITUTION.—A participating institution, family or group day care home, or sponsored center shall be responsible for any expenses that—

“(i) are incurred by the institution, family or group day care home, or sponsored center to provide substitutions under this paragraph; and

“(ii) are in excess of expenses covered under reimbursements under this Act.

“(5) NONDISCRIMINATION POLICY.—No physical segregation or other discrimination against any person shall be made because of the inability of the person to pay, nor shall there be any overt identification of any such person by special tokens or tickets, different meals or meal service, announced or published lists of names, or other means.

“(6) USE OF ABUNDANT AND DONATED FOODS.—To the maximum extent practicable, each institution shall use in its food service foods that are—

“(A) designated from time to time by the Secretary as being in abundance, either nationally or in the food service area; or

“(B) donated by the Secretary.”;

(3) by adding at the end the following:

“(u) PROMOTING HEALTH AND WELLNESS IN CHILD CARE.—

“(1) PHYSICAL ACTIVITY AND ELECTRONIC MEDIA USE.—The Secretary shall encourage participating child care centers and family or group day care homes—

“(A) to provide to all children under the supervision of the participating child care centers and family or group day care homes daily opportunities for structured and unstructured age-appropriate physical activity; and

“(B) to limit among children under the supervision of the participating child care centers and family or group day care homes the

use of electronic media to an appropriate level.

“(2) WATER CONSUMPTION.—Participating child care centers and family or group day care homes shall make available to children, as nutritionally appropriate, potable water as an acceptable fluid for consumption throughout the day, including at meal times.

“(3) TECHNICAL ASSISTANCE AND GUIDANCE.—

“(A) IN GENERAL.—The Secretary shall provide technical assistance to institutions participating in the program under this section to assist participating child care centers and family or group day care homes in complying with the nutritional requirements and wellness recommendations prescribed by the Secretary in accordance with this subsection and subsection (g).

“(B) GUIDANCE.—Not later than January 1, 2012, the Secretary shall issue guidance to States and institutions to encourage participating child care centers and family or group day care homes serving meals and snacks under this section to—

“(i) include foods that are recommended for increased serving consumption in amounts recommended by the most recent Dietary Guidelines for Americans published under section 301 of the National Nutrition Monitoring and Related Research Act of 1990 (7 U.S.C. 5341), including fresh, canned, dried, or frozen fruits and vegetables, whole grain products, lean meat products, and low-fat and non-fat dairy products; and

“(ii) reduce sedentary activities and provide opportunities for regular physical activity in quantities recommended by the most recent Dietary Guidelines for Americans described in clause (i).

“(C) NUTRITION.—Technical assistance relating to the nutritional requirements of this subsection and subsection (g) shall include—

“(i) nutrition education, including education that emphasizes the relationship between nutrition, physical activity, and health;

“(ii) menu planning;

“(iii) interpretation of nutrition labels; and

“(iv) food preparation and purchasing guidance to produce meals and snacks that are—

“(I) consistent with the goals of the most recent Dietary Guidelines; and

“(II) promote the health of the population served by the program under this section, as recommended by authoritative scientific organizations.

“(D) PHYSICAL ACTIVITY.—Technical assistance relating to the physical activity requirements of this subsection shall include—

“(i) education on the importance of regular physical activity to overall health and well being; and

“(ii) sharing of best practices for physical activity plans in child care centers and homes as recommended by authoritative scientific organizations.

“(E) ELECTRONIC MEDIA USE.—Technical assistance relating to the electronic media use requirements of this subsection shall include—

“(i) education on the benefits of limiting exposure to electronic media by children; and

“(ii) sharing of best practices for the development of daily activity plans that limit use of electronic media.

“(F) MINIMUM ASSISTANCE.—At a minimum, the technical assistance required under this paragraph shall include a handbook, developed by the Secretary in coordination with the Secretary for Health and Human Services, that includes recommendations, guide-

lines, and best practices for participating institutions and family or group day care homes that are consistent with the nutrition, physical activity, and wellness requirements and recommendations of this subsection.

“(G) ADDITIONAL ASSISTANCE.—In addition to the requirements of this paragraph, the Secretary shall develop and provide such appropriate training and education materials, guidance, and technical assistance as the Secretary considers to be necessary to comply with the nutritional and wellness requirements of this subsection and subsection (g).

“(H) FUNDING.—

“(i) IN GENERAL.—On October 1, 2010, out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary to provide technical assistance under this subsection \$10,000,000, to remain available until expended.

“(ii) RECEIPT AND ACCEPTANCE.—The Secretary shall be entitled to receive, shall accept, and shall use to carry out this subsection the funds transferred under clause (i), without further appropriation.”

SEC. 222. INTERAGENCY COORDINATION TO PROMOTE HEALTH AND WELLNESS IN CHILD CARE LICENSING.

The Secretary shall coordinate with the Secretary of Health and Human Services to encourage State licensing agencies to include nutrition and wellness standards within State licensing standards that ensure, to the maximum extent practicable, that licensed child care centers and family or group day care homes—

(1) provide to all children under the supervision of the child care centers and family or group day care homes daily opportunities for age-appropriate physical activity;

(2) limit among children under the supervision of the child care centers and family or group day care homes the use of electronic media and the quantity of time spent in sedentary activity to an appropriate level;

(3) serve meals and snacks that are consistent with the requirements of the child and adult care food program established under section 17 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1766); and

(4) promote such other nutrition and wellness goals as the Secretaries determine to be necessary.

SEC. 223. STUDY ON NUTRITION AND WELLNESS QUALITY OF CHILD CARE SETTINGS.

(a) IN GENERAL.—Not less than 3 years after the date of enactment of this Act, the Secretary, in consultation with the Secretary of Health and Human Services, shall enter into a contract for the conduct of a nationally representative study of child care centers and family or group day care homes that includes an assessment of—

(1) the nutritional quality of all foods provided to children in child care settings as compared to the recommendations in most recent Dietary Guidelines for Americans published under section 301 of the National Nutrition Monitoring and Related Research Act of 1990 (7 U.S.C. 5341);

(2) the quantity and type of opportunities for physical activity provided to children in child care settings;

(3) the quantity of time spent by children in child care settings in sedentary activities;

(4) an assessment of barriers and facilitators to—

(A) providing foods to children in child care settings that meet the recommendations of the most recent Dietary Guidelines

for Americans published under section 301 of the National Nutrition Monitoring and Related Research Act of 1990 (7 U.S.C. 5341);

(B) providing the appropriate quantity and type of opportunities of physical activity for children in child care settings; and

(C) participation by child care centers and family or group day care homes in the child and adult care food program established under section 17 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1766); and

(5) such other assessment measures as the Secretary may determine to be necessary.

(b) REPORT TO CONGRESS.—The Secretary shall submit to Congress a report that includes a detailed description of the results of the study conducted under subsection (a).

(c) FUNDING.—

(1) IN GENERAL.—On October 1, 2010, out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary to carry out this section \$5,000,000, to remain available until expended.

(2) RECEIPT AND ACCEPTANCE.—The Secretary shall be entitled to receive, shall accept, and shall use to carry out this section the funds transferred under paragraph (1), without further appropriation.

Subtitle C—Special Supplemental Nutrition Program for Women, Infants, and Children

SEC. 231. SUPPORT FOR BREASTFEEDING IN THE WIC PROGRAM.

Section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786) is amended—

(1) in subsection (a), in the second sentence, by striking “supplemental foods and nutrition education through any eligible local agency” and inserting “supplemental foods and nutrition education, including breastfeeding promotion and support, through any eligible local agency”;

(2) in subsection (b)(4), by inserting “breastfeeding support and promotion,” after “nutrition education.”;

(3) in subsection (c)(1), in the first sentence, by striking “supplemental foods and nutrition education to” and inserting “supplemental foods, nutrition education, and breastfeeding support and promotion to”;

(4) in subsection (e)(2), in the second sentence, by inserting “, including breastfeeding support and education,” after “nutrition education”;

(5) in subsection (f)(6)(B), in the first sentence, by inserting “and breastfeeding” after “nutrition education”;

(6) in subsection (h)—

(A) in paragraph (4)—

(i) by striking “(4) The Secretary” and all that follows through “(A) in consultation” and inserting the following:

“(4) REQUIREMENTS.—

“(A) IN GENERAL.—The Secretary shall—

“(i) in consultation”;

(ii) by redesignating subparagraphs (B) through (F) as clauses (ii) through (vi), respectively, and indenting appropriately;

(iii) in clause (v) (as so redesignated), by striking “and” at the end;

(iv) in clause (vi) (as so redesignated), by striking “2010 initiative.” and inserting “initiative; and”;

(v) by adding at the end the following:

“(vii) annually compile and publish breastfeeding performance measurements based on program participant data on the number of partially and fully breast-fed infants, including breastfeeding performance measurements for—

“(I) each State agency; and

“(II) each local agency;

“(viii) in accordance with subparagraph (B), implement a program to recognize exemplary breastfeeding support practices at local agencies or clinics participating in the special supplemental nutrition program established under this section; and

“(ix) in accordance with subparagraph (C), implement a program to provide performance bonuses to State agencies.

“(B) EXEMPLARY BREASTFEEDING SUPPORT PRACTICES.—

“(i) IN GENERAL.—In evaluating exemplary practices under subparagraph (A)(viii), the Secretary shall consider—

“(I) performance measurements of breastfeeding;

“(II) the effectiveness of a peer counselor program;

“(III) the extent to which the agency or clinic has partnered with other entities to build a supportive breastfeeding environment for women participating in the program; and

“(IV) such other criteria as the Secretary considers appropriate after consultation with State and local program agencies.

“(ii) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out the activities described in clause (viii) of subparagraph (A) such sums as are necessary.

“(C) PERFORMANCE BONUSES.—

“(i) IN GENERAL.—Following the publication of breastfeeding performance measurements under subparagraph (A)(vii), the Secretary shall provide performance bonus payments to not more than 15 State agencies that demonstrate, as compared to other State agencies participating in the program—

“(I) the highest proportion of breast-fed infants; or

“(II) the greatest improvement in proportion of breast-fed infants.

“(ii) CONSIDERATION.—In providing performance bonus payments to State agencies under this subparagraph, the Secretary shall consider the proportion of fully breast-fed infants in the States.

“(iii) USE OF FUNDS.—A State agency that receives a performance bonus under clause (i)—

“(I) shall treat the funds as program income; and

“(II) may transfer the funds to local agencies for use in carrying out the program.

“(iv) IMPLEMENTATION.—The Secretary shall provide the first performance bonuses not later than 1 year after the date of enactment of this clause and may subsequently revise the criteria for awarding performance bonuses; and”;

(B) by striking paragraph (10) and inserting the following:

“(10) FUNDS FOR INFRASTRUCTURE, MANAGEMENT INFORMATION SYSTEMS, AND SPECIAL NUTRITION EDUCATION.—

“(A) IN GENERAL.—For each of fiscal years 2010 through 2015, the Secretary shall use for the purposes specified in subparagraph (B) \$139,000,000 (as adjusted annually for inflation by the same factor used to determine the national average per participant grant for nutrition services and administration for the fiscal year under paragraph (1)(B)).

“(B) PURPOSES.—Subject to subparagraph (C), of the amount made available under subparagraph (A) for a fiscal year—

“(i) \$14,000,000 shall be used for—

“(I) infrastructure for the program under this section;

“(II) special projects to promote breastfeeding, including projects to assess the effectiveness of particular breastfeeding promotion strategies; and

“(III) special State projects of regional or national significance to improve the services of the program;

“(ii) \$35,000,000 shall be used to establish, improve, or administer management information systems for the program, including changes necessary to meet new legislative or regulatory requirements of the program, of which up to \$5,000,000 may be used for Federal administrative costs; and

“(iii) \$90,000,000 shall be used for special nutrition education (such as breastfeeding peer counselors and other related activities), of which not more than \$10,000,000 of any funding provided in excess of \$50,000,000 shall be used to make performance bonus payments under paragraph (4)(C).

“(C) ADJUSTMENT.—Each of the amounts referred to in clauses (i), (ii), and (iii) of subparagraph (B) shall be adjusted annually for inflation by the same factor used to determine the national average per participant grant for nutrition services and administration for the fiscal year under paragraph (1)(B).

“(D) PROPORTIONAL DISTRIBUTION.—The Secretary shall distribute funds made available under subparagraph (A) in accordance with the proportional distribution described in subparagraphs (B) and (C).”; and

(7) in subsection (j), by striking “supplemental foods and nutrition education” each place it appears in paragraphs (1) and (2) and inserting “supplemental foods, nutrition education, and breastfeeding support and promotion”.

SEC. 232. REVIEW OF AVAILABLE SUPPLEMENTAL FOODS.

Section 17(f)(11)(D) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(f)(11)(D)) is amended in the matter preceding clause (i) by inserting “but not less than every 10 years,” after “scientific knowledge.”.

Subtitle D—Miscellaneous

SEC. 241. NUTRITION EDUCATION AND OBESITY PREVENTION GRANT PROGRAM.

(a) IN GENERAL.—The Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.) is amended by adding at the end the following:

“SEC. 28. NUTRITION EDUCATION AND OBESITY PREVENTION GRANT PROGRAM.

“(a) DEFINITION OF ELIGIBLE INDIVIDUAL.—In this section, the term ‘eligible individual’ means an individual who is eligible to receive benefits under a nutrition education and obesity prevention program under this section as a result of being—

“(1) an individual eligible for benefits under—

“(A) this Act;

“(B) sections 9(b)(1)(A) and 17(c)(4) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1758(b)(1)(A), 1766(c)(4)); or

“(C) section 4(e)(1)(A) of the Child Nutrition Act of 1966 (42 U.S.C. 1773(e)(1)(A));

“(2) an individual who resides in a community with a significant low-income population, as determined by the Secretary; or

“(3) such other low-income individual as is determined to be eligible by the Secretary.

“(b) PROGRAMS.—Consistent with the terms and conditions of grants awarded under this section, State agencies may implement a nutrition education and obesity prevention program for eligible individuals that promotes healthy food choices consistent with the most recent Dietary Guidelines for Americans published under section 301 of the National Nutrition Monitoring and Related Research Act of 1990 (7 U.S.C. 5341).

“(c) DELIVERY OF NUTRITION EDUCATION AND OBESITY PREVENTION SERVICES.—

“(1) IN GENERAL.—State agencies may deliver nutrition education and obesity preven-

tion services under a program described in subsection (b)—

“(A) directly to eligible individuals; or

“(B) through agreements with other State or local agencies or community organizations.

“(2) NUTRITION EDUCATION STATE PLANS.—

“(A) IN GENERAL.—A State agency that elects to provide nutrition education and obesity prevention services under this subsection shall submit to the Secretary for approval a nutrition education State plan.

“(B) REQUIREMENTS.—Except as provided in subparagraph (C), a nutrition education State plan shall—

“(i) identify the uses of the funding for local projects;

“(ii) ensure that the interventions are appropriate for eligible individuals who are members of low-income populations by recognizing the constrained resources, and the potential eligibility for Federal food assistance programs, of members of those populations; and

“(iii) conform to standards established by the Secretary through regulations, guidance, or grant award documents.

“(C) TRANSITION PERIOD.—During each of fiscal years 2011 and 2012, a nutrition education State plan under this section shall be consistent with the requirements of section 11(f) (as that section, other than paragraph (3)(C), existed on the day before the date of enactment of this section).

“(3) USE OF FUNDS.—

“(A) IN GENERAL.—A State agency may use funds provided under this section for any evidence-based allowable use of funds identified by the Administrator of the Food and Nutrition Service of the Department of Agriculture in consultation with the Director of the Centers for Disease Control and Prevention of the Department of Health and Human Services, including—

“(i) individual and group-based nutrition education, health promotion, and intervention strategies;

“(ii) comprehensive, multilevel interventions at multiple complementary organizational and institutional levels; and

“(iii) community and public health approaches to improve nutrition.

“(B) CONSULTATION.—In identifying allowable uses of funds under subparagraph (A) and in seeking to strengthen delivery, oversight, and evaluation of nutrition education, the Administrator of the Food and Nutrition Service shall consult with the Director of the Centers for Disease Control and Prevention and outside stakeholders and experts, including—

“(i) representatives of the academic and research communities;

“(ii) nutrition education practitioners;

“(iii) representatives of State and local governments; and

“(iv) community organizations that serve low-income populations.

“(4) NOTIFICATION.—To the maximum extent practicable, State agencies shall notify applicants, participants, and eligible individuals under this Act of the availability of nutrition education and obesity prevention services under this section in local communities.

“(5) COORDINATION.—Subject to the approval of the Secretary, projects carried out with funds received under this section may be coordinated with other health promotion or nutrition improvement strategies, whether public or privately funded, if the projects carried out with funds received under this section remain under the administrative control of the State agency.

“(d) FUNDING.—

“(1) IN GENERAL.—Of funds made available each fiscal year under section 18(a)(1), the Secretary shall reserve for allocation to State agencies to carry out the nutrition education and obesity prevention grant program under this section, to remain available for obligation for a period of 2 fiscal years—

“(A) for fiscal year 2011, \$375,000,000; and

“(B) for fiscal year 2012 and each subsequent fiscal year, the applicable amount during the preceding fiscal year, as adjusted to reflect any increases for the 12-month period ending the preceding June 30 in the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics of the Department of Labor.

“(2) ALLOCATION.—

“(A) INITIAL ALLOCATION.—Of the funds set aside under paragraph (1), as determined by the Secretary—

“(i) for each of fiscal years 2011 through 2013, 100 percent shall be allocated to State agencies in direct proportion to the amount of funding that the State received for carrying out section 11(f) (as that section existed on the day before the date of enactment of this section) during fiscal year 2009, as reported to the Secretary as of February 2010; and

“(ii) subject to a reallocation under subparagraph (B)—

“(I) for fiscal year 2014—

“(aa) 90 percent shall be allocated to State agencies in accordance with clause (i); and

“(bb) 10 percent shall be allocated to State agencies based on the respective share of each State of the number of individuals participating in the supplemental nutrition assistance program during the 12-month period ending the preceding January 31;

“(II) for fiscal year 2015—

“(aa) 80 percent shall be allocated to State agencies in accordance with clause (i); and

“(bb) 20 percent shall be allocated in accordance with subclause (I)(bb);

“(III) for fiscal year 2016—

“(aa) 70 percent shall be allocated to State agencies in accordance with clause (i); and

“(bb) 30 percent shall be allocated in accordance with subclause (I)(bb);

“(IV) for fiscal year 2017—

“(aa) 60 percent shall be allocated to State agencies in accordance with clause (i); and

“(bb) 40 percent shall be allocated in accordance with subclause (I)(bb); and

“(V) for fiscal year 2018 and each fiscal year thereafter—

“(aa) 50 percent shall be allocated to State agencies in accordance with clause (i); and

“(bb) 50 percent shall be allocated in accordance with subclause (I)(bb).

“(B) REALLOCATION.—

“(i) IN GENERAL.—If the Secretary determines that a State agency will not expend all of the funds allocated to the State agency for a fiscal year under paragraph (1) or in the case of a State agency that elects not to receive the entire amount of funds allocated to the State agency for a fiscal year, the Secretary shall reallocate the unexpended funds to other States during the fiscal year or the subsequent fiscal year (as determined by the Secretary) that have approved State plans under which the State agencies may expend the reallocated funds.

“(ii) EFFECT OF ADDITIONAL FUNDS.—

“(I) FUNDS RECEIVED.—Any reallocated funds received by a State agency under clause (i) for a fiscal year shall be considered to be part of the fiscal year 2009 base allocation of funds to the State agency for that fiscal year for purposes of determining allocation under subparagraph (A) for the subsequent fiscal year.

“(II) FUNDS SURRENDERED.—Any funds surrendered by a State agency under clause (i) shall not be considered to be part of the fiscal year 2009 base allocation of funds to a State agency for that fiscal year for purposes of determining allocation under subparagraph (A) for the subsequent fiscal year.

“(3) LIMITATION ON FEDERAL FINANCIAL PARTICIPATION.—

“(A) IN GENERAL.—Grants awarded under this section shall be the only source of Federal financial participation under this Act in nutrition education and obesity prevention.

“(B) EXCLUSION.—Any costs of nutrition education and obesity prevention in excess of the grants authorized under this section shall not be eligible for reimbursement under section 16(a).

“(e) IMPLEMENTATION.—Not later than January 1, 2012, the Secretary shall publish in the Federal Register a description of the requirements for the receipt of a grant under this section.”

(b) CONFORMING AMENDMENTS.—

(1) Section 4(a) of the Food and Nutrition Act of 2008 (7 U.S.C. 2013(a)) is amended in the first sentence by striking “and, through an approved State plan, nutrition education”.

(2) Section 11 of the Food and Nutrition Act of 2008 (7 U.S.C. 2020) is amended by striking subsection (f).

SEC. 242. PROCUREMENT AND PROCESSING OF FOOD SERVICE PRODUCTS AND COMMODITIES.

Section 9(a)(4) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1758(a)(4)) is amended by adding at the end the following:

“(C) PROCUREMENT AND PROCESSING OF FOOD SERVICE PRODUCTS AND COMMODITIES.—The Secretary shall—

“(i) identify, develop, and disseminate to State departments of agriculture and education, school food authorities, local educational agencies, and local processing entities, model product specifications and practices for foods offered in school nutrition programs under this Act and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.) to ensure that the foods reflect the most recent Dietary Guidelines for Americans published under section 301 of the National Nutrition Monitoring and Related Research Act of 1990 (7 U.S.C. 5341);

“(ii) not later than 1 year after the date of enactment of this subparagraph—

“(I) carry out a study to analyze the quantity and quality of nutritional information available to school food authorities about food service products and commodities; and

“(II) submit to Congress a report on the results of the study that contains such legislative recommendations as the Secretary considers necessary to ensure that school food authorities have access to the nutritional information needed for menu planning and compliance assessments; and

“(iii) to the maximum extent practicable, in purchasing and processing commodities for use in school nutrition programs under this Act and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.), purchase the widest variety of healthful foods that reflect the most recent Dietary Guidelines for Americans.”

SEC. 243. ACCESS TO LOCAL FOODS: FARM TO SCHOOL PROGRAM.

Section 18 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769) is amended—

(1) by redesignating subsections (h) and (i) and subsection (j) (as added by section 210) as subsections (i) through (k), respectively;

(2) in subsection (g), by striking “(g) ACCESS TO LOCAL FOODS AND SCHOOL GARDENS.—” and all that follows through “(3) PILOT PROGRAM FOR HIGH-POVERTY SCHOOLS.—” and inserting the following:

“(g) ACCESS TO LOCAL FOODS: FARM TO SCHOOL PROGRAM.—

“(1) DEFINITION OF ELIGIBLE SCHOOL.—In this subsection, the term ‘eligible school’ means a school or institution that participates in a program under this Act or the school breakfast program established under section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773).

“(2) PROGRAM.—The Secretary shall carry out a program to assist eligible schools, State and local agencies, Indian tribal organizations, agricultural producers or groups of agricultural producers, and nonprofit entities through grants and technical assistance to implement farm to school programs that improve access to local foods in eligible schools.

“(3) GRANTS.—

“(A) IN GENERAL.—The Secretary shall award competitive grants under this subsection to be used for—

“(i) training;

“(ii) supporting operations;

“(iii) planning;

“(iv) purchasing equipment;

“(v) developing school gardens;

“(vi) developing partnerships; and

“(vii) implementing farm to school programs.

“(B) REGIONAL BALANCE.—In making awards under this subsection, the Secretary shall, to the maximum extent practicable, ensure—

“(i) geographical diversity; and

“(ii) equitable treatment of urban, rural, and tribal communities.

“(C) MAXIMUM AMOUNT.—The total amount provided to a grant recipient under this subsection shall not exceed \$100,000.

“(4) FEDERAL SHARE.—

“(A) IN GENERAL.—The Federal share of costs for a project funded through a grant awarded under this subsection shall not exceed 75 percent of the total cost of the project.

“(B) FEDERAL MATCHING.—As a condition of receiving a grant under this subsection, a grant recipient shall provide matching support in the form of cash or in-kind contributions, including facilities, equipment, or services provided by State and local governments, nonprofit organizations, and private sources.

“(5) CRITERIA FOR SELECTION.—To the maximum extent practicable, in providing assistance under this subsection, the Secretary shall give the highest priority to funding projects that, as determined by the Secretary—

“(A) make local food products available on the menu of the eligible school;

“(B) serve a high proportion of children who are eligible for free or reduced price lunches;

“(C) incorporate experiential nutrition education activities in curriculum planning that encourage the participation of school children in farm and garden-based agricultural education activities;

“(D) demonstrate collaboration between eligible schools, nongovernmental and community-based organizations, agricultural producer groups, and other community partners;

“(E) include adequate and participatory evaluation plans;

“(F) demonstrate the potential for long-term program sustainability; and

“(G) meet any other criteria that the Secretary determines appropriate.

“(6) EVALUATION.—As a condition of receiving a grant under this subsection, each grant recipient shall agree to cooperate in an evaluation by the Secretary of the program carried out using grant funds.

“(7) TECHNICAL ASSISTANCE.—The Secretary shall provide technical assistance and information to assist eligible schools, State and local agencies, Indian tribal organizations, and nonprofit entities—

“(A) to facilitate the coordination and sharing of information and resources in the Department that may be applicable to the farm to school program;

“(B) to collect and share information on best practices; and

“(C) to disseminate research and data on existing farm to school programs and the potential for programs in underserved areas.

“(8) FUNDING.—

“(A) IN GENERAL.—On October 1, 2012, and each October 1 thereafter, out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary to carry out this subsection \$5,000,000, to remain available until expended.

“(B) RECEIPT AND ACCEPTANCE.—The Secretary shall be entitled to receive, shall accept, and shall use to carry out this subsection the funds transferred under subparagraph (A), without further appropriation.

“(9) AUTHORIZATION OF APPROPRIATIONS.—In addition to the amounts made available under paragraph (8), there are authorized to be appropriated to carry out this subsection such sums as are necessary for each of fiscal years 2011 through 2015.

“(h) PILOT PROGRAM FOR HIGH-POVERTY SCHOOLS.—

“(1) IN GENERAL.—”; and

(3) in subsection (h) (as redesignated by paragraph (2))—

(A) in subparagraph (F) of paragraph (1) (as so redesignated), by striking “in accordance with paragraph (1)(H)” and inserting “carried out by the Secretary”;

(B) by redesignating paragraph (4) as paragraph (2); and

(C) in paragraph (2) (as so redesignated), by striking “2009” and inserting “2015”.

SEC. 244. RESEARCH ON STRATEGIES TO PROMOTE THE SELECTION AND CONSUMPTION OF HEALTHY FOODS.

(a) IN GENERAL.—The Secretary, in consultation with the Secretary of Health and Human Services, shall establish a research, demonstration, and technical assistance program to promote healthy eating and reduce the prevalence of obesity, among all population groups but especially among children, by applying the principles and insights of behavioral economics research in schools, child care programs, and other settings.

(b) PRIORITIES.—The Secretary shall—

(1) identify and assess the impacts of specific presentation, placement, and other strategies for structuring choices on selection and consumption of healthful foods in a variety of settings, consistent with the most recent version of the Dietary Guidelines for Americans published under section 301 of the National Nutrition Monitoring and Related Research Act of 1990 (7 U.S.C. 5341);

(2) demonstrate and rigorously evaluate behavioral economics-related interventions that hold promise to improve diets and promote health, including through demonstration projects that may include evaluation of the use of portion size, labeling, convenience, and other strategies to encourage healthy choices; and

(3) encourage adoption of the most effective strategies through outreach and technical assistance.

(c) AUTHORITY.—In carrying out the program under subsection (a), the Secretary may—

(1) enter into competitively awarded contracts or cooperative agreements; or

(2) provide grants to States or public or private agencies or organizations, as determined by the Secretary.

(d) APPLICATION.—To be eligible to enter into a contract or cooperative agreement or receive a grant under this section, a State or public or private agency or organization shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

(e) COORDINATION.—The solicitation and evaluation of contracts, cooperative agreements, and grant proposals considered under this section shall be coordinated with the Food and Nutrition Service as appropriate to ensure that funded projects are consistent with the operations of Federally supported nutrition assistance programs and related laws (including regulations).

(f) ANNUAL REPORTS.—Not later than 90 days after the end of each fiscal year, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that includes a description of—

(1) the policies, priorities, and operations of the program carried out by the Secretary under this section during the fiscal year;

(2) the results of any evaluations completed during the fiscal year; and

(3) the efforts undertaken to disseminate successful practices through outreach and technical assistance.

(g) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to carry out this section such sums as are necessary for each of fiscal years 2011 through 2015.

(2) USE OF FUNDS.—The Secretary may use up to 5 percent of the funds made available under paragraph (1) for Federal administrative expenses incurred in carrying out this section.

TITLE III—IMPROVING THE MANAGEMENT AND INTEGRITY OF CHILD NUTRITION PROGRAMS

Subtitle A—National School Lunch Program

SEC. 301. PRIVACY PROTECTION.

Section 9(d)(1) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1758(d)(1)) is amended—

(1) in the first sentence, by inserting “the last 4 digits of” before “the social security account number”; and

(2) by striking the second sentence.

SEC. 302. APPLICABILITY OF FOOD SAFETY PROGRAM ON ENTIRE SCHOOL CAMPUS.

Section 9(h)(5) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1758(h)(5)) is amended—

(1) by striking “Each school food” and inserting the following:

“(A) IN GENERAL.—Each school food”; and

(2) by adding at the end the following:

“(B) APPLICABILITY.—Subparagraph (A) shall apply to any facility or part of a facility in which food is stored, prepared, or served for the purposes of the school nutrition programs under this Act or section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773).”.

SEC. 303. FINES FOR VIOLATING PROGRAM REQUIREMENTS.

Section 22 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769c) is amended by adding at the end the following:

“(e) FINES FOR VIOLATING PROGRAM REQUIREMENTS.—

“(1) SCHOOL FOOD AUTHORITIES AND SCHOOLS.—

“(A) IN GENERAL.—The Secretary shall establish criteria by which the Secretary or a State agency may impose a fine against any school food authority or school administering a program authorized under this Act or the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.) if the Secretary or the State agency determines that the school food authority or school has—

“(i) failed to correct severe mismanagement of the program;

“(ii) disregarded a program requirement of which the school food authority or school had been informed; or

“(iii) failed to correct repeated violations of program requirements.

“(B) LIMITS.—

“(i) IN GENERAL.—In calculating the fine for a school food authority or school, the Secretary shall base the amount of the fine on the reimbursement earned by school food authority or school for the program in which the violation occurred.

“(ii) AMOUNT.—The amount under clause (i) shall not exceed—

“(I) 1 percent of the amount of meal reimbursements earned for the fiscal year for the first finding of 1 or more program violations under subparagraph (A);

“(II) 5 percent of the amount of meal reimbursements earned for the fiscal year for the second finding of 1 or more program violations under subparagraph (A); and

“(III) 10 percent of the amount of meal reimbursements earned for the fiscal year for the third or subsequent finding of 1 or more program violations under subparagraph (A).

“(2) STATE AGENCIES.—

“(A) IN GENERAL.—The Secretary shall establish criteria by which the Secretary may impose a fine against any State agency administering a program authorized under this Act or the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.) if the Secretary determines that the State agency has—

“(i) failed to correct severe mismanagement of the program;

“(ii) disregarded a program requirement of which the State had been informed; or

“(iii) failed to correct repeated violations of program requirements.

“(B) LIMITS.—In the case of a State agency, the amount of a fine under subparagraph (A) shall not exceed—

“(i) 1 percent of funds made available under section 7(a) of the Child Nutrition Act of 1966 (42 U.S.C. 1776(a)) for State administrative expenses during a fiscal year for the first finding of 1 or more program violations under subparagraph (A);

“(ii) 5 percent of funds made available under section 7(a) of the Child Nutrition Act of 1966 (42 U.S.C. 1776(a)) for State administrative expenses during a fiscal year for the second finding of 1 or more program violations under subparagraph (A); and

“(iii) 10 percent of funds made available under section 7(a) of the Child Nutrition Act of 1966 (42 U.S.C. 1776(a)) for State administrative expenses during a fiscal year for the third or subsequent finding of 1 or more program violations under subparagraph (A).

“(3) SOURCE OF FUNDING.—Funds to pay a fine imposed under paragraph (1) or (2) shall be derived from non-Federal sources.”.

SEC. 304. INDEPENDENT REVIEW OF APPLICATIONS.

Section 22(b) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769c(b)) is amended by adding at the end the following:

“(6) **ELIGIBILITY DETERMINATION REVIEW FOR SELECTED LOCAL EDUCATIONAL AGENCIES.**—

“(A) **IN GENERAL.**—A local educational agency that has demonstrated a high level of, or a high risk for, administrative error associated with certification, verification, and other administrative processes, as determined by the Secretary, shall ensure that the initial eligibility determination for each application is reviewed for accuracy prior to notifying a household of the eligibility or ineligibility of the household for free or reduced price meals.

“(B) **TIMELINESS.**—The review of initial eligibility determinations—

“(i) shall be completed in a timely manner; and

“(ii) shall not result in the delay of an eligibility determination for more than 10 operating days after the date on which the application is submitted.

“(C) **ACCEPTABLE TYPES OF REVIEW.**—Subject to standards established by the Secretary, the system used to review eligibility determinations for accuracy shall be conducted by an individual or entity that did not make the initial eligibility determination.

“(D) **NOTIFICATION OF HOUSEHOLD.**—Once the review of an eligibility determination has been completed under this paragraph, the household shall be notified immediately of the determination of eligibility or ineligibility for free or reduced price meals.

“(E) **REPORTING.**—

“(i) **LOCAL EDUCATIONAL AGENCIES.**—In accordance with procedures established by the Secretary, each local educational agency required to review initial eligibility determinations shall submit to the relevant State agency a report describing the results of the reviews, including—

“(I) the number and percentage of reviewed applications for which the eligibility determination was changed and the type of change made; and

“(II) such other information as the Secretary determines to be necessary.

“(ii) **STATE AGENCIES.**—In accordance with procedures established by the Secretary, each State agency shall submit to the Secretary a report describing the results of the reviews of initial eligibility determinations, including—

“(I) the number and percentage of reviewed applications for which the eligibility determination was changed and the type of change made; and

“(II) such other information as the Secretary determines to be necessary.

“(iii) **TRANSPARENCY.**—The Secretary shall publish annually the results of the reviews of initial eligibility determinations by State, number, percentage, and type of error.”

SEC. 305. PROGRAM EVALUATION.

Section 28 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769i) is amended by adding at the end the following:

“(c) **COOPERATION WITH PROGRAM RESEARCH AND EVALUATION.**—States, State educational agencies, local educational agencies, schools, institutions, facilities, and contractors participating in programs authorized under this Act and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.) shall cooperate with officials and contractors acting on behalf of the Secretary, in the conduct of evaluations and studies under those Acts.”

SEC. 306. PROFESSIONAL STANDARDS FOR SCHOOL FOOD SERVICE.

Section 7 of the Child Nutrition Act of 1966 (42 U.S.C. 1776) is amended by striking subsection (g) and inserting the following:

“(g) **PROFESSIONAL STANDARDS FOR SCHOOL FOOD SERVICE.**—

“(1) **CRITERIA FOR SCHOOL FOOD SERVICE AND STATE AGENCY DIRECTORS.**—

“(A) **SCHOOL FOOD SERVICE DIRECTORS.**—

“(i) **IN GENERAL.**—The Secretary shall establish a program of required education, training, and certification for all school food service directors responsible for the management of a school food authority.

“(ii) **REQUIREMENTS.**—The program shall include—

“(I) minimum educational requirements necessary to successfully manage the school lunch program established under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.) and the school breakfast program established by section 4 of this Act;

“(II) minimum program training and certification criteria for school food service directors; and

“(III) minimum periodic training criteria to maintain school food service director certification.

“(B) **SCHOOL NUTRITION STATE AGENCY DIRECTORS.**—The Secretary shall establish criteria and standards for States to use in the selection of State agency directors with responsibility for the school lunch program established under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.) and the school breakfast program established by section 4 of this Act.

“(C) **TRAINING PROGRAM PARTNERSHIP.**—The Secretary may provide financial and other assistance to 1 or more professional food service management organizations—

“(i) to establish and manage the program under this paragraph; and

“(ii) to develop voluntary training and certification programs for other school food service workers.

“(D) **REQUIRED DATE OF COMPLIANCE.**—

“(i) **SCHOOL FOOD SERVICE DIRECTORS.**—The Secretary shall establish a date by which all school food service directors whose local educational agencies are participating in the school lunch program established under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.) and the school breakfast program established by section 4 of this Act shall be required to comply with the education, training, and certification criteria established in accordance with subparagraph (A).

“(ii) **SCHOOL NUTRITION STATE AGENCY DIRECTORS.**—The Secretary shall establish a date by which all State agencies shall be required to comply with criteria and standards established in accordance with subparagraph (B) for the selection of State agency directors with responsibility for the school lunch program established under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.) and the school breakfast program established by section 4 of this Act.

“(2) **TRAINING AND CERTIFICATION OF FOOD SERVICE PERSONNEL.**—

“(A) **TRAINING FOR INDIVIDUALS CONDUCTING OR OVERSEEING ADMINISTRATIVE PROCEDURES.**—

“(i) **IN GENERAL.**—At least annually, each State shall provide training in administrative practices (including training in application, certification, verification, meal counting, and meal claiming procedures) to local educational agency and school food authority personnel and other appropriate personnel.

“(ii) **FEDERAL ROLE.**—The Secretary shall—

“(I) provide training and technical assistance described in clause (i) to the State; or

“(II) at the option of the Secretary, directly provide training and technical assistance described in clause (i).

“(iii) **REQUIRED PARTICIPATION.**—In accordance with procedures established by the Secretary, each local educational agency or school food authority shall ensure that an individual conducting or overseeing administrative procedures described in clause (i) receives training at least annually, unless determined otherwise by the Secretary.

“(B) **TRAINING AND CERTIFICATION OF ALL LOCAL FOOD SERVICE PERSONNEL.**—

“(i) **IN GENERAL.**—The Secretary shall provide training designed to improve—

“(I) the accuracy of approvals for free and reduced price meals; and

“(II) the identification of reimbursable meals at the point of service.

“(ii) **CERTIFICATION OF LOCAL PERSONNEL.**—In accordance with criteria established by the Secretary, local food service personnel shall complete annual training and receive annual certification—

“(I) to ensure program compliance and integrity; and

“(II) to demonstrate competence in the training provided under clause (i).

“(iii) **TRAINING MODULES.**—In addition to the topics described in clause (i), a training program carried out under this subparagraph shall include training modules on—

“(I) nutrition;

“(II) health and food safety standards and methodologies; and

“(III) any other appropriate topics, as determined by the Secretary.

“(3) **FUNDING.**—

“(A) **IN GENERAL.**—Out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary to carry out this subsection, to remain available until expended—

“(i) on October 1, 2010, \$5,000,000; and

“(ii) on each October 1 thereafter, \$1,000,000.

“(B) **RECEIPT AND ACCEPTANCE.**—The Secretary shall be entitled to receive, shall accept, and shall use to carry out this subsection the funds transferred under subparagraph (A), without further appropriation.”

SEC. 307. INDIRECT COSTS.

(a) **GUIDANCE ON INDIRECT COSTS RULES.**—Not later than 180 days after the date of enactment of this Act, the Secretary shall issue guidance to school food authorities participating in the school lunch program established under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.) and the school breakfast program established by section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773) covering program rules pertaining to indirect costs, including allowable indirect costs that may be charged to the nonprofit school food service account.

(b) **INDIRECT COST STUDY.**—The Secretary shall—

(1) conduct a study to assess the extent to which school food authorities participating in the school lunch program established under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.) and the school breakfast program established by section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773) pay indirect costs, including assessments of—

(A) the allocation of indirect costs to, and the methodologies used to establish indirect cost rates for, school food authorities participating in the school lunch program established under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.) and

the school breakfast program established by section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773);

(B) the impact of indirect costs charged to the nonprofit school food service account;

(C) the types and amounts of indirect costs charged and recovered by school districts;

(D) whether the indirect costs charged or recovered are consistent with requirements for the allocation of indirect costs and school food service operations; and

(E) the types and amounts of indirect costs that could be charged or recovered under requirements for the allocation of indirect costs and school food service operations but are not charged or recovered; and

(2) after completing the study required under paragraph (1), issue additional guidance relating to the types of costs that are reasonable and necessary to provide meals under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.) and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.).

(c) REGULATIONS.—After conducting the study under subsection (b)(1) and identifying costs under subsection (b)(2), the Secretary may promulgate regulations to address—

(1) any identified deficiencies in the allocation of indirect costs; and

(2) the authority of school food authorities to reimburse only those costs identified by the Secretary as reasonable and necessary under subsection (b)(2).

(d) REPORT.—Not later than October 1, 2013, the Secretary shall submit to the Committee on Education and Labor of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that describes the results of the study under subsection (b).

(e) FUNDING.—

(1) IN GENERAL.—On October 1, 2010, out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary to carry out this section \$2,000,000, to remain available until expended.

(2) RECEIPT AND ACCEPTANCE.—The Secretary shall be entitled to receive, shall accept, and shall use to carry out this section the funds transferred under paragraph (1), without further appropriation.

SEC. 308. ENSURING SAFETY OF SCHOOL MEALS.

The Richard B. Russell National School Lunch Act is amended by after section 28 (42 U.S.C. 1769i) the following:

“SEC. 29. ENSURING SAFETY OF SCHOOL MEALS.

“(a) FOOD AND NUTRITION SERVICE.—Not later than 1 year after the date of enactment of the Healthy, Hunger-Free Kids Act of 2010, the Secretary, acting through the Administrator of the Food and Nutrition Service, shall—

“(1) in consultation with the Administrator of the Agricultural Marketing Service and the Administrator of the Farm Service Agency, develop guidelines to determine the circumstances under which it is appropriate for the Secretary to institute an administrative hold on suspect foods purchased by the Secretary that are being used in school meal programs under this Act and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.);

“(2) work with States to explore ways for the States to increase the timeliness of notification of food recalls to schools and school food authorities;

“(3) improve the timeliness and completeness of direct communication between the Food and Nutrition Service and States about holds and recalls, such as through the commodity alert system of the Food and Nutrition Service; and

“(4) establish a timeframe to improve the commodity hold and recall procedures of the Department of Agriculture to address the role of processors and determine the involvement of distributors with processed products that may contain recalled ingredients, to facilitate the provision of more timely and complete information to schools.

“(b) FOOD SAFETY AND INSPECTION SERVICE.—Not later than 1 year after the date of enactment of the Healthy, Hunger-Free Kids Act of 2010, the Secretary, acting through the Administrator of the Food Safety and Inspection Service, shall revise the procedures of the Food Safety and Inspection Service to ensure that schools are included in effectiveness checks.”.

Subtitle B—Summer Food Service Program

SEC. 321. SUMMER FOOD SERVICE PROGRAM PERMANENT OPERATING AGREEMENTS.

Section 13(b) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1761(b)) is amended by striking paragraph (3) and inserting the following:

“(3) PERMANENT OPERATING AGREEMENTS AND BUDGET FOR ADMINISTRATIVE COSTS.—

“(A) PERMANENT OPERATING AGREEMENTS.—

“(i) IN GENERAL.—Subject to clauses (ii) and (iii), to participate in the program, a service institution that meets the conditions of eligibility described in this section and in regulations promulgated by the Secretary, shall be required to enter into a permanent agreement with the applicable State agency.

“(ii) AMENDMENTS.—A permanent agreement described in clause (i) may be amended as necessary to ensure that the service institution is in compliance with all requirements established in this section or by the Secretary.

“(iii) TERMINATION.—A permanent agreement described in clause (i)—

“(I) may be terminated for convenience by the service institution and State agency that is a party to the permanent agreement; and

“(II) shall be terminated—

“(aa) for cause by the applicable State agency in accordance with subsection (q) and with regulations promulgated by the Secretary; or

“(bb) on termination of participation of the service institution in the program.

“(B) BUDGET FOR ADMINISTRATIVE COSTS.—

“(i) IN GENERAL.—When applying for participation in the program, and not less frequently than annually thereafter, each service institution shall submit a complete budget for administrative costs related to the program, which shall be subject to approval by the State.

“(ii) AMOUNT.—Payment to service institutions for administrative costs shall equal the levels determined by the Secretary pursuant to the study required in paragraph (4).”.

SEC. 322. SUMMER FOOD SERVICE PROGRAM DISQUALIFICATION.

Section 13 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1761) is amended—

(1) by redesignating subsection (q) as subsection (r); and

(2) by inserting after subsection (p) the following:

“(q) TERMINATION AND DISQUALIFICATION OF PARTICIPATING ORGANIZATIONS.—

“(1) IN GENERAL.—Each State agency shall follow the procedures established by the Secretary for the termination of participation of institutions under the program.

“(2) FAIR HEARING.—The procedures described in paragraph (1) shall include provision for a fair hearing and prompt determination for any service institution ag-

grieved by any action of the State agency that affects—

“(A) the participation of the service institution in the program; or

“(B) the claim of the service institution for reimbursement under this section.

“(3) LIST OF DISQUALIFIED INSTITUTIONS AND INDIVIDUALS.—

“(A) IN GENERAL.—The Secretary shall maintain a list of service institutions and individuals that have been terminated or otherwise disqualified from participation in the program under the procedures established pursuant to paragraph (1).

“(B) AVAILABILITY.—The Secretary shall make the list available to States for use in approving or renewing applications by service institutions for participation in the program.”.

Subtitle C—Child and Adult Care Food Program

SEC. 331. RENEWAL OF APPLICATION MATERIALS AND PERMANENT OPERATING AGREEMENTS.

(a) PERMANENT OPERATING AGREEMENTS.—Section 17(d)(1) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1766(d)(1)) is amended by adding at the end the following:

“(E) PERMANENT OPERATING AGREEMENTS.—

“(i) IN GENERAL.—Subject to clauses (ii) and (iii), to participate in the child and adult care food program, an institution that meets the conditions of eligibility described in this subsection shall be required to enter into a permanent agreement with the applicable State agency.

“(ii) AMENDMENTS.—A permanent agreement described in clause (i) may be amended as necessary to ensure that the institution is in compliance with all requirements established in this section or by the Secretary.

“(iii) TERMINATION.—A permanent agreement described in clause (i)—

“(I) may be terminated for convenience by the institution or State agency that is a party to the permanent agreement; and

“(II) shall be terminated—

“(aa) for cause by the applicable State agency in accordance with paragraph (5); or

“(bb) on termination of participation of the institution in the child and adult care food program.”.

(b) APPLICATIONS AND REVIEWS.—Section 17(d) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1766(d)) is amended by striking paragraph (2) and inserting the following:

“(2) PROGRAM APPLICATIONS.—

“(A) IN GENERAL.—The Secretary shall develop a policy under which each institution providing child care that participates in the program under this section shall—

“(i) submit to the State agency an initial application to participate in the program that meets all requirements established by the Secretary by regulation;

“(ii) annually confirm to the State agency that the institution, and any facilities of the institution in which the program is operated by a sponsoring organization, is in compliance with subsection (a)(5); and

“(iii) annually submit to the State agency any additional information necessary to confirm that the institution is in compliance with all other requirements to participate in the program, as established in this Act and by the Secretary by regulation.

“(B) REQUIRED REVIEWS OF SPONSORED FACILITIES.—

“(i) IN GENERAL.—The Secretary shall develop a policy under which each sponsoring organization participating in the program under this section shall conduct—

“(I) periodic unannounced site visits at not less than 3-year intervals to sponsored child and adult care centers and family or group day care homes to identify and prevent management deficiencies and fraud and abuse under the program; and

“(II) at least 1 scheduled site visit each year to sponsored child and adult care centers and family or group day care homes to identify and prevent management deficiencies and fraud and abuse under the program and to improve program operations.

“(ii) VARIED TIMING.—Sponsoring organizations shall vary the timing of unannounced reviews under clause (i)(I) in a manner that makes the reviews unpredictable to sponsored facilities.

“(C) REQUIRED REVIEWS OF INSTITUTIONS.—The Secretary shall develop a policy under which each State agency shall conduct—

“(i) at least 1 scheduled site visit at not less than 3-year intervals to each institution under the State agency participating in the program under this section—

“(I) to identify and prevent management deficiencies and fraud and abuse under the program; and

“(II) to improve program operations; and

“(ii) more frequent reviews of any institution that—

“(I) sponsors a significant share of the facilities participating in the program;

“(II) conducts activities other than the program authorized under this section;

“(III) has serious management problems, as identified in a prior review, or is at risk of having serious management problems; or

“(IV) meets such other criteria as are defined by the Secretary.

“(D) DETECTION AND DETERRENCE OF ERRONEOUS PAYMENTS AND FALSE CLAIMS.—

“(i) IN GENERAL.—The Secretary may develop a policy to detect and deter, and recover erroneous payments to, and false claims submitted by, institutions, sponsored child and adult care centers, and family or group day care homes participating in the program under this section.

“(ii) BLOCK CLAIMS.—

“(I) DEFINITION OF BLOCK CLAIM.—In this clause, the term ‘block claim’ has the meaning given the term in section 226.2 of title 7, Code of Federal Regulations (or successor regulations).

“(II) PROGRAM EDIT CHECKS.—The Secretary may not require any State agency, sponsoring organization, or other institution to perform edit checks or on-site reviews relating to the detection of block claims by any child care facility.

“(III) ALLOWANCE.—Notwithstanding subclause (II), the Secretary may require any State agency, sponsoring organization, or other institution to collect, store, and transmit to the appropriate entity information necessary to develop any other policy developed under clause (i).”

(c) AGREEMENTS.—Section 17(j)(1) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1766(j)(1)) is amended—

(1) by striking “may” and inserting “shall”;

(2) by striking “family or group day care” the first place it appears; and

(3) by inserting “or sponsored day care centers” before “participating”.

SEC. 332. STATE LIABILITY FOR PAYMENTS TO AGGRIEVED CHILD CARE INSTITUTIONS.

Section 17(e) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1766(e)) is amended—

(1) in paragraph (3), by striking “(3) If a State” and inserting the following:

“(5) SECRETARIAL HEARING.—If a State”; and

(2) by striking “(e) Except as provided” and all that follows through “(2) A State” and inserting the following:

“(e) HEARINGS.—

“(1) IN GENERAL.—Except as provided in paragraph (4), each State agency shall provide, in accordance with regulations promulgated by the Secretary, an opportunity for a fair hearing and a prompt determination to any institution aggrieved by any action of the State agency that affects—

“(A) the participation of the institution in the program authorized by this section; or

“(B) the claim of the institution for reimbursement under this section.

“(2) REIMBURSEMENT.—In accordance with paragraph (3), a State agency that fails to meet timeframes for providing an opportunity for a fair hearing and a prompt determination to any institution under paragraph (1) in accordance with regulations promulgated by the Secretary, shall pay, from non-Federal sources, all valid claims for reimbursement to the institution and the facilities of the institution during the period beginning on the day after the end of any regulatory deadline for providing the opportunity and making the determination and ending on the date on which a hearing determination is made.

“(3) NOTICE TO STATE AGENCY.—The Secretary shall provide written notice to a State agency at least 30 days prior to imposing any liability for reimbursement under paragraph (2).

“(4) FEDERAL AUDIT DETERMINATION.—A State”.

SEC. 333. TRANSMISSION OF INCOME INFORMATION BY SPONSORED FAMILY OR GROUP DAY CARE HOMES.

Section 17(f)(3)(A)(iii)(III) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1766(f)(3)(A)(iii)(III)) is amended by adding at the end the following:

“(dd) TRANSMISSION OF INCOME INFORMATION BY SPONSORED FAMILY OR GROUP DAY CARE HOMES.—If a family or group day care home elects to be provided reimbursement factors described in subclause (II), the family or group day care home may assist in the transmission of necessary household income information to the family or group day care home sponsoring organization in accordance with the policy described in item (ee).

“(ee) POLICY.—The Secretary shall develop a policy under which a sponsored family or group day care home described in item (dd) may, under terms and conditions specified by the Secretary and with the written consent of the parents or guardians of a child in a family or group day care home participating in the program, assist in the transmission of the income information of the family to the family or group day care home sponsoring organization.”

SEC. 334. SIMPLIFYING AND ENHANCING ADMINISTRATIVE PAYMENTS TO SPONSORING ORGANIZATIONS.

Section 17(f)(3) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1766(f)(3)) is amended by striking subparagraph (B) and inserting the following:

“(B) ADMINISTRATIVE FUNDS.—

“(i) IN GENERAL.—In addition to reimbursement factors described in subparagraph (A), a family or group day care home sponsoring organization shall receive reimbursement for the administrative expenses of the sponsoring organization in an amount that is not less than the product obtained each month by multiplying—

“(I) the number of family and group day care homes of the sponsoring organization

submitting a claim for reimbursement during the month; by

“(II) the appropriate administrative rate determined by the Secretary.

“(ii) ANNUAL ADJUSTMENT.—The administrative reimbursement levels specified in clause (i) shall be adjusted July 1 of each year to reflect changes in the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics of the Department of Labor for the most recent 12-month period for which such data are available.

“(iii) CARRYOVER FUNDS.—The Secretary shall develop procedures under which not more than 10 percent of the amount made available to sponsoring organizations under this section for administrative expenses for a fiscal year may remain available for obligation or expenditure in the succeeding fiscal year.”

SEC. 335. CHILD AND ADULT CARE FOOD PROGRAM AUDIT FUNDING.

Section 17(i) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1766(i)) is amended by striking paragraph (2) and inserting the following:

“(2) FUNDING.—

“(A) IN GENERAL.—The Secretary shall make available for each fiscal year to each State agency administering the child and adult care food program, for the purpose of conducting audits of participating institutions, an amount of up to 1.5 percent of the funds used by each State in the program under this section, during the second preceding fiscal year.

“(B) ADDITIONAL FUNDING.—

“(i) IN GENERAL.—Subject to clause (ii), for fiscal year 2016 and each fiscal year thereafter, the Secretary may increase the amount of funds made available to any State agency under subparagraph (A), if the State agency demonstrates that the State agency can effectively use the funds to improve program management under criteria established by the Secretary.

“(ii) LIMITATION.—The total amount of funds made available to any State agency under this paragraph shall not exceed 2 percent of the funds used by each State agency in the program under this section, during the second preceding fiscal year.”

SEC. 336. REDUCING PAPERWORK AND IMPROVING PROGRAM ADMINISTRATION.

(a) DEFINITION OF PROGRAM.—In this section, the term “program” means the child and adult care food program established under section 17 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1766).

(b) ESTABLISHMENT.—The Secretary, in conjunction with States and participating institutions, shall continue to examine the feasibility of reducing unnecessary or duplicative paperwork resulting from regulations and recordkeeping requirements for State agencies, institutions, family and group day care homes, and sponsored centers participating in the program.

(c) DUTIES.—At a minimum, the examination shall include—

(1) review and evaluation of the recommendations, guidance, and regulatory priorities developed and issued to comply with section 119(i) of the Child Nutrition and WIC Reauthorization Act of 2004 (42 U.S.C. 1766 note; Public Law 108-265); and

(2) examination of additional paperwork and administrative requirements that have been established since February 23, 2007, that could be reduced or simplified.

(d) ADDITIONAL DUTIES.—The Secretary, in conjunction with States and institutions

participating in the program, may also examine any aspect of administration of the program.

(e) **REPORT.**—Not later than 4 years after the date of enactment of this Act, the Secretary shall submit to Congress a report that describes the actions that have been taken to carry out this section, including—

(1) actions taken to address administrative and paperwork burdens identified as a result of compliance with section 119(i) of the Child Nutrition and WIC Reauthorization Act of 2004 (42 U.S.C. 1766 note; Public Law 108-265);

(2) administrative and paperwork burdens identified as a result of compliance with section 119(i) of that Act for which no regulatory action or policy guidance has been taken;

(3) additional steps that the Secretary is taking or plans to take to address any administrative and paperwork burdens identified under subsection (c)(2) and paragraph (2), including—

(A) new or updated regulations, policy, guidance, or technical assistance; and

(B) a timeframe for the completion of those steps; and

(4) recommendations to Congress for modifications to existing statutory authorities needed to address identified administrative and paperwork burdens.

SEC. 337. STUDY RELATING TO THE CHILD AND ADULT CARE FOOD PROGRAM.

(a) **STUDY.**—The Secretary, acting through the Administrator of the Food and Nutrition Service, shall carry out a study of States participating in an afterschool supper program under the child and adult care food program established under section 17(r) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1766(r)).

(b) **REPORT.**—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to Congress, and make available on the website of the Food and Nutrition Service, a report that describes—

(1) best practices of States in soliciting sponsors for an afterschool supper program described in subsection (a); and

(2) any Federal or State laws or requirements that may be a barrier to participation in the program.

Subtitle D—Special Supplemental Nutrition Program for Women, Infants, and Children

SEC. 351. SHARING OF MATERIALS WITH OTHER PROGRAMS.

Section 17(e)(3) of the Child Nutrition Act (42 U.S.C. 1786(e)(3)) is amended by striking subparagraph (B) and inserting the following:

“(B) **SHARING OF MATERIALS WITH OTHER PROGRAMS.**—

“(i) **COMMODITY SUPPLEMENTAL FOOD PROGRAM.**—The Secretary may provide, in bulk quantity, nutrition education materials (including materials promoting breastfeeding) developed with funds made available for the program authorized under this section to State agencies administering the commodity supplemental food program established under section 5 of the Agriculture and Consumer Protection Act of 1973 (7 U.S.C. 612c note; Public Law 93-86) at no cost to that program.

“(ii) **CHILD AND ADULT CARE FOOD PROGRAM.**—A State agency may allow the local agencies or clinics under the State agency to share nutrition educational materials with institutions participating in the child and adult care food program established under section 17 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1766) at no cost to that program, if a written materials sharing agreement exists between the relevant agencies.”.

SEC. 352. WIC PROGRAM MANAGEMENT.

(a) **WIC EVALUATION FUNDS.**—Section 17(g)(5) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(g)(5)) is amended by striking “\$5,000,000” and inserting “\$15,000,000”.

(b) **WIC REBATE PAYMENTS.**—Section 17(h)(8) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(h)(8)) is amended by adding at the end the following:

“(K) **REPORTING.**—Effective beginning October 1, 2011, each State agency shall report rebate payments received from manufacturers in the month in which the payments are received, rather than in the month in which the payments were earned.”.

(c) **COST CONTAINMENT MEASURE.**—Section 17(h) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(h)) is amended—

(1) in paragraph (8)(A)(iv)(III), by striking “Any” and inserting “Except as provided in paragraph (9)(B)(i)(II), any”; and

(2) by striking paragraph (9) and inserting the following:

“(9) **COST CONTAINMENT MEASURE.**—

“(A) **DEFINITION OF COST CONTAINMENT MEASURE.**—In this subsection, the term ‘cost containment measure’ means a competitive bidding, rebate, direct distribution, or home delivery system implemented by a State agency as described in the approved State plan of operation and administration of the State agency.

“(B) **SOLICITATION AND REBATE BILLING REQUIREMENTS.**—Any State agency instituting a cost containment measure for any authorized food, including infant formula, shall—

“(i) in the bid solicitation—

“(I) identify the composition of State alliances for the purposes of a cost containment measure; and

“(II) verify that no additional States shall be added to the State alliance between the date of the bid solicitation and the end of the contract;

“(ii) have a system to ensure that rebate invoices under competitive bidding provide a reasonable estimate or an actual count of the number of units sold to participants in the program under this section;

“(iii) open and read aloud all bids at a public proceeding on the day on which the bids are due; and

“(iv) unless otherwise exempted by the Secretary, provide a minimum of 30 days between the publication of the solicitation and the date on which the bids are due.

“(C) **STATE ALLIANCES FOR AUTHORIZED FOODS OTHER THAN INFANT FORMULA.**—Program requirements relating to the size of State alliances under paragraph (8)(A)(iv) shall apply to cost containment measures established for any authorized food under this section.”.

(d) **ELECTRONIC BENEFIT TRANSFER.**—Section 17(h) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(h)) is amended by striking paragraph (12) and inserting the following:

“(12) **ELECTRONIC BENEFIT TRANSFER.**—

“(A) **DEFINITIONS.**—In this paragraph:

“(i) **ELECTRONIC BENEFIT TRANSFER.**—The term ‘electronic benefit transfer’ means a food delivery system that provides benefits using a card or other access device approved by the Secretary that permits electronic access to program benefits.

“(ii) **PROGRAM.**—The term ‘program’ means the special supplemental nutrition program established by this section.

“(B) **REQUIREMENTS.**—

“(i) **IN GENERAL.**—Not later than October 1, 2020, each State agency shall be required to implement electronic benefit transfer systems throughout the State, unless the Secretary grants an exemption under subpara-

graph (C) for a State agency that is facing unusual barriers to implement an electronic benefit transfer system.

“(ii) **RESPONSIBILITY.**—The State agency shall be responsible for the coordination and management of the electronic benefit transfer system of the agency.

“(C) **EXEMPTIONS.**—

“(i) **IN GENERAL.**—To be eligible for an exemption from the statewide implementation requirements of subparagraph (B)(i), a State agency shall demonstrate to the satisfaction of the Secretary 1 or more of the following:

“(I) There are unusual technological barriers to implementation.

“(II) Operational costs are not affordable within the nutrition services and administration grant of the State agency.

“(III) It is in the best interest of the program to grant the exemption.

“(ii) **SPECIFIC DATE.**—A State agency requesting an exemption under clause (i) shall specify a date by which the State agency anticipates statewide implementation described in subparagraph (B)(i).

“(D) **REPORTING.**—

“(i) **IN GENERAL.**—Each State agency shall submit to the Secretary electronic benefit transfer project status reports to demonstrate the progress of the State toward statewide implementation.

“(ii) **CONSULTATION.**—If a State agency plans to incorporate additional programs in the electronic benefit transfer system of the State, the State agency shall consult with the State agency officials responsible for administering the programs prior to submitting the planning documents to the Secretary for approval.

“(iii) **REQUIREMENTS.**—At a minimum, a status report submitted under clause (i) shall contain—

“(I) an annual outline of the electronic benefit transfer implementation goals and objectives of the State;

“(II) appropriate updates in accordance with approval requirements for active electronic benefit transfer State agencies; and

“(III) such other information as the Secretary may require.

“(E) **IMPOSITION OF COSTS ON VENDORS.**—

“(i) **COST PROHIBITION.**—Except as otherwise provided in this paragraph, the Secretary may not impose, or allow a State agency to impose, the costs of any equipment or system required for electronic benefit transfers on any authorized vendor in order to transact electronic benefit transfers if the vendor equipment or system is used solely to support the program.

“(ii) **COST-SHARING.**—The Secretary shall establish criteria for cost-sharing by State agencies and vendors of costs associated with any equipment or system that is not solely dedicated to transacting electronic benefit transfers for the program.

“(iii) **FEES.**—

“(I) **IN GENERAL.**—A vendor that elects to accept electronic benefit transfers using multifunction equipment shall pay commercial transaction processing costs and fees imposed by a third-party processor that the vendor elects to use to connect to the electronic benefit transfer system of the State.

“(II) **INTERCHANGE FEES.**—No interchange fees shall apply to electronic benefit transfer transactions under this paragraph.

“(iv) **STATEWIDE OPERATIONS.**—After completion of statewide expansion of a system for transaction of electronic benefit transfers—

“(I) a State agency may not be required to incur ongoing maintenance costs for vendors using multifunction systems and equipment to support electronic benefit transfers; and

“(II) any retail store in the State that applies for authorization to become a program vendor shall be required to demonstrate the capability to accept program benefits electronically prior to authorization, unless the State agency determines that the vendor is necessary for participant access.

“(F) MINIMUM LANE COVERAGE.—

“(i) IN GENERAL.—The Secretary shall establish minimum lane coverage guidelines for vendor equipment and systems used to support electronic benefit transfers.

“(ii) PROVISION OF EQUIPMENT.—If a vendor does not elect to accept electronic benefit transfers using its own multifunction equipment, the State agency shall provide such equipment as is necessary to solely support the program to meet the established minimum lane coverage guidelines.

“(G) TECHNICAL STANDARDS.—The Secretary shall—

“(i) establish technical standards and operating rules for electronic benefit transfer systems; and

“(ii) require each State agency, contractor, and authorized vendor participating in the program to demonstrate compliance with the technical standards and operating rules.”.

(e) UNIVERSAL PRODUCT CODES DATABASE.—Section 17(h) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(h)) is amended by striking paragraph (13) and inserting the following:

“(13) UNIVERSAL PRODUCT CODES DATABASE.—

“(A) IN GENERAL.—Not later than 2 years after the date of enactment of the Healthy, Hunger-Free Kids Act of 2010, the Secretary shall establish a national universal product code database to be used by all State agencies in carrying out the requirements of paragraph (12).

“(B) FUNDING.—

“(i) IN GENERAL.—On October 1, 2010, and on each October 1 thereafter, out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary to carry out this paragraph \$1,000,000, to remain available until expended.

“(ii) RECEIPT AND ACCEPTANCE.—The Secretary shall be entitled to receive, shall accept, and shall use to carry out this paragraph the funds transferred under clause (i), without further appropriation.

“(iii) USE OF FUNDS.—The Secretary shall use the funds provided under clause (i) for development, hosting, hardware and software configuration, and support of the database required under subparagraph (A).”.

(f) TEMPORARY SPENDING AUTHORITY.—Section 17(i) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(i)) is amended by adding at the end the following:

“(8) TEMPORARY SPENDING AUTHORITY.—During each of fiscal years 2012 and 2013, the Secretary may authorize a State agency to expend more than the amount otherwise authorized under paragraph (3)(C) for expenses incurred under this section for supplemental foods during the preceding fiscal year, if the Secretary determines that—

“(A) there has been a significant reduction in reported infant formula cost containment savings for the preceding fiscal year due to the implementation of subsection (h)(8)(K); and

“(B) the reduction would affect the ability of the State agency to serve all eligible participants.”.

Subtitle E—Miscellaneous

SEC. 361. FULL USE OF FEDERAL FUNDS.

Section 12 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1760) is

amended by striking subsection (b) and inserting the following:

“(b) AGREEMENTS.—

“(1) IN GENERAL.—The Secretary shall incorporate, in the agreement of the Secretary with the State agencies administering programs authorized under this Act or the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.), the express requirements with respect to the operation of the programs to the extent applicable and such other provisions as in the opinion of the Secretary are reasonably necessary or appropriate to effectuate the purposes of this Act and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.).

“(2) EXPECTATIONS FOR USE OF FUNDS.—Agreements described in paragraph (1) shall include a provision that—

“(A) supports full use of Federal funds provided to State agencies for the administration of programs authorized under this Act or the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.); and

“(B) excludes the Federal funds from State budget restrictions or limitations including, at a minimum—

“(i) hiring freezes;

“(ii) work furloughs; and

“(iii) travel restrictions.”.

SEC. 362. DISQUALIFIED SCHOOLS, INSTITUTIONS, AND INDIVIDUALS.

Section 12 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1760) (as amended by section 206) is amended by adding at the end the following:

“(r) DISQUALIFIED SCHOOLS, INSTITUTIONS, AND INDIVIDUALS.—Any school, institution, service institution, facility, or individual that has been terminated from any program authorized under this Act or the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.) and is on a list of disqualified institutions and individuals under section 13 or section 17(d)(5)(E) of this Act may not be approved to participate in or administer any program authorized under this Act or the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.).”.

TITLE IV—MISCELLANEOUS

Subtitle A—Reauthorization of Expiring Provisions

PART I—RICHARD B. RUSSELL NATIONAL SCHOOL LUNCH ACT

SEC. 401. COMMODITY SUPPORT.

Section 6(e)(1)(B) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1755(e)(1)(B)) is amended by striking “September 30, 2010” and inserting “September 30, 2020”.

SEC. 402. FOOD SAFETY AUDITS AND REPORTS BY STATES.

Section 9(h) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1758(h)) is amended—

(1) in paragraph (3), by striking “2006 through 2010” and inserting “2011 through 2015”; and

(2) in paragraph (4), by striking “2006 through 2010” and inserting “2011 through 2015”.

SEC. 403. PROCUREMENT TRAINING.

Section 12(m)(4) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1760(m)(4)) is amended by striking “2005 through 2009” and inserting “2010 through 2015”.

SEC. 404. AUTHORIZATION OF THE SUMMER FOOD SERVICE PROGRAM FOR CHILDREN.

Subsection (r) of section 13 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1761) (as redesignated by section 322(1)) is amended by striking “September 30, 2009” and inserting “September 30, 2015”.

SEC. 405. YEAR-ROUND SERVICES FOR ELIGIBLE ENTITIES.

Subsection (1)(5) of section 18 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769) (as redesignated by section 243(1)) is amended by striking “2005 through 2010” and inserting “2011 through 2015”.

SEC. 406. TRAINING, TECHNICAL ASSISTANCE, AND FOOD SERVICE MANAGEMENT INSTITUTE.

Section 21(e) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769b-1(e)) is amended—

(1) by striking “(e) AUTHORIZATION OF APPROPRIATIONS” and all that follows through the end of paragraph (2)(A) and inserting the following:

“(e) FOOD SERVICE MANAGEMENT INSTITUTE.—

“(1) FUNDING.—

“(A) IN GENERAL.—In addition to any amounts otherwise made available for fiscal year 2011, on October 1, 2010, and each October 1 thereafter, out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary to carry out subsection (a)(2) \$5,000,000, to remain available until expended.

“(B) RECEIPT AND ACCEPTANCE.—The Secretary shall be entitled to receive, shall accept, and shall use to carry out subsection (a)(2) the funds transferred under subparagraph (A), without further appropriation.”;

(2) by redesignating subparagraphs (B) and (C) as paragraphs (2) and (3), respectively, and indenting appropriately;

(3) in paragraph (2) (as so redesignated), by striking “subparagraph (A)” each place it appears and inserting “paragraph (1)”; and

(4) in paragraph (3) (as so redesignated), by striking “subparagraphs (A) and (B)” and inserting “paragraphs (1) and (2)”.

SEC. 407. FEDERAL ADMINISTRATIVE SUPPORT.

Section 21(g)(1)(A) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769b-1(g)(1)(A)) is amended—

(1) in clause (i), by striking “and” at the end;

(2) in clause(ii), by striking the period at the end and inserting “; and”

(3) and by adding at the end the following: “(iii) on October 1, 2010, and every October 1 thereafter, \$4,000,000.”.

SEC. 408. COMPLIANCE AND ACCOUNTABILITY.

Section 22(d) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769c(d)) is amended by striking “\$6,000,000 for each of fiscal years 2004 through 2009” and inserting “\$10,000,000 for each of fiscal years 2011 through 2015”.

SEC. 409. INFORMATION CLEARINGHOUSE.

Section 26(d) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769g(d)) is amended in the first sentence by striking “2005 through 2010” and inserting “2010 through 2015”.

PART II—CHILD NUTRITION ACT OF 1966

SEC. 421. TECHNOLOGY INFRASTRUCTURE IMPROVEMENT.

Section 7(i)(4) of the Child Nutrition Act of 1966 (42 U.S.C. 1776(i)(4)) is amended by striking “2005 through 2009” and inserting “2010 through 2015”.

SEC. 422. STATE ADMINISTRATIVE EXPENSES.

Section 7(j) of the Child Nutrition Act of 1966 (42 U.S.C. 1776(j)) is amended by striking “October 1, 2009” and inserting “October 1, 2015”.

SEC. 423. SPECIAL SUPPLEMENTAL NUTRITION PROGRAM FOR WOMEN, INFANTS, AND CHILDREN.

Section 17(g)(1)(A) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(g)(1)(A)) is amended by striking “each of fiscal years 2004

through 2009” and inserting “each of fiscal years 2010 through 2015”.

SEC. 424. FARMERS MARKET NUTRITION PROGRAM.

Section 17(m)(9) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(m)(9)) is amended by striking subparagraph (A) and inserting the following:

“(A) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection such sums as are necessary for each of fiscal years 2010 through 2015.”.

Subtitle B—Technical Amendments

SEC. 441. TECHNICAL AMENDMENTS.

(a) RICHARD B. RUSSELL NATIONAL SCHOOL LUNCH ACT.—

(1) NUTRITIONAL REQUIREMENTS.—Section 9(f) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1758(f)) is amended—

(A) by striking “(f)” and all that follows through the end of paragraph (1) and inserting the following:

“(f) NUTRITIONAL REQUIREMENTS.—

“(1) IN GENERAL.—Schools that are participating in the school lunch program or school breakfast program shall serve lunches and breakfasts that—

“(A) are consistent with the goals of the most recent Dietary Guidelines for Americans published under section 301 of the National Nutrition Monitoring and Related Research Act of 1990 (7 U.S.C. 5341); and

“(B) consider the nutrient needs of children who may be at risk for inadequate food intake and food insecurity.”;

(B) by striking paragraph (2); and

(C) by redesignating paragraphs (3) through (5) as paragraphs (2) through (4), respectively.

(2) ROUNDING RULES FOR COMPUTATION OF ADJUSTMENT.—Section 11(a)(3)(B) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1759a(a)(3)(B)) is amended by striking “ROUNDING.—” and all that follows through “On July” in subclause (II) and inserting “ROUNDING.—On July”.

(3) INFORMATION AND ASSISTANCE CONCERNING REIMBURSEMENT OPTIONS.—Section 11 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1759a) is amended by striking subsection (f).

(4) 1995 REGULATIONS TO IMPLEMENT DIETARY GUIDELINES.—Section 12 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1760) is amended by striking subsection (k).

(5) SUMMER FOOD SERVICE PROGRAM FOR CHILDREN.—

(A) IN GENERAL.—Section 13 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1761) is amended by striking the section heading and all that follows through the end of subsection (a)(1) and inserting the following:

“SEC. 13. SUMMER FOOD SERVICE PROGRAM FOR CHILDREN.

“(A) IN GENERAL.—

“(1) DEFINITIONS.—In this section:

“(A) AREA IN WHICH POOR ECONOMIC CONDITIONS EXIST.—

“(i) IN GENERAL.—Subject to clause (ii), the term ‘area in which poor economic conditions exist’, as the term relates to an area in which a program food service site is located, means—

“(I) the attendance area of a school in which at least 50 percent of the enrolled children have been determined eligible for free or reduced price school meals under this Act and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.);

“(II) a geographic area, as defined by the Secretary based on the most recent census

data available, in which at least 50 percent of the children residing in that area are eligible for free or reduced price school meals under this Act and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.);

“(III) an area—

“(aa) for which the program food service site documents the eligibility of enrolled children through the collection of income eligibility statements from the families of enrolled children or other means; and

“(bb) at least 50 percent of the children enrolled at the program food service site meet the income standards for free or reduced price school meals under this Act and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.);

“(IV) a geographic area, as defined by the Secretary based on information provided from a department of welfare or zoning commission, in which at least 50 percent of the children residing in that area are eligible for free or reduced price school meals under this Act and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.); or

“(V) an area for which the program food service site demonstrates through other means approved by the Secretary that at least 50 percent of the children enrolled at the program food service site are eligible for free or reduced price school meals under this Act and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.).

“(ii) DURATION OF DETERMINATION.—A determination that an area is an ‘area in which poor economic conditions exist’ under clause (i) shall be in effect for—

“(I) in the case of an area described in clause (i)(I), 5 years;

“(II) in the case of an area described in clause (i)(II), until more recent census data are available;

“(III) in the case of an area described in clause (i)(III), 1 year; and

“(IV) in the case of an area described in subclause (IV) or (V) of clause (i), a period of time to be determined by the Secretary, but not less than 1 year.

“(B) CHILDREN.—The term ‘children’ means—

“(i) individuals who are 18 years of age and under; and

“(ii) individuals who are older than 18 years of age who are—

“(I) determined by a State educational agency or a local public educational agency of a State, in accordance with regulations promulgated by the Secretary, to have a disability; and

“(II) participating in a public or nonprofit private school program established for individuals who have a disability.

“(C) PROGRAM.—The term ‘program’ means the summer food service program for children authorized by this section.

“(D) SERVICE INSTITUTION.—The term ‘service institution’ means a public or private nonprofit school food authority, local, municipal, or county government, public or private nonprofit higher education institution participating in the National Youth Sports Program, or residential public or private nonprofit summer camp, that develops special summer or school vacation programs providing food service similar to food service made available to children during the school year under the school lunch program under this Act or the school breakfast program under the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.).

“(E) STATE.—The term ‘State’ means—

“(i) each of the several States of the United States;

“(ii) the District of Columbia;

“(iii) the Commonwealth of Puerto Rico;

“(iv) Guam;

“(v) American Samoa;

“(vi) the Commonwealth of the Northern Mariana Islands; and

“(vii) the United States Virgin Islands.”.

(B) CONFORMING AMENDMENTS.—Section 13(a) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1761(a)) is amended—

(i) in paragraph (2)—

(I) by striking “(2) To the maximum extent feasible,” and inserting the following:

“(2) PROGRAM AUTHORIZATION.—

“(A) IN GENERAL.—The Secretary may carry out a program to assist States, through grants-in-aid and other means, to initiate and maintain nonprofit summer food service programs for children in service institutions.

“(B) PREPARATION OF FOOD.—

“(i) IN GENERAL.—To the maximum extent feasible,”; and

(II) by striking “The Secretary shall” and inserting the following:

“(ii) INFORMATION AND TECHNICAL ASSISTANCE.—The Secretary shall”;

(i) in paragraph (3)—

(I) by striking “(3) Eligible service institutions” and inserting the following:

“(3) ELIGIBLE SERVICE INSTITUTIONS.—Eligible service institutions”;

(II) by indenting subparagraphs (A) through (D) appropriately;

(iii) in paragraph (4)—

(I) by redesignating subparagraphs (A) through (D) as clauses (i) through (iv), respectively, and indenting appropriately;

(II) by striking “(4) The following” and inserting the following:

“(4) PRIORITY.—

“(A) IN GENERAL.—The following”;

(III) by striking “The Secretary and the States” and inserting the following:

“(B) RURAL AREAS.—The Secretary and the States”;

(iv) by striking “(5) Camps” and inserting the following:

“(5) CAMPS.—Camps”;

(v) by striking “(6) Service institutions” and inserting the following:

“(6) GOVERNMENT INSTITUTIONS.—Service institutions”.

(6) REPORT ON IMPACT OF PROCEDURES TO SECURE STATE SCHOOL INPUT ON COMMODITY SELECTION.—Section 14(d) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1762a(d)) is amended by striking the matter that follows paragraph (5).

(7) RURAL AREA DAY CARE HOME PILOT PROGRAM.—Section 17 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1766) is amended by striking subsection (p).

(8) CHILD AND ADULT CARE FOOD PROGRAM TRAINING AND TECHNICAL ASSISTANCE.—Section 17(q) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1766(q)) is amended by striking paragraph (3).

(9) PILOT PROJECT FOR PRIVATE NONPROFIT STATE AGENCIES.—Section 18 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769) is amended by striking subsection (a).

(10) MEAL COUNTING AND APPLICATION PILOT PROGRAMS.—Section 18(c) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769(c)) is amended—

(A) by striking paragraphs (1) and (2);

(B) by redesignating paragraphs (3) and (4) as paragraphs (1) and (2), respectively; and

(C) in paragraph (1) (as so redesignated), by striking “In addition to the pilot projects described in this subsection, the Secretary may conduct other” and inserting “The Secretary may conduct”.

(11) MILK FORTIFICATION PILOT.—Section 18 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769) is amended by striking subsection (d).

(12) FREE BREAKFAST PILOT PROJECT.—Section 18 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769) is amended by striking subsection (e).

(13) SUMMER FOOD SERVICE RESIDENTIAL CAMP ELIGIBILITY.—Section 18 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769) is amended by striking subsection (f).

(14) ACCOMMODATION OF THE SPECIAL DIETARY NEEDS OF INDIVIDUALS WITH DISABILITIES.—Section 27 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769h) is repealed.

(b) CHILD NUTRITION ACT OF 1966.—

(1) STATE ADMINISTRATIVE EXPENSES MINIMUM LEVELS FOR 2005 THROUGH 2007.—Section 7(a)(1) of the Child Nutrition Act of 1966 (42 U.S.C. 1776(a)(1)) is amended—

(A) in subparagraph (A), by striking “Except as provided in subparagraph (B), each fiscal year” and inserting “Each fiscal year”;

(B) by striking subparagraph (B); and

(C) by redesignating subparagraph (C) as subparagraph (B).

(2) FRUIT AND VEGETABLE GRANTS UNDER THE SPECIAL SUPPLEMENTAL NUTRITION PROGRAM FOR WOMEN, INFANTS, AND CHILDREN.—Section 17(f)(11) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(f)(11)) is amended—

(A) by striking subparagraph (C); and

(B) by redesignating subparagraph (D) as subparagraph (C).

SEC. 442. USE OF UNSPENT FUTURE FUNDS FROM THE AMERICAN RECOVERY AND RE-INVESTMENT ACT OF 2009.

Section 101(a) of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5; 123 Stat. 120) is amended—

(1) in paragraph (1), by inserting before the period at the end “, if the value of the benefits and block grants would be greater under that calculation than in the absence of this subsection”; and

(2) by striking paragraph (2) and inserting the following:

“(2) TERMINATION.—The authority provided by this subsection shall terminate after October 31, 2013.”.

SEC. 443. EQUIPMENT ASSISTANCE TECHNICAL CORRECTION.

(a) IN GENERAL.—Notwithstanding any other provision of law, school food authorities that received a grant for equipment assistance under the grant program carried out under the heading “FOOD AND NUTRITION SERVICE CHILD NUTRITION PROGRAMS” in title I of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5; 123 Stat. 119) shall be eligible to receive a grant under section 749(j) of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2010 (Public Law 111-80; 123 Stat. 2134).

(b) USE OF GRANT.—A school food authority receiving a grant for equipment assistance described in subsection (a) may use the grant only to make equipment available to schools that did not previously receive equipment from a grant under the American Recovery and Reinvestment Act of 2009 (Public Law 111-5; 123 Stat. 115).

SEC. 444. BUDGETARY EFFECTS.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go-Act of 2010, shall be determined by reference to the latest statement titled “Budgetary Effects of PAYGO Legisla-

tion” for this Act, submitted for printing in the Congressional Record by the Chairman of the Senate Budget Committee, provided that such statement has been submitted prior to the vote on passage.

SEC. 445. EFFECTIVE DATE.

Except as otherwise specifically provided in this Act or any of the amendments made by this Act, this Act and the amendments made by this Act take effect on October 1, 2010.

The SPEAKER pro tempore. Pursuant to House Resolution 1742, the gentleman from California (Mr. GEORGE MILLER) and the gentleman from Minnesota (Mr. KLINE) each will control 30 minutes.

The Chair recognizes the gentleman from California.

Mr. GEORGE MILLER of California. I yield myself such time as I may consume.

Mr. Speaker, today I rise for our Nation's children, for the poorest children in our country who are hungry and malnourished. I rise because children need our help. Child nutrition is not a political issue. It's not a partisan issue. It's a question of what's a moral thing to do for our children. It's about being on the right side of history and ensuring a healthy and productive future for our country. Our children will make and determine our future, and that is what is at stake.

In a country as great as ours, no child should go hungry, but, in fact, millions of children do go hungry at various times throughout the year and very often throughout the day. And the fact of the matter is we cannot afford to let that continue.

At the same time we are in the middle of this crisis of food insecurity, it's called, better known as hunger. We also face the public problem of obesity. And what we understand and what we know is that our schools, through the school nutrition programs and other programs that serve nutritional meals to children, are an opportunity to educate them about eating better, eating healthier. This legislation addresses those concerns because it provides the resources necessary so that we can improve the meal selection for our children in the various feeding programs.

It's very important for us because it also provides for increased transparency of the program, for increased efficiency of the program, for increased simplicity of the program both for parents who are enrolling their children, for school districts who are enrolling and accountable for those children and for those meals. Those combinations of accountability and transparency for healthier meals should be a goal and is the goal, in fact, of this Congress and of this Nation.

It also provides accountability within the legislation, and it also provides the means by which we can assure that we will have healthy foods during the school day for the children and in other educational settings and care settings

for these children so that we can also address the problems of childhood obesity.

We have had hearings in our committee where we have had experts from various scientific organizations and health organizations, that we now have very young children presenting with adult diseases and illnesses. We spend some \$140, \$150 billion on the excess costs of obesity, much of which starts with children, with their diet.

That's what this legislation is really about, is making sure that we can, in fact, provide for a healthier school-age population, a smarter school-age population about the foods that they choose, a better meal program for them, and increased simplicity and transparency and accountability for those who administer the program.

With that, I reserve the balance of my time.

Mr. KLINE of Minnesota. Mr. Speaker, I rise in opposition to S. 3307, and I yield myself such time as I may consume.

The American people have spoken, and they continue to speak loud and clear. I have been listening, and I know what I have been hearing in the Second District of Minnesota is being repeated from coast to coast: Stop growing government. The people are telling us, Stop spending money we do not have. It's a simple request and a sensible one, yet it continues to be ignored.

Today's vote will be among our final acts as we move through the few remaining days of the 111th Congress. As we cast those votes, we have a choice to make. Will we continue spending more and increasing the role of government in Americans' lives, or will we listen to the people and begin to step on the brakes?

Each of us must make that choice as we cast our votes on the bill before us. Everyone recognizes the importance of extending child nutrition programs, but extending these programs does not mean expanding them. We could extend these programs and improve them with no added cost to taxpayers. We could listen to our constituents and do right by our children.

In fact, my Republican colleagues and I tried to do precisely that, but the Democrats on the Rules Committee denied us the opportunity to offer such an option on the floor today. Instead, this bill spends another \$4.5 billion on various programs and initiatives and creates or expands 17 separate Federal programs. It imposes a tax on the middle class by empowering the U.S. Secretary of Agriculture to require schools to increase—that's right—require schools to increase the price they charge families for school meals.

This is a dangerous foray into Federal price controls, and it's one of many concerns outlined by the National Governors Association and leading school groups. In fact, the school

leaders who would be responsible for implementing these new requirements have urged us to vote “no” on S. 3307 because of its higher cost for local districts and its rigid mandates.

□ 1330

Earlier this month, the American Association of School Administrators, the Council of the Great City Schools, and the National School Boards Association told us, “All of the national organizations representing the Nation’s public school districts do not support the Senate version of the Child Nutrition reauthorization bill pending before the House.” This is a strong statement that should leave every Member questioning the wisdom of imposing these added costs and mandates on our school systems.

In fact, the cost of this proposal has been a sticking point throughout the process. The majority claims this bill is paid for. They want us to believe we can grow government with no cost or consequences. But the American people know that’s just not true. More spending is more spending whether or not those dollars are offset elsewhere in the massive Federal budget. But one offset in this bill is particularly questionable.

The truth is, at least some portion of the billions the new program costs is deficit spending. This money was borrowed from our children and grandchildren in 2009 when it was put in the stimulus; that borrowed money is simply being redirected today. It was borrowed then; it is borrowed now.

This bill, with its so-called pay-for, is merely a stalling tactic. It obscures government expansion in the short term so this bill can become law and its spending can become permanent. So here we stand, playing a shell game with the Federal budget and hoping the American people do not notice that government continues to grow, spending continues to expand, and our children continue to fall deeper and deeper into debt.

Mr. Speaker, I support extending and improving child nutrition programs. I believe we can do so in a bipartisan way, but that opportunity is lost with this bill, and so I must oppose it.

I reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself 30 seconds. First of all, it’s very clear in this legislation that it does not require school districts to raise any meal prices. In fact, in the best sense of local control, it lets school districts decide and determine how they will ensure that there’s adequate revenue to support the paid meal program. We should not have the Federal taxpayers underwriting the support of meals for those who can afford it as is required by the law. This bill passed unanimously from the United States Senate. It passed unanimously because they knew that it is paid for.

I yield 2 minutes to the gentlewoman from California (Ms. WOOLSEY), a member of the committee.

Ms. WOOLSEY. Mr. Speaker, I rise in support of S. 3307 which passed, by the way, by unanimous consent out of the Senate. And I support it because it is our responsibility in this wealthy Nation, the United States of America, to make certain that all children, regardless of family income, have nutritious food so that they will thrive in school and in life and because we know that a hungry child cannot learn and poor nutrition costs our Nation far more over time than investing in good nutrition now.

Mr. Speaker, I’m proud to be the author of two provisions of this bill. One will update, for the first time in 30 years, the nutritional standards for foods sold in vending machines, a la carte lines and school snack bars. The other creates a pilot program for schools to offer organic foods.

We know that child nutrition is at the heart of our social safety net and the safety of all of our children. And these programs have been overwhelmingly successful, and they have been cost effective. It’s essential that we reauthorize them and that the administration work with us to fulfill their commitment to backfill any food stamp funding after 2013.

I urge all of my colleagues, Mr. Speaker, to vote “yes” on S. 3307.

Mr. KLINE of Minnesota. Mr. Speaker, I yield myself such time as I may consume here to address this issue of a floor on school lunch prices that can be imposed. I have got a couple of quotes here I would like to read. One is from the bill and one is from the letter from the Governors Association where there’s a paragraph that says, “Federally mandated paid meal price. The bill would establish a Federal mandate for every paid meal in every school in the country for the first time ever. Governors join with the school community to strongly oppose this Federal mandate. The provision will dramatically destabilize fair market pricing of school meals” and so forth.

And they get that from the language of the bill itself. In section 205, it says: “Lower price, in general, in the case of a school food authority that established a price for a paid lunch in the previous school year that was less than the difference between the total Federal reimbursement for a free lunch and the total Federal reimbursement for a paid lunch, the school food authority shall establish an average price for a paid lunch that is not less than the price charged in the previous school year.”

So the Federal Government is coming in and saying, you can’t charge any less; you cannot lower the price of your paid school lunch unless it meets our requirements. It is, in fact, saying that you can’t lower the price of food even

if you would like to do so. It doesn’t meet this requirement.

I reserve the balance of my time.

Mr. GEORGE MILLER of California. I yield 2 minutes to the gentlewoman from New York, CAROLYN MCCARTHY, the subcommittee chair on this.

Mrs. MCCARTHY of New York. Mr. Speaker, I rise today in support of S. 3307, the Healthy, Hunger-Free Kids Act of 2010. I want to also thank Chairman MILLER for his leadership on this issue. I also want to thank all of our staff who have worked so hard on this bill. Finally, I would like to thank the nutrition and anti-hunger groups who have helped raise the awareness of this very important issue, including those in my district.

In the Healthy Families and Communities Subcommittee, which I chair, we have worked hard over the last two Congresses on how we should address many of the important issues through child nutrition reauthorization, including how we can reduce childhood obesity. I’m proud that this bill contains provisions from bills which I have introduced, which will promote nutrition and wellness in child care settings and support breastfeeding for low-income women.

As a nurse for over 30 years, I have seen firsthand the risks and illnesses that can result from obesity. Childhood obesity, diabetes, and heart disease are all on the rise in the United States. And one of the best tools we have to combat these illnesses is our ability to apply wholesome and healthy nutrition to children in our schools. Childhood obesity is found in all 50 States, in both young children and adolescents. It affects all social and economic levels.

There is no silver bullet to solve childhood obesity. However, the School Breakfast and Lunch programs can make a great impact because they may provide more than 50 percent of a student’s food and nutrient intake on school days.

Given the current harsh financial realities for many families in my district and throughout the Nation, schools have an increasingly important role to play in providing children with nutritious food during their days. We also know how critical it is to reach children as soon as possible. While the bill doesn’t include everything our House-passed bill contained, it is a strong, commonsense, and hopefully bipartisan effort to improve access to healthy food to all children.

I urge my colleagues to vote “yes” on this bill.

Mr. KLINE of Minnesota. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Georgia, Dr. BROWN.

Mr. BROWN of Georgia. I thank the gentleman for yielding.

I’m a medical doctor, and I have spent almost four decades of practicing

medicine concerned about child nutrition and about the health of my patients. Doctors do that as family practitioners and pediatricians all over this country, all over the world.

But this act is not about child nutrition. It's not about healthy kids. It's really about an expansion of the Federal Government. And it's an interference in the school system, so much so that the American Association of School Administrators, the Council of Great City Schools, and the National School Boards Association all oppose this act.

This is not about child nutrition. This is about more government control. This is not about healthy children. It's about borrowing more money and putting our children in greater debt. It's not about creating a better environment for children in the schools. It's about more and more control from Washington, DC.

And we have just got to stop that. The American people are acting very strongly against the agenda that this Congress and this President has shown them in the last 2 years. We saw that on November 2.

□ 1340

We have got to stop the spending. This is a \$4.5 billion bill, and the pay-for that our colleagues on the other side of the aisle have put into place is a farce. It's a lie, and it is borrowing more from our children. This kind of idiocy has to stop. It includes a lot of Federal mandates. It is going to be extremely costly.

And it does things such as create new programs like an organic food plot. Now, I eat organic food. I like the taste of free range chicken and free range beef and organic foods, but we don't need the Federal Government to promote this kind of stuff. It's crazy.

It also spends taxpayer dollars to federalize nutrition standards. I am one who believes in proper nutrition. I have talked to my patients for years and years about proper nutrition, eating properly, taking care of their diabetes and their hypertension and their hyperlipidemias and things like that through nutritional means above even prescribing medication. But the Federal Government has no business setting nutritional standards and telling families what they should and shouldn't eat.

This bill contains a lot of hidden costs, hidden costs that are going to wind up being billions of dollars of more Federal spending. And it contains mandates on the States.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. KLINE of Minnesota. I yield the gentleman an additional minute.

Mr. BROWN of Georgia. It does give extra mandates on the States, and the States are already overburdened and suffering financially.

Republicans have an alternative to support child nutrition without growing government, but we are not able to bring those things to the floor. Hopefully in the next Congress, we will be able to. We are extremely concerned about the nutrition of our children, and of adults. I, as a physician, have been spending most of my adult life talking about nutrition and health, but this bill is not that. This bill is a nutrition bill for a bigger government, greater spending, and it must stop. I encourage my colleagues to vote against this bill. It is disastrous.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 1 minute to the Speaker of the House, the gentlewoman from California (Ms. PELOSI).

Ms. PELOSI. Mr. Speaker, I thank the chairman, and I thank Congresswoman MCCARTHY, Chairwoman DELAUNO, Congressman JIM MCGOVERN, all for their leadership in bringing this important legislation to the floor today. I especially want to acknowledge the exceptional leadership of First Lady Michelle Obama for recognizing a tremendous need in our country for proper nutrition for our children, children who have issues of having the proper nutrition, having issues about being susceptible to diabetes. So many members of our caucus in this Congress have participated in this legislation, in this House, Congresswoman BARBARA LEE, the chair of the Congressional Black Caucus, as have other Members; Leader HOYER. We all come together with a shared value, and we come together proudly to support a bill that passed unanimously, with bipartisan support, passed unanimously in the United States Senate. I congratulate the Senate for the action that they took to give us an opportunity to be here today.

When I became Speaker, my first action was to gavel the House to order on behalf of all of America's children. I feel very proud that toward the end of this Congress, I have an opportunity to come to speak for those children as well. I come as a mother and as a grandmother. I come as one whose children and grandchildren every day pray for the one in five children in America who lives in poverty. Many of those children go to sleep hungry at night. How could that be in this, the greatest country in the world.

This Congress, the United States Senate in a bipartisan way, the First Lady and the President of the United States have decided to take action upon the tremendous need our children have. We all know that this legislation is important for moral reasons. It is also a competitiveness issue for our country. It is important for children to learn in order for us to compete internationally. They can't learn if they are not eating, if they don't have the proper nutrition. So it is not just about what it means to the children, al-

though that is foremost. It is what it means to our country, our community, to our economy.

It is a national security issue as well. Just a little bit of history that many of you are familiar with, but I will recall, in order to create the strongest possible military, we must address obesity among America's children. A little history, the National School Lunch Act was made law in 1946 as a response to the alarming number of Americans who were rejected from World War II military service because of diet-related health problems. That is how we got food stamps and many of the food initiatives in our country. More than 60 years later, America faces the same problem: 27 percent of young Americans are unable to serve in the military because they are overweight. That is why Mission Readiness, an organization of more than 150 retired military leaders, is urging Congress to pass this bill.

The faith-based community supports it. The children's organizations support it. Those who are concerned about nutrition and feeding our children support it. The military supports this legislation. It will strengthen our competitiveness, it will improve our military readiness, and it will honor our commitment to our children. And it does so in a fiscally responsible way, improving the efficiency and the effectiveness of Federal child nutrition initiatives and ultimately saving the taxpayer money.

The United States of America spends \$147 billion each year in excess medical costs treating obesity-related diseases. Indeed, we cannot afford not to address this problem. We must address this problem. Again, I commend my colleagues for their leadership over the years. I know that Congressman GEORGE MILLER, now chairman of the Education and Labor Committee, but way back when, before he came to Congress, decades ago as a staffer in Sacramento, California, worked on child nutrition issues. So he brings a long history and great commitment in making a tremendous difference for children and their health.

Again, let us address this moral issue, this competitiveness issue, this national security issue. Let us join the United States Senate in passing this legislation with strong bipartisan support for all of America's children.

Mr. KLINE of Minnesota. Mr. Speaker, I reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 1½ minutes to the gentleman from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. Mr. Speaker, the Senate unanimously passed this bill. Unanimously. I think I understand why, because they understood what I hope we understand today is the choice that is in front of the country. You can understand that choice by thinking

about where two Americans are at this moment.

One of them is a second grader who just went through her paces and classes for the morning. It's now time for lunch. This bill says no matter how much money her mother and father make, she is going to get a nutritious, wholesome meal to fuel her for the rest of the day. And, yes, that is going to cost \$4 billion, which is offset by cuts in other areas of the budget.

The second American is the leader of a huge hedge fund on Wall Street. He is on his way to lunch at the priciest restaurant in Manhattan, maybe a \$200 or \$300 lunch. One of the other issues before the Congress this week is whether he should get a tax cut that over the years will cost a dollar for every penny that this bill costs. These are the two Americans whose considerations are before the House today.

□ 1350

I don't begrudge the hedge fund manager for the wealth he's accumulated, the jobs he's created. I don't think we should borrow money from the Chinese to lower his taxes; but I think, as the unanimous consent of the Senate thought, that that second grader should get a wholesome, healthy school lunch, and we should vote "yes."

Mr. KLINE of Minnesota. Mr. Speaker, I continue to reserve.

Mr. GEORGE MILLER of California. I yield 1 minute to the majority leader, the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. I thank the chairman for yielding. I want to congratulate the chairman, as the Speaker did, for a lifetime of dedication to children, to education, and to health care. He has been a giant in all three of those activities and, in fact, understands the relationship between all those activities.

I also want to thank the ranking member for his work. I know that he's not for this bill, so we have a difference there; but I do not believe, as the previous speaker said on his side of the aisle, that he's not also for making sure that children have the proper nutrition and grow up healthy. We have a different perspective on how to get there.

The Centers for Disease Control tell us that over the past three decades childhood obesity rates have tripled. Nearly one out of every five American children between the ages of 6 and 19 is obese. That is a national crisis. That is a national security crisis. That is a crisis that we owe morally, ethically, fiscally, and as a national policy to address. That doesn't just mean a lifetime of health problems for those children. It means a public health crisis that we all pay for.

One of my favorite phrases is, Life is a series of alternatives, series of choices, but they're not free choices.

Ted Agnew was elected Governor of the State of Maryland at the same time I was elected to the Maryland State Senate, and he gave a speech on the east front of the capitol of our State in Annapolis. One of the phrases in that speech has stuck with me since January of 1967. He said, The cost of failure far exceeds the price of progress. I want you to think about that: the cost of failure far exceeds the cost of progress.

The cost of unhealthy children is far greater than keeping those children healthy, to facilitating their not only nutritional but health needs. We pay for the failure to do so in the billions of dollars in health care costs each year, and we even pay for it in military readiness, with at least 9 million young adults, think about it, 9 million young adults in America who are too overweight to serve in our Armed Forces, nine million, according to a coalition of retired senior military leaders.

So, again, a health issue but a national security issue as well.

We can't reverse the obesity epidemic or solve child hunger overnight. We recognize that. But we can take an important step towards getting our children healthier food by passing this particular piece of legislation.

And as has been pointed out time after time, this bill was passed unanimously in the other body. That means that this is not a partisan bill. This is not a bill on which there was great disagreement, and we know in the United States Senate there are people who are very concerned about the budget deficit, very concerned about growth of government, very concerned about many of the things that were expressed on this floor. They unanimously said this is a priority for our country and we're going to pass it.

This legislation takes important steps to increase access to school meal programs, improve the standards of the food provided and sold to our children, and strengthen accountability to produce healthier results for our children.

Among the bill's most important provisions, it increases reimbursements for school meal programs so that the food offered can meet today's health standards, not outdated standards. We've learned a lot in the last 15 to 20 years. We understand better what creates healthy children, is helpful or is not, food that may taste good but leads to obesity.

Now, we all have the opportunity to purchase that. I'm a big McDonald's eater myself. I understand that luckily whatever metabolism I have seems to work with respect to my ingesting all of those McDonald's hamburgers and french fries. I love them and I don't want to be told I can't have them. But I do know this: I have a great-granddaughter who's 4 years of age. She's going to be in school pretty soon. I want to make sure the food she gets in

school, whether she buys it or it's provided for her because she can't afford it—luckily our family will be able to afford it—is food that will enhance her health, her well-being, her growth, her intellectual abilities because she will feel well.

This is a critically important piece of legislation that so many Members of the Senate and the House have worked so hard on. The bill also helps schools create and expand breakfast programs because nutritious breakfasts have been shown to correlate strongly with improved academic outcomes.

George Bush I was a big proponent of Head Start. One of the reasons he was a big supporter of Head Start is because he thought it worked. He thought it worked to make sure that young people have opportunities. One of those, of course, is having a breakfast so that when they're in a classroom they're not agonized about hunger. They're focused on learning.

When families face food insecurity and when schools do too little to pick up the slack, we are condemning children to higher chances of poor performance in school and poor health throughout life. This bill will also provide grants and outreach to increase participation in summer food service programs so that children can eat healthier food year-round.

I learned about the importance of those programs firsthand. I'm sure many of you have done the same on both sides of the aisle. You have visited programs in your communities that provide children with healthy meals. I was in La Plata, Maryland, a few months ago, and I saw the direct benefit to those children of the program that was available to them there.

Finally, this bill would continue school districts' role in creating local nutrition and physical activity programs, but it will also ensure follow-up to see these programs are implemented and that they meet their goals.

The health of our children has a distinct and direct impact on all of us, and all of us care about that. It's not a partisan issue. Every Republican, every Democrat cares about the health of our children. But caring is not enough. We need to act as well. Saying that we care, as the Bible tells, faith without works is dead. It's nice to say you have faith, but if you don't follow that with action, that's somewhat empty.

This is an opportunity to act. This is an opportunity to not only say that we care about children and their health and their nutrition and their welfare but it is an opportunity to act and make it so. Let us do that.

I congratulate all of those who have worked so hard to bring this bill to the floor, and I urge its adoption.

Mr. KLINE of Minnesota. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from east Tennessee, Dr. ROE.

Mr. ROE of Tennessee. Mr. Speaker, I rise in opposition to this legislation.

You will be hard pressed to find many Members on either side of the aisle who oppose childhood nutrition programs. No child, no child, should have to go hungry. That's something all of us agree on.

This bill, however, represents everything that's wrong with Congress right now. First, we've done virtually no committee consideration of this legislation. Of other legislation, yes, but not this legislation we are going to vote on today. The Education and Labor Committee marked up an entirely different bill. Many Republicans offered amendments in committee; and like so many other bills in NANCY PELOSI's Congress, no amendments were permitted on the floor today, none.

Second, this bill spends even more. What the American people have been saying all year to us is to stop spending money we don't have. They want us to look for savings within existing programs. If there are worthy improvements to be made, we can use those savings to make these programs better, but you can't get out of a ditch if you keep digging yourself deeper into it, and our fiscal situation is the Grand Canyon of all ditches.

□ 1400

Now, I'm sure we're going to hear all about how this spending is "paid for" with spending cuts. While that's an improvement over paying for bills with tax increases, the fact is many on the other side of the aisle and a host of groups are already insisting that the cuts be made here today to the food stamp program, or SNAP, as it's now called, will be restored. How dishonest is it to say a bill is paid for with spending cuts that we have no intention of keeping in place?

If we defeat this legislation today, we can come back and start considering each new program today on its own merits. There may be some improvements to the program which I would vote for—and I'm sure there are—and I would be happy to work with colleagues on both sides of the aisle on this program after we have had a chance to carefully review it; but until then, let's keep the existing program in place.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 1 minute to a member of the committee, the gentleman from New Jersey (Mr. HOLT).

Mr. HOLT. I thank the chairman.

Mr. Speaker, this important bill will increase the number of children enrolled in school meals programs, and it will provide more meals for at-risk children nationwide; it will improve the quality of school meals; it removes junk food from the schools; it provides nutrition and wellness for the students, and it increases the reimbursement

rate for schools. This is too important to delay another day.

I want to thank Chairman MILLER for including in the bill language that I wrote on Farm to School improvements, which will provide tens of millions of dollars in mandatory funding for fresh vegetables.

Now, since I come from New Jersey, it may not be a surprise that I support bringing Jersey tomatoes and sweet corn into the schools, but this has real nutritional benefits and educational benefits as well as improving the economics of local farmers. Of course, it will also help, as we've heard, fight childhood obesity.

It is important to point out—and I must emphasize this to my colleague who just spoke—that this is paid for fully by cuts in other programs, and I pledge to restore any funds borrowed from future years of food stamp funding to cover this.

Mr. Speaker, I rise today in support of the Healthy, Hunger-Free Kids Act of 2010 (S. 3307), which will reauthorize important child nutrition programs and raise the nutritional standards for food served to our school children in a variety of ways.

The number of obese children in the United States has tripled in the last 30 years. The Centers for Disease Control and Prevention (CDC) found that as of 2008 almost 32 percent of our children were either overweight or obese. Obesity leaves children at risk of developing adult diseases such as hypertension and Type-2 diabetes, and at increased risk of developing heart disease and suffering from strokes and cancer. A study by Mission: Readiness, an organization of retired senior military leaders, found that more than 9 million young adults are too overweight to join the Armed Services.

In a strange paradox, while childhood obesity has reached epidemic levels in the United States, so too has childhood hunger. As of 2008, more than 49 million people in the United States were living in food insecure households, and more than 16 million of those were children. That's more than 22 percent of all children living in America. Making matters worse, more than 17 million people were living in households that were considered to have "very low food security," a USDA term meaning one or more people in the household were hungry over the course of the year because of the inability to afford enough food. In 2008, the number of people suffering from "very low food security" was double the number in that category in 2000.

We are long overdue in taking decisive action to combat these problems, and I am pleased that we are taking an important step today. The Healthy, Hunger-Free Kids Act includes many provisions to combat childhood hunger. The bill increases the number of children funded in the school meal program by using existing data to directly certify eligible children. In addition, it provides funds to states to establish and expand school breakfast programs in communities with high levels of children living in poverty. It would also expand the availability of summer food service programs so more children have access to nutritious

meals year round. To help reduce hunger outside of school, the bill would allow Child and Adult Care Food Program providers nationwide to be reimbursed for providing a meal to at-risk children after school. Altogether, the hunger-prevention provisions in the bill would provide more than 21 million additional meals to at-risk children.

The legislation would also combat obesity by making the food served at school healthier and more nutritious. It requires that all food served at school meet updated standards that reflect recommendations made by the Food and Nutrition Board of the National Academy of Sciences National Research Council. This will finally remove junk food from schools and ensure that the only meal some children get each day is nutritious. Further, the legislation increases the reimbursement rate for schools that comply with these new nutrition standards. This represents the first increase in reimbursement rates in 30 years. The bill also requires schools participating in the school lunch program to offer drinking water in the location where meals are served, while they are being served, and to establish school wellness policies.

I am particularly pleased that my legislation, the Farm to School Improvements Act, is included in the Healthy, Hunger-Free Kids Act. The farm to school provisions in the bill establish a program through which schools, agricultural producers, nonprofit organizations, agencies and Indian Tribes can obtain competitive matching grants to increase the use of locally-supplied foods in schools participating in the school lunch or breakfast programs. Priority in awarding the grants goes to projects that, among other things, make local food products available on the school menu, serve a high proportion of children who are eligible for free or reduced price lunches, and incorporate experiential nutrition education activities such as farming and growing school gardens in curriculum planning. The bill provides \$40 million in mandatory finding over 8 years to support farm to school programs.

When he testified in July at the hearing on this legislation in the House Committee on Education and Labor, U.S. Secretary of Agriculture Tom Vilsack said that we cannot "delay the connection between the farm and school." It is a crucial link between children and their food supply. Similarly, Beth Feehan, Director of the New Jersey Farm to School Network said "[w]e can't be penny wise and a pound foolish with this one. What we feed children will determine their health as adults—how well they learn and perform in all areas of their lives. . . . When our military states that [it] cannot command enough recruits due to the increase in obesity in the eligible population who can serve, it is time to take a serious look at what we are feeding children and make improvements now." I am pleased that we are doing that today.

In these challenging fiscal times, every dollar we spend must not only meet immediate needs but also make lasting improvements for the future. Because school food programs currently provide more than half of the daily nutrition for many children, it is vital that these meals be healthy ones. Farm to school programs increase the availability of fresh fruits and vegetables to improve our children's daily

nutrition and can lead to permanent improvements in their diets and eating habits.

Farm to School programs also benefit small- and mid-sized agricultural producers by providing access to consistent markets, making them a great stimulus for the local economy. Currently, 10,000 farm to school programs exist, but there are 94,000 public and nonprofit private schools operating school lunch programs that could offer one.

I would like to take a moment to thank Megan Lott of the Community Food Security Coalition, Beth Feehan, the Director of the New Jersey Farm to School Network, and Gabrielle Serra of the House Committee on Education and Labor for helping to make this program a reality.

I was delighted when the House recognized the critical importance of farm-to-school programs by passing my House Resolution 1655 in November, to establish October as National Farm to School Month. Today, I am pleased to support the Healthy, Hunger-Free Kids Act, and I urge my colleagues to do the same.

Mr. KLINE of Minnesota. Mr. Speaker, may I inquire as to the time remaining on both sides.

The SPEAKER pro tempore. There are 18½ minutes remaining on both sides.

Mr. KLINE of Minnesota. I reserve the balance of my time.

Mr. GEORGE MILLER of California. I yield 1 minute to a member of the committee, the gentleman from Iowa (Mr. LOEBSACK).

Mr. LOEBSACK. I want to thank Chairman MILLER and staff for working to move the reauthorization of this bill forward.

Mr. Speaker, this really is a historic bill; and while not perfect, it is nonetheless a vast improvement over the status quo. As was mentioned already a number of times, it passed unanimously in the Senate.

I am pleased that this legislation includes provisions from legislation that I introduced to ensure that over 110,000 more children receive school meals and are automatically enrolled for those meals, saving parents and schools time and money and cutting red tape, while also ensuring that our Nation's children are, in fact, getting adequate nutrition.

It also includes provisions that will improve the quality and healthfulness of school food products and processing, and it will give schools a new option to provide universal free meals.

This bill also makes a strong commitment to healthy foods through the Farm to School program, as was just mentioned, and it provides the first increase in the meal reimbursement rate in over 30 years.

I urge support for this legislation, not only for our children's current health, but for their future health as adults as well. I urge the passage of this legislation.

I want to first thank Chairman MILLER and Chairwoman LINCOLN and their staff for working to pass this bill and moving child nutrition

reauthorization forward. This is a historic bill, and while not perfect, is a vast improvement over the status quo.

I am pleased that a number of provisions from legislation I introduced are included in this legislation. I was happy to introduce in the House, along with Chairwoman LINCOLN in the Senate, the Healthy Food for Healthy Schools Act, which is included in this bill.

I am also pleased that this bill includes a number of provisions from the Hunger Free Schools Act I introduced in the House and Senator BROWN introduced in the Senate.

The primary goals of the Hunger Free Schools Act are to increase access to the school meals programs, enhance children's learning, support a robust farm and food economy, and also lessen the administrative cost and burden on our schools.

Even in this day and age, the U.S. Department of Agriculture (USDA) reported that in 2009, over 450,000 families with children had one or more children who did not get enough to eat. In my eyes, this is simply unacceptable in the wealthiest and most advanced nation on earth.

I truly believe this legislation takes major steps to address these issues in the place where our children learn and grow. In order to prepare our children to compete in an increasingly global economy, we must make childhood nutrition a priority. By automatically enrolling low-income children for free school meals to ensure that no hungry child misses out on critical nutrition, we are taking important steps to address these issues.

That is also why, in the Hunger Free School Act, we included provisions to make it easier for high-poverty schools to offer free meals to all students through community eligibility and to make it easier for low-income students to get free meals no matter where they attend school.

The legislation before us today includes a number of these provisions from the Hunger Free Schools Act. I would like to share some specifics about what S. 3307 will do with respect to community eligibility and automatic enrollment.

This legislation includes new options designed to make it much easier for high-poverty schools and districts to focus their efforts on educating children rather than administrative burdens and paperwork. The new options, which are known as community eligibility options, draw on reliable data to replace paper applications, significantly reducing administrative hassles and even costs for families and for schools.

Schools that participate in community eligibility options would serve all meals free of charge to students in exchange for the simplifications of not having to process applications or track eligibility in the cafeteria. We have to make sure, however, that we don't replace one bureaucratic process that plagues schools with another process of complicated formulas and reimbursement rates.

The community eligibility provision included in this bill is targeted at the poorest schools in America. The goal is that these schools are able to serve all kids free meals so that no low-income child feels a stigma for needing these meals, they all get the meals they need to learn, and we help streamline the operation of the meal program.

This should allow schools to spend time on teaching and improving school meals rather than paperwork. While implementing the community eligibility portion of this legislation after it is signed into law, USDA should work to make it as easy as possible for schools to participate and should avoid unnecessary barriers or complexities. We need to focus on the goal of getting high-poverty schools to participate to make progress on reducing hunger.

Another important provision included in S. 3307 I was happy to work on is an expansion of automatic enrollment and direct certification. The Child Nutrition and WIC Reauthorization Act of 2004 phased in a requirement that schools automatically enroll children in households receiving benefits through the Supplemental Nutrition Assistance Program (SNAP, formerly the Food Stamp Program) for free school meals so that families that have already sought help and provided detailed information will not have to go through a duplicative application process, thereby saving school districts time and money.

Obviously the goal was to have every school district automatically enrolling every one of those children. For a number of reasons, states miss nearly three in ten children who could benefit from automatic enrollment and some states miss half the children who could benefit. While we have not yet achieved the goal of automatically enrolling every child, schools have made good progress and this legislation will put in place incentives for further progress.

S. 3307 will put in place performance standards beginning with reaching 80 percent of children eligible for automatic enrollment based on SNAP data and increasing to 95 percent. States that have trouble meeting this standard will develop improvement plans and states that perform especially well or show dramatic improvement will receive performance bonuses. The Congressional Budget Office (CBO) estimates that an average of 4,500 low-income children will receive free school meals for the first time as a result of these changes.

While not as strong as provisions I included in the Hunger Free Schools Act, S. 3307 will importantly launch a demonstration project to expand direct certification through the use of Medicaid data for automatic enrollment for free school meals. Due to the funding situation we are faced with, the demonstration project focuses on the use of Medicaid data by selected school districts around the country. CBO estimates that 115,000 children each year will receive free school meals for the first time as a result of this demonstration project and many more who are already receiving free meals will be automatically enrolled for the first time by using the new Medicaid data.

Unfortunately, as I mentioned, due to funding constraints, there are millions more children who are eligible for free school meals and receive Medicaid, but who will not benefit from this expansion of direct certification. Fortunately, the USDA can do a great deal to reach them within the Department. I urge USDA to use its standing authority to conduct additional demonstration projects to explore the use of Medicaid data to enroll low-income children for free school meals.

Granted, the use of Medicaid data for direct certification is more complicated than SNAP

data because states may set income limits for children receiving Medicaid that are higher than the income limits that apply to free meals offered through the school meals programs. To take Department-level steps to remedy this situation, USDA could study an array of different approaches to using Medicaid data for school meals enrollment, including statewide approaches.

Alongside my enthusiasm for these provisions, however, is concern that this bill is partly funded by reducing future SNAP benefits that were increased above normal levels as a result of the American Recovery and Reinvestment Act. As we all know, SNAP benefits stave off hunger for millions of low-income families, including many of the same families and children we try to help through the child nutrition programs.

I am pleased the Administration has stated their intention to work toward the restoration of this SNAP funding in the future and their intention to take additional steps to make improvements on a Department-level to the child nutrition programs. I hope USDA will look at provisions in the Hunger Free Schools Act for some ideas on potential improvements.

Despite the issue with SNAP benefits, this bill provides numerous benefits for children and schools and is truly a historic commitment to child nutrition. The bill also makes a strong commitment to healthy foods through the Farm to School program and provides the first increase in the meal reimbursement rate in over 30 years. The provisions of the Hunger Free Schools Act that are included will make important strides to modernize the school meals program and make it easier for low-income children to get the school meals they need, while providing a base upon which USDA may build.

By the time we begin work on the next child nutrition reauthorization, I hope these provisions I have discussed will have ensured that schools serving low-income children are providing free meals to all students using community eligibility options, every student in a household receiving SNAP benefits are automatically enrolled for free school meals, and thousands more children are directly certified through Medicaid data.

Most importantly, I hope children will be healthier, will have a better learning environment, and that our child nutrition programs will be fulfilling our commitment to ending childhood hunger.

Mr. KLINE of Minnesota. I continue to reserve the balance of my time.

Mr. GEORGE MILLER of California. I yield 1 minute to a member of the committee, the gentlewoman from California (Ms. CHU).

Ms. CHU. How could the wealthiest country in the world have a situation where 22 percent of its children are hungry? Children like Michael, a fourth-grader. His mom works two jobs, and it's hard for her to cook, so Michael stuffs three sandwiches in his backpack during lunch, making the school lunch program his only guaranteed meal.

This bill will make it easier for more children like him to have at least one healthy meal a day. Kids who are fed

aren't just healthier; they succeed. Children who eat breakfast at school do better on standardized tests than those who skip it or eat at home.

But that's not all. We heard some school districts are balancing their budgets by using school lunch dollars for other purposes. So I introduced a bill to ensure Federal nutrition money actually goes toward feeding our needy children—it is included here—ensuring that our tax dollars go where they are supposed to.

This bill was unanimously passed in the Senate and is fully paid for. Let's pass this bill, and let's ensure that our kids are fed.

Mr. KLINE of Minnesota. Madam Speaker, I yield myself 2 minutes just to address an issue that we have talked about a number of times.

Both sides have referred to organizations that support or oppose this legislation. For a moment, I just want to go to a letter that has been referred to from the American Association of School Administrators, the Council of the Great City Schools, and the National School Boards Association. They represent the State and local officials who actually have to implement this law that we are preparing to pass here in Congress. There are just a couple of excerpts from the letter which I will quote:

"The bill adds multiple new requirements while failing to reimburse these additional costs."

"School districts continue to financially subsidize the Federal meals program at the expense of our primary responsibility, our students' educational program."

"The numerous new requirements in S. 3307 will exacerbate these operational concerns and drive school districts' budgets further in the hole. Notably, none of the interest groups or celebrities promoting this bill bear the governmental and legal responsibility of school district officials to deliver services with an annual balanced budget," and so forth.

This bill will drive up costs and complexities for school districts, and that is not the direction in which we should be going.

AMERICAN ASSOCIATION OF SCHOOL ADMINISTRATORS; COUNCIL OF THE GREAT CITY SCHOOLS; NATIONAL SCHOOL BOARD ASSOCIATION.

NOVEMBER 15, 2010.

HOUSE OF REPRESENTATIVES, Washington, DC.

DEAR REPRESENTATIVE: All of the national organizations representing the nation's public school districts do not support the Senate version of the Child Nutrition reauthorization bill (S. 3307) pending before the House. The bill does not provide sufficient resources to cover the local cost of providing the federal free and reduced-priced lunches and breakfasts. Moreover, the bill adds multiple new requirements while failing to reimburse these additional costs. The Senate bill is actually less supportable than the House version of the child nutrition bill. As a re-

sult, the nation's school administrators, school boards, and big city school districts recommend passing a simple extension of current law.

School districts recognize the importance of providing healthy meals and snack options for school children, and support updating the nutritional standards for the National School Lunch and Breakfast Programs. But, school districts continue to financially subsidize the federal meals program at the expense of our primary responsibility, our students' educational program.

U.S. Department of Agriculture studies document that school districts' cost of providing free lunches exceeds the federal reimbursement by over thirty cents per meal, or an annual cost of \$54,000 for school districts serving 1,000 students daily—the equivalent cost of retaining a teacher. In high cost areas, the un-reimbursed cost can be significantly more. The numerous new requirements in S. 3307 will exacerbate these operational concerns, and drive school districts' budgets further in the hole. Notably, none of the interest groups or celebrities promoting this bill bears the governmental and legal responsibility of school district officials to deliver services with an annual balanced budget.

School districts simply request that Congress pay for the costs of the federal free and reduced priced school meals, and refrain from imposing new federal requirements particularly in this economic environment. Much attention has been directed to the use of food stamp funds (SNAP) to pay for or offset the cost of the Senate's Child Nutrition bill. Unfortunately, little attention has been focused on the drain of local school district funds to pay for or offset the continuing unfunded costs of the federal free and reduced-priced school meals. We, therefore, recommend a "no" vote on S. 3307 and passage of a simple extension of the current programs.

Sincerely,

NOELLE ELLERSON,
American Association
of School Adminis-
trators.

JEFF SIMERING,
Council of the Great
City Schools.

LUCY GETTMAN,
National School
Boards Association.

I reserve the balance of my time.

Mr. GEORGE MILLER of California. I yield 2 minutes to the gentleman from California (Mr. FARR).

Mr. FARR. Madam Speaker, I would like to, first of all, praise the grandmother leadership of Speaker PELOSI and the leader of the committee, GEORGE MILLER. There are no two legislators in the history of the United States Congress who have done more for children than NANCY PELOSI and GEORGE MILLER, and I am really proud to come down and support the bill that they are supporting.

Look, the largest cost to the United States Government is health care. It's a no-brainer that, if you want to cut the costs of government, you have got to invest in wellness. The biggest investment in wellness is children. We can't just be concerned with what we are putting in their minds without being equally concerned with what we

are putting in their stomachs. You can't grow a healthy America without nutrition, and we have paid little attention to it.

This bill is the start—it is the beginning—of better wellness in America and of healthier kids with healthier minds so that we can grow to be a competitive country and a healthy country and can bring down the costs of government.

For you who are opposing this bill, it's nonsensical. It's one of those issues where you raise the cost of everything but have no understanding of the value of what you are trying to defeat. The value is a healthier America. That brings down costs.

It is important that we get fresh grown vegetables and fresh grown fruit into our classrooms and get away from all of this processed stuff. Obesity is a huge problem in America. Kids can't qualify to get into the military. Diabetes, which is one of the fastest growing diseases, can be prevented, and it starts with this. It starts with this.

This is a good bill. We ought to all support it just like all the Senators have supported it.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Ms. DEGETTE). Members are reminded to address their remarks to the Chair.

Mr. KLINE of Minnesota. Madam Speaker, I continue to reserve the balance of my time.

Mr. GEORGE MILLER of California. Madam Speaker, I yield myself 1 minute.

The suggestion has been made by speakers on the other side that somehow this really isn't about a child nutrition bill, that somehow this isn't about child nutrition and the well-being of our schoolchildren.

The fact of the matter is that's what this bill is all about, and that's what this bill is directed to do. That's why it has received the support of the American Dental Association, the American Diabetes Association, the American Dietetic Association, the American Public Health Association, and the American School Health Association. These are the people who are intimately involved with the health of America's young children. These are the people who are with them in school settings. They see what happens when children don't have proper nutrition throughout the day, and they see the impact it has on their ability to learn, on their ability to focus, and on their ability to participate in class.

□ 1410

That's why this legislation is so important. That's why it has such broad support in the entire nutritional community, in the health care community, in the religious community, in the farm community, and in our urban communities, because they understand the importance of this to the well-

being of these children and to the budget of our Nation when we have spent over \$147 billion dealing with obesity and diabetes in our society, and we know that it starts, much of it, with a bad diet.

Madam Speaker, I yield 2 minutes to the gentlewoman from California, Ms. BARBARA LEE, the chair of the Congressional Black Caucus.

Ms. LEE of California. Let me first thank the chairman for his leadership and for yielding and for his long-standing commitment and support for child nutrition programs and for our children.

On behalf of the Congressional Black Caucus, first of all I want to thank our Speaker, Congresswoman DELAURO, and, again, Chairman MILLER for their leadership. I have to thank the First Lady for her commitment to child nutrition and for launching the Let's Move program to fight childhood obesity. This program supports the First Lady's goal by reauthorizing and expanding our child nutrition programs to provide healthy, nutritious meals to our Nation's needy children.

The Census Bureau's latest poverty statistics show that poverty is rampant throughout America in both Democratic and Republican districts.

Let me just say, Madam Speaker, I personally know the value of these child nutrition programs. When I was a single mother on public assistance, raising two sons and going to college, I relied on school lunch programs for my children and I was on food stamps. This was really the only way, mind you, that I could feed my kids during some very difficult times.

Unfortunately, this bill, however, feeds low-income children at the expense of the food stamp program. I know that the President and First Lady share this concern—I know Chairman MILLER, our Speaker, Congresswoman DELAURO, the entire body shares this concern—and I know that the President will do everything that he can do to restore these unconscionable cuts, as he guaranteed to us yesterday. He has a deep commitment to our children and to our families, and his leadership on this bill really does demonstrate that.

Today, more people are falling into poverty. Unemployment is at 9.6 percent, and double that in the black and Latino communities. We've got record foreclosures, and we still haven't passed an unemployment insurance compensation benefit package. We haven't extended this for those who desperately need help.

Addressing the deficit on the backs of the poor while arguing for a \$700 billion tax cut for the wealthy is really not who we are as a country. So I urge my colleagues on both sides of the aisle to join us, to join the CBC in supporting this bill.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mr. GEORGE MILLER of California. Madam Speaker, I yield the gentlewoman 30 additional seconds.

Ms. LEE of California. Thank you, Mr. Chairman.

This really should not be a Republican or a Democratic or a Green or an Independent issue. Providing a safety net for those in need during dire economic times is a moral and ethical responsibility that we have.

The Congressional Black Caucus, of course, has always been known as the "conscience of the Congress," and we recognize that, while not perfect, this is a bill that will create healthier children, healthier families, and a healthier country.

And so we thank President Obama, Speaker PELOSI, Chairman MILLER, and our leadership team for moving this bill forward, and we look forward to continuing to work with you to restore the cuts which have been made to the food stamp program.

[From the Census Bureau]

UNITED STATES—CONGRESSIONAL DISTRICTS BY STATE; AND FOR PUERTO RICO (111TH CONGRESS)

GCT1701. Percent of People Below Poverty Level in the Past 12 Months (For Whom Poverty Status Is Determined)

Universe: Population for whom poverty status is determined

Data Set: 2009 American Community Survey 1-Year Estimates

Survey: American Community Survey, Puerto Rico Community Survey

NOTE—FOR INFORMATION ON CONFIDENTIALITY PROTECTION, SAMPLING ERROR, NONSAMPLING ERROR, AND DEFINITIONS, SEE SURVEY METHODOLOGY.

Geographic area	Percent	Margin of error
United States	14.3	±0.1
Alabama	17.5	±0.5
District 1	18.1	±1.3
District 2	19.9	±1.4
District 3	19.6	±1.4
District 4	18.4	±1.4
District 5	13.0	±1.1
District 6	9.1	±1.0
District 7	26.7	±1.6
Alaska	9.0	±0.8
One District (At Large)	9.0	±0.8
Arizona	16.5	±0.4
District 1	20.1	±1.5
District 2	11.0	±0.9
District 3	12.7	±1.6
District 4	31.8	±2.2
District 5	12.2	±1.2
District 6	10.0	±1.2
District 7	23.2	±1.9
District 8	13.3	±1.4
Arkansas	18.8	±0.6
District 1	21.7	±1.2
District 2	15.4	±1.4
District 3	17.5	±1.3
District 4	21.4	±1.3
California	14.2	±0.2
District 1	15.0	±1.1
District 2	15.8	±1.2
District 3	9.6	±1.0
District 4	8.5	±0.9
District 5	21.1	±1.7
District 6	8.7	±0.9
District 7	12.0	±1.5
District 8	12.7	±1.1
District 9	15.6	±1.5
District 10	8.3	±1.1
District 11	8.2	±1.1
District 12	5.9	±0.8
District 13	7.6	±1.1
District 14	8.3	±1.0
District 15	7.5	±1.0
District 16	12.6	±1.5
District 17	17.5	±1.7
District 18	23.9	±1.7
District 19	15.7	±1.5

NOTE—FOR INFORMATION ON CONFIDENTIALITY PROTECTION, SAMPLING ERROR, NONSAMPLING ERROR, AND DEFINITIONS, SEE SURVEY METHODOLOGY.—Continued

Geographic area	Percent	Margin of error
District 20	29.9	±1.9
District 21	20.2	±1.5
District 22	15.9	±1.4
District 23	16.4	±1.2
District 24	8.8	±1.0
District 25	16.4	±1.5
District 26	6.7	±1.0
District 27	12.4	±1.5
District 28	18.4	±1.5
District 29	12.0	±1.3
District 30	10.0	±1.0
District 31	26.2	±1.7
District 32	15.4	±1.4
District 33	20.6	±1.3
District 34	25.5	±2.2
District 35	20.6	±1.6
District 36	11.8	±1.4
District 37	20.9	±1.8
District 38	13.9	±1.6
District 39	14.3	±1.3
District 40	11.0	±1.4
District 41	17.4	±1.3
District 42	5.4	±1.0
District 43	21.0	±1.9
District 44	11.2	±1.3
District 45	14.7	±1.3
District 46	8.9	±1.1
District 47	18.6	±1.7
District 48	7.3	±0.9
District 49	11.5	±1.1
District 50	8.5	±1.1
District 51	17.4	±1.5
District 52	10.4	±1.4
District 53	19.1	±1.8
Colorado	12.9	±0.4
District 1	18.8	±1.4
District 2	11.6	±1.2
District 3	14.0	±1.1
District 4	16.0	±1.3
District 5	11.6	±1.0
District 6	4.7	±0.7
District 7	15.3	±1.5
Connecticut	9.4	±0.5
District 1	10.2	±1.0
District 2	6.9	±0.7
District 3	10.7	±1.1
District 4	9.5	±1.1
District 5	9.7	±1.0
Delaware	10.8	±1.1
One District (At Large)	10.8	±1.1
District of Columbia	18.4	±1.6
Delegate District	18.4	±1.6
Florida	14.9	±0.2
District 1	16.4	±1.5
District 2	19.1	±1.3
District 3	26.3	±1.9
District 4	11.9	±1.2
District 5	14.2	±1.1
District 6	14.3	±1.2
District 7	13.0	±1.0
District 8	13.0	±1.1
District 9	11.1	±1.6
District 10	11.7	±1.2
District 11	20.9	±1.3
District 12	17.0	±1.3
District 13	13.8	±1.1
District 14	11.6	±1.1
District 15	12.9	±1.2
District 16	14.3	±1.2
District 17	23.5	±1.6
District 18	18.0	±1.2
District 19	10.9	±1.2
District 20	10.7	±1.9
District 21	14.5	±1.4
District 22	11.5	±1.4
District 23	23.9	±1.9
District 24	9.7	±0.9
District 25	14.2	±1.7
Georgia	16.5	±0.4
District 1	19.4	±1.5
District 2	25.3	±1.7
District 3	11.5	±1.0
District 4	19.0	±1.6
District 5	20.9	±1.8
District 6	7.4	±0.9
District 7	11.4	±1.1
District 8	18.3	±1.4
District 9	16.6	±1.5
District 10	20.0	±1.3
District 11	13.0	±1.2
District 12	21.9	±1.4
District 13	15.3	±1.4
Hawaii	10.4	±0.7
District 1	9.4	±0.9
District 2	11.3	±1.2
Idaho	14.3	±0.8
District 1	14.2	±1.1
District 2	14.3	±1.0
Illinois	13.3	±0.3
District 1	23.0	±1.8
District 2	20.9	±1.7
District 3	10.9	±1.5
District 4	20.9	±1.5

NOTE—FOR INFORMATION ON CONFIDENTIALITY PROTECTION, SAMPLING ERROR, NONSAMPLING ERROR, AND DEFINITIONS, SEE SURVEY METHODOLOGY.—Continued

Geographic area	Percent	Margin of error
District 5	12.2	±1.4
District 6	6.9	±1.1
District 7	24.0	±1.6
District 8	6.8	±1.0
District 9	13.6	±1.4
District 10	7.1	±1.0
District 11	11.3	±1.0
District 12	18.7	±1.2
District 13	5.0	±0.9
District 14	9.8	±1.0
District 15	16.4	±1.4
District 16	12.8	±1.0
District 17	15.2	±1.2
District 18	12.2	±1.0
District 19	11.9	±0.8
Indiana	14.4	±0.4
District 1	13.4	±1.1
District 2	16.3	±1.3
District 3	12.8	±1.1
District 4	11.2	±0.9
District 5	9.2	±0.9
District 6	15.7	±1.2
District 7	24.0	±1.7
District 8	14.6	±1.2
District 9	14.3	±0.9
Iowa	11.8	±0.4
District 1	12.0	±1.1
District 2	13.3	±1.2
District 3	11.0	±1.1
District 4	10.5	±0.8
District 5	12.1	±1.1
Kansas	13.4	±0.6
District 1	12.8	±1.1
District 2	15.9	±1.0
District 3	11.8	±1.0
District 4	13.1	±1.2
Kentucky	18.6	±0.5
District 1	17.7	±1.2
District 2	16.6	±1.3
District 3	15.7	±1.3
District 4	14.8	±1.1
District 5	28.9	±1.8
District 6	18.4	±1.2
Louisiana	17.3	±0.5
District 1	12.7	±1.3
District 2	23.0	±1.8
District 3	15.1	±1.3
District 4	17.5	±1.3
District 5	21.2	±1.4
District 6	15.6	±1.4
District 7	17.7	±1.4
Maine	12.3	±0.7
District 1	9.2	±0.9
District 2	15.6	±1.0
Maryland	9.1	±0.3
District 1	8.2	±0.7
District 2	11.0	±1.2
District 3	10.0	±1.1
District 4	7.1	±1.2
District 5	5.5	±0.8
District 6	8.3	±0.8
District 7	15.5	±1.4
District 8	7.9	±1.0
Massachusetts	10.3	±0.3
District 1	12.3	±1.0
District 2	12.4	±1.1
District 3	9.7	±1.0
District 4	9.7	±1.0
District 5	10.4	±1.2
District 6	7.1	±0.8
District 7	8.3	±0.9
District 8	18.1	±1.4
District 9	7.8	±1.1
District 10	7.1	±0.9
Michigan	16.2	±0.3
District 1	15.3	±1.0
District 2	14.8	±1.0
District 3	14.6	±1.1
District 4	17.5	±1.1
District 5	20.6	±1.3
District 6	17.5	±1.1
District 7	13.6	±1.1
District 8	12.2	±1.2
District 9	9.8	±1.0
District 10	10.6	±1.0
District 11	7.9	±1.1
District 12	13.7	±1.3
District 13	31.9	±2.0
District 14	30.5	±2.1
District 15	15.2	±1.1
Minnesota	11.0	±0.3
District 1	11.2	±0.9
District 2	6.4	±0.8
District 3	6.5	±1.0
District 4	14.7	±1.3
District 5	17.0	±1.3
District 6	7.6	±0.9
District 7	12.0	±0.8
District 8	14.1	±1.0
Mississippi	21.9	±0.6
District 1	19.3	±1.1
District 2	30.3	±1.7
District 3	20.5	±1.3

NOTE—FOR INFORMATION ON CONFIDENTIALITY PROTECTION, SAMPLING ERROR, NONSAMPLING ERROR, AND DEFINITIONS, SEE SURVEY METHODOLOGY.—Continued

Geographic area	Percent	Margin of error
District 4	18.7	±1.6
Missouri	14.6	±0.4
District 1	20.1	±1.6
District 2	4.8	±0.7
District 3	12.7	±1.2
District 4	14.8	±1.1
District 5	16.0	±1.5
District 6	10.8	±0.9
District 7	18.0	±1.4
District 8	20.5	±1.4
District 9	15.1	±1.2
Montana	15.1	±1.0
One District (At Large)	15.1	±1.0
Nebraska	12.3	±0.6
District 1	13.1	±1.0
District 2	11.2	±1.1
District 3	12.8	±0.9
Nevada	12.4	±0.7
District 1	15.9	±1.4
District 2	12.6	±1.2
District 3	9.3	±1.1
New Hampshire	8.5	±0.6
District 1	8.9	±1.0
District 2	8.1	±0.9
New Jersey	9.4	±0.3
District 1	11.0	±1.1
District 2	11.5	±1.1
District 3	6.3	±0.9
District 4	7.9	±1.0
District 5	4.4	±0.7
District 6	9.6	±1.1
District 7	4.3	±0.7
District 8	14.5	±1.3
District 9	9.2	±1.1
District 10	17.3	±1.5
District 11	3.5	±0.6
District 12	6.1	±1.0
District 13	17.3	±1.6
New Mexico	18.0	±1.0
District 1	16.7	±1.4
District 2	21.6	±1.9
District 3	15.8	±1.3
New York	14.2	±0.2
District 1	5.8	±1.0
District 2	4.8	±0.9
District 3	4.3	±0.8
District 4	6.4	±0.8
District 5	11.2	±1.0
District 6	11.6	±1.4
District 7	17.3	±1.4
District 8	16.3	±1.3
District 9	11.6	±1.1
District 10	25.1	±1.6
District 11	20.1	±1.7
District 12	25.1	±1.4
District 13	11.3	±1.2
District 14	9.7	±1.0
District 15	25.0	±1.9
District 16	38.0	±2.2
District 17	15.7	±1.1
District 18	8.8	±1.2
District 19	8.3	±1.0
District 20	8.8	±0.9
District 21	13.0	±1.0
District 22	15.7	±1.3
District 23	14.5	±1.0
District 24	13.9	±1.0
District 25	12.4	±1.0
District 26	9.4	±1.0
District 27	14.7	±1.1
District 28	20.9	±1.4
District 29	11.0	±0.9
North Carolina	16.3	±0.3
District 1	25.2	±1.2
District 2	17.8	±1.5
District 3	14.2	±1.2
District 4	10.6	±1.0
District 5	13.3	±1.2
District 6	13.5	±1.6
District 7	20.8	±1.4
District 8	18.2	±1.4
District 9	10.4	±1.1
District 10	15.9	±1.2
District 11	16.6	±1.6
District 12	21.6	±1.3
District 13	16.6	±1.3
North Dakota	11.7	±0.8
One District (At large)	11.7	±0.8
Ohio	15.2	±0.3
District 1	17.8	±1.1
District 2	10.8	±1.1
District 3	13.0	±1.1
District 4	14.1	±1.2
District 5	13.1	±1.0
District 6	16.8	±1.3
District 7	14.9	±1.4
District 8	13.9	±1.1
District 9	16.8	±1.3
District 10	15.2	±1.2
District 11	26.3	±1.6
District 12	13.3	±1.1
District 13	14.5	±1.2
District 14	9.0	±1.3

NOTE—FOR INFORMATION ON CONFIDENTIALITY PROTECTION, SAMPLING ERROR, NONSAMPLING ERROR, AND DEFINITIONS, SEE SURVEY METHODOLOGY.—Continued

Geographic area	Percent	Margin of error
District 15	18.6	±1.3
District 16	12.9	±1.2
District 17	18.5	±1.4
District 18	17.4	±1.2
Oklahoma	16.2	±0.5
District 1	14.1	±1.2
District 2	20.3	±1.2
District 3	15.5	±1.0
District 4	12.9	±1.0
District 5	18.4	±1.3
Oregon	14.3	±0.5
District 1	11.2	±1.2
District 2	15.4	±1.1
District 3	13.9	±1.4
District 4	17.4	±1.2
District 5	13.7	±1.0
Pennsylvania	12.5	±0.2
District 1	28.9	±1.7
District 2	24.7	±1.9
District 3	13.5	±1.0
District 4	8.3	±0.9
District 5	15.8	±1.1
District 6	7.4	±0.8
District 7	6.4	±0.8
District 8	3.9	±0.6
District 9	12.5	±0.9
District 10	12.0	±0.9
District 11	13.3	±1.2
District 12	15.3	±1.0
District 13	10.4	±1.2
District 14	20.3	±1.5
District 15	10.0	±0.9
District 16	11.6	±1.2
District 17	10.6	±1.0
District 18	8.0	±1.0
District 19	7.5	±0.7
Rhode Island	11.5	±0.8
District 1	11.9	±1.1
District 2	11.1	±1.2
South Carolina	17.1	±0.5
District 1	14.1	±1.0
District 2	12.3	±1.0
District 3	19.3	±1.2
District 4	15.6	±1.2
District 5	18.5	±1.2
District 6	24.4	±1.5
South Dakota	14.2	±1.0
One District (At Large)	14.2	±1.0
Tennessee	17.1	±0.4
District 1	19.2	±1.2
District 2	14.2	±1.1
District 3	18.4	±1.2
District 4	17.8	±1.2
District 5	16.0	±1.5
District 6	15.1	±1.2
District 7	10.4	±1.1
District 8	20.5	±1.3
District 9	24.8	±1.9
Texas	17.2	±0.2
District 1	17.1	±1.3
District 2	13.8	±1.1
District 3	11.0	±1.2
District 4	13.8	±1.2
District 5	14.4	±1.5
District 6	14.3	±1.5
District 7	8.2	±1.0
District 8	13.8	±1.1
District 9	22.2	±1.9
District 10	11.1	±1.0
District 11	15.3	±1.0
District 12	14.0	±1.5
District 13	15.1	±1.2
District 14	12.7	±1.1
District 15	32.0	±1.8
District 16	23.3	±1.7
District 17	20.8	±1.3
District 18	26.2	±1.8
District 19	17.7	±1.4
District 20	24.6	±1.8
District 21	10.0	±1.0
District 22	10.3	±1.2
District 23	19.2	±1.5
District 24	9.5	±1.2
District 25	18.1	±1.5
District 26	14.1	±1.3
District 27	26.9	±1.6
District 28	27.8	±1.9
District 29	24.7	±2.0
District 30	27.8	±1.8
District 31	10.7	±0.9
District 32	17.6	±1.7
Utah	11.5	±0.5
District 1	11.5	±1.0
District 2	10.7	±0.9
District 3	12.3	±1.1
Vermont	11.4	±0.9
One District (At Large)	11.4	±0.9
Virginia	10.5	±0.4
District 1	7.6	±0.9
District 2	8.5	±1.0
District 3	19.1	±1.4
District 4	9.8	±0.8
District 5	16.4	±1.2

NOTE—FOR INFORMATION ON CONFIDENTIALITY PROTECTION, SAMPLING ERROR, NONSAMPLING ERROR, AND DEFINITIONS, SEE SURVEY METHODOLOGY.—Continued

Geographic area	Percent	Margin of error
District 6	14.0	±1.2
District 7	7.5	±0.7
District 8	8.0	±1.1
District 9	18.1	±1.5
District 10	5.4	±0.9
District 11	5.2	±0.9
Washington	12.3	±0.4
District 1	7.6	±1.1
District 2	11.6	±1.1
District 3	12.9	±1.2
District 4	17.6	±1.4
District 5	16.0	±1.1
District 6	15.4	±1.2
District 7	11.6	±1.3
District 8	6.2	±0.8
District 9	12.4	±1.3
West Virginia	17.7	±0.7
District 1	17.1	±1.1
District 2	13.8	±1.2
District 3	22.6	±1.7
Wisconsin	12.4	±0.4
District 1	10.3	±1.1
District 2	13.2	±1.0
District 3	11.9	±0.7
District 4	25.6	±1.7
District 5	5.7	±0.8
District 6	10.5	±0.8
District 7	12.4	±0.7
District 8	10.4	±0.9
Wyoming	9.8	±1.0
One District (At Large)	9.8	±1.0
Puerto Rico	45.0	±0.6
Resident Commissioner District	45.0	±0.6

Source: U.S. Census Bureau, 2009 American Community Survey. Data are based on a sample and are subject to sampling variability. The degree of uncertainty for an estimate arising from sampling variability is represented through the use of a margin of error. The value shown here is the 90 percent margin of error. The margin of error can be interpreted roughly as providing a 90 percent probability that the interval defined by the estimate minus the margin of error and the estimate plus the margin of error (the lower and upper confidence bounds) contains the true value. In addition to sampling variability, the ACS estimates are subject to nonsampling error (for a discussion of nonsampling variability, see Accuracy of the Data). The effect of nonsampling error is not represented in these tables.

Notes: While the 2009 American Community Survey (ACS) data generally reflect the November 2008 Office of Management and Budget (OMB) definitions of metropolitan and micropolitan statistical areas, in certain instances the names, codes, and boundaries of the principal cities shown in ACS tables may differ from the OMB definitions due to differences in the effective dates of the geographic entities.

Estimates of urban and rural population, housing units, and characteristics reflect boundaries of urban areas defined based on Census 2000 data. Boundaries for urban areas have not been updated since Census 2000. As a result, data for urban and rural areas from the ACS do not necessarily reflect the results of ongoing urbanization.

Explanation of Symbols:

1. An '*' entry in the margin of error column indicates that either no sample observations or too few sample observations were available to compute a standard error and thus the margin of error. A statistical test is not appropriate.

2. An '-' entry in the estimate column indicates that either no sample observations or too few sample observations were available to compute an estimate, or a ratio of medians cannot be calculated because one or both of the median estimates falls in the lowest interval or upper interval of an open-ended distribution.

3. An 'f' following a median estimate means the median falls in the lowest interval of an open-ended distribution.

4. An 'u' following a median estimate means the median falls in the upper interval of an open-ended distribution.

5. An '****' entry in the margin of error column indicates that the median falls in the lowest interval or upper interval of an open-ended distribution. A statistical test is not appropriate.

6. An '*****' entry in the margin of error column indicates that the estimate is controlled. A statistical test for sampling variability is not appropriate.

7. An 'N' entry in the estimate and margin of error columns indicates that data for this geographic area cannot be displayed because the number of sample cases is too small.

8. An '(X)' means that the estimate is not applicable or not available.

Mr. KLINE of Minnesota. Madam Speaker, I reserve the balance of my time.

Mr. GEORGE MILLER of California. Madam Speaker, I yield 2 minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. I appreciate the gentleman's courtesy as I appreciate his important leadership on the child nutrition program legislation.

In Oregon, we are the third hungriest State in the country, so there is much in this legislation that means a difference immediately to families and

children in our State. But indeed, expanding school lunch meal programs to all 50 States, the \$40 million in mandatory farm-to-school funding, these are all elements that everybody ought to rejoice about.

Our children deserve our best, the most nutritious food that we can give them, and sadly that is not the case with school lunch programs, as we all know. This bill, while not as good as the bill, Mr. MILLER, that you originally drafted, will help provide more children with healthy food choices.

I am particularly pleased with the additional farm-to-school funding. This will help children, teachers, and local farmers. This is exactly the sort of win-win program we should be focusing on, particularly during difficult economic times.

We all should be troubled by the decrease in the food stamp funding that is used to help deal with the financing deficit in this bill. I hope the administration will indeed work hard with us to find ways to diminish the cut. It is a sad day when the only way we can feed hungry children at school is by taking away food from them at home.

At a time when people are talking with a straight face about borrowing \$4 trillion for tax cuts, including hundreds of billions for the most fortunate of Americans, the notion that we would shortchange our children in this fashion is regrettable. We can do better.

The legislation, as it is, before us is an important first step, and I look forward to building upon this foundation so that we can finally give our children, from coast to coast, the nutrition they need and deserve.

Mr. KLINE of Minnesota. Madam Speaker, I yield myself 1 minute.

The speakers on my side of the aisle have expressed concern, as indeed I did, about the pay-for here. This bill proposes to take money from the SNAP program to pay for this, and we have expressed some concern that this is something of a shell game for two reasons. One, it's borrowed money, and if we really want to do some positive things for our children, we should look at not adding billions and trillions more to the debt that they're going to have to pay. But we've had speaker after speaker on the other side of the aisle come down and say things like, The President has assured me that we're not going to actually spend this money or that they're going to work tirelessly to make sure that this pay-for is not in fact the pay-for. So I think the debate has confirmed our suspicion that in fact the promised pay-for is really not there.

Madam Speaker, I am pleased to yield 3 minutes to the gentleman from Utah, a member of the committee, Mr. BISHOP.

Mr. BISHOP of Utah. I appreciate the gentleman from Minnesota allowing me some time.

I come down here in an effort to try and talk, perhaps somewhere balancing this particular act.

There is nothing wrong with child nutrition. There is nothing wrong with trying to provide that kids have the opportunity to be well fed so that they can function in school. There is nothing wrong with the goals or the desires of those who are sponsoring this legislation. Admittedly, there is something wrong with allowing the Senate to write everything and ignoring what the House did and bringing this here on a closed rule, but that's a process issue.

What I wish to do here today though, more than anything else, is to plead the 10th Amendment. There are great and noble goals within this particular bill, but this body is not the only place in which great and noble goals can be accomplished. When we, in this bill, give the Secretary of Agriculture the unlimited control and authority to determine what is food and what is not, what kids will eat and what they will not, by nature of that action we take away that responsibility from local school boards, from parents, from local administrators who actually do care about those kids to a greater degree than even our compassionate concern on this particular level.

When we, in this bill, now mandate an exercise program in order to get funds for school lunches—once again, there's nothing wrong with making kids go outside and exercise. It's noble, but this is not a school board. Those are the issues in which local government and local schools and parents and administrators and educators on that level, that is a prerogative that they should be making because, I hate to say this, but they do know better to the local initiatives and local needs of their kids.

When you add 17 new Federal programs in this particular bill, you automatically, if nothing else, take away the ability of schools to concentrate on what they think is more significant and more important. When you, in this bill, allow the Federal Government to establish what will be paid for a school lunch, you take, once again, flexibility away from local people to meet the needs of their particular area. There is nothing wrong with the goals and attitude and hopes of this particular bill, but we are not a school board.

□ 1420

That's why they are there. They understand. They care about their kids. They should be empowered to make these kinds of decisions, not mandated on how those decisions should be made.

Like I say, I appreciate the sponsor. I appreciate the leader of this committee. I appreciate his goals. But once again, not every idea has to germinate in Washington, not every concept has to be authorized, funded, and regulated in this particular body. I plead the 10th Amendment.

Mr. GEORGE MILLER of California. I yield 2½ minutes to the gentlewoman from Connecticut, ROSA DELAURO and thank her publicly for all of her work on this legislation and on behalf of our children.

Ms. DELAURO. I thank the gentleman from California. I thank him for his entire career as a Member of this House of Representatives and in the past as being a leading champion on what happens to our kids, their well-being, their nutrition, and their best interests. And this bill is another example of his commitment to that effort.

The Hunger-Free Kids Act represents an overdue, a much-needed recommitment to the health and the well-being of our schoolchildren. Our kids today are threatened by a growing obesity epidemic. Far too many kids are struggling and families are struggling with gnawing and unyielding hunger.

Today, people want to talk about "food insecurity" and "food hardship." Don't let them use those nice words. It's about one out of four kids going hungry in the United States of America every single day. We have an opportunity to move forward to address that issue today.

The Hunger-Free Kids Act will add 115,000 new students into the school meals program by using Medicaid data to certify eligible kids. It will provide an additional 21 million meals a year by reimbursing providers for after-school meals to low-income children.

While expanding access to meal programs, the bill works to improve the nutritional quality of all of the food in our schools. It sets national nutrition standards. We're going to get junk food that infiltrates our classrooms and cafeterias out the door. For the schools that comply with the revised nutrition standards, it says that there's a first time reimbursement rate increase. Six cents a meal is what we're talking about. The first we've seen in over 30 years. And it does it—all of this that it does is all being fully paid for.

I ask my colleagues on both sides of the aisle: How many programs that get passed in this Congress are fully paid for? We are paying in order to feed our kids.

Our kids consume roughly 35 to 50 percent of their daily calories during the school day. We can pass this bill. They will get enough nutritious food to stay healthy, to grow, to learn, and to succeed. For those who say how can we afford this bill right now, we say how can we afford not to pass it?

Leaving millions of children hungry, leaving millions of children malnourished in the name of budget cutting is penny wise, it's pound foolish, and it is unconscionable. Vote for this bill.

Mr. KLINE of Minnesota. I continue to reserve my time.

Mr. GEORGE MILLER of California. Madam Speaker, I yield 1 minute to

the gentlewoman from California (Ms. RICHARDSON).

Ms. RICHARDSON. Thank you, Mr. Chairman.

Madam Speaker, this is a very important bill to all of us. When we look at what's happening right now in the United States of America, nearly 5 million women, infants, and children rely upon Federal nutrition programs such as the National School Lunch Program, the WIC programs, and the Child and Adult Care Program.

No one has worked harder than our chairman here, Mr. MILLER, to be able to protect the American people who are oftentimes struggling between choosing between food and any other of their priorities that they have.

The key reasons why I'm supporting this bill: It increases the school lunch funding to help schools offer healthier meals; it limits the availability of junk food in our schools; and it leverages our public-private partnerships. But also in honor of our First Lady, who's worked very hard in this area, and this will give the resources we need to make those priorities happen.

I commend our chairman. It's way over time, and we need to get this done so people can eat in these very difficult times.

Mr. KLINE of Minnesota. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, the argument that we have been making in the debate today is that this really isn't about dietary guidelines or even school nutrition strategies. The point was made there are a lot of people caring, from local school boards to Members of Congress and certainly the First Lady. It's not a debate about keeping our children healthy and active. We all want to see our children healthy and active. This is a debate about spending and the role of government and the size of government, a debate about whether we're listening to our constituents or not.

Reauthorizing child nutrition should be easy. We should be able to extend these programs and approve them. We should be able to do that without adding to the cost. I'm confident Members on both sides of the aisle would welcome the opportunity to do just that at no new cost to taxpayers. Unfortunately, that option is not on the table today.

Instead, we are voting on yet another bill that calls for the government to grow, expand, to spend more and intrude more, and I am arguing that this bill is in fact not paid for. It's an argument that I made minutes ago.

I would quote from an article, the newspaper yesterday, I think Congress Daily. It says: "Antihunger advocates opposed House consideration of the bill before the election because part of the offset for the bill is a cut in future food stamp benefits. But the Food Research and Action Center said last week that

its member groups would support the bill as long as Congress and the Obama administration plan to restore the food stamp cut in future legislation."

We don't know where the pay-for is going to come from. We've got something on paper that says it's going to come out of food stamps, which was money borrowed in the stimulus bill, and yet we really don't know where that's coming from.

So, Madam Speaker, I am arguing that this bill is not what the people want. They want our children to be healthy and active, but they do not want to see government grow. They do not want to see the creation or expansion of 17 new programs. They do not want to see \$4.5 billion of new spending. This is not what the people want. It's not what they can afford. This is not a bill I can support. I urge my colleagues to vote "no."

I yield back the balance of my time.

Mr. GEORGE MILLER of California. I yield myself the balance of my time.

Madam Speaker, Members of the House, first of all, I want to begin by thanking the staffs of the committee on both sides of the aisle. We may not agree on this bill, but we spent a lot of time in this committee on hearings and the presentation of facts and the marshaling of those facts and the drafting of legislation. We had an awful lot of cooperation across the aisle, and I want to thank everybody for that effort.

Specifically, on the majority side, I want to thank Gabrielle Serra, Kara Marchione, Kim Zarish Becknell, Ria Ruiz, Jose Garza, Betsy Kittredge Miller, Melissa Salmanowitz, Denise Forte, and Jody Calemine; and Brian Ronholm from Ms. DELAURO's staff; Keith Stern from Mr. MCGOVERN's staff; and Erik Stallman from the Speaker's staff. All of these individuals were helpful in the negotiations not only here in the House and the presentation of this legislation, but monitoring and looking at what was happening in the Senate where this legislation that we're considering today was not only passed out of the Senate with unanimous consent, but it was also passed out of the committee with unanimous consent, where it was given full consideration, where the hearings were made and built the confidence of the members of that committee on both sides of the aisle and built the confidence obviously on both sides of the aisle in the Senate so that it could pass with unanimous consent.

And why has that happened? Because this legislation deals with and addresses in the most profound way the problem of hunger among our schoolchildren, among poor schoolchildren in this Nation.

□ 1430

But we also address the needs of the various institutions that are involved

in delivering this nutrition to these children. And that is to the local school districts, to the local schools. And we have simplified the program. We have made it more efficient. We have taken away much of the redundant activity that they used to have to go through to check the same kid four times a day in four different settings. And we got rid of that to reduce the costs of the program. And we received bipartisan support for that effort.

We also made it safer. Up until this legislation was passed, in many instances schools are the last to know that a food recall has taken place, and that the recall may be taking place where the food for the schools is produced. But because they are not on the list, they are not in the protocols, the schoolchildren are put at risk, as we have seen in the recent recalls. So it's safer for those children, it's healthier for those children.

The 6-cent increase in the meal program is the first one in 30 years. And it's with the designed purpose to improve the quality of the meal program. I know these children. I have seen these children. I know them through the Diabetics Association. I know them through the programs on obesity. We have a very serious problem. And this is an effort, agreed to by the Pediatrics Association and others, that this is the way to attack it and to start to build a barrier against childhood obesity and adult-onset obesity. And we have got to change that diet. And that's where major, major savings in health care come from.

So this is a bill that has been thought out in its entirety. It's a bill that is respectful of local control. It's respectful of the needs of school settings and their particular situations. We tried to do that. We listened to school food administrators for districts across this country, all of whom had ideas for efficiencies and improvements. And many of those are ingrained in this legislation. So I would hope that my colleagues, when they would come to the floor later to vote on this bill, will vote for this legislation. They will understand it's fully paid for. They will understand that it received unanimous consent in both the committee in the Senate and on the Senate floor.

With that, I urge the passage of this legislation.

GENERAL LEAVE

Mr. GEORGE MILLER of California. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on S. 3307.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON ENERGY AND COMMERCE,
Washington, DC, December 1, 2010.

Hon. GEORGE MILLER,
Chairman, House Committee on Education and Labor, Rayburn House Office Building,
Washington, DC.

DEAR CHAIRMAN MILLER: I am writing to confirm our understanding regarding S. 3307, the "Healthy, Hunger-Free Kids Act of 2010." The Committee on Energy and Commerce has jurisdictional interest in provisions of the bill. In light of the interest in moving this bill forward promptly, I am not exercising the jurisdiction of the Committee on Energy and Commerce regarding S. 3307, with the understanding that taking this course does not prejudice the Committee's jurisdictional interests and prerogatives on the subject matter of jurisdictional interest contained in this or similar legislation in the future.

I would appreciate your including this letter in the Congressional Record during consideration of the bill on the House floor. Thank you for your cooperation on this matter.

Sincerely,

HENRY A. WAXMAN,
Chairman.

COMMITTEE ON EDUCATION AND
LABOR, HOUSE OF REPRESENTA-
TIVES,

Washington, DC, December 1, 2010.

Hon. HENRY A. WAXMAN,
Chairman, Committee on Energy and Commerce,
Rayburn House Office Building, Wash-
ington, DC.

DEAR CHAIRMAN WAXMAN: I am writing in response to your letter of December 1, 2010, regarding S. 3307, the "Healthy, Hunger-Free Kids Act of 2010." I acknowledge that the Committee on Energy and Commerce has jurisdictional interest in provisions of the bill. In the interest of expeditious passage of this critical legislation, I appreciate your willingness to not assert such jurisdictional interests and understand that such action does not prejudice your Committee's jurisdictional interests in this or similar legislation in the future.

I will submit a copy of your December 1, 2010, letter and this response to the Congressional Record during floor consideration.

Thank you for your cooperation in this matter.

Sincerely,

GEORGE MILLER,
Chairman.

Ms. HIRONO. Madam Speaker, I rise in support of the Healthy, Hunger-Free Kids Act, S. 3307, the largest Federal effort in 30 years to fight childhood obesity and hunger in Hawaii and nationwide. Our keiki's health is a crucial priority. I will vote to send this landmark child nutrition bill to President Obama for his signature.

We've seen the statistics. Hawaii faced a 15 percent increase in diabetes rates from 2005 to 2009, and 28.5 percent of youth in Hawaii ages 10–17 are obese. Meanwhile, 9.1 percent of Hawaii residents are "food insecure," lacking consistent access to enough food for a healthy and productive life.

The Healthy, Hunger-Free Kids Act will take crucial steps to fight childhood obesity. The new law will authorize a higher reimbursement rate for schools that serve healthier meals. This is the first reimbursement rate increase in 30 years. The law will apply the latest dietary

guidelines to all food served in schools, keeping junk food and soda out of vending machines and the cafeteria. Over 100,000 Hawaii students participate in the Federal school lunch program.

I have visited school gardens at several schools in Hawaii, seeing firsthand how Farm-to-School programs can teach children about healthy eating as part of the curriculum. These programs can also help Hawaii farmers get their food into local schools. The new law includes \$40 million in grants for Farm-to-School programs nationwide.

Hungry kids cannot learn. To fight child hunger, the new law will increase reimbursements for programs serving after-school, weekend, and summer meals. The law will also make it easier for schools to automatically enroll students in school lunch and breakfast programs using existing poverty data from Medicaid, foster care, Census, or the Supplementary Nutrition Assistance Program, SNAP, formerly known as food stamps. Currently, schools in many States require families to submit a cumbersome paper application form each year.

The new law also will fund school wellness policies to help schools promote nutrition and physical education. To help new mothers and our youngest children, the bill will support a healthier food packet for over 37,000 Hawaii participants in the Women, Infants and Children, WIC, program, integrating support for breastfeeding and the latest research on neonatal nutrition.

I want to acknowledge that this bill is not as strong as I or some of my constituents would have liked. As a member of the House Education and Labor Committee, I voted for a stronger version of the child nutrition bill that maintained Recovery Act support for SNAP, food stamp, benefits and included an innovative amendment to support plant-based and nondairy food in schools. The House bill also included my amendment to increase reimbursement rates for areas such as Hawaii that have higher food costs. I will continue fighting for these initiatives in the future, but the Senate bill before us today is our last, best hope to make crucial improvements in child nutrition this year. Next year's incoming House leadership has expressed clear opposition to these investments in child nutrition.

Mr. STARK. Madam Speaker, I rise to support the Healthy, Hunger-Free Kids Act. This bill addresses the linked problems of child hunger and child obesity by improving child nutrition programs and ensuring that children have increased access to healthy meals in school and at home.

One in four children in this country is at risk of hunger and one in three is overweight or obese. This is an epidemic and we can start to address it by improving our nutrition programs. For the first time in 30 years, this bill will increase the reimbursement for school meals, allowing schools to serve healthier meals. It will also implement national nutrition standards for school food, allow more low-income children to have access to school meals, make foster children automatically eligible for school meal benefits, and promote breastfeeding.

Passing this bill is the right thing to do and we must pass it now or lose this important opportunity to invest in children. I do regret that

part of this legislation is paid for with future cuts to the Supplemental Nutrition Assistance Program, SNAP. The benefit cut authorized by this bill will cause a family of four to lose up to \$59 a month out of their limited food budget in 2013. Congress and the President must remain committed to reversing these cuts before they go into effect. I urge the Obama administration to address the gaps in SNAP benefits through all available measures. For example, access to SNAP can be greatly improved by eliminating unnecessary, ineffective procedures, such as the finger imaging used in California, which discourage eligible Americans from applying for benefits.

It is unacceptable that one quarter of America's children are hungry, and that one third are at risk of the health problems associated with obesity. I urge my colleagues to support S. 3307 and stand with me for the health of our children.

Mrs. MCCARTHY of New York. Madam Speaker, I'd like to thank Chairman MILLER for his leadership on this issue.

I'd also like to thank all of our staff who have worked so hard on this bill.

Finally, I'd like to thank the nutrition and anti-hunger groups who have helped raise awareness of this very important issue, including those in my district.

In the Healthy Families and Communities Subcommittee, which I chair, we have worked hard over the last two Congresses on how we should address many important issues through child nutrition reauthorization, including how we can reduce childhood obesity.

As a nurse for over 30 years, I have seen firsthand the risks and illnesses that can result from obesity.

During our bipartisan subcommittee hearings, committee members have heard testimony about studies that one in five 4-year-olds is obese, that kids have the arteries of middle-aged adults, and that the number of children who take medication for chronic diseases has jumped dramatically.

Some of these reports are shocking, and unfortunately, some are not.

Childhood obesity, diabetes and heart disease are all on the rise in the U.S. and one of the best tools we have to combat these illnesses is our ability to provide wholesome and healthy nutrition to children in school.

Childhood obesity is found in all 50 States, in both young children and adolescents, affecting all social and economic levels.

Low income communities tend to have the highest obesity rates due to factors such as a lack of access to affordable, healthy foods, lack of safe, available venues for physical activity, and a lack of education about nutrition and its benefits.

Furthermore, it has been found that minority children are at the greatest risk for obesity.

There is no silver bullet to solve childhood obesity.

However, the School Breakfast and Lunch programs can make a great impact because they may provide more than 50 percent of a student's food and nutrient intake on school days.

Given the current harsh financial realities for many families in my district and throughout the Nation, schools have an increasingly important role to play in providing children with nutritious food during their days.

I also hear from folks in schools finding it more and more difficult to meet the increased demand for meals with healthy, nutritious and high-quality foods, without adequate funding.

We also know how critical it is to reach the youngest children and infants as soon as possible.

I am proud that this bill contains provisions from bills I have introduced which will promote nutrition and wellness in child care settings, and support breastfeeding for low-income women.

We know that change for adults is hard, but if we start to educate our kids early enough, we can establish lifelong habits and the values of healthy living and wellness for the future.

The bill before us contains provisions which are very important to a great number of children.

While the bill doesn't contain everything our House-passed bill contained, it is a strong, commonsense, and hopefully bipartisan effort to improve access to healthy food for children.

But by taking a comprehensive approach to nutrition, our children, families and communities will all be healthier.

I urge my colleagues to vote yes on this bill.

Mr. GRIJALVA. Madam Speaker, the legislation before us includes many important improvements to the child nutrition programs that millions of our nation's children rely on for daily nutrition. As a result of this bill, it will be easier for children in low-income families to get the meals they need. Just as important, the meals they get will be healthier.

The provisions included in the bill have important ramifications for Latino children in particular. Latino children currently make up more than one in five children in the U.S. and are the fastest-growing segment of the child population. Latino children are also the hungriest in America—making up almost 40 percent of the children struggling against hunger. They are more than four times as likely as white children to be food insecure and hungry. Ironically, they also have one of the highest risks for obesity.

Latino families often experience barriers to participation in federal programs based on language access issues. The number of children who speak English as a second language has grown over the years and families who struggle with English proficiency are now located in many parts of the country where there is no mechanism in place to meet their language access needs. School districts in these areas need guidance and support to help them communicate effectively with parents who do not speak English fluently. Such guidance and support will ensure that eligible children receive the proper nutrition they need during the day through the school meals program. It is of the utmost importance that all eligible children have access to the federal food assistance programs regardless of what language their parents speak or whether their parents can read. Access to our meal programs is essential no matter what language is spoken at home.

Six years ago, in the last reauthorization of the child nutrition programs, Congress clarified that program administrators must communicate with parents in a manner that they can understand. Congress set a clear standard, but left it to the U.S. Department of Agriculture

to implement that standard by explaining to school districts and other program operators what they must do to live up to it. To date, USDA has failed to provide this guidance.

As a result, the 16,000 plus school districts in the U.S. have been left to interpret the statutory terms themselves. While the method of assistance to families may differ across states and localities, the federal standards for the level of service should be consistent. In the absence of federal guidance, it is likely that many school districts will not know that a standard exists and may fail to comply. USDA needs to offer guidance so that there is consistency in implementation around the country. There is no reason why a Romanian-speaking parent in Florida, for example, should have more or less help with applying for school meals than a Romanian-speaking parent in Michigan.

School districts are well-positioned to comply with Congress' requirement. They routinely identify the language spoken in the homes of their students. Moreover, for other school matters, they are already required to communicate with parents in a language they can understand. That standard applies to communications regarding the school meals program as well. But school districts need additional direction and support from USDA and states. I urge USDA to clarify when written translations must be used, when oral interpretation will suffice, and how to communicate with parents with limited literacy.

USDA could also strengthen implementation of Congress' standard by supplementing policy guidance with technical assistance. USDA already provides support by making available school meals enrollment materials in 25 languages. School districts around the country need to know where to find these materials and how to obtain oral interpretation services if written materials are not available. USDA could identify and share best practices so that school districts in geographic areas that are experiencing an influx of families who do not speak English fluently will have resources to help them best serve all families with children attending their schools.

Moreover, USDA needs to hold school districts accountable for compliance. For example, school districts could be required to have a written plan in place explaining how families with limited English proficiency will be served. Plus, all reviews of state and local program operations should include a review of compliance with the requirements related to communications with households.

It is unfortunate that several years after Congress took action to ensure that communications with families would be understandable to all families, regardless of what language is spoken at home, we still have so far to go. I call on the USDA to take action quickly to fully implement these standards. Every eligible child should be able to get the healthy meals that the federal government provides and language should not be a barrier to good nutrition. Congress, USDA, states, and school districts must continue to work together to make that goal a reality.

Mr. VAN HOLLEN. Madam Speaker, I rise to support the Healthy, Hunger-Free Kids Act of 2010. This important legislation will expand access to school meals programs and improve

nutritional quality. It is a much-needed step forward for the health of America's children.

This bill improves access to school meals programs by streamlining certification of children who meet income requirements without burdensome applications. It provides more universal meal access for eligible children in high-poverty areas. And it increases the number of out-of-school meals for low-income children by allowing reimbursement for Child and Adult Care Food Program providers.

The bill also makes important improvements to the quality of school meals by increasing the reimbursement rates for schools for the first time in over 30 years. Additional grants will help communities establish and strengthen farm-to-school networks and school gardens to use more local foods in school cafeterias. And the bill strengthens nutrition standards for all food served in schools.

This bill is not perfect. I am concerned about using the SNAP program as an offset, and I look forward to working with the Administration to restore those funds before cuts take place in 2013. But this bill, which passed the U.S. Senate unanimously, makes important changes to school nutrition programs and will improve the health of our nation's children. I urge my colleagues to support this legislation.

Mr. LANGEVIN. Madam Speaker, I rise in strong support of S. 3307, the Healthy, Hunger-Free Kids Act, which would reauthorize child nutrition programs including the National School Lunch Program, the Child and Adult Care Food Program, and the Special Supplemental Nutrition Program for Women, Infants, and Children.

As a co-chair of the Congressional Olympic and Paralympic Caucus, I have worked to promote physical fitness and a healthy lifestyle for our nation's children. Physical activity and nutrition are key factors in staying healthy and avoiding chronic illness. Because good health habits begin in childhood, this legislation will go a long way in preventing many chronic diseases.

This bill, which is fully offset, provides greatly needed improvements to our country's child nutrition programs in school and child care settings. This legislation will increase program enrollment and make it easier for low-income children to access benefits. This measure also contains the most significant improvements to these programs in more than 30 years in order to reduce childhood hunger and obesity.

I am also pleased that this legislation establishes national nutrition standards for all foods sold in schools throughout the day—an area in which Rhode Island has led. With 79,000 Rhode Island children participating in the National School Lunch Program and 26,000 participating in the School Breakfast Program, S. 3307 will ensure students do not go hungry throughout the school day by providing access to nutritious meals. This measure also increases funding for school nutrition programs for purchasing fruits, vegetables and nuts, and creates more avenues for produce to flow from local farmers to schools.

While I do not support the elimination of a Supplemental Nutrition Assistance Program temporary benefit increase provided by The American Recovery and Reinvestment Act included in this bill, I will work vigilantly to restore this cut before it goes into effect in 2013.

I encourage all of my colleagues to support this important measure.

Mr. HINOJOSA. Madam Speaker, I rise today in support of S. 3307, the Healthy, Hunger-Free Kids Act of 2010, legislation that will reduce childhood hunger by increasing access to nutritious meals year round, improve the nutritional quality of meals children eat in and outside of school, and support school and community efforts to reduce childhood obesity.

According to the United States Department of Agriculture, USDA, nearly one in four children in the United States is food insecure: that is more than 16 million children who face hunger each day.

In the Río Grande Valley of south Texas, approximately 85 percent of the students in our region are eligible for Free and Reduced Price Meals under the National School Lunch Program. In the State of Texas, 24.3 percent of children live in food insecure households—the second highest rate in the country—compared to 18.9 percent nationwide, according to 2006–2008 data from USDA and Feeding America.

Childhood obesity is also an issue of great concern for the State of Texas. This critically important issue has been linked to the lack of nutritious foods in our nation's schools and communities. According to a report issued by Trust for America's Health and the Robert Wood Johnson Foundation in 2010, Texas ranked seventh in child obesity among the states. Approximately 20.4 percent of Texas children are obese.

In order to keep health care costs down, our nation must do more to prevent obesity and diabetes in our schools and communities. Reducing the prevalence of obesity and diabetes will have an enormous positive impact on my constituents' quality of life, while making their health care more affordable.

We know that children who are hungry or obese are more likely than their peers to suffer from hyperactivity, absenteeism, and low academic achievement. This bill will help improve child nutrition for millions of children, particularly for low-income children who need to be healthy and ready to learn to succeed in school.

The passage of S. 3307 is the first step in addressing child nutrition. The second step is restoring cuts to future SNAP benefits.

I urge my colleagues, on both sides of the aisle, to vote for S. 3307, an investment of \$4.5 billion over 10 years that supports our children in thriving physically and academically and in leading healthy lives.

Mr. DEFAZIO. Madam Speaker, as food insecurity and obesity rates grow in Oregon and around the country, increasing access to affordable and nutritious meals for our children inside and outside of school could not come at a better time. Unfortunately, S. 3307, The Healthy, Hunger-Free Kids Act of 2010, is partially offset by cutting future Supplemental Nutrition Assistance Program, SNAP, benefits. While I believe this is important legislation, cutting SNAP benefits for families to pay for a hunger prevention programs is illogical, and isn't something that I could support. Today, a staggering 20 percent of Oregonians rely on SNAP benefits to pay for their basic food needs, which is the fourth-highest participation rate amongst all states.

I wasn't alone in opposing the cuts to SNAP benefits included in S. 3307. I signed a letter to House leadership, with over 100 of my colleagues, expressing our opposition to these cuts. I was hopeful, that by postponing a vote in the House of Representatives on S. 3307, Congress, along with the Administration, could renegotiate the SNAP offset. While the Administration has promised to work to restore lost SNAP benefits, staggering deficits along with new Leadership in the House of Representatives, has created no clear path to reinstating future SNAP benefits.

Meal programs inside and outside of school serve as a direct line to prevent hunger for needy children. I will continue to support child nutrition legislation that doesn't cut critical SNAP benefits.

Mr. DINGELL. Madam Speaker, I rise today to support of S. 3307, the Healthy, Hunger-Free Kids Act of 2010. This legislation has been a priority of the Obama Administration, and in particular the First Lady, because it is the right thing to do. Together the President and the First Lady have started a national conversation about why reducing child hunger and childhood obesity are laudable goals and I commend them for this. While this is not a perfect bill, today the House has the opportunity to send to the President a bill which will make historic investments and significant improvements to child nutrition programs.

For far too many students, the only quality meal they can count on is the one they receive during the school day, which is why I believe this legislation is critical to pass before the end of the 111th Congress. Last year in Michigan, more than 911,000 students counted on the National School Lunch Program to provide them with a meal. With one in five children living in poverty, the need to provide an affordable, healthy meal at school is greater than ever.

Furthermore, at a time when we are facing a growing child obesity epidemic, it is often difficult to find healthful foods in our nation's schools. That is why I support this legislation's goal to raise nutritional standards, increase the federal reimbursement rate for school lunch programs, and reduce availability of high-calorie junk food which crowds out healthier food options. Our students deserve access to more fresh, local food and healthy options during the school day.

If enacted, this legislation would provide Michigan with \$8,391,000 to improve the nutritional quality of school lunches for low-income children across our State, as well as improve access to programs for school meals. Our schools will now receive an additional 6 cents per meal to help meet new meal standards. In addition, this legislation will help ensure the safety of the meals we are serving our students, by improving recall procedures and extending food safety requirements.

I am, however, gravely concerned though about the Senate's decision to pay for this legislation by using \$2.2 billion in future cuts to the Supplemental Nutrition Assistance Program or food stamp program. With 1.75 million Michigan residents relying on SNAP to put dinner on the table, this cut is irresponsible. It is my hope that President Obama will follow through on his commitment to replace this offset before these SNAP cuts slash food budgets for needy Michigan families.

Madam Speaker, I have often said that we cannot let the perfect be the enemy of the good, which is why I lend my support to today's bill. I hope my colleagues will join with me in passing the Healthy, Hunger-Free Kids Act, sending it to President Obama's desk before Christmas.

Ms. CHU. Madam Speaker, I am very proud that the legislation before us includes important new options for high-poverty schools to provide free meals to all students. These new options, known as community eligibility, will reduce hassles for schools and stigma for students. They will allow schools serving our poorest communities to throw open the cafeteria doors and focus on serving the healthiest possible meals to all their students.

Right now, low-income children who qualify for free school lunches have to apply for this program and prove that they are eligible. Schools then have to process the paperwork and certify that the children qualify. But the community eligibility provisions in this bill minimize all that paperwork both for children and for schools. In schools where there are large numbers of children who qualify for free school lunches, schools would have the option to provide free school lunches to all the children in the school. This option is much more efficient—children don't have to worry about whether they qualify for the program, their parents don't have to complete the paperwork, and school personnel can focus on providing the children with the best education instead of processing paperwork. This is a better way and it's the children that benefit the most.

Low-income children contend with so many stressors in their lives, whether it's violence and addiction in their neighborhoods, parents who are working long hours for the basic necessities of living, or the stress children experience when they don't have enough to eat. The community eligibility provision in this bill makes our most disadvantaged children's lives a little easier by transforming their lunchtime experience from one of stress and stigma, to one of easy access to the food they need to develop to their fullest potential. These options are designed to be simple and easy to adopt. USDA must make it as seamless as possible for high-poverty schools to avail themselves of these new options.

The bill that we passed out of the House Committee on Education and Labor directed USDA to provide outreach and informational materials on these new options to local educational agencies and schools in which a significant portion of students are eligible for free or reduced price meals, including those receiving funds for school improvement under section 1003(g) of the Elementary and Secondary Act of 1965. But USDA does not need new authority to reach out to these schools and facilitate their use of community eligibility. Therefore I urge USDA to set policies that welcome high-poverty schools into these options and provide the support and materials to facilitate their implementation.

S. 3307 also includes a demonstration project to explore the use of Medicaid data for automatic enrollment for free school meals. Due to limited funds, the demonstration project in S. 3307 focuses on the use of Medicaid data by selected school districts around the country. However, I urge USDA to use alter-

native authority to allow California to conduct a statewide demonstration directly certifying children for free school meals based on Medicaid data. California's sophisticated data matching system is fully capable of conducting statewide matches to directly certify these children. A rigorous evaluation of such a demonstration project would help other states implement statewide direct certification using Medicaid data.

I must also express my deep regret that this bill is partly funded by reducing SNAP benefits. Although I support passage of this legislation, I oppose the SNAP cuts it contains, will work to reverse them, and will strongly oppose any further cuts to SNAP benefits.

Ms. RICHARDSON. Madam Speaker, I rise today in support of S. 3307, "the Healthy, Hunger-free Kids Act of 2010." This bill will improve childhood nutrition and also women, infant, and children programs.

I thank Chairman LINCOLN of the Senate Committee on Agriculture for her leadership in shepherding this bill through the Senate and applaud Chairman GEORGE MILLER's continued commitment as well.

Nearly one quarter of children live in households that are struggling to put enough food on the table and approximately one third of children are overweight or obese. Both of these statistics represent serious threats to the future of our Nation's public health and security.

Specifically, S. 3307 will increase school lunch funding to help schools offer healthier meals, limit the availability of junk food at schools, and leverage public-private partnerships to identify successful community-wide strategies to improve child nutrition. It will help struggling families by modernizing the WIC benefit programs in transitioning from paper vouchers to an electronic program. This legislation also provides mandatory funding for innovative state and local projects that address childhood hunger and promote food security for low-income children.

The Healthy, Hunger-Free Kids Act gives 115,000 new students access to school meals by using Medicaid data to certify eligibility and provides an additional 21 million meals annually for at-risk children by reimbursing providers for meals served after school. This legislation improves the nutritional quality of school meals by increasing reimbursement rates to school districts that meet federal nutritional standards and it eliminates junk foods in schools by applying nutritional standards for all food products sold in schools.

In California 3.1 million children get help from the national school lunch program. Now is the time to make these changes by passing the Healthy, Hunger-free Kids Act tomorrow.

Madam Speaker, for these reasons, I urge my colleagues to join me in supporting S. 3307.

Mr. CONYERS. Madam Speaker, I rise in support of the child nutrition bill, S. 3307, the Healthy, Hunger-Free Kids Act of 2010. The reauthorization of this bill will significantly improve child nutrition programs by addressing hunger and obesity in children. It will provide healthier meal options, eliminate junk-food and sugary beverages from a la carte lines and vending machines from all schools, increase student eligibility to access school meals and

enhance school wellness policies to improve opportunities for nutrition education and physical activity.

At a time when unemployment rates continue to climb it is essential that we provide for the nutritional needs of our children. As a result of these tough economic times many families are stricken with poverty and are currently facing severe food shortages. Furthermore, obesity is increasing at an alarming rate due to poor dieting. Nearly one third of children are either overweight or at risk of becoming overweight. Obesity is even a greater problem amongst African-American children. Currently, thirty-six percent of African-American youth are either overweight or obese compared with less than thirty percent of white youth. This is a result of the fact that African American children are more likely to lack access to healthy fruits and vegetables at lunch time. For example, in a school with a majority of all Black students, forty-seven percent of Black middle school students receive fruits and vegetables compared to sixty-three percent of students in predominately white schools. Childhood hunger and obesity is unacceptable within our country. Moreover, these disparities must be addressed. Our children deserve better and, thus, the time to strengthen our child nutrition programs is now.

It is disappointing that my Republican colleagues would attempt to kill this bill and leave children to the pain of hunger and lack of nutritional meal. But, we cannot afford to delay the passage of S. 3307. This bill is our best chance at combating obesity and hunger and addressing disparities in child nutrition. Although it is paid in part by ending a temporary increase to the Supplemental Nutrition Assistance Program (SNAP) benefits, I am confident that President Obama and his administration will work to restore these benefits before the SNAP cuts take place. I urge that my colleagues vote "No" on the Motion to Recommit and "Yes" on S. 3307.

Mr. FALEOMAVAEGA. Madam Speaker, I rise in strong support of the "Healthy, Hunger-Free Kids Act of 2010," legislation to extend and improve the nation's policies and programs with respect to child nutrition.

I want to thank the Chairman of the Committee on Education and Labor, my good friend, Mr. GEORGE MILLER, and all the members of the Committee for their work on this comprehensive bill on nutrition programs for the children of America. I also want to thank the cosponsors and all the stakeholders for their support and advocacy.

This piece of legislation will make improvements in existing nutrition programs for kids by helping our nation fulfill the following objectives: reduce childhood hunger by expanding access to the child nutrition programs; reduce childhood obesity and other health concerns by improving nutritional quality of meals; and make improvements in how the programs are administered.

Historically, child nutrition programs have served many needs in our schools and communities across the nation. For example, since 1946, the National School Lunch program has provided nutritionally balanced lunches to children across the country. Today, more than 31 million children each school day in over 101,000 public and private nonprofit schools

and residential child care institutions receive nutritional lunches through this program.

Since 1966, the School Breakfast Program has provided nutritionally balanced breakfasts to America's children. Today, 11 million children in more than 88,000 public and private nonprofit schools and residential child care institutions are receiving healthy meals to start off their school day.

Nutrition programs have also been a key factor in supporting children and the family outside of school cafeterias. Programs such as the Child and Adult Care Food Program and the Special Supplemental Nutrition Program for Women, Infants and Children (WIC) provide nutrition and support to low-income families, benefiting mothers, infants, and young children across the nation.

Overall, these family nutrition programs have provided many critical services for our children. In 2009 alone, The Child and Adult Care Food Program distributed 1.9 billion meals to over 3.3 million participating children and adults. Additionally, the WIC program supported 9.1 million participants in all 50 States, U.S. Territories, and 34 Indian tribal organizations.

Emerging challenges, however, necessitate improvements. Most disconcerting is the USDA 2009 report showing an increase in food insecurity. The report shows that 6.7 million households, including 16.7 million children, across the nation lacked money and other resources for food. This is unacceptable.

Moreover, obesity rates between 1963 and 2004 quadrupled for children ages 6 to 11 years and tripled for children between 12 and 19 years old. Strong correlation between obesity rates and other chronic diseases including cardiovascular disease, hypertension, and diabetes, suggests that we have a major problem to confront. Now is the time to act.

The United States of America must take care of her children by providing the necessary resources to maintain a healthy lifestyle. As we all know, a child's health has a direct impact on their education and their future.

We must therefore address the emerging health challenges and negative trends by stepping towards improvements in our child nutrition policies and programs.

The "Healthy, Hunger-Free Kids Act of 2010" is a crucial step towards addressing these challenges and reversing these trends. I urge my colleagues to vote "yes" and support this important legislation.

Mr. CUMMINGS. Madam Speaker, I rise today in support of S. 3307, the Healthy, Hunger-Free Kids Act of 2010. I applaud Chairman MILLER for his efforts on this legislation, and commend Speaker PELOSI and Leader HOYER for bringing this legislation to the floor. I also commend First Lady Michelle Obama for her leadership on this initiative.

The Healthy, Hunger-Free Kids Act of 2010 expands access to school meal programs to thousands of children across the country. In addition to reauthorizing all expiring authorities and programs in the Richard B. Russell National School Lunch Act and the Child Nutrition Act, it will also assist all 50 states in providing meals for at-risk youth after school.

This bill contains several innovations in food delivery and safety for young people at school.

Importantly, S. 3307 will increase funding for school lunches, increase access to free school meals, improve school meal nutrition standards, expand food service for summer and outside-of-school programs, implement food safety requirements for food served on school campuses, help innovate the WIC program, introduce new nutrition and healthy living standards, and fund state and local initiatives to eliminate childhood hunger.

Each day, millions of our young people go hungry, or consume food that is detrimental to their bodies and their minds. For many children, the meals they receive at school may be the only balanced, nutritious meal they have all day. A healthy diet is absolutely essential to a healthy life. Through health care reform, we have already taken steps to cultivate a culture of preventive care; this is another part of our effort to ensure that our children can realize their full potential.

The First Lady's Let's Move initiative has also played an important role in spotlighting the steps that can improve our children's health, including the vital role that exercise plays in a healthful lifestyle. It is now our job in Congress to continue to support the important work done through this campaign by supporting this legislation.

I am proud to support this legislation, because I know what a profound effect this will have on many children's lives.

However, while I do strongly support the legislation that is in front of us today, I am concerned with cuts to the Supplemental Nutrition Assistance Program that are on the horizon. We are taking steps now that will make our young people happier, healthier, and more productive individuals, but we must not forget that the SNAP program benefits many of the same children—and their families—that we are trying to help today. For that reason, it must be our priority to fully fund the SNAP program in the coming years.

That said, I am eager to see S. 3307 passed, and I am confident that this is indeed landmark legislation that will ensure our children can be all that God meant them to be—and I urge its adoption.

Mrs. MALONEY. Madam Speaker, I rise in support of S. 3307, the Healthy, Hunger-Free Kids Act, a bill that provides a historic investment in the health of our nation's children. This bill will help address the severe concerns of both obesity and hunger that severely impact them.

In my home state of New York alone, the statistics are staggering:

32.9 percent of children in New York are overweight or obese and New York taxpayers spend an estimated \$6.1 billion on Medicaid and Medicare each year to treat obesity-related chronic diseases.

16.7 percent of children under 18 in New York are at-risk of being hungry. This bill will expand access to the child nutrition programs and fill nutrition gaps when family resources are tight.

1,813,000 of New York's children participate in the National School Lunch Program, NSLP, each year and will receive healthier school meals provided by the Healthy, Hunger-Free Kids Act. 1,147,000 of those kids are low-income children, who will benefit from better access to free school meals through promotion of and improvements to direct certification.

New York will receive up to \$17.5 million to improve the nutrition quality of school lunches because of this bill.

281,500 children in New York participate in the Child and Adult Food Care Program and will benefit from increased resources, more training to childcare providers to serve healthier meals and snacks and increased physical activity.

The Healthy, Hunger-Free Kids Act will streamline certification periods in the WIC program and provide New York's 514,500 participants with better nutrition services coordination, increased opportunities for nutrition intervention, and more support and counseling time.

New York has 110 Farm to School programs. The Healthy, Hunger-Free Kids Act provides dedicated funding to help schools to support local agriculture and provide children with more health and nutrition education opportunities.

The Healthy, Hunger-Free Kids Act goes a long way toward improving the nutrition of our school meals and strengthening accountability to produce healthier results for our children. Finally, S. 3307 is fully paid for and will not add to the deficit.

Mr. KIND. Madam Speaker, I rise today in strong support of S. 3307, the Healthy, Hunger-Free Kids Act. It's a well known fact that children in this country are not as healthy as they need to be. We have a responsibility to provide our children with the opportunity to lead a healthy lifestyle and this includes increasing their access to healthy foods. This bill makes historic strides toward providing nutritious lunches in schools and will ensure that we give children the opportunity to get a healthy start early in life.

Obesity is a serious threat to the health of our nation's children. Nationally, more than 23 million children are obese or overweight. Over 24 percent of children ages 2 to 5 are already overweight or obese. With obesity beginning at such an early age, it is becoming ever more important to intervene early. Obese kids are increasingly likely to become obese adults and are more susceptible to the chronic diseases that are costing our health care system billions of dollars each year. Childhood obesity is also a national defense concern as more and more young adults are ineligible for military service.

Kids that learn healthy eating habits early in life are likely to carry them into adulthood. Healthy eating also increases concentration during the school day. The Healthy, Hunger-Free Kids Act will address the issue of childhood by applying nutritional standards to all food sold in schools, strengthen school-wellness policies and improve the overall health of school environments for the first time. It also streamlines the process for enrollment in the free and reduced lunch program, making it easier for low-income families to enroll and participate in this program, ensuring that a healthy meal is provided to the children who need it most.

Not only does this bill increase access and improve the quality of foods in the school lunch program, it also reauthorizes the Women, Infants and Children (WIC) program and makes historic reforms to the Child and Adult Care Food Program (CACFP). The CACFP helps provide funding for meals and

snacks served to children and adults receiving day care and youths participating in after-school care programs. The Healthy, Hunger-Free Kids Act includes provisions from my Healthy CHOICES Act that for the first time will increase healthy eating and wellness in child care through the establishment of higher nutrition standards for providers participating in CACFP.

The bill will also expand after-school dinner programs for at-risk children nationwide by reimbursing states for providing meals. In total, this will provide an additional 21 million meals to at-risk children annually. CACFP program administration will be streamlined, reducing paperwork and increasing efficiency for providers. There are currently 4,435 CACFP sites in Wisconsin that serve over 22 million meals and snacks to children and adults each year. The reforms in the Healthy, Hunger-Free Kids Act will allow CACFP in Wisconsin to provide healthier meals to a greater number of individuals.

I urge all of my colleagues to come together to put our kids first by passing this bill today. The Healthy, Hunger-Free Kids Act contains the most significant improvements to child nutrition programs in more than 30 years and is fully paid for. We owe it to the health and well-being of our children to come together today and do what is right, pass this bill.

Mr. GEORGE MILLER of California. Madam Speaker, I rise today in support of the Healthy, Hunger-Free Kids Act of 2010, S. 3307, to reauthorize and improve the child nutrition programs and the Special Supplemental Program for Women, Infants, and Children, WIC. Further, I wish to expand upon my floor remarks to clarify the intent of my support for specific provisions included in this legislation.

This legislation makes important improvements to improve children's access to the child nutrition programs, improve quality of nutrition benefits provided, protect the Federal investment, and promote financial solvency of program providers. S. 3307 provides robust reforms that inspire public-private partnerships, ensure better stewardship of Federal funds, and better meet the nutritional needs of children.

Many of these provisions included in S. 3307 were also considered in H.R. 5504, The Improving Nutrition for America's Children Act, which was reported favorably out of the Committee on Education and Labor on July 15, 2010 with a bipartisan vote of 32–13. I am pleased that both pieces of legislation share many critical priorities to strengthen the child nutrition programs and provide the following clarifications on provisions within S. 3307.

IMPROVING ACCESS TO SCHOOL MEAL PROGRAMS

First, this legislation authorizes the Secretary to directly certify eligible children for free school meals using Medicaid data. Direct certification is a method to automatically enroll eligible low-income children for free school meals using data from specific means tested programs, including the Supplemental Nutrition Assistance Program, the Temporary Assistance for Needy Families program, or the Food Distribution Program on Indian Reservations.

Direct certification of eligible children for free schools meals reduces household and administrative burden, and can improve program integrity by relying on electronic data matching

systems rather than household income applications. Direct certification using Medicaid data has the potential to be a very promising mechanism to substantially reduce the number of families that have to complete a household application for school meals in addition to other Federal means tested programs with similar income requirements.

While H.R. 5504 established a nationwide option for all States to utilize direct certification using Medicaid data, S. 3307 limits implementation to a demonstration project in school districts selected by the Secretary. Despite the more limited scope, the Congressional Budget Office estimates that this provision will connect approximately 115,000 more eligible children with free school meals each year that currently do not participate.

Furthermore, I commend the Secretary of Agriculture for committing to take additional administrative action to bolster this legislation and further improve children's access to the school meal programs by testing new effective methods for maximizing the use of direct certification to improve eligible children's access to free and reduced price school meals. Upon passage of this legislation, I urge the Secretary to maximize the potential of direct certification using Medicaid data by using the pilot authority established in section 18(c) of the Richard B. Russell National School Lunch Act to test specific methods that may more effectively identify eligible children. Specifically, I encourage the Secretary to use this authority to identify effective statewide direct certification systems using Medicaid data, or to test methods by which Medicaid data may be effectively used to directly certify eligible children for reduced price meals.

Secondly, this legislation creates new alternatives for low-income schools and districts to count and claim reimbursable meals by establishing additional community-data based methods rather than household applications. Section 104 of this legislation allows the Secretary to reimburse high-poverty schools or districts based on an approximation of the number of students who would qualify for free or reduced priced meals. The Secretary will make this determination based on data from direct certification or other rigorous community survey data to determine the percent of children attending schools or districts that are income eligible for free or reduced price school meals. This provision makes school meals more accessible to low-income children and will significantly reduce administrative burden for schools.

It is important that the Secretary recognize that the authority provided by this provision allows these alternative counting and claiming methods to be available to any school or district nationwide, consistent with the parameters of the provision. There are approximately 12,000 schools in which more than 80 percent of students are certified for free or reduced price meals. I urge the Secretary to ensure that these new options for counting and claiming reimbursable meals be available to all eligible high-poverty schools that elect to participate, to conduct appropriate outreach, and to provide necessary technical assistance to support adoption and compliance.

INCREASING PARTICIPATION IN THE SCHOOL BREAKFAST PROGRAM

I am pleased that this legislation includes section 105, an authorization of grants to expand the school breakfast program. This provision recognizes the important role that the school breakfast program plays in promoting diet quality, learning, and curbing child hunger. This section authorizes the Secretary to focus technical assistance and support to increase children's access to this program by implementing best practices to provide breakfast, including through tested best practices such as breakfast in the classroom or by offering the meal service as part of the school day.

I am disappointed, however, that this legislation does not provide critical funds to help schools overcome initial start-up barriers, such as minor equipment costs or inadequate staffing. Barriers such as these can preclude schools from moving toward sustainable school breakfast program improvements. I appreciate, though, that the Secretary has expressed his commitment to expanding children's access to this important program through administrative actions which encourage best practices in school breakfast programs such as meal delivery outside of the cafeteria and the offering of school breakfast as an integral part of the school day. The Secretary's commitment will help to ensure that children who want to participate are able to participate in school breakfast programs.

IMPROVING DIET QUALITY THROUGH THE SCHOOL MEALS PROGRAMS

I understand the Secretary is currently working to promulgate proposed regulations to update the school meal nutrition standards to reflect the recommendations from the Institute of Medicine. The last time that the nutrition standards for school meals were revised was in 1995. Improvements to reflect current science are long past due and I urge the Secretary to work expeditiously to promulgate proposed regulations to update school nutrition standards.

There have been concerns expressed by stakeholders that the improvements necessary for the school meal patterns to reflect current nutrition science will require additional investment to cover higher food costs and other increases in foodservice costs. The Institute of Medicine, in their report to the Secretary that included science-based recommendations to update the school meal patterns, estimates that if the Secretary were to fully implement their recommendations that food costs may increase by 4 to 9 percent for lunch and 18 to 23 percent for breakfast.

S. 3307 provides an additional 6 cent reimbursement for all reimbursable lunches served that meet the new nutrition requirements, and provides a total of \$100 million over 2 years for technical assistance to support implementation of new requirements for healthier meals. This additional Federal support is adequate to make important changes to the quality and safety of the school meals programs. I remain concerned, however, about imposing unfunded mandates on schools and urge the Secretary to ensure that the final nutrition standards consider cost and additional burden that would be borne by school districts and school foodservice for compliance.

NATIONAL NUTRITION STANDARDS FOR FOODS SOLD IN SCHOOLS

This legislation includes a provision, section 208, that requires the Secretary to update nutrition standards for foods sold in competition with the school meals through vending machines, a la carte lines, and school stores. The sale of unhealthy foods and sodas in schools undermines the annual \$12 billion federal investment in these programs.

The standards would apply to foods sold throughout the school campus and during the school day. Section 208 requires the Secretary to establish standards based on the most recent Dietary Guidelines for Americans and take into consideration authoritative scientific recommendations, existing State, local, and voluntary industry nutrition standards, and the practical application of the standards. Section 208 does not affect school parties or classroom celebrations, and provides a special exemption for school-sponsored and approved fundraisers that occur infrequently within the school during the official school day.

Current regulations for competitive foods have not been updated in 30 years, despite significant improvements in our understanding of nutrition science, and escalating childhood obesity rates. Current competitive food regulations apply only to a limited number of items sold in the food-service area during meal times. While there have been many voluntary improvements at the State and local levels, as well as across the food and beverage industry, there continues to be drastic inconsistencies that impact schools' economies of scale, as well as failing to ensure children, regardless of where they live and attend school, have access to school environments that give them opportunities to make healthful decisions. This provision would give the Secretary authority to ensure schools apply minimum nutrition standards throughout the school day and the school campus.

There have been concerns expressed by certain stakeholders that these nutrition standards will reduce important revenue generated to support school programs and activities. According to studies conducted by the Department of Agriculture, the Center for Disease Control, and the Center for Weight and Health at U.C. Berkeley, the majority of schools switching to healthier competitive foods don't lose money, but actually increase revenue.

I urge the Secretary to work expeditiously to promulgate regulations to establish nutrition standards for foods sold in schools. In developing and implementing these regulations, I further urge the Secretary to ensure that there is ample opportunity for public comment and engagement to ensure that this important reform is implemented in a responsible manner, that prioritizes children's health, and ensures necessary flexibility for schools.

IMPROVING DIET QUALITY IN THE CHILD AND ADULT CARE FOOD PROGRAM

The Child and Adult Care Food Program is critical to improving young children's diets, reducing the risk of unhealthy weight gain, and helping them start school ready to learn. More than 3.5 million children under age five are cared for in childcare centers, and many more are cared for in less formal arrangements. Children spend more than 30 hours a week in childcare, on average. Childcare providers

share significant responsibility in promoting children's healthy growth and development.

The Child and Adult Care Food Program helps to provide critical support to childcare providers to ensure children have access to healthy meals, snacks, and childcare environments. Research has shown that children who consume meals at childcare through the Child and Adult Care Food Program eat healthier food than children who bring meals and snacks from home.

Many childcare providers participating in the Child and Adult Care Food Program have made significant improvements recently to improve the quality of food provided in the program, as well as to promote healthier childcare environments. Childcare providers, especially those providing less formalized care in family homes, can benefit from information on best practices employed by other providers, as well as ongoing technical assistance and guidance.

Section 221 of this legislation supports the identification and dissemination of best practices to promote healthy childcare environments, nutrition quality, and physical development and activity opportunities for young children. I strongly encourage the Secretary, and in providing guidance to States, to ensure that costs associated with improving nutrition and wellness in childcare be given significant consideration before making any voluntary or required improvements to the nutrition quality of meals and snacks provided through the Child and Adult Care Food Program.

I urge the Secretary to ensure that providers have access to technical assistance and guidance that specifically addresses ways to improve the quality of meals and snacks without increasing costs. If the Secretary identifies that additional Federal support is necessary to ensure that reimbursable meals and snacks provided in the Child and Adult Care Food Program reflect current nutrition science, I urge the Secretary to provide Congress with legislative recommendations to ensure that this Program continues to meet the nutritional needs of young children.

ADEQUATE RESOURCES FOR QUALITY SCHOOL MEALS

School meal programs are funded through a long-standing partnership of Federal, State, local governments, and support from parents. This partnership has ensured the success of these programs and helped them remain financially solvent. However, a USDA study found that the average revenue collected for meals served to children not eligible for the meal program equaled only about 81 percent of the federal reimbursement provided for free lunches.

I recognize that the Federal reimbursement for free meals is intended to cover, on average, the average costs of providing a reimbursable meal that meets the nutrition requirements. All children, however, regardless of whether they receive free, reduced price, or paid meals must have access to the same reimbursable meals. I am concerned that school food authorities often do not generate adequate supplemental revenue from non-Federal sources to cover the average costs of providing a reimbursable meal that meets the Federal nutrition requirements. As a result, many school food authorities must cut costs that compromise the quality, nutrition, taste,

and service of school meals for all children. This undermines the intent of the Federal investment.

This legislation includes a provision, section 205, to ensure that school foodservice programs have adequate resources to provide nutritious meals that meet the minimum nutritional requirements and balance the budget at the end of the year. Section 205 requires that school districts account for revenue generated for the school lunch program from Federal and non-Federal sources, and if the district is generating an average revenue that is less than the Federal reimbursement for a free school meal, then the district must increase the average price across the district by (a) the margin of difference; or (b) no more than 10 cents, whichever is less.

This provision does not require school food authorities to raise school meal prices and it does not penalize families who must pay for their school meal. School districts retain the authority to establish local prices for paid meals and it is up to the school district to determine how to ensure there is adequate revenues to support the foodservice program in the school, based on the parameters established in this provision. Furthermore, this provision does not require that a school district charge the same price or generate the same revenue for each lunch served in each school. Schools and school districts retain local authority to determine prices, to generate adequate revenue, and to manage their programs to best meet their needs. I feel that this provision will offer schools greater flexibility in operating a high quality school nutrition program.

I urge the Secretary to provide guidance to school foodservice, school districts, and school administrators on all options for increasing non-Federal revenue. Options include, but are not limited to, local contributions, increasing State-level contributions, and generating revenue through greater use of school foodservice equipment. Schools should account for all revenue and exhaust all other revenue options prior to raising the prices charged to households with children not eligible for free or reduced price meals.

I am concerned that raising the price of a school lunch can place a burden on some households and about the impact that higher prices may have on participation. Participation in the school lunch program by children from all income levels is critical to ensuring that the school meal programs promote the health and well-being of all children, not just low-income children. I urge the Secretary to make the importance of participation a priority when promulgating regulations to implement section 205 and ensure that implementation does not negatively impact children's access to the program.

I also further request that the Secretary provide the Committee on Education and Labor and the Agriculture, Nutrition, and Forestry Committee in the Senate, annual reports describing implementation and an assessment of any consequences or impact from implementation. These reports should also include any recommendations for administrative or legislative adjustments to the policy, if necessary.

PROTECTING STUDENTS PRIVACY AND REDUCING STIGMA OF PARTICIPATION IN THE CHILD NUTRITION PROGRAMS

The school environment has an important influence on children's behavior and their

choices, which can strongly impact their health and wellbeing. The cafeteria and food service setting, such as the display of foods, the integration of reimbursable school meals with foods sold outside of the reimbursable meal programs, and methods of payment can result in the unintentional identification of children by their household income status, or in social stigma for receiving reimbursable meals.

Children should be able to participate in the child nutrition programs with dignity and without consequence of social stigma. Currently, the Richard. B. Russell National School Lunch Act requires that school food authorities ensure children eligible for free or reduced price school meals are not overtly identified as low-income by their participation in the school meal programs. I am concerned, however, that the current guidance to school districts to ensure that children participating in the school meal programs are not overtly identified is not keeping up with the modern school food environment.

Section 143 of this legislation requires the Secretary to review local policies on meal charges and the provision of alternate meals for compliance with requirements for preventing overt identification. I urge the Secretary to also include in the review an examination of the design of the school foodservice area, the methods for conducting payment transactions, and policies for providing reimbursable meals to children from households with outstanding debt to identify ways in which these practices may result in a negative social or nutritional impact on children.

There are increasing examples of schools implementing policies to provide alternate reimbursable meals for children that lack sufficient resources to pay for the meal. I understand the critical importance of balancing school district and school foodservice budgets, and many schools are not in a position to cover the additional cost of offering meals at no charge to children who are not eligible for free reimbursable meals. However, I believe it is important for schools to establish thoughtful policies to address circumstances in which children lack sufficient resources to pay for school meals to ensure that these policies do not stigmatize children, and to ensure that children are not forced to go hungry because of situations outside of their control. For example, if a school has a policy to provide a different meal to children that lack sufficient resources to pay for a reimbursable meal, this practice can identify the child for having insufficient resources and can result in social stigma.

As part of this review, the Secretary should also identify ways in which the modern school food environment may inadvertently stigmatize children or fail to protect their privacy. For example, there is concern that when school foodservice areas separate lines for children with cash for non-reimbursable food and meals and children selecting reimbursable meals into other lines, that children selecting a reimbursable meal may be identified as low-income or otherwise differentiated from children paying cash for food.

In addition to the review and follow up actions required under provision 143 of this legislation, I urge the Secretary to provide schools with technical assistance and guid-

ance to prevent overt identification. Furthermore, I urge the Secretary to reinforce policies regarding meal charges and alternate meals with guidance to States and school districts regarding appropriate efforts to determine whether children of households in arrears for school meal program payments may be eligible for free or reduced price school meals. Finally, in addition to enhanced technical assistance and guidance, I urge the Secretary to enhance oversight of schools' compliance with requirements to prevent overt identification to ensure schools are taking the necessary steps to protect the privacy of children participating in the school meal programs.

CONCLUSION

I feel strongly that these provisions are critical to the robust reforms to improve access to the child nutrition programs to end child hunger, to improve the quality of these programs to curb childhood obesity, and to better protect the Federal investment.

I look forward to working with the Secretary upon passage of this legislation to ensure effective implementation of this important legislation.

Today, I am pleased to support the Healthy, Hunger-Free Kids Act, and I urge my colleagues to do the same.

I yield back the balance of my time.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to clause 1(c) of rule XIX, further consideration of this bill is postponed.

FURTHER CONTINUING APPROPRIATIONS, FISCAL YEAR 2011

The SPEAKER pro tempore. The unfinished business is the vote on passage of the joint resolution (H.J. Res. 101) making further continuing appropriations for fiscal year 2011, and for other purposes, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the passage of the joint resolution.

The vote was taken by electronic device, and there were—yeas 239, nays 178, not voting 16, as follows:

[Roll No. 593]

YEAS—239

Ackerman	Butterfield	Cuellar
Altmire	Cao	Cummings
Andrews	Capps	Dahlkemper
Arcuri	Capuano	Davis (AL)
Baca	Cardoza	Davis (CA)
Baird	Carnahan	Davis (TN)
Baldwin	Carney	DeGette
Barrow	Carson (IN)	DeLauro
Bean	Castor (FL)	Deutch
Becerra	Chandler	Dicks
Berkley	Childers	Dingell
Berman	Chu	Doggett
Berry	Clarke	Donnelly (IN)
Bishop (GA)	Clay	Doyle
Bishop (NY)	Cleaver	Driehaus
Blumenauer	Clyburn	Edwards (MD)
Bocchieri	Cohen	Edwards (TX)
Boren	Conyers	Ellison
Boswell	Cooper	Ellsworth
Boucher	Costa	Engel
Boyd	Costello	Eshoo
Brady (PA)	Courtney	Etheridge
Braley (IA)	Critz	Farr
Brown, Corrine	Crowley	Fattah

Filner
Foster
Frank (MA)
Fudge
Garamendi
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Heinrich
Herseeth Sandlin
Higgins
Hill
Himes
Hinchee
Hinojosa
Hirono
Holden
Holt
Honda
Hoyer
Inlee
Israel
Jackson (IL)
Jackson Lee
(TX)
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loeback
Lofgren, Zoe

Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Nadler (NY)
Napolitano
Neal (MA)
Oberstar
Obey
Oliver
Ortiz
Owens
Pallone
Pascarell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peterson
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross

Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda
T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schradler
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skeltan
Slaughter
Smith (WA)
Snyder
Space
Stark
Stupak
Sutton
Tanner
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman
Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wilson (OH)
Woolsey
Yarmuth
Young (AK)

McCaul
McClintock
McCotter
McHenry
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Nunes
Nye
Olson
Paul
Paulsen
Pence
Peters
Petri
Pitts
Platts
Poe (TX)

Posey
Price (GA)
Putnam
Reed
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster

Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Stearns
Stutzman
Sullivan
Taylor
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (FL)

NOT VOTING—16

Barrett (SC)
Brown-Waite,
Space
Buyer
Davis (IL)
DeFazio
Delahunt

Hastings (FL)
Hastings (WA)
Hodes
Marchant
McMorris
Rodgers
Minnick

Radanovich
Speier
Spratt
Wu

□ 1503

Messrs. TAYLOR and CONNOLLY of Virginia changed their vote from “yea” to “nay.”

Ms. BEAN changed her vote from “nay” to “yea.”

So the joint resolution was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

CONGRATULATING REPRESENTATIVE CATHY McMORRIS RODGERS ON BIRTH OF BABY GIRL

(Mr. HASTINGS of Washington asked and was given permission to address the House for 1 minute.)

Mr. HASTINGS of Washington. Madam Speaker and my colleagues, I am very pleased to make a very important announcement: today, a new Republican was born.

Our colleague, CATHY McMORRIS RODGERS, delivered a baby girl this morning at 12:20. The baby weighed nearly 8½ pounds and is over 20 inches. Both the mother and daughter are doing very well, as is Brian.

HEALTHY, HUNGER-FREE KIDS ACT OF 2010

The SPEAKER pro tempore. Pursuant to clause 1(c) of rule XIX, proceedings will now resume on the bill (S. 3307) to reauthorize child nutrition programs, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 1742, the bill is considered read and the previous question is ordered.

The question is on the third reading of the bill.

The bill was ordered to be read a third time, and was read the third time.

MOTION TO RECOMMIT

Mr. KLINE of Minnesota. Madam Speaker, I have a motion to recommit. The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. KLINE of Minnesota. I am.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Kline moves to recommit the bill S. 3307 to the Committee on Education and Labor with instructions to report the same back to the House forthwith, with the following amendments:

Amend section 205 to read as follows:

SEC. 205. CONDITION OF RECEIPT OF FUNDS UNDER THE CHILD AND ADULT CARE FOOD PROGRAM.

Section 17 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1766) is amended by adding at the end the following:

“(u) INELIGIBILITY OF INSTITUTIONS.—An institution shall be ineligible for funds under this section if such institution employs a child care staff member who—

“(1) refuses to consent to a criminal background check that includes—

“(A) a search of the State criminal registry or repository in the State where the child care staff member resides and each State where such staff member previously resided;

“(B) a search of State-based child abuse and neglect registries and databases in the State where the child care staff member resides and each State where such staff member previously resided;

“(C) a search of the National Crime Information Center;

“(D) a Federal Bureau of Investigation fingerprint check using the Integrated Automated Fingerprint Identification System; and

“(E) a search of the National Sex Offender Registry established under the Adam Walsh Child Protection and Safety Act of 2006 (42 U.S.C. 16901 et seq.);

“(2) makes a false statement in connection with such criminal background check;

“(3) is registered or is required to be registered on a State sex offender registry or the National Sex Offender Registry established under the Adam Walsh Child Protection and Safety Act of 2006 (42 U.S.C. 16901 et seq.); or

“(4) has been convicted of a felony consisting of—

“(A) homicide;

“(B) child abuse or neglect;

“(C) a crime against children, including child pornography;

“(D) spousal abuse;

“(E) a crime involving rape or sexual assault;

“(F) kidnapping;

“(G) arson; or

“(H) physical assault, battery, or a drug-related offense, committed within the past 5 years.”.

In section 206, strike “(as amended by section 205)”.

Mr. KLINE of Minnesota (during the reading). Madam Speaker, I ask unanimous consent that the motion to recommit be considered as read.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from

NAYS—178

Aderholt
Adler (NJ)
Akin
Alexander
Austria
Bachmann
Bachus
Bartlett
Barton (TX)
Biggart
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Buchanan
Burgess
Burton (IN)
Calvert
Camp
Campbell
Cantor
Capito
Carter
Cassidy
Castle
Chaffetz

Coble
Coffman (CO)
Cole
Conaway
Connolly (VA)
Crenshaw
Culberson
Davis (KY)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Djou
Dreier
Duncan
Ehlers
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Fox
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves (GA)
Graves (MO)
Griffith
Guthrie

Hall (TX)
Harper
Heller
Hensarling
Herger
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
King (IA)
King (NY)
Kingston
Kline (MN)
Kratovil
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel
E.
Mack
Manzullo
McCarthy (CA)

Minnesota is recognized for 5 minutes in support of his motion to recommit.

Mr. KLINE of Minnesota. Madam Speaker, with the clock winding down on the 111th Congress, there seems to be a rush to push through as many bills at the last minute as this majority can manage. Unfortunately, this sprint to the finish means the sacrifice of the deliberative process. This bill was sent to us from the other body with the demand that we accept it as is; that we cannot change a single comma or period, much less improve the policy.

This is a bill that never received a hearing or vote in the Education and Labor Committee. Not a single amendment was made in order for debate, which means here on the House floor Members were not permitted to even discuss possible improvements to the bill.

This motion to recommit is our last chance to improve the bill, our last chance to remove some of its most harmful provisions and insert stronger protections for our children; and that is exactly what we are attempting to do.

First, to protect the safety of children receiving meals in a child care setting, the motion to recommit requires comprehensive background checks for all child care providers. A comprehensive background check searches various criminal databases housed at the State and Federal levels, as well as the National Sex Offender Registry. With taxpayers subsidizing these programs, parents need the peace of mind that comes with knowing that their children are not being left in the care of individuals with a history of violence, child abuse, or other criminal behavior. In fact, many parents today may wrongly believe these child care providers have been given a background check because of the tacit seal of approval that comes with being a federally funded program. Unfortunately, Federal law contains no comprehensive background check requirement for child care providers that receive funding under these nutrition programs. Currently, only 10 States have a comprehensive system that includes a check of the Child Abuse and Neglect Registry, a check of the Sex Offender Registry, and a State and Federal fingerprint check. Simply checking the fingerprint of a current or future child care worker will help advance the safety of countless children.

Next, the motion to recommit eliminates the middle class tax included in this proposal. Any time the Federal Government forces a private citizen to reach into his or her own pocket and pay more for a good or service, it is a tax by any commonsense definition of the word, and that is exactly what this provision would do. It creates a Federal price floor for paid school lunches, a floor for paid school lunches, forcing many schools to increase the prices

they charge the children who do not receive free or reduced price meals.

The National Governors Association and leading school groups have spoken out in opposition to this provision because it will drive up costs for families and punish schools that have worked hard to hold down costs while providing higher quality meals.

□ 1510

In a letter to Congress, the NGA wrote, this provision "would establish a Federal mandate for every paid meal in every school in the country for the first time ever." They went on to say this will, "price out some low-income families from paid school meals and punish school districts that in good faith have worked to increase the quality of school meals, while simultaneously holding down the paid meal prices."

Allowing the Federal Government to create price mandates is a dangerous precedent and should not be set. By approving this motion to recommit, we can block this harmful tax on working families. We have thoroughly debated the broader objections to this legislation today, arguing against the spending and mandate, but that is not the debate we're having now.

This motion to recommit is a modest pair of corrections that will make the bill better. It will make our children safer and protect working families, and I urge my colleagues to support its passage.

I yield back my time.

Mr. GEORGE MILLER of California. Madam Speaker, I rise in opposition to the motion to recommit.

The SPEAKER pro tempore. The gentleman is recognized for 5 minutes.

Mr. GEORGE MILLER of California. Madam Speaker, Members of the House, we have known for some time, and certainly known all today, that our colleagues on the other side of the aisle oppose this legislation, and that's what the gentleman, my colleague, Mr. KLINE, just spoke to, his opposition to this legislation.

They have opposed this legislation even though this legislation is fully paid for under the PAYGO rules. They've opposed this legislation even though it passed unanimously out of the Senate committee. They opposed this legislation even though it passed unanimously on the floor of the Senate and was sent to us, because they know that we're in the last days of this session, and if they can attach something to this legislation, they can kill this bill.

They can kill the years of hard work that have gone into this legislation to make it less expensive for school districts, to make it more flexible for school districts, to make it easier on parents, to make it sure that we have safe meals so, when food is recalled, the school districts will be informed

right away. Usually, they're the last to know that they're serving dangerous and maybe lethal food on the food recall.

They know that what this bill does is create for the first time healthy meals so we can address the problems of diabetes and obesity that are swamping this Nation's health care system, that are swamping the health care budgets of families, of businesses, that start with children and have adult onset as a result of that. This effort is endorsed by the pediatrics association and every other health care association because they understand this is the front line if we're going to reverse this trend.

So now what have they done, as they've talked about the Federal Government, extending the mandate of the Federal Government? The Federal Government is about to swoop in on family day care providers, more family day care providers than any other kind of day care provider in the country, very important in rural areas, very important in poor areas, person takes care of four or five of their neighbors' friends, they know these people. Now they have a mandate. They have to do a background check. These are marginal operations. Do they have to pay for that? Do they know with certainty who's going to do that? Who's going to do that check? And if they're in a school setting, does the school district pay for it? They've got to have a background check. If they're in a kindergarten as part of a child care program, do they pay for that?

So what they're trying to do is kill this bill. It wouldn't matter what this amendment said. If it goes back to the Senate, we've struggled all of us mightily, on both sides of the aisle, with the nature of the Senate. But here we have the opportunity to have a major program, to improve the nutrition and flexibility and the health and the safety of this program, and now this is an effort to kill it.

I yield to the majority leader.

Mr. HOYER. I thank the gentleman for yielding.

Ladies and gentlemen, we all want to pursue the legislative process. One of the things that has undermined the legislative process in this House perhaps on both sides is the "gotcha" amendments. This amendment has a worthwhile objective, obviously, of protecting our children. We're going to give everybody an opportunity to vote on this amendment in just a few short hours, and then we're going to pass this bill—because the gentleman's debate had nothing to do with this amendment until the last few seconds of his remarks.

His remarks went to the substance of this bill. He's opposed to this bill. He said he's opposed to this bill. This bill passed unanimously. Unanimously means that every Republican, as well as every Democrat, wanted to reach

out to provide for child nutrition for America's children.

This bill, I believe, enjoys the majority's support on this floor. We'll pass this bill, and we will pass it tomorrow, but we're going to give Members on this side of the aisle, as well as on your side of the aisle, an opportunity to pass an amendment that in effect says, okay, if you want to put these regulations on these small providers in these small jurisdictions, fine, we will do it; we want to protect children as much as you do. And I've said that during the substance of our debate, that we wanted to protect children, and I'm sure you want to make sure the children are well fed.

So, my belief is that we will rise now. We will come back on this amendment, which is not related. We'll give you an opportunity to vote on your amendment, and then we are going to pass this bill and send it to the President of the United States, as the Senate of the United States unanimously voted to do.

Mr. GEORGE MILLER of California. I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. Pursuant to clause 1(c) of rule XIX, further consideration of S. 3307 is postponed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

H. Res. 1217,

H. Res. 1724, both de novo.

The first electronic vote will be conducted as a 15-minute vote. The second electronic vote will be conducted as a 5-minute vote.

HONORING FORT DRUM'S SOLDIERS OF 10TH MOUNTAIN DIVISION

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and agreeing to the resolution (H. Res. 1217) honoring Fort Drum's soldiers of the 10th Mountain Division for their past and continuing contributions to the security of the United States, as amended.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. OWENS) that the House suspend the rules and agree to the resolution, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

RECORDED VOTE

Ms. ESHOO. Madam Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 415, noes 0, not voting 18, as follows:

[Roll No. 594]

AYES—415

Ackerman	Cooper	Higgins
Aderholt	Costa	Hill
Adler (NJ)	Costello	Himes
Akin	Courtney	Hinchey
Alexander	Crenshaw	Hinojosa
Altmire	Critz	Hirono
Andrews	Crowley	Hoekstra
Arcuri	Cuellar	Holden
Austria	Culberson	Holt
Baca	Cummings	Honda
Bachmann	Dahlkemper	Hoyer
Bachus	Davis (AL)	Hunter
Baird	Davis (CA)	Inglis
Baldwin	Davis (KY)	Insee
Barrow	Davis (TN)	Israel
Bartlett	DeGette	Issa
Barton (TX)	DeLauro	Jackson (IL)
Bean	Dent	Jackson Lee
Becerra	Deutch	(TX)
Berkley	Diaz-Balart, L.	Jenkins
Berman	Diaz-Balart, M.	Johnson (GA)
Berry	Dicks	Johnson (IL)
Biggert	Djou	Johnson, E. B.
Bilbray	Doggett	Johnson, Sam
Bilirakis	Donnelly (IN)	Jones
Bishop (GA)	Doyle	Jordan (OH)
Bishop (NY)	Dreier	Kagen
Bishop (UT)	Driehaus	Kanjorski
Blackburn	Duncan	Kaptur
Blumenauer	Edwards (MD)	Kildee
Blunt	Edwards (TX)	Kilpatrick (MI)
Bocchieri	Ehlers	Kilroy
Boehner	Ellison	Kind
Bonner	Ellsworth	King (IA)
Bono Mack	Emerson	King (NY)
Boozman	Engel	Kingston
Boren	Eshoo	Kirkpatrick (AZ)
Boswell	Fallin	Kissell
Boucher	Farr	Klein (FL)
Boustany	Fattah	Kline (MN)
Boyd	Filner	Kosmas
Brady (PA)	Flake	Kratovil
Brady (TX)	Fleming	Kucinich
Braley (IA)	Forbes	Lamborn
Bright	Fortenberry	Lance
Brown (GA)	Foster	Langevin
Brown (SC)	Fox	Larsen (WA)
Brown, Corrine	Frank (MA)	Larson (CT)
Buchanan	Franks (AZ)	Latham
Burgess	Frelinghuysen	LaTourette
Burton (IN)	Fudge	Latta
Butterfield	Gallegly	Lee (CA)
Calvert	Garamendi	Lee (NY)
Camp	Garrett (NJ)	Levin
Campbell	Gerlach	Lewis (CA)
Cantor	Giffords	Lewis (GA)
Cao	Gingrey (GA)	Linder
Capito	Gohmert	Lipinski
Capps	Gonzalez	LoBiondo
Capuano	Goodlatte	Loeb
Cardoza	Gordon (TN)	Loeb
Carnahan	Granger	Lofgren, Zoe
Carney	Graves (GA)	Lowey
Carson (IN)	Graves (MO)	Lucas
Carter	Grayson	Luetkemeyer
Cassidy	Green, Al	Lujan
Castle	Green, Gene	Lummis
Castor (FL)	Griffith	Lungren, Daniel
Chaffetz	Grijalva	E.
Chandler	Guthrie	Lynch
Childers	Gutierrez	Mack
Chu	Hall (NY)	Maffei
Clarke	Hall (TX)	Maloney
Clay	Halvorson	Manzullo
Cleaver	Hare	Markey (CO)
Clyburn	Harman	Markey (MA)
Coble	Harper	Marshall
Coffman (CO)	Hastings (WA)	Matheson
Cohen	Heinrich	Matsui
Cole	Heller	McCarthy (CA)
Conaway	Hensarling	McCarthy (NY)
Connolly (VA)	Herger	McCauley
Conyers	Hereth Sandlin	McClintock
		McCollum

McCotter	Polis (CO)	Skelton
McDermott	Pomeroy	Slaughter
McGovern	Posey	Smith (NE)
McHenry	Price (GA)	Smith (NJ)
McIntyre	Price (NC)	Smith (TX)
McKeon	Putnam	Smith (WA)
McMahon	Quigley	Snyder
McNerney	Rahall	Space
Meek (FL)	Rangel	Spratt
Meeks (NY)	Reed	Stark
Melancon	Rehberg	Stearns
Mica	Reichert	Stupak
Michaud	Reyes	Stutzman
Miller (FL)	Richardson	Sullivan
Miller (MI)	Rodriguez	Sutton
Miller (NC)	Roe (TN)	Tanner
Miller, Gary	Rogers (AL)	Taylor
Miller, George	Rogers (KY)	Teague
Mitchell	Rogers (MI)	Terry
Mollohan	Rohrabacher	Thompson (CA)
Moore (KS)	Rooney	Thompson (MS)
Moore (WI)	Ros-Lehtinen	Thompson (PA)
Moran (KS)	Roskam	Thornberry
Moran (VA)	Ross	Tiahrt
Murphy (CT)	Rothman (NJ)	Tiberi
Murphy (NY)	Roybal-Allard	Tierney
Murphy, Patrick	Royce	Titus
Murphy, Tim	Ruppersberger	Tonko
Myrick	Rush	Towns
Nadler (NY)	Ryan (OH)	Tsongas
Napolitano	Ryan (WI)	Turner
Neal (MA)	Salazar	Upton
Neugebauer	Sanchez, Linda	Van Hollen
Nunes	T.	Velazquez
Nye	Sanchez, Loretta	Visclosky
Oberstar	Sarbanes	Walden
Obeys	Scalise	Walz
Olson	Schakowsky	Wamp
Olver	Schauer	Wasserman
Ortiz	Schiff	Schultz
Owens	Schmidt	Waters
Pallone	Schock	Watson
Pascarella	Schrader	Watt
Pastor (AZ)	Schwartz	Waxman
Paul	Scott (GA)	Weiner
Paulsen	Scott (VA)	Welch
Payne	Sensenbrenner	Westmoreland
Pence	Serrano	Whitfield
Perlmutter	Sestak	Wilson (OH)
Perriello	Shadegg	Wilson (SC)
Peters	Shea-Porter	Wittman
Peterson	Sherman	Wolf
Petri	Shimkus	Woolsey
Pingree (ME)	Shuler	Yarmuth
Pitts	Shuster	Young (AK)
Platts	Simpson	Young (FL)
Poe (TX)	Sires	

NOT VOTING—18

Barrett (SC)	Dingell	McMorris
Brown-Waite,	Etheridge	Rodgers
Ginny	Hastings (FL)	Minnick
Buyer	Hodes	Radanovich
Davis (IL)	Kennedy	Sessions
DeFazio	Marchant	Speier
Delahunt		Wu

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining on this vote.

□ 1534

Mr. SKELTON changed his vote from "no" to "aye."

So (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MOMENT OF SILENCE IN REMEMBRANCE OF MEMBERS OF ARMED FORCES AND THEIR FAMILIES

The SPEAKER. The Chair would ask all present to rise for the purpose of a moment of silence.

The Chair asks that the House now observe a moment of silence in remembrance of our brave men and women in uniform who have given their lives in the service of our Nation in Iraq and Afghanistan and their families, and of all who serve in our Armed Forces and their families.

COMMENDING THE CITY OF JACKSONVILLE, ARKANSAS

The SPEAKER pro tempore (Mrs. CAPPS). Without objection, 5-minute voting will continue.

There was no objection.

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and agreeing to the resolution (H. Res. 1724) commending the City of Jacksonville, Arkansas, for its outstanding support in creating a unique and lasting partnership with Little Rock Air Force Base, members of the Armed Forces stationed there and their families, and the Air Force, as amended.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arkansas (Mr. SNYDER) that the House suspend the rules and agree to the resolution, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the yeas have it.

Mr. MCGOVERN. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 411, nays 0, not voting 22, as follows:

[Roll No. 595]

YEAS—411

Ackerman	Bono Mack	Castor (FL)
Aderholt	Boozman	Chaffetz
Adler (NJ)	Boren	Chandler
Akin	Boswell	Childers
Alexander	Boucher	Chu
Altmire	Boustany	Clarke
Andrews	Boyd	Clay
Arcuri	Brady (PA)	Cleaver
Austria	Brady (TX)	Clyburn
Baca	Braley (IA)	Coble
Bachmann	Bright	Coffman (CO)
Bachus	Broun (GA)	Cohen
Baird	Brown (SC)	Cole
Baldwin	Brown, Corrine	Conaway
Barrow	Buchanan	Connolly (VA)
Bartlett	Burgess	Conyers
Barton (TX)	Burton (IN)	Cooper
Bean	Butterfield	Costa
Becerra	Calvert	Costello
Berkley	Camp	Courtney
Berman	Campbell	Crenshaw
Berry	Cantor	Critz
Biggert	Cao	Crowley
Bilbray	Capito	Cuellar
Bilirakis	Capps	Culberson
Bishop (GA)	Capuano	Cummings
Bishop (NY)	Carnahan	Dahlkemper
Bishop (UT)	Carney	Davis (AL)
Blumenauer	Carson (IN)	Davis (CA)
Blunt	Carter	Davis (KY)
Bocchieri	Cassidy	Davis (TN)
Bonner	Castle	DeGette

DeLauro	Kaptur	Pascrell
Dent	Kildee	Pastor (AZ)
Deutch	Kilpatrick (MI)	Paul
Diaz-Balart, L.	Kilroy	Paulsen
Diaz-Balart, M.	Kind	Payne
Dicks	King (IA)	Pence
Dingell	King (NY)	Perlmutter
Djou	Kingston	Perriello
Doggett	Kirkpatrick (AZ)	Peters
Donnelly (IN)	Kissell	Peterson
Doyle	Klein (FL)	Petri
Dreier	Kline (MN)	Pitts
Driehaus	Kosmas	Platts
Duncan	Kratovil	Poe (TX)
Edwards (MD)	Kucinich	Polis (CO)
Edwards (TX)	Lamborn	Pomeroy
Ehlers	Lance	Posey
Ellison	Langevin	Price (GA)
Ellsworth	Larsen (WA)	Price (NC)
Emerson	Larson (CT)	Putnam
Engel	Latham	Quigley
Eshoo	LaTourette	Rahall
Etheridge	Latta	Rangel
Fallin	Lee (CA)	Reed
Farr	Lee (NY)	Rehberg
Fattah	Levin	Reichert
Finer	Lewis (CA)	Reyes
Flake	Lewis (GA)	Richardson
Fleming	Linder	Rodriguez
Forbes	Lipinski	Roe (TN)
Fortenberry	LoBiondo	Rogers (AL)
Foster	Loeb sack	Rogers (KY)
Fox	Lofgren, Zoe	Rogers (MI)
Frank (MA)	Lowe	Rohrabacher
Franks (AZ)	Lucas	Rooney
Frelinghuysen	Luetkemeyer	Ros-Lehtinen
Fudge	Lujan	Roskam
Gallegly	Lummis	Ross
Garamendi	Lungren, Daniel	Rothman (NJ)
Garrett (NJ)	E.	Roybal-Allard
Gerlach	Lynch	Royce
Giffords	Mack	Ruppersberger
Gingrey (GA)	Maffei	Rush
Gohmert	Maloney	Ryan (OH)
Gonzalez	Manzullo	Ryan (WI)
Goodlatte	Markey (CO)	Salazar
Granger	Markey (MA)	Sanchez, Linda
Graves (GA)	Marshall	T.
Graves (MO)	Matheson	Sanchez, Loretta
Grayson	Matsui	Sarbanes
Green, Al	McCarthy (CA)	Scalise
Green, Gene	McCarthy (NY)	Schakowsky
Griffith	McCaul	Schauer
Grijalva	McClintock	Schiff
Guthrie	McCollum	Schmidt
Gutierrez	McCotter	Schock
Hall (NY)	McDermott	Schrader
Hall (TX)	McGovern	Schwartz
Halvorson	McHenry	Scott (GA)
Hare	McIntyre	Scott (VA)
Harman	McKeon	Sensenbrenner
Harper	McMahon	Serrano
Hastings (WA)	McNerney	Sessions
Heinrich	Meek (FL)	Sestak
Heller	Meeks (NY)	Shadegg
Hensarling	Melancon	Shea-Porter
Hergert	Mica	Sherman
Hereth Sandlin	Michaud	Shimkus
Higgins	Miller (MI)	Shuler
Hill	Miller (NC)	Shuster
Himes	Miller, Gary	Simpson
Hinche	Miller, George	Sires
Hinojosa	Mitchell	Skelton
Hirono	Mollohan	Slaughter
Hoekstra	Moore (KS)	Smith (NE)
Holden	Moore (WI)	Smith (NJ)
Holt	Moran (KS)	Smith (TX)
Honda	Moran (VA)	Smith (WA)
Hoyer	Murphy (CT)	Snyder
Hunter	Murphy (NY)	Space
Inglis	Murphy, Patrick	Spratt
Inslee	Murphy, Tim	Stark
Israel	Myrick	Stearns
Issa	Nadler (NY)	Stupak
Jackson (IL)	Napolitano	Stutzman
Jackson Lee	Neal (MA)	Sullivan
(TX)	Neugebauer	Sutton
Jenkins	Nunes	Tanner
Johnson (GA)	Nye	Taylor
Johnson (IL)	Oberstar	Teague
Johnson, E. B.	Obey	Terry
Johnson, Sam	Olson	Thompson (CA)
Jones	Oliver	Thompson (MS)
Jordan (OH)	Ortiz	Thompson (PA)
Kagen	Owens	Thornberry
Kanjorski	Pallone	Tiahrt

Tiberi	Walden	Westmoreland
Tierney	Walz	Whitfield
Titus	Wamp	Wilson (OH)
Tonko	Wasserman	Wilson (SC)
Towns	Schultz	Wittman
Tsongas	Waters	Wolf
Turner	Watson	Yarmuth
Upton	Watt	Young (AK)
Van Hollen	Waxman	Young (FL)
Velázquez	Weiner	
Visclosky	Welch	

NOT VOTING—22

Barrett (SC)	Delahunt	Minnick
Blackburn	Gordon (TN)	Pingree (ME)
Boehner	Hastings (FL)	Radanovich
Brown-Waite,	Hodes	Speier
Ginny	Kennedy	Woolsey
Buyer	Marchant	Wu
Cardoza	McMorris	
Davis (IL)	Rodgers	
DeFazio	Miller (FL)	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

□ 1545

So (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

The title of the resolution was amended so as to read: "Commending the City of Jacksonville, Arkansas, for its outstanding support in creating a unique and lasting partnership with Little Rock Air Force Base, members of the Armed Forces stationed there, and their families."

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mrs. MCMORRIS RODGERS. Madam Speaker, on rollcall No. 587 on H. Res. 1742, ordering the Previous Question providing for consideration of S. 3307, I am not recorded because I was absent because I was giving birth to my baby daughter. Had I been present, I would have voted "nay."

Madam Speaker, on rollcall No. 588 on H. Res. 1742, agreeing to the resolution providing for consideration of S. 3307, the Healthy, Hunger-Free Kids Act, I am not recorded because I was absent because I was giving birth to my baby daughter. Had I been present, I would have voted "nay."

Madam Speaker, on rollcall No. 589 on H. Res. 1741, agreeing to the resolution providing for consideration of H.J. Res. 101, I am not recorded because I was absent because I was giving birth to my baby daughter. Had I been present, I would have voted "nay."

Madam Speaker, on rollcall No. 590 on H. Con. Res. 323, supporting the goal of ensuring that all Holocaust survivors in the United States are able to live with dignity, comfort, and security in their remaining years, I am not recorded because I was absent because I was giving birth to my baby daughter. Had I been present, I would have voted "yea."

Madam Speaker, on rollcall No. 591 on H. Res. 1735, condemning North Korea in the strongest terms for its unprovoked military attack against South Korea on November 23, 2010, I am not recorded because I was absent

because I was giving birth to my baby daughter. Had I been present, I would have voted "yea."

Madam Speaker, on rollcall No. 592 on H. Res. 1430, honoring and saluting golf legend Juan Antonio "Chi Chi" Rodriguez for his commitment to Latino youth programs of the Congressional Hispanic Caucus Institute, I am not recorded because I was absent because I was giving birth to my baby daughter. Had I been present, I would have voted "yea."

Madam Speaker, on rollcall No. 593 on H.J. Res. 101, making further continuing appropriations for Fiscal Year 2011, I am not recorded because I was absent because I was giving birth to my baby daughter. Had I been present, I would have voted "nay."

Madam Speaker, on rollcall No. 594 on H. Res. 1217, honoring Fort Drum's soldiers of the 10th Mountain Division for their past and continuing contributions to the security of the United States, I am not recorded because I was absent because I was giving birth to my baby daughter. Had I been present, I would have voted "yea."

Madam Speaker, on rollcall No. 595 on H. Res. 1724, commending the City of Jacksonville, Arkansas, for its outstanding support in creating a unique and lasting partnership with Little Rock Air Force Base, members of the Armed Forces stationed there and their families, and the Air Force, I am not recorded because I was absent because I was giving birth to my baby daughter. Had I been present, I would have voted "yea."

PERSONAL EXPLANATION

Mr. ETHERIDGE. Madam Speaker, on H. Res. 1217, I was unavoidably detained. Had I been present, I would have voted "yes."

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Record votes on postponed questions will be taken later.

□ 1550

ACCREDITATION OF ENGLISH LANGUAGE

Mr. CONYERS. Madam Speaker, I move to suspend the rules and pass the bill (S. 1338) a bill to require the accreditation of English language training programs, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 1338

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ACCREDITATION OF ENGLISH LANGUAGE TRAINING PROGRAMS.

(a) IN GENERAL.—Section 101(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)) is amended—

(1) in paragraph (15)(F)(i), by striking "a language" and inserting "an accredited language"; and

(2) by adding at the end the following:

"(52) The term 'accredited language training program' means a language training program that is accredited by an accrediting agency recognized by the Secretary of Education."

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by subsection (a) shall—

(A) take effect on the date that is 180 days after the date of the enactment of this Act; and

(B) apply with respect to applications for a nonimmigrant visa under section 101(a)(15)(F)(i) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(F)(i)) that are filed on or after the effective date described in subparagraph (A).

(2) TEMPORARY EXCEPTION.—

(A) IN GENERAL.—Notwithstanding section 101(a)(15)(F)(i) of the Immigration and Nationality Act, as amended by subsection (a), during the 3-year period beginning on the date of the enactment of this Act, an alien seeking to enter the United States to pursue a course of study at a language training program that has been certified by the Secretary of Homeland Security and has not been accredited or denied accreditation by an entity described in section 101(a)(52) of such Act may be granted a nonimmigrant visa under such section 101(a)(15)(F)(i).

(B) ADDITIONAL REQUIREMENT.—An alien may not be granted a nonimmigrant visa under subparagraph (A) if the sponsoring institution of the language training program to which the alien seeks to enroll does not—

(i) submit an application for the accreditation of such program to a regional or national accrediting agency recognized by the Secretary of Education within 1 year after the date of the enactment of this Act; and

(ii) comply with the applicable accrediting requirements of such agency.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. CONYERS) and the gentleman from Texas (Mr. SMITH) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan.

GENERAL LEAVE

Mr. CONYERS. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. CONYERS. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker and Members, S. 1338 requires that visas for foreign students seeking to attend English schools in the United States only be granted when the student attends a school accredited by an agency recognized by the Secretary of Education. What we found, in short, is that some of these language schools are undermining the laudable mission of this visa program. And it has been determined that many of them are not even attending schools.

So thanks to the diligence of the chairman of the Committee on Financial Services, BARNEY FRANK, we have introduced the bill. The Senate has passed the same bill. Now it is over here for our final approval. But before I reserve the balance of my time, I would thank LAMAR SMITH, the ranking member of the Judiciary Committee.

I reserve the balance of my time.

Mr. SMITH of Texas. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I support S. 1338, which requires the accreditation of English language training programs for student visa holders, and I am a cosponsor of the House version of the bill. Accreditation of English programs will ensure that foreign students here on temporary visas receive the high-level English language education they deserve and expect. And this legislation will help give the students a positive experience in America as well.

The bill prevents fraud in the student visa program and raises the quality of English language training programs in the United States. It does so by requiring accreditation, which is achieved only after certain learning criteria are met.

Under the Immigration and Nationality Act, a foreign national can get a student visa to study at a U.S. college, high school, or other learning institution such as an established "language training program approved by the Secretary of Homeland Security after consultation with the Secretary of Education." This bill requires that a nonimmigrant foreign student seeking to enter the United States to study at a language training program must enroll in a program that is recognized and accredited by the Secretary of Education. The Senate has passed this legislation by unanimous consent, and I urge my colleagues to support it as well.

Intensive English Programs ("IEPs") serve to teach English to foreign students. There are 90,000 such students in the United States. The programs range in length from two weeks to one year, but average 12 weeks. There are nearly 1,000 IEP's in the U.S., and students must study a minimum of 18 hours per week to meet their visa requirements.

Currently all IEPs must be officially recognized, but that sometimes means there is just a check to see that the building in which the IEP is supposedly located, actually exists. The result of such lax monitoring is widespread fraud in the IEP community.

Illegitimate IEPs either do not teach English well or serve as scams for individuals who want to come to the United States through fraudulent means. In April 2008, the Los Angeles Times reported, "The operator of two English language schools was charged Wednesday with running a scheme that allowed foreign nationals, including several Russian prostitutes, to fraudulently obtain student visas to enter and stay in the United States."

In April 2009, two individuals who ran an English language school for immigrants in Duluth, GA, were indicted for submitting fraudulent documents to the Department of Homeland Security. They did so in order to get student visas for “dozens, and perhaps hundreds, of ‘students.’”

And last March agents in the Miami Immigration and Customs Enforcement Office conducted the “largest single visa fraud takedown in [the] agency’s history,” when they arrested two women who helped obtain fraudulent student visas for over 200 individuals who were supposedly attending an English school, but who were not actually doing so.

Such fraudulent programs, along with IEPs that do not function well, tarnish the reputation of the entire IEP industry. That’s why the American Association of Intensive English Programs supports this legislation. And legitimate IEPs are interested in ensuring the quality of their programs.

Under this bill, IEPs can meet the accreditation requirement in one of two ways. First, they can be under the governance of a university or college that has been accredited by a regional accrediting agency recognized by the U.S. Department of Education. Or, second, they can be individually accredited by The Accrediting Council for Continuing Education and Training or the Commission on English Language Program Accreditation.

The three typical steps in the accreditation process are (1) the completion of a written self-study that documents how the program or institution meets the standards of the accreditation agency; (2) a site visit by an agency team to verify that standards are being met; and (3) follow-up measures on the part of the school to correct any deficiencies, subject to review and final approval by the accreditation agency.

Currently, many legitimate IEPs are voluntarily becoming accredited on their own.

I urge my colleagues to support passage of this bill.

Madam Speaker, I yield such time as he may consume to the gentleman from Washington (Mr. HASTINGS).

Mr. HASTINGS of Washington. Madam Speaker, I want to thank my friend from Texas for yielding.

This legislation is a good piece of legislation. I urge my colleagues to support it.

But there are other issues that I think need to be addressed today. There has been bipartisan agreement across this country and in Congress that blanket moratoriums on offshore drilling hurts America when it comes to jobs and energy. Yet the Obama administration has suddenly imposed a moratorium that closes the eastern Gulf of Mexico and the entire Atlantic coast.

Madam Speaker, this is the wrong way to respond to the BP oil spill. It hurts our economy and job creation. The answer is not to say America can’t figure it out and we should rely on other countries to produce our energy. The right answer is to find out what went wrong and make the effective, timely reforms that ensure that U.S.

offshore drilling is the safest in the world.

The Deepwater Horizon spill was a terrible tragedy; but this is a great country, Madam Speaker, and we shouldn’t allow this single event to disrupt our long-term need to develop an all-of-the-above energy plan that includes the responsible development of our Nation’s offshore oil and gas reserves.

The administration has taken us in the wrong direction. Instead, we need to be working to keep and create energy jobs here in America.

Mr. SMITH of Texas. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. CONYERS. I am going to yield back, but can I ask my friends on the other side, if you have got another subject matter you want to introduce on a bill, can you wait until we pass the bill and then make your speech about whatever you want?

I yield back the balance of my time. The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. CONYERS) that the House suspend the rules and pass the bill, S. 1338.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

HELP HAITIAN ADOPTEES IMMEDIATELY TO INTEGRATE ACT OF 2010

Mr. CONYERS. Madam Speaker, I move to suspend the rules and concur in the Senate amendment to the bill (H.R. 5283) to provide for adjustment of status for certain Haitian orphans paroled into the United States after the earthquake of January 12, 2010.

The Clerk read the title of the bill.

The text of the Senate amendment is as follows:

Senate amendment:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as—

- (1) the “*Help Haitian Adoptees Immediately to Integrate Act of 2010*”; or
- (2) the “*Help HAITI Act of 2010*”.

SEC. 2. ADJUSTMENT OF STATUS FOR CERTAIN HAITIAN ORPHANS.

(a) *IN GENERAL.*—The Secretary of Homeland Security may adjust the status of an alien to that of an alien lawfully admitted for permanent residence if the alien—

- (1) was inspected and granted parole into the United States pursuant to the humanitarian parole policy for certain Haitian orphans announced by the Secretary of Homeland Security on January 18, 2010, and suspended as to new applications on April 15, 2010;
- (2) is physically present in the United States;
- (3) is admissible to the United States as an immigrant, except as provided in subsection (c); and

(4) files an application for an adjustment of status under this section not later than 3 years after the date of the enactment of this Act.

(b) *NUMERICAL LIMITATION.*—The number of aliens who are granted the status of an alien lawfully admitted for permanent residence under this section shall not exceed 1400.

(c) *GROUND OF INADMISSIBILITY.*—Section 212(a)(7)(A) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(7)(A)) shall not apply to an alien seeking an adjustment of status under this section.

(d) *VISA AVAILABILITY.*—The Secretary of State shall not be required to reduce the number of immigrant visas authorized to be issued under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) for any alien granted the status of having been lawfully admitted for permanent residence under this section.

(e) *ALIENS DEEMED TO MEET DEFINITION OF CHILD.*—An unmarried alien described in subsection (a) who is under the age of 18 years shall be deemed to satisfy the requirements applicable to adopted children under section 101(b)(1) of the Immigration and Nationality Act (8 U.S.C. 1101(b)(1)) if—

- (1) the alien obtained adjustment of status under this section; and
- (2) a citizen of the United States adopted the alien prior to, on, or after the date of the decision granting such adjustment of status.

(f) *NO IMMIGRATION BENEFITS FOR BIRTH PARENTS.*—No birth parent of an alien who obtains adjustment of status under this section shall thereafter, by virtue of such parentage, be accorded any right, privilege, or status under this section or the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

SEC. 3. COMPLIANCE WITH PAYGO.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled “Budgetary Effects of PAYGO Legislation” for this Act, submitted for printing in the Congressional Record by the Chairman of the Senate Budget Committee, provided that such statement has been submitted prior to the vote on passage.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. CONYERS) and the gentleman from Texas (Mr. POE) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan.

GENERAL LEAVE

Mr. CONYERS. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. CONYERS. I yield myself as much time as I may consume.

Madam Speaker, Members of the House, this bill, entitled the Help HAITI Act of 2010, was introduced by the gentleman from Nebraska (Mr. FORTENBERRY). It is incredibly important that we finish the job we undertook when we rescued just over 1,200 Haitian orphans immediately following the earthquake that devastated Haiti on January 12 earlier this year.

□ 1600

All in all, 1.5 million people were directly affected in terms of human and

economic impact. It was one of the worst natural disasters ever recorded in the Western Hemisphere.

In response to this disaster, the Department of Homeland Security instituted a policy for the immediate evacuation of Haitian orphans who had been adopted or were in the process of being adopted as citizens.

Now, in the United States with their adoptive or prospective adoptive American parents, these children need one more bit of assistance. Had the earthquake not hit and disrupted the adoption process in Haiti, each of these children would have entered the country as United States citizens under current immigration law.

But because of the emergency procedures used to evacuate these children, they must now wait years before they can get permanent residency and years more before they can qualify for citizenship. Some are even running the risk of aging out even before they can get their residency, which would make them ineligible for legal status in the country.

So what the measure before us does is treat these children as if they had come to the United States under the normal adoption procedures that would have applied had the earthquake not occurred and required hastening their move.

It is with that in mind that I am pleased to thank the bipartisan efforts of the Judiciary Committee, starting with the ranking member, LAMAR SMITH; the immigration subcommittee chair, ZOE LOFGREN; and, of course, Judge Poe, who is leading the measure on the other side.

With that, I reserve the balance of my time.

Mr. POE of Texas. Madam Speaker, I yield myself such time as I may consume.

I strongly support H.R. 5283. Madam Speaker, earlier this year, Haiti was hit by a massive earthquake and hundreds of thousands of people died. In reaction, the Department of Homeland Security announced a humanitarian parole policy under which orphaned Haitian children who were in the middle of an adoption process with prospective Americans would be immediately brought to the United States. Under this policy, about 1,200 Haitian children, orphans, came to the United States.

Since adoption proceedings were not yet completed when these children were brought to this country, they will have to live with their adoptive parents for 2 years before being eligible for permanent resident status in the United States. In the interim, they remain in parole status, which is to be renewed each and every year.

This legal limbo can be stressful to the children and to the families who have adopted them. We must remember, Madam Speaker, these children

had already been approved for adoption to American parents.

Additionally, Representative FORTENBERRY from Nebraska was concerned about the impact of this delay on children and circumstances such as the death of adoptive parents. Mr. FORTENBERRY therefore introduced the Help HAITI Act of 2010. This bill grants immediate permanent residence to the airlifted Haitian orphans.

This legislation completes the humanitarian endeavor launched by the Department of Homeland Security and secures the futures of children who have already suffered a great deal. It is in the best tradition of American humanitarian response. The House has already passed the Fortenberry bill by voice vote. The Senate made some minor changes and passed the bill by unanimous consent.

I know personally how important this bill is to the children and families of this country. The Parker family, from my district in Kingwood, Texas, contacted my office shortly after the earthquake that devastated Haiti to get help in finalizing the adoption of their son.

Before the earthquake, the Parker family had been in the process of adopting a young Haitian named Ronel. Prior to the earthquake, Ronel had been cleared to immigrate to the United States. But after the bureaucratic breakdown following the earthquake, his adoption was held up. Fearing for Ronel's safety, Mr. Parker flew down to Port-au-Prince and slept on the floor of the United States Embassy for several days as he haggled with United States and Haitian authorities to permit the adoption. Finally, after many sleepless nights, the adoption was permitted and Ronel was allowed to fly to his new home in Kingwood, Texas.

A few weeks after making his way to his new home, I was fortunate to meet this young American. Although he was still learning English, and I don't speak Creole very well, we communicated just fine. My staff even took up a collection to buy him his first pair of Texas cowboy boots. It was clear that he was very intelligent and had a strong heart, and he was very happy to be in America with his new American family. I am confident that Ronel will grow up to be a fine American and a fine Texan, and we are proud to have him in this country.

It is for children like Ronel and the families like the Parkers that I urge support for this legislation. The families of these 1,200 Haitian adoptees have gone through enough, and these parents are to be admired by all of us.

I urge my colleagues to pass this bill, as amended by the Senate, so we can send it to the President for his signature.

I reserve the balance of my time.

Mr. CONYERS. I want to commend Judge TED POE as a gentleman and a

scholar, and we are proud of his service on the Judiciary Committee.

I yield as much time as she may consume to the gentlewoman from Texas, SHEILA JACKSON LEE.

Ms. JACKSON LEE of Texas. Thank you very much, Mr. Chairman. Thank you for your leadership on this issue. Thank you to Mr. FORTENBERRY and my friend and colleague from the State of Texas, Judge POE.

This is a response to a humanitarian crisis. Some of us had the opportunity and somewhat of a privilege to be in Haiti this past Sunday. I am here to report that there are still 1.5 to 1.6 million persons still displaced, many of them living in various camps. There is need for the continued removal of rubbish and the debris that we all saw in horror on January 12 of 2010.

So this is an enormously important initiative because it addresses the question of almost 1,200 Haitian orphans which were airlifted and rescued on that fateful day. They now live in limbo, and it is important to note for my friends on the floor of the House that if they were to return, it is a country that struggles to survive.

Let me applaud the Haitian Government for its concern about Haitian children and Haitian orphans and to make sure that there is no abuse and misuse of those children. But we know that many of these children, all of these children, are in loving homes here in the United States. There are families that still want to endorse the idea of adoption of Haitian children. All of them are willing to do it in the right way.

But this legislation helps those who are here to give them permanent residence status, to allow them to obtain status so that they can pursue the act of citizenship once the Government of Haiti is in operation.

On this past Sunday, there was an election, and many of you heard of the challenges that were faced. Some of us still believe that those challenges of allegations of fraud need to be corrected. But we do know that Haiti needs a stable and supporting government, and we know that these children need a loving family. It is important, then, to provide them with this particular effort, this bridge, that will take them to the next level, the next step.

Let me thank the many parents who simply have love to share with these children, these adoptive American parents who need assistance now. Let me thank you and acknowledge to you that there are Members of Congress who are particularly sensitive to this issue.

Just a few months ago I traveled to Haiti with Senator MARY LANDRIEU and DEBBIE WASSERMAN SCHULTZ. Our focus was on the children—their schooling, their access to health care, and, yes, the ability for them to be adopted in an expedited or an efficient manner.

So, therefore, I ask my colleagues to support this legislation as, really, the first step in what will be many, many steps on the journey of the restoration of Haiti and the Haitian people. They are resilient. And I would like to thank the Haitian Americans and those who still struggle to survive, because it is still important for us to say we will not forget you.

□ 1610

Mr. POE of Texas. Madam Speaker, I yield to the gentleman from Nebraska (Mr. FORTENBERRY), the sponsor of the original legislation, as much time as he wishes to consume.

Mr. FORTENBERRY. Thank you, Judge POE, for the time. And I also wish to thank Chairman CONYERS as well as Chairwoman LOFGREN of the Immigration Subcommittee and LAMAR SMITH, the ranking member on the full committee, for your efforts in this regard, especially your diligence in getting this to the floor today.

I also, Madam Speaker, want to thank the many adoptive families, members of the international adoption community and others who have worked behind the scenes to spur action today. Thanks to this outreach of so many concerned Americans, Congress is finally doing the right thing here to help as many as 1,200 voiceless and vulnerable Haitian orphans and their adoptive American families. We can now give these new families, who have endured so much heartbreak and tragedy, the comfort of knowing that their children's legal status is now in good order.

Many of us received heartbreaking calls for help in the wake of the January 12 earthquake. American families in various stages, as we have heard, of adopting Haitian orphans feared for the safety and the security of their children. Extraordinary work was done swiftly to evacuate these children and unite them with their new families on U.S. soil. Yet instead of coming here as fully adopted U.S. citizens, these children arrived under a legal status known as humanitarian parole.

Due to a destructive, unpredictable act of nature, the normal process for international adoptions in Haiti was upended, and these American families were prohibited from finalizing the adoptions in Haitian courts. While their status remains in limbo, these vulnerable children have fewer legal protections, may not be eligible for critical resources, and potentially risk being forced to return to Haiti. With each passing day, some children are aging out of the international adoption system as well. Once a child turns 16, he or she may no longer gain U.S. citizenship through adoption.

So the urgency is clear. I recently spoke, Madam Speaker, with the mother of a Haitian orphan who just turned 16. We have to act. We need to pass this

bill today to give so much more security to these generous American families who have opened their hearts and homes to children in extraordinary need.

Again, I want to thank all of those who have been involved in helping get this important legislation to the floor today.

Mr. CONYERS. Madam Speaker, I now recognize the gentlewoman from Brooklyn, New York, YVETTE CLARKE, for as much time as she may consume. And I note that she has the second largest number of Haitians and Haitian Americans in her congressional district.

Ms. CLARKE. Let me thank you, Chairman CONYERS, for your conscientious in bringing this legislation to the floor. I rise today as a proud cosponsor of H.R. 5283, the Help HAITI Act of 2010, introduced by my colleague, Congressman JEFF FORTENBERRY. This bill normalizes the immigration procedures for certain adopted Haitian orphans that received humanitarian parole between January 18 of 2010 and April 15, 2010. It allows their adoptive families, who are U.S. citizens, to apply immediately on their behalf to become legal permanent residents and eventually qualify for citizenship.

As a representative of the second-largest population of first- and second-generation Haitian immigrants, Haiti has been at the core of my Caribbean agenda. That is why I'm extremely concerned that more than 1,000 paroled Haitian orphans being adopted by American families remain in immigration limbo due to a legal technicality. At least 50 orphans reside in my district alone.

It is alarming that these children have to wait 2 years before they are granted legal permanent residency. If this situation is not addressed, these children will remain in this country without certain legal protection and are in jeopardy of being separated from their adoptive family and deported back to Haiti, where they have no family.

The legal technicality that puts these children in such a precarious position is yet another example of why our Nation needs comprehensive immigration reform. That is why I'm committed to working with my colleagues to make immigration reform a reality as soon as possible. Our national security is at stake, our moral standing in the world depends upon it, and the American people, many of whom are first- and second-generation immigrants, demand it. I urge Congress to take a fresh look at the antiquated policies and bureaucratic backlog that tear families apart and devastate our communities.

Finally, I commend Congressman FORTENBERRY and Senator GILLIBRAND for addressing this issue and their continued support for the people of Haiti.

Mr. POE of Texas. Madam Speaker, I want to thank the chairman for bringing this legislation to the floor. It's very important to the Parker family in my district, the people that Mr. FORTENBERRY in Nebraska mentioned, and the 1,200 families and children that are going to now have a good Christmas because that legislation has passed in the House.

I yield back the balance of my time.

Mr. CONYERS. I yield back as well.

The SPEAKER pro tempore (Ms. MARKEY of Colorado). The question is on the motion offered by the gentleman from Michigan (Mr. CONYERS) that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 5283.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the Senate amendment was concurred in.

A motion to reconsider was laid on the table.

ASIAN CARP PREVENTION AND CONTROL ACT

Mr. CONYERS. Madam Speaker, I move to suspend the rules and pass the bill (S. 1421) to amend section 42 of title 18, United States Code, to prohibit the importation and shipment of certain species of carp.

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 1421

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Asian Carp Prevention and Control Act".

SEC. 2. ADDITION OF SPECIES OF CARP TO THE LIST OF INJURIOUS SPECIES THAT ARE PROHIBITED FROM BEING IMPORTED OR SHIPPED.

Section 42(a)(1) of title 18, United States Code, is amended by inserting "of the big-head carp of the species *Hypophthalmichthys nobilis*;" after "*Dreissena polymorpha*";.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. CONYERS) and the gentleman from Texas (Mr. POE) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan.

GENERAL LEAVE

Mr. CONYERS. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. CONYERS. Madam Speaker, I yield myself as much time as I may consume.

Madam Speaker and Members of the House, S. 1421 prohibits importation and interstate shipment of certain species of carp and amends section 42 of

title 18 of the code to add the bighead variety of the species commonly known as Asian carp to the list of injurious species that are prohibited from being shipped in or imported into the United States.

Asian carp are a significant threat to the Great Lakes because they are large, extremely prolific, and consume vast amounts of food. They can grow to more than 6 feet in length and weigh in excess of 100 pounds, quickly dominating the waters they inhabit and eating as much as 40 percent of their body weight daily.

Researchers caution that these fish could pose a significant risk to the Great Lakes ecosystem by damaging habitats and disrupting the food chain that supports native fish. In the 1970s, two species of Asian carp, the bighead and silver, were imported by catfish farmers to remove algae and suspended matter from their ponds. During large floods in the early 1990s, many of the catfish ponds overflowed their banks, and the Asian carp were released into local waterways in the Mississippi River basin.

In an effort to prevent the carp from getting to the Great Lakes, a barrier was constructed in the Chicago Sanitary and Ship Canal which connects the Mississippi River to the Great Lakes. Unfortunately, the Asian carp are steadily making their way northward up the Mississippi, and Asian carp DNA has been discovered beyond the barrier.

If these carp reach Lake Michigan, they are likely to spread throughout the Great Lakes, where they would threaten the environment and the economy. The Great Lakes are some of the most unique bodies of water on the planet, and they would threaten not only the commercial but recreational fishing on the lakes, both of which are major contributors to the economies of Great Lakes States.

The Asian Carp Prevention and Control Act lists the bighead variety of the species called Asian carp as injurious to wildlife under the Lacey Act. And by including them in the Lacey Act, this bill will prohibit importation or interstate transportation of live Asian carp without a permit.

□ 1620

It is our hope that this will help deter further intentional or accidental introduction of the species into our waterways.

It should be noted that this legislation does not interfere with existing State regulations of Asian carp. In addition, permits to transport or purchase live Asian carp can still be issued for scientific, medical, or educational purposes.

I commend my colleagues, the senior Senator from Michigan, CARL LEVIN, and Senator GEORGE VOINOVICH, co-chairs of the Great Lakes Task Force,

for introducing this legislation, and hope it will be favorably considered in this body.

Madam Speaker, I reserve the balance of my time.

Mr. POE of Texas. Madam Speaker, I yield myself such time as I may consume.

S. 1421, the Asian Carp Prevention and Control Act, amends the Lacey Act to designate the "big head" species of Asian carp as injurious fish. This bill was introduced by Senator CARL LEVIN of Michigan and recently passed the Senate by unanimous consent. My colleague, Mrs. BIGGERT from Illinois, sponsored the House companion bill to this legislation, H.R. 3137, and has been a tireless champion of this legislation.

According to the Environmental Protection Agency, Asian carp were imported by catfish farmers in the 1970s to remove algae from their commercial ponds. During large floods in the early 1990s, many of the catfish farm ponds overflowed their banks and the Asian carp were released into local waterways in the Mississippi River basin.

The carp have steadily made their way north up the Mississippi, becoming the most abundant species in some areas of the river. Dubbed the "underwater lawn mower," these enormous fish have become a menace to native species and their habitats. Asian carp can grow to over 4 feet long and over 100 pounds in weight. These fish can consume nearly three times their body weight in food each day. As a result, Asian carp leave little food or no food supply for the other fish.

As the fish move upstream toward the Great Lakes, they threaten the food supply of sport fish such as the yellow perch, walleye, and small mouth bass. Carp are well-suited to the climate of the Great Lakes region, which is similar to their native Asian habitats.

To prevent the carp from entering the Great Lakes, the U.S. Army Corps of Engineers, the Environmental Protection Agency, the State of Illinois, the International Joint Commission, the Great Lakes Fishery Commission, and the U.S. Fish and Wildlife Service are working together to install and maintain a permanent electric barrier between the fish and Lake Michigan.

This designation prohibits the importation and interstate shipment of Asian carp unless a permit is issued by the Secretary of the Interior. The penalty for illegally importing or shipping Asian carp is a fine or imprisonment up to 6 months. This bill is supported by Members from both sides of the aisle in both the House and the Senate. I urge my colleagues to vote in favor of this bill.

Mr. Speaker, I yield such time as she may consume to the author of this bill, the gentlewoman from Illinois (Mrs. BIGGERT).

Mrs. BIGGERT. Madam Speaker, I rise today to ask my colleagues to sup-

port Senate 1421, the Asian Carp Prevention and Control Act. This is the Senate companion to a bill I have sponsored in this House since 2007, and its passage will be a long overdue victory for wildlife preservation here in the United States.

As most of you know, those of us in the Illinois delegation have worked tirelessly to stem the spread of invasive species into the Great Lakes ecosystem for many years. Currently, Asian carp are the single greatest biological threat to that natural habitat, having traveled for the last four decades up the Mississippi River basin into the Illinois River, and now is close to the shipping and sanitary canals that connect our rivers to the freshwater lakes, particularly Lake Michigan. These ferocious fish prey on and compete with the native species for food and eat up to 40 percent of their body weight every day, as has been mentioned. And because they eat the natural plant life near the bottom of the food chain, they can quickly displace native species, destroy fishing habitats, and threaten maritime jobs.

The reason these fish came to become such a nuisance and cost taxpayers millions of dollars to combat is because they were imported into the U.S. by the southern fish farmers who used them to clean their breeding ponds. Subsequent flooding allowed them to escape into our river system and eventually travel up from the gulf towards Lake Michigan.

Madam Speaker, it is long past the time to recognize that these species do not belong in fish tanks—they certainly wouldn't fit because they grow so large—and domestic ponds where they could find their way into other fragile ecosystems.

In Illinois, we have spent an awful lot of time working on ways to keep those fish out of the Great Lakes. It is so important. The electric dispersal barriers, and there are now two that the Army Corps has put into the sanitary canal in my district, and we have had blockage of the tributaries of the river so even by flooding they cannot get into the canal. We have oxygenation. I have been at fish kills where they have actually made the water dead to kill the fish.

One of the things that is now taking place is certainly the fishing for these fish further down the river, and they are now sending the fish to China where they are turning them into food over there.

But the bill that we are considering today will add the big head species of the Asian carp to the list of injurious species under the Lacey Act and prevent their sale or importation into the United States. This ban would not apply to the dead fish that I was just talking about—they are caught and sent to China as dead fish—and includes only the species of the invasive

carp that the Federal wildlife managers found last June in Lake Calumet in Illinois.

With that, Madam Speaker, I would like to thank my good friend from Michigan, Senator LEVIN, who secured passage of this bill in the Senate and express my gratitude to all my colleagues from the Great Lakes States who have worked with us for many years to preserve our waters from the invasive species. This effort is not only about protecting our ecosystem, but also the billions in jobs and opportunities that our precious natural habitats and waterways provide to U.S. citizens every year. I urge my colleagues to support this bill.

Ms. KAPTUR. I rise in support of S. 1421, the Asian Carp Prevention and Control Act.

For the last 2 decades the Federal Government has sat still. We have allowed numerous Asian Carp species to expand their range further and further North and today, Asian Carp are on the doorstep of the Great Lakes. With sustainable populations in Indiana and Illinois and the \$7 billion recreational fishery at stake, immediate action is needed.

This legislation takes an important step in restricting the transportation of the Big Head Asian Carp by listing it as an injurious species under the Lacey Act, prohibiting this fish from being shipped or imported into the United States.

Should the Asian Carp successfully invade the Great Lakes, they would likely breed and prosper in the shallow and warm waters along the 90 miles of Lake Erie coastline in the Ninth Congressional District. In areas that the Asian Carp have already invaded, Asian Carp have outcompeted local species, destroying habitat for many species.

With 328,000 anglers and an \$800 million economic impact from Lake Erie's recreational fishing industry, aggressive action is needed. My hope is that S. 1421 is just the start in a series of actions the House will take in the coming year. Congress must fund the protection efforts, ecologically separate the ecosystem and light a fire under the Federal and State agencies to protect one of our regions greatest economic resources.

On behalf of 20 percent of the worlds freshwater, the millions of great lakes anglers and towns both big and small that are dependent on the ecological resources of the Great Lakes, I urge my colleagues to support this critical legislation.

Mr. PETRI. Madam Speaker, as a representative from the Great Lakes region and a cosponsor of the House version of this bill, I support passage of S. 1421, the Asian Carp Prevention and Control Act. S. 1421 will explicitly ban Asian carp from being imported or shipped to the U.S.

Entry and proliferation of Asian carp into the Great Lakes would be ruinous to businesses, particularly commercial fishing and recreation, which rely on the Great Lakes for their livelihood, as well as to the ecology of the Great Lakes system as a whole.

This legislation is another necessary measure to ensure this damaging species is kept out of the Great Lakes. I am thankful that Congress has taken several steps so far, in-

cluding authorization and funding of the electrical barriers in the Chicago Ship and Sanitary Canal, and other measures.

We must continue to consider all options to keep Asian carp out of the Great Lakes, including closing the locks on the Chicago Ship and Sanitary Canal and examining the benefits and costs of pursuing long-term ecological separation between the Great Lakes and the Mississippi River basin to prevent carp and future invasive species from migrating through this pathway.

I look forward to continuing to work with my colleagues to find solutions to protect our Great Lakes from this continuing threat. I ask the House to join me in supporting S. 1421.

Mr. LEVIN. Madam Speaker, I rise in strong support of the Asian Carp Prevention and Control Act and urge the House to pass it today.

Bighead carp were first brought to the United States in the 1970s to control algae in aquaculture ponds. Unfortunately, bighead carp and other harmful species of non-native fish were released into the Mississippi River in the early 1990s during major flooding. Since then, the Asian carp have established themselves in the Mississippi River system. Asian carp are voracious eaters and the impact of the carp on native fish populations has been severe.

In the ensuing years, the Asian carp have made their way north and are now threatening to invade the Great Lakes. The Federal Government and the Great Lakes states are fighting a pitched battle against the carp to prevent them from becoming established in the Lakes. We must use every means available to stop this destructive fish from invading the Great Lakes.

We're already paying a heavy price for the decision to import these non-native carp into the United States. For many years, during both the Bush and Obama administrations, a number of us from the Great Lakes region have been urging the Fish and Wildlife Service to include bighead carp on the list of injurious species under the Lacey Act and so minimize the risk of further harm by prohibiting the importation and interstate transportation of live Asian carp without a permit.

The bill before the House today would list bighead carp as injurious under the Lacey Act. I commend Senator LEVIN for introducing this important legislation, which passed the Senate on November 17. Although it is too late to undo the damage that bighead carp are doing in the Mississippi River and its tributaries, we should do everything possible to prevent these invasive fish from harming other areas of the United States. I urge passage of S. 1421.

Mrs. MILLER of Michigan. Madam Speaker, I rise today in support of S. 1421, The Asian Carp Prevention and Control Act.

This bill bans the importation of bighead carp, more commonly known as "Asian carp." These fish have voracious appetites and can grow to weigh more than 100 pounds while eating everything in their path. Making them yet more dangerous is that when agitated by sounds such as boat engines, these fish leap out of the water and have been known to harm boat passengers, resulting in broken bones or worse.

The real nightmare, however, Madam Speaker, is the impending devastation these

fish can potentially wreak over the Great Lakes fishery. Asian carp eat up to 40 percent of their body weight every day, and would likely out-compete native species in this \$7 billion fishery. This would result in the decimation of recreational and commercial fishing in the Great Lakes, which is currently known worldwide for its plentiful perch, walleye, whitefish, salmon, and much more.

While I'm happy to vote today in favor of S. 1421 to prevent more Asian carp from being imported into the country it will do nothing to stop the carp already here from entering the Great Lakes.

The fact of the matter is that the Federal Government's response to Asian carp has been woefully inadequate. What is really necessary is an ecological separation of the Great Lakes from the Chicago Waterway System, which is the waterway by which bighead carp are making their way toward the Great Lakes. Bighead carp DNA has already been found in Lake Michigan, and this separation must occur before it's too late and the fish get into the lake and take hold. I urge the President to move faster to address this threat as well as passage of more comprehensive legislation that would do more to prevent this dangerous invasive species from entering the Great Lakes.

The bills I sincerely wish we were voting on today, H.R. 4472: Close All Routes and Prevent Asian Carp Today Act of 2010 and H.R. 5625 Permanent Prevention of Asian Carp Act of 2010, both sponsored by my colleague from Michigan, DAVE CAMP, and of which I am a proud co-sponsor, which would enact a much stronger attack against the Asian carp which poses an imminent threat to our magnificent Great Lakes.

I urge passage of the Asian Carp Prevention and Control Act.

Mr. POE of Texas. Madam Speaker, I yield back the balance of my time.

Mr. CONYERS. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. CONYERS) that the House suspend the rules and pass the bill, S. 1421.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

□ 1630

AUTHORIZING USE OF CAPITOL ROTUNDA FOR 50TH ANNIVERSARY OF KENNEDY INAUGURAL ADDRESS

Mrs. DAVIS of California. Madam Speaker, I move to suspend the rules and concur in the concurrent resolution (S. Con. Res. 75) authorizing the use of the rotunda of the Capitol for an event marking the 50th anniversary of the inaugural address of President John F. Kennedy.

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

S. CON. RES. 75

Whereas John Fitzgerald Kennedy was elected to the United States House of Representatives and served from January 3, 1947, to January 3, 1953, until he was elected by the Commonwealth of Massachusetts to the Senate where he served from January 3, 1953, to December 22, 1960;

Whereas on November 8, 1960, John Fitzgerald Kennedy was elected as the 35th President of the United States; and

Whereas on January 20, 1961, President Kennedy was sworn in as President of the United States and delivered his inaugural address at 12:51pm, a speech that served as a clarion call to service for the Nation: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring),

SECTION 1. USE OF THE ROTUNDA OF THE CAPITOL FOR AN EVENT HONORING PRESIDENT KENNEDY.

The rotunda of the United States Capitol is authorized to be used on January 20, 2011, for a ceremony in honor of the 50th anniversary of the inaugural address of President John F. Kennedy. Physical preparations for the conduct of the ceremony shall be carried out in accordance with such conditions as may be prescribed by the Architect of the Capitol.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Mrs. DAVIS) and the gentleman from California (Mr. DANIEL E. LUNGREN) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

Mrs. DAVIS of California. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous matter on the measure now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Mrs. DAVIS of California. I yield myself such time as I may consume.

Madam Speaker, this Senate concurrent resolution authorizes use of the Capitol rotunda on January 20, 2011, for a ceremony commemorating the 50th anniversary of President Kennedy's inaugural address. In that speech half a century ago, the President urged our country forward with words that still apply today, particularly as we close one session of Congress and start another.

President Kennedy said, "So let us begin anew—remembering on both sides that civility is not a sign of weakness, and sincerity is always subject to proof. Let us never negotiate out of fear, but let us never fear to negotiate. Let both sides explore what problems unite us instead of belaboring those problems which divide us."

Madam Speaker, I am sincerely looking forward to this commemorative ceremony. I know of no controversy to this measure and urge my colleagues to support Senate Concurrent Resolution 75.

I reserve the balance of my time.

Mr. DANIEL E. LUNGREN of California. Madam Speaker, I yield myself such time as I may consume.

I rise today in support of S. Con. Res. 75, authorizing use of the rotunda of the Capitol for an event in January marking the 50th anniversary of the inaugural address of President John F. Kennedy.

Madam Speaker, Presidential inaugural addresses are always historic and are often some of the most memorable events during different eras of our country's history.

We can recall Abraham Lincoln's inaugural address in 1861, President Franklin Roosevelt's inaugural address in 1933, and President Ronald Reagan's inaugural address in 1981, among many others, as addresses that inspired this Nation at particular moments of importance.

In 1961, President Kennedy's inaugural address rightly challenged us to ask what we could do for our country and not what our country could do for us. As people across this land did 50 years ago, so we must continue to do now. We must ask ourselves how we can best contribute to our society—by providing for our families, by participating in our communities, in civil society, in our children's schools, and by looking at the lives and needs intimately and immediately around us and seeking to meet them.

Some were then, and some may now, be also called to use their skills and services in our military, diplomatic, and public service sectors. Self-government needs all these attributes and contributions, and President Kennedy's address boldly challenged us to meet them.

Madam Speaker, I support this resolution authorizing use of the rotunda. I, too, believe we should look for inspiration to President Kennedy's eloquent address given some 50 years ago this coming January.

As I say, I hope all will join us in supporting this resolution.

I have no other speakers, and I yield back the balance of my time.

Mrs. DAVIS of California. I thank the gentleman for his words. I ask for an "aye" vote, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Mrs. DAVIS) that the House suspend the rules and concur in the concurrent resolution, S. Con. Res. 75.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

EXTENDING ARMY CORPS OF ENGINEERS' AUTHORITY TO ACCEPT AND USE FUNDS FOR EXPEDITED PERMIT PROCESSING

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 6184) to amend the Water Resources Development Act of 2000 to extend and modify the program allowing the Secretary of the Army to accept and expend funds contributed by non-Federal public entities to expedite the evaluation of permits, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6184

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FUNDING TO PROCESS PERMITS.

Section 214 of the Water Resources Development Act of 2000 (33 U.S.C. 2201 note; 114 Stat. 2594; 117 Stat. 1836; 119 Stat. 2169; 120 Stat. 318; 120 Stat. 3197; 121 Stat. 1067; 123 Stat. 3478) is amended—

(1) by striking subsection (a) and inserting the following:

"(a) IN GENERAL.—The Secretary, after public notice, may accept and expend funds contributed by a non-Federal public entity to expedite the evaluation of a permit of that entity related to a project or activity for a public purpose under the jurisdiction of the Department of the Army.;"

(2) by redesignating subsection (c) as subsection (e);

(3) by striking subsection (b) and inserting the following:

"(b) EFFECT ON PERMITTING.—

"(1) IN GENERAL.—In carrying out this section, the Secretary shall ensure that the use of funds accepted under subsection (a) will not impact impartial decisionmaking with respect to permits, either substantively or procedurally.

"(2) IMPARTIAL DECISIONMAKING.—In carrying out this section, the Secretary shall ensure that the evaluation of permits carried out using funds accepted under this section shall—

"(A) be reviewed by—

"(i) the District Commander, or the Commander's designee, of the Corps District in which the project or activity is located; or

"(ii) the Commander of the Corps Division in which the District is located if the evaluation of the permit is initially conducted by the District Commander; and

"(B) utilize the same procedures for decisions that would otherwise be required for the evaluation of permits for similar projects or activities not carried out using funds authorized under this section.

"(c) LIMITATION ON USE OF FUNDS.—None of the funds accepted under this section shall be used to carry out a review of the evaluation of permits required under subsection (b)(2)(A).

"(d) PUBLIC AVAILABILITY.—The Secretary shall ensure that all final permit decisions carried out using funds authorized under this section are made available to the public, including on the Internet.;" and

(4) in subsection (e) (as redesignated) by striking "2010" and inserting "2016".

SEC. 2. COMPLIANCE WITH STATUTORY PAY-AS-YOU-GO ACT OF 2010.

The budgetary effects of this Act, for the purpose of complying with the Statutory

Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled "Budgetary Effects of PAYGO Legislation" for this Act, submitted for printing in the Congressional Record by the Chairman of the House Budget Committee, provided that such statement has been submitted prior to the vote on passage.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) and the gentleman from Florida (Mr. MARIO DIAZ-BALART) each will control 20 minutes.

The Chair recognizes the gentlewoman from Texas.

GENERAL LEAVE

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous material.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Texas?

There was no objection.

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I yield myself such time as I may consume.

I am pleased to rise to support H.R. 6184, a bill to extend through the end of 2016 the authority of the Secretary of the Army to accept funds from non-Federal public entities for the consideration of permits under the Clean Water Act and the Rivers and Harbor Act of 1899.

This language is modeled after language included in the Water Resources Development Act of 2010 that was favorably approved by the Committee on Transportation and Infrastructure in July of this year. And while I am disappointed that the larger water resources development bill is not likely to be enacted before the end of this Congress, I support the efforts of the gentleman from Washington (Mr. LARSEN) to provide a 5-year extension of the Corps' section 214 permit review authority. The authority expires at the end of the current calendar year, and this legislation will continue the program through the end of December 2016.

Madam Speaker, I support the inclusion of several commonsense reforms to the 214 program contained in this legislation which aim at addressing the potential conflict of interest that arises when a permittee can contribute funds to a government regulatory agency for review of its permit application. As chairwoman of the Subcommittee on Water Resources and Environment, I have joined with my chairman in carefully monitoring the implementation of this authority. While it is very popular for those that have used it, there has been an ongoing concern that allowing a regulated entity to pay the costs of its regulator could affect the objectivity of that regulator.

In May of 2007, the Government Accountability Office issued a report that

expressed concern with the overall implementation of this section 214 authority. This report recommended several improvements to increase the overall transparency and impartiality of Corps permit reviews conducted with outside funds.

Many of these recommendations are codified in H.R. 6184, including the requirement that any permit reviewed under the 214 program undergo a higher order review by the Corps district commander or an appropriate designee.

In addition, this legislation requires the Corps to publicly disclose, including on the Internet, copies of all final permit decisions that are reached utilizing the 214 authority. In my view, this additional level of public disclosure will provide an appropriate safeguard to ensure the integrity of the Corps' regulatory authorities, as well as the integrity of the 214 program. In carrying out this authority, the Corps should make every effort to have these records easily accessible to the general public and disclosed in a timely manner.

Finally, this legislation clarifies the original intent of the 214 program to be available only to public entities for projects that are for a public purpose.

The May 2007 GAO report highlighted one Corps district that had utilized the 214 authority to process a permit for a private development project.

□ 1640

This is inconsistent with the intent of this program. The amendments made by H.R. 6184 clarify this point and ensure that only projects for a public purpose may be reviewed using this authority.

I support the passage and quick enactment of this extension, and I reserve the balance of my time.

Mr. MARIO DIAZ-BALART of Florida. I yield myself such time as I may consume.

Madam Speaker, I rise today in qualified support of H.R. 6184, to authorize an extension of the Army Corps of Engineers' section 214 program.

As was just described, section 214 of the Water Resources Development Act of 2000 allows the Army Corps of Engineers to accept and, frankly, to expend funds provided by non-Federal public entities to hire additional personnel to process regulatory permits, something that we had heard time and time again was quickly needed.

Now, most Members of this body support a permanent extension of section 214, Madam Speaker. I'm not quite sure and I've yet to understand what makes this program so different and so special that it requires temporary extensions and not just a permanent program.

So, Madam Speaker, I say that I offer qualified support of H.R. 6184 because, while this legislation is needed—and there is no doubt that it is needed—my colleague from Texas (Mr. OLSON) has

offered a much better piece of legislation. Mr. OLSON's legislation, H.R. 4162, will authorize a permanent extension of the program, not a 5-year temporary patch or a temporary extension offered by this bill.

Congress has been forced to temporarily extend this program six times since it was authorized in the Water Resources Development Act of 2000. Yet the Committee on Transportation and Infrastructure has heard from Members on both sides of the aisle—this is not a partisan issue—supporting a permanent extension of the section 214 program.

Again, I have heard no Member object to a permanent extension of the section 214 program. The Corps of Engineers has now the adequate experience in running the program, and recent Government Accountability Office observations concur with this assessment. Yet here we are again on the House floor, moving a temporary extension of an excellent, proven, tested program.

Authority for this program expires on December 31 of this calendar year. So, obviously, if this program were allowed to expire, the Corps would not have the ability to process permits in a timely manner as they need to.

I want to thank Representative OLSON and Representative LARSEN for their efforts on this issue.

I urge all Members to vote in favor of H.R. 6184; but I must tell you that I do wish we were passing a permanent extension of the section 214 program today, not a temporary one.

Madam Speaker, I reserve the balance of my time.

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I yield such time as he may consume to the gentleman from the State of Washington (Mr. LARSEN).

Mr. LARSEN of Washington. I want to thank the chair of the Transportation and Infrastructure Subcommittee for helping to bring this bill to the floor, and of course I thank both sides of the aisle on the full committee for bringing this bill to the floor.

Madam Speaker, I rise today in support of H.R. 6184. This bill extends section 214 authority of the Water Resources Development Act of 2000 through 2016. It is currently authorized through December 31 of this year.

As my good friend and colleague from Florida just noted, many Members of Congress want to make this a permanent program. I am one of those Members. However, we were able to get to a point where we could move it from the annual reauthorizations that we were doing, which is why it has been reauthorized six or seven times, to a 5-year reauthorization at this point. I certainly look forward to working with Mr. OLSON in the next session of Congress to see what we can do about its permanent authorization.

This program allows local governments to fund additional U.S. Army Corps of Engineers staff time to expedite the processing of permits for infrastructure and ecosystem restoration projects. Section 214 was enacted by Congress because the Corps of Engineers' permitting process had become cumbersome for both Corps staff and for applicants as the number of permit applications rose.

By funding additional staff to work on specific, time-intensive permits, existing Corps staff is now able to process significant permit backlogs more quickly. Funding for additional Corps staff has resulted in a reduction of permit wait times, not only for the funding entity, but for any individual organization seeking a permit. As a result, local governments are now able to move forward with infrastructure and ecosystem restoration projects in a much more timely manner.

To give you an idea as to what this has meant in Washington State, section 214 is currently being used by over 41 public agencies in 20 Corps districts. In Washington State, the city of Seattle was the first public entity in the country to develop and use this facilitated permitting process. The city has used the section 214 program for 285 projects, representing over \$1.1 billion in capital investments. Seven years of using this program has resulted in an estimated cost savings of \$10.6 million. The average review time per project has been reduced from over 808 days to an average now of 47 to 166 days.

In a region where we have to balance some of the most difficult environmental issues in the country and where we have the second highest commerce and trade area of any region in the country, section 214 is key to overcoming some permitting delays and other challenges.

So the authority granted by 214 has worked well in practice. This authority does need to be reviewed so additional staff can remain on the job without interruption. It makes several important improvements, as the subcommittee chair has noted—improvements that were suggested by the GAO—and these changes will enhance the oversight of the program.

I also want to note that this bill has the support of the U.S. Chamber of Commerce, the American Association of Port Authorities, the American Public Works Association, and the National Association of Flood & Stormwater Management Agencies.

Finally, I want to note as well that the father of this particular section of the Water Resources Development Act is our colleague BRIAN BAIRD, who has retired and is finishing out his last term in Congress. We certainly owe a debt of gratitude to our colleague Mr. BAIRD for bringing this issue up in the first place back in '98, '99 and 2000 and getting it in WRDA of 2000.

We now need to reauthorize it for 5 years and move this bill forward. I ask my colleagues to support it.

Mr. OBERSTAR. Madam Speaker, I rise in support of H.R. 6184, as amended, a bill to amend section 214 of the Water Resources Development Act of 2000, to extend the authority of the Secretary of the Army to accept funds from non-Federal public entities for the consideration of permits under the Clean Water Act and the Rivers and Harbors Appropriation Act of 1899.

I applaud the efforts of the gentleman from Washington (Mr. LARSEN) for introducing this bill, and for his efforts to codify the recommendations of the Government Accountability Office (GAO) to avoid any potential conflicts-of-interest in the implementation of this authority.

Since its enactment, the Committee on Transportation and Infrastructure has been carefully monitoring the implementation of the section 214 authority. While this authority is very popular for those public entities that have used it, the Committee has expressed concern that allowing a regulated entity to contribute to the cost of its regulator has the potential to affect the objectivity of that regulator. This would be contrary to the intent of the Clean Water Act and the Rivers and Harbors Act of 1899, and contrary to the intent of Congress in enacting the section 214 authority.

In recognition of this concern, I requested that GAO review the Corps' implementation of the section 214 program. In May 2007, GAO released a report, *Waters and Wetlands: Corps of Engineers Needs to Ensure That Permit Decisions Made Using Funds from Nonfederal Public Entities Are Transparent and Impartial* (GAO-07-478), which demonstrated significant variability on the implementation of the section 214 program among the Corps District offices that had experience with the program. This report recommended that the Corps implement a series of measures to avoid any potential conflict of interests in carrying out its regulatory responsibilities.

Several of the concerns raised by GAO are addressed in the amendments to section 214 made by this bill.

First, H.R. 6184 amends section 214 to clarify that the Secretary may only utilize this authority for the consideration and review of permits related to projects for a public purpose.

The May 2007 GAO report noted that one Corps District had allowed a public entity to request the Corps review a private company's permit application under section 214. This is contrary to the intent of the section 214 program, which was created to allow non-Federal public entities to utilize the program to expedite the review of permits for projects for a public purpose, such as the construction of port facilities or public water supply projects.

H.R. 6184 clarifies that the Corps may not utilize the section 214 authority to consider and review permit applications for projects or activities that primarily benefit private individuals or companies. The intent of this provision is to prohibit public entities from acting as a liaison for expedited review of private development projects, which should, more appropriately, be pursued under the traditional regulatory review process.

Second, this legislation adds a new subsection to codify a "higher-order review" re-

quirement under the section 214 program. This provision requires the Corps to have all permits considered under this expedited authority be reviewed by a more senior Corps official, such as the Corps District Commander, or his designee. This recommendation is consistent with the findings of the May 2007 GAO report, and consistent with the Corps' implementation guidance for the section 214 program.

In carrying out this "higher-order review" authority, the Corps is directed to include information on what higher-order review was undertaken in its public disclosure of permits reviewed under this authority. In addition, funds contributed under section 214 by non-Federal public entities cannot be used to carry out the higher-order review requirements of this subsection.

In addition, H.R. 6184 adds a new subsection that directs the Secretary to make all final permit decisions carried out using section 214 funds available to the public, including on the Internet. This recommendation is consistent with the findings of the May 2007 GAO report.

However, in a February 2010 follow-up report that I requested, GAO noted that the Corps had "fallen short in two significant oversight areas," including improving the transparency of decision making to the public by clearly posting public notices of funding decisions on District Internet sites.

This legislation codifies the requirement for public disclosure for each and every permit that utilizes the 214 authority. To the maximum extent practicable, the Corps should make these permit decisions easily accessible and searchable on its website.

Finally, this legislation extends the authority for the Secretary of the Army to utilize the section 214 program through December 31, 2016.

Madam Speaker, the section 214 program was established in 2000 with the goal of expediting the permitting review process for both those parties that utilize the 214 authority, and those that do not. This is a laudable goal, but one that has been elusive to date for a myriad of reasons.

The additional safeguards called for in H.R. 6184 should help reduce the potential conflicts-of-interest between the regulators and the regulated community that are inherent in allowing contributions to the regulatory review process. However, this Committee should continue to oversee the implementation of the accountability measures called for by GAO and others to ensure that use of the section 214 program does not compromise the integrity of the regulatory process and finally achieves its goals of expediting the permit review process for all.

Madam Speaker, the text of this legislation was included as part of H.R. 5892, the "Water Resources Development Act of 2010", which the Committee on Transportation and Infrastructure ordered reported by voice vote on July 29, 2010. While my hope would have been to move the 214 extension as part of a broader water resources development bill, this does not seem possible in the remainder of the 111th Congress.

I urge my colleagues to join me in supporting H.R. 6184.

Mr. MARIO DIAZ-BALART of Florida. Madam Speaker, I yield back the balance of my time.

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I have no further requests for time, I simply would ask all of the Members to support this measure, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) that the House suspend the rules and pass the bill, H.R. 6184, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

FEDERAL BUILDINGS PERSONNEL TRAINING ACT OF 2010

Mr. CARNAHAN. Madam Speaker, I move to suspend the rules and pass the bill (S. 3250) to provide for the training of Federal building personnel, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 3250

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Federal Buildings Personnel Training Act of 2010".

SEC. 2. TRAINING OF FEDERAL BUILDING PERSONNEL.

(a) IDENTIFICATION OF CORE COMPETENCIES.—Not later than 18 months after the date of enactment of this Act, and annually thereafter, the Administrator of General Services, in consultation with representatives of relevant professional societies, industry associations, and apprenticeship training providers, and after providing notice and an opportunity for comment, shall identify the core competencies necessary for Federal personnel performing building operations and maintenance, energy management, safety, and design functions to comply with requirements under Federal law. The core competencies identified shall include competencies relating to building operations and maintenance, energy management, sustainability, water efficiency, safety (including electrical safety), and building performance measures.

(b) DESIGNATION OF RELEVANT COURSES, CERTIFICATIONS, DEGREES, LICENSES, AND REGISTRATIONS.—The Administrator, in consultation with representatives of relevant professional societies, industry associations, and apprenticeship training providers, shall identify a course, certification, degree, license, or registration to demonstrate each core competency, and for ongoing training with respect to each core competency, identified for a category of personnel specified in subsection (a).

(c) IDENTIFIED COMPETENCIES.—An individual shall demonstrate each core competency identified by the Administrator under subsection (a) for the category of personnel that includes such individual. An individual shall demonstrate each core com-

petency through the means identified under subsection (b) not later than one year after the date on which such core competency is identified under subsection (a) or, if the date of hire of such individual occurs after the date of such identification, not later than one year after such date of hire. In the case of an individual hired for an employment period not to exceed one year, such individual shall demonstrate each core competency at the start of the employment period.

(d) CONTINUING EDUCATION.—The Administrator, in consultation with representatives of relevant professional societies, industry associations, and apprenticeship training providers, shall develop or identify comprehensive continuing education courses to ensure the operation of Federal buildings in accordance with industry best practices and standards.

(e) CURRICULUM WITH RESPECT TO FACILITY MANAGEMENT AND OPERATION OF HIGH-PERFORMANCE BUILDINGS.—Not later than 18 months after the date of enactment of this Act, and annually thereafter, the Administrator, acting through the head of the Office of Federal High-Performance Green Buildings, and the Secretary of Energy, acting through the head of the Office of Commercial High-Performance Green Buildings, in consultation with the heads of other appropriate Federal departments and agencies and representatives of relevant professional societies, industry associations, and apprenticeship training providers, shall develop a recommended curriculum relating to facility management and the operation of high-performance buildings.

(f) APPLICABILITY OF THIS SECTION TO FUNCTIONS PERFORMED UNDER CONTRACT.—Training requirements under this section shall apply to non-Federal personnel performing building operations and maintenance, energy management, safety, and design functions under a contract with a Federal department or agency. A contractor shall provide training to, and certify the demonstration of core competencies for, non-Federal personnel in a manner that is approved by the Administrator.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Missouri (Mr. CARNAHAN) and the gentleman from Florida (Mr. MARIO DIAZ-BALART) each will control 20 minutes.

The Chair recognizes the gentleman from Missouri.

GENERAL LEAVE

Mr. CARNAHAN. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on S. 3250.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. CARNAHAN. I yield myself such time as I may consume.

Madam Speaker, I rise today in strong support of S. 3250. This bill has bipartisan sponsorships in the Senate by Senators CARPER and COLLINS. It is the Federal Buildings Personnel Training Act. The legislation passed the Senate by unanimous consent, and it is identical to H.R. 5112, introduced by me and my Republican colleague, Representative JUDY BIGGERT of Illinois.

The bill also passed out of the House Transportation and Infrastructure Committee on a voice vote.

At a time when many people are tired of partisan gridlock here in Washington, I believe this legislation is a good example of what we can do when we work across the aisle to accomplish commonsense legislation that will safeguard taxpayer investments, will provide certainty to small business and, most importantly, will save taxpayers money.

□ 1650

Madam Speaker, when we invest in our Federal facilities, we also need to invest in the people operating and maintaining them. The American Recovery and Reinvestment Act included a substantial investment of \$5.5 billion apportioned to the GSA to upgrade its facilities. In order to safeguard this substantial investment, I want to ensure that GSA and other Federal agencies have the tools necessary to properly maintain and operate these buildings at their highest performance levels.

Late last year, a Government Accountability Office report found that a lack of proper expertise and training was a major challenge for the Federal Government in reaching its energy reduction goals. This legislation will fill the training gap. Most importantly, by filling the training gap, the Federal Buildings Personnel Training Act will save taxpayer dollars on operations and maintenance costs.

The Federal Government currently consumes about 2 percent of the Nation's total energy, or about \$17.5 billion in annual energy costs. The potential for cost savings here is huge. In fact, a recent study by the International Facility Management Association showed that for every dollar spent on facility management training, organizations reported receiving an average of \$3.95 in return. If we are to be responsible stewards of taxpayer dollars, in addition to investing in energy-efficient buildings, we must invest in the people maintaining those buildings so we can recoup the largest energy and cost savings possible.

This legislation will help ensure that our Federal buildings are run in a way that maximizes their performance, assuring that they retain value throughout their lifecycles and that the taxpayer investments in these properties are both protected and leveraged to reap the cost savings involved with efficient operations and management.

I want to personally thank the Republican cosponsor, my colleagues, Representative PETE SESSIONS and Representative JUDY BIGGERT, for their support throughout this process. Representative BIGGERT and I cochair the High-Performance Buildings Caucus and we have continually advocated for the Federal Government to lead by example in high-performance building practices.

I also want to give special thanks to Chairman OBERSTAR—for his long and distinguished leadership on this issue—and to Ranking Member MICA for their support to bring this bill to the floor.

Madam Speaker, I would like to insert into the RECORD a support letter from over 50 of the country's leading building professionals, manufacturers, and small businesses. They are pleased to support this legislation and are poised to provide the necessary training to achieve both public and private sector goals.

HIGH-PERFORMANCE BUILDING
CONGRESSIONAL CAUCUS COALITION,
DECEMBER 1, 2010.

Re. Federal Buildings Personnel Training Act of 2010.

Speaker NANCY PELOSI,
House of Representatives,
Washington, DC.

Minority Leader JOHN BOEHNER,
House of Representatives,
Washington, DC.

DEAR SPEAKER PELOSI AND MINORITY LEADER BOEHNER: As the leading organizations involved in the design, construction, operation and maintenance of buildings, we applaud Congress's continued efforts to improve our nation's buildings. We are particularly pleased to support H.R. 5112/S. 3250, "Federal Buildings Personnel Training Act of 2010." In the final days of the 111th Congress, we encourage passage of this important legislation—it has already passed the Senate by voice vote.

As you know, Congress and the President have established stringent goals for Federal agencies to achieve reductions in energy and water use and greenhouse gas emissions. Agencies also have additional needs related to other high-performance building attributes, including safety and security. Achieving these goals requires personnel engaged in the design, construction, operation and maintenance of federal buildings to have the appropriate skills and training. This bill will provide federal agencies with these necessary tools with no significant impact on the deficit.

Federal agencies have long been looked to as an example of what can be done within the built environment. As the Nation's largest holder of real estate, the Federal Government has the opportunity and resources to influence the development and implementation of building design, construction, operations and maintenance tools, technologies and practices. Federal buildings should serve as public showcases and leading examples of energy efficiency and indoor environmental quality (IEQ) through their design, construction, equipment, and operations and maintenance.

As both public and private sector buildings become increasingly complex to meet our nation's energy and environmental goals, personnel with the necessary competencies will be critical to achieving these goals. The undersigned organizations representing the breadth of the building community including building professionals, manufacturers, and small businesses, are pleased to support this legislation and are poised to provide the necessary training to achieve both public and private sector goals.

We look forward to continued work with you in realizing the full potential of high-performance buildings.

Sincerely,

National Institute of Building Sciences
(NIBS); American Society of Heating,

Refrigerating and Air Conditioning Engineers (ASHRAE); International Facility Management Association (IFMA); National Electrical Manufacturers Association (NEMA); U.S. Green Building Council (USGBC); International Association of Plumbing and Mechanical Officials (IAPMO); Federation of American Scientists (FAS); National Fire Protection Association (NFPA); International Code Council (ICC); Polyisocyanurate Insulation Manufacturers Association (PIMA); American Institute of Architects (AIA); Spray Polyurethane Foam Alliance (SPFA); United Association—Union of Plumbers, Fitters, Welders and HVAC Service Techs; Green Mechanical Council; The Stella Group, Ltd.; Association for Facilities Engineering (AFE); Mechanical Contractors Association of America (MCAA); National Society of Professional Engineers (NSPE); BuildingInsight, LLC; American Council of Engineering Companies (ACEC); Green Building Initiative (GBI); Ecobuild America/AEC Science & Technology, LLC; American Society of Landscape Architects (ASLA); Air-conditioning, Heating and Refrigeration Institute (AHRI); National Fenestration Rating Council (NFRC); Center for Environmental Innovation in Roofing (CEIR); The Radiant Panel Association; Carbon Monoxide Safety Association (COSA); Educational Standards Corporation Institute (ESCO Institute); HVAC Excellence; Air Conditioning and Refrigeration Association (AC&R); Federal Performance Contracting Coalition; Sustainable Buildings Industry Council (SBIC); National Insulation Association (NIA); InfoComm International; Building Intelligence Group; Sheet Metal and Air Conditioning Contractors National Association, Inc. (SMACNA); Architecture 2030; LonMark International; Environmental and Energy Study Institute (EESI); American Society of Civil Engineers (ASCE); BASF; EIFS Industry Members Association (EIMA); Plumbing-Heating-Cooling Contractors—National Association (PHCC); Johnson Controls; APPA; Leadership in Educational Facilities; International Association of Lighting Designers (IALD); The Vinyl Institute; Illuminating Engineering Society (IES); DuPont; Brick Industry Association; Association of Energy Engineers (AEE); Siemens.

Madam Speaker, I reserve the balance of my time.

Mr. MARIO DIAZ-BALART of Florida. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, this bill would require, as we have just heard, the General Services Administration to consult with various professional associations in order to establish training and certification requirements for Federal and private personnel who maintain Federal buildings. Now, the purpose of this bill is a very good one. With all of the taxpayer money and dollars that have been invested in the high-performance green buildings, we obviously need to ensure that those maintaining them are, frankly, properly trained; otherwise, that money is, frankly, just

thrown away. So I want to thank Representative CARNAHAN as well as—and he has mentioned also—Representative BIGGERT and Representative SESSIONS for their leadership and work on this really, really important issue.

There are a few caveats that I just want to put out there, and we have had this conversation and there is no disagreement here. It is going to be very important, Madam Speaker, after passage of this legislation, that we ensure that GSA implements this appropriately. In particular, it would be important that GSA doesn't develop such broad training requirements that it becomes, frankly, too costly and burdensome for small businesses to be able to do that. In addition, it is going to be really important, Madam Speaker, for GSA to ensure that conflicts, potential conflicts, conflicts of interest are not created and that appropriate Federal laws and rules governing advice from private entities are strictly followed. As this bill is implemented, our committee will be conducting close oversight to ensure the requirements in this bill are carried out in a reasonable manner.

I am not going to object to the passage of this legislation. As I mentioned, I want to thank the sponsors for their hard work.

Madam Speaker, I reserve the balance of my time.

Mr. CARNAHAN. Madam Speaker, I yield 5 minutes to the chairwoman of the Federal Buildings Subcommittee of Transportation, Delegate ELEANOR HOLMES NORTON.

Ms. NORTON. I thank the gentleman for yielding, but I need to thank him for much more, for not only sponsoring this bill, but for shepherding this bill. It was not always smooth sailing, but it was mostly smooth sailing because its underlying purpose is so clear and necessary. I appreciate that it has been a bipartisan bill both here and in the Senate. I certainly appreciate its bipartisan sponsorship by Representative BIGGERT and you, Mr. CARNAHAN. I know that this bill will be gratifying to Mr. OBERSTAR, who has presided over much of the building of the Federal inventory during his extraordinary service here in the House.

May I thank my good friend, the ranking member, Mr. DIAZ-BALART, with whom I've worked so closely and so well since I became chair, for his work not only on this bill but on the many bills and the many hearings we have held together.

Madam Speaker, what we have to consider is that the Federal building inventory amounts to \$43 billion of investment of the taxpayers of the United States over many decades. It is clearly irreplaceable. Some of it is familiar to us all—the buildings here in Washington, such as the Justice Department, or your own office building when you go home to invite in your

constituents and to do your constituent service, the courthouses where you are. But there has been little investment in this inventory, even inventory close to home.

We had a hearing in our subcommittee that showed scores of violations in the buildings of the Capitol complex, which I am pleased to say are now being quickly remedied, but some of them would have endangered the lives of the millions of people who visit the Capitol every year, not to mention the many thousands who live here. So this is a particularly gratifying piece of legislation.

Every year, our committee approves hundreds of millions of dollars in projects of construction and repair and modernization, nothing, however, like what we have done recently. Because of the American Recovery and Reinvestment Act, Congress took the opportunity to invest in the updating of more than \$5 billion in GSA inventory which had been untouched and was a growing backlog. And we didn't simply invest in it by saying fix the roofs. We said save the taxpayers money by upgrading to state-of-the-art energy systems so that we save the taxpayers more money than we are investing today and we begin to catch up on the backlog of many decades of disinvestment in our own priceless inventory.

So we are upgrading these federally owned facilities with more energy-efficient and sustainable building components for the first time in memory. This investment will be important; but if we allow these buildings to deteriorate as so much of our inventory has, we will pour the investment right down the drain. That means that you now will have contractors, subcontractors, yes, and many employees who are being asked to maintain inventory that has entirely new components of the kind they have never had to operate and maintain before, because these are energy-efficient, new state-of-the-art materials.

□ 1700

In order to maintain this extraordinary investment, this once-in-a-lifetime investment for the Congress, we will want a workforce that is trained and operating to keep this inventory at peak performance so that we don't see it deteriorate before our eyes as we have seen so much of the Federal inventory.

We now know that design and construction costs, for example, represent only about 5 or 10 percent of the costs of a facility.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mr. CARNAHAN. I yield 1 additional minute to the gentlewoman.

Ms. NORTON. But operations and maintenance represents 60 to 85 percent of the costs of a facility over its lifetime. Look what we're doing here

today. We've saved the taxpayer money by investing in energy efficiency. Now we're going to save money for all of us, and especially the taxpayers, by investing in what it will take, curriculum and training, to keep these buildings at peak performance and thereby maximize our investment.

I thank the gentleman for his hard work and for yielding.

Mr. MARIO DIAZ-BALART of Florida. Before I recognize the following distinguished Member, I do want to just mention, I don't know how many other opportunities as ranking member I'm going to have here on the floor, and I just want to mention what a privilege it has been to work with my chairwoman. She has been, frankly, wonderful to work with. We have enjoyed a great working relationship, and I think that working relationship has really grown into a bit of a personal friendship. And I want to thank her for always being exceedingly courteous to me.

And I also need to mention Chairman OBERSTAR. I was able to speak to him at length a couple days ago, and I would be remiss if I didn't mention how much I've enjoyed working with him.

With that, Madam Speaker, I'd like to recognize—she's already been mentioned a couple of times—the gentlelady from the State of Illinois, Representative BIGGERT, for such time as she may consume.

Mrs. BIGGERT. I thank the gentleman for yielding the time.

Madam Speaker, I would like to begin by thanking my colleagues, Senator TOM CARPER and SUSAN COLLINS, and especially the cochair of the Congressional High-Performance Building Caucus, Representative RUSS CARNAHAN, and also Representative PETE SESSIONS for all of their hard work in bringing this bipartisan legislation before us today.

The Federal Buildings Personnel Training Act of 2010 will save taxpayers dollars, it's been mentioned many times, by putting Federal buildings on the cutting edge of energy efficiency and will help build expertise among America's workforce needed for tomorrow's green jobs.

As my colleagues are aware, the Federal Government is the Nation's largest property manager, with more than 500,000 buildings and structures worldwide. So this bill presents an opportunity to lead by example and to demonstrate the immense savings and efficiency that can be achieved by making smart investments in human energy through the Federal workforce.

This bill will help ensure that Federal buildings are operating at peak efficiency. It will equip Federal employees who maintain our buildings with the resources they need to utilize green building technologies, implement industry best practices, and cut energy costs for the public.

Madam Speaker, thanks to America's scientists and engineers, we are making rapid strides in sustainable building technologies and designs. But the full rewards of this work, both to the environment and to taxpayers, cannot be realized unless our building managers have the training to utilize them.

The Federal Buildings Personnel Training Act of 2010 will require the General Services Administration to identify core competencies necessary for Federal personnel to utilize high-performance building practices and technologies. The GSA will then work with private industry and institutions of higher learning to create comprehensive continuing education courses to ensure that the Federal employees know how to employ green technologies. This training will ensure that the Federal Government can meet its energy reduction goals and get a proper return on taxpayers' investment.

Madam Speaker, American taxpayers are demanding a renewed focus on eliminating wasteful government spending, and this bipartisan bill presents an opportunity to do just that while conserving our domestic energy supply.

The Federal Buildings Personnel Training Act will put us on the forefront of building technology and transform our Nation's building stock for years to come. Just as importantly, it makes an investment in the training of our workforce that will help American workers compete for the green jobs of tomorrow.

Again, I would like to thank the gentleman from Missouri, my colleague and cochair of the High-Performance Building Caucus, for his hard work in bringing forward this bill. And I'd like to thank Chairman NORTON for her support and Ranking Member MICA and particularly Chairman OBERSTAR. He will certainly be missed here on this House floor, and I know that we all wish him well.

I would urge my colleagues to support this bill.

Mr. OBERSTAR. Madam Speaker, I rise in strong support of S. 3250, a bill to promote professionalism and competency among the ranks of individuals, both Federal employee and contractor, who operate and maintain building systems in Federal buildings. For a number of building operation functions and disciplines, the bill requires the Administrator of General Services, in consultation with other Federal agencies and building industry representatives, to identify core competencies and appropriate training and certifications, which will enable personnel working in these fields to demonstrate acquisition and mastery of the skills and knowledge that will help ensure that Federal buildings perform and are maintained in accordance with industry best practices.

This Committee has been instrumental, through the American Recovery and Reinvestment Act, in providing the General Services

Administration with \$4.5 billion to upgrade Federally owned facilities with more energy efficient and sustainable building components and systems. S. 3250 is an effort to safeguard this investment, as well as other Federal investment in energy-efficient building infrastructure, to ensure that this infrastructure is well maintained and operating at peak performance.

Findings by the Government Accountability Office and the National Research Council indicate that, over a building's full life cycle, operations and maintenance expenses account for 60 to 85 percent of the total cost of a facility, compared to 10 percent for initial design and construction. These findings underscore the importance of optimizing the performance and care of building equipment and components which play a vital role in the energy efficiency of facilities. By establishing core competencies for building operations personnel, S. 3250 enhances the likelihood that this optimization occurs. The bill has the support of the High-Performance Building Congressional Caucus Coalition, and over 40 building industry associations and professional societies. Moreover, this legislation helps support energy efficiency goals established for Federal buildings in the Energy Policy Act of 2005 and the Energy Independence and Security Act of 2007.

On July 29, 2010, the Committee on Transportation and Infrastructure met in open session to consider the House version of this bill, H.R. 5112, and ordered the bill reported favorably to the House by voice vote.

I urge my colleagues to join me in supporting S. 3250.

Mr. MARIO DIAZ-BALART of Florida. I yield back the balance of my time.

Mr. CARNAHAN. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Missouri (Mr. CARNAHAN) that the House suspend the rules and pass the bill, S. 3250.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

CONGRATULATING THE NATIONAL AIR TRANSPORTATION ASSOCIATION ON ITS 70TH ANNIVERSARY

Mr. CARNAHAN. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1669) congratulating the National Air Transportation Association for celebrating its 70th anniversary, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1669

Whereas the National Air Transportation Association (NATA) was founded 70 years ago on December 28, 1940, with 83 charter member companies who were instrumental in supporting the Civilian Pilot Training Program (CPTP);

Whereas on December 27, 1938, the CPTP was formed by President Franklin D. Roosevelt who approved a Civil Aeronautics Authority plan to boost the private flying industry by annually teaching 20,000 college students to fly;

Whereas the CPTP trained thousands of new pilots;

Whereas in 1940, NATA was instrumental in working with Congress to support the CPTP;

Whereas the current general aviation industry owes much to the foresight and resiliency of the founders of NATA, William A. Ong and Leslie H. Bowman, the association's first two presidents, as well as George E. Haddaway, John L. Gaylord, and others who played a strong role in the organization's formation;

Whereas the general aviation industry accounts for hundreds of thousands of American jobs and contributes approximately \$90 billion to the United States economy;

Whereas today NATA represents over 2,000 member companies that own, operate, or service aircraft and provide for the needs of the traveling public by offering services and products to aircraft operators and others such as fuel sales, aircraft maintenance, parts sales, storage, rental airline servicing, flight training, Part 135 on-demand air charter, fractional aircraft program management, and scheduled commuter operations for smaller aircraft;

Whereas NATA continues to represent the legislative, regulatory, and business interests of general aviation businesses;

Whereas NATA provides education, services, and benefits to its members to ensure their long-term economic success;

Whereas NATA is dedicated to establishing programs to improve general aviation safety; and

Whereas NATA established the Air Charter Safety Foundation to continuously enhance the safety and security practices of charter and shared aircraft owners and operators in the United States and worldwide: Now, therefore, be it

Resolved, That the House of Representatives—

(1) congratulates the National Air Transportation Association for celebrating its 70th anniversary;

(2) applauds the National Air Transportation Association for creating programs and resources to enhance the safety of general aviation operators; and

(3) commends the National Air Transportation Association for being instrumental in bolstering the general aviation industry during a time of turmoil in the 1940s.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Missouri (Mr. CARNAHAN) and the gentleman from Wisconsin (Mr. PETRI) each will control 20 minutes.

The Chair recognizes the gentleman from Missouri.

GENERAL LEAVE

Mr. CARNAHAN. I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H. Res. 1669.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. CARNAHAN. I yield myself such time as I may consume.

Madam Speaker, I rise in support of H. Res. 1669, as amended, which congratulates the National Air Transportation Association for celebrating its 70th anniversary.

As this resolution recognizes, NATA played an indispensable role in the development of general aviation in the United States. Since its founding in 1940, at a time when general aviation in the U.S. was at a crossroads, NATA has grown to represent more than 2,000 companies that own, operate, or service aircraft and provide services to general aviation pilots and aircraft owners. NATA serves as these companies' advocate before Federal policymakers and lawmakers.

The general aviation industry supports thousands of American jobs and is an essential contributor to the U.S. economy. Since its founding, the National Air Transportation Association has played a major role in advocating for a vibrant and healthy general aviation industry.

H. Res. 1669 recognizes NATA's historical contributions to general aviation and congratulates them for its 70th anniversary. I urge my colleagues to join me in supporting this resolution.

I reserve the balance of my time.

Mr. PETRI. Madam Speaker, I yield such time as he may consume to the author of the resolution before us, my colleague from Tennessee, JAMES DUNCAN.

□ 1710

Mr. DUNCAN. Madam Speaker, I thank the gentleman from Wisconsin for yielding.

I rise today in support of House Resolution 1669, to congratulate and compliment the National Air Transportation Association on its 70th anniversary, and for its advocacy of general aviation in the United States of America. NATA is the leading organization representing aviation service businesses such as fixed base operators, charter providers, and aircraft management companies.

At the start of World War II, the Federal Government drafted plans to ground all private aviation for the duration of the war. Such a ban would have crippled general aviation in this country for years to come. However, 83 founding members started the NATA in 1940 with the purpose of showing how private aviation could be an asset to our country and to its national security, and certainly not a threat. In fact, the NATA helped save the Civilian Pilot Training Program that was created by President Franklin Roosevelt just a few years earlier. This program trained thousands of college students to fly, many of whom later contributed to the war effort.

Today, NATA represents over 2,000 member companies that own, operate, or service aircraft, and provide for the

needs of the traveling public by offering services and products to aircraft operators and others such as fuel sales, aircraft maintenance, parts sales, storage, rental airline services, flight training, Part 135 on demand air charters, fractional aircraft program management, and scheduled commuter operations from smaller aircraft.

There are more than 230,000 general aviation aircraft in the United States, which use nearly 19,000 small and regional airports. These airports help connect people and industries that do not always have easy access to our larger commercial airports. In addition, the general aviation industry represents millions of jobs, and contributes \$150 billion to the U.S. economy. General aviation is a vital component of the transportation industry in the United States.

Not only does the association represent aviation interests in Washington, it takes an active role in promoting aviation in our communities. NATA provides grants to schools for the purpose of purchasing educational materials. The NATA also provides scholarships to young people who are interested in pursuing a career in aviation.

Madam Speaker, I served as chairman of the Subcommittee on Aviation for 6 years. I personally witnessed the National Air Transportation Association's tireless efforts on behalf of private aviation.

Finally, I would like to mention that the president of this association is our former colleague, former Congressman Jim Coyne. While in Congress, Congressman Coyne regularly flew to and from his congressional district in Pennsylvania. He has served in this position since 1994. And I would like to say that the members of the NATA are very fortunate to have someone with his knowledge of the aviation community to lead their association.

I introduced this resolution to recognize this association and its contributions to private aviation. I hope my colleagues will join me in support of this bill.

Mr. CARNAHAN. I reserve the balance of my time.

Mr. PETRI. Madam Speaker, I rise in support of the resolution before us sponsored by my colleague from Tennessee (Mr. DUNCAN), congratulating the National Air Transportation Association for celebrating the organization's 70th anniversary. The resolution also applauds the association's efforts over the years to improve general aviation safety and bolster the general aviation industry.

NATA represents over 2,000 member companies that provide millions of jobs in the United States that support the general aviation industry. NATA member companies provide for many of the behind the scenes support for general aviation, including fuel sales, aircraft

maintenance, parts sales, storage, and flight training, just to name a few. These sectors of the general aviation industry support jobs for millions of Americans and contribute \$150 billion to the United States economy.

NATA played a big role in the resurgence of aviation after World War II and continues to play an important advocacy role for its member companies. Most importantly, the association plays an active role in improving safety for its member companies and the traveling public.

I support the resolution, and urge my colleagues to adopt the resolution.

Mr. OBERSTAR. Madam Speaker, I rise in support of H. Res. 1669, as amended, which congratulates the National Air Transportation Association (NATA) for celebrating its 70th anniversary. NATA was founded on December 28, 1940, at a critical moment in the development of general aviation in the United States. At its founding, NATA represented 83 aerospace companies whose leaders unified to represent the interests of general aviation before Congress.

Today, NATA represents more than 2,000 member companies that own, operate, or service aircraft and provide for the needs of the traveling public by offering services and products to aircraft operators and others. General aviation stimulates local and regional economies and supports hundreds of thousands of jobs.

H. Res. 1669 recognizes NATA's historical contributions to general aviation and congratulates NATA for celebrating its 70th anniversary. I urge my colleagues to join me in supporting this resolution.

Mr. PETRI. I have no further requests for time, and I yield back the balance of my time.

Mr. CARNAHAN. Madam Speaker, I want to thank the gentleman from Tennessee (Mr. DUNCAN) and his service on the Aviation Subcommittee. I appreciate working with him, and for him bringing this to the floor. I have no further requests for time. I would just encourage the body to adopt this resolution, and yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Missouri (Mr. CARNAHAN) that the House suspend the rules and agree to the resolution, H. Res. 1669, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

CONGRATULATING CINCINNATI REDS FIRST BASEMAN JOEY VOTTO

(Mrs. SCHMIDT asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SCHMIDT. Madam Speaker, today I rise, along with all of Cin-

cinnati, to congratulate and celebrate the Cincinnati Reds' first baseman Joey Votto being crowned the 2010 National League Most Valuable Player.

Cincinnati has a rich and proud tradition of great baseball teams. It is the home of the first professional baseball club, which began in 1869. The Reds have won five World Series titles, four National League pennants, multiple Most Valuable Player trophies, and numerous Golden Glove awards. And a number of players have risen to the status to be celebrated in the National Baseball Hall of Fame. The Cincinnati Reds are indeed proud to have the Most Valuable Player, Joey Votto, playing for them.

A native of Toronto, Ontario, Canada, Mr. Votto was drafted by the Reds just out of high school, in the second round of the amateur draft in 2002. He worked his way through the Reds' minor league system and debuted in September of 2007. His defensive skills and offensive production consistently improved leading up to the 2010 season.

Joey Votto helped lead the Cincinnati Reds to their first National League Central Division Title since 1995 with an impressive .324 batting average, including 37 home runs, and 113 runs batted in. Mr. Votto led the National League in on-base percentage, as well as slugging percentage, and receiving 31 of 32 first-place votes by the Baseball Writers Association of America to reward his hard work with one of the most coveted awards in baseball, the Most Valuable Player Trophy. He was named to the National League All Star Team, and won the 2010 National League Hank Aaron Award.

Again I would like to join all of the Redlegs Nation in congratulating Mr. Votto on his achievement. I want to congratulate the owner of the Reds, Mr. Bob Castellini, and his ownership group for bringing a winning baseball team back to Cincinnati. Congratulations, Joey, and go Reds.

□ 1720

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

PRIVILEGE AND HONOR OF A LIFETIME

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. KLEIN) is recognized for 5 minutes.

Mr. KLEIN of Florida. Madam Speaker, I rise today to thank all of my colleagues here in the House and especially my constituents back home in south Florida.

The opportunity to serve in this body has been the privilege and honor of a

lifetime. I truly have been honored and feel honored to have been entrusted with the responsibility of fighting for families, businesses, seniors, and veterans in our community every single day.

And fight we did. When I came in 4 years ago, we were challenged with a war; we were challenged with a lot of other things. And as those years have passed, there have been new challenges, economy and others.

Together we fought to take on skyrocketing homeowners' insurance costs in Florida and other places. We wrote a commonsense solution that makes insurance look and work like it was supposed to. It wasn't easy, but we brought together every single member of Florida's delegation, Republican and Democrat alike, as well as allies from around the country and passed the Homeowners' Defense Act in a very bipartisan way. I am very proud of that.

We also fought to deliver on a campaign promise in my first race to close the Medicare part D doughnut hole, something that is so significant to so many seniors in my community. Our seniors should never have to make the choice between food and medicine. And because we shall and will bring down the cost of prescription drugs, many in our community will no longer have to.

We stood up for our Nation's veterans, something that is a prized responsibility that every American shares in, because I believe it is our responsibility to fight for those who have fought for us. We passed the biggest increase in VA history to make sure that our servicemembers have access to everything that they need. And we turned local ideas from our Palm Beach and Broward County veterans advisory boards into the law of the land.

But we didn't stop there. We took on energy and the recognition that there is a national security threat of an energy policy that continues to support Middle East rogue countries, in particular Iran. I helped work with others in writing and passing the toughest sanctions in history, because we cannot allow Iran to acquire a nuclear weapon, not on our watch and certainly not on our dime.

We tackled health care and equal pay for women. We expended Pell Grants so that every child and every student has a right to go to college and help create a workforce that will compete worldwide. We passed an innovative and forward-looking energy plan to end our dependence on foreign oil. But most of all, many of us worked together to do what is best for our community.

Some might disagree with any one policy; but I think at the end, each of us in this Chamber knows that we have a responsibility to our country, we believe in our country, and we try to do the right things.

Madam Speaker, my colleagues and south Floridians who are watching

today, I want to say thank you from the bottom of my heart for giving me this privilege. Choosing public service isn't always easy. There are bad headlines and tough attacks and long weeks away from your family, and our families truly make the greatest sacrifice. But it is worth every one of those sacrifices for the opportunity to make our country better for our children and our grandchildren than it was for us.

This is the American Dream, and that is what I fought for and many of us fight for every single day at home at here and in town here. When I first came to this historic U.S. Capitol building, a very wise colleague said to me—and it stuck with me to this very moment—look up at the Capitol dome at nighttime. Look at it when we are working late. You see the light at the top and a beautiful dome.

And I look up and I see that every time I am here in the evening, and I see that magnificent dome against the dark sky. And I think about the great figures that have passed through in time here. Most names we will never know, but every one of them was truly just passing through, whether here for 2 years, or 10 years or 20 years. Every one had the same goal to make this country a little better place.

My colleague said to me, if you look up at that dome at one point and you aren't inspired, then it's time to go home. Well, certainly I have been inspired every day I have been here and continue to be inspired, and he was right. The opportunity to serve our community in these hallowed Halls does inspire me, and I hope it continues to inspire every single other person and the next generation of leaders who come into this Chamber.

So I want to thank all of you. Thank you for allowing us to be here. Thank you for the privilege of serving, and I look forward to being part of our community and continue to work on behalf of it.

DEDICATION OF LONG BEACH ROSIE THE RIVETER PARK AND INTERPRETIVE CENTER

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. RICHARDSON) is recognized for 5 minutes.

Ms. RICHARDSON. Madam Speaker, I rise today to support the dedication of the Long Beach Rosie the Riveter Park and Interpretive Center. This launch is going to be next Saturday on December 11, and it's going to be a historic occasion, not just for Long Beach, not just for California, but for the Nation. Let me tell you why I would take 5 minutes out of our time to talk about this.

Back in World War II, from 1942 to 1945, we had 6 million brave women, women who stepped forward, who helped us as a Nation to be able to help

us to really move forward, to keep the economy going and to really begin to enter into a workforce that they had never been a part of before.

In my own area, 175,000 women bravely worked and led the way. They were really trail blazers, and they worked at the Douglas Aircraft Plant where now we build the very famous C-17.

When you consider a lot of the Rosie Riveters, on average they are about 85 years old. So it's important for us now more than ever to really acknowledge them and to thank them for their service. When we talk about the work that they did and how they supported the United States, they deserve our honor and our respect.

This Long Beach site includes an interactive display of women, Air Force Service Pilots, who were known as WASPs at that time. These women transported the airplanes. They assembled them. They actually flew them to the places where they were needed the most. Because of their efforts, they were able to produce—imagine, women—300,000 airports, 102,000 armored vehicles, 77,000 ships, 20 million small arms, 40 million bullets, and 6 million tons of bombs.

They were as much a part of our success and freedom for people all over the world, the women, the Rosie the Riveters, as were all of the veterans who also served. We will have in this area, not only a park and interactive center, but also a history and the names and telling of the work that these fine women did. There will be a rose-colored walking path, circles around that park area, etched with the timeline of all of the work that these ladies incredibly performed.

Along the pathway, we will have stopping points where there will be etched stars and colored tiles and replicas of some of the many famous posters that we see today.

The park will also have the “compass rose” that was known to be very famous back at that time at the Roosevelt naval base where they would fly from one section to another and that would be their focal point. Adjacent to the compass rose is a quiet garden, a memorial to the men and women who served in the military, noting the inscription: “All Gave Some, Some Gave All.”

When we think of Rosie the Riveter, it's also been an inspiration to many of us. I see our Speaker who is sitting here now tonight, and I think of some of the things we have had where we have really valued what those women did and how they have inspired us today.

At this particular location, we will have three flags that will be flown. One will be a U.S. flag that is actually being flown today. We will have a California flag and then a local flag as well.

I call on my colleagues to take an opportunity to study and reflect and

think about all the important stories that made this country so great. And we certainly couldn't leave out the Rosie the Riveters in World War II who began for many of us and why we stand here today.

□ 1730

AMPHIBIANS: CANARIES IN THE COAL MINE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. QUIGLEY) is recognized for 5 minutes.

Mr. QUIGLEY. Madam Speaker, it wasn't many years ago that coal miners relied on a small bird, a canary, to signal that conditions were toxic. The canary in the coal mine would become sick before the miners, who would then have a chance to either escape or to put on protective respirators.

Today, our ecosystems face dire threats. Toxic gases, chemicals and the exploitation of our natural resources have jeopardized our air, water, lands and the wildlife that inhabit our ecosystems. The telltale sign? The frog, the "canary in the coal mine" of our natural environment, is sick.

Today, nearly 33 percent of amphibian species are threatened, and estimates of species extinctions over the past several decades number in the hundreds. Losses of these species result from the usual suspects, land-use change, overexploitation and disease.

Why all the emphasis on frogs? Aside from the fact that these animals regulate their local ecosystems and control populations of insects that spread disease, they are important to our human health as well. Findings point the way toward new drugs for fighting diseases such as cancer and HIV/AIDS. Scientists have reportedly found chemicals that are naturally produced in the skin of various frog species that can kill the HIV virus.

But these medicinal tools are disappearing at astronomical rates. That should tell us something. A frog's skin is relatively thin and permeable to water, so frogs are directly exposed to pollutants such as coal ash and environmental radiation. In addition, their eggs are laid in ponds and other bodies of water where they absorb chemicals.

The frog, the canary in the coal mine of our natural environment, is first in line in an environmental pollution war, a war the frog is quickly losing. If we don't heed this call, much like the miners who relied on their singing canary, we are destined for illness and, ultimately, shorter, unhealthier lives.

Sadly, this degradation of human health and quality of life is already happening across the country. Colstrip, Montana, is home to the second-largest coal plant west of the Mississippi. One boxcar-full of coal is burned every 5 minutes. The burning coal creates so-

dium, thallium, mercury, boron, aluminum and arsenic, which is pumped out of the factory and into the air.

The chemicals that aren't pumped into the air are caught in the factory scrubbers and then dumped with coal ash into giant settling ponds. These ponds are shallow artificial lakes of concentrated toxicity which leach this poison into wells and aquifers. The sludge flows into the surrounding towns and countryside, bubbling up against foundations and floorings, cracking the floor in Colstrip's local grocery store. Ranchers in eastern Montana are now suing the plant for damages. Noxious water, they cite, is the only liquid that fills their wells and stock ponds.

James Hansen, a renowned climate scientist, says Colstrip will cause the extinction of 400 species. But Colstrip burns on. Why? Because we have no national energy plan and because there are currently no federally enforceable regulations specific to coal ash. This lack of federally enforceable safeguards is exactly what led to the disaster in Tennessee, where a dam holding more than 1 billion of gallons of toxic coal ash failed, destroying 300 acres, dozens of homes, killed fish and other wildlife and poisoned the Emory and Clinch Rivers.

From Tennessee to Colstrip and across the Nation, the story is the same. We have no national conservation plan, no national energy policy, no regulatory reinforcement powers. And the biggest environmental disaster the country has ever faced, the Horizon Deepwater oil spill, has not propelled us any further toward passing a cap-and-trade bill through both Chambers. Senator REID said they were sidestepping a cap-and-trade bill for oil response legislation, but we haven't seen that either.

Worse, as we mark 40 years of cleaner air under the Clean Air Act, it is heart-breaking that we must now fight to protect this monument law from attack. Some in Congress are considering weakening this landmark law, seeking to bail out polluters who continue to lobby for loopholes and giveaways that put Americans' health and safety at risk.

We are poisoning our ecosystems, our animals and, yes, our frogs. We are poisoning our families, our communities, our Nation and our entire world. If we do not heed this canary song, we will only have ourselves to blame. And by the time we take notice, it may be too late.

CHAIRMAN SKELTON BIDS FAREWELL

The SPEAKER pro tempore (Mr. CARNAHAN). Under the Speaker's announced policy of January 6, 2009, the gentleman from Missouri (Mr. SKELTON) is recognized for 30 minutes as the designee of the majority leader.

Mr. SKELTON. Mr. Speaker, I rise this evening to express my gratitude for the honor of serving in the House of Representatives and to share a few thoughts as I prepare to leave this distinguished body. About this time 34 years ago, my wife, our three boys, and I were surrounded by scores of well-wishers organized by my friend, Bob Welling, as we boarded a train at Warrensburg, Missouri, to travel to Washington, D.C. Shortly thereafter, I was sworn into Congress. I arrived eager to tackle the problems of the day and represent the people of the Fourth Congressional District. It was a political highlight for me.

The Roman orator Cicero said that "gratitude is the greatest of all virtues," and I'm grateful to so many people. First, I'm extremely grateful and appreciative to the residents of Missouri's Fourth Congressional District whose votes allowed me to serve as their Representative in this House for 34 years. Representing the fourth district has been a tremendous privilege.

I also want to thank my family whose support made it possible for me to serve in Washington, Susie, my late wife, my three wonderful sons and my lovely, understanding and supportive wife, Patty.

I want to thank my friends and mentors in Congress. I can't name them all, but I want to particularly single out the great Missouri legislators, Congressman Dick Bolling, who helped me land a seat on the Armed Services Committee, Congressman Dick Gephardt and Congressman Bill Emerson who were my carpool partners and my great friends. I leave with enormous respect for all those Members who worked their hearts out to help people at home and to help steer our country's path while performing their constitutional duty.

A special thanks to our Speaker PELOSI for her kindness and thoughtfulness through the years.

My colleagues from Missouri have been fantastic.

Finally, I want to thank my dedicated staff, past and present. The talented people who have worked in my Missouri offices, my Washington, D.C. office, on my Small Business Subcommittee staff and on the staff of the House Armed Services Committee, are the unsung heroes who get the business of government done. I can't thank them enough for being part of my staff and serving the American people so very well.

I have led a charmed life in many ways; but as a youngster, I learned that a person's life can change forever in an instant. After contracting polio, I was fortunate to receive treatment at the Warm Springs Foundation in Georgia. Polio affects each person differently; but at Warm Springs, patients learned valuable lessons about life—never let illness define you, never be

limited by the expectations of others, never give up, and never stop working. By applying the belief that nothing is impossible if you work hard, thousands of Warm Springs alumni, including myself, have led happy and productive lives.

And it is no coincidence that three patients between 1947 and 1950 at Warm Springs became Members of this body—Jim Schuer of New York, Bo Ginn of Georgia and myself.

Growing up I was inspired by my father's runs for statewide office and for Congress, and also by his service as Lafayette County prosecuting attorney. I had just completed my own term as Lafayette County prosecutor and was practicing law when President Harry Truman called to ask me to consider running for Congress in 1962. In 1976, I decided to run for Missouri's Fourth Congressional District seat. I have been on the ride of my life ever since.

□ 1740

It is a great honor to serve in the U.S. House. This House is filled with principled public servants who work hard to give voice to the needs of voters back home. Members of Congress bring the theory of representative democracy to life every time they participate in House business, and every time they listen to the hard-wrought concerns of their neighbors.

As a member of the House Armed Services Committee, I aspired to become chairman one day. Serving as chairman is undoubtedly the high point of my political career. The HASC family of Members and staff is very special. Members of Congress lucky enough to serve on this committee have traditionally worked in a far less partisan atmosphere than on other committees. Article 1, section 8 of the Constitution grants Congress the obligation to raise and support armies and to provide and maintain a Navy. All Members approach this important work very seriously, with the goals of protecting our Nation's security and also doing what is right for our men and women in uniform and their families.

American politics through the ages have frequently been rough and tumble, and at times some might even say mean. But to my mind, national security transcends politics. In the realm of national security, we must make the effort to work together in a bipartisan way, to stand before our allies and the world as a united front, to strengthen our Nation's defenses under the banner of consensus.

As chairman, I have always sought to maintain this bipartisan atmosphere, and I hope that culture instilled by many HASC chairs who served before will carry on under the able leadership of the new chair in the incoming Congress, Congressman BUCK MCKEON. I am confident it will.

Throughout our country's history, the Nation has experienced many challenges. We have had economic crises, agricultural hardships, military engagements, and Members of this body responded to each one as it came along. I am proud to have been a Member of the House of Representatives, and I will always cherish my service here.

I leave with some anxiety for the future, however. In the past, this body has worked best after great debates, when men and women of strong principles have met and compromised on those difficult issues, which at the time could render us asunder. But through meeting in the center and solving the problems of the day, our country benefited. It was able to progress.

As a result of the last election, the center has been holed out, and more Members will represent extreme points of view, which is likely to make meaningful compromise difficult, if not impossible. Once again, our system of government and our citizenry will be tested, and the outcome will determine, borrowing the eloquent words of President Lincoln's Gettysburg Address, "whether that nation or any nation so conceived and so dedicated can long endure."

When returning Members and new Members arrive in the Capitol for the new Congress in January, they will confront enormous challenges as they work to chart the course of our country in the days ahead. These challenges include the economy and jobs, health care, education, to name a few. But I implore our citizens and our leaders not to forget that we are a Nation at war. Unless our government protects our national security, none of these other important issues can receive the attention they deserve.

National security must be our number one priority. I believe all Americans' good intentions support the troops and their families. But those intentions must be reflected in action, and Congress bears the Constitutional responsibility to fulfill this sacred duty.

My greatest concern is that a chasm will develop between those who protect our freedoms and those who are being protected. I have often talked about what I perceive to be a civil-military gap, a lack of understanding between civilians and the military that has grown in the era of an all-volunteer force. For those not in uniform or connected to the military in some way, it is easy not to relate to our servicemembers' difficulties as they deal with the trials of war and combat, multiple deployments, family separations, missed birthdays, and other sacrifices too numerous to mention.

As a Nation, we must strive to narrow that gap and bring our citizens together. United we stand, divided we fall. The men and women in uniform

who form the backbone of our security cannot devote their all to protect us if we fail to provide what they need to perform their missions, stay safe in the field, and take good care of themselves and their families at home. Keeping America safe demands a national commitment to maintain military readiness. During my time in Congress, the United States has been involved in 12 conflicts, some large and some small. If the future is anything like the past, conflicts, natural disasters, and other crises will frequently pop up without warning. Preparedness is essential.

Today's forces are the latest in a long line of sentinels of freedom. Our soldiers, sailors, airmen, and marines must have no doubt about the high value we place on their service. Our commitment to our servicemembers and their families will also help the next generation understand that these patriotic volunteers are critical to the survival of our Nation. To protect America's future, we must inspire the next generation to join the noble service of these ranks.

I have always considered each young man and woman in uniform as a son or daughter. They are national treasures and their sacrifices cannot be taken for granted. They are not chess pieces to be moved about on a board. Each and every one is irreplaceable. Issues of national security and war and peace are too important to lose sight of the real men and women who answer our Nation's call and do the bidding of our Commander in Chief.

You can't do the job as a Member of Congress for so many years unless you love it, and I do. It is a labor of love. And to paraphrase my fellow Missourian, Harry Truman, I have done my damndest every single day. I will forever be grateful for the trust Missourians have placed in me through the years and for the opportunity to serve Missouri's Fourth Congressional District, the U.S. House of Representatives, and the United States of America.

As I leave this House, these lines from Alfred Lord Tennyson's poem "Ulysses" express my feelings very well:

Much I have seen and known; cities of men

And manners, climates, councils, governments . . .

And drunk delight of battle with my peers . . .

Some work of noble note, may yet be done . . .

Come, my friends,
Tis not too late to seek a newer world.

Mr. Speaker, thank you for this time.

HONORING CONGRESSMAN IKE SKELTON

(Ms. PELOSI asked and was given permission to address the House for 1 minute.)

Ms. PELOSI. Mr. Speaker, I rise to sing the praises of a great man, Chairman IKE SKELTON. We all heard his beautiful address to us, and in it he started where his heart is, with his family, expressing his love for his family, his appreciation for his staff, his respect for his colleagues, his admiration for our great country.

I am so pleased that we have been joined by Senator CLAIRE McCASKILL, coming over from the Senate side to make the respect for Mr. SKELTON bicameral, and that we are joined by Congresswoman JO ANN EMERSON, making that support bipartisan, as well as being joined by so many Members of the Missouri delegation, and that you, Mr. CARNAHAN, are in the chair for Mr. SKELTON's presentation. I know we will be hearing from our distinguished majority leader Mr. HOYER, but I think it is important to note that EMANUEL CLEAVER of Missouri is here, LACY CLAY of Missouri is here, and other Members, Chairman MILLER, chairs, colleagues, new Members, senior Members—that is how Mr. SKELTON is regarded and respected in the Congress of the United States.

□ 1750

He made his speech the way he served in Congress, surrounded by friends, admired by all, on both sides of the aisle, on both sides of the Capitol. He began by talking about his family, and he ended by talking about our men and women in uniform, which are like sons and daughters to him.

He has always taught us that, as President Kennedy said, We'll pay any price, bear any burden. Mr. SKELTON said to us over and over again, as he did this evening, that protecting the American people is our first responsibility. Our young men and women in uniform make us the home of the free and the land of the brave, and we can never forget that. They have no greater champion in the Congress than the chairman of the Armed Services Committee.

I know I speak for every person in this Chamber when I say, Mr. SKELTON, thank you for your leadership for our country. It is an honor to call you colleague. Thank you, Mr. SKELTON.

HONORING CONGRESSMAN IKE SKELTON

(Mrs. EMERSON asked and was given permission to address the House for 1 minute.)

Mrs. EMERSON. Mr. Speaker, I would be remiss if I didn't try to tell a little bit more of the story that our beloved friend and colleague IKE SKELTON started. It kind of started all back about in 1980 for my family with IKE when my late husband, Bill, and he drove in to work every single day, and the stories that I learned both from Bill and IKE, because I used to then

take IKE in after Bill, and every Thursday now that we come in with prayer breakfast has been, for me, a remarkable experience because of what I have learned from our colleague IKE SKELTON, both from history and also an understanding of the great love that he has for our wonderful State of Missouri.

His commitment and his dedication have been extraordinary, and he has been, for me, not only a real hero but also someone whom I have tried very hard to learn from. You have set an example, IKE, that is impossible for anybody else to meet; but certainly you have been a role model for me and so many others before me, and I just want you to know how important you are not only to me, to how important you were to Bill, to Tori and Katharine and to Ron and Sam and the rest of the kids, IKE. But more importantly than that, you have been special for our country.

You are what every Member of Congress should want to be, and that is a man of great courage, a man of great fairness. You have shown me and others how important it is for us to be civil to one another, how we should talk to one another, and I hope that the example that you have set will continue on in this great body. You will be sorely missed, and we really love you.

HONORING CONGRESSMAN IKE SKELTON

(Mr. HOYER asked and was given permission to address the House for 1 minute.)

Mr. HOYER. Mr. Speaker, IKE SKELTON is my brother. He and I are both Sigma Chi's. There's a lot of misinformation and misapprehension about fraternities and sororities. Sigma Chi was founded by seven individuals, one of whom was a gentleman named Jordan, and the Jordan standard requires of those who pledge that fraternity to live by certain standards. Those standards are what we would expect of all of us and hope for all of us.

I have been a member of that fraternity for over half a century. No Sigma Chi that I have met has been more faithful to meeting the standards of conduct and character and courage and fidelity to purpose than my brother IKE SKELTON.

IKE SKELTON is the father of a Sigma Chi and the son of a Sigma Chi and the grandfather of a Sigma Chi. Is that correct, IKE? I think I have it in order. But IKE SKELTON has been a colleague in this Congress. IKE SKELTON, as Mrs. EMERSON said and as Speaker PELOSI said, and as others will say, is the quintessential example of what the American public would hope all of us would be. He's thoughtful, a great intellect, faithful, patriotic, and he teared, of course, as he mentioned the troops, the men and women who serve this country

in uniform, the men and women who have had no greater advocate than IKE SKELTON of Missouri, the men and women of our Armed Forces who have had no greater advocate in terms of not only the quality of their lives, their housing, their health care, their benefits, but also the assurance that they had the best technology that was available to make them not only as effective but, as importantly, as secure and safe as they could possibly be.

IKE SKELTON is a good and decent man who has served his country extraordinarily well. He quoted the Tennyson poem, "Ulysses." What a wonderful poem. He didn't quote the end of it, which is essentially that Ulysses, then old, Telemachus, the king, left to his son the duties of being king and brought his band of brothers together to go forth to strive, to seek, to find, and not to yield.

There is no doubt in my mind, Mr. Speaker, that IKE SKELTON will continue to be an extraordinarily faithful citizen of this country, an unswerving supporter of those in uniform, of our Armed Forces, and of our national security, and one who will uphold the highest standards that this institution would hope all of its Members maintain, and he will continue to strive to seek to find and we know he will not yield. But in not yielding on principle, he will be faithfully courteous and respectful of others, as he has been every day on this floor, in his committee, and in the hallways of our offices.

His late wife was named Susan. My oldest daughter is named Susan. Susan Skelton, in the spring of 1981, came to Bowie, Maryland, and knocked on doors, and the doors opened and she said, I would like you to vote for STENY HOYER for Congress. I loved Susan. We lost Susan a few years ago. She was like her husband—a beautiful, beautiful person.

It is a sad day that IKE SKELTON leaves this Chamber. It will not be today but in a few weeks, but it is a wonderful day for all of us to count ourselves blessed by being part of the life of this extraordinary, good, and decent man, IKE SKELTON of Missouri. IKE SKELTON, patriot. IKE SKELTON, a wonderful, great American.

Thank you, IKE SKELTON.

HONORING CONGRESSMAN IKE SKELTON

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Missouri (Mr. CLEAVER) is recognized for 5 minutes.

Mr. CLEAVER. Mr. Speaker, in 2003 I was teaching at the Bloch School of Business at the University of Missouri in Kansas City, serving as a talk radio show host on NPR and pastoring a congregation.

□ 1800

I received a phone call from Congressman IKE SKELTON, who began the

request for me to give up my peaceful and loving life to run for Congress as my predecessor, Karen McCarthy, had decided not to seek reelection. I chose, in large part, to pursue this office at the request of Congressman IKE SKELTON.

Mr. Chairman, I have three sisters whom I love dearly. From the age of about 3 to about 7, I made requests repeatedly to my parents for a brother. I'm not even sure I knew how that brother could come into existence, but I made the request nonetheless. That never happened, but I can say here in this Chamber, Mr. Speaker, that, if I had had a brother, I would have liked for his name to have been Ike. If I had had a brother, I would have liked for him to have had the patience, the intellect, and the spirit of IKE SKELTON.

There is very little secret around our home as to who is the favorite Congressman for my 7-year-old grandson, Isaac Cleaver. One of the great delights of his life—and probably the older he gets the more significant it will be—is already having been introduced to Congressman IKE SKELTON at an event at Royals Stadium. In that introduction, he said that IKE SKELTON was named after him. So, in our household, from my wife, Dianne, all the way to Little Ike, we all have great admiration and love for IKE SKELTON and his family.

It will be difficult to roam these Halls and not see IKE SKELTON or to come into this hallowed room and not look at the seat where he usually sat and where the Missouri delegation would, from time to time, gather around him. I have said to him and to others in his presence that this man has the ability to walk with kings and Presidents and not to lose the common touch.

As chairman of the Armed Services Committee, IKE SKELTON was one of the most influential human beings, not only in this country but in the world—the most revered Member of Congress by the military of the United States of America. Yet any Member of Congress, frankly, from either side of the aisle, could stop IKE SKELTON and hold a conversation. He never lost the common touch.

It will be difficult for me not to see him in this place. I speak of the man IKE SKELTON from Lexington, Missouri; and I speak of a man whose career in this body will be recorded by historians as a majestic moment for the military of the United States of America.

I yield back the balance of my time, Mr. Speaker, because I think IKE SKELTON deserves far more eloquence than I can present. Hopefully, a combination of everything we say will match, in some small way, the elegance with which he served this Congress.

HONORING CONGRESSMAN IKE SKELTON

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from from Connecticut (Mr. LARSON) is recognized for 5 minutes.

Mr. LARSON of Connecticut. Mr. Speaker, I rise to honor a fellow colleague and a person I have grown to love—our distinguished colleague from the Show Me State.

I was blessed when coming into this Congress that the first committee I was appointed to serve on was the Armed Services Committee and to be there under the guidance and tutelage of IKE SKELTON. I was the last person appointed to the committee that year.

In fact, my mother would often say to me, How come I never see you on C-SPAN? That was because I was sitting behind the camera so they couldn't actually see me on C-SPAN.

But IKE SKELTON, as he does with everyone, treated the lowest member on the committee, who was me, with the same kind of dignity and respect and solid advice as he does with every Member of this Chamber.

IKE SKELTON, as has been said by so many speakers with great eloquence, cares so deeply for his home State, for his community, for his great family, and legacy. Imagine, in this Chamber, sitting and serving with a direct descendant of Daniel Boone and knowing how proud he was of that legacy and how proud, growing up in his great State, he was of his dad, whom I learned about in so many conversations with him, and about Harry Truman and the great history of Missouri.

When you would go there to Lexington, when you would travel and stay at his home—and as STENY mentioned—with his wonderful wife, Susie, who was such a kind, generous and kindred soul mate of IKE's, you would walk around that district and see the respect and the reverence that the people held for IKE SKELTON.

I think I was there to talk about ethanol, but I've got to be honest with you. Joanne Morrison probably knows a lot about it, but I didn't know a great deal about ethanol. By golly, by the time I was through, you would have thought I was an expert at it.

To travel with this man abroad, you see the respect at our war colleges, amongst our military leaders, amongst heads of state, but most important to him are the men and women who wear the uniform of this country.

He carries his legacy, his great family name, his State, his community, and his country. He wears that well on his face. He shoulders it well, but he carries in his heart a love and devotion for the men and women who serve this great country of ours, and everything he has done on this great floor has been on their behalf.

All men and women who serve in our Armed Forces owe such a great debt of

gratitude to this humble, passionate servant of our country and the proud standard-bearer of his great State of Missouri in the way that he has held forth on behalf of the citizens he has sworn to serve and the men and women who have represented this great country of ours and who have given the full measure of their devotion.

□ 1810

Like so many here, I love IKE SKELTON. He is a man of the House, a man for the ages because he led with that big heart of his and cared so deeply about people who serve this Nation.

God bless you, IKE SKELTON. We are all better for having served with you.

A TRIBUTE TO IKE SKELTON

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Missouri (Mr. CLAY) is recognized for 5 minutes.

Mr. CLAY. Mr. Speaker, let me first say that I, too, am here to thank IKE SKELTON for his friendship, for his service to this country, and especially for his friendship to me.

My relationship with IKE SKELTON goes back more than 30 years. I was a teenager when I first met him because he served with my father—both represented the State of Missouri—and I can remember the day he arrived here. I went on through college and happened to wind up serving in the State legislature for 17 years in his district, in Jefferson City, so our paths would cross on occasion.

But ladies and gentlemen, this country will never witness an individual like IKE SKELTON. There will never be another one like him to cast a shadow on this floor. You have served this country and your State well, and you have also given me a great appreciation for our armed services, the men and women who some make the ultimate sacrifice for this country.

As Rev. CLEAVER and others have said, I have also visited Lafayette and have been to IKE's home, but I have also been to the military bases with IKE, to Whiteman Air Force Base where they house the B-1. And he has been my compass in this House on military issues.

He has also been, as Rev. CLEAVER said, a brother to me. I had two sisters, too, IKE. I never had a brother, but if I could ever identify somebody as a brother, it would be you. I know I will miss you. I will miss your guidance, I will miss your mentoring.

We have truly witnessed a legislative giant in our midst. You have done your job, you have done it quite well. I know this won't be the last time that we see each other and I know that you will frequently visit us, but for the Missouri delegation, you were there for all of us.

He was the senior member of the Missouri delegation and never hesitated to

call us together. We have so much cohesion as a State because of his leadership. I appreciate that, IKE. I appreciate how you have taken me under your wing and given me guidance here, and I will love you for it for the rest of my life. As the saying goes, "Old soldiers never die, they just fade away." But you won't be fading too far.

I love you, IKE SKELTON. God bless you, and God bless the United States.

A TRIBUTE TO IKE SKELTON

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. REYES) is recognized for 5 minutes.

Mr. REYES. Mr. Speaker, it is a privilege and an honor to be here this evening to honor a great American. I have had the privilege of traveling throughout the world with IKE SKELTON. One of my first trips was with IKE SKELTON. We went to the Far East. We had Thanksgiving with our troops at the DMZ in South Korea. Subsequent to that, we also took a trip to Bosnia several times, spent one Easter with the troops. So many memories of trips to visit the troops and their families to look at the facilities, to make sure they had all the equipment they needed to have, all the support that we could possibly have been able to give them on the committee.

I have had the privilege and honor of visiting IKE's district in Missouri, and I invited Chairman SKELTON to come to El Paso. I grew up in a little town right outside of El Paso by the name of Canutillo. The main street of this little town was Doniphan Drive. Never did I dream that I had grown up in this environment with a direct connection to Missouri, because when IKE SKELTON came to my district, he immediately recognized the connection. He said, This street was named after Colonel Alexander Doniphan, who was a Missourian and came to Texas to save Texas. Immediately a connection there.

Chairman IKE SKELTON is, in my eyes, a professor of history, a professor of, particularly, military history. We all famously have a list of recommended readings from IKE SKELTON. I have to confess I haven't read all those books yet, but I am working on it. It gives you a better understanding; but for me, it gives me a unique perspective on who the man, IKE SKELTON, is.

I couldn't agree more with my colleagues here this evening in paying tribute to a great American, a giant that has served this institution with dignity, with honor, with great passion, and with great love and care for our military men and women and for their families.

IKE, it has been a tremendous honor to serve with you. I have learned so much from you that I think, by any

measure, if there is a new Member coming here, my recommendation would be to emulate the great Chairman IKE SKELTON.

Thank you. And thanks to the people of Missouri for sharing you for over three decades of great public service to this great country. For me, an honor; for this country, an American legend. Thank you, IKE.

God bless you, and God bless this country.

A TRIBUTE TO IKE SKELTON

The SPEAKER pro tempore (Mr. CLEAVER). Under a previous order of the House, the gentleman from Missouri (Mr. CARNAHAN) is recognized for 5 minutes.

Mr. CARNAHAN. Mr. Speaker, I want to just add my voice to these remarks this evening about our friend and colleague, IKE SKELTON of Missouri.

He first came to this Congress in 1976 with my predecessor, Congressman Dick Gephardt. That was the first year I voted, 1976. I was a senior in high school that year. And to watch him grow in leadership to become what I believe is really a national treasure—his voice advocating for American troops and their families, his leadership on national readiness for current conflicts and future conflicts that we may face—has really been unparalleled.

□ 1820

We respect his leadership and what he has done for the strength of this country. In Missouri, he has been a leader. He has been the dean of our delegation.

I had the honor to work with him. I also had the honor to travel with him to visit our troops in Kosovo and elsewhere. And we've seen what he's done to transform two vital military facilities in Missouri—Whiteman Air Force Base and Fort Leonard Wood—to become what they are today.

He's not only a student of history, but he has been a great teacher and a great mentor. He's been a family friend. It has been an honor and a privilege to serve with him, to call him "colleague," but also to see his example for public service. He has been a model for what public service is all about.

I know that he has several chapters left to write for what he does to give back to this country and our great State, and we look forward to seeing those for years and years to come.

Best wishes to you, my friend.

HONORING IKE SKELTON

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mrs. DAVIS) is recognized for 5 minutes.

Mrs. DAVIS of California. I rise today to say thank you, thank you to

IKE for being such a great mentor, for taking me under your wing, for telling me a little bit about what it was like for you when you chaired the Personnel Committee a number of years ago. And I think you told me that early on, when I came onto the Armed Services Committee, but it was a few years later when I actually had the great honor of chairing that subcommittee. And then I felt such an incredible burden because I thought, you know, IKE has done this before, and how could I live up to who he had been and the way he had cared for the troops and their families and kind of got through some of the really tough times, because when you deal with those issues, you know that you're going to be looking, wanting to do everything in the world when you can't, when there are limits to what you can do.

And I just really remember you telling me about that and letting me know, get in there, but you better do a good job, he said. I want you to do a good job. I don't want you to screw it up. And so I certainly had that burden.

But more than anything else, IKE, you are such a splendid gentleman, and we use the word kind of loosely here. Sometimes I think we often say "to the gentleman from" whatever State that might be. You are the gentleman. You are the epitome of what we all believe to be someone who serves in this body and who cares so deeply and who has such strong principles and who teaches us all. And I think we all want to live up to that standard you set. It's not easy, and you made it really hard for everybody to do that, but I think we all strive for that the best we can.

I know that I didn't have an opportunity to be in your district, but you came to my district. And you and your late wife, Susie, were there, and we had just the most marvelous evening.

I remember I was then at an event that you spoke at, and I remember looking around the room and everybody was just, you know, transfixed, really, on your words. You were telling one of those stories and it went on forever, but that didn't seem to bother anybody. They were just delighted to be in your company and to hear you speak and to hear the way you interacted with all the people in the room, but telling those stories. President Truman, of course, came into that story and your father.

I have just enjoyed serving with you. I can't tell you how much I'm going to miss you. It's going to be a lot. I know you're going to miss everybody here as well. But we are all so much better for having served with you.

Thank you.

HONORING IKE SKELTON

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. TIM MURPHY) is recognized for 5 minutes.

Mr. TIM MURPHY of Pennsylvania. Mr. Speaker, what does an Irish Pennsylvania boy have to do with IKE SKELTON standing up here and talking? Actually, I have roots in Missouri. In Farmington, my ancestor, Sarah Barton Murphy, started the first Saturday school west of the Mississippi in Missouri. And that was a little story I told IKE. I don't know if he remembers it.

But it comes from times that IKE and I traveled together on congressional delegation trips. He had asked me to travel with him to Afghanistan and Iraq at Thanksgiving—we did that twice—giving up time with our families by traveling out there to be with the soldiers. Small codels as they were, but I think they meant a lot certainly to the soldiers that were sacrificing so much for our country. And I thought it pretty amazing that here was this gentleman, in the truest sense of the word, being willing to giving up his holidays with family to be over there, and I was certainly pleased and honored to go with him.

And we had some interesting times. A meeting with General Petraeus, a meeting with General McChrystal, seeing the ins and outs of what takes place in a war zone, talking to soldiers in the most candid ways about the stress that they face. And I know, for me, I learned a great deal from them, but I also learned a great deal from my friend, Congressman SKELTON, about the ins and outs of what takes place in the military through his chairmanship and ranking membership of what he's learned from the House Armed Services Committee.

But there's also things you learn about a person under times of stress.

IKE and I have the dubious distinction of being the only two Members of Congress ever injured in Iraq, and it happened on a dark night. We were traveling, after having met, I believe, with General Casey, on a road back to the Baghdad Airport when this up-armored minibus we were traveling in—referred to affectionately as an ice cream truck—suddenly hit something. We heard a boom. We're up in the air, bounced, rolled over the side, and both of us slid inside the interior. I was injured a bit. That doesn't matter. IKE had his own symptoms. And a lot of chaos occurred at that moment. And we learned what happens on a military site when there's an injury that occurs, that soldiers are swarming around securing the perimeter, ambulances arriving trying to take care of both IKE and me at that moment. An incredible dedication and skill of these soldiers. We had intended to visit a hospital but not in a horizontal position.

What occurred afterwards, taking us in an ambulance, and we're both in

some pain—nothing compared to what our soldiers face. But an interesting little thing happened with one of the staffers at that point. Erin reached in and patted my toe and said, "I'll pray for you." And the ambulance door closed. And IKE, always a man of good humor, said, What am I? Chopped liver? What's wrong here? No one's going to pray for me? He had issues, too.

We went to a hospital then in Baghdad. Some difficult moments. Hearing the cries of a young boy whose room was near ours who, we understand, his parents had just been killed, and he was hurt, too.

And then traveling over to Balad where our soldiers who were wounded pretty severely were all being prepped to take to Landstuhl Hospital in Germany, and to see what takes place as people with some pretty severe injuries were prepared, sometimes on basically a traveling intensive care unit with doctors and nurses around them.

And IKE and I are both on our helicopter trip over there. And having those moments when you're lying on this litter on this same helicopter that carries so many of our wounded soldiers, it gives you something to think about. And of course traveling over to Landstuhl on this big C-17 for several hours' flight.

But now and then I would hear this voice coming from either above me or below me, wherever we happened to be on that particular flight, there's the voice of IKE saying, Well, what do you think about this? Well, we're learning something here. Always just that little bit of humor and putting that little bit of perspective on an otherwise pretty stressful situation—not only of what was happening to us but being around all of these wounded and all of these doctors and nurses doing so much.

I'm sure IKE has lots of variations on the stories he tells, but what is important to hear is, after we came back, he had of course made sure that that one staffer who tapped my toe and said "I'll pray for you" understood that he wanted prayers, too. And it was some time after that, I believe, IKE, that what you received was a note that a mass was being said for you by the Pope. So you certainly outranked me on what was happening there.

□ 1830

But it's his humor, it's his knowledge, it's his incredible class. A lot of times Americans may hear criticisms of Members of Congress. And you may hear the bipartisan attacks on each other, which is hardly bipartisan. That makes the evening news. When people call each other names, when they insult each other, when they play political games, that's going to make the front page. What you don't hear about is the genuine friendships and respect we have for each other.

And let me tell you, IKE, I can't think of anybody in this House that I

have more friendship and respect for than what you have taught me. The people of Missouri ought to be real proud that you served them for so long. I know they are. And I am mighty proud to have had the honor to serve with you, and a man that I can always call my friend. God bless you and thank you.

HONORING CONGRESSMAN IKE SKELTON

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New Hampshire (Ms. SHEA-PORTER) is recognized for 5 minutes.

Ms. SHEA-PORTER. There is a button from an old Presidential campaign that says, "I Like IKE." In this case, I love IKE. We will have to have a new button to talk about IKE SKELTON. I arrived in the House 4 years ago on the Armed Services Committee, met IKE SKELTON, and recognized immediately that he wasn't just a friend of the generals and a friend of the powerful; he was a friend to everybody. And I had the great pleasure of traveling with him. And I saw the way he treated the very, very young soldiers.

And having been married to a young soldier at one time in my life, I recognized how overwhelming it was when anybody above the rank of sergeant spoke to young men and women. And here was the chairman of the Armed Services Committee of the United States of America bending over to get some words of advice from the young men and women of this country who serve us. And that has stuck with me, IKE.

It's true that you are an incredible scholar, a historian. If IKE says it's so, it is so. And he often told us what was so. And he gave us lists to read and things that we should do and things that we should know. And he was always right about that. And when I traveled with him abroad, the respect that we all received because we were with IKE SKELTON was absolutely impressive and overwhelming.

And so to say good-bye is extremely painful, but I think what we really need to do is celebrate the great gift that you gave this country, the gift that your family gave this country, the gift of you, your time, your knowledge, your experience, your wisdom. And the way the rest of the world views you is the way we view you, with tremendous respect, and admiration, and love. Thank you very much for your service.

HONORING CONGRESSMAN IKE SKELTON

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. LORETTA SANCHEZ) is recognized for 5 minutes.

Ms. LORETTA SANCHEZ of California. Mr. Speaker, I thank my fellow

colleague, Mr. GARAMENDI, for being so generous with this hour. To our chairman, IKE SKELTON, thank you. Thank you very much.

What I have learned, sitting for 14 years, my full time here in the Congress on this committee, has been invaluable. And you were actually the first to ask me to go on a congressional delegation, the first to take me before some of the world leaders, the first to tell me about what it was to be in the military. And all the information you gave me, "Learn the ranks, LORETTA. Learn what a star means. Learn what two stars mean." Just all the very beginning information 14 years ago when I got to the committee, I cannot say enough, IKE. I really can't.

Aside from being somebody who has loved the troops, and you have, and I have seen that just as my colleague, Mrs. DAVIS, and I sitting on the Personnel Subcommittee have seen that from you, aside from really being the champion for the troops, and that's how I will always remember you, you are really a Congressperson's Congressperson. You are somebody that we model ourselves after.

And, IKE, from the bottom of my heart, we will miss you. Thank you. Thank you for all the memories, for all the learning, and in particular for taking some of the women on the committee under your arm and showing us what it is to serve proudly on the House Armed Services Committee. Thank you, Mr. Chairman.

HONORING CONGRESSMAN IKE SKELTON

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Mississippi (Mr. TAYLOR) is recognized for 5 minutes.

Mr. TAYLOR. Number one, I want to thank Mr. AKIN for allowing us to go into your time a little bit. As a fellow Missourian, it's obviously time well spent.

Mr. Speaker, I have a Vietnamese American friend who has a limited use of the English language. He is also very devout. I once saw him at his boatyard hit his thumb with a 5-pound maul. And having a limited use of the English language and also being very devout, he did not use the kinds of words I would use in that situation. He just shouted over and over as he was shaking his thumb, "No joy." This is a "no joy" moment.

For those of us who have had the privilege of working with IKE, we want to say thank you. If you are the mother or father of a troop, a marine, a coastie, a sailor, you should know about IKE SKELTON. You should know his name. In our line of work, if you do something stupid, you are a headline. If you do the right thing, people don't know your name.

But if your child has been saved because of a mine-resistant vehicle, you

should know IKE SKELTON's name. If you are a military retiree who is enjoying the benefits of TRICARE for life, you should know IKE SKELTON's name. If you are a guardsman or Reservist who is now eligible for TRICARE, you should know IKE SKELTON's name.

What he won't ever tell you, out of concern for his kids, and I won't tell you the branch, but he has two sons who are officers in the United States military. But what every mom and dad should know is that there was one more parent out there looking out for their kids, and that was IKE SKELTON.

So, IKE, for all of those things and for your great humility, I got to tell the story. IKE visited a Coast Guard buoy tender on the Missouri River. And given his nature, obviously he paid his respects to the captain, engineering officer. But then he sought out the lowest-ranked person on that boat, a seaman apprentice. Went back to him and said, Hi, how are you doing? I am IKE SKELTON. I am a Congressman from Missouri. How do you like the Coast Guard? I do. He said, Have you ever had a Congressman on your buoy tender before? And the kid said, No, and I hope to hell we never do again. They have been working my butt off for the past 2 weeks scraping and painting, getting this boat ready for you, sir.

Now, only IKE SKELTON would tell that story about himself. So now the rest of America knows. And I hope that seaman apprentice is listening tonight, and I hope he made chief one day.

But, IKE, you have been an incredible role model. Someone who put together a \$600 billion bill that involved the lives of airmen, marines, sailors, and to some extent coasties, certainly the troops in the field, and it passed out of your committee unanimously. That is an incredible feat. And all of us are grateful for your service. God bless you.

HONORING CONGRESSMAN IKE SKELTON

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. GARAMENDI) is recognized for 5 minutes.

Mr. GARAMENDI. It was 13 months ago that I was given the great privilege of becoming a Member of the Congress. And it was 7 months ago that I was given another privilege of becoming a member of the Armed Services Committee. For the last hour and 10 minutes, we have heard from Chairman SKELTON and from his colleagues that have expressed their appreciation based upon their knowledge and their experiences of working with an extraordinary man.

I feel cheated that I don't have all of those years that my other colleagues have had to learn and to share time with Chairman SKELTON. My 7 months

have been just too short; but in those 7 months, I have found the opportunity for friendship, brotherhood, and the opportunity to work and to be mentored by an incredible individual.

□ 1840

What you have seen here tonight is the outpouring of emotion and respect for a gentleman that has served this Nation and the armed services for 34 years in the capacity of a Member of Congress. That's an incredible record. Seven months of that I have had a personal experience of, and I value those moments intensely.

I have had my hours on the floor talking about policy. I have not had such an important hour as this hour listening to the Members of this Congress speak of one of their colleagues. It has been a very good hour.

Chairman SKELTON, you are loved, beloved, for a very good reason. You are a unique individual.

HONORING IKE SKELTON

(Mr. AKIN asked and was given permission to address the House for 1 minute.)

Mr. AKIN. Mr. Speaker, I also wanted to add my note to the already numerous congratulations and praises for Chairman SKELTON. I have served my 10 years in Congress on the Armed Services Committee. I told him the night before last at a reception that I thought that IKE was like my big brother down here.

You know, sometimes as we go on CODELS in the field, and we can talk to different level officers, sometimes it's a sergeant, sometimes it's a general, sometimes it's in between, how we get different answers, and sometimes a well-placed question to the right person is very helpful. I am a Republican, and sometimes a well-placed question to a Democrat is a very smart thing to do.

I will ask IKE, I say, I think I have got a bright idea, IKE, but what do you think of it? And he will tell me sometimes, TODD, that's the dumbest thing I ever heard. And sometimes he says that would be a good thing if you can get that done. Because IKE is like a big brother. He is a big brother to everybody down here.

IKE runs a committee the way I understand it used to be done, where the objective is to deal with the security of our country, and that is the business of the committee.

So I thank you very much for your great work down here. We are going to miss you a lot, Mr. Chairman, Mr. Marine, and my big brother.

God bless you and Godspeed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF SENATE AMENDMENT TO H.R. 4853, MIDDLE CLASS TAX RELIEF ACT OF 2010, AND PROVIDING FOR CONSIDERATION OF MOTIONS TO SUSPEND THE RULES

Mr. POLIS, from the Committee on Rules, submitted a privileged report (Rept. No. 111-671) on the resolution (H. Res. 1745) providing for consideration of the Senate amendment to the bill (H.R. 4853) to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend authorizations for the airport improvement program, and for other purposes, and providing for consideration of motions to suspend the rules, which was referred to the House Calendar and ordered to be printed.

HONORING IKE SKELTON

(Mr. POLIS asked and was given permission to address the House for 1 minute.)

Mr. POLIS. Madam Speaker, I rise today to honor my departing colleague, Representative IKE SKELTON. I did not get to work closely with Representative SKELTON, but I want to say it's the small things that make a difference. There was one day my sister, who had been working for the Pentagon at the time, was part of the Quadrennial Defense Review team, the QDR team. When they had that hearing, the chairman invited me right up to the podium with the committee members to be there during that presentation, and that was a great honor.

I would like to say that despite his political views in other areas, I never sensed that he treated me any differently because of my sexual orientation, and I think he fully respected me as a Member of this body.

It was really those small things and the courtesies that he showed me that made him stand out in my mind as an inspirational leader of this body who will be sorely missed. It will only be a short period of time, no doubt, until his name appears on a battleship or aircraft carrier, and I look forward to visiting that one day.

CONDITION OF OUR ECONOMY AND WORLD ECONOMY

The SPEAKER pro tempore (Ms. TITUS). Under the Speaker's announced policy of January 6, 2009, the gentleman from Missouri (Mr. AKIN) is recognized for 60 minutes as the designee of the minority leader.

Mr. AKIN. Madam Speaker, I appreciate the opportunity to join you and my colleagues tonight in a discussion that has been very much in the attention of people now for a number of

years and something that because it is so important it has maintained the attention politically for many, many months, and that is the condition of our economy, indeed, the condition of the world economy as well.

This might seem like kind of an esoteric topic, but it affects Americans all across this great land, and the main effect is that people don't have jobs. When you don't have jobs, things don't go so well.

The American Nation was founded by many, many courageous people over a period of hundreds of years, and they came to this land with dreams in their hearts, an idea to try something out, idea to test their abilities, to make something that had not been made before, do something that had not been done before.

And so they came. Initially I talked a couple of weeks ago about that brave band of mothers and fathers and kids that we call the Pilgrims. They came to this land with a dream of starting a new Nation.

In the first few months half of them almost died, just slightly under half. And yet when the Mayflower left Plymouth Harbor, those people that had that dream in their heart stayed because they believed that this could be a special and a unique Nation. And they saw themselves, as Governor Bradford wrote, as stepping stones to others who were coming to found a new nation.

Starting with that little group and with others even before them at Jamestown, you have people like Thomas Edison. He had the idea that he would make a light bulb. So he made a 100 different lightbulbs, all of them failures, and his attitude was, well now I know 100 ways not to make a light bulb.

So it was that America, with all of these courageous people that had that perseverance and that grit, one person at a time started building this Nation, one dream at a time. It became such a common thing, we gave it a name: We called it the American dream. The dream was to be able to come here with barely the shirt on your back and end up in much better condition than when you started. And so the condition we find ourselves in with unemployment high, and the economic conditions difficult, is something that we should view is not very consistent with our past or what we expect from this country or the standards that we would hold up.

The condition of the economy is one of those things that if you look at it from a mathematical point of view, there are basic principles in economics that govern how things work. If you violate those principles, there are bad results. But if you keep to the principles, you do pretty well.

Unfortunately, over the last number of years, and with both Republican and Democrat sometimes at the helm, we have violated some basic principles,

and now we are starting to see the fruit of that in a high level of unemployment.

Now, I have here a little cartoon. This is the President, and he is wanting to know, how come you are not hiring people? You have coming into the china shop, triple bulls here, the health care reform and the cap-and-trade or cap-and-tax bill, and the war tax. And this poor guy that has got the china shop is looking a little bit worried. This is a nice cartoon.

But the point of the matter is that there are things that we can do which are going to make it very hard to create jobs. Now if you were to try to categorize those things, and I have had a chance to go to my district in the St. Louis and St. Charles area in Missouri and talk to many small businessmen, medium-size businessmen, but people from across the Nation too up here in Washington D.C., and if you ask them this question, people who are in the business world, what are the ways that you can make sure you are going to kill jobs?

Maybe this is a reverse way of looking at it. I apologize for that, but there is a reason for why I am approaching it this way.

□ 1850

One of the things to do if you want to make sure that there's not going to be jobs for people, well, I think about the first thing usually, and I don't know that these are necessarily exactly in the right order, but certainly this first one is the one that comes to the mind of most people if you ask them, "What are you going to do if you want to kill jobs?" and the first thing they think of is excessive taxation.

Now, that might seem kind of theoretical, but it really shouldn't be any surprise to us. If you picture yourself with a lemonade stand or making some other kind of product and you figure out how much it costs you to buy your raw materials—you have, maybe it's a lemonade machine, so you have to put the lemons in it. You have sugar that you have to buy. You have to have some good water. You have to have an ice maker. So you put that all together and figure out what it's going to cost you to make some lemonade, and you look at the cost of the ingredients. People come and buy. It's a hot day, and so they are buying the lemonade you're making. There's a difference between what it costs you and what you can sell it for, and you make a profit. And that is basically the lemonade stand idea. It's not complicated.

But if the government comes along and taxes every glass of lemonade that goes out, it makes it a little harder to try and make a living. What happens if the government raises the tax too much on your lemonade? Well, nobody will buy it, and now you're out of business.

So this isn't a very complicated idea, that if you do too much taxation on a business, either the business sort of hibernates and tries to weather the storm, or they actually just plain go out of business and you kill the potential for creating any new jobs as well as getting rid of old ones. So excessive taxation is usually at the top of a lot of businesspeople's things if you want to kill jobs.

Another one, and this sounds like a big thing, insufficient liquidity. What that is saying is that businessmen need to borrow money at various times, and they have to get the loans from banks. And if the bank policy is such that the businessman has trouble getting a loan, then it makes it harder for him or her to expand the business.

In the current conditions, what we're dealing with, you find that a lot of Federal regulators are all over the banks and telling the banks to be very, very careful about any loans they make, and they have to have a tremendous amount of security to make sure that they can even have that loan on their books. And so depending particularly on Federal regulations toward banks, the liquidity is a big deal in our time right now. That liquidity is very tight.

The subject of our talk tonight is taxation. What should we do about the largest tax increase in history that's coming down the pike the beginning of next year? That's the question. But I want to put it in the context of jobs, because tax increases may sound theoretical. But having a place to work, being able to pay your mortgage and being able to put food on the table for your kids are very real things for Americans. The stress of being a good citizen, wanting to take care of your family and not being able to do that just puts a horrible stress on families and on Americans all over. And it's not the right thing, and it's because we in Congress have not done the right things.

So these are some job killers: excessive taxation, liquidity, and the economic uncertainty. That might not seem to people, right off the bat, is that really such a big deal? Well, it really is. If you own a business, every day, every week, every year you're in business, there are two degrees of gamble. You are gambling that you can keep your cost of making a product lower than what you can sell it for. But what happens if you're not quite sure what's going on with the economy? You're not quite sure about what's going on with the economy. You're not sure whether anybody wants to buy your product at all next month, and you have a whole lot of costs coming along. How do you figure that out?

Well, each businessman has to live in that area of taking risks. But you're not going to take many risks if it seems like every time you turn around

there's something you weren't expecting that's coming and whacking you upside the head, something that's affecting your business and making it harder for you to operate. And so if there's uncertainty, that's one of the things that's going to guarantee that a business owner is going to hunker down and wait for better times. So economic uncertainty is a very big factor in employment or unemployment.

The other one here is, I guess, pretty self-evident, and that is government red tape and government mandates. Obviously, you have a lemonade stand and you've got your equipment and understand what the taxes are going to be, but all of a sudden somebody comes up and says, Are those glasses you're using clean enough? Have they been government certified? And you say, Well, we put them in a dishwasher.

That's not good enough. You have to turn in this, this, and this report. And, by the way, have you done this? Have you done that?

And all of these things may not affect your product at all, but it sure affects the cost of doing business, because you have to hire an accountant to keep up with all the red tape that the government lays on you. And so red tape, regulations and mandates is particularly difficult for small businesses because they don't have lots of employees, so they can just designate one person to cover it. It takes a whole lot of the owner of the business' time.

So all of these things are job killers. And, unfortunately—I have left one off the list—unfortunately, in every one of these areas, the last number of years we have been doing exactly these things. We've been killing jobs. We've been doing all of these things in spades. The last one is excessive government spending.

You put that package of five together, and I don't care what the chairman of the Fed does or what people want to say about the razzmatazz of Wall Street. The facts of the matter are, you do these five things and you do them aggressively and you will see jobs being scarce and actually going away.

Currently, supposedly, the unemployment rate is 10 percent. Is it really 10 percent? No. It's worse than that because, if you haven't had a job for a certain number of months, they just take you off the list. They say, Oh, you don't count anymore. But there are a lot of people who haven't had a job in a long time. They're not considered unemployed, and so they are not considered part of that 10 percent unemployment number. So the real number is even higher than what the government publishes.

All of those things, though, are largely the result of policies made by Congress, made by our President, that are job killers. And we have to turn this around if we really want to see the

economy turn back and return to some version of normal and for the American Dream to work.

Now, obviously, in the political world there are different theories about what you should do in government and what would work, and during the days of FDR there was a theory that became quite popular. It was proposed by Little Lord Keynes, but also another person who was very much involved in that was Henry Morgenthau. And the theory was that if the economy were not doing well, if the government would just spend a whole lot of money, the money that the government spends would buy stuff, get people buying things and get the economy going, and therefore, by the government spending money, you could solve the problem of a recession. It was sort of the siren call to people in politics because it sounded like a good deal. You just take and spend a whole lot of money, which makes you popular because you get to spend money on all kinds of pet projects, and presto zingo, the economy is going to turn around and you're going to do better. That was the theory.

The problem is that the theory never worked. It never did work, and it's never going to work in the future because it defies the basic laws of economics.

Now, in my State, we talk a little about common sense. And the people in Missouri I don't think would buy this theory that the way to get out of economic trouble is to spend a whole lot of money. In fact, I think they would look at it a little bit like you grab your bootstraps and lift up and try and fly around the room. If you were the head of a family and you came home to your family and said one night, "Hey, we have all kinds of credit card bills. We've overspent the budget and things are not looking good. I don't have a job anymore. What are we going to do for the family budget?" and somebody proposes, "Well, hey, let's go spend a whole lot of money," people would think you were nuts. They'd probably put you in a funny little white jacket there if you did that.

Well, this is what Henry Morgenthau, who was FDR's Treasury Secretary, did. And so they tried this little scheme. And then at the end of about 8 or 9 years, before the Ways and Means Committee, this was as late as 1939, Henry Morgenthau said, We have tried spending money. We're spending more than we've ever spent before, and it does not work.

Now, we just passed that supposed stimulus bill, and we were told it was going to work. We knew it wasn't going to work because we knew Henry Morgenthau knew it wouldn't work. It's never worked in the past. But we had to try it again. And we tried that last year. And guess what? It just does not work. And then he says, They say after

8 years of the administration, we have just as much unemployment as when we started and an enormous debt to boot.

What they had also done, which he does not mention, they had taxed businesses to the point that the businesses closed. And it takes time to open a new business, start a new business and get it going. So we were able to turn a recession into the Great Depression.

We should learn from the people that went before us. And particularly, I believe the Democrats should pay attention to this Democrat Secretary of the Treasury that worked for FDR, because he told us in 1939 it would not work.

□ 1900

And what are we doing, we are spending money at the Federal level at a rate unlike anything we have seen before. The budget this year is about the same in terms of deficit as last year. People said of President Bush that he spent too much money. Well, perhaps he did. When he was President and Speaker PELOSI was Speaker, he had his worst year of spending, about \$450 billion of deficit. That is not good. But the deficit in 2009 was \$1.3 trillion, and it looks like it is very close to \$1.3 trillion for 2010. That is three times worse than the Bush years. We should be learning, it just does not work. We can't continue to spend money and think that we are going to deal with the problems of unemployment. In fact, we are making it worse.

Now, one of the things that the Bush administration did that was smart and that was right, they learned from previous Presidents. They learned that when you are in a recession that what you need to do is get off of taxation. You want to reduce taxation. They learned that not only from Ronald Reagan; they learned it from JFK. JFK, of course, was a Democrat. I wish the Democrats learned from JFK. He understood, cut taxes when you have a recession going on.

We had a recession when I first came to Congress in 2001. It started in 2000; 2001–2002, the economy was not good. President Bush understood that you needed to cut taxes. He told people that, and we were able to cut taxes. And so in 2003 particularly we cut three taxes that were very, very important. We are going to take a look at the result of that in just a minute. He understood that.

When we cut the taxes, what happened was the economy sprung around, and we had a number of good years in the economy until we turned back around and started getting into more taxes again. The taxes that we cut, those tax cuts are going to expire next year. A lot of people are talking about what are we going to do with this huge tax increase that is coming on top of us at the beginning of next year. Are we going to make the Bush tax cuts per-

manent? Are we going to extend the Bush tax cuts, or are we going to talk about it and do nothing? What is going to happen here?

Well, ordinary income, these are the top rate increases, moves from 35 percent to almost 40 percent. Capital gains goes from 15 to 20. Qualified dividends, 15 to almost 40 percent. And particularly the death tax, probably one of the most insidious, one of the most unfair and one of the most ridiculous of our taxes goes from zero percent to 55 percent. That is a killer of a lot of small businesses that have not protected themselves against these tax increases that are coming up. There are some other different ancillary tax increases that will be coming. The bottom line is the biggest tax increase in the history of the country. And when is it coming, when the economy is weak, when unemployment is high. This is a formula for disaster. We are going to talk about why that is so bad and why we must do something, and the thing we have to do is to make those Bush tax cuts permanent unless we want an even worse level of unemployment.

I am joined by my good friend, Congressman SCALISE, and I would yield.

Mr. SCALISE. I thank my friend from Missouri for hosting this hour and for focusing on this important issue. At a time when we are just weeks away from facing what would be the largest tax increase in the history of our country, we have been pushing to make the current tax rates permanent, to prevent, to stave off what would be that large, massive, job killing tax increase that is pending on January 1 if no action is taken. Unfortunately, the liberal leadership that is running this Congress right now will not address this issue in a proper way that ends that uncertainty.

You know, when you look out there throughout the country, when we talk to small businesses in our districts and all throughout the country, so many companies would like to hire, would like to make investment, even in these tough economic times; but because of the uncertainty created by the threat of these massive tax increases, it is holding back the economy. It is holding back the ability for these companies to make that investment and to create those good jobs. It is so unfortunate because we are at a point where there should be, and there is, I think, bipartisan agreement that, especially now in tough economic times, you shouldn't raise taxes on anybody, especially those small business owners who create the bulk of our jobs in this country, and yet that is exactly what they are facing and it is exactly what we are hearing from the people who say that they can't make decisions, they can't make those investments because they are looking out and they are seeing if Congress takes no action, or tries to play class warfare, which would be

even worse, to try and pick winners and losers and say some people are going to see a tax increase and some aren't, what a bad message that sends to those people who are trying to get the economy back on track.

What is so sad about all of this is that history tells us, history tells us, whether you go back to John F. Kennedy, Ronald Reagan, you can go to President Bush, when taxes were cut, especially when you did aggressive tax cuts, not only did you see job growth, but you also saw a tremendous amount of money, billions of dollars more coming into the Federal Government, which goes against this myth that is out there, the President and others say, we can't afford to cut taxes.

Well, I think we can't afford not to keep the current tax rates. We surely can't afford to have a tax increase; but history tells us, any administration you look at, you can go to 1920, you can go to the sixties, the eighties, and 2003, when taxes are cut, job creation follows and more money flows and flows into the Federal Government. The reason we get deficits is because Congresses, both Republican and Democrat, have spent too much money. The deficits come because we spend too much money.

So the formula that has always been proven to be successful and the formula we should be following right now is cut taxes, make sure nobody's taxes go up and control spending at the same time. That way you not only stop getting more deficit spending, but you can actually get on a path to balancing the Federal Government budget, which is what we really need to do.

Mr. AKIN. I am delighted you made those points. And I have some charts here that have been kicking around my office for 4 or 5 years on the very points you are making because you are so absolutely correct. It seems to me that somehow President Obama and the other leadership here in Congress have forgotten some amazingly simple things, but we make life too complicated sometimes.

One thing is the American Dream was not to make rich people poor. The American Dream was about making people who didn't have much money to be richer. Sometimes richer economically, sometimes because they come here without a high school education and watch their kids pick up a college diploma. There are a lot of ways that American Dream works, but it was never to tear people down. It was always to build people up. That seems like kind of a basic idea, but it seems like the focus is we are so worried about somebody being rich that we are willing to melt the economy down just to try to get them. And the funny thing is that people who are very rich have ways of hiding their money, and all you do is hurt a lot of innocent people.

The other thing that seems so simple to me is if you are really honestly worried about unemployment and jobs, it seems like the obvious thing is jobs come from employers. And if you destroy employers, how are you going to have jobs? That is not a complicated formula. In Missouri we would say that is kind of a no-brainer; and yet somehow here in Washington, D.C. we make it too complicated. We have a tremendous level of Federal spending, bury people in red tape, mess with their liquidity, create uncertainty in the markets, spend money like mad, and tax all of these businesses, create uncertainty, and then wonder why there aren't any jobs. It doesn't seem like it is that complicated an issue.

Getting back to what you said, my good friend, right here, and this is May 2003, there were a series of tax cuts that happened right here in May 2003. The tax cuts were capital gains, dividends, and the death tax. Those are not really popular taxes. When the Republicans passed them, we were criticized, you are trying to do special deals for rich people and blah, blah, blah. The question is when we cut these taxes, the liberals were saying you've spend all of this money because if you cut the taxes, you won't get this revenue that comes in.

□ 1910

And that was their reasoning because their mindset is the government owns everything and we're going to let the people who work keep a little bit of it.

Well, we did this tax cut, even though it wasn't popular, in May of 2003, and this talks about job creation. I started on the subject of jobs. This is the job creation before and after taxes, and anything that's going down means we lost jobs. Any line that goes up says we gained jobs. Well, here's the tax cut here, and look at this. Look at this graph of the job creation. Now, that says that something is going on at this point. Now, why would that be the tax cut made jobs? Well, simply because you let the businessman keep more of what he owns. So, in terms of job creation, these taxes had a very beneficial effect.

What happens if we reverse this? What happens if we go from here? Now, right here, we have a lot of unemployment. What happens in a time of unemployment if we reverse this effect? What we're going to do is it's going to be the same process but backwards. We're going to take jobs that existed and destroy them. Are we in a position with 10 percent or more unemployment to turn around and destroy more jobs? That seems like a definition of an insanity.

And these are month by month, year by year. This is what happens after this tax cut and this is the job effect, and I will allow you to comment on it if you want. I've also got two other kinds of

interesting charts here, not just jobs but gross domestic product, and your last point, which was government revenues, quite interestingly. I yield.

Mr. SCALISE. I thank the gentleman again for yielding.

The chart that you just showed really lays out in a very good graphical form what really does happen when you cut taxes, and unfortunately you don't hear this on the mainstream media. It's something that a lot of the pundits try to ignore. It's unfortunately something that the President I think has tried to cloud over and, in fact, speaks in contradiction to what really did happen when taxes were cut. You know, and the President is going around saying that he can't afford to keep the tax rates where they are and he needs to raise taxes on certain people, otherwise the government will lose money.

The problem with that is, it flies in the face of history. It flies in the face of facts; and in fact, your chart shows just what really did happen when taxes were cut for 48 consecutive months after those 2003 tax cuts. For 48 consecutive months our country had job growth. Every single month for 48 months, more American people were working than the month before, and during that same period of time of unprecedented job growth, 8 million new jobs were created, and your chart shows it very clearly. Not only were those 8 million jobs created, but the Federal Government took in over \$750 billion more money.

Of course when I say that, somebody listening might say, well, hold on a second, the President just said, if you cut taxes, it costs money. If you maintain these current rates, rather than raising taxes, you have got to raise the taxes because it's going to cost the Federal Government money. The opposite happened, anytime in history, not just in 2003.

As I said in the 1980s when taxes were cut under President Reagan, tremendous job growth and tremendous growth in revenue to the Federal Government. Now, yes, we had deficits, because even though the Federal Government was taking in more money, they still spent even more money than all of that coming in, which gave you a deficit. But if they'd controlled spending, if they would have just frozen levels and had normal cost of living increases, just normal growth, you would have actually had surpluses because more money was coming into the Federal Government, and the same thing happened in the 1960s when President Kennedy cut taxes.

So this isn't a partisan issue, but this is history. Let's follow history. Instead of people making things up and saying things that are just flat out untrue, if we go back and use history as our guide, when we cut taxes in this country, job creators go out and create jobs, and the facts prove it.

I used the President's own Web site when I pulled the numbers to find out what really happened in terms of job growth which we confirmed on the President's own Web site and in terms of more money coming into the Federal Government. So when they say that they can't afford to keep the current tax rates the way they are, they think they need to raise taxes in order to bring in more money, just the opposite is true.

Mr. AKIN. They're exactly wrong. They've got it upside down, just as they have it upside down the American Dream is to make people that are poorer richer, not richer people make them poorer. They've got it exactly reversed.

If you want jobs, you don't have an employer. It's kind of a basic thing. I very much appreciate your perspective; and what you're saying is, absolutely, you can prove it by taking a look at the economics.

But when I first heard that, I was kind of scratching my head. I'm not a wizard at economics but I'm an engineer, and I was trying to say, now, wait a minute, you're telling me that if the Federal Government reduces taxes, they're going to take in more money? That sounds like making water run uphill, you know. And so I started to think about it, and actually it makes a whole lot of sense.

But here's the way it seems to work to me. Let's say that Congressman SCALISE is king for the year, and your job is to raise revenue for your government and the only thing you can do is tax bread. And so you start rolling this around in your mind, and you say I could put a penny tax on a loaf of bread, or I could put \$10 on a loaf of bread. You think, a penny, nobody'd notice it, but I'd have to sell a lot of bread in order to make very much money; but if I did \$10 a loaf, wow, wouldn't take too many loaves. I'd get a lot of money. Well, on the other hand, nobody would buy the bread. So your common sense says probably somewhere between \$10 tax on a loaf of bread and a penny tax, there's some number that's an optimum; and if you raised it, you get less government revenue, and if you lowered it, you get less government revenue.

And what this effect is showing is that we're overtaxing; and by overtaxing, we're actually losing Federal revenue. So what you're saying is exactly right. It's been proven by history. We cannot afford to not cut the taxes. Certainly we cannot afford to allow a massive tax increase when the economy is on its knees and unemployment is running at 10 percent.

Let's take a look at what the numbers were. I think people might be curious about this. Here we've got job creation. Here's the tax. This is capital gains, dividends, death tax. That's what the tax cuts were. This is what happened to job creation. Let's take a look at another number here.

Let's look at the gross domestic product of our country. This is kind of a neck snapper of a chart, it seems like to me. If you can get into these funny economic charts, this, though, is a reflection of what our future could or could not be. This was the gross domestic product here before the tax cut. Here, again, is the tax cut right here, and take a look at the national GDP, even have a couple of times when we're actually losing GDP in a couple of months when the recession is bad, 2001. You see it coming up a little bit up here to sort of a sluggish two, but you see it's spotty; it's up and down.

And then we put these tax cuts in place. Not only did employment change but take a look at gross domestic product. Kabaam. You know, we're talking, we had one quarter where we had 7.5 percent GDP growth. That's a pretty decent level, but you can see quite an improvement after this tax cut went into place.

Now, as you would expect if you got GDP going along the right direction, employment going the right direction, here's the other thing, and this was your point. My respected colleague, take a look at Federal revenues. If the example of the loaf of bread and the tax line up seems a little bit odd, here's the evidence. Here's the tax cut. This is Federal revenues. Federal revenues are tanking because the economy is in trouble.

We do the tax cuts in 2003, just as we did with JFK, with Ronald Reagan. All of a sudden, you see Federal revenues coming up. Now, this is totally opposite to everything the President and the liberals are saying. They cannot explain this. This completely puts the lie to what they're saying.

If you do not cut the taxes, what's going to happen is we're going to continue in this death spiral that we've created, and we've created it out of stupidity because the facts are here. After that tax cut, four straight years of increases in Federal revenue, and so there you have the effect.

We are overtaxing. We have stalled the economy. It's a little bit like you're in that little World War I, World War II biplane, whatever it is, and you're in that spiral headed to the ground and you grab the stick and you pull the stick up and you pull the stick up and the plane just keeps spiraling and the ground gets bigger and bigger as you're losing altitude; and you pull the stick up and you say, oh, my goodness, everybody has gotten in a graveyard spiral and almost died and then one guy came along and said I'm going to do something that's a little counter-intuitive.

□ 1920

What I'm going to do is I'm going to push the stick forward. It's going to allow the plane to stabilize even though it's going down, and when it

gets stable, then I'll pull the stick back up.

In a way, that's what we did. We have got the economy in a spiral where we are taxing people and where we are red-taping them to death. Liquidity is a problem; there is uncertainty, and we are spending money like a bunch of fools. What we are going to have to do is use some sense from the past, from the people who came before us.

I would be happy to yield to my good friend from Louisiana.

Mr. SCALISE. You know, when you look at these charts, all it really is, you know, is a reflection of what really happened historically. They say, If you don't learn from the mistakes of history, you are doomed to repeat them. You can flip that around and say, Go look at what has always been proven to work. There are things that have been good and bad throughout history. You can go into the 2000's and look at 2003 when taxes were cut. There were some good things and some bad things that came out of that.

The good thing was, when the taxes were cut in 2003, you had, as your chart shows very clearly, a tremendous increase in Federal revenue, and you had a tremendous increase in job creation. Eight million jobs were created. The bad thing that happened was that you had deficits, but it wasn't because of the tax cuts. It was because more money came into the Federal Government, but Congress spent even more than that. When Congress spends more money than that which comes in, you end up with a deficit.

You can control that not by raising taxes, because if you raise taxes—again, use history as a guide. When taxes are increased, one of two things happens. In some cases, you'll get a flat line—you'll get a flat revenue intake—but in many cases, you'll actually get a decrease. Even though you're raising taxes—and it might seem intuitive to some liberals—what happens is it's the cost of doing business. If a company is looking to hire people and now it costs more money in America to create that job or to manufacture that product, then it explains why so many of our manufacturing jobs have been leaving this country and going to other countries.

The tax increase that President Obama is creating might be good for economies, but it's good for foreign economies because it's pushing more and more investment out of this country. So the jobs that will be created will be created in countries like India and China and other places where they don't punish somebody for manufacturing. In our country, unfortunately, there is this mentality, and there are some in this leadership who continue to try to play this class warfare game and pit one American against another.

What we ought to be doing here in Congress and at the White House is

working together to put policies in place that will help everybody, that will not just help the job creators but will help the people who are struggling at the bottom, the people who want to find jobs. There are millions of Americans out there who want to find jobs.

You know, in my State of Louisiana, we are seeing the negative repercussions of these policies coming from President Obama: how it's costing us jobs with this permitorium, as we call it now, on drilling, and how the President bragged about lifting the moratorium on drilling but now has replaced it with a policy where they're just not issuing permits.

Then today, just today, the President and Secretary of the Interior came out and said they were going to shut off more areas around the country that were getting ready to be opened for the exploration of energy. They're shutting those off. So now they're not issuing permits in the Gulf of Mexico, which, according to the White House, has already led to about 12,000 more Americans losing their jobs. This is not because of a downturn in the economy. Because of the policies of President Obama, 12,000 more people have lost their jobs, and billions of dollars have left the Federal Government and are going to foreign countries. Our energy security in our country has decreased, and we are now more dependent on foreign oil because of the policies of this President.

So, on one hand, he is trying to raise taxes on our small businesses, which, as your chart shows, is going to devastate the economy and is not going to bring in more money to the Federal Government. On the other hand, he has got policies, like the permitorium and the lack of open areas for the exploration of drilling for natural resources, which are taking away what would have been thousands of more new jobs, and now he is shipping those jobs to other countries, like Brazil and Egypt, which is where some of these rigs are going.

You know, it's sad to think, but it's true. It's a sad day in America when it's a better business climate to do business in Egypt, which is where some of these rigs are going, than in the United States of America because of the President's own policies. This is reality. This is what is really happening, and that's why we have got the job creation problems. That's why we have got the lack of jobs we have today. It is because of the policies of this administration.

Mr. AKIN. You know, you're giving a very concrete example, and maybe I was being too general.

My point was, if you punish the business, you shouldn't be surprised if there are no jobs there. The business is the one that hires people. It's not that complicated. There is a direct connection between employer and employee.

What you have just given an example of is: When you shut the company down, then you can't say, "Well, I'm so surprised that there is unemployment." You created the unemployment by the policy. It's crazy. It's really crazy.

I understand that the President did support some drilling, but it was off of a foreign coast, and it was with American tax dollars. We are encouraging them to drill, but we can't drill on any of the American sites. That just doesn't make any sense. I think that's what the voters were concerned with in this last election. I think they are concerned with that. They see that there are ways that we should be going as a country, things that we can learn from history, and if there is one thing we should be dealing with immediately, right now, it's making those Bush tax cuts permanent because the economics of that thing works both ways.

If you cut the taxes, you saw what happened to the gross domestic product. It goes up. Unemployment goes down. If we create jobs, we create more revenue for the government. If you do the opposite, then the result is going to be the opposite. You're going to have more unemployment. You're going to have less revenue, and you're putting us farther into this downward spiral. Our country can't take a whole lot more hits like that, especially with the incredibly aggressive spending schedule.

I don't recall specifically, gentleman, whether you were there with Dr. Laffer today as he was visiting us.

Mr. SCALISE. Yes, I was.

Mr. AKIN. He has some very simple and easy-to-understand ways even though he's one of these Ph.D.-type economists and all.

In fact, what we're talking about here was named after him, the "Laffer curve," showing that when you cut taxes—and he has proven that—that you're going to actually get more Federal revenue—if you do the right kind of taxes, that is. What he was saying today sort of captured my attention.

He said, Look at it from a simple point of view. If you're a business, are you going to hire somebody?

Well, what you're going to say if you're a businessman is, "It's going to cost me this much money to hire this guy, and if I do hire him, he is going to make this much."

So you take a look at that. If he is going to make more for you than what it costs you to employ him, then you're going to hire him because that's the way businesses work. You hire people in order to make a profit, to make your business grow.

Now, what happens in this equation if the Federal Government says to the businessman, "Okay. Now, before you hire that guy, just remember this, that we're going to tax you. We're going to put these additional costs into what

you're going to have to pay if you hire this guy?"

Well, you don't have to be a rocket scientist to say, Oh, my goodness. If the government starts adding things that the businessman has to pay, it's going to make it harder and harder for him to find the economic ease to hire somebody.

That's another way of saying what we have done by these policies is we have essentially driven that unemployment number. We have actually created that by the foolish policies down here, by forgetting the simple fact that, if you destroy an employer, then you're not going to have employees.

The simple fact is that America wasn't based on class warfare, on uncovetousness, saying, "Don't you hate that rich guy? Look at how much fun he's having. Are you having as much fun as that rich guy?" That wasn't what made America great. What made America great is we're all on the same team, that everybody wants to see everybody else prosper, everybody working together, being honest with each other, each following the dream that God put in their own hearts. That's the America that our Founders built. That's the America that most Americans want to see us returning to. They want to see a win-win scenario, and they want to see us do the policies that are right here. We know we don't create any jobs here in Washington, D.C. Any time we create a government job, it takes two jobs out of the economy. We don't create jobs, but we do affect the playing field that jobs are on.

Why do we want to send our jobs to foreign countries? I can't see why we should be doing that.

Mr. SCALISE. You know, the gentleman referred to the meeting that we were both at today with Art Laffer, the brilliant economist who worked for President Reagan in the White House, who helped create a lot of those tax policies that gave us that unbridled economic growth. He goes into detail and talks about the decisions that went into that and what works and what doesn't work.

□ 1930

And there are things that don't work, but there are things that have been proven again historically throughout time.

Going back to the 1920s, you can go before that, things that you can do that have always worked in terms of cutting tax rates. And there are levels where you get above certain levels, and in the 20s is where you are starting to get into dangerous territory. Right now the President is trying to bring the highest rate up to 39.6 percent taxes, plus he's going to try to continue to allow this death tax to go to 55 percent. It's at zero today. If someone were to die today and have a family

business that they built up over their lifetime, they could pass that onto their family, and there is a zero percent tax on their passing away, a tragic event that shouldn't be made even more tragic by government coming in and confiscating 55 percent of their business to the point where the children's decision, more of their grief is dealing not with the loss of their loved one but now the fact that they have to dismantle the company that their father built for his entire lifetime just to pay the taxes to the Federal Government. And that will happen. Starting January 1, that death tax goes up to 55 percent. It's one of the most onerous, obnoxious, and evil taxes, because you're talking about people who have already paid taxes to create that wealth.

I think one of the other things Art Laffer talked about today is if that person, instead of building up that company, creating that wealth and creating all those jobs that went along with it, if he would have just gone out and blown the money, he wouldn't have been taxed on that. There's no tax on just going out and spending the money and blowing it. But if he built his business and created hundreds of jobs and then wanted to pass that on to his children, the government is going to come in—starting January 1 if Congress doesn't take action—and tax that business 55 percent just by the virtue that that business owner passed away, to the point where now the family has to sell and dismantle the entire business and maybe have to lay off all those employees just to pay the taxes. That's not what America is all about, that's not what made America great, and yet that is tax policy that President Obama wants to put in place starting January 1.

Mr. AKIN. You know, the thing that was amazing, the way he explained it was really a contrast. You have a person, and say he's a couple of years away from dying and he has this business and this business is worth millions of dollars. Now there are two courses he can take. The first is he goes and drinks like mad, does drugs, chases women, gambles it all away, and in every way wastes the money. Does he pay any tax on it? He has already paid the taxes. No. So the government lets him off scot-free for that. So we encourage that behavior. But what happens if he says, hey, I have a son, I would like to pass the business on to my son. And he has some employees and they want to buy part of the business, so I'm going to not squander my money, but I'm going to save it. So he waits 5 years, saves his money, dies, and now what do we do? We tax the family 55 percent.

Now how many people have a business—picture if it's a farm or a manufacturing business—where you've got to take more than half of it, liquidate

it to sell it in order to pay the tax on it. It's going to destroy the business. And so we have a policy that rewards people for being totally irresponsible and punishes people for doing the right thing. As Dr. Laffer said, that's just so contrary to common sense.

And what are we going to do? We're going to let that death tax go from zero to 55 percent. That is just nuts. And what it's going to do of course is, guess what? It's going to destroy jobs, it's going to reduce Federal revenues, and it's going to hurt the GDP. And yet here we go because we figure we've taxed them every which way, but we haven't gotten them one last clip when they die. And why we would even have a death tax, it just seems so abhorrent that we would possibly let that go on.

Mr. SCALISE. It is such a sad state of affairs that in the greatest country in the history of the world—and you and I both know we've got really serious challenges, we've got real big problems in this country that we're facing, but with all of those problems this is still the greatest country in the history of the world. But what that light of freedom, the Statue of Freedom at the roof of this building right here, the Capitol dome, what that statue stands for, and when you pass through Ellis Island and you see the Statue of Liberty, it represents a freedom that exists nowhere else in the world. All of that is at risk if these kinds of policies continue. I know that's a dramatic statement, but I think most people across the country have recognized that when you take into account the radical level of spending, the unsustainable level of spending going on here in Washington—trillion-dollar-plus deficits as far as the eye can see, the first trillion-dollar deficit in the history of our country was last year, only surpassed now by this year's, and next year looks to be just the same—everybody knows we can't sustain this level of spending. And then you look, and the President and Speaker PELOSI's plan for taxes is to raise taxes on American families and small businesses. And the American people get it. They know what that means to job creation. They know it's going to stifle job creation. It's going to make it harder for businesses to compete globally. And for many of them, it's going to make it harder for them to even keep their doors open. And yet those are policies that are continuing to be put in place by this administration.

But people know, I think—what's more than all of that, to a small business, if they don't make as much money as they did last year—you want everybody to be able to be profitable so that they can continue to create jobs. But I think to most people what is the most concerning is not maybe this year they're making less than last year, that's bad, but what I think is concerning most people is that the one

great tradition of this country, from the day George Washington took that oath of office until this day today, every generation has had better opportunity than the one that came before them. Every single generation in the history of our country has had better opportunity than the one that came before them. And I think we all know if we stay on this unsustainable path of spending and taxing, with unemployment like it is, the next generation is not going to have that same opportunity, and we cannot let that happen. I don't think the American people are going to let that happen. And I think that's why in November, in that historic election that was just held a few weeks ago, people said they're not sitting on the sidelines anymore because they know what's at stake. They know we can't keep going down this road. And if we want to keep the light lit on that Statue of Freedom, if we want to make sure that the promise that's envisioned and represented in the Statue of Liberty, if we want to keep that torch lit for the next generation, we have to make serious changes right now starting today.

Mr. AKIN. I think you're absolutely right. I think that's what the American public is seeing and sensing. I might put it in slightly different words, and maybe just because I'm a little older than you are, but my sense is we had a tradition that the government was to be the servant of the people. It seems to many of us as though that has started to tilt, and the government is now a fearful master. I think the public is saying we have had way too much government, we're taking a look. The problem isn't the outside, the problem is the government, and the government has to be reduced back to its servant status, back to the basic principles of economics, back to honoring the traditions of our Founders and the dream of allowing people to use their imagination and their ingenuity, and to succeed or to fail. If we didn't let Thomas Edison fail hundreds and hundreds of times, we wouldn't have any lightbulbs. You have to allow freedom to work. I think that's where we have to go as a country; we have to go back to the traditional paths that have always worked for us.

We are a very unique Nation in so many different ways. People around the world, when there's an earthquake or when there's a problem, the Americans are there. After World War II, we defeated our enemies and we taxed ourselves to rebuild our enemies. We established no empires. We built no kingdoms. We are absolutely unique in the history of mankind, and it's because we have high standards, high traditions, and we believe in freedom and the American way. This is the way to turn things around.

My good friend, Congressman SCALISE, I thank you so much for joining

us tonight. I know our time is starting to get a little bit short here.

I would once again encourage Americans—we know the solution to move forward, but we are not going to be moving forward if we allow the largest tax increase in the history of our country to settle in on January 1. It will have the same negative effect as its positive effect when it first went into place. We do not want that. We have to keep those tax cuts in place, and we have to make that decision and move forward for the good of all of America.

Mr. Speaker, thank you so much.

□ 1940

MODERN DAY SLAVERY REPARATIONS

The SPEAKER pro tempore (Ms. TITUS). Under the Speaker's announced policy of January 6, 2009, the gentleman from Iowa (Mr. KING) is recognized for 60 minutes.

Mr. KING of Iowa. Madam Speaker, it's my privilege to be recognized here on the floor of the House of Representatives in this great deliberative body that we are. And it is a blessing and a gift to the American people that we can have our debates and our discourse that rages back and forth here on the floor of the House. And sometimes we're not so polite to each other. I regret that. But the passions arise here rather than have them arise in the streets of America.

So in a way, we take a lid off the pressure cooker here in the House. And we vent these issues, and we find a way to at least sort out the policy that can be accepted or accommodated by the other side. And often we're able to come to a good product that's good and right for the American people.

Madam Speaker, I come to you tonight with a number of things on my mind and the primary issue that concerns me is what took place here in the House yesterday with the debate on the rule and on the bill and subsequently the vote spent another \$4.6 billion, unbudgeted, unauthorized, unacceptable—and not just 41 cents out of every dollar borrowed, a lot of it from the Chinese and the Saudis—but all of this money, all of this unbudgeted funding is a hundred percent borrowed money because it goes above that level. It was unnecessary money to be spent. So every bit of it was borrowed money.

And by a vote of 256–152, this lame duck Congress, this invalidated Congress, this rejected Congress, has gone down the path over and over again of spending money that we don't have for causes that don't have the support of the American people spent by a Congress that's no longer the valid representatives of the people. That's why it's called a lame duck. We should have shot this lame duck a long time ago. It

still limps along and it still flares up, and it still steps in and goes against the will of the American people.

Now, I would submit, Madam Speaker, if this Congress had reflected the will of the American people, the gavels would not be changing hands come January 4 of 2011. They'd stay essentially in the same hands with a smaller switch in seats.

But we can see this happen over the last 4 years as the San Francisco agenda began to manifest itself here on the floor of the House of Representatives. And it didn't really get enough traction that the American people really understood what was going on until such time as President Obama was elected and his agenda matched up so closely with that of the Speaker's agenda here—that San Francisco agenda—that the American people could see clearly. By the way, coupled with that of the gentleman from Nevada from down through across the rotunda on the Senate side, the three of them, HARRY REID, NANCY PELOSI and President Obama. I said this more than 2 years ago, 2½ years ago, If you elect this ruling troika, they will be able to go into a phone booth and do what they will to America, and they won't be accountable to anybody. And I should have said, Until the subsequent election.

Well, the American people did elect Barack Obama, and they sent NANCY PELOSI back here in a position to become the Speaker, which she was, and HARRY REID maintained his position as the majority leader in the United States Senate. And they did to the best of their extent what they could to America.

There's a whole list of things that aggrrieve me and very much that must be undone. Some things that passed the House that didn't make it through the Senate were painful votes for some of the Members that will be going home. And I regret some of the friends that I have made on the other side of the aisle that I'm saying goodbye to this week and the next week and the next week. There are some good Americans that have served this country well that were voted out of office because of the anchor that was attached to them by the San Francisco agenda.

But there's this agenda, this agenda that I've called modern-day slavery reparations. And some think that might be a rhetorical stretch. But, Madam Speaker, I'll point out not only did JOHN CONYERS, as the chairman of the Judiciary Committee, hold impeachment hearings for President Bush and Vice President Cheney—he said they weren't impeachment hearings but they were, in fact, impeachment hearings, the basis of it I still don't know but I sat in on them—not only did he hold those, he held hearings on a whole number of things including hearings on slavery reparations.

And I made the argument that you cannot fix something that happened a century and a half ago. You can't go back and put the blood back in people's veins when they've paid in blood to put an end to slavery. And you can't hold the generations, six and seven generations hence, responsible for the sins of the great great great great great great grandfathers.

And the chairman, Mr. CONYERS, a respectable individual whom I count as a friend and have always had a good personal relationship with, told me, That's why we're having these hearings to find out. You think we can't fix these problems by providing reparations, and we're holding hearings and we're going to see if we can figure it out.

Well, that's the mindset. I mean, if we're actually having a discussion about whether you can compensate people for labor that they did while they were slaves in the first half of the 19th century and earlier to those descendants, how do you sort out who's descended from slaves and who's not? They don't know how to answer that question. They just think somehow there should be a redistribution of wealth.

Well, this redistribution of wealth is something that also comes out of the mouth of our President. It was very clear when he made the statement to Joe the Plumber when he said, Share the wealth. And it's been very clear as he's played the class envy card time after time after time and divided Americans against each other for a whole series of reasons—and a lot of it that has to do with how much money each of us make, forgetting that it is the American Dream to become a millionaire, to pile another million on top of that, the second million is easier since the first. How long has it been since we've heard that? It might be harder than the first because this President wants to punish that first million and the second million and the third million. Hopefully, that gets resolved this week. We've reached a bit of an impasse on it. But the redistribution of wealth goes on.

The hard-core leftist agenda is still driven. The leaders and many of the Members of this lame duck 111th Congress, if they got the message, their message back to us is a spiteful message against the American people, which is, So you didn't like debt and deficit and you'd like to have jobs and a better growing economy. Well, on our way out the door—you've thrown a lot of us out of office—on our way out the door, we're going to give you a little more of what you didn't like. They're saying to the American people, Oh, you didn't like what we gave you in the 111th Congress or the 110th Congress, you didn't like what we gave you under President Obama. Well, if you didn't like it, here's some more. That's what's going on in this lame duck Congress.

If the American people don't like what's been served to them by NANCY PELOSI and President Obama and HARRY REID, they're saying, Madam Speaker, to the American people, here's some more.

Well, here's some more that came at us yesterday: the Pigford Farms issue tied together with the Cobell issue that has to do with how resources were managed for certain Native American tribes. And I'm not an expert on the Cobell issue. I have been drawn into the Pigford issue.

But, Madam Speaker, Pigford Farms is this: it is the largest class action suit in the history of the United States. And the single largest recipient of that, her name is Shirley Sherrod. You remember Shirley Sherrod. She's the lady that announced on July 22 of 2009 that she would be the largest recipient in the largest civil rights case in history, which turns out now to be \$2.3 billion to compensate for discrimination—an amount that—I agree there was discrimination and I agree we should compensate people who were discriminated against. It's a very difficult task to quantify, however.

But Shirley Sherrod received the news of the award of \$13 million to her and whoever the people she might decide to distribute it to. We don't have access to those records. These cases are apparently sealed.

On 22 July, 2009, Tom Vilsack, Secretary of Agriculture, hired her 25 July 2009. Because she's the largest civil rights recipient in the largest case in the history of America, and the case is Pigford versus Vilsack—the Secretary of Agriculture.

Timothy Pigford filed the suit and the class action lawsuit and so his name, the first plaintiff's name, is listed as the name of the suit versus the Secretary of Agriculture, which was Glickman, and it became then the successor Secretaries until it became Tom Vilsack. But it was Tom Vilsack that was named then in the suit as successor, Pigford v. Vilsack, and the largest recipient was Shirley Sherrod. And what does he do 3 days after the \$13 million was announced that she would receive? Hires her.

I can't fathom hiring somebody who had sued me, who had pushed for a settlement that turns out to be \$13 million. The next piece is, what do they need the job for, and why would I reward them with a job? What else was going on in the mind of the Secretary and Shirley Sherrod that he would put her on the payroll and make her the director of USDA rural development in the State of Georgia?

□ 1950

This all came to light because there was a YouTube clip of Shirley Sherrod's speech before the NAACP that in its edited version appeared to make some racist statements. And I

saw the speech in the totality enough that I accept the overall message on what she learned from that. And so I am not taking issue with the totality of her speech. But she was fired apparently for the clip that was out. And the clip I think is a clip that was available to the Web site that posted it, what was available at the time.

But in any case, \$13 million recipient in the largest civil rights case in the history hired by the people she sued 3 days after the settlement announcement came down. And that's just a piece of Pigford Farms. Pigford Farms has been dragging on for years. And what happened was Dan Glickman, then Secretary of Agriculture under Bill Clinton as President, stepped up and announced that they had discovered that there was discrimination taking place by U.S. Department of Agriculture employees against black farmers primarily in the South, because that's where they lived. And when that happened, it opened up the class action. The lawyers went to work and they produced what's now Pigford I, the first settlement consent decree.

It was approved by Judge Paul Friedman. I brought his opinion, Madam Speaker, with me to the floor tonight. And if those might think when I say this is a modern day version of slavery reparations, I would point out that in the case the first words in the opinion of Judge Paul Friedman are this: "Forty acres and a mule." Forty acres and a mule.

Madam Speaker, he goes on to lament that he can't fix all of the wrongs that come out of slavery and the segregation in one civil rights suit. One can read between the lines that he is sorry that he can't fix it all. One can read between the lines that he may well be glad to hear a Pigford II proposal come before him so that he could ratify it once Congress has appropriated an additional \$1.15 billion.

Here is what Judge Friedman wrote about the Pigford settlements, these \$50,000 settlements that were paid out to black farmers for—they had to meet four criteria: had to be African American. They had to have farmed or wanted to farm. They had to have believed they were discriminated against. And they had to attest that they filed a complaint, that could have been verbal, to a USDA employee, a Member of Congress, a couple other categories. That's four criteria. Actually, the fifth one was then that someone, not a close family member, had to sign an affidavit that attested that they had not only believed they were discriminated against, but they had complained about it, not necessarily in writing, but it could have been verbally to any USDA employee under any circumstances. It didn't have to be a public meeting with witnesses.

It could have simply been walking down the street and you meet someone

who might be the director of your county FSA, and you say, I don't think your people treated me right. I should have had a loan. That would be all it would take. If you didn't get the loan, you wouldn't even have had to apply. You just maybe had to think you weren't going to be treated right and failed to apply for the loan. That's enough. You don't have to prove discrimination. You just have to allege it and get a friend to sign the affidavit. That's all that's required under Pigford I.

And then according to Judge Paul Friedman, he writes this: "The consent decree accomplishes its purpose primarily through a two-track dispute resolution mechanism that provides those class members with little or no documentary evidence with," and I am quoting from this opinion, Madam Speaker, "a virtually automatic cash payment of \$50,000 and forgiveness of debt owed to the USDA." And anybody who believes that that's not enough, they can actually sue on their own and prove it by the preponderance of the evidence.

But there is no proof required to receive the \$50,000 virtually automatic cash payment except to get a friend to sign the affidavit that says that you complained about it and you believed you were discriminated against. And then all it had to be was to allege that you were turned down for a loan or a farm program of some type or another.

Madam Speaker, \$1.05 billion was distributed under no basis beyond that, no requirement or proof for discrimination. And a very, very low level of even asking them if they actually ever complained or filed a complaint. And no verification required that they ever farmed or ever applied for a USDA loan or program. You didn't have to farm. You just had to say I am black, I wanted to farm, and I believe they discriminated against me, and I complained about it, and I have got a friend that will sign the document. That's it, Madam Speaker.

And \$1.05 billion was distributed on that basis. And virtually automatic payments, much of it debt forgiveness included. And if anyone actually was a farmer and actually did have debt with the USDA, all of their debt was forgiven also. And Judge Paul Friedman said a virtually automatic payment if you didn't want to go through track two and get a bigger check than the \$50,000 and the debt forgiveness, which Judge Friedman calculates that the average settlement would be \$187,500.

Now, we don't have an accounting from the USDA on how large the average settlements are. We don't have the spreadsheet of the 22,500 applicants that poured in after the direction of this opinion by Judge Friedman and the consent decree that accompanies it directed that there be town hall meetings across the South, that the attor-

neys on this case, in order to earn their contingency fees, needed to go out and promote this. And they needed to put newspaper ads in and radio ads in. I believe there was also television. I can't verify that for sure. And hold meetings and call people to them.

And we have reports from throughout the South that there were meetings that were held in churches, in town hall meetings, and they were told this is your 40 acres and a mule. You need to come and sign up for this. And this is what you have to attest to in order to get the \$50,000 check. And if you have any debt, it will be forgiven.

Now, if you present that, if you have attorneys working on contingency fees, you have the perfect mechanism for fraud. And so as we look across the South, I can't believe that all of the counties discriminated against their African American population equally. I would have to believe that if discrimination took place—and I believe it did—that it took place sometimes in a county there would be none, because the culture of that office in that county would be such that everybody gets treated equally, with respect and promptly, with all the help that they can give with the staff that they have. I believe that takes place in at least some of the counties in the South. And I believe it has for a generation or more.

I suspect—and I don't have reason to believe, but I suspect—there were counties on the other side of that spectrum where they as a matter of practice discriminated against African Americans. And these are the cases that I believe needed to be compensated. But I can't believe that it was the same level of discrimination across all of these counties.

And when I see applications, and I have a stack of these applications, most of which were paid out, and they name the same USDA employee as the one they complained to, and they give the location and the date, and that USDA employee was not at that location, could not have been at locations as far apart as they were claimed, as many dates as were claimed. And why would it be that one USDA employee had all of these complaints and yet nothing was done about the discrimination? It's this, that they offered the name over and over again.

It's kind of like if you see an individual's name, and when you look through all these applications, and I have looked through stacks of them, when I look through them and I see often the same name of the USDA employee, I see the same handwriting on application after application, I can see the narrative has been changed just slightly from application to application. If they were numbered chronologically, I can just about tell you what's going on.

There is an attorney's staff that is sitting there filling out these applications. They may actually be interviewing the individuals. The individuals had to sign because they were going to get the check. And the attorney's going to get a contingency fee out of that. And we don't know how much that is. And that's not in this opinion. It's not in the consent decree. But what is in there is that the IRS gets paid also as a matter of settlement.

□ 2000

So if it's a \$50,000 virtually automatic payment, as Judge Friedman says, there is also a \$12,500 check that accompanies that that gets mailed off to the IRS.

And so now it becomes \$62,500. Judge Friedman estimated the average debt would be \$100,000. And so the debt forgiveness at \$100,000 would automatically send the check to the IRS for \$25,000 to pay the tax liability that comes from the debt forgiveness that would become a tax liability for those individuals.

Those things went on. His estimate, \$187,500 per settlement, believing that the applicants, or at least presuming to believe that the applicants for the Pigford settlement were applicants that actually were engaged in programs within the USDA. Now I can tell you whether we can get a decent insight into whether there are actual farming participants that are predominantly part of these Pigford settlements, the 14,500 that have received their first payments under the first version of Pigford I.

If we can go back and look at all the data, check their name, address, contact information, the amount of the check that they got, how much got sent to the IRS, how much debt forgiveness there was, how much got sent to the IRS. And we can look down through there, and we can see what percentage of them had debt with the USDA that was written off.

And then we can take a look at the addresses and see—some of those who have analyzed this more deeply than I would tell me that if you take out a map of the United States and start down through these applications and start sticking pins in the map at the addresses of the applications, you will find that many of these pins go directly into the inner cities and into the urban areas of America.

It's true that people can move from the farm to the city. They have been doing that for a long time. But the preponderance of the pins tell a story that doesn't appear to be consistent with the allegations of the depth and the level of fraud that they say are there.

I sat down with USDA employees. I have had these applications handed to me. I have had them come back sick at heart that they had to administer

these settlements in Pigford farms and tell me that they believe that the minimum fraud level in the applications that they were required to provide a virtually automatic payment for, a minimum fraud being at 75 percent. I hear numbers from USDA employees that dealt with more application of this that go into the upper 90th percentile.

I want to look at these numbers and see. It's amazing to me that we can have 22,000 applicants, 14,500 settlements, payments that are made, and throughout all that time not have a single USDA employee that has been fired or disciplined or even identified as a perpetrator of discrimination. If we really care about ending discrimination in America—and we may have actually cleaned up the USDA, I don't allege that's the case today. In fact, I would argue that it wasn't nearly as bad as they would like to have us believe.

And so if a discrimination took place, we should have been able to identify the perpetrators, and they should have been punished. And I think that it's irresponsible on the part of the secretaries of Agriculture, who have supported this Pigford settlement, to also say I can find not just 22,000 people that will apply; now we have applications and an additional 70,000 or so.

Now we are looking at applications in Pigford II of as many as 94,000 altogether, an additional 70,000 or so, 72,000 added to the 22,000 original claimants. And we end up with a total number of claimants of 94,000 who say that they were discriminated against. That's a really effective and efficient marketing result on the part of the attorneys that have been set up on these contingency fees and who are charged by the consent decree, the original consent decree, of holding these town hall meetings and getting the word out to African American farmers so they know if they have been discriminated against they can apply.

Again, no proof required that they were discriminated against. Early on they were required to prove that they were denied benefits compared to a similarly situated white farmer, and they complained that that was too hard. So they waived that similarly situated, and it turned out then there is no proof required that they ever farmed or applied for a program; they just have to say they wanted to farm, and that they believe they were or would have been discriminated against, and that they complained about it, and have their friends sign their affidavit.

That's what up: 94,000 applications all together. Perhaps a few less, but these are the estimates I am working with: 94,000 applications. John Boyd, President of the National Black Farmers Organization that has pushed on this and actually was formed for the purpose of bringing forth the Pigford

Farms issue, testified before the Judiciary Committee that there are 18,000 black farmers in America, 18,000.

Now, granted there were more a generation earlier. There were more farmers a generation earlier. A lot of my neighbors went broke. I burned and buried a lot of farm sites across western Iowa in those years as the farm crisis went into its downward spiral, and there were people there that carried debt. There were people that were out of debt that took on debt in order to stay in business.

And as the downward spiral came, the value of their land went down, their machinery went down. The commodities prices weren't there for their crops, and bank after bank closed. And, in fact, my bank closed April 26, Friday afternoon, 3 o'clock, 1985. I will never forget that day.

I had a company to run, I had customers, most of whom were also customers of the bank that was closed—two branches shut down—a payroll to meet. I had 2 pennies in my pocket, literally 2 pennies to rub together, just almost a symbol of how hard it was. Rub those two pennies together and hope and wish and work and pray to figure out how I could meet payroll with my employees, keep the business running, find some customers that could pay because I had my customers, all their accounts were frozen like mine was frozen.

We found a way to get through. It was difficult. But I watched that crisis hit, not just the bank closing in my neighborhood, all across the Midwest, especially. I watched it crush people. I watched family farms move off and load their things and move to the city.

So some of those pins that get stuck in the city are pins of people that were on the land that had to move off in the farm crisis here. But my point is this: That thousands of farmers went broke during the farm crisis years of the 1980s. The entire decade of the 1980s—actually starting in 1979 and flowing through, were farm crisis years.

These are the primary years where they alleged discrimination against black farmers. And where it took place, it's hard to quantify because it's laid over the top of the disaster of the farm crisis years of the entire decade of the 1980s. Many people went broke. Many people were denied farm program benefits and loan programs. There were many that were not viable, and the USDA concluded that they couldn't work with them because they were going to go under.

They were already upside down. And to put good money after bad was not a good decision, not when things were spiraling downwards.

I saw banks close, new owners come in. I saw them interview the people that would come in with their loan application form, their financial statements. And I saw them go down

through the financial statements. I mean I was a part of this, and I engaged with my neighbors that were going through this as I was.

As they would look at the assets and they would say, let's see. You have got this nice new combine here. Well, you are going to sell it. And you have a pretty nice pickup that's 2 years old, we are going to sell it. And by the way all the livestock that's here, you know, it could die or get sick, but it's very liquid. It can go to the sale barn this week. We will sell all of that.

And you won't need that feed so you can auction off all that hay you have got there for the cattle that are in the feedlot, you can sell them. And you don't need the horse, and you don't need your best tractor. We can get you down to a small tractor, and you can hire somebody to come in and custom combine, and you can borrow your neighbor's planter, and we will keep you on some of this land. We will take the mortgage on it. We will take a first and a second mortgage on it, and we will keep you operating for a little while, but you are going to work for the bank.

Now I am not picking on the bank; that's what they had to do to keep some of these people alive and keep them functioning. That's part of the farm program, or that is part of the crisis. The farm program did come in, and it was helpful in 1983. It gave us another boost in 1985. It got us through that decade, and now we are relatively prosperous compared to those years.

But whatever color you were, if you were farming in the 1980s, you were having trouble. And a lot of people went under, there was farm sale after farm sale. I remember the bills hanging up, the sale bills hanging up in the gas stations around, in the sale barn, where there would be farm auctions.

You could go to farm auctions, several of them a weekend every weekend, and we did that for a long time, and it hurt a lot. And I saw tears run down people's cheeks because they were standing on the land that had been homesteaded by their ancestors, and they were losing it. And it was their identity. It's who they were.

So I know, I know from personal experience how painful this is to go through those years. And to completely discount that component of the economy and argue that a lot of African American farmers that went under in the 1980s would still be farming today if it hadn't been for the discrimination in the USDA offices, it denies the starkest facts of the economy altogether. But they can't be untangled; they are tangled together. It's impossible to quantify.

□ 2010

And so the leftists in the country have decided they're just going to pay everybody that applies. That's what

Pigford I was. And there was a deadline. It was filed on April 14, 1999. So you get 6 months for everybody to sign up and go out and have all these meetings, do your fish fries, meet in the churches, advertise on the radio, in the newspaper, wherever you can, and hold all these town hall meetings. And they held them—42 of them in Alabama alone, 42 meetings. And people signed up. When the deadline came 6 months after that April 14 date, then they found they had things so ginned up there were a lot of other applicants.

So even though \$1.05 billion was paid out under this Pigford discrimination claim, there were Members of the House and the Senate that introduced legislation to open up a second one, Pigford II. And they tried to do it, but they didn't get it done. This Congress wouldn't buy it. We had already seen the level of fraud in Pigford I, and to open it up again and extend the closing deadline for the consent decree so that all of these other applicants could come pouring in, this roughly 70,000, at least 66,000 that had accumulated, wasn't bought by this House and Senate in the same form. It bounced back and forth. It passed in a couple of versions on one side or the other, but this Congress never got together on that, never got together on the authorization to extend the date.

We did get together on one thing, Mr. Speaker. We got together on the 2008 farm bill to address Pigford in a way that the House and the Senate agreed, and the President signed it. It was brought forward here on the floor, right over there from that microphone, by the chairman of the Agriculture Committee, COLLIN PETERSON, a late amendment of language that came into the bill, into the farm bill that we worked on for a long time. And it's a hard job to bring a farm bill through this Congress. And I'm sure that the weight of that weighed a little on the chairman and weighed on all of us, more on him than on anybody else. It had to have. But I argued with him at the time, the language in the farm bill authorizes \$100 million to close the Pigford issue so that if there were any remaining claims that had not been resolved, they would be put underneath the \$100 million amount, and they would all be resolved.

I argued, Mr. Chairman, you are opening up Pigford for an additional \$1.3 billion in liabilities. And it's full of fraud. And I sat way into the night in a markup on the farm bill with a representative of the USDA who had lived this and went down through anecdote after anecdote, circumstance after circumstance, and convinced me completely that there's a very, very high level of fraud that was taking place. But yet the structure of this settlement was such that they couldn't look into the fraud because you didn't have to meet the standard of being discrimi-

nated against; you just had to say you believe you were discriminated against.

So we had our debate, Chairman PETERSON and I, outside the record of this Congress actually. I said it's \$1.3 billion; this is a placeholder and a marker that opens up the door for \$1.3 billion. He said, no, \$100 million puts an end to it. And that's what we're doing. We're cleaning it up, and we're putting an end to Pigford. And I said, I don't think so. We went around on that dialogue which ended with him walking away. I don't know if I blame him for that.

But here is what's in the bill. He says the maximum amount, farm bill 2008, H.R. 2419, the total amount of payments and debt relief pursuant to actions commenced under subsection B shall not exceed \$100 million. That's what the chairman said. And here is the intent, intent of Congress as to the remedial nature of the section. It is the intent of Congress that this section be liberally construed so as to effectuate its remedial purpose of giving a full determination on the merits for each Pigford claim previously denied that determination.

In other words, if there are 66 or 70,000 applicants out there that didn't get in before Pigford closed in October of 1999, if those Johnny-come-latelies wanted to pour their applications into this, this Congress said, here is \$100 million, that's it, it's going to take care of all the claims and no more; this is the end by law. This is the section that's cited by the current Secretary of Agriculture that he says gave him the authority at the direction of Congress, actually, acting at the direction of Congress to open up and create a Pigford II settlement where he, Secretary Vilsack and Attorney General Eric Holder sat down with John Boyd, the head of the black farmers organization, and they cooked up Pigford II, not authorized by the House and the Senate and the President as would be required if he's going to act in the fashion that he told me, in fact, not authorized at all, \$100 million cap put on this Pigford I to put an end to it. By the way, I disagreed with \$100 million. I thought we went too far with the first \$1.05 billion.

But in any case, there exists no authorization that came from Congress and no legislation that was passed by the Congress and signed by the President that gave the authority to the Secretary of Agriculture and the Attorney General to sit down with the head of the black farmers organization and arrive at an agreement early last year in February that would tap the taxpayers for an additional \$1.15 billion. But that's what they agreed to. They went on their own and had these negotiations.

Now, where would this inspiration have come from? If Congress said it's

capped at \$100 million, how would Cabinet members, full Cabinet members, come to a conclusion that they needed to go sit down with John Boyd and tap the taxpayers for an additional \$1.15 billion? Where would this come from?

Well, Mr. Speaker, I will tell you where I think it may come from, and that would be from the President of the United States who, as a United States Senator, introduced the Pigford II language that opened up the filings for a second round of Pigford claims as the United States Senator, led by Barack Obama, and over on this side led by ARTUR DAVIS of Alabama and BOBBY SCOTT of Virginia.

They pushed that. They tried to push it through the Judiciary Committee. It didn't go. They slipped it into the farm bill at \$100 million. They got their placeholder. Now I ask you, Mr. Speaker, who was right? Who was right? Was it STEVE KING or Tom Vilsack or was it COLLIN PETERSON? Because we are here today lamenting what happened on the House floor yesterday, which was a vote to send \$1.15 billion additional into this Pigford II settlement that I will tell you even though they have put some provisions in here still result in—still result in a virtually automatic payment to those claimants that will come. That's what will happen, Mr. Speaker.

And so the chairman of the Agriculture Committee that said this is the end of it at \$100 million, who would he disagree with? Tom Vilsack or STEVE KING? I'm sure he remembers the conversation. I'm sure he remembers that I said it's 1.13 billion, and this is just a placeholder that opens it up, this \$100 million is a placeholder that opens it up. We disagreed we had that conversation. One of us is going to be right.

Did he know when he brought the language to this floor that \$100 million was going to turn out to be a placeholder for \$1.25 billion? That's \$100 million plus the \$1.15 billion. Did he know that? Or was the chairman of the Agriculture Committee apparently was he misinformed by someone else? Did the President of the United States direct his Cabinet members to go negotiate and reach an agreement for an additional payout under Pigford II of \$1.15 billion? Where would it come from? Would the Secretary of Agriculture take it upon himself if he could have ended this to open it up again? I don't think so. Would the Attorney General take it upon himself to open this up if it was ended by the farm bill of 2008? I don't think so.

I think the American people, Mr. Speaker, will suspect, as I do, that since the President was the initiator of this Pigford II legislation as a United States Senator, it was the President of the United States more likely to order his Cabinet members to go sit down and negotiate with the president of the black farmers organization and then

try to figure out how to get Congress to fund it. Because the deal, the settlement proposal, and it's not a consent decree, a judge hasn't ruled upon it, a settlement proposal was something that was agreed to be contingent upon, conditional to Congress appropriating the funds to pay.

Well, last night Congress did that by a vote of 256–152. Now, if I were completely wrong on this—remember, this is a repudiated Congress. This is the lame duck Congress. This is the Congress that the American people have said enough already, shut it off. Take the shovel out of the President's hand; he's dug a deep enough hole. Stop your spending. We're going to send people to the Congress that will do the battle for fiscal responsibility and stop spending.

□ 2020

Those folks have not arrived yet, those 87 new freshmen Republicans who will be here taking the oath of office on this floor on January 4, 2011. They are not here yet, so we have the old troika ruling. We have the old troika ruling, and still, still we produced 152 “no” votes on this Pigford funding of \$1.15 billion that came through here yesterday.

Mr. Speaker, I will tell you that I believe that all 152 who voted “no” on that either deeply suspect or are convinced that there was a significant amount of fraud in Pigford I, and that the fraud in Pigford II will be substantially greater than it was in Pigford I because those, at least in theory, who were most discriminated against are the ones most likely to have filed the application in Pigford I in a timely fashion. Those who got the news late, once the inertia of the recruitment went on across the South, they are the ones who lined up a little later. It is kind of a chain letter effect.

There were 152 who voted “no.” It was a bipartisan objection to the funding of Pigford. It wasn't all Republicans this time. By Speaker PELOSI's definition, it would be clearly bipartisan. There were three Democrats who voted “no.” Those Democrats, I presume, were making a statement that they believed either that those who had been discriminated against had been compensated or were making a statement against the fraud that they must believe exists. I have not talked to them so I can't take a position as to what they believed and why they voted “no.”

But it is curious to me that two of the three Democrats who voted “no” on Pigford were two that were defeated in the last election. So one can presume that they are votes of conscience that they put up on their way home from this Congress. I thank them for their service to this country. We have one that won his election who is seated from the South who also voted “no.” I would like to hear from him. He hap-

pens to be a Rhodes Scholar, a man with a brain and a conscience that voted “no.”

So now it is up to us here in this upcoming Congress to take a look at these records, to go down and compile the spreadsheet and analyze the data and interview the people that were involved in administering this to get a real picture of what was going on. I am very well aware there are good, solid people who are responsible constitutional conservatives who don't want to touch this. I am very well aware of that, Mr. Speaker, but we have an obligation to the American people to shine a light on this. And I intend to move forward to do that within the limitation of the time and the resources and the cooperation I am able to get in the 112th Congress.

There has been a massive amount of fraud defined to me in the interviews I have done with USDA employees. To the extent, as I said, that African American employees of the Farm Service Administration who worked within the offices, presumably if they worked there, they would not allow themselves to be discriminated against. And if they never farmed and never filed an application but received a check anyway, it is pretty clear that there is levels of fraud that need to be exposed.

And so, Mr. Speaker, there is much to be said about Pigford II. It is not a consent decree. There is only an agreement that has been negotiated between Tom Vilsack and Eric Holder and John Boyd. They have negotiated that agreement. They have negotiated the amount. They have succeeded in getting it past the Senate after the Senate reached a point of exhaustion in fighting it. That is my reports from some of the Senators over there. They did pass it through the House after vociferous objections, 256 to 152, but with bipartisan objection; southern Democrats voting “no,” not urban but southern Democrats voting “no.”

It is on its way and we are pretty sure the President will sign it because, after all, it has been his baby since he was in the United States Senate. It is really odd that a man from Chicago would take such an interest in an issue that he can't have personal experience with, not having personal experience that we know of in the rural areas.

And here we are, Mr. Speaker, anticipating the President will sign it. When he does, if and when he does, then I believe they will take it before the same judge that started out the Pigford I opinion with these words, “40 acres and a mule,” and laments that he can't fix all of the problems of slavery and segregation in one class action suit. Well, he has got a second one now. It is likely to come to him. I am pretty sure Judge Friedman will approve this. And I am really confident that the Secretary of Agriculture, and if you can get the Attorney General to speak, will

say that they put all kinds of safeguards in here, safeguards like lawyers have to sign off. Yeah, well, they had to sign off on the first one, too, and that didn't really resolve this issue. It is just to the best of their knowledge they think it is true. That is not a very strong statement. There is no requirement for evidence. They did put some language in there that allows the administrators, if they think there is fraud, to ask more questions and require more documentation. Okay. But if they are instructed not to think there is fraud, they will not find fraud.

This administration does not think there is fraud or they would be looking for it. It is amazing to me—18,000 black farmers, 94,000 claims. Even if you presume that 100 percent of the black farmers were discriminated against, we still have four and a half claims for every black farmer. How does this work? It should be fraud. It can't be described any other way.

And the percentages of these claims, there is no question that comes out of this administration, out of the White House or the Department of Agriculture or the Attorney General's office. They are not saying we are looking into the fraud. They are saying, if it exists, it is so low it is really not an issue. But we are going to satisfy your concerns by having an IG report come out in 6 months. The money is gone. You won't be able to get it back.

If you want to learn something about how to protect against fraud in Pigford II, let's look at Pigford I. We already have the data. Let's dig into it. So what I think we have to do is dig into both. And we owe it to the American people not to be paying out 40 acres and a mule. You cannot right wrongs from a century and a half ago. But if they were righted, Abraham Lincoln told us how: For every drop of blood that was drawn by the lash be paid by a drop drawn by the sword. That's done. That is behind us. We have an American future. We can't be paying modern-day slavery reparations thinking we compensate what took place in the past. We have the future to worry about. Let's make sure everybody has equal opportunity and let's build for the future.

I see my friend, the gentleman from Texas, Judge GOHMERT has arrived. And when Judge GOHMERT comes to the floor, I know that there is some real important input that the American people need to know, and so I yield to the gentleman from Texas.

Mr. GOHMERT. My dear friend from Iowa has made some really important points. But it seems to be part of a pattern, what we have seen for the last 4 years, of the majority here in the House dividing America, playing class envy, trying to just really take—it is not Robin Hood, because Robin Hood took money back from people that stole it to give it back to the people

who had actually generated the money. So I know there are some friends on the other side of the aisle who think that they are being a bit of Robin Hood, but they need to understand Robin Hood better. He didn't take from people who earned the money; he took from people who basically stole it and gave it back to people that generated it. And yet that is the kind of stuff we see going on.

There is so much fraud in Medicare and there is so much fraud, waste, and abuse in the government itself. And yet still we hear this class envy being trumpeted. I know my friend from Iowa agrees 100 percent with me, if anybody in America makes more money, they should pay more income tax. If you had a flat income tax, that would be the case. You do have people like the renowned Warren Buffett who says he should pay more taxes. Many people like him pay less money in income tax than somebody making \$30,000, \$40,000 because they have all kinds of great ways of getting around having to pay taxes.

But I just am so deeply grieved to my soul that this class envy that is being played up by people across the aisle to avoid helping the economy by giving some certainty to people who are wondering whether they will be able to afford to hire people right now when it comes January 1 because they know the capital gains rates are going up, every marginal rate is going up.

□ 2030

It is outrageous that we have played games for 2 years now—4 years under this majority—and we have done nothing to give certainty to employers so that people will not have to file suit to try to get a job. There will be jobs created because there is certainty out there.

Most people who know about job creation know the old saying: "Capital is a coward. Capital goes to where it feels safest." But to feel safe, investment money has to be placed where there is some certainty under the law. It is why it's not pouring into Mexico, because they don't know who is going to be in charge, who is going to be killed, who is going to be corrupted.

So all that the community is needing to know is: Is there going to be some certainty? Are our taxes going to go through the roof come January 1 as they are currently scheduled to do?

The fact that this majority would play this kind of gamesmanship and class warfare when people are out of work—they need jobs, and they want to have a Merry Christmas. There would be no better Christmas than to have a job for Christmas, but we've got this tremendously high rate of unemployment, particularly when you figure those who are underemployed. Yet this majority, even now in December, is still not willing to just say across the

board that we're going to not create tax cuts—that's not even out there—but just extend the current tax rate and say we're not going to play class warfare. Of course the people who make more money should pay more money in taxes. That's why their rate is 35 percent instead of 15 percent or 10 percent at the lowest rate.

So it just grieves me. I know people who are out of work, and I know there are businesspeople I've talked to who say, I've got to find out what my taxes are going to be, what the tax rate will be for next year, because if it's going up, I can't hire anybody. If it's going to stay where it is, I can hire some people.

Now, that's a Merry Christmas when you give people a job. You limit all the bogus class warfare going on in this body, and just say, Forget the games. This is too serious. We are playing with people's lives. We are tired with the gamesmanship about how we can squeeze more money out of the Federal Government. Forget the Federal Government. Just get out of the way so that we can create jobs in America and put people back to work.

Still, unless my friend from Iowa knows differently, as far as I know, we're not taking it up, as we didn't on Monday. We congratulated some people. We, I think, named a post office, and we did a bunch of stuff yesterday—nothing, you know, breathtaking. With the Child Nutrition Act, we're going to run up the Federal Government costs.

Why not give these people an opportunity to have a job so they can pay for their own nutrition?

As far as I know, the tax extension, at the current rate across the board, is not coming up tomorrow. It may not come up Friday. We don't know when it's coming up.

So, anyway, I have been grieved to my soul as I think about the people I know who don't have jobs and about the people I know who would hire people if they knew that the tax rates were not going up. I just had to point it out one more time to our friends across the aisle. Please don't leave another day leaving the tax rates in limbo. Give some certainty. Allow jobs to be created that are not government jobs.

Perhaps you know when this is going to come up.

Mr. KING of Iowa. Reclaiming my time and thanking the gentleman from Texas, also my friend, I appreciate the subject matter that you brought here to the floor tonight.

I would add to this: not only do we need to continue the tax rates that we have today, but I would make them permanent so there is certainty, so that people can do the investments that Mr. GOHMERT talked about and will be able to plan their businesses and create the jobs and plan for the future.

But there is another one that hangs over the head of many families in

America today, and that is the estate tax. That one is the most ominous of them all. If we aren't able to reach an agreement on these tax brackets by the end of this lame duck session and if we are just in the condition that we are in today in that there is no certainty and where the \$1 trillion or \$2 trillion of capital that is sitting on the sidelines doesn't get released and invested into our economy, that's bad. We've already seen a lot of months of it, so another month of it doesn't devastate us completely, although it would be a great Christmas present.

I know people would be sitting around the family shop, figuring out, We can add onto this production line. Let's hire this person here. Let's make this part of our operation go. Let's open up a new business over here.

These things would be going on. That would all happen if we could get these tax brackets made permanent between now and the end of this wounded, crippled lame duck session that we have of this repudiated Congress that has been renounced by the American people.

Another month of it isn't as bad as what happens if we go another month with the estate tax hanging over our heads the way it is, because I will tell you that what will happen is there will be thousands of Americans who are lying on their death beds—some in hospices around the country, some in hospital beds, some of them lying at home—and there will be decisions made by them and their families.

Somebody who is lying there, who has got some years on him and a lot of life behind him, knowing he doesn't have much ahead of him, will say, Don't put me on life support. Don't give me any life-saving treatment. Let me pass away in 2010 because, if that happens, then you'll get the full inheritance of my life's work.

That's what he will say. He'll make that decision.

He'll tell his loved ones, Don't extend my life. Don't give me extra ways to feed me. Don't give me IVs. Let me lie here. Put me in hospice now, and let me slowly die.

That's what will be said over and over again.

There will be those who will go further. There will be those who will decide they want to end their lives so that their children don't have to pay an onerous estate tax that will have, as of midnight on December 31, a \$1 million exemption. After that, there will be an up to 55 percent tax on the balance.

I can tell you, Mr. Speaker, how that works in the neighborhood where I live. Let's just say there is somebody there who is 90 years old, and he went out and bought some land early on in life, and he leveraged it and bought another piece of land. He slowly paid for that, and ended up with a couple sections of land paid for. That's 2 square miles.

That's 640 acres times two. That's 1,280 acres paid for. That's the nest egg that he worked all his life for. Maybe he worked 70 or more years to put that together. He paid the tax on the income, and retired the principal and paid the interest, and there it sits for his children. Maybe he has got five children there around that death bed.

If he passes away in the first second of 2011—by the way, there will be death certificates that are backdated, too. They'll be back-timed, probably not backdated. They'll be back-timed past midnight so the estate tax won't apply. But let's just say there are two sections of land, five kids. He passes away in the first second of 2011, and the death certificate says so. Here is what happens to those two sections of land:

The \$1 million exemption doesn't really touch the value of those two good valuable sections of land, so you can take one section out of there. There's the 55 percent tax to pay the taxman, to pay the death tax. It takes one whole section of land, 1 square mile, to pay the Federal Government. The second component of that is the section of land that is split up five ways because of the five kids.

So what they have is actually two sections of land—one that is essentially debt free because the other one has gone to pay the taxes, and it gets split five ways. Everyone has got 20 percent equity. They can't buy that land back and keep it in tact. It takes a long time to put a unit together, to put the building site together, to get the storage that's there for the grain and the livestock and all the pieces to work. It doesn't just work to go out there and say, Well, here's another piece of land that's the same or you can operate an operation that's half the size with only 20 percent equity. So it wipes out both sections of land. They sell out the whole legacy. A century of work or more goes out the window because we have a death tax that comes. The bell tolls on the death tax at midnight, December 31.

It is cruel, unconscionable and, I think, a sin for this Congress not to address that before that time.

So, Mr. Speaker, being very well aware of the clock and the duties that we all have here, I want to thank my friend from Texas for coming to the floor and for volunteering that valuable input that we have.

I appreciate your indulgence here this evening and the privilege to address you on the floor of the House of Representatives.

I yield back the balance of my time.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mrs. McMORRIS RODGERS (at the request of Mr. BOEHNER) for today and the balance of the week on account of

the birth of her baby girl born December 1 at 12:21 a.m.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. CARNAHAN) to revise and extend their remarks and include extraneous material:)

Mr. YARMUTH, for 5 minutes, today.

Mr. KLEIN of Florida, for 5 minutes, today.

Ms. RICHARDSON, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Ms. JACKSON LEE of Texas, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. GRAYSON, for 5 minutes, today.

(The following Members (at the request of Mrs. SCHMIDT) to revise and extend their remarks and include extraneous material:)

Mr. POE of Texas, for 5 minutes, December 8.

Mr. JONES, for 5 minutes, December 8.

(The following Members (at their own request) to revise and extend their remarks and include extraneous material:)

Mr. LARSON of Connecticut, for 5 minutes, today.

Mr. CLAY, for 5 minutes, today.

Mr. REYES, for 5 minutes, today.

Mr. CARNAHAN, for 5 minutes, today.

Mr. GARAMENDI, for 5 minutes, today.

Mrs. DAVIS of California, for 5 minutes, today.

Ms. SHEA-PORTER, for 5 minutes, today.

Mr. TIM MURPHY of Pennsylvania, for 5 minutes, today.

Mr. CLEAVER, for 5 minutes, today.

Ms. LORETTA SANCHEZ of California, for 5 minutes, today.

Mr. TAYLOR, for 5 minutes, today.

Mr. QUIGLEY, for 5 minutes, today.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 3386. An act to protect consumers from certain aggressive sales tactics on the Internet, to the Committee on Energy and Commerce.

S. 3987. An act to amend the Fair Credit Reporting Act with respect to the applicability of identity theft guidelines to creditors to the Committee on Financial Services.

ENROLLED BILLS SIGNED

Lorraine C. Miller, Clerk of the House, reported and found truly enrolled bills of the House of the following titles, which were thereupon signed by the speaker:

H.R. 6162. An act to provide research and development authority for alternative coinage materials to the Secretary of the Treasury, increase congressional oversight over coin production, and ensure the continuity of certain numismatic items.

H.R. 6166. An act to authorize the production of palladium bullion coins to provide af-

fordable opportunities for investments in precious metals, and for other purposes.

ADJOURNMENT

Mr. KING of Iowa. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 39 minutes p.m.), the House adjourned until tomorrow, Thursday, December 2, 2010, at 10 a.m.

BUDGETARY EFFECTS OF PAYGO LEGISLATION

Pursuant to Public Law 111-139, Mr. SPRATT hereby submits, prior to the vote on passage, the attached estimate of the costs of H.R. 6184, To amend the Water Resources Development Act of 2000 to extend and modify the program allowing the Secretary of the Army to accept and expend funds contributed by non-Federal public entities to expedite the evaluation of permits, for other purposes, as amended, for printing in the CONGRESSIONAL RECORD.

CBO ESTIMATE OF THE STATUTORY PAY-AS-YOU-GO EFFECTS FOR H.R. 6184, A BILL TO AMEND THE WATER RESOURCES DEVELOPMENT ACT OF 2000 TO EXTEND AND MODIFY THE PROGRAM ALLOWING THE SECRETARY OF THE ARMY TO ACCEPT AND EXPEND FUNDS CONTRIBUTED BY NON-FEDERAL PUBLIC ENTITIES TO EXPEDITE THE EVALUATION OF PERMITS, AND FOR OTHER PURPOSES, AS TRANSMITTED WITH AN AMENDMENT TO CBO ON NOVEMBER 9, 2010

	By fiscal year, in millions of dollars—											
	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2011–2015	2011–2020
NET INCREASE OR DECREASE (–) IN THE DEFICIT												
Statutory Pay-As-You-Go Impact	0	0	0	0	0	0	0	0	0	0	0	0

H.R. 6184, as amended, would extend through 2016 the authority of the Corps to collect and spend funds contributed by private firms to expedite the evaluation of permit applications. Because the legislation would affect direct spending, pay-as-you-go procedures apply. However, based on information from the Corps, CBO estimates that amounts collected and spent for such purposes would total less than \$500,000 annually and that the net budgetary impact would be negligible.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

10530. A letter from the Chair, Election Assistance Commission, transmitting a letter in response to a report by the Government Accountability Office regarding the Antideficiency Act; to the Committee on Appropriations.

10531. A letter from the Under Secretary, Department of Defense, transmitting authorization of Brigadier General Byron C. Hepburn, United States Air Force, to wear the authorized insignia of the grade of major general; to the Committee on Armed Services.

10532. A letter from the Under Secretary, Department of Defense, transmitting authorization of Captian Scott P. Moore, United States Navy, to wear the authorized insignia of the grade of rear Admiral (lower half); to the Committee on Armed Services.

10533. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Safety of Facilities, Infrastructure, and Equipment for Military Operations (DFARS Case 2009-D029) (RIN: 0750-AG73) received October 25, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

10534. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement (DFARS); Continuation of Essential Contractor Services (DFARS Case 2009-D017) (RIN: 0750-AG52) received October 28, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

10535. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Continuation of Current Contracts-Deletion of Redundant Text (DFARS Case 2010-D016) received October 28, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

10536. A letter from the Chairman, Congressional Oversight Panel, transmitting the Panel's monthly report pursuant to Section 125(b)(1) of the Emergency Economic Stabilization Act of 2008, Pub. L. 110-343; to the Committee on Financial Services.

10537. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations [Docket ID: FEMA-2010-0003] received October 25, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

10538. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations [Docket ID: FEMA-2010-0003] received October 27, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

10539. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations [Docket ID: FEMA-2010-0003] received October 25, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

10540. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Suspension of Community Eligibility [Docket ID: FEMA-2010-0003] [Internal Agency Docket No.: FEMA-8151] received October 25, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

10541. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations [Docket ID: FEMA-2010-0003] received October 25, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

10542. A letter from the Legal Information Assistant, Department of the Treasury, transmitting the Department's final rule —

Definitions for Regulations Affecting All Savings Associations; Money Market Deposit Accounts [Docket ID: OTS-2010-0011] (RIN: 1550-AC40) received October 26, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

10543. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report on transactions involving U.S. exports to the Republic of Columbia pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.

10544. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report on transactions involving U.S. exports to Switzerland pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.

10545. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report on transactions involving U.S. exports to Spain pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.

10546. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report on transactions involving U.S. exports to South Africa pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.

10547. A letter from the Secretary, Securities and Exchange Commission, transmitting the Commission's final rule — Indexed Annuities [Release No.: 33-9152; File No. S7-14-08] (RIN: 3235-AK16) received October 25, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

10548. A letter from the Special Inspector General For The Troubled Asset Relief Program, transmitting the Office's quarterly report on the actions undertaken by the Department of the Treasury under the Troubled Asset Relief Program, the activities of SIGTARP, and SIGTARP's recommendations with respect to operations of TARP, for

the period ending September 30, 2010; to the Committee on Financial Services.

10549. A letter from the Secretary, Department of Education, transmitting the annual report of the National Advisory Committee on Institutional Quality and Integrity for Fiscal Year 2010, pursuant to 20 U.S.C. 1145(e); to the Committee on Education and Labor.

10550. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's report entitled, "Report to Congress on the Impact and Effectiveness of Administration for Native Americans (ANA) Projects for Fiscal Year 2009"; to the Committee on Education and Labor.

10551. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's Report to Congress on Fiscal Year 2006 Community Services Block Grant Discretionary Activities: Community Economic Development and Rural Community Facilities Community Development, pursuant to Section 680(c) of the Community Services Block Grant Act of 1981 as amended; to the Committee on Education and Labor.

10552. A letter from the Deputy Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting the Department's final rule — Investigational New Drug Safety Reporting Requirements for Human Drug and Biological Products and Safety Reporting Requirements for Bioavailability and Bioequivalence Studies in Humans [Docket No.: FDA-2000-N-0108] (formerly Docket No.: 00N-1484) (RIN: 0910-AG13) received October 25, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

10553. A letter from the Deputy Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting the Department's final rule — Use of Ozone-Depleting Substances; Removal of Essential-Use Designation (Flunisolide, etc.); Correction [Docket No.: FDA-2006-N-0304] (formerly Docket No.: 2006N-0262) (RIN: 0910-AF93) received October 25, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

10554. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — "Guidance on the Planning and Use of Special Accounts Funds" received October 27, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

10555. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — 1-Propene, 2,3,3,3-tetrafluoro-; Significant New Use Rule [EPA-HQ-OPPT-2008-0918; FRL-8846-8] (RIN: 2070-AB27) received October 27, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

10556. A letter from the General Counsel, Federal Energy Regulatory Commission, transmitting the Commission's final rule — Promoting a Competitive Market for Capacity Reassignment [Docket No. RM10-22-000; Order No. 739] received October 25, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

10557. A letter from the Regulations Coordinator, Health and Human Services, transmitting the Department's "Major" final rule — Health Insurance Issuers Implementing Medical Loss Ratio (MLR) Requirements under the Patient Protection and Affordable Care Act (RIN: 0950-AA06) received November

22, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

10558. A letter from the Secretary, Department of Commerce, transmitting letter of certification, pursuant to Public Law 105-261, section 1512; to the Committee on Foreign Affairs.

10559. A letter from the Deputy Assistant Secretary For Export Administration, Department of Commerce, transmitting the Department's final rule — Additions to the List of Validated End-Users in the People's Republic of China: Hunix Semiconductor China Ltd., Hunix Semiconductor (Wuxi) Ltd. and Lam Research Corporation [Docket No.: 100727314-0350-01] (RIN: 0694-AE95) received October 25, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

10560. A letter from the Assistant Legal Advisor for Treaty Affairs, Department of State, transmitting report prepared by the Department of State concerning international agreements other than treaties entered into by the United States to be transmitted to the Congress within the sixty-day period specified in the Case-Zablocki Act; to the Committee on Foreign Affairs.

10561. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting the Department's annual report for 2009 on United States Participation in the United Nations, pursuant to Public Law 79-264, section 4(a); to the Committee on Foreign Affairs.

10562. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting correspondence from the Speaker of the Bangladesh Parliament; to the Committee on Foreign Affairs.

10563. A letter from the Secretary, Department of the Treasury, transmitting as required by section 401(c) of the National Emergency Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), and pursuant to Executive Order 13313 of July 31, 2003, a six-month periodic report on the national emergency with respect to Sudan that was declared in Executive Order 13067 of November 3, 1997; to the Committee on Foreign Affairs.

10564. A letter from the Secretary, Department of Transportation, transmitting agency financial report for fiscal year 2010; to the Committee on Oversight and Government Reform.

10565. A letter from the Chairman, Federal Reserve System, transmitting the System's Semiannual Report to Congress for the six-month period ending September 30, 2010, as required by the Inspector General Act of 1978, as amended; to the Committee on Oversight and Government Reform.

10566. A letter from the Acting Treasurer, National Gallery of Art, transmitting an FY 2010 annual report on audit and investigative coverage required by the Inspector General Act of 1978, as amended, and the Federal Managers' Financial Integrity Act, pursuant to 5 U.S.C. app. (Insp. Gen. Act), section 5(b); to the Committee on Oversight and Government Reform.

10567. A letter from the Acting Director, Office of Management and Budget, transmitting a report entitled, "Statistical Programs of the United States Government: Fiscal Year 2011", pursuant to 44 U.S.C. 3504(e)(2); to the Committee on Oversight and Government Reform.

10568. A letter from the Librarian, Library of Congress, transmitting the Annual Report of the Library of Congress, for the fiscal year 2009, pursuant to 2 U.S.C. 139; to the Committee on House Administration.

10569. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Black Sea Bass Fishery; 2010 Black Sea Bass Specifications; Emergency Rule Extension; Correction [Docket No.: 100120036-0360-02] (RIN: 0648-XT99) received October 25, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

10570. A letter from the Assistant Attorney General, Department of Justice, transmitting the report on the administration of the Foreign Agents Registration Act covering the six months ending December 31, 2009, pursuant to 22 U.S.C. 621; to the Committee on the Judiciary.

10571. A letter from the Assistant Attorney General, Department of Justice, transmitting a report concerning the practices and policies of agencies with the Department relating to the use of physical restraints on female prisoners during pregnancy; to the Committee on the Judiciary.

10572. A letter from the Assistant Attorney General, Department of Justice, transmitting the annual report of the Office of Justice Programs for Fiscal Year 2009, pursuant to 42 U.S.C. 3712(b); to the Committee on the Judiciary.

10573. A letter from the Attorney, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulation for Marine Events; Roanoke River, Plymouth, NC [Docket No.: USCG-2010-0756] (RIN: 1625-AA08) received October 28, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10574. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Security Zone; U.S. Coast Guard BSU Seattle, Pier 36, Seattle, WA [Docket No.: USCG-2010-0021] (RIN: 1625-AA87) received October 28, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10575. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulation; Passaic River, Clifton, NJ [Docket No.: USCG-2010] (RIN: 1625-AA09) received October 28, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10576. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulation; Taunton River, Fall River and Somerset, MA [Docket No.: USCG-2010-0234] (RIN: 1625-AA09) received October 28, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10577. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Red Bull Flugtag, Delaware River, Camden, NJ [Docket No.: USCG-2010-0728] (RIN: 1625-AA00) received October 28, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10578. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Mississippi River, Mile 427.3 to 427.5 [Docket No.: USCG-2010-0703] (RIN: 1625-AA00) received October 28, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10579. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; DEEPWATER HORIZON at Mississippi Canyon 252 Outer Continental Shelf MODU in the Gulf of Mexico [Docket No.: USCG-2010-0448] (RIN: 1625-AA00) received October 28, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10580. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Olympia Harbor Days Tug Boat Races, Budd Inlet, WA [Docket No.: USCG-2010-0799] (RIN: 1625-AA00) received October 28, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10581. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Potomac River, St. Mary's River, St. Inigoes, MD [Docket No.: USCG-2010-0719] (RIN: 1625-AA00) received October 28, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10582. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — Revocation and Establishment of Class E Airspace; St. George, UT [Docket No.: FAA-2010-0660; Airspace Docket No. 10-ANM-4] received October 26, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10583. A letter from the Trial Attorney, Federal Railroad Administration, Department of Transportation, transmitting the Department's final rule — Miscellaneous Amendments to the Federal Railroad Administration's Accident/Incident Reporting Requirements [Docket No.: FRA-2006-26173; Notice No. 3] (RIN: 2130-AB82) received October 26, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10584. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting the 2009 annual report on the operation of the Enterprise for the Americas Initiative and the Tropical Forest Conservation Act; jointly to the Committees on Foreign Affairs and Agriculture.

10585. A letter from the Administrator, Environmental Protection Agency, transmitting the agency's 2006-2007 Biennial Review of the Louisiana Coastal Wetlands Conservation Plan Report to Congress; jointly to the Committees on Natural Resources and Transportation and Infrastructure.

10586. A letter from the Assistant Attorney General, Department of Justice, transmitting fourth quarterly report of FY 2010 on Uniformed Services Employment and Reemployment Rights Act of 1994; jointly to the Committees on the Judiciary and Veterans' Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. CONYERS: Committee on the Judiciary. H.R. 3245. A bill to amend the Controlled Substances Act and the Controlled Substances Import and Export Act regarding penalties for cocaine offenses, and for other purposes (Rept. 111-670, Pt. 1). Referred to

the Committee of the Whole House on the State of the Union.

Ms. PINGREE of Maine: Committee on Rules. House Resolution 1745. Resolution providing for consideration of the Senate amendment to the bill (H.R. 4853) to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend authorizations for the airport improvement program, and for other purposes, and providing for consideration of motions to suspend the rules (Rept. 111-671). Referred to the House Calendar.

DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XIII the Committee on Energy and Commerce discharged from further consideration. H.R. 3245 referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. CROWLEY:

H.R. 6463. A bill to require the Federal Communications Commission to promulgate regulations requiring a label to be displayed on the packaging of certain baby monitors to warn that the signals of such monitors may be intercepted by potential intruders; to the Committee on Energy and Commerce.

By Mr. OBERSTAR:

H.R. 6464. A bill to amend the Federal Fire Prevention and Control Act of 1974 to make fire department grant funds available for fire station construction, to reauthorize the firefighter assistance program, and for other purposes; to the Committee on Science and Technology.

By Mr. BOREN:

H.R. 6465. A bill to amend the Water Resources Development Act of 1986 to clarify the role of the Cherokee Nation of Oklahoma with regard to the maintenance of the W.D. Mayo Lock and Dam in Oklahoma; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Natural Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. JACKSON LEE of Texas (for herself, Mr. GARAMENDI, Mr. COURTNEY, Ms. HIRONO, Mr. JOHNSON of Georgia, Mr. KILDEE, Mr. BOCCIERI, Ms. CLARKE, and Mr. CROWLEY):

H.R. 6466. A bill to amend title 38, United States Code, to provide certain abused dependents of veterans with health care; to the Committee on Veterans' Affairs.

By Mr. LEVIN:

H.R. 6467. A bill to amend the Internal Revenue Code of 1986 to provide middle class tax relief, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ELLISON (for himself, Mr. AL GREEN of Texas, Ms. EDWARDS of Maryland, Mr. HIMES, and Mr. CLEAVER):

H.R. 6468. A bill to authorize the Secretary of Housing and Urban Development to ini-

tiate a voluntary multi-year effort to transform properties with rental assistance contracts under various programs into properties with long-term, property-based, sustainable rental assistance contracts that include flexibility to address capital requirements, to enhance resident choice, and to streamline and simplify the administration of rental assistance; to the Committee on Financial Services.

By Mr. GEORGE MILLER of California:

H.R. 6469. A bill to amend section 17 of the Richard B. Russell National School Lunch Act to include a condition of receipt of funds under the child and adult care food program; to the Committee on Education and Labor.

By Mr. FALCOMA VEGA (for himself, Mr. ACKERMAN, Ms. BORDALLO, and Mr. SABLAN):

H.R. 6470. A bill for the relief of the peoples of Bikini, Enewetak, Rongelap, and Utrik, and of other affected citizens of the Republic of the Marshall Islands; to the Committee on the Judiciary.

By Mr. LAMBORN (for himself, Mr. PRICE of Georgia, Mr. BARTLETT, and Mr. FRANKS of Arizona):

H.R. 6471. A bill to require the Director of National Intelligence to submit a report on the foreign development of electromagnetic pulse weapons; to the Committee on Intelligence (Permanent Select).

By Mr. SHULER:

H.R. 6472. A bill to require U.S. Customs and Border Protection to administer polygraph examinations to all applicants for law enforcement positions with U.S. Customs and Border Protection, to require U.S. Customs and Border Protection to initiate all periodic background reinvestigations of certain law enforcement personnel, and for other purposes; to the Committee on Homeland Security.

By Ms. LEE of California (for herself, Ms. EDWARDS of Maryland, Mr. RUSH, Mr. GRIJALVA, Ms. BORDALLO, Mr. FRANK of Massachusetts, Mr. HINCHAY, Ms. NORTON, Ms. SPEIER, Mr. DEUTCH, Mr. STARK, Ms. WOOLSEY, Mr. RANGEL, Mr. JOHNSON of Georgia, Ms. BALDWIN, Mr. POLIS, Ms. MCCOLLUM, Ms. DELAUNO, Mr. COHEN, Ms. ROYBAL-ALLARD, Mr. SERRANO, Mr. CONYERS, Mr. MEEKS of New York, Mrs. CHRISTENSEN, Mr. PAYNE, and Mr. ELLISON):

H. Con. Res. 333. Concurrent resolution supporting the goals and ideals of World AIDS Day; to the Committee on Energy and Commerce, and in addition to the Committee on Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MITCHELL (for himself and Mrs. SCHMIDT):

H. Res. 1743. A resolution congratulating Gerda Weissmann Klein on being selected to receive the Presidential Medal of Freedom; to the Committee on Oversight and Government Reform.

By Mr. FALCOMA VEGA (for himself, Mr. ACKERMAN, Ms. BORDALLO, and Mr. SABLAN):

H. Res. 1744. A resolution referring the bill (H.R. 6470) entitled "A bill for the relief of the peoples of Bikini, Enewetak, Rongelap, and Utrik, and of other affected citizens of the Republic of the Marshall Islands" to the chief judge of the United States Court of Federal Claims; to the Committee on the Judiciary.

By Mr. ISRAEL:

H. Res. 1746. A resolution recognizing and supporting the efforts of Welcome Back Veterans to augment the services provided by the Departments of Defense and Veterans' Affairs in providing timely and world-class care for veterans and members of the Armed Forces suffering from PTSD and related psychiatric disorders; to the Committee on Veterans' Affairs, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PERLMUTTER (for himself, Mr. COFFMAN of Colorado, Ms. DEGETTE, Mr. LAMBORN, Ms. MARKEY of Colorado, Mr. POLIS, and Mr. SALAZAR):

H. Res. 1747. A resolution congratulating the Colorado Rapids soccer club for winning the 2010 Major League Soccer Championship; to the Committee on Oversight and Government Reform.

By Mr. SENSENBRENNER (for himself, Mr. DELAHUNT, and Mr. MORAN of Virginia):

H. Res. 1748. A resolution expressing the sense of the House of Representatives that the United States should initiate negotiations to enter into a bilateral free trade agreement with Turkey; to the Committee on Ways and Means.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 868: Mr. MARKEY of Massachusetts.

H.R. 891: Mr. TOWNS.

H.R. 1193: Mr. TIERNEY.

H.R. 1205: Mr. SKELTON, Mr. INSLEE, and Mr. DENT.

H.R. 1501: Mr. GRAYSON.

H.R. 1502: Mr. GRAYSON.

H.R. 1549: Mr. SCOTT of Virginia, Mr. DICKS, and Mr. PASTOR of Arizona.

H.R. 1806: Mr. DOYLE and Ms. DELAURO.

H.R. 1809: Mr. GRAYSON.

H.R. 1958: Mr. GRAYSON.

H.R. 2030: Mrs. HALVORSON.

H.R. 2112: Mr. DAVIS of Kentucky.

H.R. 3039: Mr. CROWLEY.

H.R. 3303: Mr. COHEN.

H.R. 3578: Ms. MOORE of Wisconsin.

H.R. 4278: Mrs. CAPPS, Mr. TONKO, and Mr. HASTINGS of Florida.

H.R. 4322: Mr. WOLF and Mr. COBLE.

H.R. 4668: Mr. GRAYSON.

H.R. 4669: Mr. GRAYSON.

H.R. 5308: Mr. AUSTRIA.

H.R. 5400: Mr. BOREN.

H.R. 5510: Ms. SUTTON.

H.R. 5643: Mr. BERMAN.

H.R. 5847: Mr. ROTHMAN of New Jersey.

H.R. 5928: Mr. BOREN.

H.R. 6017: Mrs. CHRISTENSEN.

H.R. 6045: Ms. ZOE LOFGREN of California.

H.R. 6128: Mr. COHEN and Mr. MOORE of Kansas.

H.R. 6214: Mr. TOWNS.

H.R. 6240: Mr. BOREN.

H.R. 6340: Mr. SERRANO, Mr. HASTINGS of Florida, and Mr. NADLER of New York.

H.R. 6365: Mr. WOLF.

H.R. 6406: Mr. MCCLINTOCK, Mrs. LUMMIS, Mr. WILSON of South Carolina, Mr. BARTLETT, and Mr. LAMBORN.

H.R. 6415: Mr. BROUN of Georgia, Mr. LAMBORN, Mrs. LUMMIS, Mr. WILSON of South

Carolina, Mr. BARTLETT, Mr. POSEY, Mr. SHIMKUS, and Mr. COFFMAN of Colorado.

H.R. 6418: Mr. SMITH of Nebraska and Mr. WALZ.

H.R. 6458: Mr. QUIGLEY.

H. Con. Res. 323: Ms. SCHWARTZ and Mr. BISHOP of Georgia.

H. Con. Res. 331: Mr. BACA, Mr. ACKERMAN, Mr. DEUTCH, and Mr. MARKEY of Massachusetts.

H. Res. 1444: Mr. BURGESS, Mr. PRICE of North Carolina, Mr. LEWIS of Georgia, Mr. FRANK of Massachusetts, Mr. CONNOLLY of Virginia, Mr. CASTLE, Mr. WOLF, Mr. ACKERMAN, and Mr. MAFFEI.

H. Res. 1670: Ms. SPEIER.

H. Res. 1687: Mr. SCHOCK.

H. Res. 1705: Mr. CAPUANO.

H. Res. 1717: Mr. FORBES, Mr. ROYCE, Mr. JORDAN of Ohio, Mr. MACK, Mr. Fortenberry, Mr. AKIN, Mr. BOOZMAN, Mr. FRELINGHUYSEN, Ms. GRANGER, Mr. FLAKE, Mr. SIRES, Mr. KLEIN of Florida, Mr. FATTAH, Mr. SAM JOHNSON of Texas, Mr. WAMP, Mr. ADERHOLT, Mr. CAO, and Mr. ENGEL.

H. Res. 1725: Mr. CAO, Mr. AKIN, Mr. WAMP, Mr. KLEIN of Florida, Mr. SIRES, Mr. ADERHOLT, Mr. ROYCE, Mr. SAM JOHNSON of Texas, and Mr. FORBES.

H. Res. 1727: Mr. BRADY of Texas, Mr. PAUL, and Mr. WITTMAN.

H. Res. 1732: Mr. LATOURETTE, Mr. INGLIS, Mr. BARTLETT, Mrs. MYRICK, Mr. WOLF, and Mr. WILSON of South Carolina.

H. Res. 1734: Mr. NADLER of New York, Mr. KING of New York, Mr. DEUTCH, Mr. ROTHMAN of New Jersey, and Mr. COSTA.

EXTENSIONS OF REMARKS

CONGRATULATING MEDRAD ON
2010 MALCOLM BALDRIGE NA-
TIONAL QUALITY AWARD

HON. JASON ALTMIRE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 1, 2010

Mr. ALTMIRE. Madam Speaker, it is my privilege to recognize MEDRAD Incorporated as a recipient of the 2010 Malcolm Baldrige National Quality Award—the nation's highest presidential honor for excellence in manufacturing.

MEDRAD began in the kitchen of its founder, Dr. M. Stephen Heilman, more than forty years ago and continues to showcase western Pennsylvania as a leader in medical technology. Today, the company manufactures cutting edge medical devices used for diagnosing and treating diseases. MEDRAD's international headquarters are located in my district and it employs more than 1,400 individuals throughout the Pittsburgh region.

The company is recognized as a market leader in the United States and Europe as it continues to produce quality medical equipment for healthcare providers and patients. MEDRAD has been a pioneer in medical imaging technology, enabling doctors to get specific scans that lead to faster, more accurate treatment. The company has also been an excellent source of job creation and economic development in western Pennsylvania. It has helped the region transform itself from one dominated by the steel industry and manufacturing to an emerging medical, life-science, and technology hub.

The Malcolm Baldrige National Quality Award recognizes exemplary companies committed to high achievement and superior performance strategies. Congress established the award in 1987 in an effort to enhance the competitiveness of U.S. businesses through recognition of model companies.

Madam Speaker, since 1988 only 86 organizations have received this award. As a previous recipient of this award in 2003, MEDRAD becomes one of only five repeat-winners in the award's 23-year history.

I would like to extend my congratulations to MEDRAD and its employees for receiving the 2010 Malcolm Baldrige National Quality Award.

A TRIBUTE IN HONOR OF THE
LIFE OF THEODORE C. SORENSEN

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 1, 2010

Ms. ESHOO. Madam Speaker, I rise today to honor the extraordinary life of Theodore C.

"Ted" Sorensen, peerless wordsmith and presidential counselor, who died on October 31, 2010, only a week before the 50th anniversary of President John F. Kennedy's election.

Born in Lincoln, Nebraska, Ted Sorensen always mused about the impact that Lincoln—the President and the place—had on his life. He grew up immersed in the language and lore of Lincoln, excelling at speech and debate and engaging in impassioned discussions with his father, C.A. Sorensen, Nebraska's Attorney General and a close associate of the progressive Republican Senator George Norris. By the time Ted Sorensen made his way to Washington DC after graduating with honors from the University of Nebraska and its law school, his rigorous, homespun upbringing made him the perfect partner for Kennedy.

Joining Kennedy's staff as a legislative aide only days after Kennedy's election to the Senate, Ted Sorensen remained with him until the fateful day in Dallas that forever changed America. For a decade, they were inseparable. Kennedy called Ted Sorensen his "intellectual blood bank," and Ted often said that he could finish Kennedy's sentences for him. Together they renewed our commitment to civil rights, averted a nuclear war, and began the race to reach the stars. Their unique and enduring relationship defined a decade, and in concert they called on a nation to serve and to sacrifice.

Though shattered by loss, Ted Sorensen did not let unspeakable tragedy silence him. He wrote and lectured widely on public affairs, publishing a bestselling Kennedy biography and his own memoirs. He practiced law, aided candidates and officeholders, and mentored a younger generation of writers. As one of the last living links to the Kennedy legacy, Ted Sorensen felt a special responsibility to share the spirit of his fallen friend. After Ted's passing, Caroline Kennedy thanked him for "his guidance, his generosity of spirit and the special time he took to teach my children about their grandfather." For 82 years, he remained committed to the same people and principles. In the final analysis, Ted Sorensen was sustained by the world of words, just as his words sustained the world.

How do we honor a man whose own enduring words pay him far greater tribute than ours ever could? Paying tribute to Nebraska Senator George Norris, President Franklin D. Roosevelt proposed the following criteria: "History asks, 'Did the man have integrity? Did the man have unselfishness? Did the man have courage? Did the man have consistency?'" Like his lifelong political hero Norris, this much Ted Sorensen had—and more.

Much more than a counselor to a president, Ted Sorensen was the keeper of the Kennedy flame, and the conscience and unrivaled communicator of liberalism in America. Largely thanks to him, Kennedy campaigned in poetry and governed in the same manner. Ted

Sorensen's speeches were poetry written in the meter of American memory, and it is fitting that he has become part of our national narrative himself as his prose takes its place in the pantheon of the past. Together with his friend and political patron, Ted Sorensen lit a fire, and the glow from that fire continues to truly light the world.

Madam Speaker, I ask my colleagues to join me in extending our deepest condolences to Ted's wife, Gillian Martin Sorensen; his children, Eric, Stephen, Philip, and Juliet; his seven grandchildren; his brother, Philip; and his sister, Ruth. Ted Sorensen was the last and the best of the New Frontier, and words cannot adequately express his impact. We have lost the man who challenged our country to live up to its promise in liquid, living prose. His words and his work will live on in the muted marble of the Kennedy gravesite, and in the hearts and minds of all those who thrilled to his vision of a kinder, more just America. He and President Kennedy inspired me and drew me to public service, and I am especially blessed to pay tribute to this extraordinary American. Ted Sorensen has drafted the words and the blueprint; now, the trumpet summons us once more, and again the torch has been passed to a new generation of Americans. We mourn his passing and we accept his final challenge to realize our Nation's best ideals.

RECOGNIZING THE PUBLIC SERVICE OF THE HONORABLE PAUL W. TRESSLER

HON. JIM GERLACH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 1, 2010

Mr. GERLACH. Madam Speaker, I rise today to recognize the Honorable Paul W. Tressler who is retiring after faithfully serving the people of Montgomery County, Pennsylvania as a judge, prosecutor and public defender for much of the last four decades.

Judge Tressler's distinguished public service career started as a prosecutor in the District Attorney's Office in 1968, eventually organizing and supervising the County's first Narcotics Task Force and serving as head of the appellate division. Appointed by Gov. Richard Thornburgh to fill a vacancy on the bench in April 1983, Judge Tressler later that year was elected to a full term and has held the job since then.

Improving the adjudication process for juveniles, and ensuring the effectiveness of the various programs for young offenders, have been hallmarks of Judge Tressler's tenure. As Juvenile Judge, he established the first truancy program in Montgomery County and played a central role in securing a grant to establish a model program to prevent children

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

from being held in secured detention for more than six hours. Thanks to Judge Tressler's hard work and dedication as Administrative Juvenile Judge, County juvenile agencies have been recognized with numerous prestigious state and national awards, including Shelter Education Program of the Year, the Residential Program of the Year, the Outstanding Detention Program and the Community Service and Victim Services Award. He is sharing his tremendous knowledge as an instructor with the Federal Law Enforcement Training Center and the Office of Juvenile Justice and Delinquency Prevention, currently teaching prosecutorial practices in its child abuse and exploitation course.

Madam Speaker, I ask that my colleagues join me today in recognizing the outstanding service and extraordinary career of the Honorable Paul W. Tressler and all who dedicate their careers to the pursuit of justice.

HONORING WILLIS EDWARDS

HON. DIANE E. WATSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 1, 2010

Ms. WATSON. Madam Speaker, I rise today to congratulate Civil Rights icon Willis Edwards for being honored during tonight's "Heroes in the Struggle" gala in recognition of his commitment to HIV/AIDS activism.

For decades, Mr. Edwards has been dedicated to maintaining a national dialogue on HIV/AIDS. As a member of the National Board of the NAACP he helped to establish the HIV/AIDS Committee of the NAACP, and has served as a member of that committee since 1997. He has spoken across the country and around the world on HIV/AIDS issues, and served as Associate Producer for the film "The Faces of AIDS."

Too often people do not want to confront the HIV/AIDS epidemic, but it is advocates like Mr. Edwards who remind us that millions of people around the world continue to contract and to suffer from this deadly virus.

HIV/AIDS is but one of the many areas for which Mr. Edwards has served as a leader and advocate over the course of his lifetime, and I am pleased to offer my congratulations for this award he so clearly deserves.

PERSONAL EXPLANATION

HON. TIMOTHY V. JOHNSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 1, 2010

Mr. JOHNSON of Illinois. Madam Speaker, Monday, November 29, I was unable to cast my votes on H.R. 5877 and H. Res. 771 and wish the RECORD to reflect my intentions had I been able to vote. Last night I was conducting a meeting with local businesses in my district and was unable to travel to Washington, DC in time for the votes.

Had I been present on rollcall No. 581 on suspending the rules and passing H.R. 5877, To designate the facility of the United States

Postal Service located at 655 Centre Street in Jamaica Plain, Massachusetts, as the "Lance Corporal Alexander Scott Arredondo, United States Marine Corps Post Office Building", I would have voted "nay."

Had I been present on rollcall No. 582 on suspending the rules and passing H. Res. 771, Supporting the goals and ideals of a National Mesothelioma Awareness Day, I would have voted "aye."

H.R. 6464, THE "FIREFIGHTER SAFETY ENHANCEMENT ACT OF 2010"

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 1, 2010

Mr. OBERSTAR. Madam Speaker, I rise today to introduce H.R. 6464, the "Firefighter Safety Enhancement Act of 2010". This bill helps address the needs of this country's dedicated heroes—our firefighters—who risk their lives every day as they race to save ours. Many of these brave men and women, whether they are volunteer, on-call, or career firefighters, are in dire need of new and up-to-date fire stations and training facilities. We truly need to address this matter, because their duties already place firefighters' lives and health in danger, and we should not allow them to work in facilities that also put them at risk.

I have seen firsthand in my own district that our fire stations are deteriorating and many are beyond repair. In Virginia, Minnesota, the fire station is more than 100 years old. It was originally designed for horse-drawn apparatus, and the floor is so stressed that giant timbers have been used to support the structure so the fire engines do not fall through the floor into the basement. In Pine City and Hoyt Lakes, Minnesota, the fire stations outlived their usefulness decades ago.

We expect our Nation's firefighters to protect us, and yet we have not provided them with the necessary fire stations and training facilities that help us protect them. When he was running for President a number of years ago, Senator JOHN KERRY said, "we shouldn't be opening firehouses in Baghdad and closing them down in our own communities." That message remains as true today as it was then.

I urge my colleagues to join me in supporting H.R. 6464, the "Firefighter Safety Enhancement Act of 2010".

A TRIBUTE IN HONOR OF THE HONORABLE MARY CURTIS DAVEY

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 1, 2010

Ms. ESHOO. Madam Speaker, I rise today to honor the long life and lasting legacy of Mary Curtis Davey, a distinguished Californian and the conscience of our community, who died October 2, 2010. Throughout her life,

Mary was a consummate community activist and advocate whose tremendous accomplishments remind us of the difference one person can make.

A native of Columbus, Ohio, Mary attended Smith College and graduated with degrees in English and government. She met and married Jack Davey, a Korean War veteran, and moved to Baltimore, where she first became involved in fighting housing discrimination. After moving to Los Altos Hills in 1961, Mary brought her compassion and intensity of purpose to the Peninsula, making her mark almost immediately. She became Mayor of Los Altos Hills in 1966, where her fair housing advocacy caused her to be recalled from the City Council. Unfazed, Mary continued to fight vigorously for equity and opportunity through countless community channels.

Among her many invaluable roles, Mary served as the Director of Midpeninsula Citizens for Fair Housing, CEO of Santa Clara County Advocates for Women, Interim Executive Director of the Palo Alto Red Cross, Board Member of Hidden Villa, and Co-Founder of the Midpeninsula Regional Open Space District, which was one of her proudest accomplishments. But even the stunning 56,000 acres couldn't contain Mary's boundless enthusiasm and dedication . . . she was truly a local force of nature, a civic superwoman of remarkable poise and power.

When Mary was honored with the Josephine and Frank Duveneck Humanitarian Award in 2001, I was privileged to pay tribute to her in Congress. I said then that "Mary Curtis Davey was 'an exceptional voice and advocate for improving the quality of life in our community' and an extraordinary woman who 'dedicated her life to making the San Mateo Peninsula a more humane, beautiful and healthy place.' She continued her commitment to community right up until the day she died."

Madam Speaker, I ask my colleagues to join me in extending our deepest condolences to Mary Davey's husband, Jack; her children, Kit, John, and Curtis; and her grandchildren, John, Devon, Christopher, and Callan. The Reverend Carl Frederick Buechner writes that vocation is "where your deep gladness and the world's deep hunger meet." Few people better embody this intersection than Mary. For 80 years she applied her own inimitable talents to the concerns of her community, raising our spirits and feeding our souls. Her extraordinary environmental and humanitarian contributions have enriched the Bay Area in countless ways, and will live on in the open spaces, fair housing, and social services she championed. I consider myself blessed to have been her friend and her Representative and I ask the entire House of Representatives to join me in honoring the life of this singularly exceptional woman who strengthened her community and her country with unparalleled contributions.

HONORING BRANDON GEORGE
HECHT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 1, 2010

Mr. GRAVES of Missouri. Madam Speaker, I proudly pause to recognize Brandon George Hecht. Brandon is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 332, and earning the most prestigious award of Eagle Scout.

Brandon has been very active with his troop, participating in many Scout activities. Over the many years Brandon has been involved with Scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community. Most notably, Brandon has contributed to his community through his Eagle Scout project. Brandon designed and constructed an outdoor classroom for a local day care, providing an excellent opportunity for the students to learn about nature and the world around them.

Madam Speaker, I proudly ask you to join me in commending Brandon George Hecht for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

IN HONOR OF CURTIS J. HILL

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 1, 2010

Mr. FARR. Madam Speaker, I rise today to honor Curtis J. Hill, a model public servant who is retiring from the position of San Benito County Sheriff/Coroner after a thirty-four year career in law enforcement. Over the course of my tenure in the House of Representatives, I have had the great pleasure of working with Curtis. I have come to value his professionalism and admire his steady counsel on public safety matters. I am proud to honor and thank him for his service.

Curtis was born in Ankara, Turkey. He lived in Germany, Southern California and in Texas before he settled in San Benito County. Curtis holds a Bachelor of Science degree in Criminology from California State University Fresno. He is also a graduate of the FBI National Academy, a professional course of study for U.S. and international law enforcement leaders that serves to improve the administration of justice in police departments and agencies at home and abroad, which raises law enforcement standards, knowledge, and cooperation worldwide.

Curtis began his career with the San Benito County Sheriff's Office in 1976, working in the Patrol, Training, Civil, Corrections, Coroner and Investigations Divisions. He became a court expert, testifying on problems surrounding illegal drug production. Curtis also became the first Fingerprint Examiner for the Sheriff's Department and gave expert testimony in various high profile court cases. In

1988 he was appointed Undersheriff, by Sheriff Harvey S. Nylan and held the position for ten years. In January 1999, he was elected as Sheriff/Coroner and was reelected to his third term in 2006.

Curtis is the current president of the California State Sheriffs' Association and is the past President of the California State Coroner's Association. He is a past member of the Corrections Standards Authority. At the federal level, Curtis sits on the Health and Human Services Organ Donation Leadership Coordinating Counsel, and is a tireless advocate for saving lives through organ donation. He has been appointed to the Mental Health Services Oversight and Accountability Commission and is a strong supporter of prevention and intervention activities for youth.

Madam Speaker, on behalf of the House of Representatives, I would like to extend our nation's deepest gratitude to Sheriff Curtis Hill's thirty-four years of service in law enforcement. He was a great Sheriff/Coroner and he will continue to be a strong community leader, loving husband to wife Ellen and proud father of son Kevin.

TRIBUTE TO CARLA WARRICK

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 1, 2010

Mr. LATHAM. Madam Speaker, I rise to recognize the retirement of Carla Warrick, library technician at the Ericson Public Library in Boone, Iowa after 37 years of service. I would like to express my appreciation for her devotion to literature and spreading the joy of reading to members of her community.

Although she was first hired at the library as a secretary, her job gradually changed to administrative assistant and then to library technician. Her duties expanded over the years, and she saw many changes both in the technology that the library utilized and in the building itself. While she enjoyed being surrounded by the books that she loved, it was meeting and interacting with the people—both her co-workers and the patrons—that Carla loved the most. Her experience and knowledge will certainly be missed.

I commend Carla Warrick for her commitment to literature, her career, and members of her community. It is an honor to represent her in Congress, and I wish her only joy and happiness in her retirement.

IN RECOGNITION OF HIS SERVICE
TO OUR NATION ON THE PASS-
ING OF MAJOR GEORGE A.
PAVLICIN, USMC (RET.)

HON. BILL POSEY

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 1, 2010

Mr. POSEY. Madam Speaker, I rise today to recognize Major George A. Pavlicin, United States Marine Corps, Retired, a World War II veteran and Central Florida resident, who

passed away on November 23, 2010. Major Pavlicin spent his life serving his country and his family, and I am proud to take a moment to honor his lifetime of dedication and service.

George Pavlicin was born and raised on Long Island, New York, the son of Navy veteran and Nassau County Police Officer Michael Pavlicin and his wife Margaret. In 1942, just after finishing high school, he signed up as an Aviation Cadet in the United States Naval Reserve and was commissioned as 2nd Lieutenant in the Marine Corps. He flew the F4U Corsair fighter from aircraft carriers in the Pacific Theater of Operations during World War II—while his older brother Mike was serving in the Navy, and his younger brother Jim was serving in the Army.

In the summer of 1945, at the close of the war, he married Mary Elizabeth White, who survives him. During their sixty-five years of marriage they had six children—two of whom pre-deceased him—eleven grandchildren, and eleven great-grandchildren. Two of their sons followed his example by serving their country in uniform, in the Air Force and the Marine Corps.

Major Pavlicin served on active duty for more than twenty years, including service during the Korean Conflict. During his long and honorable service, which was in keeping with the highest traditions of the Marine Corps, he was stationed in China, Japan, Korea, the Philippines and on Okinawa. He retired from active service in 1963 and worked for the Grumman Aircraft Engineering Corporation on Long Island for twenty-three years, retiring again in 1986. He and Mary later moved to Central Florida, and were active members of their community, worshipping at St. John the Evangelist Church in Viera. He will be buried at Arlington National Cemetery.

Madam Speaker, on behalf of the United States Congress, I am privileged to honor Major George A. Pavlicin, a man whose life and service reflect great credit upon himself, his family, and the United States Marine Corps. He will be remembered as a loving husband and father, an honorable Marine, and as an important part of our community. My wife Katie and I offer our prayers for his wife, Mary, children, George Alan, Patrick, Karen, and Beth, grandchildren and great-grandchildren, as we remember and honor the life of George Pavlicin.

A TRIBUTE TO THE PASTOR

MICHAEL L. BELL

HON. BRETT GUTHRIE

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 1, 2010

Mr. GUTHRIE. Madam Speaker, I rise today to honor Pastor Michael L. Bell for his faithful service to his community and the Commonwealth of Kentucky. On December 27, 2010, he will celebrate 40 years of service at Glendale Christian Church.

Known as the 'go-to-guy,' Pastor Bell is quick to lend a helping hand and an ear to listen. He is a caring, thoughtful and considerate individual who is always interested in assisting others.

Beyond his service to Glendale Christian Church, Pastor Bell is also very active in the community. He is currently serving as Commissioner of the Hardin County Water District #2, Chaplin of the Hardin County Chamber of Commerce, is a member of the Board of Regents for Louisville Bible College and is on the Board of Directors for Helping Hand.

Pastor Bell is also the announcer for Hardin County High School football games and for both the boys and girls basketball teams.

A testament to Pastor Bell's dedication to the community can be seen in his regular visits to those in hospitals and nursing homes, and also through his outreach to widows, who often need help with physician visits, financial decisions and home maintenance.

Pastor Bell and his wife Sharon have been married for 44 years and are the proud parents of two sons, Jon Michael and Christopher David, and proud grandparents of Samantha and Caehla. I ask my colleagues to join me in honoring Pastor Michael L. Bell for his steadfast commitment, service and dedication.

TRIBUTE TO VERLE BURGASON

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 1, 2010

Mr. LATHAM. Madam Speaker, I rise to recognize the retirement of Verle Burgason, co-owner and board chairman of the Ames Tribune in Ames, Iowa. His dedication and commitment to the citizens of the community is appreciated and unequaled.

Verle has spent the last 57 years devoted to journalism, reporting the stories that impacted the community, the state, and the Nation. Known for his honesty and straightforwardness, Verle was a champion of accurate and unbiased writing. During his career, he earned the Iowa Newspaper Association's Master Editor and Publisher award, and deservedly so.

Verle's devotion to the community didn't only find expression through journalism. He was active in United Way, served as president of the Ames Chamber of Commerce, and served on the board of directors at a local bank. He was also extensively involved in church leadership, demonstrating his deep belief in morals, ethics, and a higher power. Verle correctly asserted that community service is a duty that everyone is obligated to fill—an assertion that I wholeheartedly agree with and support.

I know that my colleagues in the United States Congress will join me in commending Verle Burgason for his decades of service at the Ames Tribune and to the Ames community. It is an honor to serve as his representative, and I wish Verle and his wife Jo a happy and healthy retirement.

CONGRATULATING MAJ. GEN. (RET.) CHARLES METCALF

HON. STEVE AUSTRIA

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 1, 2010

Mr. AUSTRIA. Madam Speaker, it is an honor to join the people of Ohio's Seventh Congressional District in congratulating Maj. Gen. (Ret.) Charles Metcalf upon his retirement as director of the National Museum of the U.S. Air Force.

Prior to his service as director, he served in the U.S. Air Force for nearly 36 years on active duty in a variety of financial management and planning positions, retiring in 1991 in the grade of major general. His awards and honors include the Distinguished Service Medal with oak leaf cluster, the Defense Superior Service Medal, and the Legion of Merit.

Following his retirement from active duty, General Metcalf began his service as head administrator for the museum in 1996 and in 2005 he was appointed to the Senior Executive Service.

For the last 14 years he has managed the world's largest and oldest military aviation museum. The internationally acclaimed museum is located on the Wright-Patterson Air Force Base in Dayton, Ohio and portrays the heritage and traditions of the Air Force through specialized exhibits.

Under General Metcalf's management, the museum had flourished. In 2003, the museum began a long-term, multi-phased expansion with the building of the Eugene W. Kettering Cold War Gallery and the Missile Gallery, as well as the renovations to the Korean War exhibit. With these new additions, the museum provides more than 17 acres of indoor exhibition space. Future plans call for a Space Gallery, a Presidential Aircraft Interpretive Center, and a Global Reach Gallery.

During his tenure, General Metcalf increased museum attendance from 800,000 to nearly 1.4 million visitors and achieved the highest national recognition for a museum, the American Association of Museums accreditation in 1998 and reaccreditation in 2008.

General Metcalf also led the charge in changing the name of the museum, which was previously known as the United States Air Force Museum. The change reinforces the museum's national mission and its world-class collection, placing it at a level with the Smithsonian National Air and Space Museum in Washington, DC, the National Museum of Naval Aviation in Pensacola, Florida, and the National Museum of the Marine Corps.

General Metcalf has been dedicated to supporting the motto of the museum, "we are the keepers of their stories." He will forever be remembered for his advocacy for preserving our heritage to honor our veterans, many who gave their lives to protect our freedoms. The work he has done will stand as a lasting monument to the memory of those who have gone before, as well as his dedication to the exploration of our nation's history.

In addition to his duties as director, he provides technical and professional guidance to the U.S. Air Force Heritage Program which includes 12 Air Force field museums and 260 domestic and international heritage sites.

He also was very active outside of his work at the museum and currently serves as the vice president of the Central Region for Boy Scouts of America, as well as on the organization's Leadership and Standards Committee. He is a former member of the Oakwood, Ohio City Council, and previously served on the Board of Directors for the Greater Dayton United Way, Ohio; the Board of Trustees for the County Corp Development, Dayton, Ohio; the Board of Directors for Greater Dayton Public Television, Ohio; and the National Alumni Board, Michigan State University.

Madam Speaker, I ask my fellow colleagues to join me and the constituents of Ohio's Seventh Congressional District in congratulating General Charles Metcalf for his outstanding service to our nation and the State of Ohio. His work today has ensured that the museum will see many future successes and our nation's history will be preserved for generations to come.

HONORING RICHARD JOHN PASTOR

HON. THADDEUS G. McCOTTER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 1, 2010

Mr. McCOTTER. Madam Speaker, today I rise to honor the extraordinary life of Richard John Pastor and mourn him upon his passing at the age of 79.

Born on June 22, 1931, Richard Pastor dedicated his life to serving his community and his country. After honorably serving his country as a member of the United States Army, Richard came home to proudly become the second generation owner of his family's three generation Michigan based construction business, George H. Pastor and Sons.

Regrettably, on November 27, 2010, Richard Pastor passed from this earthly world to his eternal reward. He is survived by his beloved wife of 54 years, Carol and his children, Craig, Mahala, John, Tim, and Sharon. Preceding him in death was his son Keith. Richard leaves a legacy of 12 grandchildren and was a devoted brother to Jean and Robert. A courageous and honorable man, Richard will be sorely missed.

Madam Speaker, Richard Pastor is remembered as a compassionate father, a dedicated husband, honorable soldier, caring business owner, involved leader, and a true friend. Richard was a man who deeply treasured his family, friends, community and his country. Today, as we bid Richard John Pastor farewell, I ask my colleagues to join me in mourning his passing and honoring his unwavering patriotism and legendary service to our country and community.

OPIC CONTRIBUTES TO DEFICIT REDUCTION

HON. DONALD A. MANZULLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 1, 2010

Mr. MANZULLO. Madam Speaker, two weeks ago, the Treasury Department released

the details of the Federal budget deficit for Fiscal Year 2010. While many of the numbers were grim, at least one federal agency—the Overseas Private Investment Corporation, OPIC—reported a net income of nearly \$260 million and contributed a net positive balance to the Federal budget deficit of \$352 million in FY 10. In fact, this represents the 33rd consecutive year that OPIC has made a positive contribution to the Federal budget. These numbers were also confirmed by an independent external auditor, KPMG.

OPIC's earnings are generated through fees charged to users of their financing and insurance programs, as well as interest earned on its growing reserves, which now total about \$5 billion. Because OPIC charges market-based fees for its products, it operates on a self-sustaining basis at no net cost to the taxpayers. This is not counting the tax revenue generated by the more than 274,000 U.S. jobs that OPIC projects have supported over the past 39 years. In FY 10, OPIC-supported projects are estimated to generate \$624 million in U.S. exports and to support nearly 1,000 American jobs. Eighty of the 97 projects supported by OPIC in FY 10 involved U.S. small businesses.

Thus, it would be counterproductive to close down OPIC because that action would actually reduce an incoming revenue stream to the Federal government and exasperate our budget deficit problem. In addition, if OPIC were terminated, many current users of OPIC would simply switch to investment insurance and financing programs of foreign governments, which would result in the shifting of U.S. jobs and tax revenue overseas, because there is no private company that provides long-term political risk insurance. That is why I encourage Congress to pass a multi-year reauthorization bill for OPIC, S. 705/H.R. 5975.

PERSONAL EXPLANATION

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 1, 2010

Ms. SCHAKOWSKY. Madam Speaker, on rollcall No. 584, had I been present, I would have voted "yes."

TRIBUTE TO ALEXA LINGREN

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 1, 2010

Mr. LATHAM. Madam Speaker, I rise to recognize the achievement of Alexa Lingren, a 4-H member from Pilot Mound, Iowa, who recently received a leadership project award from the Mary Jo and Glen Mente Endowment and the 4-H Foundation. This award is given only to those who demonstrate leadership in 4-H and in their local communities. I would like to express my congratulations to Alexa for receiving this award and my appreciation to her for her leadership.

For the last eight years, Alexa has been an active leader in 4-H. She served on the 4-H

council in Boone County, served as club president, and received many state awards in citizenship. She also participated in the safety, swine, sheep, and self-determined 4-H project areas, and she was named the runner-up fair queen at the Boone County Fair.

4-H has enabled Alexa to be an active leader within her community. Alexa co-chaired six community improvement grants that benefited both the local youth shelter and area farmers. She believes that 4-H has given her the talent and the skills to help others, which she finds to be enriching.

I commend Alexa Lingren for her service to 4-H and her community, and I know my colleagues in Congress will join me in congratulating Alexa for her achievement. It is an honor to represent Alexa in Congress, and I wish her the best of luck in the future.

IN HONOR AND REMEMBRANCE OF MR. RAYMOND MATJASIC

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 1, 2010

Mr. KUCINICH. Madam Speaker, I rise today in honor and remembrance of Mr. Raymond Matjasic, a nationally honored photographer. His passionately accumulated expertise covered events such as the Marine Corps during World War II, Major League Baseball's 1948 and 1954 World Series, and the Presidential Inaugurations of Presidents Nixon and Carter.

Mr. Matjasic was born in Cleveland, Ohio in 1920 and remained a lifelong resident of the area. Ray began his career with the Cleveland Plain Dealer at the age of nine as a paper delivery boy. After graduating from John Hay High School, he began working in the Plain Dealer's circulation department. It was during this time that his interest for photography was peaked. As a Marine, Matjasic photographed his colleagues during World War II in the South Pacific. Upon his return to Cleveland in 1945 he joined the Plain Dealer's photo department. Mr. Matjasic was the Plain Dealer's chief photographer from 1964 until his retirement in 1983. Throughout his illustrious career, Mr. Matjasic won dozens of awards, and was named to the Cleveland Press Club Hall of Fame.

Photography was more than just a job for Mr. Matjasic, it was a passion that he loved to share with others. He traveled and lectured at many colleges and universities including Ohio State University, Bowling Green State University, and Kent State University. He also helped establish and served as vice president of the Cleveland Chapter of the Marine Corps Combat Correspondents Association.

Madam Speaker and colleagues, please join me in honor and remembrance of Mr. Raymond Matjasic. I offer my condolences to his daughter Judith and three grandchildren. Mr. Matjasic will always be remembered for his brave service to our country and as an iconic photographer.

MEDIA COVERAGE OF DREAM ACT ONE-SIDED

HON. LAMAR SMITH

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 1, 2010

Mr. SMITH of Texas. Madam Speaker, during the lame duck session, Democrats in Congress want to pass the DREAM Act, which uses taxpayer dollars to give illegal immigrants amnesty and in-state tuition at public universities.

The national media are doing their best to help.

For example, out of 13 recent articles regarding the DREAM Act in The Washington Post, The New York Times, and The Los Angeles Times, 11 were overwhelmingly one-sided and sympathetic to illegal immigrants.

That means 85% were biased.

In one such article, the term "conservative" was used to describe opponents of the legislation, but not one of the left-wing amnesty groups or activists mentioned in the article was described as "liberal."

The national media should give Americans all the facts about immigration, not just one side.

IN HONOR OF ALBANIAN INDEPENDENCE DAY

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 1, 2010

Mr. KUCINICH. Madam Speaker, I rise today in honor of Albanian Independence Day. As the Albanian community in Greater Cleveland gathers to celebrate, I join them in appreciation of their rich history and culture.

Known as Day of the Flag among Albanians, November 28, 1912 marks the day that the Republic of Albania became a sovereign nation after approximately 500 years of occupation by the Ottoman Empire. After this liberation, the country still faced 51 years of occupation under fascist Italy and the Soviet Union, emerging again in 1991. In part because they spent so many years under foreign rule, the Albanian people take deep pleasure in their independence.

This pleasure manifests each year on the Day of the Flag, marked by concerts, banquets, and celebrations. In Tirana, the nation's capitol, the President, Prime Minister, and Mayor appear at a flag raising ceremony and visit the graves of soldiers who fell in battle. Despite the cold, enthusiastic citizens attend the ceremony, waving the national colors.

Cleveland is home to a strong Albanian community, descendants of late nineteenth century immigrants and people seeking freedom and opportunity after World War II. This community has succeeded in preserving their heritage while wholeheartedly supporting American society, thereby contributing to the unique richness and diversity of our national culture.

Madam Speaker and colleagues, please join me in honor and celebration of the Albanian

Day of the Flag. May every American of Albanian heritage hold memories of their past forever in their hearts, remembering the day that their forbears gained their freedom.

HONORING CHARLIE KRUSE

HON. BLAINE LUETKEMEYER

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 1, 2010

Mr. LUETKEMEYER. Madam Speaker, I rise today to recognize Charlie Kruse, President of the Missouri Farm Bureau, who is retiring after 18 years of service.

Charlie is a proud native of Stoddard County where he and his wife own and operate a grain farm. He is a graduate of Arkansas State University and the University of Missouri, where he earned his master of science in agronomy in 1973.

Recognizing Charlie's exceptional talent and commitment to agriculture, Missouri Governor John Ashcroft appointed him director of the Missouri Department of Agriculture in 1985. In 1990, Kruse served on President George Bush's Council on Rural America, the only Missourian named to the Council. He also served on U.S. Trade Representative Carla Hills' Intergovernmental Advisory Committee and on USDA's Federal Grain Inspection Service Advisory Committee. In 1991, Kruse accepted the position of executive vice president of the North American Equipment Dealers Association, and resigned that position in August 1992 to seek the presidency of Missouri Farm Bureau.

In his 18 years as president of the Missouri Farm Bureau, Kruse has helped countless Missouri farmers who have reaped the benefits of his advocacy. The Missouri Farm Bureau is losing a capable and experienced leader whose tireless efforts have served to benefit all of our State's citizens, including me. During his tenure, Missouri Farm Bureau has seen tremendous growth in membership from 77,000 to over 108,000 farm families.

The accomplishments during Charlie Kruse's career are far too numerous to list. We are thankful for his efforts not only at the local and State levels but also the Federal level. From his testimony before Congress to his many advisory positions at USDA and involvement with the most recent farm bill, Charlie's unwavering support for sound and responsible agricultural policy serves as a model to everyone in the industry.

Charlie has so much to be proud of beyond his accomplishments in the policy arena. Missouri cannot thank him enough for his service in the Missouri National Guard and to the University of Missouri. I would like to take this opportunity to express my personal gratitude for all that he has given.

As he returns home to Stoddard County, Charlie can do so with great pride, knowing that in the span of his career he has accomplished so much and helped so many. While he will be missed, I wish him the very best that retirement has to offer.

In closing, Madam Speaker, I ask all my colleagues to join me in congratulating Charlie Kruse for his service to the State of Missouri and to American agriculture.

TRIBUTE TO JOHN H. WEED

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 1, 2010

Mr. STARK. Madam Speaker, I rise today to pay tribute to John H. Weed upon his retirement from the Ohlone College Board of Trustees in Fremont, California. Mr. Weed attended his final board meeting on November 10, 2010. First elected in 1977, he served on the Board of Trustees for 33 years.

Mr. Weed holds a Bachelor of Science in Civil Engineering and Juris Doctor of Law degree from the University of Santa Clara. He received a Master of Business Administration in Finance from Eastern New Mexico University. He was a Graduate Research Associate in Agricultural Economics and a graduate student with the Department of Hydrology and Water Resources at the University of Arizona.

He has been an elected director of the Alameda County Water District since November 1995. Since 1990, Mr. Weed has served as a Director of the Bay Area Water Supply and Conservation Agency and Regional Financial Authority, representing customers of the Hetch Hetchy Water System.

Mr. Weed is a member of Rotary International, and he has been or is currently involved in myriad civic activities, which include the Alameda County Bicentennial Commission, the city of Fremont Historical Architectural Review Board, State of California Heritage Task Force, Association of Water Agencies, Washington Township Historical Society, the Alameda County Library System, and the City of Fremont's Regulatory Review Commission.

I wish John Weed all the best upon his retirement from the Ohlone College Board of Trustees. Mr. Weed describes the heart of Ohlone College as "the wonderful service it provides the community." I join the community in thanking him for his three decades of service, and appreciating him for a job well done.

PERSONAL EXPLANATION

HON. SUE WILKINS MYRICK

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 1, 2010

Mrs. MYRICK. Madam Speaker, due to illness, I was unable to participate in the following votes. If I had been present, I would have voted as follows:

NOVEMBER 29, 2010

Rollcall vote 581, On Motion to Suspend the Rules and Pass—H.R. 5877, To designate the facility of the United States Postal Service located at 655 Centre Street in Jamaica Plain, Massachusetts, as the "Lance Corporal Alexander Scott Arredondo, United States Marine Corps Post Office Building"—I would have voted "aye."

Rollcall vote 582, On Motion to Suspend the Rules and Agree—H. Res. 771, Supporting the goals and ideals of a National Mesothelioma Awareness Day—I would have voted "aye."

NOVEMBER 30, 2010

Rollcall vote 583, On Agreeing to the Resolution—H. Res. 1736, Providing for consideration of the Senate amendments to the bill (H.R. 4783) to accelerate the income tax benefits for charitable cash contributions for the relief of victims of the earthquake in Chile, and to extend the period from which such contributions for the relief of victims of the earthquake in Haiti may be accelerated—I would have voted "nay."

Rollcall vote 584, On Motion to Concur in the Senate Amendments—H.R. 4783, To accelerate the income tax benefits for charitable cash contributions for the relief of victims of the earthquake in Chile, and to extend the period from which such contributions for the relief of victims of the earthquake in Haiti may be accelerated—I would have voted "nay."

Rollcall vote 585, On Motion to Suspend the Rules and Agree, as Amended—H. Res. 1585, Honoring and recognizing the exemplary service and sacrifice of the 60th Air Mobility Wing, the 349th Air Mobility Wing, the 15th Expeditionary Mobility Task Force, and the 615th Contingency Response Wing civilians and families serving at Travis Air Force Base, California—I would have voted "aye."

Rollcall vote 586, On Motion to Suspend the Rules and Agree—H. Res. 1740, Recognizing and honoring the National Guard on the occasion of its 374th anniversary—I would have voted "aye."

DECEMBER 1, 2010

Rollcall vote 587, On Ordering the Previous Question—H. Res. 1742, Providing for consideration of S. 3307, the Healthy, Hunger-Free Kids Act—I would have voted "nay."

Rollcall vote 588, On Agreeing to the Resolution—H. Res. 1742, Providing for consideration of S. 3307, the Healthy, Hunger-Free Kids Act—I would have voted "nay."

Rollcall vote 589, On Agreeing to the Resolution—H. Res. 1741, Providing for consideration of H.J. Res. 101, Making further continuing appropriations for fiscal year 2011, and for other purposes—I would have voted "nay."

Rollcall vote 590, On Motion to Suspend the Rules and Agree—H. Con. Res. 323, Supporting the goal of ensuring that all Holocaust survivors in the United States are able to live with dignity, comfort, and security in their remaining years—I would have voted "aye."

Rollcall vote 591, On Motion to Suspend the Rules and Agree—H. Res. 1735, Condemning North Korea in the strongest terms for its unprovoked military attack against South Korea on November 23, 2010—I would have voted "aye."

Rollcall vote 592, On Motion to Suspend the Rules and Agree, as Amended—H. Res. 1430, Honoring and saluting golf legend Juan Antonio "Chi Chi" Rodriguez for his commitment to Latino youth programs of the Congressional Hispanic Caucus Institute—I would have voted "aye."

CELEBRATING THE 100TH BIRTHDAY OF SHIRLEY G. ROSENBAUM

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 1, 2010

Mr. ACKERMAN. Madam Speaker, I rise today to celebrate the 100th birthday of Shirley G. Rosenbaum, the pride of New York State.

Born on December 7th, 1910, in Oswego, New York, Shirley grew up with a deep love and appreciation for her community and country. She married Jack Rosenbaum in 1927, and they had two children, Elise and Richard. Richard, under Shirley's steady guidance, became a Justice of the New York State Supreme Court and Chairman of the New York State Republican Committee.

Shirley is a parent who never ceases to encourage her children to achieve their dreams. She always stressed to Elise and Richard the value of education in achieving those dreams.

In Shirley's 100 years, she has lived through some of the most difficult and joyous times in American history. No matter the challenge, Shirley has maintained a warm home, loving family, and an appreciation for the small pleasures in life. An avid bowler, Shirley is no stranger to 200+ games. She is quite the bridge player and loves to create word games. Her family is her greatest pride though, Elise and Richard, six grandchildren, 18 great grandchildren, and even one great great grandchild.

For her devotion to her family and her country, I ask my colleagues in the United States House of Representatives to please rise and join me in honoring Shirley G. Rosenbaum on the occasion of her 100th birthday.

IN HONOR OF THE CUYAHOGA COUNTY FORECLOSURE MEDIATION PROGRAM

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 1, 2010

Mr. KUCINICH. Madam Speaker, I rise today in honor and recognition of the Cuyahoga County Common Pleas Court Foreclosure Mediation Program.

The Foreclosure Mediation Program was introduced in 2008 by Judge Eileen T. Gallagher. As the chair of the Court's Foreclosure Committee and Foreclosure Mediation Subcommittee, as well as a former magistrate in the Court's Foreclosure Department, she was in a unique position to see the difficulties homeowners face and to develop a solution.

Through the program, many middle- and lower-class families have been able to stay in their homes through the remediation procedures the program offers. The results have been impressive; in 2009 alone, of the 821 foreclosure cases sent to remediation, 451 of them were successful.

The Foreclosure Mediation Program has been so successful that it has been nationally recognized. It was recently honored when its

program director, Andrea Kinast and Common Pleas Court Committee Chair, Judge Eileen T. Gallagher received an invitation to the "Closing the Justice Gap for America's Working Families" event at the White House, on November 19, 2010. This event presents a great opportunity to highlight the program's success and draw attention to its potential use as a model for the rest of the nation.

Madam Speaker and Colleagues, please join me in honoring the Cuyahoga County Foreclosure Mediation Program. The hard-working and dedicated staff has been able to keep many people in their homes, preserving our community and helping to save the financial integrity and personal dignity of those who have run into difficulties. I applaud and encourage their efforts to assist those in need.

HONORING LAUREN PERRY FOR HER SERVICE TO TENNESSEE'S SIXTH CONGRESSIONAL DISTRICT

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 1, 2010

Mr. GORDON of Tennessee. Madam Speaker, today I rise to recognize Lauren Perry for her contributions to Tennessee's Sixth Congressional District. Lauren has served as my executive assistant and scheduler in Washington, DC, and served as field representative in my Murfreesboro, Tennessee, office prior to moving to our Nation's capital. She will soon join the staff of my colleague Congressman JOHN BARROW of Georgia, and I am confident she will be a great addition there.

A fellow graduate of Middle Tennessee State University, Lauren first came to my office through her hard work on my 2008 campaign. Although Lauren grew up nearby in Lawrenceburg, she quickly came to call Murfreesboro home. When she joined my staff as a field representative in 2009, she helped my constituents obtain their Social Security and Medicare benefits and helped students with concerns related to federal student loans. Lauren was enthusiastic, capable and quick to help all constituents who came through our door. Her kindhearted, compassionate nature endeared her to many people who were going through rough times and just needed some help cutting through government redtape.

In June, Lauren left the big city of Murfreesboro and headed to a really big city, Washington, DC, to experience work on Capitol Hill. When the scheduler position became available, Lauren stepped in and rose to the challenge. In a short time she mastered the complexities of the job and put her organizational skills to good use on major logistical projects, such as archiving my congressional papers for our alma mater.

Lauren's professionalism and positive attitude have made her a great addition to the office. She generously shared her home-baked treats with the office and became an integral part of the team. Her tiny dog, Nona, even graced us with occasional visits to the office in her leopard-print Snuggie, further brightening the mood.

Madam Speaker, I and the rest of the staff will miss Lauren, but we are thrilled about this newest chapter in her career. I've had the pleasure of meeting her family, and I know she makes them proud. Lauren, I and your colleagues here in DC and in Tennessee wish you all the best in the future.

HONORING ELIZABETH ZUBITIS

HON. ADAM SMITH

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 1, 2010

Mr. SMITH of Washington. Madam Speaker, I rise today to honor Elizabeth Zubitis, who will retire on January 5, 2011 after 47 years of active membership and leadership in the Washington State Democratic Party. I ask that my colleagues join me in honoring Ms. Zubitis for her commitment to public service, civic engagement, her extensive accomplishments within her community, and her undertakings as a local leader of the Democratic Party.

Born in Alberta, Canada, Elizabeth Zubitis and her family moved to Moscow, Idaho where she became a naturalized citizen of the United States. Soon after, she became an active member of the Democratic Party. She began her career in the party as a Democratic Precinct Committee Officer in 1964. Over the course of her career, Ms. Zubitis has been the treasurer of the Pierce County Democratic League in the Washington State Federation of Democratic Women, the chair of Washington State's 2nd Legislative District Democrats, the chair of the State's 29th Legislative District Democrats, and served a four-year term as the chair of the Pierce County Democrats.

Additionally, Ms. Zubitis has been an active member of the Coalition of Labor Union Women and the Lady Garment Workers Union, which was later incorporated into the United Food and Commercial Workers Union. She became and served for many years as a full-time union representative for the United Food and Commercial Workers Union, and retired from this post in 1999.

Having been recognized by several organizations as a noteworthy person, Ms. Zubitis has proven to be an inspiring role model for girls and women in the community. Among her many accolades, she has received the Warren G. Magnuson Award for State Committee Woman of the Year in 2001 and the Glass Ceiling Award. Ms. Zubitis's retirement will mark the end of her two-year term as Chair of Washington State's 30th Legislative District Democrats. Her long list of accomplishments is made more impressive by her success as a mother of five children and a loving grandmother.

Madam Speaker, I ask that my colleagues join me in congratulating Elizabeth Zubitis on her many remarkable achievements, her venerable service to her community, and her retirement after 47 years of committed involvement with the Washington State Democrats.

HONORING THE SERVICE OF
THOMAS L. BALDINI

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 1, 2010

Mr. STUPAK. Madam Speaker, I rise to honor the service of my good friend and District Director Thomas L. Baldini of Marquette, Michigan. Tom has been a member of my staff since 2003, but has been a devoted member of the Marquette community for over 40 years and has been a committed public servant to the people of Michigan throughout his long career.

Tom graduated from Northern Michigan University (NMU) in Marquette in 1965 with a Bachelor of Science degree in Secondary Education (Political Science/Economics and History). Following his time at NMU, Tom began his distinguished career as a high school economics and political science teacher with Marquette Area Public Schools, a position he held for 18 years. Throughout his teaching career, Tom also served as a part-time instructor at NMU.

In 1983, Tom began serving as the Special Assistant to Michigan Governor James Blanchard for Upper Peninsula Affairs and Education Advisor, and was referred to as the "Governor of the Upper Peninsula." Tom continued to serve the citizens of Michigan with Governor Blanchard until 1991, when he went back to work for Marquette Area Public Schools as Assistant to the Superintendent for Personnel and Finance.

Three years later, Tom had the distinct honor of being appointed by President Clinton—and later confirmed by the U.S. Senate—to become the Chairman of the U.S. Section of the International Joint Commission (IJC) for Canada and the United States. Tom was later tapped by President Clinton once again to become the U.S. Commissioner to the International Boundary Commission (IBC) for the United States and Canada. Tom was the first American to hold these two diplomatic positions for the United States concurrently.

Looking for a change in his professional life, Tom became my District Director in 2003 and has been with me ever since. When I am in Washington, Tom is my eyes and ears in northern Michigan and serves as my chief representative throughout our expansive District. Tom possesses a firm passion for public service and a steadfast commitment to the people of Michigan, and always stands ready to assist in any way he can. He managed my 10-person district staff in seven different offices and assists constituents, local communities, local governments and businesses throughout the district.

Madam Speaker, Thomas L. Baldini is a dear friend to both me, and the citizens of northern Michigan. His remarkable career of public service is truly inspiring and I know that after my time in Congress has ended, Tom will continue to play an integral role in his community for years to come. I ask my colleagues in the U.S. House of Representatives to join me in recognizing Thomas L. Baldini's four decades of service to the State of Michigan.

HONORING ROSHARA "ROSIE" J.
HOLUB

HON. W. TODD AKIN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 1, 2010

Mr. AKIN. Madam Speaker, I rise today to honor Roshara "Rosie" J. Holub, president and chief executive officer of the Missouri Credit Union Association, the service and support association for Missouri's 153 credit unions and their more than 1.3 million members. After decades of service to credit unions and their members, Rosie will be retiring on December 17th of this year.

Rosie has an extensive and impressive resume of professional accomplishments. She served as Chairman of the American Association of Credit Union Leagues (AACUL), as Chair of Credit Union House, LLC (Washington, DC), and as a Board member of the Filene Institute. Rosie also served on the Credit Union National Association (CUNA) Partnership Committee and the National Action and Response Program (NARP) Coordinating Council.

Once named as one of the 25 most influential businesswomen in St. Louis, Rosie has positively impacted Missouri's financial services community through her leadership and educational efforts. Among her contributions to Missouri, she served on the Board of Trustees for the Missouri Council on Economic Education (MCEE) and the Board of Advisors for the University of Missouri's College of Health and Environmental Sciences: Personal Financial Planning Department.

I've had the honor of knowing Rosie Holub for many years. She has represented the Missouri Credit Union Association, its employees and member credit unions with a warm personality and professionalism. My staff and I will miss her, but wish her God's blessing in retirement.

IN RECOGNITION OF MR. ANTHONY
P. PLACIDO ON THE OCCASION
OF HIS RETIREMENT

HON. SILVESTRE REYES

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 1, 2010

Mr. REYES. Madam Speaker, today I pay tribute to Mr. Anthony P. Placido on his retirement from public service at the end of this month after more than 30 distinguished years in law enforcement.

Mr. Placido began his law enforcement career with the U.S. Customs Service, but he later joined the U.S. Drug Enforcement Administration and quickly rose through the ranks, using his foreign affairs experience and leadership skills to manage counter-narcotics efforts both in domestic and foreign posts. In his time with DEA, he acted, among other things, as a Team Leader for the Tactical Intelligence Unit in Peru, a Senior Inspector with the Office of Professional Responsibility, and a Country Attaché for Bolivia.

In his two years as the Regional Director for the Mexico-Central America Division, super-

vising and coordinating DEA operations across eight countries, Mr. Placido was credited with dismantling and disrupting several major drug trafficking cartels. His success earned him an appointment to serve as the Special Agent in Charge of DEA's New York Field Office, where he established the first Organized Crime Drug Enforcement Strike Force in the nation.

Mr. Placido's focus on multi-agency joint missions made him the right person to serve as the founding Director of the Organized Crime Drug Enforcement Fusion Center, where he continued to emphasize the necessity of interagency cooperation and information sharing in the fight against transnational criminal organizations.

As Chairman of the House Permanent Select Committee on Intelligence, I have had the opportunity most recently to work closely with Mr. Placido in his current role as Chief of Intelligence for the DEA. During this time, I have come to appreciate his professionalism, expertise, and candor, as well as his work to cultivate extensive relationships and collaborative partnerships with other elements of the intelligence and law enforcement communities.

In particular, Mr. Placido has dedicated himself to promoting the El Paso Information Center (EPIC) as a frontline resource for law enforcement organizations. He has been an enthusiastic advocate for bringing the wide ranging expertise of federal, state, local, and tribal law enforcement officers to bear in a variety of crucial national missions, from counter-narcotics operations to counterterrorism investigations. Under his leadership, EPIC has become a world class clearinghouse for tracking, investigating, and disrupting international drug operations.

Over the course of his career, Mr. Placido has seen the DEA's mission evolve and expand. It is truly a testament to his integrity and dedication that he has met the challenges of an increasingly complex set of national security threats, without losing sight of the needs of the officers patrolling our streets.

The Nation is better and safer as a result of Mr. Placido's service. For that, I pay tribute to him.

HONORING LLOYD A. SEMPLE AS
CHAIR OF THE MICHIGAN CHAPTER
OF THE NATURE CONSERVANCY

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 1, 2010

Mr. DINGELL. Madam Speaker, I rise today in appreciation of Lloyd A. Semple. On December 2nd he will step down after a successful tenure as Chair of the Michigan Chapter of The Nature Conservancy. Lloyd has provided extraordinary leadership in shepherding The Nature Conservancy into its next decade of conservation. As Chair, he held the gavel as the Great Lakes Project was launched on Mackinac Island in 2008, and was at the helm when The Nature Conservancy completed the largest conservation project in Michigan's history.

Lloyd joined the Michigan Board of The Nature Conservancy in 2003 and has remained an active member of the Board through his tenure as Chair, which started in 2008. His philanthropic nature is further exemplified by his positions as Vice Chairman of the National Audubon Society's Board of Directors and member of the Executive Committee of the Detroit Zoological Society's Board of Directors. These commitments require time and energy, which Lloyd has selflessly volunteered year after year.

It is my belief that we do not inherit the Earth from previous generations, but we borrow it from future ones. By continuing to expand our scientific knowledge and by conserving pristine wildlife habitat, we are fulfilling our role as stewards of the environment. Lloyd Semple successfully championed this vision as Chair.

PERSONAL EXPLANATION

HON. PAUL TONKO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 1, 2010

Mr. TONKO. Madam Speaker, on rollcall Nos. 581 and 582, had I been present, I would have voted "aye."

RECOGNIZING THE SERVICE AND CONTRIBUTIONS OF DR. MILO SHULT TO ARKANSAS AGRICULTURE

HON. JOHN BOOZMAN

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 1, 2010

Mr. BOOZMAN. Madam Speaker, I rise before you today to recognize the service of one of Arkansas Agriculture's greatest advocates—Dr. Milo Shult, who is retiring this year.

Since 1992, Dr. Shult has served Arkansas's agricultural community as the vice president for agriculture of the University of Arkansas System and I express my sincere gratitude to him and his family for their steadfast service to 'The Natural State.'

Agriculture is a critical part of our State's economy, accounting for more than \$16 billion in added value, 12 percent of GDP, and supporting more than 250,000 jobs. Dr. Shult's administration of the Agricultural Experimentation Station and Cooperative Extension Service have strengthened Arkansas's agribusiness and his legacy will ensure that our State will continue to be a national leader in agriculture research and the production of food and fiber. It has been an honor and a privilege to get to know and work with Dr. Shult during my service in Congress. He has always been a strong voice for Arkansas agriculture in communicating their needs to the Arkansas Congressional Delegation and his leadership has helped us remain focused on making our State a leader in food safety, resource management, sustainability, and other critical research.

Dr. Shult has also been a regional and national leader for agriculture advocacy and his

service includes, but is not limited to: National Association of State Universities and Land Grant Colleges Chair of the Board on Agriculture, president of the Southern Association of Agricultural Scientists, service on the National Agricultural Library Board of Directors, 4-H Natural Resources Program Steering Committee, United States Department of Agriculture, USDA, Natural Resource National Initiative Task Force. He has also chaired the USDA Research, Education, and Economics Information System, REEIS, Steering Committee since 1997.

While the University of Arkansas System may be losing one of its most valued vice presidents, I know that the agriculture community, particularly Arkansas's, will continue to have a strong voice and a friend in Dr. Milo Shult. On behalf of myself and Arkansas's Third Congressional District I say "Thank You" for your selfless dedication and commitment to 'The Natural State' and the advancement of agriculture everywhere.

CONGRATULATING MURRAY KALISH

HON. THEODORE E. DEUTCH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 1, 2010

Mr. DEUTCH. Madam Speaker, I am both honored and privileged to rise to congratulate a true pillar of the Palm Beach County community, Murray Kalish. Mr. Kalish will be honored on December 12, 2010 at Temple Emeth for his activism and leadership in South Florida.

Murray Kalish has repeatedly distinguished himself through his volunteer and civic activities throughout Palm Beach County. In 1992, Murray, who had previously served as vice president of the West Delray Democratic Club, formed the United South County Democratic Club. As president, Murray oversaw the largest Democratic club in the State of Florida. His insight has been sought by elected officials and candidates for decades.

Always looking for ways to contribute to his community, Murray has served on the Land Use Advisory Board, the Palm Beach County Board of Adjustment, and the Palm Beach County Solid Waste Authority Advisory Board. Murray also currently serves as a board member for the Lake Worth Drainage District. First elected over a decade ago, he has dedicated his time on the board towards maintaining clean and clear canals for the people of his district.

Beyond his volunteering and activism, Murray is the symbol of a true family man. For 72 years he was a loving husband to his late wife Rosalyn, and he continues to be a dedicated father, grandfather, and great-grandfather. A true leader in every sense of the word, Murray has served not only as a friend to me, but as a mentor. I could not think of a more deserving person for Temple Emeth to bestow this important honor. I again want to congratulate my dear friend, Murray Kalish, and his entire family on this well deserved honor.

HONORING THE LIFE OF MR. DAVE NIEHAUS

HON. ADAM SMITH

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 1, 2010

Mr. SMITH of Washington. Madam Speaker, I rise today to honor Seattle Mariners' broadcaster Dave Niehaus for his devotion to baseball and the Pacific Northwest region. Dave passed away on November 10, 2010 at the age of 75.

Baseball fans from Washington State to Washington, DC are mourning the loss of the voice of the Mariners. Mr. Niehaus connected fans to the program from the Mariners' inaugural pitch in 1977 to the conclusion of the 2010 season. His voice represented the franchise, and kept the Pacific Northwest following the team through the good days of Mariners baseball as well as the less memorable.

Arguably, the seminal moment in Dave Niehaus' announcing career came on the winning hit by Edgar Martinez in the decisive fifth game of 1995 American League Division Series, also known as "the double." The double scored both Joey Cora and Ken Griffey, Jr. to give the Mariners a 6-5 victory over the New York Yankees, and propelled them to the American League Championship Series for the first time in franchise history. In that moment, Mr. Niehaus announced:

"Right now, the Mariners looking for the tie. They would take a fly ball, they would love a base hit into the gap and they could win it with Junior's speed. The stretch . . . and the 0-1 pitch on the way to Edgar Martinez swung on and lined down the left field line for a base hit! Here comes Joey, here is Junior to third base, they're going to wave him in! The throw to the plate will be . . . late! The Mariners are going to play for the American League Championship! I don't believe it! It just continues! My, oh my!"

Dave Niehaus' interest in broadcasting began at the University of Indiana, where he graduated in 1957. He then entered the military and started his broadcasting career with the Armed Forces Network in Los Angeles and New York City. After serving in the military, he settled in Los Angeles and became a broadcaster for the California Angels and the University of California, Los Angeles football and basketball teams. It was in 1977, when the Mariners started their first Major League Baseball season, that Dave Niehaus became the Mariners' play-by-play announcer. Mr. Niehaus called his 5,000th Mariners broadcast on May 7 of this year.

Of the many honors that Dave Niehaus was awarded during his career, three best characterize his untiring enthusiasm and genuine love for Mariners baseball. Mr. Niehaus received national acclaim when the National Baseball Hall of Fame awarded him the Ford C. Frick Award in 2008. Mr. Niehaus believed the One World Award from the Washington Council of the Blind he received in 2004 was the most meaningful, as he was able to draw more baseball lovers into the drama of the game. He also was named one of the Seattle Times' Top 10 Most Influential People of the Century. In 1999, Mariners fans, as a testament of their affection, chose Mr. Niehaus to

throw out the ceremonial first pitch for the inaugural game at Safeco Field, an honor that brought him to tears.

Mr. Niehaus will be remembered by his wife Marilyn, his children Andy, Matt and Greta, his six grandchildren Zach, Steven, Madeline, Alexa, Audrey and Spencer, and the greater Mariners community.

HONORING THE 50TH WEDDING ANNIVERSARY OF RONALD AND PATRICIA ANDREWS

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 1, 2010

Mr. DINGELL. Madam Speaker, I rise today to honor the 50th Wedding Anniversary of Ronald and Patricia Andrews. On November 26, 2010, Ron and Pat will celebrate a half century of their union.

The Andrews were married in St. Mary Magdalen Church in Melvindale, Michigan. Pat grew up in Melvindale and graduated from Central Michigan University. Ron grew up in Bay City, Michigan and graduated from the University of Michigan. They have three wonderful children: Sandy, Chris and Jennifer and they are the proud grandparents of three granddaughters: Alexandra, Alison and Alyssa.

My wife Deborah and I have known Pat and Ron for decades. Ron is a retired teacher and coach from Trenton High School. He is the treasurer of the Trenton American Legion and is an inductee of the Michigan High School Coaches Hall of Fame. Pat has been a member on the Board of Directors in numerous organizations ranging from the Salvation Army to the Detroit Area Girl Scouts. Along with my wife, she is a founding member of the Women Celebrating Life Downriver. Patricia was the former Focus editor of the News Herald Newspapers until she came to work for me as an immigration caseworker. She is a dedicated public servant, a fiercely loyal friend, and an ever-passionate advocate for my constituents.

It is an honor to know such decent, hard working and civic-minded people. Our community is, without question, better as a result of their years of service, and I am grateful to count them as my dear friends.

Madam Speaker, I ask that my colleagues please join me in honoring the 50th anniversary of the marriage of these two tremendous individuals.

REMEMBERING JAZZ MUSICIAN AND EDUCATOR HAROLD LEON BREEDEN

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 1, 2010

Mr. BURGESS. Madam Speaker, today I rise to honor the memory of Leon Breeden, who passed away in August. Leon was the former University of North Texas (UNT) College of Music Jazz Studies Director and one of our Nation's great music educators.

Harold Leon Breeden was born on October 3, 1921, in Guthrie, Oklahoma, and raised in Wichita Falls, Texas, where his parents owned a service station. He earned his Bachelor's and Master's of Music degrees from Texas Christian University. He served his Nation in World War II, where he played in the United States Army's 69th Infantry Division Band. After his discharge he worked as band director at Texas Christian and later at Texas High School, before joining the UNT faculty.

Leon served as the director of the UNT Jazz Studies program and the renowned One O'Clock Band from 1959 to 1981. Under his guidance, he led the One O'clock Lab Band in performances worldwide. In 1967, the band performed at the White House, sharing the stage with Duke Ellington and Stan Getz. Leon began the band's long-held tradition of recording an album every year. Under his direction, the band earned multiple Grammy nominations, making it the first university band in the Nation to earn the prized nomination.

The One O'Clock Lab Band received almost 50 national awards for group and individual performance with Leon at the helm. He led the band as it performed at the prestigious Montreux International Jazz Festival in Switzerland, as well as tours in Germany, Mexico, Portugal and the Soviet Union. Leon is responsible for moving the rehearsal time of the premier jazz band from 2 p.m. to 1 p.m., which presented the One O'Clock Lab Band with its iconic name.

It is apparent that Leon was a great musician, but more importantly, he used that musicianship to also be a great educator. Jazz was not commonly welcomed in the area of academia until men like Leon Breeden came along. Not only did Leon help bring respectability to jazz studies, he was an outstanding teacher. He was well known for combining strict teaching of fundamentals of the genre with encouragement for his charges to produce original compositions and arrangements.

Leon's legacy at UNT is one of dedication to fostering his aspiring musicians' creativity. His students often found their own creative work as soloists, composers and arrangers highlighted for the band's performances and recordings. Leon was known for his devotion to the highest standards of professionalism. During his tenure he worked to expand the jazz studies faculty and improve facilities, and while he was very organized in his duties, he was always accessible to his students.

Leon's dedication to his students' education was recounted in a national newspaper. After a performance in the 1970's, when the One O'Clock Lab Band accompanied Ella Fitzgerald, Ms. Fitzgerald asked if she could take the band on the road with her. He respectfully declined. He could not permit his students to miss so much class time.

A respected clarinetist, saxophonist, arranger and composer, Leon wrote arrangements performed by such groups as the Boston Pops and the Cleveland and Cincinnati orchestras. He was honored as Outstanding Professor in 1976 at UNT. Recognizing his contributions, the Texas Legislature proclaimed May 3, 1981 as "Leon Breeden Day."

In 1985, he was inducted into the Hall of Fame for the National Association of Jazz

Educators, and in 2003, the North Texas Jazz Festival unveiled the Leon Breeden Award for best middle school or high school big band. The academic status jazz enjoys today finds much of its foundation in the work of Leon and his fellow music educators, who fought to bring jazz into the university music curriculum.

Leon was a dedicated family man, educator and public servant. He is survived by his daughter and three grandchildren.

Madam Speaker, it is my privilege to join his family and fellow musicians, educators and students in honoring the life of Leon Breeden. His mission to pass on the art of jazz to future generations is an example that will continue to benefit the arts and education for years to come. I am honored to have represented him in the U.S. House of Representatives.

REGARDING WORLD DAY OF REMEMBRANCE FOR ROAD TRAFFIC VICTIMS

HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 1, 2010

Mr. VAN HOLLEN. Madam Speaker, I rise in recognition of the UN Day of Remembrance for Road Traffic Victims.

World Remembrance Day was established to honor the memory of those who have been injured or killed in traffic accidents around the world. The day was set aside as a sign of the world's commitment to preventing road traffic deaths, to educating drivers and pedestrians about the hazards of road travel and to improving the safety of our roads.

Road crashes are the leading cause of death globally for people between the ages of 5 and 29 years old. According to the 2009 Global Status Report on Road Safety, nearly 1,300,000 people globally die in road crashes each year. Unless action is taken, it is predicted that road traffic injuries could double by 2030, killing an estimated 2,400,000 people per year.

As an original sponsor of H. Res. 1696, a resolution supporting the goals and ideals of the UN's "Decade of Action for Road Safety", I encourage my colleagues to join me in support of the ideals of road safety and in honoring the memory of those who have been injured or killed in traffic crashes around the world.

PERSONAL EXPLANATION

HON. ADAM H. PUTNAM

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 1, 2010

Mr. PUTNAM. Madam Speaker, on Thursday, November 18, 2010, Monday, November 29, 2010, and Tuesday, November 30, 2010, I was not present for seven recorded votes. Had I been present, I would have voted the following way: Roll No. 580—"yea"; Roll No. 581—"yea"; Roll No. 582—"yea"; Roll No. 583—"nay"; Roll No. 584—"nay"; Roll No. 585—"yea"; and Roll No. 586—"yea".

IN HONOR OF THE LEWISVILLE
FEED MILL

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 1, 2010

Mr. BURGESS. Madam Speaker, I rise today in honor of the Lewisville Feed Mill in Lewisville, Texas. After a 124 year history as a cornerstone of the economic community, the mill will close its doors at the end of October.

The Lewisville Feed Mill has operated continuously since opening for business in 1886 and has remained a family related business ever since. Along with other agriculture related businesses such as a grist mill and a cotton gin, the mill helped spur the economic growth of early Lewisville.

As Lewisville's landscape shifted from an agricultural center to a suburban business area, the Lewisville Feed Mill adapted. The business was sustained by carrying lawn care products and pet supplies, along with small scale farming gear.

The mill's current owner is James Polser, who has managed to hang onto part of Lewisville's small-town atmosphere and recreate it for others to see. The building is filled with memorabilia from past generations, much of it on public display. Mr. Polser is known for welcoming visitors with old-town friendliness.

The Lewisville Feed Mill has long served as a gathering spot. The seats overlooking Main Street have been occupied by local residents, businessmen and civic leaders who stopped by for coffee and fellowship. It has evolved to a multi-generational destination, as visitors who first came to the mill in their youth, now bring their children and grandchildren.

During these times of constant rush and change, James Polser is to be commended for keeping us connected to a traditional way of life. I am grateful to have had the Lewisville Feed Mill in the 26th District of Texas.

RECOGNIZING THE MARCUS HIGH
SCHOOL BAND

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 1, 2010

Mr. BURGESS. Madam Speaker, I rise today to recognize the Marcus High School Band from Flower Mound, Texas and their recent outstanding achievement in winning the 2010 Class 5A UIL State Marching Championship. The 300+ band members represent the communities of Highland Village, Double Oak, Copper Canyon and Flower Mound. They are very capably led by Director of Bands, Amanda Drinkwater and Associate Directors David Simon, Dominic Talanca and Kennan Wylie, and Color Guard Director John Leonard.

These accomplished young people deserve praise for their hard work and dedication. Student leaders of the Marcus Band are Drum Majors Connor Brem, Josh Dover, Kaitlyn Harry and Kevin Jones, and Color Guard Captain Kelsey Branson. They have an exceptional support system in the family and com-

munity members who comprise the Marcus Band Boosters.

The Marcus Band has the enviable reputation as one of the preeminent marching bands in the United States. Over the past thirty years, the band has earned hundreds of awards and honors. The Marcus Band's devotion to excellence resulted in the unparalleled achievement of winning this prestigious state title for the third straight time.

Madam Speaker, it is truly an honor to have the opportunity to commend the Marcus High School Band. I am proud to represent the exemplary administrators, teachers, staff and students that comprise the Lewisville Independent School District in the U.S. House of Representatives.

HONORING MIKE KERNS

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 1, 2010

Ms. WOOLSEY. Madam Speaker, I rise today to honor a fellow resident of the city of Petaluma, Mike Kerns, who retires in December after serving 12 years on the Sonoma County Board of Supervisors.

Mike and I go back many years. When I was serving on the Petaluma City Council, Mike was the big, friendly cop who was involved in the city's tobacco and drug education programs. He served in many positions on the Petaluma Police Force beyond the usual enforcement programs. Mike was a Crisis Team Supervisor, a Peer Counseling Supervisor and a Youth Diversion Counselor and the department's liaison to the Stop Tobacco Access to Minors Program, which significantly reduced illegal tobacco sales to children and teens. He is best known, however, for his role as Press Information Officer in the Polly Klass kidnapping. He became a familiar face on television and his calm demeanor and his compassion for the victim and her family provided a sense of stability as the public witnessed the unfolding of a senseless tragedy.

Mike Kerns was born and raised in Napa, California. He was an athletic young man and in 1967 won a Golden Gloves championship. He began his public service career as a counselor for the Jobs Corps in Pleasanton. In 1973 he put on his first blue uniform as a police officer for the city of Tiburon in Marin County. In 1978 he transferred to the Petaluma Police Department, and was promoted to Sergeant in 1980. Sergeant Kerns married Carol Madsen the next year and they raised two children, Katie and Matt.

In 1998 following the retirement of popular, veteran Supervisor Jim Harberson, Mike was elected to represent the 2nd District for the Sonoma County Board of Supervisors. His "southern Sonoma" district includes the cities of Petaluma and Cotati and a portion of Rohnert Park, along with the unincorporated agricultural communities of Penngrove, Two Rock, Bloomfield and Valley Ford. Mike's humor, directness and listening skills have served him well in dealing with his diverse constituency.

Mike also represents a portion of Sonoma County's bay lands, an area public agencies,

non-profits and citizen's groups have joined together to restore watersheds and wetlands. Mike counts among his biggest achievements in office the county's purchase of the 1769-acre Cardoza Ranch in 2005. Now known as the Tolay Lake Regional Park, it includes hills and grasslands, a seasonal lake, creeks, ponds and wetlands, and is a major wintering stopover for migrating waterfowl. The park is currently under development with plans calling for new hiking and biking trails, a natural and historic education center and restoration of Tolay Lake.

Supervisor Kerns should also be congratulated for his major role in the Supervisors' decision to place on the ballot two successful transportation measures which provided the financial foundation for the long-awaited widening of Highway 101 and the future construction of the SMART rail system. These transportation improvements will help ensure that Sonoma County continues to have corridor-centered growth while lowering its carbon emissions and more quickly move goods and people.

Madam Speaker, I thank Mike Kerns for his years of service as both a law enforcement officer and a lawmaker, and wish him a well-deserved happy, and healthy retirement.

CONGRATULATING DR. JERRY ROY
UPON HIS RETIREMENT AS
LEWISVILLE INDEPENDENT
SCHOOL DISTRICT SUPER-
INTENDENT

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 1, 2010

Mr. BURGESS. Madam Speaker, I proudly rise today to congratulate Dr. Jerry Roy upon his retirement from the position of Superintendent of the Lewisville Independent School District (LISD) and to recognize his many contributions to LISD and its communities.

As Superintendent of Schools, Roy has expertly guided the rapidly growing district since 2001. LISD currently serves all or part of the communities of Lewisville, Flower Mound, Carrollton, The Colony, Highland Village, Copper Canyon, Hebron, Double Oak, Frisco, Plano, Grapevine, Coppell and Argyle, and includes seven high schools, fifteen middle schools and forty-one elementary schools. Under Dr. Roy's capable leadership, the district has grown from 51 campuses to 66 and student enrollment has expanded from 39,000 to well over 50,000. The district has earned a "Recognized" rating from the Texas Education Agency for the second consecutive year.

During his distinguished tenure at LISD, Roy has been nominated three times for Texas Superintendent of the Year and was named the Region XI 2006 Superintendent of the Year. In addition, he has served on the Texas Commissioner of Education's TASA Cabinet of Superintendents, University Interscholastic League Legislative Counsel and many other professional organizations. Currently, he serves on the Texas Association of School Administrators' Executive Committee as well as the Board of Directors for the Lewisville Chamber of Commerce.

Madam Speaker, it is with great honor that I rise today to congratulate and recognize the accomplishments of Dr. Jerry Roy, Superintendent of Schools of the Lewisville Independent School District. I am joined by the citizens, colleagues, teachers, parents and students of LISD in wishing him well upon his retirement. It is a privilege to represent such a dedicated community leader and public servant who has had such a positive influence on the lives and futures of thousands of students in the United States House of Representatives.

OUR UNCONSCIONABLE NATIONAL DEBT

HON. MIKE COFFMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 1, 2010

Mr. COFFMAN of Colorado. Madam Speaker, today our national debt is \$13,860,773,759,018.43.

On January 6th, 2009, the start of the 111th Congress, the national debt was \$10,638,425,746,293.80.

This means the national debt has increased by \$3,222,348,012,724.60 so far this Congress.

This debt and its interest payments we are passing to our children and all future Americans.

WORLD AIDS DAY

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 1, 2010

Mr. TOWNS. Madam Speaker, I rise today to recognize December 1, 2010, as "World AIDS Day". This day was designated as such in 1988 by the World Health Organization and from then on, we have continued to uphold the tradition.

As we embark upon the thirtieth year of the HIV/AIDS virus, we should reflect on so many Americans and others around the world that have died from this devastating disease. My district of Brooklyn, New York is considered the epicenter of the HIV/AIDS epidemic in the United States for African Americans, women, adolescents, and children. With this alarming revelation, 87 percent, of which 7 percent are under the age of 13, are persons of color living with the HIV/AIDS virus. Brooklyn has been heavily affected by this deadly disease for over the past three decades and we have the city's highest prevalence rates. It was estimated that 27,000 Brooklyn residents were living with HIV/AIDS in 2008, and 1,027 were newly diagnosed. There are several thousand more who are infected with the virus, but don't even know it! That's why it is critical to get this message out across the nation: get tested, it could save your life.

Today, on World AIDS Day, the mayor of my home state of New York, Mayor Michael R. Bloomberg announced a new initiative to fight against HIV/AIDS called "Brooklyn

Knows". This is a community-based test effort that aims to help a half-million Brooklyn residents learn their HIV status over the next four years. It highlights the city's leadership to date in making HIV testing a routine part of health care.

Like the World Health Organization and my great state of New York, I want to encourage everyone to take a stand by putting in place preventive mechanisms to eradicate this deadly disease. I want to be clear that I am not asking you to solve this epidemic alone, but I feel it is our responsibility to take whatever steps and measures are necessary to put into place mandatory requirements for our medical providers to offer voluntary HIV testing to their patients.

Once again, I ask that we all take a stand and make a difference to ensure another life is saved from this deadly disease.

CELEBRATING THE 50TH ANNIVERSARY OF THE VETERANS OF FOREIGN WARS POST 9168 IN LEWISVILLE, TEXAS

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 1, 2010

Mr. BURGESS. Madam Speaker, I proudly rise today in recognition of the Veterans of Foreign Wars Post 9168. On November 12, 2010, the VFW Post 9168 celebrates its 50th Anniversary of service to the community.

The Veterans of Foreign Wars is a nonprofit veterans' service organization composed of combat veterans and those who currently serve on active duty or in the Guard and Reserves. Even after completing military careers, members continue to serve their nation and fellow veterans through the offering of assistance programs for troop and family support, transitioning and veterans advocacy.

In 1960, the VFW was chartered and serves the veterans of Lewisville, Flower Mound, Highland Village and The Colony. Throughout its time in North Texas, the members of VFW Post 9168 have sponsored Boy Scout troops and delivered home cooked meals to countless veterans.

The VFW has long been an advocate for inspiring our Nation's future. Post 9168 serves in local schools and hosts scholarship competitions to help students fund and continue their education.

To commemorate its 50th Anniversary, the VFW is once again reaching out to the community. They are inviting the whole community with the intent to reaching out to more service members, their families and Texans as a whole.

Madam Speaker, it is with great honor that I rise today to recognize this outstanding organization. I am proud to represent VFW Post 9168 and its members in the United States House of Representatives.

IN HONOR OF DR. CHALMERS JOHNSON

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 1, 2010

Mr. KUCINICH. Madam Speaker, Congresswoman MARCY KAPTUR and I rise today to honor the life and work of Dr. Chalmers Johnson. Best known as an influential Asian studies scholar and economist, his insights changed the landscape of Asian political economics. His brilliance touched the lives of the many students he taught throughout his career, and his work provides understanding and vision to many others around the world.

Dr. Johnson's fascination with Asia first began while he was serving our country in the Navy during the Korean War. While in Japan, his interest in the politics and economy of the region was ignited, and he began to learn Japanese. His career in the field of political economy started at the University of California at Berkeley, where he earned his bachelor's, master's, and doctorate degrees before joining the political science department. He later founded the Japan Policy Research Institute, which provides research and public education in the field of Japanese public policy.

He went on to have a prodigious writing career, which included many ideas that challenged contemporary scholarly theory in Asian political economics. For example, he was one of the first to suggest that famine, not ideology or personalities, drove the Chinese Revolution, and that the recovery of the Japanese economy after World War II was state-driven, rather than a product of the free market. These and other groundbreaking insights heavily influenced later political economic thought and discussion.

Later in his career, he became a vocal opponent of major aspects of American foreign policy, writing several books decrying America's increasing global military presence as an attempt at empire-building. In the process, he became a public figure and a voice of opposition to the expansion of American military power and global military hegemony.

Madam Speaker and colleagues, please join Congresswoman MARCY KAPTUR and me in honoring the life and work of Dr. Chalmers Johnson. The boldness of his scholarship will be remembered as revolutionary, and his bibliography will be viewed by many students to come as defining in the areas of Asian studies, political economy, and international relations.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and

any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, December 2, 2010 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED DECEMBER 3

9 a.m.

Armed Services

To continue hearings to examine the report on the Department of Defense Working Group that conducted a comprehensive review of the issues associated with a repeal of section 654 of title 10, United States Code, "Policy Concerning Homosexuality in the Armed Forces".

SD-G50

9:30 a.m.

Joint Economic Committee

To hold hearings to examine the employment situation for November 2010.

SH-216

DECEMBER 7

2:15 p.m.

Foreign Relations

Business meeting to consider S. 3688, to establish an international professional exchange program, S. 1633, to require the Secretary of Homeland Security, in consultation with the Secretary of State, to establish a program to issue Asia-Pacific Economic Cooperation Business Travel Cards, S. 3798, to authorize appropriations of United States assistance to help eliminate conditions in foreign prisons and other detention facilities that do not meet minimum human standards of health, sanitation, and safety, S. Con. Res. 71, recognizing the United States national interest in helping to prevent and mitigate acts of genocide and other mass atrocities against civilians, and supporting and encouraging efforts to develop a whole of government approach to prevent and mitigate such acts, S. Res. 680, supporting international tiger conserva-

tion efforts and the upcoming Global Tiger Summit in St. Petersburg, Russia, S.J. Res. 37, calling upon the President to issue a proclamation recognizing the 35th anniversary of the Helsinki Final Act, S. 2982, to combat international violence against women and girls, Treaty between the Government of the United States of America and the Government of the Republic of Rwanda Concerning the Encouragement and Reciprocal Protection of Investment, signed at Kigali on February 19, 2008 (Treaty Doc. 110-23), international Treaty on Plant Genetic Resources for Food and Agriculture, adopted by the Food and Agriculture Organization of the United Nations on November 3, 2001, and signed by the United States on November 1, 2002 (the "Treaty") (Treaty Doc. 110-19), and the nominations of Thomas R. Nides, of the District of Columbia, to be Deputy Secretary for Management and Resources, William R. Brownfield, of Texas, to be Assistant Secretary for International Narcotics and Law Enforcement Affairs, and Suzan D. Johnson Cook, of New York, to be Ambassador at Large for International Religious Freedom, all of the Department of State, Paige Eve Alexander, of Georgia, to be an Assistant Administrator of the United States Agency for International Development, and Alan J. Patricof, of New York, and Mark Green, of Wisconsin, both to be a Member of the Board of Directors of the Millennium Challenge Corporation, and a routine list in the foreign service.

S-116, Capitol

2:30 p.m.

Banking, Housing, and Urban Affairs

To hold hearings to examine the state of the credit union industry.

SD-538

Homeland Security and Governmental Affairs

To hold hearings to examine catastrophic preparedness, focusing on FEMA.

SD-342

DECEMBER 8

10 a.m.

Homeland Security and Governmental Affairs

To hold hearings to examine border security, focusing on the challenge of protecting Federal lands.

SD-342

Indian Affairs

To resume oversight hearings to examine how the Indian Health Service will correct mismanagement in the Aberdeen area.

SD-628

Judiciary

Business meeting to consider S. 3675, to amend chapter 11 of title 11, United States Code, to address reorganization of small businesses, S. 2888, to amend section 205 of title 18, United States Code, to exempt qualifying law school students participating in legal clinics from the application of the general conflict of interest rules under such section, S. 1598, to amend the National Child Protection Act of 1993 to establish a permanent background check system, and the nominations of Max Oliver Cogburn, Jr., to be United States District Judge for the Western District of North Carolina, Robert Neil Chatigny, of Connecticut, to be United States Circuit Judge for the Second Circuit, Marco A. Hernandez, and Michael H. Simon, both to be United States District Judge for the District of Oregon, Steve C. Jones, to be United States District Judge for the Northern District of Georgia, and Patti B. Saris, of Massachusetts, to be Chair, and Dabney Langhorne Friedrich, of Maryland, both to be a Member of the United States Sentencing Commission.

SD-226

2 p.m.

Banking, Housing, and Urban Affairs

Securities, Insurance and Investment Subcommittee

Homeland Security and Governmental Affairs

Investigations Subcommittee

To hold joint hearings to examine the efficiency, stability, and integrity of the United States capital markets.

SD-538

DECEMBER 9

2:30 p.m.

Homeland Security and Governmental Affairs

Oversight of Government Management, the Federal Workforce, and the District of Columbia Subcommittee

To hold hearings to examine delivering results through multilateral institutions, focusing on United States employment in the United Nations.

SD-342

SENATE—Thursday, December 2, 2010

The Senate met at 9:30 a.m. and was called to order by the Honorable KIRSTEN E. GILLIBRAND, a Senator from the State of New York.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal Lord God, you inhabit ages and all worlds. Dwell among our Senators today. Tune their hearts to Your purposes and open their lips to speak Your wisdom. Lord, infuse them with Your spirit so that their work will make a positive impact on our Nation and world. Banish their anxieties, as You provide them with a faith strong enough to face whatever challenges they must confront. Lord, give them openness of mind in order that they might perceive Your will more clearly; openness of heart, that they might love You more profoundly; and openness of hand, that they might serve You more devotedly.

We pray in Your sacred Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable KIRSTEN E. GILLIBRAND led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUE).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, December 2, 2010.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable KIRSTEN E. GILLIBRAND, a Senator from the State of New York, to perform the duties of the Chair.

DANIEL K. INOUE,
President pro tempore.

Mrs. GILLIBRAND thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Madam President, following leader remarks, there will be a period of morning business for Senators to speak up to 10 minutes each. The majority will control the first 30 minutes; Republicans will control the next 30 minutes. We will be in recess again today from 12:30 until 3:30 to allow for a Democratic caucus.

Yesterday, the House sent us a 2-week continuing resolution, and we need to act on that funding bill before the current continuing resolution expires on tomorrow. I will continue to work with the Republican leader on a time for its consideration.

We have other matters. I am in touch with my caucus, the Republican leader, and the White House to try to move toward completing business before Christmas.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a half hour of morning business, with Members permitted to speak for up to 10 minutes each, with the majority controlling the first 30 minutes and the Republicans controlling the next 30 minutes.

Mr. REID. It is my understanding that the order before the Senate is that each side will have a full 30 minutes.

The ACTING PRESIDENT pro tempore. The leader is correct.

The Senator from Massachusetts.

START TREATY

Mr. KERRY. Madam President, I believe a number of colleagues are lined up to speak. They are not here, so I will take a moment and take it off the Democratic side and just speak for a very few minutes.

I know a number of my colleagues are wanting to talk a little bit about the START treaty. I look forward to their doing so. I did want to bring colleagues up to speed on sort of where we are and hopefully give an accurate, up-to-the-moment assessment of sort of what the progress is.

I wish to express my gratitude to a group of Senators on the other side of the aisle—Senator KYL, Senator MCCAIN, Senator LINDSEY GRAHAM, Senator ISAKSON, and Senator CORKER,

particularly—all of whom have been working in good faith and consistently.

Senator KYL and I are talking almost every single day. It has been a constructive process. Obviously, there are points of disagreement here and there on substance. We are trying to work through those. I wish to say that Senator KYL has worked with us calmly and quietly and in good faith in an effort to try to resolve some legitimate questions from Members on his side of the aisle. He has been consistent and persistent in hammering home those differences and the needs that must be met as we go through the process. Vice President BIDEN has been particularly engaged and particularly helpful in helping us to move the process forward, so the administration has a voice that is directly engaged in these discussions and is working very hard to meet the concerns raised by Senator KYL and others.

I am encouraged by the process in which we are engaged. Senators need to know it has not been a process of sidestepping a best effort to try to get to a place where we can take up the START treaty in the next days. We still have some issues to try to complete.

Some Senators have expressed the desire to hear from the administration with respect to the Lisbon conference and what modality was arrived at there with respect to deployment. We will make that happen. In addition, the President was sent an additional set of questions just the other day. Those answers are being worked on, and they will be forthcoming.

As long as everybody keeps working in this kind of positive and constructive way, I am hopeful we can live up to our responsibility.

I call the attention of Senators to the Washington Post today, an editorial op-ed written by former Republican Secretaries of State Henry Kissinger, George Shultz, James Baker, Lawrence Eagleburger, and Colin Powell. They clearly say: We urge the Senate to ratify the New START treaty signed by President Obama and Russian President Dmitry Medvedev. They express their reasons why they believe it is important for us to do so.

It is my hope that the conversations we are having and the process that is in place is going to produce a positive outcome. We will certainly work in good faith to try to make that happen in the next days and hours.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. McCONNELL. I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

REMEMBERING MAYOR BILL GORMAN

Mr. McCONNELL. Madam President, in October a dear friend of mine—and of the Commonwealth of Kentucky—passed away peacefully. And today I wish to pay tribute to Mayor Bill Gorman, of Hazard, KY, for his warm and generous spirit and, above all, for his faithfulness to the mission of promoting, defending, and serving the people of Hazard.

Mayor Gorman was born about a decade after the railroad came, when Hazard was first opening up to the world. He saw the floods and the cleanup, the coal carnivals, and the stores on Main Street come and go. He saw Senators and Congressmen, and Presidential candidates. He saw it all. And he could have followed it all too, right out of Hazard. But he didn't. Because Hazard was the only place he ever wanted to be.

The story goes that Bill was vacationing down in Florida in 1977, when somebody threw his name in the race for mayor. From that point on, being mayor was all Bill ever wanted. He never drew a paycheck. And he was never off the clock—as anyone who used to get his late-night phone calls can attest. He was always thinking of how to move Hazard forward, how to make life better for the people of Hazard and the surrounding region. Whether it was extending the water lines or building a pool where the kids in town could learn to swim, or expanding the hospital, or improving and expanding educational opportunities, he always had a vision and a plan to make it happen. And he usually did.

He attended every ribbon cutting, no matter how small. And he took everybody's calls—even at home—and there were a lot of them—because his number was always listed in the phone book. He treated everyone with dignity and respect, and he wanted to talk to everybody, whether you were the President of the United States—and Bill knew a lot of them or somebody down on their luck.

One of Bill's lunch buddies remembers being with him once when he got a phone call from an elderly widow who lived in one of the public housing units in town. Her health was deteriorating, she said, and she wondered if he could

help her move from the fourth floor to the first floor. Mayor Gorman got the building manager on the phone immediately and asked if anything was opening up on the first floor. There was. And that woman got her wish. Moving floors was important to that lady, so it was important to Mayor Gorman.

Another time a group of city workmen dropped into a local restaurant for a bite to eat after working around the clock after a snow storm. When the bill came, they were told it had already been paid. It was Mayor Gorman, but they didn't know it. He made sure of it. He did that kind of thing all the time, never flaunting it, just lifting folks up—from high school kids going off to college to an elderly woman who needed a hand—he was there.

For Mayor Gorman, no problem was too little or too big. He was as concerned about the little things as he was determined to accomplish the big things, and he was a master at both. He never boasted. He just did good. It is a rare breed these days. But Bill Gorman was a rare man, a gentle soul who devoted himself to his mission in life and who enjoyed every minute of it. Not that he wasn't feisty. If you ever wanted to pick a fight with Mayor Gorman, say something about the people of eastern Kentucky; he would take you on. And the people of Perry County loved him for it.

He was proud of his people and his heritage. And he was proud of the coal industry that built this region. As it happens, I got to know Bill before he was a mountain legend. Long before either of us had set out on our political careers, and I was working as the youth chairman for Marlow Cook, who was running for the Senate that year. When they sent me out on the road, they told me to look up a guy named Bill Gorman when I got to Hazard. He was the guy, they said. And they were right. And when the two of us got together for the last time at his home this past August, 42 years later, he was still the guy.

Washington may not be a very popular place these days, but Hazard is a pretty popular place in Washington. Walk into any office—whether it is a staffer or a U.S. President—and you are liable to see a Duke or Duchess of Hazard citation on the wall. I am told that even Pope John Paul II was named a Duke of Hazard, which is appropriate, since Bill used to say he was born a Baptist, was adopted by the Catholics, and would die a Presbyterian. Like a lot of politicians, he was covering all his bases.

Mayor Gorman once said that government is only as good as the people who run it. If that is true, it is likely Hazard will never be as good as it was when Mayor Gorman was with us. But I think we owe it to him to make it so—to live our lives with the same

dedication and spirit of service he did. I am blessed to have known him. He is dearly missed.

MISPLACED PRIORITIES

Mr. McCONNELL. Madam President, yesterday we watched a number of Democratic Senators come to the Senate floor and express their exasperation at not being able to do what they want to do around here. It is quite astonishing.

Let's face it, most Americans are not particularly interested in the things Democratic leaders have put at the top of their to-do list. They thought they put a restraining order on Democratic partisan priorities early last month. It is time Democrats put the priorities of the voters first.

In a couple of weeks the lights go out around here unless we do something to stop it. At the end of the month every taxpayer suffers a pay cut unless we stop it. But Democrats would rather spend the Senate's limited time on don't ask, don't tell and immigration. They would rather come down to the floor to talk about filibuster rules.

So they still do not get it, and that is why Republicans are insisting we put these things aside and finish the most important and urgent legislation before time runs out.

Fifteen million Americans are out of work. More than 3 million of those jobs have been lost since the stimulus was passed. So with all due respect for the Democrats' economic theories, the \$1 trillion stimulus, endless government spending, and bailouts do not appear to have worked.

We have tried their way. Now it is time to try what businesses and families are asking us to do. Ask any business owner in America what we could do to help them start hiring again, and they will tell you the best thing we can do is give them certainty about their taxes.

The DREAM Act does not create jobs. Filibuster rules do not create jobs. Wasting time on votes to raise taxes will not create jobs.

Right now, House Democrats are getting ready to send us a bill on taxes they know will not pass in the Senate. This is a purely political exercise. Just consider what a number of Senate Democrats have said about this issue. Here is what one of their newest Members said just a few weeks ago:

I would extend them—

Referring to tax cuts—for everyone.

Here is another one from September:

I don't think it makes sense to raise any federal taxes during the uncertain economy we are struggling through.

The first comment was from Senator COONS. The second comment was from Senator LIEBERMAN.

Another said:

I support extending all of the expiring tax cuts until . . . the nation's economy is in better shape, and perhaps longer, because raising taxes in a weak economy could impair recovery. Continuing all of the tax cuts could provide certainty for families and businesses. . . .

That was Senator BEN NELSON.

I don't think they ought to be drawing a distinction at \$250,000.

That was Senator JIM WEBB.

The economy is very weak right now. Raising taxes will lower consumer demand at a time when we want people putting more money into the economy.

That was Senator EVAN BAYH.

Raising taxes during an economic downturn, one said, "would be counterproductive." That was Senator KENT CONRAD.

So what is the problem? It seems to me we have solid bipartisan agreement on the right thing to do for the economy and for job creation. Who is holding it up, and what do they have against helping businesses and creating jobs?

It is time to focus. We have tried the tax-and-spend route. It has not worked. Why don't we listen to the voters? Let's fund the government while reducing spending and prevent a massive tax hike on every American taxpayer.

Look, we have bipartisan support for this in the Senate and bipartisan opposition to raising taxes on anyone. As the President said earlier this week, after our meeting at the White House:

I think everybody understands that the American people want us to focus on their jobs, not ours. They want us to come together around strategies to accelerate the recovery and get Americans back to work.

I agree with the President. Why don't we get this done?

Madam President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. SHAHEEN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

NEW START TREATY

Mrs. SHAHEEN. Madam President, a number of my colleagues and I are coming to the floor today to discuss a critical national security issue that Senator KERRY has already referenced in his remarks on the Senate floor. It is an issue that requires strong bipartisan action by the Senate; that is, the ratification of the New START treaty.

As we enter into the last weeks of the 111th Congress, there is no doubt we have some significant work remaining on a number of important priorities. But we have come to the Senate floor today to say that national secu-

rity and the threat posed by nuclear weapons also requires our urgent consideration this year.

After more than 20 Senate hearings, more than 31 witnesses, 900 questions and answers, and nearly 8 months of thorough consideration—including additional time during the August recess for the Senate Foreign Relations Committee to consider the treaty—it is now time to vote on New START.

The treaty is squarely in the national security interests of the United States. It reduces the number of nuclear weapons aimed at American cities and allows for the return of critical onsite inspections lost when the previous START treaty expired. Ratifying the treaty would reestablish American leadership on nuclear security and give the United States increased leverage to curb nuclear proliferation around the globe.

This treaty in no way interferes with our ability to have a safe, secure, and reliable nuclear arsenal. In fact, in response to Senate concerns, the Obama administration has committed unprecedented amounts of money to ensure this modernization piece. Just yesterday, the three directors of America's nuclear labs wrote in a letter that they were "very pleased" with the administration's commitment and believe this commitment provides "adequate support to sustain the safety, security, reliability and effectiveness of America's nuclear deterrent."

Another concern that has been raised is the effect the New START treaty may have on some of our closest NATO allies. As chair of the Senate Foreign Relations Subcommittee on Europe, I am intensely focused on meeting our NATO security commitments and defending and protecting our allies in NATO and beyond. I agree we need to remain vigilant in support of our allies, especially those in Central and Eastern Europe that border Russia and have strong, legitimate security concerns. But a failure to ratify this treaty could result in deteriorating U.S.-Russian bilateral relations and adversely affect the security of our partners in Europe.

I was pleased to see, just last week, at the NATO summit in Lisbon that all 28 NATO allies expressed their unanimous support for Senate ratification of the New START treaty. New START is in America's interests, and as our allies in Europe have stated clearly, New START is also in their interests.

Finally, a failure to ratify this treaty could have serious negative effects on our ability to meet the nuclear challenge posed by Iran. The failure to ratify the START treaty would undercut America's ability to marshal international support and exert increasing pressure on Iran. As we heard Senator KERRY reference earlier this morning, just today in the Washington Post five former Secretaries of State of the past five Republican administrations made

a compelling case linking this treaty and the threats posed by Iran and North Korea.

The consensus is clear. New START is in our national security interests, and we should not wait any longer to ratify this treaty. Our military and our intelligence communities do not want us to wait. Our allies abroad and countless foreign policy experts, Republican and Democrat, across the political spectrum do not want the Senate to wait. The American people do not want us to wait.

We should follow in the footsteps of the Senate's strong bipartisan arms control history and ratify the New START treaty this year.

Madam President, I yield the floor to my colleague from Pennsylvania, Senator CASEY.

The ACTING PRESIDENT pro tempore. The Senator from Pennsylvania.

Mr. CASEY. Madam President, I commend my colleague from New Hampshire, Senator SHAHEEN.

I am proud to join my colleagues this morning in support of the New START accord. Next Sunday will mark 1 year since American inspectors were on the ground in Russia. We need to vote on the resolution of ratification for this important treaty because it will indeed make America safer. Without ratification of this treaty, we are less safe and less secure. We have to maintain what we have always maintained in this country as it relates to our arsenal: a safe, secure, and effective nuclear arsenal. This treaty is consistent with that goal.

The agreement provides for predictability, transparency, and stability in the U.S.-Russian nuclear relationship. Former National Nuclear Security Administration Administrator Linton Brooks put it best when he said:

Transparency leads to predictability; predictability leads to stability.

It is that stability that we seek. The opportunity to examine Russian nuclear forces helps to limit the surprises, mistrust, or miscalculation that could result from a lack of information. By building trust with regard to our respective nuclear arsenals, progress on other important issues such as the war in Afghanistan and our policy as it relates to Iran becomes more likely.

Some have asked whether we have lost any valuable elements of the original START treaty's inspection regime. In June of this year, I chaired a hearing in the Foreign Relations Committee that addressed this very issue. We examined the implementation of the treaty with respect to both inspection and verification and how the treaty would be executed in Russia and the United States.

Critics point out that under the original START treaty, the United States was permitted 25 data update, reentry vehicles, and facility inspections a year, while under New START

the United States can inspect 18 facilities annually not 25. However, in a previous hearing on the New START treaty, Admiral Mullen noted that when START entered into force there were 55 Russian facilities subject to inspection, but now there are only 35 Russian facilities subject to inspection.

I would also assert that the inspection regime has also changed to reflect the current security environment, an enhanced relationship with the Russian Federation, and more than a decade of experience in conducting START inspections. The inspection regime is simpler and cheaper than what was conducted under the first START treaty. We conduct fewer inspections under this treaty because there are fewer sites to inspect. Yet, proportionally, the number of inspections concluded under this treaty has increased not decreased. During that same hearing, Dr. James Miller, Principal Deputy Under Secretary of Defense for Policy said:

Inspections will help the United States verify that Russia is reporting the status of its strategic forces accurately and complying with the provisions of the New START Treaty. Inspections will not be shots in the dark. Using information provided by requiring data exchanges, notifications, past inspections, and national technical means, we can choose to inspect those facilities of greatest interest to us. Then, through short-notice on-site inspections, our inspectors can verify that what the Russians are reporting accurately reflects reality.

So said the Under Secretary of Defense, Mr. Miller.

After more than 20 hearings by the Senate Committees on Foreign Relations, Armed Services, and Intelligence, and comprehensive deliberation, it is time to vote on New START. We have examined all sides of the issue. We heard from Republican experts and Democratic experts alike. We have heard from former Secretaries of State and experts in international relations. The U.S. military leadership uniformly supports this treaty. More than 900 questions were submitted from the Senate to the administration on New START, and the administration answered every single question.

I wish to close on a historical note. On October 1, 1992, the first START treaty was ratified by the Senate by a vote of 93 to 6. As the debate on the treaty wrapped in this room, the Senate majority leader at the time, George Mitchell, commended President Bush for his role in negotiating the agreement. He read a letter from Acting Secretary of State Lawrence Eagleburger which encouraged ratification.

This expression of bipartisanship at that time was made remarkable by the fact that the Senators assembled would soon return home to campaign in the 1992 election. That election was 1 month away and Democrats and Republicans came together and supported ratification.

We all remember the contentious nature of that election, similar to the period we are living through now. Yet even within that environment, both parties came together to do the right thing for national security. We have to do this again. It is critically important that this treaty be ratified.

With that, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Oregon.

Mr. MERKLEY. Madam President, it is my privilege to rise to join with my colleagues from New Hampshire and Pennsylvania and Colorado in support of the New START treaty, the New Strategic Arms Reduction Treaty.

I bring a bit of a personal perspective, a bit of affection for this issue, for this reason: When I was in graduate school, I was studying to take on issues of world economic development, issues of international poverty. I had worked in Latin America. I had worked in India. I traveled through Central America. I spent some time in west Africa. I thought global poverty was a very important issue that could be worth investing my career in.

But as I came out of graduate school, I had an opportunity to switch tracks and work on nuclear issues as a Presidential fellow for Caspar Weinberger in the Reagan administration. This was a complete change of direction and one I didn't anticipate. But I went through that door and worked on strategic issues because the greatest threat to our planet was the successful management of nuclear weapons, strategic nuclear weapons, an enormous threat that needed to be smartly managed. I felt that engaging in that discussion, being part of that effort, was a very valuable matter in which to put my energy.

So I spent 2 years at the Pentagon working on strategic nuclear issues and then worked for Congress, the Congressional Budget Office, as a strategic nuclear policy analyst during the 1980s. It gave me a bit of a closeup view and a view particularly of the Reagan administration, working with Mikhail Gorbachev—Reagan and Gorbachev—working on these issues. One related issue—though not a strategic issue, it certainly had strategic implications—was the theater nuclear arms negotiations that resulted in the Intermediate-Range Nuclear Forces Treaty. Back then it was called the zero option. It created intrusive inspection regimes to ensure that both nations were complying with the treaty. That, of course, was the hallmark of Reagan's philosophy that we "trust but verify."

More than the specifics of that treaty, I wish to note that it passed 93 to 5. That treaty, similar to most strategic arms treaties, passed with wide bipartisan support. When it comes to the safety of our Nation, when it comes to minimizing the threat of nuclear devastation, we have set aside red and

blue, we have set aside Republican and Democrat, and we have done what is right for our Nation.

Certainly, the threat involving nuclear weapons is as serious today as it was in 1987 when President Reagan signed the INF treaty or when it was ratified in 1998.

Now the Senate must decide whether to ratify the New START treaty. New START limits both the United States and Russia to 1,550 deployed strategic warheads, a significant reduction from the 2002 Moscow Treaty. It limits both parties to 700 deployed strategic delivery vehicles. These reductions continue to reduce both nations' oversized nuclear arsenals, a dangerous legacy of the Cold War, while allowing the U.S. military to preserve a flexible strategic deterrent.

The new treaty improves our strategic relationship with Russia. The new treaty reinforces the U.S. global leadership in nonproliferation.

Verification is a key element in New START, consistent with President Reagan's philosophy of "trust but verify." With the expiration of START a year ago, U.S. officials have been without their ability to conduct onsite inspections in Russia for the first time in a decade and a half, and that increases the nuclear threat.

The new treaty allows both parties to verify compliance through data exchanges, through onsite inspections, and through reconnaissance satellites. Both countries must maintain a database listing the types of locations of all accountable warheads and delivery vehicles. Each delivery vehicle is assigned a unique identifier, which is used to track it from the moment of production through its various deployments and to its dismantlement. U.S. inspectors can verify using short notice, onsite inspections.

This treaty is critical in safeguarding nuclear material and preventing proliferation of weapons and it is critical for our relationship with Russia and our authority on nuclear issues.

Let me quote one expert:

The principal result of nonratification would be to throw the whole nuclear negotiating situation into a state of chaos.

That quote comes from GEN Brent Scowcroft, who was the first President Bush's National Security Adviser, or let's listen to this expert:

A rejection of [this treaty] would indicate that a new period of American policy had started that might rely largely on the unilateral reliance of its nuclear weapons, and would therefore create an element of uncertainty in the calculations of adversaries and allies. And therefore, I think it would have an unsettling impact on the international environment.

That is Dr. Henry Kissinger.

Today there is an article in the Washington Post: "Why New START Deserves GOP Support." This is written by Dr. Kissinger, George Shultz, James Baker, III, Lawrence

Eagleburger, and Colin Powell. These are Secretaries of State for the last five Republican Presidents joining together in a detailed analysis of the New START and why the Senate should ratify this treaty.

There are some who may say it is not an issue of the substance but, rather, we just need more time to consider the provisions. Consider this: The treaty was signed on April 8 of this year. The treaty went through extensive and thorough hearings and briefings on the Foreign Relations Committee. The committee favorably reported it out with bipartisan support on September 16. In the 34 weeks since the treaty was signed and the 10 weeks since it was reported from the Committee on Foreign Relations, every Member of our body has had an opportunity to read the testimony, to explore the content, to consult with the experts, to consult with the administration, and to reach a conclusion. In fact, we have had more opportunity to review this treaty than the 100th Congress did for the Intermediate-Range Nuclear Forces Treaty under Ronald Reagan.

Finally, I think it is useful to hear President Reagan's thoughts on nuclear weapons. In 1985, he said this:

There is only one way safely and legitimately to reduce the cost of national security, and that is to reduce the need for it. And this we are trying to do in negotiations with the Soviet Union. We are not just discussing limits on a further increase of nuclear weapons. We seek, instead, to reduce their number. We seek total elimination one day of nuclear weapons from the face of the Earth.

Well, this treaty does not eliminate nuclear weapons, but it does reduce them and it does, in the eyes of expert after expert after expert—Democratic experts and Republican experts—make our Nation more secure. So there can be no better reason to ratify it as soon as possible.

I thank the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Colorado.

Mr. BENNET. Madam President, I rise to support timely ratification of the new Strategic Arms Reduction Treaty, often called New START. New START accomplishes critical goals for our national security. It reduces Russia's deployed nuclear warhead stockpile by 30 percent. It reduces the number of deployed and nondeployed launchers to 800. It limits the number of deployed missiles and bombers to 700—fewer than half the number of the original START treaty.

It also establishes a stronger system of onsite inspections, allowing us to physically count individual warheads. This is the safest way to ensure that we have an accurate understanding of Russia's nuclear weapons force. Nevertheless, the Senate has failed to take action on what should be non-controversial—a treaty with bipartisan support that will make our country

safer. Today, I wish to talk about the consequences if we fail to ratify New START.

Right now, with no treaty in place, our country has virtually no ability to monitor Russia's nuclear weapons. The previous START treaty expired on December 5, 2009, almost a year ago today. Since that time, our inspectors have been shut out of Russia's facilities. We have been making national security decisions in the dark.

By contrast, the comprehensive verification system proposed under New START allows our military to make better, safer decisions about our national security. Without these verification measures in place, we will lose track of Russia's nuclear arsenal. We will spend more money to obtain less reliable information. Delaying ratification makes no sense for our national security or for this Nation's wallet. Failure to ratify New START does not just undermined our short-term national security interests, it weakens our long-term relationship with Russia and countries all around the world. In a post-9/11 world, strong relationships and shared intelligence have never been more critical as we defend against emerging threats.

We rely on Russia's support to help us contain one of the biggest threats to our national security and to the world's security: Iran's progress toward a nuclear weapon. In fact, earlier this year, the United States brokered an agreement with Russia and China that imposes new U.N. sanctions against Iran to limit its weapons production. Our failure to move forward on New START would make these efforts more difficult.

The goal of preventing Iran from obtaining nuclear weapons requires a solid United States-Russia relationship, and that relationship begins with New START.

We have had ample time to study the treaty: 20 formal hearings, countless briefings, 900 questions submitted for the record. All Senators have had time to express opinions and register concerns. The experts, both Republicans and Democrats, tell us it is time to ratify the treaty. In fact, LTG Brent Scowcroft, National Security Adviser for Presidents Ford and George H. W. Bush, has said:

The principal result of nonratification would be to throw the whole nuclear negotiating situation into a state of chaos.

He is not alone in this considered view.

The ACTING PRESIDENT pro tempore. The time of the majority has expired.

Mrs. SHAHEEN. Madam President, I ask unanimous consent to extend our time until 10:20 and to then allow for 5 minutes for the Republicans at the other side of their time.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

Mr. BENNET. Madam President, I will wrap up in the next couple of minutes.

He is not alone in this considered view. Listen to the bipartisan wisdom calling on the Senate to ratify this treaty: former Secretaries of State George Shultz, James Baker, Henry Kissinger, Colin Powell, Madeleine Albright, and Warren Christopher; former Defense Secretaries James Schlesinger, William Cohen, William Perry, Frank Carlucci, and Harold Brown; former National Security Advisers Brent Scowcroft, Stephen Hadley, and Sandy Berger. Patriots all, committed public servants who take it as an article of faith that partisanship ends at our water's edge, as do most Coloradans and most Americans. When it comes to New START, I believe the Senate will as well.

President Reagan began negotiating the first START treaty with the Soviet Union in 1982—right in the middle of the Cold War. Even today, all these years later, we remember Reagan's brilliant phrase "trust but verify." Many believed the Cold War would never end. So much has changed since the fall of the Soviet Union: the rise of global terrorism, the growing threat of Iran, the integration of our global economy, and the realization that when one economy falls, all are in danger.

As you know, I have just finished a long and tough campaign, and I can tell you that Coloradans are patriots before they are partisans. They are parents before they are Republicans and Democrats. And they are neighbors before they are foes. We need to respond, and the Senate should ratify New START now.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Maryland is recognized.

Mr. CARDIN. Madam President, I join my colleagues who have taken the floor this morning to urge a timely ratification of the START treaty. We have now been 1 year without a comprehensive verification regime to understand Russia's strategic nuclear forces. Since the end of the Cold War, we have had a verification system in place because we need to know what Russia is doing. We are at risk by not having a comprehensive verification regime in place. The ratification of New START will allow us to have that verification system in place, and it is in our national security interest.

We have had plenty of opportunity to understand exactly what is involved in the New START Treaty. For 7 months, the Senate has been considering the ratification. We have had over 20 hearings. I am honored to serve on the Senate Foreign Relations Committee. We have had numerous hearings and opportunities, both in closed sessions and

open sessions, to understand exactly why this ratification is in the security interest of the United States.

I point out that this is New START. We already had a Strategic Arms Reduction Treaty with Russia that expired at the end of last year. That treaty was ratified by a prior vote of 93 to 6. So we have great interest. We know what is involved, and we have had strong, bipartisan support for the ratification of START. The United States needs transparency to know what Russia is doing and to provide confidence and stability. We need that confidence and stability to contribute to a safer world.

The ratification of New START allows the United States to continue to be in the leadership internationally, not only to deal with arms reduction but also with nonproliferation issues. That is particularly important today as we get international support to prevent Iran from becoming a nuclear weapon state. Russia has helped us in that regard. The ratification of this treaty is a continued movement toward isolating Iran's nuclear ambitions.

As other colleagues have pointed out, military leadership and bipartisan political leadership has supported this ratification.

I urge my colleagues to ratify New START. It is in our national security interest.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Louisiana is recognized.

DREAM ACT

Mr. VITTER. Madam President, I was truly disappointed to learn that Senator REID intends to bring up a new version of the sweeping amnesty proposal, known as the DREAM Act. Disguised as an educational initiative, the DREAM Act will provide a powerful incentive for more illegal immigration by granting amnesty to millions of illegal aliens.

The bill, which is unaffordable for taxpayers in many different ways, is a bad idea and comes at the worst possible time. As of recently, there are now plenty different versions of the DREAM Act on the legislative calendar, with different moving parts and revisions, but at the end of the day, it doesn't matter which one you focus on; they all have the same core, which is amnesty for a significant number of illegal aliens.

Also with that amnesty would come very significant taxpayer-funded benefits for these folks, including in-state college tuition. In these difficult economic times, it is an insult to legal, tax-paying citizens that President Obama and his allies in the Senate want to use their hard-earned money to pay for educational benefits for illegal aliens.

The struggling economy has increased the demand for enrollment in public universities, as a growing number of families are unable to afford other education. At a time when many Americans cannot afford to send their own children to college, this bill would clearly allow the government to provide Federal student loans to illegal aliens who will displace legal residents competing for taxpayer subsidies. I am opposed to this proposal because it would unfairly place American citizens in direct competition with illegal aliens for scarce slots in classes at State colleges. The number of those coveted seats is absolutely fixed. So every illegal alien who would be admitted as a result of the DREAM Act would take the place of an American citizen or someone who is legally in our country. It makes no sense to authorize Federal and State subsidies for the education of illegal aliens when our State schools are suffering, as higher education budgets are being slashed, admissions curtailed, tuitions increased.

Enactment of the DREAM Act would be bad policy under any circumstances, but in the current economic climate, it would be a catastrophe for States facing already strained budgets. The DREAM Act will continue amnesty to millions of illegal aliens who entered the United States as minors and meet loosely defined "educational requirements." Specifically, the bill grants immediate legal status to illegal aliens who have merely enrolled in institutions of higher education or received a high school degree or diploma.

The sponsors say several things to try to mitigate this basic fact, but it doesn't.

First of all, they have described the beneficiaries in this legislation as kids, boys and girls. In reality, the DREAM Act allows illegal aliens up to the age of 30 to be eligible to receive amnesty and qualify for Federal student loans.

Second, HARRY REID and the bill's proponents argue that this new version of the DREAM Act has been narrowly tailored. I don't believe the American public would be convinced that dropping the age of eligibility from 35 to 30 transforms the core of this legislation or changes anything at its core.

Third, the new and improved DREAM Act also requires that illegal aliens seeking relief undergo a background check and submit biometric and biographic data. Again, that doesn't change the core of the bill, which is about amnesty for millions of illegal aliens, thereby putting them in a position to compete for important taxpayer-funded benefits with U.S. citizens.

Furthermore, the new version of the DREAM Act expands the waiver authority of the Secretary of Homeland Security, thereby negating any additional requirements for eligibility. The

bar for eligibility is already extremely low, but even what little is required can be waived whenever that Secretary decides to do so.

The American people have made it very clear—crystal clear—that they want to see the government fulfill its responsibility to enforce the laws and to take steps to control illegal immigration, not to reward bad behavior with amnesty and taxpayer-funded benefits.

Amnesty and economic incentives only encourage more illegal immigration. This is certainly not the answer to our current, ongoing immigration crisis. It will only worsen our economic crisis. I am really outraged that any elected lawmaker would consider this proposal, particularly now, particularly when our States and fellow citizens are struggling to deal with economic hardship and budget cuts.

The DREAM Act also includes no cap on the number of those who will be eligible to receive this amnesty. The economic ramifications would be profound and are simply unacceptable.

Finally, there is absolutely no pay-for in this legislation, while it is beyond argument that the act will increase costs on the Federal taxpayer.

So, bottom line, this bill is absolutely increasing the Federal deficit and the Federal debt—we don't know by exactly how much. To help answer that question, I am writing the Congressional Budget Office today and asking for an immediate score of the newest version of the DREAM Act. Whatever the number is—and it is important that we get that number—let me underscore that it is beyond debate that there is significant cost to this bill, without any pay-fors. That means the DREAM Act will also increase the Federal deficit and the Federal debt.

As chairman of the Border Security Caucus, I will be fighting this measure every step of the way, doing everything I can to stop what is clearly, at its core, an amnesty proposal. I invite all Members of the Senate, Republicans and Democrats, to listen to the American people who have been speaking about this loud and clear and to heed their call and say no to amnesty and turn to what should be our clear priority, which is enforcing the laws on the books, enforcing the clear laws against illegal immigration.

With that, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WHITEHOUSE. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. WHITEHOUSE. Madam President, I see my distinguished friend, the

Senator from Wyoming, on the floor, and I would like to make a few remarks about the Social Security COLA.

The ACTING PRESIDENT pro tempore. There is no time remaining with the majority at this moment.

Mr. WHITEHOUSE. Madam President, I ask unanimous consent to speak as in morning business for 10 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

EMERGENCY SENIOR CITIZENS RELIEF ACT

Mr. WHITEHOUSE. I thank the Chair.

At the end of my remarks, I will propound a unanimous consent request that the minority party is aware is coming.

I travel around my State pretty often, and when I do, I hear a lot in Rhode Island about the sacrifices people have had to make during what are, for our State, still very difficult economic times. We are still over 11 percent unemployment. Many of my constituents have adjusted to this difficult economic climate by cutting back on extras and finding savings in their personal lives wherever they can. But for our seniors—Rhode Island has a very large population of seniors—who live on a limited budget, simply cutting back is a very harsh option for them.

In 2008, Rhode Island seniors on Social Security received an average monthly payment of about \$1,130. Madam Present, \$1,130 a month is not a lot to live on, particularly in the Northeast. I have heard from seniors who worry about keeping the heat on in their homes because oil prices are so high. I have heard from seniors who have to split pills or skip doses because their prescription costs are so high. And I am hearing this from people who have worked hard all their lives, who paid into the system throughout their careers and who believed they would be able to grow old comfortably. Instead, many of them are really just scraping by on their Social Security benefits, and the benefits often no longer cover their daily living expenses. So for people in this situation, every penny counts.

This past year, for the first time since 1975, Social Security recipients in Rhode Island, in New York, and elsewhere did not receive a cost-of-living adjustment, or COLA, and it appears they will not receive a cost-of-living adjustment in 2011 either. These yearly adjustments are dictated by a specific formula that is tied to inflation. I know that because of the slow economy, inflation has been stagnant over the past 2 years. So the rigid mathematical formula that drives the cost-of-living adjustment does not presently provide for the cost-of-living adjustment seniors need.

This is a misfire in the cost-of-living calculation because it is based on a market basket that includes things seniors don't buy a lot of and it doesn't put adequate weight on heat and oil and energy, prescriptions and medical devices, and things on which seniors do spend a lot of money. It also overlooks people such as Chuck, who is a 67-year-old retiree from North Providence, RI, who wrote to me recently to express his concern that his monthly Social Security income will be frozen at its current level for yet another year. He wrote that regardless of what the COLA formula concludes, his cost of living continues to rise. Chuck says:

Prices have risen at the supermarkets. Medications have also increased in copayments. Today, I am paying more and getting less for the dollar.

I believe Chuck speaks for many American seniors when he expresses concern about the lack of an increase in Social Security payments. So today I rise in support of the Emergency Senior Citizens Relief Act, introduced by my colleague, Senator SANDERS of Vermont. This bill would help ease the strain on the budgets of our seniors by providing a special one-time payment in 2011 of \$250 to all Social Security recipients. In effect, it would be a COLA replacement. Although a \$250 COLA replacement may not sound like much money, for those on a limited budget, the extra financial assistance provides a little extra peace of mind amid skyrocketing health care and prescription drug costs. And for seniors in New England, the payment could help keep the heat on through the approaching winter.

This assistance would not be unprecedented. While this was the first year in decades that seniors did not receive a COLA, we have taken steps in recent years to provide special help to seniors and to disabled Americans struggling through this recession. In 2008, I worked very hard with my colleagues to secure a \$300 rebate for seniors and SSDI recipients in that year's economic stimulus act. In 2009, we again worked to make sure the American Recovery and Reinvestment Act included a one-time \$250 payment to seniors and SSDI recipients. We now have a chance to once again lend that helping hand to our seniors.

Passing this bill would be the right thing to do for seniors, obviously, but it is also a good thing to do for our struggling economy. In Rhode Island, for example, the payments would inject more than \$51 million into our economy—money that would quickly be spent on essential items such as food and medicine.

As I said at the beginning, Rhode Island is hurting. Unemployment stands at 11.4 percent, gas is now more than \$3 per gallon, and our seniors face yet another year of frozen Social Security payments. By passing this Emergency

Senior Citizens Relief Act, we can show our seniors that they are not forgotten and in turn provide a valuable boost to the local grocery stores, pharmacies, and shopping centers that remain such an integral part of our local economy.

I urge my colleagues to join me in standing by our Nation's seniors and to support the Emergency Senior Citizens Relief Act.

In that regard, I ask unanimous consent that the Finance Committee be discharged of S. 3976, which is the Emergency Senior Citizens Relief Act of 2010 that I have been discussing; that the Senate proceed to its immediate consideration; that there be 4 hours of debate with respect to the bill divided and controlled by Senator SANDERS and the Republican leader or his designee, and that no amendments or motions be in order during the pendency of this agreement; that upon use or yielding back of time the bill be read a third time, and the Senate proceed to vote on passage of the bill.

The ACTING PRESIDENT pro tempore. Is there objection? The Senator from Wyoming.

Mr. BARRASSO. Madam President, reserving the right to object, would the Senator agree to include an amendment that would offset the cost of the bill with unspent Federal funds, the text of which I have at the desk?

Mr. WHITEHOUSE. I am happy to discuss with colleagues on the other side how this can be paid for, but I cannot help but note that colleagues on the other side do not share their concern for the payment and pay-go side of the equation when it comes to the tax cuts for people making many millions of dollars a year whom we are trying to get exempted as we try to get tax relief for the middle class.

It would be hard for me to hold seniors getting a \$250 one-time benefit in a year in which the COLA formula has misfired and they are getting no COLA benefit despite their other costs going up, and at the same time be asked to agree to hundreds of thousands of dollars per millionaire, in some cases, in tax relief that is not paid for. I think, if anything, the seniors should be held to a lower standard than multimillionaires for whom the tax benefit would amount to potentially hundreds of thousands of dollars.

I appreciate my colleague's very legitimate concern about the cost this would incur. I submit we are still, at least in my State, in a stage in the recovery where we continue to need to revive the economy. This will be very beneficial to the country in terms of its economic recovery, and it would be unfair to hold seniors to a different standard for this \$250 COLA, a harsher standard than we would hold our millionaires to, for hundreds of thousands of dollars in tax relief. So I stand by the request as propounded in the unanimous consent.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. BARRASSO. Madam President, reserving the right to object, I note on the front page of USA Today "Jobless Data could Break '80s RECORD."

Not since the early 1980s has the nation's unemployment rate been so grim for so long, a government report due Friday is likely to show.

It goes on to say:

The chronic level of high unemployment shows that many Americans are still suffering, even though [the government], the National Bureau of Economic Research, has said the recession officially ended in June 2009.

The people in this country know what is happening in their own communities and their own States and do not need to be told different things by the government when they know the reality in which they are living.

I heard from my distinguished colleague some concerns we all share about the economy and what best way to stimulate economic growth. I believe, with Members on my side of the aisle, that one of the things you do is you don't raise taxes on anyone in this country during these economic times. We are unanimous on this side of the aisle in that position.

But listening to my colleague, there are now actually a growing chorus of Members from his side of the aisle who are agreeing with me, including the two newest Members of the Senate from the other side of the aisle who have come here, the distinguished Senator from West Virginia and the one from Delaware. The one from West Virginia, while running for the Senate, said, "I wouldn't raise any taxes," referring to the tax cuts that are scheduled to expire come the end of this year. The Senator-elect and newly sworn in Senator from Delaware, in terms of tax cuts, said, "I would extend them for everyone."

So there is a growing chorus on the ways to give this economy and the job-creating segment of this economy some certainty so they can then make the investments, make the decisions, hire the people to try to do that.

We are unanimous in our support for not raising taxes on anyone during economic times like this and, with that growing chorus, then, as a result, I object.

Mr. WHITEHOUSE. I appreciate the objections of the Senator.

The ACTING PRESIDENT pro tempore. Objection is heard.

Mr. WHITEHOUSE. I would respond by saying that even if we assume that the right answer at this point is to continue a massive tax cut for people who make—I think it was most recently reported that the 400 biggest income earners in the country earned an average, each, of \$344 million, a third of \$1 billion each. So the tax cuts for people like that create a very significant cost to the country.

I understand it is the theory of the Senator that this is to our economic benefit. But, clearly, there is a very high cost in our deficit to going down that path.

My motivation in offering this unanimous consent is that our seniors, who will spend the \$250 one-time payment virtually immediately—which every economist I have ever seen who discusses the economic stimulus effect of these different types of expenditure agrees would be far more beneficial if it were the \$250 payment on behalf of seniors than it would be when these highest end people get these massive tax refunds and benefits—that it would be fair to treat seniors the same way.

I regret that we face this objection. I think the objection is inconsistent in the sense that the Senator is holding, with this objection, seniors to a higher standard, a harsher standard, than he is holding millionaires and billionaires to. Everybody knows about the marginal utility of money. For a senior on a fixed income, \$250 extra at the end of the year, Christmas time, whether it means keeping the house warm, affording their prescription drug payments, being able to set a little money aside for presents for their grandchildren—that is very important funding, and not just from a humanitarian point of view. From an economic point of view it means it gets plowed right back into the local economy—the local toy store, the local grocery store, the local pharmacy. It gets put right back to work. I don't know what happens when somebody making \$334 million a year gets a \$1 million tax break.

The ACTING PRESIDENT pro tempore. The Senator has consumed his time.

Mr. WHITEHOUSE. In that case, I yield the floor and thank the Presiding Officer for her courtesy.

The ACTING PRESIDENT pro tempore. The Senator from Wyoming.

Mr. BARRASSO. Madam President, in response to my colleague from Rhode Island, despite over a \$13 trillion existing debt that we cannot pay back, the Democrats are back with another proposal to add another \$13 billion to the deficit, add it to the growing deficit. This one is not even a new proposal, it is a proposal that was already rejected by 50 Senators, including 11 Members from across the aisle a number of months ago.

If we are going to attempt to help those seniors, as has been mentioned by my colleague, we need to do it in a fiscally responsible way.

I absolutely support helping the seniors who are having a hard time. I just propose we pay for it. That is why I offered the amendment to the proposal from the Senator from Rhode Island that would, in fact, just pay for it. It is as simple as that. I propose that instead of piling money, debt on top of our massive debt, what I have offered is

an amendment that would authorize the Office of Management and Budget to cut an appropriate amount from other programs to help them find money to pay for this one.

Mr. WHITEHOUSE. Will the Senator yield for a question?

Mr. BARRASSO. Yes, Madam President.

Mr. WHITEHOUSE. A question, through the Chair: Would the Senator explain why it is that when it comes to the deficit it is more important to protect our national debt than it is to help our seniors, but it is less important to help our deficit and our debt than it is to give tax breaks to multi-multi-millionaires?

As I said, the 400 highest income earners the IRS has reported earning more than a third of \$1 billion each on average, it would strike me that the deficit and the debt is a matter of national concern that should apply equally to millionaires—I mean multi-super-ultra-hyper-millionaires—than it is to seniors struggling to get by on Social Security. I don't understand why the deficit matters so much when it comes to depriving our seniors of a COLA adjustment, but it doesn't appear to matter at all when it comes to providing the very wealthiest Americans—people who have their own jets, have their own yachts, people who have, you know, seven homes—additional tax relief that most billionaires who have come forward in this matter say they don't want or need; that it is unpatriotic, frankly, from their perspective not to be asked to contribute more.

Mr. BARRASSO. Madam President, the way that I propose to pay for this to help those seniors, to help those who have those needs, is a proposal that is very familiar to this body. It is because 21 of my Democratic colleagues voted in favor of this way to pay for something earlier this week when the same pay-for was attached to an amendment from my colleague, Senator JOHANNIS from Nebraska, that would have repealed an unfortunate paperwork mandate in the health care law.

I would be happy to list all of the Senators who voted for this. I am sorry my friend across the aisle is not joining me in supporting this fiscally responsible support for our seniors. But, as I say, on the issue of stimulating the economy and giving some certainty in this Nation to those job creators, the Republicans are united: 42 of us say you should not raise taxes on anyone during economic times like these, and the chorus of Democrats who support that continues to grow. It grew this past week from five members of the Democratic conference to seven with the swearing in of Senator COONS of Delaware and Senator MANCHIN of West Virginia.

Senator KENT CONRAD from North Dakota has said:

The general rule of thumb is that you do not raise taxes or cut spending during an

economic downturn. That would be counter-productive.

So he says do not raise taxes during an economic downturn.

Senator EVAN BAYH said:

The economy is very weak right now. Raising taxes will lower consumer demand at a time when we want people putting more money into the economy.

Senator JIM WEBB, Democrat from Virginia, said: "I don't think they ought to be drawing a distinction . . ." at a certain dollar number.

Senator BEN NELSON from Nebraska said:

I support extending all of the expiring tax cuts until Nebraska's and the nation's economy is in better shape, and perhaps longer, because raising taxes in a weak economy could impair recovery.

Senator JOE LIEBERMAN, Connecticut, said:

I don't think it makes sense to raise any Federal taxes during the uncertain economy we are struggling through.

Then, of course, Senator COONS: "I would extend them to tax cuts for everyone."

And Senator MANCHIN, then-Governor of West Virginia, said, "I wouldn't raise any taxes."

At a time with 9.6 percent unemployment, at a time when our Nation continues to struggle economically, at a time people are looking for work, wanting to work, looking for jobs, the job-creating sector of this country needs some certainty. With the mandates of the health care law, which are expensive, environmental mandates coming from the Environmental Protection Agency with their rules and regulations impacting on the cost of energy, and then the uncertainty, the significant uncertainty that exists in this country as to what tax rates will be and how that is going to impact all taxpayers with their take-home pay come January 1, it is no surprise that people are concerned and reluctant to make long-term commitments and investments in businesses and in the future.

That is why I stand here to object to my colleague from Rhode Island when he makes a proposal, which there is support for, but it is unpaid for. We need to pay for it. I bring to the Senate floor a responsible way in which to pay for it, and which he has rejected.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from North Dakota.

Mr. DORGAN. Madam President, are we in a period of morning business?

The ACTING PRESIDENT pro tempore. We are still in morning business. However, the time remaining, 10 minutes remaining, is controlled by the minority.

Mr. DORGAN. In that case I would yield to the minority to use the 10 minutes, and I will be seeking recognition following them.

The ACTING PRESIDENT pro tempore. The Senator from Iowa.

ETHANOL TAX CREDIT

Mr. GRASSLEY. Madam President, it seems as though every few weeks or so there are a lot of misleading and misinformed accusations launched at our Nation's renewable fuel producers. It is impossible to come to the Senate floor to respond to all of them. But sometimes the claims are so outrageous that they require an informed response. So I am here to give that response with emphasis on the word "informed."

Earlier this week, a number of my colleagues in the Senate, including a few of my fellow Republicans, sent a letter to the majority and minority leaders expressing their opposition to extending the tax incentives for homegrown ethanol. Homegrown means we are less dependent upon people such as Dictator Chavez and our oil sheiks.

My colleagues argued that the tax incentive for the production of clean, homegrown ethanol is fiscally irresponsible. They expressed their support for allowing the 45-cent-per-gallon credit for ethanol use to expire. It is important to remember that the incentive exists to help the producers of ethanol compete with the big oil industry. Remember, the big oil industry has been well supported by the Federal Treasury for more than a whole century.

Many of the Republican Senators who signed onto that letter have also been leading the effort to ensure that no American sees their taxes go up on January 1, 2011, which will happen automatically if we do not do something this very month.

The largest tax increase in the history of the country can happen without even a vote of Congress because of the sunset law. Of course, in that regard, I support the position of my Republican colleagues. But a repeal of the ethanol tax incentive is a tax increase that will surely be passed on to the American consumer.

I would like to remind my colleagues of a debate that we had earlier this year on an amendment offered by Senator SANDERS. The amendment he offered would have, among other things, repealed the \$35 billion in tax subsidies enjoyed by oil and gas. Opponents of the Sanders amendment argued that repealing the oil and gas subsidies would reduce domestic energy production and drive up our dependence on foreign oil.

Opponents of the Sanders amendment argued that it would cost U.S. jobs and increase prices at the pump for consumers. I agreed with the arguments of the opponents. All of my Republican colleagues and more than one-third of the Democrats did as well. Thus, the Sanders amendment was defeated. That majority against the Sanders amendment knew that if we tax something we get less of it. Repealing incentives on ethanol would have the very same result.

Well, guess what. I know removing incentives for oil and gas will have the same impact as removing incentives for ethanol. We will get less domestically produced ethanol and be more dependent upon those oil sheiks. But it will also cost U.S. jobs. It will increase our dependence on foreign oil. It will increase prices at the pump for American consumers. So whether it is jobs or increased dependence or increasing the price of gas, no American would like that to be the result. We are already dependent on foreign sources for more than 60 percent of our oil needs. We spend \$730 million a day on imported oil.

That money is leaving America to the Middle East or nutty dictators like Chavez. Why do my colleagues want to increase our foreign energy dependence when we can produce that energy right here at home?

So I would like to ask my colleagues who voted against repealing the oil and gas subsidies but are supporting repealing incentives for renewable fuels, how do you reconcile such inconsistencies? The fact is, it is intellectually inconsistent to say increasing taxes on ethanol is justified, but it is irresponsible to do so on oil and gas production.

If tax incentives lead to more domestic energy production and result in good-paying jobs, why are only incentives for oil and gas important but not for domestically produced renewable fuels? It is even more ridiculous to claim that the 30-year-old ethanol industry is mature and thus no longer needs the support they get, while the century-old big oil industry still receives \$35 billion in taxpayer support.

Regardless, I do not believe we should be raising taxes on any type of energy production or on any individual, particularly during a recession. Allowing the ethanol tax incentive to expire will raise taxes on producers, blenders, and ultimately consumers of renewable fuel. A lapse in the ethanol tax incentive is a gas tax increase of over 5 cents a gallon at the pump. I do not see the logic in arguing for a gas tax increase when we have so many Americans unemployed or underemployed and struggling just to get by.

On Tuesday of this week all of my Republican colleagues and I signed a letter to Majority Leader REID stating that preventing a tax increase, meaning mostly income-tax increases, and providing economic certainty should be our top priority in the remaining days of this Congress. I know we all agree we cannot and should not allow job-killing tax hikes during a recession.

Unfortunately, those Members who have called for ending the ethanol incentive have directly contradicted this pledge because a lapse in the credit will raise taxes costing over 100,000 U.S. jobs at a time of near 10 percent unemployment. The taxpayer watchdog

group, Americans for Tax Reform, considers the lapse of an existing tax credit for ethanol to be a tax hike.

Now is not the time to impose a gas tax hike on the American people. Now is not the time to send pink slips to more than 100,000 ethanol-related jobs. A year ago at this time I came to the Senate floor to implore the Democratic leadership to take action on extending expiring tax incentives for the biodiesel industry. They failed in their responsibility to extend that incentive and provide support for an important renewable industry.

So while 23,000 American jobs were supported on December 31 last year, nearly all of those jobs have disappeared. An industry with a capacity to produce more than 2 billion gallons of renewable fuel a year is on track to produce less than 20 percent of that capacity this year.

Ethanol currently accounts for 10 percent of our transportation fuel. A study concluded that the ethanol industry contributed \$8.4 billion to the Federal Treasury in 2009, \$3.4 billion more than the ethanol incentive. Today, the industry supports 400,000 U.S. jobs. That is why I support a homegrown, renewable fuels industry, as I know the Obama administration does as well.

I would encourage anyone who is unclear on the administration's position to contact Agriculture Secretary Vilsack.

I would like to conclude by asking my colleagues, if we allow the tax incentive to lapse, from where should we import an additional 10 percent of our oil? Should we rely on Middle East oil sheiks or Hugo Chavez? I would prefer we support our renewable fuel producers based right here at home rather than send them a pink slip. I would prefer to decrease our dependence on Hugo Chavez not increase it.

I certainly do not support raising the tax on gasoline during a recession. I would respectfully ask my colleagues to reconsider their support for this job-killing gas tax increase.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from North Dakota.

Mr. DORGAN. Madam President, I support the comments from my colleague from Iowa on the importance of ethanol and the tax incentives and the ability to try to make us less dependent on foreign oil and produce more renewable energy in our country. So I appreciate the statement he has just made.

I want to talk about the START treaty and the importance of it. But I cannot help but respond, at least a bit, to some of the discussion that occurred as I walked on the Senate floor about the so-called tax cuts or the extension of the tax cuts.

You know, what is going to confound a lot of people who look back on his-

tory, perhaps historians who, in a rear-view mirror, look back 100 or 50 years—what is going to confound them about this time, this place, and these people, all of us, is what we did that seemed so irrational because, particularly economic models, if you are talking about economic historians, economic models are based on rational expectations. Then they create a model based on what would you do rationally.

Now here is what they are going to see at this moment. They will see a country that is at war halfway around the world. They will see a country with a \$13 trillion national debt and a \$1.3 trillion annual deficit. And what is the debate? Tax cuts that existed in 2001, through legislation I voted against, tax cuts that were extended and were set to expire this year would cost \$4 trillion in the coming 10 years to extend.

With a \$13 trillion debt, we have people coming to the floor of the Senate and saying they want to deal with this debt. Then, on the other side of the ledger, they say: And we want to extend all of the tax cuts.

That is another way of saying they want to take the \$13 trillion Federal debt to a \$17 trillion Federal debt. And, you know, historians are going to say: I thought there was some notion of rational expectations. What is rational about a country up to its neck in debt deciding: We are going to extend tax cuts even to the wealthiest Americans; those who make \$1 million a year shall be given a \$104,000-a-year tax cut?

Why? Because the minority is insisting upon it. Even though, just that piece of it, above \$250,000 a year in income, even though just that one piece will add \$1 trillion, that is the cost plus the interest to the Federal debt.

It is unbelievable. And the so-called little guy, the people out there who are working for a living and struggling—some of them lost their jobs, some lost their homes, some have lost hope—they are asking: Well, what about me? Why is it there is such energy to stand up for those who are making millions of dollars?

A guy named Barney Smith from Marion, Indiana stood up at the Democratic National Convention in Denver in 2008 and he asked this question. Barney Smith had lost his job, a job, that he said, is now being performed by someone overseas. Barney Smith said: When are you all going to treat Barney Smith like you treat Smith Barney? That is a pretty decent question. Who is on the floor standing for the interests of the Barney Smiths? I hope, perhaps in the coming days, there will be some rational expectations coming from this deliberative body, and that rational expectation should not include cutting taxes for the wealthiest Americans at a time when America is at war.

This morning, perhaps at 6 a.m., our soldiers were called out of bed halfway around the world, strapped on their ce-

ramic body armor, took up their weapons, and went out on patrol. They will be shot at today halfway around the world. We are told our responsibility is to provide tax cuts for the wealthiest Americans.

I wish to read a comment from Franklin Delano Roosevelt. I don't see a notion in this country about self-sacrifice in order to meet common goals and reach the common purpose of our destiny.

Here is what Franklin Delano Roosevelt said when we were at war then:

"Not all of us can have the privilege of fighting our enemies in distant parts of the world. Not all of us can have the privilege of working in a munitions factory or a ship yard, or on the farms or in the oil fields or mines, producing the weapons or raw materials that are needed by our armed forces. But there is one front and one battle where everyone in the United States—every man, woman and child—is in action. . . . That front is right here at home, in our daily lives, and in our daily tasks. Here at home everyone will have the privilege of making whatever self-denial is necessary, not only to supply our fighting men, but to keep the economic structure of our country fortified and secure. . . ."

That isn't only for soldiers who sacrifice for country. It is for all of us. It is distressing to me to see that the serious is treated so lightly and the light is treated too seriously in this Chamber. We know better. This country is loaded with debt. It is at war. We owe it to the American people and to the future to do better and try to steer this country toward better times.

START TREATY

Mr. DORGAN. Madam President, I rise to speak about the START treaty. This issue, while on the front pages in the last few days, is not front-page news generally, but it is so unbelievably important.

First, I compliment Senator KERRY, chairman of the committee. I compliment Senator LUGAR and others who have worked on this. I was part of the national security working group. We had many briefings during the negotiations with the Russians. I chair the appropriations subcommittee that funds our nuclear weapons, and I have stood next to nuclear weapons, know a lot about them, know about the horror of these weapons, as do almost all Americans. Let me describe how many nuclear warheads we have in the world.

This data is the Union of Concerned Scientists' that made an estimate in 2010. They said Russia has about 15,000 nuclear weapons; the United States about 9,400; China, 240; France, 300; Britain, 200. We can see Israel at 80. These are the expected number of nuclear weapons on the planet. That is somewhere around 25 to 28,000 nuclear weapons on this planet, the loss of one of which or the explosion of one of which in a major city by a terrorist

group will change life on this planet forever.

The question is, What are we doing now to stop the spread of nuclear weapons, prevent terrorists and rogue nations from acquiring nuclear weapons, and then reducing the number of nuclear weapons? What are we doing?

I have told the story of the CIA agent called Dragonfire who, 1 month to the day, October 11, 2001, reported to his superiors there was evidence that a Russian 10 kiloton nuclear weapon had been stolen and smuggled into New York City by a terrorist group. That was exactly 1 month after 9/11 when Dragonfire provided that piece of information to the intelligence community. For a month or 2 months, there was an apoplectic seizure in the intelligence community, with the administration trying to figure out how to deal with this. No one from New York was informed, not even the mayor. It was later discovered this was not a credible piece of intelligence, and everyone breathed easier. But as they did the postmortem, they understood, it would have been possible, perhaps, to have believed a terrorist group could have stolen a low-yield Russian nuclear weapon. It would have been possible for them to have stolen it and to have smuggled it into a major city, New York or Washington, and it would have been possible for a terrorist group to have detonated it. That is one nuclear weapon. There are 25,000 on this planet.

This morning on the way to work I heard a description on the radio of the nuclear weapons possessed by Pakistan. The question by some people who know a lot about this is whether there is an impossibility of someone from al-Qaida or the Taliban infiltrating the structure by which there is security for the nuclear weapons in Pakistan. That is an open question.

Earlier this year I was in Moscow, about an hour and a half outside Moscow, at a training facility we have helped fund in Russia to train for the security of Russian nuclear weapons. It is in all our interests—it is in the interest of the future of mankind—to understand the urgency to prevent the spread of nuclear weapons and to stop rogue nations and terrorists from acquiring nuclear weapons and, finally, at least to begin substantially reducing the number of nuclear weapons. That is what brings us to the issue of the START treaty.

I don't denigrate anyone or suggest that anyone who raises questions about this is uninformed. That is not the case. All of us want what is best for this country and for the world. We want to have arms reduction treaties and weapons reductions in a way that is verifiable and will strengthen the world's security. There have been a lot of questions asked. A lot of them have been answered. It is my hope that all of us who have been interested in this—

and that is both Republicans and Democrats—will find ways to come together and pass this START treaty.

If I might, I will describe the unbelievable success we know occurs from this kind of activity. We don't have to test this. We know it works. Through the Nunn-Lugar program, which has been around for some while, we actually fund the activities to destroy weapons that previously were aimed at the United States. Albania is now chemical weapons free; the Ukraine, Kazakhstan, and Belarus have no nuclear weapons any longer; 7,500 warheads have been deactivated; 32 ballistic missile submarines; 1,400 long-range nuclear missiles; 155 bombers.

I know it is repetitive, but I wish to again say that I have in my desk a piece of wing from a Soviet Backfire bomber. We didn't shoot this down. I ask unanimous consent to show it.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DORGAN. As a result of Nunn-Lugar, we sawed the wings off. How is it that I stand on the floor with a piece of a wing from a bomber that used to carry nuclear weapons threatening to destroy this country? I do that because we know these work.

Ukraine is now nuclear free. This is a hinge from a silo that contained a nuclear-tipped missile aimed at the United States. This piece, from a silo containing an intercontinental ballistic missile aimed at America, is from a missile that no longer exists. The nuclear weapon is gone; the missile is gone. There are now sunflower seeds planted where there was previously a missile. I tell that to say: We understand what works. Arms negotiations, arms treaties with which we have tried to reduce delivery vehicles and nuclear weapons work.

I have just described the Nunn-Lugar program. Let me show a couple photographs of it. This is a Typhoon-class ballistic missile submarine that carried nuclear weapons. I have the copper wiring from this submarine in my desk, reminding all of us, again, that this works. We didn't have to destroy this submarine with a weapon under the sea in hostile action. We negotiated a treaty. It was taken apart.

This shows an SS-18 missile silo in Ukraine. We can see they planted dynamite and blew up the silo. Because we agreed with the Russians that we were going to reduce nuclear weapons, reduce delivery vehicles, that silo is now gone and sunflower seeds are planted where a missile previously had been.

Here is a photograph of a Blackjack bomber that the old Soviet Union and Russia had. We destroyed it, sawed off the wings. We know these kinds of treaties work.

The treaty negotiated is supported by so many people. ADM Mike Mullen, Chairman of the Joint Chiefs of Staff, says:

I, the Vice Chairman and the Joint Chiefs, as well as our combatant commanders, stand solidly behind this new treaty. This treaty represents our country's best interests, in my judgment.

There are many things to say in support of concluding an arms control agreement with the Russians. There are many questions that have been raised about the treaty and have been answered. When I described earlier the large number of people who say it is in this country's interest to support this treaty, I did not put up several of these, but let me say, Dr. Kissinger, said:

I recommend ratification of the treaty. It should be noted I come from the hawkish side of this debate so I'm not advocating these measures in the abstract. I try to build them into my perception of the national interest.

This morning George Shultz, James Baker, Lawrence Eagleburger, Colin Powell, and Dr. Kissinger wrote an op-ed piece in the Post making the case.

Those who have raised questions about this are as concerned about our national security as anybody else. They believe, as I do, in the same goals. Let's keep nuclear weapons out of the hands of terrorist organizations and rogue nations. Let's stop the spread of nuclear weapons and, ultimately, let's try to reduce the number of weapons on this planet. I think everybody here who is involved are people of good will. My fervent hope is that in the coming couple weeks, as we conclude this session of the Congress, we will find a way to have on the floor this treaty which is so widely supported and be able to say, all of us of every persuasion, we did something that will have a lasting impact on the future of this country, the security of this country, and the security of the world. We did something that reduces nuclear weapons, the number of nuclear weapons among the two nations that have, by far, the most nuclear weapons. We did something that substantially reduces the number of delivery vehicles for nuclear weapons. This will provide for a much greater measure of security for us and the rest of the world.

Those who have spoken on this issue, giving different views, offering different views, I have great respect for them. Many of them and I were part of the national security working group. Along the line when the treaty was being negotiated, we had meetings in an area that is for top-secret presentations. All along the way we understood what was happening and how it was happening. I think this is a treaty that is mutually beneficial and represents not only the best interests of both countries that are parties to the treaty but especially the best interests of the world.

I started by saying the loss of one nuclear weapon exploded in one city on the planet would change everything

about our lives. We have about 25,000 nuclear weapons on the planet. The security of those weapons, the ability to keep them out of the wrong hands, the ability to keep others from acquiring weapons, the ability to reduce weapons, all of that urgent and important. It doesn't always rise to the top in the debate in the Senate, but now we have that discussion around this treaty which is only a first step. I hope, by the end of this month, perhaps all of us could celebrate having a significant achievement for the security of the country and for the world.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Missouri.

Mr. BOND. Madam President, I ask unanimous consent to speak up to 15 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ENERGY

Mr. BOND. Madam President, as America's energy needs continue to grow, so does our need for common-sense approaches to meeting these needs. Unfortunately, the Obama administration's announcement yesterday dealt a death blow to one of our most important ways to expand our domestic energy supplies. My message to the Obama administration is that we need to drill it, not kill it. Yesterday, the administration announced the eastern Gulf of Mexico and the Atlantic coast to be off-limits to any new offshore drilling for the next 5 years. In other words, the Obama administration decided to deny Americans new domestic energy supplies, deny Americans new jobs, and make America's energy prices rise.

In the wake of the BP oilspill, there is no question we are reminded of the need to preserve our environment as we seek to expand our energy growth by drilling for more oil. As we continue opening up new sources of traditional energy in an environmentally friendly manner, preventing spills must be a top priority. However, arbitrarily—arbitrarily—closing off our own domestic supplies is not the answer.

First, this deathblow to offshore drilling will only make us more dependent on OPEC and Middle Eastern countries and hostile regimes that mean us harm. Also, this moratorium will cost us jobs at a time when America needs job creation more than ever.

The American Petroleum Institute estimates that we will not get 75,000 jobs as a result of the Obama administration's offshore drilling moratorium. Domestic production of energy will be integral for our economic growth. Production of domestic energy sources not only helps us meet growing demand and keeps us secure, but if the Obama administration removes their morato-

rium it will create jobs, and we need jobs.

Strict and arbitrary environmental regulations in place on coal mining, hydraulic fracturing of natural gas, and of offshore oil drilling just create a de facto moratorium on more production and on more jobs. Limiting production will make the sources we have available only more expensive. It is simply a matter of supply and demand.

As I have already mentioned, since energy demand will go up in the near future, these regulations—by hampering production—will serve as an indirect energy tax on consumers. Guess what. Remember, the \$4-a-gallon gasoline we had a couple years ago? Well, we may see that, and even more, as a result of shutting off our domestic supply.

We should not be jumping to constrain domestic energy production without first giving any new regulations a very strict look to make sure we do not punish consumers just trying to power their households, fuel their vehicles, get jobs, and live their lives. We all know we need a new energy policy, one that enables us to find, create, and use domestically produced clean energy.

This is not the first time we have sought to do this, but the difference now is that we have a recession to contend with at the same time. People are struggling with high unemployment. In the Midwest, our manufacturing sector has lost thousands of jobs. In an economy with a stubborn, nearly 10-percent unemployment rate, the million-dollar question—or bigger than that—we all have these days is, How can we create jobs?

So as we approach changing our energy policy, while we all want to protect the environment—and we must—we have to ensure that the policies we choose will not have adverse consequences to economic growth. Unfortunately, too many of my colleagues, and some in the administration, are focusing on jamming through Energy bills that would impose job-killing tax increases on farmers, small businesses, and families. Their ideas have ranged from a cap-and-trade tax bill to others that pick winners by awarding massive taxpayer-funded incentives to some and, in the process, harming others.

I think there is a better way to move our Nation to energy independence. The commonsense approach we have to take would make use of the clean, reliable sources we have here without picking sources and technology winners. We need to develop affordable, homegrown, and clean energy solutions to help push our Nation toward an independent and more environmentally friendly future.

I am by no means an expert on this subject, but I have been around the block a time or two, so I support many strategies to reduce our dependence on

fossil fuels and cut pollution. I have to stress that, in fact, we will continue to rely on fossil fuels to meet a large portion of our energy demand. Coal accounts, for example, for 50 percent of our Nation's electricity generation and over 80 percent of Missouri's electricity. So we have to harness our abundant supply of coal in a clean way by helping to advance carbon capture and sequestration, or CCS.

City Utilities of Springfield, MO, and others are conducting a project to assess the feasibility of carbon sequestration in smaller, shallower saline aquifers and individual powerplants. Much of the CCS research to date has focused on deep saline aquifers in large geological basins often far removed from most powerplant sites.

When complete, however, this pilot demonstration being conducted in Springfield may yield new lessons about CCS technologies that can be applied to powerplant sites in specific locations across the Nation.

Nuclear power, such as coal, is also an important source of base-load power, and it must also play a role in our energy future. Nuclear energy generates more than seven times as much zero-carbon electricity as all renewable sources combined.

In 2007, for example, nuclear energy prevented the emission of 693 million metric tons of carbon dioxide—roughly the equivalent of taking all U.S. passenger cars off the road. Of course, generating nuclear power results in waste that must be stored or otherwise dealt with, and we have spent billions of dollars on an improved site to store that waste at Yucca Mountain in Nevada. Unfortunately, political opposition has stalled, perhaps permanently, the operation of that site.

A real solution can be found in nuclear reprocessing, which reuses spent nuclear fuel and can produce the same amount of energy and leaves only 5 percent of the waste. France does it. Why should not we?

We must have policies in place that spur the development of more zero-emission nuclear power so we can harness all of its promise. And we must eliminate the layers and layers of bureaucracy and regulations which do not add to the safety of that power produced.

I agree we need to develop other zero-carbon sources, such as renewable energy sources. Missouri power providers are currently expanding their wind generation, and we have a number of wind turbines. Also, a few families and businesses receive a portion of their power from wind farms in Kansas.

Every day we are making advances in solar power, but this and wind power currently require huge taxpayer subsidies just to set up the operations, and it is followed by a \$20-per-megawatt taxpayer subsidy when and if they produce power.

Our State of Missouri, however, is blessed with hydropower sources which could be expanded by installing hydropower generation on existing Mississippi River locks and dams. But it is unlikely these renewable sources can provide more than a fraction of the energy we use, even in Missouri.

So we must avoid national renewable energy standards that arbitrarily set requirements without ensuring that families and workers continue to receive the affordable power they need. Intermittent wind and sunlight mean we must always ensure that a reliable base source of power remains in place to back them up.

Another way to make these sources more viable is through new battery technology that will help stabilize these sources' power flow. As a longtime leader in the battery industry, Missouri is also leading the way in advanced lithium-ion battery development and energy storage.

For example, Dow-Kokam in Kansas City is using lithium-polymer technology to make batteries lighter, longer lasting, smaller, and quicker to charge. Not only would batteries make renewable sources more viable, they would help with peak shaving by storing large amounts of energy produced at offpeak times.

When talking about batteries, of course, we cannot help but think about the promise that electric cars have to transform our transportation system and get us off our dependence of foreign oil.

I am a strong supporter of the increased use of hybrid and electric vehicle technology. Smith Electric Vehicles in Kansas City is building delivery trucks, which are the world's largest electric vehicles with a top speed of 50 miles an hour and a range in excess of 100 miles on a single overnight charge of the truck's battery at a time when there is available electricity on the grid between 10 p.m. and 6 a.m. not otherwise being used.

But even with the promise of electric vehicles, American families, drivers, and workers still will need a plentiful supply of transportation fuels to power their cars. I do agree we eventually need to lessen our dependence on fossil fuels, and that is why I have been a longtime supporter of using renewable biomass for fuel and for energy.

The biofuels industry has created good, often high-paying jobs which are critical to the Midwest where we have lost so many manufacturing jobs to the recession. I have been a longtime supporter of keeping tax incentives in place for the ethanol and biodiesel industry. These tax incentives, plus increased support for infrastructure to deliver these fuels, will be imperative as the industry becomes more competitive with traditional fuels. We must extend the volumetric excise tax credit, which we promised in the Congress to

the farmers who set up the cooperatives to develop ethanol and biodiesel sources. In my opinion, one of the most exciting things about this industry is that it drives the development of low-carbon feedstocks.

So I will close by talking about the potential that my home State of Missouri has to be a leader in a large part of our clean energy future by providing some of this homegrown energy, or biomass.

We have made great progress in Missouri in the use of algae and carbon dioxide from fuel. Missouri also has abundant farmlands and forests that can provide diverse biomass feedstocks to generate electricity or produce renewable fuels. For example, a University of Missouri study found that Missouri's 2.5 million acres of corn and 5 million acres of soybeans produce a combined 13 million tons of dry crop residue each year which can be converted into electric energy or, through cellulosic operation, into fuels.

Now, our forests alone can potentially provide 150 million tons of wood residues from scrub timber annually on a renewable basis. Together, that is a lot of biomass feedstock that is homegrown and that is carbon neutral because it takes in energy as it grows, releases that energy when it is burned, and takes it in again as replacements are grown. If we do not harness it, that energy is released when the wood or the biomass degrades.

Missouri entrepreneurs are developing new technology to convert municipal solid waste into clean burning biochar, which can supplement our biomass producers. In addition, Missouri is home to some of the foremost researchers in clean-burning biomass at the University of Missouri-Columbia.

Last but not least, the State of Missouri Department of Agriculture is on the cutting edge in supporting burgeoning biomass technology.

By creating a thriving biomass industry, we would not only help create our clean energy future, we would also create much needed new jobs in Missouri and Midwestern States by providing income to struggling farmers and agroforesters.

We must promote these clean energy strategies in a market-friendly way, and taxing our suffering families' and workers' use of energy is not the way. Produce more, do not tax more. Taxing it does not increase the production of it. Promoting these clean energy strategies is a bipartisan win-win-win, and I hope all of my colleagues will join me in helping this become a reality.

Madam President, I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

The ACTING PRESIDENT pro tempore. The Senator from Florida.

Mr. NELSON of Florida. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

NASA

Mr. NELSON of Florida. Madam President, we had a hearing in the Commerce Committee yesterday about the future of NASA. We had the President's science officer, the head of the Office of Science and Technology Policy, Dr. Holdren; and the Chief Financial Officer of NASA, Dr. Robinson. We pointblank asked both of them if they intended to follow the new law, the NASA authorization bill, that sets out a visionary course for the future of our manned and unmanned space program. They both indicated they would absolutely follow the direction of policy within the administration; they would follow the law.

Clearly, this has the President's stamp of approval. For once, we passed the bill unanimously in the Senate and by a three-quarters vote in the House of Representatives. The President then signed the bill into law. It is the President's policy. It is a policy that balances a number of things.

We continue the International Space Station at least until the year 2020, a space station, by the way, that is just now being completed after over a decade of construction. It is designated as a national laboratory, but a host of nations are all participants in the International Space Station, and cutting-edge research will be done utilizing the unique property of zero gravity of orbit as the space station orbits the Earth at 17,500 miles an hour.

We will start to develop new rockets that, as we speak, are being developed to carry cargo to and from the International Space Station. Those rockets will be in a competition between commercial companies, a competition conducted by NASA for making those rockets safe enough in order to take crew to and from the International Space Station and, at the same time, realizing that NASA's real vision is to go out and explore the heavens.

The NASA authorization bill starts the development of a heavy-lift rocket that will be able to take components up into low Earth orbit, where they can be assembled, and then ultimately to fulfill the President's goal he has set, which is to go to Mars.

The path by which we go to Mars is yet to be determined. A lot of that will depend upon the development of technology. There is within this NASA bill a robust technology development program for such missions as going to Mars or to an asteroid or whether we go back to the Moon. We were on the Moon 40 years ago. Now it is time to venture on out into the cosmos.

Under conventional technology, it would take 10 months for us to get to Mars, and by the time you got there, the realignments of the planets as they orbit the Sun would cause us to have to stay on the surface of Mars for a year until the planets were realigned where Earth was going to be close enough to Mars for the 10-month return journey. So, naturally, there is development going on by a number of entities, but one in particular headed by the astronaut who has flown more than any other astronaut—seven times—Dr. Franklin Chang-Diaz. He has been developing over the years, even from the time he got his Ph.D. at MIT, a plasma rocket, and that rocket is being now sufficiently developed that they are ready to do the testing stage and carry a small version of the rocket to the International Space Station, where it would be attached. A plasma rocket gives a constant stream of plasma energy that would keep the space station boosted to its height instead of constantly having to boost it every year or so because the orbit degrades. That plasma rocket would take us to Mars, if perfected, in 2 months instead of 10 months. If you go to Mars that fast—and by the way, that is going at 400,000 miles per hour—if you go that fast, then you don't have to stay on the surface of Mars for a year because you can stay there for a first trip for a few days, and the planets are still aligned so they are close enough so that in a 2-month period, you would be able to get back.

These are exciting things for the future of both the human space program and the nonhuman space program. The development of technologies in Earth science, the unmanned portion—we have a fairly significant increase in the NASA budget with regard to the science portion.

There is a huge increase in the budget of NASA for aeronautics. Remember, the first “A” in NASA—it is the National Aeronautics and Space Administration. The first “A” is aeronautics. There is a huge increase in the research and development for aeronautics. A lot of the airplanes we take for granted today or the cutting-edge advances in our military aircraft, where do we think that originally came in? It came from the research and development through NASA.

So, naturally, the Commerce Committee wanted to make sure the administration, given some of the uncertainties of the actual funding levels, is on point to follow the NASA authorization law. We received those assurances yesterday.

It is our hope that as we now come to decide how we are going to fund the rest of the government for the rest of the fiscal year—we are already into the fiscal year, October and November and going into the third month of the fiscal year; a fiscal year that started October

1—we are hoping that, at the very least, we can take the existing appropriations from last year, the fiscal year 2010, and carry that forward, at the very least, for NASA. What that would mean is instead of having funding at \$19 billion for 2011, the funding would be at last year's level of \$18.724 billion. That would be \$276 million less than the authorized level. NASA can live with that. The exceptional goals that are set in this NASA bill can be achieved with that cut, which is less than 1.6 percent of the total NASA authorized level—clearly, it can be done under these very austere times.

So I am hopeful, on the basis of what we saw yesterday and heard in the Commerce Committee, we will be able to go forth. A third shuttle flight will be added that will fly next summer. As we transition into the new commercial rockets, as we transition into the development of the new heavy-lift rocket, along with its spacecraft known as a capsule, as we transition into the extension of the International Space Station, the modernization of our space facilities, particularly at the Kennedy Space Center—as we transition into all that, we will have less of a disruption of the employment in the space community than otherwise would have been the case with employment dropping precipitously off a cliff because of the shutdown of the space shuttle program.

I am encouraged, I am optimistic, I am grateful, and I was happy to hear the unequivocal statements by the administration yesterday in support of the NASA bill.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. UDALL of Colorado). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LEAHY. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. HAGAN). Without objection, it is so ordered.

UNANIMOUS-CONSENT REQUEST— EXECUTIVE CALENDAR

Mr. LEAHY. Madam President, in a letter sent yesterday to Senate leaders, former Deputy Attorneys General of the United States who served in both Republican and Democratic administrations urged the Senate to consider the nomination of James Cole to be the Deputy Attorney General without further delay.

The Deputy Attorney General is the No. 2 position at the Department of Justice. It is a critical national security and Federal law enforcement position. These former officials who served with distinction in that post write that the deputy is “the chief operating offi-

cer of the Department of Justice, supervising its day-to-day operations” and that “the deputy is also a key member of the President's national security team, a function that has grown in importance and complexity in the years since the terror attacks of September 11.” These former Deputy Attorneys General are right. I thank them for speaking out to urge the Senate to complete consideration of this important nomination.

I ask unanimous consent that their letter be printed in the RECORD at the end of my statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. LEAHY. Incidentally, the Deputy Attorneys General who served in both Republican and Democratic administrations who signed this letter were Donald Ayer, Carol Dinkins, Mark Filip, Jamie Gorelick, Philip Heymann, Paul McNulty, David Ogden, and Larry Thompson.

Mr. Cole's nomination has been pending on the Executive Calendar for 4½ months, since it was reported favorably by the Judiciary Committee in July. I have a hard time remembering any time, in either a Democratic or Republican administration, that the Deputy Attorney General has been held up like this.

Those Republican Senators who continue to block us from considering this well-qualified nominee should come forward and explain why they feel it is justified to continue to leave America without a crucial resource we need to combat terrorism and to keep the country safe. Instead of doing this anonymously, the Senators ought to step forward and say why we cannot confirm this Deputy Attorney General, the No. 2 law enforcement position for the whole United States of America.

Today, I will seek unanimous consent for a time agreement to debate this nomination and finally have a vote in the full Senate. I have alerted the distinguished ranking member of the Judiciary Committee of this request. Those who oppose the nomination are free to say why and they can vote no, but let's end the stalling.

You have Senators say that they don't want to vote yes and that they don't want to vote no, but that they want to vote maybe. This is what is happening now with the nomination for the No. 2 law enforcement official of the country.

Madam President, we were all elected for 6-year terms, with the responsibility to vote yes or no in the best interests of the United States. Voting maybe does not serve those interests.

President Obama nominated Jim Cole to be Deputy Attorney General on May 24. That was 6½ months ago. I thank the Judiciary Committee ranking member, Senator SESSIONS, for working with me to schedule a hearing

on the Cole nomination while the committee was preparing for Justice Kagan's confirmation hearing.

The problem was not with the Senator from Alabama. He helped me move forward with that hearing in the committee, and I wish we could have proceeded in the same spirit in the Senate. As the former Deputy Attorneys General wrote, "Because of the responsibilities of the position of Deputy Attorney General, votes on nominations to fill this position usually proceed quickly." They also note that of the 11 nominations to fill this position over the last 20 years, from both Democratic and Republican Presidents, "none remained pending for longer than 32 days." Indeed, all four of the Deputy Attorneys General who served under President Bush, three of whom signed the letter we received yesterday, were confirmed by the Senate by voice vote an average of 21 days after they were reported by the Judiciary Committee. In fact, we confirmed President Bush's first nominee to be Deputy Attorney General the very same day it was reported by the committee.

We should treat the nomination of Jim Cole with the same urgency and seriousness with which we treated President Bush's nominations of Larry Thompson, James Comey, Paul McNulty, and Mark Filip. We should reject the strategy of some Senate Republicans of elevating their partisan goal to weaken the Obama administration over taking actions to keep us safe.

In November, over 4 months after Mr. Cole responded to written questions following his confirmation hearing, only two Senators sent him additional followup questions on a topic covered extensively during the earlier questioning. Two weeks ago, Mr. Cole promptly answered even these additional questions. There is no reason for Republicans to continue blocking the Senate's consideration of this nomination.

Jim Cole served as a career prosecutor at the Justice Department for a dozen years and has a well-deserved reputation for fairness, integrity, and toughness. He served under both Republican and Democratic Presidents. He clearly demonstrated during his confirmation hearing months ago that he understands the issues of crime and national security that are at the center of the Deputy Attorney General's job.

The nomination received strong endorsement from Republican and Democratic public officials, and from high-ranking veterans of the Justice Department, including the letter to the Senate leaders yesterday from eight former Deputy Attorneys General who served in the administrations of President Reagan, President George H.W. Bush, President Clinton, President George W. Bush, as well as the current administration. Former Republican Senator Jack Danforth, who worked

with Jim Cole for more than 15 years, described Mr. Cole to the committee as someone without an ideological or political agenda.

The months of delay of this nomination have been unnecessary, debilitating and wrong.

EXHIBIT 1

DECEMBER 1, 2010.

Hon. HARRY REID,
Senate Majority Leader,
Washington, DC.

Hon. ADDISON MITCHELL MCCONNELL,
Senate Minority Leader,
Washington, DC.

DEAR LEADERS REID AND MCCONNELL: We are a bipartisan group of former Deputy Attorneys General of the United States. We write to urge the expeditious consideration by the Senate of the nomination of James Cole to be Deputy Attorney General.

The Cole nomination was received by the Senate on May 24, 2010, and reported favorably from the Judiciary Committee on July 20, 2010, so the nomination has been pending before the Senate for more than one hundred and twenty days. Because of the responsibilities of the position of Deputy Attorney General, votes on nominations for this position usually proceed quickly. Over the past twenty years, presidents of both parties nominated eleven individuals to serve as Deputy Attorney General. Their nominations were pending on the Senate calendar for an average of twelve days, and none remained pending for longer than thirty-two days. Nine of the eleven nominees were confirmed by voice vote or unanimous consent.

The position of Deputy Attorney General is an important position in the federal government. The Deputy Attorney General functions as the chief operating officer of the Department of Justice, supervising its day-to-day operations. As such, the Deputy plays a central role in ensuring effective enforcement of federal laws, including laws against mortgage fraud, health care fraud, organized crime and child exploitation. The Deputy is also a key member of the president's national security team, a function that has grown in importance and complexity in the years since the terror attacks of September 11. He or she supervises the work of the Department's National Security Division, and is called upon to make crucial, time sensitive decisions to protect the American people.

There is a capable individual currently serving as Acting Deputy Attorney General, but it is important to the proper functioning of the Department that there be a confirmed official in this position. Only a Deputy appointed by the President may formally and automatically assume all of the duties of the Attorney General when that Cabinet official is unavailable for one reason or another. And there is at least one critical statutory responsibility that an Acting Deputy cannot perform—signing applications to the Foreign Intelligence Surveillance Court.

We strongly urge that the Senate vote on the nomination of James Cole as soon as possible.

Sincerely,

DONALD B. AYER,
CAROL E. DINKINS,
MARK R. FILIP,
JAMIE S. GORELICK,
PHILIP B. HEYMANN,
PAUL J. MCNULTY,
DAVID W. OGDEN,
LARRY D. THOMPSON.

Mr. LEAHY. At this time—and I note that my colleague from Alabama is in

the Chamber—I propound the following unanimous-consent request:

I ask unanimous consent, as if in executive session, that at a time to be determined by the majority leader, following consultation with the Republican leader, that the Senate proceed to executive session to consider Calendar No. 1002, the nomination of James Michael Cole to be Deputy Attorney General; that there be 2 hours of debate with respect to the nomination, with the time equally divided and controlled between the chairman and ranking member of the Judiciary Committee; that upon the use or yielding back of such time, the Senate proceed to vote on confirmation of the nomination; that upon confirmation, the motion to reconsider be considered made and laid upon the table; and that the President be immediately notified of the Senate's action, and the Senate then resume legislative session.

The PRESIDING OFFICER. Is there objection?

Mr. SESSIONS. Madam President, reserving the right to object—and I will object—I would first thank my colleague, Senator LEAHY, for the courtesy as he has moved forward with this. He is a relentless chairman pushing for these nominees. I respect his responsibility and his belief that this nominee needs to move forward, and, frankly, it is about time—we need to fish or cut bait on it. I do not think an indefinite delay is good for the country.

This nomination does have controversy. Most of the nominations the President has submitted did clear unanimously in our committee, but this nomination resulted in all the Republicans on the committee voting against it. But I now understand that our two leaders, Senators REID and MCCONNELL, are working at this moment to try to figure which nominees should move before we recess—and hopefully before too many days—and perhaps this nominee will be in that group. But until those talks are complete, I would object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Vermont.

Mr. LEAHY. Madam President, I am disappointed. The Republicans are saying there is a double standard. All of the Deputy Attorneys General nominated by Republican presidents have been confirmed, most by voice vote, within a month. This one has waited on the floor for over 4 months and we still cannot even get a vote. As Senators, we should all at least have the courage to vote yes or to vote no. Eventually, we have to stop voting maybe. It allows everybody to go home and say: I may be here on an issue or I may be there. We are Senators and we must have the courage to vote yes or to vote no. We cannot continue to vote maybe, especially on the No. 2 law enforcement officer of the United States. President

Bush's first deputy, was confirmed within 24 hours of being reported from Committee, while James Cole has waited 6 months for a vote. Voting maybe is not a profile in courage in the Senate.

I yield to the Senator from Maryland.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. CARDIN. Madam President, I ask unanimous consent that the recess start 2 minutes from now.

The PRESIDING OFFICER. Is there objection?

The Senator from Alabama.

Mr. SESSIONS. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. SESSIONS. Did you say recess in 2 minutes?

Mr. CARDIN. I would be glad to make that longer. We have an order, as I understand it, to recess at 12:34. I wanted to make a brief comment. If the Senator would like some time, I have no objection.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. I would ask that the unanimous-consent request allow me to have 5 minutes when the Senator finishes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. I certainly have no objection. That is a fair request.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. CARDIN. Madam President, I wanted to follow up for a moment because we are talking about the No. 2 person in the Department of Justice, and one of our responsibilities is to make sure executive agencies perform their function. The Judiciary Committee has the responsibility to make sure the Department of Justice is doing its work. But we, the Judiciary Committee, recommended the confirmation of the Deputy Attorney General 6 months ago. How can we expect the Attorney General to get the work done if we do not give him the help in the confirmation process?

I agree completely with the chairman of the Judiciary Committee—we should have the courage to vote up or down a Deputy Attorney General—but I really took this time because I find it amazing that Jim Cole has not been confirmed. See, I happen to know Jim Cole. I have had experiences of working with Jim Cole in my official capacity as a Member of Congress. He was selected to be our Special Counsel in an extremely complicated and difficult matter in the Ethics Committee in the House of Representatives. He wasn't selected by me. At the time, Porter Goss, a Republican from Florida, was the chairman of our committee, and he worked with six of us in a very difficult investigation, and he brought the six of us together because of the professional

manner in which Jim Cole attacks any of the problems with which he is confronted. He is not a partisan; he is a professional. He is a professional who understands what it is in the Department of Justice and public service. He has worked for both Democratic and Republican administrations. He has been recommended by both Democrats and Republicans. He is not at all a partisan. He is the person whom you would want to have in the Department of Justice. And that is why Porter Goss said he found Jim Cole to be "a brilliant prosecutor and extraordinarily talented"—quoting from the Republican from Florida, who, along with the Democrats, was very proud of the professional work Jim Cole brought to a very partisan battle in the House of Representatives.

We should confirm this nominee. We should at least vote on this nominee. But to use this somewhat backward approach to deny a vote on the No. 2 person in the Department of Justice is just wrong.

I understand Senator SESSIONS is saying there will hopefully be an agreement before the end of this Congress. But, quite frankly, this nominee came out in July. It is not as if he came out of the committee last week. He came out in July. This is an important position, and I think we have a responsibility to vote up or down this important part of the ability of the Department of Justice to carry out its important mission. So I am disappointed that we had an objection heard on this nominee. I would urge everyone to make sure this nominee is voted on prior to when we leave for this holiday recess.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Madam President, the President and the Attorney General need a Deputy Attorney General who can function, who has the confidence of the Congress and the American people and will do an excellent, first-rate job.

There are questions about this nominee. Every nominee who has been nominated for the Deputy Attorney General or other positions in the Department of Justice by President Bush was not rubber stamped within a day or two. Tim Flanigan, a highly competent nominee, was opposed by Democratic lawmakers aggressively after 9/11. The President withdrew him from consideration and then nominated someone who was promptly confirmed. He did not try to ram it down our throats.

Frankly, we have a problem of confidence in the Department of Justice. The Attorney General himself, perhaps following the lead of the President, has indicated on a number of different occasions a lack of commitment to vigorous action to prosecute terrorists who have attacked the country, and he has taken other steps.

I would have liked to have seen a Deputy Attorney General nominee who was not in that mold but who was more of a career prosecutor who would have helped bring some balance and input from a more traditional view of the role of the Attorney General as someone who prosecutes criminals, protects the United States, defends law-abiding Americans from terrorists and criminals who attack them. That was the approach I took when I was attorney general. I hired people who were proven prosecutors. But Mr. Cole, for example, right after 9/11, indicated his belief that these attacks were not acts of war but instead were criminal acts; he wrote this in an article:

For all of the rhetoric about war, the September 11th attacks were criminal acts of terrorism against the civilian population.

I do not agree with that. The American people do not agree with that. Why does the President want to appoint somebody who thinks 9/11 was a criminal act and not an act of war? I think it is a big deal, so that is one of the reasons we have raised it. Is he going to bring some balance to Attorney General Holder or are they going to move even further left in their approach to these issues?

I would also note he was given a highly paid position as an independent monitor of AIG. This is the big insurance company whose credit default swaps and insurance dealings really triggered this entire collapse of the economic system. He was in the company at the time as a government monitor, and he did not blow the whistle on what was going on throughout this period of time.

It is argued that he wasn't precisely there to monitor. Sue Reisinger of Corporate Counsel wrote this about his handling of that matter:

It is as though Cole were spackling cracks in the compliance walls and never noticed that AIG's financial foundation was crumbling beneath his feet.

Mr. LEAHY. Madam President, would the Senator yield?

Mr. SESSIONS. One more point.

Beatrice Edwards of the Government Accountability Project criticized Cole for failing to "detect an atmosphere of . . . laissez-faire compliance of the company." So he has been criticized for a big, important role he had.

Those were just some of the concerns held in committee. And I wish the President had nominated somebody like Larry Thompson, who was Department Attorney General under President Bush, and whom everybody respected and would have been confirmed like a knife through hot butter.

Mr. LEAHY. Madam President, in a way, the Senator is making my point. If he has questions about Mr. Cole, let him argue them, debate them, set a time, and then vote yes or vote no. Particular issues come up in the Senate, such as nominees, and Republicans

hold them up so they never come to a vote. Then the Senators can take any position they want to back home.

All I am saying is that we must vote yes or no and not maybe. We have too many issues in the Senate, whether it is tax matters, don't ask, don't tell, or nomination, where we continue to delay a vote.

I know the distinguished Senator from Alabama has never hesitated to vote yes or no in committee, and I commend him on that. Many times we agree, and a number of times we disagree, but he states his position as a yes or no. He and I have voted on this issue in committee and stated a position. I just hope everybody else can as well.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Madam President, I thank the chairman of our committee. He is doing what I would do if I were in his place, in saying: Let's give this nominee an up-or-down vote and let's have a debate on it. Our leaders are working on that, and perhaps that can be accomplished. But it must be noted that this is a nominee who has some controversy.

I yield the floor.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 3:30 p.m.

Thereupon, the Senate, at 12:44 p.m., recessed until 3:30 p.m. and reassembled when called to order by the Presiding Officer (Mr. FRANKEN).

The PRESIDING OFFICER. The Senator from Maryland.

EXTENSION OF UNEMPLOYMENT BENEFITS

Mr. CARDIN. Mr. President, the 111th Congress is drawing to a close and families across the Nation are preparing for the holiday season. In the Senate, we still have many items on our agenda, bills we need to complete before we adjourn. Many of these bills represent the priorities of various Senators addressing issues that some have worked on for this entire Congress, some for several Congresses. Other bills are necessary to prevent certain longstanding policies from expiring, such as tax relief for working families, and still others are needed to avert cuts in key programs such as Medicare payments to doctors and protecting rehabilitative services for seniors.

In addition to marking the start of the holiday season, this week also brings a devastating reminder of the economic disaster facing many families. On Monday, action to extend unemployment benefits to millions of people was blocked in the Senate by Republicans. Yesterday, those benefits

expired. The Republicans are telling us we cannot consider any legislation until we take up tax breaks for millionaires. On December 1, more than 800,000 Americans were left without benefits and up to 2 million more will soon follow by the end of the year, including 48,000 Marylanders. There are some in this body who may not recognize the peril facing families whose benefits are being cut off. Every day I hear from Marylanders who are asking Congress for help. They want to work but can't find employment. Many have been looking for a long time, over a year, sending hundreds of resumes, pounding the pavements, attending job fairs and numerous interviews, all to no avail. They want us to take the steps necessary to help the economy create jobs, and they need some assistance in the meantime to help them stay afloat.

Maryland's unemployment rate stands at 7.4 percent statewide. Although that is lower than the national average, in some counties the situation is more dire. In Baltimore City, the rate is 11 percent. In Dorchester County, it stands at 9.8 percent. In Somerset County, it is 9.9 percent, and in Washington County, it is almost 10 percent. Earlier this week several building trade workers visited my office. For them this is not a recovery, this is not a recession, this is a depression. That is because in the construction industry, unemployment rates range from 30 to 50 percent, depending on location. Among one local union in Baltimore the unemployment rate is 27 percent; more than one out of every four members has no job.

In fact, Labor Department statistics tell us that for every job opening there are five individuals actively seeking employment. The odds are not very good for someone trying to find employment today. That is why we have had long-term unemployment and why we need to extend benefits to those who are in need today. Nearly 15 million of my fellow Americans cannot find work. Of that total, the number of long-term unemployed, defined as those who have been jobless for 27 weeks or more, is about 6.2 million. As of last month, two-fifths of unemployed persons have been out of work for at least 27 weeks. Behind the aggregate numbers, there is a deeper sense of despair in many communities. Teenage unemployment is over 27 percent, Black unemployment is over 15 percent, and Latino unemployment is over 12 percent.

In addition to the number of people out of work and seeking work, the Department of Labor also calculates data that includes people who want to work but are discouraged from looking and people who are working part-time because they can't find full-time employment. In October 2010, the rate stood at 17 percent in that category.

During the course of this national debate over unemployment compensation, a number of issues are in contention: those who say the jobs are there and people should continue looking; whether this should be paid for or considered emergency spending; whether we should focus on growing the economy rather than on benefits; whether it is time to end benefits because the economy is recovering; that the unemployed do not deserve extended benefits and more.

Let me address some of these issues. For those who say the jobs are there but people just aren't looking, in September 2010, almost 15 million workers were unemployed, but there were only 3 million job openings or five unemployed workers for every available job. In other words, if every available job were filled by unemployed individuals, four out of the five unemployed workers would still be looking for work. Last night we heard in this Chamber that the objection to extending unemployment benefits is because it is not paid for. It is right to extend tax breaks for millionaires and not pay for it because that somehow is an emergency situation, but extending unemployment benefits to those who are in dire need doesn't qualify as emergency spending. Historically, unemployment compensation extensions have been treated as emergency spending by Congresses and administrations going back to the Reagan administration. Families across Maryland and the Nation will tell us that when you have a mortgage that is due, when your heat is about to be cut off, when you cannot buy groceries for the family, that is an emergency situation. Their situations constitute emergencies, and we should treat them as such.

For those of my colleagues insisting extending benefits is not as important as getting the economy back on solid footing, I point out that numerous economists have pointed out the value of unemployment insurance benefits. These are dollars going back into the market, raising consumption, and creating jobs.

Let me compare it to what my Republican colleagues are saying about tax breaks for millionaires. Where is that going to benefit the economy? That money isn't going to go right back. We know unemployment benefits do go right back into the economy. The nonpartisan Congressional Budget Office has estimated that for every \$1 we spend in unemployment compensation, we generate more than \$1.90 back into the economy. In other words, it is a stimulus. The nonpartisan CBO has analyzed 11 different measures for their effectiveness in growing the economy, and it rates extending unemployment benefits as the single most effective tool. This helps job growth. When people receive unemployment benefits, they spend it immediately. That helps

retail establishments, grocery stores, including many small businesses, and the overall economy. It is the definition of stimulus spending, and it is immediate.

With no extension, unemployed workers and their families will have less money to spend and will cut back on their purchase of goods and services, resulting in weaker sales, hurting businesses, and costing jobs.

Another sentiment I have heard expressed is, we are giving a handout to unemployed Americans. Unemployment insurance is not a handout. It is not government largesse. Unemployment insurance is just that. It is an insurance program. It is an insurance program employees and employers contribute to so during difficult times, there is money available when a person loses their job. People receiving benefits had jobs, and the time they worked is reflected in the weeks of benefits they receive. This is an insurance program. It is countercyclical. It is supposed to be available during tough economic times. That is why unemployment insurance is paid. These funds should now be available to help people who need them.

Finally, I wish to address a misconception about the amount of unemployment benefits. These are not extravagant payments. The average benefit amounts to \$302 per week.

The reason we are told we can't bring this up is because we have to bring up the tax bill first. We can't get the tax bill up because Republicans are insisting we have to deal with the millionaires. The tax breaks for the millionaires are far more money than the \$302 per week for someone who is on unemployment compensation. What these families receive is not a lot of money, but it is a lifeline. It keeps food on the table, heat through the winter months, and gas in the car while they are continuing to look for jobs. The extension only gives those who are eligible for unemployment benefits the same number of maximum weeks we provide others during these economic times. It does not lengthen the total number of eligible weeks of benefits.

The highest unemployment rate at which any previous Federal emergency unemployment program ended was 7.2 percent in March of 1985, during the second Reagan administration, much lower than where we are today. So where do we stand? We have passed several short-term extensions, and we need to act again. Here we are today, as 800,000 Americans across the Nation have no benefits whatsoever. Yet our Republican colleagues object. They object to a short-term extension. They object to any extension. They say: First, let's bring up the tax bill that provides breaks for millionaires, and we can't bring up the middle-income tax relief until we take care of the millionaires.

Nearly every Member of the Senate has risen to talk about the need for job creation. I believe all of us are sincere. Each of us is committed to acting on legislation that will create more job opportunities for Americans. We have passed the Recovery Act and a Small Business Jobs Act and will soon consider tax extenders that will further help businesses invest more in jobs. Rather than abruptly cutting off those still in difficult times because of the economy, we should pass at least a 1-year extension of unemployment compensation benefits. On behalf of the millions of American families who will be affected by what we do or fail to do this week, I call upon my colleagues, at the start of the holiday season, to recognize the needs of families struggling to make ends meet and agree to an extension of this essential program.

I yield the floor.

The PRESIDING OFFICER. The Senator from California.

UNANIMOUS-CONSENT REQUEST— S. 3981

Mrs. BOXER. Mr. President, the American people deserve to know why we are not legislating. We are all here, and we are not passing any bills, bills that are important to the American people; for example, a bill to keep the government operating. We are getting to the point where we are running out of time. We are not doing that today. A bill to authorize the Defense Department, here we are in the middle of two wars, we are not doing that bill. A bill to help victims of 9/11, the brave first responders who are suffering because they worked, some of them almost 24/7, in the debris that was so toxic to them, and I remember then EPA Administrator Whitman saying it was all fine, it was all safe, the air was OK. We need to help them. We are not doing that. A bill to help our firefighters, a bill to help firefighters have the dignity to be able to negotiate for their wages, a bill called the DREAM Act to help many productive young people join the military and go to college and help our country, we are not doing those either. We are doing nothing. We are not doing a bill to promote manufacturing that was offered by one of my colleagues. We are not doing a bill to give tax breaks to companies that hire unemployed workers. We are not doing a bill to end tax breaks for companies that ship jobs overseas. We are not doing the START treaty, a treaty that is endorsed by international experts from America on both sides of the aisle, including George Shultz, and people who worked for Ronald Reagan and George Bush. We are not doing that.

All these bills, including the unemployment insurance extension, which is so critical, all that is being held hostage by my Republican friends who all wrote a letter and put their names on

it. I am not making this up. It is in writing. They said they would do nothing until they won tax break bonuses for those who earn over \$1 million, the millionaires and the billionaires. They are holding up all this important work. To me, it is shocking. I have heard of having an objection to a bill and having a strong moral objection to a bill and holding things up. They are holding up every single thing, as my friend, Senator STABENOW, has talked about for days now.

Here is the point: Democrats have agreed to give every working American a tax break on their first \$250,000 of income, every working American, up to the sky, a tax break on the first \$250,000 of income. We even offered to go up to the first \$1 million because some of our friends said: Oh, 250 isn't high enough. There are some small businesses in there. We investigated that, and 97 percent of small businesses would be protected with the \$250,000 level. But if we go up to 1 million, all the small businesses are taken care of. We have expressed interest in going up to \$1 million. Guess what. This is not enough for the Republicans in the Senate. They are fighting for those earning over \$1 million, over \$1 billion. It doesn't matter. They are holding everything hostage.

Let's be clear. They are fighting, they are united, they are strong, they are adamant on behalf of the billionaires of this country, by the way, many of whom said: Please, we don't need any more tax breaks. We are doing great.

So if ever people wanted to know which party fights for whom, this is it, folks. This is the clearest example I have ever seen in my life.

Do you know that under the Republican plan a family earning \$10 million a year—listen, \$10 million a year—will get back, under their plan, \$460,000 every single year? They are fighting for that.

They say they care about the deficit. I do not see that because their position on tax cuts for millionaires and billionaires will add hundreds of billions of dollars to our deficit. But when you ask them whether they would be willing to help us to extend unemployment benefits to the workers who are caught in this deep, dark recession, they say: Oh, we can't afford it.

So listen, they will not pay for the tax cuts to their millionaire, billionaire friends, but they insist on cutting the Federal budget to pay for extending unemployment insurance, which, as far as I know, has never been done before. It is an emergency funding, and it is, by the way, \$50 billion compared to \$400 billion.

So I hope the American people—I know they have a lot of things to do, getting ready for the holidays and caring about families; unfortunately, many of them are worried this holiday;

more than 400,000 workers in California will lose their unemployment benefits by the end of December—I hope they see who is fighting for them versus who is fighting for the millionaires and the billionaires. It is right out there.

I could not believe that one of my colleagues from the other side of the aisle, from Massachusetts, was outraged that we tried to extend unemployment benefits. Why is he outraged? He should be outraged that more than 2 million workers nationwide will lose their benefits by the end of December. We just got a report that 7 million unemployed workers could be denied access to benefits by the end of next year, while my Republican friends are fighting to get \$460,000 a year for someone who earns \$10 million. They would allow 7 million unemployed workers in our country to go without benefits.

Their proposal is: Well, let's cut a program. Well, ask any economist about that. That is harmful to an economic recovery. We know that for every \$1 of unemployment insurance that gets spent, it has an impact of \$1.61 to the economy because folks on unemployment are not like the \$10 million-a-year family that is going to stick it in their trust fund; they are going to spend it in the corner grocery store, and that has a ripple effect throughout the economy.

I wish to read to you a statement by Laura from Long Beach, one of my constituents.

Today my parents' unemployment benefits expired. Today, I don't know how they're going to make it. I don't know what I'm going to do.

This morning I woke up to hear that the Republicans in the Senate have signed a letter pledging not to allow anything to pass until Bush tax cuts are reinstated. These are the same tax cuts that only help people who are employed, excessively wealthy, and people who will never hire my dad, who is a hard worker—but nearing 60.

He experienced losing his job when a lot of Americans did. Since then, he's been working low paying jobs at local businesses—businesses that little by little have had to cut back. Unfortunately, this usually means that they fire their newer employees—employees like my dad.

Since losing his job, his 10 year old car has quit working, leaving him bereft of transportation and making it even more difficult to find a job. My mom isn't as healthy as she used to be and can't work because she needs to provide childcare for my sister, who works hectic hours in the healthcare industry.

I'm currently in graduate school—the first of my family to graduate from college. My husband and I are debating whether or not I need to drop out so that I can help provide for my parents, who currently live out of state.

Suffice it to say, when I read the news this morning, I broke down in tears.

Let me divert. She heard about the letter from the Republicans saying they would do nothing until these tax cuts went in, and she broke down in tears. She said:

My family has lived a hard life, and this just made it harder. But really, I'm crying

because I can't believe that this is what my country has come to—or more importantly, this is what my father's country has come to.

... He was raised believing that this country was the best country in the world—that it would always look out for the best interest of its people. He served in the military, bought American cars, and worked at the same job for over 20 years. So as much as I am writing this letter because I'm upset about my own familial circumstances, I'm equally interested in writing you to remind you of the middle class—and those of us who are slipping out of it.

I have a number of other letters, but I know other colleagues are here. But no one could be more eloquent than Laura and I want to thank her and everybody else who wrote to me and I will come back again during the time we are in session to put these letters in the RECORD.

But in summing up, it is very clear where we are. My Republican friends, to a person, have all signed on to a strategy, and that strategy is to keep us from passing very important legislation, including an unemployment insurance extension, including the Defense bill, including the START treaty—everything I put in the RECORD—until they get their tax cuts for millionaires and billionaires. That, to me, is a shame. They have a right to do it. I support their right to do it. But I also think the American people ought to know what is going on.

With that, Mr. President, I ask unanimous consent that the Finance Committee be discharged from further consideration of S. 3981, a bill to provide for a temporary extension of unemployment insurance provisions; that the Senate proceed to its immediate consideration, the bill be read a third time and passed, and the motion to reconsider be laid upon the table with no intervening action or debate, and any statements related to the bill be printed in the RECORD.

The PRESIDING OFFICER. Is there objection?

The Senator from Wyoming.

Mr. BARRASSO. Mr. President, reserving the right to object, there are a couple ways we can help people who are currently looking for work. One is by extending unemployment benefits for those who have been out of work now 99 weeks. This is what the extension is about: for those who have already—

Mrs. BOXER. Is there an objection?

Mr. BARRASSO. Mr. President, reserving the right to object, as I have just heard from my colleague, would the Senator agree to include an amendment that has been proposed by Senator BROWN that would offset the cost of the bill with unspent Federal funds, the text of which is at the desk? Would the Senator include that amendment that has been proposed?

Mrs. BOXER. Absolutely, I would not agree to that modification. It goes to the very point I was making. They want to give tax breaks to millionaires

and not pay for it, but they are forcing cuts in other jobs programs here. It would only make a worse recession and I object and I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. BARRASSO. Thank you, Mr. President. So I do object to the motion by the distinguished Senator from California.

As I was saying, there are two ways to help those who are looking for work and one of which is to improve the economy. We can do that by giving some certainty—certainty—to people who provide jobs, who build businesses, who create opportunities, the job-creating sector of this country. We can do that by giving them certainty regarding what their tax rates will be come January 1. Right now there is an incredible amount of uncertainty.

The second way is to deal with the unemployment benefits for those who have been out of work now 99 weeks because that is what this is about. These are people who have been collecting unemployment benefits for 99 weeks. I will tell you, there are people across the Nation having a tough time due to this poor economy. I wish to see the economy improve.

The national unemployment rate in October was 9.6 percent. Today's front page of USA Today says: "Jobless data could break '80s record"—a record from the 1980s. "November was likely 19th month above 9 percent."

Mrs. BOXER. Will the Senator yield for a question—please, a very quick one?

Mr. BARRASSO. Yes, Mr. President.

Mrs. BOXER. I thank the Senator so much, and he is my friend.

I just want the Senator to understand this extension is not for anything beyond 99 weeks. Believe me. It is up to 99 weeks. We do not have any extension beyond 99 weeks. I just wanted my friend to know that.

Mr. BARRASSO. Thank you, Mr. President. I appreciate the comments of the Senator from California. Senator BROWN, who occupies the desk next to mine, was on the floor talking about this just 2 nights ago and does want to work to extend unemployment benefits and to do it in a way that is paid for. That is why I came to offer the amendment to the Senator from California to say: Well, let's do it but do it by paying for it using unspent Federal funds, the text of which is at the desk.

We need to pay to extend this. But what we need to do is stimulate the economy because of what we see on the front page of USA Today about "Jobless data could break '80s record" and "November was likely 19th month above 9 percent." We need to give certainty to business.

My colleague from California made comments about a letter signed by 42 Republican Senators. In fact, I did sign that. All the Republican Members of

the Senate signed it. In the first paragraph it says:

President Obama in his first speech after the November election said “we owe” it to the American people to “focus on those issues that affect their jobs.” He went on to say that Americans “want jobs to come back faster.”

That is why 42 of us signed the letter. Let’s focus on that. Let us get that done. Let us provide that certainty. If after that is done the majority party wants to go and address the issues of don’t ask, don’t tell, wants to talk about the DREAM Act, talking about incentives for illegal immigrants with college education, if they want to talk about issues of firefighters joining unions, fine. But let’s get to the fundamentals of what the American people want to have dealt with. That is why I was happy to offer an amendment to my colleague from California to say pay for it, and then we can move on. Because businesses need that sort of certainty.

I heard her many comments about taxes, and I believe you should not raise taxes on anyone in the middle of economic times such as these. My colleagues on this side of the aisle all agree and there is actually bipartisan agreement that you should not raise taxes on anyone in the middle of economic times such as these.

The newest Members of the Senate—and since the election there are now three new Members who have been sworn in; two on that side of the aisle, one on my side of the aisle—are unanimous in saying one should not raise taxes on anyone during these economic times.

Senator MANCHIN from West Virginia said: “I wouldn’t raise any taxes.”

Senator COONS from Delaware said: “I would extend them [the tax cuts] for everyone.”

So when I look at this and also see statements by JOE LIEBERMAN from Connecticut, Senator BEN NELSON from Nebraska, Senator JIM WEBB from Virginia, Senator EVAN BAYH from Indiana, Senator CONRAD from North Dakota, it is a growing chorus of Democrats saying: One should not raise taxes on anyone during these economic times.

We need to give certainty to the job-creating segment of this Nation. We need to do it in a timely manner. With it only being 4 weeks until the end of the year and people wanting to know what is going to happen with their taxes, I think the best thing this body could do is to provide that certainty.

So with that, I notice a number of colleagues who are waiting to speak and I yield the floor.

The PRESIDING OFFICER (Mrs. SHAHEEN). The Senator from Michigan.

Ms. STABENOW. Madam President, I agree with my friend from Wyoming. We need certainty in the marketplace, and we are happy to do that. We are

happy to create certainty right now that middle-class taxpayers and small businesses will be able to receive tax cuts permanently into the future, that we will be able to extend those tax cuts.

We also believe it is important to give certainty to people who are out of work through no fault of their own, who yesterday began to lose unemployment benefits. Now, I personally believe, as long as the economy is as sluggish, as slow, as challenged as it is, we ought to extend benefits beyond 99 weeks. But the bill in front of us is not that. It is the bill Senator BOXER talked about, which is just the basic program. The program basically says, if you lose your job today you have the same opportunity to receive some temporary help as the person who lost their job on Monday or Tuesday because, right now, the Republicans have been blocking us from even extending the basic program for anyone who is newly unemployed, newly out of work.

So I think people who are out of work at this holiday season would like some certainty.

I was interested in a story in the paper today—I believe it was today—quoting the Michigan Retailers Association concerned about Christmas and the inability to have unemployment benefits extended would directly relate to the ability of families to have any kind of opportunity to have Christmas, and it would affect retailers and small businesses. They would like to see some certainty. I would also like to see a more robust effort and certainty as it relates to jobs.

When we look at the way to stimulate the economy, the way to create jobs, the budget folks tell us the No. 1 way right now to keep the economy going is to help those who have no choice but to spend the dollars in their pockets. That is somebody who is out of work. That is the No. 1 way to stimulate the economy, to try to keep things moving, and certainly we have heard that from our retailers. On a long list, the least effective was to give another bonus tax cut to millionaires and billionaires. That was the least effective.

So I agree we want economic certainty. What I would love to see is to take those dollars that have been ineffective for 10 years—and we know that simply because it hasn’t created jobs. I have lost over 800,000 jobs in Michigan, 10 years of tax cuts for millionaires and billionaires. I have one question: Where are the jobs? If my colleagues can answer that, I am happy to support that policy.

What I would suggest as an alternative is that now, just a little under 2 years ago, we invested in the recovery to, for the first time in many, many, many years, invest in American manufacturing: battery manufacturing, new clean energy manufacturing, making

things in America, making things at home. And we are beginning to see every month now manufacturing slowly coming up. The investment in the American automobile industry has paid off for us in turning things around, in keeping manufacturing jobs here. We are moving from 2 percent of the manufacturing of advanced battery technologies in America to 40 percent of the world’s manufacturing in 5 years because of a strategic investment.

I am happy to talk about those kinds of investments, but what we have heard from Republican colleagues is that they are willing to risk everything. They will risk everything to get another tax cut, a bonus tax cut on top of the one everybody is going to get if we extend tax cuts for the first \$250,000 in income per couple. They want a bonus tax cut, and they are willing to risk everything and stop everything if they can’t get it. So it is very clear what their priorities are.

I can speak from Michigan that these are not our priorities. When I look at our manufacturers, our suppliers; when I look at small businesses; when I look at families who are struggling to keep their homes to stay in the middle class—maybe trying to get into the middle class—working families, their priority is not to give somebody making \$1 million a year another \$100,000 bonus on top of the regular tax cut.

So what are we talking about? We are talking about everything being risked for tax cuts for millionaires and billionaires. What are some of the things we are risking? Another \$700 billion on the national debt. If we want to deal with the debt—and I don’t know about my colleagues, but I heard an awful lot about the debt, concern about the deficit in this last election and through this last year. There were concerns when we were investing in manufacturing, investing in other things to create jobs, helping small businesses; the tax cuts for small businesses, lending for small businesses. We heard an awful lot from the other side of the aisle about the fact that we shouldn’t be doing these things because of the deficit. The most important thing was the deficit.

I am not willing to be lectured about the deficit. I voted to balance the budget when I was in the House under President Clinton. We handed President Bush a balanced budget, the largest surplus in the history of the country. So I am not willing to accept that. I have great concern about the deficit, but that concern means I don’t want to see \$700 billion put on the national debt for a bonus tax cut for millionaires and billionaires.

So they are willing to risk the national deficit. They are willing to risk jobs. Again, the least stimulative way to create jobs is to put another bonus round of tax cuts in the hands of millionaires and billionaires who, if they

invest it—we don't know whether it will be overseas, taking jobs overseas or where it will be—but we know it hasn't trickled down to the people I represent, certainly, in Michigan.

The sense I get from the other side of the aisle is that they think we just haven't waited long enough; we haven't waited long enough for it to trickle down. Well, we are tired of waiting. We are tired of waiting, and we are tired of an economic policy of tax cuts geared to those up here when it doesn't work and we are losing jobs. Under that policy of trickle-down economics, Michigan lost over 800,000 jobs in the last 10 years. I am tired of that. I want to see a policy that is going to work. That one hasn't worked. I don't see why in the world we are willing to extend it.

They are willing to hold up the tax cuts for middle-class families and small businesses. Again, I am not willing to be lectured about small business when we have seen 16 different small business tax cuts filibustered in the last 2 years on the other side of the aisle; eight tax cuts in the small business jobs bill that only two colleagues from the other side of the aisle courageously stepped over to support. So we understand the importance of small business.

Social Security and Medicare: We have a debt commission that has a number of proposals that are very difficult on Social Security and Medicare, and that is based on the deficit we have now not another \$700 billion. I wonder if my colleagues are willing to support cuts in Social Security and Medicare, additional cuts to pay for their tax cuts for millionaires and billionaires. I don't know. Is that what they are suggesting? It certainly is something that could happen if we add another \$700 billion.

Then there is the one we have been talking about that is not an economic issue but a moral issue for us as a country: Are we going to help folks who have gotten caught up in this country and who find themselves in a situation that is unprecedented through no fault of their own? They didn't cause the recklessness on Wall Street. They were not the ones who made the decision not to enforce trade laws in a fair way or tax policy that allows jobs to go overseas.

The people in my State were not the ones who made any of the decisions that caused the situation they are in. Yet Wall Street did pretty well. A lot of folks did pretty well. A lot of folks now are back doing very well.

The folks left holding the bag are working families, folks who have been in the middle class and are now mortified because they have to go ask for help at a food bank for the first time in their lives. That is not an unusual situation in my State; people who have always worked, who want to work but find themselves in a situation, because

of the economy, they did not create; where they now have to ask that our country be willing to support them at this time for their families until we can turn this economy around. Who are we if we are not willing to do that as a country?

Frankly, I am embarrassed we are having a debate on the floor of the Senate about whether to extend help for somebody who has lost their job, the bread winner who no longer can bring home the bread versus a \$100,000 bonus tax cut for a millionaire next year, and whatever it is for billionaires. I find that embarrassing, and I find it more than that, actually. If ever we are going to talk about our values and priorities and get them right in terms of what affects the majority of Americans, it ought to be when we are looking at these choices.

People in my State want to work. They want us to focus on jobs. They want us to partner with business. They want us to do those things; when it is necessary, stand back, get out of the way; stand up and partner, do all of the things that will allow us in a global economy to compete, to be able to make things in America and, of course, I prefer they be made in Michigan. But they want jobs. They want the economy to turn around.

Nobody is out there asking for a handout. They do want us to understand what they are going through and to be willing to have the same sense of urgency about the average family in this country as we did for the Wall Street banks. That is ultimately what we are talking about on this floor, is what the priorities are going to be.

Our colleagues have sent a letter, with everybody signing it, saying they are not willing to do anything else. They are not willing to extend unemployment benefits. Two million people started losing their benefits yesterday—temporary help, by the way—\$250 to \$300 a week, which just barely kind of maybe keeps the heat on, because it is getting cold in Michigan, and a roof over their heads while they are desperately sending resumes out all over the country.

I get on planes now with people who are flying all over the country because they want to work. They are flying all over the place and coming home on the weekends, trying to find work. Our colleagues say: Well, you know what. Forget them. They need to wait because the most important thing is extending the tax cuts for the wealthiest people in our country.

I happen to—as we all do—know a lot of people in that category who say to me: I am willing to do my share. I am not asking you for this. I am willing to do my share. I have done well. I understand we have a national deficit. I understand we have a country that has a lot of challenges right now, and I am willing to step up and do my part. So

this is not trying to beat up on people or demagogue against people who have worked hard, in many cases, and done well for themselves. But it is about having a set of priorities about what is important. In the few days we have left between now and the end of the year, what is the most important thing we could be doing?

I know other colleagues wish to speak. Let me just say, in my judgment, we can create certainty. It certainly doesn't have to be extending tax cuts for millionaires and billionaires. It certainly can be extending tax cuts for the middle class and small businesses, creating certainty with the R&D tax credit for those who want to innovate and invest. There are other kinds of certainty we can create for businesses in our Tax Code. We need to do that before the end of the year.

We need to remember that there are a whole lot of families right now who are trying to create some certainty in their lives about whether they can put up a Christmas tree because they are still going to have their house. That is not rhetoric; that is happening to people. We as Democrats are not willing to risk all this. The Republicans may be willing to risk everything to give a bonus tax cut to millionaires and billionaires, but we are fighting for everybody else.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DORGAN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Madam President, are we in morning business?

The PRESIDING OFFICER. We are.

Mr. DORGAN. I ask unanimous consent to speak for 30 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNRESOLVED ISSUES

Mr. DORGAN. Madam President, I wanted to take some time today to talk about some issues that have been around for a number of years and remain unresolved in a way that I believe is very detrimental to our country and our citizens.

There is a lot of discussion these days about deficits and debt at the Federal level. We have a \$13 trillion Federal debt and a \$1.3 trillion deficit this year. We have a fiscal policy that is in great difficulty. The discussion these days is about extending tax cuts—by the way, none of which is anticipated in the budget numbers that are already unsustainable, showing

large debts for the long term. Extending all of the tax cuts that were scheduled to expire this year will add \$4 trillion to the \$13 trillion debt that already exists. The reason I mention the fiscal policy issue is, when we talk about debt and deficits, most people talk about the need to cut spending. We also need some additional revenue from those who are not paying their share. But we do need to cut spending.

I believe I have held 21 hearings as chairman of the Democratic Policy Committee over recent years—21 separate hearings on the subject of waste, fraud, and abuse in contracting in the wars in Iraq and Afghanistan. Much of it still goes on in terms of the work with the Pentagon on this contracting issue.

I have just received a letter from the inspector general at the Pentagon, who is looking into one of the issues of the last hearings—the issue of soldiers and contractors who were exposed to sodium dichromate, a chemical that was the subject of the movie “Erin Brockovich,” soldiers who were exposed and not told they were exposed to that deadly carcinogen and some of whom have already died. They were both National Guard and Regular Army soldiers.

In the context of doing a lot of these hearings, I have discovered and I believe that throughout the last decade, we have seen the greatest waste and fraud and abuse in the history of this country. It has contributed immeasurably to this overspending and deficits and debt. I wanted to talk about that work we did, myself and my colleagues, over 21 separate hearings.

At one of the hearings we held, we had testimony from a man who, in Iraq, was responsible for rooting out corruption in the Iraqi Government. His name was Judge al-Radhi. I have a photograph of Judge al-Radhi. He testified in this country. He testified that in his work as head of the anticorruption unit in Iraq, he found that \$18 billion was missing, most of it American money, most of it coming from the American taxpayer.

Just missing. Now, why was he here in the country testifying at a hearing I held? Because he got booted out of Iraq, and he got no support from the U.S. Government as he was booted out of Iraq, and he ended up in this country. But he is the person who was supposed to be rooting out and investigating and prosecuting waste and fraud and abuse.

His investigations and the investigations of his staff—some of whom were assassinated, some of whose families were killed—show there was \$18 billion—\$18 billion—missing, and most of it was American money. Well, that is the story about Judge al-Radhi.

We had a hearing early on in this process and talked about the issue of contractors and contracting. As you

know, in the early part of the war in Iraq and in Afghanistan, money was just shoved out the back door of the Pentagon, hiring contractors, very large contracts, in most cases no-bid, sole-source contracts.

A very courageous woman came to testify before our committee. Her name was Bunnatine Greenhouse. She was the highest civilian official at the Army Corps of Engineers, the highest civilian official in the Pentagon in charge of contracting. Here is what she said. She objected to the way the Pentagon was doing these contracts, massive contracts, sole-source, a massive amount of money, and she watched as the normal processes were avoided and ignored. She testified in public:

I can unequivocally state that the abuse related to contracts awarded to Kellogg, Brown & Root represents the most blatant and improper contract abuse I have witnessed during the course of my professional career.

This is an extraordinary woman, the highest civilian person in the Army Corps of Engineers. She was in charge of contracting. Two master's degrees, came from a family in Louisiana. All three kids have advanced degrees. Her brother, by the way, was one of the 50 top professional basketball players in the last century, Elvin Hayes. Bunnatine Greenhouse. Remember that name. A very courageous woman, she saw abuses, spoke about it publicly, and for that she lost her career. She gave up her career. She was told: Resign or be fired.

Let me talk about what she meant when she said the most unbelievable abuses she had seen in contracting. I want to do it starting small because then I am going to talk about billions of dollars.

But at one of our hearings, we had a man who kind of looked like a bookkeeper at a John Deere dealership in a small town. He was kind of a good old guy with glasses, and he had been in charge of purchasing for Kellogg, Brown & Root or Halliburton over in Kuwait, purchasing the things our troops needed in Iraq. He came and testified, and he said: You know, as I was purchasing things, I was told by my employer, Halliburton: Don't worry what the cost is, the taxpayer pays for this. This is cost-plus.

So he told us a number of examples, big examples, but he brought a small one that I thought reflected the entire attitude.

This is a towel. I ask unanimous consent to show the towel on the floor of the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. This is a towel. Halliburton was to purchase towels for the troops, hand towels. You know, they were purchasing hand towels to be awarded to the troops. So he ordered some white hand towels for the troops,

and his boss said: Well, you can't order those white hand towels. You have to order the hand towels that have the logo of our company, “Kellogg, Brown & Root,” on the hand towel.

Mr. Bunting said: Yes, but that would quadruple the cost.

His boss said: That doesn't matter. This is a cost-plus contract. Order the towels. Put our company name on them.

I mean, this is such a small but important symbol of the behavior that went on for most of the decade that fleeced the American taxpayers.

We had a hearing in which we were told by a food service supervisor of Kellogg, Brown & Root that Kellogg, Brown & Root charged the Federal Government for serving 42,000 meals a day to American soldiers but they were only serving 14,000 meals. They were charging the taxpayer for 42,000 meals—according to this supervisor who was on the ground and then left the company in disgust—they were charging the taxpayers, the American Government, for 42,000 meals a day for soldiers and serving only 14,000 meals a day.

We had testimony about brand new \$85,000 trucks being left on the side of the road to be torched because they had a flat tire or a plugged fuel pump. Why? Cost-plus. A new truck. Taxpayers will buy another one.

There was a company called Custer Battles to which the previous administration and the Pentagon awarded over \$100 million in security contracts. We had a man named Frank Willis who came to testify at a hearing I held. Frank Willis was a classic example of a guy who went to Iraq to see if he could do some good and wanted to be helpful to our government's effort in Iraq. He showed us a photograph, which I thought I had—I think we probably do not—a photograph of \$2 million which was in the basement of the building in which he worked. They had cash, only cash, and their message to contractors in Iraq was, you bring a bag, we pay cash. And he showed me a photograph of \$2 million, hundred-dollar bills wrapped in Saran Wrap that he said they occasionally threw around the office as a football—\$2 million sitting on the table, American taxpayers' money. By the way, much of that was loaded on pallets and flown over to Iraq in C-130s. There were even stories about people dispensing hundred-dollar bills out of the back of pickup trucks. So it was.

Custer Battles went on to be charged with defrauding the Pentagon, of massive over billing. We had a witness named Robert Isakson who said that Custer Battles had handed in \$10 million in fake invoices for about \$3 million of work. In one example, the company was charged with taking forklifts that they found—they were to provide security for the Baghdad Airport. They

took forklifts they found in a building at the Baghdad Airport—they received the forklifts for free because they took over the security. They got the forklifts, took them someplace, painted them blue, and then sold them back to the U.S. Government.

The case against Custer Battles was thrown out of court on procedural grounds, and a new case is now pending, as I understand it, before the Fourth Circuit.

We had testimony before this committee about something called The Whale. It is a prison in Khan Bani Saad. I want to show what we have in Iraq. Our country—that is, the coalition provisional government, which was us; we set it up in Iraq and we ran it—said: We are going to build a prison in Iraq, Kahn Bani Saad prison.

The Iraqis said: We don't want a prison there.

We said: We are going to build a prison anyway.

So we spent \$40 million of American money on this. Two contractors ended up getting \$50 million total, and here is what it looks like right now in Iraq. It has never been used, never will be used. The Iraqis didn't want it. But our country dumped nearly \$50 million into this project.

You know, the question is, Who is accountable for that? Who is going to answer to it? And I have watched now, holding 21 hearings over a decade and finding that very few are held accountable for this kind of thing. This prison was built of a scale to house 3,600 inmates. It will never be finished. As you see, you have just a shell of some cinder blocks, and the American taxpayers are out about \$50 million.

We heard from witnesses about the Parsons Corporation, which got a \$243 million contract to build or repair 150 health clinics in Iraq. Two years later, the money was all gone, and there weren't 150 health clinics, there were 20.

I had a doctor, a very brave, courageous physician, come to this country to testify to what he saw of the ones that were completed. Unbelievable. So what happened to the money? The American taxpayers lost the money. Did this improve the health of the Iraqis?

The physician who came to testify said he went to the Minister of Health in Iraq and said to the Minister of Health: Where are those clinics, because I am told the Americans have spent \$243 million to build health clinics. Where are the clinics?

The Iraqi Health Minister said: Well, most of them are imaginary clinics.

Yes, but the money was not imaginary. The American taxpayers' money is gone.

We had several hearings on the issue of Kellogg, Brown & Root. And I mention them because they got the biggest contract, sole-source contract. That is

why they are the ones that are mentioned the most. They were providing water treatment to the military facilities in Iraq. So our soldiers are in military camps in Iraq, and KBR gets the water treatment contract. It turns out that the nonpotable water they were providing to soldiers in the camps that we had a hearing on was more contaminated than raw water from the Euphrates River.

We actually had, from a whistleblower, the internal memorandum from Kellogg, Brown & Root, by the guy who was in charge of the water contract in Iraq, and in his memorandum, he said this was a near miss. It could have caused mass sickness or death. But publicly, they said it didn't happen. The Defense Department said it did not happen. But it did happen, and I asked the inspector general to investigate it. He did. He did a report and said that both the Defense Department and Kellogg, Brown & Root were wrong. It did happen, in fact. That kind of contaminated water was being served to the troops because the contract was a contract that was not provided for appropriately by the company. The company was taking the money and not doing what it was supposed to do with the water.

By the way, in the middle of these hearings, while the Department of Defense, Department of the Army, as well as Kellogg, Brown & Root were denying it all, I got an e-mail here in the Senate from an Army doctor, a captain, and she wrote to me and said: I am a physician in the camp. I had my lieutenant follow the water line to find out what was happening because I had patients here who showed that they were suffering diseases and suffering problems as a result of contaminated water.

So that came from the physician who was in Iraq on the ground.

So despite all of the denials, the inspector general finally issued a report saying: No, no, the Defense Department was wrong, as was Kellogg, Brown & Root. A contract to provide water to these soldiers across Iraq at the Army camps was not being appropriately handled, and very contaminated water was going to those camps.

The list is almost endless. I know there is a photograph I have shown on the floor previously because it is another contract to provide electrical capabilities to the Army camps. When you put up an Army camp, you have the need to provide electricity. And I held two hearings on this subject.

This is a photograph of SGT Ryan Maseth—quite a remarkable young man, a Green Beret from Pennsylvania. He is shown there with his mother, who is a very courageous woman as well. He was killed in Iraq, but Sergeant Maseth wasn't killed by a bullet from an enemy gun; Sergeant Maseth was killed taking a shower. He was electrocuted in a shower. And it wasn't just

Sergeant Maseth; others lost their lives as well—electrocuted in a shower, power-washing a Jeep.

The fact is, what we discovered when we held the hearings was that the work that was done to provide electricity and to wire these camps was done in some cases by people who didn't have the foggiest idea what they were doing. Third-country nationals who couldn't speak English and didn't know the first thing about electricity were working on these issues.

The Army originally told Mrs. Maseth that her son died, they thought, because he took an electrical appliance into the shower. No, he didn't. He was killed because shoddy electrical work was done that ended up killing this soldier.

Now, Kellogg, Brown & Root denied that, as did the Defense Department. The inspector general did the report and said: Oh, yeah. Yeah, that sure did happen.

In fact, let me show you what the inspector general has said.

This is from Jim Childs, master electrician hired by the Army Corps of Engineers, to inspect this electrical work for which the American taxpayer paid a bundle. Jim Childs, master electrician, went in after I held the hearings. He said:

[T]he electrical work performed by KBR in Iraq was some of the most hazardous, worst quality work I have ever inspected.

Let me show what Kellogg, Brown & Root said:

The assertion that KBR has a track record of shoddy electrical work is simply unfounded.

The inspector general did the inspection. We had to redo much of the work in Iraq and Afghanistan, inspect it all and redo much of it. In the meantime, people died. We have demonstrated that there is evidence of shoddy work in a range of areas. Yet the contractors continue to be given additional contracts. For the shoddy electrical work for which some soldiers gave their lives, this contractor was not only given the money from the contract but bonus awards for excellent work. I have tried very hard to get the Pentagon to take back those bonuses, unsuccessfully. But the reason I am going through this is to point out that we have for a decade now been shoveling money out the door at a time when we are deep in debt, spending a great deal of money on the defense of this country, on the Defense Department, on the war effort, and so on. A substantial portion of that which goes out the back of the Pentagon in the form of contracts has represented the most egregious waste in the history of the country.

One of my great regrets is that we did not—and we should have; I tried very hard—ever get constituted a Truman-type committee which existed in the 1940s to investigate this sort of

spending and to try to shut down spending that is not only injuring our troops and disserving them but injuring taxpayers.

I started by talking about the issue of sodium dichromate. We think about 1,000 soldiers were at risk at a place in Iraq that is called Qarmat Ali. Some have died. Those soldiers who were at Qarmat Ali told of seeing something like sand blowing all over the place. It was red, however. That was the sodium dichromate, a deadly carcinogen. It is the subject over which a movie was made called "Erin Brockovich."

We have tried for a long time to get the Pentagon to be as active and involved as they should be with respect to the health and safety of those 1,000 soldiers who were potentially exposed. Like most of these issues, they have been very slow to respond.

My point is twofold. One is about supporting America's fighting men and women, doing what is right for them. There have been a number of people in the Pentagon—one of whom testified before the Armed Services Committee in the Senate and who I strongly believe knew he was not telling the truth. He was a general, as a matter of fact. There have been a number who have denied virtually all of these circumstances. Yet inspectors general have investigated and said they are wrong.

Obviously, the contractor denies these things. The contractors have gotten wealthy doing this. We have had whistleblowers come in. A woman came in and told us she was working at a recreational facility in the war theater, and that is at the base. There is a facility where you can play pool and ping-pong and do various things. It was a facility with many different rooms. She worked for Kellogg, Brown & Root and she was to keep track of how many people came in because they got paid based on how many people came in.

She said: What they told me to do was to keep track of how many people came in to each room, and that is what we billed the government for. If somebody came in and went through three rooms, the government was billed for three visits. I went to the people in charge and said: This is fraud. We can't do this. We are defrauding the government. They immediately put me in detention in a room under guard and sent me out of the country the next day.

It is the story of virtually all the hearings we have held.

The point is twofold. One is to protect America's soldiers and do right by the men and women who have gone to war because this country asked them to. Secondly, on behalf of the American taxpayer, to decide if we are choking on debt and deficit, to continue doing what we know is wrong, shoveling these contracts out the door without adequate accountability is something we have to pay attention to.

Secretary Gates has tried more than others. When I began these hearings, which stretched into 21 hearings, the then-Secretary of Defense had virtually no time for these issues. I have had an opportunity to talk to Secretary Gates. I know he has tried very hard to make changes. Moving the Pentagon on these issues is very difficult. There is a relationship always between the Pentagon and the largest suppliers and largest companies and contractors with whom they do business. My experience has been we can have the goods and have them red-handed. We can have internal memorandum from the company itself that says they screwed up, could have caused mass sickness and death, but publicly they will say none of this happened. It is about deception, about lying, about cheating taxpayers, and about not standing up the way we should stand up for America's fighting men and women. This Congress needs to do much more. Congress needs much stronger oversight, much more attentive oversight on this kind of spending.

I went back and read the Truman committee work. Harry Truman was a Senator. At a time when a President of his own party was in the White House, he insisted that they establish the Truman Commission, of which he became chairman. He insisted on getting a committee to investigate waste in the Pentagon. They eventually created the committee, and they made him chairman. They held 60 hearings a year for 7 years. The committee was started with \$16,000. In today's dollars, it saved \$16 billion. Think of that. There is way too little oversight going on on these issues. I have just scratched the surface in the 21 hearings I chaired. Many of my colleagues were in those hearings. This country deserves better.

One of the significant responsibilities of Congress is not just to appropriate money and evaluate what money needs to be appropriated for but to do oversight. When we send money out the door, this Congress needs to do better oversight. What I have discovered and decided is that oversight is sadly lacking at the Pentagon. There are too many men and women, including Bunnatine Greenhouse, who gave up their careers and lost their jobs because they had the courage to speak out and say: This is wrong, this is fraud, this is cheating, this undermines our soldiers. There are too many men and women who gave up their careers because they had the courage to do that. We have whistleblower protections, but in many cases it doesn't work the way it should. There is much for us to do.

I will not be chairing additional hearings because my 30 years in the Congress will be done at the end of this month. It has been a great privilege to be here. But as one can tell, I believe passionately in this issue, about our

Federal deficits, about spending, about accountability, but most especially about doing things that support the soldiers we ask to go to war.

This has been an abysmal record. In this decade, the amount of money spent on contractors—in many cases with no-bid, sole-source contracts that were negotiated under the most abusive conditions and in violation, in many cases, of rules, according to the highest civilian official in charge of contracting—has been a disgrace. This country needs to do much better.

The work I and a number of my colleagues did holding these hearings has in many ways held up a spotlight and tried to shine it on the same spot. We have cajoled, embarrassed, and pushed, and I think we have made some progress. But so much more needs to be done and can be done. My hope is this work will continue.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. COLLINS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXTENDING TAX CUTS

Ms. COLLINS. Madam President, unless Congress acts, this new year will begin with the imposition of an onerous new tax burden for American families. They will face an automatic tax increase of nearly \$2.7 trillion—one of the largest tax increases in history—when the 2001 and 2003 tax laws expire.

This tax increase will hit all American earners regardless of their income level and regardless of whether they are married or single, retired or working or salaried or hourly employees.

It is my judgment that the 2001 and 2003 tax relief laws should be extended for all Americans. With the economy still weak, and with unemployment persisting at nearly 10 percent, now is not the time to be raising taxes on anyone.

Some argue that Americans in the higher tax brackets should not be protected from this tax increase. But that argument for higher taxes come January 1 ignores the fact that a tax increase on top earners is a tax increase on small businesses and, thus, a tax on jobs at a time when we should be doing everything possible to stimulate the creation of more jobs.

As you are aware, most small businesses are passthrough entities. They are sole proprietorships, partnerships or S corporations that must report their earnings on their owners' individual tax returns. According to the Joint Committee on Taxation, there are some 750,000 passthrough small

businesses in the top two tax brackets. Higher taxes hurt these small companies by taking away capital they need to grow and to add jobs.

In Maine, there are numerous small businesses that would be hurt by this tax increase. One is D&G Machine Products, a precision design machining and fabrication operation located in Westbrook, ME. Founded in 1967, this company now has more than 130 highly skilled and dedicated employees. When I visited this company in August, the owner, Duane Gushee, expressed to me his concerns about the impact higher taxes would have on his growing business. He explained that D&G competes with companies all over the world for markets and customers. Without constant innovation and investment in cutting-edge technology, D&G would lose its customers and the jobs of its employees would be in jeopardy. The tax increase that would go into effect unless we act would hit D&G on January 1 and would take money out of its bottom line—money that is needed to upgrade its equipment and stay ahead of foreign competition.

Another business that would be hit hard is Pottle's Transportation, a trucking company headquartered in Hermon, ME. This company was founded in 1972 and now has more than 200 employees with 150 trucks.

Barry Pottle, who runs this business, tells me that Pottle's needs to purchase 25 to 30 trucks every year just to maintain its fleet. New trucks used to cost the company about \$100,000. But in the past few years, the cost has escalated by another \$25,000. The tax increase scheduled for January 1 would make it difficult, if not impossible, for Barry to make these investments.

Other Maine businesses have come forward to highlight the impact a tax increase would have on their ability to grow their businesses and to add much needed jobs.

One of these is Allagash Brewing Company, a craft brewery located in Portland, ME. Founded in 1994, Allagash has grown to 28 employees and has established a reputation for uncompromising quality as one of the finest producers of Belgian-style beers in North America.

Similar to most small businesses, Allagash relies on its retained earnings to finance investment and growth. As Rob Tod, the co-owner of Allagash puts it:

There's plenty of demand for our product, but we can't fill demand without equipment, and we can't buy equipment without money.

When small businesses cannot invest and grow, they cannot add jobs, and that is what our focus needs to be on: the creation of policies that will help the private sector to create jobs.

Rob estimates that every 1 percent increase in Allagash's tax rate means one fewer worker for 5 full years. Stated another way, the tax increase slated

to occur on January 1 would wipe out jobs for five workers for 5 years just at this one brewery. If that is the impact at one small business in Portland, ME, imagine what the impact would be on jobs lost nationwide.

Other small businesses in my home State have expressed their frustration at the uncertainty Washington is creating by leaving these tax hikes hanging over their heads. As one small business starkly put it to me:

The increases in personal taxes reduce the amount of money I have available for investments of all kinds. I am not investing in my business. I am not hiring workers. I am not considering starting anything new. I am waiting. There is no way to know what Washington is about to do to me, but I expect it will be nasty and brutally unfair. In response, I am holding my ground and preparing for the worst.

That is an exact quote from an entrepreneur in my State. As if the testimony of these small businesses were not enough, there is a second reason to support extending the 2001 and 2003 tax relief for all Americans: A tax increase at this time on top earners would reduce consumer spending dramatically, cutting demand, and costing jobs at a time when our fragile economy can least afford it.

We have only to look at Peter Orszag's column in the New York Times—he was President Obama's former Budget Director—to underscore this point. He wrote that failing to extend the existing tax relief would “make an already stagnating job market worse.” He then went on to say:

Higher taxes now would crimp consumer spending, further depressing the already inadequate demand for what firms are capable of producing at full tilt.

Mr. Orszag is not alone in this view. Economist Mark Zandi has estimated that raising taxes on top earners would cost us 770,000 jobs and four-tenths of 1 percent of our GDP over the next 2 years. He cautions that earners in the top brackets are responsible for “one fourth of all [U.S.] Personal outlays,” and that a pullback in spending by these taxpayers could “derail the recovery.”

In light of this risk, Mr. Zandi has called the President's plan to raise taxes an “unnecessary gamble.” Mr. Zandi suggests that a middle ground where no one's taxes are increased until the recovery is firmly in place is where we should go.

That is essentially what I recommended to this body in September. I urged the Senate to take up legislation to extend the 2001 and 2003 tax relief for 2 more years. That is a middle ground. Surely, we ought to be able to come together and embrace that compromise. That will get us through the recession. It will send a strong signal to the business community to invest and create jobs. It would remove the uncertainty.

Here is my suggestion for what we should do during that 2-year period,

since I see my colleague, Senator WYDEN, on the floor. During that time we could undertake comprehensive tax reform to make our system fairer, simpler, and more progrowth. I know that has been a passion of Senator WYDEN's for some time. That is what we could use those 2 years to work on.

So I am once again going to ask my colleagues on both sides of the aisle—there are some on this side who want to make all the relief from the 2001, 2003 laws permanent; there are some on the other side of the aisle who want to increase taxes for the top two rates and just extend the tax relief for those making up to \$250,000—let's instead extend the tax relief for everyone right now for 2 more years, remove the uncertainty, encourage businesses to create new jobs, stop penalizing small businesses, do not put a damper on consumer spending at the worst possible time, and then let's use those 2 years productively to rewrite the Tax Code, to make it simpler, fairer, and more progrowth.

I think that is a reasonable plan. Let's abandon any approach of raising taxes at this critical time.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

TAX REFORM

Mr. WYDEN. Madam President, before she leaves the floor, let me say to the Senator from Maine that I very much appreciate her thoughtful views. She continually talks about the desire to get folks to come together. I think there are a variety of ways to do it. That is essentially what I was going to outline this afternoon. I just want to assure my good friend from Maine that I am very much looking forward to working with her on this issue and thank her again for her kind remarks.

Madam President and colleagues, I think we have a choice.

We can continue to have this debate at the margins about how to extend a thoroughly discredited, insanely complicated, job-killing system that we have today or we can find a way, as Democrats and President Reagan did back in the 1980s, to come together and put in place a reform system that will create, in my view, millions of good-paying, new jobs, the way Democrats and Republicans in the 1980s came together and created more than 16 million new jobs.

To pick up on this discussion, I think there is a message for Democrats and Republicans together on this issue.

This question of extending the 2001 and 2003 tax legislation has almost become a tax version of “The Emperor Has No Clothes.” We all know this story and have read it to our kids. It's about two swindlers spinning a tall tail about magical, invisible cloth. The emperor and his ministers and all of his

subjects get so caught up in the story of the magical and invisible cloth that it takes a child to point out what everybody should have seen was obvious: The emperor has no clothes.

The fact is, when we look at extending the 2001–2003 tax laws, what we will see at the end of the day is from the standpoint of creating good-paying jobs and the opportunity to grow the economy, the emperor really doesn't have any clothes. The numbers don't add up.

When tax policy was partisan between 2001 and 2008, there was only 2.3 percent payroll expansion, 3 million new jobs, and real median income fell by 5 percent. Yet that is what we are hearing on the floor of the Senate ought to be extended.

I say to my good friend from Pennsylvania, his State, as has mine, has been pounded by this economy. How can we explain to our constituents that we are extending a policy that based on the facts, not on political rhetoric, produced such anemic payroll expansion, such a modest number of new jobs, and a loss of real median income. I don't think we can explain it to folks in Pennsylvania and Oregon.

What I do think we can explain that gets us away from this "Emperor Has No Clothes" situation is what happened in the 1980s when a big group of Democrats and Republicans came together and changed the discussion about taxes. Instead of Democrats and Republicans beating up on each other, it became the people against the special interests and, in effect, leading Democrats such as Dick Gephardt and Dan Rostenkowski and others joined with the President to point out the inequities. And we had Democrats then talking about the desire to make sure companies—companies that hire people at good wages—would be in a position to benefit because they would be paying rates that would be competitive in tough global markets.

There are opportunities—because I have been talking to folks in labor and folks in business—to do this. Why don't we take away the tax breaks for shipping jobs overseas and use that money to lower rates for folks who manufacture in the United States, who create good-paying jobs in hard-hit parts of Pennsylvania and Oregon. I would like to see our companies have a new incentive for green manufacturing which many of the companies in Oregon want to do. To do it, why not take away some of those tax breaks you get from what is called tax deferral and foreign tax credits and use that money to create more employment at home? We are not going to be able to do that if we just reup for this discredited, broken, insanely complicated tax system.

Now, I have said to colleagues—and Senator CASEY and a number of us have talked about it—that if it takes some very short-term extension of current law in order to make sure we don't

hurt middle-class people and we don't hamper economic growth, I would be willing to look at it. I would be willing to look at that if we use the opportunity to then aggressively pursue bipartisan tax reform; tax reform, for example, that would do something about a Tax Code that nobody likes.

This isn't like the health care issue. I think the Presiding Officer and my friend from Pennsylvania understand that part of what happened in the health care issue is a lot of folks said: I want to fix health care, I want to contain costs, but I sort of like the health care I have. There isn't anybody on the planet I can find who makes an argument that they like the current Tax Code.

We spend 7.6 billion hours a year to comply with tax law. It costs us almost \$200 billion to comply with our tax laws annually. That is the equivalent of 3.8 million people working full-time just to comply with the Tax Code. At one point in the tax reform discussions, after I got on the Finance Committee, I brought just a portion of the books that contain the provisions of the Tax Code. And there are thousands of pages. In fact, we add thousands of pages every few years. I am 6 feet 4 inches and just a portion of the books are taller than me. The complexity of the code increases exponentially, as Nina Olson, who is the Taxpayer Advocate at the Internal Revenue Service, has pointed out.

So I offer this up—and I know my colleague is waiting to speak—only to say if we are asking the country to choose—and that is why I use this "Emperor Has No Clothes" analogy—between something we know hasn't worked—I would note, for example, that the Wall Street Journal, not exactly hostile to conservatives, pointed out that George W. Bush had "the worst track record on record for job creation."

How do you make the case to the American people, whether you are in Pennsylvania or Oregon or anywhere else, that you want to anchor them to the same discredited tax system that has failed to create jobs for the entire period in which it was in effect?

So I hope as we get into this debate we look at the fact that perhaps we are having the wrong conversation. Perhaps we are having the wrong conversation in just debating extending the 2001–2003 tax provisions—maybe we will extend them for some people and we will not extend them for other people. What we ought to be saying is, look at history. Look at what happened in the 1980s when Democrats and Republicans came together. In fact, back then there was almost a mirror image of what we have now.

Back in the 1980s we had a Republican President and a Republican Senate, and Democrats in the House. So we have today almost a mirror image of

that, and we know when they got together in the 1980s that it created millions of new jobs, millions of good-paying jobs. I think we can do that again.

I want to spend 2011 working with my colleagues—the Senator from Pennsylvania, the Senator from New Hampshire, and Senator COLLINS, who gave a very eloquent statement on the advantages of real tax reform—I want to spend the next year working with colleagues on something that shows vastly more promise for creating more good-paying jobs and economic opportunity than these choices we are talking about on the floor of the Senate that, in my view, literally yoke us to a system that we know is not going to produce jobs.

It would be one thing if the debate was in question; that maybe the numbers from the 1980s were a little ambiguous, and when tax policy was partisan between 2001 and 2008 the numbers were more encouraging. That is not the picture. The picture is crystal clear. When we went at tax reform in a bipartisan way in the 1980s with a Democratic effort in the Congress and a Republican President, big win: 16 million new jobs. When we got partisan with taxes in 2001 and 2008, we just went downhill to truly anemic economic growth. The country deserves better.

I would finally say I think this is exactly the kind of bipartisan work that the country was calling for at this last election. Why not give it to them rather than serve up yet more that is seen as polarizing and divisive when our country is undergoing such economic anguish.

Madam President, I yield the floor.

THE PRESIDING OFFICER. The Senator from Pennsylvania.

MR. CASEY. Madam President, thank you very much. First of all, I wish to commend the remarks our colleague from Oregon made. He has great insight into our Tax Code. I think he has reminded us yet again we have a lot of work to do, and we are grateful for his comments today and his charge to us—that we have a good deal of work in 2011 and even as we wrap up 2010.

EXTENDING UNEMPLOYMENT INSURANCE

MR. CASEY. Madam President, I rise today to talk about unemployment insurance, and I will be brief. At the end of my remarks I will be offering a unanimous consent request.

First of all, I wish to cite a study just released today by the Council of Economic Advisers.

I commend to my colleagues this report entitled "The Economic Impact of Recent Temporary Unemployment Insurance Extensions" dated December 2, a report by the Executive Office of the President and the Council of Economic Advisers.

I ask unanimous consent that the Executive Summary of the report be

printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit 1.)

Mr. CASEY. This report released today had a number of findings: First of all, that the emergency expansion of unemployment insurance programs in 2007 has benefited 40 million people in the United States of America who have either received or lived with a recipient of these programs. This figure includes 10.5 million children.

In line with other studies that have been released, this report by the Council of Economic Advisers states that there are 800,000 more jobs and GDP is 0.8 percent higher because of the expansion of unemployment insurance programs. Without reauthorization through 2011, the one we are debating today in the Senate, at this time next year, in December of 2011, there will be 600,000 less jobs and GDP will be 0.6 percent lower. So there are real consequences to the denial of this reauthorization going forward.

To give my colleagues a sense of what that means in a State such as Pennsylvania, without reauthorization of these programs, 353,989 people will lose unemployment insurance coverage by November of 2011. The Pennsylvania economy will be severely impacted without reauthorization. According to the Council of Economic Advisers, there will be 31,228 less jobs in the Commonwealth of Pennsylvania if we do not reauthorize unemployment insurance.

Just to put that in perspective, in the first three quarters of this year, in the midst of a recovery—slow recovery but a recovery nonetheless—our State has gone from losing jobs in 2009 to gaining jobs. In the first three quarters of the year, we have gained roughly 48,000 jobs. Without unemployment insurance, we stand to lose, as I said, more than 31,000 of those jobs.

We know the unemployment rate of 9.6 percent nationally means nearly 15 million people are out of work. If you are opposed to this reauthorization, you have to come up with another answer. You can't just say to 15 million people: Well, we couldn't get it done, or things interfered in Washington.

In our State, fortunately, we are lower than 9.6. We are 8.8, percent. But 8.8 percent in Pennsylvania means that 560,000 people are out of work. It ballooned up to over 590,000 this summer, but fortunately that has been coming down over the last couple of months and, of course, we want to keep it moving in that direction.

Let me just conclude with this thought: For the past six decades, Congress has provided federally funded unemployment insurance benefits. During every recession, the Congress has done that, and thank goodness they did. Finally, without this reauthorization in

our State of Pennsylvania, 83,000 Pennsylvanians will exhaust their benefits this month. Of course, across the country, it is some 2 million.

EXHIBIT 1

THE ECONOMIC IMPACT OF RECENT TEMPORARY UNEMPLOYMENT INSURANCE EXTENSIONS

EXECUTIVE SUMMARY

Unemployment insurance (UI) provides a safety net for workers who have lost a job through no fault of their own, as long as they continue to search for new employment. During normal economic conditions, firms pay into state insurance systems that replace roughly half of the average individual's lost earnings, up to 26 weeks. However, the federal government historically funds additional weeks of benefits in response to an economic downturn. The benefits allow recipients to continue to support their families while searching for their next job.

In response to the recession that began in December 2007, Congress expanded UI benefits by creating Emergency Unemployment Compensation (EUC) and 100 percent federal funding of Extended Benefits (EB). These programs provide UI benefits after a worker exhausts state benefits, helping when it takes longer to find a job, such as in this severe downturn. These extensions began to expire on November 30, 2010. In this report, the Council of Economic Advisers (CEA) examines the effects of the extensions thus far and the potential impact on the economy if Congress fails to act soon to continue these emergency measures.

As a result of these emergency expansions to UI:

EUC and EB have helped 14 million unemployed workers as of October 2010. As of that date, there were almost 5 million unemployed workers benefitting from these programs each week.

In total, these programs have benefited about 40 million people who have received, or lived with a recipient of, EUC or EB. This total includes 10.5 million children.

If these measures are not extended, the maximum eligibility for benefits in most states will revert to the pre-recessionary level of 26 weeks. The Department of Labor estimates that, relative to a month-long extension, 2 million unemployed workers will lose coverage in December 2010. And, relative to a year-long extension, nearly 7 million unemployed workers in total will lose coverage by November 2011.

Further, EUC and EB make up a substantial portion of household income. Without EUC and EB, the typical household receiving these benefits will see their income fall by a third. In the 42 percent of households where the EUC or EB recipient is the sole wage-earner, 90 percent of income will be lost.

This important income replacement allows individuals that have suffered from job loss to avoid a dramatic drop in their spending levels. Research studies have documented that UI is an extremely effective form of support for the economy relative to other government programs, both in terms of bang-for-the-buck and timeliness. EUC and EB recipients spend their benefit checks, rather than saving them, and a drop in this income will translate into a sizeable drop in aggregate spending.

Specifically, CEA estimates that:

Employment was about 800,000 higher, and the level of GDP 0.8 percent higher, in September 2010 than would have been the case without EUC and EB.

Without an extension, employment would be about 600,000 lower, and GDP 0.6 percent

lower, in December 2011 than if a year-long extension were passed.

Previously, Congress continued federal expansions of UI until the economy was much further along the road to recovery. With 10 consecutive months of private sector job growth and half a percentage point drop in the unemployment rate since its peak, the economy is beginning to recover. However, the unemployment rate remains at 9.6 percent and there are still 5 job seekers for every job opening. For the last half-century, Congress has consistently extended UI benefits when economic circumstances substantially increased the difficulty of finding a job. Given the current labor market conditions, failing to continue UI extensions now would be unprecedented.

I. INTRODUCTION

As a form of insurance against job loss, employers pay taxes into state government unemployment systems at rates based, in part, on past usage of the system. State governments then provide weekly payments of \$300, on average, to workers who have lost a job through no fault of their own, replacing roughly half of an individual's lost earnings. Typically, unemployed workers can receive up to 26 weeks of benefits, as long as they continue to search for work. In an economy with normal labor demand, one would expect most unemployed workers to find a job within this time frame. However, in December 2007 the United States began to slide into a deep recession. By October 2009, the unemployment rate was 10.1 percent, and there were more than 6 jobs seekers for every job opening, compared to just 1.5 prior to the recession.

Recognizing that unemployed workers would have a significantly harder time finding jobs, Congress created Emergency Unemployment Compensation 2008 (EUC) in June of that year. This swift action put unemployment benefits in place much earlier than has been done in previous recessions—almost one year before GDP stopped declining. These early efforts by Congress resulted in UI playing a greater role in stabilizing the economy, as suggested in a recent Department of Labor report.

As the labor market worsened, Congress further extended and expanded the program, particularly for unemployed workers in the hardest-hit states. As part of the American Recovery and Reinvestment Act, Congress provided for 100 percent federal funding of Extended Benefits (EB), a program usually funded jointly by the state and federal governments. Individuals are eligible for EB once they exhaust their EUC benefits if their state meets certain unemployment-based triggers. All told, an unemployed worker could receive up to 99 weeks of coverage in those states with the highest rates of unemployment. (See the Appendix for more detail on these programs.)

Importantly, the current tiered structure of EUC and EB allows for a natural phasing down of coverage as economic conditions improve. Many of the eligible weeks of benefits are determined at the state level by thresholds based on states' unemployment rates; the maximum length of coverage provided by these federal programs is shorter in states with better economies. Beyond this natural phase down, however, the legislation authorizing these programs began to expire on November 30, 2010 and the millions of Americans receiving coverage through these programs have already begun losing benefits.

UNANIMOUS-CONSENT REQUEST—S. 3981

Mr. CASEY. So with that, I ask unanimous consent that the Finance

Committee be discharged from further consideration of S. 3981, a bill to provide for a temporary extension of unemployment insurance provisions; that the Senate proceed to its immediate consideration; that the bill be read a third time and passed; and that the motion to reconsider be laid upon the table, with no intervening action or debate; and any statements related to the bill be printed in the RECORD.

The PRESIDING OFFICER. Is there objection?

Mr. ENSIGN. Madam President, reserving the right to object, because the Republicans want to extend unemployment benefits without increasing the deficits, would the Senator agree to include an amendment proposed by Senator BROWN that would offset the cost of the bill with unspent Federal funds, the text of which is at the desk?

Mr. CASEY. I would not. I object to that for the simple reason that the construction of that amendment involves dollars already allocated to Federal programs across the board. Although the money has not been spent yet, it has been allocated. If there is a concern, as there seems to be—and I would categorize it as an alleged concern—about the deficit, there doesn't seem to be the same concern about running up the deficit not by billions but by hundreds of billions to extend tax cuts to Americans above the \$250,000 income tax bracket. So if there is that concern about the deficits, I wish that logic and concern was applied to the tax cut debate.

Mr. ENSIGN. Further reserving the right to object, first of all, I would love to offset the tax cuts with spending reductions in areas across the board because I think the deficit is a problem. Because the Senator from Pennsylvania just wants to increase the deficit with unemployment benefits, without offsetting it, without spending cuts, I am forced to object.

The PRESIDING OFFICER. Objection is heard.

Mr. CASEY. I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

(The remarks of Mr. ENSIGN pertaining to the introduction of S. 4004 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. The Senator from Iowa.

REVISIONIST FISCAL HISTORY

Mr. GRASSLEY. Madam President, since yesterday, we have witnessed in this Chamber the resumption of a set of tired and worn out taking points that the Democratic side drags out whenever they are forced to finally get around to discussing tax policy.

Well, once again beating the same dead horse, the other side has attempted to go back in time again and

talk about fiscal history. Earlier this week, there has been a lot of revision or perhaps editing of recent budget history. I expect more of it in the future days.

The revisionist history basically boils down to two conclusions. First, that all of the "good" fiscal history of the 1990s was derived from a partisan tax increase bill in 1993, and, two, that all the bad fiscal history of this decade to date is attributable to bipartisan tax relief plans.

Not surprisingly, nearly all of the revisionists who spoke generally oppose tax relief and support spending increases. The same crew generally supports spending increases and opposes spending cuts.

For this debate, it is important to be aware of some key facts. The stimulus bill passed by the Senate, with interest included, increased the deficit by over \$1 trillion. The stimulus bill was a heavy stew of spending increases and refundable tax credits seasoned with small pieces of tax relief.

The bill passed by the Senate had new temporary spending that, if made permanent, will burden future budget deficits by over \$2.5 trillion. Now, that is not this Senate Republican speaking; it is the official congressional scorekeeper, the Congressional Budget Office. In fact, the deficit effects of the stimulus bill passed within a short time after the Democrats assumed full control of the Federal Government roughly exceeded the deficit impact of 8 years of bipartisan tax relief. You can see that very clearly right here.

The tax relief over here, and the stimulus bill here—all of this occurred in an environment where the automatic economic stabilizers, thankfully, kicked in to help the most unfortunate in America with unemployment insurance, increased amounts of food stamps, and other benefits.

That antirecessionary spending, together with lower tax receipts and the bailout activities, set a fiscal table of a deficit of \$1.4 trillion. That was the highest deficit as a percentage of the economy in post-World War II history. You can see that right here.

From the perspective of those on the Republican side, this debate seems to be a strategy to divert, through a twisted blame game, from the facts before us. How is the history a history of revision? I would like to take each conclusion one by one.

The first conclusion is that all of the good fiscal history was derived from the 1993 tax increases. To test that assertion, all you have to do is take a look at data from the Clinton administration. The much ballyhooed 1993 partisan tax increase accounts for 13 percent of the deficit reduction in the 1990s, 13 percent. That 13-percent figure was calculated by the Clinton administration Office of Management and Budget.

The biggest source of deficit reduction, 35 percent, came from a reduction in defense spending. Of course, that fiscal benefit originated from President Reagan's stare-down of the Communist regime in Russia. The same folks on that side who opposed President Reagan's defense build-up somehow seem to take credit for the fiscal benefit of the peace dividend.

The next biggest source of the deficit reduction, 32 percent, came from other revenue. Basically this was the fiscal benefit from the pro-growth policies such as the bipartisan capital gains tax cuts of 1997 and the free trade agreements that President Clinton, with Republican votes, got passed.

The savings from the policies I pointed out translated to interest savings. Interest savings account for 15 percent of the deficit reduction. Now, for all of the chest thumping about the 1990s, the chest thumpers who pushed for big social spending, did not bring much to the deficit reduction tables in the 1990s. Their contribution was this, 5 percent.

What is more, the fiscal revision historians in this body tend to forget who the players were. They are correct that there was a Democratic President in the White House, but they conveniently forget that Republicans controlled the Congress for the period where the deficit came down and eventually turned into a surplus.

They tend to forget they fought the principle of a balanced budget that was the centerpiece of Republican fiscal policy.

Remember, the government shutdowns of late 1995? Remember what that was all about? It was about a plan to balance the budget.

We are consistently reminded of the political price paid by the other side for the record tax increases they put into law in 1993. Republicans played a political price for forcing the balanced budget issue in 1996. But as we found out in 1997, President Clinton agreed. Recall as well all through the 1990s what the year-end battles were about.

On one side, congressional Democrats and the Clinton administration pushed for more spending. On the other side, congressional Republicans were pushing for tax relief. In the end, both sides compromised. That is the real fiscal history of the 1990s.

Now, let's turn to the other conclusion of the revision by fiscal historians. That conclusion is that in this decade all fiscal problems are attributable to the widespread tax relief enacted in the years 2001, 2003, 2004, and 2006.

In 2001, President Bush came into office. He inherited an economy that was careening downhill. Investments started to go flat in 2000. The tech-fueled stock market bubble was bursting. After that came the economic shocks of the 9/11 terrorist attacks. Add in the corporate scandals to that economic

environment, and it is true that in the fiscal year 2001, as it came to a close, the projected surpluses turned to a deficit.

But it is wrong to attribute the entire deficit occurring during this period to the bipartisan tax relief. Because, according to the CBO, the bipartisan tax relief is responsible for only 25 percent of the deficit change, while 44 percent is attributable to higher spending and 31 percent to economic and technical changes.

In just the right time, the 2001 tax relief plan kicked in. As the tax relief hits its full force in 2003, the deficits grew smaller. This pattern continued for 4 more years through 2007. If my comments were meant to be partisan shots, I could say this favorable fiscal path from 2003 to 2007 was the only period, aside from 6 months in 2001, where Republicans controlled the White House and the Congress.

But unlike the fiscal history revisionists, I am not trying to make a partisan point; I am just trying to point out a few fiscal facts. There is also data that compares the tax receipts for 4 years after the much ballyhooed 1993 tax increase and the 4-year period after the 2003 tax cuts.

I have a chart here that will track those trends. In 1993, the Clinton tax increases, the blue line, brought in more revenue as compared to the 2003 tax cuts. That trend reversed as both policies moved along in years. Over the first few years, the extra revenue went up over time relative to the flat line of the 1993 tax increases.

So let's get the fiscal history right. The pro-growth tax and trade policies of the 1990s, along with the peace dividend, had a lot more to do with the deficit reduction in the 1990s than the 1993 tax increases.

In this decade, deficits went down after the tax relief plans were put in full effect. No economist I am aware of would link the technical bursting of the housing bubble with the bipartisan tax relief plans of 2001 and 2003. Likewise, I know of no economic research that concludes that the bipartisan tax relief of 2001 and 2003 caused the financial meltdown of September and October 2008.

I have another chart that shows what the President inherited from the Democratic Congress and a Republican President. As I said, from the period 2003 through 2007, after the bipartisan tax relief program was in full effect, the general pattern was this: revenues went up, deficits went down.

One major point that needs to be said right here is to state where the government gets the money it spends. Basically I am asking, from where do taxes come? I would have thought this would have been perfectly obvious to most people, but I may have been wrong. Taxes come from taxpayers. I say this because we have heard tax relief for

certain individuals referred to as the word "bonus." A search of the CONGRESSIONAL RECORD for the Senate on December 1, 2010, shows that the word "bonus" was said nearly 50 times, the implication being that by extending tax relief for all Americans we are giving some people a bonus that other people are paying for.

Let me try to simplify this for my colleagues who are having trouble understanding. There is no proposal to cut taxes for anyone before this body. The question is, Instead, are we going to allow taxes to go up or are we going to prevent a tax increase? If we prevent taxes for everyone from going up, we are letting taxpayers keep more of their own money that they have earned and worked hard for. No one is proposing a bonus or a gift to anyone. The question is, Do we want taxpayers to have more or less of their own money?

My colleagues on the other side have been especially incensed by what they consistently refer to as "tax cuts for the rich" and seem to believe tax relief for everyone is responsible for our disastrous budget situation. However, I think nearly everyone serving in the Chamber and certainly the President and House and Senate leadership support extending around 80 percent of that tax relief. If those on the other side are serious in their pleas that taxes must be increased in the name of fiscal responsibility, how can they claim 80 percent of the tax relief is absolutely necessary and that 20 percent of the tax relief is absolutely wrong? This chart, drawn up from Congressional Budget Office data, should give more insight into the two groups the other side is talking about. The orange line measures the effective tax rate paid by the top 5 percent of taxpayers. By the way, this is where the small business owners' tax hit occurs. This group represents those tax-paying families with incomes over \$250,000. Under the Democratic leadership's preferred tax policy, this line will go back up to where it was in the year 2000. Republicans would prefer to prevent this tax increase, and we have shown it falls primarily on the backs of small business.

The main point this chart shows, though, is that tax relief undertaken during the last administration benefited all taxpayers, and characterizing it as tax cuts for the rich is simply not accurate. Of course, I wish to put our country on a path to fiscal responsibility, but I do not believe higher taxes will lead us to that path. Rather, we need to carefully examine how we spend the money we already collect.

This debate is about one fundamental question. Who does the money you, the taxpayer, have worked hard to get belong to? Does it belong to the citizens who earn it or does it belong to the government? Is whatever the taxpayer is left with an allowance, with the bal-

ance to be spent by a government that knows best? I think most people would answer my last two questions with a strong resounding no. As we continue to discuss pressing tax matters in Congress, we need to keep these fundamental and simple truths in mind. We need to stop taxes from increasing for all Americans. It is fundamental, after all the years I have served in the Senate, that increasing taxes \$1 does not go to the bottom line and bring the deficit down.

Through three or four different occasions during the years I have served in the Senate, we have had propositions, some of them even bipartisan, that we increase taxes by \$1 and somehow we will decrease expenditures by \$3 and, in the process, we are all going to win and the deficit is going to go down. But what we forget is how the mechanics of legislative bodies work. You increase taxes for a long period of time, but each year expenditures are reviewed, and somehow that 3-for-1 rule does not seem to hold on the expenditure side. They don't go down. They creep up, creep up, and creep up. So in the final analysis, it is kind of averaged out that for every \$1 we bring in in increased taxes, it is a license to spend \$1.15.

Some studies would say it is even much higher than that and not just one proposition like that but several propositions like that. That is how it has ended up. I don't like to increase taxes, but if there was ever a time I could increase taxes and knew that went to the bottom line and brought the deficit down \$1, it might be a proposition I could buy into. But the practice of legislative bodies, particularly the Congress of the United States, increasing taxes \$1 is a license to spend more. It is a ratchet effect. I am very suspicious of those propositions. I think my colleagues see that raising taxes has not done anything to bring the budget deficit down.

I ask our colleagues, in these last few weeks of this Congress, to keep those historical facts in mind so we don't get hoodwinked into doing things that don't end up reducing the deficit. Even at a time when it sounds like it will reduce the deficit and makes sense, the common sense we ought to remind each other of is it doesn't work.

I yield the floor.

The PRESIDING OFFICER (Mr. MANCHIN). The Senator from New York.

Mr. SCHUMER. Mr. President, I rise to speak on the upcoming amendments and debate we will have on the tax issue. Let me say a few things. First, we are in a very tough economic situation. We have a large number of unemployed people, and even people who have been employed over the last decade, for the middle class, their incomes have not gone up. Their buying power has not gone up. This is the first decade that middle-class incomes have not increased.

Second, the economy, if we look at statistics from 2000 to 2010, even with the recession, has done pretty well. But almost all the income and all the wealth has agglomerated to the top 1 percent and top 10 percent. That means the people at the highest end did very well, while everybody else did not. I have nothing against them. In fact, I think they are great. They are part of the American dream. To say they have gotten most of the wealth, some of my colleagues bring up the false issue of class warfare. It is not class warfare. It is a fact we have to deal with, just like saying middle-class incomes have not gone up enough. That is not class warfare either. Those are just facts.

Then there is the third issue; that when we began the decade in 2001 there was a surplus of \$300 billion left by Bill Clinton. Now, of course, we have a huge deficit. We did when Barack Obama took office, and because of the stimulus it is greater. But the No. 1 reason was the tax cuts, mainly agglomerated to the wealthy, passed by President George Bush and a Senate and House led by Republicans.

Issue 4, when the tax rates were higher—Bill Clinton had raised them—we all know job growth in the 1990s far exceeded job growth in this decade.

So put all that together, and it makes a pretty strong point that the middle class needs relief, No. 1; that the country must overcome the deficit problems we face, No. 2; and No. 3, that the highest income people are doing great.

So what would be the proper solution to that when we have a tax bill coming before us? It is pretty logical. It is pretty obvious. We should actually make sure the middle class keeps their taxes low. They are the ones whose incomes have suffered. They are the ones who spend it when they get a check because they don't have much money. They are the ones who need the relief both for themselves and in their personal and family situations and for the economy. But to give huge amounts of tax breaks to the very wealthy doesn't make any sense. Why? Because, first, they are doing great. God bless them; second, because they don't spend it. They are not going to go out to the supermarket or the department store Christmas shopping because they know they are getting a little bit of a tax break; they have plenty of money. And third, because even most of them would probably admit they did fine when the rate was a little higher on them. It is not going to affect their business and spending decisions very much, if at all.

The logical solution is to give the middle class the tax break and say to the upper income: Your money should go to deficit reduction. That is what we will vote on in the next few days on the floor. Some would prefer that the level be 250, that the tax cuts should go to all those below 250. I know my col-

league from Iowa feels that way. He will speak after me. I have been willing to have the rates go up to 1 million. I think having a rate for the very highest income people, which we always used to have, restoring that makes a great deal of sense because that is where the wealth is agglomerating. It is no longer people in the top 10 percent who do the best. It is people in the top 1 percent who do the best, far and away. On that vote, we will see where people stand.

Our colleagues on the other side of the aisle like to make it seem as if a tax cut for someone making \$50,000 is the same as a tax cut for someone making \$5 million. They say: Tax cuts for everybody. Don't raise taxes on anybody. But it is not the truth. What we are here to do is actually pull away the veil. It seems the No. 1 motivation of too many of my colleagues on the other side of the aisle is to give a tax break to the wealthiest among us, which may make political sense. I don't know. It may for them. It sure doesn't make economic sense. It doesn't make fairness sense. It doesn't make sense from the point of view of getting the economy going.

I want the American public, over the next few days, as we debate taxes, to listen. Ask yourself: Do you think someone making \$10 million should get a huge tax break? Do you think Warren Buffett or Bill Gates should get a tax break that is more than the income of thousands and thousands and thousands of middle-class people? If you believe no, tell your Senator.

Do you believe the deficit is a serious problem and giving \$300 billion to \$400 billion to people who make over \$1 million instead of putting that money into the deficit makes sense? If you do not, call your Senator and tell him no. Do you think it is at all fair to say that to extend unemployment benefits for hard-working people who are looking every day for jobs, that that has to be paid for but tax breaks to the wealthiest among us do not have to be? If you think that does not make any sense, tell your Senator, tell him or her no.

I know we have a very powerful media group on the hard right, and they are going to try to get on the radio and get on the television and convince the average middle-class person that Democrats want to take away their tax cut and Republicans want to give it to them. But nothing could be further from the truth. We have been the ones focused on the middle class, and they have been the ones focused on the wealthy.

We are not willing to hold middle-class tax cuts hostage until there is a tax cut for the wealthiest among us. It is time for some clarity. If all my colleagues on the other side of the aisle vote for a tax break for those whose annual income is above \$1 million, unpaid for, I do not want to hear about

deficit reduction when it comes to programs for transportation or education or health or the military from them ever again.

They may believe lowering taxes on everybody is a good thing. That is an ideology I do not agree with at this point in time. But they cannot claim deficit reduction is a goal when they will increase the deficit by hundreds of billions of dollars without it being paid for to give tax breaks to the very few wealthy families here in America.

As for the argument that those tax breaks are important to create jobs, no economist believes that. We are talking about the personal income tax rate, not the corporate rate. We are talking about people who, when they had a higher rate, did very well. We are talking about job growth in the last decade among the slowest we have had in a very long time under those low tax rates, whether they were times of economic growth or economic decline. There is virtually no good argument to give huge tax breaks to the very wealthy at a time when our deficit is as large as it is. There is a very good argument to give those same tax breaks, on a percentage basis, of course, to the middle class.

So to the American people, please watch the floor tonight, tomorrow, over the next several days. Figure out who is on your side. Figure out who is being fiscally responsible. Figure out who wants to help the average middle-class person and at the same time get a hold on our deficit.

Again, I repeat, I respect and salute those who have made a lot of money on their own and are very wealthy. God bless them. They are part of the American dream. But the American dream does not say that at a time of need, at a time when deficits are severe, that because you have made all that money you should get a more huge tax break than everybody else.

So this debate is going to be an interesting one. I think it is going to set the tone for what we do over the next 2 years. Believe me, we will be talking about the millionaires' tax break—who voted for it and who voted against it—not just today and not just tomorrow but over the next 2 years. It is a very important issue and one we cannot let rest for the good of the middle class, for the good of deficit reduction, for the good of the country.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, I listened with great attention to the speech just given by my friend from New York. Senator SCHUMER is right on target when he is talking about: Whom are we fighting for? What are we in the Senate for? What are we here to do? Whom are we fighting for?

I have often said the one thing about the very wealthy in our country, they

are pretty good at taking care of themselves. Obviously, they would not be rich if they were not. But what about the people who do not have much? Who is fighting for them? This is what I wish to spend some time talking about; that is, the unemployed in this country.

Last week we went home for Thanksgiving. I hope everyone had a good time with their families. Now we are looking at the upcoming holidays with anticipation, as we do every year, to be with our families, go out and buy some presents and exchange presents—kids, grandkids, a festive time.

But what about all those people who are out of work and have no money, who right now are being cut off from the only lifeline they have, unemployment insurance benefits—losing them day after day because they ended 2 days ago. By the time Christmas rolls around, somewhere close to 2 million Americans not only will be out of a job but will have no source of income whatsoever, facing another winter season celebrating the holidays with nothing.

I had a newspaper headline I showed the other day that said: “Luxury spending is back in fashion”—about how much money was being spent on jewels and fancy wristwatches and high-end types of things. Then, right under, in small print, it said: However, for millions of Americans they are not shopping anywhere because they are out of work.

The two faces of America—is that what we want this country to be, a few who can spend on lavish, jewel-encrusted watches, buying \$2,500 cashmere scarves, as I just read about the other day, and everybody else sort of getting in the soup line? We are a better country than that.

That is what I wanted to talk about: reauthorizing the emergency unemployment insurance program. But I, first of all, listened to my friend and colleague from Iowa, Senator GRASSLEY, talk about taxes. I did not hear the whole speech, but I heard him say raising taxes never reduces the deficit or reduces the debt. I do not know which he said—either the debt or the deficit.

Well, I hate to disagree with my friend, but in 1993, when we enacted the Clinton economic proposal, it included increasing taxes in 1993. Oh, I remember the Senator from Texas, Mr. Phil Gramm, an economist, got up and said: Oh, this is going to cause a depression. This will be the worst thing that ever happened to this country. We are going to rue the day we ever did this. Well, we passed it. Of course, it did not get one Republican vote, and we did raise some taxes in 1993.

What happened, then, for the next 7, 8 years? We had unprecedented growth in this country. Quite frankly, we did balance the budget by 2000. Not only

did we balance it, we had a surplus, and we had a surplus going into 2001. That is when George Bush came to the Presidency and said: Oh, we have this big surplus. Alan Greenspan was warning us we had too much of a surplus and it might not be wise to pay down the debt. We were on course to pay down the national debt. Then the Bush administration pushed through some tax cuts, for which they said: Oh, we are just going to do it temporarily, you see, just until 2010. We will keep them until 2010, and then we will have to revisit it or we will go back to what we had before in 2001.

They made that deal. I did not vote for it. I did not think we should cut taxes that time. I thought we should pay off the national debt. That would have strengthened our economy more than anything. But, no, the Bush administration, the Republicans who controlled the House and the Senate, said they wanted to cut the taxes. Most of the taxes that were cut, as my friend from New York said, were for the very wealthy.

What happened? Did we have a lot of job growth? Not a bit. Not a bit. Not only did we not get job growth, the deficit skyrocketed. So I do not want to hear any exhortations from that side of the aisle about how raising taxes has never reduced the deficit or the debt. We did under Bill Clinton. The proof is there. We had a surplus. But they wanted the tax breaks to give to the wealthy.

Lastly, my friend from New York talked about being held hostage. There has been a lot of talk about middle-income Americans getting a tax break. But I ask—and I keep asking—who are middle-income Americans? Who are they? Well, I keep hearing it is those earning \$250,000 a year or below. Mr. President, \$250,000 a year? My friends, if you are making \$250,000 a year, you are in the top 5 percent of the income earners in America. That is right. If you make \$250,000 a year, 95 percent of the American people make less than you do. So is that middle class? I do not think so.

To me, in the middle class are people who are making \$30,000, \$40,000, \$50,000, \$60,000, \$70,000, \$80,000, \$90,000 a year. That is the broad middle class of America. A lot of people in America are living on \$40,000 a year. It might be hard for some people to think about that, but that is true. They do not take fancy trips. They do not have fancy cars. They do not go to fancy restaurants. They do not wear suits and ties every day. But they are working, and a lot of them are working at jobs that are important to our society.

They may be nurses aides. They may be taking care of our elderly in a nursing home or in assisted living. They may be our childcare workers taking care of our children. They could be working in fast food places. They are

making \$35,000, \$40,000, \$50,000 a year, and that is it. That is the middle class of America. What are we doing for them? What are we doing for that middle class?

So every time I hear about that \$250,000 is the middle class, I am thinking: Wait a second. You are talking about the top 5 percent in America. If you want to talk about the broad middle class, you have to start talking about people making less than \$100,000 a year. What are we doing for them?

Well, it seems to me, if we are going to have some tax breaks and stuff, we have to think about this group. In that group—in that group—of the broad middle class is the army of the unemployed. That is where the unemployed are. The unemployed are not on Wall Street. They got their bailouts. They are getting million-dollar bonuses this year, and my friends on the Republican side want to extend the tax breaks so not only do they get their million-dollar bonuses, they will not have to pay their fair share of taxes on them either, not to mention, for some of them, the way they are getting their money, they are being charged at the least possible tax rate—not as regular income but as capital gains. But I am not going to get into that right now.

So what are the Republicans doing? They are saying we cannot extend the unemployment benefits for the millions of Americans who are unemployed until and unless we have tax breaks for the wealthiest Americans. For those making over \$250,000, \$500,000, over \$1 million—they do not care; no matter what, no matter who you are, how much money you make—we have to give them tax breaks or we cannot extend unemployment benefits to the unemployed. You want to talk about hostages? The Republicans in this Congress are holding hostage the unemployed workers in America because they want to get the tax breaks for the wealthiest. That is what is happening here. I don't know that many of the American people know about that. Oh, they see us debate this stuff and back and forth about who is going to get these tax breaks, but right now unemployment benefits have run out. We have asked I think three or four times, if I am not mistaken, on the Senate floor for unanimous consent to extend the unemployment benefits, and the Republicans have objected every single time. Why?

They wrote a letter. Yesterday, the Republican leader had a letter signed by every single Republican in the Senate that said they will not allow any bill to pass the Senate unless and until we pass a bill giving tax breaks to the wealthiest Americans. It almost begs credulity. You wonder, is this real? Do they really mean that? Well, they signed their names to it. That means we can't extend unemployment benefits until we give in, until we give in to

the Republicans and give tax breaks to the wealthiest Americans. What a deal. What a deal—holding people who are at the end of their ropes—the most vulnerable in our society—holding them hostage for their Wall Street friends.

I have heard this said by some on the other side: Well, unemployment benefits make people lazy. If you give them unemployment benefits, they won't look for work.

Well, let me talk for a minute about what the labor market looks like right now, and we will see if these people are really lazy. Right now, there are 15 million people who want a job and can't find one but 9 million people forced to work part time because they can't get a full-time job. There are a number of other people who have looked for a job, and they have given up. They have been out of work for 2 years. As the Presiding Officer knows, after 99 weeks, you don't get any unemployment benefits whatsoever, and a lot of people have been out of work for over 99 weeks. They have nothing. That means our unemployment rate is not around 9 percent; it is actually about 17 to 18 percent. And these unemployed workers are looking for work.

What people have to understand is that before you can get unemployment benefits, you have to be actively looking for work. It is a requirement in order to get it. But what is happening out there? Workers can't find jobs because there aren't any. There is one job for every five workers. Well, it says here: 14.8 million workers unemployed. That is not really true. It is actually about 26 million. That is 14.8 million unemployed, but when you include those who have given up because they have gone beyond 99 weeks, when you take into account those who work part time because they were working full time but now they can only get a part-time job, it adds up to almost 26 million.

Let's just take the Bureau of Labor Statistics as they are: 14.8 million workers, 2.9 million jobs, 1 for about every 5. Actually, it is fewer than that. If you really look at the overall picture, it is really more like 1 in 8 to 1 in 10. So, in other words, for about every 8 to 10 workers, there is 1 job out there someplace. So most workers will lose on this kind of game of musical chairs. When you run around and the music stops, one person gets a job and six or seven people don't have one. So I challenge my Republican friends: How can six or seven or eight people find a job when there is only one available? That is why we have so many people facing long-term unemployment.

Over 6 million people have been out of work for more than half a year. I saw a lot of them who were here in Washington yesterday. Four in 10 workers, what we call the long-term unemployed, have been unemployed and looking for a job for at least 6

months. This is higher than during any previous recession.

There are extensions going back to 1950. In terms of the share of the total unemployed—you can see the graph here—in terms of who has been unemployed for more than 6 months—and as we can see, as we go from the 1950s to here, look at where this line now goes in 2010: more than we have ever had going clear back to the 1950s. Long-term unemployed, higher than any previous recession. It is the highest in 60 years. They are being held hostage by the Republicans.

Long-term unemployment is especially common among older workers over aged 50. These are people who have worked all their lives, they have saved for retirement, they have lost their jobs, and they are having a very difficult time finding new work. A year, year and a half, 2 years—I have met people out of work for well over 2 years. Again, they can't find work because it is not there, through no fault of their own.

So, as I said, our economy needs at least 11 million jobs—at least. To say that people who are unemployed are lazy and shouldn't get benefits—if you say that, you are obviously out of touch. You are out of touch with the real world and what is happening out there and the difficult circumstances that face our hard-working American families.

I get a lot of letters—and I am sure the occupant of the chair does too from his home State—from people who are just at their wit's end, and they just tear your heart out.

A 50-year-old woman from Altoona has been unemployed since November 2009, a year and a month. She wrote me: "I can't even get a job at McDonald's right now, and believe me, I have tried everywhere." Unemployment insurance is helping her get by, but she is worried about running out of benefits, which just happened 2 days ago. I got this letter before 2 days ago. Her unemployment benefits are out.

An unemployed schoolteacher from Estherville wrote me. She said:

I have not felt so humiliated in 20 years. I have been a productive and hard-working woman since I was 13, but now I feel insignificant.

She wrote me that this summer. This month, she wrote me again. She said:

I have tried to find employment in other States, all over Iowa, in every form of employment you can imagine: convenience stores, fast food, factories. I am a high school math teacher with three college degrees and I can't find a job. If it weren't for unemployment, I would be on food stamps.

But without unemployment insurance, she doesn't know what she is going to do. She just lost hers a couple of days ago too.

These are just two examples, but there are millions. In this holiday season, from now until the new year, 2

million people will be cut off if we don't continue these programs. In Iowa, my home State, more than 10,000 people will be cut off from their benefits during this holiday season. And if we don't do anything, we will face 6 million by April left without any source of income, hanging by a thread. Their savings are exhausted. Their unemployment benefits are the thin lifeline keeping them afloat.

Congress has never cut back emergency unemployment benefits when the unemployment rate was as high as it is now, and this is no time to start. Here it is again. Going back to 1959, when we had high rates of unemployment, every single time, Congress passed emergency funding to keep unemployment benefits going—that is, until now.

Republicans have said, oh, they will extend it, but they want to pay for it. It is about \$56 billion to extend it for 1 year. They have to pay for it, and how they want to pay for it is to take money out of the Recovery Act. There is still some unexpended money there that is going out for things such as roads and bridges and infrastructure projects that put people to work. So they want to take money from that, which is giving people some jobs and helping build our infrastructure, to put into unemployment benefits, when, going back to 1959, through Republican and Democratic administrations, we have always said this is an emergency, and that is the way we fund it.

Well, the Republicans say, we have a huge deficit. We can't do that anymore. Then why are they so intent on passing a tax cut bill, extending a tax cut for the wealthiest Americans and they don't pay for it? They put it on the deficit—not for \$56 billion but for \$700 billion. Oh, they are willing to do that. They are willing to do that for the wealthiest but not for people at the end of their rope, the unemployed.

So I guess we have entered a new era in this country. We don't help the unemployed: we just help the wealthy. That is all we do. That is why we are here, I guess. Look at that. We ought to be ashamed of ourselves. I ask, have my Republican friends lost all sense of fairness? Have my Republican friends on the other side of the aisle lost all sense of justice? Have they lost all sense of what is right and what is wrong? Where is the moral outrage? Where is the moral outrage that we are going to let people stand in the soup lines for Christmas but we are going to give tax breaks to the wealthiest? We are going to give million-dollar bonuses to the people on Wall Street who, by the way, caused a lot of these problems, and we won't even make them pay their fair share of taxes. Where is the outrage? Well, I will tell you. It is out there. The American people are seeing this. They are saying: Wait a minute, Congress wants to pass this big tax break and they won't help the unemployed? They get it. They get it.

I can't believe Congress is doing this. I can't believe my friends on the other side of the aisle are so hard-hearted that they would hold hostage—that they would not let us move a bill to extend the unemployment benefits until we pass their bill to extend the tax breaks to the wealthiest Americans. Where is our sense of moral outrage at this?

Just one other thing. Unemployment benefits that we give out to people is not money that is thrown down a rat-hole. Quite frankly, one of the best economic stimuli we have is unemployment benefits, believe it or not. Why is that? Well, because people who get unemployment benefits—and right now, in my State it averages about \$300 a week. That is about a national average. It is right about there. It is about \$300 a week. That is about \$15,000 a year. That is lower than the poverty wage, by the way. If you think unemployment benefits are some big deal, it is lower than the poverty wage. So when they get that money, what do they do? They go out and they buy groceries. They buy some clothes for the kids. They buy the necessities of life. And that money acts as a multiplier to our economy.

This is Mark Zandi, Moody's economy.com, about how the GDP increase is generated by \$1 of stimulus going to these various things. Food stamps is the best. For every dollar we put into food stamps, we get an increase in GDP of \$1.74, again because people spend that money to buy food, most of which is grown, produced, processed, packaged, shipped, and bought in America. Unemployment benefits are right next to food stamps—\$1.61 increase in GDP for every dollar we put out, again for the same reason. People using unemployment benefits are not using them to buy a Mercedes. They are not using the benefits to buy a new, high-definition, 3D flat screen TV made in Japan. They are not using the benefits to buy a gold-encrusted, diamond-studded Rolex watch made in Switzerland. They are using these benefits to buy the necessities of life, most of which are made here in America. Extending the Bush tax cuts—for every dollar we put in, we get back 32 cents in GDP growth.

That is what the Republicans want. Why, when trying to stimulate the economy, would we put \$1 into something that returns us only 32 cents, when we can put \$1 in and get back \$1.61? How about infrastructure investments. We get back \$1.57 for every \$1. It is very close to unemployment benefits. Yet Republicans want to take money out of this and put it here. Why don't we take money out of here—the tax cuts—and put it here? That is a better deal for our economy. It creates jobs, and we get an increase in economic activity in our country.

As I said earlier, here it is. The average UI benefit is about \$15,600 and the

poverty level is \$21,756 for a family of four. It is a powerful benefit that provides food, clothes, housing, utilities—all of the things needed just to keep life going. That is what these unemployment benefits are spent on.

With the holidays coming, our economy needs the money and people need the benefits. Cutting off that revenue would be counterproductive for jobs. It is counterproductive for the people who need these benefits. It makes no sense economically to cut off unemployment benefits. But more importantly, it makes no sense morally. There is such a thing as right and wrong. There is such a thing as fair and unfair and just and unjust. It is not just, it is not fair, and it is not right that, through no fault of their own, we are saying to these people, the unemployed in America, the millions—whether it is 14.9 million or closer to 26 million or anywhere in between—it is just not right to say: Well, maybe we will extend your unemployment benefits after we extend the Bush tax cuts for the wealthiest in our society. That is totally irresponsible. But that is where we find ourselves.

I say to the President of the United States: Mr. President, you made a lot of promises when you were campaigning in my State of Iowa, and one of the most important you made was that you were going to hold the line—and you said this time and time again—at \$250,000. You would extend the tax breaks to middle-income people below \$250,000. You ought to hold to that, Mr. President. You ought to hold to that.

We will see if the Republicans want to shut down the government. Do they want to shut the government down? That is what they are saying. We are going to have to have a resolution on the Senate floor—because it will run out—to keep the government going. They are saying they will not pass that unless and until we extend the Bush tax cuts for the wealthy.

I dare the Republicans to shut the government down just because they want to give tax breaks to the wealthy. I say if that is what they want to do, let the American people see the extent to which the Republicans will go in order to help their wealthy friends.

Mr. President, hold to your guns, hold to your guns on \$250,000 and below. Don't give in. Don't give up. The American people are behind you on this one, Mr. President. Tell them you want unemployment benefits extended, you want middle-class tax breaks extended, and we want to fund the government. We don't want to go into default. We want that first. Don't give up, Mr. President. The American people will be behind you, and this Congress will be behind you too.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mrs. HUTCHISON. Mr. President, today the House passed legislation that would extend the tax cuts for those middle-class taxpayers who make under \$200,000 a year. That is a good thing, and I support that. But why on Earth would we extend the tax cuts for a certain segment of the population and not extend the tax cuts for everyone? Why would we do that? Who are the job creators in our country? What is the problem our country has right now? It is jobs. We have an unemployment rate that is hovering around 10 percent. So what should we be doing in Congress to try to alleviate that situation? We should be doing everything in our power to create jobs in the private sector. The private sector is where jobs will be a created, where it will be something that will support a family.

Of course, we are going to support tax cuts for everyone in this country because we are in an economic recession. The idea of increasing taxes on the people who would create jobs is something that could only come out of Washington. All of us have been home for the last few weeks. Last week was Thanksgiving, and we were in grocery stores talking to our constituents. Time and time again I heard people in the real world, people who are creating jobs, saying: Why don't you all address the issues of this country? Don't you know what is happening?

Well, do you know something? They have a point. They have a point because, of course, many of us have been saying this for a long time. But here we are in December, the last month of the year. The IRS can't even print the tax forms because they don't know what the tax rates are going to be because Congress left in September and didn't finish its job. Now here we are in December and we are going to have a train wreck.

That is why those on our side signed a letter saying that we are not going to address any issue until we settle the tax issue and the issue of funding government. After that, there are many things that could be on the agenda. But those are two things that are essential. So knowing the way things work around here, and knowing that we could end up talking for 2 more weeks before we do anything, we are going to set the priority to say that it is tax cuts and it is funding the government, and if we can do other things, fine, but if we can't, then we go home.

I think the START Treaty is very important, and we are all looking at that. But we have to make sure the small businesspeople of our country know what to expect. And if they can hire people on even in this holiday season, it will make a difference.

President Reagan and President Kennedy and President Bush 43 all did something that had the same effect on our revenue in this country; they cut taxes and revenue increased. Cutting

taxes is what increases and spurs the economy, and it works every time. So now we are talking about deciding who is going to get their tax cuts and who isn't.

We should be saying clearly and simply to the American people—and especially the small businesspeople who are waiting to see what their budgets are going to be next year—we are not going to raise taxes on anybody because we want you to hire; we want you to give jobs to the people of this country. If we can extend unemployment for those who have been out of work and can't find something, and they are really trying, and we can do it in a responsible way and pay for it, hopefully—I believe if we cut taxes, that will spur the economy and pay for it.

Tomorrow, apparently, in the Senate we are going to get the House bill that passed today that cuts taxes for some but not all. So what will happen if we do what the House has suggested? Households will lose, on average, \$20,000 in total disposable personal income between 2011 and 2020. Total individual income taxes will increase by \$37 million between 2011 and 2020. Jobs will be lost and small businesses are not going to hire. I can tell you that anecdotally because I have been talking to the small business owners in my State. I was a small business owner, and I know what it takes to increase employment.

Without action by us, the death tax will return with a vengeance. A lot of people think: Oh, a death tax, that is just going to affect the heirs of rich people. I think we have to remember that estates over \$1 million will be taxed at the 55-percent rate. So many small businesses in this country are either farms or ranches, where the valuation at death on the property is going to be so much higher than the productivity on that land, and the heirs are going to be faced with selling the property to pay the taxes, which means it will no longer have any capacity for hiring people or productivity.

The same is true for small manufacturing companies. I was a small manufacturer. I can tell you my equipment was worth a whole lot more than the productivity of that equipment. You can pay for it over time, so you own the equipment. But then if you die and your heirs have to pay a huge estate tax on the value of equipment, then they are going to have to sell the equipment and, therefore, you have lost the business.

The statistics in this country of family businesses that are passed to the second generation and the third generation are abysmal. It is about 50 percent that goes to the second generation. To the third generation, it is 20 to 30 percent. Who does that hurt? Of course, it hurts the families. It also hurts the employees of those family-owned businesses. They are the ones

who will be put out of work. So the estate tax going to 55 percent over \$1 million is not good public policy. It would be outrageous for us to leave this year and go into that kind of estate tax, which is confiscatory.

I have to tell you, I think it walks away from the American dream. The American dream is that you can start from nothing in this country and you can build something and you can give the fruits of your labor to your children. That is the American dream. That is what people come here and work for 7 days a week in restaurants, to try to build something to give to their children. Who are we to take that away? That is the American dream. But it will be gone at the end of this year if we don't address that issue in Congress.

Capital gains and dividends: How many of our seniors are living on capital gains and dividends? I guarantee you, anybody who has a bank account knows you are not earning anything from that. You are not earning from cash because the interest rates are so low that many of our seniors are struggling. If they have a nest egg of stocks that is paying some dividends, then that is what many of them are living on. So we are going to raise the tax on dividends from 15 percent to 20 percent at a time when so many seniors are struggling. That is what is going to happen if we don't address the tax cuts by the end of this year.

The marriage penalty: That is my bill. I introduced relief from the marriage penalty. Why should two people working get married and go into a higher tax bracket in this country? We addressed that issue. For most people, we have eliminated the marriage penalty, but not at the end of this year, if we don't act, the marriage penalty comes back. So a policeman and a schoolteacher who marry are going to have to pay about \$1,400 more in taxes just because they want to get married—a schoolteacher and a policeman. It is an absolute fact. Is that what we want in this country?

Small business owners pay at the individual rates—a subchapter S small business. Many small businesses are created to be able to pay at the individual tax rate. Over 50 percent of the small businesses in our country pay at the individual tax rate. So now we are going to say individuals' tax rates are going to go up if they make over \$250,000, which is many of the small businesses in our country, so they are going to be paying at the higher rate. These are the things that are going to happen if we don't act.

The House passed legislation that is going to be devastating for the people who are unemployed in this country. How could we even think of doing something so drastic? I hope tomorrow when the Senate takes up the House bill that we send it back to the House and say: This is not going to go.

I will say to the President of the United States: I thought, Mr. President, that you said you were open to working on extending the taxes for everyone, and yet here we are, with the leadership of the House who just talked to the President this week, and we have the same thing they have been talking about for all these months—no give, nothing has changed.

So here we are, it is December, and the people of America expect the leaders of Congress to address the issues that are on people's minds. We are 3 weeks from Christmas, we are 4 weeks from the end of the year. How could we leave without taking responsible action to let everyone in this country who is paying taxes know how to plan for—I would hope for 2 or 3 or 4 or 5 years?

Lastly, Mr. President, I want to say the one thing that seems to be missing in the Halls of Congress is the importance—to a family, but also to a small business especially that is thinking of expanding and hiring people—of stability and predictability. You can't say we are going to extend the tax cuts for 1 year or 2 years and do the right thing for the economy of our country. We ought to do it permanently, to be honest. But if you are not going to do it permanently, at least do it for 5 years, or, at a minimum, 2 or 3 years.

It is not going to cost the government to give these tax cuts. We are keeping it the way it is now. We are trying to spur jobs being created in our country. So when people talk about this is going to cost the government X billion dollars to let people keep the money they have earned, they are going right over the heads of the American people.

So predictability is the most important thing we can do for small businesses so they can plan, so they can say we are going to expand our product line, we are going to expand our service area. These are the things they can do if they know what their tax commitments are going to be, and if they know what their health care costs are going to be. That is what is freezing the economy right now because people don't know what to expect.

So I hope the President is listening. I hope the leadership of the Senate is listening. Most certainly, I hope the House of Representatives will come to the table and see we can do better than this, and we ought to do it before we leave this week or next week so people know what to expect; so small businesses can sit down at the end of the year and plan their businesses and create jobs in this country. That is the Christmas present people would like. They want jobs. They want to work to support their families. They do not want to live on unemployment. They do not want to live on food stamps. That is not a life. It is not a future. It is not hope. That is what they want—a future and hope for their families.

So I hope, myself, that we, the leaders of America, will give the American people what they deserve and what clearly is in the long-term best interests of their families.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEMIEUX. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO CONGRESSMAN LINCOLN DIAZ-BALART

Mr. LEMIEUX. Mr. President, I come to the floor, as many of us have done in recent weeks, to pay tribute to a Member of Congress who is retiring—to a great Floridian and a great American, a man I am proud to call a colleague and a friend, Congressman LINCOLN DIAZ-BALART. Congressman LINCOLN DIAZ-BALART is retiring after 18 years of service in the U.S. House of Representatives.

Born in Havana, Cuba, LINCOLN came to the United States in 1959, at the age of 4 years old. His father, Rafael Lincoln Diaz-Balart, had just been elected a senator in Cuba, but he could not take office or remain in Cuba because of the rise of the dictator Fidel Castro.

LINCOLN DIAZ-BALART rose in the House of Representatives to become a senior member of the Rules Committee, the ranking member of the Subcommittee on Legislative and Budget Process, and is now the co-chairman of our congressional delegation. He is also the chairman of the Congressional Hispanic Leadership Institute.

LINCOLN grew up in south Florida. He attended public schools there and high school, but he also attended school in Madrid, Spain. He received a degree in international relations from New College in Sarasota and obtained a diploma in British politics in Cambridge, England. He received his law degree from Case Western Reserve University in Cleveland.

LINCOLN started the practice of law in Miami. He worked for Legal Services of Greater Miami, providing free legal services to the poor. He was subsequently an assistant state's attorney, prosecuting those who committed crimes, and a partner in the prestigious Fowler, White law firm.

LINCOLN was first elected into politics in the Florida Legislature back in 1986, but quickly—just 3 years later—ran for the U.S. Congress. In 1992, he served his first term as a Representative of Florida's 21st Congressional District and served as a member of the House Foreign Affairs Committee.

In 1994, LINCOLN became the first Hispanic in history to be named to the

powerful Rules Committee. In 1996, he drafted much of the legislation that strengthened the embargo against Cuba and its dictatorship.

In 1997, he showed his penchant for helping those in need by successfully carrying out efforts to restore the supplemental security income and food assistance to legal immigrants who were denied aid by the welfare reform law of the previous year.

As a member of the House Rules Committee, on September 14, 2001, Congressman DIAZ-BALART took to the floor of the House the joint resolution authorizing the use of force in Afghanistan after the September 11 attacks.

Congressman DIAZ-BALART lives in Miami with his wife Cristina and their two sons Lincoln and Daniel. When he retires, Florida will lose one of its strongest voices, as will this country and all those who care about freedom around the world.

He has fought for Florida's families with integrity and effectiveness. From his time in the State senate to his service in Congress, he has served with passion, drive, and a steadfast determination to do what is right. Most of all, and what I appreciate him most for, he has been a champion of freedom and democracy, not only in Cuba but throughout Latin America and the world.

No one in Congress is more passionate about ending the oppression that Cubans suffer under the current regime. His efforts are known not only here but throughout the world. He is a voice of change, and he is a passionate believer in the rights of people everywhere to be free. He speaks for political prisoners held in the regime's prisons, he speaks for those who suffer beatings for speaking out against their captors, and he speaks for everyday Cubans who hunger for the freedom they have never felt.

I have heard LINCOLN speak many times about the plight of the Cuban people. I have seen his desire to see the people of Cuba enjoy the prize of liberty that has been denied them for more than 50 years. When he speaks about these issues, you feel his passion. His voice has been a great voice for a life of liberty throughout Florida, this country, and the world.

To know LINCOLN is to know one of his heroes—his father Rafael Diaz-Balart, a well-respected public servant. When he had to leave Cuba in 1959, he arrived in the United States and established the White Rose, the first anti-Castro civic organization. When LINCOLN returns to Florida, he will lead a nonprofit inspired by the White Rose. I know his father is looking down from Heaven and will continue to be proud of his son.

The House of Representatives will not be the same without his talents, but Florida will continue to benefit by having him back at home full time. As

an article in his hometown paper—the Miami Herald—noted, even though LINCOLN has announced his retirement, the pulpit will change but the passion will not. To me, LINCOLN will always be a steadfast ally in the cause for freedom 90 miles away from our shores in Florida. He knows that freedom is not negotiable, and its cause is the most noble cause in the world. Our country and our world is better off because of my friend LINCOLN DIAZ-BALART.

I will always be grateful to him because when I came here to the Senate with him and his brother MARIO DIAZ-BALART, another great champion for freedom, I was mentored in the issues that affect my State and so many of the people in my State who come from Cuba and other countries in Latin America. Through their mentoring and through their passion and through the education they provided to me, I was better able to understand his plight, a plight that I don't think most of my colleagues can know as well as we can in Florida—that just 90 miles from our shore is an evil dictator who oppresses his people.

When I am in Florida talking with folks, oftentimes I will make the remark, if I am, say, in Orlando, FL: Can they imagine that just 90 miles away, say, in West Palm Beach, FL, that it would be illegal to speak out against the government, illegal to practice your religion, illegal to gather together in association to express your political views—all of the freedoms we sometimes take for granted? Just 90 miles from our shore, people are jailed, are killed for trying to exercise those freedoms.

It was brought home to me most when I was visited recently by a man by the name of Ariel Sigler. Ariel was a political prisoner in Cuba for 7 years. He has recently been released, and he was in Miami receiving medical care. Ariel is a man who was a professional boxer, a large, strapping man. But he didn't just fight with his hands; he also raised his voice for freedom in his native Cuba. When he did so, he was thrown in jail, and now he is a man who is about 100 pounds less in weight, whose once towering frame is relegated to a wheelchair because for 7 years he was imprisoned just for wanting to criticize his government. He was put in a small cell with several other prisoners. He was fed maggot-infested food, and he had to wash in a pipe and drink from a pipe sitting outside his cell, as did all the other prisoners. It made him sick, desperately sick. This happens just 90 miles from the shore of this country. It is intolerable.

But I know of this, and my heart bleeds for the Cuban people because of the great work of Congressman LINCOLN DIAZ-BALART. So we will miss him. His voice has fought for freedom in this body, in the U.S. Congress, for 18 years. But as the Miami Herald said:

The pulpit will change but the passion will not.

We know he will continue to hold that lamp of freedom and be an advocate for free people and people who yearn to be free throughout the world.

I yield the floor.

RECESS SUBJECT TO THE CALL OF THE CHAIR

Mr. LEMIEUX. Mr. President, I ask unanimous consent that the Senate now stand in recess subject to the call of the Chair.

There being no objection, the Senate, at 7:19 p.m., recessed until 9:38 p.m. and reassembled when called to order by the Presiding Officer (Mr. UDALL of Colorado).

The PRESIDING OFFICER. The majority leader.

MAKING FURTHER CONTINUING APPROPRIATIONS FOR FISCAL YEAR 2011

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to H.J. Res. 101, which is the 2-week continuing resolution; that the joint resolution be read three times, passed; the motion to reconsider be laid on the table; and any statements relating to this matter be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The joint resolution (H.J. Res. 101) was ordered to be read a third time, was read the third time, and passed.

FEDERAL AVIATION ADMINISTRATION EXTENSION ACT OF 2010

Mr. REID. Mr. President, I ask the Chair to lay before the Senate a message from the House with respect to H.R. 4853.

The Presiding Officer laid before the Senate a message from the House as follows:

H.R. 4853

Resolved, That the House agree to the amendment of the Senate to the bill (H.R. 4853) entitled "An Act to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend authorizations for the airport improvement program, and for other purposes.", with a house amendment to the Senate amendment.

MOTION TO CONCUR WITH AMENDMENT NO. 4727

Mr. REID. Mr. President, I move to concur in the House amendment to the Senate amendment to H.R. 4853 with an amendment which is at the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] moves to concur in the House amendment to the Senate amendment with an amendment numbered 4727.

(The amendment is printed in today's RECORD under "Text of Amendments.")

Mr. REID. On that I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

CLOTURE MOTION

Mr. REID. I have a cloture motion which is at the desk.

The PRESIDING OFFICER. Pursuant to rule XXII, the clerk will report the motion to invoke cloture.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to concur in the House amendment to H.R. 4853, the Airport and Airway Extension Act of 2010, with an amendment No. 4727.

Harry Reid, Charles E. Schumer, Benjamin L. Cardin, Barbara Boxer, Al Franken, Jeanne Shaheen, Mark R. Warner, Debbie Stabenow, Sheldon Whitehouse, Mark Udall, Tom Udall, Byron L. Dorgan, Patty Murray, Robert P. Casey, Jr., Patrick J. Leahy, Tom Harkin, Jeff Merkley.

AMENDMENT NO. 4728 TO AMENDMENT NO. 4727

Mr. REID. I have a second degree amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID], for Mr. SCHUMER, Ms. STABENOW, and Mr. MENENDEZ, proposes an amendment numbered 4728 to amendment No. 4727.

Mr. REID. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in today's RECORD under "Text of Amendments.")

CLOTURE MOTION

Mr. REID. I have a cloture motion at the desk.

The PRESIDING OFFICER. Pursuant to rule XXII, the clerk will report the motion to invoke cloture.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the second-degree amendment No. 4728.

Harry Reid, Charles E. Schumer, Benjamin L. Cardin, Barbara Boxer, Al Franken, Jeanne Shaheen, Mark R. Warner, Debbie Stabenow, Sheldon Whitehouse, Mark Udall, Tom Udall, Robert P. Casey, Jr., Frank R. Lautenberg, Dianne Feinstein, Mark L. Pryor, Richard J. Durbin.

Mr. REID. I ask unanimous consent that the mandatory quorums required under rule XXII be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

MOTION TO REFER WITH AMENDMENT NO. 4729

Mr. REID. Mr. President, I have a motion to refer with instructions at the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] moves to refer the House message to the Senate Committee on Finance with instructions to report back forthwith, with the following amendment:

At the end, add the following:

The Senate Finance Committee is requested to study the impact of any delay in extending tax cuts to middle income Americans with incomes up to \$250,000.

Mr. REID. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 4730 TO AMENDMENT NO. 4729

Mr. REID. I have an amendment to my instructions at the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 4730 to amendment No. 4729.

Mr. REID. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end, insert the following:

"including specific information on the impact of the delay in extending the tax cuts."

Mr. REID. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 4731 TO AMENDMENT NO. 4730

Mr. REID. Mr. President, there is a second-degree amendment at the desk that I ask be reported.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 4731 to amendment No. 4730.

Mr. REID. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end, insert the following:

"and include statistics which reflect regional differences"

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, we have worked hard today trying to be at a point where we could be further down the road than we are. I know the Republican leader has worked hard to try to get to a point where we could have the four amendments that people are talking about all around this city.

We were not able to do that because of at least one Republican who held that up. Senator MCCONNELL has given this a valiant try and I have been in the position he is in and I understand that. I certainly do not criticize him.

I would hope everyone understands we are going to have to have some votes Saturday. We are going to wind up having, right now, two cloture votes. We may not have any more. We may not be able to work out anything with the minority. But everyone should be aware that could happen. We are satisfied, if the minority does not want those other two amendments, then we will just go ahead as we are scheduled now under the rules of the Senate.

We are going to have to be here on Saturday. We have so many things to do, as everyone knows, and we have been trying to work through some of that this week and have not gotten through nearly as much as we wanted.

I am, however, disappointed we have not been able to do more. I received a letter from all the Republicans yesterday saying: We are not going to allow you to do anything legislative until we get the tax cuts resolved and funding the government.

Well, we are not only not getting legislative things done now, now they are not letting us do the tax cuts and funding the government. So we are going to try to work our way through this. We have a lot to do. We have to work together, and I intend to be as cooperative as I can. My caucus, even though we have very strong feelings, recognized we are trying to do what is good for this country, but we cannot do them alone. I apologize for not having more definition early on, but we did the best we could.

So tomorrow we are going to be in session and there will be time for people to give some speeches and do the things they need to do. Be prepared for Saturday. As to what time Saturday, we do not know. Under the rule, it is 1 hour after we come in. If we can work out something different than that, we will do it.

The PRESIDING OFFICER. The assistant majority leader is recognized.

MORNING BUSINESS

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate

proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

OUR NATION'S COINAGE

Mr. DODD. Mr. President, I would like to briefly describe two pieces of legislation which were before the Committee on Banking, Housing, and Urban Affairs, and recently secured full approval of the Senate.

The first piece of legislation is H.R. 6162, the Coin Modernization, Oversight, and Continuity Act of 2010. This bill principally addresses the issue of how to approach the costs of metals used to make our Nation's circulating coinage. In recent years, market prices for various metals—including those used for our Nation's coinage, such as nickel, copper, and zinc—have risen to such a point that it costs the U.S. Mint more than a penny to make a penny, and more than a nickel to make a nickel. By giving the Treasury Secretary the authority to conduct research and development on metallic materials for all circulating coinage, as appropriate, and mandating a biennial report on the status of current coin production costs and an analysis of alternative content, this legislation will equip the U.S. Mint with the tools necessary to present detailed legislative recommendations to Congress. Should the Congress decide to act on any such prospective recommendations for lower cost metallic materials and combinations, there could be considerable savings to the taxpayer over time. In addition, this bill gives the Secretary flexibility in determining the quality and quantity of gold and silver bullion coins produced. The Mint has recently taken drastic but prudent measures to meet the extraordinary demand for silver and gold bullion coins and has suspended production of its proof and uncirculated versions, which are of great intrinsic value to collectors and coin enthusiasts. Going forward, the Mint will be able to simultaneously offer these higher-quality versions directly to the public while continuing to satisfy demand for bullion coins.

The second piece of legislation is H.R. 6166, the American Eagle Palladium Bullion Coin Act of 2010, which authorizes the Secretary to mint and issue a \$25 palladium bullion coin, subject to the submission of a report to Congress demonstrating sufficient public demand for such coins and no resultant net cost to taxpayers. Palladium is a sought-after investment-grade precious metal whose market price is often reliably above silver and below that of gold and platinum. Other governments have issued palladium bullion coins before as investment vehicles and collector's items, and this bill lays the groundwork for the U.S.

Mint to carry out a unique palladium coin program that would benefit investors and numismatists, and cost nothing to the taxpayer.

The Coin Modernization, Oversight, and Continuity Act of 2010 and the American Eagle Palladium Bullion Coin Act of 2010 have both passed the House, and will now await the signature of the President. I am pleased that these two bills were approved by this body, as they reflect sound and measured policy towards improving the state of our Nation's coinage, and thank my colleagues for their help in getting these measures adopted.

NEW START TREATY

Mrs. GILLIBRAND. Mr. President, as a member of the Senate Foreign Relations Committee, I was proud to vote for the passage of the resolution of advice and consent to the New START Treaty between Russia and the United States in the Senate Foreign Relations Committee last September. It was the right thing to do for our national security.

The most dangerous threat to America and to the world is for a terrorist organization or network to obtain a nuclear weapon. Nuclear disarmament is among the most critical steps we must take to keep our Nation and future generations safe. Ratification of the New START Treaty would reduce the number of nuclear weapons in the American and Russian arsenals, bolstering our national security by reducing the risk of loose nuclear weapons and materials falling into the hands of hostile nations or terrorist groups seeking to attack America or her allies.

Only recently, documents have revealed to the world the continuing significant risk that Pakistan's nuclear weapons could fall into the hands of terrorists. There are a number of ways for us to address and minimize this risk in Pakistan and other countries. An agreement between two nuclear leaders to reduce their stockpiles of nuclear weapons and to improve transparency and oversight is a critical factor to keeping nuclear weapons out of the hands of terrorists. By reducing the numbers of unneeded nuclear weapons in Russia, improving verification of Russian nuclear reductions, controlling and securing Russian nuclear warheads, and eliminating retired Russian delivery systems and vulnerable weapons-grade material new START would reduce the possibility that a nuclear weapon could be launched due to a terrorist attack, a misunderstanding, or a miscalculation, killing hundreds of thousands of Americans.

This continuation of a landmark agreement between our nations would be an important step in the President's efforts to convince other countries to

get rid of their nuclear weapons. Countries like Ukraine have made this commitment in part due to the confidence that new START provides.

The treaty signed by President Obama and President Medvedev is sensible and it is right for our Nation's security; this is evidenced by the endorsements of several former Secretaries of Defense and State from both sides of the political aisle. I urge my colleagues in the Senate to ratify this treaty, ensuring a safer world for our children.

NOTICE OF INTENT TO OBJECT

Mr. GRASSLEY. Mr. President, I, Senator CHUCK GRASSLEY, intend to object to proceeding to H.R. 5717, the Smithsonian Conservation Biology Institute Enhancement Act, for the following reasons. The Smithsonian has had well documented problems keeping up with the maintenance needs of current structures and facilities. Additionally, I have investigated Smithsonian officials in the past few years regarding inappropriate use of taxpayer funds. I would like to examine whether the Smithsonian is able to meet its current operational requirements before legislation allowing for the construction of a new facility moves through the Senate without debate or even committee consideration.

REMEMBERING IVY JOHNSON

Ms. COLLINS. Mr. President, today I wish to honor the spirit, determination, and life of Ivy Johnson. Ivy lost her long battle with cancer on Friday, November 19. Our thoughts and prayers remain with her parents, her brothers, and the rest of her family and friends.

While Ivy's many academic achievements and personal adventures will be chronicled by others, I want to focus on the Ivy we knew—the public servant—and I offer these thoughts on her life and her service to the Homeland Security and Governmental Affairs Committee.

From the start, I appreciated and respected Ivy's strong work ethic, and my trust in her judgment grew each passing day.

Ivy had a wonderful capacity to combine her knowledge of the law and understanding of policy with the practical political realities that form the foundation of the legislative process. Ivy believed in the law and that it worked to advance notable and worthy goals.

She worked with Representative ISSA's staff on the House Oversight and Government Reform Committee to identify financial support provided by the Federal Government to the Association of Community Organizations for Reform Now, or ACORN, after allegations emerged of inappropriate activity by that organization.

She provided insightful analysis on everything from judicial nominations to homegrown terrorism.

She played a critical role in the investigative work of my staff regarding the November 2009 terrorist attack at Fort Hood. She skillfully conducted investigative reviews of the government's policies relating to the reading of Miranda rights to terrorists captured in the United States.

Ivy understood that the security of our Nation and the privacy and civil liberties of Americans are not mutually exclusive. Her guidance on law enforcement and intelligence tools and techniques reflected a mature appreciation of the Constitution and laws of the United States, an understanding of the threat terrorists pose to our Nation, and a deep respect for the rights of Americans.

Her accomplishments were noteworthy in and of themselves, but they are remarkable considering the personal struggle that Ivy was waging throughout her tenure on the committee.

Shortly before joining my staff, her doctors found a tumor in her jaw. She endured multiple surgeries, numerous rounds of chemotherapy and radiation, and other difficult treatments that sapped her strength and energy.

But neither the cancer nor the treatments could destroy Ivy's determination or spirit. Ivy insisted on carrying a full workload. She was always concerned that her treatments might place additional burdens on her colleagues, and she never complained about the hand she had been dealt.

On more than one occasion, we tried to tell Ivy to stop e-mailing from her BlackBerry while she was waiting for treatments. When a particularly grueling round of treatments or an extensive surgery was on the horizon, and with everything she was undergoing at the time, Ivy thought of others and let us know she would be watching her BlackBerry if we needed her for anything.

And we often did. The trust Ivy had earned from me and my senior staff was such that we regularly sought her guidance on matters across the board. Ivy was "a lawyer's lawyer"—even the most skilled lawyers on my staff regularly sought her thoughts on issues because her knowledge of the law and her reasoned approach to problem solving was indispensable when complex problems required careful analysis.

In her professional life, and her pain, Ivy was intensely private. Few knew how ill Ivy actually was because while she suffered, her work never did.

There are times in our lives, whether professional or personal, when we know the right person has come into our lives, and that was the case for us with Ivy. It brought a heartfelt smile to my face when Ivy's mother told me that Ivy had called her time with us her "dream job."

Ivy's courage and determination will continue to serve as an inspiration for all of us.

ADDITIONAL STATEMENTS

TRIBUTE TO AGNES WELCH

• Mr. CARDIN. Mr. President, today I pay special tribute to Agnes Welch, a member of the Baltimore City Council and a dedicated public servant. Councilwoman Welch, who was first elected to the Baltimore City Council in 1983, is retiring after serving her community and her city in the council for almost three decades.

Councilwoman Welch has always been attuned to the needs of her west Baltimore community and loyal to her faith. She has been a trailblazer for women, African Americans, and her constituents. Her committee work in the city council helped shape the renaissance of Baltimore's downtown and the redevelopment of its neighborhoods. Her work with not-for-profit organizations and city agencies has created new opportunities for child care, family health care, better schools, and senior housing. Councilwoman Welch's work with the Catholic Archdiocese has improved the Church's outreach to and accommodation for people of color and it has improved services for the neighborhoods and communities surrounding the churches. As a result of her outstanding service and dedication to the church, she received the Papal Medal "pro ecclesia et pontifice" from Pope John Paul II.

Legislatively, Councilwoman Welch has demonstrated her concern for the welfare of her constituents, particularly those people living in poverty. She sponsored legislation which created the framework for addressing homelessness. Another legislative proposal funded a study into the increase in teenage homicides. Most recently, she introduced legislation to establish a Task Force on Childhood Obesity.

Councilwoman Agnes Welch has been an outstanding public servant, working selflessly, tirelessly, and effectively on behalf of others. I ask my colleagues to join me today in thanking Councilwoman Welch for her dedication to her community and constituents, and in wishing her well in her retirement.●

TRIBUTE TO TOM MONAHAN

• Mr. LIEBERMAN. Mr. President, today, I would like to celebrate the extraordinary career of newsman Tom Monahan, who, after 40 years of political reporting for NBC Connecticut, is semi-retiring. I first came to know Tom in the early seventies when he covered me in the Connecticut General Assembly, and I have greatly admired his work and personality ever since.

Tom is a native of Bristol, CT, who began his career in broadcast radio. He

started reporting sports when he first joined NBC CT, and then graduated through the ranks to eventually become the station's chief political reporter and one of Connecticut's very finest.

Much can be said about Tom's skill as a journalist, but his integrity immediately comes to mind. Edward R. Murrow, the great television broadcaster, once said "we cannot make good news out of bad practice," and Tom's career surely embodied that principle. At a time when journalism is increasingly defined by attacks and negativity, Tom represents something of the "old guard" fact-driven reporting meant to inform and educate. He was always interested in getting the story out, but not interested in "getting" the public official who was part of the story. For so many years, the people of Connecticut who watched him came to rely on him for his truthfulness, and in the end many of us who were privileged to be in public life during his career wanted to help him get the story because we had such respect for and confidence in him.

I have so many memories from over the years with Tom, but one stands out above the others. I remember the morning in August 2000 when Vice President Gore announced that he had selected me to be his Vice Presidential running mate. I was in my house in New Haven, CT, and the number of satellite and TV trucks outside began to grow, in effect barricading me in. The Gore campaign team flew in from Nashville and my new press secretary said to me in my kitchen, "Sir, the initial reaction to Vice President Gore's selecting you as his running mate has been tremendous and, if you speak to the press outside, you can only detract from the positive coverage we're getting." As we walk out the side door to head to the airport, who, of course, was standing right there but Tom Monahan. Needless to say, I went over and spoke to Tom—how was I not to?

As I reflect on Tom's career, I cannot help but think how much he will be missed, and how grateful Connecticut should be for the invaluable service he provided us. We are undoubtedly better off for having had Tom Monahan as a reporter. I wish him and his wonderful family my very best as he moves on to an exciting new chapter in his life.●

REMEMBERING ROBBINS BARSTOW

● Mr. LIEBERMAN. Mr. President, I wish to honor the life and work of Robbins Barstow of Hartford, CT, a great filmmaker, conservationist, and dedicated member of the community.

Robbins Barstow has come to hold a special place in the hearts and minds of thousands of families across the country through the tender and illuminating documentary films he produced over the years. Mr. Barstow cap-

tured the lives and aspirations of ordinary people in mid-century America, most famously in his film "Disneyland Dream" which the Library of Congress included in its National Film Registry for its cultural and artistic significance, calling it a "priceless and authentic record of time and place."

Mr. Barstow brought a similar sensitivity and talent to his professional work with the Connecticut Education Association, where he worked tirelessly on behalf of teachers and public schools across our state. Mr. Barstow believed deeply in the power of education to transform our country and the world, and he dedicated so much of his life to ensuring that our teachers got the respect and acknowledgement that they so greatly deserve.

I also admired Mr. Barstow deeply for his extraordinary efforts as a conservationist. He held a special interest in whales and brought his interest and passion for the environment and natural world to founding Cetacean Society International, a conservation, education, and research organization with ties to over 25 nations. Mr. Barstow made a number of films about endangered species that will continue to inform us of the importance of conservation and inspire future conservationists for years to come.

The State of Connecticut and our Nation more broadly are blessed to have leaders like Robbins Barstow in our communities. He will be deeply missed and his important contributions and unforgettable spirit will never fade from our memory. My thoughts and prayers are with the entire Barstow family: his wife Margaret, his children David, Dan, and Cedar, his grandchildren, and great-grandchild.●

TRIBUTE TO DR. MILO SHULT

● Mr. PRYOR. Mr. President, today I honor an Arkansan for his contribution to Arkansas and our Nation. Dr. Milo Shult served as vice president of the University of Arkansas's Division of Agriculture for the past 18 years, improving living conditions for many Arkansans and Americans. After so many years of service, he has decided to step down from his position and move to the next chapter of his life. He leaves behind a positive, lasting legacy. While he is stepping down from his current position with the university, he will undoubtedly continue to play an active role in promoting agriculture and enhancing the lives of Americans.

The Division of Agriculture at the University of Arkansas, which was headed by Dr. Shult, plays an integral role in improving the lives of individuals all over the State and Nation through its work on campus and in the field. The mission of the division is to enrich the lives of neighbors by drawing on what is learned from research and using outreach skills. They meet

this mission by maintaining a strong presence throughout Arkansas, which is critical given the importance of agriculture to our economy and way of life. Agriculture contributes 12 percent of Arkansas's gross State product and is responsible for more than one in every six jobs in the State. We are proud to be ranked in the top 25 among States in the production of 24 agricultural commodities, and we rank in the top 5 for rice, broilers, upland cotton, cottonseed, catfish, turkeys, and sweet potatoes.

Becoming such a successful and diverse agriculture State requires an active research and extension service that is innovative and resourceful. Dr. Shult developed a solid division system that currently employs cooperative extension faculty in all 75 counties; agricultural experiment station scientists and extension specialists on 5 university campuses and at 5 research and extension centers; and support personnel at 8 research stations. These employees provide Arkansans with informational resources related to agriculture production and processing; environment, energy and climate; family and youth programs; access to safe and nutritious foods; and community development. These resources serve as tools to positively impact lives and communities in Arkansas and make our Nation and world better.

While vice president of the Division of Agriculture, Dr. Shult exhibited excellent leadership ability moving the division forward. Dr. Shult possessed exemplary skill in working with stakeholders and building relationships while executing the division's programs consistent with its mission. The division grew and prospered under his leadership, and it stands poised to meet the many challenges and needs of the 21st century. During his tenure, Dr. Shult oversaw the development of over \$72 million in new construction and facility upgrades, including new construction or improvements to every Research Station and Research and Extension Center across the State. Today these facilities are state of the art and the envy of other States and nations. With Dr. Shult at the helm, the division kept with the times and always planned for the future by turning challenges into opportunity. He leaves behind an improved division and an improved State with a vision of where it needs to go to meet future challenges.

While I and others will certainly miss Dr. Shult's work at the division, I am excited to know he will remain active in agriculture research, extension and education. Dr. Shult was recently appointed to the National Agricultural Research, Extension, Education and Economics Advisory Board. In this position, Dr. Shult will advise the Secretary of the U.S. Department of Agriculture and land-grant colleges and universities on top national priorities

and policies for food and agricultural research, education, extension, and economics. This is a huge compliment to Dr. Shult and is a result of his efforts at the University of Arkansas. He will provide outstanding leadership on the board, and I am sure he will bring a unique perspective that is needed and desired.

Dr. Milo Shult is an inspiration and a proven leader of people and organizations. He is a family man with many friends and associates. I have enjoyed working with him in my capacity as U.S. Senator, and I know the entire Arkansas congressional delegation is appreciative of his kindness and genuine efforts. His passion, leadership, and influence greatly increased the readiness and effectiveness of the University of Arkansas's Division of Agriculture. I appreciate his service to the people of Arkansas, and I wish him well in his continued service to our country.●

RECOGNIZING STERLING ROPE COMPANY

● Ms. SNOWE. Mr. President, American manufacturers have faced a variety of persistent challenges over the past several decades, including competition from foreign markets and rising structural costs. Nonetheless, the manufacturing industry remains resilient in the United States. The sector still supports roughly 18.6 million jobs in the United States, or approximately one-sixth of all private sector jobs, and American manufacturing produces \$1.6 trillion of value every year equaling 11 percent of U.S. gross domestic product. And just yesterday, we got word from the Institute for Supply Management, or ISM, that November marked the 16th straight month of positive growth for American manufacturing. And so, today I recognize one of Maine's remarkable small manufacturing companies, Sterling Rope Company, which has been producing high quality rope for more than a decade and a half.

Sterling Rope got its beginnings in 1993, when president and founder Carolyn Brodsky opened her business in Massachusetts. By 1997, Ms. Brodsky decided to relocate her firm to Maine for a number of reasons, including our State's high-skilled workforce and quality of life. Over the past 13 years, Sterling Rope has grown in size, moving from its original Maine location in Scarborough to a larger facility in Saco, before settling at its present location in the Biddeford Industrial Park.

The company manufactures rope for a plethora of activities an uses, including climbing, rope rescue, and industrial safety. In particular, Sterling Rope prides itself as a leader in the advancement and production of life safety rope and cord. One of the company's products, the FireTech 32, is the direct result of its partnership with New York

City's Fire Department, which provided Sterling with feedback on how to best construct the rope. The FireTech 32 is now FDNY's official escape rope. Indeed, the firm is noted for its exceptionally creative and collaborative product development. The company has created a Sterling Athletes Team, which is a collection of expert climbers from around the world that test Sterling's products and provided critical feedback for the company.

Additionally, Sterling helps promote and support a variety of climbing events and philanthropic efforts on its multifaceted Web site. One inspiring event that Sterling has publicized is the Climb for Cancer Cure, a mountain-climbing fundraiser held each summer since 2006 to raise both funds and awareness for people suffering because of cancer. All of the money raised from the climbs goes to help comfort cancer patients at the Marshall L. and Susan Gibson Pavilion at Maine Medical Center in Portland, by donating amenities like CD and DVD players. Climb for Cancer Cure also provides family members with baskets containing gift cards to help them defray the costs associated with visiting their loved ones, such as for lodging and gas. I thank Sterling Rope for recognizing this tremendous initiative.

Sterling Rope is a prime example of a leading manufacturing company in my home State that is dedicated to making quality products and providing responsiveness to its customers. I am proud that Carolyn Brodsky moved her company to Maine nearly a decade and a half ago, and I hope she continues to expand her extraordinary operations. I thank her and everyone at Sterling Rope Company for their hard work, and wish them continued success.●

MESSAGES FROM THE HOUSE

ENROLLED BILLS SIGNED

The President pro tempore (Mr. INOUE) reported that he had signed the following enrolled bills, which were previously signed by the Speaker of the House:

H.R. 6162. An act to provide research and development authority for alternative coinage materials to the Secretary of the Treasury, increase congressional oversight over coin production, and ensure the continuity of certain numismatic items.

H.R. 6166. An act to authorize the production of palladium bullion coins to provide affordable opportunities for investments in precious metals, and for other purposes.

At 3:28 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 6473. An act to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United

States Code, to extend the airport improvement program, and for other purposes.

At 4:45 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks announced that the House has passed the following bill, without amendment:

S. 3307. An act to reauthorize child nutrition programs, and for other purposes.

The message also announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 6469. An act to amend section 17 of the Richard B. Russell National School Lunch Act to include a condition of receipt of funds under the child and adult care food program.

The message further announced that the House has agreed to the amendment of the Senate to the bill (H.R. 4853) to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend authorizations for the airport improvement program, and for other purposes, with an amendment.

ENROLLED BILLS SIGNED

At 6:21 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks announced that the Speaker has signed the following enrolled bills:

S. 1338. An act to require the accreditation of English language training programs, and for other purposes.

S. 1421. An act to amend section 42 of title 18, United States Code, to prohibit the importation and shipment of certain species of carp.

S. 3250. An act to provide for the training of Federal building personnel, and for other purposes.

H.R. 4387. An act to designate the Federal building located at 100 North Palafox Street in Pensacola, Florida, as the "Winston E. Arnow Federal Building".

H.R. 5283. An act to provide for adjustment of status for certain Haitian orphans paroled into the United States after the earthquake of January 12, 2010.

H.R. 5651. An act to designate the Federal building and United States courthouse located at 515 9th Street in Rapid City, South Dakota, as the "Andrew W. Bogue Federal Building and United States Courthouse".

H.R. 5706. An act to designate the building occupied by the Government Printing Office located at 31451 East United Avenue in Pueblo, Colorado, as the "Frank Evans Government Printing Office Building".

H.R. 5773. An act to designate the Federal building located at 6401 Security Boulevard in Baltimore, Maryland, commonly known as the Social Security Administration Operations Building, as the "Robert M. Ball Federal Building".

The enrolled bills were subsequently signed by the President pro tempore (Mr. INOUE).

ENROLLED BILL SIGNED

At 8:51 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks announced that the Speaker has signed the following enrolled bill:

H.R. 4783. This Act may be cited as “The Claims Resettlement Act of 2010”.

MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 6469. An act to amend section 17 of the Richard B. Russell National School Lunch Act to include a condition of receipt of funds under the child and adult care food program; to the Committee on Agriculture, Nutrition, and Forestry.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-8295. A communication from the Under Secretary of Defense (Comptroller), transmitting, pursuant to law, a report relative to a violation of the Antideficiency Act that occurred within the Department of the Air Force and was assigned case number 09-03; to the Committee on Appropriations.

EC-8296. A communication from the Deputy to the Chairman, Federal Deposit Insurance Corporation, transmitting, pursuant to law, the report of a rule entitled “Deposit Insurance Regulations; Unlimited Coverage for Noninterest-Bearing Transaction Accounts” (RIN3064-AD65) received in the Office of the President of the Senate on November 30, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC-8297. A communication from the Associate Director, Office of Foreign Assets Control, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled “Belarus Sanctions Regulations” (31 CFR Part 548) received in the Office of the President of the Senate on November 30, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC-8298. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a report entitled “Audit of the Exchange Stabilization Fund’s Fiscal Years 2009 and 2008 Financial Statements; to the Committee on Banking, Housing, and Urban Affairs.

EC-8299. A communication from the Assistant Secretary of Land and Minerals Management, Bureau of Ocean Energy Management, Regulation, and Enforcement, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled “Renewable Energy Alternate Uses of Existing Facilities on the Outer Continental Shelf—Acquire a Lease Noncompetitively” (RIN1010-AD71) received in the Office of the President of the Senate on November 30, 2010; to the Committee on Energy and Natural Resources.

EC-8300. A communication from the Chief, Listing Branch, Fish and Wildlife Services, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled “Endangered and Threatened Wildlife and Plants; Revised Critical Habitat for Santa Ana Sucker” (RIN1018-AW23) received in the Office of the President of the Senate on December 1, 2010; to the Committee on Energy and Natural Resources.

EC-8301. A communication from the Chief, Listing Branch, Fish and Wildlife Services, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled “Endangered and Threatened Wildlife and

Plants; Designation of Critical Habitat for the Vermilion Darter” (RIN1018-AW52) received in the Office of the President of the Senate on December 1, 2010; to the Committee on Environment and Public Works.

EC-8302. A communication from the Chief, Listing Branch, Fish and Wildlife Services, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled “Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for the Polar Bear (*Ursus maritimus*)” (RIN1018-AW56) received in the Office of the President of the Senate on December 1, 2010; to the Committee on Environment and Public Works.

EC-8303. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled “Salvage Discount Factors for 2010” (Rev. Proc. 2010-50) received in the Office of the President of the Senate on December 1, 2010; to the Committee on Finance.

EC-8304. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled “Unpaid Loss Discount Factors for 2010” (Rev. Proc. 2010-49) received in the Office of the President of the Senate on December 1, 2010; to the Committee on Finance.

EC-8305. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled “Guidance on In-Plan Roth Rollovers” (Notice 2010-84) received in the Office of the President of the Senate on December 1, 2010; to the Committee on Finance.

EC-8306. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled “Funding Relief for Multiemployer Defined Benefit Plans Under Pension Relief Act 2010” (Notice 2010-83) received in the Office of the President of the Senate on December 1, 2010; to the Committee on Finance.

EC-8307. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled “Branded Prescription Drug Sales” (Notice 2010-71) received in the Office of the President of the Senate on December 1, 2010; to the Committee on Finance.

EC-8308. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled “2010 National Pool” (Notice 2010-74) received in the Office of the President of the Senate on November 30, 2010; to the Committee on Finance.

EC-8309. A communication from the Program Manager, Center for Medicaid, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled “Medicaid Program; Cost Limit for Providers Operated by Units of Government and Provisions to Ensure the Integrity of Federal-State Financial Partnership” (RIN0938-AQ40) received in the Office of the President of the Senate on December 1, 2010; to the Committee on Finance.

EC-8310. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, an annual report

on the Child Support Enforcement Program for fiscal year 2008; to the Committee on Finance.

EC-8311. A communication from the Principal Deputy Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed technical assistance agreement for the export of defense articles, to include technical data, and defense services to Canada related to design, manufacture, and delivery of the Anik G1 Commercial Communication Satellite in the amount of \$100,000,000 or more; to the Committee on Foreign Relations.

EC-8312. A communication from the Deputy Director of Regulations and Policy Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled “Medical Devices; General and Plastic Surgery Devices; Classification of Tissue Adhesive with Adjunct Wound Closure Device Intended for Topical Approximation of Skin” (Docket No. FDA-2010-N-0512) received in the Office of the President of the Senate on November 30, 2010; to the Committee on Health, Education, Labor, and Pensions.

EC-8313. A communication from the Deputy Director for Operations, Legislative and Regulatory Department, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled “Debt Collection” (RIN1212-AB21) received in the Office of the President of the Senate on November 29, 2010; to the Committee on Health, Education, Labor, and Pensions.

EC-8314. A communication from the Deputy Director for Operations, Legislative and Regulatory Department, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled “Benefits Payable in Terminated Single-Employer Plans; Interest Assumptions for Paying Benefits” (29 CFR Part 4022) received in the Office of the President of the Senate on November 29, 2010; to the Committee on Health, Education, Labor, and Pensions.

EC-8315. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-595 “Pre-k Acceleration and Clarification Amendment Act of 2010”; to the Committee on Homeland Security and Governmental Affairs.

EC-8316. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-596 “University of the District of Columbia Board of Trustees Quorum and Contracting Reform Amendment Act of 2010”; to the Committee on Homeland Security and Governmental Affairs.

EC-8317. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-160 “Attorney General for the District of Columbia Clarification and Elected Term Amendment Act of 2010”; to the Committee on Homeland Security and Governmental Affairs.

EC-8318. A communication from the General Counsel, Federal Retirement Thrift Investment Board, transmitting, pursuant to law, the report of a rule entitled “Correction of Administrative Errors” (5 CFR Part 1605) received in the Office of the President of the Senate on November 30, 2010; to the Committee on Homeland Security and Governmental Affairs.

EC-8319. A communication from the Director, National Science Foundation, transmitting, pursuant to law, the Uniform Resource

Locator (URL) for the Agency's Financial Report; to the Committee on Homeland Security and Governmental Affairs.

EC-8320. A communication from the Chairman, Federal Communications Commission, transmitting, pursuant to law, the Commission's Fiscal Year 2010 Agency Financial Report; to the Committee on Homeland Security and Governmental Affairs.

EC-8321. A communication from the Secretary of the Department of Veterans Affairs, transmitting, pursuant to law, the Semi-Annual Report of the Inspector General for the period from April 1, 2010 through September 30, 2010; to the Committee on Homeland Security and Governmental Affairs.

EC-8322. A communication from the Secretary of Labor, transmitting, pursuant to law, the Semiannual Report of the Office of Inspector General of the Department of Labor for the period from April 1, 2010 through September 30, 2010; to the Committee on Homeland Security and Governmental Affairs.

EC-8323. A communication from the Chief Executive Officer, Corporation for National and Community Service, transmitting, pursuant to law, the Semi-Annual Report of the Inspector General for the period from April 1, 2010 through September 30, 2010; to the Committee on Homeland Security and Governmental Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. DORGAN, from the Committee on Indian Affairs:

Report to accompany S. 2802, a bill to settle land claims within the Fort Hall Reservation (Rept. No. 111-356).

By Mr. HARKIN, from the Committee on Health, Education, Labor, and Pensions, with amendments:

S. 3817. A bill to amend the Child Abuse Prevention and Treatment Act, the Family Violence Prevention and Services Act, the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978, and the Abandoned Infants Assistance Act of 1988 to reauthorize the Acts, and for other purposes.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Ms. COLLINS:

S. 4000. A bill to provide for improvements to the United States Postal Service, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. WEBB (for himself and Mr. THUNE):

S. 4001. A bill to require the Secretary of the Treasury to mint coins in commemoration of the Centennial of Marine Corps Aviation, and to support construction of the Marine Corps Heritage Center; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. BUNNING:

S. 4002. A bill to require the Secretary of Agriculture to issue expeditiously special use permits regarding the use of houseboats on Laurel Lake in the Daniel Boone National Forest in the State of Kentucky, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. DEMINT (for himself and Mrs. McCASKILL):

S. 4003. A bill to authorize the International Trade Commission to develop and recommend legislation for temporarily suspending duties and for other purposes; to the Committee on Finance.

By Mr. ENSIGN (for himself, Mr. LIEBERMAN, and Mr. BROWN of Massachusetts):

S. 4004. A bill to amend section 798 of title 18, United States Code, to provide penalties for disclosure of classified information related to certain intelligence activities and for other purposes; to the Committee on the Judiciary.

By Mr. WHITEHOUSE (for himself and Mr. CORNYN):

S. 4005. A bill to amend title 28, United States Code, to prevent the proceeds or instrumentalities of foreign crime located in the United States from being shielded from foreign forfeiture proceedings; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mrs. BOXER (for herself and Mrs. FEINSTEIN):

S. Res. 692. A resolution congratulating the San Francisco Giants on winning the 2010 World Series Championship; to the Committee on Commerce, Science, and Transportation.

By Mr. WEBB (for himself, Mr. MCCAIN, Mr. BOND, Mr. INHOFE, Mr. BROWN of Massachusetts, Mr. BEGICH, Mr. LIEBERMAN, Mr. RISCH, Mr. SCHUMER, Mr. MENENDEZ, Mr. LUGAR, Mr. NELSON of Florida, Mr. VOINOVICH, Mr. WICKER, Mr. AKAKA, Mr. INOUE, Mr. WARNER, Mr. KYL, Mr. GREGG, Mr. LEMIEUX, Mr. ISAKSON, Mr. CASEY, Mrs. SHAHEEN, Mrs. FEINSTEIN, Mrs. McCASKILL, Mr. TESTER, and Mr. DURBIN):

S. Res. 693. A resolution condemning the attack by the Democratic People's Republic of Korea against the Republic of Korea, and affirming support for the United States-Republic of Korea alliance; considered and agreed to.

ADDITIONAL COSPONSORS

S. 3237

At the request of Mr. HARKIN, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 3237, a bill to award a Congressional Gold Medal to the World War II members of the Civil Air Patrol.

S. 3255

At the request of Mrs. LINCOLN, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 3255, a bill to amend title XVIII of the Social Security Act to provide coverage for custom fabricated breast prostheses following a mastectomy.

S. 3756

At the request of Mr. ROCKEFELLER, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 3756, a bill to amend the Communications Act of 1934 to provide

public safety providers an additional 10 megahertz of spectrum to support a national, interoperable wireless broadband network and authorize the Federal Communications Commission to hold incentive auctions to provide funding to support such a network, and for other purposes.

S. 3773

At the request of Mr. MCCONNELL, the name of the Senator from Florida (Mr. LEMIEUX) was added as a cosponsor of S. 3773, a bill to permanently extend the 2001 and 2003 tax relief provisions and to provide permanent AMT relief and estate tax relief, and for other purposes.

S. 3853

At the request of Mr. CARPER, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 3853, a bill to modernize and refine the requirements of the Government Performance and Results Act of 1993, to require quarterly performance reviews of Federal policy and management priorities, to establish Chief Operating Officers, Performance Improvement Officers, and the Performance Improvement Council, and for other purposes.

S. 3925

At the request of Mr. BINGAMAN, the names of the Senator from New Hampshire (Mrs. SHAHEEN) and the Senator from Colorado (Mr. UDALL) were added as cosponsors of S. 3925, a bill to amend the Energy Policy and Conservation Act to improve the energy efficiency of, and standards applicable to, certain appliances and equipment, and for other purposes.

S. 3950

At the request of Mr. KERRY, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 3950, a bill to amend title XVIII of the Social Security Act to provide for the application of a consistent Medicare part B premium for all Medicare beneficiaries for 2011.

S. 3984

At the request of Mr. REED, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 3984, a bill to amend and extend the Museum and Library Services Act, and for other purposes.

S. 3990

At the request of Mr. BROWN of Massachusetts, the names of the Senator from Florida (Mr. LEMIEUX), the Senator from Maine (Ms. SNOWE), and the Senator from Georgia (Mr. CHAMBLISS) were added as cosponsors of S. 3990, a bill to extend emergency unemployment benefits without adding to the Federal budget deficit, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Ms. COLLINS:

S. 4000. A bill to provide for improvements to the United States Postal

Service, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

Ms. COLLINS. Mr. President, I rise today to introduce The U.S. Postal Service Improvements Act of 2010. This bill would help the U.S. Postal Service regain its financial footing as it adapts to the era of increasingly digital communications.

The storied history of the Postal Service predates our Constitution. In 1775, the Second Continental Congress appointed Benjamin Franklin as the first Postmaster General and directed the creation of a line of posts from Falmouth in New England to Savannah in Georgia. The Constitution also gives Congress the power to establish post offices and post roads.

Today, the Postal Service is the linchpin of a \$1 trillion mailing industry that employs approximately 7.5 million Americans in fields as diverse as direct mail, printing, catalog companies, paper manufacturing, and financial services.

Postal Service employees deliver mail 6 days a week to hundreds of millions of households and businesses. From our largest cities to our smallest towns, from the Hawaiian Islands to Alaskan reservations, the Postal Service is a vital part of our national communications network and an icon of American culture.

But the financial state of the Postal Service is abysmal. The numbers are grim: the Postal Service recently announced that it lost \$8.5 billion in fiscal year 2010. The Great Recession, high operating costs, and the continuing diversion of mail to electronic alternatives have challenged the Postal Service's ability to remain financially viable.

Faced with this much red ink, the Postal Service must reinvent itself. It must increase revenues by increasing its value to its customers and by becoming more cost effective.

Unfortunately, many of the solutions the Postal Service has proposed would only aggravate its problems. Filing for enormous rate increases, pursuing significant service reductions including elimination of Saturday mail delivery and seeking relief from funding its liabilities are not viable long-term solutions to the challenges confronting the Postal Service. These changes will drive more customers to less expensive, digital alternatives. That downturn in customers will further erode mail volume and accelerate a death spiral for the Postal Service.

The Postal Service must chart a new course in this digital age. It must adopt a customer-focused culture. It must see the changing communications landscape as an opportunity.

The Postal Accountability and Enhancement Act of 2006, which I authored, provides the foundation for these long-term changes, but the Post-

al Service has been slow to take advantage of some of the flexibilities afforded by that law. And, to be fair, the Postal Service has encountered problems not of its making, such as a severe recession.

The legislation that I introduce today would help the Postal Service achieve financial stability and light the way to future cost savings without undermining customer service.

One area the legislation would help address is the more than \$50 billion that the Postal Regulatory Commission estimates the Postal Service has overpaid into the Civil Service Retirement System, CSRS, and the nearly \$3 billion it has overpaid into the Federal Employees Retirement System pension fund. It is simply unfair both to the Postal Service and its customers not to refund these overpayments.

To address these inequities, the bill would allow the Postal Service to access amounts that it has overpaid into these pension funds. The Postal Service must be permitted to use these funds to address other financial obligations, like its payments for future retiree health benefits and unfunded workers compensation liabilities and for repaying its existing debt.

I have pressed the Office of Personnel Management, OPM, to change its calculation method for Postal Service payments into the CSRS fund consistent with the 2006 Postal Reform law. OPM officials, however, stubbornly refuse to change this methodology or even to admit that the 2006 postal law permits them to do so. This has created a bureaucratic standoff that is unfair to the Postal Service. The OPM holds the life preserver it could help rescue the Postal Service, but it simply refuses to throw it.

This legislation would direct the OPM to exercise its existing authority under the 2006 postal reform law and to revise its methodology for calculating the Postal Service obligations to the CSRS pension fund. Once OPM exercises this authority, my legislation would allow the Postal Service to use any resulting overpayments to cover its annual payments into the Retiree Health Benefits Fund, rather than having to wait until after September 30, 2015, to access the CSRS overpayment.

Additionally, the legislation would allow the Postal Service to access the nearly \$3 billion it has overpaid into the Federal Employees Retirement System, FERS, pension fund. The legislation would grant OPM this authority by adopting language, similar to section 802(c) of the 2006 postal reform law, that allows OPM to recalculate the methodology governing Postal Service payments into the FERS pension fund.

As with the CSRS overpayment, the Postal Service would be permitted to use the FERS overpayment to meet its statutory obligations to the Retiree

Health Benefits Fund. These fund transfers would greatly improve the Postal Service's financial condition.

If the CSRS and FERS overpayment amounts are sufficient to fully fund the Postal Service's obligations to the Retiree Health Benefits Fund, this legislation would allow the Postal Service to pay its workers compensation liabilities, which top \$1 billion annually. The Postal Service may also choose to use these funds to pay down its existing debt, which currently is \$12 billion.

Second, the legislation would improve the Postal Service's contracting practices and help prevent the kind of ethical violations recently uncovered by the Postal Service inspector general.

Several months ago, I asked the Postal Service inspector general to review the Postal Service's contracting policies. The findings of these inspector general audits were shocking. The IG found stunning evidence of costly contract mismanagement, ethical lapses, and financial waste.

In its review of the Postal Service's contracting policies, the IG discovered no-bid contracts and examples of apparent cronyism. The Postal Service's contract management did not protect it from waste, fraud, and abuse. Indeed, it left the door wide open.

As a result, the Postal Service could not even identify how many contracts were awarded without competition. Of the no-bid contracts the IG reviewed, 35 percent lacked justification.

In one of the more egregious examples of waste and abuse, the IG discovered that more than 2,700 contracts had been awarded to former employees since 1991. Looking at the past 3 years, the IG found that 359 were awarded as no-bid contracts. And 17 of those non-competitive contracts went to career executives within 1 year of their separation from the Postal Service.

Additionally, some former executives were brought back at nearly twice their former pay to advise newly hired executives—an outrageous practice that the IG said raised serious ethical questions, hurt employee morale, and tarnished the Postal Service's public image. In one example, an executive received a \$260,000 no-bid contract in July 2009, just 2 months after retiring. The purpose: to train his successor.

My legislation would help remedy many of the contracting issues the IG identified. Specifically, the bill would direct the Postmaster General to establish a competition advocate, responsible for reviewing and approving justifications for noncompetitive purchases and for tracking the level of agency competition. The competition advocate also would be required to submit an annual report on Postal Service procurement to the Postmaster General, the Board of Governors, the Postal Regulatory Commission, and the Congress.

To improve transparency and accountability, the bill also would require the Postal Service to publish justifications of noncompetitive contracts greater than \$150,000 on its Web Site. This transparency would improve the Postal Services contracting practices and promote competition.

To resolve the ethical issues documented by the IG, the bill would limit procurement officials from contracting with closely associated entities. It also would require the Postal Services ethics official to review any ethics concerns that the contracting office identifies prior to awarding a contract.

Third, the legislation includes several provisions that would enhance efficiency and reduce costs. The Postal Service has made efforts to reduce costs over the past several years. But more must be done.

One area where improvements can be made is in the consolidation of area and district offices. The IG found that the Postal Services regional structure—eight area offices and 74 district offices costing approximately \$1.5 billion in fiscal year 2009—has significant room for consolidation. My bill would require the Postal Service to create a comprehensive strategic plan to guide consolidation efforts—a road map for future savings.

The bill would also require the Postal Service to develop a plan to increase its presence in retail facilities, or co-locate, to better serve customers. Before co-location decisions could be made, however, the bill would direct the Postal Service to weigh the impact of any decision on small communities and rural areas. Moreover, the Postal Service would be required to solicit community input before making decisions about co-location and to ensure that co-location does not diminish the quality of service.

Fourth, the bill includes a provision that would require the arbitrator to consider the Postal Services financial condition when rendering decisions about collective bargaining agreements. This logical provision would allow critical financial information to be weighed as a factor in contract negotiations.

Finally, the bill would reduce work-force-related costs government-wide by converting retirement eligible postal and federal employees on workers compensation to retirement when they reach retirement age. This is a commonsense change that would significantly reduce expenses that both the Postal Service and the Federal Government cannot afford to sustain.

In fiscal year 2010, the Department of Labor paid approximately \$2.7 billion to employees on workers compensation. This includes approximately \$1 billion in workers compensation benefits to postal employees. More than 8,600 of postal employees covered by workers compensation are over the age

of 55. The Department of Labor indicates that Federal employees across the government are receiving workers compensation benefits into their 80s, 90s, and even 100s. At the Postal Service alone, more than 1,000 employees currently receiving workers compensation benefits are 80 years or older. Incredibly, 132 of these individuals are 90 years of age and older and there are three who are 98.

The Postal Service is at a crossroads; it must choose the correct path. It must take steps toward a bright future. It must reject the path of severe service reductions and huge rate hikes, which will only alienate customers.

The Postal Service must reinvent itself. It must embrace changes to revitalize its business model, enabling it to attract and keep customers. The U.S. Postal Service Improvements Act of 2010 will help spark new life into this institution, helping it evolve and maintain its vital role in American society.

By Mr. ENSIGN (for himself, Mr. LIEBERMAN, and Mr. BROWN of Massachusetts):

S. 4004. A bill to amend section 798 of title 18, United States Code, to provide penalties for disclosure of classified information related to certain intelligence activities and for other purposes; to the Committee on the Judiciary.

Mr. ENSIGN. Mr. President, I rise today to address a new and very serious threat to our national security.

In July of this year, the organization known as WikiLeaks, led by an Australian citizen named Julian Assange, published 90,000 classified intelligence documents related to our efforts in the ongoing war against the Taliban insurgents and al-Qaida in Afghanistan.

In October, WikiLeaks dumped 400,000 classified documents that revolved around the efforts of our Nation and our coalition partners to bring democracy, peace, and stability to the people of Iraq.

Now, just a few days ago, WikiLeaks has dumped another 250,000 documents that reveal private, often personal, communications between diplomats and heads of state—communication that is necessary for the critical discourse that occurs between governments on the many relevant and challenging international issues of our day.

In light of the damage that has already been done and the continuing threat posed by WikiLeaks, I am here to introduce a bill that will help defend our national interests, protect our troops, and provide assurance to our friends and allies that what they say to us in private will stay with us, and that there will be consequences for the reckless actions taken by WikiLeaks, or others, who may attempt to do what they have done—consequences that are consistent with our values and with our first amendment.

Let me spend a few moments examining the nature of this threat and some of the serious implications.

After WikiLeaks dumped 400,000 classified documents concerning our efforts to promote democracy in Iraq, Pentagon spokesman Geoffrey Morrell stated the Department of Defense had to scramble to notify 300 Iraqis because we were immediately concerned about their safety. He went on to say that as many as 60,000 Iraqis could possibly be identified in these leaked documents.

Let us consider the plight of those Iraqis just for a moment. These individuals came forward to us with information that they felt would help their government deal with the insurgency and terrorist presence that has been an impediment to peace and stability within their nation. Yet this despicable character, Julian Assange, has rewarded their bravery by naming them to their enemies. This puts their very lives and the lives of their families in jeopardy. This discourages other Iraqis from coming forward and standing up for freedom.

This, in turn, jeopardizes the lives of our American troops and harms our efforts to provide stability in Iraq to the point where we can withdraw our troops.

Unfortunately, if Iraqis become afraid to speak out against the terrorists in their midst for fear of being named by Julian Assange, succeeding becomes that much more difficult.

Let's turn to Afghanistan. Back in July, I read in the Times of London a very interesting assessment about the implication of Mr. Assange's actions. Let me quote:

Hundreds of Afghans' lives have been put at risk by the leaking of 90,000 intelligence documents because the files identify informants working with NATO forces.

Let me quote again from the Times:

In just two hours of searching the WikiLeaks archive, the Times found the names of dozens of Afghans credited with providing detailed intelligence to U.S. forces. Their villages are given for identification and also, in many cases, their fathers' names.

To the credit of the Times, they cited examples to back up their claims. But as any responsible media organization should, they at least, in their report, took the steps of hiding the names of the villagers who came forward with information to assist their government and NATO.

Madam President, just as WikiLeaks recklessly dumped the leaked intelligence on Afghanistan, a Taliban spokesperson gave an interview in which he said:

We are studying the report. . . . We will investigate through our own secret service whether the people mentioned are really spies working for the U.S. If they are U.S. spies, then we know how to punish them.

I don't think I need to elaborate on how the Taliban punishes their enemies.

Now we have this latest dump of classified State Department cables and information. I applaud our former colleague, Secretary Clinton, for the excellent remarks she has made on this issue. She pointed out that the leaks have put people's lives in danger, threatened our national security, and undermined our efforts to work with other countries to solve shared problems.

An essential dialog takes place between nations—a dialog that has existed since nations first began. With that dialog, diplomats need to be able to express their views candidly and, yes, privately. This is how a lot of problems are solved.

Our Nation is working toward international solutions to some very complex problems. The Government of Yemen is fighting terrorists that reside within their own borders. The proliferation of nuclear weapons technology and the threat of long-range missiles in North Korea are problems that require multilateral international engagement.

Secretary Clinton made another point I will focus on for a moment. Assange didn't just leak classified details about meetings between diplomats. Our diplomats overseas meet with local human rights workers, journalists, religious leaders, and others—people with unique insight into a wider range of issues.

Unfortunately, we live in a dangerous world where revealing the identity of someone fighting for social issues, such as women's rights or children's rights or the identity of an advocate for religious freedom could have serious repercussions that include imprisonment, torture, or even death.

I wonder if WikiLeaks understands if Afghan villagers or activists fighting for human rights under oppressive regimes are killed as a result of being named in these leaks, the blood of these good people is on their hands.

Before I proceed with an examination of the bill that I have crafted to address this threat, let's be clear about some things. No one should do Julian Assange any credit by referring to him as a journalist or as part of the news media. He is a computer hacker and an anarchist.

True to his hacker roots, he has devised a portal through which he hopes members of our government will anonymously and surreptitiously provide him unfettered access to our closest secrets.

Make no mistake, these actions have harmed our friends and helped our enemies in a manner prejudicial to the safety and national interest of the United States.

So with this threat in mind, a threat that the Founders could have never seen coming, we have crafted a bill that amends the Espionage Act, specifically Title 18, Section 798.

Under current law, it is a criminal act for someone who knowingly and willfully communicates, furnishes, transmits, publishes, or otherwise makes available to any unauthorized person any classified information concerning the communication intelligence activities of our United States of America.

My bill, which we are introducing today, extends this protection currently afforded to the communications intelligence to human intelligence, known as HUMINT. This bill protects human intelligence sources and methods. I want to be very clear. It is my opinion that we can go after Julian Assange under the current statute. But what our legislation does is updates this decades-old statute to address this evolving threat prospectively.

I have no doubt that Assange is going to put out another document dump on his Web site and another one after that. Once he does, this bill would give the administration increased flexibility to deal with him and potentially other copycat organizations that aspire to his likeness.

There are a couple of concerns I want to address. First, one might wonder how this bill stands with our first amendment. While I hope we can all agree that Julian Assange is no journalist, some might wonder if the amended law that would result from this bill could be applied to the news media. It is pretty frustrating for the intelligence community when communications intelligence sources and methods are blown.

When this happens, sources of vital intelligence dry up or become inaccessible, and potentially millions of defense dollars go down the drain. However, despite the serious consequences associated with losing a communications intelligence source or method, and the damage that does to our national security, no Presidential administration has ever prosecuted a member of the news media under the existing statute, which has been on the books since 1951.

Let's face it, leaks do happen. As Secretary Gates stated just a few days ago, regrettably, our government leaks classified information like a sieve. This bill does not stop anybody from publishing leaks, but it does provide legal incentive to Julian Assange to do what Amnesty International has repeatedly asked him to do: be more responsible about how classified leaks are handled by not revealing the identity of these classified human intelligence sources.

Let me be clear. This bill doesn't target journalists. Instead, it provides flexibility for the Attorney General with a targeted solution and increased flexibility to deal with WikiLeaks.

Some might be wondering whether Julian Assange, who is a foreign citizen, can be prosecuted under the Espionage Act. In fact, the courts long ago

established that he can be prosecuted under these statutes.

I am not a lawyer, but if you study the United States v. Zehe from 1986, it becomes immediately clear that Assange can be prosecuted under the Espionage Act.

That said, my concern is that our existing laws may have some loopholes through which he can escape. In fact, just a few days ago in the Washington Post, I read where Attorney General Holder said:

To the extent that there are gaps in our laws . . . we will move to close those gaps.

Well, I submit that the bill I am introducing today, with a couple of others, will do just that. It closes a gap in our laws and it moves to protect vital human intelligence sources and methods consistent with the manner in which current law communications intelligence is already protected.

I thank Senators LIEBERMAN and BROWN of Massachusetts for joining me in this important legislation and for the input Senators LIEBERMAN and BROWN of Massachusetts have given me on this important legislation.

I hope we can take up this bill, consider it, work with the administration, work with the House, and pass this important legislation so the next time, and we know there will be a next time, that Julian Assange and his associates leak classified intelligence that puts people's lives in danger, we can actually have another tool in the arsenal so our Department of Justice can go after these despicable people.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 692—CONGRATULATING THE SAN FRANCISCO GIANTS ON WINNING THE 2010 WORLD SERIES CHAMPIONSHIP

Mrs. BOXER (for herself and Mrs. FEINSTEIN) submitted the following resolution; which was referred to the Committee on Commerce, Science, and Transportation.

S. RES. 692

Whereas on November 1, 2010, the San Francisco Giants defeated the Texas Rangers by a score of 3-1 in game 5 to win the 2010 World Series and become champions of Major League Baseball;

Whereas this is the first championship the San Francisco Giants have won since the Giants came to San Francisco from New York in 1958;

Whereas this is the sixth World Series title in the history of the Giants franchise;

Whereas the 2010 Giants acted with determination and teamwork as they emerged victorious from the fiercely contested National League Western Division;

Whereas during the National League playoffs, the Giants unleashed their arsenal of overpowering starting pitching, unflappable relief pitching, steady defense, and timely hitting to defeat the Atlanta Braves and the

two-time defending National League champions, the Philadelphia Phillies, en route to capturing their first pennant since 2002;

Whereas, although there is no one superstar on the roster, the Giants are a group of self-described “castoffs and misfits” that truly exemplify what it means to be a team;

Whereas all 25 players on the playoff roster should be congratulated, including World Series Most Valuable Player Edgar Renteria, as well as, Jeremy Affeldt, Madison Bumgarner, Matt Cain, Santiago Casilla, Tim Lincecum, Javier Lopez, Guillermo Mota, Ramon Ramirez, Sergio Romo, Jonathan Sanchez, Brian Wilson, Buster Posey, Eli Whiteside, Mike Fontenot, Aubrey Huff, Travis Ishikawa, Freddy Sanchez, Pablo Sandoval, Juan Uribe, Pat Burrell, Cody Ross, Aaron Rowand, Nate Schierholtz, and Andres Torres;

Whereas Managing General Partner Bill Neukom, General Manager Brian Sabean and Manager Bruce Bochy did a tremendous job putting together the 2010 San Francisco Giants team and guiding them to the 2010 World Series;

Whereas San Francisco is a city with a rich baseball tradition where players such as Willie Mays, Willie McCovey, Orlando Cepeda, Juan Marichal, Gaylord Perry, and Joe DiMaggio have displayed the prodigious skills that would eventually take them to the National Baseball Hall of Fame in Cooperstown, New York; and

Whereas Giants fans who have been ever loyal, supporting the team from China Basin to Coogan's Bluff, can once again call their baseball team world champions: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the San Francisco Giants on winning the 2010 World Series Championship; and

(2) commends the fans in California, across the country, and around the world for their unrelenting support of the Giants.

SENATE RESOLUTION 693—CONDEMNING THE ATTACK BY THE DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA AGAINST THE REPUBLIC OF KOREA, AND AFFIRMING SUPPORT FOR THE UNITED STATES-REPUBLIC OF KOREA ALLIANCE

Mr. WEBB (for himself, Mr. MCCAIN, Mr. BOND, Mr. INHOFE, Mr. BROWN of Massachusetts, Mr. BEGICH, Mr. LIEBERMAN, Mr. SCHUMER, Mr. MENENDEZ, Mr. LUGAR, Mr. NELSON of Florida, Mr. VOINOVICH, Mr. WICKER, Mr. AKAKA, Mr. INOUE, Mr. WARNER, Mr. KYL, Mr. GREGG, Mr. LEMIEUX, Mr. ISAKSON, Mr. CASEY, Mrs. SHAHEEN, Mrs. FEINSTEIN, Mrs. MCCASKILL, Mr. TESTER, and Mr. DURBIN) submitted the following resolution; which was considered and agreed to:

S. RES. 693

Whereas Yeonpyeong Island is located in the Yellow Sea (West Sea) about 50 miles west of the city of Incheon and is inhabited by more than 1,000 citizens and military personnel from the Republic of Korea;

Whereas the United Nations Command established the Northern Limit Line in 1953, marking the line of military control between the Democratic People's Republic of Korea and the Republic of Korea;

Whereas, on November 23, 2010, the Republic of Korea military conducted military ex-

ercises in the Yellow Sea (West Sea) on the southern side of the Northern Limit Line;

Whereas, on that day, North Korea military forces fired approximately 170 artillery shells at Yeonpyeong Island, resulting in military and civilian casualties, including the death of 2 marines and 2 civilians from the Republic of Korea;

Whereas North Korea's shelling caused widespread damage to military installations and civilian property;

Whereas North Korea's attack against South Korea infringes upon the commitments made in the Korean War Armistice Agreement of 1953 that oblige military commanders to “order and enforce a complete cessation of all hostilities in Korea by all armed forces under their control”;

Whereas this attack also violates United Nations Security Council Resolution 1695 (2006), which emphasizes the need for North Korea “to show restraint and refrain from any action that might aggravate tension, and to continue to work on the resolution of non-proliferation concerns through political and diplomatic efforts”;

Whereas this brazen attack is one in a series of actions by the Government of North Korea that undermine regional peace and security, especially on the Korean peninsula;

Whereas this attack follows the March 26, 2010, torpedo attack by the Government of North Korea against the Republic of Korea ship CHEONAN, which resulted in the death of 46 sailors from the Republic of Korea Navy;

Whereas this attack also follows the revelation that the Government of North Korea has constructed a uranium enrichment facility at the Yongbyon nuclear site in clear violation of United Nations Security Council Resolutions 1718 (2006) and 1874 (2009);

Whereas this attack and the trend of continued provocation by the Government of North Korea reinforces the importance of the alliance between the United States and the Republic of Korea and the need for the United States to maintain a strong military presence in East Asia; and

Whereas this attack also signifies the importance of maintaining a strong bilateral economic, security, and cultural relationship with the Republic of Korea: Now, therefore, be it

Resolved, That the Senate—

(1) condemns the attack by the Government of North Korea against the Republic of Korea in violation of the 1953 Korean War Armistice Agreement;

(2) expresses its deep condolences to the government and people of the Republic of Korea, especially the families on Yeonpyeong Island who suffered from this attack and lost their loved ones;

(3) recognizes that maintaining peace on the Korean peninsula requires constant vigilance, and continues to stand with the people and the Government of the Republic of Korea in this time of crisis;

(4) calls on the international community, especially North Korea's ally, China, to condemn this attack and enjoin the Government of North Korea to halt all nuclear activities in accord with United Nations Security Council resolutions 1718 (2006) and 1874 (2009) and refrain from any further actions that may destabilize the Korean Peninsula;

(5) calls on the President to work with the Government of the Republic of Korea to take all necessary steps to deter further aggression by the Government of North Korea, in keeping with the security alliance between the United States and the Republic of Korea;

(6) urges the Administration to continue a bilateral economic relationship with the Republic of Korea; and

(7) reaffirms the commitment of the United States to its alliance with the Republic of Korea for the preservation of peace and stability on the Korean Peninsula and throughout the region.

AMENDMENTS SUBMITTED AND PROPOSED

SA 4726. Mr. DURBIN (for Mr. SESSIONS (for himself and Mr. LEAHY)) submitted an amendment intended to be proposed by Mr. DURBIN to the bill H.R. 1107, to enact certain laws relating to public contracts as title 41, United States Code, “Public Contracts”.

SA 4727. Mr. BAUCUS (for Mr. REID (for himself, Mr. ROCKEFELLER, Mr. KERRY, Mr. CARPER, Ms. STABENOW, Mr. SCHUMER, and Mr. MENENDEZ)) proposed an amendment to the bill H.R. 4853, to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend authorizations for the airport improvement program, and for other purposes.

SA 4728. Mr. REID (for Mr. SCHUMER (for himself, Ms. STABENOW, and Mr. MENENDEZ)) proposed an amendment to amendment SA 4727 proposed by Mr. BAUCUS (for Mr. REID (for himself, Mr. ROCKEFELLER, Mr. KERRY, Mr. CARPER, Ms. STABENOW, Mr. SCHUMER, and Mr. MENENDEZ)) to the bill H.R. 4853, *supra*.

SA 4729. Mr. REID proposed an amendment to the bill H.R. 4853, *supra*.

SA 4730. Mr. REID proposed an amendment to amendment SA 4729 proposed by Mr. REID to the bill H.R. 4853, *supra*.

SA 4731. Mr. REID proposed an amendment to amendment SA 4730 proposed by Mr. REID to the amendment SA 4729 proposed by Mr. REID to the bill H.R. 4853, *supra*.

TEXT OF AMENDMENTS

SA 4726. Mr. DURBIN (for Mr. SESSIONS (for himself and Mr. LEAHY)) submitted an amendment intended to be proposed by Mr. DURBIN to the bill H.R. 1107, to enact certain laws relating to public contracts as title 41, United States Code, “Public Contracts”; as follows:

On page 2, in the item related to chapter 35 in the subtitle analysis, strike

“and”
and insert
“or”

On page 7, strike lines 14 through 20 and insert “In this subtitle, the term ‘supplies’ has the same meaning as the terms ‘item’ and ‘item of supply’.”

On page 9, line 20, strike “support” and insert “support”.

On page 25, lines 11 and 12, strike “under section 5376 of title 5” and insert “for level IV of the Executive Schedule”.

On page 48, line 34, strike “employee from State or local governments” and insert “individual”.

On page 55, line 36, strike “\$2,500” and insert “\$3,000”.

On page 56, line 15, strike “\$2,500” and insert “\$3,000”.

On page 56, line 19, strike “\$2,500” and insert “\$3,000”.

On page 77, line 1, strike “his representatives” and insert “representatives of the Comptroller General”.

On page 93, lines 18 and 19, strike “under section 5376 of title 5” and insert “for level IV of the Executive Schedule”.

On page 110, line 21, strike “AND” and insert “OR”.

Beginning on page 131, strike line 8 and all that follows through page 132, line 19, and insert the following:

(c) CONTRACT PERIOD.—The period of a task order contract entered into under this section, including all periods of extensions of the contract under options, modifications, or otherwise, may not exceed 5 years unless a longer period is specifically authorized in a law that is applicable to the contract.

On page 185, line 39, strike “AMOUNT” and insert “AMOUNTS”.

On page 185, line 40, strike “amount” and insert “amounts”.

On page 186, line 1, strike “amount” and insert “amounts”.

On page 201, line 13, strike “under section 5376 of title 5” and insert “for level IV of the Executive Schedule”.

On page 204, between lines 10 and 11, insert the following:

(3) PERSON.—The term “person” means a corporation, partnership, business association of any kind, trust, joint-stock company, or individual.

On page 204, line 11, strike “(3)” and insert “(4)”.

On page 204, line 14, strike “(4)” and insert “(5)”.

On page 204, line 17, strike “(5)” and insert “(6)”.

On page 204, line 20, strike “(6)” and insert “(7)”.

On page 204, line 24, strike “(7)” and insert “(8)”.

On page 204, line 31, strike “(8)” and insert “(9)”.

On page 208, line 6, insert “(except sections 3302, 3501(b), 3509, 3906, 4710, and 4711)” after “division C”.

On page 209, line 3, insert “(except sections 3302, 3501(b), 3509, 3906, 4710, and 4711)” after “division C”.

On page 213, line 36, insert “(except sections 3302, 3501(b), 3509, 3906, 4710, and 4711)” after “division C”.

On page 213, line 39, insert “(except sections 3302, 3501(b), 3509, 3906, 4710, and 4711)” after “division C”.

On page 214, line 8, insert “(except sections 3302, 3501(b), 3509, 3906, 4710, and 4711)” after “division C”.

On page 214, line 13, insert “(except sections 3302, 3501(b), 3509, 3906, 4710, and 4711)” after “division C”.

On page 214, line 16, insert “(except sections 3302, 3501(b), 3509, 3906, 4710, and 4711)” after “division C”.

On page 214, line 19, insert “(except sections 3302, 3501(b), 3509, 3906, 4710, and 4711)” after “division C”.

On page 214, line 24, insert “(except sections 3302, 3501(b), 3509, 3906, 4710, and 4711)” after “division C”.

On page 214, line 27, insert “(except sections 3302, 3501(b), 3509, 3906, 4710, and 4711)” after “division C”.

On page 214, line 39, insert “(except sections 3302, 3501(b), 3509, 3906, 4710, and 4711)” after “division C”.

On page 215, line 3, insert “(except sections 3302, 3501(b), 3509, 3906, 4710, and 4711)” after “division C”.

On page 215, line 6, insert “(except sections 3302, 3501(b), 3509, 3906, 4710, and 4711)” after “division C”.

On page 215, line 10, insert “(except sections 3302, 3501(b), 3509, 3906, 4710, and 4711)” after “division C”.

On page 215, line 13, insert “(except sections 3302, 3501(b), 3509, 3906, 4710, and 4711)” after “division C”.

On page 215, line 16, insert “(except sections 3302, 3501(b), 3509, 3906, 4710, and 4711)” after “division C”.

On page 215, line 19, insert “(except sections 3302, 3501(b), 3509, 3906, 4710, and 4711)” after “division C”.

On page 217, line 28, insert “(except sections 3302, 3501(b), 3509, 3906, 4710, and 4711)” after “division C”.

On page 219, line 30, insert “(except sections 3302, 3501(b), 3509, 3906, 4710, and 4711)” after “division C”.

On page 219, line 33, strike “(except section 3302)” and insert “(except sections 3302, 3501(b), 3509, 3906, 4710, and 4711)”.

On page 219, line 38, insert “(except sections 3302, 3501(b), 3509, 3906, 4710, and 4711)” after “division C”.

On page 220, line 5, insert “(EXCEPT SECTIONS 1704 AND 2303)” after “DIVISION B”.

On page 220, line 8, insert “(except sections 1704 and 2303)” after “division B”.

On page 220, line 13, insert “(except sections 3302, 3501(b), 3509, 3906, 4710, and 4711)” after “division C”.

On page 220, line 16, insert “(except sections 3302, 3501(b), 3509, 3906, 4710, and 4711)” after “division C”.

On page 220, line 18, insert “(except sections 1704 and 2303)” after “division B”.

On page 220, line 36, insert “(except sections 1704 and 2303)” after “division B”.

On page 221, line 5, insert “(except sections 1704 and 2303)” after “division B”.

On page 221, line 13, insert “(except sections 3302, 3501(b), 3509, 3906, 4710, and 4711)” after “division C”.

On page 221, line 16, insert “(except sections 3302, 3501(b), 3509, 3906, 4710, and 4711)” after “division C”.

On page 221, line 26, insert “(except sections 3302, 3501(b), 3509, 3906, 4710, and 4711)” after “division C”.

On page 221, line 29, insert “(except sections 3302, 3501(b), 3509, 3906, 4710, and 4711)” after “division C”.

On page 222, line 18, insert “(except sections 3302, 3501(b), 3509, 3906, 4710, and 4711)” after “division C”.

On page 222, line 22, insert “(except sections 3302, 3501(b), 3509, 3906, 4710, and 4711)” after “division C”.

On page 222, line 37, insert “(except sections 3302, 3501(b), 3509, 3906, 4710, and 4711)” after “division C”.

On page 223, line 25, insert “(EXCEPT SECTIONS 1704 AND 2303)” after “DIVISION B”.

On page 236, strike “2006” in the column relating to “Date”.

On page 236, strike the item related to Public Law 109-364.

SA 4727. Mr. BAUCUS (for Mr. REID (for himself, Mr. ROCKEFELLER, Mr. KERRY, Mr. CARPER, Ms. STABENOW, Mr. SCHUMER, and Mr. MENENDEZ)) proposed an amendment to the bill H.R. 4853, to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend authorizations for the airport improvement program, and for other purposes; as follows:

In lieu of the matter proposed to be inserted, by the House amendment insert the following:

SECTION 1. SHORT TITLE; AMENDMENT OF 1986 CODE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Middle Class Tax Cut Act of 2010”.

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

(c) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; amendment of 1986 Code; table of contents.

TITLE I—PERMANENT MIDDLE CLASS TAX RELIEF

- Sec. 101. Repeal of sunset on certain individual income tax rate relief.
- Sec. 102. Reduced rates on capital gains and dividends made permanent.
- Sec. 103. Repeal of sunset on expansion of child tax credit.
- Sec. 104. Repeal of sunset on marriage penalty relief.
- Sec. 105. Repeal of sunset on expansion of dependent care credit.
- Sec. 106. Repeal of sunset on expansion of adoption credit and adoption assistance programs.
- Sec. 107. Repeal of sunset on employer-provided child care credit.
- Sec. 108. Repeal of sunset on expansion of earned income tax credit.

TITLE II—PERMANENT EDUCATION TAX RELIEF

- Sec. 201. Repeal of sunset on education individual retirement accounts.
- Sec. 202. Repeal of sunset on employer-provided educational assistance.
- Sec. 203. Repeal of sunset on student loan interest deduction.
- Sec. 204. Repeal of sunset on exclusion of certain scholarships.
- Sec. 205. Repeal of sunset on arbitrage rebate exception for governmental bonds.
- Sec. 206. Repeal of sunset on treatment of qualified public educational facility bonds.
- Sec. 207. Repeal of sunset on American Opportunity Tax Credit.
- Sec. 208. Repeal of sunset on allowance of computer technology and equipment as a qualified higher education expense for section 529 accounts.

TITLE III—PERMANENT ESTATE TAX RELIEF

- Sec. 301. Repeal of EGTRRA sunset.
- Sec. 302. Reinstatement of estate tax; repeal of carryover basis.
- Sec. 303. Modifications to estate, gift, and generation-skipping transfer taxes.
- Sec. 304. Applicable exclusion amount increased by unused exclusion amount of deceased spouse.
- Sec. 305. Exclusion from gross estate of certain farmland so long as farmland use by family continues.
- Sec. 306. Increase in limitations on the amount excluded from the gross estate with respect to land subject to a qualified conservation easement.
- Sec. 307. Modification of rules for value of certain farm, etc., real property.
- Sec. 308. Required minimum 10-year term, etc., for grantor retained annuity trusts.
- Sec. 309. Consistent basis reporting between estate and person acquiring property from decedent.

TITLE IV—PERMANENT SMALL BUSINESS TAX RELIEF

Sec. 401. Repeal of sunset on increased limitations on small business expensing.

TITLE V—ALTERNATIVE MINIMUM TAX RELIEF

Sec. 501. Extension of increased alternative minimum tax exemption amount.

Sec. 502. Extension of alternative minimum tax relief for nonrefundable personal credits.

TITLE VI—TEMPORARY EXTENSION OF CERTAIN PROVISIONS EXPIRING IN 2009

Subtitle A—Infrastructure Incentives

Sec. 601. Extension of Build America Bonds.

Sec. 602. Exempt-facility bonds for sewage and water supply facilities.

Sec. 603. Extension of exemption from alternative minimum tax treatment for certain tax-exempt bonds.

Sec. 604. Extension and additional allocations of recovery zone bond authority.

Sec. 605. Allowance of new markets tax credit against alternative minimum tax.

Sec. 606. Extension of tax-exempt eligibility for loans guaranteed by Federal home loan banks.

Sec. 607. Extension of temporary small issuer rules for allocation of tax-exempt interest expense by financial institutions.

Subtitle B—Energy

Sec. 611. Alternative motor vehicle credit for new qualified hybrid motor vehicles other than passenger automobiles and light trucks.

Sec. 612. Incentives for biodiesel and renewable diesel.

Sec. 613. Credit for electricity produced at certain open-loop biomass facilities.

Sec. 614. Credit for steel industry fuel.

Sec. 615. Credit for producing fuel from coke or coke gas.

Sec. 616. New energy efficient home credit.

Sec. 617. Excise tax credits and outlay payments for alternative fuel and alternative fuel mixtures.

Sec. 618. Special rule for sales or dispositions to implement FERC or State electric restructuring policy for qualified electric utilities.

Sec. 619. Suspension of limitation on percentage depletion for oil and gas from marginal wells.

Sec. 620. Credit for nonbusiness energy property.

Subtitle C—Individual Tax Relief

PART I—MISCELLANEOUS PROVISIONS

Sec. 631. Deduction for certain expenses of elementary and secondary school teachers.

Sec. 632. Additional standard deduction for State and local real property taxes.

Sec. 633. Deduction of State and local sales taxes.

Sec. 634. Contributions of capital gain real property made for conservation purposes.

Sec. 635. Above-the-line deduction for qualified tuition and related expenses.

Sec. 636. Tax-free distributions from individual retirement plans for charitable purposes.

Sec. 637. Look-thru of certain regulated investment company stock in determining gross estate of non-residents.

PART II—LOW-INCOME HOUSING CREDITS

Sec. 641. Election for direct payment of low-income housing credit for 2010.

Sec. 642. Low-income housing grant election.

Subtitle D—Business Tax Relief

Sec. 651. Research credit.

Sec. 652. Indian employment tax credit.

Sec. 653. New markets tax credit.

Sec. 654. Railroad track maintenance credit.

Sec. 655. Mine rescue team training credit.

Sec. 656. Employer wage credit for employees who are active duty members of the uniformed services.

Sec. 657. 5-year depreciation for farming business machinery and equipment.

Sec. 658. 15-year straight-line cost recovery for qualified leasehold improvements, qualified restaurant buildings and improvements, and qualified retail improvements.

Sec. 659. 7-year recovery period for motor-sports entertainment complexes.

Sec. 660. Accelerated depreciation for business property on an Indian reservation.

Sec. 661. Enhanced charitable deduction for contributions of food inventory.

Sec. 662. Enhanced charitable deduction for contributions of book inventories to public schools.

Sec. 663. Enhanced charitable deduction for corporate contributions of computer inventory for educational purposes.

Sec. 664. Election to expense mine safety equipment.

Sec. 665. Special expensing rules for certain film and television productions.

Sec. 666. Expensing of environmental remediation costs.

Sec. 667. Deduction allowable with respect to income attributable to domestic production activities in Puerto Rico.

Sec. 668. Modification of tax treatment of certain payments to controlling exempt organizations.

Sec. 669. Exclusion of gain or loss on sale or exchange of certain brownfield sites from unrelated business income.

Sec. 670. Timber REIT modernization.

Sec. 671. Treatment of certain dividends of regulated investment companies.

Sec. 672. RIC qualified investment entity treatment under FIRPTA.

Sec. 673. Exceptions for active financing income.

Sec. 674. Look-thru treatment of payments between related controlled foreign corporations under foreign personal holding company rules.

Sec. 675. Basis adjustment to stock of S corps making charitable contributions of property.

Sec. 676. Empowerment zone tax incentives.

Sec. 677. Tax incentives for investment in the District of Columbia.

Sec. 678. Renewal community tax incentives.

Sec. 679. Temporary increase in limit on cover over of rum excise taxes to Puerto Rico and the Virgin Islands.

Sec. 680. American Samoa economic development credit.

Sec. 681. Election to temporarily utilize unused AMT credits determined by domestic investment.

Sec. 682. Reduction in corporate rate for qualified timber gain.

Sec. 683. Study of extended tax expenditures.

Subtitle E—Temporary Disaster Relief Provisions

PART I—NATIONAL DISASTER RELIEF

Sec. 691. Waiver of certain mortgage revenue bond requirements.

Sec. 692. Losses attributable to federally declared disasters.

Sec. 693. Special depreciation allowance for qualified disaster property.

Sec. 694. Net operating losses attributable to federally declared disasters.

Sec. 695. Expensing of qualified disaster expenses.

PART II—REGIONAL PROVISIONS

SUBPART A—NEW YORK LIBERTY ZONE

Sec. 696. Special depreciation allowance for nonresidential and residential real property.

Sec. 697. Tax-exempt bond financing.

SUBPART B—GO ZONE

Sec. 698. Increase in rehabilitation credit.

Sec. 699. Work opportunity tax credit with respect to certain individuals affected by Hurricane Katrina for employers inside disaster areas.

Sec. 700. Extension of low-income housing credit rules for buildings in GO zones.

TITLE VII—TECHNICAL CORRECTIONS TO PENSION FUNDING LEGISLATION

Sec. 701. Definition of eligible plan year.

Sec. 702. Eligible charity plans.

Sec. 703. Suspension of certain funding level limitations.

Sec. 704. Optional use of 30-year amortization periods.

TITLE VIII—TEMPORARY EXTENSION OF CERTAIN PROVISIONS ENDING IN 2010 OR 2011

Subtitle A—Unemployment Benefits

Sec. 801. Extension of unemployment insurance provisions.

Sec. 802. Temporary modification of indicators under the extended benefit program.

Subtitle B—Small Business

Sec. 811. Temporary exclusion of 100 percent of gain on certain small business stock.

Sec. 812. General business credits of eligible small businesses carried back 5 years.

Sec. 813. General business credits of eligible small businesses not subject to alternative minimum tax.

Sec. 814. Extension of increase in amount allowed as deduction for start-up expenditures.

Sec. 815. Extension of deduction for health insurance costs in computing self-employment taxes.

Subtitle C—Energy

Sec. 821. Alternative fuel vehicle refueling property.

Sec. 822. Elective payment for specified energy property.

Sec. 823. Qualifying advanced energy project credit.

Sec. 824. New clean renewable energy bonds.

Sec. 825. Alternative motor vehicle credit for new qualified alternative fuel vehicles.

Sec. 826. Extension of provisions related to alcohol used as fuel.

Sec. 827. Energy efficient appliance credit.

Sec. 828. Reduced depreciation period for natural gas distribution facilities.

Subtitle D—Education

Sec. 831. Qualified school construction bonds.

Subtitle E—Other Employee and Housing Relief

Sec. 841. Making work pay credit.

Sec. 842. Work opportunity credit.

Sec. 843. Exclusion from income for benefits provided to volunteer firefighters and emergency medical responders.

Sec. 844. Parity for exclusion from income for employer-provided mass transit and parking benefits.

Sec. 845. Qualified mortgage bonds for refinancing of subprime loans.

TITLE IX—OTHER PROVISIONS

Sec. 901. Repeal of expansion of information reporting requirements.

Sec. 902. Repeal of sunset on tax treatment of Alaska Native Settlement Trusts.

Sec. 903. Repeal of sunset on expansion of authority to postpone certain tax-related deadlines.

Sec. 904. Refunds disregarded in the administration of Federal programs and federally assisted programs.

Sec. 905. Treatment of securities of a controlled corporation exchanged for assets in certain reorganizations.

TITLE X—BUDGETARY PROVISIONS

Sec. 1001. Determination of budgetary effects.

Sec. 1002. Emergency designations.

TITLE I—PERMANENT MIDDLE CLASS TAX RELIEF

SEC. 101. REPEAL OF SUNSET ON CERTAIN INDIVIDUAL INCOME TAX RATE RELIEF.

(a) INDIVIDUAL INCOME TAX RATES.—

(1) REPEAL OF SUNSET.—Section 901 of the Economic Growth and Tax Relief Reconciliation Act of 2001 shall not apply to the amendments made by section 101 of such Act.

(2) 25- AND 28- PERCENT RATE BRACKETS MADE PERMANENT.—Paragraph (2) of section 1(i) is amended to read as follows:

“(2) 25- AND 28- PERCENT RATE BRACKETS.—The tables under subsections (a), (b), (c), (d), and (e) shall be applied—

“(A) by substituting ‘25%’ for ‘28%’ each place it appears (before the application of subparagraph (B)), and

“(B) by substituting ‘28%’ for ‘31%’ each place it appears.”.

(3) 33-PERCENT RATE BRACKET.—Subsection (i) of section 1 is amended by redesignating paragraph (3) as paragraph (4) and by inserting after paragraph (2) the following new paragraph:

“(3) 33-PERCENT RATE BRACKET.—

“(A) IN GENERAL.—In the case of taxable years beginning after December 31, 2010—

“(i) the rate of tax under subsections (a), (b), (c), and (d) on a taxpayer’s taxable income in the fourth rate bracket shall be 33 percent to the extent such income does not exceed an amount equal to the excess of—

“(I) the applicable amount, over

“(II) the dollar amount at which such bracket begins, and

“(ii) the 36 percent rate of tax under such subsections shall apply only to the tax-

payer’s taxable income in such bracket in excess of the amount to which clause (i) applies.

“(B) APPLICABLE AMOUNT.—For purposes of this paragraph, the term ‘applicable amount’ means the excess of—

“(i) the applicable threshold, over

“(ii) the sum of the following amounts in effect for the taxable year:

“(I) the basic standard deduction (within the meaning of section 63(c)(2)), and

“(II) the exemption amount (within the meaning of section 151(d)(1) (or, in the case of subsection (a), 2 such exemption amounts).

“(C) APPLICABLE THRESHOLD.—For purposes of this paragraph, the term ‘applicable threshold’ means—

“(i) \$250,000 in the case of subsection (a),

“(ii) \$200,000 in the case of subsections (b) and (c), and

“(iii) ½ the amount applicable under clause (i) (after adjustment, if any, under subparagraph (E)) in the case of subsection (d).

“(D) FOURTH RATE BRACKET.—For purposes of this paragraph, the term ‘fourth rate bracket’ means the bracket which would (determined without regard to this paragraph) be the 36-percent rate bracket.

“(E) INFLATION ADJUSTMENT.—For purposes of this paragraph, a rule similar to the rule of paragraph (1)(C) shall apply with respect to taxable years beginning in calendar years after 2010, applied by substituting ‘2008’ for ‘1992’ in subsection (f)(3)(B).”.

(b) PHASEOUT OF PERSONAL EXEMPTIONS AND ITEMIZED DEDUCTIONS.—

(1) OVERALL LIMITATION ON ITEMIZED DEDUCTIONS.—Section 68 is amended—

(A) by striking “the applicable amount” the first place it appears in subsection (a) and inserting “the applicable threshold in effect under section 1(i)(3)”,

(B) by striking “the applicable amount” in subsection (a)(1) and inserting “such applicable threshold”,

(C) by striking subsection (b) and redesignating subsections (c), (d), and (e) as subsections (b), (c), and (d), respectively, and

(D) by striking subsections (f) and (g).

(2) PHASEOUT OF DEDUCTIONS FOR PERSONAL EXEMPTIONS.—

(A) IN GENERAL.—Paragraph (3) of section 151(d) is amended—

(i) by striking “the threshold amount” in subparagraphs (A) and (B) and inserting “the applicable threshold in effect under section 1(i)(3)”,

(ii) by striking subparagraph (C) and redesignating subparagraph (D) as subparagraph (C), and

(iii) by striking subparagraphs (E) and (F).

(B) CONFORMING AMENDMENTS.—Paragraph (4) of section 151(d) is amended—

(i) by striking subparagraph (B),

(ii) by redesignating clauses (i) and (ii) of subparagraph (A) as subparagraphs (A) and (B), respectively, and by indenting such subparagraphs (as so redesignated) accordingly, and

(iii) by striking all that precedes “in a calendar year after 1989,” and inserting the following:

“(4) INFLATION ADJUSTMENT.—In the case of any taxable year beginning”.

(3) NONAPPLICATION OF EGTRRA SUNSET.—Section 901 of the Economic Growth and Tax Relief Reconciliation Act of 2001 shall not apply to any amendment made by section 102 or 103 of such Act.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2010.

SEC. 102. REDUCED RATES ON CAPITAL GAINS AND DIVIDENDS MADE PERMANENT.

(a) IN GENERAL.—Section 303 of the Jobs and Growth Tax Relief Reconciliation Act of 2003 (relating to sunset of title) is hereby repealed.

(b) 20-PERCENT CAPITAL GAINS RATE FOR CERTAIN HIGH INCOME INDIVIDUALS.—

(1) IN GENERAL.—Paragraph (1) of section 1(h) is amended by striking subparagraph (C), by redesignating subparagraphs (D) and (E) as subparagraphs (E) and (F) and by inserting after subparagraph (B) the following new subparagraphs:

“(C) 15 percent of the lesser of—

“(i) so much of the adjusted net capital gain (or, if less, taxable income) as exceeds the amount on which a tax is determined under subparagraph (B), or

“(ii) the excess (if any) of—

“(I) the amount of taxable income which would (without regard to this paragraph) be taxed at a rate below 36 percent, over

“(II) the sum of the amounts on which a tax is determined under subparagraphs (A) and (B),

“(D) 20 percent of the adjusted net capital gain (or, if less, taxable income) in excess of the sum of the amounts on which tax is determined under subparagraphs (B) and (C),”.

(2) MINIMUM TAX.—Paragraph (3) of section 55(b) is amended by striking subparagraph (C), by redesignating subparagraph (D) as subparagraph (E), and by inserting after subparagraph (B) the following new subparagraphs:

“(C) 15 percent of the lesser of—

“(i) so much of the adjusted net capital gain (or, if less, taxable excess) as exceeds the amount on which tax is determined under subparagraph (B), or

“(ii) the excess described in section 1(h)(1)(C)(ii), plus

“(D) 20 percent of the adjusted net capital gain (or, if less, taxable excess) in excess of the sum of the amounts on which tax is determined under subparagraphs (B) and (C), plus”.

(c) CONFORMING AMENDMENTS.—

(1) The following provisions are each amended by striking “15 percent” and inserting “20 percent”:

(A) Section 531.

(B) Section 541.

(C) Section 1445(e)(1).

(D) The second sentence of section 7518(g)(6)(A).

(E) Section 53511(f)(2) of title 46, United States Code.

(2) Sections 1(h)(1)(B) and 55(b)(3)(B) are each amended by striking “5 percent (0 percent in the case of taxable years beginning after 2007)” and inserting “0 percent”.

(3) Section 1445(e)(6) is amended by striking “15 percent (20 percent in the case of taxable years beginning after December 31, 2010)” and inserting “20 percent”.

(d) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by subsections (b) and (c) shall apply to taxable years beginning after December 31, 2010.

(2) WITHHOLDING.—The amendments made by paragraphs (1)(C) and (3) of subsection (c) shall apply to amounts paid on or after January 1, 2011.

SEC. 103. REPEAL OF SUNSET ON EXPANSION OF CHILD TAX CREDIT.

(a) REPEAL OF SUNSET ON MODIFICATIONS TO CREDIT.—Title IX of the Economic Growth and Tax Relief Reconciliation Act of 2001 (relating to sunset of provisions of such Act) shall not apply to sections 201 (relating to

modifications to child tax credit) and 203 (relating to refunds disregarded in the administration of Federal programs and federally assisted programs) of such Act.

(b) **PERMANENT INCREASE IN REFUNDABLE PORTION OF CREDIT.**—

(1) **IN GENERAL.**—Clause (i) of section 24(d)(1)(B) is amended by striking “\$10,000” and inserting “\$3,000”.

(2) **CONFORMING AMENDMENT.**—Subsection (d) of section 24 is amended by striking paragraph (4).

(3) **ELIMINATION OF INFLATION ADJUSTMENT.**—Subsection (d) of section 24 is amended by striking paragraph (3).

(4) **EFFECTIVE DATE.**—The amendments made by this subsection shall apply to taxable years beginning after December 31, 2010.

SEC. 104. REPEAL OF SUNSET ON MARRIAGE PENALTY RELIEF.

Title IX of the Economic Growth and Tax Relief Reconciliation Act of 2001 (relating to sunset of provisions of such Act) shall not apply to sections 301, 302, and 303(a) of such Act (relating to marriage penalty relief).

SEC. 105. REPEAL OF SUNSET ON EXPANSION OF DEPENDENT CARE CREDIT.

Title IX of the Economic Growth and Tax Relief Reconciliation Act of 2001 (relating to sunset of provisions of such Act) shall not apply to section 204 of such Act (relating to dependent care credit).

SEC. 106. REPEAL OF SUNSET ON EXPANSION OF ADOPTION CREDIT AND ADOPTION ASSISTANCE PROGRAMS.

(a) **REPEAL OF EGTRRA SUNSET.**—Title IX of the Economic Growth and Tax Relief Reconciliation Act of 2001 (relating to sunset of provisions of such Act) shall not apply to section 202 of such Act (relating to expansion of adoption credit and adoption assistance programs).

(b) **TECHNICAL AMENDMENTS RELATING TO EXPANSION UNDER PPACA.**—

(1) **REPEAL OF SUNSET.**—Notwithstanding section 10909(c) of the Patient Protection and Affordable Care Act, title IX of the Economic Growth and Tax Relief Reconciliation Act of 2001 (relating to sunset of provisions of such Act) shall not apply to the amendments made by section 10909 of the Patient Protection and Affordable Care Act.

(2) **CODIFICATION OF SUNSET.**—

(A) **REFUNDABLE CREDIT.**—Section 36C is amended by adding at the end the following new subsection:

“(j) **TERMINATION.**—This section shall not apply to expenses paid in taxable years beginning after December 31, 2011.”.

(B) **ADOPTION ASSISTANCE PROGRAMS.**—

(i) **IN GENERAL.**—Section 137(b) is amended by adding at the end the following new paragraph:

“(4) **SPECIAL RULE FOR 2010 AND 2011.**—In the case of any taxable year beginning in 2010 or 2011, paragraph (1) and subsection (a)(2) shall each be applied by substituting ‘\$13,170’ for ‘\$10,000’.”.

(ii) **INFLATION ADJUSTMENT FOR YEARS TO WHICH SPECIAL RULE APPLIES.**—Paragraph (1) of section 137(f) is amended—

(I) by inserting “FOR 2011” after “LIMITATIONS” in the heading, and

(II) by striking “after December 31, 2010, each of the dollar amounts in subsections (a)(2) and (b)(1)” inserting “after December 31, 2010, and before January 1, 2012, the \$13,170 dollar amount in subsection (b)(4)”.

(iii) **INFLATION ADJUSTMENT FOR OTHER YEARS.**—Paragraph (2) of section 137(f) is amended—

(I) by inserting “AND DOLLAR LIMITATIONS FOR OTHER YEARS” after “LIMITATION” in the heading,

(II) by striking “the dollar amount in subsection (b)(2)(A)” and inserting “each of the dollar amounts in subsection (a)(2) and paragraphs (1) and (2)(A) of subsection (b)”, and

(III) by adding at the end the following new sentence: “This paragraph shall not apply to the dollar amounts in subsections (a)(2) and (b)(1) for any taxable year to which paragraph (1) applies.”.

(iv) **CONFORMING AMENDMENTS.**—Subsections (a)(2) and (b)(1) of section 137 are each amended by striking “\$13,170” each place it appears in the text and in the heading and inserting “\$10,000”.

(C) **EFFECTIVE DATE.**—The amendments made by this paragraph shall take effect as if included in section 10909 of the Patient Protection and Affordable Care Act.

(3) **NON-REFUNDABLE ADOPTION CREDIT ALLOWED FOR YEARS TO WHICH REFUNDABLE CREDIT NOT APPLICABLE.**—

(A) **IN GENERAL.**—Part IV of subchapter A of chapter 1 is amended by inserting after section 22 the following new section:

“SEC. 23. ADOPTION EXPENSES.

“(a) **ALLOWANCE OF CREDIT.**—

“(1) **IN GENERAL.**—In the case of an individual, there shall be allowed as a credit against the tax imposed by this chapter the amount of the qualified adoption expenses paid or incurred by the taxpayer.

“(2) **YEAR CREDIT ALLOWED.**—The credit under paragraph (1) with respect to any expense shall be allowed—

“(A) in the case of any expense paid or incurred before the taxable year in which such adoption becomes final, for the taxable year following the taxable year during which such expense is paid or incurred, and

“(B) in the case of an expense paid or incurred during or after the taxable year in which such adoption becomes final, for the taxable year in which such expense is paid or incurred.

“(3) **\$10,000 CREDIT FOR ADOPTION OF CHILD WITH SPECIAL NEEDS REGARDLESS OF EXPENSES.**—In the case of an adoption of a child with special needs which becomes final during a taxable year, the taxpayer shall be treated as having paid during such year qualified adoption expenses with respect to such adoption in an amount equal to the excess (if any) of \$10,000 over the aggregate qualified adoption expenses actually paid or incurred by the taxpayer with respect to such adoption during such taxable year and all prior taxable years.

“(b) **LIMITATIONS.**—

“(1) **DOLLAR LIMITATION.**—The aggregate amount of qualified adoption expenses which may be taken into account under subsection (a) for all taxable years with respect to the adoption of a child by the taxpayer shall not exceed \$10,000.

“(2) **INCOME LIMITATION.**—

“(A) **IN GENERAL.**—The amount allowable as a credit under subsection (a) for any taxable year (determined without regard to subsection (c)) shall be reduced (but not below zero) by an amount which bears the same ratio to the amount so allowable (determined without regard to this paragraph but with regard to paragraph (1)) as—

“(i) the amount (if any) by which the taxpayer’s adjusted gross income exceeds \$150,000, bears to

“(ii) \$40,000.

“(B) **DETERMINATION OF ADJUSTED GROSS INCOME.**—For purposes of subparagraph (A), adjusted gross income shall be determined without regard to sections 911, 931, and 933.

“(3) **DENIAL OF DOUBLE BENEFIT.**—

“(A) **IN GENERAL.**—No credit shall be allowed under subsection (a) for any expense

for which a deduction or credit is allowed under any other provision of this chapter.

“(B) **GRANTS.**—No credit shall be allowed under subsection (a) for any expense to the extent that funds for such expense are received under any Federal, State, or local program.

“(4) **LIMITATION BASED ON AMOUNT OF TAX.**—In the case of a taxable year to which section 26(a)(2) does not apply, the credit allowed under subsection (a) for any taxable year shall not exceed the excess of—

“(A) the sum of the regular tax liability (as defined in section 26(b)) plus the tax imposed by section 55, over

“(B) the sum of the credits allowable under this subpart (other than this section and section 25D) and section 27 for the taxable year.

“(c) **CARRYFORWARD OF UNUSED CREDIT.**—

“(1) **RULE FOR YEARS IN WHICH ALL PERSONAL CREDITS ALLOWED AGAINST REGULAR AND ALTERNATIVE MINIMUM TAX.**—In the case of a taxable year to which section 26(a)(2) applies, if the credit allowable under subsection (a) for any taxable year exceeds the limitation imposed by section 26(a)(2) for such taxable year reduced by the sum of the credits allowable under this subpart (other than this section and sections 25D and 1400C), such excess shall be carried to the succeeding taxable year and added to the credit allowable under subsection (a) for such taxable year.

“(2) **RULE FOR OTHER YEARS.**—In the case of a taxable year to which section 26(a)(2) does not apply, if the credit allowable under subsection (a) for any taxable year exceeds the limitation imposed by subsection (b)(4) for such taxable year, such excess shall be carried to the succeeding taxable year and added to the credit allowable under subsection (a) for such taxable year.

“(3) **LIMITATION.**—No credit may be carried forward under this subsection to a taxable year following the fifth taxable year after the taxable year in which the credit arose. For purposes of the preceding sentence, credits shall be treated as used on a first-in first-out basis.

“(d) **DEFINITIONS.**—For purposes of this section—

“(1) **QUALIFIED ADOPTION EXPENSES.**—The term ‘qualified adoption expenses’ means reasonable and necessary adoption fees, court costs, attorney fees, and other expenses—

“(A) which are directly related to, and the principal purpose of which is for, the legal adoption of an eligible child by the taxpayer,

“(B) which are not incurred in violation of State or Federal law or in carrying out any surrogate parenting arrangement,

“(C) which are not expenses in connection with the adoption by an individual of a child who is the child of such individual’s spouse, and

“(D) which are not reimbursed under an employer program or otherwise.

“(2) **ELIGIBLE CHILD.**—The term ‘eligible child’ means any individual who—

“(A) has not attained age 18, or

“(B) is physically or mentally incapable of caring for himself.

“(3) **CHILD WITH SPECIAL NEEDS.**—The term ‘child with special needs’ means any child if—

“(A) a State has determined that the child cannot or should not be returned to the home of his parents,

“(B) such State has determined that there exists with respect to the child a specific factor or condition (such as his ethnic background, age, or membership in a minority or sibling group, or the presence of factors such

as medical conditions or physical, mental, or emotional handicaps) because of which it is reasonable to conclude that such child cannot be placed with adoptive parents without providing adoption assistance, and

“(C) such child is a citizen or resident of the United States (as defined in section 217(h)(3)).

“(e) SPECIAL RULES FOR FOREIGN ADOPTIONS.—In the case of an adoption of a child who is not a citizen or resident of the United States (as defined in section 217(h)(3))—

“(1) subsection (a) shall not apply to any qualified adoption expense with respect to such adoption unless such adoption becomes final, and

“(2) any such expense which is paid or incurred before the taxable year in which such adoption becomes final shall be taken into account under this section as if such expense were paid or incurred during such year.

“(f) FILING REQUIREMENTS.—

“(1) MARRIED COUPLES MUST FILE JOINT RETURNS.—Rules similar to the rules of paragraphs (2), (3), and (4) of section 21(e) shall apply for purposes of this section.

“(2) TAXPAYER MUST INCLUDE TIN.—

“(A) IN GENERAL.—No credit shall be allowed under this section with respect to any eligible child unless the taxpayer includes (if known) the name, age, and TIN of such child on the return of tax for the taxable year.

“(B) OTHER METHODS.—The Secretary may, in lieu of the information referred to in subparagraph (A), require other information meeting the purposes of subparagraph (A), including identification of an agent assisting with the adoption.

“(g) BASIS ADJUSTMENTS.—For purposes of this subtitle, if a credit is allowed under this section for any expenditure with respect to any property, the increase in the basis of such property which would (but for this subsection) result from such expenditure shall be reduced by the amount of the credit so allowed.

“(h) ADJUSTMENTS FOR INFLATION.—In the case of a taxable year beginning after December 31, 2002, each of the dollar amounts in subsections (a)(3) and paragraphs (1) and (2)(A)(i) of subsection (b) shall be increased by an amount equal to—

“(1) such dollar amount, multiplied by

“(2) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, determined by substituting ‘calendar year 2001’ for ‘calendar year 1992’ in subparagraph (B) thereof.

If any amount as increased under the preceding sentence is not a multiple of \$10, such amount shall be rounded to the nearest multiple of \$10.

“(i) REGULATIONS.—The Secretary shall prescribe such regulations as may be appropriate to carry out this section and section 137, including regulations which treat unmarried individuals who pay or incur qualified adoption expenses with respect to the same child as 1 taxpayer for purposes of applying the dollar amounts in subsections (a)(3) and (b)(1) of this section and in section 137(b)(1).

“(j) APPLICABILITY.—No credit shall be allowed under subsection (a) for any taxable year in which a credit is allowed under subpart C with respect to qualified adoption expenses.”.

(B) CONFORMING AMENDMENTS.—

(i) Section 24(b)(3)(B) is amended by inserting “23,” before “25A(i).”.

(ii) Section 25(e)(1)(C) is amended—

(I) by inserting “23,” before “25D” in clause (i), and

(II) by inserting “23,” before “24” in clause (ii).

(iii) Section 25A(i)(5)(B) is amended by striking “25D” and inserting “23, 25D.”.

(iv) Section 25B(g)(2) is amended by inserting “23,” before “25A(i).”.

(v) Section 26(a)(1) is amended by inserting “23,” before “24”.

(vi) Section 30(c)(2)(B)(ii) is amended by striking “25D” and inserting “23, 25D.”.

(vii) Section 30B(g)(2)(B)(i) is amended by inserting “23,” before “25D”.

(viii) Section 30D(c)(2)(B)(ii) is amended by striking “sections 25D and” and inserting “sections 23 and 25D”.

(ix) Section 137 is amended by adding at the end the following new subsection:

“(g) TREATMENT OF REFERENCES TO SECTION 36C.—For purposes of this section, in the case of any taxable year with respect to which no credit is allowable under subpart C with respect to qualified adoption expenses, any reference to section 36C shall be treated as a reference to section 23.”.

(x) Section 904(i) is amended by inserting “23,” before “24”.

(xi) Section 1016(a)(26) is amended by striking “36C(g)” and inserting “23(g), 36C(g).”.

(xii) Section 1400C(d)(2) is amended by inserting “23,” before “24”.

(xiii) The table of sections for subpart C of part IV of subchapter A of chapter 1 is amended by inserting after the item relating to section 22 the following new item:

“Sec. 23. Adoption expenses.”.

(C) EFFECTIVE DATE.—The amendments made by this paragraph shall take effect on the date of the enactment of this Act.

SEC. 107. REPEAL OF SUNSET ON EMPLOYER-PROVIDED CHILD CARE CREDIT.

Title IX of the Economic Growth and Tax Relief Reconciliation Act of 2001 (relating to sunset of provisions of such Act) shall not apply to section 205 of such Act (relating to allowance of credit for employer expenses for child care assistance).

SEC. 108. REPEAL OF SUNSET ON EXPANSION OF EARNED INCOME TAX CREDIT.

(a) REPEAL OF EGTRRA SUNSET.—Title IX of the Economic Growth and Tax Relief Reconciliation Act of 2001 (relating to sunset of provisions of such Act) shall not apply to subsections (b) through (h) of section 303 of such Act (relating to earned income tax credit).

(b) INCREASE IN CREDIT PERCENTAGE FOR FAMILIES WITH 3 OR MORE CHILDREN.—Paragraph (1) of section 32(b) is amended by striking subparagraphs (B) and (C) and inserting the following new subparagraph:

“(B) INCREASED CREDIT PERCENTAGE FOR FAMILIES WITH 3 OR MORE QUALIFYING CHILDREN.—In the case of an eligible individual with 3 or more qualifying children, the table in subparagraph (A) shall be applied by substituting ‘45’ for ‘40’ in the second column thereof.”.

(c) JOINT RETURNS.—

(1) IN GENERAL.—Subparagraph (B) of section 32(b)(2) is amended by striking “increased by” and all that follows and inserting “increased by \$5,000.”

(2) INFLATION ADJUSTMENTS.—Clause (ii) of section 32(j)(1)(B) is amended—

(A) by striking “\$3,000” and inserting “\$5,000”, and

(B) by striking “calendar year 2007” and inserting “calendar year 2008”.

(d) CONFORMING AMENDMENT.—Section 32(b) is amended by striking paragraph (3).

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2010.

TITLE II—PERMANENT EDUCATION TAX RELIEF

SEC. 201. REPEAL OF SUNSET ON EDUCATION INDIVIDUAL RETIREMENT ACCOUNTS.

Title IX of the Economic Growth and Tax Relief Reconciliation Act of 2001 (relating to sunset of provisions of such Act) shall not apply to section 401 of such Act (relating to modifications to education individual retirement accounts).

SEC. 202. REPEAL OF SUNSET ON EMPLOYER-PROVIDED EDUCATIONAL ASSISTANCE.

Title IX of the Economic Growth and Tax Relief Reconciliation Act of 2001 (relating to sunset of provisions of such Act) shall not apply to section 411 of such Act (relating to extension of exclusion for employer-provided educational assistance).

SEC. 203. REPEAL OF SUNSET ON STUDENT LOAN INTEREST DEDUCTION.

Title IX of the Economic Growth and Tax Relief Reconciliation Act of 2001 (relating to sunset of provisions of such Act) shall not apply to section 412 of such Act (relating to elimination of 60-month limit and increase in income limitation on student loan interest deduction).

SEC. 204. REPEAL OF SUNSET ON EXCLUSION OF CERTAIN SCHOLARSHIPS.

Title IX of the Economic Growth and Tax Relief Reconciliation Act of 2001 (relating to sunset of provisions of such Act) shall not apply to section 413 of such Act (relating to exclusion of certain amounts received under the National Health Service Corps Scholarship Program and the F. Edward Hebert Armed Forces Health Professions Scholarship and Financial Assistance Program).

SEC. 205. REPEAL OF SUNSET ON ARBITRAGE REBATE EXCEPTION FOR GOVERNMENTAL BONDS.

Title IX of the Economic Growth and Tax Relief Reconciliation Act of 2001 (relating to sunset of provisions of such Act) shall not apply to section 421 of such Act (relating to additional increase in arbitrage rebate exception for governmental bonds used to finance educational facilities).

SEC. 206. REPEAL OF SUNSET ON TREATMENT OF QUALIFIED PUBLIC EDUCATIONAL FACILITY BONDS.

Title IX of the Economic Growth and Tax Relief Reconciliation Act of 2001 (relating to sunset of provisions of such Act) shall not apply to section 422 of such Act (relating to treatment of qualified public educational facility bonds as exempt facility bonds).

SEC. 207. REPEAL OF SUNSET ON AMERICAN OPPORTUNITY TAX CREDIT.

(a) PERMANENT EXTENSION OF CREDIT.—Section 25A is amended—

(1) by striking “\$1,000” each place it appears in subsection (b)(1) and inserting “\$2,000”.

(2) by striking “50 percent” in subsection (b)(1)(B) and inserting “25 percent”.

(3) by striking “2 TAXABLE YEARS” in the heading of subparagraph (A) of subsection (b)(2) and inserting “4 TAXABLE YEARS”.

(4) by striking “2 prior taxable years” in subsection (b)(2)(A) and inserting “4 prior taxable years”.

(5) by striking “2 YEARS” in the heading of subparagraph (C) of subsection (b)(2) and inserting “4 YEARS”.

(6) by striking “first 2 years” in subsection (b)(2)(C) and inserting “first 4 years”.

(7) by striking “tuition and fees” in subparagraph (A) of subsection (f)(1) and inserting “tuition, fees, and course materials”.

(8) by striking paragraphs (1) and (2) of subsection (d) and inserting the following new paragraphs:

“(1) AMERICAN OPPORTUNITY CREDIT.—The amount which would (but for this paragraph) be taken into account under paragraph (1) of subsection (a) for the taxable year shall be reduced (but not below zero) by the amount which bears the same ratio to the amount which would be so taken into account as—

“(A) the excess of—

“(i) the taxpayer's modified adjusted gross income for such taxable year, over

“(ii) \$80,000 (\$160,000 in the case of a joint return), bears to

“(B) \$10,000 (\$20,000 in the case of a joint return).”

“(2) LIFETIME LEARNING CREDIT.—The amount which would (but for this paragraph) be taken into account under paragraph (2) of subsection (a) for the taxable year shall be reduced (but not below zero) by the amount which bears the same ratio to the amount which would be so taken into account as—

“(A) the excess of—

“(i) the taxpayer's modified adjusted gross income for such taxable year, over

“(ii) \$40,000 (\$80,000 in the case of a joint return), bears to

“(B) \$10,000 (\$20,000 in the case of a joint return).”

(9) by striking “DOLLAR LIMITATION ON AMOUNT OF CREDIT” in the heading of paragraph (1) of subsection (h) and inserting “AMERICAN OPPORTUNITY CREDIT”;

(10) by striking “2001” in subsection (h)(1)(A) and inserting “2011”;

(11) by striking “the \$1,000 amounts under subsection (b)(1)” in subsection (h)(1)(A) and inserting “the dollar amounts under subsections (b)(1) and (d)(1)”;

(12) by striking “calendar year 2000” in subsection (h)(1)(A)(ii) and inserting “calendar year 2010”;

(13) by striking “If any amount” and all that follows in subparagraph (B) of subsection (h)(1) and inserting “If any amount under subsection (b)(1) as adjusted under subparagraph (A) is not a multiple of \$100, such amount shall be rounded to the next lowest multiple of \$100. If any amount under subsection (d)(1) as adjusted under subparagraph (A) is not a multiple of \$1,000, such amount shall be rounded to the next lowest multiple of \$1,000.”;

(14) by inserting “OF LIFETIME LEARNING CREDIT” after “INCOME LIMITS” in the heading of paragraph (2) of subsection (h);

(15) by adding at the end of subsection (b) the following new paragraphs:

“(4) CREDIT ALLOWED AGAINST ALTERNATIVE MINIMUM TAX.—In the case of a taxable year to which section 26(a)(2) does not apply, so much of the credit allowed under subsection (a) as is attributable to the American Opportunity Credit shall not exceed the excess of—

“(A) the sum of the regular tax liability (as defined in section 26(b)) plus the tax imposed by section 55, over

“(B) the sum of the credits allowable under this subpart (other than this subsection and sections 25D, 30, 30B, and 30D) and section 27 for the taxable year.

Any reference in this section or section 24, 25, 25B, 26, 904, or 1400C to a credit allowable under this subsection shall be treated as a reference to so much of the credit allowable under subsection (a) as is attributable to the American Opportunity Credit.

“(5) PORTION OF CREDIT MADE REFUNDABLE.—40 percent of so much of the credit allowed under subsection (a) as is attributable to the American Opportunity Credit (determined after the application of subsection (d)(1) and without regard to this paragraph and section 26(a)(2) or paragraph (4), as the case may be) shall be treated as a credit al-

lowable under subpart C (and not allowed under subsection (a)). The preceding sentence shall not apply to any taxpayer for any taxable year if such taxpayer is a child to whom subsection (g) of section 1 applies for such taxable year.”; and

(16) by striking subsection (i) and redesignating subsection (j) as subsection (i).

(b) HOPE SCHOLARSHIP CREDIT RENAMED AMERICAN OPPORTUNITY CREDIT.—

(1) IN GENERAL.—Section 25A, as amended by subsection (a), is amended by striking “Hope Scholarship” each place it appears in the text and in the headings and inserting “American Opportunity”.

(2) CONFORMING AMENDMENTS.—

(A) The heading for section 25A is amended by striking “HOPE” and inserting “AMERICAN OPPORTUNITY”.

(B) The heading for clause (v) of section 529(c)(3)(B) is amended by striking “HOPE” and inserting “AMERICAN OPPORTUNITY”.

(C) The heading for subparagraph (C) of section 530(d)(2) is amended by striking “HOPE” and inserting “AMERICAN OPPORTUNITY”.

(D) The table of sections for subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by striking “Hope” and inserting “American Opportunity”.

(c) CONFORMING AMENDMENTS.—

(1) Section 24(b)(3)(B) is amended by striking “25A(i)” and inserting “25A(b)”.

(2) Section 25(e)(1)(C)(ii) is amended by striking “25A(i)” and inserting “25A(b)”.

(3) Section 26(a)(1) is amended by striking “25A(i)” and inserting “25A(b)”.

(4) Section 25B(g)(2) is amended by striking “25A(i)” and inserting “25A(b)”.

(5) Section 904(i) is amended by striking “25A(i)” and inserting “25A(b)”.

(6) Section 1400C(d)(2) is amended by striking “25A(i)” and inserting “25A(b)”.

(7) Section 6211(b)(4)(A) is amended by striking “25A by reason of subsection (i)(6) thereof” and inserting “25A by reason of subsection (b)(5) thereof”.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2010.

(e) TREATMENT OF POSSESSIONS.—Section 1004(c)(1) of the American Recovery and Reinvestment Tax Act of 2009 is amended by striking “in 2009 and 2010” each place it appears and inserting “after 2008”.

SEC. 208. REPEAL OF SUNSET ON ALLOWANCE OF COMPUTER TECHNOLOGY AND EQUIPMENT AS A QUALIFIED HIGHER EDUCATION EXPENSE FOR SECTION 529 ACCOUNTS.

(a) IN GENERAL.—Clause (iii) of section 529(e)(3)(A) is amended by striking “in 2009 or 2010”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to expenses paid or incurred after December 31, 2010.

TITLE III—PERMANENT ESTATE TAX RELIEF

SEC. 301. REPEAL OF EGTRRA SUNSET.

Section 901 of the Economic Growth and Tax Relief Reconciliation Act of 2001 shall not apply to title V of such Act.

SEC. 302. REINSTATEMENT OF ESTATE TAX; REPEAL OF CARRYOVER BASIS.

(a) IN GENERAL.—Each provision of law amended by subtitle A or E of title V of the Economic Growth and Tax Relief Reconciliation Act of 2001 is amended to read as such provision would read if such subtitle had never been enacted.

(b) CONFORMING AMENDMENT.—On and after the date of the introduction of this Act, paragraph (1) of section 2505(a) of the Inter-

nal Revenue Code of 1986 is amended to read as if such paragraph would read if section 521(b)(2) of the Economic Growth and Tax Relief Reconciliation Act of 2001 had never been enacted.

(c) SPECIAL ELECTION WITH RESPECT TO ESTATES OF DECEDENTS DYING BEFORE DATE OF ENACTMENT.—Notwithstanding subsection (a), in the case of an estate of a decedent dying after December 31, 2009, and before the date of the enactment of this Act, the executor (within the meaning of section 2203 of the Internal Revenue Code of 1986) may elect to apply such Code as though the amendments made by this section do not apply with respect to such estate and with respect to property acquired or passing from such decedent (within the meaning of section 1014(b) of such Code). Such election shall be made at such time and in such manner as the Secretary of the Treasury or the Secretary's delegate shall provide. Such an election once made shall be revocable only with the consent of the Secretary of the Treasury or the Secretary's delegate.

(d) EXTENSION OF TIME FOR PERFORMING CERTAIN ACTS.—

(1) ESTATE TAX.—In the case of the estate of a decedent dying after December 31, 2009, and before the date of the enactment of this Act, the due date for—

(A) filing any return under section 6018 of the Internal Revenue Code of 1986 (including any election required to be made on such a return) as such section is in effect after the date of the enactment of this Act without regard to any election under subsection (c),

(B) making any payment of tax under chapter 11 of such Code, and

(C) receiving any disclaimer described in section 2518(b) of such Code,

shall not be earlier than the date which is 4 months after the date of the enactment of this Act.

(2) GENERATION-SKIPPING TAX.—In the case of any generation-skipping tax made after December 31, 2009, and before the date of the enactment of this Act, the due date for filing any return under section 2662 of the Internal Revenue Code of 1986 (including any election required to be made on such a return) shall not be earlier than the date which is 4 months after the date of the enactment of this Act.

(e) EFFECTIVE DATE.—Except as otherwise provided in this section, the amendments made by this section shall apply to estates of decedents dying, and transfers, after December 31, 2009.

SEC. 303. MODIFICATIONS TO ESTATE, GIFT, AND GENERATION-SKIPPING TRANSFER TAXES.

(a) MODIFICATIONS TO ESTATE TAX.—

(1) \$3,500,000 APPLICABLE EXCLUSION AMOUNT.—Subsection (c) of section 2010 is amended to read as follows:

“(c) APPLICABLE CREDIT AMOUNT.—

“(1) IN GENERAL.—For purposes of this section, the applicable credit amount is the amount of the tentative tax which would be determined under section 2001(c) if the amount with respect to which such tentative tax is to be computed were equal to the applicable exclusion amount.

“(2) APPLICABLE EXCLUSION AMOUNT.—

“(A) IN GENERAL.—For purposes of this subsection, the applicable exclusion amount is \$3,500,000.

“(B) INFLATION ADJUSTMENT.—In the case of any decedent dying in a calendar year after 2010, the dollar amount in subparagraph (A) shall be increased by an amount equal to—

“(i) such dollar amount, multiplied by

“(ii) the cost-of-living adjustment determined under section 1(f)(3) for such calendar year by substituting ‘calendar year 2009’ for ‘calendar year 1992’ in subparagraph (B) thereof.

If any amount as adjusted under the preceding sentence is not a multiple of \$10,000, such amount shall be rounded to the nearest multiple of \$10,000.”.

(2) MAXIMUM ESTATE TAX RATE EQUAL TO 45 PERCENT.—Subsection (c) of section 2001 is amended—

(A) by striking “but not over \$2,000,000” in the table contained in paragraph (1),

(B) by striking the last 2 items in such table,

(C) by striking “(1) IN GENERAL.—”, and

(D) by striking paragraph (2).

(b) MODIFICATIONS TO GIFT TAX.—

(1) INFLATION ADJUSTMENT FOR APPLICABLE EXCLUSION AMOUNT FOR GIFT TAX.—Section 2505 is amended by adding at the end the following new subsection:

“(d) INFLATION ADJUSTMENT.—In the case of any calendar year after 2010, the dollar amount in subsection (a)(1) shall be increased by an amount equal to—

“(1) such dollar amount, multiplied by

“(2) the cost-of-living adjustment determined under section 1(f)(3) for such calendar year by substituting ‘calendar year 2009’ for ‘calendar year 1992’ in subparagraph (B) thereof.

If any amount as adjusted under the preceding sentence is not a multiple of \$10,000, such amount shall be rounded to the nearest multiple of \$10,000.”.

(2) MODIFICATION OF GIFT TAX RATE.—On and after the date of the introduction of this Act, subsection (a) of section 2502 of the Internal Revenue Code of 1986 is amended to read as such subsection would read if section 511(d) of the Economic Growth and Tax Relief Reconciliation Act of 2001 had never been enacted.

(3) CONFORMING AMENDMENT.—Section 2511 of the Internal Revenue Code of 1986 is amended by striking subsection (c).

(4) PERIOD OF REPEAL TREATED AS SEPARATE CALENDAR YEAR.—

(A) IN GENERAL.—For purposes of applying sections 1015, 2502, and 2505 of the Internal Revenue Code of 1986, calendar year 2010 shall be treated as 2 separate calendar years one of which ends on the day before the date of the introduction of this Act and the other of which begins on such date of introduction.

(B) APPLICATION OF SECTION 2504(b).—For purposes of applying section 2504(b) of the Internal Revenue Code of 1986, calendar year 2010 shall be treated as one preceding calendar period.

(c) MODIFICATION OF GENERATION-SKIPPING TRANSFER TAX.—In the case of any generation-skipping transfer made after December 31, 2009, and before the date of the introduction of this Act, the applicable rate determined under section 2641(a) of the Internal Revenue Code of 1986 shall be zero.

(d) MODIFICATIONS OF ESTATE AND GIFT TAXES TO REFLECT DIFFERENCES IN CREDIT RESULTING FROM DIFFERENT TAX RATES.—

(1) ESTATE TAX.—

(A) IN GENERAL.—Section 2001(b)(2) is amended by striking “if the provisions of subsection (c) (as in effect at the decedent’s death)” and inserting “if the modifications described in subsection (g)”.

(B) MODIFICATIONS.—Section 2001 is amended by adding at the end the following new subsection:

“(g) MODIFICATIONS TO GIFT TAX PAYABLE TO REFLECT DIFFERENT TAX RATES.—For purposes of applying subsection (b)(2) with

respect to 1 or more gifts, the rates of tax under subsection (c) in effect at the decedent’s death shall, in lieu of the rates of tax in effect at the time of such gifts, be used both to compute—

“(1) the tax imposed by chapter 12 with respect to such gifts, and

“(2) the credit allowed against such tax under section 2505, including in computing—

“(A) the applicable credit amount under section 2505(a)(1), and

“(B) the sum of the amounts allowed as a credit for all preceding periods under section 2505(a)(2).”.

(2) GIFT TAX.—Section 2505(a) is amended by adding at the end the following new flush sentence:

“For purposes of applying paragraph (2) for any calendar year, the rates of tax in effect under section 2502(a)(2) for such calendar year shall, in lieu of the rates of tax in effect for preceding calendar periods, be used in determining the amounts allowable as a credit under this section for all preceding calendar periods.”.

(e) EFFECTIVE DATE.—Except as otherwise provided, the amendments made by this section shall apply to estates of decedents dying, generation-skipping transfers, and gifts made, after December 31, 2009.

SEC. 304. APPLICABLE EXCLUSION AMOUNT INCREASED BY UNUSED EXCLUSION AMOUNT OF DECEASED SPOUSE.

(a) IN GENERAL.—Section 2010(c), as amended by section 303(a), is amended by striking paragraph (2) and inserting the following new paragraphs:

“(2) APPLICABLE EXCLUSION AMOUNT.—For purposes of this subsection, the applicable exclusion amount is the sum of—

“(A) the basic exclusion amount, and

“(B) in the case of a surviving spouse, the deceased spousal unused exclusion amount.

“(3) BASIC EXCLUSION AMOUNT.—

“(A) IN GENERAL.—For purposes of this subsection, the basic exclusion amount is \$3,500,000.

“(B) INFLATION ADJUSTMENT.—In the case of any decedent dying in a calendar year after 2010, the dollar amount in subparagraph (A) shall be increased by an amount equal to—

“(i) such dollar amount, multiplied by

“(ii) the cost-of-living adjustment determined under section 1(f)(3) for such calendar year by substituting ‘calendar year 2009’ for ‘calendar year 1992’ in subparagraph (B) thereof.

If any amount as adjusted under the preceding sentence is not a multiple of \$10,000, such amount shall be rounded to the nearest multiple of \$10,000.

“(4) DECEASED SPOUSAL UNUSED EXCLUSION AMOUNT.—For purposes of this subsection, with respect to a surviving spouse of a deceased spouse dying on or after the date of the enactment of the Middle Class Tax Cut Act of 2010, the term ‘deceased spousal unused exclusion amount’ means the lesser of—

“(A) the basic exclusion amount, or

“(B) the excess of—

“(i) the basic exclusion amount of the last such deceased spouse of such surviving spouse, over

“(ii) the amount with respect to which the tentative tax is determined under section 2001(b)(1) on the estate of such deceased spouse.

“(5) SPECIAL RULES.—

“(A) ELECTION REQUIRED.—A deceased spousal unused exclusion amount may not be taken into account by a surviving spouse under paragraph (2) unless the executor of the estate of the deceased spouse files an es-

tate tax return on which such amount is computed and makes an election on such return that such amount may be so taken into account. Such election, once made, shall be irrevocable. No election may be made under this subparagraph if such return is filed after the time prescribed by law (including extensions) for filing such return.

“(B) EXAMINATION OF PRIOR RETURNS AFTER EXPIRATION OF PERIOD OF LIMITATIONS WITH RESPECT TO DECEASED SPOUSAL UNUSED EXCLUSION AMOUNT.—Notwithstanding any period of limitation in section 6501, after the time has expired under section 6501 within which a tax may be assessed under chapter 11 or 12 with respect to a deceased spousal unused exclusion amount, the Secretary may examine a return of the deceased spouse to make determinations with respect to such amount for purposes of carrying out this subsection.

“(6) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out this subsection.”.

(b) CONFORMING AMENDMENTS.—

(1) Paragraph (1) of section 2505(a) is amended to read as follows:

“(1) the applicable credit amount in effect under section 2010(c) (determined as if the applicable exclusion amount were \$1,000,000) which would apply if the donor died as of the end of the calendar year, reduced by”.

(2) Section 2631(c) is amended by striking “the applicable exclusion amount” and inserting “the basic exclusion amount”.

(3) Section 6018(a)(1) is amended by striking “applicable exclusion amount” and inserting “basic exclusion amount”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to estates of decedents dying, generation-skipping transfers, and gifts made, on and after the date of the enactment of this Act.

SEC. 305. EXCLUSION FROM GROSS ESTATE OF CERTAIN FARMLAND SO LONG AS FARMLAND USE BY FAMILY CONTINUES.

(a) IN GENERAL.—Part III of subchapter A of chapter 11 is amended by inserting after section 2033 the following new section:

“SEC. 2033A. EXCLUSION OF CERTAIN FARMLAND SO LONG AS FARMLAND USE BY FAMILY CONTINUES.

“(a) IN GENERAL.—In the case of an estate of a decedent to which this section applies, the value of the gross estate shall not include the adjusted value of qualified farmland included in the estate.

“(b) ESTATES TO WHICH SECTION APPLIES.—This section shall apply to an estate if—

“(1) the executor—

“(A) elects the application of this section,

“(B) files an agreement referred to in section 2032A(d)(2), and

“(C) obtains a qualified appraisal (as defined in section 170(f)(11)(E)(i)) of the qualified farmland to which the election applies and attaches such appraisal to the return of the tax imposed by section 2001,

“(2) the decedent was (at the date of the decedent’s death) a citizen or resident of the United States,

“(3) the decedent for the 3-taxable-year period (10-taxable-year period in the case of any qualified farmland which is qualified woodland described in section 2032A(c)(2)(F)(i)) preceding the date of the decedent’s death had an average modified adjusted gross income (as defined in section 86(b)(2)) not exceeding \$750,000,

“(4) 60 percent or more of the adjusted value of the gross estate at the date of the decedent’s death consists of the adjusted value of real or personal property which is

used as a farm for farming purposes (within the meaning of section 2032A(e)),

“(5) 50 percent or more of the adjusted value of the gross estate consists of the adjusted value of qualified farmland which is real property, and

“(6) during the 10-year period ending on the date of the decedent's death—

“(A) the qualified farmland which is such real property was owned by the decedent or a member of the decedent's family, and

“(B) there was material participation (within the meaning of section 469(h)) by the decedent or a member of the decedent's family in the operation of such farmland.

“(c) DEFINITIONS.—For purposes of this section—

“(1) QUALIFIED FARMLAND.—The term ‘qualified farmland’ means any real property—

“(A) which is located in the United States,

“(B) which is used as a farm for farming purposes (within the meaning of section 2032A(e)),

“(C) such use of which is not an activity not engaged in for profit (within the meaning of section 183),

“(D) which was acquired from or passed from the decedent to a qualified heir of the decedent and which, on the date of the decedent's death, was being so used by the decedent or a member of the decedent's family, and

“(E) which is property designated in the agreement filed under subsection (b)(1).

“(2) ADJUSTED VALUE.—The term ‘adjusted value’ means the value of farmland for purposes of this chapter (determined without regard to this section), reduced by any amounts allowable as a deduction in respect to such farmland under paragraph (3) or (4) of section 2053(a).

“(3) OTHER TERMS.—Any other term used in this section which is also used in section 2032A shall have the same meaning given such term by section 2032A.

“(d) ANNUAL INFORMATION RETURN TO THE SECRETARY.—

“(1) IN GENERAL.—The qualified heir of any qualified farmland shall file an information return (at such time and in such form and manner as the Secretary prescribes) for each calendar year.

“(2) CONTENTS OF RETURN.—The information return required under paragraph (1) shall set forth any disposition of any interest in such farmland or any cessation of use of such farmland as a farm for farming purposes and such other information as the Secretary may require.

“(e) IMPOSITION OF RECAPTURE TAX.—

“(1) IN GENERAL.—If—

“(A) at any time after the decedent's death and before the death of the qualified heir—

“(i) the qualified heir disposes of any interest in qualified farmland (other than by a disposition to a member of the qualified heir's family),

“(ii) the qualified heir or member ceases to use the qualified farmland as a farm for farming purposes,

“(iii) the qualified heir or member incurs a nonrecourse indebtedness secured in whole or in part by a portion of the qualified farmland, or

“(iv) the qualified heir or member fails to file the information return with respect to the qualified farmland required under subsection (d) for 3 successive calendar years, or

“(B) upon the death of the qualified heir or member, the executor of the estate of such heir or member does not elect the application of this section with respect to the qualified farmland,

then, there is hereby imposed a recapture tax with respect to such qualified farmland or such interest in or portion of such qualified farmland.

“(2) APPLICATION OF RECAPTURE TAX TO EARLIER GENERATIONS.—Upon the imposition of a recapture tax under paragraph (1) with respect to such qualified farmland or such interest in or portion of such qualified farmland, there is also imposed an aggregate amount of any recapture tax which would have been determined under this subsection with respect to such farmland, interest, or portion if the such tax had been imposed and paid on the date of death of the decedent and on the date of death of any qualified heir (or member) of such farmland, interest, or portion in any intervening generation.

“(3) AMOUNT OF RECAPTURE TAX, ETC.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), rules similar to the rules of section 2032A(c) (other than paragraphs (1) and (2)(E) thereof) with respect to the additional estate tax shall apply for purposes of this subsection with respect to each recapture tax.

“(B) ADJUSTMENTS TO RECAPTURE TAX.—

“(i) ADJUSTMENT TO REFLECT INCREASE IN VALUE OF INTEREST.—Subject to clause (ii), the amount of the recapture tax otherwise determined under rules described in subparagraph (A) shall be increased by the percentage (if any) by which the value of the interest in the qualified farmland at the time of the imposition of such tax is greater than the adjusted value of such farmland at the time such farmland would have been included in the estate if no election under this section had been made.

“(ii) ADJUSTMENTS TO VALUE OF INTEREST AT TIME OF TAX IMPOSITION.—For purposes of determining the value of the interest in the qualified farmland at the time of the imposition of such tax, such value shall be reduced (under rules prescribed by the Secretary) by—

“(I) the basis of any substantial improvements made with respect to such interest by the qualified heir or member, and

“(II) the aggregate amount of any recapture tax imposed under paragraph (2).

“(f) APPLICATION OF OTHER RULES.—Rules similar to the rules of subsections (d), (e) (other than paragraphs (6) and (13) thereof), (f), (g), (h), and (i) of section 2032A shall apply for purposes of this section.

“(g) REGULATIONS.—The Secretary may issue such regulations or other guidance as may be necessary or appropriate to carry out the purposes of this section, including the application of this section in the case of multiple interests in qualified farmland, and to prevent fraud and abuse under this section.”

(b) BASIS OF QUALIFIED FARMLAND FOR PURPOSES OF DEPRECIATION OR DEPLETION BY QUALIFIED HEIR.—Section 1014 is amended by adding at the end the following new subsection:

“(f) BASIS OF QUALIFIED FARMLAND FOR PURPOSES OF DEPRECIATION OR DEPLETION BY QUALIFIED HEIR.—For purposes of the allowance to any qualified heir of any depreciation or depletion deduction with respect to any interest in property acquired from a decedent and subject to an election under section 2033A, the basis of such property in the hands of such qualified heir (or member of the qualified heir's family after a disposition described in section 2033A(e)(1)(A)(i)) shall be the adjusted basis of such property in the hands of the decedent immediately before the death of such decedent.”

(c) PENALTY FOR FAILURE TO FILE ANNUAL INFORMATION RETURN.—Section 6652 is

amended by redesignating subsection (m) as subsection (n) and by adding at the end the following new subsection:

“(m) FAILURE TO FILE ANNUAL INFORMATION RETURN.—In the case of each failure to provide an information return as required under section 2033A(d) at the time prescribed therefor, unless it is shown that such failure is due to reasonable cause and not to willful neglect, there shall be paid, on notice and demand of the Secretary and in the same manner as tax, by the person failing to provide such return, an amount equal to \$250 for each such failure.”

(d) WOODLANDS SUBJECT TO MANAGEMENT PLAN.—Paragraph (2) of section 2032A(c) is amended by adding at the end the following new subparagraph:

“(F) EXCEPTION FOR WOODLANDS SUBJECT TO FOREST STEWARDSHIP PLAN.—

“(i) IN GENERAL.—Subparagraph (E) shall not apply to any disposition or severance of standing timber on a qualified woodland that is made pursuant to a forest stewardship plan developed under the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2103a) or an equivalent plan approved by the State Forester.

“(ii) COMPLIANCE WITH FOREST STEWARDSHIP PLAN.—Clause (i) shall not apply if, during the 10-year period under paragraph (1), the qualified heir fails to comply with such forest stewardship plan or equivalent plan.”

(e) CERTAIN CONSERVATION TRANSACTIONS NOT TREATED AS DISPOSITIONS.—Paragraph (8) of section 2032A(c) is amended to read as follows:

“(8) CERTAIN CONSERVATION TRANSACTIONS NOT TREATED AS DISPOSITIONS.—

“(A) QUALIFIED CONSERVATION CONTRIBUTIONS.—A qualified conservation contribution by gift or otherwise shall not be deemed a disposition under subsection (c)(1)(A).

“(B) QUALIFIED CONSERVATION EASEMENT SOLD TO QUALIFIED ORGANIZATION.—A sale of a qualified conservation easement to a qualified organization shall not be deemed a disposition under subsection (c)(1)(A).

“(C) DEFINITIONS.—For purposes of this paragraph—

“(i) the terms ‘qualified conservation contribution’ and ‘qualified organization’ have the meanings given such terms by section 170(h), and

“(ii) the term ‘qualified conservation easement’ has the meaning given such term by section 2031(c)(8).”

(f) CLERICAL AMENDMENT.—The table of sections for part III of subchapter A of chapter 11 is amended by inserting after the item relating to section 2033 the following new item:

“Sec. 2033A. Exclusion of certain farmland so long as use as farmland continues.”

(g) EFFECTIVE DATE.—The amendments made by this section shall apply to estates of decedents dying after the date of the enactment of this Act.

SEC. 306. INCREASE IN LIMITATIONS ON THE AMOUNT EXCLUDED FROM THE GROSS ESTATE WITH RESPECT TO LAND SUBJECT TO A QUALIFIED CONSERVATION EASEMENT.

(a) INCREASE IN DOLLAR LIMITATION ON EXCLUSION.—Paragraph (3) of section 2031(c) is amended by striking “the exclusion limitation is” and all that follows and inserting “the exclusion limitation is \$5,000,000.”

(b) INCREASE IN PERCENTAGE OF VALUE OF LAND WHICH IS EXCLUDABLE.—Paragraph (2) of section 2031(c) is amended—

(1) by striking “40 percent” and inserting “50 percent”, and

(2) by striking “2 percentage points” and inserting “2.5 percentage points”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply to the estates of decedents dying after the date of the enactment of this Act.

SEC. 307. MODIFICATION OF RULES FOR VALUE OF CERTAIN FARM, ETC., REAL PROPERTY.

(a) **IN GENERAL.**—Paragraph (2) of section 2032A(a) is amended by striking “\$750,000” and inserting “\$3,500,000”.

(b) **INFLATION ADJUSTMENT.**—Paragraph (3) of section 2032A(a) is amended—

(1) by striking “1998” and inserting “2010”;

(2) by striking “\$750,000” and inserting “\$3,500,000” in subparagraph (A), and

(3) by striking “calendar year 1997” and inserting “calendar year 2009” in subparagraph (B).

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply to estates of decedents dying, and gifts made, after December 31, 2009.

SEC. 308. REQUIRED MINIMUM 10-YEAR TERM, ETC., FOR GRANTOR RETAINED ANNUITY TRUSTS.

(a) **IN GENERAL.**—Subsection (b) of section 2702 is amended—

(1) by redesignating paragraphs (1), (2), and (3) as subparagraphs (A), (B), and (C), respectively, and by moving such subparagraphs (as so redesignated) 2 ems to the right;

(2) by striking “For purposes of” and inserting the following:

“(1) **IN GENERAL.**—For purposes of”;

(3) by striking “paragraph (1) or (2)” in paragraph (1)(C) (as so redesignated) and inserting “subparagraph (A) or (B)”;

(4) by adding at the end the following new paragraph:

“(2) **ADDITIONAL REQUIREMENTS WITH RESPECT TO GRANTOR RETAINED ANNUITIES.**—For purposes of subsection (a), in the case of an interest described in paragraph (1)(A) (determined without regard to this paragraph) which is retained by the transferor, such interest shall be treated as described in such paragraph only if—

“(A) the right to receive the fixed amounts referred to in such paragraph is for a term of not less than 10 years,

“(B) such fixed amounts, when determined on an annual basis, do not decrease relative to any prior year during the first 10 years of the term referred to in subparagraph (A), and

“(C) the remainder interest has a value greater than zero determined as of the time of the transfer.”.

(b) **EFFECTIVE DATE.**—The amendments made by this section shall apply to transfers made after the date of the enactment of this Act.

SEC. 309. CONSISTENT BASIS REPORTING BETWEEN ESTATE AND PERSON ACQUIRING PROPERTY FROM DECEDENT.

(a) **CONSISTENT USE OF BASIS.**—

(1) **PROPERTY ACQUIRED FROM A DECEDENT.**—Section 1014 is amended by adding at the end the following new subsection:

“(f) **BASIS MUST BE CONSISTENT WITH ESTATE TAX VALUE.**—

“(1) **IN GENERAL.**—For purposes of this section, the value used to determine the basis of any interest in property in the hands of the person acquiring such property shall not exceed the value of such interest as finally determined for purposes of chapter 11.

“(2) **SPECIAL RULE WHERE NO FINAL DETERMINATION.**—In any case in which the value of property has not been finally determined under chapter 11 and there has been a statement furnished under section 6035(a), the value used to determine the basis of any in-

terest in property in the hands of the person acquiring such property shall not exceed the amount reported on the statement furnished under section 6035(a).

“(3) **REGULATIONS.**—The Secretary may by regulations provide exceptions to the application of this subsection.”.

(2) **PROPERTY ACQUIRED BY GIFTS AND TRANSFERS IN TRUST.**—Section 1015 is amended by adding at the end the following new subsection:

“(f) **BASIS MUST BE CONSISTENT WITH GIFT TAX VALUE.**—

“(1) **IN GENERAL.**—For purposes of this section, the fair market value of any interest in property at the time of the gift of that interest shall not exceed the value of such interest as finally determined for purposes of chapter 12.

“(2) **SPECIAL RULE WHERE NO FINAL DETERMINATION.**—In any case in which the value of property has not been finally determined under chapter 12 and there has been a statement furnished under section 6035(b), the fair market value of any interest in property at the time of the gift of that interest shall not exceed the amount reported on the statement furnished under section 6035(b).

“(3) **REGULATIONS.**—The Secretary may by regulations provide exceptions to the application of this subsection.”.

(b) **INFORMATION REPORTING.**—

(1) **IN GENERAL.**—Subpart A of part III of subchapter A of chapter 61 is amended by inserting after section 6034A the following new section:

“SEC. 6035. BASIS INFORMATION TO PERSONS ACQUIRING PROPERTY FROM DECEDENT OR BY GIFT.

“(a) **INFORMATION WITH RESPECT TO PROPERTY ACQUIRED FROM DECEDENTS.**—

“(1) **IN GENERAL.**—The executor of any estate required to file a return under section 6018(a) shall furnish to the Secretary and to each person acquiring any interest in property included in the decedent’s gross estate for Federal estate tax purposes a statement identifying the value of each interest in such property as reported on such return and such other information with respect to such interest as the Secretary may prescribe.

“(2) **STATEMENTS BY BENEFICIARIES.**—Each person required to file a return under section 6018(b) shall furnish to the Secretary and to each other person who holds a legal or beneficial interest in the property to which such return relates a statement identifying the information described in paragraph (1).

“(3) **TIME FOR FURNISHING STATEMENT.**—

“(A) **IN GENERAL.**—Each statement required to be furnished under paragraph (1) or (2) shall be furnished at such time as the Secretary may prescribe, but in no case at a time later than the earlier of—

“(i) the date which is 30 days after the date on which the return under section 6018 was required to be filed (including extensions, if any), or

“(ii) the date which is 30 days after the date such return is filed.

“(B) **ADJUSTMENTS.**—In any case in which there is an adjustment to the information required to be included on a statement filed under paragraph (1) or (2) after such statement has been filed, a supplemental statement under such paragraph shall be filed not later than the date which is 30 days after such adjustment is made.

“(b) **INFORMATION WITH RESPECT TO PROPERTY ACQUIRED BY GIFT.**—

“(1) **IN GENERAL.**—Each person making a transfer by gift who is required to file a return under section 6019 with respect to such transfer shall furnish to the Secretary and to

each person acquiring any interest in property by reason of such transfer a statement identifying the fair market value of each interest in such property as reported on such return and such other information with respect to such interest as the Secretary may prescribe.

“(2) **TIME FOR FURNISHING STATEMENT.**—

“(A) **IN GENERAL.**—Each statement required to be furnished under paragraph (1) shall be furnished at such time as the Secretary may prescribe, but in no case at a time later than the earlier of—

“(i) the date which is 30 days after the date on which the return under section 6019 was required to be filed (including extensions, if any), or

“(ii) the date which is 30 days after the date such return is filed.

“(B) **ADJUSTMENTS.**—In any case in which there is an adjustment to the information required to be included on a statement filed under paragraph (1) after such statement has been filed, a supplemental statement under such paragraph shall be filed not later than the date which is 30 days after such adjustment is made.

“(c) **REGULATIONS.**—The Secretary shall prescribe such regulations as necessary to carry out this section, including regulations relating to—

“(1) applying this section to property with regard to which no estate or gift tax return is required to be filed, and

“(2) situations in which the surviving joint tenant or other recipient may have better information than the executor regarding the basis or fair market value of the property.”.

(2) **PENALTY FOR FAILURE TO FILE.**—

(A) **RETURN.**—Section 6724(d)(1) is amended by striking “and” at the end of subparagraph (B), by striking the period at the end of subparagraph (C) and inserting “, and”, and by adding at the end the following new subparagraph:

“(D) any statement required to be filed with the Secretary under section 6035.”.

(B) **STATEMENT.**—Section 6724(d)(2) is amended by striking “or” at the end of subparagraph (GG), by striking the period at the end of subparagraph (HH) and inserting “, or”, and by adding at the end the following new subparagraph:

“(II) section 6035 (other than a statement described in paragraph (1)(D)).”.

(3) **CLERICAL AMENDMENT.**—The table of sections for subpart A of part III of subchapter A of chapter 61 is amended by inserting after the item relating to section 6034A the following new item:

“Sec. 6035. Basis information to persons acquiring property from decedent or by gift.”.

(c) **PENALTY FOR INCONSISTENT REPORTING.**—

(1) **IN GENERAL.**—Subsection (b) of section 6662 is amended by inserting after paragraph (7) the following new paragraph:

“(8) Any inconsistent estate or gift basis.”.

(2) **INCONSISTENT BASIS REPORTING.**—Section 6662 is amended by adding at the end the following new subsection:

“(k) **INCONSISTENT ESTATE OR GIFT BASIS REPORTING.**—For purposes of this section, the term ‘inconsistent estate or gift basis’ means—

“(1) in the case of property acquired from a decedent, a basis determination with respect to such property which is not consistent with the requirements of section 1014(f), and

“(2) in the case of property acquired by gift, a basis determination with respect to

such property which is not consistent with the requirements of section 1015(f).”.

(d) **EFFECTIVE DATE.**—The amendments made by this section shall apply to transfers for which returns are filed after the date of the enactment of this Act.

TITLE IV—PERMANENT SMALL BUSINESS TAX RELIEF

SEC. 401. REPEAL OF SUNSET ON INCREASED LIMITATIONS ON SMALL BUSINESS EXPENSING.

(a) **IN GENERAL.**—Subsection (b) of section 179, as amended by the Small Business Jobs Act of 2010, is amended—

(1) by striking “\$25,000” in paragraph (1)(C) and inserting “\$125,000.”, and

(2) by striking “\$200,000” in paragraph (2)(C) and inserting “\$500,000.”.

(b) **INFLATION ADJUSTMENT.**—Section 179(b) is amended by adding at the end the following new paragraph:

“(6) **INFLATION ADJUSTMENT.**—

“(A) **IN GENERAL.**—In the case of any taxable year beginning after 2011, the \$125,000 amount in paragraph (1)(C) and the \$500,000 amount in paragraph (2)(C) shall each be increased by an amount equal to—

“(i) such dollar amount, multiplied by

“(ii) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, by substituting ‘calendar year 2006’ for ‘calendar year 1992’ in subparagraph (B) thereof.

“(B) **ROUNDING.**—

“(i) **DOLLAR LIMITATION.**—If the amount in paragraph (1) as increased under subparagraph (A) is not a multiple of \$1,000, such amount shall be rounded to the nearest multiple of \$1,000.

“(ii) **PHASEOUT AMOUNT.**—If the amount in paragraph (2) as increased under subparagraph (A) is not a multiple of \$10,000, such amount shall be rounded to the nearest multiple of \$10,000.”.

(c) **PERMANENT EXPENSING OF COMPUTER SOFTWARE.**—Section 179(d)(1)(A)(ii), as amended by the Small Business Jobs Act of 2010, is amended by striking “and before 2012”.

(d) **REVOCATION OF ELECTION MADE PERMANENT.**—Section 179(c)(2), as amended by the Small Business Jobs Act of 2010, is amended to read as follows:

“(2) **REVOCATION OF ELECTION.**—Any election made under this section, and any specification contained in any such election, may be revoked by the taxpayer with respect to any property, and such revocation, once made, shall be irrevocable.”.

(e) **EFFECTIVE DATE.**—The amendments made by this section shall apply to taxable years beginning after December 31, 2011.

TITLE V—ALTERNATIVE MINIMUM TAX RELIEF

SEC. 501. EXTENSION OF INCREASED ALTERNATIVE MINIMUM TAX EXEMPTION AMOUNT.

(a) **IN GENERAL.**—Paragraph (1) of section 55(d) is amended—

(1) by striking “\$70,950” and all that follows through “2009” in subparagraph (A) and inserting “\$72,450 in the case of taxable years beginning in 2010 and \$74,450 in the case of taxable years beginning in 2011”, and

(2) by striking “\$46,700” and all that follows through “2009” in subparagraph (B) and inserting “\$47,450 in the case of taxable years beginning in 2010 and \$48,450 in the case of taxable years beginning in 2011”.

(b) **EFFECTIVE DATE.**—The amendments made by this section shall apply to taxable years beginning after December 31, 2009.

SEC. 502. EXTENSION OF ALTERNATIVE MINIMUM TAX RELIEF FOR NONREFUNDABLE PERSONAL CREDITS.

(a) **IN GENERAL.**—Paragraph (2) of section 26(a) is amended—

(1) by striking “or 2009” and inserting “2009, 2010, or 2011”, and

(2) by striking “2009” in the heading thereof and inserting “2011”.

(b) **EFFECTIVE DATE.**—The amendments made by this section shall apply to taxable years beginning after December 31, 2009.

TITLE VI—TEMPORARY EXTENSION OF CERTAIN PROVISIONS EXPIRING IN 2009

Subtitle A—Infrastructure Incentives

SEC. 601. EXTENSION OF BUILD AMERICA BONDS.

(a) **IN GENERAL.**—Subparagraph (B) of section 54AA(d)(1) is amended by striking “January 1, 2011” and inserting “January 1, 2012”.

(b) **EXTENSION OF PAYMENTS TO ISSUERS.**—

(1) **IN GENERAL.**—Section 6431 is amended—

(A) by striking “January 1, 2011” in subsection (a) and inserting “January 1, 2012”; and

(B) by striking “January 1, 2011” in subsection (f)(1)(B) and inserting “a particular date”.

(2) **CONFORMING AMENDMENTS.**—Subsection (g) of section 54AA is amended—

(A) by striking “January 1, 2011” and inserting “January 1, 2012”; and

(B) by striking “QUALIFIED BONDS ISSUED BEFORE 2011” in the heading and inserting “CERTAIN QUALIFIED BONDS”.

(c) **REDUCTION IN PERCENTAGE OF PAYMENTS TO ISSUERS.**—Subsection (b) of section 6431 is amended—

(1) by striking “The Secretary” and inserting the following:

“(1) **IN GENERAL.**—The Secretary”;

(2) by striking “35 percent” and inserting “the applicable percentage”; and

(3) by adding at the end the following new paragraph:

“(2) **APPLICABLE PERCENTAGE.**—For purposes of this subsection, the term ‘applicable percentage’ means the percentage determined in accordance with the following table:

“In the case of a qualified bond issued during calendar year:	The applicable percentage is:
2009 or 2010	35 percent
2011	32 percent.”.

(d) **CURRENT REFUNDINGS PERMITTED.**—Subsection (g) of section 54AA is amended by adding at the end the following new paragraph:

“(3) **TREATMENT OF CURRENT REFUNDING BONDS.**—

“(A) **IN GENERAL.**—For purposes of this subsection, the term ‘qualified bond’ includes any bond (or series of bonds) issued to refund a qualified bond if—

“(i) the average maturity date of the issue of which the refunding bond is a part is not later than the average maturity date of the bonds to be refunded by such issue,

“(ii) the amount of the refunding bond does not exceed the outstanding amount of the refunded bond, and

“(iii) the refunded bond is redeemed not later than 90 days after the date of the issuance of the refunding bond.

“(B) **APPLICABLE PERCENTAGE.**—In the case of a refunding bond referred to in subparagraph (A), the applicable percentage with respect to such bond under section 6431(b) shall be the lowest percentage specified in paragraph (2) of such section.

“(C) **DETERMINATION OF AVERAGE MATURITY.**—For purposes of subparagraph (A)(i),

average maturity shall be determined in accordance with section 147(b)(2)(A).”.

SEC. 602. EXEMPT-FACILITY BONDS FOR SEWAGE AND WATER SUPPLY FACILITIES.

(a) **BONDS FOR WATER AND SEWAGE FACILITIES EXEMPT FROM VOLUME CAP ON PRIVATE ACTIVITY BONDS.**—

(1) **IN GENERAL.**—Paragraph (3) of section 146(g) is amended by inserting “(4), (5),” after “(2).”.

(2) **CONFORMING AMENDMENT.**—Paragraphs (2) and (3)(B) of section 146(k) are both amended by striking “(4), (5), (6),” and inserting “(6)”.

(b) **TAX-EXEMPT ISSUANCE BY INDIAN TRIBAL GOVERNMENTS.**—

(1) **IN GENERAL.**—Subsection (c) of section 7871 is amended by adding at the end the following new paragraph:

“(4) **EXCEPTION FOR BONDS FOR WATER AND SEWAGE FACILITIES.**—Paragraph (2) shall not apply to an exempt facility bond 95 percent or more of the net proceeds (as defined in section 150(a)(3)) of which are to be used to provide facilities described in paragraph (4) or (5) of section 142(a).”.

(2) **CONFORMING AMENDMENT.**—Paragraph (2) of section 7871(c) is amended by striking “paragraph (3)” and inserting “paragraphs (3) and (4)”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply to obligations issued after the date of the enactment of this Act.

SEC. 603. EXTENSION OF EXEMPTION FROM ALTERNATIVE MINIMUM TAX TREATMENT FOR CERTAIN TAX-EXEMPT BONDS.

(a) **IN GENERAL.**—Clause (vi) of section 57(a)(5)(C) is amended—

(1) by striking “January 1, 2011” in subclause (I) and inserting “January 1, 2012”; and

(2) by striking “AND 2010” in the heading and inserting “, 2010, AND 2011”.

(b) **ADJUSTED CURRENT EARNINGS.**—Clause (iv) of section 56(g)(4)(B) is amended—

(1) by striking “January 1, 2011” in subclause (I) and inserting “January 1, 2012”; and

(2) by striking “AND 2010” in the heading and inserting “, 2010, AND 2011”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply to obligations issued after December 31, 2010.

SEC. 604. EXTENSION AND ADDITIONAL ALLOCATIONS OF RECOVERY ZONE BOND AUTHORITY.

(a) **EXTENSION OF RECOVERY ZONE BOND AUTHORITY.**—Section 1400U-2(b)(1) and section 1400U-3(b)(1)(B) are each amended by striking “January 1, 2011” and inserting “January 1, 2012”.

(b) **ADDITIONAL ALLOCATIONS OF RECOVERY ZONE BOND AUTHORITY BASED ON UNEMPLOYMENT.**—Section 1400U-1 is amended by adding at the end the following new subsection:

“(c) **ALLOCATION OF 2010 RECOVERY ZONE BOND LIMITATIONS BASED ON UNEMPLOYMENT.**—

“(1) **IN GENERAL.**—The Secretary shall allocate the 2010 national recovery zone economic development bond limitation and the 2010 national recovery zone facility bond limitation among the States in the proportion that each such State’s 2009 unemployment number bears to the aggregate of the 2009 unemployment numbers for all of the States.

“(2) **MINIMUM ALLOCATION.**—The Secretary shall adjust the allocations under paragraph (1) for each State to the extent necessary to ensure that no State (prior to any reduction under paragraph (3)) receives less than 0.9

percent of the 2010 national recovery zone economic development bond limitation and 0.9 percent of the 2010 national recovery zone facility bond limitation.

“(3) ALLOCATIONS BY STATES.—

“(A) IN GENERAL.—Each State with respect to which an allocation is made under paragraph (1) shall reallocate such allocation among the counties and large municipalities (as defined in subsection (a)(3)(B)) in such State in the proportion that each such county's or municipality's 2009 unemployment number bears to the aggregate of the 2009 unemployment numbers for all the counties and large municipalities (as so defined) in such State.

“(B) 2010 ALLOCATION REDUCED BY AMOUNT OF PREVIOUS ALLOCATION.—Each State shall reduce (but not below zero)—

“(i) the amount of the 2010 national recovery zone economic development bond limitation allocated to each county or large municipality (as so defined) in such State by the amount of the national recovery zone economic development bond limitation allocated to such county or large municipality under subsection (a)(3)(A) (determined without regard to any waiver thereof), and

“(ii) the amount of the 2010 national recovery zone facility bond limitation allocated to each county or large municipality (as so defined) in such State by the amount of the national recovery zone facility bond limitation allocated to such county or large municipality under subsection (a)(3)(A) (determined without regard to any waiver thereof).

“(C) WAIVER OF SUBALLOCATIONS.—A county or municipality may waive any portion of an allocation made under this paragraph. A county or municipality shall be treated as having waived any portion of an allocation made under this paragraph which has not been allocated to a bond issued before May 1, 2011. Any allocation waived (or treated as waived) under this subparagraph may be used or reallocated by the State.

“(D) SPECIAL RULE FOR A MUNICIPALITY IN A COUNTY.—In the case of any large municipality any portion of which is in a county, such portion shall be treated as part of such municipality and not part of such county.

“(4) 2009 UNEMPLOYMENT NUMBER.—For purposes of this subsection, the term ‘2009 unemployment number’ means, with respect to any State, county or municipality, the number of individuals in such State, county, or municipality who were determined to be unemployed by the Bureau of Labor Statistics for December 2009.

“(5) 2010 NATIONAL LIMITATIONS.—

“(A) RECOVERY ZONE ECONOMIC DEVELOPMENT BONDS.—The 2010 national recovery zone economic development bond limitation is \$10,000,000,000. Any allocation of such limitation under this subsection shall be treated for purposes of section 1400U-2 in the same manner as an allocation of national recovery zone economic development bond limitation.

“(B) RECOVERY ZONE FACILITY BONDS.—The 2010 national recovery zone facility bond limitation is \$15,000,000,000. Any allocation of such limitation under this subsection shall be treated for purposes of section 1400U-3 in the same manner as an allocation of national recovery zone facility bond limitation.”.

(C) AUTHORITY OF STATE TO WAIVE CERTAIN 2009 ALLOCATIONS.—Subparagraph (A) of section 1400U-1(a)(3) is amended by adding at the end the following: “A county or municipality shall be treated as having waived any portion of an allocation made under this subparagraph which has not been allocated to a bond issued before May 1, 2011. Any allocation waived (or treated as waived) under this

subparagraph may be used or reallocated by the State.”.

SEC. 605. ALLOWANCE OF NEW MARKETS TAX CREDIT AGAINST ALTERNATIVE MINIMUM TAX.

(a) IN GENERAL.—Subparagraph (B) of section 38(c)(4), as amended by the Patient Protection and Affordable Care Act, is amended by redesignating clauses (v) through (ix) as clauses (vi) through (x), respectively, and by inserting after clause (iv) the following new clause:

“(v) the credit determined under section 45D, but only with respect to credits determined with respect to qualified equity investments (as defined in section 45D(b)) initially made before January 1, 2013.”.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to credits determined with respect to qualified equity investments (as defined in section 45D(b) of the Internal Revenue Code of 1986) initially made after March 15, 2010.

SEC. 606. EXTENSION OF TAX-EXEMPT ELIGIBILITY FOR LOANS GUARANTEED BY FEDERAL HOME LOAN BANKS.

Clause (iv) of section 149(b)(3)(A) is amended by striking “December 31, 2010” and inserting “December 31, 2011”.

SEC. 607. EXTENSION OF TEMPORARY SMALL ISSUER RULES FOR ALLOCATION OF TAX-EXEMPT INTEREST EXPENSE BY FINANCIAL INSTITUTIONS.

(a) IN GENERAL.—Clauses (i), (ii), and (iii) of section 265(b)(3)(G) are each amended by striking “or 2010” and inserting “, 2010, or 2011”.

(b) CONFORMING AMENDMENT.—Subparagraph (G) of section 265(b)(3) is amended by striking “AND 2010” in the heading and inserting “, 2010, AND 2011”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to obligations issued after December 31, 2010.

Subtitle B—Energy

SEC. 611. ALTERNATIVE MOTOR VEHICLE CREDIT FOR NEW QUALIFIED HYBRID MOTOR VEHICLES OTHER THAN PASSENGER AUTOMOBILES AND LIGHT TRUCKS.

(a) IN GENERAL.—Paragraph (3) of section 30B(k) is amended by striking “December 31, 2009” and inserting “December 31, 2011”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property purchased after December 31, 2009.

SEC. 612. INCENTIVES FOR BIODIESEL AND RENEWABLE DIESEL.

(a) CREDITS FOR BIODIESEL AND RENEWABLE DIESEL USED AS FUEL.—Subsection (g) of section 40A is amended by striking “December 31, 2009” and inserting “December 31, 2011”.

(b) EXCISE TAX CREDITS AND OUTLAY PAYMENTS FOR BIODIESEL AND RENEWABLE DIESEL FUEL MIXTURES.—

(1) Paragraph (6) of section 6426(c) is amended by striking “December 31, 2009” and inserting “December 31, 2011”.

(2) Subparagraph (B) of section 6427(e)(6) is amended by striking “December 31, 2009” and inserting “December 31, 2011”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to fuel sold or used after December 31, 2009.

SEC. 613. CREDIT FOR ELECTRICITY PRODUCED AT CERTAIN OPEN-LOOP BIOMASS FACILITIES.

(a) IN GENERAL.—Clause (ii) of section 45(b)(4)(B) is amended—

(1) by striking “5-year period” and inserting “7-year period”; and

(2) by adding at the end the following: “In the case of the next-to-last year of the 7-year period described in the preceding sentence,

the credit determined under subsection (a) with respect to electricity produced during such year shall not exceed 80 percent of such credit determined without regard to this sentence. In the case of the last year of such 7-year period, the credit determined under subsection (a) with respect to electricity produced during such year shall not exceed 60 percent of such credit determined without regard to this sentence.”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to electricity produced and sold after December 31, 2009.

SEC. 614. CREDIT FOR STEEL INDUSTRY FUEL.

(a) CREDIT PERIOD.—

(1) IN GENERAL.—Subclause (II) of section 45(e)(8)(D)(ii) is amended to read as follows:

“(II) CREDIT PERIOD.—In lieu of the 10-year period referred to in clauses (i) and (ii)(II) of subparagraph (A), the credit period shall be the period beginning on the date that the facility first produces steel industry fuel that is sold to an unrelated person after September 30, 2008, and ending 3 years after such date.”.

(2) CONFORMING AMENDMENT.—Section 45(e)(8)(D) is amended by striking clause (iii) and by redesignating clause (iv) as clause (iii).

(b) EXTENSION OF PLACED-IN-SERVICE DATE.—Subparagraph (A) of section 45(d)(8) is amended—

(1) by striking “(or any modification to a facility)”;

(2) by striking “2010” and inserting “2012”.

(c) CLARIFICATIONS.—

(1) STEEL INDUSTRY FUEL.—Subclause (I) of section 45(c)(7)(C)(i) is amended by inserting “, a blend of coal and petroleum coke, or other coke feedstock” after “on coal”.

(2) OWNERSHIP INTEREST.—Section 45(d)(8) is amended by adding at the end the following new flush sentence:

“With respect to a facility producing steel industry fuel, no person (including a ground lessor, customer, supplier, or technology licensor) shall be treated as having an ownership interest in the facility or as otherwise entitled to the credit allowable under subsection (a) with respect to such facility if such person's rent, license fee, or other entitlement to net payments from the owner of such facility is measured by a fixed dollar amount or a fixed amount per ton, or otherwise determined without regard to the profit or loss of such facility.”.

(3) PRODUCTION AND SALE.—Subparagraph (D) of section 45(e)(8), as amended by subsection (a)(2), is amended by redesignating clause (iii) as clause (iv) and by inserting after clause (ii) the following new clause:

“(iii) PRODUCTION AND SALE.—The owner of a facility producing steel industry fuel shall be treated as producing and selling steel industry fuel where that owner manufactures such steel industry fuel from coal, a blend of coal and petroleum coke, or other coke feedstock to which it has title. The sale of such steel industry fuel by the owner of the facility to a person who is not the owner of the facility shall not fail to qualify as a sale to an unrelated person solely because such purchaser may also be a ground lessor, supplier, or customer.”.

(d) SPECIFIED CREDIT FOR PURPOSES OF ALTERNATIVE MINIMUM TAX EXCLUSION.—Subclause (II) of section 38(c)(4)(B)(iii) is amended by inserting “(in the case of a refined coal production facility producing steel industry fuel, during the credit period set forth in section 45(e)(8)(D)(ii)(II))” after “service”.

(e) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by subsections (a), (b), and (d) shall apply to

fuel produced and sold after September 30, 2008.

(2) **CLARIFICATIONS.**—The amendments made by subsection (c) shall take effect as if included in the amendments made by the Energy Improvement and Extension Act of 2008.

SEC. 615. CREDIT FOR PRODUCING FUEL FROM COKE OR COKE GAS.

(a) **IN GENERAL.**—Paragraph (1) of section 45K(g) is amended by striking “January 1, 2010” and inserting “January 1, 2012”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to facilities placed in service after December 31, 2009.

SEC. 616. NEW ENERGY EFFICIENT HOME CREDIT.

(a) **IN GENERAL.**—Subsection (g) of section 45L is amended by striking “December 31, 2009” and inserting “December 31, 2011”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to homes acquired after December 31, 2009.

SEC. 617. EXCISE TAX CREDITS AND OUTLAY PAYMENTS FOR ALTERNATIVE FUEL AND ALTERNATIVE FUEL MIXTURES.

(a) **ALTERNATIVE FUEL CREDIT.**—Paragraph (5) of section 6426(d) is amended by striking “after December 31, 2009” and all that follows and inserting “after—

“(A) September 30, 2014, in the case of liquefied hydrogen,

“(B) December 31, 2011, in the case of fuels described in subparagraph (A), (C), (F), or (G) of paragraph (2), and

“(C) December 31, 2009, in any other case.”.

(b) **ALTERNATIVE FUEL MIXTURE CREDIT.**—Paragraph (3) of section 6426(e) is amended by striking “after December 31, 2009” and all that follows and inserting “after—

“(A) September 30, 2014, in the case of liquefied hydrogen,

“(B) December 31, 2011, in the case of fuels described in subparagraph (A), (C), (F), or (G) of subsection (d)(2), and

“(C) December 31, 2009, in any other case.”.

(c) **PAYMENT AUTHORITY.**—

(1) **IN GENERAL.**—Paragraph (6) of section 6427(e) is amended by striking “and” at the end of subparagraph (C), by striking the period at the end of subparagraph (D) and inserting “, and”, and by adding at the end of the following new subparagraph:

“(E) any alternative fuel or alternative fuel mixture (as so defined) involving fuel described in subparagraph (A), (C), (F), or (G) of section 6426(d)(2) sold or used after December 31, 2011.”.

(2) **CONFORMING AMENDMENT.**—Subparagraph (C) of section 6427(e)(6) is amended by inserting “or (E)” after “subparagraph (D)”.

(d) **EXCLUSION OF BLACK LIQUOR FROM CREDIT ELIGIBILITY.**—The last sentence of section 6426(d)(2) is amended by striking “or biodiesel” and inserting “biodiesel, or any fuel (including lignin, wood residues, or spent pulping liquors) derived from the production of paper or pulp”.

(e) **EFFECTIVE DATE.**—The amendments made by this section shall apply to fuel sold or used after December 31, 2009.

SEC. 618. SPECIAL RULE FOR SALES OR DISPOSITIONS TO IMPLEMENT FERC OR STATE ELECTRIC RESTRUCTURING POLICY FOR QUALIFIED ELECTRIC UTILITIES.

(a) **IN GENERAL.**—Paragraph (3) of section 451(i) is amended by striking “January 1, 2010” and inserting “January 1, 2012”.

(b) **MODIFICATION OF DEFINITION OF INDEPENDENT TRANSMISSION COMPANY.**—

(1) **IN GENERAL.**—Clause (i) of section 451(i)(4)(B) is amended to read as follows:

“(i) who the Federal Energy Regulatory Commission determines in its authorization of the transaction under section 203 of the

Federal Power Act (16 U.S.C. 824b) or by declaratory order—

“(I) is not itself a market participant as determined by the Commission, and also is not controlled by any such market participant, or

“(II) to be independent from market participants or to be an independent transmission company within the meaning of such Commission’s rules applicable to independent transmission providers, and”.

(2) **RELATED PERSONS.**—Paragraph (4) of section 451(i) is amended by adding at the end the following flush sentence:

“For purposes of subparagraph (B)(i)(I), a person shall be treated as controlled by another person if such persons would be treated as a single employer under section 52.”.

(c) **EFFECTIVE DATE.**—

(1) **IN GENERAL.**—The amendment made by subsection (a) shall apply to dispositions after December 31, 2009.

(2) **MODIFICATIONS.**—The amendments made by subsection (b) shall apply to dispositions after the date of the enactment of this Act.

SEC. 619. SUSPENSION OF LIMITATION ON PERCENTAGE DEPLETION FOR OIL AND GAS FROM MARGINAL WELLS.

(a) **IN GENERAL.**—Clause (ii) of section 613A(c)(6)(H) is amended by striking “January 1, 2010” and inserting “January 1, 2012”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to taxable years beginning after December 31, 2009.

SEC. 620. CREDIT FOR NONBUSINESS ENERGY PROPERTY.

(a) **EXTENSION.**—

(1) **IN GENERAL.**—Section 25C(g)(2) is amended by striking “2010” and inserting “2011”.

(2) **LIMITATION.**—Section 25C(b) is amended by striking “and 2010” and inserting “, 2010, and 2011”.

(3) **EFFECTIVE DATE.**—The amendments made by this subsection shall apply to property placed in service after December 31, 2010.

(b) **MODIFICATION OF STANDARDS FOR WINDOWS, DOORS, AND SKYLIGHTS.**—

(1) **IN GENERAL.**—Paragraph (4) of section 25C(c) is amended by striking “unless” and all that follows and inserting “unless—

“(A) such component meets the criteria for such components established by the 2010 Energy Star Program Requirements for Residential Windows, Doors, and Skylights, Version 5.0 (or any subsequent version of such requirements which is in effect after January 4, 2010), and

“(B) in the case of any component which is a garage door, such component is equal to or below a U factor of 0.30 and SHGC of 0.30.”.

(2) **EFFECTIVE DATE.**—The amendment made by this subsection shall apply to property placed in service after December 31, 2010.

Subtitle C—Individual Tax Relief

PART I—MISCELLANEOUS PROVISIONS

SEC. 631. DEDUCTION FOR CERTAIN EXPENSES OF ELEMENTARY AND SECONDARY SCHOOL TEACHERS.

(a) **IN GENERAL.**—Subparagraph (D) of section 62(a)(2) is amended by striking “or 2009” and inserting “2009, 2010, or 2011”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to taxable years beginning after December 31, 2009.

SEC. 632. ADDITIONAL STANDARD DEDUCTION FOR STATE AND LOCAL REAL PROPERTY TAXES.

(a) **IN GENERAL.**—Subparagraph (C) of section 63(c)(1) is amended by striking “or 2009” and inserting “2009, 2010, or 2011”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to taxable years beginning after December 31, 2009.

SEC. 633. DEDUCTION OF STATE AND LOCAL SALES TAXES.

(a) **IN GENERAL.**—Subparagraph (I) of section 164(b)(5) is amended by striking “January 1, 2010” and inserting “January 1, 2012”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to taxable years beginning after December 31, 2009.

SEC. 634. CONTRIBUTIONS OF CAPITAL GAIN REAL PROPERTY MADE FOR CONSERVATION PURPOSES.

(a) **IN GENERAL.**—Clause (vi) of section 170(b)(1)(E) is amended by striking “December 31, 2009” and inserting “December 31, 2011”.

(b) **CONTRIBUTIONS BY CERTAIN CORPORATE FARMERS AND RANCHERS.**—Clause (iii) of section 170(b)(2)(B) is amended by striking “December 31, 2009” and inserting “December 31, 2011”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply to contributions made in taxable years beginning after December 31, 2009.

SEC. 635. ABOVE-THE-LINE DEDUCTION FOR QUALIFIED TUITION AND RELATED EXPENSES.

(a) **IN GENERAL.**—Subsection (e) of section 222 is amended by striking “December 31, 2009” and inserting “December 31, 2011”.

(b) **APPLICATION AND EXTENSION OF EGTRRA SUNSET.**—Notwithstanding section 901 of the Economic Growth and Tax Relief Reconciliation Act of 2001, such section shall apply to the amendments made by this section and the amendments made by section 431 of such Act by substituting “December 31, 2011” for “December 31, 2010” in subsection (a)(1) thereof.

(c) **EFFECTIVE DATE.**—The amendment made by this section shall apply to taxable years beginning after December 31, 2009.

(d) **TEMPORARY COORDINATION WITH SECTION 25A.**—In the case of any taxpayer for any taxable year beginning in 2010 or 2011, no deduction shall be allowed under section 222 of the Internal Revenue Code of 1986 if—

(1) the taxpayer’s net Federal income tax reduction which would be attributable to such deduction for such taxable year, is less than

(2) the credit which would be allowed to the taxpayer for such taxable year under section 25A of such Code (determined without regard to sections 25A(e) and 26 of such Code).

SEC. 636. TAX-FREE DISTRIBUTIONS FROM INDIVIDUAL RETIREMENT PLANS FOR CHARITABLE PURPOSES.

(a) **IN GENERAL.**—Subparagraph (F) of section 408(d)(8) is amended by striking “December 31, 2009” and inserting “December 31, 2011”.

(b) **EFFECTIVE DATE; SPECIAL RULE.**—

(1) **EFFECTIVE DATE.**—The amendment made by this section shall apply to distributions made in taxable years beginning after December 31, 2009.

(2) **SPECIAL RULE.**—For purposes of qualified charitable distributions under section 408(d)(8) of the Internal Revenue Code of 1986 with respect to taxable years beginning in 2010, a taxpayer shall be deemed to have made such a distribution on the last day of such taxable year if the distribution is made not later than January 31, 2011.

SEC. 637. LOOK-THRU OF CERTAIN REGULATED INVESTMENT COMPANY STOCK IN DETERMINING GROSS ESTATE OF NONRESIDENTS.

(a) **IN GENERAL.**—Paragraph (3) of section 2105(d) is amended by striking “December 31, 2009” and inserting “December 31, 2011”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to estates of decedents dying after December 31, 2009.

PART II—LOW-INCOME HOUSING CREDITS
SEC. 641. ELECTION FOR DIRECT PAYMENT OF LOW-INCOME HOUSING CREDIT FOR 2010.

(a) **IN GENERAL.**—Section 42 is amended by redesignating subsection (n) as subsection (o) and by inserting after subsection (m) the following new subsection:

“(n) **ELECTION FOR DIRECT PAYMENT OF CREDIT.**—

“(1) **IN GENERAL.**—The housing credit agency of each State shall be allowed a credit in an amount equal to such State’s low-income housing refundable credit election amount for the applicable calendar year, which shall be payable by the Secretary as provided in paragraph (5).

“(2) **LOW-INCOME HOUSING GRANT ELECTION AMOUNT.**—For purposes of this subsection—

“(A) **IN GENERAL.**—The term ‘low-income housing grant election amount’ means, with respect to any State for any applicable calendar year, such amount as the State may elect which does not exceed 85 percent of the product of—

“(i) the sum of—

“(I) 100 percent of the State housing credit ceiling for such applicable calendar year which is attributable to amounts described in clauses (i) and (iii) of subsection (h)(3)(C), plus any increase for such applicable calendar year attributable to section 1400N(c) (including credits made available under such section as applied by reason of sections 702(d)(2) and 704(b) of the Tax Extenders and Alternative Minimum Tax Relief Act of 2008), and

“(II) 40 percent of the State housing credit ceiling for such applicable calendar year which is attributable to amounts described in clauses (ii) and (iv) of such subsection, plus any credits for the calendar year preceding such applicable calendar year attributable to the application of such section 702(d)(2) and 704(b), multiplied by

“(ii) 10.

For purposes of subparagraph (A)(ii), in the case of any area to which section 702(d)(2) or 704(b) of the Tax Extenders and Alternative Minimum Tax Relief Act of 2008 applies, section 1400N(c)(1)(A) of such Code shall be applied without regard to clause (i).

“(B) **APPLICABLE CALENDAR YEAR.**—The term ‘applicable calendar year’ means calendar years 2010 and 2011.

“(3) **COORDINATION WITH NON-REFUNDABLE CREDIT.**—For purposes of this section, the amounts described in clauses (i) through (iv) of subsection (h)(3)(C) with respect to any State for 2010 shall each be reduced by so much of such amount as is taken into account in determining the amount of the credit allowed with respect to such State under paragraph (1).

“(4) **SPECIAL RULE FOR BASIS.**—Basis of a qualified low-income building shall not be reduced by the amount of any payment made under this subsection.

“(5) **PAYMENT OF CREDIT; USE TO FINANCE LOW-INCOME BUILDINGS.**—The Secretary shall pay to the housing credit agency of each State an amount equal to the credit allowed under paragraph (1). Rules similar to the rules of subsections (c) and (d) of section 1602 of the American Recovery and Reinvestment Tax Act of 2009 shall apply with respect to any payment made under this paragraph, except that such subsection (d) shall be applied by substituting ‘January 1 of the second calendar year after the applicable calendar year’ for ‘January 1, 2011’.”.

(b) **CONFORMING AMENDMENT.**—Section 1324(b)(2) of title 31, United States Code, is amended by inserting “(42(n),” after “36C.”.

SEC. 642. LOW-INCOME HOUSING GRANT ELECTION.

(a) **CLARIFICATION OF ELIGIBILITY OF LOW-INCOME HOUSING CREDITS FOR LOW-INCOME HOUSING GRANT ELECTION.**—Paragraph (1) of section 1602(b) of the American Recovery and Reinvestment Tax Act of 2009 is amended—

(1) by inserting “, plus any increase for 2009 or 2010 attributable to section 1400N(c) of such Code (including credits made available under such section as applied by reason of sections 702(d)(2) and 704(b) of the Tax Extenders and Alternative Minimum Tax Relief Act of 2008)” after “1986” in subparagraph (A), and

(2) by inserting “, plus any credits for 2009 attributable to the application of such section 702(d)(2) and 704(b)” after “such section” in subparagraph (B).

(b) **APPLICATION OF ADDITIONAL HOUSING CREDIT AMOUNT FOR PURPOSES OF 2009 GRANT ELECTION.**—Subsection (b) of section 1602 of the American Recovery and Reinvestment Tax Act of 2009, as amended by subsection (a), is amended by adding at the end the following flush sentence:

“For purposes of paragraph (1)(B), in the case of any area to which section 702(d)(2) or 704(b) of the Tax Extenders and Alternative Minimum Tax Relief Act of 2008 applies, section 1400N(c)(1)(A) of such Code shall be applied without regard to clause (i).”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply as if included in the enactment of section 1602 of the American Recovery and Reinvestment Tax Act of 2009.

Subtitle D—Business Tax Relief

SEC. 651. RESEARCH CREDIT.

(a) **IN GENERAL.**—Subparagraph (B) of section 41(h)(1) is amended by striking “December 31, 2009” and inserting “December 31, 2011”.

(b) **CONFORMING AMENDMENT.**—Subparagraph (D) of section 45C(b)(1) is amended by striking “December 31, 2009” and inserting “December 31, 2011”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply to amounts paid or incurred after December 31, 2009.

SEC. 652. INDIAN EMPLOYMENT TAX CREDIT.

(a) **IN GENERAL.**—Subsection (f) of section 45A is amended by striking “December 31, 2009” and inserting “December 31, 2011”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to taxable years beginning after December 31, 2009.

SEC. 653. NEW MARKETS TAX CREDIT.

(a) **IN GENERAL.**—Subparagraph (F) of section 45D(f)(1) is amended by inserting “, 2010, and 2011” after “2009”.

(b) **CONFORMING AMENDMENT.**—Paragraph (3) of section 45D(f) is amended by striking “2014” and inserting “2016”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply to calendar years beginning after 2009.

SEC. 654. RAILROAD TRACK MAINTENANCE CREDIT.

(a) **IN GENERAL.**—Subsection (f) of section 45G is amended by striking “January 1, 2010” and inserting “January 1, 2012”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to expenditures paid or incurred in taxable years beginning after December 31, 2009.

SEC. 655. MINE RESCUE TEAM TRAINING CREDIT.

(a) **IN GENERAL.**—Subsection (e) of section 45N is amended by striking “December 31, 2009” and inserting “December 31, 2011”.

(b) **CREDIT ALLOWABLE AGAINST AMT.**—Subparagraph (B) of section 38(c)(4), as amended by section 105, is amended—

(1) by redesignating clauses (vii) through (x) as clauses (viii) through (xi), respectively; and

(2) by inserting after clause (vi) the following new clause:

“(vii) the credit determined under section 45N.”.

(c) **EFFECTIVE DATE.**—

(1) **IN GENERAL.**—Except as provided in paragraph (2), the amendments made by this section shall apply to taxable years beginning after December 31, 2009.

(2) **ALLOWANCE AGAINST AMT.**—The amendments made by subsection (b) shall apply to credits determined for taxable years beginning after December 31, 2009, and to carrybacks of such credits.

SEC. 656. EMPLOYER WAGE CREDIT FOR EMPLOYEES WHO ARE ACTIVE DUTY MEMBERS OF THE UNIFORMED SERVICES.

(a) **IN GENERAL.**—Subsection (f) of section 45P is amended by striking “December 31, 2009” and inserting “December 31, 2011”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to payments made after December 31, 2009.

SEC. 657. 5-YEAR DEPRECIATION FOR FARMING BUSINESS MACHINERY AND EQUIPMENT.

(a) **IN GENERAL.**—Clause (vii) of section 168(e)(3)(B) is amended by striking “January 1, 2010” and inserting “January 1, 2012”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to property placed in service after December 31, 2009.

SEC. 658. 15-YEAR STRAIGHT-LINE COST RECOVERY FOR QUALIFIED LEASEHOLD IMPROVEMENTS, QUALIFIED RESTAURANT BUILDINGS AND IMPROVEMENTS, AND QUALIFIED RETAIL IMPROVEMENTS.

(a) **IN GENERAL.**—Clauses (iv), (v), and (ix) of section 168(e)(3)(E) are each amended by striking “January 1, 2010” and inserting “January 1, 2012”.

(b) **CONFORMING AMENDMENTS.**—

(1) Clause (i) of section 168(e)(7)(A) is amended by striking “if such building is placed in service after December 31, 2008, and before January 1, 2010.”.

(2) Paragraph (8) of section 168(e) is amended by striking subparagraph (E).

(3) Section 179(f)(2) is amended—

(A) by striking “(without regard to the dates specified in subparagraph (A)(i) thereof)” in subparagraph (B), and

(B) by striking “(without regard to subparagraph (E) thereof)” in subparagraph (C).

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply to property placed in service after December 31, 2009.

SEC. 659. 7-YEAR RECOVERY PERIOD FOR MOTORSPORTS ENTERTAINMENT COMPLEXES.

(a) **IN GENERAL.**—Subparagraph (D) of section 168(i)(15) is amended by striking “December 31, 2009” and inserting “December 31, 2011”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to property placed in service after December 31, 2009.

SEC. 660. ACCELERATED DEPRECIATION FOR BUSINESS PROPERTY ON AN INDIAN RESERVATION.

(a) **IN GENERAL.**—Paragraph (8) of section 168(j) is amended by striking “December 31, 2009” and inserting “December 31, 2011”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to property placed in service after December 31, 2009.

SEC. 661. ENHANCED CHARITABLE DEDUCTION FOR CONTRIBUTIONS OF FOOD INVENTORY.

(a) IN GENERAL.—Clause (iv) of section 170(e)(3)(C) is amended by striking “December 31, 2009” and inserting “December 31, 2011”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to contributions made after December 31, 2009.

SEC. 662. ENHANCED CHARITABLE DEDUCTION FOR CONTRIBUTIONS OF BOOK INVENTORIES TO PUBLIC SCHOOLS.

(a) IN GENERAL.—Clause (iv) of section 170(e)(3)(D) is amended by striking “December 31, 2009” and inserting “December 31, 2011”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to contributions made after December 31, 2009.

SEC. 663. ENHANCED CHARITABLE DEDUCTION FOR CORPORATE CONTRIBUTIONS OF COMPUTER INVENTORY FOR EDUCATIONAL PURPOSES.

(a) IN GENERAL.—Subparagraph (G) of section 170(e)(6) is amended by striking “December 31, 2009” and inserting “December 31, 2011”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to contributions made in taxable years beginning after December 31, 2009.

SEC. 664. ELECTION TO EXPENSE MINE SAFETY EQUIPMENT.

(a) IN GENERAL.—Subsection (g) of section 179E is amended by striking “December 31, 2009” and inserting “December 31, 2011”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after December 31, 2009.

SEC. 665. SPECIAL EXPENSING RULES FOR CERTAIN FILM AND TELEVISION PRODUCTIONS.

(a) IN GENERAL.—Subsection (f) of section 181 is amended by striking “December 31, 2009” and inserting “December 31, 2011”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to productions commencing after December 31, 2009.

SEC. 666. EXPENSING OF ENVIRONMENTAL REMEDIATION COSTS.

(a) IN GENERAL.—Subsection (h) of section 198 is amended by striking “December 31, 2009” and inserting “December 31, 2011”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to expenditures paid or incurred after December 31, 2009.

SEC. 667. DEDUCTION ALLOWABLE WITH RESPECT TO INCOME ATTRIBUTABLE TO DOMESTIC PRODUCTION ACTIVITIES IN PUERTO RICO.

(a) IN GENERAL.—Subparagraph (C) of section 199(d)(8) is amended—

(1) by striking “first 4 taxable years” and inserting “first 6 taxable years”; and

(2) by striking “January 1, 2010” and inserting “January 1, 2012”.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2009.

SEC. 668. MODIFICATION OF TAX TREATMENT OF CERTAIN PAYMENTS TO CONTROLLING EXEMPT ORGANIZATIONS.

(a) IN GENERAL.—Clause (iv) of section 512(b)(13)(E) is amended by striking “December 31, 2009” and inserting “December 31, 2011”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to payments received or accrued after December 31, 2009.

SEC. 669. EXCLUSION OF GAIN OR LOSS ON SALE OR EXCHANGE OF CERTAIN BROWNFIELD SITES FROM UNRELATED BUSINESS INCOME.

(a) IN GENERAL.—Subparagraph (K) of section 512(b)(19) is amended by striking “De-

cember 31, 2009” and inserting “December 31, 2011”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property acquired after December 31, 2009.

SEC. 670. TIMBER REIT MODERNIZATION.

(a) IN GENERAL.—Paragraph (8) of section 856(c) is amended by striking “means” and all that follows and inserting “means December 31, 2011”.

(b) CONFORMING AMENDMENTS.—

(1) Subparagraph (I) of section 856(c)(2) is amended by striking “the first taxable year beginning after the date of the enactment of this subparagraph” and inserting “a taxable year beginning on or before the termination date”.

(2) Clause (iii) of section 856(c)(5)(H) is amended by inserting “in taxable years beginning” after “dispositions”.

(3) Clause (v) of section 857(b)(6)(D) is amended by inserting “in a taxable year beginning” after “sale”.

(4) Subparagraph (G) of section 857(b)(6) is amended by inserting “in a taxable year beginning” after “In the case of a sale”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years ending after May 22, 2009.

SEC. 671. TREATMENT OF CERTAIN DIVIDENDS OF REGULATED INVESTMENT COMPANIES.

(a) IN GENERAL.—Paragraphs (1)(C) and (2)(C) of section 871(k) are each amended by striking “December 31, 2009” and inserting “December 31, 2011”.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2009.

SEC. 672. RIC QUALIFIED INVESTMENT ENTITY TREATMENT UNDER FIRPTA.

(a) IN GENERAL.—Clause (ii) of section 897(h)(4)(A) is amended by striking “December 31, 2009” and inserting “December 31, 2011”.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendment made by subsection (a) shall take effect on January 1, 2010. Notwithstanding the preceding sentence, such amendment shall not apply with respect to the withholding requirement under section 1445 of the Internal Revenue Code of 1986 for any payment made before the date of the enactment of this Act.

(2) AMOUNTS WITHHELD ON OR BEFORE DATE OF ENACTMENT.—In the case of a regulated investment company—

(A) which makes a distribution after December 31, 2009, and before the date of the enactment of this Act; and

(B) which would (but for the second sentence of paragraph (1)) have been required to withhold with respect to such distribution under section 1445 of such Code,

such investment company shall not be liable to any person to whom such distribution was made for any amount so withheld and paid over to the Secretary of the Treasury.

SEC. 673. EXCEPTIONS FOR ACTIVE FINANCING INCOME.

(a) IN GENERAL.—Sections 953(e)(10) and 954(h)(9) are each amended by striking “January 1, 2010” and inserting “January 1, 2012”.

(b) CONFORMING AMENDMENT.—Section 953(e)(10) is amended by striking “December 31, 2009” and inserting “December 31, 2011”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years of foreign corporations beginning after December 31, 2009, and to taxable years of United States shareholders with or within which any such taxable year of such foreign corporation ends.

SEC. 674. LOOK-THRU TREATMENT OF PAYMENTS BETWEEN RELATED CONTROLLED FOREIGN CORPORATIONS UNDER FOREIGN PERSONAL HOLDING COMPANY RULES.

(a) IN GENERAL.—Subparagraph (C) of section 954(c)(6) is amended by striking “January 1, 2010” and inserting “January 1, 2012”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years of foreign corporations beginning after December 31, 2009, and to taxable years of United States shareholders with or within which any such taxable year of such foreign corporation ends.

SEC. 675. BASIS ADJUSTMENT TO STOCK OF S CORPS MAKING CHARITABLE CONTRIBUTIONS OF PROPERTY.

(a) IN GENERAL.—Paragraph (2) of section 1367(a) is amended by striking “December 31, 2009” and inserting “December 31, 2011”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to contributions made in taxable years beginning after December 31, 2009.

SEC. 676. EMPOWERMENT ZONE TAX INCENTIVES.

(a) IN GENERAL.—Section 1391 is amended—

(1) by striking “December 31, 2009” in subsection (d)(1)(A)(i) and inserting “December 31, 2011”; and

(2) by striking the last sentence of subsection (h)(2).

(b) INCREASED EXCLUSION OF GAIN ON STOCK OF EMPOWERMENT ZONE BUSINESSES.—Subparagraph (C) of section 1202(a)(2) is amended—

(1) by striking “December 31, 2014” and inserting “December 31, 2016”; and

(2) by striking “2014” in the heading and inserting “2016”.

(c) TREATMENT OF CERTAIN TERMINATION DATES SPECIFIED IN NOMINATIONS.—In the case of a designation of an empowerment zone the nomination for which included a termination date which is contemporaneous with the date specified in subparagraph (A)(i) of section 1391(d)(1) of the Internal Revenue Code of 1986 (as in effect before the enactment of this Act), subparagraph (B) of such section shall not apply with respect to such designation unless, after the date of the enactment of this section, the entity which made such nomination reconfirms such termination date, or amends the nomination to provide for a new termination date, in such manner as the Secretary of the Treasury (or the Secretary’s designee) may provide.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to periods after December 31, 2009.

SEC. 677. TAX INCENTIVES FOR INVESTMENT IN THE DISTRICT OF COLUMBIA.

(a) IN GENERAL.—Subsection (f) of section 1400 is amended by striking “December 31, 2009” each place it appears and inserting “December 31, 2011”.

(b) TAX-EXEMPT DC EMPOWERMENT ZONE BONDS.—Subsection (b) of section 1400A is amended by striking “December 31, 2009” and inserting “December 31, 2011”.

(c) ZERO-PERCENT CAPITAL GAINS RATE.—

(1) ACQUISITION DATE.—Paragraphs (2)(A)(i), (3)(A), (4)(A)(i), and (4)(B)(i)(I) of section 1400B(b) are each amended by striking “January 1, 2010” and inserting “January 1, 2012”.

(2) LIMITATION ON PERIOD OF GAINS.—

(A) IN GENERAL.—Paragraph (2) of section 1400B(e) is amended—

(i) by striking “December 31, 2014” and inserting “December 31, 2016”; and

(ii) by striking “2014” in the heading and inserting “2016”.

(B) PARTNERSHIPS AND S-CORPS.—Paragraph (2) of section 1400B(g) is amended by striking “December 31, 2014” and inserting “December 31, 2016”.

(d) **FIRST-TIME HOMEBUYER CREDIT.**—Subsection (i) of section 1400C is amended by striking “January 1, 2010” and inserting “January 1, 2012”.

(e) **EFFECTIVE DATES.**—

(1) **IN GENERAL.**—Except as otherwise provided in this subsection, the amendments made by this section shall apply to periods after December 31, 2009.

(2) **TAX-EXEMPT DC EMPOWERMENT ZONE BONDS.**—The amendment made by subsection (b) shall apply to bonds issued after December 31, 2009.

(3) **ACQUISITION DATES FOR ZERO-PERCENT CAPITAL GAINS RATE.**—The amendments made by subsection (c) shall apply to property acquired or substantially improved after December 31, 2009.

(4) **HOMEBUYER CREDIT.**—The amendment made by subsection (d) shall apply to homes purchased after December 31, 2009.

SEC. 678. RENEWAL COMMUNITY TAX INCENTIVES.

(a) **IN GENERAL.**—Subsection (b) of section 1400E is amended—

(1) by striking “December 31, 2009” in paragraphs (1)(A) and (3) and inserting “December 31, 2011”; and

(2) by striking “January 1, 2010” in paragraph (3) and inserting “January 1, 2012”.

(b) **ZERO-PERCENT CAPITAL GAINS RATE.**—

(1) **ACQUISITION DATE.**—Paragraphs (2)(A)(i), (3)(A), (4)(A)(i), and (4)(B)(i) of section 1400F(b) are each amended by striking “January 1, 2010” and inserting “January 1, 2012”.

(2) **LIMITATION ON PERIOD OF GAINS.**—Paragraph (2) of section 1400F(c) is amended—

(A) by striking “December 31, 2014” and inserting “December 31, 2016”; and

(B) by striking “2014” in the heading and inserting “2016”.

(3) **CLERICAL AMENDMENT.**—Subsection (d) of section 1400F is amended by striking “and ‘December 31, 2014’ for ‘December 31, 2014’”.

(c) **COMMERCIAL REVITALIZATION DEDUCTION.**—

(1) **IN GENERAL.**—Subsection (g) of section 1400I is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(2) **CONFORMING AMENDMENT.**—Subparagraph (A) of section 1400I(d)(2) is amended by striking “after 2001 and before 2010” and inserting “which begins after 2001 and before the date referred to in subsection (g)”.

(d) **INCREASED EXPENSING UNDER SECTION 179.**—Subparagraph (A) of section 1400J(b)(1) is amended by striking “January 1, 2010” and inserting “January 1, 2012”.

(e) **TREATMENT OF CERTAIN TERMINATION DATES SPECIFIED IN NOMINATIONS.**—In the case of a designation of a renewal community the nomination for which included a termination date which is contemporaneous with the date specified in subparagraph (A) of section 1400E(b)(1) of the Internal Revenue Code of 1986 (as in effect before the enactment of this Act), subparagraph (B) of such section shall not apply with respect to such designation unless, after the date of the enactment of this section, the entity which made such nomination reconfirms such termination date, or amends the nomination to provide for a new termination date, in such manner as the Secretary of the Treasury (or the Secretary’s designee) may provide.

(f) **EFFECTIVE DATES.**—

(1) **IN GENERAL.**—Except as otherwise provided in this subsection, the amendments made by this section shall apply to periods after December 31, 2009.

(2) **ACQUISITIONS.**—The amendments made by subsections (b)(1) and (d) shall apply to acquisitions after December 31, 2009.

(3) **COMMERCIAL REVITALIZATION DEDUCTION.**—

(A) **IN GENERAL.**—The amendment made by subsection (c)(1) shall apply to buildings placed in service after December 31, 2009.

(B) **CONFORMING AMENDMENT.**—The amendment made by subsection (c)(2) shall apply to calendar years beginning after December 31, 2009.

SEC. 679. TEMPORARY INCREASE IN LIMIT ON COVER OVER OF RUM EXCISE TAXES TO PUERTO RICO AND THE VIRGIN ISLANDS.

(a) **IN GENERAL.**—Paragraph (1) of section 7652(f) is amended by striking “January 1, 2010” and inserting “January 1, 2012”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to distilled spirits brought into the United States after December 31, 2009.

SEC. 680. AMERICAN SAMOA ECONOMIC DEVELOPMENT CREDIT.

(a) **IN GENERAL.**—Subsection (d) of section 119 of division A of the Tax Relief and Health Care Act of 2006 is amended—

(1) by striking “first 4 taxable years” and inserting “first 6 taxable years”; and

(2) by striking “January 1, 2010” and inserting “January 1, 2012”.

(b) **EFFECTIVE DATE.**—The amendments made by this section shall apply to taxable years beginning after December 31, 2009.

SEC. 681. ELECTION TO TEMPORARILY UTILIZE UNUSED AMT CREDITS DETERMINED BY DOMESTIC INVESTMENT.

(a) **IN GENERAL.**—Section 53 is amended by adding at the end the following new subsection:

“(g) **ELECTION FOR CORPORATIONS WITH NEW DOMESTIC INVESTMENTS.**—

“(1) **IN GENERAL.**—If a corporation elects to have this subsection apply for its first taxable year beginning after December 31, 2009, the limitation imposed by subsection (c) for such taxable year shall be increased by the AMT credit adjustment amount.

“(2) **AMT CREDIT ADJUSTMENT AMOUNT.**—For purposes of paragraph (1), the term ‘AMT credit adjustment amount’ means, the lesser of—

“(A) 50 percent of a corporation’s minimum tax credit for its first taxable year beginning after December 31, 2009, determined under subsection (b), or

“(B) 10 percent of new domestic investments made during such taxable year.

“(3) **NEW DOMESTIC INVESTMENTS.**—For purposes of this subsection, the term ‘new domestic investments’ means the cost of qualified property (as defined in section 168(k)(2)(A)(i))—

“(A) the original use of which commences with the taxpayer during the taxable year, and

“(B) which is placed in service in the United States by the taxpayer during such taxable year.

“(4) **CREDIT REFUNDABLE.**—For purposes of subsection (b) of section 6401, the aggregate increase in the credits allowable under this part for any taxable year resulting from the application of this subsection shall be treated as allowed under subpart C (and not under any other subpart). For purposes of section 6425, any amount treated as so allowed shall be treated as a payment of estimated income tax for the taxable year.

“(5) **ELECTION.**—An election under this subsection shall be made at such time and in such manner as prescribed by the Secretary, and once made, may be revoked only with the consent of the Secretary. Not later than 90 days after the date of the enactment of this subsection, the Secretary shall issue guidance specifying such time and manner.

“(6) **TREATMENT OF CERTAIN PARTNERSHIP INVESTMENTS.**—For purposes of this sub-

section, a corporation shall take into account its allocable share of any new domestic investments by a partnership for any taxable year if, and only if, more than 90 percent of the capital and profits interests in such partnership are owned by such corporation (directly or indirectly) at all times during such taxable year.

“(7) **NO DOUBLE BENEFIT.**—

“(A) **IN GENERAL.**—A corporation making an election under this subsection may not make an election under subparagraph (H) of section 172(b)(1).

“(B) **SPECIAL RULES WITH RESPECT TO TAXPAYERS PREVIOUSLY ELECTING APPLICABLE NET OPERATING LOSSES.**—In the case of a corporation which made an election under subparagraph (H) of section 172(b)(1) and elects the application of this subsection—

“(i) **ELECTION OF APPLICABLE NET OPERATING LOSS TREATED AS REVOKED.**—The election under such subparagraph (H) shall (notwithstanding clause (iii)(II) of such subparagraph) be treated as having been revoked by the taxpayer.

“(ii) **COORDINATION WITH PROVISION FOR EXPEDITED REFUND.**—The amount otherwise treated as a payment of estimated income tax under the last sentence of paragraph (4) shall be reduced (but not below zero) by the aggregate increase in unpaid tax liability determined under this chapter by reason of the revocation of the election under clause (i).

“(iii) **APPLICATION OF STATUTE OF LIMITATIONS.**—With respect to the revocation of an election under clause (i)—

“(I) the statutory period for the assessment of any deficiency attributable to such revocation shall not expire before the end of the 3-year period beginning on the date of the election to have this subsection apply, and

“(II) such deficiency may be assessed before the expiration of such 3-year period notwithstanding the provisions of any other law or rule of law which would otherwise prevent such assessment.

“(C) **EXCEPTION FOR ELIGIBLE SMALL BUSINESSES.**—Subparagraphs (A) and (B) shall not apply to an eligible small business as defined in section 172(b)(1)(H)(v)(II).

“(8) **REGULATIONS.**—The Secretary may issue such regulations or other guidance as may be necessary or appropriate to carry out the purposes of this subsection, including to prevent fraud and abuse under this subsection.”.

(b) **CONFORMING AMENDMENTS.**—

(1) Section 6211(b)(4)(A) is amended by inserting “53(g),” after “53(e),”.

(2) Section 1324(b)(2) of title 31, United States Code, is amended by inserting “53(g),” after “53(e),”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply to taxable years beginning after December 31, 2009.

SEC. 682. REDUCTION IN CORPORATE RATE FOR QUALIFIED TIMBER GAIN.

(a) **IN GENERAL.**—Paragraph (1) of section 1201(b) is amended by striking “ending” and all that follows through “such date”.

(b) **CONFORMING AMENDMENT.**—Paragraph (3) of section 1201(b) is amended to read as follows:

“(3) **APPLICATION OF SUBSECTION.**—The qualified timber gain for any taxable year shall not exceed the qualified timber gain which would be determined by not taking into account any portion of such taxable year after December 31, 2011.”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply to taxable years ending after May 22, 2009.

SEC. 683. STUDY OF EXTENDED TAX EXPENDITURES.

(a) **FINDINGS.**—Congress finds the following:

(1) Currently, the aggregate cost of Federal tax expenditures rivals, or even exceeds, the amount of total Federal discretionary spending.

(2) Given the escalating public debt, a critical examination of this use of taxpayer dollars is essential.

(3) Additionally, tax expenditures can complicate the Internal Revenue Code of 1986 for taxpayers and complicate tax administration for the Internal Revenue Service.

(4) To facilitate a better understanding of tax expenditures in the future, it is constructive for legislation extending these provisions to include a study of such provisions.

(b) **REQUIREMENT TO REPORT.**—Not later than December 15, 2011, the Chief of Staff of the Joint Committee on Taxation, in consultation with the Comptroller General of the United States, shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report on each tax expenditure (as defined in section 3(3) of the Congressional Budget Impoundment Control Act of 1974 (2 U.S.C. 622(3)) extended by this title.

(c) **ROLLING SUBMISSION OF REPORTS.**—The Chief of Staff of the Joint Committee on Taxation shall initially submit the reports for each such tax expenditure enacted in this subtitle (relating to business tax relief) and subtitle A (relating to energy) in order of the tax expenditure incurring the least aggregate cost to the greatest aggregate cost (determined by reference to the cost estimate of this Act by the Joint Committee on Taxation). Thereafter, such reports may be submitted in such order as the Chief of Staff determines appropriate.

(d) **CONTENTS OF REPORT.**—Such reports shall contain the following:

(1) An explanation of the tax expenditure and any relevant economic, social, or other context under which it was first enacted.

(2) A description of the intended purpose of the tax expenditure.

(3) An analysis of the overall success of the tax expenditure in achieving such purpose, and evidence supporting such analysis.

(4) An analysis of the extent to which further extending the tax expenditure, or making it permanent, would contribute to achieving such purpose.

(5) A description of the direct and indirect beneficiaries of the tax expenditure, including identifying any unintended beneficiaries.

(6) An analysis of whether the tax expenditure is the most cost-effective method for achieving the purpose for which it was intended, and a description of any more cost-effective methods through which such purpose could be accomplished.

(7) A description of any unintended effects of the tax expenditure that are useful in understanding the tax expenditure's overall value.

(8) An analysis of how the tax expenditure could be modified to better achieve its original purpose.

(9) A brief description of any interactions (actual or potential) with other tax expenditures or direct spending programs in the same or related budget function worthy of further study.

(10) A description of any unavailable information the staff of the Joint Committee on Taxation may need to complete a more thorough examination and analysis of the tax expenditure, and what must be done to make such information available.

(e) **MINIMUM ANALYSIS BY DEADLINE.**—In the event the Chief of Staff of the Joint Committee on Taxation concludes it will not be feasible to complete all reports by the date specified in subsection (a), at a minimum, the reports for each tax expenditure enacted in this subtitle (relating to business tax relief) and subtitle A (relating to energy) shall be completed by such date.

Subtitle E—Temporary Disaster Relief Provisions

PART I—NATIONAL DISASTER RELIEF

SEC. 691. WAIVER OF CERTAIN MORTGAGE REVENUE BOND REQUIREMENTS.

(a) **IN GENERAL.**—Paragraph (11) of section 143(k) is amended by striking “January 1, 2010” and inserting “January 1, 2012”.

(b) **SPECIAL RULE FOR RESIDENCES DESTROYED IN FEDERALLY DECLARED DISASTERS.**—Paragraph (13) of section 143(k), as redesignated by subsection (c), is amended by striking “January 1, 2010” in subparagraphs (A)(i) and (B)(i) and inserting “January 1, 2012”.

(c) **TECHNICAL AMENDMENT.**—Subsection (k) of section 143 is amended by redesignating the second paragraph (12) (relating to special rules for residences destroyed in federally declared disasters) as paragraph (13).

(d) **EFFECTIVE DATES.**—

(1) **IN GENERAL.**—Except as otherwise provided in this subsection, the amendment made by this section shall apply to bonds issued after December 31, 2009.

(2) **RESIDENCES DESTROYED IN FEDERALLY DECLARED DISASTERS.**—The amendments made by subsection (b) shall apply with respect to disasters occurring after December 31, 2009.

(3) **TECHNICAL AMENDMENT.**—The amendment made by subsection (c) shall take effect as if included in section 709 of the Tax Extenders and Alternative Minimum Tax Relief Act of 2008.

SEC. 692. LOSSES ATTRIBUTABLE TO FEDERALLY DECLARED DISASTERS.

(a) **IN GENERAL.**—Subclause (I) of section 165(h)(3)(B)(i) is amended by striking “January 1, 2010” and inserting “January 1, 2012”.

(b) **\$500 LIMITATION.**—Paragraph (1) of section 165(h) is amended by striking “December 31, 2009” and inserting “December 31, 2011”.

(c) **EFFECTIVE DATE.**—

(1) **IN GENERAL.**—The amendment made by subsection (a) shall apply to federally declared disasters occurring after December 31, 2009.

(2) **\$500 LIMITATION.**—The amendment made by subsection (b) shall apply to taxable years beginning after December 31, 2009.

SEC. 693. SPECIAL DEPRECIATION ALLOWANCE FOR QUALIFIED DISASTER PROPERTY.

(a) **IN GENERAL.**—Subclause (I) of section 168(n)(2)(A)(ii) is amended by striking “January 1, 2010” and inserting “January 1, 2012”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to disasters occurring after December 31, 2009.

SEC. 694. NET OPERATING LOSSES ATTRIBUTABLE TO FEDERALLY DECLARED DISASTERS.

(a) **IN GENERAL.**—Subclause (I) of section 172(j)(1)(A)(i) is amended by striking “January 1, 2010” and inserting “January 1, 2012”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to losses attributable to disasters occurring after December 31, 2009.

SEC. 695. EXPENSING OF QUALIFIED DISASTER EXPENSES.

(a) **IN GENERAL.**—Subparagraph (A) of section 198A(b)(2) is amended by striking “January 1, 2010” and inserting “January 1, 2012”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to expenditures on account of disasters occurring after December 31, 2009.

PART II—REGIONAL PROVISIONS

Subpart A—New York Liberty Zone

SEC. 696. SPECIAL DEPRECIATION ALLOWANCE FOR NONRESIDENTIAL AND RESIDENTIAL REAL PROPERTY.

(a) **IN GENERAL.**—Subparagraph (A) of section 1400L(b)(2) is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to property placed in service after December 31, 2009.

SEC. 697. TAX-EXEMPT BOND FINANCING.

(a) **IN GENERAL.**—Subparagraph (D) of section 1400L(d)(2) is amended by striking “January 1, 2010” and inserting “January 1, 2012”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to bonds issued after December 31, 2009.

Subpart B—GO Zone

SEC. 698. INCREASE IN REHABILITATION CREDIT.

(a) **IN GENERAL.**—Subsection (h) of section 1400N is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to amounts paid or incurred after December 31, 2009.

SEC. 699. WORK OPPORTUNITY TAX CREDIT WITH RESPECT TO CERTAIN INDIVIDUALS AFFECTED BY HURRICANE KATRINA FOR EMPLOYERS INSIDE DISASTER AREAS.

(a) **IN GENERAL.**—Paragraph (1) of section 201(b) of the Katrina Emergency Tax Relief Act of 2005 is amended by striking “4-year” and inserting “5-year”.

(b) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall apply to individuals hired after August 27, 2009.

SEC. 700. EXTENSION OF LOW-INCOME HOUSING CREDIT RULES FOR BUILDINGS IN GO ZONES.

Section 1400N(c)(5) is amended by striking “January 1, 2011” and inserting “January 1, 2013”.

TITLE VII—TECHNICAL CORRECTIONS TO PENSION FUNDING LEGISLATION

SEC. 701. DEFINITION OF ELIGIBLE PLAN YEAR.

(a) **AMENDMENT TO ERISA.**—Clause (v) of section 303(c)(2)(D) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1083(c)(2)(D)), as added by section 201(a)(1) of the Preservation of Access to Care for Medicare Beneficiaries and Pension Relief Act of 2010, is amended—

(1) by striking “on or after the date of the enactment of this subparagraph” and inserting “on or after June 25, 2010 (March 10, 2010, in the case of an eligible plan)”, and

(2) by adding at the end the following new sentence: “For purposes of the preceding sentence, a plan shall be treated as an eligible plan only if, as of the date of the election with respect to the plan under clause (i)—

“(A) the plan sponsor is not a debtor in a case under title 11, United States Code, or similar Federal or State law,

“(B) there are no unpaid minimum required contributions with respect to the plan for purposes of section 4971 of the Internal Revenue Code of 1986 (imposing an excise tax when minimum required contributions are not paid by the due date for the plan year),

“(C) there are no outstanding liens in favor of the plan under subsection (k), and

“(D) the plan sponsor has not initiated a distress termination of the plan under section 4041.”

(b) **AMENDMENT TO INTERNAL REVENUE CODE OF 1986.**—Clause (v) of section 430(c)(2)(D) of

the Internal Revenue Code of 1986, as added by section 201(b)(1) of the Preservation of Access to Care for Medicare Beneficiaries and Pension Relief Act of 2010, is amended—

(1) by striking “on or after the date of the enactment of this subparagraph” and inserting “on or after June 25, 2010 (March 10, 2010, in the case of an eligible plan)”, and

(2) by adding at the end the following new sentence: “For purposes of the preceding sentence, a plan shall be treated as an eligible plan only if, as of the date of the election with respect to the plan under clause (i)—

“(A) the plan sponsor is not a debtor in a case under title 11, United States Code, or similar Federal or State law,

“(B) there are no unpaid minimum required contributions with respect to the plan for purposes of section 4971 (imposing an excise tax when minimum required contributions are not paid by the due date for the plan year),

“(C) there are no outstanding liens in favor of the plan under subsection (k), and

“(D) the plan sponsor has not initiated a distress termination of the plan under section 4041 of the Employee Retirement Income Security Act of 1974.”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall take effect as if included in the amendments made by the provisions of the Preservation of Access to Care for Medicare Beneficiaries and Pension Relief Act of 2010 to which the amendments relate.

SEC. 702. ELIGIBLE CHARITY PLANS.

(a) **DEFINITION OF ELIGIBLE CHARITY PLANS.**—

(1) **IN GENERAL.**—Section 104(d) of the Pension Protection Act of 2006, as added by section 202(b) of the Preservation of Access to Care for Medicare Beneficiaries and Pension Relief Act of 2010, is amended to read as follows:

“(d) **ELIGIBLE CHARITY PLAN DEFINED.**—For purposes of this section, a plan shall be treated as an eligible charity plan for a plan year if—

“(1) the plan is maintained by one or more employers employing employees who are accruing benefits based on service for the plan year,

“(2) such employees are employed in at least 20 States,

“(3) more than 98 percent of such employees are employed by an employer described in section 501(c)(3) of such Code and the primary exempt purpose of each such employer is to provide services with respect to children, and

“(4) the plan sponsor elects (at such time and in such form and manner as shall be prescribed by the Secretary of the Treasury) to be so treated.

Any election under this subsection may be revoked only with the consent of the Secretary of the Treasury.”.

(2) **EFFECTIVE DATE.**—The amendment made by this subsection shall take effect as if included in the amendment made by the provision of the Preservation of Access to Care for Medicare Beneficiaries and Pension Relief Act of 2010 to which the amendment relates (determined after application of the amendment made by subsection (c)), except that a plan sponsor may elect to apply such amendment to plan years beginning on or after January 1, 2011.

(b) **REGULATIONS.**—The Secretary of the Treasury may prescribe such regulations as may be necessary to carry out the purposes of the amendments made by section 202(b) of the Preservation of Access to Care for Medicare Beneficiaries and Pension Relief Act of

2010 and the amendment made by subsection (a).

(c) **APPLICATION OF NEW RULES TO ELIGIBLE CHARITY PLANS.**—

(1) **IN GENERAL.**—Paragraph (2) of section 202(c) of the Preservation of Access to Care for Medicare Beneficiaries and Pension Relief Act of 2010 is amended to read as follows:

“(2) **ELIGIBLE CHARITY PLANS.**—The amendments made by subsection (b) shall apply to plan years beginning after December 31, 2010, except that a plan sponsor may elect to apply such amendments to plan years beginning after an earlier date.”.

(2) **EFFECTIVE DATE.**—The amendment made by this subsection shall take effect as if included in the amendment made by the provision of the Preservation of Access to Care for Medicare Beneficiaries and Pension Relief Act of 2010 to which the amendment relates.

SEC. 703. SUSPENSION OF CERTAIN FUNDING LEVEL LIMITATIONS.

(a) **LIMITATIONS ON BENEFIT ACCRUALS.**—Section 203 of the Worker, Retiree, and Employer Recovery Act of 2008 (Public Law 110-458; 122 Stat. 5118) is amended—

(1) by striking “the first plan year beginning during the period beginning on October 1, 2008, and ending on September 30, 2009” and inserting “any plan year beginning during the period beginning on October 1, 2008, and ending on December 31, 2011”;

(2) by striking “substituting” and all that follows through “for such plan year” and inserting “substituting for such percentage the plan’s adjusted funding target attainment percentage for the last plan year ending before September 30, 2009.”; and

(3) by striking “for the preceding plan year is greater” and inserting “for such last plan year is greater”.

(b) **SOCIAL SECURITY LEVEL-INCOME OPTIONS.**—

(1) **ERISA AMENDMENT.**—Section 206(g)(3)(E) of the Employee Retirement Income Security Act of 1974 is amended by adding at the end the following new sentence: “For purposes of applying clause (i) in the case of payments the annuity starting date for which occurs on or before December 31, 2011, payments under a social security leveling option shall be treated as not in excess of the monthly amount paid under a single life annuity (plus an amount not in excess of a social security supplement described in the last sentence of section 204(b)(1)(G)).”.

(2) **IRC AMENDMENT.**—Section 436(d)(5) of the Internal Revenue Code of 1986 is amended by adding at the end the following new sentence: “For purposes of applying subparagraph (A) in the case of payments the annuity starting date for which occurs on or before December 31, 2011, payments under a social security leveling option shall be treated as not in excess of the monthly amount paid under a single life annuity (plus an amount not in excess of a social security supplement described in the last sentence of section 411(a)(9)).”.

(3) **EFFECTIVE DATE.**—

(A) **IN GENERAL.**—The amendments made by this subsection shall apply to annuity payments the annuity starting date for which occurs on or after January 1, 2011.

(B) **PERMITTED APPLICATION.**—A plan shall not be treated as failing to meet the requirements of sections 206(g) of the Employee Retirement Income Security Act of 1974 (as amended by this subsection) and section 436(d) of the Internal Revenue Code of 1986 (as so amended) if the plan sponsor elects to apply the amendments made by this subsection to payments the annuity starting date for which occurs before January 1, 2011.

(c) **REPEAL OF RELATED PROVISIONS.**—The provisions of, and the amendments made by, section 203 of the Preservation of Access to Care for Medicare Beneficiaries and Pension Relief Act of 2010 are repealed and the Employee Retirement Income Security Act of 1974, the Internal Revenue Code of 1986, and the Worker, Retiree, and Employer Recovery Act of 2008 (Public Law 110-458; 122 Stat. 5118) shall be applied as if such section had never been enacted.

SEC. 704. OPTIONAL USE OF 30-YEAR AMORTIZATION PERIODS.

(a) **AMENDMENT TO ERISA.**—Paragraph (8) of section 304(b) of the Employee Retirement Income Security Act of 1974, as amended by the Preservation of Access to Care for Medicare Beneficiaries and Pension Relief Act of 2010, is amended by striking “after August 31, 2008” each place it appears in subparagraphs (A)(i), (B)(i)(I), and (B)(i)(II), and inserting “on or after June 30, 2008”.

(b) **AMENDMENT TO INTERNAL REVENUE CODE OF 1986.**—Paragraph (8) of section 431(b) of the Internal Revenue Code of 1986, as amended by the Preservation of Access to Care for Medicare Beneficiaries and Pension Relief Act of 2010, is amended by striking “after August 31, 2008” each place it appears in subparagraphs (A)(i) and (B)(i)(I) and inserting “on or after June 30, 2008”.

(c) **EFFECTIVE DATE AND SPECIAL RULES.**—The amendments made by this section shall take effect as of the first day of the first plan year beginning on or after June 30, 2008, except that any election a plan sponsor makes pursuant to this section or the amendments made thereby that affects the plan’s funding standard account for any plan year beginning before October 1, 2009, shall be disregarded for purposes of applying the provisions of section 305 of the Employee Retirement Income Security Act of 1974 and section 432 of the Internal Revenue Code of 1986 to that plan year.

TITLE VIII—TEMPORARY EXTENSION OF CERTAIN PROVISIONS ENDING IN 2010 OR 2011

Subtitle A—Unemployment Benefits

SEC. 801. EXTENSION OF UNEMPLOYMENT INSURANCE PROVISIONS.

(a) **IN GENERAL.**—(1) Section 4007 of the Supplemental Appropriations Act, 2008 (Public Law 110-252; 26 U.S.C. 3304 note) is amended—

(A) by striking “November 30, 2010” each place it appears and inserting “January 3, 2012”;

(B) in the heading for subsection (b)(2), by striking “NOVEMBER 30, 2010” and inserting “JANUARY 3, 2012”; and

(C) in subsection (b)(3), by striking “April 30, 2011” and inserting “June 9, 2012”.

(2) Section 2005 of the Assistance for Unemployed Workers and Struggling Families Act, as contained in Public Law 111-5 (26 U.S.C. 3304 note; 123 Stat. 444), is amended—

(A) by striking “December 1, 2010” each place it appears and inserting “January 4, 2012”; and

(B) in subsection (c), by striking “May 1, 2011” and inserting “June 11, 2012”.

(3) Section 5 of the Unemployment Compensation Extension Act of 2008 (Public Law 110-449; 26 U.S.C. 3304 note) is amended by striking “April 30, 2011” and inserting “June 10, 2012”.

(b) **FUNDING.**—Section 4004(e)(1) of the Supplemental Appropriations Act, 2008 (Public Law 110-252; 26 U.S.C. 3304 note) is amended—

(1) in subparagraph (E), by striking “and” at the end; and

(2) by inserting after subparagraph (F) the following:

“(G) the amendments made by section 2(a)(1) of the ; and”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall take effect as if included in the enactment of the Unemployment Compensation Extension Act of 2010 (Public Law 111–205).

SEC. 802. TEMPORARY MODIFICATION OF INDICATORS UNDER THE EXTENDED BENEFIT PROGRAM.

(a) **INDICATOR.**—Section 203(d) of the Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note) is amended, in the flush matter following paragraph (2), by inserting after the first sentence the following sentence: “Effective with respect to compensation for weeks of unemployment beginning after the date of enactment of the (or, if later, the date established pursuant to State law), and ending on or before December 31, 2011, the State may by law provide that the determination of whether there has been a state ‘on’ or ‘off’ indicator beginning or ending any extended benefit period shall be made under this subsection as if the word ‘two’ were ‘three’ in subparagraph (1)(A).”.

(b) **ALTERNATIVE TRIGGER.**—Section 203(f) of the Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note) is amended—

(1) by redesignating paragraph (2) as paragraph (3); and

(2) by inserting after paragraph (1) the following new paragraph:

“(2) Effective with respect to compensation for weeks of unemployment beginning after the date of enactment of the (or, if later, the date established pursuant to State law), and ending on or before December 31, 2011, the State may by law provide that the determination of whether there has been a state ‘on’ or ‘off’ indicator beginning or ending any extended benefit period shall be made under this subsection as if the word ‘either’ were ‘any’, the word ‘both’ were ‘all’, and the figure ‘2’ were ‘3’ in clause (1)(A)(ii).”.

Subtitle B—Small Business

SEC. 811. TEMPORARY EXCLUSION OF 100 PERCENT OF GAIN ON CERTAIN SMALL BUSINESS STOCK.

(a) **IN GENERAL.**—Paragraph (4) of section 1202(a) is amended—

(1) by striking “January 1, 2011” and inserting “January 1, 2012”, and

(2) by inserting “AND 2011” after “2010” in the heading thereof.

(b) **EFFECTIVE DATE.**—The amendments made by this section shall apply to stock acquired after December 31, 2010.

SEC. 812. GENERAL BUSINESS CREDITS OF ELIGIBLE SMALL BUSINESSES CARRIED BACK 5 YEARS.

(a) **IN GENERAL.**—Subparagraph (A) of section 39(a)(4) is amended by inserting “or 2011” after “2010”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to credits determined in taxable years beginning after December 31, 2010.

SEC. 813. GENERAL BUSINESS CREDITS OF ELIGIBLE SMALL BUSINESSES NOT SUBJECT TO ALTERNATIVE MINIMUM TAX.

(a) **IN GENERAL.**—Paragraph (5) of section 38(c) is amended—

(1) by inserting “or 2011” after “2010” in subparagraph (A), and

(2) by inserting “OR 2011” after “2010” in the heading thereof.

(b) **EFFECTIVE DATE.**—The amendments made by this section shall apply to credits determined in taxable years beginning after

December 31, 2010, and to carrybacks of such credits.

SEC. 814. EXTENSION OF INCREASE IN AMOUNT ALLOWED AS DEDUCTION FOR START-UP EXPENDITURES.

(a) **START-UP EXPENDITURES.**—Paragraph (3) of section 195(b) is amended—

(1) by inserting “or 2011” after “2010”, and

(2) by inserting “OR 2011” after “2010” in the heading thereof.

(b) **EFFECTIVE DATE.**—The amendments made by this section shall apply to amounts paid or incurred in taxable years beginning after December 31, 2010.

SEC. 815. EXTENSION OF DEDUCTION FOR HEALTH INSURANCE COSTS IN COMPUTING SELF-EMPLOYMENT TAXES.

(a) **IN GENERAL.**—Paragraph (4) of section 162(l) is amended by striking “December 31, 2010” and inserting “December 31, 2011”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to taxable years beginning after December 31, 2010.

Subtitle C—Energy

SEC. 821. ALTERNATIVE FUEL VEHICLE REFUELING PROPERTY.

(a) **EXTENSION OF CREDIT.**—Paragraph (2) of section 30C(g) is amended by striking “December 31, 2010” and inserting “December 31, 2011”.

(b) **CLARIFICATION OF DEFINITION OF ELECTRIC REFUELING PROPERTY.**—Subparagraph (B) of section 179A(d)(3) is amended to read as follows:

“(B) exclusively used for the recharging of motor vehicles propelled by electricity (other than property used for the generation of electricity).”.

(c) **EFFECTIVE DATES.**—

(1) **EXTENSION.**—The amendment made by subsection (a) shall apply to property placed in service after December 31, 2010.

(2) **CLARIFICATION.**—The amendment made by subsection (b) shall apply to property placed in service after the date of the enactment of this Act.

SEC. 822. ELECTIVE PAYMENT FOR SPECIFIED ENERGY PROPERTY.

(a) **IN GENERAL.**—Chapter 65 is amended by adding at the end the following new subchapter:

“Subchapter C—Direct Payment Provisions

“Sec. 6451. Elective payment for specified energy property.

“SEC. 6451. ELECTIVE PAYMENT FOR SPECIFIED ENERGY PROPERTY.

“(a) **ELECTIVE PAYMENT.**—

“(1) **IN GENERAL.**—Any eligible person electing the application of this section with respect to any specified energy property originally placed in service by such person during the taxable year shall be treated as making a payment against the tax imposed by subtitle A for the taxable year equal to the applicable percentage of the basis of such property. Such payment shall be treated as made on the later of the due date of the return of such tax or the date on which such return is filed.

“(2) **ELIGIBILITY.**—A person shall not be eligible to elect the application of this section unless such person has been certified as eligible by the Secretary, under such rules as the Secretary, in consultation with the Secretary of Energy, may prescribe.

“(b) **APPLICABLE PERCENTAGE.**—For purposes of this section, the term ‘applicable percentage’ means—

“(1) 30 percent in the case of any property described in paragraph (2)(A)(i) or (5) of section 48(a), and

“(2) 10 percent in the case of any other property.

“(c) **DOLLAR LIMITATIONS.**—In the case of property described in paragraph (1), (2), or (3) of section 48(c), the payment otherwise treated as made under subsection (a) with respect to such property shall not exceed the limitation applicable to such property under such paragraph.

“(d) **SPECIFIED ENERGY PROPERTY.**—For purposes of this section—

“(1) **IN GENERAL.**—The term ‘specified energy property’ means energy property (within the meaning of section 48) which—

“(A) is originally placed in service before January 1, 2012, or

“(B) is originally placed in service on or after such date and before the credit termination date with respect to such property, but only if the construction of such property began before January 1, 2012.

“(2) **CREDIT TERMINATION DATE.**—The term ‘credit termination date’ means—

“(A) in the case of any energy property which is part of a facility described in paragraph (1) of section 45(d), January 1, 2013,

“(B) in the case of any energy property which is part of a facility described in paragraph (2), (3), (4), (6), (7), (9), or (11) of section 45(d), January 1, 2014, and

“(C) in the case of any energy property described in section 48(a)(3), January 1, 2017.

In the case of any property which is described in subparagraph (C) and also in another subparagraph of this paragraph, subparagraph (C) shall apply with respect to such property.

“(e) **COORDINATION WITH PRODUCTION AND INVESTMENT CREDITS.**—In the case of any property with respect to which an election is made under this section—

“(1) **DENIAL OF PRODUCTION AND INVESTMENT CREDITS.**—No credit shall be determined under section 45 or 48 with respect to such property for the taxable year in which such property is originally placed in service or any subsequent taxable year.

“(2) **REDUCTION OF PAYMENT BY PROGRESS EXPENDITURES ALREADY TAKEN INTO ACCOUNT.**—The amount of the payment treated as made under subsection (a) with respect to such property shall be reduced by the aggregate amount of credits determined under section 48 with respect to such property for all taxable years preceding the taxable year in which such property is originally placed in service.

“(f) **SPECIAL RULES FOR CERTAIN NON-TAXPAYERS.**—

“(1) **DENIAL OF PAYMENT.**—Subsection (a) shall not apply with respect to any property originally placed in service by—

“(A) any governmental entity other than a governmental unit which is a State utility with a service obligation (as such terms are defined in section 217 of the Federal Power Act), or

“(B) any organization described in section 501(c) (other than a mutual or cooperative electric company described in section 501(c)(12)) or 401(a) and exempt from tax under section 501(a).

“(2) **EXCEPTION FOR PROPERTY USED IN UNRELATED TRADE OR BUSINESS.**—Paragraph (1) shall not apply with respect to any property originally placed in service by an entity described in section 511(a)(2) if substantially all of the income derived from such property by such entity is unrelated business taxable income (as defined in section 512).

“(3) **SPECIAL RULES FOR PARTNERSHIPS AND S CORPORATIONS.**—In the case of property originally placed in service by a partnership or an S corporation—

“(A) the election under subsection (a) may be made only by such partnership or S corporation,

“(B) such partnership or S corporation shall be treated as making the payment referred to in subsection (a) only to the extent of the proportionate share of such partnership or S corporation as is owned by persons who would be treated as making such payment if the property were originally placed in service by such persons, and

“(C) the return required to be made by such partnership or S corporation under section 6031 or 6037 (as the case may be) shall be treated as a return of tax for purposes of subsection (a).

For purposes of subparagraph (B), rules similar to the rules of section 168(h)(6) (other than subparagraph (F) thereof) shall apply. For purposes of applying such rules, the term ‘tax-exempt entity’ shall not include any entity which is a governmental unit which is a State utility with a service obligation (as such terms are defined in section 217 of the Federal Power Act) or which is a mutual or cooperative electric company described in section 501(c)(12).

“(g) OTHER DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

“(1) OTHER DEFINITIONS.—Terms used in this section which are also used in section 45 or 48 shall have the same meanings for purposes of this section as when used in such sections.

“(2) APPLICATION OF RECAPTURE RULES, ETC.—Except as otherwise provided by the Secretary, rules similar to the rules of section 50 (other than paragraphs (1) and (2) of subsection (d) thereof), and section 1603 of the American Recovery and Reinvestment Act of 2009, shall apply.

“(3) EXCLUSION FROM GROSS INCOME.—Any credit or refund allowed or made by reason of this section shall not be includible in gross income or alternative minimum taxable income.

“(4) EXCEPTION FOR CERTAIN PROJECTS.—Subsection (a) shall not apply to any governmental unit or cooperative electric company (as defined in section 54(j)(1)) with respect to any specified energy property which is described in section 48(a)(5)(D) if such entity has issued any bond—

“(A) which is designated as a clean renewable energy bond under section 54 of the Internal Revenue Code of 1986 or as a new clean renewable energy bond under section 54C of such Code, and

“(B) the proceeds of which are used for expenditures in connection with the same qualified facility with respect to which such specified energy property is a part.

“(5) COORDINATION WITH GRANT PROGRAM.—If a grant under section 1603 of the American Recovery and Reinvestment Tax Act of 2009 is made with respect to any specified energy property—

“(A) no election may be made under subsection (a) with respect to such property on or after the date of such grant, and

“(B) if such grant is made after such election, such property shall be treated as having ceased to be specified energy property immediately after such property was originally placed in service.”

(b) TREATMENT OF GRANTS FOR COOPERATIVE ELECTRIC COMPANIES.—Section 501(c)(12) is amended by adding at the end the following new subparagraph:

“(I) In the case of a mutual or cooperative electric company described in this paragraph or an organization described in section 1381(a)(2)(C), subparagraph (A) shall be applied without taking into account any payment made by reason of section 6452.”

(c) CONFORMING AMENDMENTS RELATED TO DIRECT PAYMENT.—

(1) Subparagraph (A) of section 6211(b)(4)(A) is amended by inserting “and subchapter C of chapter 65 (including any payment treated as made under such subchapter)” after “6431”.

(2) Subparagraph (B) of section 6425(c)(1) is amended—

(A) by striking “the credits” and inserting “the sum of—

“(i) the credits”,

(B) by striking the period at the end of clause (i) thereof (as amended by this paragraph) and inserting “, plus”, and

(C) by adding at the end the following new clause:

“(ii) the payments treated as made under subchapter C of chapter 65.”

(3) Paragraph (3) of section 6654(f) is amended—

(A) by striking “the credits” and inserting “the sum of—

“(A) the credits”,

(B) by striking the period at the end of subparagraph (A) thereof (as amended by this paragraph) and inserting “, and”, and

(C) by adding at the end the following new subparagraph:

“(B) the payments treated as made under subchapter C of chapter 65.”

(4) Subparagraph (B) of section 6655(g)(1) is amended—

(A) by striking “the credits” and inserting “the sum of—

“(i) the credits”,

(B) by striking the period at the end of clause (i) thereof (as amended by this paragraph) and inserting “, plus”, and

(C) by adding at the end the following new clause:

“(ii) the payments treated as made under subchapter C of chapter 65.”

(5) Paragraph (2) of section 1324(b) of title 31, United States Code, is amended by inserting “, or from the provisions of subchapter C of chapter 65 of such Code” before the period at the end.

(6) The table of subchapters for chapter 65 is amended by adding at the end the following new item:

“SUBCHAPTER C. DIRECT PAYMENT PROVISIONS.”

(d) CLARIFICATION OF APPLICATION OF GRANTS FOR SPECIFIED ENERGY PROPERTY TO CERTAIN REGULATED COMPANIES.—The first sentence of section 1603(f) of the American Recovery and Reinvestment Tax Act of 2009 is amended by inserting “(other than subsection (d)(2) thereof)” after “section 50 of the Internal Revenue Code of 1986”.

(e) TECHNICAL AMENDMENTS.—

(1) Paragraphs (1) and (2) of section 1603(a) of the American Recovery and Reinvestment Tax Act of 2009 are each amended by striking “is placed in service” and inserting “is originally placed in service by such person”.

(2) Paragraph (1) of section 1603(d) of such Act is amended—

(A) by striking “(within the meaning of section 45 of such Code)”, and

(B) by inserting before the period at the end the following: “which would (but for section 48(d)(1) of such Code) be eligible for credit under section 45 of such Code (determined without regard to subsection (a)(2)(B) thereof)”.

(3) Subsection (f) of section 1603 of such Act, as amended by subsection (d), is amended—

(A) by striking the second sentence and inserting the following: “In applying such rules, any increase in tax under chapter 1 of such Code by reason of the property being disposed of (or otherwise ceasing to be speci-

fied energy property) shall be imposed on the person to whom the grant was made.”,

(B) by striking “In making grants under” and inserting the following:

“(1) IN GENERAL.—In making grants under”, and

(C) by adding at the end following new paragraph:

“(2) SPECIAL RULES.—

“(A) RECAPTURE OF EXCESSIVE GRANT AMOUNTS.—If the amount of a grant made under this section exceeds the amount allowable as a grant under this section, such excess shall be recaptured under paragraph (1) as if the property to which such grant relates were disposed of immediately after such grant was made.

“(B) GRANT INFORMATION NOT TREATED AS RETURN INFORMATION.—For purposes of section 6103 of the Internal Revenue Code of 1986, in no event shall any of the following be treated as return information:

“(i) The amount of a grant made under subsection (a).

“(ii) The identity of the person to whom the grant was made.

“(iii) A description of the property with respect to which the grant was made.

“(iv) The fact and amount of any recapture.

“(v) The content of any report required by the Secretary of the Treasury to be filed in connection with the grant.”.

(4) Subsection (g) of section 1603 of such Act is amended—

(A) by redesignating paragraphs (1) through (4) as subparagraphs (A) through (D), respectively,

(B) by moving such subparagraphs (as so redesignated) 2 ems to the right,

(C) by striking “paragraph (1), (2), or (3)” in subparagraph (D) (as so redesignated) and inserting “subparagraphs (A), (B), or (C)”,

(D) by striking “The Secretary” and inserting the following:

“(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary”, and

(E) by adding at the end the following new paragraph:

“(2) EXCEPTION WHERE PROPERTY USED IN UNRELATED TRADE OR BUSINESS.—

“(A) IN GENERAL.—Paragraph (1) shall not apply to any person or entity described therein to the extent the grant is with respect to unrelated trade or business property.

“(B) UNRELATED TRADE OR BUSINESS PROPERTY.—For purposes of this paragraph, the term ‘unrelated trade or business property’ means any property with respect to which substantially all of the income derived therefrom by an organization described in section 511(a)(2) of the Internal Revenue Code of 1986 is subject to tax under section 511 of such Code.

“(C) INFORMATION WITH RESPECT TO PASS-THRU.—In the case of a partnership or other pass-thru entity, partners or other holders of an equity or profits interest must provide to such partnership or entity such information as the Secretary may require to carry out the purposes of this subsection.”.

(f) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to property originally placed in service after the date of the enactment of this Act.

(2) CLARIFICATION AND TECHNICAL AMENDMENTS.—The amendments made by subsections (d) and (e) shall take effect as if included in section 1603 of the American Recovery and Reinvestment Tax Act of 2009.

SEC. 823. QUALIFYING ADVANCED ENERGY PROJECT CREDIT.

(a) IN GENERAL.—Section 48C(d)(1)(B) is amended by striking “\$2,300,000,000” and inserting “\$4,800,000,000”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to allocations for applications submitted after December 31, 2010.

SEC. 824. NEW CLEAN RENEWABLE ENERGY BONDS.

(a) IN GENERAL.—Subsection (c) of section 54C is amended by adding at the end the following new paragraph:

“(5) SECOND ADDITIONAL LIMITATION.—Subject to paragraph (4), the national new clean renewable energy bond limitation shall be increased by \$1,600,000,000. Such increase shall be allocated by the Secretary consistent with the rules of paragraphs (2) and (3).”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to allocations after December 31, 2010.

SEC. 825. ALTERNATIVE MOTOR VEHICLE CREDIT FOR NEW QUALIFIED ALTERNATIVE FUEL VEHICLES.

(a) IN GENERAL.—Paragraph (4) of section 30B(k) is amended by striking “December 31, 2010” and inserting “December 31, 2011”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property purchased after December 31, 2010.

SEC. 826. EXTENSION OF PROVISIONS RELATED TO ALCOHOL USED AS FUEL.

(a) EXTENSION OF INCOME TAX CREDIT FOR ALCOHOL USED AS FUEL.—

(1) IN GENERAL.—Paragraph (1) of section 40(e) is amended—

(A) by striking “December 31, 2010” in subparagraph (A) and inserting “December 31, 2011”, and

(B) by striking “January 1, 2011” in subparagraph (B) and inserting “January 1, 2012”.

(2) REDUCED AMOUNT FOR ETHANOL BLENDED.—Subsection (h) of section 40 is amended—

(A) by striking “2010” in paragraph (1) and inserting “2011”, and

(B) by striking the period at the end of the table contained in paragraph (2) and adding the following new item:

“2011	36 cents	26.66 cents.”.
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(3) REDUCED RATE FOR SMALL ETHANOL PRODUCERS.—Section 40(b)(4)(A) is amended by striking “10 cents” and inserting “8 cents”.

(4) EFFECTIVE DATE.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the amendments made by this subsection shall apply to periods after December 31, 2010.

(B) RATE FOR SMALL ETHANOL PRODUCERS.—The amendment made by paragraph (3) shall apply to the sale or use of alcohol after December 31, 2010.

(b) EXTENSION OF EXCISE TAX CREDIT FOR ALCOHOL USED AS FUEL.—

(1) IN GENERAL.—Paragraph (6) of section 6426(b) is amended by striking “December 31, 2010” and inserting “December 31, 2011”.

(2) REDUCED APPLICABLE AMOUNT FOR ETHANOL.—Subparagraph (A) of section 6426(b)(2) is amended—

(A) by striking “and” at the end of clause (i),

(B) in clause (ii)—

(i) by inserting “and before 2011” after “after 2008”, and

(ii) by striking the period and inserting “, and”, and

(C) by adding at the end the following new clause:

“(iii) in the case of calendar years beginning after 2010, 36 cents.”.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to periods after December 31, 2010.

(c) EXTENSION OF PAYMENT FOR ALCOHOL FUEL MIXTURE.—

(1) IN GENERAL.—Subparagraph (A) of section 6427(e)(6) is amended by striking “December 31, 2010” and inserting “December 31, 2011”.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to sales and uses after December 31, 2010.

(d) EXTENSION OF ADDITIONAL DUTIES ON ETHANOL.—

(1) IN GENERAL.—Headings 9901.00.50 and 9901.00.52 of the Harmonized Tariff Schedule of the United States are each amended in the effective period column by striking “1/1/2011” and inserting “1/1/2012”.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on January 1, 2011.

SEC. 827. ENERGY EFFICIENT APPLIANCE CREDIT.

(a) DISHWASHERS.—Paragraph (1) of section 45M(b) is amended by striking “and” at the end of subparagraph (A), by striking the period at the end of subparagraph (B) and inserting a comma, and by adding at the end the following new subparagraphs:

“(C) \$25 in the case of a dishwasher which is manufactured in calendar year 2011 and which uses no more than 307 kilowatt hours per year and 5.0 gallons per cycle (5.5 gallons per cycle for dishwashers designed for greater than 12 place settings),

“(D) \$50 in the case of a dishwasher which is manufactured in calendar year 2011 and which uses no more than 295 kilowatt hours per year and 4.25 gallons per cycle (4.75 gallons per cycle for dishwashers designed for greater than 12 place settings), and

“(E) \$75 in the case of a dishwasher which is manufactured in calendar year 2011 and which uses no more than 280 kilowatt hours per year and 4 gallons per cycle (4.5 gallons per cycle for dishwashers designed for greater than 12 place settings).”.

(b) CLOTHES WASHERS.—Paragraph (2) of section 45M(b) is amended by striking “and” at the end of subparagraph (C), by striking the period at the end of subparagraph (D) and inserting a comma, and by adding at the end the following new subparagraphs:

“(E) \$175 in the case of a top-loading clothes washer manufactured in calendar year 2011 which meets or exceeds a 2.2 modified energy factor and does not exceed a 4.5 water consumption factor, and

“(F) \$225 in the case of a clothes washer manufactured in calendar year 2011—

“(i) which is a top-loading clothes washer and which meets or exceeds a 2.4 modified energy factor and does not exceed a 4.2 water consumption factor, or

“(ii) which is a front-loading clothes washer and which meets or exceeds a 2.8 modified energy factor and does not exceed a 3.5 water consumption factor.”.

(c) REFRIGERATORS.—Paragraph (3) of section 45M(b) is amended by striking “and” at the end of subparagraph (C), by striking the period at the end of subparagraph (D) and inserting a comma, and by adding at the end the following new subparagraphs:

“(E) \$150 in the case of a refrigerator manufactured in calendar year 2011 which consumes at least 30 percent less energy than the 2001 energy conservation standards, and

“(F) \$200 in the case of a refrigerator manufactured in calendar year 2011 which consumes at least 35 percent less energy than the 2001 energy conservation standards.”.

(d) REBASING OF LIMITATIONS.—

(1) IN GENERAL.—Paragraph (1) of section 45M(e) is amended by striking “December 31, 2007” and inserting “December 31, 2010”.

(2) EXCEPTION FOR CERTAIN REFRIGERATORS AND CLOTHES WASHERS.—Paragraph (2) of section 45M(e) is amended—

(A) by striking “subsection (b)(3)(D)” and inserting “subsection (b)(3)(F)”, and

(B) by striking “subsection (b)(2)(D)” and inserting “subsection (b)(2)(F)”.

(3) GROSS RECEIPTS LIMITATION.—Paragraph (3) of section 45M(e) is amended by striking “2 percent” and inserting “4 percent”.

(e) DIRECT PAYMENT OF ENERGY EFFICIENT APPLIANCES TAX CREDIT.—In the case of any taxable year which includes the last day of calendar year 2009 or calendar year 2010, a taxpayer who elects to waive the credit which would otherwise be determined with respect to the taxpayer under section 45M of the Internal Revenue Code of 1986 for such taxable year shall be treated as making a payment against the tax imposed under subtitle A of such Code for such taxable year in an amount equal to 85 percent of the amount of the credit which would otherwise be so determined. Such payment shall be treated as made on the later of the due date of the return of such tax or the date on which such return is filed. Elections under this section may be made separately for 2009 and 2010, but once made shall be irrevocable. No amount shall be includible in gross income or alternative minimum taxable income by reason of this section.

(f) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by subsections (a), (b), and (c) shall apply to appliances produced after December 31, 2010.

(2) LIMITATIONS.—The amendments made by subsection (d) shall apply to taxable years beginning after December 31, 2010.

SEC. 828. REDUCED DEPRECIATION PERIOD FOR NATURAL GAS DISTRIBUTION FACILITIES.

(a) IN GENERAL.—Clause (viii) of section 168(e)(3)(E) is amended by striking “January 1, 2011” and inserting “January 1, 2012”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after December 31, 2010.

Subtitle D—Education**SEC. 831. QUALIFIED SCHOOL CONSTRUCTION BONDS.**

(a) IN GENERAL.—Subsection (c) of section 54F is amended—

(1) by striking “and” at the end of paragraph (2),

(2) by redesignating paragraph (3) as paragraph (4),

(3) by inserting after paragraph (2) the following new paragraph:

“(3) \$11,000,000,000 for 2011, and”, and

(4) by striking “2010” in paragraph (4) (as redesignated by paragraph (2)) and inserting “2011”.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to obligations issued after December 31, 2010.

Subtitle E—Other Employee and Housing Relief**SEC. 841. MAKING WORK PAY CREDIT.**

(a) IN GENERAL.—Section 36A(e) is amended by striking “December 31, 2010” and inserting “December 31, 2011”.

(b) TREATMENT OF POSSESSIONS.—Section 1001(b)(1) of the American Recovery and Reinvestment Tax Act of 2009 is amended by striking “2009 and 2010” both places it appears and inserting “2009, 2010, and 2011”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2010.

SEC. 842. WORK OPPORTUNITY CREDIT.

(a) IN GENERAL.—Subparagraph (B) of section 51(c)(4) is amended by striking “August 31, 2011” and inserting “December 31, 2011”.

(b) UNEMPLOYED VETERANS AND DISCONNECTED YOUTH.—Paragraph (14) of section 51(d) is amended—

(1) by striking “2009 or 2010” in subparagraph (A) and inserting “2009, 2010, or 2011”, and

(2) by striking “2009 OR 2010” in the heading thereof and inserting “2009, 2010, OR 2011”.

(c) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendment made by subsection (a) shall apply to individuals who begin work for the employer after the date of the enactment of this Act.

(2) UNEMPLOYED VETERANS AND DISCONNECTED YOUTH.—The amendments made by subsection (b) shall apply to individuals who begin work for the employer after December 31, 2010.

SEC. 843. EXCLUSION FROM INCOME FOR BENEFITS PROVIDED TO VOLUNTEER FIREFIGHTERS AND EMERGENCY MEDICAL RESPONDERS.

(a) IN GENERAL.—Subsection (d) of section 139B is amended by striking “December 31, 2010” and inserting “December 31, 2011”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2010.

SEC. 844. PARITY FOR EXCLUSION FROM INCOME FOR EMPLOYER-PROVIDED MASS TRANSIT AND PARKING BENEFITS.

(a) IN GENERAL.—Paragraph (2) of section 132(f) is amended by striking “January 1, 2011” and inserting “January 1, 2012”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to months after December 31, 2010.

SEC. 845. QUALIFIED MORTGAGE BONDS FOR REFINANCING OF SUBPRIME LOANS.

(a) IN GENERAL.—Subparagraph (D) of section 143(k)(12) is amended by striking “December 31, 2010” and inserting “December 31, 2011”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to bonds issued after December 31, 2010.

TITLE IX—OTHER PROVISIONS**SEC. 901. REPEAL OF EXPANSION OF INFORMATION REPORTING REQUIREMENTS.**

(a) REPEAL OF PAYMENTS FOR PROPERTY AND OTHER GROSS PROCEEDS.—Subsection (b) of section 9006 of the Patient Protection and Affordable Care Act, and the amendments made thereby, are hereby repealed; and the Internal Revenue Code of 1986 shall be applied as if such subsection, and amendments, had never been enacted.

(b) REPEAL OF APPLICATION TO CORPORATIONS; APPLICATION OF REGULATORY AUTHORITY.—

(1) IN GENERAL.—Section 6041 of the Internal Revenue Code of 1986, as amended by section 9006(a) of the Patient Protection and Affordable Care Act and section 2101 of the Small Business Jobs Act of 2010, is amended by striking subsections (i) and (j) and inserting the following new subsection:

“(i) REGULATIONS.—The Secretary may prescribe such regulations and other guidance as may be appropriate or necessary to carry out the purposes of this section, including rules to prevent duplicative reporting of transactions.”.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall apply to payments made after December 31, 2010.

SEC. 902. REPEAL OF SUNSET ON TAX TREATMENT OF ALASKA NATIVE SETTLEMENT TRUSTS.

Title IX of the Economic Growth and Tax Relief Reconciliation Act of 2001 (relating to

sunset of provisions of such Act) shall not apply to section 671 of such Act (relating to tax treatment and information requirements of Alaska Native Settlement Trusts).

SEC. 903. REPEAL OF SUNSET ON EXPANSION OF AUTHORITY TO POSTPONE CERTAIN TAX-RELATED DEADLINES.

Title IX of the Economic Growth and Tax Relief Reconciliation Act of 2001 (relating to sunset of provisions of such Act) shall not apply to section 802 of such Act (relating to expansion of authority to postpone certain tax-related deadlines by reason of Presidentially declared disaster).

SEC. 904. REFUNDS DISREGARDED IN THE ADMINISTRATION OF FEDERAL PROGRAMS AND FEDERALLY ASSISTED PROGRAMS.

(a) IN GENERAL.—Subchapter A of chapter 65 is amended by adding at the end the following new section:

“SEC. 6409. REFUNDS DISREGARDED IN THE ADMINISTRATION OF FEDERAL PROGRAMS AND FEDERALLY ASSISTED PROGRAMS.

“Notwithstanding any other provision of law, any refund (or advance payment with respect to a refundable credit) made to any individual under this title shall not be taken into account as income, and shall not be taken into account as resources for a period of 12 months from receipt, for purposes of determining the eligibility of such individual (or any other individual) for benefits or assistance (or the amount or extent of benefits or assistance) under any Federal program or under any State or local program financed in whole or in part with Federal funds.”.

(b) CLERICAL AMENDMENT.—The table of sections for such subchapter is amended by adding at the end the following new item:

“Sec. 6409. Refunds disregarded in the administration of Federal programs and federally assisted programs.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts received after December 31, 2009.

SEC. 905. TREATMENT OF SECURITIES OF A CONTROLLED CORPORATION EXCHANGED FOR ASSETS IN CERTAIN REORGANIZATIONS.

(a) IN GENERAL.—Section 361 (relating to nonrecognition of gain or loss to corporations; treatment of distributions) is amended by adding at the end the following new subsection:

“(d) SPECIAL RULES FOR TRANSACTIONS INVOLVING SECTION 355 DISTRIBUTIONS.—In the case of a reorganization described in section 368(a)(1)(D) with respect to which stock or securities of the corporation to which the assets are transferred are distributed in a transaction which qualifies under section 355—

“(1) this section shall be applied by substituting ‘stock other than nonqualified preferred stock (as defined in section 351(g)(2))’ for ‘stock or securities’ in subsections (a) and (b)(1), and

“(2) the first sentence of subsection (b)(3) shall apply only to the extent that the sum of the money and the fair market value of the other property transferred to such creditors does not exceed the adjusted bases of such assets transferred (reduced by the amount of the liabilities assumed (within the meaning of section 357(c))).”.

(b) CONFORMING AMENDMENT.—Paragraph (3) of section 361(b) is amended by striking the last sentence.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to exchanges after December 31, 2010.

(2) TRANSITION RULE.—The amendments made by this section shall not apply to any exchange pursuant to a transaction which is—

(A) made pursuant to a written agreement which was binding on December 31, 2010, and at all times thereafter,

(B) described in a ruling request submitted to the Internal Revenue Service on or before December 2, 2010, or

(C) described on or before December 31, 2010, in a public announcement or in a filing with the Securities and Exchange Commission.

TITLE X—BUDGETARY PROVISIONS**SEC. 1001. DETERMINATION OF BUDGETARY EFFECTS.**

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled ‘Budgetary Effects of PAYGO Legislation’ for this Act, submitted for printing in the Congressional Record by the Chairman of the Senate Budget Committee, provided that such statement has been submitted prior to the vote on passage.

SEC. 1002. EMERGENCY DESIGNATIONS.

(a) STATUTORY PAYGO.—The provisions of this Act other than those that qualify for the current policy adjustments under section 7 of the Statutory Pay-As-You-Go Act of 2010 (Public Law 111-139; 2 U.S.C. 933(g)) are designated as an emergency requirement pursuant to section 4(g) of such Act (Public Law 111-139; 2 U.S.C. 933(g)).

(b) HOUSE OF REPRESENTATIVES.—In the House of Representatives, this Act is designated as an emergency for purposes of pay-as-you-go principles.

(c) SENATE.—In the Senate, this Act is designated as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

SA 4728. Mr. REID (for Mr. SCHUMER (for himself, Ms. STABENOW, and Mr. MENENDEZ)) proposed an amendment to amendment SA 4727 proposed by Mr. BAUCUS (for Mr. REID (for himself, Mr. ROCKEFELLER, Mr. KERRY, Mr. CARPER, Ms. STABENOW, Mr. SCHUMER, and Mr. MENENDEZ)) to the bill H.R. 4853, to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority to the Airport and Airway Trust Fund to amend title 49, United States Code, to extend authorizations for the airport improvement program, and for other purposes; as follows:

Strike all after the first word and insert the following:

SECTION 1. SHORT TITLE; AMENDMENT OF 1986 CODE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Middle Class Tax Cut Act of 2010”.

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

(c) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; amendment of 1986 Code; table of contents.

TITLE I—PERMANENT MIDDLE CLASS TAX RELIEF

- Sec. 101. Repeal of sunset on certain individual income tax rate relief.
- Sec. 102. Reduced rates on capital gains and dividends made permanent.
- Sec. 103. Repeal of sunset on expansion of child tax credit.
- Sec. 104. Repeal of sunset on marriage penalty relief.
- Sec. 105. Repeal of sunset on expansion of dependent care credit.
- Sec. 106. Repeal of sunset on expansion of adoption credit and adoption assistance programs.
- Sec. 107. Repeal of sunset on employer-provided child care credit.
- Sec. 108. Repeal of sunset on expansion of earned income tax credit.

TITLE II—PERMANENT EDUCATION TAX RELIEF

- Sec. 201. Repeal of sunset on education individual retirement accounts.
- Sec. 202. Repeal of sunset on employer-provided educational assistance.
- Sec. 203. Repeal of sunset on student loan interest deduction.
- Sec. 204. Repeal of sunset on exclusion of certain scholarships.
- Sec. 205. Repeal of sunset on arbitrage rebate exception for governmental bonds.
- Sec. 206. Repeal of sunset on treatment of qualified public educational facility bonds.
- Sec. 207. Repeal of sunset on American Opportunity Tax Credit.
- Sec. 208. Repeal of sunset on allowance of computer technology and equipment as a qualified higher education expense for section 529 accounts.

TITLE III—PERMANENT ESTATE TAX RELIEF

- Sec. 301. Repeal of EGTRRA sunset.
- Sec. 302. Reinstatement of estate tax; repeal of carryover basis.
- Sec. 303. Modifications to estate, gift, and generation-skipping transfer taxes.
- Sec. 304. Applicable exclusion amount increased by unused exclusion amount of deceased spouse.
- Sec. 305. Exclusion from gross estate of certain farmland so long as farmland use by family continues.
- Sec. 306. Increase in limitations on the amount excluded from the gross estate with respect to land subject to a qualified conservation easement.
- Sec. 307. Modification of rules for value of certain farm, etc., real property.
- Sec. 308. Required minimum 10-year term, etc., for grantor retained annuity trusts.
- Sec. 309. Consistent basis reporting between estate and person acquiring property from decedent.

TITLE IV—PERMANENT SMALL BUSINESS TAX RELIEF

- Sec. 401. Repeal of sunset on increased limitations on small business expensing.

TITLE V—ALTERNATIVE MINIMUM TAX RELIEF

- Sec. 501. Extension of increased alternative minimum tax exemption amount.
- Sec. 502. Extension of alternative minimum tax relief for nonrefundable personal credits.

TITLE VI—TEMPORARY EXTENSION OF CERTAIN PROVISIONS EXPIRING IN 2009

Subtitle A—Infrastructure Incentives

- Sec. 601. Extension of Build America Bonds.
- Sec. 602. Exempt-facility bonds for sewage and water supply facilities.
- Sec. 603. Extension of exemption from alternative minimum tax treatment for certain tax-exempt bonds.
- Sec. 604. Extension and additional allocations of recovery zone bond authority.
- Sec. 605. Allowance of new markets tax credit against alternative minimum tax.
- Sec. 606. Extension of tax-exempt eligibility for loans guaranteed by Federal home loan banks.
- Sec. 607. Extension of temporary small issuer rules for allocation of tax-exempt interest expense by financial institutions.

Subtitle B—Energy

- Sec. 611. Alternative motor vehicle credit for new qualified hybrid motor vehicles other than passenger automobiles and light trucks.
- Sec. 612. Incentives for biodiesel and renewable diesel.
- Sec. 613. Credit for electricity produced at certain open-loop biomass facilities.
- Sec. 614. Credit for steel industry fuel.
- Sec. 615. Credit for producing fuel from coke or coke gas.
- Sec. 616. New energy efficient home credit.
- Sec. 617. Excise tax credits and outlay payments for alternative fuel and alternative fuel mixtures.
- Sec. 618. Special rule for sales or dispositions to implement FERC or State electric restructuring policy for qualified electric utilities.
- Sec. 619. Suspension of limitation on percentage depletion for oil and gas from marginal wells.
- Sec. 620. Credit for nonbusiness energy property.

Subtitle C—Individual Tax Relief

PART I—MISCELLANEOUS PROVISIONS

- Sec. 631. Deduction for certain expenses of elementary and secondary school teachers.
- Sec. 632. Additional standard deduction for State and local real property taxes.
- Sec. 633. Deduction of State and local sales taxes.
- Sec. 634. Contributions of capital gain real property made for conservation purposes.
- Sec. 635. Above-the-line deduction for qualified tuition and related expenses.
- Sec. 636. Tax-free distributions from individual retirement plans for charitable purposes.
- Sec. 637. Look-thru of certain regulated investment company stock in determining gross estate of non-residents.

PART II—LOW-INCOME HOUSING CREDITS

- Sec. 641. Election for direct payment of low-income housing credit for 2010.
- Sec. 642. Low-income housing grant election.

Subtitle D—Business Tax Relief

- Sec. 651. Research credit.
- Sec. 652. Indian employment tax credit.
- Sec. 653. New markets tax credit.
- Sec. 654. Railroad track maintenance credit.

- Sec. 655. Mine rescue team training credit.
- Sec. 656. Employer wage credit for employees who are active duty members of the uniformed services.
- Sec. 657. 5-year depreciation for farming business machinery and equipment.
- Sec. 658. 15-year straight-line cost recovery for qualified leasehold improvements, qualified restaurant buildings and improvements, and qualified retail improvements.
- Sec. 659. 7-year recovery period for motorsports entertainment complexes.
- Sec. 660. Accelerated depreciation for business property on an Indian reservation.
- Sec. 661. Enhanced charitable deduction for contributions of food inventory.
- Sec. 662. Enhanced charitable deduction for contributions of book inventories to public schools.
- Sec. 663. Enhanced charitable deduction for corporate contributions of computer inventory for educational purposes.
- Sec. 664. Election to expense mine safety equipment.
- Sec. 665. Special expensing rules for certain film and television productions.
- Sec. 666. Expensing of environmental remediation costs.
- Sec. 667. Deduction allowable with respect to income attributable to domestic production activities in Puerto Rico.
- Sec. 668. Modification of tax treatment of certain payments to controlling exempt organizations.
- Sec. 669. Exclusion of gain or loss on sale or exchange of certain brownfield sites from unrelated business income.
- Sec. 670. Timber REIT modernization.
- Sec. 671. Treatment of certain dividends of regulated investment companies.
- Sec. 672. RIC qualified investment entity treatment under FIRPTA.
- Sec. 673. Exceptions for active financing income.
- Sec. 674. Look-thru treatment of payments between related controlled foreign corporations under foreign personal holding company rules.
- Sec. 675. Basis adjustment to stock of S corps making charitable contributions of property.
- Sec. 676. Empowerment zone tax incentives.
- Sec. 677. Tax incentives for investment in the District of Columbia.
- Sec. 678. Renewal community tax incentives.
- Sec. 679. Temporary increase in limit on cover over of rum excise taxes to Puerto Rico and the Virgin Islands.
- Sec. 680. American Samoa economic development credit.
- Sec. 681. Election to temporarily utilize unused AMT credits determined by domestic investment.
- Sec. 682. Reduction in corporate rate for qualified timber gain.
- Sec. 683. Study of extended tax expenditures.

Subtitle E—Temporary Disaster Relief Provisions

PART I—NATIONAL DISASTER RELIEF

- Sec. 691. Waiver of certain mortgage revenue bond requirements.

- Sec. 692. Losses attributable to federally declared disasters.
- Sec. 693. Special depreciation allowance for qualified disaster property.
- Sec. 694. Net operating losses attributable to federally declared disasters.
- Sec. 695. Expensing of qualified disaster expenses.

PART II—REGIONAL PROVISIONS

SUBPART A—NEW YORK LIBERTY ZONE

- Sec. 696. Special depreciation allowance for nonresidential and residential real property.
- Sec. 697. Tax-exempt bond financing.

SUBPART B—GO ZONE

- Sec. 698. Increase in rehabilitation credit.
- Sec. 699. Work opportunity tax credit with respect to certain individuals affected by Hurricane Katrina for employers inside disaster areas.
- Sec. 700. Extension of low-income housing credit rules for buildings in GO zones.

TITLE VII—TECHNICAL CORRECTIONS TO PENSION FUNDING LEGISLATION

- Sec. 701. Definition of eligible plan year.
- Sec. 702. Eligible charity plans.
- Sec. 703. Suspension of certain funding level limitations.
- Sec. 704. Optional use of 30-year amortization periods.

TITLE VIII—TEMPORARY EXTENSION OF CERTAIN PROVISIONS ENDING IN 2010 OR 2011

Subtitle A—Unemployment Benefits

- Sec. 801. Extension of unemployment insurance provisions.
- Sec. 802. Temporary modification of indicators under the extended benefit program.

Subtitle B—Small Business

- Sec. 811. Temporary exclusion of 100 percent of gain on certain small business stock.
- Sec. 812. General business credits of eligible small businesses carried back 5 years.
- Sec. 813. General business credits of eligible small businesses not subject to alternative minimum tax.
- Sec. 814. Extension of increase in amount allowed as deduction for start-up expenditures.
- Sec. 815. Extension of deduction for health insurance costs in computing self-employment taxes.

Subtitle C—Energy

- Sec. 821. Alternative fuel vehicle refueling property.
- Sec. 822. Elective payment for specified energy property.
- Sec. 823. Qualifying advanced energy project credit.
- Sec. 824. New clean renewable energy bonds.
- Sec. 825. Alternative motor vehicle credit for new qualified alternative fuel vehicles.
- Sec. 826. Extension of provisions related to alcohol used as fuel.
- Sec. 827. Energy efficient appliance credit.
- Sec. 828. Reduced depreciation period for natural gas distribution facilities.

Subtitle D—Education

- Sec. 831. Qualified school construction bonds.

Subtitle E—Other Employee and Housing Relief

- Sec. 841. Making work pay credit.

Sec. 842. Work opportunity credit.

Sec. 843. Exclusion from income for benefits provided to volunteer firefighters and emergency medical responders.

Sec. 844. Parity for exclusion from income for employer-provided mass transit and parking benefits.

Sec. 845. Qualified mortgage bonds for refinancing of subprime loans.

TITLE IX—OTHER PROVISIONS

Sec. 901. Repeal of expansion of information reporting requirements.

Sec. 902. Repeal of sunset on tax treatment of Alaska Native Settlement Trusts.

Sec. 903. Repeal of sunset on expansion of authority to postpone certain tax-related deadlines.

Sec. 904. Refunds disregarded in the administration of Federal programs and federally assisted programs.

Sec. 905. Treatment of securities of a controlled corporation exchanged for assets in certain reorganizations.

TITLE X—BUDGETARY PROVISIONS

Sec. 1001. Determination of budgetary effects.

Sec. 1002. Emergency designations.

TITLE I—PERMANENT MIDDLE CLASS TAX RELIEF

SEC. 101. REPEAL OF SUNSET ON CERTAIN INDIVIDUAL INCOME TAX RATE RELIEF.

(a) INDIVIDUAL INCOME TAX RATES.—

(1) REPEAL OF SUNSET.—Section 901 of the Economic Growth and Tax Relief Reconciliation Act of 2001 shall not apply to the amendments made by section 101 of such Act.

(2) 25-, 28-, AND 33-PERCENT RATE BRACKETS MADE PERMANENT.—Paragraph (2) of section 1(i) is amended to read as follows:

“(2) 25-, 28-, AND 33-PERCENT RATE BRACKETS.—The tables under subsections (a), (b), (c), (d), and (e) shall be applied—

“(A) by substituting ‘25%’ for ‘28%’ each place it appears (before the application of subparagraph (B)),

“(B) by substituting ‘28%’ for ‘31%’ each place it appears, and

“(C) by substituting ‘33%’ for ‘36%’ each place it appears.”.

(3) 35-PERCENT RATE BRACKET.—Subsection (i) of section 1 is amended by redesignating paragraph (3) as paragraph (4) and by inserting after paragraph (2) the following new paragraph:

“(3) 35-PERCENT RATE BRACKET.—

“(A) IN GENERAL.—In the case of taxable years beginning after December 31, 2010—

“(i) the rate of tax under subsections (a), (b), (c), and (d) on a taxpayer’s taxable income in the fifth rate bracket shall be 35 percent to the extent such income does not exceed an amount equal to the excess of—

“(I) the applicable amount, over

“(II) the dollar amount at which such bracket begins, and

“(ii) the 39.6 percent rate of tax under such subsections shall apply only to the taxpayer’s taxable income in such bracket in excess of the amount to which clause (i) applies.

“(B) APPLICABLE AMOUNT.—For purposes of this paragraph, the term ‘applicable amount’ means the excess of—

“(i) the applicable threshold, over

“(ii) the sum of the following amounts in effect for the taxable year:

“(I) the basic standard deduction (within the meaning of section 63(c)(2)), and

“(II) the exemption amount (within the meaning of section 151(d)(1) (or, in the case of subsection (a), 2 such exemption amounts).

“(C) APPLICABLE THRESHOLD.—For purposes of this paragraph, the term ‘applicable threshold’ means—

“(i) \$1,000,000 in the case of subsections (a), (b), and (c), and

“(ii) ½ the amount applicable under clause (i) (after adjustment, if any, under subparagraph (E)) in the case of subsection (d).

“(D) FIFTH RATE BRACKET.—For purposes of this paragraph, the term ‘fifth rate bracket’ means the bracket which would (determined without regard to this paragraph) be the 36-percent rate bracket.

“(E) INFLATION ADJUSTMENT.—For purposes of this paragraph, a rule similar to the rule of paragraph (1)(C) shall apply with respect to taxable years beginning in calendar years after 2010, applied by substituting ‘2008’ for ‘1992’ in subsection (f)(3)(B).”.

(b) PHASEOUT OF PERSONAL EXEMPTIONS AND ITEMIZED DEDUCTIONS.—

(1) OVERALL LIMITATION ON ITEMIZED DEDUCTIONS.—Section 68 is amended—

(A) by striking “the applicable amount” the first place it appears in subsection (a) and inserting “the applicable threshold in effect under section 1(i)(3)”,

(B) by striking “the applicable amount” in subsection (a)(1) and inserting “such applicable threshold”,

(C) by striking subsection (b) and redesignating subsections (c), (d), and (e) as subsections (b), (c), and (d), respectively, and

(D) by striking subsections (f) and (g).

(2) PHASEOUT OF DEDUCTIONS FOR PERSONAL EXEMPTIONS.—

(A) IN GENERAL.—Paragraph (3) of section 151(d) is amended—

(i) by striking “the threshold amount” in subparagraphs (A) and (B) and inserting “the applicable threshold in effect under section 1(i)(3)”,

(ii) by striking subparagraph (C) and redesignating subparagraph (D) as subparagraph (C), and

(iii) by striking subparagraphs (E) and (F).

(B) CONFORMING AMENDMENTS.—Paragraph (4) of section 151(d) is amended—

(i) by striking subparagraph (B),

(ii) by redesignating clauses (i) and (ii) of subparagraph (A) as subparagraphs (A) and (B), respectively, and by indenting such subparagraphs (as so redesignated) accordingly, and

(iii) by striking all that precedes “in a calendar year after 1989,” and inserting the following:

“(4) INFLATION ADJUSTMENT.—In the case of any taxable year beginning”.

(3) NONAPPLICATION OF EGTRRA SUNSET.—Section 901 of the Economic Growth and Tax Relief Reconciliation Act of 2001 shall not apply to any amendment made by section 102 or 103 of such Act.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2010.

SEC. 102. REDUCED RATES ON CAPITAL GAINS AND DIVIDENDS MADE PERMANENT.

(a) IN GENERAL.—Section 303 of the Jobs and Growth Tax Relief Reconciliation Act of 2003 (relating to sunset of title) is hereby repealed.

(b) 20-PERCENT CAPITAL GAINS RATE FOR CERTAIN HIGH INCOME INDIVIDUALS.—

(1) IN GENERAL.—Paragraph (1) of section 1(h) is amended by striking subparagraph (C), by redesignating subparagraphs (D) and (E) as subparagraphs (E) and (F) and by inserting after subparagraph (B) the following new subparagraphs:

“(C) 15 percent of the lesser of—

“(i) so much of the adjusted net capital gain (or, if less, taxable income) as exceeds the amount on which a tax is determined under subparagraph (B), or

“(ii) the excess (if any) of—

“(I) the amount of taxable income which would (without regard to this paragraph) be taxed at a rate below 39.6 percent, over

“(II) the sum of the amounts on which a tax is determined under subparagraphs (A) and (B),

“(D) 20 percent of the adjusted net capital gain (or, if less, taxable income) in excess of the sum of the amounts on which tax is determined under subparagraphs (B) and (C),”.

(2) MINIMUM TAX.—Paragraph (3) of section 55(b) is amended by striking subparagraph (C), by redesignating subparagraph (D) as subparagraph (E), and by inserting after subparagraph (B) the following new subparagraphs:

“(C) 15 percent of the lesser of—

“(i) so much of the adjusted net capital gain (or, if less, taxable excess) as exceeds the amount on which tax is determined under subparagraph (B), or

“(ii) the excess described in section 1(h)(1)(C)(ii), plus

“(D) 20 percent of the adjusted net capital gain (or, if less, taxable excess) in excess of the sum of the amounts on which tax is determined under subparagraphs (B) and (C), plus”.

(c) CONFORMING AMENDMENTS.—

(1) The following provisions are each amended by striking “15 percent” and inserting “20 percent”:

(A) Section 531.

(B) Section 541.

(C) Section 1445(e)(1).

(D) The second sentence of section 7518(g)(6)(A).

(E) Section 5351(f)(2) of title 46, United States Code.

(2) Sections 1(h)(1)(B) and 55(b)(3)(B) are each amended by striking “5 percent (0 percent in the case of taxable years beginning after 2007)” and inserting “0 percent”.

(3) Section 1445(e)(6) is amended by striking “15 percent (20 percent in the case of taxable years beginning after December 31, 2010)” and inserting “20 percent”.

(d) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by subsections (b) and (c) shall apply to taxable years beginning after December 31, 2010.

(2) WITHHOLDING.—The amendments made by paragraphs (1)(C) and (3) of subsection (c) shall apply to amounts paid on or after January 1, 2011.

SEC. 103. REPEAL OF SUNSET ON EXPANSION OF CHILD TAX CREDIT.

(a) REPEAL OF SUNSET ON MODIFICATIONS TO CREDIT.—Title IX of the Economic Growth and Tax Relief Reconciliation Act of 2001 (relating to sunset of provisions of such Act) shall not apply to sections 201 (relating to modifications to child tax credit) and 203 (relating to refunds disregarded in the administration of Federal programs and federally assisted programs) of such Act.

(b) PERMANENT INCREASE IN REFUNDABLE PORTION OF CREDIT.—

(1) IN GENERAL.—Clause (i) of section 24(d)(1)(B) is amended by striking “\$10,000” and inserting “\$3,000”.

(2) CONFORMING AMENDMENT.—Subsection (d) of section 24 is amended by striking paragraph (4).

(3) ELIMINATION OF INFLATION ADJUSTMENT.—Subsection (d) of section 24 is amended by striking paragraph (3).

(4) EFFECTIVE DATE.—The amendments made by this subsection shall apply to taxable years beginning after December 31, 2010.

SEC. 104. REPEAL OF SUNSET ON MARRIAGE PENALTY RELIEF.

Title IX of the Economic Growth and Tax Relief Reconciliation Act of 2001 (relating to sunset of provisions of such Act) shall not apply to sections 301, 302, and 303(a) of such Act (relating to marriage penalty relief).

SEC. 105. REPEAL OF SUNSET ON EXPANSION OF DEPENDENT CARE CREDIT.

Title IX of the Economic Growth and Tax Relief Reconciliation Act of 2001 (relating to sunset of provisions of such Act) shall not apply to section 204 of such Act (relating to dependent care credit).

SEC. 106. REPEAL OF SUNSET ON EXPANSION OF ADOPTION CREDIT AND ADOPTION ASSISTANCE PROGRAMS.

(a) REPEAL OF EGTRRA SUNSET.—Title IX of the Economic Growth and Tax Relief Reconciliation Act of 2001 (relating to sunset of provisions of such Act) shall not apply to section 202 of such Act (relating to expansion of adoption credit and adoption assistance programs).

(b) TECHNICAL AMENDMENTS RELATING TO EXPANSION UNDER PPACA.—

(1) REPEAL OF SUNSET.—Notwithstanding section 10909(c) of the Patient Protection and Affordable Care Act, title IX of the Economic Growth and Tax Relief Reconciliation Act of 2001 (relating to sunset of provisions of such Act) shall not apply to the amendments made by section 10909 of the Patient Protection and Affordable Care Act.

(2) CODIFICATION OF SUNSET.—

(A) REFUNDABLE CREDIT.—Section 36C is amended by adding at the end the following new subsection:

“(j) TERMINATION.—This section shall not apply to expenses paid in taxable years beginning after December 31, 2011.”.

(B) ADOPTION ASSISTANCE PROGRAMS.—

(i) IN GENERAL.—Section 137(b) is amended by adding at the end the following new paragraph:

“(4) SPECIAL RULE FOR 2010 AND 2011.—In the case of any taxable year beginning in 2010 or 2011, paragraph (1) and subsection (a)(2) shall each be applied by substituting “\$13,170” for “\$10,000”.

(ii) INFLATION ADJUSTMENT FOR YEARS TO WHICH SPECIAL RULE APPLIES.—Paragraph (1) of section 137(f) is amended—

(I) by inserting “FOR 2011” after “LIMITATIONS” in the heading, and

(II) by striking “after December 31, 2010, each of the dollar amounts in subsections (a)(2) and (b)(1)” inserting “after December 31, 2010, and before January 1, 2012, the \$13,170 dollar amount in subsection (b)(4)”.

(iii) INFLATION ADJUSTMENT FOR OTHER YEARS.—Paragraph (2) of section 137(f) is amended—

(I) by inserting “AND DOLLAR LIMITATIONS FOR OTHER YEARS” after “LIMITATION” in the heading,

(II) by striking “the dollar amount in subsection (b)(2)(A)” and inserting “each of the dollar amounts in subsection (a)(2) and paragraphs (1) and (2)(A) of subsection (b)”, and

(III) by adding at the end the following new sentence: “This paragraph shall not apply to the dollar amounts in subsections (a)(2) and (b)(1) for any taxable year to which paragraph (1) applies.”.

(iv) CONFORMING AMENDMENTS.—Subsections (a)(2) and (b)(1) of section 137 are each amended by striking “\$13,170” each place it appears in the text and in the heading and inserting “\$10,000”.

(C) EFFECTIVE DATE.—The amendments made by this paragraph shall take effect as

if included in section 10909 of the Patient Protection and Affordable Care Act.

(3) NON-REFUNDABLE ADOPTION CREDIT ALLOWED FOR YEARS TO WHICH REFUNDABLE CREDIT NOT APPLICABLE.—

(A) IN GENERAL.—Part IV of subchapter A of chapter 1 is amended by inserting after section 22 the following new section:

“SEC. 23. ADOPTION EXPENSES.

“(a) ALLOWANCE OF CREDIT.—

“(1) IN GENERAL.—In the case of an individual, there shall be allowed as a credit against the tax imposed by this chapter the amount of the qualified adoption expenses paid or incurred by the taxpayer.

“(2) YEAR CREDIT ALLOWED.—The credit under paragraph (1) with respect to any expense shall be allowed—

“(A) in the case of any expense paid or incurred before the taxable year in which such adoption becomes final, for the taxable year following the taxable year during which such expense is paid or incurred, and

“(B) in the case of an expense paid or incurred during or after the taxable year in which such adoption becomes final, for the taxable year in which such expense is paid or incurred.

“(3) \$10,000 CREDIT FOR ADOPTION OF CHILD WITH SPECIAL NEEDS REGARDLESS OF EXPENSES.—In the case of an adoption of a child with special needs which becomes final during a taxable year, the taxpayer shall be treated as having paid during such year qualified adoption expenses with respect to such adoption in an amount equal to the excess (if any) of \$10,000 over the aggregate qualified adoption expenses actually paid or incurred by the taxpayer with respect to such adoption during such taxable year and all prior taxable years.

“(b) LIMITATIONS.—

“(1) DOLLAR LIMITATION.—The aggregate amount of qualified adoption expenses which may be taken into account under subsection (a) for all taxable years with respect to the adoption of a child by the taxpayer shall not exceed \$10,000.

“(2) INCOME LIMITATION.—

“(A) IN GENERAL.—The amount allowable as a credit under subsection (a) for any taxable year (determined without regard to subsection (c)) shall be reduced (but not below zero) by an amount which bears the same ratio to the amount so allowable (determined without regard to this paragraph but with regard to paragraph (1)) as—

“(i) the amount (if any) by which the taxpayer’s adjusted gross income exceeds \$150,000, bears to

“(ii) \$40,000.

“(B) DETERMINATION OF ADJUSTED GROSS INCOME.—For purposes of subparagraph (A), adjusted gross income shall be determined without regard to sections 911, 931, and 933.

“(3) DENIAL OF DOUBLE BENEFIT.—

“(A) IN GENERAL.—No credit shall be allowed under subsection (a) for any expense for which a deduction or credit is allowed under any other provision of this chapter.

“(B) GRANTS.—No credit shall be allowed under subsection (a) for any expense to the extent that funds for such expense are received under any Federal, State, or local program.

“(4) LIMITATION BASED ON AMOUNT OF TAX.—In the case of a taxable year to which section 26(a)(2) does not apply, the credit allowed under subsection (a) for any taxable year shall not exceed the excess of—

“(A) the sum of the regular tax liability (as defined in section 26(b)) plus the tax imposed by section 55, over

“(B) the sum of the credits allowable under this subpart (other than this section and section 25D) and section 27 for the taxable year.

“(C) CARRYFORWARD OF UNUSED CREDIT.—

“(1) RULE FOR YEARS IN WHICH ALL PERSONAL CREDITS ALLOWED AGAINST REGULAR AND ALTERNATIVE MINIMUM TAX.—In the case of a taxable year to which section 26(a)(2) applies, if the credit allowable under subsection (a) for any taxable year exceeds the limitation imposed by section 26(a)(2) for such taxable year reduced by the sum of the credits allowable under this subpart (other than this section and sections 25D and 1400C), such excess shall be carried to the succeeding taxable year and added to the credit allowable under subsection (a) for such taxable year.

“(2) RULE FOR OTHER YEARS.—In the case of a taxable year to which section 26(a)(2) does not apply, if the credit allowable under subsection (a) for any taxable year exceeds the limitation imposed by subsection (b)(4) for such taxable year, such excess shall be carried to the succeeding taxable year and added to the credit allowable under subsection (a) for such taxable year.

“(3) LIMITATION.—No credit may be carried forward under this subsection to a taxable year following the fifth taxable year after the taxable year in which the credit arose. For purposes of the preceding sentence, credits shall be treated as used on a first-in first-out basis.

“(d) DEFINITIONS.—For purposes of this section—

“(1) QUALIFIED ADOPTION EXPENSES.—The term ‘qualified adoption expenses’ means reasonable and necessary adoption fees, court costs, attorney fees, and other expenses—

“(A) which are directly related to, and the principal purpose of which is for, the legal adoption of an eligible child by the taxpayer,

“(B) which are not incurred in violation of State or Federal law or in carrying out any surrogate parenting arrangement,

“(C) which are not expenses in connection with the adoption by an individual of a child who is the child of such individual’s spouse, and

“(D) which are not reimbursed under an employer program or otherwise.

“(2) ELIGIBLE CHILD.—The term ‘eligible child’ means any individual who—

“(A) has not attained age 18, or

“(B) is physically or mentally incapable of caring for himself.

“(3) CHILD WITH SPECIAL NEEDS.—The term ‘child with special needs’ means any child if—

“(A) a State has determined that the child cannot or should not be returned to the home of his parents,

“(B) such State has determined that there exists with respect to the child a specific factor or condition (such as his ethnic background, age, or membership in a minority or sibling group, or the presence of factors such as medical conditions or physical, mental, or emotional handicaps) because of which it is reasonable to conclude that such child cannot be placed with adoptive parents without providing adoption assistance, and

“(C) such child is a citizen or resident of the United States (as defined in section 217(h)(3)).

“(e) SPECIAL RULES FOR FOREIGN ADOPTIONS.—In the case of an adoption of a child who is not a citizen or resident of the United States (as defined in section 217(h)(3))—

“(1) subsection (a) shall not apply to any qualified adoption expense with respect to such adoption unless such adoption becomes final, and

“(2) any such expense which is paid or incurred before the taxable year in which such adoption becomes final shall be taken into account under this section as if such expense were paid or incurred during such year.

“(f) FILING REQUIREMENTS.—

“(1) MARRIED COUPLES MUST FILE JOINT RETURNS.—Rules similar to the rules of paragraphs (2), (3), and (4) of section 21(e) shall apply for purposes of this section.

“(2) TAXPAYER MUST INCLUDE TIN.—

“(A) IN GENERAL.—No credit shall be allowed under this section with respect to any eligible child unless the taxpayer includes (if known) the name, age, and TIN of such child on the return of tax for the taxable year.

“(B) OTHER METHODS.—The Secretary may, in lieu of the information referred to in subparagraph (A), require other information meeting the purposes of subparagraph (A), including identification of an agent assisting with the adoption.

“(g) BASIS ADJUSTMENTS.—For purposes of this subtitle, if a credit is allowed under this section for any expenditure with respect to any property, the increase in the basis of such property which would (but for this subsection) result from such expenditure shall be reduced by the amount of the credit so allowed.

“(h) ADJUSTMENTS FOR INFLATION.—In the case of a taxable year beginning after December 31, 2002, each of the dollar amounts in subsections (a)(3) and paragraphs (1) and (2)(A)(i) of subsection (b) shall be increased by an amount equal to—

“(1) such dollar amount, multiplied by

“(2) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, determined by substituting ‘calendar year 2001’ for ‘calendar year 1992’ in subparagraph (B) thereof.

If any amount as increased under the preceding sentence is not a multiple of \$10, such amount shall be rounded to the nearest multiple of \$10.

“(i) REGULATIONS.—The Secretary shall prescribe such regulations as may be appropriate to carry out this section and section 137, including regulations which treat unmarried individuals who pay or incur qualified adoption expenses with respect to the same child as 1 taxpayer for purposes of applying the dollar amounts in subsections (a)(3) and (b)(1) of this section and in section 137(b)(1).

“(j) APPLICABILITY.—No credit shall be allowed under subsection (a) for any taxable year in which a credit is allowed under subpart C with respect to qualified adoption expenses.”

(B) CONFORMING AMENDMENTS.—

(i) Section 24(b)(3)(B) is amended by inserting “23,” before “25A(i).”

(ii) Section 25(e)(1)(C) is amended—

(I) by inserting “23,” before “25D” in clause (i), and

(II) by inserting “23,” before “24” in clause (ii).

(iii) Section 25A(i)(5)(B) is amended by striking “25D” and inserting “23, 25D.”

(iv) Section 25B(g)(2) is amended by inserting “23,” before “25A(i).”

(v) Section 26(a)(1) is amended by inserting “23,” before “24.”

(vi) Section 30(c)(2)(B)(ii) is amended by striking “25D” and inserting “23, 25D.”

(vii) Section 30B(g)(2)(B)(ii) is amended by inserting “23,” before “25D.”

(viii) Section 30D(c)(2)(B)(ii) is amended by striking “sections 25D and” and inserting “sections 23 and 25D.”

(ix) Section 137 is amended by adding at the end the following new subsection:

“(g) TREATMENT OF REFERENCES TO SECTION 36C.—For purposes of this section, in the case of any taxable year with respect to which no credit is allowable under subpart C with respect to qualified adoption expenses, any reference to section 36C shall be treated as a reference to section 23.”

(x) Section 904(i) is amended by inserting “23,” before “24.”

(xi) Section 1016(a)(26) is amended by striking “36C(g)” and inserting “23(g), 36C(g).”

(xii) Section 1400C(d)(2) is amended by inserting “23,” before “24.”

(xiii) The table of sections for subpart C of part IV of subchapter A of chapter 1 is amended by inserting after the item relating to section 22 the following new item:

“Sec. 23. Adoption expenses.”

(C) EFFECTIVE DATE.—The amendments made by this paragraph shall take effect on the date of the enactment of this Act.

SEC. 107. REPEAL OF SUNSET ON EMPLOYER-PROVIDED CHILD CARE CREDIT.

Title IX of the Economic Growth and Tax Relief Reconciliation Act of 2001 (relating to sunset of provisions of such Act) shall not apply to section 205 of such Act (relating to allowance of credit for employer expenses for child care assistance).

SEC. 108. REPEAL OF SUNSET ON EXPANSION OF EARNED INCOME TAX CREDIT.

(a) REPEAL OF EGTRRA SUNSET.—Title IX of the Economic Growth and Tax Relief Reconciliation Act of 2001 (relating to sunset of provisions of such Act) shall not apply to subsections (b) through (h) of section 303 of such Act (relating to earned income tax credit).

(b) INCREASE IN CREDIT PERCENTAGE FOR FAMILIES WITH 3 OR MORE CHILDREN.—Paragraph (1) of section 32(b) is amended by striking subparagraphs (B) and (C) and inserting the following new subparagraph:

“(B) INCREASED CREDIT PERCENTAGE FOR FAMILIES WITH 3 OR MORE QUALIFYING CHILDREN.—In the case of an eligible individual with 3 or more qualifying children, the table in subparagraph (A) shall be applied by substituting ‘45’ for ‘40’ in the second column thereof.”

(c) JOINT RETURNS.—

(1) IN GENERAL.—Subparagraph (B) of section 32(b)(2) is amended by striking “increased by” and all that follows and inserting “increased by \$5,000.”

(2) INFLATION ADJUSTMENTS.—Clause (ii) of section 32(j)(1)(B) is amended—

(A) by striking “\$3,000” and inserting “\$5,000”, and

(B) by striking “calendar year 2007” and inserting “calendar year 2008”.

(d) CONFORMING AMENDMENT.—Section 32(b) is amended by striking paragraph (3).

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2010.

TITLE II—PERMANENT EDUCATION TAX RELIEF

SEC. 201. REPEAL OF SUNSET ON EDUCATION INDIVIDUAL RETIREMENT ACCOUNTS.

Title IX of the Economic Growth and Tax Relief Reconciliation Act of 2001 (relating to sunset of provisions of such Act) shall not apply to section 401 of such Act (relating to modifications to education individual retirement accounts).

SEC. 202. REPEAL OF SUNSET ON EMPLOYER-PROVIDED EDUCATIONAL ASSISTANCE.

Title IX of the Economic Growth and Tax Relief Reconciliation Act of 2001 (relating to sunset of provisions of such Act) shall not apply to section 411 of such Act (relating to

extension of exclusion for employer-provided educational assistance).

SEC. 203. REPEAL OF SUNSET ON STUDENT LOAN INTEREST DEDUCTION.

Title IX of the Economic Growth and Tax Relief Reconciliation Act of 2001 (relating to sunset of provisions of such Act) shall not apply to section 412 of such Act (relating to elimination of 60-month limit and increase in income limitation on student loan interest deduction).

SEC. 204. REPEAL OF SUNSET ON EXCLUSION OF CERTAIN SCHOLARSHIPS.

Title IX of the Economic Growth and Tax Relief Reconciliation Act of 2001 (relating to sunset of provisions of such Act) shall not apply to section 413 of such Act (relating to exclusion of certain amounts received under the National Health Service Corps Scholarship Program and the F. Edward Hebert Armed Forces Health Professions Scholarship and Financial Assistance Program).

SEC. 205. REPEAL OF SUNSET ON ARBITRAGE REBATE EXCEPTION FOR GOVERNMENTAL BONDS.

Title IX of the Economic Growth and Tax Relief Reconciliation Act of 2001 (relating to sunset of provisions of such Act) shall not apply to section 421 of such Act (relating to additional increase in arbitrage rebate exception for governmental bonds used to finance educational facilities).

SEC. 206. REPEAL OF SUNSET ON TREATMENT OF QUALIFIED PUBLIC EDUCATIONAL FACILITY BONDS.

Title IX of the Economic Growth and Tax Relief Reconciliation Act of 2001 (relating to sunset of provisions of such Act) shall not apply to section 422 of such Act (relating to treatment of qualified public educational facility bonds as exempt facility bonds).

SEC. 207. REPEAL OF SUNSET ON AMERICAN OPPORTUNITY TAX CREDIT.

(a) **PERMANENT EXTENSION OF CREDIT.**—Section 25A is amended—

(1) by striking “\$1,000” each place it appears in subsection (b)(1) and inserting “\$2,000”;

(2) by striking “50 percent” in subsection (b)(1)(B) and inserting “25 percent”;

(3) by striking “2 TAXABLE YEARS” in the heading of subparagraph (A) of subsection (b)(2) and inserting “4 TAXABLE YEARS”;

(4) by striking “2 prior taxable years” in subsection (b)(2)(A) and inserting “4 prior taxable years”;

(5) by striking “2 YEARS” in the heading of subparagraph (C) of subsection (b)(2) and inserting “4 YEARS”;

(6) by striking “first 2 years” in subsection (b)(2)(C) and inserting “first 4 years”;

(7) by striking “tuition and fees” in subparagraph (A) of subsection (f)(1) and inserting “tuition, fees, and course materials”;

(8) by striking paragraphs (1) and (2) of subsection (d) and inserting the following new paragraphs:

“(1) **AMERICAN OPPORTUNITY CREDIT.**—The amount which would (but for this paragraph) be taken into account under paragraph (1) of subsection (a) for the taxable year shall be reduced (but not below zero) by the amount which bears the same ratio to the amount which would be so taken into account as—

“(A) the excess of—

“(i) the taxpayer’s modified adjusted gross income for such taxable year, over

“(ii) \$80,000 (\$160,000 in the case of a joint return), bears to

“(B) \$10,000 (\$20,000 in the case of a joint return).

“(2) **LIFETIME LEARNING CREDIT.**—The amount which would (but for this paragraph) be taken into account under paragraph (2) of

subsection (a) for the taxable year shall be reduced (but not below zero) by the amount which bears the same ratio to the amount which would be so taken into account as—

“(A) the excess of—

“(i) the taxpayer’s modified adjusted gross income for such taxable year, over

“(ii) \$40,000 (\$80,000 in the case of a joint return), bears to

“(B) \$10,000 (\$20,000 in the case of a joint return).”;

(9) by striking “DOLLAR LIMITATION ON AMOUNT OF CREDIT” in the heading of paragraph (1) of subsection (h) and inserting “AMERICAN OPPORTUNITY CREDIT”;

(10) by striking “2001” in subsection (h)(1)(A) and inserting “2011”;

(11) by striking “the \$1,000 amounts under subsection (b)(1)” in subsection (h)(1)(A) and inserting “the dollar amounts under subsections (b)(1) and (d)(1)”;

(12) by striking “calendar year 2000” in subsection (h)(1)(A)(ii) and inserting “calendar year 2010”;

(13) by striking “If any amount” and all that follows in subparagraph (B) of subsection (h)(1) and inserting “If any amount under subsection (b)(1) as adjusted under subparagraph (A) is not a multiple of \$100, such amount shall be rounded to the next lowest multiple of \$100. If any amount under subsection (d)(1) as adjusted under subparagraph (A) is not a multiple of \$1,000, such amount shall be rounded to the next lowest multiple of \$1,000.”;

(14) by inserting “OF LIFETIME LEARNING CREDIT” after “INCOME LIMITS” in the heading of paragraph (2) of subsection (h);

(15) by adding at the end of subsection (b) the following new paragraphs:

“(4) **CREDIT ALLOWED AGAINST ALTERNATIVE MINIMUM TAX.**—In the case of a taxable year to which section 26(a)(2) does not apply, so much of the credit allowed under subsection (a) as is attributable to the American Opportunity Credit shall not exceed the excess of—

“(A) the sum of the regular tax liability (as defined in section 26(b)) plus the tax imposed by section 55, over

“(B) the sum of the credits allowable under this subpart (other than this subsection and sections 25D, 30, 30B, and 30D) and section 27 for the taxable year.

Any reference in this section or section 24, 25, 25B, 26, 904, or 1400C to a credit allowable under this subsection shall be treated as a reference to so much of the credit allowable under subsection (a) as is attributable to the American Opportunity Credit.

“(5) **PORTION OF CREDIT MADE REFUNDABLE.**—40 percent of so much of the credit allowed under subsection (a) as is attributable to the American Opportunity Credit (determined after the application of subsection (d)(1) and without regard to this paragraph and section 26(a)(2) or paragraph (4), as the case may be) shall be treated as a credit allowable under subpart C (and not allowed under subsection (a)). The preceding sentence shall not apply to any taxpayer for any taxable year if such taxpayer is a child to whom subsection (g) of section 1 applies for such taxable year.”; and

(16) by striking subsection (i) and redesignating subsection (j) as subsection (i).

(b) **HOPE SCHOLARSHIP CREDIT RENAMED AMERICAN OPPORTUNITY CREDIT.**—

(1) **IN GENERAL.**—Section 25A, as amended by subsection (a), is amended by striking “Hope Scholarship” each place it appears in the text and in the headings and inserting “American Opportunity”.

(2) **CONFORMING AMENDMENTS.**—

(A) The heading for section 25A is amended by striking “HOPE” and inserting “AMERICAN OPPORTUNITY”.

(B) The heading for clause (v) of section 529(c)(3)(B) is amended by striking “HOPE” and inserting “AMERICAN OPPORTUNITY”.

(C) The heading for subparagraph (C) of section 530(d)(2) is amended by striking “HOPE” and inserting “AMERICAN OPPORTUNITY”.

(D) The table of sections for subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by striking “Hope” and inserting “American Opportunity”.

(c) **CONFORMING AMENDMENTS.**—

(1) Section 24(b)(3)(B) is amended by striking “25A(i)” and inserting “25A(b)”.

(2) Section 25(e)(1)(C)(i) is amended by striking “25A(i)” and inserting “25A(b)”.

(3) Section 26(a)(1) is amended by striking “25A(i)” and inserting “25A(b)”.

(4) Section 25B(g)(2) is amended by striking “25A(i)” and inserting “25A(b)”.

(5) Section 904(i) is amended by striking “25A(i)” and inserting “25A(b)”.

(6) Section 1400C(d)(2) is amended by striking “25A(i)” and inserting “25A(b)”.

(7) Section 6211(b)(4)(A) is amended by striking “25A by reason of subsection (i)(6) thereof” and inserting “25A by reason of subsection (b)(5) thereof”.

(d) **EFFECTIVE DATE.**—The amendments made by this section shall apply to taxable years beginning after December 31, 2010.

(e) **TREATMENT OF POSSESSIONS.**—Section 1004(c)(1) of the American Recovery and Reinvestment Tax Act of 2009 is amended by striking “in 2009 and 2010” each place it appears and inserting “after 2008”.

SEC. 208. REPEAL OF SUNSET ON ALLOWANCE OF COMPUTER TECHNOLOGY AND EQUIPMENT AS A QUALIFIED HIGHER EDUCATION EXPENSE FOR SECTION 529 ACCOUNTS.

(a) **IN GENERAL.**—Clause (iii) of section 529(e)(3)(A) is amended by striking “in 2009 or 2010”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to expenses paid or incurred after December 31, 2010.

TITLE III—PERMANENT ESTATE TAX RELIEF

SEC. 301. REPEAL OF EGTRRA SUNSET.

Section 901 of the Economic Growth and Tax Relief Reconciliation Act of 2001 shall not apply to title V of such Act.

SEC. 302. REINSTATEMENT OF ESTATE TAX; REPEAL OF CARRYOVER BASIS.

(a) **IN GENERAL.**—Each provision of law amended by subtitle A or E of title V of the Economic Growth and Tax Relief Reconciliation Act of 2001 is amended to read as such provision would read if such subtitle had never been enacted.

(b) **CONFORMING AMENDMENT.**—On and after the date of the introduction of this Act, paragraph (1) of section 2505(a) of the Internal Revenue Code of 1986 is amended to read as if such paragraph would read if section 521(b)(2) of the Economic Growth and Tax Relief Reconciliation Act of 2001 had never been enacted.

(c) **SPECIAL ELECTION WITH RESPECT TO ESTATES OF DECEDENTS DYING BEFORE DATE OF ENACTMENT.**—Notwithstanding subsection (a), in the case of an estate of a decedent dying after December 31, 2009, and before the date of the enactment of this Act, the executor (within the meaning of section 2203 of the Internal Revenue Code of 1986) may elect to apply such Code as though the amendments made by this section do not apply with respect to such estate and with respect to

property acquired or passing from such decedent (within the meaning of section 1014(b) of such Code). Such election shall be made at such time and in such manner as the Secretary of the Treasury or the Secretary's delegate shall provide. Such an election once made shall be revocable only with the consent of the Secretary of the Treasury or the Secretary's delegate.

(d) EXTENSION OF TIME FOR PERFORMING CERTAIN ACTS.—

(1) ESTATE TAX.—In the case of the estate of a decedent dying after December 31, 2009, and before the date of the enactment of this Act, the due date for—

(A) filing any return under section 6018 of the Internal Revenue Code of 1986 (including any election required to be made on such a return) as such section is in effect after the date of the enactment of this Act without regard to any election under subsection (c),

(B) making any payment of tax under chapter 11 of such Code, and

(C) receiving any disclaimer described in section 2518(b) of such Code,

shall not be earlier than the date which is 4 months after the date of the enactment of this Act.

(2) GENERATION-SKIPPING TAX.—In the case of any generation-skipping tax made after December 31, 2009, and before the date of the enactment of this Act, the due date for filing any return under section 2662 of the Internal Revenue Code of 1986 (including any election required to be made on such a return) shall not be earlier than the date which is 4 months after the date of the enactment of this Act.

(e) EFFECTIVE DATE.—Except as otherwise provided in this section, the amendments made by this section shall apply to estates of decedents dying, and transfers, after December 31, 2009.

SEC. 303. MODIFICATIONS TO ESTATE, GIFT, AND GENERATION-SKIPPING TRANSFER TAXES.

(a) MODIFICATIONS TO ESTATE TAX.—

(1) \$3,500,000 APPLICABLE EXCLUSION AMOUNT.—Subsection (c) of section 2010 is amended to read as follows:

“(c) APPLICABLE CREDIT AMOUNT.—

“(1) IN GENERAL.—For purposes of this section, the applicable credit amount is the amount of the tentative tax which would be determined under section 2001(c) if the amount with respect to which such tentative tax is to be computed were equal to the applicable exclusion amount.

“(2) APPLICABLE EXCLUSION AMOUNT.—

“(A) IN GENERAL.—For purposes of this subsection, the applicable exclusion amount is \$3,500,000.

“(B) INFLATION ADJUSTMENT.—In the case of any decedent dying in a calendar year after 2010, the dollar amount in subparagraph (A) shall be increased by an amount equal to—

“(i) such dollar amount, multiplied by

“(ii) the cost-of-living adjustment determined under section 1(f)(3) for such calendar year by substituting ‘calendar year 2009’ for ‘calendar year 1992’ in subparagraph (B) thereof.

If any amount as adjusted under the preceding sentence is not a multiple of \$10,000, such amount shall be rounded to the nearest multiple of \$10,000.”

(2) MAXIMUM ESTATE TAX RATE EQUAL TO 45 PERCENT.—Subsection (c) of section 2001 is amended—

(A) by striking “but not over \$2,000,000” in the table contained in paragraph (1),

(B) by striking the last 2 items in such table,

(C) by striking “(1) IN GENERAL.—”, and

(D) by striking paragraph (2).

(b) MODIFICATIONS TO GIFT TAX.—

(1) INFLATION ADJUSTMENT FOR APPLICABLE EXCLUSION AMOUNT FOR GIFT TAX.—Section 2505 is amended by adding at the end the following new subsection:

“(d) INFLATION ADJUSTMENT.—In the case of any calendar year after 2010, the dollar amount in subsection (a)(1) shall be increased by an amount equal to—

“(1) such dollar amount, multiplied by

“(2) the cost-of-living adjustment determined under section 1(f)(3) for such calendar year by substituting ‘calendar year 2009’ for ‘calendar year 1992’ in subparagraph (B) thereof.

If any amount as adjusted under the preceding sentence is not a multiple of \$10,000, such amount shall be rounded to the nearest multiple of \$10,000.”

(2) MODIFICATION OF GIFT TAX RATE.—On and after the date of the introduction of this Act, subsection (a) of section 2502 of the Internal Revenue Code of 1986 is amended to read as such subsection would read if section 511(d) of the Economic Growth and Tax Relief Reconciliation Act of 2001 had never been enacted.

(3) CONFORMING AMENDMENT.—Section 2511 of the Internal Revenue Code of 1986 is amended by striking subsection (c).

(4) PERIOD OF REPEAL TREATED AS SEPARATE CALENDAR YEAR.—

(A) IN GENERAL.—For purposes of applying sections 1015, 2502, and 2505 of the Internal Revenue Code of 1986, calendar year 2010 shall be treated as 2 separate calendar years one of which ends on the day before the date of the introduction of this Act and the other of which begins on such date of introduction.

(B) APPLICATION OF SECTION 2504(b).—For purposes of applying section 2504(b) of the Internal Revenue Code of 1986, calendar year 2010 shall be treated as one preceding calendar period.

(c) MODIFICATION OF GENERATION-SKIPPING TRANSFER TAX.—In the case of any generation-skipping transfer made after December 31, 2009, and before the date of the introduction of this Act, the applicable rate determined under section 2641(a) of the Internal Revenue Code of 1986 shall be zero.

(d) MODIFICATIONS OF ESTATE AND GIFT TAXES TO REFLECT DIFFERENCES IN CREDIT RESULTING FROM DIFFERENT TAX RATES.—

(1) ESTATE TAX.—

(A) IN GENERAL.—Section 2001(b)(2) is amended by striking “if the provisions of subsection (c) (as in effect at the decedent's death)” and inserting “if the modifications described in subsection (g)”.

(B) MODIFICATIONS.—Section 2001 is amended by adding at the end the following new subsection:

“(g) MODIFICATIONS TO GIFT TAX PAYABLE TO REFLECT DIFFERENT TAX RATES.—For purposes of applying subsection (b)(2) with respect to 1 or more gifts, the rates of tax under subsection (c) in effect at the decedent's death shall, in lieu of the rates of tax in effect at the time of such gifts, be used both to compute—

“(1) the tax imposed by chapter 12 with respect to such gifts, and

“(2) the credit allowed against such tax under section 2505, including in computing—

“(A) the applicable credit amount under section 2505(a)(1), and

“(B) the sum of the amounts allowed as a credit for all preceding periods under section 2505(a)(2).”

(2) GIFT TAX.—Section 2505(a) is amended by adding at the end the following new flush sentence:

“For purposes of applying paragraph (2) for any calendar year, the rates of tax in effect under section 2502(a)(2) for such calendar year shall, in lieu of the rates of tax in effect for preceding calendar periods, be used in determining the amounts allowable as a credit under this section for all preceding calendar periods.”

(e) EFFECTIVE DATE.—Except as otherwise provided, the amendments made by this section shall apply to estates of decedents dying, generation-skipping transfers, and gifts made, after December 31, 2009.

SEC. 304. APPLICABLE EXCLUSION AMOUNT INCREASED BY UNUSED EXCLUSION AMOUNT OF DECEASED SPOUSE.

(a) IN GENERAL.—Section 2010(c), as amended by section 303(a), is amended by striking paragraph (2) and inserting the following new paragraphs:

“(2) APPLICABLE EXCLUSION AMOUNT.—For purposes of this subsection, the applicable exclusion amount is the sum of—

“(A) the basic exclusion amount, and

“(B) in the case of a surviving spouse, the deceased spousal unused exclusion amount.

“(3) BASIC EXCLUSION AMOUNT.—

“(A) IN GENERAL.—For purposes of this subsection, the basic exclusion amount is \$3,500,000.

“(B) INFLATION ADJUSTMENT.—In the case of any decedent dying in a calendar year after 2010, the dollar amount in subparagraph (A) shall be increased by an amount equal to—

“(i) such dollar amount, multiplied by

“(ii) the cost-of-living adjustment determined under section 1(f)(3) for such calendar year by substituting ‘calendar year 2009’ for ‘calendar year 1992’ in subparagraph (B) thereof.

If any amount as adjusted under the preceding sentence is not a multiple of \$10,000, such amount shall be rounded to the nearest multiple of \$10,000.

“(4) DECEASED SPOUSAL UNUSED EXCLUSION AMOUNT.—For purposes of this subsection, with respect to a surviving spouse of a deceased spouse dying on or after the date of the enactment of the Middle Class Tax Cut Act of 2010, the term ‘deceased spousal unused exclusion amount’ means the lesser of—

“(A) the basic exclusion amount, or

“(B) the excess of—

“(i) the basic exclusion amount of the last such deceased spouse of such surviving spouse, over

“(ii) the amount with respect to which the tentative tax is determined under section 2001(b)(1) on the estate of such deceased spouse.

“(5) SPECIAL RULES.—

“(A) ELECTION REQUIRED.—A deceased spousal unused exclusion amount may not be taken into account by a surviving spouse under paragraph (2) unless the executor of the estate of the deceased spouse files an estate tax return on which such amount is computed and makes an election on such return that such amount may be so taken into account. Such election, once made, shall be irrevocable. No election may be made under this subparagraph if such return is filed after the time prescribed by law (including extensions) for filing such return.

“(B) EXAMINATION OF PRIOR RETURNS AFTER EXPIRATION OF PERIOD OF LIMITATIONS WITH RESPECT TO DECEASED SPOUSAL UNUSED EXCLUSION AMOUNT.—Notwithstanding any period of limitation in section 6501, after the time has expired under section 6501 within which a tax may be assessed under chapter 11 or 12 with respect to a deceased spousal unused exclusion amount, the Secretary may

examine a return of the deceased spouse to make determinations with respect to such amount for purposes of carrying out this subsection.

“(6) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out this subsection.”.

(b) CONFORMING AMENDMENTS.—

(1) Paragraph (1) of section 2505(a) is amended to read as follows:

“(1) the applicable credit amount in effect under section 2010(c) (determined as if the applicable exclusion amount were \$1,000,000) which would apply if the donor died as of the end of the calendar year, reduced by”.

(2) Section 2631(c) is amended by striking “the applicable exclusion amount” and inserting “the basic exclusion amount”.

(3) Section 6018(a)(1) is amended by striking “applicable exclusion amount” and inserting “basic exclusion amount”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to estates of decedents dying, generation-skipping transfers, and gifts made, on and after the date of the enactment of this Act.

SEC. 305. EXCLUSION FROM GROSS ESTATE OF CERTAIN FARMLAND SO LONG AS FARMLAND USE BY FAMILY CONTINUES.

(a) IN GENERAL.—Part III of subchapter A of chapter 11 is amended by inserting after section 2033 the following new section:

“SEC. 2033A. EXCLUSION OF CERTAIN FARMLAND SO LONG AS FARMLAND USE BY FAMILY CONTINUES.

“(a) IN GENERAL.—In the case of an estate of a decedent to which this section applies, the value of the gross estate shall not include the adjusted value of qualified farmland included in the estate.

“(b) ESTATES TO WHICH SECTION APPLIES.—This section shall apply to an estate if—

“(1) the executor—

“(A) elects the application of this section, and

“(B) files an agreement referred to in section 2032A(d)(2), and

“(C) obtains a qualified appraisal (as defined in section 170(f)(11)(E)(i)) of the qualified farmland to which the election applies and attaches such appraisal to the return of the tax imposed by section 2001,

“(2) the decedent was (at the date of the decedent's death) a citizen or resident of the United States,

“(3) the decedent for the 3-taxable-year period (10-taxable-year period in the case of any qualified farmland which is qualified woodland described in section 2032A(c)(2)(F)(i)) preceding the date of the decedent's death had an average modified adjusted gross income (as defined in section 86(b)(2)) not exceeding \$750,000,

“(4) 60 percent or more of the adjusted value of the gross estate at the date of the decedent's death consists of the adjusted value of real or personal property which is used as a farm for farming purposes (within the meaning of section 2032A(e)),

“(5) 50 percent or more of the adjusted value of the gross estate consists of the adjusted value of qualified farmland which is real property, and

“(6) during the 10-year period ending on the date of the decedent's death—

“(A) the qualified farmland which is such real property was owned by the decedent or a member of the decedent's family, and

“(B) there was material participation (within the meaning of section 469(h)) by the decedent or a member of the decedent's family in the operation of such farmland.

“(c) DEFINITIONS.—For purposes of this section—

“(1) QUALIFIED FARMLAND.—The term ‘qualified farmland’ means any real property—

“(A) which is located in the United States,

“(B) which is used as a farm for farming purposes (within the meaning of section 2032A(e)),

“(C) such use of which is not an activity not engaged in for profit (within the meaning of section 183),

“(D) which was acquired from or passed from the decedent to a qualified heir of the decedent and which, on the date of the decedent's death, was being so used by the decedent or a member of the decedent's family, and

“(E) which is property designated in the agreement filed under subsection (b)(1).

“(2) ADJUSTED VALUE.—The term ‘adjusted value’ means the value of farmland for purposes of this chapter (determined without regard to this section), reduced by any amounts allowable as a deduction in respect to such farmland under paragraph (3) or (4) of section 2053(a).

“(3) OTHER TERMS.—Any other term used in this section which is also used in section 2032A shall have the same meaning given such term by section 2032A.

“(d) ANNUAL INFORMATION RETURN TO THE SECRETARY.—

“(1) IN GENERAL.—The qualified heir of any qualified farmland shall file an information return (at such time and in such form and manner as the Secretary prescribes) for each calendar year.

“(2) CONTENTS OF RETURN.—The information return required under paragraph (1) shall set forth any disposition of any interest in such farmland or any cessation of use of such farmland as a farm for farming purposes and such other information as the Secretary may require.

“(e) IMPOSITION OF RECAPTURE TAX.—

“(1) IN GENERAL.—If—

“(A) at any time after the decedent's death and before the death of the qualified heir—

“(i) the qualified heir disposes of any interest in qualified farmland (other than by a disposition to a member of the qualified heir's family),

“(ii) the qualified heir or member ceases to use the qualified farmland as a farm for farming purposes,

“(iii) the qualified heir or member incurs a nonrecourse indebtedness secured in whole or in part by a portion of the qualified farmland, or

“(iv) the qualified heir or member fails to file the information return with respect to the qualified farmland required under subsection (d) for 3 successive calendar years, or

“(B) upon the death of the qualified heir or member, the executor of the estate of such heir or member does not elect the application of this section with respect to the qualified farmland,

then, there is hereby imposed a recapture tax with respect to such qualified farmland or such interest in or portion of such qualified farmland.

“(2) APPLICATION OF RECAPTURE TAX TO EARLIER GENERATIONS.—Upon the imposition of a recapture tax under paragraph (1) with respect to such qualified farmland or such interest in or portion of such qualified farmland, there is also imposed an aggregate amount of any recapture tax which would have been determined under this subsection with respect to such farmland, interest, or portion if the such tax had been imposed and paid on the date of death of the decedent and on the date of death of any qualified heir (or member) of such farmland, interest, or portion in any intervening generation.

“(3) AMOUNT OF RECAPTURE TAX, ETC.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), rules similar to the rules of section 2032A(c) (other than paragraphs (1) and (2)(E) thereof) with respect to the additional estate tax shall apply for purposes of this subsection with respect to each recapture tax.

“(B) ADJUSTMENTS TO RECAPTURE TAX.—

“(i) ADJUSTMENT TO REFLECT INCREASE IN VALUE OF INTEREST.—Subject to clause (ii), the amount of the recapture tax otherwise determined under rules described in subparagraph (A) shall be increased by the percentage (if any) by which the value of the interest in the qualified farmland at the time of the imposition of such tax is greater than the adjusted value of such farmland at the time such farmland would have been included in the estate if no election under this section had been made.

“(ii) ADJUSTMENTS TO VALUE OF INTEREST AT TIME OF TAX IMPOSITION.—For purposes of determining the value of the interest in the qualified farmland at the time of the imposition of such tax, such value shall be reduced (under rules prescribed by the Secretary) by—

“(I) the basis of any substantial improvements made with respect to such interest by the qualified heir or member, and

“(II) the aggregate amount of any recapture tax imposed under paragraph (2).

“(f) APPLICATION OF OTHER RULES.—Rules similar to the rules of subsections (d), (e) (other than paragraphs (6) and (13) thereof), (f), (g), (h), and (i) of section 2032A shall apply for purposes of this section.

“(g) REGULATIONS.—The Secretary may issue such regulations or other guidance as may be necessary or appropriate to carry out the purposes of this section, including the application of this section in the case of multiple interests in qualified farmland, and to prevent fraud and abuse under this section.”.

(b) BASIS OF QUALIFIED FARMLAND FOR PURPOSES OF DEPRECIATION OR DEPLETION BY QUALIFIED HEIR.—Section 1014 is amended by adding at the end the following new subsection:

“(f) BASIS OF QUALIFIED FARMLAND FOR PURPOSES OF DEPRECIATION OR DEPLETION BY QUALIFIED HEIR.—For purposes of the allowance to any qualified heir of any depreciation or depletion deduction with respect to any interest in property acquired from a decedent and subject to an election under section 2033A, the basis of such property in the hands of such qualified heir (or member of the qualified heir's family after a disposition described in section 2033A(e)(1)(A)(i)) shall be the adjusted basis of such property in the hands of the decedent immediately before the death of such decedent.”.

(c) PENALTY FOR FAILURE TO FILE ANNUAL INFORMATION RETURN.—Section 6652 is amended by redesignating subsection (m) as subsection (n) and by adding at the end the following new subsection:

“(m) FAILURE TO FILE ANNUAL INFORMATION RETURN.—In the case of each failure to provide an information return as required under section 2033A(d) at the time prescribed therefor, unless it is shown that such failure is due to reasonable cause and not to willful neglect, there shall be paid, on notice and demand of the Secretary and in the same manner as tax, by the person failing to provide such return, an amount equal to \$250 for each such failure.”.

(d) WOODLANDS SUBJECT TO MANAGEMENT PLAN.—Paragraph (2) of section 2032A(c) is amended by adding at the end the following new subparagraph:

“(F) EXCEPTION FOR WOODLANDS SUBJECT TO FOREST STEWARDSHIP PLAN.—

“(i) IN GENERAL.—Subparagraph (E) shall not apply to any disposition or severance of standing timber on a qualified woodland that is made pursuant to a forest stewardship plan developed under the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2103a) or an equivalent plan approved by the State Forester.

“(ii) COMPLIANCE WITH FOREST STEWARDSHIP PLAN.—Clause (i) shall not apply if, during the 10-year period under paragraph (1), the qualified heir fails to comply with such forest stewardship plan or equivalent plan.”.

(e) CERTAIN CONSERVATION TRANSACTIONS NOT TREATED AS DISPOSITIONS.—Paragraph (8) of section 2032A(c) is amended to read as follows:

“(8) CERTAIN CONSERVATION TRANSACTIONS NOT TREATED AS DISPOSITIONS.—

“(A) QUALIFIED CONSERVATION CONTRIBUTIONS.—A qualified conservation contribution by gift or otherwise shall not be deemed a disposition under subsection (c)(1)(A).

“(B) QUALIFIED CONSERVATION EASEMENT SOLD TO QUALIFIED ORGANIZATION.—A sale of a qualified conservation easement to a qualified organization shall not be deemed a disposition under subsection (c)(1)(A).

“(C) DEFINITIONS.—For purposes of this paragraph—

“(i) the terms ‘qualified conservation contribution’ and ‘qualified organization’ have the meanings given such terms by section 170(h), and

“(ii) the term ‘qualified conservation easement’ has the meaning given such term by section 2031(c)(8).”.

(f) CLERICAL AMENDMENT.—The table of sections for part III of subchapter A of chapter 11 is amended by inserting after the item relating to section 2033 the following new item:

“Sec. 2033A. Exclusion of certain farmland so long as use as farmland continues.”.

(g) EFFECTIVE DATE.—The amendments made by this section shall apply to estates of decedents dying after the date of the enactment of this Act.

SEC. 306. INCREASE IN LIMITATIONS ON THE AMOUNT EXCLUDED FROM THE GROSS ESTATE WITH RESPECT TO LAND SUBJECT TO A QUALIFIED CONSERVATION EASEMENT.

(a) INCREASE IN DOLLAR LIMITATION ON EXCLUSION.—Paragraph (3) of section 2031(c) is amended by striking “the exclusion limitation is” and all that follows and inserting “the exclusion limitation is \$5,000,000.”.

(b) INCREASE IN PERCENTAGE OF VALUE OF LAND WHICH IS EXCLUDABLE.—Paragraph (2) of section 2031(c) is amended—

(1) by striking “40 percent” and inserting “50 percent”, and

(2) by striking “2 percentage points” and inserting “2.5 percentage points”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to the estates of decedents dying after the date of the enactment of this Act.

SEC. 307. MODIFICATION OF RULES FOR VALUE OF CERTAIN FARM, ETC., REAL PROPERTY.

(a) IN GENERAL.—Paragraph (2) of section 2032A(a) is amended by striking “\$750,000” and inserting “\$3,500,000”.

(b) INFLATION ADJUSTMENT.—Paragraph (3) of section 2032A(a) is amended—

(1) by striking “1998” and inserting “2010”,

(2) by striking “\$750,000” and inserting “\$3,500,000” in subparagraph (A), and

(3) by striking “calendar year 1997” and inserting “calendar year 2009” in subparagraph (B).

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to estates of decedents dying, and gifts made, after December 31, 2009.

SEC. 308. REQUIRED MINIMUM 10-YEAR TERM, ETC., FOR GRANTOR RETAINED ANNUITY TRUSTS.

(a) IN GENERAL.—Subsection (b) of section 2702 is amended—

(1) by redesignating paragraphs (1), (2), and (3) as subparagraphs (A), (B), and (C), respectively, and by moving such subparagraphs (as so redesignated) 2 ems to the right;

(2) by striking “For purposes of” and inserting the following:

“(1) IN GENERAL.—For purposes of”;

(3) by striking “paragraph (1) or (2)” in paragraph (1)(C) (as so redesignated) and inserting “subparagraph (A) or (B)”; and

(4) by adding at the end the following new paragraph:

“(2) ADDITIONAL REQUIREMENTS WITH RESPECT TO GRANTOR RETAINED ANNUITIES.—For purposes of subsection (a), in the case of an interest described in paragraph (1)(A) (determined without regard to this paragraph) which is retained by the transferor, such interest shall be treated as described in such paragraph only if—

“(A) the right to receive the fixed amounts referred to in such paragraph is for a term of not less than 10 years,

“(B) such fixed amounts, when determined on an annual basis, do not decrease relative to any prior year during the first 10 years of the term referred to in subparagraph (A), and

“(C) the remainder interest has a value greater than zero determined as of the time of the transfer.”.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to transfers made after the date of the enactment of this Act.

SEC. 309. CONSISTENT BASIS REPORTING BETWEEN ESTATE AND PERSON ACQUIRING PROPERTY FROM DECEDENT.

(a) CONSISTENT USE OF BASIS.—

(1) PROPERTY ACQUIRED FROM A DECEDENT.—Section 1014 is amended by adding at the end the following new subsection:

“(f) BASIS MUST BE CONSISTENT WITH ESTATE TAX VALUE.—

“(1) IN GENERAL.—For purposes of this section, the value used to determine the basis of any interest in property in the hands of the person acquiring such property shall not exceed the value of such interest as finally determined for purposes of chapter 11.

“(2) SPECIAL RULE WHERE NO FINAL DETERMINATION.—In any case in which the value of property has not been finally determined under chapter 11 and there has been a statement furnished under section 6035(a), the value used to determine the basis of any interest in property in the hands of the person acquiring such property shall not exceed the amount reported on the statement furnished under section 6035(a).

“(3) REGULATIONS.—The Secretary may by regulations provide exceptions to the application of this subsection.”.

(2) PROPERTY ACQUIRED BY GIFTS AND TRANSFERS IN TRUST.—Section 1015 is amended by adding at the end the following new subsection:

“(f) BASIS MUST BE CONSISTENT WITH GIFT TAX VALUE.—

“(1) IN GENERAL.—For purposes of this section, the fair market value of any interest in property at the time of the gift of that interest shall not exceed the value of such interest as finally determined for purposes of chapter 12.

“(2) SPECIAL RULE WHERE NO FINAL DETERMINATION.—In any case in which the value of property has not been finally determined under chapter 12 and there has been a statement furnished under section 6035(b), the fair market value of any interest in property at the time of the gift of that interest shall not exceed the amount reported on the statement furnished under section 6035(b).

“(3) REGULATIONS.—The Secretary may by regulations provide exceptions to the application of this subsection.”.

(b) INFORMATION REPORTING.—

(1) IN GENERAL.—Subpart A of part III of subchapter A of chapter 61 is amended by inserting after section 6034A the following new section:

“SEC. 6035. BASIS INFORMATION TO PERSONS ACQUIRING PROPERTY FROM DECEDENT OR BY GIFT.

“(a) INFORMATION WITH RESPECT TO PROPERTY ACQUIRED FROM DECEDENTS.—

“(1) IN GENERAL.—The executor of any estate required to file a return under section 6018(a) shall furnish to the Secretary and to each person acquiring any interest in property included in the decedent's gross estate for Federal estate tax purposes a statement identifying the value of each interest in such property as reported on such return and such other information with respect to such interest as the Secretary may prescribe.

“(2) STATEMENTS BY BENEFICIARIES.—Each person required to file a return under section 6018(b) shall furnish to the Secretary and to each other person who holds a legal or beneficial interest in the property to which such return relates a statement identifying the information described in paragraph (1).

“(3) TIME FOR FURNISHING STATEMENT.—

“(A) IN GENERAL.—Each statement required to be furnished under paragraph (1) or (2) shall be furnished at such time as the Secretary may prescribe, but in no case at a time later than the earlier of—

“(i) the date which is 30 days after the date on which the return under section 6018 was required to be filed (including extensions, if any), or

“(ii) the date which is 30 days after the date such return is filed.

“(B) ADJUSTMENTS.—In any case in which there is an adjustment to the information required to be included on a statement filed under paragraph (1) or (2) after such statement has been filed, a supplemental statement under such paragraph shall be filed not later than the date which is 30 days after such adjustment is made.

“(b) INFORMATION WITH RESPECT TO PROPERTY ACQUIRED BY GIFT.—

“(1) IN GENERAL.—Each person making a transfer by gift who is required to file a return under section 6019 with respect to such transfer shall furnish to the Secretary and to each person acquiring any interest in property by reason of such transfer a statement identifying the fair market value of each interest in such property as reported on such return and such other information with respect to such interest as the Secretary may prescribe.

“(2) TIME FOR FURNISHING STATEMENT.—

“(A) IN GENERAL.—Each statement required to be furnished under paragraph (1) shall be furnished at such time as the Secretary may prescribe, but in no case at a time later than the earlier of—

“(i) the date which is 30 days after the date on which the return under section 6019 was required to be filed (including extensions, if any), or

“(ii) the date which is 30 days after the date such return is filed.

“(B) ADJUSTMENTS.—In any case in which there is an adjustment to the information required to be included on a statement filed under paragraph (1) after such statement has been filed, a supplemental statement under such paragraph shall be filed not later than the date which is 30 days after such adjustment is made.

“(c) REGULATIONS.—The Secretary shall prescribe such regulations as necessary to carry out this section, including regulations relating to—

“(1) applying this section to property with regard to which no estate or gift tax return is required to be filed, and

“(2) situations in which the surviving joint tenant or other recipient may have better information than the executor regarding the basis or fair market value of the property.”.

(2) PENALTY FOR FAILURE TO FILE.—

(A) RETURN.—Section 6724(d)(1) is amended by striking “and” at the end of subparagraph (B), by striking the period at the end of subparagraph (C) and inserting “, and”, and by adding at the end the following new subparagraph:

“(D) any statement required to be filed with the Secretary under section 6035.”.

(B) STATEMENT.—Section 6724(d)(2) is amended by striking “or” at the end of subparagraph (GG), by striking the period at the end of subparagraph (HH) and inserting “, or”, and by adding at the end the following new subparagraph:

“(II) section 6035 (other than a statement described in paragraph (1)(D)).”.

(3) CLERICAL AMENDMENT.—The table of sections for subpart A of part III of subchapter A of chapter 61 is amended by inserting after the item relating to section 6034A the following new item:

“Sec. 6035. Basis information to persons acquiring property from decedent or by gift.”.

(c) PENALTY FOR INCONSISTENT REPORTING.—

(1) IN GENERAL.—Subsection (b) of section 6662 is amended by inserting after paragraph (7) the following new paragraph:

“(8) Any inconsistent estate or gift basis.”.

(2) INCONSISTENT BASIS REPORTING.—Section 6662 is amended by adding at the end the following new subsection:

“(k) INCONSISTENT ESTATE OR GIFT BASIS REPORTING.—For purposes of this section, the term ‘inconsistent estate or gift basis’ means—

“(1) in the case of property acquired from a decedent, a basis determination with respect to such property which is not consistent with the requirements of section 1014(f), and

“(2) in the case of property acquired by gift, a basis determination with respect to such property which is not consistent with the requirements of section 1015(f).”.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to transfers for which returns are filed after the date of the enactment of this Act.

TITLE IV—PERMANENT SMALL BUSINESS TAX RELIEF

SEC. 401. REPEAL OF SUNSET ON INCREASED LIMITATIONS ON SMALL BUSINESS EXPENSING.

(a) IN GENERAL.—Subsection (b) of section 179, as amended by the Small Business Jobs Act of 2010, is amended—

(1) by striking “\$25,000” in paragraph (1)(C) and inserting “\$125,000.”, and

(2) by striking “\$200,000” in paragraph (2)(C) and inserting “\$500,000.”.

(b) INFLATION ADJUSTMENT.—Section 179(b) is amended by adding at the end the following new paragraph:

“(6) INFLATION ADJUSTMENT.—

“(A) IN GENERAL.—In the case of any taxable year beginning after 2011, the \$125,000 amount in paragraph (1)(C) and the \$500,000 amount in paragraph (2)(C) shall each be increased by an amount equal to—

“(i) such dollar amount, multiplied by

“(ii) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, by substituting ‘calendar year 2006’ for ‘calendar year 1992’ in subparagraph (B) thereof.

“(B) ROUNDING.—

“(i) DOLLAR LIMITATION.—If the amount in paragraph (1) as increased under subparagraph (A) is not a multiple of \$1,000, such amount shall be rounded to the nearest multiple of \$1,000.

“(ii) PHASEOUT AMOUNT.—If the amount in paragraph (2) as increased under subparagraph (A) is not a multiple of \$10,000, such amount shall be rounded to the nearest multiple of \$10,000.”.

(c) PERMANENT EXPENSING OF COMPUTER SOFTWARE.—Section 179(d)(1)(A)(ii), as amended by the Small Business Jobs Act of 2010, is amended by striking “and before 2012”.

(d) REVOCATION OF ELECTION MADE PERMANENT.—Section 179(c)(2), as amended by the Small Business Jobs Act of 2010, is amended to read as follows:

“(2) REVOCATION OF ELECTION.—Any election made under this section, and any specification contained in any such election, may be revoked by the taxpayer with respect to any property, and such revocation, once made, shall be irrevocable.”.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2011.

TITLE V—ALTERNATIVE MINIMUM TAX RELIEF

SEC. 501. EXTENSION OF INCREASED ALTERNATIVE MINIMUM TAX EXEMPTION AMOUNT.

(a) IN GENERAL.—Paragraph (1) of section 55(d) is amended—

(1) by striking “\$70,950” and all that follows through “2009” in subparagraph (A) and inserting “\$72,450 in the case of taxable years beginning in 2010 and \$74,450 in the case of taxable years beginning in 2011”, and

(2) by striking “\$46,700” and all that follows through “2009” in subparagraph (B) and inserting “\$47,450 in the case of taxable years beginning in 2010 and \$48,450 in the case of taxable years beginning in 2011”.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2009.

SEC. 502. EXTENSION OF ALTERNATIVE MINIMUM TAX RELIEF FOR NONREFUNDABLE PERSONAL CREDITS.

(a) IN GENERAL.—Paragraph (2) of section 26(a) is amended—

(1) by striking “or 2009” and inserting “2009, 2010, or 2011”, and

(2) by striking “2009” in the heading thereof and inserting “2011”.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2009.

TITLE VI—TEMPORARY EXTENSION OF CERTAIN PROVISIONS EXPIRING IN 2009

Subtitle A—Infrastructure Incentives

SEC. 601. EXTENSION OF BUILD AMERICA BONDS.

(a) IN GENERAL.—Subparagraph (B) of section 54AA(d)(1) is amended by striking “January 1, 2011” and inserting “January 1, 2012”.

(b) EXTENSION OF PAYMENTS TO ISSUERS.—

(1) IN GENERAL.—Section 6431 is amended—

(A) by striking “January 1, 2011” in subsection (a) and inserting “January 1, 2012”; and

(B) by striking “January 1, 2011” in subsection (f)(1)(B) and inserting “a particular date”.

(2) CONFORMING AMENDMENTS.—Subsection (g) of section 54AA is amended—

(A) by striking “January 1, 2011” and inserting “January 1, 2012”; and

(B) by striking “QUALIFIED BONDS ISSUED BEFORE 2011” in the heading and inserting “CERTAIN QUALIFIED BONDS”.

(c) REDUCTION IN PERCENTAGE OF PAYMENTS TO ISSUERS.—Subsection (b) of section 6431 is amended—

(1) by striking “The Secretary” and inserting the following:

“(1) IN GENERAL.—The Secretary”; and

(2) by striking “35 percent” and inserting “the applicable percentage”; and

(3) by adding at the end the following new paragraph:

“(2) APPLICABLE PERCENTAGE.—For purposes of this subsection, the term ‘applicable percentage’ means the percentage determined in accordance with the following table:

“In the case of a qualified bond issued during calendar year:	The applicable percentage is:
2009 or 2010	35 percent
2011	32 percent.”.

(d) CURRENT REFUNDINGS PERMITTED.—Subsection (g) of section 54AA is amended by adding at the end the following new paragraph:

“(3) TREATMENT OF CURRENT REFUNDING BONDS.—

“(A) IN GENERAL.—For purposes of this subsection, the term ‘qualified bond’ includes any bond (or series of bonds) issued to refund a qualified bond if—

“(i) the average maturity date of the issue of which the refunding bond is a part is not later than the average maturity date of the bonds to be refunded by such issue,

“(ii) the amount of the refunding bond does not exceed the outstanding amount of the refunded bond, and

“(iii) the refunded bond is redeemed not later than 90 days after the date of the issuance of the refunding bond.

“(B) APPLICABLE PERCENTAGE.—In the case of a refunding bond referred to in subparagraph (A), the applicable percentage with respect to such bond under section 6431(b) shall be the lowest percentage specified in paragraph (2) of such section.

“(C) DETERMINATION OF AVERAGE MATURITY.—For purposes of subparagraph (A)(i), average maturity shall be determined in accordance with section 147(b)(2)(A).”.

SEC. 602. EXEMPT-FACILITY BONDS FOR SEWAGE AND WATER SUPPLY FACILITIES.

(a) BONDS FOR WATER AND SEWAGE FACILITIES EXEMPT FROM VOLUME CAP ON PRIVATE ACTIVITY BONDS.—

(1) IN GENERAL.—Paragraph (3) of section 146(g) is amended by inserting “(4), (5),” after “(2).”.

(2) CONFORMING AMENDMENT.—Paragraphs (2) and (3)(B) of section 146(k) are both amended by striking “(4), (5), (6),” and inserting “(6)”.

(b) TAX-EXEMPT ISSUANCE BY INDIAN TRIBAL GOVERNMENTS.—

(1) IN GENERAL.—Subsection (c) of section 7871 is amended by adding at the end the following new paragraph:

“(4) EXCEPTION FOR BONDS FOR WATER AND SEWAGE FACILITIES.—Paragraph (2) shall not apply to an exempt facility bond 95 percent or more of the net proceeds (as defined in section 150(a)(3)) of which are to be used to

provide facilities described in paragraph (4) or (5) of section 142(a)."

(2) **CONFORMING AMENDMENT.**—Paragraph (2) of section 7871(c) is amended by striking "paragraph (3)" and inserting "paragraphs (3) and (4)".

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply to obligations issued after the date of the enactment of this Act.

SEC. 603. EXTENSION OF EXEMPTION FROM ALTERNATIVE MINIMUM TAX TREATMENT FOR CERTAIN TAX-EXEMPT BONDS.

(a) **IN GENERAL.**—Clause (vi) of section 57(a)(5)(C) is amended—

(1) by striking "January 1, 2011" in subclause (I) and inserting "January 1, 2012"; and

(2) by striking "AND 2010" in the heading and inserting ", 2010, AND 2011".

(b) **ADJUSTED CURRENT EARNINGS.**—Clause (iv) of section 56(g)(4)(B) is amended—

(1) by striking "January 1, 2011" in subclause (I) and inserting "January 1, 2012"; and

(2) by striking "AND 2010" in the heading and inserting ", 2010, AND 2011".

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply to obligations issued after December 31, 2010.

SEC. 604. EXTENSION AND ADDITIONAL ALLOCATIONS OF RECOVERY ZONE BOND AUTHORITY.

(a) **EXTENSION OF RECOVERY ZONE BOND AUTHORITY.**—Section 1400U-2(b)(1) and section 1400U-3(b)(1)(B) are each amended by striking "January 1, 2011" and inserting "January 1, 2012".

(b) **ADDITIONAL ALLOCATIONS OF RECOVERY ZONE BOND AUTHORITY BASED ON UNEMPLOYMENT.**—Section 1400U-1 is amended by adding at the end the following new subsection:

"(c) **ALLOCATION OF 2010 RECOVERY ZONE BOND LIMITATIONS BASED ON UNEMPLOYMENT.**—

"(1) **IN GENERAL.**—The Secretary shall allocate the 2010 national recovery zone economic development bond limitation and the 2010 national recovery zone facility bond limitation among the States in the proportion that each such State's 2009 unemployment number bears to the aggregate of the 2009 unemployment numbers for all of the States.

"(2) **MINIMUM ALLOCATION.**—The Secretary shall adjust the allocations under paragraph (1) for each State to the extent necessary to ensure that no State (prior to any reduction under paragraph (3)) receives less than 0.9 percent of the 2010 national recovery zone economic development bond limitation and 0.9 percent of the 2010 national recovery zone facility bond limitation.

"(3) **ALLOCATIONS BY STATES.**—

"(A) **IN GENERAL.**—Each State with respect to which an allocation is made under paragraph (1) shall reallocate such allocation among the counties and large municipalities (as defined in subsection (a)(3)(B)) in such State in the proportion that each such county's or municipality's 2009 unemployment number bears to the aggregate of the 2009 unemployment numbers for all the counties and large municipalities (as so defined) in such State.

"(B) **2010 ALLOCATION REDUCED BY AMOUNT OF PREVIOUS ALLOCATION.**—Each State shall reduce (but not below zero)—

"(i) the amount of the 2010 national recovery zone economic development bond limitation allocated to each county or large municipality (as so defined) in such State by the amount of the national recovery zone economic development bond limitation allo-

cated to such county or large municipality under subsection (a)(3)(A) (determined without regard to any waiver thereof), and

"(ii) the amount of the 2010 national recovery zone facility bond limitation allocated to each county or large municipality (as so defined) in such State by the amount of the national recovery zone facility bond limitation allocated to such county or large municipality under subsection (a)(3)(A) (determined without regard to any waiver thereof).

"(C) **WAIVER OF SUBALLOCATIONS.**—A county or municipality may waive any portion of an allocation made under this paragraph. A county or municipality shall be treated as having waived any portion of an allocation made under this paragraph which has not been allocated to a bond issued before May 1, 2011. Any allocation waived (or treated as waived) under this subparagraph may be used or reallocated by the State.

"(D) **SPECIAL RULE FOR A MUNICIPALITY IN A COUNTY.**—In the case of any large municipality any portion of which is in a county, such portion shall be treated as part of such municipality and not part of such county.

"(4) **2009 UNEMPLOYMENT NUMBER.**—For purposes of this subsection, the term '2009 unemployment number' means, with respect to any State, county or municipality, the number of individuals in such State, county, or municipality who were determined to be unemployed by the Bureau of Labor Statistics for December 2009.

"(5) **2010 NATIONAL LIMITATIONS.**—

"(A) **RECOVERY ZONE ECONOMIC DEVELOPMENT BONDS.**—The 2010 national recovery zone economic development bond limitation is \$10,000,000,000. Any allocation of such limitation under this subsection shall be treated for purposes of section 1400U-2 in the same manner as an allocation of national recovery zone economic development bond limitation.

"(B) **RECOVERY ZONE FACILITY BONDS.**—The 2010 national recovery zone facility bond limitation is \$15,000,000,000. Any allocation of such limitation under this subsection shall be treated for purposes of section 1400U-3 in the same manner as an allocation of national recovery zone facility bond limitation."

(c) **AUTHORITY OF STATE TO WAIVE CERTAIN 2009 ALLOCATIONS.**—Subparagraph (A) of section 1400U-1(a)(3) is amended by adding at the end the following: "A county or municipality shall be treated as having waived any portion of an allocation made under this subparagraph which has not been allocated to a bond issued before May 1, 2011. Any allocation waived (or treated as waived) under this subparagraph may be used or reallocated by the State."

SEC. 605. ALLOWANCE OF NEW MARKETS TAX CREDIT AGAINST ALTERNATIVE MINIMUM TAX.

(a) **IN GENERAL.**—Subparagraph (B) of section 38(c)(4), as amended by the Patient Protection and Affordable Care Act, is amended by redesignating clauses (v) through (ix) as clauses (vi) through (x), respectively, and by inserting after clause (iv) the following new clause:

"(v) the credit determined under section 45D, but only with respect to credits determined with respect to qualified equity investments (as defined in section 45D(b)) initially made before January 1, 2013,".

(b) **EFFECTIVE DATE.**—The amendments made by this section shall apply to credits determined with respect to qualified equity investments (as defined in section 45D(b) of the Internal Revenue Code of 1986) initially made after March 15, 2010.

SEC. 606. EXTENSION OF TAX-EXEMPT ELIGIBILITY FOR LOANS GUARANTEED BY FEDERAL HOME LOAN BANKS.

Clause (iv) of section 149(b)(3)(A) is amended by striking "December 31, 2010" and inserting "December 31, 2011".

SEC. 607. EXTENSION OF TEMPORARY SMALL ISSUER RULES FOR ALLOCATION OF TAX-EXEMPT INTEREST EXPENSE BY FINANCIAL INSTITUTIONS.

(a) **IN GENERAL.**—Clauses (i), (ii), and (iii) of section 265(b)(3)(G) are each amended by striking "or 2010" and inserting ", 2010, or 2011".

(b) **CONFORMING AMENDMENT.**—Subparagraph (G) of section 265(b)(3) is amended by striking "AND 2010" in the heading and inserting ", 2010, AND 2011".

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply to obligations issued after December 31, 2010.

Subtitle B—Energy

SEC. 611. ALTERNATIVE MOTOR VEHICLE CREDIT FOR NEW QUALIFIED HYBRID MOTOR VEHICLES OTHER THAN PASSENGER AUTOMOBILES AND LIGHT TRUCKS.

(a) **IN GENERAL.**—Paragraph (3) of section 30B(k) is amended by striking "December 31, 2009" and inserting "December 31, 2011".

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to property purchased after December 31, 2009.

SEC. 612. INCENTIVES FOR BIODIESEL AND RENEWABLE DIESEL.

(a) **CREDITS FOR BIODIESEL AND RENEWABLE DIESEL USED AS FUEL.**—Subsection (g) of section 40A is amended by striking "December 31, 2009" and inserting "December 31, 2011".

(b) **EXCISE TAX CREDITS AND OUTLAY PAYMENTS FOR BIODIESEL AND RENEWABLE DIESEL FUEL MIXTURES.**—

(1) Paragraph (6) of section 6426(c) is amended by striking "December 31, 2009" and inserting "December 31, 2011".

(2) Subparagraph (B) of section 6427(e)(6) is amended by striking "December 31, 2009" and inserting "December 31, 2011".

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply to fuel sold or used after December 31, 2009.

SEC. 613. CREDIT FOR ELECTRICITY PRODUCED AT CERTAIN OPEN-LOOP BIOMASS FACILITIES.

(a) **IN GENERAL.**—Clause (ii) of section 45(b)(4)(B) is amended—

(1) by striking "5-year period" and inserting "7-year period"; and

(2) by adding at the end the following: "In the case of the next-to-last year of the 7-year period described in the preceding sentence, the credit determined under subsection (a) with respect to electricity produced during such year shall not exceed 80 percent of such credit determined without regard to this sentence. In the case of the last year of such 7-year period, the credit determined under subsection (a) with respect to electricity produced during such year shall not exceed 60 percent of such credit determined without regard to this sentence."

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to electricity produced and sold after December 31, 2009.

SEC. 614. CREDIT FOR STEEL INDUSTRY FUEL.

(a) **CREDIT PERIOD.**—

(1) **IN GENERAL.**—Subclause (II) of section 45(e)(8)(D)(ii) is amended to read as follows:

"(II) **CREDIT PERIOD.**—In lieu of the 10-year period referred to in clauses (i) and (ii)(II) of subparagraph (A), the credit period shall be the period beginning on the date that the facility first produces steel industry fuel that

is sold to an unrelated person after September 30, 2008, and ending 3 years after such date.”.

(2) **CONFORMING AMENDMENT.**—Section 45(e)(8)(D) is amended by striking clause (iii) and by redesignating clause (iv) as clause (iii).

(b) **EXTENSION OF PLACED-IN-SERVICE DATE.**—Subparagraph (A) of section 45(d)(8) is amended—

(1) by striking “(or any modification to a facility)”;

(2) by striking “2010” and inserting “2012”.

(c) **CLARIFICATIONS.**—

(1) **STEEL INDUSTRY FUEL.**—Subclause (I) of section 45(c)(7)(C)(i) is amended by inserting “, a blend of coal and petroleum coke, or other coke feedstock” after “on coal”.

(2) **OWNERSHIP INTEREST.**—Section 45(d)(8) is amended by adding at the end the following new flush sentence:

“With respect to a facility producing steel industry fuel, no person (including a ground lessor, customer, supplier, or technology licensor) shall be treated as having an ownership interest in the facility or as otherwise entitled to the credit allowable under subsection (a) with respect to such facility if such person’s rent, license fee, or other entitlement to net payments from the owner of such facility is measured by a fixed dollar amount or a fixed amount per ton, or otherwise determined without regard to the profit or loss of such facility.”.

(3) **PRODUCTION AND SALE.**—Subparagraph (D) of section 45(e)(8), as amended by subsection (a)(2), is amended by redesignating clause (iii) as clause (iv) and by inserting after clause (ii) the following new clause:

“(iii) **PRODUCTION AND SALE.**—The owner of a facility producing steel industry fuel shall be treated as producing and selling steel industry fuel where that owner manufactures such steel industry fuel from coal, a blend of coal and petroleum coke, or other coke feedstock to which it has title. The sale of such steel industry fuel by the owner of the facility to a person who is not the owner of the facility shall not fail to qualify as a sale to an unrelated person solely because such purchaser may also be a ground lessor, supplier, or customer.”.

(d) **SPECIFIED CREDIT FOR PURPOSES OF ALTERNATIVE MINIMUM TAX EXCLUSION.**—Subclause (II) of section 38(c)(4)(B)(iii) is amended by inserting “(in the case of a refined coal production facility producing steel industry fuel, during the credit period set forth in section 45(e)(8)(D)(ii)(II))” after “service”.

(e) **EFFECTIVE DATES.**—

(1) **IN GENERAL.**—The amendments made by subsections (a), (b), and (d) shall apply to fuel produced and sold after September 30, 2008.

(2) **CLARIFICATIONS.**—The amendments made by subsection (c) shall take effect as if included in the amendments made by the Energy Improvement and Extension Act of 2008.

SEC. 615. CREDIT FOR PRODUCING FUEL FROM COKE OR COKE GAS.

(a) **IN GENERAL.**—Paragraph (1) of section 45K(g) is amended by striking “January 1, 2010” and inserting “January 1, 2012”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to facilities placed in service after December 31, 2009.

SEC. 616. NEW ENERGY EFFICIENT HOME CREDIT.

(a) **IN GENERAL.**—Subsection (g) of section 45L is amended by striking “December 31, 2009” and inserting “December 31, 2011”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to homes acquired after December 31, 2009.

SEC. 617. EXCISE TAX CREDITS AND OUTLAY PAYMENTS FOR ALTERNATIVE FUEL AND ALTERNATIVE FUEL MIXTURES.

(a) **ALTERNATIVE FUEL CREDIT.**—Paragraph (5) of section 6426(d) is amended by striking “after December 31, 2009” and all that follows and inserting “after—

“(A) September 30, 2014, in the case of liquefied hydrogen,

“(B) December 31, 2011, in the case of fuels described in subparagraph (A), (C), (F), or (G) of paragraph (2), and

“(C) December 31, 2009, in any other case.”.

(b) **ALTERNATIVE FUEL MIXTURE CREDIT.**—Paragraph (3) of section 6426(e) is amended by striking “after December 31, 2009” and all that follows and inserting “after—

“(A) September 30, 2014, in the case of liquefied hydrogen,

“(B) December 31, 2011, in the case of fuels described in subparagraph (A), (C), (F), or (G) of subsection (d)(2), and

“(C) December 31, 2009, in any other case.”.

(c) **PAYMENT AUTHORITY.**—

(1) **IN GENERAL.**—Paragraph (6) of section 6427(e) is amended by striking “and” at the end of subparagraph (C), by striking the period at the end of subparagraph (D) and inserting “, and”, and by adding at the end the following new subparagraph:

“(E) any alternative fuel or alternative fuel mixture (as so defined) involving fuel described in subparagraph (A), (C), (F), or (G) of section 6426(d)(2) sold or used after December 31, 2011.”.

(2) **CONFORMING AMENDMENT.**—Subparagraph (C) of section 6427(e)(6) is amended by inserting “or (E)” after “subparagraph (D)”.

(d) **EXCLUSION OF BLACK LIQUOR FROM CREDIT ELIGIBILITY.**—The last sentence of section 6426(d)(2) is amended by striking “or biodiesel” and inserting “biodiesel, or any fuel (including lignin, wood residues, or spent pulping liquors) derived from the production of paper or pulp”.

(e) **EFFECTIVE DATE.**—The amendments made by this section shall apply to fuel sold or used after December 31, 2009.

SEC. 618. SPECIAL RULE FOR SALES OR DISPOSITIONS TO IMPLEMENT FERC OR STATE ELECTRIC RESTRUCTURING POLICY FOR QUALIFIED ELECTRIC UTILITIES.

(a) **IN GENERAL.**—Paragraph (3) of section 451(i) is amended by striking “January 1, 2010” and inserting “January 1, 2012”.

(b) **MODIFICATION OF DEFINITION OF INDEPENDENT TRANSMISSION COMPANY.**—

(1) **IN GENERAL.**—Clause (i) of section 451(i)(4)(B) is amended to read as follows:

“(i) who the Federal Energy Regulatory Commission determines in its authorization of the transaction under section 203 of the Federal Power Act (16 U.S.C. 824b) or by declaratory order—

“(I) is not itself a market participant as determined by the Commission, and also is not controlled by any such market participant, or

“(II) to be independent from market participants or to be an independent transmission company within the meaning of such Commission’s rules applicable to independent transmission providers, and”.

(2) **RELATED PERSONS.**—Paragraph (4) of section 451(i) is amended by adding at the end the following flush sentence:

“For purposes of subparagraph (B)(i)(I), a person shall be treated as controlled by another person if such persons would be treated as a single employer under section 52.”.

(c) **EFFECTIVE DATE.**—

(1) **IN GENERAL.**—The amendment made by subsection (a) shall apply to dispositions after December 31, 2009.

(2) **MODIFICATIONS.**—The amendments made by subsection (b) shall apply to dispositions after the date of the enactment of this Act.

SEC. 619. SUSPENSION OF LIMITATION ON PERCENTAGE DEPLETION FOR OIL AND GAS FROM MARGINAL WELLS.

(a) **IN GENERAL.**—Clause (ii) of section 613A(c)(6)(H) is amended by striking “January 1, 2010” and inserting “January 1, 2012”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to taxable years beginning after December 31, 2009.

SEC. 620. CREDIT FOR NONBUSINESS ENERGY PROPERTY.

(a) **EXTENSION.**—

(1) **IN GENERAL.**—Section 25C(g)(2) is amended by striking “2010” and inserting “2011”.

(2) **LIMITATION.**—Section 25C(b) is amended by striking “and 2010” and inserting “, 2010, and 2011”.

(3) **EFFECTIVE DATE.**—The amendments made by this subsection shall apply to property placed in service after December 31, 2010.

(b) **MODIFICATION OF STANDARDS FOR WINDOWS, DOORS, AND SKYLIGHTS.**—

(1) **IN GENERAL.**—Paragraph (4) of section 25C(c) is amended by striking “unless” and all that follows and inserting “unless—

“(A) such component meets the criteria for such components established by the 2010 Energy Star Program Requirements for Residential Windows, Doors, and Skylights, Version 5.0 (or any subsequent version of such requirements which is in effect after January 4, 2010), and

“(B) in the case of any component which is a garage door, such component is equal to or below a U factor of 0.30 and SHGC of 0.30.”.

(2) **EFFECTIVE DATE.**—The amendment made by this subsection shall apply to property placed in service after December 31, 2010.

Subtitle C—Individual Tax Relief

PART I—MISCELLANEOUS PROVISIONS

SEC. 631. DEDUCTION FOR CERTAIN EXPENSES OF ELEMENTARY AND SECONDARY SCHOOL TEACHERS.

(a) **IN GENERAL.**—Subparagraph (D) of section 62(a)(2) is amended by striking “or 2009” and inserting “2009, 2010, or 2011”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to taxable years beginning after December 31, 2009.

SEC. 632. ADDITIONAL STANDARD DEDUCTION FOR STATE AND LOCAL REAL PROPERTY TAXES.

(a) **IN GENERAL.**—Subparagraph (C) of section 63(c)(1) is amended by striking “or 2009” and inserting “2009, 2010, or 2011”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to taxable years beginning after December 31, 2009.

SEC. 633. DEDUCTION OF STATE AND LOCAL SALES TAXES.

(a) **IN GENERAL.**—Subparagraph (I) of section 164(b)(5) is amended by striking “January 1, 2010” and inserting “January 1, 2012”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to taxable years beginning after December 31, 2009.

SEC. 634. CONTRIBUTIONS OF CAPITAL GAIN REAL PROPERTY MADE FOR CONSERVATION PURPOSES.

(a) **IN GENERAL.**—Clause (vi) of section 170(b)(1)(E) is amended by striking “December 31, 2009” and inserting “December 31, 2011”.

(b) **CONTRIBUTIONS BY CERTAIN CORPORATE FARMERS AND RANCHERS.**—Clause (iii) of section 170(b)(2)(B) is amended by striking “December 31, 2009” and inserting “December 31, 2011”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply to contributions made in taxable years beginning after December 31, 2009.

SEC. 635. ABOVE-THE-LINE DEDUCTION FOR QUALIFIED TUITION AND RELATED EXPENSES.

(a) **IN GENERAL.**—Subsection (e) of section 222 is amended by striking “December 31, 2009” and inserting “December 31, 2011”.

(b) **APPLICATION AND EXTENSION OF EGTRRA SUNSET.**—Notwithstanding section 901 of the Economic Growth and Tax Relief Reconciliation Act of 2001, such section shall apply to the amendments made by this section and the amendments made by section 431 of such Act by substituting “December 31, 2011” for “December 31, 2010” in subsection (a)(1) thereof.

(c) **EFFECTIVE DATE.**—The amendment made by this section shall apply to taxable years beginning after December 31, 2009.

(d) **TEMPORARY COORDINATION WITH SECTION 25A.**—In the case of any taxpayer for any taxable year beginning in 2010 or 2011, no deduction shall be allowed under section 222 of the Internal Revenue Code of 1986 if—

(1) the taxpayer's net Federal income tax reduction which would be attributable to such deduction for such taxable year, is less than

(2) the credit which would be allowed to the taxpayer for such taxable year under section 25A of such Code (determined without regard to sections 25A(e) and 26 of such Code).

SEC. 636. TAX-FREE DISTRIBUTIONS FROM INDIVIDUAL RETIREMENT PLANS FOR CHARITABLE PURPOSES.

(a) **IN GENERAL.**—Subparagraph (F) of section 408(d)(8) is amended by striking “December 31, 2009” and inserting “December 31, 2011”.

(b) **EFFECTIVE DATE; SPECIAL RULE.**—

(1) **EFFECTIVE DATE.**—The amendment made by this section shall apply to distributions made in taxable years beginning after December 31, 2009.

(2) **SPECIAL RULE.**—For purposes of qualified charitable distributions under section 408(d)(8) of the Internal Revenue Code of 1986 with respect to taxable years beginning in 2010, a taxpayer shall be deemed to have made such a distribution on the last day of such taxable year if the distribution is made not later than January 31, 2011.

SEC. 637. LOOK-THRU OF CERTAIN REGULATED INVESTMENT COMPANY STOCK IN DETERMINING GROSS ESTATE OF NONRESIDENTS.

(a) **IN GENERAL.**—Paragraph (3) of section 2105(d) is amended by striking “December 31, 2009” and inserting “December 31, 2011”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to estates of decedents dying after December 31, 2009.

PART II—LOW-INCOME HOUSING CREDITS
SEC. 641. ELECTION FOR DIRECT PAYMENT OF LOW-INCOME HOUSING CREDIT FOR 2010.

(a) **IN GENERAL.**—Section 42 is amended by redesignating subsection (n) as subsection (o) and by inserting after subsection (m) the following new subsection:

“(n) **ELECTION FOR DIRECT PAYMENT OF CREDIT.**—

“(1) **IN GENERAL.**—The housing credit agency of each State shall be allowed a credit in an amount equal to such State's low-income housing refundable credit election amount for the applicable calendar year, which shall be payable by the Secretary as provided in paragraph (5).

“(2) **LOW-INCOME HOUSING GRANT ELECTION AMOUNT.**—For purposes of this subsection—

“(A) **IN GENERAL.**—The term ‘low-income housing grant election amount’ means, with respect to any State for any applicable calendar year, such amount as the State may elect which does not exceed 85 percent of the product of—

“(i) the sum of—

“(I) 100 percent of the State housing credit ceiling for such applicable calendar year which is attributable to amounts described in clauses (i) and (iii) of subsection (h)(3)(C), plus any increase for such applicable calendar year attributable to section 1400N(c) (including credits made available under such section as applied by reason of sections 702(d)(2) and 704(b) of the Tax Extenders and Alternative Minimum Tax Relief Act of 2008), and

“(II) 40 percent of the State housing credit ceiling for such applicable calendar year which is attributable to amounts described in clauses (ii) and (iv) of such subsection, plus any credits for the calendar year preceding such applicable calendar year attributable to the application of such section 702(d)(2) and 704(b), multiplied by

“(ii) 10.

For purposes of subparagraph (A)(ii), in the case of any area to which section 702(d)(2) or 704(b) of the Tax Extenders and Alternative Minimum Tax Relief Act of 2008 applies, section 1400N(c)(1)(A) of such Code shall be applied without regard to clause (i).

“(B) **APPLICABLE CALENDAR YEAR.**—The term ‘applicable calendar year’ means calendar years 2010 and 2011.

“(3) **COORDINATION WITH NON-REFUNDABLE CREDIT.**—For purposes of this section, the amounts described in clauses (i) through (iv) of subsection (h)(3)(C) with respect to any State for 2010 shall each be reduced by so much of such amount as is taken into account in determining the amount of the credit allowed with respect to such State under paragraph (1).

“(4) **SPECIAL RULE FOR BASIS.**—Basis of a qualified low-income building shall not be reduced by the amount of any payment made under this subsection.

“(5) **PAYMENT OF CREDIT; USE TO FINANCE LOW-INCOME BUILDINGS.**—The Secretary shall pay to the housing credit agency of each State an amount equal to the credit allowed under paragraph (1). Rules similar to the rules of subsections (c) and (d) of section 1602 of the American Recovery and Reinvestment Tax Act of 2009 shall apply with respect to any payment made under this paragraph, except that such subsection (d) shall be applied by substituting ‘January 1 of the second calendar year after the applicable calendar year’ for ‘January 1, 2011’.”

(b) **CONFORMING AMENDMENT.**—Section 1324(b)(2) of title 31, United States Code, is amended by inserting “42(n),” after “36C.”

SEC. 642. LOW-INCOME HOUSING GRANT ELECTION.

(a) **CLARIFICATION OF ELIGIBILITY OF LOW-INCOME HOUSING CREDITS FOR LOW-INCOME HOUSING GRANT ELECTION.**—Paragraph (1) of section 1602(b) of the American Recovery and Reinvestment Tax Act of 2009 is amended—

(1) by inserting “, plus any increase for 2009 or 2010 attributable to section 1400N(c) of such Code (including credits made available under such section as applied by reason of sections 702(d)(2) and 704(b) of the Tax Extenders and Alternative Minimum Tax Relief Act of 2008)” after “1986” in subparagraph (A), and

(2) by inserting “, plus any credits for 2009 attributable to the application of such section 702(d)(2) and 704(b)” after “such section” in subparagraph (B).

(b) **APPLICATION OF ADDITIONAL HOUSING CREDIT AMOUNT FOR PURPOSES OF 2009 GRANT ELECTION.**—Subsection (b) of section 1602 of the American Recovery and Reinvestment Tax Act of 2009, as amended by subsection (a), is amended by adding at the end the following flush sentence:

“For purposes of paragraph (1)(B), in the case of any area to which section 702(d)(2) or 704(b) of the Tax Extenders and Alternative Minimum Tax Relief Act of 2008 applies, section 1400N(c)(1)(A) of such Code shall be applied without regard to clause (i).”

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply as if included in the enactment of section 1602 of the American Recovery and Reinvestment Tax Act of 2009.

Subtitle D—Business Tax Relief

SEC. 651. RESEARCH CREDIT.

(a) **IN GENERAL.**—Subparagraph (B) of section 41(h)(1) is amended by striking “December 31, 2009” and inserting “December 31, 2011”.

(b) **CONFORMING AMENDMENT.**—Subparagraph (D) of section 45C(b)(1) is amended by striking “December 31, 2009” and inserting “December 31, 2011”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply to amounts paid or incurred after December 31, 2009.

SEC. 652. INDIAN EMPLOYMENT TAX CREDIT.

(a) **IN GENERAL.**—Subsection (f) of section 45A is amended by striking “December 31, 2009” and inserting “December 31, 2011”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to taxable years beginning after December 31, 2009.

SEC. 653. NEW MARKETS TAX CREDIT.

(a) **IN GENERAL.**—Subparagraph (F) of section 45D(f)(1) is amended by inserting “, 2010, and 2011” after “2009”.

(b) **CONFORMING AMENDMENT.**—Paragraph (3) of section 45D(f) is amended by striking “2014” and inserting “2016”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply to calendar years beginning after 2009.

SEC. 654. RAILROAD TRACK MAINTENANCE CREDIT.

(a) **IN GENERAL.**—Subsection (f) of section 45G is amended by striking “January 1, 2010” and inserting “January 1, 2012”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to expenditures paid or incurred in taxable years beginning after December 31, 2009.

SEC. 655. MINE RESCUE TEAM TRAINING CREDIT.

(a) **IN GENERAL.**—Subsection (e) of section 45N is amended by striking “December 31, 2009” and inserting “December 31, 2011”.

(b) **CREDIT ALLOWABLE AGAINST AMT.**—Subparagraph (B) of section 38(c)(4), as amended by section 105, is amended—

(1) by redesignating clauses (vii) through (x) as clauses (viii) through (xi), respectively; and

(2) by inserting after clause (vi) the following new clause:

“(vii) the credit determined under section 45N.”

(c) **EFFECTIVE DATE.**—

(1) **IN GENERAL.**—Except as provided in paragraph (2), the amendments made by this section shall apply to taxable years beginning after December 31, 2009.

(2) **ALLOWANCE AGAINST AMT.**—The amendments made by subsection (b) shall apply to credits determined for taxable years beginning after December 31, 2009, and to carrybacks of such credits.

SEC. 656. EMPLOYER WAGE CREDIT FOR EMPLOYEES WHO ARE ACTIVE DUTY MEMBERS OF THE UNIFORMED SERVICES.

(a) IN GENERAL.—Subsection (f) of section 45P is amended by striking “December 31, 2009” and inserting “December 31, 2011”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to payments made after December 31, 2009.

SEC. 657. 5-YEAR DEPRECIATION FOR FARMING BUSINESS MACHINERY AND EQUIPMENT.

(a) IN GENERAL.—Clause (vii) of section 168(e)(3)(B) is amended by striking “January 1, 2010” and inserting “January 1, 2012”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after December 31, 2009.

SEC. 658. 15-YEAR STRAIGHT-LINE COST RECOVERY FOR QUALIFIED LEASEHOLD IMPROVEMENTS, QUALIFIED RESTAURANT BUILDINGS AND IMPROVEMENTS, AND QUALIFIED RETAIL IMPROVEMENTS.

(a) IN GENERAL.—Clauses (iv), (v), and (ix) of section 168(e)(3)(E) are each amended by striking “January 1, 2010” and inserting “January 1, 2012”.

(b) CONFORMING AMENDMENTS.—

(1) Clause (i) of section 168(e)(7)(A) is amended by striking “if such building is placed in service after December 31, 2008, and before January 1, 2010.”

(2) Paragraph (8) of section 168(e) is amended by striking subparagraph (E).

(3) Section 179(f)(2) is amended—

(A) by striking “(without regard to the dates specified in subparagraph (A)(i) thereof)” in subparagraph (B), and

(B) by striking “(without regard to subparagraph (E) thereof)” in subparagraph (C).

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after December 31, 2009.

SEC. 659. 7-YEAR RECOVERY PERIOD FOR MOTORSPORTS ENTERTAINMENT COMPLEXES.

(a) IN GENERAL.—Subparagraph (D) of section 168(i)(15) is amended by striking “December 31, 2009” and inserting “December 31, 2011”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after December 31, 2009.

SEC. 660. ACCELERATED DEPRECIATION FOR BUSINESS PROPERTY ON AN INDIAN RESERVATION.

(a) IN GENERAL.—Paragraph (8) of section 168(j) is amended by striking “December 31, 2009” and inserting “December 31, 2011”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after December 31, 2009.

SEC. 661. ENHANCED CHARITABLE DEDUCTION FOR CONTRIBUTIONS OF FOOD INVENTORY.

(a) IN GENERAL.—Clause (iv) of section 170(e)(3)(C) is amended by striking “December 31, 2009” and inserting “December 31, 2011”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to contributions made after December 31, 2009.

SEC. 662. ENHANCED CHARITABLE DEDUCTION FOR CONTRIBUTIONS OF BOOK INVENTORIES TO PUBLIC SCHOOLS.

(a) IN GENERAL.—Clause (iv) of section 170(e)(3)(D) is amended by striking “December 31, 2009” and inserting “December 31, 2011”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to contributions made after December 31, 2009.

SEC. 663. ENHANCED CHARITABLE DEDUCTION FOR CORPORATE CONTRIBUTIONS OF COMPUTER INVENTORY FOR EDUCATIONAL PURPOSES.

(a) IN GENERAL.—Subparagraph (G) of section 170(e)(6) is amended by striking “December 31, 2009” and inserting “December 31, 2011”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to contributions made in taxable years beginning after December 31, 2009.

SEC. 664. ELECTION TO EXPENSE MINE SAFETY EQUIPMENT.

(a) IN GENERAL.—Subsection (g) of section 179E is amended by striking “December 31, 2009” and inserting “December 31, 2011”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after December 31, 2009.

SEC. 665. SPECIAL EXPENSING RULES FOR CERTAIN FILM AND TELEVISION PRODUCTIONS.

(a) IN GENERAL.—Subsection (f) of section 181 is amended by striking “December 31, 2009” and inserting “December 31, 2011”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to productions commencing after December 31, 2009.

SEC. 666. EXPENSING OF ENVIRONMENTAL REMEDIATION COSTS.

(a) IN GENERAL.—Subsection (h) of section 198 is amended by striking “December 31, 2009” and inserting “December 31, 2011”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to expenditures paid or incurred after December 31, 2009.

SEC. 667. DEDUCTION ALLOWABLE WITH RESPECT TO INCOME ATTRIBUTABLE TO DOMESTIC PRODUCTION ACTIVITIES IN PUERTO RICO.

(a) IN GENERAL.—Subparagraph (C) of section 199(d)(8) is amended—

(1) by striking “first 4 taxable years” and inserting “first 6 taxable years”; and

(2) by striking “January 1, 2010” and inserting “January 1, 2012”.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2009.

SEC. 668. MODIFICATION OF TAX TREATMENT OF CERTAIN PAYMENTS TO CONTROLLING EXEMPT ORGANIZATIONS.

(a) IN GENERAL.—Clause (iv) of section 512(b)(13)(E) is amended by striking “December 31, 2009” and inserting “December 31, 2011”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to payments received or accrued after December 31, 2009.

SEC. 669. EXCLUSION OF GAIN OR LOSS ON SALE OR EXCHANGE OF CERTAIN BROWNFIELD SITES FROM UNRELATED BUSINESS INCOME.

(a) IN GENERAL.—Subparagraph (K) of section 512(b)(19) is amended by striking “December 31, 2009” and inserting “December 31, 2011”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property acquired after December 31, 2009.

SEC. 670. TIMBER REIT MODERNIZATION.

(a) IN GENERAL.—Paragraph (8) of section 856(c) is amended by striking “means” and all that follows and inserting “means December 31, 2011”.

(b) CONFORMING AMENDMENTS.—

(1) Subparagraph (I) of section 856(c)(2) is amended by striking “the first taxable year beginning after the date of the enactment of this subparagraph” and inserting “a taxable year beginning on or before the termination date”.

(2) Clause (iii) of section 856(c)(5)(H) is amended by inserting “in taxable years beginning” after “dispositions”.

(3) Clause (v) of section 857(b)(6)(D) is amended by inserting “in a taxable year beginning” after “sale”.

(4) Subparagraph (G) of section 857(b)(6) is amended by inserting “in a taxable year beginning” after “In the case of a sale”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years ending after May 22, 2009.

SEC. 671. TREATMENT OF CERTAIN DIVIDENDS OF REGULATED INVESTMENT COMPANIES.

(a) IN GENERAL.—Paragraphs (1)(C) and (2)(C) of section 871(k) are each amended by striking “December 31, 2009” and inserting “December 31, 2011”.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2009.

SEC. 672. RIC QUALIFIED INVESTMENT ENTITY TREATMENT UNDER FIRPTA.

(a) IN GENERAL.—Clause (ii) of section 897(h)(4)(A) is amended by striking “December 31, 2009” and inserting “December 31, 2011”.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendment made by subsection (a) shall take effect on January 1, 2010. Notwithstanding the preceding sentence, such amendment shall not apply with respect to the withholding requirement under section 1445 of the Internal Revenue Code of 1986 for any payment made before the date of the enactment of this Act.

(2) AMOUNTS WITHHELD ON OR BEFORE DATE OF ENACTMENT.—In the case of a regulated investment company—

(A) which makes a distribution after December 31, 2009, and before the date of the enactment of this Act; and

(B) which would (but for the second sentence of paragraph (1)) have been required to withhold with respect to such distribution under section 1445 of such Code, such investment company shall not be liable to any person to whom such distribution was made for any amount so withheld and paid over to the Secretary of the Treasury.

SEC. 673. EXCEPTIONS FOR ACTIVE FINANCING INCOME.

(a) IN GENERAL.—Sections 953(e)(10) and 954(h)(9) are each amended by striking “January 1, 2010” and inserting “January 1, 2012”.

(b) CONFORMING AMENDMENT.—Section 953(e)(10) is amended by striking “December 31, 2009” and inserting “December 31, 2011”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years of foreign corporations beginning after December 31, 2009, and to taxable years of United States shareholders with or within which any such taxable year of such foreign corporation ends.

SEC. 674. LOOK-THRU TREATMENT OF PAYMENTS BETWEEN RELATED CONTROLLED FOREIGN CORPORATIONS UNDER FOREIGN PERSONAL HOLDING COMPANY RULES.

(a) IN GENERAL.—Subparagraph (C) of section 954(c)(6) is amended by striking “January 1, 2010” and inserting “January 1, 2012”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years of foreign corporations beginning after December 31, 2009, and to taxable years of United States shareholders with or within which any such taxable year of such foreign corporation ends.

SEC. 675. BASIS ADJUSTMENT TO STOCK OF S CORPS MAKING CHARITABLE CONTRIBUTIONS OF PROPERTY.

(a) IN GENERAL.—Paragraph (2) of section 1367(a) is amended by striking “December 31, 2009” and inserting “December 31, 2011”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to contributions made in taxable years beginning after December 31, 2009.

SEC. 676. EMPOWERMENT ZONE TAX INCENTIVES.

(a) **IN GENERAL.**—Section 1391 is amended—
(1) by striking “December 31, 2009” in subsection (d)(1)(A)(i) and inserting “December 31, 2011”; and

(2) by striking the last sentence of subsection (h)(2).

(b) **INCREASED EXCLUSION OF GAIN ON STOCK OF EMPOWERMENT ZONE BUSINESSES.**—Subparagraph (C) of section 1202(a)(2) is amended—

(1) by striking “December 31, 2014” and inserting “December 31, 2016”; and

(2) by striking “2014” in the heading and inserting “2016”.

(c) **TREATMENT OF CERTAIN TERMINATION DATES SPECIFIED IN NOMINATIONS.**—In the case of a designation of an empowerment zone the nomination for which included a termination date which is contemporaneous with the date specified in subparagraph (A)(i) of section 1391(d)(1) of the Internal Revenue Code of 1986 (as in effect before the enactment of this Act), subparagraph (B) of such section shall not apply with respect to such designation unless, after the date of the enactment of this section, the entity which made such nomination reconfirms such termination date, or amends the nomination to provide for a new termination date, in such manner as the Secretary of the Treasury (or the Secretary’s designee) may provide.

(d) **EFFECTIVE DATE.**—The amendments made by this section shall apply to periods after December 31, 2009.

SEC. 677. TAX INCENTIVES FOR INVESTMENT IN THE DISTRICT OF COLUMBIA.

(a) **IN GENERAL.**—Subsection (f) of section 1400 is amended by striking “December 31, 2009” each place it appears and inserting “December 31, 2011”.

(b) **TAX-EXEMPT DC EMPOWERMENT ZONE BONDS.**—Subsection (b) of section 1400A is amended by striking “December 31, 2009” and inserting “December 31, 2011”.

(c) **ZERO-PERCENT CAPITAL GAINS RATE.**—

(1) **ACQUISITION DATE.**—Paragraphs (2)(A)(i), (3)(A), (4)(A)(i), and (4)(B)(i)(I) of section 1400B(b) are each amended by striking “January 1, 2010” and inserting “January 1, 2012”.

(2) **LIMITATION ON PERIOD OF GAINS.**—

(A) **IN GENERAL.**—Paragraph (2) of section 1400B(e) is amended—

(i) by striking “December 31, 2014” and inserting “December 31, 2016”; and

(ii) by striking “2014” in the heading and inserting “2016”.

(B) **PARTNERSHIPS AND S-CORPS.**—Paragraph (2) of section 1400B(g) is amended by striking “December 31, 2014” and inserting “December 31, 2016”.

(d) **FIRST-TIME HOMEBUYER CREDIT.**—Subsection (i) of section 1400C is amended by striking “January 1, 2010” and inserting “January 1, 2012”.

(e) **EFFECTIVE DATES.**—

(1) **IN GENERAL.**—Except as otherwise provided in this subsection, the amendments made by this section shall apply to periods after December 31, 2009.

(2) **TAX-EXEMPT DC EMPOWERMENT ZONE BONDS.**—The amendment made by subsection (b) shall apply to bonds issued after December 31, 2009.

(3) **ACQUISITION DATES FOR ZERO-PERCENT CAPITAL GAINS RATE.**—The amendments made by subsection (c) shall apply to property acquired or substantially improved after December 31, 2009.

(4) **HOMEBUYER CREDIT.**—The amendment made by subsection (d) shall apply to homes purchased after December 31, 2009.

SEC. 678. RENEWAL COMMUNITY TAX INCENTIVES.

(a) **IN GENERAL.**—Subsection (b) of section 1400E is amended—

(1) by striking “December 31, 2009” in paragraphs (1)(A) and (3) and inserting “December 31, 2011”; and

(2) by striking “January 1, 2010” in paragraph (3) and inserting “January 1, 2012”.

(b) **ZERO-PERCENT CAPITAL GAINS RATE.**—

(1) **ACQUISITION DATE.**—Paragraphs (2)(A)(i), (3)(A), (4)(A)(i), and (4)(B)(i) of section 1400F(b) are each amended by striking “January 1, 2010” and inserting “January 1, 2012”.

(2) **LIMITATION ON PERIOD OF GAINS.**—Paragraph (2) of section 1400F(c) is amended—

(A) by striking “December 31, 2014” and inserting “December 31, 2016”; and

(B) by striking “2014” in the heading and inserting “2016”.

(3) **CLERICAL AMENDMENT.**—Subsection (d) of section 1400F is amended by striking “and ‘December 31, 2014’ for ‘December 31, 2014’”.

(c) **COMMERCIAL REVITALIZATION DEDUCTION.**—

(1) **IN GENERAL.**—Subsection (g) of section 1400I is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(2) **CONFORMING AMENDMENT.**—Subparagraph (A) of section 1400I(d)(2) is amended by striking “after 2001 and before 2010” and inserting “which begins after 2001 and before the date referred to in subsection (g)”.

(d) **INCREASED EXPENSING UNDER SECTION 179.**—Subparagraph (A) of section 1400J(b)(1) is amended by striking “January 1, 2010” and inserting “January 1, 2012”.

(e) **TREATMENT OF CERTAIN TERMINATION DATES SPECIFIED IN NOMINATIONS.**—In the case of a designation of a renewal community the nomination for which included a termination date which is contemporaneous with the date specified in subparagraph (A) of section 1400E(b)(1) of the Internal Revenue Code of 1986 (as in effect before the enactment of this Act), subparagraph (B) of such section shall not apply with respect to such designation unless, after the date of the enactment of this section, the entity which made such nomination reconfirms such termination date, or amends the nomination to provide for a new termination date, in such manner as the Secretary of the Treasury (or the Secretary’s designee) may provide.

(f) **EFFECTIVE DATES.**—

(1) **IN GENERAL.**—Except as otherwise provided in this subsection, the amendments made by this section shall apply to periods after December 31, 2009.

(2) **ACQUISITIONS.**—The amendments made by subsections (b)(1) and (d) shall apply to acquisitions after December 31, 2009.

(3) **COMMERCIAL REVITALIZATION DEDUCTION.**—

(A) **IN GENERAL.**—The amendment made by subsection (c)(1) shall apply to buildings placed in service after December 31, 2009.

(B) **CONFORMING AMENDMENT.**—The amendment made by subsection (c)(2) shall apply to calendar years beginning after December 31, 2009.

SEC. 679. TEMPORARY INCREASE IN LIMIT ON COVER OVER OF RUM EXCISE TAXES TO PUERTO RICO AND THE VIRGIN ISLANDS.

(a) **IN GENERAL.**—Paragraph (1) of section 7652(f) is amended by striking “January 1, 2010” and inserting “January 1, 2012”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to distilled spirits brought into the United States after December 31, 2009.

SEC. 680. AMERICAN SAMOA ECONOMIC DEVELOPMENT CREDIT.

(a) **IN GENERAL.**—Subsection (d) of section 119 of division A of the Tax Relief and Health Care Act of 2006 is amended—

(1) by striking “first 4 taxable years” and inserting “first 6 taxable years”, and

(2) by striking “January 1, 2010” and inserting “January 1, 2012”.

(b) **EFFECTIVE DATE.**—The amendments made by this section shall apply to taxable years beginning after December 31, 2009.

SEC. 681. ELECTION TO TEMPORARILY UTILIZE UNUSED AMT CREDITS DETERMINED BY DOMESTIC INVESTMENT.

(a) **IN GENERAL.**—Section 53 is amended by adding at the end the following new subsection:

“(g) **ELECTION FOR CORPORATIONS WITH NEW DOMESTIC INVESTMENTS.**—

“(1) **IN GENERAL.**—If a corporation elects to have this subsection apply for its first taxable year beginning after December 31, 2009, the limitation imposed by subsection (c) for such taxable year shall be increased by the AMT credit adjustment amount.

“(2) **AMT CREDIT ADJUSTMENT AMOUNT.**—For purposes of paragraph (1), the term ‘AMT credit adjustment amount’ means, the lesser of—

“(A) 50 percent of a corporation’s minimum tax credit for its first taxable year beginning after December 31, 2009, determined under subsection (b), or

“(B) 10 percent of new domestic investments made during such taxable year.

“(3) **NEW DOMESTIC INVESTMENTS.**—For purposes of this subsection, the term ‘new domestic investments’ means the cost of qualified property (as defined in section 168(k)(2)(A)(i))—

“(A) the original use of which commences with the taxpayer during the taxable year, and

“(B) which is placed in service in the United States by the taxpayer during such taxable year.

“(4) **CREDIT REFUNDABLE.**—For purposes of subsection (b) of section 6401, the aggregate increase in the credits allowable under this part for any taxable year resulting from the application of this subsection shall be treated as allowed under subpart C (and not under any other subpart). For purposes of section 6425, any amount treated as so allowed shall be treated as a payment of estimated income tax for the taxable year.

“(5) **ELECTION.**—An election under this subsection shall be made at such time and in such manner as prescribed by the Secretary, and once made, may be revoked only with the consent of the Secretary. Not later than 90 days after the date of the enactment of this subsection, the Secretary shall issue guidance specifying such time and manner.

“(6) **TREATMENT OF CERTAIN PARTNERSHIP INVESTMENTS.**—For purposes of this subsection, a corporation shall take into account its allocable share of any new domestic investments by a partnership for any taxable year if, and only if, more than 90 percent of the capital and profits interests in such partnership are owned by such corporation (directly or indirectly) at all times during such taxable year.

“(7) **NO DOUBLE BENEFIT.**—

“(A) **IN GENERAL.**—A corporation making an election under this subsection may not make an election under subparagraph (H) of section 172(b)(1).

“(B) **SPECIAL RULES WITH RESPECT TO TAXPAYERS PREVIOUSLY ELECTING APPLICABLE NET**

OPERATING LOSSES.—In the case of a corporation which made an election under subparagraph (H) of section 172(b)(1) and elects the application of this subsection—

“(i) ELECTION OF APPLICABLE NET OPERATING LOSS TREATED AS REVOKED.—The election under such subparagraph (H) shall (notwithstanding clause (iii)(II) of such subparagraph) be treated as having been revoked by the taxpayer.

“(ii) COORDINATION WITH PROVISION FOR EXPEDITED REFUND.—The amount otherwise treated as a payment of estimated income tax under the last sentence of paragraph (4) shall be reduced (but not below zero) by the aggregate increase in unpaid tax liability determined under this chapter by reason of the revocation of the election under clause (i).

“(iii) APPLICATION OF STATUTE OF LIMITATIONS.—With respect to the revocation of an election under clause (i)—

“(I) the statutory period for the assessment of any deficiency attributable to such revocation shall not expire before the end of the 3-year period beginning on the date of the election to have this subsection apply, and

“(II) such deficiency may be assessed before the expiration of such 3-year period notwithstanding the provisions of any other law or rule of law which would otherwise prevent such assessment.

“(C) EXCEPTION FOR ELIGIBLE SMALL BUSINESSES.—Subparagraphs (A) and (B) shall not apply to an eligible small business as defined in section 172(b)(1)(H)(v)(II).

“(8) REGULATIONS.—The Secretary may issue such regulations or other guidance as may be necessary or appropriate to carry out the purposes of this subsection, including to prevent fraud and abuse under this subsection.”.

(b) CONFORMING AMENDMENTS.—

(1) Section 6211(b)(4)(A) is amended by inserting “53(g),” after “53(e),”.

(2) Section 1324(b)(2) of title 31, United States Code, is amended by inserting “53(g),” after “53(e),”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2009.

SEC. 682. REDUCTION IN CORPORATE RATE FOR QUALIFIED TIMBER GAIN.

(a) IN GENERAL.—Paragraph (1) of section 1201(b) is amended by striking “‘ending’” and all that follows through “‘such date’”.

(b) CONFORMING AMENDMENT.—Paragraph (3) of section 1201(b) is amended to read as follows:

“(3) APPLICATION OF SUBSECTION.—The qualified timber gain for any taxable year shall not exceed the qualified timber gain which would be determined by not taking into account any portion of such taxable year after December 31, 2011.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years ending after May 22, 2009.

SEC. 683. STUDY OF EXTENDED TAX EXPENDITURES.

(a) FINDINGS.—Congress finds the following:

(1) Currently, the aggregate cost of Federal tax expenditures rivals, or even exceeds, the amount of total Federal discretionary spending.

(2) Given the escalating public debt, a critical examination of this use of taxpayer dollars is essential.

(3) Additionally, tax expenditures can complicate the Internal Revenue Code of 1986 for taxpayers and complicate tax administration for the Internal Revenue Service.

(4) To facilitate a better understanding of tax expenditures in the future, it is construc-

tive for legislation extending these provisions to include a study of such provisions.

(b) REQUIREMENT TO REPORT.—Not later than December 15, 2011, the Chief of Staff of the Joint Committee on Taxation, in consultation with the Comptroller General of the United States, shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report on each tax expenditure (as defined in section 3(3) of the Congressional Budget Impoundment Control Act of 1974 (2 U.S.C. 622(3)) extended by this title.

(c) ROLLING SUBMISSION OF REPORTS.—The Chief of Staff of the Joint Committee on Taxation shall initially submit the reports for each such tax expenditure enacted in this subtitle (relating to business tax relief) and subtitle A (relating to energy) in order of the tax expenditure incurring the least aggregate cost to the greatest aggregate cost (determined by reference to the cost estimate of this Act by the Joint Committee on Taxation). Thereafter, such reports may be submitted in such order as the Chief of Staff determines appropriate.

(d) CONTENTS OF REPORT.—Such reports shall contain the following:

(1) An explanation of the tax expenditure and any relevant economic, social, or other context under which it was first enacted.

(2) A description of the intended purpose of the tax expenditure.

(3) An analysis of the overall success of the tax expenditure in achieving such purpose, and evidence supporting such analysis.

(4) An analysis of the extent to which further extending the tax expenditure, or making it permanent, would contribute to achieving such purpose.

(5) A description of the direct and indirect beneficiaries of the tax expenditure, including identifying any unintended beneficiaries.

(6) An analysis of whether the tax expenditure is the most cost-effective method for achieving the purpose for which it was intended, and a description of any more cost-effective methods through which such purpose could be accomplished.

(7) A description of any unintended effects of the tax expenditure that are useful in understanding the tax expenditure's overall value.

(8) An analysis of how the tax expenditure could be modified to better achieve its original purpose.

(9) A brief description of any interactions (actual or potential) with other tax expenditures or direct spending programs in the same or related budget function worthy of further study.

(10) A description of any unavailable information the staff of the Joint Committee on Taxation may need to complete a more thorough examination and analysis of the tax expenditure, and what must be done to make such information available.

(e) MINIMUM ANALYSIS BY DEADLINE.—In the event the Chief of Staff of the Joint Committee on Taxation concludes it will not be feasible to complete all reports by the date specified in subsection (a), at a minimum, the reports for each tax expenditure enacted in this subtitle (relating to business tax relief) and subtitle A (relating to energy) shall be completed by such date.

Subtitle E—Temporary Disaster Relief Provisions

PART I—NATIONAL DISASTER RELIEF

SEC. 691. WAIVER OF CERTAIN MORTGAGE REVENUE BOND REQUIREMENTS.

(a) IN GENERAL.—Paragraph (11) of section 143(k) is amended by striking “January 1, 2010” and inserting “January 1, 2012”.

(b) SPECIAL RULE FOR RESIDENCES DESTROYED IN FEDERALLY DECLARED DISASTERS.—Paragraph (13) of section 143(k), as redesignated by subsection (c), is amended by striking “January 1, 2010” in subparagraphs (A)(i) and (B)(i) and inserting “January 1, 2012”.

(c) TECHNICAL AMENDMENT.—Subsection (k) of section 143 is amended by redesignating the second paragraph (12) (relating to special rules for residences destroyed in federally declared disasters) as paragraph (13).

(d) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendment made by this section shall apply to bonds issued after December 31, 2009.

(2) RESIDENCES DESTROYED IN FEDERALLY DECLARED DISASTERS.—The amendments made by subsection (b) shall apply with respect to disasters occurring after December 31, 2009.

(3) TECHNICAL AMENDMENT.—The amendment made by subsection (c) shall take effect as if included in section 709 of the Tax Extenders and Alternative Minimum Tax Relief Act of 2008.

SEC. 692. LOSSES ATTRIBUTABLE TO FEDERALLY DECLARED DISASTERS.

(a) IN GENERAL.—Subclause (I) of section 165(h)(3)(B)(i) is amended by striking “January 1, 2010” and inserting “January 1, 2012”.

(b) \$500 LIMITATION.—Paragraph (1) of section 165(h) is amended by striking “December 31, 2009” and inserting “December 31, 2011”.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendment made by subsection (a) shall apply to federally declared disasters occurring after December 31, 2009.

(2) \$500 LIMITATION.—The amendment made by subsection (b) shall apply to taxable years beginning after December 31, 2009.

SEC. 693. SPECIAL DEPRECIATION ALLOWANCE FOR QUALIFIED DISASTER PROPERTY.

(a) IN GENERAL.—Subclause (I) of section 168(n)(2)(A)(ii) is amended by striking “January 1, 2010” and inserting “January 1, 2012”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to disasters occurring after December 31, 2009.

SEC. 694. NET OPERATING LOSSES ATTRIBUTABLE TO FEDERALLY DECLARED DISASTERS.

(a) IN GENERAL.—Subclause (I) of section 172(j)(1)(A)(i) is amended by striking “January 1, 2010” and inserting “January 1, 2012”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to losses attributable to disasters occurring after December 31, 2009.

SEC. 695. EXPENSING OF QUALIFIED DISASTER EXPENSES.

(a) IN GENERAL.—Subparagraph (A) of section 198A(b)(2) is amended by striking “January 1, 2010” and inserting “January 1, 2012”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to expenditures on account of disasters occurring after December 31, 2009.

PART II—REGIONAL PROVISIONS

Subpart A—New York Liberty Zone

SEC. 696. SPECIAL DEPRECIATION ALLOWANCE FOR NONRESIDENTIAL AND RESIDENTIAL REAL PROPERTY.

(a) IN GENERAL.—Subparagraph (A) of section 1400L(b)(2) is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after December 31, 2009.

SEC. 697. TAX-EXEMPT BOND FINANCING.

(a) IN GENERAL.—Subparagraph (D) of section 1400L(d)(2) is amended by striking “January 1, 2010” and inserting “January 1, 2012”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to bonds issued after December 31, 2009.

Subpart B—GO Zone**SEC. 698. INCREASE IN REHABILITATION CREDIT.**

(a) IN GENERAL.—Subsection (h) of section 1400N is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to amounts paid or incurred after December 31, 2009.

SEC. 699. WORK OPPORTUNITY TAX CREDIT WITH RESPECT TO CERTAIN INDIVIDUALS AFFECTED BY HURRICANE KATRINA FOR EMPLOYERS INSIDE DISASTER AREAS.

(a) IN GENERAL.—Paragraph (1) of section 201(b) of the Katrina Emergency Tax Relief Act of 2005 is amended by striking “4-year” and inserting “5-year”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to individuals hired after August 27, 2009.

SEC. 700. EXTENSION OF LOW-INCOME HOUSING CREDIT RULES FOR BUILDINGS IN GO ZONES.

Section 1400N(c)(5) is amended by striking “January 1, 2011” and inserting “January 1, 2013”.

TITLE VII—TECHNICAL CORRECTIONS TO PENSION FUNDING LEGISLATION**SEC. 701. DEFINITION OF ELIGIBLE PLAN YEAR.**

(a) AMENDMENT TO ERISA.—Clause (v) of section 303(c)(2)(D) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1083(c)(2)(D)), as added by section 201(a)(1) of the Preservation of Access to Care for Medicare Beneficiaries and Pension Relief Act of 2010, is amended—

(1) by striking “on or after the date of the enactment of this subparagraph” and inserting “on or after June 25, 2010 (March 10, 2010, in the case of an eligible plan)”, and

(2) by adding at the end the following new sentence: “For purposes of the preceding sentence, a plan shall be treated as an eligible plan only if, as of the date of the election with respect to the plan under clause (i)—

“(A) the plan sponsor is not a debtor in a case under title 11, United States Code, or similar Federal or State law,

“(B) there are no unpaid minimum required contributions with respect to the plan for purposes of section 4971 of the Internal Revenue Code of 1986 (imposing an excise tax when minimum required contributions are not paid by the due date for the plan year),

“(C) there are no outstanding liens in favor of the plan under subsection (k), and

“(D) the plan sponsor has not initiated a distress termination of the plan under section 4041.”.

(b) AMENDMENT TO INTERNAL REVENUE CODE OF 1986.—Clause (v) of section 430(c)(2)(D) of the Internal Revenue Code of 1986, as added by section 201(b)(1) of the Preservation of Access to Care for Medicare Beneficiaries and Pension Relief Act of 2010, is amended—

(1) by striking “on or after the date of the enactment of this subparagraph” and inserting “on or after June 25, 2010 (March 10, 2010, in the case of an eligible plan)”, and

(2) by adding at the end the following new sentence: “For purposes of the preceding sentence, a plan shall be treated as an eligible plan only if, as of the date of the election with respect to the plan under clause (i)—

“(A) the plan sponsor is not a debtor in a case under title 11, United States Code, or similar Federal or State law,

“(B) there are no unpaid minimum required contributions with respect to the plan for purposes of section 4971 (imposing an excise tax when minimum required contributions are not paid by the due date for the plan year),

“(C) there are no outstanding liens in favor of the plan under subsection (k), and

“(D) the plan sponsor has not initiated a distress termination of the plan under section 4041 of the Employee Retirement Income Security Act of 1974.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the amendments made by the provisions of the Preservation of Access to Care for Medicare Beneficiaries and Pension Relief Act of 2010 to which the amendments relate.

SEC. 702. ELIGIBLE CHARITY PLANS.

(a) DEFINITION OF ELIGIBLE CHARITY PLANS.—

(1) IN GENERAL.—Section 104(d) of the Pension Protection Act of 2006, as added by section 202(b) of the Preservation of Access to Care for Medicare Beneficiaries and Pension Relief Act of 2010, is amended to read as follows:

“(d) ELIGIBLE CHARITY PLAN DEFINED.—For purposes of this section, a plan shall be treated as an eligible charity plan for a plan year if—

“(1) the plan is maintained by one or more employers employing employees who are accruing benefits based on service for the plan year,

“(2) such employees are employed in at least 20 States,

“(3) more than 98 percent of such employees are employed by an employer described in section 501(c)(3) of such Code and the primary exempt purpose of each such employer is to provide services with respect to children, and

“(4) the plan sponsor elects (at such time and in such form and manner as shall be prescribed by the Secretary of the Treasury) to be so treated.

Any election under this subsection may be revoked only with the consent of the Secretary of the Treasury.”.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall take effect as if included in the amendment made by the provision of the Preservation of Access to Care for Medicare Beneficiaries and Pension Relief Act of 2010 to which the amendment relates (determined after application of the amendment made by subsection (c)), except that a plan sponsor may elect to apply such amendment to plan years beginning on or after January 1, 2011.

(b) REGULATIONS.—The Secretary of the Treasury may prescribe such regulations as may be necessary to carry out the purposes of the amendments made by section 202(b) of the Preservation of Access to Care for Medicare Beneficiaries and Pension Relief Act of 2010 and the amendment made by subsection (a).

(c) APPLICATION OF NEW RULES TO ELIGIBLE CHARITY PLANS.—

(1) IN GENERAL.—Paragraph (2) of section 202(c) of the Preservation of Access to Care for Medicare Beneficiaries and Pension Relief Act of 2010 is amended to read as follows:

“(2) ELIGIBLE CHARITY PLANS.—The amendments made by subsection (b) shall apply to plan years beginning after December 31, 2010, except that a plan sponsor may elect to apply such amendments to plan years beginning after an earlier date.”.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall take effect as

if included in the amendment made by the provision of the Preservation of Access to Care for Medicare Beneficiaries and Pension Relief Act of 2010 to which the amendment relates.

SEC. 703. SUSPENSION OF CERTAIN FUNDING LEVEL LIMITATIONS.

(a) LIMITATIONS ON BENEFIT ACCRUALS.—Section 203 of the Worker, Retiree, and Employer Recovery Act of 2008 (Public Law 110-458; 122 Stat. 5118) is amended—

(1) by striking “the first plan year beginning during the period beginning on October 1, 2008, and ending on September 30, 2009” and inserting “any plan year beginning during the period beginning on October 1, 2008, and ending on December 31, 2011”; and

(2) by striking “substituting” and all that follows through “for such plan year” and inserting “substituting for such percentage the plan’s adjusted funding target attainment percentage for the last plan year ending before September 30, 2009.”; and

(3) by striking “for the preceding plan year is greater” and inserting “for such last plan year is greater”.

(b) SOCIAL SECURITY LEVEL-INCOME OPTIONS.—

(1) ERISA AMENDMENT.—Section 206(g)(3)(E) of the Employee Retirement Income Security Act of 1974 is amended by adding at the end the following new sentence: “For purposes of applying clause (i) in the case of payments the annuity starting date for which occurs on or before December 31, 2011, payments under a social security leveling option shall be treated as not in excess of the monthly amount paid under a single life annuity (plus an amount not in excess of a social security supplement described in the last sentence of section 204(b)(1)(G)).”.

(2) IRC AMENDMENT.—Section 436(d)(5) of the Internal Revenue Code of 1986 is amended by adding at the end the following new sentence: “For purposes of applying subparagraph (A) in the case of payments the annuity starting date for which occurs on or before December 31, 2011, payments under a social security leveling option shall be treated as not in excess of the monthly amount paid under a single life annuity (plus an amount not in excess of a social security supplement described in the last sentence of section 411(a)(9)).”.

(3) EFFECTIVE DATE.—

(A) IN GENERAL.—The amendments made by this subsection shall apply to annuity payments the annuity starting date for which occurs on or after January 1, 2011.

(B) PERMITTED APPLICATION.—A plan shall not be treated as failing to meet the requirements of sections 206(g) of the Employee Retirement Income Security Act of 1974 (as amended by this subsection) and section 436(d) of the Internal Revenue Code of 1986 (as so amended) if the plan sponsor elects to apply the amendments made by this subsection to payments the annuity starting date for which occurs before January 1, 2011.

(c) REPEAL OF RELATED PROVISIONS.—The provisions of, and the amendments made by, section 203 of the Preservation of Access to Care for Medicare Beneficiaries and Pension Relief Act of 2010 are repealed and the Employee Retirement Income Security Act of 1974, the Internal Revenue Code of 1986, and the Worker, Retiree, and Employer Recovery Act of 2008 (Public Law 110-458; 122 Stat. 5118) shall be applied as if such section had never been enacted.

SEC. 704. OPTIONAL USE OF 30-YEAR AMORTIZATION PERIODS.

(a) AMENDMENT TO ERISA.—Paragraph (8) of section 304(b) of the Employee Retirement

Income Security Act of 1974, as amended by the Preservation of Access to Care for Medicare Beneficiaries and Pension Relief Act of 2010, is amended by striking “after August 31, 2008” each place it appears in subparagraphs (A)(i), (B)(i)(I), and (B)(i)(II), and inserting “on or after June 30, 2008”.

(b) AMENDMENT TO INTERNAL REVENUE CODE OF 1986.—Paragraph (8) of section 431(b) of the Internal Revenue Code of 1986, as amended by the Preservation of Access to Care for Medicare Beneficiaries and Pension Relief Act of 2010, is amended by striking “after August 31, 2008” each place it appears in subparagraphs (A)(i) and (B)(i)(I) and inserting “on or after June 30, 2008”.

(c) EFFECTIVE DATE AND SPECIAL RULES.—The amendments made by this section shall take effect as of the first day of the first plan year beginning on or after June 30, 2008, except that any election a plan sponsor makes pursuant to this section or the amendments made thereby that affects the plan’s funding standard account for any plan year beginning before October 1, 2009, shall be disregarded for purposes of applying the provisions of section 305 of the Employee Retirement Income Security Act of 1974 and section 432 of the Internal Revenue Code of 1986 to that plan year.

TITLE VIII—TEMPORARY EXTENSION OF CERTAIN PROVISIONS ENDING IN 2010 OR 2011

Subtitle A—Unemployment Benefits

SEC. 801. EXTENSION OF UNEMPLOYMENT INSURANCE PROVISIONS.

(a) IN GENERAL.—(1) Section 4007 of the Supplemental Appropriations Act, 2008 (Public Law 110–252; 26 U.S.C. 3304 note) is amended—

(A) by striking “November 30, 2010” each place it appears and inserting “January 3, 2012”;

(B) in the heading for subsection (b)(2), by striking “NOVEMBER 30, 2010” and inserting “JANUARY 3, 2012”; and

(C) in subsection (b)(3), by striking “April 30, 2011” and inserting “June 9, 2012”.

(2) Section 2005 of the Assistance for Unemployed Workers and Struggling Families Act, as contained in Public Law 111–5 (26 U.S.C. 3304 note; 123 Stat. 444), is amended—

(A) by striking “December 1, 2010” each place it appears and inserting “January 4, 2012”; and

(B) in subsection (c), by striking “May 1, 2011” and inserting “June 11, 2012”.

(3) Section 5 of the Unemployment Compensation Extension Act of 2008 (Public Law 110–449; 26 U.S.C. 3304 note) is amended by striking “April 30, 2011” and inserting “June 10, 2012”.

(b) FUNDING.—Section 4004(e)(1) of the Supplemental Appropriations Act, 2008 (Public Law 110–252; 26 U.S.C. 3304 note) is amended—

(1) in subparagraph (E), by striking “and” at the end; and

(2) by inserting after subparagraph (F) the following:

“(G) the amendments made by section 2(a)(1) of the ; and”.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the enactment of the Unemployment Compensation Extension Act of 2010 (Public Law 111–205).

SEC. 802. TEMPORARY MODIFICATION OF INDICATORS UNDER THE EXTENDED BENEFIT PROGRAM.

(a) INDICATOR.—Section 203(d) of the Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note) is amended, in the flush matter following paragraph (2), by inserting after the first sen-

tence the following sentence: “Effective with respect to compensation for weeks of unemployment beginning after the date of enactment of the (or, if later, the date established pursuant to State law), and ending on or before December 31, 2011, the State may by law provide that the determination of whether there has been a state ‘on’ or ‘off’ indicator beginning or ending any extended benefit period shall be made under this subsection as if the word ‘two’ were ‘three’ in subparagraph (1)(A).”.

(b) ALTERNATIVE TRIGGER.—Section 203(f) of the Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note) is amended—

(1) by redesignating paragraph (2) as paragraph (3); and

(2) by inserting after paragraph (1) the following new paragraph:

“(2) Effective with respect to compensation for weeks of unemployment beginning after the date of enactment of the (or, if later, the date established pursuant to State law), and ending on or before December 31, 2011, the State may by law provide that the determination of whether there has been a state ‘on’ or ‘off’ indicator beginning or ending any extended benefit period shall be made under this subsection as if the word ‘either’ were ‘any’, the word ‘both’ were ‘all’, and the figure ‘2’ were ‘3’ in clause (1)(A)(ii).”.

Subtitle B—Small Business

SEC. 811. TEMPORARY EXCLUSION OF 100 PERCENT OF GAIN ON CERTAIN SMALL BUSINESS STOCK.

(a) IN GENERAL.—Paragraph (4) of section 1202(a) is amended—

(1) by striking “January 1, 2011” and inserting “January 1, 2012”, and

(2) by inserting “AND 2011” after “2010” in the heading thereof.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to stock acquired after December 31, 2010.

SEC. 812. GENERAL BUSINESS CREDITS OF ELIGIBLE SMALL BUSINESSES CARRIED BACK 5 YEARS.

(a) IN GENERAL.—Subparagraph (A) of section 39(a)(4) is amended by inserting “or 2011” after “2010”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to credits determined in taxable years beginning after December 31, 2010.

SEC. 813. GENERAL BUSINESS CREDITS OF ELIGIBLE SMALL BUSINESSES NOT SUBJECT TO ALTERNATIVE MINIMUM TAX.

(a) IN GENERAL.—Paragraph (5) of section 38(c) is amended—

(1) by inserting “or 2011” after “2010” in subparagraph (A), and

(2) by inserting “OR 2011” after “2010” in the heading thereof.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to credits determined in taxable years beginning after December 31, 2010, and to carrybacks of such credits.

SEC. 814. EXTENSION OF INCREASE IN AMOUNT ALLOWED AS DEDUCTION FOR START-UP EXPENDITURES.

(a) START-UP EXPENDITURES.—Paragraph (3) of section 195(b) is amended—

(1) by inserting “or 2011” after “2010”, and

(2) by inserting “OR 2011” after “2010” in the heading thereof.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts paid or incurred in taxable years beginning after December 31, 2010.

SEC. 815. EXTENSION OF DEDUCTION FOR HEALTH INSURANCE COSTS IN COMPUTING SELF-EMPLOYMENT TAXES.

(a) IN GENERAL.—Paragraph (4) of section 162(l) is amended by striking “December 31, 2010” and inserting “December 31, 2011”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2010.

Subtitle C—Energy

SEC. 821. ALTERNATIVE FUEL VEHICLE REFUELING PROPERTY.

(a) EXTENSION OF CREDIT.—Paragraph (2) of section 30C(g) is amended by striking “December 31, 2010” and inserting “December 31, 2011”.

(b) CLARIFICATION OF DEFINITION OF ELECTRIC REFUELING PROPERTY.—Subparagraph (B) of section 179A(d)(3) is amended to read as follows:

“(B) exclusively used for the recharging of motor vehicles propelled by electricity (other than property used for the generation of electricity).”.

(c) EFFECTIVE DATES.—

(1) EXTENSION.—The amendment made by subsection (a) shall apply to property placed in service after December 31, 2010.

(2) CLARIFICATION.—The amendment made by subsection (b) shall apply to property placed in service after the date of the enactment of this Act.

SEC. 822. ELECTIVE PAYMENT FOR SPECIFIED ENERGY PROPERTY.

(a) IN GENERAL.—Chapter 65 is amended by adding at the end the following new subchapter:

“Subchapter C—Direct Payment Provisions

“Sec. 6451. Elective payment for specified energy property.

“SEC. 6451. ELECTIVE PAYMENT FOR SPECIFIED ENERGY PROPERTY.

“(a) ELECTIVE PAYMENT.—

“(1) IN GENERAL.—Any eligible person electing the application of this section with respect to any specified energy property originally placed in service by such person during the taxable year shall be treated as making a payment against the tax imposed by subtitle A for the taxable year equal to the applicable percentage of the basis of such property. Such payment shall be treated as made on the later of the due date of the return of such tax or the date on which such return is filed.

“(2) ELIGIBILITY.—A person shall not be eligible to elect the application of this section unless such person has been certified as eligible by the Secretary, under such rules as the Secretary, in consultation with the Secretary of Energy, may prescribe.

“(b) APPLICABLE PERCENTAGE.—For purposes of this section, the term ‘applicable percentage’ means—

“(1) 30 percent in the case of any property described in paragraph (2)(A)(i) or (5) of section 48(a), and

“(2) 10 percent in the case of any other property.

“(c) DOLLAR LIMITATIONS.—In the case of property described in paragraph (1), (2), or (3) of section 48(c), the payment otherwise treated as made under subsection (a) with respect to such property shall not exceed the limitation applicable to such property under such paragraph.

“(d) SPECIFIED ENERGY PROPERTY.—For purposes of this section—

“(1) IN GENERAL.—The term ‘specified energy property’ means energy property (within the meaning of section 48) which—

“(A) is originally placed in service before January 1, 2012, or

“(B) is originally placed in service on or after such date and before the credit termination date with respect to such property, but only if the construction of such property began before January 1, 2012.

“(2) CREDIT TERMINATION DATE.—The term ‘credit termination date’ means—

“(A) in the case of any energy property which is part of a facility described in paragraph (1) of section 45(d), January 1, 2013,

“(B) in the case of any energy property which is part of a facility described in paragraph (2), (3), (4), (6), (7), (9), or (11) of section 45(d), January 1, 2014, and

“(C) in the case of any energy property described in section 48(a)(3), January 1, 2017.

In the case of any property which is described in subparagraph (C) and also in another subparagraph of this paragraph, subparagraph (C) shall apply with respect to such property.

“(e) COORDINATION WITH PRODUCTION AND INVESTMENT CREDITS.—In the case of any property with respect to which an election is made under this section—

“(1) DENIAL OF PRODUCTION AND INVESTMENT CREDITS.—No credit shall be determined under section 45 or 48 with respect to such property for the taxable year in which such property is originally placed in service or any subsequent taxable year.

“(2) REDUCTION OF PAYMENT BY PROGRESS EXPENDITURES ALREADY TAKEN INTO ACCOUNT.—The amount of the payment treated as made under subsection (a) with respect to such property shall be reduced by the aggregate amount of credits determined under section 48 with respect to such property for all taxable years preceding the taxable year in which such property is originally placed in service.

“(f) SPECIAL RULES FOR CERTAIN NON-TAXPAYERS.—

“(1) DENIAL OF PAYMENT.—Subsection (a) shall not apply with respect to any property originally placed in service by—

“(A) any governmental entity other than a governmental unit which is a State utility with a service obligation (as such terms are defined in section 217 of the Federal Power Act), or

“(B) any organization described in section 501(c) (other than a mutual or cooperative electric company described in section 501(c)(12)) or 401(a) and exempt from tax under section 501(a).

“(2) EXCEPTION FOR PROPERTY USED IN UNRELATED TRADE OR BUSINESS.—Paragraph (1) shall not apply with respect to any property originally placed in service by an entity described in section 511(a)(2) if substantially all of the income derived from such property by such entity is unrelated business taxable income (as defined in section 512).

“(3) SPECIAL RULES FOR PARTNERSHIPS AND S CORPORATIONS.—In the case of property originally placed in service by a partnership or an S corporation—

“(A) the election under subsection (a) may be made only by such partnership or S corporation,

“(B) such partnership or S corporation shall be treated as making the payment referred to in subsection (a) only to the extent of the proportionate share of such partnership or S corporation as is owned by persons who would be treated as making such payment if the property were originally placed in service by such persons, and

“(C) the return required to be made by such partnership or S corporation under section 6031 or 6037 (as the case may be) shall be treated as a return of tax for purposes of subsection (a).

For purposes of subparagraph (B), rules similar to the rules of section 168(h)(6) (other than subparagraph (F) thereof) shall apply. For purposes of applying such rules, the term ‘tax-exempt entity’ shall not include any entity which is a governmental unit which is a State utility with a service obligation (as such terms are defined in section 217 of the Federal Power Act) or which is a mutual or cooperative electric company described in section 501(c)(12).

“(g) OTHER DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

“(1) OTHER DEFINITIONS.—Terms used in this section which are also used in section 45 or 48 shall have the same meanings for purposes of this section as when used in such sections.

“(2) APPLICATION OF RECAPTURE RULES, ETC.—Except as otherwise provided by the Secretary, rules similar to the rules of section 50 (other than paragraphs (1) and (2) of subsection (d) thereof), and section 1603 of the American Recovery and Reinvestment Act of 2009, shall apply.

“(3) EXCLUSION FROM GROSS INCOME.—Any credit or refund allowed or made by reason of this section shall not be includible in gross income or alternative minimum taxable income.

“(4) EXCEPTION FOR CERTAIN PROJECTS.—Subsection (a) shall not apply to any governmental unit or cooperative electric company (as defined in section 54(j)(1)) with respect to any specified energy property which is described in section 48(a)(5)(D) if such entity has issued any bond—

“(A) which is designated as a clean renewable energy bond under section 54 of the Internal Revenue Code of 1986 or as a new clean renewable energy bond under section 54C of such Code, and

“(B) the proceeds of which are used for expenditures in connection with the same qualified facility with respect to which such specified energy property is a part.

“(5) COORDINATION WITH GRANT PROGRAM.—If a grant under section 1603 of the American Recovery and Reinvestment Tax Act of 2009 is made with respect to any specified energy property—

“(A) no election may be made under subsection (a) with respect to such property on or after the date of such grant, and

“(B) if such grant is made after such election, such property shall be treated as having ceased to be specified energy property immediately after such property was originally placed in service.”

(b) TREATMENT OF GRANTS FOR COOPERATIVE ELECTRIC COMPANIES.—Section 501(c)(12) is amended by adding at the end the following new subparagraph:

“(I) In the case of a mutual or cooperative electric company described in this paragraph or an organization described in section 1381(a)(2)(C), subparagraph (A) shall be applied without taking into account any payment made by reason of section 6452.”

(c) CONFORMING AMENDMENTS RELATED TO DIRECT PAYMENT.—

(1) Subparagraph (A) of section 6211(b)(4)(A) is amended by inserting “and subchapter C of chapter 65 (including any payment treated as made under such subchapter)” after “6431”.

(2) Subparagraph (B) of section 6425(c)(1) is amended—

(A) by striking “the credits” and inserting “the sum of—

“(i) the credits”,

(B) by striking the period at the end of clause (i) thereof (as amended by this paragraph) and inserting “, plus”, and

(C) by adding at the end the following new clause:

“(ii) the payments treated as made under subchapter C of chapter 65.”

(3) Paragraph (3) of section 6654(f) is amended—

(A) by striking “the credits” and inserting “the sum of—

“(A) the credits”,

(B) by striking the period at the end of subparagraph (A) thereof (as amended by this paragraph) and inserting “, and”, and

(C) by adding at the end the following new subparagraph:

“(B) the payments treated as made under subchapter C of chapter 65.”

(4) Subparagraph (B) of section 6655(g)(1) is amended—

(A) by striking “the credits” and inserting “the sum of—

“(i) the credits”,

(B) by striking the period at the end of clause (i) thereof (as amended by this paragraph) and inserting “, plus”, and

(C) by adding at the end the following new clause:

“(ii) the payments treated as made under subchapter C of chapter 65.”

(5) Paragraph (2) of section 1324(b) of title 31, United States Code, is amended by inserting “, or from the provisions of subchapter C of chapter 65 of such Code” before the period at the end.

(6) The table of subchapters for chapter 65 is amended by adding at the end the following new item:

“SUBCHAPTER C. DIRECT PAYMENT PROVISIONS.”

(d) CLARIFICATION OF APPLICATION OF GRANTS FOR SPECIFIED ENERGY PROPERTY TO CERTAIN REGULATED COMPANIES.—The first sentence of section 1603(f) of the American Recovery and Reinvestment Tax Act of 2009 is amended by inserting “(other than subsection (d)(2) thereof)” after “section 50 of the Internal Revenue Code of 1986”.

(e) TECHNICAL AMENDMENTS.—

(1) Paragraphs (1) and (2) of section 1603(a) of the American Recovery and Reinvestment Tax Act of 2009 are each amended by striking “is placed in service” and inserting “is originally placed in service by such person”.

(2) Paragraph (1) of section 1603(d) of such Act is amended—

(A) by striking “(within the meaning of section 45 of such Code)”, and

(B) by inserting before the period at the end the following: “which would (but for section 48(d)(1) of such Code) be eligible for credit under section 45 of such Code (determined without regard to subsection (a)(2)(B) thereof)”.

(3) Subsection (f) of section 1603 of such Act, as amended by subsection (d), is amended—

(A) by striking the second sentence and inserting the following: “In applying such rules, any increase in tax under chapter 1 of such Code by reason of the property being disposed of (or otherwise ceasing to be specified energy property) shall be imposed on the person to whom the grant was made.”,

(B) by striking “In making grants under” and inserting the following:

“(1) IN GENERAL.—In making grants under”, and

(C) by adding at the end following new paragraph:

“(2) SPECIAL RULES.—

“(A) RECAPTURE OF EXCESSIVE GRANT AMOUNTS.—If the amount of a grant made under this section exceeds the amount allowable as a grant under this section, such excess shall be recaptured under paragraph (1)

as if the property to which such grant relates were disposed of immediately after such grant was made.

“(B) GRANT INFORMATION NOT TREATED AS RETURN INFORMATION.—For purposes of section 6103 of the Internal Revenue Code of 1986, in no event shall any of the following be treated as return information:

“(i) The amount of a grant made under subsection (a).

“(ii) The identity of the person to whom the grant was made.

“(iii) A description of the property with respect to which the grant was made.

“(iv) The fact and amount of any recapitulation.

“(v) The content of any report required by the Secretary of the Treasury to be filed in connection with the grant.”.

(4) Subsection (g) of section 1603 of such Act is amended—

(A) by redesignating paragraphs (1) through (4) as subparagraphs (A) through (D), respectively,

(B) by moving such subparagraphs (as so redesignated) 2 ems to the right,

(C) by striking “paragraph (1), (2), or (3)” in subparagraph (D) (as so redesignated) and inserting “subparagraphs (A), (B), or (C)”,

(D) by striking “The Secretary” and inserting the following:

“(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary”, and

(E) by adding at the end the following new paragraph:

“(2) EXCEPTION WHERE PROPERTY USED IN UNRELATED TRADE OR BUSINESS.—

“(A) IN GENERAL.—Paragraph (1) shall not apply to any person or entity described therein to the extent the grant is with respect to unrelated trade or business property.

“(B) UNRELATED TRADE OR BUSINESS PROPERTY.—For purposes of this paragraph, the term ‘unrelated trade or business property’ means any property with respect to which substantially all of the income derived therefrom by an organization described in section 511(a)(2) of the Internal Revenue Code of 1986 is subject to tax under section 511 of such Code.

“(C) INFORMATION WITH RESPECT TO PASS-THRU.—In the case of a partnership or other pass-thru entity, partners or other holders of an equity or profits interest must provide to such partnership or entity such information as the Secretary may require to carry out the purposes of this subsection.”.

(f) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to property originally placed in service after the date of the enactment of this Act.

(2) CLARIFICATION AND TECHNICAL AMENDMENTS.—The amendments made by subsections (d) and (e) shall take effect as if included in section 1603 of the American Recovery and Reinvestment Tax Act of 2009.

SEC. 823. QUALIFYING ADVANCED ENERGY PROJECT CREDIT.

(a) IN GENERAL.—Section 48C(d)(1)(B) is amended by striking “\$2,300,000,000” and inserting “\$4,800,000,000”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to allocations for applications submitted after December 31, 2010.

SEC. 824. NEW CLEAN RENEWABLE ENERGY BONDS.

(a) IN GENERAL.—Subsection (c) of section 54C is amended by adding at the end the following new paragraph:

“(5) SECOND ADDITIONAL LIMITATION.—Subject to paragraph (4), the national new clean

renewable energy bond limitation shall be increased by \$1,600,000,000. Such increase shall be allocated by the Secretary consistent with the rules of paragraphs (2) and (3).”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to allocations after December 31, 2010.

SEC. 825. ALTERNATIVE MOTOR VEHICLE CREDIT FOR NEW QUALIFIED ALTERNATIVE FUEL VEHICLES.

(a) IN GENERAL.—Paragraph (4) of section 30B(k) is amended by striking “December 31, 2010” and inserting “December 31, 2011”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property purchased after December 31, 2010.

SEC. 826. EXTENSION OF PROVISIONS RELATED TO ALCOHOL USED AS FUEL.

(a) EXTENSION OF INCOME TAX CREDIT FOR ALCOHOL USED AS FUEL.—

(1) IN GENERAL.—Paragraph (1) of section 40(e) is amended—

(A) by striking “December 31, 2010” in subparagraph (A) and inserting “December 31, 2011”, and

(B) by striking “January 1, 2011” in subparagraph (B) and inserting “January 1, 2012”.

(2) REDUCED AMOUNT FOR ETHANOL BLENDED.—Subsection (h) of section 40 is amended—

(A) by striking “2010” in paragraph (1) and inserting “2011”, and

(B) by striking the period at the end of the table contained in paragraph (2) and adding the following new item:

“2011	36 cents	26.66 cents.”.
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(3) REDUCED RATE FOR SMALL ETHANOL PRODUCERS.—Section 40(b)(4)(A) is amended by striking “10 cents” and inserting “8 cents”.

(4) EFFECTIVE DATE.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the amendments made by this subsection shall apply to periods after December 31, 2010.

(B) RATE FOR SMALL ETHANOL PRODUCERS.—The amendment made by paragraph (3) shall apply to the sale or use of alcohol after December 31, 2010.

(b) EXTENSION OF EXCISE TAX CREDIT FOR ALCOHOL USED AS FUEL.—

(1) IN GENERAL.—Paragraph (6) of section 6426(b) is amended by striking “December 31, 2010” and inserting “December 31, 2011”.

(2) REDUCED APPLICABLE AMOUNT FOR ETHANOL.—Subparagraph (A) of section 6426(b)(2) is amended—

(A) by striking “and” at the end of clause (i),

(B) in clause (ii)—

(i) by inserting “and before 2011” after “after 2008”, and

(ii) by striking the period and inserting “, and”, and

(C) by adding at the end the following new clause:

“(iii) in the case of calendar years beginning after 2010, 36 cents.”.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to periods after December 31, 2010.

(c) EXTENSION OF PAYMENT FOR ALCOHOL FUEL MIXTURE.—

(1) IN GENERAL.—Subparagraph (A) of section 6427(e)(6) is amended by striking “December 31, 2010” and inserting “December 31, 2011”.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to sales and uses after December 31, 2010.

(d) EXTENSION OF ADDITIONAL DUTIES ON ETHANOL.—

(1) IN GENERAL.—Headings 9901.00.50 and 9901.00.52 of the Harmonized Tariff Schedule of the United States are each amended in the effective period column by striking “1/1/2011” and inserting “1/1/2012”.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on January 1, 2011.

SEC. 827. ENERGY EFFICIENT APPLIANCE CREDIT.

(a) DISHWASHERS.—Paragraph (1) of section 45M(b) is amended by striking “and” at the end of subparagraph (A), by striking the period at the end of subparagraph (B) and inserting a comma, and by adding at the end the following new subparagraphs:

“(C) \$25 in the case of a dishwasher which is manufactured in calendar year 2011 and which uses no more than 307 kilowatt hours per year and 5.0 gallons per cycle (5.5 gallons per cycle for dishwashers designed for greater than 12 place settings),

“(D) \$50 in the case of a dishwasher which is manufactured in calendar year 2011 and which uses no more than 295 kilowatt hours per year and 4.25 gallons per cycle (4.75 gallons per cycle for dishwashers designed for greater than 12 place settings), and

“(E) \$75 in the case of a dishwasher which is manufactured in calendar year 2011 and which uses no more than 280 kilowatt hours per year and 4 gallons per cycle (4.5 gallons per cycle for dishwashers designed for greater than 12 place settings).”.

(b) CLOTHES WASHERS.—Paragraph (2) of section 45M(b) is amended by striking “and” at the end of subparagraph (C), by striking the period at the end of subparagraph (D) and inserting a comma, and by adding at the end the following new subparagraphs:

“(E) \$175 in the case of a top-loading clothes washer manufactured in calendar year 2011 which meets or exceeds a 2.2 modified energy factor and does not exceed a 4.5 water consumption factor, and

“(F) \$225 in the case of a clothes washer manufactured in calendar year 2011—

“(i) which is a top-loading clothes washer and which meets or exceeds a 2.4 modified energy factor and does not exceed a 4.2 water consumption factor, or

“(ii) which is a front-loading clothes washer and which meets or exceeds a 2.8 modified energy factor and does not exceed a 3.5 water consumption factor.”.

(c) REFRIGERATORS.—Paragraph (3) of section 45M(b) is amended by striking “and” at the end of subparagraph (C), by striking the period at the end of subparagraph (D) and inserting a comma, and by adding at the end the following new subparagraphs:

“(E) \$150 in the case of a refrigerator manufactured in calendar year 2011 which consumes at least 30 percent less energy than the 2001 energy conservation standards, and

“(F) \$200 in the case of a refrigerator manufactured in calendar year 2011 which consumes at least 35 percent less energy than the 2001 energy conservation standards.”.

(d) REBASING OF LIMITATIONS.—

(1) IN GENERAL.—Paragraph (1) of section 45M(e) is amended by striking “December 31, 2007” and inserting “December 31, 2010”.

(2) EXCEPTION FOR CERTAIN REFRIGERATORS AND CLOTHES WASHERS.—Paragraph (2) of section 45M(e) is amended—

(A) by striking “subsection (b)(3)(D)” and inserting “subsection (b)(3)(F)”, and

(B) by striking “subsection (b)(2)(D)” and inserting “subsection (b)(2)(F)”.

(3) GROSS RECEIPTS LIMITATION.—Paragraph (3) of section 45M(e) is amended by striking “2 percent” and inserting “4 percent”.

(e) DIRECT PAYMENT OF ENERGY EFFICIENT APPLIANCES TAX CREDIT.—In the case of any

taxable year which includes the last day of calendar year 2009 or calendar year 2010, a taxpayer who elects to waive the credit which would otherwise be determined with respect to the taxpayer under section 45M of the Internal Revenue Code of 1986 for such taxable year shall be treated as making a payment against the tax imposed under subtitle A of such Code for such taxable year in an amount equal to 85 percent of the amount of the credit which would otherwise be so determined. Such payment shall be treated as made on the later of the due date of the return of such tax or the date on which such return is filed. Elections under this section may be made separately for 2009 and 2010, but once made shall be irrevocable. No amount shall be includible in gross income or alternative minimum taxable income by reason of this section.

(f) **EFFECTIVE DATES.**—

(1) **IN GENERAL.**—The amendments made by subsections (a), (b), and (c) shall apply to appliances produced after December 31, 2010.

(2) **LIMITATIONS.**—The amendments made by subsection (d) shall apply to taxable years beginning after December 31, 2010.

SEC. 828. REDUCED DEPRECIATION PERIOD FOR NATURAL GAS DISTRIBUTION FACILITIES.

(a) **IN GENERAL.**—Clause (viii) of section 168(e)(3)(E) is amended by striking “January 1, 2011” and inserting “January 1, 2012”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to property placed in service after December 31, 2010.

Subtitle D—Education

SEC. 831. QUALIFIED SCHOOL CONSTRUCTION BONDS.

(a) **IN GENERAL.**—Subsection (c) of section 54F is amended—

(1) by striking “and” at the end of paragraph (2),

(2) by redesignating paragraph (3) as paragraph (4),

(3) by inserting after paragraph (2) the following new paragraph:

“(3) \$11,000,000,000 for 2011, and”, and

(4) by striking “2010” in paragraph (4) (as redesignated by paragraph (2)) and inserting “2011”.

(b) **EFFECTIVE DATE.**—The amendments made by this section shall apply to obligations issued after December 31, 2010.

Subtitle E—Other Employee and Housing Relief

SEC. 841. MAKING WORK PAY CREDIT.

(a) **IN GENERAL.**—Section 36A(e) is amended by striking “December 31, 2010” and inserting “December 31, 2011”.

(b) **TREATMENT OF POSSESSIONS.**—Section 1001(b)(1) of the American Recovery and Reinvestment Tax Act of 2009 is amended by striking “2009 and 2010” both places it appears and inserting “2009, 2010, and 2011”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply to taxable years beginning after December 31, 2010.

SEC. 842. WORK OPPORTUNITY CREDIT.

(a) **IN GENERAL.**—Subparagraph (B) of section 51(c)(4) is amended by striking “August 31, 2011” and inserting “December 31, 2011”.

(b) **UNEMPLOYED VETERANS AND DISCONNECTED YOUTH.**—Paragraph (14) of section 51(d) is amended—

(1) by striking “2009 or 2010” in subparagraph (A) and inserting “2009, 2010, or 2011”, and

(2) by striking “2009 OR 2010” in the heading thereof and inserting “2009, 2010, OR 2011”.

(c) **EFFECTIVE DATES.**—

(1) **IN GENERAL.**—The amendment made by subsection (a) shall apply to individuals who

begin work for the employer after the date of the enactment of this Act.

(2) **UNEMPLOYED VETERANS AND DISCONNECTED YOUTH.**—The amendments made by subsection (b) shall apply to individuals who begin work for the employer after December 31, 2010.

SEC. 843. EXCLUSION FROM INCOME FOR BENEFITS PROVIDED TO VOLUNTEER FIREFIGHTERS AND EMERGENCY MEDICAL RESPONDERS.

(a) **IN GENERAL.**—Subsection (d) of section 139B is amended by striking “December 31, 2010” and inserting “December 31, 2011”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to taxable years beginning after December 31, 2010.

SEC. 844. PARITY FOR EXCLUSION FROM INCOME FOR EMPLOYER-PROVIDED MASS TRANSIT AND PARKING BENEFITS.

(a) **IN GENERAL.**—Paragraph (2) of section 132(f) is amended by striking “January 1, 2011” and inserting “January 1, 2012”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to months after December 31, 2010.

SEC. 845. QUALIFIED MORTGAGE BONDS FOR REFINANCING OF SUBPRIME LOANS.

(a) **IN GENERAL.**—Subparagraph (D) of section 143(k)(12) is amended by striking “December 31, 2010” and inserting “December 31, 2011”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to bonds issued after December 31, 2010.

TITLE IX—OTHER PROVISIONS

SEC. 901. REPEAL OF EXPANSION OF INFORMATION REPORTING REQUIREMENTS.

(a) **REPEAL OF PAYMENTS FOR PROPERTY AND OTHER GROSS PROCEEDS.**—Subsection (b) of section 9006 of the Patient Protection and Affordable Care Act, and the amendments made thereby, are hereby repealed; and the Internal Revenue Code of 1986 shall be applied as if such subsection, and amendments, had never been enacted.

(b) **REPEAL OF APPLICATION TO CORPORATIONS; APPLICATION OF REGULATORY AUTHORITY.**—

(1) **IN GENERAL.**—Section 6041 of the Internal Revenue Code of 1986, as amended by section 9006(a) of the Patient Protection and Affordable Care Act and section 2101 of the Small Business Jobs Act of 2010, is amended by striking subsections (i) and (j) and inserting the following new subsection:

“(i) **REGULATIONS.**—The Secretary may prescribe such regulations and other guidance as may be appropriate or necessary to carry out the purposes of this section, including rules to prevent duplicative reporting of transactions.”

(2) **EFFECTIVE DATE.**—The amendments made by this subsection shall apply to payments made after December 31, 2010.

SEC. 902. REPEAL OF SUNSET ON TAX TREATMENT OF ALASKA NATIVE SETTLEMENT TRUSTS.

Title IX of the Economic Growth and Tax Relief Reconciliation Act of 2001 (relating to sunset of provisions of such Act) shall not apply to section 671 of such Act (relating to tax treatment and information requirements of Alaska Native Settlement Trusts).

SEC. 903. REPEAL OF SUNSET ON EXPANSION OF AUTHORITY TO POSTPONE CERTAIN TAX-RELATED DEADLINES.

Title IX of the Economic Growth and Tax Relief Reconciliation Act of 2001 (relating to sunset of provisions of such Act) shall not apply to section 802 of such Act (relating to expansion of authority to postpone certain tax-related deadlines by reason of Presidential declared disaster).

SEC. 904. REFUNDS DISREGARDED IN THE ADMINISTRATION OF FEDERAL PROGRAMS AND FEDERALLY ASSISTED PROGRAMS.

(a) **IN GENERAL.**—Subchapter A of chapter 65 is amended by adding at the end the following new section:

“SEC. 6409. REFUNDS DISREGARDED IN THE ADMINISTRATION OF FEDERAL PROGRAMS AND FEDERALLY ASSISTED PROGRAMS.

“Notwithstanding any other provision of law, any refund (or advance payment with respect to a refundable credit) made to any individual under this title shall not be taken into account as income, and shall not be taken into account as resources for a period of 12 months from receipt, for purposes of determining the eligibility of such individual (or any other individual) for benefits or assistance (or the amount or extent of benefits or assistance) under any Federal program or under any State or local program financed in whole or in part with Federal funds.”

(b) **CLERICAL AMENDMENT.**—The table of sections for such subchapter is amended by adding at the end the following new item:

“Sec. 6409. Refunds disregarded in the administration of Federal programs and federally assisted programs.”

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply to amounts received after December 31, 2009.

SEC. 905. TREATMENT OF SECURITIES OF A CONTROLLED CORPORATION EXCHANGED FOR ASSETS IN CERTAIN REORGANIZATIONS.

(a) **IN GENERAL.**—Section 361 (relating to nonrecognition of gain or loss to corporations; treatment of distributions) is amended by adding at the end the following new subsection:

“(d) **SPECIAL RULES FOR TRANSACTIONS INVOLVING SECTION 355 DISTRIBUTIONS.**—In the case of a reorganization described in section 368(a)(1)(D) with respect to which stock or securities of the corporation to which the assets are transferred are distributed in a transaction which qualifies under section 355—

“(1) this section shall be applied by substituting ‘stock other than nonqualified preferred stock (as defined in section 351(g)(2))’ for ‘stock or securities’ in subsections (a) and (b)(1), and

“(2) the first sentence of subsection (b)(3) shall apply only to the extent that the sum of the money and the fair market value of the other property transferred to such creditors does not exceed the adjusted bases of such assets transferred (reduced by the amount of the liabilities assumed (within the meaning of section 357(c))).”

(b) **CONFORMING AMENDMENT.**—Paragraph (3) of section 361(b) is amended by striking the last sentence.

(c) **EFFECTIVE DATE.**—

(1) **IN GENERAL.**—Except as provided in paragraph (2), the amendments made by this section shall apply to exchanges after December 31, 2010.

(2) **TRANSITION RULE.**—The amendments made by this section shall not apply to any exchange pursuant to a transaction which is—

(A) made pursuant to a written agreement which was binding on December 31, 2010, and at all times thereafter,

(B) described in a ruling request submitted to the Internal Revenue Service on or before December 2, 2010, or

(C) described on or before December 31, 2010, in a public announcement or in a filing with the Securities and Exchange Commission.

TITLE X—BUDGETARY PROVISIONS**SEC. 1001. DETERMINATION OF BUDGETARY EFFECTS.**

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled 'Budgetary Effects of PAYGO Legislation' for this Act, submitted for printing in the Congressional Record by the Chairman of the Senate Budget Committee, provided that such statement has been submitted prior to the vote on passage.

SEC. 1002. EMERGENCY DESIGNATIONS.

(a) **STATUTORY PAYGO.**—The provisions of this Act other than those that qualify for the current policy adjustments under section 7 of the Statutory Pay-As-You-Go Act of 2010 (Public Law 111-139; 2 U.S.C. 933(g)) are designated as an emergency requirement pursuant to section 4(g) of such Act (Public Law 111-139; 2 U.S.C. 933(g)).

(b) **HOUSE OF REPRESENTATIVES.**—In the House of Representatives, this Act is designated as an emergency for purposes of pay-as-you-go principles.

(c) **SENATE.**—In the Senate, this Act is designated as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

SA 4729. Mr. REID proposed an amendment to the bill H.R. 4853, to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend authorizations for the airport improvement program, and for other purposes; as follows:

At the end, add the following:

The Senate Finance Committee is requested to study the impact of any delay in extending tax cuts to middle income Americans with incomes up to \$250,000.

SA 4730. Mr. REID proposed an amendment to amendment SA 4729 proposed by Mr. REID to the bill H.R. 4853, to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend authorizations for the airport improvement program, and for other purposes; as follows:

At the end, insert the following:

"including specific information on the impact of the delay in extending the tax cuts"

SA 4731. Mr. REID proposed an amendment to amendment SA 4730 proposed by Mr. REID to the amendment SA 4729 proposed by Mr. REID to the bill H.R. 4853, to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend authorizations for the airport improvement program, and for other purposes; as follows:

At the end, insert the following:

"and include statistics which reflect regional differences"

AUTHORITY FOR COMMITTEES TO MEET**COMMITTEE ON ARMED SERVICES**

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on December 2, 2010, at 9 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on December 2, 2010, at 10 a.m., in room 215 of the Dirksen Senate Office Building, to conduct a hearing entitled "Tax Reform: Historical Trends in Income and revenue."

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. LEAHY. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on December 2, 2010 at 3 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON AVIATION OPERATIONS, SAFETY, AND SECURITY

Mr. LEAHY. Mr. President, I ask unanimous consent that the Subcommittee on Aviation Operations, Safety, and Security of the Committee on Commerce, Science, and Transportation be authorized to hold a meeting during the session of the Senate on December 2, 2010, at 2:15 p.m. in room 253 of the Russell Senate Office Building. The Subcommittee will hold a hearing entitled "International Aviation Screening Standards."

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON CONSUMER PROTECTION, PRODUCT SAFETY, AND INSURANCE

Mr. LEAHY. Mr. President, I ask unanimous consent that the Subcommittee on Consumer Protection, Product Safety, and Insurance of the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on December 2, 2010, at 10 a.m., in room 253 of the Russell Senate Office Building. The Committee will hold a hearing entitled, "Oversight of the Consumer Product Safety Commission: Product Safety in the Holiday Season."

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON FEDERAL FINANCIAL MANAGEMENT, GOVERNMENT INFORMATION, FEDERAL SERVICES, AND INTERNATIONAL SECURITY

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs' Subcommittee on Federal Financial Management, Government Information, Federal Services, and International Security be au-

thorized to meet during the session of the Senate on December 2, 2010, at 10 a.m. to conduct a hearing entitled, "Finding Solutions to the Challenges Facing the U.S. Postal Service."

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. HARKIN. Mr. President, I ask unanimous consent that Erin Bibb, Dillon Kiel, and Susan Dixon of my staff be granted floor privileges for the duration of today's proceedings.

The PRESIDING OFFICER. Without objection, it is so ordered.

ENACTING CERTAIN LAWS RELATING TO PUBLIC CONTRACTS

Mr. DURBIN. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of H.R. 1107 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bill by title. The legislative clerk read as follows:

A bill (H.R. 1107) to enact certain laws relating to public contracts as title 41, United States Code, "Public Contracts."

There being no objection, the Senate proceeded to consider the bill.

Mr. DURBIN. Mr. President, I ask unanimous consent that a Sessions amendment, which is at the desk, be agreed to, the bill, as amended, be read a third time and passed, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements related to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 4726) was agreed to, as follows:

On page 2, in the item related to chapter 35 in the subtitle analysis, strike

"and"
and insert
"or".

On page 7, strike lines 14 through 20 and insert "In this subtitle, the term 'supplies' has the same meaning as the terms 'item' and 'item of supply'."

On page 9, line 20, strike "support" and insert "support".

On page 25, lines 11 and 12, strike "under section 5376 of title 5" and insert "for level IV of the Executive Schedule".

On page 48, line 34, strike "employee from State or local governments" and insert "individual".

On page 55, line 36, strike "\$2,500" and insert "\$3,000".

On page 56, line 15, strike "\$2,500" and insert "\$3,000".

On page 56, line 19, strike "\$2,500" and insert "\$3,000".

On page 77, line 1, strike "his representatives" and insert "representatives of the Comptroller General".

On page 93, lines 18 and 19, strike "under section 5376 of title 5" and insert "for level IV of the Executive Schedule".

On page 110, line 21, strike **“AND”** and insert **“OR”**.

Beginning on page 131, strike line 8 and all that follows through page 132, line 19, and insert the following:

(c) **CONTRACT PERIOD.**—The period of a task order contract entered into under this section, including all periods of extensions of the contract under options, modifications, or otherwise, may not exceed 5 years unless a longer period is specifically authorized in a law that is applicable to the contract.

On page 185, line 39, strike **“AMOUNT”** and insert **“AMOUNTS”**.

On page 185, line 40, strike **“amount”** and insert **“amounts”**.

On page 186, line 1, strike **“amount”** and insert **“amounts”**.

On page 201, line 13, strike **“under section 5376 of title 5”** and insert **“for level IV of the Executive Schedule”**.

On page 204, between lines 10 and 11, insert the following:

(3) **PERSON.**—The term **“person”** means a corporation, partnership, business association of any kind, trust, joint-stock company, or individual.

On page 204, line 11, strike **“(3)”** and insert **“(4)”**.

On page 204, line 14, strike **“(4)”** and insert **“(5)”**.

On page 204, line 17, strike **“(5)”** and insert **“(6)”**.

On page 204, line 20, strike **“(6)”** and insert **“(7)”**.

On page 204, line 24, strike **“(7)”** and insert **“(8)”**.

On page 204, line 31, strike **“(8)”** and insert **“(9)”**.

On page 208, line 6, insert **“(except sections 3302, 3501(b), 3509, 3906, 4710, and 4711)”** after **“division C”**.

On page 209, line 3, insert **“(except sections 3302, 3501(b), 3509, 3906, 4710, and 4711)”** after **“division C”**.

On page 213, line 36, insert **“(except sections 3302, 3501(b), 3509, 3906, 4710, and 4711)”** after **“division C”**.

On page 213, line 39, insert **“(except sections 3302, 3501(b), 3509, 3906, 4710, and 4711)”** after **“division C”**.

On page 214, line 8, insert **“(except sections 3302, 3501(b), 3509, 3906, 4710, and 4711)”** after **“division C”**.

On page 214, line 13, insert **“(except sections 3302, 3501(b), 3509, 3906, 4710, and 4711)”** after **“division C”**.

On page 214, line 16, insert **“(except sections 3302, 3501(b), 3509, 3906, 4710, and 4711)”** after **“division C”**.

On page 214, line 19, insert **“(except sections 3302, 3501(b), 3509, 3906, 4710, and 4711)”** after **“division C”**.

On page 214, line 24, insert **“(except sections 3302, 3501(b), 3509, 3906, 4710, and 4711)”** after **“division C”**.

On page 214, line 27, insert **“(except sections 3302, 3501(b), 3509, 3906, 4710, and 4711)”** after **“division C”**.

On page 214, line 39, insert **“(except sections 3302, 3501(b), 3509, 3906, 4710, and 4711)”** after **“division C”**.

On page 215, line 3, insert **“(except sections 3302, 3501(b), 3509, 3906, 4710, and 4711)”** after **“division C”**.

On page 215, line 6, insert **“(except sections 3302, 3501(b), 3509, 3906, 4710, and 4711)”** after **“division C”**.

On page 215, line 10, insert **“(except sections 3302, 3501(b), 3509, 3906, 4710, and 4711)”** after **“division C”**.

On page 215, line 13, insert **“(except sections 3302, 3501(b), 3509, 3906, 4710, and 4711)”** after **“division C”**.

On page 215, line 16, insert **“(except sections 3302, 3501(b), 3509, 3906, 4710, and 4711)”** after **“division C”**.

On page 215, line 19, insert **“(except sections 3302, 3501(b), 3509, 3906, 4710, and 4711)”** after **“division C”**.

On page 217, line 28, insert **“(except sections 3302, 3501(b), 3509, 3906, 4710, and 4711)”** after **“division C”**.

On page 219, line 30, insert **“(except sections 3302, 3501(b), 3509, 3906, 4710, and 4711)”** after **“division C”**.

On page 219, line 33, strike **“(except section 3302)”** and insert **“(except sections 3302, 3501(b), 3509, 3906, 4710, and 4711)”**.

On page 219, line 38, insert **“(except sections 3302, 3501(b), 3509, 3906, 4710, and 4711)”** after **“division C”**.

On page 220, line 5, insert **“(EXCEPT SECTIONS 1704 AND 2303)”** after **“DIVISION B”**.

On page 220, line 8, insert **“(except sections 1704 and 2303)”** after **“division B”**.

On page 220, line 13, insert **“(except sections 3302, 3501(b), 3509, 3906, 4710, and 4711)”** after **“division C”**.

On page 220, line 16, insert **“(except sections 3302, 3501(b), 3509, 3906, 4710, and 4711)”** after **“division C”**.

On page 220, line 18, insert **“(except sections 1704 and 2303)”** after **“division B”**.

On page 220, line 36, insert **“(except sections 1704 and 2303)”** after **“division B”**.

On page 221, line 5, insert **“(except sections 1704 and 2303)”** after **“division B”**.

On page 221, line 13, insert **“(except sections 3302, 3501(b), 3509, 3906, 4710, and 4711)”** after **“division C”**.

On page 221, line 16, insert **“(except sections 3302, 3501(b), 3509, 3906, 4710, and 4711)”** after **“division C”**.

On page 221, line 26, insert **“(except sections 3302, 3501(b), 3509, 3906, 4710, and 4711)”** after **“division C”**.

On page 221, line 29, insert **“(except sections 3302, 3501(b), 3509, 3906, 4710, and 4711)”** after **“division C”**.

On page 222, line 18, insert **“(except sections 3302, 3501(b), 3509, 3906, 4710, and 4711)”** after **“division C”**.

On page 222, line 22, insert **“(except sections 3302, 3501(b), 3509, 3906, 4710, and 4711)”** after **“division C”**.

On page 222, line 37, insert **“(except sections 3302, 3501(b), 3509, 3906, 4710, and 4711)”** after **“division C”**.

On page 223, line 25, insert **“(EXCEPT SECTIONS 1704 AND 2303)”** after **“DIVISION B”**.

On page 236, strike **“2006”** in the column relating to **“Date”**.

On page 236, strike the item related to Public Law 109–364.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The bill (H.R. 1107), as amended, was passed, as follows:

H.R. 1107

Resolved, That the bill from the House of Representatives (H.R. 1107) entitled “An Act to enact certain laws relating to public contracts as title 41, United States Code, “Public Contracts.”, do pass with the following amendments:

(1) On page 2, in the item related to chapter 35 in the subtitle analysis, strike

[and]
and insert

or

(2) On page 7, strike lines 14 through 20 and insert *In this subtitle, the term “supplies” has the same meaning as the terms “item” and “item of supply”*

(3) On page 9, line 20, strike **[support]** and insert **support**

(4) On page 25, lines 11 and 12, strike **[under section 5376 of title 5]** and insert *for level IV of the Executive Schedule*

(5) On page 48, line 34, strike **[employee from State or local governments]** and insert *individual*

(6) On page 55, line 36, strike **[\$2,500]** and insert *\$3,000*

(7) On page 56, line 15, strike **[\$2,500]** and insert *\$3,000*

(8) On page 56, line 19, strike **[\$2,500]** and insert *\$3,000*

(9) On page 77, line 1, strike **[his representatives]** and insert *representatives of the Comptroller General*

(10) On page 93, lines 18 and 19, strike **[under section 5376 of title 5]** and insert *for level IV of the Executive Schedule*

(11) On page 110, line 21, strike **[AND]** and insert **OR**

(12) Beginning on page 131, strike line 8 and all that follows through page 132, line 19, and insert the following:

(c) **CONTRACT PERIOD.**—The period of a task order contract entered into under this section, including all periods of extensions of the contract under options, modifications, or otherwise, may not exceed 5 years unless a longer period is specifically authorized in a law that is applicable to the contract.

(13) On page 185, line 39, strike **[AMOUNT]** and insert **AMOUNTS**

(14) On page 185, line 40, strike **[amount]** and insert *amounts*

(15) On page 186, line 1, strike **[amount]** and insert *amounts*

(16) On page 201, line 13, strike **[under section 5376 of title 5]** and insert *for level IV of the Executive Schedule*

(17) On page 204, between lines 10 and 11, insert the following:

(3) **PERSON.**—The term **“person”** means a corporation, partnership, business association of any kind, trust, joint-stock company, or individual.

(18) On page 204, line 11, strike **[(3)]** and insert *(4)*

(19) On page 204, line 14, strike **[(4)]** and insert *(5)*

(20) On page 204, line 17, strike **[(5)]** and insert *(6)*

(21) On page 204, line 20, strike **[(6)]** and insert *(7)*

(22) On page 204, line 24, strike **[(7)]** and insert *(8)*

(23) On page 204, line 31, strike **[(8)]** and insert *(9)*

(24) On page 208, line 6, insert *(except sections 3302, 3501(b), 3509, 3906, 4710, and 4711)* after **“division C”**

(25) On page 209, line 3, insert *(except sections 3302, 3501(b), 3509, 3906, 4710, and 4711)* after **“division C”**

(26) On page 213, line 36, insert *(except sections 3302, 3501(b), 3509, 3906, 4710, and 4711)* after **“division C”**

(27) On page 213, line 39, insert *(except sections 3302, 3501(b), 3509, 3906, 4710, and 4711)* after **“division C”**

(28) On page 214, line 8, insert *(except sections 3302, 3501(b), 3509, 3906, 4710, and 4711)* after **“division C”**

(29) On page 214, line 13, insert *(except sections 3302, 3501(b), 3509, 3906, 4710, and 4711)* after **“division C”**

(30) On page 214, line 16, insert *(except sections 3302, 3501(b), 3509, 3906, 4710, and 4711)* after **“division C”**

(31) On page 214, line 19, insert *(except sections 3302, 3501(b), 3509, 3906, 4710, and 4711)* after **“division C”**

(32) On page 214, line 24, insert *(except sections 3302, 3501(b), 3509, 3906, 4710, and 4711)* after **“division C”**

(33)On page 214, line 27, insert (*except sections 3302, 3501(b), 3509, 3906, 4710, and 4711*) after “division C”

(34)On page 214, line 39, insert (*except sections 3302, 3501(b), 3509, 3906, 4710, and 4711*) after “division C”

(35)On page 215, line 3, insert (*except sections 3302, 3501(b), 3509, 3906, 4710, and 4711*) after “division C”

(36)On page 215, line 6, insert (*except sections 3302, 3501(b), 3509, 3906, 4710, and 4711*) after “division C”

(37)On page 215, line 10, insert (*except sections 3302, 3501(b), 3509, 3906, 4710, and 4711*) after “division C”

(38)On page 215, line 13, insert (*except sections 3302, 3501(b), 3509, 3906, 4710, and 4711*) after “division C”

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(40)On page 215, line 19, insert (*except sections 3302, 3501(b), 3509, 3906, 4710, and 4711*) after “division C”

(41)On page 217, line 28, insert (*except sections 3302, 3501(b), 3509, 3906, 4710, and 4711*) after “division C”

(42)On page 219, line 30, insert (*except sections 3302, 3501(b), 3509, 3906, 4710, and 4711*) after “division C”

(43)On page 219, line 33, strike [(*except section 3302*)] and insert (*except sections 3302, 3501(b), 3509, 3906, 4710, and 4711*)

(44)On page 219, line 38, insert (*except sections 3302, 3501(b), 3509, 3906, 4710, and 4711*) after **division C**

(45)On page 220, line 5, insert (*EXCEPT SECTIONS 1704 AND 2303*) after **DIVISION B**

(46)On page 220, line 8, insert (*except sections 1704 and 2303*) after “division B”

(47)On page 220, line 13, insert (*except sections 3302, 3501(b), 3509, 3906, 4710, and 4711*) after “division C”

(48)On page 220, line 16, insert (*except sections 3302, 3501(b), 3509, 3906, 4710, and 4711*) after “division C”

(49)On page 220, line 18, insert (*except sections 1704 and 2303*) after “division B”

(50)On page 220, line 36, insert (*except sections 1704 and 2303*) after “division B”

(51)On page 221, line 5, insert (*except sections 1704 and 2303*) after “division B”

(52)On page 221, line 13, insert (*except sections 3302, 3501(b), 3509, 3906, 4710, and 4711*) after “division C”

(53)On page 221, line 16, insert (*except sections 3302, 3501(b), 3509, 3906, 4710, and 4711*) after “division C”

(54)On page 221, line 26, insert (*except sections 3302, 3501(b), 3509, 3906, 4710, and 4711*) after “division C”

(55)On page 221, line 29, insert (*except sections 3302, 3501(b), 3509, 3906, 4710, and 4711*) after “division C”

(56)On page 222, line 18, insert (*except sections 3302, 3501(b), 3509, 3906, 4710, and 4711*) after “division C”

(57)On page 222, line 22, insert (*except sections 3302, 3501(b), 3509, 3906, 4710, and 4711*) after “**division C**”

(58)On page 222, line 37, insert (*except sections 3302, 3501(b), 3509, 3906, 4710, and 4711*) after “division C”

(59)On page 223, line 25, insert (*EXCEPT SECTIONS 1704 AND 2303*) after “**DIVISION B**”

(60)On page 236, strike [2006] in the column relating to “Date”

(61)On page 236, strike the item related to Public Law 109-364.

THE CALENDAR

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate

proceed en bloc to the following postal-naming bills, Calendar Nos. 665 through 669, S. 3784, H.R. 5758, H.R. 6118, H.R. 6237, and H.R. 6387.

There being no objection, the Senate proceeded to consider the bills en bloc.

Mr. DURBIN. Mr. President, I ask unanimous consent that the bills be read a third time and passed en bloc, the motions to reconsider be laid upon the table en bloc, with no intervening action or debate, and any statements relating to the bills be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

MARINE SGT. JEREMY E. MURRAY POST OFFICE

The bill (S. 3784) to designate the facility of the United States Postal Service located at 4865 Tallmadge Road in Rootstown, Ohio, as the “Marine Sgt. Jeremy E. Murray Post Office” was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 3784

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. MARINE SGT. JEREMY E. MURRAY POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 4865 Tallmadge Road in Rootstown, Ohio, shall be known and designated as the “Marine Sgt. Jeremy E. Murray Post Office”.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the “Marine Sgt. Jeremy E. Murray Post Office”.

SERGEANT ROBERT BARRETT POST OFFICE BUILDING

The bill (H.R. 5758) to designate the facility of the United States Postal Service located at 2 Government Center in Fall River Massachusetts, as the “Sergeant Robert Barrett Post Office Building,” was ordered to a third reading, was read the third time, and passed.

DOROTHY I. HEIGHT POST OFFICE

The bill (H.R. 6118) to designate the facility of the United States Postal Service located at 2 Massachusetts Avenue, NE., in Washington, D.C., as the “Dorothy I. Height Post Office,” was ordered to a third reading, was read the third time, and passed.

TOM KONGSGAARD POST OFFICE BUILDING

The bill (H.R. 6237) to designate the facility of the United States Postal Service located at 1351 2nd Street in Napa, California, as the “Tom Kongsgaard Post Office Building,” was

ordered to a third reading, was read the third time, and passed.

SAM SACCO POST OFFICE BUILDING

The bill (H.R. 6387) to designate the facility of the United States Postal Service located at 337 West Clark Street in Eureka, California, as the “Sam Sacco Post Office Building,” was ordered to a third reading, was read the third time, and passed.

CONDEMNING THE ATTACK BY THE DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA AGAINST THE REPUBLIC OF KOREA

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 693, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 693) condemning the attack by the Democratic People's Republic of Korea against the Republic of Korea, and affirming support for the United States-Republic of Korea Alliance.

There being no objection, the Senate proceeded to consider the resolution.

Mr. DURBIN. I ask unanimous consent to have my name added as a cosponsor of that measure.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating to this matter be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 693) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 693

Whereas Yeonpyeong Island is located in the Yellow Sea (West Sea) about 50 miles west of the city of Incheon and is inhabited by more than 1,000 citizens and military personnel from the Republic of Korea;

Whereas the United Nations Command established the Northern Limit Line in 1953, marking the line of military control between the Democratic People's Republic of Korea and the Republic of Korea;

Whereas, on November 23, 2010, the Republic of Korea military conducted military exercises in the Yellow Sea (West Sea) on the southern side of the Northern Limit Line;

Whereas, on that day, North Korea military forces fired approximately 170 artillery shells at Yeonpyeong Island, resulting in military and civilian casualties, including the death of 2 marines and 2 civilians from the Republic of Korea;

Whereas North Korea's shelling caused widespread damage to military installations and civilian property;

Whereas North Korea's attack against South Korea infringes upon the commitments made in the Korean War Armistice Agreement of 1953 that oblige military commanders to "order and enforce a complete cessation of all hostilities in Korea by all armed forces under their control";

Whereas this attack also violates United Nations Security Council Resolution 1695 (2006), which emphasizes the need for North Korea "to show restraint and refrain from any action that might aggravate tension, and to continue to work on the resolution of non-proliferation concerns through political and diplomatic efforts";

Whereas this brazen attack is one in a series of actions by the Government of North Korea that undermine regional peace and security, especially on the Korean peninsula;

Whereas this attack follows the March 26, 2010, torpedo attack by the Government of North Korea against the Republic of Korea ship CHEONAN, which resulted in the death of 46 sailors from the Republic of Korea Navy;

Whereas this attack also follows the revelation that the Government of North Korea has constructed a uranium enrichment facility at the Yongbyon nuclear site in clear violation of United Nations Security Council Resolutions 1718 (2006) and 1874 (2009);

Whereas this attack and the trend of continued provocation by the Government of North Korea reinforces the importance of the alliance between the United States and the Republic of Korea and the need for the United States to maintain a strong military presence in East Asia; and

Whereas this attack also signifies the importance of maintaining a strong bilateral economic, security, and cultural relationship with the Republic of Korea: Now, therefore, be it

Resolved, That the Senate—

(1) condemns the attack by the Government of North Korea against the Republic of Korea in violation of the 1953 Korean War Armistice Agreement;

(2) expresses its deep condolences to the government and people of the Republic of Korea, especially the families on Yeonpyeong Island who suffered from this attack and lost their loved ones;

(3) recognizes that maintaining peace on the Korean peninsula requires constant vigilance, and continues to stand with the people and the Government of the Republic of Korea in this time of crisis;

(4) calls on the international community, especially North Korea's ally, China, to condemn this attack and enjoin the Government of North Korea to halt all nuclear activities in accord with United Nations Security Council resolutions 1718 (2006) and 1874 (2009) and refrain from any further actions that may destabilize the Korean Peninsula;

(5) calls on the President to work with the Government of the Republic of Korea to take all necessary steps to deter further aggression by the Government of North Korea, in keeping with the security alliance between the United States and the Republic of Korea;

(6) urges the Administration to continue a bilateral economic relationship with the Republic of Korea; and

(7) reaffirms the commitment of the United States to its alliance with the Repub-

lic of Korea for the preservation of peace and stability on the Korean Peninsula and throughout the region.

ORDERS FOR FRIDAY, DECEMBER 3, 2010

Mr. DURBIN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m. on Friday, December 3; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL 9:30 A.M.
TOMORROW

Mr. DURBIN. If there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 9:50 p.m., adjourned until Friday, December 3, 2010, at 9:30 a.m.

HOUSE OF REPRESENTATIVES—Thursday, December 2, 2010

The House met at 10 a.m. and was called to order by the Speaker.

PRAYER

Reverend Doug Tanner, Faith and Politics Institute, Washington, D.C., offered the following prayer:

Almighty God, we ask Your blessing this day on the work of this House, and on the hearts and minds of its Members.

At this time of year when nights grow long and temperatures fall, guard us, we pray, against seeing those with whom we agree as bearers of light and warmth and those with whom we disagree as harbingers of darkness and cold. Awaken instead an awareness that dark places of ego and arrogance reside in each of us, as do light places of compassion and camaraderie. Save us from shallowness. Guide us toward depth of soul and strength of spirit. Remind us there are better angels in our nature to carry us toward the land of liberty and justice for all, if we will but open ourselves to their wisdom.

Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Texas (Mr. SAM JOHNSON) come forward and lead the House in the Pledge of Allegiance.

Mr. SAM JOHNSON of Texas led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed without amendment bills of the House of the following titles:

H.R. 4387. An act to designate the Federal building located at 100 North Palafox Street in Pensacola, Florida, as the "Winston E. Arnow Federal Building".

H.R. 5651. An act to designate the Federal building and United States courthouse located at 515 9th Street in Rapid City, South

Dakota, as the "Andrew W. Bogue Federal Building and United States Courthouse".

H.R. 5706. An Act to designate the building occupied by the Government Printing Office located at 31451 East United Avenue in Pueblo, Colorado, as the "Frank Evans Government Printing Office Building".

H.R. 5773. An Act to designate the Federal building located at 6401 Security Boulevard in Baltimore, Maryland, commonly known as the Social Security Administration Operations Building, as the "Robert M. Ball Federal Building".

The message also announced that the Senate has passed bills of the following titles in which the concurrence of the House is requested:

S. 987. An Act to protect girls in developing countries through the prevention of child marriage, and for other purposes.

S. 3998. An Act to extend the Child Safety Pilot Program.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain up to 10 1-minute speeches on each side of the aisle.

ADOPTION TAX CREDIT

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, there is a great debate over the January 1 tax increases of over \$2,000 annually per family. I strongly believe we need to extend tax relief for all Americans to create jobs, and I hope that the bipartisan issue of the adoption tax credit is also quickly extended.

While extremely rewarding, the adoption process may be expensive, often pricing out hardworking individuals and couples. To help keep the dream of parenting alive, Congress originally passed, and President Clinton signed, a \$5,000 tax credit per adoptive family. A great success, this credit was later increased to \$10,000. Today, however, we are facing a looming deadline that threatens this financial incentive and compromises the ability of average American families to adopt.

I urge Speaker PELOSI to immediately schedule a vote on H.R. 213, the Adoption Tax Relief Guarantee Act of 2009, before the adjournment of the 111th Congress. When it comes to the adoption process, lawmakers should work to advance the dream of a family.

In conclusion, God bless our troops, and we will never forget September the 11th in the global war on terrorism.

ROADWAY SAFETY

(Mr. WALZ asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WALZ. Mr. Speaker, I rise today to talk about roadway safety and infrastructure and the role it plays in saving lives and growing our economy.

Every year, approximately 34,000 men, women, and children die on our Nation's roadways. Although this number has decreased dramatically over recent years, we still have a long way to go.

One of the major factors in that decrease was a program this body created in the last transportation authorization bill called the Highway Safety Improvement Program. This common-sense program seeks to reduce traffic fatalities and serious injuries by making improvements to infrastructure such as road signs, guardrails, rumble strips, and other safety measures.

According to a study commissioned by the American Traffic Safety Services Association, for every \$1 million invested in roadway safety, we save seven lives. Taking away the tragedy of all of those lost lives, that number, in terms of economic benefit, is \$42 million saved by saving these lives—a 42 to 1 return on our money is pretty darn good.

I applaud Chairman OBERSTAR and Ranking Member MICA for including the Highway Safety Improvement Program in their current reauthorization draft. This program saves lives, puts people to work, and strengthens America's transportation system.

I urge my colleagues to work diligently to pass a new multiyear transportation bill.

□ 1020

TAX HIKES

(Mr. SAM JOHNSON of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SAM JOHNSON of Texas. Mr. Speaker, it's just a few days till all taxpaying Americans will be hit with the largest tax hike in history in the wake of the longest recession since the Great Depression. Given this country's economic condition, I think a huge tax hike is exactly what we don't need. We ought to be creating jobs, boosting the economy.

Apparently, the Democrats think a \$3.8 trillion tax hike is the answer. I

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

say make the tax rates permanent and let's get this economy moving again with new jobs and investment. Empower small businesses to grow, hire, and expand. They can add more employees, buy more equipment, and rent bigger spaces. We ought to support them by stopping the largest tax hike in history.

If we want Americans to prosper, they want, need, and deserve better than the Democrats' massive tax increases.

IN SUPPORT OF MIDDLE CLASS TAX CUTS

(Mr. PERLMUTTER asked and was given permission to address the House for 1 minute.)

Mr. PERLMUTTER. Mr. Speaker, today we have the opportunity to provide tax cuts for 98 percent of all Americans—on earnings up to \$250,000. But as you just heard and as you are going to hear throughout the day, the Republicans don't want to have that tax cut for 98 percent of the people, saving them some \$2,000. They want them for millionaires and billionaires, those guys who don't need it. That's where they are going to focus their efforts, to block tax cuts for those in the middle income ranges. That's their whole purpose from this point on, is to block any action in this House or in the Senate.

The Republicans want to take care of those people who can already take care of themselves, take care of themselves very well, by giving tax cuts for millionaires and billionaires; while Democrats are going to look out for middle income earners and we are going to fight hard today to make sure there are tax cuts for those earning up to \$250,000.

Now, those tax cuts are for everybody, even the super giant wealthy, but only up to their first \$250,000 in earnings. We will work hard today to make sure the middle income earners are protected.

POLICE CHIEF HERMILA GARCIA IN MEOQUI, MEXICO MURDERED

(Mr. POE of Texas asked and was given permission to address the House for 1 minute.)

Mr. POE of Texas. Mr. Speaker, Chief of Police Hermila Garcia is the latest victim in the land of lawless days in Mexico. Chief Garcia was at her job only 51 days when she was brutally murdered by drug cartel assassins. In a brazen ambush, they shot Chief Garcia seven times when she was headed off to work.

So many police chiefs have been murdered in Mexico that no one wants the job. Trained officers are refusing promotions, leaving untrained citizens to run the police department. In the border town of El Vergel, two housewives are the top cops in town. In Chihuahua,

the new police chief is a 20-year-old student.

There is a border war going on, and the violence will only get worse on both sides of the line of lawlessness. The rule of law is being stolen by the hand of the gun. We must help our neighbors in Mexico and also secure our border with armed National Guard troops. Otherwise, this wind brewing from the south will bring America the whirlwind.

And that's just the way it is.

PERMANENT TAX CUTS TO MIDDLE CLASS FAMILIES

(Mr. CROWLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CROWLEY. Today, the House will vote to provide permanent tax cuts to middle class American families. That means no more marriage penalty, lower taxes on family incomes, tax cuts to make college more affordable, and expand small businesses, creating jobs. All for middle class families who earn \$250,000 or less.

But the Republicans are expected to vote "no." Why? Because they say we need to provide tax cuts to the richest 1 percent in America. That's right. The Republican Party will add another \$700 billion to the deficit to assist the richest 1 percent—like Trouble, Leona Helmsley's dog, who inherited \$12 million.

Under the Republican plan, if Trouble doesn't get a tax break, no one else should. No tax cuts for hardworking families. No tax cuts for those living day by day, trying to make ends meet.

My colleagues, adding another \$700 billion to our deficit, that's trouble. Trouble for middle class families, trouble to taxpayers, and trouble to our children and our grandchildren who will be saddled with that debt.

It's clear to me, Mr. Speaker, under Republican rule tax policy will go to the dogs.

PASS A BALANCED BUDGET CONSTITUTIONAL AMENDMENT

(Mr. BUCHANAN asked and was given permission to address the House for 1 minute.)

Mr. BUCHANAN. Mr. Speaker, as our national debt climbs to \$14 trillion, on its way to \$20 trillion, I commend the President for taking on this new Debt Commission. But the bottom line is for the last 50 years, we've balanced the budget five times out of 50. If you look at 49 out of 50 Governors, they have to balance the budget. If I look at what happens in Florida, they had a \$70 billion budget 4 years ago. They've got a \$60 billion budget today. But they have to balance their budget. They've got to make the tough choices.

That's why my first week here I introduced a constitutional balanced

budget amendment that says simply, we don't spend more than we take in. Small businesses, families, they've got to make the tough choices every day. We don't need to. Why? Because we have the capacity to borrow. That's got to change. Otherwise, we're going to bankrupt America.

We need a constitutional balanced budget amendment today.

PASS THE DREAM ACT

(Mr. POLIS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. POLIS. Mr. Speaker, I rise today in support of the DREAM Act. The lives of hundreds of thousands of de facto Americans hang in the balance. The DREAM Act would provide a route for young people who were brought here, who know no other country, to take on the full rights and responsibilities as Americans.

The DREAM Act is not only a human rights issue, it's an economic issue and it's a competitiveness issue. These young people are some of our very best Americans. And it's not an American value to force the sins of the father upon the son.

These young people were brought here when they were 2 years old, 3 years old. It can't be argued that they violated the law of their own volition. They know no other country. To senselessly deport them to a country where they don't know anybody and frequently don't speak the language would deprive America of the fruits of our labors and the investments that we made in these young people through our public education system.

I call upon the House and the Senate to immediately move to pass the DREAM Act and help make these young people proper Americans.

TSA MUST EXPLORE OTHER SCREENING ALTERNATIVES

(Mr. TIM MURPHY of Pennsylvania asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TIM MURPHY of Pennsylvania. Mr. Speaker, our country continues fighting a deadly and determined terrorist enemy. Agencies such as Homeland Security and the TSA work hard to keep us safe and protect us. Still, American citizens are concerned with the newly implemented security measures that are both revealing and personal.

Concerned passengers and even TSA workers feel violated, confused, and uncomfortable. No one is sure what to expect. The American public rightfully wants answers from questions like what is the training, accountability, and selection process for the TSA? Two, what can we learn from other

countries' security measures? Three, can we prevent body scan photos from public release? Four, how do we identify who is actually a risk? And isn't there another, more accurate way to do this, rather than treating everyone as a suspect?

People do not have confidence in the Federal Government's ability to protect their privacy, and TSA must explore other screening alternatives because national security and the liberty it aims to protect both matter.

TAX CUT FOR 98 PERCENT OF TAXPAYERS

(Mr. TONKO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TONKO. Mr. Speaker, I rise today for fairness, for equality, and to simply stand up for what is right. I support a tax cut for our Nation's working families and middle income community. In my district, that includes 98 percent of taxpayers, over 342,000 individuals. What I do not support, and what our Nation simply cannot afford, is a tax cut for millionaires and billionaires.

In fact, Republicans are holding hostage the extension of unemployment benefits at the expense of tax cuts. Six thousand eight hundred individuals in my district make over \$250,000 a year. Conversely, 6,400 individuals in my district will lose their unemployment benefits at the end of this month. The choice—6,800 billionaires and millionaires, or 6,400 hardworking families that will not be able to pay their bills, put food on their table, or heat their homes on a cold winter's night. I stand with the middle income and working families of my district.

And what happens to the local economy? If we do not extend unemployment benefits, my district alone could see the loss of tens of millions of dollars in economic benefits, including small business losses each and every month.

Mr. Speaker, the moral and economic choice is clear. I stand with our working families and our middle income community.

□ 1030

CELEBRATING THE 100TH ANNIVERSARY OF MOTHER TERESA'S BIRTH

(Mr. FORTENBERRY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FORTENBERRY. Mr. Speaker, on August 26, 2010, the world began the year-long celebration of the centenary of the birth of Mother Teresa, the Blessed Teresa of Calcutta. Mother Teresa's enduring legacy of humility and

sacrifice has been heralded across cultures and in many languages throughout the world. And just earlier this year, the United States Postal Service created this stamp in commemoration of Mother Teresa's life's work.

Mother Teresa worked among the poor in conditions that would weaken the hardest. Yet she stood with strength before presidents, kings, and queens. She saved lives and gave countless thousands hope, hope for the leper, hope for the expectant mother who had been abandoned by family and community, hope for the orphaned child who only wanted a helping heart and a home, hope for the indigent poor who sought a meal and belonging.

The United States Congress honored Mother Teresa with a U.S. Congressional Gold Medal in 1997. And as we commemorate the 100th anniversary of her birth, I urge my colleagues to join me in again uplifting Mother Teresa's life's work, especially during this time when the world is yearning for meaning.

PROVIDING FOR CONSIDERATION OF SENATE AMENDMENT TO H.R. 4853, MIDDLE CLASS TAX RELIEF ACT OF 2010, AND PROVIDING FOR CONSIDERATION OF MOTIONS TO SUSPEND THE RULES

Ms. PINGREE of Maine. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1745 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1745

Resolved, That upon adoption of this resolution it shall be in order to take from the Speaker's table the bill (H.R. 4853) to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend authorizations for the airport improvement program, and for other purposes, with the Senate amendment thereto, and to consider in the House, without intervention of any point of order except those arising under clause 10 of rule XXI, a motion offered by the chair of the Committee on Ways and Means or his designee that the House concur in the Senate amendment with the amendment printed in the report of the Committee on Rules accompanying this resolution. The Senate amendment and the motion shall be considered as read. The motion shall be debatable for one hour equally divided and controlled by the chair and ranking minority member of the Committee on Ways and Means. The previous question shall be considered as ordered on the motion to final adoption without intervening motion.

SEC. 2. It shall be in order at any time through the legislative day of December 3, 2010, for the Speaker to entertain motions that the House suspend the rules. The Speaker or her designee shall consult with the Minority Leader or his designee on the designation of any matter for consideration pursuant to this section.

The SPEAKER pro tempore (Mr. CUELLAR). The gentlewoman from Maine is recognized for 1 hour.

Ms. PINGREE of Maine. Mr. Speaker, for the purposes of debate only, I am pleased to yield the customary 30 minutes to the gentleman from California (Mr. DREIER). All time yielded during consideration of this rule is for debate only.

GENERAL LEAVE

Ms. PINGREE of Maine. I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and insert extraneous materials into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Maine?

There was no objection.

Ms. PINGREE of Maine. I yield myself such time as I may consume.

Mr. Speaker, House Resolution 1745 provides a closed rule for consideration of the Senate amendment to H.R. 4853. The rule makes in order a motion offered by the chair of the Committee on Ways and Means that the House concur in the Senate amendment to H.R. 4853 with the amendment printed in the report of the Committee on Rules accompanying the resolution. The rule provides 1 hour of debate on the motion equally divided and controlled by the chair and ranking minority member of the Committee on Ways and Means.

The rule waives all points of order against consideration of the motion except those arising under clause 10 of rule XXI. The rule provides that the Senate amendment and the motion shall be considered as read. Finally, the rule allows the Speaker to entertain motions to suspend the rules through the legislative day of December 3, 2010. The Speaker or her designee shall consult with the minority leader or his designee on the designation of any matter for consideration pursuant to this resolution.

Mr. Speaker, today we have the opportunity to do the right thing and put American workers ahead of millionaires and billionaires. This should be our priority and shouldn't be a tough choice to make. Today we can focus on economic growth to help those who are suffering from this recession and to provide permanent, equitable tax relief for the middle class.

These should not be controversial positions. They aren't and they shouldn't be. The economic growth that all Americans can share in ought to be a top priority for every elected official, and lowering the tax burden for working families shouldn't be any kind of a partisan fight.

After the last administration and the previous Congress spent billions of dollars starting two foreign wars and bailing out the big banks that ran roughshod over our economy, isn't it only fair that we do more to help out those who are struggling to find work and to make ends meet? Today we are simply voting on whether or not to protect the middle class and to make sure working

families do not suffer needlessly as winter approaches. Nothing more, nothing less.

This is not political showmanship or a partisan game. We are doing the work the American people asked us to do. We are not voting on whether or not to extend tax cuts for the wealthy. We are only voting on extending tax cuts for the middle class, and this is something I sincerely believe we should all agree on.

One of the biggest pieces of misinformation about ending tax cuts for the wealthy is that it would hurt small businesses, which is simply not true. The bill we are talking about today extends tax cuts for incomes up to \$250,000. That covers 97 percent of all small businesses in the United States. And let's be clear about another thing: For all small businesses, the cuts continue for their first \$250,000 of profit.

If we really want to help small businesses, let's offer real direct benefits. Let's help them access funding to grow, offer larger tax deductions for purchasing equipment or create incentives to hire more workers.

I am glad many business owners in my State, the State of Maine, have been able to see through this misinformation. Jim Wellehan, who owns one of the largest shoe store chains in the State, has recently come out against tax cuts for the wealthy because they offer no benefit to his business or his employees. He recently said it makes no sense from any perspective to preserve the tax cuts for the wealthiest people in this country. It will just increase the wealth gap and create more of a social and economic problem.

Jim hits on a critical point. Over the last 30 years, the wealthiest have gotten richer and richer compared to everyone else. In 1980 the average income of the country's top .01 percent of earners was 180 times that of the bottom 90 percent. Today that number is 1,000 times. Meanwhile taxes for the rich have gone down dramatically. So as the wealthiest take a larger and larger piece of the pie, they have given less and less back to the public infrastructure, to our communities, and to the people who helped create that prosperity.

The truth about tax breaks for the ultra rich is that they are very, very expensive. Cutting taxes for those making over \$250,000 will add \$700 billion to the deficit in the next 10 years alone. That's about the cost of the entire stimulus bill, and most economists agree it would do very little to stimulate the economy.

In January of this year, the non-partisan Congressional Budget Office analyzed 11 policy proposals and ranked them by how effective they would be in fueling economic recovery.

Number one on that list was extending benefits for the unemployed be-

cause those dollars go immediately into local economies and spur more spending. If only that was the bill we were voting on today.

What was number 11? Number 11 on that list was extending tax cuts for the wealthy. The benefit of those dollars going to the rich was marginal, because that money would be mostly saved, not spent. That's just not right.

I hope all of my colleagues on both sides of the aisle will join me today in supporting this commonsense bill.

I reserve the balance of my time.

□ 1040

Mr. DREIER. Mr. Speaker, I first want to express my appreciation to my very good friend and Rules Committee colleague, the gentlewoman from North Haven, for yielding me the customary 30 minutes, and I yield myself such time as I may consume.

Mr. Speaker, as I listen to the very thoughtful statement of my friend and Rules Committee colleague, I'm reminded of—and as I looked at news reports this morning, I guess I should say—as I listen to her statement and then look at the reports that we have this morning, I'm reminded of the 1992 Presidential campaign. And I would like to point to two very famous quotes from that 1992 Presidential campaign.

First, in the general election you will recall that Bill Clinton, George Herbert Walker Bush and Ross Perot all ran against each other. I know the Speaker pro tempore understands very well, coming from Texas, that that was a fascinating campaign 18 years ago. And there was a very famous Vice-Presidential debate. And in that debate, the great, highly decorated Admiral James Stockdale, who I was happy before his passing to have as a good friend, famously began the debate by saying, Who am I, and why am I here?

Now, Mr. Speaker, we already have reports this morning that the negotiators have come together and decided there will be probably a 2-year extension of the effort to ensure that we don't increase taxes on any Americans over the next 2 years. And in light of that, we are now resorting to a little more than a political ploy saying, well, we've all come together and agreed that we don't want increased taxes on middle income Americans, and so what we should do is let's vote for this and agree on it when, in fact, we're arguing that we should not increase taxes on any Americans.

Now to my second quote from the 1992 Presidential campaign. Senator Paul Tsongas, whose widow, NIKI, serves very well here in the House, the gentlewoman from Massachusetts, said very famously, and I quoted him, and she corrected the quote when I told her that I quoted him widely, I quoted him as follows: Senator Tsongas in the 1992 Presidential campaign when he was challenging Bill Clinton in the primary

said, The problem with my Democratic Party is that they love employees but they hate employers. And Mrs. TSONGAS reminded me that he apparently said, You can't love employees without loving employers. Well, either way, it's very clear that when you look at where we are, it gets back to that famous Lincoln line: you can't lift up the wage earner by pulling down the wage payer. And so all we're saying is that as we look at the challenges that we're facing today, focusing on job creation and economic growth is something that we should do.

And I believe that every Democrat and every Republican in this institution clearly wants to see our economy get back on track. They want to see us grow. They want to see us emerge. No one wants to see the United States of America diminished to the level that was predicted by Dave Cote, a member of the debt commission, the head of Honeywell, who in his statement yesterday said that at the rate we are going, the United States of America will become, in fact, a second-rate Nation. No one, no Democrat or Republican, wants that to happen. And so why don't we use empirical evidence that will prove that we can take a course that will get this economy back on track.

Now, my friend says that we have a cost of \$700 billion. If we fail to increase taxes on those small businesses and those who are upper income wage earners, a \$700 billion cost is what is claimed. In fact, if you talk to economist after economist, as I have, that is, in fact, not the case. Just yesterday a very prominent economist met with a number of Members of this body pointing to the fact that if you do, if you do, Mr. Speaker, actually keep those taxes low, we will actually see an increase in the flow of revenues to the Federal Treasury.

And I point to that again, as I have time and again here. I believe we should be utilizing the bipartisan—the bipartisan model, put forward first by a great Democratic President. We will mark the 50th anniversary of John F. Kennedy's inaugural address. He was elected 50 years ago. On January 20, there is going to be a great celebration here in this Capitol marking the 50th anniversary of the great inaugural speech, which many of us have been quoting since we were children, of John F. Kennedy.

And we should be utilizing the model put forward by Ronald Reagan, who on February 6 of next year will mark his 100th birthday. And that economic model is one which says that making sure that we reduce marginal tax rates will actually grow the economy and create an increase in the flow of revenues to the Federal Treasury.

So, Mr. Speaker, as we look at where we are today, you have economists from even on the left who will say—

even Keynesian economists—that the notion in a down economy—and we all know we have a 9½ percent unemployment rate and we heard the sad news about housing sales that came out this morning—we all know that in a down economy, even the Keynesian economists will say that increasing taxes is a prescription for failure. It actually undermines the potential for economic growth.

Now, we had quite a meeting in the Rules Committee last night, Mr. Speaker, when we brought this measure up, and the distinguished ranking member soon-to-be chairman of the Trade Subcommittee, the gentleman from Houston, Mr. BRADY, referred to what was going on here as political theater. I said that I believe that to be very generous. This is sleight of hand, a political ploy. There are all kinds of pejoratives that can be used to describe the process that we have here.

We have a closed rule, as my friend said, and I argued that I'm for an open rule, which is what I'm often arguing for, and we hope to be able to have that in the 112th Congress as often as possible, but I argued for a modified closed rule, a modified closed rule for consideration of this measure.

Now, what would that mean, Mr. Speaker? If we were to have a modified closed rule, it would mean that we would simply allow this House to have a vote, which is under the present structure before us going to be denied, a vote that has been requested by 31 Democrats and all Republicans. And, Mr. Speaker, I believe that we could, in fact, have a strong bipartisan vote in this House to extend, to ensure that we don't increase taxes on any Americans at this time. And this rule would allow that.

I offered an amendment that would simply say, okay, let's just provide the ranking member, Mr. CAMP, of the Ways and Means Committee, a chance to offer one substitute which would basically mean we are not going to increase taxes on small businesses, and we are not going to increase taxes on any Americans. I offered that amendment, and on a party-line vote it was rejected.

It was fascinating, Mr. Speaker, to hear the chairman of the Ways and Means Committee, my very good friend, SANDY LEVIN, say that making sure we don't increase taxes on middle income Americans is something we can all agree on. And, yes, Mr. Speaker, we can agree on that. But I think it is very evident that this House could, with a majority vote, ensure that we don't increase taxes on any Americans during these very troubling, difficult economic times.

So I would argue that I think it's very important for us, as an institution, to realize that it's really a joke that has been put before us, tragically, during a time when the American peo-

ple are hurting. I have an unemployment rate in part of the area I'm privileged to represent in Southern California, Mr. Speaker, that is in excess of 15 percent. We have a statewide unemployment rate in the largest State of the Union, the largest, most important State of the Union, the State of California, we have a 12½ percent unemployment rate. People are hurting. And so to do anything other than ensure that we don't increase taxes on the people who are struggling to create jobs for our fellow Americans is something that we have a responsibility to do.

So, Mr. Speaker, I'm going to urge my colleagues to vote "no" on this rule and allow us to let the House work its will and have what I am totally convinced would be a strong, strong vote in favor of ensuring that we don't increase taxes on any Americans.

With that, I reserve the balance of my time.

□ 1050

Ms. PINGREE of Maine. Mr. Speaker, before I yield time to one of my colleagues, I want to answer a couple of things that my good colleague from California mentioned. Soon his party will be in power, and I am confident he will be the chair of the Rules Committee and the Rules Committee will be very open perhaps at that time to have more open rules and to change the process. So I look forward to, as a sophomore Member, learning how a different process will be conducted by the other side of the aisle.

I do want to remind him that during 12 years when his party was in control, there was never a tax bill that came to the floor which allowed for amendments. I don't know if that process will change in the future. It certainly wasn't that way in the past.

Mr. DREIER. Will the gentlelady yield on that point?

Ms. PINGREE of Maine. I yield to the gentleman from California.

Mr. DREIER. I will tell you about the 12 years we were in the majority, we did often provide substitutes. So all we are asking for, as I said, all I asked for on this measure is not an open rule, a modified closed rule, which would have provided simply one bite at the apple, one alternative, which is out of respect to the Democrats in this House who would very much like to have a chance to vote to ensure that we don't increase taxes on any American.

I thank my friend for yielding.

Ms. PINGREE of Maine. Thank you for making that point. I think it is slightly different from the other point of saying that tax bills never were allowed to be amended in the last 12 years. But I look forward to modified open rules or open rules or whatever process we will be working with in the future. That isn't what we have before us today.

I do want to comment that while you were kind of referring to this as political theater, I also recall that you asked for 3 hours of debate on this; and if it is truly political theater, that would be tying up a lot of the people's time to have us conduct this debate for 3 hours if, in fact, you do not consider it serious debate. I mean, in my opinion, you and I just have a strong disagreement. Our two parties and many of our Members disagree on where the appropriate place to have tax cuts is.

We are putting this bill on the floor today because we believe it is important to extend tax cuts for the middle class, that that has the greatest benefit to our economy. And as the OMB and other studies have shown us, tax cuts for the wealthiest to the country just do not stimulate the economy. The money does not go where we think it needs to go to create more jobs, and it is not a good expenditure of \$700 billion, which is what this will cost us over the next decade in a time when we are clamoring to find ways to reduce the deficit.

So I find it unfathomable that there would be any objection to taking a vote on what is clearly the most agreed upon part of our tax cuts here and then allowing for other debate on the rest of the package. So for me, this is a logical way to bring this to the floor. I am pleased that we have this opportunity here.

I am a little frustrated every time I hear this tried to be portrayed as the real argument is only about small businesses. You know, 2 percent of the small businesses in our country are the ones that will be affected by this.

I disagree with your statement that Democrats love employees and dislike employers. Many of us on this side of the aisle are employers. I am an employer. I have a small business, and I actually feel pretty good about myself.

Mr. DREIER. If the gentlelady will yield, I was simply quoting the late Senator Paul Tsongas. It wasn't my quote. I was simply quoting Senator Tsongas.

Ms. PINGREE of Maine. I do appreciate that, and I am glad to know that dear Senator Tsongas' wife has corrected you on the appropriate way to use that quote. But either way, it was something that you brought to the floor to make the point that somehow you think this bill is put forward so that Democrats can show their disapproval of employers. And I can speak personally that I work closely with employers in my district. I am an employer and think there are employers who will benefit under this as well. That is why I quoted, in my own remarks, Jim Wellehan who owns a chain of shoe stores in our State who said: I am not in favor of a bill that would give tax cuts to the wealthy because it doesn't do anything to help my employees or my business. And that, in

fact, is what he is concerned about. You know, employers need customers, which are those employees, and that is why we consider it so critical to make sure that we do something to benefit those people who will be purchasing.

Just one other comment that I had in my notes here today from a small business owner in Lincoln, Nebraska. People talk about the \$250,000 without talking about that as net profit. Here is how he described it: A lot of people don't understand how small business works. We reinvest in our business. We try to minimize the amount of taxable income we have. I went out and bought an \$80,000 piece of equipment. I did it so I could reduce my taxes. The only people I can think of who could honestly call themselves small businesses that this would affect would be stock brokers and lawyers.

That is what Rick Poore, owner of a Lincoln, Nebraska, clothing firm who employs 30 people thinks about this.

Well, if in fact the 2 percent we are trying to help today are stock brokers and lawyers, I don't think the American public is clamoring for them to have another tax break, and I think people aren't explaining and displaying an understanding of how business works. This is about net profit for small businesses, which even reduces further the number of businesses who will be affected by this.

Now, Mr. Speaker, I would like to yield 3 minutes to the gentlewoman from Hawaii (Ms. HIRONO).

Ms. HIRONO. I thank the gentlewoman from Maine for yielding me this time.

I rise in strong support of the rule and the bill we are voting on today, the Middle Class Tax Relief Act. This bill will help millions of Americans who are trying to make ends meet by providing them with sorely needed tax relief. The Middle Class Tax Relief Act permanently extends the tax cuts for middle class taxpayers so that individuals who make less than \$200,000 a year, under \$250,000 for joint filers, will get the tax relief they need. This legislation would help about 323,000 lower- and middle-income families in my congressional district alone.

My colleagues on the other side of the aisle have made it clear that they won't vote for this bill because it doesn't meet their highest priority—continuing the status quo of providing tax breaks for the wealthiest 2 percent of Americans. On the one hand, they claim to be concerned about reducing the \$13.8 trillion national debt, opposing an extension of unemployment benefits for the nearly 2 million Americans who desperately need the assistance, including more than 4,000 in Hawaii. Not only is this reprehensible, it is bad math. A recent Labor Department report shows for every dollar spent on unemployment insurance, \$2 are reinvested into the economy.

On the other hand, continuing tax breaks for millionaires and billionaires, the richest 2 percent of Americans, would add a whopping \$700 billion to our deficit over 10 years. These tax breaks would not trickle-down to create more jobs or help our economic recovery. In fact, they would add to our deficit. And, by the way, these richest taxpayers will also get the benefit of this tax relief in this bill for their first \$200,000 of income. Why should this group of taxpayers then get an additional benefit that 98 percent of Americans will not.

Mr. Speaker, this is about fairness. We need to fight for working families and let the tax breaks for the wealthy expire so that they can start to pay their fair share of taxes. Today's vote on this bill will let the American people, the 98 percent who don't make \$200,000 a year, including 323,000 families in Hawaii, know who is on their side fighting for them.

I urge my colleagues to support this measure.

Mr. DREIER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would say to both of my colleagues who are both good friends of mine that as I listen to the arguments that have been put forward, the standard old class warfare, us versus them, rich versus poor, is an argument that has failed for years and years and years. I think all we need to do is look at the November 2 election. There was a rejection of this divisive tone which we regularly hear around here: the haves and the have-nots.

The fact of the matter is any Member of this House who votes in favor of the measure that is going to be before us is voting for a tax increase. They are voting in favor of increasing taxes on American investors and small businesses in this country. There is all kinds of dispute about this: how many are small businesses, 2 percent. We have evidence that it is substantially higher than that. But if there are any small businesses that are out there trying to create jobs and this policy of increasing taxes undermines them and inhibits their ability to say to a person in this country who is seeking a job opportunity that they can't have it because of this burden that is being inflicted, this is clearly wrong.

Now, again, on the notion of this \$700 billion, this \$700 billion, the cost, and we are exacerbating the deficit, that is preposterous. If we can get people with a 9.4 percent unemployment rate, 9.6 percent, as I said, in my State, 12.5 percent unemployment rate, if we can get people from the unemployment rolls onto the working rolls, that in and of itself is evidence that we will increase the flow of revenue to the Federal treasury.

□ 1100

Why? We'll diminish the cost of unemployment benefits, and we will have

people who are working as productive members of society who are paying taxes. So this \$700 billion figure is a ridiculous one.

Mr. Speaker, I will say again: Any Member of this House who votes in favor of the measure that is before us is going to be voting to increase taxes on working Americans, and it is just plain wrong.

Let me just close again by saying that, when I used the term "political theater," I was quoting the very thoughtful ranking member of the Trade Subcommittee of Ways and Means, Mr. BRADY, who came before us in the Rules Committee and said, This is political theater.

Why? There are reports today that the negotiators from the White House and both Houses of Congress have come to an agreement that we are going to ensure that we don't increase taxes on any Americans for at least 2 years. Those are the reports that we have that have come out. So we are here on the House floor, denying this institution an opportunity to vote on a proposal like that.

We in the Rules Committee, Mr. Speaker, simply said, Gosh, since 31 Democrats have signed a letter saying they believe it would be a mistake to increase taxes on any Americans, the House should have a chance to vote on that.

I offered that proposal upstairs last night in the Rules Committee. A party-line vote.

The Democrats said, Oh, no. We're not going to allow what would clearly be a majority of this House, I believe, if we were to actually have a vote, to work its will. We are going to resort to legerdemain and not allow a motion to recommit.

This bill before us, Mr. Speaker, happens to be the airport and airway bill. It's basically the FAA bill. They did that to deny even an opportunity for a motion to recommit. Now, I know that's all inside baseball stuff, but it's inside baseball stuff that led the American people to cast the votes that they did on November 2, because it was a year ago last June when this "read the bill" measure came forward, when we had the 300-page amendment dropped in our laps at 3 o'clock in the morning in the Rules Committee, and we didn't have a chance to read it. So the American people started looking at what takes place in this institution, and on November 2, they rejected it.

Well, with what we are doing here today, it is obviously an indication that this majority that is now in charge is tone deaf. They don't understand the message that the American people sent, because they have spent time looking here at what is going on, and that is why we have focused on increasing transparency, disclosure, and accountability.

So, as they have done that, they've said, Don't do the kinds of things that

you are contemplating doing right now.

The bottom line is, by resorting to legerdemain, we are going to end up increasing taxes on working Americans.

I say, in closing, Mr. Speaker, that any Member of this House who votes in favor of this measure is voting to increase taxes on the men and women in this country who are out there saving, investing, and working to create jobs for our fellow Americans, and it is just plain wrong. So I urge a “no” vote on the previous question and a “no” vote on the rule.

I yield back the balance of my time.

Ms. PINGREE of Maine. I thank the gentleman from California for his remarks.

Mr. Speaker, before I close, I would just say again that I think we have a difference of opinion on the semantics here.

You want to argue that, if we don't continue tax cuts/tax breaks for the wealthiest people in this country that we are increasing taxes. I would say it is time we let those tax breaks end, those tax breaks that went on for too long and that did nothing, in my opinion, to stimulate the economy.

I also just want to add my own comment.

You know, there is a lot of interpretation about November 2. The voters cast their votes. Things changed dramatically. Many of us who have been in politics over time know that sometimes you're in the majority, sometimes you're in the minority; sometimes your ideas come out on top, and sometimes they don't.

But I have to say personally, in interpreting my own district, voters heard me say every day that I pledge to continue the tax breaks for the middle class but that I will not vote to extend them for the wealthiest in this country. I debated my opponent, and it was written about in the newspaper. There were endless interviews when I made it very clear as to what my point of view was and why I thought it was important. I come from a State where small business rules, where I am a small business owner, and where I said to people, You know, this isn't a small business issue; this is about helping the wealthiest people in this country.

I just have to say, when I go back and look at the November 2 election, oddly enough, I'm still here, and I intend to be here on January 5 and to be sworn in again. Somehow, the voters in my district said, Go for it. We don't want to see any more tax breaks for the wealthy. We, in fact, only want to see tax cuts for the middle class.

So I am interpreting November 2 to mean we are doing the right thing on the floor today. We are putting forward the one measure that allows us to make sure we can separate the tax cuts for the wealthiest from the tax cuts for the middle class. That is what we are doing here today.

Let me just close, Mr. Speaker.

Ten years ago, Congress passed a package of tax cuts with the lion's share of the benefits going to the wealthiest of the wealthy. The stated intent was to grow and secure our economy. Today, millions of families across this country are struggling. They are worried about finding work. They are barely covering their monthly expenses.

I have to ask my colleagues: Do your constituents feel more economically secure than they did 10 years ago?

Since these cuts took place, we have gone from a balanced Federal budget to troubling deficits. We have seen the middle class weaken, and we have experienced the worst economic downturn since the Great Depression. The billions we have given in handouts to the super rich have been major contributors to all of those realities.

Today, we have a historic opportunity to support the middle class, to show real Americans that we as Members of Congress are hearing their frustrations and their anger. We can stand up today and say that we are going to help the vast majority of Americans, that we care deeply about the economic security of the middle class and that, for once, Congress is going to act in the best interest of the middle class.

I strongly stand behind H.R. 4853, extending the tax cuts for middle class families and businesses who make up to \$250,000. They need a break, and we should be doing even more for them. It is simply outrageous to suggest that we should hold these tax cuts hostage in order to continue a failed policy that has weakened our economy, has placed a bigger burden on working families and has only been effective in making the rich richer. I urge all of my colleagues to support middle class Americans and to vote for the underlying bill.

I urge a “yes” vote on the previous question and on the rule.

I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. DREIER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on ordering the previous question will be followed by 5-minute votes on adopting House Resolution 1745, if ordered, and suspending the rules with regard to House Resolution 1638, House Resolution 1598, and House Resolution 1576, if ordered.

The vote was taken by electronic device, and there were—yeas 224, nays 186, not voting 23, as follows:

[Roll No. 596]

YEAS—224

Ackerman	Hare	Ortiz
Andrews	Harman	Owens
Arcuri	Heinrich	Pallone
Baca	Herseth Sandlin	Pascarell
Baird	Higgins	Pastor (AZ)
Baldwin	Hill	Payne
Barrow	Himes	Perlmutter
Becerra	Hinchey	Perriello
Berkley	Hinojosa	Peters
Bishop (GA)	Hirono	Pingree (ME)
Bishop (NY)	Hodes	Polis (CO)
Blumenauer	Holden	Pomeroy
Boccheri	Holt	Price (NC)
Boswell	Honda	Quigley
Boyd	Hoyer	Rahall
Brady (PA)	Inslee	Rangel
Braley (IA)	Israel	Reyes
Brown, Corrine	Jackson (IL)	Richardson
Butterfield	Jackson Lee	Rodriguez
Capps	(TX)	Rothman (NJ)
Capuano	Johnson (GA)	Royal-Allard
Carnahan	Johnson, E. B.	Ruppersberger
Carney	Kagen	Rush
Carson (IN)	Kanjorski	Ryan (OH)
Castor (FL)	Kaptur	Salazar
Chandler	Kennedy	Sánchez, Linda
Chu	Kildee	T.
Clarke	Kilpatrick (MI)	Sanchez, Loretta
Clay	Kilroy	Sarbanes
Cleaver	Kind	Schakowsky
Clyburn	Kirkpatrick (AZ)	Schauer
Cohen	Kissell	Schiff
Connolly (VA)	Klein (FL)	Schwartz
Conyers	Kosmas	Scott (GA)
Costello	Kucinich	Scott (VA)
Courtney	Langevin	Serrano
Critz	Larsen (WA)	Sestak
Crowley	Larson (CT)	Shea-Porter
Cuellar	Lee (CA)	Sherman
Cummings	Levin	Shuler
Dahlkemper	Lipinski	Sires
Davis (CA)	Loeb sack	Skelton
Davis (IL)	Lofgren, Zoe	Slaughter
Davis (TN)	Lowey	Smith (WA)
DeGette	Lujan	Snyder
DeLauro	Lynch	Space
Deutch	Maffei	Speier
Dicks	Maloney	Spratt
Dingell	Markey (CO)	Stark
Doggett	Markey (MA)	Stupak
Donnelly (IN)	Marshall	Sutton
Doyle	Matsui	Tanner
Driehaus	McCarthy (NY)	Teague
Edwards (MD)	McCollum	Thompson (CA)
Edwards (TX)	McDermott	Thompson (MS)
Ellison	McGovern	Tierney
Ellsworth	McMahon	Titus
Engel	McNerney	Tonko
Eshoo	Meeks (NY)	Towns
Etheridge	Melancon	Tsongas
Farr	Michaud	Van Hollen
Fattah	Miller (NC)	Velázquez
Filner	Miller, George	Visclosky
Foster	Mollohan	Walz
Frank (MA)	Moore (KS)	Wasserman
Fudge	Moore (WI)	Schultz
Garamendi	Moran (VA)	Waters
Giffords	Murphy (CT)	Watson
Gonzalez	Murphy (NY)	Watt
Gordon (TN)	Murphy, Patrick	Weiner
Green, Al	Nadler (NY)	Welch
Green, Gene	Napolitano	Wilson (OH)
Grijalva	Neal (MA)	Woolsey
Gutierrez	Nye	Wu
Hall (NY)	Obey	Yarmuth
Halvorson	Olver	

NAYS—186

Aderholt	Blackburn	Burton (IN)
Adler (NJ)	Blunt	Calvert
Akin	Boehner	Camp
Altmire	Bonner	Campbell
Austria	Bono Mack	Cantor
Bachus	Boozman	Cao
Bartlett	Boren	Capito
Barton (TX)	Boustany	Carter
Bean	Brady (TX)	Cassidy
Berry	Bright	Castle
Biggert	Broun (GA)	Chaffetz
Bilbray	Brown (SC)	Childers
Bilirakis	Buchanan	Coble
Bishop (UT)	Burgess	Coffman (CO)

□ 1155

Messrs. BOYD, POSEY, and COSTELLO changed their vote from "yea" to "nay."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The vote was taken by electronic device, and there were—yeas 213, nays 203, not voting 18, as follows:

Ackerman	Hare	Oliver
Andrews	Harman	Ortiz
Arcuri	Heinrich	Pallone
Baca	Higgins	Pascrell
Baldwin	Hill	Pastor (AZ)
Barrow	Hinchey	Payne
Becerra	Hinojosa	Pelosi
Berkley	Hirono	Perlmutter
Berman	Hodes	Pingree (ME)
Bishop (GA)	Holden	Polis (CO)
Bishop (NY)	Holt	Price (NC)
Blumenauer	Honda	Quigley
Boccheri	Hoyer	Rahall
Boswell	Inslee	Rangel
Brady (PA)	Israel	Reyes
Braley (IA)	Jackson (IL)	Richardson
Brown, Corrine	Jackson Lee	Rodriguez
Butterfield	(TX)	Rothman (NJ)
Capps	Johnson (GA)	Roybal-Allard
Capuano	Johnson, E. B.	Ruppersberger
Carnahan	Kagen	Rush
Carney	Kanjorski	Ryan (OH)
Carson (IN)	Kaptur	Salazar
Castor (FL)	Kennedy	Sánchez, Linda
Childers	Kildee	T.
Chu	Kilpatrick (MI)	Sanchez, Loretta
Clarke	Kilroy	Sarbanes
Clay	Kind	Schakowsky
Cleaver	Kissell	Schauer
Clyburn	Klein (FL)	Schiff
Cohen	Kosmas	Schwartz
Conyers	Kratovil	Scott (GA)
Courtney	Kucinich	Scott (VA)
Critz	Langevin	Serrano
Crowley	Larsen (WA)	Sestak
Cuellar	Larson (CT)	Shea-Porter
Cummings	Lee (CA)	Sherman
Davis (CA)	Levin	Sires
Davis (IL)	Loeback	Skelton
Davis (TN)	Lofgren, Zoe	Slaughter
DeGette	Lowe	Smith (WA)
DeLauro	Lujan	Snyder
Deutch	Lynch	Speier
Dicks	Maffei	Spratt
Dingell	Maloney	Stark
Doggett	Markey (CO)	Stupak
Donnelly (IN)	Markey (MA)	Sutton
Doyle	Matsui	Tanner
Driehaus	McCarthy (NY)	Teague
Edwards (MD)	McCollum	Thompson (CA)
Edwards (TX)	McDermott	Thompson (MS)
Ellison	McGovern	Tierney
Engel	McMahon	Titus
Eshoo	McNerney	Tonko
Etheridge	Meek (FL)	Towns
Farr	Meeks (NY)	Tsongas
Fattah	Melancon	Van Hollen
Filner	Michaud	Velázquez
Foster	Miller (NC)	Visclosky
Frank (MA)	Miller, George	Walz
Fudge	Mollohan	Wasserman
Garamendi	Moore (KS)	Schultz
Giffords	Moore (WI)	Waters
Gonzalez	Murphy (CT)	Watson
Gordon (TN)	Murphy (NY)	Watt
Grayson	Murphy, Patrick	Waxman
Green, Al	Nadler (NY)	Weiner
Green, Gene	Napolitano	Welch
Grijalva	Neal (MA)	Wilson (OH)
Gutierrez	Nye	Woolsey
Hall (NY)	Oberstar	Wu
Halvorson	Obey	Yarmuth

NAYS—203

Aderholt	Boehner	Cao
Adler (NJ)	Bonner	Capito
Akin	Bono Mack	Carter
Alexander	Boozman	Cassidy
Altmire	Boren	Castle
Austria	Boustany	Chaffetz
Bachus	Boyd	Chandler
Baird	Brady (TX)	Coble
Bartlett	Bright	Coffman (CO)
Barton (TX)	Broun (GA)	Cole
Bean	Brown (SC)	Conaway
Berry	Buchanan	Connolly (VA)
Biggert	Burgess	Cooper
Billbray	Burton (IN)	Costa
Bilirakis	Calvert	Costello
Bishop (UT)	Camp	Crenshaw
Blackburn	Campbell	Culberson
Blunt	Cantor	Dahlkemper

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms.

WOOLSEY) that the House suspend the rules and agree to the resolution.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

RECORDED VOTE

Mr. TONKO. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 405, noes 0, not voting 28, as follows:

[Roll No. 598]

AYES—405

Ackerman	Connolly (VA)	Hall (TX)
Aderholt	Cooper	Halvorson
Adler (NJ)	Costa	Hare
Akin	Costello	Harman
Alexander	Courtney	Harper
Altmire	Crenshaw	Hastings (WA)
Andrews	Critz	Heinrich
Arcuri	Crowley	Heller
Austria	Cuellar	Hensarling
Baca	Culberson	Herger
Bachus	Cummings	Herseth Sandlin
Baird	Dahlkemper	Higgins
Baldwin	Davis (AL)	Hill
Barrow	Davis (CA)	Himes
Bartlett	Davis (IL)	Hinchey
Barton (TX)	Davis (KY)	Hirono
Bean	Davis (TN)	Hodes
Becerra	DeGette	Hoekstra
Berkley	DeLauro	Holden
Berman	Dent	Holt
Berry	Deutch	Honda
Biggert	Diaz-Balart, L.	Hoyer
Bilbray	Diaz-Balart, M.	Hunter
Bilirakis	Dicks	Inglis
Bishop (GA)	Dingell	Inslee
Bishop (NY)	Djou	Israel
Blackburn	Doggett	Issa
Blumenauer	Donnelly (IN)	Jackson (IL)
Blunt	Doyle	Jackson Lee
Bocieri	Dreier	(TX)
Bonner	Driehaus	Jenkins
Bono Mack	Duncan	Johnson (GA)
Boozman	Edwards (MD)	Johnson (IL)
Boren	Edwards (TX)	Johnson, E. B.
Boswell	Ehlers	Johnson, Sam
Boustany	Ellison	Jones
Boyd	Ellsworth	Jordan (OH)
Brady (PA)	Emerson	Kagen
Brady (TX)	Engel	Kanjorski
Braley (IA)	Eshoo	Kennedy
Bright	Etheridge	Kildoe
Broun (GA)	Farr	Kilpatrick (MI)
Brown (SC)	Fattah	Kilroy
Brown, Corrine	Filner	Kind
Buchanan	Flake	King (IA)
Burgess	Fleming	King (NY)
Burton (IN)	Forbes	Kingston
Calvert	Fortenberry	Kirkpatrick (AZ)
Camp	Foster	Kissell
Campbell	Fox	Klein (FL)
Cantor	Frank (MA)	Kline (MN)
Cao	Franks (AZ)	Kosmas
Capito	Frelinghuysen	Kratovil
Capps	Fudge	Kucinich
Capuano	Gallegly	Lamborn
Carnahan	Garrett (NJ)	Lance
Carney	Gerlach	Langevin
Carson (IN)	Giffords	Larsen (WA)
Carter	Gingrey (GA)	Larson (CT)
Cassidy	Gonzalez	Latham
Castle	Goodlatte	LaTourette
Castor (FL)	Gordon (TN)	Latta
Chaffetz	Granger	Lee (CA)
Chandler	Graves (GA)	Lee (NY)
Childers	Graves (MO)	Levin
Chu	Grayson	Lewis (CA)
Clay	Green, Al	Linder
Cleaver	Green, Gene	Lipinski
Coble	Griffith	LoBiondo
Coffman (CO)	Grijalva	Loebsack
Cohen	Guthrie	Loftgren, Zoe
Cole	Gutierrez	Lowe
Conaway	Hall (NY)	Lucas

Luetkemeyer	Pastor (AZ)	Shimkus
Lujan	Paul	Shuler
Lummis	Paulsen	Shuster
Lungren, Daniel	Payne	Simpson
E.	Pence	Sires
Lynch	Perlmutter	Skelton
Mack	Perriello	Slaughter
Maffei	Peters	Smith (NE)
Maloney	Peterson	Smith (NJ)
Manzullo	Petri	Smith (TX)
Markey (CO)	Pingree (ME)	Smith (WA)
Markey (MA)	Pitts	Snyder
Marshall	Platts	Space
Matheson	Poe (TX)	Speier
Matsui	Polis (CO)	Spratt
McCarthy (CA)	Posey	Stark
McCarthy (NY)	Price (NC)	Stearns
McCaul	Quigley	Stupak
McClintock	Radanovich	Stutzman
McCollum	Rahall	Sullivan
McCotter	Rangel	Sutton
McDermott	Reed	Tanner
McGovern	Rehberg	Taylor
McHenry	Reichert	Teague
McIntyre	Reyes	Terry
McKeon	Richardson	Thompson (CA)
McMahon	Rodriguez	Thompson (MS)
McNerney	Roe (TN)	Thompson (PA)
Meek (FL)	Rogers (AL)	Thornberry
Meeks (NY)	Rogers (KY)	Tiahrt
Melancon	Rogers (MI)	Tiberi
Mica	Rohrabacher	Tierney
Mitchaud	Rooney	Titus
Miller (FL)	Ros-Lehtinen	Tonko
Miller (MI)	Roskam	Towns
Miller (NC)	Ross	Tsongas
Miller, Gary	Rothman (NJ)	Turner
Miller, George	Roybal-Allard	Upton
Minnick	Royce	Van Hollen
Mitchell	Ruppersberger	Velázquez
Mollohan	Rush	Visclosky
Moore (KS)	Ryan (OH)	Walz
Moore (WI)	Ryan (WI)	Wamp
Moran (KS)	Salazar	Wasserman
Moran (VA)	Sánchez, Linda	Schultz
Murphy (CT)	T.	Waters
Murphy (NY)	Sanchez, Loretta	Watson
Murphy, Patrick	Sarbanes	Watt
Murphy, Tim	Scalise	Waxman
Myrick	Schakowsky	Weiner
Nadler (NY)	Schauer	Welch
Napolitano	Schiff	Westmoreland
Neal (MA)	Schmidt	Whitfield
Neugebauer	Schock	Wilson (OH)
Nunes	Schwartz	Wilson (SC)
Nye	Scott (GA)	Wittman
Oberstar	Scott (VA)	Wolf
Obey	Sensenbrenner	Woolsey
Olson	Serrano	Wu
Oliver	Sessions	Yarmuth
Ortiz	Sestak	Young (AK)
Owens	Shadegg	Young (FL)
Pallone	Shea-Porter	
Pascarella	Sherman	

NOT VOTING—28

Bachmann	Clarke	Kaptur
Barrett (SC)	Clyburn	Lewis (GA)
Bishop (UT)	Conyers	Marchant
Boehner	DeFazio	McMorris
Boucher	Delahunt	Rodgers
Brown-Waite,	Fallin	Pomeroy
Ginny	Garamendi	Price (GA)
Gohmert	Gohmert	Putnam
Hastings (FL)	Schrader	Walden
Hinojosa		

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining on this vote.

□ 1203

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

SUPPORTING NATIONAL WORK AND FAMILY MONTH

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and agreeing to the resolution (H. Res. 1598) expressing support for the designation of the month of October as National Work and Family Month.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. WOOLSEY) that the House suspend the rules and agree to the resolution.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

RECORDED VOTE

Mr. CONNOLLY of Virginia. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 412, noes 0, not voting 21, as follows:

[Roll No. 599]

AYES—412

Ackerman	Capps	Driehaus
Aderholt	Capuano	Duncan
Adler (NJ)	Cardoza	Edwards (MD)
Akin	Carnahan	Edwards (TX)
Alexander	Carney	Ehlers
Altmire	Carson (IN)	Ellison
Andrews	Carter	Ellsworth
Arcuri	Cassidy	Emerson
Austria	Castle	Engel
Baca	Castor (FL)	Eshoo
Bachus	Chaffetz	Etheridge
Baird	Chandler	Farr
Baldwin	Childers	Fattah
Barrow	Chu	Filner
Bartlett	Clarke	Flake
Barton (TX)	Clay	Fleming
Bean	Cleaver	Forbes
Becerra	Clyburn	Fortenberry
Berkley	Coble	Foster
Berman	Coffman (CO)	Fox
Berry	Cohen	Frank (MA)
Biggert	Cole	Franks (AZ)
Bilbray	Conaway	Frelinghuysen
Bilirakis	Connolly (VA)	Fudge
Bishop (GA)	Conyers	Gallegly
Bishop (NY)	Cooper	Garrett (NJ)
Blackburn	Costa	Gerlach
Blumenauer	Costello	Giffords
Blunt	Courtney	Gingrey (GA)
Bocieri	Crenshaw	Gohmert
Bonner	Critz	Gonzalez
Bono Mack	Crowley	Goodlatte
Boozman	Cuellar	Granger
Boren	Culberson	Graves (GA)
Boswell	Cummings	Graves (MO)
Boustany	Dahlkemper	Grayson
Boyd	Davis (AL)	Green, Al
Brady (PA)	Davis (CA)	Green, Gene
Brady (TX)	Davis (IL)	Griffith
Braley (IA)	Davis (KY)	Grijalva
Bright	Davis (TN)	Guthrie
Broun (GA)	DeGette	Gutierrez
Brown (SC)	DeLauro	Hall (NY)
Brown, Corrine	Dent	Hall (TX)
Buchanan	Deutch	Halvorson
Burgess	Diaz-Balart, L.	Hare
Burton (IN)	Diaz-Balart, M.	Harman
Butterfield	Dicks	Harper
Calvert	Dingell	Hastings (WA)
Camp	Djou	Heinrich
Campbell	Doggett	Heller
Cantor	Donnelly (IN)	Hensarling
Cao	Doyle	Herger
Capito	Dreier	Herseth Sandlin

Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson Lee
(TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Linder
Lipinski
LoBiondo
Loeb sack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel
E.
Lynch
Mack
Maffei
Maloney
Manzullo
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter

McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Oliver
Owens
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Pence
Perlmuter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Posey
Price (GA)
Price (NC)
Quigley
Radanovich
Rahall
Rangel
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)

NOT VOTING—21

Bachmann
Barrett (SC)
Bishop (UT)
Boehner
Boucher
Brown-Waite,
Ginny
Buyer

DeFazio
Delahunt
Fallin
Garamendi
Gordon (TN)
Hastings (FL)
Lewis (GA)
Marchant

Ryan (WI)
Salazar
Sánchez, Linda
T.
Sánchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stearns
Stupak
Stutzman
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walz
Wamp
Wasserman
Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining on this vote.

□ 1211

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

RECOGNIZING PARENTS OF SPECIAL NEEDS CHILDREN

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and agreeing to the resolution (H. Res. 1576) expressing the sense of the House of Representatives that a National Day of Recognition for Parents of Special Needs Children should be established, as amended.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. WOOLSEY) that the House suspend the rules and agree to the resolution, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

RECORDED VOTE

Mr. SCHAUER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 413, noes 0, not voting 20, as follows:

[Roll No. 600]

AYES—413

Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachus
Baird
Baldwin
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccheri
Boccia
Bonner
Bono Mack
Boozman
Boren
Boswell
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Buchanan
Burgess
Burton (IN)
Butterfield
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clarke
Coble
Clay
Cleaver
Clyburn
Cohen
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Critz
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeGette
DeLauro
Dent
Deutch

Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Djou
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Fox
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves (GA)
Graves (MO)
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (WA)
Heinrich
Heller
Hensarling
Hergert
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson Lee
(TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Linder
Lipinski
LoBiondo
Loeb sack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel
E.
Lynch
Mack
Maffei
Maloney
Manzullo
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
Paul
Paulsen
Payne
Pence
Perlmuter
Perriello
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Posey
Price (GA)
Price (NC)
Quigley
Radanovich
Rahall
Rangel
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (WI)
Salazar
Sánchez, Linda
T.
Sánchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stearns
Stupak
Stutzman
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney

Titus	Walz	Whitfield
Tonko	Wamp	Wilson (OH)
Towns	Wasserman	Wilson (SC)
Tsongas	Schultz	Wittman
Turner	Watson	Wolf
Upton	Watt	Woolsey
Van Hollen	Waxman	Wu
Velázquez	Weiner	Yarmuth
Visclosky	Welch	Young (AK)
Walden	Westmoreland	Young (FL)

NOT VOTING—20

Bachmann	DeFazio	McMorris
Barrett (SC)	Delahunt	Rodgers
Barrow	Fallin	Melancon
Boucher	Garamendi	Pomeroy
Brown-Waite,	Hastings (FL)	Putnam
Ginny	Lewis (GA)	Schrader
Buyer	Marchant	Waters
Cassidy		

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

□ 1221

So (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Record votes on postponed questions will be taken later.

AIRPORT AND AIRWAY EXTENSION ACT OF 2010, PART IV

Mr. COSTELLO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6473) to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend the airport improvement program, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6473

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Airport and Airway Extension Act of 2010, Part IV”.

SEC. 2. EXTENSION OF TAXES FUNDING AIRPORT AND AIRWAY TRUST FUND.

(a) FUEL TAXES.—Subparagraph (B) of section 4081(d)(2) of the Internal Revenue Code of 1986 is amended by striking “December 31, 2010” and inserting “March 31, 2011”.

(b) TICKET TAXES.—

(1) PERSONS.—Clause (ii) of section 4261(j)(1)(A) of the Internal Revenue Code of 1986 is amended by striking “December 31, 2010” and inserting “March 31, 2011”.

(2) PROPERTY.—Clause (ii) of section 4271(d)(1)(A) of such Code is amended by striking “December 31, 2010” and inserting “March 31, 2011”.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 2011.

SEC. 3. EXTENSION OF AIRPORT AND AIRWAY TRUST FUND EXPENDITURE AUTHORITY.

(a) IN GENERAL.—Paragraph (1) of section 9502(d) of the Internal Revenue Code of 1986 is amended—

(1) by striking “January 1, 2011” and inserting “April 1, 2011”; and

(2) by inserting “or the Airport and Airway Extension Act of 2010, Part IV” before the semicolon at the end of subparagraph (A).

(b) CONFORMING AMENDMENT.—Paragraph (2) of section 9502(e) of such Code is amended by striking “January 1, 2011” and inserting “April 1, 2011”.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 2011.

SEC. 4. EXTENSION OF AIRPORT IMPROVEMENT PROGRAM.

(a) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—Section 48103 of title 49, United States Code, is amended—

(A) by striking “and” at the end of paragraph (6);

(B) by striking the period at the end of paragraph (7) and inserting “; and”; and

(C) by inserting after paragraph (7) the following:

“(8) \$1,850,000,000 for the 6-month period beginning on October 1, 2010.”

(2) OBLIGATION OF AMOUNTS.—Subject to limitations specified in advance in appropriation Acts, sums made available pursuant to the amendment made by paragraph (1) may be obligated at any time through September 30, 2011, and shall remain available until expended.

(3) PROGRAM IMPLEMENTATION.—For purposes of calculating funding apportionments and meeting other requirements under sections 47114, 47115, 47116, and 47117 of title 49, United States Code, for the 6-month period beginning on October 1, 2010, the Administrator of the Federal Aviation Administration shall—

(A) first calculate funding apportionments on an annualized basis as if the total amount available under section 48103 of such title for fiscal year 2011 were \$3,700,000,000; and

(B) then reduce by 50 percent—

(i) all funding apportionments calculated under subparagraph (A); and

(ii) amounts available pursuant to sections 47117(b) and 47117(f)(2) of such title.

(b) PROJECT GRANT AUTHORITY.—Section 47104(c) of such title is amended by striking “December 31, 2010,” and inserting “March 31, 2011.”

SEC. 5. EXTENSION OF EXPIRING AUTHORITIES.

(a) Section 40117(1)(7) of title 49, United States Code, is amended by striking “January 1, 2011,” and inserting “April 1, 2011.”

(b) Section 44302(f)(1) of such title is amended—

(1) by striking “December 31, 2010,” and inserting “March 31, 2011.”; and

(2) by striking “March 31, 2011,” and inserting “June 30, 2011.”

(c) Section 44303(b) of such title is amended by striking “March 31, 2011,” and inserting “June 30, 2011.”

(d) Section 47107(s)(3) of such title is amended by striking “January 1, 2011,” and inserting “April 1, 2011.”

(e) Section 47115(j) of such title is amended by striking “January 1, 2011,” inserting “April 1, 2011.”

(f) Section 47141(f) of such title is amended by striking “December 31, 2010,” and inserting “March 31, 2011.”

(g) Section 49108 of such title is amended by striking “December 31, 2010,” and inserting “March 31, 2011.”

(h) Section 161 of the Vision 100—Century of Aviation Reauthorization Act (49 U.S.C. 47109 note) is amended by striking “January 1, 2011,” and inserting “April 1, 2011.”

(i) Section 186(d) of such Act (117 Stat. 2518) is amended by striking “January 1, 2011,” inserting “April 1, 2011.”

(j) The amendments made by this section shall take effect on January 1, 2011.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. COSTELLO) and the gentleman from Wisconsin (Mr. PETRI) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois.

GENERAL LEAVE

Mr. COSTELLO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on H.R. 6473.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. COSTELLO. I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 6473, the Airport and Airway Extension Act of 2010, Part IV.

I want to thank Chairman OBERSTAR of the Committee on Transportation for bringing this bill to the floor today.

At the end of September, we passed an FAA extension that will expire on December 31. H.R. 6473 is a clean 3-month extension that runs through the end of March. However, I am hopeful that we can still pass a long-term FAA reauthorization bill before the 111th Congress adjourns.

There are many important provisions in the FAA reauthorization bill, such as binding arbitration for the air traffic controllers, addressing the consolidation and realignment of FAA facilities, and making investments to accelerate NextGen. In addition, the bill will create thousands of jobs at a time when our economy continues to struggle and too many Americans are out of work. Our aviation system plays a significant role in our national economy, and I will continue to push for a comprehensive, long-term FAA reauthorization bill.

I urge my colleagues to support the bill.

Mr. Speaker, I reserve the balance of my time.

Mr. PETRI. I yield myself such time as I may consume.

Mr. Speaker, as was pointed out, in May, the House passed H.R. 915, the FAA Reauthorization Act of 2009. In March of this year, the Senate passed its own FAA reauthorization bill. The House took that up, amended it, passed

it, and sent it back to the Senate. Since then, we have been in formal discussions to reconcile the two bills. While these discussions have led to tentative agreements on nearly all of the provisions, a few controversial issues have prevented the House and Senate from reaching a final agreement.

Therefore, with the FAA's authorities set to expire at the end of the calendar year, we again find it necessary to consider another extension. Like the 16 earlier extensions over the past 3 years, the bill before us would provide a short-term extension of the taxes, programs, and funding of the FAA, this time through the end of March 2011.

It is unfortunate that this Congress has not been able to reach final agreement on a comprehensive FAA reauthorization bill. We recognize the importance of a multiyear authorization, and I look forward to working with Mr. COSTELLO and my other colleagues in the next Congress to that end.

However, in order to ensure the safe operation of the National Airspace System while Congress continues to debate a full reauthorization package, I certainly support passage of today's extension and urge my colleagues to do the same.

I reserve the balance of my time.

Mr. COSTELLO. Mr. Speaker, I yield such time as he may consume to the chairman of the full Transportation and Infrastructure Committee, the gentleman from Minnesota, Chairman OBERSTAR.

Mr. OBERSTAR. I thank the chairman for yielding time, and I thank Mr. MICA for his partnership in bringing yet another Transportation bill to the House floor in these waning hours of the session. I wish with all my heart we didn't have to be here and that the other body had acted on this measure in the 110th Congress and earlier in this Congress, but that's not the case, unfortunately.

Without going into any detail or further reviewing of the inscrutable actions of the other body, I will just say that we are here again, doing our part in public service, carrying out our trust to the people of this country and to the cause of aviation in assuring that we continue the programs of aviation until such time—and hope continues in my heart and that of Mr. COSTELLO, Mr. PETRI, Mr. MICA, and, I think, of the whole aviation community—that we will be able to accomplish passage of the full authorization bill.

We are headed for a billion passengers in the airspace of the United States. Last year, a billion people traveled by air worldwide. Three-fourths of them traveled in the U.S. airspace. We account for more air travel than all the rest of the world combined. To continue to provide the level of service needed for this engine of economic growth of aviation, which accounts for

9 percent of our gross domestic product, we need to prepare for the future.

This legislation will provide the authorization for the Next Generation air traffic control technology to be implemented in time with the effectiveness that the FAA has always pursued and for the good purposes of aviation.

It is important for us to persist until the very last hours of this Congress to ensure that the goals of aviation will be met; that safety in aviation will be provided at the highest possible level, as stated in the opening paragraph of the FAA Act of 1958; that we meet our trust to the flying public to ensure that the separation of aircraft at altitude will be conducted by the most robust, efficient, available technology; and that we prepare the groundwork for future growth in aviation. This legislation does it.

It is a tribute to Mr. COSTELLO and to Mr. PETRI. They have worked together. Particularly, Mr. COSTELLO has chaired the subcommittee and has bent himself to the effort. He has persisted rigorously in hearings, in meetings, in markup to fashion the best possible future for aviation. This bill is a monument to his service as chair of the Aviation Subcommittee. For that reason alone, it ought to be enacted by the Congress.

For myself, this is a nostalgic moment. I think, unless we are here again on aviation, it is likely to be my last measure on which I will speak in this body. I thank my colleagues for their support.

I thank our diligent, dedicated, and gifted committee staff, especially David Heymsfeld and Ward McCarragher, our full committee Chief of Staff and counsel, for the many, many years we have spent together; Stacie Soumbeniotis, who came onto the committee to become one of the most outstanding aviation professionals in this whole country; and many others whose names I will submit for the RECORD.

□ 1230

I am grateful for their friendships, their partnerships, and to the people of my district for this opportunity to serve the great public good in this greatest legislative body in the world.

Mr. Speaker, I rise in strong support of H.R. 6473, the "Airport and Airways Extension Act of 2010, Part IV". This bill ensures that aviation programs, taxes, and Airport and Airway Trust Fund expenditure authority will continue without interruption pending completion of long-term Federal Aviation Administration (FAA) reauthorization legislation. Because the long-term bill may not be completed before the current authority for aviation programs expires at the end of this month, H.R. 6473 is needed to extend aviation programs, taxes, and expenditure authority for an additional 3 months, through March 31, 2011.

This 3-month extension is not intended as the final decision on how long an extension

should be authorized if the long-term bill cannot be passed this month. The term of an extension is under House-Senate discussion. Because of the difficulties in passing any legislation this month, we thought it desirable to begin the process with 3 months as a placeholder.

The most recent long-term FAA reauthorization act, the Vision 100—Century of Aviation Reauthorization Act (P.L. 108–176), expired on September 30, 2007.

Although the House passed an FAA reauthorization bill during the 110th Congress, and again in 2009, the Senate failed to pass an FAA bill until March of this year. The FAA has, therefore, been operating under a series of short-term extension acts, the most recent of which expires on December 31, 2010.

Since passage of the Senate bill in March, we have been working diligently to resolve the differences between the House and Senate bills. As it stands now, the negotiated bill would provide the aviation sector with the stability of a multi-year authorization, safety reforms, record-high capital investment levels, acceleration of the Next Generation Air Transportation System effort, and a passenger bill of rights. Moreover, a comprehensive multi-billion dollar FAA reauthorization would create tens of thousands of well paying aviation sector jobs. Unfortunately, since July, the FAA reauthorization bill has been hung up in the Senate, primarily over a provision that would significantly increase the number of long-distance flights at Washington National Airport.

We will continue to work as hard as we can on behalf of the American public for a strong, comprehensive FAA reauthorization bill, which I still remain hopeful that we can deliver this Congress. However, without the passage of either a multi-year authorization, or another extension, the FAA's capital, research, and airport grant programs would shut down after December 31, 2010, and thousands of FAA employees would be furloughed. FAA's authority to make expenditures from the Airport and Airway Trust Fund would also cease without an extension. Therefore, if we are unable to enact an FAA reauthorization bill, we need to ensure that the FAA will continue running properly without any disruption until such a bill is enacted.

I urge my colleagues to join me in supporting H.R. 6473.

Mr. PETRI. Mr. Speaker, I yield myself such time as I may consume.

I just want to take a minute to acknowledge and express my admiration for the service of the chairman of our committee, the gentleman from Minnesota (Mr. OBERSTAR). The Public Works and Transportation Committee has a long and honorable record here in our Congress. I think the gentleman from Minnesota has been a contributing member of that committee both as a leading staff member, working his way up, and then as a member of the committee representing the Iron Range in northern Minnesota and working his way up to the chairmanship, for a significant percentage of the life of the committee. We are a 200-year-old-or-more-plus country and I think you've been on the committee for at least a quarter of that time.

It has really been a joy for me to be able to learn about the background and history and contexts of a lot of the different decisions that the committee has faced over the years from the gentleman from Minnesota, who in some cases read about them, in other cases experienced firsthand the history that we were discussing and the background of the decisions that we were making. Like any other two Members of a body like this, we've never agreed on everything, but I think we've always tried to be agreeable. I certainly have appreciated that. And I think that there is no question that the people of the Iron Range in northern Minnesota are going to lose a great and dedicated champion with deep roots in the history of that mining region of our country.

I would just like to yield for a brief moment to my chairman on the Education and Labor Committee, GEORGE MILLER.

Mr. GEORGE MILLER of California. I thank the gentleman for yielding and I appreciate taking a moment to recognize JIM OBERSTAR's service to our country and to the Congress.

As one who came to the Congress with Congressman OBERSTAR, he had such a wealth of knowledge before he was elected as a Member of Congress because of his service in the Congress, on the committee, but just to see him every year become such a remarkable spokesperson for infrastructure and public works and the needs of this country in almost every conceivable form, in maintaining this country and its economy, and to see him become such an authority both in the Congress and across the Nation and around the world on the demands of our economy on the infrastructure and the inter-relatedness of those two things. You can't really have one without the other. If you're not growing the infrastructure, you can't grow the economy. You can't grow the economy if you're not growing the infrastructure. It's a lesson I think that we have maybe painfully learned over the last few months.

He was a spokesperson for doing much more on behalf of the infrastructure but also in behalf of the men and women who are employed in that effort and the people who would be employed in the future with modern airports, modern ports, modern rail systems, smart highway systems and an integrated transportation system. I have been very proud to serve with you all of this time, all of our time together in the Congress. Thank you for your knowledge and for your service.

Mr. PETRI. Before I wrap up, just one last point, and that is that I think one thing I've learned watching JIM OBERSTAR is the way he has expressed appreciation for and treated the people he works with on the staff of the committee and in the House. I think the fact that he spent many years as a

staffer himself, sometimes you get angry about things but he always recognized the contribution and the importance of the work that was being done by people who devoted their lives often not in the public spotlight but even in more important endeavors as they actually worked out the details of legislation that were working with us, such as David Heymsfeld that he just referred to.

For these and many other reasons, you, sir, shall be missed.

Mr. Speaker, I yield back the balance of my time.

Mr. COSTELLO. Mr. Speaker, I yield 2 minutes to the gentleman from Maryland, a member of the committee and also a subcommittee chairman, Mr. CUMMINGS.

Mr. CUMMINGS. Mr. Speaker, I want to thank the gentleman for yielding, and I certainly support the legislation, but I wanted to take a moment to express my thankfulness to the gentleman from Minnesota, Chairman OBERSTAR. You know, so often we look at our lives and we question how they will intersect with other people's lives. And we hope that when those intersections come about that we are made a better person because of them. And I can say that when my life eclipsed with that of JIM OBERSTAR's, my life became a better life.

As the chairman of the Coast Guard subcommittee, the gentleman from Minnesota was consistently there guiding, showing me the ropes and giving me an opportunity to be all that I could be. It's not every chairman that does that, that says, I'm going to allow you to be all that you can be and then give you the guidance to get there, and then support you throughout.

I've learned a lot in all my years, and it's been about 15 years on that committee, from our chairman. But there is also the thing that a number of other people have already said. I've been just amazed with his leadership and his passion with regard to the issues of aviation, the Coast Guard, water, rail, and all of our other subjects. Not only is he a walking encyclopedia, but he is also one who brings a strong history to those issues and has been truly a professor, a guide and a true leader. They say that leaders, people want to follow people who have integrity, who have commitment, who will go the extra mile.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. COSTELLO. I yield the gentleman an additional minute.

Mr. CUMMINGS. True leaders. JIM OBERSTAR is one who we know that even in those moments, as the Greek theologian Swindoll said, when he was unseen, unnoticed, unappreciated and unapplauded that he still did the right thing. That's what leadership is all about. Generations will be better off because Chairman OBERSTAR touched our lives. I wish him well.

Mr. COSTELLO. Mr. Speaker, I yield myself the balance of my time.

Let me also say to Chairman OBERSTAR, I want to thank him for his kind words about this legislation and the work that both myself and the gentleman from Wisconsin (Mr. PETRI) has done. But actually every team has to have a captain and a leader and he has been the leader. He is the person that drove every transportation bill in the last several years coming out of the Transportation Committee on the floor of this House.

I have said many times both here in Washington and back in Illinois that no one in the Congress of the United States or in my opinion in the entire country knows more about transportation issues than JIM OBERSTAR. He's given all of his adult life to serve his country. His entire time here both as a staff person and as a member and then as chairman of the Transportation Committee, he has left us with a legacy that we can be very proud of. And I am very certain that as we end this Congress and move on to the 112th, as we are taking up our business, we will all turn to him and continue to ask him for his advice and to help us guide our way into the future as to how we can improve the quality of life for the people of this country by improving our transportation system.

□ 1240

I thank him for not only his service, but personally for his guidance to me. He has been a mentor. Everything that I have learned about aviation I learned from JIM OBERSTAR. I wish him well and look forward to having him take my phone calls many times in the future as I turn to him for advice.

Mr. Speaker, I ask for strong support for this legislation.

Mr. MICA. Mr. Speaker, it is unfortunate that we find ourselves considering the 17th FAA Extension bill.

As of September 30th, it has been three years since the FAA was last authorized. This has been the longest period of time between FAA reauthorizations in decades, but still Congress has been unable to reach agreement on a final FAA bill.

I know we are all disappointed that we have not been able to reach agreement on a full reauthorization package. Such a bill would:

Ensure stable funding for airport projects across the country, providing for long-term construction jobs;

Advance implementation of the Next Generation Air Traffic Control system; and
Improve aviation safety standards.

Both bodies have been negotiating to produce a final FAA bill that sets priorities and improves our airspace system.

Unfortunately, Congress just cannot seem to get the job done.

In the 112th Congress the FAA Reauthorization bill will be a top priority for the Committee. We will work closely with our colleagues across the aisle and in the other chamber to complete a bill as quickly as possible.

So, while I am sorry we were unable to reach agreement on a bill in this Congress, I support this extension to keep FAA up and running until we complete the bill next year. I urge my colleagues to adopt the legislation.

Mr. COSTELLO. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. COSTELLO) that the House suspend the rules and pass the bill, H.R. 6473.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

PLACING CONDITIONS ON CHILD AND ADULT CARE FOOD PROGRAM

Mr. GEORGE MILLER of California. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6469) to amend section 17 of the Richard B. Russell National School Lunch Act to include a condition of receipt of funds under the child and adult care food program.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6469

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CONDITION OF RECEIPT OF FUNDS UNDER THE CHILD AND ADULT CARE FOOD PROGRAM.

Section 17 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1766) is amended by adding at the end the following:

“(u) INELIGIBILITY OF INSTITUTIONS.—An institution shall be ineligible for funds under this section if such institution employs a child care staff member who—

“(1) refuses to consent to a criminal background check that includes—

“(A) a search of the State criminal registry or repository in the State where the child care staff member resides and each State where such staff member previously resided;

“(B) a search of State-based child abuse and neglect registries and databases in the State where the child care staff member resides and each State where such staff member previously resided;

“(C) a search of the National Crime Information Center;

“(D) a Federal Bureau of Investigation fingerprint check using the Integrated Automated Fingerprint Identification System; and

“(E) a search of the National Sex Offender Registry established under the Adam Walsh Child Protection and Safety Act of 2006 (42 U.S.C. 16901 et seq.);

“(2) makes a false statement in connection with such criminal background check;

“(3) is registered or is required to be registered on a State sex offender registry or the National Sex Offender Registry established under the Adam Walsh Child Protection and Safety Act of 2006 (42 U.S.C. 16901 et seq.); or

“(4) has been convicted of a felony consisting of—

“(A) homicide;

“(B) child abuse or neglect;

“(C) a crime against children, including child pornography;

“(D) spousal abuse;

“(E) a crime involving rape or sexual assault;

“(F) kidnapping;

“(G) arson; or

“(H) physical assault, battery, or a drug-related offense, committed within the past 5 years.”.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. GEORGE MILLER) and the gentleman from Minnesota (Mr. KLINE) each will control 20 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. GEORGE MILLER of California. Mr. Speaker, I request 5 legislative days in which Members may revise and extend and insert extraneous material on H.R. 6469 into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, Members of the House, today we take up a suspension that requires all participating child care feeding situations to run background checks on people participating in those settings. We do so in support of children across this country who are hungry and who don't have access to nutritious meals and who couldn't vote in November, and support of this legislation will allow us to pass a clean child nutrition bill. They are the ones who don't have a voice but need our help.

Yesterday we postponed final consideration of the child nutrition legislation so we could fully address the issues of protecting our children while also ensuring passage of the child nutrition legislation. Our children cannot afford any more delays. Time is running out in this Congress.

This bill before us today ensures, along with State and Federal laws, that all children will be protected in child care. I support this bill and hope that it will pass.

In an effort to prevent passage of the child nutrition bill, the Republicans decided yesterday to offer a motion to kill the bill and unfortunately to play politics with two important issues—our children's safety and our children's health. Make no mistake about it: If we accept the motion to recommit, we will kill the child nutrition bill.

Today, this House can take action to both keep children safe and keep them healthy by voting for this suspension, against the killer motion to recommit, and for the child nutrition bill.

H.R. 6469 is identical to the background check provisions offered by the minority and will help ensure that our Nation's children are protected from individuals with a history of criminal or abusive behavior. This legislation

helps parents by giving them assurance that any child care provider participating in the Child and Adult Care Food Program has undergone criminal background checks.

Today's Federal law requires all participants in day care centers and homes that participate in the Child and Adult Care Feeding Program to be licensed and approved to provide care by State or local agencies. There is more to be done to keep children safe and in child care, and I hope the Republicans will join me in working to make this happen when we take up the reauthorization of the Child Care and Development Block Grant.

In the area of background checks for child care programs, most States have acted already in some fashion. For example, all but two States require criminal background checks for child care center employees. Furthermore, all but seven States require screening for child abuse and neglect. This legislation goes a step further by ensuring comprehensive background checks have been done for the providers at all child care programs participating in the Child and Adult Care Feeding Program.

This legislation is an important opportunity to vote in favor of protecting our Nation's children from harm. I urge our colleagues to join me in supporting this legislation and later today to vote against the motion to recommit and for passage of the child nutrition bill, the Healthy, Hunger-Free Kids Act.

Mr. Speaker, I reserve the balance of my time.

Mr. KLINE of Minnesota. Mr. Speaker, I yield myself such time as I may consume.

Members on the other side of the aisle talked a great deal yesterday—and even again today—about playing politics and gotchas here on the House floor, so I feel compelled to take a moment to set the record straight.

Yesterday, the House was supposed to debate and vote on a bill to reauthorize Federal child nutrition programs. Rather than allowing Members to offer amendments and fully engage in the legislative process, the majority decided the U.S. House of Representatives should have no say in these programs that affect childhood health and wellness. Members of the House would have no involvement in writing initiatives to spend an additional \$4.5 billion in hard-earned taxpayer dollars on legislation that imposes significant operational and financial costs on our local school districts.

They brought this massive child nutrition bill—\$4.5 billion in new spending and 17 new or expanded Federal programs—to the floor under a closed rule. For the record, it was the 97th closed rule in the 4 years Democrats have controlled the people's House, 97th closed rule. Apparently it's easier

to dictate the outcome when you prevent legislators from legislating. Talk about a gotcha. That's why I offered a motion to recommit, the one and only chance we had to remove some of the bill's most harmful provisions and insert stronger protections for our children.

My modest amendment included a pair of noncontroversial changes to the underlying bill that should have passed the House overwhelmingly, but that did not fit in the majority's plan. You see, as I said less than 24 hours ago, the clock is winding down on the 111th Congress, and there is a rush to push through as many bills at the last minute as this outgoing majority can manage.

As we witnessed yesterday, the sprint to the finish means the sacrifice of a deliberative process. I don't know about anyone else, but this seems all too familiar. Perhaps that's because it was just this year when the Democrats passed a massive government takeover of health care under a closed process. They denied Members an opportunity to offer their ideas or amendments. They promised the country a fiscally responsible plan while cutting back-room deals to hide the true cost of the legislation. All this was done in an effort to pass a partisan bill the American people have rejected.

Instead of letting lawmakers do our job and pass the best bill we can, the majority shut down the legislative process to defeat improvements to legislation while pretending to support them. Talk about playing politics.

Members will come to the floor shortly to support this bill, and why shouldn't they? This proposal, taken from my motion to recommit, the child nutrition legislation, protects children by requiring background checks for child care providers participating in Federal meal programs. It's a good proposal, which is why it belongs in the child nutrition legislation. Instead, we understand the majority party plans to execute a stunning same-day flip-flop, voting for these background checks now only to oppose them when they really count, as an improvement in the broader bill.

□ 1250

They will be for it before they are against it. This procedural gimmick may fix the political problem but leaves the policy broken. For anyone still wondering why the American people hold their elected representatives in such low regard, I believe this is it.

Notably absent from this so-called cover vote is the other piece of our motion to recommit. The Republican plan would eliminate the middle class tax hidden in the child nutrition legislation. The Democrats' bill imposes an unprecedented Federal price mandate for paid school meals. As a result, many schools may have to increase the

prices they charge children who pay for their meals.

The National Governors Association and leading school groups oppose this provision because it will drive up costs for families and punish schools that have worked hard to hold down costs while providing higher-quality meals. Our proposal would have blocked this harmful tax on working families.

We proposed, during the one and only opportunity we had to do so, a modest pair of corrections that would have made the bill better, our children safer, all while protecting working families. The majority party wants to defeat those corrections, but they cannot do so without political cover. So here we stand.

Mr. Speaker, at this time I am pleased to yield 5 minutes to the gentleman from Utah (Mr. BISHOP).

Mr. BISHOP of Utah. I thank the gentleman from Minnesota for yielding the time.

I know full well from my experience in the State legislature, as well as working on the transition team here, that when one speaks of procedural issues, usually people's eyes glaze over. They are boring issues. However, good procedures do create good policy. Poor procedures create what we are doing here today.

As was said by the gentleman from Minnesota, had the motion to recommit, an amendment, been approved by this body, it would be attached in its entirety to the entire bill. This bill, if it goes to the President's desk, would have all of that language in it.

By changing the procedure, pulling the bill from the floor before the vote and now stripping out part of the motion to recommit and doing it as a suspension, it allows us once again to have political coverage that won't take place in reality of making changes in what happens to this bill or in the real world. For we all know the suspension that we pass here has a very high likelihood of dying in this session.

So we can come down here and say, yes, we want to protect our kids from predators and vote for the suspension knowing full well that that probably will never go into effect. It will die over in the Senate, if it gets that far, and then we'll vote for a bill that no longer has that concept that the House seemed, or at least appeared that it wanted, to add to this provision part of that.

And one of the rationales for doing that is because, well, most of the States already have those types of procedures. I hate to say this, but that argument can be used for almost all of this bill. See, one of the things that would not be included if indeed the suspension passes and then the motion to recommit fails is the deal with section 205, which, as was mentioned earlier, deals with the amount of money that people will pay—not for reduced

lunches—but people will pay just because they don't qualify for reduced lunches.

I hate to use a personal example, but I've got to. As many of you know, I was a school teacher before I joined this august body. Now, this is not something great to note, but as a school teacher, I qualified under the standards for reduced lunches for my five kids. And as a school teacher who qualified for those reduced lunches, I refused to take advantage of that opportunity. I figured that no one had a gun to my head when I had the kids; it was my responsibility now to take care of my kids.

I don't think I'm unusual in that respect. I think there are hundreds of thousands of people who have the same attitude, that they want to take the responsibility for their progeny and the responsibility for what takes place. And, unfortunately, if this provision, section 205, is allowed to stay in the bill, it means the Federal Government—not local school districts, not boards where you actually have a chance to talk to people and they understand the demographics and the reasons—they will make the decision of what people who are paying the full price will pay for that price.

It can go up whenever someone wants it to go up, and has been mentioned, it becomes a disincentive for people to be responsible, to not ask the government to bail them out, to take responsibility and pay for at least school lunches for their own kids or school breakfasts or whatever the process has.

It becomes a counterintuitive argument that harms the process. And why? It's because the decision on what level that payment will be will no longer be made on the local school district level or at least at the State level. It will be made here where a one-size-fits-all program does indeed fail the process.

Now, this is simply—I don't want to call it political gamesmanship, but it is poor procedure that will result in two votes: one vote that is totally meaningless and another vote that misses the mark and does not improve what we're trying to do or what we should do in schools, and that is, allow people who really understand the process to have the final say at the local level where kids are, where the parents are, and where reality should hit. Not here.

Once again, this is not a school board. However often we have tried to act like one, we still are not.

Mr. GEORGE MILLER of California. I yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON LEE).

Ms. JACKSON LEE of Texas. I thank the distinguished gentleman; and, frankly, I think it's important for my colleagues to recognize that we have been there, done that. And I don't know how the minority consistently managed to trample on a need that

America has had and that this Congress and this leadership and this President is trying to cure.

Robert F. Kennedy was one of the first elected officials to draw our attention to the extensive poverty in America. Going into the Appalachian Mountains, he showed the world how children woke up hungry and went to bed hungry.

It is well that the President's commitment and the first lady's charge have been to put our children on the front pages of America.

So I rise to support the underlying Healthy Hunger-Free Kids Act, recognizing we're discussing a suspension that involves all manner of confusion.

But I want America to understand what is really being addressed, which I hope my colleagues will overwhelmingly support. It is to complement the deficiencies of food stamps. It is to recognize that some children get their healthiest meals at breakfast and lunch and possibly, because of this program, through the weekend. It connects learning abilities with being well-nourished. And it speaks not to yesterday, but it speaks to tomorrow, the future of America.

Now, many of us were concerned of how this was paid for. But if you look closely at it, it's an outlay. And the question of food stamps has been addressed by discussions that we have had, and no cuts in food stamps will occur at this time.

But what will occur is that we will bring out of the drain of poverty those children that are our responsibility. I believe it is crucial that we support this legislation now and that we address all manner of information and representation that our friends have.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mr. GEORGE MILLER of California. I yield the gentlewoman an additional 30 seconds.

Ms. JACKSON LEE of Texas. That we deal with the question of sexual predators which, as the chair of the Congressional Children's Caucus, I've worked on extensively. We deal with questions of potential fraud, which I don't know where our colleagues are documenting that.

But what we need to address is the 21 million meals provided through this provision that will offer more incentives for a more comprehensive school program and allow our children to learn and live. If America doesn't accept that as a challenge that it must connect with, then I don't know who we are as a people.

I'm gratified that we have finally recognized that poverty must finally be extinguished. I ask my colleagues to vote for the bill going forward for our children and our country.

I rise today to speak about S. 3307, the Healthy, Hunger-Free Kids Act of 2010.

S. 3307, the Healthy, Hunger-Free Kids Act, is the child nutrition reauthorization legislation

that has already passed unanimously in the Senate. The legislation would dramatically improve the quality of meals children eat in school and in child care programs, increase the number of healthy meals available to needy children and provide the first real increase in the Federal reimbursement rate for school lunches in over 30 years. The legislation would also eliminate junk food from schools by requiring schools, for the first time, to apply nutritional standards to food served outside the cafeteria.

Mr. Speaker, while I wholeheartedly support what the Healthy, Hunger-Free Kids Act will do, it is unfortunate that we will have to take money away from the SNAP program in order to fund it.

I am concerned that the bill is paid for with a severe reduction in SNAP ARRA benefits and that it does not fully address the access improvements needed to connect children with those programs. In particular, I worry about the potential impact this could have on low-income children and families. I remain strong in my position to ensure that those participating in the food stamp program will not face negative consequences as a result of the child nutrition bill. While the funding of this bill concerns me, both the SNAP benefits and the Healthy, Hunger-Free Kids Act are necessary to reduce hunger and to improve our Nation's health. It would be a shame if either program were to fall by the wayside. Our President has indicated that he has all intention to ensure a positive commit to the restoration of SNAP funds; and given that commitment, I stand here today in support of the Healthy, Hunger-Free Kids Act of 2010. Finally, I believe the commitment to cure any funding issue calls for strong support of this bill.

Mr. Speaker, we should remember that this Act is not an attempt to borrow money from one social welfare program to fund another. The intention is to assure that both programs, which will benefit the health and wellbeing of children, are adequately funded. Under this bill, children who are on food stamps will receive healthy meals while at school, and should receive healthy dinners and weekend meals as well.

I recognize that one in four children is at risk of hunger and that one in three is overweight or obese, our children cannot afford to wait for the improvements to child nutrition that are made in the Healthy, Hunger-Free Kids Act. Numerous organizations and advocacy groups that are working to reduce hunger and improve nutrition amongst children are in support of this legislation.

In turn, it is also important to recognize that the Healthy, Hunger-Free Kids Act will also provide more meals for children at risk. Included in this act is a provision that will reimburse the Child and Adult Care Food Programs (CACFP) in all fifty states for meals provided to children after-school. It is widely known, that children who are able to stay after school, and not unsupervised on the streets, are more apt to succeed academically. The 21 million meals provided through this provision will offer more incentives for more comprehensive after school programs that will subsequently improve our nation's overall academic performance.

The United States' obesity rates are higher than the majority of civilized countries in the

world. Nutrition and healthy living is a learned behavior, one that is best learned at young ages. Children will not have proper nutrition if their parents and guardians do not provide it for them. While parents undoubtedly have their children's best interest at heart, it is an unfortunate fact that many families simply cannot afford to provide their children with elements of a nutritious diet composed of healthier ingredients.

In a 2008 American School Health Association study, published in the Journal of School Health, the effects of a healthy diet on academic performance were examined and the findings were incredible. It was deduced that a diverse selection of food, to meet the recommended number of servings of each food group, along with a higher consumption of fruit and vegetables, are critical to strong academic performance. The Healthy, Hunger-Free Kids Act of 2010 provides access to healthier food services to our Nation's children. America's children deserve the opportunity to eat healthily, to live healthily, and to succeed academically.

Mr. Speaker, as I stand here to speak on behalf of my constituents in Houston, and on behalf of all Texans, I support this child nutrition initiative. According to the Texas Department of Agriculture, there are approximately 2.9 million participants in the school lunch programs statewide. The Healthy, Hunger-Free Kids Act will undoubtedly support those school lunch programs, and will also ensure that our youth receives a healthy, balanced meal while at school. Though these meals are offered only at school, they encourage healthier eating habits that will hopefully extend throughout the day and throughout their lives. It is absolutely imperative that our Nation's schools educate children at a young age about healthy active lifestyles and smart food choices.

I support the Healthy, Hunger-Free Kids Act of 2010 because of its nutrition initiatives aimed at our Nation's youth and because it portends billions of dollars in savings over the next ten years. Both nutrition and savings are important to our children's futures. This Act will save \$1 billion over the next ten years by requiring that 12% of Federal support for the National School Lunch Program will be provided in the form of commodity foods. Furthermore, approximately \$1.3 billion will be saved over the next ten years by restructuring the education component of the SNAP into a new grant program; it will eliminate the requirement for States to provide matching funds, and will distribute Federal funds instead.

The Healthy, Hunger-Free Kids Act is an important step towards a healthier future for our children. However, I maintain that it is absolutely necessary that SNAP funds are restored, and that that program is not foregone in our efforts. I urge my colleagues to mirror the Senate, and to support this bill, while calling for a commitment to restoring the SNAP funds.

Mr. KLINE of Minnesota. Mr. Speaker, I yield myself the balance of my time.

We're told that in a few minutes we will resume the debate on child nutrition where we left off yesterday before we were abruptly interrupted by the majority's strategy to prevent legislators from legislating.

□ 1300

I urge my colleagues, if you support these sensible and important protections for children and working families, support our commonsense motion to recommit. Listen to the National School Boards Association, who in a letter today wrote, "The motion to recommit recognizes that Federal regulation of the paid meal price is not in the best interest of school districts implementing school meal programs." They are urging Congress to support the motion to recommit.

Listen to child care experts with the National Association of Child Care Resource & Referral Agencies, who today announced strong support for the motion to recommit to require a background check on all child care providers who participate in Federal child nutrition programs.

Mr. Speaker, I support the suspension. I ask my colleagues to support this suspension. But please, support the motion to recommit and provide the real protections our children and families need and deserve.

NATIONAL ASSOCIATION OF CHILD CARE RESOURCE & REFERRAL AGENCIES,
Arlington, VA, December 2, 2010.

Hon. JOHN KLINE,
Senior Republican Member, U.S. Committee on Education and Labor, Rayburn House Office Building, Washington, DC.

DEAR REPRESENTATIVE KLINE: The National Association of Child Care Resource & Referral Agencies (NACCRRA) strongly supports your Motion to Recommit to S. 3307, Healthy, Hunger-Free Kids Act of 2010, to require a background check on all child care providers who participate in federal child nutrition programs.

NACCRRA works with more than 700 state and local Child Care Resource and Referral agencies (CCR&Rs) throughout the nation. These agencies help ensure that families in 99 percent of all populated zip codes in the United States have access to high-quality, affordable child care.

NACCRRA has released several reports that examine state laws and regulations with regard to child care centers and family child care homes. The most recent state requirements reveal that only half the states conduct effective background checks on child care workers—state and federal fingerprint record checks, a check of the sex offender and child abuse and neglect registries. A name check alone leaves children to chance.

Without a comprehensive check, parents have no way of knowing whether their child care provider has a criminal history. In fact, NACCRRA's 2010 nationwide poll of parents shows that 92 percent of parents support a background check for child care providers. Parents want their children to be safe. The reality is that background check requirements vary greatly by state and most fail to ensure that providers with a criminal history are not caring for children.

NACCRRA commends your leadership on this issue. Your efforts to ensure that all children are safe in child care and that no one with a violent criminal history is paid to provide child care with federal funds is a testament to your dedication to helping parents

know their children are safe while they work.

Sincerely,

LINDA K. SMITH,
Executive Director.

NATIONAL SCHOOL BOARDS ASSOCIATION,
Alexandria, VA, December 2, 2010.

Re Motion to Recommit on S. 3307.

Hon. GEORGE MILLER,
Chairman, Committee on Education and Labor,
House of Representatives, Washington, DC.
Hon. JOHN P. KLINE,
Ranking Member, Committee on Education and Labor,
House of Representatives, Washington, DC.

DEAR CHAIRMAN MILLER AND RANKING MEMBER KLINE: The National School Boards Association (NSBA), representing over 95,000 local school board members across the Nation through our state school boards associations, is deeply committed to fostering a healthy and positive learning environment for children to achieve their full potential. However, NSBA continues to have grave concerns about the financial and operational impact of the Healthy, Hunger-Free Kids Act (S. 3307) on school districts. The paid meal provision is one example. S. 3307 regulates how districts establish prices for unsubsidized meals, creating an access issue and a local control issue. School districts may try to keep the price of paid meals low in order to assure that children from low-income families that don't qualify for subsidized meals can still afford a school lunch. Local school districts are in the best position to determine how to price their meals in order to balance what school districts can afford and what families can afford in these economically challenging times. The Motion to Recommit recognizes that federal regulation of the paid meal price is not in the best interest of school districts implementing school meal programs. We urge you to support the Motion to Recommit as a means to enable the Congress to give more thorough review of the entire bill and to address several objections NSBA has to S. 3307 in its current form.

Questions regarding our concerns may be directed to Lucy Gettman, director of federal programs at 703-838-6763; or by e-mail at lgettman@nsba.org.

Sincerely,

MICHAEL A. RESNICK,
Associate Executive Director.

I yield back the balance of my time. Mr. GEORGE MILLER of California. Mr. Speaker, it was said that yesterday we rose so that we would be able to defeat the motion to recommit on the child nutrition bill, that somehow this was a misuse or abuse of procedure. I think what we see today is that we were very wise to do that, because the intent of that motion to recommit on the child nutrition bill was to kill the bill.

Now, ordinarily we would have accepted that motion to recommit on this bill. But we are all aware, we are beat over the head in this House with what's going on in the Senate. The Senate Republican leaders just sent a letter signed by all 42 Republicans that they would not consider any legislation until the tax cut legislation is dealt with. In The New York Times, it says it will cast a long shadow over all re-

maining legislation before their body. In The Wall Street Journal, The Wall Street Journal says that it throws a roadblock up before an array of other issues that have been proposed in the Senate.

We knew yesterday that we were dealing with a bill that came from the Senate that was the subject of many hearings in the Senate committee, that passed after debate and amendment unanimously, bipartisanly out of the committee. It was reported to the floor and, after debate, was passed unanimously on a bipartisan basis in the Senate.

We also know that we are not going to be able to offer the House bill that Mr. KLINE, myself, our staffs, the members of our committee on both sides of the aisle worked on because we cannot get it considered in the Senate. We know that we must take, now, the Senate bill if we are going to make the progress on many of the issues that we agree on across this aisle that are in this bill. But we also know that we will not be able to change this bill from the Senate that passed unanimously and send it back into that Senate in the current array, because now any Senator will be able to object to what was previously done by unanimous consent because of other issues that are taking place in the Senate.

While we agree on the substance of the motion to recommit, we could not let that kill this bill. So today the Members can make their concerns known and vote for the suspension. I hope they will on both sides of the aisle. That can be sent to the Senate. And if the Senate feels the same urgency that we do about the protection of our children, both to make them safe and make them healthy, they can take up that suspension vote by UC sometime late before Christmas and pass it.

If not, I am sorry to say the gentleman will be chairman of the committee in January, and this can come out on—I am not sorry that you will be the chair—I am kind of sorry that you will be the chairman—not that you will be the chairman, but the chairmanship will go to the other side of the aisle. But anyway, this can come up on suspension and be sent to the Senate.

But we cannot risk the value of the underlying child nutrition bill. We cannot risk the changes that it makes to make those school lunches and breakfasts and nutrition programs safer for our children with the changes in the recall law when something goes very wrong in our food supply in this country and children's lives are threatened, their health is threatened, as are families of general recalls. The schools must be notified on a timely basis.

We cannot give up the opportunity that's in this bill to provide for healthier meals to combat this incredible increase in our Nation of obesity

and diabetes and children presenting with adult diseases and illnesses because of diet. This is one of the first lines of defense against obesity and diabetes as designed by the American Pediatrics Association, the Nutrition Association, people who are concerned with and understand and deal with, on an everyday basis, the health of America's children. We are trying to incorporate that in this legislation. So that's what's at risk here.

So we are trying to do it the best way for the Members of the House, where we don't have to put at risk the child nutrition bill, but we can clearly state that this is a priority of the House to protect our children in these settings by having background checks for the providers of those.

I would suggest that it may be better done in the next session, when we can look at what is the cost of that on small providers, on family day care providers. There is some story out today suggesting it may be hundreds of dollars per provider or hundreds of dollars per employee. So we can look at that. But the fact of the matter is the letter sent by Senator McCONNELL to Senator REID basically says no other issues will come up before the tax cuts are dealt with.

Now, the tax cuts, what he is saying is, until they get the tax cuts for the wealthiest people in this country, the poor children in this country who need child nutrition, who need school lunches, who need school breakfasts will have to wait. This House has an alternative. We can vote to pass the child nutrition bill and we can send it to the President of the United States today, and then they will be assured that those school lunches that are healthier, that are safer will be there. And finally, let me say, they will also be assured, as will their parents and the taxpayers of this Nation, that the moneys that we appropriate for eligible children will be used on eligible children, that we are not going to cross-subsidize other activities in the school with Federal moneys designed for the lunches and the breakfasts and the snacks of poor children in this country.

And I know that the other side apparently doesn't like this provision of 205, but this is about accountability. We don't allow people in the food stamp program to go out and subsidize other people in the supermarket who think they don't want to pay whatever the price is for what they are buying in the supermarket. We don't say, Oh, here. Take a couple food stamps and do that.

We are not going to use Federal taxpayer dollars and child nutrition dollars to cross-subsidize other activities in schools and then risk the ability to pay for the lunches of the poorest children in this Nation.

So today you can vote for this suspension bill on background checks; you can vote against the motion to recom-

mit, save the child nutrition bill, and send it to the President of the United States and make it the law of the land. And I hope my colleagues will do that and will do it with great pride that we are making dramatic improvements in the child nutrition programs of this Nation to be more efficient, more transparent, to be healthier, and to be safer for this Nation's poor children.

I yield back the balance of my time. The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. GEORGE MILLER) that the House suspend the rules and pass the bill, H.R. 6469.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. GEORGE MILLER of California. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

□ 1310

MIDDLE CLASS TAX RELIEF ACT OF 2010

Mr. LEVIN. Mr. Speaker, pursuant to House Resolution 1745, I call up the bill (H.R. 4853) to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend authorizations for the airport improvement program, and for other purposes, with the Senate amendment thereto, and I have a motion at the desk.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The Clerk will designate the Senate amendment.

The text of the Senate amendment is as follows:

Senate amendment:

Strike all after the enacting clause, and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Airport and Airway Extension Act of 2010, Part III".

SEC. 2. EXTENSION OF TAXES FUNDING AIRPORT AND AIRWAY TRUST FUND.

(a) **FUEL TAXES.**—Subparagraph (B) of section 4081(d)(2) of the Internal Revenue Code of 1986 is amended by striking "September 30, 2010" and inserting "December 31, 2010".

(b) **TICKET TAXES.**—

(1) **PERSONS.**—Clause (ii) of section 4261(j)(1)(A) of the Internal Revenue Code of 1986 is amended by striking "September 30, 2010" and inserting "December 31, 2010".

(2) **PROPERTY.**—Clause (ii) of section 4271(d)(1)(A) of such Code is amended by striking "September 30, 2010" and inserting "December 31, 2010".

(c) **EFFECTIVE DATE.**—The amendments made by this section shall take effect on October 1, 2010.

SEC. 3. EXTENSION OF AIRPORT AND AIRWAY TRUST FUND EXPENDITURE AUTHORITY.

(a) **IN GENERAL.**—Paragraph (1) of section 9502(d) of the Internal Revenue Code of 1986 is amended—

(1) by striking "October 1, 2010" and inserting "January 1, 2011"; and

(2) by inserting "or the Airport and Airway Extension Act of 2010, Part III" before the semicolon at the end of subparagraph (A).

(b) **CONFORMING AMENDMENT.**—Paragraph (2) of section 9502(e) of such Code is amended by striking "October 1, 2010" and inserting "January 1, 2011".

(c) **EFFECTIVE DATE.**—The amendments made by this section shall take effect on October 1, 2010.

SEC. 4. EXTENSION OF AIRPORT IMPROVEMENT PROGRAM.

(a) **AUTHORIZATION OF APPROPRIATIONS.**—

(1) **IN GENERAL.**—Section 48103 of title 49, United States Code, is amended—

(A) by striking "and" at the end of paragraph (6);

(B) by striking the period at the end of paragraph (7) and inserting "; and"; and

(C) by inserting after paragraph (7) the following:

"(8) \$925,000,000 for the 3-month period beginning on October 1, 2010.".

(2) **OBLIGATION OF AMOUNTS.**—Subject to limitations specified in advance in appropriation Acts, sums made available pursuant to the amendment made by paragraph (1) may be obligated at any time through September 30, 2011, and shall remain available until expended.

(b) **PROJECT GRANT AUTHORITY.**—Section 47104(c) of title 49, United States Code, is amended by striking "September 30, 2010," and inserting "December 31, 2010,".

(c) **APPORTIONMENT AMOUNTS.**—The Secretary shall apportion in fiscal year 2011 to the sponsor of an airport that received scheduled or unscheduled air service from a large certified air carrier (as defined in part 241 of title 14 Code of Federal Regulations, or such other regulations as may be issued by the Secretary under the authority of section 47109) an amount equal to the minimum apportionment specified in 49 U.S.C. 47114(c), if the Secretary determines that airport had more than 10,000 passenger boardings in the preceding calendar year, based on data submitted to the Secretary under part 241 of title 14, Code of Federal Regulations.

SEC. 5. EXTENSION OF EXPIRING AUTHORITIES.

(a) Section 40117(l)(7) of title 49, United States Code, is amended by striking "October 1, 2010." and inserting "January 1, 2011.".

(b) Section 41743(e)(2) of such title is amended by striking "2010" and inserting "2011".

(c) Section 44302(f)(1) of such title is amended—

(1) by striking "September 30, 2010," and inserting "December 31, 2010,"; and

(2) by striking "December 31, 2010," and inserting "March 31, 2011,".

(d) Section 44303(b) of such title is amended by striking "December 31, 2010," and inserting "March 31, 2011,".

(e) Section 47107(s)(3) of such title is amended by striking "October 1, 2010." and inserting "January 1, 2011.".

(f) Section 47115(j) of such title is amended by inserting "and for the portion of fiscal year 2011 ending before January 1, 2011," after "2010,".

(g) Section 47141(f) of such title is amended by striking "September 30, 2010." and inserting "December 31, 2010.".

(h) Section 49108 of such title is amended by striking "September 30, 2010" and inserting "December 31, 2010,".

(i) Section 161 of the Vision 100—Century of Aviation Reauthorization Act (49 U.S.C. 47109

note) is amended by inserting “, or in the portion of fiscal year 2011 ending before January 1, 2011,” after “fiscal year 2009 or 2010”.

(j) Section 186(d) of such Act (117 Stat. 2518) is amended by inserting “and for the portion of fiscal year 2011 ending before January 1, 2011,” after “October 1, 2010,”.

(k) Section 409(d) of such Act (49 U.S.C. 41731 note) is amended by striking “September 30, 2010.” and inserting “September 30, 2011.”.

(l) The amendments made by this section shall take effect on October 1, 2010.

SEC. 6. FEDERAL AVIATION ADMINISTRATION OPERATIONS.

Section 106(k)(1) of title 49, United States Code, is amended—

(1) by striking “and” at the end of subparagraph (E);

(2) by striking the period at the end of subparagraph (F) and inserting “; and”; and

(3) by inserting after subparagraph (F) the following:

“(G) \$2,451,375,000 for the 3-month period beginning on October 1, 2010.”.

SEC. 7. AIR NAVIGATION FACILITIES AND EQUIPMENT.

Section 48101(a) of title 49, United States Code, is amended—

(1) by striking “and” at the end of paragraph (5);

(2) by striking the period at the end of paragraph (6) and inserting “; and”; and

(3) by adding at the end the following:

“(7) \$746,250,000 for the 3-month period beginning on October 1, 2010.”.

SEC. 8. RESEARCH, ENGINEERING, AND DEVELOPMENT.

Section 48102(a) of title 49, United States Code, is amended—

(1) by striking “and” at the end of paragraph (13);

(2) by striking the period at the end of paragraph (14) and inserting “; and”; and

(3) by adding at the end the following:

“(15) \$49,593,750 for the 3-month period beginning on October 1, 2010.”.

SEC. 9. TECHNICAL CORRECTIONS.

Effective as of August 1, 2010, and as if included therein as enacted, the Airline Safety and Federal Aviation Administration Extension Act of 2010 (Public Law 111–216) is amended as follows:

(1) In section 202(a) (124 Stat. 2351) by inserting “of title 49, United States Code,” before “is amended”.

(2) In section 202(b) (124 Stat. 2351) by inserting “of such title” before “is amended”.

(3) In section 203(c)(1) (124 Stat. 2356) by inserting “of such title” before “(as redesignated)”.

(4) In section 203(c)(2) (124 Stat. 2357) by inserting “of such title” before “(as redesignated)”.

MOTION TO CONCUR

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. Levin moves that the House concur in the Senate amendment to H.R. 4853 with an amendment.

The text of the amendment is as follows:

In lieu of the matter proposed to be inserted by the Senate amendment to the text of the bill, insert the following:

SECTION 1. SHORT TITLE; ETC.

(a) **SHORT TITLE.**—This Act may be cited as the “Middle Class Tax Relief Act of 2010”.

(b) **AMENDMENT OF 1986 CODE.**—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or

other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

(c) **TABLE OF CONTENTS.**—The table of contents for this Act is as follows:

Sec. 1. Short title; etc.

TITLE I—MIDDLE CLASS TAX RELIEF MADE PERMANENT

Sec. 101. Middle class tax relief made permanent.

Sec. 102. Certain provisions not applicable to high income individuals.

Sec. 103. Related amendments.

TITLE II—EXPENSING BY SMALL BUSINESSES OF CERTAIN DEPRECIABLE ASSETS

Sec. 201. Increased limitations on expensing by small businesses of certain depreciable assets.

TITLE III—EXTENSION OF ALTERNATIVE MINIMUM TAX RELIEF

Sec. 301. Extension of alternative minimum tax relief for nonrefundable personal credits.

Sec. 302. Extension of increased alternative minimum tax exemption amount.

TITLE IV—BUDGETARY PROVISION

Sec. 401. Paygo compliance.

TITLE I—MIDDLE CLASS TAX RELIEF MADE PERMANENT

SEC. 101. MIDDLE CLASS TAX RELIEF MADE PERMANENT.

(a) **IN GENERAL.**—Section 901 of the Economic Growth and Tax Relief Reconciliation Act of 2001 shall not apply to the following provisions of such Act (and to the amendments made by such provisions):

(1) Title I (relating to individual income tax rate reductions).

(2) Title II (relating to tax benefits related to children).

(3) Title III (relating to marriage penalty relief).

(4) Title IV (relating to affordable education provisions).

(b) **REDUCED RATES ON CAPITAL GAINS AND DIVIDENDS.**—The Jobs and Growth Tax Relief Reconciliation Act of 2003 is amended by striking section 303.

SEC. 102. CERTAIN PROVISIONS NOT APPLICABLE TO HIGH INCOME INDIVIDUALS.

(a) **INDIVIDUAL INCOME TAX RATES.**—Subsection (i) of section 1 is amended by striking paragraph (2), by redesignating paragraph (3) as paragraph (4), and by inserting after paragraph (1) the following new paragraphs:

“(2) 25- AND 28-PERCENT RATE BRACKETS.—The tables under subsections (a), (b), (c), (d), and (e) shall be applied—

“(A) by substituting ‘25%’ for ‘28%’ each place it appears (before the application of subparagraph (B)), and

“(B) by substituting ‘28%’ for ‘31%’ each place it appears.

“(3) 33-PERCENT RATE BRACKET.—

“(A) **IN GENERAL.**—In the case of taxable years beginning after December 31, 2010—

“(i) the rate of tax under subsections (a), (b), (c), and (d) on a taxpayer’s taxable income in the fourth rate bracket shall be 33 percent to the extent such income does not exceed an amount equal to the excess of—

“(I) the applicable amount, over

“(II) the dollar amount at which such bracket begins, and

“(ii) the 36 percent rate of tax under such subsections shall apply only to the taxpayer’s taxable income in such bracket in excess of the amount to which clause (i) applies.

“(B) **APPLICABLE AMOUNT.**—For purposes of this paragraph, the term ‘applicable amount’ means the excess of—

“(i) the applicable threshold, over

“(ii) the sum of the following amounts in effect for the taxable year:

“(I) the basic standard deduction (within the meaning of section 63(c)(2)), and

“(II) the exemption amount (within the meaning of section 151(d)(1)) (or, in the case of subsection (a), 2 such exemption amounts).

“(C) **APPLICABLE THRESHOLD.**—For purposes of this paragraph, the term ‘applicable threshold’ means—

“(i) \$250,000 in the case of subsection (a),

“(ii) \$200,000 in the case of subsections (b) and (c), and

“(iii) ½ the amount applicable under clause (i) (after adjustment, if any, under subparagraph (E)) in the case of subsection (d).

“(D) **FOURTH RATE BRACKET.**—For purposes of this paragraph, the term ‘fourth rate bracket’ means the bracket which would (determined without regard to this paragraph) be the 36-percent rate bracket.

“(E) **INFLATION ADJUSTMENT.**—For purposes of this paragraph, a rule similar to the rule of paragraph (1)(C) shall apply with respect to taxable years beginning in calendar years after 2010, applied by substituting ‘2008’ for ‘1992’ in subsection (f)(3)(B).”.

(b) **PHASEOUT OF PERSONAL EXEMPTIONS AND ITEMIZED DEDUCTIONS.**—

(1) **OVERALL LIMITATION ON ITEMIZED DEDUCTIONS.**—Section 68 is amended—

(A) by striking “the applicable amount” the first place it appears in subsection (a) and inserting “the applicable threshold in effect under section 1(i)(3)”,

(B) by striking “the applicable amount” in subsection (a)(1) and inserting “such applicable threshold”,

(C) by striking subsection (b) and redesignating subsections (c), (d), and (e) as subsections (b), (c), and (d), respectively, and

(D) by striking subsections (f) and (g).

(2) **PHASEOUT OF DEDUCTIONS FOR PERSONAL EXEMPTIONS.**—

(A) **IN GENERAL.**—Paragraph (3) of section 151(d) is amended—

(i) by striking “the threshold amount” in subparagraphs (A) and (B) and inserting “the applicable threshold in effect under section 1(i)(3)”,

(ii) by striking subparagraph (C) and redesignating subparagraph (D) as subparagraph (C), and

(iii) by striking subparagraphs (E) and (F).

(B) **CONFORMING AMENDMENT.**—Paragraph (4) of section 151(d) is amended—

(i) by striking subparagraph (B),

(ii) by redesignating clauses (i) and (ii) of subparagraph (A) as subparagraphs (A) and (B), respectively, and by indenting such subparagraphs (as so redesignated) accordingly, and

(iii) by striking all that precedes “in a calendar year after 1989,” and inserting the following:

“(4) **INFLATION ADJUSTMENT.**—In the case of any taxable year beginning”.

(c) **REDUCED RATE ON CAPITAL GAINS AND DIVIDENDS.**—

(1) **IN GENERAL.**—Paragraph (1) of section 1(i)(h) is amended by striking subparagraph (C), by redesignating subparagraphs (D) and (E) as subparagraphs (E) and (F) and by inserting after subparagraph (B) the following new subparagraphs:

“(C) 15 percent of the lesser of—

“(i) so much of the adjusted net capital gain (or, if less, taxable income) as exceeds the amount on which a tax is determined under subparagraph (B), or

“(ii) the excess (if any) of—

“(I) the amount of taxable income which would (without regard to this subsection) be taxed at a rate below 36 percent, over

“(II) the sum of the amounts on which tax is determined under subparagraphs (A) and (B),

“(D) 20 percent of the adjusted net capital gain (or, if less, taxable income) in excess of the sum of the amounts on which tax is determined under subparagraphs (B) and (C).”.

(2) **DIVIDENDS.**—Subparagraph (A) of section 1(h)(11) is amended by striking “qualified dividend income” and inserting “so much of the qualified dividend income as does not exceed the excess (if any) of—

“(i) the amount of taxable income which would (without regard to this subsection) be taxed at a rate below 36 percent, over

“(ii) taxable income reduced by qualified dividend income.”.

(3) **MINIMUM TAX.**—Section 55 is amended by adding at the end the following new subsection:

“(f) **APPLICATION OF MAXIMUM RATE OF TAX ON NET CAPITAL GAIN OF NONCORPORATE TAXPAYERS.**—In the case of taxable years beginning after December 31, 2010, the amount determined under subparagraph (C) of subsection (b)(3) shall be the sum of—

“(1) 15 percent of the lesser of—

“(A) so much of the adjusted net capital gain (or, if less, taxable excess) as exceeds the amount on which tax is determined under subparagraph (B) of subsection (b)(3), or

“(B) the excess described in section 1(h)(1)(C)(ii), plus

“(2) 20 percent of the adjusted net capital gain (or, if less, taxable excess) in excess of the sum of the amounts on which tax is determined under subsection (b)(3)(B) and paragraph (1).”.

(4) **CONFORMING AMENDMENTS.**—

(A) The following provisions are amended by striking “15 percent” and inserting “20 percent”:

(i) Section 1445(e)(1).

(ii) The second sentence of section 7518(g)(6)(A).

(iii) Section 53511(f)(2) of title 46, United States Code.

(B) Sections 531 and 541 are each amended by striking “15 percent of” and inserting “the product of the highest rate of tax under section 1(c) and”.

(C) Section 1445(e)(6) is amended by striking “15 percent (20 percent in the case of taxable years beginning after December 31, 2010)” and inserting “20 percent”.

(d) **EFFECTIVE DATES.**—

(1) **IN GENERAL.**—Except as provided in paragraph (2), the amendments made by this section shall apply to taxable years beginning after December 31, 2010.

(2) **WITHHOLDING.**—The amendments made by subparagraphs (A)(i) and (C) of subsection (c)(4) shall apply to amounts paid on or after January 1, 2011.

SEC. 103. RELATED AMENDMENTS.

(a) **APPLICATION OF INCREASE IN REFUNDABLE PORTION OF CHILD TAX CREDIT.**—

(1) **IN GENERAL.**—Subsection (d) of section 24 is amended—

(A) by striking “\$10,000” in paragraph 1(B)(i) and inserting “\$3,000”, and

(B) by striking paragraphs (3) and (4).

(2) **EFFECTIVE DATE.**—The amendments made by this subsection shall apply to taxable years beginning after December 31, 2010.

(b) **APPLICATION OF INCREASE IN EARNED INCOME TAX CREDIT.**—

(1) **IN GENERAL.**—Subparagraph (B) of section 32(b)(2) is amended to read as follows:

“(B) **JOINT RETURNS.**—

“(i) **IN GENERAL.**—In the case of a joint return filed by an eligible individual and such individual’s spouse, the phaseout amount determined under subparagraph (A) shall be increased by \$5,000.

“(ii) **INFLATION ADJUSTMENT.**—In the case of any taxable year beginning after 2010, the \$5,000

amount in clause (i) shall be increased by an amount equal to—

“(1) such dollar amount, multiplied by

“(II) the cost of living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins determined by substituting ‘calendar year 2008’ for ‘calendar year 1992’ in subparagraph (B) thereof.

Subparagraph (A) of subsection (j)(2) shall apply after taking into account any increase under the preceding sentence.”.

(2) **CONFORMING AMENDMENT.**—Subsection (b) of section 32 is amended by striking paragraph (3).

(3) **EFFECTIVE DATE.**—The amendments made by this subsection shall apply to taxable years beginning after December 31, 2010.

(c) **APPLICATION TO ADOPTION CREDIT AND ADOPTION ASSISTANCE PROGRAMS.**—Subsection (c) of section 10909 of the Patient Protection and Affordable Care Act is amended to read as follows:

“(c) The amendments made by this section shall not apply to taxable years beginning after December 31, 2011.”.

TITLE II—EXPENSING BY SMALL BUSINESSES OF CERTAIN DEPRECIABLE ASSETS

SEC. 201. INCREASED LIMITATIONS ON EXPENSING BY SMALL BUSINESSES OF CERTAIN DEPRECIABLE ASSETS.

(a) **DOLLAR LIMITATION.**—Subparagraph (C) of section 179(b)(1) is amended by striking “\$25,000” and inserting “\$125,000”.

(b) **THRESHOLD AT WHICH PHASEOUT BEGINS.**—Subparagraph (C) of section 179(b)(2) is amended by striking “\$200,000” and inserting “\$500,000”.

(c) **INFLATION ADJUSTMENT.**—Subsection (b) of section 179 is amended by adding at the end the following new paragraph:

“(6) **INFLATION ADJUSTMENTS.**—

“(A) **IN GENERAL.**—In the case of any taxable beginning in a calendar year after 2011, the \$125,000 and \$500,000 amounts in paragraphs 1(C) and 2(C) shall each be increased by an amount equal to—

“(i) such dollar amount, multiplied by

“(ii) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins determined by substituting ‘calendar year 2006’ for ‘calendar year 1992’ in subparagraph (B) thereof.

“(B) **ROUNDING.**—

“(i) **DOLLAR LIMITATION.**—If the amount in paragraph (1) as increased under subparagraph (A) is not a multiple of \$1,000, such amount shall be rounded to the nearest multiple of \$1,000.

“(ii) **PHASEOUT AMOUNT.**—If the amount in paragraph (2) as increased under subparagraph (A) is not a multiple of \$10,000, such amount shall be rounded to the nearest multiple of \$10,000.”.

(d) **AUTHORITY TO REVOKE ELECTION MADE PERMANENT.**—Paragraph (2) of section 179(c) is amended by striking “and before 2012”.

(e) **TREATMENT OF CERTAIN COMPUTER SOFTWARE AS SECTION 179 PROPERTY MADE PERMANENT.**—Clause (ii) of section 179(d)(1)(A) is amended by striking “and before 2012”.

(f) **EFFECTIVE DATE.**—The amendments made by this section shall apply to taxable years beginning after December 31, 2011.

TITLE III—EXTENSION OF ALTERNATIVE MINIMUM TAX RELIEF

SEC. 301. EXTENSION OF ALTERNATIVE MINIMUM TAX RELIEF FOR NONREFUNDABLE PERSONAL CREDITS.

(a) **IN GENERAL.**—Paragraph (2) of section 26(a) is amended—

(1) by striking “2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, or 2009” and inserting

“the period beginning with calendar year 2000 and ending with calendar year 2011”, and

(2) by striking “2009” in the heading thereof and inserting “2011”.

(b) **EFFECTIVE DATE.**—The amendments made by this section shall apply to taxable years beginning after December 31, 2009.

SEC. 302. EXTENSION OF INCREASED ALTERNATIVE MINIMUM TAX EXEMPTION AMOUNT.

(a) **IN GENERAL.**—Paragraph (1) of section 55(d) is amended—

(1) by striking “(\$70,950 in the case of taxable years beginning in 2009)” in subparagraph (A) and inserting “(\$72,450 in the case of taxable years beginning in 2010 or 2011)”, and

(2) by striking “(\$46,700 in the case of taxable years beginning in 2009)” in subparagraph (B) and inserting “(\$47,450 in the case of taxable years beginning in 2010 or 2011)”.

(b) **NONAPPLICATION OF EGTRRA SUNSET.**—Section 901 of the Economic Growth and Tax Relief Reconciliation Act of 2001 shall not apply to the amendments made by section 701 of such Act.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply to taxable years beginning after December 31, 2009.

TITLE IV—BUDGETARY PROVISION

SEC. 401. PAYGO COMPLIANCE.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled “Budgetary Effects of PAYGO Legislation” for this Act, submitted for printing in the Congressional Record by the Chairman of the House Budget Committee, provided that such statement has been submitted prior to the vote on passage.

The **SPEAKER** pro tempore. Pursuant to House Resolution 1745, the motion shall be debatable for 1 hour equally divided and controlled by the chair and ranking minority member of the Committee on Ways and Means.

The gentleman from Michigan (Mr. LEVIN) and the gentleman from Michigan (Mr. CAMP) each will control 30 minutes.

The Chair recognizes the gentleman from Michigan (Mr. LEVIN).

Mr. LEVIN. Mr. Speaker, I yield myself such time as I shall consume.

Colleagues, the time has come. This is the moment to stand up and be counted on middle-income tax cuts. The Republicans want to continue to keep middle-income tax cuts hostage, hostage until it's combined with upper-income tax cuts. It's, in part, because they don't want to have to vote separately on tax cuts for the very wealthy.

But, as I have said, the time has come. We must not let middle-income taxpayers remain hostage to a partisan agenda. Indeed, I was going back over comments that have been made these last months, and I refer to one from my colleague from Michigan, the ranking member. He is here.

He said, just a few months ago, in talking to AP, that it would be difficult to block extension of middle-income tax cuts, even if it doesn't stop tax rates from increasing for high earners saying, “I will probably vote for it myself.”

Today is the test whether the hostage-taking ends. Every single provision here, every single one, is about tax

cuts, tax cuts that are so important for this country.

And let me, if I might, refer to some of them. For families making less than \$250,000 a year, this bill permanently extends the following, the 2001–2003 tax cuts, including the current income tax rates. That means a lot for middle-income families throughout this country, the marriage penalty relief that means so much for tens of thousands, for millions of families, lower rates on capital gains and dividends and the \$1,000 child tax credit.

For 2 years, very importantly, this bill will protect more than 25 million taxpayers from the AMT, the alternative minimum tax, by extending it, as I said, for 2 years through 2011. And, importantly, it permanently extends the small business expensing. So added all up, these tax cuts, we are talking tax cuts for middle-American families and small businesses of tax cuts over 10 years of \$1.5 trillion.

And I want say something and be very clear because often it's raised about small businesses, America's small businesses receive a tax cut under this bill. It's only 3 percent of the very wealthy which will not receive a larger tax cut.

So, in a word, the time has come. The smoke screen is now being lifted by this bill. You have a chance to stand up or back down on tax cuts for the middle-income families of our country.

I hope that we can rise above partisan politics. I hope that we can keep in mind the millions of families who are counting on action by us and no longer holding them hostage.

I reserve the balance of my time.

Mr. CAMP. Mr. Speaker, I yield myself such time as I may consume.

The unemployment rate in October, the latest data available, was 9.6 percent. That marked 15 consecutive months we are at or above 9.5 percent unemployment in this country, the longest period since the Great Depression. All told, 48 out of 50 States have lost jobs since the so-called \$1 trillion stimulus bill and nearly 15 million Americans remain unemployed.

What's a Democrat's answer to the Great Recession? Increased taxes, but not just any taxes. Democrats in the bill before us today are targeting half of all small business income in the country. Democrats are targeting the very employers we need, hiring more workers, and buying more equipment, not paying more taxes.

Let's face it, this bill is as misguided as it is futile. This is the wrong policy at the wrong time and the majority is wrong to bring it to the floor today.

In fact, many of their own Members agree with me. I have here in my hand a letter signed by over 30 Democrat Members of the House and let me read what they wrote:

"In recent weeks we have heard from a diverse spectrum of economists,

small business owners and families who have voiced their concerns that raising any taxes right now could negatively impact economic growth. Given the continued fragility of our economy and slow pace of our recovery, we share their concerns."

I want to repeat that: raising any taxes right now could negatively impact economic growth.

Set aside for a minute the economists and the political rhetoric, and let's look at what small businesses say the impact of this tax-hiking legislation will be.

According to the National Federation of Independent Small Businesses, the businesses most likely to face a tax increase by raising the top two rates are businesses employing between 20 and 250 employees.

□ 1320

According to the U.S. Census data, businesses with between 20 and 299 workers employ more than 25 percent of the total workforce. Those who are most likely to be hit by these tax increases employ one out of every four workers in this Nation. This Democrat tax hike is putting a target on the back of every worker in every small business in America.

As for the futility of this exercise, it would be comical if it weren't so irresponsible. Democrats can barely muster the votes for this bill in the House. I'm told they had to whip the bill and hold a special caucus this morning just to move forward. Their position is so precarious, they won't even allow Republicans to offer amendments or any alternative. Why? Because Democrats know the Republican bill to extend the current rates for all taxpayers would pass with broad bipartisan support.

So, once again, House Democrats have closed down the amendment process in order to pass a bill that will never see the light of day in the Senate. Just yesterday, 42 Senators sent a letter to Majority Leader REID and stated in no uncertain terms that they "will not agree to invoke cloture on the motion to proceed to any legislative item until the Senate has acted to fund the government and we have prevented the tax increase that is currently awaiting all American taxpayers."

Clearly, this bill is going nowhere. Democrats are wasting time while Americans are looking for work. Democrats are playing games while Americans struggle to make ends meet. The American people did not send us here to posture. They sent us here to provide solutions. I had hoped that after the election, we would get down to working together to solve the serious problems Americans are facing. That's why I was encouraged the President agreed to have Republicans and Democrats, House and Senate Members, sit down with his administration to hammer

out a deal on these expiring tax rates. I thought maybe we had turned a corner.

Instead of letting that process work itself out, instead of working with Republicans to prevent job-killing tax increases, House Democrats are back at it again, putting politics ahead of everything else. This is a time for serious negotiations and solutions, not political stunts. Far too much is at stake. Far too many families are out of work, and far too many families will soon see real and sizeable amounts of money taken out of their paychecks if the Democrats continue with these games.

I urge my colleagues to reject this Democratic tax hike, this job-killing tax hike.

U.S. SENATE,

Washington, DC, November 29, 2010.

HON. HARRY REID,
Majority Leader, U.S. Senate,
Washington, DC.

DEAR LEADER REID: The Nation's unemployment level, stuck near 10 percent, is unacceptable to Americans. Senate Republicans have been urging Congress to make private-sector job creation a priority all year. President Obama in his first speech after the November election said "we owe" it to the American people to "focus on those issues that affect their jobs." He went on to say that Americans "want jobs to come back faster." Our constituents have repeatedly asked us to focus on creating an environment for private-sector job growth; it is time that our constituents' priorities become the Senate's priorities.

For that reason, we write to inform you that we will not agree to invoke cloture on the motion to proceed to any legislative item until the Senate has acted to fund the government and we have prevented the tax increase that is currently awaiting all American taxpayers. With little time left in this Congressional session, legislative scheduling should be focused on these critical priorities. While there are other items that might ultimately be worthy of the Senate's attention, we cannot agree to prioritize any matters above the critical issues of funding the government and preventing a job-killing tax hike.

Given our struggling economy, preventing the tax increase and providing economic certainty should be our top priority. Without Congressional action by December 31, all American taxpayers will be hit by an increase in their individual income tax rates and investment income through the capital gains and dividend rates. If Congress were to adopt the President's tax proposal to prevent the tax increase for only some Americans, small businesses would be targeted with a job-killing tax increase at the worst possible time. Specifically, more than 750,000 small businesses will see a tax increase, which will affect 50 percent of small business income and nearly 25 percent of the entire workforce. The death tax rate will also climb from zero percent to 55 percent, which makes it the top concern for America's small businesses. Republicans and Democrats agree that small businesses create most new jobs, so we ought to be able to agree that raising taxes on small businesses is the wrong remedy in this economy. Finally, Congress still needs to act on the "tax extenders" and the alternative minimum tax "patch," all of which expired on December 31, 2009.

We look forward to continuing to work with you in a constructive manner to keep

the government operating and provide the nation's small businesses with economic certainty that the job-killing tax hike will be prevented.

Sincerely,

MITCH MCCONNELL,
Republican Leader.

JON KYL,
Republican Whip.

[40 additional signatures omitted]

I reserve the balance of my time.

Mr. LEVIN. I yield 15 seconds to myself.

This is the fact from the Tax Policy Center: Only 3 percent of small businesses would be affected, and of that, only a small amount get most of their income from small businesses. This isn't about politics, Mr. CAMP; this is about people.

I yield 3 minutes to the gentleman from Maryland (Mr. VAN HOLLEN).

Mr. VAN HOLLEN. Thank you, Mr. Chairman.

I rise in strong support of this legislation as the best way to move our economy forward. The Middle Class Tax Relief Act extends significant tax relief to every American. Let me say that again: Every American. Under this legislation, no matter how much you make, the first \$250,000 will continue to benefit from today's lower rates. And given the softness in our economy and the number of households that are still struggling, that's the right thing to do.

But what this legislation does not do is put an additional \$700 billion on our national credit card, as our Republican colleagues would like to do, by extending an extra bonus tax cut to the folks at the very, very top. Instead, for the top 2 percent, those reporting income over \$250,000, we have the Clinton-era tax rates on just that additional portion of that income.

And with our annual deficits now topping \$1 trillion, and our national debt approaching \$13 trillion, it's the right thing to do to make sure our economy is on a sustainable footing for the future. We have the bipartisan commission debating that question right now, and yet our colleagues want to put \$700 billion on our credit card.

Now our colleagues that we've just heard have said this is necessary to create jobs. Really? These are the tax rates that are in effect today, and during the Bush years and during the 8 years of the Bush administration, 600,000 private-sector workers lost their jobs with these rates compared to the Clinton administration, with 23 million jobs created in the Clinton administration with the old rates at that particular time. Moreover, the nonpartisan Congressional Budget Office recently looked at 11 different options for strengthening the economy. This one came in dead last.

Now we also heard from our colleagues that they tried to use small businesses as a smokescreen for their plan to protect this bonus break for the

folks at the top. First of all, as my colleague said, only 3 percent of small businesses are affected, 3 percent, 97 percent, not. But what's interesting is when you look at those 3 percent, what you find out is in the definition of the tax code, one that apparently has been used by our colleagues, people will be surprised to find a lot of mom and pop operations like PricewaterhouseCoopers, asset manager Fidelity Investments and the private equity firm KKR fall under the pass-through income definition. I don't know if people realized it, just the other day KKR, that small business, purchased Del Monte Foods for \$4 billion. Now those are all good businesses. But they're not small businesses, and they would benefit from the proposal that we and the President have made to provide 100 percent depreciation for their investments this year. That will help jobs and the economy.

Mr. Speaker, I urge support.

Mr. CAMP. At this time, I yield 2 minutes to a distinguished member of the Ways and Means Committee, the gentleman from Texas (Mr. BRADY).

Mr. BRADY of Texas. Mr. Speaker, why are we playing these political games? We have 15 million people out of work, we have families, small businesses, seniors and job creators facing a nearly \$4 trillion tax bomb that will go off on January 1, and here we are playing political games.

This bill is dead on arrival in the Senate. Everyone knows it. We are wasting time today. And worse than that, it undercuts the President's own sincere efforts to work with DAVE CAMP, the ranking member of the Ways and Means Committee, Senate Republicans and Senate and House Democrats to actually come up with a real solution to solve this problem. Instead, this body is rushing forward with more political theater. And my question is, wasn't September the time to play political games? Right now with the clock ticking, shouldn't we be all about solutions?

Let's talk about two myths. Democrats say, let's pass this, it will help jump-start the economy. It will do just the opposite. One, the people they hit, these consumers, hold one of every \$3 in consumption today. So Democrats say, instead of going into that Main Street shop this Christmas season spending money, send your dollars to Washington, that will help the economy.

Secondly, it damages the small businesses that are the backbone of job creation. You will hear this claim that it only hits 3 percent of small businesses. You know how they figured that? They counted the tax ID numbers so people who have small businesses that have been vacant for years are still counted. But if you count the actual income from small businesses, that's what gets taxed, half of all small business in-

come, half of all the income that creates jobs in America will be hammered by the Democrats' tax bill.

And don't take my word for it. The Joint Committee on Taxation, the Congressional Budget Office, and the President's own head of the Council of Economic Advisers say passing all tax relief for all people in America will boost the U.S. economy more than this bill.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. CAMP. I yield the gentleman 30 additional seconds.

Mr. BRADY of Texas. Final point: These dollars won't be used for deficit reduction. Democrats and the President have signed seven bills, \$625 billion of tax increases, in the last 2 years. Guess how much went to deficit reduction? Not a dime. It all went to expand the government and double that to a bigger government.

Let's stop playing games. Let's get real solutions. Let's have an up-or-down vote that extends tax relief for all Americans, that helps move us into the next 2 years, and let's stop that ticking tax bomb.

Mr. LEVIN. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts (Mr. NEAL), a member of our committee.

□ 1330

Mr. NEAL. Mr. Speaker, I want to disagree sharply with the point that our colleague, Mr. BRADY, just made; America needs to have this conversation. We need to have a conversation as to how we got ourselves into the mess that we find ourselves in today, and part of that conversation is the discussion and debate over whether to extend tax cuts for the wealthiest among us. That is the difference of opinion that we are debating right now.

Now, our friends on the other side are going to tell us that this has a big impact on small business, despite what the IRS says. And I have even offered a proposal that would address the 3 percent issue, moving down the road. But let's listen to one small business owner, Beri Fox, the president of Marble King, the last remaining American manufacturer of marbles. She thinks we have lost our marbles. When asked whether the way to economic recovery was tax cuts for the wealthy, Ms. Fox simply replied, "Absolutely not."

America has paid the price for theology, the theology that tax cuts pay for themselves. They inherited a near perfect economy 10 years ago: record job growth; deficits eliminated; the debt being paid down, and Alan Greenspan warned us we were paying down the debt too quickly. This argument today is about fairness—fairness and what type of tax system we want to create.

The nonpartisan Tax Policy Center analyzed the Bush proposal at different income levels. They found that next

year, for someone earning more than \$1 million, he or she can look forward to an average tax cut of \$128,832 if we extend these tax cuts for the wealthy. They found next year someone making \$7 million can look forward to a \$400,000 tax cut if we leave the Bush proposals in place.

This is a question of how we treat the working families of America. This is a question of not cementing into law a tax system with skewed benefits. I urge support for this middle class tax cut.

The SPEAKER pro tempore. Without objection, the gentleman from Texas will control the time.

There was no objection.

Mr. BRADY of Texas. I yield 2½ minutes to the distinguished gentleman from Kentucky (Mr. DAVIS), a member of the Ways and Means Committee.

Mr. DAVIS of Kentucky. Mr. Speaker, what would the job creators do? During this time of great economic uncertainty, this is the number one question that we must ask ourselves when bills are brought to the House floor. There is always lots of talk about fairness. Well, their idea of fairness towards job creators means a lot of people will not have jobs.

I would like to remind my colleagues that under the current tax policy, before the subprime mortgage meltdown that resulted largely with not dealing with Fannie Mae and Freddie Mac, we had 54 months of consecutive economic growth. What would the job creators do if this were enacted? I wonder if perhaps my colleagues shouldn't get a bracelet with the initials WWJCD, "What would the job creators do?" before plunging off the cliff with some of these policies.

It is not a question that we have to ponder about for long. The answer is simple for anyone who has owned a business and is faced with increasing costs imposed upon them by an intrusive Federal Government.

As a former small business owner, let me walk you through the tough decisions this bill would force on millions of job creators with ObamaCare and all of the other burdens on top of this current tax increase. They would have to cut back or eliminate on benefits. They would be switching employees to part-time; at the end of the year, raises and bonuses would be replaced, in all likelihood, by pay cuts; layoffs or moving more companies to places that have friendlier tax and regulatory burdens.

These are serious and real decisions that will face our job creators on January 1 as a direct result of this bill raising taxes on millions of job creators. If there was one resounding message in the election, it was that the American people were putting a restraining order on the increasing burdens this Congress and this administration have placed on the American people. At a time when our economy is trying to recover, why would we raise taxes on

anyone? Why would even partially want to impede our Nation's path to economic recovery?

Under the current tax policy, we had growth. If we move into this direction, we will see a repeat of the failures of the Roosevelt administration in 1937 causing a gross double-dip in our economy, and it will hurt every American.

This past Tuesday, President Obama hosted a summit at the White House where appointed Members of Congress were asked to work in a bipartisan fashion to devise a solution to the pending tax hikes. And what does the majority do here? Simply try to once again force something down our throats without real discourse. House Democrats chose to ignore the call for bipartisanship, just as they have ignored the will of the American people on issue after issue after issue and are forcing a vote that will produce significant job-killing results for small business owners faced with the uncertainty over looming tax hikes.

Uncertainty over an ominous \$3.8 trillion tax increase is one of the most severe plagues we could put on economic recovery. As a result, private sector money that would be invested will continue to sit on the sidelines.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. BRADY of Texas. I yield an additional 30 seconds to the gentleman from Kentucky.

Mr. DAVIS of Kentucky. Mr. Speaker, small businesses are playing defense against an overreaching Federal Government. It is impeding the economic recovery and not fostering the predictability needed to create jobs. This vote today comes down to job creation versus worsening our troubles. Before you cast your vote today on H.R. 4853, ask yourself, all of my colleagues, WWJCD: What would the job creators do?

Mr. LEVIN. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. BECERRA), a member of our committee.

Mr. BECERRA. Mr. Speaker, working Americans believe that the Tax Code favors the rich and the influential. And guess what? They're right. Last year, the average millionaire in America got about \$100,000 back from the Bush tax cuts, while the average middle class family in this country received one-half of 1 percent of that. Not half of that, one-half of 1 percent of that. It is time that this country began to tax fairly and invest wisely.

Republicans are holding these tax cuts for the middle class hostage, demanding an extra tax cut of \$700 billion worth of bailout for millionaires and billionaires, all of which Republicans would not pay for, which means that once again we would have to go to China and a lot of other countries to borrow since right now the country is running a deficit. These are the same

tax cuts that my colleagues on the other side of the aisle say will create jobs, and we need to rev up the economy for that reason and keep these wealthy tax cuts.

Well, guess what? These are the same tax cuts we have had in place for the last 10 years. And what have these tax cuts of \$100,000 a year given to wealthy folks? What have they given us? Fifteen million Americans are unemployed. The worst recession—it's not a depression—that we have faced since the 1930s.

So we have seen what the results are of these tax cuts for the wealthy for the last 10 years, and now they say we need to do it again to improve the economy.

It is time that this country acted sanely. It is time we focused our attention on the middle class. Give folks who have worked very hard, those who every week, every month come home with a paycheck. They see the FICA deduction. They know they have paid some taxes. We need to make sure we are telling them we are doing everything to invest in them so that, guess what, maybe one of these days when we turn over that product we buy at the store and look at where it was made, it will once again say "Made in America" because an American got a job.

These tax cuts that are geared toward the wealthy would not do that. And that 3 percent of small businesses that might be impacted—because 97 percent of small businesses in America would get the tax cut, those 3 percent are populated by very wealthy folks.

Vote for this legislation. Vote for middle America.

Mr. BRADY of Texas. I yield myself 15 seconds to point out the Chamber of Commerce says 2,600 businesses, small businesses, and business associations have signed a letter pushing and making the case for extending all tax relief for all small businesses and all taxpayers, including a number from California, the Orange County Business Council, the North Hollywood Chamber of Commerce, and a number of other small businesses.

I yield 3 minutes to the distinguished gentleman from Texas (Mr. HENSARLING) who has fought against higher taxes and for more small business job creation.

Mr. HENSARLING. I thank the gentleman for yielding me this time.

Mr. Speaker, the bipartisan negotiations are fleeting and ephemeral around here. The White House photographers hadn't even left, the ink wasn't even dry on appointing the negotiators, and all of a sudden House Democrats bring to the floor their tax increase bill on small businesses and American families.

You know what? I have heard the rhetoric of my friends on the other side of the aisle, and as I have studied this bill, I am still trying to find: Where is

the tax cut they are talking about? I don't see any tax cut. All I see are tax increases.

Half of small business income is going to be taxed under their bill. Fifteen million of our fellow citizens are unemployed. How many more have to become unemployed? How much more human misery? How much more rejection at the ballot box before my friends on the other side of the aisle come to their senses?

They have tried to spend their way into economic prosperity; it has failed. They have tried to borrow their way into national economic prosperity; it has failed. They have tried to bailout their way into national economic prosperity; it has failed.

□ 1340

Here today, again, another opportunity to tax our way into economic prosperity. It does not work. The American people have rejected this tired, old class warfare rhetoric. You cannot help the job seeker by punishing the job creator. The American people know this, and their voices were heard on election day.

You know, what I find interesting is how many Democrats have come to the floor to quote the economist Dr. Mark Zandi. He is probably the most quoted economist by the Democrats. Yet he, himself, has rejected the idea of raising taxes in this economy. Now that he is out of the administration, Dr. Peter Orszag, one of the architects of Obamanomics, has written in an editorial that we should not be raising taxes.

I mean, this is a group that can't even get Keynesian economics right. Keynesian economics says you do not raise taxes in a time of recession. Look at the period of almost perpetual near-10 percent unemployment that we have had.

Again, how many more people have to suffer? How many more jobs have to be lost?

It is simple, Mr. Speaker. No tax increases on nobody. It may be poor grammar, but it is great economics, and it will relieve the human misery in this American economy. We should reject this bill and reject this cynical ploy.

Mr. LEVIN. Mr. Speaker, I yield myself 10 seconds.

I suggest the gentleman reread the bill: \$1.5 trillion in tax cuts over 10 years; 97 percent of small businesses receive a tax cut.

Those are the facts, period.

I now yield 1½ minutes to the gentleman from Washington (Mr. McDERMOTT).

Mr. McDERMOTT. Mr. Speaker, Benjamin Franklin once said: "Nothing in this world is certain but death and taxes." Ha, Mr. Franklin had never met the modern Republican Party.

The only thing certain about taxes these days is that the Republicans are

going to use them to take from the poor and give to the rich again and again and again; and now the Senate Republicans have brought all legislation to a halt—a halt—in this building until the super-rich get their tax cuts.

They are determined to take care of the rich. This political maneuvering by the Republicans brings uncertainty to the middle class at a time when they really need certainty so that they know what they are going to have in the next year.

Food banks are panicking all over this country because the Republicans in the Senate say the tax cuts for the rich go before any money for those unemployed people who are looking for their unemployment insurance. The food banks know what is going to happen: hungry people are going to be coming in, but it doesn't make any difference to the Republicans.

In fact, it's time to hang your Christmas stocking. Can you imagine the rich in this country hanging their Christmas stockings and putting in the gold of the tax cuts? Can you imagine the unemployed hanging their Christmas stockings?

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. LEVIN. I yield the gentleman an additional 30 seconds.

Mr. McDERMOTT. To pay for food or to pay the mortgage, they're going to look in their Christmas stockings and see what? Coal.

We know how this movie is going to turn out. This bill will pass over to the Senate. It will come back with the big tax cuts for the rich. Some of us are going to vote "no." We will vote "yes" today, but "no" when it comes back because it isn't fair to the unemployed people of this country that the rich get their money for sure when we dole it out to the unemployed one bite at a time.

Mr. BRADY of Texas. At this time, I yield 3 minutes to the gentleman who is a leader in cutting taxes and in restraining the level of government spending, the leader of the House Republicans, the gentleman from Virginia (Mr. CANTOR).

Mr. CANTOR. I thank the gentleman from Texas.

Mr. Speaker, on Tuesday, Republicans had a productive meeting at the White House that we hoped promised a fresh start after a historic election. There was recognition on both sides that it was time to put aside the political gamesmanship and the partisan rhetoric and begin working for the public to produce results.

Clearly, Mr. Speaker, that message has not been sent to some in the majority today. Today, we have a bill on the floor that would raise taxes on many small business people and working families.

We know the facts. Although some could say otherwise, 50 percent of the

people who are impacted by this tax hike get at least 25 percent of their income from pass-through entities. These are the small businesses that we are relying on to create jobs in this economy. But sadly, it appears that the outgoing majority is more interested in staging meaningless votes that amount to political chicanery than it is in pursuing policies that get the economy back on track and Americans back to work.

Simply put, Mr. Speaker, this bill is a job killer that runs completely contrary to the discussions that we had with President Obama at the White House a few days ago. A bipartisan majority in the House supports a clean bill to ensure that no American faces a tax increase in this difficult economic environment.

Mr. Speaker, we call on Speaker PELOSI to stop the gimmicks and allow all Members of the House—Republicans and Democrats—to vote on legislation that would prevent tax increases for all.

Mr. LEVIN. It is now my pleasure to yield 2 minutes to a member of the committee, a hardworking member, the gentleman from New Jersey (Mr. PASCRELL).

Mr. PASCRELL. Mr. Speaker, I have heard in the last few moments about trickle-down economics—you know, here we go again—and I heard the quote of what works and what doesn't work.

Let me tell you what doesn't work. If you look back just a few years ago, in 2000, we had a 4.2 percent unemployment rate. By the end of 2008, we had doubled it. Not one word about that. Those 8 years have disappeared from your memory. By the beginning of 2009, the concentration of wealth amongst the top 1 percent was only matched by the period immediately before the Great Depression. So let's get it straight.

In this piece of legislation, everyone gets a tax cut, even Sammy Sosa—I don't know if he's playing anymore—and even Derrick Jeter. They all get a tax cut up to \$200,000. Of course, if they're couples, it's \$250,000. Even billionaires will get a tax cut up to \$250,000. You have never communicated it because you have never told the total truth.

This legislation is very specific about how we are going to help the middle class. I believe a 5-year extension would be better. I don't believe we should extend any tax cut indefinitely, but I am going to vote for this bill because I refuse to allow the middle class to be the victims of partisan gridlock.

America's middle class is the one for which I have come to the floor multiple times over the last 6 months to declare the necessity of taking a vote on these taxes. I went to my own district. There are 334,000 households in the district, and less than 1 percent—1,092—are making \$1 million or more.

Their argument is dead in the water with heavy sand that buries it deeper and deeper because they don't want to talk about the middle class.

The SPEAKER pro tempore. Without objection, the gentleman from Michigan (Mr. CAMP) will control the remaining time on the minority side.

There was no objection.

Mr. CAMP. I yield myself such time as I may consume.

Mr. Speaker, I would just say and comment on my friend's remarks that this is not about giving anybody a tax cut. This is about preventing a tax increase in a time of great unemployment that has gone on, as I said in my remarks, for more than 15 months at 9½ percent.

I now yield 3 minutes to a distinguished member of the Ways and Means Committee, the gentleman from Illinois (Mr. ROSKAM).

□ 1350

Mr. ROSKAM. I thank the gentleman for yielding.

A couple of months ago I'm walking through a manufacturing facility in the western suburbs of Chicago with the entrepreneur that started it. This is a guy who about 45 years ago is living on the northwest side of Chicago with his wife. He's a tinkerer, the type of person that goes in the garage and comes up with some idea, kind of a blue-collar guy, a tool and die guy. He comes up with an idea. Over a period of time he borrows a couple of thousand bucks from his mother-in-law and he builds up a little business.

This is a very typical story. This isn't unique to Chicago or Detroit or New York. This happens all the time. He then builds that business up, and I'm sitting down with him and his son who's now running it. The old man is now 70 years old. I'm walking the plant floor with him and I ask him: How's business? And he tells me about the travails since September of '08, which we're all familiar with, but it's now a lean operation.

He further says, "Congressman, the smart move for me is to put three-quarters of a million bucks into this production line." And he points to a production line on the floor.

I ask him, "Are you going to do the smart thing?"

And he says, "No, I'm not."

And of course I ask him why not.

He says, "Because Washington, D.C. tells me I'm rich. See, I'm a sub S and I file as an individual and Washington D.C. tells me I'm rich. So that means I've got to hold on to capital because I don't know what's going on. I think my taxes might be going up at the first of the year." And then further he mentioned health care, he mentioned cap and trade, he mentioned ambiguity in the capital market.

But for the life of me I don't understand why we as a body have not fig-

ured out that we need people like him—my constituent, the entrepreneur—to go out and hire folks. And he's not going to do it if his taxes are going to go up.

And this is not a uniquely Republican revelation, Mr. Speaker. Peter Orszag recently said that now is no time to raise taxes on anybody. Dr. Christina Roemer also argued, now is not the time to raise taxes on anybody. And for a majority with all due respect, Mr. Speaker, that has had the calendar now well in place and been able to control this process for years and now we find ourselves 30 days out from the largest tax increase in American history and we're having this junior varsity argument about whether we should nickel and dime the very people that we're trying to create an incentive for, I just think that we can do better. I think the American public, Mr. Speaker, has an expectation that we're going to do better. I think frankly the White House has an expectation that we can do better. So I urge us to defeat this today and to really get about this very serious idea of how it is that we create not just certainty and predictability but an environment where the entrepreneurs that I described and I represent—and we all represent—say to themselves, yes, I want to invest and I want to hire more.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will remind Members to direct their comments to the Chair.

Mr. LEVIN. I yield myself 10 seconds. Ninety-seven percent of small businesses will not pay any more taxes. They'll get a tax cut.

I now yield 1½ minutes to the gentleman from New York (Mr. CROWLEY), a distinguished member of the Ways and Means Committee.

Mr. CROWLEY. I thank the gentleman for yielding the time.

Republicans are united in blocking all America's business until they get their tax cut for the wealthiest 1 percent of Americans. That's trouble for America. The Republican plan will not keep our troops at war safe. The Republican plan will not extend benefits to people who have lost their jobs because their company relocated overseas. The Republican plan will not pay down the Federal debt. And the Republican plan will not create one new job. Aren't these the very same priorities Americans want us to be focusing on? Yes. But that is not who the Republican plan will benefit.

This Democratic bill will cut taxes for every American who earns up to \$250,000. This bill will eliminate the marriage penalty permanently, for the first time in Congress' history. This bill will cut the cost of college for young people in America. This bill will cut taxes for small businesses.

Instead, the Republican plan will increase taxes on every American family

who makes less than \$250,000 a year because unless we do it their way, there will be no bill.

So exactly who will the Republicans try to help in this legislation? This little dog—Trouble, that's who. Trouble is Leona Helmsley's dog who inherited \$12 million. Under the Republican plan, if Trouble doesn't get a tax break, nobody else should. And that's very troubling.

Under the Republican plan, America will go to the dogs.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. LEVIN. I yield the gentleman an additional half minute. You must go on.

Mr. CROWLEY. Under the Republican plan, America will go to the dogs.

This dog received \$12 million. How many Americans who work in New York or Michigan or California or Florida or Georgia earn \$12 million in a lifetime? They'll protect this little dog, but they won't protect the middle class of this country, and that, I think, is wrong.

Mr. CAMP. I yield 1½ minutes to a distinguished member of the Ways and Means committee, the gentleman from California (Mr. HERGER).

Mr. HERGER. Thank you very much.

Mr. Speaker, we are now in some of the worst economic times since the Great Depression. We have 9½ percent unemployment nationally. I have areas in my district that have double that amount. This is certainly the wrong time to be raising taxes. We need to stop this tax increase for all Americans—for the hardworking families who are struggling to make ends meet, and also for the small businesses that we are relying upon to create jobs and grow our economy. The bill before us today would result in a massive tax increase on small business owners, entrepreneurs, and job creators at the very time our country most desperately needs them to succeed and to hire more employees.

Mr. Speaker, this is no time for half measures. I urge the House to reject this flawed bill, and instead pass legislation to ensure that no American sees a tax increase on January 1.

Mr. LEVIN. Mr. Speaker, I yield myself 10 seconds.

Once again, 97 percent of small businesses will get tax cuts, not tax increases. Those are the facts. Period.

I now yield 1½ minutes to the gentleman from Illinois (Mr. DAVIS).

Mr. DAVIS of Illinois. Mr. Speaker, I rise in strong support of H.R. 4853, the Middle Class Tax Relief Act of 2010. During these times of economic difficulty, middle class and working families need all of the help that they can get. Extension of the alternative minimum tax for 2 years and extending the 2001–2003 tax cuts for marginal individual income will protect more than 25 million families from the alternative minimum tax.

This legislation will make permanent the temporarily reduced taxes on capital gains and dividend income for taxpayers with adjusted gross incomes of \$200,000 for single filers and \$250,000 for married couples. The bill will maintain the current 15 percent rate for middle class taxpayers. Paying for higher education is becoming increasingly difficult. This bill makes permanent certain modifications to the suite of education tax incentives included in the Economic Growth and Tax Relief Reconciliation Act. Student loans are in serious need of retention. This bill will provide the opportunity for individuals to deduct. There has been never a time greater when the middle class needed a tax break. That time is now. Let's do it today.

Mr. CAMP. Mr. Speaker, I yield 2½ minutes to a distinguished member of the Ways and Means Committee, the gentleman from Nevada (Mr. HELLER).

Mr. HELLER. I thank the gentleman for yielding.

Mr. Speaker, I rise today in opposition to H.R. 4853. Of course I strongly support tax relief for the middle class and others, but today's bill is misguided. Nevada is struggling. It has one of the highest unemployment rates in the Nation; more than 14 percent. Some counties in my congressional district are as high as 16, 17 percent unemployment. Real unemployment is probably closer north of 20 percent. At home in Nevada I constantly talk to families, small business owners and workers struggling to make ends meet. That's why I have supported extending unemployment insurance. But Nevadans, like most Americans, want jobs.

□ 1400

So today, "Washington knows what's best, class warfare, pick-and-choose method of so-called tax relief" is a dangerous way to go.

The outgoing majority party does not understand that tax hikes do not create jobs. The outgoing majority party doesn't understand that bigger government doesn't create jobs. The outgoing majority party still doesn't understand that more regulation doesn't create jobs. And doubling down on failed stimulus spending—which this bill does also—is, too, the wrong way to go.

It bears repeating simply because the current outgoing majority so often fails to listen: The income levels in the bill today exclude many small businesses, and it's those small business owners who are the job creators in the economy. Three-quarters of all new jobs are created by small businesses, which employ half of all private-sector employees. These are the entrepreneurs, the patent filers, the exporters, the startups and the innovators. They, not Washington politicians, are the ones who will lead our Nation out of its economic struggles, yet today we

are asked to support a tax increase on them.

I have a letter here signed by a number of national and local organizations who strongly support extending the current tax relief. In the letter they say, "strongly urge Congress to end the tax uncertainty plaguing the business community by extending the expiring 2001/2003 tax rates."

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. CAMP. I yield the gentleman from Nevada an additional 30 seconds.

Mr. HELLER. Nowhere in this letter—signed by 28 pages of organizations and businesses nationwide—do they waffle or endorse these income limitations. Several chambers of commerce and local businesses from around the State of Nevada who understand the importance of certainty in our tax policy have signed onto this letter. Businesses like Silver State Barricade and Sign, Starsound Audio, Hartmann and Associates, and Air Systems, Inc. are all in this letter. Today's exercise in political theater is simply bad policy.

Mr. LEVIN. Mr. Speaker, it is now my real pleasure to yield 2 minutes to the distinguished gentleman from Kentucky (Mr. YARMUTH).

Mr. YARMUTH. I thank the gentleman for yielding.

You know, this is kind of a comical debate in a way. We hear time after time after time, why would we want to pass job-killing tax hikes? Well, I would ask my colleagues from the other side of the aisle why did they write them into the law? Because these are Republican tax hikes that we are dealing with, trying to decide what makes sense from a fiscal standpoint and from a fairness standpoint.

I love the fact that people talk about job-killing tax hikes as if every small business is going to make a decision based on what their personal tax rate is. I come from a family of small business people. My father was a small businessperson who built a very large company. I have two brothers who are small businessmen. I have a sister who is a small businessperson. I ran a small business. Not one of us ever made a decision about what we would do in our business based on whether a few more percentage points would come out of our net income, particularly when we're dealing with people who are mostly making millions of dollars a year.

I have one brother who is in the barbecue restaurant business. I talked to him about what impact taxes have on his decisions in business. He said, you know, if nobody can afford barbecue, it doesn't matter what my tax rate is. That's where we are as a country. We have a major portion of our population whose standard of living has stagnated over the last 10 or 20 years, and we have a very small percentage who have done very, very well thanks in part to

the tax breaks that they were given back in 2001 and 2003.

We can afford to give everybody tax cuts if we want to raise the national debt another \$700 billion. No, I think we have to draw a line somewhere. We have to say the people who have done extremely well over the last 10 years thanks to the Bush tax cuts need to pay a little more. This won't kill jobs. We won't be crying crocodile tears for them. It's more important that we make sure that the vast majority of Americans have the income they need to drive this economy. That's where the business people, small and large, will prosper.

Mr. CAMP. I yield 1 minute to the distinguished gentleman from Georgia (Mr. GRAVES).

Mr. GRAVES of Georgia. Mr. Speaker, I hear all these grand arguments today about the majority party's tax cut bill when in fact not one American taxpayer's taxes will be reduced as a result of passage of this bill.

Let's be clear on what's at stake today: A vote for this bill is a vote to raise taxes on millions of American families and small business owners. The Democrat leaders argue that we have to raise taxes to reduce the deficit, but this is absolutely false. The burden to reduce the deficit should be on Congress and not on the backs of hardworking Americans. It is our job to make the tough spending cuts and restore fiscal discipline, not to make millions of businesses and families a scapegoat for our debt.

Keep this in mind: No tax increase has ever created one job. If America's private sector is going to create the jobs that we desperately need, Congress must stop the threat of new taxes, get out of the way, and let employers have some certainty for once.

So Mr. Speaker, I urge my colleagues to respect the message of the American people from Election Day and let's reject this tax hike scheme.

Mr. LEVIN. Mr. Speaker, it is now my pleasure to yield 2 minutes to the gentlewoman from Nevada, a member of the committee, Ms. BERKLEY.

Ms. BERKLEY. I thank you, Mr. Chairman.

I rise in support of this legislation. Today's vote is an affirmation of this Congress' commitment to middle class Americans and a crucial step in getting our economy back on track.

This tax cut extension does not exclude anyone. What it does is permanently extend middle-income tax relief, which will provide much-needed certainty to our small businesses and our entrepreneurs and create conditions for long-term growth while still dealing responsibly with the Federal deficit—and let us not forget that it is a burgeoning deficit.

This legislation ensures that on January 1 every American will be paying lower taxes than under current law. It

will extend relief from the alternative minimum tax for 2 years and provide permanent relief from the marriage penalty. It also permanently extends tax credits like the improved child tax credit, simplified earned income tax credit, and numerous benefits for education. For our small business owners, we are also permanently increasing the amount they can expense so they can quickly realize the benefits of their capital investments. These provisions are critical to Nevada's economic recovery. It is good for my congressional district, the city I represent of Las Vegas that is really hurting, and the people of the great State of Nevada.

We owe it to our fellow citizens to pass this bill and ensure that we are creating conditions for renewed economic growth. The certainty of this legislation creates and will bolster consumer confidence, provide businesses with tax certainty, and foster long-term investment. Nobody can argue or quibble with its benefits.

These economic conditions are essential to the health of consumer-led economies like Las Vegas. We still have a whole lot more work to do, both in terms of promoting jobs and removing uncertainties in the Tax Code.

The SPEAKER pro tempore (Mr. SERRANO). The time of the gentleman has expired.

Mr. LEVIN. I yield the gentlewoman an additional 30 seconds.

Ms. BERKLEY. Thank you very much.

We also have to work on our estate tax to pre-2001 levels. I look forward to that discussion with the bill I introduced with Congressman BRADY as a basis for the debate.

Let's get moving. This is the easy stuff. This we should pass without any uncertainty or concern that we're not doing the right thing for the American people.

Mr. CAMP. At this time I reserve.

Mr. LEVIN. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. FATTAH).

Mr. FATTAH. Let me thank the gentleman from Michigan for yielding me this time.

There is an economic theory, and then there are facts. There were a set of Democratic tax rates in which we saw 22 million new jobs created, and we saw the balancing of the budget, and hundreds of billions of dollars of national debt paid off.

□ 1410

And then there's the Republican tax rates that are called the Bush tax cuts in which we saw a net loss of 600,000 jobs, and we saw trillions of dollars added to the national debt. These are facts. You compare the 8 years of Clinton to the 8 years of Bush, you compare the two rates, and you look at the jobs and the effect on the debt and the deficit, and we know what the reality is.

So our friends on the other side say, Well, we don't want to hurt the economy. The best way not to hurt this economy is to do away with the set of policies that created the situation we're in now with 15 million people without jobs, our national debt doubled.

Now, as an economic theory, I think we should get rid of the income tax and move to a consumption tax. But theory is something you can debate and you can wonder about. Facts are facts, and we can't hide from them. And the fact here is that under the Bush rates, this country is seeing unemployment spike by millions, our debt rise by trillions.

So we come today to say that maybe the Republicans were right when they put an expiration date on this because they didn't really know what would be the result. We see the economic calamity that has resulted from doing these types of uneven tax breaks weighted to the top 2 percent.

So we come today saying for 98 percent of the people of our country, people at \$250,000 and under, they should continue to have and make permanent a break on their taxes. And for the wealthiest, for their first \$250,000, they should get an identical break. We should return to the Clinton rates or the Democratic rates thereafter.

Mr. CAMP. At this time, I yield 2 minutes to the distinguished gentleman from Georgia (Mr. KINGSTON).

Mr. KINGSTON. First of all, I wanted to associate myself with the previous speaker, my friend from Pennsylvania. I, too, support a consumption tax, a fair tax, tax simplification in whatever form. And I hope we can come together and work on tax reform and tax simplification in the year ahead.

Now today, though, we're doing a show in politics. We're voting on a bill which the Speaker knows there aren't the votes to pass. She furthermore knows that if it did pass, the Senate is not going to pass it. Today is all about political show. It's about more class warfare. It's interesting that the Speaker would choose this route because on November 2 I believe that brand of politics was squarely rejected by the voters all across America.

We also know that the economic policies of the Speaker and the President have failed. When the stimulus bill was passed, unemployment was about 7.6 percent. We were told this would keep it from going to 8 percent. But here we are now with unemployment at nearly 10 percent—15 million people out of work—and we're hearing again from the Democrats that this is what we need to do to turn the economy around.

I believe the American people spoke on that squarely. And I think the statistics show, with a 10 percent unemployment rate, it's not going to work.

About 75 percent of small businesses—and I think there's something like 27 million in the country—75 per-

cent of them file their taxes as individuals; 750,000 of them actually would come under this category of getting a tax increase. And these are people who are the first to turn around and hire folks when the economy improves. These are Sheetrock contractors. These are restaurant owners. These are other tradesmen who have two, three, four, five, fifteen employees, and they're going to be the first ones to turn around and hire folks. So right now, we do not want to hit them with a high tax increase.

We need to reject this and continue to work with the White House and come up with a compromise.

Mr. LEVIN. It's now my privilege to yield 1 minute to our very distinguished majority leader, Mr. HOYER of Maryland.

Mr. HOYER. I thank the gentleman for yielding, and I rise in support of this legislation.

First, let me say that there were two messages that came from this election, in my opinion—maybe others as well, but certainly these two. One, we need to grow jobs. We need to have more jobs for our people. We need to grow our economy. The second was we're very concerned about the deficit.

I agree with both of those conclusions in this election, and I think we need to do both of those. To some degree, they're contradictory because, in the short term, in order to grow the economy we've got to invest in the economy and we need not take money out of the pockets of consumers.

Now, as a result of the tax bills that were adopted in 2001 and 2003, because we wanted not to have the scoring for a longer period of time and the deficit displayed exploding, they were made to sunset. That is to say, the tax cuts were put in place and then they were sunsetted. It so happens they sunset at the end of this month. That would mean, normally, if we allowed that Republican policy—which I did not vote for—to go into effect, that the taxes would increase on everybody.

What this bill does is it says no, we want to cap, and we want to make sure that no American has any tax increase on the first \$250,000 of their income. No American. One hundred percent of American taxpayers would be exempt under this bill from any increase in their taxes on January 1 of this year.

One of the other messages that the American public said to us: When you can reach common ground, when you can reach agreement, why don't you guys take it? Why don't you move forward where you can agree and then spend time on that which you cannot agree upon? But at least do that on which you can reach common ground.

Now, I haven't heard all of the debate—I have been in other meetings—but my suspicion is that almost everybody, if not everybody, on the floor wants to make sure that the first

\$250,000 of income of any American is not subjected to a tax increase on January 1. That's my conclusion. Now, maybe somebody will come up and say, "No, you're wrong on that," but if so, I stand to be corrected. But we have reached common ground, I believe, on that proposition. That's what this bill carries forward.

Now, we have disagreements.

As I said, the second message was they're very concerned about the deficit. I'm very concerned about the deficit which I think, as I was quoted in the paper yesterday or the day before as saying, it is the most critical challenge that confronts this country, that impacts on every other challenge we have in this country, including our ability to bring taxes down and create tax reform.

Now, we don't have agreement on other elements of the Republican tax program of 2001 and 2003 which will sunset pursuant to that policy on December 31. And the issue, therefore, before this House right now is whether we're going to hold hostage the first \$250,000 of income of every American or we're going to say no, we have agreement, we'll resolve that, and we will then contend on the other issues. Whether we argue about the necessity to cut taxes on those over \$250,000, on impacting small business, on growth of the economy, all of that is legitimate argument.

But I really do not believe we have disagreement on what this bill intends to do. It's just that some people think it doesn't do enough. I understand that.

But very frankly, my friends, in the House and in the other body, we have been holding hostage American policy to agreement on 100 percent—or in the case of the Senate, on 60 percent. The American public are frustrated by that. I'm frustrated by that. I think that's not the way a legislative body works. A legislative body works by when you can create consensus, move forward.

Now, maybe somebody will get up and say no, we should increase the first \$250,000 of income and let that sunset. I doubt that anybody said that. I doubt that anybody believes it.

□ 1420

But if you don't believe it, any Member of this House, then vote for this bill. Not only does it say income, but it takes earned income tax credits, it takes capital gains, it takes child care tax credits and says that the first \$250,000 of income will not be subjected to an increase. I can't believe we don't agree on that. And I am hopeful that every Member will vote for this.

Now, I frankly want to say I don't think this is the final package. We know that the Senate has disagreement. We know that the White House has its own view. But this vehicle is going to be critically important if we are going to move this issue forward.

And some people on the other side say let's act and let's act now. Fine. Then let's give them a vehicle on which to act.

Revenue issues, as we know, have to initiate in the House. Now, this vehicle is a vehicle that I think will be used and can be used by the other body to effect consensus policy. But let us not hold hostage that on which we agree to that on which we do not agree.

So I would urge my colleagues, vote for this legislation. Let's move this forward. Let's give the confidence to American working people that we are united in the conviction that in this tough economy at this time they ought not to see an increase in their taxes on January 1. That's what this vote is about. And I urge my colleagues to support it.

I thank the gentleman from Michigan, the chairman of the committee, and, yes, Mr. CAMP, the ranking member, who will soon be chairman of this committee, for their efforts on this bill, notwithstanding their disagreement on its substance. And I thank the gentleman from Michigan (Mr. LEVIN) for yielding.

Mr. CAMP. Mr. Speaker, I yield myself such time as I may consume.

And I would just say I listened very carefully to the majority leader's well-reasoned arguments. And if, in fact, this bill were going somewhere, they would have made a great deal of sense. But we know now that the Senate will not take up this bill. Forty-two Senators have signed a letter that they will not take up any legislation unless it is dealing with the potential tax increases on all Americans.

I also have a letter that was sent to the House of Representatives dated today from the National Association of Manufacturers. And there has probably been no State hit harder than Michigan, no sector hit harder in Michigan than manufacturing. And I want to quote from this letter that says, "Manufacturers strongly support extending the 2001 and 2003 tax relief for all taxpayers. Over 70 percent of American manufacturers file as S corporations or some other pass-through entity and will be significantly impacted by these higher rates. According to the non-partisan Congressional Budget Office, fully extending the 2001 and 2003 tax cuts would add between 600,000 and 1.4 million jobs between now and 2011 and between 900,000 and 2.7 million jobs in 2012."

NATIONAL ASSOCIATION OF
MANUFACTURERS,
December 2, 2010.

HOUSE OF REPRESENTATIVES,
Washington, DC.

DEAR REPRESENTATIVES: The National Association of Manufacturers (NAM), the largest manufacturing association in the United States, urges you to oppose H.R. 4853, the Middle Class Tax Relief Act of 2010.

Tax relief enacted in 2001 and 2003, which repealed the estate tax and lowered both in-

dividual tax rates and tax rates on investment income, helped spur economic growth. Now, however, absent immediate congressional action, these lower rates will expire, resulting in a top income tax rate of nearly 40 percent, a 164 percent increase in the dividend tax and the return of a 55 percent estate tax on family-held companies.

Manufacturers strongly support extending the 2001 and 2003 tax relief for all taxpayers. Over 70 percent of American manufacturers file as S-corporations or some other pass-thru entity and will be significantly impacted by these higher rates. According to the non-partisan Congressional Budget Office, fully extending the 2001 and 2003 tax cuts would add between 600,000 and 1.4 million jobs in 2011 and between 900,000 and 2.7 million jobs in 2012.

We urge Congress to reject this legislation and move toward extending all of the current tax rates.

The NAM's Key Vote Advisory Committee has indicated that votes on H.R. 4853, including potential procedural motions, merit consideration for designation as Key Manufacturing Votes in the 111th Congress.

Thank you for your consideration.

Sincerely,

JAY TIMMONS,
Executive Vice President.

Mr. HOYER. Will the gentleman yield?

Mr. CAMP. I yield to the gentleman from Maryland.

Mr. HOYER. I thank the gentleman very much for yielding.

Let me say to my friend, if he heard what I had said—I know he was listening, and I thank him for that—he and I both know revenue bills must initiate in this House. So if the Senate is to effect what those 42 Members suggested they wanted to see, then it must have a vehicle from this House on which to act. What I suggested and what I believe is that when you say this bill is dead, I think I am not sure I agree with you, because in my view it will be this bill on which they will ultimately reach whatever compromise is available in the United States Senate.

So, in fact, I think this is an important vehicle to reach perhaps the compromise that we all know is ultimately going to be necessary, while at the same time expressing the views of I think the overwhelming numbers of us that certainly the first 250—we may not agree on further, or another level or something, but certainly would the gentleman disagree with me that we all agree on the first 250 ought not to receive an increase?

Mr. CAMP. I thank the majority leader. And reclaiming my time, I think we would have a much better chance if the vehicle that was sent over to the Senate was actually one that dealt with the potential tax increases on all Americans.

But I know my time is very short, and I just wanted to say I also have a petition, a coalition letter sent to us by over 1,300 businesses, trades, and local Chambers of Commerce urging that we extend the current tax policy for all Americans and prevent a tax increase from going into effect.

Let me just say I think much of what has happened today is a charade, and I am glad it's coming to a close. I urge my colleagues to vote against this bill.

DECEMBER 1, 2010.

TO THE MEMBERS OF THE UNITED STATES CONGRESS: We, the undersigned companies, chambers, and trade associations strongly urge Congress to end the tax uncertainty plaguing the business community by extending the expiring 2001 and 2003 marginal tax rates, as well as dividend and capital gains tax rates, and the business tax provisions that expired at the end of 2009.

A permanent extension of all current tax rates would, in one bold stroke, boost investor, business, and consumer confidence by taking the uncertainty of tax policy off the table. It would leave hard-earned income in the hands of the individuals and businesses that earned it and allow them to spur investment, boost consumption, promote economic growth, and create jobs. Further, without expeditious Congressional action to extend current marginal tax rates, millions of Americans will face greater withholding for taxes from their hard-earned paychecks in six weeks.

Another major obstacle to recovery lurks. Thousands of U.S. businesses and individual taxpayers currently face major tax increases because tax provisions—such as the R&D credit, active financing exception, and CFC look-thru rule—have expired. An extension of these vital provisions would bring more certainty in U.S. tax law, foster more effective business decisions, and encourage investment. Moreover, the Administration asked Congress to extend the tax provisions as part of the President's 2010 budget request.

While we support the extension of all these provisions, we believe that the extensions of current tax policy should not be offset with permanent tax increases. No one should have their taxes raised during a time of economic weakness—not individuals, not small businesses, not large businesses. Job creators are especially sensitive to tax rates and any tax increase right now would only hinder the already too weak recovery.

We urge Congress to act expeditiously to remove uncertainty and address these looming tax increases with a long term extension of all the expired and expiring tax provisions by year end, and look forward to working with Congress to keep the economy on the road to recovery.

Sincerely,

[1318 ORGANIZATIONS OMITTED]

I yield back the balance of my time.

GENERAL LEAVE

Mr. LEVIN. Mr. Speaker, first, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include any extraneous material in the CONGRESSIONAL RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. LEVIN. Secondly, before I yield the balance of the time to the Speaker, our very distinguished Speaker, I want to take just a minute or less to make a couple of key points.

Number one, everybody would receive a tax cut under this bill. Everybody. Secondly, only 3 percent—these are the facts—of small business owners would

get the additional tax for income over \$250,000. Only 3 percent. And the third and last point is this. For those with income a million and over, under the Republican plan they would get a tax cut of over \$100,000, while average Americans would get a fraction of that.

It's now my pleasure to yield the balance of my time to our distinguished Speaker of the House, the gentlelady from California, NANCY PELOSI.

Ms. PELOSI. I thank the gentleman from Michigan for yielding. I commend him for his great leadership in terms of working and being a champion for America's working families, for America's middle-income families who need so much help at this time of this down economy.

Mr. Speaker, this has been a very interesting week. Yesterday in the Capitol, hundreds of people looking for work came to the Capitol of the United States. They came because they knew that the day before unemployment insurance benefits had expired for people looking for work. They knew that by the end of December, unless this Congress acts, 2 million Americans will lose their unemployment insurance, 2 million Americans. This is the first time in American history when unemployment benefits would have been allowed to expire at this rate of unemployment.

They came looking for jobs. They came in the spirit of fairness to say until we can find jobs, we need to continue unemployment insurance. And what they heard was that the Republicans in the Senate had said, if you want unemployment insurance, it has to be paid for. Well, they have paid into unemployment insurance. But we want to give tax cuts to the wealthiest people in America to the tune of \$700 billion, and that doesn't have to be paid for.

Now, I think we should use as a measure for everything that we do: What does it do to create jobs? What does it do to reduce the deficit?

Unemployment insurance, the economists tell us, returns \$2 for every dollar that is put out there for unemployment insurance. People need the money. They spend it immediately for necessities. It injects demand into the economy. It creates jobs to help reduce the deficit.

Giving \$700 billion to the wealthiest people in America does add \$700 billion to the deficit, and the record and history shows it does not create jobs. It does not create jobs. I mention this because this is the context in which we bring up this tax cut for middle-income families in America today. And while some on the other side say this is not going to make a difference, it indeed makes a difference.

□ 1430

Let me say, unequivocally, there will be no tax bill for any situation unless

there is a tax cut for middle-income people in our country. That is what this vote is about today. That is our declaration. That is what we send to the table for the discussion that the President has so rightfully called for.

Now what our Republican colleagues are saying is we know they must support tax relief for the middle class, right? And this is tax relief for every income filer in our country; everyone gets a tax break. But what they are saying is unless you give an additional tax break to the wealthiest people in our country, adding to the deficit and not creating jobs, we are not going to vote for middle-income tax cuts.

As Mr. HOYER said, holding the middle-income families of America hostage to a tax cut for the wealthiest, and who are they? Well, some of them create wealth, create jobs. We want to reward success in America, and they do get a tax cut in this bill.

Some of them are getting bonuses on Wall Street. Did you see the announcement? Almost \$90 billion in bonuses on Wall Street after all that they have put us through, not all of them, but some of them, \$90 billion, billion with a "B," dollars in tax bonuses, and under what the Republicans want to do, they are not going to pay. They want a tax break for that, a bonus and a tax break on top of it. But, no, we can't give middle-income tax cuts unless you do that; and, no, if we do unemployment insurance, it has to be paid for but not a tax break for these billionaires with these bonuses on Wall Street.

This is so grossly unfair. It is so grossly unfair. I can't imagine that my colleagues on the Republican side don't want to give a tax cut to the middle class. Why don't they just vote for that? They can try to add whatever else they want and have that debate. But to say that this is not the right thing to do, I think, is not the right thing to say.

So we have a situation where we come out of an election: jobs, jobs, jobs, jobs. That's what those hundreds of people looking for work came to Capitol Hill looking for. They were looking for jobs. They were looking for security for their families.

One young man, 35 years old stood up and said, I am 35, I am married, I have a 4-year-old child. I have been out of work for 2 years. I am a college graduate; I am a trained professional. Don't tell me to dip into my savings. My savings are all gone.

Don't tell me to go ask help from my family. I have already done that. They have done what they can, but they are strapped as well.

Don't tell me to cut back on what we do as a family. That was something we did a long time ago.

So we have tried to live as we look for work on unemployment insurance, and you are now telling us that Congress cannot pass that unless it is paid

for while it is giving, I am saying, a tax cut to the wealthiest people in America, \$700 billion unpaid for, \$700 billion added to the deficit. Something is very wrong with this picture.

But we come to this floor, we Democrats today, with great clarity. The tax cut for middle-income families will create jobs because people will spend that money again, inject demand into the economy, and create jobs. That is something that will help. That growth will help to reduce the deficit while the record shows, and history, recent history, acknowledges that the tax cuts at the high end did not create jobs.

Those tax cuts were in place during the Bush years and more private sector jobs have been created this year than the entire 8 years of the Bush administration. They simply did not create jobs.

If you want to create jobs, if you want to reduce the deficit, if you want to stabilize the economy, if you want to support the value of what the middle class, middle-income families mean to our country, these workers who came were veterans, they were the backbone of our country. They came from the heartland of America. They came from a place where we in this Congress and with this President saved the auto industry, saved the auto industry.

Without the measures taken by the Obama administration and this Congress, we would have unemployment that's even higher. But that's not good enough. We want unemployment that is lower. This tax cut takes us to that place. This tax cut, not what the Republicans are proposing, will help create jobs, instead of what they want to do, which is not create jobs and increase the deficit.

The choice is clear. It's not about who signed 44 signatures, that I am not going to do this unless you do that. We are very clear. There will be no tax bill unless there is a tax legislation that gives middle-income families in America the fairness they deserve, the respect that they have earned and the economic opportunity for creation of jobs, reducing the deficit, and stabilizing our economy. I think this choice is clear.

I urge our colleagues, and I hope we could have some bipartisan support for middle-income families in America, to vote "aye" on this important legislation.

I again salute Mr. LEVIN for his leadership.

Mr. HOLT. Mr. Speaker, I rise in support of the Middle Class Tax Relief Act of 2010 to ensure that working and middle class families receive tax relief as we emerge from the worst recession in three-quarters of a century.

Some history about this issue is needed as some on the other side of this debate seem to have a short memory. In 2001 and 2003, President Bush and the Republican-controlled Congress enacted sweeping tax cuts that largely benefited the wealthiest in America

without corresponding cuts in federal spending. I opposed these tax cuts. These tax rates were passed on the erroneous argument that they would stimulate the economy and that they would generate more revenue than they cost. The evidence is clear that cutting tax rates resulted in a net loss of revenue to the government, and there is scant evidence that they provided much economic stimulus.

I support extending tax policies that help working families in New Jersey and across the nation. Two years ago, I was proud to support President Obama's Making Work Pay tax cuts, which cut taxes by \$400 for individuals making \$75,000 or less and \$800 for households making less than \$150,000. As we debate whether or not to continue Bush-era tax rates that shift the tax burden from wealthier Americans to the middle class, I should remind my colleagues that extending the Obama tax cut for working Americans would cost less and stimulate the economy more.

With the current income tax rates expiring at the end of this month, I am pleased to support the Middle Class Tax Relief Act of 2010. This measure would extend permanently current tax rates for all Americans on taxable income under \$200,000 for individuals and \$250,000 for joint-filers. For households that earn more, the marginal tax rate on that additional income would return to its level during the 1990s.

According to the nonpartisan Tax Policy Center, maintaining the Bush-era tax cuts for income over \$200,000 for individuals and \$250,000 for joint-filers would provide the top one percent of wage earners with an average tax break of \$53,674. Furthermore, according to the Congressional Budget Office, extending the Bush-era tax cuts for the top wage earners would add nearly \$700 billion to the national debt over the next ten years.

While much of the debate has focused on marginal income tax rates, this measure extends other forms of tax relief that are of critical importance to my constituents in central New Jersey.

This legislation contains a two-year patch for the Alternative Minimum Tax. Because this tax, which was intended for a few hundred of the wealthiest Americans, has never been adjusted to account for inflation it threatens middle-class families. The 12th congressional district of New Jersey in particular is hard hit by the AMT. This bill would prevent an additional 88,000 of my constituents from being subject to this unfair part of the tax code.

The bill before us today would make permanent the maximum Child Tax Credit of \$1,000 while expanding eligibility for the credit and making it refundable. This bill would provide permanent relief for the so called marriage penalty that unfairly penalizes couples who jointly file their taxes. The legislation also would continue Earned Income Tax Credit rules that simplify and expand its eligibility requirements.

Additionally, today's bill would extend a host of family friendly tax breaks that allow taxpayers to deduct student loan interest, save for their children's college education, and defray the costs of adoption.

With the country facing growing long-term deficits and with the expiration of current tax rates looming, my constituents and all Americans are demanding that policymakers act

quickly and prudently. The tax policies in the bill before us today are the ones my constituents and the American people support. These cuts balance the needs of working families with the nation's need to get its fiscal house in order. I am pleased to support this bill today, and I urge my colleagues to join me today in voting for the Middle Class Tax Relief Act.

Mr. BLUMENAUER. Mr. Speaker, it is unfortunate that the major decision we face on taxation this Congress boils down to this vote.

This situation represents a failure of imagination, a failure of political will, and, sadly, a failure to invest in our future.

It represents the inability of Congress to seize an opportunity for real reform.

If the message of the election was that we should not add to our nation's debt, then we should not extend tax cuts that will add trillions of dollars to that debt.

If voters this election were concerned about jobs, then we can have a much greater effect on employment by using a small portion of the money in question to fund a substantial transportation bill and addressing our nation's infrastructure deficit.

If the election was about tax fairness, then we can do more for fairness by permanently eliminating the Alternative Minimum Tax, which no billionaire pays but which now threatens 29 million middle-income families. While we are at it, we could permanently fix the physician payment issue.

These are perennial challenges. Addressing them now will require far less debt, save money in the long run, and will avoid needless heartburn for millions of people right now.

Instead, the political process is failing the American people as we face a choice between a sub-optimal bill and a bad bill.

We can and should do better.

Mr. PAUL. Mr. Speaker, today I voted for H.R. 4853, legislation which ensures file continuation of many of the Bush tax cuts. If no action had been taken by this Congress, all Americans would have had to pay higher income, dividend, and capital gains taxes beginning on January 1, 2011. While I would have preferred that the current lower tax rates remain in place for all Americans, the fact is that a tax cut for most people is better than a tax increase on everyone. I will always vote to lower taxes at all levels, and I will never vote for tax increases. The passage of this bill will result in the overwhelming majority of Americans paying lower taxes next year than they otherwise would have.

It is unfortunate that this bill was so highly politicized and that so much debate focused on whether or not those making over \$250,000 per year would receive tax cuts. Arguments that tax cuts for the rich are unfair, or that those making more money should pay higher taxes, are based largely on envy. Whether one group or another thinks it is "fair" or not does not change the fact that the money should stay with the person who earned it. This is true for people at all levels of income.

But rather than getting bogged down in the minutiae of what the ideal tax rate should be, I believe we should abolish the income tax and eliminate the IRS altogether. Congress funded the government using excise taxes for

more than 120 years without an income tax, and the federal government not surprisingly adhered much more closely to the constitutionally-defined limits of its powers during that time. Real tax reform can only happen when we insist on reducing the size of the federal government and reducing the pork in its bloated budget.

Mr. CONYERS. Mr. Speaker, I rise in support of H.R. 4853, the Middle Class Tax Relief Act of 2010. The middle class in America is struggling to make ends meet as they face a weak economy and bleak job market. Unless Congress acts sometime during the next month, Americans will see their income tax rates return to Clinton-era levels next year. Today's legislation would ensure that 98 percent of Americans will not see a tax increase next year.

President Obama and Democrats have advocated to extend tax cuts on income below \$250,000 (which will benefit Americans of all income levels) while allowing the tax cuts on income above \$250,000 to expire. Specifically, the Middle Class Tax Relief Act will permanently extend relief for the 10 percent, 25 percent and 28 percent rate brackets. Ninety-eight percent of Americans will benefit from this proposal while allowing the richest 2 percent, the millionaires and billionaires, to pay their fair share in taxes.

The Middle Class Tax Relief Act of 2010 also provides working families with permanent extensions of popular tax cuts. The bill will extend the \$1,000 child tax which is set to expire on December 31st. It will also help families by providing permanent extension of the adoption tax credit, the employee tax credit for employee child care, and the increased dependent care tax credit. Lastly, the Act will permanently extend the capital gains and dividend tax at a 15 percent rate for middle-class taxpayers.

Furthermore, the Middle Class Tax Relief Act of 2010 will provide Alternative Minimum Tax, AMT, relief for the middle class. The Congress created the AMT in 1969 to ensure that the wealthy did not abuse loopholes in the tax code and thus avoid paying any taxes at all. However, because the AMT was not adjusted for inflation, it now will affect a large percentage of the middle class. Today's bill will provide a two year extension of AMT relief for joint filers who make up to \$72,450 and for individuals who make up to \$47,450 in 2010 and 2011.

Today's debate is larger than the future of tax policy. This moment offers this body a critical opportunity to draw a line in the sand and make a definitive and powerful statement about their commitment to working class and middle class families. It is an opportunity to show average Americans who are fed up with their government that we hear them, believe in them, and will fight for them. It is an opportunity to show that government has the ability to improve people's lives in a tangible way and that the rich and well connected don't always win. It is time for Congress to stand up for the middle class and extend tax relief. I encourage my colleagues to support this bill.

Mr. DINGELL. Mr. Speaker, I rise in strong support of H.R. 4853, the "Middle Class Tax Relief Act of 2010." Put very simply, our vote on this bill today is a statement of values. Do

we stand with middle-class American families, whose lives and livelihoods have been devastated by the recession, or do we stand with the wealthy scions of finance and industry who drove this country off an economic precipice of gargantuan proportions? There can be no justification for holding tax relief for middle-class families hostage by supporting those who did nearly irreparable harm to our great Nation, and those members of the House who vote against this bill should forever be ashamed of putting the interests of Wall Street fat-cats before those of the vast majority of American families.

My Republican colleagues seem to be blind to this reality and will no doubt work this very day to make a public statement of their unflinching support for the wealthy at the cost of providing tax relief to the middle-class Americans who need it most. This, sadly, should come as no surprise, given Republican opposition to extending unemployment insurance. As if denying 800,000 Americans—and over 180,000 people in my home state of Michigan—extended unemployment benefits at the time they need it most is not enough, Republicans now seek to bar tax relief to middle-class Americans in a cynically transparent attempt to allow the wealthy to continue lining their pockets.

In closing, I would remind my friend, the erstwhile Minority Leader, that he stated some months ago on "Meet the Press" that he would support a middle-class tax cuts-only bill if it were his only choice. Well, Mr. Speaker, the Minority Leader now has the opportunity to make good on that statement. If he does, his conscience will thank him.

Mr. CAMP. Mr. Speaker, I appreciate the opportunity to discuss this important bill, which includes a wide mix of policies recently sent to us by the Senate.

Portions of this bill make sense, including extending welfare programs and reducing erroneous unemployment insurance (UI) overpayments. Enacting policies to better prevent and recover unemployment benefit overpayments is good government, and save about \$3 billion over 10 years. However, instead of using this money to strengthen UI programs or even paying for an extension of unemployment benefits, the majority instead uses this funding to offset unrelated spending.

Similarly, I am disappointed that the bill uses \$2 billion of the funds in the Customs user fee account (about half of available funds) to offset some of the spending provisions in the bill. As a result, such funding would no longer be available for key job-creating trade initiatives, such as the pending free trade agreements or extending existing preference programs. I strongly believe that this offset should be reserved for trade priorities and should not be raided for non-trade provisions.

And that's really at the heart of the debate: instead of using the savings in this bill to reduce our Nation's staggering deficit or pay for extending UI benefits or promoting job-creating trade, the authors of this bill would use those savings for new, unrelated spending. This spending does nothing to help the unemployed, promote job creation, and only makes balancing the budget next year even harder.

The bottom line is that, while this legislation includes some good provisions, it also in-

cludes new spending we simply can't afford. To divert savings from UI and trade programs, especially while too many Americans are unemployed and more trade-related jobs are needed, is not the right answer.

I urge my colleagues to vote "no" on this legislation.

Mr. BISHOP of Georgia. Mr. Speaker, I agree that the extension of middle class tax cuts is vital to the economic health of our nation, and I proudly support providing this much needed relief. Over 75 percent of American workers are living paycheck-to-paycheck, and they simply cannot afford the burden of new taxes. Furthermore, many of our nation's seniors are on fixed incomes consisting of Social Security payments, supplemented by dividend and capital gains income. This measure will help ensure that seniors can make ends meet in this challenging economic environment.

Unfortunately, this measure does not go far enough. Given the current state of our fragile economic recovery, now is not the time to raise taxes on any American. Businesses large and small are still having difficulty creating new jobs, training their workers, and growing for the future. I remain deeply concerned that raising taxes on those businesses would further impede job creation and punish success at a time when we should be encouraging the entrepreneurial spirit.

Furthermore, I am troubled that this measure does not address estate tax relief. The most oppressive estate tax we have seen in a decade is scheduled to go into effect at the beginning of the New Year. Our farmers and small business owners face dire consequences from inaction on this issue.

Higher estate tax rates would have an especially severe impact on farmers and small business owners in Georgia's Second Congressional District. According to a June 2009 report by the U.S. Department of Agriculture, if Congress does not take action on estate tax relief before the end of this year, the resulting higher estate tax could affect 10 percent of American farms, 98 percent of which are family-owned and operated. Many Georgians could lose farms that have been passed down from generation to generation, or be forced to sell much-needed land, buildings, and equipment. In addition, small business owners could lose the companies they worked so hard to build and hoped to hand down to their children.

We cannot ignore these issues, and it is my hope that a bipartisan agreement can be reached before the New Year. We must extend the 2001 and 2003 tax cuts, at least temporarily, for all Americans, as well as provide substantial estate tax relief for the benefit of our family-owned farms and businesses.

Now is not the time for political games and maneuvering. The nation needs us to come together and address this issue in a bipartisan manner. We truly cannot afford to wait any longer.

Mr. LEVIN. Mr. Speaker, the nonpartisan Joint Committee on Taxation has prepared a technical explanation of the House amendment to the Senate amendment to H.R. 4853. This document expresses the Committee's understanding and intent of the provisions included in this legislation. This document can be found on the Joint Committee on Taxation

website, www.jct.gov, under document number JCX-52-10.

Mr. STARK, Mr. Speaker, I rise today in support of H.R. 4853 the Middle Class Tax Relief Act of 2010. This bill puts the interests of working families and our nation's fiscal health ahead of millionaires. The legislation allows the Bush tax cuts for the wealthy to expire, and protects struggling middle class families from a tax increase they cannot afford during these difficult economic times.

A vote against this bill is a vote against middle class families in order to protect millionaires and billionaires. Our colleagues across the aisle want to hold middle class tax relief hostage so that they can give yet another massive tax break to the wealthy. The Congressional Budget Office reported what we already know: tax cuts for the rich provide virtually no economic stimulus. Extending the rates for the highest income tax brackets is not a break needed by our small businesses. Individuals with small business income make up fewer than three percent of taxpayers in the top two tax brackets. There is no reason for us to use \$700 billion that could be used to create jobs or reduce the deficit so that millionaires can get a tax cut.

Earlier this week Congress allowed unemployment insurance to expire for millions of Americans. Two million people will lose their unemployment benefits in December alone, including over 400,000 in my state of California. Last week, nearly every Republican voted against a three month extension of unemployment benefits to help families keep a roof over their heads and food on their dinner table over the holidays. This week, they will gladly justify using \$700 billion in borrowed money to make a few thousand millionaires happy. The priorities of the Republicans are dangerous and out of touch with what our economy needs.

I support the Middle Class Tax Relief Act because it will protect middle and lower income families. In addition to making the tax cuts permanent for the first \$250,000 of income for all married couples, the legislation will extend the \$1,000 child tax credit; provide permanent dividend income tax relief; allow more workers to benefit from the EITC; permanently eliminate the "marriage penalty"; and patch the AMT through 2011. I urge my colleagues to not turn their backs on middle class families and to support this legislation.

Mr. LEWIS of Georgia. Mr. Speaker, long before a man finds a political party, he finds his principles. This debate about the "Bush Tax Cuts" is an opportunity to show the American people our principles—to show them that we stand for and believe in a strong middle class; to show them we believe in fiscal responsibility.

Forty-seven years ago, on the steps of The Lincoln Memorial, I criticized both the Republican and the Democratic party for doing too little for the working man and the disenfranchised. And now, as I stand here on the floor of the House of Representatives, I hope this is criticism I will not have to repeat today.

To my colleagues who fret or seek the cover of Republican votes I say, "be not afraid." Be not afraid as history will judge us right. Be not afraid as the numbers are on our side. Be not afraid as an elected official is

judged not by the number of years he has served, but by the cause he has served.

Stand up and show America the cause you serve. Stand up and show America your principles. If you value and believe in the strength of America's working families, then vote "yes." If you truly believe in fiscal responsibility, then vote "yes." But if partisanship and political games come first, then vote no and allow America to see you for who you are.

Ms. MCCOLLUM. Mr. Speaker, I rise in strong support of the Middle Class Tax Relief Act of 2010 (H.R. 4853). This important legislation will extend middle class tax cuts, help spur economic growth in America, and assist the vast majority of Americans, many of whom are struggling through a recovering economy.

In January 2001, when I was sworn-in as a new member of Congress, President Clinton was ending his second-term, and the Federal Government was projected to run a 10-year surplus of \$5.6 trillion. During the eight years of the Clinton administration, the U.S. economy created 21 million private sector jobs and incomes of middle-class families were rising. It was a time of economic prosperity. Tax rates allowed America to grow, fully pay for the cost of the Federal Government, and reduce the national debt. These years proved that responsible fiscal policymaking and a strong economy were not compatible with the Republican governing ideology we see today.

Only weeks into my first-term, President George W. Bush Republican leaders in Congress made cutting taxes and massive increases of federal spending their priorities. In 2001 and 2003, Republicans in Congress passed the Bush tax cuts at a cost to the federal budget of \$2.3 trillion. I voted against these tax cuts because they were fiscally irresponsible and unnecessary. During the Bush presidency, I also voted against the pre-emptive war in Iraq and the Medicare Part D giveaway to the pharmaceutical industry. Combined these irresponsible policies added \$4 trillion to our national debt in less than 10 years.

Today, our country is slowly recovering from a severe economic recession, private sector jobs are starting to be created, and families across America are fighting to get ahead. President Obama and Democrats in Congress have taken aggressive actions to create and save jobs while preventing a second Great Depression from crippling our economy.

The 2001 and 2003 Bush tax cuts are scheduled to sunset at the end of this month. Republicans included a sunset in those laws because exposing the real cost of making them permanent threatened congressional support. In other words, the cost of the tax cuts were so fiscally unsustainable that Republicans were forced to allow them to expire, placing their fate in the hands of a future Congress.

With these tax cuts about to expire and the federal budget in crisis, it is time for honesty with the American people and responsible policymaking. At a time when federal taxes are the lowest share of GDP since 1950 and the budget deficit is at \$1.3 trillion, we should all have concerns about our country's fiscal future. At the same time, we have a fragile economy and high unemployment which is squeezing middle-class families. Congress has

hard choices to make on taxation, spending, and entitlements that will impact our economy, our federal budget, and the long-term security of our families.

To protect the economy until robust job growth returns, I will vote in favor of the Middle Class Tax Relief Act of 2010 (H.R. 4853), which extends the middle-class tax cuts on taxable earnings of up to \$250,000 and up to \$200,000 for individuals. Under this legislation, 97 percent of American families and small businesses will receive a tax cut. It includes an extension of marriage penalty relief, the earned income tax credit, and the \$1,000 child tax credit. In addition, the bill also permanently extends the reduced rates on capital gains and dividends for middle income families.

For the wealthiest 3 percent of Americans, I do not support extending the Bush tax cuts. The cost of extending these cuts would cost the American taxpayer \$700 billion dollars over the next 10 years. History shows that tax cuts for the wealthiest Americans are the wrong way to strengthen the economy and do not create jobs. President Bush had the worst jobs record of any President since the Great Depression, actually shrinking the private sector by and losing 4.6 million American manufacturing jobs over eight years. At a time when we have soaring budget deficits, our country simply cannot afford to borrow the \$700 billion cost of these tax giveaways just to give the most fortunate Americans another tax break.

The passage of H.R. 4853 will help millions of middle class families all across the nation weather the economic storm, while letting the tax cuts for wealthiest Americans expire. Congress has an obligation to work to sustain this economic recovery, help the private sector create jobs, and ensure the long-term fiscal well-being of the Federal Government. This is a critical time for our country and I believe we must work together to provide tax relief to the middle class families hit hardest by the recession. I urge my colleagues to join me in voting for the Middle Class Tax Relief Act of 2010.

Mr. SCHRADER. Mr. Speaker, as our economy continues to recover we need to do everything we can to help struggling middle class families. That's why I supported the extension of the 2001/2003 tax cuts which provides meaningful tax relief for 97 percent of families and small businesses. I'm also pleased that this legislation complies with PAYGO and will add some much needed certainty to Oregon families and small businesses as they budget for next year.

However, I'm uncomfortable making these tax cuts permanent and would prefer a temporary extension to protect middle class families. We need to have a real debate on overhauling our tax system and its long term effects on our economy and National Debt next session. Without controlling our deficit issues we will be unable to fund our schools, health care for seniors, public safety and national defense so we must keep all our options on the table. I'm also disappointed we did not include the bipartisan estate tax fix, which passed the House last December, in this tax relief package.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to clause 1(c) of rule XIX, further consideration of this motion is postponed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on the following motion to suspend the rules previously postponed: H.R. 6469, by the yeas and nays.

PLACING CONDITIONS ON CHILD AND ADULT CARE FOOD PROGRAM

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 6469) to amend section 17 of the Richard B. Russell National School Lunch Act to include a condition of receipt of funds under the child and adult care food program, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. GEORGE MILLER) that the House suspend the rules and pass the bill.

The vote was taken by electronic device, and there were—yeas 416, nays 3, not voting 15, as follows:

[Roll No. 601]

YEAS—416

Ackerman	Capito	Driehaus
Aderholt	Capps	Duncan
Adler (NJ)	Capuano	Edwards (MD)
Akin	Cardoza	Edwards (TX)
Alexander	Carnahan	Ehlers
Altmire	Carney	Ellison
Andrews	Carson (IN)	Ellsworth
Arcuri	Cassidy	Emerson
Austria	Castle	Engle
Baca	Castor (FL)	Eshoo
Bachus	Chaffetz	Etheridge
Baird	Chandler	Farr
Baldwin	Childers	Fattah
Barrow	Chu	Filner
Bartlett	Clarke	Flake
Barton (TX)	Clay	Fleming
Bean	Cleaver	Forbes
Becerra	Clyburn	Fortenberry
Berkley	Coble	Foster
Berman	Coffman (CO)	Fox
Biggart	Cohen	Frank (MA)
Bilbray	Cole	Franks (AZ)
Bilirakis	Conaway	Frelinghuysen
Bishop (GA)	Connolly (VA)	Fudge
Bishop (NY)	Conyers	Gallagher
Bishop (UT)	Cooper	Garamendi
Blackburn	Costa	Garrett (NJ)
Blumenauer	Costello	Gerlach
Blunt	Courtney	Giffords
Boccieri	Crenshaw	Gingrey (GA)
Boehner	Critz	Gohmert
Bonner	Crowley	Gonzalez
Bono Mack	Cuellar	Goodlatte
Boozman	Culberson	Gordon (TN)
Boren	Cummings	Graves (GA)
Boswell	Dahlkemper	Graves (MO)
Boucher	Davis (AL)	Grayson
Boustany	Davis (CA)	Green, Al
Boyd	Davis (IL)	Green, Gene
Brady (PA)	Davis (KY)	Griffith
Brady (TX)	Davis (TN)	Grijalva
Braley (IA)	DeGette	Guthrie
Bright	DeLauro	Gutierrez
Brown (SC)	Dent	Hall (NY)
Brown, Corrine	Deutch	Hall (TX)
Buchanan	Diaz-Balart, L.	Halvorson
Burgess	Diaz-Balart, M.	Hare
Burton (IN)	Dicks	Harman
Butterfield	Dingell	Harper
Calvert	Djou	Hastings (WA)
Camp	Doggett	Heinrich
Campbell	Donnelly (IN)	Heller
Cantor	Doyle	Hensarling
Cao	Dreier	Herger

Herseth Sandlin	McDermott	Ryan (WI)
Higgins	McGovern	Salazar
Hill	McHenry	Salazar, Linda
Himes	McIntyre	T.
Hinche	McKeon	Sanchez, Loretta
Hinojosa	McMahon	Sarbanes
Hirono	McNerney	Scalise
Hodes	Meek (FL)	Schakowsky
Hoekstra	Meeks (NY)	Schauer
Holden	Melancon	Schiff
Holt	Mica	Schmidt
Honda	Michaud	Schock
Hoyer	Miller (FL)	Schrader
Hunter	Miller (MI)	Schwartz
Inglis	Miller (NC)	Scott (GA)
Inslee	Miller, Gary	Scott (VA)
Israel	Miller, George	Sensenbrenner
Issa	Minnick	Serrano
Jackson (IL)	Mitchell	Sessions
Jackson Lee	Mollohan	Sestak
(TX)	Moore (KS)	Shadegg
Jenkins	Moore (WI)	Shea-Porter
Johnson (GA)	Moran (KS)	Sherman
Johnson (IL)	Moran (VA)	Shimkus
Johnson, E. B.	Murphy (CT)	Shuler
Johnson, Sam	Murphy (NY)	Shuster
Jones	Murphy, Patrick	Simpson
Jordan (OH)	Murphy, Tim	Sires
Kagen	Myrick	Skelton
Kanjorski	Nadler (NY)	Slaughter
Kaptur	Napolitano	Smith (NE)
Kennedy	Neal (MA)	Smith (NJ)
Kildee	Neugebauer	Smith (TX)
Kilpatrick (MI)	Nunes	Smith (WA)
Kilroy	Nye	Snyder
Kind	Oberstar	Space
King (NY)	Obey	Speier
Kingston	Olson	Spratt
Kirkpatrick (AZ)	Oliver	Stark
Kissell	Ortiz	Stearns
Klein (FL)	Owens	Stupak
Kline (MN)	Pallone	Stutzman
Kosmas	Pascrell	Sullivan
Kratovil	Pastor (AZ)	Sutton
Kucinich	Paulsen	Tanner
Lamborn	Payne	Taylor
Lance	Pelosi	Teague
Langevin	Pence	Terry
Larsen (WA)	Perriello	Thompson (CA)
Larson (CT)	Peters	Thompson (MS)
Latham	Peterson	Thompson (PA)
LaTourette	Petri	Thornberry
Latta	Pingree (ME)	Tiahrt
Lee (CA)	Pitts	Tiberi
Lee (NY)	Platts	Tierney
Levin	Poe (TX)	Titus
Lewis (CA)	Polis (CO)	Tonko
Lewis (GA)	Pomeroy	Towns
Linder	Posey	Tsongas
Lipinski	Price (GA)	Turner
LoBiondo	Price (NC)	Upton
Loeb	Quigley	Van Hollen
Loeb	Radanovich	Velazquez
Loeb	Rahall	Visclosky
Loeb	Rangel	Walden
Loeb	Reed	Walz
Loeb	Rehberg	Wamp
Loeb	Reichert	Wasserman
Loeb	Reyes	Schultz
Loeb	Richardson	Waters
Loeb	Rodriguez	Watson
Loeb	Roe (TN)	Watt
Loeb	Rogers (AL)	Waxman
Loeb	Rogers (KY)	Weiner
Loeb	Rogers (MI)	Welch
Loeb	Rohrabacher	Westmoreland
Loeb	Rooney	Whitfield
Loeb	Ros-Lehtinen	Wilson (OH)
Loeb	Roskam	Wilson (SC)
Loeb	Ross	Wittman
Loeb	Rothman (NJ)	Wolf
Loeb	Roybal-Allard	Woolsey
Loeb	Royce	Wu
Loeb	Ruppersberger	Yarmuth
Loeb	Rush	Young (AK)
Loeb	Ryan (OH)	Young (FL)

NAYS—3

NOT VOTING—15

Broun (GA)	King (IA)	Paul
Bachmann	Brown-Waite,	DeFazio
Barrett (SC)	Ginny	Delahunt
Berry	Buyer	Fallin
	Carter	

Granger	McMorris	Putnam
Hastings (FL)	Rodgers	
Marchant	Perlmutter	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There is 1 minute remaining in this vote.

□ 1508

Messrs. STUTZMAN and CHANDLER changed their vote from “nay” to “yea.”

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

HEALTHY, HUNGER-FREE KIDS ACT OF 2010

The SPEAKER pro tempore. Pursuant to clause 1(c) of rule XIX, proceedings will now resume on the bill (S. 3307) to reauthorize child nutrition programs, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. KLINE of Minnesota. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of passage.

The vote was taken by electronic device, and there were—yeas 200, nays 221, not voting 12, as follows:

[Roll No. 602]

YEAS—200

Aderholt	Cassidy	Granger
Akin	Castle	Graves (GA)
Alexander	Chaffetz	Graves (MO)
Altmire	Chandler	Griffith
Austria	Childers	Guthrie
Bachus	Coble	Hall (TX)
Bartlett	Coffman (CO)	Harper
Barton (TX)	Cole	Hastings (WA)
Biggart	Conaway	Heller
Bilbray	Crenshaw	Hensarling
Bilirakis	Culberson	Herger
Bishop (UT)	Davis (KY)	Hoekstra
Blackburn	Dent	Holden
Blunt	Diaz-Balart, L.	Hunter
Boccieri	Diaz-Balart, M.	Inglis
Boehner	Djou	Issa
Bonner	Donnelly (IN)	Jenkins
Bono Mack	Dreier	Johnson (IL)
Boozman	Duncan	Johnson, Sam
Boren	Ehlers	Jones
Boustany	Emerson	Jordan (OH)
Brady (TX)	Flake	King (IA)
Bright	Fleming	King (NY)
Broun (GA)	Forbes	Kingston
Brown (SC)	Fortenberry	Kirkpatrick (AZ)
Buchanan	Fox	Kissell
Burgess	Franks (AZ)	Kline (MN)
Burton (IN)	Frelinghuysen	Kratovil
Calvert	Gallagher	Lamborn
Camp	Garrett (NJ)	Lance
Campbell	Gerlach	Latham
Cantor	Giffords	LaTourette
Cao	Gingrey (GA)	Latta
Capito	Gohmert	Lee (NY)
Carter	Goodlatte	Lewis (CA)

Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marshall
Matheson
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McIntyre
McKeon
McMahon
McNerney
Melancon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mitchell
Mollohan
Moran (KS)
Murphy, Patrick
Murphy, Tim
Myrick
Neugebauer

NAYS—221

Ackerman
Adler (NJ)
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Critz
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeGette
DeLauro
Deutsch
Dicks
Dingell
Doggett
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ellison

Nunes
Nye
Olson
Paulsen
Pence
Perriello
Peters
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Radanovich
Reed
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Royce
Ryan (WI)
Scalise
Schmidt
Schmick

Sensenbrenner
Sessions
Shadegg
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Space
Stearns
Stutzman
Sullivan
Taylor
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Titus
Turner
Upton
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Speier
Spratt

Bachmann
Barrett (SC)
Berry
Brown-Waite,
Ginny

Stark
Stupak
Sutton
Tanner
Teague
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky

NOT VOTING—12

Buyer
DeFazio
Delahunt
Fallin
Hastings (FL)

□ 1525

Mr. FARR and Ms. CASTOR of Florida changed their vote from “yea” to “nay.”

Mr. GRAVES of Georgia changed his vote from “nay” to “yea.”

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. ROE of Tennessee. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 264, noes 157, not voting 13, as follows:

[Roll No. 603]

AYES—264

Ackerman
Adler (NJ)
Altmiere
Andrews
Arcuri
Baca
Bachus
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Boren
Boswell
Boucher
Brady (PA)
Braley (IA)
Bright
Brown, Corrine
Butterfield
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castle
Castor (FL)
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Critz
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeGette
DeLauro
Dent
Deutsch
Dicks
Dingell
Djou
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Fortenberry
Foster
Frank (MA)
Fudge
Garamendi
Gerlach
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Heinrich
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inlee
Israel
Jackson (IL)
Jackson Lee
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Klein (FL)
Kosmas
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loeb sack
Lofgren, Zoe

Jackson Lee
(TX)
Johnson (GA)
Johnson, E. B.
Jones
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Langevin
Larsen (CT)
Latham
LaTourette
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loeb sack
Lofgren, Zoe
Lowey
Lujan
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud

Aderholt
Akin
Alexander
Austria
Bartlett
Barton (TX)
Biggert
Billbray
Billirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Boyd
Brady (TX)
Broun (GA)
Brown (SC)
Buchanan
Burgess
Burton (IN)
Calvert
Camp
Campbell
Cantor
Carter
Cassidy
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Culberson
Davis (KY)
Diaz-Balart, M.
Dreier
Duncan
Flake
Fleming
Forbes
Foxy
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves (GA)
Graves (MO)
Griffith
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jordan (OH)
King (IA)
King (NY)
Kingston
Kline (MN)
Lamborn
Lance
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer

Miller (NC)
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Obey
Oliver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Payne
Pelosi
Perlmuter
Perriello
Peters
Peterson
Pingree (ME)
Platts
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reichert
Reyes
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sanchez, Linda
T.

NOES—157

Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Sutton
Taylor
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman
Schultz
Waters
Watson
Watt
Waxman
Weiner
Wilson (OH)
Woolsey
Wu
Yarmuth
Young (AK)

Lummis
Lungren, Daniel E.
Mack
Manzullo
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Myrick
Neugebauer
Nunes
Olson
Paul
Paulsen
Pence
Petri
Pitts
Poe (TX)
Posey
Price (GA)
Radanovich
Reed
Rehberg
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise

Schmidt	Stearns	Upton
Schock	Stupak	Walden
Sensenbrenner	Stutzman	Wamp
Sessions	Sullivan	Welch
Shadegg	Tanner	Westmoreland
Shimkus	Terry	Whitfield
Shuster	Thompson (PA)	Wilson (SC)
Simpson	Thornberry	Wittman
Smith (NE)	Tiahrt	Wolf
Smith (NJ)	Tiberi	Young (FL)
Smith (TX)	Turner	

NOT VOTING—13

Bachmann	Buyer	Hastings (FL)
Barrett (SC)	DeFazio	Marchant
Berry	Delahunt	McMorris
Brown-Waite,	Diaz-Balart, L.	Rodgers
Ginny	Fallin	Putnam

□ 1536

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MIDDLE CLASS TAX RELIEF ACT OF 2010

The SPEAKER pro tempore. Pursuant to clause 1(c) of rule XIX, proceedings will now resume on the motion to concur in the Senate amendment to the bill (H.R. 4853) to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend authorizations for the airport improvement program, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 1745, the previous question is ordered.

The question is on the motion offered by the gentleman from Michigan (Mr. LEVIN).

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. LEVIN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, this 15-minute vote on the motion will be followed by a 5-minute vote on suspending the rules with regard to House Resolution 1313, if ordered.

The vote was taken by electronic device, and there were—yeas 234, nays 188, not voting 12, as follows:

[Roll No. 604]

YEAS—234

Ackerman	Boswell	Childers
Adler (NJ)	Boucher	Chu
Altmore	Boyd	Clarke
Andrews	Brady (PA)	Clay
Arcuri	Braley (IA)	Cleaver
Baca	Bright	Clyburn
Baldwin	Brown, Corrine	Cohen
Barrow	Butterfield	Connolly (VA)
Bean	Capps	Conyers
Becerra	Capuano	Cooper
Berkley	Cardoza	Costa
Berman	Carnahan	Costello
Bishop (GA)	Carney	Courtney
Bishop (NY)	Carson (IN)	Critz
Blumenauer	Castor (FL)	Crowley
Bocieri	Chandler	Cuellar

Cummings	Kildee	Price (NC)	Kline (MN)	Moran (KS)	Schock
Davis (CA)	Kilpatrick (MI)	Quigley	Lamborn	Moran (VA)	Scott (VA)
Davis (IL)	Kilroy	Rahall	Lance	Murphy, Tim	Sensenbrenner
Davis (TN)	Kind	Rangel	Latham	Myrick	Sessions
DeGette	Kirkpatrick (AZ)	Reyes	LaTourette	Neugebauer	Shadegg
DeLauro	Kissell	Richardson	Latta	Nunes	Shimkus
Deutch	Kosmas	Rodriguez	Lee (NY)	Olson	Shuster
Dicks	Kratovil	Ross	Lewis (CA)	Paulsen	Simpson
Dingell	Kucinich	Rothman (NJ)	Linder	Pence	Smith (NE)
Donnelly (IN)	Langevin	Roybal-Allard	LoBiondo	Peterson	Smith (NJ)
Doyle	Larsen (WA)	Ruppersberger	Lucas	Petri	Smith (TX)
Driehaus	Larson (CT)	Rush	Luetkemeyer	Pitts	Stearns
Duncan	Lee (CA)	Ryan (OH)	Lummis	Platts	Stutzman
Edwards (MD)	Levin	Salazar	Lungren, Daniel	Poe (TX)	Sullivan
Edwards (TX)	Lewis (GA)	Salazar, Linda	E.	Pomeroy	Taylor
Ellison	Lipinski	T.	Mack	Posey	Terry
Elisworth	Loebach	Sanchez, Loretta	Manzullo	Price (GA)	Thompson (CA)
Engel	Lofgren, Zoe	Sarbanes	Matheson	Radanovich	Thompson (PA)
Eshoo	Lowey	Schakowsky	McCarthy (CA)	Reed	Thornberry
Etheridge	Lujan	Schauer	McCaul	Rehberg	Tiahrt
Farr	Lynch	Schiff	McClintock	Reichert	Tiberi
Fattah	Maffei	Schrader	McCotter	Roe (TN)	Turner
Filner	Maloney	Schwartz	McHenry	Rogers (AL)	Upton
Foster	Markey (CO)	Scott (GA)	McIntyre	Rogers (KY)	Visclosky
Frank (MA)	Markey (MA)	Serrano	McKeon	Rogers (MI)	Walden
Fudge	Marshall	Sestak	McMahon	Rohrabacher	Wamp
Garamendi	Matsui	Shea-Porter	McNerney	Rooney	Westmoreland
Giffords	McCarthy (NY)	Sherman	Mica	Ros-Lehtinen	Whitfield
Gonzalez	McCollum	Shuler	Miller (FL)	Roskam	Wilson (SC)
Gordon (TN)	McDermott	Sires	Miller (MI)	Royce	Wittman
Grayson	McGovern	Skelton	Miller, Gary	Ryan (WI)	Wolf
Green, Al	Meek (FL)	Slaughter	Minnick	Scalise	Young (AK)
Green, Gene	Meeks (NY)	Smith (WA)	Moore (WI)	Schmidt	Young (FL)
Grijalva	Melancon	Snyder			
Gutierrez	Michaud	Space			
Hall (NY)	Miller (NC)	Speier			
Halvorson	Miller, George	Spratt			
Hare	Mitchell	Stark			
Harman	Mollohan	Stupak			
Heinrich	Moore (KS)	Sutton			
Higgins	Murphy (CT)	Tanner			
Hill	Murphy (NY)	Teague			
Himes	Murphy, Patrick	Thompson (MS)			
Hinchee	Nadler (NY)	Tierney			
Hinojosa	Napolitano	Titus			
Hirono	Neal (MA)	Tonko			
Hodes	Nye	Towns			
Holden	Oberstar	Tsongas			
Holt	Obey	Van Hollen			
Honda	Olver	Velazquez			
Hoyer	Ortiz	Walz			
Inslee	Owens	Wasserman			
Israel	Pallone	Schultz			
Jackson (IL)	Pascarella	Waters			
Jackson Lee	Pastor (AZ)	Watson			
(TX)	Paul	Watt			
Johnson (GA)	Payne	Waxman			
Johnson, E. B.	Pelosi	Weiner			
Jones	Perlmutter	Welch			
Kagen	Perriello	Wilson (OH)			
Kanjorski	Peters	Woolsey			
Kaptur	Pingree (ME)	Wu			
Kennedy	Polis (CO)	Yarmuth			

NAYS—188

Aderholt	Cao	Galleghy
Akin	Capito	Garrett (NJ)
Alexander	Carter	Gerlach
Austria	Cassidy	Gingrey (GA)
Bachus	Castle	Gohmert
Baird	Chaffetz	Goodlatte
Bartlett	Coble	Granger
Barton (TX)	Coffman (CO)	Graves (GA)
Biggart	Cole	Graves (MO)
Bilbray	Conaway	Griffith
Bilirakis	Crenshaw	Guthrie
Bishop (UT)	Culberson	Hall (TX)
Blackburn	Dahlkemper	Harper
Blunt	Davis (AL)	Hastings (WA)
Boehner	Davis (KY)	Heller
Bonner	Dent	Hensarling
Bono Mack	Diaz-Balart, L.	Herger
Boozman	Diaz-Balart, M.	Herseth Sandlin
Boren	Djou	Hoekstra
Boustany	Doggett	Hunter
Braley (TX)	Dreier	Inglis
Broun (GA)	Ehlers	Issa
Brown (SC)	Emerson	Jenkins
Buchanan	Flake	Johnson (IL)
Burgess	Fleming	Johnson, Sam
Burton (IN)	Forbes	Jordan (OH)
Calvert	Fortenberry	King (IA)
Camp	Fox	King (NY)
Campbell	Franks (AZ)	Kingston
Cantor	Frelinghuysen	Klein (FL)

Bachmann	Buyer	Marchant
Barrett (SC)	DeFazio	McMorris
Berry	Delahunt	Rodgers
Brown-Waite,	Fallin	Putnam
Ginny	Hastings (FL)	

NOT VOTING—12

□ 1555

Mr. EHLERS changed his vote from “yea” to “nay.”

Ms. SPEIER changed her vote from “nay” to “yea.”

So the motion was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

SUPPORTING CHILD ADVOCACY CENTER MONTH

The SPEAKER. The unfinished business is the question on suspending the rules and agreeing to the resolution (H. Res. 1313) expressing support for designation of May as “Child Advocacy Center Month” and commending the National Child Advocacy Center in Huntsville, Alabama, on their 25th anniversary in 2010.

The Clerk read the title of the resolution.

The SPEAKER pro tempore (Mr. SALAZAR). The question is on the motion offered by the gentlewoman from California (Ms. WOOLSEY) that the House suspend the rules and agree to the resolution.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

RECORDED VOTE

Ms. SUTTON. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 413, noes 0, not voting 20, as follows:

[Roll No. 605]

AYES—413

Ackerman	Davis (IL)	Jones
Aderholt	Davis (KY)	Jordan (OH)
Adler (NJ)	Davis (TN)	Kagen
Akin	DeGette	Kanjorski
Alexander	DeLauro	Kaptur
Altmire	Dent	Kennedy
Andrews	Deutch	Kildee
Arcuri	Diaz-Balart, L.	Kilpatrick (MI)
Austria	Diaz-Balart, M.	Kilroy
Baca	Dicks	Kind
Bachus	Dingell	King (IA)
Baird	Djou	King (NY)
Baldwin	Doggett	Kingston
Barrow	Donnelly (IN)	Kirkpatrick (AZ)
Bartlett	Doyle	Kissell
Barton (TX)	Dreier	Klein (FL)
Bean	Driehaus	Kline (MN)
Becerra	Duncan	Kosmas
Berkley	Edwards (MD)	Kratovil
Berman	Edwards (TX)	Kucinich
Biggert	Ehlers	Lamborn
Bilbray	Ellison	Lance
Bilirakis	Ellsworth	Langevin
Bishop (GA)	Emerson	Larsen (WA)
Bishop (NY)	Engel	Larson (CT)
Bishop (UT)	Eshoo	Latham
Blackburn	Etheridge	LaTourette
Blumenauer	Farr	Latta
Blunt	Fattah	Lee (CA)
Boccheri	Filner	Lee (NY)
Boehner	Flake	Levin
Bonner	Fleming	Lewis (CA)
Bono Mack	Forbes	Lewis (GA)
Boozman	Fortenberry	Lipinski
Boren	Foster	LoBiondo
Boswell	Fox	Loeb
Boucher	Frank (MA)	Lofgren, Zoe
Boustany	Franks (AZ)	Lowe
Boyd	Frelinghuysen	Lucas
Brady (PA)	Fudge	Luetkemeyer
Brady (TX)	Gallegly	Lujan
Braley (IA)	Garamendi	Lummis
Bright	Garrett (NJ)	Lungren, Daniel E.
Broun (GA)	Gerlach	Lynch
Brown (SC)	Giffords	Mack
Brown, Corrine	Gohmert	Maffei
Buchanan	Gonzalez	Maloney
Burgess	Goodlatte	Markey (CO)
Burton (IN)	Gordon (TN)	Markey (MA)
Butterfield	Granger	Marshall
Calvert	Graves (GA)	Matheson
Camp	Graves (MO)	Matsui
Campbell	Grayson	McCarthy (CA)
Cantor	Green, Al	McCarthy (NY)
Cao	Green, Gene	McCaul
Capito	Griffith	McClintock
Capps	Grijalva	McCollum
Capuano	Guthrie	McCotter
Cardoza	Gutierrez	McDermott
Carnahan	Hall (NY)	McGovern
Carney	Hall (TX)	McHenry
Carson (IN)	Halvorson	McIntyre
Carter	Hare	McKeon
Cassidy	Harman	McMahon
Castle	Hastings (WA)	McNerney
Castor (FL)	Heinrich	Meek (FL)
Chaffetz	Heller	Meeks (NY)
Chandler	Hensarling	Melancon
Childers	Herseth Sandlin	Mica
Chu	Higgins	Michaud
Clarke	Hill	Miller (FL)
Clay	Himes	Miller (MI)
Clyburn	Hinchey	Miller (NC)
Coble	Hinojosa	Miller, Gary
Coffman (CO)	Hirono	Miller, George
Cohen	Hodes	Minnick
Cole	Hoekstra	Mitchell
Conaway	Holden	Mollohan
Connolly (VA)	Holt	Moore (KS)
Conyers	Honda	Moore (WI)
Cooper	Hoyer	Moran (KS)
Costa	Hunter	Moran (VA)
Costello	Inslee	Murphy (CT)
Courtney	Israel	Murphy (NY)
Crenshaw	Issa	Murphy, Patrick
Critz	Jackson (IL)	Murphy, Tim
Crowley	Jackson Lee	Myrick
Cuellar	(TX)	Nadler (NY)
Culberson	Jenkins	Napolitano
Cummings	Johnson (GA)	Neal (MA)
Dahlkemper	Johnson (IL)	Neugebauer
Davis (AL)	Johnson, E. B.	Nunes
Davis (CA)	Johnson, Sam	

Nye	Ross	Stearns
Oberstar	Rothman (NJ)	Stupak
Obey	Roybal-Allard	Stutzman
Olson	Royce	Sullivan
Olver	Ruppersberger	Sutton
Ortiz	Rush	Tanner
Owens	Ryan (OH)	Taylor
Pallone	Ryan (WI)	Teague
Pascarella	Salazar	Terry
Pastor (AZ)	Sanchez, Linda T.	Thompson (CA)
Paul	Sanchez, Loretta	Thompson (MS)
Paulsen	Sarbanes	Thompson (PA)
Payne	Scalise	Thornberry
Pence	Schakowsky	Tiahrt
Perlmutter	Schauer	Tiberi
Perriello	Schiff	Tierney
Peters	Schmidt	Titus
Peterson	Schock	Tonko
Petri	Schrader	Towns
Pingree (ME)	Schwartz	Tsongas
Pitts	Scott (GA)	Turner
Platts	Scott (VA)	Upton
Poe (TX)	Sensenbrenner	Van Hollen
Polis (CO)	Serrano	Visclosky
Pomeroy	Sessions	Walden
Posey	Sestak	Walz
Price (GA)	Shadegg	Wamp
Price (NC)	Shea-Porter	Wasserman
Quigley	Sherman	Schultz
Radanovich	Shimkus	Waters
Rahall	Shuler	Watson
Rangel	Shuster	Watt
Reed	Simpson	Waxman
Rehberg	Sires	Weiner
Reichert	Skelton	Welch
Reyes	Slaughter	Westmoreland
Richardson	Smith (NE)	Whitfield
Rodriguez	Smith (NJ)	Wilson (OH)
Roe (TN)	Smith (TX)	Wilson (SC)
Rogers (AL)	Smith (WA)	Wittman
Rogers (KY)	Snyder	Wolf
Rogers (MI)	Space	Woolsey
Rohrabacher	Speier	Wu
Rooney	Spratt	Yarmuth
Ros-Lehtinen	Stark	Young (AK)
Roskam		Young (FL)

NOT VOTING—20

Bachmann	Delahunt	Manzullo
Barrett (SC)	Fallin	Marchant
Berry	Gingrey (GA)	McMorris
Brown-Weate,	Harper	Rodgers
Ginny	Hastings (FL)	Putnam
Buyer	Herger	Velázquez
Cleaver	Inglis	
DeFazio	Linder	

□ 1605

Mr. CONYERS changed his vote from “present” to “aye.”

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

IN THE MATTER OF REPRESENTATIVE CHARLES B. RANGEL OF NEW YORK

Ms. ZOE LOFGREN of California. Mr. Speaker, I call up privileged resolution, H. Res. 1737, and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1737

Resolved, That (1) Representative Charles B. Rangel of New York be censured; (2) Representative Charles B. Rangel forthwith present himself in the well of the House for the pronouncement of censure; (3) Representative Charles B. Rangel be censured with the public reading of this resolution by the Speaker; and (4) Representative Rangel pay restitution to the appropriate taxing au-

thorities or the U.S. Treasury for any unpaid estimated taxes outlined in Exhibit 066 on income received from his property in the Dominican Republic and provide proof of payment to the Committee.

The SPEAKER pro tempore. The gentlewoman from California is recognized for 1 hour.

Ms. ZOE LOFGREN of California. Mr. Speaker, I yield 30 minutes to the gentleman from New York (Mr. RANGEL) for purposes of debate only, and I ask unanimous consent that he be permitted to control those 30 minutes.

Of my remaining 30 minutes, I yield 15 minutes to the gentleman from Alabama, the ranking member on the Committee on Standards of Official Conduct, Mr. BONNER, for purposes of debate only, and I ask unanimous consent that he be permitted to control those 15 minutes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Ms. ZOE LOFGREN of California. Mr. Speaker, I yield myself such time as I may consume.

As the chair of the Committee on Standards of Official Conduct and as chair of the adjudicatory subcommittee in the matter of Mr. RANGEL, I rise in support of the resolution which calls for censure of Representative CHARLES B. RANGEL.

Article I, section 5 of the Constitution provides that “each House may punish its Members for disorderly Behaviour, and, with the Concurrence of two thirds, expel a Member.”

In the House, the Committee on Standards of Official Conduct is charged with recommending and enforcing ethical standards that ensure that Members and staff act in a manner befitting that public trust.

It is the role of the committee to review allegations that a Member has violated those standards. In this case, after a lengthy and thorough investigation that spanned more than 2 years and resulted in a 5,000-page report, the committee concluded that this Member violated those standards. We were charged with recommending an appropriate sanction to the House.

The entire report has been available to Members of the House and the public on the committee’s Web site. Many portions of the report have previously been publicly released, some since July.

Here is a brief summary of the findings of that report and why the committee recommended censure.

In this matter, we found that Representative RANGEL engaged in misconduct in four areas.

Mr. RANGEL improperly solicited individuals and entities with businesses and interest before the House to fund the Charles B. Rangel Center for Public Service at City College of New York. He misused official resources to make

these solicitations for millions of dollars. He improperly solicited funds from lobbyists.

He failed to file full and complete financial disclosure statements for 10 years.

He accepted a favor or benefit related to his use of a residential, rent-stabilized apartment as a campaign office under circumstances that created an appearance of impropriety.

He failed to report and pay taxes for years on income he received from a property he owns in the Dominican Republic.

We found that Representative RANGEL's conduct in each of those four areas violated laws and regulations, as well as the rules of the House and standards of conduct, namely that he:

Violated the Gift and Solicitation Ban, a statute enacted by Congress in 1989;

Violated clauses 2 and 5 of the Code of Ethics for Government Service;

Violated postal service laws and regulations issued by the Franking Commission;

Violated the rules of this House, including the Code of Conduct;

Violated the Purpose Law, a statute which derives directly from the Constitution;

Violated the Ethics in Government Act; and

Violated the Internal Revenue Code.

A bipartisan majority of his colleagues concluded that 11 of the 13 counts in the Statement of Alleged Violation regarding these areas of his misconduct were proved by clear and convincing evidence.

We found his actions and accumulation of actions "reflected poorly on the institution of the House and, thereby, brought discredit to the House."

□ 1610

Nothing we say or do here today will in any way diminish his service to our country or our gratitude for his service, both in this House and as a hero of the Korean War.

But that service does not excuse the fact that Representative RANGEL violated laws. He violated regulations. He violated the rules of this House. And he violated the standards of conduct.

Because of that misconduct, the nonpartisan committee staff recommended that he be censured, and a bipartisan majority of the committee voted to recommend censure.

The committee also voted to require that he pay restitution to taxing authorities.

Censure is a very serious sanction and one rarely imposed by the House. The decision to recommend that sanction was not reached lightly.

In making its recommendation, the committee considered the aggregation of Representative RANGEL's misconduct. The committee concluded that his violations occurred on a "con-

tinuous and prolonged basis" and were "more serious in character, meriting a strong Congressional response rebuking his behavior."

For the violations related to the payment of taxes, the committee considered not only the amount of taxes he failed to pay over many years, but the fact that he served at various times in highly visible and influential positions as both chairman and ranking member of the Ways and Means Committee.

It brought discredit to the House when this Member, with great responsibility for tax policy, did not fully pay his taxes for many years.

Some have questioned whether a recommendation of censure is consistent with the committee's past precedent. It is true that in the committee's roughly 40 years of existence, the House has censured just four Members. But it is also true that for precedent to be followed, a precedent must be set.

We follow precedent, but we also set it. For example, nearly 30 years ago, the committee recommended that two Members be reprimanded for engaging in sexual relations with pages. The House rejected the recommendation and instead censured those two Members. It is possible that if that situation were to occur again today, this House might not feel censure is a severe enough action.

Many of us in this body pledged 4 years ago to create the most honest, most open, and most ethical Congress in history. Censure for this misbehavior is consistent with that pledge.

At the hearing, the nonpartisan committee counsel said clearly that Representative RANGEL's pattern of misconduct appeared to reflect "overzealousness" and "sloppiness." But he also said that did not excuse his misconduct.

In light of those considerations, a bipartisan majority of the committee concluded that it was appropriate to recommend to the House that Representative RANGEL be censured.

Throughout this matter, key decisions were made with bipartisan votes. Not all votes were unanimous, but each was made on the basis of a bipartisan, majority vote.

The purpose of the ethics process is not punishment, but accountability and credibility: accountability for the respondent and credibility for the House itself.

Where a Member has been found by his colleagues to have violated our ethical standards, that Member must be held accountable for his conduct.

Representative RANGEL has violated the public trust. While it is difficult—actually painful—to sit in judgment of our colleague, it is our duty under the Constitution to do so. And, accordingly, I bring this resolution to the floor today.

Mr. Speaker, I reserve the balance of my time.

The SPEAKER pro tempore. The gentleman from Alabama is recognized for 15 minutes.

Mr. BONNER. Mr. Speaker, I yield myself such time as I may consume.

This is a solemn moment for this House in a time where, in a little under an hour, all of our Members will have an opportunity to make a statement with their vote. As such, and because the rules allow Mr. RANGEL 30 minutes to defend himself against the recommendation of the committee, and the committee's time is being evenly divided between the chair and the ranking member, I want to inform the body that there will only be three Members on this side of the aisle who will speak. I say this because there have obviously been a number of Members who have approached me, even some on this committee, asking for time. But out of respect for all, and especially in light of the rare nature of this debate, I intend to recognize our time only to myself, Mr. HASTINGS, the former chair of the Ethics Committee and our colleague who served for almost 2 years on the investigative subcommittee, as well as our colleague, Mr. MCCAUL, who served as the ranking member of the adjudicatory subcommittee during that phase of this matter.

Naturally, if other Members care to have their views inserted into the RECORD, we would have no objection.

With that, I yield 3 minutes to the gentleman from Texas (Mr. MCCAUL).

Mr. MCCAUL. Mr. Speaker, first let me thank the gentleman from Alabama for his leadership on this solemn occasion. This is an important day for Mr. RANGEL, for the Congress, but most importantly, for the American people. As the ranking member during the Rangel adjudicatory proceedings and as a former Federal prosecutor in the Public Integrity Section of the Department of Justice, I take this responsibility very seriously.

And let me be clear, no Member asked for this assignment. But we accept our responsibility here today for no other reason than to protect the honor, integrity, and credibility of this great institution.

The America's people confidence in us is at historic lows. They want their elected representatives held accountable for their actions, just as they are held accountable as private citizens. And today, we have an opportunity to begin a new era restoring the trust of the American people.

The committee agreed on 12 of the 13 counts, finding that he violated multiple rules of the House and Federal statutes, including the most fundamental code of conduct, which states "a Member . . . of the House shall conduct himself at all times in a manner that shall reflect credibility on the House." And credibility is exactly what is at stake here; the very credibility of

the House of Representatives itself before the American people.

Most egregiously, the committee found that Mr. RANGEL failed to pay his income taxes for 17 years. And this, while serving as chairman of the committee that writes the tax laws for the Nation. What kind of message does this send to the average working man or woman who plays by the rules and struggles every day to pay their own taxes?

Mr. RANGEL also solicited contributions from corporations, foundations, and lobbyists who had business before his committee to build a school bearing his name. I have consistently opposed Members of Congress naming monuments after themselves.

The committee recommended the most severe punishment available based upon the facts and the precedents. This sanction is both rare and historic.

Founding Father John Adams said that "moral authority and character increases as the importance of the position increases." In his letter to the Speaker, Mr. RANGEL stated that as chairman of the Ways and Means Committee, he is to be held to a higher standard of propriety. I agree. Mr. RANGEL failed to hold himself to this higher standard. And the American people deserve better.

And I sincerely feel for Mr. RANGEL as a human being.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. BONNER. Mr. Speaker, I yield the gentleman another 15 seconds.

Mr. MCCAUL. And while I sincerely feel for Mr. RANGEL as a human being, I feel more strongly that a public office is a public trust. And Mr. RANGEL violated that trust.

The Speaker challenged us to enter into a new era of transparency and accountability. Let us begin today. Let justice be served. Let us begin to enter into a new era of ethics to restore the credibility and integrity of this House, the people's House.

Mr. BONNER. Mr. Speaker, at this time I now yield 3½ minutes to the gentleman from Washington (Mr. HASTINGS).

Mr. HASTINGS of Washington. Mr. Speaker, I want to thank my friend from Alabama for yielding me this time.

Mr. Speaker, for over 2 years I served on the investigative committee that reviewed allegations and evidence involving Mr. RANGEL, and we found substantial reason to believe, which is what our threshold was, that violations occurred. Because the facts of this matter are not disputed, I will not comment on the evidence. But I will, however, comment on the length of the investigation and particularly a statement made by Mr. RANGEL regarding the confidential work of the investigative committee.

First, on the length of the investigation. Chairman GREEN and I, when I was the ranking member of the subcommittee, had every intention of completing the investigation before the conclusion of the 110th Congress, but events intervened.

□ 1620

In September 2008, Mr. RANGEL publicly pledged that he would release in a timely manner a forensic analysis of 20 years of his tax returns and financial disclosures. However, we did not receive the report until May of 2009, 8 months later.

Then, in December 2008, serious new allegations involving Nabors Industries resulted in the committee's unanimous decision to expand its jurisdiction.

In August of 2009, amendments filed by Mr. RANGEL to his financial disclosures raised serious new questions, resulting in the committee unanimously expanding an investigation once again.

Finally, after receiving the information long requested from him, the subcommittee completed its work, and sent the Statement of Alleged Violations to him on May 27, 2010. Remember that date.

Now, on Mr. RANGEL's statement—and here I am going to be very critical, Mr. Speaker. Let me read a statement he made in an article dated June 6, 2010, in *Politico*—and I'm quoting Mr. RANGEL now.

"I would normally believe, being a former Federal prosecutor, that if the allegations involve my conduct as a Member of the House and there is a committee with Republicans and Democrats there, then that you refer to the committee. And if they're so confused after 18 months that they can't find anything, then that is a story."

Mr. RANGEL, in my view, had misrepresented the work of the subcommittee. Why do I say that? Because the comments he made were comments over a week after the subcommittee had transmitted a detailed confidential Statement of Allegations, accompanied with thousands of pages of documents, to him. He knew the contents of the report.

Confused?

There is no confusion. Everything was in his possession. He knew what the subcommittee produced, and he deliberately misrepresented its contents. In fact, he was aware of the subcommittee's work as early as December 15, 2009, when he testified before the committee. In addition, after he received the SAV, he subsequently met in executive session, at his request, two more times with his counsel.

I mention this because there is discussion of process in this matter. It is completely disingenuous to suggest that the subcommittee had treated him unfairly.

So, Mr. Speaker, the investigative subcommittee completed its respon-

sibilities to the House and the American people in a timely, professional, and responsible manner. The facts supporting the 11 violations are not disputed.

I will vote for the resolution.

Mr. BONNER. Mr. Speaker, I reserve the balance of my time.

Ms. ZOE LOFGREN of California. I reserve the balance of my time.

The SPEAKER pro tempore. The gentleman from New York is recognized for 30 minutes.

Mr. RANGEL. First, let me apologize to this august body for putting you in this very awkward position today.

To the Ethics Committee, I do recognize that it is not a job that many of us would want to have.

Last week, as we were reading about the North Koreans attacking the South Koreans, I was haunted by the fact that, on November 30, 60 years ago, I was in Korea as a young, 20-year-old volunteer in the 2nd Infantry Division. On that occasion, in subzero weather—20 degrees below zero—the Chinese surrounded us and attacked, and there were hundreds of casualties wounded and killed and captured. Bugles blared and screams were heard.

I was wounded and had no thoughts that I would be able to survive. But God gave me the strength, not only to survive, although wounded, but to find my way out of the entrapment, and for 3 days, I had the strength to lead 40 of my comrades out of that situation. We all were haunted by the fact that so many of my comrades did not survive it.

I tell you that story, not for sympathy, but to let you know that, at that time, in every sense, I made up my mind that I could never complain to God for any events that occurred in my life and that I would dedicate my life to trying, in some meaningful way, to improve the quality of life for all Americans as well as do as much as I could for humankind.

It is for that reason that I stand to say that I have made serious mistakes. I do believe rules are made to be enforced. I do believe that we in the Congress have a higher responsibility than most people. I do believe that senior Members should act, in a way, as a model for new and less experienced Members. I do believe that there should be enforcement of these laws. There should be sanctions.

But if you're breaking new ground, I ask for fairness. In none of the precedents of the history of this great country has anyone ever suffered the humiliation of a censure when the record is abundantly clear and never challenged, and when, in those 2 years of investigations which I called for, counsel on the committee found no evidence at all of corruption, found no evidence of self-enrichment, found no evidence that there was an intention on my part to evade my responsibility, whether in

taxes or whether in financial disclosures.

There is absolutely no excuse for my omissions for my responsibility to obey those rules. I take full credit for the responsibility of that. I brought it on myself, but I still believe that this body has to be guided by fairness. So that's all I'm saying. I'm not here to complain. I have too much to be thankful for, being from where I am and who I am today.

Once again, it has been awkward, especially for my friends and supporters, but I want to respect the dignity of the community that elected me to serve them. I want to continue to serve this Congress and this country and do what I can to make life better for other people, and I think we all agree that, in 40 years, I've tried my darndest to do that.

So, at this point, by unanimous consent, I would like to turn the remainder of the time that the Chair has given to me to my fellow colleague, BOBBY SCOTT.

The SPEAKER pro tempore. Without objection, the gentleman from Virginia will control the time.

There was no objection.

Mr. SCOTT of Virginia. I yield myself such time as I may consume.

Mr. Speaker, I served on the special subcommittee appointed to investigate this matter, and dissented from the subcommittee report. I rise to oppose the pending motion to adopt the resolution.

I believe that, under precedents of the House, imposing censure on one of our Members for violating procedural rules of the House under these circumstances would be singularly harsh, unfair, and without precedent. Now, Mr. RANGEL has acknowledged his mistakes, and he has asked to be punished fairly, which means punished just like everybody else similarly situated. Accordingly, I believe the punishment is appropriate, but I believe that censure is inappropriate.

Congressman CHARLES B. RANGEL is a dedicated public servant and a decorated soldier who has made outstanding contributions to the people of his congressional district, to the United States, and to this institution.

□ 1630

Yet he has made mistakes which have resulted in violations of the rules of official conduct for Members of the House and he will be punished for those violations. The question is what is the appropriate punishment?

We need not answer this question in a vacuum. Congressman RANGEL is not the first Member to violate rules of official conduct, so we have ample precedents from which to glean the appropriate punishment. It is clear from the precedents of the House that censure is not a fair and just punishment for these violations. When censure or even

reprimand has been imposed for violations in past cases, they have involved direct financial gain or criminal or corrupt conduct. The committee counsel during the hearings acknowledged that those elements are not found in this case. Furthermore, the committee report in this matter acknowledges that the recommendation of censure in this case is in violation of prior case precedents. The point is made in the report on page 7, and I quote:

"Although prior committee precedent for recommendation of censure involved many cases of direct financial gain, this committee's recommendation for censure is based on the cumulative nature of the violations and not direct personal gain." But using "cumulative nature of the violations" to support the committee's recommendation of censure is without precedent. In the case of former Congressman George Hansen, the committee stated that, and I quote, "It has been the character of the offenses which established the level of punishment imposed, not the cumulative nature of the offenses." And so a review of prior precedents establish that neither the character nor the cumulative nature of the violations warrant censure.

Eight of the 11 counts that the committee found that Congressman RANGEL has violated are for raising money for a center at a public university in his congressional district. The program is to train young people to go into public service, using his life experience as an inspiration. Assisting a constituent institution with such a project is not a violation in and of itself, but there are proper procedures to be followed if you're going to raise money for a local college. He openly assisted the institution, clearly with no intent to do anything improper, but he did unfortunately violate the rules by not following proper procedures. Once the determination was made that he used official resources to help the local college, that one mistake has been converted into almost eight different counts:

One, he used the letterhead; two, he used the staff; three, he used office equipment; he used franked mail; all from the fact that he cannot use official resources. That was a mistake for which he should be punished. The question is what should the punishment be for messing up and raising money improperly?

Well, we have the case of former Speaker Newt Gingrich who was found to have violated House rules by misusing tax-exempt entities to fund a partisan college course aimed at recruiting new members to the Republican Party after he had been warned not to. Moreover, he was found to have filed four false reports to the committee about the matter in 13 instances, causing substantial delays and expense to the committee. Yet he was

reprimanded, not censured, and did not lose his job as Speaker. Congressman RANGEL did not lie about his activities, he gained no partisan advantage, he believed that he was doing right although he made mistakes, and he received no prior warning, as did Speaker Gingrich. Yet Congressman RANGEL lost his chairmanship on Ways and Means and now faces the possibility of a censure, not a reprimand, as Speaker Gingrich received.

Another example of raising money in violation of House rules involved former House majority leader Tom DeLay. He was admonished by the committee for participating in and facilitating an energy company fund-raiser which the committee found created an appearance of "impermissible special treatment or access." Mr. DeLay was also cited for his "intervention in a partisan conflict in the Texas House of Representatives using the resources of a Federal agency, the FAA." An ethics investigation involved accusations of solicitation and receipt of campaign contributions in return for legislative assistance, use of corporate political contributions in violation of State law, and improper use of official resources for political purposes. I think everybody here is aware of recent news reports that Mr. DeLay has been convicted of charges of money laundering in connection with circumventing a State law against corporate contributions to political campaigns. For being found guilty of money laundering and conspiracy, the media reports that he faces possible prison sentences of between 5 and 99 years in prison. Yet the House did not censure Mr. DeLay, nor did they even impose a reprimand. They only issued a committee letter. Mr. RANGEL has made mistakes and he should be punished, just like everyone else in the past, consistent with precedents.

On the issue of Mr. RANGEL's rent-stabilized apartment for use as a campaign office, let the record reflect that Mr. RANGEL's landlord knew of his use of the apartment for a campaign office and did not see it as illegal. And the committee records reflect that an attorney for the New York housing authority testified that the use decision was up to the landlord. If somebody rented the apartment that was not technically protected by the rent stabilization law, the tenant is not protected; however, the lease is permitted. That's what the attorney for the housing authority said. And I don't know whether that's right or wrong, but that's what CHARLIE RANGEL believed, that's what his landlord believed, and that's what the housing authority lawyer believed.

Now let's talk about this apartment. It had been vacant for months. CHARLIE paid sticker price for the rent. He passed nobody on the waiting list. This is not a corrupt scheme. To the extent

that there is a violation, let's punish him consistent with others who have had problems. Earl Hilliard, for example, was found by the committee to have been paying more than market rent for his campaign headquarters; the rent paid to family members who owned the building. He was not censured. He wasn't even reprimanded. He received a committee letter.

Other cases involving campaign violations and use of official resources have not resulted in censure. One example is the case of Bud Shuster for violations of House rules related to campaign and other violations. He was found to have knowingly allowed a former employee-turned-lobbyist to communicate with him within 12 months following her resignation, to influence his schedule and give him advice pertaining to his office. He was also found to have violated the House gift rule, to have misused official congressional resources, misused official congressional staff for campaign purposes, and to have made certain expenditures from his campaign accounts for expenses that were not for bona fide campaign or political purposes. Yet he received a letter, not a censure, not even a reprimand. Although both of those cases involved personal financial gain and intentional violations of the rules, the sanction for both was a letter of reproof. Mr. RANGEL neither personally benefited nor intended to violate the rules.

There is an issue now of his failure to report income on rental property, on property he owned in the Dominican Republic, and report those appropriately on his disclosure statement. I say "properly," because ownership and some rental payments were in fact reported on his disclosure, so there's nothing to cover up. And while he did not file all his reports properly, these are not matters that warrant censure. Mistakes made on disclosure are usually corrected with nothing more said. The only cases where there is a violation, a sanction, for failing to disclose are cases where there is some corrupt cover-up. For example, failing to file campaign contributions from Tonsong Park during Korea-Gate or failing to have loans or assets with those who would reveal a conflict of interest. The committee found no evidence that failure to report was for financial gain or cover-up.

The tax issues. Comment was made that he hadn't paid taxes for 17 years. Let's say a word about those taxes. Tax matters involved a deal where he and many others had pooled their rents and paid expenses and anything left over was profit. Well, it wasn't as profitable as they hoped. He got a couple of small checks over all those years and that was it. However, one of the bills paid was his mortgage. And diminution of principal is technically income on which you have to pay taxes. Whatever

sanction there should be for that transgression should be consistent with precedents. The only example of anybody sanctioned for tax matters in this House in the history of the United States have been those who did not pay taxes on bribes they received. That's it. All we ask is that he be sanctioned like everyone else.

Since there is no indication that CHARLIE RANGEL's reporting violations were intended for financial gain, concealment or other corruption, censure is clearly not the just sanction. Moreover, he hired a forensic accountant to assure that all of the matters have been cleared up. He knows he messed up. He knows he'll be punished. We just ask that he be punished like everybody else. Unfortunately, CHARLIE RANGEL will be punished for his transgressions but neither the nature of the offenses nor their cumulative impact has been a sufficient basis for censure of any other Member in the past. Nor has the level of one's position been a basis for sanction as we said in the case of Newt Gingrich or Tom DeLay. Both had multiple serious violations that were intentional with aggravations such as concealment, lying and failure to heed warnings, none of which are in this case.

□ 1640

All the instances of censure, reprimand, reproof, admonishment and other cases of sanctioning make it clear that censure is not an appropriate sanction in this case. Now, CHARLIE is not asking to be excused for his conduct. He accepts responsibility. All we ask is that we cite what has been done in the past for conduct similar to his and apply a sanction similar to those sanctions. And based on the precedent, there is no precedence for a censure in this case.

Mr. Speaker, I yield 5 minutes to the gentleman from New York (Mr. KING).

Mr. KING of New York. I thank the gentleman for yielding.

Mr. Speaker, at the outset, let me express my profound respect for Chairperson LOFGREN, Ranking Member BONNER, my friends Mr. HASTINGS and Mr. McCAUL, and all the members of the Ethics Committee for their dedicated efforts in this very, very painful matter. Having said that, I will vote against this censure resolution because I do not believe the findings warrant the severe penalty of censure. I reached this conclusion after reading and studying hundreds of pages of committee documents, including the subcommittee findings, the minority views of Congressman SCOTT, the report of the full committee, and myriad exhibits and correspondence.

Mr. Speaker, censure is an extremely severe penalty. In the more than 200-year history of this body, only 22 Members have been subjected to censure. None in more than a quarter century.

If expulsion is the equivalent of the death penalty, then censure is life imprisonment.

Mr. Speaker, I have found no cases where charges similar to or analogous to those against Congressman RANGEL resulted in censure. Thus far, this penalty has been reserved for such violations as supporting armed insurrection against the United States and sexual abuse of minors. In Congressman RANGEL's case, as Mr. SCOTT pointed out, the committee chief counsel said he found no evidence of corruption, and the committee report itself said there was no "direct personal gain" to Congressman RANGEL.

Mr. Speaker, my religious faith is based on Scripture and tradition. My training as a lawyer has taught me to respect precedent. Why, today, are we being asked to reverse more than 200 years of tradition and precedent?

There is no doubt that Congressman RANGEL has violated rules of this House, but these violations are *malum prohibitum*, not *malum in se*. There is no evidence or finding of criminal intent, no *mens rea*. As Congressman SCOTT pointed out, it was public record that CHARLIE RANGEL was living in a rent-stabilized apartment. That was hidden from nobody. It was public record that his campaign headquarters was in a rent-stabilized building. It was hidden from nobody. It was also public record that CHARLIE RANGEL had a home in the Dominican Republic. It was public record that CHARLIE RANGEL was trying to obtain funding for a public university in his district. Nothing was hidden. So where is the criminal intent? That is why I strongly believe the appropriate penalty is a reprimand.

Why are we departing so significantly from tradition and precedent in the case of CHARLIE RANGEL? Certainly it can't be because of who he is or what he has achieved in his life—a kid from the inner city who emerged from very troubled surroundings to be a combat soldier and an authentic war hero who left his blood in Korea, who worked his way through law school, who became a distinguished prosecutor in the United States Attorney's Office, who was elected to the New York State Legislature and to the United States Congress, where he has served with distinction 40 years.

Now, lest my Republican friends get nervous, let me make it clear; while CHARLIE RANGEL is a friend and colleague, we disagree on virtually every issue. I can't begin to tell you how many times CHARLIE and I have gone at it and debated over the years on local news shows back in New York—maybe not as bad as my debates with ANTHONY WEINER, but they were very significant debates. During that entire time, I have never heard anyone question CHARLIE RANGEL's integrity nor have I

ever seen CHARLIE RANGEL treat anyone with disrespect—which is very unusual for somebody in his high position, as many of us know—whether it be flight attendants, cab drivers, staff members, or the guy on the street corner on 125th Street.

My colleagues, I know we can get caught up in the zeitgeist of media attacks and political storms, but I am imploring you today to pause for a moment and step back, to reflect upon not just the lifetime of CHARLIE RANGEL, but more importantly the 220-year history of tradition and precedent of this body. Let us apply the same standard of justice to CHARLIE RANGEL that has been applied to everyone else and which all of us would want applied to ourselves.

Mr. Speaker, I respectfully urge a vote against censure.

Mr. SCOTT of Virginia. Mr. Speaker, I yield 1½ minutes to the gentlelady from California (Ms. WOOLSEY).

Ms. WOOLSEY. Mr. Speaker, I rise today in defense of the gentleman from New York (Mr. RANGEL), and I appeal to my colleagues and your sense of fairness as you deliberate on this matter.

Censure is a very serious sanction, one step short of expulsion. Only 22 times in the history of this body has the House censured a colleague, and not once in the last 27 years.

In the past, this punishment has been reserved for serious acts of corruption—taking bribes, lying under oath, gross sexual misconduct, profiting from one's office. Carelessness and minor rules violations have never been grounds for censure. Far more serious ethical lapses than Mr. RANGEL's have not met with censure; for example, Newt Gingrich and Tom Delay. But they were not censured. In fact, Newt Gingrich continued to serve as Speaker of the House.

Mr. RANGEL has cooperated fully with the Ethics investigation, acting with transparency and expressing regret and apologies for his actions. Quite simply, Mr. RANGEL's transgressions and lapses in judgment do not rise to the level of censure. Fairness, my colleagues, demands that we vote "no."

Mr. SCOTT of Virginia. Mr. Speaker, I yield 1 minute to the gentleman from Tennessee (Mr. TANNER).

Mr. TANNER. Thank you, Mr. SCOTT. I too have, as Mr. KING said, enormous respect for the Ethics Committee. It's a job that none of us ask for and none of us want, but it has to be done to protect the House of Representatives.

As a lawyer, I also believe in precedent. And I have searched this record and find no activity involving moral turpitude or any activity that could be classified as one with criminal intent. Therefore, I think an appropriate action that would protect the House as

well as punish Congressman RANGEL would be a reprimand. I think that is the appropriate punishment commensurate with what has occurred here, unfortunately.

Mr. SCOTT of Virginia. I yield 1 minute to the gentleman from Iowa (Mr. BOSWELL).

Mr. BOSWELL. Mr. Speaker, I would concur with what was just last said. I have great respect for the committee. Nobody wants your job.

I came here 14 years ago, and looking back on years that have gone by, I met CHARLIE RANGEL as a colleague here, and then I learned sometime after that we were fellow veterans and fellow soldiers. I realized that he had served with honor and distinction. One year ago last December, I led a codel and we flew to Korea. And reflecting back on my time as a student, a teacher in the Command and General Staff College, and read a lot of that history, the conflict that I served in, as many of you, I thought of CHARLIE. And he was valorous and did his job.

□ 1650

CHARLIE's erred. We know that. I'm not going to repeat those things. He's erred.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. SCOTT of Virginia. I yield the gentleman 10 more seconds.

Mr. BOSWELL. But I think censure is too much. A reprimand is appropriate, and he would accept that. And I would ask this House to recognize that, his history, and do the right thing. I would support the reprimand.

Mr. SCOTT of Virginia. I yield 2 minutes to the gentleman from Texas (Mr. GONZALEZ).

Mr. GONZALEZ. I, too, rise along with my colleague from Texas to protect the integrity of this House. I just simply want to do it in a different manner than the wording that is reflected in this resolution, which is not there. And it is not just. And I think we have an opportunity to still protect the integrity and reputation of this House, but to do it in a fair and reasonable manner.

You have heard about all of the allegations, but I want to quote from what transpired during that committee hearing.

Mr. BUTTERFIELD states: "In all of your investigation of this matter, do you see any evidence of personal financial benefit or corruption?"

And the prosecuting attorney, the one that may have recommended the censure, replies, "I see no evidence of corruption. Do I—do I believe, based on this record, that Congressman RANGEL took steps to enrich himself based on his position in Congress? I do not."

This is a chance for this House to rise to the occasion and to do the right thing. And that's what furthers the reputation and the good name of this

House, by doing the fair and just thing. We are held to a higher standard, and that's why Mr. RANGEL has admitted to his misdeeds. But since when do we forfeit the right to fair and just treatment? Since when? When we take the oath of Members of Congress? I think not.

We are a jury today. And if you were a jury, you'd be admonished, do not let prejudice, bias, or sympathy play any part in your deliberations. But the truth is we are a very different kind of jury. We worry that we are going to be scrutinized and whatever decision we reach today in our vote may result in political criticism. That's the greatest fear.

But we will overcome that and do the fair and just thing.

Mr. SCOTT of Virginia. Could the Speaker advise me how much time is remaining?

The SPEAKER pro tempore. The gentleman from Virginia has 2¼ minutes left, the gentleman from Alabama has 6½ minutes, and the gentlewoman from California has 9 minutes.

Mr. SCOTT of Virginia. I yield the balance of my time to the gentleman from New York (Mr. NADLER).

Mr. NADLER of New York. Mr. Speaker, like many Members of the House, I have long considered CHARLIE RANGEL a friend and a great public servant, but that is not before us now.

We must now consider a report from the Ethics Committee finding that Mr. RANGEL violated the rules of the House and recommending that he be censured for that. I do not disagree that he violated the rules of the House in serious ways; but under our standards and precedents, his conduct merits a reprimand, not a censure.

In his actions, Mr. RANGEL showed carelessness, poor judgment, and a severe disregard for the rules of the House. Some sanction is necessary and appropriate, but our precedents command a reprimand, not a censure.

Censure has been reserved for corruption, personal corruption, improper personal financial gain and intent to gain money, or sexual misconduct. None of that is present here. You heard the discussion of people who were censured for personal financial gain, for bribery, for lying to the committee, such as Messrs. Wilson and Diggs and people like Mr. Gingrich and Mr. Hansen who committed severe infractions but were reprimanded.

In this case, the staff director and chief counsel of the Ethics Committee said he saw "no evidence of corruption." Further, he admitted he did not believe Mr. RANGEL was trying to enrich himself.

What happened according to the chief counsel and the finding of the committee was that Mr. RANGEL was overzealous in his advocacy for City College and sloppy in his financial dealings. Neither overzealousness nor sloppiness merits censure.

While not as severe as censure, reprimand is a very serious punishment. If passed in this case, it would reflect the collective judgment of the entire House that the conduct of Mr. RANGEL was wrong and deserves a serious sanction.

The decision by the Ethics Committee to recommend censure was based, it said, on the "cumulative nature of the violations" and "because the 11 violations committed by Representative RANGEL on a continuous and prolonged basis were more serious in character, meriting a strong congressional response rebuking his behavior."

What this ignores, however, is that eight of the 11 separate counts all stemmed from just one factor: Mr. RANGEL's belief that certain advocacy for City College, an institution in his district, amounted to constituent service and therefore constituted official action.

Second, Mr. RANGEL did not, as Mr. BONNER said, fail to pay taxes for 17 years. Of course he paid taxes, and filed every one of those years. He did fail to report some income from a villa he owned.

The SPEAKER pro tempore. The time of the gentleman has expired.

The time of the gentleman from Virginia has expired.

Ms. ZOE LOFGREN of California. I would yield 30 seconds to the gentleman.

Mr. NADLER of New York. He did fail to report some income because he mistakenly believed that the income which was plowed back into the mortgages from which he never saw a check was not reportable. This was wrong. But it was one ongoing error, not cumulative and not a continuing error.

I ask my colleagues to consider all of this. A reprimand is a serious punishment that reflects our precedents and standards. That will reflect credibly on the House. A censure, a punishment never previously imposed for this level of violation of House rules with no adequate explanation for the sudden change in standards offends one's sense of fair play and therefore does not reflect credibly on the House.

Mr. BONNER. Mr. Speaker, I yield myself such time as I may consume.

This is a sad day, but a necessary day, to complete final action on a matter that honestly should have been concluded with a public trial. Mr. RANGEL chose to walk out of that hearing and failed to present his case. Instead, we are left with a vote, an important vote, I would suggest, not only for Mr. RANGEL, but equally a significant vote for this House as an institution and for how we are seen by our employers, the American people.

Watching at home, some are probably looking on with a curiosity of sorts as we dispense with this unpleasant yet constitutionally mandated responsibility to punish our own when necessary.

In fairness, today's action may also confirm what many of us already know—that Washington, D.C. truly is disconnected from the real challenges and worries that much of the rest of America is facing every day: the angst of a father whose son is standing guard in some dangerous remote location in Afghanistan, or the uncertainty of that single mom who was just told this week that she had been fired. Not only does she have to worry about whether she can afford Christmas for her children, but whether she can pay the car note or the rent without a job.

All across America, these are the real life crises that our constituents are facing. And yet here on the House floor, one of our colleagues is dealing with something that to him, and I believe to all of us, should be considered a serious matter and one that deserves our utmost attention.

As I noted back on July 29 when the investigative subcommittee reported this case, there is no debate but that Congressman CHARLES RANGEL has led a compelling life story, one that all of us, including myself, can respect. He was a private, as his autobiography said, left to die on that battlefield in North Korea. He earned the Purple Heart and the Bronze Star for bravery. And he was a fatherless high school dropout who went from pushing that handcart in the streets of New York City to becoming one of the most powerful figures on Capitol Hill. We all know the story.

But my friends, Mr. RANGEL's life story is not why we are here. After all, every American has their own unique story to tell. Regretfully, this is a day that did not have to be if only Mr. RANGEL had settled for the lesser sanctions that today he hopes this body will somehow consider.

During the course of the investigation, he was given multiple opportunities to settle. Instead, he chose to fight on, declaring his innocence in saying the committee did not have a case.

If only Mr. RANGEL had paid his taxes, as we are all required to do. As chairman of the Ways and Means Committee, he certainly knew something about requiring Americans to pay their taxes.

□ 1700

But the Ethics Committee found by clear and convincing evidence that Mr. RANGEL himself had failed to pay his taxes for 17 years, violating U.S. as well as State and local tax laws on income derived from his beach villa in the Dominican Republic.

My friends, when you go back home this weekend try explaining to your constituents that it's okay for a powerful Member of Congress, the chairman of the tax-writing committee, to not pay his taxes. Just don't ask your constituents to do the same.

If Mr. RANGEL had just used the Ethics Committee as it is intended to be

used, to give advice and counsel on how we can use our names to benefit worthy causes, such as creating a school for underprivileged minority students to encourage them to consider public service. There's nothing wrong with that idea. Actually, it is rooted in the most noble of American missions: education. But rather than finding out how he could do it the right way and legally, Mr. RANGEL instead chose to use both his personal and committee staff, as well as other official resources of his office, to help solicit donations of up to \$30 million each for a school and library to ensure his legacy. Donations from some of the 100 biggest and wealthiest corporations in America, many of whom had direct interests before this very committee that he chaired. The Ethics Committee found by clear and convincing evidence that Mr. RANGEL solicited those donations from the very lobbyists of those companies who were coming before his committee.

As Members of Congress, we are all required to file financial disclosure statements. It's not easy to do, and sometimes it's easy to make a mistake. But again, this committee found on clear and convincing evidence that Mr. RANGEL for 10 years failed to file his reports promptly, and they had numerous omissions, including the failure to disclose over a half a million dollars.

Ladies and gentlemen, my colleagues, there is a lot to be said today, and a lot has been said. Keep this in mind as you consider the report of the only truly bipartisan committee that stands in this Congress, the only one that's evenly divided, and sent this recommendation of censure to you for your consideration.

Mr. RANGEL is a man who has spent more years on the Hill than all but five of our colleagues, and he has served his district for longer than 26 of our Members have been alive. Even so, this recommendation of censure was not made lightly, and it was not made without respect for the totality of his life or the seriousness and number of charges for which he has been found guilty.

It is a sad day for sure, Mr. Speaker. But now the entire House has a responsibility to join the Ethics Committee in rendering your judgment. I have no doubt that the people that we work for will be watching with interest.

I yield back the balance of my time.

Ms. ZOE LOFGREN of California. Mr. Speaker, I yield 4 minutes to the gentleman from North Carolina (Mr. BUTTERFIELD), a member of the committee.

Mr. BUTTERFIELD. Let me thank the gentlelady for the time.

As a member of the committee, I rise today to oppose the pending motion. There is no question that Mr. RANGEL violated House rules. For more than a year he has admitted his misconduct and has apologized for it. But it must

be clear, Mr. Speaker, there is nothing in this record to suggest that Congressman RANGEL engaged in dishonest or corrupt conduct. Nor is there evidence suggesting that he sought to enrich himself while violating his oath.

The record shows that Mr. RANGEL was approached by City College of New York to seek assistance in obtaining funds to establish an inner city school for disadvantaged youth, and he did so. My colleagues, you must know that it is not unethical or improper for Members to raise funds for a charitable purpose. Many of you do this every year, and it's a good thing. Our rules simply require any Member desiring to raise funds for a 501(c)(3) charitable purpose to refrain from using official resources.

In this case, Congressman RANGEL improperly used official resources to make the solicitation. Yes, that was a mistake. But it was not corruption. Had he written his solicitation letters on other than official stationery and mailed them with 44-cent stamps, that would not be a problem.

The other observation I make, Mr. Speaker, concerns the appropriate sanction for a Member who has been found to have violated House rules not involving dishonesty or corruption. The punishment in this case, in my humble opinion, should be reprimand or less. Censure has always been reserved for extreme and outrageous conduct, touching upon corruption and intent to gain a financial benefit.

As many of you perhaps know, I spent much of my former life as a superior court judge. For nearly 15 years, I made difficult sentencing decisions every day. In making difficult decisions, the judge must first decide a baseline punishment and then adjust that punishment by weighing aggravating and mitigating circumstances. As applied to this case, the baseline punishment was offered by our committee counsel. He stated that the proper punishment, in his opinion, was between reprimand and censure.

If that be so, Mr. Speaker, it seems to me that aggravating and mitigating circumstances become important. There are mitigating circumstances, my colleagues, that you should consider that substantially outweigh any aggravating factors that you may find. In deciding whether to round up to censure or round down to reprimand, I ask you to consider a dozen factors: his age, 80 years of age; combat military service of 3 years as a volunteer; Bronze Star; Purple Heart; left on the battlefield for dead; length of legislative service here is 40 years; he requested our committee to investigate these matters; he acknowledged mistakes at an early stage, and was willing, he was willing to settle this matter without a trial; he did not participate in the evidentiary hearing. Some of you may see that as a negative. But failing to participate in the hearing es-

entially admitted the essential facts of this case, precluding a long trial. He could not afford counsel after spending \$2 million, and we refused to waive the rule to allow for pro bono counsel. Over the years, he has mentored Democratic and Republican members on this floor. And he has been a person of good moral character.

These, my colleagues, are mitigating factors that support reprimand. I urge my colleagues to vote to reprimand our dear colleague. Let him know that he must be sanctioned for his carelessness, but let him know that this House understands fairness and justice and legal precedent. A censure is not justified in this case.

I thank you, Madam Chair, for the time.

Ms. ZOE LOFGREN of California. Mr. Speaker, I want to just make a couple of brief comments before turning back to Mr. BUTTERFIELD.

First, although the issue of two Members in 1983 being censured for sexual misconduct has been mentioned, historically censure has been used a variety of times, including the very first time, for insulting the Speaker of the House; insulting the House, Mr. John Chandler, by introduction of a resolution containing unparliamentary language; Mr. Hunter, using unparliamentary language; Mr. Holbrook, using unparliamentary language. So I think it is important to at least have that history.

I want to say one other thing. And we do not discuss the executive session deliberations of the committee, but I feel obliged to note, since I think a misimpression could be had, that in fact Mr. RANGEL did sign a settlement effort, and the committee was unable to reach a settlement agreement with Mr. RANGEL earlier this year.

Now, it may well be that the committee and the House could do a different sanction. Mr. SCOTT identified several Members and former Members and staffers who are either still serving sentences in prison or still in court being tried in ongoing proceedings of misconduct. I think it's precisely because of that failure to put Members of this body and the American public first, to demand a higher standard, that the committee on a 9-1 vote recommended this sanction.

We need a higher standard. Mr. RANGEL himself has acknowledged that we must meet a higher standard. Process is about protecting the integrity of the House as much as it is about sanctioning an individual who has violated the rules. The nonpartisan committee counsel recommended this. On a 9-1 vote the bipartisan committee recommended this.

This is a wrenching decision for us all. It is not with any pleasure at all that I stand here today presenting the committee's report. And finally, it is for each and every one of us to sort

through our own conscience, mindful of the obligation we have first and foremost to the American people, to protect the integrity of the House as we decide what to do.

□ 1710

Each of us must cast the vote that we think is right, and I will respect each Member who does that.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. All time for debate has expired.

AMENDMENT OFFERED BY MR. BUTTERFIELD

Mr. BUTTERFIELD. Mr. Speaker, I have an amendment at the desk.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Strike "be censured;" and insert "be reprimanded and", strike paragraphs (2) and (3), and redesignate paragraph (4) as paragraph (2).

Mr. BUTTERFIELD. Mr. Speaker, I move the previous question on the amendment and on the resolution.

The SPEAKER pro tempore. The previous question was ordered.

The question is on the amendment.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. BONNER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 146, noes 267, not voting 20, as follows:

[Roll No. 606]

AYES—146

Ackerman	Engel	Lewis (GA)
Andrews	Etheridge	Lowe
Arcuri	Farr	Lujan
Baca	Fattah	Maffei
Baird	Filner	Maloney
Baldwin	Frank (MA)	Markey (MA)
Barrow	Fudge	Matsui
Becerra	Garamendi	McCollum
Berkley	Gonzalez	McDermott
Bishop (GA)	Gordon (TN)	McGovern
Boswell	Grayson	Meeks (NY)
Boucher	Green, Al	Melancon
Boyd	Green, Gene	Miller (NC)
Brady (PA)	Grijalva	Moore (KS)
Brown, Corrine	Gutierrez	Moore (WI)
Butterfield	Hinchey	Moran (VA)
Capps	Hinojosa	Nadler (NY)
Capuano	Hirono	Napolitano
Carson (IN)	Hodes	Neal (MA)
Chu	Holt	Oberstar
Clarke	Honda	Obey
Clay	Hoyer	Olver
Cleaver	Jackson (IL)	Ortiz
Clyburn	Jackson Lee	Pascarell
Cohen	(TX)	Pastor (AZ)
Conyers	Johnson (GA)	Paul
Critz	Johnson, E. B.	Payne
Crowley	Kagen	Pingree (ME)
Cummings	Kanjorski	Pomeroy
Dahlkemper	Kaptur	Price (NC)
Davis (CA)	Kennedy	Rangel
Davis (IL)	Kildee	Reyes
DeLauro	Kilpatrick (MI)	Richardson
Dicks	King (NY)	Rodriguez
Dingell	Kissell	Rothman (NJ)
Doyle	Kosmas	Roybal-Allard
Driehaus	Kucinich	Ruppersberger
Edwards (MD)	Larson (CT)	Rush
Edwards (TX)	Lee (CA)	Salazar
Ellison	Levin	Sanchez, Loretta

Sarbanes
Schakowsky
Schauer
Scott (GA)
Scott (VA)
Serrano
Sires
Slaughter
Smith (WA)
Spratt

NOES—267

Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Austria
Bachus
Bartlett
Barton (TX)
Bean
Berman
Biggert
Bilbray
Billirakis
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccheri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boustany
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Burgess
Burton (IN)
Calvert
Camp
Campbell
Cantor
Cao
Capito
Cardoza
Carnahan
Carney
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Coble
Coffman (CO)
Cole
Conaway
Connolly (VA)
Cooper
Costa
Costello
Courtney
Crenshaw
Cuellar
Culberson
Davis (AL)
Davis (KY)
Davis (TN)
DeGette
Dent
Deutch
Diaz-Balart, L.
Diaz-Balart, M.
Djou
Doggett
Donnelly (IN)
Dreier
Duncan
Ehlers
Ellsworth
Emerson
Eshoo
Flake
Fleming
Forbes
Fortenberry
Foster
Fox

Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Goodlatte
Graves (GA)
Graves (MO)
Griffith
Guthrie
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseht Sandlin
Higgins
Hill
Himes
Hoekstra
Holden
Hunter
Inslee
Israel
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
Kilroy
Kind
King (IA)
Kingston
Kirkpatrick (AZ)
Klein (FL)
Kline (MN)
Kratovil
Lamborn
Lance
Langevin
Larsen (WA)
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
Lipinski
LoBiondo
Loebach
Lofgren, Zoe
Lucas
Luetkemeyer
Lummis
Lungren, Daniel
E.
Lynch
Mack
Manzullo
Markey (CO)
Marshall
Matheson
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCotter
McHenry
McIntyre
McKeon
McMahon
McNerney
Mica

Waters
Watson
Watt
Waxman
Weiner
Woolsey
Wu
Young (AK)

Michaud
Miller (FL)
Miller (MI)
Miller, George
Minnick
Mitchell
Mollohan
Moran (KS)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Myrick
Neugebauer
Nunes
Nye
Olson
Owens
Pallone
Paulsen
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pitts
Platts
Poe (TX)
Polis (CO)
Posey
Price (GA)
Quigley
Radanovich
Rahall
Reed
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Royce
Ryan (OH)
Ryan (WI)
Sánchez, Linda
T.
Scalise
Schiff
Schmidt
Schock
Schradler
Schwartz
Sensenbrenner
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Skelton
Smith (NE)
Smith (NJ)
Smith (TX)
Snyder
Space
Stearns
Stutzman
Sullivan
Sutton
Taylor
Terry
Thompson (CA)
Thompson (PA)
Thornberry
Tiahrt

Tiberi
Tierney
Titus
Tonko
Tsongas
Turner
Upton
Bachmann
Barrett (SC)
Berry
Brown (SC)
Brown-Waite,
Ginny
Buchanan

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE
The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

□ 1736

Mr. BISHOP of New York changed his vote from “aye” to “no.”

So the amendment was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. BONNER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 333, noes 79, not voting 21, as follows:

[Roll No. 607]

AYES—333

Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Bachus
Baird
Baldwin
Barrow
Bartlett
Barton (TX)
Bean
Berkley
Berman
Biggert
Bilbray
Billirakis
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccheri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Burgess
Burton (IN)
Calvert
Camp
Campbell
Cantor
Cao

Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Cooper
Costa
Costello
Courtney
Crenshaw
Critz
Cuellar
Culberson
Dahlkemper
Davis (AL)
Davis (CA)
Davis (KY)
Davis (TN)
DeGette
DeLauro
Dent
Deutch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Djou
Doggett
Donnelly (IN)
Doyle
Dreier

Wilson (OH)
Wilson (SC)
Wittman
Wolf
Yarmuth
Young (FL)
Himes
Hodes
Hoekstra
Holden
Holt
Hoyer
Hunter
Inslee
Israel
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kaptur
Kildee
Kilroy
Kind
King (IA)
Kingston
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larsen (CT)
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
Lipinski
LoBiondo
Loebach
Lofgren, Zoe
Lucas
Luetkemeyer
Lujan
Lummis
Lungren, Daniel
E.
Lynch
Mack
Maffei
Manzullo
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McGovern
McHenry
McIntyre

McKeon
McMahon
McNerney
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, George
Minnick
Mitchell
Mollohan
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Myrick
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Oliver
Owens
Pallone
Pascarell
Paul
Paulsen
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Quigley
Radanovich
Rahall
Reed
Rehberg
Reichert
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Royce
Ruppersberger
Ryan (OH)

NOES—79

Ackerman
Baca
Becerra
Bishop (GA)
Brady (PA)
Brown, Corrine
Butterfield
Carson (IN)
Chu
Clarke
Clay
Cleaver
Clyburn
Conyers
Crowley
Cummings
Davis (IL)
Edwards (MD)
Ellison
Engel
Fattah
Filner
Frank (MA)
Fudge
Gonzalez

Grayson
Green, Al
Grijalva
Gutierrez
Hinchey
Hinojosa
Hirono
Honda
Jackson (IL)
Jackson Lee
(TX)
Johnson (GA)
Johnson, E. B.
Kanjorski
Kennedy
Kilpatrick (MI)
King (NY)
Lee (CA)
Levin
Lewis (GA)
Lowey
Maloney
McDermott
Meeks (NY)
Melancon

Ryan (WI)
Sánchez, Linda
T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schradler
Schwartz
Sensenbrenner
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuster
Simpson
Sires
Skelton
Smith (NE)
Smith (NJ)
Smith (TX)
Snyder
Space
Speier
Spratt
Stearns
Stutzman
Sullivan
Sutton
Taylor
Teague
Terry
Thompson (CA)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Tsongas
Turner
Upton
Van Hollen
Visclosky
Walden
Walz
Wamp
Wasserman
Schultz
Waxman
Welch
Westmoreland
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Wu
Yarmuth
Young (FL)
Moore (KS)
Moore (WI)
Nadler (NY)
Napolitano
Ortiz
Pastor (AZ)
Payne
Rangel
Reyes
Richardson
Roybal-Allard
Rush
Salazar
Scott (GA)
Scott (VA)
Serrano
Slaughter
Smith (WA)
Stark
Stupak
Tanner
Thompson (MS)
Towns
Velázquez

Waters
Watson

Watt
Weiner

Woolsey
Young (AK)

NOT VOTING—21

Bachmann
Barrett (SC)
Berry
Boyd
Brown (SC)
Brown-Waite,
Ginny
Buchanan

Buyer
DeFazio
Delahunt
Fallin
Granger
Hastings (FL)
Inglis
Issa

Marchant
McMorris
Rodgers
Meek (FL)
Miller, Gary
Putnam
Shuler

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

□ 1753

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER. Will the gentleman from New York (Mr. RANGEL) kindly appear in the well.

By its adoption of House Resolution 1737, the House has resolved—that Representative CHARLES B. RANGEL of New York be censured; that Representative CHARLES B. RANGEL forthwith present himself in the well of the House for the pronouncement of censure; that Representative CHARLES B. RANGEL be censured with the public reading of this resolution by the Speaker; and that Representative RANGEL pay restitution to the appropriate taxing authorities or the U.S. Treasury for any unpaid estimated taxes outlined in Exhibit 066 on income received from his property in the Dominican Republic and provide proof of payment to the Committee.

IN RESPONSE TO ADOPTION OF
HOUSE RESOLUTION 1737

(Mr. RANGEL asked and was given permission to address the House for 1 minute.)

Mr. RANGEL. I fully recognize that constitutionally this body has the full jurisdiction to determine the conduct of one of its Members. My predecessor suffered because they didn't allow him to be a Member before they decided that he should be expelled. But notwithstanding that, we do know that we are a political body; and even though it is painful to accept this vote, I am fully aware that this vote reflects perhaps the thinking not just of the Members but the political tide and the constituency of this body.

Having said that and having my opportunity to do what I wanted to do initially, and, that is, to make certain that this body and this country would know that at no time has it ever entered my mind to enrich myself or to do violence to the honesty that's expected of all of us in this House. I think that has been proven, and that has been what I have been asking for. That's why I have admitted to mistakes and was prepared to do what I have done.

I understand that this is a new criteria and a breakthrough in order to teach somebody a higher lesson than those that in the past have done far more harm to the reputation of this body than I. But I just would want all of you to know that, in my heart, I truly feel good. It's not all the commitments that I made to God in 1950. A lot of it has to do with the fact that I know in my heart that I am not going to be judged by this Congress, but I am going to be judged by my life, my activities, my contributions to society. I just apologize for the awkward position that some of you are in. But at the end of the day, as I started off saying, compared to where I've been, I haven't had a bad day since. Thank you.

SUPPORTING AMERICAN DIABETES
MONTH

The SPEAKER pro tempore (Mrs. KIRKPATRICK of Arizona). The unfinished business is the question on suspending the rules and agreeing to the resolution (H. Res. 1690) supporting the observance of American Diabetes Month, as amended.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. PALLONE) that the House suspend the rules and agree to the resolution, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

□ 1800

COMMERCIAL ADVERTISEMENT
LOUDNESS MITIGATION ACT

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill (S. 2847) to regulate the volume of audio on commercials.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. ESHOO) that the House suspend the rules and pass the bill.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

COMMENDING THE NATO SCHOOL

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and agreeing to the resolution (H. Res. 527) commending the NATO School for its crit-

ical support of North Atlantic Treaty Organization (NATO) efforts to promote global peace, stability, and security, as amended.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Tennessee (Mr. TANNER) that the House suspend the rules and agree to the resolution, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

COMMENDING THE MARSHALL
CENTER

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and agreeing to the resolution (H. Res. 528) commending the George C. Marshall European Center for Security Studies for its efforts to promote peace, stability and security throughout North America, Europe, and Eurasia.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Tennessee (Mr. TANNER) that the House suspend the rules and agree to the resolution.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

SUPPORTING NATIONAL HOME-
LESS PERSONS' MEMORIAL DAY

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and agreeing to the concurrent resolution (H. Con. Res. 325) supporting the goals and ideals of National Homeless Persons' Memorial Day.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. PETERS) that the House suspend the rules and agree to the concurrent resolution.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

HOUR OF MEETING ON TOMORROW

Mr. SERRANO. Madam Speaker, I ask unanimous consent that when the

House adjourns today, it adjourn to meet at 4 p.m. tomorrow, and further, when the House adjourns on that day, it adjourn to meet at 12:30 p.m. on Tuesday, December 7, 2010, for morning-hour debate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

COMMUNICATION FROM CHAIR OF
COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE

The SPEAKER pro tempore laid before the House the following commu-

nication from the Chair of the Committee on Transportation and Infrastructure; which was read and, without objection, referred to the Committee on Appropriations:

HOUSE OF REPRESENTATIVES, COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE,

Washington, DC, December 2, 2010.

Hon. NANCY PELOSI,

*Speaker of the House, House of Representatives,
U.S. Capitol, Washington, DC.*

DEAR MADAM SPEAKER: On December 2, 2010, the Committee on Transportation and Infrastructure met in open session to consider three resolutions for the U.S. Army Corps of Engineers, in accordance with 33

U.S.C. 542. The resolutions authorize Corps surveys (or studies) of water resources needs and possible solutions. The Committee adopted the resolutions by voice vote with a quorum present.

Enclosed are copies of the resolutions adopted by the Committee on Transportation and Infrastructure on December 2, 2010.

Sincerely,

JAMES L. OBERSTAR,
Chairman.

Enclosures.



U.S. House of Representatives
Committee on Transportation and Infrastructure
Washington, DC 20515

James L. Oberstar
Chairman

David Heysfeld, Chief of Staff
Ward W. McCarragher, Chief Counsel

John L. Mica
Ranking Republican Member

James W. Coon II, Republican Chief of Staff

COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE
U.S. HOUSE OF REPRESENTATIVES
WASHINGTON, D.C.

RESOLUTION

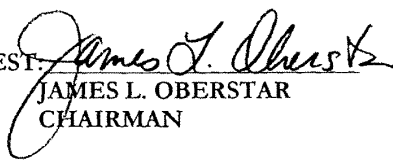
Docket 2826

Chesapeake Bay and Maryland Coastal Bays, Delaware, Maryland, and Virginia

Resolved by the Committee on Transportation and Infrastructure of the United States House of Representatives, That the Secretary of the Army review the report on the Chesapeake Bay Study, dated September 1984, and other pertinent reports, to determine whether any modifications of the recommendations contained therein are advisable at the present time in the interest of watershed planning, environmental restoration, coastal erosion control, and improvement of water quality in the vicinity of the Chesapeake Bay and Maryland Coastal Bays, Delaware, Maryland, and Virginia.

Adopted: December 2, 2010

ATTEST:


JAMES L. OBERSTAR
CHAIRMAN



U.S. House of Representatives
Committee on Transportation and Infrastructure
Washington, DC 20515

James L. Oberstar
Chairman

David Heysfeld, Chief of Staff
Ward W. McCarragher, Chief Counsel

John L. Mica
Ranking Republican Member

James W. Coon II, Republican Chief of Staff

COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE
U.S. HOUSE OF REPRESENTATIVES
WASHINGTON, D.C.

RESOLUTION

Docket 2827

Chesapeake Bay Shoreline Erosion, Maryland, Pennsylvania, and Virginia

Resolved by the Committee on Transportation and Infrastructure of the United States House of Representatives, That the Secretary of the Army, in carrying out the study for the Chesapeake Bay Shoreline Erosion, Maryland, Pennsylvania, and Virginia, being carried out under the Committee Resolution of the Committee on Environment and Public Works of the United States Senate, adopted May 23, 2001, shall determine the feasibility of carrying out projects on federally owned property for shoreline protection, environmental restoration, and improvement of water quality in the vicinity of the Chesapeake Bay, Maryland, Pennsylvania, and Virginia.

Adopted: December 2, 2010

ATTEST:

A handwritten signature in cursive script, reading "James L. Oberstar".
JAMES L. OBERSTAR
CHAIRMAN



U.S. House of Representatives
Committee on Transportation and Infrastructure
Washington, DC 20515

James L. Oberstar
Chairman

David Heysfeld, Chief of Staff
Ward W. McCarragher, Chief Counsel

John L. Mica
Ranking Republican Member

James W. Coon II, Republican Chief of Staff

COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE
U.S. HOUSE OF REPRESENTATIVES
WASHINGTON, D.C.

RESOLUTION

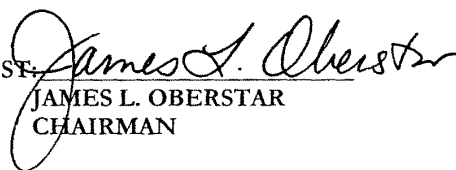
Docket 2828

Hoosic River Watershed, Massachusetts, Vermont, and New York

Resolved by the Committee on Transportation and Infrastructure of the United States House of Representatives, That the Secretary of the Army review the report on the Hoosic River Basin at North Adams in Massachusetts, Bennington in Vermont and Hoosick Falls in New York authorized in House Document 182, Seventy-sixth Congress, First Session, as well as other pertinent reports, to determine whether modifications of the recommendations therein are advisable in the interest of environmental restoration, streambank stabilization, flood risk management, watershed management, floodplain management, and other allied purposes in the Hoosic River Watershed, Massachusetts, Vermont and New York.

Adopted: December 2, 2010

ATTEST


JAMES L. OBERSTAR
CHAIRMAN

There was no objection.

COMMUNICATION FROM CHAIR OF
COMMITTEE ON TRANSPORTATION
AND INFRASTRUCTURE

The SPEAKER pro tempore laid before the House the following communication from the Chair of the Committee on Transportation and Infrastructure; which was read and, without objection, referred to the Committee on Appropriations:

HOUSE OF REPRESENTATIVES, COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE,

Washington, DC, December 2, 2010.

Hon. NANCY PELOSI,
Speaker of the House, House of Representatives,
Washington, DC.

DEAR MADAM SPEAKER: On December 2, 2010, the Committee on Transportation and Infrastructure met in open session to consider 17 resolutions to authorize appropriations for the General Services Administration's (GSA) FY 2011 Capital Investment and Leasing Program, including seven alteration resolutions (authorizing \$354.1 million), one

design resolution (authorizing \$51.2 million), six construction resolutions (authorizing \$1,639.5 million), and three lease resolutions (authorizing \$20.6 million per year). The Committee adopted the resolutions by voice vote with a quorum present.

Enclosed are copies of the resolutions adopted by the Committee on Transportation and Infrastructure on December 2, 2010.

Sincerely,

JAMES L. OBERSTAR, M.C.,
Chairman.

Enclosures.



U.S. House of Representatives
Committee on Transportation and Infrastructure
Washington, DC 20515

James L. Oberstar
Chairman

John L. Mica
Ranking Republican Member

David Heymsfeld, Chief of Staff
Ward W. McCarragher, Chief Counsel

James W. Coon II, Republican Chief of Staff

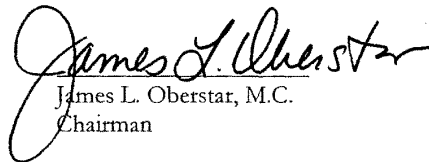
COMMITTEE RESOLUTION

ALTERATION
FIRE PROTECTION AND LIFE SAFETY PROJECTS
VARIOUS BUILDINGS
PFP-2011

Resolved by the Committee on Transportation and Infrastructure of the House of Representatives, that, pursuant to 40 U.S.C. § 3307, appropriations are authorized for alterations to upgrade, replace, and improve life safety features and fire protection systems in Government-owned buildings during fiscal year 2011, at a proposed cost of \$20,000,000, a prospectus for which is attached to and included in this resolution.

Provided, that the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

Adopted: December 2, 2010


James L. Oberstar, M.C.
Chairman

GSA

PBS

**PROSPECTUS - ALTERATION
FIRE PROTECTION AND LIFE SAFETY PROJECTS
VARIOUS BUILDINGS**

Prospectus Number: PFP-2011

Program Summary

This prospectus proposes alterations to upgrade, replace, and improve life safety features and fire protection systems in government-owned buildings during Fiscal Year 2011. Projects in Federal buildings throughout the country are currently being identified through surveys and studies and will vary in size, location, and delivery method. The authority requested in this prospectus is for a diverse set of retrofit projects with engineering solutions to reduce fire and life safety hazards. Typical projects include the following:

- Replacing antiquated fire alarm and detection systems that are in need of repair or for which parts are no longer available.
- Installing emergency voice communication systems to facilitate occupant notification and/or evacuation.
- Installing and/or expanding fire sprinkler coverage to protect Federal property.
- Constructing additional or enclosing existing exit stairs to ensure timely evacuation of buildings in the event of an emergency.

Justification

GSA periodically assesses all facilities using technical professionals to identify hazards and initiate correction or risk-reduction protection strategies to assure that no aspect of our buildings' design or operation presents a risk to GSA personnel, occupant agencies, or the general public. Completion of these proposed projects will improve the overall level of life safety and fire protection in GSA-controlled Federal buildings nationwide.

Authorization Requested.....\$20,000,000

GSA

PBS

**PROSPECTUS - ALTERATION
FIRE PROTECTION AND LIFE SAFETY PROJECTS
VARIOUS BUILDINGS**

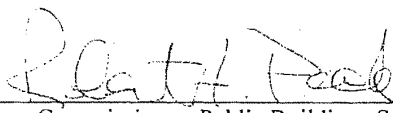
Prospectus Number: PFP-2011

Certification of Need

Over the years a number of life safety and fire protection issues have been identified that need to be addressed in order to reduce fire risk. The proposed program is the best solution to meet a validated Government need.

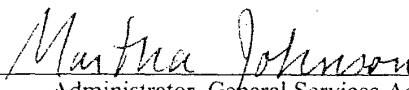
Submitted at Washington, DC. on May 13, 2010

Recommended:



Commissioner, Public Buildings Service

Approved:



Administrator, General Services Administration



U.S. House of Representatives
Committee on Transportation and Infrastructure
Washington, DC 20515

James L. Oberstar
Chairman

John L. Mica
Ranking Republican Member

David Heymsfeld, Chief of Staff
Ward W. McCarragher, Chief Counsel

James W. Coon II, Republican Chief of Staff

COMMITTEE RESOLUTION

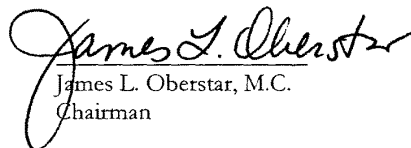
ALTERATION
ENERGY AND WATER RETROFIT AND CONSERVATION MEASURES PROGRAM
VARIOUS BUILDINGS
PEW-2011

Resolved by the Committee on Transportation and Infrastructure of the House of Representatives, that, pursuant to 40 U.S.C. § 3307, appropriations are authorized to implement energy and water retrofit and conservation measures in Government-owned buildings during fiscal year 2011, at a proposed cost of \$20,000,000, a prospectus for which is attached to and included in this resolution.

Provided, that, to the maximum extent practicable, the Administrator of General Services shall require that procurements executed pursuant to this authority include minimum performance requirements requiring energy efficiency and the use of renewable energy.

Provided further, that the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

Adopted: December 2, 2010


James L. Oberstar, M.C.
Chairman

GSA

PBS

**PROSPECTUS - ALTERATION
ENERGY AND WATER RETROFIT AND CONSERVATION MEASURES PROGRAM
VARIOUS BUILDINGS**

Prospectus Number: PFW-2011

Program Summary

GSA proposes the implementation of energy and water retrofit and conservation measures, as well as high performance energy projects, in government-owned buildings during fiscal year 2011.

The Energy and Water Conservation Measures program is designed to reduce on-site energy consumption, through building alteration projects or retrofits of existing buildings systems. These projects are an important part of GSA's approach to reducing energy consumption in the existing inventory, to reach mandated percentage reduction goals through 2015.

Projects to be accomplished in Federal buildings throughout the country are currently being identified through surveys and studies. The projects to be funded will have positive savings-to-investment ratios, will provide reasonable payback periods, and may generate rebates and savings from utility companies and incentives from grid operators. Projects will vary in size, by location, and by delivery method. This prospectus requests authority to fund energy and water retrofit work, geothermal and other High-Performance Green Building retrofit work, as well as designs for new facilities that incorporate these technologies. The authority requested in this prospectus is for a diverse set of design and retrofit projects with engineering solutions to reduce energy or water consumption and/or costs.

Justification:

The Energy Policy Act of 2005 (Public Law 109-58) required a 2% energy usage reduction as measured in BTU/GSF per year from 2006 through 2015 over a 2003 baseline. Additionally, this act sets a mandate to install advanced meters for electricity in all buildings by 2012. Guidance issued by the Department of Energy pursuant to this requirement states that savings anticipated from advanced metering can range from 2% to 45% annually when used in combination with continuous commissioning efforts. Executive Order 13423 on Strengthening Federal Environmental, Energy, and Transportation Management concerning energy consumption reduction, was incorporated into law as the Energy Independence and Security Act of 2007. Both increased the energy reduction mandates to 3% per year, and the Executive Order also established a water reduction mandate of 2% per year based on a 2007 baseline as measured in gallons/gsf.

By the year 2015, all Federal agencies are directed to reduce overall energy use in buildings they operate by 30 percent from 2003 levels and reduce overall water use by 16 percent from 2007 levels. Increased energy and water efficiency in buildings and operations will require capital investment for changes and modifications to physical systems which consume energy and water, as well as other high performance green building initiatives and infrastructure designs and retrofits.

GSA

PBS

**PROSPECTUS - ALTERATION
ENERGY AND WATER RETROFIT AND CONSERVATION MEASURES PROGRAM
VARIOUS BUILDINGS**

Prospectus Number: PEW-2011

Justification: (continued)

In addition, the Energy Independence and Security Act of 2007 (EISA) included provisions that exceed the requirements of the Energy Policy Act of 2005. One such long-term requirement is to eliminate fossil fuel-generated energy consumption in new and renovated Federal buildings by FY 2030 by achieving targeted reductions beginning with projects designed in FY 2010. Other shorter-term measures include increasing the use of solar hot water heating (to 30%); installation of advanced meters for water and gas (previously only electricity was covered); and broader application of energy efficiency in all major renovations.

Approval of this FY 2011 request will enable GSA to continue to provide leadership in energy/water conservation and efficiency to both the public and private sectors.

Authorization Requested.....\$20,000,000

Potential projects to be accomplished in Federal buildings throughout the country are currently being identified through surveys and studies, along with potential new designs. The projects to be funded will have positive savings-to-investment ratios, will provide reasonable payback periods, and may generate rebates and savings from utility companies and incentives from grid operators. Projects will vary in size by location and by delivery method. Typical projects include the following:

- Upgrading heating, ventilating, and air-conditioning (HVAC) systems with new, high efficiency systems including the installation of energy management control systems.
- Altering constant volume air distribution systems to variable air flow systems by the addition of variable air flow boxes, fan volume control dampers, and related climatic controls.
- Installing building automation control systems, such as night setback thermostats and time clocks, to control HVAC systems.
- Installing automatic occupancy light controls, lighting fixture modifications, and associated wiring to reduce the electrical consumption per square foot through the use of higher efficiency lamps and use of non-uniform task lighting design.
- Installing new or modifying existing temperature control systems.
- Replacing electrical motors with multi-speed or variable-speed motors.
- Insulating roofs, pipes, HVAC duct work, and mechanical equipment.

GSA

PBS

**PROSPECTUS - ALTERATION
ENERGY AND WATER RETROFIT AND CONSERVATION MEASURES PROGRAM
VARIOUS BUILDINGS**

Prospectus Number: PEW-2011

- Installing and caulking storm windows and doors to prevent the passage of air and moisture into the building envelope.
- Providing advanced metering projects which enable building managers to better monitor and optimize energy performance.
- Providing and implementing water conservation projects.
- Providing renewable projects including photovoltaic systems, solar hot water systems, and wind turbines.
- Providing distributed generation systems.
- Designing new facilities to conform to EISA and to incorporate these new technologies.
- Designing new facilities to incorporate other sustainable, green building technologies, such as solar power, wind power, green roofs, and photovoltaic techniques.
- Drilling to install vertical and horizontal geothermal loops.
- Installing heat pumps and other types of geothermal equipment.
- Installing building insulation and seals to enhance equipment performance and reduce the size and energy consumption of geothermal and other energy-efficient equipment.
- Installing new or modifying existing green building materials.
- Installing wastewater recycling processes for use on lawns, in toilets, and for washing cars.
- Insulating roofs, pipes, HVAC duct work, and mechanical equipment.
- Installing other green building technologies such as hot water heat recycling, renewable heating systems, seasonal thermal storage systems, and solar air conditioning, green roofs, and cool roofs.

GSA

PBS

**PROSPECTUS - ALTERATION
ENERGY AND WATER RETROFIT AND CONSERVATION MEASURES PROGRAM
VARIOUS BUILDINGS**

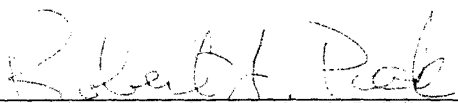
Prospectus Number: PEW-2011

Certification of Need:

It has been determined that the practical solution to achieving the identified building energy and water management goals is to proceed with the energy and water retrofit and conservation work indicated above.

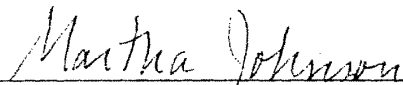
Submitted at Washington, DC, on May 13, 2010

Recommended:



Commissioner, Public Buildings Service

Approved:



Administrator, General Services Administration



U.S. House of Representatives
Committee on Transportation and Infrastructure
Washington, DC 20515

James L. Oberstar
Chairman

David Heynsfeld, Chief of Staff
Ward W. McCarragher, Chief Counsel

John L. Mica
Ranking Republican Member

James W. Coon II, Republican Chief of Staff

COMMITTEE RESOLUTION

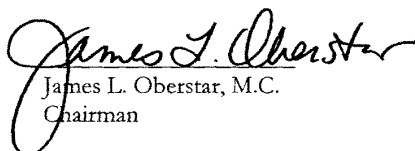
ALTERATION
WELLNESS AND FITNESS PROGRAM
VARIOUS BUILDINGS
PHW-2011

Resolved by the Committee on Transportation and Infrastructure of the House of Representatives, that, pursuant to 40 U.S.C. § 3307, appropriations are authorized to upgrade, replace, and improve space within Government-owned buildings in support of employee wellness during fiscal year 2011, at a proposed cost of \$7,000,000, a prospectus for which is attached to and included in this resolution.

Provided, that, to the maximum extent practicable, the Administrator of General Services shall require that procurements executed pursuant to this authority include minimum performance requirements requiring energy efficiency and the use of renewable energy.

Provided further, that the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

Adopted: December 2, 2010


James L. Oberstar, M.C.
Chairman

GSA

PBS

**PROSPECTUS - ALTERATION
WELLNESS AND FITNESS PROGRAM
VARIOUS BUILDINGS**

Prospectus Number: PHW-2011

Program Summary

The General Services Administration (GSA) proposes alterations to upgrade, replace, and improve space within Government-owned buildings in support of employee wellness in fiscal year 2011. Projects in Federal buildings throughout the country are currently being identified through surveys and studies and will vary in size, location, and delivery method. The authority requested is for a diverse set of upgrade/modernization projects which will provide improved facilities for developing employee fitness and health. Typical projects include:

- Fitness center upgrades to include design and construction for improved layouts more focused on wellness and expansion needed to accommodate increased use.
- Cafeteria and snack bar upgrades and alterations to include new equipment, changes in layout to allow for changes in menu and food preparation, and product placement opportunities.
- Health unit upgrades and alterations required for expansion of services and support.

Justification

On May 12, 2009, President Obama met with Chief Executive Officers from several major corporations to discuss their initiatives to improve employee health and reduce health care costs through worksite wellness and other initiatives. Following that meeting, he requested that the Office of Personnel Management (OPM), Office of Management and Budget (OMB), National Economic Council (NEC), and the Department of Health and Human Services (HHS) explore the development of similar programs for the Federal workforce.

GSA is currently working to develop a model for the Federal wellness campus concept in designated locations around the country. GSA's responsibility for this campus effort is to develop a prototype that showcases a building amenities program in support of government-wide efforts to improve employee health and fitness. These efforts encompass employee programs such as education and assistance, along with building amenities such as fitness centers, cafeterias, and health unit programs.

GSA facilities support over one million Federal employees nationwide and are the location for wellness programs across the country. These facilities house fitness centers, food service programs, health units, and child care centers, thereby helping support Federal employees to balance their lives. GSA plays a key role if wellness programs are to succeed.

This request will provide upgrades to a number of GSA Federal buildings to accommodate wellness improvements.

GSA

PBS

PROSPECTUS - ALTERATION
WELLNESS AND FITNESS PROGRAM
VARIOUS BUILDINGS

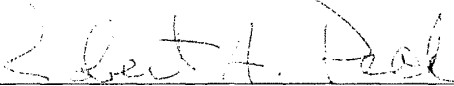
Prospectus Number: PHW-2011

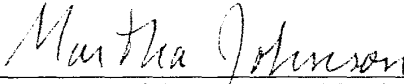
Authorization Requested.....\$7,000,000

Certification of Need

It has been determined that the practical solution to achieving the identified wellness goals is to proceed with the wellness program work described above.

Submitted at Washington, DC, on May 13, 2010

Recommended: 
Commissioner, Public Buildings Service

Approved: 
Administrator, General Services Administration



U.S. House of Representatives
Committee on Transportation and Infrastructure
Washington, DC 20515

James L. Oberstar
Chairman

John L. Mica
Ranking Republican Member

David Heymsfeld, Chief of Staff
Ward W. McCarragher, Chief Counsel

James W. Coon II, Republican Chief of Staff

COMMITTEE RESOLUTION

ALTERATION
JAMES C. CORMAN FEDERAL BUILDING
VAN NUYS, CA
PCA-0198-LA11

Resolved by the Committee on Transportation and Infrastructure of the House of Representatives, that, pursuant to 40 U.S.C. § 3307, appropriations are authorized for the build-out of space for the Department of State's Consular Affairs Office and Internal Revenue Service, and roof replacement at the James C. Corman Federal Building at 6230 Van Nuys Boulevard, Van Nuys, CA, at a proposed total cost of \$11,039,000, a prospectus for which is attached to and included in this resolution.

Provided, that, to the maximum extent practicable and considering life-cycle costs appropriate for the geographic area, the General Services Administration (GSA) shall use energy efficient and renewable energy systems, including photovoltaic systems, in carrying out the project.

Provided further, that within 180 days of approval of this resolution, GSA shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on the planned use of energy efficient and renewable energy systems, including photovoltaic systems, for the project and if such systems are not used for the project, the specific rationale for GSA's decision.

Adopted: December 2, 2010


James L. Oberstar, M.C.
Chairman

GSA

PBS

**PROSPECTUS - ALTERATION
JAMES C. CORMAN FEDERAL BUILDING
VAN NUYS, CA**

Prospectus Number: PCA-0198-LA11
Congressional District: 28

Project Summary

The General Services Administration (GSA) proposes the build-out of space for the Department of State's Consular Affairs Office and IRS, and roof replacement at the James C. Corman Federal Building at 6230 Van Nuys Boulevard, Van Nuys, CA. This work is essential to the long-term positioning of this asset and it provides an excellent accommodation for the State Department relocation required for the repair and alteration of the Wilshire Federal Building.

Major Work Items

Roof replacement, exterior enclosure, interior construction, mechanical, fire protection, electrical repairs, demolition, and hazardous materials abatement.

Project Budget

Design and Review.....	\$894,000
Estimated Construction Cost (ECC).....	9,541,000
Management and Inspection (M&I).....	<u>604,000</u>
Estimated Total Project Cost (ETPC)*.....	\$11,039,000

*Tenant agencies may fund an additional amount for alterations above the standard normally provided by the GSA.

Authorization Requested (Design and ECC).....\$11,039,000

Prior Authority and Funding - None

Prior Prospectus-Level Projects in Building (past 10 years): - None

<u>Schedule</u>	<u>Start</u>	<u>End</u>
Design	FY2011	FY2012
Construction	FY2012	FY2012

Building

Located in the heart of the Van Nuys Civic Center, the James C. Corman Federal Building rises four stories and measures approximately 231,000 gross square feet. It is a mid-twentieth century, precast concrete and stone clad office building with a basement and both indoor and outdoor parking.

GSA

PBS

**PROSPECTUS - ALTERATION
JAMES C. CORMAN FEDERAL BUILDING
VAN NUYS, CA**

Prospectus Number: PCA-0198-LA11
Congressional District: 28

It is in close proximity to several other municipal and Federal buildings, including Van Nuys City Hall, the Northwest District Superior Court, the Van Nuys State Office Building, the Van Nuys Branch Library, the Marvin Braude Constituent Service Center, and the Los Angeles Police Department.

Tenant Agencies

Department of the Treasury is the major tenant, while other tenants include Bureau of Alcohol, Tobacco, Firearms, and Explosives; US Army Corps of Engineers; Defense Contract Audit Agency; GSA-Federal Acquisition Service; Federal Bureau of Investigation; GSA-Public Buildings Service; Consular Affairs; and United States Postal Service.

Proposed Project

This project proposes the build-out of 29,266 usable square feet of space for the Department of State Los Angeles Passport Office and 27,312 useable square feet of space for the IRS, and the replacement of the roof. Structural, mechanical, electrical, fire protection, interior, exterior enclosure, and hazardous material abatement work undertaken is incidental to the tenant improvements.

Major Work Items

Roof replacement	\$1,034,000
Tenant improvements	5,421,000
Exterior enclosure	240,000
Interior construction	477,000
Mechanical	579,000
Fire protection	130,000
Electrical	1,016,000
Demotion & abatement	<u>644,000</u>
Total ECC	\$9,541,000

Justification

State Department Consular Affairs Passport office and IRS require improvements to meet their requirements, and the roof is deteriorated beyond repair. Passport is a newly assigned tenant relocating from 11000 Wilshire Blvd making way for the FBI expansion; IRS is a current Corman FB tenant that requires new space in exchange for giving up its current space to Passport. Passport requires the existing IRS space in order to meet its mission visibility and accessibility to the public. The roof is aged, deteriorated, and leaking and needs replacement for acceptable long-term service.

GSA

PBS

**PROSPECTUS - ALTERATION
JAMES C. CORMAN FEDERAL BUILDING
VAN NUYS, CA**

Prospectus Number: PCA-0198-LA11
Congressional District: 28

Summary of Energy Compliance

This project is designed to conform to the requirements of the Facilities Standards for the Public Buildings Service and to earn Leadership in Energy and Environmental Design (LEED) certification. It will also meet Congressionally-required energy efficiency and performance requirements in effect during design.

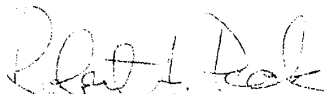
Recommendation
ALTERATION

Certification of Need

The proposed project is the best solution to meet a validated Government need.

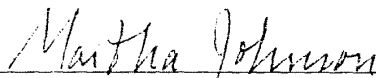
Submitted at Washington, DC, on May 13, 2010

Recommended:



Commissioner, Public Buildings Service

Approved:



Administrator, General Services Administration

Los Angeles CA
PCA-0198-LA11

Housing Plan
James C. Corman Federal Building

February 2010

Location	Current						Proposed					
	Personnel		Usable Square Feet (USF)		RSF		Personnel		Usable Square Feet (USF)		RSF	
	Office	Total	Office	Storage	Special	Total	Office	Total	Office	Storage	Special	Total
James C. Corman Federal Building												
Bureau of Alcohol, Tobacco, Firearms and Explosives	10	10	4,522			4,522	10	10	4,522			4,522
Department of Army-Corps of Engineers	31	31	6,795		794	7,589	31	31	6,795		794	7,589
Department of Army	8	8	627			627						
Internal Revenue Service	167	167	26,442	870		27,312	167	167	26,442	870		27,312
Federal Bureau of Investigation	2	2	1,243			1,243	2	2	1,243			1,243
General Services Administration	1	1	340	158		656	1	1	340	158		498
Office of the Secretary of Defense	24	24	3,913			3,913	24	24	3,913			3,913
State Department-Bureau of Consular Affairs	0	0	0	0		0	100	100	29,266			29,266
US Postal Service	80	80	13,505			13,505	80	80	13,505			13,505
Vacant			26,390	3,318		32,148			2,461	2,800		5,261
Joint Use			1,678	195	1,070	2,943			386		805	1,191
Total:	323	323	85,455	4,541	4,304	94,300	415	415	88,873	3,828	1,599	94,300
												129,864

Special Space	
Conference/Class	805
Physical Fitness	794
Total:	1,599



U.S. House of Representatives
Committee on Transportation and Infrastructure
Washington, DC 20515

James L. Oberstar
Chairman

David Heymsfeld, Chief of Staff
Ward W. McCarragher, Chief Counsel

John L. Mica
Ranking Republican Member

James W. Coon II, Republican Chief of Staff

COMMITTEE RESOLUTION

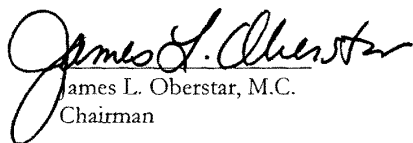
ALTERATION
FRANK HAGEL FEDERAL BUILDING
RICHMOND, CA
PCA-0213-RI11

Resolved by the Committee on Transportation and Infrastructure of the House of Representatives, that, pursuant to 40 U.S.C. § 3307, appropriations are authorized for a multi-phase repair and alteration project for the Frank Hagel Federal Building at 1221 Nevin Avenue, Richmond, CA, at a proposed total cost of \$221,670,000, a prospectus for which is attached to and included in this resolution.

Provided, that, to the maximum extent practicable and considering life-cycle costs appropriate for the geographic area, the General Services Administration (GSA) shall use energy efficient and renewable energy systems, including photovoltaic systems, in carrying out the project.

Provided further, that within 180 days of approval of this resolution, GSA shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on the planned use of energy efficient and renewable energy systems, including photovoltaic systems, for such project and if such systems are not used for the project, the specific rationale for GSA's decision.

Adopted: December 2, 2010


James L. Oberstar, M.C.
Chairman

GSA

PBS

**PROSPECTUS - ALTERATION
FRANK HAGEL FEDERAL BUILDING
RICHMOND, CA**

Prospectus Number: PCA-0213-R111
Congressional District: 07

Project Summary

The General Services Administration (GSA) proposes a multi-phase repair and alteration project for the Frank Hagel Federal Building (FHFB) located at 1221 Nevin Avenue, Richmond, CA. The FHFB serves as the regional headquarters for the Social Security Administration (SSA).

Major Work Items

Interior construction; exterior construction; repair/replacement of HVAC, electrical, plumbing systems; demolition and hazardous materials abatement; fire/life safety upgrades; roof replacements and security upgrades.

Project Budget

Design and Review	
Design (FY2011 Request)	\$20,945,000
(Design and Review) Subtotal	20,945,000
Estimated Construction Cost (ECC)	
Phase I Construction (FY2011 Request)	\$80,575,000
Phase II (Future Year Request).....	36,600,000
Phase III (Future Year Request)	57,350,000
(ECC) Subtotal.....	174,525,000
Management and Inspection (M&I)	
Phase I (FY2011 Request)	\$12,100,000
Phase II (Future Year Request).....	5,500,000
Phase III (Future Year Request)	8,600,000
(M&I) Subtotal.....	26,200,000
Estimated Total Project Cost (ETPC)*.....	\$221,670,000

*Tenant agencies may fund an additional amount for alterations above the standard normally provided by the GSA.

Authorization Requested

(Design, and Phase I, II, and III ECC, and M&I)\$221,670,000

FY 2011 Funding Request

(Design, Phase I Construction and M&I).....\$113,620,000

GSA

PBS

**PROSPECTUS - ALTERATION
FRANK HAGEL FEDERAL BUILDING
RICHMOND, CA**

Prospectus Number: PCA-0213-R111
Congressional District: 07

Prior Authority and Funding:

None

Prior Prospectus-Level Projects in Building (past 10 years):

None

<u>Schedule</u>	<u>Start</u>	<u>End</u>
<u>Design</u>		
Phase I	FY2011	FY2013
Phase II	FY2011	FY2013
Phase III	FY2011	FY2013
<u>Construction</u>		
Phase I	FY2011	FY2014
Phase II	TBD	TBD
Phase III	TBD	TBD

Building

The Frank Hagel Federal Building, constructed in 1975, is located at 1221 Nevin Avenue within the downtown central business area of Richmond, California. The approximately 619,000 gross square foot building consists of six stories with a one story basement. The building has an auditorium, childcare center and both secured structured and surface parking. The building serves as the regional headquarters for SSA who has been the sole tenant agency of FHFB since its construction.

Tenant Agencies

Social Security Administration

Proposed Project

The proposed project is planned as a three phase project with each phase designed as a stand-alone project. The full project will address insufficient seismic resistance, and base building deficiencies along with a total realignment of the building layout and includes HVAC, electrical, and life safety/fire alarm upgrades, along with roof replacement, blast protection, security improvements, waterproofing, and the removal of hazardous materials. SSA will maintain operations in the building during construction. To facilitate the phasing aspects of the project, approximately 17 percent of the staff or 33 percent of the space will be temporarily relocated to off-site lease space and temporary modular buildings on site at the beginning of the construction of Phase I. The building will maintain this vacancy throughout the project until its completion. Upon project completion, staff will then re-occupy in the space.

GSA

PBS

**PROSPECTUS - ALTERATION
FRANK HAGEL FEDERAL BUILDING
RICHMOND, CA**

Prospectus Number: PCA-0213-R111
Congressional District: 07

As a significant portion of the proposed scope involves the seismic retrofit of the building, construction must be sequenced beginning in the basement and progress floor by floor to the sixth floor. Shear walls will be added at the basement and first floor levels with all column/beam connections throughout the building being upgraded. The upgrades to the columns requires both connection from below, accessed through the ceiling plenum, and from above, which will require removal of a portion of the slab above, including ducts to reinforce these connections. The installation of the connection upgrades and the associated demolition of the interior space will determine the phasing plan sequencing.

Phase I consists of a design-build seismic retrofit and tenant space realignment for the basement and first floors as well as the design for Phases II and III. Phase I construction also includes the relocation and construction of the computer center to a water resistant structure in the basement; repair and replacement of the roof system over the main building, auditorium, child care and penthouse; replacement of plaza waterproof membrane and associated plaza repairs; reconfiguration of impacted ductwork; improvements to the fire/life safety infrastructure including stairwell pressurization and modification of sprinkler system and installation of fire alarm devices; and installation of energy saving motion sensor controlled and/or photocell sensor controlled advanced lighting system and wiring. Security improvements including the application of anti-blast film to windows, installation of anti-ram bollards, boulders and planters and security devices will also be undertaken.

Phase II construction consists of space realignment and seismic retrofit for the second and third floors. Phase III construction consists of realignment and seismic retrofit for floors four through six. These phases also include interior construction, repairs/replacements of the HVAC, electrical, life safety, and plumbing systems along with the removal and abatement of hazardous materials and the application of anti-blast film to the windows.

GSA

PBS

**PROSPECTUS - ALTERATION
FRANK HAGEL FEDERAL BUILDING
RICHMOND, CA**

Prospectus Number: PCA-0213-R111
Congressional District: 07

Major Work Items

Interior Construction	\$39,426,500
Exterior Construction	32,828,000
Repair/Replace HVAC	27,750,000
Demolition and Abatement	23,100,000
Repair/Replace Electrical	22,410,000
Fire/Lifesafety Upgrades	12,530,000
Replace Roofing	7,570,000
Security Upgrades	5,940,500
Repair/Replace Plumbing	<u>2,970,000</u>
Total ECC	\$174,525,000

Justification

The Frank Hagel Federal Building is of high importance to SSA since it serves as both the regional headquarters and a major processing facility. Execution of the proposed work will address known deficiencies, extend the useful life of the building and provide a more productive and safer work environment for the employees. Combining space realignment with the seismic and building systems work minimizes disruption to the agency's mission and also minimizes overall cost to the government.

Since its construction in 1975, the tower building has not undergone any significant major renovations except for an auditorium seismic retrofit in 1991, a child care center addition and building systems repair (waterproofing, exterior sitework, security and elevator) that was completed in 1996. SSA operations have continued to expand and evolve resulting in operating groups being inefficiently spread across a floor and/or multiple floors. The current configuration of workstations within the building is haphazard, creating wasted space and confusing circulation, which could become a major life safety issue. The realignment of the building space will allow for the accommodation of the anticipated growth in personnel, absorb the new functions assigned to the SSA regional office, allow for the reconfiguration of space to correct the current layout inefficiencies, and eliminate the need for acquisition of additional space outside of the Federal Building.

Existing membranes and sealants at the basement, plaza, roof and exterior are leaking in multiple locations and in need of repair and/or replacement. This permits water intrusion into the building affecting interior space with continued leakage over critical electrical equipment.

GSA

PBS

**PROSPECTUS - ALTERATION
FRANK HAGEL FEDERAL BUILDING
RICHMOND, CA**

Prospectus Number: PCA-0213-R111
Congressional District: 07

The electrical and communication distribution on the office floors occurs through the ducts and many of the main ducts are overfilled. The pressure of rolling carts and heavy foot traffic has caused circuit breakers to trip. The HVAC system is deficient from current standards in a number of areas which results in equipment replacement due to age and condition beyond its useful life. The replaced equipment will support the mandated energy reduction and LEED certification.

The project also provides the opportunity to upgrade the fire alarm/life safety and plumbing systems, undertake the necessary security upgrades including blast protection, and remove the existing asbestos containing materials and lead based paint that exist throughout the building.

Summary of Energy Compliance

This project will be designed to conform to the requirements of the Facilities Standards for the Public Buildings Service and to earn Leadership in Energy and Environmental Design (LEED) certification. It will also meet Congressionally-required energy efficiency and performance requirements in effect during design.

Alternatives Considered (30-year, present value cost analysis)

New Construction	\$219,936,000
Alteration	\$217,926,000
Lease	\$247,274,000

The 30 year, present value cost of alteration is \$2,010,000 is less than the cost of new construction, an equivalent annual cost advantage of \$123,000.

GSAPBS

**PROSPECTUS - ALTERATION
FRANK HAGEL FEDERAL BUILDING
RICHMOND, CA**

Prospectus Number: PCA-0213-R111
Congressional District: 07

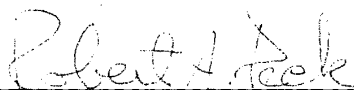
Recommendation
ALTERATION

Certification of Need

The proposed project is the best solution to meet a validated Government need.

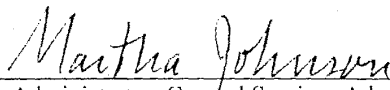
Submitted at Washington, DC, on May 13, 2010

Recommended:



Commissioner, Public Buildings Service

Approved:



Administrator, General Services Administration



U.S. House of Representatives
Committee on Transportation and Infrastructure
Washington, DC 20515

James L. Oberstar
Chairman

John L. Mica
Ranking Republican Member

David Heymsfeld, Chief of Staff
Ward W. McCarragher, Chief Counsel

James W. Coon II, Republican Chief of Staff

COMMITTEE RESOLUTION

ALTERATION
MAJOR GENERAL EMMETT J. BEAN FEDERAL CENTER
INDIANAPOLIS, IN
PIN-1703-IN11

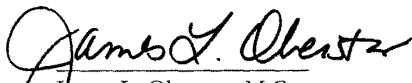
Resolved by the Committee on Transportation and Infrastructure of the House of Representatives, that, pursuant to 40 U.S.C. § 3307, appropriations are authorized for an alteration of the Major General Emmett J. Bean Federal Center at 8899 East 56th Street, Indianapolis, IN, at a proposed total cost of \$46,426,000, a prospectus for which is attached to and included in this resolution.

Provided, that, to the maximum extent practicable and considering life-cycle costs appropriate for the geographic area, the General Services Administration (GSA) shall use energy efficient and renewable energy systems, including photovoltaic systems, in carrying out the project.

Provided further, that the Administrator of General Services is authorized to undertake design and construction of only those security features which will bring the Major General J. Bean Federal Center and grounds into compliance with the security standards promulgated by the Interagency Security Committee.

Provided further, that within 180 days of approval of this resolution, GSA shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on the planned use of energy efficient and renewable energy systems, including photovoltaic systems, for such project and if such systems are not used for the project, the specific rationale for GSA's decision.

Adopted: December 2, 2010


James L. Oberstar, M.C.
Chairman

GSA

PBS

**PROSPECTUS - ALTERATION
MAJOR GENERAL EMMETT J. BEAN FEDERAL CENTER
INDIANAPOLIS, IN**

Prospectus Number: PIN-1703-IN11
Congressional District: 07

Project Summary

The General Services Administration (GSA) proposes an alteration of the Major General Emmett J. Bean Federal Center (Bean FC) at 8899 East 56th Street in Indianapolis, IN to provide Defense Department (DOD) security requirements, building and site improvements, and additional parking.

Major Work Items

Site work, security upgrades, and common area improvements

Project Budget

Design and Review Cost (Design) (FY 2009)	\$6,080,000
Estimated Construction Cost (ECC)	60,224,000
Management and Inspection (M&I)	5,589,000
Estimated Total Project Cost (ETPC)*	\$71,893,000

*Tenant agencies may fund an additional amount for alterations above the standard normally provided by the GSA.

Authorization Requested (ECC & M&I) \$65,813,000

Prior Authority and Funding

Under the American Recovery and Reinvestment Act (ARRA) of 2009, Congress appropriated \$4.5 billion for GSA to transition selected existing Federal buildings to high performance green buildings (HPGB). GSA allocated \$36,650,000 for the Bean Building. Funds of \$6,080,000 are devoted for the design of this project. The remaining \$30,570,000 is for the design, construction, and management and inspection of the installation of a photovoltaic cell roof system.

Prior Prospectus-Level Projects in Building (past 10 years) - None

Schedule

	Start	End
Design	FY 2009	FY 2011
Construction	FY 2011	FY 2014

GSA

PBS

**PROSPECTUS - ALTERATION
MAJOR GENERAL EMMETT J. BEAN FEDERAL CENTER
INDIANAPOLIS, IN**

Prospectus Number: PIN-1703-IN11
Congressional District: 07

Building

The Bean FC is a three-story 1,660,353 gross-square-foot concrete and masonry office building with a basement, a detached daycare center, and 3,154 inside and outside parking spaces on 72 acres at 8899 East 56th Street in Indianapolis, IN. Constructed in 1953 by DOD as a records storage facility at Fort Benjamin J. Harrison military base, the Bean FC was fully modernized and converted to an office building in 2003. DOD fully funded the modernization through a reimbursable work authorization agreement with GSA. Upon closure of Fort Harrison due to the BRAC Act in 1995, the building was transferred to GSA.

Tenant Agencies

The major tenant is the Defense Financing & Accounting Service.

Proposed Project

This project proposes: the construction of building security features, site improvements, parking additions, and interior common area improvements, including the construction of a truck dock, a barricade wall, a sallyport, and a temporary parking area; relocation of the mail and trash rooms, and building air intake ports; anchoring of equipment; upgrading of security devices; installation of blast-resistant windows, concrete security bollards, and a security fence; alteration of the fire alarm, and paving of the truck dock access.

Additionally, the project proposes: the construction of new and rebuilt parking lots, site access roads, a maintenance building, and a food service space; the installation of walkway and parking lighting, courtyard and site landscaping, a stormwater drainage system with equipment housing structure, a rainwater reuse system, food service equipment, parking area signage, security features, and artwork; reworking of parking lighting; grading of the site; upgrading of common areas; and the rebuilding of the mailroom.

Major Work Items

Expansion of Parking Capacity and Site Work	\$28,934,000
DoD Security Upgrades	19,387,000
Common Area Improvements	<u>11,903,000</u>
Total ECC	\$60,224,000

GSA

PBS

**PROSPECTUS - ALTERATION
MAJOR GENERAL EMMETT J. BEAN FEDERAL CENTER
INDIANAPOLIS, IN**

Prospectus Number: PIN-1703-IN11
Congressional District: 07

Justification

DOD currently requires its agencies to occupy space that meets its Unified Facilities Criteria DOD Minimum Antiterrorism Standards for Buildings (UFC 4-010-01). The facility must comply with the standards before DFAS, the building's largest tenant, with over one million square feet of space, will commit to continued occupancy of the building.

On November 9, 2005, Congress approved the recommendation of the Base Realignment and Closure Commission to consolidate DFAS operations at select locations throughout the country. As a result, the Major General Emmett J. Bean Center has absorbed staffs and functions of several DFAS locations around the country. From 2007 to 2009, approximately 1,700 additional employees relocated to the Bean FC. The additional personnel resulted in the need for expanded support areas and parking to avoid crowded working conditions and limited site access.

The current stormwater drainage is deficient, leading to water backups and debris blockage, a condition that would worsen with the runoff from the installation of new parking surfaces under this proposed project.

Summary of Energy Compliance

The project will integrate and implement sustainable design principles and energy efficiency effort where possible into both the design and construction process. The goal is to obtain certification through the Leadership in Energy and Environmental Design (LEED) Green Building Rating System of the U.S. Green Building Council.

Alternatives Considered (30-year, present value cost analysis)

New construction	\$683,951,000
Alteration	\$381,236,000
Lease	\$615,425,000

The 30-year, present value cost of alteration is \$234,189,000 less than the cost of lease, an equivalent annual cost advantage of \$14,377,000.

Recommendation

ALTERATION

GSA

PBS

**PROSPECTUS - ALTERATION
MAJOR GENERAL EMMETT J. BEAN FEDERAL CENTER
INDIANAPOLIS, IN**

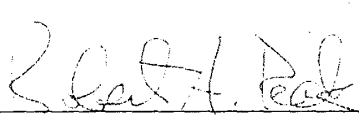
Prospectus Number: PIN-1703-IN11
Congressional District: 07

Certification of Need

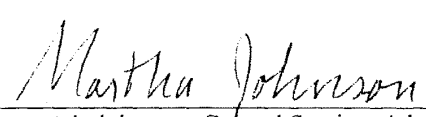
The proposed project is the best solution to meet a validated Government need.

Submitted at Washington, DC, on May 13, 2010

Recommended: _____


Commissioner, Public Buildings Service

Approved: _____


Administrator, General Services Administration

PN IN-11
Indianapolis, IN

Housie
Major General Emmett J. Bean Federal Center

February 2

Locations	Personnel			Current			Proposed			RSF	
	Office	Total		Office	Storage	Special	Office	Storage	Special	Total	Total
Bean Federal Center											
Army Reserve	2	2	25,641	2	-	-	2	-	-	25,641	34,563
Defense Contract Audit Agency	-	-	5,712	-	-	-	-	-	-	5,712	7,702
Defense Financing & Accounting Service	5,235	5,235	835,353	5,235	27,750	33,455	5,235	27,750	33,455	896,558	1,200,156
Defense Logistics Agency	100	100	9,922	100	-	-	100	-	-	9,922	13,374
Department Of Army	330	330	60,315	330	1,906	6,472	330	1,906	6,472	68,693	92,594
DoD Del Cont Mgt Agcy - National	15	15	11,910	15	-	-	15	-	-	11,910	16,054
DoD Inspector General	45	45	9,993	45	-	-	45	-	-	9,993	13,470
Federal Acquisition Service	1	1	100	1	-	-	1	-	-	100	135
Food And Nutrition Service	7	7	965	7	-	-	7	-	-	965	1,301
USA Outleashed Space	9	9	3,269	9	-	-	9	-	-	3,269	4,336
Joint Use	-	-	24,186	-	-	-	-	-	-	24,186	32,613
Military Inflight Processing Command	75	75	27,700	75	-	-	75	-	-	27,700	36,973
Public Buildings Service, Field Offices	18	18	4,627	18	-	-	18	-	-	4,627	6,163
USA Criminal Investigation Command	28	28	1,442	28	-	-	28	-	-	1,442	1,943
USA Jtr Army Rct Cnd	3	3	1,826	3	-	-	3	-	-	1,826	2,406
USA Nat Guard Bur	50	50	11,931	50	-	-	50	-	-	11,931	16,506
USDA NAD	1	1	351	1	-	-	1	-	-	351	473
Vacant Unassigned Space	-	-	18,449	-	-	-	-	-	-	18,449	24,245
Total:	5,919	5,919	1,053,692	5,919	49,707	74,884	5,919	49,707	74,884	1,178,283	1,588,863

Special Space	
Restroom	4,267
Clinic	1,284
Physical Fitness	4,381
Child Care	5,818
Conference	3,265
Auditorium	10,887
ADP	33,797
Food Service	20,574
Other - Vaults	611
Total:	74,884



U.S. House of Representatives
Committee on Transportation and Infrastructure
Washington, DC 20515

James L. Oberstar
Chairman

David Heymsfeld, Chief of Staff
Ward W. McCarragher, Chief Counsel

John L. Mica
Ranking Republican Member

James W. Coon II, Republican Chief of Staff

COMMITTEE RESOLUTION

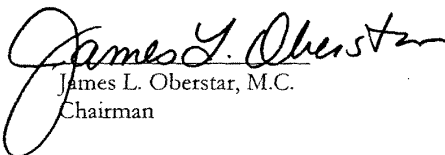
ALTERATION
DANIEL PATRICK MOYNIHAN U.S. COURTHOUSE
NEW YORK, NY
PNY-0351-NY11

Resolved by the Committee on Transportation and Infrastructure of the House of Representatives, that, pursuant to 40 U.S.C. § 3307, appropriations are authorized for alterations to the Daniel Patrick Moynihan U.S. Courthouse at 500 Pearl Street, New York, NY, at a proposed total cost of \$28,000,000, a prospectus for which is attached to and included in this resolution.

Provided, that, to the maximum extent practicable and considering life-cycle costs appropriate for the geographic area, the General Services Administration (GSA) shall use energy efficient and renewable energy systems, including photovoltaic systems, in carrying out the project.

Provided further, that within 180 days of approval of this resolution, GSA shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on the planned use of energy efficient and renewable energy systems, including photovoltaic systems, for such project and if such systems are not used for the project, the specific rationale for GSA's decision.

Adopted: December 2, 2010


James L. Oberstar, M.C.
Chairman

GSA

PBS

**PROSPECTUS - ALTERATION
DANIEL PATRICK MOYNIHAN U.S. COURTHOUSE
NEW YORK, NY**

Prospectus Number: PNY-0351-NY11
Congressional District: 08

Project Summary

The General Services Administration (GSA) proposes alterations to the Daniel Patrick Moynihan U.S. Courthouse at 500 Pearl Street, New York, NY, that will restore space for use by the Courts upon the vacation by the District judges. In support of the building-wide modernization project currently underway for the Thurgood Marshall Courthouse, New York, NY, it was necessary to relocate Probation and Pretrial Services from the Moynihan Courthouse to leased swing space to provide temporary chambers for the District judges from the Marshall Courthouse. When the District judges move back into the Marshall Courthouse in 2012, approximately 138,000 rentable square feet (rsf), will be vacant in the Moynihan Courthouse. In addition, GSA will address entrance security and screening.

Major Work Items

Demolition, interior alterations, security and entrance screening, HVAC, fire and life safety measures, and electrical replacement.

Project Budget

Design and Review	\$2,031,000
Estimated Construction Cost (ECC)	22,000,000
Management and Inspection (M&I)	3,969,000
Estimated Total Project Cost (ETPC)*	\$28,000,000

* Tenant agencies may fund an additional amount for alterations above the standard normally provided by the GSA.

Authorization Requested (Design, ECC and M&I) \$28,000,000

Funding Requested (ETPC) \$28,000,000

Prior Authority and Funding

None

Prior Prospectus-Level Projects in Building (past 10 years):

None

Schedule

Design and Construction

Start

FY 2011

End

FY 2014

GSA

PBS

**PROSPECTUS - ALTERATION
DANIEL PATRICK MOYNIHAN U.S. COURTHOUSE
NEW YORK, NY**

Prospectus Number: PNY-0351-NY11
Congressional District: 08

Building

The Moynihan Courthouse is a 27-story, 933,715 gross square foot building located at 500 Pearl Street in lower Manhattan. Upon its completion in 1994, it was the largest Federal courthouse in the nation. The building has 29 district judge courtrooms, 14 magistrate judge courtrooms, a special courtroom for mega trials and ceremonies, and 42 chambers. It offers state-of-the-art telecommunications, energy-efficient lighting, heating and air-conditioning.

Tenant Agencies

Judiciary and GSA

Proposed Project

Temporary judges' chambers were constructed and other spaces throughout the building were modified to accommodate the District judges and other Court-related agencies from the Marshall Courthouse. The original tenants, Probation and Pretrial Services, were temporarily relocated to leased space in the Woolworth Building at 233 Broadway, New York, NY. The proposed project includes the demolition, retrofit, and realignment of space in order to meet the Courts' current needs. In addition, due to revised space requirements for the Courts, three new additional District chambers will be constructed. Finally, GSA will address entrance security and screening.

Major Work Items

Demolition	\$1,371,000
Interior Alterations	7,932,000
Security/Enhanced Screening	5,511,000
HVAC	4,121,000
Electrical Replacement	1,865,000
Fire and Life Safety	<u>1,200,000</u>
Total ECC	\$22,000,000

Justification

The proposed alterations will allow for the recapture of approximately 138,000 rsf of vacated space in the Moynihan Courthouse after the District judges return to the Marshall Courthouse. Ongoing costs to the Government include additional rental expenses as long as Probation and Pretrial Services remain in their temporary leased space.

GSA

PBS

**PROSPECTUS - ALTERATION
DANIEL PATRICK MOYNIHAN U.S. COURTHOUSE
NEW YORK, NY**

Prospectus Number: PNY-0351-NY11
Congressional District: 08

Summary of Energy Compliance

This project will integrate and implement sustainable design principles and energy efficiency effort as seamlessly as possible into all aspects of both the design and construction process. The goal is to obtain certification through the Leadership in Energy and Environmental Design (LEED) Green Building Rating System of the U.S. Green Building Council.

Alternatives Considered (30-year, present value cost analysis)

There are no feasible alternatives to this project.

Recommendation

ALTERATION

GSAPBS

**PROSPECTUS - ALTERATION
DANIEL PATRICK MOYNIHAN U.S. COURTHOUSE
NEW YORK, NY**

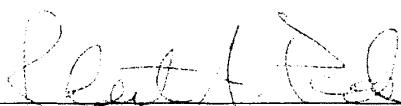
Prospectus Number: PNY-0351-NY11
Congressional District: 08

Certification of Need

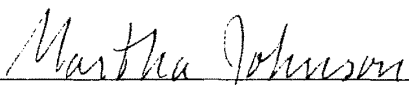
The proposed project is the best solution to meet a validated Government need.

Submitted at Washington, DC, on May 13, 2010

Recommended: _____


Commissioner, Public Buildings Service

Approved: _____


Administrator, General Services Administration



U.S. House of Representatives
Committee on Transportation and Infrastructure
Washington, DC 20515

James L. Oberstar
Chairman

John L. Mica
Ranking Republican Member

David Heymsfeld, Chief of Staff
Ward W. McCarragher, Chief Counsel

James W. Coon II, Republican Chief of Staff

COMMITTEE RESOLUTION

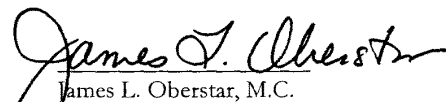
DESIGN
FEDERAL BUILDING/PARKING GARAGE
11000 WILSHIRE BOULEVARD
LOS ANGELES, CA
PDS-02011

Resolved by the Committee on Transportation and Infrastructure of the House of Representatives, that, pursuant to 40 U.S.C. § 3307, appropriations are authorized for the design of alterations for the Federal Building/Parking Garage at 11000 Wilshire Boulevard, Los Angeles, CA, at a proposed cost of \$51,217,000, a prospectus for which is attached to and included in this resolution.

Provided, that, to the maximum extent practicable and considering life-cycle costs appropriate for the geographic area, the General Services Administration (GSA) shall use energy efficient and renewable energy systems, including photovoltaic systems, in carrying out the project.

Provided further, that within 180 days of approval of this resolution, GSA shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on the planned use of energy efficient and renewable energy systems, including photovoltaic systems, for such project and if such systems are not used for the project, the specific rationale for GSA's decision.

Adopted: December 2, 2010


James L. Oberstar, M.C.
Chairman

GSA

PBS

PROSPECTUS – ALTERATION
Prospectus for Design

Description

The General Services Administration (GSA) is seeking authorization for design projects during fiscal year 2011 that we will schedule for construction in future years. Project descriptions are attached.

Justification

By seeking authority to start the design for projects prior to construction phase funding, an orderly and timely accomplishment of a planned program is ensured. Under the separate funding approach, we will submit construction prospectuses for each project along with the budget requests.

Included are projects for improvements to building and safety systems, remodeling and recapture of vacant space, security upgrades, hazardous materials abatement, building exterior repairs, and seismic strengthening.

Recommendation

Authorize design for \$96,453,000 for the projects attached. The construction costs indicated at this time are preliminary and will be refined and finalized prior to future requests for funding.


Authority Requested in this Prospectus.....\$96,453,000

Certification of Need

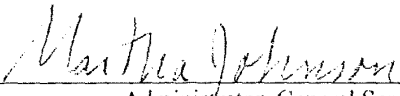
The proposed projects are the best solutions to meet validated Government needs.

Submitted at Washington, DC, on May 13, 2010

Recommended: _____


Commissioner, Public Buildings Service

Approved: _____


Administrator, General Services Administration

GSAPBS

PROSPECTUS – ALTERATION
Prospectus for Design

FISCAL YEAR 2011 ALTERATION DESIGN PROJECTS
(Alphabetical by State)

LOCATIONFY 2011 FUNDING

Los Angeles, CA	
Federal Building Complex (11000 Wilshire Boulevard)	\$51,217,000
San Diego, CA	
Edward J. Schwartz Federal Building & U.S. Courthouse	\$22,336,000
Washington, DC	
Elijah Barrett Prettyman U.S. Courthouse	\$22,900,000

TOTAL..... \$96,453,000

GSA

PBS

PROSPECTUS – ALTERATION
Prospectus for Design

Prospectus Number: PDS-02011

Congressional District: 30

PROJECT: Federal Building/Parking Garage (11000 Wilshire Boulevard)LOCATION: Los Angeles, CAESTIMATED TOTAL PROJECT COST: \$627,557,000DESIGN: \$51,217,000CONSTRUCTION: \$527,000,000MANAGEMENT & INSPECTION: \$49,340,000AMOUNT REQUESTED IN FY2011 (Design): \$51,217,000WORK ITEMS SUMMARY:

Seismic retrofit and blast-resistance upgrades, exterior construction, roof replacement, clean and repair exterior, interior construction, replacement of HVAC/electrical/plumbing systems, fire and life safety upgrades, elevator upgrades, and hazardous materials abatement.

DESCRIPTION:

The Federal Building Complex, located at 11000 Wilshire Boulevard in the Westwood area of Los Angeles is comprised of four buildings totaling approximately 725,000 gross square feet. The complex incorporates a 17-story office tower, two ancillary buildings connected to the office tower, and a parking garage. The proposed project will renovate the 561,559 gross square foot U.S. Federal Building and the 192,192 gross square foot parking garage. The Federal Bureau of Investigation (FBI) is the primary occupant.

Since the attacks of September 11, 2001, and the subsequent enactment by Congress on October 24, 2001 of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism (USA PATRIOT) Act of 2001, the FBI has grown in size and has incorporated new programs and assumed new operational responsibilities. Over the past several years, the FBI offices and operations in the Los Angeles, CA, area have grown significantly in their response to increasing concerns about national security, occupying six locations across the Los Angeles area.

The amount of office and related space has not kept pace with the significant growth in personnel and technical and investigative/operational needs. Local offices of the FBI are overcrowded, constraining normal office operations and the amount of support and special space is also inadequate for the designated functions and unable to support new programs. The decentralized critical functions and the inability to expand has fractured organization, supervisory oversight and information management and coordination.

GSA

PBS

PROSPECTUS – ALTERATION
Prospectus for Design

Continued occupancy of the Federal Building allows for the utilization of an existing asset, the avoidance of costly lease payments, and minimal disruption to FBI operations. The proposed project will allow FBI to expand by consolidating various lease locations into one building at the 11000 Wilshire Federal Building and occupy all facilities on site with the exception of the existing U.S. Post Office and GSA Field Office. All other building tenants will be permanently relocated allowing for swing space during construction. The expansion space that will become available through the renovation of 11000 Wilshire Boulevard will address the anticipated growth in requirements over the next ten years.

Repair and alteration of the Federal Building complex is urgently needed due to the age and condition of the facilities. Most building systems will be replaced and the entire Federal Building will undergo significant structural seismic and blast-resistance upgrades and energy efficiency measures. Construction is to be accomplished in three phases. A future site enhancement prospectus proposal will address long-term site use, security and other parameters.



U.S. House of Representatives
Committee on Transportation and Infrastructure
Washington, DC 20515

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COMMITTEE RESOLUTION

CONSTRUCTION
U.S. COURTHOUSE
SALT LAKE CITY, UT

Resolved by the Committee on Transportation and Infrastructure of the House of Representatives, that pursuant to 40 U.S.C. § 3307, appropriations are authorized for the management and inspection costs and construction costs of the U.S. courthouse, Salt Lake City, UT, not to exceed 409,397 gross square feet (including inside parking), at a combined cost of \$185,700,000, a fact sheet for which is attached to and included in this resolution.

Provided, that the Administrator of General Services shall ensure that the Salt Lake City, Utah courthouse contains no more than 10 courtrooms.

Provided further, that the Administrator of General Services shall ensure that the courtroom sharing policies approved by the Judicial Conference in September 2008 for senior District Judges and in March 2009 for Magistrate Judges are utilized in the design and construction of the Salt Lake City, Utah courthouse;

Provided further, that the Administrator of General Services shall require that any excess space not allocated to courtroom or other court-related use in the Salt Lake City, Utah courthouse shall be used to provide office space to Executive Branch agencies that are not ancillary or related to the Federal judiciary;

Provided further, that the Administrator of General Services shall submit a prospectus for any additional expansion space, after completion of construction and occupancy of the Salt Lake City, Utah courthouse, for court or other court-related use requested in such courthouse;

Provided further, that prior to acceptance of the Guaranteed Maximum Price (GMP), the Administrator of General Services shall advise the Committee on Transportation and Infrastructure of the House of Representatives of the number of courtrooms, chambers, court space, and other agency space to be provided in the entire Salt Lake City, Utah courthouse complex (including the Moss Courthouse);

Provided further, that no additional funds, beyond the GMP, in effect on the date of this resolution, for the construction of the Salt Lake City, Utah courthouse, as of the adoption of this resolution, shall be authorized or obligated for this project;

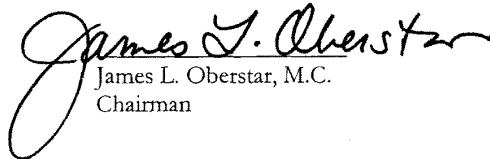
Provided further, that prior to the design of the Moss Courthouse renovation, the Administrator of General Services shall provide the Committee on Transportation and Infrastructure of the House of Representatives a report on the optimal housing plan for the courts, including recommendations about the preferred asset management strategy, with accompanying economic analyses of alternatives for the Moss Courthouse as: a Federal building and courthouse; a Federal building without a court presence; or a plan to reposition the Moss Courthouse out of Federal ownership;

Provided further, that to the maximum extent practicable and considering life-cycle costs appropriate for the geographic area, the General Services Administration (GSA) shall use energy efficient and renewable energy systems, including photovoltaic systems, in carrying out the project;

Provided further, that within 180 days of adoption of this resolution, GSA shall submit to the Committee on Transportation and Infrastructure a report on the planned use of energy efficient and renewable energy systems, including photovoltaic systems, for the project, and if such systems are not used for the project, the specific rationale for GSA's decision.

Provided further, that beginning on July 19, 2006, the Judicial Conference of the United States shall specifically approve each departure from the *U.S. Courts Design Guide* for each U.S. courthouse construction project which results in additional estimated costs of the project (including additional rent payment obligations) and that the Judicial Conference provide a specific list of each departure and the justification and estimated costs (as supplied by GSA) of such departure for each U.S. courthouse construction project to GSA. Each U.S. courthouse construction prospectus submitted by GSA shall include a specific list of each departure and the justification and estimated cost (including additional rent payment obligations) of such departure and GSA's recommendation on whether the Committee on Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate should approve such departure.

Adopted: December 2, 2010


James L. Oberstar, M.C.
Chairman

GSA

PBS

**FACTSHEET
U.S. COURTHOUSE
SALT LAKE CITY, UT
July 23, 2010**

Description

This project involves the construction of a 409,397 gross square foot Courthouse (CT), including 101 inside parking spaces, in Salt Lake City, UT. The CT will be constructed to meet the 10-year space needs of the District Court and court-related agencies and the site will accommodate the 30-year expansion requirements. The Judiciary's Five-Year Plan, which reflects construction priorities approved by the Judicial Conference, includes a courthouse in Salt Lake City, UT.

Project Summary**Site Information**

Acquired..... 4.5 acres

Building Area

Gross Square Feet (excluding inside parking)..... 357,524

Gross Square Feet (including inside parking)..... 409,397

Project Budget

Site (FY97, FY02, FY03, FY07)\$28,024,000

Design (FY97, FY03, FY07)12,640,000

Management and Inspection8,700,000

Estimated Construction Cost (\$432/gsf including parking)177,000,000

Estimated Total Project Cost\$226,364,000

House Authorization Requested

(ECC and M&I)\$185,700,000

Senate Authorization Requested

(ECC and M&I)\$185,700,000

GSA

PBS

FACTSHEET
U.S. COURTHOUSE
SALT LAKE CITY, UT
 July 23, 2010

Description

This project involves the construction of a 409,397 gross square foot Courthouse (CT), including 101 inside parking spaces, in Salt Lake City, UT. The CT will be constructed to meet the 10-year space needs of the District Court and court-related agencies and the site will accommodate the 30-year expansion requirements. The Judiciary's Five-Year Plan, which reflects construction priorities approved by the Judicial Conference, includes a courthouse in Salt Lake City, UT.

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House Authorization Requested

(ECC and M&I)\$185,700,000

Senate Authorization Requested

(ECC and M&I)\$185,700,000

GSA

PBS

**FACTSHEET
U.S. COURTHOUSE
SALT LAKE CITY, UT
July 23, 2010**

Schedule

FY 2007	Additional Site and Design
FY 2010	Construction
FY 2013	Occupancy

Overview of Project

The new CT will provide 13 courtrooms and 16 chambers to accommodate 16 judges (5 active district, 4 senior district, 4 magistrate, and 3 bankruptcy) and the U.S. Marshals Service. When complete, the new CT will provide for the 10-year space requirements of the U.S. District Court in Salt Lake City, UT. The site will accommodate the 30-year space requirements of the court.

Tenant Agencies

The new CT will house the District Court, Probation and the U.S. Marshals Service. The Public Defender Service and U.S. Attorneys Office will have trial preparation space.

Delineated Area

The site is located in the Central Business District of Salt Lake City, UT, adjacent to the existing Moss CT.

Justification

The Moss CT, constructed in 1905, is listed on the National Register for Historic Places as a part of the Exchange Place Historic District and has been maintained in good condition. It consists of five stories and a basement and contains 234,288 gross square feet of space. The building's primary tenants are the U.S. Courts and U.S. Marshals. However, the building is structurally unable to meet the U.S. Courts Design Guide (USCDG) minimum standards for district courtrooms and does not provide for secure prisoner circulation (sallyport, elevators, corridors and courtroom holding cells).

In addition, space needs for support services are also expected to grow. The number of deputy clerks will increase from 30 to 57 for the District Court and from 43 to 95 for the Bankruptcy Court. Other court-related activities such as the Probation Office, Pretrial Services, U.S. Attorney, U.S. Marshals, will all need significant amounts of additional space.

Explanation of Changes

The square footage for the proposed project is based on design drawings rather than pre-design programmatic formulas used previously.

GSA

PBS

FACTSHEET
U.S. COURTHOUSE
SALT LAKE CITY, UT
July 23, 2010

The proposed project is 79,500 gsf larger than currently authorized by the House Committee on Transportation and Infrastructure. Inside parking accounts for 34,273 gsf of the increase due to an increase of 57 in the number of inside parking spaces from 44 to 101 and an increase in the standard per car from 400 to 450. The building excluding parking increased 45,228 gsf. Judiciary space increased 40,132 gsf including increases for the District Court (27,298 gsf including one additional magistrate courtroom and chambers and assignable circulation), Bankruptcy Court (2,945 gsf - this is a tunnel connection from the CT to Moss CT), Circuit Library (9,222 gsf), and Probation (678 gsf), with a decrease for Federal Public Defender (-11 gsf). Non-judiciary space decreased 4,781 gsf including increases for U.S. Attorney (2,674 gsf), U.S. Marshal Service (1,623 gsf), and DHS/FPS (1,178 gsf previously included in GSA space), and decreases for GSA (-1,758 gsf), and Joint Use (-8,498 gsf). Vertical penetrations, mechanical space and circulation account for 9,877 gsf.

The proposed project is 40,951 gsf larger than currently authorized by the Senate Committee on Environment and Public Works. Inside parking accounts for 6,423 gsf of the increase. Judiciary space increased 23,595 gsf including increases for the District Court (18,277 gsf primarily due to assignable circulation), Bankruptcy Court (2,945 gsf - this is a tunnel connection from the CT to Moss CT), Probation (1,675 gsf) and the Circuit Library (709 gsf). Federal Public Defender decreased (-11 gsf). Non-judiciary space increased 724 gsf including increases for the U.S. Marshal Service (3,618 gsf),

U.S. Attorney (458 gsf), and DHS/FPS (1,178) and decreases for GSA (-2,462 gsf) and Joint Use (-2,068 gsf). Vertical penetrations, mechanical space and circulation account for 10,206 gsf.

The estimated total project cost (ETPC) of the proposed project reflects an increase of \$111,310,000 from the ETPC of the project currently authorized by the House Committee (which is the result of program growth, construction escalation, lost design effort, additional site costs and changes in the projected start of construction from FY 2004 to FY 2011). The ETPC reflects an increase of \$40,945,000 from the ETPC of the project currently authorized by the Senate Committee (which is the result of program growth, construction escalation, lost design effort, additional site costs and changes in the projected start of construction from FY 2004 to FY 2011).

The project complies with the requirement in the House Transportation and Infrastructure Committee resolution dated July 19, 2006, that one courtroom be provided for every two senior district judges.

GSA

PBS

**FACTSHEET
U.S. COURTHOUSE
SALT LAKE CITY, UT
July 23, 2010**

Space Requirements of the U.S. Courts

	Current		Request	
	Courtrooms	Judges	Courtrooms Annex	Judges
District				
- Active	4	5	5	5
- Senior	3	4	2	4
Magistrate				
- Active	3	4	3	4
Bankruptcy				
- Active	3	3	3**	3**
Total:	13*	16	13	16

*Only 1 courtroom meets the minimum USCDG standards for district courtrooms. Four other meet minimum standards for magistrate or bankruptcy.

**The courthouse as designed envisions 14 courtrooms and 16 chambers. One district and two magistrate courtrooms and chambers will be temporarily assigned to the bankruptcy judges during the renovation of the Moss Courthouse. A temporary chamber will be constructed in lieu of the 14th district courtroom. The renovation is planned to start after the completion of the Annex and is expected to last approximately 3 years. The use of these courtrooms and chambers provides \$7.9 million in lease cost avoidance.

Prior to the design of the Moss Courthouse renovation, GSA shall provide the Committee a report on the optimal housing plan for the courts. This report shall identify GSA's housing plan for the Courts in Salt Lake City. It shall include recommendations about the preferred asset management strategy for the Moss Courthouse and whether or not the Moss Courthouse should continue to be a courthouse and federal building, a federal building without a courts presence or should the building be repositioned out of federal ownership.

Summary of Energy Compliance

This project is designed to conform to the requirements of the Facilities Standards for the Public Buildings Service and to earn Leadership in Energy and Environmental Design (LEED) certification. It will also meet energy efficiency and performance requirements in effect during design. GSA will encourage exploration of opportunities to gain increased energy efficiency above the measures achieved in the design.



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Washington, DC 20515

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COMMITTEE RESOLUTION

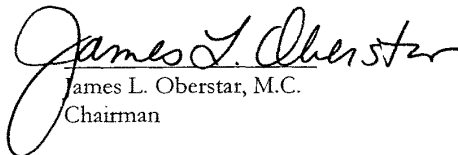
CONSTRUCTION
U.S. LAND PORT OF ENTRY
CALEXICO, CA
PCA-BSC-CA11

Resolved by the Committee on Transportation and Infrastructure of the House of Representatives, that, pursuant to 40 U.S.C. § 3307, appropriations are authorized for the reconfiguration and expansion of the existing land port of entry in downtown Calexico, CA, at management and inspection costs of \$28,119,000 and estimated construction costs of \$246,344,000, for a combined cost of \$274,463,000, a prospectus for which is attached to and included in this resolution.

Provided, that, to the maximum extent practicable and considering life-cycle costs appropriate for the geographic area, the General Services Administration (GSA) shall use energy efficient and renewable energy systems, including photovoltaic systems, in carrying out the project.

Provided further, that within 180 days of approval of this resolution, GSA shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on the planned use of energy efficient and renewable energy systems, including photovoltaic systems, for such project and if such systems are not used for the project, the specific rationale for GSA's decision.

Adopted: December 2, 2010


James L. Oberstar, M.C.
Chairman

GSA

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**PROSPECTUS - CONSTRUCTION
U.S. LAND PORT OF ENTRY
CALEXICO, CA**

Prospectus Number: PCA-BSC-CA11
Congressional District: 51

Description

The General Services Administration (GSA) proposes reconfiguration and expansion of the existing land port of entry (LPOE) in downtown Calexico, CA. The project includes new pedestrian processing and privately owned vehicle (POV) inspection facilities, a new headhouse to provide supervision and services to the non-commercial vehicle inspection area, new administration offices and a parking structure. The expanded facilities will occupy both the existing inspection compound and the site of the former commercial inspection facility, decommissioned in 1996 when commercial traffic was redirected to the newly completed LPOE six miles east of downtown Calexico.

Project Summary**Site Information**

Government Owned 13.5 acres
To Be Acquired 4.0 acres

Building Area

Building (including canopies) 260,410 gsf
Building (excluding canopies and inside parking) 106,605 gsf
Outside parking spaces¹ 76
Structured parking spaces 264

Cost Information

Site Development Cost² \$164,238,000
Building Costs (includes inspection canopies) (\$315/gsf) \$82,106,000

¹ Parking configuration has changed from that stated in Prospectus No. PCA-BSD-CA10. Additional southbound lanes will displace surface parking stalls and require construction of a parking deck. Therefore, the prospectus realigns the number of outside spaces and structured spaces.

² Site development costs include grading, utilities, paving, extensive fill work for soil stabilization, and demolition of existing facilities.

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**PROSPECTUS - CONSTRUCTION
U.S. LAND PORT OF ENTRY
CALEXICO, CA**

Prospectus Number: PCA-BSC-CA11
Congressional District: 51

Project Budget**Site Acquisition**

Site Acquisition (FY 2007).....	\$2,000,000
Additional Site Acquisition (FY 2010).....	<u>3,000,000</u>
Total Site Acquisition	\$5,000,000

Design

Design (FY 2007)	\$12,350,000
Additional Design (FY 2010)	<u>6,437,000</u>
Total Design.....	\$18,787,000

Estimated Construction Cost (ECC)

Phase I.....	\$78,462,000
Phase II (future fiscal year request)	<u>167,882,000</u>
Total ECC	\$246,344,000

Management and Inspection (M&I)

Phase I	\$5,897,000
Phase II (future fiscal year request)	<u>22,222,000</u>
Total M&I.....	\$28,119,000

Estimated Total Project Cost (ETPC)* **\$298,250,000**

* Tenant agencies may fund an additional amount for alterations above the standard normally provided by GSA.

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**PROSPECTUS - CONSTRUCTION
U.S. LAND PORT OF ENTRY
CALEXICO, CA**

Prospectus Number: PCA-BSC-CA11
Congressional District: 51

Authorization Requested

(Phases I & II ECC; Phases I & II M&I) \$274,463,000³

Funding Requested (Phase I ECC; Phase I M&I) \$84,359,000

Prior Authority and Funding

- The House Committee on Transportation and Infrastructure authorized \$14,350,000, including \$2,000,000 for site acquisition and \$12,350,000 for design, on April 5, 2006.
- The House Committee on Transportation and Infrastructure authorized \$9,437,000, including \$3,000,000 for additional site acquisition and \$6,437,000 for additional design on November 5, 2009.
- The Senate Committee on Environment and Public Works authorized \$14,350,000 for site acquisition and design on May 23, 2006.
- The Senate Committee on Environment and Public Works authorized \$9,437,000 for additional site acquisition and design on February 4, 2010.
- Through Public Law 110-5, GSA's Spending Plan included \$14,350,000 for site acquisition and design.
- Through Public Law 111-117, Congress appropriated \$9,437,000 in FY 2010 for additional site acquisition and design.

³ GSA has worked closely with DHS program offices responsible for developing and implementing security technology at the Land Ports of Entry (LPOE's). These programs include United States Visitor and Immigrant Status Indicator Technology (US-VISIT), Radiation Portal Monitors (RPM's) and Advanced Spectroscopic Portal (ASPs) monitors, Western Hemisphere Travel Initiative (WHTI) and Non-Intrusive Inspection (NII). This prospectus contains the funding of infrastructure requirements for each program known at the time of prospectus development since these programs are at various stages of development and implementation. Additional funding by a Reimbursable Work Authorization (RWA) may be required to provide for as yet unidentified elements of each of these programs to be implemented at this port.

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**PROSPECTUS - CONSTRUCTION
U.S. LAND PORT OF ENTRY
CALEXICO, CA**

Prospectus Number: PCA-BSC-CA11
Congressional District: 51

<u>Schedule</u>	<u>Start</u>	<u>End</u>
Design	FY 2007	FY 2010
Construction		
Phase I	FY 2011	FY 2013
Phase II	TBD	TBD

Overview of Project

The existing LPOE is a pedestrian and vehicle inspection facility constructed in 1974. It comprises a main building and a decommissioned commercial inspection building. The project includes the creation of new pedestrian and POV inspection facilities, and expansion of the port onto the site of the former commercial inspection facility. The commercial inspection operation was moved to Calexico East in 1996. Primary POV inspection facilities will include 16 northbound inspection lanes, five southbound inspection lanes, and a parking structure. There will be new administration space, a new headhouse, and 32 secondary inspection stations serving both northbound and southbound traffic.

The project will be constructed in two phases. Phase I will consist of ten northbound POV inspection lanes, a headhouse and site work necessary to accommodate those facilities on the sloping site. Phase II will consist of the balance of the project, including additional site work, a pedestrian processing facility, administrative offices, five southbound POV inspection lanes, six additional northbound POV inspection lanes and the parking structure.

Tenant Agencies

Defense–Joint Mexican–U.S. Commission; Department of Homeland Security–Animal Plant Health Inspection Service; Customs and Border Protection; Immigration and Customs Enforcement; United States Department of Agriculture–Food Safety and Inspection; State Department–Consular Affairs.

Location

The site is located at the existing LPOE in Calexico, CA at 200 First Street.

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**PROSPECTUS - CONSTRUCTION
U.S. LAND PORT OF ENTRY
CALEXICO, CA**

Prospectus Number: PCA-BSC-CA11
Congressional District: 51

Justification

On an average day, over 16,000 privately operated vehicles and 20,000 pedestrians enter the U.S. through this LPOE. The existing facilities are undersized relative to existing traffic loads and obsolete in terms of inspection officer safety and border security. The space required to accommodate modern inspection technologies is not available in the existing facility. When completed, the project will provide the port operation with adequate operational space, reduced traffic congestion, and a safe environment for port employees and visitors.

Summary of Energy Compliance

The Calexico LPOE project will be designed to conform to the requirements of the Facilities Standards for the Public Buildings Service and to earn Leadership in Energy and Environmental Design (LEED) certification. It will also meet energy efficiency and performance requirements in effect during design. GSA will encourage exploration of opportunities to gain increased energy efficiency above the measures achieved in the design.

Alternatives Considered

GSA owns and maintains the existing facilities at this port of entry; thus no alternative other than Federal construction was considered.

Recommendation

CONSTRUCTION

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**PROSPECTUS - CONSTRUCTION
U.S. LAND PORT OF ENTRY
CALEXICO, CA**

Prospectus Number: PCA-BSC-CA11
Congressional District: 51

Certification of Need

The proposed project is the best solution to meet a validated Government need.

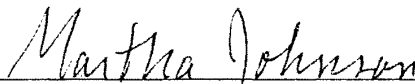
Submitted at Washington, DC, on May 13, 2010

Recommended:



Commissioner, Public Buildings Service

Approved:



Administrator, General Services Administration

PCA-BSC-CA11
Calxico, CAHousing Plan
US Land Port of Entry

September 2009

Locations	Current						Proposed													
	Personnel			Usable Square Feet (USF)			RSF			Personnel			Usable Square Feet (USF)			RSF				
	Office	Total		Office	Storage	Special	Total	Office	Storage	Special	Total	Office	Storage	Special	Total	Office	Storage	Special	Total	
US BORDER STATION																				
DHS - Customs & Border Protection	155	155		31,569	31,455	10,169	73,193	98,042	479	479		30,947	4,213	184,222	219,382	239,675				
DHS - APHS	10	10		1,708	1,008	771	3,487	4,864	0	0		657	165	1,600	2,422	2,847				
Department of Army		0	0	0	0	0	0	0	2	2		660	0	0	660	784				
DHS - Immigration And Customs Enforcement		0	0	0	0	0	0	0	35	35		6,913	0	0	6,913	8,210				
Public Bldgs Service, Field Office		0	0	0	0	0	0	0	1	1		2,157	0	0	2,157	2,562				
SD Consular Affairs		0	0	0	0	0	0	0	0	0		0	0	125	125	148				
Joint Use		0	0	2,180	0	796	2,976	4,151	0	0		0	0	720	720	855				
Total:	165	165		35,457	32,463	11,736	79,656	107,057	517	517		41,334	4,378	186,667	232,379	255,081				

Special Space	
Laboratory	1,600
Holding Cell	11,379
Restroom	5,136
Physical Fitness	990
Conference	3,780
ADP	1,040
Vehicle Lift	336
Inspection Canopy	153,805
Control Booth	995
Vaults	400
Interview Rooms	1,605
Break Rooms	990
Lockers	3,780
Sallyport	491
Secured Elevator	176
Hazmat Shower & Eyewash	64
Telephone Room	100
Total:	186,667



U.S. House of Representatives
Committee on Transportation and Infrastructure
Washington, DC 20515

James L. Oberstar
Chairman

David Heymsfeld, Chief of Staff
Ward W. McCarragher, Chief Counsel

John L. Mica
Ranking Republican Member

James W. Coon II, Republican Chief of Staff

COMMITTEE RESOLUTION

CONSTRUCTION
DEPARTMENT OF HOMELAND SECURITY
CONSOLIDATION, INFRASTRUCTURE, SITE ACQUISITION, AND
DEVELOPMENT OF ST. ELIZABETHS CAMPUS
WASHINGTON, DC
PDC-0002-WA11

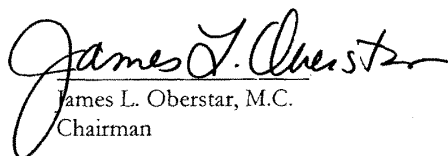
Resolved by the Committee on Transportation and Infrastructure of the House of Representatives, that, pursuant to 40 U.S.C. § 3307, additional appropriations are authorized for the consolidation of the Department of Homeland Security headquarters at St. Elizabeths West Campus, Washington, DC, for an additional combined estimated project cost of \$1,149,406,000, a prospectus for which is attached to and included in this resolution.

Provided, that, to the maximum extent practicable and considering life-cycle costs appropriate for the geographic area, the General Services Administration (GSA) shall use energy efficient and renewable energy systems, including photovoltaic systems, in carrying out the project.

Provided further, that no new pedestrian tunnels shall be constructed between the East Campus and West Campus of St. Elizabeths.

Provided further, that within 180 days of approval of this resolution, GSA shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on the planned use of energy efficient and renewable energy systems, including photovoltaic systems, for such project and if such systems are not used for the project, the specific rationale for GSA's decision.

Adopted: December 2, 2010


James L. Oberstar, M.C.
Chairman

GSA

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**PROSPECTUS – CONSTRUCTION
DEPARTMENT OF HOMELAND SECURITY, CONSOLIDATION,
INFRASTRUCTURE, SITE ACQUISITION, AND DEVELOPMENT OF
ST. ELIZABETHS CAMPUS
WASHINGTON, DC**

Prospectus Number: PDC-0002-WA11

Description

The Department of Homeland Security (DHS) is consolidating its headquarters in the National Capital Region (NCR). DHS's current facilities are dispersed across more than 40 locations in the NCR, which is adversely impacting critical communication, coordination, and cooperation across DHS's many components. A unified, secure campus that brings together DHS's executive leadership and operational management will enable more efficient and effective execution of DHS's incident management and command-and-control functions.

In accordance with the final Master Plan approved by the Commission of Fine Arts (CFA) on November 20, 2008 and by the National Capital Planning Commission (NCPC) on January 8, 2009, GSA proposes to develop a secure facility for DHS at St. Elizabeths, a National Historic Landmark. DHS's program will be housed on both the West Campus and East Campus but will function as one unified campus. This new complex will also result in significant taxpayer savings in the long run.

St. Elizabeths West Campus was transferred to the General Services Administration (GSA) from the Department of Health and Human Services (HHS) in 2004. It was identified as the best GSA-controlled site in the District of Columbia (DC) to meet DHS's minimum consolidation requirement of approximately 4.5 million gross square feet (gsf) of office and related space and parking in a secure setting on an acceptable timetable.¹ GSA proposes a phased development strategy beginning with the construction of the United States Coast Guard (USCG) headquarters as outlined below. In conjunction with the development of the site for use as the national headquarters of DHS, GSA has begun and proposes to continue repairing and upgrading the existing infrastructure on a phased basis in tandem with the development of St. Elizabeths. GSA also proposes site acquisitions to enhance access to the site and to mitigate traffic impacts to the local community as outlined in the Record of Decision dated December 16, 2008. There will also be a GSA field office on the campus.

¹ The approved Master Plan places up to 750,000 gsf and parking on the St. Elizabeths East Campus that is owned by the District of Columbia (DC). GSA is working closely with DC on this portion of the DHS headquarters consolidation.

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**PROSPECTUS – CONSTRUCTION
DEPARTMENT OF HOMELAND SECURITY, CONSOLIDATION,
INFRASTRUCTURE, SITE ACQUISITION, AND DEVELOPMENT OF
ST. ELIZABETHS CAMPUS
WASHINGTON, DC**

Prospectus Number: PDC-0002-WA11

The goal of the infrastructure portion of this project is to prepare St. Elizabeths for redevelopment as a Federal facility by providing a reliable infrastructure that will serve the needs of tenants for many years. The infrastructure will support the overall development and will be timed with the development phases. Its overall scope includes planning, repairs, security and historic preservation mitigation included in the Programmatic Agreement for the undertaking executed on December 9, 2008.

GSA also needs to acquire portions of adjacent sites as part of the overall development of the West Campus. The final Master Plan approved by the National Capital Planning Commission (NCPC) is based, in part, on GSA's ability to construct an access road from Firth Sterling Avenue, S.E., through the site and into National Park Service (NPS) land that will connect to an interchange to be modified at Malcolm X Avenue S.E., and Interstate-295. To develop the access road GSA must first acquire land from DC and CSX Corporation along Firth Sterling Avenue, S.E., northwest of the West Campus (funding appropriated in Fiscal Year 2009). Second, GSA needs to acquire a portion of historic parkland from NPS. This land, known as Shepherd Parkway, S.E. is required to provide access to Malcolm X Avenue, S.E. to the south of the West Campus. Third, GSA needs to acquire land from DC along the western border of St. Elizabeths East Campus to provide a left turn lane into the West Campus from northbound Martin Luther King, Jr. Avenue. (Note: Funding for Shepherd Parkway and St. Elizabeths East Campus was appropriated by Public Law 111-5, the American Recovery and Reinvestment Act of 2009 (ARRA).) All of these purchases are necessary to develop additional access points to the West Campus to mitigate the increased traffic generated by the new Federal campus. It should be noted that the planned impact to the historic Shepherd Parkway falls under the requirements of The Department of Transportation Act (DOT Act) of 1966, Section 4(f) - which stipulates that the Federal Highway Administration (FHWA) and other DOT agencies cannot approve the use of land from publicly owned parks, recreational areas, wildlife and waterfowl refuges, or public and private historical sites unless: 1) there is no feasible and prudent alternative to the use of land, and 2) the action includes all possible planning to minimize harm to the property resulting from use. FHWA is working closely with GSA and NPS to comply with these requirements. As a result of this project, it is anticipated that NPS will require mitigation to offset impacts to Shepherd Parkway. A request for authority and funding for those mitigations will be included in future requests.

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**PROSPECTUS – CONSTRUCTION
DEPARTMENT OF HOMELAND SECURITY, CONSOLIDATION,
INFRASTRUCTURE, SITE ACQUISITION, AND DEVELOPMENT OF
ST. ELIZABETHS CAMPUS
WASHINGTON, DC**

Prospectus Number: PDC-0002-WA11

Overview of Project

GSA seeks funding for acquisition, infrastructure, and development of St. Elizabeths for the development of the Department of Homeland Security Headquarters at St. Elizabeths Campus. The West Campus is a 176-acre National Historic Landmark that includes 70 existing buildings containing approximately 1.2 million gsf of existing space. The portion of the DHS program to be housed on the East Campus will require the development of approximately 8 acres of land with supporting infrastructure and access to ensure that the Headquarters facility operates as one secure campus. GSA also requests funding for the balance of design of Development Phase 3 which includes significant presence of the Transportation Security Administration (TSA), Customs and Border Protection (CBP), and Immigration and Customs Enforcement (ICE). Infrastructure requirements do not require authorization. Furthermore, GSA seeks authorization for all remaining aspects of acquisition and development including a portion of the East Campus to be developed for FEMA headquarters. Infrastructure requirements (Sections I and III of this prospectus) do not require authorization.

As noted above, the Commission of Fine Arts (CFA) approved the Master Plan on November 20, 2008 and the National Capital Planning Commission (NCPC) approved it on January 8, 2009. The site will be developed in accordance with guidelines set out in the Master Plan.¹

Authorization and appropriation for Phase 1 of the project – construction of a new headquarters facility for the USCG – has already been obtained. This prospectus proposes the construction of a new headquarters facility for DHS and FEMA in two phases. Development Phase 2-a includes construction of office space to consolidate DHS headquarters and the NOC and provide amenity space; Phase 2-b proposes the construction of a new headquarters facility for FEMA plus amenity space. Parking will also be included with both sub phases. Development Phase 3 will accommodate remaining elements of DHS headquarters units, that is, primarily significant presences of the TSA, CBP, and ICE plus a liaison presence of other DHS elements such as the Secret Service that will not be relocating to St. Elizabeths. The project will include existing space rehabilitated and updated to current building standards plus construction of new space. GSA seeks funding in Fiscal Year 2011 for design funds (Infrastructure including Highway Interchange plus the balance of Phase 3), management and inspection funds (Phase 2-a and Infrastructure), and construction (Phase 2-a and Infrastructure). Funds for historic preservation mitigation are also sought.

¹ The Master Plan can be found at the project's web site: <http://www.stelizabethswestcampus.com/>

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**PROSPECTUS – CONSTRUCTION
DEPARTMENT OF HOMELAND SECURITY, CONSOLIDATION,
INFRASTRUCTURE, SITE ACQUISITION, AND DEVELOPMENT OF
ST. ELIZABETHS CAMPUS
WASHINGTON, DC**

Prospectus Number: PDC-0002-WA11

Project Phasing

Phase 1-a	USCG – HQ:	Coast Guard Headquarters
Phase 1-b	USCG – CC:	Coast Guard Command Center/shared use space/GSA Field Office
Phase 2-a	DHS:	Headquarters
Phase 2-a	NOC:	National Operations Center
Phase 2-b	FEMA:	Headquarters
Phase 3	TSA:	Transportation Security Administration HQ – significant presence
	CBP:	Customs and Border Protection HQ – significant presence
	ICE:	Immigration and Customs Enforcement HQ – significant presence

Project Summary**Site Information**

Government-owned	176 acres
Building without parking (gsf) ¹	up to 4,535,000
Building with parking (gsf) ²	up to 6,016,900
Number of structured parking spaces ³	up to 4,234

Cost Summary at St. Elizabeths

Site Acquisition	11,000,000
Design and Review Cost	131,876,000
Management and Inspection	122,759,000
Estimated Construction Cost	<u>1,903,758,000</u>
Estimated Total Project Cost⁴	\$2,169,393,000

¹ Based on Master Plan approved by CFA and NCPC.² Based on 350 gsf per parking space including circulation.³ Parking spaces have been reduced by 1,073 as result of negotiation with the consulting parties during the master planning process.⁴ Does not include planning and stabilization costs of approximately \$20 million.

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**PROSPECTUS – CONSTRUCTION
DEPARTMENT OF HOMELAND SECURITY, CONSOLIDATION,
INFRASTRUCTURE, SITE ACQUISITION, AND DEVELOPMENT OF
ST. ELIZABETHS CAMPUS
WASHINGTON, DC**

Prospectus Number: PDC-0002-WA11

Fiscal Year 2011 Requirements

Design & Review (Infrastructure).....	5,625,000
Design & Review (Development Phase 3)	17,000,000
Design & Review (Highway Interchange).....	2,800,000
Management & Inspection (Development Phase 2-a).....	13,135,000
Management & Inspection (Infrastructure).....	16,094,000
Estimated Construction Cost (Development Phase 2-a).....	237,540,000
Estimated Construction Cost (Infrastructure)	77,562,000
Estimated Construction Cost (Highway Interchange).....	5,550,000
Estimated Mitigation (Historic Preservation).....	4,990,000
Total Fiscal Year 2011 Funding Request.....	\$380,296,000

Total Fiscal Year 2011 Project Authorization Request.....\$1,149,406,000¹

Prior Authority and Funding

The funding history of the DHS consolidation is as follows:

- The House Committee on Transportation and Infrastructure authorized \$24,900,000 for design of the US Coast Guard HQ at St. Elizabeths on October 26, 2005.
- The Senate Committee on Environment and Public Works authorized \$24,900,000 for design of the US Coast Guard HQ at St. Elizabeths on July 20, 2005.
- Through Public Law 109-115, Congress appropriated \$24,900,000 for design of the US Coast Guard HQ at St. Elizabeths in FY2006.
- The House Committee on Transportation and Infrastructure authorized \$383,997,000 for construction and management and inspection of the US Coast Guard HQ (Phase 1-a) and USCG Command Center and Amenity Use Space (Phase 1-b) at St. Elizabeths on April 5, 2006.
- The House Committee on Transportation and Infrastructure authorized \$318,887,000 for design, review, management and inspection, and estimated construction costs for the St. Elizabeths West Campus on May 23, 2007.
- The Senate Committee on Environment and Public Works authorized \$318,887,000 for design, review, management and inspection, and estimated construction costs for the St. Elizabeths West Campus on September 20, 2007.

¹ This represents the balance of the project less the remaining Infrastructure needed. The Infrastructure Program is not subject to the requirements of 40 U.S.C. Section 3307.

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**PROSPECTUS – CONSTRUCTION
DEPARTMENT OF HOMELAND SECURITY, CONSOLIDATION,
INFRASTRUCTURE, SITE ACQUISITION, AND DEVELOPMENT OF
ST. ELIZABETHS CAMPUS
WASHINGTON, DC**

Prospectus Number: PDC-0002-WA11

Prior Authority and Funding (continued)

- The House Committee on Transportation and Infrastructure authorized \$7,000,000 for site acquisition for the St. Elizabeths West Campus on May 23, 2007.
- The Senate Committee on Environment and Public Works authorized \$7,000,000 for site acquisition for the St. Elizabeths West Campus on September 20, 2007.
- Through Public Law 109-115, Congress appropriated \$13,095,000 in FY 2006 for infrastructure design, construction, and management and inspection.
- Through Public Law 110-5, Congress appropriated \$6,444,000 in FY 2007 for additional infrastructure construction and management and inspection.
- Through Public Law 111-5, Congress appropriated \$450,000,000 in FY 2009 for construction and development to consolidate the Department of Homeland Security headquarters in Washington, D.C.
- The House Committee on Transportation and Infrastructure authorized \$525,236,000 for design, review, management and inspection, and estimated construction costs for the consolidation of the Department of Homeland Security headquarters at the St. Elizabeths West Campus in Washington, D.C. on September 24, 2008.
- The Senate Committee on Environment and Public Works authorized additional construction cost of \$140,140,000 for the design and construction of DHS consolidation and development of the West Campus of St. Elizabeths Hospital in Washington, D.C. on September 17, 2008.
- Through Public Law 111-8, Congress appropriated \$346,639,000 in FY 2009 for site acquisition, design and review, infrastructure and development construction, and management and inspection.

Primary Occupants

USCG, DHS Headquarters Elements, FEMA, NOC, TSA, CBP, ICE, and a liaison presence of other DHS elements not relocating to the St. Elizabeths Campus.

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**PROSPECTUS – CONSTRUCTION
DEPARTMENT OF HOMELAND SECURITY, CONSOLIDATION,
INFRASTRUCTURE, SITE ACQUISITION, AND DEVELOPMENT OF
ST. ELIZABETHS CAMPUS
WASHINGTON, DC**

Prospectus Number: PDC-0002-WA11

INFRASTRUCTURE PROGRAM SUMMARY

Infrastructure repair/replacement costs include: demolition of specific buildings identified by the Master Plan; replacement of site utilities including electricity substations and local utility requirements; distribution systems for electricity, natural gas, domestic water, storm water, waste water, data systems and telecommunications; roadways, surface parking and sidewalks; refurbishment of historical landscape and creation of new landscape features including flora; cleanup / repair of existing tunnels on site to improve safety and for potential use as systems distribution pathways; and site security fencing, entry gates, guard stations, and other site security features.

The planned alterations are necessary to preserve, maintain, and reuse this historic site. Existing infrastructure and the landscape have suffered from aging and deferred maintenance. The utility distribution systems are antiquated and have deteriorated. Building repairs will remedy and improve structural and life-safety systems while maintaining historic integrity. The landscape will be maintained, protected, and preserved to the extent feasible.

Major Work Items for Infrastructure

Demolition	\$16,816,000
Replace Telecommunication Systems	16,975,000
Replace Electric Systems	29,833,700
Replace Natural Gas Systems	1,092,000
Replace Water Systems.....	5,774,000
Replace Sanitary Sewer.....	2,389,300
Storm Water Management	12,063,000
Upgrade Selected Fire Systems.....	495,000
Repair Roads and Perimeter Wall.....	12,092,000
Site Perimeter Security.....	115,125,000
Exterior Road Construction	46,000,000
Repair Historical Landscape Features.....	30,428,000
Repair and Upgrade Exterior Lighting.....	1,480,000
Repair Underground Tunnels.....	400,000
Construct New Pedestrian Tunnels.....	9,631,000
Soil Remediation.....	2,000,000
Stabilize Selected Buildings	22,478,000
Total ECC	\$325,072,000

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**PROSPECTUS – CONSTRUCTION
DEPARTMENT OF HOMELAND SECURITY, CONSOLIDATION,
INFRASTRUCTURE, SITE ACQUISITION, AND DEVELOPMENT OF
ST. ELIZABETHS CAMPUS
WASHINGTON, DC**

Prospectus Number: PDC-0002-WA11

Total Infrastructure Project Budget**Design and Review**

Design and Review (FY2006) Phase 1-a	\$7,645.000
Design and Review (FY2009) Phase 1-b	3,000.000
Design and Review (ARRA) Phase 1-b	15,846.000
Design and Review (ARRA) Phase 2-a	700.000
Design and Review (FY2011) Phase 2-b and Phase 3	<u>5,625.000</u>

Design and Review Subtotal.....\$32,816,000**Estimated Construction Cost (ECC)**

ECC (FY2006) Phase 1-a	\$5,080.000
ECC (FY2007) Phase 1-a	5,912.000
ECC (FY2009) Phase 1-a	5,249.000
ECC (ARRA) Phase 1-b	165,525.000
ECC (FY2011) Phase 2-a	77,562.000
ECC (future year request) Phase 2-b and Phase 3	<u>65,744.000</u>

Estimated Construction Cost Subtotal.....\$325,072,000**Management and Inspection (M&I)**

M&I (FY2006) Phase 1-a	\$370,000
M&I (FY2007) Phase 1-a	532,000
M&I (ARRA) Phase 1-b	5,382,000
M&I (FY2011) Phase 2	16,094,000
M&I (future year request) Phase 3	<u>13,884,000</u>

M&I Subtotal\$36,262,000**Estimated Total Project Cost (ETPC) for Infrastructure\$394,150,000****FY2011 Funding Request (Design, ECC, and M&I)\$99,281,000**

GSAPBS

**PROSPECTUS – CONSTRUCTION
DEPARTMENT OF HOMELAND SECURITY, CONSOLIDATION,
INFRASTRUCTURE, SITE ACQUISITION, AND DEVELOPMENT OF
ST. ELIZABETHS CAMPUS
WASHINGTON, DC**

Prospectus Number: PDC-0002-WA11

SITE ACQUISITION PROGRAM SUMMARY**Delineated Areas for Site Acquisition**

The proposed sites to be acquired are as follows:

1. Approximately two acres of land located on Firth Sterling Avenue in southeast Washington, DC; the land is currently controlled by DC and CSX Corporation.
2. Approximately one acre of land located along the east side of Martin Luther King, Jr. Avenue in southeast Washington, DC. The land is currently controlled by DC.
3. Approximately fourteen (14) acres of land located on Shepherd Parkway in southeast Washington, DC. The land is currently controlled by NPS.

Total Site Acquisition Project Budget

Site Acquisition (Firth Sterling Avenue, S.E.) (FY2009).....	\$7,000,000
Site Acquisition (Martin Luther King, Jr. Avenue, S.E.) (ARRA).....	500,000
Site Acquisition (Shepherd Parkway) (ARRA).....	<u>3,500,000</u>
Total Acquisition Budget.....	\$11,000,000

GSA

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**PROSPECTUS – CONSTRUCTION
DEPARTMENT OF HOMELAND SECURITY, CONSOLIDATION,
INFRASTRUCTURE, SITE ACQUISITION, AND DEVELOPMENT OF
ST. ELIZABETHS CAMPUS
WASHINGTON, DC**

Prospectus Number: PDC-0002-WA11

HIGHWAY INTERCHANGE PROGRAM SUMMARY

The Transportation Management Program that was developed as part of the Master Plan proposes an access road to the St. Elizabeths West Campus that extends between Firth Sterling Avenue to the north and Malcolm X Avenue to the south, parallel to Interstate 295. Construction of the access road is included in the Infrastructure program described above, but a new, reconfigured interchange between Malcolm X Avenue and Interstate 295 is not described. This reconfiguration will be necessary to direct St. Elizabeths traffic onto the access road that, in turn, will mitigate the impacts of additional traffic that is anticipated as the result of the redevelopment of St. Elizabeths.

Major Work Items for the Interchange

Mobilization/Surveying/Testing	3,050,000
Remove Existing Ramps.....	230,000
Construct New Ramps	2,864,000
Resurface and Reconstruction of Malcolm X Avenue.....	628,000
Traffic Signals.....	324,000
Retaining Walls.....	17,370,000
I-295 Widening	397,000
I-295 Bridge and Sidewalks.....	1,468,000
Maintenance of Traffic.....	2,296,000
Drainage/Signage/Striping and Related Work.....	4,591,000
Right of Way of 10 Acres	2,500,000
Total ECC	\$35,718,000

GSA

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**PROSPECTUS – CONSTRUCTION
DEPARTMENT OF HOMELAND SECURITY, CONSOLIDATION,
INFRASTRUCTURE, SITE ACQUISITION, AND DEVELOPMENT OF
ST. ELIZABETHS CAMPUS
WASHINGTON, DC**

Prospectus Number: PDC-0002-WA11

Total Highway Interchange Project Budget**Design and Review**Design and Review (FY2011).....2,800,000**Design and Review Subtotal.....\$2,800,000****Estimated Construction Cost (ECC)**

ECC (FY2011) Right of Way.....2,500,000

ECC (FY2011) Mobilization/Surveying/Testing.....3,050,000

ECC (future year request) Construction.....30,168,000**Estimated Construction Cost Subtotal.....\$35,718,000****Management and Inspection (M&I)**M&I (future year request)2,898,000**M&I Subtotal\$2,898,000****Estimated Total Project Cost (ETPC) for Highway Interchange.....\$41,416,000****FY 2011 Funding Request (Design and ECC).....\$8,350,000**

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**PROSPECTUS – CONSTRUCTION
DEPARTMENT OF HOMELAND SECURITY, CONSOLIDATION,
INFRASTRUCTURE, SITE ACQUISITION, AND DEVELOPMENT OF
ST. ELIZABETHS CAMPUS
WASHINGTON, DC**

Prospectus Number: PDC-0002-WA11

HISTORIC PRESERVATION MITIGATIONS PROGRAM SUMMARY

As of December 9, 2008, GSA and DHS along with NCPC entered into a Programmatic Agreement (PA) with the Advisory Council on Historic Preservation (ACHP), the District of Columbia Historic Preservation Office (DCHPO), and the U.S. Federal Highway Administration (FHWA). The PA outlines five (5) specific mitigation actions that must be undertaken by GSA to “resolve adverse effects from certain complex project situations”.¹ These actions are:

1. Documentation and recording including buildings and site, as needed, archives, historic structure reports, building preservation plans, landscape preservation treatment and management, and archaeological resources treatment and management;
2. Public outreach, interpretation, and education including the establishment of a citizens advisory panel, a permanent interpretative exhibit, a museum and visitors education center, signage, and public relations materials;
3. Public access program to be developed by GSA and DHS;
4. Conservation and artifact preservation; and
5. Maintenance of the 19th century cemetery including interpretative program, perpetual care, and public access.

GSA requires funding to accomplish these mitigation actions.

Major Work Items for Mitigation²

Archaeology	\$700,000
Landscape.....	300,000
Education	365,000
Museum.....	1,600,000
Staffing.....	1,400,000
Other	625,000
Total	\$4,990,000

Funding Request for FY2011..... **\$4,990,000**

¹ Programmatic Agreement dated December 9, 2008, page 1.

² The total amount is included in ECC summarized on page 4 of this prospectus.

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**PROSPECTUS – CONSTRUCTION
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ST. ELIZABETHS CAMPUS
WASHINGTON, DC**

Prospectus Number: PDC-0002-WA11

DEVELOPMENT PROGRAM SUMMARY**PHASE 1-a – USCG Headquarters****Building Area Development Phase 1-a**¹

Office	1,049,000 gsf
Commandant's Suite/Situation Room ²	12,100 gsf
Data Facility	25,800 gsf
Clinic	28,100 gsf
Meeting Facility	19,500 gsf
Child Care ³	15,600 gsf
Food Services	6,100 gsf
Mail/Loading Dock/Security Operations/Lobby and Entrances	16,100 gsf
Law Library/Storage	7,200 gsf
Estimated Total Phase 1-a	1,179,500 gsf

Cost Information Development Phase 1-a

Design and Review (FY2006)	\$24,900,000
Management and Inspection (M&I) (FY2009)	12,925,000
Estimated Construction Cost (ECC) (FY2009)	313,465,000
Estimated Total Cost Phase 1-a	\$351,290,000

Schedule for Development Phase 1-a

FY 2009 Design Completion
FY 2009 Start Construction
FY 2013 Complete Construction for USCG Headquarters

¹ Square footage is based on USCG housing plan, approved Master Plan, and design documents.

² This is the Coast Guard's portion of the National Operations Center (NOC), the remainder of which is scheduled for construction in Phase 2-a.

³ The scope of work has been refined since submission of PDC-0002-WA09, therefore the child care portion of the project has been transferred from Phase 1-b to Phase 1-a.

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**PROSPECTUS – CONSTRUCTION
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WASHINGTON, DC**

Prospectus Number: PDC-0002-WA11

PHASE 1-b – USCG Command Center and Amenity Space**Building Area Development Phase 1-b**

Command and Communications Center	22,700 gsf
Marine Safety Center	27,200 gsf
Cafeteria (shared)	26,650 gsf
Shipping/Receiving/Mail/Warehouse	13,000 gsf
Fitness Center	25,000 gsf
Chapel/Training / Historian	18,300 gsf
Auditorium/Credit Union/Barber Shop/Dry Cleaner / Exchange	25,600 gsf
GSA Field Office ¹	20,800 gsf
Estimated Total Phase 1-b	179,250 gsf
Structured Parking (983 cars) ²	up to 344,050 gsf

Cost Information Development Phase 1-b

Design and Review (ARRA)	\$10,659,000
Management and Inspection (M&I) (ARRA)	15,674,000
Estimated Construction Cost (ECC) (ARRA)	167,513,000
Estimated Total Cost Phase 1-b	\$193,846,000

Proposed Schedule for Development Phase 1-b

FY 2010 Design Completion
FY 2010 Start Construction
FY 2013 Complete Construction for Command Center and Amenity Space

¹ The field office is in addition to the USCG housing plan, not included with it, and is needed to be ready upon completion of Phase I and occupancy by USCG.

² Revised number of spaces based on Master Plan approved by CFA and NCPC.

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**PROSPECTUS – CONSTRUCTION
DEPARTMENT OF HOMELAND SECURITY, CONSOLIDATION,
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WASHINGTON, DC**

Prospectus Number: PDC-0002-WA11

PHASE 2-a – DHS Headquarters Elements and the NOC**Building Area Development Phase 2-a**

Office for DHS Headquarters ¹	510,600 gsf
Central Utility Plant (CUP) Addition*	69,200 gsf
National Operations Center (including Operations Directorate)	<u>320,000 gsf</u>
Estimated Total Phase 2-a	899,800 gsf
Structured Parking (990 cars)	up to 346,500 gsf

Cost Information Development Phase 2-a

Design and Review Cost (FY2009)	\$5,000,000
Design and Review Cost (ARRA)	11,300,000
Management and Inspection (M&I) (FY2011)	13,135,000
Estimated Construction Cost (ECC) (ARRA)	26,000,000
Estimated Construction Cost (ECC) (FY2011)	<u>237,540,000</u>
Estimated Total Cost Phase 2-a	\$292,975,000

Proposed Schedule for Development Phase 2-a

FY 2011 – Design Completion
FY 2011 - Start Construction
FY 2014 - Complete Construction

FY2011 Funding Request (M&I and ECC).....**\$250,675,000**

* Infrastructure funds will be used to construct an addition to the existing power plant for a fully functional CUP with co-generation capability.

¹ This includes rehabilitation of the Center Building

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**PROSPECTUS – CONSTRUCTION
DEPARTMENT OF HOMELAND SECURITY, CONSOLIDATION,
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ST. ELIZABETHS CAMPUS
WASHINGTON, DC**

Prospectus Number: PDC-0002-WA11

PHASE 2-b – FEMA**Building Area Development Phase 2-b**

Office for FEMA Headquarters on East Campus	717,500 gsf
Special Space for FEMA on East Campus.....	32,500 gsf
Amenity Space on West Campus.....	128,300 gsf
Estimated Total Phase 2-b	878,300 gsf
Structured Parking (775 cars)	up to 271,250 gsf
Structured Parking for Visitors (496 cars).....	up to 173,600 gsf

Cost Information Development Phase 2-b

Design and Review Cost (ARRA).....	17,401,000
Management and Inspection (M&I) (future year request)	11,865,000
Estimated Construction Cost (ECC) (future year request).....	283,460,000
Estimated Total Cost Phase 2-b.....	\$312,726,000

Proposed Schedule for Development Phase 2-b

FY 2012 Design Completion
FY 2012 Start Construction
FY 2014 Complete Construction

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**PROSPECTUS – CONSTRUCTION
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ST. ELIZABETHS CAMPUS
WASHINGTON, DC**

Prospectus Number: PDC-0002-WA11

PHASE 3 – TSA, CBP, and ICE**Building Area Development Phase 3**

Office for CBP Headquarters	338,000 gsf
Office for ICE Headquarters	377,000 gsf
Office for TSA Headquarters	345,000 gsf
Office for DHS Liaison Elements	158,350 gsf
SCIF, Storage, IT, Other Special Space	<u>179,800 gsf</u>
Estimated Total Phase 3	1,398,150 gsf
Structured Parking (846 cars)	up to 296,100 gsf
Structured Parking for Visitors (144 cars)	up to 50,400 gsf

Cost Information Development Phase 3

Design and Review Cost (ARRA)	\$10,000,000
Design and Review Cost (FY11)	\$17,000,000
Management and Inspection (M&I) (future year request)	30,000,000
Estimated Construction Cost (ECC) (future year request)	<u>510,000,000</u>
Estimated Total Cost Phase 3	\$567,000,000

Proposed Schedule for Development Phase 3

FY 2013 Design Completion
FY 2013 Start Construction
FY 2016 Complete Construction

FY 2011 Funding Request (Design) **\$17,000,000**

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**PROSPECTUS – CONSTRUCTION
DEPARTMENT OF HOMELAND SECURITY, CONSOLIDATION,
INFRASTRUCTURE, SITE ACQUISITION, AND DEVELOPMENT OF
ST. ELIZABETHS CAMPUS
WASHINGTON, DC**

Prospectus Number: PDC-0002-WA11

SHEPHERD PARKWAY MITIGATIONS PROGRAM SUMMARY

The expansion of the Malcolm X Avenue, S.E. interchange and construction of the access road from the interchange to the St. Elizabeths site will have an impact on Shepherd Parkway, public parkland under the control of the National Park Service (NPS). The extent of the impact has yet to be determined. Likewise, the extent of mitigation to address the impact has yet to be established, there GSA cannot yet determine the cost of such mitigation that will be incurred in a future year. These costs will be addressed in a future prospectus.

Justification

The major driving factors for this project include tenant need for secure and consolidated space, current department-wide demand for space in the NCR, lack of large Federal land sites remaining for development in DC, high-level security requirements, in addition the need to correct existing deficiencies and attend to deferred maintenance at St. Elizabeths. The proposed project will provide a cost-efficient alternative to leasing while preserving a National Historic Landmark.

Due to recent hiring, the USCG has outgrown its current primary headquarters at the Transpoint Building where it has been housed for more than 30 years. A lease prospectus was authorized in FY2006 to continue leasing this building until 2013 when the space at St. Elizabeths is expected to be ready for occupancy. Other USCG locations will also be included in this consolidation.

Elements of DHS (including USCG) are located in more than 6 million usable square feet of federally-owned and leased space throughout the NCR.¹ This has led to much operational inefficiency. DHS's mission requires an integrated approach but legacy facilities occupied by agencies merged into the department at dispersed locations do not maximize the department's effectiveness and efficiency. These issues are addressed in the DHS NCR Housing Master Plan dated October 2006.

A consolidated, secure campus would correct these deficiencies by collocating senior leadership, thereby fostering greater communication among the various departmental elements. Mission support functions can be realigned in other locations to improve functional and physical relationships. Direct benefits of locating at St. Elizabeths include enhanced communications, coordination, operational effectiveness, and physical security. Efficiencies can also be gained in direct support, shared services, and functional integration.

¹ Between 2007 and 2009, DHS personnel grew approximately 25%.

GSA

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**PROSPECTUS – CONSTRUCTION
DEPARTMENT OF HOMELAND SECURITY, CONSOLIDATION,
INFRASTRUCTURE, SITE ACQUISITION, AND DEVELOPMENT OF
ST. ELIZABETHS CAMPUS
WASHINGTON, DC**

Prospectus Number: PDC-0002-WA11

The proposed consolidation should foster a “One DHS” culture thus enhancing the flow and fusion of information while optimizing prevention and response capabilities across the spectrum of operations.

Many agencies, including DHS, require the highest security protection levels available including deep setbacks, blast protection, and progressive collapse mitigation. The West Campus currently provides deep setbacks from neighboring properties and limited facility access, reducing the cost of other security requirements.

St. Elizabeths is the preferred site for this development. Other large federally owned sites in DC are not available, such as Public Reservation 13 for the DC General Hospital which is currently under development by DC. The Southeast Federal Center has been transferred to private ownership; this remainder of the former Navy Yard is planned for residential and retail development. The Armed Forces Retirement Home is being redeveloped under special legislation and is unavailable to GSA. The Walter Reed Army Medical Center site that is being disposed of under Base Realignment and Closure (BRAC) cannot be developed in time to meet DHS’s schedule. The National Geospatial-Intelligence Agency site that is also being disposed of under BRAC does not contain enough developable space to meet DHS’s requirements.

The site acquisition portion of this project will assist in the preparation of the West Campus for redevelopment as a secure Federal facility by providing additional means of ingress/egress to the site that will improve the traffic flow around the site and minimize the time delays entering and exiting the West Campus during peak hours. At full capacity, as many as 14,000 Federal workers will be housed on site, and as many as 4,234 vehicles (including 640 spaces for visitors) will require access. This is a 1:4 parking ratio for employees (one space for every 4 employees) but a 1:3 ratio for watch employees at the NOC and the security guard force. The proposed acquisition of land at Firth Sterling Avenue, S.E., will provide necessary additional access for USCG’s proposed relocation of up to 3,860 employees. The proposed acquisition of land from DC’s East Campus along Martin Luther King, Jr. Avenue, S.E. will enable GSA, in conjunction with the DC Department of Transportation, to add a left turn lane with appropriate traffic signal leading into the West Campus at Gate No. 1. The proposed acquisition of land from the NPS will allow GSA to provide another access point to St. Elizabeths.

GSA

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**PROSPECTUS – CONSTRUCTION
DEPARTMENT OF HOMELAND SECURITY, CONSOLIDATION,
INFRASTRUCTURE, SITE ACQUISITION, AND DEVELOPMENT OF
ST. ELIZABETHS CAMPUS
WASHINGTON, DC**

Prospectus Number: PDC-0002-WA11

Summary of Energy Compliance

Cogeneration and Waste Heat: Approximately 30% of the campus power will be produced on site through cogeneration. This percentage represents 100% of the critical campus electrical needs in times of emergencies. The waste heat generated by the natural gas-fired turbines will be converted to both steam and hot water to help heat the buildings and, through steam driven absorption chillers, to help cool the buildings.

Solar Energy: Photovoltaic energy-collection arrays were considered for electric street lighting, central utility plant control power, and for lawn irrigation systems. However, this was found to be untenable at the site due to the limited acreage that could be used to house photovoltaic solar panels. Solar energy-collecting roofing membranes, however, may be incorporated on portions of the new construction roof tops.

Geothermal: Geothermal wells were considered in limited areas to support heat pump systems for some of the adaptive reuse historic buildings, such as the fire station, and some new construction support buildings, such as the remote delivery facility and the visitors' center. These wells were also found to be untenable due to the distance of the water source (Anacostia River) from the site.

GSA's goal is to provide DHS with a headquarters campus that has a silver LEED (Leadership in Energy and Environmental Design) rating.

Alternatives Considered (30-year, present value costs)

New Construction:	\$5,168,478,000
Lease:	\$5,684,557,000

The 30-year, present value cost of new construction is \$516,079,000 less than the cost of leasing, or an equivalent annual cost advantage of \$31,683,000

Recommendation
CONSTRUCTION

GSAPBS

**PROSPECTUS – CONSTRUCTION
DEPARTMENT OF HOMELAND SECURITY, CONSOLIDATION,
INFRASTRUCTURE, SITE ACQUISITION, AND DEVELOPMENT OF
ST. ELIZABETHS CAMPUS
WASHINGTON, DC**

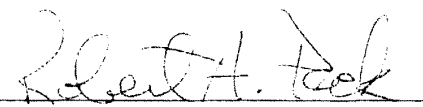
Prospectus Number: PDC-0002-WA11

Certification of Need

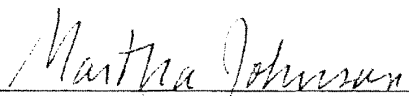
The proposed project is the best solution to meet a validated Government need.

Submitted at Washington, DC, on May 13, 2010

Recommended


Commissioner, Public Buildings Service

Approved


Administrator, General Services Administration



U.S. House of Representatives
Committee on Transportation and Infrastructure
Washington, DC 20515

James L. Oberstar
Chairman

David Heymsfeld, Chief of Staff
Ward W. McCarragher, Chief Counsel

John L. Mica
Ranking Republican Member

James W. Coon II, Republican Chief of Staff

COMMITTEE RESOLUTION

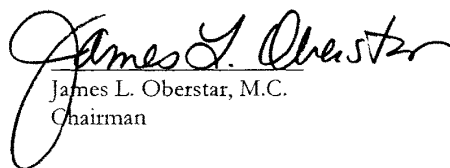
SITE ACQUISITION AND DESIGN
U.S. LAND PORT OF ENTRY
CALAIS, ME
PME-BSD-CA11

Resolved by the Committee on Transportation and Infrastructure of the House of Representatives, that, pursuant to 40 U.S.C. § 3307, appropriations are authorized for the redevelopment of the existing land port of entry at Ferry Point, Calais, ME, at site acquisition costs of \$500,000 and design and review costs of \$1,052,000, for a combined cost of \$1,552,000, a prospectus for which is attached to and included in this resolution.

Provided, that, to the maximum extent practicable and considering life-cycle costs appropriate for the geographic area, the General Services Administration (GSA) shall use energy efficient and renewable energy systems, including photovoltaic systems, in carrying out the project.

Provided further, that within 180 days of approval of this resolution, GSA shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on the planned use of energy efficient and renewable energy systems, including photovoltaic systems, for such project and if such systems are not used for the project, the specific rationale for GSA's decision.

Adopted: December 2, 2010


James L. Oberstar, M.C.
Chairman

GSA

PBS

**PROSPECTUS – SITE ACQUISITION AND DESIGN
U.S. LAND PORT OF ENTRY
CALAIS, ME**

Prospectus Number: PME-BSD-CA11
Congressional District: 2

Description

The General Services Administration (GSA) proposes to redevelop the existing land port of entry (LPOE) at Ferry Point in Calais, Maine, to meet current and future needs. The proposed project will allow GSA to extend the useful life of the buildings while reconfiguring traffic flow to better accommodate a reduced commercial vehicle traffic function and growing non-commercial traffic. The renovated facility will support and work in conjunction with the much larger, newly constructed international crossing between Calais, Maine and St. Stephens, New Brunswick.

Project Summary**Site Information:**

Government-owned..... .8 acres
To be acquired..... .7 acres

Building Area (after renovation):

Building (including canopies)23,863 gsf
Building (excluding canopies)14,395 gsf
Number of outside parking spaces:.....31
Number of inside parking spaces:.....2

Cost Information

Site Development Costs ¹ \$4,125,000
Building Costs (includes inspection canopies) (\$403/gsf)\$9,625,000

Project Budget

Site Acquisition.....\$500,000
Design and Review\$1,052,000
Estimated Construction Cost (ECC)\$13,750,000
Management & Inspection (M&I)\$704,000
Estimated Total Project Cost *.....**\$16,006,000**

*Tenant agencies may fund an additional amount for emerging technologies and alterations above the standard normally provided by the GSA.

¹ Site Development includes site clearing, demolition, roadways, and utilities.

GSA

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**PROSPECTUS – SITE ACQUISITION AND DESIGN
U.S. LAND PORT OF ENTRY
CALAIS, ME**

Prospectus Number: PME-BSD-CA11
Congressional District: 2

Authorization Requested (Site Acquisition and Design)..... \$1,552,000²

Prior Authority and Funding

Prior House and Senate Committee approval and appropriation.³

<u>Schedule</u>	<u>Start</u>	<u>End</u>
Design	FY2011	FY2012
Construction	FY2012	FY2014

Project Overview

The existing border station at Ferry Point consists of three structures totaling 14,710 gross square feet (gsf): a two and one-half story main inspection facility and a one-story truck inspection building both constructed in 1936; a one-story secondary inspection facility constructed in 1962. The main port building is eligible for listing on the National Register of Historic Places (NRHP).

² GSA has worked closely with DHS program offices responsible for developing and implementing security technology at the Land Ports of Entry (LPOEs). These programs include United States Visitor and Immigrant Status Indicator Technology (US-VISIT), Radiation Portal Monitors (RPM's) and Advanced Spectroscopic Portal (ASPs) monitors, Western Hemisphere Travel Initiative (WHTI) and Non-Intrusive Inspection (NII). This prospectus contains the funding of infrastructure requirements for each program known at the time of prospectus development because these programs are at various stages of development and implementation. Additional funding by a Reimbursable Work Authorization (RWA) may be required to provide for as yet unidentified agency specific elements of each of these programs to be implemented at this port.

³ Prospectus No. PME-BSC-CA06 was authorized by the Senate Committee on Environment and Public Works on July 20, 2005 and the House Committee on Transportation and Infrastructure on October 26, 2005. The authorization provided for construction of facilities at the newly constructed international crossing between Calais, Maine and St. Stephens, New Brunswick, Canada. In addition, it provided for new facilities at Milltown and renovation of existing facilities at Ferry Point. Through Public Law 109-115, Congress appropriated \$50,146,000. Due to the rise in material costs and competitive labor and its remote location, bids for the new Calais project were in excess of the original budgeted amount. To keep the Calais part of the project moving forward, GSA used the aforementioned appropriated funds to award the Calais project. Additionally, due to escalating project costs and changes in customer requirements at both Ferry Point and Milltown GSA is now seeking authorization and funding separately for Ferry Point. GSA will seek funding for Milltown through a future funding request.

GSA

PBS

**PROSPECTUS – SITE ACQUISITION AND DESIGN
U.S. LAND PORT OF ENTRY
CALAIS, ME**

Prospectus Number: PME-BSD-CA11
Congressional District: 2

The proposed project involves redeveloping the existing border station facilities on approximately 1.5 acres of land of which GSA currently owns approximately .8 acres and an additional .7 acres will be acquired. The full project includes: main administration building (upgrade of mechanical, plumbing, electrical, and fire systems); asbestos abatement; interior space reconfiguration and expansion; ADA enhancements; dog kennel; demolition and replacement of existing garage and truck inspection building; and generator storage. The facility will have three primary inspection lanes, five secondary non-commercial lanes, three non-commercial inspection bays, and an outbound inspection lane along with associated canopy and booth space for lanes.

Tenant Agencies

Department of Homeland Security-Customs and Border Protection

Location

Ferry Point is located in Calais, ME. Calais, in eastern Maine, is in Washington County on U.S. Highway One at the international border between the United States and Canada, separating the State of Maine and the Province of New Brunswick.

Justification

The existing Ferry Point port of entry is a primary crossing between the US and Canada in eastern Maine. This LPOE can no longer efficiently and effectively process traffic given the stringent security standards imposed since September 11, 2001.

The existing two and one half story main port building is situated on a site of less than one acre. Deficiencies of the main building include: insufficient office space; no search and inspection rooms; no detention cells; and insufficient storage, locker, lunch, and conference/training space to house the projected staff levels. The current site does not provide adequate space for sufficient parking, maneuvering areas, or a well-defined traffic pattern for visitor and employee parking and no secure parking for impounded vehicles. The main building is also in need of HVAC upgrade, asbestos abatement, and additional, more updated fire protection measures.

The renovated Ferry Point LPOE will complement the new, much larger LPOE in Calais. This new LPOE will handle most of the commercial traffic and some of the non-local traffic currently passing through Ferry Point.

GSA

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**PROSPECTUS – SITE ACQUISITION AND DESIGN
U.S. LAND PORT OF ENTRY
CALAIS, ME**

Prospectus Number: PME-BSD-CA11
Congressional District: 2

Once the new LPOE is completed, the traffic utilizing Ferry Point will likely be limited to local van sized commercial vehicles and local non-commercial traffic. The proposed renovated facility will be able to efficiently process the projected level of traffic.

Summary of Energy Compliance

This project will be designed to conform with requirements of the Facilities Standards for the Public Buildings Service and to earn Leadership in Energy and Environmental Design (LEED) certification. It will also meet energy efficiency and performance requirements in effect during design. GSA will encourage exploration of opportunities to gain increased energy efficiency above the measures achieved in the design.

Alternatives Considered

GSA owns and maintains the existing facilities at this port of entry; thus no alternative other than Federal construction was considered.

Recommendation

SITE ACQUISITION AND DESIGN

GSA

PBS

PROSPECTUS – SITE ACQUISITION AND DESIGN
U.S. LAND PORT OF ENTRY
CALAIS, ME

Prospectus Number: PME-BSD-CA11

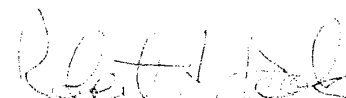
Congressional District: 2

Certification of Need

The proposed project is the best solution to meet a validated Government need.

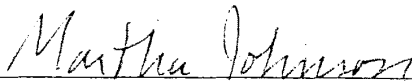
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Recommended



Commissioner, Public Buildings Service

Approved



Administrator, General Services Administration



U.S. House of Representatives
Committee on Transportation and Infrastructure
Washington, DC 20515

James L. Oberstar
Chairman

David Heymsfeld, Chief of Staff
Ward W. McCarragher, Chief Counsel

John L. Mica
Ranking Republican Member

James W. Coon II, Republican Chief of Staff

COMMITTEE RESOLUTION

DESIGN
PATRICK V. MCNAMARA FEDERAL BUILDING ANNEX
DETROIT, MI
PMI-FBD-DE11

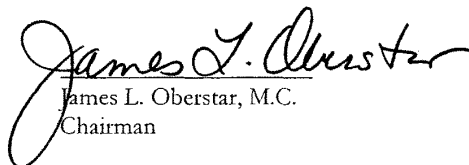
Resolved by the Committee on Transportation and Infrastructure of the House of Representatives, that, pursuant to 40 U.S.C. § 3307, appropriations are authorized for the design of an annex to the Patrick V. McNamara Federal Building to provide an automotive maintenance shop and a secured parking garage for the Federal Bureau of Investigation, at a proposed cost of \$3,658,000, a prospectus for which is attached to and included in this resolution.

Provided, that, to achieve cost savings, the Administrator of General Services, in coordination with the Federal Bureau of Investigation, shall critically examine all opportunities to reduce the number of parking spaces and/or the size of the garage, including the use of stacked parking, and by accounting for diversity factors (e.g., average number of agents on leave or travel) which may attenuate the daily total parking need.

Provided further, that, to the maximum extent practicable and considering life-cycle costs appropriate for the geographic area, that the General Services Administration (GSA) shall use energy efficient and renewable energy systems, including photovoltaic systems, in carrying out the project.

Provided further, that, within 180 days of approval of this resolution, GSA shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on the planned use of energy efficient and renewable energy systems, including photovoltaic systems, for such project and if such systems are not used for the project, the specific rationale for GSA's decision.

Adopted: December 2, 2010


James L. Oberstar, M.C.
Chairman

GSA

PBS

PROSPECTUS - DESIGN
PATRICK V. MCNAMARA FEDERAL BUILDING ANNEX
DETROIT, MI

Prospectus Number: PMI-FBD-DE11
Congressional District: 13

Description

The General Services Administration (GSA) proposes the design of a 246,000 gross square foot (gsf) annex to the Patrick V. McNamara Federal Building to provide an automotive maintenance shop and secured parking garage for the Federal Bureau of Investigation (FBI). This project also includes the design of a unified perimeter security solution for the McNamara Federal complex.

Project Summary**Site Information**

Government Owned 6.8 acres

Building Area -- Proposed Annex

Building without Parking 36,000 gsf

Building with Parking 246,000 gsf

Number of inside parking spaces 259

Project Budget

Design \$3,658,000

Estimated Construction Cost (ECC) (\$157/gsf including inside parking) 38,678,000

Management and Inspection (M&I) 3,315,000

Estimated Total Project Cost (ETPC)* \$45,651,000

*Tenant agencies may fund an additional amount for alterations above the standard normally provided by the GSA.

Authorization Requested

(Design) \$3,658,000

Prior Authority and Funding

None

GSA

PBS

**PROSPECTUS - DESIGN
PATRICK V. MCNAMARA FEDERAL BUILDING ANNEX
DETROIT, MI**

Prospectus Number: PMI-FBD-DE11
Congressional District: 13

<u>Schedule</u>	<u>Start</u>	<u>End</u>
Design	FY2011	FY2012
Construction	TBD	TBD

Overview of Project

GSA proposes to design an automotive maintenance and secured parking annex adjacent to the McNamara Federal Building for occupancy by the FBI as part of the ongoing FBI space realignment. The proposed annex will be constructed on a government-owned site currently used as a surface parking lot, and will be connected to the McNamara Federal Building by an enclosed walkway. In addition, this project will provide a unified perimeter security solution for the expanded facility.

Tenant Agencies

Federal Bureau of Investigation

Location

Detroit, Michigan

Justification

As part of the FY2006 Capital Investment and Leasing Program, GSA submitted a prospectus for a 266,200 rentable square foot lease with 271 parking spaces to house the FBI in Detroit, MI. The prospectus was approved by the Senate Committee on Environment and Public Works and the House Committee on Transportation and Infrastructure on July 20 and October 26, 2005, respectively, but due to market conditions, GSA was unable to successfully award a lease. In 2009, GSA identified the transition of the 1,168,142 gsf McNamara Federal Building into a high performance green building as one of many projects to be funded through the American Recovery and Reinvestment Act. The proposed alteration will provide the contiguous office and expansion space required by the FBI as part of its mission critical field office operations to accommodate the increased staffing and physical security needs.

GSAPBS

**PROSPECTUS - DESIGN
PATRICK V. MCNAMARA FEDERAL BUILDING ANNEX
DETROIT, MI**

Prospectus Number: PMI-FBD-DE11
Congressional District: 13

While the alterations to the Federal Building will accommodate FBI's space needs and eliminate the need for costly leased space, FBI's Program of Requirements also calls for an automotive/radio maintenance facility and secured parking spaces for their government-owned vehicles to be located proximate to their office space. Relocation of the FBI parking and maintenance facility from leased space to federally owned space proximate to the FBI's field office operations will minimize impacts to the operations and the security of the agents while also reducing Federal costs.

The existing perimeter security consists of free standing concrete planters and barriers that are in poor condition and unsightly. GSA proposes a perimeter security solution to meet both the FBI and Department of Homeland Security/Federal Protective Service security standards.

Summary of Energy Compliance

The project will integrate and implement sustainable design principles and energy efficiency effort where possible into both the design and construction process. Currently we are evaluating options that will achieve the goal of obtaining certification through the Leadership in Energy and Environmental Design (LEED) Green Building Rating System of the U.S. Green Building Council.

Alternatives Considered (30-year, present value cost analysis)

Lease:	\$48,621,000
New Construction:	\$38,105,000

The 30-year, present value cost of new construction is \$10,516,000 less than the lease alternative, an equivalent annual cost advantage of \$646,000

Recommendation

CONSTRUCTION

GSAPBS


**PROSPECTUS - DESIGN
PATRICK V. MCNAMARA FEDERAL BUILDING ANNEX
DETROIT, MI**

Prospectus Number: PMI-FBD-DE11
Congressional District: 13

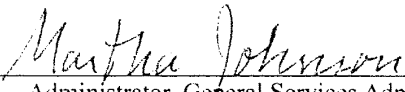
Certification of Need

The proposed project is the best solution to meet a validated Government need.

Submitted at Washington, DC, on May 13, 2010

Recommended: 

Commissioner, Public Buildings Service

Approved: 

Administrator, General Services Administration



U.S. House of Representatives
Committee on Transportation and Infrastructure

James L. Oberstar
Chairman

Washington, DC 20515

John L. Mica
Ranking Republican Member

David Heymsfeld, Chief of Staff
Ward W. McCarragher, Chief Counsel

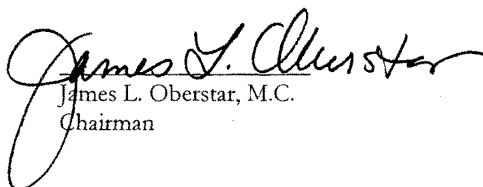
COMMITTEE RESOLUTION

James W. Coon II, Republican Chief of Staff

ACQUISITION
INTERNAL REVENUE SERVICE
145 MURALL DRIVE
MARTINSBURG, WV
PWV-0000-MA11

Resolved by the Committee on Transportation and Infrastructure of the House of Representatives, that, pursuant to 40 U.S.C. § 3307, appropriations are authorized for acquisition, through an existing purchase option, of the building located at 145 Murall Drive, Martinsburg, WV, at a proposed total cost of \$24,767,000, a prospectus for which is attached to and included in this resolution.

Adopted: December 2, 2010


James L. Oberstar, M.C.
Chairman

GSA

PBS

**PROSPECTUS – BUILDING ACQUISITION
INTERNAL REVENUE SERVICE
145 MURALL DRIVE
MARTINSBURG, WV**

Prospectus Number: PWV-0000-MA11
Congressional District: 2

Description

The General Services Administration (GSA) proposes to acquire, through an existing purchase option, the building located at 145 Murall Drive in Martinsburg, WV. The government has an option to purchase the building at the set price of \$24,767,000 before the lease expires, provided 90 days notice has been given to the lessor.

Building

The building was a phased construction, build-to-suit lease with the Internal Revenue Service (IRS) occupying the building since its completion in 1995. The GSA currently leases the entire building, 122,457 rentable square feet, with approximately 50% of this space consisting of a data center and 295 parking spaces, under a 20-year lease agreement that expires in July 2015.

The building is adjacent to and within the secured boundary of the IRS Enterprise Computing Center located at 250 Murall Drive, a government-owned facility.

Project Budget

Building and Site Acquisition\$24,767,000

Authorization Requested (Acquisition).....\$24,767,000

Justification

The IRS has a continuing long-term requirement for this location. The operations of this facility are heavily integrated with the adjacent government-owned facility. Under the current lease agreement the government has responsibilities for all repair and alterations as well as operations and maintenance of the facility. IRS has made a significant investment in the building since lease commencement for improvements that are essential to their operation. The terms of the purchase option price were finalized with the completion of the final phase of construction in March 1996. In April 2008 a Fair Market Value (FMV) appraisal was completed for GSA which indicated that the building was in good condition and well maintained with no deferred maintenance and a FMV of \$28,400,000.

GSA

PBS

**PROSPECTUS – BUILDING ACQUISITION
INTERNAL REVENUE SERVICE
145 MURALL DRIVE
MARTINSBURG, WV**

Prospectus Number: PWV-0000-MA11
Congressional District: 2

Tenant Agencies

Internal Revenue Service

Alternatives Considered (30-year, present value cost analysis)

Lease: \$80,420,000¹

Purchase: \$39,881,000

The 30-year, present value cost of purchase is \$40,539,000 less than the lease alternative, an equivalent annual cost advantage of \$2,489,000

Recommendation

ACQUISITION

¹ Under the current lease agreement the government has responsibilities for all repair and alterations as well as operations and maintenance of the facility. This requirement offsets the usual benefits that government realizes in a standard lease agreement.

GSAPBS

**PROSPECTUS – BUILDING ACQUISITION
INTERNAL REVENUE SERVICE
145 MURALL DRIVE
MARTINSBURG, WV**

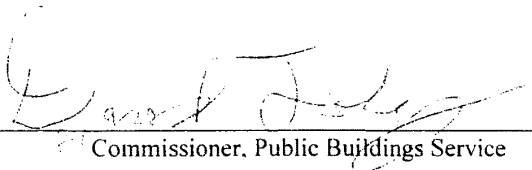
Prospectus Number: PWV-0000-MA11
Congressional District: 2

Certification of Need

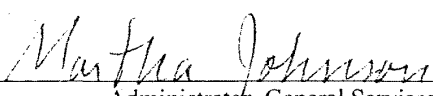
The proposed project is the best solution to meet a validated Government need.

Submitted at Washington, DC, on May 13, 2010

Recommended


Commissioner, Public Buildings Service

Approved


Administrator, General Services Administration



U.S. House of Representatives
Committee on Transportation and Infrastructure
Washington, DC 20515

James L. Oberstar
Chairman

John L. Mica
Ranking Republican Member

David Heymsfeld, Chief of Staff
Ward W. McCarragher, Chief Counsel

James W. Coon II, Republican Chief of Staff

COMMITTEE RESOLUTION

LEASE
GENERAL SERVICES ADMINISTRATION
FEDERAL ACQUISITION SERVICE
NORTHERN VIRGINIA
PVA-05-WA11

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that, pursuant to 40 U.S.C. § 3307, appropriations are authorized for a new lease of up to 103,684 rentable square feet for the General Services Administration Federal Acquisition Service currently located at several locations in Northern Virginia at a proposed total annual cost of \$3,939,992 for a lease term of up to 10 years, a prospectus for which is attached to and included in this resolution.

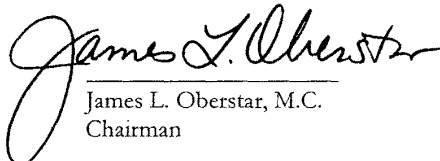
Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to the execution of the new lease.

Provided, that, to the maximum extent practicable, the Administrator of General Services shall require that the procurement includes minimum performance requirements requiring energy efficiency and the use of renewable energy.

Provided further, that the Administrator shall require that the delineated area of the procurement is identical to the delineated area included in the prospectus, except that, if the Administrator determines that the delineated area of the procurement should not be identical to the delineated area included in the prospectus, the Administrator shall provide an explanatory statement to the Committee on Transportation and Infrastructure of the House of Representatives prior to exercising any lease authority provided in this resolution.

Provided further, that the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

Adopted: December 2, 2010


James L. Oberstar, M.C.
Chairman

GSA

PBS

**PROSPECTUS – LEASE
GENERAL SERVICES ADMINISTRATION
FEDERAL ACQUISITION SERVICE
NORTHERN VIRGINIA**

Prospectus Number: PVA-05-WA11
Congressional District: 08

Project Summary

The General Services Administration (GSA) proposes a new lease of up to 103,684 rentable square feet with 6 inside secured parking spaces for the GSA Federal Acquisition Service (FAS). The lease will allow FAS to consolidate its workforce and substantially improve its mission of delivering comprehensive products and services across the government at the best value possible in an effective and timely manner.

FAS recently consolidated its headquarters operation by moving occupants from several locations in Washington DC and Northern Virginia into its locations in Crystal City, Arlington, VA. This consolidation effort resulted in significant cost savings and increased efficiencies. Consolidation of the remaining workforce will benefit FAS, as it will eliminate the time and expense of FAS staff travel between Arlington, VA and Fairfax, VA, and will enable FAS employees to work in a team atmosphere in serving its customer agencies.

Currently the majority of the FAS headquarters workforce (80 percent) occupies space in Crystal Park 1 (CPK1), Crystal Plaza 3 (CP3), and Crystal Plaza 4 (CP4) located at 2011, 2100 and 2200 Crystal Drive in Arlington, VA. The CPK1 lease expires May 31, 2010, while the CP3 and CP4 leases expire in 2016.

The remaining workforce occupies space in WillowWood 3 (WW3), located at 10304 Eaton Place, Fairfax, VA. The Senate Committee on Environment and Public Works and the House Committee on Transportation and Infrastructure approved Prospectus PVA-09-WA09 on September 17 and 24, 2008, respectively. The prospectus provides authority to execute a succeeding lease for 92,992 rsf for up to 3 years at the current WW3 location. The lease has already been extended from May 3, 2009, to January 3, 2011, under the authority of the approved prospectus.

To continue with the successful FAS space consolidation initiative, FAS proposes to relocate its remaining headquarters workforce to be in closer proximity to the FAS Headquarters in Crystal City, GSA Central Office in Washington, DC, and the Department of Defense (DoD) in Crystal City and the Pentagon. This lease action will consolidate the occupants of WW3 and CPK1 into new space in Crystal City. The CPK1 lease will be extended to an expiration date consistent with the consolidation plans.

GSA

PBS

**PROSPECTUS – LEASE
GENERAL SERVICES ADMINISTRATION
FEDERAL ACQUISITION SERVICE
NORTHERN VIRGINIA**

Prospectus Number: PVA-05-WA11
Congressional District: 08

Description

Occupants:	FAS
Delineated Area:	Crystal City, VA
Lease Type:	New
Justification:	Leases Expire (05/31/10 & 01/03/11)
Number of Parking Spaces:	6 Official Government vehicles (inside)
Expansion Space:	None
Scoring:	Operating Lease
Proposed Maximum Leasing Authority:	10 years
Maximum Rentable Square Feet:	103,684
Current Total Annual Cost:	\$4,558,531
Proposed Total Annual Cost ¹ :	\$3,939,992
Maximum Proposed Rental Rate ² :	\$38.00

Summary of Energy Compliance

GSA will incorporate energy efficiency requirements into the Solicitation for Offers and other documents related to the procurement of space for which this prospectus seeks authorization. GSA encourages offerors to work with energy service providers to exceed minimum requirements set forth in the procurement.

Authorization

- Approval of this prospectus by the House Committee on Transportation and Infrastructure and the Senate Committee on Environment and Public Works will constitute authority to lease space in one or more facilities that will yield the required rentable area.
- Approval of this prospectus will constitute authority to provide interim leases, if necessary, prior to the execution of the new lease(s).

¹ Any new lease may contain an annual escalation clause to provide for increases or decreases in real estate taxes and operating costs.

² This estimate is for fiscal year 2011 and may be escalated by 1.7 percent annually to the effective date of the lease to account for inflation.

GSA

PBS

**PROSPECTUS – LEASE
GENERAL SERVICES ADMINISTRATION
FEDERAL ACQUISITION SERVICE
NORTHERN VIRGINIA**

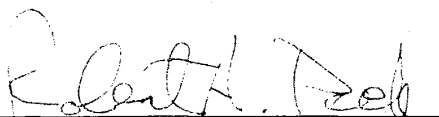
Prospectus Number: PVA-05-WA11
Congressional District: 08

Certification of Need

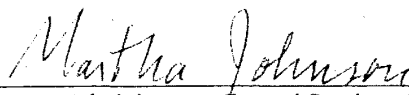
The proposed project is the best solution to meet a validated Government need.

Submitted at Washington, DC, on May 13, 2010

Recommended


Commissioner, Public Buildings Service

Approved


Administrator, General Services Administration



U.S. House of Representatives
Committee on Transportation and Infrastructure
Washington, DC 20515

James L. Oberstar
Chairman

David Heymsfeld, Chief of Staff
Ward W. McCarragher, Chief Counsel

John L. Mica
Ranking Republican Member

James W. Coon II, Republican Chief of Staff

COMMITTEE RESOLUTION

LEASE
DEPARTMENT OF HOMELAND SECURITY
UNITED STATES COAST GUARD – OPERATIONS SYSTEMS CENTER
MARTINSBURG/KEARNEYSVILLE AND SURROUNDING PORTIONS OF
BERKLEY AND JEFFERSON COUNTIES, WV
PWV-01-MA11

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that, pursuant to 40 U.S.C. § 3307, appropriations are authorized for a new lease of up to 161,000 rentable square feet for partial consolidation/expansion requirements of the United States Coast Guard Operations System Center, currently located in multiple leased locations at a proposed total annual cost of \$4,186,000 for a lease term of up to 20 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute interim leases for all tenants, if necessary, prior to the execution of the new lease.

Provided, that, to the maximum extent practicable, the Administrator of General Services shall require that the procurement includes minimum performance requirements requiring energy efficiency and the use of renewable energy.

Provided further, that the Administrator shall require that the delineated area of the procurement is identical to the delineated area included in the prospectus, except that, if the Administrator determines that the delineated area of the procurement should not be identical to the delineated area included in the prospectus, the Administrator shall provide an explanatory statement to the Committee on Transportation and Infrastructure of the House of Representatives prior to exercising any lease authority provided in this resolution.

Provided further, that the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

Adopted: December 2, 2010


James L. Oberstar, M.C.
Chairman

GSA

PBS

**PROSPECTUS - LEASE
DEPARTMENT OF HOMELAND SECURITY
UNITED STATES COAST GUARD – OPERATIONS SYSTEMS CENTER
MARTINSBURG/KEARNEYSVILLE AND SURROUNDING PORTIONS OF
BERKELEY AND JEFFERSON COUNTIES, WV**

Prospectus Number: PWV-01-MA11
Congressional District: 02

Project Summary

The General Services Administration (GSA) proposes leasing up to 161,000 rentable square feet (rsf) to provide for the partial consolidation/expansion requirements of the United States Coast Guard Operations System Center (OSC), currently located in multiple leased locations in Martinsburg and Kearneysville, West Virginia, Washington, DC, and government-owned facilities in Topeka, KS, Elizabeth City, NC, New London, CT, Baltimore, MD, and Alameda, CA.

This prospectus is submitted in response to language included in the Conference Report on H.R. 2892, Department of Homeland Security Appropriations Act, 2010 (P.L. 111-83 enacted October 28, 2009).

Description

Occupants:	DHS US Coast Guard
Delineated Area ¹ :	Martinsburg/Kearneysville and surrounding portions of Berkeley and Jefferson Counties, WV
Lease Type:	Partial Consolidation/Expansion
Number of Parking Spaces:	600 surface
Expansion Space:	68,400 rsf
Scoring:	Operating Lease
Proposed Maximum Leasing Authority:	20 years
Maximum Rentable Square Feet:	161,000
Current Total Annual Cost:	\$1,602,907 (Existing leases and operating costs for Government-owned space)
Proposed Total Annual Cost ² :	\$4,186,000
Maximum Proposed Rental Rate ³ :	\$26.00 per rentable square foot

¹ Bounded on the west by Back Creek from the West Virginia state line with Virginia to the West Virginia state line with Maryland, bounded on the north by the West Virginia state line with Maryland, bounded on the east by the West Virginia state line with Maryland and Virginia, and bounded on the south by the West Virginia state line with Virginia.

² Any new lease may contain an annual escalation clause to provide for increases or decreases in real estate taxes and operating costs.

³ This estimate is for fiscal year 2013 and may be escalated by 1.7 percent annually to the effective date of the lease to account for inflation.

GSA

PBS

**PROSPECTUS - LEASE
DEPARTMENT OF HOMELAND SECURITY
UNITED STATES COAST GUARD – OPERATIONS SYSTEMS CENTER
MARTINSBURG/KEARNEYSVILLE AND SURROUNDING PORTIONS OF
BERKELEY AND JEFFERSON COUNTIES, WV**

Prospectus Number: PWV-01-MA11
Congressional District: 02

Energy Performance

GSA will incorporate energy efficiency requirements into the Solicitation for Offers and other documents related to the procurement of space for which this prospectus seeks authorization. GSA encourages offerors to work with energy service providers to exceed minimum requirements set forth in the procurement.

Justification

The OSC provides systems development and operations services for the Coast Guard and for the Department of Homeland Security. The Lowe Building, located at 408 Coast Guard Drive, Martinsburg, WV, acts as the primary facility for the OSC functions and provides 117,776 rsf of office/ADP space under a lease that expires February 9, 2015. Operations will remain at this facility and will not be included in leasing action proposed in this prospectus.

In addition to operations in the Lowe Building, OSC also occupies outlying facilities in the Martinsburg/Kearneysville area. OSC operations are located in trailers and small leased buildings, ranging from approximately 6,000 to 30,000 rsf. It is these operations, along with several other OSC functions housed throughout the United States for which this prospectus proposes partial consolidation and expansion.

While the OSC's operations do not require immediate proximity to the Lowe Building, they do need to remain in the designated delineated area of Martinsburg/Kearneysville, and surrounding portions of Berkeley and Jefferson Counties, WV. OSC operations may potentially be housed through leases in more than one building totaling 161,000 RSF, if a single building is not available to meet its requirements.

GSA

PBS

**PROSPECTUS - LEASE
DEPARTMENT OF HOMELAND SECURITY
UNITED STATES COAST GUARD - OPERATIONS SYSTEMS CENTER
MARTINSBURG/KEARNEYSVILLE AND SURROUNDING PORTIONS OF
BERKELEY AND JEFFERSON COUNTIES, WV**

Prospectus Number: PWV-01-MA11
Congressional District: 02

Authorizations


- Approval of this prospectus by the House Committee on Transportation and Infrastructure and the Senate Committee on Environment and Public Works will constitute authority to lease space in one or more facilities that will yield the required rentable area.
- Approval of this prospectus will constitute authority to provide interim leases, if necessary, prior to the execution of the new lease(s).

Certification of Need

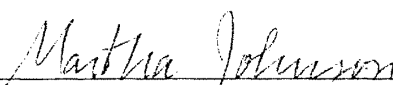
The proposed project is the best solution to meet a validated Government need.

Submitted at Washington, DC, on May 13, 2010

Recommended: _____


Commissioner, Public Buildings Service

Approved: _____


Administrator, General Services Administration



U.S. House of Representatives
Committee on Transportation and Infrastructure
Washington, DC 20515

James L. Oberstar
Chairman

John L. Mica
Ranking Republican Member

David Heymsfeld, Chief of Staff
Ward W. McCarragher, Chief Counsel

James W. Coon II, Republican Chief of Staff

COMMITTEE RESOLUTION

LEASE
DEPARTMENT OF DEFENSE
OFFICE OF NAVAL RESEARCH
NORTHERN VIRGINIA
PVA-04-WA11

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that, pursuant to 40 U.S.C. § 3307, appropriations are authorized for a replacement lease of up to 329,000 rentable square feet for the Department of Defense, Office of Naval Research, currently located at 875 North Randolph Street, Arlington, VA, at a proposed total annual cost of \$12,502,000 for a lease term of up to 15 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to the execution of the new lease.

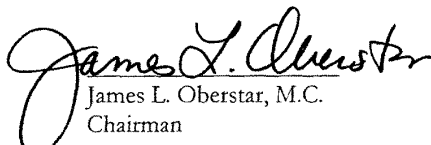
Provided, that, to the maximum extent practicable, the Administrator of General Services shall require that the procurement includes minimum performance requirements requiring energy efficiency and the use of renewable energy.

Provided further, that the Administrator shall require that the delineated area of the procurement is identical to the delineated area included in the prospectus, except that, if the Administrator determines that the delineated area of the procurement should not be identical to the delineated area included in the prospectus, the Administrator shall provide an explanatory statement to the Committee on Transportation and Infrastructure of the House of Representatives prior to exercising any lease authority provided in this resolution.

Provided further, that the Administrator is authorized to apply only the security standards promulgated by the Interagency Security Committee (ISC) to this lease procurement.

Provided further, that the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

Adopted: December 2, 2010


James L. Oberstar, M.C.
Chairman

GSA

PBS

**PROSPECTUS – LEASE
DEPARTMENT OF DEFENSE
OFFICE OF NAVAL RESEARCH
NORTHERN VIRGINIA**

Prospectus Number: PVA-04-WA11

Congressional District: 8

Project Summary

The General Services Administration (GSA) proposes a replacement lease of up to 329,000 rentable square feet (rsf) of space for the Department of Defense (DoD), Office of Naval Research (ONR), currently located at 875 North Randolph Street, Arlington, VA.

Description

Occupants:	DoD-ONR
Delineated Area:	Arlington, VA
Lease Type:	Replacement
Justification:	Expiring Lease (9/30/2012)
Expansion Space:	None
Number of Parking Spaces:	None
Scoring:	Operating Lease
Proposed Maximum Leasing Authority:	15 years
Maximum Rentable Square Feet:	329,000
Current Total Annual Cost:	\$11,709,883
Proposed Total Annual Cost: ¹	\$12,502,000
Maximum Proposed Rental Rate ² :	\$38.00 per rentable square foot

Energy Performance

GSA will incorporate energy efficiency requirements into the Solicitation for Offers and other documents related to the procurement of space for which this prospectus seeks authorization. GSA encourages offerors to work with energy service providers to exceed minimum requirements set forth in the procurement.

¹ Any new lease may contain an annual escalation clause to provide for increases or decreases in real estate taxes and operating costs.

² This estimate is for fiscal year 2013 and may be escalated by 1.7 percent annually to the effective date of the lease to account for inflation.

GSA

PBS

PROSPECTUS – LEASE
DEPARTMENT OF DEFENSE
OFFICE OF NAVAL RESEARCH
NORTHERN VIRGINIA

Prospectus Number: PVA-04-WA11
Congressional District: 8

Authorization

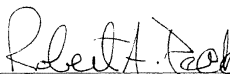
- Approval of this prospectus by the House Committee on Transportation and Infrastructure and the Senate Committee on Environment and Public Works will constitute authority to lease space in a facility that will yield the required rentable area.
- Approval of this prospectus will constitute authority to provide an interim lease, if necessary, prior to the execution of the new lease.

Certification of Need

The proposed project is the best solution to meet a validated Government need.

Submitted at Washington, DC, on September 10, 2010

Recommended: _____


Commissioner, Public Buildings Service

Approved: _____


Administrator, General Services Administration

April 2010
Housing Plan
Department of Defense
PVA-04-WA11
Arlington, VA

Locations	Personnel		Current		Proposed		Total	
	Office	Residence	Office	Residence	Office	Residence	Office	Residence
One Library Center	1,360	1,360	216,589	57,274	273,863		273,863	
Proposed Lease	1,360	1,360	216,589	57,274	273,863		273,863	
Total	1,360	1,360	216,589	57,274	273,863		273,863	

Utilization Rate	Current	Proposed
	124	124

Current UK excludes 47,650 USF of office support space
Proposed UK excludes 47,650 USF of office support space

Usable square footage means the portion of the building available for use by tenants/ personnel and furnishings, and space available solely to the occupants of the building (e.g. auditorium, health units and snack bars). Usable square footage does not include space devoted to building operations and maintenance (e.g. craft shops, gear rooms, building supply rooms, rest rooms and lobbies).

Special Space		USF
Conf. Room		25,116
Reception		1,100
Restrooms		5,292
Medical Library		2,176
File Room		2,593
ADP		5,159
Mail Room		1,291
Equip. Room		5,778
Gen. Storage		3,600
Control Room		460
Total		57,274

There was no objection.

A TRIBUTE TO RAYMOND DEMETRIO GUTIERREZ

(Mr. SCHIFF asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHIFF. Madam Speaker, I rise today to honor and pay tribute to Raymond Demetrio Gutierrez, a wonderful man, a husband, a father, a grandfather, and great-grandfather, who also served his country bravely during World War II.

Mr. Gutierrez, of San Gabriel, California, was born December 22, 1926, and was 18 years old when he left his family to answer the call of duty to his country. He served as Seaman First Class on the USS *BonHomme Richard*, which joined the Pacific Fleet during World War II.

Raymond Gutierrez passed away on October 28, 2010, at the age of 83. His memory will live on through his wife of 57 years, Norma; his son, David; and daughter, Theresa. He was also blessed with five grandchildren—Aundrea, Valerie, Alissa, Kimber, and Michael—and a great-grandson, Ryan.

He is fondly remembered by his family as a man of great personal conviction, always putting his family first and treating everyone with great respect. A man of great humor, Raymond would never directly disclose his age but would instead pay it out in change. At age 83 he would say, "I am three quarters, one nickel, and three pennies."

He is affectionately remembered in a poem written by his granddaughter, Alissa Cano, for his 84th birthday, which I submit for the RECORD.

We are indebted to Mr. Gutierrez for his life of service and for the fine family and extraordinary example he leaves behind.

THREE QUARTERS, ONE NICKEL AND FOUR PENNIES

With weak legs, a feeble body and a sharp mind

Tata you've lived an exciting life, "one of a kind"

A mischievous child you always found trouble

From stories I've heard you were a lot to juggle

At one dime, one nickel and three pennies a navy man you were

Standing tall with pride aboard the Bon Homme Richard

Shortly after serving you settled down and tied the knot

And it wasn't long before you had a tinny little tot

A family man and hard worker with your hands

You still found time to venture out across the lands

Throughout many years the Gutierrez family grew in size

You became a storyteller and friend in your watchful granddaughter's eyes

We learned about Ferdinand loving flowers
and Old Freddie Fewie
And we each earned our own nicknames like
Sam, George & Lewie

At three quarters, one nickel and three Pennies

You're a great grandfather and one of Ryan's buddies

Your time has not come so keep your head high and stand a little taller

Because Tata I love you and want you to live for a dollar

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

THANK YOU TO KELLY WRIGHT OF FOX NEWS AND DR. LEE MORGAN OF GEORGETOWN VETERINARY HOSPITAL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

Mr. JONES. Madam Speaker, this past Saturday, the 27th of November, Fox News aired a story about the Lee family and Lex, the wounded military working dog that was adopted by the Lee family.

Corporal Dustin Lee was Lex's handler and the Lees' son. A rocket-propelled grenade ended the life of Corporal Lee and also injured Lex by sending shrapnel into his back in 2007. Lex's pain has been so very severe over the past 3 years, and he has also had a hard time walking.

□ 1810

Lex received adult canine stem cell therapy at Georgetown Veterinary Hospital, performed by Dr. Lee Morgan. Lex was released last Friday with much success.

I would like to thank Kelly Wright of the Fox News' show "Fox and Friends," for taking interest in this story and understanding the importance of war dogs in our military. Through his kind work, many people were touched by this heartwarming story.

I would also like to thank Dr. Lee Morgan of Georgetown Veterinary Hospital. Dr. Morgan volunteered much of his personal time to Lex, his recovery, and the Lee family. He was very kind and devoted to this cause and gave this dog and family the attention they deserve.

Many individuals and organizations have made it possible for Lex to receive this therapy by donating time and money to the cause. I would like to thank the Humane Society, the American Kennel Club, the German Shepherd Dog Club of Northern Virginia, the Shoreline German Shepherd Dog Club, and the United States War Dogs Association.

Also, Marine General Mike Regner for his help in retiring this dog and making sure Lex was able to be a part of and placed with the Lee family.

Contributions came from all over the country, and I appreciate everyone who donated. A dog handler currently stationed in Afghanistan sent a donation, which speaks to the importance of these dogs and to the appreciation our servicemembers have for them.

With that, Madam Speaker, I close by asking God to please bless our men and women in uniform, to bless the families of our men and women in uniform. And I ask God to continue to bless America.

TRIBUTE TO IKE SKELTON

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. SMITH) is recognized for 5 minutes.

Mr. SMITH of Washington. Madam Speaker, I rise today to honor IKE SKELTON, the Congressman who has been serving the Fourth District in the State of Missouri since 1976. I have had the great honor of working with Mr. SKELTON on the Armed Services Committee for my 14 years in Congress, and he will be leaving this body at the end of this year. And I think IKE simply embodies the best of Congress and the best of this country.

I remember I was traveling with him one time overseas to visit our troops, as he did relentlessly. And he was talking with someone from a foreign country about what the highest compliment was in America. And the highest compliment in America is, "You know, he's a good guy." And when you think of IKE SKELTON, that is the absolute least you think of him. He is absolutely a good guy to so many people.

When most of us get into Congress in the first place, it is a very, very confusing place. Thousands of issues come at you from thousands of directions. And the first thing I noticed about IKE is he always took the time, with every single one of us who came to his Armed Services Committee, to work with us and help us understand the process.

In part, he did that because that's just the kind of person he is. He cares about other people to a degree that is fairly well unprecedented. He takes care of other people and cares about them. But also he cares about the military, and he cares about the Armed Services Committee. He wants to make sure that Members understand how important service on that committee is, and he's worked with all of us.

He has done a fabulous job, certainly, representing the Fourth District of the State of Missouri, but more than that, he has done a fabulous job of representing our troops.

When IKE SKELTON talks about this body, that is the first thing that he talks about—our obligation as Members of Congress to make sure that we

take care of the men and women who serve in our military and their families. I can honestly say there are a lot of Members of Congress who place that as a high priority. I don't think there is a single Member of Congress who places that as high a priority as IKE SKELTON does.

He has cared for our troops from the time he got into Congress, and has been responsible for many, many pieces of legislation, and has made sure they've been taken care of.

More than that, IKE was a mentor and a friend to me, personally. I've served on the committee with him since I got elected to Congress. He always took the time to work with me on issues, to educate me, and also to look after my interests in my district as well. He understood that, as much as he was standing up for the State of Missouri and the Fourth District, his country came first. And the entire country was his priority. And he did a great job for us on that committee.

It is with great sadness that he will be leaving this body, but I know that IKE will continue to be a very, very productive member of our society. The knowledge that he has of our armed services and the knowledge that he has of what is best for our troops will continue to serve this country for a long time to come.

It was a great honor to serve with him, and I am certain he will continue to serve our country in many capacities in a way that makes it better, because that's the kind of guy he is. He cares about other people. He cares about this country. More than anything, he cares about the troops who serve this country, and he will always be a tireless advocate for them.

LOOK WHO RUNS THE REPUBLICAN PARTY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. GRAYSON) is recognized for 5 minutes.

Mr. GRAYSON. Madam Speaker, we've heard endless braying from the Republicans time after time, demanding an extension of tax cuts for the rich in this country. They tell us that extending the tax cuts for the rich will somehow create jobs when we've had these tax cuts for the rich for 9 years, and I haven't noticed a whole lot of jobs being created in the last 9 years. They tell us it will dramatically boost the economy. I haven't noticed that happening for the last 9 years either.

So you really have to wonder why they persist in this mania, this obsession of theirs that we need to have more tax cuts for the rich when the economy is flat on its back and unemployment is almost 10 percent.

I think I have the answer. The answer turns out to be very simple. They want a tax cut for the rich because they want a tax cut for themselves.

What do I mean by that? Well, let's take a look at the people who are really in charge, the ones who actually run the Republican Party.

Let's start with this gentleman here, the man with the cigar, Rush Limbaugh. Doesn't he look happy?

According to Newsweek, he makes \$58.7 million a year, and extending the Bush tax cuts for the rich will mean that he'll have another \$2.7 million. Mega dittos, Rush, and mega money.

Let's look at the next one.

Here's Glenn Beck. According to Newsweek, Glenn Beck makes \$33 million a year as a pundit, and extending the Bush tax cuts means a cool \$1.5 million for Glenn Beck's ongoing, night-by-night imitation of Howard Beale from "Network."

Now let's take a look at the next one.

Sean Hannity. Newsweek says that Sean Hannity, this man of the people, makes \$22 million a year from his act on Fox, and that means that the Bush tax cuts mean an extra \$1 million for Sean Hannity. Maybe he can go now and afford some anger management classes.

Let's take a look at the next one.

Bill O'Reilly. He makes a modest \$20 million a year from his gig on Fox. And that means that the Bush tax cuts give him not quite seven figures, merely \$914,000 a year of extra cash. It's easy to see why Bill O'Reilly wants to see the Bush tax cuts extended. And I have to say he's no Pinhead when it comes to that.

And now Sarah Palin. Sarah Palin has made \$14 million this year from cashing in on her fame. In fact, she has done a better job of turning fame into cash than anyone in American history, \$14 million. She wants the Bush tax cuts extended so she can make an extra cool \$638,000.

And now on to Newt Gingrich, the man who did such a great job in running America back in the 1990s that he wants a second chance in this decade. Newt, if you do to us now what you did to us then, we're going to be in big trouble. But Newt Gingrich makes \$5 million a year from his punditry, which means he'll get an extra quarter million dollars a year from the Bush tax cuts being extended.

And now let's go on to the Big Cheese, George W. Bush, himself, the man who got us into two endless wars, the man who brought us to the brink of national bankruptcy, the man who gave us \$4-a-gallon gasoline.

□ 1820

George W. Bush makes a cool \$4.2 million a year, according to Newsweek. That means that extending the Bush tax cuts for George Bush means an extra \$187,000 in his pocket every single year.

I have a better idea. Instead of placating these people and letting them spew out onto the airwaves their lies

about the Bush tax cuts without ever revealing the fact that they stand to gain millions, millions of dollars each year from their selfish desire to take advantage of the rest of America, let's do this: let's take that money and create jobs. All that money that the Bush tax cuts are charging us, that could create jobs for 3 million Americans a year. A \$30,000 job, a fair wage for fair work, a dignified wage for dignified work, and a way to revive our economy in America.

I think that's a better idea than stuffing even more money into the pockets of the rich. Because the problem in America today is not that the poor have too much money. That's not the problem at all. It's that they need jobs.

PRECEDENT AND THE CENSURE MOTION

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Texas (Mr. GOHMERT) is recognized for 60 minutes as the designee of the minority leader.

Mr. GOHMERT. Madam Speaker, it's been an interesting day here on the floor. And as always, an honor to have a chance to speak here. What we have just witnessed was not a pleasant event. It was terribly sad. It's tragic when anybody in Congress, especially a leader, a chairman, is found to have engaged in conduct inappropriate to such a degree as a Member of Congress, particularly as the chairman of the Tax Code-writing committee.

We have heard some things that were a little bit surprising. I heard Chairman RANGEL say there was no self-enrichment. I heard people talk about the lack of precedent for something like this, to have such a horrible sentence as to have to stand before the Speaker and be told to pay the taxes that were actually due and owing, or should have been paid previously when they were due and owing, and how horrible that was. So a little surprising that I would hear a fellow colleague make a comparison to the death penalty and life in prison.

I have had the unenjoyable responsibility to sentence people to death before and to life in prison. And I would daresay you could bring back those sentenced to life—you couldn't bring back those sentenced to death where it's been carried out—but they would not agree that standing before the Speaker and being told to pay the taxes that you didn't pay back when you should have was anything equivalent and fair to be compared with a life sentence in prison.

With regard to precedent, all kinds of precedents come back to mind, all types of displays of integrity. We heard people say across the aisle that because someone conducted themselves in such

a heroic and noble fashion in war that they deserve to be left alone and to be honored, and in fact apparently deserving of a standing ovation for failing to comply with the laws that he himself helped create.

Precedent? You want to know precedent in this country? You can go down the Hall from this Chamber and go to the rotunda and look around and see massive paintings that evidence precedent. You see 56 signers of the Declaration of Independence who pledged their lives, their fortunes, their sacred honor. And they didn't withhold any of those.

We are reminded of I believe it was Thomas Nelson, a signer of the Declaration, who pledged his life, his fortune, his sacred honor. I believe it was Nelson who, during the siege of Yorktown, had indicated that since the British officers were in his home, his home should be fired upon, that that was the British headquarters. The soldiers apparently responded that, sir, this is your home. He said, this is where the enemy is. Take out my home.

Precedent? People who pledged their lives, their fortunes, their sacred honor, who lost family members, who lost everything, all for the sake of us having liberty and freedom some day. And say that we have not—it's okay to just flagrantly fail to abide by the laws that we ourselves create.

Precedent? There is the big mural of Washington standing there with a piece of paper in his hand. And people file by that by the thousands every day and don't really understand the precedent that that established.

Precedent? I will tell you precedent. George Washington was made commander of the Revolutionary military. Many of the soldiers enlisted around the time of the signing of the Declaration of Independence, July of 1776, which means that their enlistment was to be completed in January of 1777. Most of that time was spent in retreat in front of vastly superior British forces.

December 24, things were so desperate Washington talked to his generals, and he believed they should move across the Delaware. Even with all the ice, even with so many of his men not equipped, many without shoes, they should travel across the Delaware and engage the most feared mercenaries in the world. His generals said there is ice in the river. We could lose the entire revolution if we do this. Washington said if we don't have a victory, it's going to be lost anyway.

He himself came up with the challenge words. If a soldier was to be challenged that night, "Halt, who goes there?" The challenge words that would allow the challenger to know that this was an American would be, "Victory or death." It was that important.

They traveled across the icy Delaware. And, no, George Washington knew better to stand up in a boat, especially in an icy river. They caught the Hessians off guard and routed them, took them prisoner. Some were killed.

□ 1830

It was a major victory. But many of the American soldiers felt like they were not going to reenlist when their time was up.

On December 27, 1776, the Continental Congress did the unthinkable. They were seeking a democratic republic where people would govern themselves, and yet they passed a law to give Washington basically all the power, all the financial power he needed to win the war. Do whatever you need, pay whatever you've got to pay, because the Continental Congress knew that, if these guys didn't reenlist, they were all dead. Their families would be dead. They would be dead. Everything would be gone. Everything they had worked for in their lives would be gone.

But they had pledged their lives, their fortunes, their sacred honor, and here they put them in the hands of one man. They sent a cover letter with a copy of the bill to Washington, in essence, explaining that we are giving you all this power, but because we know you, and we know your absolute integrity, that when you have no further need of this power you will give it back.

Precedent? That was a precedent. No man has ever been given that kind of power in the United States' history. Paulson came close with his Wall Street buddy bailout that he was able to wrangle. But they knew Washington. There was a precedent.

He didn't get the copy of the bill in the letter until the men either had to reenlist or go home. Washington urged them to reenlist, and virtually no one did. He made a second plea, not knowing he had the power to raise their salaries. And his plea was so heartfelt, because they knew this man's heart, that most of them reenlisted anyway. Then he later found out the power he had.

Precedent? The precedent came when George Washington won the Revolution and did what no man before or since has ever done. He did what's depicted in that picture where he is standing there with his resignation in his hand, and he says, symbolically, here is all the power back. I did what you asked with absolute integrity, and now I'm going home.

That's a precedent. That's incredible humility and integrity that we haven't seen around here in a long time. That's a precedent. Talk of precedent, during Chairman RANGEL's hearing. Compared to those kinds of precedents?

You know, when George Washington resigned, he had sent a resignation letter to the 13 Governors. And at the end of that resignation letter, and it was

printed, circulated throughout the 13 States, he said, he ended with these words. What a precedent this is.

"I now make it my earnest prayer that God would have you, and the State over which you preside, in His holy protection; that He would incline the hearts of the citizens to cultivate a spirit of subordination and obedience to government, to entertain a brotherly affection and love for one another, for their fellow-citizens of the United States at large, and particularly for brethren who have served in the field; and finally, that he would most graciously be pleased to dispose us all to do justice, to love mercy, and to demean ourselves with that charity, humility, and pacific temper of mind, which were the characteristics of the Divine Author of our blessed religion, and without an humble imitation of whose example in these things we can never hope to be a happy nation."

He signed it, "I have the honor to be with great respect and esteem, Your Excellency's most obedient and very humble servant, George Washington."

There is a precedent. There is absolute integrity. There is humility.

You would never have heard Washington stand up and say, hey, at least I didn't self-enrich. There was no self-enrichment even though Washington, in his case, it was truth.

Precedent, we are told. We are told about precedent here when you have this historic building where you have so many acts of selflessness that have been carried out.

You know, Webster probably should have been present. I am not sure that he was right in what he did. I think he was wrong when he urged other Senators to join in the Compromise of 1850. But apparently Webster believed, even though he was a strict abolitionist and believed, as we all should, that no one should be enslaved, no one should be owned by another individual—precedent. Well, I am just taken aback.

In this hallowed Hall, no self-enrichment. Webster stood up knowing that if he urged the other Senators to join in a Compromise of 1850, though he probably would be President, if he said that, he would not be. He tried that after he urged them to do that, but it didn't work out. He figured it wouldn't. That was selflessness rather than selfishness.

There was a case where there was no self-enrichment or self-deprecation. He never became President, and historians point to that act. Right or wrong, he believed that there would be a civil war if they did not have the Compromise of 1850, and he believed that in 1850 the Nation would not be able to withstand a civil war. Maybe it wouldn't have. It almost didn't when it began in 1861. But that was a precedent. That was selflessness. That was a case of no self-enrichment.

Or how about in the impeachment of Andrew Johnson when a man is carried

on a gurney so that he can cast a vote and the vote failed by one? There are all kinds of cases of precedent, of selflessness, of cases in which there was no self-enrichment.

Yet that's brought up in this case of Chairman RANGEL. I like Chairman RANGEL. He is a fun guy to talk to. He is a fun guy to be around.

Until this episode, I thought he was a very, very smart individual. But for his statements to be true, that he had no idea that he was doing anything wrong, then there would have to be a vast amount of ignorance. There is no law against ignorance. We are all ignorant in some areas. But after I heard the comment "no self-enrichment," I asked for the case evidence.

Well, it turns out in Punta Cana, in the Dominican Republic, the respondent, Chairman RANGEL, purchased a villa at the Punta Cana Yacht Club in 1987. It talks about he had quarterly payments due, 10.5 percent interest. He could use the villa for up to 9 weeks a year. The remaining weeks it could be rented out by the resort with proceeds from the rentals going into the rental pool from which he received benefit or, some might say, self-enrichment.

□ 1840

For his portion of the rental pool, it's income. Obviously, we can't call people a liar, so we will say, okay, he was telling the truth. He had no idea that when he was provided money or that that money was paid toward a home which he purchased to pay off his mortgage he had no idea that that was income.

Now I would think to help make that kind of an assertion, it would help if the chairman of Ways and Means also came into this body and in addition to saying, there is no self-enrichment, I had no idea at the time that I was making these mistakes, I would think he would add, Do you know what? Since I'm chairman of Ways and Means and I can't figure this stuff out, and even I am completely ignorant of what is accrued income to me, what we need to do is either have a flat tax or a fair tax where I never have to fill out another document again, it's just taken care of, there's no mistakes. Because this obviously is so confusing that even the chairman of Ways and Means cannot figure it out.

Well, the evidence goes on that in late 1992, early 1993, the management of Punta Cana decided to eliminate any remaining interest due on the mortgages of the respondent with some early investors; and in 2009, by that year, the respondent's, Chairman RANGEL's, rental pool's earnings paid off his original mortgage and the financing of the third bedroom addition. See, most people would realize that if other people are paying money to rent out your villa and you're getting checks, as apparently came at some point directly from the rental pool to Chairman RAN-

GEL, some would say, do you know what? I'm getting this extra money into my pocket, do you know what? That is probably income. Some would realize that when people are renting your villa, and that money is going into a pool from which your mortgage is being paid an additional equity, every quarter it's increasing, that that would be accrued income or self-enrichment. But apparently that was not realized.

So as a former judge, I know we look at other evidence to see if there are indications that anything might have been discerned about the classification of this obvious income or benefit to most people, and the evidence points to a January 1993 letter written to Reinieri at this Punta Cana resort in which Chairman RANGEL said, I hope you can provide me with a copy of the contract we have with the Punta Cana which includes the third bedroom addition, what equity has accrued and if there is an outstanding balance. He wasn't sure that there was an outstanding balance because even though he may not have been paying the mortgage, it was getting paid from somewhere, and then though he apparently did not realize that by others paying his mortgage for him that it was income, he said in this letter, his words, as I mentioned to you, the House Ethics Committee requires the disclosure by Members of Congress of any assets and unearned income, and while I enjoy a good relationship with the committee's chairman, it certainly would be politically embarrassing if I were unable to provide an accurate accounting of my holdings.

Apparently, at the time he wrote the letter, he realized they were holdings. He realized that there was equity accruing, which many would consider a form of self-enrichment. He indicates that since Members of Congress are required to disclose assets and unearned income that he would need the information from Punta Cana to indicate what income had come in.

As we understand, there has also been the issue raised, well, gee, statements came back in Spanish, and so we really didn't know what it all meant. However, the evidence indicates on a letter that was sent to Chairman RANGEL, please find enclosed your statement of account as of June 30, 1996, for the CO owners' rental pool that shows a total net income, and apparently the word "income" in English in the letter did not resonate with Chairman RANGEL that "income" meant it's income, and it didn't trigger the thought that maybe since they're saying it's income, I should report it on this thing called an income tax return.

But it says there was net income of U.S. dollars \$3,294.95. So I understand since that's spelled out in English that can be a little confusing, especially where they say the net income to

Chairman RANGEL was this specific amount. But then again, maybe self-enrichment means something other than what I understand. And I think most people understand that you made money off something.

Well, the original financial disclosures—I didn't even ask about this stuff until I heard Chairman RANGEL use the term that there was no self-enrichment. So I asked for the documentation here just this afternoon, because I was struck by "no self-enrichment." That doesn't sound right. But apparently the 1998 original financial disclosure—this was after the letter was sent to Punta Cana saying I have to disclose all assets on my financial disclosure I have to disclose as income, and even after he got a letter saying here is how much in U.S. dollars you had in income, he doesn't disclose it on the financial disclosures for 1998, 1999, 2000 per letter agreement.

And then finally in 2001, he does start reporting the income between \$5,000 and \$15,000, that's the category, until 2004 when the category was \$2,500 to \$5,000. But also in the evidence in the record, it shows that for 1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006 no income was reported from this income as described from Punta Cana on the original income tax returns of Chairman RANGEL.

I suffer from the problem of having, before I was a judge and chief justice, having been in a Federal courtroom of a judge who was known to tell people he sentenced who had not reported every dime of income they actually had. So found guilty of failing to pay all of their income tax, income tax fraud, he would instruct them that they had committed this horribly heinous crime. The reputation was that they would be lectured that they had committed this heinous crime by taking food out of the mouths of children who couldn't feed themselves or shelter from those who had none by this heinous crime and then be sent to prison, doing hard time in prison.

So I didn't get as concerned about this until I heard the chairman himself saying here on this floor there was no self-enrichment; they were just innocent mistakes. Yet in his own words, in his own letter, he acknowledges he needs to know what is his income from Punta Cana, from his villa there. He indicated he has to disclose these things, even though he didn't, and didn't report for years on his income tax return the fact that people were paying rent to his villa and that money was going to pay off his mortgage.

□ 1850

See, I think most people across America who may not even know what the Ways and Means Committee is and that it writes the tax laws, they have an idea that if they buy a home or they buy a villa, whether in the Dominican

Republic or here in the United States, and it is leased out, and after paying expenses for the home there is additional money left that is used to pay off the mortgage and then is eventually sent in a check to that person who brought the home, they kind of get it, that that is income, that is self-enrichment. And that is why so many people do that if they can afford it, because they like the idea of renting out a facility, having others pay off their mortgage, and they end up owning it. But they understand when people are paying off their mortgage for them, that is income.

Now, it is true I have the luxury of having sold, cashed out, virtually all of my wife's and my assets, retirement accounts, because I believed so strongly in the need to change the direction this country was going. So as it gets reported annually in papers back in Texas, I have less assets than anyone. Right now, because we have such a wonderful nice home, we are trying to sell that. We are in the black when it comes to net assets, but without the home we are not. But I don't have the difficulty that Chairman RANGEL does because I cashed out my assets to live on while I ran to be in this body.

But I took income tax law in law school, and I have read through the income tax forms before. Now, for a number of years, we have an accountant do it. But it is staggering how many people that I have talked to, some who never went to college, but they get the idea that if you buy a home, buy a villa and rent it out, and that rent pays your mortgage and then eventually the rent is sent to you, that is income. In both places, when it is used to pay off the mortgage and when it comes to you, it is income.

And it sure looks like, from the chairman's letter in 1993, that he knew it was, too, at least at that time. But maybe a short time after he wrote that letter, maybe he forgot. And when we hear the stories about the information being in Spanish—and I don't speak Spanish—that makes some sense. But most people would say, I need to get somebody who speaks Spanish to read these documents.

There is a lot more evidence, but that is pertaining to the villa in the Dominican Republic. I think it is wonderful that he was able to have a vacation home like that and have people pay it off for him, but it certainly ought to be able to be discerned by the chairman of the Ways and Means Committee that that is income.

So when we hear talk during that proceeding about precedent, and, you know, even a little modicum of the history about this place, how we got this because of the sacrifice of so many who pledged everything, just as our soldiers do, and then we have someone say, hey, don't forget I served honorably. Well, it broke my heart every time I had to

sentence someone to prison who had served honorably but then later was convicted of a felony and came before me as a judge. It was heartbreaking.

And I bet if Duke Cunningham had it to do all over again, a former Member of this body and extremely decorated, as I understand the greatest ace of a pilot that we had in the Vietnam War, I bet he would like to know that the Rangel defense is that if you served honorably before, you don't get in trouble other than having the Speaker tell you to pay back taxes that you owe. What kind of a censure was that?

You would think that a censure is saying you did wrong in very blunt terms. Instead, it sounded like, hey, go pay the taxes that you obviously owe. It's amazing, just amazing.

I did not intend to get into this tonight, but I was so taken aback that someone would here on this House floor and say there was no self-enrichment when the evidence seems to speak for itself. I know that I am limited by the rules as to what I can say about it, but the evidence speaks for itself. How can there be such ignorance about what self-enrichment is? It is staggering.

And then, before I speak, I have to listen to a colleague from across the aisle who tells us that actually Bush gave us \$4 gas, in his words. It is nice when people take responsibility for what they have done. It's not so nice when people blame others for the mistakes they themselves have made.

And it is interesting that since the Democratic majority took control of this body and chairmanship of every committee, that they could still blame Bush for everything that happened in 2007 and 2008 even though the Constitution puts the responsibility squarely on Congress to have a budget, to make appropriations, not the administration. They can submit one. But constitutionally, it is this body's obligation to appropriate and not to spend too much money. So how do you keep blaming Presidents?

And yet we know when the Republicans took the majority in 1994 and were sworn in with the majority in 1995, if you believe the Constitution, then it was the Republican Congress that balanced the budget in those days. And if you go back historically and look, although President Clinton takes credit, oftentimes he was rather upset about the things that this Congress did to get the budget balanced. Now he takes full credit and congratulations.

And apparently there was something to having a Congress that was in different hands than the President, because certainly when President Bush took office in 2001, although I wasn't here, there apparently was a giddiness. Wow, we have the House, Senate, the White House. Now we can just spend like we never have before. And all of the restraint the Republican Congress had used in the late 1990s seemed to go

out the window. And so we ran deficits, and Democrats were proper to point those things out in my first two years of 2005 and 2006. They are right. We should not have run a deficit budget. But the claim was, if you give us the gavel in January of 2007, we will fix all that. And instead, that is not what happened.

So to continue to correct things that have been said here inappropriately this week, including today, I even heard the Speaker, Madam Speaker herself, say a number of times, once in here, but said many times, it is, in essence, irresponsible to have across-the-board tax cuts, just extend the current tax rate as it is into the future, even though the lowest rate is 10 percent and those that earn the highest amount of money pay 35 percent, and even though common sense would tell you if the rate were 10 percent across the board for poor and rich alike, the rich would still pay more money. The more you make, the more you pay. Except what many people don't realize is that the people on Wall Street that make so very much money, that contribute to Democrats 4 to 1 over Republicans, they as Art Laffer explains, rich people like that have control over the amount of income they bring in in a given year. They have control over where that income is paid.

□ 1900

They have control over the manner in which it's paid. They can control all kinds of things about their income; whereas, someone who is a wage earner, a brick mason, as Laffer has pointed out, has to lay the bricks where they are. He can't control where he derives income. The wealthy can and have moved from States or cities that increase their taxes too much. The rich can control those things.

So, Warren Buffett, how noble for him to say he should be paying more taxes. Well, it would seem to me to be a whole lot more noble if he'd just pay them, instead of allowing his accountants and lawyers to come up with all kinds of schemes and ways to manipulate the income so he doesn't pay the taxes that he would if he were paying a 10, 15, 20, or 35 percent tax. When you are wealthy, you are in a position to control how you receive income and what years you receive it in.

Many people who are wealthy have been receiving income this year before the rates go up on January 1. I've heard from people who are wealthy that they have money to invest, that they have money that they would like to spend to create housing developments and things; but, you know, there is just too much uncertainty with regard to the taxes, so they're not going to do the building. It would be insane. They don't believe, I think rightly, in starting to build homes when nobody is buying them because nobody is sure what

the future will hold in the way of taxes. So those who are in a position to create jobs are not creating them because of the uncertainty created by this majority and this administration.

We've been told, even though we are in December now, that the tax rates will go up greater than they ever have in the history of this country on January 1, so there is all this uncertainty. Capital gains rates shoot up and all of these marginal rates. Every rate of income tax goes up. The thing to do is just extend the rates to give that certainty. But oh, no. We probably would have done that, but there was just too much we had to cover.

Today, for example, we had to take up a debate and deal with the Airport and Airway Extension Act of 2010. Well, obviously, airports are important. We had to take up a debate and take a lot of time to have a recorded vote supporting the goals and ideals of National GEAR UP Day. I mean, some of these things that we took up are nice, worthy things, some of which are very helpful to people.

But how much more helpful would it be to give some certainty to the economy so people could have a real job before we get to Christmas? Give them a job. Give them the hope. But oh, no. We're too busy to give some certainty to the economy so people can start creating jobs again.

We had to take up a bill and debate it on expressing support for the designation of the month of October as National Work and Family Month. That's wonderful and that's fine, National Work and Family Month.

But how much better would it have been to have taken up the issue of the tax rates and made sure they would be stable on into the next year so that jobs would be created? Wouldn't that have been better than spending all this time debating and voting on the congratulations and how wonderful it is to have a National Work and Family Month? I mean, that's nice, but wouldn't it have been better to have actually created jobs and created work so that people could have money to spend on their families?

You know, we passed a bill that gave unemployment benefits for 99 weeks, for goodness sakes, which is expiring. It would have been better to say, You know what? It has been 26 weeks, and you haven't found a job because there isn't one in the area in which you're trained. So, rather than pay you to sit around the house for another year and a half—and I know people are hurting. I know. I understand—it would be better to say, So you didn't find a job in your area of expertise and training and experience in 26 weeks, over 6 months, so we're going to see that you get trained in an area where there are jobs so you'll have the expertise and training in an area where there are jobs so you don't have to sit around the house.

Because people get depressed. They lose their sense of self-worth and value when they don't have a job. Yet this government prefers to keep people as indentured servants and to keep having them reach out to the government for help because we refuse to incentivize people to reach their God-given potential. Instead, we lure them into ruts from which they cannot extricate themselves.

That's what we have done for 45 years with young, single women. Hey, you're bored with high school. I've had women tell me this in court.

We're bored with high school.

I've heard a defendant say it was her mother who said, Hey, just drop out. Have a baby. The government will send you a check.

What? This government is incentivizing people not to finish high school? I know that the Great Society legislation was born out of the best of intentions because there were deadbeat dads who were not helping, and they should have had to have paid a high price; but for goodness sakes, don't incentivize luring people into a rut.

These young women would come in before my court, charged in some cases with felony welfare fraud and others with drug dealing because they would find out, Well, gee. I can't live on this little check for one child who was born out of wedlock, so maybe I'll have another and another and another. Eventually, they are in a hole and they have no hope, and our government lured them into that.

I know there were good intentions, but good intentions are immoral when they deprive people of chance and opportunity and when they lure them into a hole they can't get out of. That is not a government function. That is not what we are to be about. Then there is all of this talk, over and over, about how are we going to pay the \$700 billion it will cost if we keep the same tax rates into next year. Well, it flies in the face of the facts, and the facts are very clear.

I know we've heard a lot of opinion on this floor about, gosh, it will be a \$700 billion loss. Why? Because that's the kind of thing the CBO says. Why? Because the CBO doesn't deal in the real world. They deal in an area of Keynesian economics where they are not allowed to look at the facts to make predictions for the future. How stupid is that that this body relies on a group like CBO, which has their hands tied, which can't look at history to determine the future?

So they're able to come out and say something ridiculous like, Gee, if you allow the wealthier people in America to have the same tax rate, it's going to cost the American treasury \$700 billion. There is no evidence in our history that that has ever happened in reality, that when you have a lower tax that it actually costs revenue.

The fact is—this is when you get into the so-called "Laffer curve" that Art Laffer came up with, and it's amazing that some people, particularly MSNBC, cannot figure this out—if you tax zero, you will get zero revenue. It's pretty basic. If you tax 100 or 150 percent—let's say 100 percent. If you tax every dime people make, then they're going to quit working. Why should they work when the government is going to take every dime and they don't get to keep any of it? Why would they work? They won't.

□ 1910

It's very clear. It's one of the reasons the Soviet Union fell.

So somewhere between zero percent tax and a hundred percent tax, you have a percentage that will maximize the return of the revenue to the Federal Government that the Federal Government can then use to carry out its government and its governmental functions.

So there is a point. It's ridiculous for somebody to say, so I guess at zero percent tax, we'll have all kinds of revenue coming in. That's ridiculous. What a bogus thing to say. It's between zero and a hundred. You find the point, and that was the point of the Laffer curve. You get to one point here where you continue to tax beyond that, you discourage people working and making more money, then they have less money to go out and pay others to do things, like feed them at restaurants or clothe them or to buy a bigger, nicer house or to buy more cars, those kind of things. It stimulates the economy when people have more of their money and they can buy more, do more with their own money.

Of course you don't get more revenue at zero percent. But obviously as John F. Kennedy found when he cut taxes, and as Reagan found when he cut taxes, and despite the misinformation spewed on this floor, the fact is that when taxes have been cut, revenues go up—each time it's been done.

But we have such an ignorant way for CBO to operate. So for this political animal—and I know people say, oh, it's bipartisan. Baloney. CBO is not bipartisan. They can say what they want, but if CBO were really bipartisan, the facts wouldn't be as clear as they are about what CBO has done. They are quite partisan. And I know that Director Elmendorf was not happy when I previously pointed out how well they cooperated with the White House in misconstruing the cost of like ObamaCare after he was woodshedded at the White House, but sometimes the facts hurt and that one obviously did. Because whether CBO and the director realize it or not, they have done the President's bidding. They came in at 200, \$250 billion under where they should have been if they had used their own ridiculous rules.

We need bills scored by groups that can look at history and look at reality. And CBO, the Joint Tax Commission, they need to be done away with. We could save money and have more accurate projections, more honorable, reliable projections if we hired that out to independent entities that are allowed to look at real world facts.

So here are some real world facts for all of my friends that are ignorant of the facts of what happens when you cut high tax rates and make them a bit lower. We know that in 2003, these were the tax rates that took effect that have been extended and that we're seeking to extend. Not tax cuts but just to extend the same rates. When those tax cuts were fully implemented after 2003 in which they occurred, we should begin to get some idea of what the real world facts are that CBO cannot rely on, because they're not a realistic entity because of the rules under which they operate.

So 2003, before the tax rates kicked in, those that were operating under the 2002 tax rates and rules, in 2003, the Federal Government took in \$1,782,321,000,000 approximately; about \$1.8 trillion. The following year the so-called Bush tax cuts had taken effect, so after the \$1.782 trillion Federal revenue and the tax cuts went in, gee, did we lose \$700 billion? No, we did not. Actually what happened is the Federal revenue climbed to \$1.88 trillion. In '05, it jumped up again—to \$2.153 trillion. And the next year it jumped up yet again in '06—to \$2.406 trillion. Massive gains and increases in Federal revenue after the tax cuts took effect. There is no reality in losing \$700 billion when you continue these same tax rates.

But, boy, we will create disincentives for those who create jobs if we don't extend the tax rates across the board for everybody. And for those who are concerned that, gee, they should pay more, they'd be paying more if it was across the board a 10 percent income tax. But they're sure paying more when the lowest tax rate for the poorest Americans is 10 percent and the highest tax rate for the wealthiest is 35 percent. But when that shoots up about another 5 percent come January 1, there's not going to be the incentives to create new jobs. People are going to have to pull back in their horns because they're going to have 5 percent less money to deal with. Not the Warren Buffetts. They'll still have the accountants and lawyers to figure out how they can move income to different places, how they can take it at different times, how they can make it as part of something that is not taxable. All that will happen for the super-wealthy. But there was a book I recall back in the nineties, I believe, about millionaires in America; and I recall reading that the most popular vehicle for millionaires in America to drive was not what one might think. Not a

Lexus, not a Mercedes, not a really high-powered car. The most popular vehicle according to what I read for millionaires in America was a Ford F-150 truck. And yet friends across the aisle try to paint millionaires as being these mean-spirited people that just want to take all the money for the poor. They'd like to hang on to what they built in their lifetime and they paid taxes on, but these aren't the Warren Buffetts or the Bill Gates or the Michael Dells where they can adjust income the way they take it and avoid paying taxes at the same rate as people even in the lowest tax rate. These are people who build businesses from nothing and then along comes the Federal Government at the end of their life, and it will start again January 1, and the Federal Government says, "You know what, you worked too hard, you saved too much, and we're going to take 55 percent of everything you saved." So for most of these small businesses that are built from scratch and most of the family farms that are built over generations as my great aunt and uncle did, over generations, the Federal Government comes in and says, you know what, like in the case of my great aunt, Lilly, you know what, you got 5,000 acres—I'm sorry, she had around 2,500 acres, valued originally at the time of her death at around \$2,000 an acre, it was approximately a \$5 million estate. And so we're going to take 55 percent of that, we'll give you an exclusion and take 55 percent of that. But within a year the values, because there was a lot of dumping of land around there, FDIC, dumping land, values fell six, \$700, so the IRS took every single acre of that farm that took over a hundred years and generations to build. It is immoral. It is immoral for this body to say, you worked too hard, you saved too much, you accumulated things for your family, so we're going to take over half of it. That's outrageous. It needs to stop.

But the gavel was handed to the Democratic majority in January of '07, so we have to give some credit where credit's due, despite what my friend across the aisle said about Bush giving us \$4 gas. Actually he was trying to do things like drill in areas that would have brought down the price of gasoline. Yet this administration and this majority, this majority beginning January of '07 began to take actions, it seemed like it was basically monthly, where we were putting more and more land off-limits to drilling, off-limits to production of minerals and oil and gas and things that people relied on to have lower gas prices.

□ 1920

So let's give credit where credit is due.

Then I heard on Greta Susteren's show, when she interviewed Donald Trump, he had the solution to creating more jobs in America. He said, What

you have to do is create more jobs in America. He kept saying, What you've got to do is just create more jobs in America. It's like what comedian Steve Martin used to say, I'm going to write a book on how to have \$10 million and not pay taxes. Okay, I'll tell you how it goes: First you get \$10 million, and then you just don't pay taxes. I mean, to say the way to solve the problem is to create jobs, well, of course. But eventually she pinned him down and asked him, what specifically would you say to do? He said, I would put a 25 percent tariff or tax on everything that we buy from China and that will solve the problem. As smart as that man is and as well as he has done, obviously he hasn't spent his life in government service because unless you are able to figure out things I haven't that you can do legally, you don't make a lot of money. You know, \$170,000 sounds like a lot, but not compared to what you could do. But 25 percent tax on everything we buy from China? He doesn't realize that triggers all kinds of penalty provisions of all kinds of treaties that we have? He doesn't realize what that would do in starting a trade war that we probably could not win? Shocking.

You want to get jobs going, the thing to do is to eliminate the 35 percent tariff on every American good produced by an American company in America. Get rid of the 35 percent tariff—because that's what a corporate tax is now, let's be real about it; it's a 35 percent tariff on every American corporate good that we sell. You cut 35 percent off the price of American goods produced in America by American companies and they will be able to compete worldwide.

Madam Speaker, thank you for the time. I hope we will eliminate the 35 percent American tariff on American goods.

STOP THE POLITICAL POSTURING

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Florida (Mr. DEUTCH) is recognized for 60 minutes as the designee of the majority leader.

Mr. DEUTCH. Madam Speaker, the holiday time is upon us when Americans from all walks of life rejoice in our shared values of generosity, good will, family, and thankfulness. Yet, this cherished holiday spirit is absent here tonight as Congress once again finds itself in partisan gridlock. This is doing absolutely nothing to ease the worry felt by families across America during these difficult times.

Tonight the clock is ticking for 2 million Americans unable to find work and on the verge of losing their unemployment insurance. They worry, and they worry greatly, how they will meet their next mortgage payment, how

they will put food on the table, or how they just may be able to afford a gift or two for their children this year at this season.

Likewise, tonight millions of workers across America wonder if a tax increase is headed their way. They have been suffering from stagnant wages and fewer hours for years, but without these tax cuts they know times will get even harder. They are not asking for much, just a few extra hundred dollars in their paychecks next year, yet they are holding their breath tonight because those on the other side of the aisle are holding middle class tax relief hostage in favor of tax cuts for millionaires, holding off providing tax relief to the middle class at a time when it is so desperately needed.

Tonight, the retirees in my district and all across America worry that their needs are going unnoticed by Congress. Already just today in the United States Senate Democratic efforts to provide some measure of benefit to seniors who have now gone 2 years in a row without a cost of living adjustment to their Social Security even as their costs go up every single year, efforts to provide them with just a payment to help them through these difficult times were cut off as a result of this partisanship.

Come January, if the Republicans have their way, health care reform will be repealed and the donut hole will be reopened, saddling seniors with massive prescription drug bills. In short, political posturing is threatening to reverse the progress that this Congress has made, and more importantly, at this difficult time it is political posturing that threatens to hold up the middle class tax cuts, that threatens to hold up an extension of unemployment benefits even as 2 million Americans are starting to see their benefits end, and it is indeed this posturing that will make things exceedingly more difficult for our seniors.

So instead of giving middle class Americans some peace of mind this holiday season—which is what we absolutely ought to be doing—the Republicans in Congress are demanding another \$700 billion for those who don't need that tax cut right now. At least if there is to be a debate, a further debate on the merits of that tax cut, let's do what everyone wants, what everyone knows is necessary, and provide that tax relief to the middle class, and let's do it now.

Now nothing drove home some of these misplaced priorities—placing profits all too often ahead of people, and more importantly and obviously these past few days, putting partisan gain ahead of old-fashioned compromise, compromise that Americans want us to make—nothing drove that home for me more than a recent letter I received from a dear friend, a mother with a child who needed some medical

care. I would like to read this letter on the floor of the House of Representatives today because I would like to give voice to the millions of mothers and fathers across America who have felt the anxiety and the powerlessness that comes when a child is sick and a health insurance company denies a claim.

The letter reads as follows by my friend Amy. She said, "Losing control was a luxury that I didn't have. And yet my hands were shaking uncontrollably as I held the letter from the insurance company about my 6½ year old son's third open heart surgery. 'Patient. Date of birth. Description of surgery: Replacement of aortic valve. Elective.'"

"Elective? Oh, that's right, we were electing to save my little boy's life. I felt myself about to explode, literally explode. Blood and guts and that second bowl of pasta that I should never have eaten anyway would be splattered all over the over-priced Turkish rug on our bedroom floor. Three, two, one, and then I held it in because I am a mommy, and I had to keep it together for my three young, beautiful, willful boys, one a kindergartner with congenital heart disease whose heart happened to be failing again, and who just the other day asked, 'Mommy, if I have to go to heaven early, will you go with me?'"

"I glanced up from the letter at my husband who had handed it to me moments ago, my sweet, it-will-all-work-out husband who right now looks so small and tired and helpless, and I said with all the conviction of a mother who's got nothing to lose and everything to fight for, 'I'm going to bomb them.' He burst out laughing. 'No, seriously. I'm going to the store to buy vinegar and dish soap and pop rocks—or whatever you're supposed to mix together.'"

□ 1930

"More uproarious laughter that quickly trailed off when he realized I wasn't laughing, too. 'You are joking, right?'"

"And that's when I understood them: those crazy people on the news who sometimes just snap. I got how someone could wake up one day and just lose it and how that someone could be me. I defiantly told my increasingly worried looking husband that the insurance companies should not mess with the mommy species. When I told one friend about my violent thought, she offered, 'I'll come light the fuse.' Another said if I was sent to prison, she would go with me in solidarity. Plus, I could stand to go on a bread and water diet if I'm ever going to fit into my jeans.

"Truth is," my friend writes, "there's not a single mommy I know who wouldn't go to jail to protect her kids. Certain things in life just are not a choice. They are a given. Like," she

wrote, "my son's upcoming surgery. I looked down at the letter and felt another wave of anger overtake me," she writes. "I mean, I had my issues with our Nation's health care, but even I didn't think it had gone that far astray. And yet, how dare they, them in that office building so far removed from anything our family was going through, call our son's being hooked up to that damn heart-lung machine for 7 hours . . . elective?"

"Here are some of the only things that I deem elective about fixing my son's heart:

"After his last open-heart surgery, when he started slipping into a coma, I elected to kick the nurses and doctors in the Cardio-Thoracic Intensive Care Unit out of his room and screamed at my son—yes, I literally yelled at the poor beautiful boy lying there with breathing and chest tubes and other grotesque wires spilling out of him. 'This is your mommy talking, you hear? Wake up, dammit. Don't you even think about leaving me. You're just a kid—you don't even know how to swim.'"

"Twenty minutes later he miraculously woke up, and we're still working on the swimming.

"Recently, soon after we had to quarantine our son so that he would be germ-free for this latest operation, I elected to have Botox injected over my eyebrows," she writes. "I wanted to make myself look perkier so no one would think that I was worse for the wear from this ordeal and, God forbid, feel sorry for me.

"When a child died somewhere in the Midwest, his parents elected to sign the organ donor form so that my son could have his valve to save his own life. There are not enough benefits in the world assigned to that kind of heroism.

"But what of the insurance letter in my hand? 'I'll call them tomorrow,' my husband said. 'We'll straighten it out.' And then more uproarious laughter. This time it wasn't my husband laughing, but our three willful boys who just that second ran into our room shooting one another with Nerf guns.

"I got Evan on the butt," Noah screamed, exhilarated. 'So what? That tickled.' Evan recoiled on the floor with laughter, but not before he nailed Benjamin with three foam darts in the back of his head.

"Yes, technically the family rule is not to shoot at a person, but who were we were to interfere with this kind of unbridled frivolity? That was something that we would never elect to do."

I would like to thank my friend, Amy, for allowing me to share her story tonight.

It was horror stories like these that propelled this Congress to move forward on health care reform, to reform a system so that no family is put into a situation where life-saving surgery can be deemed elective.

And as we stand here at this holiday season, the Members of this Congress, the Members of this House of Representatives, all 435 of them, the Members of the United States Senate, all 100 of them, all 535 of us who are employed, who have the benefit of working for the citizens of the United States, have a duty to those citizens, at this time of year in particular, to ensure that those who don't have jobs don't see their benefits cut off so that they're not cast aside at this holiday season unable to pay their mortgage, unable to afford a gift for their children.

We spend a lot of time on the floor of this House debating the grand issues of the day, and I look forward to coming back here in January in the new Congress and having great debates about the future of our education system, about the war in Afghanistan, about the best ways to reduce our deficit, about how we reduce our dependence on foreign oil. These are important debates that we need to have. But how can we let partisan gridlock, let the obstructionism that we've seen these past few days, how can we see that stand in the way of extending unemployment benefits to those who desperately need it, stand in the way of middle class tax cuts for those whose wages have been stagnant for so long, and stand in the way of providing just a little bit for the seniors who are struggling as well in this terribly difficult economic time?

I heard a lot about what people expect we should learn from the outcome of this election. And the one thing that's perfectly clear to me, and should be clear to all of us, is that the American people want a Congress that works for them, that does their business, and that puts the Americans' interests ahead of the political interests of those of us who are privileged to serve here.

When we come back next week, let us resolve to do what needs to be done at this difficult moment to ensure that those who don't have work can get by, that those who have been getting by can get the benefit of a tax break, and that those seniors who have given so much for so long can receive the benefit of a payment in lieu of two straight years without a cost of living adjustment.

Madam Speaker, I look forward to coming back to perform that work. I look forward to casting those votes, and I look forward to having those debates. The days in this 111th Congress are short, but the people want us to get this done. It is time that we remember why it is that we have been sent here. Working together, we have to provide what everyone knows needs to be provided and to take those first steps as soon as we can upon our return.

Madam Speaker, that's what's at stake right now. Let us not get so caught up in this holiday season to think that the joy that so many of us

feel is felt all around the country—not when things are so difficult for so many. Let us be thankful for what we all have, but let us work to ensure that everyone has at least a bit of joy this holiday season.

Thank you, Madam Speaker. I yield back the balance of my time.

HONORING IKE SKELTON

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Rhode Island (Mr. LANGEVIN) is recognized for 5 minutes.

Mr. LANGEVIN. Madam Speaker, I rise tonight with a heavy heart to pay tribute to someone who has been a valued adviser and a dear friend to me in my 10 years in this House.

Congressman IKE SKELTON has served the Fourth District of Missouri and the Nation with honor and integrity for 34 years. And let me just say that his presence will certainly be missed by me and by so many others.

As a freshman member of the House Armed Services Committee in 2001, I looked to IKE, then our ranking member, as a mentor and a guide on so many critical and complex issues facing the committee. Later, as the chairman of the House Armed Services Committee, his commitment to our troops and our security truly set the standard for all of us on the committee. And the example he set helped to bridge the partisan, geographical, and personal differences that have too often plagued us and stood in the way of progress.

□ 1940

IKE SKELTON has truly made a profound difference in advocating for and leading on behalf of our men and women in uniform to make sure that they always had the tools and the resources that they needed to do their job, do it well, and to come home safe.

Of course, as much as I have admired him as a leader on national security, let me just say that I have also felt a very separate and even more personal connection to IKE as well. IKE SKELTON, like me, has for many years lived his life with his own disability. And from those experiences, both of us have learned at a young age that life often takes a very unexpected path. That path has led us both to a career that neither of us could have ever imagined or expected, lying in a hospital bed all those years ago and contemplating what the future might hold for us.

But clearly, IKE SKELTON overcame his own physical challenges and made a difference for others. And now, as his long and inspiring career in Congress nears its end, I wanted to offer Chairman IKE SKELTON my deepest and most profound gratitude for his leadership, his wisdom, and for his friendship.

IKE, it has been a true honor to serve with you. I thank you for the decades that you have dedicated to this House.

I thank you for the difference that you have made in fighting on behalf of our soldiers, our men and women in uniform, fighting for them to make sure that they always had what they needed to continue to serve and be effective. This country and this House have been a better place because of your service.

Thank you, and God bless, and God-speed.

PEAK OIL—THE GROWING GAP

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Maryland (Mr. BARTLETT) is recognized for 60 minutes.

Mr. BARTLETT. Madam Speaker, I have come to this floor nearly 50 times to talk about an energy subject. The last time that I was here in the well addressing this subject was about 2 years ago. During those nearly 50 appearances, I came here as a prophet. And now I return to the floor as a historian, because the event that I was concerned about and predicting has in fact occurred.

Let me explain. In the middle of the last century, two speeches were given by men just about a year apart. I am not sure they even knew each other. They both talked about the same subject. The first of those speeches was given in 1956. It was, I think, the most important speech of the last century. It was given by an oil geologist to a group of oil men in San Antonio, Texas, in 1956. At that time, the United States was king of oil. We produced more oil, we exported more oil, we used more oil than any other nation in the world.

M. King Hubbert predicted to that audience that in just 14 years the United States would reach its maximum oil production. That would be in 1970. And then we would produce less and less each year after that. Remember the context. The United States is in 1956 the largest oil producer in the world, the largest oil exporter in the world, the largest oil user in the world. This was an absolutely preposterous prediction. And so M. King Hubbert was relegated to the lunatic fringe.

Just a year later, about a year later, the father of our nuclear submarine gave a speech in 1957, May 15, I believe, in St. Paul, Minnesota, to a group of physicians. The audience is irrelevant. You can Google and get this speech. It was found a few years ago, and it's now on the Internet. If you Google for "Rickover and energy speech" it will come up. His speech had nothing to do with the audience that he was talking to, because he could have been talking to any audience.

Hyman Rickover noted that we lived in what he called this golden age of oil. We had been about 100 years into that age of oil. And he noted how much of the quality of life that we enjoyed then

was a result of having discovered how to exploit this resource that we found under the ground.

Every barrel of oil—and when I first heard this statistic I was unbelieving; how can it be?—every barrel of oil has the energy equivalent of 25,000 man hours of effort. That means when oil was \$12 a barrel, that wasn't all that long ago, you could buy the energy-enhancing qualities of a person working for you all year long, and you could buy it for \$1. Because there are 12 man-years of effort in a barrel of oil.

When I first heard that statistic, when I first read it, I thought, gee, that can't be true. And then I thought: I drive a Prius car, and it gets an honest, if you are careful the way you drive, about 50 miles per gallon, a little less in the winter. With the winter blends you don't get quite the same mileage. And you know, if I pushed my Prius 50 miles I could do that, but it would take me a long time to pull and push my Prius 50 miles. And just one gallon of oil, one out of the 42 gallons in a barrel of oil, will take my Prius 50 miles. So I thought, well, gee, that's probably true, isn't it, that there are 25,000 man hours of effort in one barrel of oil.

Hyman Rickover made what I think was an obvious statement. He was a scientist, of course, and he made what I think was an obvious statement, and that was that oil would not last forever. And he said that in the 8,000-year recorded history of man that the age of oil would be but a blip. He had no idea how long the age of oil would be. When he spoke, we were about 100 years into the age of oil. He did not know how long it would last, but he was certain that in the 8,000-year recorded year history of man it would be but a recorded blip.

We now know how long the age of oil will last. By the way, he made several very meaningful statements. One of them was that how long it lasted was important in only one regard. The longer it lasted, the more time we would have to plan an orderly transition to other sources of energy. Of course, we have done none of that.

We now know how long the age of oil will be. We are now about 150 years into the age of oil, and we are not going to run out of oil for a while. But what we are running out of is our ability to produce oil as fast as we would like to use it.

Back to M. King Hubbert and his speech just the year before Hyman Rickover gave his speech in St. Paul, Minnesota. Fourteen years elapsed; and sure enough in 1970, and we didn't know it in 1970 because we had to look back a few years after that to see that was it really true. But in 1970, we indeed did reach our maximum oil production in the United States. If you look back now at the oil production, it's very obvious that that was true.

By 1980, it was conspicuously true. We were really, really now moving

down the other side of what is frequently called Hubbert's Peak. And so I tell audiences that we have now blown 30 years when we knew of an absolute certainty that M. King Hubbert was right about the United States: we did peak in oil production in 1970. And he predicted that the world would be peaking about now.

Now, it's very rational that the United States would be a microcosm of the world. And if he was right about the United States peaking in 1970, shouldn't we have had some concern that he might just be right about the world peaking about now?

□ 1950

We peaked in oil production in spite of the fact that we have found oil in Alaska and the Gulf of Mexico that M. King Hubbert did not include in his prediction. And in spite of the fact that we have now drilled more oil wells than all of the rest of the world put together, not only have we peaked in oil production, but we have slid so far down the other side of Hubbert's Peak that we now produce just about half the oil that we produced in 1970.

As a matter of fact, we have only 2 percent of the known reserves of oil in the world, and we use 25 percent of the world's oil. We really know how to pump oil because with that 2 percent of the world's reserves of oil, we pump 8 percent of the world's oil.

What that means, of course, is that on the average, our wells are going to run dry sooner than the average well around the world, because we are pumping our oil four times faster than the average well in the world.

I have some charts here that may illuminate what we have been talking about. I have not seen the sequence of these charts, and so we will just speak to them as they come up.

The first chart is what is known as the oil chart, "Peak Oil, the Growing Gap." If you had but a single chart to look at to tell the story of where we have come from and where we are going, this, I think, would be the chart.

As you can see it, it's a little out of date, because we were predicting the future back there in, what, about '05 and now we are at 2010. And when we get to that part of the chart, we will see how very correct this chart was in its prediction.

The vertical bars here are the discoveries of oil and when we discovered it, and notice that back in the late 1930s and 1940s there were some meaningful discussion and, boy, they just crescendoed through the 1960s and the 1970s and some in the 1980s.

Now, this solid black line here is our consumption of oil. And, of course, the area under that curve indicates the total consumption of oil up to that time. So you can see, up until the 1980s, we were discovering oil faster than we were using it. So we were accumulating

an ever bigger and bigger reserve of oil. That's all of this oil above that use line.

It's a production line and a use line. We didn't store any. We used it as we produced it, so it's both the pumping of oil and the consumption of oil.

Now, since the 1980s we have had to dip into these reserves because our discovery of oil has fallen down and down and down since the 1980s. As a matter of fact, we now find only about one barrel for every four or five or six barrels of oil that we pump.

Now, you can make some predictions about the future from this oil chart, how much oil would we be using. This is the world, by the way, oil production, and world use of oil and how much reserves do we have left and how long will they take us. You can make some guesses about how much more oil we will find, and we are now finding some meaningful reservoirs of oil. We may find a reservoir of oil that has 10 billion barrels of oil. Wow, that sounds like a lot of oil, doesn't it?

And maybe our concerns about the future of oil go away when we find 10 billion barrels of oil. We use 84 million barrels of oil a day in the world, and it's pretty simple arithmetic to figure out how many times 84 million goes into a billion, and it's a bit less than 12. What that means is that in less than 12 days the world uses a billion barrels of oil. What that means is when they tell you that we have discovered a field of 10 billion barrels of oil, that will last the world 120 days.

Now, how much more oil will we find? Much of the oil that we are finding now we are not pumping because you can't even develop those fields at, what, \$85, \$90 a barrel, wherever we are today with oil, because it has got to be more expensive than that before you can afford to develop these fields and pump the oil.

And, also in these new fields, which are generally very deep, maybe under 7,000 feet of ocean and 30,000 feet of rock—as some of the big finds in the Gulf of Mexico were—oil has to be a bit higher than it is today before you can afford to develop these fields and then one never knows how much oil you are going to get, in fact, from those fields.

Well, back to the oil chart here. If you look at, oh, here's the 1970s, remember the Arab oil embargo and the big shocks that we had in the 1970s? That produced some traumatic and very fortunate changes in the world, and its use of oil.

Notice, notice this exponential curve up to the 1980s, to the Arab oil embargo, the 1970s and 1980s. Had that continued, had that exponential curve continued, it would be now off the top of the charts. That was a real shock to the world's economy and to our country, and we developed some more efficient ways of using energy. So now with more people living better, the slope

now is very much lower than that previous slope.

I just want to pause and reflect for a moment on this exponential function because it is a poorly understood function. When someone tells you that there is enough coal, for instance, to last us 250 years at current use rates, be careful to note that at current use rates.

Now the National Academy of Sciences says, in fact, we probably don't have 250 years of coal at current use rates. It's probably closer to 100 years of coal at current use rates because we haven't really looked at those reserves since the 1970s.

But let's say that we had 250 years of coal at current use rates, and we are going to increase its use only 2 percent. Now, that's not much. As a matter of fact, our stock market doesn't like an economy that's growing at only, at only 2 percent. But if we increase the use of oil just 2 percent, the 250-year supply drops to 85 years. You see, just 2 percent increase in growth doubles in 35 years; it's four times bigger in 70 years; it's eight times bigger in 105 years; it's 16 times bigger in 140 years.

There is a very interesting story about the exponential function. I don't know whether it's true or not, but it's a nice story.

Chess was invented in an ancient country, and the king was so impressed with the contribution that he told the inventor of the chess game that he would give him anything he wished up to half his kingdom. And the inventor of the chess game said I am a very simple man, I have simple needs. If you will just take my chess board and put a grain of wheat on the first block and two grains on the second and four on the third and eight on the fourth and just continue doubling those grains of wheat until you have reached the last of those, what, 64 blocks on the chess board, that will be adequate, sir.

□ 2000

The king thought to himself, silly fellow. I would have given him anything up to half my kingdom, and all he asked for is a few grains of wheat on his chess board.

Had he been able to make that contribution, of course, it would have consumed all, it would have consumed more than a decade of all the world's production of wheat. This is the exponential function, doubling it. So whenever you hear somebody say, we have so much of gas or coal or oil or whatever it is at current use rates, please calibrate that. What does it mean if we increase its use? And by the way, we are going to be needing to use coal for things other than just coal and stoking a furnace and making electricity. We would like to make some oil out of it as Germany did during World War II and South Africa did. And you can make some gas out of coal. And if you

use some of the energy from coal to convert it to a gas or a liquid, if you have this 250 years—which we don't—and it drops to 85 years at only 2 percent growth rate, it then drops to 50 years if you use some of the energy and divert it to gas or liquid.

And then there's another very interesting reality that you will deal with whether you like it or not. You will share your oil with the world. You can't avoid it because if you were using the oil you've produced from your coal, someone else will be buying the oil from Saudi Arabia that you might have bought. So the reality is that you will share it with the world. Since we use one-fourth of the world's oil, 4 goes into 50 $12\frac{1}{2}$ times. What that means is that now this 250 years of coal, reduced to 85 years with only 2 percent growth, reduce to 50 years if you use some of its energy to convert it to a gas or a liquid, and then it shrinks to $12\frac{1}{2}$ years as you share it with the world, as you must, because there is no alternative if you use oil produced from your coal; someone else will buy the oil you might have bought from Saudi Arabia or some other oil-producing country.

Well since the 1980s we have been consuming some of the reserve because we've not found enough oil to meet our needs. Now this chart, as you can see, the actual known amounts, ended in about 2005. And then you see the lighter shaded part on the other side where it shows their prediction. And they predicted that oil production worldwide was going to peak in about 2010. Here we are. Now I think a little later we will have some charts that show, in fact, that that was true.

Now what happens from now on? You can make your own guesses as to what is going to happen from now on, you can make your own assumptions. We have still much of this reserve left that we can pump, fortunately. This amount we've pumped here is just about this amount. So we have about this whole amount here covered by my hand that we can yet pump.

Now we're going to find some more oil. The chart here shows an orderly downward progression because the more you find, the less there will be to find in the future, so the less you are going to find in the future. It will not be like that. It will be up and down like this, but it is going to be down and down because most of the large fields that will be found have been found. So you can make your own assumptions about where this is going in the future by assuming how efficient can we get, how much conservation are we going to do, how much more oil will we find. But from this oil chart, you can do a lot of predicting about what the future is going to look like.

This next chart is a quote from Admiral Hyman Rickover in this talk that I mentioned that he gave to this group of physicians in 1957, There is

nothing man can do to rebuild exhausted fossil fuel reserves. They were created by solar energy 500 million years ago. It took eons to grow to their present volume. In the face of the basic fact that fossil fuel reserves are finite, the exact length of time these reserves will last is important in only one respect—the longer they last, the more time that we have to invent ways to live off renewable or substitute energy sources and to adjust our economy to the vast changes which we can expect from such a shift.

Now, of course, we have done none of that. We and the world in general have behaved as if all you need to do to find more oil is to go look for more oil and it will just be there if the market incentives are appropriate.

I love this next paragraph: Fossil fuels resemble capital in the bank. A prudent and responsible parent will use his capital sparingly in order to pass on to his children as much as possible of his inheritance. A selfish and irresponsible parent will squander it in riotous living and care not one whit how his offspring will fare.

This is Hyman Rickover's statement. One might conclude looking at the behavior of our civilization that this is precisely what we have done. I have 10 children, 17 grandchildren, and two great grandchildren. Would it be okay if I wanted to leave them a little oil? We are leaving them a huge debt. And wouldn't it be nice if they had some oil, gas and coal? Now they will have some. But as we will see in future charts, it will not be what they would like to have.

This is a fairly new chart, and it shows what I predicted. I said that I was a prophet because nearly 50 times I came to the floor, the last time about 2 years ago, then I was predicting that conventional oil was going to peak. And here they show it. This is the dark blue. Look at it. 2010, it's peaked. And they recognize that the world situation will not be meaningfully different from that in the United States, that it's going to go down, down, down. And here it goes.

Now they're making an assumption here that you may or may not agree with. I hope they are right. I doubt that they are right, because what they say here, and this is crude oil fields yet to be developed, and this red is crude oil fields yet to be found. And they believe that by 2030, that's not very far in the future, that by 2030, about two-thirds of all the oil that we will be using will have come from fields yet to be developed and fields yet to be found.

Now there are many experts in oil that will tell you that this is a happy dream, that there is little chance that that is going to happen. Now we have some other sources of oil. We have natural liquids, and they see those growing. We have nonconventional oils, and they will grow somewhat. These are

heavy, sour oils, for instance, the kind that we get from Venezuela. It's the oils that we get from the oil sands in Alberta, Canada, at considerable expense of energy, environment, and so forth. Well this same chart produced 2 years ago would not have looked like this because just 2 years ago, the same people that give you this chart today would have had conventional oil production going up and up. So now there is a recognition that conventional oil production has, in fact, as predicted by M. King Hubbert, peaked in the world. It peaked in our country in 1970.

The next chart shows some detail of that peaking. There are two entities in the world that do a really good job of tracking the production of oil. They do not do as good a job in predicting the future of oil production. They do a very good job in tracking how much oil is being produced. One of those is a part of our Department of Energy, the EIA; the other is a creature of OECD, the IEA, and you see those two curves here, and they both show essentially the same thing, and that is, in the 3 years before the recession, oil production was flat across the world, 84 million barrels, a little over 84, 85 million barrels a day of oil production.

Now, pretty simple economics: With flat production and increasing demand, what happened to the price of oil? Oh, here it is. Now this chart only goes to less than 100. You remember it went to \$147 a barrel a little bit later off this chart? Well now we had the recession worldwide and demand for oil dropped conspicuously.

□ 2010

The price of oil momentarily dropped from \$147 a barrel to less than \$40 a barrel. The world's economy has begun to recover now, and the price of oil is slowly inching up. It is \$85, near \$90 a barrel.

I am reading a book brought to me by an oil scientist, an engineer from Canada, and he makes a prediction that I have been making, so I have some additional confidence that I can restate that prediction. It is that unless we do something really serious about conservation and about efficiency and about husbanding the fossil fuels that we have remaining, that the next recovery will be short lived; because as the world recovers, it will demand more oil and there will not be more oil because we have plateaued, and so the price will go from \$100 to \$150 to \$200 a barrel and the economy will be squelched.

Four years ago I led a codel of nine Members of Congress to China to talk about energy. I was stunned. They began their discussion of energy by talking about "post oil." Now, in our country and in the Congress here we have a lot of trouble thinking beyond the next election because it is really important that you get yourself re-

elected. And our businesspeople have trouble thinking beyond the next quarterly report because, gee, that better look good or the stockholders are really unhappy and the board of directors may replace you if that doesn't look good. So it came as quite a surprise to me that here are people who are looking a long way down the road. We are not post oil yet.

By the way, I say we know how long the age of oil will be, and it will be about 300 years. Hyman Rickover said that in the 8,000-year recorded history of man, the age of oil would be but a blip. He had no idea how long it would be in 1957 because we were there on the ascending part of Hubbert's peak. But he knew that it was finite and he knew that it couldn't last forever and knew that in the 8,000-year recorded history of man that the age of oil—the golden age, he called it—would be but a blip. We now know how long the age of oil will be. It will be about 300 years.

We are about 150 years into the age of oil, and we are not running out of oil. There is a lot of oil left out there; at least as much more oil to pump as we have pumped in the last 150 years. But for the future, that oil will be ever harder and harder to get and more and more expensive. We are now slipping down the other side of Hubbert's peak.

We have talked a lot about Hubbert's peak, and here is some old data on Hubbert's peak. It went up in 1970, and then down. You see where we are today. The actual is the green squares there. We now are down to less than half the oil that we have produced in 1970. That is, again, from drilling more wells than all the rest of the world put together, from finding oil in Alaska and the Gulf of Mexico, which we didn't expect to find.

There are two other interesting things on this chart. Hubbert's prediction was the little yellow triangles here. The actual production from the lower 48 is the green. If you add the oil we found—and remember the huge find of oil in Canada and Alaska, and I have been there. I have been at the beginning of that 4-foot pipeline. It was just a blip in the downward slope of Hubbert's curve. Now, there are those who would like to convince you that Hubbert didn't know what he was talking about because there is a huge difference, they will tell you, between his actual prediction and those green rectangles.

Now, I think the average person looking at that would say, gee, he got it pretty close, didn't he. Now a statistician looking at it might say he kind of missed it. He predicted that we would peak in 1970. We peaked in 1970. We are now about half of what we were producing in 1970.

I mentioned, when we put our first chart up, that if you had only one chart, that would be it. I think if you were allowed a second chart to give

you some idea of the challenges we face, this would probably be that second chart.

This is the world according to oil. This imagines a world in which the surface area of a country is relative to how much oil the country has. So the more oil the country has, the bigger it appears on this map; and the less oil a country has, the smaller it appears on this map. And then the things are colored. The coloring is who uses the oil. Well, you can't read this, but yellow is the biggest users of the oil. That shouldn't surprise you. That is us. The blue is the next biggest users, and green next down the line.

Well, look at this chart. Saudi Arabia is pretty big. As a matter of fact, it is 22 percent of all of the land mass in all the world if the surface area of a country is relative to how much oil it had.

And look at little Kuwait there. It looked like a little province on the corner of Iraq to Saddam Hussein when he wanted to claim it. Wow, look at how much oil it has—just about as much Iraq has. And Iraq and Kuwait and Iran are big oil producers.

By the way, look at Iran there. It is a pretty big oil producer, and notice its color. It is blue. It uses a lot of oil. Not nearly as much as we use, but it uses a lot of oil. The truth is that, within a decade, Iran will be an oil importer if their domestic use continues at its present rate and they do not increase their production.

Just looking at production in these OPEC countries, back when the world could produce more oil than it might use, if they produced extra oil, it simply drove the price of oil down. Remember when OPEC got together and decided to reduce the production of oil so we can keep the price up. And then they said the amount of oil that you can pump is a certain percentage of your reserves of oil. So OPEC countries that wanted to pump more oil, they just suddenly had bigger reserves of oil without finding any new oil. They just said they looked at it again, the statistics, and they had more oil than they thought. Well, having said that, they could then pump more oil. So we really aren't sure what the size of these countries are, but they are big. But we aren't sure how big, because we are not sure how truthful they were in what they said about their reserves.

By the way, they pumped oil for 10 years, and they still had as much oil to pump as they had 10 years ago, without finding any new oil. So there is a lot of suspicion about how much oil is really there. But there is a lot of oil there, and the size of the countries, the oil reserves are relatively what is shown here.

Our biggest importer of oil is Canada. Until a bit ago, our second largest importer of oil was Mexico. That has been replaced now by Saudi Arabia.

Look at Canada and Mexico. They don't probably have much more oil

than we have. Canada has way less than we have, maybe half to a third, yet they are our biggest importer. They can do that because they don't have very many people in Canada to use the oil.

Mexico, which has two-thirds as much as we, they were our biggest exporter of oil. We got the second largest amount of oil from Mexico until recently. They have a lot of people, but they can't afford to buy the oil, so they are exporting the oil.

□ 2020

The second-largest oil field in the world was the Cantarell oil field in Mexico. This was an interesting field. There was a Mexican fisherman by the name of Cantarell, who brought his fishing nets in, because they were fouled with oil, and took them up to Pemex, which is the national oil company in Mexico. If your fishing nets are fouled with oil, you know who to go to because all of the oil is owned by the national company there.

So they finally said, Gee, where are you finding all this oil? We didn't know we'd spilled that much oil.

He said, Come. I'll show you.

He showed them, and it was kind of bubbling up out of the ocean, and they had drilled there.

For a number of years, it was the second-largest oil field in the world. The largest, of course, is the huge Ghawar oil field in Saudi Arabia. The Cantarell oil field in Mexico is now in rapid decline, falling about 20 percent a year.

Look at Venezuela. Wow, it dwarfs us, doesn't it? Venezuela has—what?—two, three times the amount of oil that we have.

See if you can find Europe on this map. Here they are. They're tiny, tiny little countries. Lots of people. Little oil. Dependent on somebody else.

The really remarkable thing, though, is China. It is blue over there. It's getting close to yellow. Just a few months ago, China surpassed us as the largest CO₂ emitter in the world. There are 1.3 billion people in China.

Look at India. Dwarfed. Dwarfed by China. Here it is. There are a billion people in India. Through the miracle of communications, these people know the benefits of an industrialized society, and they are demanding of their leadership those benefits, so there is a huge, huge demand for energy in China and India, and they have very little.

Russia. I think Russia is now the largest exporter of oil in the world. They don't have the most oil, not by a long shot, and most Russians are too poor to use much oil. They are very aggressively developing their oil fields, and so Russia is now a major exporter of oil. But note the relative size of Russia. I would think Kuwait is probably larger than Russia, isn't it?

Well, you can imagine all of the geopolitical frictions that are going to

occur in the future as the availability of oil becomes less and less, as it is harder and harder to get and as its price goes up and up. What do you think will happen with the demands and the tensions in the world?

Well, as I've said, if you had two charts to look at, the oil chart—the first one we showed, I think—would be the first one. This would be the second one because there is an awful lot that you can conclude and surmise from this chart.

Now, this chart was implicit in the last chart that we showed you, but this shows it more dramatically. This left-hand bar is the top 10 oil and gas companies on the basis of oil production in 2004. That was a few years ago, and it would be a bit different now.

Gee, here are the big boys, those huge corporations that can have a \$1 billion profit, which is not excessive because it's a lesser percentage than the smaller, profitable, little company. Here they are: Exxon Mobil, Royal Dutch Shell, BP. They have only 22 percent of the top 10 production. Seventy-eight percent of that is all in country-owned oil facilities. Look at them: Saudi Arabia, Iran, Mexico, Venezuela, and so forth.

Now, the picture is even more distorted if you look at the right-hand bar. These are the top 10 oil and gas companies on the basis of oil reserves in 2004. The big actors in our country don't even show up on that chart. They own so little oil that they're not even among the top 10. They don't even exist on that curve. There is only one that is only kind of not national, and that's Lukoil, in Russia, which is 2 percent. Otherwise, all of the reserves, the top 10 largest reserves—all of those—are owned by countries rather than companies.

I mentioned that I went to China. I led a CODEL there—there were nine of us—to talk about energy. They began their discussion of energy by talking about "post oil." That kind of blew me away that they were thinking this far ahead. Then they had a five-point program, and everybody knew it. It wasn't just the people concerned about energy. Everybody we talked to in China was tuned into this five-point plan:

Conservation. You know, there is a lot of conservation back in the Arab world.

Do you remember the van pools? We didn't have any cell phones then and no Internet, but we had 1-800 numbers, and you were encouraged to get in van pools.

Do you remember the little decals over the light switch? Don't be foolish—turn out the light when you're not in the room. Do you remember the decals over the thermostat? Turn it up in the summertime and down in the wintertime. Do you see any of those things now?

We knew then it was only temporary. I am having a lot of trouble under-

standing our collective response to these two situations. Back then, we knew it was temporary. We didn't have enough oil because the Arabs wouldn't sell us the oil. They had plenty of oil to sell. They just were unhappy with us for the moment, and they wouldn't sell us the oil. Yet we did rational things in conservation: We got more than one person in a car. We, you know, turned off the light switch. We turned up the thermostat in the summertime and down in the wintertime.

I have no idea why, collectively now, we don't have this kind of a response when oil is more than \$80 a barrel and when there is a growing recognition that the world has reached its maximum production of conventional oil, and we will be more than lucky if we can find enough unconventional oil, or new oil, to make up for the loss that we are going to have in conventional oil as we slide down the other side of Hubbert's peak.

Conservation, what is it? Conservation is using a Prius instead of a gas-guzzling SUV. That's efficiency, I guess, too. If you put two people in it, then it's really conservation, isn't it?

I remember driving down the road, with two of us in our Prius, and we passed an SUV. I thought, gee, we're getting—what?—six times the miles per gallon, per person, in this Prius at 50 miles per gallon than that one person is getting in that SUV. We could almost immediately, if we had to, if we had the will to, drastically cut our use of energy for transportation. Drive down the road, and see how many people are in the HOV lane. Look at how many of our people are driving with one person in a pickup truck or an SUV.

A bit ago, I was in France, and I was looking at how many people were driving pickup trucks and SUVs for personal transportation. On that trip, I did not see a single SUV. On the trip before, I saw one. They weren't driving it. It was parked in the parking lot up at that church up on the hill. I don't know how long it had been there. As far as I can see, they don't even make in Europe the equivalent of our passenger pickup trucks. They have some little trucks that are about the size of ours, but they aren't vanity kinds of trucks. They are ugly, little things that are really utilitarian. They carry stuff around. It's not something you would buy to carry yourself back and forth to work.

There are enormous opportunities for conservation. This is where China says it begins.

Then they say: Domestic sources of energy and diversify as much as you can. That's what everybody is trying to do, and many of those domestic sources will be alternative sources of energy.

Then the fourth one is very interesting: Be kind to the environment. They recognize that they are a huge

polluter, but they have 900 million people in rural areas who, through the miracle of communications, as I mentioned, know the benefit of an industrialized society.

They're asking, Hey, what about us?

□ 2030

And China, I believe, understands that if they can't meet the needs of those people, that they may see their empire begin to unravel the way the Soviet empire unraveled. So they understand that although there is a huge environmental consideration, there is an even bigger consideration on their part to supply energy for these 900 million people in rural areas. So they build a coal-fired power plant, about one a week—I forget the number, a fairly large number of nuclear power plants that are presently under construction.

The fifth part of this is a really interesting one, international cooperation. They know that there is nothing really meaningful that any single country can do, and so they plead for international cooperation. I was so impressed in that picture when they looked back over their shoulder on their way to the Moon, and you saw this little spaceship that we call Earth, and that's it, that's all there is, and there's nearly 7 billion of us living on it.

And so they recognize that this has got to be a global, international cooperation; or it's going to be really tough. But while they plead for international cooperation, they plan in the event that there won't be any.

Here is a chart, a world energy picture in January—this is '05, so they would have acquired some more oil since then—and you can see the little symbol here for Chinese investment in oil and gas. They are buying oil and gas all over the world. And I asked the State Department, why would they do this because today it doesn't make any difference who owns the oil. We own only 2 percent of the oil, and we use 25 percent of the oil; that's because we go to what is in effect a global market for oil and we bid and we get 25 percent of the oil. So today there is no advantage in owning oil. So why would the Chinese be going around the world aggressively buying oil and gas? By the way, they almost bought an oil company in our country. You remember all the furor over that when they almost bought that oil company here.

Well, at the same time China is buying gas and oil around the world, they are also buying goodwill. What do you need, an airport? Hospital? Soccer fields? Roads? Watch the newspapers at what China is doing as they go around the world buying this gas and oil.

Well, at the same time they are buying gas and oil around the world, they are very aggressively building a blue water navy. Now a major concern of

China is Taiwan, a little country the size of Maryland, 23 million people—we have about 5 or so—three-fourths uninhabited because it's mountainous. Oh, gee, you can inhabit mountains. But I went to Taiwan. You don't inhabit those mountains. They are really, really steep.

China has 1.3 billion people. Why are they so concerned about Taiwan? I had the privilege of spending about an hour and a quarter, an hour and a half or so and we explored that. The concern of course is that if Taiwan can declare its independence, so can a number of other provinces; and they see their empire unraveling. And so I hope, pray, please, tonight that we can resolve Taiwan issues through diplomacy rather than war.

Well, at the same time they are buying all this gas and oil and buying goodwill around the world, they are also aggressively building a blue water navy. They don't need a blue water navy to protect their interests in Taiwan; a brown water navy will be just fine there, thank you. I believe—I hope I'm wrong—I hope I'm wrong about a lot of things, by the way—every time I came to the floor, just about 50 times, and talked about peak oil I said I hope I'm wrong, because if I'm not wrong, the world faces some real challenges. By the way, that's not all bad. There is nothing so exhilarating as meeting and overcoming a big challenge, and the energy future that we face is a huge challenge. So I find it exhilarating.

Remember the exhilaration of putting a man on the Moon? We need to have that same kind of exhilaration. What are we going to do so we can continue—not just us, but my 10 kids, my 17 grandkids and my two great-grandkids, so that they can live as well as we're living? We're going to have to be very creative and innovative, and we can do that in our country.

I hope that the day does not come when China says, gee, guys, I'm sorry, but it's our oil and we can't share it because we don't have enough for our people, and we have a navy big enough to say that we're not going to share it. I hope that day doesn't come.

There are three groups that have common cause in solving three very different problems with exactly the same remedy, and these three groups are forever harping at each other, criticizing each other's premise instead of locking arms and marching forward, because the solution to three very different problems is just about exactly the same solution.

One of those groups is the group that these statistics identify that are really concerned about our national security. We have 2 percent of the oil reserves in the world. We pump that oil, I mentioned earlier, really fast. We produce 8 percent of the oil. We have only 5 percent, a little less than 5 percent, of the world's population and we consume 25

percent of the world's oil, importing about two-thirds of what we use.

Now what is the solution to this? The solution to this is to develop more of our own oil if we can, but that's really tough because we are now really down the other side of Hubbert's Peak. So the ultimate solution to that is alternatives. So those who are concerned about national security want to free ourselves from dependency on foreign oil by using alternatives because of national security interests.

A second group we've been talking about all evening are those that are concerned that it just is not going to be there. Of course, the solution to diminishing supplies of fossil fuels is to supplement them with alternatives.

And there is a third group that we haven't talked about yet—and I am kind of a card-carrying member in all three of these groups—and that is a group that's concerned about climate change. Now, I don't know if they're right or wrong, but what I do know is that what they want to do about that is exactly the right thing to do from a national security perspective.

It's exactly the right thing to do, if you believe in climate change or peak oil. These three groups all have exactly the same solution to very different agendas. What we ought to be doing is stop harping at each other's premise and simply lock arms, because whether you believe that the excessive use of fossil fuels is changing the climate or not is irrelevant because excessive use of fossil fuels is certainly diminishing their supply. And from our perspective, a national security perspective, we don't have enough of them. So the solution to all three of these problems is more dependency on alternative fuels.

We are near closing time, and I just want to point out—and we'll come back again because there are some wonderful quotes from these five reports—four studies, but two are reports from one study. Your government has paid for four different studies; all of them were prophetic. As I mentioned, we are now historians because peak oil has occurred. But all four of these studies were saying—they were in '05, '06 and '07. And your government didn't like the conclusions of the first one in '05, and so they had another one in '06, another one in '07. They all said the same thing.

□ 2040

The peaking of oil is either present or imminent with potentially devastating consequences. We still aren't paying much attention to this, are we? With the world's economy still floundering and oil already at more than \$80 a barrel, what do you think will happen to the price of oil when the world's economy really starts to come back?

Well, let's end our discussion here tonight. I have been pleased to spend these moments with you talking about

something that's very important to me but I think even more important to my 10 kids, my 17 grandkids, and my two great grandkids.

When we come back again, we're going to talk about these reports and what they said, and we'll have some quotes from these reports.

Thank you, Madam Speaker.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. HASTINGS of Florida (at the request of Mr. HOYER) for today.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. SMITH of Washington) to revise and extend their remarks and include extraneous material:)

Mr. SMITH of Washington, for 5 minutes, today.

Mr. ENGEL, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. DEFazio, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. GRAYSON, for 5 minutes, today.

(The following Members (at the request of Mr. JONES) to revise and extend their remarks and include extraneous material:)

Mr. POE of Texas, for 5 minutes, December 9.

Mr. JONES, for 5 minutes, December 9.

(The following Member (at his request) to revise and extend his remarks and include extraneous material:)

Mr. LANGEVIN, for 5 minutes, today.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 987. An act to protect girls in developing countries through the prevention of child marriage, and for other purposes; to the Committee on Foreign Affairs.

S. 3998. An act to extend the Child Safety Pilot Program; to the Committee on the Judiciary.

ENROLLED BILLS SIGNED

Lorraine C. Miller, Clerk of the House, reported and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 4387. An act to designate the Federal building located at 100 North Palafox Street in Pensacola, Florida, as the "Winston E. Arnow Federal Building".

H.R. 4783. An act. This Act may be cited as "The Claims Resettlement Act of 2010".

H.R. 5283. An act to provide for adjustment of status for certain Haitian orphans paroled

into the United States after the earthquake of January 12, 2010.

H.R. 5651. An act to designate the Federal building and United States courthouse located at 515 9th Street in Rapid City, South Dakota, as the "Andrew W. Bogue Federal Building and United States Courthouse".

H.R. 5706. An act to designate the building occupied by the Government Printing Office located at 31451 East United Avenue, Pueblo, Colorado, as the "Frank Evans Government Printing Office Building".

H.R. 5773. An act to designate the Federal building located at 6401 Security Boulevard in Baltimore, Maryland, commonly known as the Social Security Administration Operations Building, as the "Robert M. Ball Federal Building".

SENATE ENROLLED BILLS SIGNED

The Speaker announced her signature to enrolled bills of the Senate of the following titles:

S. 1338. An act to require the accreditation of English language training programs, and for other purposes.

S. 1421. An act to amend section 42 of title 18, United States Code, to prohibit the importation and shipment of certain species of carp.

S. 3250. An act to provide for the training of Federal building personnel, and for other purposes.

BILLS PRESENTED TO THE PRESIDENT

Lorraine C. Miller, Clerk of the House reports that on November 29, 2010 she presented to the President of the United States, for his approval, the following bills.

H.R. 1722. To require the head of each executive agency to establish and implement a policy under which employees shall be authorized to telework, and for other purposes.

H.R. 5712. An Act to provide for certain clarifications and extensions under Medicare, Medicaid, and the Children's Health Insurance Program.

Lorraine C. Miller, Clerk of the House further reports that on November 30, 2010 she presented to the President of the United States, for his approval, the following bill.

H.R. 5566. To amend title 18, United States Code, to prohibit interstate commerce in animal crush videos, and for other purposes.

ADJOURNMENT

Mr. BARTLETT. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 41 minutes p.m.), under its previous order, the House adjourned until tomorrow, Friday, December 3, 2010, at 4 p.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

10587. A letter from the Director, Regulatory Management Division, Environmental

Protection Agency, transmitting the Agency's final rule — Isoxaben; Pesticide Tolerances [EPA-HQ-OPP-2007-0504; FRL-8845-6] received November 9, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10588. A letter from the Acting Secretary of the Navy, Department of Defense, transmitting the Secretary's determination and findings that it is in the public interest to use other than competitive procedures for a specific procurement, pursuant to 10 U.S.C. 2304(c)(7); to the Committee on Armed Services.

10589. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Award-Fee Reductions for Health and Safety Issues (DFARS Case 2009-D039) (RIN: 0750-) received November 10, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

10590. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Defense Cargo Riding Gang Members (DFARS Case 2007-D002) (RIN: 0750-AG81) received October 25, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

10591. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Electronic Subcontracting Reporting System (DFARS Case 2009-D002) received October 25, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

10592. A letter from the Under Secretary, Department of Defense, transmitting a letter on the approved retirement of General Carrol H. Chandler, United States Air Force, and his advancement on the retired list in the grade of general; to the Committee on Armed Services.

10593. A letter from the Under Secretary, Department of Defense, transmitting a letter on the approved retirement Rear Admiral Robert B. Murrert, United States Navy, and his advancement to the grade of vice admiral on the retired list; to the Committee on Armed Services.

10594. A letter from the Acting Under Secretary, Department of Defense, transmitting the semi-annual status report of the U.S. Chemical Demilitarization Program (CDP) for September 2010; to the Committee on Armed Services.

10595. A letter from the General Counsel, Federal Housing Finance Agency, transmitting the Agency's final rule — Debt Collection (RIN: 2590-AA15) received November 8, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

10596. A letter from the Assistant General Counsel for Legislation, Regulation and Energy Efficiency, Department of Energy, transmitting the Department's final rule — Acquisition Regulation: Agency Supplementary Regulations (RIN: 1991-AB91) received November 8, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

10597. A letter from the Assistant General Counsel for Legislation, Regulation and Energy Efficiency, Department of Energy, transmitting the Department's final rule — Acquisition Regulation: Socioeconomic Programs (RIN: 1991-AB87) received November 10, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

10598. A letter from the Regulations Coordinator, Department of Health and Human Services, transmitting the Department's final rule — Medicaid Program; Withdrawal of Determination of Average Manufacturer Price, Multiple Source Drug Definition, and Upper Limits for Multiple Source Drugs [CMS-2238-F2] (RIN: 0398-AP67) received November 12, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

10599. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; New York, New Jersey, and Connecticut; Determination of Attainment of the 1997 Fine Particle Standard [Docket No.: EPA-R02-OAR-2010-0659; FRL-9225-6] received November 9, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

10600. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Texas; Excess Emissions During Startup, Shutdown, Maintenance, and Malfunction Activities [EPA-R06-OAR-2006-0132; FRL-9223-2] received November 9, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

10601. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Texas; Emissions Banking and Trading of Allowances Program [EPA-R06-OAR-2005-TX-0012; FRL-9226-3] received November 9, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

10602. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Mandatory Reporting of Greenhouse Gases: Petroleum and Natural Gas Systems [EPA-HQ-OAR-2009-0923; FRL-9226-1] (RIN: 2060-AP99) received November 9, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

10603. A letter from the Chief, Policy and Rules Division, OET, Federal Communications Commission, transmitting the Commission's final rule — Improving Public Safety Communications in the 800 MHz Band [WT Docket No.: 02-55] Consolidating the 800 and 900 MHz Industrial/Land Transportation and Business Pool Channels; Amendment of Part 2 of the Commission's Rules to Allocate Spectrum Below 3 GHz for Mobile and Fixed Services to Support the Introduction of New Advanced Wireless Services, Including Third Generation Wireless Systems [ET Docket No.: 00-258] Amendment of Section 2.106 of the Commission's Rules to Allocate Spectrum at 2 GHz for use by the Mobile Satellite Service [ET Docket No.: 95-18] received November 5, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

10604. A letter from the Assistant Secretary For Export Administration, Department of Commerce, transmitting the Department's final rule — Amendment to Existing Validated End-User Authorization in the People's Republic of China: Semiconductor Manufacturing International Corporation [Docket No.: 101006492-0494-02] (RIN: 0694-AF02) received November 5, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

10605. A letter from the Assistant Secretary, Legislative Affairs, Department of

State, transmitting the FY 2010 annual report Security-Related Assistance Provided by the United States to the Countries of Central Asia; to the Committee on Foreign Affairs.

10606. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting a report concerning methods employed by the Government of Cuba to comply with the United States-Cuba September 1994 "Joint Communiqué" and the treatment by the Government of Cuba of persons returned to Cuba in accordance with the United States-Cuba May 1995 "Joint Statement", together known as the Migration Accords; to the Committee on Foreign Affairs.

10607. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting response to a letter sent by the Speaker; to the Committee on Foreign Affairs.

10608. A letter from the Deputy Secretary, Department of the Treasury, transmitting as required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), a six-month periodic report on the national emergency with respect to Syria that was declared in Executive Order 13338 of May 11, 2004; to the Committee on Foreign Affairs.

10609. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-595, "Pre-k Acceleration and Clarification Amendment Act of 2010"; to the Committee on Oversight and Government Reform.

10610. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-160, "Attorney General for the District of Columbia Clarification and Elected Term Amendment Act of 2010"; to the Committee on Oversight and Government Reform.

10611. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-596, "University of the District of Columbia Board of Trustees Quorum and Contracting Reform Amendment Act of 2010"; to the Committee on Oversight and Government Reform.

10612. A letter from the Secretary, Department of Education, transmitting the sixtieth Semiannual Report to Congress of the Office of the Inspector General for the period October 1, 2009 through March 31, 2010; to the Committee on Oversight and Government Reform.

10613. A letter from the Administrator and Chief Executive Officer, Bonneville Power Administration, Department of Energy, transmitting submission of Bonneville Power Administration's (BPA) 2010 Annual Report, pursuant to Public Law 89-448; to the Committee on Oversight and Government Reform.

10614. A letter from the Administrator, Environmental Protection Agency, transmitting the Agency's semiannual report from the Office of the Inspector General during the 6-month period ending September 30, 2010; to the Committee on Oversight and Government Reform.

10615. A letter from the General Counsel, Federal Retirement Thrift Investment Board, transmitting the Board's final rule — Participants' Choices of TSP Funds [Billing Code: 6760-01-P] received November 5, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

10616. A letter from the Senior Procurement Executive, General Services Adminis-

tration, transmitting the Administration's final rule — Federal Travel Regulation (FTR): Terms and Definitions for "Dependent", "Domestic Partner", "Domestic Partnership" and "Immediate Family" [FTR Amendment 2010-06; FTR Case 2010-303; Docket Number 2010-0019, sequence 1] (RIN: 3090-AJ06) received November 5, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

10617. A letter from the Archivist, National Archives, transmitting Administration's FY 2010 Commercial Activities Inventory and Inherently Governmental Inventory, as required by the FAIR Act and OMB Circular A-76; to the Committee on Oversight and Government Reform.

10618. A letter from the Acting Director, National Science Foundation, transmitting the Foundation's annual report for FY 2009 prepared in accordance with Title II of the Notification and Federal Employee Anti-discrimination and Retaliation Act of 2002 (No FEAR Act), Public Law 107-174; to the Committee on Oversight and Government Reform.

10619. A letter from the President and Chief Executive Officer, Overseas Private Investment Corporation, transmitting the Corporation's annual Management Report for FY 2010, pursuant to 31 U.S.C. 9106; to the Committee on Oversight and Government Reform.

10620. A letter from the Secretary of Labor, Pension Benefit Guaranty Corporation, transmitting the Corporation's Semiannual Report from the Office of the Inspector General and the Director's Semiannual Report on Management Decisions and Final Actions on Office of Inspector General Audit Recommendations, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 8G(h)(2); to the Committee on Oversight and Government Reform.

10621. A letter from the Chair, Pension Benefit Guaranty Corporation, transmitting the Corporation's FY 2010 financial statements, annual performance report, independent auditor report, and other documentation; to the Committee on Oversight and Government Reform.

10622. A letter from the Assistant Attorney General, Department of Justice, transmitting the 2009 Annual Report of the National Institute of Justice (NIJ), pursuant to 42 U.S.C. 3766(c) and 3789e; to the Committee on the Judiciary.

10623. A letter from the Corporation Agent, Legion of Valor of the United States of America, Inc., transmitting a copy of the Legion's annual audit as of April 30, 2010, pursuant to 36 U.S.C. 1101(28) and 1103; to the Committee on the Judiciary.

10624. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Thunder on the Bay, Chesapeake Bay, Buckroe Beach Park, Hampton, VA [Docket No.: USCG-2010-0755] (RIN: 1625-AA00) received October 28, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10625. A letter from the Deputy Director, Director Regulations Management, Office of the General Counsel, Department of Veteran Affairs, transmitting the Department's final rule — Supportive Services for Veteran Families Program (RIN: 2900-AN53) received November 10, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

10626. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule

— Update for Weighted Average Interest Rates, Yield Curves, and Segment Rates [Notice 2010-76] received November 10, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10627. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Capitalization vs. Repairs Audit Techniques Guide (LB&I-4-0910-023) received November 10, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10628. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — VERITAS Software Corp. v. Commissioner, 133 T.C. No. 14 received November 9, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10629. A letter from the Commissioner, Social Security, transmitting a letter for determining whether a cost-of-living adjustment formula can be applied to Social Security and Supplemental Security Income; to the Committee on Ways and Means.

10630. A letter from the Acting Chair, Social Security Advisory Board, transmitting copy of the latest issue brief, Disability Programs in the 21st Century: The Representative Payee Program; to the Committee on Ways and Means.

10631. A letter from the Director, Office of National Drug Control Policy, transmitting 2011 National Drug Control Strategy, pursuant to 21 U.S.C. 1504; jointly to the Committees on Armed Services, Education and Labor, Energy and Commerce, Ways and Means, the Judiciary, Oversight and Government Reform, Transportation and Infrastructure, and Veterans' Affairs.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. OBERSTAR (for himself, Mr. LEVIN, Mr. MICA, Mr. COSTELLO, Mr. PETRI, and Mr. LEWIS of Georgia):

H.R. 6473. A bill to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend the airport improvement program, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned; considered and passed.

By Mr. KAGEN:

H.R. 6474. A bill to direct the Secretary of the Army to cease construction of a temporary causeway in connection with the project for the Renard Island Confined Disposal Facility, Green Bay Harbor, Wisconsin, until certain conditions are met, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. CARNAHAN:

H.R. 6475. A bill to suspend temporarily the duty on certain work footwear for men; to the Committee on Ways and Means.

By Mr. CARNAHAN:

H.R. 6476. A bill to suspend temporarily the duty on certain work footwear for women; to the Committee on Ways and Means.

By Mr. CARNAHAN:

H.R. 6477. A bill to suspend temporarily the duty on certain work footwear for women

covering the ankle; to the Committee on Ways and Means.

By Mr. CARNAHAN:

H.R. 6478. A bill to suspend temporarily the duty on certain work footwear for men covering the ankle; to the Committee on Ways and Means.

By Mr. CARNAHAN:

H.R. 6479. A bill to suspend temporarily the duty on certain work boots for men; to the Committee on Ways and Means.

By Mr. CARNAHAN:

H.R. 6480. A bill to suspend temporarily the duty on certain work boots for women; to the Committee on Ways and Means.

By Ms. RICHARDSON (for herself and Mr. THOMPSON of Mississippi):

H.R. 6481. A bill to amend the Homeland Security Act of 2002 to establish the Office of Disability Integration and Coordination within the Federal Emergency Management Agency, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Homeland Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. RICHARDSON (for herself and Ms. MATSUI):

H.R. 6482. A bill to amend the Energy Policy Act of 2005 to reauthorize and modify provisions relating to the diesel emissions reduction program; to the Committee on Energy and Commerce.

By Ms. RICHARDSON:

H.R. 6483. A bill to amend title 23, United States Code, to revise certain infrastructure finance provisions; to the Committee on Transportation and Infrastructure.

By Mr. NUNES (for himself, Mr. RYAN of Wisconsin, and Mr. ISSA):

H.R. 6484. A bill to amend the Internal Revenue Code of 1986 to provide for reporting and disclosure by State and local public employee retirement pension plans; to the Committee on Ways and Means.

By Mr. BISHOP of Utah (for himself, Mr. SIMPSON, Mr. CHAFFETZ, Mr. REBERG, Mrs. LUMMIS, Mr. FRANKS of Arizona, Mr. HERGER, and Mr. HELLER):

H.R. 6485. A bill to provide that the inclusion of the gray wolf on lists of endangered species and threatened species under the Endangered Species Act of 1973 shall have no force or effect; to the Committee on Natural Resources.

By Mr. BISHOP of Utah (for himself and Mr. CHAFFETZ):

H.R. 6486. A bill to amend the Endangered Species Act of 1973 to provide that inclusion of the gray wolf, or any distinct population segment of gray wolf, in the State of Utah on any list of endangered species or threatened species shall have no force or effect; to the Committee on Natural Resources.

By Ms. CHU (for herself and Mr. POE of Texas):

H.R. 6487. A bill to amend title 28, United States Code, to prevent the proceeds or instrumentalities of foreign crime located in the United States from being shielded from foreign forfeiture proceedings; to the Committee on the Judiciary.

By Mr. DAVIS of Illinois:

H.R. 6488. A bill to amend the Internal Revenue Code of 1986 to coordinate the reduction in the American Opportunity Tax Credit with Federal Pell Grants, to the extent such grants are attributable to expenses not eligible for such credit; to the Committee on Ways and Means.

By Ms. HIRONO:

H.R. 6489. A bill to amend title XIX of the Social Security Act to provide 100 percent reimbursement for medical assistance provided to Native Hawaiians through a Federally-qualified health center or a Native Hawaiian health care system; to the Committee on Energy and Commerce.

By Mrs. LUMMIS (for herself and Mr. WU):

H.R. 6490. A bill to amend the Soda Ash Royalty Reduction Act of 2006 to extend the reduced royalty rate for soda ash; to the Committee on Natural Resources.

By Mrs. MALONEY:

H.R. 6491. A bill to authorize appropriations for the purpose of establishing an office within the Internal Revenue Service to focus on violations of the internal revenue laws by persons who are under investigation for conduct relating to the promotion of commercial sex acts and trafficking in persons crimes, and to increase the criminal monetary penalty limitations for the underpayment or overpayment of tax due to fraud; to the Committee on Ways and Means.

By Mr. POE of Texas (for himself, Mr. MCKEON, Mr. PITTS, Mr. GOHMERT, Mr. SAM JOHNSON of Texas, Mr. GINGREY of Georgia, Mr. SHADEGG, Mr. KING of Iowa, Mr. KINGSTON, Ms. FOXX, and Mr. CULBERSON):

H.R. 6492. A bill to amend the Help America Vote Act of 2002 to require that States certify that aliens are prohibited from voting in elections for State or local office as a condition of receiving funds under such Act, and for other purposes; to the Committee on House Administration.

By Mr. SALAZAR:

H.R. 6493. A bill to establish the boundary of the Cupecanti National Recreation Area, and for other purposes; to the Committee on Natural Resources.

By Mr. TAYLOR (for himself, Mr. AKIN, Mr. BARTLETT, Mr. WITTMAN, Mr. KAGEN, Mr. BONNER, and Mr. STUPAK):

H.R. 6494. A bill to amend the National Defense Authorization Act for Fiscal Year 2010 to improve the Littoral Combat Ship program of the Navy; to the Committee on Armed Services.

By Mr. HOEKSTRA (for himself, Mr. GALLEGLY, Mr. THORNBERRY, Mr. ROGERS of Michigan, Mrs. MYRICK, Mr. BLUNT, Mr. MILLER of Florida, Mr. CONAWAY, and Mr. KING of New York):

H. Res. 1749. A resolution requesting the President to transmit to the House of Representatives all documents in the possession of the President relating to a review being conducted by the Office of the Director of National Intelligence described in a document dated December 1, 2010; to the Committee on Intelligence (Permanent Select).

By Ms. SLAUGHTER (for herself, Ms. BERKLEY, Mrs. CAPPS, Ms. DELAULO, Mr. FARR, Mrs. LOWEY, Mr. GRIJALVA, Mr. HINCHY, Ms. MATSUI, Ms. MOORE of Wisconsin, Ms. SCHAKOWSKY, Mr. STARK, Ms. WASSERMAN SCHULTZ, and Mr. WAXMAN):

H. Res. 1750. A resolution recognizing the 20th anniversary of the National Institutes of Health Office of Research on Women's Health and its continuing leadership and achievements in conducting and supporting biomedical research to improve women's health; to the Committee on Energy and Commerce.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 571: Mr. HOLT.
 H.R. 891: Mrs. MALONEY.
 H.R. 1460: Mr. CRITZ.
 H.R. 1646: Ms. HERSETH SANDLIN, Mr. PASCRELL, and Ms. MOORE of Wisconsin.
 H.R. 1751: Mr. HIMES and Mr. SCOTT of Virginia.
 H.R. 2275: Mr. DENT and Mr. CRITZ.
 H.R. 2412: Mr. AUSTRIA.
 H.R. 2839: Mr. HASTINGS of Florida.
 H.R. 3118: Mr. TONKO.
 H.R. 3401: Mrs. CHRISTENSEN.
 H.R. 3441: Ms. SUTTON.
 H.R. 3718: Mr. HASTINGS of Florida.
 H.R. 4116: Ms. ZOE LOFGREN of California.
 H.R. 4241: Mr. BISHOP of Utah.
 H.R. 4278: Mr. LANCE, Mr. HOLT, Mr. DUNCAN, and Mr. GRIJALVA.
 H.R. 4555: Mr. BOREN.
 H.R. 4689: Mrs. CHRISTENSEN.
 H.R. 4746: Ms. FOXX, Mr. McKEON, Mrs. BIGGERT, and Mr. LUETKEMEYER.
 H.R. 4993: Ms. TSONGAS.
 H.R. 5034: Mr. SHERMAN.
 H.R. 5117: Ms. SUTTON.
 H.R. 5191: Mr. WU.
 H.R. 5309: Mr. HOLT.
 H.R. 5549: Mr. BOREN.
 H.R. 5575: Mr. DEFazio.
 H.R. 5643: Mr. KILDEE.
 H.R. 5746: Ms. SUTTON, Mr. ACKERMAN, Ms. BALDWIN, Mr. ANDREWS, Mr. McDERMOTT, Mr. COSTELLO, Mr. SMITH of Washington, Mr. WEINER, Mr. GONZALEZ, Mr. OLVER, Ms. LINDA T. SÁNCHEZ of California, Ms. JACKSON-LEE of Texas, Mr. SPACE, Mr. RUSH, Ms. HIRONO, Mr. Schauer, and Mr. JACKSON of Illinois.
 H.R. 5944: Mr. BRALEY of Iowa.
 H.R. 6072: Mr. TIERNEY.
 H.R. 6112: Mr. CASSIDY and Mr. MILLER of Florida.

H.R. 6139: Mr. REED.
 H.R. 6199: Mr. TOWNS, Ms. EDDIE BERNICE JOHNSON of Texas, and Ms. FUDGE.
 H.R. 6205: Mr. REED.
 H.R. 6240: Mr. GOODLATTE.
 H.R. 6265: Mr. JONES.
 H.R. 6268: Mr. COHEN and Mr. FILNER.
 H.R. 6334: Ms. NORTON, Mrs. CHRISTENSEN, Mr. DELAHUNT, Ms. FUDGE, Ms. LEE of California, Mr. HONDA, and Mr. GRIJALVA.
 H.R. 6355: Mr. FRANK of Massachusetts and Mr. CUMMINGS.
 H.R. 6415: Mr. CHAFFETZ, Mr. PITTS, Mr. STUTZMAN, and Mr. THOMPSON of Pennsylvania.
 H.J. Res. 74: Mr. OLVER.
 H.J. Res. 96: Mr. COLE, Mr. BILIRAKIS, and Mr. THOMPSON of Pennsylvania.
 H.J. Res. 97: Mr. LINDER.
 H.J. Res. 102: Mr. CHAFFETZ.
 H. Con. Res. 200: Ms. EDDIE BERNICE JOHNSON of Texas.
 H. Con. Res. 267: Mr. WAXMAN, Mr. WILSON of South Carolina, and Mr. MICA.
 H. Con. Res. 316: Ms. EDDIE BERNICE JOHNSON of Texas.
 H. Con. Res. 331: Mr. COHEN and Ms. HARMAN.
 H. Con. Res. 333: Ms. WATERS and Mr. ENGEL.
 H. Res. 111: Mr. UPTON.
 H. Res. 200: Mr. PENCE.
 H. Res. 764: Ms. WOOLSEY and Mr. FRANK of Massachusetts.
 H. Res. 1531: Mr. REICHERT, Mr. PASCRELL, and Ms. DELAURO.
 H. Res. 1532: Ms. SUTTON and Mrs. MCCARTHY of New York.
 H. Res. 1621: Mr. LEWIS of Georgia, Mr. WILSON of South Carolina, Mr. SNYDER, Mr. EDWARDS of Texas, Ms. WOOLSEY, Mr. BACA, Mr. SALAZAR, Ms. JACKSON LEE of Texas, Mr. DAVIS of Illinois, Mr. BRADY of Pennsylvania, Mr. THOMPSON of California, Mr. CONNOLLY of Virginia, Mr. KAGEN, Mr. TIERNEY, Ms. PELOSI, Mr. PETERS, Mr. HALL of New

York, Mr. OBERSTAR, Mr. MOLLOHAN, Ms. SPEIER, Mr. PASTOR of Arizona, Mr. MORAN of Virginia, Mr. McDERMOTT, Mr. CRENSHAW, Ms. ROS-LEHTINEN, Ms. LORETTA SANCHEZ of California, Mr. GARAMENDI, Mr. KENNEDY, Mr. FARR, Mr. ISRAEL, Mr. HIGGINS, Mr. LANCE, Mr. WEINER, Mr. ELLISON, Mr. WATT, Mr. CARSON of Indiana, Mr. GUTIERREZ, Mr. MCNERNEY, and Mr. LINCOLN DIAZ-BALART of Florida.

H. Res. 1717: Mr. MCINTYRE.

H. Res. 1725: Mr. POE of Texas and Mr. KING of New York.

H. Res. 1734: Mr. KLEIN of Florida, Mr. ROONEY, Mr. BUCHANAN, and Mr. MCCLINTOCK.

H. Res. 1743: Mr. MEEKS of New York, Ms. GIFFORDS, Ms. NORTON, Mr. ELLSWORTH, Ms. HERSETH SANDLIN, Mr. ISRAEL, Mr. HODES, Mr. KLEIN of Florida, Mr. COOPER, Mr. SHULER, Mr. BACA, Mrs. MALONEY, Mr. MINNICK, Mrs. KIRKPATRICK of Arizona, Mr. McMAHON, Mr. TANNER, Mr. WAXMAN, Ms. HARMAN, Mr. NYE, Mr. SCHIFF, Ms. SCHAKOWSKY, Mr. HOLDEN, Mr. LEVIN, Ms. SHEAPORTER, Mr. GARAMENDI, Mr. ADLER of New Jersey, Mr. CARNEY, Mr. BOREN, Mr. MOORE of Kansas, Mr. SCHAUER, Mr. MATHESON, Mr. FRANK of Massachusetts, Mr. MCGOVERN, Mr. RYAN of Ohio, Mr. POLIS, Mr. HASTINGS of Florida, Mr. CROWLEY, Mr. LYNCH, Mr. HALL of New York, Mr. ENGEL, Mr. PERLMUTTER, Mrs. DAHLKEMPER, Mr. SALAZAR, Mr. HINOJOSA, Mr. BOYD, Mr. KIND, Mr. TIERNEY, Mr. WILSON of Ohio, Mr. GONZALEZ, Mr. RODRIGUEZ, Mr. PASTOR of Arizona, Mr. REYES, Mr. ETHERIDGE, Mr. ORTIZ, Mr. GENE GREEN of Texas, Mr. LUJÁN, Mr. THOMPSON of California, Mr. PRICE of North Carolina, Mr. GORDON of Tennessee, Ms. BEAN, Ms. DEGETTE, Mr. LARSON of Connecticut, Mr. PETERS, Ms. KILROY, Mr. NADLER of New York, Mr. FILNER, Mr. DAVIS of Tennessee, and Mr. BECERRA.

EXTENSIONS OF REMARKS

CELEBRATING THE LIFE AND ACCOMPLISHMENTS OF RICHARD GOLDMAN

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 2010

Ms. PELOSI. Madam Speaker, I rise today to celebrate the life and the accomplishments of Richard Goldman, a great American and a dear friend. The passing of Richard Goldman, an accomplished businessman, noted philanthropist and powerful advocate for environmental justice, will be felt throughout the world in the hearts of all who work to preserve the planet, protect women's rights, and strengthen the Jewish community.

Richard Goldman's story cannot be told without beginning with his life's love, Rhoda. As young children, they lived down the street from each other; in 1946 they were reunited at a friend's wedding, and were married within the year. Together they were inseparable until Rhoda's passing in 1996.

As two of the Nation's most noted philanthropists, Richard and Rhoda established their family foundation in 1951. In the decades since, it has given away more than half a billion dollars in support to charitable causes. As patrons of the arts and culture, Jewish community and the environment, their impact has been felt nationally and around the world. In San Francisco, their impact can be seen from the new headquarters for the Family Violence Prevention Fund in the Presidio to the Conservatory of Flowers and the Lands End Trails Forever project at the Golden Gate National Recreation Area.

Their commitment to the pursuit of knowledge is enshrined at the Goldman School of Public Policy at UC Berkeley. Their compassion for the suffering is self-evident in the \$1 million gift to 14 HIV and AIDS organizations on the 25th anniversary of this devastating disease. And their work supporting the state of Israel and fighting anti-Semitism has made the world a better and safer place.

The Goldmans' commitment to the air we breathe, the water we drink and the land that we share is among their greatest accomplishments. Their work has protected threatened habitats, reduced harmful impacts on the environment and restored California's pristine forests, coasts and wilderness. In 1990, Richard and Rhoda founded the Goldman Environmental Prize, nicknamed the "Green Nobel Prize," which is awarded annually to grassroots environmental heroes from each of the world's six inhabited continents and is the largest award of its kind.

Richard Goldman's reputation for success and philanthropy is well known. Those who know him well have enjoyed his wonderful personality. His love of his children John, Doug and Susan and his beloved late Richard;

and his glowing pride in his grandchildren gave a twinkle to his eye.

His pride in San Francisco, its people, its arts and its sports—go Giants—were part of who he was. Richard Goldman was a great patriot who loved our country—the diversity of its people, the beauty of its natural resources and the freedoms we all enjoy. He served our country in his youth and every day since.

I hope it is a comfort to his children John and his wife Marcia, Douglas and his wife Lisa, and Susan and husband Michael Gelman, his eleven grandchildren and three great-grandchildren that so many people mourn his loss. Thankfully this next generation stands ready to ensure Richard and Rhoda's legacy of compassion, pursuing peace and protecting our planet goes forward.

HOBART CHAMBER OF COMMERCE 2010 AWARDS

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 2010

Mr. VISCLOSKY. Madam Speaker, it is with great pleasure that I stand before you today to recognize the Hobart Chamber of Commerce 2010 award winners and to congratulate the recipient of the Mayor's Award, County Line Orchard. These outstanding recipients will be honored during the Chamber's Annual Christmas Open House and Installation, on December 3, 2010, at the Community Center in Hobart, Indiana.

The 2010 Outstanding Business Award recipients are: Regional Federal Credit Union, Centier Bank, and Ginter Realty. Regional Federal Credit Union was established by a group of teachers in 1961 and now has offices in Hammond, Portage, and Valparaiso, as well as ten student credit unions in these areas. Centier Bank, founded in 1895, has remained in the Schrage family for the past 115 years. Mike Schrage is the current Chief Executive Officer. Under his leadership, Centier has grown to include 48 branches in Lake, Porter, LaPorte, Saint Joseph, Marshall, and Tippecanoe counties. Centier Bank was recently named one of the Best Places to Work in Indiana by the Indiana Chamber of Commerce. Ginter Realty is owned by Joyce and George Ginter, who started their business in 1965. The family-owned business is now managed by their daughter, Polly Koesters, who is the current owner and principal broker. Another daughter, Carrie Ledyard, is a real estate agent with the company. They are currently celebrating their 45th year in business. Each organization is dedicated to providing excellent business and customer service to their communities, and for that reason, they are to be commended.

The Outstanding Businessperson Award recipient is Kevin Grace. Kevin has worked for Strack and Van Til for the past 27 years. Currently, he is the manager at the Hobart location, a position that he has held for the past four years. Kevin's consistent dedication to his community, civic organizations, and sports teams is worthy of the highest praise.

Scott and William Frey are the recipients of the Visionary Award. In 1997, brothers Scott and William bought The Art Theatre, located in downtown Hobart. The two renovated and restored the theatre, which was first built in 1941. Today, the theatre attracts many visitors from surrounding communities. Scott and William have expanded their business to include the Art of Pizza restaurant, located next door to the theatre, which is set to open in 2011. For their outstanding commitment to their community, Scott and William Frey are to be honored.

The Legacy Award recipient is People's Bank. People's Bank is headquartered in Munster, with twelve branches located throughout Lake and Porter counties. David Bochnowski is the current Chairman and Chief Executive Officer. This year, People's Bank is celebrating its 100th Anniversary of community banking. People's Bank and their commitment to exceptional customer service for the past 100 years is truly remarkable, and they are worthy of such a prestigious award.

County Line Orchard is the recipient of the Chamber of Commerce, Mayor's Award. County Line Orchard in Hobart attracts a very significant number of consumers to the area. In addition to their exemplary efforts that boost business locally, they also give back to the community. Throughout the year, County Line Orchard supports non-profit organizations. They also host a free Halloween party for children in the community. For their exceptional service to their community, I congratulate County Line Orchard on this esteemed award.

Madam Speaker, at this time, I ask that you and my other distinguished colleagues join me in honoring the Hobart Chamber of Commerce award winners. For their dedication and commitment to the community of Hobart, as well as Northwest Indiana, they are worthy of the honors bestowed upon them.

HONORING THE 40TH ANNIVERSARY OF THE FEDERAL LAW ENFORCEMENT TRAINING CENTER

HON. JACK KINGSTON

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 2010

Mr. KINGSTON. Madam Speaker, I rise today to recognize the 40th anniversary of the Federal Law Enforcement Training Center (FLETC). Located in Glynnco, Georgia, FLETC is responsible for equipping officers from over

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

80 different Federal Agencies with the professional training and tactical expertise needed to successfully deal with diverse situations in variety of scenarios.

Prior to the formation of FLETC, Federal agencies trained their law enforcement personnel at different sites throughout the country. Recognizing that there was a need for standardized professional instruction, Congress established CFLETC, the Consolidated Federal Law Enforcement Training Center, within the Department of the Treasury. After operating for five years in temporary facilities outside Washington, DC, CFLETC was renamed and moved to its permanent facilities at the former site of Naval Air Station Glynnco near Brunswick, Georgia. FLETC also operates two more residential training sites in Artesia, New Mexico, and Charleston, South Carolina as well as a re-qualification center in Cheltenham, Maryland. In 2003, FLETC was moved into the newly created Department of Homeland Security, cementing its role as an essential part of the team of brave men and women who keep us safe both at home and abroad.

In addition to instructing federal officers, FLETC partners with local and state law enforcement agencies to enable advanced training for non-federal personnel that otherwise is unavailable. Furthermore, FLETC plays a central role in the effort to professionalize law enforcement departments across the globe, operating and supporting International Law Enforcement Academies in Botswana, El Salvador, Peru, Hungary, and Thailand.

Over the past 40 years, FLETC has improved both the efficiency and quality of training provided to America's Federal law enforcement officers. I congratulate FLETC on its 40 years of service to our Federal law enforcement agencies, and I am certain that FLETC personnel will continue their commitment to our country for many years to come.

HONORING A. GARLAND DeLOZIER

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 2010

Mr. DUNCAN. Madam Speaker, I wish today to honor one of the most well-known and respected men in Blount County, Tennessee. A. Garland DeLozier passed away at the age of 88 on October 23, 2010. He lived a long and successful life full of service to God, family, community, and Country.

Upon reporting Garland's passing, The Daily Times newspaper in Maryville declared, "Few, if any, have equaled his quiet involvement as a community leader in farm, business and government circles."

Garland's service to Blount County is legendary. He was a former Blount County Commissioner, Member of the Board of Education, President of the Chamber of Commerce, and charter member of the Foothills Land Conservancy.

He was also a man of God who always used his faith as his compass. For half a century, he served as a Deacon at Mt. Lebanon Baptist Church, where he devoted his time

and effort wherever it was needed. He served as church treasurer and Sunday school teacher and even volunteered in the jail ministry.

Garland raised beef and dairy cattle most of his life and achieved much success in farming, what I believe to be one of the toughest jobs around. I have nothing but the greatest admiration for those persons who make their living off the land, and Garland somehow found time to run a successful farm and serve as a leader in the agricultural community.

Garland served as a member of the Blount County Soil Conservation District Board of Supervisors and the state Soil Conservation Committee under Governor Lamar Alexander, whose campaign for Governor he helped lead.

He was also a member of the Farm Bureau, Gideons International, and the Blount County Livestock Association, and he served on the board of directors of First Tennessee Bank and Blount Memorial Hospital.

As you would expect from someone of Garland's character and generation, he volunteered admirably for service during World War II, serving three years in the United States Air Force in Europe.

Garland was a shining example of not just a community leader but also a beloved father, grandfather, and husband. His 64-year marriage to wife, Tommie, is something we should all aspire. I extend my deepest sympathies to Tommie, as well as Garland's daughters Carolyn and Debora, son Arthur, six grandchildren and eight great-grandchildren.

Garland's granddaughter, Rebecca Forster, is one of my former House Pages and a current member of my staff, and her sister, Joy, interned for me in 1996. They are wonderful young women who exude their grandfather's character and love of community, and I know he is proud of them.

The former publisher of The Daily Times wrote on the news of Garland's death, "I would like to say to his family that God will take care of them for all he did."

Madam Speaker, I urge my Colleagues and other readers of the RECORD to join me in celebrating the life of Garland DeLozier. He is an example of leadership and generosity that is becoming rarer to find, and his absence will be felt by all those who knew him.

PERSONAL EXPLANATION

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 2010

Ms. WOOLSEY. Madam Speaker, on December 1, 2010, I was unavoidably detained and was unable to record my vote for Rollcall No. 595. Had I been present I would have voted: Rollcall No. 595: "yes"—Commending the City of Jacksonville, Arkansas, for its outstanding support in creating a unique and lasting partnership with Little Rock Air Force Base, members of the Armed Forces stationed there and their families, and the Air Force.

SOCIETY OF INNOVATORS OF
NORTHWEST INDIANA

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 2010

Mr. VISCLOSKY. Madam Speaker, it is my distinct honor to commend Ivy Tech Community College of Indiana Northwest and its regional partners, who recently celebrated their 6th Annual "Spirit of Innovation" Induction Ceremony in which twenty individuals and nine teams were inducted as members of the 2010–2011 class of the Society of Innovators of Northwest Indiana. Six individuals were selected from these new members and inducted as Society Fellows for their exceptional efforts in innovation. These individuals are: Ralph W. Braun, the late Robert H. Forney, Jr., P. Scott Bening, Howard Cohen, Ph.D., Tom Sourlis, and Ernest Talarico, Jr., Ph.D. Also honored were two Chanute Prize team recipients: "Exploration Earth: Mission Ocean" and "Dage-MTI." For their outstanding efforts, these honorees were recognized at an award and induction ceremony sponsored by The Society of Innovators. This prestigious event took place at the Pavilion Ballrooms at the Horseshoe Casino in Hammond, Indiana, on Thursday, October 21, 2010.

The Society of Innovators of Northwest Indiana was created by Ivy Tech Community College with the goal of highlighting and encouraging innovative individuals and groups within the non-for-profit, public, and private sectors, as well as building a "Culture of Innovation" in Northwest Indiana. The importance of innovation in Northwest Indiana, as well as globally, is crucial in today's ever-changing economy.

The six Fellows selected by the Society of Innovators were chosen for their remarkable diversity of innovation and the impact of their efforts throughout the community of Northwest Indiana. The 2010–2011 individuals named Society Fellows are as follows:

Ralph W. Braun is the CEO of The Braun Corporation in Winamac. Ralph is truly an inspiration. His personal challenge, being dependent upon a wheelchair for mobility, has inspired him to create a corporation that has become the largest manufacturer of wheelchair accessible mini-vans and lifts in the world. The late Robert H. Forney, Jr. is the former President and CEO of the Chicago Stock Exchange, Inc. Mr. Forney founded the Chicago-based Global FoodBanking Network, a foundation set up to fight hunger worldwide, in which independent food banks were established and work with over 30 countries. Tom Sourlis of MotarNet in Burns Harbor created a proper drainage system for masonry walls, changing the masonry construction industry. This original idea led to major support for local non-profit organizations. P. Scott Bening is the President and CEO of Monosol in Merrillville. His company has become the global leader in specialty water-soluble, polymer-based film manufacturing. His facilities are currently located in Portage, LaPorte, and Hartlebury, England. Howard Cohen, Ph.D., is the Chancellor of Purdue University Calumet (PUC) in Hammond. Throughout his tenure he has been the inspiration behind turning PUC into

"a high quality, regional, full-service University." Ernest Talarico, Jr. Ph.D., is the founder of the International Human Cadaver Projection Program, a program that prepares cadavers for study with the goal of encouraging respect for donors and families. This program is based at Indiana University Northwest (IUN) and has brought professionals from around the world to Gary.

The recipients of the Chanute Prize for team innovation are: "Exploration Earth: Mission Ocean" and "Dage-MTI." "Exploration Earth: Mission Ocean" is a submarine stimulation program geared toward enhancing the development of science, technology, engineering, and mathematics (STEM) skills in elementary and middle school students. The Center for Science and Technology Education at PUC hosts this program, which is currently being expanded nationwide with a major grant from the U.S. Navy. "Dage-MTI" is a camera company located in Michigan City and is the oldest camera company in the United States. Current owners, John and Peggy Moore, rescued the store as it was about to close its doors seven years ago. "Dage-MTI" now offers some of the finest digital cameras for microscopic research in the world.

Madam Speaker, I ask you and my distinguished colleagues to join me in commending these outstanding innovators on being named Society Fellows and Chanute Prize winners. Their dedication and commitment to innovation is truly an inspiration. Their years of hard work have played a major role in shaping future development in Northwest Indiana and communities worldwide, and each recipient is worthy of the highest praise.

IN RECOGNITION OF NATIONAL EPILEPSY MONTH

HON. RUSS CARNAHAN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 2010

Mr. CARNAHAN. Madam Speaker, I rise today and join the Epilepsy Foundation in calling for Americans to Get Seizure Smart! Epilepsy awareness is critically important because Americans need a better understanding about the basics of the condition. For instance, people often characterize seizures as jerking and shaking uncontrollably. However, not all seizures cause convulsions. There are many different symptoms of seizures, which can include eye fluttering, staring and laughing. Recurring seizures can be a sign of epilepsy.

Epilepsy awareness is critically important for public servants too. Because first responders are often called when someone is having a seizure, it's critical they have good information on which to act. And because epilepsy is common in children, educators, administrators and parents need to know how to respond in an emergency.

For 40 years, the Epilepsy Foundation has been raising awareness and reducing the stigma associating with this condition. Specifically, I commend the Epilepsy Foundation of Missouri and Kansas in their efforts to ensure that people living with seizures are able to partici-

pate in all life experiences. They are working to prevent, control, and cure epilepsy through research, education, advocacy, and services.

I urge my colleagues to Get Seizure Smart! to help dispel the myths associated with epilepsy and empower those millions of Americans affected by this condition. We must work together to learn more about epilepsy and connect with our local Epilepsy Foundation to raise awareness in our communities.

THE DEDICATION OF THE LONG BEACH ROSIE THE RIVETER PARK AND INTERPRETIVE CENTER

HON. LAURA RICHARDSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 2010

Ms. RICHARDSON. Madam Speaker, I rise today to support the dedication of the Long Beach Rosie the Riveter Park and Interpretive Center.

The Rosie the Riveter Park and Interpretive Center is an historic accomplishment for the Rosie Riveters, for Long Beach, California and for our nation.

Since over 175,000 women served at the Long Beach Douglas Aircraft Company, it is very appropriate that the Long Beach Rosie the Riveter Park and Interpretive Center be the second site in the United States dedicated to honoring the contributions of the women, symbolized by the cultural icon "Rosie the Riveter," who served on the home front during World War II.

The first Rosie the Riveter Park, located in Richmond, California, focuses on women who worked in the Kaiser shipyards. The Long Beach Rosie the Riveter Park and Interpretive Center, however, focuses specifically on the women who assembled military aircraft at the Douglas Aircraft Company in Long Beach. The Long Beach site includes informational displays on the Women Airforce Service Pilots, WASP. These women transported the airplanes assembled by the women at the Douglas Aircraft Company and other aircraft plants in Southern California.

During World War II over 6 million brave women courageously entered a new workforce and served admirably the United States Armed Forces by manufacturing and delivering many parts, planes, and ammunition that enabled our victory. "Rosie the Riveter" is an historic American cultural icon that represents these women who were able to produce 300,000 airplanes, 102,000 armored vehicles, 77,000 ships, 20 million small arms, 40 billion bullets and 6 million tons of bombs.

The Rosie the Riveter Park and Interpretive Center features 3 acres of historic, interpretive displays surrounded by a rose-colored walking path that circles the park and includes an etched timeline that chronicles the history of Long Beach, Douglas Aircraft Company, and the women who worked at the plant. Attached to 1940's era light poles are interpretive signs bring up a number of themes, including: the Arsenal of Democracy, Long Beach in 1941, Rosie the Riveter Comes to Long Beach, Airplanes and the War, and Women in the Work-

place. All the signs feature photographs obtained from the Library of Congress and the Boeing Company. Students are encouraged to test their knowledge of World War II history at additional signs with "Did you know?" information displays. Military service flags also hang from each light pole.

Along the walking path are several stopping points with etched stars and colorful tiles that are replicas of the recruitment posters used to encourage women to enter the workforce during the war.

A recorded narrated tour of the park that gives visitors additional information and takes them back to the 1940s with music and radio broadcasts is available for free by cellphone and can be downloaded by podcast. Visitors can listen while walking or sitting at several of the benches placed throughout the park.

The park also features a replica of a "compass rose" that once decorated the lobby of the Roosevelt Naval Base in Long Beach. The compass rose has historically been used by pilots and navigators to locate their position and is symbolic of the way in which World War II took our Nation and its people all over the world in the defense of freedom.

Adjacent to the compass rose is a quiet garden and memorial to the women and men who served in the military, noting in the inscription: "All Gave Some—Some Gave All." Carved emblems for each branch of the military, as well as the Women Airforce Service Pilots, are embedded into the memorial. Three flags fly over the memorial: a U.S. flag flown over the Capitol, a California flag, and a City of Long Beach flag.

At the south side of the park is a "flight path" lit with solar powered flashing lights that follows several planes etched in the pavers—planes that were assembled at the Douglas Aircraft plant. The 99s—an organization of women pilots formed by Amelia Earhart and Long Beach's first female licensed pilot, Gladys O'Donnell—will paint an air marking at the terminus of flight path just as they did before and after World War II.

In the Spring of 2011, the Long Beach park will add a replica of the original relief designed by Raymond Kaskey, which depicts women assembling airplanes and is included in the National World War II Memorial here in Washington, DC. This wonderful addition to the Long Beach site is being partially funded by a generous contribution from the Daughters of the American Revolution.

The Long Beach Rosie the Riveter Foundation maintains a Web site, www.lbroisie.com which includes links for teacher resources in order to utilize the park as a teaching opportunity for Long Beach and United States history.

I call upon my colleagues to take this opportunity to study, reflect upon, and celebrate the stories and accomplishments of the women who served the nation as "Rosies" during World War II and to acknowledge all those for their efforts to honor the contributions of these heroic women.

IN RECOGNITION OF THE COLORADO SPRINGS SITE OF THE MITRE CORPORATION UPON 50 YEARS OF SERVICE TO THE UNITED STATES OF AMERICA

HON. DOUG LAMBORN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 2010

Mr. LAMBORN. Madam Speaker, I rise today to recognize the MITRE Corporation on the occasion of its fiftieth anniversary of their Colorado Springs site. It is a pleasure and privilege to honor MITRE for its dedicated services to the Colorado Springs community and to the United States of America.

The MITRE Corporation was founded in 1958 on the premise that the government needed a corporate partner to provide technical expertise in systems engineering and integration. MITRE was born out of the Lincoln Laboratory at the Massachusetts Institute of Technology. Its founding principle was to produce quality expertise for the government by drawing on the best in both the commercial and public sectors to solve the nation's most difficult technical problems. MITRE joined the nation and Colorado Springs community to help with the challenges of standing up the new North American Aerospace Defense Command (NORAD) and engineering capabilities for its operations including the Cheyenne Mountain complex.

Over the years, the Colorado Springs site has been a vital part of the development and testing of countless critical sensor systems, data link systems, and command and control systems. From its development of space and missile warning methods in the 1960's to its recent work on the integration of Space, Cyber, and Missile Defense capabilities, MITRE has spent the last fifty years providing essential services to the defense community of the United States.

Today, the MITRE Colorado Springs Site consists of 180 engineers, scientists, researchers, analysts, and support staff providing a wide range of development and engineering expertise to the North American Aerospace Defense Command, United States Northern Command, the Air Force Space Command, Missile Defense Agency, Electronic Systems Center, and Air Force Academy. MITRE has earned an international reputation for technical excellence and innovation. Their local employees devote themselves to serving the public interest as well as contributing community service throughout the Colorado Springs community.

Madam Speaker, on behalf of the United States Congress, I am proud to honor one of America's true corporate leaders, the MITRE Corporation and its Colorado Springs site, for their fifty years of service to the defense community of Colorado Springs and across the United States. I wish everyone at MITRE the best for continued success.

IN TRIBUTE TO CHRISTOPHER BOYLAN

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 2010

Mrs. MALONEY. Madam Speaker, I rise to pay tribute to the exceptional accomplishments of Christopher Boylan, Deputy Executive Director, Corporate and Community Affairs. Mr. Boylan is retiring from the Metropolitan Transportation Authority (MTA) after a long and celebrated career at the agency. During Mr. Boylan's successful tenure at the MTA, the agency has moved forward with long-stalled projects to provide new mass transit options and to upgrade existing infrastructure. As one of the MTA's lead advocates, Mr. Boylan has played a central role in the reinvigoration of the agency.

Mr. Boylan has been responsible for corporate-wide internal and external relations for the MTA, including federal government relations, community relations, marketing & corporate communications, and customer service. In this capacity, Mr. Boylan has represented the MTA in seeking federal funding for a variety of capital projects that are improving and expanding mass transit service for New Yorkers. Mr. Boylan has handled the many programs, problems and projects of the MTA with intelligence, patience and tact.

I first came to know Mr. Boylan during the construction of the 63rd Street Tunnel Connector, which made use of the much-derided 'tunnel to nowhere' and expanded subway service between Queens and Manhattan. Since then, I have worked with Mr. Boylan on the Second Avenue Subway and East Side Access, the two largest mass transit projects in the nation. Together these projects are employing 38,000 people and bringing nearly \$4 billion in federal funding to the state. It has always been reassuring to know that Mr. Boylan was helping to shepherd these projects forward.

In addition, Mr. Boylan has been overseeing two unique programs at the MTA, the "Arts for Transit" Program and the "New York Transit Museum," the largest public transit museum in the country and a favorite destination for many. The New York Times has called the Arts for Transit project, now in its 25th year, a "gift to future generations." The MTA dedicates a portion of station renovation funding to public art—and the result is a range of museum-quality artworks that delight, charm and captivate commuters.

Mr. Boylan joined the MTA in 1990 and served as both Deputy Director and subsequently Director of Government Relations. From 1993 to 1996, he was Chief of Staff to two Chairmen of the MTA. Mr. Boylan has also been an active member of the American Public Transportation Association (APTA), the transit industry's trade association. He currently serves as APTA's Vice Chair of Management and Finance; Member of the Executive Committee; and Member of the Board of Directors. He also served as Vice Chair of Government Affairs of APTA from 1996–99 and again from 2003–2006 and also served on the APTA Nominating Committee and Ex-

ecutive Search Committee. In addition, he was previously a member of the Board of Directors of the NY Public Transit Association.

Before joining the MTA, Mr. Boylan served for nearly six years as Federal Legislative Representative in the New York City Mayor's Office of Intergovernmental Relations after having served as a legislative analyst in the City's Office of Management and Budget. Prior to joining City government he worked for the New York State Department of State in Albany and the New York State Assembly.

In addition to his civilian career, Mr. Boylan has been a dedicated Naval officer. In October 2007, he retired from the U.S. Navy/Navy Reserve as a Captain (O–6), after over two and a half decades of honorable service. His last reserve assignment was as the Navy's Deputy Chief of Information in the Pentagon, where he reported directly to the Chief of Information, the Navy's top spokesman.

Madam Speaker, I ask my distinguished colleagues to join me in recognizing the extraordinary accomplishments of Christopher Boylan, and in wishing him great success as he begins a new chapter in his career.

CONGRATULATING GREG GORMANOUS

HON. RODNEY ALEXANDER

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 2010

Mr. ALEXANDER. Madam Speaker, I rise today to applaud Greg Gormanous for his exceptional service to the Alexandria community on the occasion of his retirement. His staunch support of both the citizens of Alexandria and his students at Louisiana State University-Alexandria is admirable and deserving of appreciation.

Upon his retirement, Greg was the longest serving administrator in the history of LSU-Alexandria, where he served as Behavioral and Social Sciences Chair and the Liberal Arts Division Head and was an avid backer of four-year degree programs. Among his many accomplishments at the university, Greg helped establish three endowed student scholarships as well as initiate theatre and travel courses and the lecture series.

In addition to his work in academia, Greg is a strong advocate for the betterment of Alexandria by serving the public as a government liaison. He continues to be a driving force in the community for his committed leadership on various business, civic, educational and governmental boards and committees, such as the Rotary Club of Alexandria, the Convention and Visitors Bureau, the Mardi Gras Association, the Rapides Primary Health Care Center, and the March of Dimes to name a few. He is also a licensed psychologist and his extensive research has been published in numerous publications.

Through his endeavors, both professional and volunteer, Greg has earned the respect and regard of all those with whom he has served and the gratitude of the people that have come to know him.

Please join me in extending best wishes to Greg upon his retirement and wishing him future success in all his efforts.

IN HONOR OF LANCELOT McCLAIR

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 2010

Mr. FARR. Madam Speaker, I rise today to honor the life of Lancelot McClair, who recently passed away at the age of 68 following a long illness.

Lance was born in Arkansas and moved to Seaside at the age of 9. He joined the Navy during the Vietnam War and served on a submarine. On returning home he studied law at Monterey Peninsula College and received his Masters Degree from Golden Gate University. He trained as a police officer and joined the Public Defender's Office as an investigator.

In 1982, he was elected Mayor of Seaside, California. At thirty-nine years old at the time, he was the youngest mayor in the city's history. Lance served as Mayor until 1994, his twelve year tenure setting another record. During that time, Seaside was hit hard by recession, followed by the closure of neighboring Fort Ord, at the time the Army's largest base and home to over 35,000 soldiers and civilians. He worked hard for his city's economic development and promoted tourism.

After his time as Mayor, Lance continued to be involved in local politics, working to strengthen Seaside's position in the county. He made an unsuccessful run for Congress, and later for County Supervisor.

Madam Speaker, Lance McClair is remembered by all as first and foremost a fighter for his city. I know I speak for every Member of Congress in offering our condolences to his wife, Earlene; his mother, Chester Viola McClair; two sons, Todd and R. Vance; daughter, Gigi Stephens; and his many friends upon this great loss.

A TRIBUTE TO MS. SUSAN N.
KLEINROCK**HON. EDOLPHUS TOWNS**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 2010

Mr. TOWNS. Madam Speaker, I rise today in recognition of Ms. Susan N. Kleinrock.

Ms. Kleinrock was born in Brooklyn, New York, to the late Martin and Ruth Kleinrock. She is a product of the New York City public education system and has received awards of excellence for both her academic and community success.

While still a high school student, Ms. Kleinrock began her career in healthcare; on weekend and evenings she volunteered at Coney Island Hospital. She was later nominated and accepted to the MJ3DEX Program, which affords pre-med students specialized training and opportunities to explore careers in healthcare.

Ms. Kleinrock graduated from New York University and completed her doctoral studies at Syracuse University. After completing her graduate training in Psychology, Ms. Kleinrock expanded her knowledge base in healthcare administration and quality management; she

became a Certified Professional in Healthcare Quality and a Fellow of the American College of Healthcare Executives.

In her career, Ms. Kleinrock has come full circle. She started at Woodhull Medical and Mental Health Center, as the Coordinating Manager for Inpatient Psychiatry and later became the Assistant Director of Quality Management. With this position, she developed, implemented and trained clinical staff on standardized medical record documentation for both mental health and chemical dependency programs. Ms. Kleinrock also wrote the Certificate of Need application for the Medically Managed Detoxification Unit which opened in 1989.

In 1993, Ms. Kleinrock went to work for the Bellevue Medical and Mental Health Center; she was responsible for the quality, risk and regulatory activities of the Department of Psychiatry. This department of Bellevue is the largest public healthcare system in the country and has earned recognition for excellent clinical and administrative accomplishments. In 2010, Ms. Kleinrock returned to Woodhull Medical and Mental Health Center as the Deputy Director of Psychiatry; she continues to work as a member of the Joint Commission Survey Preparation Team.

In addition to all her professional responsibilities, Ms. Kleinrock is also a member of the Board of Directors of the American Association of Psychosocial Rehabilitation, where she advocates for quality mental health and psychosocial rehabilitation. Ms. Kleinrock believes that patient safety and quality care are vital components of a strong public healthcare system. She is endlessly committed to assisting the Woodhull staff in accomplishing this mission.

Madam Speaker, I urge my colleagues to join me in recognizing the achievements of Ms. Susan N. Kleinrock.

HONORING MARIA SHRIVER

HON. PATRICK J. KENNEDY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 2010

Mr. KENNEDY. Madam Speaker, I rise today to recognize Maria Shriver, First Lady of the State of California and my first cousin for her work with her Women's Conference and Alzheimer's advocacy. Her work for those suffering from this disease is truly remarkable.

Cousin Maria is a mother, wife, daughter, sister and friend, who proudly serves as the First Lady of California. An award-winning journalist and best-selling author, Maria has transformed the office of First Lady by approaching it not simply as a role, but as a job with real purpose and a platform to make a difference. Maria became California's First Lady when her husband, Arnold Schwarzenegger, became the 38th Governor of California on November 17, 2003.

From day one, Maria made the position her own by combining her journalist's eye for the needs of real people, with a deeply ingrained passion for service and activism, and a creative entrepreneurial spirit and vision that embraces bold ideas. She has used her voice to

advocate on behalf of women, the working poor, the intellectually disabled and families struggling with Alzheimer's.

Maria has created groundbreaking programs and initiatives that educate, enlist, empower, connect, and honor people who are what she calls "Architects of Change" in their own lives and in the lives of others. Under a banner called WE, the WE programs have been successful in motivating people to get involved and unite across gender, economic, and party lines.

Under Maria's leadership, The California Governor and First Lady's Conference on Women—an element of the WE Empower program—has grown into the Nation's premier forum for women, with more than 14,000 attendees every year since 2004. The conference encourages women to become "Architects of Change" in their own lives, in their communities, and in the country—and teaches them how. Hundreds of world opinion leaders and newsmakers have spoken at the conference, including Oprah Winfrey, Justice Sandra Day O'Connor, Secretaries of State Condoleezza Rice and Madeleine Albright, Barbara Walters, Governor Arnold Schwarzenegger, former Prime Minister Tony Blair, Bono, and His Holiness the Dalai Lama.

Beyond her role as First Lady, Maria has announced a project called "A Woman's Nation." This multi-faceted project, in partnership with the Center for American Progress and the University of Southern California's Annenberg Center of Communication Leadership and Policy, will take a new, empirical look at the status of American women, who, for the first time, will make up half of the nation's workforce. The preliminary survey will be released in the fall, followed by a book.

Maria is also a vocal advocate for families that—like her own—are struggling with Alzheimer's disease. She was Executive Producer of The Alzheimer's Project, a groundbreaking four-part documentary series that premiered on HBO and won two Emmy Awards. One of the films, "Grandpa, Do you Know Who I Am?" is based on Maria's best-selling children's book dealing with Alzheimer's.

Maria also executive-produced the critically acclaimed "American Idealist: The Story of Sargent Shriver." The documentary aired on PBS and chronicled the life, accomplishments, and vision of her father, Sargent Shriver. Maria serves on the advisory board of the Sargent Shriver Peace Institute, which raises public awareness of her father's legacy as a peace builder and offers educational and training programs grounded in the principles of public service that motivate the many programs he created, including the Peace Corps, Job Corps, Head Start, and Legal Services for the Poor. In addition, she serves on the advisory board of the Lou Ruvo Center for Brain Health in Las Vegas, a new institute that will serve as a national resource for the most current research and scientific information for the treatment of Alzheimer's, Parkinson's, and Huntington's diseases.

With a career in journalism spanning more than 2 decades, Maria has been a network news correspondent and anchor for CBS and NBC, winning Peabody and Emmy Awards. She is the author of six New York Times best-

selling books. Maria is also a small business owner. In February of 2008, she launched an ice cream company called Lovin' Scoopful in supermarkets around the country. A portion of the proceeds from Lovin' Scoopful benefits the Special Olympics and other charities.

Maria is a graduate of Georgetown University, with a degree in American Studies. She and Governor Schwarzenegger have four children—Katherine, Christina, Patrick, and Christopher. Maria says, "When all is said and done, my main goal in life is to raise children who feel they are deeply loved . . . children who are kind, compassionate and aware of the world around them. If I can do that, I will consider myself a success."

I wish Maria the best as she continues her important work on behalf of those with Alzheimer's. She will continue to carry my own admiration, and that of all who have had the privilege to work with her.

THE 30TH ANNIVERSARY OF THE
ASSISTANCE LEAGUE OF BOISE,
IDAHO

HON. MICHAEL K. SIMPSON

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 2010

Mr. SIMPSON. Madam Speaker, I rise today to recognize the 30th anniversary of the Assistance League® of Boise, Idaho. This outstanding association is an all volunteer, non-profit organization that puts caring and commitment into action through philanthropic programs in Ada County, Idaho.

Thirty years ago on this day, 73 charter members opened the door to a new philanthropic organization, and over time their membership has grown to over 370. Together they provide a multitude of needed services to the community.

The seven philanthropic programs of Assistance League® of Boise focus on helping school age children in need, children and adults with hearing disabilities, and community education.

The members of Assistance League® of Boise have achieved remarkable results in improving the lives of those in need through their innovative and targeted philanthropic programs.

Congratulations to all the members of this fine and outstanding organization on your 30th anniversary. I thank you, the community thanks you, the children and families you have helped thank you.

A TRIBUTE TO THE MILWAUKEE
BUILDING AND CONSTRUCTION
TRADES COUNCIL

HON. GWEN MOORE

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 2010

Ms. MOORE of Wisconsin. Madam Speaker, I rise to pay tribute to the Milwaukee Building and Construction Trades Council as it celebrates its 100th Anniversary.

The Milwaukee Building and Construction Trades Council was created in July, 1910, in order to represent all working men and women in the trades living in the Greater Milwaukee area. The Council constantly works to assist the local unions it represents, by ensuring justice on the job, achieving the highest wages and fringe benefits possible, and providing quality work for the customer. Milwaukee Building Trades' quality efforts have proven to be effective.

The former presidents listed below have worked tirelessly to fulfill the Milwaukee Building Trades' mission: Peter Schoemann (1932–1952), John Zancanaro (1953–1973), James Elliott (1974–1996), and Lyle Balistreri (1996–present). Under their leadership, the Milwaukee Building and Construction Trades Council truly built Milwaukee.

The Milwaukee Building and Construction Trades Council helped to make numerous construction initiatives possible. Such community-enhancing projects include: Petit National Ice Center, Bradley Center, Miller Park, Elm Road Generating Station, & the Marquette Interchange.

This organization has provided countless opportunities for members of the Milwaukee community. Promoting apprenticeship programs and training has developed workers capable of addressing the many varied and future labor needs of Milwaukee. Participating in labor-management projects and initiatives has left an excellent example for future building trades leaders. Members of the Milwaukee Building Trades can be proud of the work they do, and have helped shape southeastern Wisconsin.

After one-hundred years of service, the Council deserves praise for its dedication to the labor industry. By exemplifying the balance between collaboration and solidarity, Milwaukee Building and Construction Trades Council maintains solid working relationships throughout the industry.

Madam Speaker, for these reasons, I am honored to congratulate the Milwaukee Building and Construction Trades Council for one-hundred years of exemplary leadership for local unions and dedication to developing projects in the Fourth Congressional District and the State of Wisconsin.

H. RES. 1631 WILL HARM EFFORTS
FOR REUNIFICATION OF CYPRUS

HON. BILL DELAHUNT

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 2010

Mr. DELAHUNT. Madam Speaker, I am concerned that the voice vote passage of H. Res. 1631, on September, 28, 2010, "Calling for the protection of religious sites and artifacts from and in Turkish-occupied areas of northern Cyprus as well as for general respect for religious freedom," may be detrimental to efforts at reunification of Cyprus.

While the Cyprus dispute is between Greek Cypriots and Turkish Cypriots, it has commanded the attention of other countries for decades. In that time, negotiations over Cyprus have involved not only the Cypriot com-

munities, but also Turkey, Greece, the United Kingdom, the United States, the United Nations, and the European Union. The impasse over Cyprus has had a number of implications, including the continuing stalemate on Turkey's accession to the European Union.

While sponsors of H. Res. 1631 spoke about religious tolerance, this legislation is clearly intended to target Turkey and Turkish Cypriots directly. No mention was made about the destruction of Turkish—Muslim cultural sites in the Republic of Cyprus, or the fact that both Greek and Turkish Cypriot communities have been working to tackle this problem together since 2008, under a Technical Committee established jointly by the leaders of the two communities.

Turkey, a friend of the United States and a NATO ally, has been supportive of the current discussions within the global community and between the two Cypriot leaders. The continuation of these efforts should be encouraged.

Passage of H. Res. 1631 at this time, could provoke a highly negative reaction and completely sidetrack the ongoing reunification process. Instead of a one-sided resolution, this House should commend and endorse the steps taken by both parties to resolve their longstanding dispute and settle their differences together.

A TRIBUTE TO REV. WALTER J.
MORRIS

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 2010

Mr. TOWNS. Madam Speaker, I rise today in recognition of Rev. Walter J. Morris.

Born in Mobile, Alabama, Rev. Morris has always been committed to service to the elderly community and serving others. At a very young age, he showed great respect for all people and took an interest in serving others. This was instilled in him from his late parents, Johnny and Emma Morris, who believed in strong morals and values, and respecting oneself and others. He was raised in a very large family, and is number eight of twelve children. He was educated in the Mobile County public school system, and was also the first male to graduate from high school in his family.

Rev. Morris went on to complete his education and graduated from the General Society of Mechanics and Tradesmen Mechanics Institute's, "Building Construction Superintendence Program" in 1973; Wilfred Academy Cosmetology School in 1993; New York Theological Seminary in 1997; Blanton Peale Graduate Institute in "Pastoral Care Awareness" in 1997; and attended New York College Alliance Theological Seminary, "Pastoral Ministry" and "Biblical Studies" from 2000 to 2003. Professionally, his first job was at Robert Hall Clothes Store. Later he transitioned to H.L. Lazar Inc., where he worked for more than twenty-one years, initially employed as a messenger. During the first sixty days he received two promotions. Rev. Morris received numerous promotions, including Field Service Supervisor in the construction department. He was promoted to Construction Superintendent in

1974, to be named the first Black Superintendent in the company until they went out of business in 1990. He moved on and continued to work in the construction industry until 2006, until retirement.

Rev. Morris has always been a Christian; his first church was Mt. Pleasant Baptist Church, in Mobile, Alabama. He continued his life of ministry at the Bethany Baptist Church, where he served as an Associate Minister under the pastorate of Rev. Dr. William A. Jones, Jr. who licensed him to preach in 1998, and ordained him in 2006. Rev. Morris has been in the community and active at the Bethany Baptist Church for over twenty years in various ministries, visiting the sick and shut-in, praying for people and preaching midweek services.

Rev. Morris served as the Chairman for the clergy group "The Community Benefit Agreement" for the Atlantic Yard Project, and is one of the original signatories. He feels that it is an honor to be able to help someone and encourage our youth to know that there is more to life than going to jail. As of five months ago, he started a new church, The Anointed Church with a Vision, in the Brownsville area, where he is the current and active Assistant Pastor.

God also blessed him seven years ago with a lovely wife, Barbara Morris, and step-daughter, Karen Miller where they currently reside in Brooklyn, New York.

Madam Speaker, I urge my colleagues to join me in recognizing the achievements of Rev. Walter J. Morris.

**HONORING AMERICAN SOCIETY
FOR TRAINING AND DEVELOPMENT
AND RECOGNIZING THE
IMPORTANCE OF EMPLOYEE
LEARNING WEEK**

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 2010

Mr. HOLT. Madam Speaker, I rise today to recognize the American Society for Training and Development and to commend them for its annual Employee Learning Week.

The ASTD is the world's largest association dedicated to the training and development field. Each year the ASTD sponsors Employee Learning Week to recognize the value of employee learning and the important link between a knowledgeable, highly skilled workforce and organizational success. This year Employee Learning Week will be celebrated December 6th through the 10th.

The ASTD has been committed to creating a highly skilled workforce that is critical to growing and sustaining a competitive advantage. There are 130 U.S. Chapters and 30 international partners including the Mid New Jersey Chapter with 140 members across Central New Jersey. Led by Peter J. Rizza, ASTD's Mid New Jersey Chapter members consist of training directors and human resource managers from a broad range of business and government agencies.

I applaud ASTD for its positive role in recruiting, training and developing the workers of

today and the leaders of tomorrow. I ask my colleagues to join me in congratulating ASTD and recognizing Employee Learning Week.

**A TRIBUTE TO RUSS NORMAN, M.
ED.**

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 2010

Mr. SCHIFF. Madam Speaker, I rise today to honor Mr. Russ Norman, an emeritus faculty member at Glendale Community College, whose commitment to education has contributed substantially to student achievement.

Professor Norman began teaching business courses at Glendale Community College in 1955, and continued as a full-time professor until his retirement in 1995. As a dedicated educator, Mr. Norman has continued teaching as an adjunct faculty member since that time. He primarily teaches accounting courses, in addition to written business communications and mathematics of finance courses.

Professor Norman holds a bachelor's degree and a master's degree in education (M. Ed.) from the University of California, Los Angeles.

In his early years at Glendale Community College, Mr. Norman served as coach of the Judo Club. Under his leadership, the club garnered its first Southern California Kodokan Judo Association Collegiate Championship, beating his alma mater, UCLA.

Even more impressively, Mr. Norman's accomplishments stretch far beyond his role as a college instructor and coach. He served on the Board of Governors for the Institute of Internal Auditors, and was the coordinator of a project to create an IMAX theater in Jakarta, Indonesia. It was Mr. Norman who supervised procurement of system components, and brought in the company which filmed the first film shown in the venue. Further, Mr. Norman is a veteran, having served in the U.S. Army at the beginning of World War II.

Russ Norman is a tremendous asset to Glendale Community College and to our community, and I ask all Members to join me in thanking him for his dedicated service and remarkable achievements.

**CONGRATULATING JOE GROSS ON
HIS RETIREMENT FROM ST.
ELIZABETH HEALTHCARE**

HON. GEOFF DAVIS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 2010

Mr. DAVIS of Kentucky. Madam Speaker, I rise to recognize the career of Mr. Joe Gross and to congratulate him on his retirement from St. Elizabeth Healthcare after an outstanding 25 years serving our community.

Joe's contributions to the St. Elizabeth Healthcare system and the northern Kentucky health care community have been significant. Thanks in large part to his leadership, St. Elizabeth's has emerged as a robust hospital sys-

tem in our region that has introduced many new and innovative approaches to health care to our area.

St. Elizabeth Edgewood has been named one of America's 50 Best Hospitals by HealthGrades for 4 consecutive years, one of the nation's 100 Top Hospitals by Thomson Reuters for 5 years, the first hospital in the tri-State to be awarded Magnet status by the American Nurses Credentialing Center, ANCC, for excellence in nursing care.

Joe has also been recognized personally through a number of awards and honors, including Healthcare Manager of the Year in Cincinnati and the Healthcare Hero Lifetime Achievement Award by the Cincinnati Business Courier, the Distinguished Service Award from the Kentucky Hospital Association, and the Northern Kentucky Chamber of Commerce's Walter R. Dunlevy/Frontiersman Award.

In addition to his responsibilities with St. Elizabeth, Joe has been actively involved in the community over the years, including as a chairman of the Northern Kentucky United Way campaign and in working with area colleges to provide scholarships and learning opportunities for students in nursing and other allied health professions.

In sum, Joe has made a difference in the lives of northern Kentuckians. He and his team have worked to improve access to quality health care to all in Northern Kentucky. I have enjoyed working with Joe closely on health policy and I have come to count him as a friend.

I thank Joe for his service to our community and wish him the very best in his next adventure.

I ask my colleagues in the U.S. House of Representatives to join me in recognizing Mr. Joe Gross' accomplishments and contributions and wishing him many more years of health and happiness.

HONORING RON JELINEK

HON. FRED UPTON

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 2010

Mr. UPTON. Madam Speaker, I rise today to pay special tribute to my dear friend, State Senator Ron Jelinek of Berrien County on the occasion of his retirement. A lifelong Michigan resident, Ron has dedicated himself to serving the people of southwest Michigan and improving the quality of life for all Michiganders.

After receiving his degrees from Michigan State University and Western Michigan University, Ron began his career as an educator in the River Valley School District, where he taught for three decades.

In 1996, Ron was first elected to the Michigan House of Representatives where he was popularly reelected to two additional terms. Ron was then elected to the Michigan State Senate in 2002. Throughout his 14 distinguished years in public office, Ron has been a leading champion of public education and Michigan agriculture.

Beyond the duties of elected office, Ron has proven himself to be a natural community

servant. He serves as a member of the Berrien County Farm Bureau, the Three Oaks Free Methodist Church, the Michigan Coalition of Responsible Gun Owners, and the River Valley Engine Club. He also was a co-founder, officer, and volunteer for the Three Oaks Ambulance Service, and involved in Future Farmers of America, 4-H, and Girl Scouts.

Ron's leadership, knowledge, and compassion have made him an indispensable asset to the citizens of Berrien County and the State of Michigan. As Senator Ron Jelinek prepares for his retirement, he leaves both an example for future public servants and a legacy that will benefit southwest Michigan for years to come. I am truly honored to call Ron a colleague and friend.

A TRIBUTE TO DR. MODDY H.
KILUVIA

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 2010

Mr. TOWNS. Madam Speaker, I rise today in recognition of Dr. Moddy H. Kiluvia.

Moddy H. Kiluvia, MD joined North Brooklyn Health Network in August 2006 as an attending Psychiatrist at Woodhull Hospital Psychiatry Emergency Room. He is responsible for providing acute Psychiatric care to the residents of Bushwick, Bedford Stuyvesant, Fort Green, Williamsburg and Greenpoint.

Dr. Kiluvia was born in Tanzania, East Africa. After graduating from high school, he received a full scholarship to attend medical school at Turkey's most prestigious medical school, Hacettepe University, School of Medicine in Ankara, Turkey. After graduating from medical school he immigrated to United States in 1997 to pursue his residence. He first worked at New York City Fire Department as a medical reviewer.

Dr. Kiluvia started his residence in Psychiatry at Mt. Sinai School of Medicine, Cabrini from 2001 to 2005. He then did his Advanced Residence (fellowship) in Addiction Psychiatry at Yale University between 2005 and 2006. During his residence and fellowship, Dr. Kiluvia received several awards from American Psychiatric Association (APA). He received APA/ASTRAZENACA fellowship for outstanding minority resident in Psychiatry as a resident and APA/SAMHSA minority fellowship award during his fellowship.

Additionally, Dr. Kiluvia works part time at Rikers Island as a per diem Psychiatrist. Despite his busy work schedule, Dr. Kiluvia finds spare time to work as a Doping Control Officer (DCO) for International Doping Testing Management (IDTM), conducting doping tests on Olympic athletes. The job gives him opportunity to conduct doping tests in various major international sports tournaments including World Cup Soccer in South Africa (2010), US Open Tennis (2009), DN Galan Athletic Tournament in Stockholm, Sweden (2009 and 2010) and various other out-of-competition doping controls on high profile athletes in major international sports.

Dr. Kiluvia enjoys dancing, traveling, watching sports especially soccer, basketball and tennis. He is married to Zelda.

Madam Speaker, I urge my colleagues to join me in recognizing the achievements of Dr. Moddy H. Kiluvia.

RECOGNIZING EUGENE GWIZDALA

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 2010

Mr. KILDEE. Madam Speaker, I rise today to pay tribute to Eugene Gwizdala as he retires from the Bay County Commission after serving 34 years as the Commissioner for the 8th district. A celebration is planned for December 14th in Bay City, Michigan in his honor.

First elected in 1975 to represent the 4th district, Eugene served through 1984. He was elected in 1987 to represent the 8th district and has held the position since that time. During his tenure he was Chairman of the Board in 1997, 1998, 1999, and 2005; and Vice-Chair of the Board in 2000, 2001, 2003, 2004, 2006, 2007, 2008, and 2009. He also served on numerous county boards and commissions. He was a member of the MSB Airport Commission, working tirelessly to develop and secure services for airport customers and ensure the future of the airport. Eugene was also instrumental in the creation of the Bay County Mosquito Control Program.

Madam Speaker, Eugene Gwizdala has served the people of Bay County with diligence, insight, and enthusiasm. He has spent the past three decades of his life committed to improving the quality of life for the residents of Bay County. I wish him the best as he retires and enters the next phase of his life.

COMMEMORATING THE FORTIETH
ANNIVERSARY OF THE U.S. ENVIRONMENTAL
PROTECTION AGENCY

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 2010

Mr. MORAN of Virginia. Madam Speaker, I rise today to recognize the work of the U.S. Environmental Protection Agency as it celebrates its fortieth anniversary.

EPA was established December 2, eight months after the nationally-celebrated Earth Day. EPA's work has been much in the forefront in recent years, particularly related to its work to regulate greenhouse gas emissions. There are some that disagree with EPA's approaches, believing that they cause increased costs to industry and hurt the economy. Yet we have all benefitted from its results. No one can dispute that EPA's efforts have provided a cleaner, healthier environment for the American people.

Congress has given EPA much to work with, including the Clean Air Act, Clean Water Act, Safe Drinking Water Act, Resource Conservation and Recovery Act, the Superfund Law, Oil Pollution Act, and other laws. The agency has done its best to meet stringent

congressional mandates through strong scientific and medical-based research, working with states, industry and the public, encouraging voluntary actions and taking aggressive enforcement actions when needed.

Sadly, some of my colleagues are now criticizing the agency for following the law and discussing ways to prevent the agency from doing its job. Under the Clean Air Act, Congress directed EPA to regulate air pollutants on health-based standards. I urge my colleagues that refrain from this criticism and think twice before weakening regulations that protect our health.

There is a strong record of achievement. Let me list some of EPA's many accomplishments in these forty years:

- Removing lead from gasoline
- Reducing acid rain
- Establishing vehicle efficiency and emissions control standards
- Controlling toxic substances management and disposal
- Banning widespread use of pesticides such as DDT
- Promoting recycling of potential waste
- Achieving cleaner drinking water
- Making information on environmental concerns available to the public
- Revitalizing communities with Brownfield grants

In addition, EPA is called upon to respond to natural and man-made disasters. In the last ten years, EPA assisted in the World Trade Center response in 2001; performed several cleanups of anthrax, including the Hart Senate Office Building, in 2001; cleaned up following Hurricane Katrina in 2005; retrieved Columbia Shuttle debris in 2003; responded to the collapse of the TVA dam in Kentucky in 2008; and provided support to the BP oil spill response in 2010.

For four decades, EPA has confronted environmental challenges, fostered innovations, and cleaned up pollution in the places where people live, work, play and learn. Anyone who travels outside this country to areas without strong environmental protections can attest to the benefits to our well being from reducing pollution. Over the past forty years, it is undisputed that EPA has improved our environment and the health of all Americans.

A TRIBUTE TO JULIA FENNER
HOLLAND

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 2010

Mr. TOWNS. Madam Speaker, I rise today in recognition of Julia Fenner Holland.

Julia Fenner Holland, a native North Carolinian, was born and raised in a little town called Scotland Neck. The middle child of eleven siblings, she received her formal education in the Halifax County Public School System and continued her education at the North Carolina Central University. Julia was an active participant in the civil rights movement during the 1960s. Upon moving to Brooklyn, New York in 1969, she enrolled in Cornell University School of Industrial and Labor Relations and later completed studies at New York

State Stenotype Academy in Manhattan, New York.

Julia grew up in a wholesome rural environment where her parents instilled in their children the importance of sound religious values and education. She attributes her success in life to her parents who throughout their lives taught that one can attain anything in life by working hard and by having faith in God. In 1973, she was employed by the U.S. Postal Service and retired in 2003. During her tenure with the U.S. Postal Service, she held executive positions with the postal union. In this position, she traveled widely to various foreign countries, and to nearly every state in the Union promoting women's rights in the workplace. Her vast experiences have impacted the lives of many people positively.

She began her fraternal career in the Prince Hall Masonic Family in 1986. Since becoming a member, she has served untiringly with grace and pride in various positions, voluntarily doing charitable and benevolent work in her community and across the State of New York to help make a better life for others. Julia's philanthropic spirit embodies the very nature of the ethos of the Prince Hall Order of Eastern Star.

In June 2009 Ms. Holland was elevated among her peers to the esteemed position of Grand Worthy Matron of Eureka Grand Chapter Prince Hall Order of Eastern Star., Incorporated, for the State of New York. In this position, she is the chief administrator of 53 subordinate chapters comprised of nearly three thousand members.

She grew up in the Baptist Church in North Carolina and in 1988 received the right hand of fellowship at Berean Baptist Church located in Brooklyn, New York, where she remains a member.

She finds time to read, sew, and practice developing graphic art images on the computer when she is not doing voluntary work in soup kitchens in the East New York section of Brooklyn.

The proud parent of two adult sons, Cedric and Christopher, she also had two lovely granddaughters, Naima and Nya. She emphatically states "God has been good to me".

Madam Speaker, I urge my colleagues to join me in recognizing the achievements of Julia Fenner Holland.

HR. 5114—FLOOD INSURANCE
REFORM PRINCIPLES ACT OF 2010

HON. CAROLYN MCCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 2010

Mrs. MCCARTHY of New York. Madam Speaker, I firmly support H.R. 5114, the Flood Insurance Reform Principles Act of 2010, and requested to be a cosponsor, with consent from the bill's principle sponsor. Unfortunately, under House Rules, cosponsors may not be added to legislation once a house report has been filed for that legislation.

I have worked tirelessly on this issue, both with my colleagues on the Financial Services Committee, as well as Senator SCHUMER. I remain committed to working on reforming the

National Flood Insurance Program, and will support this again, should it return to the House for a final vote.

When we reconvene for the 112th Congress, I will work with the bill's sponsor to ensure this important legislation is reintroduced.

HONORING PAUL SCHRADER

HON. PATRICK J. KENNEDY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 2010

Mr. KENNEDY. Madam Speaker, I rise today to recognize Paul Schrader on the occasion of the dedication of a library in his honor at the Robert F. Kennedy Schools Complex in Los Angeles, California on September 13, 2010. Named after U.S. Senator Robert F. Kennedy, my uncle, the schools are devoted to social justice. Paul was one of the five people wounded the night Senator Kennedy was assassinated at the Ambassador Hotel, where the Schools Complex is located.

Paul, a close friend and campaign staffer, was right behind Senator Kennedy when shots rang out shortly after RFK's victory speech following the California Democratic presidential primary on June 5, 1968.

The 24-acre, \$578 million schools complex on Wilshire Boulevard consists of six different schools for grades kindergarten to 12, with more than 4,000 students, the vast majority of them from Latino and low-income neighborhoods. Paul, 85, was a driving force behind the project, which was fraught with obstacles from the start, including Donald Trump's plans to build five towers at the site, one of them 125 stories tall. Later, Wal-Mart wanted to put a store there.

Senator Kennedy's commitment to social justice is evident throughout the campus with murals, quotations and similar exhibits.

Originally designed as a large, comprehensive K-12 school that would house more than 2,400 students, the school district determined in 2008 that the facility would host wall-to-wall pilot schools, which opened this fall. Pilot schools are innovative small schools that have charter-like autonomy over their budget, curriculum and assessment, governance, schedule and staffing, but are part of the public school system.

Among the new school's many features is a 500-seat auditorium and cafe at the site of the old Coconut Grove nightclub, built adjacent to the hotel in the 1920s, where LA's rich and famous would go to party. Howard Hughes was a regular there and several Academy Awards events were held there during the 1930s.

Groundbreaking on the new schools took place four years ago.

Paul has been instrumental in the improvement of public education in Los Angeles. His lifelong mission, since RFK's death, has been to perpetuate the best of what Kennedy stood for. I wish Paul all the best as he continues his important work on behalf of young people.

He will continue to carry my own admiration, and that of all who have had the privilege to work with him.

A TRIBUTE TO ARNOLD DEBRICK

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 2010

Mr. SKELTON. Madam Speaker, let me take this means to recognize an American veteran, Arnold Debrick of Paola, Kansas, for his heroic service during WWII. On Sunday, December 5, 2010, Mr. Debrick will be awarded the French Legion of Honor for his extraordinary bravery in liberating France during WWII. The French Legion of Honor was founded by Napoleon Bonaparte in 1802, and it is the highest distinction that France can bestow upon those who have achieved remarkable deeds for the country. Mr. Debrick served in France, Luxembourg, Belgium, and Germany, and participated in the Ardennes, Rhineland, and Central Europe battles, including the Battle of the Bulge, and the liberation of Buchenwald, a German Nazi concentration camp outside of Weimar, Germany.

In the summer of 1944, at the age of 19 and meager weight of 125 pounds, Mr. Debrick enlisted in the United States Army. On New Year's Eve, 1944, he boarded the *Queen Mary* in New York's harbor and departed the United States. He sailed across the Atlantic to combat an evil the likes of which had never been seen in modern history. During the chaos of war and beneath a barrage of mortar fire, Mr. Debrick was separated from his original unit but was able to hop onto the back of an American chow truck, which led him to Company B of the 9th Armored Infantry Battalion of the 6th Armored Division, United States Army.

After weeks of grueling battle in the dead of an unforgiving winter, an officer noticed Debrick's feet had turned completely black. He was sent to the hospital in Metz, France, and it was determined he had trench foot. Each day, then Private First Class Debrick waited anxiously in the hospital bed with his feet elevated; he feared he would share the similar fate that many of his brothers in arms had met and would face amputation. Yet, his faith was unyielding and partial circulation eventually returned to his feet. After many days, he was able to rejoin his outfit. To this day, Mr. Debrick says that his feet getting cold is a constant reminder to give thanks to God for not only saving his feet but his life as well. To all of us in this grateful nation, Mr. Debrick's cold feet should also serve as a solemn reminder of the many sacrifices our brave men and women in uniform endure and that we will forever be indebted to them for the freedoms and many blessings we have in America.

Just as France will recognize Mr. Debrick's exceptional service and sacrifices this coming Sunday, it is also fitting and appropriate that we do so today as one grateful nation. Mr. Debrick's bravery is admirable and inspiring and I am honored to acknowledge his service during WWII. I trust that the Members of the House will join me in thanking him.

A TRIBUTE TO GINA PARHAM

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 2010

Mr. TOWNS. Madam Speaker, I rise today in recognition of Gina Parham.

Gina Parham was born on August 30, 1957, in Brooklyn, New York. She is the daughter of the late Gloria Green and mother of Tavelle S. Parham. Gina was raised by her extended family.

Gina received her education in the Public School System here in Brooklyn. She attended college in New York City, and has returned to complete her Bachelor of Arts in Human Resources. She accepted Christ and was baptized at the early age of ten, under the Pastorate of the late Rev. Dr. Hylton L. James. Dr. James allowed the youth of Berean to take a part in the morning worship program and this is where her Christian journey began.

Her work experience spans from city to private corporations. She is presently employed by Vanguard Temporaries, New York and White Plains, New York as a Human Resources/Benefit Administrator and an Administrative Assistant. She loves to help others. Rarely will she turn anyone down if in need of her assistance. She is an event planner, loves to read, travel and cook.

Her past and present affiliations include the following: President and Dean of Pledges for Zeta Phi Beta, Sorority, Inc. Omicron Beta Chapter in Brooklyn; Officer and member of various youth organizations at Berean, such as the Girl Scouts, Jr. Ushers, Youth Lay League, Cherub Choir and Gregory Daffin Singers; Co-Chairperson on the Culinary and Decoration Committee for Women's Day Committee 2007; and was a student in Berean's Bible Institute. She currently serves as Assistant Financial Secretary and Luncheon Co-Chairperson for the Brooklyn Sunday School Union; she is a member of Church Women United in Brooklyn, Inc., Berean's Joint Usher Ministry, where she serves as a supervisor to the Jr. Usher Ministry, Berean Broadcaster and Sunday School Ministry. She also is a graduate of George T. Grier School of Ushering in June 2010.

Volunteering is important to Gina. She continues to do volunteer work three days a week or more at the Evangelical Lutheran Church of the Epiphany, Epiphany Lutheran School. She volunteers for voter registration drives, assists seniors when in need, (i.e. shopping, going to the doctor or any other task they may ask of her). Gina loves to work with the seniors at Berean, especially on Senior Emphasis Sunday, an experience that brings joy to her heart.

Madam Speaker, I urge my colleagues to join me in recognizing the achievements of Gina Parham.

NEW YORK TIMES SHOWS DOUBLE STANDARD ON LEAKS

HON. LAMAR SMITH

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 2010

Mr. SMITH of Texas. Madam Speaker, the New York Times recently decided to print classified State Department documents obtained illegally by WikiLeaks.

But one year ago, The Times declined to print information released during the ClimateGate scandal that showed scientists were hiding contradictory temperature data.

Regarding its decision to print the WikiLeaks documents, The Times wrote: "For The Times to ignore this material would be to deny its own readers the careful reporting and thoughtful analysis they expect when this kind of information becomes public."

In contrast, The Times said they did not publish the ClimateGate documents because, "The documents appear to have been acquired illegally and contain all manner of private information and statements that were never intended for the public eye, so they won't be posted here."

There is no better example of a double standard.

A TRIBUTE TO MS. DONNA EVELYN ANDERSON WHITE

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 2010

Mr. TOWNS. Madam Speaker, I rise today in recognition of Ms. Donna Evelyn Anderson White.

Ms. White was born on February 23, 1960, in Manhattan, New York, where she spent most of her childhood. She attended P.S. 103 and Montauk Junior High School for her elementary education, graduated with honors from Franklin Delano Roosevelt High School and received a Bachelors of Arts in Humans Services from the University of Buffalo.

A strong love for children led Ms. White to become a teacher at the Trey Whitfield School. She started out as a substitute teacher at the school, but a commitment to the institution and its children kept her there. Now, after teaching Kindergarten for sixteen years at the Trey Whitfield School, Ms. White teaches Pre-K. Teaching has been her passion and one of her greatest joys in life; she loves helping students achieve their personal and academic goals. Ms. White is considered "the other mother" to some at the Trey Whitfield School because children can come and talk to her about anything. She strongly believes that in life, one cannot do it alone; as the old adage goes, "it takes a village to raise a child."

Ms. White has always enjoyed singing—whether at church or just for fun. She shares this passion by serving as the choir director for the Trey Whitfield School's Children's Concert Choir. This choir is seasoned! They sing from state to state and, under Ms. White's direction, bless people with beautiful music.

Ms. White recently received the Mary McLeod Bethune Award for Excellence in Education/Song Bird. For her continuous efforts in the education for the children, this recognition was long overdue. After receiving this award and many other honors, Ms. White knows that she is not doing the work alone. God is on her side. Beyond her teaching duties, Ms. White proudly serves her community by tutoring and mentoring inner-city youth.

In addition to caring for children in the community, it should also be noted that Ms. White lives for her own children as well. She is a proud mother of two daughters: Whitney and Whynter. Whitney is a senior at Loyola University in Baltimore, Maryland, and Whynter is a sophomore at Nazareth Regional High School in Brooklyn, New York.

Ms. White owes all of her success to two women: Her mother, Patricia Robinson, and her deceased grandmother, Evelyn Jenkins. Ms. White's mother is not just a parental figure, but a best friend; her grandmother always provided guidance, telling her that, "little becomes much when you place it in the Master's hand." Both women offered constant support, encouragement and taught her how to bring out the best in others. Ms. White stands on the shoulders of these two valiant women and her life is a testament to their love.

Madam Speaker, I urge my colleagues to join me in recognizing the achievements of Ms. Donna Evelyn Anderson White.

HONORING THE OUTSTANDING PUBLIC SERVICE OF KATHY BECKER

HON. JOHN S. TANNER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 2010

Mr. TANNER. Madam Speaker, I rise today to tell you about a dear friend of mine who has served the House of Representatives longer than you, me and the vast majority of our colleagues.

Kathy Becker's distinguished career on Capitol Hill spans more than 40 years, during which she has made important contributions not only to the districts she has served but to our country and our international alliances.

Kathy grew up near here in Federalsburg, Maryland, on the Eastern Shore and attended the University of Maryland and George Washington University before coming to Capitol Hill in May 1971. She worked almost four years for Congressman Frank Denholm of South Dakota and then—fortunately, for us—came to the Tennessee delegation, where she has served much longer than any of us elected to represent Tennessee in this chamber. She worked for 3rd District Congresswoman Marilyn Lloyd for more than 4 years and then joined the 8th District team working for my predecessor, Congressman Ed Jones.

When Betty Ann and I took office in 1989, we were very grateful that Kathy agreed to stay on the team as executive assistant, and she has been a loyal, dedicated staff member to us and an exceptional public servant to the people of west and middle Tennessee.

Kathy has been on Capitol Hill for some of history's biggest moments. She has seen eight

presidential administrations, including one president who was impeached and another who resigned to avoid the same. Kathy was here when the Vietnam War ended, the Berlin Wall came down and fundamental extremists attacked our country on September 11, 2001.

One of the great honors I have had is representing the House of Representatives on the NATO Parliamentary Assembly, serving 6 years as chairman of the U.S. delegation to that body and 2 years as President of the NATO Parliamentary Assembly. This opportunity has allowed us to help strengthen diplomatic ties with parliamentarians from our closest allies, relationships that had been strained in recent years.

Our efforts there would not have been possible without Kathy's work staffing the U.S. delegation here and abroad. She has helped us stay in communication with our allies and the NATO Parliamentary Assembly team in Brussels; organized important sessions to help us get to know our fellow parliamentarians more closely; and ensured we are able to best represent our country and the House of Representatives on both sides of the Atlantic Ocean. Her commitment and hard work have helped our country continue rebuilding its reputation with our NATO allies, which is especially important to the men and women in uniform who are serving our nation around the world.

In January, Kathy will retire from Federal service, and she can do so proudly, knowing that in a career that spanned more than 4 decades, she has been a part of history and has served our district and her country honorably. Madam Speaker, I ask that you and our colleagues join Betty Ann, our family and me in congratulating and thanking Kathy Becker for her unparalleled commitment to public service.

CONGRATULATIONS TO BERNIE
AND REEVA NOWITZ

HON. PAUL TONKO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 2010

Mr. TONKO. Madam Speaker, I would like to call the attention of the House to the remarkable accomplishments of Reeva and Bernie Nowitz as The Israel Center, a program of Jewish Educational Resources of New York, JERNY, prepares to honor them later this week.

Bernie Nowitz is a retired pharmacist. As the former president of Burns Pharmaceuticals in Rensselaer, New York, Bernie served my constituents faithfully for 24 years. After his retirement, he worked as a pharmacy consultant and then as a volunteer for the Schenectady Free Clinic. He has served as a board member of Jewish Family Services, and is a past president of Temple Beth El in Troy, where he currently serves on the Religious Committee.

As part of a fact-finding mission, Bernie traveled to the former Soviet Union and Austria to understand the plight of Jewish refugees. He has also traveled to Israel with the Volunteers for Israel project on two separate occasions. Bernie and his wife, Reeva, have

been strong supporters of Israel since their first trip 35 years ago. They have been long-time supporters of JERNY and Hadassah as well.

Reeva Nowitz, who is also being honored by JERNY, was Vice President of Burns Pharmaceuticals, working alongside her husband. Since her retirement she has been involved with the Jewish Federation, serving as president of the Women's Division and has been on the boards of the Jewish Federation of Northeastern New York and the Daughters of Sarah Foundation. She is the current president of Temple Beth El in Troy and helped in the formation of the Albany Area Jewish Cemetery Association of Northeastern New York.

Reeva and Bernie are shining examples of Americans who actively demonstrate their commitment to their family, their community and their faith. Bernie often assists Reeva with her duties at Temple Beth El of Troy where she has served as president for several years. Together with the other families that make up this small but active congregation, Temple Beth El has come to be known in the community as a place where friends and family gather each week for informal services. There, spiritual leader Alan Bell works with the members to develop weekly educational and religious activities for members and non-members alike. The services are inclusive and accessible, bringing children and grandchildren into active participation during worship.

The Nowitzes have lived the dream of seeing their love survive many decades, as their children grow to be fine adults and their family blossoms to include grandchildren. They have been members of Temple Beth El for more than 50 years and attended Hebrew School there. Reeva was born in nearby Cohoes. Bernie was born in the Bronx and moved upstate to Troy at age three.

Reeva and Bernie have been married for more than 46 happy years and have been part of the Temple Beth El and Troy community for that entire time. They have been blessed with two daughters, Cheryl and Nicole. Cheryl is married to Anthony Klein and they live in Palto Alto, California with their children Alex and Daniel. Nicole works in real estate in New York City.

I ask my colleagues to pause to congratulate Reeva and Bernie for being among the honorees at the Israel Heroes Dinner on Thursday, December 2, 2010.

HONORING STEVEN HURD

HON. MICHAEL H. MICHAUD

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 2010

Mr. MICHAUD. Madam Speaker, I rise today to recognize Steven Hurd on the occasion of his retirement after 38 years of dedicated service in the Department of Veterans Affairs.

Throughout his career, Steve has fought tenaciously to improve the quality of life of veterans and their caregivers. Steve began his VA career in 1972 and served in a variety of Recreation Therapy positions. From 1983 to 1987, he served as the Assistant Chief of Vol-

untary Service at the Brockton, Massachusetts VA Medical Center. For the past 23 years, Steve has served as the Chief of Voluntary Service at the Togus, Maine VA Medical Center.

Under his leadership, a number of new programs have been established at Togus, including the 'Caught Ya' program to recognize staff members that go above and beyond their duties in caring for veterans, the Service Recovery Program, and new volunteer assignments to provide mealtime companions and other quality of care initiatives for hospitalized veterans. These programs have greatly enhanced and expanded the use of volunteers and staff in improving veterans' healthcare experiences at Togus.

Steve is also an active leader in other sectors of Veterans Affairs. He serves as the VISN 1 Voluntary Service Liaison Chief, is an active member and past president of the Maine Society of Directors of Healthcare Volunteer Services and is current president of the New England Association of Directors of Healthcare Volunteer Services. In his capacity as VISN Liaison Chief, Steve has also mentored incoming Voluntary Service Chiefs in other Medical Centers in VISN 1. In 2008, Steve served as the president of the Association of Healthcare Volunteer Resource Professionals, becoming the first VA Voluntary Service staff member to be elected to this position.

Through his dedication and valued work, Steve has garnered well-deserved appreciation and numerous accolades including the Voluntary Service Award for Excellence, the Governors' Volunteer Service Award for Excellence in Volunteer Administration and most recently, the Award for Excellence from the Association of Volunteer Resource Professionals.

Madam Speaker, please join me in recognizing Steven Hurd for his compassion and tireless efforts on behalf of the veterans in Maine.

A TRIBUTE TO ANN-MARIE K.
FOSTER

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 2010

Mr. TOWNS. Madam Speaker, I rise today in recognition of Ann-Marie K. Foster.

Ann-Marie Karlene Goddard Foster was born to serve and help others. Born in Brooklyn, New York on June 22, 1969, she is the eldest of three children born to the late Marva Williams. After losing her mother to gun violence at the tender age of eight years old, Ann-Marie's desire to help others in her community began to take root. Ms. Foster was raised by her loving grandmother, Josephine Ellis, and her late grandfather, Clayton Ellis; her grandparents instilled in her that a solid education was the key to endless opportunities, and a mantra such as "what is in your head can't nobody take it away from you." She graduated at the age of 16 with a Regents diploma from Brooklyn Technical High School in 1986. She went on to earn a Bachelor of Science degree in Biology from Utica College of Syracuse University in 1990 with intentions of serving in the health care community.

Upon her return to Brooklyn, her first employment opportunity was for the Health Insurance Plan (HIP) of New York working as a Medical Assistant. During her time at HIP serving in the Women's Health Division, she learned early the power of engaging women in caring for their health which ultimately could shape the health outcomes of the entire family. It was also during this time that she saw the necessity to have health care providers who could relate to a vulnerable population—those who often put other priorities ahead of their own health—women. As the HIV epidemic and the spread of STDs began to take its toll on the African American community, being able to communicate without judgment was the key to the center's success.

In 1991, she joined the New York City Health and Hospitals Corporation at Metropolitan Hospital Center in New York and began a journey that would span 19 years in increasing administrative capacities. One of her most rewarding times was spent at Woodhull Medical Center in Brooklyn where she met her mentor who would guide her career and allow her to spread her administrative wings. The seasoning of her experience at Woodhull prepared her for her most challenging opportunity to date. In June 2009, she was recruited to lead the oldest public hospital psychiatric program at Bellevue Hospital Center. Currently, Ms. Foster is the Senior Associate Executive Director of the Psychiatry and Child/Adolescent Psychiatry departments, which includes a 339 bed inpatient unit and multiple mental health ambulatory care services. She is a member of the American College of Health Care Executives and the National Alliance on Mental Illness.

Ms. Foster is most proud of being the mother of two beautiful children, Maya, 13 and Myles, 9; both of whom attend independent schools in NYC. Ms. Foster finds time to be a class representative at her daughters' school, serve in the Parents' Association, mentor young women at the Lenox Road Baptist Church, where she is a member, and participate in community service projects. She continues to live in Brooklyn with her husband of fifteen years, Ray Foster, and her children.

Madam Speaker, I urge my colleagues to join me in recognizing the achievements of Ann-Marie K. Foster.

TRIBUTE TO FERNANDO A.
GUERRA, MD, MPH, FAAP

HON. CHARLES A. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 2010

Mr. GONZALEZ. Madam Speaker, I rise today to honor a man who has spent his whole life pursuing the well-being of others, especially that of children, through his medical practice, education, and leadership. After many years of service to his community, Dr. Fernando A. Guerra, a long time practicing pediatrician and a dear friend of mine, is now retiring from his post as Director of Health at the San Antonio Metro Health District.

Having received his bachelor of arts degree from the University of Texas in Austin, his

medical degree from the University of Texas Medical Branch in Galveston, and a master's of public health degree from the Harvard School of Public Health where he was a Kellogg Fellow, it comes as no surprise that Dr. Guerra has been recognized as a leading contributor to medical research and literature. We are forever grateful for Dr. Guerra's work in numerous areas, including immunizations, community health, and health disparities, as his work and leadership have made a difference for the people of our Nation's seventh largest city and its surrounding areas.

Over the years, Dr. Guerra has offered his expertise to many boards and committees, and he will continue to serve in this capacity in retirement. One of Dr. Guerra's greatest passions is educating and mentoring the next generation of public and private health professionals. As the Director of Health at the San Antonio Metropolitan Health District, he has mentored physicians in training from both the public and private sectors, including the Residents in Aerospace Medicine, RAMS, program. Through the RAMS, he has been able to give back to the military he served in as a member of the U.S. Army Medical Corps during the Vietnam War, for which he received both the Bronze Star and the U.S. Army Commendation Medal with "V" distinction.

In light of all that Dr. Guerra has accomplished in his long and prosperous career, I would like to ask my colleagues to join me in recognizing this extraordinary man of scholarship and public service for all that he has done for the people of Bexar County and our Nation.

PERSONAL EXPLANATION

HON. RANDY NEUGEBAUER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 2010

Mr. NEUGEBAUER. Madam Speaker, on rollcall No. 584, I was unavoidably detained. Had I been present, I would have voted "no."

OUR UNCONSCIONABLE NATIONAL
DEBT

HON. MIKE COFFMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 2010

Mr. COFFMAN of Colorado. Madam Speaker, today our national debt is \$13,834,918,581,977.03.

On January 6th, 2009, the start of the 111th Congress, the national debt was \$10,638,425,746,293.80.

This means the national debt has increased by \$3,196,492,835,638.20 so far this Congress.

This debt and its interest payments we are passing to our children and all future Americans.

A TRIBUTE TO JOYCE MARIE
CANNADY

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 2010

Mr. TOWNS. Madam Speaker, I rise today in recognition of Joyce Marie Cannady.

Joyce Marie Cannady was born in Franklin, Virginia, to Sallie Irene and Jasper Williams. She has lived a life of service to others and continues to do so even as a retiree today.

Ms. Cannady began her work career as a Secretary for the Department of Social Services as a member of the executive staff team. During her tenure there, she excelled at meeting the day-to-day operation needs of the department. Always a good listener, she was tasked with the assignment of addressing complaints of the office.

In 1971, a co-worker informed her about a Medgar Evers College opening in Brooklyn. She accepted a position as the first Secretary in the Nursing Program, which began with sixteen students. Joyce helped set the tone and pace for the Nursing Program. She excelled in her position and received increasing levels of responsibilities over the years. In her role as Administrative Assistant to the Nursing Program Director, she was responsible for hiring and supervising support staff, scheduling student consultations and managing the on-going administrative operations.

Ms. Cannady retired after dedicating 30 years of service to an institution that continues to educate students by supporting its motto: "Creating success one student at a time." She has also worked with the AmeriCorps program, serving as a reading and writing tutor for first and second grade students at P.S. 57 in Queens.

In her spare time, she dedicates her experience and talent to others. Her community activism began in the early 1980s, when she created the United Neighborhood Block Association in Queens and became its first President. The association was designed to increase the sense of community within the neighborhood. She also became a member of the Queens Village Civic Association, Queens Democratic Club, Eleanor Roosevelt Democratic Club, Women's Caucus for Congressman Towns and AmeriCorps Alumni. She has served as a leader for other service committees. She was the Executive Secretary, District Council 37 Women's Committee and President of the Youth Department of Black Trade Unionists. As a member of the Retirees Committee, she continues to live a life of service and currently serves as the Executive Secretary for the Church of God In Christ Jesus, N.D. Inc. She is also proud to have been ordained as a Minister by her Bishop, W.H. Amos in 2008.

Ms. Cannady's contributions to others have not gone unnoticed. Over the years she has been awarded the Medgar Evers College Secretary of the Year Award, U.S. Air Force Special Presidential Citation, Administrative Assistant of the Year Award, DC 37 People Merit Award and the Coalition of Black Trade Unionists Youth Department Award.

She has been married for fifty years to Ivory; they are the proud parents of three adult

daughters, Vernay, Valerie, and Aesha. She also has two sons-in-law, Eugene Simmons and Scott Lynch, and a granddaughter, Ashley Simmons.

Madam Speaker, I urge my colleagues to join me in recognizing the achievements of Joyce Marie Cannady.

STATEMENT TO COMMEMORATE
THE 40TH ANNIVERSARY OF THE
UNITED STATES ENVIRON-
MENTAL PROTECTION AGENCY

HON. JOE BACA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 2010

Mr. BACA. Madam Speaker, I rise today to commemorate four decades of the creation of a federal agency with the noble mission to protect human health and the environment. The founding of the U.S. Environmental Protection Agency (EPA) on December 2, 1970, represented the start of remarkable environmental achievements for our nation. Their mission and valuable accomplishments have been well captured in EPA's 40th anniversary theme: "Healthier Families, Cleaner Communities, A Stronger America."

In this anniversary celebration, we should honor EPA's dedicated employees who during 40 years have worked hard to keep our land, air, and water clean and protected. Thanks to their efforts, expertise, and enthusiasm, this and future generations will be able to enjoy better environmental conditions in the places they work, live, and pray.

I take pride in representing a unique and diverse ecosystem in California's 43rd District. I particularly thank EPA for developing regulations that will assist the studies of water resources and groundwater conditions needed in potentially contaminated sites in my District. Sound environmental protection policies not only promote American security through better use of our natural resources, but they also ensure the vast beauty of our nation is safeguarded for future generations to enjoy.

Throughout its existence, EPA has developed different programs that effectively respond to public concerns about their water, air, and land. These programs ensure public safety and support to local communities struggling in a difficult economic environment. Efforts that ensure that polluters pay, such as the Superfund Program—that addresses the cleanup of toxic waste sites—provide important tools that help identify the parties responsible for contamination. The Superfund Program has successfully required identified responsible parties to pay for the cleanup of their contaminated sites which has saved taxpayers billions of dollars.

As a Member of Congress, I am committed to continue fighting for legislation that allows EPA to protect our treasured resources—including ensuring clean air, safe drinking water for everyone and promoting cleaner, more efficient uses of America's natural resources.

Let us commemorate this milestone anniversary of the EPA by recognizing its people, its programs, and the progress they have made since the day the agency was founded 40

years ago. This celebration of EPA's legacy and accomplishments should also serve as a reminder of the work we still have ahead of us to protect the health and the environment of everyone in our communities and our nation.

RECOGNIZING THE NATIONAL CENTER FOR CREDIBILITY ASSESSMENT (NCCA)

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 2010

Mr. WILSON of South Carolina. Madam Speaker, I rise today to recognize the re-designation of the Defense Academy of Credibility Assessment, DACA, as the National Center for Credibility Assessment, NCCA.

Part of the Defense Intelligence Agency, DIA, and located at Fort Jackson in the Second Congressional District of South Carolina, NCCA serves as the government's premier educational center for polygraph and other credibility assessment technologies and techniques. Its central mission is to assist federal agencies in the protection of U.S. citizens, interests, infrastructure, and security by providing the best education and tools for credibility assessment.

For more than 50 years NCCA and its predecessor organizations have served as a core agency for the discipline of credibility assessment within the federal government, promoting standardization of credibility procedures, techniques, and applications across the federal government.

By designating NCCA as a national center, the Department of Defense and Defense Intelligence Agency are taking an important step in helping to harness the rapid technological advances in the field of credibility assessment. As a national center, NCCA will be able to better focus efforts addressing the urgent needs of national and international partners combating terrorism, narcotics trafficking, and other criminal activity.

As the national focal point for credibility assessment, NCCA will coordinate the development and fielding of new credibility technologies to address a broad range of defense, homeland security, intelligence, and law enforcement requirements, ensuring that the federal government's technologies, techniques and procedures are reliable and scientifically supportable.

Madam Speaker, I am honored to have this important national asset in my district and I congratulate the leadership of DIA and the military and civilian employees at NCCA on this important recognition.

IN HONOR OF THE 125TH ANNIVERSARY OF THE CONNECTICUT STATE GRANGE

HON. JOE COURTNEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 2010

Mr. COURTNEY. Madam Speaker, I rise today to honor the Connecticut State Grange on their 125th anniversary.

The National Grange, also known as the Order of Patrons of Husbandry, is the nation's oldest national agricultural organization, with local chapters established in 2,700 local communities in 40 states. The Connecticut Grange has been one of the most active, continuously operating since 1885. In Connecticut the Grange has been an integral part of our state's efforts to preserve farmland, support rural communities and maintain the idyllic charm that is such an important part of New England's past.

The Grange has always welcomed farming families to involve themselves in the betterment of rural life and to contribute to its welfare by talent, thought, strength and willingness to labor heartily with fellow Patrons for the general good of the order and of mankind. The Grange's focus on community service, family activities and agricultural causes reflects well on the countless farmers who strive to preserve America's pastoral traditions. In eastern Connecticut, the Grange has a long and storied past supporting communities, maintaining our rural heritage and promoting the agricultural ideals that serve as the backbone of our country.

Not only is the Grange the oldest and one of the strongest farm organizations in America, it is the only farmers' fraternity in the world. The precepts of this farm-family fraternity are fourfold: (1) We should work toward a more prosperous agriculture; (2) Improve practical education; (3) Super-size community life and citizenship; and (4) Build higher ideals of manhood and womanhood among ourselves. With a strong faith in God, a nurturing hope, a focus on charity, and faithfulness to duty, the Granger continues to make rural life more desirable.

Members of the Grange have adopted the following creed: "United by the strong and faithful tie of agriculture, we mutually resolve to labor for the good of our order, our country and mankind." Madam Speaker, I believe those are words we can all live by, and so I ask my colleagues to join with me, and the people of Connecticut, in recognizing the Connecticut State Grange on their 125th anniversary.

HONORING ROBERT F. KENNEDY, JR.

HON. PATRICK J. KENNEDY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 2010

Mr. KENNEDY. Madam Speaker, I rise today to recognize Robert F. Kennedy, Jr. for his remarkable work on environmental issues.

Cousin Bobby serves as Senior Attorney for the Natural Resources Defense Council, Chief Prosecuting Attorney for the Hudson Riverkeeper organization, and President of Waterkeeper Alliance which he founded in 1999. He is also a Clinical Professor and Supervising Attorney at Pace University School of Law's Environmental Litigation Clinic, and is co-host of the Ring of Fire radio program. Earlier in his career he served as Assistant District Attorney in New York City.

Bobby is credited with leading the fight to protect New York City's water supply. The

New York City watershed agreement, which he negotiated on behalf of environmentalists and New York City watershed consumers, is regarded as an international model in stakeholder consensus negotiations and sustainable development. He has also worked on environmental issues across the Americas and has assisted several indigenous tribes in Latin America and Canada in successfully negotiating treaties protecting traditional homelands.

Bobby is a noted author and was named one of Time magazine's "Heroes for the Planet" for his success in helping Riverkeeper lead the fight to restore the Hudson River. The group's achievement helped spawn over 190 Waterkeeper organizations across the globe. He is a graduate of Harvard University, studied at the London School of Economics, and received his law degree from the University of Virginia Law School. Following graduation he attended Pace University School of Law, where he was awarded a Master's Degree in Environmental Law.

Bobby has been instrumental in advancing numerous environmental causes. I wish him all the best as he continues his important work on behalf of our natural resources. He will continue to carry my own admiration, and that of all who have had the privilege to work with him.

HONORING REVEREND GERALD KISNER ON HIS 15TH ANNIVERSARY AS PASTOR OF THE TABERNACLE MISSIONARY BAPTIST CHURCH

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 2010

Mr. HASTINGS of Florida. Madam Speaker, I rise today to honor Rev. Gerald Kisner on his 15th anniversary as pastor of the Tabernacle Missionary Baptist Church in West Palm Beach, Florida. He has had a very long and honored career. After receiving his Master's degree from Case Western Reserve University, he graduated from Harvard University School of Law, where he was awarded a Dwight D. Eisenhower Scholarship, and received his Master of Divinity degree from Howard University.

Before being called to the ministry, Rev. Kisner educated young people as a professor at Boston State College, Boston University and Palm Beach Atlantic College. He is currently an Adjunct Professor at Palm Beach Atlantic University's School of Ministry. He has demonstrated his love for his fellow man by serving as Assistant Director of Social Services in the Boston, Massachusetts Department of Public Welfare and, later, as the Assistant Director of Medical Care for that agency.

Rev. Kisner's love for the law led him to become a Prosecutor and Law Director for the city of East Cleveland, Ohio and an Associate and Partner in two Cleveland area law firms. In Washington, DC, he joined one of that city's prominent firms and eventually opened his own practice. While in Washington, Gerald Kisner served as Director of the Office of Private Sector Development, again dem-

onstrating his love for humanity. Still in Washington, his legal experience served him well as Deputy General Counsel for the U.S. Department of Housing and Urban Development.

Moving to Atlanta, Georgia, Rev. Kisner became Executive Director of the English Avenue Community Development Corporation, continuing his service to government and people in need. Since November 1995, he has been pastor of the Tabernacle Missionary Baptist Church in West Palm Beach. Over the course of his career, he has received many prestigious awards, including the Bishop Wilfred Wood Award from Howard University, the Dr. Martin Luther King Service Award from the Urban League of Palm Beach County and a Spiritual Enlightenment Award. In 1999, he was inducted into the Board of Preachers of Martin Luther King International Chapel at Morehouse College.

Madam Speaker, Gerald Kisner is a remarkable human being and a person who sets a fine example for us all to follow. I am fortunate to count him as a friend and I am pleased to join his family, many friends and colleagues and all who love and respect him in honoring him today.

IN HONOR OF THE WAIT NO MORE ADOPTION AND FOSTER CARE PROGRAM

HON. DOUG LAMBORN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 2010

Mr. LAMBORN. Madam Speaker, I rise today to honor "Wait No More", an adoption and foster care awareness program that is a part of Focus on the Family and displays exceptional service to our nation's children.

Focus on the Family has long believed that all children deserve to know the joys of a permanent, loving family. At its very core, Wait No More believes in the value of all human life, and this guiding principle led to the creation of the Wait No More program.

The goal of Wait No More is to raise awareness of, and recruit families for, waiting children in foster care. Its mission is straight forward—"Finding Families for Waiting Kids". While the need for orphan care and adoption exists all around the world, Wait No More focuses on the needs right here in our own communities.

Wait No More held its first recruitment event in November of 2008 in Colorado Springs, a community within my district in Colorado. That one event has since blossomed into numerous other recruiting events around the country, drawing over 4,300 people from Los Angeles, California to Cincinnati, Ohio, to Fort Lauderdale, Florida.

To date, over 2,400 families have benefited from Wait No More through its services of adoptive and foster family recruitment, post-placement support, and local foster care agency engagement. Of those, more than 1,100 families have initiated the process of adoption from foster care.

Furthermore, based in no small part to the efforts of Wait No More, the number of children who are waiting for placement in Colo-

rado has dropped from over 800 to less than 400.

By the end of today, 850 children will have entered the foster care system, many of whom have suffered from abuse or neglect. By week's end, 4,250 children will find themselves on the beginning of their journey through the foster care system. However, due to the extraordinary efforts of the dedicated individuals at Wait No More and Focus on the Family, new families across the country are now waiting with open arms to welcome these children home.

I consider it a great privilege to represent the district that is home to Wait No More. I rise today to show my gratitude to Wait No More for its efforts in bringing hope to children and families both in Colorado and across the nation.

IN RECOGNITION OF DOROTHY ANITA NEWHOUSE SMITH

HON. MIKE ROGERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 2010

Mr. ROGERS of Alabama. Madam Speaker, I would like to request the House's attention today to pay recognition to Dorothy Anita Newhouse Smith who will celebrate her 100th birthday on December 27th.

Ms. Smith was born in Cleveland, Ohio, to the late Grace and Boudin Newhouse, immigrants from Holland. In 1917, before World War I, her family bought a farm in Brecksville, Ohio and she spent her childhood raising vegetables for their truck farming operation and graduating as Salutatorian of her high school class. She began working at Union Carbide where she met her husband Charles Smith of Alabama.

Dot and Charles eloped on May 27, 1939. In 1942, they had their first child, Charlie, and in 1945, Cheryl. In 1946, they moved to Union Springs, Alabama. Dot devoted her life to her husband and children and served as a volunteer for PTA, Union Spring Elementary School room mother, Boy and Girl Scout leader, Sunday School teacher and Civil Air Patrol leader after the war ended.

Her husband died at the age of 74, and Ms. Smith eventually moved in with her daughter and son-in-law, Cheryl and Jim Cunningham, in Franklin, Alabama. She lived there until 2001 when she moved to Monarch Estates in Auburn.

Ms. Smith has lived through wars, the Great Depression and seen so many historic events as they have taken place. Her son, Charlie, and grandson, Todd, passed away years ago. Her daughter Cheryl, her granddaughters, Leigh Reed and Heather Hodges and her six great-grandchildren, Casey and Tyler Ellison, Trey and Anne Carter Reed and Michael and Hunter Hodges, visit regularly and still enjoy her stories of growing up in Ohio and the family stories of relatives in Holland.

I wish Ms. Smith a very happy birthday and many more.

HONORING ASHBEL T. ("A.T.")
WALL, II

HON. PATRICK J. KENNEDY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 2010

Mr. KENNEDY. Madam Speaker, I rise today to recognize Ashbel T. "A.T." Wall, II for his stewardship in Rhode Island's Jail Diversion and Trauma Recovery Program—Priority to Veterans. His contributions have been vital to the success of this program. His work with this important issue is simply unmatched.

Rhode Island's Jail Diversion and Trauma Recovery Program—Priority to Veterans addresses the needs of individuals with mental illness such as post traumatic stress disorder and trauma related disorders involved in the justice system. In recognition of the dramatically higher prevalence of trauma related disorders among veterans, this program prioritizes eligibility for veterans.

Director Wall was appointed director of the Rhode Island Department of Corrections in March 2000. Prior to his appointment he served in the capacity of Assistant Director of Administration since 1987. He was Interim Director from October 1999—February 2000. Director Wall is the first native Rhode Islander and first employee from within departmental ranks to lead the agency in 22 years.

As director, Wall oversees a comprehensive correctional agency encompassing every aspect of Rhode Island's adult correctional system: jails, prisons, probation, parole, transitional housing and home confinement. He is responsible for setting policy direction and supervising all operations for a department that manages about 3500 pretrial and sentenced inmates in eight institutions and 27,000 offenders on probation, parole and community confinement. The budget totals approximately \$160 million and its staff complement is 1,600.

In addition to his departmental duties, Director Wall serves on numerous state and national commissions on a wide range of topics including institutional security, prison overcrowding, racial disparity and probation and parole. He is a member of state's Information Resources Management Board, which sets policy for the state's management information systems development.

He has also served as an expert witness for the Federal District Court in the areas of correctional administration and inmate management (security issues, classification and gangs) for major litigation on conditions of confinement in Commonwealth of Puerto Rico's correctional institutions (1994–1999).

Director Wall has been instrumental in advancing Rhode Island's correctional institutions. I wish him all the best as he continues his important work on behalf our nation's heroes, our veterans. He will continue to carry my own admiration, and that of all who have had the privilege to work with him.

RECOGNIZING THE CENTENNIAL
OF THE GENERAL VON STEUBEN
MONUMENT

HON. TIMOTHY H. BISHOP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 2010

Mr. BISHOP of New York. Madam Speaker, I rise to honor the one hundredth anniversary of the dedication of the monument to General von Steuben across the street from the White House—in Lafayette Park, Washington, DC.

The monument to General Frederick Wilhelm von Steuben was dedicated in a ceremony presided over by President William H. Taft on December 7, 1910. Taking its place among the statues of three other European-born Revolutionary War heroes, the Steuben monument serves as a reminder of the tactical foresight and invaluable contributions of General von Steuben to the United States military during the American Revolution.

General von Steuben arrived in the United States from Prussia during a period of great turmoil for our young country. Facing the superior forces of Great Britain, the American military lacked experience, tradition, and proper training. It was under these circumstances that General von Steuben wrote to General George Washington prior to his arrival in 1778, stating "The object of my greatest ambition is to render your country all the service in my power, and to deserve the title of a citizen of America by fighting for the cause of liberty." General von Steuben is credited with almost singlehandedly transforming the Continental Army from a group of untrained militias into a professional army capable of defeating the strongest military in the world.

In addition to his battlefield heroics, General von Steuben's enduring impact lives on through the U.S. Armed Forces' continuing reference to his "Blue Book," which outlines a training plan that has served as the standard bearer for strategic military preparation. General von Steuben's contributions and accomplishments continue to serve as a source of great pride and inspiration for the millions of German-Americans living in the United States today.

The Steuben Society, founded in 1919 and named in honor of General von Steuben, serves to educate the public about matters of interest to American citizens of German heritage and their families, to encourage participation in civic affairs, and to perpetuate and enhance the understanding of contributions made by German Americans to our nation. I am proud that the national headquarters of the Steuben Society is located in Patchogue, New York, which is my district and home to 130,000 German-American constituents.

Madam Speaker, I am honored to recognize the centennial anniversary of the dedication of the General von Steuben monument in Lafayette Park, and I commend the Steuben Society for its active role in promoting the culture and contributions of German-American citizens across the United States.

HONORING THE NEW HOPE EAGLE
FIRE COMPANY

HON. PATRICK J. MURPHY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 2010

Mr. PATRICK J. MURPHY of Pennsylvania. Madam Speaker, I rise today to honor members of the New Hope Eagle Volunteer Fire Company: President/Fire Fighter Jim Finn; Chief Craig Forbes; Deputy Chief Frank Cosner, Jr.; Fire Fighter Keith McMullen; Fire Marshal Daryl Jurbala; Company Secretary Linda Rowe, and Fire Fighter/Safety Officer Frank Cosner, Sr.

On September 31, 2010, a giant construction barge broke free of its anchoring mechanisms and began drifting down the Delaware River toward the New Hope-Lambertville Bridge. This barge was meant to be a work platform and was equipped with a lifter and small crane, which could have caused major damage to the New Hope-Lambertville Bridge. Without the crucial decisionmaking and help of the New Hope Fire Company and its volunteers, this could have ended in disaster. They displayed incredible skill and bravery in their actions and for that they are honored.

Madam Speaker, I am proud to recognize and honor the individuals for their bravery and quick thinking in a time of great distress. I am honored to serve as their Congressman.

CONGRATULATING RAYMOND T.
AND ROBERTA "BOBBY" WHITE

HON. THEODORE E. DEUTCH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 2010

Mr. DEUTCH. Madam Speaker, I rise today to congratulate Raymond T. and Roberta "Bobby" White. Members of the Jewish War Veterans Post 266 since November 1997, Ray and Bobby's activism and efforts on behalf of south Florida's Jewish War Veterans are unmatched. Drawing on their prior experiences with veterans organizations, they have proved to be great assets within Florida Post 266.

Ray and Bobby's hard work on behalf of Post 266 was quickly noticed. Shortly after their arrival, Bobby was elevated to be commander of the Women's Auxiliary for Post 266, as Ray was named Post commander. It was not long before Ray rose to be the commander of the Department in 2003, and he did not stop there.

While serving as the Department Commander of Florida, Ray was appointed by the National Commander to the position of chairman for the first Committee for Soviet Jewry. In this capacity, Ray organized a program of installing flag poles and flags from condo organizations, the first of which was installed for Temple Emeth on Atlantic Avenue, where services are conducted annually on Memorial Day for fallen comrades.

Together, Ray and Bobby spearheaded numerous other community projects. Not only did Ray champion continued funding for hospitals and veterans' benefits, but Bobby instituted a

program for hospitalized veterans of the West Palm Beach facility with monthly Bingo games. The vision and followthrough of Ray and Bobby were also instrumental in the planning and constructing of the Governor Lawton Childs Veterans Memorial Park right in Delray Beach.

Under the leadership of this outstanding couple, their community flourished and the membership of Post 266 grew to be the largest post in the country. Undoubtedly, these two have worked immensely to further the program of the Jewish War Veterans both locally and nationally. Today, Ray and Bobby are still involved in the Post; after turning over the commander's role in January 2010, Ray now holds the position of quartermaster, and Bobby continues to assist the current commander of the Women's Auxiliary. Raymond and Roberta White deserve special plaudits for their commitment and dedication to their work, and our very best wishes for their continued service and happiness in good health together.

HONORING ETHEL KENNEDY

HON. PATRICK J. KENNEDY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 2010

Mr. KENNEDY. Madam Speaker, I rise today to recognize Ethel Kennedy, my aunt, upon the occasion of the 2010 Robert F. Kennedy Human Rights Award ceremony. This ceremony highlighted the abuses in Mexico and honored local hero Abel Barrera Hernandez, founder and director of the Tlachinollan Center, for his courageous defense of the rights of rural and indigenous people living in Guerrero State in southern Mexico. Aunt Ethel's work with the Human Rights Award is truly remarkable.

Aunt Ethel has been instrumental in advancing human rights. I wish her all the best as she continues this important work. She will continue to carry my own admiration, and that of all who have had the privilege to work with her.

INTRODUCTION OF RESOLUTION HONORING THE OFFICE OF RESEARCH ON WOMEN'S HEALTH

HON. LOUISE McINTOSH SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 2010

Ms. SLAUGHTER. Madam Speaker, I rise today to honor the 20th anniversary of the Office of Research on Women's Health. As the leading agency for women's health research in the United States, the Office has transformed biomedical research and improved the lives of women nationally and internationally.

The Office of Research on Women's Health was founded in response to congressional and scientific concerns over the systematic exclusion of women from clinical research trials funded by the National Institutes of Health (NIH). One clinical trial, the Physicians' Health

Study, included 22,071 men—and no women. This clinical trial generated over 300 basic findings that are used today to guide all facets of medicine. Indeed, the common advice to take aspirin to prevent heart attacks is based largely on this clinical trial with no female participants. By excluding women from clinical trials, biomedical research failed women.

Scientists and government officials alike recognized the troubling implications of providing medical care based on research that excluded more than half of the world's population. The Society for Women's Health Research was founded to galvanize support and improve scientific research.

My colleagues and I in the Congressional Caucus for Women's Issues challenged the exclusion of women from federally funded research.

In 1990 we introduced H.R. 5397, an omnibus Women's Health Equity Act, an unprecedented package of 22 separate bills designed to improve the status of women's health in the areas of research, services, and prevention. Among the provisions of this mammoth legislation were: the establishment and permanent authorization of the Office of Research on Women's Health; the statutory requirement that women and minorities must be included in NIH clinical studies, where appropriate; the establishment of research centers on osteoporosis, contraception, and infertility; and necessary funding increases for research into the diseases that claim unacceptable numbers of female lives, like breast, ovarian, and cervical cancers.

Our interest prompted federal action. The National Institutes of Health announced the creation of the Office of Research on Women's Health in 1990.

Many of the provisions of the Women's Health Equity Act were included in the National Institutes of Health Revitalization Act of 1993. Thankfully, President Clinton made the NIH bill, and especially its critical improvements of women's health research, one of his first legislative priorities. It was signed into law on June 10, 1993, in a White House ceremony befitting such historic legislation—establishing the Office of Research on Women's Health in statute.

Since its creation 20 years ago, the Office of Research on Women's Health has increased our understanding of sex differences, from single cells to biological systems. This new focus on sex differences has transformed epigenetics, endocrinology, immunology, and many other fields.

In 1999, the Office initiated the "Building Interdisciplinary Research Careers in Women's Health initiative" which supported the career development of approximately 400 early-stage research scientists. By helping these scientists to become independent researchers and obtain academic positions, the Office of Research on Women's Health built a sophisticated, active field of women's health research.

In 2002, the Office established the "Specialized Centers of Research on Sex and Gender Factors Affecting Women's Health" program to support interdisciplinary research in basic and clinical research. In 2009 alone, this program helped scientists to publish 116 journal articles, 176 abstracts, and 63 other publications.

Alongside of the ambitious research agenda of the Office of Research on Women's Health,

the Office also educates physicians, providers, and patients about gender-based differences in health care. This education program helps to translate the research accomplishments into tangible improvements in care for women and girls nationwide.

The Office of Research on Women's Health continues to press for improvements for women's health care.

This fall, the Office launched its "Vision for 2020 in Women's Health Research", a far-sighted research strategy for the next 10 years. Their vision—which I share—calls upon our Nation to increase its commitment to evaluate sex differences in both basic science and clinical research.

We also must ensure that sex differences are acknowledged in the design and application of new technologies and medications. Furthermore, we need to build a talented, diverse, and active women's health research workforce.

We cannot abandon our commitment to women's health research.

Indeed, recent withdrawals of medications by the Food and Drug Administration remind us of the importance of evaluating medicines by sex. In 2001, the then U.S. General Accounting Office published an evaluation showing that eight of the ten medications recently withdrawn "posed greater health risks for women than for men".

The importance of the mission and accomplishments of the Office of Research on Women's Health cannot be overstated. Women and girls deserve health care that has been tailored to their needs, and that requires high-quality research sensitive to gender-based differences.

I thank the Office of Research on Women's Health for their achievements over the past 20 years. I know that the Office will use the next 20 years to support excellent science that will benefit women and men alike.

REMARKS ON ALAN GROSS

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 2010

Mr. ENGEL. Madam Speaker, tomorrow marks the one-year anniversary of the imprisonment of Alan Gross in Cuba. Today, I come to the House floor not in my role as Chairman of the Western Hemisphere Subcommittee nor as a Congressman interested in U.S. policy toward Cuba.

Instead, I come here as a father and a husband to urge the Cuban government to release Alan Gross on humanitarian grounds.

Alan's health continues to deteriorate. He has lost 90 pounds and has developed disc problems that have caused partial paralysis in his leg. This could become permanent if he does not have surgery. He also has developed severe pain in his hips.

Perhaps even more devastating than his own health is Alan's not being able to be with his daughter who was recently diagnosed with breast cancer. His daughter has had several surgeries and is now undergoing chemotherapy. As a father to a daughter around the

same age, it absolutely breaks my heart that Alan cannot be by his daughter's side to give her the emotional support that she needs.

The United States and Cuba have had a difficult relationship for a long time. But, Alan Gross is not a politician. His work brought him to Cuba because of his passion for the country's Jewish community.

Earlier this year, I met with Judy Gross in the Capitol. She told me that Alan jumped at the chance to work in Cuba, because he loves the Cuban people and wanted them to be able to communicate better with the rest of the world. She explained that he never would do anything to harm them.

Judy Gross tells me that Alan is a family man. He is a very devoted son who called his mother every morning. She is 88 years old and fears she may never see him again. She is emotionally distraught about Alan's situation, and this is translating into a decline in her physical health.

There are times that we come to the House floor to engage in impassioned policy debates. There are times when we argue amongst ourselves about the right direction for U.S.-Cuba relations. Now is not one of those times.

Madam Speaker, today, on the eve of the one-year anniversary of Alan Gross' imprisonment, I stand in this chamber to plea for Alan's release. Not just for Alan's sake, but for the sake of his wife, his mother and his two daughters, I urge the Cuban government to immediately release Alan Gross.

THE INTRODUCTION OF THE NATIVE HAWAIIAN MEDICAID COVERAGE ACT OF 2010

HON. MAZIE K. HIRONO

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 2010

Ms. HIRONO. Madam Speaker, I rise today to introduce the Native Hawaiian Medicaid Coverage Act of 2010. This legislation is a companion to S. 52, which was introduced earlier this year by Senator DANIEL K. INOUE.

This legislation would allow for 100 percent coverage under the Federal Medicaid Assistance Percent (FMAP) formula for Native Hawaiians who are Medicaid eligible and access care from Federally Qualified Health Centers or through the Native Hawaiian Health Care System.

Native Hawaiians, like American Indians and Alaska Natives, are an indigenous, native people. Currently, states receive a 100 percent FMAP reimbursement for health care services provided through Indian Health Services facilities. The bill I am introducing today would bring parity in the treatment of our country's Native peoples.

Congress has previously recognized the unique and historical relationship between the United States and the indigenous people of Hawaii. I ask for my colleagues' continued support for the health and wellbeing of Native Hawaiians.

HONORING RORY KENNEDY

HON. PATRICK J. KENNEDY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 2010

Mr. KENNEDY. Madam Speaker, I rise today to recognize Rory Kennedy, my cousin, for delivering the keynote address at the opening of the Robert F. Kennedy Community Schools Complex in Los Angeles, California on September 13, 2010. Named after U.S. Senator Robert F. Kennedy, Rory's father and my uncle, the schools are devoted to social justice. Rory's work on behalf of the young people of Los Angeles is simply remarkable.

On September 13, the six pilot schools that make up the Robert F. Kennedy Community Schools Complex began instructing students in grades kindergarten through 12 on its campus located in the Pico-Union/Korea Town neighborhood of Los Angeles. The schools are located on the site of the former Ambassador Hotel and because of the historic nature of the site, there were legal challenges to converting the site to a school. Community members and organizations, including RFK-12, came together to advocate for a local school. In 2005, the Los Angeles Unified School District School Board and Superintendent Roy Romer appointed the Robert F. Kennedy Commission to provide recommendations on how to memorialize Senator Kennedy's life. The commission was chaired by former California Supreme Court Justice Cruz Reynoso, and included a number of civic leaders.

The Commission's major recommendation called for a social justice theme to permeate the curriculum, extending from kindergarten through high school that would reflect Senator Kennedy's commitment throughout his public life.

The schools activities include: the creation of a foundation guided by an Advisory Committee that will help to fund social-justice related activities and act as a resource for the schools on establishing relationships with community service groups outside the school locally and in the larger world, a speakers program, a fellows program that will bring emerging and established leaders to the school, and the creation of a public park recalling the inspirational speeches by the Senator and others.

The pilot schools are innovative small schools that have charter-like autonomy over their budget, curriculum and assessment, governance, schedule and staffing, but are part of the public school system.

Rory has been instrumental in the improvement of public education in Los Angeles. I wish her all the best as she continues her important work on behalf of young people. She will continue to carry my own admiration, and that of all who have had the privilege to work with her.

RECOGNIZING FOUND CARE HEALTH CENTER AS THE FIRST FEDERALLY QUALIFIED HEALTH CENTER LOOK-ALIKE IN THE STATE OF FLORIDA

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 2010

Mr. HASTINGS of Florida. Madam Speaker, I rise today to recognize FoundCare Health Center (FoundCare) in West Palm Beach, Florida, which recently received Federally Qualified Health Center (FQHC) Look-Alike status. As you know, the FQHC Program is administered by the Health Resources and Services Administration (HRSA) of the Department of Health and Human Services and designates health centers that provide essential primary and preventive health care services to low-income, medically underserved, and vulnerable populations that traditionally have limited access to affordable services and face the greatest barriers to care. FoundCare's mission to provide health care services to all people, regardless of their ability to pay, is to be lauded.

The designation of FoundCare Health Center as the first FQHC Look-Alike in the State of Florida is a true testament to health care reform and expanding access to affordable, quality health care for all. At a time when millions of Americans are unemployed and uninsured, FoundCare provides an invaluable service to the community and is a vital component in our nation's health care network. The sad reality is that more than a quarter million children and adults in Palm Beach County are uninsured. To make matters worse, 60 percent of the uninsured are eligible for some type of insurance program but are not enrolled. It is unconscionable that so many families and individuals continue to suffer when help is available to them.

FoundCare provides essential primary and preventive health care services to those who might otherwise forgo medical care for themselves and their children. To best meet the needs of its patients, it operates with expanded hours to accommodate families, provides multilingual services in English, Spanish, French and Creole, employs efficient electronic medical records systems of care, and will soon also provide dental and pharmacy services. Furthermore, FoundCare helps individuals navigate the application process for Medicare, Medicaid, Florida KidCare, and other programs, and, together with Project Access partners, makes sure that patients can also access the specialty care they need. When fully funded, FoundCare has the capacity for more than 10,000 unduplicated patients per year. This is truly remarkable.

I have had the privilege of being involved with this visionary project from the start and am continually amazed by the extraordinary dedication and compassion of the men and women who work at FoundCare. Since it opened its doors in January 2009, FoundCare has provided access to quality health care for over 2,400 new uninsured and underinsured Palm Beach County residents. Currently, 77 percent of FoundCare's patients, who range in

age from infancy to 84 and are nearly two-thirds female, do not have health insurance. In addition, more than 70 percent of patients have incomes below the federal poverty level. They visited FoundCare an average of nearly three times per year for various health concerns, including hypertension, diabetes, infectious disease, asthma, obesity, and women's health.

Madam Speaker, FoundCare's commitment to improving community health is an inspiration to us all. There is no doubt in my mind that, at this rate, it will soon become a Federally Qualified Health Center. As we recognize FoundCare's tremendous success, I would like to take this opportunity to thank each and every member of the FoundCare team for all the hard work that they continue to do on behalf of their community and the health of our nation as a whole.

A TRIBUTE TO THE LIFE OF ALBERT "AL" POMBO

HON. JIM COSTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 2010

Mr. COSTA. Madam Speaker, I rise today to pay tribute to Albert "Al" Pombo who passed away on November 19, 2010. Al Pombo was an extraordinary man and a favorite of racing fans throughout California, but also a personal hero of mine. I ask that portions of an article published by The Fresno Bee be entered into the RECORD.

Al kissed bumpers and babies in a hard-charging auto racing career in the Central Valley that often angered competitors while captivating fans, young and old, died Friday at Veterans Hospital in Fresno. He was 85.

"He was just talented, very good—he was the best," another former Valley racer, Dan Green, said Saturday of Mr. Pombo, who launched his career at Merced Speedway in the jalopy class in 1948, went on to compete in dirt cars, hardtops, sprint cars and super modifieds and won more than 500 main events, seven NASCAR supermodified titles and numerous championships at short tracks throughout California before he retired in 1971.

He actually came out of retirement for one final race, driving Al Brazil's circle No. 3 sprint car at Clovis Speedway in 1976. "They broke the mold when they made him," Kings Speedway promoter Dave Swindell once said of Mr. Pombo, the state's top hardtop racer in the 1960s. Kenny Takeuchi, a former announcer at Kearney Bowl and other tracks across the state, once said: "He was dedicated to the sport. Whether it's God-given or not, he had real driving talent and competition never fazed him. He was also good on dirt or pavement, and that's rare to find today." Mr. Pombo was particularly dedicated to the Valley. "He had the ability to go back East," Green said, "but he never did really care about going on to Indy and the big time. He was a local guy and very few people beat him."

Mr. Pombo fancied the tight, quarter-mile oval at the old Kearney Bowl, where his duels with Marshall Sargent riveted the Valley racing audience in the 1950s and '60s and helped pump racing blood back into the hearts of those still mourning the 1955 Indi-

anapolis 500 loss of Fresno icon Billy Vukovich Sr.

It was at Kearney Bowl—once Fresno Airport Speedway, and then Italian Park Speedway—where Vukovich forged his career from 1936-47 behind the wheel of the little red "Old Ironsides" before crowds approaching 20,000 that routinely arrived for Sunday night midgets. It was primarily there and at Clovis Speedway that Mr. Pombo developed a Valley fan following arguably only exceeded by Vukovich in the region's history of auto racing.

Mr. Pombo's popularity hardly faded deep into his retirement as it was common to see him in recent years smooching babies and being swarmed by kids and adults at autograph sessions at Valley tracks. He couldn't be torn away from his passion, even though he used a wheelchair in his final months. He made his last appearance, signing his hats, T-shirts and pictures per usual, Oct. 22-23 at the Trophy Cup at Tulare's Thunderbowl Raceway. Mr. Pombo was taken there by longtime friend Paul Reiter, his designated driver for years. And, to the end, Reiter witnessed many who bowed to the icon. "People from way back would tell their kids to shake this man's hands, the legend of all time," said Reiter, a former soda vendor at Kearney Bowl. "People would tell him, 'You're the greatest driver . . . you gave us so many nights of thrills . . . I met my wife at the track and watched your whole career.'"

Most memorable were the duels with Sargent that found metal to metal and occasional fist to fist. So intense was their rivalry, bleacher brawling was common among fans fighting in defense of one or the other racers. And so prominent in Valley racing annals, a tribute is still paid in the form of the annual Pombo-Sargent Classic at Kings Speedway. "We were always the best friends in the world," once said Pombo, also namesake of the Al Pombo Classic that continues at Madera Speedway. "But when the green flag dropped, we'd come out fighting. Sometimes, we'd mix it up a bit, but we'd always end up in the bar partying."

Daughter of Al Pombo's son, Tony, she said her grandfather hadn't walked since falling and breaking his hip in late June. Since, he had remained at Fresno's Veterans Hospital. And it was there that Reiter would pick him up, drive him to tracks in Tulare, Chowchilla, Madera and Hanford, and return him the same night, as late as 2 a.m. "He loved kids, he loved people, he loved everybody," Reiter said. "You couldn't ask for a better guy. He was my hero."

Al was born in the Azores on June 3, 1925. He is preceded in death by his wife Pat, and children Diana, David, and Albert Jr. Al is survived by his children, Alisa and Larry McDonald, Patty Micheli, Debbie Pombo, Tony and Susan Pombo, Pat Ruch, and fifteen grandchildren and eleven great-grandchildren.

Madam Speaker, I ask my colleagues to join me in remembering the life of this remarkable man, and one of my personal heroes, as we offer our condolences to his family and celebrate his memory and service to our community and California.

HONORING DR. NORMAN WALL

HON. ALAN GRAYSON

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 2010

Mr. GRAYSON. Madam Speaker, I rise today to offer my congratulations on Dr. Norman Wall being honored for his many contributions to the foundation of the Sheba Medical Center in Tel Hashomer, Israel and his continued involvement in medical advancements both in the United States and in Israel.

He used his role as a medical officer in the U.S. Army during World War II to help establish what is now Israel's largest hospital and research center. Dr. Wall has not stopped giving back to the community both here and abroad. Since his move to Orlando in 1995, he has made a great impact on the Florida Hospital community.

I greatly appreciate his service in the U.S. Army and his many contributions in the field of medicine. Dr. Wall has a true grasp of the concept of tikkun olam and I am inspired by his commitment to making the world a better place.

HONORING SUMMER KENNEDY

HON. PATRICK J. KENNEDY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 2010

Mr. KENNEDY. Madam Speaker, I rise today to recognize Summer Kennedy, my cousin, for her stewardship in the opening of the Robert F. Kennedy Community Schools Complex in Los Angeles, California on September 13, 2010. Named after U.S. Senator Robert F. Kennedy, Summer's father and my uncle, the schools are devoted to social justice. Summer's work on behalf of the young people of Los Angeles is simply remarkable.

On September 13, the six pilot schools that make up the Robert F. Kennedy Community Schools Complex began instructing students in grades kindergarten through 12th on its campus located in the Pico-Union/Korea Town neighborhood of Los Angeles. The schools are located on the site of the former Ambassador Hotel and because of the historic nature of the site, there were legal challenges to converting the site to a school. Community members and organizations, including RFK-12, came together to advocate for a local school. In 2005, the Los Angeles Unified School District School Board and Superintendent Roy Romer appointed the Robert F. Kennedy Commission to provide recommendations on how to memorialize Senator Kennedy's life. The commission was chaired by former California Supreme Court Justice Cruz Reynoso, and included a number of civic leaders.

The Commission's major recommendation called for a social justice theme to permeate the curriculum, extending from kindergarten through high school that would reflect Senator Kennedy's commitment throughout his public life.

The schools activities include: the creation of a foundation guided by an Advisory Committee that will help to fund social-justice related activities and act as a resource for the

schools on establishing relationships with community service groups outside the school locally and in the larger world, a speakers program, a fellows program that will bring emerging and established leaders to the school, and the creation of a public park recalling the inspirational speeches by the Senator and others.

The pilot schools are innovative small schools that have charter-like autonomy over their budget, curriculum and assessment, governance, schedule and staffing, but are part of the public school system.

Summer has been instrumental in the improvement of public education in Los Angeles. I wish her all the best as she continues her important work on behalf of young people. She will continue to carry my own admiration, and that of all who have had the privilege to work with her.

A TRIBUTE TO MARY SCARPA FOR
HER PUBLIC SERVICE TO
ADELANTO, CALIFORNIA

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 2010

Mr. LEWIS of California. Madam Speaker, I would like to join today with my friend and colleague Congressman BUCK McKEON in paying tribute to Mary Scarpa, the former mayor of Adelanto, California, who helped that small desert city grow and prosper over two decades of public service.

Mary Scarpa arrived in California's Mojave Desert in 1968 with her husband John, joining their lifelong friends from the U.S. Air Force, Patricia and Herbert Chamberlaine. They moved to Adelanto, a then tiny city in the shadow of George Air Force Base, where Herbert Chamberlaine was stationed.

Within two years, Mary Scarpa and Patricia Chamberlaine began their community involvement by helping organize the incorporation of the city of Adelanto. They founded the Adelanto Independent newspaper to watch over civic affairs. Mary Scarpa joined the city's planning commission in 1971, and was elected to the City Council in 1981. She served on the council for the next 16 years, including four years as Mayor. For many of those years, she was joined on the civic body by her friend Pat Chamberlaine.

The city of Adelanto had just 2,100 residents when Mary Scarpa was elected to the council. It had few amenities and almost no business base other than the Air Force Base. Today, the city has industrial parks, housing tracts and its own minor league baseball stadium—and a population approaching 30,000. Mary Scarpa is credited for much of the progress.

At 83, Mary Scarpa is still involved in community activities through her work with the Community Food Closet charitable pantry and through organizations like the Veterans of Foreign Wars and the Read Across America program in the local schools. She has attended nearly every game of the minor league High Desert Mavericks at the baseball stadium she helped bring to the city.

Madam Speaker, the city of Adelanto and the Adelanto Chamber of Commerce are honoring Mary Scarpa as one of the founders and civic leaders of the city. Please join Congressman McKEON and me in congratulating Mary on her long years of public service, and wishing her well in her future endeavors.

HONORING THE CAREER OF
MARGIE FITES SEIGLE

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 2010

Mr. SCHIFF. Madam Speaker, I rise today to recognize Margie Fites Seigle and to celebrate her retirement after 17 years as the visionary President & CEO of the California Family Health Council (CFHC), headquartered in Los Angeles, California.

Margie Fites Seigle has long been a peerless advocate for the low-income and underserved. A champion for women's and civil rights, Margie's career in social justice began after she accepted a job with Planned Parenthood, an organization dedicated to advocating for and ensuring access to important reproductive and sexual health care services. For the next 17 years, Margie served as Executive Director of two Planned Parenthood affiliates: Allentown, Pennsylvania and Orange/San Bernardino Counties, California, where she lead an expansion of services and geographic outreach.

But perhaps Margie's most pivotal role has been as the President & CEO of the California Family Health Council. CFHC works with over 70 delegate agencies that provide family planning services in more than 300 clinics throughout the state of California. More than one million Californians receive care in one of these clinics. CFHC also conducts contraceptive research; develops culturally and linguistically appropriate educational materials; facilitates conferences, seminars, and training workshops for clinical staff and community health workers; and champions reproductive health and justice issues through coalition building and policy advocacy.

Aside from her leadership roles, Margie has actively promoted increased access to health care services for California's women and men through strategic alliance building. Margie has served on the boards of the Coalition of Orange County Community Clinics; the Family Planning Councils of America; the Family Planning Providers Council; the Guttmacher Institute; and the National Family Planning & Reproductive Health Association.

Margie has worked hard to promote and preserve California's Medicaid waiver for family planning services, FamilyPACT, which provides health care to low-income women and men at no cost. Though the waiver provides cost-savings to the state of California, it is consistently under threat. The FamilyPACT program remains alive today as a direct result of the efforts of Margie and other coalition partners who fight to maintain it.

Madam Speaker, I want to recognize Margie Fites Seigle for all of the important work she has done to expand access to vital reproduc-

tive and sexual health care for millions of Americans, and for her many years of unwavering dedication to the low-income and underserved.

HONORING MAXWELL KENNEDY

HON. PATRICK J. KENNEDY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 2010

Mr. KENNEDY. Madam Speaker, I rise today to recognize Maxwell Kennedy, my cousin, for his stewardship in the opening of the Robert F. Kennedy Community Schools Complex in Los Angeles, California on September 13, 2010. Named after U.S. Senator Robert F. Kennedy, Maxwell's father and my uncle, the schools are devoted to social justice. Maxwell's work on behalf of the young people of Los Angeles is simply remarkable.

On September 13, the six pilot schools that make up the Robert F. Kennedy Community Schools Complex began instructing students in grades kindergarten through 12th on its campus located in the Pico-Union/Korea Town neighborhood of Los Angeles. The schools are located on the site of the former Ambassador Hotel and because of the historic nature of the site, there were legal challenges to converting the site to a school. Community members and organizations, including RFK-12, came together to advocate for a local school. In 2005, the Los Angeles Unified School District School Board and Superintendent Roy Romer appointed the Robert F. Kennedy Commission to provide recommendations on how to memorialize Senator Kennedy's life. The commission was chaired by former California Supreme Court Justice Cruz Reynoso, and included a number of civic leaders.

The Commission's major recommendation called for a social justice theme to permeate the curriculum, extending from kindergarten through high school that would reflect Senator Kennedy's commitment throughout his public life.

The schools activities include: the creation of a foundation guided by an Advisory Committee that will help to fund social-justice related activities and act as a resource for the schools on establishing relationships with community service groups outside the school locally and in the larger world, a speakers program, a fellows program that will bring emerging and established leaders to the school, and the creation of a public park recalling the inspirational speeches by the Senator and others.

The pilot schools are innovative small schools that have charter-like autonomy over their budget, curriculum and assessment, governance, schedule and staffing, but are part of the public school system.

Maxwell has been instrumental in the improvement of public education in Los Angeles. I wish him all the best as he continues his important work on behalf of young people. He will continue to carry my own admiration, and that of all who have had the privilege to work with him.

REPRESENTATIVE CAROLYN
CHEEKS KILPATRICK

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 2010

Ms. LEE of California. Madam Speaker, on behalf of the Congressional Black Caucus it is with great pleasure and pride that I rise today to extend my best wishes to Congresswoman CAROLYN KILPATRICK as she prepares to retire from the United States Congress after 14 years of service to the people of the 13th congressional district of Michigan and our nation.

Congresswoman KILPATRICK was an exemplary chair of the Congressional Black Caucus, who I served with as First Vice Chair during the 110th Congress. I have also had the pleasure of serving with Congresswoman KILPATRICK as a member of the House Appropriations Committee, where she has been a forceful advocate for her constituents and the state of Michigan. A brilliant and focused lawmaker, Congresswoman KILPATRICK is known for her inspirational leadership, her outstanding passion for public service, and her steadfast commitment to education and equality.

While serving on Capitol Hill, Congresswoman KILPATRICK has worked to level the playing field for minority-owned media outlets and advertising firms that face discrimination from major advertisers. Spearheading a movement to foster greater equity, she hosted groundbreaking forums on diversity in advertising and was a leading force in the successful effort to secure a Presidential Executive Order compelling all federal agencies to increase their contractual opportunities with minority businesses.

Prior to coming to Washington, Congresswoman KILPATRICK was a devoted mentor and educator who taught Business Education in the Detroit Public School system. From there, she was elected to the Michigan State House, where she served for 18 years and made history as the first African American woman to serve on the Michigan House Appropriations Committee. A tremendous role model to her students, supporters, colleagues, constituents and fellow Michigan residents, Congresswoman KILPATRICK has consistently demonstrated a pioneering fearlessness throughout her career.

She established the Sojourner Truth Project to inspire young African American women to be leaders, and has developed many projects to underscore her deep commitment to secure future opportunities for our young people. And, as an international leader, Congresswoman KILPATRICK has led efforts to enhance trade, cultural and educational efforts between the American people and the people of Africa. She has led delegations abroad to solidify these ties, including leading the Congressional delegation to celebrate the 40th anniversary of the independence of Ghana. Congresswoman KILPATRICK has long been a strong voice for a rational United States foreign and military policy, and her unique insight will be missed by colleagues and friends throughout Washington, DC.

Congresswoman KILPATRICK is a superb legislator and public servant, who throughout her

illustrious career has always given voice to the voiceless and demonstrated an unyielding commitment to improving the human condition. There is no doubt that Congresswoman KILPATRICK has made an indelible mark on the world, and that she will continue to contribute the strength of her spirit, compassion, and intellect as she moves forward to this next chapter.

On behalf of the Congressional Black Caucus, I honor and salute Congresswoman KILPATRICK for her legacy of service to the residents of Michigan's 13th congressional district, to the American people, and to our global family.

TRIBUTE TO DR. CARL WONG

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 2010

Mr. THOMPSON of California. Madam Speaker, I rise today with my colleague, Representative LYNN WOOLSEY, to honor Dr. Carl Wong, an outstanding educator for 38 years who is retiring as the Sonoma County Superintendent of Schools. Dr. Wong is a distinguished director whose work in this elected position provides countywide leadership, support, and fiscal oversight for the K-12 public school system, which is comprised of 40 school districts and 71,000 students.

A dedicated educator committed to the philosophy of public school education and to the welfare of students, Dr. Wong is a first generation Chinese-American from humble origins. Living in the federal housing projects in Valero, California where his father was employed at the Mare Island Naval Shipyard, Dr. Wong graduated from Napa High School and first pursued a career as a machinist at the Shipyard. Enrolling in night school through Napa Community College, Dr. Wong earned his degree and teaching credential at Chico State University. He began his career in education as a math and industrial arts teacher at Helix High School in San Diego County, later returning to school to become a counselor and administrator. As a full-time faculty member and administrator, Dr. Wong earned his Ph.D. in education from Northern Arizona University.

In 1997, Dr. Wong returned to his home in Northern California, becoming superintendent of Petaluma City Schools, the second largest school district in Sonoma County. In this post, Dr. Wong successfully pioneered a framework to build collaboration and understanding between the district's major divisions to better serve youth. First elected Sonoma County Superintendent of Schools in 2002 and re-elected in 2006, Dr. Wong is credited with working with the County Board of Education, district and school administrators, and faculty to restructure and better serve local districts, helping them align themselves toward more continuity while building consensus for a shared, countywide vision.

The recipient of many awards and recognitions, Carl Wong is a compassionate mentor, both to students and to colleagues. His background gives him a unique understanding of students who don't excel in traditional aca-

demic settings. He is a tireless advocate whose goal is to prepare all students to become productive citizens engaged in the democratic process. An active community speaker, Dr. Wong gives generously of his time and energies, serving on numerous boards and councils, including the Board of Supervisors' appointee to the Sonoma County Workforce Investment Board, the United Way of Wine Country Board, and the Santa Rosa Mayor's Gang Prevention Task Force.

Madam Speaker, Dr. Carl Wong is a very talented man, a man of remarkable commitment and it is therefore appropriate to honor him today and to wish him well in his next endeavor. Congratulations, Carl Wong—you will be missed!

CAMPUS SAVE ACT

HON. THOMAS S. P. PERRIELLO

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 2010

Mr. PERRIELLO. Madam Speaker, I recently introduce the "Campus Sexual Violence Elimination Act" or "Campus SaVE Act". This bill will help better protect our Nation's college and university students from sexual assault and other forms of intimate partner violence.

Recent events on campuses across the Nation have come as a shocking wake-up call to many of us about the issue of dating violence. While not often thought of as a college problem, nearly a third, 29 percent, of college students reported physically assaulting a dating partner in one study by the Family Research Laboratory at the University of New Hampshire.

Sexual assault is also more widespread than often believed. Between one-fifth and one-quarter of female undergraduates will be the victim of a completed or attempted rape, in nearly all cases by an acquaintance or intimate partner, according to the U.S. Department of Justice, DOJ, although fewer than five percent report to the authorities.

More than 13 percent of women also reported having been stalked in a single school year according to the DOJ.

The Campus SaVE Act would update 18-year-old provisions in the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, Clery Act. These longstanding provisions already require sexual assault awareness programming and victims' rights, but don't address the full range of intimate partner violence or incorporate the latest lessons learned about how to successfully prevent and respond to these challenges.

Our bill would amend the Clery Act so that it covers a more inclusive range of intimate partner violence including stalking, dating violence, sexual violence, or domestic violence. It would also expand the education programs institutions must offer to include primary prevention and bystander intervention. This will empower the students themselves to know how to intervene, and to do so safely, something the University of Virginia has led the way in discussing. Violence prevention experts believe that this type of bystander intervention is a critical piece of the solution because these

incidents often aren't reported to campus or other officials, and fellow students are in many ways the true first responders.

It would also require a discussion of consent and information about the scope of intimate partner violence at each institution.

One reason these crimes aren't more widely discussed is that all too often their victims do not come forward to seek justice or even assistance. They feel they will not receive the support they need, or even worse that they will be revictimized by a process not set up to handle their report properly, according to the victim advocates I consulted with. Many end up transferring or leaving school altogether.

For these reasons, the Campus SaVe Act would also provide for a more robust framework of victims' rights in these cases designed to better guarantee a supportive structure. Victims would have a right to prompt proceedings conducted by officials trained in the issues of sex offenses and intimate partner violence.

The proceedings would also use the preponderance of the evidence standard, the standard used in any civil court proceeding across the United States, rather than a higher burden such as clear and convincing or even the beyond a reasonable doubt. This will guarantee the accused significant due process, while not making it more difficult than necessary for institutions to effectively respond to threats to campus safety.

Finally, the Campus SaVe Act provides for the U.S. Department of Education to collaborate with the U.S. Department of Justice, leveraging their experience from administering the Grants to Reduce Domestic Violence, Dating Violence, Sexual Assault, and Stalking on Campus program, to compile and disseminate best practices information. While ensuring campuses have the latitude to develop programs that work best for their own unique communities, this will guarantee institutions have the tools they need to develop effective programs without significant experimentation or expense.

I would like to thank the team at Security On Campus, Inc., SOC, the national non-profit group founded by Jeanne Clery's parents, Connie and Howard, after her rape and murder on her Pennsylvania campus in 1986, for their support in developing this legislation and for their full endorsement. Liz Seccuro, herself a survivor of campus rape at the University of Virginia in 1984, has been especially inspiring in her support of our work and I want to commend her for her courage in coming forward publicly so that the current generation of students can receive the protection she was denied.

I would also like to thank Kristen Lombardi and Kristen Jones of the Center for Public Integrity. Their year-long expose "Sexual Assault On Campus—A Frustrating Search for Justice" ran earlier this year, along with companion segments on NPR, exposing many of the gaps the Campus SaVe Act will help to fill.

Madam Speaker, the scope of intimate partner violence significantly undermines the billions of taxpayer dollars we invest in higher education. The Campus SaVe Act will help protect this investment, but more importantly our most valuable asset—our children and our future. College campuses should be a safe and secure place of learning, not a place where anyone feels uncomfortable or unsafe.

HONORING AMBASSADOR JEAN KENNEDY SMITH

HON. PATRICK J. KENNEDY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 2010

Mr. KENNEDY. Madam Speaker, I rise today to congratulate Ambassador Jean Kennedy Smith, my aunt, upon being chosen as a recipient of the Presidential Medal of Freedom to be presented by President Obama at a ceremony in early 2011. The Presidential Medal of Freedom is the country's highest civilian honor, presented to individuals who have made great contributions to U.S. security or world peace, or made other cultural or significant accomplishments. Aunt Jean's work with the arts and those with disabilities is simply unmatched.

In 1974, Aunt Jean founded VSA, a non-profit, international organization affiliated with the John F. Kennedy Center that promotes the artistic talents of children, youth and adults with disabilities. VSA also provides education opportunities for people with disabilities and increases access to the arts for all. With 52 international affiliates and a network of nationwide affiliates, VSA is changing perceptions about people with disabilities around the world. Each year, 7 million people of all ages and abilities participate in VSA programs, which cover all artistic genres.

For 46 years, Aunt Jean has been a member of the Board of Trustees of the Joseph P. Kennedy, Jr. Foundation, which provides grants to promote awareness and advocacy in the field of intellectual disabilities. Her book, *Chronicles of Courage: Very Special Artists*, written in collaboration with George Plimpton, was published by Random House in April 1993.

President Clinton named Aunt Jean U.S. Ambassador to Ireland, where she played a pivotal role in the peace process from 1993 to 1998. She is the youngest daughter of Joseph and Rose Kennedy, my grandparents, and is the Secretary of the Board of Trustees of the Kennedy Center.

I wish Aunt Jean all the best as she continues her important work on behalf of those with disabilities. She will continue to carry my own admiration, and that of all who have had the privilege to work with her.

HONORING DR. CARL WONG

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 2010

Ms. WOOLSEY. Madam Speaker, I rise today with my colleague, Representative MIKE THOMPSON, to honor Dr. Carl Wong, an outstanding educator for 38 years who is retiring as the Sonoma County Superintendent of Schools. Dr. Wong is a distinguished director whose work in this elected position provides countywide leadership, support, and fiscal oversight for the K-12 public school system, which is comprised of 40 school districts and 71,000 students.

A dedicated educator committed to the philosophy of public school education and to the welfare of students, Dr. Wong is a first generation Chinese-American from humble origins. Living in the federal housing projects in Vallejo, California where his father was employed at the Mare Island Naval Shipyard, Dr. Wong graduated from Napa High School and first pursued a career as a machinist at the Shipyard. Enrolling in night school through Napa Community College, Dr. Wong earned his degree and teaching credential at Chico State University. He began his career in education as a math and industrial arts teacher at Helix High School in San Diego County, later returning to school to become a counselor and administrator. As a full-time faculty member and administrator, Dr. Wong earned his Ph.D. in education from Northern Arizona University.

In 1997, Dr. Wong returned to his home in Northern California, becoming superintendent of Petaluma City Schools, the second largest school district in Sonoma County. In this post, Dr. Wong successfully pioneered a framework to build collaboration and understanding between the district's major divisions to better serve youth. First elected Sonoma County Superintendent of Schools in 2002 and re-elected in 2006, Dr. Wong is credited with working with the County Board of Education, district and school administrators, and faculty to restructure and better serve local districts, helping them align themselves toward more continuity while building consensus for a shared, countywide vision.

The recipient of many awards and recognitions, Carl Wong is a compassionate mentor, both to students and to colleagues. His background gives him a unique understanding of students who don't excel in traditional academic settings. He is a tireless advocate whose goal is to prepare all students to become productive citizens engaged in the democratic process. An active community speaker, Dr. Wong gives generously of his time and energies, serving on numerous boards and councils, including the Board of Supervisors' appointee to the Sonoma County Workforce Investment Board, the United Way of Wine Country Board, and the Santa Rosa Mayor's Gang Prevention Task Force.

Madam Speaker, Dr. Carl Wong is a very talented man, a man of remarkable commitment and it is therefore appropriate to honor him today and to wish him well in his next endeavor. Congratulations, Carl Wong—you will be missed!

TRIBUTE TO CONGRESSMAN STEPHEN SOLARZ

HON. MICHAEL E. McMAHON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 2010

Mr. McMAHON. Madam Speaker, today I rise to honor the memory of native Brooklynite, global connoisseur and dear friend, Congressman Stephen Solarz.

Congressman Solarz worked tirelessly on the House Foreign Affairs Committee as Chairman of the Subcommittee on Asia and the Pacific to address some of the most controversial topics and political figures of our

time. Congressman Solarz combined American foreign policy with a Brooklyn twist, being both affable and austere when necessary. His work affected numerous corners of the world from North Korea to Israel to Turkey and beyond.

Furthermore, Congressman Solarz's legendary staff members, including Assemblyman Peter Abbate, have gone on to contribute greatly to New York City. I have had the pleasure of working with his colleagues and have seen the Congressman's great work live on through them.

Today, on the day of his funeral, my thoughts and prayers are with his family and his wife, Nina. It brings me great sadness to say goodbye to an American hero like Congressman Solarz. He will truly be missed across the globe.

ON WORLD DAY OF REMEMBRANCE FOR ROAD TRAFFIC VICTIMS

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 2010

Mr. HASTINGS of Florida. Madam Speaker, I rise today in solemn observance of the World Day of Remembrance for Road Crash Victims and their Families, which was observed on Sunday, November 21, 2010. I offer my heartfelt condolences to all those who have lost loved ones to road crashes. This observance spans the globe, uniting every person regardless of age, class, gender, race, nationality, or geography, as road crashes can devastate any life at any time.

Indeed, road crashes profoundly alter the lives of millions of people. The leading cause of death throughout the world for people ages 5 to 29 is not disease or war but road crashes. A staggering 1.3 million people are killed in road crashes every year, and another 20 to 50 million are injured in traffic accidents. On average, over 1,000 people under the age of 25 die every single day on the world's roads, and the annual monetary cost of motor vehicle crashes worldwide is currently estimated at \$518 billion.

These numbers are increasing dramatically and place particular strain on underdeveloped and developing nations, where crash rates are at their highest. In developing countries, road crashes have a dramatic impact on fragile economies, costing an estimated \$100 billion and often exceeding the total amount received by these countries in development assistance. Furthermore, road crashes affect first responder services, health care services, and health insurance services, as many victims require extensive, and expensive, critical care, as well as follow-up care and rehabilitation.

Road crashes are particularly devastating when examining the effect on young people. Globally, more than 40 percent of all road traffic deaths occur among individuals under 25 years old, and crashes are the leading cause of death for children and young adults aged 10–25 years old. Over the next decade, this is estimated to become the leading cause of death for children 5 and older worldwide. It is

my fervent hope that our observance of the World Day of Remembrance will help to prevent the needless end of so many young lives in the future.

Unlike other epidemics and tragedies which modern science has not yet found ways to eradicate, the cure for road crashes is within our grasp, and the United States has taken a critical, active role domestically and internationally to address this problem. In November 2009, the Moscow Declaration, signed by 150 countries, encouraged the establishment of a Decade of Action for Road Safety from 2011 to 2020, and laid the foundation for United Nations General Assembly Resolution 64/255 adopted in March 2010. This U.N. resolution recognizes that the devastation caused by road crashes negatively impacts the social, economic, and health targets of the Millennium Development Goals. The United States now takes the lead in furthering the goals of this initiative and setting an example for the rest of the world by improving transportation management, infrastructure, vehicle safety, education, and post-crash care and rehabilitation here at home. It is of the utmost importance that we continue to support public policies designed to reduce key risk factors like speeding, drunk driving, distracted driving, and the failure of many Americans to use seat belts, child restraints, and other safety devices.

The Decade of Action for Road Safety has not been declared to merely raise awareness, but also to take action. We all use roads, cars, buses, and bicycles every day. It is easy to take our safety for granted. But too many tragedies remind us that road fatalities and injuries have an enormous impact on our lives. This resolution expresses the House of Representatives' support for the Decade of Action and encourages the federal government to support efforts to reduce road fatalities, preventing needless deaths and injuries both here at home and around the world.

Madam Speaker, as Americans travel the world more and more and as our global society grows ever more close-knit, the pressing importance of our observance of the World Day of Remembrance only grows as well.

HONORING TIMOTHY SHRIVER

HON. PATRICK J. KENNEDY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 2010

Mr. KENNEDY. Madam Speaker, I rise today to recognize Timothy Shriver, my cousin, for his stewardship in leading the world's most formative human rights organization. Tim is the Chairman of the Board of Directors and the Chief Executive Officer of the Special Olympics. In this capacity, Tim serves 3.1 million Special Olympics athletes and their families in 175 countries. His work for those with disabilities is simply unmatched.

After taking the helm at Special Olympics in 1996, Cousin Tim launched the organization's most ambitious growth agenda, leading to the recruitment of more than 2 million new athletes around the world. He has worked with the leaders of China to initiate a thriving Special Olympics Program in their country, high-

lighted by their hosting the 2007 Special Olympics World Summer Games in Shanghai. He has also worked with world leaders such as Nelson Mandela, Bill Clinton, George Bush, Bertie Ahern, Rafiq Hariri, Thabo Weld, Julius Nyerere, Hosni Mubarak and Shimon Peres to advance the growth of the Special Olympics mission and vision while challenging nations to adopt more supportive and just policies. He has spearheaded programs in developing or war-torn countries such as Afghanistan, Bosnia, Herzegovina and Iraq.

Tim has also created exciting new Special Olympics initiatives in athlete leadership, cross-cultural research, health, education and family support. Among them, Special Olympics Healthy Athletes has become the world's largest public health screening and education program for people with intellectual disabilities, and Special Olympics Get Into It, together with Unified Sports, promotes inclusion and acceptance around the world.

In addition, he has worked to garner more legislative attention and government support for issues of concern to the Special Olympics community, testifying before the U.S. Congress on numerous occasions.

As part of his passion for promoting the gifts of the forgotten, Tim has harnessed the power of Hollywood to share the stories of inspiration and change, co-producing DreamWorks Studios' 1997 release, "Amistad," and Disney Studios' 2000 release, "The Loretta Claiborne Story." He is Executive Producer of "The Ringer," a Family Brothers' film, and also has produced or co-produced shows for ABC, TNT and NBC networks, and made broadcast appearances on "The Today Show," CNN, MTV and Nickelodeon's "World of Difference."

Before joining Special Olympics, Tim was and remains a leading educator focusing on the social and emotional factors in learning. He has worked in substance abuse prevention, violence, dropout prevention and teen pregnancy prevention. He created the New Haven Public Schools' Social Development Project, now considered the leading school-based prevention effort in the United States, and co-founded the Collaborative for Academic, Social and Emotional Learning (CASEL), the leading research organization in the United States in the field of social and emotional learning. Tim currently chairs CASEL.

Tim earned his undergraduate degree from Yale University, a Master's degree in Religion and Religious Education from Catholic University, and a Doctorate in Education from the University of Connecticut. He is the recipient of numerous honors, including honorary degrees from Loyola University, New England College and Albertus Magnus College; the Medal of the City of Athens, Greece; the Order de Manuel Amador Guerrero of the Republic of Panama; the 1995 Connecticut Citizen of the Year; the Surgeon General's Medallion; and the 2007 Lions Humanitarian Award. He has authored articles in many leading publications including "The New York Times," "The Washington Post" and "Commonweal."

Tim has helped transform Special Olympics into a movement that focuses on respect, acceptance and inclusion for individuals with intellectual disabilities in all corners of the globe.

I wish Tim all the best as he continues his important work on behalf of those with disabilities. He will continue to carry my own admiration, and that of all who have had the privilege to work with him.

**EXPRESSING OUR APPRECIATION
FOR THE DEDICATED STAFF OF
THE 8TH CONGRESSIONAL DISTRICT**

HON. JOHN S. TANNER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 2010

Mr. TANNER. Madam Speaker, I rise today on behalf of the citizens of Tennessee's 8th congressional district to express our great appreciation for the distinguished service of the 8th district staff.

As you and our colleagues know, it is simply not possible to fully perform our duties in this body without the help of dedicated staff members. They are called on to work long hours helping us communicate with our constituents and assisting families with personal matters before the federal government.

The team representing the 8th district has helped west and middle Tennesseans resolve an estimated 30,000 federal cases over the past 22 years and has talked with hundreds of thousands more about their views on issues pending before Congress.

There are few, if any, communities where our staff has not helped improve and enhance the quality of life. We have worked with state and local officials to secure funding for water and sewer systems; better school facilities; senior citizen services; assistance for farmers; recreation facilities; public hunting and fishing opportunities; rural health care; satellite Veterans Affairs centers so our rural veterans can see doctors closer to home; rural broadband upgrades; rural fire and police services; and highway, infrastructure and economic development projects to create thousands of jobs. The list could go on and on.

We are deeply proud of this record of constituent service, which is only possible because of the hard work and expert skill of dedicated staff members who have made sacrifices to address the needs and concerns of our neighbors. They are leaders in our communities who recognize public service is an opportunity to help people and see their jobs as a source of pride.

Three staff members working in our office now or who have recently retired from federal service—Judy Counce, Shirlene Mercer and Lou Anne White—started working for the 8th district when Betty Ann and I came to Congress, and we are fortunate that they remained with us.

Six others began their service to the 8th district before that, working alongside my predecessor, Congressman Ed Jones. This truly extraordinary team includes Kathy Becker, Margaret Black Matilla and Betty Hardin, all of whom still work in the 8th district offices today; and Joe Hill, Doug Thompson and Vickie Walling, all of whom recently retired from federal service.

Brad Thompson and Tom Turner are also longtime staff members who have given a great deal of time and energy to our district.

Others on the 8th district team for the 111th Congress include Mary Kate Allen, Mary Arnold, Elizabeth Brown, Christy Bugg, Carling Dinkier IV, Randy Ford, Jon Merlis, Beth Ann Saracco, Debbie Shires, Marilyn Simpson and George Tagg Jr.

Madam Speaker, I appreciate you and our colleagues joining me in a well-deserved expression of appreciation for the women and men who have served alongside Betty Ann and me over the past 22 years, whose selfless, tireless efforts on our behalf have led to meaningful contributions to the 8th district and our country.

**COMMEMORATING TURKEY ON
THEIR REPUBLIC DAY**

HON. BILL DELAHUNT

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 2010

Mr. DELAHUNT. Madam Speaker, I recently returned from the Franklin Center for Global Policy Exchange's 26th TransAtlantic Conference in Ankara and Istanbul, Turkey.

Joining me for this bipartisan conference were House colleagues JEAN SCHMIDT, FRANK LUCAS, JAMES SENSENBRENNER, and JIM MORAN.

This conference brought together Turkish and European Union government officials, members of the diplomatic community, scholars, and private sector leaders, to find ways to enhance understanding of the global challenges currently facing the U.S. and Turkey. We discussed how vital the bilateral relationship has been to both countries and how the alliance has served our national interest for over 60 years.

The key to our relationship is strengthening collaboration toward shared goals. Only with a renewed sense of trust and understanding will this partnership continue to thrive in the 21st century.

In honor of the deep friendship between the U.S. and Turkey, I come to the House Floor today to congratulate the Turkish people and their government on the 87th anniversary of the founding of their nation by Mustafa Kemal on October 29, 2010.

Mustafa Kemal, who was later given the name Atatürk, meaning "father of the Turks," rejected the crumbling structures and outdated modes of empire and embraced instead a platform of reform and modernization, a legacy that continues in Turkey to this day.

I am pleased to take this opportunity to highlight some of the incredible accomplishments of one of the world's most dynamic nations. Over the past 87 years, Turkey has joined the G20, NATO and the United Nations, becoming a leader on many diplomatic issues in the Middle East, Europe and around the world. She has led humanitarian missions in Afghanistan and Iraq, and taken the lead in the United Nations relating to Somali pirates and North Korea.

Turkey has followed President Atatürk's vision by partnering with the West, and also by building relationships with its neighbors to help stabilize the region.

I speak for the American people in extending our wishes for the continued strength and success of the Republic of Turkey.

**HONORING THE LIFE OF FRANCES
LOUISE LASTER HAYES**

HON. STEVE COHEN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 2010

Mr. COHEN. Madam Speaker, I rise today to honor the life of Mrs. Frances Louise Laster Hayes, the owner of T.H. Hayes and Sons Funeral Home in Memphis, Tennessee. She was born to Robert Laster and Maude Blair Laster in Fort Smith, Arkansas on January 9, 1907. Due to her mother's death, Frances and her three siblings, Mary, Clifford and Walter were raised by her father and aunt, Callie.

Frances Laster attended Lemoyne Normal school, now Lemoyne College, in the 1920s. She studied commerce and earned a Bachelor's degree in business administration. After graduation, Frances took a position at her family's lucrative business in Spring Lake, New Jersey. She worked there 8 years before returning to Memphis, where she married Taylor Hayes of Hayes Funeral home, the oldest continuing African-American-owned business in Tennessee.

When Frances Hayes married into the Hayes family at age 23, she had no experience in the funeral home industry. She started as a secretary working side-by-side with her husband and brother-in-law, learning the business of mortuary science. Earning her funeral director's license, Mrs. Hayes became one of the first licensed black female directors. Mrs. Hayes took over the Hayes funeral home with the help of family members when her husband died in 1968.

Mrs. Hayes received several awards and mentions over her lifetime. In 2002, Mrs. Hayes was awarded the President Award of Excellence from the National Funeral Director and Mortician Association Inc. and was also an honorary member of Who's Who of Black Funeral Directors. In recognition of the 100th anniversary of T.H. Hayes and Sons Funeral Home, she was honored by Grace Magazine, the Commercial Appeal and the Tri-State Defender. She was prominent in social and civic realms and was a member of the Memphis Dinner Club, once described as one of the most exclusive black social clubs in America. She was also a member of the 2nd Congregational Church in Memphis, Tennessee.

At 103 years old, Frances Hayes was the epitome of a family matriarch. Her life experiences were widespread, including WWI and WWII, Vietnam, The Gulf, The Great Depression, modernization of the auto, the assassinations of M.L. King, John F. Kennedy, and Robert Kennedy, the Civil Rights Act of 1964, the Birth of Blues with WC Handy. Just two years ago she said "I can't believe we have a Black president, and she's such a beautiful First Lady."

Frances Hayes passed away Sunday, November 21, 2010 at the age of 103 at Methodist University Hospital. Mrs. Hayes' legacy lives on through her nephew Powers Thornton, Jr., her brother-in-law's daughter, Tommie Kay Armstrong and her Godsons, Antonio Benson, Eddie Brooks, Elbert Webster and her dozens of nieces and nephews. We are honored for her dedication to Memphis,

Tennessee and her contributions to the Memphis community. Hers was a life well lived.

HONORING TYLER WHITLEY FOR
HIS 50 YEARS OF SERVICE AT
THE RICHMOND TIMES-DISPATCH

HON. ERIC CANTOR

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 2010

Mr. CANTOR. Madam Speaker, I rise today to congratulate Tyler Whitley for his 50 years of service at the Richmond Times-Dispatch and the Richmond News Leader.

After graduating from Hampden-Sydney College, Tyler Whitley began his career with the Richmond News Leader as an obituary writer and then served as business editor for about six years before becoming a political reporter in 1980. He continued covering Virginia politics for the Richmond Times-Dispatch when the papers merged in 1992. A constituent of Virginia's Seventh District and a veteran journalist, Tyler Whitley has covered nine governors, 14 national political conventions and four decades of the Virginia General Assembly.

Known as the sage of the Virginia press corps, Tyler Whitley is highly respected by his colleagues for his hard work and dedication to his craft. He is a familiar face at Virginia political events and a household name to his many readers through countless bylines. He is a fair and honest reporter who I've had the pleasure to work with since my days in the Virginia House of Delegates and continue to work with today.

It is often said that reporters write the first version of history. In that case, Tyler Whitley has written more history than most. Please join me in recognizing Tyler Whitley as he marks a significant milestone in his distinguished career after 50 years of service at Richmond's paper of record.

REPRESENTATIVE JOHN LEWIS

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 2010

Mr. HOYER. Madam Speaker, Congressman JOHN LEWIS of Georgia is an icon of courage, dignity, and perseverance. He risked his life in the struggle for civil rights for all Americans, he stood with Dr. King as one of that movement's most eloquent and inspirational leaders, and he has held steadfast to the principle of equal justice in every part of his public life, from the Freedom Rides to his service in the House. I am proud to call him a dear friend—and I am proud that his leadership has recently been honored with two prestigious awards.

On November 17, President Obama announced Congressman LEWIS as one of the next recipients of the Presidential Medal of Freedom, America's highest civilian honor. The award citation noted his courage on "Bloody Sunday" in Selma, Alabama, and his

contributions to the passage of the landmark Voting Rights Act; it observed that "JOHN LEWIS is an American hero and a giant of the Civil Rights Movement." The medal will be presented early next year.

On the same day, Congressman LEWIS was also honored by the Lyndon Baines Johnson Foundation as the inaugural recipient of the LBJ Liberty and Justice for All Award. The award marks Congressman LEWIS's lifelong commitment to the founding principles that were the watchword of the Civil Rights Movement. It also recognizes the determined legislative leadership that enabled President Johnson to turn the movement's moral vision into political action. The LBJ Foundation honored Congressman LEWIS for "his dedication to the highest ethical standards and moral principles [which] has won him the admiration of many of his colleagues on both sides of the aisle in the United States Congress."

I am among those colleagues who have taken regular inspiration from the force of JOHN LEWIS's example. He has my sincere congratulations on these recent honors.

IN MEMORY OF ROBERT E.
OLIPHANT

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 2010

Mr. SKELTON. Madam Speaker, it is with great sadness that I inform the House of the death of Robert E. Oliphant. Mr. Oliphant, who passed away at the age of 88, is survived by his wife Pearl; his two daughters Deborah and Patti; and his two grandchildren, Justin and Emily. The community of Odessa and the State of Missouri will sorely miss this remarkable man's leadership, generosity, and congenial disposition.

Born on June 22, 1922, in Cainsville, MO, he was raised by Glenn and Cordia Oliphant in Princeton, MO. After graduating high school in 1941, he attended Chillicothe Business College for a year before heeding the call to service and entering the United States Army. He began basic training in the spring of 1944 and was shipped off to Europe where he served with the 103rd Infantry Division. During the Battle of the Bulge in late 1944, he suffered injuries to his shoulder and arm and was awarded the Purple Heart.

After recovering from his injuries, Mr. Oliphant began working for Clarence H. Goppert at the People's Bank in Kansas City. In 1948, Mr. Goppert acquired the Bank of Odessa and Mr. Oliphant was named executive vice president of the bank. After being promoted to president in the early 1960s, he became chairman of the board of the Bank of Odessa and remained in that position for more than 40 years. Under his leadership, the Bank of Odessa provided invaluable assistance to area churches, civic groups, and volunteer organizations. This assistance and Mr. Oliphant's personal philanthropy allowed these organizations to thrive, prosper, and serve countless individuals.

Mr. Oliphant's leadership in the Odessa community goes far beyond his work at the

Bank of Odessa. Selected in the first Hall of Fame class of the Odessa R-7 Public School Foundation, he was also a founding member of the Odessa Rotary Club, a longtime member of the Odessa Lions Club, and a lifetime member of the Odessa Veterans of Foreign Wars Post. I have no doubt that he has touched the lives of every person in the Odessa community, and his legacy will remain for generations to come.

Madam Speaker, Mr. Oliphant has served our Nation well as a dedicated family man, a military veteran, and a community servant. I trust my fellow members of the House will join me in celebrating the life of an American treasure, Robert E. Oliphant.

IN HONOR OF MR. ARMSTER
HINTON

HON. SANFORD D. BISHOP, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 2010

Mr. BISHOP of Georgia. Madam Speaker, I rise today to join my constituents in celebrating the 124th Anniversary of Greater Saint Mark AME Church in Columbus, Georgia. As part of this celebration, we honor the Church's oldest living member, Mr. Armster Hinton, who is 96 years old and has spent the majority of his life worshipping as a parishioner at Greater Saint Mark AME Church.

Born April 16, 1914 in Hurtsboro, Alabama, where his family owned a horse farm, Mr. Hinton is the son of the late Merion and Daisy Hinton. He was educated at William H. Spencer High School, and graduated from that institution in 1933.

Mr. Hinton sought higher education, and graduated from Albany State College with a degree in business. He went on to honorably serve his country during World War II. While a soldier in the U.S. Army, his company in the Army made dog tags for the troops. He also instructed his fellow soldiers in reading and writing, helping many of them to attain a fourth grade level education.

In 1934, Mr. Hinton was married to the love of his life, the late Mrs. Nell Blanchette Gibson Hinton. They were married for 71 wonderful years and were blessed with a beautiful daughter, Mrs. Beverly Gaynell Hinton Huggle. Mrs. Huggle is married to Mr. Kenneth Huggle, who Mr. Hinton considers a son. Mr. Hinton's family also includes his precocious grandson, Master Destin Hinton Huggle.

Along with his immediate family, Mr. Hinton's great love has impacted countless lives, namely those of his god-children: Mrs. Doris Burton Upshaw; Mrs. Frances Jones Walker; Mrs. Rose Marie Wilson Arnold; Rev. Paul Berry, III; Mrs. Jasper Dawkins, Jr.; and Mrs. Jasmine Dawkins Jones.

A master tailor, he is retired from Tillman's Men's Clothing in Columbus. In his retirement, he has utilized his many talents as an avid cook and a consummate gardener. Mr. Hinton also has been the recipient of numerous recognitions from Greater Saint Mark AME Church, where he has been a life-long member since childhood.

He is known throughout the community for his resplendent appearance. When asked

about it, his favorite expression is, "I can't help that; I was born looking good." He attributes his longevity to a powerful faith in God, along with "having a ball" with family and friends.

Madam Speaker, from his service in the U.S. Army to his life-long dedication to his community, our country, the State of Georgia, and the City of Columbus, Mr. Armster Hinton has led a life of purpose. He is a kind-hearted and compassionate man who upholds the true meaning of Christianity. Today I join Greater Saint Mark AME Church in honoring Mr. Hinton's longevity. May he continue to inspire generations to come.

HONORING CONGRESSMAN IKE SKELTON

HON. MADELEINE Z. BORDALLO

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 2010

Ms. BORDALLO. Madam Speaker, I rise today to recognize my good friend, Chairman IKE SKELTON of Missouri, for his many contributions and service to our country, the people of Missouri, my home district of Guam, and the United States House of Representatives.

Chairman SKELTON has represented the fourth district of Missouri in this body for thirty-four years, and he has been a champion of our country's armed forces. It is safe to say that if it were not for Chairman SKELTON, professional education in our military would be inadequate. Further, he has always been a champion of inter-service cooperation in our military and has worked to ensure successful implementation of the Goldwater-Nichols Act. He has been a member of the House Armed Services Committee since 1981 and consistently been an advocate for our men and women in uniform. He consistently worked in a bi-partisan fashion to use the annual defense authorization bill to take care of the pressing needs of our servicemembers.

In addition, Chairman SKELTON has been a tremendous partner and advocate for the people of Guam. He has worked closely with me to ensure that the military build-up on Guam is done right and is a win-win for our military and local community. He supported me in efforts to ensure that we have a robust statutory framework that ensure proper implementation and oversight of this strategically important under-

taking. Without his understanding of our strategic importance and for his love of the people of Guam this would not have been possible.

It has been one of the greatest pleasures of serving in Congress to work with a man of such intellect, honor and passion. On behalf of the people of Guam, I extend a heartfelt *Un dangkulo na Si Yu'os Ma'ase* for his personal friendship, support of the people of Guam, and service to our Nation.

**CONSIDERATION OF RANGEL
CENSURE RESOLUTION**

HON. CHARLES W. DENT

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 2010

Mr. DENT. Madam Speaker, as a member of the Ethics Committee, I have carefully reviewed evidence in the matter of Congressman RANGEL and believe the Committee's recommendation for censure is appropriate. While the censuring of a Member of Congress is a rare and significant action, I am confident this is the proper penalty for the House to impose on Mr. RANGEL, given the accumulation and totality of his offenses.

On November 16, a bipartisan adjudicatory subcommittee on which I served found 11 of the 13 counts Mr. RANGEL faced were supported by clear and convincing evidence. I believe the most egregious of these offenses included violating the Ethics in Government Act by submitting numerous inaccurate financial disclosure statements and violating the Code of Ethics for Government Service by running a campaign office from a property leased as a rent-stabilized residential apartment.

I also believe it is appropriate for Mr. RANGEL to provide restitution for his failure to pay taxes. As long time member and former Chairman of the House's tax-writing committee, Mr. RANGEL's tax violations cannot be ignored.

Violations like those committed by Mr. RANGEL, individually and cumulatively, damage the public's trust in their elected officials and this institution. However, the House has the opportunity today to restore the American people's confidence in this body by illustrating that Members of Congress are accountable for their transgressions and will face appropriate penalties for their misconduct.

Madam Speaker, while this difficult occasion is by no means a pleasant duty for any of us, it is nonetheless a necessity. Therefore, we

now must demonstrate our commitment to high ethical standards by voting to censure Congressman RANGEL.

**TRIBUTE TO GENERAL CARROL H.
CHANDLER**

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 2010

Mr. SKELTON. Madam Speaker, let me take this means to recognize and pay tribute to General Carrol H. Chandler for over 36 years of service and dedication to the United States Air Force. He currently serves as the Vice Chief of Staff of the Air Force, and will retire from active duty on March 1, 2011. He will be sorely missed.

A native of Carthage, Missouri, General Chandler graduated from the United States Air Force Academy in 1974. Following graduation, he earned his wings after attending Undergraduate Pilot Training at Laughlin Air Force Base. General Chandler later earned a masters degree in management, attended the Executive Program for General Officers at the John F. Kennedy School of Government at Harvard, and the Navy Senior Leader Business Course at the University of North Carolina at Chapel Hill.

A command pilot with more than 3,900 flying hours in the F-15, F-16, and T-38, General Chandler has commanded a major command, a numbered air force, two fighter wings, a support group and a fighter squadron—a true testament to his exceptional Airmanship, leadership, and judgment. His staff assignments include tours at Headquarters Pacific Air Forces, the Pentagon, Headquarters U.S. Pacific Command, Headquarters U.S. Military Training Mission in Saudi Arabia and Headquarters Allied Air Forces Southern Europe.

Throughout his career, General Chandler received many well-deserved awards and decorations, and his commitment and dedication to the mission of the Air Force will be remembered for many years to come.

Madam Speaker, General Chandler has distinguished himself during his career with the United States Air Force. I trust my fellow Members of the House will join me in wishing the very best to the good General; his wife Eva-Marie; and their three children, Carl, Rose-Marie, and Thomas.

HOUSE OF REPRESENTATIVES—Friday, December 3, 2010

The House met at 4 p.m. and was called to order by the Speaker pro tempore (Mr. ENGEL).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
December 3, 2010.

I hereby appoint the Honorable ELIOT L. ENGEL to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Out of infinite compassion, You, Lord God, bend down to Your people and are attentive to their needs. Today, listen to our humble prayer.

Open our minds to receive Your Word, and dispose our hearts to be moved by Your Spirit. Make this Congress strong because it is unafraid to admit to Your people that our real difficulties are not merely economic. Our true battles are spiritual, and they can no longer be solved simply with money or by manipulation.

As we move toward a globalized world, shaped by technology and information, empower this Nation with energetic leadership, attentive to people and attentive to science but well aware that scientific methods only investigate the surface of Your architectural design of creation and to the holistic purpose to awaken human responsibility and to lead us to seek You with wonder and gratitude both now and forever.

Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. The Chair will lead the House in the Pledge of Allegiance.

The SPEAKER pro tempore led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Repub-

lic for which it stands, one nation under God, indivisible, with liberty and justice for all.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
U.S. HOUSE OF REPRESENTATIVES,
Washington, DC, December 3, 2010.

Hon. NANCY PELOSI,
The Speaker, U.S. Capitol, House of Representatives, Washington, DC.

DEAR MADAM SPEAKER: Pursuant to the permission in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on December 3, 2010 at 9:48 a.m.:

That the Senate passed without amendment H.R. 5758.

That the Senate passed without amendment H.R. 6118.

That the Senate passed without amendment H.R. 6387.

That the Senate passed without amendment H.R. 6237.

That the Senate passed without amendment H.J. Res. 101.

That the Senate passed without amendment H.R. 1107.

That the Senate passed S. 3784.

With best wishes, I am

Sincerely,

LORRAINE C. MILLER.

APPOINTMENTS—LIBRARY OF CONGRESS TRUST FUND BOARD

The SPEAKER pro tempore. Pursuant to section 1 of the Library of Congress Trust Fund Board Act (2 U.S.C. 154 Note) and the order of the House of January 6, 2009, the Chair announces the Speaker's appointment of the following members on the part of the House to the Library of Congress Trust Fund Board for a 5-year term:

Mr. J. Richard Fredericks, San Francisco, California;

Ms. Barbara Guggenheim, Los Angeles, California;

Mr. James Kimsey, McLean, Virginia.

APPOINTMENT—NATIONAL COMMISSION FOR THE REVIEW OF THE RESEARCH AND DEVELOPMENT PROGRAMS OF THE UNITED STATES INTELLIGENCE COMMUNITY

The SPEAKER pro tempore. Pursuant to section 1002 of the Intelligence Authorization Act for Fiscal Year 2003 (P.L. 107-306) as amended by section

701(a)(3) of the Intelligence Authorization Act for Fiscal Year 2010 (P.L. 111-259) and the order of the House of January 6, 2009, the Chair announces the Speaker's appointment of the following member on the part of the House to the National Commission for the Review of the Research and Development Programs of the United States Intelligence Community:

Dr. Shirley Ann Jackson, Bridgewater, New Jersey.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 3784. An act to designate the facility of the United States Postal Service located at 4865 Tallmadge Road in Rootstown, Ohio, as the "Marine Sgt. Jeremy E. Murray Post Office"; to the Committee on Oversight and Government Reform.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

Lorraine C. Miller, Clerk of the House, reported and found truly enrolled bills and a joint resolution of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 5758. An act to designate the facility of the United States Postal Service located at 2 Government Center in Fall River, Massachusetts, as the "Sergeant Robert Barrett Post Office Building".

H.R. 6118. An act to designate the facility of the United States Postal Service located at 2 Massachusetts Avenue, NE, in Washington, DC, as the "Dorothy I. Height Post Office".

H.R. 6237. An act to designate the facility of the United States Postal Service located at 1351 2nd Street in Napa, California, as the "Tom Kongsgaard Post Office Building".

H.R. 6387. An act to designate the facility of the United States Postal Service located at 337 West Clark Street in Eureka, California, as the "Sam Sacco Post Office Building".

H.J. Res. 101. Joint resolution making further continuing appropriations for fiscal year 2011, and for other purposes.

SENATE ENROLLED BILLS SIGNED

The Speaker announced her signature to enrolled bills of the Senate of the following titles:

S. 2847. An act to regulate the volume of audio on commercials.

S. 3307. An act to reauthorize child nutrition programs, and for other purposes.

ADJOURNMENT

The SPEAKER pro tempore. Without objection, the House stands adjourned.

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

until 12:30 p.m., on Tuesday next for morning-hour debate.

There was no objection.

Accordingly (at 4 o'clock and 6 minutes p.m.), under its previous order, the House adjourned until Tuesday, December 7, 2010, at 12:30 p.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

10632. A letter from the Chairman and President, Export-Import Bank, transmitting a report on transactions involving U.S. exports to Ireland pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.

10633. A letter from the Chairman, Broadcasting Board of Governors, transmitting in accordance with the requirements of the Accountability of Tax Dollars Act of 2002 (Pub. L. 107-289), the Board's FY 2010 Performance and Accountability Report; to the Committee on Oversight and Government Reform.

10634. A letter from the Secretary, Department of Education, transmitting the FY 2010 annual report under the Federal Managers' Financial Integrity Act (FMFIA) of 1982, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Oversight and Government Reform.

10635. A letter from the Secretary, Department of Labor, transmitting the FY 2010 annual report under the Federal Managers' Financial Integrity Act (FMFIA) of 1982, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Oversight and Government Reform.

10636. A letter from the Executive Director, Federal Retirement Thrift Investment Board, transmitting the Board's Report of FY 2010 Audits and Significant Findings; to the Committee on Oversight and Government Reform.

10637. A letter from the Acting General Counsel, Government Accountability Office, transmitting report to Congress of instances in which a federal agency did not fully implement a recommendation made by the Office, pursuant to 31 U.S.C. 3554(e)(2); to the Committee on Oversight and Government Reform.

10638. A letter from the Commissioner, Social Security Administration, transmitting the Administration's Performance and Accountability Report for Fiscal Year 2010; to the Committee on Oversight and Government Reform.

10639. A letter from the Assistant Director, Migratory Birds, Department of the Interior, transmitting the Department's North American Wetlands Conservation Act Progress Report, 2008-2009; to the Committee on Natural Resources.

10640. A letter from the Under Secretary and Director, Patent and Trademark Office, transmitting the Office's Strategic Plan for fiscal years 2010 through 2015; to the Committee on the Judiciary.

10641. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class D and Class E Airspace; Klamath Falls, OR [Docket No.: FAA-2010-0651; Airspace Docket No. 10-ANM-7] received November 15, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10642. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Proposed Establishment of Class E Airspace; Bamberg, SC [Docket No.: FAA-2010-0685; Airspace Docket No. 10-ASO-27] received November 15, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10643. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment and Establishment of Restricted Areas and Other Special Use Airspace, Razorback Range Airspace Complex, AR [Docket No.: FAA-2009-1050; Airspace Docket No. 09-ASW-40] received November 15, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10644. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Williston, ND [Docket No.: FAA-2010-0407; Airspace Docket No. 10-AGL-7] received November 15, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10645. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Revocation of Class E Airspace; Chilicothe, MO [Docket No.: FAA-2010-0268; Airspace Docket No. 10-ACE-2] received November 15, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10646. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Youngstown, OH [Docket No.: FAA-2010-267; Airspace Docket No. 10-AGL-5] received November 15, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10647. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Boonville, MO [Docket No.: FAA-2010-0607; Airspace Docket No. 10-ACE-7] received November 15, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10648. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Kaiser/Lake Ozark, MO

[Docket No.: FAA-2010-0604; Airspace Docket No. 10-ACE-5] received November 15, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10649. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Corpus Christi, TX [Docket No.: FAA-2010-0404; Airspace Docket No. 10-ASW-7] received November 15, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10650. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Searcy, AR [Docket No.: FAA-2009-1182; Airspace Docket No. 09-ASW-37] received November 15, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10651. A letter from the Staff Director, Commission on Civil Rights, transmitting the Commission's report, The Multiethnic Placement Act: Minorities in Foster Care and Adoption; jointly to the Committees on the Judiciary and Ways and Means.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII the following actions were taken by the Speaker:

H.R. 1174. Referral to the Committee on Homeland Security extended for a period ending not later than December 17, 2010.

H.R. 3376. Referral to the Committees on the Judiciary and Homeland Security extended for a period ending not later than December 17, 2010.

H.R. 5498. Referral to the Committee on Energy and Commerce extended for a period ending not later than December 17, 2010.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII,

Mr. GEORGE MILLER of California (for himself and Ms. WOOLSEY) introduced a bill (H.R. 6495) to improve compliance with mine safety and health laws, empower miners to raise safety concerns, prevent future mine tragedies, and for other purposes; which was referred to the Committee on Education and Labor.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 5037: Mr. LARSEN of Washington.

H. Res. 1615: Mr. FORBES and Mr. HOLT.

SENATE—Friday, December 3, 2010

The Senate met at 9:30 a.m. and was called to order by the Honorable JEFF MERKLEY, a Senator from the State of Oregon.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

O God of time and eternity, use our lawmakers today as instruments of Your will. Give them the wisdom to turn from every thought, word, and deed that weakens instead of strengthens. Lord, help them to desire to be people of integrity, individually and corporately. May this be a day when our Senators serve You with gladness because Your joy has filled their hearts.

Lord, all nations are Yours. Help us to trust You to rule our world.

We pray in Your sovereign Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JEFF MERKLEY led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUE).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, December 3, 2010.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JEFF MERKLEY, a Senator from the State of Oregon, to perform the duties of the Chair.

DANIEL K. INOUE,
President pro tempore.

Mr. MERKLEY thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Following leader remarks, there will be a period of morning busi-

ness, with Senators allowed to speak for up to 10 minutes each.

Last night, I filed cloture motions on two tax cut amendments. Those votes are expected to occur tomorrow. Senators will be notified when those votes are scheduled. I have not had the opportunity to meet today with the Republican leader. We will try to set up those votes at a convenient time tomorrow, as convenient as possible.

MIDDLE-CLASS TAX CUTS

Mr. REID. Mr. President, I had hoped we would be able to come to agreement with Republicans to hold votes today to protect middle-class families. But the Republican caucus would not agree, so we will have a series of votes tomorrow on the tax rates set to expire at the end of this month.

Democrats' priorities are clear. We are protecting middle-class families every way we can. Tomorrow's votes will show where Republican priorities are and where ours are. Those votes will clearly demonstrate who supports the middle class, and that includes every Senator.

The minority can spin any way they want what has taken place over the last 24 hours. They can pretend giving the rich tax breaks creates jobs, even though we know from the past decade that it does not. If that were the case, the economy would be booming, except during the last years of the Bush administration, when those tax cuts were in effect, we lost 8 million jobs. They can pretend we can afford to give billionaires another handout, even though we know we can't. But no matter how many times you pretend, it doesn't make it true. The truth is simple: Holding middle-class tax cuts hostage for tax breaks for the wealthy that they don't need and we cannot afford is irresponsible.

A lot has been written about the letter that 42 Republican Senators sent me a couple days ago. Maybe it is news that they put it in writing, but that is all that is new about it because, as the Presiding Officer knows, everything we have tried to do legislatively this year has been stymied, stopped with filibusters, well more than 100. Republicans have been holding good legislation hostage for 4 years—important bills, non-controversial bills, every bill. That is why we have a lameduck session with such a long to-do list.

Interestingly, I heard one Republican Senator, my friend, the senior Senator from Tennessee, say: The majority leader fills the tree. They have had lots of opportunities to offer amendments.

The problem is, it is not the offering of amendments. We will allow them to offer amendments, but they are not satisfied with that. They want the results. They are not willing to offer an amendment they may lose. They are only willing to offer amendments they want to win. If they don't win them, then they stop everything. That isn't the way it has been done around here, and it should not be done in the future that way.

Since they sent me that letter, a lot of focus has been on the political impact of this game. I am more interested in the impact on the people I represent than the political games being played.

When Republicans take their ball and go home, here is what happens: More than 83,000 Nevadans who are jobless and looking for work will lose their unemployment insurance over the next year. The Council of Economic Advisers predicted that will cost the country 600,000 jobs.

What else happens? A treaty that will make Americans safer goes nowhere, a treaty supported by the entire military leadership and endorsed yesterday by the Secretaries of State of the last five Republican Presidents. Without the START treaty, there are more nuclear weapons than there should be, we know less about the Russian nuclear arsenal than we need to, and Americans are less safe.

Here is one more consequence of the Republican ultimatum: Thousands of first responders who rushed to Ground Zero on 9/11 got terribly sick from the toxins there. The longer Republicans stall, the longer these heroes have to wait for the health care and compensation they deserve.

Why are tens of thousands of unemployed Nevadans at risk of losing their lifeline? Why is Nevada at risk of losing jobs when we are desperate to create them? Why is the START treaty stalled? Why are the 9/11 heroes still sick with nowhere to turn? Each of these questions has the same answer—because Republican Senators want to give their richest friends a tax break they don't need, many don't want, and none of us can afford.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there

will now be a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

Mr. REID. I suggest the absence of quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BAUCUS. Mr. President, I ask unanimous consent to speak in morning business for as much time as I consume.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. REID. Mr. President, would my friend, the distinguished chairman of the Finance Committee, yield?

Mr. BAUCUS. Sure.

The ACTING PRESIDENT pro tempore. The majority leader.

VOTES TOMORROW

Mr. REID. Mr. President, I think it is appropriate that everyone be notified there will be no rollcall votes today. We are still working on what time it will be tomorrow. But we, as everyone knows and I have said here—this is the third time—we were within inches of having something worked out on having votes today, but for reasons I do not fully understand, the Republicans did not agree to that at the last minute, and now we have to figure out what time we are going to vote tomorrow. If we cannot work it out by consent, then, of course, we will do it 1 hour after we come in, which is the rule. We have competing interests. We have people who want it late tomorrow. We have people who want it early tomorrow. So we will try to see what we can do to work through that.

Again, I appreciate my good friend for yielding.

Mr. BAUCUS. Mr. President, I thank the leader for all his very hard work. Nobody is working harder than the leader to try to work out the schedule so we can address these issues, and we all thank him.

MIDDLE-CLASS TAX CUTS

Mr. BAUCUS. Mr. President, the textbook definition of “economics” is about scarcity. For example, in his textbook “Principles of Economics,” President Bush’s chief economic adviser, Gregory Mankiw, wrote this:

Economics is the study of how society manages its scarce resources.

We could say the same thing about fiscal policy. Fiscal policy is about how society, acting through its govern-

ment, chooses to allocate scarce resources. There is not an endless supply of money. We have to make choices. Every time we put together a budget, we have to make choices. Every time we formulate the Nation’s tax policy, we have to make choices.

So when it comes to whether to extend the 2001 tax cuts, once again, we have to make choices. It is a question of priorities. The debate over what to do about the 2001 and 2003 tax cuts for those with the highest incomes is a debate about priorities.

Are we better off devoting scarce resources to a larger tax cut for those at the very top or are we better off devoting those scarce resources to new tax incentives to promote investment and create new jobs or are we better off devoting those scarce resources to reducing the Federal budget deficit and debt? Those are the choices we need to make.

Today, the Senate is considering how we should make those choices. The amendment we have offered says basically: Let’s make the middle-class tax cuts permanent. That is something on which pretty much everyone in this Chamber should agree. After we have cut taxes for middle-class Americans, then let’s have an honest debate. Let’s debate whether extending tax cuts for the very top incomes is the right priority.

But, in any case, making middle-class tax cuts permanent is the right thing to do. Let’s not allow tax cuts for middle-class Americans to be held hostage to partisan wrangling about tax cuts for those who make the very most.

So how did we come to this choice? Let me take a few moments to review how we got here.

In 2001, Congress enacted legislation to let American families keep more of their money. Many of these tax incentives were phased in over several years. In 2003, Congress enacted legislation adding new tax incentives and speeding up implementation of the 2001 law.

The 2001 and 2003 tax laws lowered tax rates for all taxpayers, and those laws provided much needed tax relief for families, education, and small business. Many of these tax provisions have broad support across the political spectrum. But these tax benefits are not permanent. Beginning on January 1, all these 2001 and 2003 tax cuts expire, even those for Americans who need them the most.

At the same time, the Federal debt is at its highest level since shortly after World War II, and our fiscal challenges are growing with the retirement of the baby boom generation. The amendment we consider today responds to both these challenges.

So what would our amendment do? First, our amendment would extend tax cuts for middle-class American families. Our amendment would permanently extend the lower tax rates for

income up to \$250,000 for married couples and \$200,000 for individuals.

Extending these lower tax rates would benefit all taxpayers—all taxpayers—including higher income taxpayers. In fact, higher income taxpayers would receive the largest tax benefits in terms of dollars per taxpayer. That is, of course, because we have our marginal tax rate system in America. So making the tax cut permanent for all taxes of Americans below \$250,000 will benefit all Americans—not only those below \$250,000, but those above \$250,000, will, under this amendment, get a benefit. As I said, in fact, higher income taxpayers receive the largest tax benefits in terms of dollars per taxpayer, even under the \$250,000 amendment.

Our amendment would make permanent the provisions that help working families with children. The number of people living in poverty is at a 15-year high. One out of every five American children lives in poverty. Many of these provisions in our amendment would help keep children and their families out of poverty.

The amendment would make permanent the expanded earned-income tax credit for families with three or more children. The increased tax credit provides more help to families with children. The partially refundable portion of the credit allows families to receive a benefit even when their tax liability is low, as long as the family has earned income of more than \$3,000.

This credit helps to support 13 million children in low-income working families every year. These families are likely to spend every dollar they receive right away. That means this provision would also help the economy.

The increased dependent care credit recognizes the increased cost of childcare for working families. People should be able to go to work and have the quality care they need for their children. In 2008, the dependent care credit helped more than 6.5 million working families to make ends meet.

Our amendment would make permanent a tax benefit for employers who construct, build or expand property used as a childcare facility. This benefit recognizes the contribution that some employers make to help their employees balance child-raising and a career.

The amendment would provide permanent marriage penalty relief. That way, married couples would not get higher taxes as an added wedding present.

The amendment would direct that certain government programs disregard refundable tax credits when determining eligibility for the programs. This would ensure that America’s most in need would not be worse off because of tax incentives. We don’t want to give with one hand and take away with the other.

Our amendment also addresses the importance of getting a quality education and the increased cost of getting an education. Our amendment would make it easier to deduct student loan interest, to eliminate the restriction on the number of months eligible for the deduction, and it would expand the eligibility to more postgraduates. Our amendment would make permanent the American opportunity tax credit. This would help students to afford a higher education. This provision is a partially refundable tax credit up to \$2,500 of the cost of tuition and fees, including books. The amendment includes an income exclusion for loan repayment for programs where a postgraduate becomes a health professional in an underserved area. The amendment would include continuing education for workers by allowing an exclusion from income for employer-provided educational assistance programs.

What do we do about capital gains and dividends? Right now, capital gains are currently taxed at a maximum rate of 15 percent and dividends are treated as capital gains. This treatment expires at the end of this year. Starting January 1, unless we act, capital gains will be taxed at 20 percent and dividends will be treated as ordinary income.

Our amendment would make permanent the current capital gains rate for taxpayers with incomes up to \$250,000 for married couples and up to \$200,000 for individuals. The amendment continues to treat dividends as capital gains for all taxpayers, so dividends would not be treated as ordinary income for any taxpayer. This would level the playing field. This would ensure that the Tax Code will not favor one type of investment over the other.

What do we do about the alternative minimum tax? Our amendment would provide 2 years of relief from the AMT. Every year, we talk about the AMT and how it ensnares hard-working Americans. Originally, Congress created the AMT to stop—get this—just 155 millionaires from completely avoiding income taxes. That was the point of the AMT. It was an attempt to make sure all taxpayers paid their fair share. What about today? Now, millions of hard-working families are subject to this dreadful tax—not 155 millionaires but millions of people—families who are working hard, raising children, and find themselves hit with increased taxes. We are not talking about millionaires; we are talking about a larger group of Americans. AMT has this effect because it was not indexed.

To keep the number of taxpayers subject to this tax from growing, Congress has to pass an AMT patch every year. Without an AMT fix, the number of taxpayers subject to the tax would explode. In Montana, Congress's failure to enact a patch would mean that more than six times as many taxpayers would have that burden.

Our amendment would take care of the AMT for 2010 and 2011. During that time, Congress can deal with this stealth tax once and for all as part of tax reform.

What about small business? Our amendment would benefit small business owners by making permanent the 2007 expansion of section 179 expensing.

What about the estate tax? Our amendment would provide permanent estate tax relief for family-owned businesses. In 2001, Congress voted to provide estate tax relief to American families. We decreased the rate and increased the exemption over time, until we had complete repeal for 2010 only. That is what we have today, in 2010. Next year, if we don't act, the law will snap back up to the old 2001 rate. This has resulted in uncertainty and a planning nightmare for families. Our amendment would eliminate that uncertainty. The amendment would make permanent 2009 estate tax law going forward. It would set the top tax rate at 45 percent and the exemption at \$3.5 million per person, which obviously amounts to \$7 million per couple.

The amendment includes an election for estates that arose between January 1 and the law's enactment. The heirs would be able to choose either current law or the new permanent tax rate and exemption.

Our amendment would provide an exemption for family ranches and farms. This provision would ensure that no family farm or ranch ever has to be sold to pay estate taxes.

Our amendment would simplify planning for spouses. Most people believe that a couple automatically receives double the exemption amount. So if an exemption is \$3.5 million, most folks assume that a couple gets \$7 million. But what many people don't know is that to get the full \$7 million exemption, couples have to plan. Our amendment would simplify planning for spouses by allowing the transfer of any unused exemption between spouses. This would make the law work the way most people think it works already. The resulting estate tax law would provide certainty to taxpayers, and the remaining estate tax would affect only the heirs of the very largest estates. It would ensure that the small number of people who inherit so much money that they never have to work during their life would contribute their fair share.

What about the provision that folks call tax extenders? Our amendment would extend a number of other tax provisions important to individuals, businesses, and State and local governments. These provisions will continue to help create jobs and pay taxes. Our amendment would create jobs by improving our Nation's infrastructure. It would reduce the cost to local governments to build roads, bridges, and water treatment facilities. The amendment would extend multiple incentives

that promote energy sustainability and efficiency. The amendment would extend the dollar-per-gallon credit for biodiesel and renewable diesel, and the amendment would extend the manufacturer's credit for the construction of new energy-efficient homes.

The amendment includes a credit for energy-efficient appliances and a credit for alternative-fuel motor vehicles. The amendment includes an extension of the advanced energy investment credit for businesses engaged in the manufacturing of technologies for the production of renewable energy and energy storage, and the amendment provides parity for transit benefits so that employers can provide tax-free benefits to their employees for both transit and parking.

Our amendment would extend a number of tax cuts for individuals, including an extension of the making work pay credit—very stimulative. It helps the economy dramatically, and if it is not in here, it will be destimulative and hurt the economy.

Our amendment would help teachers by extending the expense deduction for teachers who buy school supplies for their classrooms. The amendment would extend the additional standard deduction for State and local real estate taxes as well as the ability of itemizers to deduct sales taxes in lieu of State and local income taxes. Our amendment would extend the qualified tuition deduction to help with college costs.

This amendment would extend much needed relief for communities that have suffered from natural disasters.

Our amendment would extend important business tax provisions to help create jobs and make our companies competitive in a global economy. The amendment would extend the research and development credit to help American businesses keep on the cutting edge.

Our amendment also includes a provision that will help small businesses across our country. The provision would repeal an expansion of information reporting rules that was enacted this past year, otherwise known as 1099. Those rules expanded current information reporting requirements to include payments businesses make to corporations and payments for goods and property, not just services. This provision, known as the 1099 provision, imposes a record-keeping burden on small businesses that would take away from the time business owners need to expand their business and create jobs. This information reporting went too far, especially in this difficult economy. It is important that we repeal this expansion of information reporting.

Now, some will say that we should extend tax cuts for everyone, even the very rich. America is working through tough economic times. At the same

time, our country has record deficits. Our amendment would balance these two concerns. Our amendment would extend all the tax cuts affecting middle and lower income Americans that Congress enacted in 2001 and in 2003 that sunset this year. Our amendment would also extend several expiring tax cuts benefiting middle and lower income Americans that Congress enacted in 2009. Our amendment would protect Americans who have been struggling to get by.

Our amendment would also benefit taxpayers with higher incomes. The cuts in our amendment apply to all of the income up to \$200,000 for individuals and \$250,000 for couples even if the taxpayer makes more than that. At the same time, we crafted our amendment with recognition of the mounting deficits our country faces.

Our amendment would not rely on the gimmick of temporarily extending tax cuts in order to mask their size, knowing that future Congresses will be unable to resist the temptation to keep extending these cuts. It is about priorities. Our amendment makes choices.

Our amendment would not make permanent all of the expiring tax cuts that Congress enacted in 2009. It would not make permanent tax cuts that benefit only those Americans who need them the least. Only 3 percent of Americans have incomes greater than \$250,000 for couples or \$200,000 for individuals.

Over the past quarter century, the average after-tax income of the wealthiest 5 percent has grown 150 percent.

At the same time in the past quarter century, the average after-tax income of middle-class Americans has grown by only 28 percent. So 150 percent for the top 5 percent—the wealthiest—and only 28 percent for middle-income Americans. Today, the bottom 80 percent of households receive less than half of all after-tax income. The benefits of recent economic growth have not been widely shared, so the middle class should not be asked to tighten their belts as much as the high-income folks who have benefited the most.

As we come out of the great recession, we need to recognize the growing Federal budget deficit. In 2010, the deficit was \$1.3 trillion. That is the second highest level relative to the size of the economy since 1945. This was exceeded only by 2009's \$1.4 trillion deficit—\$100 billion more—and the Congressional Budget Office projects that deficits will remain high for the rest of the decade. That means the Federal debt will keep growing.

When we passed the 2001 tax cuts, the Federal Government was running a surplus. When we passed the 2001 tax cuts, economists projected big surpluses as far as the eye could see. Times have changed. We need to consider our current fiscal condition. With

15 million Americans still out of work, it is important that we keep our economy on the path to recovery by extending tax cuts for families who need them the most and who will spend it.

Our amendment strikes the right balance. It is a question of priorities. Our amendment says that we should not devote scarce resources to a larger tax cut for those at the very top. Our amendment says that we would be better off devoting those scarce resources to new tax incentives that promote investment and create new jobs or we would be better off devoting those scarce resources to reducing the Federal budget deficit and debt. Those are the choices we have to make.

Our amendment says: Let's make the middle-class tax cuts permanent. Our amendment says: Let's not allow tax cuts for middle-class Americans to be held hostage for tax cuts for those who make the very most. There is not an endless supply of money. We have to make choices.

I submit that these are the choices we need to make. I encourage my colleagues to support our amendment.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

Mr. BAUCUS. Mr. President, I suspend my request.

The ACTING PRESIDENT pro tempore. The Senator from Ohio.

UNEMPLOYMENT INSURANCE

Mr. BROWN of Ohio. Mr. President, I thank the senior Senator from Montana, who laid out exactly why his efforts to extend the Bush tax cuts to the middle class up to \$250,000 and to not extend them beyond that is the exact right public policy. It is good fiscal policy. It is good economic policy. It is good for our country. It is exactly the right thing to do. I thank him for his explanation of including the earned-income tax credit, which is the best tax incentive to help people who are working hard, playing by the rules, making \$20,000 to \$30,000 a year, get a much fairer tax—really encouraging work the way the IETC does.

I also thank the chairman of the Finance Committee, the senior Senator from Montana, for including the unemployment insurance in this because 85,000 Ohioans have lost their unemployment insurance. These are people—or many of them are, as I have read letters on the Senate floor and will read a couple today—who have worked for 20, 30, 40 years and simply can't find a job.

There are five people applying for every one job opening in my State and in this country. It is so important that these people continue to get some assistance. In spite of what some of my Republican colleagues suggest, unemployment insurance is insurance, not welfare. Their employer, on their behalf, pays into the unemployment in-

surance fund in their States. When they lose their jobs, because it is insurance, they should get assistance. It is like fire or health insurance. You don't want to use it, but you want it to be there if you need it. That is why it is so important. I appreciate Senator BAUCUS's discussion of why this is the right policy.

Before I read some letters from people about unemployment benefits, I want to talk about why that is the right policy. The Bush tax cuts primarily went to the wealthy in 2001 and 2003. As Senator McCASKILL said, it was an experiment. For 10 years, we tried to see if this worked. I didn't support that when it passed in the House many years ago because I thought they were tilted toward upper income people and not focused on the middle class. So it was an experiment in many ways where major tax breaks were given to the rich, and according to the so-called trickle-down economic theory, they would hire people and much would trickle down and they would provide jobs and strengthen the middle class.

What we saw during the Bush 8 years as the main thrust of the economic policy was the tax break for the rich. That was the stated policy; that if we cut taxes enough on the wealthiest Americans, it would drive the economy forward. But we know that in those 8 years of the Bush administration there was a 1 million net job increase, not enough to provide jobs to keep up with the growing population or not enough to provide jobs for the kids coming out of high school or those leaving the Army or those coming out of college.

So it is clear the experiment failed. They cut taxes for the rich and there was only a 1 million increase in jobs. It didn't work.

Look at the 8 years before that, the Clinton years—and these are facts, not opinions—where President Clinton did a mix of tax cuts, tax increases on the wealthy and spending cuts, and he balanced the budget. We ended up with a 22 million job increase with that economic policy, which we want to follow today, versus a 1 million job increase, which was not even enough to keep up with the growing population with the Bush economic policy.

It is clear what this means—not to mention what Senator BAUCUS pointed out too. We are, in essence, borrowing \$700 billion from the Chinese to pay for these tax cuts. That is where we borrow a lot of money. We are talking about borrowing \$700 billion and putting it on a credit card for our children and grandchildren. The pages sitting here will get to pay off that \$700 billion in tax cuts for the rich, and then the \$700 billion is given to the wealthiest taxpayers. So they want to borrow from China, charge it to our children and grandchildren, and give it to millionaires and billionaires.

What kind of moral policy, let alone the bad economic policy, is that? It is

bad fiscal policy to do anything but tax cuts for the middle class. It is bad economic policy. It is not fair to our children and grandchildren.

Also, I will make a comparison in this bill between unemployment benefits, extending and maintaining unemployment benefits to the 85,000 families in Ohio who found out 2 days ago their unemployment insurance was no longer. Some of those families will lose their homes, and a father will have to sit down with his 12-year-old daughter and say: Honey, we are going to lose this house and move somewhere else. The child will say: What school district are we going to be in, Dad? He would say: I don't know yet.

We know the hardship this will create if we don't extend these benefits. These people want to go back to work and they are trying to find jobs, but there are not enough jobs out there. They need money for gasoline to drive around and look for jobs, and they need all these things just to stay alive and have a decent standard of living. But take the money in the unemployment extension—as JOHN MCCAIN's chief economic adviser during his 2008 campaign said, \$1 put into unemployment benefits of a person in Zanesville or Lima or Hamilton, OH, that father or mother, that man or woman will spend that money because they need to. They need to buy shoes for their kids, food for themselves; they need to heat their homes and put gas in their cars. That money will be spent. Every dollar you put into unemployment generates \$1.60 in economic activity, and that will create jobs.

Conversely, a dollar in tax cuts for the wealthy—a dollar that goes to a millionaire—what are they going to buy that they are not already buying? They meet their needs. They have millions of dollars at their discretion to do it. They are not going to buy more food or go to a fancy restaurant or take an extra vacation. They have the money they need. That \$1 going to the wealthy, according to the analysis of JOHN MCCAIN's chief economic adviser, ends up generating about 30 cents in activity and creating significantly fewer jobs.

I want to read a couple of letters from people in my State of Ohio about what this legislation means in terms of unemployment benefits.

This is from Shanata from Montgomery County, in the Dayton area:

I have been out of work since February and have been receiving unemployment benefits. I am 36 years old and have been working since I was 16.

This is par for the course in the letters we get. These people have been working hard since a very young age.

I have applied for 100 jobs in the past month alone, and have found absolutely nothing. If unemployment stops, I will have even less. I am in school full-time, but I know that I can't return in January since I

will have absolutely no way to pay my bills. Unemployment is not allowing me to go on trips, eat out every day, shop 'til I drop, or anything else frivolous. I just need to keep a roof over my head and food in me and my daughters' stomachs. Please work diligently to help extend unemployment for those who will have nothing without it.

This is Dagney from Lorain County, my home county, between Cleveland and Toledo:

Please, Senator, please do everything you can to get the unemployment extension passed. I have been unemployed for more than a year and have not found a job yet. We are two months behind on our mortgage and I am so afraid we are going to lose our house. We have exhausted our savings and my husband is off work too due to an accident. I am so worried. Please help us.

This is from Carol from Summit County, in Akron:

I am writing for myself and thousands of other unemployed Ohioans whose unemployment benefits are running out. We need help.

Mr. President, again, 85,000 families lost their benefits in my State alone three nights ago.

I am 61 years old and have been on unemployment since June 2010 and my benefits run out December 20. There are no extensions at this time and there are no jobs for a senior citizen with over 40 years of work experience. Believe me, I have tried everything from Walmart to McDonalds. I have no savings and lost what little retirement I had a couple years ago with many others. I'm not asking for a handout—just some help until the job market picks up out here. Please encourage Congress to provide at least one more extension—without it, many Ohioans will be destitute. I never thought when I was raising my family as a single mom that I would find myself in this position at this age.

I know my colleagues want to do the right thing. I believe even those who vote no on everything that I believe in, I think they want to do the right thing. I just wonder—I know they get letters like this because every one of us—whether you are in Missoula or in Eugene or in Dayton, every one of us gets letters from constituents in our States who are hurting, even in States that have pretty good economies. I don't know if they don't read them or if our colleagues never meet people like this. I assume our colleagues probably don't visit food pantries as I do, but some of my other colleagues do and hear the stories. I don't know that I have been to a food pantry in the last 2 years where I don't hear a volunteer—and most of them are staffed by all volunteers—or a paid director say: You know, see those people over there? They used to bring food in, and now they are picking up food. That is the story I hear time after time.

I don't think my colleagues are hard hearted or callous. I just wonder if they know, or if they are hearing from, people like Carol and Shanata and Dagney, or if they are not visiting food pantries and stopping at a union hall and talking to an out-of-work carpenter or a laborer who hasn't been called to a worksite for 7 or 8 months.

I have said to the majority leader that I think we should stay here until New Years. I would rather be home with my family; family is very important to me. But if we don't continue these unemployment benefits, we are going to ruin the holidays for those 85,000 Ohioans—and that number keeps growing—so we don't deserve much of a holiday either if that is the best we can do.

I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BINGAMAN. Mr. President, I ask unanimous consent to speak as in morning business for up to 20 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

BAUCUS TAX PROPOSAL

Mr. BINGAMAN. Mr. President, let me start by thanking Senator BAUCUS for putting forward his proposal on tax issues. It is a responsible course for us to follow. It is one I can vote for without reservation.

He is basically saying: Look, let's ensure the first \$250,000 that is earned by any and all Americans in this next year will be subject to the lower tax rates that were put in place during President Bush's time in office—the tax rates that were adopted essentially in 2001. Of course, it also contains other very useful provisions to reinstate the estate tax at a reasonable rate, with a significant amount exempted from the estate tax. It has provisions for energy tax—the extending of energy tax provisions, which I think are very important to the country. But we had a hearing yesterday in the Finance Committee. I am privileged to serve on that committee that Senator BAUCUS chairs. We had a very good hearing on the whole issue of Federal revenues and outlays. I thought some useful information came out there. I was able to speak very briefly with Doug Elmendorf, the head of the Congressional Budget Office. I was particularly impressed with one chart he presented in his materials. I have made a copy of that, essentially, that I want to go through and explain because I think it puts this entire discussion into context.

This chart shows what has happened with both outlays—and that is the light blue line—and revenues—the darker black line—outlays and revenues of the Federal Government for a 40-year period starting in 1970 and ending, essentially, right now. One useful

thing about the chart is it has an average. It shows that, on average, outlays were about 21 percent, and that is the dotted blue line across here. It also shows, on average, revenues—what the government collects in taxes—was about 18 percent, and that is the dotted black line down here. You can see there is—I don't know if you call it a structure gap but a persistent gap between what we raise for the operation of the Federal Government and what we spend. Every year we spend more than we raise.

There is an exception to that. There is a period here where these two lines cross, and that is the period at the end of the Clinton administration where we got to a balanced budget and a surplus. That was achieved for a variety of reasons, and let me talk a little about those reasons.

There was a 4-year period there, 1998 through 2001, where the Federal Government essentially did not spend more than it took in. In 2001 again, as you can see from this chart, beginning in 2001 with this precipitous dropoff in revenue, the deficits began to grow. We now have a very large deficit. What is particularly disturbing is when you look ahead and project where we are going to be over the next 5, 10, 20 years, we are projected to have a very large deficit indefinitely unless we change some things.

Changing either the outlay numbers, what we spend, or the revenue numbers, the level of taxes that are collected, is not easy. It is not easy in this Congress. It has never been easy. So how did we produce a surplus during the 4 years we had a surplus? I think there were three main factors that account for that.

In 1990, the Congress and President George H.W. Bush were able to agree to legislation that controlled spending and increased revenues as well. That was the Omnibus Budget Reconciliation Act of 1990. It, for the first time, enacted pay-go rules. It also increased taxes on the wealthiest Americans by raising the top income tax rate from 28 percent to 31 percent.

At the time, President George H.W. Bush said—this is a quote from him—“It's time, I think it's past time, to put the interests of the country first.”

Over the next 5 years, this legislation did reduce the deficit by a total of \$480 billion. That was one of the factors that got us to that period of balanced budget and surplus.

The second factor was in 1993, when the Congress and President Clinton agreed, again, to legislation that increased revenue and controlled spending. This legislation once again raised taxes on the wealthiest Americans. Over the 5 years following, the legislation reduced the deficit by \$430 billion and revenue increases were responsible for over half that deficit reduction that occurred in that period.

Of course, the third factor, which is the most important, is that the country enjoyed very strong economic growth during the 1990s, particularly the latter part of the 1990s. That allowed revenues to rise above the historical average we see down here, this 18 percent historical average for revenues. We were able to get that up significantly, both because of the changes in law that occurred under President George H.W. Bush and under President Clinton and the very good economic circumstances we enjoyed in the 1990s.

What caused the situation to reverse? Was it an increase in spending or was it a decrease in revenue? I think this chart makes the point very clearly that initially what caused the situation to reverse was the Bush tax cuts of 2001. They reduced revenue by \$70 billion in that exact same year, 2001. In total, the tax cuts President George W. Bush signed into law reduced revenue by an estimated \$1.6 trillion over a 10-year period. The actual costs may have been significantly greater.

Simply put, the Congress and the President, when we enacted those Bush tax cuts, so-called Bush tax cuts, cut taxes more than we could afford to unless we were willing to also dramatically cut spending, and we did not cut spending. In fact, we increased spending. We increased it fairly dramatically to fund the Afghanistan war, to fund the Iraq war, to fund Medicare Part D. None of that new spending was paid for.

Former Congressional Budget Office and Office of Management and Budget Director Peter Orszag estimates that because they were not paid for, the Bush tax cuts, if extended again, and Medicare Part D, those together would add \$5 trillion to the debt over the next decade.

So the votes we are casting on this tax issue are significant votes that will reverberate for some time and affect our economy and the deficit and the debt. People need to understand that.

Of course, in the last 3 years since we have been in this recession, the deficit has worsened very substantially. Revenue dropped to historic lows as the economy contracted. Spending also increased due to the Recovery Act and also due to the automatic stabilizers we have built into the law, such as unemployment compensation.

It is important to note that only about 10 percent of the debt we incur over the next 10 years—the debt over the next 10 years—is due to the Recovery Act.

With the economic recovery underway, the size of the deficit is beginning to stabilize. You can see that at the far right end as part of this chart. You can see these numbers, you can see the outlay number beginning to come down, you can see the revenue number at least leveling off, and that is positive. But the obvious point I think we need

to understand is, we cannot solve the deficit problem by simply reverting to the situation before the economic crisis. The chart shows that, on average, outlays have exceeded revenues by about 3 percent of gross domestic product. That is about \$450 billion under the current size of our gross domestic product. In other words, if Congress can only accomplish an average performance, we are looking at a \$½ trillion deficit going forward even after we are fully out of this recession.

Clearly, we need to do better than that. Congress needs to make some tough choices, both to control spending and to increase revenues, just as we did in the 1990s. Both the President's Deficit Reduction Commission, which I know is having its final vote today, and the bipartisan commission led by my former colleague, Senator Pete Domenici, and Alice Rivlin, former Budget Director—both of those Commissions recognize we will need revenue increases as well as spending cuts to solve the deficit problem.

The proposal that Senator BAUCUS has come forward with is to allow everyone in the country to enjoy the lower tax rates that were adopted under President Bush but only to enjoy those lower rates for the first \$250,000 of income each year. I know Senator SCHUMER has a proposal which says we will allow the lower rates on taxation of earned income to apply to the first \$1 million of income of all Americans. All Americans will get the tax cut, as they will under the proposal by Senator BAUCUS, but Senator SCHUMER's proposal would be to give them the lower rates on the entire \$1 million that they earn in the first year. Above that they would have to pay the rates that were in place under President Clinton's time in office, in the 1990s, when the economy was so strong.

The question is, Can we in this Congress do what needs to be done to deal with the deficit issue and particularly on this tax bill to do what needs to be done to raise revenue? Tomorrow we will be voting on whether to let the Bush tax cuts expire for income above \$250,000. One of these votes will be to effectively raise taxes on annual income above \$1 million, as I said. Compared to other choices we have, it seems to me this is a fairly easy choice. If we are not willing to revert to the Clinton-era tax rates on any income, no matter at what level, then it is going to be very difficult for us to make a credible claim that we are serious about the deficit.

I urge my colleagues to support the Baucus proposal, and I hope we can get a good, strong bipartisan vote on that. It is clear to me Americans do want to see the taxes they are paying on the first \$250,000 of their income remain where they are today. That will only happen if we are able to pass this proposal Senator BAUCUS has put forward.

I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MCCONNELL. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BINGAMAN). Without objection, it is so ordered.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The Republican leader is recognized.

SCAPEGOAT POLITICS

Mr. MCCONNELL. Mr. President, we have heard a lot from our friends on the other side this week about the middle class, and that is because their policies have been so ineffective in helping the middle class.

They are trying to distract the American people from their record. It is that simple. This is what those in power often do when their policies don't work. They search for a target, and the targets Democrats have decided on are Republicans and small business owners, our Nation's leading job creators, which is, of course, ridiculous.

All of this finger-pointing is doing nothing to create jobs. It is a total waste of time.

This morning, we learned unemployment is now at 9.8 percent, even higher than last month, and Democrats are responding with a vote to slam job creators with a massive tax increase.

Millions of out-of-work Americans don't want show-votes or finger-pointing contests. They want jobs.

Americans don't want to see meaningless theatrics in Congress. They want us to do something about the economy. The single best thing we can do is to tell small businesses across the country they are not going to get a tax hike next month.

These are the folks that create the jobs that every one of us claims is our first priority. Why in the world would we do something that makes them less likely to create those jobs?

Our friends on the other side know all this just as well as Republicans do, but for some reason their base is demanding that they raise taxes on small business owners.

It is the perfect way to punctuate their 2-year experiment in antibusiness, big-government policies that have only led to more joblessness, more debt, and more uncertainty.

Over the past several weeks, we have seen a growing number of Democrats begin to publicly disagree with their own leadership on the wisdom of scapegoat politics in a time of recession.

We saw this in a vivid way yesterday, when so many Democrats in the House defected from their leadership on the show-vote Speaker PELOSI held over there.

And we have seen it here in the Senate, where a number of Democrats have told their constituents that, no, of course they won't raise taxes in the middle of a recession.

They know as well as Republicans do that raising taxes—on anybody—is counterproductive in a fragile economy like ours. And they have said so.

One of our Democrat colleagues even went on "Good Morning America" and said he would extend the current rates "for everyone." So we fully expect these Democrats to keep their word and vote against proposals that do anything less.

These votes are a purely political exercise at a time when Americans are looking for action.

And here is all the proof we need: The author of the plan to raise taxes on anybody who earns more than a million dollars a year has openly admitted that the only rationale for that figure is that it sounds better—that it is the best way to send a message that Republicans are bad.

How about forgetting who looks good and who looks bad and start thinking of what is good and what is bad for working Americans?

These votes are an affront to millions of people struggling to find work.

What these votes say is that Democrats care more about doing harm to their political adversaries than doing good for middle class Americans struggling to find a job.

We don't help the middle class by punishing job creators; we hurt them.

We make it harder for them to find jobs. We make it harder to revive the economy.

We have now had more consecutive months of 9 percent unemployment than at any time since the Great Depression. And Democrats would rather play games than do something about it.

It should go without saying that Americans have had enough of this.

It is time to get serious. It is time to put the needs of middle class Americans above the needs of the liberal base that is demanding a show here in Congress. And that is all that this is—a show.

The left-wing might find it all very entertaining, but most Americans don't find it amusing at all. They don't want games; they want action. It is long past time we took them seriously.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. FEINSTEIN. I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

MIDDLE-INCOME TAX CUTS

Mrs. FEINSTEIN. Mr. President, I rise to support the Middle Class Tax Cuts Act of 2010, which gives permanent tax relief to struggling American families who need it most. By extending the current rates for 98 percent of taxpayers, this bill provides the certainty and security necessary to protect working Americans, while at the same time indicating that we need help and that we ask upper income Americans to help address our growing fiscal deficits.

Make no mistake; extending current tax rates for the middle class is crucial in order to encourage economic growth. The economic turmoil of the last 3 years has left many American families cash-strapped and struggling to stay afloat. Every extra dollar is critically important. The evidence bears this out. Analysis by the Congressional Budget Office indicates that lower and middle-income taxpayers have a higher tendency to spend every dollar they earn. Consequently, by ensuring tax rates don't rise on lower and middle-income earners, we prevent a dramatic decline in consumer spending that could have a negative impact on this fragile economic recovery.

Today's job numbers are bad. They indicate we are far below what is necessary to reduce the unemployment rate. Unemployment remains persistently high—12.4 percent or over 2.2 million people in my State, California, unemployed and 9.8 percent or 15.1 million people across America unemployed. With economic growth projected to be slow in the near future, those numbers will likely not come down for some time.

America is hurting right now. Those who can should step up and help. I know of no millionaire who needs a sustained tax cut of 4.6 percent or who has asked for one. But I know several who are willing to step up and help. That is the irony of this debate.

Conversely, the evidence is extremely poor for extending tax cuts for wealthy Americans. When the CBO analyzed the number of different policies aimed at creating jobs, sustained tax cuts for the wealthy came in dead last. Interesting. On the other hand, permanently extending the Bush tax cuts for the wealthy would require \$700 billion more in deficit spending. They are unpaid for.

In light of this report issued Wednesday by the President's fiscal commission, of which some of my colleagues are members, I simply cannot argue for extension of the upper income brackets.

It would be one thing if I could say the Bush tax cuts for the wealthy contributed to an era of substantial economic growth and prosperity. But here is the key: History does not support that.

In 2001, the first set of Bush tax cuts was proposed as a means of stimulating the economy as we emerged from the dot-com bubble. Of course, we were also projected to have a \$5.6 trillion, 10-year budget surplus. We all know that when President Clinton left office, he left a surplus.

In light of these facts—the fact that there was money, there was a surplus—I voted for the first round of Bush tax cuts. I believed the government surpluses should be returned to the American people. But as President Bush was leaving office, we were forced to confront some very sobering truths. The 10-year budget deficit was projected to be \$6.3 trillion, not the \$5.6 trillion surplus we had thought. There was a total turnaround. The national debt had increased by over 80 percent.

The argument made by Republicans, if we remember, during that time was that deficits don't matter. It doesn't matter that the Iraq war was not funded. The tax cuts didn't matter. "Deficits don't matter" was reiterated throughout this Chamber, and the belief was that lower income tax rates would actually increase revenue for the Federal Government. This has been debunked by recent history.

CBO data shows that changes in law between 2001 and 2005 resulted in deficit increases of \$539 billion, and the Bush tax cuts accounted for nearly half that amount.

However, the most scathing indictment against extending these tax cuts for the wealthy is illustrated in our recent history of inequality and wage stagnation. From 2003 to 2007, incomes for families in the top 5 percent of taxpayers increased by 7 percent, while incomes for the other 95 percent of taxpayers remained stagnant. So from 2003 to 2007, the only incomes that increased were the top 5 percent. Everybody else remained stagnant. So the economy was clearly working for the other 5 percent but not for anybody else.

The average income of the top 1 percent of income earners increased by 10 times as much as that for the bottom 90 percent. That is an amazing figure, if you think about it, that the top 1 percent gained 10 times more in income than all of the other bottom 90 percent of taxpayers.

During the expansion of 2002 to 2007, families saw their median income drop by \$2,000. That is the first time Americans have seen their incomes drop during a period of economic growth. So there was growth, but the median income was dropping during that period of time.

During this period, also, income tax rates for the top 1 percent of earners

were reduced by twice as much as rates for anyone else. The top 1 percent today—and under the Bush years—are paying less in taxes than they did in the Clinton years. So there was actually a drop in rate for the top 1 percent.

In 2007, the top 10 percent took home almost half of the country's total earnings, which translates to the highest level of income inequality in our Nation's history in that year, 2007.

We face a number of daunting problems. Our national debt is now in excess of \$14 trillion. If we continue deficit spending, we will unquestionably begin to constrict economic opportunity for this generation and those that follow.

Our economy is struggling to grow at a pace that will start providing jobs, we hope, for over 15 million out-of-work Americans. I think income inequality today is at a historic high, and it is an unacceptable high.

In light of these facts, I do not see the merit in the argument that a permanent extension of the Bush tax cuts for the wealthy will have a materially beneficial impact on the economy, and I applaud Chairman BAUCUS for introducing a responsible bill recognizing these stark realities.

If we were to do this, we increase income inequality. If you continue to lower taxes for the top brackets, all you do is increase income inequality. You grow the gap between the rich and the poor. I would suggest that bodes ill for the United States of America.

Chairman BAUCUS also included two key provisions in this bill, and I would like to take a few moments to speak about them.

This summer, I introduced a bill that would allow family farmers to defer their estate tax payments until they sold the farm or took it out of operation as a farm. The idea was to make sure small working family farms avoided having to make crippling decisions about their land when it came time to pay the estate tax. Let me explain why.

Family farms today in America are land rich and cash poor. Farm incomes have not kept pace with rising land values in this country, which puts family farms in a precarious position when it comes to settling estate tax bills. Because family farmers often have little cash on hand to pay the estate tax, they can be forced to sell land to developers in order to make good on the estate tax. Over multiple generations, this can decimate the operation of a farm.

This proposal before us today would preserve the existence of family farms by allowing them to defer paying the estate tax until they are taken out of operation and to reassess it at a stepped-up value at that time. By doing this, we can preserve and strengthen existing family farms,

which I strongly believe are part of the fabric of this country.

This provision would not be available to everyone. It includes income and asset restrictions in order to ensure that the deferral benefit goes only to farmers who need it most and not agribusinesses. If farmers who elect deferral fall out of compliance with the requirements, they would face a recapture penalty in the amount of the estate tax owed. It is my hope in this way we can help ensure the continued existence of family farms, and I applaud the chairman for including this provision.

The legislation also includes a 2-year extension of the highly successful Treasury Grant Program, which has been widely credited with maintaining strong economic growth in the renewable energy sector in 2009 and 2010 despite the severe economic turnaround.

The grant program has proven a particularly effective job creation tool. According to a Lawrence Berkeley National Laboratory study, the program has enabled hundreds of renewable energy projects to move forward and save more than 55,000 American jobs in the wind industry alone.

Prior to the economic meltdown, clean energy project developers relied on tax equity partnerships with investors to take advantage of clean energy tax incentives. In 2008, the economic meltdown froze the \$8 billion tax equity market, jeopardizing billions of dollars in clean energy investment. The Treasury Grant Program proved an effective replacement for these partnerships, supporting about \$18.2 billion in clean energy investment to build 8,600 megawatts of renewable energy generation through October 25 of this year.

With most utilities and developers still unable to utilize existing production and investment tax credits, and our Nation's economic recovery dependent on the creation of new jobs, this 1-year extension of the grant program is critical.

According to a survey of all leading participants in the tax equity market, without an extension of the program, the anticipated financing available for renewable energy is expected to decrease by 56 percent in 2011.

In contrast, a recent study found that a 1-year extension of the Treasury Grant Program would result in nearly 65,000 more jobs in the solar industry alone and enough additional solar power to power more than 1.2 million homes.

So it is important to emphasize this is not a new Federal incentive program. It simply allows clean energy companies to utilize existing investment and production tax credits without having to partner with Wall Street banks.

This proposal, however, does include one serious problem, which I and many

of my colleagues oppose: an extension of wasteful subsidies and tariffs for ethanol. The Baucus draft would extend, for 1 year, the ethanol tariff at 54 cents per gallon while lowering the tax credit for blending ethanol into gasoline from 45 cents to 36 cents. This increases the real trade barrier on ethanol imports. Fuel importers will pay a real 18 cents per gallon tariff on ethanol that they do not have to pay if they choose to import oil instead.

This will only make America more dependent on foreign oil from OPEC states. It will increase the competitive advantage that oil already has over cleaner, climate friendly ethanol imports from democratic, sugar-producing states including Brazil, Australia, and India. This is bad trade policy, bad environmental policy, and bad energy policy.

This provision is in direct conflict with the Imported Ethanol Parity Act, a bill I have introduced on a bipartisan basis. This bill would require the ethanol tariff to be lowered to the same level as the ethanol subsidy. I believe the tariff should be lowered to 36 cents per gallon, at a minimum, in this bill. Keeping the tariff at 54 cents does not make sense.

Even the ethanol lobby itself does not believe the tariff should be this high. In a statement just this week, the primary ethanol lobbying group, the Renewable Fuels Association, put out a statement saying:

The tariff simply exists to offset the value of the tax credit, preventing American taxpayers from subsidizing foreign ethanol producers.

Bottom line: If the ethanol tariff served only as an offset, it should be at the same level as the subsidy, not 18 cents higher.

Also, this proposal would be extraordinarily expensive. Oil companies are required under the Renewable Fuels Standard to use 13.95 billion gallons of biofuel in 2011. At 36 cents per gallon, the subsidy would cost the U.S. Treasury more than \$5 billion to pay profitable oil companies to follow the law. We cannot afford such a subsidy to oil companies that will use the ethanol anyway.

I believe it is important to underscore who is bearing the brunt of the pain being doled out by the economic downturn and the subsequent weak recovery. The top 2 percent of taxpayers are not the ones suffering during this crisis. In fact, with sales of luxury goods set to surge to their highest peak since the recession began in 2007, the recovery for the richest Americans seems well under way. They are able to do well for one reason or another in this economy. But it is the income groups below them who are not, who cannot get the loans, who cannot meet the payrolls, whose homes are being foreclosed on, who have great difficulty surviving in this most difficult economic marketplace.

So let's not forget why we are faced with this impending tax increase in the first place. The Bush tax cuts were designed to sunset because they were not paid for. They were not paid for because we were told they would lead to higher revenues. In fact, that has not happened. It is time to let the Bush tax cuts for the wealthy Americans expire.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Illinois.

DEFICIT COMMISSION REPORT

Mr. DURBIN. Mr. President, underneath the ground level of the buildings on Capitol Hill is a subway system. It connects on the Senate side the major buildings where Senators and staff and committees have their offices with this glorious Capitol Building. If you get on the subway over at the Dirksen Office Building to come over to the Capitol, it is a very brief journey. I do not think it lasts for an entire minute. In less than 1 minute you move from the Dirksen Office Building over to the Capitol Building.

This morning, I took that journey, leaving the meeting of the deficit commission to come over to the Senate floor, and in less than 1 minute I emerged from the world of reality to a surreal world in the Senate. Let me explain.

For the last 10 months, because of President Obama's Executive order, we have had a bipartisan deficit commission that has asked some of the hardest questions I have ever faced as an elected official: How can we come to grips with the debt of this country? What can we do to reduce spending and increase revenue so our children do not end up inheriting an unconscionable, unsustainable debt?

It has been a hard meeting to discuss changes in the law and changes in spending. The goal was to cut \$4 trillion out of the deficit in the next 10 years. It sounds simple, doesn't it, with a government this size and an economy this size, but it is not. When you get down to it, hard choices have to be made.

Ersine Bowles from North Carolina and Alan Simpson, former Senator from Wyoming, chaired it and did a great job. It was inspired by KENT CONRAD, our colleague from North Dakota, and Senator JUDD GREGG of New Hampshire. They were the ones who asked for this commission.

We went to work for 10 months, and today we voted on that commission report. I voted yes. I left that deficit commission to take that short 1-minute subway ride over here to the Capitol to emerge in the Senate Chamber and to try to understand how two buildings so close to one another can be so far apart. Here on the floor of the Senate, the debate is on whether we should extend tax cuts for the wealthy

people in America. Doing that will add dramatically to our national debt.

Just to put it in perspective, Senator MITCH MCCONNELL's proposal for tax cuts for the next 10 years will cost us \$4 trillion. Does that number sound familiar? That is the amount the deficit commission was told to eliminate in spending and create in revenue over the next 10 years. All of the work of this commission, as controversial as it is, would only pay off Senator MCCONNELL's Republican tax cut proposal, meaning we would make no progress in reducing the deficit of the United States of America.

Well, let me tell you about that vote over in that deficit commission. My phone has been ringing off the hook because some people know—and I will put it on the record—I am a progressive. I come from the left side of the spectrum. I am a Democrat. I am proud of it. I come from a tradition of two wonderful people who served in this Senate: Paul Douglas of Illinois, who was my first boss on Capitol Hill when I was a college kid, and his friend and my mentor, Paul Simon of Illinois, who preceded me in the Senate. They were both liberal and proud of it, but they were both fiscally conservative. Someone may ask: How could you do that? Well, because, as Douglas once said and Simon often repeated, if you are a liberal, it doesn't mean you are wasteful. It doesn't mean you are a spendthrift and can't be thrifty and find ways to cut spending so that the money that is absolutely needed in America for critical national security or the benefit of people who are struggling is there when you need it. They believed those two things were consistent, and I do too.

What this deficit commission forced us to do was take an honest look at the debt of America, which is over \$13 trillion. This debt has exploded in recent years.

A little bit of history. When President William Jefferson Clinton left the White House 10 years ago, the national debt was \$5 trillion. The budget was in surplus. There was extra money in the budget that was being used to buy time and longevity for Social Security. And it was projected that the next year, there would be a \$120 billion surplus in the budget. Ten years ago: \$5 trillion debt, budget in surplus, and \$120 billion surplus predicted for the next year.

Fast forward 8 years after President George W. Bush, and there was a much different picture. The national debt was no longer \$5 trillion. The national debt of America had risen in 8 years to \$12 trillion. It more than doubled. The budget was in serious imbalance.

Unfortunately, President Obama inherited in his first year a more than \$1 trillion deficit. That is the budget he was left by President Bush. What happened in 8 years for that dramatic negative turnaround in debt in America?

We waged two wars and didn't pay for them. We had programs that might have been fundamentally sound, such as the prescription drug program, but we didn't pay for them. And there was the argument by the Republicans that in hard times and good times alike, tax cuts were always the answer. So for the first time in the history of the United States of America, during two wars, we gave away tax cuts, plunging this Nation deeper and deeper into debt. Today, that national debt is over \$13 trillion.

Listen to this: 40 cents out of every dollar we spend in Washington is borrowed—40 cents. Who loans us the money? The Chinese—they are our mortgagors—Japan, Korea, the OPEC nations. Sadly, as we become more deeply in debt and more indebted to them, we are at their mercy. If tomorrow—and it could happen as quickly as 1 day—if tomorrow the Chinese said: We have lost confidence in the American dollar and we don't believe this government is serious about deficits, we could see a dramatic negative economic impact on the United States of America. We are at the mercy of our creditors, and our largest creditor is China, which today happens to be our largest global competitor for emerging markets around the world.

That is why this deficit commission is so important. The commission set out not only to eliminate \$4 trillion in spending over 10 years but to engage America in a conversation long overdue.

Think about this for a moment: If you ever happen to see the Tax Code of the United States of America and open it, you will understand why most people don't. It is unintelligible. Unless you are an accountant or a lawyer or practiced in the art, it is hard to understand what is going on, with sections and articles and subparagraphs. But that book, that Tax Code of America, is one of the most important books when it comes to this deficit debate because each year in America we spend, on that Tax Code, \$1.1 trillion. We spend \$1.1 trillion in deductions, credits, exclusions, and tax earmarks. That sum, as huge as it is—\$1.1 trillion—is more than we collect each year from all of the personal income taxes paid across America. That sum is more than we spend each year for all of the domestic discretionary nondefense programs. It is huge, and people don't know what is in it. Some do. There are a lot of special interest groups, businesses, groups, organizations, and associations that have protected themselves and taken care of themselves in that Tax Code.

This deficit commission, the Bowles and Simpson commission President Obama put together, has finally opened the door and taken a look inside of that Tax Code. I think they did the right thing. What they said to America

is, if we eliminated all of these deductions and all of these credits, how could we reduce the rates, the income tax rates paid by Americans at every level and by corporations. And the answer is, they could be reduced dramatically—dramatically. That, to me, would be a step forward. I am not calling for the elimination of all of the deductions and credits. Some of them are important—the deduction for health insurance, mortgage interest, charitable donations, and the like—but we should take a look at each one of them, and we virtually never do.

Tax reform needs to be part of deficit reform. That was the message I took away from this deficit commission report.

Some people ask me how a person such as myself, coming from my end of the political spectrum, could vote for a deficit commission report. Well, it is basically this: I don't think that borrowing 40 cents out of every dollar we spend for either a nuclear missile or a food stamp is sustainable, and I don't believe that being indebted for generations to China and OPEC makes America a more fair and just nation.

When we engage in the critical decisions about our Nation's future budgets, I want progressive voices at the table arguing that we must protect the most vulnerable in America and demand fairness in budget cuts, in spending, and in revenues. My vote today for the deficit commission report is my claim for a seat at that table. I don't view this vote as a vote on final passage of a bill. That is not how I looked at the commission report. I view it, as we say in the Senate, as a vote for a motion to proceed, to begin an important budget debate on the floor.

After the commission meeting, reporters came up to me and said: What is next? Well, I will tell you what is next. What is next is President Obama's State of the Union Address in which I am sure he will allude to this challenge. What is next is the President's budget, which we should receive in February, and following that, a budget proposal from the House, then one from the Senate, and a debate on our debt ceiling in America. Each of these will create an opportunity for us to take the message of this deficit commission and move forward. Some parts of it I will definitely want to change. Some parts I don't agree with. Other parts I think are essential.

Let me say a word about Social Security. There is no more important social program in America, and there never has been. It is more important today than it has ever been because people understand that your pension and work may not be around when you need it. A lot of them have lost it. People understand that the little nest egg, the savings you have, may get beaten up by Wall Street tomorrow. But Social Security is the bedrock. It is what we count on.

We have to make sure this program, which is destined to be solvent for another 20 years, is destined to be solvent for more years. This deficit commission has come up with a proposal which will add 75 years of solvency to Social Security.

Although it is the deficit commission, the Social Security Program has nothing to do directly with the deficit. Making it a solvent program isn't going to help solve our deficit, but it is going to give peace of mind not only to those currently receiving Social Security but to a lot of young people who really question whether the program will be there when they need it. I don't agree with all of the proposals that came out of this deficit commission. I would change some. I think some of the benefit cuts don't have to take place, but I think this deficit commission is on the right track to give people peace of mind that Social Security is going to be there for a long time to come.

There are parts of this proposal, this deficit commission proposal, with which I do not agree. But I will tell my colleagues, getting back to my beginning point—and I see some other Senators coming to the floor—I hope those Senators who come to this floor and passionately argue for tax cuts for wealthy Americans at this moment in time will acknowledge the obvious: They are piling up deficit debt on America, they are calling for more money to be borrowed from China and other nations, and they are enslaving our children and future generations to paying off that debt before they can enjoy the prosperity most of us have enjoyed in our lives. To ignore that is to ignore the deficit. To ignore the debt is to turn their backs on the reality of what extending the tax cuts to the wealthiest people in America will mean.

I hope we can ask our Republican colleagues to take that little trip on the subway over to the Dirksen Building and go in there and read the deficit commission report before they come to the floor and make a speech that ignores the obvious: Cutting taxes on the wealthy adds to a debt that our children will have to pay.

I believe we need to continue the tax cuts for the time being for those making \$250,000 a year and less. That is needed to get us through this recession and create more jobs. I hope we can get that done before we leave so that what happened in the deficit commission will be reflected in sound judgment here on the floor of the Senate.

The last point I will make is this: It is unfair, it is unjust, it is inconsistent with the history of this country for us to cut off unemployment benefits for Americans, as we did yesterday. Cutting off those benefits means that 2 million unemployed Americans will lose the helping hand they need to feed their families, to pay utility bills, to

buy clothes for their kids, in the middle of this holiday season. There are 127,000 unemployed Illinois families that will lose their unemployment benefits this week. That weekly check of \$300 may not sound like that much to a Senator or a Congressman. It may be the difference between making that second trip to the food pantry and keeping the lights on in their home during the holiday season.

I urge my colleagues in both political parties to put party aside and think about the reality of this recession and unemployment in America, and whatever we do on tax cuts, I insist, I beg that we include unemployment insurance as part of that benefit.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Minnesota.

UNEMPLOYMENT INSURANCE

Mr. FRANKEN. Mr. President, I rise to speak about extending tax cuts to all Americans on income up to \$250,000.

I was presiding this Monday when one of my friends on the other side of the aisle was speaking on the floor, and he said with great conviction: "We need to do everything to see that the deficit does not increase." Now, less than a week later, he will vote to increase the deficit by \$700 billion. That is an impressive reversal, don't you think?

Many of my colleagues on the other side ran for reelection this fall saying that the deficit is a cancer, that we owe it to our children and grandchildren to cut the deficit. Well, to them I say: Congratulations because for one of the first votes after returning to Washington, you are going to vote to put over \$9,300 more debt on the head of every child in America. Way to go. And what is that for? To give an average tax cut of \$100,000 to Americans making over \$1 million a year.

My friends, on this subject, have been saying to us: Haven't you learned the lesson of the election? I do not recall permanent tax cuts for millionaires being on any ballot. In fact, let's take a look at the exit polls conducted by Edison Research, the exclusive provider of the national election exit polls for all of the major TV networks and the Associated Press. In their poll, they found that roughly 60 percent of Americans wanted to end tax cuts for income over \$250,000. More recently, a Quinnipiac poll said that only 35 percent of Americans wanted the Bush tax cuts extended for those with incomes over \$250,000.

Of course the American people feel this way. They know what has been happening over the last 20 years in this country. According to the Economic Policy Institute, during the past 20 years, 56 percent of all income growth went to the top 1 percent of households. Even more unbelievably, a third

of all income growth went to just the top one-tenth of 1 percent. The wealthy have done extremely well for themselves over the past 20 years. Unfortunately, this is why the middle class has done decidedly worse. When we adjust for inflation, the median household income actually declined over the last decade. During those years, while the rich were getting richer, the rest of working America was struggling to keep up. We have been growing apart. The American people know this.

Now, working Americans are forced to listen to Republicans as they demand that everyone needs to share in the pain; we are all in this together.

The IRS published a study analyzing the tax returns of the wealthiest 400 Americans. Want to take a guess at what their average effective tax rate was? Just over 16.5 percent. Is that sharing the pain? Are they sharing the pain just like everybody else?

Frankly, I am a little tired of being lectured to by my friends on the other side of the aisle on the deficit. We all know Bill Clinton inherited the largest deficit in history from George H.W. Bush and then handed George W. Bush the largest surplus in history. Then George W. Bush nearly doubled the national debt and also handed Barack Obama the largest deficit in history. Of course, my friends controlled the Congress for most of those Bush years.

Today, we are talking about how to get our economy going and keep deficits down at the same time, while what we are discussing right now is whether to restore the Clinton marginal tax rate on the very wealthiest of Americans. I remember that when he raised the tax rate on the top 2 percent, Republicans said that would kill the economy. Newt Gingrich—remember him—on August 5, 1993, said:

I believe this will lead to a recession next year. This is the Democrat machine's recession, and each one of them will be held personally accountable.

Senator Phil Gramm—remember him—said:

The Clinton plan is a one-way ticket to recession. This plan does not reduce the deficit . . . but it raises it and puts people out of work.

Governor-elect John Kasich said:

This plan will not work. If it was to work, then I would have to become a Democrat.

Congratulations, Ohio, on electing a Democratic Governor.

Mr. President, 22.7 million jobs and a giant surplus later, George W. Bush waltzes into office and says: Hey, we are running a surplus. The people deserve a tax cut.

Let's recall what he said about his tax cut. He said over and over again:

By far, the vast majority of the help goes to those at the bottom end of the economic ladder.

Wow. That sounds like the bottom got the vast majority of the tax cuts, doesn't it? They didn't. Actually, the

bottom 60 percent of Americans got just 14.7 percent of the Bush tax cuts. The top 1 percent got 29.5 percent of the tax cuts, which is exactly double. Let me repeat that. The top 1 percent got double of what the bottom 60 percent got.

The results of this new policy? Massive deficits. Only 1 million new jobs over the 8 years of the Bush Presidency, compared to 22.7 million during Clinton's 8 years. My friends in the minority want to go back to that discredited economic policy.

The figleaf here is small business. They attack us and say that not cutting taxes on the richest Americans will hurt small business. Well, it seems that, to my friends, some small businesses are more important than others. Why did they block us for months on passing the Small Business Jobs Act, which gave tax cuts to small businesses and created a \$30 billion line of credit for small businesses on Main Street? Why did they oppose the HIRE Act, which gave large tax cuts to small businesses to encourage them to hire unemployed workers? Well, it seems these aren't the small businesses my friends are so concerned about. When you and I think about small businesses, we picture the mom-and-pop grocer down the street somewhere in Oregon or Minnesota or maybe a hardware store or a small precision manufacturing operation—we have a lot of those in Minnesota. We probably think of them as small businesses because they are small. They probably have a few employees, one location, and make a modest but comfortable living doing it.

Republicans are trying to scare us into believing that the grocer and the hardware store owners will shutter their doors and fire people if we return the top two tax brackets to previous levels. But that is simply not the case.

In reality, only 3 percent of small businesses will be affected by this change. Yet you will hear Republicans tout that these top 3 percent of businesses make up 50 percent of the total small business income. That tells you one important thing—that those 3 percent of small businesses aren't truly small businesses. Only under the broadest, most arbitrary of definitions are these businesses small.

When many of my friends on the other side of the aisle talk about small businesses, they are including anybody who uses a flowthrough business entity—so an S corp or a partnership. They are not defining a small business by size, profits or the number of people they employ. They are defining it on a technicality.

Under their definition, Bechtel, the fifth largest company in the United States, is a small business. The Koch brothers, who run a petroleum company with nearly \$100 billion in annual revenue, are considered a small business. They are worth about \$16 billion

each. Law firm partners and Wall Street bond traders are considered small businesses.

So Republicans are using the mom-and-pop grocery store to defend the continuation of these tax cuts. In reality, the only people they are helping are the Bechtels and the Kochs of the world and maybe Derek Jeter, Inc.—he deserves every dollar he gets—and Mel Gibson, Inc.—maybe he has had a bad year—and other likely “small business” beneficiaries.

At the same time that Republicans are demanding unpaid-for tax cuts for the Koch brothers, they are insisting we pay for a continuation of the emergency unemployment insurance program. They want to pay for it, even though unemployment benefits have been shown to be an extremely effective stimulus—in fact, one of the most effective stimulus measures. Why? Because when unemployed workers get their checks for a couple hundred dollars, they go to their local mom-and-pop grocery store and buy food. They spend that money right away in their communities in real small businesses.

It is the holidays. Can they afford to buy a small Christmas present for their kids? I am worried that there are those among us who would say: No, no presents.

The Republicans say these unemployment benefits are too expensive. They demand that these benefits must be paid for. But tax cuts for the richest people in America—no need to pay for those. Adding \$700 billion to the deficit—or actually \$830 billion when factoring in extra interest payments—that is no problem. I hear my friends on the other side say we are going to have to make some hard choices. I agree. The deficit is a problem. Getting it under control will take shared sacrifice.

There are a lot of Minnesotans who have to make hard choices now. Maybe it means giving up a second car or no summer camp for the kids. Some communities in Minnesota have had to go to a 4-day school week because there just isn't the money there.

Some Minnesotans have been even harder hit. Their unemployment insurance was cut off earlier this week because of us. They have a lot of hard choices right now. Where are they going to live if they can't pay their mortgage or their rent? Choices: food or medicine or heat. How do I give my kids anything resembling a Christmas?

These are people who lost their jobs and desperately want to find work, but we can't pass unemployment insurance for them unless it is paid for. But for the owners of Bechtel or PricewaterhouseCoopers—yes, PricewaterhouseCoopers is a small business too—the sky is the limit.

I am Jewish. I don't know the New Testament all that well, but I do know Matthew, which says:

Truly I tell you, whatever you did for one of the least of my brethren, you did for me.

I went to a union hall not long ago for the building trades. A carpenter came up to me—a big, strong guy with rough hands, big calloused hands—with tears in his eyes. He had just a little bit of work here and there over the last 18 months. He said to me: I never took unemployment insurance before. I hate it. But if it weren't for my unemployment insurance, I wouldn't be in my house.

Making tough choices means doing one thing and not another. Right now, we are faced with that choice. If we can't agree to help people such as that carpenter and his family by continuing emergency unemployment benefits, how can we live with ourselves? How can we think we are doing our jobs?

The choice before us is clear this holiday season: Lend a hand to those who simply can't get by without the help or give \$100,000 in average tax cuts to people making over \$1 million.

Where are our values? What are we doing here? It is almost Christmas. We will be leaving to spend time with our families. We have jobs; we have great jobs. I think this is the greatest job—trying to make people's lives better back in Minnesota. That is my job.

I ask my colleagues this: What are we doing here?

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from New York.

Mr. SCHUMER. Mr. President, I ask unanimous consent that immediately upon my finishing, the Senator from Utah be recognized.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. SCHUMER. Mr. President, I rise as well to speak about the single most important issue facing the American people today, and that is the state of the economy.

Let's consider three facts and lay them side by side. First, over the last decade, even though the economy was growing modestly, middle-class incomes declined for the first time since World War II. The average middle-class family, which had always seen things get better and better, did not from 2001 to 2010.

By the way, this did not just occur during the recession which began in 2008. It was constant throughout this decade. The great American dream, what is it? I submit it is very simple. Not everyone wants to try to become rich, and everyone knows they are not going to become rich, but they certainly know one thing: In America, the odds are very high you will be doing better 10 years from now than you are doing today. And the odds are even higher your kids will do even better than you. When incomes decline over a decade, that American dream burns a little less brightly for people and the

whole tenor of America changes and we see the kind of anger we have seen, which is not typical of this great land of ours with its amazing people. That is unusual.

So, first of all, middle-class incomes have gone down.

Secondly, in the last decade, one group did very, very well—the highest in income among us, the millionaires and billionaires. God bless them. Their taxes went down, down, down over the last decade because of the Bush era tax cuts, but their incomes went up, up, up. They did great.

Thirdly, over the last decade, while all of this was happening, our deficit got out of control. When we began this decade in 2001 there was a \$250 billion surplus. We hadn't had that in decades. It was wonderful and it helped fuel the economy because small businesspeople and large businesspeople would borrow knowing that interest rates would stay low. Interest rates are often a greater cost to them than taxes. But when President Bush departed 1600 Pennsylvania Avenue at the end of 2008, he left behind a deficit of \$1 trillion. Some of that was due to the war in Iraq, where our brave soldiers defended us, and Afghanistan as well, and a little more of it was due to new programs the President authored, including a prescription drug benefit for senior citizens. But most of it was due to the fact that he cut taxes on the wealthy.

Our colleagues on the other side of the aisle say we have to keep the Bush tax cuts, particularly those for the wealthy. Well, was the last decade a great success? Not for the middle class. No. Their incomes went down. Not for job growth because that was smaller than before. So when we had the Clinton era level of taxes in the 1990s, all of America and job creation and the middle class, in terms of income, did better than with these tax cuts which began in 2001. So this cry that we need these tax cuts for prosperity doesn't fit with history. It may fit with a particular ideology, but it doesn't fit with history.

Who on Earth would want to extend a failed economic program that didn't help the middle class—the backbone of America, the place I come from and always fight for? Who would want to extend this failed economic program? I will tell you who. Every single 1 of my 42 colleagues on the other side of the aisle is marching in lockstep saying please extend this failed economic program. Why? It seems to me what they hold out for is tax cuts for the millionaires. In fact, they are so committed to extending the failed economic program of the Bush years, they are willing to hold hostage the middle-class tax cuts, which we all agree we should have, until they can give a giant tax break to millionaires and billionaires.

That defies economic logic. The well-off—the people for whom my colleagues

in the minority are fighting—aren't going to spend their tax break and get the economy moving. They are not going to rush to JCPenney and buy that warm winter coat they have been waiting to buy. They are not going to go out to the Barnside Diner and buy a nice prime rib dinner. They can afford all that already. They can afford it 7 days a week, 52 weeks a year.

I want to say something about these millionaires and billionaires. God bless them. We are not mad at them for having done well. We admire them. We all wish we were like them, as successful as they were. God bless them. All we are saying is they do not need another \$400,000 or \$4 million at this time when there are so many other more important needs.

I want to reiterate that. I have nothing against the wealthy. I don't like it when we knock them. I think they are great. I respect them. I admire their achievements. There are lots of them in New York who started with nothing and worked their way up. I think it is great. Some of them inherited their wealth, that is true, and they seem to have even more a sense of entitlement than the ones who made it themselves, oftentimes, but many more live the American Dream through their own great ingenuity. They pulled themselves up the economic ladder by their bootstraps. But I have to tell you something. When I talk to them, at least those who are wealthy in my home State of New York—even many Republicans—they say: You know what. For the good of the country, I don't need this kind of tax break. If we put it to deficit reduction, most of them say: I would be for it. Not all of them say that. Certainly not the hard right people who seem to have the party on the other side in the palm of their hands, who say: I made my \$10 million and don't you dare touch a nickel of it. But most—most—say: Chuck, I can afford to pay a bit more. I have nothing against returning to the Clinton rates, as long as, they say—and this is a reasonable caveat—the money goes to a good purpose: making our schools better, improving our infrastructure and, above all, they say, decreasing the deficit.

That is what the amendment I will offer tomorrow would do. The other side of the aisle wants you to believe the average American overwhelmingly supports tax breaks for millionaires. I have heard it. They say: The election—haven't you Democrats heard about the election? Well, I was running this year. I happened to get 65, 66 percent of the vote. I got a lot of votes from Republicans, a lot of votes from Independents, and I talked to a lot of angry people. I saw a lot of tea party people. None of them said to me: Make sure you keep tax breaks for the millionaires. They may have said shrink the government; they may have said repeal

health care. That is true. But none, none said: Keep the tax breaks for millionaires and billionaires.

Here is a poll that reflects that, and it is not by some Democratic Party organization or some Republican Party organization but by CBS, a nonpartisan poll. The poll yesterday said only 26 percent of Americans support millionaire tax breaks—26 percent. Now you may say: Well, that is just the Democrats. Oh, no. Only 25 percent of Independents say keep the tax breaks for millionaires—those swing voters who are the ones who created a lot of new Republican seats and caused us to lose a lot of Democratic seats. Even on the Republican side, 46 percent—only 46 percent—supported millionaire tax breaks.

So this idea that the election was a mandate to cut taxes on millionaires and billionaires—you know, I didn't only run in New York, but I worked closely with many of my colleagues in many parts of the country—the Northeast, Midwest, Southwest—and none of them reported any hue and cry to keep tax breaks for millionaires—none. That is not what the election said.

Now maybe the money of some of those millionaires helped create ads on other issues that helped win the election for these folks but not the issue itself. So we need to get our economy humming on all cylinders again, and it is true we need to stimulate demand.

Mark Zandi, an economist who is as well-respected on the right, as well as the left—I believe he was Senator McCain's chief economic adviser when he ran his campaign—said every dollar spent on tax breaks for the millionaires generates 32 cents of economic activity. Those of us who believe in economic efficiency, which I do, know that doesn't work. Let me give a contrast. Every dollar spent on unemployment benefits generates \$1.61 in economic activity.

So if you care about getting the economy going, you are going to be for increasing unemployment benefits quicker than tax breaks for millionaires. According to Mark Zandi, most every economist—even those on the right—doesn't believe that is false. UI benefits are 400 percent more stimulative than tax breaks for the wealthy according to Mr. Zandi.

Yet on Wednesday, when my esteemed and effective colleague from Ohio, Senator SHERROD BROWN, came to the floor and asked unanimous consent for just a 1-year reauthorization for unemployment benefits, the other side objected. As the Senator from Minnesota said when he was speaking on the Senate floor a few minutes ago, the anomaly is that the Republican Party is saying we don't have to pay for tax breaks for the millionaires but we have to pay for an increase in unemployment benefits. What kind of logic is that?

The middle class is worried. They are worried about how they are going to stretch that paycheck. They are worried about how they are going to make that mortgage payment. They are worried about how they are going to keep that job. In this recession, middle-class people are more unemployed than ever before. Most recessions in the past had two differences: One, they mainly affected the poorest people and the working-class people who made the lowest salaries. This one has gone way up into the middle class and the upper middle class. I have met hundreds of these people as I have traveled through my State, and they are out of work for a lot longer. It is no longer 3 weeks or even 3 months but 6 months, 9 months, a year. We just heard the unemployment rate went up, under these Bush tax cuts, to 9.8 percent.

We are trying to offer solutions that bring the unemployment rate down. We are trying to offer solutions that focus on the middle class, while our Republican colleagues are busy defending the wonderful people who made a lot of money but don't need the help.

After Senator BROWN offered his bill to reauthorize unemployment insurance, Senator UDALL of New Mexico asked for consent to take up and pass a bill to extend the highly successful Building Start Program. That gave tax incentives so construction workers could build buildings that were energy efficient—150,000 good-paying jobs. They objected.

Next came Senator STABENOW from Michigan, a real leader in the fight for job creation. She came to the floor with a bill to give tax breaks to manufacturers. We need manufacturing, not only in her State of Michigan but in my State of New York—particularly upstate. Conservative estimates said the bill would create 40,000 private sector jobs. Again, the Republicans objected.

Then I offered a bill myself—and I am glad my colleague from Utah is here because this was a bipartisan bill. It was a tax cut for business called the HIRE Act. It said if you hire somebody who is unemployed 60 days, you don't have to pay the payroll tax for this year. It is expiring. I wanted to extend it. Objection.

The bill had passed with bipartisan support. But the point is to get tax breaks for the millionaires they would even object to a bipartisan bill that gave a tax break to businesses that would employ people. What kind of logic is that?

One final point as I conclude, and that is about the deficit. The deficit, as I mentioned, is huge. But let me just say the Bush tax cuts and particularly those for the millionaires and billionaires add a huge amount to the deficit, and we do not hear a peep about it from the other side. They care about the deficit, but \$300 billion that it

would cost to give these tax breaks to millionaires and billionaires, that is OK. Please.

Over the next year, I am going to be up here reminding my colleagues when they say we cannot pay for help to our schools so they can hire a science teacher who might create the genius that would create a new industry that would create new jobs, when they say we cannot have money to repair a road or a sewer project that would create good-paying jobs because it would increase the deficit, I am going to remind each and every one of them that they said, when they gave tax breaks to millionaires, the deficit didn't count. Just remember that.

And, of course, they say these tax breaks for millionaires and billionaires are tax breaks for small business. My good colleague—someone who looks very much like the Presiding Officer, the Senator from Minnesota, who was seated over there a few minutes ago—talked about that.

My dad was a small businessman. He had a little exterminating business. It wasn't very successful. I know how he suffered through it. He knows these tax breaks are not for a business like his—or the dry cleaner or the restaurant or any of these other businesses. They are not for any at all because we are not talking about corporate tax cuts. They are for very wealthy people, some of whom you have mentioned.

I know my colleague from Utah has been patiently waiting, so I am not going to talk about all the small business stuff, but I just want to remind people about this plan. Under the President Bush tax breaks for millionaires, here is what would happen. Under the plan my colleagues across the aisle are supporting, people who make \$1 million would get a \$43,000 break per year; people who make \$10 million would get a \$400,000 break per year; people who make \$100 million would get a \$3,800,000 break per year. The average middle-class family making \$60,000 would get \$2,500. We want to get that middle-class family its break. We will give the same amount to these folks, they will get a break, no more and no less, than the middle-class family. But we don't believe these breaks, where we have so many other needs and a huge deficit to boot, are called for.

We will be debating that all day today, all tomorrow morning until 10:30—but also for the rest of the next 2 years.

Again, I repeat, don't talk to us about deficit reduction, folks, if you are willing to put this whopping hole for deficits for tax breaks for the millionaires and billionaires. Don't come to us and say this program for this school or this road or this small business incentive should not be passed because of the deficit but it is OK to give the breaks to these folks.

More people last night tuned in to watch the reruns of "Matlock" on TV Land than would benefit from the Republican proposal. I haven't seen "Matlock" in a long time. I am sure those people who watched it had a good time, but it wasn't many of them. But it was more of them than the millionaires and billionaires who would get this break. They are a powerful group. God bless them. They should not have the kind of power they have, to have good people on the other side of the aisle tie themselves in a knot to prevent all kinds of important things from happening until they get their break.

I yield the floor.

Mr. REID. Mr. President, I have been in touch with Senator MCCONNELL, and he knows I am asking this consent agreement. I ask unanimous consent that at 10:30 a.m. tomorrow morning, December 4, the Senate proceed to vote on the motion to invoke cloture on the Reid motion to concur with the House amendment to the Senate amendment to H.R. 4853 with the Baucus amendment No. 4727, with the time from 8:30 a.m. to 10:30 a.m. equally divided between the leaders or their designees.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, this is a time that virtually no one is happy with. Someone wanted it late, someone wanted it early. As I indicated to Lula Davis, we just split the baby in half. This is the best we can do. Make as many people happy as we can. We are coming in at 8:30, which is unusual on a Saturday morning, but people who live certainly east of the Mississippi, they can go some ways—it is difficult for those of us who live west of the Mississippi to go anyplace, but at least some people will be able to have an afternoon at home or in their States with this agreement that has just been approved.

The PRESIDING OFFICER (Mr. FRANKEN). The Senator from Utah.

Mr. HATCH. Mr. President, I always enjoy listening to my colleague from New York. He is one of the brightest people in this body, he is one of the toughest, and he has been a very dear friend all these years.

I might mention that the Schumer-Hatch bill is now law, a bipartisan bill we did put through. That was a good step in the right direction as far as gaining jobs.

I would also like to point out that 56 percent of all capital gains that create jobs are paid for by people who earn over \$500,000 a year.

I also would care to point out that I absolutely guarantee to everybody watching us today what would happen if there were these tax increases. I think the distinguished Senator knows his suggestion polls very well. Is that the reason we should do it? No. But I guarantee, and I do not think anybody could doubt this guarantee, that if his

approach wins, the Democrats will take every dime of that and spend it. In fact, the President's budget spends more toward the end than it does now—I mean a lot more. That is one of the problems.

We know a good 50 percent of small businesses would be affected. They are the ones who create jobs—25 percent of the employees and about 50 percent of small businesses would be affected if we do what the Democrats would like to do.

Be that as it may, those are some of the differences. But I am going to explain why at the last minute this Congress—after the upheaval that happened during the election—this Congress cannot seem to get together during a time of economic distress and put over these tax reliefs that were started in 2001–2003—that we cannot do that and at the last minute to come in and want to change the game again and do that at a time when we have the economic difficulty and problems we have. It is more of the same.

Over the last few days Americans watching C-SPAN would have seen a lot of speeches about widespread tax hikes that will arrive with the new year. Many of my friends on the other side deployed several attacks. C-SPAN viewers probably were not surprised the attacks were exclusively aimed at those on this side.

I will not get into correcting the record any more than I have on all of that misinformation right now. I would like to focus on two themes we heard. We heard them over and over. The first theme was repeated many times. It was this: Republicans are accused of holding hostage tax relief for middle-income taxpayers. The second theme took some creativity. If you listen to our friends on the other side you would think they had hired a psychic or mind reader, that somehow this mind reader had successfully read the minds of 42 Republican Senators.

Our friends spoke as if they had determined the motives of 42 Republican Senators. Perhaps not surprisingly, the motive ascribed was not very favorable. Republicans' alleged hostage taking was described as solely motivated by a desire to cut taxes for high-income people.

If our friends in the Democratic leadership hired a mind reader, I advise them to seek a refund because it did not work. You have been had, my friends. You didn't need a mind reader. You need not come to the floor and spend all day ascribing motives to your colleagues on this side.

The record is clear today. It has been clear for a decade that the tax relief program has been in effect. Actions speak louder than words. Votes speak louder than talking points or press releases.

When first passed over 9½ years ago, nearly all of the Republican conference

supported the bipartisan tax relief plan. Roughly one-fourth of the Democratic caucus supported the plan.

Because of the opposition of the Democratic leadership, efforts to make these policies permanent law were rebuffed. Check the record. During the years of the Republican majority, the Democratic leadership opposed efforts to make the widely applicable tax relief measures permanent. Those efforts were also opposed by the other side.

What is even more revealing is the record since the Democratic leadership assumed control of the Congress almost 4 years ago. A few moments ago, I said actions speak louder than words. Votes speak louder than speeches. After obstructing permanent tax relief in the minority, what did our friends in the Democratic leadership do when they gained power? Let's take a look.

I have a series of charts. The Democrats have taken power. These charts chronicle the record of the Democratic leadership on this time-sensitive matter. The first chart chronicles the first year of the new Democratic Party majority. The year is 2007. The Democrats took power on January 4, 2007. You will see it circled on the chart right here. That is January 4. Look at the rest of the year in 2007. Think about it. No action was taken on the tax hikes that come down in less than 1 month. No action, none, nothing, zilch.

Let's take a look at 2008. This chart is pretty simple. Take a look. It is completely blank other than the calendar on there. No action, nothing, none, zilch.

Here is a chart for 2009. It is an important chart as well. There were big changes in Washington. Democrats gained a large majority, 60 votes in the Senate. It was basically a filibuster-proof body. That is circled here on January 6.

President Obama takes office on January 20, right here. It is circled right there. You can see it. A little over 3 months later an event occurred that many on our side of the aisle will not forget. The senior Senator from Pennsylvania crossed the aisle to give Democrats a filibuster-proof majority. Let me just point to that third circle right here.

Nothing happens for the rest of the year, not a doggone thing happened for the rest of the year. We had a larger Democratic majority sworn in; President Obama was sworn in.

Then my dear colleague Senator SPECTER decided he wanted to be a Democrat, and he switched parties. That got 60 votes in the Senate. Nothing happens for the rest of the year, nothing else happens.

On December 3, 2009, 1 year ago, the House Democratic leadership passes a long-term death tax reform. That is right here on December 3. This represents a milestone. Almost 3 years into their majority, one portion of the

congressional Democratic leadership took comprehensive action on one piece of the 2001 tax relief expiring provisions.

Let's take a look at 2010. It is the fourth year congressional Democrats have controlled both bodies, abjectly controlled them, in this decade. The House-passed death tax reform was placed on the Senate calendar on January 20, 2010. When Senator SCOTT BROWN was sworn in on February 4, the Democratic majority fell, if that word is appropriate, to 59 majority votes. What has happened for the balance of this year? What action has the Democratic leadership taken as the big tax hikes approached? With the economy slumbering and a big tax hike coming, what actions has the Democratic leadership in both Houses taken? With the Nation's job creators, America's small businesses, expressing pessimism about the business environment and a looming tax hike on the horizon, what actions has the Democratic Party leadership taken? With unemployment announced today at 9.8 percent and a big tax hike coming, what action has the Democratic Party leadership taken over these last 4 years?

By the way, this latest data indicates that the unemployment rate is going the wrong way; that is, upward. It is going up again. More Americans are out of work. I remind my friends in the Democratic leadership to pay close attention to this data. It should concentrate the mind on policies to counter the problems at hand rather than politics.

With a big tax hike less than 1 month away and this horrible economic data arriving this morning, what action has the Democratic Party leadership taken and the Democratic leadership in the Senate? Let's take a look. Over the past several months, Republican Senators have come to the floor to urge our friends in the Democratic leadership to address a time-sensitive topic. I am referring to a package of unfinished tax legislative business.

I am on the Finance Committee. I sit right next to our ranking member, Senator GRASSLEY. I expect to take over as ranking member in January. Ranking Member GRASSLEY and I used this chart in a colloquy a couple of weeks ago. Here is our checklist chart. The only piece of legislation the Senate has considered is one small but important piece of unfinished tax legislative business. It is what we call tax extenders—something we almost automatically have passed in the past.

Unfortunately, the Democratic Party leadership in the Senate and House scuttled a bipartisan agreement between Chairman BAUCUS and Ranking Member GRASSLEY about 10 months ago. After we put it right out of the Democratic-controlled Finance Committee, they basically canceled it. That includes the research and devel-

opment tax credit that helps our high-tech world to remain competitive, to mention one.

The reason I mention that is because it is something almost everybody wants. It is one of the glues that bind everything together. Over this whole year after we put that tax extender bill out, look where we are.

Unfortunately, the Democratic leadership scuttled the bipartisan agreement between Chairman BAUCUS and Ranking Member GRASSLEY about 10 months ago. After that, a partisan strategy was pursued by our friends on the other side. Not surprisingly, it failed several times. I will give them a checkmark on the chart for doing the minimum. My friends in the Democratic leadership did at least bring up a bill.

As the chart shows, the tax extenders—right here—which are overdue by almost 1 year, are not alone. There are three other major areas of unfinished business, and there are others as well. But I decided to talk about these.

One area Senator GRASSLEY and I discussed at length a couple weeks ago applies to millions of middle-income families this year. It is the 2010 alternative minimum tax. Another area is the death tax. In less than 1 month from now, the number of States to be hit by the death tax will shoot dramatically upward. Small businesses and family farms are going to be lost unless we do something about it. But here we are in the last few weeks of this session. They haven't done a doggone thing on the AMT patch. The House did something on death tax reform, but we have done nothing. Both bodies have done nothing. And they have done absolutely nothing on these tax hikes. When compared with the Lincoln-Kyl compromise on death tax reform, the number of taxable estates will be 10 times higher. In the case of family farms, it will be 13 times as high.

The third area is the 2001 and 2003 tax rate cuts. As important as extenders, the AMT patch, and the death tax are, the impact of this tax package down here is monolithic in comparison. I am referring to the marginal income tax rate reductions that are current law until the end of this month. I am also referring to family tax relief. Both pieces were the core of the bipartisan tax relief enacted in 2001 and 2003.

For an example of the importance of this package, we need look no further than a typical family of four. For a family of four earning \$50,000 of income, the tax hike they face will be \$2,136. In this slow-growth environment, who among us thinks it makes sense to hike this family's taxes by almost \$200 a month? That is where we are. Unless we can get this all done by the other side cooperating, it seems to me, a family earning \$50,000 is going to be socked an extra \$2,136.

Contrast the record I have laid out with the two attacks directed at Republicans over the last 2 days. Just tell me, how could we possibly have held hostage any bill with the votes the Democrats have had over the last 4 years? The folks taking these partisan shots have had almost 4 years with an overwhelming majority in both the House and the Senate to deal with a massive tax hike set to kick in in less than a month now. Republicans have not controlled the House for 4 solid years. For almost 2 years, the other side has ruled with one of the most robust majorities in modern times. The motives of the minority in the House hardly ever solely determine the fate of any bill there. It is likewise in the Senate. A filibuster-proof majority has a lot of power. A majority that is slightly less than filibuster proof needs to work with the other side. That is the way the Senate has always worked.

Even if we Republicans were to decide to filibuster, how could we have filibustered something that doesn't exist? Look at all those prior charts. Not one doggone thing done. It is something that has not existed for almost 4 years of Democratic Party control of both Houses of Congress. Go back through the record. In the 4 years of majority rule, show me the Senate Democratic leadership bill that Republicans could obstruct. There hasn't been any.

Yesterday, finally the dam of inaction broke, but it broke on the House side. House Democratic leadership sent a bill late in the second week of this lameduck session. The bill does not prevent a tax hike on virtually every American taxpayer. But what kind of action is the House bill? It is political action, pure and simple. It is political. Look no further than the statements of the bill's authors, the House Democratic leadership. We can view that bill as an expression of partisan sentiment in the House Democratic caucus. It will not become law, and we all know it.

It is up to the Obama administration and Senate Democratic leadership to work with Republicans. The aim should be a bipartisan transaction or deal, if you want to call it that. Real legislating on these time-sensitive tax hike prevention issues is long past due.

What kind of actions are the American people receiving from the Senate Democratic leadership? The majority leader has used his procedural power to jam Republicans. He has a right to do that. But it has been consistent. Call a bill up, fill up the parliamentary tree, prevent any and all amendments in the greatest deliberative body in the world, and then try to ram it through. I have to say that these tactics also jam any Democrats who might differ with the Democratic leadership's scheme. And there are some who do. The sum and substance of the Democratic leadership procedural jam is to guarantee that we

will waste yet more procedural and more precious time. If Members don't believe me, ask the congressional press corps outside the Chamber.

Taking a bet on a successful legislative outcome of the two jammed votes would not be a good wager. It could be akin to accepting an offer to sell the Brooklyn Bridge from a fast-talking New Yorker. No one is fooled by this move by the Senate Democratic leadership. I challenge any of my friends on the other side to show me the votes.

How will the actions of the Democratic leadership advance the ball if the two votes are designed to fail? Sure, maybe from their perspective there is some cheap political benefit to the Democratic leadership and Democratic Party staging these jammed votes. As one member of the Democratic leadership implied yesterday, maybe there will be some campaign material produced. Is that what this is all about? Is that what the greatest deliberative body in the world is all about in the last few weeks of this session when this country is in the fiscal problem it is in?

I ask my friends to step back and take another look at the political calculation they may be making. The American people are angry. I have held seven townhall meetings in the last few months, plus two tele-townhall meetings. The American people are very angry. The American people know it has taken almost 4 years for our friends in the Democratic leadership in both the House and Senate to address this looming tax hike. They have had monumental majorities that would have enabled them to put just about anything through that they wanted, such as the looming tax hike they all knew about when they took power long ago. Is it really worth running through this political charade with a couple of partisan votes and campaign commercials that may be used 2 years from now? Is it really that important?

I ask my friends in the Democratic leadership and the Democratic side to consider the political calculation further. Especially consider it when these two partisan jam votes fail. If they want to keep playing politics with a big tax hike on virtually every American, what will they say when we hit the last day of this calendar right here? Will they say: Too bad, American families. Will they say: Too bad, small business folks. Will they say: Jamming the other side with partisan votes was our foremost goal. What will they say after wasting the hard-working taxpayers' time and money on these jam votes?

Let's go to the partisan allegation that it is not helpful to the goal of a bipartisan deal. It is the second theme to which I referred. Many on the other side ascribed to Republicans a motive to take whatever action necessary solely to provide tax relief for high-income

taxpayers. Now, let's be clear. Senate Republicans and Democrats both want to prevent tax hikes on middle-income families. The only difference is Senate Republicans want to do more.

On this side, in this slow-growth environment, we do not want to raise taxes on anyone right now. Yesterday, I discussed some of the reasons for preventing any tax hikes, even preventing the so-called millionaires' tax hike. It is a hit on small businesses, and we all know it. It is a hit on the after-tax rate of return on investment. This so-called millionaires' tax hike will slow the flow of the lifeblood of business—capital.

Let's be clear. On our side, we want, just as much as the Democrats want, to protect middle-income taxpayers from a tax hike. Nearly every Republican in 2001 supported it then, tried to make it permanent, and we support it now.

You need look no further than our leader's bill. It is right there in the bill. On our side, we want more of these middle-income taxpayers to keep their jobs. We want a business and investment environment that reduces the punishingly high unemployment rate of close to 10 percent now. That does not even talk about the underemployment rate which is a little more than 18 percent when you include people who do not even want to look for a job anymore and those who have given up.

Almost 4 years ago, in the 2006 election, the American people provided the Democratic Party leadership with control of the Congress. In the 2008 election, almost 2 years ago, the American people provided the Democratic leadership with the largest majorities in more than a generation. They also provided the Democratic leadership with a President of their party.

The Democratic leadership spent the period of 2001 to 2006 thwarting efforts to make the bipartisan tax relief of 2001 and 2003 permanent. Upon assuming control, they spent almost 4 years with no legislation, as you can see on this chart, to make permanent or even extend the marginal rate cuts and family tax relief packages. No Senate legislative action, no Senate committee and floor action, no Senate action until this late lameduck session partisan jam vote.

The Senate Democratic leadership needs to engage. Engagement is defined as a constructive activity with the goal of changing the law. Engagement is not defined as repeating a dead-end partisan process like we have seen with the extenders bill—something we should have passed long ago and we were willing to. Time-sensitive tax legislative business should go through the regular order process. It is too late for that now, as you all know, as we all know.

It is too late for partisan stunts. The American people need action. Actions speak louder than words. It is too risky

for all of our constituents to aim for partisan stunts. The clock is ticking, and soon this calendar, in this year right here—this whole calendar—will be history.

Well, the Americans deserve real legislative action. As I have said, it is one thing to come on the Senate floor now and try to raise the thresholds and so forth at this late date. But the fact is, small businesses are mainly partnerships, sub S corporations, entities where the income comes to the small businessperson who, in most cases, if they want their business to grow, puts a lot of that income back into creating jobs and opportunities.

I have even heard the phony argument over the years that, well, it is only 3 percent of small businesses. Well, that 3 percent is 750,000 businesses that create 70 percent of the jobs in this society.

I would like to see jobs recreated. I would like to see us do the things we are here to do. I would like to have the White House—they have brilliant people in the White House, brilliant people, not one of whom, to my knowledge, has been constructive in his or her lifetime in creating private sector jobs. They are great at creating public sector jobs, as we have all seen over the last couple years, as Federal jobs have jumped dramatically. But hardly anybody down there even knows how to create a private sector job.

I do not want to be mean to the President or anybody else. These are brilliant people. Maybe there is something there that they can come up with. But they sure as heck are not helping us get through this end of session in a way that will create jobs.

I hope our negotiators on both sides will wake up and realize we have to do what is right for this country, and we have to do some things that will help small businesses in this country create jobs. At a time when unemployment has now jumped to 9.8 percent, with the underemployment rate over 18 percent the last time I checked, it seems to me the worst thing we could possibly do is mess it all up with tax increases against anybody.

I personally have suggested that since Republicans want this tax relief of 2001 and 2003 to be permanent, since we have wanted that, and the Democrats have wanted only those at \$200,000 and \$250,000—below those figures—to have the tax relief, and they want their so-called middle-class tax rates to be permanent—which we would keep going because we believe as much in middle-class tax relief as they do—in fact, I think actually more—it seems to me we ought to get together and we ought to at least give this economy a chance over the next 2 or 3 years, as much as I would like to make this statute permanent, and give us a chance to be able to regenerate jobs in this society in ways that make sense.

Keep in mind, when we start talking about the so-called millionaires' tax, we are talking about 56 percent of all capital gains rates paid by people, many of whom are small businesspeople who will create jobs if we can get rid of the uncertainty that, I have to say, has been continuous over the last 4 years, and certainly over the last 2 years.

I just hope we can get together. I hope nobody will construe my remarks as trying to pick on anybody. I do not want to do that. I just want to make these points because I think they are relevant, they are truthful, and, frankly, it is time we get together and get these problems solved.

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Mr. President, first, let me thank my colleague from South Dakota, Senator THUNE, for allowing me to precede him.

Mr. President, I come to the Senate floor this morning to urge my colleagues—all of us—to move very quickly to pass tax relief for middle-income Americans. We have a crisis in this country: a crisis of jobs, a crisis of income for middle-class families. One of the ironies is I was here in 2001 when the Bush tax cuts were proposed. One of the major premises of those tax cuts was, well, this is going to free up the engine of job creation. It is going to result in such economic growth that our surplus—and at that time we had a surplus—is going to be sustained, if not increased.

The record is that we have seen the worst private sector job creation in this decade since pre-World War II. We have seen the incomes of middle-class Americans stagnate, while we have seen the incomes of the very richest expand dramatically.

One of the phenomena that was taking place at the end of the 1990s and in 2000 and was a function of several things—first, tough tax votes by Democrats alone in 1993 to begin to balance the budget; second, Federal Reserve policy that recognized those tough votes and was appropriate in terms of providing an adequate interest rate level; and the third was something, frankly, we did not even recognize: the explosion of information technology in terms of how it made us more productive—but those three factors together led us to the year 2000, to a situation where we had a surplus. We had unemployment rates that were very low, particularly relative to today.

Then the Bush administration came in and decided tax cuts, particularly tax cuts for the upper income Americans—because that was the implicit argument, that they create the jobs—if you give those tax cuts to the wealthy, they will create the jobs. Well, we have had 10 years of real experience, and that has not worked.

There are other factors that intervened. We have had two wars we chose not to pay for, increasing the deficit; we vastly expanded entitlements—not reforming them really but expanding them—through Part D of the Medicare Program, which was also unpaid for.

Now we are looking at the worst economic performance we have seen since the 1930s. We need to do two hugely challenging missions: First, we have to grow jobs. We have to continue to sustain demand. That is why in that context a tax cut for middle-income Americans makes some sense now. I did not think the package of tax cuts made any sense in 2001. I voted against it. I think we should have stuck with the hard-won surplus, investing in the country. Or if we were going to provide tax relief, give it to the middle class, give it through a reduction in payroll taxes that will encourage more employment, give it in a way where it is targeted to those people who are struggling with jobs, with college tuition. That was not the choice that was made though. I think that choice back in 2001 was the incorrect choice.

But now we have another choice, and this choice—again, mission 1: How do we keep this demand going? How do we sustain it? There is a strong argument to provide a continuation of the middle-class tax cuts.

But the next mission is, how do we rein in this deficit? That requires tough choices. To me, the idea of withholding further income tax breaks for the wealthiest Americans, that is something that in terms of deficit reduction is probably a lot easier to do—and, frankly, there is nothing easy to do around here these days—but a lot easier to do than some of the glib discussion or claims that we will just reform Medicare, or we will reform this entitlement, or we will cut this defense program, et cetera. All of that may have to be done, but ask yourselves: If we cannot do this, how likely will we be able to take on even tougher issues that confront us?

So I think this is a defining moment in terms of our continuation of supporting working families, expanding the economy, growing jobs in America, and also taking at least a small step to begin to deal with the deficit. We know the addition of these tax breaks for the wealthiest—and let me put the tax issue in context. We have a progressive tax system. People who make a lot of money will enjoy all the tax reductions that stay in place for middle Americans. They will not enjoy the tax cuts that were imposed by the Bush administration for the wealthiest. That cost to the Nation over 10 years will be \$700 billion of additional deficit.

We are already in a hole, and we are going to dig ourselves much deeper. We can decide—and I hope we do—to continue to try to provide support to middle-income Americans, and at the same

time achieve that other objective which must be dealt with: somehow trying to get a handle on the deficit—a deficit that the President inherited, along with an unemployment rate that was unacceptable. Progress has been made, not enough progress in terms of employment, and we have to keep up the effort.

So this is an issue of providing support for working Americans and beginning the long-term difficult task of getting the deficit under control. It is a difficult task. I was here in 1992 and 1993 and 1994 when it was done—and it was a difficult, arduous task.

The bill that Chairman BAUCUS is offering today will also extend the Making Work Pay tax credit that gives all working Americans a \$400 tax cut in their paycheck through 2011—again, to encourage work in the United States. It will make the child tax credit permanent. It cuts taxes for families paying college tuition, State and local sales tax, and property taxes. All of that is aimed at working families, our constituents. It also cuts taxes for business research and development, other programs that are going to help, we believe, stimulate job creation. These are very important.

At the crux of it, though, is this decision to support working Americans, middle-income Americans. Again, there is a tendency in these kinds of debates to be stereotypical and to misunderstand. People who have been very successful in the country and make a lot of money work awfully hard, but I use the term to refer to those middle-income Americans who are working very hard, facing real challenges, and don't have the same kind of support they just had, if you will, 2 or 3 or 4 or 5 years ago to fall back on.

There is another aspect of this legislation that is pending before us. One point I wish to make is that there is a national housing trust fund that was discussed being included. That is not included, and I hope we can include it. That is another program that is going to help put people to work, and I hope we can do that.

Then, of course, there is the other aspect of the Baucus bill; that is, the emergency unemployment compensation. We just received a report from the Council of Economic Advisers, and they have pointed out that this program has helped 14 million unemployed workers as of October 2010, and at that time, there were nearly 5 million unemployed workers benefitting from these programs each week—5 million Americans. These people were working. They got caught up in this recession. This is, for many of them, the only constant source of support they have now as they look for work.

We have seen this benefit not just the recipients but their families. In fact, there has been an estimate of about 40 million people—spouses and 10.5 mil-

lion children—who have depended in part on getting these unemployment benefits.

It has also been able to maintain employment. There is an estimate that 800,000 jobs have been maintained and created because of this unemployment compensation. That is because when someone gets their check, they do not usually toss it aside; they cash it. They go to the grocery store. They go to the gas station. They go to places they have to go. They put a little tuition down if they have to pay tuition on a child's education because they desperately need these funds. So in that regard, it creates and sustains jobs.

We are in danger, frankly, of seeing this UI program terminated. I think we have to continue it. I think it will add immensely to the efforts under way to help middle-income Americans. The average benefit is about \$300 a week. That is certainly not an inducement to say: I don't need to look for work; I want to spend the rest of my life making \$300 a week. The program provides up to 99 weeks of benefits. There is no attempt to extend it, but it would be the same 99 weeks people were able to benefit from 2 years ago. So I think we have to do that. That is part of this debate also. I would hate to see that the only thing we do at the end of this day is pass tax cuts and not also include unemployment compensation.

I think we have to have a middle-class tax cut, but we also have to have unemployment compensation benefits extended. I don't have to tell anyone in this room that the unemployment rate is too high everywhere. In my State, it seems to hover between 10 and 12 percent. We have never withheld emergency unemployment benefits nationally as long as the unemployment rate was above 7.2 percent. Republican administrations, Democratic Congresses; Democratic administrations, Republican Congresses—in every combination, we have always understood that this program needs to be renewed.

So I have heard other proposals such as, let's do this, but let's offset it by unobligated funds. But these unobligated funds could include many things. For example, they could include a border fence in Arizona and California because there are funds there that are unobligated. Now, I ask some of my colleagues on both sides of the aisle, is that what they intend? Border Patrol stations in Texas, Arizona, California, and Washington. Construction of Coast Guard ships and planes and the National Security Cutter built in Mississippi. Then there are cyber security investments to secure Federal information systems. We have just been briefed on the profound and deleterious impact of the WikiLeaks. We have a lot of work to do to improve our security systems. Are those unobligated funds coming out of that program? Homelessness assistance grants that go to help peo-

ple who, in many respects, are homeless because of a combination of factors: They have lost their jobs; they have different problems. So, literally, are we borrowing from Peter to pay Paul? Are we telling someone they can't get Section 8 housing because we paid someone else's unemployment benefits?

So the proposal to pay for this by unobligated expenditures might have some rhetorical appeal, but I ask, what are these expenditures? If we are so committed to being clean and transparent about what we are doing here, then list them out: We are going to cut funds for border fence, Border Patrol stations, the Coast Guard. This is how we are paying for it. Otherwise, I think, frankly, we should go ahead and pass this as we have always done—as emergency spending—because it has a stimulative effect. For every dollar of unemployment compensation, there is estimated to be \$1.90 of economic activity. It goes right back to the obvious, simple point we all grasp: When that check comes in, it is not tossed aside. It is cashed immediately for grocery store visits—all of those things are done. It gets the economy moving.

We are at a crisis, at a critical point. We have 10 years of experience that, despite all the rhetoric, tax cuts that go to the wealthiest Americans probably don't contribute directly and immediately to jobs in the United States. We can save not only working Americans by giving them a little help in their tax check, but we can begin the long, difficult struggle of going from a deficit to a surplus. I have done it once. It is not easy.

Frankly, I think the choice before us in the next 6 or 7 months will look a lot clearer and more graphically in favor of the position we are advancing than some of the proposals that are floating around in terms of programs such as Medicare and defense spending, et cetera. All of them have to be looked at. But if we can't do this, I think a lot of Americans and people around the globe are going to start asking the question: Do they have the political capacity to make the difficult choices that are necessary?

A final point. Many of my colleagues say, and I think with great insight, that the real judge of some of our economic policies is the marketplace, the people who buy our Treasury securities. I wonder if they see us as literally unable to make this choice between stimulus for the middle-income Americans through tax cuts but saving \$700 billion. We can't make that choice? I wonder what that is going to do to their confidence in our ability to make tough choices down the road, the confidence that keeps them buying Treasury securities. We should think about that.

I urge passage of the proposals we have before us that would provide a

middle-income tax credit while saving money and preserving further deficit spending under the Republican proposal.

I yield the floor.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. THUNE. Mr. President, I wish to acknowledge the remarks made earlier by my colleague from Utah whom I thought did a nice job of providing a history lesson for Members of the Senate about the past several years of tax policy and why we are where we are today. I don't think there is anybody here in this Chamber or any Senator from any State who doesn't acknowledge that we have a big problem right now with 9.8 percent unemployment.

We have a lot of things on which we agree in the Senate. We have a lot of things on which we disagree. I think the one thing we agree on is that 9.8 percent unemployment is unacceptable. I think the thing we disagree on is how we get that unemployment rate down. How do we create jobs? How do we get people in this country back to work?

There has been a lot of discussion about various issues that might be dealt with here in the Senate before the end of the year, most of which don't deal with this fundamental issue. The fundamental issue that is important to most Americans—and I have heard many of my colleagues get up and talk about people who are hurting. They are hurting.

We are going into a holiday season with a lot of people unemployed, and with the numbers that came out this morning, that number got worse. We have more people unemployed, more people hurting economically. Yet in the waning days of this legislative session before the holiday break and before a new Congress gets seated next year, we have had discussion and motions about the DREAM Act. We had motions about don't ask, don't tell. We talked a lot about getting the START treaty done before next year. There has been discussion about this Public Safety Unionization Act. I think all of these things are probably important to certain Members of the Senate but none of which are as important to the American people as the point I just mentioned; that is, 9.8 percent unemployment.

People are hurting. People have lost jobs in this country. That is the fundamental point that I think drove voters out to the polls in November. They want the Congress to focus exclusively on fixing this economy and getting people back to work. Yet we came back here in December and spent 7 days here in the Senate on a food safety bill—not that that is not an important issue. It is an important issue, but is it as important as dealing with this number I just mentioned—9.8 percent unemployment?

The irony about the food safety bill is that after we spent 7 days on it, we had a little snafu. It went over to the House of Representatives and somebody blue-slipped it, which is something they have the prerogative to do, because it turns out there were revenue increases in that bill, and revenue measures have to originate in the House of Representatives. So that bill, for all intents and purposes, is dead for the rest of this Congress.

So we spent 7 days here in the Senate on the food safety bill. Now we are talking about doing something on unemployment, which is something we should have been talking about. We all knew that the deadline was coming and that it was ahead of us. We have these tax rate increases that occur on January 1 of this year, which is something we should have been focused on. It is not any secret that, as the Senator from Utah pointed out, the tax laws we have today have been the tax laws now for the better part of a decade. So if we knew they were going to expire on December 31 of this year, that wasn't a secret. Many of us here have been advocating for some time for a permanent extension of those tax rates, but that wasn't acted on. There weren't opportunities—or at least the Democratic leadership, since they have been in charge here, has had no appetite to deal with doing something about a permanent extension of those tax policies. We have had tax extenders we have been talking about for the last year, but nothing has happened. We had tax policies that expired on December 31 of last year which haven't been extended yet. We have a whole bunch more in addition to the 2001 and 2003 tax laws that expire at the end of this year, all of which impact some sector of our economy and most of which are very important to job creation. Yet for the better part of this year, what we talked about were issues that arguably the other side wanted to put before the Senate.

We had a stimulus bill which borrowed \$1 trillion from our children and grandchildren which supposedly was going to keep unemployment under 8 percent. We all know that obviously didn't work. We had a massive expansion of health care, which is going to spend, when it is fully implemented, \$2.5 trillion. We have had debate about financial services reform. I am not saying that any of these are unimportant issues. All of them involve new spending, creation of new government, new bureaucracies, and at the same time ignored what I think is the fundamental issue, which is jobs and the economy. That is what we have heard repeatedly.

Now, the reason I think so many people turned out at the polls in November was because they were very concerned about what has been happening in Washington, and they wanted to come out and protest the policies that were coming out of Washington, DC, because

they thought they were counterproductive in terms of the ultimate goal of creating jobs and expanding the economy and getting people back to work. Yet we didn't have a discussion during the entire lead-up, runup to the elections about getting these, with the exception of efforts on our side to get amendments on the floor, about these expiring tax rates.

We do have taxes going up on January 1 on income, on capital gains, on dividends, on estates. You can go right down the list. There isn't anything in any sector of our economy that isn't going to experience higher taxes on January 1.

In fact, it was interesting. This was a U.S. News and World Report article from yesterday, a story in there that said:

Failure by Congress to extend the Bush tax cuts, especially locking in the 15 percent capital gains tax rate, will spark a stock market sell off starting December 15 as investors move to lock in gains at a lower rate than the 20 percent it would jump to next year, warn analysts.

It goes on to say:

"Capital gains tax rate will increase from 15 to 20 percent if the tax cuts are not extended. The last time the capital gains tax rate increased—on January 1, 1987, from 20 to 28 percent—investors realized their gains at the lower tax rate," said Daniel Clifton, a Washington partner at Strategas Research Partners. "We would expect a similar effect this time around as investors see the tax rate going up and choose to realize gains and incur the [lower] 15 percent tax."

In a memo to clients, [this particular firm] says that the date most clients are focused on is December 15 for a deal in Congress before beginning to sell. One reason: Many stock options expire that day and investors have to act.

... Fixing this issue next year will not negate these negative impacts.

If they say we are going to put this off until next year, a lot of folks will say: I don't trust these guys; they haven't done anything with this yet. They are going to sell off, and that could have a very destructive impact on the market and on many people's gains and things that have been acquired this year, stocks and investments. It is unclear how bad the selloff would be, it says. But it could wipe out all of this year's gains.

That is one reason out of many that we need to act to address this important issue before the end of the year. It is fair to say, as well, that contrary to what has been espoused by the other side about people getting tax cuts, a lot of people are going to get tax increases. This has been tax law for the better part of a decade. A lot of it was put into effect in 2001 and some in 2003. So these tax cuts we have in effect today on capital gains dividends, marginal income tax rates have been in effect for many years now. What we are going to experience on January 1 is not a tax cut but a tax increase on a lot of people in our economy.

The argument was made throughout the course of the year that we need to allow the tax cuts to expire for people above \$250,000. Of course, we pointed out that half of all small business income would be taxed at a higher rate if we allow those to expire for people above \$250,000, and 25 percent of the workforce would be impacted. I think that was a view that was shared by the American public.

There was a CNN poll that I have here that was done in September, where 60 percent of Americans said all the tax cuts put in effect many years ago ought to be extended for everybody. I think that was a view shared by people when they voted during the election.

I remember campaigning for people across this country—Senate candidates and House candidates—and this was a landslide election, a watershed election, by American standards. If we look at the number of new Members in the House, I think Republicans have 83 or 87 new Members, and there are a number of new Senators. In all of those campaigns, and in all of the advertising I saw, in all of the speeches I heard from candidates in traveling around the country, I didn't hear any of them say: I want you guys to go back, when you get to Washington, and deal with this food safety issue or we want you to pass the DREAM Act. I didn't hear anybody say: We want you to go back and address this issue of don't ask, don't tell. I didn't hear anybody say: We want you to go back and pass the START treaty.

These are all important issues. But, remember, that is not what the American people are concerned about. Certainly, these are important, but not the most important we should concern ourselves with, which is the 9.8 percent unemployment rate and the fact that a lot of people are hurting and don't have jobs in this country. I think the issue of extending unemployment benefits, which will be dealt with—and for how long, I am not sure—is, is it paid for? I believe it should be; some don't. In any case, I think that will be dealt with.

That is a symptom; that is not the cause. The cause for people hurting in this country is that we have policies in place that are making it more difficult for small businesses to create jobs.

The best solution for the American people is a job, to get people back to work. Raising taxes has never been a way of creating jobs. Now, the \$250,000 threshold I think the other side concluded was not good politics. So it has been tested and polled, and that is a losing issue. It does impact so many small businesses.

So the latest version is to raise that to \$1 million, and that is a vote we are going to have sometime tomorrow.

The fundamental point I am making is, I think the American people understand that to grow the economy, ex-

pand the economy, and create jobs, we have to incentivize the job creators to create jobs. We can't do that by raising their taxes. We can't do it by passing new regulations and making it more difficult and costly for them to do business. That is basically what this whole past year has been about. My counterparts on the other side have attacked Republicans on the floor for the situation we are in, saying: Republicans are blocking us from dealing with all these important issues.

We did send a letter this week, signed by all 42 Republicans, and the letter was simple. The message was this: Yes, we think there are a few days left in this legislative session, and we ought to use those days to focus on the things the American people care about. Notwithstanding any of the polls we are taking today, the best poll was election day. What people voted on on election day was jobs, the economy, reducing spending, and debt. The letter we put forward said let's focus on the tax issue and get that resolved. It is so important to our economy and it provides certainty for job creators to create jobs. Let's focus on funding the government and dealing with this issue of spending.

Those are the two most important issues, as I think was expressed at the ballot box by people across this country this year. Then, if you want to move to other issues, fine. We had 42 Republicans who said that. I think that is perfectly appropriate and in accordance with what the American people want us to do.

As I said earlier, we spent 7 days on food safety, which is arguably an important issue. I am not discounting that. That was 7 days spent on a piece of legislation that went to the House, was blue-slipped, and is not going to become law this year. We lost 7 days that we could have been talking about getting tax rates down for middle-income taxpayers and investors. We could have dealt with the issue of the death tax because on January 1 the exemption for the death tax comes down to \$1 million, and the top rate goes up to 55 percent.

I have heard repeatedly from farmers, ranchers, and small businesses in my State the concerns they have about that. What are they going to be able to do if they want to pass on their business or their operation to the next generation, and if they have a \$1 million threshold and anything above that, that would be taxed at 55 percent, that means many of them will be forced to liquidate their holdings in order to pay the IRS. That doesn't seem like a very good way to run a government or create jobs in the economy.

Again, I simply point that out as the reason I think in these waning days of this session that Congress should focus on this 9.8-percent unemployment rate. The unemployment debate, the debate

about unemployment benefits which will occur here is a symptom of the high unemployment rate. But the cause of the high unemployment rate is the fact that the policies coming out of Washington, DC, are not conducive to job creation in this country. It doesn't have anything to do with these Bush tax rates because, frankly, we saw a lot of economic growth in the early part of this decade.

Since 2008, we have been in a recession. Since 2008 we have had a President in the White House and a huge Democratic majority in both Houses of Congress which have attempted to address this issue in the form of a stimulus bill which added trillions of dollars to the debt but didn't reduce unemployment. It created 250,000 new jobs in Washington, DC. The food safety bill, according to estimates, would create another 17,000 jobs in Washington, DC. So almost anything that has been done hasn't created private sector jobs but has created a lot of government jobs.

That is not what people want. They want jobs in the economy. They want the small businesses on their Main Streets and in towns and communities to be able to invest, be able to hire that new employee, or buy that new piece of equipment, add to the productivity of their operation in a way that will expand the economy, grow the economy, and create jobs for more Americans. I think that was the message of the election. I think that is the interest of the American people still. It is not on all these other things.

I understand there is a need sometimes for political parties to check the box to say they have done this or tried to do that for a particular constituency. That is perhaps what drives the reason we have to have votes on some of these other issues. But at the end of the day, it comes down to one simple basic fundamental fact: A lot of people are unemployed, hurting, and the policies of Washington, DC, are contributing to that. I think you can't blame Republicans in the Congress where for the last 2 years the Democrats have had huge majorities. In the Senate, they have 58 votes now, and they had 60 votes for 2009. They had 250 votes in the House of Representatives. They had the White House. Yet here we are 2 years later and unemployment has actually gone up. We have fewer people finding jobs in this country and an economy that continues to struggle and Washington, DC, that seems more intent on dealing with all these issues that are unrelated to the fundamental issue, which is creating jobs and getting people back to work.

Mr. President, I urge my colleagues, as we head into the end of the year to stay focused on the issues the American people care about—jobs, the economy, their ability to pay their bills, and to hopefully save a little money for

their children's college education. As we head into the holiday season, they want to have a good holiday season with their families. But this idea that somehow the way we help the American people in this country is by focusing on these unrelated issues, and talking about things that they at this particular point in time are not particularly concerned about, strikes me as missing the point and not having gotten the message the voters sent in November of this year.

Again, I urge my colleagues in these last few days to work on keeping taxes low on all Americans, extending the tax relief. It is not a tax cut. It will be a tax increase starting January 1 for people across this country, including the job creators. We cannot allow that to happen for the best interests of the American people.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

Mrs. SHAHEEN. Mr. President, I am here, like so many of my colleagues today, to talk about the situation in which we find ourselves, where millions of American families and small businesses, on January 1, are going to see a tax increase because the Bush tax cuts are set to expire.

Before I talk on that issue, I heard my colleague from South Dakota speaking. I think it is important to point out the differences of opinion in some of his remarks because he talked about how great things were in the previous decade, in the early years of this decade. But he neglected to point out why we are in the situation with this recession: because of the financial meltdown, the recession that began in 2007 and 2008 as the result of so many of the policies of the previous Bush administration.

Unfortunately, if those tax cuts that everybody is talking about were going to create so many jobs, we have had them for 10 years, and I want to know where the jobs are. I have a lot of people in New Hampshire who are unemployed, and they are not benefiting from those tax cuts because they haven't created the kinds of jobs my colleague from South Dakota is talking about.

I appreciate the frustration that is there because this recession has gone on way too long and been way too deep, and too many people have suffered. But the efforts of this Congress, through the American Recovery Act to try to stimulate our economy and keep people working has been successful. There are construction workers, there are teachers, and there are small businesspeople in New Hampshire who are working because of the dollars spent under that Recovery Act. The estimates are that 3 million people are working now or have been kept working because of the dollars in the Recovery Act.

I just think it is important for us to correct the record a little about why we are where we are today and how best we can get this economy moving again.

Like everybody else here, I think tax increases on struggling small businesses and on families who are just getting by would be devastating to them and to our economy. I understand we have to do something about that. But at the same time, we face another growing problem, and I don't think we can talk about how we are going to deal with these tax cuts without recognizing that we have to look at a long-term plan for how we are going to deal with this other growing problem—the problem of our national debt.

Our national debt is now approaching \$14 trillion. It is approaching that number quickly. In an effort to address the growing debt, I joined 12 Democrats and 15 Republicans, including my New Hampshire colleague, Senator JUDD GREGG, in cosponsoring legislation earlier in this Congress to establish the National Commission on Fiscal Responsibility and Reform. Now, although that legislation failed, earlier this week a similar debt reduction commission, one appointed by President Obama, issued its report. The findings are very sobering. The report indicates that we need to take dramatic action to reduce our debt. We need to develop a plan for how we are going to do that and we need to do that sooner rather than later. This is not a problem we can keep kicking down the road and expect it is going to solve itself. But while we are developing that plan, we need to look at how we can do everything possible to get the economy moving again.

We need to confront an economy that is still recovering from a deep recession. I appreciate, as all my colleagues do, that now is not the time to raise taxes on middle-class Americans. Senator BAUCUS has proposed a plan that makes sense. It keeps taxes low on middle-class Americans, so it essentially extends middle-class tax cuts, and it also makes some smart, targeted tax cuts—tax cuts that can help us lay a foundation to create good jobs and grow the economy.

For example, I am a strong supporter of the research and development tax credit. When companies invest in developing new technologies, as the R&D tax credit helps them do, they generate high-paying jobs and solutions that change our world for the better. Investment in R&D plants seeds that will grow our economy and create jobs for decades to come. I believe we should make the tax credit permanent myself, but I am pleased Senator BAUCUS's plan extends it for at least 2 years.

The Baucus plan also reauthorizes Federal unemployment benefits, and the extension of unemployment benefits is one of the best things we can do

to help average Americans and stimulate our economy. This money will not sit quietly in the accounts of millionaires and billionaires. It will get spent immediately at the local grocery store, at the pharmacy, at the gas station, and at other small businesses that need that spending the most. In fact, economist Mark Zandi, who was a former adviser to Senator MCCAIN, has cited unemployment insurance as one of the three most effective uses of Federal funding. According to his analysis, every dollar we invest today will create \$1.61 cents in economic growth. That is a good investment in today's economy.

I think it would be great if we could give everybody a tax cut and not worry about the consequences. I would love to do that, but we don't have that luxury. Tax cuts for the wealthiest 2 percent in this country will cost America \$700 billion over the next decade. Let me be clear: I don't think we should heap another \$700 billion onto our national debt. That would be irresponsible. It isn't fair to our children and it isn't wise for the economy.

I think we need to move forward and provide certainty for taxpayers—everybody agrees with that—and to do that we will have to compromise. It takes working together, Democrats and Republicans. So I am also willing to vote for Senator SCHUMER's plan to extend tax cuts for everyone except those who make over \$1 million a year. I think this is important to ensure that we include small businesses that might get hit at some level.

I hope my colleagues on both sides of the aisle will come together; that we can negotiate a package that is responsible with taxpayer dollars, that stimulates our economy, and that protects middle-class Americans. That is what I am hoping to do, and I look forward to working with my colleagues on both sides of the aisle as we try and develop a compromise that can allow us to move forward.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, earlier today, I was listening to the Senator from Illinois, Mr. DURBIN, and he talked about coming over to the Senate floor from a meeting over in the Dirksen Building, which he said is about a block away, but he said it was like going from the real world to a surreal world here in the Senate. As I have listened to some of these Senators on the Republican side speak since then, I think Senator DURBIN is right on the mark.

What is going on here? Sometimes you have to stop and say: What truly is going on here? We have lost touch with what is happening in America—to ordinary Americans, to the real middle class. What do we have here? We have Republicans who will not do anything

until we have a tax break for the richest Americans—continue these tax breaks.

I listened to my friend from South Dakota recently who was just on the floor talking about creating jobs and all that kind of stuff. Well, we just had the new unemployment figures come out this morning from the Labor Department—the Bureau of Labor Statistics, which says unemployment rose to 9.8 percent. But that is just the official unemployment figure. Actually, if you do a full accounting of payroll data, if you take into account the 14.8 million workers who are part time, of necessity, because they can't get a full-time job or they are discouraged and have left the workforce because they have been looking and they are out of work and they have gone past their 99 weeks of unemployment compensation, according to Leo Hindery, who is the chairman of the Smart Globalization Initiative at the New America Foundation, the real unemployment rate is now 18.7 percent—18.7 percent—and the job gap is not just 7.3 million, it is actually 21.9 million in real terms—21.9 million people in this country—who are either unemployed, underemployed, left the workplace because they are discouraged, their unemployment benefits have run out or they basically have shifted around and they are not any longer in the workforce. You take all that into account and you have 21.9 million people out there out of work.

Mr. President, I ask unanimous consent to have printed in the RECORD the study from the Smart Globalization Initiative project.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Friends, In a very disappointing announcement, the Bureau of Labor Statistics (BLS), using its Current Population Survey of non-farm jobs [attachment 2], announced this morning that in November 2010 “U.S. employers increased (non-farm) payrolls by only 39,000 jobs, with 50,000 private sector jobs added in the month, versus a revised 172,000 overall payroll increase in October. The “official” unemployment rate rose from 9.6 percent to 9.8 percent.”

The BLS also noted that there are now 15.1 million unemployed workers and that since the Great Recession began (in December 2007) employment has decreased by 7.3 million.

The monthly BLS announcement regarding unemployment, however, as we note each month:

1. Uses only a survey of households rather than much more accurate payroll data;
2. Excludes changes in employment among the Nation's 11.0 million farm and self-employed workers; and, most important,
3. Does not take into account the 14.8 million workers who are either: (i) “part-time-of-necessity” because their hours have been cut back or they are unable to find a full-time job (9.0 million); (ii) “marginally attached” because while wanting work, they have not searched for it in the past four weeks (2.5 million); or (iii) “discouraged” and out of the labor force because they believe no jobs are available (3.3 million).

Our Summary of U.S. Real Unemployment [attachment 1] makes these three adjustments. It also identifies average weeks unemployed, job openings, and the “Jobs Gap” that needs to be filled in order to be at full employment in real terms. With the three adjustments made, in November:

The number of real unemployed workers in all four categories—BLS “official”, part-time-of-necessity, marginally attached, and discouraged—increased by 59,000 workers to 29.9 million, compared to BLS's November figure of 15.1 million. Significant changes this past month in overall real employment included: private sector employment increasing by 50,000 jobs, which included 53,000 more professional and business services jobs; manufacturers shedding 13,000 jobs after shedding a revised 11,000 in October; total government employment declining by 11,000 jobs. The continuing loss of manufacturing jobs, for the fourth consecutive month, is of particular concern.

The real unemployment rate is now 18.7 percent, the same as October's real unemployment rate, compared BLS's dramatically lower “official” rate for November of 9.8%.

The number of real unemployed workers has increased by 13.2 million since the start of the recession, and since December 2008 it has increased by 5.3 million. By contrast, the economy needs to add around 150,000 new private sector jobs each month simply to keep up with population growth—in November, the increase was only 50,000.

The Jobs Gap is 21.9 million in real terms. (I must note again that some in the national press, notably the New York Times, when commenting on real unemployment, still leave out “discouraged workers” despite the fact that this is a huge category and arguably the most effectively unemployed of the four categories. The all-in real unemployment rate of 18.7 percent drops to 17.0 percent if discouraged workers are not included.)

The average number of weeks unemployed is now at least 33.8 and the number of workers unemployed a half year or longer is at least 9.6 million (i.e., BLS's figure of 6.3 mm plus the 3.3 mm discouraged workers). When considered together, these two figures—average number of weeks unemployed and number of workers unemployed a half year or longer—are a much better measure of the real employment condition than the more commonly used “initial jobless claims” number. Each figure is now unprecedented in modern times.

Kindest regards,

LEO HINDERY,
*Chairman, US Economy/Smart
Globalization Initiative at the New
America Foundation.*

Mr. HARKIN. So we have a high unemployment rate, we keep losing jobs, and Republicans keep saying we have to extend the tax breaks for the wealthy. I hear that in terms of jobs—jobs, jobs, jobs. Well, that is interesting, because in 2007, the top 1 percent of all income earners in America took home 23½ percent of all the income in America. So let us get that straight. The top 1 percent took home 23½ percent of all the income. In fact, they took home more money than the bottom 50 percent of income earners total in America. Eighty percent of all

the increase in income earned from 1980 to 2005 has gone to the top 1 percent. In the wake of the 2008 Wall Street bailout, executives from Goldman Sachs received bonuses totaling \$13 billion—\$13 billion for Goldman Sachs.

So Republicans keep talking about we have to do more tax breaks for the wealthy. Well, after 10 years of tax cuts for the wealthy, where are the jobs? We have had this for 10 years—what they are trying to extend, the Bush tax cuts, which I never voted for in 2001. So we have had them for almost 10 years. If cutting taxes were so good for creating jobs, I ask my colleagues: Where are the jobs? Where are they?

It is that same old trickle-down theory. If only we would give more to the top, it will trickle down on everybody else. Well, as one worker told me the other day—talking about trickle down—who has been out of a job for 2 years: I haven't had a drop. He said: I would settle for a heavy dew. One person told me one time—and I will never forget this about trickle down—he said: If you have been raised on the farm, you understand something very simple. You don't fertilize a crop from the top down. You don't fertilize a tree from the top down. You fertilize it by putting it at the roots. You want to create jobs in America, you don't give it to the wealthiest in America, you start putting things down at the bottom.

If we want to get to the jobs issue in America, we have to start talking about what our trade laws are doing and how we are shipping more jobs overseas. Let's talk about our educational system and educating people into job retraining or rebuilding the manufacturing base in America so we can actually manufacture and make things here one more time—and I mean new things, not the old things but new things: rebuilding our infrastructure, our high-speed networks of communications, and make sure we have an infrastructure that is second to none in the world. There are a lot of things we can do to spur economic growth and jobs, but the worst possible one of all is giving tax breaks to the wealthy.

I haven't even touched on the moral implications of that or the justice or fairness issue, and I will, but just on pure economic grounds we know tax breaks for the wealthy don't do it. They never have and they never will. Yet Republicans keep wanting to do the same thing over and over and over again. Someone attributed this to Albert Einstein—I don't know if it is true—but whoever it was said: The definition of “insanity” is doing the same thing over and over and over again and expecting a different result. Republicans keep wanting to give more tax breaks to the wealthy and expecting that somehow, magically, we will have jobs created. Well, we gave all this money to Wall Street and to Goldman Sachs and I don't see any jobs out there anywhere.

My friend from South Dakota was talking about the election; that we have to listen to the American people. Well, here is a poll that came out this morning. Senator SCHUMER showed this earlier. This is a CBS News poll out today which shows that only 26 percent of Americans support millionaire tax breaks. Guess what. Not even a majority of Republicans support it. Only 46 percent of Republicans support the millionaire tax breaks. So who are my friends on the other side of the aisle listening to? Wall Street. They are listening to those who have made a lot of money and they do not want to pay their fair share of taxes. They are certainly not listening to, I guess, the majority of Republicans who say they don't even want the tax breaks for the wealthy.

My friend from South Dakota was talking about the election. We had a big election. Republicans got elected to office in larger numbers. That is absolutely true. We can't deny that. But what ever happened to the election of 2008? It is as if it never happened. Yet 40 million more Americans voted in 2008 than voted in 2010. Do you know for whom they voted? They voted for Barack Obama. They voted for Democrats. They voted for change. They did not vote for more tax breaks for the wealthy. They wanted to change the system. That is what we have been trying to do for the last couple of years, except that we have had intransigence on the part of Republicans in the Senate in the form of one filibuster after another. So 40 million more people voted in the election of 2008 than voted in 2010. Again, what we need to do is change things. We don't need to change things to do more of the same, which is what the Republicans want to do.

I hear my friend—again, I cannot help but refer to this. He said that the tax increases never created jobs. That is kind of the way I heard it said. I wrote it down here—can't create jobs by raising taxes; never happens.

Frankly, I remember 1993. I was here then, and we had the Clinton bill here from President Clinton. It was sometimes called the Clinton recovery bill. We had all worked on it here. Did it increase taxes? Yes, it did. It increased taxes. Boy, did the Republicans howl. I was here. I remember. And all the economists on the other side were saying: Oh my gosh, if we pass this, it is going to be terrible.

I went back and got some of the quotes. My friend from Utah, Senator HATCH, said:

Make no mistake, these higher taxes will cost jobs.

Senator Burns from Montana said:

So we are still going to pile up more debt. Most of all, we are going to cost jobs in this country.

Senator Phil Gramm. This is August 5, 1993:

I want to predict tonight that if we adopt this bill, the American economy is going to

get weaker and not stronger. The deficit 4 years from today will be higher than it is today, and not lower. When all is said and done, people will pay more taxes, the economy will create fewer jobs, the government will spend more money, and the American people will be worse off.

That is what he said in 1993.

Do you want me to go on? My friend from Iowa, Senator GRASSLEY, said:

I really do not think it takes a rocket scientist to know that this bill will cost jobs.

August 6, 1993.

Here they were all predicting this. I had a couple more I wanted to get in the RECORD here just to put an emphasis on it.

Representative Newt Gingrich—oh, yes—Republican of Georgia. On August 5, 1993, he said:

I believe this will lead to a recession next year. This is the Democrat machine's recession, and each of them will be held personally responsible.

I like this one. Representative John Kasich from Ohio said:

This plan will not work. If it was to work, then I'd have to become a Democrat.

If I am not mistaken, former Representative John Kasich was just elected Governor of Ohio. I didn't know he ran on the Democratic ticket.

History—read the history of it. You cannot deny it. As we often say around here, everyone is entitled to their own beliefs, but not everyone is entitled to their own facts, and the facts are very clear. After we passed the Clinton bill—with not one Republican vote—the economy started to get better, we started to create jobs, we started to reduce the deficit. In just 7 years—actually 6 years, a little over 6 years—we actually got a surplus in our budget—a surplus and a huge number of jobs were created with the higher taxes. The last time we had a surplus was then. We were on the path of reducing our debt, our national debt. We had more jobs. People were working.

Then George Bush came to office in 2001, and the Republicans looked at all this money that was coming in which we were going to use to pay down the national debt so our kids would not have a big debt hanging over their heads—they looked at all that and said: Oh my gosh, let's have a tax cut. And they rammed through a tax cut—they sure did—in 2001. They rammed through a huge tax cut that to a large extent benefitted the wealthiest people in this country. By 2007, the top 1 percent took home 23.5 percent of all the income and were not paying their fair share. But that is what they want to extend. That is what the Republicans want to do. They want to continue the Bush tax cut they put in 2001 for the wealthy.

So they took all that money that was coming in that we were going to use to pay down the debt so our kids would have a better future, they gave it all to the wealthy—not all but a fair amount

of it—about 80 percent to the wealthiest in our country and a few crumbs and stuff to others. What did it do? It raised the deficit and put us in deeper debt than ever before—all so the wealthy could have a little bit more money. This is what they want to continue.

As I said, I think the evidence is clear that what they did in 2001 did not give us jobs, it hurt the economy, and widened the gap in America between the top and the bottom even more. It widened the gap even more in our country. Now they want to continue that same policy, and they say it is going to create jobs. It did not create jobs. We have lost jobs because of this.

I spoke here last evening, and after I spoke, the Senator from Texas spoke, and she was talking about who creates jobs in this country. It is the wealthy; they get this money and they create jobs. Entrepreneurs do create jobs. Most of the jobs and businesses created in this country were not created simply by the wealthy; they were created by ingenious people who had a good idea, were willing to work hard, gather some money together, get investors, and build a business. Most of the new jobs in America are not created by the DuPonts or the Rockefellers or the people like that; they are created by Steve Jobs and Bill Gates and the people like that who did not start with a lot of money, but they had a good idea and they were entrepreneurial and went to work and started these businesses.

So create more jobs, get more money to the wealthy? Here is the headline in USA Today recently. It said "Luxury spending is back in fashion." Then underneath, in small print, it says, "Jobless still aren't buying essentials." So I guess what we need to do is give more tax breaks to the wealthiest so they can go out—I just read about someone the other day going out and buying \$2,600 cashmere scarves—\$2,600 for a scarf. I suppose so.

I was just with a group of unemployed Americans the other day who came to Washington. Some have been out of work for over 2 years, all of them hoping we can extend the unemployment benefits—which the Republicans will not let us do, by the way, and I am going to get to that in a second. But I held this up. I thought, "Luxury spending back in fashion." I asked those people who are unemployed if they were going to be shopping in Tiffany's this year. Maybe you are going to go down and buy a little jewel-encrusted brooch for your wife or maybe, if you are a woman, you will buy one of those diamond-encrusted watches for your husband. Oh, I know, you are going to go buy a Lamborghini made in Italy or a Mercedes made in Germany. I said to these people: Maybe you would like to go down and buy one of those 3D, high-definition flat screen

TVs made in Japan. That is where the money is going. The rich are not creating jobs; they are buying \$2,600 cashmere scarves, and they are going to Tiffany's and buying jewels and buying wrist watches that cost \$25,000, most of which are not made in America, anyway, but are made in some other country.

If you really want to give tax breaks to businesses, I am all for it if it is truly oriented towards businesses employing people in America, as long as their products are made in America, as long as they are manufactured here and they do not take the money and ship it off to some other country. If a business wants to start here and employ people here in America, manufacture something here—rebuild the steel industry in our country, rebuild manufacturing—I am all for it. I just do not believe in giving tax breaks to someone who takes that money and says: Guess what, I am going to invest it in a business in Thailand or in Germany or in Brazil. That is what they do. You give all that money to these wealthy people up on Wall Street and stuff, they can invest that money wherever they want, and out it goes, out of the country.

Since we have such high deficits and we want to get our deficits down, we want to create jobs, don't give it to the most wealthy in our country; give it to legitimate businesses that either start or expand and employ Americans and start making things here in America or put it into infrastructure spending, rebuilding the infrastructure of America—our highways, bridges, roads, schools, communication systems. That will create jobs. That will create jobs.

They say government spending cannot create jobs. I happen to disagree with those who said the stimulus bill did not create jobs. It sure did. It put a lot of people to work all over this country, not in government jobs but in rebuilding America. When you put money out there and you are rebuilding a highway or a bridge in Iowa or in Minnesota, it is done by private contractors, private businesses that employ people and spend the money here, mostly on products made in America. That is why infrastructure spending has such a good multiplier effect. It has a multiplier effect because when you build a new school or a new classroom or whatever, first of all, the work has to be done here, it cannot be shipped off to China. Second, the money is spent here. Third, most of the products that go into our infrastructure are still made in America. When you think about it, when you build a school, rebuild a school, you think about the cement, you think about the bricks, you think about the mortar, you think about all the conduits for the lighting, heating, ventilation, air-conditioning units, windows, doors, and 9 times out of 10, it is made in America. So you get a big multiplier effect

from that money, and it does indeed create a lot of jobs.

I mentioned just a second ago that I was with a group of unemployed who had come to Washington to petition their government for a redress of their grievances, and their grievances are that they are out of work, they are looking for work, and their unemployment benefits have just run out.

We have tried several times here on the floor of the Senate asking unanimous consent to extend the unemployment benefits for another year. The Republicans have objected every time. And the letter that was sent out by the Republican leader the other day said that they are going to object to anything passing this floor until they get their tax breaks for the wealthy. So they are holding hostage millions of Americans who have lost their jobs. Some have been out of work, as I said—I met some who have been out of work for over 2 years; some for a year or months. For \$300 a week—that is about the average in unemployment benefits, about \$300 a week. They say we cannot afford that. My Republican friends say we cannot afford that. But we can afford to give a \$100,000 tax break to the wealthiest Americans. Think about that.

During this holiday season—I heard my friend from South Dakota say that we should wrap up our business so Senators can go home and spend our holidays with our families, have a nice holiday season. What about those millions of Americans who are out of work and have just had their unemployment benefits cut off? What about them? Are they going to have a nice Christmas?

Are they going to have a nice holiday season? The Republicans say no. Give the tax breaks to the wealthy first. Well, as I said, Wall Street executives got billions of dollars in bonuses—billions. They are probably going to have a nice holiday season. They will probably even shop at Tiffany's, Saks Fifth Avenue, Neiman Marcus. But how about the millions of Americans who are out of work who rely upon unemployment benefits, \$300 a week, less than the poverty wage, and we are saying: No. No, we are not going to extend them during this holiday season.

The Republicans are holding them hostage. I am sorry. This is unconscionable. Have the Republicans lost all sense of fairness? Have they lost all sense of justice? Have the Republicans lost all sense of what is right and wrong? I mean, they can fight for their tax breaks for the wealthy. Fine, that is what they are fighting for. I understand that.

But to say we cannot extend unemployment benefits for people out of work because we have not yet given the tax breaks to the wealthy is a morale outrage. I ask: Where is our outrage at something like this? Where is the President's outrage at this? The

President ought to be out there saying: This is morally outrageous, that we are going to deny unemployment benefits to people during this time of the year especially.

We can have our battles on the tax cuts. We can have those battles, but we should not hold hostage the people who are out of work today and need unemployment benefits. Some people say: Well, unemployment benefits, it makes people lazy.

Well, as I pointed out the other day in a speech on the floor, when eight people look for one job. There is one job for every eight people. So you have musical chairs going round and round. One person gets it, and you have seven people still unemployed.

What a lot of people do not even know is that in order to even qualify for unemployment benefits, you have to be actively looking for work. You cannot sit at home. You have to be actively looking for work. A lot of the people I talked to 2 days ago who were here who were employed, you hear their stories. They have tried everything. Some have gone to different States. They have gone to different communities. They have tried everything to find another job.

I just read a letter from one the other day, a math teacher, has three college degrees. She has lost her job. She has tried to find work in different States. She has tried everything from McDonald's to everything else and cannot find a job.

By the way, the people who are truly hurting the most in this job market right now are people over the age of 50, mostly women. Women over the age of 50 who have worked hard, many of them had good jobs. Again, I spoke to one on Tuesday who had worked all her life, had a very good job. She admitted she was making \$70,000 a year, good middle-class income.

She lost her job and has been out of work for over a year. She cannot find work. She has tried and beat the pavement and looked all over. But, you know what, she is in that area between 50 and 60. Very tough. Very tough. Yet we will not even extend unemployment benefits for people like her.

Well, as I said, I think it is a moral outrage, and I would hope our President would get out there and start saying that. Let the American people know how the jobless are being held hostage by the Republicans in trying to get their tax breaks for the wealthy.

So it is been said the Republicans are playing hardball. Well, if they are playing hardball for the rich, we ought to play hardball for the jobless, too, in this country. They want to play hardball, we ought to play hardball. My friend from South Dakota says he would like to get out of here and spend Christmas with his family. Would not we all?

But, I think, rather than identifying with those on Wall Street and those

who wear suits and ties every day and have a comfortable life such as we do, we ought to be identifying with those middle-class Americans who are out of work.

If the Republicans want to play hardball, I think what we ought to say is: Look, we are going to stay here every day, we are going to be here every day, and every day we are going to ask consent to bring up this bill to extend unemployment benefits. If we have to be here on Christmas Eve, so be it. If we have to be here on Christmas Day, we ought to be here on Christmas Day, if necessary, so the American people will get an idea of what is going on in this Senate Chamber, the outrageousness of it.

So, yes, we would all like to spend time with family over the holidays. But unless and until we extend the unemployment benefits, at least at a minimum, we should not leave this Chamber and see how long the Republicans want to hold on to that and how much they want to deny people their benefits.

If 2 million Americans and 10,000 of my fellow Iowans are going to be suffering because they will not even be able to put food on the table or have a nice holiday season with their families because they are unemployed, the least we can do is identify with them. They are not going to have a very good holiday season unless we do something and take action. So I think we should stay as long as is necessary.

Lastly, for too long and for too many times, the Republicans have used an archaic 19th century procedure called the filibuster to thwart the will of the majority of the people in this country, to stop legislation, to stop a whole bunch of things, nominations, things they even, when we finally get them through, get 99 votes out of 100.

But they stop them because of a filibuster. Well, that may have been OK in the 19th century. It may have been OK in the early part of the 20th century. But we can no longer live with that. We cannot run a 21st century government in a 21st world with an archaic millstone around our neck called a filibuster.

When this body reconvenes in January, we finally have to break the shackles of that. We have to break the shackles of that 19th century rule, proceeding, where one or two Senators can stop everything. Stop it. I quote Vice President BIDEN who said: No democracy has ever survived that needed a supermajority. No democracy.

Ours cannot survive either if we continue with a supermajority needed in the Senate.

I hope we stay here. I hope we increase the unemployment benefits. We will continue the debate on the taxes. I will be supporting, tomorrow morning, the vote on continuing the tax benefits for those families making \$250,000 and

less, to extend the tax breaks for that group. I will not go higher than \$250,000. I will not vote to extend tax breaks for anybody over \$250,000.

Quite frankly, if you make \$250,000, you are in the top 7 percent or so of income earners in America. So is that the middle class? I think that is stretching it. Those making \$40,000, \$50,000, \$60,000, \$70,000 to \$80,000 a year are clearly in the middle class. That is the broad middle class of America. What are we doing for them? What are we doing for them?

So I will vote to go up to \$250,000 but not a cent more than that. Quite frankly, I have a hard time even going to \$250,000. It ought to be less than that. If you want to give more tax breaks to people, extend the earned-income tax credit and increase the childcare tax credit for working families.

If you want to do that, now you are talking about helping middle-class families. Some people say: Well, we have to do something for small businesses. I am all for that. But I wish to make sure it really goes to small businesses that employ Americans, keep the jobs here, manufacture things in America, and do not ship them overseas.

You do that, I am all for a small business tax break. You bet. So that is the debate we should have. But the unemployed and those who need unemployment benefits during this holiday season should not be held hostage.

I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ALEXANDER. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALEXANDER. Mr. President, it is good to see the distinguished Presiding Officer. He must have been here all day. He was here yesterday, and I am glad to see him again.

Are there limits on my speaking time at the moment?

The PRESIDING OFFICER. We have a 10-minute grant at this time.

Mr. ALEXANDER. Will the Chair please let me know when I have consumed 9 minutes.

The PRESIDING OFFICER. The Chair will so notify.

THE NEW PROMISE OF AMERICAN LIFE

Mr. ALEXANDER. Mr. President, I just returned from the Hudson Institute, a distinguished think tank downtown where I made an address called the New Promise of American Life—Less From Washington and More of Ourselves. It included a panel of the following people: Kate O’Beirne of the

National Review; Christopher DeMuth, who was formerly the head of the American Enterprise Institute; Chester Finn, who runs the Fordham Foundation; Bill Kristol, the founder of the Weekly Standard; and William Schambra, who is a fellow at the Hudson Institute. They commented on what I had to say. It was one of my most enjoyable experiences because it was a reprise of something we did in 1995.

In 1995, I was a fellow at the institute and I was also touring the country trying to persuade Americans that I was the next logical choice for President of the United States. That didn’t work out exactly right. In fact, when I lost, my brother-in-law, who is a preacher, said I should think of that political loss as a reverse calling. I have always tried to think of it that way. Nevertheless, during that time, Chester Finn and I edited a book called “The New Promise of American Life.” We selected that title because Herbert Croly, in 1909, had written a book called “The Promise of American Life” which really was the progressive manifesto that launched the thinking of President Wilson and more recently President Obama.

Our thought then, in 1995 and 1996—Mr. Kristol, Mr. Schambra, and Mr. Finn were all contributors to our volume—was that progressivism had gone too far and that we needed less of Washington and more of ourselves. That is what we said in 1995. Looking back over that volume, that was pretty good advice, but obviously nobody took it. So today the Hudson Institute sponsored another forum about the new promise of American life. I talked about it, and the people I just mentioned commented.

It was interesting for me in a variety of ways. I ask unanimous consent to have printed in the RECORD the address I made at the institute today as well as excerpts from “The New Promise of American Life” published in 1995, namely, the introduction, the preface, and the first chapter.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

LESS FROM WASHINGTON AND MORE OF OURSELVES: THE NEW PROMISE OF AMERICAN LIFE

(By Senator Lamar Alexander, Hudson Institute, Dec. 3, 2010)

A wise political candidate, like a good composer, listens for words and music that resonate with audiences—and then repeats those phrases and melodies over and over again.

For the phrases that resonated during the 2010 election, we might listen to the senators who were successful.

In a year when television screens displayed anger, these politicians often talked about hope.

There were Rand Paul and Pat Toomey evangelizing about spreading free market prosperity instead of dwelling on government austerity.

Rob Portman and Kelly Ayotte and Roy Blunt and Ron Johnson using their experience to describe ways to make it easier and cheaper to create new private sector jobs, rather than just wringing their hands about ten percent unemployment.

And Marco Rubio affirming with his life's story America's exceptionalism, instead of lamenting America's decline.

To be sure, the issues that fired up voters this year were about too much spending, too many taxes, too much debt and too many Washington takeovers.

But the senators who voters elected to fix these problems are mostly American dreamers who believe that in this country anything still is possible for anyone who will work for it.

Europeans and others find this to be an irrational view held by citizens in no other country in the world. Yet most of American politics is about setting high goals and dealing with the disappointment of not meeting them and then trying again—all men are created equal, pay any price to defend freedom, no child left behind.

This is not an enforced Americanism where the government in Washington tells you what to believe. It is a spontaneous patriotism of the kind you get reading Lincoln's second inaugural address, or the oath of allegiance that George Washington's men swore to at Valley Forge, or David McCullough's 1776, or attending citizenship day at any federal courthouse when new citizens from all over the world become Americans.

The vitality of that dream is why Herbert Croly's book, "The Promise of American Life," written in 1909, still is powerful today. The first chapter of Croly's progressive manifesto could be read with enthusiasm at any Tea Party. But it is the rest of the book that we propose to discuss and dispute in this forum, for in his remaining chapters Croly argues that for individuals to realize the promise of American Life the central government in Washington must play a much larger role. His book launched the progressive movement, featuring first President Wilson and most recently President Obama. His is a strategy of made-in-Washington policies, grand schemes to solve big national problems based upon the assumption that these are things that individual Americans can't do for ourselves.

In 1995, at the Hudson Institute's request, Checker Finn and I edited a book, which we called "The New Promise of American Life." Checker and I then both were fellows at Hudson and I was touring the country hoping to persuade Americans that I was the logical choice for President of the United States. (The public didn't agree with my logic, prompting my preacher brother-in-law to suggest that I should think of that political loss as a "reverse calling.")

Our book was an attempt to provide intellectual context for the anti-Washington fervor of the moment, a fervor that surges throughout American history. We chose the title "The New Promise of American Life" because we believed that progressivism had been carried too far and that what our country now needed was a reverse mirror image of Croly's vision—"Less from Washington and more of ourselves." Our idea of America was one created by states, operating community by community, depending upon civic virtue, valuing individual liberty—a nation simply too large and too diverse to be managed successfully by an all-knowing central government in Washington, D.C.

Speaking of phrases that resonate, my best political one liner at the time was "Cut

Their Pay and Send Them Home" (referring to Congress), which made few friends in the world's greatest deliberative body in which I now serve.

Reading what we published 15 years ago, I have been impressed with the prescience of the essays from contributors such as William Kristol, Paul Weyrich, Howard Baker, David Abshire, Francis Fukayama, William Schambra and Diane Ravitch. Their advice resonates as well today as it did then. Reading their advice also reminds me of how little of this advice anyone took. Republicans who were elected in 1994 on the cry of "No more unfunded federal mandates" soon were promulgating conservative big-government rules to replace liberal big-government rules. Since 1995, the size of the federal budget has grown 140 percent, the federal debt has grown from \$5 to \$14 trillion.

Within the last two years, the progressive solution symphony has been playing in Washington again, reaching a new crescendo with budgets that double the debt in five years and triple it in ten, with government bailouts, and, as one blogger has suggested, the appointment of more new Czars and Czarnas than the Romanovs ever had.

Seeing the inevitable anti-Washington surge rising again to counter the excesses of progressivism, I suggested to Checker about six weeks ago that we ask Hudson to revisit our 1995 book. This forum is the result of that suggestion. After this luncheon address we will hear from a panel that includes three contributors from the 1995 volume—Checker, Bill Kristol and William Schambra—as well as from Chris DeMuth and Kate O'Beirne. Our hope is the same today as it was fifteen years ago: to provide an intellectual context for the latest anti-Washington surge—with the additional hope that, this time, more elected officials listen to and act on our advice.

To begin the discussion, let me renew a suggestion that I have made before: the new Congress should proceed step-by-step in the right direction to solve problems in a way that re-earns the trust of the American people rather than invent comprehensive, conservative big-government schemes in an attempt to correct comprehensive, liberal big-government schemes.

To make this point, I thought of hanging up in the Republican cloakroom photographs of Nancy Pelosi and Henry Waxman because they symbolize what the federal government has done wrong during the last two years: not just to head in the wrong direction, but to try to go there all at once. This has been government by taking big bites of several big apples and trying to swallow them at the same time, which has had the effect of enraging Republicans and terrifying the independent voters of America.

During the recent health care debate, I heard a number of times from friends on the other side of the aisle this question: What are Republicans for? My answer was that Democrats would wait a long time if they were waiting for the Republican leader, Sen. McConnell, to roll into the Senate a wheelbarrow filled with a 2,700-page Republican comprehensive health care bill, or, for that matter, a Republican version of a 1,200-page climate change bill or an 800-page immigration bill.

Congressional action on comprehensive climate change, comprehensive immigration bills, and comprehensive health care have been well-intended but the first two fell of their own weight and the health care law has been subject to multiple efforts to repeal it since the day it passed the Senate a year ago on Christmas Eve in a driving snowstorm.

What has united almost all Republicans and a majority of Americans against these bills has not only been ideology but also that they were comprehensive. As George Will might write, "The Congress. Does. Not. Do. Comprehensive. Well."

Two recent articles help to explain the trouble with the Democratic comprehensive approach. The first, which appeared in *National Affairs*, was written by one of our panelists today, William Schambra, who explained the "sheer ambition" of President Obama's legislative agenda as the approach of what Mr. Schambra called a "policy president." Mr. Schambra wrote that the President and most of his advisers have been trained at elite universities to govern by launching "a host of enormous initiatives all at once—formulating comprehensive policies aimed at giving large social systems—and indeed society itself—more rational and coherent forms and functions."

Or, in the terms of today's forum, this is the latest outburst of Crolyism or progressivism. Mr. Schambra notes that other most prominent organizational feature of this Obama administration is its reliance on Czars to manage broad areas of policy. In this view, systemic problems of health care, of energy, of education, and of the environment can't be solved in pieces.

Analyzing Mr. Schambra's article, David Broder of the *Washington Post* wrote this: "Historically, that approach has not worked. The progressives failed to gain more than a brief ascendancy and the Carter and Clinton presidencies were marked by striking policy failures." The reason for these failures, as Broder paraphrased Schambra, is that "this highly rational comprehensive approach fits uncomfortably with the Constitution, which apportions power among so many different players." Broder then adds this: "Democracy and representative government are a lot messier than the progressives and their heirs, including Obama, want to admit."

In a memorial essay honoring Irving Kristol—Bill Kristol's father—in the *Wall Street Journal* last year, James Q. Wilson wrote that the law of unintended consequences is what causes the failure of such comprehensive legislative schemes. Explains Wilson: "Launch a big project and you will almost surely discover that you have created many things that you did not intend to create." The latest example of the truth of Mr. Wilson's observation can be seen by anyone watching the new health care law increase premiums, add to the federal debt, cause millions of individual policy holders to lose their policies, cause businesses to postpone adding new jobs, and inflict huge unfunded Medicaid mandates on states—all consequences the sponsors of the law strenuously argued were never intended (although, I have to say, they were all predicted by Republicans).

Wilson also wrote that neoconservatism, as Irving Kristol originally conceived of it in the 1960s, was not an organized ideology or even necessarily conservative but "a way of thinking about politics rather than a set of principles and rules. It would have been better if we had been called policy skeptics."

This skepticism of Schambra, Wilson and Kristol toward grand legislative policy schemes helps to explain how during the 2010 election the law of unintended consequences made being a member of the so-called "party of no" a more electable choice than a member of the so-called party of "yes, we can."

James Q. Wilson also wrote in his essay that respect of the law of unintended consequences "is not an argument for doing

nothing, but it is one, in my view, for doing things experimentally. Try your idea out in one place and see what happens before you inflict it on the whole country," he suggests.

That is why if the Republican Party aspires to be a governing party rather than merely an ideological debating society, the question "What are Republicans for?" still is a question that must be answered.

If you will examine the Congressional Record you will find Republican senators tried to answer the question by following Mr. Wilson's advice, proposing a step-by-step approach to confronting our nation's health care and other challenges 173 different times on the floor of the Senate during 2009.

On health care for example, we first suggested setting a clear goal: that is reducing Americans' costs so that more of them could afford to buy insurance. Then we proposed the first six steps toward achieving that goal: 1. allowing small businesses to pool their resources to purchase health plans; 2. reducing junk lawsuits against doctors; 3. allowing the purchase of insurance across state lines; 4. expanding health savings accounts; 5. promoting wellness and prevention; and 6. taking steps to reduce waste, fraud and abuse.

We offered these six proposals in complete legislative text, totaling 182 pages for all six steps. The Democratic majority ridiculed the approach as "piecemeal," in part because our approach was not comprehensive.

Take another example. In July of 2009, all 40 Republican senators announced agreement on four steps to produce low-cost, clean energy and create jobs: 1. create the environment for 100 new nuclear power plants; 2. electrify half our cars and trucks; 3. explore offshore for natural gas and oil; and 4. double energy research and development for new forms of clean energy.

This step-by-step Republican clean energy plan was an alternative to the Kerry-Boxer national energy tax that would have imposed an economy wide cap-and-trade scheme, driving jobs overseas looking for cheap energy and collecting hundreds of billions of dollars each year for a slush fund with which Congress could play.

Here is still another example, a bipartisan one. In 2005 a bipartisan group of us in Congress asked the National Academies to identify the first 10 steps Congress should take to preserve America's competitive advantage in the world so we could keep growing jobs. The Academies appointed a distinguished panel that recommended twenty such steps. Congress enacted two-thirds of them. The America COMPETES Act of 2007, as we call it, was important legislation, but it was fashioned step-by-step.

This style of governing squares with my experience as governor of Tennessee during the 1980s. My goal was to raise family incomes for what was then the third-poorest state. As I went along, I found that the best way to move toward this goal was step-by-step—some steps larger, step steps smaller—such as changing banking laws, defending the right-to-work, keeping debt and taxes low, recruiting Japanese industry and then recruiting the auto industry, but also building four lane highways so that suppliers could deliver parts to the auto plants just-in-time, and then a 10-step Better Schools program—step one of which made Tennessee the first state to pay teachers more for teaching well. I did not try to turn our whole state upside down at once, but working with leaders of both political parties, I did help it change and grow step by step. Within a few years, Tennessee was the fastest growing state in family incomes.

What do this approach and these examples have to suggest to Republicans as we look toward a new session of Congress? As a result of the 2010 elections, we have enough clout to stop risky, comprehensive schemes featuring more taxes, debt and Washington takeovers replete with hidden and unexpected surprises. And we have enough clout to suggest alternative approaches for the most urgent problems of the day. In fact we have an obligation to do so if we want to be able to persuade independent voters as well as Republicans that we ought to be the governing party in American after 2012.

It is no mystery what our country's focus should be: jobs, debt and terror. Jobs and debt dominated the 2010 election.

Applying the step-by-step, rather than comprehensive, approach our first goal therefore should be to make it easier and cheaper to create private sector jobs. A quick list of steps comes to mind: don't raise taxes on anybody in the middle of an economic downturn; repeal one-by-one the mandates on job creators in the health care law; reduce the corporate tax rate; reduce or eliminate the tax on capital gains; defend the secret ballot in union elections; defend states' ability to protect the right to work; create the environment for 100 new nuclear power plants; double research and development for clean energy; build a first class transportation system; repeal the so-called consumer protection agency in the financial regulation law; and enact Korea, Colombia, and Panama free trade laws.

I would add repeal the health care law entirely, although this might seem to be a comprehensive act violating the Wilson-Kristol-Schambra step-by-step doctrine. Such a comprehensive undoing carries the risk of scaring independents, but as a practical matter there is no good way to deal with that historic mistake other than by repealing and replacing it with a step-by-step approach reducing health care costs. In addition, most of its provisions do not take effect until 2014.

The same step-by-step approach can be applied to the second goal: making annual spending come as close to revenues as soon as possible. Trying to eliminate the annual deficit in the first year would turn the nation upside down. It is at points like this that the photographs of Pelosi and Waxman in the cloakroom become useful.

But for a nation that is borrowing 42 cents of every dollar to wait one day longer to begin to address its debt is suicidal. There are steps that can and should be taken immediately, while larger steps are being fashioned:

For example, step one could be no new entitlement automatic spending programs. In other words, don't dig the hole any deeper as would the President's budget proposal to shift a half trillion dollars in Pell grants over ten years to mandatory spending.

No more unfunded federal mandates on state and local governments. The Democratic governor of Tennessee, which has a \$1.5 billion revenue shortfall this year, estimates that the new health care law will impose \$1.1 billion in unfunded Medicaid mandates on our state between 2014 and 2019.

Caps on discretionary spending. While this is only one-third of the budget, even non-defense discretionary spending increased by an average of 6.2% each year under President Bush and by an average of 15% over the last two years under President Obama. These dollars add up.

Take the half trillion in Medicare savings that the new health care law spent on new

entitlement programs and use it to make Medicare solvent.

Adopt a two-year budget—this would allow Congress to spend every other year on oversight, repealing and revising laws and regulations that are out of date or wasteful.

Give the rest of the government's General Motors stock to every American who paid federal income taxes last April.

I also support a 2-year earmark ban—Earmarks have become a symbol of wasteful Washington spending; there are too many of them and too many for less-than-worthy purposes. This process needs to be cleaned up, but this is more about good government than saving money since even unworthy projects are paid for by reducing spending in other places; and long-term it turns the checkbook over to the president at a time when most Americans voted for a check on the presidency.

Fifteen years ago Republicans captured control of Congress during one of those recurring outbursts when American voters announced that they wanted less of Washington, and more freedom for themselves. That advice was not well heeded, and now we find ourselves the political beneficiaries of another such outburst and an opportunity to lay the groundwork to be a governing party within two years.

My hope is that this time, Republicans heed the advice of Wilson, Schambra, and Kristol, that rather than attempt comprehensive conservative schemes, we keep our eye on the goals that matter most—making it easier and cheaper to create private sector jobs; reduce spending closer to revenues; and dealing in a tough, strategic way with terrorism. And that we proceed step-by-step toward those goals in a way that re-earns the trust of the American people.

We should give Hebert Croly credit for reminding us in 1909 in the first chapter of his *Promise of American Life* that this is still the one country in the world where most people believe that anything is possible and that anyone can succeed if he or she works hard. This is a country where your grandfather can tell you, as mine did, "Aim for the top; there's more room there," and really believe it.

Hopefully, Republicans who were elected in 2010 will follow their instinct not just to oppose the excesses of Croly's progressivism but to offer a new promise of American life. That they will continue to remind Americans that this debate is not some dry, dusty analysis but a contest of competing governing philosophies about how to realize the dream of an upstart, still new nation in which most people still believe that anything is possible. Our argument is that our country's exceptionalism is best realized by the largest number of Americans when we expect less of Washington, and more of ourselves.

Mr. ALEXANDER. Mr. President, the premise of my remarks was that we don't do comprehensive very well in the U.S. Congress. That was challenged by some of the conservatives on the panel today. That was my point. My suggestion was that those who were elected in the 2010 election not make the same mistakes as those elected before made, which, in my opinion, was not just to head in the wrong direction but to try to do it all at once. It is one thing to think comprehensively; it is another thing to act comprehensively. There have been multiple attempts to

repeal the health care law from the day it passed. Our efforts at comprehensive immigration and comprehensive climate change fell of their own weight.

I am tempted, as I am sure most people are, to make comprehensive changes. We talked about some examples with the panel. Take education. I suppose I have had about every position on education reform possible. I have been for abolishing the Department of Education. I have been the U.S. Department of Education Secretary. I have been both.

I remember as a Governor in 1981, I went to see President Reagan and asked him to swap all of elementary and secondary education for Medicaid. In other words, the Federal Government would take all of Medicaid and the States would have all of elementary and secondary education.

The Presiding Officer is from the State of Minnesota, where there is a high value placed on education. My own view is that the high value placed on education by the communities of Minnesota does much more to assure quality education than anything we could do here. I thought if we got rid of the idea that Washington could make our schools better, those in the communities of Tennessee would feel more responsibility.

President Reagan liked that, but it didn't get anywhere. Most big comprehensive schemes don't. Our country is too big and complicated and too diverse. Our constitutional system separates power into too many places. And on top of that, we just are not smart enough to figure out a solution for all the many different things that are happening in this country.

My advice in this address is that those who were elected in 2010 head in a different direction. We talked a lot about less government, less taxes. We talked about fewer Washington takeovers. We don't like all the czars and czarinas. There are more of them than the Romanovs ever imagined. But as we head in a different direction, I suggest that we go step by step to attempt to re-earn the trust of the American people.

There used to be signs that said: Think globally, act locally. I think we might think comprehensively but act step by step. Because if we don't, there are two dangers. One is that we won't succeed. It will be a lot easier, for example, to fix No Child Left Behind, the education law, than it will be to comprehensively reauthorize it. It is a 1,000-page law filled with provisions backed by those with vested interests—Members of Congress, teachers unions, principals, people all over the country. Comprehensively reauthorizing it will be hard to do. But if we want to fix it, we can probably pick four or five or six things we need to fix and maybe, in a bipartisan way, go step by step to do that.

If we want clean energy, comprehensive, economy-wide cap and trade proved too much to swallow here. But we could create an environment for 100 new nuclear plants. We should be able to encourage electric cars. We should be able to double energy research and development. Those are steps in the right direction.

We took steps in the right direction with the America Competes Act. We did that in a bipartisan way.

Our overwhelming priorities today are jobs, debt, and terror. We are not likely to solve any of those problems all at once. We might think comprehensively about how to do it, but we need to act step by step.

For example, our goal would be to make it easier and cheaper to create private sector jobs. That should be the first goal. Especially on this side of the aisle, we believe that raising taxes on anybody—anybody—in the middle of an economic downturn makes no sense, because it makes it harder to create private sector jobs. But that is only one step.

If I were to make my list, I would add to that list: reducing the corporate income tax so our corporations can be competitive in the world, and I would say defend the right to work and the secret ballot in union elections. I would also say build a first-class transportation system. I would also say increase funding for research and development at major universities because it is that brainpower that creates jobs for us. So there are many different steps we would take to create a pro-growth economy. Take the issue of debt. We have a debt commission report today which has attracted all of our attention. We have a horrendous problem with Federal debt. Mr. President, 42 cents out of every dollar we are spending is borrowed. If we try to fix it all at once, the country would collapse. But if we wait another day to begin to fix it, we should be ashamed. We can take steps. We can say caps on discretionary spending. That is a third of the budget. We can say no new entitlement automatic spending programs. Let's not dig the hole any deeper. We could say, let's have a 2-year budget so every other year we can devote the year to reviewing the regulations we have and laws we have and the rules we have, so we can get rid of some of them. We may need some new laws, but let's get rid of some of the old ones.

I stood right here on the floor of the Senate a couple years ago and voted against the Higher Education Act. Now, here I am a former university president and Education Secretary and so-called education Governor, and education is my passion—I say to the Presiding Officer, if another Senator comes to the floor, I will be glad to yield the floor—but I voted against the Higher Education Act. Why did I do that? During the debate, I got permis-

sion to bring to the floor all of the regulations that now exist under the current Higher Education Act.

You have to ask for unanimous consent to bring demonstrative evidence on the floor. I had to do that once with Minnie Pearl's hat. I had it here in the drawer, but I could not bring it out unless I asked unanimous consent, which I got. And I got it to bring all these regulations.

And what I said was that I am voting against this act because reauthorization of the act would double the stack of regulations.

So all of these things have to do with debt, limited government, and spreading prosperity and spreading freedom. So my argument is basically that those of us who are in the Republican Party, those of us who this year won more of the elections—we know what it is like to be on the other side. Two years ago, we hardly won anything. Two years before that, we got elected one Republican Senator. But those of us who are on the winning side this time I think would do well to head in a different direction. Yes, make it easier and cheaper to create private sector jobs, get to work on the debt, be strategic and tough about terror, be resolute about the direction we are going, but do it step by step. We are more likely to be able to persuade people to do it. When we are through, we may be more likely to persuade them to live under those rules and regulations.

When you do it comprehensively, when you bite off more than you can chew, when you offer a 2,000-page solution to anything—whether it is a comprehensive liberal solution or progressive solution or whether it is a comprehensive conservative solution—you are likely to frighten—well, you are likely to make angry the people on the other side and scare the independent voters half to death. As a result, you will not succeed.

We as Republicans have a chance in the next 2 years to prove to the Nation we deserve to be the governing party. We are not today. There is a Democratic President and there is a Democratic Senate and there is a Republican House. So if we want to make progress, we have to work together when we can form a consensus.

But if we want the privilege of being more than an ideological debating society and being actually a governing party, we have to re-earn the trust of the American people. We have to say: What are Republicans for? I am suggesting that when we say what we are for, we pick our goals—make it easier and cheaper to create private sector jobs, reduce spending closer to revenues, be tough and strategic on terror—and then we go step by step in that direction, and we take people with us and we gain their support.

I have mentioned on this floor before the example of the civil rights laws.

Slavery was the greatest injustice in our country's history. It plagued us from the day of our country's founding. Our Founders punted on the subject, and then we tore ourselves apart in a war, and then we waited a century to do much about it. By any intellectual standard, by any moral standard, we should have fixed that all at once. But Lyndon Johnson, who was the majority leader at the time, knew better than to try to do that. In fact, he knew he could not do that. So starting in 1958 and then in 1964 and then in 1968 and then in 1975 were the major civil rights laws in the country. We went step by step to realize the promise of American life: that all men and women are created equal.

Now, it is easy to sit somewhere and say: Well, that went too slow, and a comprehensive approach toward civil rights would have been the right thing to do. It would have been the right thing to do, but it never would have happened.

There is one other problem with it: it would not have been accepted by the country. The civil rights laws of 1964 and 1968, during a time of Democratic majorities and a Democratic President, were written—where?—in the office of the Republican leader of the U.S. Senate, Everett Dirksen.

Now, why did President Johnson do that? Well, you can say he did not need the votes. He had huge majorities in the House and in the Senate. Well, it was a little more complicated than that because he had southern Democrats, and they were against it. So first he needed the votes to pass the bill. But the thing President Johnson understood so well was that he not only needed to pass the bill, he needed the country to accept it. And as controversial as the Civil Rights Act of 1968 was—the one written down the hall in the Republican leader's office by a Democratic President and a Democratic Congress—as controversial as it was, when it was over, Senator Russell of Georgia, for whom a building here is named, went to Georgia and said: I fought this for 30 years, but it is the law of the land, and we obey it. Lyndon Johnson knew that going step by step in the right direction was the right way to get where our country had to go.

So we have some big challenges ahead of us, and some of them we will be able to do in a bipartisan way. I hope we can do that with No Child Left Behind. Let's fix it with four or five or six steps. Arne Duncan has some good ideas. They are very consistent with the ideas of a number of Democrats and a number of Republicans. That would be a start. The America Competes Act we should authorize at some point. That would be another step we could take. I think we have some steps on clean energy.

There are some areas where we will disagree. We are going to have some

Republican ideas about making it easier and cheaper to create private sector jobs that our friends on the other side will honestly disagree with. We are having one of those disagreements this weekend because we believe it makes no sense to raise taxes on anybody in the middle of an economic downturn if your goal is to make it easier and cheaper to create private sector jobs, and they have a little different view. So we will have votes on that.

So we will have our differences of opinion. But if we want to be successful, we as a country—and if we as a party, the Republican Party, want to be successful in earning the trust of the American people to prove we are eligible, qualified, worthy of being a governing party after 2012, then we better set our clear goal: make it easier and cheaper to create private sector jobs and go step by step toward that goal, explaining carefully what we are doing, attracting independent voters, keeping independent voters, so that when we pass a law, the country accepts it, and then we move on ahead.

So that is what our discussion was about today, and it is an important discussion. It is not just some dusty, dry thing. Herbert Croly's book in 1909, "The Promise of American Life," is the manifesto for the progressive movement that has ascended in this country right now. And our idea of less from Washington and more of ourselves is an intellectual context for the antidote to that. It is for the resurgent movement in America that began with President Jefferson's yeoman farmer, with his distrust in the Federal Government and his skepticism of great big policy schemes imposed from Washington. That is the grand debate of the last century, and it is the one we are in the midst of today.

So I thank the Senate for giving me an opportunity to present my thoughts. I thank my colleagues who attended the Hudson Institute discussion today. And I especially urge my Republican colleagues to remember that if we want to re-earn the trust of the American people, we need to set the right goals and move in that direction, step by step. We will have to be a little patient to get there, but that is a good way to get where we want to go.

I see the distinguished Senator from the University of Arkansas on the floor.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. McCASKILL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ARLINGTON NATIONAL CEMETERY

Mrs. McCASKILL. Mr. President, back in July of this year, the subcommittee I chair on contracting oversight held a hearing about heart-breaking incompetence at Arlington National Cemetery.

Because of a series of management errors, bungling, neglect, the contracts that were supposed to be executed to make sure we were keeping track of America's heroes in our most sacred place in this country—we discovered that, in fact, the officials at Arlington National Cemetery were not sure who was buried where.

The reaction I have had to that hearing has been so reassuring because as I travel around Missouri, person after person comes up to me, so many veterans, saying: Thank you for getting on top of this disaster at Arlington National Cemetery.

Since that hearing, when it was very clear there was no direct line of authority in terms of managing Arlington National Cemetery—that they had no problem issuing multiple contracts for millions of dollars and getting absolutely nothing for it, an acknowledgment that they did not have a system that was adequately keeping track of the location of burial for potentially thousands of America's finest—we have continued to stay on top of this and have realized that more and more problems continue to arise.

This morning, it was reported nationally that they now found a grave site that has eight different urns buried—eight different urns—cremated remains buried in one location with a tombstone that said "Unknown." And, of course, they have been able to identify some of those remains—gratefully, they have—and they are contacting those families.

But as a result of the hearing, I filed legislation, along with Senator BROWN, who is with me on that committee as the ranking member of that committee. Together, we filed a bill, with a number of cosponsors, setting up some basic oversight of Arlington going forward—basic but very important—making sure we have review of contract management, making sure we have compliance with an Army directive, making sure we have a report on the grave site discrepancies that have arisen, so we can be assured that every family in America who looks upon Arlington as the last resting place for their family member can be assured that when they go to visit their loved one, they are indeed visiting their loved one. So we filed this bill, S. 3860. After we found out about these additional problems that have arisen, I now feel a sense of urgency about this.

I know my colleagues on the other side have said we are not doing any other legislation except making sure we get a tax cut for millionaires. I am hoping they will make an exception to

the rule because if we do not provide adequate oversight right now, when will we? Is there a subject more important than our oversight and making sure those we should honor the most are, in fact, being treated with the kind of dignity and respect they deserve rather than just being thrown in a gravesite that says "Unknown"?

So I am going to make a motion tomorrow—we will be in session tomorrow—for unanimous consent to pass this legislation. I know I am being impatient. We are supposed to let these things sit on the calendar for months and months, and we are to hope that nobody puts a secret hold on it, and we are to get frustrated not knowing who has a hold on it or why. We have 38 members of the judiciary who have been sitting on the calendar who came out of committee unanimously. But, no, we can't take those up. We can't do anything until we do unpaid tax cuts for millionaires.

I am hoping my Republican colleagues will give the millionaires a rest tomorrow. I am hoping they will get off the case of helping the millionaires and the billionaires so we can unanimously pass this bill. That is the best we can do right now to make sure our loved ones—because they are all of our loved ones. We love the men and women who are buried at Arlington National Cemetery, from John F. Kennedy to the soldiers none of us has ever met. We love these Americans, and we need to do everything we can to make sure there is proper oversight of what is going on at Arlington National Cemetery.

So, tomorrow, I am hoping we get an exception to the edict that we got from our friends on the Republican side of the aisle. I am hoping they will allow this bill to go through by unanimous consent because, I will tell my colleagues, I am not comfortable going home for my Christmas holidays with my family until I am sure we have done everything we can for the families who lost loved ones who reached a final resting place on this Earth at Arlington National Cemetery.

Thank you, Mr. President. I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The Senator from Illinois.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

REMEMBERING RON SANTO

Mr. DURBIN. Mr. President, last night, Chicago and America lost a hero. Ron Santo was a Chicago Cubs legend and an inspiration to anyone who has ever faced a tough, uphill battle in life.

During his 15-year career with the Cubs, Ron Santo batted .277 with 342 home runs and 1,331 RBIs. He was a nine-time All Star and a five-time National League Gold Glove winner. In each of four seasons, he batted .300, drove in 100 runs, and led the league in walks.

What the public didn't know for most of his career is that he lived every day with a life-threatening illness.

Ron Santo hid his diagnosis from the public for 10 years. He said he didn't want anybody to feel sorry for him. He didn't want to be held to a different standard. He wanted to be judged the same way every other ballplayer is judged—by the numbers. By that standard, Ron Santo earned his spot among the greats.

We can't know how much better he might have been if he hadn't suffered from diabetes, in an era that suppressed the long ball or maybe for a team that, God bless them, never once saw postseason action, but it doesn't matter. Simply put, Ron was the best third baseman in Cubs history and maybe in the game.

The last decade in Ron's life brought challenges that would have sidelined many others. In 2001, Ron lost the lower portions of both legs to diabetes. He earlier survived a bout of cancer and endured more than two dozen surgeries. In his later years he walked on prosthetic legs that slowed his gait but not his dedication to the Cubs or his work for the Juvenile Diabetes Research Foundation where he served on the board of directors.

On October 3, as he had for the last 32 years, he hosted the annual Ron Santo Walk to Cure Diabetes in Chicago to raise awareness and funding for research into a cure.

Baseball may one day see a third baseman with the playing skills of Ron Santo, but it is hard to imagine that we will ever again see a ballplayer with greater love or loyalty for a city, its team, and its fans.

His broadcast partner, Pat Hughes, was quoted this morning saying: "Ron Santo absolutely loved the Cubs. The Cubs have lost their biggest fan."

But Ron Santo's love affair with the Cubs started at an early age. Born in Seattle, he watched the Game of the Week on TV and remembers a game from Wrigley Field with Ernie Banks. He said there was something about that ballpark and the Cubs fans.

When it came time to sign up, this great prospective ballplayer was offered a lot of money by a lot of clubs, but he wanted to be a Chicago Cub. He could have made a lot more money at the end of his career as well by leaving Chicago. Instead, in 1974, Ron Santo became the first player to invoke his privilege under the league's "5-and-10 rule," declining a trade to the California Angels because he wanted to finish his career in Chicago. That kind of

dedication to a team and its fans is something you hardly ever see anymore. It is something I remember fondly from my youth, and I will bet the Presiding Officer does too.

Since 1990, Ron Santo lived out his love for the Cubs as commentator in the booth, providing color commentary on WGN Radio Cubs broadcasts. Sports Illustrated writer Rick Reilly described Ron's commentary this way. He said Ron Santo "loves them Cubs like the Pooh Bear loves honey. He does not call a game, he lives it. He cheers so much that it sounds like his play-by-play partner Pat Hughes is broadcasting from Murphy's Bar."

In the words of broadcaster Pat Hughes, he "never had a better partner."

Ron Santo's boisterous 7th inning stretch renditions of "Take Me Out to the Ball Game" at Wrigley Field, a tradition that he carried on after the passing of Cubs legend Harry Caray, could make anyone smile—maybe even a White Sox fan.

One other thing that I always thought was interesting. They used to joke about it. I was fortunate to be invited to go up to the broadcast booth at Wrigley Field. What a treat for a baseball fan to be up there with Ron Santo and Pat Hughes and to do an inning. I mean, if there is any psychic reward with this great job, it is that. I would study up on all the stats and all the ballplayers' names and what happened in the preceding week and think about who is coming and I would be all loaded up, and here is Ron Santo.

At this point it is instinctive. He is announcing a game and talking to people and getting ready for the next commercial and all of these things are going on, and they were kidding him constantly. There was one ongoing joke that I never knew the origin of, and it wasn't until they started writing these articles about his life that it finally came out. It seems that there was an incident that occurred on opening day in the year 2003. Ron Santo, for all his great qualities, didn't believe that an expensive toupee was necessarily worth the money. So he wore a toupee that clearly was a bargain. His toupee caught fire in the Shea Stadium press box in New York on opening day 2003 after he got too close to an overhead space heater. They kidded him about that for the next 6 years. What a good-natured man he was, to take that kidding and to just go on and say: Let's get back to the game—typical of a great fellow with a great sense of humor who doesn't take himself too seriously.

Ron Santo was considered for entry into Major League Baseball's Hall of Fame an astonishing 19 times. The last time was 2008. Sadly—wrongly, in my view—he never made it to Coopers-town. But he took that disappointment the same way he took so many other

bad breaks in life, with dignity and grace.

In September 2003, the Cubs retired Ron Santo's number, 10. It now hangs at Wrigley Field along with the numbers of former teammates Billy Williams and Ernie Banks. Ron Santo famously said that day: "This is my Hall of Fame—Wrigley Field."

But "This Old Cub" deserved more. Like his fellow Cubs whose retired numbers also hang proudly on Wrigley Field foul poles, Ron Santo should have been in the National Baseball Hall of Fame. That he never made it is the only regret he could have had about his career.

Ron Santo was a ballplayer who lived large, played through unimaginable pain, broadcast the game with all his heart, and left an indelible mark on Cubs fans everywhere. Whether he was staring down an opposing pitcher or staring down diabetes, he gave it his all every day. The Cubs, Chicago, and America will miss Ron Santo.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MENENDEZ. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. DURBIN). Without objection, it is so ordered.

TAX RELIEF

Mr. MENENDEZ. Mr. President, I rise this afternoon to speak about the debate we are having on the fundamental question of what type of tax relief will be considered by the Senate.

Not too often does a debate offer such clear differences in priorities between the two parties. We have before us a sensible package, put together by Chairman BAUCUS, which would ensure that any family in America who makes up to one-quarter of a million dollars in a year would get a permanent tax cut instead of one that expires a few years down the road, as the Bush tax cuts will do.

If Republicans would work with us, we could give businesses certainty, middle-class families tax relief, and create jobs at this very moment. Solving these issues has, at least from my perspective, broad bipartisan support. Everybody says they want to give business certainty, they want to give middle-class families tax relief, and they want to create jobs. So if we have that agreement, both sides should be able to come to support this proposition.

Both sides have agreed we should move forward extending tax cuts for middle-class families, do more to create jobs, and ensure that the alternative minimum tax doesn't ensnare more than 30 million Americans this

year. Unfortunately, the question isn't, Who is going to cut your taxes? That is not the question. The question is, Whose taxes are going to be cut?

We could pass this bill today, give middle-class taxpayers certainty, take care of the AMT, the alternative minimum tax problem, which protects, right now, in terms of how we have responded to it to create relief from that—and we want to extend that relief not only to 30 million people in the country but 1.6 million New Jerseyans whom we have saved from being bit by that AMT. Failure to act would mean they would pay an additional tax bill of up to \$5,600.

These are middle-class families who were never intended to pay a tax that was meant originally for those in our country who paid nothing toward the common good. Hence, the Congress created an alternative minimum tax, so those using the deductions in the code who paid nothing to the common good, to the Nation's defense, and its well-being had to pay something. But since that was 20, 25, 30 years ago, it was never indexed. We have now seen that has been biting middle-class families. In the case of middle-class families in New Jersey subject to the AMT, they would be bit by another \$5,600.

We also need to extend the desperately needed unemployment benefits to the 2 million Americans who lost their jobs through no fault of their own. That is all in this package. We could pass a number of job creation measures, such as an extension of Build America Bonds which, true to its name, puts people to work rebuilding communities across America. My proposal is to give them the tools they need to put people to work on projects that deliver safer and cleaner water to families through private activity bonds—something that gets the private sector putting up money in a way that creates jobs. Unbelievably, my Republican colleagues have pledged to stop this bill, to do that by what we call a filibuster, to insist that instead of a simple majority of the 100 Senators, there have to be 60. All these benefits, permanent tax benefits for middle-class families making one-quarter of a million dollars or less, the opportunity to create jobs, the opportunity to take care of a couple million Americans who lost their jobs, the opportunity to bring the private sector back again, the opportunity to give the private sector certainty, none of that is good enough for them. They will not simply vote against it; they are seeking to block this bill, by using the filibuster, from even being considered by the Senate.

The difference in the priorities between our two parties is rather clear. Republicans would rather that taxes increase for all Americans than allow tax rates for millionaires and billionaires to revert to Clinton-era pros-

perity levels. So all of us have to face an increase in taxes in order to give an extra tax benefit to the wealthiest in our country.

It happens to be a fact that the wealthiest in the country still see a tax cut under this bill, and it will be bigger than a middle-class family's tax cut. We are simply asking not to extend additional tax cuts on top of the tax cuts they will already receive. So everybody in America gets a tax cut under our proposal. As a matter of fact, that tax cut, instead of expiring a few years down the road, stays permanent. But, no, they want to give an additional tax cut to those who are millionaires, multimillionaires, and billionaires. Simply put, Republicans believe it is more important to deliver massive tax breaks to CEOs than to the people who work for them. They argue that millionaires paying tax rates at the levels they paid in 2000 would decimate the economy. The problem is, that position is simply not supported by the facts or the experience of the last decade.

People who have worked hard and built personal wealth should be applauded for their success. I applaud people who, through their hard work, creativity, and ingenuity, have created wealth. They should be applauded and admired. I admire them. People who work hard and prosper, they love their country too. They are in the best position to be helpful to their country in this tough economic time. Many of them are willing to contribute if we ask. We know from experience that reverting to the tax rates that the wealthiest and most successful paid during the Clinton-era prosperity will certainly not break our economy. As a matter of fact, it was that era that balanced the budget for the first time in a generation, created record surpluses, low unemployment, low interest rates, and had the greatest peacetime economy in over a generation. It certainly didn't break our economy.

So I just don't understand why my colleagues on the Republican side of the aisle continue to oppose what is good for America, for our children, and for our future. We are on the eve of the holidays. Middle-class families are sitting around the kitchen table at night wondering how they are going to afford to buy the gifts for their children this year. Middle-class families are wondering how they are going to make the next mortgage payment, how they are going to pay tuition for their college-age children next semester. These are tough conversations around that kitchen table.

I can assure you those Republicans who are fighting for millionaires and billionaires are not worried this holiday season. Yet we are being asked to give them an additional tax windfall while middle-class families are struggling. Our Republican colleagues are playing Santa for the millionaires and Scrooge for the middle class.

Those who make over \$1 million, they want to give them a big fat check, averaging \$104,000, with a bow on it. For our children, they want to give them a big fat \$4 trillion bill to be paid back with interest for generations to come. I guess that is their version of happy holidays, America.

Does it make sense to anyone but our Republican colleagues who, once again, are telling us that rewarding the wealthiest helps us all, that that wealth somehow trickles down and creates jobs? I say: Show me the jobs. We cut taxes for that universe of taxpayers, the highest income taxpayers in the Nation, and they said it would create jobs. Well, show me. Where are they? In the year the Bush tax cuts were passed, unemployment was under 5 percent. After nearly a decade under Bush's tax policy, unemployment has doubled. It now stands at nearly 10 percent. Now they are saying we need to reward the rich again and it will create jobs. Well, in my view, the Bush Republican tax cuts for millionaires and billionaires has been the biggest failed jobs program in our Nation's history. But what it did do is add enormously to the debt.

I have listened to those who have come here talking about the consequences of debt. Yet they are rushing to add to that debt in dramatic ways, all for the wealthiest people in our country. So my question to my Republican colleagues who believe that only debt-financed tax cuts for millionaires can fix the economy is this: Where is the prosperity that President Bush promised to the middle class when these cuts were passed a decade ago?

In fact, let's look at that decade. The Bush decade will go down in history as one of the worst decades the middle class has ever faced. While the wealthiest saw their incomes swell and their taxes plummet, middle-class salaries remained stagnated. Families' costs, such as health care and college tuitions, skyrocketed, and jobs disappeared overseas. The stock market sputters along at the same levels it achieved under the Clinton-era tax rates. Middle-class wages have continued to lose ground to inflation and health care costs, and millions more now live in poverty than before these tax cuts were passed.

When the unregulated greed on Wall Street led to millions of Americans losing their jobs, Republicans said: You are on your own—literally. Literally, on this very floor—while leading a filibuster against an extension of unemployment benefits, and asked, How is it you can do that to these people who, through no fault of their own, face the unemployment line—one Republican retorted: Tough—and the rest of it you can fill in the blank—to pleas from families desperate for help.

If Republicans were truly in this debate to create jobs and protect the

middle class, then why did the Republican leader introduce a bill that is actually a tax increase on millions—a tax increase on millions—of middle-class American families? Yes, a tax increase. That is right. The Republican bill offered by their leader spends \$1 trillion more. Yet the vast majority of Americans would see their taxes increase if it were to become law. Why? Because President Obama's tax cut for 95 percent of Americans—for so many middle-class families—was not a large enough priority to make it into their package. Gutting the estate tax was but additional middle-class tax relief was not.

The nonpartisan Congressional Budget Office—the one entity both Democrats and Republicans depend upon for the scoring of our efforts, for thinking about what are the best job-producing initiatives and whatnot—has found the most effective way—this is them, through their studies—to create jobs. They say the “biggest bang for the buck” is extending jobless benefits, and ranking right behind in terms of effectiveness are payroll tax cuts and small business tax incentives.

The chairman's bill contains all of that—all that the Congressional Budget Office has said are the biggest creators of jobs.

The Republican leader's bill contains none—zero—of those initiatives. The Congressional Budget Office has determined the Republican package does not contain even one of the most effective ideas for job creation. So if Republicans are in this debate to create jobs, why don't they include the proposals that economists are telling us are the most effective in creating jobs?

We know Republicans have said no to everything. We know the Republican leadership's top priority is not middle-class families but defeating President Obama. But we cannot tolerate the harm their political strategy will do to middle-class families. They are even willing, for the sake of their political strategy—which is to have this President fail, which means not whether the President fails but whether the country fails—to hold hostage permanent middle-class tax relief, for multimillionaires and billionaires.

I urge my colleagues to remember those who are struggling this holiday season to keep their homes, to find a job, and to provide for their families. I urge my Republican colleagues during this kind, forgiving time of year to open their hearts and change their political playbook. Their political playbook maybe has brought them some success, but it puts middle-class families at enormous risk. There is no reason the Senate cannot have a bipartisan vote or a simple majority vote on making reality permanent tax cuts of \$250,000 or less for our families and to give businesses the certainty they need by creating an extension for those who

are unemployed, which will create opportunities for the private sector and Build America Bonds to get us working again. That is all in this package. It will give relief from the alternative minimum tax.

That is the vote we are going to have—all of that. Saying no to that in order to help the wealthiest people in the country—those we applaud for their hard work and ingenuity, but those who are willing, I believe, to help their country and have the best where-withal to do so—is just simply a political game book that should be ultimately abandoned. If not, in this vote, Republicans will have abandoned the middle class of this country at a time in which they need our support the greatest.

With that, Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. MENENDEZ). Without objection, it is so ordered.

REMEMBERING VELMA BISHOP

Mr. REID. Mr. President, I rise today to recognize and offer my condolences for the passing of a great Nevadan, Velma Bishop. A naturalized U.S. citizen from Canada, Velma labored diligently in many charitable and civic opportunities and programs. She was a wonderful mother and a wife of 45 years to her beloved late husband, Gail Alexander Bishop. Not only will her local, religious, and political communities miss her impact, but so will the great multitudes of people she has been able to touch through a life devoted to service. It is my great honor to recognize her life's work before the U.S. Senate today.

The State of Nevada will miss Velma's can-do spirit. She sacrificed much of her personal time volunteering with special-needs children and orphans. Many people with no biological relation nonetheless knew her as “mom.” Her arms were open for anyone; her kind spirit will always be remembered. She was also a very involved member of her local congregation in the Church of Jesus Christ of Latter-day Saints.

Velma worked diligently to raise money for nonprofit concerns and even found time to manage various campaigns for the Democratic Party of Nevada. She never shied away from voicing northern Nevada's needs. Until recently, she continued playing an active role in the Gail Bishop Chapter of the Nevada Alliance for Retired Americans, aptly named after her late husband. Her involvement in the public

service back home found her befriending many of the underrepresented or overworked. She battled courageously on their behalf. Among her many mourners is the former Rep. Jim Bilbray, D-Nevada.

I join with my friends back home in Nevada to honor the wonderful life of Velma Bishop. For 81 years she has immersed herself in enhancing the lives of others. I am grateful to recognize her achievements, and with a heavy heart, know that many people join Susan, Steve, and Kate in missing their "mom."

HONORING OUR ARMED FORCES

SERGEANT JASON T. SMITH

Mr. BENNETT. Mr. President, it is with a heavy heart that I rise today to honor the life and heroic service of SGT Jason T. Smith. Sergeant Smith, assigned to the 1st Explosive Ordnance Company, based in Iwakuni, Japan, died on November 19, 2010, from wounds he received while serving in support of Operation Enduring Freedom in Helmand Province, Afghanistan. He was 28 years old.

A native of Colorado Springs, CO, Sergeant Smith graduated from Doherty High School in 2000. Upon graduation, Sergeant Smith enlisted in the Marines and was quickly recognized as a skilled and composed soldier. He served three tours of duty: two in Iraq and one in Afghanistan all with decoration.

During his 10 years of service, Sergeant Smith distinguished himself through his courage, dedication to duty, and willingness to take on one of the most dangerous and skillful jobs in the Marines—defusing bombs. Fellow soldiers respected his intensity, and they relied heavily on his leadership. Sergeant Smith was also a gifted teacher, and Marines under his command cite his marksmanship instruction as a high-point in their career.

Sergeant Smith worked on the front lines of battle, serving in the most dangerous areas of Iraq and Afghanistan. He is remembered by those who knew him as a consummate professional with an unending commitment to excellence. His family remembers him as a dedicated son, brother, and as a loving husband to his wife. In his free time, Sergeant Smith enjoyed fishing and playing basketball.

Mark Twain once said, "The fear of death follows from the fear of life. A man who lives fully is prepared to die at any time." Sergeant Smith's service was in keeping with this sentiment—by selflessly putting country first, he lived life to the fullest. He lived with a sense of the highest honorable purpose.

He braved the chaos of combat zones throughout Iraq and Afghanistan. And though his fate on the battlefield was uncertain, he pushed forward, protecting America's citizens, her safety,

and the freedoms we hold dear. For his service and the lives he touched, Sergeant Smith will forever be remembered as one of our country's bravest.

To Sergeant Smith's entire family—I cannot imagine the sorrow you must be feeling. I hope that, in time, the pain of your loss will be eased by your pride in Jason's service and by your knowledge that his country will never forget him. We are humbled by his service and his sacrifice.

LIVABLE COMMUNITIES ACT

Mr. BENNETT. Mr. President, I rise today to salute a number of organizations from my home State of Utah that have demonstrated vision as they plan for the needs of our future. Utah is one of the fastest growing States in the country. Our rapid population growth is attributed to both the area's high birth rate and to in-migration. We have a strong economy and have continued to attract workers during the recent economic recession. Yet even as we grow, our transportation system has not buckled under the pressure of explosive development. Regional and community planners, as well as business and political leaders have been looking forward to plan and meet the transportation infrastructure needs of our growing population. Our transit system of buses, vans, light rail and commuter rail is unparalleled and I am proud of the role I played in bringing TRAX and FrontRunner, our light rail and commuter rail services to the Wasatch Front. Last Thursday, November 25, 2010, marked 10 years that TRAX has been serving our communities. This expanding network has brought new possibilities to our residents and creates an economic rebirth in each community it touches.

There are a number of lessons that other areas can learn from the success of Utah's transit expansion. Planning for the needs of a changing population should be the standard, rather than the exception in every community. Recently, Utah was again recognized for its innovative planning. Last month the U.S. Department of Housing and Urban Development, HUD, announced a \$5 million award to support the creation of more livable and sustainable communities along the Wasatch Front. This funding will support development of a regional housing plan through a new initiative intended to build economic competitiveness by connecting housing with good jobs, quality schools and transportation. This grant is part of a new Federal Partnership for Sustainable Communities, which brings EPA, HUD, USDA and DOT together to ensure that the agencies' policies, programs, and funding consider affordable housing, transportation, and environmental protection together. I support the efforts of this interagency collaboration designed to get better results for

American communities and to use taxpayer money more efficiently. I salute the Utah organizations whose vision brought this important grant to our State. The Utah consortium behind the grant is made up of the following partners—the Wasatch Front Regional Council, Mountainland Association of Governments, Envision Utah, the Utah Department of Transportation, UDOT, Utah Transit Authority, UTA, Salt Lake County, Salt Lake City, University of Utah's Metropolitan Research Center and Bureau of Economic and Business Research, the Utah Chapter of the American Planning Association and other public and private sector partners. These visionaries joined together to apply for this grant through a nationwide competitive process to implement the growth strategies and vision in the region.

Over the past decade, public, private, academic and community leaders in Utah developed quality growth strategies for the Salt Lake metropolitan region. In 2010, they developed and adopted a regional vision, the Wasatch Choice for 2040, which is a blueprint for our region's future. The sustainable communities grant Utah received will help make that blueprint a reality.

My friend and colleague, Senator DODD of Connecticut has introduced legislation that would create more of these grants, and go a step further by creating an Office of Sustainable Housing and Communities. This office would oversee efforts to help local communities plan for and create better and more affordable places to live, work, and raise families. The legislation would incentivize communities to make regional plans like Utah's Wasatch Choice for 2040 and would fund sustainable development projects. I believe that with effective policies to encourage sustainable development, our communities will cut traffic congestion; reduce greenhouse gas emissions and gasoline consumption; protect rural areas and green spaces; revitalize existing Main Streets and urban centers; and create more affordable housing.

While I strongly support many of the ideas in this legislation, I have not added myself as a cosponsor, because of some concerns that have been raised. First and foremost, during this time of out of control spending, I feel it would be irresponsible of me to support the legislation without a plan to pay for the new spending it would create. It is my hope that some sort of a livable communities component will be included in a much needed transportation authorization bill that Congress should consider next year. This discussion of the future of the highway trust fund should also address the important of local planning efforts. I would also like to see a greater voice for small businesses and affected industries that would no doubt be greatly affected by

the policies set in an effort to encourage sustainability. There are many important interests that need to be considered and included in the discussion.

The partnership between the Utah Transit Authority and our local, regional and State transportation planning organizations is a great example for many States. I feel confident that Utah will use the livable communities grant we are going to receive to continue to lead the nation in transportation and infrastructure planning. I urge my colleagues to give full consideration and take the time to learn and debate the ideas proposed in my friend Senator DODD's legislation, S. 1619, the Livable Communities Act.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mrs. Neiman, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 10:22 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 325. Concurrent resolution supporting the goals and ideals of National Homeless Persons' Memorial Day.

The message also announced that the House has passed the following bill, without amendment:

S. 2847. An act to regulate the volume of audio on commercials.

ENROLLED BILL SIGNED

The President pro tempore (Mr. INOUE) reported that he had signed the following enrolled bill, which was previously signed by the Speaker of the House:

H.R. 4783. This Act may be cited as "The Claims Resettlement Act of 2010".

MEASURES REFERRED

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 325. Concurrent resolution supporting the goals and ideals of National Homeless Persons' Memorial Day; to the Committee on Health, Education, Labor, and Pensions.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

S. 4006. A bill to provide for the use of unobligated discretionary stimulus dollars to address AIDS Drug Assistance Program waiting lists and other cost containment measures impacting State ADAP programs.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on today, December 3, 2010, she had presented to the President of the United States the following enrolled bills:

S. 1338. An act to require the accreditation of English language training programs, and for other purposes.

S. 1421. An act to amend section 42 of title 18, United States Code, to prohibit the importation and shipment of certain species of carp.

S. 3250. An act to provide for the training of Federal building personnel, and for other purposes.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HARKIN, from the Committee on Health, Education, Labor, and Pensions, without amendment:

S. 3984. A bill to amend and extend the Museum and Library Services Act, and for other purposes.

EXECUTIVE REPORT OF COMMITTEE

The following executive report of a nomination was submitted:

By Mr. LEVIN for the Committee on Armed Services.

Air Force nomination of Gen. Claude R. Kehler, to be General.

(Nomination was reported with recommendation that it be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. BURR (for himself and Mr. COBURN):

S. 4006. A bill to provide for the use of unobligated discretionary stimulus dollars to address AIDS Drug Assistance Program waiting lists and other cost containment measures impacting State ADAP programs; read the first time.

By Mr. AKAKA:

S. 4007. A bill to amend the Humane Methods of Livestock Slaughter Act of 1958 to ensure the humane slaughter of nonambulatory livestock, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. CASEY (for himself and Mr. BROWN of Massachusetts):

S. 4008. A bill to enhance United States diplomatic efforts with respect to Iran by imposing additional economic sanctions against Iran, and for other purposes; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BROWNBAC (for himself, Mr. WHITEHOUSE, Ms. MURKOWSKI, Mr. LEAHY, Mr. KYL, Mr. CASEY, Mr. JOHANNES, Mr. WYDEN, and Mr. LIEBERMAN):

S. Res. 694. A resolution condemning the Government of Iran for its state-sponsored persecution of religious minorities in Iran and its continued violation of the International Covenant on Human Rights; to the Committee on Foreign Relations.

ADDITIONAL COSPONSORS

S. 3390

At the request of Mr. FRANKEN, the name of the Senator from Colorado (Mr. BENNET) was added as a cosponsor of S. 3390, a bill to end the discrimination based on actual or perceived sexual orientation or gender identity in public schools, and for other purposes.

S. 3946

At the request of Mr. BAUCUS, the name of the Senator from Delaware (Mr. COONS) was added as a cosponsor of S. 3946, a bill to repeal the expansion of information reporting requirements for payments of \$600 or more to corporations, and for other purposes.

S. 3973

At the request of Mr. VOINOVICH, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 3973, a bill to amend the Energy Policy Act of 2005 to reauthorize and modify provisions relating to the diesel emissions reduction program.

S. 3990

At the request of Mr. BROWN of Massachusetts, the name of the Senator from Missouri (Mr. BOND) was added as a cosponsor of S. 3990, a bill to extend emergency unemployment benefits without adding to the Federal budget deficit, and for other purposes.

AMENDMENT NO. 4727

At the request of Mr. BAUCUS, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of amendment No. 4727 proposed to H.R. 4853, a bill to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend authorizations for the airport improvement program, and for other purposes.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 694—CON-
DEMNING THE GOVERNMENT OF
IRAN FOR ITS STATE-SPON-
SORED PERSECUTION OF RELI-
GIOUS MINORITIES IN IRAN AND
ITS CONTINUED VIOLATION OF
THE INTERNATIONAL COVENANT
ON HUMAN RIGHTS

Mr. BROWBACK (for himself, Mr. WHITEHOUSE, Ms. MURKOWSKI, Mr. LEAHY, Mr. KYL, Mr. CASEY, Mr. JOHANNIS, Mr. WYDEN, and Mr. LIEBERMAN) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 694

Whereas Iran is a multicultural society comprised of Shia and Sunni Muslims, as well as Baha'is, Christians, Jews, Zoroastrians, Persians, Azeris, Gilakis and Mazandarani, Kurds, Arabs, Lurs, Turkmen, Armenians, Balochis, Bakhtyaris, and others, and many of these communities have co-existed for thousands of years;

Whereas the Baha'i community is the largest non-Muslim religious minority in Iran, whose teachings emphasize multiculturalism, equality of men and women, interdependence, and humankind living in peace;

Whereas vast numbers of Iranians recognize the many contributions Baha'is have made to their society despite facing government-sponsored persecution;

Whereas, in 1982, 1984, 1988, 1990, 1992, 1996, 2000, 2006, 2008, and 2009, Congress declared that it deplored the religious persecution by the Government of Iran of the Baha'i community and would hold the Government of Iran responsible for upholding the rights of all Iranian nationals, including members of the Baha'i faith;

Whereas, according to the February 2010 United Nations Human Rights Council Universal Periodic Review of Iran, "The Secretary-General noted reports about Baha'is subjected to arbitrary detention, false imprisonment, confiscation and destruction of property, citing a significant increase in violence targeting Baha'is, including torture or ill-treatment in custody.";

Whereas, in August 2010, the seven former leaders of the Iranian Baha'i community were sentenced to a 20-year prison term, later reduced to a 10-year sentence, following over two years of arbitrary detention without trial;

Whereas numerous independent observers and legal experts, including the United Nations High Commissioner for Human Rights, have raised serious questions about the lack of due process or fairness of their trial;

Whereas over 43 Baha'is continue to be imprisoned in Iran as of November 2010 solely because of their religious beliefs;

Whereas the Comprehensive Iran Sanctions, Accountability and Divestment Act of 2010 (Public Law 111-195) calls on the President to impose "sanctions on certain persons who are responsible for or complicit in human rights abuses committed against citizens of Iran or their family members";

Whereas, on March 15, 2010, Ms. Rozita Vaseghi was arrested and has since been held in solitary confinement at the detention center of the Ministry of Intelligence unit in Mashhad;

Whereas the seven leaders of the Baha'i community, Fariba Kamalabadi, Jamaloddin

Khanjani, Afif Naeimi, Behrouz Tavakkoli, Saeid Rezaie, Vahid Tizfahm, and Mahvash Sabet, were arrested between March and May 2008 and have remained in detention;

Whereas, on June 14, 2010, the trial of these seven leaders concluded after four hearings and on June 30 the court issued a 20-year prison sentence for each which was subsequently verbally changed to a 10-year sentence;

Whereas, on October 12, 2009, Christian pastor Youcef Nadarkhani was arrested in northern Iran and faces a death sentence for apostasy after he questioned the Muslim monopoly on religious instruction his children were receiving in school;

Whereas, in recent years, there has been a significant increase in the number of incidents of Iranian authorities raiding church services, detaining worshippers and church leaders, and harassing and threatening church members;

Whereas official policies promoting anti-Semitism have risen sharply in Iran, particularly since President Ahmadinejad came to power in 2005;

Whereas, on July 23, 2009, riot police and security forces injured and arrested 20 Sufi practitioners in Gonabad who then received sentences of flogging or imprisonment in May 2010;

Whereas, in January 2009, Jamshid Lak, a Sufi of the Gonabadi Dervish order, was flogged 74 times after being charged in 2006 the slander after reportedly publicly complaining of ill treatment by the Ministry of Intelligence;

Whereas, in July 2008, plain clothes security officers raided the home of Isfahan Iranian Christians Abbas Amiri and Sakineh Rahnama during a meeting, and both Amiri and Rahnama died of injuries suffered during the raid;

Whereas these individuals were targeted solely on the basis of their religion; and

Whereas the Government of Iran is party to the International Covenants on Human Rights: Now, therefore, be it
Resolved, That the Senate—

(1) condemns the Government of Iran for its state-sponsored persecution of religious minorities in Iran and its continued violation of the International Covenants on Human Rights;

(2) calls on the Government of Iran to immediately release the seven leaders of the Baha'i community and all other prisoners held solely on account of their religion, including Mrs. Fariba Kamalabadi, Mr. Jamaloddin Khanjani, Mr. Afif Naeimi, Mr. Saeid Rezaie, Mr. Behrouz Tavakkoli, Mrs. Mahvash Sabet, Mr. Vahid Tizfahm, Ms. Raha Sabet, Mr. Sasan Taqva, Ms. Haleh Roohi, and Ms. Rozita Vaseghi;

(3) calls on the President and Secretary of State, in cooperation with the international community, to continue to condemn the Government of Iran's ongoing violation of human rights and demand the immediate release of prisoners held solely on account of their religion, including Mrs. Fariba Kamalabadi, Mr. Jamaloddin Khanjani, Mr. Afif Naeimi, Mr. Saeid Rezaie, Mr. Behrouz Tavakkoli, Mrs. Mahvash Sabet, Mr. Vahid Tizfahm, Ms. Raha Sabet, Mr. Sasan Taqva, Ms. Haleh Roohi, and Ms. Rozita Vaseghi;

(4) urges the President and Secretary of State to consider implementing further sanctions against officials directly responsible for egregious human rights violations, including against the Baha'is;

(5) calls on the United States Government to continue to support an annual United Nations General Assembly resolution con-

demning severe violations of human rights, including freedom of religion or belief, in Iran;

(6) calls on the United States Government to press for a resolution condemning severe violations of human rights in Iran, including freedom of religion or belief, at the United Nations General Assembly and at the United Nations Human Rights Council; and

(7) call on the United Nations Human Rights Council to restore the position of United Nations Special Rapporteur on the situation of human rights in Iran with the task of investigating and reporting on human rights abuses in Iran.

AMENDMENTS SUBMITTED AND
PROPOSED

SA 4732. Mr. DURBIN (for Mr. LEAHY) proposed an amendment to the bill H.R. 5281, to amend title 28, United States Code, to clarify and improve certain provisions relating to the removal of litigation against Federal officers or agencies to Federal courts, and for other purposes.

SA 4733. Mr. DURBIN (for Mr. WEBB) proposed an amendment to the bill S. 1774, for the relief of Hotaru Nakama Ferschke.

TEXT OF AMENDMENTS

SA 4732. Mr. DURBIN (for Mr. LEAHY) proposed an amendment to the bill H.R. 5281, to amend title 28, United States Code, to clarify and improve certain provisions relating to the removal of litigation against Federal officers or agencies to Federal courts, and for other purposes; as follows:

On page 2, strike lines 8 through 18 and insert the following:

United States Code, is amended—

(1) in subsection (a), in the matter preceding paragraph (1)—

(A) by inserting "that is" after "or criminal prosecution";

(B) by inserting "and that is" after "in a State court"; and

(C) by inserting "or directed to" after "against"; and

(2) by adding at the end the following:

"(c) As used in subsection (a), the terms 'civil action' and 'criminal prosecution' include any proceeding (whether or not ancillary to another proceeding) to the extent that in such proceeding a judicial order, including a subpoena for testimony or documents, is sought or issued. If removal is sought for a proceeding described in the previous sentence, and there is no other basis for removal, only that proceeding may be removed to the district court."

On page 3, strike lines 4 through 19 and insert the following:

"(g) Where the civil action or criminal prosecution that is removable under section 1442(a) is a proceeding in which a judicial order for testimony or documents is sought or issued or sought to be enforced, the 30-day requirement of subsections (b) and (c) is satisfied if the person or entity desiring to remove the proceeding files the notice of removal not later than 30 days after receiving, through service, notice of any such proceeding."

On page 3, strike line 23 and all that follows through page 4, line 6, and insert the following:

SEC. 3. PAYGO COMPLIANCE.

The budgetary effects of this Act, for the purpose of complying with the Statutory

Pay-As-You-Go-Act of 2010, shall be determined by reference to the latest statement titled "Budgetary Effects of PAYGO Legislation" for this Act, submitted for printing in the Congressional Record by the Chairman of the Senate Budget Committee, provided that such statement has been submitted prior to the vote on passage.

SA 4733. Mr. DURBIN (for Mr. WEBB) proposed an amendment to the bill S. 1774, for the relief of Hotaru Nakama Ferschke; as follows:

At the end, add the following:

(e) PAYGO.—The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go-Act of 2010, shall be determined by reference to the latest statement titled "Budgetary Effects of PAYGO Legislation" for this Act, submitted for printing in the Congressional Record by the Chairman of the Senate Budget Committee, provided that such statement has been submitted prior to the vote on passage.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Friday, December 3, 2010, at 9 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. BAUCUS. Mr. President, I ask unanimous consent that the following staff be allowed floor privileges during the consideration of the tax bill: Mary Baker, Danielle Dellerson, Andrew Fishburn, William Kellogg, Nicole Lemire, Deborah Ma, Nicole Marchman, John Merrick, Kane Ossorio, Manishi Rodrigo, and Greg Sullivan.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

NATIONAL AND COMMERCIAL SPACE PROGRAMS

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 371, H.R. 3237.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 3237) to enact certain laws relating to national and commercial space programs as title 51, United States Code, National and Commercial Space Programs.

There being no objection, the Senate proceeded to consider the bill.

Mr. DURBIN. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, with no intervening action or de-

bate, and any statements related to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 3237) was ordered to a third reading, was read the third time, and passed.

CAPTA REAUTHORIZATION ACT OF 2010

Mr. DURBIN. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of Calendar No. 670, S. 3817.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 3817) to amend the Child Abuse Prevention and Treatment Act, the Family Violence Prevention and Services Act, the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978, and the Abandoned Infants Assistance Act of 1988 to reauthorize the Acts, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Health, Education, Labor, and Pensions, with amendments, as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets and the parts of the bill intended to be inserted are shown in italics.)

S. 3817

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "CAPTA Reauthorization Act of 2010".

TITLE I—CHILD ABUSE PREVENTION AND TREATMENT ACT

SEC. 101. FINDINGS.

Section 2 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5101 note) is amended—

(1) by striking paragraph (1) and inserting the following:

"(1) in [2007, approximately 794,000 American children were] *fiscal year 2008, approximately 772,000 children were found by States to be victims of child abuse and neglect;*"

(2) in paragraph (2)—

[(A) in subparagraph (A), by inserting ", and more than 34 percent of child fatalities in 2007 were attributed to neglect" after "maltreatment"; and]

(A) in subparagraph (A), by inserting "*and close to 1/5 of all child maltreatment-related fatalities in fiscal year 2008 were attributed to neglect alone*" after "maltreatment"; and

(B) in subparagraph (B)—

(i) by striking "60 percent" and inserting "[59]71 percent";

(ii) by striking "2001" and inserting ["2007"] "*fiscal year 2008*";

(iii) by striking "19 percent" and inserting "[11]16 percent";

(iv) by striking "10 percent" and inserting ["slightly less than 8 percent"] "*9 percent*"; and

(v) by striking "and 7 percent suffered emotional maltreatment" and inserting ", 14 percent suffered psychological maltreatment, and 13 percent were victims of multiple maltreatments] *7 percent suffered psychological maltreatment, 2 percent experienced*

medical neglect, and 9 percent were victims of other forms of maltreatment";

(3) in paragraph (3)—

(A) in subparagraph (A) by inserting "or neglect" after "abuse";

(B) in subparagraph (B), by striking "2001, an estimated 1,300" and inserting ["2007, an estimated 1,760"] "*fiscal year 2008, an estimated 1,740*"; and

(C) in subparagraph (C)—

(i) by inserting "in [2007] *fiscal year 2008*," after "(C)";

(ii) by striking "41 percent" and inserting "[42]45 percent";

(iii) by striking "85 percent" and inserting "[76]72 percent";

(iv) by striking "6 years" and inserting "4 years"; and

(v) by striking "abuse" each place it appears and inserting "maltreatment";

(4) in paragraph (4)(B), by striking "slightly" and all that follows and inserting "approximately [38]37 percent of victims of child abuse did not receive post-investigation services in [2007] *fiscal year 2008*";

(5) by redesignating paragraphs (5) through (13) as paragraphs (6) through (11) and (13) through (15), respectively;

(6) by inserting after paragraph (4) of this section the following:

"(5) African-American children, American Indian children, Alaska Native children, and children of multiple races and ethnicities experience the highest rates of child abuse or neglect;"

(7) in paragraph (6), as redesignated by paragraph (5) of this section—

(A) in subparagraph (A), by inserting "domestic violence services," after "mental health,"; and

(B) by amending subparagraph (E) to read as follows:

"(E) recognizes the diversity of ethnic, cultural, and religious beliefs and traditions that may impact child rearing patterns, while not allowing the differences in those beliefs and traditions to enable abuse or neglect;"

(8) by inserting after paragraph (11), as redesignated by paragraph (5) of this section, the following:

"(12) because both child maltreatment and domestic violence occur in up to 60 percent of the families in which either is present, States and communities should adopt assessments and intervention procedures aimed at enhancing the safety both of children and victims of domestic violence;"

(9) in paragraphs (14) and (15), as redesignated by paragraph (5) of this section, by striking "Federal government" and inserting "Federal Government"; and

(10) in paragraph (14), as redesignated by paragraph (5) of this section, by inserting "and" at the end.

Subtitle A—General Program

SEC. 111. ADVISORY BOARD.

Section 102 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5102) is amended—

(1) in subsection (c)—

(A) in paragraph (4), by striking "medicine (including pediatrics)" and inserting "health care providers (including pediatricians)";

(B) in paragraph (12), by striking "and";

(C) in paragraph (13), by striking the period and inserting "; and"; and

(D) by adding at the end the following:

"(14) Indian tribes or tribal organizations."; and

(2) in subsection (f)—

(A) in paragraph (1), by inserting "tribal," after "State," each place such term appears; and

(B) in paragraph (2)—

(i) by striking “abuse or neglect which” and inserting “child abuse or neglect which”; and

(ii) by striking “Federal and State” and inserting “Federal, State, and tribal”.

SEC. 112. NATIONAL CLEARINGHOUSE.

Section 103 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5104) is amended—

(1) in subsection (a), by inserting “and neglect” before the period;

(2) in subsection (b)—

(A) by redesignating paragraphs (2) through (5) as paragraphs (4) through (7), respectively;

(B) by striking paragraph (1) and inserting the following:

“(1) maintain, coordinate, and disseminate information on [all] effective programs, including private and community-based programs, that have demonstrated success with respect to the prevention, assessment, identification, and treatment of child abuse or neglect and hold the potential for [broad scale] broad-scale implementation and replication;

“(2) maintain, coordinate, and disseminate information on the medical diagnosis and treatment of child abuse [or]and neglect;

“(3) maintain and disseminate information on best practices relating to differential response;”;

(C) in paragraph (4), as redesignated by subparagraph (A) of this paragraph, by inserting “and disseminate” after “maintain”;

(D) in paragraph (5), as redesignated by subparagraph (A) of this paragraph—

(i) in subparagraph (B), by inserting “(42 U.S.C. 5105 note)” before the semicolon; and

(ii) in subparagraph (C), by striking “alcohol or drug” and inserting “substance”;

(E) in subparagraph (C) of paragraph (6), as redesignated by subparagraph (A) of this paragraph, by striking “and” at the end;

(F) in subparagraph (B) of paragraph (7), as redesignated by subparagraph (A) of this paragraph, by striking “and child welfare personnel.” and inserting “child welfare, substance abuse treatment services, and domestic violence services personnel; and”;

(G) by adding at the end the following:

“(8) collect and disseminate information, in conjunction with the National Resource Centers authorized in section 310(b) of the Family Violence Prevention and Services Act, on effective programs and best practices for developing and carrying out collaboration between entities providing child protective services and entities providing domestic violence services.”; and

(3) in subsection (c)(1)—

(A) by striking subparagraph (B) and inserting the following:

“(B) consult with the head of each agency involved with child abuse and neglect on the development of the components for information collection and management of such clearinghouse and on the mechanisms for the sharing of such information with other Federal agencies and clearinghouses;”;

(B) in subparagraph (C)—

(i) in the matter preceding clause (i), by inserting “tribal,” after “State,”;

[(i)(ii) in clause (i), by striking “and” at the end; and

[(ii)(iii) by adding at the end the following:

“(iii) information about the incidence and characteristics of child abuse [or and neglect in circumstances in which domestic violence is present; and

“(iv) information about the incidence and characteristics of child abuse and neglect in cases related to substance abuse;”;

(C) in subparagraph (F), by striking “abused or neglected children” and inserting “victims of child abuse or neglect”.

SEC. 113. RESEARCH AND ASSISTANCE ACTIVITIES.

(a) RESEARCH.—Section 104(a) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5105(a)) is amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A), by striking “from abuse or neglect and to improve the well-being of abused or neglected children” and inserting “from child abuse or neglect and to improve the well-being of victims of child abuse or neglect”;

(B) in subparagraph (B), by striking “abuse and neglect on” and inserting “child abuse and neglect on”;

(C) by redesignating subparagraphs (C), (D), (E), (F), (G), (H), and (I), as subparagraphs (D), (E), (F), (H), (J), (N), and (O), respectively;

(D) by inserting after subparagraph (B) the following:

“[(C) effective approaches to providing assistance to infants or toddlers who experience child abuse or neglect, together with their parents or primary caregivers, to improve the relationship and attachment involved;”;

“(C) effective approaches to improving the relationship and attachment of infants and toddlers who experience child abuse or neglect with their parents or primary caregivers in circumstances where reunification is appropriate;”;

(E) in subparagraph (D), as redesignated by subparagraph (C) of this paragraph, by inserting “and neglect” before the semicolon;

(F) in subparagraph (E), as redesignated by subparagraph (C) of this paragraph—

(i) by inserting “, including best practices to meet the needs of special populations,” after “best practices”; and

(ii) by striking “(12)” and inserting “(14)”;

(G) by inserting after subparagraph (F), as redesignated by subparagraph (C) of this paragraph, the following:

“(G) effective practices and programs to improve activities such as identification, screening, medical diagnosis, forensic diagnosis, health evaluations, and services, including activities that promote collaboration between—

“(i) the child protective service system; and

“(ii)(I) the medical community, including providers of mental health and developmental disability services; and

“(II) providers of early childhood intervention services and special education for children who have been victims of child abuse or neglect;”;

(H) by inserting after subparagraph (H), as redesignated by subparagraph (C) of this paragraph, the following:

“(I) effective collaborations, between the child protective system and domestic violence service providers, that provide for the safety of children exposed to domestic violence and their nonabusing parents and that improve the investigations, interventions, delivery of services, and treatments provided for such children and families;”;

(I) in subparagraph (J), as redesignated by subparagraph (C) of this paragraph, by striking “low income” and inserting “low-income”;

(J) by inserting after subparagraph (J), as redesignated by subparagraph (C) of this paragraph, the following:

“(K) the impact of child abuse and neglect on the incidence and progression of disabilities;

“(L) the nature and scope of effective practices relating to differential response, including an analysis of best practices conducted by the States;

“(M) child abuse and neglect issues facing Indians, Alaska Natives, and Native Hawaiians, including providing recommendations for improving the collection of child abuse and neglect data from Indian tribes and Native Hawaiian communities;”;

(K) in subparagraph (N), as redesignated by subparagraph (C) of this paragraph, by striking “clauses (i) through (xi) of subparagraph (H)” and inserting “clauses (i) through (x) of subparagraph (O)”;

(L) in subparagraph (O), as redesignated by subparagraph (C) of this paragraph—

(i) in clauses (i) and (ii), by inserting “and neglect” after “abuse”;

(ii) in clause (v), by striking “child abuse have” and inserting “child abuse and neglect have”; and

(iii) in clause (x), by striking “abuse” and inserting “child abuse and neglect”;

(2) in paragraph (2), by striking “subparagraphs” and all that follows and inserting “clauses (i) through (x) of paragraph (1)(O).”;

(3) in paragraph (3), by striking “Keeping Children and Families Safe Act of 2003” and inserting “CAPTA Reauthorization Act of 2010”; [and]

(4) in paragraph (4)—

(A) by striking “(A) The” and inserting the following:

“(A) IN GENERAL.—The”;

(B) in subparagraph (B)—

(i) by striking all that precedes “later” and inserting the following:

“(B) PUBLIC COMMENT.—Not”;

(ii) by striking “than 2” and inserting “than 1”; and

(iii) by striking “Keeping Children and Families Safe Act of 2003” and inserting “CAPTA Reauthorization Act of 2010” [I.]; and

(5) by adding at the end the following:

“(4) STUDY ON SHAKEN BABY SYNDROME.—The Secretary shall conduct a study that—

“(A) identifies data collected on shaken baby syndrome;

“(B) determines the feasibility of collecting uniform, accurate data from all States regarding—

“(i) incidence rates of shaken baby syndrome;

“(ii) characteristics of perpetrators of shaken baby syndrome, including age, gender, relation to victim, access to prevention materials and resources, and history of substance abuse, domestic violence, and mental illness; and

“(iii) characteristics of victims of shaken baby syndrome, including gender, date of birth, date of injury, date of death (if applicable), and short- and long-term injuries sustained.”.

(b) TECHNICAL ASSISTANCE.—Section 104(b) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5105(b)) is amended—

(1) in paragraph (1), by inserting “and providers of mental health, substance abuse treatment, and domestic violence prevention services” after “disabilities”; and

(2) in paragraph (3)(B)—

(A) by striking “and child welfare personnel” and inserting “child welfare, substance abuse, and domestic violence services personnel”; and

(B) by striking “subjected to abuse.” and inserting “subjected to, or whom the personnel suspect have been subjected to, child abuse or neglect.”.

(c) PEER REVIEW FOR [GRANTS]FOR GRANTS AND CONTRACTS.—Section 104(d) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5105(d)) is amended—

(1) in paragraph (1)—

(A) by striking subparagraph (A) and inserting the following:

“(A) IN GENERAL.—To enhance the quality and usefulness of research in the field of child abuse and neglect, the Secretary shall, in consultation with experts in the field and other Federal agencies, establish a formal, rigorous, and meritorious peer review process for purposes of evaluating and reviewing applications for assistance through a grant or contract under this section and determining the relative merits of the project for which such assistance is requested.”; and

(B) by striking subparagraph (B) and inserting the following:

“(B) MEMBERS.—In establishing the process required by subparagraph (A), the Secretary shall only appoint to the peer review panels members who—

“(i) are experts in the field of child abuse and neglect or related disciplines, with appropriate expertise related to the applications to be reviewed; and

“(ii) are not individuals who are officers or employees of the Administration for Children and Families.

“(C) MEETINGS.—The peer review panels shall meet as often as is necessary to facilitate the expeditious review of applications for grants and contracts under this section, but shall meet not less often than once a year.

“(D) CRITERIA AND GUIDELINES.—The Secretary shall ensure that the peer review panel utilizes scientifically valid review criteria and scoring guidelines in the review of the applications for grants and contracts.”; and

(2) in paragraph (3)—

(A) by striking “(A) The” and inserting the following:

“(A) MERITORIOUS PROJECTS.—The”; and

(B) in subparagraph (B), by striking all that precedes “the instance” and inserting the following:

“(B) EXPLANATION.—In”.

(d) DEMONSTRATION PROGRAMS AND PROJECTS.—Section 104(e) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5105(e)) is amended—

(1) in the matter preceding paragraph (1)—

(A) by striking “States or” and inserting “entities that are States, Indian tribes or tribal organizations, or”; and

(B) by striking “such agencies or organizations” and inserting “such entities”; and

(2) in paragraph (1)(B), by striking “safely facilitate the” and inserting “facilitate the safe”; and

(3) in paragraph (2)—

(A) by inserting “child care and early childhood education and care providers,” after “in cooperation with”; and

(B) by striking “preschool” and inserting “preschools.”.

SEC. 114. GRANTS TO STATES, INDIAN TRIBES OR TRIBAL ORGANIZATIONS, AND PUBLIC OR PRIVATE AGENCIES AND ORGANIZATIONS.

Section 105 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106) is amended—

(1) in the heading, by striking “STATES” and inserting “STATES, INDIAN TRIBES OR TRIBAL ORGANIZATIONS,”

(2) in subsection (a)—

(i) in the matter preceding paragraph (1)—

(i) by striking “States,” and inserting “entities that are States, Indian tribes or tribal organizations, or”; and

(ii) by striking “such agencies or organizations” and inserting “such entities”; and

(B) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by striking “this section” and inserting “this subsection”; and

(ii) in subparagraph (A)—

(I) by inserting “health care,” before “medicine,”; and

(II) by inserting “child care,” after “education,”; and

(III) by inserting “and neglect” before the semicolon;

(iii) in subparagraph (B), by inserting a comma after “youth”; and

(iv) in subparagraph (D)—

(I) by striking “support the enhancement of linkages between” and inserting “enhance linkages among”; and

(II) by striking “including physical” and all that follows through “partnerships” and inserting “entities providing physical and mental health services, community resources, and developmental disability agencies, to improve screening, forensic diagnosis, and health and developmental evaluations, and for partnerships”; and

(III) by striking “offer creative approaches to using” and inserting “support the coordinated use of”; and

(v) by redesignating subparagraphs (E) through (J) as subparagraphs (F), (G), and (I) through (L), respectively;

(vi) by inserting after subparagraph (D) the following:

“(E) for the training of personnel in best practices to meet the unique needs of children with disabilities, including promoting interagency collaboration;”; and

(vii) by inserting after subparagraph (G), as redesignated by clause (v) of this subparagraph, the following:

“(H) for the training of personnel in childhood development including the unique needs of children under age 3;”; and

(viii) in subparagraph (J), as redesignated by clause (v) of this subparagraph, by striking “and other public and private welfare agencies” and inserting “other public and private welfare agencies, and agencies that provide early intervention services”; and

(ix) in subparagraph (K), as redesignated by clause (v) of this subparagraph, by striking “and” at the end;

(x) in subparagraph (L), as redesignated by clause (v) of this subparagraph—

(I) by striking “disabled infants” each place it appears and inserting “infants or toddlers with disabilities”; and

(II) by striking the period and inserting “; and”; and

(xi) by adding at the end the following:

“(M) for the training of personnel in best practices relating to the provision of differential response.”;

(C) in paragraph (2)(C), by striking “where” and inserting “when”;

[(C)](D) in paragraph (3), by inserting “, leadership,” after “mutual support”; and

[(D)](E) in paragraph (4), by striking all that precedes “Secretary” and inserting the following:

“(4) KINSHIP CARE.—The”; and

[(E)](F) in paragraph (4), by striking “in not more than 10 States”; and

[(F)](G) in paragraph (5)—

(i) in the paragraph heading—

(I) by striking “BETWEEN” and inserting “AMONG”; and

(II) by striking “AND DEVELOPMENTAL DISABILITIES” and inserting “SUBSTANCE ABUSE, DEVELOPMENTAL DISABILITIES, AND DOMESTIC VIOLENCE SERVICE”; and

(ii) by striking “between” and inserting “among”; and

(iii) by striking “mental health” and all that follows through “, for” and inserting

“mental health, substance abuse, developmental disabilities, and domestic violence service agencies, and entities that carry out community-based programs, for”; and

(iv) by striking “help assure” and inserting “ensure”; and

[(G)](H) by inserting after paragraph (5) the following:

“(6) COLLABORATIONS BETWEEN CHILD PROTECTIVE SERVICE ENTITIES AND DOMESTIC VIOLENCE SERVICE ENTITIES.—The Secretary may award grants to public or private agencies and organizations under this section to develop or expand effective collaborations between child protective service entities and domestic violence service entities to improve collaborative investigation and intervention procedures, provision for the safety of the nonabusing parent involved and children, and provision of services to children exposed to domestic violence that also support the caregiving role of the non-abusing parent.”; and

(3) in subsection (b)(4)—

(A) in subparagraph (A)(ii), by striking “neglected or abused” and inserting “victims of child abuse or neglect”; and

(B) in subparagraphs (B)(ii) and (C)(iii), by striking “abuse or neglect” and inserting “child abuse and neglect”; and

(C) in subparagraph (C)(iii), by striking “been neglected or abused” and inserting “been a victim of child abuse or neglect”; and

(D) in subparagraph (D), by striking “a” after “grantee is” and inserting “an”.

SEC. 115. GRANTS TO STATES FOR CHILD ABUSE OR NEGLECT PREVENTION AND TREATMENT PROGRAMS.

(a) SECTION HEADING.—Section 106 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106a) is amended by striking the section heading and inserting the following:

“SEC. 106. GRANTS TO STATES FOR CHILD ABUSE OR NEGLECT PREVENTION AND TREATMENT PROGRAMS.”.

(b) DEVELOPMENT AND OPERATION GRANTS.—Section 106(a) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106a(a)) is amended—

(1) in the matter preceding paragraph (1), by striking “based on” and all that follows through “18 in” and inserting “from allotments made under subsection (f) for”; and

(2) in paragraph (1), by striking “abuse and neglect” and inserting “child abuse or neglect”; and

(3) in paragraph (2)—

(A) in subparagraph (A), by inserting “, intra-agency, interstate, and intrastate” after “interagency”; and

(B) in subparagraph (B)(i), by striking “abuse and neglect” and inserting “child abuse or neglect”; and

(4) in paragraph (4), by inserting “, including the use of differential response” after “protocols”; and

(5) in paragraph (6)—

(A) in subparagraph (A) by inserting “, including the use of differential response,” after “strategies”; and

(B) in subparagraph (B), by striking “and” at the end;

(C) in subparagraph (C), by striking “workers” and all that follows and inserting “workers; and”; and

(D) by adding at the end the following:

“(D) training in early childhood, child, and adolescent development;”; and

(6) by striking paragraphs (8) and (9) and inserting the following:

“(8) developing, facilitating the use of, and implementing research-based strategies and training protocols for individuals mandated to report child abuse and neglect;”; and

(7) by redesignating paragraphs (10) through (14) as paragraphs (9) through (13), respectively;

(8) in paragraph (9), as redesignated by paragraph (7) of this subsection—

(A) in subparagraph (B), by striking “and” at the end;

(B) in subparagraph (C), by adding “and” at the end; and

(C) by adding at the end the following:

“(D) the use of differential response in preventing child abuse and neglect;”;

(9) in paragraph (10), as redesignated by paragraph (7) of this subsection, by inserting “, including the use of differential response” before the semicolon;

(10) in paragraph (12), as redesignated by paragraph (7) of this subsection, by striking “or” at the end;

(11) in paragraph (13), as redesignated by paragraph (7) of this subsection—

(A) by striking “supporting and enhancing” and all that follows through “community-based programs” and inserting “supporting and enhancing interagency collaboration among public health agencies, agencies in the child protective service system, and agencies carrying out private community-based programs—”;

(B) by striking “to provide” and inserting the following:

“(A) to provide”;

(C) by striking “systems) and” and inserting “systems), and the use of differential response; and”;

(D) by striking “to address” and inserting the following:

“(B) to address”;

(E) by striking “abused or neglected” and inserting “victims of child abuse or neglect;” and

(F) by striking the period at the end and inserting “; or”; and

(12) by adding at the end the following:

“(14) developing and implementing procedures for collaboration among child protective services, domestic violence services, and other agencies in—

“(A) investigations, interventions, and the delivery of services and treatment provided to children and families, including the use of differential response, where appropriate; and

“(B) the provision of services that assist children exposed to domestic violence, and that also support the caregiving role of their nonabusing parents.”;

(c) **ELIGIBILITY REQUIREMENTS.**—Section 106(b) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106a(b)) is amended—

(1) by striking paragraph (1) and inserting the following:

“(1) STATE PLAN.—

“(A) IN GENERAL.—To be eligible to receive a grant under this section, a State shall submit to the Secretary a State plan that specifies the areas of the child protective services system described in subsection (a) that the State will address with amounts received under the grant.

“(B) DURATION OF PLAN.—Each State plan shall—

“(i) remain in effect for the duration of the State’s participation under this section; and

“(ii) be periodically reviewed and revised as necessary by the State to reflect changes in the State’s strategies and programs under this section.

“(C) ADDITIONAL INFORMATION.—The State shall provide notice to the Secretary—

“(i) of any substantive changes, including any change to State law or regulations, relating to the prevention of child abuse and neglect that may affect the eligibility of the State under this section; and

“(ii) of any significant changes in how funds provided under this section are used to support activities described in this section, which may differ from the activities described in the current State application.”;

(2) in paragraph (2)—

(A) by redesignating subparagraphs (A) through (D) as subparagraphs (B) through (E), respectively;

(B) by striking the matter preceding subparagraph (B), as redesignated by subparagraph (A) of this paragraph, and inserting the following:

“(2) **CONTENTS.**—A State plan submitted under paragraph (1) shall contain a description of the activities that the State will carry out using amounts received under the grant to achieve the objectives of this title, including—

“(A) an assurance that the State plan, to the maximum extent practicable, is coordinated with the State plan under part B of title IV of the Social Security Act (42 U.S.C. 621 et seq.) relating to child welfare services and family preservation and family support services;”;

(C) in subparagraph (B), as redesignated by subparagraph (A) of this paragraph—

(i) in the matter preceding clause (i)—

(I) by striking “chief executive officer” and inserting “Governor”; and

(II) by striking “Statewide” and inserting “statewide”;

(ii) in clause (ii)—

(I) in the matter preceding subclause (I)— (aa) by inserting “with” after “born”; and (bb) by inserting “or a Fetal Alcohol Spectrum Disorder,” after “drug exposure,”; and (II) in subclause (I), by inserting “or neglect” before the semicolon;

(iii) in clause (iii), by inserting “, or a Fetal Alcohol Spectrum Disorder” before the semicolon;

(iv) in clause (v), by inserting “, including the use of differential response,” after “procedures”;

(v) in clause (vi)—

(I) by striking “the abused or neglected child” and inserting “a victim of child abuse or neglect”; and

(II) by striking “abuse or neglect” and inserting “child abuse or neglect”;

(vi) in clause (ix), by striking “abuse and neglect” and inserting “child abuse and neglect”;

(vii) in clause (xi), by striking “or neglect” and inserting “and neglect”;

(viii) in clause (xiii)—

(I) by striking “an abused or neglected child” and inserting “a victim of child abuse or neglect”; and

(II) by inserting “including training in early childhood, child, and adolescent development,” after “to the role,”;

(ix) in clause (xv)(II), by striking “abuse or neglect” and inserting “child abuse or neglect”;

(x) in clause (xviii), by striking “abuse and” and inserting “abuse or”;

(xi) in clause (xvi)—

(I) in subclause (III), by striking “; or” and inserting “;”;

(II) by adding at the end the following:

“(V) to have committed sexual abuse against the surviving child or another child of such parent; or

“(VI) to be required to register with a sex offender registry under section 113(a) of the Adam Walsh Child Protection and Safety Act of 2006 (42 U.S.C. 16913(a));”;

[(xi)](xii) in clause (xxi), by striking “Act; and” and inserting “Act (20 U.S.C. 1431 et seq.);”;

[(xii)](xiii) in clause (xxii)—

(I) by striking “not later” through “2003,”; [and]

(II) by inserting “that meet the requirements of section 471(a)(20) of the Social Security Act (42 U.S.C. 671(a)(20))” after “checks”; and

[(II)](III) in clause (xxii), by adding “and” at the end; and

[(xiii)](xiv) by adding at the end the following:

“(xxiii) provisions for systems of technology that support the State child protective service system described in subsection (a) and track reports of child abuse and neglect from intake through final disposition;”;

(D) in subparagraph (C), as redesignated by subparagraph (A) of this paragraph—

(i) by striking “disabled infants with” each place it appears and inserting “infants with disabilities who have”; and

(ii) in clause (iii), by striking “life threatening” and inserting “life-threatening”;

(E) in subparagraph (D), as redesignated by subparagraph (A) of this paragraph—

(i) in clause (ii), by striking “and” at the end;

(ii) in clause (iii), by striking “and” at the end;

(iii) by adding at the end the following:

“(iv) policies and procedures encouraging the appropriate involvement of families in decisionmaking pertaining to children who experienced child abuse or neglect;

“(v) policies and procedures that promote and enhance appropriate collaboration among child protective service agencies, domestic violence service agencies, substance abuse treatment agencies, and other agencies in investigations, interventions, and the delivery of services and treatment provided to children and families affected by child abuse or neglect, including children exposed to domestic violence, where appropriate; and

“(vi) policies and procedures regarding the use of differential response, as applicable;”;

(F) in subparagraph (E), as redesignated by subparagraph (A) of this paragraph—

(i) by inserting “(42 U.S.C. 621 et seq.)” after “Act”; and

(ii) by striking the period at the end and inserting a semicolon;

(G) by inserting after subparagraph (E), as redesignated by subparagraph (A) of this paragraph, the following:

“(F) an assurance or certification that programs and training conducted under this title address the unique needs of unaccompanied homeless youth, including access to enrollment and support [services and neglect]services and that such youth are eligible for under parts B and E of title IV of the Social Security Act (42 U.S.C. 621 et seq., 670 et seq.) and meet the requirements of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11301 et seq.); and

“(G) an assurance that the State, in developing the State plan described in paragraph (1), has collaborated with community-based prevention agencies and with families affected by child abuse or neglect.”; and

(H) in the last sentence, by striking “subparagraph (A)” and inserting “subparagraph (B)”;

(3) in paragraph (3), by striking “paragraph (2)(A)” and inserting “paragraph (2)(B)”;

(d) **CITIZEN REVIEW PANELS.**—Section 106(c) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106a(c)) is amended—

(1) in paragraph (2), by inserting before the period the following: “, and may include adult former victims of child abuse or neglect”; and

(2) in paragraph (4)(A)(iii)(I), by inserting “(42 U.S.C. 670 et seq.)” before the semicolon.

(e) ANNUAL STATE DATA REPORTS.—Section 106(d) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106a(d)) is amended—

(1) in paragraph (1), by striking “as abused or neglected” and inserting “as victims of child abuse or neglect”;

(2) in paragraph (4), by inserting “, including use of differential response,” after “services”;

(3) by striking paragraph (7) and inserting the following:

“(7)(A) The number of child protective service personnel responsible for the—

“(i) intake of reports filed in the previous year;

“(ii) screening of such reports;

“(iii) assessment of such reports; and

“(iv) investigation of such reports.

“(B) The average caseload for the workers described in subparagraph (A).”;

(4) in paragraph (9), by striking “abuse or neglect” and inserting “child abuse or neglect”;

(5) by striking paragraph (10) and inserting the following:

“(10) For child protective service personnel responsible for intake, screening, assessment, and investigation of child abuse and neglect reports in the State—

“(A) information on the education, qualifications, and training requirements established by the State for child protective service professionals, including for entry and advancement in the profession, including advancement to supervisory positions;

“(B) data on the education, qualifications, and training of such personnel;

“(C) demographic information of the child protective service personnel; and

“(D) information on caseload or workload requirements for such personnel, including requirements for average number and maximum number of cases per child protective service worker and supervisor.”;

(6) in paragraph (11), by striking “and neglect” and inserting “or neglect”;

(7) by adding at the end the following:

“(15) The number of children referred to a child protective services system under subsection (b)(2)(B)(ii).

“(16) The number of children determined to be eligible for referral, and the number of children referred, under subsection (b)(2)(B)(xxi), to agencies providing early intervention services under part C of the Individuals with Disabilities Education Act (20 U.S.C. 1431 et seq.).”.

(f) ANNUAL REPORT.—Section 106(e) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106a(e)) is amended by inserting “and neglect” before the period.

(g) FORMULA.—Section 106 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106a) is amended by adding at the end the following:

“(f) ALLOTMENTS.—

“(1) DEFINITIONS.—In this subsection:

“(A) FISCAL YEAR 2009 GRANT FUNDS.—The term ‘fiscal year 2009 grant funds’ means the amount appropriated under section 112 for fiscal year 2009, and not reserved under section 112(a)(2).

“(B) GRANT FUNDS.—The term ‘grant funds’ means the amount appropriated under section 112 for a fiscal year and not reserved under section 112(a)(2).

“(C) STATE.—The term ‘State’ means each of the several States, the District of Columbia, and the Commonwealth of Puerto Rico.

“(D) TERRITORY.—The term ‘territory’ means Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands.

“(2) IN GENERAL.—Except as otherwise provided in this section, the Secretary shall make allotments to each State and territory that applies for a grant under this section in an amount equal to the sum of—

“(A) \$50,000; and

“(B) an amount that bears the same relationship to any grant funds remaining after all such States and territories have received \$50,000, as the number of children under the age of 18 in the State or territory bears to the number of such children in all States and territories that apply for such a grant.

“(3) ALLOTMENTS FOR DECREASED APPROPRIATION YEARS.—In the case where the grant funds for a fiscal year are less than the fiscal year 2009 grant funds, the Secretary shall ratably reduce each of the allotments under paragraph (2) for such fiscal year.

“(4) ALLOTMENTS FOR INCREASED APPROPRIATION YEARS.—

“(A) MINIMUM ALLOTMENTS TO STATES FOR INCREASED APPROPRIATIONS YEARS.—In any fiscal year for which the grant funds exceed the fiscal year 2009 grant funds by more than \$1,000,000, the Secretary shall adjust the allotments under paragraph (2), as necessary, such that no State that applies for a grant under this section receives an allotment in an amount that is less than—

“(i) \$100,000, for a fiscal year in which the grant funds exceed the fiscal year 2009 grant funds by more than \$1,000,000 but less than \$2,000,000;

“(ii) \$125,000, for a fiscal year in which the grant funds exceed the fiscal year 2009 grant funds by at least \$2,000,000 but less than \$3,000,000; and

“(iii) \$150,000, for a fiscal year in which the grant funds exceed the fiscal year 2009 grant funds by at least \$3,000,000.

“(B) ALLOTMENT ADJUSTMENT.—In the case of a fiscal year for which subparagraph (A) applies and the grant funds are insufficient to satisfy the requirements of such subparagraph (A), paragraph (2), and paragraph (5), the Secretary shall, subject to paragraph (5), ratably reduce the allotment of each State for which the allotment under paragraph (2) is an amount that exceeds the applicable minimum under subparagraph (A), as necessary to ensure that each State receives the applicable minimum allotment under subparagraph (A).

“(5) HOLD HARMLESS.—Notwithstanding paragraphs (2) and (4), except as provided in paragraph (3), no State or territory shall receive a grant under this section in an amount that is less than the amount such State or territory received under this section for fiscal year 2009.”.

SEC. 116. GRANTS TO STATES FOR PROGRAMS RELATING TO THE INVESTIGATION AND PROSECUTION OF CHILD ABUSE AND NEGLECT CASES.

Section 107 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106c) is amended—

(1) in subsection (a)—

(A) by striking paragraphs (1) and (2) and inserting the following:

“(1) the assessment and investigation of suspected child abuse and neglect cases, including cases of suspected child sexual abuse and exploitation, in a manner that limits additional trauma to the child and the child’s family;

“(2) the assessment and investigation of cases of suspected child abuse-related fatalities and suspected child neglect-related fatalities”;

(B) in paragraph (3), by striking “particularly” and inserting “including”; and

(C) in paragraph (4)—

(i) by striking “the handling” and inserting “the assessment and investigation”; and

(ii) by striking “victims of abuse” and inserting “suspected victims of child abuse”;

(2) in subsection (b)(1), by striking “section 107(b)” and inserting “section 106(b)”;

(3) in subsection (c)(1)—

(A) in subparagraph (G), by striking “and” at the end;

(B) in subparagraph (H), by striking the period and inserting a semicolon; and

(C) by adding at the end the following:

“(I) adult former victims of child abuse or neglect; and

“(J) individuals experienced in working with homeless children and youths (as defined in section 725 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a)).”;

(4) in subsection (d)(1), by striking “particularly” and inserting “including”;

(5) in subsection (e)(1)—

(A) in subparagraph (A), by striking “particularly” and inserting “including”;

(B) in subparagraph (B)—

(i) by inserting a comma after “model”; and

(ii) by striking “improve the rate” and all that follows through “child sexual abuse cases” and inserting the following: “improve the prompt and successful resolution of civil and criminal court proceedings or enhance the effectiveness of judicial and administrative action in child abuse and neglect cases, particularly child sexual abuse and exploitation cases, including the enhancement of performance of court-appointed attorneys and guardians ad litem for children”; and

(C) in subparagraph (C)—

(i) by inserting a comma after “protocols”;

(ii) by striking “from abuse” and inserting “from child abuse and neglect”; and

(iii) by striking “particularly” and inserting “including”;

(6) in subsection (f), by inserting “(42 U.S.C. 10603a)” after “1984”.

SEC. 117. MISCELLANEOUS REQUIREMENTS.

Section 108(d) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106d(d)) is amended to read as follows:

“(d) SENSE OF CONGRESS.—It is the sense of [congress] Congress that the Secretary should encourage all States and public and private entities that receive assistance under this title to—

“(1) ensure that children and families with limited English proficiency who participate in programs under this title are provided with materials and services through such programs in an appropriate language other than English; and

“(2) ensure that individuals with disabilities who participate in programs under this title are provided with materials and services through such programs that are appropriate to their disabilities.”.

SEC. 118. REPORTS.

(a) IN GENERAL.—Section 110 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106f) is amended by striking subsections (a) and (b) and inserting the following:

“(a) COORDINATION EFFORTS.—Not later than 1 year after the date of enactment of the CAPTA Reauthorization Act of 2010, the Secretary shall submit to the Committee on Education and Labor of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate a report on efforts to coordinate the objectives and activities of agencies and organizations that are responsible for programs and activities related to child abuse and neglect. Not later than 3 years after that date

of enactment, the Secretary shall submit to those committees a second report on such efforts during the 3-year period following that date of enactment. Not later than 5 years after that date of enactment, the Secretary shall submit to those committees a third report on such efforts during the 5-year period following that date of enactment.

“(b) EFFECTIVENESS OF STATE PROGRAMS AND TECHNICAL ASSISTANCE.—Not later than 2 years after the date of enactment of the CAPTA Reauthorization Act of 2010 and every 2 years thereafter, the Secretary shall submit to the Committee on Education and Labor of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate a report evaluating the effectiveness of programs receiving assistance under section 106 in achieving the objectives of section 106.”

(b) STUDY AND REPORT RELATING TO CITIZEN REVIEW PANELS.—Section 110(c) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106f(c)) is amended to read as follows:

“(c) STUDY AND REPORT RELATING TO CITIZEN REVIEW PANELS.—

“(1) IN GENERAL.—The Secretary shall conduct a study to determine the effectiveness of citizen review panels, established under section 106(c), in achieving the stated function of such panels under section 106(c)(4)(A) of—

“(A) examining the policies, procedures, and practices of State and local child protection agencies; and

“(B) evaluating the extent to which such State and local child protection agencies are fulfilling their child protection responsibilities, as described in clauses (i) through (iii) of section 106(c)(4)(A)."

“(2) CONTENT OF STUDY.—The study described in paragraph (1) shall be completed in a manner suited to the unique design of citizen review panels, including consideration of the variability among the panels within and between States. The study shall include the following:

“(A) Data describing the membership, organizational structure, operation, and administration of all citizen review panels and the total number of such panels in each State.

“(B) A detailed summary of the extent to which collaboration and information-sharing occurs between citizen review panels and State child protective services agencies or any other entities or State agencies. The summary shall include a description of the outcomes that result from collaboration and information sharing.

“(C) Evidence of the adherence and responsiveness to the reporting requirements under section 106(c)(6) by citizen review panels and States.

“(3) REPORT.—Not later than 2 years after the date of enactment of the CAPTA Reauthorization Act of 2010, the Secretary shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and Labor of the House of Representatives a report that contains the results of the study conducted under paragraph (1).”

SEC. 119. DEFINITIONS.

Section 111 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106g) is amended—

(1) in paragraph (5)—

(A) by inserting “except as provided in section 106(f),” after “(5)”; and

(B) by inserting “and” after “Samoa,”; and

(C) by striking “and the Trust Territory of the Pacific Islands”;

(2) in paragraph (6)(C), by striking the period and inserting a semicolon; and

(3) by adding at the end the following:

“(7) the term ‘Alaska Native’ has the meaning given the term ‘Native’ in section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602);

“(8) the term ‘infant or toddler with a disability’ has the meaning given the term in section 632 of the Individuals with Disabilities Education Act (20 U.S.C. 1432);

“(9) the terms ‘Indian’, ‘Indian tribe’, and ‘tribal organization’ have the meanings given the terms in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b);

“(10) the term ‘Native Hawaiian’ has the meaning given the term in section 7207 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7517); and

“(11) the term ‘unaccompanied homeless youth’ means an individual who is described in paragraphs (2) and (6) of section 725 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a).”

SEC. 120. AUTHORIZATION OF APPROPRIATIONS.

Section 112(a)(1) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106h(a)(1)) is amended by striking “\$120,000,000” and all that follows and inserting “\$132,000,000 for fiscal year 2011 and such sums as may be necessary for each of fiscal years 2012 through 2015.”

“(i) by striking “2004” and inserting “2010”; and

“(2) by striking “2005 through 2008” and inserting “2011 through 2015”.

SEC. 121. RULE OF CONSTRUCTION.

Section 113(a)(2) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106i(a)(2)) is amended by striking “abuse or neglect” and inserting “child abuse or neglect”.

Subtitle B—Community-Based Grants for the Prevention of Child Abuse or Neglect

SEC. 131. TITLE HEADING.

The title heading of title II of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5116) is amended to read as follows:

“TITLE II—COMMUNITY-BASED GRANTS FOR THE PREVENTION OF CHILD ABUSE [OR] AND NEGLECT”.

SEC. 132. PURPOSE AND AUTHORITY.

Section 201 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5116) is amended—

(1) by striking subsection (a)(1) and inserting the following:

“(1) to support community-based efforts to develop, operate, expand, enhance, and coordinate initiatives, programs, and activities to prevent child abuse and neglect and to support the coordination of resources and activities, to better strengthen and support families to reduce the likelihood of child abuse and neglect; and”; and

(2) in subsection (b)—

(A) in the matter preceding paragraph (1), by striking “hereafter”;

(B) in paragraph (1)—

(i) in the matter preceding subparagraph (A)—

(I) by inserting a comma after “expanding”;

(II) by striking “(through networks where appropriate)”;

(ii) in subparagraph (E), by inserting before the semicolon the following: “, including access to such resources and opportunities for unaccompanied homeless youth”; and

(iii) by striking subparagraph (G) and inserting the following:

“(G) demonstrate a commitment to involving parents in the planning and program im-

plementation of the lead agency and entities carrying out local programs funded under this title, including involvement of parents of children with disabilities, parents who are individuals with disabilities, racial and ethnic minorities, and members of other underrepresented or underserved groups; and”;

(C) in paragraph (2), by inserting after “children and families” the following: “, including unaccompanied homeless youth,”;

(D) in paragraph (3)—

(i) by inserting “substance abuse treatment services, domestic violence services,” after “mental health services,”; **[and]**

“(ii) by striking “family resource and support program” and inserting “community-based child abuse and neglect prevention program”; and

“(iii) by striking “community-based family resource and support program” and inserting “community-based child abuse and neglect prevention programs”; and

(E) in paragraph (4)—

“(i) by inserting “and” after “reporting”;

“(i) by inserting “and reporting” after “information management”;

(ii) by striking the comma after “prevention-focused”; and

(iii) by striking “(through networks where appropriate)”.

SEC. 133. ELIGIBILITY.

Section 202 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5116a) is amended—

(1) in paragraph (1)—

(A) by striking “chief executive officer” each place it appears and inserting “Governor”; and

(B) by inserting a comma after “enhance”;

(2) in paragraphs (1), (2), and (3), by striking “(through networks where appropriate)” each place it appears;

(3) in paragraphs (2) and (3), in the matter preceding subparagraph (A), by striking “chief executive officer” and inserting “Governor”; and

“(4) in subparagraphs (A) and (B) of paragraph (2), by inserting “adult former victims of child abuse or neglect,” after “parents.”

“(4) in paragraph (2)—

“(A) in subparagraphs (A) and (B), by inserting “adult former victims of child abuse or neglect,” after “parents.”; and

“(B) in subparagraph (C), by inserting a comma after “State”.

SEC. 134. AMOUNT OF GRANT.

Section 203(b)(1) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5116b(b)(1))—

(1) in subparagraph (A), by striking all that precedes “70” and inserting the following:

“(A) 70 PERCENT.—”; and

(2) in subparagraph (B), by striking all that precedes “30” and inserting the following:

“(B) 30 PERCENT.—”.

SEC. 135. APPLICATION.

Section 205 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5116d) is amended—

(1) in paragraphs (1) and (2), by striking “(through networks where appropriate)”;

(2) in paragraph (2)—

(A) by striking “and how family resource and support” and inserting “, including how community-based child abuse and neglect prevention”; and

(B) by striking “services provided” and inserting “programs provided”;

(3) in paragraph (4), by inserting a comma after “operation”;

(4) in paragraph (6)—

(A) by striking “an assurance that the State has the” and inserting “a description of the State’s”; and

(B) by striking “consumers and” and inserting “consumers, of family advocates, and of adult former victims of child abuse or neglect,”;

(5) in paragraph (7), by inserting a comma after “expansion”;

(6) in paragraph (8)—

(A) by striking “and activities”;

(B) by inserting after “homelessness,” the following: “unaccompanied homeless youth,”;

(7) in paragraph (9), by inserting a comma after “training”;

(8) in paragraph (11), by inserting a comma after “procedures”.

SEC. 136. LOCAL PROGRAM REQUIREMENTS.

(a) IN GENERAL.—Section 206(a) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5116e(a)) is amended—

(1) in the matter preceding paragraph (1), by inserting a comma after “expand”;

(2) in paragraph (1)—

(A) by striking “parents and” and inserting “parents,”; and

(B) by inserting “in meaningful roles” before the semicolon;

(3) in paragraph (2)—

(A) by striking “a strategy to provide, over time,” and inserting “a comprehensive strategy to provide”;

(B) by striking “family centered” and inserting “family-centered”;

(C) by striking “and parents with young children,” and inserting “, to parents with young children, and to parents who are adult former victims of domestic violence or child abuse or neglect,”;

(4) in paragraph (3)—

(A) by striking all that precedes subparagraph (C) and inserting the following:

“(3)(A) provide for core child abuse and neglect prevention services, which may be provided directly by the local recipient of the grant funds or through grants or agreements with other local agencies, such as—

“(i) parent education, mutual support and self help, and parent leadership services;

“(ii) respite care services;

“(iii) outreach and followup services, which may include voluntary home visiting services; and

“(iv) community and social service referrals; and”;

(B) in subparagraph (C)—

(i) in the matter preceding clause (i), by striking “(C)” and inserting “(B) provide”;

(ii) by striking clause (ii) and inserting the following:

“(ii) child care, early childhood education and care, and intervention services,”;

(iii) in clause (iii), by inserting “and parents who are individuals with disabilities” before the semicolon;

(iv) in clause (v), by striking “scholastic tutoring” and inserting “academic tutoring”;

(v) in clause (vii), by striking “and” after the semicolon;

(vi) in clause (viii), by adding “and” after the semicolon;

(vii) by adding at the end the following:

“(ix) domestic violence service programs that provide services and treatment to children and their non-abusing caregivers.”;

(viii) in clause (v), by striking “scholastic tutoring” and inserting “academic tutoring”;

(5) in paragraph (5), by striking “family resource and support program” and inserting “child abuse and neglect prevention program”;

(6) in paragraph (6), by inserting a comma after “operation”.

(b) TECHNICAL AMENDMENT.—Section 206(b) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5116e(b)) is amended—

(1) by striking “low income” and inserting “low-income”;

(2) by striking “family resource and support programs” and inserting “child abuse and neglect prevention programs.”.

SEC. 137. CONFORMING AMENDMENTS.

Section 207 of the Child Abuse Prevention and Treatment Act (42 U.S.C. [5116g]5119f) is amended—

(1) in paragraph (1), by inserting a comma after “operation”;

(2) in paragraph (2), by inserting “which description shall specify whether those services are supported by research” after “section 202”;

(3) in paragraph (4)—

(A) by striking “section 205(3)” and inserting “section 204(3)”;

(B) by inserting a comma after “operation”;

(4) in paragraph (6)—

(A) by inserting a comma after “local”;

(B) by inserting a comma after “expansion”;

(5) in paragraph (7), by striking “the results” and all that follows and inserting “the results of evaluation, or the outcomes of monitoring, conducted under the State program to demonstrate the effectiveness of activities conducted under this title in meeting the purposes of the program; and”.

SEC. 138. NATIONAL NETWORK FOR COMMUNITY-BASED FAMILY RESOURCE PROGRAMS.

Section 208 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5116g) is amended—

(1) in paragraph (1), by inserting a comma after “operate”;

(2) in paragraph (2), by inserting a comma after “operate”;

(3) in paragraph (4), by inserting a comma after “operate”.

SEC. 139. DEFINITIONS.

[Section 209 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5116h) is amended—

[(1) in paragraph (1), by inserting before the period the following: “(20 U.S.C. 1401(3), 1432(5))”;

[(2) in paragraph (5)—

[(A) in the matter preceding subparagraph (A), by inserting “, including the services of crisis nurseries,” after “short term care services”;

[(B) in subparagraphs (A) and (B), by striking “abuse or neglect” and inserting “child abuse or neglect”;

[(C) in subparagraph (C), by striking “have” and all that follows and inserting “have disabilities or chronic or terminal illnesses.”;

[(3) by redesignating paragraph (5) as paragraph (4); and

[(4) by adding at the end the following:

[(“5) INDIAN TRIBE; TRIBAL ORGANIZATION.—The terms ‘Indian tribe’ and ‘tribal organization’ have the meanings given the terms in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

[(“6) UNACCOMPANIED HOMELESS YOUTH.—The term ‘unaccompanied homeless youth’ has the same meaning given the term under section 111.”.]

SEC. 139. DEFINITIONS.

Section 209 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5116h) is amended—

(1) by striking paragraph (1);

(2) by redesignating paragraphs (2), (3), and (5) as paragraphs (1) through (3), respectively; and

(3) in paragraph (3), as so redesignated—

(A) in the matter preceding subparagraph (A), by inserting “, including the services of crisis nurseries,” after “short term care services”;

(B) in subparagraphs (A) and (B), by striking “abuse or neglect” and inserting “child abuse or neglect”;

(C) in subparagraph (C), by striking “have” and all that follows and inserting “have disabilities or chronic or terminal illnesses.”.

SEC. 140. AUTHORIZATION OF APPROPRIATIONS.

Section 210 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5116i) is amended by striking “\$80,000,000” and all that follows and inserting “\$88,000,000 for fiscal year 2011 and such sums as may be necessary for each of fiscal years 2012 through 2015.” Treatment Act (42 U.S.C. 5116i) is amended—

(1) by striking “2004” and inserting “2010”;

(2) by striking “2005 through 2008” and inserting “2011 through 2015”.

SEC. 141. REDESIGNATION.

Title II of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5116 et seq.) is amended by redesignating sections 205 through 210 as sections 204 through 209, respectively.

SEC. 142. TRANSFER OF DEFINITIONS.

(a) GENERAL DEFINITIONS.—The Child Abuse Prevention and Treatment Act (42 U.S.C. 5101 et seq.) is amended by inserting after section 2 the following:

“SEC. 3. GENERAL DEFINITIONS.

“In this Act—

“(1) the term ‘child’ means a person who has not attained the lesser of—

“(A) the age of 18; or

“(B) except in the case of sexual abuse, the age specified by the child protection law of the State in which the child resides;

“(2) the term ‘child abuse and neglect’ means, at a minimum, any recent act or failure to act on the part of a parent or caretaker, which results in death, serious physical or emotional harm, sexual abuse or exploitation, or an act or failure to act which presents an imminent risk of serious harm;

“(3) the term ‘child with a disability’ means a child with a disability as defined in section 602 of the Individuals with Disabilities Education Act (20 U.S.C. 1401), or an infant or toddler with a disability as defined in section 632 of such Act (20 U.S.C. 1432);

“(4) the term ‘Governor’ means the chief executive officer of a State;

“(5) the terms ‘Indian’, ‘Indian tribe’, and ‘tribal organization’ have the meanings given the terms in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b);

“(6) the term ‘Secretary’ means the Secretary of Health and Human Services;

“(7) except as provided in section 106(f), the term ‘State’ means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands; and

“(8) the term ‘unaccompanied homeless youth’ means an individual who is described in paragraphs (2) and (6) of section 725 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a).”.

(b) CONFORMING AMENDMENTS.—Section 111 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106g), as amended by section 119, is further amended—

(1) by striking paragraphs (1), (2), (3), (5), (9), and (11) of section 111;

(2) by redesignating paragraphs (7), (8), and (10) as paragraphs (1), (2), and (3), respectively, and inserting the paragraphs before paragraph (4);

(3) in paragraph (3), as so redesignated, by striking “and” at the end;

(4) in paragraph (4), by adding “and” at the end; and

(5) by redesignating paragraph (6) as paragraph (5).

Subtitle C—Conforming Amendments

SEC. 151. AMENDMENTS TO TABLE OF CONTENTS.

The table of contents in section 1(b) of the Child Abuse Prevention and Treatment Act is amended—

(1) by inserting after the item relating to section 2 the following:

“Sec. 3. General definitions.”;

[(1)](2) by amending the item relating to section 105 to read as follows:

“Sec. 105. Grants to States, Indian tribes or tribal organizations, and public or private agencies and organizations.”;

[(2)](3) by amending the item relating to section 106 to read as follows:

“Sec. 106. Grants to States for child abuse or neglect prevention and treatment programs.”;

[(3)](4) by striking the item relating to the title heading of title II and inserting the following:

“TITLE II—COMMUNITY-BASED GRANTS FOR THE PREVENTION OF CHILD ABUSE OR NEGLECT”;

and

[(4)](5) by striking the items relating to sections 204 through 210 and inserting the following:

“Sec. 204. Application.

“Sec. 205. Local program requirements.

“Sec. 206. Performance measures.

“Sec. 207. National network for community-based family resource programs.

“Sec. 208. Definitions.

“Sec. 209. Authorization of appropriations.”.

TITLE II—FAMILY VIOLENCE PREVENTION AND SERVICES ACT

SEC. 201. FAMILY VIOLENCE PREVENTION AND SERVICES.

The Family Violence Prevention and Services Act (42 U.S.C. 10401 et seq.) is amended to read as follows:

“TITLE III—FAMILY VIOLENCE PREVENTION AND SERVICES

“SEC. 301. [PURPOSE] [SHORT TITLE; PURPOSE].

“[It is the purpose of this title to—]

“(a) *SHORT TITLE.*—This title may be cited as the ‘Family Violence Prevention and Services Act’.

“(b) *PURPOSE.*—It is the purpose of this title to—

“(1) assist States and Indian tribes in efforts to increase public awareness about, and primary and secondary prevention of, family violence, domestic violence, and dating violence;

“(2) assist States and Indian tribes in efforts to provide immediate shelter and supportive services for victims of family violence, domestic violence, or dating violence, and their dependents;

“(3) provide for a national domestic violence hotline;

“(4) provide for technical assistance and training relating to family violence, domestic violence, and dating violence programs to States and Indian tribes, local public agen-

cies (including law enforcement agencies, courts, and legal, social service, and health care professionals in public agencies), nonprofit private organizations (including faith-based and charitable organizations, community-based organizations, [tribal organizations, and voluntary associations]) and voluntary associations, tribal organizations, and other persons seeking such assistance and training.

“SEC. 302. DEFINITIONS.

“In this title:

“(1) *ALASKA NATIVE.*—The term ‘Alaska Native’ has the meaning given the term ‘Native’ in section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602).

“(2) *DATING VIOLENCE.*—The term ‘dating violence’ has the meaning given such term in section 40002(a) of the Violence Against Women Act of 1994 (42 U.S.C. 13925(a)).

“(3) *DOMESTIC VIOLENCE.*—The term ‘domestic violence’ has the meaning given such term in section 40002(a) of the Violence Against Women Act of 1994 (42 U.S.C. 13925(a)).

“(4) *FAMILY VIOLENCE.*—The term ‘family violence’ means any act or threatened act of violence, including any forceful detention of an individual, that—

“(A) results or threatens to result in physical injury; and

“(B) is committed by a person against another individual (including an elderly individual) to or with whom such person—

“(i) is related by blood;

“(ii) is or was related by marriage or is or was otherwise legally related; or

“(iii) is or was lawfully residing.

“(5) *INDIAN; INDIAN TRIBE; TRIBAL ORGANIZATION.*—The terms ‘Indian’, ‘Indian tribe’, and ‘tribal organization’ have the meanings given such terms in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

[(6)](6) *NATIVE HAWAIIAN; NATIVE HAWAIIAN ORGANIZATION.*—The term ‘Native Hawaiian’ and ‘Native Hawaiian organization’ have the meanings given the terms in section 7207 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7517).]

“(6) *NATIVE HAWAIIAN.*—The term ‘Native Hawaiian’ has the meaning given the term in section 7207 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7517).

“(7) *PERSONALLY IDENTIFYING INFORMATION.*—The term ‘personally identifying information’ has the meaning given the term in section 40002(a) of the Violence Against Women Act of 1994 (42 U.S.C. 13925(a)).

“(8) *SECRETARY.*—The term ‘Secretary’ means the Secretary of Health and Human Services.

“(9) *SHELTER.*—The term ‘shelter’ means the provision of temporary refuge and supportive services in compliance with applicable State law (including regulation) governing the provision, on a regular basis, of shelter, safe homes, meals, and supportive services to victims of family violence, domestic violence, or dating violence, and their dependents.

“(10) *STATE.*—The term ‘State’ means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, and, except as otherwise provided, Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands.

“(11) *STATE DOMESTIC VIOLENCE COALITION.*—The term ‘State Domestic Violence Coalition’ means a statewide nongovernmental nonprofit private domestic violence organization that—

“(A) has a membership that includes a majority of the primary-purpose domestic violence service providers in the State;

“(B) has board membership that is representative of primary-purpose domestic violence service providers, and which may include representatives of the communities in which the services are being provided in the State;

“(C) has as its purpose to provide education, support, and technical assistance to such service providers to enable the providers to establish and maintain shelter and supportive services for victims of domestic violence and their dependents; and

“(D) serves as an information clearinghouse, primary point of contact, and resource center on domestic violence for the State and supports the development of policies, protocols, and procedures to enhance domestic violence intervention and prevention in the State.

“(12) *SUPPORTIVE SERVICES.*—The term ‘supportive services’ means services for adult and youth victims of family violence, domestic violence, or dating violence, and dependents exposed to family violence, domestic violence, or dating violence, that are designed to—

“(A) meet the needs of such victims of family violence, domestic violence, or dating violence, and their dependents, for short-term, transitional, or long-term safety; and

“(B) provide counseling, advocacy, or assistance for victims of family violence, domestic violence, or dating violence, and their dependents.

“(13) *TRIBALLY DESIGNATED OFFICIAL.*—The term ‘tribally designated official’ means an individual designated by an Indian tribe to receive a grant to an Indian tribe, tribal organization, or nonprofit private organization under section 309(a).] *individual designated by an Indian tribe, tribal organization, or nonprofit private organization authorized by an Indian tribe, to administer a grant under section 309.*

“(14) *UNDERSERVED POPULATIONS.*—The term ‘underserved populations’ has the meaning given the term in section 40002(a) [(33)] of the Violence Against Women Act of 1994 (42 U.S.C. 13925(a) [(33)]). For the purposes of this title, the Secretary has the same authority to determine whether a population is an underserved population as the Attorney General has under that section 40002(a) [(33)].

“SEC. 303. AUTHORIZATION OF APPROPRIATIONS.

“(a) *FORMULA GRANTS TO STATES.*—

“(1) *IN GENERAL.*—There is authorized to be appropriated to carry out sections 301 through 312, \$192,000,000 for fiscal year 2011 and such sums as may be necessary for each of fiscal years 2012 through 2015. \$175,000,000 for each of fiscal years 2011 through 2015.

“(2) *ALLOCATIONS.*—

“(A) *FORMULA GRANTS TO STATES.*—

“(i) *RESERVATION OF FUNDS.*—For any fiscal year for which the amounts appropriated under paragraph (1) exceed \$130,000,000, not less than 25 percent of such excess funds shall be made available to carry out section 312.

“(ii) *FORMULA GRANTS.*—Of the amounts appropriated under paragraph (1) for a fiscal year and not reserved under clause (i), not less than 70 percent shall be used for making grants under section 306(a).

“(B) *GRANTS TO TRIBES.*—Of the amounts appropriated under paragraph (1) for a fiscal year and not reserved under subparagraph (A)(i), not less than 10 percent shall be used to carry out section 309.

“(C) *TECHNICAL ASSISTANCE AND TRAINING CENTERS.*—Of the amounts appropriated

under paragraph (1) for a fiscal year and not reserved under subparagraph (A)(i), not less than 6 percent shall be used by the Secretary for making grants under section 310.

“(D) GRANTS FOR STATE DOMESTIC VIOLENCE COALITIONS.—Of the amounts appropriated under paragraph (1) for a fiscal year and not reserved under subparagraph (A)(i), not less than 10 percent of such amounts shall be used by the Secretary for making grants under section 311.

“(E) ADMINISTRATION, EVALUATION AND MONITORING.—Of the amount appropriated under paragraph (1) for a fiscal year and not reserved under subparagraph (A)(i), not more than 2.5 percent shall be used by the Secretary for evaluation, monitoring, and other administrative costs under this title.

“(b) NATIONAL DOMESTIC VIOLENCE HOTLINE.—There is authorized to be appropriated to carry out section 313 [\$5,000,000 for fiscal year 2011 and such sums as may be necessary for each of fiscal years 2012 through 2015, \$3,500,000 for each of fiscal years 2011 through 2015.

“(c) DOMESTIC VIOLENCE PREVENTION ENHANCEMENT AND LEADERSHIP THROUGH ALLIANCES.—There is authorized to be appropriated to carry out section 314 [\$7,000,000 for fiscal year 2011 and such sums as may be necessary for each of fiscal years 2012 through 2015, \$6,000,000 for each of fiscal years 2011 through 2015.

“SEC. 304. AUTHORITY OF SECRETARY.

“(a) AUTHORITIES.—In order to carry out the provisions of this title, the Secretary is authorized to—

“(1) appoint and fix the compensation of such personnel as are necessary;

“(2) procure, to the extent authorized by section 3109 of title 5, United States Code, such temporary and intermittent services of experts and consultants as are necessary;

“(3) make grants to eligible entities or enter into contracts with for-profit or non-profit nongovernmental entities and establish reporting requirements for such grantees and contractors;

“(4) prescribe such regulations and guidance as are reasonably necessary in order to carry out the objectives and provisions of this title, including regulations and guidance on implementing new grant conditions established or provisions modified by amendments made to this title by the CAPTA Reauthorization Act of 2010, to ensure accountability and transparency of the actions of grantees and contractors, or as determined by the Secretary to be reasonably necessary to carry out this title; and

“(5) coordinate programs within the Department of Health and Human Services, and seek to coordinate those programs with programs administered by other Federal agencies, that involve or [impact] affect efforts to prevent family violence, domestic violence, and dating violence or the provision of assistance for adult and youth victims of family violence, domestic violence, or dating violence.

“(b) ADMINISTRATION.—The Secretary shall—

“(1) [appoint] assign 1 or more employees of the Department of Health and Human Services to carry out the provisions of this title, including carrying out evaluation and monitoring under this title, which employees shall, prior to such appointment, have expertise in the field of family violence and domestic violence prevention and services and, to the extent practicable, have expertise in the field of dating violence;

“(2) [provide for the training of personnel and] provide technical assistance in the con-

duct of programs for the prevention and treatment of family violence, domestic violence, and dating violence;

“(3) provide for and coordinate research into the most effective approaches to the intervention in and prevention of family violence, domestic violence, and dating violence, by—

“(A) consulting with experts and program providers within the family violence, domestic violence, and dating violence field to identify gaps in research and knowledge, establish research priorities, and disseminate research findings;

“(B) collecting and reporting data on the provision of family violence, domestic violence, and dating violence services, including assistance and programs supported by Federal funds made available under this title and by other governmental or nongovernmental sources of funds; and

“(C) coordinating family violence, domestic violence, and dating violence research efforts within the Department of Health and Human Services with relevant research administered or carried out by other Federal agencies and other researchers, including research on the provision of assistance for adult and youth victims of family violence, domestic violence, or dating violence; and

“(4) support the development and implementation of effective policies, protocols, and programs within the Department and at other Federal agencies that address the safety and support needs of adult and youth victims of family violence, domestic violence, or dating violence.

“(c) REPORTS.—Every 2 years, the Secretary shall review and evaluate the activities conducted by [grantees and subgrantees] grantees, subgrantees, and contractors under this title and the effectiveness of the programs administered pursuant to this title, and submit a report containing the evaluation to the Committee on Education and Labor of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate. Such report shall also include a summary of the documentation provided to the Secretary through performance reports submitted under section 306(d). The Secretary shall make publicly available on the Department of Health and Human Services website the evaluation reports submitted to Congress under this subsection, including the summary of the documentation provided to the Secretary under section 306(d).

“SEC. 305. ALLOTMENT OF FUNDS.

“(a) IN GENERAL.—From the sums appropriated under section 303 and available for grants to States under section 306(a) for any fiscal year—

“(1) Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands shall each be allotted not less than 1/10 of 1 percent of the amounts available for grants under section 306(a) for the fiscal year for which the allotment is made; and

“(2) each State shall be allotted for a grant under section 306(a), \$600,000, with the remaining funds to be allotted to each State in an amount that bears the same ratio to such remaining funds as the population of such State bears to the population of all States.

“(b) POPULATION.—For the purpose of this section, the population of each State, and the total population of all the States, shall be determined by the Secretary on the basis of the most recent census data available to the Secretary, and the Secretary shall use for such purpose, if available, the annual interim current census data produced by the

Secretary of Commerce pursuant to section 181 of title 13, United States Code.

“(c) RATABLE REDUCTION.—If the sums appropriated under section 303 for any fiscal year and available for grants to States under section 306(a) are not sufficient to pay in full the total amounts that all States are entitled to receive under subsection (a) for such fiscal year, then the maximum amounts that all States are entitled to receive under subsection (a) for such fiscal year shall be ratably reduced. In the event that additional funds become available for making such grants for any fiscal year during which the preceding sentence is applicable, such reduced amounts shall be increased on the same basis as they were reduced.

“(d) REALLOTMENT.—If, at the end of the sixth month of any fiscal year for which sums are appropriated under section 303, the amount allotted to a State has not been made available to such State in a grant under section 306(a) because of the failure of such State to meet the requirements for such a grant, then the Secretary shall reallocate such amount to States that meet such requirements.

“(e) CONTINUED AVAILABILITY OF FUNDS.—All funds allotted to a State for a fiscal year under this section, and made available to such State in a grant under section 306(a), [and] shall remain available for obligation by the State until the end of the following fiscal year. All such funds that are not obligated by the State by the end of the following fiscal year shall be made available to the Secretary for discretionary activities under section 314. Such funds shall remain available for obligation, and for expenditure by a recipient of the funds under section 314, for not more than 1 year from the date on which the funds are made available to the Secretary.

“(f) DEFINITION.—In subsection (a)(2), the term ‘State’ does not include any jurisdiction specified in subsection (a)(1).

“SEC. 306. FORMULA GRANTS TO STATES.

“(a) FORMULA GRANTS TO STATES.—The Secretary shall award grants to States in order to assist in supporting the establishment, maintenance, and expansion of programs and projects to prevent incidents of family violence, domestic violence, and dating violence, to provide immediate shelter, supportive services, and access to community-based programs for victims of family violence, domestic violence, or dating violence, and their dependents, and to provide specialized services for children exposed to family violence, domestic violence, or dating violence, underserved populations, and victims who are members of racial and ethnic minority populations.]

“(a) FORMULA GRANTS TO STATES.—The Secretary shall award grants to States in order to assist in supporting the establishment, maintenance, and expansion of programs and projects—

“(1) to prevent incidents of family violence, domestic violence, and dating violence;

“(2) to provide immediate shelter, supportive services, and access to community-based programs for victims of family violence, domestic violence, or dating violence, and their dependents; and

“(3) to provide specialized services for children exposed to family violence, domestic violence, or dating violence, underserved populations, and victims who are members of racial and ethnic minority populations.

“(b) ADMINISTRATIVE EXPENSES.—

“(1) ADMINISTRATIVE COSTS.—Each State may use not more than 5 percent of the grant funds for State administrative costs.

“(2) SUBGRANTS TO ELIGIBLE ENTITIES.—The State shall use the remainder of the grant

funds to make subgrants to eligible entities for approved purposes as described in section 308.

“(c) GRANT CONDITIONS.—

“(1) APPROVED ACTIVITIES.—In carrying out the activities under this title, grantees and subgrantees may collaborate with and provide information to Federal, State, local, and tribal public officials and agencies, in accordance with limitations on disclosure of confidential or private information as described in paragraph (5), to develop and implement policies to reduce or eliminate family violence, domestic violence, and dating violence.

“(2) DISCRIMINATION PROHIBITED.—

“(A) APPLICATION OF CIVIL RIGHTS PROVISIONS.—For the purpose of applying the prohibitions against discrimination on the basis of age under the Age Discrimination Act of 1975 (42 U.S.C. 6101 et seq.), on the basis of disability under section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), on the basis of sex under title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.), or on the basis of race, color, or national origin under title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.), programs and activities funded in whole or in part with funds made available under this title are considered to be programs and activities receiving Federal financial assistance.

“(B) PROHIBITION ON DISCRIMINATION ON BASIS OF SEX, RELIGION.—

“(i) IN GENERAL.—No person shall on the ground of sex or religion be excluded from participation in, be denied the benefits of, or be subject to discrimination under, any program or activity funded in whole or in part with funds made available under this title. Nothing in this title shall require any such program or activity to include any individual in any program or activity without taking into consideration that individual's sex in those certain instances where sex is a bona fide occupational qualification or programmatic factor reasonably necessary to the normal or safe operation of that particular program or activity.

“(ii) ENFORCEMENT.—The Secretary shall enforce the provisions of clause (i) in accordance with section 602 of the Civil Rights Act of 1964 (42 U.S.C. 2000d–1). Section 603 of such Act (42 U.S.C. 2000d–2) shall apply with respect to any action taken by the Secretary to enforce such clause.

“(iii) CONSTRUCTION.—This subparagraph shall not be construed as affecting any legal remedy provided under any other provision of law.

“(C) ENFORCEMENT AUTHORITIES OF SECRETARY.—Whenever the Secretary finds that a State, Indian tribe, or other entity that has received financial assistance under this title has failed to comply with a provision of law referred to in subparagraph (A), with subparagraph (B), or with an applicable regulation (including one prescribed to carry out subparagraph (B)), the Secretary shall notify the chief executive officer of the State involved or the tribally designated official of the tribe involved and shall request such officer or official to secure compliance. If, within a reasonable period of time, not to exceed 60 days, the chief executive officer or official fails or refuses to secure compliance, the Secretary may—

“(i) refer the matter to the Attorney General with a recommendation that an appropriate civil action be instituted;

“(ii) exercise the powers and functions provided by title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.), the Age Discrimination Act of 1975 (42 U.S.C. 6101 et

seq.), sections 504 and 505 of the Rehabilitation Act of 1973 (29 U.S.C. 794, 794(a)), or title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.), as may be applicable; or

“(iii) take such other action as may be provided by law.

“(D) ENFORCEMENT AUTHORITY OF ATTORNEY GENERAL.—When a matter is referred to the Attorney General pursuant to subparagraph (C)(i), or whenever the Attorney General has reason to believe that a State, an Indian tribe, or an entity described in subparagraph (C) is engaged in a pattern or practice in violation of a provision of law referred to in subparagraph (A) or in violation of subparagraph (B), the Attorney General may bring a civil action in any appropriate district court of the United States for such relief as may be appropriate, including injunctive relief.

“(3) INCOME ELIGIBILITY STANDARDS.—No income eligibility standard may be imposed upon individuals with respect to eligibility for assistance or services supported with funds appropriated to carry out this title. No fees may be levied for assistance or services provided with funds appropriated to carry out this title.

“(4) MATCH.—No grant shall be made under this section to any entity other than a State or an Indian tribe unless the entity agrees that, with respect to the costs to be incurred by the entity in carrying out the program or project for which the grant is awarded, the entity will make available (directly or through donations from public or private entities) non-Federal contributions in an amount that is not less than \$1 for every \$5 of Federal funds provided under the grant. The non-Federal contributions required under this paragraph may be in cash or in kind.

“(5) NONDISCLOSURE OF CONFIDENTIAL OR PRIVATE INFORMATION.—

“(A) IN GENERAL.—In order to ensure the safety of adult, youth, and child victims of family violence, domestic violence, or dating violence, and their families, grantees and subgrantees under this title shall protect the confidentiality and privacy of such victims and their families.

“(B) NONDISCLOSURE.—Subject to subparagraphs (C), (D), and (E), grantees and subgrantees shall not—

“(i) disclose any personally identifying information collected in connection with services requested (including services utilized or denied), through grantees' and subgrantees' programs; or

“(ii) reveal personally identifying information without informed, written, reasonably time-limited consent by the person about whom information is sought, whether for this program or any other Federal or State grant program, which consent—

“(I) shall be given by—

“(aa) the person, except as provided in item (bb) or (cc);

“(bb) in the case of an unemancipated minor, the minor and the minor's parent or guardian; or

“(cc) in the case of an individual with a guardian, the individual's guardian; and

“(II) may not be given by the abuser or suspected abuser of the minor or individual with a guardian, or the abuser or suspected abuser of the other parent of the minor.

“(C) RELEASE.—If release of information described in subparagraph (B) is compelled by statutory or court mandate—

“(i) grantees and subgrantees shall make reasonable attempts to provide notice to victims affected by the release of the information; and

“(ii) grantees and subgrantees shall take steps necessary to protect the privacy and

safety of the persons affected by the release of the information.

“(D) INFORMATION SHARING.—Grantees and subgrantees may share—

“(i) nonpersonally identifying information, in the aggregate, regarding services to their clients and demographic nonpersonally identifying information in order to comply with Federal, State, or tribal reporting, evaluation, or data collection requirements;

“(ii) court-generated information and law enforcement-generated information contained in secure, governmental registries for protective order enforcement purposes; and

“(iii) law enforcement- and prosecution-generated information necessary for law enforcement and prosecution purposes.

“(E) OVERSIGHT.—Nothing in this paragraph shall prevent the Secretary from disclosing grant activities authorized in this title to the Committee on Education and Labor of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate and exercising congressional oversight authority. In making all such disclosures, the Secretary shall protect the confidentiality of individuals and omit personally identifying information, including location information about individuals and shelters.

“(F) STATUTORILY PERMITTED REPORTS OF ABUSE OR NEGLECT.—Nothing in this paragraph shall prohibit a grantee or subgrantee from reporting abuse and neglect, as those terms are defined by law, where mandated or expressly permitted by the State or Indian tribe involved.

“(G) PREEMPTION.—Nothing in this paragraph shall be construed to supersede any provision of any Federal, State, tribal, or local law that provides greater protection than this paragraph for victims of family violence, domestic violence, or dating violence.

“(H) CONFIDENTIALITY OF LOCATION.—The address or location of any shelter facility assisted under this title that otherwise maintains a confidential location shall, except with written authorization of the person or persons responsible for the operation of such shelter, not be made public.

“(6) SUPPLEMENT NOT SUPPLANT.—Federal funds made available to a State or Indian tribe under this title shall be used to supplement and not supplant other Federal, State, tribal, and local public funds expended to provide services and activities that promote the objectives of this title.

“(d) REPORTS AND EVALUATION.—Each [State] grantee shall submit an annual performance report to the Secretary at such time as shall be reasonably required by the Secretary. Such performance report shall describe the grantee and subgrantee activities that have been carried out with grant funds made available under [subsection (a)] *subsection (a) or section 309*, contain an evaluation of the effectiveness of such activities, and provide such additional information as the Secretary may reasonably require.

“SEC. 307. STATE APPLICATION.

“(a) APPLICATION.—

“(1) IN GENERAL.—The chief executive officer of a State seeking funds under section 306(a) or a tribally designated official seeking funds under section 309(a) shall submit an application to the Secretary at such time and in such manner as the Secretary may reasonably require.

“(2) CONTENTS.—Each such application shall—

“(A) provide a description of the procedures that have been developed to ensure

compliance with the provisions of sections 306(c) and 308(d);

“(B) provide, with respect to funds described in paragraph (1), assurances that—

“(i) not more than 5 percent of such funds will be used for administrative costs;

“(ii) the remaining funds will be distributed to eligible entities as described in section 308(a) for approved activities as described in section 308(b); and

“(iii) in the distribution of funds by a State under section 308(a), the State will give special emphasis to the support of community-based projects of demonstrated effectiveness, that are carried out by nonprofit private organizations and that—

“(I) have as their primary purpose the operation of shelters for victims of family violence, domestic violence, and dating violence, and their dependents; or

“(II) provide counseling, advocacy, and self-help services to victims of family violence, domestic violence, and dating violence, and their dependents;

“(C) in the case of an application submitted by a State, provide an assurance that there will be an equitable distribution of grants and grant funds within the State and between urban and rural areas within such State;

“(D) in the case of an application submitted by a State, provide an assurance that the State will consult with and provide for the participation of the State Domestic Violence Coalition in the planning and monitoring of the distribution of grants to eligible entities as described in section 308(a) and the administration of the grant programs and projects;

“(E) describe how the State or Indian tribe will involve community-based organizations, whose primary purpose is to provide culturally appropriate services to underserved populations, including how such community-based organizations can assist the State or Indian tribe in addressing the unmet needs of such populations;

“(F) describe how activities and services provided by the State or Indian tribe are designed to reduce family violence, domestic violence, and dating violence, including how funds will be used to provide shelter, supportive services, and prevention services in accordance with section 308(b);

“(G) specify the State agency or tribally designated official to be designated as responsible for the administration of programs and activities relating to family violence, domestic violence, ~~for~~and dating violence, that are carried out by the State or Indian tribe under this title, and for coordination of related programs within the jurisdiction of the State or Indian tribe;

“(H) provide an assurance that the State or Indian tribe has a law or procedure that has been implemented for the eviction of an abusing spouse from a shared household; and

“(I) meet such requirements as the Secretary reasonably determines are necessary to carry out the objectives and provisions of this title.

“(b) APPROVAL OF APPLICATION.—

“(1) IN GENERAL.—The Secretary shall approve any application that meets the requirements of subsection (a) and section 306. The Secretary shall not disapprove any application under this subsection unless the Secretary gives the applicant reasonable notice of the Secretary’s intention to disapprove and a 6-month period providing an opportunity for correction of any deficiencies.

“(2) CORRECTION OF DEFICIENCIES.—The Secretary shall give such notice, within 45 days

after the date of submission of the application, if any of the provisions of subsection (a) or section 306 have not been satisfied in such application. If the State or Indian tribe does not correct the deficiencies in such application within the 6-month period following the receipt of the Secretary’s notice, the Secretary shall withhold payment of any grant funds under section 306 to such State or under section 309 to such Indian tribe until such date as the State or Indian tribe provides documentation that the deficiencies have been corrected.

“(3) STATE OR TRIBAL DOMESTIC VIOLENCE COALITION PARTICIPATION IN DETERMINATIONS OF COMPLIANCE.—State Domestic Violence Coalitions, or comparable coalitions for Indian tribes, shall be permitted to participate in determining whether grantees for corresponding States or Indian tribes are in compliance with subsection (a) and section 306(c), except that no funds made available under section 311 shall be used to challenge a determination about whether a grantee is in compliance with, or to seek the enforcement of, the requirements of this title.

“(4) FAILURE TO REPORT; NONCONFORMING EXPENDITURES.—The Secretary shall suspend funding for an approved application if the applicant fails to submit an annual performance report under section 306(d), or if funds are expended for purposes other than those set forth in section 306(b), after following the procedures set forth in paragraphs (1), (2), and (3).

“SEC. 308. SUBGRANTS AND USES OF FUNDS.

“(a) SUBGRANTS.—A State that receives a grant under section 306(a) shall use grant funds described in section 306(b)(2) to provide subgrants to eligible entities for programs and projects within such State, ~~[to]~~*that is designed to prevent incidents of family violence, domestic violence, and dating [violence and to provide immediate shelter, supportive services, or prevention services for adult and youth victims of family violence, domestic violence, or dating violence, and their dependents, in order]**violence by providing immediate shelter and supportive services for adult and youth victims of family violence, domestic violence, or dating violence (and their dependents), and that may provide prevention services to prevent future incidents of family violence, domestic violence, and dating violence.*

“(b) USE OF FUNDS.—

“(1) IN GENERAL.—Funds awarded to eligible entities under subsection (a) shall be used to provide shelter, supportive services, or prevention services to adult and youth victims of family violence, domestic violence, or dating violence, and their dependents, which may include—

“(A) provision, on a regular basis, of immediate shelter and related supportive services to adult and youth victims of family violence, domestic violence, or dating violence, and their dependents, including paying for the operating and administrative expenses of the facilities for such shelter;

“(B) assistance in ~~[the development of]~~*developing* safety plans, and supporting efforts of victims of family violence, domestic violence, or dating violence to make decisions related to their ongoing safety and well-being;

“(C) provision of individual and group counseling, peer support groups, and referral to community-based services to assist family violence, domestic violence, and dating violence victims, and their dependents, in recovering from the effects of the violence;

“(D) provision of services, training, technical assistance, and outreach to increase

awareness of family violence, domestic violence, and dating violence and increase the accessibility of family violence, domestic violence, and dating violence services;

“(E) provision of culturally and linguistically appropriate services;

“(F) provision of services for children exposed to family violence, domestic violence, or dating violence, including age-appropriate counseling, supportive services, and services for the ~~[abused]~~*nonabusing* parent that support that parent’s role as a caregiver, which may, as appropriate, include services that work with the *nonabusing* parent and child together;

“(G) provision of advocacy, case management services, and information and referral services, concerning issues related to family violence, domestic violence, or dating violence intervention and prevention, including—

“(i) assistance in accessing related Federal and State financial assistance programs;

“(ii) legal advocacy to assist victims *and their dependents*;

“(iii) medical advocacy, including provision of referrals for appropriate health care services (including mental health, alcohol, and drug abuse treatment), but which shall not include reimbursement for any health care services;

“(iv) assistance locating and securing safe and affordable permanent housing and homelessness prevention services;

“(v) provision of transportation, child care, respite care, job training and employment services, financial literacy services and education, financial planning, and related economic empowerment services; and

“(vi) parenting and other educational services for victims and their dependents; and

“(H) prevention services, including outreach to underserved populations.

“(2) SHELTER AND SUPPORTIVE SERVICES.—Not less than 70 percent of the funds distributed by a State under subsection (a) shall be distributed to entities for the primary purpose of providing immediate shelter and supportive services to adult and youth victims of family violence, domestic violence, or dating violence, and their dependents, as described in paragraph (1)(A). Not less than 25 percent of the funds distributed by a State under subsection (a) shall be distributed to entities for the purpose of providing supportive services and prevention services as described in subparagraphs (B) through (H) of paragraph (1).

“(c) ELIGIBLE ENTITIES.—To be eligible to receive a subgrant from a State under this section, an entity shall be—

“(1) a local public agency, or a nonprofit private organization (including faith-based and charitable organizations, community-based organizations, tribal organizations, and voluntary associations), that assists victims of family violence, domestic violence, or dating violence, and their dependents, and has a documented history of effective work concerning family violence, domestic violence, ~~[and]~~*or* dating violence; or

“(2) a partnership of 2 or more agencies or organizations that includes—

“(A) an agency or organization described in paragraph (1); and

“(B) an agency or organization that has a demonstrated history of serving populations in their communities, including providing culturally appropriate services.

“(d) CONDITIONS.—

“(1) DIRECT PAYMENTS TO VICTIMS OR DEPENDENTS.—No funds provided under this title may be used as direct payment to any victim of family violence, domestic violence,

or dating violence, or to any dependent of such victim.

“(2) VOLUNTARILY ACCEPTED SERVICES.—Receipt of supportive services under this title shall be voluntary. No condition may be applied for the receipt of emergency shelter as described in subsection (b)(1)(A).

“SEC. 309. GRANTS FOR INDIAN TRIBES.

“(a) GRANTS AUTHORIZED.—The Secretary, in consultation with tribal governments pursuant to Executive Order 13175 (25 U.S.C. 450 note) and in accordance with section 903 of the Violence Against Women and Department of Justice Reauthorization Act of 2005 (42 U.S.C. 14045d), shall continue to award grants for Indian tribes from amounts appropriated under section 303(a)(2)(B) to carry out this section.

“(b) ELIGIBLE ENTITIES.—To be eligible to receive a grant under this section, an entity shall be an Indian tribe, or a tribal organization or nonprofit private organization authorized by an Indian tribe. An Indian tribe shall have the option to authorize a tribal organization or a nonprofit private organization to submit an application and administer the grant funds awarded under this section.

“(c) CONDITIONS.—Each recipient of such a grant shall comply with requirements that are consistent with the requirements applicable to grantees under section 306.

“(d) GRANTEE APPLICATION.—To be eligible to receive a grant under this section, an entity shall submit an application to the Secretary under section 307 at such time, in such manner, and containing such information as the Secretary determines to be essential to carry out the objectives and provisions of this title. The Secretary shall approve any application that meets requirements consistent with the requirements of section 306(c) and section 307(a).

“(e) USE OF FUNDS.—An amount provided under a grant to an eligible entity shall be used for the services described in section 308(b).

“SEC. 310. NATIONAL RESOURCE CENTERS AND TRAINING AND TECHNICAL ASSISTANCE CENTERS.

“(a) PURPOSE AND GRANTS AUTHORIZED.—

“(1) PURPOSE.—The purpose of this section is to provide resource information, training, and technical assistance relating to the objectives of this title to improve the capacity of individuals, organizations, governmental entities, and communities to prevent family violence, domestic violence, and dating violence and to provide effective intervention services.

“(2) GRANTS AUTHORIZED.—From the amounts appropriated under this title and reserved under section 303(a)(2)(C), the Secretary—

“(A) shall award grants to eligible entities for the establishment and maintenance of—

“(i) 2 national resource centers (as provided for in subsection (b)(1)); and

“(ii) at least 7 special issue resource centers addressing key areas of domestic violence, and intervention and prevention (as provided for in subsection (b)(2)); and

“(iii) State resource centers to reduce disparities in domestic violence in States with high proportions of Indian (including Alaska Native) or Native Hawaiian populations (as provided for in subsection (b)(3)); and

“(B) may award grants, to support training and technical assistance that address emerging issues related to family violence, domestic violence, or dating violence, to entities demonstrating related expertise.]

“(B) may award grants, to—

“(i) State resource centers to reduce disparities in domestic violence in States with high pro-

portions of Indian (including Alaska Native) or Native Hawaiian populations (as provided for in subsection (b)(3)); and

“(ii) support training and technical assistance that address emerging issues related to family violence, domestic violence, or dating violence, to entities demonstrating related expertise.

“(b) DOMESTIC VIOLENCE RESOURCE CENTERS.—

“(1) NATIONAL RESOURCE CENTERS.—In accordance with subsection (a)(2), the Secretary shall award grants to eligible entities for—

“(A) a National Resource Center on Domestic Violence, which shall—

“(i) offer a comprehensive array of technical assistance and training resources to Federal, State, and local governmental agencies, domestic violence service providers, community-based organizations, and other professionals and interested parties, related to domestic violence service programs and research, including programs and research related to victims and their children who are exposed to domestic violence; and

“(ii) maintain a central resource library in order to collect, prepare, analyze, and disseminate information and statistics related to—

“(I) the incidence and prevention of family violence and domestic violence; and

“(II) the provision of shelter, supportive services, and prevention services to adult and youth victims of domestic violence (including services to prevent repeated incidents of violence); and

“(B) a National Indian Resource Center Addressing Domestic Violence and Safety for Indian Women, which shall—

“(i) offer a comprehensive array of technical assistance and training resources to Indian tribes and tribal organizations, specifically designed to enhance the capacity of the tribes and organizations to respond to domestic violence and the findings of section 901 of the Violence Against Women and Department of Justice Reauthorization Act of 2005 (42 U.S.C. 3796gg–10 note);

“(ii) enhance the intervention and prevention efforts of Indian tribes and tribal organizations to respond to domestic violence and increase the safety of Indian women in support of the purposes of section 902 of the Violence Against Women and Department of Justice Reauthorization Act of 2005 (42 U.S.C. 3796gg–10 note); and

“(iii) coordinate activities with other Federal agencies, offices, and grantees that address the needs of Indians (including Alaska Natives), and Native Hawaiians that experience domestic violence, including the Office of Justice Services at the Bureau of Indian Affairs, the Indian Health Service of the Department of Health and Human Services, and the Office on Violence Against Women of the Department of Justice.

“(2) SPECIAL ISSUE RESOURCE CENTERS.—In accordance with subsection (a)(2)(i)(A)(ii), the Secretary shall award grants to eligible entities for special issue resource centers, which shall be national in scope and shall provide information, training, and technical assistance to State and local domestic violence service providers. Each special issue resource center shall focus on enhancing domestic violence intervention and prevention efforts in at least one of the following areas:

“(A) The response of the criminal and civil justice systems to domestic violence victims, which may include the response to the use of the self-defense plea by domestic violence victims and the issuance and use of protective orders.

“(B) The response of child protective service agencies to victims of domestic violence and their dependents and child custody issues in domestic violence cases.

“(C) The response of the interdisciplinary health care system to victims of domestic violence and access to health care resources for victims of domestic violence.

“(D) The response of mental health systems, domestic violence service programs, and other related systems and programs to victims of domestic violence and to their children who are exposed to domestic violence.

“(E) In the case of 3 specific resource centers, enhancing domestic violence intervention and prevention efforts [in the response of domestic violence service providers to] for victims of domestic violence who are members of racial and ethnic minority groups, to enhance the cultural and linguistic relevancy of service delivery, resource utilization, policy, research, technical assistance, community education, and prevention initiatives.

“(3) STATE RESOURCE CENTERS TO REDUCE TRIBAL DISPARITIES.—

“(A) IN GENERAL.—In accordance with subsection (a)(2), the Secretary [shall] may award grants to eligible entities for State resource centers, which shall provide statewide information, training, and technical assistance to Indian tribes, tribal organizations, and local domestic violence service organizations serving Indians (including Alaska Natives) or Native Hawaiians, in a culturally sensitive and relevant manner.

“(B) REQUIREMENTS.—An eligible entity shall use a grant provided under this paragraph—

“(i) to offer a comprehensive array of technical assistance and training resources to Indian tribes, tribal organizations, and providers of services to Indians (including Alaska Natives) or Native Hawaiians, specifically designed to enhance the capacity of the tribes, organizations, and providers to respond to domestic violence, including offering the resources in States in which the population of Indians (including Alaska Natives) or Native Hawaiians exceeds 2.5 percent of the total population of the State;

“(ii) to coordinate all projects and activities with the national resource center described in paragraph (1)(B), including projects and activities that involve working with nontribal State and local governments to enhance their capacity to understand the unique needs of Indians (including Alaska Natives) and Native Hawaiians; and

“(iii) to provide comprehensive community education and domestic violence prevention initiatives in a culturally sensitive and relevant manner.

“(c) ELIGIBILITY.—

“(1) IN GENERAL.—To be eligible to receive a grant under [paragraph (1)(A)] subsection (b)(1)(A) or subparagraph (A), (B), (C), or (D) of subsection (b)(2), an entity shall be a nonprofit private organization that focuses primarily on domestic violence and that—

“(A) provides documentation to the Secretary demonstrating experience working directly on issues of domestic violence, and (in the case of an entity seeking a grant under subsection (b)(2)) demonstrating experience working directly in the corresponding specific special issue area described in subsection (b)(2);

“(B) includes on the entity's advisory board representatives who are from domestic violence service programs and who are geographically and culturally diverse; and

“(C) demonstrates the strong support of domestic violence service programs from

across the Nation for the entity's designation as a national resource center or a special issue resource center, as appropriate.

“(2) NATIONAL INDIAN RESOURCE CENTER.—To be eligible to receive a grant under subsection (b)(1)(B), an entity shall be a tribal organization or a nonprofit private organization that focuses primarily on issues of domestic violence within Indian tribes and that submits documentation to the Secretary demonstrating—

“(A) experience working with Indian tribes and tribal organizations to respond to domestic violence and the findings of section 901 of the Violence Against Women and Department of Justice Reauthorization Act of 2005 (42 U.S.C. 3796gg–10 note);

“(B) experience providing Indian tribes and tribal organizations with assistance in developing tribally-based prevention and intervention services addressing domestic violence and safety for Indian women consistent with the purposes of section 902 of the Violence Against Women and Department of Justice Reauthorization Act of 2005 (42 U.S.C. 3796gg–10 note);

“(C) strong support for the entity's designation as the National Indian Resource Center Addressing Domestic Violence and Safety for Indian Women from advocates working within Indian tribes to address domestic violence and the safety of Indian women;

“(D) a record of demonstrated effectiveness in assisting Indian tribes and tribal organizations with prevention and intervention services addressing domestic violence; and

“(E) the capacity to serve Indian tribes (including Alaska Native villages and regional and village corporations) across the United States.

“(3) SPECIAL ISSUE RESOURCE CENTERS CONCERNED WITH RACIAL AND ETHNIC MINORITY GROUPS.—To be eligible to receive a grant under subsection (b)(2)(E), an entity shall be an entity that—

“(A) is a nonprofit private organization that focuses primarily on issues of domestic violence in a racial or ethnic community, or is a public or private nonprofit educational institution that has a domestic violence institute, center, or program related to culturally specific issues in domestic violence; and

“(B)(i) has documented experience in the areas of domestic violence prevention and services, and experience relevant to the specific racial or ethnic population to which information, training, technical assistance, and outreach would be provided under the grant;

“(ii) demonstrates the strong support, of advocates from across the Nation who are working to address domestic violence; and

“(iii) has a record of demonstrated effectiveness in enhancing the cultural and linguistic relevancy of service delivery.

“(4) STATE RESOURCE CENTERS TO REDUCE TRIBAL DISPARITIES.—To be eligible to receive a grant under subsection (b)(3), an entity shall—

“(A)(i) be located in a State in which the population of Indians (including Alaska Natives) or Native Hawaiians exceeds 10 percent of the total population of the State; or

“(ii) be an Indian tribe or tribal organization Note: Mention Native Hawaiian communities or organizations in this paragraph? that focuses primarily on issues of domestic violence among Indians or an institution of higher education; and

“(ii) be an Indian tribe, tribal organization, or Native Hawaiian organization that focuses primarily on issues of domestic violence among In-

dians or Native Hawaiians, or an institution of higher education; and

“(B) demonstrate the ability to serve all regions of the State, including underdeveloped areas and areas that are geographically distant from population centers.

“(d) REPORTS AND EVALUATION.—Each entity receiving a grant under this section shall submit a performance report to the Secretary annually and in such manner as shall be reasonably required by the Secretary. Such performance report shall describe the activities that have been carried out with such grant funds, contain an evaluation of the effectiveness of the activities, and provide such additional information as the Secretary may reasonably require.

“SEC. 311. GRANTS TO STATE DOMESTIC VIOLENCE COALITIONS.

“(a) GRANTS.—The Secretary shall award grants for the funding of State Domestic Violence Coalitions.

“(b) ALLOTMENT OF FUNDS.—

“(1) IN GENERAL.—From the amount appropriated under section 303(a)(2)(D) for each fiscal year, the Secretary shall allot to each of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, and [the combined]each of the covered territories an amount equal to $\frac{1}{63}$ off $\frac{1}{56}$ of the amount so appropriated for such fiscal year.

“(2) DEFINITION.—For purposes of this subsection, the term [‘combined’]covered territories’ means Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands.

“(c) APPLICATION.—Each State Domestic Violence Coalition desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary determines to be essential to carry out the objectives of this section. The application submitted by the coalition for the grant shall provide documentation of the coalition's work, satisfactory to the Secretary, demonstrating that the coalition—

“(1) meets all of the applicable requirements set forth in this title; and

“(2) demonstrates the ability [to appropriately conduct]to conduct appropriately all activities described in this section, as indicated by—

“(A) documented experience in administering Federal grants to conduct the activities described in subsection (d); or

“(B) a documented history of active participation in the activities described in paragraphs (1), (3), (4), and (5) of subsection (d) and a demonstrated capacity to conduct the activities described in subsection (d)(2).

“(d) USE OF FUNDS.—A coalition that receives a grant under this section shall use the grant funds for administration and operations to further the purposes of family violence, domestic violence, and dating violence intervention and prevention, through activities that shall include—

“(1) working with local family violence, domestic violence, and dating violence service programs and providers of direct services to encourage appropriate and comprehensive responses to family violence, domestic violence, and dating violence against adults or youth within the State involved, including providing training and technical assistance and conducting State needs assessments;

“(2) participating in planning and monitoring the distribution of subgrants and subgrant funds within the State under section 308(a);

“(3) working in collaboration with service providers and community-based organizations to address the needs of family violence,

domestic violence, and dating violence victims, and their dependents, who are members of racial and ethnic minority populations and underserved populations;

“(4) collaborating with and providing information to entities in such fields as housing, health care, mental health, social welfare, or business to support the development and implementation of effective policies, protocols, and programs that address the safety and support needs of adult and youth victims of family violence, domestic violence, or dating violence;

“(5) encouraging appropriate responses to cases of family violence, domestic violence, or dating violence against adults or youth, including by working with judicial and law enforcement agencies;

“(6) working with family law judges, criminal court judges, child protective service agencies, and children's advocates to develop appropriate responses to child custody and visitation issues in cases of child exposure to family violence, domestic violence, or dating violence and in cases in which—

“(A) family violence, domestic violence, or dating violence is present; and

“(B) child abuse is present;

“(7) providing information to the public about prevention of family violence, domestic violence, and dating violence, including information targeted to underserved populations; and

“(8) collaborating with Indian tribes and tribal organizations (and corresponding Native Hawaiian groups or communities) to address the needs of Indian (including Alaska Native) and Native Hawaiian victims of family violence, domestic violence, or dating violence, as applicable in the State.

“(e) LIMITATION ON USE OF FUNDS.—A coalition that receives a grant under this section shall not be required to use funds received under [this Act]this title for the purposes described in paragraph (5) or (6) of subsection (d) if the coalition provides an annual assurance to the Secretary that the coalition is—

“(1) using funds received under the Violence Against Women Act of 1994 for such purposes; and

“(1) using funds received under section 2001(c)(1) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg(c)(1)) for such purposes; and

“(2) coordinating the activities carried out by the coalition under subsection (d) with the State's activities under [the Violence Against Women Act of 1994]part T of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg et seq.) that address those purposes.

“(f) PROHIBITION ON LOBBYING.—No funds made available to entities under this section shall be used, directly or indirectly, to influence the issuance, amendment, or revocation of any executive order or similar promulgation by any Federal, State, or local agency, or to undertake to influence the passage or defeat of any legislation by Congress, or by any State or local legislative body, or State proposals by initiative petition, except that the representatives of the entity may testify or make other appropriate communication—

“(1) when formally requested to do so by a legislative body, a committee, or a member of the body or committee; or

“(2) in connection with legislation or appropriations directly affecting the activities of the entity.

“(g) REPORTS AND EVALUATION.—Each entity receiving a grant under this section shall submit a performance report to the Secretary at such time as shall be reasonably required by the Secretary. Such performance

report shall describe the activities that have been carried out with such grant funds, contain an evaluation of the effectiveness of such activities, and provide such additional information as the Secretary may reasonably require.

“(h) INDIAN REPRESENTATIVES.—For purposes of this section, a State Domestic Violence Coalition may include representatives of Indian tribes and tribal organizations.

“SEC. 312. SPECIALIZED SERVICES FOR ABUSED PARENTS AND THEIR CHILDREN.

“(a) IN GENERAL.—

“(1) PROGRAM.—The Secretary shall establish a grant program to expand the capacity of family violence, domestic violence, and dating violence service programs and community-based programs to prevent future domestic violence by addressing, in an appropriate manner, the needs of children exposed to family violence, domestic violence, or dating violence.

“(2) GRANTS.—The Secretary may make grants to eligible entities through the program established under paragraph (1) for periods of not more than 2 years. If the Secretary determines that an entity has received such a grant and been successful in meeting the objectives of the grant application submitted under subsection (c), the Secretary may renew the grant for 1 additional period of not more than 2 years.

“(b) ELIGIBLE ENTITIES.—To be eligible to receive a grant under this section, an entity shall be a local [agency or] agency, a nonprofit private organization (including faith-based and charitable organizations, community-based organizations, [tribal organizations, and voluntary associations]) and voluntary associations), or a tribal organization, with a demonstrated record of serving victims of family violence, domestic violence, or dating violence and their children.

“(c) APPLICATION.—An entity seeking a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require, including—

“(1) a description of how the entity will prioritize the safety of, and confidentiality of information about, victims of family violence, domestic violence, or dating violence and their children; [and] information about—

“(A) victims of family violence, victims of domestic violence, and victims of dating violence; and

“(B) children of victims described in subparagraph (A);

“(2) a description of how the entity will provide developmentally appropriate and age-appropriate services, and culturally and linguistically appropriate services, to the victims and children; and

“(3) a description of how the entity will ensure that professionals working with the children receive the training and technical assistance appropriate and relevant to the unique needs of children exposed to family violence, domestic violence, or dating violence.

“(d) USE OF FUNDS.—An entity that receives a grant under this section for a family violence, domestic violence, and dating violence service or community-based program described in subsection (a)—

“(1) shall use the funds made available through the grant—

“(A) to provide direct counseling, appropriate services consistent with subsection (c)(2), or advocacy on behalf of victims of family violence, domestic violence, or dating violence and their children, including coordinating services with services provided by the child welfare system;

“(B) to provide services for [abused] nonabusing parents to support those parents' roles as caregivers and their roles in responding to the social, emotional, and developmental needs of their children; and

“(C) where appropriate, to provide the services described in this subsection while working with such [an abused] a nonabusing parent and child together; and

“(2) may use the funds made available through the grant—

“(A) to provide early childhood development and mental health services;

“(B) to coordinate activities with and provide technical assistance to community-based organizations serving victims of family violence, domestic violence, or dating violence or children exposed to family violence, domestic violence, or dating violence; and

“(C) to provide additional services and referrals to services for children, including child care, transportation, educational support, respite care, supervised visitation, or other necessary services.

“(e) REPORTS AND EVALUATION.—Each entity receiving a grant under this section shall submit a performance report to the Secretary at such time as shall be reasonably required by the Secretary. Such performance report shall describe the activities that have been carried out with such grant funds, contain an evaluation of the effectiveness of such activities, and provide such additional information as the Secretary may reasonably require.

“SEC. 313. NATIONAL DOMESTIC VIOLENCE HOTLINE GRANT.

“(a) IN GENERAL.—The Secretary shall award a grant to a nonprofit private entity to provide for the ongoing operation of a 24-hour, national, toll-free telephone hotline to provide information and assistance to adult and youth victims of family violence, domestic violence, or dating violence, family and household members of such victims, and persons affected by the victimization. The Secretary shall give priority to applicants with experience in operating a hotline that provides assistance to adult and youth victims of family violence, domestic violence, or dating violence.

“(b) TERM.—The Secretary shall award a grant under this section for a period of not more than 5 years.

“(c) CONDITIONS ON PAYMENT.—The provision of payments under a grant awarded under this section shall be subject to annual approval by the Secretary and subject to the availability of appropriations for each fiscal year to make the payments.

“(d) APPLICATION.—To be eligible to receive a grant under this section, an entity shall submit an application to the Secretary that shall—

“(1) contain such agreements, assurances, and information, be in such form, and be submitted in such manner, as the Secretary shall prescribe;

“(2) include a complete description of the applicant's plan for the operation of a national domestic violence hotline, including descriptions of—

“(A) the training program for hotline personnel, including technology training to ensure that all persons affiliated with the hotline are able to effectively operate any technological systems used by the hotline;

“(B) the hiring criteria and qualifications for hotline personnel;

“(C) the methods for the creation, maintenance, and updating of a resource database;

“(D) a plan for publicizing the availability of the hotline;

“(E) a plan for providing service to non-English speaking callers, including service through hotline personnel who have non-English language capability; [and]

“(F) a plan for facilitating access to the hotline by persons with hearing impairments; and

“[(F) shall provide] (G) a plan for providing assistance and referrals to youth victims of domestic violence and for victims of dating violence who are minors, which may be carried out through a national teen dating violence hotline;

“(3) demonstrate that the applicant has recognized expertise in the area of family violence, domestic violence, [and dating] or dating violence and a record of high quality service to victims of family violence, domestic violence, or dating violence, including a demonstration of support from advocacy groups and State Domestic Violence Coalitions;

“(4) demonstrate that the applicant has the capacity and the expertise to maintain a domestic violence hotline and a comprehensive database of service providers;

“(5) demonstrate the ability to provide information and referrals for callers, directly connect callers to service providers, and employ crisis interventions meeting the standards of family violence, domestic violence, and dating violence providers;

“(6) demonstrate that the applicant has a commitment to diversity and to the provision of services to underserved populations, including to ethnic, racial, and non-English speaking minorities, in addition to older individuals and individuals with disabilities;

“(7) demonstrate that the applicant complies with nondisclosure requirements as described in section 306(c)(5) and follows comprehensive quality assurance practices; and

“(8) contain such other information as the Secretary may require.

“(e) HOTLINE ACTIVITIES.—

“(1) IN GENERAL.—An entity that receives a grant under this section for activities described, in whole or in part, in subsection (a) shall use funds made available through the grant to establish and operate a 24-hour, national, toll-free telephone hotline to provide information and assistance to adult and youth victims of family violence, domestic violence, or dating violence, and other individuals described in subsection (a).

“(2) ACTIVITIES.—In establishing and operating the hotline, the entity—

“(A) shall contract with a carrier for the use of a toll-free telephone line;

“(B) shall employ, train (including providing technology training), and supervise personnel to answer incoming calls, provide counseling and referral services for callers on a 24-hour-a-day basis, and directly connect callers to service providers;

“(C) shall assemble and maintain a database of information relating to services for adult and youth victims of family violence, domestic violence, or dating violence to which callers may be referred throughout the United States, including information on the availability of shelters and supportive services for victims of family violence, domestic violence, or dating violence;

“(D) shall widely publicize the hotline throughout the United States, including to potential users;

“(E) shall provide assistance and referrals to meet the needs of underserved populations and individuals with disabilities;

“(F) shall provide assistance and referrals for youth victims of domestic violence and for victims of dating violence who are minors, which may be carried out through a national teen dating violence hotline;

“(G) may provide appropriate assistance and referrals for family and household members of victims of family violence, domestic violence, or dating violence, and persons affected by the victimization described in subsection (a); and

“(H) at the discretion of the hotline operator, may provide [assistance or referrals for] assistance, or referrals for counseling or intervention, for identified adult and youth perpetrators, including self-identified perpetrators, of family violence, domestic violence, or dating violence, but shall not be required to provide such assistance or referrals in any circumstance in which the hotline operator fears the safety of a victim may be impacted by an [accused abuser] abuser or suspected abuser.

“(f) **REPORTS AND EVALUATION.**—The entity receiving a grant under this section shall submit a performance report to the Secretary at such time as shall be reasonably required by the Secretary. Such performance report shall describe the activities that have been carried out with such grant funds, contain an evaluation of the effectiveness of such activities, and provide such additional information as the Secretary may reasonably require.

“SEC. 314. DOMESTIC VIOLENCE PREVENTION ENHANCEMENT AND LEADERSHIP THROUGH ALLIANCES (DELTA).

“(a) **IN GENERAL.**—The Secretary shall enter into cooperative agreements with State Domestic Violence Coalitions for the purposes of establishing, operating, and maintaining local community projects to prevent family violence, domestic violence, and dating violence, including violence committed by and against youth, using a coordinated community response model and through prevention and education programs.

“(b) **TERM.**—The Secretary shall enter into a cooperative agreement under this section for a period of not more than 5 fiscal years.

“(c) **CONDITIONS ON PAYMENT.**—The provision of payments under a cooperative agreement under this section shall be subject to—

“(1) annual approval by the Secretary; and

“(2) the availability of appropriations for each fiscal year to make the payments.

“(d) **ELIGIBILITY.**—To be eligible to enter into a cooperative agreement under this section, an organization shall—

“(1) be a State Domestic Violence Coalition; and

“(2) include representatives of pertinent sectors of the local community, which may include—

“(A) health care providers and State or local health departments;

“(B) the education community;

“(C) the faith-based community;

“(D) the criminal justice system;

“(E) family violence, domestic violence, and dating violence service program advocates;

“(F) human service entities such as State child services divisions;

“(G) business and civic leaders; and

“(H) other pertinent sectors.

“(e) **APPLICATIONS.**—An organization that desires to enter into a cooperative agreement under this section shall submit to the Secretary an application, in such form and in such manner as the Secretary shall require, that—

“(1) demonstrates the capacity of the applicant, who may enter into a partnership with a local family violence, domestic violence, or dating violence service provider or community-based organization, to undertake the project involved;

“(2) demonstrates that the project will include a coordinated community response to

improve and expand prevention strategies through increased communication and coordination among all affected sectors of the local community;

“(3) includes a complete description of the applicant's plan for the establishment and implementation of the coordinated community response, including a description of—

“(A) the method to be used for identification and selection of an administrative committee made up of persons knowledgeable about comprehensive family violence, domestic violence, and dating violence prevention planning to oversee the project, hire staff, assure compliance with the project outline, and secure annual evaluation of the project;

“(B) the method to be used for identification and selection of project staff and a project evaluator;

“(C) the method to be used for identification and selection of a project council consisting of representatives of the community sectors listed in subsection (d)(2); and

“(D) the method to be used for identification and selection of a steering committee consisting of representatives of the various community sectors who will chair subcommittees of the project council, each of which will focus on 1 of the sectors;

“(4) demonstrates that the applicant has experience in providing, or the capacity to provide, prevention-focused training and technical assistance;

“(5) demonstrates that the applicant has the capacity to carry out collaborative community initiatives to prevent family violence, domestic violence, and dating violence; and

“(6) contains such other information, agreements, and assurances as the Secretary may require.

“(f) **GEOGRAPHICAL DISPERSION.**—The Secretary shall enter into cooperative agreements under this section with organizations in States geographically dispersed throughout the Nation.

“(g) **USE OF FUNDS.**—

“(1) **IN GENERAL.**—An organization that enters into a cooperative agreement under subsection (a) shall use the funds made available through the agreement to establish, operate, and maintain comprehensive family violence, domestic violence, and dating violence prevention programming.

“(2) **TECHNICAL ASSISTANCE, EVALUATION AND MONITORING.**—The Secretary may use a portion of the funds provided under this section to—

“(A) provide technical assistance;

“(B) monitor the performance of organizations carrying out activities under the cooperative agreements; and

“(C) conduct an independent evaluation of the program carried out under this section.

“(3) **REQUIREMENTS.**—In establishing and operating a project under this section, an eligible organization shall—

“(A) establish protocols to improve and expand family violence, domestic violence, and dating violence prevention and intervention strategies within affected community sectors described in subsection (d)(2);

“(B) develop comprehensive prevention plans to coordinate prevention efforts with other community sectors;

“(C) provide for periodic evaluation of the project, and analysis to assist in replication of the prevention strategies used in the project in other communities, and submit a report under subsection (h) that contains the evaluation and analysis;

“(D) develop, replicate, or conduct comprehensive, evidence-informed primary pre-

vention programs that reduce risk factors and promote protective factors that reduce the likelihood of family violence, domestic violence, and dating violence, which may include—

“(i) educational workshops and seminars;

“(ii) training programs for professionals;

“(iii) the preparation of informational material;

“(iv) developmentally appropriate education programs;

“(v) other efforts to increase awareness of the facts about, or to help prevent, family violence, domestic violence, and dating violence; and

“(vi) the dissemination of information about the results of programs conducted under this subparagraph;

“(E) utilize evidence-informed prevention program planning; and

“(F) recognize, in applicable cases, the needs of underserved populations, racial and linguistic populations, and individuals with disabilities.

“(h) **REPORTS AND EVALUATION.**—Each organization entering into a cooperative agreement under this section shall submit a performance report to the Secretary at such time as shall be reasonably required by the Secretary. Such performance report shall describe activities that have been carried out with the funds made available through the agreement, contain an evaluation of the effectiveness of such activities, and provide such additional information as the Secretary may reasonably require. The Secretary shall make the evaluations received under this subsection publicly available on the Department of Health and Human Services website. The reports shall also be submitted to the Committee on Education and Labor of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate.”

SEC. 202. AMENDMENTS TO OTHER LAWS.

(a) **TITLE 11, UNITED STATES CODE.**—Section 707(b)(2)(A)(ii)(I) of title 11, United States Code, is amended in the 4th sentence by striking “section 309 of the Family Violence Prevention and Services Act” and inserting “section 302 of the Family Violence Prevention and Services Act”.

(b) **INDIVIDUALS WITH DISABILITIES EDUCATION ACT.**—Section 635(c)(2)(G) of the Individuals with Disabilities Education Act (20 U.S.C. 1435(c)(2)(G)) is amended by striking “section 320 of the Family Violence Prevention and Services Act” and inserting “section 302 of the Family Violence Prevention and Services Act”.

(c) **OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968.**—Section 2001(c)(2)(A) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg(c)(2)(A)) is amended by striking “through the Family Violence Prevention and Services Act (42 U.S.C. 10410 et seq.)” and inserting “under section 311 of the Family Violence Prevention and Services Act”.

(d) **VIOLENCE AGAINST WOMEN ACT OF 1994.**—Section 40002(a)(26) of the Violence Against Women Act of 1994 (42 U.S.C. 13925(a)(26)) is amended by striking “under the Family Violence Prevention and Services Act (42 U.S.C. 10410(b))” and inserting “under sections 302 and 311 of the Family Violence Prevention and Services Act”.

(e) **VIOLENT CRIME CONTROL AND LAW ENFORCEMENT ACT OF 1994.**—The portion of section 310004(d) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14214(d)) that pertains to the definition of the term “prevention program” is amended—

(1) in paragraph (20), by striking “section 40211” and inserting “section 313 of the Family Violence Prevention and Services Act (relating to a hotline)”;

(2) in paragraph (22), by striking “section 40241” and inserting “sections 301 through 312 of the Family Violence Prevention and Services Act”; and

(3) in paragraph (24), by striking “section 40261” and inserting “section 314 of the Family Violence Prevention and Services Act (relating to community projects to prevent family violence, domestic violence, and dating violence)”.

TITLE III—CHILD ABUSE PREVENTION AND TREATMENT AND ADOPTION REFORM ACT OF 1978

SEC. 301. CHILD ABUSE PREVENTION AND TREATMENT AND ADOPTION REFORM.

(a) FINDINGS.—Section 201 of the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978 (42 U.S.C. 5111) is amended—

[(1) in subsection (a)—

[(A) in paragraph (1)—

[(i) by striking “\$65,000” and inserting “\$66,000”; and

[(ii) by striking “2001” and inserting “2005”; and

[(B) in paragraph (5)(A), by striking “\$131,000” and inserting “\$122,000”; and]

(1) by striking subsection (a) and inserting the following:

“(a) FINDINGS.—Congress finds that—

“(1) on the last day of fiscal year 2009, some 424,000 children were living in temporary foster family homes or other foster care settings;

“(2) most children in foster care are victims of child abuse or neglect by their biological parents and their entry into foster care brought them the additional trauma of separation from their homes and often their communities;

“(3) on average, children entering foster care have more physical and mental health needs than do children in the general population, and some require intensive services because the children entering foster care—

“(A) were born to mothers who did not receive prenatal care;

“(B) were born with life-threatening conditions or disabilities;

“(C) were born addicted to alcohol or other drugs; or

“(D) have HIV/AIDS;

“(4) each year, thousands of children in foster care, regardless of their age, the size of the sibling group they are a part of, their racial or ethnic status, their medical condition, or any physical, mental or emotional disability they may have, are in need of placement with permanent, loving, adoptive families;

“(5)(A) States have made important strides in increasing the number of children who are placed in permanent homes with adoptive parents and in reducing the length of time children wait for such a placement; and

“(B) many thousands of children, however, still remain in institutions or foster homes solely because of legal and other barriers to such a placement;

“(6)(A) on the last day of fiscal year 2009, there were 115,000 children waiting for adoption;

“(B) children waiting for adoption have had parental rights of all living parents terminated or the children have a permanency goal of adoption;

“(C)(i) the average age of children adopted with public child welfare agency involvement during fiscal year 2009 was a little more than 6 years; and

“(ii) the average age of children waiting for adoption on the last day of that fiscal year was a little more than 8 years of age and more than 30,000 of those children were 12 years of age or older; and

“(D)(i) 25 percent of the children adopted with public child welfare agency involvement during fiscal year 2009 were African-American; and

“(ii) 30 percent of the children waiting for adoption on the last day of fiscal year 2009 were African-American;

“(7) adoption may be the best alternative for assuring the healthy development of children placed in foster care;

“(8) there are qualified persons seeking to adopt such children who are unable to do so because of barriers to their placement and adoption; and

“(9) in order both to enhance the stability of and love in the home environments of such children and to avoid wasteful expenditures of public funds, such children—

“(A) should not have medically indicated treatment withheld from them; or

“(B) be maintained in foster care or institutions when adoption is appropriate and families can be found for such children.”; and

(2) in subsection (b)—

(A) in the matter preceding paragraph (1), by inserting “older children, minority children, and” after “particularly”; and

(B) by striking paragraph (2) and inserting the following:

“(2) maintain an Internet-based national adoption information exchange system to—

“(A) bring together children who would benefit from adoption and qualified prospective adoptive parents who are seeking such children;

“(B) conduct national recruitment efforts in order to reach prospective parents for children awaiting adoption; and

“(C) connect placement agencies, prospective adoptive parents, and adoptive parents to resources designed to reduce barriers to adoption, support adoptive families, and ensure permanency; and”.

(b) INFORMATION AND SERVICES.—Section 203 of the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978 (42 U.S.C. 5113) is amended—

(1) in subsection (a), by striking all that follows “facilitate the adoption of” and inserting “older children, minority children, and children with special needs, particularly infants and toddlers with disabilities who have life-threatening conditions, and services to couples considering adoption of children with special needs.”;

(2) in subsection (b)—

(A) in paragraph (1)—

(i) by striking “and” after “regarding adoption” and inserting a comma; and

(ii) by inserting “, and post-legal adoption services” after “adoption assistance programs”;

(B) in paragraph (2), by inserting “, including efforts to promote the adoption of older children, minority children, and children with special needs” after “national level”;

(C) in paragraph (7)—

(i) by striking “study the efficacy of States contracting with” and inserting “increase the effective use of”;

(ii) by striking the comma after “organizations” and inserting “by States.”;

(iii) by inserting a comma after “institutions”; and

(iv) by inserting “, including assisting in efforts to work with organizations that promote the placement of older children, minority children, and children with special needs” after “children for adoption”;

(D) in paragraph (9)—

(i) in subparagraph (B), by striking “and” at the end;

(ii) in subparagraph (C), by adding “and” after the semicolon at the end; and

(iii) by adding at the end the following:

“(D) identify best practices to reduce adoption disruption and termination.”; and

(E) in paragraph (10)—

(i) in the matter preceding subparagraph (A), by inserting “tribal child welfare agencies,” after “local government entities.”; and

(ii) in subparagraph (A)—

(I) in clause (ii), by inserting “, including developing and using procedures to notify family and relatives when a child enters the child welfare system” before the semicolon at the end;

(II) by redesignating clauses (vii) and (viii) as clauses (viii) and (ix), respectively; and

(III) by inserting after clause (vi) the following:

“(vii) education and training of prospective adoptive or adoptive parents.”; and

(3) in subsection (d)—

(A) in paragraph (1), by striking the second sentence and all that follows; and

(B) in paragraph (2)—

(i) in subparagraph (A)—

(I) in the second sentence, by inserting “, consistent with the purpose of this title” after “by the Secretary”; and

(II) by striking the [3rd] third sentence and inserting the following: “Each application shall contain information that—

“(i) describes how the State plans to improve the placement rate of children in permanent homes;

“(ii) describes the methods the State, prior to submitting the application, has used to improve the placement of older children, minority children, and children with special needs, who are legally free for adoption;

“(iii) describes the evaluation the State plans to conduct, to identify the effectiveness of programs and methods of placement under this subsection, and submit to the Secretary; and

“(iv) describes how the State plans to coordinate activities under this subsection with relevant activities under section 473 of the Social Security Act (42 U.S.C. 673).”;

(ii) in subparagraph (B)(i), by inserting “older children, minority children, and” after “successful placement of”; and

(iii) by adding at the end the following:

“(C) EVALUATION.—The Secretary shall compile the results of evaluations submitted by States (described in subparagraph (A)(iii)) and submit a report containing the compiled results to the appropriate committees of Congress.”.

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 205 of the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978 (42 U.S.C. 5115) is amended—

[(1) in paragraph (1), by striking “\$40,000,000” and all that follows through “2008” and inserting “\$40,000,000 for fiscal year 2011 and such sums as may be necessary for each of fiscal years 2012 through 2015”];

(1) in subsection (a)—

(A) by striking “2004” and inserting “2010”; and

(B) by striking “2005 through 2008” and inserting “2011 through 2015”;

(2) by redesignating subsection (b) as subsection (c); and

(3) by inserting after subsection (a) the following:

“(b) Not less than 30 percent and not more than 50 percent of the funds appropriated under subsection (a) shall be allocated for activities under subsections (b)(10) and (c) of section 203.”.

TITLE IV—ABANDONED INFANTS ASSISTANCE ACT OF 1988

SEC. 401. ABANDONED INFANTS ASSISTANCE.

(a) FINDINGS.—Section 2 of the Abandoned Infants Assistance Act of 1988 (42 U.S.C. 5117aa) is amended—

(1) in paragraph (4), by striking “including those” and all that follows through ““AIDS””

and inserting "including those with HIV/AIDS"; and

(2) in paragraph (5), by striking "acquired immune deficiency syndrome" and inserting "HIV/AIDS".

(b) **REPEAL.**—Title II of the Abandoned Infants Assistance Act of 1988 (Public Law 100-505; 102 Stat. 2536) is repealed.

[(a) **EVALUATIONS, STUDY, AND REPORTS.**—Section 102(b)(2) of the Abandoned Infants Assistance Act of 1988 (42 U.S.C. 5117aa-12(b)(2)) is amended by striking "Keeping Children and Families Safe Act of 2003" and inserting "CAPTA Reauthorization Act of 2010".]

(c) **DEFINITIONS.**—Section 301 of the Abandoned Infants Assistance Act of 1988 (42 U.S.C. 5117aa-21) is amended—

(1) by striking paragraph (2); and

(2) by redesignating paragraphs (3) through (5) as paragraphs (2) through (4), respectively.

[(b)](d) **AUTHORIZATION OF APPROPRIATIONS.**—Section 302 of the Abandoned Infants Assistance Act of 1988 (42 U.S.C. 5117aa-22) is amended—

[(1) in subsection (a)(1), by striking "\$45,000,000" and all that follows and inserting "\$45,000,000 for fiscal year 2011 and such sums as may be necessary for each of fiscal years 2012 through 2015."; and]

(1) in subsection (a)(1)—

(A) by striking "2004" and inserting "2010"; and

(B) by striking "2005 through 2008" and inserting "2011 through 2015"; and

(2) in subsection (b)(2), by striking "fiscal year 2003" and inserting "fiscal year 2010".

Mr. DURBIN. I ask unanimous consent that the committee-reported amendments be agreed to; the bill, as amended, be read a third time and passed; the motions to reconsider be laid upon the table, with no intervening action or debate; and any statements related to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendments were agreed to.

The bill (S. 3817), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 3817

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "CAPTA Reauthorization Act of 2010".

TITLE I—CHILD ABUSE PREVENTION AND TREATMENT ACT

SEC. 101. FINDINGS.

Section 2 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5101 note) is amended—

(1) by striking paragraph (1) and inserting the following:

"(1) in fiscal year 2008, approximately 772,000 children were found by States to be victims of child abuse and neglect;";

(2) in paragraph (2)—

(A) in subparagraph (A), by inserting "and close to 1/3 of all child maltreatment-related fatalities in fiscal year 2008 were attributed to neglect alone" after "maltreatment"; and

(B) in subparagraph (B)—

(i) by striking "60 percent" and inserting "71 percent";

(ii) by striking "2001" and inserting "fiscal year 2008";

(iii) by striking "19 percent" and inserting "16 percent";

(iv) by striking "10 percent" and inserting "9 percent"; and

(v) by striking "and 7 percent suffered emotional maltreatment" and inserting ", 7 percent suffered psychological maltreatment, 2 percent experienced medical neglect, and 9 percent were victims of other forms of maltreatment";

(3) in paragraph (3)—

(A) in subparagraph (A) by inserting "or neglect" after "abuse";

(B) in subparagraph (B), by striking "2001, an estimated 1,300" and inserting "fiscal year 2008, an estimated 1,740"; and

(C) in subparagraph (C)—

(i) by inserting "in fiscal year 2008," after "(C)";

(ii) by striking "41 percent" and inserting "45 percent";

(iii) by striking "85 percent" and inserting "72 percent";

(iv) by striking "6 years" and inserting "4 years"; and

(v) by striking "abuse" each place it appears and inserting "maltreatment";

(4) in paragraph (4)(B), by striking "slightly" and all that follows and inserting "approximately 37 percent of victims of child abuse did not receive post-investigation services in fiscal year 2008;";

(5) by redesignating paragraphs (5) through (13) as paragraphs (6) through (11) and (13) through (15), respectively;

(6) by inserting after paragraph (4) of this section the following:

"(5) African-American children, American Indian children, Alaska Native children, and children of multiple races and ethnicities experience the highest rates of child abuse or neglect;";

(7) in paragraph (6), as redesignated by paragraph (5) of this section—

(A) in subparagraph (A), by inserting "domestic violence services," after "mental health;"; and

(B) by amending subparagraph (E) to read as follows:

"(E) recognizes the diversity of ethnic, cultural, and religious beliefs and traditions that may impact child rearing patterns, while not allowing the differences in those beliefs and traditions to enable abuse or neglect;";

(8) by inserting after paragraph (11), as redesignated by paragraph (5) of this section, the following:

"(12) because both child maltreatment and domestic violence occur in up to 60 percent of the families in which either is present, States and communities should adopt assessments and intervention procedures aimed at enhancing the safety both of children and victims of domestic violence;";

(9) in paragraphs (14) and (15), as redesignated by paragraph (5) of this section, by striking "Federal government" and inserting "Federal Government"; and

(10) in paragraph (14), as redesignated by paragraph (5) of this section, by inserting "and" at the end.

Subtitle A—General Program

SEC. 111. ADVISORY BOARD.

Section 102 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5102) is amended—

(1) in subsection (c)—

(A) in paragraph (4), by striking "medicine (including pediatrics)" and inserting "health care providers (including pediatricians)";

(B) in paragraph (12), by striking "and";

(C) in paragraph (13), by striking the period and inserting "; and"; and

(D) by adding at the end the following:

"(14) Indian tribes or tribal organizations."; and

(2) in subsection (f)—

(A) in paragraph (1), by inserting "tribal," after "State," each place such term appears; and

(B) in paragraph (2)—

(i) by striking "abuse or neglect which" and inserting "child abuse or neglect which"; and

(ii) by striking "Federal and State" and inserting "Federal, State, and tribal".

SEC. 112. NATIONAL CLEARINGHOUSE.

Section 103 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5104) is amended—

(1) in subsection (a), by inserting "and neglect" before the period;

(2) in subsection (b)—

(A) by redesignating paragraphs (2) through (5) as paragraphs (4) through (7), respectively;

(B) by striking paragraph (1) and inserting the following:

"(1) maintain, coordinate, and disseminate information on effective programs, including private and community-based programs, that have demonstrated success with respect to the prevention, assessment, identification, and treatment of child abuse or neglect and hold the potential for broad-scale implementation and replication;

"(2) maintain, coordinate, and disseminate information on the medical diagnosis and treatment of child abuse and neglect;

"(3) maintain and disseminate information on best practices relating to differential response;";

(C) in paragraph (4), as redesignated by subparagraph (A) of this paragraph, by inserting "and disseminate" after "maintain";

(D) in paragraph (5), as redesignated by subparagraph (A) of this paragraph—

(i) in subparagraph (B), by inserting "(42 U.S.C. 5105 note)" before the semicolon; and

(ii) in subparagraph (C), by striking "alcohol or drug" and inserting "substance";

(E) in subparagraph (C) of paragraph (6), as redesignated by subparagraph (A) of this paragraph, by striking "and" at the end;

(F) in subparagraph (B) of paragraph (7), as redesignated by subparagraph (A) of this paragraph, by striking "and child welfare personnel." and inserting "child welfare, substance abuse treatment services, and domestic violence services personnel; and"; and

(G) by adding at the end the following:

"(8) collect and disseminate information, in conjunction with the National Resource Centers authorized in section 310(b) of the Family Violence Prevention and Services Act, on effective programs and best practices for developing and carrying out collaboration between entities providing child protective services and entities providing domestic violence services."; and

(3) in subsection (c)(1)—

(A) by striking subparagraph (B) and inserting the following:

"(B) consult with the head of each agency involved with child abuse and neglect on the development of the components for information collection and management of such clearinghouse and on the mechanisms for the sharing of such information with other Federal agencies and clearinghouses;";

(B) in subparagraph (C)—

(i) in the matter preceding clause (i), by inserting "tribal," after "State;";

(ii) in clause (i), by striking "and" at the end; and

(iii) by adding at the end the following:

"(iii) information about the incidence and characteristics of child abuse and neglect in

circumstances in which domestic violence is present; and

“(iv) information about the incidence and characteristics of child abuse and neglect in cases related to substance abuse;”;

(C) in subparagraph (F), by striking “abused or neglected children” and inserting “victims of child abuse or neglect”.

SEC. 113. RESEARCH AND ASSISTANCE ACTIVITIES.

(a) RESEARCH.—Section 104(a) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5105(a)) is amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A), by striking “from abuse or neglect and to improve the well-being of abused or neglected children” and inserting “from child abuse or neglect and to improve the well-being of victims of child abuse or neglect”;

(B) in subparagraph (B), by striking “abuse and neglect on” and inserting “child abuse and neglect on”;

(C) by redesignating subparagraphs (C), (D), (E), (F), (G), (H), and (I), as subparagraphs (D), (E), (F), (H), (J), (N), and (O), respectively;

(D) by inserting after subparagraph (B) the following:

“(C) effective approaches to improving the relationship and attachment of infants and toddlers who experience child abuse or neglect with their parents or primary caregivers in circumstances where reunification is appropriate;”;

(E) in subparagraph (D), as redesignated by subparagraph (C) of this paragraph, by inserting “and neglect” before the semicolon;

(F) in subparagraph (E), as redesignated by subparagraph (C) of this paragraph—

(i) by inserting “, including best practices to meet the needs of special populations,” after “best practices”; and

(ii) by striking “(12)” and inserting “(14)”;

(G) by inserting after subparagraph (F), as redesignated by subparagraph (C) of this paragraph, the following:

“(G) effective practices and programs to improve activities such as identification, screening, medical diagnosis, forensic diagnosis, health evaluations, and services, including activities that promote collaboration between—

“(i) the child protective service system; and

“(ii) (I) the medical community, including providers of mental health and developmental disability services; and

“(II) providers of early childhood intervention services and special education for children who have been victims of child abuse or neglect;”;

(H) by inserting after subparagraph (H), as redesignated by subparagraph (C) of this paragraph, the following:

“(I) effective collaborations, between the child protective system and domestic violence service providers, that provide for the safety of children exposed to domestic violence and their nonabusing parents and that improve the investigations, interventions, delivery of services, and treatments provided for such children and families;”;

(I) in subparagraph (J), as redesignated by subparagraph (C) of this paragraph, by striking “low income” and inserting “low-income”;

(J) by inserting after subparagraph (J), as redesignated by subparagraph (C) of this paragraph, the following:

“(K) the impact of child abuse and neglect on the incidence and progression of disabilities;

“(L) the nature and scope of effective practices relating to differential response, in-

cluding an analysis of best practices conducted by the States;

“(M) child abuse and neglect issues facing Indians, Alaska Natives, and Native Hawaiians, including providing recommendations for improving the collection of child abuse and neglect data from Indian tribes and Native Hawaiian communities;”;

(K) in subparagraph (N), as redesignated by subparagraph (C) of this paragraph, by striking “clauses (i) through (xi) of subparagraph (H)” and inserting “clauses (i) through (x) of subparagraph (O)”;

(L) in subparagraph (O), as redesignated by subparagraph (C) of this paragraph—

(i) in clauses (i) and (ii), by inserting “and neglect” after “abuse”;

(ii) in clause (v), by striking “child abuse have” and inserting “child abuse and neglect have”;

(iii) in clause (x), by striking “abuse” and inserting “child abuse and neglect”;

(2) in paragraph (2), by striking “subparagraphs” and all that follows and inserting “clauses (i) through (x) of paragraph (1)(O)”;

(3) in paragraph (3), by striking “Keeping Children and Families Safe Act of 2003” and inserting “CAPTA Reauthorization Act of 2010”;

(4) in paragraph (4)—

(A) by striking “(A) The” and inserting the following:

“(A) IN GENERAL.—The”; and

(B) in subparagraph (B)—

(i) by striking all that precedes “later” and inserting the following:

“(B) PUBLIC COMMENT.—Not”;

(ii) by striking “than 2” and inserting “than 1”; and

(iii) by striking “Keeping Children and Families Safe Act of 2003” and inserting “CAPTA Reauthorization Act of 2010”; and

(5) by adding at the end the following:

“(4) STUDY ON SHAKEN BABY SYNDROME.—The Secretary shall conduct a study that—

“(A) identifies data collected on shaken baby syndrome;

“(B) determines the feasibility of collecting uniform, accurate data from all States regarding—

“(i) incidence rates of shaken baby syndrome;

“(ii) characteristics of perpetrators of shaken baby syndrome, including age, gender, relation to victim, access to prevention materials and resources, and history of substance abuse, domestic violence, and mental illness; and

“(iii) characteristics of victims of shaken baby syndrome, including gender, date of birth, date of injury, date of death (if applicable), and short- and long-term injuries sustained.”.

(b) TECHNICAL ASSISTANCE.—Section 104(b) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5105(b)) is amended—

(1) in paragraph (1), by inserting “and providers of mental health, substance abuse treatment, and domestic violence prevention services” after “disabilities”; and

(2) in paragraph (3)(B)—

(A) by striking “and child welfare personnel” and inserting “child welfare, substance abuse, and domestic violence services personnel”; and

(B) by striking “subjected to abuse.” and inserting “subjected to, or whom the personnel suspect have been subjected to, child abuse or neglect.”.

(c) PEER REVIEW FOR GRANTS AND CONTRACTS.—Section 104(d) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5105(d)) is amended—

(1) in paragraph (1)—

(A) by striking subparagraph (A) and inserting the following:

“(A) IN GENERAL.—To enhance the quality and usefulness of research in the field of child abuse and neglect, the Secretary shall, in consultation with experts in the field and other Federal agencies, establish a formal, rigorous, and meritorious peer review process for purposes of evaluating and reviewing applications for assistance through a grant or contract under this section and determining the relative merits of the project for which such assistance is requested.”; and

(B) by striking subparagraph (B) and inserting the following:

“(B) MEMBERS.—In establishing the process required by subparagraph (A), the Secretary shall only appoint to the peer review panels members who—

“(i) are experts in the field of child abuse and neglect or related disciplines, with appropriate expertise related to the applications to be reviewed; and

“(ii) are not individuals who are officers or employees of the Administration for Children and Families.

“(C) MEETINGS.—The peer review panels shall meet as often as is necessary to facilitate the expeditious review of applications for grants and contracts under this section, but shall meet not less often than once a year.

“(D) CRITERIA AND GUIDELINES.—The Secretary shall ensure that the peer review panel utilizes scientifically valid review criteria and scoring guidelines in the review of the applications for grants and contracts.”; and

(2) in paragraph (3)—

(A) by striking “(A) The” and inserting the following:

“(A) MERITORIOUS PROJECTS.—The”; and

(B) in subparagraph (B), by striking all that precedes “the instance” and inserting the following:

“(B) EXPLANATION.—In”.

(d) DEMONSTRATION PROGRAMS AND PROJECTS.—Section 104(e) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5105(e)) is amended—

(1) in the matter preceding paragraph (1)—

(A) by striking “States or” and inserting “entities that are States, Indian tribes or tribal organizations, or”; and

(B) by striking “such agencies or organizations” and inserting “such entities”;

(2) in paragraph (1)(B), by striking “safely facilitate the” and inserting “facilitate the safe”; and

(3) in paragraph (2)—

(A) by inserting “child care and early childhood education and care providers,” after “in cooperation with”; and

(B) by striking “preschool” and inserting “preschools.”.

SEC. 114. GRANTS TO STATES, INDIAN TRIBES OR TRIBAL ORGANIZATIONS, AND PUBLIC OR PRIVATE AGENCIES AND ORGANIZATIONS.

Section 105 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106) is amended—

(1) in the heading, by striking “STATES” and inserting “STATES, INDIAN TRIBES OR TRIBAL ORGANIZATIONS,”

(2) in subsection (a)—

(A) in the matter preceding paragraph (1)—

(i) by striking “States,” and inserting “entities that are States, Indian tribes or tribal organizations, or”; and

(ii) by striking “such agencies or organizations” and inserting “such entities”;

(B) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by striking “this section” and inserting “this subsection”;

(ii) in subparagraph (A)—

(I) by inserting “health care,” before “medicine.”;

(II) by inserting “child care,” after “education.”;

(III) by inserting “and neglect” before the semicolon;

(iii) in subparagraph (B), by inserting a comma after “youth”;

(iv) in subparagraph (D)—

(I) by striking “support the enhancement of linkages between” and inserting “enhance linkages among”;

(II) by striking “including physical” and all that follows through “partnerships” and inserting “entities providing physical and mental health services, community resources, and developmental disability agencies, to improve screening, forensic diagnosis, and health and developmental evaluations, and for partnerships”;

(III) by striking “offer creative approaches to using” and inserting “support the coordinated use of”;

(v) by redesignating subparagraphs (E) through (J) as subparagraphs (F), (G), and (I) through (L), respectively;

(vi) by inserting after subparagraph (D) the following:

“(E) for the training of personnel in best practices to meet the unique needs of children with disabilities, including promoting interagency collaboration;”;

(vii) by inserting after subparagraph (G), as redesignated by clause (v) of this subparagraph, the following:

“(H) for the training of personnel in childhood development including the unique needs of children under age 3;”;

(viii) in subparagraph (J), as redesignated by clause (v) of this subparagraph, by striking “and other public and private welfare agencies” and inserting “other public and private welfare agencies, and agencies that provide early intervention services”;

(ix) in subparagraph (K), as redesignated by clause (v) of this subparagraph, by striking “and” at the end;

(x) in subparagraph (L), as redesignated by clause (v) of this subparagraph—

(I) by striking “disabled infants” each place it appears and inserting “infants or toddlers with disabilities”;

(II) by striking the period and inserting “; and”;

(xi) by adding at the end the following:

“(M) for the training of personnel in best practices relating to the provision of differential response.”;

(C) in paragraph (2)(C), by striking “where” and inserting “when”;

(D) in paragraph (3), by inserting “, leadership,” after “mutual support”;

(E) in paragraph (4), by striking all that precedes “Secretary” and inserting the following:

“(4) KINSHIP CARE.—The”;

(F) in paragraph (4), by striking “in not more than 10 States”;

(G) in paragraph (5)—

(i) in the paragraph heading—

(I) by striking “BETWEEN” and inserting “AMONG”;

(II) by striking “AND DEVELOPMENTAL DISABILITIES” and inserting “SUBSTANCE ABUSE, DEVELOPMENTAL DISABILITIES, AND DOMESTIC VIOLENCE SERVICE”;

(ii) by striking “between” and inserting “among”;

(iii) by striking “mental health” and all that follows through “, for” and inserting

“mental health, substance abuse, developmental disabilities, and domestic violence service agencies, and entities that carry out community-based programs, for”;

(iv) by striking “help assure” and inserting “ensure”;

(H) by inserting after paragraph (5) the following:

“(6) COLLABORATIONS BETWEEN CHILD PROTECTIVE SERVICE ENTITIES AND DOMESTIC VIOLENCE SERVICE ENTITIES.—The Secretary may award grants to public or private agencies and organizations under this section to develop or expand effective collaborations between child protective service entities and domestic violence service entities to improve collaborative investigation and intervention procedures, provision for the safety of the nonabusing parent involved and children, and provision of services to children exposed to domestic violence that also support the caregiving role of the non-abusing parent.”;

(3) in subsection (b)(4)—

(A) in subparagraph (A)(ii), by striking “neglected or abused” and inserting “victims of child abuse or neglect”;

(B) in subparagraphs (B)(ii) and (C)(iii), by striking “abuse or neglect” and inserting “child abuse and neglect”;

(C) in subparagraph (C)(iii), by striking “been neglected or abused” and inserting “been a victim of child abuse or neglect”;

(D) in subparagraph (D), by striking “a” after “grantee is” and inserting “an”.

SEC. 115. GRANTS TO STATES FOR CHILD ABUSE OR NEGLECT PREVENTION AND TREATMENT PROGRAMS.

(a) SECTION HEADING.—Section 106 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106a) is amended by striking the section heading and inserting the following:

“SEC. 106. GRANTS TO STATES FOR CHILD ABUSE OR NEGLECT PREVENTION AND TREATMENT PROGRAMS.”

(b) DEVELOPMENT AND OPERATION GRANTS.—Section 106(a) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106a(a)) is amended—

(1) in the matter preceding paragraph (1), by striking “based on” and all that follows through “18 in” and inserting “from allotments made under subsection (f) for”;

(2) in paragraph (1), by striking “abuse and neglect” and inserting “child abuse or neglect”;

(3) in paragraph (2)—

(A) in subparagraph (A), by inserting “, intra-agency, interstate, and intrastate” after “interagency”;

(B) in subparagraph (B)(i), by striking “abuse and neglect” and inserting “child abuse or neglect”;

(4) in paragraph (4), by inserting “, including the use of differential response” after “protocols”;

(5) in paragraph (6)—

(A) in subparagraph (A) by inserting “, including the use of differential response,” after “strategies”;

(B) in subparagraph (B), by striking “and” at the end;

(C) in subparagraph (C), by striking “workers” and all that follows and inserting “workers; and”;

(D) by adding at the end the following:

“(D) training in early childhood, child, and adolescent development;”;

(6) by striking paragraphs (8) and (9) and inserting the following:

“(8) developing, facilitating the use of, and implementing research-based strategies and training protocols for individuals mandated to report child abuse and neglect;”;

(7) by redesignating paragraphs (10) through (14) as paragraphs (9) through (13), respectively;

(8) in paragraph (9), as redesignated by paragraph (7) of this subsection—

(A) in subparagraph (B), by striking “and” at the end;

(B) in subparagraph (C), by adding “and” at the end; and

(C) by adding at the end the following:

“(D) the use of differential response in preventing child abuse and neglect;”;

(9) in paragraph (10), as redesignated by paragraph (7) of this subsection, by inserting “, including the use of differential response” before the semicolon;

(10) in paragraph (12), as redesignated by paragraph (7) of this subsection, by striking “or” at the end;

(11) in paragraph (13), as redesignated by paragraph (7) of this subsection—

(A) by striking “supporting and enhancing” and all that follows through “community-based programs” and inserting “supporting and enhancing interagency collaboration among public health agencies, agencies in the child protective service system, and agencies carrying out private community-based programs”;

(B) by striking “to provide” and inserting the following:

“(A) to provide”;

(C) by striking “systems) and” and inserting “systems), and the use of differential response; and”;

(D) by striking “to address” and inserting the following:

“(B) to address”;

(E) by striking “abused or neglected” and inserting “victims of child abuse or neglect;”;

(F) by striking the period at the end and inserting “; or”;

(12) by adding at the end the following:

“(14) developing and implementing procedures for collaboration among child protective services, domestic violence services, and other agencies in—

“(A) investigations, interventions, and the delivery of services and treatment provided to children and families, including the use of differential response, where appropriate; and

“(B) the provision of services that assist children exposed to domestic violence, and that also support the caregiving role of their nonabusing parents.”;

(c) ELIGIBILITY REQUIREMENTS.—Section 106(b) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106a(b)) is amended—

(1) by striking paragraph (1) and inserting the following:

“(1) STATE PLAN.—

“(A) IN GENERAL.—To be eligible to receive a grant under this section, a State shall submit to the Secretary a State plan that specifies the areas of the child protective services system described in subsection (a) that the State will address with amounts received under the grant.

“(B) DURATION OF PLAN.—Each State plan shall—

“(i) remain in effect for the duration of the State’s participation under this section; and

“(ii) be periodically reviewed and revised as necessary by the State to reflect changes in the State’s strategies and programs under this section.

“(C) ADDITIONAL INFORMATION.—The State shall provide notice to the Secretary—

“(i) of any substantive changes, including any change to State law or regulations, relating to the prevention of child abuse and neglect that may affect the eligibility of the State under this section; and

“(ii) of any significant changes in how funds provided under this section are used to support activities described in this section, which may differ from the activities described in the current State application.”;

(2) in paragraph (2)—

(A) by redesignating subparagraphs (A) through (D) as subparagraphs (B) through (E), respectively;

(B) by striking the matter preceding subparagraph (B), as redesignated by subparagraph (A) of this paragraph, and inserting the following:

“(2) CONTENTS.—A State plan submitted under paragraph (1) shall contain a description of the activities that the State will carry out using amounts received under the grant to achieve the objectives of this title, including—

“(A) an assurance that the State plan, to the maximum extent practicable, is coordinated with the State plan under part B of title IV of the Social Security Act (42 U.S.C. 621 et seq.) relating to child welfare services and family preservation and family support services;”;

(C) in subparagraph (B), as redesignated by subparagraph (A) of this paragraph—

(i) in the matter preceding clause (i)—

(I) by striking “chief executive officer” and inserting “Governor”; and

(II) by striking “Statewide” and inserting “statewide”;

(ii) in clause (ii)—

(I) in the matter preceding subclause (I)—
(aa) by inserting “with” after “born”; and
(bb) by inserting “or a Fetal Alcohol Spectrum Disorder,” after “drug exposure.”; and
(II) in subclause (I), by inserting “or neglect” before the semicolon;

(iii) in clause (iii), by inserting “, or a Fetal Alcohol Spectrum Disorder” before the semicolon;

(iv) in clause (v), by inserting “, including the use of differential response,” after “procedures”;

(v) in clause (vi)—

(I) by striking “the abused or neglected child” and inserting “a victim of child abuse or neglect”; and

(II) by striking “abuse or neglect” and inserting “child abuse or neglect”;

(vi) in clause (ix), by striking “abuse and neglect” and inserting “child abuse and neglect”;

(vii) in clause (xi), by striking “or neglect” and inserting “and neglect”;

(viii) in clause (xiii)—

(I) by striking “an abused or neglected child” and inserting “a victim of child abuse or neglect”; and

(II) by inserting “including training in early childhood, child, and adolescent development,” after “to the role.”;

(ix) in clause (xv)(II), by striking “abuse or neglect” and inserting “child abuse or neglect”;

(x) in clause (xviii), by striking “abuse and” and inserting “abuse or”;

(xi) in clause (xvi)—

(I) in subclause (III), by striking “; or” and inserting “;”;

(II) by adding at the end the following:

“(V) to have committed sexual abuse against the surviving child or another child of such parent; or

“(VI) to be required to register with a sex offender registry under section 113(a) of the Adam Walsh Child Protection and Safety Act of 2006 (42 U.S.C. 16913(a));”;

(xii) in clause (xxi), by striking “Act; and” and inserting “Act (20 U.S.C. 1431 et seq.);”;

(xiii) in clause (xxii)—

(I) by striking “not later” through “2003.”;

(II) by inserting “that meet the requirements of section 471(a)(20) of the Social Security Act (42 U.S.C. 671(a)(20))” after “checks”; and

(III) by adding “and” at the end; and

(xiv) by adding at the end the following:

“(xxiii) provisions for systems of technology that support the State child protective service system described in subsection (a) and track reports of child abuse and neglect from intake through final disposition.”;

(D) in subparagraph (C), as redesignated by subparagraph (A) of this paragraph—

(i) by striking “disabled infants with” each place it appears and inserting “infants with disabilities who have”; and

(ii) in clause (iii), by striking “life threatening” and inserting “life-threatening”;

(E) in subparagraph (D), as redesignated by subparagraph (A) of this paragraph—

(i) in clause (ii), by striking “and” at the end;

(ii) in clause (iii), by striking “and” at the end;

(iii) by adding at the end the following:

“(iv) policies and procedures encouraging the appropriate involvement of families in decisionmaking pertaining to children who experienced child abuse or neglect;

“(v) policies and procedures that promote and enhance appropriate collaboration among child protective service agencies, domestic violence service agencies, substance abuse treatment agencies, and other agencies in investigations, interventions, and the delivery of services and treatment provided to children and families affected by child abuse or neglect, including children exposed to domestic violence, where appropriate; and

“(vi) policies and procedures regarding the use of differential response, as applicable.”;

(F) in subparagraph (E), as redesignated by subparagraph (A) of this paragraph—

(i) by inserting “(42 U.S.C. 621 et seq.)” after “Act”; and

(ii) by striking the period at the end and inserting a semicolon;

(G) by inserting after subparagraph (E), as redesignated by subparagraph (A) of this paragraph, the following:

“(F) an assurance or certification that programs and training conducted under this title address the unique needs of unaccompanied homeless youth, including access to enrollment and support services and that such youth are eligible for under parts B and E of title IV of the Social Security Act (42 U.S.C. 621 et seq., 670 et seq.) and meet the requirements of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11301 et seq.); and

“(G) an assurance that the State, in developing the State plan described in paragraph (1), has collaborated with community-based prevention agencies and with families affected by child abuse or neglect.”;

(H) in the last sentence, by striking “subparagraph (A)” and inserting “subparagraph (B)”;

(3) in paragraph (3), by striking “paragraph (2)(A)” and inserting “paragraph (2)(B)”;

(d) CITIZEN REVIEW PANELS.—Section 106(c) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106a(c)) is amended—

(1) in paragraph (2), by inserting before the period the following: “, and may include adult former victims of child abuse or neglect”; and

(2) in paragraph (4)(A)(iii)(I), by inserting “(42 U.S.C. 670 et seq.)” before the semicolon.

(e) ANNUAL STATE DATA REPORTS.—Section 106(d) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106a(d)) is amended—

(1) in paragraph (1), by striking “as abused or neglected” and inserting “as victims of child abuse or neglect”;

(2) in paragraph (4), by inserting “, including use of differential response,” after “services”;

(3) by striking paragraph (7) and inserting the following:

“(7)(A) The number of child protective service personnel responsible for the—

“(i) intake of reports filed in the previous year;

“(ii) screening of such reports;

“(iii) assessment of such reports; and

“(iv) investigation of such reports.

“(B) The average caseload for the workers described in subparagraph (A).”;

(4) in paragraph (9), by striking “abuse or neglect” and inserting “child abuse or neglect”;

(5) by striking paragraph (10) and inserting the following:

“(10) For child protective service personnel responsible for intake, screening, assessment, and investigation of child abuse and neglect reports in the State—

“(A) information on the education, qualifications, and training requirements established by the State for child protective service professionals, including for entry and advancement in the profession, including advancement to supervisory positions;

“(B) data on the education, qualifications, and training of such personnel;

“(C) demographic information of the child protective service personnel; and

“(D) information on caseload or workload requirements for such personnel, including requirements for average number and maximum number of cases per child protective service worker and supervisor.”;

(6) in paragraph (11), by striking “and neglect” and inserting “or neglect”; and

(7) by adding at the end the following:

“(15) The number of children referred to a child protective services system under subsection (b)(2)(B)(ii).

“(16) The number of children determined to be eligible for referral, and the number of children referred, under subsection (b)(2)(B)(xxi), to agencies providing early intervention services under part C of the Individuals with Disabilities Education Act (20 U.S.C. 1431 et seq.).”;

(f) ANNUAL REPORT.—Section 106(e) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106a(e)) is amended by inserting “and neglect” before the period.

(g) FORMULA.—Section 106 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106a) is amended by adding at the end the following:

“(f) ALLOTMENTS.—

“(1) DEFINITIONS.—In this subsection:

“(A) FISCAL YEAR 2009 GRANT FUNDS.—The term ‘fiscal year 2009 grant funds’ means the amount appropriated under section 112 for fiscal year 2009, and not reserved under section 112(a)(2).

“(B) GRANT FUNDS.—The term ‘grant funds’ means the amount appropriated under section 112 for a fiscal year and not reserved under section 112(a)(2).

“(C) STATE.—The term ‘State’ means each of the several States, the District of Columbia, and the Commonwealth of Puerto Rico.

“(D) TERRITORY.—The term ‘territory’ means Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands.

“(2) IN GENERAL.—Except as otherwise provided in this section, the Secretary shall make allotments to each State and territory that applies for a grant under this section in an amount equal to the sum of—

“(A) \$50,000; and

“(B) an amount that bears the same relationship to any grant funds remaining after all such States and territories have received \$50,000, as the number of children under the age of 18 in the State or territory bears to the number of such children in all States and territories that apply for such a grant.

“(3) ALLOTMENTS FOR DECREASED APPROPRIATION YEARS.—In the case where the grant funds for a fiscal year are less than the fiscal year 2009 grant funds, the Secretary shall ratably reduce each of the allotments under paragraph (2) for such fiscal year.

“(4) ALLOTMENTS FOR INCREASED APPROPRIATION YEARS.—

“(A) MINIMUM ALLOTMENTS TO STATES FOR INCREASED APPROPRIATIONS YEARS.—In any fiscal year for which the grant funds exceed the fiscal year 2009 grant funds by more than \$1,000,000, the Secretary shall adjust the allotments under paragraph (2), as necessary, such that no State that applies for a grant under this section receives an allotment in an amount that is less than—

“(i) \$100,000, for a fiscal year in which the grant funds exceed the fiscal year 2009 grant funds by more than \$1,000,000 but less than \$2,000,000;

“(ii) \$125,000, for a fiscal year in which the grant funds exceed the fiscal year 2009 grant funds by at least \$2,000,000 but less than \$3,000,000; and

“(iii) \$150,000, for a fiscal year in which the grant funds exceed the fiscal year 2009 grant funds by at least \$3,000,000.

“(B) ALLOTMENT ADJUSTMENT.—In the case of a fiscal year for which subparagraph (A) applies and the grant funds are insufficient to satisfy the requirements of such subparagraph (A), paragraph (2), and paragraph (5), the Secretary shall, subject to paragraph (5), ratably reduce the allotment of each State for which the allotment under paragraph (2) is an amount that exceeds the applicable minimum under subparagraph (A), as necessary to ensure that each State receives the applicable minimum allotment under subparagraph (A).

“(5) HOLD HARMLESS.—Notwithstanding paragraphs (2) and (4), except as provided in paragraph (3), no State or territory shall receive a grant under this section in an amount that is less than the amount such State or territory received under this section for fiscal year 2009.”

SEC. 116. GRANTS TO STATES FOR PROGRAMS RELATING TO THE INVESTIGATION AND PROSECUTION OF CHILD ABUSE AND NEGLECT CASES.

Section 107 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106c) is amended—

(1) in subsection (a)—

(A) by striking paragraphs (1) and (2) and inserting the following:

“(1) the assessment and investigation of suspected child abuse and neglect cases, including cases of suspected child sexual abuse and exploitation, in a manner that limits additional trauma to the child and the child’s family;

“(2) the assessment and investigation of cases of suspected child abuse-related fatalities and suspected child neglect-related fatalities;”;

(B) in paragraph (3), by striking “particularly” and inserting “including”; and

(C) in paragraph (4)—

(i) by striking “the handling” and inserting “the assessment and investigation”; and

(ii) by striking “victims of abuse” and inserting “suspected victims of child abuse”;

(2) in subsection (b)(1), by striking “section 107(b)” and inserting “section 106(b)”;

(3) in subsection (c)(1)—

(A) in subparagraph (G), by striking “and” at the end;

(B) in subparagraph (H), by striking the period and inserting a semicolon; and

(C) by adding at the end the following:

“(I) adult former victims of child abuse or neglect; and

“(J) individuals experienced in working with homeless children and youths (as defined in section 725 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a)).”;

(4) in subsection (d)(1), by striking “particularly” and inserting “including”; and

(5) in subsection (e)(1)—

(A) in subparagraph (A), by striking “particularly” and inserting “including”; and

(B) in subparagraph (B)—

(i) by inserting a comma after “model”; and

(ii) by striking “improve the rate” and all that follows through “child sexual abuse cases” and inserting the following: “improve the prompt and successful resolution of civil and criminal court proceedings or enhance the effectiveness of judicial and administrative action in child abuse and neglect cases, particularly child sexual abuse and exploitation cases, including the enhancement of performance of court-appointed attorneys and guardians ad litem for children”; and

(C) in subparagraph (C)—

(i) by inserting a comma after “protocols”; and

(ii) by striking “from abuse” and inserting “from child abuse and neglect”; and

(iii) by striking “particularly” and inserting “including”; and

(6) in subsection (f), by inserting “(42 U.S.C. 10603a)” after “1984”.

SEC. 117. MISCELLANEOUS REQUIREMENTS.

Section 108(d) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106d(d)) is amended to read as follows:

“(d) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary should encourage all States and public and private entities that receive assistance under this title to—

“(1) ensure that children and families with limited English proficiency who participate in programs under this title are provided with materials and services through such programs in an appropriate language other than English; and

“(2) ensure that individuals with disabilities who participate in programs under this title are provided with materials and services through such programs that are appropriate to their disabilities.”.

SEC. 118. REPORTS.

(a) IN GENERAL.—Section 110 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106f) is amended by striking subsections (a) and (b) and inserting the following:

“(a) COORDINATION EFFORTS.—Not later than 1 year after the date of enactment of the CAPTA Reauthorization Act of 2010, the Secretary shall submit to the Committee on Education and Labor of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate a report on efforts to coordinate the objectives and activities of agencies and organizations that are responsible for programs and activities related to child abuse and neglect. Not later than 3 years after that date of enactment, the Secretary shall submit to those committees a second report on such efforts during the 3-year period following that date of enactment. Not later than 5 years after that date of enactment, the Secretary shall submit to those committees a third report on such efforts during the 5-year period following that date of enactment.

“(b) EFFECTIVENESS OF STATE PROGRAMS AND TECHNICAL ASSISTANCE.—Not later than 2 years after the date of enactment of the CAPTA Reauthorization Act of 2010 and every 2 years thereafter, the Secretary shall submit to the Committee on Education and Labor of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate a report evaluating the effectiveness of programs receiving assistance under section 106 in achieving the objectives of section 106.”.

(b) STUDY AND REPORT RELATING TO CITIZEN REVIEW PANELS.—Section 110(c) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106f(c)) is amended to read as follows:

“(c) STUDY AND REPORT RELATING TO CITIZEN REVIEW PANELS.—

“(1) IN GENERAL.—The Secretary shall conduct a study to determine the effectiveness of citizen review panels, established under section 106(c), in achieving the stated function of such panels under section 106(c)(4)(A) of—

“(A) examining the policies, procedures, and practices of State and local child protection agencies; and

“(B) evaluating the extent to which such State and local child protection agencies are fulfilling their child protection responsibilities, as described in clauses (i) through (iii) of section 106(c)(4)(A).

“(2) CONTENT OF STUDY.—The study described in paragraph (1) shall be completed in a manner suited to the unique design of citizen review panels, including consideration of the variability among the panels within and between States. The study shall include the following:

“(A) Data describing the membership, organizational structure, operation, and administration of all citizen review panels and the total number of such panels in each State.

“(B) A detailed summary of the extent to which collaboration and information-sharing occurs between citizen review panels and State child protective services agencies or any other entities or State agencies. The summary shall include a description of the outcomes that result from collaboration and information sharing.

“(C) Evidence of the adherence and responsiveness to the reporting requirements under section 106(c)(6) by citizen review panels and States.

“(3) REPORT.—Not later than 2 years after the date of enactment of the CAPTA Reauthorization Act of 2010, the Secretary shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and Labor of the House of Representatives a report that contains the results of the study conducted under paragraph (1).”.

SEC. 119. DEFINITIONS.

Section 111 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106g) is amended—

(1) in paragraph (5)—

(A) by inserting “except as provided in section 106(f),” after “(5)”;

(B) by inserting “and” after “Samoa,”; and

(C) by striking “and the Trust Territory of the Pacific Islands”;

(2) in paragraph (6)(C), by striking the period and inserting a semicolon; and

(3) by adding at the end the following:

“(7) the term ‘Alaska Native’ has the meaning given the term ‘Native’ in section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602);

“(8) the term ‘infant or toddler with a disability’ has the meaning given the term in

section 632 of the Individuals with Disabilities Education Act (20 U.S.C. 1432);

“(9) the terms ‘Indian’, ‘Indian tribe’, and ‘tribal organization’ have the meanings given the terms in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b);

“(10) the term ‘Native Hawaiian’ has the meaning given the term in section 7207 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7517); and

“(11) the term ‘unaccompanied homeless youth’ means an individual who is described in paragraphs (2) and (6) of section 725 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a).”.

SEC. 120. AUTHORIZATION OF APPROPRIATIONS.

Section 112(a)(1) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106h(a)(1)) is amended—

(1) by striking “2004” and inserting “2010”; and

(2) by striking “2005 through 2008” and inserting “2011 through 2015”.

SEC. 121. RULE OF CONSTRUCTION.

Section 113(a)(2) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106i(a)(2)) is amended by striking “abuse or neglect” and inserting “child abuse or neglect”.

Subtitle B—Community-Based Grants for the Prevention of Child Abuse or Neglect

SEC. 131. TITLE HEADING.

The title heading of title II of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5116) is amended to read as follows:

“TITLE II—COMMUNITY-BASED GRANTS FOR THE PREVENTION OF CHILD ABUSE AND NEGLECT”.

SEC. 132. PURPOSE AND AUTHORITY.

Section 201 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5116) is amended—

(1) by striking subsection (a)(1) and inserting the following:

“(1) to support community-based efforts to develop, operate, expand, enhance, and coordinate initiatives, programs, and activities to prevent child abuse and neglect and to support the coordination of resources and activities, to better strengthen and support families to reduce the likelihood of child abuse and neglect; and”; and

(2) in subsection (b)—

(A) in the matter preceding paragraph (1), by striking “hereafter”; and

(B) in paragraph (1)—

(i) in the matter preceding subparagraph (A)—

(I) by inserting a comma after “expanding”; and

(II) by striking “(through networks where appropriate)”; and

(ii) in subparagraph (E), by inserting before the semicolon the following: “, including access to such resources and opportunities for unaccompanied homeless youth”; and

(iii) by striking subparagraph (G) and inserting the following:

“(G) demonstrate a commitment to involving parents in the planning and program implementation of the lead agency and entities carrying out local programs funded under this title, including involvement of parents of children with disabilities, parents who are individuals with disabilities, racial and ethnic minorities, and members of other underrepresented or underserved groups; and”; and

(C) in paragraph (2), by inserting after “children and families” the following: “, including unaccompanied homeless youth.”;

(D) in paragraph (3)—

(i) by inserting “substance abuse treatment services, domestic violence services,” after “mental health services.”;

(ii) by striking “family resource and support program” and inserting “community-based child abuse and neglect prevention program”; and

(iii) by striking “community-based family resource and support program” and inserting “community-based child abuse and neglect prevention programs”; and

(E) in paragraph (4)—

(i) by inserting “and reporting” after “information management”; and

(ii) by striking the comma after “prevention-focused”; and

(iii) by striking “(through networks where appropriate)”.

SEC. 133. ELIGIBILITY.

Section 202 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5116a) is amended—

(1) in paragraph (1)—

(A) by striking “chief executive officer” each place it appears and inserting “Governor”; and

(B) by inserting a comma after “enhance”; and

(2) in paragraphs (1), (2), and (3), by striking “(through networks where appropriate)” each place it appears;

(3) in paragraphs (2) and (3), in the matter preceding subparagraph (A), by striking “chief executive officer” and inserting “Governor”; and

(4) in paragraph (2)—

(A) in subparagraphs (A) and (B), by inserting “adult former victims of child abuse or neglect,” after “parents.”; and

(B) in subparagraph (C), by inserting a comma after “State”.

SEC. 134. AMOUNT OF GRANT.

Section 203(b)(1) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5116b(b)(1))—

(1) in subparagraph (A), by striking all that precedes “70” and inserting the following:

“(A) 70 PERCENT.—”; and

(2) in subparagraph (B), by striking all that precedes “30” and inserting the following:

“(B) 30 PERCENT.—”.

SEC. 135. APPLICATION.

Section 205 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5116d) is amended—

(1) in paragraphs (1) and (2), by striking “(through networks where appropriate)”; and

(2) in paragraph (2)—

(A) by striking “and how family resource and support” and inserting “, including how community-based child abuse and neglect prevention”; and

(B) by striking “services provided” and inserting “programs provided”; and

(3) in paragraph (4), by inserting a comma after “operation”; and

(4) in paragraph (6)—

(A) by striking “an assurance that the State has the” and inserting “a description of the State’s”; and

(B) by striking “consumers and” and inserting “consumers, of family advocates, and of adult former victims of child abuse or neglect.”;

(5) in paragraph (7), by inserting a comma after “expansion”; and

(6) in paragraph (8)—

(A) by striking “and activities”; and

(B) by inserting after “homelessness,” the following: “unaccompanied homeless youth.”;

(7) in paragraph (9), by inserting a comma after “training”; and

(8) in paragraph (11), by inserting a comma after “procedures”.

SEC. 136. LOCAL PROGRAM REQUIREMENTS.

(a) IN GENERAL.—Section 206(a) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5116e(a)) is amended—

(1) in the matter preceding paragraph (1), by inserting a comma after “expand”; and

(2) in paragraph (1)—

(A) by striking “parents and” and inserting “parents.”; and

(B) by inserting “in meaningful roles” before the semicolon;

(3) in paragraph (2)—

(A) by striking “a strategy to provide, over time,” and inserting “a comprehensive strategy to provide”; and

(B) by striking “family centered” and inserting “family-centered”; and

(C) by striking “and parents with young children,” and inserting “, to parents with young children, and to parents who are adult former victims of domestic violence or child abuse or neglect.”;

(4) in paragraph (3)—

(A) by striking all that precedes subparagraph (C) and inserting the following:

“(3)(A) provide for core child abuse and neglect prevention services, which may be provided directly by the local recipient of the grant funds or through grants or agreements with other local agencies, such as—

“(i) parent education, mutual support and self help, and parent leadership services;

“(ii) respite care services;

“(iii) outreach and followup services, which may include voluntary home visiting services; and

“(iv) community and social service referrals; and”; and

(B) in subparagraph (C)—

(i) in the matter preceding clause (i), by striking “(C)” and inserting “(B) provide”; and

(ii) by striking clause (ii) and inserting the following:

“(ii) child care, early childhood education and care, and intervention services.”;

(iii) in clause (iii), by inserting “and parents who are individuals with disabilities” before the semicolon;

(iv) in clause (v), by striking “scholastic tutoring” and inserting “academic tutoring”;

(v) in clause (vii), by striking “and” after the semicolon;

(vi) in clause (viii), by adding “and” after the semicolon;

(vii) by adding at the end the following:

“(ix) domestic violence service programs that provide services and treatment to children and their non-abusing caregivers.”; and

(viii) in clause (v), by striking “scholastic tutoring” and inserting “academic tutoring”;

(5) in paragraph (5), by striking “family resource and support program” and inserting “child abuse and neglect prevention program”; and

(6) in paragraph (6), by inserting a comma after “operation”.

(b) TECHNICAL AMENDMENT.—Section 206(b) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5116e(b)) is amended—

(1) by striking “low income” and inserting “low-income”; and

(2) by striking “family resource and support programs” and inserting “child abuse and neglect prevention programs.”.

SEC. 137. CONFORMING AMENDMENTS.

Section 207 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5119f) is amended—

(1) in paragraph (1), by inserting a comma after “operation”;

(2) in paragraph (2), by inserting “which description shall specify whether those services are supported by research” after “section 202”;

(3) in paragraph (4)—

(A) by striking “section 205(3)” and inserting “section 204(3)”; and

(B) by inserting a comma after “operation”;

(4) in paragraph (6)—

(A) by inserting a comma after “local”; and

(B) by inserting a comma after “expansion”; and

(5) in paragraph (7), by striking “the results” and all that follows and inserting “the results of evaluation, or the outcomes of monitoring, conducted under the State program to demonstrate the effectiveness of activities conducted under this title in meeting the purposes of the program; and”.

SEC. 138. NATIONAL NETWORK FOR COMMUNITY-BASED FAMILY RESOURCE PROGRAMS.

Section 208 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5116g) is amended—

(1) in paragraph (1), by inserting a comma after “operate”;

(2) in paragraph (2), by inserting a comma after “operate”; and

(3) in paragraph (4), by inserting a comma after “operate”.

SEC. 139. DEFINITIONS.

Section 209 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5116h) is amended—

(1) by striking paragraph (1);

(2) by redesignating paragraphs (2), (3), and (5) as paragraphs (1) through (3), respectively; and

(3) in paragraph (3), as so redesignated—

(A) in the matter preceding subparagraph (A), by inserting “, including the services of crisis nurseries,” after “short term care services”;

(B) in subparagraphs (A) and (B), by striking “abuse or neglect” and inserting “child abuse or neglect”; and

(C) in subparagraph (C), by striking “have” and all that follows and inserting “have disabilities or chronic or terminal illnesses.”.

SEC. 140. AUTHORIZATION OF APPROPRIATIONS.

Section 210 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5116i) is amended—

(1) by striking “2004” and inserting “2010”; and

(2) by striking “2005 through 2008” and inserting “2011 through 2015”.

SEC. 141. REDESIGNATION.

Title II of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5116 et seq.) is amended by redesignating sections 205 through 210 as sections 204 through 209, respectively.

SEC. 142. TRANSFER OF DEFINITIONS.

(a) GENERAL DEFINITIONS.—The Child Abuse Prevention and Treatment Act (42 U.S.C. 5101 et seq.) is amended by inserting after section 2 the following:

“SEC. 3. GENERAL DEFINITIONS.

“In this Act—

“(1) the term ‘child’ means a person who has not attained the lesser of—

“(A) the age of 18; or

“(B) except in the case of sexual abuse, the age specified by the child protection law of the State in which the child resides;

“(2) the term ‘child abuse and neglect’ means, at a minimum, any recent act or failure to act on the part of a parent or caretaker, which results in death, serious phys-

ical or emotional harm, sexual abuse or exploitation, or an act or failure to act which presents an imminent risk of serious harm;

“(3) the term ‘child with a disability’ means a child with a disability as defined in section 602 of the Individuals with Disabilities Education Act (20 U.S.C. 1401), or an infant or toddler with a disability as defined in section 632 of such Act (20 U.S.C. 1432);

“(4) the term ‘Governor’ means the chief executive officer of a State;

“(5) the terms ‘Indian’, ‘Indian tribe’, and ‘tribal organization’ have the meanings given the terms in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b);

“(6) the term ‘Secretary’ means the Secretary of Health and Human Services;

“(7) except as provided in section 106(f), the term ‘State’ means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands; and

“(8) the term ‘unaccompanied homeless youth’ means an individual who is described in paragraphs (2) and (6) of section 725 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a).”.

(b) CONFORMING AMENDMENTS.—Section 111 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106g), as amended by section 119, is further amended—

(1) by striking paragraphs (1), (2), (3), (5), (9), and (11) of section 111;

(2) by redesignating paragraphs (7), (8), and (10) as paragraphs (1), (2), and (3), respectively, and inserting the paragraphs before paragraph (4);

(3) in paragraph (3), as so redesignated, by striking “and” at the end;

(4) in paragraph (4), by adding “and” at the end; and

(5) by redesignating paragraph (6) as paragraph (5).

Subtitle C—Conforming Amendments

SEC. 151. AMENDMENTS TO TABLE OF CONTENTS.

The table of contents in section 1(b) of the Child Abuse Prevention and Treatment Act is amended—

(1) by inserting after the item relating to section 2 the following:

“Sec. 3. General definitions.”;

(2) by amending the item relating to section 105 to read as follows:

“Sec. 105. Grants to States, Indian tribes or tribal organizations, and public or private agencies and organizations.”;

(3) by amending the item relating to section 106 to read as follows:

“Sec. 106. Grants to States for child abuse or neglect prevention and treatment programs.”;

(4) by striking the item relating to the title heading of title II and inserting the following:

“TITLE II—COMMUNITY-BASED GRANTS FOR THE PREVENTION OF CHILD ABUSE OR NEGLECT”;

and

(5) by striking the items relating to sections 204 through 210 and inserting the following:

“Sec. 204. Application.

“Sec. 205. Local program requirements.

“Sec. 206. Performance measures.

“Sec. 207. National network for community-based family resource programs.

“Sec. 208. Definitions.

“Sec. 209. Authorization of appropriations.”.

TITLE II—FAMILY VIOLENCE PREVENTION AND SERVICES ACT

SEC. 201. FAMILY VIOLENCE PREVENTION AND SERVICES.

The Family Violence Prevention and Services Act (42 U.S.C. 10401 et seq.) is amended to read as follows:

“TITLE III—FAMILY VIOLENCE PREVENTION AND SERVICES

“SEC. 301. SHORT TITLE; PURPOSE.

“(a) SHORT TITLE.—This title may be cited as the ‘Family Violence Prevention and Services Act’.

“(b) PURPOSE.—It is the purpose of this title to—

“(1) assist States and Indian tribes in efforts to increase public awareness about, and primary and secondary prevention of, family violence, domestic violence, and dating violence;

“(2) assist States and Indian tribes in efforts to provide immediate shelter and supportive services for victims of family violence, domestic violence, or dating violence, and their dependents;

“(3) provide for a national domestic violence hotline;

“(4) provide for technical assistance and training relating to family violence, domestic violence, and dating violence programs to States and Indian tribes, local public agencies (including law enforcement agencies, courts, and legal, social service, and health care professionals in public agencies), nonprofit private organizations (including faith-based and charitable organizations, community-based organizations, and voluntary associations), tribal organizations, and other persons seeking such assistance and training.

“SEC. 302. DEFINITIONS.

“In this title:

“(1) ALASKA NATIVE.—The term ‘Alaska Native’ has the meaning given the term ‘Native’ in section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602).

“(2) DATING VIOLENCE.—The term ‘dating violence’ has the meaning given such term in section 40002(a) of the Violence Against Women Act of 1994 (42 U.S.C. 13925(a)).

“(3) DOMESTIC VIOLENCE.—The term ‘domestic violence’ has the meaning given such term in section 40002(a) of the Violence Against Women Act of 1994 (42 U.S.C. 13925(a)).

“(4) FAMILY VIOLENCE.—The term ‘family violence’ means any act or threatened act of violence, including any forceful detention of an individual, that—

“(A) results or threatens to result in physical injury; and

“(B) is committed by a person against another individual (including an elderly individual) to or with whom such person—

“(i) is related by blood;

“(ii) is or was related by marriage or is or was otherwise legally related; or

“(iii) is or was lawfully residing.

“(5) INDIAN; INDIAN TRIBE; TRIBAL ORGANIZATION.—The terms ‘Indian’, ‘Indian tribe’, and ‘tribal organization’ have the meanings given such terms in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

“(6) NATIVE HAWAIIAN.—The term ‘Native Hawaiian’ has the meaning given the term in section 7207 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7517).

“(7) PERSONALLY IDENTIFYING INFORMATION.—The term ‘personally identifying information’ has the meaning given the term in section 40002(a) of the Violence Against Women Act of 1994 (42 U.S.C. 13925(a)).

“(8) SECRETARY.—The term ‘Secretary’ means the Secretary of Health and Human Services.

“(9) SHELTER.—The term ‘shelter’ means the provision of temporary refuge and supportive services in compliance with applicable State law (including regulation) governing the provision, on a regular basis, of shelter, safe homes, meals, and supportive services to victims of family violence, domestic violence, or dating violence, and their dependents.

“(10) STATE.—The term ‘State’ means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, and, except as otherwise provided, Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands.

“(11) STATE DOMESTIC VIOLENCE COALITION.—The term ‘State Domestic Violence Coalition’ means a statewide nongovernmental nonprofit private domestic violence organization that—

“(A) has a membership that includes a majority of the primary-purpose domestic violence service providers in the State;

“(B) has board membership that is representative of primary-purpose domestic violence service providers, and which may include representatives of the communities in which the services are being provided in the State;

“(C) has as its purpose to provide education, support, and technical assistance to such service providers to enable the providers to establish and maintain shelter and supportive services for victims of domestic violence and their dependents; and

“(D) serves as an information clearinghouse, primary point of contact, and resource center on domestic violence for the State and supports the development of policies, protocols, and procedures to enhance domestic violence intervention and prevention in the State.

“(12) SUPPORTIVE SERVICES.—The term ‘supportive services’ means services for adult and youth victims of family violence, domestic violence, or dating violence, and dependents exposed to family violence, domestic violence, or dating violence, that are designed to—

“(A) meet the needs of such victims of family violence, domestic violence, or dating violence, and their dependents, for short-term, transitional, or long-term safety; and

“(B) provide counseling, advocacy, or assistance for victims of family violence, domestic violence, or dating violence, and their dependents.

“(13) TRIBALLY DESIGNATED OFFICIAL.—The term ‘tribally designated official’ means an individual designated by an Indian tribe, tribal organization, or nonprofit private organization authorized by an Indian tribe, to administer a grant under section 309.

“(14) UNDERSERVED POPULATIONS.—The term ‘underserved populations’ has the meaning given the term in section 4002(a) of the Violence Against Women Act of 1994 (42 U.S.C. 13925(a)). For the purposes of this title, the Secretary has the same authority to determine whether a population is an underserved population as the Attorney General has under that section 4002(a).

“SEC. 303. AUTHORIZATION OF APPROPRIATIONS.

“(a) FORMULA GRANTS TO STATES.—

“(1) IN GENERAL.—There is authorized to be appropriated to carry out sections 301 through 312, \$175,000,000 for each of fiscal years 2011 through 2015.

“(2) ALLOCATIONS.—

“(A) FORMULA GRANTS TO STATES.—

“(i) RESERVATION OF FUNDS.—For any fiscal year for which the amounts appropriated under paragraph (1) exceed \$130,000,000, not less than 25 percent of such excess funds shall be made available to carry out section 312.

“(ii) FORMULA GRANTS.—Of the amounts appropriated under paragraph (1) for a fiscal year and not reserved under clause (i), not less than 70 percent shall be used for making grants under section 306(a).

“(B) GRANTS TO TRIBES.—Of the amounts appropriated under paragraph (1) for a fiscal year and not reserved under subparagraph (A)(i), not less than 10 percent shall be used to carry out section 309.

“(C) TECHNICAL ASSISTANCE AND TRAINING CENTERS.—Of the amounts appropriated under paragraph (1) for a fiscal year and not reserved under subparagraph (A)(i), not less than 6 percent shall be used by the Secretary for making grants under section 310.

“(D) GRANTS FOR STATE DOMESTIC VIOLENCE COALITIONS.—Of the amounts appropriated under paragraph (1) for a fiscal year and not reserved under subparagraph (A)(i), not less than 10 percent of such amounts shall be used by the Secretary for making grants under section 311.

“(E) ADMINISTRATION, EVALUATION AND MONITORING.—Of the amount appropriated under paragraph (1) for a fiscal year and not reserved under subparagraph (A)(i), not more than 2.5 percent shall be used by the Secretary for evaluation, monitoring, and other administrative costs under this title.

“(b) NATIONAL DOMESTIC VIOLENCE HOTLINE.—There is authorized to be appropriated to carry out section 313 \$3,500,000 for each of fiscal years 2011 through 2015.

“(c) DOMESTIC VIOLENCE PREVENTION ENHANCEMENT AND LEADERSHIP THROUGH ALLIANCES.—There is authorized to be appropriated to carry out section 314 \$6,000,000 for each of fiscal years 2011 through 2015.

“SEC. 304. AUTHORITY OF SECRETARY.

“(a) AUTHORITIES.—In order to carry out the provisions of this title, the Secretary is authorized to—

“(1) appoint and fix the compensation of such personnel as are necessary;

“(2) procure, to the extent authorized by section 3109 of title 5, United States Code, such temporary and intermittent services of experts and consultants as are necessary;

“(3) make grants to eligible entities or enter into contracts with for-profit or nonprofit nongovernmental entities and establish reporting requirements for such grantees and contractors;

“(4) prescribe such regulations and guidance as are reasonably necessary in order to carry out the objectives and provisions of this title, including regulations and guidance on implementing new grant conditions established or provisions modified by amendments made to this title by the CAPTA Reauthorization Act of 2010, to ensure accountability and transparency of the actions of grantees and contractors, or as determined by the Secretary to be reasonably necessary to carry out this title; and

“(5) coordinate programs within the Department of Health and Human Services, and seek to coordinate those programs with programs administered by other Federal agencies, that involve or affect efforts to prevent family violence, domestic violence, and dating violence or the provision of assistance for adult and youth victims of family violence, domestic violence, or dating violence.

“(b) ADMINISTRATION.—The Secretary shall—

“(1) assign 1 or more employees of the Department of Health and Human Services to

carry out the provisions of this title, including carrying out evaluation and monitoring under this title, which employees shall, prior to such appointment, have expertise in the field of family violence and domestic violence prevention and services and, to the extent practicable, have expertise in the field of dating violence;

“(2) provide technical assistance in the conduct of programs for the prevention and treatment of family violence, domestic violence, and dating violence;

“(3) provide for and coordinate research into the most effective approaches to the intervention in and prevention of family violence, domestic violence, and dating violence, by—

“(A) consulting with experts and program providers within the family violence, domestic violence, and dating violence field to identify gaps in research and knowledge, establish research priorities, and disseminate research findings;

“(B) collecting and reporting data on the provision of family violence, domestic violence, and dating violence services, including assistance and programs supported by Federal funds made available under this title and by other governmental or nongovernmental sources of funds; and

“(C) coordinating family violence, domestic violence, and dating violence research efforts within the Department of Health and Human Services with relevant research administered or carried out by other Federal agencies and other researchers, including research on the provision of assistance for adult and youth victims of family violence, domestic violence, or dating violence; and

“(4) support the development and implementation of effective policies, protocols, and programs within the Department and at other Federal agencies that address the safety and support needs of adult and youth victims of family violence, domestic violence, or dating violence.

“(c) REPORTS.—Every 2 years, the Secretary shall review and evaluate the activities conducted by grantees, subgrantees, and contractors under this title and the effectiveness of the programs administered pursuant to this title, and submit a report containing the evaluation to the Committee on Education and Labor of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate. Such report shall also include a summary of the documentation provided to the Secretary through performance reports submitted under section 306(d). The Secretary shall make publicly available on the Department of Health and Human Services website the evaluation reports submitted to Congress under this subsection, including the summary of the documentation provided to the Secretary under section 306(d).

“SEC. 305. ALLOTMENT OF FUNDS.

“(a) IN GENERAL.—From the sums appropriated under section 303 and available for grants to States under section 306(a) for any fiscal year—

“(1) Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands shall each be allotted not less than $\frac{1}{6}$ of 1 percent of the amounts available for grants under section 306(a) for the fiscal year for which the allotment is made; and

“(2) each State shall be allotted for a grant under section 306(a), \$600,000, with the remaining funds to be allotted to each State in an amount that bears the same ratio to such remaining funds as the population of such State bears to the population of all States.

“(b) POPULATION.—For the purpose of this section, the population of each State, and the total population of all the States, shall be determined by the Secretary on the basis of the most recent census data available to the Secretary, and the Secretary shall use for such purpose, if available, the annual interim current census data produced by the Secretary of Commerce pursuant to section 181 of title 13, United States Code.

“(c) RATABLE REDUCTION.—If the sums appropriated under section 303 for any fiscal year and available for grants to States under section 306(a) are not sufficient to pay in full the total amounts that all States are entitled to receive under subsection (a) for such fiscal year, then the maximum amounts that all States are entitled to receive under subsection (a) for such fiscal year shall be ratably reduced. In the event that additional funds become available for making such grants for any fiscal year during which the preceding sentence is applicable, such reduced amounts shall be increased on the same basis as they were reduced.

“(d) REALLOTMENT.—If, at the end of the sixth month of any fiscal year for which sums are appropriated under section 303, the amount allotted to a State has not been made available to such State in a grant under section 306(a) because of the failure of such State to meet the requirements for such a grant, then the Secretary shall reallocate such amount to States that meet such requirements.

“(e) CONTINUED AVAILABILITY OF FUNDS.—All funds allotted to a State for a fiscal year under this section, and made available to such State in a grant under section 306(a), shall remain available for obligation by the State until the end of the following fiscal year. All such funds that are not obligated by the State by the end of the following fiscal year shall be made available to the Secretary for discretionary activities under section 314. Such funds shall remain available for obligation, and for expenditure by a recipient of the funds under section 314, for not more than 1 year from the date on which the funds are made available to the Secretary.

“(f) DEFINITION.—In subsection (a)(2), the term ‘State’ does not include any jurisdiction specified in subsection (a)(1).

“SEC. 306. FORMULA GRANTS TO STATES.

“(a) FORMULA GRANTS TO STATES.—The Secretary shall award grants to States in order to assist in supporting the establishment, maintenance, and expansion of programs and projects—

“(1) to prevent incidents of family violence, domestic violence, and dating violence;

“(2) to provide immediate shelter, supportive services, and access to community-based programs for victims of family violence, domestic violence, or dating violence, and their dependents; and

“(3) to provide specialized services for children exposed to family violence, domestic violence, or dating violence, underserved populations, and victims who are members of racial and ethnic minority populations.

“(b) ADMINISTRATIVE EXPENSES.—

“(1) ADMINISTRATIVE COSTS.—Each State may use not more than 5 percent of the grant funds for State administrative costs.

“(2) SUBGRANTS TO ELIGIBLE ENTITIES.—The State shall use the remainder of the grant funds to make subgrants to eligible entities for approved purposes as described in section 308.

“(c) GRANT CONDITIONS.—

“(1) APPROVED ACTIVITIES.—In carrying out the activities under this title, grantees and

subgrantees may collaborate with and provide information to Federal, State, local, and tribal public officials and agencies, in accordance with limitations on disclosure of confidential or private information as described in paragraph (5), to develop and implement policies to reduce or eliminate family violence, domestic violence, and dating violence.

“(2) DISCRIMINATION PROHIBITED.—

“(A) APPLICATION OF CIVIL RIGHTS PROVISIONS.—For the purpose of applying the prohibitions against discrimination on the basis of age under the Age Discrimination Act of 1975 (42 U.S.C. 6101 et seq.), on the basis of disability under section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), on the basis of sex under title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.), or on the basis of race, color, or national origin under title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.), programs and activities funded in whole or in part with funds made available under this title are considered to be programs and activities receiving Federal financial assistance.

“(B) PROHIBITION ON DISCRIMINATION ON BASIS OF SEX, RELIGION.—

“(1) IN GENERAL.—No person shall on the ground of sex or religion be excluded from participation in, be denied the benefits of, or be subject to discrimination under, any program or activity funded in whole or in part with funds made available under this title. Nothing in this title shall require any such program or activity to include any individual in any program or activity without taking into consideration that individual's sex in those certain instances where sex is a bona fide occupational qualification or programmatic factor reasonably necessary to the normal or safe operation of that particular program or activity.

“(i) ENFORCEMENT.—The Secretary shall enforce the provisions of clause (i) in accordance with section 602 of the Civil Rights Act of 1964 (42 U.S.C. 2000d-1). Section 603 of such Act (42 U.S.C. 2000d-2) shall apply with respect to any action taken by the Secretary to enforce such clause.

“(iii) CONSTRUCTION.—This subparagraph shall not be construed as affecting any legal remedy provided under any other provision of law.

“(C) ENFORCEMENT AUTHORITIES OF SECRETARY.—Whenever the Secretary finds that a State, Indian tribe, or other entity that has received financial assistance under this title has failed to comply with a provision of law referred to in subparagraph (A), with subparagraph (B), or with an applicable regulation (including one prescribed to carry out subparagraph (B)), the Secretary shall notify the chief executive officer of the State involved or the tribally designated official of the tribe involved and shall request such officer or official to secure compliance. If, within a reasonable period of time, not to exceed 60 days, the chief executive officer or official fails or refuses to secure compliance, the Secretary may—

“(i) refer the matter to the Attorney General with a recommendation that an appropriate civil action be instituted;

“(ii) exercise the powers and functions provided by title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.), the Age Discrimination Act of 1975 (42 U.S.C. 6101 et seq.), sections 504 and 505 of the Rehabilitation Act of 1973 (29 U.S.C. 794, 794(a)), or title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.), as may be applicable; or

“(iii) take such other action as may be provided by law.

“(D) ENFORCEMENT AUTHORITY OF ATTORNEY GENERAL.—When a matter is referred to the Attorney General pursuant to subparagraph (C)(i), or whenever the Attorney General has reason to believe that a State, an Indian tribe, or an entity described in subparagraph (C) is engaged in a pattern or practice in violation of a provision of law referred to in subparagraph (A) or in violation of subparagraph (B), the Attorney General may bring a civil action in any appropriate district court of the United States for such relief as may be appropriate, including injunctive relief.

“(3) INCOME ELIGIBILITY STANDARDS.—No income eligibility standard may be imposed upon individuals with respect to eligibility for assistance or services supported with funds appropriated to carry out this title. No fees may be levied for assistance or services provided with funds appropriated to carry out this title.

“(4) MATCH.—No grant shall be made under this section to any entity other than a State or an Indian tribe unless the entity agrees that, with respect to the costs to be incurred by the entity in carrying out the program or project for which the grant is awarded, the entity will make available (directly or through donations from public or private entities) non-Federal contributions in an amount that is not less than \$1 for every \$5 of Federal funds provided under the grant. The non-Federal contributions required under this paragraph may be in cash or in kind.

“(5) NONDISCLOSURE OF CONFIDENTIAL OR PRIVATE INFORMATION.—

“(A) IN GENERAL.—In order to ensure the safety of adult, youth, and child victims of family violence, domestic violence, or dating violence, and their families, grantees and subgrantees under this title shall protect the confidentiality and privacy of such victims and their families.

“(B) NONDISCLOSURE.—Subject to subparagraphs (C), (D), and (E), grantees and subgrantees shall not—

“(i) disclose any personally identifying information collected in connection with services requested (including services utilized or denied), through grantees' and subgrantees' programs; or

“(ii) reveal personally identifying information without informed, written, reasonably time-limited consent by the person about whom information is sought, whether for this program or any other Federal or State grant program, which consent—

“(I) shall be given by—

“(aa) the person, except as provided in item (bb) or (cc);

“(bb) in the case of an unemancipated minor, the minor and the minor's parent or guardian; or

“(cc) in the case of an individual with a guardian, the individual's guardian; and

“(II) may not be given by the abuser or suspected abuser of the minor or individual with a guardian, or the abuser or suspected abuser of the other parent of the minor.

“(C) RELEASE.—If release of information described in subparagraph (B) is compelled by statutory or court mandate—

“(i) grantees and subgrantees shall make reasonable attempts to provide notice to victims affected by the release of the information; and

“(ii) grantees and subgrantees shall take steps necessary to protect the privacy and safety of the persons affected by the release of the information.

“(D) INFORMATION SHARING.—Grantees and subgrantees may share—

“(i) nonpersonally identifying information, in the aggregate, regarding services to their

clients and demographic nonpersonally identifying information in order to comply with Federal, State, or tribal reporting, evaluation, or data collection requirements;

“(ii) court-generated information and law enforcement-generated information contained in secure, governmental registries for protective order enforcement purposes; and

“(iii) law enforcement- and prosecution-generated information necessary for law enforcement and prosecution purposes.

“(E) OVERSIGHT.—Nothing in this paragraph shall prevent the Secretary from disclosing grant activities authorized in this title to the Committee on Education and Labor of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate and exercising congressional oversight authority. In making all such disclosures, the Secretary shall protect the confidentiality of individuals and omit personally identifying information, including location information about individuals and shelters.

“(F) STATUTORILY PERMITTED REPORTS OF ABUSE OR NEGLECT.—Nothing in this paragraph shall prohibit a grantee or subgrantee from reporting abuse and neglect, as those terms are defined by law, where mandated or expressly permitted by the State or Indian tribe involved.

“(G) PREEMPTION.—Nothing in this paragraph shall be construed to supersede any provision of any Federal, State, tribal, or local law that provides greater protection than this paragraph for victims of family violence, domestic violence, or dating violence.

“(H) CONFIDENTIALITY OF LOCATION.—The address or location of any shelter facility assisted under this title that otherwise maintains a confidential location shall, except with written authorization of the person or persons responsible for the operation of such shelter, not be made public.

“(6) SUPPLEMENT NOT SUPPLANT.—Federal funds made available to a State or Indian tribe under this title shall be used to supplement and not supplant other Federal, State, tribal, and local public funds expended to provide services and activities that promote the objectives of this title.

“(d) REPORTS AND EVALUATION.—Each grantee shall submit an annual performance report to the Secretary at such time as shall be reasonably required by the Secretary. Such performance report shall describe the grantee and subgrantee activities that have been carried out with grant funds made available under subsection (a) or section 309, contain an evaluation of the effectiveness of such activities, and provide such additional information as the Secretary may reasonably require.

“SEC. 307. STATE APPLICATION.

“(a) APPLICATION.—

“(1) IN GENERAL.—The chief executive officer of a State seeking funds under section 306(a) or a tribally designated official seeking funds under section 309(a) shall submit an application to the Secretary at such time and in such manner as the Secretary may reasonably require.

“(2) CONTENTS.—Each such application shall—

“(A) provide a description of the procedures that have been developed to ensure compliance with the provisions of sections 306(c) and 308(d);

“(B) provide, with respect to funds described in paragraph (1), assurances that—

“(i) not more than 5 percent of such funds will be used for administrative costs;

“(ii) the remaining funds will be distributed to eligible entities as described in sec-

tion 308(a) for approved activities as described in section 308(b); and

“(iii) in the distribution of funds by a State under section 308(a), the State will give special emphasis to the support of community-based projects of demonstrated effectiveness, that are carried out by nonprofit private organizations and that—

“(I) have as their primary purpose the operation of shelters for victims of family violence, domestic violence, and dating violence, and their dependents; or

“(II) provide counseling, advocacy, and self-help services to victims of family violence, domestic violence, and dating violence, and their dependents;

“(C) in the case of an application submitted by a State, provide an assurance that there will be an equitable distribution of grants and grant funds within the State and between urban and rural areas within such State;

“(D) in the case of an application submitted by a State, provide an assurance that the State will consult with and provide for the participation of the State Domestic Violence Coalition in the planning and monitoring of the distribution of grants to eligible entities as described in section 308(a) and the administration of the grant programs and projects;

“(E) describe how the State or Indian tribe will involve community-based organizations, whose primary purpose is to provide culturally appropriate services to underserved populations, including how such community-based organizations can assist the State or Indian tribe in addressing the unmet needs of such populations;

“(F) describe how activities and services provided by the State or Indian tribe are designed to reduce family violence, domestic violence, and dating violence, including how funds will be used to provide shelter, supportive services, and prevention services in accordance with section 308(b);

“(G) specify the State agency or tribally designated official to be designated as responsible for the administration of programs and activities relating to family violence, domestic violence, and dating violence, that are carried out by the State or Indian tribe under this title, and for coordination of related programs within the jurisdiction of the State or Indian tribe;

“(H) provide an assurance that the State or Indian tribe has a law or procedure that has been implemented for the eviction of an abusing spouse from a shared household; and

“(I) meet such requirements as the Secretary reasonably determines are necessary to carry out the objectives and provisions of this title.

“(b) APPROVAL OF APPLICATION.—

“(1) IN GENERAL.—The Secretary shall approve any application that meets the requirements of subsection (a) and section 306. The Secretary shall not disapprove any application under this subsection unless the Secretary gives the applicant reasonable notice of the Secretary's intention to disapprove and a 6-month period providing an opportunity for correction of any deficiencies.

“(2) CORRECTION OF DEFICIENCIES.—The Secretary shall give such notice, within 45 days after the date of submission of the application, if any of the provisions of subsection (a) or section 306 have not been satisfied in such application. If the State or Indian tribe does not correct the deficiencies in such application within the 6-month period following the receipt of the Secretary's notice, the Secretary shall withhold payment of any

grant funds under section 306 to such State or under section 309 to such Indian tribe until such date as the State or Indian tribe provides documentation that the deficiencies have been corrected.

“(3) STATE OR TRIBAL DOMESTIC VIOLENCE COALITION PARTICIPATION IN DETERMINATIONS OF COMPLIANCE.—State Domestic Violence Coalitions, or comparable coalitions for Indian tribes, shall be permitted to participate in determining whether grantees for corresponding States or Indian tribes are in compliance with subsection (a) and section 306(c), except that no funds made available under section 311 shall be used to challenge a determination about whether a grantee is in compliance with, or to seek the enforcement of, the requirements of this title.

“(4) FAILURE TO REPORT; NONCONFORMING EXPENDITURES.—The Secretary shall suspend funding for an approved application if the applicant fails to submit an annual performance report under section 306(d), or if funds are expended for purposes other than those set forth in section 306(b), after following the procedures set forth in paragraphs (1), (2), and (3).

“SEC. 308. SUBGRANTS AND USES OF FUNDS.

“(a) SUBGRANTS.—A State that receives a grant under section 306(a) shall use grant funds described in section 306(b)(2) to provide subgrants to eligible entities for programs and projects within such State, that is designed to prevent incidents of family violence, domestic violence, and dating violence by providing immediate shelter and supportive services for adult and youth victims of family violence, domestic violence, or dating violence (and their dependents), and that may provide prevention services to prevent future incidents of family violence, domestic violence, and dating violence.

“(b) USE OF FUNDS.—

“(1) IN GENERAL.—Funds awarded to eligible entities under subsection (a) shall be used to provide shelter, supportive services, or prevention services to adult and youth victims of family violence, domestic violence, or dating violence, and their dependents, which may include—

“(A) provision, on a regular basis, of immediate shelter and related supportive services to adult and youth victims of family violence, domestic violence, or dating violence, and their dependents, including paying for the operating and administrative expenses of the facilities for such shelter;

“(B) assistance in developing safety plans, and supporting efforts of victims of family violence, domestic violence, or dating violence to make decisions related to their ongoing safety and well-being;

“(C) provision of individual and group counseling, peer support groups, and referral to community-based services to assist family violence, domestic violence, and dating violence victims, and their dependents, in recovering from the effects of the violence;

“(D) provision of services, training, technical assistance, and outreach to increase awareness of family violence, domestic violence, and dating violence and increase the accessibility of family violence, domestic violence, and dating violence services;

“(E) provision of culturally and linguistically appropriate services;

“(F) provision of services for children exposed to family violence, domestic violence, or dating violence, including age-appropriate counseling, supportive services, and services for the nonabusing parent that support that parent's role as a caregiver, which may, as appropriate, include services that work with the nonabusing parent and child together;

“(G) provision of advocacy, case management services, and information and referral services, concerning issues related to family violence, domestic violence, or dating violence intervention and prevention, including—

“(i) assistance in accessing related Federal and State financial assistance programs;

“(ii) legal advocacy to assist victims and their dependents;

“(iii) medical advocacy, including provision of referrals for appropriate health care services (including mental health, alcohol, and drug abuse treatment), but which shall not include reimbursement for any health care services;

“(iv) assistance locating and securing safe and affordable permanent housing and homelessness prevention services;

“(v) provision of transportation, child care, respite care, job training and employment services, financial literacy services and education, financial planning, and related economic empowerment services; and

“(vi) parenting and other educational services for victims and their dependents; and

“(H) prevention services, including outreach to underserved populations.

“(2) SHELTER AND SUPPORTIVE SERVICES.—Not less than 70 percent of the funds distributed by a State under subsection (a) shall be distributed to entities for the primary purpose of providing immediate shelter and supportive services to adult and youth victims of family violence, domestic violence, or dating violence, and their dependents, as described in paragraph (1)(A). Not less than 25 percent of the funds distributed by a State under subsection (a) shall be distributed to entities for the purpose of providing supportive services and prevention services as described in subparagraphs (B) through (H) of paragraph (1).

“(c) ELIGIBLE ENTITIES.—To be eligible to receive a subgrant from a State under this section, an entity shall be—

“(1) a local public agency, or a nonprofit private organization (including faith-based and charitable organizations, community-based organizations, tribal organizations, and voluntary associations), that assists victims of family violence, domestic violence, or dating violence, and their dependents, and has a documented history of effective work concerning family violence, domestic violence, or dating violence; or

“(2) a partnership of 2 or more agencies or organizations that includes—

“(A) an agency or organization described in paragraph (1); and

“(B) an agency or organization that has a demonstrated history of serving populations in their communities, including providing culturally appropriate services.

“(d) CONDITIONS.—

“(1) DIRECT PAYMENTS TO VICTIMS OR DEPENDANTS.—No funds provided under this title may be used as direct payment to any victim of family violence, domestic violence, or dating violence, or to any dependent of such victim.

“(2) VOLUNTARILY ACCEPTED SERVICES.—Receipt of supportive services under this title shall be voluntary. No condition may be applied for the receipt of emergency shelter as described in subsection (b)(1)(A).

“SEC. 309. GRANTS FOR INDIAN TRIBES.

“(a) GRANTS AUTHORIZED.—The Secretary, in consultation with tribal governments pursuant to Executive Order 13175 (25 U.S.C. 450 note) and in accordance with section 903 of the Violence Against Women and Department of Justice Reauthorization Act of 2005 (42 U.S.C. 14045d), shall continue to award

grants for Indian tribes from amounts appropriated under section 303(a)(2)(B) to carry out this section.

“(b) ELIGIBLE ENTITIES.—To be eligible to receive a grant under this section, an entity shall be an Indian tribe, or a tribal organization or nonprofit private organization authorized by an Indian tribe. An Indian tribe shall have the option to authorize a tribal organization or a nonprofit private organization to submit an application and administer the grant funds awarded under this section.

“(c) CONDITIONS.—Each recipient of such a grant shall comply with requirements that are consistent with the requirements applicable to grantees under section 306.

“(d) GRANTEE APPLICATION.—To be eligible to receive a grant under this section, an entity shall submit an application to the Secretary under section 307 at such time, in such manner, and containing such information as the Secretary determines to be essential to carry out the objectives and provisions of this title. The Secretary shall approve any application that meets requirements consistent with the requirements of section 306(c) and section 307(a).

“(e) USE OF FUNDS.—An amount provided under a grant to an eligible entity shall be used for the services described in section 308(b).

“SEC. 310. NATIONAL RESOURCE CENTERS AND TRAINING AND TECHNICAL ASSISTANCE CENTERS.

“(a) PURPOSE AND GRANTS AUTHORIZED.—

“(1) PURPOSE.—The purpose of this section is to provide resource information, training, and technical assistance relating to the objectives of this title to improve the capacity of individuals, organizations, governmental entities, and communities to prevent family violence, domestic violence, and dating violence and to provide effective intervention services.

“(2) GRANTS AUTHORIZED.—From the amounts appropriated under this title and reserved under section 303(a)(2)(C), the Secretary—

“(A) shall award grants to eligible entities for the establishment and maintenance of—

“(i) 2 national resource centers (as provided for in subsection (b)(1)); and

“(ii) at least 7 special issue resource centers addressing key areas of domestic violence, and intervention and prevention (as provided for in subsection (b)(2)); and

“(B) may award grants, to—

“(i) State resource centers to reduce disparities in domestic violence in States with high proportions of Indian (including Alaska Native) or Native Hawaiian populations (as provided for in subsection (b)(3)); and

“(ii) support training and technical assistance that address emerging issues related to family violence, domestic violence, or dating violence, to entities demonstrating related expertise.

“(b) DOMESTIC VIOLENCE RESOURCE CENTERS.—

“(1) NATIONAL RESOURCE CENTERS.—In accordance with subsection (a)(2), the Secretary shall award grants to eligible entities for—

“(A) a National Resource Center on Domestic Violence, which shall—

“(i) offer a comprehensive array of technical assistance and training resources to Federal, State, and local governmental agencies, domestic violence service providers, community-based organizations, and other professionals and interested parties, related to domestic violence service programs and research, including programs and research related to victims and their children who are exposed to domestic violence; and

“(ii) maintain a central resource library in order to collect, prepare, analyze, and disseminate information and statistics related to—

“(I) the incidence and prevention of family violence and domestic violence; and

“(II) the provision of shelter, supportive services, and prevention services to adult and youth victims of domestic violence (including services to prevent repeated incidents of violence); and

“(B) a National Indian Resource Center Addressing Domestic Violence and Safety for Indian Women, which shall—

“(i) offer a comprehensive array of technical assistance and training resources to Indian tribes and tribal organizations, specifically designed to enhance the capacity of the tribes and organizations to respond to domestic violence and the findings of section 901 of the Violence Against Women and Department of Justice Reauthorization Act of 2005 (42 U.S.C. 3796gg–10 note);

“(ii) enhance the intervention and prevention efforts of Indian tribes and tribal organizations to respond to domestic violence and increase the safety of Indian women in support of the purposes of section 902 of the Violence Against Women and Department of Justice Reauthorization Act of 2005 (42 U.S.C. 3796gg–10 note); and

“(iii) coordinate activities with other Federal agencies, offices, and grantees that address the needs of Indians (including Alaska Natives), and Native Hawaiians that experience domestic violence, including the Office of Justice Services at the Bureau of Indian Affairs, the Indian Health Service of the Department of Health and Human Services, and the Office on Violence Against Women of the Department of Justice.

“(2) SPECIAL ISSUE RESOURCE CENTERS.—In accordance with subsection (a)(2)(A)(ii), the Secretary shall award grants to eligible entities for special issue resource centers, which shall be national in scope and shall provide information, training, and technical assistance to State and local domestic violence service providers. Each special issue resource center shall focus on enhancing domestic violence intervention and prevention efforts in at least one of the following areas:

“(A) The response of the criminal and civil justice systems to domestic violence victims, which may include the response to the use of the self-defense plea by domestic violence victims and the issuance and use of protective orders.

“(B) The response of child protective service agencies to victims of domestic violence and their dependents and child custody issues in domestic violence cases.

“(C) The response of the interdisciplinary health care system to victims of domestic violence and access to health care resources for victims of domestic violence.

“(D) The response of mental health systems, domestic violence service programs, and other related systems and programs to victims of domestic violence and to their children who are exposed to domestic violence.

“(E) In the case of 3 specific resource centers, enhancing domestic violence intervention and prevention efforts for victims of domestic violence who are members of racial and ethnic minority groups, to enhance the cultural and linguistic relevancy of service delivery, resource utilization, policy, research, technical assistance, community education, and prevention initiatives.

“(3) STATE RESOURCE CENTERS TO REDUCE TRIBAL DISPARITIES.—

“(A) IN GENERAL.—In accordance with subsection (a)(2), the Secretary may award

grants to eligible entities for State resource centers, which shall provide statewide information, training, and technical assistance to Indian tribes, tribal organizations, and local domestic violence service organizations serving Indians (including Alaska Natives) or Native Hawaiians, in a culturally sensitive and relevant manner.

“(B) REQUIREMENTS.—An eligible entity shall use a grant provided under this paragraph—

“(i) to offer a comprehensive array of technical assistance and training resources to Indian tribes, tribal organizations, and providers of services to Indians (including Alaska Natives) or Native Hawaiians, specifically designed to enhance the capacity of the tribes, organizations, and providers to respond to domestic violence, including offering the resources in States in which the population of Indians (including Alaska Natives) or Native Hawaiians exceeds 2.5 percent of the total population of the State;

“(ii) to coordinate all projects and activities with the national resource center described in paragraph (1)(B), including projects and activities that involve working with nontribal State and local governments to enhance their capacity to understand the unique needs of Indians (including Alaska Natives) and Native Hawaiians; and

“(iii) to provide comprehensive community education and domestic violence prevention initiatives in a culturally sensitive and relevant manner.

“(c) ELIGIBILITY.—

“(1) IN GENERAL.—To be eligible to receive a grant under subsection (b)(1)(A) or subparagraph (A), (B), (C), or (D) of subsection (b)(2), an entity shall be a nonprofit private organization that focuses primarily on domestic violence and that—

“(A) provides documentation to the Secretary demonstrating experience working directly on issues of domestic violence, and (in the case of an entity seeking a grant under subsection (b)(2)) demonstrating experience working directly in the corresponding specific special issue area described in subsection (b)(2);

“(B) includes on the entity’s advisory board representatives who are from domestic violence service programs and who are geographically and culturally diverse; and

“(C) demonstrates the strong support of domestic violence service programs from across the Nation for the entity’s designation as a national resource center or a special issue resource center, as appropriate.

“(2) NATIONAL INDIAN RESOURCE CENTER.—To be eligible to receive a grant under subsection (b)(1)(B), an entity shall be a tribal organization or a nonprofit private organization that focuses primarily on issues of domestic violence within Indian tribes and that submits documentation to the Secretary demonstrating—

“(A) experience working with Indian tribes and tribal organizations to respond to domestic violence and the findings of section 901 of the Violence Against Women and Department of Justice Reauthorization Act of 2005 (42 U.S.C. 3796gg–10 note);

“(B) experience providing Indian tribes and tribal organizations with assistance in developing tribally-based prevention and intervention services addressing domestic violence and safety for Indian women consistent with the purposes of section 902 of the Violence Against Women and Department of Justice Reauthorization Act of 2005 (42 U.S.C. 3796gg–10 note);

“(C) strong support for the entity’s designation as the National Indian Resource

Center Addressing Domestic Violence and Safety for Indian Women from advocates working within Indian tribes to address domestic violence and the safety of Indian women;

“(D) a record of demonstrated effectiveness in assisting Indian tribes and tribal organizations with prevention and intervention services addressing domestic violence; and

“(E) the capacity to serve Indian tribes (including Alaska Native villages and regional and village corporations) across the United States.

“(3) SPECIAL ISSUE RESOURCE CENTERS CONCERNED WITH RACIAL AND ETHNIC MINORITY GROUPS.—To be eligible to receive a grant under subsection (b)(2)(E), an entity shall be an entity that—

“(A) is a nonprofit private organization that focuses primarily on issues of domestic violence in a racial or ethnic community, or is a public or private nonprofit educational institution that has a domestic violence institute, center, or program related to culturally specific issues in domestic violence; and

“(B)(i) has documented experience in the areas of domestic violence prevention and services, and experience relevant to the specific racial or ethnic population to which information, training, technical assistance, and outreach would be provided under the grant;

“(ii) demonstrates the strong support, of advocates from across the Nation who are working to address domestic violence; and

“(iii) has a record of demonstrated effectiveness in enhancing the cultural and linguistic relevancy of service delivery.

“(4) STATE RESOURCE CENTERS TO REDUCE TRIBAL DISPARITIES.—To be eligible to receive a grant under subsection (b)(3), an entity shall—

“(A)(i) be located in a State in which the population of Indians (including Alaska Natives) or Native Hawaiians exceeds 10 percent of the total population of the State; or

“(ii) be an Indian tribe, tribal organization, or Native Hawaiian organization that focuses primarily on issues of domestic violence among Indians or Native Hawaiians, or an institution of higher education; and

“(B) demonstrate the ability to serve all regions of the State, including underdeveloped areas and areas that are geographically distant from population centers.

“(d) REPORTS AND EVALUATION.—Each entity receiving a grant under this section shall submit a performance report to the Secretary annually and in such manner as shall be reasonably required by the Secretary. Such performance report shall describe the activities that have been carried out with such grant funds, contain an evaluation of the effectiveness of the activities, and provide such additional information as the Secretary may reasonably require.

“SEC. 311. GRANTS TO STATE DOMESTIC VIOLENCE COALITIONS.

“(a) GRANTS.—The Secretary shall award grants for the funding of State Domestic Violence Coalitions.

“(b) ALLOTMENT OF FUNDS.—

“(1) IN GENERAL.—From the amount appropriated under section 303(a)(2)(D) for each fiscal year, the Secretary shall allot to each of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, and each of the covered territories an amount equal to $\frac{1}{6}$ of the amount so appropriated for such fiscal year.

“(2) DEFINITION.—For purposes of this subsection, the term ‘covered territories’ means Guam, American Samoa, the United States

Virgin Islands, and the Commonwealth of the Northern Mariana Islands.

“(c) APPLICATION.—Each State Domestic Violence Coalition desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary determines to be essential to carry out the objectives of this section. The application submitted by the coalition for the grant shall provide documentation of the coalition’s work, satisfactory to the Secretary, demonstrating that the coalition—

“(1) meets all of the applicable requirements set forth in this title; and

“(2) demonstrates the ability to conduct appropriately all activities described in this section, as indicated by—

“(A) documented experience in administering Federal grants to conduct the activities described in subsection (d); or

“(B) a documented history of active participation in the activities described in paragraphs (1), (3), (4), and (5) of subsection (d) and a demonstrated capacity to conduct the activities described in subsection (d)(2).

“(d) USE OF FUNDS.—A coalition that receives a grant under this section shall use the grant funds for administration and operations to further the purposes of family violence, domestic violence, and dating violence intervention and prevention, through activities that shall include—

“(1) working with local family violence, domestic violence, and dating violence service programs and providers of direct services to encourage appropriate and comprehensive responses to family violence, domestic violence, and dating violence against adults or youth within the State involved, including providing training and technical assistance and conducting State needs assessments;

“(2) participating in planning and monitoring the distribution of subgrants and subgrant funds within the State under section 308(a);

“(3) working in collaboration with service providers and community-based organizations to address the needs of family violence, domestic violence, and dating violence victims, and their dependents, who are members of racial and ethnic minority populations and underserved populations;

“(4) collaborating with and providing information to entities in such fields as housing, health care, mental health, social welfare, or business to support the development and implementation of effective policies, protocols, and programs that address the safety and support needs of adult and youth victims of family violence, domestic violence, or dating violence;

“(5) encouraging appropriate responses to cases of family violence, domestic violence, or dating violence against adults or youth, including by working with judicial and law enforcement agencies;

“(6) working with family law judges, criminal court judges, child protective service agencies, and children’s advocates to develop appropriate responses to child custody and visitation issues in cases of child exposure to family violence, domestic violence, or dating violence and in cases in which—

“(A) family violence, domestic violence, or dating violence is present; and

“(B) child abuse is present;

“(7) providing information to the public about prevention of family violence, domestic violence, and dating violence, including information targeted to underserved populations; and

“(8) collaborating with Indian tribes and tribal organizations (and corresponding Native Hawaiian groups or communities) to address the needs of Indian (including Alaska Native) and Native Hawaiian victims of family violence, domestic violence, or dating violence, as applicable in the State.

“(e) LIMITATION ON USE OF FUNDS.—A coalition that receives a grant under this section shall not be required to use funds received under this title for the purposes described in paragraph (5) or (6) of subsection (d) if the coalition provides an annual assurance to the Secretary that the coalition is—

“(1) using funds received under section 2001(c)(1) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg(c)(1)) for such purposes; and

“(2) coordinating the activities carried out by the coalition under subsection (d) with the State’s activities under part T of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg et seq.) that address those purposes.

“(f) PROHIBITION ON LOBBYING.—No funds made available to entities under this section shall be used, directly or indirectly, to influence the issuance, amendment, or revocation of any executive order or similar promulgation by any Federal, State, or local agency, or to undertake to influence the passage or defeat of any legislation by Congress, or by any State or local legislative body, or State proposals by initiative petition, except that the representatives of the entity may testify or make other appropriate communication—

“(1) when formally requested to do so by a legislative body, a committee, or a member of the body or committee; or

“(2) in connection with legislation or appropriations directly affecting the activities of the entity.

“(g) REPORTS AND EVALUATION.—Each entity receiving a grant under this section shall submit a performance report to the Secretary at such time as shall be reasonably required by the Secretary. Such performance report shall describe the activities that have been carried out with such grant funds, contain an evaluation of the effectiveness of such activities, and provide such additional information as the Secretary may reasonably require.

“(h) INDIAN REPRESENTATIVES.—For purposes of this section, a State Domestic Violence Coalition may include representatives of Indian tribes and tribal organizations.

“SEC. 312. SPECIALIZED SERVICES FOR ABUSED PARENTS AND THEIR CHILDREN.

“(a) IN GENERAL.—

“(1) PROGRAM.—The Secretary shall establish a grant program to expand the capacity of family violence, domestic violence, and dating violence service programs and community-based programs to prevent future domestic violence by addressing, in an appropriate manner, the needs of children exposed to family violence, domestic violence, or dating violence.

“(2) GRANTS.—The Secretary may make grants to eligible entities through the program established under paragraph (1) for periods of not more than 2 years. If the Secretary determines that an entity has received such a grant and been successful in meeting the objectives of the grant application submitted under subsection (c), the Secretary may renew the grant for 1 additional period of not more than 2 years.

“(b) ELIGIBLE ENTITIES.—To be eligible to receive a grant under this section, an entity shall be a local agency, a nonprofit private organization (including faith-based and charitable organizations, community-based orga-

nizations, and voluntary associations), or a tribal organization, with a demonstrated record of serving victims of family violence, domestic violence, or dating violence and their children.

“(c) APPLICATION.—An entity seeking a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require, including—

“(1) a description of how the entity will prioritize the safety of, and confidentiality of information about—

“(A) victims of family violence, victims of domestic violence, and victims of dating violence; and

“(B) children of victims described in subparagraph (A);

“(2) a description of how the entity will provide developmentally appropriate and age-appropriate services, and culturally and linguistically appropriate services, to the victims and children; and

“(3) a description of how the entity will ensure that professionals working with the children receive the training and technical assistance appropriate and relevant to the unique needs of children exposed to family violence, domestic violence, or dating violence.

“(d) USE OF FUNDS.—An entity that receives a grant under this section for a family violence, domestic violence, and dating violence service or community-based program described in subsection (a)—

“(1) shall use the funds made available through the grant—

“(A) to provide direct counseling, appropriate services consistent with subsection (c)(2), or advocacy on behalf of victims of family violence, domestic violence, or dating violence and their children, including coordinating services with services provided by the child welfare system;

“(B) to provide services for nonabusing parents to support those parents’ roles as caregivers and their roles in responding to the social, emotional, and developmental needs of their children; and

“(C) where appropriate, to provide the services described in this subsection while working with such a nonabusing parent and child together; and

“(2) may use the funds made available through the grant—

“(A) to provide early childhood development and mental health services;

“(B) to coordinate activities with and provide technical assistance to community-based organizations serving victims of family violence, domestic violence, or dating violence or children exposed to family violence, domestic violence, or dating violence; and

“(C) to provide additional services and referrals to services for children, including child care, transportation, educational support, respite care, supervised visitation, or other necessary services.

“(e) REPORTS AND EVALUATION.—Each entity receiving a grant under this section shall submit a performance report to the Secretary at such time as shall be reasonably required by the Secretary. Such performance report shall describe the activities that have been carried out with such grant funds, contain an evaluation of the effectiveness of such activities, and provide such additional information as the Secretary may reasonably require.

“SEC. 313. NATIONAL DOMESTIC VIOLENCE HOTLINE GRANT.

“(a) IN GENERAL.—The Secretary shall award a grant to a nonprofit private entity

to provide for the ongoing operation of a 24-hour, national, toll-free telephone hotline to provide information and assistance to adult and youth victims of family violence, domestic violence, or dating violence, family and household members of such victims, and persons affected by the victimization. The Secretary shall give priority to applicants with experience in operating a hotline that provides assistance to adult and youth victims of family violence, domestic violence, or dating violence.

“(b) TERM.—The Secretary shall award a grant under this section for a period of not more than 5 years.

“(c) CONDITIONS ON PAYMENT.—The provision of payments under a grant awarded under this section shall be subject to annual approval by the Secretary and subject to the availability of appropriations for each fiscal year to make the payments.

“(d) APPLICATION.—To be eligible to receive a grant under this section, an entity shall submit an application to the Secretary that shall—

“(1) contain such agreements, assurances, and information, be in such form, and be submitted in such manner, as the Secretary shall prescribe;

“(2) include a complete description of the applicant’s plan for the operation of a national domestic violence hotline, including descriptions of—

“(A) the training program for hotline personnel, including technology training to ensure that all persons affiliated with the hotline are able to effectively operate any technological systems used by the hotline;

“(B) the hiring criteria and qualifications for hotline personnel;

“(C) the methods for the creation, maintenance, and updating of a resource database;

“(D) a plan for publicizing the availability of the hotline;

“(E) a plan for providing service to non-English speaking callers, including service through hotline personnel who have non-English language capability;

“(F) a plan for facilitating access to the hotline by persons with hearing impairments; and

“(G) a plan for providing assistance and referrals to youth victims of domestic violence and for victims of dating violence who are minors, which may be carried out through a national teen dating violence hotline;

“(3) demonstrate that the applicant has recognized expertise in the area of family violence, domestic violence, or dating violence and a record of high quality service to victims of family violence, domestic violence, or dating violence, including a demonstration of support from advocacy groups and State Domestic Violence Coalitions;

“(4) demonstrate that the applicant has the capacity and the expertise to maintain a domestic violence hotline and a comprehensive database of service providers;

“(5) demonstrate the ability to provide information and referrals for callers, directly connect callers to service providers, and employ crisis interventions meeting the standards of family violence, domestic violence, and dating violence providers;

“(6) demonstrate that the applicant has a commitment to diversity and to the provision of services to underserved populations, including to ethnic, racial, and non-English speaking minorities, in addition to older individuals and individuals with disabilities;

“(7) demonstrate that the applicant complies with nondisclosure requirements as described in section 306(c)(5) and follows comprehensive quality assurance practices; and

“(8) contain such other information as the Secretary may require.

“(e) HOTLINE ACTIVITIES.—

“(1) IN GENERAL.—An entity that receives a grant under this section for activities described, in whole or in part, in subsection (a) shall use funds made available through the grant to establish and operate a 24-hour, national, toll-free telephone hotline to provide information and assistance to adult and youth victims of family violence, domestic violence, or dating violence, and other individuals described in subsection (a).

“(2) ACTIVITIES.—In establishing and operating the hotline, the entity—

“(A) shall contract with a carrier for the use of a toll-free telephone line;

“(B) shall employ, train (including providing technology training), and supervise personnel to answer incoming calls, provide counseling and referral services for callers on a 24-hour-a-day basis, and directly connect callers to service providers;

“(C) shall assemble and maintain a database of information relating to services for adult and youth victims of family violence, domestic violence, or dating violence to which callers may be referred throughout the United States, including information on the availability of shelters and supportive services for victims of family violence, domestic violence, or dating violence;

“(D) shall widely publicize the hotline throughout the United States, including to potential users;

“(E) shall provide assistance and referrals to meet the needs of underserved populations and individuals with disabilities;

“(F) shall provide assistance and referrals for youth victims of domestic violence and for victims of dating violence who are minors, which may be carried out through a national teen dating violence hotline;

“(G) may provide appropriate assistance and referrals for family and household members of victims of family violence, domestic violence, or dating violence, and persons affected by the victimization described in subsection (a); and

“(H) at the discretion of the hotline operator, may provide assistance, or referrals for counseling or intervention, for identified adult and youth perpetrators, including self-identified perpetrators, of family violence, domestic violence, or dating violence, but shall not be required to provide such assistance or referrals in any circumstance in which the hotline operator fears the safety of a victim may be impacted by an abuser or suspected abuser.

“(f) REPORTS AND EVALUATION.—The entity receiving a grant under this section shall submit a performance report to the Secretary at such time as shall be reasonably required by the Secretary. Such performance report shall describe the activities that have been carried out with such grant funds, contain an evaluation of the effectiveness of such activities, and provide such additional information as the Secretary may reasonably require.

“SEC. 314. DOMESTIC VIOLENCE PREVENTION ENHANCEMENT AND LEADERSHIP THROUGH ALLIANCES (DELTA).

“(a) IN GENERAL.—The Secretary shall enter into cooperative agreements with State Domestic Violence Coalitions for the purposes of establishing, operating, and maintaining local community projects to prevent family violence, domestic violence, and dating violence, including violence committed by and against youth, using a coordinated community response model and through prevention and education programs.

“(b) TERM.—The Secretary shall enter into a cooperative agreement under this section for a period of not more than 5 fiscal years.

“(c) CONDITIONS ON PAYMENT.—The provision of payments under a cooperative agreement under this section shall be subject to—

“(1) annual approval by the Secretary; and

“(2) the availability of appropriations for each fiscal year to make the payments.

“(d) ELIGIBILITY.—To be eligible to enter into a cooperative agreement under this section, an organization shall—

“(1) be a State Domestic Violence Coalition; and

“(2) include representatives of pertinent sectors of the local community, which may include—

“(A) health care providers and State or local health departments;

“(B) the education community;

“(C) the faith-based community;

“(D) the criminal justice system;

“(E) family violence, domestic violence, and dating violence service program advocates;

“(F) human service entities such as State child services divisions;

“(G) business and civic leaders; and

“(H) other pertinent sectors.

“(e) APPLICATIONS.—An organization that desires to enter into a cooperative agreement under this section shall submit to the Secretary an application, in such form and in such manner as the Secretary shall require, that—

“(1) demonstrates the capacity of the applicant, who may enter into a partnership with a local family violence, domestic violence, or dating violence service provider or community-based organization, to undertake the project involved;

“(2) demonstrates that the project will include a coordinated community response to improve and expand prevention strategies through increased communication and coordination among all affected sectors of the local community;

“(3) includes a complete description of the applicant's plan for the establishment and implementation of the coordinated community response, including a description of—

“(A) the method to be used for identification and selection of an administrative committee made up of persons knowledgeable about comprehensive family violence, domestic violence, and dating violence prevention planning to oversee the project, hire staff, assure compliance with the project outline, and secure annual evaluation of the project;

“(B) the method to be used for identification and selection of project staff and a project evaluator;

“(C) the method to be used for identification and selection of a project council consisting of representatives of the community sectors listed in subsection (d)(2); and

“(D) the method to be used for identification and selection of a steering committee consisting of representatives of the various community sectors who will chair subcommittees of the project council, each of which will focus on 1 of the sectors;

“(4) demonstrates that the applicant has experience in providing, or the capacity to provide, prevention-focused training and technical assistance;

“(5) demonstrates that the applicant has the capacity to carry out collaborative community initiatives to prevent family violence, domestic violence, and dating violence; and

“(6) contains such other information, agreements, and assurances as the Secretary may require.

“(f) GEOGRAPHICAL DISPERSION.—The Secretary shall enter into cooperative agreements under this section with organizations in States geographically dispersed throughout the Nation.

“(g) USE OF FUNDS.—

“(1) IN GENERAL.—An organization that enters into a cooperative agreement under subsection (a) shall use the funds made available through the agreement to establish, operate, and maintain comprehensive family violence, domestic violence, and dating violence prevention programming.

“(2) TECHNICAL ASSISTANCE, EVALUATION AND MONITORING.—The Secretary may use a portion of the funds provided under this section to—

“(A) provide technical assistance;

“(B) monitor the performance of organizations carrying out activities under the cooperative agreements; and

“(C) conduct an independent evaluation of the program carried out under this section.

“(3) REQUIREMENTS.—In establishing and operating a project under this section, an eligible organization shall—

“(A) establish protocols to improve and expand family violence, domestic violence, and dating violence prevention and intervention strategies within affected community sectors described in subsection (d)(2);

“(B) develop comprehensive prevention plans to coordinate prevention efforts with other community sectors;

“(C) provide for periodic evaluation of the project, and analysis to assist in replication of the prevention strategies used in the project in other communities, and submit a report under subsection (h) that contains the evaluation and analysis;

“(D) develop, replicate, or conduct comprehensive, evidence-informed primary prevention programs that reduce risk factors and promote protective factors that reduce the likelihood of family violence, domestic violence, and dating violence, which may include—

“(i) educational workshops and seminars;

“(ii) training programs for professionals;

“(iii) the preparation of informational material;

“(iv) developmentally appropriate education programs;

“(v) other efforts to increase awareness of the facts about, or to help prevent, family violence, domestic violence, and dating violence; and

“(vi) the dissemination of information about the results of programs conducted under this subparagraph;

“(E) utilize evidence-informed prevention program planning; and

“(F) recognize, in applicable cases, the needs of underserved populations, racial and linguistic populations, and individuals with disabilities.

“(h) REPORTS AND EVALUATION.—Each organization entering into a cooperative agreement under this section shall submit a performance report to the Secretary at such time as shall be reasonably required by the Secretary. Such performance report shall describe activities that have been carried out with the funds made available through the agreement, contain an evaluation of the effectiveness of such activities, and provide such additional information as the Secretary may reasonably require. The Secretary shall make the evaluations received under this subsection publicly available on the Department of Health and Human Services website. The reports shall also be submitted to the Committee on Education and Labor of the House of Representatives and the Committee

on Health, Education, Labor, and Pensions of the Senate.”.

SEC. 202. AMENDMENTS TO OTHER LAWS.

(a) TITLE 11, UNITED STATES CODE.—Section 707(b)(2)(A)(ii)(I) of title 11, United States Code, is amended in the 4th sentence by striking “section 309 of the Family Violence Prevention and Services Act” and inserting “section 302 of the Family Violence Prevention and Services Act”.

(b) INDIVIDUALS WITH DISABILITIES EDUCATION ACT.—Section 635(c)(2)(G) of the Individuals with Disabilities Education Act (20 U.S.C. 1435(c)(2)(G)) is amended by striking “section 320 of the Family Violence Prevention and Services Act” and inserting “section 302 of the Family Violence Prevention and Services Act”.

(c) OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968.—Section 2001(c)(2)(A) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg(c)(2)(A)) is amended by striking “through the Family Violence Prevention and Services Act (42 U.S.C. 10410 et seq.)” and inserting “under section 311 of the Family Violence Prevention and Services Act”.

(d) VIOLENCE AGAINST WOMEN ACT OF 1994.—Section 40002(a)(26) of the Violence Against Women Act of 1994 (42 U.S.C. 13925(a)(26)) is amended by striking “under the Family Violence Prevention and Services Act (42 U.S.C. 10410(b))” and inserting “under sections 302 and 311 of the Family Violence Prevention and Services Act”.

(e) VIOLENT CRIME CONTROL AND LAW ENFORCEMENT ACT OF 1994.—The portion of section 310004(d) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14214(d)) that pertains to the definition of the term “prevention program” is amended—

(1) in paragraph (20), by striking “section 40211” and inserting “section 313 of the Family Violence Prevention and Services Act (relating to a hotline)”;

(2) in paragraph (22), by striking “section 40241” and inserting “sections 301 through 312 of the Family Violence Prevention and Services Act”; and

(3) in paragraph (24), by striking “section 40261” and inserting “section 314 of the Family Violence Prevention and Services Act (relating to community projects to prevent family violence, domestic violence, and dating violence)”.

TITLE III—CHILD ABUSE PREVENTION AND TREATMENT AND ADOPTION REFORM ACT OF 1978

SEC. 301. CHILD ABUSE PREVENTION AND TREATMENT AND ADOPTION REFORM.

(a) FINDINGS.—Section 201 of the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978 (42 U.S.C. 5111) is amended—

(1) by striking subsection (a) and inserting the following:

“(a) FINDINGS.—Congress finds that—

“(1) on the last day of fiscal year 2009, some 424,000 children were living in temporary foster family homes or other foster care settings;

“(2) most children in foster care are victims of child abuse or neglect by their biological parents and their entry into foster care brought them the additional trauma of separation from their homes and often their communities;

“(3) on average, children entering foster care have more physical and mental health needs than do children in the general population, and some require intensive services because the children entering foster care—

“(A) were born to mothers who did not receive prenatal care;

“(B) were born with life-threatening conditions or disabilities;

“(C) were born addicted to alcohol or other drugs; or

“(D) have HIV/AIDS;

“(4) each year, thousands of children in foster care, regardless of their age, the size of the sibling group they are a part of, their racial or ethnic status, their medical condition, or any physical, mental or emotional disability they may have, are in need of placement with permanent, loving, adoptive families;

“(5)(A) States have made important strides in increasing the number of children who are placed in permanent homes with adoptive parents and in reducing the length of time children wait for such a placement; and

“(B) many thousands of children, however, still remain in institutions or foster homes solely because of legal and other barriers to such a placement;

“(6)(A) on the last day of fiscal year 2009, there were 115,000 children waiting for adoption;

“(B) children waiting for adoption have had parental rights of all living parents terminated or the children have a permanency goal of adoption;

“(C)(i) the average age of children adopted with public child welfare agency involvement during fiscal year 2009 was a little more than 6 years; and

“(ii) the average age of children waiting for adoption on the last day of that fiscal year was a little more than 8 years of age and more than 30,000 of those children were 12 years of age or older; and

“(D)(i) 25 percent of the children adopted with public child welfare agency involvement during fiscal year 2009 were African-American; and

“(ii) 30 percent of the children waiting for adoption on the last day of fiscal year 2009 were African-American;

“(7) adoption may be the best alternative for assuring the healthy development of children placed in foster care;

“(8) there are qualified persons seeking to adopt such children who are unable to do so because of barriers to their placement and adoption; and

“(9) in order both to enhance the stability of and love in the home environments of such children and to avoid wasteful expenditures of public funds, such children—

“(A) should not have medically indicated treatment withheld from them; or

“(B) be maintained in foster care or institutions when adoption is appropriate and families can be found for such children.”; and

(2) in subsection (b)—

(A) in the matter preceding paragraph (1), by inserting “older children, minority children, and” after “particularly”; and

(B) by striking paragraph (2) and inserting the following:

“(2) maintain an Internet-based national adoption information exchange system to—

“(A) bring together children who would benefit from adoption and qualified prospective adoptive parents who are seeking such children;

“(B) conduct national recruitment efforts in order to reach prospective parents for children awaiting adoption; and

“(C) connect placement agencies, prospective adoptive parents, and adoptive parents to resources designed to reduce barriers to adoption, support adoptive families, and ensure permanency; and”.

(b) INFORMATION AND SERVICES.—Section 203 of the Child Abuse Prevention and Treat-

ment and Adoption Reform Act of 1978 (42 U.S.C. 5113) is amended—

(1) in subsection (a), by striking all that follows “facilitate the adoption of” and inserting “older children, minority children, and children with special needs, particularly infants and toddlers with disabilities who have life-threatening conditions, and services to couples considering adoption of children with special needs.”;

(2) in subsection (b)—

(A) in paragraph (1)—

(i) by striking “and” after “regarding adoption” and inserting a comma; and

(ii) by inserting “, and post-legal adoption services” after “adoption assistance programs”;

(B) in paragraph (2), by inserting “, including efforts to promote the adoption of older children, minority children, and children with special needs” after “national level”;

(C) in paragraph (7)—

(i) by striking “study the efficacy of States contracting with” and inserting “increase the effective use of”;

(ii) by striking the comma after “organizations” and inserting “by States.”;

(iii) by inserting a comma after “institutions”; and

(iv) by inserting “, including assisting in efforts to work with organizations that promote the placement of older children, minority children, and children with special needs” after “children for adoption”;

(D) in paragraph (9)—

(i) in subparagraph (B), by striking “and” at the end;

(ii) in subparagraph (C), by adding “and” after the semicolon at the end; and

(iii) by adding at the end the following:

“(D) identify best practices to reduce adoption disruption and termination.”; and

(E) in paragraph (10)—

(i) in the matter preceding subparagraph (A), by inserting “tribal child welfare agencies,” after “local government entities.”; and

(ii) in subparagraph (A)—

(I) in clause (ii), by inserting “, including developing and using procedures to notify family and relatives when a child enters the child welfare system” before the semicolon at the end;

(II) by redesignating clauses (vii) and (viii) as clauses (viii) and (ix), respectively; and

(III) by inserting after clause (vi) the following:

“(vii) education and training of prospective adoptive or adoptive parents.”; and

(3) in subsection (d)—

(A) in paragraph (1), by striking the second sentence and all that follows; and

(B) in paragraph (2)—

(i) in subparagraph (A)—

(I) in the second sentence, by inserting “, consistent with the purpose of this title” after “by the Secretary”; and

(II) by striking the third sentence and inserting the following: “Each application shall contain information that—

“(i) describes how the State plans to improve the placement rate of children in permanent homes;

“(ii) describes the methods the State, prior to submitting the application, has used to improve the placement of older children, minority children, and children with special needs, who are legally free for adoption;

“(iii) describes the evaluation the State plans to conduct, to identify the effectiveness of programs and methods of placement under this subsection, and submit to the Secretary; and

“(iv) describes how the State plans to coordinate activities under this subsection

with relevant activities under section 473 of the Social Security Act (42 U.S.C. 673).";

(ii) in subparagraph (B)(i), by inserting "older children, minority children, and" after "successful placement of"; and

(iii) by adding at the end the following:

"(C) EVALUATION.—The Secretary shall compile the results of evaluations submitted by States (described in subparagraph (A)(iii)) and submit a report containing the compiled results to the appropriate committees of Congress."

(C) AUTHORIZATION OF APPROPRIATIONS.—Section 205 of the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978 (42 U.S.C. 5115) is amended—

(1) in subsection (a)—

(A) by striking "2004" and inserting "2010"; and

(B) by striking "2005 through 2008" and inserting "2011 through 2015";

(2) by redesignating subsection (b) as subsection (c); and

(3) by inserting after subsection (a) the following:

"(b) Not less than 30 percent and not more than 50 percent of the funds appropriated under subsection (a) shall be allocated for activities under subsections (b)(10) and (c) of section 203."

TITLE IV—ABANDONED INFANTS ASSISTANCE ACT OF 1988

SEC. 401. ABANDONED INFANTS ASSISTANCE.

(a) FINDINGS.—Section 2 of the Abandoned Infants Assistance Act of 1988 (42 U.S.C. 5117aa) is amended—

(1) in paragraph (4), by striking "including those" and all that follows through "AIDS)" and inserting "including those with HIV/AIDS"; and

(2) in paragraph (5), by striking "acquired immune deficiency syndrome" and inserting "HIV/AIDS".

(b) REPEAL.—Title II of the Abandoned Infants Assistance Act of 1988 (Public Law 100-505; 102 Stat. 2536) is repealed.

(c) DEFINITIONS.—Section 301 of the Abandoned Infants Assistance Act of 1988 (42 U.S.C. 5117aa-21) is amended—

(1) by striking paragraph (2); and

(2) by redesignating paragraphs (3) through (5) as paragraphs (2) through (4), respectively.

(d) AUTHORIZATION OF APPROPRIATIONS.—Section 302 of the Abandoned Infants Assistance Act of 1988 (42 U.S.C. 5117aa-22) is amended—

(1) in subsection (a)(1)—

(A) by striking "2004" and inserting "2010"; and

(B) by striking "2005 through 2008" and inserting "2011 through 2015"; and

(2) in subsection (b)(2), by striking "fiscal year 2003" and inserting "fiscal year 2010".

REMOVAL CLARIFICATION ACT OF 2010

Mr. DURBIN. Mr. President, I ask unanimous consent the Judiciary Committee be discharged from further consideration of H.R. 5281 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 5281) to amend title 28, United States Code, to clarify and improve certain

provisions relating to the removal of litigation against Federal officers or agencies to Federal courts, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. LEAHY. Mr. President, the Removal Clarification Act of 2010 is an important piece of legislation that will clarify a Federal agency or officer's ability to remove State judicial proceedings to Federal court. The bill has strong support from both sides of the aisle, and was passed by the House of Representatives without opposition. I have worked with Senator SESSIONS on an amendment to further clarify the rules governing removal to Federal court of State judicial proceedings when judicial orders including subpoenas are issued to Federal agencies or officials.

Existing law allows removal to Federal court of any "civil action or criminal prosecution" that is "commenced in a State court" against a Federal agency or officer. However, there is a question whether a subpoena directed toward a Federal agency or officer itself constitutes a "civil action or criminal prosecution" that allows removal under section 1442. While some courts have allowed removal in these situations, others have not. Compare *Brown & Williamson Tobacco Corp. v. Williams*, 62 F.3d 408, 413-15, D.C. Cir. 1995 with *Indiana v. Adams*, 892 F.Supp. 1101, S.D. Ind. 1995, *Alabama v. Stephens*, 876 F.Supp. 263, M.D. Ala. 1995, *Price v. Johnson*, 600 F.3d 460, 5th Cir. 2010 (dismissing appeal of district court's refusal to allow removal of subpoena proceeding against congresswoman).

The Removal Clarification Act of 2010 resolves this split in authority by amending section 1442 to clarify that the section allows removal of any proceeding in which a judicial order, including a subpoena for testimony or documents, is sought from or issued to a Federal agency or officer.

Earlier versions of this bill did not expressly address whether removal under the new statute would be limited to just the subpoena proceeding, in a case that is otherwise purely between private litigants but in which a Federal agency or officer has been subpoenaed, or whether the whole case would be removed. Members in both the House and Senate agree that in cases involving only the issuance of a subpoena to a Federal agency or officer, only the subpoena proceeding should be removed and the remainder of the civil action or criminal prosecution should remain in State court.

Some courts that currently allow removal of a subpoena proceeding have made it their practice to remove only that proceeding if the rest of the case is not otherwise removable. I cite e.g., *Pollock v. Barbarosa Group, Inc.*, 478 F. Supp.2d 410, W.D.N.Y. 2007; *In re Subpoena in Collins*, 524 F.3d 249, D.C. Cir. 2008; *Colorado v. Rodarte*, 2010 WL

924099, D. Colo. 2010. Other courts, however, have held that the entire case should be removed, even if no Federal officer was a defendant in the underlying suit and the case is not otherwise removable. I cite e.g., *Swett v. Schenk*, 792 F.2d 1447, 1450-51, 9th Cir. 1986; *Ferrell v. Yarberry*, 848 F.Supp. 121, E.D. Ark. 1994. Moreover, while these cases at least hold that the district court may remand the case to the State court once the subpoena proceeding is resolved, other courts hold that once a case is removed under section 1442, there is no authority to remand the case to the State court even after the Federal issue is resolved. I cite e.g., *Jamison v. Wiley*, 14 F.3d 222, 238-39, 4th Cir. 1994.

To make clear that removal of a subpoena proceeding, or other minor proceeding, is limited only to that proceeding if the case is not otherwise removable, the Senate amendment to this bill adds a second sentence to section 1442(c) that provides: "If removal is sought for a proceeding described in the previous sentence, and there is no other basis for removal, only that proceeding may be removed to the district court."

The language of 1442(c) is intended to be broad because it seeks to encompass not only subpoenas for testimony or documents, but also any other kind of judicial process that state courts could direct to Federal officers in relation to the performance of their official duties. The parenthetical clause in the first sentence of 1442(c) specifying that the proceeding need not be ancillary is added because some states allow subpoenas to be issued, or direct other judicial orders toward persons, before a complaint has even been filed. This was the situation in the *Price v. Johnson* case, which occurred earlier this year. When such pre-suit proceedings occur, they cannot be described as ancillary because there is nothing for them to be ancillary to.

Although the language in the first sentence of section 1442(c) is broad, I should make clear that it does not encompass all judicial proceedings. A proceeding in which a "judicial order . . . is sought or issued" means a minor proceeding, such as a subpoena proceeding, but does not include the complaint for relief itself. The second sentence of section 1442(c) would therefore not apply to a case in which a complaint for relief or a criminal prosecution has been brought against a Federal agency or officer, or a case that is removable under any other section of the United States Code. If the Federal agency or officer is a defendant in the underlying case, the normal rule, as described in section 3726 of Wright & Miller's Federal Practice and Procedure, would continue to apply:

Because Section 1442(a)(1) authorizes removal of the entire case even if only one of the controversies it raises involves a federal

officer or agency, the section creates a species of statutorily-mandated supplemental subject-matter jurisdiction. The district court can exercise its discretion to decline jurisdiction over the supplemental claims if the federal agency drops out of the case, or even if the federal defendant remains a litigant. Whether the supplemental claims should be remanded if the federal officer's "anchor" claim is dismissed or settled, or if the supplemental claims have been asserted against non-federal parties, depends on considerations of comity, federalism, judicial economy, and fairness to litigants.

Changes made by this bill to section 1442 are not intended to displace "the requirement that federal officer removal must be predicated on the allegation of a colorable federal defense." I cite *Mesa v. California*, 489 U.S. 121, 129, 1989. This legislation also does not displace the settled rule that "the invocation of removal jurisdiction by a Federal officer does not revise or alter the underlying law to be applied. In this respect, it is a purely derivative form of jurisdiction, neither enlarging nor contracting the rights of the parties." I cite *Arizona v. Manypenny*, 451 U.S. 232, 242, 1981.

The new time limit created by section 1446(g) allows a Federal agency or officer subpoenaed to seek removal either within 30 days of receiving, through service, notice of when the subpoena is requested or issued or 30 days of receiving, through service, notice of when the same subpoena is sought to be enforced. This new subsection allows a Federal agency or officer to remove a pre-suit subpoena proceeding to Federal court before any complaint is filed, and also effectively

allows a Federal officer who has been subpoenaed to wait until the subpoena is sought to be enforced before seeking removal.

I thank Senator SESSIONS for working with me to clarify the House's bipartisan bill. I also thank Representative HANK JOHNSON for working with us to explain the purposes and intricacies of this procedural issue.

Mr. DURBIN. I further ask the amendment which is at the desk be agreed to, the bill, as amended, be read a third time, and the clerk read a pay-go statement for the record.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 4732) was agreed to, as follows:

On page 2, strike lines 8 through 18 and insert the following:

United States Code, is amended—

(1) in subsection (a), in the matter preceding paragraph (1)—

(A) by inserting "that is" after "or criminal prosecution";

(B) by inserting "and that is" after "in a State court"; and

(C) by inserting "or directed to" after "against"; and

(2) by adding at the end the following:

"(c) As used in subsection (a), the terms 'civil action' and 'criminal prosecution' include any proceeding (whether or not ancillary to another proceeding) to the extent that in such proceeding a judicial order, including a subpoena for testimony or documents, is sought or issued. If removal is sought for a proceeding described in the previous sentence, and there is no other basis for removal, only that proceeding may be removed to the district court."

On page 3, strike lines 4 through 19 and insert the following:

"(g) Where the civil action or criminal prosecution that is removable under section 1442(a) is a proceeding in which a judicial order for testimony or documents is sought or issued or sought to be enforced, the 30-day requirement of subsections (b) and (c) is satisfied if the person or entity desiring to remove the proceeding files the notice of removal not later than 30 days after receiving, through service, notice of any such proceeding."

On page 3, strike line 23 and all that follows through page 4, line 6, and insert the following:

SEC. 3. PAYGO COMPLIANCE.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled "Budgetary Effects of PAYGO Legislation" for this Act, submitted for printing in the Congressional Record by the Chairman of the Senate Budget Committee, provided that such statement has been submitted prior to the vote on passage.

The amendment was ordered to be engrossed and the bill read a third time.

The bill (H.R. 5281), as amended, was read the third time.

The assistant legislative clerk read as follows:

Mr. Conrad: This is the Statement of Budgetary Effects of PAYGO Legislation for H.R. 5281, as amended.

Total Budgetary Effects of H.R. 5281 for the 5-year Statutory PAYGO Scorecard: \$0.

Total Budgetary Effects of H.R. 5281 for the 10-year Statutory PAYGO Scorecard: \$0.

Also submitted for the RECORD as part of this statement is a table prepared by the Congressional Budget Office, which provides additional information on the budgetary effects of this Act, as follows:

CBO ESTIMATE OF THE STATUTORY PAY-AS-YOU-GO EFFECTS FOR H.R. 5281, THE REMOVAL CLARIFICATION ACT OF 2010, WITH AMENDMENTS (HEN10A39) PROVIDED TO CBO ON DECEMBER 1, 2010

	By fiscal year, in millions of dollars—											
	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2011–2015	2011–2020
Net Increase or Decrease (–) in the Deficit												
Statutory Pay-As-You-Go Impact	0	0	0	0	0	0	0	0	0	0	0	0

Source: Congressional Budget Office.

Note: H.R. 5281 would clarify when certain litigation is moved to federal courts. This legislation would increase the number of cases handled by the federal courts; however, CBO estimates that it would have no significant effect on direct spending by the federal court system.

Mr. DURBIN. Further, I ask unanimous consent that the bill be passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 5281), as amended, was passed, as follows:

H.R. 5281

Resolved, That the bill from the House of Representatives (H.R. 5281) entitled "An Act to amend title 28, United States Code, to clarify and improve certain provisions relating to the removal of litigation against Federal officers or agencies to Federal courts, and for other purposes.", do pass with the following amendments:

(1) On page 2, strike lines 8 through 18 and insert the following:

United States Code, is amended—

(1) in subsection (a), in the matter preceding paragraph (1)—

(A) by inserting "that is" after "or criminal prosecution";

(B) by inserting "and that is" after "in a State court"; and

(C) by inserting "or directed to" after "against"; and

(2) by adding at the end the following:

"(c) As used in subsection (a), the terms 'civil action' and 'criminal prosecution' include any proceeding (whether or not ancillary to another proceeding) to the extent that in such proceeding a judicial order, including a subpoena for testimony or documents, is sought or issued. If removal is sought for a proceeding described in the previous sentence, and there is no other basis for removal, only that proceeding may be removed to the district court."

(2) On page 3, strike lines 4 through 19 and insert the following:

"(g) Where the civil action or criminal prosecution that is removable under section 1442(a) is a proceeding in which a judicial order for tes-

timony or documents is sought or issued or sought to be enforced, the 30-day requirement of subsections (b) and (c) is satisfied if the person or entity desiring to remove the proceeding files the notice of removal not later than 30 days after receiving, through service, notice of any such proceeding."

(3) On page 3, strike line 23 and all that follows through page 4, line 6, and insert the following:

SEC. 3. PAYGO COMPLIANCE.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled "Budgetary Effects of PAYGO Legislation" for this Act, submitted for printing in the Congressional Record by the Chairman of the Senate Budget Committee, provided that such statement has been submitted prior to the vote on passage.

MEASURE READ THE FIRST
TIME—S. 4006

Mr. DURBIN. Mr. President, I understand there is a bill at the desk and I ask for its first reading.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 4006) to provide for the use of unobligated discretionary stimulus dollars to address AIDS Assistance Program waiting lists and other cost containment measures impacting State ADAP programs.

Mr. DURBIN. I now ask for the second reading and, in order to place the bill on the calendar under rule XIV, I object to my own request.

The PRESIDING OFFICER. Objection is heard. The bill will be read a

second time on the next legislative day.

FOR THE RELIEF OF SHIGERU
YAMADA

FOR THE RELIEF OF HOTARU
NAKAMA FERSCHKE

Mr. DURBIN. Mr. President, I ask unanimous consent the Committee on the Judiciary be discharged from further consideration and the Senate proceed to the en bloc consideration of S. 124 and S. 1774, two private relief bills.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. I ask unanimous consent the amendment at the desk be

agreed to, the bills, as amended, if amended, be read a third time and the budgetary pay-go statement be read.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

Mr. Conrad: This is the Statement of Budgetary Effects of PAYGO Legislation for S. 1774.

Total Budgetary Effects of S. 1774 for the 5-year Statutory PAYGO Scorecard: \$0.

Total Budgetary Effects of S. 1774 for the 10-year Statutory PAYGO Scorecard: \$0.

Also submitted for the RECORD as part of this statement is a table prepared by the Congressional Budget Office, which provides additional information on the budgetary effects of this Act, as follows:

CBO ESTIMATE OF THE STATUTORY PAY-AS-YOU-GO EFFECTS FOR S. 1774, A BILL FOR THE RELIEF OF HOTARU NAKAMA FERSCHKE, WITH AN AMENDMENT (EAS10517) PROVIDED TO CBO ON DECEMBER 2, 2010

	By fiscal year, in millions of dollars—											
	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2011– 2015	2011– 2020
Net Increase or Decrease (–) in the Deficit												
Statutory Pay-As-You-Go Impact	0	0	0	0	0	0	0	0	0	0	0	0

S. 1774 would make Hotaru Nakama Ferschke eligible for permanent U.S. residence. CBO estimates that it would have no significant effect on direct spending by the Department of Homeland Security or on federal assistance programs.

The amendment (No. 4733) was agreed to, as follows:

(Purpose: To add PAYGO language)

At the end, add the following:

(e) PAYGO.—The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go-Act of 2010, shall be determined by reference to the latest statement titled “Budgetary Effects of PAYGO Legislation” for this Act, submitted for printing in the Congressional Record by the Chairman of the Senate Budget Committee, provided that such statement has been submitted prior to the vote on passage.

The bill (S. 124) was ordered to be engrossed for a third reading and was read the third time.

The bill (S. 1774), as amended, was ordered to be engrossed for a third reading and was read the third time.

Mr. DURBIN. I ask the bills now be passed, the motions to reconsider be laid upon the table, and any statements be printed in the RECORD en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 124) was passed, as follows:

S. 124

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PERMANENT RESIDENT STATUS FOR SHIGERU YAMADA.

(a) IN GENERAL.—Notwithstanding subsections (a) and (b) of section 201 of the Immigration and Nationality Act (8 U.S.C. 1151), Shigeru Yamada shall be eligible for issuance of an immigrant visa or for adjustment of status to that of an alien lawfully admitted for permanent residence upon filing an application for issuance of an immigrant visa under section 204 of that Act (8 U.S.C. 1154) or for adjustment of status to lawful permanent resident.

(b) ADJUSTMENT OF STATUS.—If Shigeru Yamada enters the United States before the fil-

ing deadline specified in subsection (c), Shigeru Yamada shall be considered to have entered and remained lawfully and shall be eligible for adjustment of status under section 245 of the Immigration and Nationality Act (8 U.S.C. 1255) as of the date of the enactment of this Act.

(c) APPLICATION AND PAYMENT OF FEES.—Subsections (a) and (b) shall apply only if the application for issuance of an immigrant visa or the application for adjustment of status is filed with appropriate fees not later than 2 years after the date of the enactment of this Act.

(d) REDUCTION OF IMMIGRANT VISA NUMBERS.—Upon the granting of an immigrant visa or permanent residence to Shigeru Yamada, the Secretary of State shall instruct the proper officer to reduce by 1, during the current or subsequent fiscal year, the total number of immigrant visas that are made available to natives of the country of birth of Shigeru Yamada under section 203(a) of the Immigration and Nationality Act (8 U.S.C. 1153(a)) or, if applicable, the total number of immigrant visas that are made available to natives of the country of birth of Shigeru Yamada under section 202(e) of that Act (8 U.S.C. 1152(e)).

The bill (S. 1774), as amended, was passed, as follows:

S. 1774

SECTION 1. PERMANENT RESIDENT STATUS FOR HOTARU NAKAMA FERSCHKE.

(a) IN GENERAL.—Notwithstanding subsections (a) and (b) of section 201 of the Immigration and Nationality Act, Hotaru Nakama Ferschke shall be eligible for issuance of an immigrant visa or for adjustment of status to that of an alien lawfully admitted for permanent residence upon filing an application for issuance of an immigrant visa under section 204 of such Act or for adjustment of status to lawful permanent resident.

(b) ADJUSTMENT OF STATUS.—If Hotaru Nakama Ferschke enters the United States before the filing deadline specified in subsection (c), she shall be considered to have

entered and remained lawfully and shall, if otherwise eligible, be eligible for adjustment of status under section 245 of the Immigration and Nationality Act as of the date of the enactment of this Act.

(c) DEADLINE FOR APPLICATION AND PAYMENT OF FEES.—Subsections (a) and (b) shall apply only if the application for issuance of an immigrant visa or the application for adjustment of status is filed with appropriate fees within 2 years after the date of the enactment of this Act.

(d) REDUCTION OF IMMIGRANT VISA NUMBER.—Upon the granting of an immigrant visa or permanent residence to Hotaru Nakama Ferschke, the Secretary of State shall instruct the proper officer to reduce by 1, during the current or next following fiscal year, the total number of immigrant visas that are made available to natives of the country of the alien's birth under section 203(a) of the Immigration and Nationality Act or, if applicable, the total number of immigrant visas that are made available to natives of the country of the alien's birth under section 202(e) of such Act.

(e) PAYGO.—The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go-Act of 2010, shall be determined by reference to the latest statement titled “Budgetary Effects of PAYGO Legislation” for this Act, submitted for printing in the Congressional Record by the Chairman of the Senate Budget Committee, provided that such statement has been submitted prior to the vote on passage.

ORDER OF PROCEDURE—H.R. 4853

Mr. DURBIN. Mr. President, I ask unanimous consent that the time under Democratic control during the debate in relation to the House Message on H.R. 4853 on Saturday, December 4, be equally divided between Senators SCHUMER and BAUCUS or their designees.

The PRESIDING OFFICER. Without objection, it is so ordered.

APPOINTMENT

The PRESIDING OFFICER. The Chair, on behalf of the President pro tempore and upon the recommendation of the majority leader, pursuant to Public Law 98-183, as amended by Public Law 103-419, appoints the following individual to the United States Commission on Civil Rights: Alice C. "Dina" Titus of Nevada vice Arlan D. Melendez of Nevada.

Mr. DURBIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

 ORDERS FOR SATURDAY,
DECEMBER 4, 2010

Mr. DURBIN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 8:15 a.m. on Saturday, December 4; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be

deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate resume consideration of the House Message on H.R. 4853, the legislative vehicle for the tax cuts, as provided under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

 PROGRAM

Mr. DURBIN. Mr. President, Senators should expect up to two rollcall votes to begin at approximately 10:30 tomorrow morning.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

 SIGNING AUTHORITY

Mr. DURBIN. Mr. President, I ask unanimous consent that the majority leader be authorized to sign any duly enrolled bill or joint resolution today, Friday, December 3.

The PRESIDING OFFICER. Without objection, it is so ordered.

 ADJOURNMENT UNTIL 8:15 A.M.
TOMORROW

Mr. DURBIN. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 3:31 p.m., adjourned until Saturday, December 4, 2010, at 8:15 a.m.

 NOMINATIONS

Executive nominations received by the Senate:

NATIONAL COUNCIL ON DISABILITY

JANICE LEHRER-STEIN, OF CALIFORNIA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON DISABILITY FOR A TERM EXPIRING SEPTEMBER 17, 2013, VICE VICTORIA RAY CARLSON, TERM EXPIRED.

DEPARTMENT OF LABOR

LEON RODRIGUEZ, OF MARYLAND, TO BE ADMINISTRATOR OF THE WAGE AND HOUR DIVISION, DEPARTMENT OF LABOR, VICE PAUL DECAMP.

DEPARTMENT OF COMMERCE

KATHRYN D. SULLIVAN, OF OHIO, TO BE AN ASSISTANT SECRETARY OF COMMERCE, VICE PHILLIP A. SINGERMAN.

EXTENSIONS OF REMARKS

TRIBUTE TO MAYOR WILLIAM
ROBERT HOLCOMB

HON. JOE BACA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 3, 2010

Mr. BACA. Madam Speaker, I join today with my colleague JERRY LEWIS to pay tribute to an outstanding leader, family man and civil servant, former San Bernardino Mayor William Robert Holcomb. Mayor Holcomb passed away at the age of 88 on November 29, 2010.

Bob Holcomb was born on March 1, 1922 in San Bernardino, California, and dedicated his life to his home town. He was a passionate advocate for the city, and is well remembered as the champion who preserved the local water supply.

The Holcomb family has deep roots in San Bernardino County. William F. Holcomb, Bob's great-grandfather, was a pioneer who discovered gold in the 19th century and led a gold rush in the San Bernardino Mountains. His father, Grant Holcomb, served as the city mayor from 1925 thru 1927.

Bob Holcomb graduated from San Bernardino High School, and later received a law degree from the Hastings College of Law at the University of California-Berkeley. He interrupted his studies during World War II to serve in the U.S. Army Air Corps. As a copilot, he flew bombing missions from England to Germany.

A practicing lawyer for 14 years, Bob began his political career by winning the fight to maintain San Bernardino's water independence. The giant Metropolitan Water District of Los Angeles made a concerted effort to take control of the extensive groundwater basin under San Bernardino. Holcomb led the campaign against the plan, and voters ultimately decided to retain the San Bernardino Municipal Water District, which protects the local water supply to this day.

As a result of his leadership, Holcomb was appointed as a city water commissioner, and served in that role until his first election as Mayor in 1970.

Considered one of the most dynamic mayor's in the city's history, Bob Holcomb is credited with luring both the Little League Western Headquarters and a California State University campus to San Bernardino. His administration saw the founding of the Norman Feldheym library and a new City Hall. He was instrumental in the creation of the regional transportation agency, Omnitrans.

Over three decades, Bob continued the family tradition of public service with a career as Mayor from 1971 until 1985, and another term from 1989 through 1993. With 18 years, Bob is the city's longest-serving mayor.

He was recognized for both his international interests and a passion for civil rights. He helped create a sister-city partnership with

Tachikawa, Japan that has lasted for 51 years. And he was a strong supporter of desegregation of San Bernardino schools. He was also the first elected official in the area to support Tom Bradley, the first African American to run for California governor.

As a family man, Bob shared 64 years with his wife and partner Penny. They had four children—Jay, who passed away in 1977, as well as daughter Terri Lee Holcomb-Halstead, and sons William Holcomb and Robert Holcomb.

On a personal note, I always appreciated Bob's friendship and his support of local athletic teams. I remember one specific incident during his tenure as mayor, when our softball field was too wet to play on due to rain. Bob had seen how hard our team had worked to get where it was, and wanted to make sure that the game was played—so he brought in helicopters to dry the fields, and the game went off without a hitch. That story exemplifies the type of man that Bob was.

Madam Speaker, Congressman LEWIS and I ask our colleagues to join us in remembering a superb citizen and great community leader. My wife Barbara and I, and JERRY and his wife Arlene, will greatly miss the man who will always be known as Mayor Holcomb, and we extend our sincere condolences to Penny and his extended family.

TRIBUTE TO MERLE REED POST
124

HON. JIM COSTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 3, 2010

Mr. COSTA. Madam Speaker, I rise today to pay tribute to the American Legion Merle Reed Post 124 of Delano, California on the occasion of the 90th anniversary of their charter. In honor of this momentous occasion, the Post will celebrate at the Past Commanders and Past Presidents of the American Legion Family dinner on December 4, 2010 at the Legion Hall in Delano, California.

The roots of the American Legion in Delano began with John Robertson Quinn, a World War I veteran from Delano, California. After finding that the nearest American Legion Post was located in Bakersfield, California nearly a day's drive from his home, John Robertson Quinn organized an American Legion Post in Delano to ensure local veterans had a site to gather closer to home. The Post was named Merle Reed Post 124 in memory of Private Cyrus Merle Reed, United States Army, who was the only soldier from Delano, California killed in action during

World War I. Merle Reed Post 124 received its charter on September 17, 1920. John Robertson Quinn served as the first Post Commander, and was later elected to serve as American Legion State Commander in 1921. John Robertson Quinn was also elected as the first National Commander from the State of California and west of the Mississippi River in 1923.

After years of meeting at several locations throughout Delano, John Robertson Quinn's family donated the property at the corner 8th Avenue and Kensington Street in Delano, California to the Post for a building. The first Merle Reed Post 124 building was completed in 1924. American Legion National Commander John Robertson Quinn dedicated the building in June 1924 during an official visit to his home Post. Today, the American Legion hall in Delano still hosts many American Legion activities and serves as a hall for community purposes.

Merle Reed Post 124 has continued to be an integral part of the Delano community since its inception, and is the only veterans' organization in the Delano area. Currently the Post has 110 members and continues to grow and attract new members through its active participation in community service. The Merle Reed Post 124 Legionnaires, as well as the Merle Reed Post 124 Auxiliary, chartered in 1921 and the Sons of the American Legion Squadron, chartered in 1999, share the positive attitude that has made this veterans' organization strong and responsive to the needs of the veterans in North Kern and South Tulare County.

Each year, the Post participates in the Annual Memorial Service at North Kern Cemetery in Delano. Merle Reed Post 124 has sponsored over 100 high school juniors to attend California Boys State, where participants learn the functions of our government. In addition, the Post participates in community events and festivals, always providing a positive image of our veterans. For years, Merle Reed Post 124's 1917 Hinckley Army Truck and 1921 Model T Ford Car have been crowd favorites in local parades.

Madam Speaker, I ask that my colleagues join me in recognizing American Legion Post 124 and its members on its 90th anniversary. I also ask that you join me in honoring its membership for their service to their community and its veterans, and for their commitment to the ideals of the American Legion.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

THE DEFICIT

HON. GWEN MOORE

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Friday, December 3, 2010

Ms. MOORE of Wisconsin. Madam Speaker, I rise to discuss one of the most important issues facing our country today: the deficit. We all acknowledge that our current path is unsustainable. Revenue is at its lowest level in 60 years. Continuing with trillion dollar deficits year after year is an untenable position. The interest alone on this debt is over \$400 billion for FY2010.

However, I have the privilege of serving in this House for the distinct purpose of looking out for the most vulnerable in our society. I represent Milwaukee, which is the fourth most poverty stricken nation in the country. Looking down the road, it is clear to me that if we make permanent \$3 trillion in Bush era tax cuts it will be those families that don't even have enough tax liability to benefit from that policy who will pay the consequences.

Consider this: the annual deficit for 2010 is approximately \$1.3 trillion. Simply adding an additional \$3.7 trillion over the next decade, which will be the total bill when we enact all of the Bush tax cuts, is completely irresponsible. I know for a certainty that if we continue down this fiscal path we will be forced into a position in which programs such as homelessness prevention, school lunches for the poor, the Low Income Home Energy Assistance Program, unemployment benefits, and even Medicare for the elderly will be slashed. I simply cannot stand by and help advance that agenda.

PERSONAL EXPLANATION

HON. CATHY McMORRIS RODGERS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Friday, December 3, 2010

Mrs. McMORRIS RODGERS. Madam Speaker, on rollcall No. 596 on H. Res. 1745, on Ordering the Previousques-

tion, providing for consideration of the Senate amendment to the bill (H.R. 4853) to amend the Internal Revenue Code of 1986 to extend the funding & expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend authorizations for the airport improvement program, I am not recorded because I was absent because I was giving birth to my baby daughter. Had I been present, I would have voted "nay."

Madam Speaker, on rollcall No. 597 on H. Res. 1745, on Agreeing to the Resolution, providing for consideration of the Senate amendment to the bill (H.R. 4853) to amend the Internal Revenue Code of 1986 to extend the funding & expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend authorizations for the airport improvement program, I am not recorded because I was absent because I was giving birth to my baby daughter. Had I been present, I would have voted "nay."

Madam Speaker, on rollcall No. 598 on H. Res. 1638, on Motion to Suspend the Rules and Agree, supporting the goals and ideals of National GEAR UP Day, I am not recorded because I was absent because I was giving birth to my baby daughter. Had I been present, I would have voted "yea."

Madam Speaker, on rollcall No. 599 on H. Res. 1598, on Motion to Suspend the Rules and Agree, expressing support for the designation of the month of October as National Work and Family Month, I am not recorded because I was absent because I was giving birth to my baby daughter. Had I been present, I would have voted "yea."

Madam Speaker, on rollcall No. 600 on H. Res. 1598, on Motion to Suspend the Rules and Agree, as amended, expressing the sense of the House of Representatives that a National Day of Recognition for Parents of Children with Special Needs should be established, I am not recorded because I was absent because I was giving birth to my baby daughter. Had I been present, I would have voted "yea."

Madam Speaker, on rollcall No. 601 on H.R. 6469, on Motion to Suspend the Rules and Pass, to amend section 17 of the Richard B. Russell National School Lunch Act to include a condition of re-

ceipt of funds under the child and adult care food program, I am not recorded because I was absent because I was giving birth to my baby daughter. Had I been present, I would have voted "yea."

Madam Speaker, on rollcall No. 602 on S. 3307, on Motion to Recommit with Instructions, the Healthy, Hunger-Free Kids Act of 2010, I am not recorded because I was absent because I was giving birth to my baby daughter. Had I been present, I would have voted "yea."

Madam Speaker, on rollcall No. 603 on S. 3307, on Passage, the Hunger-Free Kids Act of 2010, I am not recorded because I was absent because I was giving birth to my baby daughter. Had I been present, I would have voted "nay."

Madam Speaker, on rollcall No. 604 on H.R. 4853, on Motion to Concur in the Senate Amendment with an Amendment, Airport and Airway Extension Act of 2010, Part III, I am not recorded because I was absent because I was giving birth to my baby daughter. Had I been present, I would have voted "nay."

Madam Speaker, on rollcall No. 605 on H. Res. 1313, on Motion to Suspend the Rules and Agree, Expressing support for designation of May as "Child Advocacy Center Month" and commending the National Child Advocacy Center in Huntsville, Alabama, on their 25th anniversary in 2010, I am not recorded because I was absent because I was giving birth to my baby daughter. Had I been present, I would have voted "yea."

Madam Speaker, on rollcall No. 606 on H. Res. 1737, on Agreeing to the Amendment offered by Mr. Butterfield of North Carolina Amendment, I am not recorded because I was absent because I was giving birth to my baby daughter. Had I been present, I would have voted "nay."

Madam Speaker, on rollcall No. 607 on H. Res. 1737, on Agreeing to the Resolution, In the matter of Representative Charles B. Rangel of New York, I am not recorded because I was absent because I was giving birth to my baby daughter. Had I been present, I would have voted "yea."

SENATE—Saturday, December 4, 2010

The Senate met at 8:15 a.m. and was called to order by the Honorable MARK BEGICH, a Senator from the State of Alaska.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal Lord God, source of all our joys and all our abundance, as we convene for this rare Saturday session, we acknowledge that no problem is too difficult for You. Lord, we bring You our needs and difficulties, asking You to take over the things that are more than we can handle.

Give the Members of this body the patience to live bravely with life's challenges, knowing that You are the author and finisher of their faith. Use our lawmakers this day to bring healing where there is pain, hope where there is despair, and peace where there is conflict. May they serve You with pure, exemplary lives and thereby give those whom they lead an ideal to follow.

We pray in Your Holy Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable MARK BEGICH led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUE).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, December 4, 2010.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable MARK BEGICH, a Senator from the State of Alaska, to perform the duties of the Chair.

DANIEL K. INOUE,
President pro tempore.

Mr. BEGICH thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, following any leader remarks, the Senate will resume consideration of the House message to H.R. 4853, which is the legislative vehicle for the tax cut extensions. Under a time agreement, there is up to 2 hours of debate equally divided prior to a rollcall vote on the motion to invoke cloture on the motion to concur with the Baucus amendment. If cloture is not invoked on the Baucus amendment, the Senate will proceed to a cloture vote on the Schumer amendment. Senators should expect the first cloture vote to occur at 10:30 this morning. Senator SCHUMER will control the time on his amendment. Senator BAUCUS will control the time on his amendment. They will each have 30 minutes.

MEASURE PLACED ON THE CALENDAR—S. 4006

Mr. REID. Mr. President, S. 4006 is at the desk and due for a second reading.

The ACTING PRESIDENT pro tempore. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 4006) to provide for the use of unobligated discretionary stimulus dollars to address AIDS Drug Assistance Program waiting lists and other cost containment measures impacting State ADAP programs.

Mr. REID. I object to any further proceeding with respect to this bill.

The ACTING PRESIDENT pro tempore. Objection is heard.

The bill will be placed on the calendar.

TAX CUTS

Mr. REID. Mr. President, there is a recurring gag in the comic strip "Peanuts" with which we are all familiar. Charlie Brown is getting ready to kick a field goal. Lucy is holding the ball while Charlie runs up to the ball. At the last second, Lucy pulls the ball away. Charlie Brown flies into the air, comes crashing back down, and falls flat on his back. We have all seen this time and time again. But what makes this gag funny is the same thing that made it famous. It wasn't so much that Lucy was tricking Charlie Brown; it was that it kept happening over and over. Charlie Brown kept being tricked.

It is obvious by now that our Republican friends have drawn their political strategy from this cartoon. We have all heard Republicans weep for the deficit they say they fear. Democrats agree that we need to do something about the deficit. We have said: How about cutting the deficit by admitting we

can't afford a tax break for millionaires and billionaires, a tax break that would add, under the legislation offered by my Republican colleague, Senator MCCONNELL, \$4 trillion to the debt, as this is a tax cut many admit they don't need. When was the last time we heard an investor ask for less money? What did the Republicans do? They pulled away the football and said: Rather than reduce the deficit, we would really rather give an unnecessary, unwanted, unaffordable handout to the richest of the rich.

Then they went a step further. They pretend the real victims here are small businesses, conveniently bending the rules so that multimillion-dollar Wall Street firms, companies such as PricewaterhouseCoopers and enormous conglomerates such as the Tribune Company, count as small businesses. It is a sham. In fact, the way Republicans count, President Obama himself, who has made a lot of money on his books, and most movie stars and professional athletes count as small businesses. If that is the way they count, perhaps that explains why Republican economic policies nearly led us into a depression. It is why this time around perhaps we should not count on their ideas to help us recover.

This week, every Republican sent me a letter saying they would not let legislators legislate, that they wouldn't let the Senate operate until we addressed the tax cuts. So Democrats called their bluff. We said: OK, let's talk about tax cuts. Let's vote. The other body had already passed a middle-class tax cut, and we can do the same. The majority in the Senate, like the majority of the country, believes the middle class deserves this tax cut. The minority in the Senate believes, against all evidence to the contrary, that millionaires and billionaires and big CEOs who ship jobs overseas deserve this giveaway. We disagree, but that is why the Founders created this body—to debate and settle those disagreements. So we said: Let's vote. And what did the Republicans do again? Just like Lucy, they pulled the football away and said: No deal. They then sat on the ball while we watched the clock count down. That is why we are here on a Saturday morning when we could have resolved this days ago.

In that same letter, Republicans claimed their top priority is putting people back to work. It is a priority with which Democrats agree. The difference is we really mean it. My State of Nevada has the highest unemployment rate in the country. I know my most important job is to create jobs.

So Democrats again gave them the chance to walk the walk. We tried to pass a bill that would extend unemployment insurance for so many Americans who lost their jobs in the recession and are still trying hard to find work.

Economists tell us that unemployment insurance is one of the best ways to energize the economy and create jobs. We know that for every dollar of unemployment insurance that goes out, at least \$1.61 comes back into the economy. It is a good investment. The Council of Economic Advisers said this week that failing to extend this lifeline would cost the country 600,000 more jobs.

What did Republicans do? Once again, they did their best Lucy impression, pulling away the football and saying: I object. They stepped up and did the same thing they have done over and over. They stopped us from creating jobs. Like the football Charlie Brown can't kick, the money that would immediately go back into the economy remains out of reach for those who would spend it the fastest.

Finally, the Senator from Arizona, his party's nominee for President last election, has given a dizzying defense of don't ask, don't tell—an obsolete, embarrassing, and discriminatory policy that weakens our military and offends our values. First, Senator MCCAIN said he seriously would consider repealing it if the military leadership thought we should. When the military leadership said it should be repealed, he pulled away the football. Then Senator MCCAIN said he would need to see a study from the Pentagon. When the Pentagon produced a study saying repeal would have no negative impact, he pulled away the football again. And for his latest trick, he said yesterday that he opposed repealing don't ask, don't tell, a proposal that would be a great stride forward for both equality and military readiness, because of the economy. I repeat: The senior Senator from Arizona said he couldn't support repealing don't ask, don't tell because of the economy. I have no idea what he is talking about, and no one else does either.

Yesterday, we also heard the Republican leader say:

Americans don't want to see meaningless theatrics in Congress. They want us to do something about the economy.

He is right. The theatrics need to end. The time to do something about our economy needs to begin now, and what better way to demonstrate that than by doing what the American people and economists of every political position know is the right thing to do—protect the middle class from higher taxes and reject a \$4 trillion bailout for billionaires.

Our economy is not a cartoon. The jobs of hard-working Americans are not political footballs. Instead of tak-

ing their ball and going home when they don't get their way, it is time Republicans realize we are not here to embarrass one another. We are here to get things done. We are here to help our economy grow again. It is time Republicans recognize that, like Charlie Brown and Lucy, we are on the same team.

Mr. President, we are 2 minutes or so from the 2 hours for the time on the tax cut debate. We have a couple of amendments. Unless there is objection, we should go ahead and start that.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. REID. This will provide an extra 2 minutes.

The ACTING PRESIDENT pro tempore. The Senator from Illinois.

Mr. DURBIN. Mr. President, I ask unanimous consent to speak under the time allotted to Senator BAUCUS on the first amendment.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. REID. I think there is a consent in effect that Senator BAUCUS would control a half hour and Senator SCHUMER would control a half hour of the time. If not, I ask unanimous consent that that be so.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

FEDERAL AVIATION ADMINISTRATION EXTENSION ACT OF 2010

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of the House message to accompany H.R. 4853, which the clerk will report.

The legislation clerk read as follows:

Motion to concur in the House amendment to the Senate amendment with an amendment to H.R. 4853, an act to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend authorizations for the airport improvement program, and for other purposes.

Pending:

Reid motion to concur in the amendment of the House to the amendment of the Senate to the bill, with Reid amendment No. 4727 (to the House amendment to the Senate amendment), to change the enactment date.

Reid amendment No. 4728 (to amendment No. 4727), of a perfecting nature.

Reid motion to refer the message of the House on the bill to the Committee on Finance, with instructions, Reid amendment No. 4729, to provide for a study.

Reid amendment No. 4730 ((the instructions) amendment No. 4729), of a perfecting nature.

Reid amendment No. 4731 (to amendment No. 4730), of a perfecting nature.

The ACTING PRESIDENT pro tempore. The Senator from Illinois.

Mr. DURBIN. Mr. President, it has been my honor to serve on President Obama's deficit commission, a commission chaired by former White House Chief of Staff Erskine Bowles and former U.S. Senator from Wyoming Alan Simpson. For 10 months, we met and considered all of the possibilities for us to move toward a more stable fiscal picture in America. Our goal was simple: to reduce Federal spending, reduce the deficit by \$4 trillion over 10 years. It took us 10 months to come up with a proposal, and yesterday 11 out of the 18 members of the commission voted in favor, as I did. I had my reservations about some of their provisions, but I did not quarrel with the goal.

Unless we are serious about budget deficit reduction, America's economy will be in peril. Borrowing 40 cents out of every dollar we spend and borrowing it from countries such as China, which, as a result, have leverage on the U.S. economy, is something we should not ever accept as normal. It is abnormal and dangerous.

I left that commission hearing yesterday, voting to cut \$4 trillion over 10 years, to come to the floor of the Senate, where the Republican side of the aisle, the Republican Senate leader, MITCH MCCONNELL, has a proposal for tax cuts over the next 10 years of \$4 trillion. What a coincidence. All of the pain that would be inflicted on the American people and our economy from the deficit commission proposal to reach the goal of moving toward budget balance and sensible budgeting would be completely wiped away by the Republican tax cut proposal. That is why this debate is so critical.

I fully support the amendment being offered by Senator BAUCUS of Montana, as chairman of the Senate Finance Committee, an amendment which says: We will have tax cuts, but we will do it sparingly because we need to, not only to help middle-class families but to help this economy. The Baucus proposal would cost us, over 10 years, \$1.5 trillion. It is a huge sum of money. But it is a sum of money we should invest at this moment because of the reports we received yesterday that the unemployment rate in America continues to rise, that our economy is fragile, that this recession is serious, and we need to move to breathe life into this economy as quickly as possible for workers and small businesses all across the United States.

That is why I support the Baucus proposal. That is why President Obama supports it. That is why it is a sensible way to go. And that is why the Republican position—calling for expanding our deficit, calling for expanding tax cuts to the wealthiest Americans—the

Republican position is indefensible, indefensible not just among Democrats and Independents but even in their own political party.

A recent CBS poll showed more than 50 percent of Republicans across America reject the Senate Republican position calling for tax breaks for millionaires. When we add those who say to just extend the tax breaks for those making \$250,000 or less or don't extend any tax breaks, the Republican position is rejected by Republicans across America. Why? Because they can add and subtract, and they understand that to give a tax break to the wealthiest people in America at this moment in history is foolish and reckless. Yet that is the position of the Republican Party and a definition of their values.

I might also add, to think that the Republicans could stand before us and argue that we should give tax breaks to those making over \$1 million a year—let me quantify those tax breaks. The average tax break for a person making \$1 million a year, under the Republican proposal, is \$100,000 a year—\$100,000 a year. That is what they are prepared to ask for and then turn around and argue it does not add to the deficit, which it clearly does—some \$700 billion—and then argue we cannot extend unemployment benefits because it might add to the deficit.

So on one hand, giving help to those who do not need it, did not ask for it, and, frankly, will not help our economy when they receive it, is acceptable to Republicans. But turning around to help 127,000 unemployed people in Illinois who will lose their unemployment insurance this month—Merry Christmas, they lose their unemployment insurance—40,000 people in Missouri who will lose their unemployment benefits this month, this holiday season, and over 30,000 people who will lose it in the State of Iowa, to cut off those unemployment benefits, the Republicans say: Tough luck. That is the way it has to go. We have to be very careful about the way we spend money. Tax breaks for the wealthy, no unemployment insurance for those who struggle is an unacceptable position for America's economy and America's future.

This is a clear choice. I support the Baucus amendment: help middle-income families, reduce the deficit. Do not reward those who have done so well in our economy, have not asked for a tax break, do not need it, and only add to our Nation's deficit. As part of the proposal from Senator BAUCUS: provide unemployment benefits for those in America who have lost their jobs through no fault of their own and deserve a helping hand in this holiday season.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I yield my time to myself, 15 minutes out of what we control.

First of all, I remember before the President was sworn in he announced that—even though he ran on a platform of increasing taxes on higher income people—you do not raise taxes during a recession. So during the year 2009, there were no proposals to increase taxes from the administration, and, obviously, the Congress went along with that.

Then, in August 2009, the President was in Elkhart, IN, and there was an exchange there along the same line, and the President said this:

You don't raise taxes in a recession. We haven't raised taxes in a recession.

Well, with 9.8 percent unemployment yesterday, it is quite obvious we are still in a recession. This debate is not about cutting taxes. This debate is whether we ought to increase taxes on anybody during a recession. We believe we should not raise taxes on anybody during a recession.

Also, I heard the other side in their early speeches talk about efforts on this side to prevent unemployment insurance from being extended. Well, that is the same song we heard from the majority party during June and July. I would remind people on the other side of the aisle, the results of the election were that the people of this country said they were concerned about jobs, about the economy, and about the legacy of debt.

During that period of time last summer when we were being accused, as we were just accused this time, of not wanting to do anything about unemployment compensation, on June 14, June 17, June 24, and June 30, we tried to not only extend unemployment compensation but we tried to do it in a way that was paid for so we did not increase the deficit. But we were denied that opportunity.

Finally, soon after the July Fourth break, we were given an opportunity to at least vote on an opportunity to extend unemployment compensation and pay for it. But we did not get the votes because for the other side, a deficit does not bother them except when it comes to increasing taxes on somebody else. Then they say the deficit is of concern to them.

But the fact is, as I said yesterday right here as I spoke to my colleagues, if we look at the history of tax increases in this Congress—in Congress generally—over a long period of time, it is one thing to raise taxes if it will go to the bottom line, but we have seen time after time raise a dollar's worth of taxes and it is a license to spend about \$1.15, \$1.17. So raising taxes does not reduce deficits. The reason is, it is not because people in this country are undertaxed, it is because Congress overspends. For the tax increases of the past and the expenditures that followed, \$1 of taxes gives a license to spend \$1.15. It is just like the dog chasing its tail; he never catches it.

So here we are, just 1 month after the people of this country very definitely spoke about their concern about jobs, the deficit, and the economy, and we are right back where the President said we should not be both before he was sworn in and then in August of 2009; that we should not increase taxes during a recession.

So I would like to quickly discuss the proposal to increase taxes on some Americans starting in less than a month from now.

The first one would be unemployment. Just yesterday—as I just stated but to be more specific—the Bureau of Labor Statistics said the unemployment rate ticked back up to 9.8 percent from 9.6 percent. In July, the unemployment rate was 9.5 percent. For the 3 months of August, September, and October, it was pretty steady, 9.6 percent; now for November, 9.8 percent. The unemployment rates for minorities are significantly worse than what it is for the average. The trend is in the wrong direction. In other words, the economy is in a very fragile situation. The economy is clearly telling Congress: Handle with extreme care.

The second point is what the economists say. I have a chart that says what various economists say we ought to do. This was a survey by CNN Money. A majority of the economists say preventing the 2011 tax hikes is the No. 1 thing Congress can do right now to help the economy. That would be the 60 percent of the economists who say don't raise taxes for any taxpayers; the 60 percent of the economists who say preventing tax hikes on all Americans is the best course of action.

But only 10 percent of the economists say preventing tax hikes on only the middle class is the best way to help the economy. Sixty percent say don't increase taxes on anybody versus 10 percent who say it is OK to increase them on some. Of course, the survey is by CNN, hardly known as being a Republican network.

Four, some on the other side may say that preventing tax hikes on higher income folks is not important. The theory goes that high-income people would just save the money. There are a couple problems with that point. The first is, we all know the lack of savings and investment is harmful to the economy. But the other more direct response is, they probably would increase their spending on consumption.

Mark Zandi, a respected economist with Moody's, had this to say: Normally, I would firmly agree that raising taxes on people who make over \$250,000 a year would not make a meaningful difference in the way they spend money. But I worry that these aren't normal times and that even this income group may be sensitive.

Now, obviously, these are not normal times when we still have almost 10 percent of the people unemployed and a

fragile economy. What this Congress does has consequences, and we ought to be very cautious how we approach it.

Fifth, we have CBO saying the gross domestic product would be as much as 1.4 percent higher in 2011 if all the tax relief of 2001 and 2003 is made permanent. If the tax relief is only for lower income Americans—as is proposed by the amendment before this body and by people on the other side of the aisle—then, according to CBO, the GDP would only be 1.1 percent higher in 2011.

Now maybe some people think the difference between 1.4 percent and 1.1 percent of more growth is insignificant. But let me tell you, when it comes to 10 percent unemployment that sort of economic growth is going to put a significant number of people back to work if we allow the higher 1.4 percent to happen.

In other words, the difference between preventing tax increases on all Americans and on only preventing the tax increases on some Americans—that three-tenths of 1 percent in 2011 is a very significant difference of economic growth.

I would like to go to a sixth point. Given the recession, given the unemployment rate, given business reluctance to invest and grow, is this the time to reduce the gross domestic product at all? If it were just a matter of either the government got the money or the private sector, that would be one thing, as the government does have a deficit problem. But in this case, it is a matter of money simply not being there because of the hit to the gross domestic product. So we are talking about dead-weight loss.

Then, seventh, fiscal history proves higher rates do not yield higher revenue. As shown on this chart, this is a 50-year history of revenue coming into the Federal Government as a percentage of gross national product. The red line is pretty steady. It does not matter whether we have 93 percent rates back in the Eisenhower and early Kennedy years, and then they were reduced down and down and down and down and down, to eventually, in 1987, when they got down to 26 percent, and, in 1990, they went back up to 39.6 percent. Now they are down to 35 percent. Are they going to go back up to 39 percent, 40 percent? This chart proves the taxpayers of this country are smarter than we are in Congress because we think we can raise high marginal tax rates and bring in more revenue, and it doesn't have anything to do with what the American people are willing to send to Washington.

I wish to quote not this Senator but the Joint Committee on Taxation in regard to high marginal tax rates not making much difference to what money comes into the Federal Government because the taxpayers are smarter than we are. They are smart enough to know that if you have 93 percent

marginal tax rates, why work? So you didn't get any more revenue. There is still about 18.2 percent of the gross national product coming in for us to spend. But we don't give the taxpayers of this country any credit for having any smarts because we think we are smarter than they are, and this chart proves the taxpayers are smarter than we are because we have high marginal tax rates, and it doesn't bring in any more revenue. When are we going to learn?

So the Joint Committee on Taxation says about this:

We anticipate that taxpayers would respond to the increased marginal rates by utilizing tax planning and tax avoidance strategies that will decrease the amount of income subject to taxation.

The ninth point out of 11—and I am about done—I often quote the National Federation of Independent Business, the voice of small business here. Because the President says 70 percent of the new jobs in America are created by small business so we ought to listen to what their voice in Washington has to say for small business and what we do and the effect, good or bad, on the economy.

Members of Congress fled with no action on important issues like expiring tax rates, leaving the cloud of uncertainty larger and darker. In response, consumer sentiment fell and owner optimism remained anchored solidly in recession territory. Thus, spending stayed in “maintenance mode”, deterioration of jobs continued, and capital spending remains at historically low rates. Owners won't make spending commitments when sales prospects remain weak, and important decisions—

I wish to highlight this—

such as tax rates and labor costs remain so uncertain.

This debate adds to that uncertainty, if you are going to have tax increases.

So here we are on a Saturday. I have a chart up that I think says what today's debate is all about. We don't need a dog and pony show going on, on a Saturday, when we ought to be giving certainty to the economy, because the word “uncertainty” is exactly what CEOs of major corporations told the President back in June, when he called them in and said: You have \$2 trillion in cash sitting in corporate treasury. Why aren't you spending it and creating jobs?

They said: Because of so much uncertainty.

So the bottom line is this. Stop the tax hikes.

Mr. President, may I make a unanimous consent request, please, that Senator HATCH have 15 minutes; Senator THUNE, 10 minutes; Senator KYL, 10 minutes; and Senator GRAHAM, 10 minutes.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

Mr. SCHUMER. Mr. President, would my colleague yield for a question?

Mr. GRASSLEY. Yes, because you New Yorkers think you can make us Midwesterners look bad, but I am glad to yield.

Mr. SCHUMER. I thank my colleague. Through the Chair, I would simply like to ask my colleague this. I understand we have a different point of view. We both care about deficit reduction. Could he please explain to me why it is OK to take \$300 billion of tax cuts for those at the highest income levels—above \$1 million—and not pay for it, yet we have to pay for an unemployment extension?

Mr. GRASSLEY. Yes; I thought I made that point very clear. Because the taxpayers are smarter than we in Congress are. They know if they give another \$1 to us to spend, it is a license to spend \$1.15. So it just increases the national debt. When it comes to paying for unemployment compensation, we can pay for unemployment compensation because the stimulus bill was supposed to stimulate the economy and it is not being spent. If you put money from stimulus into unemployment, you don't increase the deficit, and you also have the money spent right away.

Mr. SCHUMER. Reclaiming my time, I thank my colleague.

The ACTING PRESIDENT pro tempore. The Senator from New York.

Mr. SCHUMER. Mr. President, I would just say the answer doesn't deal with deficit reduction. If you care about deficit reduction, the two should be treated equally. Mr. President, \$1 of tax break per millionaire and \$1 of increased unemployment benefits increases the deficit the same amount. However, every economist—I saw we had a chart up about economists before—will tell us \$1 into unemployment benefits stimulates the economy about four times as much as \$1 into tax decreases for millionaires. That is pretty universal. Mark Zandi, JOHN MCCAIN's economic adviser during his campaign, said \$1 of tax breaks for millionaires stimulates the economy about 30 cents' worth. So \$1 of unemployment benefits increases the economy by about \$1.62.

I know we have a few of my colleagues coming. Does my colleague have anyone else here he wishes to have speak right now?

Mr. GRASSLEY. I don't think they are here.

Mr. SCHUMER. OK. Then I will speak for a minute or two, unless you would like to speak a little longer.

Mr. GRASSLEY. Are you saying you don't want to use any time on your side to speak?

Mr. SCHUMER. If you have more time on your side that you want to use, that is fine; otherwise, I will.

Mr. GRASSLEY. I don't want to eat into my colleagues' time.

Mr. SCHUMER. OK. Then I will speak for a few minutes.

Mr. President, this debate is very simple. Everybody here believes in all

good faith that we ought to permanently extend tax breaks for the middle class. The question on the floor is, Do we want to extend those tax breaks for millionaires and billionaires at a time of huge deficit? I would argue vociferously no. I would argue most economists agree that shouldn't happen. I would argue the American people, by 26 percent to 74 percent, are against giving tax breaks to millionaires. Why? It is very simple.

It is not that we are against millionaires. God bless them. Most of them made their money the hard way. They worked hard. They made the American dream. Every one of us would like to have done that—or most of us. So this is not aimed at being critical of them. But, rather, it says we have two economic realities. We have an economy that under the Bush tax cuts right now—my colleague mentioned unemployment went up to 9.8 percent. That is under these tax cuts.

When the rates were a little higher under President Clinton, we never had unemployment that high. But we would argue: So the middle class needs to continue that break for two reasons. One, it stimulates the economy and, No. 2, middle-class incomes have declined over the last decade. In the first decade under the Bush tax cuts, middle-class incomes declined for the first decade since World War II. Under the Clinton rates, middle-class incomes increased rather significantly. Second, we would say this: But at the same time—this is the conundrum we have economically—we have a large deficit and the question is, How do you reduce the deficit? Again, I think both of us agree we should reduce the deficit. It seems to me, about the best way to reduce the deficit is not to give \$300 billion of tax breaks to the 315,000 Americans whose income is over \$1 million.

By the way, I would remind my colleague there are 160 million people—my colleague from Alaska has reminded me—160 million people who file tax returns. Only 315,000—by quick math, that is about .03 percent—have an income over \$1 million. But in the last decade under the Bush tax cuts, those people have garnered all the increase in wealth, all the increase in income—or just about—a huge proportion of it.

So if we are looking for deficit reduction, should we hurt the middle class? No. Should we stop building roads? In my opinion, no. Should we take money out of Social Security? In my opinion, no. Where are we going to get it? Don't do unemployment benefits which stimulate the economy and mean so much to middle-class people who have been out of work for so long under this regime of Bush tax cuts? No. The best place to get that money—it is not that we want to punish wealthy people. We want to praise them. But they are doing fine and they are not going to spend the money and stimulate the

economy. For some reason, 42 Members of this Senate, all on the other side of the aisle, somehow the linchpin of their entire economic policy is tax breaks—further tax breaks—for those who are very wealthy.

Let me remind my colleague that every person whose income is \$100 million—there aren't many of them, but they have a lot of the income—would get a \$3.8 million tax break a year. The average middle-class person under our plan would get about a \$2,000 tax break a year. Is that equivalent? Certainly, the person making \$3.8 million isn't going to rush to J.C. Penney and buy that warm winter coat they have been waiting for. No.

So I would say to my friend, it is a bit contradictory to say pay for unemployment benefits but don't pay for tax cuts to the rich. It is also a bit contradictory to say you care about deficit reduction but not when it comes to tax breaks for the wealthiest people.

I am going to be here for the next 2 years to remind my colleagues, every time they talk about deficit reduction and don't spend money on this and don't spend money on that, that they were willing to increase the deficit \$300 billion to give tax breaks to people who have over \$1 million.

With that, I yield the floor and turn it over—I see my colleague from Utah is here. I kept him waiting yesterday. I am not going to do that today. So I yield the floor.

The PRESIDING OFFICER (Mr. BENNET). The Senator from Utah.

Mr. HATCH. I appreciate my colleague, Mr. President. This is a first for him to yield to me and appreciate me.

That is not quite accurate because we are real good friends.

My friend, the senior Senator from New York, has come forward with an amendment. The essence of the amendment is a marginal tax rate hike on taxpayers earning more than \$1 million. It has been dubbed the "millionaires' tax."

Folks on the other side must know two things. One, this may be well designed from the other side's political viewpoint. Supporting the tax probably registers well with some of the Democratic polling mavens. By the same token, these polling mavens might be indicating to their patrons that this lameduck session vote might supply some good campaign material. As the debate ensued this past week, it almost seemed as though my friends on the other side were giddily rubbing their hands together. Maybe they view this vote as the equivalent of a Hanukkah gift or Christmas present. But their holiday political joy stands in sharp contrast to the dreary situation facing America's unemployed. Two years of wall-to-wall Democratic rule has only made the situation worse.

There is a second thing my friends on the other side must know. They know

Senator SCHUMER's amendment will surely fail. Does anybody doubt it?

Thirty-three days ago, the American people sent a message: Work together. Take care of the people's business. Nothing is more fundamental to the people's business than how much they are taxed. In this weak economy they said: Keep taxes low. Keep taxes low.

We should not meddle with the great sovereign power of taxation. It is especially true in this harsh economic climate. On April 19, 1774, Sir Edmund Burke tried to persuade the British Parliament to repeal the last of several controversial colonial taxes. His wisdom is instructive for today's vote. Remember, this is Sir Edmund Burke arguing for the colonists in America:

Could anything be a subject of more just alarm to America, than to see you go out of the plain high road of finance, and give up your most certain revenues and your clearest interests, merely for the sake of insulting your Colonies?

Burke's point was that the Parliament was acting unwisely by maintaining a tea tax primarily to spite the colonists.

Four Saturdays from today, we will mark New Year's Day 2011. The tax law, as it now reads, will impose a punitive hike on virtually every American taxpayer. That date of reckoning has been clear since my friends took power almost 4 years ago in both Houses of Congress.

My friends on the other side, with all due respect, your actions this morning amount to meddling. You possess part of the sovereign power to change the tax law to prevent this tax increase. Instead, you have forced this body into a political showdown.

The proponents of the so-called millionaires' tax say the reason to do so is "fiscal discipline." This proposal preserves less than half of the revenue of the related positions in the Reid-Baucus substitute. If that is the case, and revenue is the goal of the proponents of the millionaires' tax, they ought to stick with the Reid-Baucus substitute.

But let's set aside for a moment the fact that the revenue raised is a fraction of the broader tax hike on the Reid-Baucus substitute. Does anybody take seriously the amendment proponents' claims that the revenue raised will go to deficit reduction? Does anybody really believe that? You know they are going to spend every dime of it, if there were any revenues. Where is the mechanism to assure taxpayers of that? More important, what is the record of my friends on the other side on this point? You need to only look at the fine print in the revenue and spending tables of the President's budget.

As an aside, the President's budget is the most transparent presentation of the fiscal features of the agenda of my friends on the other side. Hiking marginal tax rates on singles making more than \$200,000 and families making over

\$250,000 translates to about six-tenths of 1 percent of gross domestic product, or GDP, per year over 10 years. The new above-baseline spending initiatives in the President's budget translate to seventy-five one-hundredths of 1 percent of GDP per year over 10 years. What does that mean fiscally? The revenue raised by the broader tax hike in the Reid-Baucus substitute is less than the new spending in the President's budget. It doesn't take a rocket scientist to figure this out.

As I stated earlier, the revenue raised by the amendment of my friend from New York is less than half of that of the Reid-Baucus substitute. Does anybody really believe that lesser amount of revenue is less likely to be spent? So much for the fiscal discipline argument.

There are some disturbing points to ponder on this so-called millionaires' tax. I am going to alert my friends on the other side to them.

The first point is that capital is the lifeblood of business. Pump more capital into business and it will respond: the business will gain economic energy. Curtail the flow of capital to a business and it will respond: the business will lose economic energy. That is what is happening in America.

According to the latest Internal Revenue Service statistics of income—or SOI—data, a lot of capital gain income is earned by taxpayers targeted by Senator SCHUMER's amendment. Statistics of income data states that 56.6 percent of the net long-term capital gain from traditional capital assets is reported by taxpayers with \$1 million or more in income. More important, if capital gains from transactions involving partnerships and other flowthrough entities are concerned, that percentage rises to 64.7 percent. There can be little doubt that we are talking about a large pool of capital.

If my friends on the other side were to prevail, it would be a game-changer for the tax treatment of a large pool of income from capital. The change in the capital gains would surely be a negative one.

I have a chart that illustrates the change in the playing field for capital transactions. It shows where we are today; that is, 15 percent capital gains rate. If my friends on the other side are successful, in a little over 27 days from now, the marginal rate will rise to 20 percent. The health care reform bill has baked in another 3.9 percent rate hike. That kicks in a little over 2 years from now. So that is 23.9 percent.

This chart shows that the marginal rate on nearly two-thirds of taxable long-term capital gains transactions could be affected. It means investors who supply that capital, the lifeblood of business, will see the marginal tax rate on capital gains rise by nearly 60 percent in a little over 2 years.

Everything else being equal, a rise in the marginal tax rate means a decline

in the after-tax rate of return. The nonpartisan Joint Committee on Taxation always cautions us about this effect in their revenue estimates.

Here is what Joint Tax said:

We anticipate that taxpayers would respond to the increased marginal rate by utilizing tax planning and tax avoidance strategies that will decrease the amount of income subject to taxation.

My gosh, what more do you need to understand economics? Capital is the lifeblood of business. Raise the marginal rate on capital gains transactions, and the result will be a decrease in the after-tax rate of return on capital investments. What will happen? Capital will go out of taxable activities, in many cases. Capital, the lifeblood of business, will be constricted. With capital constricted, does anybody see business activity affected in any way that is positive? It would be hard to imagine that outcome.

When most folks hear about a so-called millionaires' tax, they probably think it would have minimal impact on the business environment. The data I have discussed shows exactly the opposite. It also shows that any revenue raised will likely be spent. Anybody who believes that by raising revenues we are going to pay off the national debt has not lived in this country for the last 34 years I have been in the Senate. Our friends on the other side will always spend that money. That is how they keep themselves in power.

Does it make sense to send a tax policy signal to investors to move their capital out of taxable business activity? In the worst economic environment in many years,—now with 9.8 percent unemployment—should we not be going in the opposite direction? Instead of finding ways to kill jobs when the unemployment rate continues to stagnate near 10 percent, let's focus our time on finding a bipartisan solution to protect all Americans, especially our job creators, from crushing tax hikes. It is time to put a stop to this nonsensical political theater and get down to the people's business.

One last thought. Over the last summer, President Obama said this:

The last thing you want to do is to raise taxes in the middle of a recession, because that would just suck up, take more demand out of the economy, and put businesses in a further hole.

I think the President was right. I think the economists think that statement was right. The last thing we should do is raise taxes in the middle of this downturn, which now is even more down because of the 9.8-percent unemployment rate. But that tells only part of the story. If you talk about the underemployment rate—those people who don't have jobs, those who can't find jobs, those who are dependent on the Federal Government, and those who stopped looking for jobs, and there are a lot of people like that—you are

talking about 18 percent or better. We have to wise up. The last thing on Earth we need to do is increase taxes at this late date.

This is an important debate. The Democrats have had 4 years to change this, where they controlled both Houses of Congress. In the last 2 years, they controlled not only the Houses of Congress but the Presidency. At this last minute, to say that we have to do something, it shows a lack of—well, you name it; I won't name it.

I yield the floor.

The PRESIDING OFFICER. The Senator from South Dakota is recognized.

Mr. THUNE. Mr. President, I think the American people, when they voted this year, were saying one thing: We want to keep the main thing, the main thing. To the American people, the main thing is getting the economy growing again and creating jobs. Almost everything that has been done here in Congress in the last couple of years has been the exact opposite of that. You have seen policies put into place that increase the cost of doing business in this country and make it more difficult for small businesses to create jobs.

So here we are today debating what evidently has become the Democratic economic theory, which is to raise taxes to create jobs. We have seen this in play throughout the last couple of years. The cap-and-trade bill was a tax on energy. It didn't get through the Senate because we were prepared to stop it, but it passed in the House of Representatives and was headed here. The health care bill raised taxes on medical device manufacturers and drug companies and health insurance plans, all of which is going to get passed on to small businesses in the form of higher insurance premiums.

Here we are debating a frontal, direct tax increase on small businesses. It is the most astounding theory on how to create jobs I have ever seen—raising taxes to create jobs. That hasn't worked in practice. The Senator from Iowa eloquently pointed out that, historically, if you go back over the past half century, not only does it not create jobs, it doesn't generate additional revenue. As he pointed out, when you raise taxes, you don't get more revenue. When you lower taxes, you get more revenue. Why? Because it affects the behavior of the American people. It affects investors, it affects the allocation of capital, and it affects people across this country when they know their tax rates are going to be low.

This seems to me to be completely off the track and off the point that the American people want us to focus on, which is keeping the main thing, the main thing—how can we expand the economy and create jobs? We do that by keeping taxes low on small businesses, which, by the way, create two-thirds of the jobs in our economy.

What will be the impact of the proposal we will vote on today in terms of small businesses and their ability to create jobs? According to the non-partisan Joint Tax Committee, half of small business income would be subject to higher taxes. That translates into 750,000 small businesses that would be faced with higher taxes. That also, incidentally, impacts about 25 percent of the workforce in this country.

How does that translate in real terms? When these taxes go up on January 1 for people who make more than \$250,000 a year, who are probably paying the 33-percent or 35-percent marginal income tax rate today, their taxes will go up to 36 percent or 39.5 percent. If they are a family of four and they have personal exemptions, these phase out. There is a cap on the number of itemized deductions they can take. When that kicks in, their top marginal income tax rate could go up to 41 percent.

If you are a small business today that is paying at the 33-percent rate and you end up paying 41 percent as a result of this increase to take effect on January 1, you are looking at roughly a 25-percent decrease in your income. That is obviously going to increase the cost of doing business. When you increase the cost of doing business, it makes it that much harder for small businesses to invest, to make that new capital investment and buy that new piece of equipment or to hire that additional person, or hopefully additional people, in the workplace.

All they are simply doing here is trying to implement a failed policy that hasn't worked in the past and isn't going to work in the future. We have all the science and history and facts to support this. It is counterintuitive to the American people. How many people think the way to create jobs is to increase the cost of doing business in this country? When small businesses create two-thirds of the jobs in our economy, it is absolutely fundamental that you don't increase their cost of doing business. You don't raise taxes if your ultimate goal is to create jobs.

The best thing we can do for the high unemployment numbers and for the debate we are having about unemployment benefits being extended is to get people back to work. This is the exact opposite way of going about that. It is completely counterintuitive. Raising taxes to create jobs is a failed economic theory, and it has failed in practice.

I think if the Democrats' tax hike goes into effect—and make no mistake about it, I hear the other side talking about tax breaks and tax cuts. These are not tax breaks or tax cuts. Taxes are going up on January 1, pure and simple. That is all there is to it. Taxes are going up on income, on capital gains, on dividends, and they are going up on estates. If action isn't taken by

the Congress, we are going to see the largest tax increase in American history.

The other side says: Well, let's cushion it. Let's limit to it those making more than \$250,000. Of course, that affects a lot of LLCs, a lot of partnerships and subchapter S corporations, whose incomes flow through to their individual income tax returns and who will be faced with the higher income tax rates, not to mention the higher capital gains and higher dividend rates. These are the very people we are asking to pull us out of this recession and create jobs.

So where does that leave us? Well, we are going to have an alternative. The alternative would be that we just extend the tax relief, not raise taxes or the cost of doing business, and allow our businesses to prosper and to flourish and to create more jobs for the American people so we can get that 9.8 percent unemployment rate down and reduce the amount of unemployment benefits we have to come back periodically and approve.

We have 9.8 percent unemployment. We were told a year and a half ago—a little more than that, almost 2 years ago—when the stimulus bill was being debated, if we passed a \$1 trillion stimulus bill, we could keep unemployment below 8 percent. That didn't work. Obviously, we borrowed \$1 trillion to do that from our children and grandchildren, and what do we have to show for it? We have a 9.8-percent unemployment rate today and no apparent prospect for the economy to pull out of this sluggishness we are in.

The best way to accomplish that, the best way to make that happen, in my view and I think the view of the American people—and I speak as one individual who is under the \$250,000 threshold—is to allow the people who create the jobs in this country, the people who make more than \$250,000, to continue to do well. I hope they do because the small businesses, when they can increase their top-line sales and increase their revenues and increase their bottom-line profits, are going to be in a better position to create jobs. I get that, and I think the American people get that. That is why they so consistently voice their disapproval—and particularly the best poll that was taken was the election-day poll, where they came out in big numbers and voiced their disapproval of the policies in Washington, DC, that continue to kill jobs.

So I think we should be looking at what we can do not to kill jobs but to create jobs; what we can do to incentivize businesses to create jobs, not putting more burdens on them and increasing the cost of their doing business in this country. There isn't anything, in my view, that has happened in this last year, if you are concerned about creating jobs, that has been conducive to that.

There was a group of CEOs pulled in to visit with the President sometime last summer. When the President posed the question to them: Why are you CEOs and corporations not creating jobs, I will paraphrase this, but I think the answer, very simply, was: It is your agenda, Mr. President. That is the problem. We have an agenda here that is killing jobs because it is increasing the cost of doing business in this country.

It is a very simple proposition. I don't think it takes a lot to get it. That is why I think so many people are beginning to realize either of these proposals—the Baucus proposal or the Schumer proposal—are the wrong ways in which to approach an economic downturn in this country and the wrong way to get that economy back on track and get people back to work. The latest example of that was today in the New York Times.

In the latest sign how the tax issue continues to rattle and divide Democrats, the White House said the administration opposes raising the threshold to \$1 million.

So we have the \$250,000 vote that is going to occur and we have the \$1 million vote that is going to occur, but what I wish to point out to everyone is, under the Schumer bill—which is the \$1 million threshold—according to the Joint Tax Committee, that still impacts 350,000 small businesses in this country whose income flows through to their individual tax returns. So it is a question of whom do you want to raise taxes on, 750,000 small businesses with the Baucus amendment or 350,000 small businesses with the Schumer amendment.

Obviously, one is clearly better than the other, but the point simply is this: The economic theory we are debating about raising taxes to create jobs is the wrong one. It has been proven wrong historically. It is counterintuitive to anybody who knows anything about economics, which is why 60 percent of all prominent economists in this country say—and this was quoted by the Senator from Iowa today—the best way to create jobs, to grow and expand the economy, is to extend these tax provisions that are going to expire on January 1.

That is what this debate is about. I hope we will keep the main thing for the American people and not get distracted on all these other things.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. THUNE. With that, Mr. President, I urge my colleagues to defeat both of these amendments.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from Montana.

Mr. BAUCUS. Mr. President, I yield 10 minutes to the Senator from Vermont.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. SANDERS. Mr. President, what this debate is about is whether we continue to take money from the middle class and working families of this country who are struggling in a way they have not struggled since the Great Depression and force their kids to borrow huge sums of money in order to provide \$700 billion over a 10-year period to the wealthiest people in this country.

I hear my Republican friends, time and time again, coming down to the floor of the Senate, say we have a huge deficit, we have a huge national debt. Yet today what they want to do is to drive that national debt up by \$700 billion over the next 10 years in order to give huge tax breaks to millionaires and billionaires. So please, my friends, say what you want, but stop talking about the deficit and the national debt when what you are doing today is driving that debt up by \$700 billion over the next 10 years.

Secondly, everybody in America knows what is going on in our country today is that the middle class is collapsing, poverty is increasing, but the people on top are doing phenomenally well. In the last 25 years, 80 percent of all new income created in this country went to the top 1 percent. You don't have to worry about the top 1 percent. The millionaires and the billionaires in this country are doing fine. They do not need a huge tax increase. Today, in America, we have the most unequal distribution of income and wealth that we have had in this country since before the Great Depression.

Isn't it enough for you that the top 1 percent now earns 23½ percent of all income? Isn't it enough for you that the top 1 percent earns more income than the bottom 50 percent? Isn't it enough for you that in the last 25 years, almost all new income has gone to the top 1 percent? Do you think the CEOs on Wall Street who make hundreds of millions of dollars a year need a tax break? Do you think so? I don't think most of the American people think our kids and grandchildren have to see their taxes go up in order to provide tax breaks for the richest people in this country.

Thirdly, I would say, without the slightest doubt, if these guys are successful in giving \$700 billion more in tax breaks to millionaires and billionaires, the next thing they will do is run down to the floor and say: Oh my word, the deficit and the debt are going up. We have to cut Social Security because we have such a large debt. Yes, we have raised the debt by \$700 billion, now we have to cut Social Security. We can't afford to extend unemployment compensation. We can't do it.

Millions of workers out there today, as we get to the holiday season, are worried about how they are going to take care of their families, how they are going to maintain a minimum level

of economic security. We can't afford to extend unemployment security, but we can afford to give billions and billions of dollars in tax relief to the top 1 percent.

So I think this is a very easy vote, and the vote is to say: OK. Let's give tax relief, let's extend the tax cuts to 98 percent—many of whom are struggling—but let's not give tax breaks today to the millionaires and billionaires of this country who, in many ways, have never had it so good.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, I think what we have just heard illustrates why it has been so hard for us to reach a bipartisan agreement on how to resolve the tax issues all Americans face in just 4 short weeks.

Last Tuesday, a group of us went down to the White House to visit with the President, the Vice President, and some of his folks in a spirit of cooperation. I must say, and a spirit in which the President reached out to us and said: All right, the elections are over. My party didn't do so well, but it is time now for us to get together and work together, and the first piece of business we have to resolve is this tax issue. We have to figure out how we are going to fund the government for the remaining 10 months of the fiscal year, and we have to figure out how we are going to prevent Americans from getting a big tax increase come January 1. What I would like for you all to do—talking both to Democratic and Republican leaders in the House and Senate—is to sit down and try to negotiate this in a bipartisan spirit that truly would give credit to the Congress and give the American people some confidence that they can move forward with some degree of clarity about what their tax obligations are going to be. We agreed.

The President asked us if we would be willing to sit down, literally immediately, to begin these discussions. We said yes. He named two of his chief spokesmen—the Treasury Secretary, Tim Geithner, and Jacob Lew, the head of OMB, to discuss those issues on behalf of the administration, and each of the four leaders in the House and Senate named someone to join the discussions as well. Leader MCCONNELL asked me to do that on behalf of Senate Republicans.

We immediately scheduled a meeting and we got together to discuss the parameters of how we should move forward, and it was a very productive discussion. But it also became apparent, and it became apparent the second time we met, that actually there weren't going to be any bipartisan negotiations to reach a decision until there had been a political catharsis on the Democratic side.

So let me respond briefly to comments made by the majority leader

this morning, who seemed to lay at the feet of Republicans the delay in getting this tax issue resolved, when, in fact, it has been due to the fact that House and Senate Democrats have had to demonstrate to many of the people in their political base that they can't accomplish what their base would like them to accomplish and, therefore, ultimately, they will have to negotiate something with us. I understand sometimes you need to go through a process whereby it makes it easier for you to make concessions, and I suspect that is part of what this is all about.

I certainly don't denigrate the motives of any of my colleagues because this is hard, and they are getting a lot of pressure from people in their political base about not giving in to the Republicans and so on. But the President asked us to discuss this in a bipartisan way, and Republicans have been willing to do that. But, first of all, Speaker PELOSI scheduled a vote in the House that was the Democratic position to allow taxes to be increased on hundreds of thousands of small businesses and others in this country. A vote was finally held, and I might add that 20 Democrats left the fold and joined Republicans in saying: No, that is not the way to reach a consensus. Then the Senate Democrats decided to schedule the same vote and one more vote to try to accomplish the same purpose. Because of the lateness of the time in which that was done, the cloture didn't ripen until this morning, which is why we are here this morning getting ready to cast these two votes.

But I wish to make it clear that I have a disagreement with the majority leader if he is suggesting that somehow it is Republicans who have delayed these negotiations. The fact is, we have had three meetings and I have sat there and we have been very genial with each other, but it has been very clear we are not going to be negotiating anything until this political process is over with—until the partisan votes have been cast—and then and only then will people sit down to seriously negotiate how we are going to resolve the issue. The problem is, of course, there is very little time before Christmas. The President has some other things on his agenda, as does the majority leader. I now understand we are going to have to schedule time next week for an impeachment trial, for example, that can take about a day and a half. The President would like to see the START treaty brought up in the Senate and resolved before Christmas. There are other things that have to be done.

I wish to make it clear that it is not the Republicans' fault that these things are taking time and we still don't have the tax issue resolved. It is interesting, we have now been in the lameduck session for 2 weeks and we have accomplished exactly one thing:

the Senate has passed a food safety bill which now turns out to be unconstitutional. So 2 weeks of lameduck session and essentially nothing accomplished.

Our Democratic colleagues have been in caucus for hours—hours—trying to figure out what to do while Republicans are ready to negotiate, ready to act. But until this political catharsis has finally run its course, it appears there will be no more negotiation.

I am assuming that the next time the negotiators get together—I hope it will be Monday morning; whenever we can get together—we will then be able to actually sit down and work through the process so we can extend the tax policies that have been in place for the last decade so that no Americans have their taxes increased, so that businesses will have certainty and families will have certainty about what their tax obligations will be going into the next year. If that process can begin quickly, then I think we can reach a bipartisan agreement that would make the American people proud and would demonstrate that we actually can come together on an important issue such as this for the benefit of the American people.

But let there be no mistake, the votes that were taken in the House of Representatives and that will be taken here are not because Republicans wanted to take these votes. These are votes the Democrats believed were necessary to demonstrate essentially that they cannot get the support they need to do what they would prefer to do, therefore enabling them to sit down and talk to Republicans.

Those are the facts. We understand this takes time. I just don't want to be blamed for taking the time when it is, in fact, not the Republicans' fault that negotiations have not been completed.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. BEGICH. Mr. President, as you know, I was presiding this morning. I was not scheduled to speak, but this time I decided to inform my staff that I would be speaking so they would not be surprised.

First, with all due respect to the Senator from Arizona, let's not cast shadows on either side. We are all in this together. You cannot blame one side or the other for delay. I could argue that the food safety bill took way too long because of three filibusters from the other side. But we are here.

I am new to this whole process the last 2 years, and I have been patient about the issues we face and talk about. But this one is a fundamental issue. It is not a question of how long we extend these tax benefits for the middle class; it is who gets them—the middle class or the wealthy, the millionaires and billionaires.

I heard my good friend, the Senator from South Dakota—we just sponsored a piece of legislation that passed—talk

about the small businesspeople, that they will be affected. Well, let me give some data points because it is one thing to have opinions, it is another thing to have facts. Let's just focus on the facts.

The bottom line is businesses in this country. I can speak as a small businessperson, I think the only one—if not broadly, pretty darn close—who has small businesses in this Chamber. My wife has four retail businesses. She started her businesses selling smoked salmon on a street corner on a vending cart. Today, she employs 30-some employees, struggling every day but making a difference in the small business world.

Who are these people, the small business community I hear people from the other side talking about? I have no clue whether most of them have been in it, but I have. Who are these people? These are the people we get our dry-cleaning from or when we go to the convenience store, the pizza parlor, wherever it might be, these are the small businesses we are talking about.

The small business community of this country that makes \$1 million gross—that is not their taxable income; gross—\$1 million and under, where probably their net income is well below \$200,000 on that, the taxable income, is 95 percent of the businesses of this country. I like the \$250,000-and-under proposal. I also like the compromise Senator SCHUMER has brought forward—\$1 million and under—because it catches 95-plus percent of the small businesses of this country.

I continue to hear from the other side that we are going to have an impact on the small business community. You are not. If you support the efforts of helping the middle class and you support the efforts of helping small business—businesses that gross \$1 million and under—and for those who don't know the difference between gross and net, net is the profit on which they get taxed; gross is what they sell the products for, not what they get taxed on. Don't confuse the numbers and confuse the American people. And 95-plus percent of the businesses will enjoy the tax relief and break. So don't be confused by some of the numbers that are thrown around on the other side or their one-liners.

I am going to tell you from Alaska, when I go back to Alaska and I listen to the constituency or when I get the phone calls, e-mails, the thousand-plus letters and e-mails I get every single week, what do they want? They want to make sure the small business community—because in our State 56 percent of the employment is generated by small businesses, small businesses that every day are making a difference. Those are the folks on whom we are focused. It is a question of not how long these extensions are but who gets them. Is it the millionaire-billionaire club or the people?

I know the other side complains and even some on our side complain that we are here on Saturday, but you know there are a lot of Alaskans, a lot of Americans, a lot of folks from Colorado who are working today. They are working on Saturday, working on Sunday, working one or two or three jobs. First, I say to my colleagues, we are here to have a debate. Some might want to call it political. Well, welcome to politics, where 100 people get elected to a political process. This is what I came for—a debate and discussion about what is important to the American people, to the people whom I represent—Alaskans. That is what I came here for.

Yesterday, the Wall Street Journal—again, not a very liberal magazine—as well as the Washington Post, which some may consider a liberal paper—read their headlines. We can talk about what is making the economy move. What is making the economy move is consumer confidence, not millionaire and billionaire confidence. I can tell you that. They have \$2 trillion stuffed away in a bank account.

My friend from Iowa is right—he and I have done some work together, and I respect him greatly—he is right: \$2 trillion is stuffed away with the millionaires and billionaires. But the people who are expending the resources and buying this economy are the middle class, the working people of this country. It is a question of, who are we going to support? Who are we going to help?

We do have these huge deficits. We have to make some decisions sooner or later. Today's is one of those decisions. I hope we are going to make a decision that, millionaires and billionaires, we are not going to fund your tax bonus, your tax giveaway from the taxpayers, on the backs of the future. But we are going to help the small business community. We are going to help the middle class.

When you look at the numbers—Cyber Monday—some of you may not know what this is; I do because I am in the retail business in our family—versus Black Friday, which is the Friday after Thanksgiving, and then there is Cyber Monday, which occurs Monday, Cyber Monday alone raked in a historic \$1 billion. Now, no disrespect for the millionaires and billionaires, but they are not on Cyber Monday, I guarantee you that. Everyday Americans are, everyday Alaskans are—especially in Alaska because we have to get a lot of products that are not necessarily always in our State. Double-digit increases to the automobile industry—an automobile industry that we helped out to make sure they could survive, but now they are having double-digit sales. Home sales in October, existing home sales, which is critical to clean the inventory—again, I am from the real estate industry, and I

know this—10.4 percent increase in October. That is not millionaires and billionaires who buy those homes because they just trade among their friends; these are working Alaskans, working Americans spending their money because they believe in the future.

But here we are about to have a political debate, and I understand there is a lot of swapping and trading going on, and we are having to debate today, and who knows what is going to happen next week on other legislation. To be very frank with you, I think that is not the way this should operate. We should vote on this based on the merits, the merits of the 95-plus percent of the business community that will benefit from the million-and-under program, the 98 percent of the middle class who will benefit—that is whom we should be talking about.

When you look at the data points in regard to the consumer confidence, we are now in the third month and running of increasing consumer confidence. Thirty retail chains talk about their record increases in sales. Again, the people who are shopping at these places, people such as myself, my family, my brothers and sisters, many Alaskans—that is what this is about. It is not a question of how long to extend these things; it is who will benefit from the right public policy discussion and decisions. Small business folks benefit.

I understand the other side doesn't like the \$250,000 and under, so a lot of us on this side, moderates, said: Well, why not try something a little different? Let's up it a little bit; let's get to the \$1 million threshold because it covers basically everybody except the millionaire and billionaire club. That seemed reasonable. I have yet to see any compromise from the other side.

That is also what the election told us. It wasn't one side won, one side lost. The people in this country, the people in Alaska are telling me every day: Get busy, solve problems, compromise, and move forward. The compromise should be not on how long these go but who benefits.

My view, again, I am going to support both of these. I think the compromise that has been laid out on the \$1 million and under will make a big difference to our business community. So that argument I keep hearing from the other side—and I will tell you this from the other side—I am a small businessperson. I know who these people are. So when you talk about it and talk about an economist says this or that, I have worked in it, I live it, I see it. So I understand what they are asking me to do. Going with that compromise is the right decision in the long term.

I encourage my friends that we can reach a compromise here and get to help our small business community, the middle class, and put money in to reduce the deficit—to reduce the deficit. Help our economy, reduce the def-

icit, I would say that is a pretty good deal, and that is what the taxpayers and the voters told us in this last election.

To my friends on the other side, we are reaching out. They may not like the \$250,000, but the \$1 million and under is a positive step to help our communities. Again, why would we give millionaires and billionaires \$300 billion in another bonus? It makes no sense to me. They are not the ones driving this economy, despite what my friends on the other side might say. It is the people who are the small business community, it is the people who work every single day, who are working today while we sit here and deliberate this issue, who will be working tonight and tomorrow and Monday. For us to sit around and say: Let's wait until Monday to sit down and have compromise—today is the day, right now; this is what we are doing.

I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I yield 10 minutes to the Senator from Oregon.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

Mr. MERKLEY. Mr. President, I rise today to contrast the Democratic plan, plan A, and the Republican plan, plan B, and what they mean for the working citizens of the United States of America.

Let me start by talking about the Democratic plan, plan A. It is plan A because it is America's plan. Why is it America's plan? First, it benefits every single taxpayer in America. That is the first reason.

Some of my colleagues across the aisle have liked to talk about how the Democratic plan only helps those who earn under \$250,000, but that is because they are not paying attention or they are deliberately distorting the facts, because the Democratic plan provides a tax break on the first \$250,000 regardless of what amount of money you make. So it helps every single American.

The second is that the recent focus on citizens earning less than \$250,000 is because it is the working citizens of the United States of America who have been getting the short end of the stick. The amount of money—the average income for workers in America plateaued in 1974.

Now, that happens to be the year I graduated from high school. Earlier this year, I had the pleasure of taking my son to his first day of high school, same high school I went to, exactly 40 years later. So for almost 40 years, the working wages for working Americans have been flat. But during that time period, the wealth of this country has increased enormously.

The productivity of the American worker has increased enormously. Up until the mid-1970s, when the produc-

tivity increased, the wage of working Americans increased. They shared in the productivity of our economy because they were the driving factor in our economy. Unfortunately, for the last 3½ to 4 decades that has not been the case.

Then along come the great Bush recession. This recession, caused by the deregulation of retail mortgage,—allowing predatory mortgages, allowing kickbacks from mortgage originators to create predatory mortgages, when folks qualified for prime mortgages, and then the deregulation of Wall Street so those could be packaged into securities was a 2-year ticking time bomb because they had these teaser rates on the mortgages.

When the interest rates went from 4½ to 9 or 10 percent, not only did the mortgages blow up but the securities based on them blew up. And we blew up the whole economy. So, thank you very much, friends across the aisle, for attacking the most important financial instrument for American families, the American mortgage, destroying it, allowing predatory mortgages, allowing predatory securities, blowing up this economy, and attacking the American family.

I cannot tell you how many millions of American families are suffering because of the policies that you all implemented over the last decade. What is the result? The American family home has lost value, a tremendous amount of value. Families are underwater. What is the result? Huge unemployment caused by the meltdown in the great Bush recession. Retirement savings are depleted. Folks who thought they could have retired maybe now, maybe in 2 years, 5 years, are realizing they may have to work as long as they are able to work, as long as they are able to keep a job. Their dreams are blown up thanks to these Bush policies.

Well, there is a third reason the Democratic plan is the American plan. That is because four out of five Americans support it. Some 79 percent, or roughly 80 percent, four out of five Americans support tax breaks for families earning less than \$250,000, for extending those tax breaks. So that is plan A, America's plan, because it helps all Americans, because it is focused on the American worker who has been hit so hard by the great Bush recession, and, because four out of five Americans support it and understand we need it.

But now let's turn to the Republican plan, plan B. Plan B consists of bonus breaks for billionaires—millionaires and billionaires. Why “bonus”? Because every person helped under the Republican plan who earns \$1 million or \$1 billion has already been helped under the Democratic plan. But my colleagues across the aisle want “extra” for the wealthiest, most successful Americans.

I respect tremendously the entrepreneurs who have been so successful. But there is a time when we have to ask, Are bonuses to those best off the best strategy for America to go forward? This is quite a tongue twister: bonus breaks for billionaires. It gets even worse. These are the extensions of the Bush breaks, and because my colleagues across the aisle are trying to sell it as a job creation issue—and we will get to that in a minute—they are bogus.

So we have the bogus bonus Bush breaks for billionaires. That is the Republican plan B, saying they will obstruct any issue on the floor of the Senate so they can get these bonus breaks for their best friends earning millions and billions.

Well, I will tell you, these are expensive. Let's ask ourselves how much is the average value of the Republican bonus break? Well, \$100,000 per taxpayer. That is how much. If we take the \$700 billion the Republican plan creates in more deficit and more debt, if we take that \$700 billion and divide it by the number of citizens—men, women and children—in America, 300 million, that is \$2,300 for every man, woman, and child in America.

So my colleagues across the aisle are proposing taking \$2,300 out of every child's and adult's pocket in America to give breaks, \$100,000 tax breaks, to millionaires and billionaires.

So let's look at the total cost. Total cost, \$700 billion, before we add on interest. Let's add on interest. It is almost \$1 trillion. That is a huge increase in our deficit. So it is deficit busting, debt adding, financed by China, and placed onto our children.

Is that what the excited Republican team, coming fresh out of an election, wants to say is their top priority in America, taking \$2,300 from every man, woman, and child in America so they can give a \$100,000 tax break to millionaires and billionaires?

Well, they have a way of trying to camouflage this. That camouflage is to talk about jobs. So let's talk about jobs. Let's look at the Republican plan in terms of job creation. Well, CBO ranked the Republican plan against many other plans, and where does it come in? Dead last.

I have the detailed chart from the Congressional Budget Office, and up here at the very top is the Democratic plan. That is to provide assistance to the unemployed. Here at the very bottom is the Republican plan, which is bonus breaks for millionaires and billionaires.

Let me tell you just how different these are. Increasing aid to the unemployed is estimated to create 8 to 19 jobs for every \$1 million in expenditure, 8 to 19 jobs. How many jobs are created by the Republican plan? One to three, one to three jobs.

So the Democrats are saying, let's take the dead-last plan in job creation,

the Republican plan, and let's replace it with the best plan, the Democratic plan.

Republican plan, one to three jobs per \$1 million, one to three for \$1 million; Democratic plan, 8 to 19. Well, my good friend from South Dakota was here saying it is all just common sense. Yes, it is common sense. We take the plan that is the worst for job creation, and we replace it with the plan that is the best for job creation.

Well, friends across America, this is about jobs, and the word "jobs" will come out of the rhetoric on the opposite side of the aisle with every speech. But it is bogus. Their plan is dead last; Democratic plan is top of the list. Check the CBO study.

It hurts to hear folks who are out of touch with the foreclosure crisis in America—

The PRESIDING OFFICER. The Senator has spoken for 10 minutes.

Mr. MERKLEY. I ask for the chairman to yield me 30 seconds.

Mr. BAUCUS. How much does the Senator seek?

Mr. MERKLEY. One minute.

Mr. BAUCUS. I yield 1 minute to the Senator from Oregon.

The PRESIDING OFFICER. The Senator is recognized.

Mr. MERKLEY. I thank my friend from Montana.

It is summarized like this. We have American families who are hurting. They have lost their jobs, their retirement savings, the value of their houses. Let's have the plan that is best for creating jobs, not the plan that is worst for creating jobs.

I yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. GRAHAM. Mr. President, I am allocated 10 minutes, I think. Can you let me know when I have used 9 minutes?

The PRESIDING OFFICER. The Senator will be notified.

Mr. GRAHAM. Thank you for allowing me to speak, Senator GRASSLEY, Senator BAUCUS.

I guess the first observation I would like to make is that we are here on a Saturday morning. This is democracy, in many ways, at its best. People understand the two votes are going to fail. But it is good for Americans to have genuine differences to be able to discuss what makes us tick, why we want to go one way versus the other. So the fact that America is divided on a lot of big issues is just the result of living in a free country.

What was the lesson of the last election? They are what you would like them to be. But here is my observation, for what it is worth. Our Democratic friends took a beating. As Republicans, we have been there. In 2006 and 2008 we took a beating. In 2006, the Iraq war was going very badly, and Americans were very frustrated. President Bush's popularity plummeted.

In 2008 we had an economic meltdown that I thought was related to housing, where we lent money to people who could not afford to pay their mortgages. The mortgages were being packaged and sold as all kinds of exotic instruments throughout the world. It brought the whole world economy down, and we have been struggling ever since.

We can talk about how much Fannie Mae and Freddie Mac were the cause of this problem, how loose the practices were when it came to lending, but I think most people understand that our economic crisis was created by the housing market being overextended and people getting into that market in exotic ways without a whole lot of regulation.

Here we are a couple of years later. I think the last election was a message to our Democratic friends: For the last 2 years, you have been going down the wrong road. The health care bill, which about 80 percent of Americans, if it ever becomes law, will be under government-controlled health care, was an overreach.

The stimulus package was \$780-something billion that has not done what it was billed to do. When we look at the amount of spending the Democratic Party is engaged in, way above what every American has been able to do, this was an election basically not to pro-Republican, just to our Democratic colleagues. Stop. And the way you get stopped around here is to get replaced.

So the House had a dramatic election. We picked up seats in the Senate, and some of us thought maybe we could pick up about two or three more. We made some pretty poor choices when it came to candidates, but that is now behind us.

What I would like to tell my colleagues is, when I look at America I do not see an undertaxed nation. I think our Tax Code is far too complicated. Now 35 percent is the rate. How much is enough? Is it 39.6? Is that the difference between a social justice country and a land of the rich? I mean, are we going to increase taxes for the upper incomes by 10 percent when we cannot create enough jobs for Americans who are unemployed?

I do believe in this idea that upper income Americans are the ones who create most jobs for the middle class and people looking for work. That is just the fact.

Here is how our Tax Code works today. Forty percent of Americans pay no Federal income tax. Forty percent of us really do not pay any income tax at all. Of those who do, 50 percent of those who pay Federal income tax pay 3 percent. The other 50 percent pay 97 percent.

The top 10 percent of wage earners in this country pay 70 percent of the taxes. Now, I am for a progressive tax system, but that is not right. That

seems to me to be taking the country in the wrong direction.

There are 750,000 small businesses who will get a tax increase if we do not extend the Bush tax cuts for everybody.

I will make a prediction. There are a lot of unsolved mysteries in the world, a lot of things we would like to know that we do not know the answers to. This is not one of them. What will happen, hopefully, next week, is all of the Bush-era tax cuts will be extended because we have high unemployment, and now is not the time to pass on to businesses or upper income Americans more taxes.

I hope we can extend some of the Obama tax cuts. I do not want to raise taxes on anyone. If you do not pay taxes, then you should not be getting a tax cut because you have no tax liability. But if you were in the EITC before, you have some tax liability. The Obama tax cut and the stimulus helped you. I am one who considers that to be something we should be looking at, that no one's taxes should go up, Bush-era tax cuts or Obama tax cuts.

When it comes to the unemployed and unemployment insurance, we are going to extend that. But we have to have a package that makes sense. So once we get this vote behind us Democrats on the other side will join with Republicans on this side to say no to the class warfare approach.

One of my good friends from New Jersey said something that got everybody stirred up, that negotiating with Republicans is like negotiating with terrorists. Well, I know BOB MENENDEZ. He is a fine man. But these are heated times. We say things that sometimes maybe sound good to our base but upon reflection we should not say. Nobody over here should be considered in that light. To our Democratic friends, we have a genuine disagreement. That is all it is. The one thing we have in common, when the real terrorists do come to visit America, they could care less how much money one makes. They will kill the janitor and the business owner just as quickly because they don't see any difference based on income. The one thing Americans have in common is, we do believe in free speech, open debate, religious diversity. That is not something we believe in based on income. That is something we believe in based on being an American.

I ask my colleagues on both sides to understand that not only are we in this war on terror together, we are in this economy together. A lot of Americans are suffering, some more than others. The ones who are struggling in the middle class and lower incomes are trying to do one thing everybody agrees on—get a job. I believe the best way for struggling Americans to get a job is not to raise taxes but keep them low in a weak economy. That is what I genuinely believe.

I did not come from a rich family. I am the first person in my family to ever go to college. My mom and dad owned a liquor store and a restaurant. They worked long and hard to make sure my sister and I could go to college. When my parents died, I was 22 and my sister was 13. If it were not for Social Security survivor benefits, we would not have made it. She received Pell grants to go to school when her college days were there. I was in the Air Force and helped where I could. I get it. People are struggling. There is a role for the government. But this is not the time for our government to raise taxes on anybody because all of us are struggling to try to find a way out of this economic mess. There are tough days ahead, economically. There are tough days ahead in the war on terror.

Let's have these votes, come back next week, and see if we can solve some problems that all Americans are dying for their Congress to solve: get us back on sound economic footing, deal with debt.

Hats off to Senator DURBIN, Senator CRAPO, and Senator COBURN for their votes on the debt commission. They did some very hard things. That product is going to serve the country well. We are all in this together.

I wish everyone good holidays and maybe a time to reflect that we do have more in common than we have in differences.

I yield the floor.

The PRESIDING OFFICER (Mrs. HAGAN). Who yields time?

Mr. BAUCUS. I yield 10 minutes to the Senator from Rhode Island.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. WHITEHOUSE. Madam President, the job market is still suffering from the fallout of the recession from the end of the Bush years. The unemployment rate nationally is near 10 percent; in my State, it is well over 11 percent. The proposal of Chairman BAUCUS would inject hundreds of billions of dollars into this faltering economy, helping struggling families make ends meet and creating jobs in the process. On behalf of the 65,000 Rhode Islanders who are out there currently looking for work, I express my support for the Baucus 1-year extension of emergency unemployment benefits. Without this extension, thousands of Rhode Islanders will soon be left with no source of income as they continue to search the want ads, no money for the mortgage or rent, no money for food, no money for medicine or for holiday presents for the children.

The 1-year extension of this lifeline will quite literally mean for Rhode Island families the difference between keeping a home or facing homelessness this winter. The vast majority of unemployed Rhode Islanders are out there looking for work. They are out of work through no fault of their own.

They are looking for work every day. The jobs simply are not there.

I was at the Cranston senior center yesterday for their Christmas holiday party and spoke to a lady whose son had been in the workforce for 28 years. He had a substantial career. He was out of work. He is stocking shelves at the minimum wage. People are not ducking work. The jobs are not there.

Historically, Congress has extended unemployment benefits when the national unemployment rate has been above 7.2 percent. It is over 9 percent. It is 9.8 percent, according to a report Friday. This 1-year extension will give the 65,000 unemployed Rhode Islanders and over 15 million unemployed Americans the support they need to continue weathering this tempestuous economy.

In addition, this tax package would continue a powerful incentive for more investment in smaller companies. Under the proposal of the chairman, qualified investments made in 2011 in small businesses would be eligible for a 100-percent capital gains tax exclusion, if they are held for at least 5 years. As the credit market continues to slowly thaw, I have heard from numerous Rhode Island business owners that they would like to expand operations, but they can't get the capital. This provision will encourage much needed equity investments so businesses in Rhode Island and around the country can create and expand jobs.

The Baucus proposal would make permanent the current tax rates for 97 percent of taxpayers and deliver tax savings to 100 percent of taxpayers. I am sure my colleagues hear from their constituents, as I hear from Rhode Islanders, that it is getting more and more difficult for families to balance their budgets. Each year ticks by bringing higher fuel, food, and medicine costs. Budgets are stretched paper thin. It would be harsh now to let taxes go up for middle-class families. The Baucus proposal would keep tax rates where they are for individuals earning less than \$200,000 per year and families earning less than \$250,000 per year. Continuing these rates will spare middle-class families considerable tax increases. For example, a family of four earning \$60,000 per year would save \$2,500 under our plan. I can assure my colleagues that for some of my constituents, that \$2,500 could be the difference between paying their mortgage and facing foreclosure or sending a child to college instead of into the minimum-wage workforce.

In addition to continuing the middle-class tax cuts, this will inject about \$200 billion into the economy over the next 2 years. When middle-class families get additional resources, they tend to spend them, invigorating the economy and supporting local and regional jobs. From family budgets to the national economy, extending the middle-class tax cuts is a clear win-win.

This is not necessarily the case for extending tax cuts for millionaires and billionaires. Under the Democratic plan, the first \$250,000 of income for a wealthy family would benefit from extended lower rates. This means \$6,000 to \$7,000 in savings. But our Republican friends want to go much further and give the average multimillionaire a \$100,000 tax bonus. Every economist knows a middle-class family is more likely to spend an extra few thousand dollars on groceries, on clothes, on pharmaceuticals, than a person who already has millions to spend will with an extra \$100,000. In an age of large deficits, we need to start to make tough choices on our budget, and this should be an easy one. Let's keep rates where they are for the vast majority of Americans and permit the rates at the very tiptop to go back to Clinton-era levels.

We are warned that if millionaires and billionaires have to pay the same tax rates as the 1990s, the economic recovery will suffer. But were the Clinton years a time of economic suffering? Of course not. The economy thrived in the 1990s under Clinton income tax rates, far better than it did under the Bush tax rates. There is no reason to think the recovery would suffer if we restored the Clinton-era rates for the very wealthiest and most fortunate.

I find it astonishing that our Republican colleagues continue to filibuster our efforts to get a tax break for all Americans in order to secure a bigger tax bonus for the top 3 percent of the American population at a cost to our debt and deficit of \$700 billion. The wealthiest 1 percent of Americans earn about 21 percent of all income and own over one-third of our Nation's wealth. Those figures are at their highest levels since the Roaring Twenties. Quite simply the rich are richer than they have ever been, and Senate Republicans are holding hostage a tax benefit for all Americans to demand a super-benefit for the superwealthy.

I hope our Republican colleagues will stop obstructing this important tax reduction and emergency unemployment legislation. From funding the government to authorizing the military, we have so much work to do this year. The price for regular Americans of obstruction in the Senate is becoming too high.

I thank the Chair and yield the floor.

THE PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Madam President, I yield 5 minutes to the Senator from New York.

THE PRESIDING OFFICER. The Senator from New York is recognized.

Mr. SCHUMER. Madam President, I thank my colleague, the chairman, for his leadership on this issue.

Today, we stand at a crossroads. We have two vital issues facing this country. One is an economy that is moving

too slowly. The second is a large deficit looming around the corner. How do we solve that problem? The best way to solve that problem, in my judgment, is to give tax breaks to the people who will spend it, the middle class, and to make sure the highest income people who have done very well over the last decade, instead of getting a tax break, make sure that money goes to deficit reduction. Most economists who would look from 10,000 feet up, who are not ideological, would say that is the solution. So why, then, do our colleagues on the other side of the aisle make the linchpin of their economic policy tax breaks for the wealthiest among us? It can't be because it is needed to stimulate the economy. Economic statistics show that very little of the dollars we give them in tax breaks will go to stimulate the economy. It can't be for the purpose of fairness. The highest income people in America, the people who make over \$1 million, the people who make over \$250,000, are the ones who have benefited the most in the last decade while middle-class incomes have declined. It can't be because they care about the deficit. Because if they did, that would be a much higher priority.

It is hard to figure out why 42 Members on the other side of the aisle say tax breaks for the wealthiest among us are more important than any single other issue. Over the next 2 years, when they come to the floor and talk about deficit reduction, they will be reminded that they chose \$300 billion in tax breaks for the very wealthy, not paid for, increasing the deficit, over any other priority.

Our view is simple, those of us on this side of the aisle. Our view is that tax cuts should go to the middle class. The well-to-do among us—God bless them. They have done well, and we are proud of them. We don't resent it—their huge increase should go to deficit reduction. It is that simple.

My colleagues on the other side say: Well, what about small business? Virtually no small businesses have incomes of less than \$1 million. Some big businesses disguise themselves as small businesses for tax purposes, but no small business does. So we are not hurting small business one job. Then they say: What about moving the economy forward? The answer is very simple. Thirty cents out of every \$1 we give to tax breaks for people who make above \$1 million goes into the economy. Madam President, \$1.62 goes into the economic economy. We renew unemployment insurance. In the most anomalous situation of all, they insist that unemployment insurance be paid for but tax breaks to the wealthy not to be. It is a philosophy far out of touch with what America needs and what average Americans believe.

The election was not a referendum on tax cuts for the millionaires. Very few

people campaigned on it. A CBS poll shows 26 percent of Americans think the Bush tax breaks ought to go to everybody, and 74 percent think they should not go to the millionaires.

One final point. We had 10 very good years in the 1990s. Middle-class incomes increased, the deficit was reduced. The wealthy did well under the previous administration's tax policies. The Bush tax policies have been a failure. We should not repeat them.

I yield the floor.

Mr. LEVIN. Madam President, let's start with a basic fact: the legislation we soon will vote on represents a tax cut for every single American taxpayer. From the poorest to the wealthiest, every single American taxpayer will pay less in taxes under this legislation than they will pay if we do not act.

But prudently, given the concerns all of us profess about our fiscal situation, this legislation draws a line. While every taxpayer would enjoy a tax cut, that cut would only apply to income under \$250,000 for families and \$200,000 for individuals. This is important for two reasons. First, it focuses on the middle-class families that were struggling to get ahead even before reckless mortgage lenders and Wall Street traders drove our economy into a ditch. Second, drawing that line respects the need to address our fiscal situation. Extending the cuts for income above the \$250,000 level would increase our budget deficit by \$818 billion over the next 10 years.

Let's focus on that for a moment. Just a month ago, we concluded a political campaign. During that campaign and after the votes were counted, my colleagues on the other side of the aisle repeatedly characterized that election as essentially a referendum on the deficit and jobs. In a joint opinion column published in the Washington Post, Republican leaders in the House and Senate wrote that the message from voters is, "They want us to stop the spending binge, cut the deficit."

So what's the first major policy position taken by our Republican colleagues after that election? It is a proposal to increase the budget deficit by \$818 billion. They say the deficit is important to them but apparently not so important that they would give up additional tax cuts for the wealthiest 2 percent of Americans in order to cut it.

This change of heart extends beyond the question of tax cuts and the deficit. In that same opinion article, the Republican leaders say voters in 2010 told us "they want both parties to work together on policies that will help create the conditions for private sector job growth."

Well, here is our chance. This legislation includes an extension of unemployment benefits for those who have lost their jobs in this recession. There is no policy option more effective in

helping “create the conditions for private sector job growth” than extending unemployment benefits. Doug Elmendorf, the director of the Congressional Budget Office, said before the Budget Committee on September 28:

The largest effect on the economy per dollar of budgetary cost would arise from a temporary increase in aid to the unemployed.

Let me repeat that:

The largest effect on the economy per dollar of budgetary cost would arise from a temporary increase in aid to the unemployed.

Director Elmendorf isn’t alone. Economist Mark Zandi told the Finance Committee earlier this year:

No form of the fiscal stimulus has proved more effective during the past two years than emergency UI benefits.

These economists and others, across the ideological spectrum, base these judgments on empirical studies and complex statistical models. But the reason what they say is true comes down to common sense. If you are without a job, you don’t have much money not just money to spend on luxuries but money to spend on food and shelter for yourself and your family. So the relatively small amount of money you receive in an unemployment check almost certainly will go to pay for those necessities. You have little choice but to spend it. And that spending helps generate economic activity. A wealthy taxpayer, by contrast, has the luxury of taking the money from a tax cut and putting it in his or her pocket a luxury they are likely to exercise, meaning that tax cut for the wealthy does little to stimulate the economy.

The legislation we will soon vote on includes other important provisions that would fulfill the Republican leaders’ self-proclaimed goal of working together to stimulate job growth. It would permanently reduce capital gains tax rates, and permanently extend the expanded child tax credit for working families. It makes relief from the marriage tax penalty permanent. It makes permanent provisions that reduce taxes for small businesses, freeing up capital for those businesses to generate new jobs, and extends temporary provisions to help small businesses such as exclusions for small business capital gains and increased deductions for start-up ventures. It continues initiatives to boost investment in advanced energy technologies that are increasing employment in my state and others. It extends the research and development tax credit. It repeals a provision of the Affordable Care Act that added to small business reporting requirements, a provision that I would think our Republican colleagues can support.

In short, if you say you “want both parties to work together on policies that will help create the conditions for private sector job growth,” and if you say you want to rein in the deficit, you

should support this legislation. And if you say you support more jobs and less deficit, and then vote against this legislation, you are guilty, at best, of a real inconsistency.

So I will vote in favor of the cloture motion on the Baucus amendment. And I should add that, if Senator BAUCUS’s amendment fails, I will vote in favor of Senator SCHUMER’s amendment. If we cannot agree that those making over \$250,000 a year can endure a slightly higher tax burden at this time of great concern over deficits, surely we all can agree that those enjoying incomes over \$1 million a year are able. We should not, and I hope we would not, reject tax cuts for the vast majority of middle-income Americans, and even most high-income Americans, in order to pursue tax cuts for those who are least in need.

I urge my colleagues to support cloture so that we can get this much needed tax relief to middle-class families and small businesses and contribute to private sector job growth and a growing economy. It is time for our Republican colleagues to back up their rhetoric with their votes.

Mr. LEAHY. Madam President, with the Bush-era tax cuts from 2001 set to expire at the end of the year, the whole debate about what to do next needs to be based on fairness and honesty. Any additional tax relief we provide now must be targeted to those who need it most like those Vermont businesses looking to grow and expand their workforces and those Vermonters struggling to pay their bills, heat their homes, and put food on the table this winter. We must recognize the enormous cost of making these tax cuts permanent as even a short, 2-year extension of all tax cuts would cost us over \$400,000,000,000 and the cost of extending tax cuts to those making more than \$250,000 annually balloons to \$700,000,000,000 over the next decade. We also must acknowledge that with a finite amount of Federal resources we will be forced to shortchange important government services for millions of Americans if we provide extravagant tax cuts to a handful of millionaires and large corporations.

Like it or not, taxes are an essential way for Federal, State, and local governments pay for important services and projects that we access and use daily. Taxes pay for our schools and teachers; they maintain our roads and bridges; they support our military and veterans; and they sustain a host of other programs from food assistance to unemployment benefits to and medical care that help all Americans. It is the responsibility of Congress to make sure that the federal tax rates are fair and justified. Our tax system must strike an appropriate balance that allows hard-working Americans to keep much of their income to spend as they choose while still providing the government

with enough revenue to pay for the important programs we rely upon.

Unfortunately, over the past decade the U.S. Government has increasingly spent more money than it has received from taxes, causing our national debt to grow to unsustainable levels. Under the previous administration, for instance, we saw our Federal debt triple as President Bush pushed for trillions in tax cuts and two wars without offering a way to pay for them. I opposed these policies because I was concerned then, as I am now, that our soaring Federal debt will have devastating repercussions.

I have serious concerns that fully extending all of the Bush-era tax cuts would be a major mistake if we are truly committed to helping our economy recover from the Great Recession and to putting our country back on the glide path to fiscal responsibility. The Bush tax cuts of 2001 and 2003 have led to record Federal deficits, contributed to the government’s current financial woes, and have not helped many Americans who face the greatest financial burdens. Most disappointingly, the Bush tax cuts failed to “trickle down” to help those Americans most in need, while the wealthiest 2 percent of Americans benefited substantially. Unfortunately, many of these wealthy beneficiaries of the Bush tax cuts have not injected that money directly into the economy to hire new workers or create new jobs. Why do we think that extending the income tax cuts to the top wage earners now will produce a different result now?

I do think that Congress should make directed tax relief to help working families and to improve the economy. For instance, there are some Bush-era tax cuts that I support keeping on the books such as the increase in the child tax credit, the elimination of the marriage penalty, and the 10-percent tax bracket. In addition, I think we should retain many of the hiring incentives championed by President Obama that are providing needed assistance to small businesses in Vermont that looking to create job opportunities. These tax breaks have allowed Vermont companies to hire new workers and purchase new equipment for their business, thus creating demand for other new jobs to produce that equipment.

But now is not the time to extend tax breaks to the wealthiest Americans and to companies that are sending American jobs overseas. I am greatly concerned that if we maintain these policies, our soaring federal debt will have devastating repercussions. We will become increasingly vulnerable to the foreign nationals who are collecting our debt. Our ability to provide promised Social Security and Medicare benefits will be jeopardized severely. And, our children and grandchildren will be left with an enormous debt that they cannot possibly be able to afford.

That is why I will support the two cloture motions we are voting on today. While I prefer capping the tax cuts at \$250,000, in the spirit of compromise I am willing to extend the relief to those with incomes under \$1,000,000. These are both more fiscally responsible ways of moving forward than a blanket extension for a small group of millionaires. If the last election was a public outcry to restore fiscal sanity to Washington, then the last, major accomplishment of this Congress should not be putting billions more in debt on the American credit card.

• Mr. INHOFE. Madam President, allowing any of the Bush tax cuts to expire would be a dramatic failure of economic policy. These tax cuts, enacted during President Bush's first term in office, delivered major relief to all taxpayers. The nonpartisan Tax Foundation estimates that tax cuts have been worth \$2,200 annually for a family of four. They reduced the marginal rates in every tax bracket and created a new 10 percent marginal rate for Americans with the lowest incomes. These individual tax cuts, in addition to giving people additional spending power, had a positive impact on small businesses. The tax cuts also lowered the cost of business expansion for all firms through reduced tax rates on dividends and long term capital gains. Unfortunately, legislative procedures kept these tax cuts from being made permanent when they were created, and unless a new law prevents it, all of them will expire at the end of this year. If this happens, it will reduce Americans' spending power and the capacity of small businesses to grow. With our economy in the middle of a very fragile recovery, proposals to take more money out of the economy run the risk of pushing the Nation back into recession.

In the meantime, the Democrat leadership of Congress insists on scheduling votes solely for the purpose of political messaging. For example, the House voted to permanently extend the lower rates on the first \$200,000 of an individual's income and the first \$250,000 for married couples. In the Senate, we are scheduled to vote on two similar proposals drawing lines at the first \$250,000 of a married couple's annual income and the first \$1 million of a couple's income. The purpose of these arbitrary income lines is to create political theater. Only earlier today, we understand that the Senate amendments will also include other provisions such as keeping the death tax, albeit at a lower rate and a higher exemption. The amendments will also include important provisions such as another patch on the alternative minimum tax and an extension of a variety important tax provisions which have, in fact, already expired because the Democrat leadership is a year behind in moving the annual

tax extenders package. I am simply not going to participate in political games. We have a responsibility to offer serious proposals. We must extend all the Bush tax cuts. The Heritage Foundation reports that in Oklahoma alone, no extension would cost over 8,000 jobs annually, decrease per household disposable income on average by \$2,800, and increase individual income taxes by \$4.4 million.

Any vote to not extend all the Bush tax cuts is simply a tax on small business. Small businesses are the engine of economic growth in this country, and they have historically been responsible for creating more than 70 percent of all new jobs. According to the Joint Committee on Taxation, the 750,000 Americans in the highest tax bracket report roughly half of the \$1 trillion in total net business income on their personal returns. This is mainly income earned from small business operations. By saddling the cost of a growing government on these Americans, the President is putting the survival of small firms, new job creation, and economic growth at risk. Small businesses are also particularly vulnerable to increases in individual tax rates. Because their businesses are often structured as partnerships, their tax obligations pass directly to their owners, so any tax increases on a small business owner is a tax increase on the small business itself. With small businesses across our nation hanging on by a thread and having difficulty finding the money they need, now is no time to raise their taxes.

It is frustrating that the President and Democrats in Congress continue to not hear the American people. If the President is truly interested in the long term economic prosperity of the nation, he will begin adopting and pursuing policies that encourage small business growth and development. Extending all the Bush tax cuts is a promising and necessary start. Unfortunately, until we cease this political theater, we cannot seriously work to ensure the growth of our economy to create jobs for more Americans. I am simply not going to participate in political games this weekend. I will be absent from the political posturing votes tomorrow because I would have simply opposed them. I trust that in this next week, we can get past theater and turn to serious proposals extending all the Bush tax cuts, ensuring that middle-class Americans are not hit with the alternative minimum tax, and extending the annual tax extender package.●

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Madam President, I would like to know how much time I have.

The PRESIDING OFFICER. Seven minutes forty seconds.

Mr. GRASSLEY. Madam President, there are a lot of issues that have been

brought up in the last hour that need to be responded to. I probably will not get to all of them, but I would like to start with a recent one that was just stated.

It is not a case that tax cuts are more important than any other issue for those of us on this side of the aisle, not at all; growth of the economy, because growing this economy is the only way we are going to get people employed, bringing in more revenue, and getting the deficit down.

We are not going to get the deficit down by increasing taxes, and I will explain that in just a minute. It is going to take economic growth. You have to get the economic engine started again. We have to get the unemployment down. It is the economy we are talking about.

I heard several of my colleagues this morning say if we do not go along with big tax increases, we are giving a bonus to a lot of people in this country who maybe do not need any more money. Well, if you accept the idea that if Congress acts or does not act, we are giving people a bonus, you are starting with a proposition that for all the income people make in this country, Congress is going to decide where that income ought to go and that somehow we are going to give people a bonus if we do not take some sort of action in the Congress. Well, that is ludicrous. That is the ultimate of the lack of economic freedom in this country. Because every penny anybody makes, whether it is through the work of their hands or their brain, is money that belongs to the people of this country; otherwise, they have no economic freedom.

The Constitution gives the power to tax for the legitimate purposes of government. But it does not give us the opportunity to tax to give bonuses to people because the money is theirs in the first place. It is only a question of how much we are going to take away from people for the legitimate constitutional purposes of government.

Then, where do you get the idea that we are going to give a tax break if we do not do something in Congress? The issue is not tax breaks to anybody. The issue is the tax policy of the last 10 years passed in 2001 that will sunset December 31 of this year. Should we continue that tax policy or should we increase taxes on some or all people? That is the issue. We are not talking about a tax break for anybody. In other words, there is not going to be any tax policy different than what we have right now. That is what we feel is the best for the economy. We should not increase taxes on anybody.

You get the impression from the other side that if we start taxing certain people in this country more that somehow the deficit is going to go down. Well, I heard the President recently on some news program discussing this issue, and I do not have an

exact quote, but, in effect, he said that as for as he is concerned, rather than not raising taxes on people and bringing that money in to reduce the deficit, he said: I have better ways to spend the money.

I spoke earlier this morning about the fact that people do have a better way of spending the money, not only the increase in taxes that might come in but even beyond that.

I have quoted some individuals so many times, but I brought the exact quotes with me now because I was paraphrasing them before. But Peter Ferrara wrote an article in the Wall Street Journal entitled: "Beware the Balanced Budget Deal." He said:

Washington's traditional approach to balancing the budget is to negotiate an agreement on a package of benefit cuts and tax increases.

Then he went on to say:

What happens [if you do this] is the tax increases get permanently adopted into law. But the spending cuts are almost never fully adopted and, even if they are, they are soon swept away in the next spendthrift budget. Then—because taxes weaken incentives to produce—the tax increases don't raise the revenue that Congress initially projected and budgeted to spend. So the deficit reappears.

Then he talked about Reagan making such a deal with Democrats in the Congress to have \$3 in spending cuts for every \$1 in tax increases. Then he has this sentence:

Reagan went to his grave waiting for those spending cuts.

Then, recently, there was an article by Stephen Moore and Richard Vedder that talks about raising taxes to reduce the deficit. There are a few sentences I am going to read:

Instead, Congress will simply spend the money.

He uses the figures they have studied:

... we found that over the entire post World War II era through 2009 each dollar of new tax revenue was associated with \$1.17 of new spending.

They refer to some other studies; that it is somewhere between \$1.05 and \$1.81.

But no matter how we configured the data and no matter what variables we examined, higher tax collections never resulted in less spending.

Madam President, do I have time left?

The PRESIDING OFFICER. The Senator has 25 seconds.

Mr. GRASSLEY. I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Madam President, I think it is important to lay a few facts on the table.

The Senator from Oregon did a good job making this point clear, but I think, frankly, very few people in the country understand this point, this debate. To be honest, I think there are a good number of Members of the Senate

who do not understand this point; the point being that under my amendment, for those individuals who earn \$200,000 or less, their tax cut is permanent. Under that amendment, it is important to remind all of us that every individual will get a tax break regardless of their income; that is, every individual who has more than \$200,000 of taxable income will receive a cut of at least \$5,400. So if you are above \$200,000, you still get a tax cut; you get a tax cut as an individual of about \$5,400; and if you are a couple, it is probably close to double that. That is under my amendment.

The same is also true under the Schumer amendment. Under the Schumer amendment, for those who make \$1 million, their tax cut is going to be about \$40,000. Even though the cutoff is \$1 million, those who earn more than \$1 million will get a tax cut. You get a tax cut under my amendment and you get a tax cut under the Schumer amendment. The tax cut you will receive under my amendment is about \$5,400, if you make over \$200,000; and the tax cut you will receive under the Schumer amendment, if you earn over \$1 million, about \$40,000. If you are a couple, it is probably almost double that, most likely.

Add to that, in my amendment—and I think it is also in the Schumer amendment—the dividends rates are lower from ordinary income to 20 percent. So those folks who rely on dividends are going to get an additional tax break.

So the point I am making very clearly is, everybody gets a tax cut under our amendments. It is not fair for the other side to characterize it that only some people are getting a tax cut. It is true those under \$200,000 will get a bigger break on a percentage basis, but in dollar terms, they are going to get less of a break than those who earn \$200,000 and above and under the Schumer amendment \$1 million and above.

The second point I wish to make is that we have to make choices. We often hear the expression: There is no free lunch. Nothing is free. Life is choices.

We make choices in this Senate. Sometimes the choices we make are quite difficult, but they are also significant.

I am a little bit bemused—I was bemused, and I still am bemused—because I heard the Senator from South Carolina praise the President's deficit commission report, which recommends cutting the national deficit through various mechanisms, revenue increases, and spending cuts, cutting the national debt by about \$4 trillion over 8, 9 years. The Senator was praising that. I say "bemused" because the basic view of the Senators on the other side is to increase the national debt by about \$4 trillion; that is, the amendment offered by the Senator from Kentucky will, over the next 10 years, add

\$4 trillion to the deficit—not subtracting \$4 trillion from the deficit but adding \$4 trillion to the deficit, for a swing of about \$8 trillion over 8, 9, 10 years. That is fairly important.

It is important because many commentators are concerned about the debt we have as a country. They point out the problems Greece has, Ireland, Portugal, and Spain. There are even articles that maybe countries in Europe should break away from the euro and have a separate currency.

The main point is, we live in somewhat precarious times, and we have to not add to the deficit. The amendment I offer does add to the deficit, I might say, in all candor. It adds about \$2 trillion over 10 years because we cut taxes in the manner in which I explained. The Schumer amendment adds a little bit more to the deficit. But that is only about \$2 trillion, \$2.3 trillion, \$2.4 trillion; whereas, the other side would like to add \$4 trillion.

I am just saying, everybody gets a tax cut under the amendment I am offering, and those who make more than \$200,000 get more in dollar terms than do people below \$200,000. That is a statistical, mathematical fact. Again, it is about \$5,400 for those whose income is \$200,000 or above. Under the Schumer amendment, it is about \$40,000 for those whose income is \$1 million or above; whereas, those below that get a tax cut as well but not as many dollars.

Just to remind everybody, we do have to make choices. We have to keep an eye on the debt. We should not increase the debt more. These various provisions do a bit. Let's not increase the debt more than we have to.

I might add to that, too, and it is something I think we should be concerned with, over the last quarter century, the top 5 percent wealthiest Americans received an aftertax break of about 150 percent; that is, the aftertax income of the top 5 percent of the American people, over the last quarter of a century, grew by about 150 percent. Compare that with middle-income Americans. Over the last quarter century, the aftertax income of middle-income Americans grew only 28 percent. So it is a huge difference.

So our policies cause those most wealthy to have much greater aftertax benefits than for middle-income Americans. Add it all together, I think it makes sense. We have to have balance. We have to make choices. Everybody gets a tax cut under our two amendments, and I strongly urge my colleagues to support the two amendments. I think it is not perfect, but it is a good, fair, balanced policy. It is the right thing to do.

I yield the floor.

Madam President, I ask that all time be yielded back on both sides and that we proceed to the vote.

The PRESIDING OFFICER. All time is yielded back.

Under the previous order, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will report.

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to concur in the House amendment to H.R. 4853, the Airport and Airway Extension Act of 2010, with an amendment No. 4727.

Harry Reid, Charles E. Schumer, Benjamin L. Cardin, Barbara Boxer, Al Franken, Jeanne Shaheen, Mark R. Warner, Debbie Stabenow, Sheldon Whitehouse, Mark Udall, Tom Udall, Byron L. Dorgan, Patty Murray, Robert P. Casey, Jr., Patrick J. Leahy, Tom Harkin, Jeff Merkley.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the motion to concur in the House amendment to the Senate amendment to H.R. 4853, the Federal Aviation Administration Extension Act of 2010, with an amendment No. 4727, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. KYL. The following Senators are necessarily absent: the Senator from Kentucky (Mr. BUNNING), the Senator from North Carolina (Mr. BURR), the Senator from Georgia (Mr. CHAMBLISS), the Senator from Texas (Mr. CORNYN), the Senator from New Hampshire (Mr. GREGG), the Senator from Texas (Mrs. HUTCHISON), the Senator from Oklahoma (Mr. INHOFE), the Senator from Georgia (Mr. ISAKSON), the Senator from Alabama (Mr. SESSIONS), the Senator from Louisiana (Mr. VITTER), and the Senator from Ohio (Mr. VOINOVICH).

Further, if present and voting, the Senator from Texas (Mr. CORNYN) would have voted "nay," and the Senator from Kentucky (Mr. BUNNING) would have voted "nay."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 53, nays 36, as follows:

[Rollcall Vote No. 258 Leg.]

YEAS—53

Akaka	Franken	Murray
Baucus	Gillibrand	Nelson (FL)
Bayh	Hagan	Pryor
Begich	Harkin	Reed
Bennet	Inouye	Reid
Bingaman	Johnson	Rockefeller
Boxer	Kerry	Sanders
Brown (OH)	Klobuchar	Schumer
Cantwell	Kohl	Shaheen
Cardin	Landrieu	Specter
Carper	Lautenberg	Stabenow
Casey	Leahy	Tester
Conrad	Levin	Udall (CO)
Coons	Lincoln	Udall (NM)
Dodd	McCaskill	Warner
Dorgan	Menendez	Whitehouse
Durbin	Merkley	Wyden
Feinstein	Mikulski	

NAYS—36

Alexander	Ensign	Manchin
Barrasso	Enzi	McCain
Bennett	Feingold	McConnell
Bond	Graham	Murkowski
Brown (MA)	Grassley	Nelson (NE)
Brownback	Hatch	Risch
Coburn	Johanns	Roberts
Cochran	Kirk	Shelby
Collins	Kyl	Snowe
Corker	LeMieux	Thune
Crapo	Lieberman	Webb
DeMint	Lugar	Wicker

NOT VOTING—11

Bunning	Gregg	Sessions
Burr	Hutchison	Vitter
Chambliss	Inhofe	Voinovich
Cornyn	Isakson	

The PRESIDING OFFICER. On this vote, the yeas are 53, the nays are 36. Three-fifths of the Senate duly chosen and sworn not having voted in the affirmative, the motion is rejected.

Mr. REID. Madam President, I would like to tell the Senate what the schedule is going to be, but we can't do that unless we are able to hear each other.

The Republican leader and I had a conversation this morning, and here is how we are going to move forward. We are obligated to complete an impeachment that Democrats and Republicans who were appointed to a committee worked very hard on, spending days and days on their own away from all the cameras, doing the tedious work that has to be done. We have tried to find a place to do this that would be convenient, and there is no place. So we are going to start Tuesday morning the impeachment of a judge.

I will file cloture on a number of measures on Monday night for a Wednesday cloture vote.

Mr. MCCONNELL. Will the leader yield on the question of the impeachment?

Mr. REID. Yes.

Mr. MCCONNELL. Is it not correct that we need Senators to be here Tuesday morning in that regard?

Mr. REID. That is true. We are going to have to start early Tuesday morning. We need to complete the impeachment as quickly as we can to make sure everything is fair, and we will make sure that is the case. We expect some work to be done on Tuesday, with votes required in the Senate. Most of the proceedings will be closed. We will have to be here. We hope we can complete this on Wednesday. I am confident, having spoken to the managers, that we should be able to do that.

On Wednesday we hope to be able to complete the impeachment. If not, we will complete it whenever we can. We will have the cloture votes on Wednesday I have just indicated we will have. Then that leaves a pretty clear path to what we need to do.

We hope we can have some arrangements made on the tax issues by then. We have tried to work to that point, and we have not yet done it. We have to take care of spending for the rest of the year. I have had a number of con-

versations with the Republican leader on that.

We also hope there is time to do the START treaty, but we need to move to that either with some kind of general agreement or we can just move to it. That should give us ample time to do those things before we leave.

We want to leave the Friday before Christmas Eve. That would be 8 days before Christmas. We hope we can do that. That is the plan. We all know where we were last Christmas Eve, and we don't want to be in the same place this Christmas Eve.

Any questions from the Republican leader?

Mr. MCCONNELL. Did the Senator also reference filing cloture on some items?

Mr. REID. Yes. I will file cloture on the 9/11 situation in New York, the firefighters negotiation matter. The third would be the DREAM Act, and the fourth would be giving seniors a \$250 COLA.

Mr. MCCONNELL. And those votes would occur on Wednesday?

Mrs. FEINSTEIN. What was the fourth one?

Mr. REID. Yes. The fourth is the \$250 COLA. Madam President, we would do the votes an hour after we come in. We will try to work something out to do it after we complete the impeachment. The other thing I have indicated—in fact, we had a number of bipartisan conversations yesterday—is, we are trying to figure out a time to move forward on the Defense authorization bill. The issue on that is what we do with amendments.

Without belaboring the point, I would be happy to consider doing a number of amendments if we had time agreements on them. Just to have an open process at this stage, I don't see how we can do that. I will continue to work with my friends, the chairman of the committee, and others who are interested, both Democrats and Republicans, recognizing how important that legislation is.

The PRESIDING OFFICER. Pursuant to rule XXII, the clerk will report the motion to invoke cloture.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the second-degree amendment No. 4728.

Harry Reid, Charles E. Schumer, Benjamin L. Cardin, Barbara Boxer, Al Franken, Jeanne Shaheen, Mark R. Warner, Debbie Stabenow, Sheldon Whitehouse, Mark Udall, Tom Udall, Robert P. Casey, Jr., Frank R. Lautenberg, Dianne Feinstein, Mark L. Pryor, Richard J. Durbin.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on amendment No.

4728 on the motion to concur in the House amendment to the Senate amendment to H.R. 4853, the Federal Aviation Administration Act of 2010, with amendment No. 4727 shall be brought to a close?

The yeas and nays are mandatory under the rule. The clerk will call the roll.

The legislative clerk called the roll.

Mr. KYL. The following Senators are necessarily absent: the Senator from Kentucky (Mr. BUNNING), the Senator from North Carolina (Mr. BURR), the Senator from Georgia (Mr. CHAMBLISS), the Senator from Texas (Mr. CORNYN), the Senator from New Hampshire (Mr. GREGG), the Senator from Texas (Mrs. HUTCHISON), the Senator from Oklahoma (Mr. INHOFE), the Senator from Georgia (Mr. ISAKSON), the Senator from Alabama (Mr. SESSIONS), and the Senator from Louisiana (Mr. VITTER).

Further, if present and voting, the Senator from Kentucky (Mr. BUNNING) would have voted "nay" and the Senator from Texas (Mr. CORNYN) would have voted "nay."

The PRESIDING OFFICER (Mr. MANCHIN). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 53, nays 37, as follows:

[Rollcall Vote No. 259 Leg.]

YEAS—53

Akaka	Gillibrand	Nelson (NE)
Baucus	Hagan	Nelson (FL)
Bayh	Inouye	Pryor
Begich	Johnson	Reed
Bennet	Kerry	Reid
Bingaman	Klobuchar	Sanders
Boxer	Kohl	Schumer
Brown (OH)	Landrieu	Shaheen
Cantwell	Lautenberg	Specter
Cardin	Leahy	Stabenow
Carper	Levin	Tester
Casey	Lincoln	Udall (CO)
Conrad	Manchin	Udall (NM)
Coons	McCaskill	Warner
Dodd	Menendez	Webb
Dorgan	Merkley	Whitehouse
Feinstein	Mikulski	Wyden
Franken	Murray	

NAYS—37

Alexander	Ensign	McCain
Barraso	Enzi	McConnell
Bennett	Feingold	Murkowski
Bond	Graham	Risch
Brown (MA)	Grassley	Roberts
Brownback	Harkin	Rockefeller
Coburn	Hatch	Shelby
Cochran	Johanns	Snowe
Collins	Kirk	Thune
Corker	Kyl	Voinovich
Crapo	LeMieux	Wicker
DeMint	Lieberman	
Durbin	Lugar	

NOT VOTING—10

Bunning	Gregg	Sessions
Burr	Hutchison	Vitter
Chambliss	Inhofe	
Cornyn	Isakson	

The PRESIDING OFFICER. On this vote, the yeas are 53, the nays are 37. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

The PRESIDING OFFICER. The Republican leader.

Mr. MCCONNELL. Mr. President, according to the strange logic of Demo-

cratic leaders in Congress, the best way to show middle-class Americans that they care about creating jobs is to slam some of America's top job creators with a massive tax increase. Today's votes were an affront to the millions of Americans who are struggling to find work and a clear signal that Democrats in Congress still have not gotten the message of the November elections.

With unemployment over 9 percent for more consecutive months than at any time since World War II, the voters are looking for a different approach here in Washington. Two years of out-of-control spending and big government policies have led to record deficits and debts, chronic unemployment, and deep uncertainty about our Nation's fiscal future. Meaningless show-votes and antibusiness rhetoric won't do anything to make the situation better.

This Saturday's session is a total waste of the American people's time. One of the votes we held today was opposed by every single Republican and many Democrats. The other vote we held was a poll-tested plan opposed by every single Republican and the President of the United States. As you can see, nothing we did today stopped the tax hikes that are now less than a month away. As the majority leader said this morning, these theatrics need to end.

There is strong bipartisan opposition to these attempts to raise taxes on small businesses across the country. Americans do not want political posturing; they want jobs. Today's votes are the clearest signal yet that Democrats in Congress do not take our Nation's job crisis seriously.

I yield the floor.

Ms. LANDRIEU. Will the majority leader yield for a question?

The PRESIDING OFFICER. Will the majority leader yield?

Mr. BAUCUS. He is not the majority leader, I might add.

Ms. LANDRIEU. I am sorry. Will the minority leader yield for a question?

The PRESIDING OFFICER. The Republican leader?

Ms. LANDRIEU. I guess that is a no.

The PRESIDING OFFICER. The Senator from Montana.

MORNING BUSINESS

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Montana.

Mr. BAUCUS. Mr. President, there are several Senators who are prepared to speak this morning but would be unable to because of limited time. In order to accommodate them, I ask

unanimous consent that the order of speakers on the Democratic side by the following: Senator DORGAN, 20 minutes; Senator BOXER, 10 minutes; Senator MCCASKILL, 10 minutes; and Senator CASEY, 10 minutes. Further, if there is a Republican seeking recognition on the floor, that we alternate back and forth between the two sides.

The PRESIDING OFFICER. Is there objection?

Ms. LANDRIEU. Mr. President, may I ask consent of the first Member on that list to speak for 30 seconds? Thank you.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

NEGOTIATING WITH THE PRESIDENT

Ms. LANDRIEU. Mr. President, I was going to ask the minority leader, MITCH MCCONNELL, who just insulted many of us by saying we don't care about small business or the economy, and as the chair of the Small Business Committee, I was going to ask him this: Since President Obama has been in such good faith in the last couple of days negotiating this package with him, my question was, does he regret saying on national television that his No. 1, primary goal is to unseat the President? I was going to ask him how he felt about that. That is a tough place to start a negotiation, which is why some of us are interested in how these negotiations might be going with that as a starting point. But he ran off the floor and did not answer that question. I am going to continue to ask it. Thank you.

Let me just add that I do not agree with every policy of the President. Obviously, I am in a major fight over offshore oil and gas. But it is very interesting to us who have been in negotiations for quite some time on many important issues, how you start with saying: My goal is to defeat you, but here is the package we want you to accept. Some of us are having a hard time with that kind of negotiation.

Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, what is the order?

The PRESIDING OFFICER. The Senator is recognized to speak for 10 minutes.

Mr. DORGAN. Mr. President, I think I had requested 20 minutes.

The PRESIDING OFFICER. It is 20 minutes. The Chair is sorry.

TAX POLICY

Mr. DORGAN. I thank the Chair.

I was surprised to hear the minority leader suggest that today's session of the Senate—a Saturday session, which I suppose is inconvenient but nonetheless something we ought to do to work

on things that are important for the American people—I was surprised to hear him say it was a waste of the taxpayers' money. I will talk a little bit about what I think is a waste of the taxpayers' money, but coming here, doing the business, trying to reduce the Federal deficit, trying to make important decisions about tax issues, is not a waste of time or money, in my judgment.

One of the things I find disheartening these days in the political debate about these issues is the increasing tendency for one side of a political debate to create their new set of realities. They just invent a new set of realities. Then, from that invention, they go ahead and make their arguments.

By the way, most of the reporting then is off of that invention. It would be nice if the reporting would say that is not a reality, that is an invention. If, for example, we said the Earth is round and there is substantial scientific evidence that the Earth is round, and the other side said, no, the Earth is flat, tomorrow there would be a story that said opinions differ on the shape of Earth. Of course, the facts do not differ, but that is the way these things exist these days—the creation of their own new reality.

Let me talk about what has happened with respect to the tax cuts, and let me give just a bit of history because I think it is important.

In 2001, taxes were cut. I did not vote for it. I voted against it. Let me tell you why. I don't want to revisit that at great length, but the proposal to cut taxes in 2001 came on the heels of the year 2000 when, for the first time in 30 years, this country had a budget surplus—a budget surplus, mind you. The economists and others expected and projected that the surpluses would exist way into the future. For the next 10 years, we would have budget surpluses, they predicted.

I did not believe that, but nonetheless President George W. Bush, new to the office, said: Well, if we are going to have budget surpluses going forward, let's make sure we give them back to the American people in the form of tax cuts.

I said: Why don't we be a bit conservative? What if we don't have these surpluses? They are only projections, after all. We don't have them; they are just projections by economists who, in many cases, can't remember their home phone number for 2 days but give us projections for 5 and 10 years. Let's be a little conservative.

No, they said, we don't want to be conservative. Let's do these tax cuts, the bulk of which go to the wealthiest because those who construct these tax cuts always believe there is a trickle-down effect in this country, so if you give money at the top, it will trickle down and help everybody.

Immediately we discovered we were in a recession. Then we were hit with a

terrorist attack on 9/11. Then we were in a war in Afghanistan, then a war in Iraq, and those wars have lasted for most of a decade. Not only were there no surpluses at all, no budget surpluses at all, in fact, there were giant budget deficits. None of the expenditures of these wars were paid for, all of it was added to the debt, and the debt has now ballooned to \$13 trillion, with a yearly budget deficit of \$1.3 trillion, having now just gotten to the other side, the other plateau on the deepest recession since the Great Depression.

So here is where we find ourselves. That is the history of it—tax cuts that were voted for by the Congress, proposed by George W. Bush, then President Bush, in order to give back surpluses for the next 10 years. No surpluses ever existed. Then we went to war and never paid for a penny of the war. Now we end up with a deficit of \$1.3 trillion a year and a Federal budget debt of \$13 trillion. The question is, What do we do about all that? Clearly these deficits and debt threaten the country, they threaten our financial stability and solvency. I worry very much that 1 day the bond traders and the currency traders might get an urge to say: You know what, we don't think that economy is very stable, and we are going to make a run on that economy—as they have done. Nothing has changed in Spain from now versus 6 months ago. Yet once they run against that economy, there are profound consequences and could be for this country as well. I worry a great deal about that. We have to get our house in order.

Let me talk about the debate this morning because I think most people do not understand what the debate is. It is not reported very well and not even described very well here.

The proposition is to extend the tax cuts. So the question is, For whom? One proposal we voted on this morning was for single people earning up to \$200,000 and married couples earning \$250,000. But what is important to understand is that the proposal to extend the tax cuts extends to income earned by everybody. The first \$250,000 earned by Bill Gates and Warren Buffett and Donald Trump—they would get a tax cut on their first \$250,000 of income. A lot of people don't understand that. They think the proposal is, if you have over \$250,000 of income, you don't get a tax cut. That is not true.

Mrs. McCASKILL. Would the Senator yield for a question?

Mr. DORGAN. I will yield to the Senator.

Mrs. McCASKILL. I think the point the Senator is making is really important. I want to ask a question of him, through the Chair. So what we just voted on, basically, that 53 Members of the Senate—that used to be a winning number around the Senate until this new era of we have to have 60 votes for

motherhood and apple pie—53 Members of the Senate voted to make sure everyone in America had no tax increase on their first \$1 million in income. Is that correct?

Mr. DORGAN. That is correct.

Mrs. McCASKILL. So it is not that we are not passing a tax cut for everyone, we are passing a tax cut for every person in America. We are just saying, maybe on that second million, we might ought to take that \$300 billion and put it in deficit reduction. So it is not the first million, it is the second million and the third million and the fourth million and the fifth million that you would have to go back to a rate that we had in the days when we had massive job creation, and these guys did well.

Mr. DORGAN. That is correct. I voted for the \$1 million. Although I thought it is probably good politics, I did not think that was good policy either. But just to demonstrate, there is no level the minority will support except all of the income for the wealthiest Americans.

I want to show my colleagues what we proposed; that is, these lines show the amount of tax cuts that will go to all Americans under the proposal we offered this morning. Everyone would get a tax cut up to that \$250,000 of income because the rates were changed so they would all be changed back for everyone. That includes Bill Gates, Donald Trump, Warren Buffett, and everyone.

The average tax cut for the average American would be about \$900. The tax cut under this proposal for those earning \$1 million or more will be over \$6,000. So the wealthiest Americans will get six times the tax cut that the average American will get. That was our proposal.

The minority party said, well, that is not right. You cannot do six times more. We want you to do 1,000 times more for the wealthiest. So let me show a chart that describes what the minority is insisting upon. All of this yellow, which I just showed, would be tax cuts for every income group, and this area are the proposed increases in tax cuts by the minority.

What they have said is, for those with \$1 million or more we insist they get a tax cut that is 1,000 times the size of the tax cuts for the average American. The average American gets a tax cut of about \$900, and a person making \$1 million, under the Republican plan, will get a tax cut of \$104,000 a year—a year.

They are demanding that the wealthiest Americans get a tax cut that is 1,000 times the size of the average American. Why? Because we believe tax cuts should go all of the way across the board on the first \$250,000 for everybody. All the way across on all incomes, for everybody, up to \$250,000.

The minority says that is not enough. We want that tax cut to go all

the way up to every dollar of income to the wealthiest Americans. That is unbelievable to me. We are \$13 trillion in debt. We are at war. We have a \$1.3 trillion annual budget deficit, and they are demanding that we give \$104,000 a year in tax breaks to people who make a \$1 million a year? That is unbelievable.

They say, by the way, well, this is all about small business. Again, that is creating a new reality that is simply not accurate. I want to show you what has happened to the Federal debt. This line looks like the upslope on a roller coaster, a very steep, one by the way, \$13 trillion in debt. This shows 1995 to today.

Most people think this is urgent. This is a real serious problem. If that is the case, what are we doing talking about giving tax cuts of \$100,000 apiece to people who make \$1 million a year?

The other point about this is all of the tax cuts that would be offered come from money that is borrowed. By the way, the projections by the Office of Management and Budget and the Congressional Budget Office about what the deficits are going to be, those projections assume there are no extensions of any tax cuts—none, zero.

So anything that is extended increases the Federal budget deficit and debt. So the proposition is, if we are going to provide tax cuts as the minority insists for all of the incomes of the wealthiest Americans, what they are saying is, let's borrow another \$1 trillion, put it on top of the debt, in order for us to provide tax cuts to the wealthiest Americans.

Again, it is preposterous. Let me use this chart to see if maybe common-sense travels over the decades. Will Rogers once said during a significant economic downturn:

The unemployed here ain't eating regular. But we'll get around to them as soon as everybody else gets fixed up okay.

"The unemployed around here ain't eating regular." Will Rogers says: But we will get around to them as soon as everybody else is fixed up.

Well, you know, there are 2 million people a couple of days ago who lost their unemployment benefits, 2 million people. The other day I came to the Senate floor and talked about Smith Barney versus Barney Smith.

There is a Barney Smith from Marion, Indiana who talked about losing his job because his plant closed and his job went to China. Not unusual. Five million manufacturing workers have lost their jobs.

Barney Smith asked the question about this Congress. Is the Congress willing to care as much about Barney Smith as it is about Smith Barney? Barney Smith from Indiana or Smith Barney from Wall Street? The answer is pretty evident these days. This fight today is about that kind of distinction.

Who do you stand for? Who are you fighting for? Who are you standing

with? Is it because you believe this country only works if you put a lot of money in at the top and it will trickle down to everybody? I have never believed that worked. I believe if you give the American working family something to work with, the percolate-up theory, give the American family something to work with, and that American engine will do just fine.

Let me just make the case that—I do not mean this in a partisan way—but I think it is important to say these tax cuts, since they were proposed in 2001, and the run-up in the deficit that came with it and the creation of a sick economy, it is the lowest average annual percentage increase in job creation of any President since the 1940s, talking about the Bush Presidency. He proposed very large tax cuts, the bulk of which goes to the wealthiest Americans, and the result is the lowest average annual percentage increase in job creation of any President since the 1940s.

I did vote in 1993—that is a long time ago—for the economic policy changes proposed in the Clinton administration. Those were tough votes and controversial votes. And, yes, they increased some taxes and increased some spending. You know what. In the coming years, during the 8 years of that administration, as a result, in my judgment, of a change in economic policy, we had 23.1 million new jobs created, 23.1 million new jobs.

Real median household income grew 14 percent. GDP growth averaged 3½ percent. So it does not wash to say we have to follow the same economic policy that was followed in the last decade, giving tax cuts to the wealthiest and then just praying that somehow it will all trickle down to help everybody. This country is in some significant trouble.

This country and the people in this country deserve and expect thoughtful, serious, tough decisions by this Congress. David Stockman, former Director of OMB in the Reagan administration, was on television a while back, and he said:

If there were such a thing as Chapter 11 for politicians, the Republican's push to extend the unaffordable Bush tax cuts would amount to a bankruptcy filing.

Well, let me say again. I am not someone who comes here talking about Republicans and Democrats very often. I do not think either political party is a great bargain for the American people, at least in recent times. We need to understand it is important to get the best of what both parties have to offer rather than the worst of each. We need to come to together to decide we serve the same interest; that is, the long-term best interests of this country to put the country back on track.

But I cannot any longer watch people invent a reality in order to support a kind of proposal that is going to weak-

en this country and increase the Federal indebtedness of this country. It simply makes no sense. I had originally tried to see if I could, because there needs to be some reality, I tried to put a chart together. The problem is, it is too tall. So I taped it. But this chart shows, in reality, the 1,000 times there were tax cuts for millionaires and above versus the average tax cuts for the American people.

This shows the tax cuts that go to everybody under the plan that we offered this morning. Everybody, including the wealthiest Americans will get a tax cut on their income up to \$250,000 if they are married. The Republicans have said—which these red lines represent, that is not enough. We want this not just to go all the way across, we demand it goes all the way up.

Well, we are lucky it does not reach the ceiling because we are talking about massive amounts of money to be borrowed in order to provide tax cuts to the wealthiest Americans. I wish this would fit on a smaller chart, but the absurdity of it is demonstrated by the kind of tax cuts they are demanding for the wealthiest Americans.

Now, finally, let me say—I know others want to speak. Let me say this: Historians are going to look back at this time, this moment, this Congress. In 100 years, when we are all dead, historians will evaluate what we did here. What did we do? They are going to be very troubled and very concerned to try to figure out what on Earth were we thinking—at war, deep in debt, and doing tax cuts for the wealthiest Americans. They are going to wonder, what on earth were they thinking?

A friend of mine once asked the question: If you were to be given an assignment to write an obituary for someone you had never met, and the only information you had about this person now deceased was a check register, and from that you needed to write an obituary, what would you write?

That question could be asked about this country. What would historians write about this country having only the Federal budget to evaluate about our value system? Who did we stand for? Did we stand for 2 million people who are out of work? Two million times someone came home and had to say to their loved one: Honey, I have lost my job. No, it was not because I did a bad job. My job has gone to China. I was told that the company is contracting. I have lost my job. Two million times. Out of a job, out of work, out of hope, out of a home.

Then we are told, well, that is not the priority. Let's not help them, let's not extend unemployment benefits, which we have always done during a significant economic downturn. Instead, let's see if we can provide more comfort to those who are the wealthiest Americans by providing them tax cuts that are 1,000 times the size of the

tax cut that the average family will get when they open their mail and finally get their tax break.

I mean, I do not understand that at all. That is not in keeping with what I understand our obligations to be to this country, No. 1, to borrow \$1 trillion. That is \$750 billion plus the interest, borrow it, principally from China, increase the debt, and then say, well, how are we going to use it?

Well, what we are going to do is use it to give to the wealthiest Americans. By the way, this altered state of reality, which the other side uses in every debate these days—this altered state of reality is to say, this is about small business. That is fundamentally untrue and they know it. But it does not matter to them because they know it will get reported as they are helping small business.

They are not. They are not helping this country. They are not helping small business. In my judgment, I wish they would understand the need to work with us for the common destiny and common purpose of this country's long-term economic health.

I will conclude by saying, I was disappointed this morning to see what happened. But I knew it was going to happen because there is precious little opportunity in this Chamber for people to take a serious, sober look at these issues and decide what is best for the country. I think the American people deserve better, expect better, and I hope they get better in the coming days.

I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I wish to say to Senator DORGAN how much I appreciated his comments, how he brings us back to the central question of why we are here and whom we are fighting for. I will miss him, and I wish him well. He is a person who gets to the heart of it.

It is key for the American people who are watching this debate today to understand one basic fact. Because of their concern for one-tenth of 1 percent of those Americans earning over \$1 million a year, the Republicans stopped a tax cut for everyone else.

I need to repeat that. Because of their concern for those 315,000, out of 307 million Americans, who earn over \$1 million a year, the Republicans, to a person, stopped a tax cut for 99.9 percent of the American people. I cannot tell my colleagues how bizarre that is to me. Not only did they block tax cuts for everyone except for that one-tenth of 1 percent, they also turned their backs on the unemployed, 2 million of whom have lost their benefits or are about to lose their unemployment benefits. In my State of California, 400,000 people are losing those benefits. They also blocked other important tax-cut extensions which I don't have the time to address.

When we block an unemployment insurance extension which gives people about \$300 a week to survive and keep their homes together, if they are actively looking for work and if they paid into the unemployment insurance system—those are the people we are helping—when that is blocked, we hurt not only their families, but we hurt the economy. Because it is very clear, from respected economists on both sides of the aisle, that unemployment benefits are a big fiscal stimulus. In fact, for every \$1 we give someone, it turns into \$1.61 back into the economy. Why? Because people spend the moneys in their communities, and the trickle-down effect works. When we give a tax break to the top people who are earning \$10 million a year, they don't run down to the corner store with it. They put it in a trust fund for their kids. Clearly, either the Republicans don't understand what an economic stimulus is or they don't care. They certainly say they care about the deficit. But from the bottom of my heart, I ask: How could they care about the deficit when they say they want to give tax breaks to the wealthiest and not pay for them? Those tax breaks go on the backs of our kids and grandkids. It is unbelievable.

The Republicans in this body today showed whose side they are on. It is clear. We had two proposals. One said, for the first \$250,000 of income, the tax break will continue. We got 53 votes. By the way, as Senator MCCASKILL so noted, it used to be the majority ruled around here. They filibustered. They said: You guys have to get 60 votes for that. We got 53. We got a majority, not enough. That went down.

We said: OK. We know there was an election. We will go up to \$1 million. We will meet you at the corner.

Let's shake hands.

No, that wasn't enough. They want to fight for people who earn over \$1 million a year.

I wish everyone success. We all want to be very successful in life. So there isn't anything wrong with what I am about to say. But if you earn \$10 million a year, the Republicans want to give you an additional \$450,000 every year in a tax break, and they don't want to pay for it. What is interesting is, last month 90 millionaires wrote us a letter, and they talked about how they felt about giving these tax breaks to people earning over \$1 million a year. Here is what they said:

For the fiscal health of our nation and the well-being of our fellow citizens, we ask that you allow tax cuts on incomes over \$1,000,000 to expire at the end of this year as scheduled.

We make this request as loyal citizens who now or in the past earned an income of \$1,000,000 per year or more.

We have done very well over the last several years. Now, during our nation's moment of need, we are eager to do our fair share. We don't need more tax cuts, and we understand that cutting our taxes will increase the def-

icit and the debt burden carried by other taxpayers. The country needs to meet its fiscal obligations in a just and responsible way.

Letting tax cuts for incomes over \$1,000,000 expire is an important step in this direction.

I ask unanimous consent to have this letter printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DEAR MR. PRESIDENT: we are writing to urge you to stand firm against those who would put politics ahead of their country.

For the fiscal health of our nation and the well-being of our fellow citizens, we ask that you allow tax cuts on incomes over \$1,000,000 to expire at the end of this year as scheduled.

We make this request as loyal citizens who now or in the past earned an income of \$1,000,000 per year or more.

We have done very well over the last several years. Now, during our nation's moment of need, we are eager to do our fair share. We don't need more tax cuts, and we understand that cutting our taxes will increase the deficit and the debt burden carried by other taxpayers. The country needs to meet its financial obligations in a just and responsible way.

Letting tax cuts for incomes over \$1,000,000 expire, is an important step in that direction.

Sincerely,

Cynda Collins Arsenault, Superior, CO; Lawrence B. Benenson, New York, NY; Daniel Berger, Philadelphia, PA; Nancy Blachman, Burlingame, CA; Brady Brim-Deforest, Los Angeles, CA; Robert S. Bowditch, Jr., Brookline, MA; David A. Brown, Berkeley, CA; Mark Buell, San Francisco, CA; Richard Carbone, Williamstown, NJ; Doug Carlston, San Rafael, CA; David Chiang, Las Vegas, NV; Ben Cohen, San Francisco, CA; Bill Collins, Buffalo, NY; Tom Congdon, Denver, CO; Rob Dahle, Salt Lake City, UT; David Desjardins, Burlingame, CA; Doug Edwards, Los Altos, CA; Paul and Joanne Egerman, Boston, MA; Bob Epstein, Berkeley, CA; Ronald Feldman, New York, NY; Jerry Fiddler, Berkeley, CA; Joseph M. Field, Bala Cynwyd, PA; Christopher Findlater, Naples, FL; Charlie Fink, Washington, DC; Eric Fredricksen, Los Gatos, CA; David Friedman, Longmont, CO; Gail Furman, New York, NY; Ron Garret, Ph.D., Emerald Hills, CA; Bill Gawthrop, Yorkville, CA; David Goldschmidt, Princeton, NJ; Joshua Gordon, Las Vegas, NV; Garrett Gruener, Oakland, CA; Doug Gullang, Wayne, IL; Richard Gunther, Los Angeles, CA; Paul Haggis, New York, NY; Nick and Leslie Hanauer, Seattle, WA; Suzanne and Lawrence Hess, San Diego, CA; Arnold Hiatt, Boston, MA; Leo Hindery, Jr., New York, NY; Bill Janeway, New York, NY; Melissa C. Johnsen, Kirkwood, MO; John S. Johnson, New York, NY; Rob Johnson, New York, NY; Wayne Jordan, Oakland, CA; William Jurika, Piedmont, CA; Joel Kanter, Vienna, VA; Joshua Kanter, Sandy, UT; Rochelle Kaplan, Salt Lake City, UT; Ravi Kashyap, Franklin, TN; John Katzman, New York, NY; John Kortenhaus, Plano, TX; David Lazarus, Queenstown, MD; Rob and Diane Lipp, Los Angeles, CA; Art Lipson, Salt Lake City, UT; Eugene Long, Plymouth

Meeting, PA; Michael Marks, Red Bank, NJ; Mario Morino, Rocky River, OH; Win McCormack, Portland, OR; Dennis Mehiel, New York, NY; Herbert Miller, Washington, DC; Vibhu Mittal, Palo Alto, CA; Moby, New York, NY; William J. Moran, New York, NY; Chris Nelson, Barrington, RI; Peter Norvig, Palo Alto, CA; Larry Nusbaum, Phoenix, AZ; Frank Patitucci, Pleasanton, CA; Morris Pearl, New York, NY; Gregory Rae, New York, NY; Bernard Rapoport, Waco, TX; Great Neck Richman, New York, NY; Jonathan Rose, New York, NY; Guy and Jeanine Saperstein, Piedmont, CA; Heike Schmitz, Palo Alto, CA; David Schroeders, Sarasota, FL; Sybil Shainwald, New York, NY; Susan Short, New York, NY; Craig Silverstein, Mountain View, CA; Michael Steinhardt, New York, NY; Sandor and Faye Straus, Lafayette, CA; Sunil Tolani, New York, NY; Phillipe and Katherine S. Villers, Concord, MA; Scott Wallace, Washington, DC; David Walker, Bridgeport, CT; David and Vinitha Watson, Oakland, CA; George Zimmer, Piedmont, CA.

Mrs. BOXER. The letter hits on a key point. If we are serious about deficit reduction, then don't come to the floor and fight for the wealthiest Americans, many of whom say they are doing fine. If we are going to do it, tell us how you are going to pay for it.

No, the rhetoric is: We are hurting the economy when we are helping 99.9 percent of Americans. We are hurting the economy when we talk about fiscal responsibility. We are hurting the economy. We are hurting small business.

Let's be clear. As far as we can tell, not one small business over \$1 million would be impacted. I know my friend in the chair is very concerned about small business because we talked about it and he studied this. He says, if we go up to 1 million, they are covered. So all their rhetoric is nonsense. We couldn't get one vote—not one. They voted not to reduce the deficit. They voted not to help 99.9 percent of the American people because of their deep, deep, deep worry and concern about people who earn over \$1 million a year. They don't care about deficits, and they don't care about most of the people.

I don't know what else to say. That is the vote we had.

They say: We are going to come up with some grand compromise.

Maybe. But I have lived for quite a while, and I can tell my colleagues, whenever I travel, when I go to the airport, if I have a flight but another flight is leaving, I jump on that first plane because you don't know how long you will be stuck.

We have this in our hand, tax cuts for 99.9 percent of the American people, and they say: We will negotiate and come up with something. Maybe they will; maybe they won't. All I know is, the record will reflect they voted no today when they could have helped all those people.

I will close by talking about juxtaposing whom they fight for versus who

needs us to fight for them. I am going to read a couple stories from people in my State. Yesterday, I read about Laura from Long Beach. Today, I am going to read some other stories. I will not use last names. This is PJ from Palm Springs:

My husband suffered a brain injury 2 years ago. He is on permanent disability. I lost my job as a paralegal in January. My benefits end this month. I have no way to pay our medical insurance. I will lose my house. I am trying to find a way to keep from becoming homeless with a disabled husband who is in constant need of medical care and 24/7 personal care. Please extend unemployment insurance.

Adam from Santa Rosa:

I am a 25-year-old lifelong California resident. I graduated from California State University. I found a good job in the science field. I was laid off 2 years later due to the poor economic climate and forced to get unemployment insurance. I have been desperately seeking work but to no avail, and my benefits have run out. I am currently the sole provider for my wife, two children and myself. And despite all of my efforts to find work, no opportunities have presented themselves. I am having trouble sleeping because I am so nervous about what will happen if we are left stranded without any source of income as we do not have much savings, and rent and living is expensive. I fear other citizens are in the same boat. So I am writing on my family's behalf as well as theirs in the hope that some further UI benefits could be made available for those families who are still suffering from unemployment and need the assistance.

Tammie from Los Banos:

My husband worked non-stop for 33 years. In 2009 his job was outsourced to Singapore.

By the way, while we are talking about tax breaks, our side wants to end tax breaks to companies who ship jobs overseas. That side, my Republican friends—and this was a big issue in my campaign—want to keep those breaks going. Listen to Tammie from Los Banos. Her husband worked nonstop for 33 years.

He hasn't had any luck finding a job in California. Since his layoff, we have lost our home. We have sold off almost everything of value we have worked so hard for in our 32 years of marriage. Now he is on extended unemployment and that may be discontinued in December.

Of course, right now it has been discontinued because our friends don't care about it one whit. We tried three, four, five, six, seven times to try and get them to go along with us on continuing this unemployment. By the way, not beyond 99 weeks, up to 99 weeks. We can't get their support.

She writes:

He is on extended unemployment and that may be discontinued in December during the holidays when this country needs to strengthen the economy not destroy it. We will have nowhere to live; I will lose my car that takes me 200 miles per day to my job. Please do not let this happen.

This goes on and on.

The PRESIDING OFFICER. The Senator's time has expired.

Mrs. BOXER. I ask unanimous consent for 2 more minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. Tracie from Fresno:

In July last year I lost my job. I am a single parent of two children. At first I made cuts by not eating out or spending money on things we didn't really need. Then I had to give up my car versus being homeless. Now we take the city bus to school in the morning and back home in the afternoon. I look for work daily. I am a college graduate and have worked for 20 years. I need the unemployment extension to keep a roof over our heads and to feed my children. It is a scary situation to not know if your life will be tossed upside down at the hands of people that do not even know who you are.

Tracie, we know who you are. I am painfully aware of who you are and painfully aware that my colleagues on the other side, who say they care, didn't vote to help Tracie.

Again, if ever there was a time to focus on the differences between the parties, it is now. Whom are we fighting for? Today it is clear. Our Republican friends, to a person—it pains me to say—stopped a tax cut for 99.9 percent of the American people, and they stopped the extension of unemployment benefits for people such as Tracie—good, hard-working, patriotic Americans, many of whose families served in the military.

I hope for better days in this holiday season. We are not going to give up. We are going to stand and fight. We are going to stay here. But today was not a good day for 99.9 percent of the American people. I want them to know why. I hope, in this little time I have had, I have explained it so they do get it.

I yield the floor.

The PRESIDING OFFICER (Mr. FRANKEN). The Senator from Missouri.

Mrs. MCCASKILL. Mr. President, I must compliment both my colleagues, Senator DORGAN and Senator BOXER, for calmly laying out the issue. Frankly, I feel a little bit like I am in the Twilight Zone. I certainly paid attention to the results in November. Anybody who is in this building paid attention to the results in November. Somehow the Republican Party thinks what happened the first Tuesday in November is that the American people wanted them to raise taxes on 99.9 percent of Americans in order to make sure the tiniest little sliver at the top gets a deficit-busting.

China-borrowing, print-more-money tax bonus? I do not think that is what the people were saying.

It is beyond comprehension that these folks have talked about deficit reduction. Oh, "deficit reduction"—how many speeches have we listened to—"our grandchildren." I have listened to Dr. COBURN and I have listened to Senator DEMINT and I have listened to so many Republicans talk about deficit reduction, deficit reduction, deficit reduction, and the tiny little fig leaf

they are hiding behind is the complete fallacy that a small differential in personal tax rates to people on their second million dollars of income is going to create jobs. It is not going to create jobs.

The people who are making more than \$1 million are not going to take a 3-percent personal tax cut differential and create jobs. The job creation occurs with small businesses. It occurs with people in the middle class. It does not occur when someone has another \$100,000 to put in their investment fund or another \$300,000 to put in their investment fund.

I think people need to understand that 53 Senators voted to give a tax cut to everyone—everyone, we do not care how rich you are—because you get a tax cut on your first \$1 million of income. So even if you make \$3 million, you are getting the tax cut. If you make \$5 million, you are getting the tax cut. If you make \$10 million, you are getting the tax cut. You are getting it on the first \$1 million.

So everyone in America was denied a tax cut, by the vote that just occurred, by the minority of the Senate, not the majority. The majority of the Senators who were elected to come here voted to give 99.9 percent of America a tax cut and thinks maybe that other \$300 billion will be saved on that little 0.1 percent of America. That \$300 billion, that would be a good thing to put against the deficit. It would be a great thing to put against the deficit.

So do not take these guys seriously about deficit reduction. Do not take them seriously. It is a joke. Some of these people who voted no just now did not even vote for the Bush tax cuts. Some of the people who just voted no on giving a tax cut to 99.9 percent—in fact, to give a tax cut to everybody in America on their first \$1 million—some of the people who voted no did not even vote for the Bush tax cuts. They knew they were irresponsible at the time. But now they have somehow tried to convince the American people they are looking after them.

As I said yesterday, I tell you who they are looking after. They are looking after the families who are deciding which home to go to for Christmas: Should I go to my home in Florida or my home in California or maybe up in the mountains or should I stay in the city or the people who are deciding: Where should we spend New Year's Eve? Should we go to Paris? Maybe we should go to Rome for New Year's Eve. They are not focused on the folks who are trying to figure out if they can get what their kids want for Christmas.

And 53 votes—if you think about that, there was a time in the Senate that all kinds of things—in fact, my recollection is that is the exact number of votes Clarence Thomas got to join the Supreme Court. Can you imagine in this day and age a controversial Su-

preme Court nominee not having to get 60 votes? Clarence Thomas got the same number of votes as we just cast to make sure everybody in America gets a tax cut on their first \$1 million in income.

I come from a State where elections are very close and, in fact, I remember when I passed my first amendment on the floor of the Senate. The vote was 51 to 49. It seems amazing to me now. That was just a few short years ago that we had votes that were 51 to 49. They were not requiring 60 votes. That was back before motherhood and apple pie needed 60 votes. One of the Senators came over to me after that amendment vote—it was 51 to 49—and they said: Boy—they were teasing me about how close the vote was. I said: Senator, in Missouri we call that a landslide.

This vote we just had—53 votes—in Missouri is a landslide. It is depressing to me that we have gotten to this level of posturing, that they are saying: If you do not give people a tax break on their second million, nobody gets one.

I am going to say it again: If you don't give people a tax break on their second million, nobody gets one.

Really? Are they going to hold on to that position? Deep down in my gut I cannot believe they are going to do that, that they are going to go home and explain to their voters: Yes, well, you don't get a tax cut because this guy I know on Wall Street who makes \$15 million in his bonus this year didn't want to have to pay the same rate he paid in the 1990s when everybody cut a fat hog and did very well. We created millions and millions of jobs in the 1990s with these same tax rates.

It is not like we are going back to the Roosevelt era of taxes. We are not going back to 75 percent of your income going to taxes. We are talking about a 3-percent difference for people who make more than \$1 million.

So I hope this gets through to the American people, and I hope they realize this is not what this election was about. This election was about holding down government spending, and my colleagues and I agree. I have been working on trying to get a cap on Federal spending with Senator SESSIONS for over a year. It is about tightening our belt on spending. But it is also about having a level playing field for the middle class in this country and not making it about the special interests that have jammed this Tax Code with so many provisions.

Most people do not realize that over 70 percent of Americans do not even itemize. So imagine how many tax provisions have been written for the wealthy. We have books and books of tax loopholes for the wealthy. As Warren Buffett has said—he does this great exercise every year in his office, which I think is fascinating. He has everyone who works in his office—from the peo-

ple who clean the boardroom, to the people who park the cars in the parking lot—they calculate all the taxes they pay every year and figure out everything from sales tax, personal property tax, Federal tax, State tax—earnings tax in some localities—they calculate all of it and figure out what their real tax rate is. He said the folks who work for him who have very modest incomes, pay, I think it is 33 percent, 34 percent of their income in taxes, and he pays 16 percent.

Now, what is wrong with this picture? Listen, I have nothing against people who have captured the American dream. My husband is one of them. His first job out of college was in a steel mill. Since then he has taken huge risk as an entrepreneur, huge risk, and he has created thousands of jobs—thousands of jobs—in his lifetime, and he has done very well. We are very blessed. Does he need this tax cut? No. Do we need it? No, we do not. I think the people who are in that tax bracket have a great deal in common with my family, those who are worried about going back to the 1990s tax rate on their second million and their third million and their fourth million.

REQUIRING REPORTS ON THE MANAGEMENT OF ARLINGTON NATIONAL CEMETERY

Mrs. McCASKILL. Mr. President, I also rise today to talk about a subject that is, frankly, as depressing—in fact, more depressing—than the reality we just faced this morning on the floor; that is, the heartbreaking incompetence that has been uncovered at Arlington National Cemetery.

This is, in my opinion, the most sacred ground we have in this country. This is where our highest ideal of an American is laid to rest. The ceremonies that take place every day, day in and day out, at Arlington National Cemetery are a great source of national pride. For the thousands of families who have loved ones buried there, they deserve to know that location is being run with the highest level of integrity and professionalism.

In July of this year, my subcommittee on contracting discovered they have to be bitterly disappointed because due to contracting problems, you cannot be assured that people are buried where Arlington National Cemetery tells you they are buried; that even though we spent millions of dollars on contracts to make sure the system was reliable in terms of the location of the burial of these heroes, the contracts have produced nothing. In fact, the discovery was made that there were many instances where what it said on the tombstone was not true.

We began working and the hearing was mind-boggling because there was so much finger pointing—“not my fault,” “not my fault,” “not my

fault"—discovering there was no real chain of command at Arlington National Cemetery. Unlike the rest of the military and the rest of the Army, it was not clear who the people at Arlington even reported to. That is the management incompetence that breeds all kinds of nonsense, when there is no accountability. And there was no accountability.

So I think the Army has taken this seriously. They clearly are embarrassed, as they should be. They are working to methodically go through the cemetery and make sure they find any instance where there is a discrepancy in terms of the burials. Just a few weeks ago, we learned that they now discovered another grave site where eight urns of cremated remains were located. The tombstone was marked "Unknown."

Now, can you imagine there is actually someone who went back eight times to the same location to dump cremated remains in one grave?

We have been able to identify some of those remains, and those families have been notified and they will have the proper burial. They will know the location. Unfortunately, one of the sets of remains we cannot identify. It has been reburied "Unknown."

But as we methodically go through the cemetery and try to correct these instances of heartbreaking incompetence, we have to have some legislation in place that provides the right accountability and oversight. I had introduced a piece of legislation along with my ranking Republican on the Subcommittee on Contracting Oversight, Senator BROWN of Massachusetts, and we have tried to work this through the process, which everyone around here knows is painfully slow, and even more painfully slow over the last 18 months since the Republican Party has been rewarded for their strategy of block everything, including things they support.

I am encouraged that it is my understanding that after I came to the Senate floor yesterday and said I was going to make a unanimous consent motion, not only have the Democrats all cleared this legislation but the Republicans have also. I think that is a good sign. I wish we had more good signs. But this at least is a good sign.

So, Mr. President, I ask unanimous consent that the Veterans Affairs' Committee be discharged from further consideration of S. 3860 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 3860) to require reports on the management of Arlington National Cemetery.

There being no objection, the Senate proceeded to consider the bill.

Mrs. McCASKILL. Mr. President, I ask unanimous consent that a McCaskill amendment, which is at the desk, be agreed to, the bill, as amended, be read a third time and passed, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements related to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 4734) was agreed to, as follows:

(Purpose: In the nature of a substitute)

Strike all after the enacting clause and insert the following:

SECTION 1. REPORTS ON MANAGEMENT OF ARLINGTON NATIONAL CEMETERY.

(a) **REPORT ON GRAVESITE DISCREPANCIES.**—Not later than one year after the date of the enactment of this Act, the Secretary of the Army shall submit to the committees of Congress specified in subsection (c) a report setting forth an accounting of the gravesites at Arlington National Cemetery, Virginia. The accounting shall—

(1) specify whether gravesite locations at Arlington National Cemetery are correctly identified, labeled, and occupied; and

(2) set forth a plan of action, including the resources required and a proposed schedule, to implement remedial actions to address deficiencies identified pursuant to the accounting.

(b) **GAO REVIEW OF MANAGEMENT AND OVERSIGHT OF CONTRACTS.**—

(1) **IN GENERAL.**—Not later than one year after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the committees of Congress specified in subsection (c) a report on the management and oversight of contracts at Arlington National Cemetery.

(2) **ELEMENTS.**—The report required by paragraph (1) shall include the following:

(A) The number, dollar amount, and duration of current contracts at Arlington National Cemetery over the simplified acquisition threshold.

(B) The number, dollar amount, and duration of current contracts for automation of burial operations at Arlington National Cemetery, including contracts relating to the Total Cemetery Management System (TCMS), the Geographic Information System (GIS), the Interment Scheduling System (ISS), the Interment Management System (IMS), and new or modified versions of the Burial Operations Support System (BOSS) of the Department of Veterans Affairs.

(C) An assessment of the management and oversight by the Executive Director of the Army National Cemeteries Program of the contracts covered by subparagraphs (A) and (B), including the use of and actions taken for that purpose by the Corps of Engineers and the National Capital Region Contracting Center of the Army Contracting Command.

(D) An assessment of the actions taken by the Executive Director of the Army National Cemeteries Program in response to the findings and recommendations of the Inspector General of the Army in the report entitled "Report of Investigation and Special Inspection of Arlington National Cemetery Final Report (Case 10-04)", dated June 9, 2010.

(E) An assessment of the implementation of the following:

(i) Army Directive 2010-04 on Enhancing the Operations and Oversight of the Army National Cemeteries Program, dated June 10, 2010, including, without limitation, an eval-

uation of the sufficiency of all contract management and oversight procedures, current and planned information and technology systems, applications, and contracts, current organizational structure and manpower, and compliance with and execution of all plans, reviews, studies, evaluations, and requirements specified in the Army Directive.

(ii) The recommendations and actions proposed by the Army National Cemeteries Advisory Commission with respect to Arlington National Cemetery.

(F) An assessment of the adequacy of current practices at Arlington National Cemetery to provide information, outreach, and support to families of individuals buried at Arlington National Cemetery regarding procedures to detect and correct current errors in burials at Arlington National Cemetery.

(G) An assessment of the feasibility and advisability of transferring jurisdiction of Arlington National Cemetery and the United States Soldiers' and Airmen's Home National Cemetery to the Department of Veterans Affairs, and an assessment of the feasibility and advisability of the sharing of jurisdiction of such facilities between the Department of Defense and the Department of Veterans Affairs.

(3) **SIMPLIFIED ACQUISITION THRESHOLD DEFINED.**—In this subsection, the term "simplified acquisition threshold" has the meaning provided that term in section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403).

(c) **SPECIFIED COMMITTEES OF CONGRESS.**—The committees of Congress specified in this subsection are—

(1) the Committee on Armed Services, the Committee on Homeland Security and Governmental Affairs, and the Committee on Veterans' Affairs of the Senate; and

(2) the Committee on Armed Services, the Committee on Oversight and Government Reform, and the Committee on Veterans' Affairs of the House of Representatives.

(d) **REPORTS ON IMPLEMENTATION OF ARMY DIRECTIVE ON ARMY NATIONAL CEMETERIES PROGRAM.**—

(1) **IN GENERAL.**—The Secretary of the Army shall submit to the appropriate committees of Congress reports on execution of and compliance with Army Directive 2010-04 on Enhancing the Operations and Oversight of the Army National Cemeteries Program, dated June 10, 2010. Each such report shall include, for the preceding 270 days or year (as applicable), a description and assessment of the following:

(A) Execution of and compliance with every section of the Army Directive for Arlington National Cemetery, including, without limitation, an evaluation of the sufficiency of all contract management and oversight procedures, current and planned information and technology systems, applications, and contracts, current organizational structure and manpower, and compliance with and execution of all plans, reviews, studies, evaluations, and requirements specified in the Army Directive.

(B) The adequacy of current practices at Arlington National Cemetery to provide information, outreach, and support to families of those individuals buried at Arlington National Cemetery regarding procedures to detect and correct current errors in burials at Arlington National Cemetery.

(2) **PERIOD AND FREQUENCY OF SUBMITTAL.**—A report required by paragraph (1) shall be submitted not later than 270 days after the date of the enactment of this Act, and every year thereafter for the next 2 years.

The bill (S. 3860), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

Mrs. MCCASKILL. Mr. President, I am proud we have been able to get this passed today. This is a giant Christmas present with a bow on it or a Hanukkah gift with a bow on it to thousands of American families, to let them know we are paying attention. We have very short attention spans around here. When the cameras aren't rolling, we have a tendency to move on to something else. We are always kind of gravitating toward the political fight.

This legislation should send the appropriate signal to our Nation's military, to our Nation's veterans and, most importantly, to the families who have loved ones buried at Arlington National Cemetery that we are paying attention and that we are going to continue to pay attention until we get this right. Our American pride depends on it. It is the ultimate act of patriotism. So I am proud of the fact that we have been able to get this legislation passed today.

I yield the floor.

ADDITIONAL STATEMENTS

PRONUNCIATION OF "ARKANSAS"

• Mr. PRYOR. Mr. President, today I wish to share an interesting piece of Arkansas history with my colleagues and the American people. Over the last few centuries, the origin and pronunciation of "Arkansas" has been shrouded in a bit of mystery, with many mispronunciations. So to correct any future mistakes before they are made, I submit the following resolution on the proper pronunciation of "Arkansas." After a study by the Arkansas Historical Society and the Eclectic Society of Little Rock, the resolution was introduced and passed by the Arkansas General Assembly in 1881. The resolution was included in an article edited by Margaret Ross that ran in the *Arkansas Gazette* on December 4, 1960, and reads as follows:

Whereas, Confusion of practice has arisen in the pronunciation of the name of our State; and it is deemed important that the true pronunciation should be determined for use in oral official proceedings.

And Whereas, The matter has been thoroughly investigated by the State Historical Society, and the Eclectic Society of Little Rock, which have agreed upon the correct pronunciation, as derived from history, and the early usage of the American immigrants.

Be it therefore resolved by both houses of the General Assembly, That the only true pronunciation of the name of the State, in the opinion of this body, is that received by the French from the native Indians, and committed to writing in the French word representing the sound; and that it should be pronounced in three syllables with the final 's' silent, the 'a' in each syllable with the Italian sound, and the accent on the first and

last syllables—being the pronunciation formerly, universally, and now still most commonly used; and that the pronunciation with the accent on the second syllable with the sound of 'a' in 'man', and the sounding of the terminal 's', is an innovation to be discouraged.

Mr. President, I hope my colleagues have found this small piece of Arkansas history as enlightening as I did, and I would hope that any future mispronunciations of "Arkansas" be "an innovation to be discouraged."•

MESSAGE FROM THE HOUSE RECEIVED DURING ADJOURNMENT

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

Under authority of the order of the Senate of January 5, 2009, the Secretary of the Senate, on December 3, 2010, during the adjournment of the Senate, received a message from the House of Representatives announcing that the Speaker has signed the following enrolled bills and joint resolution:

S. 2847. An act to regulate the volume of audio on commercials.

S. 3307. An act to reauthorize child nutrition programs, and for other purposes.

H.R. 5758. An act to designate the facility of the United States Postal Service located at 2 Government Center in Fall River, Massachusetts, as the "Sergeant Robert Barrett Post Office Building".

H.R. 6118. An act to designate the facility of the United States Postal Service located at 2 Massachusetts Avenue, NE, in Washington, D.C., as the "Dorothy I. Height Post Office".

H.R. 6237. An act to designate the facility of the United States Postal Service located at 1351 2nd Street in Napa, California, as the "Tom Kongsgaard Post Office Building".

H.R. 6387. An act to designate the facility of the United States Postal Service located at 337 West Clark Street in Eureka, California, as the "Sam Sacco Post Office Building".

H.J. Res. 101. Joint resolution making further continuing appropriations for fiscal year 2011, and for other purposes.

Under authority of the order of the Senate of December 3, 2010, the enrolled bills and joint resolution were signed on December 3, 2010, during the adjournment of the Senate, by the Acting President pro tempore (Mr. REID).

MESSAGE FROM THE HOUSE

ENROLLED BILL SIGNED

The PRESIDENT pro tempore (Mr. INOUE) reported that he had signed the following enrolled bill, which was previously signed by the Speaker of the House:

S. 3307. An act to reauthorize child nutrition programs, and for other purposes.

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

S. 4006. A bill to provide for the use of unobligated discretionary stimulus dollars to address AIDS Drug Assistance Program waiting lists and other cost containment measures impacting State ADAP programs.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on December 3, 2010, she had presented to the President of the United States the following enrolled bill:

S. 2847. An act to regulate the volume of audio on commercials.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mrs. HUTCHISON (for herself and Mr. CORNYN):

S. 4009. A bill to provide an alternate distribution of education jobs funds for Texas; to the Committee on Health, Education, Labor, and Pensions.

ADDITIONAL COSPONSORS

S. 3981

At the request of Mr. BAUCUS, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 3981, a bill to provide for a temporary extension of unemployment insurance provisions.

AMENDMENTS SUBMITTED AND PROPOSED

SA 4734. Mrs. MCCASKILL (for herself, Mr. BROWN of Massachusetts, and Mr. COONS) proposed an amendment to the bill S. 3860, to require reports on the management of Arlington National Cemetery.

TEXT OF AMENDMENTS

SA 4734. Mrs. MCCASKILL (for herself, Mr. BROWN of Massachusetts, and Mr. COONS) proposed an amendment to the bill S. 3860, to require reports on the management of Arlington National Cemetery; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. REPORTS ON MANAGEMENT OF AR- LINGTON NATIONAL CEMETERY.

(a) REPORT ON GRAVESITE DISCREPANCIES.—Not later than one year after the date of the enactment of this Act, the Secretary of the Army shall submit to the committees of Congress specified in subsection (c) a report setting forth an accounting of the gravesites at Arlington National Cemetery, Virginia. The accounting shall—

(1) specify whether gravesite locations at Arlington National Cemetery are correctly identified, labeled, and occupied; and

(2) set forth a plan of action, including the resources required and a proposed schedule, to implement remedial actions to address deficiencies identified pursuant to the accounting.

(b) GAO REVIEW OF MANAGEMENT AND OVERSIGHT OF CONTRACTS.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the committees of Congress specified in subsection (c) a report on the management and oversight of contracts at Arlington National Cemetery.

(2) ELEMENTS.—The report required by paragraph (1) shall include the following:

(A) The number, dollar amount, and duration of current contracts at Arlington National Cemetery over the simplified acquisition threshold.

(B) The number, dollar amount, and duration of current contracts for automation of burial operations at Arlington National Cemetery, including contracts relating to the Total Cemetery Management System (TCMS), the Geographic Information System (GIS), the Interment Scheduling System (ISS), the Interment Management System (IMS), and new or modified versions of the Burial Operations Support System (BOSS) of the Department of Veterans Affairs.

(C) An assessment of the management and oversight by the Executive Director of the Army National Cemeteries Program of the contracts covered by subparagraphs (A) and (B), including the use of and actions taken for that purpose by the Corps of Engineers and the National Capital Region Contracting Center of the Army Contracting Command.

(D) An assessment of the actions taken by the Executive Director of the Army National Cemeteries Program in response to the findings and recommendations of the Inspector General of the Army in the report entitled "Report of Investigation and Special Inspection of Arlington National Cemetery Final Report (Case 10-04)", dated June 9, 2010.

(E) An assessment of the implementation of the following:

(i) Army Directive 2010-04 on Enhancing the Operations and Oversight of the Army National Cemeteries Program, dated June 10, 2010, including, without limitation, an evaluation of the sufficiency of all contract management and oversight procedures, current and planned information and technology systems, applications, and contracts, current organizational structure and manpower, and compliance with and execution of all plans, reviews, studies, evaluations, and requirements specified in the Army Directive.

(ii) The recommendations and actions proposed by the Army National Cemeteries Advisory Commission with respect to Arlington National Cemetery.

(F) An assessment of the adequacy of current practices at Arlington National Cemetery to provide information, outreach, and support to families of individuals buried at Arlington National Cemetery regarding procedures to detect and correct current errors in burials at Arlington National Cemetery.

(G) An assessment of the feasibility and advisability of transferring jurisdiction of Arlington National Cemetery and the United States Soldiers' and Airmen's Home National Cemetery to the Department of Veterans Affairs, and an assessment of the feasibility and advisability of the sharing of ju-

risdiction of such facilities between the Department of Defense and the Department of Veterans Affairs.

(3) SIMPLIFIED ACQUISITION THRESHOLD DEFINED.—In this subsection, the term "simplified acquisition threshold" has the meaning provided that term in section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403).

(c) SPECIFIED COMMITTEES OF CONGRESS.—The committees of Congress specified in this subsection are—

(1) the Committee on Armed Services, the Committee on Homeland Security and Governmental Affairs, and the Committee on Veterans' Affairs of the Senate; and

(2) the Committee on Armed Services, the Committee on Oversight and Government Reform, and the Committee on Veterans' Affairs of the House of Representatives.

(d) REPORTS ON IMPLEMENTATION OF ARMY DIRECTIVE ON ARMY NATIONAL CEMETERIES PROGRAM.—

(1) IN GENERAL.—The Secretary of the Army shall submit to the appropriate committees of Congress reports on execution of and compliance with Army Directive 2010-04 on Enhancing the Operations and Oversight of the Army National Cemeteries Program, dated June 10, 2010. Each such report shall include, for the preceding 270 days or year (as applicable), a description and assessment of the following:

(A) Execution of and compliance with every section of the Army Directive for Arlington National Cemetery, including, without limitation, an evaluation of the sufficiency of all contract management and oversight procedures, current and planned information and technology systems, applications, and contracts, current organizational structure and manpower, and compliance with and execution of all plans, reviews, studies, evaluations, and requirements specified in the Army Directive.

(B) The adequacy of current practices at Arlington National Cemetery to provide information, outreach, and support to families of those individuals buried at Arlington National Cemetery regarding procedures to detect and correct current errors in burials at Arlington National Cemetery.

(2) PERIOD AND FREQUENCY OF SUBMITTAL.—A report required by paragraph (1) shall be submitted not later than 270 days after the date of the enactment of this Act, and every year thereafter for the next 2 years.

IMPROVING CERTAIN ADMINISTRATIVE OPERATIONS OF THE OFFICE OF THE ARCHITECT OF THE CAPITOL

Mrs. MCCASKILL. Mr. President, I ask unanimous consent that the Rules Committee be discharged from further consideration of H.R. 6399 and that the Senate then proceed to its consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bill by title. The assistant legislative clerk read as follows:

A bill (H.R. 6399) to improve certain administrative operations of the Office of the Architect of the Capitol, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mrs. MCCASKILL. Mr. President, I ask unanimous consent that the bill be read three times, passed, and the motions to reconsider be laid upon the table; further, that any statements relating thereto be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 6399) was ordered to be read a third time, was read the third time, and passed.

ORDERS FOR MONDAY, DECEMBER 6, 2010

Mrs. MCCASKILL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 2 p.m. on Monday, December 6; that following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and that following any leader remarks, the Senate proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mrs. MCCASKILL. Mr. President, there will be no rollcall votes during Monday's session of the Senate. Senators should expect a live quorum at 10 a.m. on Tuesday, December 7, to begin the impeachment trial of Judge G. Thomas Porteous.

ADJOURNMENT UNTIL MONDAY, DECEMBER 6, 2010, at 2 P.M.

Mrs. MCCASKILL. If there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order.

There being no objection, the Senate, at 12:18 p.m., adjourned until Monday, December 6, 2010, at 2 p.m.

SENATE—Monday, December 6, 2010

The Senate met at 2 p.m. and was called to order by the Honorable MARK R. WARNER, a Senator from the Commonwealth of Virginia.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal Lord God, the giver of every good and perfect gift, bring the hearts and minds of our lawmakers into harmony with Your will so they can be assured that their lives are fulfilling Your high purposes. Lord, give them the incentives they need, the trust that is essential, and the joy that is possible as they face the duties and opportunities that lie before them. Give our Senators such grace that they will be faithful in their tasks this day and every day. Increase their hunger and thirst for righteousness and feed them with the bread of Heaven.

We pray in Your loving Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable MARK R. WARNER led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUE).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, December 6, 2010.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable MARK R. WARNER, a Senator from the Commonwealth of Virginia, to perform the duties of the Chair.

DANIEL K. INOUE,
President pro tempore.

Mr. WARNER thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, following leader remarks, if any, there will be a

period of morning business, with Senators permitted to speak for up to 10 minutes each. There will be no rollover votes during today's session.

Senators are encouraged to be on the floor at 10 a.m. tomorrow for a mandatory live quorum to commence the impeachment trial for Judge G. Thomas Porteous.

AMBITIOUS AGENDA

Mr. REID. Mr. President, as far as lameduck sessions of the Senate go, our agenda is rather ambitious, and the session itself is relatively long. It did not have to be this way. We have tried many times this Congress to tackle each of the priorities on our agenda. Each time we have tried, the minority has tried to shut down the Senate. Republicans ground the Senate to a halt and forced endless hours of inactivity. That is why we were here voting on Sunday—on Saturday; I am sorry. Thank goodness it was not on Sunday. That is why we will still be here another few weeks.

We have a long to-do list. But these priorities are not mere leftovers. They are critical to our economy and our national security, to our families and our country's future, and we will resolve them before we adjourn.

We have to give first responders—our communities' firefighters, police officers, and emergency medical personnel—the same job protections that other workers enjoy.

We need to give seniors and disabled veterans some relief, which will also benefit our economy as a whole. The cost-of-living adjustment for Social Security recipients is a question of both fairness and economics.

We will again fight for the DREAM Act. When it passes, millions of children who grew up as Americans will be able to get the education they need to contribute to our economy. Many who have volunteered to defend our country will no longer have to fear being deported.

We will give the heroes of 9/11 long overdue help. Thousands of first responders who rushed to Ground Zero on 9/11 got terribly sick from the toxins that were present. Everyone should agree they should not have to wait any longer than they already have for the health care and compensation they deserve.

We will protect middle-class families from a tax hike.

We will ratify the bipartisan START treaty to make America safer.

We have to confirm the enormous backlog of qualified nominees to the

bench and other important positions. For example, there are more than 30 judicial nominees ready to come to a vote. Most were voted out of the Judiciary Committee without a single vote against them. They have been waiting for a long time to fill these important seats and serve their country. It is time we let them.

We are also going to repeal the discriminatory don't ask, don't tell rule. We are going to match our policy with our principles and finally say that in America everyone who steps up to serve our country should be welcomed.

Republicans know they do not have the votes to take this repeal out of the Defense authorization bill, so they are holding up the whole bill. But when they refuse to debate it, they also hold up a well-deserved raise for our troops, better health care for our troops and their families, equipment such as MRAP vehicles that keep our troops safe, and other critical wartime efforts in Afghanistan and counterterrorism efforts around the world.

Obstruction has consequences. None of the issues on this long list is new. Neither is the minority's effort to keep the Senate from working and keeping Senators from doing our jobs.

It is time to roll up our sleeves—not dig in our heels. My hope for the final weeks of this year is that Republicans finally will realize we all have much more to gain by working together than working against each other.

Mr. President, would the Chair announce morning business.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period of morning business, with Senators permitted to speak for up to 10 minutes each.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WARNER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BEGICH). Without objection, it is so ordered.

FISCAL RESPONSIBILITY

Mr. WARNER. Mr. President, just 3 days ago, a bipartisan majority of the members of the National Commission on Fiscal Responsibility and Reform endorsed a package of proposals to reposition our Nation on a more responsible fiscal course.

I wish to commend my good friend, the Senator from Illinois, who was a member of that Commission and took what I thought was an extraordinarily courageous vote on a package of proposals. Honestly, I know he didn't agree with every one of them, but he did understand how serious this issue is. I thank him and all my other colleagues from both sides of the aisle, along with the economists and policymakers and others who invested the time and effort and courageously grappled with these difficult choices.

On Friday, 11 of the 18 members of the Commission voted to support a tough, bipartisan prescription for fiscal health. I regret that the 11 "yes" votes fell short of the 14 votes required to forward this plan to Congress for our consideration.

In the hours leading up to Friday's vote, I was proud to work with 13 of my Senate colleagues, including the Presiding Officer, to draft a joint letter to the White House and to the bipartisan congressional leadership.

This letter, signed by 14 Senators and distributed before the Commission's final vote on Friday, requested that the panel's recommendation come to Congress for our consideration regardless of the outcome of the Commission's final vote.

Mr. President, I ask unanimous consent to have a copy of this joint letter printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,

Washington, DC, December 3, 2010.

President BARACK OBAMA,
The White House,
Washington, DC.
Speaker NANCY PELOSI,
Office of the Speaker,
Washington, DC.
Majority Leader HARRY REID,
Washington, DC.
Minority Leader JOHN BOEHNER,
Washington, DC.
Minority Leader MITCH MCCONNELL,
Washington, DC.

Our growing national debt poses a dire threat to this nation's future. Ever since the economic downturn, Americans have had to make tough choices about how to make ends meet. Now it's time for leaders in Washington to do the same.

The report issued Wednesday by the National Commission on Fiscal Responsibility and Reform is a courageous first step in tackling our national debt. The report shows in stark terms that solving the debt problem will require difficult choices. There is no easy way out, and Washington must lead the way. The strong bipartisan support its recommendations have already received demonstrates we can, and must, come together

to solve this impending fiscal crisis. Every day that we fail to act the choices become more difficult.

We believe that now is the time to act. The situations in Ireland and Greece demonstrate that rising debt levels, left unchecked, can quickly and unpredictably force a country to take drastic austerity measures. If we don't choose to act now, we will be forced to act later with fewer and more painful options available to us.

While there are plenty of provisions in the Commission plan we do not support, our nation would be far better off with a comprehensive deficit reduction plan than without one. The report shows that we can stabilize our debt over the long term, while fostering our economic recovery now, improving our country's global competitiveness, and maintaining our commitment to protect the most vulnerable in our society. Specifically, we commend the Commission's efforts to:

Protect our economic recovery by gradually phasing in deficit reduction and still allowing for critical investments;

Fundamentally reform and simplify the tax code in a way that lowers rates for all taxpayers, increases progressivity, and improves the ability of businesses to compete in the global marketplace;

Ensure that Social Security will be there to support seniors for at least 75 more years, while adding a new minimum benefit and further support for our oldest seniors and long-term disabled;

Preserve and better target tax benefits that support home ownership and charitable giving; and,

Further control the costs of health care.

Prompt action is needed to bring the country's deficit into balance and stabilize our debt over the long term. Regardless of whether the Commission's report receives the support of at least 14 of its 18 members, we urge legislative action to address these problems. The American people deserve—and demand—that we pull together to avert this looming crisis. Your leadership on this issue will be crucial to our success.

Sincerely,

Mark R. Warner, Claire McCaskill, Mark Begich, Thomas R. Carper, Jon Tester, Jeanne Shaheen, Joseph I. Lieberman, Mark Udall, Michael F. Bennet, Dianne Feinstein, Mary L. Landrieu, Amy Klobuchar, Kay R. Hagan, Evan Bayh.

Mr. WARNER. Mr. President, I have a reason for coming to the floor and drawing attention to our letter and this issue again.

The seriousness of our Nation's fiscal challenges—the compelling need to address these issues in a responsible and bipartisan way—did not suddenly dissipate or magically disappear over the course of the weekend that just ended.

In fact, since the Commission's final meeting ended on Friday afternoon, the national debt—the running tally of what the U.S. Government owes—has increased by an estimated \$15 billion. Our total national debt is a staggering \$13.8 trillion. I will repeat that. Our national debt is approaching \$14 trillion.

Every day you can listen to a lot of talk from people in this town about deficit reduction. But as I said, when the Commission first unveiled its proposals 1 week ago, while I would have made some different choices, we were

being presented with a unique opportunity to finally get real about the deficits and debt.

Actually, when the Commission came out, I was a little more blunt than that. I said that after all the campaign rhetoric about deficit reduction, the time had come to put up or shut up. I believe this Commission earned credibility by describing our fiscal challenges in stark and honest terms. They deserve our respect for crafting a clear roadmap to help steer our Nation back to a more responsible fiscal path.

The Commission's leaders and its members made difficult decisions, and they didn't shy away from examining expenditures and revenues.

They concluded, correctly, that our Nation's fiscal challenges are too serious, and the fiscal hole we have dug ourselves into is too deep to be solved by simply looking at only one side of the ledger. To say we can tax our way out of this or cut spending alone will not get us there.

To be sure, there is something for everyone to dislike in these recommendations, but that is simply a reflection of how large the problem is.

Whether you look at this report and are concerned about the viability of Social Security or tax rates, levels of Defense spending or any other specific government program or service, failing to act makes those choices and decisions even tougher with every day that goes by.

The fiscal commission came forward with a framework for improving our country's global economic competitiveness while still maintaining our shared commitment to protect our most vulnerable citizens. One of the things that got lost in the headlines was that while this took a positive step toward deficit reduction, this Commission did two other things we talk about. One is that they would lower business tax rates and also dramatically simplify the individual Tax Code and get rid of a lot of clutter.

This Commission also deserves enormous credit for recognizing that the hard work of getting our Nation's fiscal house in order is also an urgent matter of national security because it is clear America cannot be a leader in the world, projecting strength and promoting democracy, if we are weakened at home by our deficits and debt.

Ever since this economic downturn began, individual Americans and their families have been required to make tough choices of their own about how to make ends meet. It is time we did the same here in Washington.

Many of you know I came to public service after a relatively successful career in business. In the business world, investors and shareholders have a reasonable expectation that at the end of each fiscal year, we would end up balancing our company's books. Similar to the Presiding Officer, who was a

mayor of a great city, I had the honor of serving as the Governor of Virginia, where there was a 2-to-1 Republican legislature. We worked in a bipartisan way to make the tough choices required to balance our State's budget during tough economic times. Proudly, Virginia has been named as the best-managed State and the best State for business.

I have only been in this body, as has the Presiding Officer, for about 2 years. One thing I have already learned is that if Washington can find an excuse to punt on a difficult decision, it almost always will.

Most days, it is easier to retreat to our partisan corners and default to the political gamesmanship you see every day on cable TV.

As the current economic upheaval in Europe so clearly demonstrates, we cannot simply ignore this challenge because it is inconvenient or because the choices are too tough. Maybe 20 years ago our country had the luxury of having the rest of the world have to wait until we got our act together before they could move forward. But anybody who surveys the other economies around the world realizes China, India, and even Brazil are not waiting for us to get our financial house in order or get our act together.

Now is the time to make these tough choices—not when the bond markets lose their patience and confidence in our long-term economic viability, which is what recently happened in Greece and now Ireland and who knows who is next.

The fact is that if interest rates were not at historic lows today, we would already be in a world of hurt at this point. As it is, if we don't take action soon to stabilize our debt, we could be spending upward of \$1 trillion a year just on debt service by 2020. Think about how many taxes would have to be raised and programs that would have to be cut just to meet basic debt service.

So now it is time for us to agree that we will not allow the perfect to be the enemy of the good. Our own political discomfort should not be used as an excuse to delay holding an honest and long overdue discussion about the complicated fiscal choices confronting us today. Every day, every week, every month that we put off that discussion, our options become more limited and the choices become tougher.

Resolving America's fiscal problems must be one of our top priorities. Yes, it will require difficult decisions. There is no easy fix or easy way out. But those of us who were hired by folks across the country should expect nothing less.

I appreciate the chance to address this issue. Again, I compliment my good friend, the Senator from Illinois, for his courage and leadership on this issue and for his vote on what I know

had to be a very difficult decision. He and some other Members on the other side said that even though this was not a perfect plan, it was more important to bring this discussion forward. I compliment them on their action, and I thank the Presiding Officer for joining me and a number of other colleagues. We will be back to continue to bring this issue before our fellow colleagues and the people of the country.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. DURBIN. Mr. President, I thank my colleague from Virginia—originally from Illinois—for those kind words. It was not an easy vote to vote in favor of the deficit commission report, but I felt it was the right vote.

To explain my vote, 40 cents out of every \$1 we spend, whether it is for a new missile system at the Pentagon or food stamps for the poorest among us—40 cents out of every \$1 is borrowed. We primarily borrow it from countries such as China and the OPEC nations.

The fact that we are indebted to them for generations to come will not allow those of us on the progressive side to see a more fair and just America. We are an America that is mortgaged, and those who hold our mortgage have power over us economically and politically. That is why I voted for this.

There are parts of this report I don't like at all. One of the things it does that I commend to my colleagues is something I have never seen in the time I have served in the House and Senate. It takes a look at the Tax Code, tax expenditures. The Senator talked about the day coming soon when we will spend \$1 trillion a year on interest on the debt. Each year, now we spend or through taxes forgive \$1.1 trillion. That is money that doesn't go into the Treasury that otherwise would. It doesn't go in because it is a deduction, a credit, an exclusion or a tax earmark. So \$1.1 trillion a year through the Tax Code is added to our debt.

You have to ask yourself: What are those provisions? Some of them are very important and some are controversial. The No. 1 tax deduction in America is for health insurance. We have it as Members of Congress, and everybody wants that. If we are going to continue this deduction, we need to ask hard questions: Do we go too far? Are there things we can reasonably do to contain the growth in that particular deduction? How about the mortgage deduction? Currently, mortgage interest can be deducted from your income tax. I use it. Most people do who itemize, but 70 percent of Americans don't itemize. In other words, they don't get the advantage of any of these because they do a simple form and take a standard deduction. For 70 percent of Americans, even the mort-

gage interest deduction has no value to them.

We currently put a limit on the value of a home, where you can apply a mortgage interest deduction of \$1 million. Is that the right number? Should that be lowered today? Should we focus more on working families? How about the charitable deduction? Should we take adjusted gross income—one idea of the Commission was that any charitable deduction over 2 percent of adjusted gross income would be deductible, but the first 2 percent would not be. You will hear from churches, charities, and universities saying we should not do this because they want people to give more. Each of these ideas carries controversy with it.

If you eliminated all the deductions, credits, exclusions in the Tax Code, basically closed it up and set it aside, you could dedicate each year almost \$200 billion to deficit reduction, and with the remainder of \$900 billion reduce tax rates across the board in our economy. The lowest tax rate would go from 15 percent to 9 percent.

The next tax rate—I am trying to remember—would go from about 24 percent to 16 percent. The top tax rate in America would go from 36 percent down to 26 percent. So you say to Americans: Do you want to deduct your mortgage interest costs—because it is a value to you and your family—and measure that against a reduction in your Federal income tax rate of one-third? Under which scenario do you come out ahead?

Those tax deductions—tax expenditures, as they call them, the \$1.1 trillion a year—are greater than either all the personal income taxes collected in America—in other words, all the personal income taxes we pay in go in to cover the tax deductions—or greater than the discretionary spending side of the budget, defense and nondefense. It is huge. In 28 years, we have never opened that door and looked inside. We have to now. Deficit reform should include tax reform.

I brought this up to our friend and colleague, MAX BAUCUS, chairman of the Finance Committee. He agrees. I think we ought to pursue this. We had a bipartisan group saying: Let's get into this. Let's make this part of the conversation. It isn't just entitlement programs, such as Medicare and Social Security, and it isn't just spending—both domestic and defense spending—it is also tax expenditures. Put it all together. I think we have an honest conversation.

Yes, there will be honest sacrifice for all of us, and I thank the Senator from Virginia for raising this whole issue. As we discuss more tax cuts for America, we are proposing making the deficit hole deeper. Each of these tax cuts takes money out of the Treasury. I would argue we should not hit the deficit brake on tax cuts for working families in the middle of a recession. They

need spending power to get through. Give them a helping hand now until the recession is behind us. But how can we rationalize tax cuts for the most wealthy Americans when we are facing this kind of deficit? We should be more sensible. We should be able to make these judgments.

Last Saturday, we had a vote which suggested we have no support on the other side of the aisle for restraining tax cuts. They want them all. While they give their speeches about deficits, they turn around then and vote for tax cuts, which make the deficits worse. So that is the dilemma we face.

The last point I will make: The good news is that of the 18 members of the deficit commission, there were some 12 elected officials, and 6 of us—3 Democrats and 3 Republicans—voted for the Commission's report. It was good. It was a breakthrough. It might have been historic.

I would thank the Senator from Virginia for his remarks and his concerns about this issue. He has been working on this with Senator CONRAD and others for a long time, as has Senator BEGICH, and I thank him for that.

Mr. WARNER. Mr. President, will the Senator from Illinois yield for a question?

Mr. DURBIN. I would be happy to yield.

Mr. WARNER. I thank the Senator from Illinois for laying out the facts, but there is one additional fact—again, vis-a-vis the Bush tax cuts—that I think has been absent from some of this debate.

The efforts of the Senator from Illinois—Herculean as it was—to try to get 11 out of 18 votes, and all the painful choices the Senator made in terms of spending cuts, raising revenues, opening, as I think the Senator appropriately said, the whole question of tax expenditures, if my memory is correct, over the next decade-plus, the commission's plan—as dramatic as it was and as controversial as it was—basically took out about \$4 trillion.

Mr. DURBIN. Four trillion; that is right.

Mr. WARNER. If we were to make permanent—as some on the other side of the aisle have stated—all the Bush tax cuts, that adds another \$4 trillion to our deficit; is that not correct?

Mr. DURBIN. The Senator from Virginia is exactly right. The point I am trying to make is—and he made it so well—that 10 months' work to find \$4 trillion that we could reduce from the deficit would be wiped out by the insistence on the other side of continuing these Bush tax cuts indefinitely.

I argued, and continue to argue, do what we have to do now to get out of this recession, but as soon as we see a positive, solid footing for this economy, let's start stepping forward and be very serious about this deficit reduction. I think the Commission gives us a roadmap.

I thank the Senator from Virginia.

DON'T ASK, DON'T TELL

Mr. DURBIN. Mr. President, I noted last week that President Obama took a surprise trip to Afghanistan and visited with our troops, and it was heartwarming to see the reception our Commander in Chief received in Afghanistan. I looked out at that large crowd of young men and women in uniform who have volunteered—volunteered—to serve our Nation and risk their lives and saw how happy they were that the President acknowledged they were there and what they were doing. I am glad he did it. I am sure it was no fun flying all night, but it is certainly no fun to be under enemy fire, as these young men and women are almost every day. Those of us here in the comfort and security of the Senate Chamber or in our homes in America should never forget the sacrifice of these individuals.

I also read over the weekend we have now lost over 1,400 in Afghanistan. I pour through the names each day and, I guess understandably, look first for someone from Illinois. Recently, we have had several. I have attended two funerals in the last 2 or 3 weeks of a soldier and a marine who died in Afghanistan from my home State of Illinois. It is heartbreaking to meet the young wives carrying babies, the moms and dads, and share their grief as they stand by their fallen heroes and acknowledge that they have carried on a great tradition in America of being willing to volunteer to protect our freedoms. But they paid the ultimate price. The lives of those families will never ever be the same because of that loss.

Many of us, on both sides of the aisle—Democrats and Republicans—go out for unannounced tours to the hospitals in the Washington, DC, area, particularly Walter Reed. We see these incoming soldiers who are about to become veterans who have been injured in battle and face many grievous injuries. They come home to get the very best in medical care so they can return, as much as possible, to a normal life on the civilian side as veterans, having given so much to this country.

The first person I ever visited at Walter Reed was after the invasion of Iraq. He was a young guardsman who had lost his left leg below the knee. It was amazing to me, as I talked to him, thinking how his life would be changed now, when he said the one thing he couldn't wait to do was to get his prosthetic leg and go through rehab so he could return to his unit in Iraq. What a great comment that is on the training and dedication of the men and women who serve us.

I wish to comment this afternoon and talk about one aspect of that being discussed here in Washington and try to

add some perspective to it. I remember the early days of the war in Iraq. They were controversial. As our young men and women went into harm's way in an effort to displace Saddam Hussein and bring some order and civility to that country, great sacrifices were made.

In 1990, a young man named Eric Alva joined the Marines at the age of 19. Thirteen years later, at 32 years of age, he was serving in Basra on the first day of the war in Iraq on March 21, 2003. This young marine—Eric Alva—went into the invasion of Basra and stepped on a landmine. He became the first U.S. casualty of the war in Iraq. As a result of that occurrence, his right arm and left leg sustained permanent damage and his right leg was simply gone.

He was saved and sent to hospitals in Landstuhl, Germany, then here in the United States, where they did everything humanly possible to repair his broken body—the broken body of this young marine who was the first casualty of the war in Iraq.

As he lay in that hospital going through countless surgeries to restore his life, he was visited by Defense Secretary Donald Rumsfeld and then by First Lady Laura Bush and President George Bush, who personally awarded him a Purple Heart. It was the least this country could do to acknowledge his courage and heroism and being in the first wave of marines who went into Iraq and who paid such a heavy price.

Eric Alva tried to put his life together after that devastating injury. Finally, after several years, he spoke up and said there is more to the story. After 4 years, Eric Alva told the world he had lied to become a member of the U.S. Marine Corps because he is gay and he kept that a secret. When he finally spoke out against don't ask, don't tell in 2006, he said: I have risked my life to save this country, but as a gay American veteran I still don't have the full rights of every American.

MAJ Margaret Witt has also felt the injustice of don't ask, don't tell. Major Witt was an Air Force flight nurse. For 17 years, she rose steadily through the Air Force and Air Force Reserve, winning strong performance reviews from superiors and service medals from the department. Almost no one—not even her parents—knew about her sexual orientation. That ended in 2004, when her commanders discovered she was in a committed relationship with a civilian woman. After an investigation and hearing, the Air Force discharged her in 2007 under the don't ask, don't tell policy.

After all those years—17 years of service to the country—they discharged her. Her suspension came less than a year before she would have earned her full pension. There she was, 17 years after joining, all the years of good performance reviews, 1 year away

from her pension, and she was suspended.

In 2006, Major Witt said: This is worth a fight. She sued the Air Force, claiming it had violated her rights. Her suit was dismissed by a Federal judge. Two years later, an appeals court panel overruled that judge, holding that before the military can discharge a gay service man or woman, it must first prove their firing furthers military goals.

This year, Major Witt went back to court to try to get her job back. She faced the same judge who had dismissed her claim earlier—U.S. District Court Judge Ronald Leighton. Former Air Force MSG James Schaffer, one of the four witnesses who testified on behalf of Major Witt, said he thought Major Witt's dismissal was so unfair it was part of the reason he retired from the Air Force himself in the year 2007.

Judge Leighton issued his ruling in the case in late September of this year. Judge Leighton is no liberal. He was nominated to the Federal bench by President George W. Bush. In his ruling, Judge Leighton hailed Major Witt as a "central figure in a long-term, highly charged civil rights movement." He said her discharge advanced no legitimate military interest. To the contrary, he said, her dismissal hurt morale in her unit and weakened the squadron's ability to carry out its mission.

Major Witt's case is now on appeal.

Judge Leighton was the second Federal Court judge in less than a month to find that don't ask, don't tell was unconstitutional. Earlier in September, in a case brought by the Log Cabin Republicans, a Federal judge in California ruled that don't ask, don't tell "infringes on the fundamental rights of United States servicemembers in many ways," and he said violates the due process clause of the fifth amendment and the free speech protections under the first amendment. That ruling as well is under appeal.

Many of my colleagues have said they are inclined to support the repeal of don't ask, don't tell, but they wanted to reserve final judgment until the Defense Department studied this issue in-depth. Well, the study is complete—one of the most exhaustive studies in the history of the Pentagon. According to the Pentagon's own study, more than 70 percent of the 115,000 servicemembers and 44,000 military spouses who responded said the effect of repealing don't ask, don't tell would be "positive, mixed or nonexistent."

Think about the responses there—115,000 members of the military and their spouses responded to the question, and 70 percent said it was time to end don't ask, don't tell.

In releasing that study, Defense Secretary Robert Gates acknowledged that there are challenges behind unwinding don't ask, don't tell. He worried that

leaving this matter to the Federal courts could be the wrong thing to do. A decision for one of these Federal courts could be done in a very short period of time, but better, he said, that Congress step up and accept its responsibility to repeal don't ask, don't tell and put in place a transition period to have the least negative impact on our military. He basically put us on the spot and said those of us who serve in Congress, don't stand on the sidelines and wait for the courts to decide. Pick up the issue and decide yourselves.

President Obama supports repealing don't ask, don't tell. Many of us want to join him. But, unfortunately, we are being stopped by other colleagues who do not want this matter to come before the Senate. They run the risk that any day a Federal court can do, in one opinion, what we should be doing in an orderly, sensible way.

Defense Secretary Gates also added:

Those that choose not to act legislatively are rolling the dice that this policy will not be abruptly overturned by the courts.

He urged us to move and move quickly.

This is not the first time we fought battles involving discrimination in our military. As proud as I am of the men and women who have served in our military throughout our history, military historians and those who serve will be honest and tell you that in times gone by, some things have occurred which should not have happened. In World War II, our colleague, Senator DANNY INOUE of Hawaii, and other Japanese-Americans, defended our Nation even as many of their family members were imprisoned in internment camps in this country. Senator INOUE's unit, the 442nd Regimental Combat Team, was made up entirely of Japanese-Americans who initially were denied the right to even volunteer and serve for our country. They became, once they were allowed to fight, one of the most highly decorated units in the history of the Army.

Our friend, Senator INOUE, in World War II lost his arm fighting in Italy for America. Yet when he returned from the war, a clearly disabled veteran, a hero in a U.S. Army uniform, he went into a barber shop where the barber refused to give him a hair cut and said: "We don't cut Jap hair."

The discrimination he faced before he was allowed to serve our Nation and even after is a reminder that even in this great Nation there are times we have to step up and stand up for the cause of civil rights.

Incidentally, we know in this Chamber, and those who follow this debate should know, in the year 2000 our colleague, Senator DAN INOUE of Hawaii, was awarded the Medal of Honor for his heroism in World War II.

Edward Brooke was another man who served in the Senate. He was elected in 1966, the first African-American to

serve since Reconstruction, a Republican from Massachusetts. He is a recipient of the Presidential Medal of Freedom and the Congressional Gold Medal. In World War II he served in an all-Black regiment in the infantry. As he said, he and his fellow African-American soldiers fought tyranny in Europe even as the U.S. military fought to protect White troops from having to live and fight alongside of them. The military, for all intents and purposes, was basically segregated at that time.

This past June, Senator Brooke wrote in the Boston Globe calling for an end to the don't ask, don't tell policy. It was a powerful call for justice, and I want to read part of it. Here is what Senator Brooke, a Republican from Massachusetts, said:

Military service requires extraordinary sacrifice and love of country, and every man and woman in uniform deserves our respect and gratitude. However, the "don't ask, don't tell" policy that bars openly gay and lesbian soldiers from serving in the military shows disrespect both for the individuals it targets and for the values our military was created to defend. It is a discriminatory law that must be repealed.

Senator Brooke said that under Don't Ask, Don't Tell: The military is divided into soldiers who are judged solely on their merit, and those who can be condemned for a personal characteristic unrelated to their performance. We've been here before, and history shows that prejudice was the wrong policy.

He added:

Regardless of its target, prejudice is always the same. It finds novel expressions and capitalizes on new fears. But prejudice is never new and never right. One thing binds all prejudices together: irrational fear. Decades ago, black service members were the objects of this fear. Many thought that integrating black and white soldiers would harm the military and society. Today, we see that segregation itself was the threat to our values. We know that laws that elevate one class of people over another run counter to America's ideals. Yet due to "don't ask, don't tell," the very people who sacrifice the most to defend our values are subject to such a law. We owe them far more.

Whether it was the Marine Eric Alva, the first serious casualty of the war in Iraq, or Major General Witt, in the Air Force, who after 17 years of service was basically told to leave, we understand we owe them and so many more the right to serve without discrimination.

More than 24 nations allow gays and lesbians to serve openly in the military. They include Canada and the United Kingdom. Other nations that have lifted their bans include Australia, Austria, Belgium, the Czech Republic, Denmark, Estonia, Finland, France, Germany, Ireland, Lithuania, Luxembourg, the Netherlands, New Zealand, Norway, Slovenia, South Africa, Spain, Sweden, and Switzerland.

Israel, too, has lifted its ban against service by those who are of a different

sexual orientation. Does anyone think for one minute the Israelis would allow gay men and women openly in the military if they thought it would harm their military readiness and national security? Of course not.

Let me add, there is currently no discrimination against those who are gay who wish to serve in the CIA, Secret Service, or FBI. Only in the U.S. military is that discriminatory policy still part of the law of the land.

Our military leaders have told us they can implement repeal and do it in an orderly way. Secretary of the Army John McHugh, former Congressman of New York, has said that. Secretary of the Navy former Governor Raymond Mabus, Admiral Gary Roughhead, Chief of Naval Operations, and General Douglas Fraser, commander of the U.S. SOUTHCOM all agree the military is up to the challenge—everyone.

In releasing the Pentagon survey, Defense Secretary Gates said:

One of the most important things to me is personal integrity and a policy or law that in effect requires you to lie gives me a problem. Such a policy is fundamentally flawed.

Admiral Mike Mullen, the highest ranking military leader in America, testified and said:

Speaking for myself and myself only, it is my personal belief that allowing gays and lesbians to serve openly would be the right thing to do. No matter how I look at the issue, I cannot escape being troubled by the fact that we have in place a policy which forces young men and women to lie about who they are in order to defend their fellow citizens.

He added:

I have served with homosexuals since 1968. Everyone in the military has.

Indeed, there are an estimated 66,000 gay men and lesbians serving in our military today. Ending don't ask, don't tell is the right thing to do for those troops and for our Nation.

I want to salute Senator LIEBERMAN for being the author of the amendment to repeal don't ask, don't tell, and I am proud to cosponsor it with him. This amendment gives us the right to begin the process of repealing it in an orderly way. It says specifically that before don't ask, don't tell can be repealed, the President, Secretary of Defense, and Chairman of the Joint Chiefs of Staff must all certify that the new rules are consistent with the standards of military readiness and effectiveness.

Over the last 60 years, the U.S. military has ended racial segregation and integrated women into its ranks. In many respects the military, after realizing that prejudice did not serve our country well, has led our Nation in opening up to equal treatment and equal opportunity men and women of different racial backgrounds as well as obvious changes in gender.

Ending the ban against gays and lesbians serving openly will require leadership and care, but I am confident

America's leadership, the finest in the world, is up to the task.

Let me close with one last comment from Senator Brooke. In his op-ed he wrote:

Civil rights progress doesn't happen automatically or without resistance. History almost always obscures that fact because after the battles are won, it is difficult to understand why we needed to fight them in the first place. Laws change and values change with them. I'm confident that repealing Don't Ask, Don't Tell will be the same. A law believed to be necessary becomes a relic that the next generation finds curious and shameful.

In this case the values have already changed. The vast majority of Americans, including the majority of our top military leaders, our men and women in uniform and their spouses, support ending don't ask, don't tell. It is time to stop coming up with excuses to continue this discrimination. We owe to the men and women in the military not only our respect for what they do and how they serve our country but our respect for their judgment, and in their judgment it is time for don't ask, don't tell to end.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from California.

Mrs. BOXER. Mr. President, I thank Senator DURBIN for his eloquent remarks. I urge everyone who wants to get a full understanding of this issue of don't ask, don't tell to read his remarks.

I would only say, if you sum it up, what my colleague has told us is that ending don't ask, don't tell will make us a stronger nation because we will have the unqualified support of people who are serving in the military in a situation where they have to hide who they are. This can't be good. Many of them are thrown out of the military.

Frankly, if we do this, it means we are listening to the American people, a strong majority of whom support ending don't ask, don't tell; and listening to Secretary Gates, our Defense Secretary, who tells us he supports repeal; and listening, frankly, to the members of the military who have taken a survey and over 70 percent of them say we should end don't ask, don't tell.

It is hard to understand why this is not being done. Senator DURBIN is right. If it is done by the courts—which, by the way, I want it to be done by everyone, courts included—but if it is done by the courts before we deal with it, it means there will be more of a rush to change things, and it will take a lot of the control out of the hands of the Defense Secretary so he can phase in this change in policy.

I have to say, as someone who way back in 1993 spoke out against this policy and offered an amendment to keep it out of the rules and out of the law, I tried to say let's just leave it up to the military and not have a congressional statement on it—I offered that

amendment. I don't know, we got how many votes—about 12 or 13 votes at the time.

Imagine all those years ago I was so blessed to be here then to speak out against this policy, and now I am here at a time when we can finally end it. What that means is we are moving civil rights forward.

In this great Nation of ours we have a lot of ups and downs, we have a lot of disagreements, we have a lot of open debate, as it should be as a democracy. But at the end of the day, we always expand freedom. We always expand equality.

We started off with only White men of property could vote, when we started off as a nation. It was a big struggle to get the African-American vote. It was a big struggle to get the women's vote. Then we extended the age downward so we had the 18-year-old vote because we had people going to war and they couldn't vote, so we expanded that. This is a country that includes our people. This policy runs counter to that whole notion of inclusion. In fact, it makes people who are willing to die for their country lie about who they are.

We want to stop that policy, at least the vast majority of the American people do—the Secretary of Defense does, the majority of the people in the military do. We have a couple of people on the other side of the aisle, frankly, who keep raising the bar. They said we will end this don't ask, don't tell when we have a survey. Then the survey came out and they said: You know what. We didn't like the survey. Let's have another survey.

What are they going to do, keep designing different surveys until the answer comes back the way they want it? Come on. That is wrong. That is holding back something so important that we have to do.

We have a chance to stand up for civil rights and human rights and I don't want to give it away to the courts. I hope the courts continue to rule the way they have. By the way, the courts have been, to me, eloquent on the point. But we ought to be eloquent as well.

Here we are in a postelection session called a lameduck, but this is no reason for us to be lame, and there is no reason for us to be limping out of this session. We can do some good things. I am here today to look at where we are, what we have done, what we have to do, and what I hope we will do.

Let me say we did do one positive: We did pass the Food Safety Modernization Act by a vote of 73 to 25. One Senator held it up and held it up. We know thousands of our people die every year of foodborne illness. This was a no-brainer. This was easy. The industry itself wanted to do this. We had to have a big fight and cloture votes and the rest of it. At the end of the day we passed it, and I am grateful and, believe me, many people in our country

will be grateful when they see the changes that will be put in place.

We are increasing the number of FDA inspections at foreign and domestic facilities to make sure our food is safe before we have an outbreak of a disease. And it will allow removal of contaminated food from store shelves far faster by enhancing the tracking and tracing of high-risk foods. It is going to mean the FDA has clear mandatory recall authority. We have more surveillance systems out there. So this is going to lead to a healthier nation.

Then we got a letter from the Republicans, my friends, and they said: We are not voting on one more thing until you extend tax cuts for all Americans. So, listen, we did that. The Democrats passed two—not one but two versions of tax cuts for every single American. One said: We will make sure those tax cuts stay in place for the first \$250,000 of income. That passed with a majority. We needed 60 because our friends filibustered. We got 53. Then we had another version that said: Let the tax cuts continue for up to \$1 million of income. Just so people understand what that means, it means we gave tax cuts to every single American, every single one, and we gave a bonus tax cut to people earning up to \$1 million, an additional tax cut.

That was not enough for my Republican friends. They brought down those two bills that meant tax cuts for everyone because they want a bonus for people earning over \$1 million. Let me tell you how many people there are in this country—307 million Americans. Let me tell you how many Americans earn more than \$1 million—315,000. That is one-tenth of 1 percent. My Republican friends voted no on a bill that gave every American a tax cut but stopped a bonus tax cut for 315,000 families who earn over \$1 million. Not only that, they said: We are not going to do one more thing in this Senate until we get that tax cut for those people. Give me a break. Give me a break.

I read into the RECORD a letter signed by 90 millionaires. Do you know what they said? Thanks, but no thanks. We do not want this extra tax money. Do it up to \$1 million. After that, it is a waste. We are not going to spend it in the economy. We are not going to stimulate this economy. Give it to everybody else, not us.

But, oh, no. Oh, no. They voted no. And they are stopping everything.

You know, a lot of people complain because there is debate going on between the two major parties. I understand it. We have to get things done, and we do. But every once in a while, it is good for the American people to see who is fighting for whom. And put me down as fighting for 99.9 percent of the American people. Put them down as fighting for one-tenth of 1 percent of the American people. This is unreal.

People said: You have to meet the Republicans halfway. Absolutely. That

is why I said I would vote to retain the tax cuts for people up to \$1 million. We talked about it just being the first \$250,000. We moved to \$1 million. That covered almost everybody. They will not meet us an inch of the way. We went all of the way over here, and they will not meet us here at all. It would require a little baby step.

So where are we? You see us. We are not voting on anything, folks, because they voted down the tax cuts and now they will not do anything else. And let me tell you some of the things they have already stopped. They have already stopped help for the unemployed. Two million Americans in this Christmas season, this Hanukkah season, are not going to get their unemployment benefits that they paid for through insurance. They are hard-working people. I read their stories into the RECORD, and I hope people will look at those stories. They touch your heart. We have veterans who cannot get a job. We have single moms who cannot get work. We have children saying: I cannot go to college now because my family is unemployed; I have to quit college and go back to work. And \$300 a week is the benefit. That is what they stopped on the other side so they could get \$460,000 a year in tax cuts, additional, for people who earn \$10 million. Think about that. Think about that.

They stopped \$300 a week going to the long-term unemployed, not the ones who have reached the 99 weeks—after that, they do not have any more—just to get them up to that 99 weeks, if necessary. They blocked \$300 a week because they are very upset about the cost. Yet they are fighting for a tax cut of \$460,000 a year extra to someone earning \$10 million a year, adding hundreds of billions of dollars to the deficit. They don't care about that. They don't care about paying for that. Oh, they do care about paying for the extension of unemployment insurance.

So every once in a while, when people get upset and they say the parties are battling, trust me, every once in a while it is worth the fight. Every once in a while it is worth the fight because our country is worth the fight, because our middle class is worth the fight, because our working people are worth the fight.

This is where we stand. Look at this. We are doing no legislative business because everything is being held hostage for the millionaires and the billionaires, the top one-tenth of 1 percent of the people. Just read the letter the Republicans sent us. They said they would not compromise. We said: We will give you the first \$1 million of income, a lower tax. That was not good enough. That was not good enough. They want every penny over \$1 million to get that tax break. So talk about the party of no—the GOP is the n-o-p-e party.

Here are some other things they blocked and they are blocking. How

could we ever forget 9/11? I certainly can't. No American can ever forget it. And who could ever forget the heroes who went down and worked to clear the debris, the toxic debris from 9/11. They went down to find survivors, then they went down to find remains. They never thought about themselves.

The Bush EPA said the air was safe. They went down there, and they are sick, and we need to help them. We have a bill that passed the House. The Republicans are blocking it to fight for tax breaks for the people who earn over \$1 million, for the people who earn \$1 billion.

Right now, they say we can't do any other work. They have stopped the START treaty, a treaty supported by none other than George Schultz, Henry Kissinger, Howard Baker, all very well-respected Republicans. Those Republicans turned their backs on those Republicans because they are fighting for the top one-tenth of 1 percent of earners in this country, and we can't make our country safe. We have no inspectors on the ground in Russia. We need to inspect their nuclear program. I remember asking all of our national security people what is their biggest fear. Republicans, Democrats, all of them. Do you know what they said? A terrorist getting hold of a nuclear weapon. We have to do inspections and make sure that nuclear arsenal is safe from terrorists. Oh, no, we can't do that because the people who earn over \$1 million need more tax help. Thank you. That is the answer from the other side.

We are now ready to give \$250 back to Social Security recipients who didn't get a cost-of-living adjustment. As far as I know, that is being stopped. Nothing is happening here.

We want to help our firefighters, these heroes, negotiate so they can get the benefits they deserve. Oh, no, that is being held up.

I can tell you personally that they held up the unemployment benefits I talked about before because I made a unanimous consent request to get those unemployment benefits out there. Oh, no.

Senator BARRASSO: I object. I don't want these benefits going to the people who have been on unemployment benefits for more than 99 weeks.

I said: Well, wait a minute, my friend—he is my friend—we are not doing anything for people longer than 99 weeks; we are just trying to make sure that up to 99 weeks you have help.

Oh, he still objected. They want to pay for it. But they don't want to pay for the benefits to the millionaires. It is going to lose us hundreds of billions of dollars and add to our debt.

This is a time to show the difference between the parties. This is post-election. There is no election until a couple of years from now. Let's just show the difference. This is nothing to do with voting; these are the true colors of the parties.

It is important that people understand we cannot do the business of this country. We have a significant number of clean water bills to help the Chesapeake Bay, to help the San Francisco Bay, to clean the waterways, to help the Great Lakes. We voted them out of our committee, the Environment Committee. I am proud to chair that committee, so proud. They are not even controversial. We didn't even have barely a "no" vote from anybody on either side of the aisle. We can't get that done either.

Don't ask, don't tell—you heard Senator DURBIN talk about that. It is attached to the Defense bill. The Defense bill is critical. We are in two wars. Whether you support those wars or not, we support the troops and want to get them what they need. The don't ask, don't tell repeal is in there, and we can't get that done.

Let me tell you something else we have not been able to get done—the DREAM Act. I wish to talk about that, and I want to put a human face on it, so I am going to tell you some stories about it. I am going to tell you the stories, and then I am going to tell you what the bill is we want to do.

I am going to show you a picture of this handsome young man who is the drum major of the UCLA Bruin Marching Band. Anyone who knows anything about universities knows UCLA is a great university. If you want to get into UCLA, you have to be darn smart. You have to be at the top. David Cho is very smart. He is the drum major of the UCLA Bruin Marching Band, and every week he leads them as they cheer on the Bruins in the Rose Bowl. Here is a beautiful picture of him.

Last weekend, the Bruins hosted their crosstown rivals from USC at the Rose Bowl, and you might have seen David on your TV screen Saturday night. There at the 50-yard line of the most iconic football stadium in America, leading the Bruin Marching Band as they played "Sons of Westwood," was David Cho, the face of this team and their cheerleaders and the face of the DREAM Act.

David is a senior at UCLA studying international economics. He has a 3.6 GPA at UCLA. That is not easy. In his free time, he tutors local high school students. If ever we saw it, this is Americana—a smart, motivated leader in the community, giving back. What is the problem with David? He was born in Korea. He came here on a family visa with his parents when he was 9 years old. His family spent 8 years trying to navigate their way to legalized status. They found out their sponsor erred in filling out the paperwork. They tried and tried and could never fix it. David did not learn he wasn't an American citizen until he started applying to college.

He writes:

I feel like I'm living inside an invisible prison cell. I want to serve in the Air Force

... I want to attend the Kennedy School of Government. I dream of becoming a U.S. Senator because I want to serve and change this country for the better. This is the American Dream I want to achieve, but I am unable to fulfill it because of my status.

Years ago, when the Republicans were in charge of the Senate, a bill came out called the DREAM Act. It would say to these young people who are here without the proper papers, not because they did anything wrong but because their parents did, they grew up thinking they are American, America is their home, some came at 6 months, some came at 2 years, some came at 4 years, David came at 9 years—it sets them on a path, if they hold up their average in school, if they join the military.

The military wants this bill passed. They call it a recruiter's dream.

We have many other stories, and I will quickly go through a few. I ask unanimous consent to speak for an additional 5 or 6 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mrs. BOXER. Pedro Ramirez is the student body president of Fresno State University. He is studying political science and agricultural economics. He is another face of the DREAM Act. His parents brought him to the United States when he was 3 years old. Did Pedro know he was doing anything wrong at 3? Nor did David know he was doing anything wrong at 9. Pedro discovered he was in this country illegally, again, when he began applying to college when he was 18. His immigration status became public knowledge when an anonymous e-mail to the Fresno Bee detailed how he was forced to waive a small stipend the university provides to its student president. He had to waive that. Pedro is paying his tuition with private scholarships and by mowing lawns. This is what he writes:

The DREAM Act itself symbolizes what it is to be an American, which is our goal. We want to contribute to the United States, and utilize the degrees and skills we gained, to make it a better place.

Now let's look at Maria Duque, 19 years old. She is the vice president of student government at Fullerton College. When she was 5 years old, she moved to Los Angeles from Ecuador with her parents who were seeking a better life for their children. As a high school student, she finished sixth in her class with a 4.4 grade point average. I don't know how one gets over 4; I guess by doing bonus work and getting an A-plus-plus. This is what we are talking about. She was also student body president, yearbook editor, and a newspaper editor. At Fullerton College, Maria's excellent record continued. She has a 3.9 GPA. She volunteers at a nonprofit organization that helps low-income high school students prepare for college. She was accepted into top

universities but is unable to afford to attend them because she does not qualify for student aid. On weekends she sings in public arenas asking for donations to help her afford tuition.

How do we make our country better when our laws don't recognize students such as these? Who could answer that question for me? How do we make our country better when we don't help students such as these?

She hopes to transfer to UC-Berkeley or UCLA and complete her double major in political science and history. Then she wants to go to law school. She wants to continue her work helping others pull themselves out of poverty. She is another face of the DREAM Act. She writes:

My bachelor's diploma, my masters and law degree in the future will only be a piece of paper. It might tell of my accomplishments, but I will not be able to use it to help others in this country which I consider my home.

She came here at 5 years old. She doesn't know anything else but America. She says that DREAM Act students "are like any other young person in the [U.S.], aspiring to do more for society, our fellow neighbors, and our home, the United States of America. The DREAM Act is ... a source of hope.

Lastly, Luis Perez. He graduated in May from UCLA school of law, the first undocumented student to do so. Luis is another face of the DREAM Act. Brought to the United States by his parents at the age of 9, he has lived in this country for 20 years. He grew up in an area infested by gangs and drugs, and he rose way above those distractions and dangers. He went to community college. He transferred to UCLA where he earned a degree in American government, and he went to UCLA law. That is such a hard school to get into. He has worked side jobs to help pay for room and board.

Tell me, somebody, how does it make our country a better place when we turn our backs on these students?

He writes:

May 7th marked my graduation from UCLA law school. I am now forced to look beyond the joy of graduation. Instead I must now reassess my current situation, as I am deprived the luxury of making long-term plans.

I have done and continue to do everything within my means and ability until Congress does their part and passes the DREAM Act. I have faith that our Founding Fathers entrusted us with the legislative process to make just laws.

I am living the American Dream. I am a living example of what education, opportunity, and community support can produce regardless of challenges and disadvantages.

I have learned firsthand that it is only during times of adversity that we have the opportunity to be a leader and show true courage. As I acknowledge the difficulties with immigration reform, I am hopeful that this Congress will give me the opportunity to fulfill my Dream; after all, being an American really means to stand up for what's right, even when we are standing alone.

This is a bill that has had bipartisan support over many years. It started in 2001. I have statements from my Republican friends about how important this bill is and why.

I ask unanimous consent to have printed in the RECORD quotes from my Republican colleagues.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

QUOTES

BIPARTISAN BILL

The Dream Act has always been bipartisan; in fact, it was first introduced in the 2001 by Republican Senator Hatch, with six (6) other Republican cosponsors.

Senator Hatch reintroduced the Dream Act in the 2003—this time with thirteen (13) of his fellow Republicans as cosponsors.

Since the first Hatch bill was introduced in 2001, Senate Republicans have cosponsored the Dream Act 39 times.

In 2007, the Senate held a vote on the Dream Act. The bill was filibustered, but 10 Republicans voted for it, including Senators Brownback, Collins, Lugar, and Snowe.

Some of the most moving words about the importance of the Dream Act have been spoken by my Republican colleagues.

In 2004 the Senate Judiciary Committee, led by Senator Hatch, issued a report on the Dream Act:

"Most came to America as children, playing no part in the decision to enter the United States, and may not even know they are here illegally. A great many grow up to become honest and hardworking young adults who are loyal to our country and who strive for academic and professional excellence.

"It is a mistake to lump these children together with adults who knowingly crossed our borders illegally. Instead, the better policy is to view them as the valuable resource that they are for our nation's future."

Senator Hatch in 2003 on the Senate floor:

"I believe the DREAM Act will live up to its name. It will allow these illegal immigrant children the opportunity to not only dream of the infinite possibilities that their futures may hold in the United States, but it will also afford them the opportunity to realize their dreams."

Senator Chuck Hagel, in 2007:

"The DREAM Act would make it possible to bring these young people out of shadows and give them the opportunity to contribute, work, and pay taxes—giving back to the communities in which they were raised."

"The DREAM Act is not amnesty. It is a narrowly tailored piece of legislation that would help only a limited, select group of young people earn legal status. This is not an incentive for more illegal immigrants to enter our country."

In 2009, former Florida Governor Jeb Bush co-wrote a report for the Council on Foreign Relations. The report said:

"The DREAM Act is no amnesty. It offers to young people who had no responsibility for their parents' initial decision to bring them into the United States the opportunity to earn their way to remain here."

And last week the Wall Street Journal editorialized about the importance of the Dream Act:

"What is to be gained by holding otherwise law-abiding young people, who had no say in coming to this country, responsible for the illegal actions of others? The DREAM Act also makes legal status contingent on school

achievement and military service, the type of behavior that ought to be encouraged and rewarded."

Mrs. BOXER. We have a situation where people were brought to this country by their parents. The kids had nothing to say in the matter. They grew up thinking they were Americans. They did everything American kids do, and they excelled. They went to the top. This bill is crafted in such a careful way that essentially we are taking the cream of the crop and giving them a path to legality, a path so their hopes and dreams can be realized and, therefore, they will help this Nation realize its hopes and dreams.

I strongly urge my colleagues to listen to the students in their States who are desperate to earn a chance for this dream. They are here in Washington, and they are going to various offices. They love their country. Never before in U.S. history have we punished children for the actions of their parents. To deny these students an opportunity to earn the dream would be a dark moment in our Nation's history, in my view.

The American dream is real. It is not easy to attain. We have to work hard. We have to work hard always from the time we are a kid in school and we get our first job. Here we are talking about young people who excel. All they want to do is be able to reach their dream and help us move this country forward. This is the next generation of community leaders, the next generation of military leaders, the next generation of entrepreneurs. We don't punish children for the sins of their parents. We don't do that. That is wrong.

Let us do the right thing. Every once in a while we have to say: We have to do the right thing. Is it a tough vote? Will some people ask, why are you doing that? Of course. But that is true about anything we do.

We have so many golden opportunities to be on the right side of American history. We are presented them every day. We are presented them in this postelection session. We could end don't ask, don't tell. We could pass the DREAM Act. We can pass an unemployment benefits extension. We can help our firefighters. We can help our heroes from 9/11 get help with their illnesses, with their breathing problems, with their cancer problems. Let's not say no because the Democrats said: Yes, we will give everybody in this country a tax cut for the first \$1 million of income and after that, we have to worry about the deficit. We go all the way up to \$1 million, and we take care of everybody in this country. Everybody gets a tax cut. If one is over a million, they don't get their little bonus tax cut. We help reduce the deficit which is an issue absolutely on our agenda.

Why would someone then say no to everything else, after we have met

them all the way up to the \$1 million level of income. It is unbelievable.

America, pay attention. Pay attention to who is fighting for you and who is fighting for 315,000 of the richest families, many of whom say to us: Don't do this. It is more important to cure the deficit. Economists tell us at that level of wealth, they are not going to spend the money at the corner store. Look at Mark Zandi's comments, the Republican economic adviser to John McCain. He told us: You give out unemployment benefits, for every dollar, you increase economic activity by \$1.61, because that money is spent right away at the corner store. You give huge, enormous tax breaks to people over \$1 million, they are not going to spend it. They are going to put it in a trust fund.

Let's put that money toward deficit reduction. For me, speaking for myself, this postelection session has been one of the most interesting I have ever seen. Because the true colors of the parties are coming out. I know people get very frustrated about our debates. They want us to come together. I want to come together. I went all the way to the Republican side and said: The first million of income will get a tax cut. Only over that, that one-tenth of 1 percent, let's put that to deficit reduction. And my Republican friends won't move that inch over to me and to us. At the same time they are blocking action on all those important bills I laid out.

I wanted to lay this out for history. I think we sometimes forget. The battles we wage here tell the country who we are.

I am very pleased to have this opportunity. I thank the people of California for giving me this opportunity again. It means a lot to me to be able to weigh in on these issues of the heart and soul of the country that I love so much as a first-generation American on my mother's side. I thank them for that.

I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. COONS). Without objection, it is so ordered.

Mr. SESSIONS. Mr. President, I ask unanimous consent to be able to speak for up to 25 minutes in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

DREAM ACT

Mr. SESSIONS. Mr. President, I understand it is likely the majority leader will seek to bring up the DREAM Act in a day or two. This is a very bad

piece of legislation, and it is being presented at a time when we have massive illegality at our borders.

One of the fundamental things that separates America from the other nations of the world is our commitment to the rule of law. We enforce our contracts and our statutes. We punish corruption. One of the great advantages this Nation has over others is the degree to which there is integrity in our process here. We protect the rights and privileges of citizenship. We know one of our most unique and valuable characteristics is our legal system.

Law is a necessary condition for a free society. Freedom cannot flourish in chaos. Prosperity cannot arise in an uncertain environment. Yet we have allowed our borders to descend into chaos and lawlessness. For decades, we have failed to uphold the rule of law. We have failed to protect the integrity of citizenship in America and the law.

Even now, in a post-9/11 world, we still lack control over who comes into our country. Every day, guns, drugs, unknown people, unlawfully pour across our broken border.

The consequences of the government's failure are felt keenly by those living in our border States. Ranchers living on U.S. soil must confront the chaos as a reality of daily life. They are denied the peaceable possession of their private property. Phoenix, the capital of Arizona, is now known as one of the kidnapping capitals of the world.

Yet it does not have to be this way. With enough will and determined execution of a carefully developed plan, executed by a President and supported by a Congress that has as its serious goal the elimination of this illegality, it will be successful and can be successful in just a few years.

It is not impossible. That is what the public wants and this is what our political leaders have obstinately refused to do. Americans are willing—and I am certainly willing—to consider some sort of status for those who have peacefully lived and worked in our country for some extended period of time, but only after we have secured the border. As long as you continue to provide amnesty for people who come into our country and stay here for a period of time, you incentivize further illegality.

Well, this is because passage of amnesty bills, such as the DREAM Act, is an immediate reward for the illegal entry, with no serious plan to stop the illegal flow. Indeed, the legislation incentivizes the flow or the entry of people into our country illegally.

What does this type of legislation say to the rest of the world and to anyone thinking about coming illegally? It says if you can get in the United States and hang on for a number of years, sooner or later we are going to reward you by forgiving your illegal behavior and putting you on a path to citizenship. That is not the message we need to send.

The public will not allow us to repeat the mistakes of the 1986 amnesty. We have discussed that so many times. They will not fall for the ruse that we can have amnesty first and security later. They understand that if we do not secure the border first, we may never secure it at all. We certainly have not done so as of this date.

Despite this—and despite historic losses in the recent election—the Democratic leaders of this Congress are now pushing a reckless proposal for mass amnesty known as the DREAM Act.

At a time when our Nation is struggling with high unemployment and runaway government spending, the bill would authorize millions of illegal workers and impose an even greater burden on the taxpayers. Making matters worse, those eligible for the DREAM Act amnesty include illegal aliens with criminal records. And all of this is being rushed through a lame-duck Congress with no committee review.

The Democratic leaders have even introduced four versions of the same bill in just over 2 months—3 in the last 13 days. It has been a shell game that abuses the legislative process. Is it any wonder that the American people have lost faith in this institution?

Americans want us to enforce the laws, but we are considering a bill that would reward and encourage their violation. Americans want Congress to end the lawlessness, but this bill would surrender to it.

Consider a few of the DREAM Act's most troubling provisions:

First, the DREAM Act is not limited to children. Illegal aliens as old as 30 or 35 are eligible on the date of the enactment of the bill. And they remain eligible to apply at any future age, as the registration window does not close. You do not need a high school diploma, a college degree, or military service in order to receive amnesty under the DREAM Act as proposed.

Illegal aliens can receive indefinite legal status as long as they have a GED, the alternative to a high school diploma. They can receive permanent legal status and a guaranteed path to citizenship as long as they complete just 2 years of college or trade school.

One version of the DREAM Act offers illegal aliens in-State tuition for which many Americans are not eligible. All four versions provide illegal aliens with Federal education benefits, such as work-study programs, Federal student loans, and access to public colleges that are already short on spaces and resources.

The Congressional Budget Office is the entity that gives us technical data about legislation. It is a pretty objective group. It is hired by the Democratic leader, the Democratic majority, but I think most of the time they try to do the right thing. They say the bill

would add \$5 billion to the deficit. But that number really, I have to say, is low. The CBO clearly failed to account for a number of major cost factors associated with implementation of the DREAM Act. Of course, they haven't had much time to make this analysis since the most recent version was introduced just 5 days ago. The CBO fails to account for unemployment, public education cost, chain migration, and fraud. Furthermore, it did not take into account what history has proven: passing amnesty will incentivize even more illegality and lawlessness at the border.

In addition, the CBO assumes a large portion of these individuals will obtain jobs, but there is no surplus of job opportunities in American today. Unemployment just went up from 9.6 to 9.8—almost 10 percent. It has remained high for an exceedingly long period of time. The economists are telling us we are going to have to look forward to much higher unemployment than we have been used to in the past. Well, nobody is scoring the fact that many American job seekers will not get a job if large numbers—a million or more—of illegal aliens are converted to legal status and start competing for jobs, and perhaps denying them that job, which may have good benefits and good pay.

Conservative estimates say that between 1.3 and 2.1 million illegal aliens will be immediately eligible for this DREAM Act amnesty, but that number will grow significantly as the bill has no cap or sunset to it. Moreover, those who obtain legal status can then petition for their relatives. Under the DREAM Act, illegal aliens are put on a path to citizenship—first they receive conditional status, then legal permanent resident status, and finally citizenship. After they are naturalized, they can then, through the chain migration process, apply to bring in their relatives. Some of the people they might apply to bring in are likely to be the persons who brought them here illegally. As a result, the number of green cards granted could easily triple what is expected.

Many with criminal records will also be eligible for the DREAM Act's amnesty. They simply must have less than three misdemeanor convictions—under the Act, Congress is arbitrarily determining that two misdemeanors is OK while three is not so good. Those potentially eligible would include drunk drivers, gang members, and even those who have committed certain sexual offenses.

The most recent version of the bill also gives the Secretary of Homeland Security broad authority to waive ineligibility for even the most severe criminal offenders and those who pose a threat to our national security. Many such offenses include indecent exposure, DUI, smaller thefts, and drug charges. Some of them are charged as

felonies and very routinely reduced to misdemeanors. Two misdemeanor drug convictions won't bar you from being protected under this act and being able to have a guaranteed path to citizenship.

Those who commit document fraud or who lie to immigration authorities will be eligible for the bill's amnesty as well. This is particularly troubling as it contains a potential loophole for high-risk individuals placed on the pathway to citizenship. One of the warning signs we missed prior to 9/11 was the fraudulent visa applications submitted by the 9/11 hijackers. This bill would likely make it more difficult to combat immigration fraud from the dangerous regions of the Middle East where we have had an unfortunate history of abuse.

This DREAM Act even contains a safe harbor provision—very significant—that would prevent many applicants from being removed as long as their application is pending. If they have a serious criminal record, they would normally be subjected to deportation. This provision could dramatically hinder Federal authorities and will undoubtedly unleash a torrent of costly litigation that will suck up untold hours of our law enforcement personnel's time and ability and resources that ought to be focused on the border.

If somebody who has been apprehended for illegally being in the country or committing a serious crime can come into court and assert they have filed a petition under the DREAM Act, they can not be deported. This is really a problem because if a facility does not have enough bed space, what are we supposed to do? Are we now going to have investigators drop what they are doing and go out and try to prove that someone was here before the age of 16? Did they really have a GED or is that a forged document? How many criminal convictions do they have? This all has to be investigated now. It could take weeks or even months. So what happens? Are we going to keep those individuals in jail instead of deporting them? How much cost is involved in that? All of that is not counted in this process.

I just want to say that my experience in law enforcement is that there are not enough people to do those investigations and we are going to have millions of applications. How do we prove somebody came here at age 15 instead of age 18? How do we prove they have been here 5 years? How do we prove they came here 5 years ago and came at age 17 or 15 or 14? Who is going to investigate that and dispute it, if they submit a statement and say they have been here for 5 years? We have to take the time now to investigate all of that?

This is not what we need to be doing right now. We have more serious challenges to end the illegal flow. And for people who have been here a long time

and who have otherwise been good citizens and have worked hard, we can figure out some way to deal with their future. But I do not believe this is the right step. It is not the right step.

In short, I believe the bill will be a disaster. Yet our Democratic leadership remains committed in their push for this amnesty provision. They are again defying the public will and sending the world a message that our Nation is not serious about the integrity of our borders and our laws.

American citizenship is the envy of the world, but central to our Nation's greatness is our respect for the rule of law. None of us that I am aware of in this Senate is proposing to in any significant way reduce the number of people who come to our country lawfully. Indeed, there are many provisions to increase the number who come lawfully. But the American people are rightly saying: We have to do something about the illegality. By eroding the respect for law through reckless and irresponsible amnesty provisions, we would do a disservice not only to the 300 million Americans who call this Nation their home but to all those future citizens who are applying and waiting in line to enter our country lawfully.

I feel strongly about this. Hopefully, this matter will not be proceeded with. We need to wrestle with how to bring our immigration system under control. We can do that. I have studied it for some time. I truly believe it can be done.

Senator MCCAIN from Arizona, who has been to the border a great deal, has said that within a year or two we can end this massive illegality. I have been saying that for a number of years. I truly believe it. But we need to focus on that, not focus on rewards for those who have entered illegally. That is why this legislation should not pass.

I thank the Chair. I yield the floor and note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

LIU XIAOBO

Mr. DORGAN. Mr. President, in China, as I speak, there is a man in a small prison cell lit by one single lightbulb. He has been in prison for 11 years in the country of China. On Friday of this week, in Oslo, Norway, he will be awarded the Nobel Peace Prize. His name is Liu Xiaobo. His wife has written me asking me to come to the Nobel Peace Prize presentation in Oslo,

Norway, this Friday in honor of her husband. I am not able to go to Oslo this Friday. The Senate is going to be in session the rest of the week. I regret I can't be in Oslo for the awarding of the Nobel Peace Prize, but I did want to take a moment to remember what is happening this week.

This is Liu Xiaobo. He is in prison in China. He has been in prison for 11 years. That is his sentence. I wish to describe why the Chinese have put Liu Xiaobo in prison. It is not the first time he has been in prison, as a matter of fact.

Let me tell my colleagues just a little about Liu Xiaobo. He was born in 1955, grew up in an industrial city in China's northeast. As a young man, he wanted to study literature, so he went to Beijing and he became a Ph.D. in comparative literature. He became a professor and dedicated his days to teaching and to writing.

By 1989, he had the good fortune to be allowed to travel abroad as a visiting scholar. He was at Columbia University in New York, in the USA, when the demonstrations began to grow in Tiananmen Square. He cut short his visit to Columbia University as a visiting scholar and returned home to China, joining students in Tiananmen Square in a hunger strike. Then, on the night of June 4, a scholar whom the students had grown to trust, persuaded a group of students to withdraw from the square to save their lives. That was Liu Xiaobo. Authorities in China labeled him a subversive and sentenced him to 18 months in prison.

Eighteen months later, upon his release, he was told he could neither teach nor publish. He described his plight then in these words:

Simply for expressing divergent political views and taking part in a peaceful and democratic movement, a teacher lost his podium, a writer lost the right to publish, and an intellectual lost a chance to speak publicly.

On his release in 1991 he continued to write and again he was placed under house arrest in 1995, then sent to a labor camp where he was detained until 1999.

In December of 2008, Liu Xiaobo called for political reform and was a supporter of something called Charter 08 in China. He was once again detained, then formally arrested, and then sent to prison for 11 years.

Let me describe what Charter 08 calls for. A group of people in China who want the expression of freedoms that are available to all of us had created Charter 08. It calls for the guarantee of human rights, an independent judiciary, the freedom to assemble, the freedom of expression, the freedom of religion, protection of private property—and so on.

So someone who advocates this and pushes for these kinds of reforms is now sitting in a small prison cell with a single light bulb.

On Friday, in Oslo, Norway, when they award the Nobel Peace Prize, there will be one empty chair on the stage for the man to whom the Nobel Peace Prize is being awarded.

There will be empty chairs in the audience because his wife is not allowed to go. She is detained under house arrest in China. I want to describe that as well. His wife has been barred from traveling to Oslo to accept the honor, and all of Liu's family has been barred from traveling. The Nobel committee will postpone bestowing the actual medal, but the ceremony will go on on Friday. There have now been just over 100 documented incidents since October in which Chinese citizens have been harassed, interrogated, and subjected to police surveillance, detained, or placed under house arrest for their expressions of support for Liu Xiaobo. Some supporters reportedly have just disappeared.

The travel restrictions are pretty unbelievable. A violinist, Lynn Chang, an American of Chinese descent who teaches at the Boston Conservatory, and who will be playing at the Nobel Peace Prize ceremony on December 10, expressed concern about the personal and professional repercussions his family might have in China for his accepting the invitation to play at the ceremony.

Out of about 140 Chinese activists invited by Liu's wife to attend the ceremony, only one at this point has been able to say: "I will be there." More than a dozen and far more have been blocked from flying overseas since Liu won the Peace Prize in October.

This is a photograph of Liu Xiaobo and his wife. Both are courageous citizens, who, in my judgment, are owed our respect and all that we can do to say to the Chinese Government: You cannot possibly continue to do this and then insist that you believe in democracy.

Mr. President, in a recent interview with CNN, Premier Wen Jiabao of China said this:

Freedom of speech is indispensable. . . . The people's wishes for, and needs for, democracy and freedom are irresistible.

I hope the Chinese Government and Chinese officials will understand they cannot talk about these principles in that way and then continue to imprison someone such as Liu Xiaobo, whom the rest of the world will celebrate as a courageous man striving for greater human rights in China, the very things we take for granted every morning we wake up in the United States. This man is spending 11 years in prison just for writing about his aspirations for himself and the rest of the people in China to have those freedoms.

As I said, I will not be in Oslo on Friday. I am enormously honored by Liu Xiaobo's wife asking me to be present. As chair of the Congressional Executive Commission on China, I have held

many hearings on the issues that exist between us and China. I held a hearing within the last month about the issue of Liu Xiaobo's Nobel Peace Prize and what it means when a government says: Rather than be at a place of honor and our country celebrating your winning the Nobel Peace Prize, we will have you in a prison cell once again.

That is not what we would expect, or what anybody should expect, from the Government of China. I said previously there are things that have improved in China in recent years for some Chinese. China is a big country. It will be a significant part of our future. We are not quite sure how that is going to manifest itself.

Our country has decided affirmatively that our relationship with China ought to be a constructive relationship in which we have constructive engagement through trade and travel, and that is anticipated to move China toward greater human rights. In fact, there have been some areas of progress. But this is a disgrace. Liu Xiaobo is a hero. He ought not be a prisoner. Liu Xiaobo will be honored whether the Chinese like it or not this Friday in Oslo, Norway. The Chinese are trying to do everything they can to keep people away from that ceremony. They have been calling other embassies in Oslo saying: Do not go to that ceremony.

I think what has been happening is pretty unbelievable. I hope all of the American people this Friday understand there is someone we ought to think about who has exhibited great courage in support of freedom for the people of the country in which he lives, and that is Liu Xiaobo. On Friday, he will still be in prison, but the world can celebrate his courage and say to the Chinese in every way we know that they cannot continue to talk about freedom and then keep a Nobel Peace Prize winner in a dark prison cell in the farther reaches of China.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. GILLIBRAND. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. GILLIBRAND. I ask unanimous consent to speak for as much time as I may consume.

The PRESIDING OFFICER. Without objection, it is so ordered.

JAMES ZADROGA 9/11 HEALTH AND COMPENSATION ACT

Mrs. GILLIBRAND. Mr. President, 69 years ago tomorrow, one of the most deadly attacks on our Nation that we

have ever seen, the horrific attacks on Pearl Harbor killed more than 2,000 U.S. troops and civilians. President Franklin D. Roosevelt said December 7 is a date which will live in infamy. No matter how long it may take us to overcome this premeditated invasion, the American people, in their righteous might, will win through to absolute victory, and we did.

In the aftermath of Pearl Harbor, America succeeded not only militarily, we succeeded morally as well. Our Nation bonded together with a newfound resolve to help those who sacrificed so much for our Nation and to take care of our fellow citizens.

In the months that followed the attacks, Democrats and Republicans knew exactly what had to be done. Congress came together, not only to declare war but to pass legislation that provided health care and compensation to each and every civilian who was injured during that Pearl Harbor attack—every citizen who sacrificed for America that day. It did not take 9 years for that to be done. Congress acted bravely and swiftly, without partisanship, without gridlock, with a clear moral compass and a clear determination that we as a nation have an undeniable moral obligation to help the people who were harmed during that attack on Pearl Harbor.

Pearl Harbor was the most deadly attack on our Nation, the most deadly attack until the morning of September 11, 2001, when 3,000 innocent people perished and tens of thousands of people came to their rescue. In the days that followed the 9/11 attack, America showed the very same resolve it had shown nearly 60 years prior, and now we have seen thousands of heroes and thousands of survivors sick and dying from the toxins released at ground zero. It is a time for us to show that very same resolve again.

As President Roosevelt said: No matter how long it will take us, we will win through to absolute victory. We will provide the firefighters and police officers and the construction workers and the cleanup workers and the people and the children who go to school and live at ground zero with the health care and compensation they justly and rightly deserve.

There are few things we do in Washington that are clearly a choice between right and wrong. There is no gray area when it comes to this issue. We truly have a moral and undeniable obligation to help these men and women. For the past week on display in the Russell rotunda we have shown 29 police badges that belonged to 29 members of the New York City police force who died since September 11 because of the diseases related to those toxins that were released when the towers fell. The 30th police officer, David Mahmoud, died last month of a very rare, disfiguring form of cancer

after he worked 60 hours at the site of ground zero.

Perhaps the most disturbing fact about the deaths of these 30 police officers is the fact that the average age of these men and women is 46 years old.

The badges we displayed were not just a memorial to those we lost, they are a call to action for each and every one of us who call ourselves public servants and for those of us who are here to serve on behalf of this Nation. Every single Member of the Senate should visit that memorial today to see and be reminded of those men and women who have perished. Over 13,000 World Trade Center responders are sick today and receiving treatment; nearly 53,000 responders are enrolled in medical monitoring and 71,000 responders are enrolled in the World Trade Center Health Registry, indicating they were exposed to these toxins.

These men and women are from all over this country, from every State in the Union. In fact, approximately 10,000 individuals came from outside the New York area, including every State in this country, to save lives and to clean up after the devastation that struck New York. Their illnesses range from respiratory, gastrointestinal, and mental health conditions caused by the inhalation of pulverized cement, glass, lead and asbestos and other fatal toxins that were caused by the destruction of those buildings on 9/11.

The James Zadroga 9/11 Health and Compensation Act provides the proper congressional authorization and statutory structure to the 9/11 health programs that have received \$326 million through annual appropriations since 2003. Our bill would establish the World Trade Center health program within the National Institute for Occupational Safety and Health to provide permanent ongoing medical monitoring and treatment for related conditions to the World Trade Center responders and community members.

The program administrator will establish a nationwide network of providers so the eligible individuals who live outside of New York can reasonably access monitoring and treatment benefits near where they live. These eligible individuals are included in the caps on the numbers of participants in the responder and community programs.

I wish to emphasize one important aspect of this bill that typically gets overlooked. Our legislation will provide a level of accountability and transparency for the disbursement of funds that has not been seen up until this point with the current programs. It terminates all of the existing six billing programs that were hastily put together in the chaotic aftermath of September 11, and establishes one third-party administrator who will set reasonable rates, track expenditures, and enforce eligibility requirements. It

will be 100 percent transparent and accountable.

Further, our bill limits the health program to 10 years and caps the number of people who can receive treatment at approximately 109,000 and limits the treatment to respiratory, gastrointestinal or mental health diseases that have already been medically certified to have been associated with breathing the toxins and other hazards at ground zero.

Under this bill, the government is the payer of last resort. Individual health insurance or funds from workers compensation claims will all pay for treatment first. The Federal Government will only cover those after those first two payers pay. The city of New York is required to contribute 10 percent matching cost shares of the community health program.

The legislation will also formally reopen the September 11 Victims Compensation Fund to provide compensation for economic damages and loss for individuals who did not file or did not become ill before the original cutoff date of December 22, 2003. The payments will be limited to \$4.2 billion over 10 years.

Our bill would strictly enforce limits to attorney payments to 10 percent of the payments from the fund, and it would provide liability protections for the World Trade Center contractors and the City of New York, limiting liability of defendants for claims previously resolved, currently pending or filed through December 22 of 2031.

Last, I wish to emphasize this bill is entirely pay-go compliant. That means the bill is paid for. It will not add to our debt or our deficit. It is capped, mandatory funding that is offset completely by a pay-for that closes a loophole that foreign companies use to avoid paying their fair share of U.S. taxes, which fundamentally makes our companies have to play on an unlevel playing field. We want to help American businesses and that is what this pay-for does.

In closing, I wish to make it crystal clear what this bill is about. This bill is about our first responders. This bill is about our heroes, and their families. This bill is about the victims who lived at ground zero. This bill is about the children who are currently suffering from asthma, the most vulnerable in our communities who could not tolerate these toxins in their bodies.

I am going to tell you about three individuals whose stories are particularly moving. At a time when most people were running away from lower Manhattan, Joseph Picurro rushed to the World Trade Center site to volunteer his expertise as an ironworker for these rescue efforts. For 28 days Joe helped cut steel beams on the pile to find survivors and to clear debris, often sleeping on the floor of a nearby office building, rather than returning to his

home and his family in New Jersey at night.

In the years following his dedicated work at Ground Zero, Joe was diagnosed with sarcoidosis, a reactive airway dysfunction syndrome and severe acid reflux. He suffered from constant joint pain, seizures, blackouts, and relied on dozens of different medications.

Unable to work for years, Joe had to fight to get his workers compensation for his illness. In October, Joe passed away at the age of 43. He left behind his wife and his daughter Allison. Joe's wife Laura recently wrote me a note of plea. She said:

Our financial situation is bad—I mean bad. For 6 years I've had to beg for help, borrow from family and I just can't do it anymore, and shouldn't have to. We need to reopen the Victim Compensation Fund.

This bill is also for people such as Frank Fraone of California. Frank was a division chief of the Menlo Park Fire Department in California. He was thousands of miles away from New York City on 9/11 fighting wildfires. Along with thousands of other brave men and women who came from all across this country, Chief Fraone traveled to New York to aid local rescue workers at Ground Zero. He had seen his fair share of destruction during his career, but nothing had prepared him for what he saw at Ground Zero.

He worked 16-hour days with fellow rescue workers inhaling that toxic dust that later left him with lower respiratory airway disease. Living across the country, far from New York City, Chief Fraone still feels the effects of working at Ground Zero, which he said limited his ability to respond to other disasters such as Hurricane Katrina. Chief Fraone has had difficulty getting health care in California for his ailments, and says that:

Living out here in California, I cannot get confirmation or talk face-to-face with anyone affiliated with [9/11] health issues. I do not know to this date if I am going to be covered for my health concerns. What happens when this health issue disables me and I can no longer work or care for my family?

Our bill would meet the needs of this division chief and this man and this hero who came to help when he was needed.

The last story I wish to give is that of Robert Helmke. Police Officer Helmke died at the age of 43 from stage IV metastatic colorectal cancer caused by inhaling and swallowing the toxins at Ground Zero. He was 43. I am 43. Robert worked numerous hours of duty at the World Trade Center. He ate food and unknowingly inhaled the toxins while he was working. At no time while he was working at the site was he instructed ever to wear protective gear or any kind of breathing apparatus, nor was he told by our government that the air was in any way unhealthy or bad for him.

Stage IV metastatic colorectal cancer is a form of cancer that affects the

upper GI tract. It is very rare in someone so young. He was told that treatment would not cure him, that it would only help him to live a little longer. I want to read to you his reaction to the diagnosis in his own words. He said:

Talk about crushing news! My wife and I sat in the car and cried as I asked her what did I ever do to deserve this. On July 11th, 2006, I had major surgery to remove two tumorous parts from my small colon and have radiation on the large tumor in my liver. Before my surgery, I had four chemotherapy treatments and was in an emergency room three times to be treated for dehydration before finally having to go on an all liquid diet and intravenous feeding. I have a wife, Greta, and two young children, Garrett and Amelia, who have seen my health worsen since participating in the World Trade Center recovery. My favorite things in life are slowly being taken away from me. My work, food, helping others and caring for my family.

Officer Helmke died on July 28, 2007. These are the stories that tell us what this bill is about—men and women who are suffering; men and women who have died; men and women who have suffered so much because they did the right thing.

What message are we sending here from this body, this esteemed body, if we cannot help those who came to our rescue, who were there to find survivors, who were there then to find remains, and who were there to do the cleanup when our government asked them to help?

You must remember the days after 9/11. This country would have done anything to help those who had suffered so much in New York and across this country. This was the most deadly terrorist attack in the history of America. And now 9 years later this body cannot come together to do what is right? This is the clearest example of right versus wrong that I have seen in this body in my 2 short years.

We must recognize the undeniable obligation we have, a moral obligation to protect these men and women and their families because they did the right thing. It is now time for this body to do the very same.

I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PUBLIC SAFETY EMPLOYER-EMPLOYEE COOPERATION ACT OF 2010—MOTION TO PROCEED

CLOTURE MOTION

Mr. REID. Mr. President, I move to proceed to Calendar No. 662, S. 3991, the Public Safety Employer-Employee Co-

operation Act, and I have a cloture motion at the desk I wish reported.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to Calendar No. 662, S. 3991, the Public Safety Employer-Employee Cooperation Act of 2010.

Harry Reid, Patrick J. Leahy, Tom Harkin, Carl Levin, Daniel K. Inouye, Richard J. Durbin, Byron L. Dorgan, Jack Reed, Jeff Bingaman, Dianne Feinstein, Mark Begich, Robert Menendez, Daniel K. Akaka, Sherrod Brown, Sheldon Whitehouse, Patty Murray, Debbie Stabenow, Barbara Boxer.

Mr. REID. Mr. President, I now withdraw that motion.

The PRESIDING OFFICER. The motion is withdrawn.

EMERGENCY SENIOR CITIZENS RELIEF ACT OF 2010—MOTION TO PROCEED

CLOTURE MOTION

Mr. REID. Mr. President, I move to proceed to Calendar No. 655, S. 3985, which is the Emergency Senior Citizens Relief Act, and I have a cloture motion at the desk referencing that matter.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to Calendar No. 655, S. 3985, the Emergency Senior Citizens Relief Act of 2010.

Harry Reid, Richard J. Durbin, Bernard Sanders, Sherrod Brown, Debbie Stabenow, Sheldon Whitehouse, Patrick J. Leahy, Byron L. Dorgan, John D. Rockefeller IV, Charles E. Schumer, Al Franken, Barbara A. Mikulski, Jack Reed, Frank R. Lautenberg, Kirsten E. Gillibrand, Mark Begich, Robert P. Casey, Jr., Tom Udall.

Mr. REID. Mr. President, I now withdraw that motion.

The PRESIDING OFFICER. The motion is withdrawn.

DEVELOPMENT, RELIEF, AND EDUCATION FOR ALIEN MINORS ACT OF 2010—MOTION TO PROCEED

CLOTURE MOTION

Mr. REID. Mr. President, I now move to proceed to Calendar No. 663, S. 3992, which is the Development, Relief, and Education for Alien Minors Act of 2010, and I have a cloture motion at the desk.

The PRESIDING OFFICER. The cloture motion having been presented

under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to Calendar No. 663, S. 3992, the Development, Relief, and Education for Alien Minors Act of 2010 (DREAM Act).

Harry Reid, Richard J. Durbin, Tom Harkin, Carl Levin, Daniel K. Inouye, Dianne Feinstein, Byron L. Dorgan, Jack Reed, Jeff Bingaman, Patrick J. Leahy, Mark Begich, Blanche L. Lincoln, Robert Menendez, Daniel K. Akaka, Sherrod Brown, Sheldon Whitehouse, Patty Murray, Debbie Stabenow, Barbara Boxer.

Mr. REID. Mr. President, I now withdraw the cloture motion relating to that matter.

The PRESIDING OFFICER. The motion is withdrawn.

JAMES ZADROGA 9/11 HEALTH AND COMPENSATION ACT—MOTION TO PROCEED

CLOTURE MOTION

Mr. REID. Mr. President, I ask unanimous consent to proceed to Calendar No. 641, H.R. 847, the James Zadroga 9/11 Health and Compensation Act, and I have a cloture motion at the desk regarding this matter.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to Calendar No. 641, H.R. 847, the James Zadroga 9/11 Health and Compensation Act of 2010.

Harry Reid, Kirsten E. Gillibrand, Charles E. Schumer, Robert P. Casey, Jr., Patty Murray, Al Franken, Jeff Bingaman, Benjamin L. Cardin, Joe Manchin III, Daniel K. Inouye, Michael F. Bennet, Jeanne Shaheen, Robert Menendez, Barbara Boxer, Frank R. Lautenberg, Christopher J. Dodd, Richard J. Durbin.

Mr. REID. Mr. President, regarding H.R. 847, the Zadroga legislation, have we stated that motion?

The PRESIDING OFFICER. The motion has been stated and the names have been read.

ORDER OF PROCEDURE

Mr. REID. Mr. President, I ask unanimous consent that the cloture vote on the motion to proceed to Calendar No. 662, S. 3991, occur upon the conclusion of the impeachment proceedings and the Senate resumes legislative session; that the Senate then resume the motion to proceed to Calendar No. 662, and that the mandatory quorum, required

under rule XXII, as it relates to all these matters I have filed cloture on be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE—IMPEACHMENT AGAINST JUDGE G. THOMAS PORTEOUS

Mr. REID. Mr. President, I ask unanimous consent that the Senate resume consideration of the Articles of Impeachment against Judge G. Thomas Porteous, Jr., of the Eastern District of Louisiana, at 10 a.m. on Tuesday, December 7, for the commencement of arguments by the House managers and counsel for Judge Porteous on motions filed by Judge Porteous with regard to the Impeachment Articles and that the Secretary be instructed to so notify the House of Representatives.

I further ask unanimous consent that each side be permitted no more than 1 hour for argument on all motions, that counsel for Judge Porteous be permitted to open and close the motions argument, and that the parties be permitted to divide their argument as they wish.

I further ask unanimous consent that then, after recessing for the weekly party caucuses, the Senate reconvene on the Articles of Impeachment at 2:30 p.m. on Tuesday, December 7, for the parties' final arguments on the merits of the articles. I ask unanimous consent that the parties have each 1½ hours to present articles on all four articles, which, under the impeachment rules, will be opened and closed by the House managers, with no more than two individuals speaking for each side.

I further ask unanimous consent that, at the conclusion of the 3 hours allotted for final arguments, the Senate shall immediately meet in closed session to begin its deliberations on the Articles of Impeachment and the related motions in accordance with impeachment rule XX.

I finally ask unanimous consent that the individuals listed on the document I now send to the desk be granted the privilege of the Senate floor during all open sessions while the Articles of Impeachment against Judge Porteous are under consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The list is as follows:

THE JUDGE AND HIS COUNSEL

1. Judge Gabriel Thomas Porteous, Jr.
2. Jonathan Turley
3. Daniel Schwartz
4. P. J. Meitl
5. Daniel O'Connor
6. Ian Barlow

THE HOUSE OF REPRESENTATIVES MANAGERS

7. Adam Schiff (D-CA)
8. Bob Goodlatte (R-VA)
9. Henry C. "Hank" Johnson, Jr. (D-GA)
10. Jim Sensenbrenner (R-WI)
11. Zoe Lofgren (D-CA)

SPECIAL IMPEACHMENT COUNSEL TO THE HOUSE MANAGERS

12. Alan Baron
13. Harold Damelin
14. Mark Dubester
15. Kirsten Konar

STAFF TO THE HOUSE MANAGERS

16. Jeffrey Lowenstein (Schiff)
17. Branden Ritchie (Goodlatte)
18. Elisabeth Stein (Johnson)
19. Michael Lenn (Sensenbrenner)
20. Ryan Clough (Lofgren)

Mr. REID. Mr. President, I stress the importance of all Senators attending the impeachment proceedings. I urge them to be in the Chamber at 10 a.m. tomorrow for a live quorum, which will begin at that time, prior to the commencement of the impeachment trial proceedings. This is an important constitutional part of the Senate's responsibilities, and each Senator has an obligation to participate in the case and for his or her office to be present and informed and participate. This type of impeachment proceeding has happened only a few times in the history of the Republic. It is very important for Senators to participate.

HONORING OUR ARMED FORCES

SERGEANT FIRST CLASS BARRY EDWARD JARVIS

Mr. BAYH. Mr. President, I rise today to honor the life of SFC Barry Edward Jarvis of the U.S. Army and Tell City, IN.

Sergeant Jarvis was assigned to the 1st Squadron of the 61st Cavalry Regiment, 101st Airborne Division at Fort Campbell, KY. He was 36 years old when he lost his life on November 29, 2010, serving bravely in support of Operation Enduring Freedom in Afghanistan's Nangarhar Province.

Sergeant Jarvis and his family moved to Indiana when he was a boy. He graduated from Tell City High School in 1993 and finished Army basic training in 1998. A cavalry scout, Sergeant Jarvis was assigned to Fort Campbell in May of 2009 and deployed to Afghanistan 3 months later.

He was known by many as a genuine and dedicated soldier who found his calling in serving his country, and his numerous awards and decorations, including the Meritorious Service Medal, the Army Commendation Medal, and the Army Achievement Medal, bear out that reputation.

I join Sergeant Jarvis' family and friends in mourning his death. He is survived by his wife Tina Louise Jarvis of Clarksville, TN; his children Kitaira Aleesha, and William, also of Clarksville, and Donavon, of Evansville, IN; his father William Edward Jarvis of Atlantic Beach, FL; and his mother, Alma Jean Jarvis of Tell City, IN.

As we struggle to express our grief over this loss, we take pride in the example of this American hero. We cherish the legacy of his service and his life.

As I search for words to honor this fallen soldier, I recall President Lincoln's words to the families of the fallen at Gettysburg: "We cannot dedicate, we cannot consecrate, we cannot hallow this ground. The brave men, living and dead, who struggled here, have consecrated it, far above our poor power to add or detract. The world will little note nor long remember what we say here, but it can never forget what they did here."

It is my sad duty to enter the name of SFC Barry Edward Jarvis in the RECORD of the U.S. Senate for his service to our country and for his profound commitment to freedom, democracy, and peace.

TAX CUTS

Mr. NELSON of Nebraska. Mr. President, Nebraskans want both Republicans and Democrats to work out a bipartisan plan soon that will extend all, or nearly all, of the income and other tax cuts which expire on December 31, 2010. In today's votes, I opposed the first amendment because it would raise taxes for a number of small businesses in Nebraska and nationwide, penalizing the best job creators in our economy. I supported the second amendment extending the tax cuts for most taxpayers because it won't affect most small businesses.

I believe that any revenue generated by ending tax cuts for some Americans should go not for new government spending but to pay down the nearly \$14 trillion debt. Debt reduction is essential for all Americans' economic future, and for our Nation to remain the leader of the free world. I will continue pushing for extending all of the tax cuts to provide the certainty, clarity, and continuity we need to get our economy going strong again. I hope the Senate will come together soon to pass major tax cuts.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Pate, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 2:03 p.m., a message from the House of Representatives, delivered by

Mr. Novotny, one of its reading clerks, announced that pursuant to section 1002 of the Intelligence Authorization Act for Fiscal Year 2003 (Public Law 107-306) as amended by section 701(a)(3) of the Intelligence Authorization Act for Fiscal Year 2010 (Public Law 111-259), and the order of the House of January 6, 2009, the Speaker appoints the following member on the part of the House of Representatives to the National Commission for the Review of the Research and Development Programs of the United States Intelligence Community: Dr. Shirley Ann Jackson of Bridgewater, New Jersey.

The message also announced that pursuant to section 1 of the Library of Congress Trust Fund Board Act (2 U.S.C. 154 note), and the order of the House of January 5, 2009, the Speaker appoints the following members on the part of the House of Representatives to the Library of Congress Trust Fund Board for a 5-year term: Mr. Richard Fredericks of San Francisco, California, Ms. Barbara Guggenheim of Los Angeles, California, and Mr. James Kimsey of McLean, Virginia.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, December 6, 2010, she had presented to the President of the United States the following enrolled bill:

S. 3307. An act to reauthorize child nutrition programs, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-8324. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Tristyrylphenol ethoxylates; Exemption from the Requirement of a Tolerance" (FRL No. 8836-5) received in the Office of the President of the Senate on November 30, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC-8325. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 610 in the Gulf of Alaska" (RIN0648-XZ61) received in the Office of the President of the Senate on December 6, 2010; to the Committee on Commerce, Science, and Transportation.

EC-8326. A communication from the Assistant Chief Counsel for General Law, Pipeline and Hazardous Materials Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Pipeline Safety: Updates to Pipeline and Liquefied Natural Gas Reporting Requirements" (RIN2137-AE33) received in the Office of the President of the Senate on

December 6, 2010; to the Committee on Commerce, Science, and Transportation.

EC-8327. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish Fishery of the Gulf of Mexico; Closure of the 2010 Gulf of Mexico Commercial Sector for Greater Amberjack" (RIN0648-XY49) received in the Office of the President of the Senate on December 6, 2010; to the Committee on Commerce, Science, and Transportation.

EC-8328. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch by Vessels in the Amendment 80 Limited Access Fishery in the Western Aleutian District of the Bering Sea and Aleutian Islands Management Area" (RIN0648-XA033) received in the Office of the President of the Senate on December 6, 2010; to the Committee on Commerce, Science, and Transportation.

EC-8329. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch in the Central Aleutian District of the Bering Sea and Aleutian Islands Management Area" (RIN0648-XA035) received in the Office of the President of the Senate on December 6, 2010; to the Committee on Commerce, Science, and Transportation.

EC-8330. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Sikorsky Aircraft Corporation (Sikorsky) Model S-70A and S-70C Helicopters" ((RIN2120-AA64) (Docket No. FAA-2010-0490)) received in the Office of the President of the Senate on December 6, 2010; to the Committee on Commerce, Science, and Transportation.

EC-8331. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of State Air Quality Plans for Designated Facilities and Pollutants, State of Delaware; Control of Emissions from Existing Hospital/Medical/Infectious Waste Incinerator (HMIWI) Units, Negative Declaration and Withdrawal of EPA Plan Approval" (FRL No. 9233-4) received in the Office of the President of the Senate on November 30, 2010; to the Committee on Environment and Public Works.

EC-8332. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Determinations of Attainment by the Applicable Attainment Date for the Hayden, Nogales, Paul Spur/Douglas PM10 Nonattainment Areas, Arizona; Withdrawal of Direct Final Rule" (FRL No. 9233-1) received in the Office of the President of the Senate on November 30, 2010; to the Committee on Environment and Public Works.

EC-8333. A communication from the Director of the Regulatory Management Division,

Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Federal Requirements Under the Underground Injection Control (UIC) Program for Carbon Dioxide (CO2) Geologic Sequestration (GS) Wells" (FRL No. 9232-7) received in the Office of the President of the Senate on November 30, 2010; to the Committee on Environment and Public Works.

EC-8334. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Hazardous Waste Management System; Identification and Listing of Hazardous Waste; Withdrawal of Direct Final Exclusion" (FRL No. 9231-4) received in the Office of the President of the Senate on November 30, 2010; to the Committee on Environment and Public Works.

EC-8335. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Mandatory Reporting of Greenhouse Gases: Injection and Geologic Sequestration of Carbon Dioxide" (FRL No. 9232-6) received in the Office of the President of the Senate on November 30, 2010; to the Committee on Environment and Public Works.

EC-8336. A communication from the Director, Office of Administration, Executive Office of the President, transmitting, pursuant to law, a report relative to transactions from the Unanticipated Needs Account for Fiscal Year 2010; to the Committee on Homeland Security and Governmental Affairs.

EC-8337. A communication from the Chairman of the Federal Trade Commission, transmitting, pursuant to law, the Commission's Performance and Accountability Report for fiscal year 2010; to the Committee on Homeland Security and Governmental Affairs.

EC-8338. A communication from the Administrator of the Agency for International Development (USAID), transmitting, pursuant to law, the Semi-Annual Report of the Inspector General for the period from April 1, 2010 through September 30, 2010; to the Committee on Homeland Security and Governmental Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HARKIN, from the Committee on Health, Education, Labor, and Pensions, with an amendment in the nature of a substitute:

H.R. 2941. A bill to reauthorize and enhance Johanna's Law to increase public awareness and knowledge with respect to gynecologic cancers.

By Mr. HARKIN, from the Committee on Health, Education, Labor, and Pensions, with an amendment in the nature of a substitute and an amendment to the title:

S. 3036. A bill to establish the Office of the National Alzheimer's Project.

By Mr. HARKIN, from the Committee on Health, Education, Labor, and Pensions, with an amendment in the nature of a substitute:

S. 3199. A bill to amend the Public Health Service Act regarding early detection, diagnosis, and treatment of hearing loss.

By Mr. LEAHY, from the Committee on the Judiciary, with an amendment in the nature of a substitute:

S. 3728. A bill to amend title 17, United States Code, to extend protection to fashion design, and for other purposes.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mrs. FEINSTEIN:

S. 4010. A bill for the relief of Shigeru Yamada; considered and passed.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Ms. MIKULSKI (for herself, Ms. SNOWE, Ms. STABENOW, and Mrs. BOXER):

S. Res. 695. A resolution recognizing the 20th anniversary of the National Institutes of Health Office of Research on Women's Health and the continuing leadership and achievements of the Office on Women's Health in conducting and supporting biomedical research to improve women's health; considered and agreed to.

ADDITIONAL COSPONSORS

S. 1204

At the request of Mrs. MURRAY, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 1204, a bill to amend the Department of Veterans Affairs Health Care Programs Enhancement Act of 2001 to require the provision of chiropractic care and services to veterans at all Department of Veterans Affairs medical centers, and for other purposes.

S. 1334

At the request of Mrs. GILLIBRAND, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 1334, a bill to amend the Public Health Service Act to extend and improve protections and services to individuals directly impacted by the terrorist attack in New York City on September 11, 2001, and for other purposes.

S. 3486

At the request of Mr. BROWN of Ohio, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 3486, a bill to amend title 38, United States Code, to repeal the prohibition on collective bargaining with respect to matters and questions regarding compensation of employees of the Department of Veterans Affairs other than rates of basic pay, and for other purposes.

S. 3572

At the request of Mrs. LINCOLN, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 3572, a bill to require the

Secretary of the Treasury to mint coins in commemoration of the 225th anniversary of the establishment of the Nation's first law enforcement agency, the United States Marshals Service.

S. 3929

At the request of Mr. TESTER, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 3929, a bill to revise the Forest Service Recreation Residence Program as it applies to units of the National Forest System derived from the public domain by implementing a simple, equitable, and predictable procedure for determining cabin user fees, and for other purposes.

S. 3972

At the request of Mr. CARDIN, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 3972, a bill to encourage, enhance, and integrate Blue Alert plans throughout the United States in order to disseminate information when a law enforcement officer is seriously injured or killed in the line of duty.

S. 3982

At the request of Mrs. FEINSTEIN, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 3982, a bill to amend the limitation on liability for certain passenger rail accidents or incidents under section 28103 of title 49, United States Code, and for other purposes.

S. 3989

At the request of Mr. WYDEN, the name of the Senator from South Carolina (Mr. GRAHAM) was added as a cosponsor of S. 3989, a bill to amend the Internal Revenue Code of 1986 to allow an offset against income tax refunds to pay for restitution and other State judicial debts that are past-due.

S. CON. RES. 71

At the request of Mr. FEINGOLD, the names of the Senator from Colorado (Mr. BENNET) and the Senator from California (Mrs. BOXER) were added as cosponsors of S. Con. Res. 71, a concurrent resolution recognizing the United States national interest in helping to prevent and mitigate acts of genocide and other mass atrocities against civilians, and supporting and encouraging efforts to develop a whole of government approach to prevent and mitigate such acts.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 695—RECOGNIZING THE 20TH ANNIVERSARY OF THE NATIONAL INSTITUTES OF HEALTH OFFICE OF RESEARCH ON WOMEN'S HEALTH AND THE CONTINUING LEADERSHIP AND ACHIEVEMENTS OF THE OFFICE ON WOMEN'S HEALTH IN CONDUCTING AND SUPPORTING BIOMEDICAL RESEARCH TO IMPROVE WOMEN'S HEALTH

Ms. MIKULSKI (for herself, Ms. SNOWE, Ms. STABENOW, and Mrs. BOXER) submitted the following resolution; which was considered and agreed to:

S. RES. 695

Whereas the National Institutes of Health (referred to in this preamble as the "NIH") Office of Research on Women's Health (referred to in this preamble as the "ORWH") is a leader in the national commitment to research, research training, and science-based education programs on women's health and sex differences research;

Whereas the ORWH was originally established in 1990 in response to congressional, scientific, and advocacy concerns regarding the lack of systemic and consistent inclusion of women in NIH-funded clinical research and the lack of scientific data and information regarding women's health;

Whereas the ORWH has made significant progress in developing and implementing policies to ensure the inclusion of women in NIH clinical research and, in this manner, has encouraged the increased reporting in scientific literature of sex- and gender-related factors in health and clinical trial analysis;

Whereas the ORWH initiated the "Building Interdisciplinary Research Careers in Women's Health" program in 1999 and has supported the career development and advancement of approximately 400 early-stage research scientists to become independent researchers and obtain academic promotions at major research institutions throughout the United States;

Whereas the ORWH initiated the "Specialized Centers of Research on Sex and Gender Factors Affecting Women's Health" program in 2002 to support interdisciplinary and sex differences research, including basic, translational, and clinical investigations, by accomplished scientists;

Whereas in 2009, the scientists participating in the "Specialized Centers of Research on Sex and Gender Factors Affecting Women's Health" program published 116 journal articles, 176 abstracts, and 63 other publications;

Whereas the ORWH collaborates with NIH Institutes and Centers to support basic, clinical, population, and translational research in laboratory, clinical, and community settings throughout the United States;

Whereas the ORWH pursues research efforts to benefit all individuals burdened by diseases and disorders that are within the scope of the mission of the ORWH, including men, women, older and younger adults, children, minority populations who are disproportionately affected by certain diseases, people from economically-disadvantaged backgrounds, and other understudied or underrepresented populations;

Whereas ORWH-supported research has dramatically increased vital understanding

of sex differences research, from single cells to multiple biological systems and mechanisms, and has prompted sex differences research in the fields of endocrinology, immunology, epigenetics, systems biology, and neuroscience, as well as in new technology-enabled fields such as genomics, proteomics, and metabolomics;

Whereas research conducted and supported by the ORWH has been instrumental in revolutionizing policies, research, and programs focusing on the health, prevention, diagnostic, and treatment strategies for girls, women, and their families, leading to remarkable improvements in health and quality of life;

Whereas the ORWH sponsors education and outreach programs, with materials tailored for diverse audiences, to improve women's health by disseminating science-based information to women and their families, those at risk for disease, health care educators, and the general public;

Whereas the ORWH has initiated or participated in collaborative and coordinated research efforts and science-based public education programs in order to maximize the Federal investment in research and synergize expertise across the NIH, with other Federal agencies, and with public and private organizations;

Whereas the ORWH has a farsighted research agenda for the next decade entitled "Moving Into the Future With New Dimensions and Strategies: A Vision for 2020 for Women's Health Research" that is based on the culmination of a 2-year strategic planning process, involving more than 1,500 leading scientists, advocates for women's health, public policy experts, health care providers, Federal, State, and local elected officials, and the general public in 5 regional scientific meetings;

Whereas the ORWH research agenda is visionary and addresses the 6 major goals of—

- (1) increasing the study of sex differences in basic research studies;
- (2) incorporating findings of sex differences in the design and application of new technologies, medical devices, and therapeutic drugs;
- (3) actualizing personalized prevention, diagnostics, and therapeutics for girls and women;
- (4) creating strategic alliances and partnerships in order to maximize the national and international impact of research on women's health;
- (5) developing and implementing new communication and social networking technologies to increase understanding and appreciation of research on women's health; and
- (6) employing innovative strategies to build a well-trained, diverse, and vibrant women's health research workforce; and

Whereas ORWH-supported initiatives and programs continue to make strides in addressing the expanded concepts of women's health across the entire lifespan of a woman, while continuing to explore understudied areas of reproductive health and the meno-

pausal transition, developing distinct research career paths for investigators in women's health, sex differences, and interdisciplinary research, increasing the number of investigator-initiated women's health research studies in areas such as cardiovascular disease and stroke, musculoskeletal and immune disorders, and mental health and substance abuse, and increasing the scientific knowledge on the health, diseases, disorders, and conditions that affect diverse populations of women: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the 20th anniversary of the National Institutes of Health Office of Research on Women's Health (referred to in this resolution as the "ORWH");

(2) commends the ORWH for its leadership in women's health research, research training, and science-based education programs;

(3) recognizes ORWH-supported scientists whose studies have improved women's health and whose research continues to yield promising discoveries;

(4) recognizes the volunteers who participate in clinical studies and the patient and professional health organizations that contribute to the shared research goals of preventing, treating, and curing the diseases and disorders within the scope of the mission of the ORWH; and

(5) reaffirms the support of the Senate for the ORWH and the continued commitment of the ORWH to carrying out research to improve women's health.

RELIEF OF SHIGERU YAMADA

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. 4010.

The PRESIDING OFFICER. The clerk will state the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 4010) for the relief of Shigeru Yamada.

There being no objection, the Senate proceeded to consider the bill.

Mrs. FEINSTEIN. Mr. President, I offer today private relief legislation to provide lawful permanent residence status to Shigeru Yamada, a 28-year-old Japanese national who lives in Chula Vista, CA.

The Senate passed S. 124, a private relief bill on behalf of Mr. Yamada on Friday; however, that version of the private relief bill did not include an explanation of the zero budgetary impact of the bill. For this reason, I am introducing and seek passage of a new version of this private bill for Mr. Yamada, so that the Congressional Budget Office's assessment of the zero budgetary impact of this bill can be taken into consideration when this bill reaches the House of Representatives.

Mr. Yamada legally entered the United States with his mother and two sisters in 1992 at the young age of 10. The family was fleeing from Mr. Yamada's alcoholic father, who had been physically abusive to his mother, the children and even his own parents. Since then, he has had no contact with his father and is unsure if he is even alive.

Tragically, Mr. Yamada experienced further hardship when his mother was killed in a car crash in 1995. Orphaned at the age of 13, Mr. Yamada spent time living with his aunt before moving to Chula Vista to live with a close friend of his late mother.

At the time of her death, Mr. Yamada's family was living legally in the United States. His mother had acquired a student visa for herself, and her children qualified as her dependents. Her death revoked his legal status in the United States. In addition, Mr. Yamada's mother was engaged to an American citizen at the time of her death. Had she survived, her son would likely have become an American citizen through this marriage.

Mr. Yamada has exhausted all administrative options under our current immigration system. Throughout high school, he contacted attorneys in the hopes of legalizing his status, but his attempts were unsuccessful. Unfortunately, time has run out and, for Mr. Yamada, the only option available to him today is private relief legislation.

I ask my colleagues to once again support this private relief bill on behalf of Mr. Yamada.

Mr. REID. Mr. President, I ask unanimous consent that the bill be read the third time and that a budgetary pay-go statement be read.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 4010) was ordered to be engrossed for a third reading and was read the third time.

The assistant legislative clerk read as follows:

Mr. Conrad: This is the Statement of Budgetary Effects of PAYGO Legislation for S. 4010.

Total Budgetary Effects of S. 4010 for the 5-year Statutory PAYGO Scorecard: \$0.

Total Budgetary Effects of S. 4010 for the 10-year Statutory PAYGO Scorecard: \$0.

Also submitted for the RECORD as part of this statement is a table prepared by the Congressional Budget Office, which provides additional information on the budgetary effects of this Act, as follows:

CBO ESTIMATE OF THE STATUTORY PAY-AS-YOU-GO EFFECTS FOR A BILL FOR THE RELIEF OF SHIGERU YAMADA, WITH AN AMENDMENT (MDM10842) PROVIDED TO CBO ON DECEMBER 6, 2010

	By fiscal year, in millions of dollars—										
	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2011–2015
Net Increase or Decrease (–) in the Deficit											
Statutory Pay-As-You-Go Impact	0	0	0	0	0	0	0	0	0	0	0

The bill would make Shigeru Yamada eligible for permanent U.S. residence. CBO estimates that it would have no significant effect on direct spending by the Department of Homeland Security or on federal assistance programs.

Mr. REID. Mr. President, I ask unanimous consent that the bill be passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and that any statements related to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 4010) was passed, as follows:

S. 4010

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PERMANENT RESIDENT STATUS FOR SHIGERU YAMADA.

(a) IN GENERAL.—Notwithstanding subsections (a) and (b) of section 201 of the Immigration and Nationality Act (8 U.S.C. 1151), Shigeru Yamada shall be eligible for issuance of an immigrant visa or for adjustment of status to that of an alien lawfully admitted for permanent residence upon filing an application for issuance of an immigrant visa under section 204 of that Act (8 U.S.C. 1154) or for adjustment of status to lawful permanent resident.

(b) ADJUSTMENT OF STATUS.—If Shigeru Yamada enters the United States before the filing deadline specified in subsection (c), Shigeru Yamada shall be considered to have entered and remained lawfully and shall be eligible for adjustment of status under section 245 of the Immigration and Nationality Act (8 U.S.C. 1255) as of the date of the enactment of this Act.

(c) APPLICATION AND PAYMENT OF FEES.—Subsections (a) and (b) shall apply only if the application for issuance of an immigrant visa or the application for adjustment of status is filed with appropriate fees not later than 2 years after the date of the enactment of this Act.

(d) REDUCTION OF IMMIGRANT VISA NUMBERS.—Upon the granting of an immigrant visa or permanent residence to Shigeru Yamada, the Secretary of State shall instruct the proper officer to reduce by 1, during the current or subsequent fiscal year, the total number of immigrant visas that are made available to natives of the country of birth of Shigeru Yamada under section 203(a) of the Immigration and Nationality Act (8 U.S.C. 1153(a)) or, if applicable, the total number of immigrant visas that are made available to natives of the country of birth of Shigeru Yamada under section 202(e) of that Act (8 U.S.C. 1152(e)).

(e) PAYGO.—The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go-Act of 2010, shall be determined by reference to the latest statement titled "Budgetary Effects of PAYGO Legislation" for this Act, submitted for printing in the Congressional Record by the Chairman of the Senate Budget Committee, provided that such statement has been submitted prior to the vote on passage.

RECOGNIZING THE 500TH ANNIVERSARY OF ANDREA PALLADIO

Mr. REID. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of H. Con. Res. 259 and the Senate now proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 259) recognizing the 500th anniversary of the birth of Italian architect Andrea Palladio.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. REID. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, with no intervening action or debate, and that any statements related to this measure be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 259) was agreed to.

The preamble was agreed to.

RECOGNIZING THE 20TH ANNIVERSARY OF THE NIH OFFICE OF RESEARCH ON WOMEN'S HEALTH

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 695, submitted earlier today.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 695) recognizing the 20th anniversary of the National Institutes of Health Office of Research on Women's Health and the continuing leadership and achievements of the Office on Women's Health in conducting and supporting biomedical research to improve women's health.

There being no objection, the Senate proceeded to consider the resolution.

Ms. MIKULSKI. Mr. President, I rise today to commemorate one of the greatest recent achievements in women's health—the 20th anniversary of the founding of the Office of Research on Women's Health at the National Institutes of Health. I could not be prouder of all that the Office of Research on Women's Health has done for women's health, and I am honored to be a part of its history.

As an advocate of women's health, a supporter of scientific research, and a woman myself, this is an emotional day for me. Twenty years ago, women did not have much to celebrate when it came to scientific advances. In fact, we were not even at the table. Remember that famous study that said, "an aspirin a day keeps the doctor away"? That study included 10,000 men but not a single woman. The same went for the famous study on heart disease factors: 13,000 men were surveyed but not a single woman.

We had a big problem. Women were being systematically excluded from NIH clinical research. It was not sound science, and it was not acceptable. Our worst concerns were confirmed by a 1990 GAO report, which proved that

women were not being included in clinical trials.

I had to do something about it. I remember it well: I called up my women colleagues, and they agreed. We piled into the car on a hot August day, and we drove to NIH in Bethesda, MD. Our aim was to assemble all 12 institutes, communicate our concerns, and see what goals they could come up with to resolve this unfair exclusion. We showed up: Connie Morella, OLYMPIA SNOWE, Pat Schroeder, and I—and so did the TV cameras and Time Magazine. We made it clear that the time had come to include women in scientific research, remember their place in the Federal budget, and treat them with respect.

We got Dr. Bernadine Healy appointed as the first female director of NIH, and that was a notable accomplishment. But we needed more. We needed an Office of Women's Health at the NIH to be on the law books. So Senators Kennedy, HARKIN, Kassebaum, and I worked together to create and fund it in statute. The first thing that Dr. Healy did with that funding was to put it toward the Women's Health Initiative, a now-famous hormonal study that has helped decrease breast cancer deaths by 15 percent, saving millions of lives.

Dr. Healy then appointed Dr. Vivian Pinn to serve as the first director of the Office of Research on Women's Health, ORWH. These women empowered researchers to look at disease in a gender-specific way, such as heart disease and depression. They also made great strides in breast cancer and cervical cancer research, as well as AIDS research and mapping the human genome. None of this would have been possible just a few years earlier. And it would not have been possible without my dear friend, Dr. Ruth Kirschstein. She led the fight for women's health on the inside of the scientific community, and I was proud to help her from the outside.

Today, we are keeping up the fight. There are now 17 women in the Senate, and women's health is one issue that always brings us together. During the health reform debate, we would not stand for insurers treating gender as a preexisting condition or for restricted access to mammograms and other preventive care. That is why I introduced the women's health amendment—the first amendment to pass during the Senate health reform debate—that provides preventive care for women with no co-pays and no deductibles and ends gender discrimination in health care. I was proud when my amendment passed the Senate 61–39. We also included the Women's Health Office Act in health reform, so that now all women's health offices throughout the Department of Health and Human Services are set in law. That means we have offices of women's health standing sentry for

drug approvals, mental health and substance abuse issues, quality measures, and public health initiatives that will help women.

But our work goes on. To quote my dear friend Teddy Kennedy, "The work goes on, the cause endures, the hope still lives and the dreams shall never die." I thank the people who made the Office of Research on Women's Health a reality. I thank the office itself for all of its hard work, and I look forward to another 20 years of ground-breaking discoveries.

Mr. REID. Mr. President, I note that the main mover of this matter is Senator BARBARA MIKULSKI of Maryland. She worked very hard to recognize this important office, and she did it for a number of reasons, some of which I worked with her on.

There was a massive study done on the effect of aspirin on people taking it as a way to alleviate heart problems. I don't remember the exact number, but a huge number of people were tested—like 10,000. But there was not a single woman. It was all done with men. That kind of raised the ire of Senator MIKULSKI.

We found, in doing this, that there were many situations where the diseases we focused on were diseases related to men. An example is interstitial cystitis—a disease I got involved in early on, about the same time we did this. Interstitial cystitis is a disease where 90 percent of the people who have it are women. It can best be described as the pain is like shoving slivers of glass up and down someone's bladder. The pain is excruciating and awful. It was a disease that people said was psychosomatic because it was only women who had the problem, so they overlooked it. If it had been men—and we were an all-male legislature at the time—I am sure it would have gotten more attention. I added my assistance to Senator MIKULSKI, and we were able to establish a protocol. Now people understand this, and it has made a lot of progress. This is one example of why the work of Senator BARBARA MIKULSKI has been so important.

Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid on the table, with no intervening action or debate, and that any statements related to this resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 695) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 695

Whereas the National Institutes of Health (referred to in this preamble as the "NIH") Office of Research on Women's Health (referred to in this preamble as the "ORWH") is a leader in the national commitment to re-

search, research training, and science-based education programs on women's health and sex differences research;

Whereas the ORWH was originally established in 1990 in response to congressional, scientific, and advocacy concerns regarding the lack of systemic and consistent inclusion of women in NIH-funded clinical research and the lack of scientific data and information regarding women's health;

Whereas the ORWH has made significant progress in developing and implementing policies to ensure the inclusion of women in NIH clinical research and, in this manner, has encouraged the increased reporting in scientific literature of sex- and gender-related factors in health and clinical trial analysis;

Whereas the ORWH initiated the "Building Interdisciplinary Research Careers in Women's Health" program in 1999 and has supported the career development and advancement of approximately 400 early-stage research scientists to become independent researchers and obtain academic promotions at major research institutions throughout the United States;

Whereas the ORWH initiated the "Specialized Centers of Research on Sex and Gender Factors Affecting Women's Health" program in 2002 to support interdisciplinary and sex differences research, including basic, translational, and clinical investigations, by accomplished scientists;

Whereas in 2009, the scientists participating in the "Specialized Centers of Research on Sex and Gender Factors Affecting Women's Health" program published 116 journal articles, 176 abstracts, and 63 other publications;

Whereas the ORWH collaborates with NIH Institutes and Centers to support basic, clinical, population, and translational research in laboratory, clinical, and community settings throughout the United States;

Whereas the ORWH pursues research efforts to benefit all individuals burdened by diseases and disorders that are within the scope of the mission of the ORWH, including men, women, older and younger adults, children, minority populations who are disproportionately affected by certain diseases, people from economically-disadvantaged backgrounds, and other understudied or underrepresented populations;

Whereas ORWH-supported research has dramatically increased vital understanding of sex differences research, from single cells to multiple biological systems and mechanisms, and has prompted sex differences research in the fields of endocrinology, immunology, epigenetics, systems biology, and neuroscience, as well as in new technology-enabled fields such as genomics, proteomics, and metabolomics;

Whereas research conducted and supported by the ORWH has been instrumental in revolutionizing policies, research, and programs focusing on the health, prevention, diagnostic, and treatment strategies for girls, women, and their families, leading to remarkable improvements in health and quality of life;

Whereas the ORWH sponsors education and outreach programs, with materials tailored for diverse audiences, to improve women's health by disseminating science-based information to women and their families, those at risk for disease, health care educators, and the general public;

Whereas the ORWH has initiated or participated in collaborative and coordinated research efforts and science-based public education programs in order to maximize the

Federal investment in research and synergize expertise across the NIH, with other Federal agencies, and with public and private organizations;

Whereas the ORWH has a farsighted research agenda for the next decade entitled "Moving Into the Future With New Dimensions and Strategies: A Vision for 2020 for Women's Health Research" that is based on the culmination of a 2-year strategic planning process, involving more than 1,500 leading scientists, advocates for women's health, public policy experts, health care providers, Federal, State, and local elected officials, and the general public in 5 regional scientific meetings;

Whereas the ORWH research agenda is visionary and addresses the 6 major goals of—

(1) increasing the study of sex differences in basic research studies;

(2) incorporating findings of sex differences in the design and application of new technologies, medical devices, and therapeutic drugs;

(3) actualizing personalized prevention, diagnostics, and therapeutics for girls and women;

(4) creating strategic alliances and partnerships in order to maximize the national and international impact of research on women's health;

(5) developing and implementing new communication and social networking technologies to increase understanding and appreciation of research on women's health; and

(6) employing innovative strategies to build a well-trained, diverse, and vibrant women's health research workforce; and

Whereas ORWH-supported initiatives and programs continue to make strides in addressing the expanded concepts of women's health across the entire lifespan of a woman, while continuing to explore understudied areas of reproductive health and the menopausal transition, developing distinct research career paths for investigators in women's health, sex differences, and interdisciplinary research, increasing the number of investigator-initiated women's health research studies in areas such as cardiovascular disease and stroke, musculoskeletal and immune disorders, and mental health and substance abuse, and increasing the scientific knowledge on the health, diseases, disorders, and conditions that affect diverse populations of women: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the 20th anniversary of the National Institutes of Health Office of Research on Women's Health (referred to in this resolution as the "ORWH");

(2) commends the ORWH for its leadership in women's health research, research training, and science-based education programs;

(3) recognizes ORWH-supported scientists whose studies have improved women's health and whose research continues to yield promising discoveries;

(4) recognizes the volunteers who participate in clinical studies and the patient and professional health organizations that contribute to the shared research goals of preventing, treating, and curing the diseases and disorders within the scope of the mission of the ORWH; and

(5) reaffirms the support of the Senate for the ORWH and the continued commitment of the ORWH to carrying out research to improve women's health.

ORDERS FOR TUESDAY,
DECEMBER 7, 2010

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m. tomorrow morning, Tuesday, December 7; that following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate resume consideration of the Articles of Impeachment, as provided under the previous order.

Further, I ask unanimous consent that at 12:30 p.m., the Senate proceed to legislative session for a period of morning business, with Senator LEMIEUX recognized to speak for up to 15 minutes; that following his remarks, the Senate recess until 2:30 p.m. to allow for the weekly caucus meetings.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. REID. Let me make sure, Mr. President, that we have this down right. We are going to, at 12:30 p.m., proceed to legislative session for a period of morning business, and during that time there will only be one speaker—Senator LEMIEUX—who will speak for up to 15 minutes. Following his remarks, the Senate will recess until we complete our weekly caucus luncheons.

Mr. President, Senators should be on the floor, as I have indicated, for a mandatory live quorum to begin the impeachment of Judge Porteous. There will be two additional live quorums throughout the day, one at 2:30 and one at 5:30.

ADJOURNMENT UNTIL 10 A.M.
TOMORROW

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that

the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 5:51 p.m., adjourned until Tuesday, December 7, 2010, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate:

DEPARTMENT OF THE INTERIOR

DANIEL M. ASHE, OF MARYLAND, TO BE DIRECTOR OF THE UNITED STATES FISH AND WILDLIFE SERVICE, VICE SAMUEL D. HAMILTON.

UNITED STATES TAX COURT

MAURICE B. FOLEY, OF MARYLAND, TO BE A JUDGE OF THE UNITED STATES TAX COURT FOR A TERM OF FIFTEEN YEARS. (REAPPOINTMENT)

NATIONAL SCIENCE FOUNDATION

KELVIN K. DROEGEMEIER, OF OKLAHOMA, TO BE A MEMBER OF THE NATIONAL SCIENCE BOARD, NATIONAL SCIENCE FOUNDATION FOR A TERM EXPIRING MAY 10, 2016. (REAPPOINTMENT)

EXTENSIONS OF REMARKS

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, December 7, 2010 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED
DECEMBER 8

10 a.m.

Judiciary

Business meeting to consider S. 3675, to amend chapter 11 of title 11, United States Code, to address reorganization of small businesses, S. 2888, to amend section 205 of title 18, United States Code, to exempt qualifying law school students participating in legal clinics from the application of the general conflict of interest rules under such section, S. 1598, to amend the National Child Protection Act of 1993 to establish a permanent background check system, and the nominations of Max Oliver Cogburn, Jr., to be United States District Judge for the Western District of North Carolina, Robert Neil Chatigny, of Connecticut, to be United States Circuit Judge for the Second Circuit, Marco A. Hernandez, and Michael H. Simon, both to be United States District Judge for the District of Oregon, Steve C. Jones, to be United States District Judge for the Northern District of Georgia, and Patti B. Saris, of Massachusetts, to be Chair, and Dabney Langhorne Friedrich, of Maryland, both to be a Member of the United States Sentencing Commission. SD-226

11 a.m.

Commission on Security and Cooperation in Europe

To hold hearings to examine the Western Balkans, focusing on developments in 2010 and hopes for the future. SVC-202/203

2 p.m.

Banking, Housing, and Urban Affairs
Securities, Insurance and Investment Subcommittee

Homeland Security and Governmental Affairs

Investigations Subcommittee

To hold joint hearings to examine the efficiency, stability, and integrity of the United States capital markets. SD-538

2:15 p.m.

Indian Affairs

To resume oversight hearings to examine how the Indian Health Service will correct mismanagement in the Aberdeen area. SD-628

DECEMBER 9

9:30 a.m.

Foreign Relations

To hold hearings to examine the nominations of Sue Kathrine Brown, of Texas, to be Ambassador to Montenegro, Joseph M. Torsella, of Pennsylvania, to be Representative of the United States of America to the United Nations for U.N. Management and Reform, with the rank of Ambassador, David Lee Carden, of New York, to be Representative to the Association of Southeast Asian Nations, with the rank and status of Ambassador, Pamela L. Spratlen, of California, to be Ambassador to the Kyrgyz Republic, and Daniel L. Shields III, of Pennsylvania, to be Ambassador to Brunei Darussalam, all of the Department of State, and Eric G. Postel, of Wisconsin, to be an Assistant Administrator of the United States Agency for International Development. SD-419

10 a.m.

Agriculture, Nutrition, and Forestry

To hold hearings to examine the nomination of Ramona Emilia Romero, of Pennsylvania, to be General Counsel of the Department of Agriculture. SR-328A

Banking, Housing, and Urban Affairs

To hold hearings to examine the state of the credit union industry; to be immediately followed by a hearing to examine the nomination of Joseph A. Smith, Jr., of North Carolina, to be Director of the Federal Housing Finance Agency. SD-538

Finance

To hold hearings to examine the nomination of Carolyn W. Colvin, of Maryland, to be Deputy Commissioner of Social Security, Social Security Administration. SD-215

2:30 p.m.

Intelligence

To hold closed hearings to examine certain intelligence matters. SH-219

DECEMBER 14

2:15 p.m.

Foreign Relations

Business meeting to consider S. 2982, to combat international violence against women and girls, S. 3688, to establish an international professional exchange program, S. 1633, to require the Secretary of Homeland Security, in consultation with the Secretary of State, to establish a program to issue Asia-Pacific Economic Cooperation Business Travel Cards, S. 3798, to authorize appropriations of United States assistance to help eliminate conditions in foreign prisons and other detention facilities that do not meet minimum human standards of health, sanitation, and safety, S. Con. Res. 71, recognizing the United States national interest in helping to prevent and mitigate acts of genocide and other mass atrocities against civilians, and supporting and encouraging efforts to develop a whole of government approach to prevent and mitigate such acts, S. Res. 680, supporting international tiger conservation efforts and the upcoming Global Tiger Summit in St. Petersburg, Russia, S.J. Res. 37, calling upon the President to issue a proclamation recognizing the 35th anniversary of the Helsinki Final Act, Treaty between the Government of the United States of America and the Government of the Republic of Rwanda Concerning the Encouragement and Reciprocal Protection of Investment, signed at Kigali on February 19, 2008 (Treaty Doc. 110-23), international Treaty on Plant Genetic Resources for Food and Agriculture, adopted by the Food and Agriculture Organization of the United Nations on November 3, 2001, and signed by the United States on November 1, 2002 (the "Treaty") (Treaty Doc. 110-19), and the nominations of Thomas R. Nides, of the District of Columbia, to be Deputy Secretary for Management and Resources, William R. Brownfield, of Texas, to be Assistant Secretary for International Narcotics and Law Enforcement Affairs, Suzan D. Johnson Cook, of New York, to be Ambassador at Large for International Religious Freedom, Larry Leon Palmer, of Georgia, to be Ambassador to the Bolivarian Republic of Venezuela, Gregory J. Nickels, of Washington, to be an Alternate Representative to the Sixty-fifth Session of the General Assembly of the United Nations, Carol Fulp, of Massachusetts, to be a Representative to the Sixty-fifth Session of the General Assembly of the United Nations, Jeanne Shaheen, of New Hampshire, to be a Representative to the Sixty-fifth Session of the General Assembly of the United Nations, and Roger F. Wicker, of Mississippi, to be a Representative to the Sixty-fifth Session of the General Assembly of the United Nations, all of the Department of State, Paige Eve Alexander, of Georgia, to be an Assistant Administrator of the United States

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Agency for International Development, and Alan J. Patricof, of New York, and Mark Green, of Wisconsin, both to be a Member of the Board of Directors of the Millennium Challenge Corporation, and a routine list in the Foreign Service.

S-116, Capitol

POSTPONEMENTS

DECEMBER 8

10 a.m.

Homeland Security and Governmental Affairs

To hold hearings to examine border security, focusing on the challenge of protecting Federal lands.

SD-342

DECEMBER 9

2:30 p.m.

Homeland Security and Governmental Affairs

Oversight of Government Management, the Federal Workforce, and the District of Columbia Subcommittee

To hold hearings to examine delivering results through multilateral institutions, focusing on United States employment in the United Nations.

SD-342

SENATE—Tuesday, December 7, 2010

The Senate met at 10:01 a.m. and was called to order by the Honorable TOM UDALL, a Senator from the State of New Mexico.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal Lord God, You are our refuge and strength, a very present help in trouble. Because of You, we need not fear, though the Earth be removed and though the mountains be carried into the midst of the sea.

On this day when we remember Pearl Harbor, we thank You for the protection of Your loving providence. You protect us from dangers seen and unseen. You sustain this Nation through seasons of distress and grief. You raise up leaders who possess the strength, wisdom, and courage we need to meet challenges. You are a generous and awesome God. May the memories of Your watch care infuse us with optimism about what the future holds. Keep us from fearing impending storms by reminding us about the way You have led us in the past.

Today, use our lawmakers, the members of their staff, and the thousands who work on Capitol Hill for Your glory. Especially guide our Senators during this impeachment process.

We pray in Your great Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable TOM UDALL led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUE).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, December 7, 2010.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable TOM UDALL, a Senator from the State of New Mexico, to perform the duties of the Chair.

DANIEL K. INOUE,
President pro tempore.

Mr. UDALL of New Mexico thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, Senators should be prepared to be in the Chamber throughout the day on the impeachment trial of Judge G. Thomas Porteous, Jr. At 12:30 p.m., the Senate will proceed to legislative session for a period of morning business, with Senator LEMIEUX permitted to speak for up to 15 minutes. Following his remarks, the Senate will recess until 2:30 p.m. to allow for the weekly caucus meetings. When the Senate reconvenes, there will be a mandatory live quorum to resume the court of impeachment. There may be another live quorum at 5:30 this evening to begin the closed session deliberations.

IMPEACHMENT OF JUDGE G. THOMAS PORTEOUS, JR.

CALL OF THE ROLL

Mr. REID. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll and the following Senators entered the Chamber and answered to their names:

[Quorum No. 6]

Akaka	Dorgan	McConnell
Alexander	Durbin	Menendez
Barrasso	Enzi	Merkley
Begich	Feingold	Mikulski
Bennet	Feinstein	Murkowski
Bennett	Franken	Murray
Bingaman	Gillibrand	Nelson (NE)
Bond	Grassley	Nelson (FL)
Boxer	Gregg	Pryor
Brown (MA)	Hagan	Reed
Brown (OH)	Hatch	Reid
Bunning	Inouye	Risch
Burr	Isakson	Roberts
Cantwell	Johanns	Rockefeller
Cardin	Johnson	Schumer
Carper	Kerry	Sessions
Casey	Kirk	Snowe
Chambliss	Klobuchar	Stabenow
Coburn	Kyl	Tester
Collins	Leahy	Thune
Conrad	LeMieux	Udall (NM)
Coons	Levin	Vitter
Corker	Lugar	Voinovich
Cornyn	Manchin	Warner
Crapo	McCain	Webb
DeMint	McCaskill	Wyden

Mr. REID addressed the Chair.

The PRESIDENT pro tempore. The majority leader is recognized.

Mr. REID. Is a quorum present?

The PRESIDENT pro tempore. A quorum is present.

COURT OF IMPEACHMENT

The PRESIDENT pro tempore. Under the previous order, the hour of 10:12

a.m. having arrived and a quorum having been established, the Senate will resume its consideration of the Articles of Impeachment against Judge G. Thomas Porteous, Jr.

The House managers and Judge Porteous and counsel will please make their entry before the proclamation is made.

(The House managers, Judge Porteous, and counsel proceeded to the seats assigned to them in the well of the Chamber.)

THE JUDGE AND HIS COUNSEL

1. Judge Gabriel Thomas Porteous, Jr.
2. Jonathan Turley
3. Daniel Schwartz
4. P.J. Meitl
5. Daniel O'Connor

THE HOUSE OF REPRESENTATIVES MANAGERS

6. Adam Schiff (D-CA)
7. Bob Goodlatte (R-VA)
8. Henry C. "Hank" Johnson, Jr. (D-GA)
9. Jim Sensenbrenner (R-WI)
10. Zoe Lofgren (D-CA)

SPECIAL IMPEACHMENT COUNSEL TO THE HOUSE MANAGERS

11. Alan Baron
12. Harold Damelin
13. Mark Dubester
14. Kirsten Konar

STAFF TO THE HOUSE MANAGERS

15. Jeffrey Lowenstein (Schiff)
16. Branden Ritchie (Goodlatte)
17. Elisabeth Stein (Johnson)
18. Michael Lenn (Sensenbrenner)
19. Ryan Clough (Lofgren)

SENATE LEGAL COUNSEL

20. Morgan Frankel
21. Pat Bryan
22. Grant R. Vinik
23. Thomas E. Caballero

SENATE STAFF

24. Derron R. Parks
25. Thomas L. Lipping
26. Justin Kim
27. Rebecca Seidel
28. Erin P. Johnson
29. Paul Lake Dishman IV
30. Susan Smelcer
31. Stephen Hedger
32. Chris Campbell
33. Paige Herwig
34. Stephen C.N. Lilley
35. Justin G. Florence
36. Matthew T. Nelson
37. Thomas J. Maloney
38. Nhan Nguyen
39. Erica Suarez
40. Bryn Stewart
41. Emily Ferris
42. Michelle Weber
43. Jason Bohrer
44. Lori Hamamoto
45. Van Luong
46. Marie Blanco

The PRESIDENT pro tempore. The Sergeant at Arms will make the proclamation.

The Sergeant at Arms, Terrance W. Gainer, made the proclamation, as follows:

Hear ye, hear ye, hear ye, All persons are commanded to keep silent, on pain of imprisonment, while the House of Representatives is exhibiting to the Senate of the United States Articles of Impeachment against G. Thomas Porteous, Jr., judge of the United States District Court for the Eastern District of Louisiana.

The PRESIDENT pro tempore. The Chair recognizes the majority leader.

Mr. REID. Mr. President, on March 17, 2010, the House of Representatives exhibited to the Senate four Articles of Impeachment against U.S. District Judge G. Thomas Porteous, Jr., of the Eastern District of Louisiana. Judge Porteous was summoned to answer, which he did on April 7, 2010, and the House of Representatives filed a reply to the answer on April 17, 2010, and amended the reply on April 22, 2010.

On the same day that the Articles of Impeachment were exhibited to the Senate, Members present in the Chamber were administered the oath, as required by the Constitution for impeachment trials. Those Senators who were not present to take the oath and those who had been elected to this body since the oath was administered, should be sworn today.

However, before the oath is administered to these Senators not yet sworn, there is one preliminary matter to be addressed. The Senator from Illinois, Mr. KIRK, was a Member of the House of Representatives during this Congress when the House voted on the Articles of Impeachment. If the Senator wishes to make a statement about his participation in the Senate phase of this impeachment, this would be an appropriate time to do so.

The PRESIDENT pro tempore. The Chair recognizes the junior Senator from Illinois.

Mr. KIRK. Mr. President, I was a Member of the House of Representatives at the time the Articles of Impeachment were proffered against Judge G. Thomas Porteous, Jr. On March 11, 2010, I voted in favor of all four Articles of Impeachment in the House, as recorded in rollcall votes 102, 103, 104, and 105. I have given careful consideration to this matter and consulted with other Members of the Senate about the Senate's historical practice. Because I believe the judge is entitled to a full and fair hearing in the Senate and to avoid any possible conflict of interest, I have concluded that under the circumstances, it would be inappropriate for me to participate in the Senate trial and vote again on matters related to the impeachment, having already done so as a Member of the House of Representatives.

Therefore, I request that I be recused from sitting as a Member of the Senate while it hears the matter of impeachment proceedings against Judge Porteous.

The PRESIDENT pro tempore. Mr. KIRK is excused from further participation in this impeachment for the reasons stated.

The majority leader is recognized.

Mr. REID. Mr. President, I would first ask that the House managers and Judge Porteous and counsel will take their seats. There is no reason, at this time, to remain standing.

OATH ADMINISTERED TO NEWLY ELECTED MEMBERS

Mr. President, the remaining preliminary matter is to administer the impeachment oath to the other newly elected Members of the Senate and any Member of the Senate who did not take the oath when the Articles of Impeachment were first exhibited.

Article I, section 3, clause 6 of the Constitution provides, in part:

The Senate shall have the sole Power to try all Impeachments. When sitting for that Purpose, they shall be on Oath or Affirmation.

The impeachment oath that was taken by Members of the Senate earlier in this session remains in effect. The four current Members who did not take the oath at that time have been so advised by the Secretary of the Senate. The two newly elected Senate Members also should be sworn now.

The PRESIDENT pro tempore. Those Senators who have not taken the oath will now rise, raise their right hands, and be sworn.

Do you solemnly swear that in all things appertaining to the trial of impeachment of G. Thomas Porteous, Jr., Judge of the United States District Court for the Eastern District of Louisiana, now pending, you will do impartial justice according to the Constitution and laws, so help you God?

SENATORS. I do.

The PRESIDENT pro tempore. The majority leader is recognized.

Mr. REID. Thank you, Mr. President.

The Secretary will note the names of the Senators who have just taken the oath, and if these Senators will now present themselves to the desk, the Secretary will present to them for signature the book, which is the Senate's permanent record of the taking of the impeachment oath by Members of this body.

Mr. President, on March 17, 2010, the President pro tempore appointed, pursuant to S. Res. 458, Senators MCCASKILL, HATCH, KLOBUCHAR, WHITEHOUSE, UDALL of New Mexico, SHAHEEN, Kaufman, BARRASSO, DEMINT, JOHANNES, RISCH, and WICKER to perform the duties provided for by rule XI, the Senate's impeachment rules.

Under the leadership of its chairman, the Senator from Missouri, Mrs. MCCASKILL, and its vice chairman, Mr. HATCH, the committee heard 5 days of testimony between September 13 and September 21. During that time, the committee heard from 26 witnesses, 14 who were called by the House of Representatives and 12 witnesses who were called by Judge Porteous. The committee also conducted pretrial depositions of four witnesses and admitted into evidence the testimony of a num-

ber of witnesses, including Judge Porteous, who had testified in prior proceedings, more than 300 factual stipulations and hundreds of exhibits.

The Senate is indebted to all of the members of this committee who so conscientiously discharged their responsibility in this important constitutional matter. In addition to the committee's leadership, I would like to take particular note of the contribution of Senator Kaufman, who actively participated in the committee's proceedings, although his tenure in the Senate concluded before the committee filed the report of its proceedings in the Senate.

The committee filed its report on November 15, and the report was received as Senate report 111-347. In accordance with impeachment rule XI, the committee certified the Senate hearing report 111-691, which reprints the committee's proceedings, is a transcript of the proceedings and testimony had and given before the committee.

Before proceeding further, I would like to verify with the Presiding Officer that the evidence and the testimony received by the Senate from the committee shall, as prescribed in rule XI:

be considered to all intents and purposes, subject to the right of the Senate to determine competency, relevancy and materiality, as having been received and taken before the Senate . . .

Will the Presiding Officer advise the Senate whether this is correct?

The PRESIDENT pro tempore. The majority leader is correct. The testimony and other evidence reported by the committee will be considered, in accordance with impeachment rule XI, as having been received and taken before the Senate.

The majority leader is recognized.

Mr. REID. Thank you again, Mr. President. Rule XI provides that the Senate's receipt of evidence reported by the committee is subject to the Senate's right to determine competency, relevancy, and materiality. Further, the same rule explicitly provides that nothing in it prevents the Senate from sending for any witness and hearing that witness's testimony in open Senate or, by order of the Senate, having the entire trial before the full Senate.

I would ask the Presiding Officer to advise the Senator whether, following the report of the committee, any motions have been filed asking that any witnesses be heard in open Senate.

The PRESIDENT pro tempore. In response to the majority leader, neither party, following the report of the committee, has moved that any witness be called in open Senate, and the Senate may now proceed to hear final arguments on the basis of the record reported by its committee.

The majority leader is recognized again.

Mr. REID. Mr. President, the parties have filed their final written briefs and

the Senate is now ready to hear arguments.

Prior to consideration of the Articles of Impeachment, Judge Porteous has requested time to present argument on three motions that take issue with the sufficiency under the Constitution of several aspects of the Impeachment Articles framed by the House. First, Judge Porteous has moved to dismiss Article II, or for alternative relief, based on the House's inclusion of allegations of misconduct occurring prior to the commencement of the Judge's Federal service as a U.S. district judge. Second, Judge Porteous has moved to dismiss article I, or for alternative relief, based on the House's inclusion of unconstitutionally vague allegations that Judge Porteous's conduct deprived the public of its right to the honest services of his office. Third, Judge Porteous objects to the manner in which each Article of Impeachment was framed to aggregate discrete allegations of misconduct. He accordingly moves to dismiss the Articles of Impeachment or seeks alternative curative relief. The parties' written arguments on those legal issues are addressed in their post-trial briefs, as well as the motion papers submitted by the parties to the committee, which are on the desks of all Members. In accordance with the unanimous consent agreement, each side will be permitted no more than 1 hour to present its argument on the motions.

Upon the conclusion of argument on the motions, the Senate will then turn to hearing final arguments by the parties on the Impeachment Articles. Under impeachment rule XXII, final argument will be open and closed by the House. By unanimous consent, each party shall have up to 1½ hours to present final argument on the merits.

As the Senate has done in the past, we have provided that counsel may face the full Senate during these presentations. They should remain mindful, nevertheless, that the proceedings are under the direction of the Presiding Officer. On their part, Senators should recall that any questions they have of counsel should, pursuant to impeachment rule XIX, "be reduced to writing, and put by the Presiding Officer." There is assistance available in the respective cloakrooms to aid Members in putting the questions in writing. Questions may be sent to the Chair during the argument, for reading by the Chair at the appropriate times.

The managers, on behalf of the House of Representatives—Representative SCHIFF, Representative GOODLATTE, and Representative JOHNSON, Representative SENSENBRENNER, and special impeachment counsel to the House Alan Baron are present at the managers' table. Jonathan Turley, Daniel C. Schwartz, P.J. Meitl, Daniel T. O'Connor, and Ian Barlow are counsel to Judge Porteous and are present with him.

Mr. President, motions will be argued first by Jonathan Turley, counsel to the judge, who is the moving party. By the unanimous consent order, argument on the motions on behalf of the House will be divided between Representative SCHIFF and Representative GOODLATTE. Mr. Turley may, under the unanimous consent agreement, reserve a portion of Judge Porteous's time for rebuttal.

For the argument on the articles, the managers will likewise divide their time between the two managers, and Mr. Turley will present argument on behalf of Judge Porteous. Under impeachment rule XXII, the House will open and close final argument in the impeachment articles.

The PRESIDENT *pro tempore*. We are now ready to hear motions. Mr. Turley will open the arguments in support of the motions to dismiss.

Mr. Turley, how much time do you wish to reserve for rebuttal?

Mr. TURLEY. We would like to reserve 10 minutes for rebuttal.

The PRESIDENT *pro tempore*. Ten minutes. It is so ordered. You may proceed.

Mr. TURLEY. Thank you, Mr. President and Members of the Senate, my name is Jonathan Turley, and I am the Shapiro Professor of Public Interest Law at George Washington University and counsel to the Honorable G. Thomas Porteous, Jr., a judge of the U.S. District Court for the Eastern District of Louisiana. Joining me at counsel's table with Judge Porteous are my colleagues from the law firm of Bryan Cave: Daniel Schwartz, P.J. Meitl, and Daniel O'Connor.

As the majority leader has told you and as many of you know, the Porteous impeachment has raised a number of constitutional issues that are rather unique and of considerable concern among law professors and legislators alike. The three motions before you today are designed to put these issues squarely before you.

We understand that the Members can choose not to vote on these motions and you can, in fact, reject an article or an allegation in light of these constitutional concerns. However, these are issues that do not turn on the facts of this case. Rather, they present threshold questions for each Senator in deciding whether to establish new precedent in the scope and the meaning of impeachable offenses.

The first motion before you today is a motion to exclude, as a basis for the removal of a Federal judge, any so-called pre-Federal allegations; that is, conduct that allegedly occurred before Judge Porteous became a Federal judge. This motion primarily deals with article II, which is widely recognized as a pre-Federal claim and the focus of much discussion nationally.

Second is a motion to exclude, as a basis for removal, that Judge Porteous

deprived litigants and the public of the right to his so-called honest services. The Supreme Court recently rejected that very theory as unconstitutionally vague. We believe the Senate should do likewise.

Third, and finally, there is a motion for preliminary votes on each of the multiple allegations contained in the House's Articles of Impeachment. As we will discuss, those articles are grossly aggregated, meaning that each article contains numerous separate allegations. This long-simmering dispute between the House and the Senate came to a boiling point in these articles with the unprecedented use of what we refer to as the "aggregation tactic."

Equally important to the relief that Judge Porteous is requesting is what he is not requesting. We have tailored these motions so we are not requesting the dismissal of any articles in their entirety. Instead, Judge Porteous requests that Senate deliberation be confined only to those allegations that constitute valid bases for removal under the U.S. Constitution.

Throughout history, Senators have expressed their primary concern over the precedent set by impeachment cases and the implications of their decisions that are reached in this Chamber for future cases. This care is shown in the fact that in 19 impeachments to reach this body in history, only 7 ended in convictions. Your predecessors accepted that the impeachment clauses contain an implied Hippocratic Oath under the Constitution. Your duty, first and foremost, is to do no harm—to do no harm—to the courts and to do no harm to the Constitution. Indeed, in all of the impeachment cases resulting in acquittal, the Senators found much to condemn in the conduct of the accused. They simply didn't find impeachable offenses.

With that brief introduction, I would like to turn to the first motion before the Senate in which Judge Porteous asks for the exclusion of pre-Federal allegations.

The first motion deals with the most dangerous aspect of the Articles of Impeachment. The House, through article II, and to some degree through article I, is seeking to have Judge Porteous removed on the basis of conduct that allegedly occurred before he became a Federal judge.

The House's pre-Federal charges in this case are in direct contradiction with decades of precedent from this body and would, in fact, violate the text of the U.S. Constitution.

In the history of this Republic, no one has ever been removed from office on the basis of pre-Federal conduct—no one.

The pre-Federal claims are an attempt by the House to secure impeachment at any cost, at the cost of the

constitutional standard itself to remove a previously disciplined judge just months before his retirement.

The logic of this article is much like the story my father used to tell me about a man who comes across a stranger on his hands and knees one night looking for his wedding ring under a lamppost. He joins the man, searches for an hour, and then turns to him and says: "You know, Mister, I don't see it anywhere. Are you sure you dropped it here?"

And the stranger responds, "Oh, no, no, no, I lost it down the street, but the light is better here."

Unable to find a crime during Federal service, the House managers just decided to look elsewhere down the road, before he became a Federal judge.

It does not appear to matter that experts and the Congressional Research Service warned that no individual—not a President, not a Vice President, not a Federal judge, not a Cabinet member—has ever been removed on this basis.

In order to open the Federal bench to removals for pre-Federal conduct, you must ignore the express language of the Constitution itself, which refers to conduct during Federal service, during service in office. A judge is guaranteed life tenure under the Constitution "during the behavior" in office. It is not a standard of good behavior in life. It is a standard of good behavior in office. It requires misconduct during Federal service that justifies removal from that Federal office.

The standard fashioned by James Madison and others has stood for centuries, largely because of the work of your predecessors, who have rejected articles that allege pre-Federal conduct.

In 1912, in the impeachment of Judge Robert Archbald, the Senate explicitly rejected the theory of removing an individual for conduct occurring before he took Federal office for which the House was seeking removal.

In the Archbald case, there were 13 Articles of Impeachment. The first six dealt with alleged misconduct in the office for which he was being sought to be removed. The next six dealt with conduct that allegedly occurred before he entered that office. And the last article was something that is called a "catch-all" provision. That combined all of the 12 earlier provisions into one.

Archbald was acquitted on all six articles that focused on conduct prior to his assuming a seat on the circuit court. All six were defeated in this Chamber.

These were not close votes, with the House receiving no more than 29 votes for conviction on those pre-Federal articles and averaged a rather high 64-percent rate for acquittal. Many Senators rose to amplify the reasons they rejected those articles.

Senator Bryan of Florida stated:

I am convinced that articles of impeachment lie only for conduct during the term of office being filled.

Senator Brandegee of Connecticut stated:

I vote not guilty because it alleges offenses, some of which are alleged to have been committed by the respondent while he was in an office he does not hold at the present and did not hold at the time the articles were adopted.

Senator DuPont of Delaware said:

My vote of not guilty upon the article of impeachment was based upon the fact that the offenses were alleged to have been committed when he was not holding his present office.

Senator Works of California said:

I am of the opinion that the respondent can not be impeached for offenses committed before his appointment to the present office.

Senator Catron of New Mexico said:

I do not believe the House of Representatives had the right to go back of the present office held by Judge Archbald to hunt up any of his acts to charge against him so as to remove him from the office he now holds.

Senator Crawford of South Dakota stated:

I find the respondent guilty of misconduct, but it occurred before he became the incumbent in his present office. I do not believe impeachment can be sustained for the reason stated.

Finally, Senator M'Cumber, North Dakota, stated:

Impeachment proceedings cannot lie against a person for an act committed while holding an official position for which he is separated.

I could read more, but I think the point is clear. The Senate specifically dealt with this issue of pre-Federal conduct before and rejected it by a large margin. A large percentage of Senators at the time felt strongly enough about the issue to publicly speak about the impropriety of seeking pre-Federal causes for removal.

Thirty-two Senators sat out the vote on that catch-all article 13 in the Archbald case, and many publicly stated the reason they were sitting out that vote was because it contained in that whole list some of the pre-Federal conduct. However, the judge had already been convicted of six articles that contained Federal conduct. So by a vote of just two, with these Senators sitting out the vote, that article was approved.

Article II would eradicate over two centuries of precedent, and for what purpose? The House alleges Federal rather than pre-Federal conduct in article III and article IV. Even article I has some Federal claims. We are eager to reach those issues, and they offer an ample basis for the review and, yes, possible removal of a judge without opening the Federal bench—and all other Federal offices—to pre-Federal attacks.

One statement in the Archbald case stands out particularly prophetic and relevant. When confronted with the pre-Federal conduct, Senator Stone of Missouri rose to give the following warning to his colleagues, and by extension to you, his successors:

It would not be difficult to conceive a case where under great pressure, when the country was in the state of high political excitement and when some supposed political exigency was influencing a partisan public opinion, a hostile partisan majority might hark back to some alleged misbehavior of a judge.

Now, one can certainly imagine a period of "high political excitement" if you tried hard enough. The point is that despite the rhetoric and passions of periods of great political upheaval, Senators have stepped forward to protect our core constitutional values and standards. This is why the Framers gave Senators long terms and large constituencies—to allow them to resist the passions and distemper of contemporary politics.

Once the Senate allows the House to cross this constitutional Rubicon for the first time, Congress would be able to dredge up any pre-Federal conduct to strip the bench of unpopular judges or to remove other Federal officials at the whim of the House. It would raise the very real possibility that an unpopular opinion issued by a Federal judge or a Supreme Court Justice could trigger an impeachment based on alleged acts from decades of practice before taking office. Moreover, other Federal officials, such as the Vice President, or a Cabinet member, could be similarly confronted with pre-Federal conduct as a basis for removal.

I expect my esteemed colleagues from the House to raise again a rather old saw that if you accept the defense's argument, the Senate would be precluded from removing someone who committed murder before taking office. Of course, an extreme hypothetical like this points out the absurdity of the case against Judge Porteous. In this case, the Justice Department did not even find evidence to bring a single charge of criminal wrongdoing. Once again, the House simply wants to go where the light is better. In this case, it wanted to go to a hypothetical place.

But to be blunt, in deference to my colleagues, I must say this is a nonsensical argument from a constitutional standpoint. The reason is that in a case of a pre-Federal murder, the judge would likely be subject to trial during his or her Federal term. If convicted, a judge would likely be sentenced to life in prison. While the crime may have predated his confirmation, he became a convicted felon during his Federal service. That is the basis for the removal. Further, the judge could not possibly serve in a time of good behavior given his conviction and presumed incarceration.

The House, I believe, will also argue the reasons for the lack of any precedent of removals for pre-Federal conduct. The record is rather telling. There hasn't been such a case. Why? The House will argue that the reason is that people who are charged with pre-Federal misconduct simply resign if it

is serious. History repudiates that argument. It is simply not true. A number of individuals have had information about misconduct in their pre-Federal lives revealed after they took office and yet never faced impeachment. For example, Supreme Court Justice Hugo Black admitted after his confirmation that he was in fact at one time a member of the Ku Klux Klan. There was outrage with that disclosure; that controversy had not been raised before confirmation.

As our filings document, numerous other Supreme Court Justices, as well as a bevy of other Federal officers, have had damaging information of this kind revealed. Hugo Black did not face impeachment.

This body has removed only seven judges in 206 years through the impeachment process and has never removed anyone for pre-Federal conduct.

If you believe Judge Porteous committed removable offenses as a Federal judge, so be it—and he is here to be judged himself—but do so on that basis of the remaining articles, not on article II.

It is a great burden and responsibility to stand before you not just as counsel for Judge Porteous, but as a constitutional law scholar. The importance of article II transcends this case and, frankly, transcends this judge. It is a direct attack on a constitutional standard that has guaranteed an independent judiciary for two centuries. Whatever you do today, please do no harm. Judge Porteous stands ready to be judged for his conduct on the Federal bench. However, like so many scholars and commentators, I ask you to hold the constitutional line, as did your predecessors, and reject pre-Federal claims as the basis for his removal.

I would like now to turn to perhaps the most novel problem raised in this impeachment: the reliance in article I on a theory that was rejected by the Supreme Court after the impeachment vote in the House.

At issue is the honest services claim that is at the heart of article I. Even before this impeachment, honest services claims were controversial in Federal court. Various judges, in fact, rejected this claim.

While experts were predicting a rejection in whole or in part of the theory, the Supreme Court accepted three cases dealing with honest services. The House was fully aware those cases had been accepted by the Supreme Court. The House was fully aware that lower court judges had rejected this theory. They simply took a gamble and decided to take a risk and structured article I as an honest services claim. They lost that gamble. When the court ruled in *Skilling v. United States* and two related cases, rejecting the use of this theory in cases without express allegations of bribery and kickbacks, neither

bribery nor kickbacks are alleged in article I.

In fact, they are not mentioned in any of the articles.

Indeed, the House's own witnesses testified that there was no such bribery or kickback scheme to influence Judge Porteous on the Federal—or, for that matter, on the State—bench. House managers are now going to ask the Senate to cover their bad bet on *Skilling* and ignore that the stated theory of article I was rejected by the Supreme Court as a viable criminal claim. The dangerous implications of such a vote are difficult to overstate.

The Senate has never removed a Federal judge on the basis of a legal theory specifically rejected by the Supreme Court. If allowed, Congress could remove Presidents, judges, Cabinet members on theories that they are barred as invalid in Federal court. Ironically, if Judge Porteous were presiding in that case, he would be bound by the rule of law to reject an indictment of a public official on this identical claim that is now being offered as the basis for his removal.

House managers crafted article I around the same theory of honest services as was advanced by the Federal Government in the *Skilling* case. Article I alleges that Judge Porteous is “guilty of high crimes and misdemeanors and should be removed from office” because, in connection with a recusal motion—a recusal motion in a single case—before him, he “deprived the parties and the public of the right to the honest services of his office.”

The House asserts that Judge Porteous caused this deprivation of honest services in three ways: First, that he failed to disclose certain information during the recusal hearing held in the so-called Lifemark case about his relationship with one of the attorneys in the case—Jake Amato—and Amato's partner Bob Creely. Second, he made misleading statements at the recusal hearing about his relationship with these two attorneys; third, that he ultimately denied a motion to recuse.

Now, the reason the House did not allege either bribery or kickbacks became obvious when the defense was allowed to cross-examine the House witnesses before the Senate committee concerning article I, all of whom denied any bribe or kickback scheme by Judge Porteous. Faced with various House witnesses who insisted, universally, that Judge Porteous was not and could not be bribed, the House turned to a claim of “a scheme or artifice to deprive another of the intangible right of honest services.”

In basing its allegations on this provision of the Criminal Code—which is title 18, section 1346—the House followed a longstanding precedent of crafting articles to reflect actual crimes. That, however, happened to be

the provision that was rejected in *Skilling*. The House finalized and approved article I in March 2010. That means for months the House knew an honest services claim could be rejected by the court and decided to rely on it because it could not expressly claim a Federal bribe or kickback.

The reason for the House's ‘honest services’ gamble was obvious: Beginning in the early 1990s—actually more in the late 1990s—the Justice Department began what was called the *Wrinkled Robe* investigation. In the course of that investigation, they conducted a long-running grand jury investigation, with plea bargains, countless subpoenas and searches of judges in Louisiana. In the end, some judges were indicted. However, the government, which looked specifically at Judge Porteous, as well as some of the other judges, found the evidence did not support bringing an indictment against Judge Porteous for any crime.

Permit me to repeat: Judge Porteous had agreed to waive the statute of limitations to allow the government to bring a criminal charge against him. He decided that it would not be appropriate for a Federal judge to rely on the statute of limitations to protect himself from criminal charge. He signed three waivers to permit those charges, even though they could have been blocked under the statute of limitations.

The Department of Justice then investigated and found insufficient evidence to bring a charge of any kind—big or small—against Judge Porteous. In declining to prosecute, the DOJ specifically cited a host of rather fundamental problems in bringing such a case. It said that it did not believe it could carry the burden of proof, it did not believe it could secure a verdict of conviction from a jury, and that there was a general lack of evidence to show “mens rea and intent to deceive.” That only left the soon-to-be-rejected theory of honest services, without a specific charge of bribery or kickback.

The House's gamble failed in June when the Supreme Court issued its trio of decisions, led by the *Skilling v. United States* decision, where the court directly—and by the way, unanimously—rejected the theory of the underlying article I. The court expressly held that absent specific allegations of a bribe or kickback, “no other misconduct falls within the statute's province.” In direct relevance to this case, the court expressly rejected the notion that “nondisclosure of a conflicting financial interest can constitute criminal deprivation of ‘honest services.’” Nondisclosure of a conflicting financial interest: That should sound familiar because that is article I.

As noted earlier, article I does not include any allegation of a bribe or kickback. Instead, it refers to a “corrupt scheme” that existed when Judge

Porteous was a State—not a Federal—judge. It alleges a “corrupt scheme” that he had with attorneys Amato and Creely. As we will address in greater detail in our closing argument, there was, in fact, no corrupt scheme. Our proof is the testimony of the House’s witnesses, not our witnesses—the attorneys themselves who denied a scheme of bribery or kickback.

The greatest irony of the House’s use of the honest services claim is that the very concern stated by the Supreme Court was that it was so ambiguous that it would not give citizens notice of what it is they could be charged with criminally. Yet that is the same concern James Madison raised when crafting an impeachment standard. Madison said Congress should not be able to use a standard that was so vague as to make removal easy or to rob people of knowledge of what they could be removed for.

So after the Supreme Court in *Skilling* rejects this very theory as so ambiguous, so vague it cannot be used in a Federal court, the House picked up that very theory and said: But we think you should use it as the basis to remove Federal officers—from Presidents to judges to Cabinet members.

Simply put: Deprivation of honest services is the modern equivalent of “maladministration.” Many of you know that James Madison and the Framers rejected maladministration as a standard for impeachment. By the way, they also rejected corruption. The term “corruption” was viewed as far too vague to allow the Members of the Senate to remove a judge on that basis. So what the House is doing is taking a standard of honest services, which was rejected for the same reason, and effectively making it a standard of the United States for the basis of removal of a Federal judge.

Since article I does not allege a bribe or kickback, it is constitutionally invalid under *Skilling*, and this body should not import that standard into the U.S. Constitution. While an Article of Impeachment does not have to be co-extensive with a crime to be valid, an article must give fair notice of what conduct can result in removal. An impeachment speaks not just to one judge, it speaks to all judges. They need to know because they need to know that they can perform their duties without having a Damocles sword dangling over their head, not knowing if an unpopular decision will trigger removal. They deserve fair notice.

It is worth noting that after the court’s decision, Senator LEAHY introduced a bill that was committee sponsored by Senator WHITEHOUSE and former Senator Kaufman to amend the Federal honest services statute in response to *Skilling*. That bill—known as the Honest Services Restoration Act—would revise the honest services statute to prescribe what is defined as “un-

disclosed self-dealing” by a public official.

Notably, even under the new statutory definition of honest services, the allegations in article I would not meet that standard any more than it would meet the standard under *Skilling*. Senator LEAHY’s bill defines “undisclosed self-dealing” as a public official performing an official act “for the purpose” of benefiting either himself or others and their financial interests.

Article I doesn’t allege that Judge Porteous denied the recusal motion for the purpose of benefiting himself. Indeed, the House doesn’t allege that he was at that time receiving gifts from Mr. Creely or Mr. Amato. Those gifts—which we will talk about later—occurred years before. But, of course, that is not the prior and it is not the current standard. The Senate must decide if a Federal judge can be removed on the alleged claim of a corrupt scheme despite the Supreme Court ruling.

To allow such a removal would be to sever any connection between the viability of a criminal claim and the basis for the removal of a Federal judge. Indeed, it would establish a Federal judge can be removed for conduct that is demonstrably not criminal and a theory so vague it can’t actually be used in a Federal court. The House made a bad gamble in *Skilling*. The Senate should not now make a bad gamble and a bad law.

I would like now to turn to the final motion before the Senate, which is a defense request that the Senate take preliminary votes on the numerous and separate allegations in the four Articles of Impeachment. The House managers, in drafting these articles, used a tactic called “aggregation.” It is not new. It has often been the subject of criticism by both Senators and scholars.

Aggregation is a method by which House Members, when drafting Articles of Impeachment, can circumvent the high vote required in the Constitution. They can essentially remove a Federal judge even though less than two-thirds of you agree on any specific allegation. This is accomplished by combining different claims in one article so that no single act is subject to a stand-alone vote. By lumping together or aggregating issues, you can secure total votes even if only 5 or 10 Senators might agree that any given act is sufficient to remove a Federal judge. That negates article I, section 3, which says “no person shall be convicted without Concurrence of two-thirds of the members present.”

The aggregation tactic converts this exacting process into an undefined and fluid process where neither history nor the public will know what was the grounds by which you removed a Federal judge.

Let me try to explain this with an example. Let’s say you go back into

your deliberations and 20 of you might agree that one allegation in a particular article was worthy of removal, while another 30 might reject that allegation but agree on a different allegation as sufficient for removal. Two other groups of Senators of 10 might focus on a third and fourth allegation. When it came to the final vote, you would have 70 Senators voting for removal even though no more than 30 actually agree on what should be the basis for removal—what actually satisfied the constitutional standard.

One does not have to be a strict constructionist to see the violence that approach does to the express language of the Constitution. Honestly, do Members of this body believe the Framers would establish a two-thirds majority vote to remove a Federal judge but allow a House to simply aggregate and achieve that with just 20 or 30? The Framers of the United States might have been many things, but they were not stupid and they were not frivolous. They created a two-thirds vote for a purpose. They wanted two-thirds of you to agree together that at least one act committed by a Federal judge is sufficient to satisfy this extraordinary measure of removal. Such aggregation of claims wouldn’t even be allowed in a criminal or a civil trial. A judge wouldn’t permit it. This judge wouldn’t permit it.

Senators have repeatedly objected to the aggregation of claims in past cases. However, the House knows Senators are reluctant to dismiss an article that has been duly submitted by the House. It is a game of constitutional chicken. They aggregate knowing that it would be difficult institutionally to simply dismiss an article, and for that reason we are not asking you to do that. All we are asking for you to do is to take preliminary votes on the separate allegations that have been combined in these articles to assure for yourself and for history that the constitutional standard has been met.

The House itself has conceded that the Senate can, in fact, do this—and conceded it may be necessary to do this—when we last had this discussion before the committee and Chairman MCCASKILL. Congressman SCHIFF stated at that time:

The Senate can, when it deliberates, say we want to have a separate vote internally on each of the facts that are alleged in article I, on each of the facts that are alleged in article II. You can make that decision and, if the vote internally is that you don’t agree, and you have a further discussion and say, well, unless we agree on these pieces we don’t think the conduct rises, you can make that decision.

You will find that quote on page 1861 in the green books before you. Congressman SCHIFF further noted that:

You will have every opportunity when the evidence is provided to you to vote on it in any way, shape or form you decide. Nothing we do here will prejudice that.

Later in the hearing, when Senator KLOBUCHAR asked Congressman SCHIFF whether “we could decide on our own to individually vote on each one or both of them as a group, and would we be allowed to do that,” Congressman SCHIFF said “That’s exactly right, Senator.”

I commended Congressman SCHIFF because I believe that is an honorable and correct position. We would encourage, however, that those votes be made public. I say this not as much for the interest of my client as in the interest of history. What you say this week will speak to the remaining judges on the bench, and you should speak clearly as to what you think is sufficient to remove a Federal judge.

I also want to mention that the need for clear records is particularly important in this case because there was no criminal trial in this case. This is the first modern impeachment to come to you as a body without a prior trial and, more important, a prior trial record so the evidence, the witnesses in this case were not subject to the procedures and review of a criminal case. It was raw evidence that came in. For that reason, you will be the first to evaluate this evidence in terms of an impeachment that did not occur in a criminal case, and we believe that in light of that, you should take particularly strong steps to isolate what it is that will be the basis for removal or acquittal.

I have to point out that the problems of the House were unnecessarily created by itself, not by this body and not by the defense. The House decided to abandon good practices in the drafting of articles, good practices that were applied in prior cases. For example, in the Hastings impeachment case, where some of you, in fact, were involved, if you recall, there were 17 Articles of Impeachment. Each of those articles isolated one false statement that Hastings allegedly made. Articles II through XIV were all short and they were largely identical. The first and third paragraphs of those articles were, in fact, identical. The only difference was the specific false statement. The House did that so you would have the opportunity to say—to vote whether you believed this was a false statement and whether that specific statement justified removal. That has been the approach of the House in prior cases.

It is correct, and I believe the House is likely to mention, there are some prior cases that have multiple claims, but those are different from an aggregation case. As I mentioned before, on some occasions, the House has submitted to you what is called a catchall provision, so what they would do is they would have, for example, six articles of impeachment, with specific acts that they believed should be subject to removal, and then the seventh article was a catchall article that combined all the previous alleged acts. The dif-

ference between this and a catchall provision is that you or, in this case, your predecessors had the ability to vote on those first six claims so you knew as a body if in fact two-thirds of you agree that any of those prior six actually did occur and actually did constitute removable conduct. That is not the case with aggregation.

What we are suggesting today is a simple process that we believe would protect the constitutional standard in this body, not just in this case but in the future. We have suggested that you simply vote preliminarily, as was discussed with Congressman SCHIFF, on each of these insular allegations. If you look at our motion, we have laid them out. There is not a great number in each of the articles. But you could vote simply on those specific allegations and determine if two-thirds of you agree that, first, they occurred and that you believe they would be the basis for removal.

You would then vote on the article as a whole, in compliance with rule XXIII. Rule XXIII requires you to take a final vote on an article that has not been divided. But by the time you took that vote, you would know whether the standard of the Constitution had been satisfied.

As we note in our filing—and I will not take your time by quoting them again—many Senators have objected to the aggregation of claims in history. In the Archbald indictment, for example, George Sutherland of Utah objected to his colleagues and stated, in exasperation: “I cannot consistently vote upon this article one way or the other,” because of aggregation.

The PRESIDENT pro tempore. The Chair would like to advise you that you have consumed 40 minutes.

Mr. TURLEY. Thank you very much, Mr. President. As a law professor, I am trained to speak in 50-minute increments. I will try to wrap-up.

In conclusion, I ask that the Senate adopt this simple approach to deal with aggregated claims. We have suggested this way to deaggregate the claims. We believe it is useful, not in just this case but in future cases.

We would like to reserve the remainder of our time for rebuttal.

Thank you very much.

The PRESIDENT pro tempore. I thank you very much. The Chair has not received any written questions. Accordingly, the Senate will now hear from Representative SCHIFF in opposition to the motions.

Representative SCHIFF.

Mr. Manager SCHIFF. Mr. President, Members of the Senate, I am Representative ADAM SCHIFF of California. I am joined by fellow House managers BOB GOODLATTE of Virginia, JIM SENBRENNER of Wisconsin, and HANK JOHNSON of Georgia, as well as our counsel, Alan Baron, who has been assisted by Mark Dubester, Harry Damelin, and Kirsten Konar.

When the impeachment trial began in this case some weeks ago, we acknowledged the historic significance of an impeachment proceeding and how rarely they are undertaken. This is for good reason. The overwhelming majority of men and women appointed to the bench have great integrity and uphold the enormous trust the public places in them. Very seldom does someone corrupt get nominated for the bench and, in those cases where a significant problem is discovered during the confirmation process, most withdraw from further consideration or their confirmation is denied. It is very rare that a corrupt official is nominated and his corruption escape discovery until after he is appointed, but it does happen. It happened here with the appointment of G. Thomas Porteous, who is not only a corrupt State judge but would become a corrupt Federal judge as well.

By means of the impeachment and removal process, the Framers of the Constitution sought to protect the institutions of government by allowing Congress to remove persons who are unfit to hold positions of trust. As Alexander Hamilton noted when referring to jurisdiction to impeach an official in Federalist 65: “There are those offenses which proceed from the misconduct of public men or, in other words, from the abuse or violation of some public trust.”

The charges against Judge Porteous here, in the view of the House of Representatives, are precisely that, abusive and violative of the public trust, and he must be removed.

As a Federal district judge in New Orleans, the first proceedings against Judge Porteous began before a disciplinary panel of the Fifth Circuit Court of Appeals. After taking evidence and conducting 2 days’ worth of hearings in which Judge Porteous testified under a grant of immunity, the Fifth Circuit concluded that Judge Porteous’s misconduct “might constitute one or more grounds for impeachment” and referred the matter to the judicial conference of the United States headed by Chief Justice Roberts. The Chief Justice, in conference, also concluded that impeachment may be warranted and referred the case against Judge Porteous to the House of Representatives. The case was also recommended for potential impeachment by the Department of Justice which, in part, because the statute of limitations had run on many of Judge Porteous’s offenses, felt that impeachment might be the more appropriate remedy.

Although Judge Porteous signed an agreement when in discussions with the Justice Department, it did not reset the clock on the vast majority of potential charges, from the kickbacks from the lawyers or the bail bondsmen, corrupt activity, which were already time-barred from prosecution. In the

House Judiciary Committee, we undertook a thorough investigation, interviewing a great many witnesses, taking depositions, acquiring documents never found by the Justice Department, including the very revealing transcript of the recusal hearing in the hospital case mentioned by my opposing counsel, where Judge Porteous so grievously misled and deceived the parties. At the conclusion of our investigation, the Committee considered carefully whether Judge Porteous's conduct was so morally repugnant, so violative of public trust, and whether he had so demeaned himself in office that he was guilty of high crimes and misdemeanors and should be removed from the bench.

Unanimously, the committee concluded he was guilty of high crimes and misdemeanors and must be impeached.

Our committee then studied the very issues implicated in this morning's three motions to dismiss. We considered carefully how many articles should be crafted, whether his conduct naturally divided itself into coherent schemes and, if so, how many, so as to give the public clear knowledge of what he was charged with and to give Judge Porteous a fair opportunity to defend himself and to give the Senate clear articles to vote upon. We concluded that the judge's conduct could be divided quite logically into four parts: One article based on his corrupt scheme with the lawyers, one article based on his corrupt scheme with the bondsmen, one based on his false bankruptcy petition, and one based on his deception of this very body, the Senate. We did not wish to pile on charges against Judge Porteous by dividing any of these articles into unnatural pieces, something a prosecutor might refer to as "loading up" an indictment.

There were other charges we considered as well, the evidence of which was introduced at trial, such as his many serious false statements on mandatory judicial disclosure forms, but opted instead to introduce that as evidence of his willingness to perjure himself when it suited his interests, something very relevant to both his statements to the Senate and in the bankruptcy proceeding.

The House has great discretion in how it drafts an Article of Impeachment, which is why the Senate Impeachment Trial Committee in this case ruled against precisely this same motion counsel makes only 2 months ago, finding that the schemes charged were very straightforward.

We also considered whether a charge of a violation of a specific criminal statute, that the judge violated 18 U.S.C. section X,Y or Z, but rejected that approach. Most impeachments do not charge specific crimes, some charge no crimes at all, and impeachment precedent is very clear—no particular statute need be referenced, only the con-

duct that constitutes a high crime or misdemeanor, which is why, as I will explain later, Judge Porteous's motion to dismiss article I, claiming that it charges a violation of 18 U.S.C. section 1346, is so fatally flawed. The article charges no such violation of that statute and, indeed, makes no reference to that code section whatsoever.

The House Judiciary Committee considered how to view the illicit conduct of Judge Porteous, not only while he was on the Federal bench but prior to his appointment, and, indeed, during the very confirmation procession itself. We concluded we could not ignore the judge's corrupt prior conduct or his conduct during the confirmation because it was so interwoven with his corruption on the Federal bench. His deplorable handling of the hospital case while a Federal judge, his lies during the recusal hearing, his hitting up the lawyers for cash—the very reason the lawyer was brought into that hospital case to begin with. Although all that conduct occurred while Judge Porteous was on the Federal bench, none of it can be fully understood without considering the judge's prior conduct in relationship with those same attorneys.

It was also the unanimous view of the Judiciary Committee that, whether a high crime or misdemeanor occurs before or after someone is appointed to the bench, if it is such a violation of the public trust that the institution of the judiciary will be harmed, that the public will lose confidence in the decisions of the court and of that judge, then he must be impeached. To reach the opposite conclusion would be to countenance a continuing injury to the judiciary, which would be forced to retain judges proved to be corrupt. Even where a judge is indicted and convicted on conduct that occurred before his appointment, the Senate would be powerless to remove him from office or from lifetime salary though he sits in prison. Nothing in the language of the Constitution or 200 years of precedent supports such an absurd result.

This was the unanimous view not only of the House Judiciary Committee, but when the matter was brought before the full House, it was the unanimous view of that body as well.

The Senate can decide to convict Judge Porteous on articles I, II, and III on the basis of corrupt conduct on the Federal bench alone, if it chooses—and count 4 addresses the concealment and false statements to the Senate during the confirmation itself—or the Senate may, as I will discuss later, convict Judge Porteous on the basis of his prior conduct as well consistent with the Constitution, with precedent, with a considered opinion of experts, and with sound public policy reasons as well.

But first, let me turn to each of the judge's three motions. In considering

Judge Porteous's motions to dismiss, let me begin with a discussion of his arguments that the charges against him are improperly aggravated. In order to do so, it may be useful to provide a brief summary of the evidence charged in each article so that the full Senate can see, just as the Senate Impeachment Trial Committee concluded, that the House was well within its discretion in how it drafted the articles. Each contains a coherent scheme of conduct giving the judge, the Senate, and the public a clear understanding of the charges against him, and the motion must be denied. It is also worth pointing out, as the Senate Impeachment Trial Committee report demonstrates so clearly, none of the really salient facts in this case are in dispute.

Article I. Article I alleges and the evidence at the trial has now established that Judge Porteous, while a State judge, initiated and implemented a corrupt kickback scheme with attorney Robert Creeley and his partner, Jacob Amato. The essence of the scheme was that Judge Porteous, in his judicial capacity, assigned curatorship cases to Creeley, and thereafter the firm of Amato & Creeley gave Judge Porteous approximately half of the legal fees generated by those cases. A curatorship is a small case where the appointed lawyer represents a missing party and has to do some minor administrative work. The payments to the judge were always made in cash, as Amato testified at trial, to avoid a paper trail. Contrary to what counsel has just represented, Amato testified that it was a classic kickback scheme.

Prior to Judge Porteous's initiation of this curator kickback scheme, he had asked Creeley for small sums of money from time to time. Creeley gave him the money until Judge Porteous asked for larger amounts—\$500 or \$1,000 at a time. At this point, Creeley balked. It was then that Judge Porteous began assigning Creeley the curatorships and seeking the cash back from Creeley and his partner, Amato.

The evidence is undisputed that Judge Porteous assigned Creeley over 190 of these cases from 1988 to 1994, resulting in fees to the firm of about \$40,000. Both Creeley and Amato independently estimated they gave Judge Porteous a total of about \$20,000 in cash. They both testified that they understood that the cash they gave Judge Porteous was funded by these curatorships.

By initiating and implementing this curatorship kickback scheme, Judge Porteous abused his position of trust as a judge by corruptly taking actions in his official capacity designed and intended to enrich himself. This is judicial misconduct and abuse of power, and it is most venal. But this was only the beginning of Judge Porteous's egregious misconduct. It gets worse.

Thereafter, when Judge Porteous became a Federal judge, he presided over

a complex, high-stakes, nonjury case. You will hear it referred to as the Liljeberg case, the hospital case. Amato enters his appearance in this case as an attorney for the Liljebergs. Even though this case has been around for years—tens of millions are at stake—he enters the case 6 weeks before trial.

When opposing counsel filed a motion to recuse Judge Porteous, because he was concerned about the late introduction of this attorney, seeking that Judge Porteous reassign the case to another judge based on what counsel understood to be the judge's close relationship to Amato, Judge Porteous deliberately misled counsel and the parties, concealing his previous corrupt financial relationship that had existed between himself, Amato, and Creeley.

In fact, Judge Porteous did something much worse. The transcript of that hearing was truly revealing and sets forth a series of misleading statements, half-truths, and outright lies by Judge Porteous. As but one example, Judge Porteous steered the colloquy of a discussion of whether Amato had ever given Judge Porteous campaign contributions. In that discussion, Judge Porteous stated:

The first time I ran, 1984, I think is the only time when they gave me money.

That statement was clearly false and deceptive and concealed many thousands—indeed, tens of thousands of dollars—in cash that Amato and his partner had given Judge Porteous.

Judge Porteous denied the recusal motion, and the order was appealed. The court of appeals, based on the false record Judge Porteous had created, affirmed the denial. So counsel for the other party, Lifemark, was unwillingly forced to represent his client against an opposing counsel who had given Judge Porteous thousands of dollars as part of a corrupt scheme.

In one of the most appallingly corrupt acts among many by Judge Porteous, after the case is tried but has not been decided—and again, a nonjury case; the judge is the trier of fact as law—the judge solicits and receives a secret cash payment of \$2,000 from Amato.

Amato would testify during the Senate trial that it was the worst decision of his life and would acknowledge that he worked on this case for 2 years, stood to make \$500,000 to \$1 million in fees if he prevailed, and if he lost, he would make nothing, and that this was one of the reasons he gave the judge the cash—because the judge was presiding over this very important case.

Judge Porteous decides the Liljeberg case very favorable to Amato's client. This decision is later reversed in scathing terms by the U.S. Court of Appeals for the Fifth Circuit in an opinion by the appellate court which characterized Judge Porteous's central rulings as "inexplicable," "apparently con-

structed out of whole cloth," and "close to being nonsensical."

Not until the case was long over and the parties had moved on would they learn that the lawyer for the prevailing side at trial had given the judge thousands in secret cash.

That is article I.

Article II alleges and the evidence has shown that Judge Porteous, while a State judge and extending into his tenure as a Federal judge, had a corrupt relationship with local bail bondsman Louis Marcotte and his sister Lori Marcotte. The essence of the relationship was that Judge Porteous would take official acts to financially benefit the Marcottes by setting bail in amounts that they requested to maximize their profit—not in the best interest of the public, not what was necessary to secure the defendant's appearance in court but would maximize their profit. In addition, he would set aside the criminal convictions of the Marcottes' employees.

The way the bond arrangement worked was this: Louis Marcotte would interview the defendant and their family to figure out the most expensive bond they could possibly afford and would ask Judge Porteous to set the bond at precisely this amount, and the judge would do so. If the bond was set too low, below what the family could afford, Marcotte would lose money. If the bond was set too high, then the defendant could not use Marcotte at all, and Marcotte would lose money. It had to be set just right to maximize their profit. And Judge Porteous was their go-to bond-setter.

Although other judges would later go to jail for precisely this same relationship with the Marcottes, Louis Marcotte testified at the Senate trial that no one—no one did more for them than Judge Porteous. And Marcotte said further that the more they did for Porteous, the more he did for them.

The Marcottes supported Judge Porteous's lifestyle in numerous ways. In response to Judge Porteous's request, they frequently took Judge Porteous out to expensive restaurants, paying for his food and copious amounts of liquor. They sent their employees to pick up his cars at the courthouse, repair them, fill them up with gas, detail them, and leave buckets of shrimp or bottles of liquor in them when they were done. They sent their employees to his house to do home repairs, where they spent 3 days repairing 85 feet of damaged fence—digging the holes, laying the concrete, picking up the fence boards, doing the construction. And they paid for one or more trips to Las Vegas for the judge and his secretary.

As we proved during the trial, Judge Porteous was also asked by Louis Marcotte to expunge or set aside the felony convictions of two Marcotte employees so they could be licensed as bail bonds-

men. Judge Porteous obliged but, significantly, told Marcotte that he would not set aside one of the convictions until after Senate confirmation of his position as a U.S. district judge because Judge Porteous did not want to jeopardize what was, in the judge's words, his lifetime appointment. In essence, Judge Porteous told Marcotte that he would set aside the conviction but that he needed to hide the corrupt relationship from the Senate. In fact, this is exactly what he did. Shortly after Senate confirmation but before he was sworn in as a Federal judge, Judge Porteous did, in fact, set aside the conviction of Marcotte's employee. It had to be done precisely then, after confirmation, so you would not learn about it, but before he was sworn in because once he was sworn in, it was too late, he could no longer expunge the conviction.

What the articles allege and the evidence establishes is that this was a classic quid pro quo relationship between a judge with his hand out and a corrupt bondsman who was willing to pay for what the judge could do for him.

Judge Porteous's corrupt relationship with the Marcottes did not come to an end after Judge Porteous became a Federal judge, although he no longer had the power to set bonds or expunge convictions for the Marcottes. The Marcottes continued wining and dining Judge Porteous because they needed his help to recruit a successor—other State judges—to assume Judge Porteous's former role in setting bonds at the amounts necessary to maximize their profits. Once again, Judge Porteous agreed, meeting with State judges and vouching for the Marcottes and using the prestige and power of his office to foster these new, corrupt relationships.

One of the judges Porteous helped the Marcottes recruit while he was a Federal Judge was a State judge named Ronald Bodenheimer. Bodenheimer testified that he did not hold Louis Marcotte in high regard and would not deal with him because he had a low regard for Marcotte's character and believed he was a drug user. Bodenheimer testified that when Judge Porteous vouched for Marcotte's integrity, it was critical to his decision to form a relationship with Louis Marcotte.

Judge Bodenheimer would later be convicted and incarcerated on Federal corruption charges, in part because of his corrupt relationship with the Marcottes, setting bonds in the amounts they requested in return for financial favors. Both the Marcottes also would plead guilty to corruption charges premised on these same relationships.

Now let me turn to article III.

By 2001, Judge Porteous had close to \$200,000 in credit card debt, a substantial portion of which resulted from his

gambling problem. For years, Judge Porteous had dishonestly concealed his debts and the extent of his gambling by filing false annual disclosure forms.

Ultimately, in March of 2001, Judge Porteous filed for bankruptcy. His filings were replete with dishonest representations. First, to conceal his identity, Judge Porteous filed and signed the petition under penalty of perjury using a fake name: G.T. Ortous. Further, just a few days prior to filing, as part of his plan to conceal his identity, he obtained a post office box which he listed as his residence on the bankruptcy petition. He concealed assets so he could gamble, such as a \$4,100 tax refund, even through the bankruptcy form asked him specifically whether he was expecting a tax refund. He concealed a money market account that he used the day before filing bankruptcy and that he used while in bankruptcy to pay for his gambling. He lied under oath about preferential payments to creditors, particularly casinos. He falsely denied under oath having gambling losses in response to a question on the form that asked just that. He had his secretary pay off a credit card account shortly before filing and then failed to report the transaction.

After the bankruptcy judge issued an order confirming Judge Porteous's chapter 13 plan, which prohibited him from incurring new debt without permission, Judge Porteous violated the order by secretly incurring additional debt at several casinos and by obtaining and using a new credit card, all without the permission of the bankruptcy trustee.

In sum, his bankruptcy was replete with deliberately false statements made under penalty of perjury in an effort to avoid public disclosure of his bankruptcy and his gambling problem.

Now, let me turn to article IV.

I previously mentioned that while he was a State judge, Judge Porteous had corrupt schemes going on with attorneys Amato and Creeley and with the Marcottes. How, then, did he ever get confirmed in the first place?

Article IV alleges and the evidence establishes that Judge Porteous repeatedly lied to the Federal Bureau of Investigation and to the U.S. Senate in responding to questions posed to him as part of the confirmation process on no less than four occasions—particularly in response to the very questions that would have required that he disclose his corrupt relationships with Creeley, Amato, and the Marcottes. He was interviewed twice by FBI agents, and filled out two separate questionnaires, one of which was sent directly to the Senate Committee on the Judiciary.

There is perhaps no question more important of an applicant for a Senate-confirmed position than that which seeks information concerning the can-

didate's integrity. Judge Porteous's responses to these questions were false given his corrupt relationship with attorneys Amato and Creeley and his corrupt relationship with the Marcottes and their bail bond business.

There is a wealth of evidence that makes clear that Judge Porteous understood the questions as calling for his disclosure of his corrupt relationship with the Marcottes. Most critically, as I mentioned, in the summer of 1994, Louis Marcotte asked Judge Porteous to set aside the felony conviction of one of his employees named Aubry Wallace—a Marcotte employee who had taken care of Judge Porteous's cars and had performed house repairs for Judge Porteous. Marcotte testified that Judge Porteous responded to Marcotte's request by telling Marcotte:

Louis, I am not going to let Wallace get in the way of me becoming a Federal judge and getting appointed for the rest of [my] life. . . . Wait until it happens, and then I'll do it.

In short, Judge Porteous would set aside the conviction as Marcotte requested, but he would hide that act from the Senate so as to not jeopardize his confirmation. Judge Porteous knew that he had to conceal his corrupt relationship with Marcotte if he had any hope of being confirmed as a U.S. District Judge—and that is exactly what he did.

Almost all of the salient facts in this case I have just mentioned are not seriously contested. In connection with article I and his relationship with Creeley and Amato, Judge Porteous admitted the critical facts during his sworn testimony before the Fifth Circuit—where he was given immunity from the use of his testimony in any criminal proceeding. He admitted Creeley gave him money and then balked at continuing to do so. He was asked about the curator moneys, and he admitted sending the curatorships to Creeley and getting cash from Amato and Creeley after he assigned them the curatorships. Though he will not call it a kickback, Judge Porteous does not deny getting the cash back from the attorneys after sending them the curatorships.

When he was asked how much money he got back from Creeley and Amato during the Fifth Circuit proceedings, his answer was: "I have no earthly idea." I have no idea. Not "I didn't get the money"; not "I don't know what you're talking about," but in terms of how much: "I have no idea." The payments of cash to Judge Porteous occurred so often and for such a prolonged period of time, he could not, or would not, estimate how many thousands of dollars he received from them.

Does he admit getting the \$2,000 in cash in an envelope after soliciting it from Amato during the pendency of the Liljeberg case? Yes, he admits to that in the Fifth Circuit. He takes issue, strangely enough, with the envelope

itself. He can't remember whether the money was delivered in bank envelope or a regular envelope, but he doesn't deny getting an envelope with cash during the pendency of this multi-million-dollar litigation. He doesn't remember whether he got it personally or whether he sent his secretary to pick it up, but he doesn't deny getting the cash.

The record is absolutely clear that Judge Porteous did not disclose his receipt of curatorship money when he was asked to recuse himself from the Liljeberg case. He admits filing bankruptcy under a false name, saying only it was his lawyer's idea. He admits not disclosing his pending income tax refund on the forms as required. He admits not disclosing his gambling losses on the forms as required. He admits not disclosing a bank account he used for gambling. And as to the Judge's false statements to the FBI and Senate, the defense's own expert testified that if the judge had received kickbacks while on the State bench, and if he had a corrupt relationship with bail bondsmen, he would have understood that this must be disclosed in answer to the questions he was asked by the FBI and the Senate.

These were the facts the House considered in unanimously approving four articles of impeachment. The House determined that the corrupt conduct by Judge Porteous fell into four discrete schemes, one involving his corrupt relationship with Amato and Creeley, another pertaining to the Marcottes, a third reflecting his false filings in bankruptcy, and the final concerning his deception of the Senate and the FBI.

Notwithstanding the historic precedent of giving the House broad discretion in the drafting of articles of impeachment and the plain logic of this division, Judge Porteous complains that the articles contain allegations that, in counsel's words, are improperly "aggregated." The Senate has never ordered an article passed by the House to be divided up according to the accused's desires, or required multiple votes on an article, a proposal prohibited by the Senate's own rules.

Unlike his motions to dismiss articles I and II, this motion was heard and decided by the Senate Impeachment Trial Committee on the merits, which rejected it completely.

Judge Porteous claims that the structure of the Articles of Impeachment aggregates a series of a disparate allegations. He argues further that the Senate should dismiss all of the articles in its pleadings or, in so many words, vote on each separate factual predicate claim within each article. Judge Porteous mischaracterizes the articles in this case, and misstates the impeachment precedent on this issue. There is no basis for granting the relief he seeks, and the motion should be denied.

First, as a factual matter, the articles simply do not contain a series of unrelated, discrete acts as Judge Porteous contends. Each article describes a course of conduct in pursuit of a unitary end, pursued through a combination of means. Article I describes Judge Porteous's improper conduct while presiding over the Liljeberg case, arising from his concealed corrupt financial relationships with attorneys Creely and Amato; article II describes Judge Porteous's corrupt relationship with Louis and Lori Marcotte and provides the details of what he received from them and what he did for them; article III describes the numerous dishonest acts and false statements under oath by Judge Porteous to deprive his creditors and the bankruptcy court of the truth surrounding his financial circumstances; and article IV describes Judge Porteous's false statements during the confirmation process when he concealed his corrupt relationships with attorneys Creely and Amato and the Marcottes. Even though each of these separate schemes comprised discrete acts, each article describes a single coherent scheme.

Second, as such, each of the articles easily withstand scrutiny under long-settled Senate precedent. The Nixon Impeachment Committee ruled that Articles of Impeachment are properly framed if they give "fair notice of the contours of the charges against the judge and (2) contained an intelligible, essential accusation, thus providing a fair basis for conducting the evidentiary proceedings."

There is no reason for the Full Senate to set aside the analysis and decision of the Senate Impeachment Trial Committee in this case, which found the Nixon standard persuasive and consistent with the Constitution and ruled that "Each of the four Articles against Judge Porteous meets the Nixon standard." In reaching this conclusion, the committee summarized the articles, and stated: "Each Article provides Judge Porteous with fair notice of the contours of the charges against him and makes clear, intelligible allegations."

Each article contains a series of factual allegations comprising the charged "course of conduct" that constitutes that article. Although the requirements for how a count is charged in a criminal indictment do not apply in an impeachment, we think that Senator WHITEHOUSE—a former U.S. Attorney—got it right when he said during the proceedings:

Let's say you were looking at a case say involving a scheme and artifice to defraud, and a whole bunch of conduct is alleged in that particular scheme and artifice to defraud. The jury doesn't have to agree on every single piece of that having been done; they have to look at the evidence and conclude ["yep, based on what we see, we do see a scheme and artifice to defraud in this particular case.["]

Isn't that the case here, as well? Because the course of conduct [is] integrated enough [it] can fall within the general impeachment standard of high crime and misdemeanor?

That analysis hits the nail right on the head—each of the four articles describes integrated schemes, integrated courses of conduct. Looking at article I, for example, defense counsel argues in his brief that the recusal hearing alone should be three separate counts—one stating the recusal motion was improperly denied, another charging that during the recusal hearing he should have disclosed the kickbacks from Creely and Amato, and a third, that he made false and misleading statements during the same recusal hearing. One hearing—three articles. Had we charged it the way counsel suggests, is there any question in your mind that counsel wouldn't be here before you today arguing that the House improperly disaggregated one corrupt scheme to pile on three separate charges?

In fact, none of these articles constitutes what in the past has been occasionally referred to as an "omnibus" article—where articles involving discrete spheres of misconduct are joined in a single article. Had we drafted a fifth article, that set out his relationship with Amato and Creely, and the Marcottes, and the bankruptcy and the deception of the Senate and said that because of all these acts together he should be removed, that would be considered an omnibus article. The House chose not to do so, although we note that the House has frequently returned omnibus articles summarizing the prior counts, and the Senate has not only deemed them proper but repeatedly voted to convict on such omnibus articles.

Judge Porteous has suggested that the consideration of the articles as drafted is unfair or would lead to confusion. According to Judge Porteous, Senators would not really understand what they were voting on in voting to convict. This, however, is hardly a serious contention. In article I, there is no credible reason to believe that a Senator would not convict unless he or she were satisfied with the core factual theory set forth in that count, and the same as with articles II, III, or IV.

Counsel for Judge Porteous has argued that the cases of Judges Hastings and Archbald support his claim, pointing to the comments of some individual Senators. But as the Senate Impeachment Trial Committee in this case so correctly pointed out: "This, however, was not the adopted view in either instance as both judges were convicted on the aggregated articles." So in both the cases cited by counsel, the Senate voted to convict on the omnibus or aggregated articles.

Judge Porteous's arguments are no different, in substance, to those raised in the Hastings impeachment. In that case, there was a parliamentary in-

quiry as to whether, in order to find Judge Hastings guilty, a Senator had to find that he committed each of the four allegations in a given article. The President pro tempore of the Senate responded:

This is for each Senator to determine in his own mind and in his own conscience and in accordance with his oath that he will do impartial justice under the Constitution and law. It is the Chair's opinion, if the Senator in his own conscience and based on the facts as he understands them determines that, in any one of the paragraphs, Judge Alcee L. Hastings has undermined confidence in the integrity and impartiality of the judiciary and betrayed the trust of the people of the United States, he should vote accordingly.

And so it is here. It certainly is not necessary for the Senate to proceed sentence by sentence or paragraph by paragraph, so long as you are able to find, based on the facts as you understand them, that Judge Porteous, by his conduct in the given article, has undermined confidence in the integrity and impartiality of the judiciary and betrayed the trust of the people of the United States.

The alternate request of counsel, to require multiple votes on each article, was also rejected by the Senate Impeachment Trial Committee and should be rejected here. As the committee ruled: "The impeachment Rules do not permit Judge Porteous's suggestion that the Senate vote separately on the individual impeachable allegations within each Article. Impeachment Rule XXIII states that an article of impeachment 'shall not be divisible for the purpose of voting thereon at any time during the trial.'"

Now, let me turn to Judge Porteous's motion to dismiss article I. Judge Porteous acknowledges in his written pleadings, that for the purpose of this motion all the facts alleged in article I should be accepted as true. Judge Porteous urges the Senate to dismiss article I on three grounds—first, that it charges a violation of title 18, U.S.C. section 1346, the mail and wire fraud statute, claiming that under the Supreme Court's decision in *Skilling*, an honest services claim cannot be made under that code section. Second, he argues that Judge Porteous could not have known that taking kickbacks, lying during a recusal hearing, or soliciting thousands in cash from an attorney with a case before him could constitute grounds for his impeachment. Most remarkably, he claims that he did nothing wrong and that taking secret cash from an attorney whose case is under submission in your courtroom is, at most, only an appearance problem. It is just such an argument which demonstrates his unfitness for the bench.

First, as to his "honest services" argument it is helpful to provide some background on what an honest services charge is in a criminal case. 18 U.S.C. Section 1346 and 7 are the wire and mail fraud statutes. Under those laws,

a defendant in a criminal case can be charged with defrauding someone of money, property or honest services. Judge Porteous argues here that he has been charged with a violation of the mail and wire fraud statutes, and if this were a criminal case, he would seek to dismiss the charge on the basis that it did not adequately set out a crime under that statute. The problem with the Judge's argument is that he is not charged with mail or wire fraud under section 1346 or 7, this is not a criminal case, and even if it were, he would still lose under the very case he cites—for in *Skilling*, the Court found that you could be charged with honest services fraud in any case involving a kickback scheme.

It is plain from a reading of article I that the House has not charged, nor is it required to charge, that Porteous is guilty of mail or wire fraud in violation of title 18. The article I described by Judge Porteous's counsel bears little resemblance to the article that was actually charged in this case, which consists of six paragraphs that describe how Judge Porteous received kickbacks from attorneys Amato and Creely, how he dishonestly presided over the *Liljeberg* case by concealing these kickbacks and making intentionally misleading statements at the recusal hearing, and by secretly soliciting and accepting cash from Amato while the case was pending.

Article I, despite defense counsel's claim, is not patterned after the mail fraud or wire fraud statutes—or any other criminal statute—and it does not otherwise allege a “scheme or artifice to defraud,” or any other language that would be necessary to charge a criminal “honest services” fraud offense. Article I is written in non-technical language and focuses on Judge Porteous's receipt of kickbacks and his acts of concealment of corrupt financial relationships in the course of presiding over a case. Article I concludes that Judge Porteous “brought his court into scandal and disrepute, prejudiced public respect for, and confidence in, the Federal judiciary, and demonstrated that he is unfit for the office of Federal judge.” Whether the conduct alleged in article I also violated criminal laws, or could have resulted in an indictable offense for “honest services fraud,” simply has no bearing on any issue before the Senate, and no plausible reading of article I as actually drafted suggests that it intended to import Supreme Court interpretations of a Federal statute.

It is for the Senate to determine whether charged conduct demonstrates that the individual is not fit to be a judge. That determination does not turn on whether the conduct at issue constitutes a Federal criminal offense. Indeed, one of the first impeachments was of a judge for drunkenness, and, for most of this Nation's history, Federal

judges have been impeached, and convicted, and removed pursuant to articles that have not alleged the commission of Federal criminal offenses. As the Senate committee in this case repeatedly pointed out, this is not a criminal case. Impeachments in this country, as opposed to the British example, are not punitive in nature and threaten the judge with no loss of liberty or jail time. They are designed to protect the institution from the ill effects of having a corrupt officer destroy the public trust in that institution.

Finally, if this were a criminal case, and he were charged with mail or wire fraud, and you were judges rather than Senators, and the judge stood to go to jail rather than lose his office, he would still lose under the very precedent he cites, *Skilling*. *Skilling*, the former CEO of Enron, was charged with mail and wire fraud on the theory that he deprived shareholders of truthful information about the value of the company. The Supreme Court held, as to these counts, that if Congress wanted the statute to apply this broadly, it would need to do a better job saying so, because the charges against *Skilling* didn't involve bribery or kickbacks. If the scheme did involve kickbacks, as alleged in article I, the Court said the charges would be fine. As the Court stated: “A criminal defendant who participated in a bribery or kickback scheme, in short, cannot tenably complain about prosecution under section 1346 on vagueness grounds.”

Finally, Judge Porteous argues that article I should be dismissed because it charges only the appearance of impropriety, not actual wrongdoing, as if no judge can be expected to know that he cannot receive secret cash from an attorney with a pending case, or that he cannot receive kickbacks from attorneys after sending them cases. That is truly a remarkable assertion. Judges are on notice from the day they are sworn that they may be convicted and removed if they commit high crimes and misdemeanors—that is the constitutional standard to which judges must adhere, and Judge Porteous and every other judge ought to understand that it requires a very basic level of integrity.

When Judge Porteous—or any judge—is exposed as having accepted things of value from attorneys appearing before him and then ruling in favor of the client represented by those same attorneys, he damages the judicial system and brings the Federal courts into disrepute. This is especially so here, where Judge Porteous's ruling for his financial benefactors was reversed on the central issues in the litigation, in an opinion that excoriated the judge. Whether the House proved these facts is a matter you must decide when you deliberate on the case after closing arguments. The Senate report makes

clear most of these facts are beyond dispute. But accepting the allegations in article I as true, as defense counsel concedes you must for the purpose of this motion, there is no question that they set out a chargeable high crime and misdemeanor. For these reasons, Judge Porteous's second motion must be denied. Let me now turn to his motion on article II.

Judge Porteous argues that article II must be dismissed on three grounds: First, because it alleges conduct both before and after his appointment to the Federal bench and dismissal is constitutionally required as shown by the Senate's precedent in *Archbald*. Second, because House experts testified that a judge could never be impeached on the basis of prior conduct. And finally, because the article only alleges Judge Porteous socialized with the wrong people.

Judge Porteous, in his moving papers, again concedes that the allegations in article II, for the purpose of this motion, must be accepted as true. Those allegations are, in summary, this: That Judge Porteous, while a State judge, began a corrupt relationship with the Marcottes in which the judge solicited and accepted numerous things of value, meals, trips, home repairs, car repairs for his personal use and benefit and in return, took official actions benefiting the Marcottes, setting bail in a way to maximize their profits, expunging the convictions of Marcotte employees both before and after his confirmation for the Federal bench, and using the power and prestige of his office as a Federal judge in helping recruit other State judges to form the same corrupt relationship with the Marcottes.

As you can see, article II by its own terms charges conduct which occurred before confirmation to his Federal judgeship, after his confirmation but before he was sworn in, and after he was sworn in and while serving on the Federal bench. The conduct charged in article II, while he was a Federal judge is egregious, using the power of his office to help recruit other State judges to form the same corrupt relationship with the Marcottes that he had—a relationship these other judges would later go to jail for. We proved this at trial, but more than that, this conduct, for the purpose of this motion, and much as defense counsel may forget, must be accepted as true. Just as in article I, the Senate may convict on article II if it chooses solely on the basis of what Judge Porteous did as a Federal judge.

The only article that charges pre-Federal bench conduct alone, is article IV, which charges Judge Porteous with making false statements to the Senate and FBI during the confirmation process. Interestingly, although Judge Porteous takes other issue with article IV, he does challenge the constitutionality of the fact that only prior

conduct is alleged in article IV. And in fact, as I will discuss in a moment, even defense counsel recognize that it is not only constitutional to impeach a judge on prior conduct in certain cases, but that it is inevitable as well.

The Constitution itself is silent on when a high crime of misdemeanor warranting impeachment must take place. The Constitution describes certain types of conduct for which impeachment is warranted, such as bribery or treason, but does not say when the misconduct must have been committed. Plainly, had the Framers wished to confine the time the conduct must have taken place, it would have been easy to do so. They could have provided that an officer could be removed for a high crime or misdemeanor committed while in that office. But they chose not to so limit the scope of impeachment, and for good reason.

The deliberations of the Framers who were focused on the impeachment clause make it clear that it was the institution they sought to protect from the destructive influence of an officer who violates the public trust and brings the institution into disrepute. Whether the high crime or misdemeanor occurs before or after appointment to a particular office, if the conduct of that official has brought the institution into ill repute, it stands to reason that the Framers intended that conduct to warrant impeachment. There is certainly no indication, that in a charge such as article II, which describes conduct before, during and after appointment, that anything in the text of the Constitution presents a grounds for dismissal.

The one precedent in which a judge was charged in a single count with both pre and post office conduct is the 1913 impeachment of Judge Robert W. Archbald. There were 13 Articles of Impeachment brought against Archbald. Six articles accused him of misconduct on the Commerce Court where he was then assigned at the time of his impeachment and trial; six accused him of misconduct on the district court—his prior judicial appointment. Article 13 set forth allegations that involved his conduct on both courts and is therefore directly analogous to both articles II in the case against Judge Porteous. And on this article, the Senate convicted Judge Archbald.

Because debate was closed during the floor vote in the Archbald impeachment, there was no formal debate or discussion about the Senate's jurisdiction to impeach over prior conduct. The Senators were not required to state their reasons for their votes, although some did. Senator Owen, for example, stated:

Whether these crimes be committed during the holding of a present office or a preceding office is immaterial if such crimes demonstrate the gross unfitness of such official

to hold the great offices and dignities of the people.

Another Senator specifically noted that he was voting not guilty on all but one of the prior court counts because he felt the evidence did not support conviction on those counts, but that his vote should not be misinterpreted as suggesting that charging prior conduct was improper. In fact, five Senators did not feel the evidence was sufficient on any count, pre or post.

More than a quarter of the Senate was absent in the Archbald case, and it is impossible to determine what motivated the votes of every Senator in Archbald. We do know that of the 68 Senators who believed there was sufficient evidence to convict on at least one count, a full 34 of them expressed unequivocally that they believed a judge should be impeached on the basis on misconduct preceding their appointment to their current position. How do we know this? Because 32 of them said so, by voting to convict on purely prior conduct, and 2 others publicly stated that they would have done so, if the evidence of guilt were stronger. Only seven expressed the view advocated by Judge Porteous.

But one conclusion is beyond question: the Senate voted to convict Archbald on the one count that most closely resembles article II against Judge Porteous and alleged conduct both prior to and during his tenure in the current office.

Defense counsel argues that constitutional experts who testified before the House Impeachment Task Force took the position that prior conduct could not be considered by the Senate as a basis for impeachment. This is a rather incredible claim, since each of the experts testified precisely to the contrary, that the timing of the misconduct was not a constitutional impediment or the standard, but rather the effect of retaining a corrupt official on the institution.

Distinguished constitutional scholars who testified before the House Impeachment Task Force were unequivocal in their views that the Constitution permits impeachment, conviction and removal of a Federal judge for pre-Federal bench conduct. They noted that the Constitution provides no limitation, and that the principles underlying the reasons for the impeachment process—protecting the integrity of the Federal judiciary—compel this conclusion.

Professor Michael Gerhardt explained in his written statement:

Say, for instance, that the offence was murder—it is as serious a crime as any we have, and its commission by a judge completely undermines both his integrity and the moral authority he must have in order to function as a Federal judge. The timing of the murder is of less concern than the fact of it; this is the kind of behavior that is completely incompatible with the public trust invested in officials who are sufficiently

high-ranking to be subject to the impeachment process.

Professor Akhil Amar stated at the hearing:

Let's take bribery. Imagine now a person who bribes his way into office. By definition, the bribery here occurs prior to the commencement of office holding. But surely that fact can't immunize the bribery from impeachment and removal. Had the bribery not occurred, the person never would have been an officer in the first place.

Moreover, defense counsel himself concedes in his written statement of the case to the full Senate that prior conduct can be an appropriate grounds for impeachment. In discussing a case where a judge might be indicted and convicted of a murder that he committed before appointment to the Federal bench—that was only discovered later—the defense conceded impeachment would be appropriate, writing: "There would be little controversy about removing a judge from office who was convicted of murder during his term of office, and the precedential value of such an action would be limited."

Nor has defense counsel taken the position that impeachment for prior conduct should be limited to cases of murder. The Senators from Illinois may recall the case of Judge Otto Kerner. He had been the Governor of Illinois before his appointment to the Seventh Circuit Court of Appeals. While on the court of appeals, he was indicted and convicted for accepting bribes while governor, long before he was put on the bench. In writing about the case of Otto Kerner, defense counsel not only asserted that Kerner could be impeached for the bribes he took as governor, but that his impeachment was inevitable. To quote Mr. Turley, "Judge Otto Kerner, Jr., of the United States Court of Appeals for the Seventh Circuit, resigned before inevitable impeachment after he was convicted for conduct that preceded his service."

Let us assume that the statute of limitations had not barred prosecution of Judge Porteous on the kickbacks, or his corrupt scheme with the Marcottes, and like Judge Bodenheimer, he had been sent to jail based on that prior conduct. Would it be any less inevitable that he must also be impeached and removed from office?

Although Judge Porteous's counsel acknowledges the appropriateness of impeaching for prior conduct in murder, bribery, and other cases—indeed its inevitability—he evidently seeks to distinguish this case because Judge Porteous was not first convicted during a criminal trial. Of course, the Constitution does not require a criminal conviction prior to impeachment. The Framers didn't want to delegate to the Department of Justice the power to remove a judge, which would be the effect of saying it requires a conviction to remove someone on that basis. The language of the Constitution presumes,

when it says that a prosecution may follow not precede impeachment, when it provides in article I, section 3 that a party convicted in an impeachment trial “shall nevertheless be liable and subject to indictment, trial, judgment, and punishment, according to our criminal law.”

In many prior impeachments, there has been no criminal trial and, in fact, in the Hastings case impeachment followed acquittal in a criminal case. So, plainly, the Constitution doesn't require a prior criminal trial or conviction to impeach, whether the conduct occurred or not.

Nonetheless, counsel argues it is unfair here, because a criminal trial would have more fully brought out the facts in the case, and provided a more detailed record. But this ignores the very full record in the fifth circuit proceeding, the depositions in this case, as well as the comprehensive trial before the Senate Committee. It is worth pointing out that during that trial, Judge Porteous has been represented not only by the very capable Mr. Turley, but at least 8 attorneys from the law firm of Bryan Cave. Moreover, this team of attorneys did not feel it was necessary to use the entire amount of time they were permitted to put on their case and simply rested. You would think, if counsel really felt that there was more to the case that needed to be illuminated, it would have used the full opportunity it was given to present witnesses.

Finally, there is a policy argument advanced by Judge Porteous, that if the Senate convicts him on the basis of conduct that occurred in part before he was on the federal bench, even though it is intertwined with his appointment and service on the bench, it will open the impeachment process to abuse by partisan interests. These partisan interests, upset with a judge's decision or judicial philosophy, might conjure up some prior misconduct and use it to urge the impeachment of a judge.

It is true that the power to impeach a judge based on prior conduct could be abused, like any other power. If partisan interests wish to urge the impeachment of a judge whose decisions they don't like, they could just as well conjure up misconduct which occurred while the judge was on the bench, as before. The protection against that abuse rests in two places: it rests with the House to reject any impeachment charge which is a mere subterfuge for attacking a judge's decision of philosophy. And it rests here, in this chamber, where you must never remove a judge for partisan reason and erode independence of the judiciary.

Importantly, there is no allegation, no suggestion, not by defense counsel or anyone else, that this is the case with Judge Porteous. There is no claim that this impeachment is based on some illicit partisan interest.

There is a more serious consequence, however, of concluding that judges cannot be impeached for prior conduct, that confirmation is a safe harbor against all removal for all prior offenses be they undiscovered at the time. And that is the destruction to the public trust that would accompany a constitutional or policy determination that a judge who has so disgraced his office, by committing a high crime or misdemeanor, though they sit in jail, must continue to be called “judge,” must continue to be paid their full salary for life, and rest beyond the reach of this body.

Whether the Senate concludes that prior conduct alone should be the basis of an impeachment, article II alleges impeachable conduct that occurred not just before but while he was a Federal judge, and for the purpose of this motion to dismiss those allegations are accepted as true, this final motion must be denied.

For these reasons, Judge Porteous's motion to dismiss should be denied. I would be happy to respond to any questions.

The PRESIDENT *pro tempore*. Thank you very much, Mr. Turley.

Mr. TURLEY. Mr. President, I thank you for allowing me a chance to rebut some of what my esteemed colleague told you today.

I have to begin by making an observation, and perhaps you noticed what happened. We were told we were going to speak to you this morning about constitutional issues. The first thing the House did was start to go through these specific allegations against Judge Porteous, the merits of the case. Maybe I am a bit sensitive, but the way I heard it made it sound as if, if you don't like this guy, don't like what the merits say, it should influence how you read the Constitution.

As many of you know—and I believe all of you know—constitutional interpretations don't depend on how you feel about someone. It doesn't depend on how you feel about a case. It depends on how you read the Constitution. So my opposing counsel took you up 10,000 feet, had you look down at these articles, and said: Look at all the bad things we say this guy did. He is asking you to interpret the Constitution.

He is not asking you to interpret the Constitution. You are required to do that. That is your job. It doesn't matter if he was guilty of all these things. He is not guilty, and we will make that argument. That doesn't have any bearing on how you interpret these clauses.

I also have to object to the use by the House of testimony by law professors in the House proceedings. As some of you know, the House of Representatives submitted a post-trial brief that contained statements from law professors on the merits of impeachment basically telling you what you should do

in this case. The committee and Chairman McCASKILL, correctly in our view, ruled that is not appropriate. It would not be allowed in a court of law. So the House was told to redo their brief and resubmit it. The House then proceeded to introduce that very same information in today's presentation. I simply have to object.

I also have to object that, when they did so, the House didn't actually quote the law professors fully on the issue of pre-Federal conduct. Professor Omar actually dismissed it as just all that State stuff. Professor Gerhardt said nobody should be convicted of pre-Federal conduct, which completely contradicts what the House has said. The reason we objected to the inclusion of these professors—and if I could testify, I think my testimony should have been excluded—is that it is your decision. Judges don't hear experts on the merits of decisions.

I wish to actually address the constitutional issue. I will, however, take the liberty to deal with one factual assertion that the House has made because it was in direct response to something I had said. I told the Members of this body that Judge Porteous agreed to waive all the statutes of limitations that he was asked to waive. He did not think it was appropriate to stand behind the statutes of limitations. The House proceeded to suggest that he had not, that there were some statutes of limitations that he did not waive. The record will show, if you look at some of the material we have already submitted to you in our post-trial brief, that, in fact, Judge Porteous agreed to every waiver of the statutes of limitations put in front of him. He did not refuse any waiver of a statute of limitation.

When they said to him: We want the ability to charge you, even if you could block charges as to limitations, he said: So be it. I am a Federal judge. If you find crimes, charge me. Just make sure we understand this, DOJ began its investigation in the mid to late nineties. The statute of limitations on the Articles of Impeachment ran 5 to 10 years. So no statute of limitations had passed for anything he did as a Federal judge, which is what we are discussing today.

But putting that aside, the prosecutors had a problem with the statute of limitations with regard to Judge Bodenheimer, and it didn't stop them from charging. All they did was charge conspiracy and said there were ongoing acts, so the statute of limitations had to run. It wasn't even a speed bump on their way to charge Judge Bodenheimer.

Specifically, Judge Porteous waived, among others, the right to charge him with bankruptcy fraud, bribery, illegal gratuities, criminal conflict of interest, criminal contempt, false statements, honest services or wire fraud.

Those were requested of him and that is what he signed. I think it would have been unfair to suggest somehow he hasn't done that.

The Senate has heard from the House that they were simply showing considerable restraint and deference to this body by aggregating counts. By aggregating counts, my esteemed colleague on the other side said that, after all, you wouldn't want us to break these up into what he calls unnatural pieces. I wish to talk about those unnatural pieces in a second. I cannot allow in the past when the House said: Do any of you doubt that if we had disaggregated, the defense would not be here today complaining that they were facing individual articles on individual claims? I will simply represent to you, if you look at the record, no one—no criminal defense attorney in history has objected to having specific defined charges. But more important, if you look at the history of this body, defense attorneys and Members of this body have objected to the aggregation that is being used in these articles.

Indeed, the House of Representatives, in Hastings, separated specific false statements so you could make a decision whether a judge gave a false statement, a specific one, before you reached your decision to remove them. Those weren't unnatural pieces. Those were stand-alone charges. Those would be in an indictment as separate counts.

My esteemed colleague also has objected that we are asking you to set up a situation where some judge is going to sit in a prison, and I believe the expression was "force people to call him judge." Once again, just as the response was to go into the merits instead of constitutional issues, clearly, the light is better by directing your attention to a mythical judge sitting in a Federal prison making people call him judge. I will argue that case if you want me to. But I have to tell you, I lose. The judge cannot serve in office in good behavior in prison. I don't know of anyone who is credible who has said at any time that a judge could insist on being treated as a judge in that instance. I don't know about being called a judge, but to be a judge, that would not be possible, in our view.

I wish to address a couple points about aggregation. The House obviously walked back from Mr. SCHIFF's statement to the committee that you have the authority to do preliminary votes. That was very clear. At the time, I commended Mr. SCHIFF for that position. I have no idea what the authority is for saying that you cannot organize your deliberations any way you want. What you are required to do under rule XXIII is have a final vote on the article, and it cannot be divided. We suggest you do that. All we are proposing is that the Senate know what it is voting on, to look at the individual issues presented in these articles.

Furthermore, the House said this was already rejected by the committee. We were given a fair hearing by the committee in the pretrial motion, and I thank the chair and I thank the vice chair for that opportunity. If you look at the record, what occurred was that some Senators agreed that they had difficulties with the aggregation issue. And Mr. SCHIFF stood up and said: You don't have to decide it because you have the authority to do this. You can go ahead and make determinations on individual issues.

Some Senators raised this question, and it was ultimately not granted at that time. Instead, we have submitted it to you.

I will only submit to you that it makes no sense, honestly, for the Framers to go through the trouble of establishing a two-thirds vote requirement but allow the House to simply aggregate charges that virtually guarantees that, in many cases, two-thirds of you will not agree on the reason you are removing a Federal judge. That can't possibly be what the Framers intended because they weren't stupid men. They were very careful and deliberate men, and they set up a standard that was exacting.

The House also says: In addition to our being able to do this—to aggregate—because it would be so exhaustive to turn one article into three, even though they did that in Hastings and prior impeachment cases—that, by the way, these aren't individual claims; they are actually all related. So they do not have to be separate because the House says it wouldn't make any sense; you wouldn't understand it.

I direct your attention to article II.

In article II, Judge Porteous is accused of using his power and prestige of Federal office to assist bail bondsmen in making relationships and acting corruptly. All right, I understand that. I don't think it is an impeachable offense, seeing that "corruption" is the exact word Madison rejected. But still, that is a stand-alone issue. You can make a decision if that happened. I will simply say—because I will not argue the merits at this time; I was told to argue the motions—that we have very strong disagreements with the factual representations made by the House. But that is one of the claims in article II. In the same article, he is charged with knowing that Louis Marcotte, a bail bondsman from Gretna, LA, lied to the FBI in an interview.

Those are two very distinct charges. One is saying that he essentially procured someone to testify or make statements falsely, and one is that he used his office to assist in a corrupt relationship. As you can imagine, if you were standing here in my place, could you defend against both those points with the same argument? I don't think so. Those two points raise two different issues. They actually refer to two different issues in the Criminal Code.

What I am asking from you, with all due respect, is to give this judge the process you would want for yourself if, God forbid, you were accused of anything like what the Judge is accused of. Would it be fair, if you stood here accused, to have the House say: You know what, we don't have to separate allegations; we can just pile them all together because, after all, they have one thing in common: Judge Porteous.

That is not enough.

We have submitted a motion that showed no discernible connection between some of these aggregated claims, and we will leave it to that because we have limited time, and I know the Members of this body have somewhere to go, and I will try to wrap up as quickly as possible. I would simply note on the Skilling issue that if you listen carefully, the House, on Skilling, said that it is not a problem after Skilling because you can read in a kickback scheme into these articles. If you want to, you could read these facts and say: Well, that is a kickback, so Skilling applies.

Isn't the danger to that argument obvious? The Senate would be changing an Article of Impeachment. That is what they are being invited to do. The House of Representatives has the sole authority and obligation to define what it is that a judge should be removed for. It is not just their power, it is their obligation. Now the House says: Look, we are given great discretion to give you whatever we want. No one tells us what has to be in an article. We can do it because we have the authority to do it. That is true. And the Constitution gives you great authority to turn down an article from the House of Representatives. That is what you can do.

So this idea that the House would produce four articles that don't even mention bribery or kickbacks but that you can read it into those articles is unbelievably dangerous. It means you could get any article and transform it here on the floor of the Senate. You could remove someone for something the House Members did not agree should be submitted to you. Isn't that danger obvious?

The House had the opportunity to state that there was a bribe or a kickback. Bribery is in the standard. It was used by the Framers. They rejected corruption, but they put bribery in. So the question is, Are you allowed to do a do-over here on the floor of the Senate and simply ask the Members of the Senate to make the article fit like it is close enough for jazz? That is not the standard under the Constitution.

Now, the House says the Constitution is silent on when conduct has to occur in order for it to be the basis for the removal of a Federal judge. In fact, I thought I heard the House say that the Framers chose not to put in a statement in the Constitution when it occurred. Like many in this room, I have

spent a lot of time with those debates—probably more than I should. I don't remember ever seeing that. My understanding is the Framers never addressed this issue, but they did address it in the Constitution. They just didn't put it in the impeachment clause. But when they defined life tenure, they said you have life tenure during good behavior. During good behavior in what? There wasn't good behavior in life. They said good behavior in office. It was a reference to the office that they held because they wanted to make sure people would not abuse their Federal office.

The life tenure guarantee under article III of the Constitution was to guarantee an independent judiciary by saying that you could not be denied life tenure as long as you served with good behavior in that office. What the House would have you believe is that the Framers would allow you—even though it refers to good behavior in office—to remove a judge for anything they did in life. Once again, does that track with what you know about article III? Does that make sense in terms of the only seven judges who were removed by this body; that all the time, it turns out that for 206 years Congress could have removed someone for anything they did in life?

Now, the House says you shouldn't be scared by the implications of all of this; that if you allow pre-Federal conduct, if you allow anything done in life to be the basis of removal of a Federal judge, don't be concerned about abuse. God knows Congress would never abuse any authority under the Constitution. And basically the argument was, trust us, we are the House. That is not what the Framers said in the Constitution. They didn't say to trust them because of the House.

And yes, you are here. The House said: Don't worry, you are here. So even if we abuse this, it has to go through you. Now, that is true. God knows this body has stopped a lot of impeachments. It has only agreed to seven removals. But is that the constitutional standard, that the House can go ahead and just impeach anyone for anything they did in life and seek the removal and hope you correct their actions?

The PRESIDENT pro tempore. The time has expired.

Mr. TURLEY. Thank you, Mr. President. And thank you, Members of Congress—Senate.

The PRESIDENT pro tempore. The Chair has received two questions for both sides, one from Senator DURBIN and the other from Senator LEAHY.

The clerk will report.

The legislative clerk read as follows:

Senator Durbin's question to both sides: What is the standard of proof for the movant or petitioner in impeachment proceedings such as the extant case?

The PRESIDENT pro tempore. Do you wish to respond, Mr. Turley?

Mr. TURLEY. Senator DURBIN, the standard which we will be addressing when we get to the merits of the case has been subject to considerable historical debate. I will give what I believe is the weight of that historical record.

It is true that the Constitution does not enunciate a specific standard in terms of a burden of proof. We do not agree with the House that they refer to high crimes and misdemeanors as a standard. That is not a standard of proof; that is the definition of a removable offense. There is a difference.

So what we would suggest is that the Senate can look at a known standard, such as beyond a reasonable doubt. Beyond a reasonable doubt, of course, is the standard for a criminal case. The Constitution is written in criminal terms of high crimes and misdemeanors. That is one of the reasons why historically you have had these articles crafted closely to the Criminal Code. In fact, many impeachments actually took directly from a prior indictment and made the indictable counts the Articles of Impeachment.

The House has argued that standard is not necessary and too high. Well, we would submit to you—and we will certainly argue this when we get to the merits—that in the House recently, when they held a Member up for censure, they had a clear and convincing standard, that you must at least be satisfied with clear and convincing evidence. In my view, as an academic, it must be somewhere between clear and convincing and beyond a reasonable doubt.

What is more clear, Senator, is what it is not; that is, if you read the impeachment clauses, the clear message is that you can't just take facts that are in equipoise—allegations supported by one witness and denied by another—and just choose between them; that the facts have to, in your mind, go beyond a simple disagreement and be established, in our view, at a minimum by clear and convincing evidence.

The PRESIDENT pro tempore. Representative SCHIFF.

Mr. Manager SCHIFF. Mr. President, Senators, the Senate has considered and rejected the adoption of any particular standard, such as beyond a reasonable doubt. What the Senate has determined in the past in these cases is that, essentially, each Senator must decide for themselves, are they sufficiently satisfied that the House has met its burden of proof, are they convinced of the truthfulness of the allegations and that they rise to a level of high crimes and misdemeanors.

It is a decision where—and we can get into precise language the Senate has used in the past, but the Presiding Officer has instructed each Senator to look to their own conscience, to look to their own conviction, to be assured they believe that the judge in this case has committed the acts the House has

alleged. So it is an individual determination, and the Senate has always rejected adopting a specific Criminal Code-based standard, such as beyond a reasonable doubt or a civil standard of convincing or clear and convincing proof because it is an individual Senator's decision.

It also reflects the fact that, as the Framers articulated, this is a political process—not political in the partisan sense but political in that it is not a criminal process. It is not going to deprive someone of their liberty. What it is designed to do is to protect the institution.

So I think the question for each Senator is, Has the House sufficiently proved the case that, in the view of each Senator, to protect the institution, there must be a removal from office? So it is an individual determination.

The PRESIDENT pro tempore. Thank you very much.

And now will the clerk read the question from Senator LEAHY.

The assistant legislative clerk read as follows:

Senator Leahy's question to both sides: The Senate Judiciary Committee requires a sworn statement as part of a detailed questionnaire by a nominee. Until this questionnaire is filed, neither the Judiciary Committee nor the Senate votes to advise and consent to the nomination. Would not perjury on that questionnaire during the confirmation process be an impeachable offense?

The PRESIDENT pro tempore. Professor Turley.

Mr. TURLEY. Thank you, Mr. President. Thank you, Senator LEAHY.

In my view, yes, that is if you commit perjury in the course of confirmation, that would be basis for removal. In fact, I believe Mr. SCHIFF made reference to perjurious statements by Judge Porteous. We will be addressing that because that is not charged.

What would have to be done is the House would have to accuse someone of perjury as in the Hastings case and have perjurious statements, and then I could stand here and tell you why there is no intent to commit perjury or why the statements were, in fact, true.

While Mr. SCHIFF referred to perjury, once again, perjury is not one of the Articles of Impeachment. And what I would caution—even though it can be, I would again caution this should not be an ad hoc process by which you can graft on actual criminal claims by implying them in language issued by the House.

The PRESIDENT pro tempore. Congressman SCHIFF.

Mr. Manager SCHIFF. Thank you, Mr. President, Senators. This essentially is what article IV is about which charges Judge Porteous with making false statements to the FBI and to the Senate during his confirmation process, and the answer is yes, absolutely. But I think what is very telling here is that counsel has conceded that, yes, if

someone perjures themselves in the confirmation process they can and should be impeached but by definition that is conduct which has occurred prior to their assumption of Federal office. If someone can never be impeached on the basis of prior conduct, his answer should have been no, but plainly counsel recognizes there are circumstances where impeachment is not only appropriate but inevitable and essential. And where someone lies to get the very office that they are confirmed to, to deprive him of that office, to deprive him of the ill-gotten gain of that deception I think is not only constitutional but essential to uphold the office as well as to uphold the confirmation process itself.

The PRESIDENT *pro tempore*. Thank you very much. That concludes the argument on the motions.

MORNING BUSINESS

The PRESIDENT *pro tempore*. Under the previous order, the Senate will proceed to legislative session for a period of morning business with the Senator from Florida, Mr. LEMIEUX, recognized to speak therein for up to 15 minutes.

Senator LEMIEUX.

The PRESIDING OFFICER (Mrs. HAGAN). The Senator from Tennessee.

Mr. CORKER. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEMIEUX. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

FAREWELL TO THE SENATE

Mr. LEMIEUX. Madam President, I rise to pay tribute to the body with which I have had the privilege of serving for the past 15 months. Being a U.S. Senator, representing 18½ million Floridians, has been the privilege of my lifetime, and now that privilege is coming to an end. As I stand on the floor of the Senate to address my colleagues this one last time, I am both humbled and grateful, humbled by this tremendous institution, by its work, and by the statesmen I have had the opportunity to serve with, who I knew only from afar but now am grateful that I can call those same men and women my colleagues.

No endeavor worth doing is done alone. And my time here is no exception. In the past 16 months, I have asked the folks who worked with me to try to get 6 years of service out of that time, and they have worked tirelessly to achieve that goal.

My chief of staff Kerry Feehery, my deputy chief of staff Vivian Myrtetus, my State director Carlos Curbelo, Ben

Moncrief, Michael Zehy, Ken Lundberg, Melissa Hernandez, Maureen Jaeger, Danielle Joos, Brian Walsh, Frank Walker, Spencer Wayne, Vennia Francois, Victor Cervino, Taylor Booth, and many, many others have made our time here worthwhile, and I thank all of them. I specially thank Vivian and Maureen who left their families and gave up precious time with their children to come to Washington to support me in these efforts.

I am also thankful to the people who work in our State office. Time and time again when I travel around Florida I am encountered by people who have received such a warm reception from the men and women who serve us in Florida and help people deal with problems with the Federal Government. I am grateful for their work.

Senator MCCONNELL has provided me with opportunities beyond my expectations. He is a great leader, and I am grateful to him. Senators ALEXANDER, BURR, CORNYN, KYL, MCCAIN, CORKER, and many others have taken me under their wings and mentored me, and I am appreciative of them.

Chairmen ROCKEFELLER and LEVIN, we have had the opportunity to do great work together in your committees. I thank you for that. Senators CANTWELL, KLOBUCHAR, LANDRIEU, WHITEHOUSE, and BAUCUS, we have worked together in a commonsense way to pass legislation that is good for the American people, and I am appreciative of your efforts.

Senator Mel Martinez, who ably held the seat before me, has been generous in his advice and counsel. Senator NELSON and his wife Grace have been warm and welcomed Meike and I to Washington. I am thankful for your courtesy. I thank Governor Crist. He has afforded me tremendous opportunities for public service, and I am grateful.

I want to say a special thank you to my parents. My grandfather, in 1951, drove his 1949 Pontiac from Waterbury, CT, to Fort Lauderdale, FL, with his wife and five kids piled in the back. He didn't know anybody. He didn't have a job. But he went there to make a better life for his family. He worked in the trades, in construction. He built houses and he taught my father the same thing. And as my father worked in the hot Florida Sun, his ambition for his son was that he would one day get to work in air-conditioning. I have achieved that goal and so much more because of their sacrifice. Mom and Dad didn't go to college but they sent me to college and law school, and I will be forever grateful for what they have done for me.

My most heartfelt appreciation goes to my wife Meike. When I learned of this appointment, I met her at the door of our home in Tallahassee and she was crying. She was not just crying because she was happy; she was crying because she was worried. We at the time had

three small sons—Max, Taylor and Chase, 6, 4, and 2. She knew something that others didn't know—that we were going to have another baby and that baby was born here in Washington, our daughter Madeleine.

Throughout all of my travels, she has been an unfailing support for me, I love her dearly, and I am appreciative to her.

It has been the privilege of my life to serve here, but I would not be fulfilling my charge in my final speech if I did not tell you what weighs on my mind and lays upon my heart about the direction of this country. So what I say to you now is with all due respect, but it is with the candor that it deserves.

The single greatest threat to the future of our Republic and the prosperity of our people is this Congress's failure to control spending. In my maiden speech, I lamented a world where my children would one day come to me and say they would find an opportunity in another country instead of staying here in America because those opportunities were better there. In 1 year's time that lament has proven to be too optimistic, because the challenge that confronts us will not wait until my children grow up.

When I came to Congress just 15 months ago, our national debt was \$11.7 trillion. Today, it stands at \$13.7 trillion. It has gone up \$2 trillion in 15 months. It took this country 200 years to go \$1 trillion in debt. Our interest payment on our debt service is nearly \$200 billion now. At the end of the decade, when our debt will be nearly \$26 trillion, that interest payment will be \$900 billion.

When that interest payment is \$900 billion, this government will fail. And long before that time the world markets will anticipate that and our markets will crash. This is not hyperbole; it is the truth. Not since World War II has this country faced a greater threat. Not since the Civil War has this threat come from within.

How has Congress arrived at this moment? For the past 40 years, Congress has spent more than it could afford. It has borrowed from Social Security and foreign governments, delaying making honest choices and prioritizing on what it should spend. Budgeting in Washington seems to be nothing more than adding to last year's budget. We are funding the priorities of the 1960s, 1970s, 1980s, and 1990s without any real evaluation of whether those are still good priorities and certainly not to see whether they are being done efficiently and effectively: It is as if a teenage child received not only all the gifts on their Christmas list this year but the gifts on all their Christmas lists going back to when they were three.

It is clear Congress is capable of solving this problem with business as usual. What is needed is across-the-board spending caps to right the ship.

An across-the-board spending cap will necessitate oversight and require prioritization. Congress will finally have to do what businesses and families do all across this country: Make tough choices, make ends meet.

I have proposed such a cap. I have proposed going back to the 2007 level spending across the board. Was our spending in 2007 so austere that we could not live with it just 3 years later? If we did, we would balance the budget in 2013 and we would cut the national debt in half by 2020 and you would save America.

Unlike most problems that Congress addresses, this problem is uniquely solvable by Congress. Congress can't win wars. Only the brave men and women in our military, who we especially remember on this day, December 7, of all those who have served for our country in all of our wars to keep us safe and free, only those men and women can win a war. Congress cannot lead us out of recession. Only job creators and businesses can create jobs. But this problem is solely of Congress's making and uniquely solvable by this body.

What Congress should do is strengthen its oversight. The lack of oversight in Washington is breathtaking. Evaluate all Federal programs. Keep what works; fix what you should; get rid of the rest. Return the money to the people and use the rest to pay down this cataclysmic debt.

The recent work of the Debt Commission is a good start, and I commend my Senate colleagues who voted for this measure. It was courageous for them to do so.

But out-of-control spending is not just a threat because it is unsustainable; it is also changing who we are as Americans. Remember, our Founders told us that the powers delegated to the Federal Government were "few and defined," the powers to the State "numerous and indefinite," extending to "all the objects which in the course of affairs, concern the lives, liberties and properties of the people."

The current size and scope of the Federal Government is corrosive to the American spirit. The good intentions of Members of Congress to solve every real or perceived problem with a new Federal program, and the false light of praise that attaches to the giving away of the people's money, endangers our Republic. Every new program chips away at what it means to be an American, harms our spirit, and replaces our self-reliance with dependency, supplants an opportunity ethic with an entitlement culture. It is at its base un-American.

It is not the Government's role to deliver happiness. Rather, it is its role to stay clear of that path to allow our people to pursue that God-given right.

What has created our prosperity, after all, is not our government, it is

our free market system of capitalism. It is through the healthy cut and thrust of the marketplace that new technologies, new jobs, and new wealth are created. Through that dynamic process some win and some lose, but it allows all of our people, regardless of their race, gender, creed, color, or background the opportunity to succeed or fail. And it ensures for us that unique expression "only in America" is not just a refrain from the past but an anthem for the future.

Can you imagine the tragedy if the downfall of the American experiment was caused by a failure of this Congress to control its spending? The challenge of this generation is before you and it is not beyond your grasp. There is nothing we as Americans cannot do. We have fought imperial Japan and Nazi Germany at the same time and beaten both. We have put a man on the Moon. We have mapped the human genome. And in the spare bedrooms and garages and dorm rooms of our people, our citizens have created the greatest inventions and the greatest businesses the world has ever known, which have employed millions of people and allowed them to pursue their dreams, all in the freest and most open society in the history of man.

We are that shining city on the hill. We are that beacon of freedom. We are that last best hope for mankind upon which God has shed his grace.

President Theodore Roosevelt said that one of the greatest gifts that life has to offer is the opportunity to do work that is worth doing. I can't think of a greater gift than the work that lies before you: righteous in its cause, noble in its purpose, and essential for the prosperity of our people.

I will always cherish the relationships I have gained here and the work we have done together. God bless you, God bless the U.S. Senate, and God bless our great country.

I yield the floor.

RECESS

The PRESIDENT pro tempore. The Senate stands in recess until 2:30 p.m.

Thereupon, the Senate, at 12:49 p.m., recessed until 2:30 p.m. and reassembled when called to order by the Presiding Officer (Mr. BEGICH).

IMPEACHMENT OF JUDGE G. THOMAS PORTEOUS, JR.—Continued

Mr. DURBIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll and the following Senators entered the Chamber and answered to their names:

[Quorum No. 7]

Akaka	Feingold	Nelson (NE)
Alexander	Franken	Nelson (FL)
Barrasso	Grassley	Pryor
Begich	Gregg	Reed
Bennet	Hagan	Reid
Bennett	Hatch	Sessions
Bingaman	Inouye	Shaheen
Bond	Isakson	Shelby
Brown (OH)	Johanns	Snowe
Burr	Klobuchar	Specter
Cantwell	Kyl	Stabenow
Cardin	Leahy	Udall (CO)
Coburn	Levin	Udall (NM)
Cochran	Lugar	Vitter
Collins	McCain	Voinovich
Crapo	McCaskill	Warner
Dorgan	Merkley	Webb
Durbin	Mikulski	Whitehouse
Enzi	Murray	Wyden

Mr. REID addressed the Chair.

The PRESIDENT pro tempore. The majority leader is recognized.

Mr. REID. Mr. President, is a quorum present?

The PRESIDENT pro tempore. A quorum is present.

The Senate will resume consideration of the Articles of Impeachment against Judge G. Thomas Porteous, Jr.

The Chair understands that final arguments for the House on the Articles of Impeachment will be presented by Representative SCHIFF and Representative GOODLATTE. Mr. SCHIFF has asked to speak first. Mr. SCHIFF, do you wish to reserve time for closing, and, if so, how much time?

Mr. Manager SCHIFF. Mr. President, if it is permitted, after I make some brief introductory remarks, I will turn it over to my colleague, Mr. GOODLATTE, to speak. When he is finished speaking, we would like to reserve the balance of our time unless we are required to set that up in advance.

The PRESIDENT pro tempore. You may proceed.

Mr. Manager SCHIFF. Mr. President and Members of the Senate, this is a case about a State court judge from Gretna, LA, who had a gambling problem and a drinking problem, and as a result of both of those problems also had serious financial problems. He was constantly short of money.

This judge entered into a corrupt scheme with lawyers and bail bondsmen who could help him lead a lifestyle he could not otherwise afford. He sent the lawyers cases. They kicked back money from those cases to the judge, and they paid for many of his meals, his liquor, his parties, even some of his son's expenses.

He set bonds for the bail bondsmen at the amounts that would maximize their profits. He expunged the convictions of their employees, and they also paid for many of his meals, his trips, his home repairs, his car repairs, and lavish gifts.

The White House was not aware of this corrupt activity and nominated the judge to the Federal bench. The judge misled the Senate about his background, concealed the kickbacks and graft, waited until after his confirmation hearing but before he was

sworn in to expunge the conviction of another bail bond employee, and falsely told the Senate that there was nothing in his background that would adversely affect his confirmation.

Unaware of what the judge had been engaged in, he was confirmed. The very reason why the information sought by the Senate was so material—whether he had a drinking problem; whether he had a gambling problem; whether he lived beyond his means; whether he had engaged in conduct that would make him the subject of compromise or coercion—was to prevent the damage to the institution of the judiciary that would be caused by putting a corrupt man on the bench.

What happened when the judge took the Federal bench was all but predictable: The corruption continued. The judge declares bankruptcy; he files with a false name and signs under penalty of perjury; he hides assets; falsely states his income; secretly takes out a new credit card; violates the bankruptcy court order by incurring new debt; he files false judicial financial disclosures stating that he has no more than \$30,000 worth of credit card debt when he owes over \$100,000 on his credit cards; and, most pernicious to the interests of his creditors, he keeps on gambling.

The judge is assigned a complex case and a trial that has been years in the making, pitting a hospital against a pharmacy, and worth many tens of millions of dollars. Six weeks before trial, one of the lawyers who had been paying him kickbacks in the State court is brought in at the last minute to represent the pharmacy.

The hospital smells a rat. They do not know about the kickbacks, but they are suspicious about why an attorney with no experience in the case or complex bankruptcy litigation would be brought in. So they ask around, and they do not like what they hear. They ask the judge to recuse himself and he refuses, falsely representing that he never received money from the attorneys but once, and even that was only a campaign contribution that went to all of the judges of that parish.

The case goes to trial, and is taken under submission by the judge. While he is considering how to rule, he goes fishing with the lawyer who paid him the kickbacks and hits him up for \$2,000 more in cash. The two partners at the law firm put the cash in an envelope, and the judge sends his secretary to pick it up. At the law firm, the judge's secretary asks: What is in the envelope? The lawyers' secretary rolls her eyes. "Never mind," the judge's secretary says, "I don't want to know."

The relationship with the bail bondsman is not over either. He can no longer set bonds for them, but he can help them recruit other judges who will step into his shoes by vouching for

their character, by bringing them together, and he does. And now we are here.

Everyone around the judge has fallen. The bondsmen have gone to jail. The other State judges he helped recruit have also gone to jail. The lawyers who gave him the cash have lost their licenses and given up their practices. Most of all, the institution itself has suffered greatly. Litigants and the public in New Orleans wonder, in seeing the example of this judge, whether they too must pay a judge in cash and under the table, do the home or car repairs or other favors for the judge to win their case or have their conviction expunged.

Only the judge remains defiant, claiming his problems are no more than the appearance of impropriety, not actual wrongdoing. He retains his office, his title, his full salary, though he hears no cases and has not for years and, if he can just eke it out a little longer, a full retirement. The judge is a gambler, and he is betting he can beat the system just one more time.

In a moment, I will turn it over to my colleague, BOB GOODLATTE, to give a detailed presentation that what the House proved at trial were high crimes and misdemeanors committed by Judge G. Thomas Porteous. The remarkable thing about this case is that most of the pertinent facts are not in dispute. As the neutral, factual report prepared by the Senate Impeachment Trial Committee demonstrates, the evidence on most of the salient points was uncontested.

At the same time, the report is not a substitute for hearing from the witnesses themselves. Because that is not possible for the entire Senate, you are hearing from the Senators who did. The Senate impeachment committee of 12 conducted a remarkable trial, weighed the credibility of every witness, ruled on every objection, heard every argument, and they will be a great resource to you in your deliberations.

To give but one example, it is uncontested that Judge Porteous solicited and received \$2,000 in cash secretly from an attorney and his partner while that attorney's case was under submission. Judge Porteous himself admits this before the Fifth Circuit. The judge called it a loan that he never paid back. But his counsel has taken to calling it a wedding gift, as if it were a piece of China from the Pottery Barn. Significantly, no one other than defense counsel has ever called this cash a wedding gift—not Amato and Creely, who paid it, not the secretary who delivered it, and not even the judge himself. This is at best defense counsel at his most creative. The 12 Senators who heard the testimony are in the best position to refute those characterizations which are so at odds with the evidence.

One last example before I turn it over to Mr. GOODLATTE. The defense has

suggested many times during prior proceedings—and may today—that Judge Porteous has been impeached for nothing more serious than having lunch with attorneys or bail bondsmen. This was represented to the committee of 12 Senators after the pretrial deposition of Bob Creely, at which only Senator JOHANNIS was present. But because Senator JOHANNIS had heard the testimony, he was able to inform the other Senators of what Creely had really said. As JOHANNIS admonished the defense:

I sat through the Creely deposition, and to suggest that this was about a purchased lunch is really, in my personal opinion, very misleading.

He later went on to say:

Again, I will emphasize, please don't try to convince my colleagues that the Creely deposition was just about a free lunch. It was not, and I can cite what I heard that day.

The 12 Senators who heard these witnesses can cite what they heard during that trial, and they will be a tremendous resource.

I would now like to introduce Mr. GOODLATTE of Virginia for a detailed presentation of the evidence the House presented. When he concludes, we will reserve the remainder of our time for rebuttal argument.

The PRESIDENT pro tempore. The Chair recognizes Representative GOODLATTE.

Mr. Manager GOODLATTE. Thank you, Mr. SCHIFF.

Mr. President, let me turn to what the evidence showed.

By way of background, in the early 1970s, Judge Porteous practiced law as a partner with Jacob Amato. Robert Creely was an associate who worked for them. Amato and Creely ultimately split off and formed their own law firm as equal partners. They each remained friends with Judge Porteous.

In 1984, Judge Porteous was elected judge of the 24th Judicial District Court in Jefferson Parish, LA, with its courthouse in Gretna, outside New Orleans. He served as a State judge from August 1984 through October 28, 1994, when he was sworn in as a U.S. district judge for the Eastern District of Louisiana.

Starting with article I, let me first describe what the evidence established concerning Judge Porteous's "curatorship" kickback scheme with Creely and Amato.

While he was a State court judge, Judge Porteous started to ask Creely for money. At first, he asked for small amounts—\$50 or \$100—money that Creely had in his wallet, which Creely would give him. At some point in the mid to late 1980s, Judge Porteous began to request more significant sums from Creely, amounts in the range of \$500 or \$1,000. Creely resisted giving Judge Porteous that sort of money. As Creely testified:

I did tell him I was tired of giving him cash. . . . I felt put upon that he continued

to ask—I thought it was an imposition on our friendship. . . . I told him a couple of times [“I’m tired of giving you money. I’m tired of you asking for money.”]

Judge Porteous needed cash, and Creely would not give it to him. So what did Judge Porteous do? The evidence demonstrated that Judge Porteous came up with what was a kickback scheme. Judge Porteous used the power of his judicial office to assign Creely “curatorships” and then requested and received from Creely and his partner Amato a portion of the fees received by their law firm for handling those cases. Over time, Judge Porteous received approximately \$20,000 from Creely and Amato as a result of this arrangement.

Let me show you what one of these orders looks like. As you see here—Mr. President, let me just say that I know it is difficult for some of the Senators to see these exhibits. At the conclusion of the closing arguments, we will leave all of these exhibits for the Senators to examine, if that is appropriate with the Senate.

As you see, here is an order signed by Judge Porteous assigning Robert Creely to be the curator for a missing party in a civil case.

Creely and his law firm received a fixed fee—\$200—for handling each of these matters, and it was from those fees that Judge Porteous sought the cash from Creely and Amato. This corrupt scheme went on for years.

The proof of this series of events is evidenced by the interwoven and consistent testimony of Creely, Amato, and Judge Porteous himself in his testimony under oath before a special committee of the Fifth Circuit. It is also corroborated by the court records.

First, Creely testified that after Judge Porteous started assigning the curatorships, Judge Porteous then started calling over to his office and saying: “Look, I’ve been sending you curators, you know, can you give me the money for the curators?” Creely testified that even though he previously had resisted giving Judge Porteous cash, he now would give him cash in response to Judge Porteous’s demand because it “wasn’t costing [him] anything.” It did not cost Creely anything because the money Creely gave Judge Porteous came from the curatorship fees.

Amato—who split the payments to Judge Porteous with Creely 50–50—corroborated Creely’s account of events. Amato testified that Creely informed him “that the judge was sending curator cases to him and that he would, in turn, give money to the judge.” Amato agreed to go along with the arrangement but told Creely that “it was going to turn out bad,” which it clearly has. Amato testified he knew the curatorship scheme was wrong but he was not “strong enough” to say no to what he understood to be a classic kickback arrangement.

Creely and Amato provided Judge Porteous cash every few months in response to Judge Porteous’s requests. They gave him cash, as opposed to checks drawn on the firm’s accounts. According to Amato’s testimony, this was “to avoid any kind of paper trail.” As Creely testified, they gave him cash because “that’s what Judge Porteous wanted.” In most instances, Creely gave the cash to Judge Porteous; however, both Amato and Creely testified that on occasion Amato personally gave Judge Porteous the cash as well.

Judge Porteous confirmed in his testimony under oath before the Fifth Circuit the essential aspects of this scheme. Judge Porteous admitted that, one, he received cash from Creely; two, at some point in time, Creely expressed his displeasure with giving Judge Porteous cash; three, thereafter, Judge Porteous started assigning Creely curatorships; and four, that Judge Porteous’s receipt of cash from Creely and Amato followed his assigning Creely curatorships.

First, Judge Porteous admitted he received cash from Creely and Amato.

Question. When did you first start getting cash from Messrs. Amato, Creely, or their law firm?

Answer. Probably when I was on the state bench.

Question. And that practice continued into 1994, when you became a federal judge, did it not?

Answer. I believe that’s correct.

Judge Porteous confirmed that there came a time when Creely expressed resistance to giving Judge Porteous money before the curatorships started.

Question. Do you recall Mr. Creely refusing to pay you money before the curatorships started?

Answer. He may have said I needed to get my finances under control, yeah.

Judge Porteous admitted that his receipt of cash from Creely and Amato “occasionally” followed his assignment of curatorships to Creely. Although Judge Porteous refused to label the arrangement as a “kickback,” he accepted the description of the arrangement that he had with Creely and Amato as one where he gave “Creely and Amato . . . curatorships and [was] getting cash back.”

What about the court records?

During its investigation, the House located close to 200 orders signed by Judge Porteous assigning Creely “curatorships” between approximately 1988 and 1994. All of these orders are in evidence. These curatorships generated fees of nearly \$40,000 to the firm. Both Creely and Amato have testified consistently that they gave Judge Porteous about 50 percent of the proceeds of the curatorship fees or approximately \$20,000 in total.

For his part, Judge Porteous testified at the Fifth Circuit that he had “no earthly idea” how much Creely and Amato gave him, though he did not deny the total could have been more

than \$10,000. Judge Porteous testified as follows:

Question. Judge Porteous, over the years, how much cash have you received from Jake Amato and Bob Creely or their law firm?

Answer. I have no earthly idea.

* * * * *
Question. It could have been \$10,000 or more. Isn’t that right?

Answer. Again, you’re asking me to speculate. I have no idea is all I can tell you.

On October 28, 1994, Judge Porteous was sworn in as a Federal district judge. Judge Porteous was no longer in a position to assign curatorships to Creely and Amato, and he stopped asking them for cash—at least for the time being. The fact that Judge Porteous’s requests for cash from Creely and Amato temporarily came to an end at the same time he stopped assigning them curatorships constitutes additional powerful evidence that those two actions were inextricably connected and that the cash payments from Amato and Creely to Judge Porteous were not merely gifts from the two men separate and apart from the curatorships.

Let me provide you with a little bit more flavor as to Judge Porteous’s relationship with Amato and Creely. Although I have focused on the cash and curatorships, I should stress that Judge Porteous depended on the two men to provide for his entertainment and support his lifestyle in other major respects.

For example, while Judge Porteous was a State judge, both Amato and Creely frequently took Judge Porteous to lunch at expensive restaurants. Amato testified that he took Judge Porteous to lunch “a couple of times a month,” amounting to “potentially hundreds of lunches,” and that Judge Porteous paid only two or three times out of a hundred. At these lunches, Amato testified he typically paid for “at least two” vodka drinks for Judge Porteous. Similarly, Creely also took Judge Porteous to lunch approximately twice a month. Creely testified that when he and Judge Porteous went to lunch, either Creely paid or someone else paid but “[n]ot Judge Porteous.”

In addition, Amato and Creely hosted Judge Porteous on a variety of hunting and fishing trips and arranged those trips, some of which involved air travel to Mexico, so that Judge Porteous never paid.

They gave him cash on at least one other occasion at his request. In the summer of 1994, when Judge Porteous’s son Timothy was in Washington, DC, for an “externship,” Judge Porteous had his secretary, Rhonda Danos, solicit and receive money from Creely and Amato to “sponsor” Timothy’s position and pay for his expenses. This is all in the record.

Now let me turn to Judge Porteous’s relationship with Amato and Creely after he became a Federal judge.

On January 16, 1996, Judge Porteous, now a Federal judge, was assigned a complicated civil action, *Lifemark Hospitals v. Liljeberg Enterprises*. The Liljeberg case involved a hospital—Lifemark—and a pharmacy—Liljeberg—and involved bankruptcy law, real estate law, and contract law. The matter was particularly contentious with tens of millions of dollars at stake.

The case was set for a nonjury trial before Judge Porteous in early November 1996. He was to be the trier of law and fact. In mid-September, just 6 weeks prior to the scheduled trial date, the Liljebergs filed a motion to enter the appearances of Amato and Leonard Levenson—another of Judge Porteous's friends—as their attorneys.

Amato was hired on a contingent fee basis, which meant his law firm would receive a percentage of any award. Amato estimated that if the Liljebergs prevailed in the case, he and his firm would have received between \$500,000 and \$1 million. If the Liljebergs lost, he would receive nothing.

Lifemark's lead counsel, Joe Mole, was alarmed when Amato was hired by the Liljebergs on the eve of the trial. Even Amato testified: "I am sure my relationship with Judge Porteous had something to do with it."

Mole was concerned that Judge Porteous would figure out some way of giving an award to the Liljebergs to benefit Amato. Mole feared that with Amato on the other side, he would not receive a fair trial. So Mole did the only thing he could do under the circumstances. He filed a motion asking Judge Porteous to recuse himself, which essentially requested that Judge Porteous have the case assigned to another judge. Mole drafted the motion based on his limited understanding of the facts, alleging in substance only "that there was a close relationship between Judge Porteous and Mr. Amato and Levenson," that they were known to socialize together, that Amato and the judge had been law partners, and that the timing of Amato's entry into the case, just a few weeks prior to trial, "created suspicion."

Mole had no idea that Amato, along with his partner Creely, had actually given Judge Porteous approximately \$20,000 pursuant to the curatorship kickback arrangement, nor did he know about the other things of value that Amato or Creely had provided to Judge Porteous.

Judge Porteous held a hearing on Mole's motion. Judge Porteous's statements at the recusal hearing are set forth in detail in our brief, and the hearing transcript is also in evidence. So I am not going to repeat all of them here.

In sum, Judge Porteous made a series of deceptive, misleading, and lulling statements in which he minimized his relationship with Amato, concealed the

fact of a curatorship kickback scheme, and criticized Mole for filing an unfounded motion.

In essence, Judge Porteous portrayed the relationship with Amato as simply the same sort of unexceptional relationship that he would have had with any member of the bar. For example, Judge Porteous stated:

Yes, Mr. Amato and Mr. Levenson are friends of mine. Have I ever been to either one of them's house? The answer is a definitive no. Have I gone to lunch with them? The answer is a definitive yes. Have I been going to lunch with all the members of the bar? The answer is yes.

Even that is misleading because Judge Porteous had, in fact, accepted hundreds of meals at expensive restaurants from Amato and his partner Creely.

But, most significantly, Judge Porteous made no mention whatsoever of what he knew was really the issue; that is, that he had received approximately \$20,000 in cash from Amato's law firm—money that he knew came from Amato as well as Creely.

When Mole, at great disadvantage, made a reference to the fact that Amato and Levenson had contributed to Judge Porteous's campaigns, Judge Porteous went on the offense:

Well, luckily, I didn't have any campaigns, so I am interested to find out how you know that. I never had any campaigns, counsel. I have never had an opponent.

He went on to say:

The first time I ran, 1984, I think is the only time they gave me money.

That blanket statement was, of course, a deliberate falsehood because Amato and his firm had given Judge Porteous approximately \$20,000 in cash pursuant to the kickback scheme.

Judge Porteous concluded, with this self-serving comment in which he promises to notify counsel if he has any question that he should recuse himself, and concluded:

I don't think a well-informed individual can question my impartiality in this case.

So, in effect, what you have is Judge Porteous, who knows the facts, just not disclosing it, completely deceiving Lifemark and its counsel as to the true nature of his actual relationship with Amato, and Judge Porteous announcing to the world how honest he was—complete with the mock indignation.

Judge Porteous denied the recusal motion after the argument in open court on October 16, 1996. Lifemark appealed to the Fifth Circuit, seeking to overturn Judge Porteous's order. However, because of the false record created by Judge Porteous at the recusal hearing, that appeal was denied.

Trial was held without a jury in December of 1997, and Judge Porteous took the case under advisement. While the case was pending his decision, Judge Porteous continued to solicit and accept cash and things of value from Amato and Creely.

In May 1999, while Judge Porteous had not yet ruled on the case, he went to Las Vegas, NV, with several friends, including Creely, for his son's bachelor party. Creely paid for Judge Porteous's hotel room and some incidental room charges amounting to over \$500. He also paid over \$500 for a portion of Timothy Porteous's bachelor party dinner. These payments amounted to more than \$1,100 and are set forth on Creely's American Express card, which is in evidence. After the dinner, Creely accompanied Judge Porteous and others to a strip club, where Creely gave an employee \$200 to pay for a lap dance for Judge Porteous and a courthouse employee. Judge Porteous admitted in his Fifth Circuit testimony that Creely paid for his hotel room and a portion of the dinner.

In June of 1999, while Judge Porteous still had the Liljeberg case under consideration, the two men took a nighttime fishing trip together. On the fishing trip, Judge Porteous told Amato he needed cash for his son's wedding and requested that Amato give him approximately \$2,000.

In response to that request, Amato agreed to give Judge Porteous the money he solicited. Amato supplied \$1,000 and obtained approximately \$1,000 from his partner Creely and gave Judge Porteous \$2,000 in cash in an envelope. As Amato would later testify, it was "a decision I'll regret until the day I die."

As the Senate Impeachment Trial Committee Report found, the \$2,000 was picked up by Judge Porteous's secretary, Rhonda Danos. When Danos asked the law firm secretary what was in the envelope, the secretary rolled her eyes. In response, Danos said: "Nevermind, I don't want to know."

Like much of the other evidence, the fact that Judge Porteous solicited and received money from Amato in 1999 while the Liljebergs case was pending is not contested. Here is how Judge Porteous testified under oath before the Fifth Circuit:

Question. [W]hether or not you recall asking Mr. Amato for money during this fishing trip, do you recall getting an envelope with \$2,000 shortly thereafter.

Answer. Yeah. Something seems to suggest that there may have been an envelope. I don't remember the size of an envelope, how I got the envelope, or anything about it.

Question. Wait a second. Is it the nature of the envelope you're disputing?

Answer. No. Money was received in [an] envelope.

Question. And had cash in it?

Answer. Yes, sir.

Question. And it was from Creely and/or—

Answer. Amato.

Question. Amato?

Answer. Yes.

Question. And would you dispute that the amount was \$2,000?

Answer. I don't have any basis to dispute it.

At the time he made the request, Judge Porteous had significant financial leverage over Amato, and his solicitation of cash from Amato had a “shakedown” quality to it. Amato bluntly acknowledged that one of the factors that impacted his decision to give Judge Porteous the cash was that Amato stood to make a lot of money in connection with the Liljeberg case then pending in front of the judge, and that Amato was not willing to “take the risk” of not giving Judge Porteous the cash the judge solicited.

Judge Porteous’s solicitation of cash from Amato demonstrates Judge Porteous’s egregious misuse of his judicial power to enrich himself. A judge who engages in such conduct is unfit to hold the office of U.S. district judge.

In addition, Amato and Creely continued to take Judge Porteous out to expensive lunches on a regular basis and paid over \$1,000 for a party in honor of his fifth year on the bench.

Mole knew nothing of Judge Porteous’s relationships with Amato and Creely while the case was pending. Specifically, Judge Porteous did not inform Mole of the meals, the payments of expenses in Las Vegas, or the \$2,000 cash payment.

On April 26, 2000, Judge Porteous issued a written opinion in the Liljeberg case. At that time, his financial situation was desperate, and he was just weeks away from meeting with a bankruptcy attorney. Judge Porteous, who had taken judicial actions in the past with Amato and Creely to enrich himself, had powerful financial motives to curry their favor, reward them for their past loyalty and generosity, and encourage it in the future.

Thus, it is not surprising that Judge Porteous ruled in all major aspects in favor of Amato’s clients, the Liljeberg. Counsel for Lifemark testified that this was “a resounding loss” for Lifemark, and Lifemark appealed Judge Porteous’s decision to the Fifth Circuit Court of Appeals.

In August of 2002, the Fifth Circuit reversed Judge Porteous’s decision in most significant aspects. In doing so, the Fifth Circuit characterized various aspects of Judge Porteous’s rulings as “inexplicable,” “constructed entirely out of whole cloth,” “absurd,” “close to being nonsensical,” and “not supported by law.”

After the case was reversed by the Fifth Circuit and sent back to Judge Porteous, the parties settled because Lifemark understandably did not want to go back before Judge Porteous.

Article II.

Now let me turn to article II—Judge Porteous’s relationship with bail bondsmen Louis Marcotte and his sister Lori Marcotte. For that, it is necessary to return to Judge Porteous’s roots as a State court judge.

First, let me briefly describe how the bail bonds business worked in Jefferson Parish.

From the financial perspective of bail bondsman Louis Marcotte, he would make no money if the judge set bonds so high that the prisoner or his family could not afford to pay the premium or if a judge set bond so low that the premium was an insignificant sum. What Marcotte really wanted was for a bond to be set at the maximum amount for which the prisoner could afford to pay Marcotte the premium, which was typically 10 percent of the bond amount. That is how he maximized profits. He would interview the prisoner, know what the prisoner could afford, and attempt to have bond set at that profit-maximizing amount. If a prisoner or his family could scrape together \$5,000, Marcotte would want a judge to set bail at ten times that amount, or \$50,000, even if a lower amount would have been appropriate.

Now, in the Gretna Louisiana Court-house where Judge Porteous sat, bail bondsmen like Marcotte dealt one-on-one directly with the judges and magistrates to have them set bonds. Prosecutors and defense attorneys were virtually never involved.

It is against this background that Judge Porteous’s relationship with the Marcottes can thus be understood. Marcotte needed a judge who would be receptive to his bond request—to reduce bonds when they were too high and to set them in higher amounts if they were going to be set too low. As we know from Judge Porteous’s relationship with Amato and Creely, Judge Porteous needed and welcomed financial support from whomever would provide it and was more than willing to use his judicial power to obtain it. Judge Porteous and Marcotte each understood what the other could do for him, and they formed a mutually beneficial corrupt relationship.

First, as to what the Marcottes gave Judge Porteous, the evidence establishes the Marcottes frequently took Judge Porteous to high-end restaurants for lunch, paying for meals and drinks. Over time, these lunches may have occurred as much as twice per week. These lunches seemed to have started in or about 1992 and are corroborated by several witnesses. The Marcottes let Judge Porteous invite whomever he wanted, especially other judges, and Judge Porteous’s presence as the Marcottes’ guest helped the Marcottes establish their legitimacy.

The Marcottes also paid for car repairs and routine car maintenance for Judge Porteous. On occasion these repairs were substantial and included things such as buying new tires or engine and transmission repairs or installing a new radio. In addition, Marcotte employee Aubrey Wallace would routinely pick up Judge Porteous’s car to wash it and fill it with gas.

Wallace testified that Judge Porteous gave him his security code so that he could go into the judge’s park-

ing lot at the courthouse. Judge Porteous would leave the key under the mat. Wallace would pick up Judge Porteous’s car and return it washed, gassed, and occasionally with a gift such as liquor left inside.

No fewer than five witnesses corroborated the fact that the Marcottes paid for Judge Porteous’s car repairs.

In addition, Marcotte also paid for home repairs for Judge Porteous when an 80-foot section of fence had to be replaced. Testimony at trial from Marcotte employees Duhon and Wallace established the project took 3 days to complete.

The Marcottes also paid for a trip to Las Vegas for Judge Porteous. On this trip, Judge Porteous’s secretary, Rhonda Danos, had paid for the judge’s transportation up front. The evidence is clear that Lori Marcotte later paid for this trip by giving Danos cash—in Judge Porteous’s chambers. Both Louis Marcotte and Lori Marcotte testified that the payment was in cash to conceal the fact that the Marcottes had paid for this trip. There is no pretense that this was some sort of legitimate act of generosity. It was obviously improper and hidden by the parties for that reason.

In return, Judge Porteous willingly became Marcotte’s “go-to” judge for setting bonds. Marcotte went directly to Judge Porteous with recommended bond amounts—bond amounts that would maximize their income. Judge Porteous was receptive to them and signed countless bonds at their request. They would go to his chambers and tell him how much the prisoner could afford as part of the discussions where they requested that he set bail.

As Senator RISCH observed during the trial, it was really the poorest families who were hurt by Judge Porteous’s relationship with Marcotte. An inherent aspect of their corrupt dealings was that bonds would be set at a higher amount than might have been set by a neutral judge who was not on the take.

And the opposite is also true: the public interest was potentially compromised when Judge Porteous reduced a bond at the Marcottes’ request which thereby led to the release of someone who otherwise should have been confined. The Marcotte-Porteous relationship perverted what should have been a neutral, detached process.

In addition to setting bonds as requested, Judge Porteous took other judicial acts of significance for the Marcottes. In 1993, at Louis Marcotte’s request, Judge Porteous expunged the felony conviction of a Marcotte employee—Jeff Duhon—so Duhon could obtain his bail bondsman’s license.

In 1994, again at Marcotte’s request, Judge Porteous set aside the conviction of another Marcotte employee, Aubrey Wallace. This took place during Judge Porteous’s last days on the State bench and evidences the extent to

which Judge Porteous was beholden to the Marcottes. As I will get to in a few moments, Judge Porteous timed this judicial action to occur after the Senate's confirmation of him for the Federal judgeship so as to conceal his corrupt relationship with the Marcottes and thereby not jeopardize his lifetime appointment.

There was one more thing that Marcotte did for Judge Porteous as part of their corrupt relationship when Judge Porteous was a State judge. In the summer of 1994, when Judge Porteous was undergoing his background check, the FBI interviewed Marcotte. In that interview, Marcotte lied for Judge Porteous on three specific points. First, he stated that Judge Porteous would have "a beer or two" at lunch, when, in fact, Marcotte knew that Judge Porteous was a heavy vodka drinker with an alcohol problem who would, on occasion, have five or six drinks. Second, Marcotte stated that he had no knowledge of Judge Porteous's financial circumstances, when, in fact, he knew that Judge Porteous struggled financially.

Finally, and most importantly, when interviewed by the FBI, Marcotte denied that there was anything in Judge Porteous's background that could subject the judge to coercion, blackmail or leverage. This was also not true, because Marcotte himself knew that he had a corrupt relationship with Judge Porteous and that he himself had leverage over Judge Porteous because of that relationship. In fact, Marcotte testified bluntly in September before the Senate Impeachment Trial Committee that he could have "destroyed" Judge Porteous had he chosen to do so. Marcotte told the FBI what he believed Judge Porteous wanted him to say. In effect, Marcotte acted as Judge Porteous's agent in lying to the FBI. Marcotte then reported back to Judge Porteous as to the contents of the interviews, and told Judge Porteous he gave him a clean bill of health.

Indeed, there can be little pretense that the Judge Porteous-Louis Marcotte relationship was anything other than a corrupt business relationship. They were brought together by their financial needs. Marcotte was clear that the only reason he took Judge Porteous to lunch, took him to Las Vegas, fixed his cars, or fixed his house was because the judge was assisting them in setting bonds, and using the prestige of his office to help them with other judges. Marcotte testified: "[Judge Porteous] would do more when we would do more for him."

After Judge Porteous became a Federal judge, he could no longer set bonds for the Marcottes. Nonetheless, the Marcottes would continue to take Judge Porteous to lunch, particularly when they sought to recruit other State judicial officers to take his place in a similar corrupt scheme, or to im-

press business executives. Louis Marcotte explained that Judge Porteous "brought strength to the table" by his presence and his assistance. Marcotte testified: "It would make people respect me because, you know, I am sitting with a Federal judge." As Lori Marcotte described: "[State court judges] would view us as trusted people because we were hanging around with a federal judge."

Thus, Judge Porteous used the power and prestige of his office as a Federal judge to help the Marcottes expand their corrupt influence in the Gretna courthouse by vouching for their honesty, vouching for their practices, and helping to recruit a successor. Our post-trial brief details several instances of Judge Porteous providing assistance to the Marcottes as a Federal judge.

Let me talk about one of those instances in particular. In 1999, at Louis Marcotte's request, Judge Porteous spoke to newly elected State judge Ronald Bodenheimer. Prior to that conversation, Bodenheimer "stayed away from Louis Marcotte" because he had concerns about Marcotte's character and believed that Marcotte was doing drugs. During his conversation with Bodenheimer, Judge Porteous—then a United States District Court Judge—vouched for Louis Marcotte's integrity. Bodenheimer took Judge Porteous's statements seriously, and as a result of that conversation, Bodenheimer began to set bonds for the Marcottes.

The Marcottes and Bodenheimer developed a relationship that took on the characteristics of the relationship that had previously existed between Judge Porteous and the Marcottes. The Marcottes began providing Bodenheimer meals, house repairs, and a trip to the Beau Rivage casino, and Bodenheimer in return began to set bonds that would maximize profits for the Marcottes. Bodenheimer was eventually criminally prosecuted, pleaded guilty, and was sentenced to prison on a Federal corruption count arising from his corrupt relationship with the Marcottes.

Let me now get to one final act of the Marcotte-Porteous relationship. In the early 2000s, the FBI was investigating State court judges—including Bodenheimer—for corrupt misconduct arising out of their relationship with the Marcottes. On April 17, 2003, Louis Marcotte signed an affidavit prepared by Judge Porteous's attorney in which he falsely denied that he and Judge Porteous had a corrupt relationship.

I mention this 2003 affidavit for two reasons. First, this 2003 affidavit reflects that the corrupt relationship between the Marcottes and Judge Porteous continued during his tenure as a Federal judge. Second, just as Marcotte's 1994 false statements to the FBI helped obstruct the background

check investigation, Marcotte's 2003 false affidavit—prepared by Judge Porteous's attorney—was a part of an effort to obstruct a criminal investigation. In both instances Marcotte lied to the FBI to assist Judge Porteous by concealing their corrupt relationship. It reflects how even in 2003, Judge Porteous was compromised by his relationship with Louis Marcotte.

In March 2004, Louis Marcotte pleaded guilty to a racketeering conspiracy charge involving his corrupt relationship with State judges. He was sentenced to 38 months in prison. His sister Lori Marcotte pleaded guilty at the same time as her brother and was sentenced to 3 years probation, including 6 months of home detention.

In his House testimony, his deposition, and at trial, Louis Marcotte repeatedly described Judge Porteous's overall impact on the Marcottes' business as even more significant than two other State judges who were federally prosecuted and were sentenced to jail.

Question. Mr. Marcotte, you testified in response to Mr. Turley that you did things for lots of judges.

Answer. Yes, I did.

Question. And some of those judges went to prison, did they not?

Answer. Yes, they did.

Question. Of all the judges that you did things for, who was the most important judge to you, ever?

Answer. Thomas Porteous.

Now let me turn to article III involving Judge Porteous's bankruptcy while he was on the Federal bench.

The evidence demonstrated that throughout the 1990s and into 2001, Judge Porteous's financial condition deteriorated, largely due to gambling at casinos, to the point that by March of 2001, when he filed for bankruptcy, he had over \$190,000 in credit card debt. His credit cards and bank statements in the years preceding his bankruptcy reflect tens of thousands of dollars in cash withdrawals at casinos.

Before discussing how Judge Porteous deceived the bankruptcy court, I want to stress that for the years leading up to his bankruptcy, Judge Porteous had concealed his debts in the financial statements that he filed with the courts. Let me show you an example.

This is a little detailed, so let me walk you through it. What you see here is the portion of Judge Porteous's 1999 Financial Disclosure Report in which he was required to disclose his year-end liabilities. Judge Porteous reported two credit cards with the maximum liability being \$15,000 each—"Code J"—for a total maximum liability of \$30,000.

In fact, he had five credit cards with debts amounting to over \$100,000. These should have been reported on the form in the Liabilities box as Code "K"—debts over \$15,000. This form was blatantly false.

Judge Porteous filed false financial statements that failed to honestly disclose the extent of his credit card debts

for each of the 4 years—1996 through 1999. Those forms are in evidence.

Even though Judge Porteous has not been charged in any article with filing false financial reports, these reports constitute powerful evidence as to Judge Porteous's intent. These false financial reports make it clear that the false statements in bankruptcy were part of a conscious course of conduct involving his concealment of financial activities, and not some set of innocent mistakes or oversights as claimed by counsel.

In 2000, Judge Porteous met with bankruptcy attorney Claude Lightfoot about his financial predicament. The evidence demonstrates that Judge Porteous did not tell Lightfoot at that time—or indeed at any time—that he gambled.

The two men decided that Lightfoot would attempt to work out Judge Porteous's debts owed to his creditors, and then, if that failed, that Judge Porteous would consider filing for bankruptcy. Lightfoot's attempt at a "workout," failed, and, in about February of 2001, Lightfoot and Judge Porteous commenced preparing for chapter 13 bankruptcy.

Prior to filing for bankruptcy, Judge Porteous, in consultation with Lightfoot, agreed that he would file his bankruptcy petition under a false name. To further this plan, Judge Porteous obtained a post office box, so that his initial petition would have neither his correct name nor a readily identifiable address.

If you look at this exhibit, you will see that ultimately, on March 28, 2001, Judge Porteous—a sitting Federal judge—filed for bankruptcy under the false name "G. T. Ortous" and with a post office box that Judge Porteous had obtained on March 23, 2001, listed as his address. Judge Porteous signed his petition twice, once under the representation: "I declare under the penalty of perjury that the information provided in this petition is true and correct," the other over the typed name "G.T. Ortous."

On April 9, 2001, Judge Porteous submitted a "Statement of Financial Affairs" and numerous bankruptcy schedules. This time, they were filed under his true name. However, they were false in numerous other ways, all reflecting his desire to conceal assets and gambling activities from the bankruptcy court and his creditors.

While I am not going through all his false statements during the bankruptcy—they are detailed in our post-trial brief—I want at least to point out some to you:

He falsely failed to disclose that he had filed for a tax refund claiming a \$4,143.72 refund, even though the bankruptcy forms specifically inquired as to whether he had filed for a tax refund.

As you see, this chart sets forth his tax return, dated March 23, 2001—5 days before he filed for bankruptcy.

It also shows the place on the form where he was required to list any anticipated tax refund. The copy here is not as clear as we would like, but question 17 required Judge Porteous to disclose "other liquidated debts owing debtor including tax refunds." As you see, the box "none" is checked. Judge Porteous never disclosed the fact of this refund—not to his attorney, not to his creditors, and not to the bankruptcy court. Instead, he kept it secret, and the money went right into his pocket.

He deliberately failed to disclose that he had gambling losses within the prior year, even though the forms specifically asked that question. In fact, Judge Porteous has admitted before the fifth circuit that he had gambling losses. In the days immediately prior to filing for bankruptcy, he paid casino debts that he owed them in order to avoid listing those casinos as unsecured creditors. Additionally, he failed to record those preferred payments to creditors in the bankruptcy forms which required their disclosure, and failed to tell his attorney about them. Thus, casinos to which Judge Porteous owed money in March of 2001 received 100 cents on the dollar while other creditors received but a fraction of that amount. Judge Porteous favored casinos over other creditors because he did not want to jeopardize his ability to take out credit and gamble at the casinos while in bankruptcy.

He had his secretary pay off one of his wife's credit cards 5 days prior to filing for bankruptcy. Judge Porteous then reimbursed his secretary and failed to disclose this preferred payment to the credit card company on his schedules that he filed under oath with the court.

He reported his account balance in his checking account as \$100, when on the day prior to filing for bankruptcy he had deposited \$2,000 into the account. He deliberately failed to disclose a Fidelity money market account that he regularly used in the past to pay gambling debts. This particular nondisclosure demonstrates Judge Porteous's determination to have a secret account available with which to pay gambling debts while in bankruptcy. This nondisclosure clearly was not inadvertent, since the evidence is clear that he wrote a check on that account on March 27, 2001, the day prior to filing for bankruptcy.

The single organizing principle that arranges this pattern of false statements is Judge Porteous's desire to conceal assets and to conceal his gambling so that he could gamble while in bankruptcy without interference from the court or the creditors or even his lawyer.

At a hearing of creditors on May 9, 2001, Judge Porteous, under oath, testified that the schedules were accurate. That statement, like so many of Judge

Porteous's other statements under oath, was false. At that hearing, the bankruptcy trustee also informed Judge Porteous that he was on a "cash basis" going forward.

At the end of June 2001, bankruptcy Judge William Greendyke issued an order approving the chapter 13 plan, specifically directing Judge Porteous not to incur new debt without the permission of the court. Notwithstanding Judge Greendyke's order, Judge Porteous did incur additional debt without the permission of the court. He applied for and used a credit card.

Here is a blowup that includes a copy of Judge Porteous's application for a credit card and the statement showing its use in September of 2001—in violation of the order of the court.

More particularly, Judge Porteous continued to borrow from the casinos without the court's permission. This chart, which was used at trial, lists 42 times that he took out debt at casinos to gamble in the first of the 3 years he was in bankruptcy.

Further, as Judge Porteous had planned, in some instances, he paid these casino debts through the Fidelity money market account that he concealed. Here, at the top of this blowup, is a check he wrote on the concealed Fidelity money market in the amount of \$1,800 to the Treasure Chest Casino in November of 2001. Below it is a check in the amount of \$1,300 to Grand Casino Gulfport also drawn on the undisclosed money market account in July of 2002. Both of these checks repay the outstanding debts to the casinos. In short, he engaged in a pattern of deceitful activity designed to frustrate and confound the bankruptcy process.

The harm wrought by Judge Porteous's conduct in bankruptcy is really incalculable. The bankruptcy process depends totally on the honesty and candor of debtors. The trustee does not dispatch investigators to check on a debtor's sworn representations. Judge Porteous's display of contempt for the bankruptcy court is little more than a display of contempt for his own judicial office. A Federal judge who in fact heard bankruptcy appeals in his court should be expected to uphold the highest standards of honesty. It is inexcusable that Judge Porteous manipulated this process for his own benefit.

Let me now discuss article IV, and for that I need to return to the summer of 1994. Let me set the stage. At that time, while Judge Porteous was being considered for a Federal judgeship, he was engaging in two corrupt schemes: first, the curatorship kickback scheme with Creely and Amato that I previously described in connection with article I; and second, the corrupt relationship with the Marcottes I described in connection with article II.

Judge Porteous knew if the White House and the Senate found out about his relationships with either Creely

and Amato or the Marcottes, he would never be nominated, let alone confirmed. In the course of the background investigation, and during the confirmation process, Judge Porteous was asked questions on four separate occasions that, if he were to answer the questions truthfully and candidly, required him to disclose his relationships with Creely and Amato and the Marcottes. On each instance, Judge Porteous lied. Because those four statements are at the heart of article IV, let me show you exactly what Judge Porteous was asked and exactly what he answered.

First, at some time prior to July of 1994, Judge Porteous filled out a form referred to as the "Supplement to the SF-86." On that form is a question that goes to the very heart of the issue associated with the background process. On that form Judge Porteous was asked:

Question. Is there anything in your personal life that could be used by someone to coerce or blackmail you? Is there anything in your life that could cause an embarrassment to you or to the President if publicly known? If so, please provide full details.

To which Judge Porteous answered: No.

Judge Porteous signed that document under warnings of criminal penalties for making false statements. This statement was a lie.

On July 6 and July 8, 1994, Judge Porteous was personally interviewed by an FBI agent as a part of the background check process. Judge Porteous was asked by the agent the same sort of questions I discussed in connection with the SF-86. His answers were incorporated in a memorandum of the FBI agent that summarized the interview. Let me show you the relevant portions of the memorandum. Judge Porteous was recorded as saying that:

[He was] not concealing any activity or conduct that could be used to influence, pressure, coerce, or compromise him in any way or that would impact negatively on the candidate's character, reputation, judgment, or discretion.

These statements were also a lie.

After that interview, the FBI in New Orleans sent the background check to FBI headquarters in Washington, DC, for their review. FBI headquarters directed the agents to interview Judge Porteous a second time about a very particular allegation the FBI had received in 1993 that Judge Porteous had taken a bribe from an attorney to reduce the bond for an individual who had been arrested.

So on August 18, 1994, the FBI conducted a second in-person interview with Judge Porteous, this time probing possible illegal conduct on his part in connection with bond setting. Again, the FBI writeup of the interview records Judge Porteous as stating that he was unaware of anything in his background that might be the basis of attempted influence, pressure, coercion

or compromise and/or would impact negatively on his character, reputation, judgment or discretion.

And again he lied.

Finally, after he was nominated, the United States Senate Committee on the Judiciary sent Judge Porteous a questionnaire for judicial nominees. Again, I am showing you the document. Judge Porteous was asked the following question and gave the following answer:

Question. Please advise the committee of any unfavorable information that may affect your nomination.

Answer. To the best of my knowledge, I do not know of any unfavorable information that may affect my nomination.

The signature block is in the form of an affidavit that the information provided in the document is true and accurate. Judge Porteous lied for a fourth time.

The questions Judge Porteous was asked are clear and unambiguous. In each of the four instances, the questions called for Judge Porteous to disclose his relationship with Amato and Creely and the Marcottes. There is additional evidence that suggests Judge Porteous would have well understood the reach of those questions.

First, the second of his two FBI interviews addressed Judge Porteous's bond-setting practices. It is hard to imagine he could have been put on more specific notice that his relationship with Marcotte and his conduct in setting bonds was relevant and should be disclosed.

Second, Judge Porteous's understanding of the materiality of his relationship with Marcotte and his intent to conceal it is further evidenced by his statements and conduct associated with setting aside of Aubry Wallace's felony conviction, which I referenced earlier. As I mentioned, Marcotte had an employee named Aubry Wallace, who had helped take care of Judge Porteous's cars and also fixed his house. At around the time of his confirmation, Marcotte went to Judge Porteous and asked him to set aside Wallace's burglary conviction, to take the first step in getting rid of his felony convictions, so that Wallace would ultimately be allowed to obtain a bail bonds license.

Judge Porteous agreed to do it, but informed Marcotte that he would do so only after he was confirmed by the Senate, because he did not want to jeopardize his "lifetime appointment." When asked to describe Judge Porteous's response to his request, Marcotte testified:

Answer. He kind of put me off and put me off. And he said look, Louis, I'm not going to let anything stand in the way of me being confirmed and my lifetime appointment, so after that's done I will do it.

Marcotte went on to explain the nature of Judge Porteous's concern.

If the government would have found out some of the things that he was doing with

me, it would probably keep him from getting his appointment.

Senator MCCASKILL specifically asked Marcotte as to whether Judge Porteous used the "lifetime appointment" phrase. In response, Marcotte's answer was clear:

That was the words of Judge Porteous.

In substance, Judge Porteous said that he would set aside Wallace's conviction but that he was going to hide it from the Senate. It is hard to conceive of a clearer, more explicit expression of intent to deceive the Senate.

Judge Porteous's actions corroborate Marcotte's recollection of the conversation. He was confirmed by the Senate on October 7, 1994, and set aside Wallace's conviction, as he said he would, after that on October 14, 1994.

The timing of the Wallace set-aside confirms that Judge Porteous calculated and plotted to conceal material facts concerning his relationship with Louis Marcotte from you, the United States Senate. The procedural history of Wallace's case is discussed in our post-trial brief. But the salient fact is that Judge Porteous could have set aside the conviction, if he chose to do so, weeks prior to his confirmation. Absolutely nothing in Wallace's case occurred that explains his delay in waiting until after the confirmation. The only event of significance that explains the timing is that Judge Porteous was confirmed in the interim.

Moreover, Judge Porteous's willingness to set aside Wallace's conviction at Marcotte's request constitutes proof positive that Judge Porteous was in fact subject to coercion, leverage, and compromise—the very fact as to which Judge Porteous was questioned and which Judge Porteous denied.

Because of the fraud committed by Judge Porteous on the FBI and the Senate, Judge Porteous was in fact confirmed and was sworn in on October 28, 1994. He has been a Federal judge, enjoying the fruits of his deceit and the power of the position since that date.

In conclusion, the House has proved each of the four Articles of Impeachment. The evidence demonstrates that Judge Porteous is dishonest and corrupt and does not belong on the Federal bench. He has signed false financial forms, false questionnaires, and even signed documents under a false name under penalty of perjury. He has engaged in corrupt schemes with attorneys and bail bondsmen. He has betrayed his oath in handling a case dishonestly and with partiality and favor, characterized by making false statements at a hearing concerning his financial relationship with one of the attorneys, and then soliciting cash from that attorney while the case awaited Judge Porteous's decision. He has brought disgrace and disrepute to the Federal bench.

The evidence demonstrates he has committed high crimes and misdemeanors, and the House requests

that you find him guilty on each of the four counts and remove him from an office he is not fit to occupy.

Thank you for your time and attention.

We reserve the balance of our time.

The PRESIDENT pro tempore. Thank you very much.

Professor Turley, you may proceed on behalf of the judge.

Mr. TURLEY. Thank you, Mr. President, Members of the Senate. For those who were not present this morning, I am Jonathan Turley, the Shapiro Professor of Public Interest Law at George Washington University and counsel to Judge G. Thomas Porteous, a judge of the United States District Court for the Eastern District of Louisiana. Joining me again at counsel's table are my colleagues from the law firm of Bryan Cave: Daniel Schwartz, P. J. Meitl, and Daniel O'Connor.

Sitting here, listening to my esteemed opposing counsel, one is easily put in mind of another trial held almost 220 years ago—almost to this very day.

In a case that proves to be one of the turning points in American law, eight British soldiers were accused of murder in what Americans call the Boston Massacre and what the English call the Boston Riot.

Columnists demanded that the soldiers be executed and everyone came to the trial expecting less of a trial as much as a hanging. Adams himself saw the case differently. In fact, John Adams saw not just another case but the very cause for which he was already fighting, the creation of a new nation based on due process and principles of justice.

As in today's case, many of the facts were not in dispute in 1770. It was clear the British soldiers fired into the crowd, but Adams stopped the jury and challenged them to consider two questions: No. 1, whether the soldiers had acted with the required intent and malice; and, No. 2, whether the requested punishment—death—fit the crime.

It was also one of the earliest uses of the reasonable doubt standard ever recorded in our country. Proof and proportionality became the touchstone of that case and later cases that Adams helped bring into existence. In words that would echo through the ages, Adams warned the jury:

Whatever may be our wishes, our inclinations, or the dictates of our passions, they cannot alter the state of facts and evidence. The law will not bend to uncertain wishes, imagination or wanton tempers of men.

When the Framers turned to the Constitution, they sought to protect the judiciary from wanton and imagined offenses. In cases of impeachment, the Framers expressed fears that Congress would yield to passions over proof in the removal of Federal judges. James Madison, George Mason, and others carefully crafted the standard of im-

peachment to protect the independent judiciary, and Madison said expressly that they wanted to avoid standards "so vague as to be the equivalent of tenure during the pleasure of the Senate." That is what they wanted to avoid.

They rejected "corruption" because they knew the term "corruption" could be used to mean most anything. For that reason, that term was adopted by the House in this case. It hasn't changed.

The Framers explicitly debated and rejected this vague standard of maladministration and instead demanded that a Federal judge could not be removed absent proof of treason, bribery or other high crimes and misdemeanors. Applying that standard, this Congress has refused to remove judges not because they agreed with their actions—every judge whose case was brought before Members of this esteemed body was worthy of condemnation, they had few friends—but this body drew a distinction between judges who have done wrong and judges who committed removable offenses.

I would like to tell you about the man who is on trial today, G. Thomas Porteous, Jr. He has spent virtually his entire life as a public servant. He served as an assistant district attorney, a State judge, and then a Federal judge. He served a total of 26 years, the past 16 as a Federal judge. When asked, all the witnesses in this case, without exception, described him as one of the best judges of Louisiana. As I will discuss later, however, his skills as a judge do not excuse his failings as a person. To the contrary, he has not contested many of the facts in this case and ultimately accepted severe discipline for the poor decisions he has made. He is here for you to judge now, to judge him, but he is not the caricature that has been described by the House.

Indeed, I don't know how the man described by the House avoided a criminal charge. After all, the Department of Justice got waivers to look into all these crimes. They investigated him and many other judges with "wrinkled robes." When I was sitting here, I was thinking: My Lord, how on Earth could he avoid a criminal charge? The reason is because in the Department of Justice are professionals. They look for crimes, and they didn't find any crime that could be proven at trial; any crime, great or small, against this judge.

His son, Timothy, in the hearing, expressed the toll this has cost him and his family, ranging from the death of his wife, loss of his home in Katrina. One way or the other, this man is going to come to closure now. He will either be convicted or he will retire in a matter of months as he has already promised. What is clear, either way, Thomas Porteous will not return to the bench.

He has, however, remained silent for many months as newspapers and com-

mentators have said grossly false things about his case and about his character. He waited for this moment for his defense to be presented, as have so many defenses in his courtroom, for impartial judgment—and he gave impartial judgment. Even the House's own core witnesses said Judge Porteous gave them a fair hearing, gave everyone a fair hearing. You can disagree with actions he took, but you don't have to turn him into a grotesque caricature. He is not. He may have been many things in the eyes of others, but he was never corrupt, and he loved being a Federal judge and, despite his failings, he never compromised his court, and he never broke the oath he took as a Federal judge in October 1994. That may seem a precious distinction to some, but he is here to fight for that legacy. He has accepted his failings, but he will not accept that.

This case is not, however, just about Thomas Porteous. All impeachments speak to all judges. This case presents Articles of Impeachment that are novel and they are dangerous. We discussed some of those issues this morning. Of course, the Constitution puts that incredible burden on you. It requires you to ignore the dictates of passion and wanton tempers described by John Adams. You must decide, after considering all the evidence, whether the actions that were taken in this case rise to the level of treason, bribery or other high crimes and misdemeanors.

I would like to return to something Senator DURBIN had asked about, which is the standard of proof. As we mentioned, in the past, many have cited "beyond a reasonable doubt" as the most obvious standard for impeachments because impeachment has many criminal terms that are incorporated and also many impeachments are crafted on articles taken directly from prior criminal cases.

We also noted and stressed that the Members of this body have two determinations to make. First, you must find these facts occurred and, second, you must find that those facts that did occur to your satisfaction rise to the level of removable offense. It is the first part of that determination that is difficult in this case because, as we noted, this is the first modern impeachment that has come to this body without a prior trial. This judge has never been allowed review from a judge. He has never challenged the things that have been said against him. Indeed, most of the things you just heard wouldn't be allowed in a Federal court, and we challenge the factual accuracy, as you will see. But that is part of the value of having criminal charges brought, because usually when this body has looked at a case, it has been siphoned through that filter of process and fairness.

Each Senator does have to establish what he or she will use as a standard of

proof. But I have to say, I do not agree with Mr. SCHIFF when he says it is just up to you, whatever you decide is enough. Where I disagree with Mr. SCHIFF from this morning is where we distinguish between “could” and “should.” There is no question you can adopt any standard. The question is whether you should.

Obviously, the Framers did not want people just to take an arbitrary gut check on facts, particularly when there has been no criminal trial. They expected something more from you. What is expected is that you apply some consistent, cognizable standard, and we have talked about that standard applied in the House, which is “clear and convincing.” This body, in the past, has talked about a strict standard.

Indeed, Senator ARLEN SPECTER, who was vice chair of the Senate impeachment trial, at an earlier time stated the following to his colleagues—and I commend it to you:

Where you have a judge up for removal, the issue of judicial independence requires a very strict standard. This is not a question of whether you would confirm him if he were before us today. It is not a question of whether we feel comfortable in going before him. But it is a question of whether we are going to oust him from office that comes into play.

What I believe Senator SPECTER was saying is that you do have an obligation to apply some objective standards because this is a legal proceeding. It might not be a criminal case, but you are sitting as the world’s most unique jury and judges.

In this case, the Fifth Circuit itself did not consider the allegations in article II and article IV. The reason is simple, as the five judges I mentioned earlier wrote:

Congress lacks jurisdiction to impeach Judge Porteous for any misconduct prior to his appointment as a Federal judge.

Plain and simple. The Federal judges of the Fifth Circuit wrote a detailed, 49-page opinion on the evidence in this case. Those judges declared the following:

This is not one of those rare and egregious cases presenting the possibility of an impeachable offense against the nation.

They didn’t approve of the decisions made, but they drew a line, and this fell far on the other side of an impeachable offense. Those judges, which included appellate and district judges, said:

The evidence here does not support a finding that Judge Porteous abused or violated the Federal constitutional judicial power entrusted to him. Instead, the evidence shows that in one case he allowed the appearance of serious improprieties but that he did not commit an actual abuse, in violation of constitutional power entrusted to him.

These appearance controversies are routine in court. They are used here, however, as the basis for removal, to wipe away centuries of precedent. Perhaps for that reason the House man-

agers are quoted in the media as encouraging the adoption of a new standard, to treat the impeachment process as merely an employment termination case. They would literally have this body adopt the standard Madison rejected, for judges simply to serve at the pleasure of the Senate, similar to at-will employees.

Unfortunately, this case proves one thing, the old military adage that if all you have is a hammer, every problem looks like a nail. It is not enough that Judge Porteous accepted sanctions from his court—unprecedented sanctions. It is not enough that he announced his resignation in a matter of months from the bench. It is not enough that no one has ever been removed for pre-Federal conduct. Staff and resources of impeachment had been committed and the House demanded removal.

Let’s look at the basis for removal and let’s turn to article I. In article I, the House impeached Judge Porteous on the theory that he deprived the public and litigants of his honest services, as we discussed this morning. We discussed the unique problem of the fact that it was crafted around a theory the Supreme Court rejected. It was a bad bet.

You will notice that in the opening statements again today, both Mr. SCHIFF and Mr. GOODLATTE kept on bringing up kickbacks again. I actually counted up to 20 and then I stopped. I pose the question to you. I don’t know how many times you count the word “kickbacks,” but I ask you to look at articles and see how many times it is mentioned in the actual Articles of Impeachment, and that number would be zero. They allege a corrupt scheme and then came to you and said: You know what. This is going to be kickbacks.

But the reason the Framers rejected corruption is precisely because of what is occurring right now in front of you in the well of the Senate. Corruption can mean anything. Mr. SCHIFF could have stood and said: You know what this is? This is the mail fraud or, you know, actually this is conspiracy. He could have said anything that constitutes corruption and rewrite the article here—not fulfilling the will of the House but fulfilling whatever is the passing will of the managers of the House.

That is a violation of the process the Framers created. In fact, we now hear five references to the signing of financial statements that were inaccurate. I suggest the Members look at the articles. How many times is that mentioned in the articles? Zero. But when you use “corruption” as a term, you just go to the well of the Senate and say: That is what this is all about. What that does for defense attorneys like myself and my colleagues is, we just stand here and try to keep track of what it is, the crime we are supposed

to be defending against. It could be anything under the Criminal Code. Anything under the Criminal Code can form corruption.

Now it is financial records. That is why the House has the sole responsibility to articulate those articles. When Mr. SCHIFF says they have a lot of discretion, they do. When they use that discretion poorly, Articles of Impeachment get rejected. That is what this body has said repeatedly in history. You cannot bring to us articles that present any possible crime, a crime de jour. That is what you are seeing today.

Notably, in article I, there is one fact that literally all of the House witnesses agree on: Judge Porteous was never bribed. But, more importantly, Judge Porteous was not bribable. Article I seeks to remove a judge based on a decision in a single case, and that decision was a single motion not to recuse himself in 16 years as a Federal judge.

The Lifemark recusal motion was the first and only such motion Judge Porteous was faced with in three decades as a judge. Now, allow me, please, to cut to the chase, and to deal with one allegation in article I which deals with this single gift to Judge Porteous by his longtime friend, Jake Amato. That is, in my view, the most serious allegation in article I. It was a colossal mistake. But I need to correct the record. The House stood up and said, you know, nobody called this a wedding gift except defense counsel. That is news to me.

In the hearing before the committee, Jake Amato described how he and the judge were on a boat on a fishing trip late at night drinking, and the judge got very emotional and was talking about the fact that he could not cover the expenses for his son Timothy’s wedding. Amato was very close to Timothy. That was the context of this discussion.

But, more importantly, I asked Amato: In fact, the only money you recall ever going to Judge Porteous was this wedding gift? Right?

Amato’s answer was: Correct.

Now, Judge Porteous never disputed that gift. What he disputes is the implications of the gift. Judge Porteous accepted responsibility because it created an appearance of impropriety, and it did. Accepting a very severe punishment by the Fifth Circuit, he publicly apologized and gave his “sincere apology and regret” that his actions had brought the court to address this matter. He also later said he would, in fact, retire from the bench.

Before delving into that gift, let me be clear what we are discussing. I think it is important to call things for what they are or in this case what they are not. This was not a bribe. All of the parties agree. This was not a bribe. It was not a kickback. They do not even

allege in article I this was a kickback. So what was it if it was not a bribe and it was not a kickback? It was a gift.

Was it a dumb gift? Was it a gift he should not have accepted? You bet. But the Framers thought it was important to define things as they are. This is not a bribe and it is not a kickback. That is the key thing in looking at this impeachment.

The appearance of impropriety is a standard raised in Federal courts. Not uncommonly, courts of appeals will disagree with trial judges who refuse to recuse themselves. Hundreds of judges are faced with recusal motions. Sometimes they make mistakes. Recusals are usually based upon past relationships, financial interests. They extend under the entire waterfront of conflicts. When a judge gets it wrong, usually that is it; it is just a reversal.

Sometimes you will have a reprimand. Very rarely will you have any discipline at all. But consider the implications of accepting an appearance of impropriety as a standard of removal. This could be so easily used to strip our courts. An appearance of impropriety? Is that what we are going to substitute other high crimes and misdemeanors for, something that hundreds of judges are accused of. All of them would be capable to be brought before this body.

We talked a lot about this Lifemark case. I must tell you, it is exceedingly complex as a commercial case. It is between a subsidiary of a giant corporation called Tenet Healthcare or Lifemark and a family of pharmacists from Louisiana. I will tell you, I see no need to delve into the specifics, which I think you would be happy to know. It is sufficient to say this was a long running dispute between these two parties.

Lifemark was accused of delaying the case at any cost. It bounced from judge to judge and ultimately was assigned to over a dozen judges, one dozen in 3 years. That is the Lifemark case. Then, in 1996, it was randomly assigned to Judge Porteous. Defense witnesses stated, when asked, that Judge Porteous had a reputation for moving cases to verdict. He was a judge from Gretna. He was a State judge. He was a lawyer's judge. They tended to get cases done, and when he looked at this docket and saw a dozen judges in and out of this case and no trial, he promptly announced to the parties: I am the last judge you are going to see in this case. We are going to try this case.

I want to emphasize something. He said that to the parties before any friends were lawyers in this case, before anyone he had a friendship with was counsel in the case.

He said: I will be the last judge in this case, and we are going to go to trial.

So he was. Seven district court judges, three magistrates, and he ended that. They went to trial.

When he said that, lead counsel for Lifemark, Joe Mole, wanted to have him recused and to go to get another judge. He filed a motion to recuse, and he cited the fact that Judge Porteous was close friends with Jake Amato and Lenny Levenson. And indeed he was.

What we heard in testimony from witnesses is in Gretna, a very small town, like many small towns in which lawyers practice, judges preside in, most judges know the attorneys in their courtroom. If judges had to recuse themselves because they knew a lawyer in the courtroom, there would be no cases in these courts. These are small communities.

In Gretna, judges did not recuse themselves. In fact, our witnesses—actually, not our witnesses. Let me correct that. The House's witnesses said they had never heard of a judge recusing themselves in Gretna because they could not. That was the tradition that Judge Porteous came from, and many judges agree with that—that as long as you acknowledge you have a relationship, the relationship is not being hidden, you do not have to recuse yourself.

He was friends with Amato and Creely and Don Gardner. I will be returning to Mr. Gardner in a second. He was friends with Amato and Creely since the 1970s. Both Amato and Creely said they were best friends. They practiced law together. They hunted and fished together. They knew each other's families.

Timothy testified they were known as Uncle Jake and Uncle Bob. Creely taught him how to fish; Amato taught him how to cook. They were close friends. So was Don Gardner. In fact, Gardner was even closer. Gardner asked Porteous to be the godfather to one of his daughters.

Now, with this uncontested background, I would like to reexamine article I. First, the House asserts that Judge Porteous failed to disclose while he was a State judge that he engaged in a "corrupt" scheme with these attorneys. This is, of course, predicated on the fact that there is a corrupt scheme.

The problem with the House's case is the House's own witnesses denied the scheme. Both at trial and in a Senate deposition, Bob Creely expressly disavowed—expressly disavowed—that he had an agreement with Judge Porteous where he received curatorships in exchange for loans or gifts. Instead, Creely was adamant that there was no relationship between the gifts and the curatorships.

He said: I gave him gifts because we were friends. And he said: I gave him gifts before I ever got curatorships. Not only that, but he said he did not like the curatorships. He said he told Porteous that. Creely was a very successful lawyer. These curatorships were bringing in a few hundred dollars here

and there. He said he hated them because they were more trouble than they were worth.

It is true, the House has portrayed Judge Porteous, frankly, as something of a moocher. I mean, that, I guess, was Congressman GOODLATTE's point when he pointed out with great emotion to you, Judge Porteous went to a lot of lunches with these men and he did not pay for his share of the lunches; he just paid for some of them.

Let me ask you, did you ever think you would be sitting on the floor of the Senate trying to decide whether that is an impeachable offense, being a moocher? He paid for a few lunches; he did not pay for most of them. The witnesses said judges in Gretna routinely had lunches paid for them. In fact, the House's own witnesses said they could not remember—actually, that is not true; they could remember one judge on one occasion buying her own lunch. That is the record in this case.

So Creely is the guy in the House report who is the linchpin between this alleged scheme, between curatorships, and these gifts. Only problem? Creely came to the Senate and said: There was no agreement. He said he never gave any money to Judge Porteous as a bribe, never gave him a kickback, never expected to receive anything in return for the gifts. They were just friends. Not only that, he said he would have given those gifts without question regardless of the curatorships.

To drive the point further, he said Judge Porteous never asked him for any percentage or return from the curatorships. Not only that, but then the House's own witnesses said: By the way, all the judges in Gretna give curatorships to friends and acquaintances—all of them.

This has been discussed in Louisiana. But the Louisiana officials have decided they would allow that. Judges routinely would give curatorships to former partners, friends, acquaintances. It has been reviewed. We heard from the only expert in this case on Louisiana ethics, and that was Professor Ciolino, Dane Ciolino. He told the Senate: This is perfectly ethical under the rules. It is well known. It is a practice that has existed for a long time, and it still exists today. This does not mean that every judge in Louisiana is corrupt. It is just they do not view this as corruption.

Witnesses said that Judge Porteous gave curatorships to new attorneys, and he gave curatorships to Creely. The House never went and actually found the records of all the curatorships. You will notice, there is no discussion of any other curatorships. They had the ability. They could have come to you and said: Here are all the curatorships that were issued during this period of time. Here are the curatorships that went to Creely—or not. They did not do that.

But even if 100 percent of the curatorships went to his friends, it was perfectly ethical under the rules. The only testimony that the House was able to present attempting to establish a connection between the curatorships and gifts was Jake Amato. What the problem was is Creely saying there was not any relationship. That is a problem because the House report said Creely said that. So they went and got Amato, and Amato said on one occasion many years ago he remembers Creely saying there was a relationship. But the House was not deterred by the fact that Amato was giving this testimony with Creely in Washington denying he ever said that. But that did not deter the House. They just went ahead and had Amato say what they wanted Creely to say.

Then Amato said these figures that are being thrown around by the House were not figures he came up with. He said they were what he referred to as guesstimates—guesstimates—of the gifts and their relationship to the curatorships.

Now, Amato said actually the number you have heard here today did not come from him, did not come from Creely. In fact, they denied they could recollect. There is no record to establish this conclusively. Amato said the number actually came from FBI Agent Horner, who came up with an estimate of total gifts and just assumed—just assumed—that Porteous must have received half of it. They started pressing them to say: Wouldn't that be accurate?

So there is a Madisonian nightmare for you. The government gets guesstimates from witnesses, based on the figure that was just extracted by one of the investigators without documentary proof.

The second factual allegation in this article is that the judge should be removed for intentional misleading statements at the recusal hearing. I can simply end this by encouraging you: Please read the recusal hearing. It is not very long. Reach your own conclusions. Don't listen to me. Don't listen to the House. I think it speaks for itself. You will see that Judge Porteous actually gives them a hearing. A lot of judges don't. They just deny it. Instead, he gave them a full hearing, told them he understood why he was bringing this issue, acknowledged he had a relationship with these lawyers, and then he went and said: Tell me what I need to do to make sure you can appeal me because you have a right to appeal me, and he stayed the case to allow an appeal. Most judges just won't do that.

He did not say in detail what the relationship was. He understood that Mole was going to appeal. One thing he did want to correct on the record is that Mole said, incorrectly, that he had received campaign contributions from these individuals. He said that is just

not true, and he corrected it on the record. He never denied the relationship. From his perspective, having a relationship, a friendship, particularly from his time in Gretna, was not a problem. It was just not a recusable issue. So he left it at that.

The third allegation is that Judge Porteous should be removed from office because he denied Lifemark's recusal motion. That is the most dangerous allegation in article I because that would remove a judge for the substance of his decision—in this case, a recusal motion. Can you imagine if you start to remove judges because you disagree with their recusal decisions? Judges are constantly appealed on recusal decisions. Sometimes they are upheld; sometimes they are not. But when you start to remove judges because you disagree with their conclusion, even though many judges share this view of recusal, then you open the Federal bench to virtually unlimited manipulation.

The evidentiary hearing in the Senate I do not want to tell you was a total bust. It was not. For those of you who were looking for a conspiracy, we found one, and it came out in live testimony—a scheme, a very corrupt scheme—but in that scheme Judge Porteous was the subject, not the beneficiary. The hearing saw extraordinary testimony from Mr. Mole, whom you heard the House repeatedly refer to as this paragon of a witness.

Mr. Mole brought this issue that he should recuse himself, and Mr. Mole was shocked he did not. In fact, I think Mr. GOODLATTE said Mr. Mole had no alternative but to proceed the way he did. But the House Members did not mention how Mole proceeded. After he lost the recusal motion, Mole decided he had to get this judge off the case. He was not going to have this West Bank judge rule in this case of Lifemark. It was going to be bounced to get another judge—a 14th reassignment of the case—if Mole had anything to do about it.

So he went and he talked to a guy by the name of Tom Wilkinson. Now, Tom Wilkinson is the brother of the magistrate who was assigned to the Lifemark case. So he went to the brother of the magistrate, and this is the former Jefferson Parish attorney. He was known as someone who could solve problems like this. He was known as the go-to guy to fix a problem with a judge you did not want. Wilkinson is now reportedly under investigation for corruption in Louisiana.

So Mole met with him, and then Wilkinson got Mole to meet with one of Judge Porteous's closest friends, Don Gardner. He went to Gardner and offered him an extraordinary contract, which we have put in the RECORD. That contract promised Mole \$100,000 if he joined the case and offered him another \$100,000 if he could get Porteous to

recuse himself—\$200,000. But that was not all. The contract actually said: By the way, once Porteous is gone, you are gone. So if you get him to recuse himself, I will give you \$200,000 and you go away and we can then merrily go on bouncing this case through the court system.

The problem with this scheme by Mr. Mole is that it did not work because Don Gardner said: You do not want to go to Tom Porteous. You do not want me to go to Tom Porteous and tell him to recuse himself because he will react very negatively, and he refused to go—this is his own testimony—refused to go to Porteous to ask for his recusal.

Ultimately, the judge's decision cost his closest friend \$200,000. Mole himself admitted he had never seen a contract like the one he wrote, and witnesses testifying said they were shocked to learn of a contract where someone actually put a bounty on a Federal judge and offered \$200,000 if you could get him off the case.

Nevertheless, when Gardner lost that case, he said the judge gave him a fair hearing. He said: Look, this judge is just not bribeable. He gave us a fair hearing. He disagreed with us, and we lost.

By the way, this is not mentioned by the House: Creely also practiced before the judge. By the way, he was not the counsel in Lifemark. But Creely actually did have a couple of cases in front of the judge, and the judge ruled against him and cost him a huge amount of money. In one case where he lost a great deal of money, Creely actually took his best friend on appeal and got him reversed. But his friendship did not stop the judge in one of Creely's biggest cases from ruling against him. He did not feel the need to recuse in those cases, and it did not influence his decision.

The article also talks about "things of value," another general term. These are small, common gifts that both Creely and Amato admitted they gave to Porteous and said were very common in Gretna, as in many small towns. Yes, they had lunch together. They had lunch together for their whole 30-year relationship. A few of those lunches did continue while Lifemark was pending in front of the judge. The judge paid for an occasional meal, but Representative GOODLATTE is absolutely correct. He did not pay for enough meals. The House did not contest the only ethics expert in this case who said those lunches are permitted under State law, and they still are permitted today. Back then, they had the same rule the Senate had. Back then, the Senate allowed Senators to be bought lunches, not because it invited corruption. A lot of Senators did not view it as a source of corruption. Neither did the people of Louisiana when it came to lunches being bought for judges. It was just a courtesy.

There has been talk about Creely attending Tom Porteous's bachelor party in May 1999. I am simply going to note, if you look at the testimony, Creely said he was friends with Timothy. Timothy is a lawyer. He was very close to Timothy, and he had great love for Timothy. He expressed that in a hearing. He went to his friend's wedding. By the way, when he bought the lunch at his table, Porteous was not at the table, and he threw in with the other attorneys at that time.

Now, as I mentioned earlier, the wedding gift is, frankly, the most serious problem. It occurred 3 years after the recusal hearing. I am not trying to excuse it, but I do wish you would keep that in mind because these dates do get blurred. It was 3 years after the recusal hearing when this wedding gift was handed over.

And, yes, he went on this fishing trip. It was a very emotional thing. He was having trouble paying for his son's wedding, and it was a huge mistake. The judge admitted it. It was not a bribe, not a kickback; it was a gift. It was dumb to be offered, dumb to be accepted. But both Creely and Amato made clear it was not a bribe or a kickback.

In fact, Jake Amato testified he "felt [Judge Porteous] was always going to do the right thing" in the case. He did not see any connection in terms of influencing the outcome of the case.

Now, one question the House has never been able to answer—one which maybe the Senate would want to put to the House—that is, if Judge Porteous could be influenced for \$2,000 and for some other "small things of value," as the House alleges, why did he not just recuse himself so his close friend could collect \$200,000? Why didn't he rule for Creely in those other cases? He had two friends in the case of Lifemark. He cost one \$200,000. Why didn't he accept money like those other judges who were nailed in Wrinkled Robe?

The appearance of impropriety is a dangerous choice for this body to import in the impeachment standards. Professor Ciolino—this is not contradicted by the House—has said that State bars have continued to move away from the appearance of impropriety because they view it as a standard that is virtually meaningless. It basically says: Don't be bad. That is almost a direct quote from what Professor Ciolino said. He is a big critic of that standard. He said State bars are moving away from it at the time the House is asking you to adopt it as an impeachment standard.

Let's turn to article II.

Article II, we have already discussed, is the article that is the pre-Federal conduct allegation. I will leave that to your discretion. Since you have not ruled on the motion, I will try to address a few of the facts in this case.

But if the Senate agrees with the defense that a judge cannot be removed

for pre-Federal conduct, then most of article II is gone. There is virtually nothing there in terms of Federal conduct. The evidence that is supported in article II in terms of Federal conduct is six lunches—six lunches—that took place over 16 years. So let me make sure we understand that. The evidence in article II of Federal conduct that you can remove a judge for is six lunches.

I should note that Judge Porteous attended several of these lunches, but there is no record that he attended all the lunches, so the six might be a high number. You see, the House had no record that he actually attended some of these lunches, but somebody at the lunch had Absolut vodka. I kid you not. So what the House is saying is that because Judge Porteous drank Absolut vodka, you should just assume he was at those lunches and use that as part of the evidence to remove a Federal judge. I am not overstating that.

Asked the committee just to take judicial notice that Judge Porteous is not the only human being in Louisiana who drinks vodka or even Absolut vodka. What they are inviting you to do again is to remove a judge on pure speculation.

By the way, the value of these lunches over 16 years was also not mentioned. They are less than \$250 over 16 years. The individual meals benefited Judge Porteous—the average was \$29.

As I mentioned, experts testified in this case, and were not contradicted, that judges were allowed and they are still allowed to have lunches purchased for them in this respect. The most the House could come up with is that by attending these lunches, Judge Porteous "brought strength to the table"—that is one of the statements of their witness, Louis Marcotte, that he "brought strength to the table"—and that is enough. Imagine if that was enough. If you are permitted to have lunches bought for you but someone at the lunch benefited from your being present, a third party, because you "brought strength to the table," that would be enough for a charge of impeachment under this approach. The record shows that Senator John Breaux went to some of these lunches with the Marcottes. Does the House suggest that because Senator Breaux went to a lunch, he should be expelled from this body? That would be ridiculous.

Virtually every witness called by the House and the defense testified that judges dealt exclusively with the Marcottes as bail bondsmen. You heard the House say bail bondsmen would often deal individually with the judges. I just need to correct that. There weren't bail bondsmen—plural—at any practical level. This is a small town, and the Marcottes were it. The witnesses testified that the Marcottes controlled over 90 percent of the bonds. They were the bail bondsmen for Gret-

na. It is not a huge town. So, by the way, if you think about that, it means that every judge who signed a bond was almost certainly signing it for the Marcottes because they were the only bail bondsmen on a practical level.

Now, here is the thing you might find confusing. At the evidentiary hearing, the House conceded not only that they could not prove a linkage on these bonds but that they did not specifically allege a relationship between the size of the bonds and this relationship with the Marcottes. The House stated:

The House does not allege that Judge Porteous set any particular bond too high or too low.

So all of the references just now about setting things too high and too low, how they benefited the bail bondsmen, the House stated that it was not alleging that they set these things too high or too low. So once again we find that the articles are being redesigned here in the well of the Senate irrespective of what was previously said by the House.

The House does little beyond noting that Judge Porteous often approved bond amounts by the Marcottes, and, as detailed in our brief, the House's own witnesses demolish that allegation. The amount of a bond is set to reflect the assets of the defendant. The Senate staff summed this up in its own report in front of you on page 18: In many cases, the highest bond a defendant can afford may also be the socially optimum level so as to eliminate unnecessary detention while providing maximum incentive for the defendant to appear. That is the point of bond. You set it high enough that they are going to come back to court. There was very good reason.

The witnesses in this case testified that Judge Porteous was a national advocate for the use of bonds, and he connected the use of bonds to overcrowded systems. Gretna was subject to a series of Federal court orders that were releasing people, dangerous people, from their jails. Judge Porteous spoke nationally on the need for judges to use bonds, and he was correct. As we submitted in the record, studies have proven him correct, that if you get a bond on an individual, the chances that they will return and not recidivate are much, much higher. And Judge Porteous did speak to every judge he could find to say: Start issuing bonds because people are not showing up. Get them under a bond and they will.

You also saw that the House suggested somehow the Marcottes got special treatment from the judge. The fact is, they were the only bail bondsmen on a practical basis, so if you wanted to get bonds, you got bonds with the Marcottes. But, by the way, his secretary, Rhonda Danos, testified that the judge often told her not to let the Marcottes into his office. She said that on occasion he would say not to let

them in. And she said they were not given any special treatment in access to the judge. She said Judge Porteous is a very popular judge and lawyers would gather in his office.

Let's turn very quickly to these two cases. I am afraid I am running short on time, so I will have to ask you or your staff to look at our position in our filing.

I want to note that on the Duhon expungement that has suddenly resurrected like a Phoenix on the floor of the Senate—we thought it was dead. The reason we thought it was dead is because it had been downgraded in the trial, because of testimony from witnesses, where the House simply referred to it as noteworthy. By the end of the trial, it had gone from a matter for removal to a noteworthy case. The reason is that witnesses testified that this was a routine administrative process. The witnesses showed—and there were no witnesses called by the House who were experts in this area. We called witnesses to talk about these types of setasides and expungements, and those witnesses said this was perfectly ethical and appropriate. Not only that, in the Duhon matter, Judge Porteous was following the lead of another judge. That was never revealed to the House. We revealed it in the hearing. It turns out that a prior judge had already taken steps in the case.

Louis Marcotte testified that he wasn't even sure he asked Judge Porteous for assistance on the Duhon matter. Nevertheless, the managers included the allegation in the article.

As for the Wallace setaside, the House could not call any expert to testify that it was improper, and we did call people who said it was perfectly proper. It was both legal and appropriate under Louisiana law.

Now, I want to address one thing about the Wallace setaside. The government, once again, is coming here—the House is coming here and saying: You know, he did this so you wouldn't know about it. He waited to take actions in the Wallace case after he was confirmed. And what do you think of that?

Well, I suggest what you think of that is it is not true. As we said here, this is why we were surprised to find it being mentioned on the floor of the Senate today. It is just not true. The judge held a hearing before confirmation and stated in the hearing: I intend to set aside this conviction. That is a pretty weird way to hide something. Before confirmation, he said: I am going to do this, and I need you to put a motion together. Why? Because it was the right thing to do. It is routine in this area. These types of things are very routine. What the attorney said is they just walk around with these forms in their briefcases.

Do you know what Mr. Wallace said? He said that Judge Porteous was a

judge who was known as someone who would give someone a second chance, and he gave Wallace a second chance, and Wallace went on to become a minister and he is now a respected member of his community.

Now, a lot of this turns, of course, on Louis Marcotte, who also, by the way, admitted at trial—this is Louis Marcotte—he explained why he lied on one occasion, and he simply said: Well, I wouldn't have any reason to tell the truth. That is Louis Marcotte. Indeed, one of the witnesses told the committee that the House staff told them that the reason he was being called is because people wouldn't believe Louis Marcotte, that he lacked credibility.

Now, the Marcottes ultimately said that lunches would occur sometimes once a month; car repairs that were discussed here lasted about 6 to 8 months and consisted of a few minor repairs. We suggest you simply look at the testimony. You have to look at the testimony because there are not any documents of exactly what repairs were done. It is all testimonial. So this isn't a debate over the standard of proof; there is no proof.

Finally, the House has continually referred to other State judges who were convicted of crimes, including Judge Green and Judge Bodenheimer. I simply want to note that Judge Porteous, of course, never accepted cash or campaign contributions from the Marcottes. That put him in a small group, from what I can see. They gave as much as ten grand to judges, including judges who are still on the bench. They never gave Judge Porteous any cash. Why? They handed out cash to other judges. If he was so corrupt, if he was this caricature the House makes him out to be, why didn't he take the cash and run?

Judge Porteous, of course, was never accused of a crime, let alone convicted, and those men, Judge Green and Judge Bodenheimer—you just heard the House say: Look at these people; judge Judge Porteous by their conduct. They were convicted of mail fraud and planting evidence on a business rival.

Article II is a raw attempt to remove a judge for conduct before he was a judge. Article II, I submit to you, is nothing more than what Macbeth described as a "tale full of sound and fury, signifying nothing."

Article III is the only article that does not rely on pre-Federal conduct. What it relies on are a series of errors made in a bankruptcy filing that the judge made with his wife Carmella. I am not going to dwell on the intricacies of the Bankruptcy Code, which may be a relief to many. What the record establishes is not some criminal mastermind manipulating the Bankruptcy Code; it basically shows people who had bad records, little understanding of bankruptcy, which, by the way, is usually the type of people who

go bankrupt. They sought a bankruptcy attorney of well-known reputation, Mr. Claude Lightfoot, and they were given bad legal advice.

But one thing the House doesn't mention today and did not mention to House Members when they got the unanimous vote: Judge Porteous paid more in bankruptcy than the average person in this country. He succeeded in bankruptcy. They filed a chapter 13 bankruptcy in 2001, and they paid \$57,000 to the trustee, \$52,000 repaid to their creditors. The only difference is that he was scrutinized a lot more. He had two bankruptcy judges, a chapter 13 trustee, and the Federal Bureau of Investigation and the Department of Justice.

By the way, I mention the FBI and DOJ because they raised these issues you just heard about while the case was pending. They didn't come into this case after it was done; they actually went to see the trustee and raised these issues with the trustee, and the trustee said he didn't feel any action would be appropriate, necessary. So he found that these actions actually wouldn't warrant an administrative action by a bankruptcy trustee, but the House managers would say that is still enough to remove a Federal judge under the impeachment standard.

By the way, after the DOJ and the FBI went to the bankruptcy trustee and said, look at all these things, and the trustees said, I don't think this really warrants any action on my part, the DOJ and FBI didn't take action either. All the sinister stuff about how they found this, it was found before the case was closed.

None of Judge Porteous's creditors ever filed a complaint or an objection. That was also not mentioned in the case.

When they retained Mr. Lightfoot, they had never met him before, and it is true that Mr. Lightfoot did suggest that they file with the fake name "Ortous" instead of "Porteous." That was a dumb mistake. To his credit, Mr. Lightfoot said: This was my idea. He said: I was trying to protect him.

Particularly, Judge Porteous's wife was upset about the embarrassment of the bankruptcy and the fact that, at that time, the Times Picayune published everyone's names in bankruptcy in the paper, and she was very embarrassed. And he thought he would help that by using "Ortous," and then that was just for the first filing, correcting it so that no creditor would actually get that document or get that false name, and he did. Roughly 10 to 12 days later, he corrected it, and no creditor did get the misleading information.

By the way, in that first filing, he used the information, including the Social Security number, which is the primary way you track people, so he didn't falsify that.

It was a dumb mistake, but it was a mistake done by Mr. Lightfoot, at his

suggestion, because he thought he could avoid embarrassment.

He said he regrets this. But it was his idea. In the fifth circuit, you are allowed to follow the advice of counsel. Should Judge Porteous have followed this advice? No. He should have known better. This is one of those things where yielding to temptation at a time like this was a colossal mistake.

But when the trustee was presented with this, with the FBI and the DOJ coming to his office, he said that he felt this was no harm, no foul. Why? Because nobody was misled, and because they changed it. No creditors were misled. He finished his bankruptcy filing. He did what most people don't do, he succeeded. He paid his creditors.

Henry Hildebrand, who is a standing chapter 13 trustee in Tennessee, said that he has seen bankruptcy petitions filed with incorrect names. He has seen it. He said that what you do is you require them to correct it, and you give notice to the parties. In this case, they didn't have to do that because the creditors already got the correct information.

Former U.S. bankruptcy Judge Ronald Barliant said that on the basis of the facts of that use of the pseudonym Ortous, he would not find any intent to commit fraud or otherwise impair the bankruptcy. He didn't see it. Neither did the trustee, and neither did the FBI or the DOJ, to the extent that they didn't charge it.

The House further alleged other errors and inaccuracies in the bankruptcy schedule as part of this dark and sinister plan to co-opt the bankruptcy system. Two empirical studies that were introduced at trial show that 95 to 99 percent of bankruptcy cases contain certain errors and inaccuracies. In fact, we had testimony from Mr. Hildebrand, who says he actually didn't believe that he had ever seen, in his 28 years as a chapter 13 trustee, a perfect filing.

Bankruptcy law professor Rafael Pardo also said that it has never been the standard to be perfect, that requiring these things to be perfect is unrealistic and unworkable, and that people make errors. The people who are filing bankruptcy are people who couldn't handle their records before. It is not surprising when they file bankruptcy and they have errors.

I want to talk quickly about these errors, where the judge is alleged, in the summer of 2000, to have given Mr. Lightfoot his May of 2000 pay stub, but he did not later supply an updated pay stub. What they left out was that the difference between those two pay stubs was \$173.99 a month. Trustee Beaulieu said that it was such a small amount, and it "would not [have] substantially increased the percentage paid to unsecured creditors."

Mr. Lightfoot's file shows that Judge Porteous actually told his bankruptcy

counsel that his net income was higher than listed on the pay stub, but that Mr. Lightfoot was using the information on the stale pay stub. He testified at trial that he failed to ask the Porteouses for the updated pay stub prior to preparing the bankruptcy filings. But now that is going to be part of a basis for the removal of a Federal judge.

Let's talk about that Bank One account. On that one, Mr. Lightfoot testified that he simply asked the Porteouses to approximate how much money they had in their account. The bankruptcy lawyer said, "Give me a ballpark figure," and they did. There was no sinister plan here. How about the Fidelity Homesteads Association checking account just referred to? That account was omitted inadvertently. Judge Porteous testified before the fifth circuit that he thought he told Mr. Lightfoot there was this Fidelity account. However, it is undisputed that the value of that account was \$283.42. That was the account that was mentioned here.

There is also reference to the fact that it said that occurred during the bankruptcy. There is no bar to incurring such debt by statute during bankruptcy. There is no bar to it.

Yes, the House made a great deal out of the fact that the Porteouses gambled. Gambling is legal. It was a problem. For Judge Porteous, it was an addiction. He dealt with it in a public way that few of us would want to deal with. He dealt with his drinking and addiction problems by going to seek professional help. Like many of us, he didn't do that until his life exploded on him. He went and got treatment for depression. Should he have done it before? Yes. But gambling is not unlawful.

More important, what was described to you about these markers is what the judges, Judge Dennis and his colleagues, objected to when they said that, "Under Louisiana commercial law, markers are considered 'checks' as defined by Louisiana statute."

Markers are uncashed checks, not debts for purposes of bankruptcy.

At trial, an FBI agent called by the House confirmed this interpretation—that a marker was a "temporary check." In other words, these judges, who are not part of the sinister plan to undermine the bankruptcy laws of our country, all said they agreed with the interpretation that this is not debt. Some people might disagree with their interpretation. But at most, it is equi-poise. They didn't believe it constitutes that, period. Should they have gambled in their bankruptcy? Of course not. That is not a failure as a judge. That was a personal problem that the judge overcame.

Let's move on to the last article. The fourth Article of Impeachment is the deliberate attempt by the House to re-

suscitate the pre-Federal charges, by trying to recycle them through the confirmation process. By the way, Senator LEAHY had asked about perjury in the confirmation process. I said that I do believe that perjury is a removable offense. Mr. SCHIFF stood up and said: Aha, then you do believe in the pre-Federal basis for removal. The answer is no. The confirmation process is part of the Federal process. It is part of your service as a judge. It is not pre-Federal in terms of what we are discussing. It is directly related to your being put on the Federal bench.

Obviously, if you acquit Judge Porteous on articles I and II, you have to acquit on IV, because that is basically article I and II recycled—the confirmation issue.

There are three questions that the House focuses on. I want to read you that question from the SF-86: "Is there anything in your personal life that could be used by someone to coerce or blackmail you? Is there anything in your life that could cause you an embarrassment to you or the President if publicly known?" That is just one; it is a compound question.

I want you to put yourself in the shoes of Judge Porteous. He just answered 200 questions, and 100 of his closest friends had been interviewed, along with family, neighbors, and colleagues. This was the final question. I would like you to ask yourself how you would answer that question. Is there anything in your life someone could say that could be used to coerce or blackmail you? Would you answer that yes, would you answer it no, because you know you wouldn't be coerced and blackmailed? I am sure all of us have things we are not proud of, or that we don't want to be made public. That is the case with Judge Porteous. But we heard uncontradicted testimony that if you just now said no to that question, you would not be alone. The FBI agent who testified said that in his 25 years in the FBI, he had never seen anyone answer yes to that question.

We brought in a leading expert on the confirmation process. He said that he was unaware of a single person ever saying yes to that question. It is so ambiguous that most people just say no. People have to sit there and wonder what would be embarrassing to President Clinton, and you are supposed to say, well, I can think of this or that. Maybe that would embarrass President Clinton. They don't say, look, I don't think my life is embarrassing to people.

These lunches that they keep citing were in public places, not in a house or underneath a car; they were held in open restaurants. He never tried to hide them; they were legal. There was actually a table set aside by the restaurant for lawyers and judges. The witnesses testified they had never seen any judge but one ever pay for those meals.

By the way, this was raised about Porteous's 2000 tax refund check. That was raised regarding things he was trying to hide. I believe the expression was, you know, that the 2000 refund check went right into his pocket. You know what. It is supposed to. Refund checks are not part of a bankruptcy filing in cases such as this. They always go into your pocket.

What they are asking you to do is to assume that Judge Porteous was embarrassed, and then remove him for that. Let me state that again. He was asked that question if anything would embarrass himself or the President, and they want you to say I think he was embarrassed and then you can remove a Federal judge on that basis—even though he didn't hide these things.

They keep on talking about these relationships. They are public relationships. Does that track with the constitutional standard, in your view? It is now down to embarrassment. He didn't hide the Creely relationship because Creely said there was no relationship of gifts to curatorships. Why would he hide that? Creely said it never happened. Once again, they are asking you to assume that and say the assumed facts must have embarrassed him, and therefore his answer to a compound question of "no" must be enough to remove him. This is not new.

All of you have been involved in the confirmation process. There are plenty of circumstances where facts have come forward that were embarrassing to a nominee that were not revealed. We saw that Bernard Kerick, who was nominated to be a member of the Cabinet, was actually criminally charged for saying there was nothing that would be embarrassing. He said: Not to my knowledge. The prosecutor said: You know what, that is a lie; we found something that would be embarrassing. That went to a Federal court and the Federal court said: "Where a question is so vague as to be fundamentally ambiguous, it cannot be the predicate of a false statement, regardless of the answer given."

The court went on to say: "Plainly, the meaning of the word embarrassing is open to interpretation and that it's hard to believe that a Federal prosecution would follow."

Here's my question: If it is hard to believe that a Federal prosecution would follow, how about an impeachment based on embarrassment? You cannot even use this in that Federal court. The judge cannot even base a charge on it. They are arguing you should now base the removal of a Federal judge on it. A judge in the third circuit was found to have lied in his confirmation hearing, but the third circuit said for discipline to be warranted, there had to be a showing of intent. The House didn't attempt to make that showing.

U.S. District Court James Ware had told people that his brother had been shot and killed in a racially motivated incident in Alabama in 1963. In 1997, when Ware was nominated to the ninth circuit, he listed family members, including Virgil Ware, who existed; it just wasn't his brother. A Ware had been killed, but it wasn't his brother. It was a lie. He was severely reprimanded by the court, and he should have been, but it is not an impeachable offense. He still sits on the district court in California. Also Hugo Black was mentioned.

We have plenty examples in the record. The fact is that if you start to remove judges for embarrassment, there will be no end to it. You will have House Members lining up to this open door to bring forth things that should have been mentioned in confirmations by judges that they disliked—and not just judges, but Presidents, Vice Presidents, and Cabinet members—if that is the standard. If you read the newspapers, you will see what I mean. There are articles in the newspaper, the Washington Post, where you have Members of Congress starting to make their case for the impeachment of Supreme Court Justices Thomas, Roberts, Kagan, and Sotomayor.

In fact, Congressman Peter Fazio said, "They have opened the floodgates, and personally, I am investigating Articles of Impeachment against certain justices."

If that is the standard, a President would have to raise nominees hydroponically in the White House basement if they have any hopes of surviving on the bench. You cannot possibly, I hope, consider replacing the impeachment standards with the wrong answer on that embarrassment question in confirmation.

Article IV is an open demand for Senators to engage in pure conjecture. If Senators can simply assume embarrassment to remove a nominee, there is no standard of proof, our day is over, and there is no standard of removal. They will serve at your pleasure, just as Madison feared. It is precisely what Adams worried about—uncertain wishes and imagination as a substitute for proof.

Before I sit down and I rest this case in the defense—before my voice gives out—I want to conclude by addressing one thing about this case, and that is the fact that Judge Porteous didn't testify, as some of you may be wondering about that. The reason can be found in the fifth circuit testimony. When the fifth circuit sought to question Judge Porteous about the allegations in article I and article III, Judge Porteous took the stand and did not deny many of the factual allegations. Somehow the House keeps citing that as if that is a major, sinister thing; that he actually said, I am not contesting these facts. And you know

what, the House seemed to make fun of the fact that he couldn't remember details about what occurred with the \$2,000. What was the point of that?

You had a judge who had, obviously, addictions. He had depression. He dealt with them. And when he showed up in the fifth circuit, his memory was not clear. But he didn't say that to say, and therefore these things didn't happen. He said the opposite. He said, if I were you, I wouldn't rely on my memory. If Creely and Amato were saying that, they are friends of mine. I don't think they lied. What is bad about that? He just is disagreeing with the implications of these things. So when they quote him and make fun of the fact that he tried to answer what happened with that money, he was doing his best. They seemed to leave out the fact that at the end he said, just assume it occurred and hold me to that standard. Ultimately, he accepted severe discipline from the fifth circuit for his poor decisions, and he announced that he will retire some months from today.

Did he betray his office? No. Maybe he betrayed himself, maybe his family, but not his office. His failings were that of being a human being—a man who was overwhelmed by addiction, the death of his wife, and financial troubles. Did he help bring those on? Perhaps. Whatever Judge Porteous may appear to you during this period, he was and he is proud of his nearly 30 years of public service as judge, but he believes that is for others to judge—judge now. He didn't feel it was appropriate in the fifth circuit to be contesting things that his friends had remembered, and he also doesn't think it is appropriate for him to beg you to excuse any of his actions. He wants you to judge his actions. He believes he can be judged harshly and he was judged harshly. He tainted his own legacy.

Judges are humans, and that humanity can make some of them the best of their generation. The life experiences of jurists such as Thurgood Marshall and Louis Brandeis made them towering symbols for lawyers and law students and the public. Others, such as Judge Porteous, that humanity showed frailties and weakness. Some of the men and women who don these robes have those frailties and weaknesses. This is going to happen again. Judges will have bankruptcy problems. They only look inviolate in those robes. We elevate them in the courtroom. But beneath those robes are human beings, and some of them have problems and some of them make mistakes. But they shouldn't end up here on the Senate floor debating whether he was a moocher or whether he paid for enough lunches.

He will let the record stand and you judge him for it. He felt he deserved to be disciplined. Maybe he felt he deserves to be here, I don't know. But he

doesn't deserve to be removed. He didn't commit treason, he didn't commit bribery or other high crimes and misdemeanors. He committed mistakes. But in the end, only a U.S. Senator can say what is removable conduct. It comes to you along a road that has been traveled by two centuries of your predecessors—a road that began with people such as James Madison, George Mason.

One Senator who sat where you sit now was Senator Edmund Ross of Kansas, who stood in the judgment of President Andrew Johnson. Many of what Ross's Republican colleagues wanted was Johnson out of office, for good reason. The public demanded his removal. He was viewed as a political enemy by Ross. He was the subject of John F. Kennedy's book "Profiles in Courage." He was one of those profiles. Kennedy explained:

The eleventh article of impeachment was a deliberately obscure conglomeration of all the charges in the preceding articles, which had been designed by Thaddeus Stevens to furnish a common ground for those who favored conviction but were unwilling to identify themselves on basic issues.

Does that sound familiar at all? While the record was filled with abuses and poor judgment by Johnson, Ross was forced to consider whether they amounted to an impeachable offense. And as the rollcall occurred, he found himself a key vote standing between Johnson and removal from office. Ross described the sensation as,

Almost literally looking down into my open grave . . . as everything that makes life desirable to an ambitious man was about to be swept away by the breath of my mouth, perhaps forever.

He then jumped into that grave and he uttered the words of "not guilty" to the shock of his colleagues. His career ended. He was chastised at home, but he became a profile in courage not just for John F. Kennedy but, I hope, for many people in this Chamber.

No career will be lost with your vote today. Indeed, in a week of votes—of sweeping immigration changes and nuclear treaties—I think the world is in a bit of amazement and awe that we would have so many of you here today to just stop and decide the facts and the future of a Federal judge. It is a testament to this system. No matter what you do today, Judge Porteous will not return to the bench. He will be convicted or he will retire. No senatorial career will turn on his vote. But of course impeachment has never been about one president or one judge but all presidents and all judges. The Framers understood that.

What will be lost today is not a career but a constitutional standard that has served this Nation for two centuries—a standard fashioned by the very men who laid the foundation of this Republic; a standard maintained by generations of Senators who sat where you now sit in this very Cham-

ber. We ask you to do as they have done and hold the constitutional line.

We ask you to acquit Judge G. Thomas Porteous.

The PRESIDENT pro tempore. Thank you very much, Professor. Representative SCHIFF will conclude the case for the House managers, and the House has 26½ minutes remaining.

Mr. Manager SCHIFF. Mr. President, Senators, let me begin this conclusion by some agreement with my colleague—this is a remarkable proceeding, and the true import of it is demonstrated by the fact of how much you have going on this week and the amount of time we are devoting to this today. It is a reflection of the seriousness, it is a reflection of the fact that these cases come around very rarely, and for good reason. The Constitution sets the bar high. It doesn't want either the House or the Senate to take the process of impeachment lightly. We in the House certainly do not, and we know in the Senate you don't take that responsibility lightly either.

We have set out the facts about why this judge needs to be removed from the bench, and I wish to take this opportunity to rebut some of the points my colleague has made. I think when you go through the evidence, and when you discuss it with the Senators who sat through the trial, you will find, on each of the articles as charged, that G. Thomas Porteous must be removed from office.

Counsel began by stating that the judge wasn't prohibited from being prosecuted for many of these crimes; that he signed tolling agreements with the Department of Justice. But this is what the Department of Justice said in its letter transmitting the case:

Although the investigation developed evidence that might warrant charging Judge Porteous with violations of criminal law relating to judicial corruption, many of those instances took place in the 1990s and would be precluded by the relevant statute of limitations.

The tolling agreements that Judge Porteous signed contained this clause:

I understand that nothing herein has the effect of extending or reviving any such period of limitations that has already expired prior to April 5, 2006.

So anything that was gone by then was gone for good, and he made no agreement to revive it. So the case was referred to the fifth circuit. The fifth circuit had 2 days of hearings and, according to Judge Porteous's counsel, provided unprecedented sanctions on the judge.

Do you know what those unprecedented sanctions are? That he has heard no cases and earned his entire salary for 3 years. He was paid his full salary for doing nothing. That is an enormous sanction that was placed upon him—a sanction I think many Americans would love to have, to be paid a Federal judicial salary for doing nothing. That was the sanction.

Counsel says he offered to retire. Well, why didn't he? Why didn't he 3 years ago retire from the bench? He could have. But the Judge's whole intent—which has been demonstrated throughout the procedural history by changing attorneys and moving for delays and continuances—has been to draw out the clock, to go another month with another Federal paycheck, to see if he can eke it out a little longer until he can get his full salary, his full retirement for life. There was nothing preventing this judge from retiring 3 years ago.

Turning to the claims made by counsel in article I, that the articles don't charge a kickback scheme, let me read from article I.

While he was a State court judge in the 24th Judicial District in the State of Louisiana, he engaged in a corrupt scheme with attorneys Amato and Creely whereby Judge Porteous appointed Amato's law partner as a curator in hundreds of cases, and thereafter requested and accepted from Amato and Creely a portion of the curator fees.

It says right here, he sent them the cases and thereafter requested and received a portion of money from those cases. If that is not a kickback, I don't know what is.

I guess counsel's real argument is, well, why didn't they use the term kickback? And because they didn't use the term that counsel would use in the charging instrument, therefore, you must acquit. That is not the law in impeachment cases, that we have to charge using a particular word. What we do have to do is set out the conduct.

Senator LEAHY asked: Well, what about perjury? We don't use the word perjury in the fourth article, but we set out in the fourth article that he made material false statements before the Senate, knowingly, willfully, and deliberately. That is perjury. So we don't use that particular word. We don't have to use that word. We don't have to charge a particular criminal statute. When we do use particular words, counsel takes issue; when we don't use particular words, counsel takes issue. What is the requirement here? That we charge him with high crimes and misdemeanors. And yes, those words do appear in the articles.

Now the gift. The wedding gift, as counsel calls it. You will notice from the portion he read to you, Mr. Amato never calls it a gift. Mr. Turley does, in his question. In fact, after Mr. Turley asked those questions, I asked both Creely and Amato: Was this a wedding present? Was this a wedding gift? And their answer was: Of course not.

Counsel has just said: Well, back in the fifth circuit, when Judge Porteous was explaining what happened, he didn't want to contradict his friends, or maybe he didn't have such a good recollection. So 3 years ago, during the fifth circuit when he said—he called it then a loan that he never paid back. But he didn't have as good a recollection 3 years ago as counsel does now

when he calls it a wedding gift. Well, no one has ever referred to this as a wedding gift. It was not a wedding present. It wasn't something they registered for.

In fact, the conversation in the testimony at trial was, Amato says: We are out on a fishing trip and he says, look, I invited too many guests to the wedding—this is where the wedding comes in. I invited too many guests to the wedding. I can't afford this. You got to help me out. Can you get me 2,000. Can you give me 2,000. Can you find me a way to get 2,000?

Does that sound like a gift to you? And you don't have to take my word for this or counsel's word. There were 12 Senators who sat through these days of testimony. Ask them if this was a wedding gift.

Counsel says: Well, these were just really close friends of the Judge. This was Uncle Jake and Uncle Bob. These were just close friends. Yet, look at the transcript of that recusal hearing where the judge says—because at that point he wants to distance himself—I don't really know these attorneys. Have we had lunch? Yes. But I have lunch with all the lawyers in the courthouse.

Have I ever been to their house? No. Well, that is odd. This is Uncle Bob and Uncle Jake. They are that close, according to counsel, but the judge has never been to their house? Clearly, from the point of the recusal hearing, where he is trying to show—trying to mislead the parties, he doesn't know these attorneys any better than any other attorneys he has lunch with. Then, it is one thing, but here it is Uncle Bob and Uncle Jake now.

Counsel says Creely denied that this was a relationship between the cash and the curators. That is simply not the case. If you look at Creely's testimony, he says the judge called him and was hitting him up for the curator money. When Creely says—the reason Creely doesn't like calling it a kickback, apart from the very self-serving and obvious reason, is, he says: I didn't ask for these curator cases; therefore, it can't be a kickback because I didn't want them. They were a nuisance. He says: The judge sent them to me because he wanted to hit me up for the money, but because we didn't have an agreement in advance, because he basically forced me to take these cases and then forced me to give him some of the money, therefore, it wasn't a kickback. I don't think that is how the definition of a "kickback" works.

Plainly, Creely testified that the judge understood the money was coming from the curatorships. Plainly, the judge knew it was a kickback, and if Creely doesn't want to admit it or call it that himself, that is exactly what it was. In fact, Amato testified that Creely came to him and said: Look, the judge is hitting me up for the curator money. What do we do?

Amato said: Well, let's just give it to him.

Basically, it wasn't going to cost them much. They are getting these cases. They are kicking back a portion of it, so they decide to do it.

Counsel makes the suggestion, again, he is being charged with being a moocher, he is being charged with having free lunches. Again, I encourage you to talk to the Senators who were there. As my comments about Senator JOHANNES earlier make clear, they are not about whether the judge was a moocher or had too many free lunches. This is about getting money from attorneys, this is about setting bonds not with the public interest in mind but to maximize the profit of a bail bondsman and get a lot of gifts and favors and trips and car repairs and everything else out of it.

Counsel makes the astounding claim that everybody in the case agreed that this is the best judge in Louisiana. God, I hope not. If that is the case, we are in much more serious trouble than any of us can imagine. But that was certainly not the testimony in this case.

Counsel says: Why weren't there records produced by the House of the curatorships? They could have gone and gotten the records. This is somewhat inexplicable because we did get the records. We went into the courthouse and got the boxes and found the record of these curator cases and we introduced records of hundreds of curator cases that were, in fact, assigned to Creely that were the subject of these thousands and thousands of dollars that were returned.

Counsel says: Well, the witnesses couldn't specify exactly how much—was it \$20,000, was it \$19,000, was it \$21,000—and, therefore, you can't believe they actually got the money.

The judge himself doesn't deny getting the money. You know why we can't be precise about whether it was \$19,000 or \$21,000 or \$20,000? Because as the witnesses said during the trial, they paid in cash so there would be no paper trail. I guess counsel is saying, if you pay in cash, you can never be charged or impeached because then the government can't prove exactly how many dollars went into your pocket.

Counsel then makes the claim that if you impeach him because he lied and misled people during the recusal hearing, what you are doing is impeaching a judge because of a judicial decision, and that erodes judicial independence, as if it were a disagreement with the case law on the motion, the case law on the opinion or his judicial philosophy. That is not what this is about. This is about taking money during a case. This is denying a motion, when you know you received money from the attorneys and lying about it. It is not about the merits of the cases you cite or your judicial philosophy or what the standard ought to be.

The judge set the right standard during the hearing. He understood exactly what was required of him. That is what makes it so egregious. He set out the standard, if you read that transcript, perfectly, and he said if anything should come up during the trial that should require me to take myself off the case, I will let you know and give you that opportunity.

So what happens? The case is under submission. As counsel points out, it was under submission for 3 years, and during that period does something happen that would cause an objective person to question his impartiality? Yes. He hits them up for 2,000 bucks and they give it to him. Does he do what he said he would do during that recusal hearing and give the parties a chance to ask him to get off the case? Of course not.

No, instead, counsel paints Porteous as a victim of this conspiracy to go through judge after judge in this hospital case. But, no, he is a hero. He is going to stay in there. He will not recuse himself. He will not let those parties manipulate the system. This is Judge Porteous as hero, occasionally as victim, but never as the abuser of the public trust that, in fact, he is. The fact that the opposing counsel who loses the recusal motion has to bring in another crony of the judge with an agreement that says: If you get the judge off the case, we will give you one hundred—100,000 bucks to start and 100,000 more if you get him off the case, it shows you how the system is corrupted by this judge. The other party has to bring in a crony for his side of the case.

Counsel says Mr. Amato testified that, well, he thought that Porteous was going to do the right thing—as if that makes it OK. I guess you have to ask: Well, what did Mr. Amato think the right thing was? I am sure he thought the right thing was he was going to rule for him. In fact, that is, of course, exactly what Judge Porteous does. He rules for Mr. Amato in an opinion that is excoriated by the court of appeals as being made out of whole cloth.

Counsel asks: Why didn't he recuse himself and that way his other crony would have gotten 100,000 bucks? If he did that, then Mr. Amato would lose \$500,000 to \$1 million because that is how much he stood to make in fees on the case. If he lost the case, he made nothing. If he won the case, he made \$½ million to \$1 million. So here the judge had to decide: Do I favor my one crony who stands to make 100 grand or my other crony who stands to make \$500 million. Well, he chose to stand by the crony who would make \$500 million.

Article II, this is about six lunches, counsel claims. This is the same issue that was raised with Senator JOHANNES. This is not about six lunches. Not even

the portion of article II which deals with Federal conduct is about six lunches. It is about a judge recruiting his successor into the same corruption scheme he was engaged in while he was a State judge, a recruitment that was successful. Judge Bodenheimer was recruited. He then went to work with the Marcottes, so he wouldn't deal with it until he was vouched to work by Judge Porteous, and then Judge Bodenheimer goes to jail. This is the character witness Judge Porteous calls during the trial, Judge Bodenheimer, who went to jail for almost 4 years for the same charges. If you look at the charges Judge Bodenheimer pled guilty to, it was having this arrangement with the bail bondsmen, where he would set bonds to maximize the profits of the bondsmen in exchange for these favors and gratuities.

Counsel says: Well, the House has said at one point it was not going to show that any particular bond was set too high or too low. Counsel did not mention the fact that what we were saying is, we weren't going to say this particular bond, in the case of Joe Smith, should have been \$50,000 higher or \$20,000 lower. No, we were not going to say in a particular case. What we were going to say was the arrangement with the bondsmen, as the evidence showed during trial, was that in each of the cases that went before the judge, the bondsman would say: This is where I can make the most money, set it at this point. That is what we said we would prove, and that is what we showed during the trial.

Counsel then says something to the effect that the Duhon expungement was downgraded. I don't know what that means. Mr. Duhon was called to testify. He testified about the fact—just like Wallace, the other expungement—he didn't hire an attorney, Mark Hunt did. He didn't tell the attorney anything. Mark Hunt arranged the whole thing. If you look at the transcripts of the expungements and the set-asides between the judge—when the judge sets aside these convictions of these two Marcotte employees, do you know what is striking about them? There is nothing said during the hearing. There is nothing said. There is no case made about why this person deserves to have their conviction set aside. The lawyer doesn't say: Judge, he has lived a good life, he has never had a problem with the law, he deserves this. It is silent. The judge just says: I am going to do this. I am setting aside this conviction under code section blah, blah, blah. There is no discussion; the judge doesn't want there to be. He doesn't want anybody listening or watching to read the transcript and to know what is going on.

Counsel can say: Well, there is nothing, per se, illegal about setting aside a conviction. In fact, the evidence during the trial showed the judge lacked the

power to set aside one of the convictions because Louisiana law says you can't set aside a conviction where the person has already started their sentence, and this person, Wallace, had already finished the sentence. But regardless of that, even if you believe somehow he had the power to ignore Louisiana law, the question is why? Why did he exercise that power? On this issue, counsel has never had an answer. The uncontradicted testimony was, the reason he exercised that power was because Marcotte asked him to, because Marcotte was doing him favors, and more than that, Duhon and Wallace were doing him favors, picking up his car, getting it washed, filling it with gas, and fixing the transmission, leaving \$300 buckets of shrimp for him, when he got back in his car, and bottles of vodka.

That is why he expunged the convictions, because Marcotte asked him to, because he was doing favors for the judge.

Counsel continues to make the assertion, which I can't understand, that somehow the conviction was not set aside after confirmation. The record is plain, that is exactly what happened. The conviction was set aside right after he was confirmed. There is no reason why that couldn't have been done before, except for the fact he didn't want you to find out about it. He didn't want you to know about his relationship with the Marcottes. That is the reason it was delayed, that is the reason it was concealed, that is the reason he said nothing about it, and that is the reason why the record corroborates exactly what Mr. Marcotte testified.

In article III counsel says: Yes, he filed under a false name. Various, during the proceedings earlier, in his written pleadings, counsel calls it a pseudonym. He filed under a pseudonym, as if it is a romance novel and he is using a pen name. During the trial, counsel said it was a typographical error. Now he says it is the lawyer's mistake.

This is not a situation where you have a layperson going to an expert lawyer and being advised of some arcane provision of bankruptcy law. This is a Federal judge with 20 years of experience and the lawyer concocts this scheme: Well, let's use a false name, and why don't you go out and get a P.O. box so we don't have to list your address, and the judge does this.

This is not advice of counsel. This is collusion. What is the judge's explanation for why he is entitled to file under a fake name? He doesn't want to embarrass himself, and I guess he doesn't want to embarrass his wife.

What does this mean; that if you are a Federal judge, you have a right to file under a false name under penalty of perjury because you don't want to be embarrassed? If you are an ordinary

citizen, you don't have that right. Is it only judges who are embarrassed by bankruptcy? You don't think a teacher who files bankruptcy is embarrassed or a banker who files bankruptcy or a baker or anyone else would be embarrassed if their neighbors or their employer or someone else finds out they have had to file bankruptcy? It is a very painful, embarrassing process for anyone, and a Federal judge doesn't have any more right than anyone else to use a fake name.

Counsel says: Well, no harm, no foul because he finished his bankruptcy proceeding and creditors got paid. He didn't want the notice in the paper, but the creditors all found out about it anyway.

Yes, the creditors found out about it because it went public. The hope was it never would. What the judge also wanted, in addition to avoiding the embarrassment, he didn't want the casinos to know. He didn't want the casinos to know because if the casinos knew—and they weren't listed as creditors, even though he continued to hand out his gambling chits and gamble—if they knew, they would deny him credit, and they wouldn't let him keep gambling, which is exactly what he did during the rest of the bankruptcy.

On article IV, counsel concedes that prior conduct can be impeached as long as it is during the confirmation process. So I guess they have waived any objection constitutionally to impeach on prior conduct for the purpose of article IV because, of course, article IV, the lying to the Senate, is during the confirmation process.

He says: Well, these questions were brought out, though. They were about embarrassing facts. He is focused on one word "embarrassing." But when you look at those forms and the questions you asked in the Senate, it is not just about embarrassment, it is: Are you aware of any negative information that may affect your confirmation? He answers: To the best of my knowledge, I am not aware of any negative information that might affect my confirmation. That is what he told you, and it will be your decision: Is that truth or is that a lie?

Now, counsel implies that it is impossible to know what that question really means. So I asked his own expert this during the trial: If information came out before confirmation that a candidate for judge took kickbacks from attorneys in exchange for the official act of sending curator cases, would, in your expert opinion, that be unfavorable information that would affect that nomination?

This was Professor Mackenzie:

If it were true, yes, it would be.

Question. It would kill the nomination, wouldn't it?

Answer. I think it probably would, yeah.

Question. And a reasonable person would understand that, wouldn't they?

Answer. Yes, I think so.

Question. That wouldn't require a level of insight of which no ordinary person is capable?

No, I agree with that. Yeah.

Question. If information came up before confirmation that the candidate set bail at amounts to maximize the profits of a bail bondsman—et cetera

Same answer to each of those questions. Their own expert said plainly that information is called for by that question. Their expert said: You have no right to lie. If you do not want to suffer the humiliation of revealing that you are corrupt, you know what you do—you withdraw your nomination. And, in fact, that is why these cases are rare. It is rare, frankly, that you do not find this information during the vetting process. But when it comes out, when the White House nominates someone and it comes out that there is a problem, do you know what happens? They withdraw. Now, they may withdraw and say, I have had second thoughts, or, I want to spend more time with my family, or for whatever reason. They do not have to say why. But that is what happens.

The confirmation process should not be a game of hide and seek with the Senate where if you can keep your illicit conduct or your corruption hidden from the Senate and get by that confirmation hearing, you are set for life. That is not the precedent we want to set. That was the view, the unanimous view, of the House of Representatives.

It will be for all of you to decide to what degree you want nominees in the future to feel that they can mislead the Senate, that they can conceal information about corrupt activity; if they can just get through the confirmation, they will be home free, they will be beyond the reach of impeachment. I think that is a careless path to go down as well.

When counsel summed up, he asked: Did he betray his office? I think that is the right question. I think hitting up attorneys, when you have a pending case worth millions, for \$2,000 cash, that is betraying your office. I think recruiting other judges into a corrupt scheme is betraying your office. I think lying to the Senate is a betrayal. I think lying to the bankruptcy court is a betrayal.

In the most plain terms, what does this mean, to violate the public trust? Let's say you do not impeach. What is someone walking into Judge Porteous's courtroom or any other judge in New Orleans or California or anywhere else to think? Do they think: Well, I guess I can file something under a false name because the judges do and that is all right. I guess maybe I need to see if I can pay the judge some cash or fill up his car or fix his radiator if I want them to rule in my favor.

Can anyone seriously go into Judge Porteous's courtroom after this without wondering those very things? Is that not the kind of abuse of the public

trust the Framers intended to provide a remedy for so that we would not have to continue to suffer someone on the bench who would damage the institution in that way?

We believe this conduct is beneath the dignity of anybody to serve on the bench. That is not only toward Judge Porteous, but it is toward all who serve with him and has raised profound questions certainly in one courthouse and probably many others about just who is sitting on the bench.

The remedy of impeachment is not punitive. It is not designed to punish Judge Porteous. Instead, it is designed to protect the institution. And I believe, on behalf of the House, it is not possible to protect the institution by deciding that this level of corruption is OK, that solicitation of cash is OK, that striking deals with bail bondsmen that don't take official acts in the public's best interest or public trust but on how to enrich the judge is OK. These things are not OK. These things are not just an appearance problem, as counsel suggests. This is unethical. This is criminal. And for the purposes of an impeachment proceeding, it is also a high crime and misdemeanor warranting removal.

Thank you.

The PRESIDENT PRO TEMPORE. All time has expired.

Questions have been submitted in writing. The clerk will now report the questions.

The legislative clerk read as follows:

Senator Franken to Mr. Turley: Isn't what happened before he was a Federal judge relevant if he subsequently lied about it?

Mr. TURLEY. Senator FRANKEN, what I would say is that we have agreed that if those lies occurred during a confirmation hearing, it was an act of perjury, then certainly you would have a potential impeachable offense.

I think that the line being drawn here is—I think this may be the thrust of your question—that if it is pre-Federal conduct, the answer is no. This body has stated in cases like Archbald that it will not consider pre-Federal conduct for a very good reason. The Constitution guarantees life tenure for good behavior in office. That is how the Framers defined it.

If you allow for the House to go back in this case three decades—three decades—and say: Look at all of these things you did before you became a judge, we are going to have a do-over. We think that now you should be removed because of those things, not because of what you did as a Federal judge. And I think there is a distinction. I believe that if there was perjury in the confirmation hearing—I don't think Mr. SCHIFF and I would disagree on that point. But there is a big difference. That is the constitutional Rubicon. That is where this body has never gone. And I do believe, if you

look at it objectively, you can see that the perils on that path are obvious and that this body should not go there. There are articles here that refer to Federal conduct, and you have every right to judge this man, but you should judge him as a judge for what he did to the office you gave him, and I think that is what the Framers intended.

The assistant legislative clerk read as follows:

Senator Specter to Mr. Turley: Why did Judge Porteous waive the statute of limitations? Did he think the move was a realistic possibility that he would have been exonerated?

Mr. TURLEY. Thank you, Senator SPECTER. I want to emphasize that with regard to statute of limitations, he waived the statute of limitations he was requested to waive. And the House has come forth and said—they said they still could not proceed in this area or that area. As I mentioned, they were able to do that with Bodenheimer. The statute of limitations was not a limitation.

The reason he did it is the same reason he went to the Fifth Circuit and said: I am not going to contest these facts. Whether I remember specifically how the money was given to me, as I recall, I was given money, and it was a gift, and it was a mistake. He said: I am not going to contest that, I am not going to fight that because it was wrong. And the same thing with the statute of limitations. He said: I am a judge, and if you can find a crime to charge me with, then you should do it.

That is the point of waiving a statute of limitations. There is no other point of waiving a statute of limitations. You take a risk. And, you know, you yourself, as a well-known defense attorney—well, a well-known litigator, I should say, as are many people in this room, usually you encourage people not to waive a statute of limitations because you don't know where it will lead. This judge decided he would. And ultimately, the Justice Department found that, in looking at all of the evidence, they couldn't bring a charge, and they certainly could not secure a verdict on that basis.

But I don't think there was anything sinister about waiving a statute of limitations. I mean, to the extent that you believe he waived it because he didn't think he could be charged with a crime, the answer, I think, is yes, he doesn't think he did commit a crime, and he waived it.

The legislative clerk read as follows:

Senator Merkley to Mr. Turley. Judge Porteous, while he had the Lifemark case under advisement, solicited a cash gift from an attorney (Amato) who represented one side of the dispute. He then accepted a \$2,000 gift from this attorney.

You have referred to this gift as only an appearance of a conflict of interest. How can parties to a case expect fair treatment from a judge if the judge solicits and receives a gift from an attorney on one side in a case?

Doesn't such a solicitation during a trial constitute a complete abandonment of impartiality and a fundamental abuse of the judge's position and a betrayal of the public trust?

Mr. TURLEY. Senator, first of all, I believe I agree with the sentiments that were expressed in that question. He should not have accepted the gift. That is why he accepted discipline. But it was an appearance of impropriety. That is how the court treated it. You can read the opinion by the dissenting judges and look into whether an appearance of impropriety should be an impeachable offense.

There is no suggestion it was a bribe. It is not alleged it was a bribe. And so what you have then is something that is classified as an appearance of impropriety, and an appearance of impropriety does all of the things that the question suggests. That is why you do not want appearances of impropriety, because it makes people uncertain as to whether the judge is being fair and unbiased. And he admitted to that. It was a mistake. But it was not during the trial. The trial was long over. This was years after the trial. But it was still a mistake. The case was still pending. And he should have realized that.

And, yes, we do refer to it as a wedding gift. I am not so sure why we are having the dispute because it was Amato who said—he raised the fact that he needed money to pay for his son's wedding, and the result of that is that Amato and Creely gave him \$2,000 cash. And it is true that they are friends with Timothy. It is true, you know—I am not surprised to hear a suggestion that Creely—that there might be an overstatement of the relationship. I suggest that you read the record. But they were very close to Timothy. But it does not excuse anything. That is why he accepted the punishment.

But words mean things in impeachments. You know, Mr. SCHIFF points out, why did we have to actually say "kickback"? Why are you making us say "kickback"? Just look at how these words hold together. Is this not what a kickback is? Well, yeah. And it can also be conspiracy, it could be mail fraud, it could be wire fraud, it could be a number of other things when you talk about corruption.

The reason we want you to say "kickback" or "bribe" is because it is a specific allegation. And one of those is mentioned actually in the Constitution itself.

By the way, the House managers knew that the issue before the Supreme Court was whether you are going to allege a kickback. So they knew that courts, in fact, turn down honest services for the failure to allege kickbacks, and they still did not mention it. Why? Because they wanted to use corruption.

So the point is, in answer to this question, that if it is not a kickback

and it is not a bribe, it is what the Court said it was in the Fifth Circuit—an appearance of impropriety. And that is not good. And Mr. SCHIFF and I will agree on this. No attorney wants a judge to do what was done in this case, and that is why he was disciplined, and he was disciplined harshly. That is the most severe discipline this court has handed down.

Mr. SCHIFF might, in fact, say: What is that? You do not get to be a judge? That is a lot because you are reprimanded by your colleagues. You are held up for ridicule. And I got to tell you, it is not something most people would want for themselves. It was an appearance of impropriety, and he was severely disciplined for it.

The PRESIDENT pro tempore. Are there any more questions?

The Chair recognizes the majority leader.

CLOSED SESSION

Mr. REID. Mr. President, I move that pursuant to impeachment rule 10, the Senate now close its doors to commence deliberations on the motions and impeachment articles and ask unanimous consent that floor privileges during the closed session be granted to the individuals listed on the document I now send to the desk.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The list is as follows:

IMPEACHMENT CLOSED SESSION

FLOOR PRIVILEGES

Parliamentarians: Alan Frumin, Elizabeth MacDonough, Peter Robinson, Leigh Hildebrand.

Legislative Clerks: Kathie Alvarez, John Merlino, MaryAnne Clarkson.

Journal Clerks: Scott Sanborn, William Walsh, Ken Dean.

Official Reporters: Valentin Mihalache, Pam Garland, Joel Breitner, Mark Stuart, Rebecca Eyster, Patrick Renzi, Julie Bryan and Paul Nelson.

Executive Clerk's Office: Jennifer Gorham. Majority Leader: Gavin Parke, Mike Castellano, Serena Hoy, Gary Myrick.

Republican Leader's Office: John Abegg.

Democratic Secretary's Office: Tim Mitchell, Tricia Engle, Meredith Mellody.

Republican Secretary's Office: Laura Dove, Jody Hernandez.

Senate Legal Counsel:

- 21. Morgan Frankel,
- 22. Pat Bryan,
- 23. Grant R. Vinik,
- 24. Thomas E. Caballero.

Senate Staff

- 25. Derron R. Parks,
- 26. Thomas L. Jipping,
- 27. Justin Kim,
- 28. Rebecca Seidel,
- 29. Erin P. Johnson,
- 30. Paul Lake Dishman, IV,
- 31. Susan Smelcer,
- 32. Stephen Hedger,
- 33. Chris Campbell,
- 34. Paige Herwig,
- 35. Stephen C.N. Lilley,
- 36. Justin G. Florence,
- 37. Matthew T. Nelson,
- 38. Thomas J. Maloney,
- 39. Nhan Nguyen,

- 40. Erica Soares,
- 41. Bryn Stewart,
- 42. Emily Ferris,
- 43. Michelle Weber,
- 44. Jason Bohrer,
- 45. Lori Hamamoto,
- 46. Van Luong,
- 47. Marie Blanco,
- 48. Leadership Staff,
- 49. Floor Staff.

The PRESIDENT pro tempore. The Senate will now close its doors and only Members and staff granted floor privileges shall remain.

The Sergeant at Arms will ensure the Chamber, the galleries, and the adjoining corridors are cleared of unauthorized persons.

(At 5:45 p.m., the doors of the Chamber were closed.)

(At 7:56 p.m., the doors of the Chamber were opened, and the open session of the Senate was resumed.)

LEGISLATIVE SESSION

Mr. REID. Mr. President, I ask unanimous consent that the Senate now move to legislative session.

The PRESIDING OFFICER (Mr. UDALL of Colorado). Without objection, it is so ordered.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators allowed to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO WALT RULFFES

Mr. REID. Mr. President, I rise today to recognize the lasting achievements of the Walt Rulffes. His recent retirement from the post of Superintendent of Clark County School District means that southern Nevada is losing one of its most versatile leaders. Walt's impressive ability to lead, while often having to make tough decisions, has garnered the respect of all Nevadans. His guidance of one of the Nation's fast-growing school districts through good times and bad, will never be forgotten.

Born in Long Island, NY, Walt was raised on a ranch in Washington State. He grew up with a love for literature and learning. Although childhood dreams revolved around becoming a

cowboy, he went on to obtain his M.B.A. from Gonzaga. Walt developed a background in Finance, which laid the foundation for later success. He also developed the ability to act decisively in a moment of need. Serving first as deputy superintendent of finance, then as interim superintendent, Walt eventually became the superintendent for the Clark County School District.

The Clark County School District is one of the country's largest local education agencies, serving over 300,000 students from a variety of backgrounds. Its superintendent, therefore, must be able to proficiently manage immense day-to-day activities as well as oversee financial affairs. Mr. Rulffes not only met these demands, but in fact exceeded all expectations. His success is mainly due to this fact: Walt has never forgotten the most important part of his job—the students. In one occasion, unsatisfied with the inconsistency of math teaching practices and tests, he implemented district-wide math textbooks and uniform testing to equip students with necessary mathematics skills for college. Scores improved and students are now much better prepared for college and careers. His focus on the development of career and technical schools likewise improved students' possibilities for education. Walt further implemented English language learning, ELL, programs and was a champion of the "Empowerment Schools," a program that grants school principals greater autonomy.

Serving as the head of Clark County School District, Walt was also forced to master the art of adaption. From year to year, the issues facing the school district were never quite the same. CCSD went from building over 100 new schools to accommodate new residents, to dealing with over \$250 million in budget cuts when the economic downturn hit. Through the highs and lows, Walt Rulffes has worked to give the school district, its teachers, and students the consistency that must accompany a quality education.

The recognition of his work has gone far beyond the borders of the Silver State. Just this year, he was one of the four finalists for National Superintendent of the Year, awarded by American Association of School Administrators. In making their selection, the judges cited student achievement, his empowerment program, fiscal responsibility, and staff development in the nation's fifth largest school district. I congratulate him on this honor and appreciate all the improvements he has brought to the district.

I join with my fellow Nevadans in honoring Walt for his great work as Superintendent of Clark County Schools. "My whole obsession in Nevada has been to increase the number and quality of our graduates," he once

noted. For that, we will always be grateful.

DREAM ACT

Mr. CORNYN. Mr. President, I rise today to discuss the upcoming cloture vote on the motion to proceed to the DREAM Act. I have great sympathy for students brought to the United States at a very young age who have no moral culpability for being in this country in violation of our laws. I have listened to many stories about how our broken immigration system has failed these students, and I have discussed this issue with many Hispanic leaders in Texas and across the Nation.

Last week, we learned that the unemployment rate went back up to 9.8 percent in November—and more than 15 million Americans cannot find a job. In the Hispanic community, things are even worse. The unemployment rate is up to an astonishing 13.2 percent the highest rate in 27 years. And it has been above double digits every month since the stimulus bill became law in February 2009.

That's why I agree with my Republican colleagues that the only items on our agenda during this lameduck session should be time-sensitive issues focused on the economy. Those time-sensitive issues include passing a continuing resolution to keep the government running, as well as preventing the largest tax hike in U.S. history. Everything else that can wait should wait until the new Congress convenes in January.

Nevertheless, I do have sympathy with students who would benefit from the DREAM Act. And that is why I voted for a version of this legislation in the Judiciary Committee in 2003. But as I said then and continue to say today: it is important to get the details right with sensitive legislation like this.

Unfortunately, the version of the DREAM Act before us has several problems we have identified previously over the last several years. Under this version of the DREAM Act, a 30-year-old illegal immigrant with only 2 years of post-high school education would be eligible for a green card—regardless of whether he or she ever earned a degree.

Under this version of the DREAM Act, a thirty year old illegal immigrant who has been convicted of two misdemeanors would be eligible for a green card—and let's remind ourselves that many misdemeanors are not minor offenses. In many States, they include: driving under the influence; drug possession; burglary; theft; assault; and many other serious crimes. In New York, "sexual assault of a minor in the third degree" is a misdemeanor offense. Someone with two convictions for any of these crimes would be eligible for a green card under this legislation. And that doesn't even

include people who are prosecuted for felonies—but who plead guilty to a misdemeanor as part of a plea agreement.

This version of the DREAM Act also has very weak protections against fraud. As we saw in 1986, any time we expand eligibility for an immigration benefit we will create a new opportunity for fraud if we are not careful. Yet this bill actually protects the confidentiality of a DREAM Act application—even if it contains false information.

These are just some of the problems in this version of the DREAM Act that should have been debated in the Judiciary Committee, and subject to amendment under the regular order. None of these concerns with the DREAM Act are new, by the way. Like other Senators, I have made clear for years my concerns about loopholes for convicted criminals as well as protections against fraud.

Washington's credibility is the obstacle to broader immigration reform and rushing a flawed version of the DREAM Act in a lameduck session will only weaken Washington's credibility even further.

I also believe that these tactics show a lack of respect for those of us who want to see credible immigration reform. We all know that the majority—as well as the White House—have not kept their promises on immigration reform. They clearly hope a last-minute push for the DREAM Act during a lameduck session will outweigh 2 years of inaction and broken promises on this issue. These tactics clearly represent political gamesmanship: a cynical attempt to play on the hearts and minds of those who want real reform.

I continue to believe that our Nation would benefit from the DREAM Act being introduced and debated in committee; amended to address concerns with the bill; and incorporated into a credible immigration reform package that begins with border security and can win the support of the American people.

That is the kind of approach we need—the kind of approach I hope we can get once the new Congress takes up its responsibilities in January.

TAX CUTS

Mr. CASEY. Mr. President, last weekend I voted for legislation that would extend tax cuts for all Pennsylvanians. This legislation also included a continuation of expired unemployment insurance, a series of tax incentives that have created jobs in Pennsylvania like the R&D tax credit, the biodiesel tax credit which is essential to companies like Hero BX in Erie, the new markets tax credit and the payroll tax credit known as the HIRE Act. I also voted for permanent extensions of the enhanced child tax credit

and earned income tax credit and the expanded adoption tax credit that I included in the health care reform law, all of which place money back into the pockets of working people across the Commonwealth.

According to the Pennsylvania Department of Revenue, out of 6.5 million filers in the Commonwealth in 2008, 98 percent had adjusted gross income below \$250,000. There is a consensus in Congress to extend tax cuts for these families. We should pass the middle income tax cuts, renew the job creation tax cuts and preserve unemployment insurance. We can then have a debate about the upper income tax breaks without using middle-income families and those laid off through no fault of their own as political bargaining chips. However, a long-term extension of tax cuts for upper income taxpayers, multimillionaires and billionaires, is not fiscally responsible for one reason: it adds hundreds of billions to the deficit without creating jobs or stimulating economic growth.

In recent months, I spoke to both business owners and economists to get their views on how Congress should handle the expiring tax provisions. What I learned is that certainty and consistency are needed when the economy is in such a fragile condition. We must reach a compromise. At most however, this might entail a short-term extension of upper income tax cuts and other ideas that could bring certainty without unduly increasing the deficit.

BOYS & GIRLS CLUBS

Mr. LEAHY. Mr. President, November and December bring with them a contagious holiday spirit. During a time when many Vermonters are struggling to feed their families and heat their homes, community members across Vermont are stepping forward to provide a helping hand to their neighbors. I am proud that Vermont takes to heart our country's great tradition of offering a helping hand to those in need.

While many of us were at home with our families this Thanksgiving, the staff and volunteers at the Vermont Boys & Girls Clubs of America were busy organizing food donations and cooking meals for the holiday to provide hot meals to those who might not otherwise have had a Thanksgiving dinner at all. In Rutland alone, the Boys & Girls Club cooked enough food to feed 100 people, with many of the ingredients donated by local farms. In Montpelier, the Washington County Youth Service Bureau and Boys & Girls Clubs staff and volunteers prepared turkey dinners to feed homeless Vermonters and financially secure residents alike, producing a real community dinner.

In these tough economic times, community resources are vital to the well-

being of all Vermonters. As these resources become scarcer, donations and volunteers become indispensable. Rutland and Montpelier are just a few examples of where Vermonters are volunteering in their communities this holiday season. I am proud to call Vermont home and to count these volunteers among my friends and neighbors. I commend them and all those who donated food for Thanksgiving meals, and I applaud all those who voluntarily step forward throughout the year to take the time to attend to the support and safety of Vermont's children and families.

I ask unanimous consent that press articles detailing the work of the Vermont Boys & Girls Clubs and volunteers be printed in the RECORD. These articles include "Boys and Girls Club serves local Thanksgiving dinner" published by the Rutland Herald on November 24, 2010, and "Thanksgiving Volunteers deliver—with community spirit—in Montpelier," published by the Times Argus on November 26, 2010.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Rutland Herald, Nov. 24, 2010]

BOYS AND GIRLS CLUB SERVES LOCAL THANKSGIVING DINNER

(By Lucia Suarez)

The Boys and Girls Club of Rutland County hosted the annual Thanksgiving dinner as part of its food program, serving traditional Thanksgiving foods using local ingredients on Tuesday. Chef Ian Vair, food coordinator for the Boys and Girls Club, used mostly local ingredients donated through the Rutland Area Farm and Food Link as part of this year's Localvore Challenge.

Radical Roots Farm, Boardman Hill Farm in West Rutland, and Clark Farm in Wells donated all the food, he said.

Vair served roasted turkey, garlic mashed potatoes, stuffing, kale au gratin (in bechamel cream sauce), butternut squash casserole and Dutch apple pie to more than 50 hungry kids and their families. "We made enough for leftovers, enough food to feed about 100 people," Vair said. "It's two days of work."

Using the local ingredients for the dinner is part of the club's Localvore Challenge in collaboration with Sustainable Rutland. The challenge for Thanksgiving is to see how much of people's holiday dinner is from local ingredients, said Jim Sabatasso, coordinator for Sustainable Rutland. Local is defined as a 100-mile radius. "Thanksgiving is so much about the harvest," Sabatasso said.

Thirty families have signed up for the Localvore Challenge in Rutland, Sabatasso said. Using local foods is key for Vair, who tries to incorporate healthy carbohydrates and fresh vegetables to the meals he prepares at the club every day, he said. "I try to have fresh veggies in every meal," Vair said. "A lot of these kids are used to canned crap and they try fresh stuff and like it more."

Vair said the casserole is traditionally made with sweet potatoes but he used the butternut squash because it was available locally. Twelve-year-old Chyna Cast thought the food was great, her favorite being the garlic mashed potatoes, she said. "I think it's really good," Chyna said. "Actually, I think it's amazing."

The mashed potatoes seemed to be the biggest hit of the night. "I can have a mountain of potatoes on my plate for Thanksgiving," said Brooke Nuckles, director of the Center, an outreach program for 16-to-21-year-old members.

Through the food, Vair teaches the club's youths, especially those from the ages of 16 to 21, skills about cooking and the importance of healthy eating, he said. For the Thanksgiving dinner, kids from the 6-to-15-year-old group helped chef Vair make the pies and slice the bread for the stuffing. "It's great to see the kids, with their aprons on five nights a week in the kitchen," Nuckles said. "We are so thankful to the farmers of Vermont and lucky to have access to all the food."

[From the Times Argus, Nov. 26, 2010]

THANKSGIVING VOLUNTEERS DELIVER—WITH COMMUNITY SPIRIT—IN MONTPELIER

(By Peter Hirschfeld)

Montpelier—For 364 days a year, the Washington County Youth Service Bureau/Boys and Girls Club operates programs that bring stability to the lives of local children and teenagers. But every Thanksgiving, the organization's 40-member staff transforms into a full-service catering crew.

Since 1972, the Youth Service Bureau has cooked up one of the best-attended free dinners in the state on a holiday devoted to food. On Thursday, in the festively decorated basement of the Bethany Church in Montpelier, diners enjoyed a meal made possible by hundreds of hours of volunteer labor.

"Look at this place—it's absolutely full," said Montpelier City Councilor Jim Sheridan. "Especially in these times, there's a need for something where the disabled, the disadvantaged, the needy, can come together, socialize and enjoy a good meal. It's just a wonderful thing."

Karena LaPan, a receptionist at the Youth Service Bureau, was the organizing force behind this year's meal. More than 200 people ate turkey and all the traditional fixings at Bethany Thursday afternoon. The Youth Service Bureau delivered another 290 prepared dinners to residents across the city. "It's unbelievable how many people are willing to donate time, money or food to making this possible," LaPan said. "We all get a lot of enjoyment out of it."

Volunteers roasted about 35 turkeys this week to get ready for the event. On Wednesday, Youth Service Bureau staff spent the day in the Bethany kitchen over steaming kettles of potatoes, squash and other Thanksgiving standbys. Kreig Pinkham, executive director of the Youth Service Bureau, said the all-inclusive meal draws financially secure residents eager to break bread with neighbors, as well as more vulnerable people who wouldn't be able to afford it otherwise.

"It's a wonderful mix we get here," Pinkham said. "We get the homeless population coming in as well as families who don't want to make a full meal at home. It creates a really rich environment that's satisfying to be a part of."

Washington County Senator Bill Doyle had a full turkey leg with lots of gravy on his plate shortly after noon Thursday. It was his 12th consecutive Thanksgiving dinner at Bethany and he said that difficult economic times have made efforts like these even more important. "You can see the difficult times reflected in the number of people here today

and the enthusiasm they have for a meal like this," Doyle said. "It says something about the community, this church and the Washington County Youth Service Bureau that this is available for whoever wants to come enjoy it."

Sheridan said events like the one Thursday are part of what make him proud to live in the Capital City.

NATIONAL ALZHEIMER'S PROJECT ACT

Mr. BAYH. Mr. President, I rise today to commend members of the Senate Committee on Health, Education, Labor, and Pensions and Members of the Senate for their support of the National Alzheimer's Project Act, S. 3036. In particular, the committee was helpful in strengthening the National Alzheimer's Plan and the annual reporting requirements to Congress that include the articulation of goals, benchmarks, priorities, recommendations, and tracking outcomes.

This legislation is focused on changing the devastating trajectory of Alzheimer's disease for our families and our economy. Alzheimer's disease is a debilitating illness that affects more than 5 million Americans and their families every day. The growing number of Americans expected to be affected by this disease, which is estimated to reach up to 16 million people by 2050, will continue to place an enormous burden on families and loved ones, not to mention the serious fiscal consequences to consider if we do not act now to address this disease. If nothing is done, studies report that Alzheimer's disease will cost the United States \$20 trillion over the next 40 years.

With no current plan to address Alzheimer's, this important piece of legislation would lay the foundation to coordinate all Federal Alzheimer's programs and initiatives, including research, clinical care, institutional cared home- and community-based programs. The bill also ensures that a national Alzheimer's plan will be implemented by the agencies and Congress.

This bill will leverage existing leadership to offer real solutions to the Alzheimer's crisis. The National Alzheimer's plan called for in this bill will, for the first time, articulate what outcomes the Federal Government is seeking to reduce the impact of this crisis. It would allow Congress to assess whether the Nation is meeting the challenges of the disease for families, communities, and the economy. It would give all stakeholders an answer the fundamental question, "Was this a good or a bad year in the fight against Alzheimer's?"

The National Alzheimer's Plan will include appropriate performance measures and benchmarks to allow legislators to evaluate progress in the fight against Alzheimer's. The assessment and priority recommendations will

likely address issues such as the underinvestment in Alzheimer's research. By addressing Alzheimer's disease and dementia directly, the National Alzheimer's Plan will also call attention to the many steps that can be taken to improve recognition, diagnosis and care for people with these conditions, reduce symptom severity, support family caregivers, and encourage "healthy brain" behaviors that may reduce risk for these conditions.

With the leadership of the Federal Government and input from all stakeholders, including Alzheimer's patient advocates, health care providers, State health departments, voluntary health associations, and researchers, this bill would allow an opportunity for all worthy entities addressing Alzheimer's, including organizations at the State and at the national level, to come together on advisory council to make recommendations and implement a national strategic plan to overcome this dreadful disease. The advisory council will also ensure buy-in, leadership, and coordination of all related Federal agencies conducting Alzheimer-related care, services, and research.

One of the principal objectives of the advisory council is to represent a broad range of expert stakeholders within the Alzheimer's community to provide input and recommendations to the Federal Government on a national strategic direction for combating Alzheimer's disease. When crafting this legislation, the sponsors were careful to include patient advocates, caregivers, and providers who serve at the front lines of Alzheimer's care and who understand on a personal level the toll of this disease on patients and their families. Additionally, sponsors of S. 3036 included representatives of State health departments and Alzheimer's researchers who have expertise regarding the impact of this disease on public health as well as the state of the science in discovering prevention methods, treatments, and cures. Lastly, sponsors sought to include national voluntary health associations on the council, who provide invaluable research, care, support services, and advocacy tools for patients, caregivers, and local organizations throughout the country. It is our intent that two national organizations have representation on the council.

The threat that Alzheimer's disease poses to the health and wellbeing of our Nation demands an aggressive and well-coordinated response. This bill creates the first-ever national plan to combat Alzheimer's and ensures that every dollar spent on the disease will be used to get the best possible care for patients. At a time when medical research funds are too scarce and we are struggling to provide quality health care for all Americans, for the first time we will be able to assess all Federal efforts related to Alzheimer's dis-

ease, ensure existing resources are maximized, enhance the delivery of quality care, and support the kind of research that will one day result in a cure for this devastating disease.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-8339. A communication from the Secretary of Commerce, transmitting, pursuant to law, a report relative to the continuation of a national emergency declared in Executive Order 13222 with respect to the lapse of the Export Administration Act of 1979; to the Committee on Banking, Housing, and Urban Affairs.

EC-8340. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Spirochamine; Pesticide Tolerances" (FRL No. 8850-9) received in the Office of the President of the Senate on November 30, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC-8341. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Metrafenone; Pesticide Tolerances" (FRL No. 8854-6A) received in the Office of the President of the Senate on December 1, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC-8342. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "N,N,N',N'-Tetrakis-(2-Hydroxypropyl) Ethylenediamine (NTHE); Exemption from the Requirement of a Tolerance" (FRL No. 8851-8) received in the Office of the President of the Senate on November 29, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC-8343. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Polyoxyalkylated Glycerol Fatty Acid Esters; Tolerance Exemption" (FRL No. 8852-2) received in the Office of the President of the Senate on November 29, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC-8344. A communication from the Director, National Institute of Food and Agriculture, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Establishment of New Agency; Revision of Delegations of Authority" (RIN0524-AA63) received in the Office of the President of the Senate on December 6, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC-8345. A communication from the Under Secretary of Defense (Acquisition, Technology and Logistics), transmitting, pursuant to law, five Selected Acquisition Reports (SARs) for the quarter ending September 30, 2010; to the Committee on Armed Services.

EC-8346. A communication from the Assistant Secretary, Bureau of Political-Military

Affairs, Department of State, transmitting, pursuant to law, an addendum to a certification, transmittal number: DDTC 10-113, of the proposed sale or export of defense articles, including technical data, and defense services to a Middle East country regarding any possible affects such a sale might have relating to Israel's Qualitative Military Edge over military threats to Israel; to the Committee on Armed Services.

EC-8347. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; Extension of Attainment Date for the Atlanta, Georgia 1997 8-Hour Ozone Moderate Nonattainment Area" (FRL No. 9234-2) received in the Office of the President of the Senate on November 30, 2010; to the Committee on Environment and Public Works.

EC-8348. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; Georgia: Stage II Vapor Recovery" (FRL No. 9234-4) received in the Office of the President of the Senate on November 30, 2010; to the Committee on Environment and Public Works.

EC-8349. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; North Carolina: Hickory-Morganton-Lenoir; Determination of Attaining Data for the 1997 Fine Particulate Matter Standard; Correction" (FRL No. 9235-5) received in the Office of the President of the Senate on December 1, 2010; to the Committee on Environment and Public Works.

EC-8350. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; North Carolina: Greensboro-Winston-Salem-High Point; Determination of Attaining Data for the 1997 Fine Particulate Matter Standard; Correction" (FRL No. 9235-4) received in the Office of the President of the Senate on December 1, 2010; to the Committee on Environment and Public Works.

EC-8351. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Addition of National Toxicology Program Carcinogens; Community Right-to-Know Toxic Chemical Release Reporting" (FRL No. 9231-5) received in the Office of the President of the Senate on November 29, 2010; to the Committee on Environment and Public Works.

EC-8352. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Air Quality Designations for the 2008 Lead (Pb) National Ambient Air Quality Standards" (FRL No. 9230-4) received in the Office of the President of the Senate on November 29, 2010; to the Committee on Environment and Public Works.

EC-8353. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; New Mexico; Interstate Transport of Pollution" (FRL No. 9230-3) received in the Office of the President of the Senate on November 29, 2010; to the Committee on Environment and Public Works.

EC-8354. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Maryland; Control of Volatile Organic Compound Emissions From Industrial Solvent Cleaning Operations; Withdrawal of Direct Final Rule" (FRL No. 9231-9) received in the Office of the President of the Senate on November 29, 2010; to the Committee on Environment and Public Works.

EC-8355. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Ohio; Ohio Portion of the Cincinnati-Hamilton Area; 8-hour Ozone Maintenance Plan" (FRL No. 9232-2) received in the Office of the President of the Senate on November 29, 2010; to the Committee on Environment and Public Works.

EC-8356. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Indiana; Clean Air Interstate Rule" (FRL No. 9232-3) received in the Office of the President of the Senate on November 29, 2010; to the Committee on Environment and Public Works.

EC-8357. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; Idaho" (FRL No. 9231-1) received in the Office of the President of the Senate on November 29, 2010; to the Committee on Environment and Public Works.

EC-8358. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; Oklahoma; State Implementation Plan Revisions for Interstate Transport of Pollution, Prevention of Significant Deterioration, Nonattainment New Source Review, Source Registration and Emissions Reporting and Rules of Practice and Procedure" (FRL No. 9230-2) received in the Office of the President of the Senate on November 29, 2010; to the Committee on Environment and Public Works.

EC-8359. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Disapproval and Promulgation of Air Quality Implementation Plans; Indiana; Addition of Incentive for Regulatory Flexibility for its Environmental Stewardship

Program" (FRL No. 9231-8) received in the Office of the President of the Senate on November 29, 2010; to the Committee on Environment and Public Works.

EC-8360. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; Idaho" (FRL No. 9231-2) received in the Office of the President of the Senate on November 29, 2010; to the Committee on Environment and Public Works.

EC-8361. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Regulation of Fuels and Fuel Additives: 2011 Renewable Fuel Standards" (FRL No. 9234-6) received in the Office of the President of the Senate on November 30, 2010; to the Committee on Environment and Public Works.

EC-8362. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Mandatory Reporting of Greenhouse Gases" (FRL No. 9234-7) received in the Office of the President of the Senate on November 30, 2010; to the Committee on Environment and Public Works.

EC-8363. A communication from the Deputy Secretary of Defense, transmitting, pursuant to law, the Department's Office of Inspector General's Semiannual Report for the period of April 1, 2010 through September 30, 2010; to the Committee on Homeland Security and Governmental Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LIEBERMAN, from the Committee on Homeland Security and Governmental Affairs, with an amendment in the nature of a substitute:

H.R. 2142. To require quarterly performance assessments of Government programs for purposes of assessing agency performance and improvement, and to establish agency performance improvement officers and the Performance Improvement Council.

By Mr. HARKIN, from the Committee on Health, Education, Labor, and Pensions, with an amendment in the nature of a substitute:

S. 1275. A bill to establish a National Foundation on Physical Fitness and Sports to carry out activities to support and supplement the mission of the President's Council on Physical Fitness and Sports.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. MENENDEZ (for himself, Mr. LUGAR, and Mr. LEAHY):

S. 4011. A bill to establish the Western Hemisphere Drug Policy Commission; to the Committee on Foreign Relations.

By Mr. KOHL:

S. 4012. A bill to improve the employability of older Americans; to the Committee on Finance.

By Ms. KLOBUCHAR (for herself, Mr. THUNE, and Ms. STABENOW):

S. 4013. A bill to direct the Secretary of Transportation to promulgate a rule to improve the daytime and nighttime visibility of agricultural equipment that may be operated on a public road; to the Committee on Commerce, Science, and Transportation.

By Ms. CANTWELL (for herself, Mrs. MURRAY, Ms. MURKOWSKI, and Mr. BEGICH):

S. 4014. A bill to provide for the replacement or rebuilding of a vessel for the Non-American Fisheries Act trawl catcher processors that comprise the Amendment 80 fleet; to the Committee on Commerce, Science, and Transportation.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. McCONNELL:

S. Res. 696. A resolution making minority party appointments for certain committees for the 111th Congress; considered and agreed to.

ADDITIONAL COSPONSORS

S. 2982

At the request of Mr. KERRY, the name of the Senator from Delaware (Mr. COONS) was added as a cosponsor of S. 2982, a bill to combat international violence against women and girls.

S. 3039

At the request of Mr. UDALL of New Mexico, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 3039, a bill to prevent drunk driving injuries and fatalities, and for other purposes.

S. 3797

At the request of Mrs. GILLIBRAND, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 3797, a bill to amend the Foreign Assistance Act of 1961 to provide assistance for developing countries to promote quality basic education and to establish the achievement of quality universal basic education in all developing countries as an objective of United States foreign assistance policy, and for other purposes.

S. 3881

At the request of Mr. CARDIN, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 3881, a bill to require the Secretary of State to identify individuals responsible for the detention, abuse, or death of Sergei Magnitsky or for the conspiracy to defraud the Russian Federation of taxes on corporate profits through fraudulent transactions and lawsuits against Hermitage, and to impose a visa ban and certain financial measures with respect to such individuals, until the Russian Federation has thoroughly investigated the death of Sergei Magnitsky and brought the Rus-

sian criminal justice system into compliance with international legal standards, and for other purposes.

S. 3919

At the request of Mr. HATCH, the names of the Senator from Utah (Mr. BENNETT) and the Senator from Arizona (Mr. MCCAIN) were added as cosponsors of S. 3919, a bill to remove the gray wolf from the list of threatened species or the list of endangered species published under the Endangered Species Act of 1973, and for other purposes.

S. 3978

At the request of Mr. JOHNSON, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 3978, a bill to ensure that home health agencies can assign the most appropriate skilled service to make the initial assessment visit for home health services for Medicare beneficiaries requiring rehabilitation therapy under a home health plan of care, based upon physician referral.

S. 3984

At the request of Mr. REED, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 3984, a bill to amend and extend the Museum and Library Services Act, and for other purposes.

S. CON. RES. 63

At the request of Mr. JOHNSON, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. Con. Res. 63, a concurrent resolution expressing the sense of Congress that Taiwan should be accorded observer status in the International Civil Aviation Organization (ICAO).

S. RES. 680

At the request of Mr. KERRY, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. Res. 680, a resolution supporting international tiger conservation efforts and the upcoming Global Tiger Summit in St. Petersburg, Russia.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Ms. CANTWELL (for herself, Mrs. MURRAY, Ms. MURKOWSKI, and Mr. BEGICH):

S. 4014. A bill to provide for the replacement or rebuilding of a vessel for the Non-American Fisheries Act trawl catcher processors that comprise the Amendment 80 fleet; to the Committee on Commerce, Science, and Transportation.

Ms. CANTWELL. Mr. President, I rise today to introduce a technical corrections bill relating to the replacement of vessels in the Washington and Alaska non-pollock groundfish trawl catcher-processor fleet.

In Washington State, our history is based on a rich maritime tradition that contributes as much as \$3 billion to the

State's economy each year. There are 3,000 vessels in Washington's fishing fleet that employ 10,000 fishermen. Seafood processors employ another 3,800 Washingtonians. And fish wholesalers employ an additional 1,000 people.

Each year thousands of fishermen risk their lives on the high seas attempting to provide food for American families and for the world. All too often, however, the vessels fishermen use are old, antiquated, and sometimes even unsafe.

It's that very concern about fishing safety that moved this Congress to pass new, more stringent fishing vessel safety requirements through the Coast Guard Authorization Act of 2010, which was signed into law by President Obama on October 15 of this year.

Our work, though, is far from done.

The bill I am introducing today is designed to clarify an ambiguity in the law that some believe could prevent fishermen in the Washington and Alaska non-pollock groundfish trawl catcher-processor fleet from replacing old, unsafe vessels with new ones. The North Pacific Fishery Management Council and U.S. Department of Commerce are currently taking action to promulgate regulations that would allow vessel replacement in this fleet. The Federal Government believes it has that authority, and I agree with that conclusion. Because of ambiguity in the law, however, my colleagues and I are introducing this legislation today to erase any uncertainty or ambiguity on whether the Government has the legal authority and ability to embark on its current course of action. Congress certainly never meant to prevent the replacement of old, unsafe vessels with new or refurbished ones, and where additional clarity is sought on that question, Congress should provide it.

By adopting this bill, we can improve fishing safety by providing the legal and financial clarity necessary for these vessels to be rebuilt and replaced. In a rapidly-aging fleet that has already experienced the tragedy of ships and men lost at sea, it is the least that we owe them—the means to prevent such tragedies from happening again in the future.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the additional material was ordered to be printed in the RECORD, as follows:

S. 4014

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REPLACEMENT VESSEL.

Notwithstanding any other provision of law, the Secretary of Commerce may promulgate regulations that allow for the replacement or rebuilding of a vessel qualified under subsections (a)(7) and (g)(1)(A) of section 219 of the Department of Commerce and Related Agencies Appropriations Act, 2005 (Public Law 108-447; 188 Stat. 886-891).

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 696—MAKING MINORITY PARTY APPOINTMENTS FOR CERTAIN COMMITTEES FOR THE 111TH CONGRESS

Mr. MCCONNELL submitted the following resolution; which was considered and agreed to:

S. RES. 696

Resolved, That the following be the minority membership on the following committees for the remainder of the 111th Congress, or until their successors are appointed:

COMMITTEE ON ARMED SERVICES: Mr. McCain, Mr. Inhofe, Mr. Sessions, Mr. Chambliss, Mr. Graham, Mr. Thune, Mr. Wicker, Mr. LeMieux, Mr. Brown, Mr. Burr, Mr. Vitter, Ms. Collins, and Mr. Kirk.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS: Ms. Collins, Mr. Coburn, Mr. Brown, Mr. McCain, Mr. Voinovich, Mr. Ensign, Mr. Graham, and Mr. Kirk.

COMMITTEE ON VETERANS' AFFAIRS: Mr. Burr, Mr. Isakson, Mr. Wicker, Mr. Johanns, Mr. Brown, Mr. Graham, and Mr. Kirk.

AMENDMENTS SUBMITTED AND PROPOSED

SA 4735. Mr. ALEXANDER submitted an amendment intended to be proposed by him to the bill S. 3991, to provide collective bargaining rights for public safety officers employed by States or their political subdivisions; which was ordered to lie on the table.

SA 4736. Mr. CARDIN (for himself and Ms. MIKULSKI) submitted an amendment intended to be proposed by him to the bill S. 3454, to authorize appropriations for fiscal year 2011 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table.

SA 4737. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill S. 3454, supra; which was ordered to lie on the table.

SA 4738. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill S. 3454, supra; which was ordered to lie on the table.

SA 4739. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill S. 3454, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 4735. Mr. ALEXANDER submitted an amendment intended to be proposed by him to the bill S. 3991, to provide collective bargaining rights for public safety officers employed by States or their political subdivisions; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ GUARANTEEING PUBLIC SAFETY AND LOCAL CONTROL OF TAXES AND SPENDING.

Notwithstanding any State law or regulation issued under section 4, no collective-

bargaining obligation may be imposed on any political subdivision or any public safety agency, and no contractual provision may be imposed on any political subdivision or public safety agency, if either the principal administrative officer of such public safety agency, or the chief elected official of such political subdivision certifies that the obligation, or any provision would be contrary to the best interests of public safety; or would result in any increase in local taxes, or would result in any decrease in the level of public safety or other municipal services.

SA 4736. Mr. CARDIN (for himself and Ms. MIKULSKI) submitted an amendment intended to be proposed by him to the bill S. 3454, to authorize appropriations for fiscal year 2011 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title III, add the following:

SEC. 349. USE OF NONAPPROPRIATED FUND INSTRUMENTALITY ACTIVITIES OF THE UNITED STATES NAVAL ACADEMY BY THE PUBLIC.

(a) USE OF ACTIVITIES AUTHORIZED.—Section 6971 of title 10, United States Code, is amended—

(1) by redesignating subsections (c), (d), and (e), as subsections (d), (e), and (f), respectively; and

(2) by inserting after subsection (b) the following new subsection (c):

“(c) USE OF ACTIVITIES BY THE PUBLIC.—(1) Except as provided in paragraph (2), the Superintendent may authorize the utilization by non-Department of Defense persons of the Naval Academy activities referred to in subsection (b), and any other nonappropriated fund instrumentalities of the Naval Academy, to the extent that the utilization of such activities or instrumentalities by such persons does not interfere with the mission of the Naval Academy.

“(2) A Naval academy activity or nonappropriated fund instrumentality may not be utilized by a person under paragraph (1) for any fund-raising activities.

“(3) Any use of a Naval Academy activity or nonappropriated fund instrumentality by a person under paragraph (1) shall be on a reimbursable basis.”

(b) CREDITING OF REVENUE.—Subsection (e) of such section, as redesignated by subsection (a)(1) of this section, is further amended by inserting “, including any reimbursements under subsection (c),” after “in subsection (b)”.

(c) CONFORMING AMENDMENT.—Subsection (e) of such section, as so redesignated, is further amended by striking “subsection (c)” and inserting “subsection (d)”.

SA 4737. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill S. 3454, to authorize appropriations for fiscal year 2011 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title III, add the following:

SEC. 349. REPORT ON ACTIONS TO ADDRESS FORCE PROTECTION DEFICIENCIES AT THE JOINT SPECTRUM CENTER.

(a) REPORT REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the actions taken to address vulnerabilities and other force protection deficiencies identified at the Joint Spectrum Center in the Balanced Survivability and Integrated Vulnerability Assessment (BSIVA) conducted by the Defense Threat Reduction Agency in January 2010.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) A description of the actions taken to address vulnerabilities and other force protection deficiencies identified at the Joint Spectrum Center in the assessment referred to in subsection (a).

(2) A listing of each action proposed in the assessment that has not been completed as of the date of the report, and, for each such action, a plan to complete such action and a schedule for the completion of such action.

(3) A description and estimate of the costs of various options to ensure adequate levels of antiterrorism protection and force protection for military personnel and civilians at the Joint Spectrum Center, including appropriate adjustments of leases and the relocation of the functions of the Joint Spectrum Center onto a military installation.

(4) A certification by the Secretary of Defense whether the antiterrorism and force protection measures undertaken at the Joint Spectrum Center, and the associated risks, are consistent with the levels of protection, and associated risks, of other Department of Defense personnel.

(5) A description of actions taken to implement the finding of the Defense Base Closure and Realignment Commission that increased military value would be realized through the relocation of the Joint Spectrum Center to Fort Meade, Maryland, including, as applicable, an explanation of the reasons such relocation has not occurred.

(6) A description of any long-term plans to relocate the Joint Spectrum Center.

SA 4738. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill S. 3454, to authorize appropriations for fiscal year 2011 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XXVII, add the following:

SEC. 2704. TRANSFER OF NEW BEGINNINGS YOUTH DEVELOPMENT CENTER AS PART OF REDEVELOPMENT OF WALTER REED ARMY MEDICAL CENTER.

(a) FINDINGS.—Congress makes the following findings:

(1) The Walter Reed Army Medical Center in the District of Columbia is scheduled to close by September 15, 2011, as part of the 2005 round of defense base closure and realignment, and will be divided into three sections for transfer out of Army control.

(2) Approximately 34 acres of the Walter Reed Army Medical Center are scheduled to transfer to the Government Services Administration and approximately 18 acres are scheduled to transfer to the Department of State as part of the closure.

(3) The remaining approximately 61 acres will transfer out of Federal control via the local redevelopment authority (LRA) process.

(4) The District of Columbia Office of the Deputy Mayor for Economic Development is acting as the LRA for the Walter Reed Army Medical Center, with all actions overseen by an LRA board consisting of public officials and private citizens.

(5) The District of Columbia LRA is in the process of developing a redevelopment plan that recommends how the buildings and land at the Walter Reed Army Medical Center are to be reused. The redevelopment plan is required to be submitted to the Army for approval by December 5, 2010.

(b) **TRANSFER OF NEW BEGINNINGS YOUTH DEVELOPMENT CENTER.**—

(1) **REQUIREMENT TO INCLUDE TRANSFER AS PART OF REDEVELOPMENT PLAN.**—Not later than December 5, 2010, the Office of Deputy Mayor for Economic Development of the District of Columbia, in its capacity as the local redevelopment authority in connection with the closure of the Walter Reed Army Medical Center as part of the 2005 round of defense base closure and realignment, shall include as part of the redevelopment plan for such facility the complete transfer to the facility of the New Beginnings Youth Development Center, operated by the Department of Youth Rehabilitation Services of the District of Columbia, currently located in Laurel, Maryland.

(2) **SECRETARY OF THE ARMY APPROVAL.**—The Secretary of the Army may not accept or approve a redevelopment plan for the Walter Reed Army Medical Center that does not provide for the transfer described in paragraph (1).

SA 4739. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill S. 3454, to authorize appropriations for fiscal year 2011 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle J of title V, add the following:

SEC. 594. EXTENSION OF DEADLINE FOR SUBMISSION OF FINAL REPORT OF MILITARY LEADERSHIP DIVERSITY COMMISSION.

Section 596(e)(1) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417; 122 Stat. 4478) is amended by striking “12 months” and inserting “18 months”.

ORDER OF PROCEDURE

Mr. REID. Mr. President, I ask unanimous consent that on Wednesday, December 8, upon the conclusion of the impeachment trial, the Senate stand in recess subject to the call of the Chair; that upon reconvening, the Senate then resume consideration of the motion to proceed to Calendar No. 662, S. 3991, and that the time until 12:30 p.m. be equally divided and controlled between the leaders or their designees; that at 12:30 p.m., the Senate stand in recess until 3:30 p.m.; that upon reconvening at 3:30 p.m., there be an addi-

tional 30 minutes of debate, divided as specified above; further, that upon the use or yielding back of time, the Senate proceed to vote on the motion to invoke cloture on the motion to proceed to Calendar No. 662; further, if there are back-to-back votes with respect to the cloture motions, that there be 4 minutes of debate equally divided and controlled in the usual form prior to each vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

EARLY HEARING DETECTION AND INTERVENTION ACT OF 2010

Mr. REID. Mr. President, I ask unanimous consent that we now proceed to Calendar No. 673.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 3199) to amend the Public Health Service Act regarding early detection, diagnosis, and treatment of hearing loss.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Health, Education, Labor, and Pensions, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Early Hearing Detection and Intervention Act of 2010”.

SEC. 2. EARLY DETECTION, DIAGNOSIS, AND TREATMENT OF HEARING LOSS.

Section 399M of the Public Health Service Act (42 U.S.C. 280g–1) is amended—

(1) in the section heading, by striking “**INFANTS**” and inserting “**NEWBORNS AND INFANTS**”;

(2) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking “screening, evaluation and intervention programs and systems” and inserting “screening, evaluation, diagnosis, and intervention programs and systems, and to assist in the recruitment, retention, education, and training of qualified personnel and health care providers.”;

(B) by amending paragraph (1) to read as follows:

“(1) To develop and monitor the efficacy of statewide programs and systems for hearing screening of newborns and infants; prompt evaluation and diagnosis of children referred from screening programs; and appropriate educational, audiological, and medical interventions for children identified with hearing loss. Early intervention includes referral to and delivery of information and services by schools and agencies, including community, consumer, and parent-based agencies and organizations and other programs mandated by part C of the Individuals with Disabilities Education Act, which offer programs specifically designed to meet the unique language and communication needs of deaf and hard of hearing newborns, infants, toddlers, and children. Programs and systems under this paragraph shall establish and foster family-to-family support mechanisms that are critical in the first months after a child is identified with hearing loss.”; and

(C) by adding at the end the following:

“(3) Other activities may include developing efficient models to ensure that newborns and infants who are identified with a hearing loss

through screening receive follow-up by a qualified health care provider, and State agencies shall be encouraged to adopt models that effectively increase the rate of occurrence of such follow-up.”;

(3) in subsection (b)(1)(A), by striking “hearing loss screening, evaluation, and intervention programs” and inserting “hearing loss screening, evaluation, diagnosis, and intervention programs”;

(4) in paragraphs (2) and (3) of subsection (c), by striking the term “hearing screening, evaluation and intervention programs” each place such term appears and inserting “hearing screening, evaluation, diagnosis, and intervention programs”;

(5) in subsection (e)—

(A) in paragraph (3), by striking “ensuring that families of the child” and all that follows and inserting “ensuring that families of the child are provided comprehensive, consumer-oriented information about the full range of family support, training, information services, and language and communication options and are given the opportunity to consider and obtain the full range of such appropriate services, educational and program placements, and other options for their child from highly qualified providers.”; and

(B) in paragraph (6), by striking “, after re-screening.”; and

(6) in subsection (f)—

(A) in paragraph (1), by striking “fiscal year 2002” and inserting “fiscal years 2011 through 2015”;

(B) in paragraph (2), by striking “fiscal year 2002” and inserting “fiscal years 2011 through 2015”; and

(C) in paragraph (3), by striking “fiscal year 2002” and inserting “fiscal years 2011 through 2015”.

Mr. REID. I ask unanimous consent that the committee-reported substitute amendment be agreed to, the bill, as amended, be read a third time and passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and any statements related to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendment in the nature of a substitute was agreed to.

The bill (S. 3199), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

MUSEUM AND LIBRARY SERVICES ACT OF 2010

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to Calendar No. 671.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 3984) to amend and extend the Museum and Library Services Act, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and

any statements related to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 3984) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 3984

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Museum and Library Services Act of 2010”.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. References.

TITLE I—GENERAL PROVISIONS

Sec. 101. General definitions.

Sec. 102. Responsibilities of Director.

Sec. 103. Personnel.

Sec. 104. Board.

Sec. 105. Awards and medals.

Sec. 106. Research and analysis.

Sec. 107. Hearings.

Sec. 108. Administrative funds.

TITLE II—LIBRARY SERVICES AND TECHNOLOGY

Sec. 201. Purposes.

Sec. 202. Authorization of appropriations.

Sec. 203. Reservations and allotments.

Sec. 204. State plans.

Sec. 205. Grants.

Sec. 206. Grants, contracts, or cooperative agreements.

Sec. 207. Laura Bush 21st Century Librarian Program.

Sec. 208. Conforming amendments.

TITLE III—MUSEUM SERVICES

Sec. 301. Purpose.

Sec. 302. Definitions.

Sec. 303. Museum services activities.

Sec. 304. Authorization of appropriations.

TITLE IV—REPEAL OF THE NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE ACT

Sec. 401. Repeal.

SEC. 2. REFERENCES.

Except as otherwise expressly provided, wherever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Museum and Library Services Act (20 U.S.C. 9101 et seq.).

TITLE I—GENERAL PROVISIONS

SEC. 101. GENERAL DEFINITIONS.

Section 202 (20 U.S.C. 9101) is amended—

(1) by redesignating paragraphs (2) through (7) as paragraphs (3) through (8), respectively; and

(2) by inserting after paragraph (1) the following:

“(2) DIGITAL LITERACY SKILLS.—The term ‘digital literacy skills’ means the skills associated with using technology to enable users to find, evaluate, organize, create, and communicate information.”.

SEC. 102. RESPONSIBILITIES OF DIRECTOR.

Section 204 (20 U.S.C. 9103) is amended—

(1) by striking subsection (c) and inserting the following:

“(c) DUTIES AND POWERS.—

“(1) PRIMARY RESPONSIBILITY.—The Director shall have primary responsibility for the development and implementation of policy

to ensure the availability of museum, library, and information services adequate to meet the essential information, education, research, economic, cultural, and civic needs of the people of the United States.

“(2) DUTIES.—In carrying out the responsibility described in paragraph (1), the Director shall—

“(A) advise the President, Congress, and other Federal agencies and offices on museum, library, and information services in order to ensure the creation, preservation, organization, and dissemination of knowledge;

“(B) engage Federal, State, and local governmental agencies and private entities in assessing the museum, library, and information services needs of the people of the United States, and coordinate the development of plans, policies, and activities to meet such needs effectively;

“(C) carry out programs of research and development, data collection, and financial assistance to extend and improve the museum, library, and information services of the people of the United States; and

“(D) ensure that museum, library, and information services are fully integrated into the information and education infrastructures of the United States.”;

(2) by redesignating subsections (f) and (g) as subsections (h) and (i), respectively; and

(3) by striking subsection (e) and inserting the following:

“(e) INTERAGENCY AGREEMENTS.—The Director may—

“(1) enter into interagency agreements to promote or assist with the museum, library, and information services-related activities of other Federal agencies, on either a reimbursable or non-reimbursable basis; and

“(2) use funds appropriated under this Act for the costs of such activities.

“(f) COORDINATION.—The Director shall ensure coordination of the policies and activities of the Institute with the policies and activities of other agencies and offices of the Federal Government having interest in and responsibilities for the improvement of museums and libraries and information services. Where appropriate, the Director shall ensure that such policies and activities are coordinated with—

“(1) activities under section 1251 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6383);

“(2) programs and activities under the Head Start Act (42 U.S.C. 9831 et seq.) (including programs and activities under subparagraphs (H)(vii) and (J)(iii) of section 641(d)(2) of such Act) (42 U.S.C. 9836(d)(2));

“(3) activities under the Workforce Investment Act of 1998 (29 U.S.C. 2801 et seq.) (including activities under section 134(c) of such Act) (29 U.S.C. 2864(c)); and

“(4) Federal programs and activities that increase the capacity of libraries and museums to act as partners in economic and community development, education and research, improving digital literacy skills, and disseminating health information.

“(g) INTERAGENCY COLLABORATION.—The Director shall work jointly with the individuals heading relevant Federal departments and agencies, including the Secretary of Labor, the Secretary of Education, the Administrator of the Small Business Administration, the Chairman of the Federal Communications Commission, the Director of the National Science Foundation, the Secretary of Health and Human Services, the Secretary of State, the Administrator of the Environmental Protection Agency, the Secretary of the Interior, the Secretary of Housing and

Urban Development, the Chairman of the National Endowment for the Arts, the Chairman of the National Endowment of the Humanities, and the Director of the Office of Management and Budget, or the designees of such individuals, on—

“(1) initiatives, materials, or technology to support workforce development activities undertaken by libraries;

“(2) resource and policy approaches to eliminate barriers to fully leveraging the role of libraries and museums in supporting the early learning, literacy, lifelong learning, digital literacy, workforce development, and education needs of the people of the United States; and

“(3) initiatives, materials, or technology to support educational, cultural, historical, scientific, environmental, and other activities undertaken by museums.”.

SEC. 103. PERSONNEL.

Section 206 (20 U.S.C. 9105) is amended—

(1) by striking paragraph (2) of subsection (b) and inserting the following:

“(2) NUMBER AND COMPENSATION.—

“(A) IN GENERAL.—The number of employees appointed and compensated under paragraph (1) shall not exceed $\frac{1}{2}$ of the number of full-time regular or professional employees of the Institute.

“(B) RATE OF COMPENSATION.—

“(i) IN GENERAL.—Except as provided in clause (ii), the rate of basic compensation for the employees appointed and compensated under paragraph (1) may not exceed the rate prescribed for level GS-15 of the General Schedule under section 5332 of title 5, United States Code.

“(ii) EXCEPTION.—The Director may appoint not more than 3 employees under paragraph (1) at a rate of basic compensation that exceeds the rate described in clause (i) but does not exceed the rate of basic pay in effect for positions at level IV of the Executive Schedule under section 5315 of title 5, United States Code.”; and

(2) by adding at the end the following:

“(d) EXPERTS AND CONSULTANTS.—The Director may use experts and consultants, including panels of experts, who may be employed as authorized under section 3109 of title 5, United States Code.”.

SEC. 104. BOARD.

Section 207 (20 U.S.C. 9105a) is amended—

(1) in subsection (b)—

(A) in paragraph (1)—

(i) by striking subparagraph (D); and

(ii) by redesignating subparagraphs (E) and (F) as subparagraphs (D) and (E), respectively;

(B) in paragraph (2)—

(i) in the matter preceding clause (i) of subparagraph (A), by striking “(1)(E)” and inserting “(1)(D)”;

(ii) in the matter preceding clause (i) of subparagraph (B), by striking “(1)(F)” and inserting “(1)(E)”;

(C) in paragraph (4)—

(i) by inserting “and” after “Library Services.”; and

(ii) by striking “, and the Chairman of the National Commission on Library and Information Science”;

(2) in subsection (c)—

(A) in paragraph (1)—

(i) by striking “Except as otherwise provided in this subsection, each” and inserting “Each”; and

(ii) by striking “(E) or (F)” and inserting “(D) or (E)”;

(B) in paragraph (2), by striking “INITIAL BOARD APPOINTMENTS.—” and all that follows through “The terms of the first members” and inserting the following: “AUTHORITY TO ADJUST TERMS.—The terms of the members”;

(3) in subsection (d)—

(A) in paragraph (1), by striking “relating to museum and library services, including financial assistance awarded under this title” and inserting “relating to museum, library, and information services”; and

(B) by striking paragraph (2) and inserting the following:

“(2) NATIONAL AWARDS AND MEDALS.—The Museum and Library Services Board shall advise the Director in awarding national awards and medals under section 209.”; and

(4) in subsection (i), by striking “take steps to ensure that the policies and activities of the Institute are coordinated with other activities of the Federal Government” and inserting “coordinate the development and implementation of policies and activities as described in subsections (f) and (g) of section 204”.

SEC. 105. AWARDS AND MEDALS.

Section 209 (20 U.S.C. 9107) is amended to read as follows:

“SEC. 209. AWARDS AND MEDALS.

“The Director, with the advice of the Museum and Library Services Board, may annually award national awards and medals for library and museum services to outstanding libraries and museums that have made significant contributions in service to their communities.”.

SEC. 106. RESEARCH AND ANALYSIS.

Section 210 (20 U.S.C. 9108) is amended to read as follows:

“SEC. 210. POLICY RESEARCH, ANALYSIS, DATA COLLECTION, AND DISSEMINATION.

“(a) IN GENERAL.—The Director shall annually conduct policy research, analysis, and data collection to extend and improve the Nation’s museum, library, and information services.

“(b) REQUIREMENTS.—The policy research, analysis, and data collection shall be conducted in ongoing collaboration (as determined appropriate by the Director), and in consultation, with—

“(1) State library administrative agencies;

“(2) national, State, and regional library and museum organizations; and

“(3) other relevant agencies and organizations.

“(c) OBJECTIVES.—The policy research, analysis, and data collection shall be used to—

“(1) identify national needs for and trends in museum, library, and information services;

“(2) measure and report on the impact and effectiveness of museum, library, and information services throughout the United States, including the impact of Federal programs authorized under this Act;

“(3) identify best practices; and

“(4) develop plans to improve museum, library, and information services of the United States and to strengthen national, State, local, regional, and international communications and cooperative networks.

“(d) DISSEMINATION.—Each year, the Director shall widely disseminate, as appropriate to accomplish the objectives under subsection (c), the results of the policy research, analysis, and data collection carried out under this section.

“(e) AUTHORITY TO CONTRACT.—The Director is authorized—

“(1) to enter into contracts, grants, cooperative agreements, and other arrangements with Federal agencies and other public and private organizations to carry out the objectives under subsection (c); and

“(2) to publish and disseminate, in a form determined appropriate by the Director, the reports, findings, studies, and other materials prepared under paragraph (1).

“(f) AUTHORIZATION OF APPROPRIATIONS.—

“(1) IN GENERAL.—There are authorized to be appropriated to carry out this section \$3,500,000 for fiscal year 2011 and such sums as may be necessary for each of the fiscal years 2012 through 2016.

“(2) AVAILABILITY OF FUNDS.—Sums appropriated under paragraph (1) for any fiscal year shall remain available for obligation until expended.”.

SEC. 107. HEARINGS.

Subtitle A (20 U.S.C. 9101 et seq.) is amended by adding at the end the following:

“SEC. 210B. HEARINGS.

“The Director is authorized to conduct hearings at such times and places as the Director determines appropriate for carrying out the purposes of this subtitle.”.

SEC. 108. ADMINISTRATIVE FUNDS.

Subtitle A (20 U.S.C. 9101 et seq.), as amended by section 107, is further amended by adding at the end the following:

“SEC. 210C. ADMINISTRATIVE FUNDS.

“Notwithstanding any other provision of this Act, the Director shall establish one account to be used to pay the Federal administrative costs of carrying out this Act, and not more than a total of 7 percent of the funds appropriated under sections 210(f), 214, and 275 shall be placed in such account.”.

TITLE II—LIBRARY SERVICES AND TECHNOLOGY

SEC. 201. PURPOSES.

Section 212 (20 U.S.C. 9121) is amended—

(1) by striking paragraph (1) and inserting the following:

“(1) to enhance coordination among Federal programs that relate to library and information services;”;

(2) in paragraph (2), by inserting “continuous” after “promote”;

(3) in paragraph (3), by striking “and” after the semicolon;

(4) in paragraph (4), by striking the period at the end and inserting a semicolon; and

(5) by adding at the end the following:

“(5) to promote literacy, education, and lifelong learning and to enhance and expand the services and resources provided by libraries, including those services and resources relating to workforce development, 21st century skills, and digital literacy skills;

“(6) to enhance the skills of the current library workforce and to recruit future professionals to the field of library and information services;

“(7) to ensure the preservation of knowledge and library collections in all formats and to enable libraries to serve their communities during disasters;

“(8) to enhance the role of libraries within the information infrastructure of the United States in order to support research, education, and innovation; and

“(9) to promote library services that provide users with access to information through national, State, local, regional, and international collaborations and networks.”.

SEC. 202. AUTHORIZATION OF APPROPRIATIONS.

Section 214 (20 U.S.C. 9123) is amended—

(a) by striking subsection (a) and inserting the following:

“(a) IN GENERAL.—There are authorized to be appropriated—

“(1) to carry out chapters 1, 2, and 3, \$232,000,000 for fiscal year 2011 and such sums as may be necessary for each of the fiscal years 2012 through 2016; and

“(2) to carry out chapter 4, \$24,500,000 for fiscal year 2011 and such sums as may be necessary for each of the fiscal years 2012 through 2016.”; and

(b) by striking subsection (c).

SEC. 203. RESERVATIONS AND ALLOTMENTS.

Section 221(b)(3) (20 U.S.C. 9131(b)(3)) is amended—

(1) in subparagraph (A)—

(A) by striking “\$340,000” and inserting “\$680,000”; and

(B) by striking “\$40,000” and inserting “\$60,000”; and

(2) by striking subparagraph (C); and

(3) by redesignating subparagraph (D) as subparagraph (C).

SEC. 204. STATE PLANS.

Section 224 (20 U.S.C. 9134) is amended—

(1) in subsection (b)—

(A) by redesignating paragraphs (6) and (7) as paragraphs (7) and (8), respectively; and

(B) after paragraph (5), by inserting the following:

“(6) describe how the State library administrative agency will work with other State agencies and offices where appropriate to coordinate resources, programs, and activities and leverage, but not replace, the Federal and State investment in—

“(A) elementary and secondary education, including coordination with the activities within the State that are supported by a grant under section 1251 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6383);

“(B) early childhood education, including coordination with—

“(i) the State’s activities carried out under subsections (b)(4) and (e)(1) of section 642 of the Head Start Act (42 U.S.C. 9837); and

“(ii) the activities described in the State’s strategic plan in accordance with section 642B(a)(4)(B)(i) of such Act (42 U.S.C. 9837b(a)(4)(B)(i));

“(C) workforce development, including coordination with—

“(i) the activities carried out by the State workforce investment board under section 111(d) of the Workforce Investment Act of 1998 (29 U.S.C. 2821(d)); and

“(ii) the State’s one-stop delivery system established under section 134(c) of such Act (29 U.S.C. 2864(c)); and

“(D) other Federal programs and activities that relate to library services, including economic and community development and health information;”; and

(2) in subsection (e)(2), by inserting “, including through electronic means” before the period at the end.

SEC. 205. GRANTS.

Section 231 (20 U.S.C. 9141) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by inserting before the semicolon the following: “in order to support such individuals’ needs for education, lifelong learning, workforce development, and digital literacy skills”; and

(B) in paragraph (2), by striking “electronic networks;” and inserting “collaborations and networks; and”; and

(C) by redesignating paragraph (2) (as amended by subparagraph (B)) as paragraph (7), and by moving such paragraph so as to appear after paragraph (6);

(D) by striking paragraph (3);

(E) by inserting after paragraph (1) the following:

“(2) establishing or enhancing electronic and other linkages and improved coordination among and between libraries and entities, as described in section 224(b)(6), for the purpose of improving the quality of and access to library and information services;

“(3)(A) providing training and professional development, including continuing education, to enhance the skills of the current library workforce and leadership, and advance the delivery of library and information services; and

“(B) enhancing efforts to recruit future professionals to the field of library and information services;”;

(F) in paragraph (5), by striking “and” after the semicolon;

(G) in paragraph (6), by striking the period and inserting a semicolon; and

(H) by adding at the end the following:

“(8) carrying out other activities consistent with the purposes set forth in section 212, as described in the State library administrative agency’s plan.”; and

(2) by striking subsection (b) and inserting the following:

“(b) SPECIAL RULE.—Each State library administrative agency receiving funds under this chapter may apportion the funds available for the priorities described in subsection (a) as appropriate to meet the needs of the individual State.”.

SEC. 206. GRANTS, CONTRACTS, OR COOPERATIVE AGREEMENTS.

Section 262(a) (20 U.S.C. 9162(a)) is amended—

(1) by striking paragraphs (1) and (2) and inserting the following:

“(1) building workforce and institutional capacity for managing the national information infrastructure and serving the information and education needs of the public;

“(2)(A) research and demonstration projects related to the improvement of libraries or the enhancement of library and information services through effective and efficient use of new technologies, including projects that enable library users to acquire digital literacy skills and that make information resources more accessible and available; and

“(B) dissemination of information derived from such projects;”;

(2) in paragraph (3)—

(A) by striking “digitization” and inserting “digitizing”; and

(B) by inserting “, including the development of national, regional, statewide, or local emergency plans that would ensure the preservation of knowledge and library collections in the event of a disaster” before “; and”.

SEC. 207. LAURA BUSH 21ST CENTURY LIBRARIAN PROGRAM.

Subtitle B (20 U.S.C. 9121 et seq.) is amended by adding at the end the following:

“CHAPTER 4—LAURA BUSH 21ST CENTURY LIBRARIANS

“SEC. 264. LAURA BUSH 21ST CENTURY LIBRARIAN PROGRAM.

“(a) PURPOSE.—It is the purpose of this chapter to develop a diverse workforce of librarians by—

“(1) recruiting and educating the next generation of librarians, including by encouraging middle or high school students and postsecondary students to pursue careers in library and information science;

“(2) developing faculty and library leaders, including by increasing the institutional capacity of graduate schools of library and information science; and

“(3) enhancing the training and professional development of librarians and the library workforce to meet the needs of their communities, including those needs relating to literacy and education, workforce development, lifelong learning, and digital literacy.

“(b) ACTIVITIES.—From the amounts provided under section 214(a)(2), the Director may enter into arrangements, including grants, contracts, cooperative agreements, and other forms of assistance, with libraries, library consortia and associations, institutions of higher education (as defined in sec-

tion 101 of the Higher Education Act of 1965 (20 U.S.C. 1001)), and other entities that the Director determines appropriate, for projects that further the purpose of this chapter, such as projects that—

“(1) increase the number of students enrolled in nationally accredited graduate library and information science programs and preparing for careers of service in libraries;

“(2) recruit future professionals, including efforts to attract promising middle school, high school, or postsecondary students to consider careers in library and information science;

“(3) develop or enhance professional development programs for librarians and the library workforce;

“(4) enhance curricula within nationally accredited graduate library and information science programs;

“(5) enhance doctoral education in order to develop faculty to educate the future generation of library professionals and develop the future generation of library leaders; and

“(6) conduct research, including research to support the successful recruitment and education of the next generation of librarians.

“(c) EVALUATION.—The Director shall establish procedures for reviewing and evaluating projects supported under this chapter.”.

SEC. 208. CONFORMING AMENDMENTS.

The National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 951 et seq.) is amended—

(1) in section 4(a) (20 U.S.C. 953(a)), by striking “Institute of Museum Services” and inserting “Institute of Museum and Library Services”; and

(2) in section 9 (20 U.S.C. 958), by striking “Institute of Museum Services” each place the term appears and inserting “Institute of Museum and Library Services”.

TITLE III—MUSEUM SERVICES

SEC. 301. PURPOSE.

Section 272 (20 U.S.C. 9171) is amended—

(1) in paragraph (3), by inserting “through international, national, regional, State, and local networks and partnerships” after “services”;

(2) in paragraph (5), by striking “and” after the semicolon;

(3) in paragraph (6), by striking the period and inserting a semicolon; and

(4) by adding at the end the following:

“(7) to encourage and support museums as a part of economic development and revitalization in communities;

“(8) to ensure museums of various types and sizes in diverse geographic regions of the United States are afforded attention and support; and

“(9) to support efforts at the State level to leverage museum resources and maximize museum services.”.

SEC. 302. DEFINITIONS.

Section 273(1) (20 U.S.C. 9172(1)) is amended by inserting “includes museums that have tangible and digital collections and” after “Such term”.

SEC. 303. MUSEUM SERVICES ACTIVITIES.

Section 274 (20 U.S.C. 9173) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by inserting “, States, local governments,” after “with museums”;

(B) by redesignating paragraphs (5) through (10) as paragraphs (6) through (11), respectively;

(C) by striking paragraphs (3) and (4) and inserting the following:

“(3) supporting the conservation and preservation of museum collections, including efforts to—

“(A) provide optimal conditions for storage, exhibition, and use;

“(B) prepare for and respond to disasters and emergency situations;

“(C) establish endowments for conservation; and

“(D) train museum staff in collections care;

“(4) supporting efforts at the State level to leverage museum resources, including statewide assessments of museum services and needs and development of State plans to improve and maximize museum services through the State;

“(5) stimulating greater collaboration, in order to share resources and strengthen communities, among museums and—

“(A) libraries;

“(B) schools;

“(C) international, Federal, State, regional, and local agencies or organizations;

“(D) nongovernmental organizations; and

“(E) other community organizations;”;

(D) in paragraph (6) (as redesignated by subparagraph (B)), by striking “broadcast media” and inserting “media, including new ways to disseminate information.”; and

(E) in paragraph (9) (as redesignated by subparagraph (B)), by striking “at all levels,” and inserting “, and the skills of museum staff, at all levels, and to support the development of the next generation of museum leaders and professionals.”; and

(2) in subsection (c)—

(A) by redesignating paragraph (2) as paragraph (3);

(B) by inserting after paragraph (1) the following:

“(2) GRANT DISTRIBUTION.—In awarding grants, the Director shall take into consideration the equitable distribution of grants to museums of various types and sizes and to different geographic areas of the United States”; and

(C) in paragraph (2)—

(i) in subparagraph (A), by striking “awards”; and

(ii) in subparagraph (B), by striking “, but subsequent” and inserting “. Subsequent”.

SEC. 304. AUTHORIZATION OF APPROPRIATIONS.

Section 275 (20 U.S.C. 9176) is amended—

(1) by striking subsection (a) and inserting the following:

“(a) GRANTS.—For the purpose of carrying out this subtitle, there are authorized to be appropriated to the Director \$38,600,000 for fiscal year 2011 and such sums as may be necessary for each of the fiscal years 2012 through 2016.”;

(2) by striking subsection (b);

(3) by redesignating subsection (c) as subsection (b); and

(4) by adding at the end the following:

“(c) FUNDING RULES.—Notwithstanding any other provision of this subtitle, if the amount appropriated under subsection (a) for a fiscal year is greater than the amount appropriated under such subsection for fiscal year 2011 by more than \$10,000,000, then an amount of not less than 30 percent but not more than 50 percent of the increase in appropriated funds shall be available, from the funds appropriated under such subsection for the fiscal year, to enter into arrangements under section 274 to carry out the State assessments described in section 274(a)(4) and to assist States in the implementation of such plans.”.

TITLE IV—REPEAL OF THE NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE ACT

SEC. 401. REPEAL.

(a) **IN GENERAL.**—The National Commission on Libraries and Information Science Act (20 U.S.C. 1501 et seq.) is repealed.

(b) **TRANSFER OF FUNCTIONS.**—The functions that the National Commission on Libraries and Information Science exercised before the date of enactment of this Act shall be transferred to the Institute of Museum and Library Services established under section 203 of the Museum and Library Services Act (20 U.S.C. 9102).

(c) **TRANSFER AND ALLOCATION OF APPROPRIATIONS AND PERSONNEL.**—The personnel and the assets, contracts, property, records, and unexpended balance of appropriations, authorizations, allocations, and other funds employed, held, used, arising from, available to, or to be made available for the functions and activities vested by law in the National Commission on Libraries and Information Science shall be transferred to the Institute of Museum and Library Services upon the date of enactment of this Act.

(d) **REFERENCES.**—Any reference to the National Commission on Libraries and Information Science in any Federal law, Executive Order, rule, delegation of authority, or document shall be construed to refer to the Institute of Museum and Library Services when the reference regards functions transferred under subsection (b).

TRUTH IN FUR LABELING ACT OF 2010

Mr. REID. Mr. President, I ask unanimous consent that we now discharge the Commerce Committee from further consideration of H.R. 2480 and have that matter now brought before the Senate for its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 2480) to improve the accuracy of fur product labeling, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. I ask unanimous consent that the bill be read a third time, passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 2480) was ordered to a third reading, was read the third time, and passed.

AMENDING THE WATER RESOURCES DEVELOPMENT ACT OF 2000

Mr. REID. Mr. President, I ask unanimous consent that we proceed to H.R. 6184.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 6184) to amend the Water Resources Development Act of 2000 to extend and modify the program allowing the Secretary of the Army to accept and expend funds contributed by non-Federal public entities to expedite the evaluation of permits, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. Mr. President, I ask unanimous consent that the bill be read three times, passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 6184) was ordered to a third reading, was read the third time, and passed.

MAKING MINORITY PARTY COMMITTEE APPOINTMENTS

Mr. REID. Mr. President, I now ask unanimous consent that the Senate proceed to consideration of S. Res. 696, which was submitted earlier today.

I ask unanimous consent that the resolution be agreed to and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 696) was agreed to, as follows:

S. RES. 696

Resolved, That the following be the minority membership on the following committees for the remainder of the 111th Congress, or until their successors are appointed:

COMMITTEE ON ARMED SERVICES: Mr. McCain, Mr. Inhofe, Mr. Sessions, Mr. Chambliss, Mr. Graham, Mr. Thune, Mr. Wicker, Mr. LeMieux, Mr. Brown, Mr. Burr, Mr. Vitter, Ms. Collins, and Mr. Kirk.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS: Ms. Collins, Mr. Coburn, Mr. Brown, Mr. McCain, Mr. Voinovich, Mr. Ensign, Mr. Graham, and Mr. Kirk.

COMMITTEE ON VETERANS' AFFAIRS: Mr. Burr, Mr. Isakson, Mr. Wicker, Mr. Johanns, Mr. Brown, Mr. Graham, and Mr. Kirk.

ORDERS FOR WEDNESDAY, DECEMBER 8, 2010

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m. on Wednesday, December 8; that following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and that following any leader remarks, the Senate resume the Court of Impeachment of Judge G. Thomas Porteous, Jr.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. REID. Mr. President, Senators should be on the floor at 9:30 tomorrow morning for a mandatory live quorum to resume the impeachment proceedings. Once a quorum is established, there will be a series of up to five rollcall votes on the motions and Articles of Impeachment.

Under a previous order, the Senate will recess from 12:30 to 3:30 p.m. to allow for the Democratic caucus meeting. At 4 p.m. the Senate will proceed to a series of up to four rollcall votes.

Mr. President, it will be a courteous thing to do for all Senators for everybody to be here on time or close to it; otherwise, we are waiting around to get a quorum established.

We need to get those votes out of the way because we have a ton of votes tomorrow evening also after we do the caucuses.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate adjourn under the previous order.

There being no objection, the Senate, at 8:17 p.m., adjourned until Wednesday, December 8, 2010, at 9:30 a.m.

HOUSE OF REPRESENTATIVES—Tuesday, December 7, 2010

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore (Mr. FARR).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
December 7, 2010.

I hereby appoint the Honorable SAM FARR to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 6, 2009, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

The Chair will alternate recognition between the parties, with each party limited to 30 minutes and each Member, other than the majority and minority leaders and the minority whip, limited to 5 minutes.

TIME TO CHARGE ASSANGE NOW

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from Michigan (Mrs. MILLER) for 2 minutes.

Mrs. MILLER of Michigan. Mr. Speaker, since WikiLeaks has begun releasing American top secret information that it obtained illegally, there has been a debate about how our Nation should respond to this. I believe that the actions of WikiLeaks provide material support to our terrorist enemies, so it should be treated as a terrorist organization. Others have argued that WikiLeaks is simply a media organization and, therefore, it is protected under the First Amendment.

Well, consider for a moment the most recent statements by Julian Assange, the founder of WikiLeaks, which I believe show exactly what he is—a terrorist. Assange has spread across the world an encrypted document which he claims has even more vital national secrets that he is going to release. Assange calls this file his “insurance” file, and he has threatened to release this information if he is captured or if he is charged with any violation of law. Those, Mr. Speaker, are not the actions of a journalist. Those are the actions of a terrorist.

Even President Clinton recently said that lives will be lost because of the re-

lease of this information. But still, Mr. Speaker, we still have not heard anything on this issue from our current Commander in Chief, President Obama. The silence from President Obama, our Commander in Chief, is absolutely baffling.

HONORING LOUISVILLE'S MAYOR JERRY ABRAMSON

The SPEAKER pro tempore. The Chair recognizes the gentleman from Kentucky (Mr. YARMUTH) for 5 minutes.

Mr. YARMUTH. Mr. Speaker, there was a time, and it wasn't too long ago, that the gorgeous waterfront park in my hometown of Louisville, Kentucky, was a junkyard. It was a time, just 25 years ago, that if you found yourself in our now thriving downtown after dark, you were most likely either working late or lost. This was a time, believe it or not, that Louisville Slugger was in Indiana.

You can't make this stuff up.

No, these days, it's hard to picture Louisville before 1985, hard to believe how much has changed in the last quarter century, hard to imagine Louisville without Mayor Jerry Abramson. Yet on January 3, 2011, that's exactly what we'll be when we say goodbye, with gratitude, to the man for whom the title “Mayor for Life” proved just a little too optimistic.

Don't get me wrong, with our diverse and storied neighborhoods, along with our hardworking community-oriented families, the Derby City—hometown of the Louisville Lip, Muhammad Ali—has long been a source of pride. Still, few could have dreamed that it could be the world-class 21st century city it has become.

Mayor Jerry dared not only to dream, he led the charge that made that dream reality. In five terms as mayor, Jerry was a driving force in expanding and modernizing our airport and transforming Louisville into an international shipping hub by luring UPS and 23,000 jobs to our community. His team's investments in our community have encouraged some of our Nation's largest companies—Ford, GE, Humana—to invest as well, creating thousands more quality jobs for our residents. But during his tenure, Louisville has also become a city of entrepreneurship, the Possibility City, a vibrant, attractive place for startups to grow into thriving businesses.

The once antagonistic relationship between the River City and the rest of

Kentucky now is limited to sporting events, under his stewardship. In all other facets, a partnership has grown, from Pikeville to Paducah, in which Jerry's Louisville works with Frankfort and 119 other counties for the betterment of the entire Commonwealth of Kentucky.

But what will truly be the legacy of Mayor Jerry? How about a revitalized downtown, which has been transformed into a vibrant and modern destination while remarkably retaining its historic character and preserving its architectural treasures; or in our park system, which has grown and flourished like never before, earning us the distinction, city of parks. It could be his commitment to Louisville's low-income families. After all, in the last 15 years, his administration has revolutionized the Federal HOPE VI program with two of the most successful housing projects in the Nation. Maybe his legacy will be Metro Safe, which has improved public safety in our neighborhoods, or his Operation Brightside initiative that has made those neighborhoods cleaner and greener, or the Hometown movement that has enhanced our community's health.

I think you see where I am going with this. With more accomplishments, victories, and advances for our entire community than I have time to rattle off today, Jerry Abramson's legacy is Louisville. I am far from the only one who thinks so.

Jerry has been named Local Public Official of the Year by Governing Magazine, Kentucky's best civic leader a record five times, and one of the best and most dynamic mayors in the country. But if you know Jerry like I do, you know these aren't the accolades that matter to Jerry. He cares about the ones that named Louisville the Most Livable City in America, a top city for young people, one of the country's best places to retire, one of the Nation's safest cities, one of the best cities to do business in—the list goes on.

His pride in and passion for Louisville has been contagious and has inspired generations of leaders who have worked with him to create great things for our community and who will continue to carry the torch after he has passed it on. That pride can be seen everywhere today. We display it on T-shirts and bumper stickers in any number of different ways, from the fleur-de-lis to proud displays of our area code, from efforts to Keep Louisville Weird to T-shirts that conflate Jerry and

Elvis, which is definitely weird. You can see it in the way we support our local businesses, local restaurants, and local artists, in the way we take care of our neighborhoods and watch out for our neighborhoods. And we do it all because we know we live in the best city in the world, and we want to keep it that way.

So after more than two decades, our Mayor for Life opts for early retirement—in title alone, mind you. If you think Jerry's service to this community was just a job, you've got another thing coming. As he moves on to the next stage of his career of service, City Hall will miss his leadership, his tenacity, and his passion for Louisville; but we will forever benefit from his legacy. After all, it's hard to miss.

To Mayor Abramson and his incredible, devoted staff, I join all of metro Louisville in thanking you for your service. The measure of your work and your sacrifice is that you have unquestionably left Louisville a better place than when you found it, and I am grateful that your work is not yet done for our city, our Commonwealth, and our Nation.

STATE OF THE ECONOMY: TARP LIVES ON AND FED PRINTS MONEY

The SPEAKER pro tempore. The Chair recognizes the gentleman from Florida (Mr. STEARNS) for 5 minutes.

Mr. STEARNS. Mr. Speaker, the Treasury Department announced the end of the TARP on October 3, 2010. Now, it may have marked the end of the Treasury Department's authority to initiate new investments under the Troubled Asset Relief Program, but in reality, TARP is not dead. American taxpayers still face a daunting economic recovery, with the Federal Reserve now downgrading their economic outlook for the United States economy and predicting over 9 percent unemployment through the end of next year as it simultaneously engages in a dangerous quantitative easing plan—a monetary policy used to increase the money supply by simply buying up government securities—that could further damage our financial recovery.

Mr. Speaker, let's start with the troubling news about the TARP program. According to Neil Barofsky, the Special Inspector General of the TARP, which is called SIGTARP, the taxpayer-funded bailout program "remains very much alive." In fact, Mr. Barofsky's report states, "As of October 3, \$178.4 billion in TARP funds were still outstanding, and although no new TARP obligations can be made, money already obligated to existing programs may still be expended."

□ 1240

Furthermore, \$211.3 million in Capital Purchase Program dividends re-

main outstanding and unpaid. This is money that is owed to the taxpayers.

SIGTARP's November report also criticized Treasury's TARP program for failing to save homeowners from foreclosure. Out of the 1.7 million American homes that have been foreclosed on since January 2009, TARP has only supported a little over 200,000 permanent—now that's less than 12 percent—mortgage modifications.

Disturbingly, SIGTARP's latest report also indicates that Treasury concealed \$40 billion in taxpayer losses on the AIG bailout by changing its valuation methods. Our United States Treasury is now saying taxpayers will only lose \$5 billion on AIG, when it previously stated taxpayers would lose \$45 billion.

Mr. Speaker, the Treasury Department seems inclined to paint an artificial picture of taxpayers' losses and clearly shows the Obama administration isn't being straightforward about the true cost of the taxpayer-funded TARP program.

The monetary policies coming out of the Fed are also troublesome. On November 3, the Fed announced that it will purchase \$600 billion in government debt (treasuries), over the next 8 months, initiating a second round of quantitative easing. You may recall that in 2008 the Fed engaged in this same kind of quantitative easing, spending around \$1.7 trillion to take bonds off the hands of banks.

Quantitative easing is a dangerous gamble, and in many ways is akin to the creation of simply another TARP program, but without congressional approval and without transparency for American taxpayers. With this QE2, this second round of quantitative easing, our Nation's central bank will become the largest holder of the national debt in the entire world. The Fed already holds \$834 billion of treasuries, and is on pace to have over \$1 trillion in treasuries by August 2011. That's more than China, Japan, or any other foreign creditor.

The printing of new money as a way to deal with our economic issues is just as worrisome and misguided as the creation of the TARP program. The Fed's QE2 plan could weaken the dollar further and lead to trade disputes with other countries. It could lead bond traders to believe that inflation will run wild. And they could then themselves derail the Fed's efforts by pushing rates even higher. It could also create bubbles as hedge funds and other speculators borrow cheaply and make even bigger bets on stocks and commodities.

The true costs of TARP are incalculable, as are the dangerous monetary policies the Fed is pursuing. Even in the improbable event that the TARP program will recover all of its funds, American taxpayers will continue to bear the costs of the Federal Govern-

ment's demonstration that certain financial institutions are just "too big to fail". And likewise, the costs to the economy of the Fed's second round of quantitative easing will be unknown, as the Fed continues to operate behind a veil of secrecy. The American taxpayers are only now just finding out the Fed spent over \$3.3 trillion in "emergency programs", propping up banks and financial institutions all over the world.

Mr. Speaker, the incoming new Republican majority, which the American people resoundingly voted in on November 2, is poised to take control of our disastrous economic situation by dramatically reducing Federal spending and creating jobs through the elimination of this economic uncertainty that exists today and by implementing pro-business policies. We are committed to reducing the costs of government and the proliferation of burdensome regulations, and we will usher in an era of growth that benefits all Americans.

THE CENSURE OF MR. RANGEL

The SPEAKER pro tempore. The Chair recognizes the gentleman from Massachusetts (Mr. FRANK) for 5 minutes.

Mr. FRANK of Massachusetts. Mr. Speaker, before proceeding to the topic I plan to discuss, I do have to comment on the gentleman from Florida. It is striking the extent to which Republicans are siding with the Central Bank of China and the Chinese Government in objecting to American Federal Reserve actions taken in our self-defense. There are some debatable aspects of this. I think what the Fed is doing is very wise. But what the gentleman just said we have seen from elsewhere. "This could lead to trade disputes with other nations because of its effect on our currency."

Yes, the major other nation making that argument is China, which deliberately undervalues its currency, and is objecting because a potential side effect of what the Fed is doing to stimulate employment could be to reduce our currency vis-a-vis theirs. This notion that taking the side of these other countries in trade disputes, given the extent to which many of them have unfairly abused trade rules, seems to me quite shocking. And I am continually surprised that my Republican colleagues side with China, with Germany, and with other foreign central banks in their criticism of the Fed because of the effect it could have on our currency.

But I wanted to talk about the censure of our colleague, Mr. RANGEL of New York, because I voted for a resolution amendment that would have had him be reprimanded, and then voted against censure. And I think my constituents are entitled to know why.

Mr. RANGEL did things he should not have done. And he should have been reprimanded. I do not believe, however, that they rose to the very severe level of censure. In my mind, a reprimand is the House telling a Member that he or she has done things that were wrong. But when you get to censure, and if you look at the historical precedents here, you are going beyond simple bad acts. You are talking about, at least in one instance, a serious character defect. You are talking about someone who was a bad person.

The Ethics Committee itself said that the gentleman from New York (Mr. RANGEL) was not trying to enrich himself. He was careless, he was sloppy, he was too zealous in trying to get money at a public university for a center in his name, but it would not have redounded to him personally financially. So I do agree he should have been reprimanded. But I do not think, given the acknowledgment that he was not trying to personally enrich himself, that he should have been censured.

I was also struck that the Republican cochair of the Ethics Committee—and I honor the members of the Ethics Committee. They do a very difficult job. They were very fair about the procedures, and I honor them for that, the gentlewoman from California and the gentleman from Alabama. But he said that if Mr. RANGEL had comported himself differently—go back and look at this—if Mr. RANGEL had comported himself differently during these discussions, he might have been reprimanded instead of censured. That's inappropriate. The punishment voted by this House for behavior should not be affected by what goes before.

But there is another element of what goes before in the process, and there is another element of this that I need to address. I think I am the only Member still serving in the House who was in fact reprimanded. And I want to deal with those who consider reprimand a slap on the wrist, saying, well, a reprimand was no big deal.

Mr. Speaker, it is a big deal. I am very proud of my service in this House. I am about to start my 31st year of service. And I am very proud of many of the things I have done. But reports of my service will include the fact that I was reprimanded 20 years ago for things that were done 24, 25 years ago. And that is not something that anyone ought to consider simply a slap on the wrist. I bear the stigma of having been reprimanded. I am enormously proud of serving in this wonderful body that embodies democracy. It is an enormous source of pride to me that hundreds of thousands of my constituents choose to have me serve here on their behalf. And to have marred that record, of which I am generally proud, with a reprimand means a great deal to me.

So I would just say in summary that given what Mr. RANGEL did, given that

he did things that he should not have done, but not for the purpose of enriching himself, they were careless, they were occasionally overreaches, but not, again, for his personal enhancement financially, given what we have traditionally reprimanded people for and what we have censured people for, reprimand was the appropriate response. And I would have voted for a reprimand, and I voted for an amendment that would have made it reprimand.

But I did not think that you should trivialize censure by censuring someone for the kind of behavior Mr. RANGEL engaged in. And I would remind people again, from my own personal experience—and by the way, while he is not here, I assume that former Speaker Gingrich, who was also reprimanded by this House, would share my view—that having been reprimanded is not some slap on the wrist. I do not understand, Mr. Speaker, how anyone who shares the pride that I feel in serving in this body, and having been selected by American citizens to make the laws of this country, could trivialize something like a reprimand.

DEATH TAX

The SPEAKER pro tempore. The Chair recognizes the gentleman from Pennsylvania (Mr. THOMPSON) for 2 minutes.

Mr. THOMPSON of Pennsylvania. Mr. Speaker, last week the Democrats brought back the death tax.

This calendar year, there has been no estate tax, and I guess in some ways it was the year to die. But on January 1, because of the actions of the House Democrats, the death tax roars back at a rate of 55 percent after the first \$1 million. Now that means that your heirs pay nothing on the first million dollars that you leave them, but they pay 55 percent tax on every dollar beyond that.

I talked to a constituent recently who says just during his lifetime, he and his family had bought the family business back from the government three times, every time a generation passed away. In other words, the heirs have had to essentially buy back that family business over and over again.

Now, a million dollars sounds like a lot of money to most of us, but when you are talking about acreage or buildings, equipment, homes, inventory, even livestock if you are talking about a family farm, it isn't hard to exceed the first exemption. Small businesses can easily be punished by this tax.

Why is it fair to essentially ask people to buy back a large portion of their family farms or businesses on which they already pay taxes? Ask the Democrats.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair

declares the House in recess until 2 p.m. today.

Accordingly (at 12 o'clock and 50 minutes p.m.), the House stood in recess until 2 p.m.

□ 1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Ms. JACKSON LEE of Texas) at 2 p.m.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

On another sunny December 7 in the year 1941, the Japanese air attack on Pearl Harbor in Hawaii changed the map of history and would be described as "a date which will live in infamy."

Lord, how baffling is human memory with what is remembered and what is forgotten. Mindful of the contradictory consequences of war, we pray for peace in our own day.

Still mourning the many lives lost, those injured, and those missing, that event gave rise to America's "Greatest Generation," as well as racism and internment camps of 120,000 Japanese Americans for nearly 3 years, Asian economic power, as well as nuclear energy.

Lord, help us to find new ways instead of war or violence to develop human development and negotiate ordinary differences of opinion. Guide people around the world in any effort to balance support of military forces fighting for peace with the scales of justice.

Lord, make Your people one in creative work, in hope for peace, and in effective compassion so we bring You glory and honor now and forever.

Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from South Carolina (Mr. WILSON) come forward and lead the House in the Pledge of Allegiance.

Mr. WILSON of South Carolina led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

F-35S IN BEAUFORT

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Madam Speaker, Beaufort, South Carolina, is home to the Marine Corps Air Station, professionally commanded by Colonel John Snider. The Marine Corps Air Station plays a critical role in our national security operations and is home to six Marine squadrons and one Navy squadron, with an economic impact of \$615 million annually. I hope the future is about to grow even brighter for Beaufort this week as we are optimistic that the final environmental impact study promotes F-35B squadrons in this great and historic community.

It has been a pleasure to work with Senator LINDSEY GRAHAM to highlight Beaufort's pro-military community, mild climate, and existing facilities which provides for year-round training to military leaders including Marine Corps Commandant James Conway.

If Alternative I is chosen to support the F-35s, Beaufort can expect to see over 1,500 new jobs and hundreds of private sector high-tech jobs, as promoted by the Beaufort Chamber of Commerce led by President Carlotta Ungaro and the Military Enhancement Committee chaired by General Garry Parks. I look forward to expanding the Sound of Freedom in the Lowcountry.

In conclusion, God bless our troops, and we will never forget September the 11th in the global war on terrorism.

LIU XIAOBO

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Madam Speaker, this week, the Nobel Committee will award its annual Nobel Peace Prize to Chinese human rights advocate Liu Xiaobo, but at the ceremony the chair reserved for Liu will be empty as he is serving 11 years in prison for peacefully petitioning his government for basic human rights.

Earlier this year, I was proud to join my colleagues on the Human Rights Commission in nominating Liu for the Nobel Peace Prize. Even now, the Chinese Government is censoring the news of this award and is calling for a boycott of the award ceremony. Sadly, some nations have bowed to the wishes of the Communist government. I am particularly grieved to hear that Kazakhstan, Morocco, and Iraq will not send representatives to the ceremony. These nations should know exactly what it is like to have basic human rights denied by an autocratic government.

It is not too late to defy the bullying and intimidation from those who have

imprisoned a peaceful man. I call on all nations to recognize the peaceful struggle of Liu Xiaobo, a man who has no hatred even for those who have denied him and his people basic freedoms, of this distinguished honor.

HONORING STAFF SERGEANT
KEVIN MATTHEW PAPE

(Mr. STUTZMAN asked and was given permission to address the House for 1 minute.)

Mr. STUTZMAN. Madam Speaker, over 2 weeks ago, Staff Sergeant Kevin Matthew Pape, age 30, was killed by enemy forces during a heavy fire fight while conducting combat operations in the Konar province of Afghanistan.

Born February 5, 1980, in Fort Wayne, Indiana, Sergeant Pape enlisted in the United States Army in September of 2005 from his home town of Fort Wayne. As a squad leader assigned to 1st Battalion, 75th Ranger Regiment, Staff Sergeant Pape was on a remarkable sixth deployment, with three previous deployments to Iraq and two to Afghanistan.

Sergeant Pape's awards and decorations for his service are too numerous to list here. However, he was awarded the Bronze Star, the Purple Heart, and the Meritorious Service medals.

Sergeant Pape is survived by his wife, Amelia Rose Pape; his daughter, Anneka Sue; his father, Marc Dennis Pape; and his sister, Kristen Michele Pape, both of Fort Wayne. Sergeant Pape selflessly lived his life for others, distinguishing himself as an Army Ranger while continuously deployed in support of Operations Iraqi Freedom and Enduring Freedom and fighting valiantly as he served our great Nation and following the Ranger creed.

INTERNATIONAL PROTECTING
GIRLS BY PREVENTING CHILD
MARRIAGE ACT

(Ms. MCCOLLUM asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. MCCOLLUM. Madam Speaker, today, 25,000 girls—some as young as 10 years old—will be robbed of their future when they are forced to marry much older men. This isn't marriage when a 10-year-old girl is given to a 40-year-old man; it's sexual abuse.

The practice of child marriage is wrong, and it must end. The United States must take a strong stand against child marriage.

Democrats and Republicans must come together and pass the International Protecting Girls by Preventing Child Marriage Act as soon as possible. Every Senator agreed to this bill when it passed last week. It passed unanimously.

There is a lot of talk in Congress about the need to protect children from

abuse. It's time for action. It's time for a vote.

COMMUNICATION FROM THE
CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, December 3, 2010.

Hon. NANCY PELOSI,
The Speaker, U.S. Capitol, House of Representatives, Washington, DC.

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on December 3, 2010 at 4:15 p.m.:

That the Senate passed without amendment H.R. 3237.

That the Senate passed with amendments H.R. 5281.

That the Senate passed S. 1774.

That the Senate passed S. 124.

Appointment:

United States Commission on Civil Rights.
With best wishes, I am

Sincerely,

LORRAINE C. MILLER.

COMMUNICATION FROM THE
CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, December 6, 2010.

Hon. NANCY PELOSI,
The Speaker, U.S. Capitol, House of Representatives, Washington, DC.

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on December 6, 2010 at 1:24 p.m.:

That the Senate passed without amendment H.R. 6399.

That the Senate passed S. 3860.

That the Senate passed S. 3817.

With best wishes, I am

Sincerely,

LORRAINE C. MILLER.

COMMUNICATION FROM THE
CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, December 7, 2010.

Hon. NANCY PELOSI,
The Speaker, U.S. Capitol, House of Representatives, Washington, DC.

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on December 7, 2010 at 9:50 a.m.:

That the Senate passed without amendment H. Con. R. 259.

That the Senate passed S. 4010.

Letter of Transmittal

Senate informs the House of Representatives that the Senate will resume consideration of the articles of impeachment against Judge G. Thomas Porteous.

With best wishes, I am

Sincerely,

LORRAINE C. MILLER.

□ 1410

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken after 6 p.m. today.

SUPPORTING NATIONAL RUNAWAY PREVENTION MONTH

Mr. CLAY. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1687) supporting the goals and ideals of National Runaway Prevention Month.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1687

Whereas the number of runaway and homeless youth in the United States is staggering, with studies suggesting that between 1,600,000 and 2,800,000 youth live on the streets each year;

Whereas the problem of children who run away from home is widespread, as youth between 12 and 17 years of age are at a higher risk of homelessness than adults;

Whereas runaway youth are often expelled from their homes by their families, discharged by State custodial systems without adequate transition plans, separated from their parents by death and divorce, or physically, sexually, and emotionally abused at home;

Whereas runaway youth are often too poor to secure their own basic needs and are ineligible or unable to access adequate medical or mental health resources;

Whereas effective programs that provide support to runaway youth and assist them in remaining at home with their families can succeed through partnerships created among families, community-based human service agencies, law enforcement agencies, schools, faith-based organizations, and businesses;

Whereas preventing youth from running away from home and supporting youth in high-risk situations is a family, community, and national priority;

Whereas the future of the Nation is dependent on providing opportunities for youth to acquire the knowledge, skills, and abilities necessary to develop into safe, healthy, and productive adults;

Whereas the National Network for Youth and its members advocate on behalf of runaway and homeless youth and provide an

array of community-based support to address their critical needs;

Whereas the National Runaway Switchboard provides crisis intervention and referrals to reconnect runaway youth with their families and link youth to local resources that provide positive alternatives to running away from home; and

Whereas during the month of November, the National Network for Youth and the National Runaway Switchboard are cosponsoring National Runaway Prevention Month, in order to increase public awareness of the circumstances faced by youth in high-risk situations and to address the need to provide resources and support for safe, healthy, and productive alternatives for at-risk youth, their families, and their communities: Now, therefore, be it

Resolved, That the House of Representatives recognizes and supports the goals and ideals of National Runaway Prevention Month.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Missouri (Mr. CLAY) and the gentlewoman from Illinois (Mrs. BIGGERT) each will control 20 minutes.

The Chair recognizes the gentleman from Missouri.

GENERAL LEAVE

Mr. CLAY. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. CLAY. I now yield myself such time as I may consume.

Madam Speaker, on behalf of the House Committee on Oversight and Government Reform, I am pleased to present House Resolution 1687 for consideration. This resolution recognizes the importance of youth runaway prevention and at-risk youth programs. House Resolution 1687 was introduced by our colleague, Representative JUDY BIGGERT of Illinois, on September 29, 2010. Notably, this measure enjoys the support of 55 cosponsors.

Madam Speaker, according to the National Runaway Switchboard, between 1.6 million and 2.8 million youth run away from home every year. Notably, the National Runaway Switchboard reports that among those youth at greatest risk of running away and facing homelessness are those that have been expelled from home, those that have suffered domestic abuse, and those that have been discharged by State custodial systems without the benefit of adequate transitional planning. Additionally, youth that have been separated from their parents by death or divorce, live in poverty, and/or are unable to access adequate medical or mental health resources are similarly at risk of running away and becoming homeless.

Madam Speaker, in light of the prevalence of the problem of runaway youth as well as youth homelessness, let us take this opportunity to pass

House Resolution 1687 and recognize the important role that youth runaway prevention and at-risk youth programs play in addressing these issues. I urge my colleagues to join me in supporting it.

Madam Speaker, I reserve the balance of my time.

Mrs. BIGGERT. Madam Speaker, I yield myself such time as I may consume.

Today I rise in support of House Resolution 1687, expressing the support of the House of Representatives for the goals and ideals of National Runaway Prevention Month.

Studies suggest that nearly 3 million children are living on the street each year. Many of these individuals, who come from every socioeconomic background, have been kicked out of their homes, separated from their parents, or physically abused. Worse, these at-risk youth often find it increasingly difficult or even impossible to acquire the knowledge, skills and abilities necessary to develop into safe, healthy and productive adults. That's why it is so important that we pass this resolution today, to raise awareness of the plight of runaway youth and increase public understanding of the role individual Americans can play in helping to prevent youth from running away from home.

As cochair of the Missing and Exploited Children's Caucus, I have worked with my colleagues to help address many of the issues that face runaways and their families. The caucus has done some great work, and I would like to extend to all of my colleagues in the House an invitation to join us in exploring ways to improve the well-being of distressed youth and reduce the incidence of runaways.

In addition, I would like to commend the work done by organizations such as the National Center for Missing and Exploited Children and the National Runaway Switchboard as well as similar organizations across the country that help ensure runaways and homeless kids in our communities aren't deprived of a chance at a future. In my home State of Illinois alone, almost 7,500 calls were placed to the National Runaway Switchboard last year, and nationally the organization fielded over 117,000 calls. For more than two decades, the National Center for Missing and Exploited Children has worked with communities to coordinate strategies to reunite children with their families.

With so many children living on the street and the risk that runaway youth pose to themselves and their communities, it is clear that much work still remains. But by highlighting the problem and expressing support for the valuable work done by communities and youth organizations, we can make significant progress towards preventing instances of children running away

from home and create an environment in which our Nation's at-risk youth have access to the building blocks for a lifetime of success.

With that, I would like to encourage all my colleagues to support this important resolution.

Madam Speaker, I yield back the balance of my time.

Mr. CLAY. Madam Speaker, again let me thank our colleague Mrs. BIGGERT of Illinois for introducing this important legislation and let me again urge my colleagues to join me in supporting this measure.

Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Missouri (Mr. CLAY) that the House suspend the rules and agree to the resolution, H. Res. 1687.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

EARL WILSON, JR. POST OFFICE

Mr. CLAY. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 6400) to designate the facility of the United States Postal Service located at 111 North 6th Street in St. Louis, Missouri, as the "Earl Wilson, Jr. Post Office".

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6400

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EARL WILSON, JR. POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 111 North 6th Street in St. Louis, Missouri, shall be known and designated as the "Earl Wilson, Jr. Post Office".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Earl Wilson, Jr. Post Office".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Missouri (Mr. CLAY) and the gentlewoman from Illinois (Mrs. BIGGERT) each will control 20 minutes.

The Chair recognizes the gentleman from Missouri.

GENERAL LEAVE

Mr. CLAY. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. CLAY. Madam Speaker, once again I stand as a member of the House Committee on Oversight and Govern-

ment Reform to join my colleagues in the consideration of H.R. 6400. This legislation would name the U.S. post office facility at 111 North 6th Street in St. Louis, Missouri, after a man who transformed his community while giving hope and opportunity to hundreds of young people, a true giant of philanthropy, the late Earl Wilson, Jr.

□ 1420

The measure before us was first introduced on November 15, 2010. I am proud to say that the bill now enjoys the support and cosponsorship of 18 Members of Congress, including the entire congressional delegation from my home State of Missouri.

Madam Speaker, Earl Wilson, Jr.'s lifetime of achievement in the corporate world, as the founder of the St. Louis Gateway Classic Foundation, as a proud veteran in the U.S. Army, as a father, husband, and friend to so many will live forever.

Earl Wilson, Jr., was born in St. Louis on October 9, 1932. He grew up on 11th Street, just a few blocks away from the U.S. Post Office that will hopefully bear his name. Mr. Wilson graduated from Vashon High School and received his B.S. in education from Lincoln University in 1957. After graduation, he proudly served as a captain in the U.S. Army Corps of Engineers.

In 1963, he became a corporate trailblazer at IBM, where he was a stellar performer for three decades. Toward the end of his IBM career, Mr. Wilson was loaned to his alma mater to help rescue his school from financial straits, which he successfully accomplished.

Earl Wilson, Jr., later founded the St. Louis Gateway Classic Foundation, an annual football contest that helped to fund the dreams of deserving students. Without a doubt, his impact on the lives of so many young St. Louisans will endure for generations to come.

Over the last 16 years, the annual Gridiron Classic featured top Historically Black Colleges and Universities. The game itself was a celebration of football tradition and a battle of the bands. But as Earl Wilson often reminded us, "It was more than just a game." The St. Louis Gateway Classic Foundation effectively raised \$2.6 million to send average C-grade students to college on full 4-year scholarships.

The foundation's busy year-round schedule of fundraising and community events helped to fuel its success. To raise money, Wilson orchestrated golf tournaments, basketball shoot-outs, baseball games, a boxing showcase, pageants, and concerts. To give back to the community, the foundation provided quality after-school programs, an adult day care, holiday meals for people in need, and neighborhood lunches. He also created a Walk of Fame that honors local African Americans who have been pioneers in St. Louis.

When Earl Wilson, Jr., passed away on October 29 of this year, it was not only an enormous personal loss for my family and me, but his death was mourned throughout St. Louis and across our Nation.

Madam Speaker, I have been blessed to experience and witness firsthand his commitment to opening the doors of higher education to young people. He selflessly invested his immense talents and boundless energy to build up his community and his country. And as we move to recognize the accomplishments of this great humanitarian, father, and friend to many, I ask that we pass the underlying bill without reservation and pay tribute to a great American, Earl Wilson, Jr.

I urge passage of H.R. 6400, and I reserve the balance of my time.

Mrs. BIGGERT. Madam Speaker, I yield myself such time as I may consume.

I rise today in support of H.R. 6400, to designate the facility of the United States Postal Service located at 111 North 6th Street in St. Louis, Missouri, as the "Earl Wilson, Jr. Post Office."

Madam Speaker, Mr. Wilson did so much for his country and community throughout his 78 years, as Mr. CLAY has spoken of so eloquently. He was a man dedicated to helping and improving the lives of others, and it's proper and fitting that we name this post office to honor Mr. Wilson. So I urge all Members to join Mr. CLAY and the entire Missouri delegation in support of this bill.

I have no further requests for time, and I yield back the balance of my time.

Mr. CLAY. Madam Speaker, I have no further requests for time, and, again, I would just like to urge my colleagues to pass the underlying bill.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Missouri (Mr. CLAY) that the House suspend the rules and pass the bill, H.R. 6400.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. CLAY. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

RECOGNIZING CENTENNIAL OF LILBURN, GEORGIA

Mr. CLAY. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1642) recognizing the centennial of the City of Lilburn, Georgia and supporting the goals and ideals of a City of Lilburn Day.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1642

Whereas the City of Lilburn was founded in 1890 by the Seaboard Airline Railway;

Whereas the City was named after the general superintendent of the railroad, Lilburn Trigg Myers of Virginia;

Whereas, on July 27, 1910, the City of Lilburn, Georgia, incorporated by the Georgia General Assembly and W.A. Carroll became the city's first mayor and T.F. Brownlee, Dr. H.T. Dickens, W.H. Massey, and J.S. Young were the first four councilmen;

Whereas John Choice's store was the first general store in Lilburn, located at the crossroads of today's Rockbridge Road, Harmony Grove Road, and Highway 29;

Whereas a post office and voting precinct were established at John Choice's store;

Whereas Choice's store was a landmark on a Civil War map used by General Sherman in his Atlanta campaign;

Whereas by 1919, the town had grown to include a bank, school, auto dealer, two doctors, and about nine merchants;

Whereas the business section of Lilburn was largely destroyed by fire on November 15, 1920;

Whereas the depression of 1929 also took a heavy toll on the area and the town gradually died and the government organized in 1910 ceased to exist;

Whereas it is claimed that the people were so quiet, well behaved, orderly, and law abiding that there was no need for government;

Whereas the town gradually relocated along Highway 29, as automobiles provided an alternative to the railroad and thereby created an old and new Lilburn;

Whereas the need for a water line in 1955 created a new city government and the town began to grow again;

Whereas in 1976, a new city hall was built in the Old Town area and led to the vibrant City of Lilburn as it stands today;

Whereas the City of Lilburn has been home to several notable citizens including National Basketball Association Hall of Fame Player, Dominique Wilkins, and Miss Georgia 2009, Kimberly Gittings;

Whereas the City of Lilburn boasts a diverse mix of churches and temples, including Shri Swaminarayan Mandir, one of the largest Hindu temples in the world and the largest traditional, stone, and marble Hindu temple outside of India;

Whereas the Shri Swaminarayan Mandir was completed and dedicated in Lilburn on August 26, 2007;

Whereas the City of Lilburn has a vibrant arts culture and an active citizenry;

Whereas the 37th annual Lilburn Daze, an arts and crafts festival promoted by the Women's Club, is celebrated on the second Saturday in October and features over 400 vendors;

Whereas the annual Christmas parade, held on the second Saturday in December, is always an anticipated event for the community with over 70 participants marching down Main Street;

Whereas the City of Lilburn strongly values education and is home to eight elementary schools, three middle schools, three high schools, and five private schools;

Whereas the City of Lilburn has undergone dramatic demographic change since its incorporation, and boasts a growing South Asian and Hispanic population;

Whereas the 2000 Census found the population of the City of Lilburn to be 11,307 people, 3,943 households, and 2,835 families;

Whereas, on July 27, 2010, the City of Lilburn marked the 100th anniversary of its incorporation;

Whereas the City of Lilburn will formally celebrate its centennial on September 25, 2010;

Whereas the Centennial Year Council, made up of Mayor Diana Preston and Councilmen Scott Batterton, Johnny Crist, Tim Dunn, and Eddie Price, has continued as well as initiated projects such as the Downtown Development Authority, the Lilburn Community Improvement District, the Lilburn Community Partnership, and the Centennial Greenway Trail with the intention that such projects will ensure a healthy and vibrant community for generations to come;

Whereas the City of Lilburn will celebrate its centennial with numerous activities including music, games, an ice cream social, and a mini-museum at numerous locations throughout the city; and

Whereas the commitment to preserving Lilburn's legacy is evident today with its Centennial Celebration on September 25, 2010, which brings the past and the present together to reflect, to plan, and to act for the community to continue to grow and prosper: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes the centennial of the City of Lilburn, Georgia;

(2) congratulates the City of Lilburn, Georgia, on its centennial;

(3) supports the goals and ideals of a City of Lilburn Day; and

(4) requests that the President issue a proclamation calling upon the people of the United States to observe such with appropriate ceremonies and activities.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Missouri (Mr. CLAY) and the gentlewoman from Illinois (Mrs. BIGGERT) each will control 20 minutes.

The Chair recognizes the gentleman from Missouri.

GENERAL LEAVE

Mr. CLAY. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. CLAY. Madam Speaker, I now yield myself such time as I may consume.

On behalf of the Committee on Oversight and Government Reform, I am pleased to present House Resolution 1642 for consideration. This measure recognizes the centennial of the City of Lilburn, Georgia. House Resolution 1642 was introduced by our colleague, the gentleman from Georgia, HANK JOHNSON, on September 22, 2010. The measure enjoys the support of over 50 Members of the House.

Madam Speaker, the City of Lilburn was founded in 1890 by the Seaboard Airline Railway and incorporated in 1910 by the Georgia General Assembly. This historic city has faced dramatic changes and tough times since its in-

corporation. Its business district was largely destroyed in a fire on November 15, 1920, and the Great Depression nearly wiped the city out for good.

The city gradually relocated to an auto-friendly location around Highway 29 as widespread travel by car became an alternative to rail travel. In 1976, Lilburn's city hall was built in the city's original location, anchoring its Old Town district with shops and restaurants. Today, Lilburn is a vibrant, small city with an active arts community, a large and diverse collection of churches and temples, and growing South Asian and Latino populations.

Madam Speaker, let us now congratulate the City of Lilburn on its centennial through the passage of House Resolution 1642. I urge my colleagues to join me in supporting it.

I reserve the balance of my time.

Mrs. BIGGERT. Madam Speaker, I yield myself such time as I may consume.

I rise today to support House Resolution 1642, which recognizes the centennial of Lilburn, Georgia. Located just outside of Atlanta, the City of Lilburn was incorporated by the Georgia General Assembly on July 27, 1910. I understand that Lilburn celebrated the centennial on September 25, and I wish to congratulate the city and everyone involved in the planning and execution of the festivities.

Madam Speaker, I urge all Members to join in support of this resolution, and I reserve the balance of my time.

□ 1430

Mr. CLAY. Madam Speaker, at this time I yield 5 minutes to one of the original cosponsors of the resolution, and a gentleman who has represented the city over time, my good friend from the great State of Georgia, Mr. DAVID SCOTT.

Mr. SCOTT of Georgia. Thank you, Mr. CLAY, for your outstanding leadership on the committee and for your outstanding leadership in bringing forward this very, very appropriate and extraordinary resolution for a very extraordinary city that I have had the privilege of representing for many years that has now been redistricted over the years, and my colleague HANK JOHNSON now represents it. But once you represent Lilburn, you always represent the city of Lilburn.

It is a fantastic city, made up of tremendous people who are very courageous, who are very smart, and who make a very significant contribution to every aspect of the forward progress of our great State of Georgia. So I am proud as a cosponsor of this resolution, which recognizes the history, the prominence, and the resilience, especially the resilience. Because you measure greatness not by the easy times; you measure greatness by the tough times that you go through and that you overcome. Such is the story of this great city of Lilburn, Georgia.

As many of my colleagues know, and as I mentioned before, I had the privilege of representing Lilburn during my first term as a Member of Congress. I had my district office out there, and grew to love the people of Lilburn, and still do. And I can proudly say that the men and women of Lilburn are still as uplifting and courageous today as they were when I had the honor of representing that extraordinary city.

It was first inhabited by Native Americans, Madam Speaker, the Native American tribes, in 1817. The city of Lilburn has since blossomed to a community now of over 11,000 people. This community now has eight elementary schools, three middle schools, three high schools, and five private schools. And I am proud to say that the education system within the city of Lilburn is creating the future leaders of my great State of Georgia, this Nation, and indeed, the world.

Madam Speaker, the city of Lilburn has truly been tested, as I mentioned before, and as my colleagues have mentioned. Of the tremendous challenges facing this city, on that devastating day of November 15, 1920, the city business section was completely destroyed by a fire. And while the pulse of the city was tested by this fire, the great people of Lilburn rose to the challenge to reclaim their sense of community and partnership, rolled their sleeves up, and went to work and rebuilt this great city.

And today I am proud to say that the city of Lilburn is largely associated with the Gwinnett County Chamber of Commerce, which now boasts a sound residential area, a thriving business section where historic buildings are for antiques, crafts, clothing, restaurants, and all in an inviting atmosphere. The culture, the arts, the business, education, these are areas of great contribution of this great city.

Madam Speaker, today the city of Lilburn is represented by Mayor Diana Preston, Councilman Scott Batterton, Councilman John Crist, Councilman Tim Dunn, and Councilman Eddie Price, great people doing a great job. And together, these outstanding public leaders are continuing to advance the city of Lilburn in an economically and culturally vibrant and healthy way. The leaders of this great city have initiated projects such as Downtown Development Authority, the Lilburn Community Improvement District, the Lilburn Community Partner, and the Centennial Gateway Trail.

Madam Speaker, greatness is here, and it is in the possession of the great city of Lilburn. I encourage all of my colleagues to unanimously pass this resolution in honor of this great and historic city, Lilburn, Georgia.

Mrs. BIGGERT. I reserve the balance of my time.

Mr. CLAY. Madam Speaker, I yield 5 minutes to the gentleman from the

great State of Georgia who happens to represent the city of Lilburn, Georgia, and the chief sponsor of the resolution, Mr. HANK JOHNSON.

Mr. JOHNSON of Georgia. Madam Speaker, today I am pleased, on behalf of the citizens of the great city of Lilburn, Georgia, to usher through, with the help of my friends, this resolution, which speaks to the prominence and the resilience of the people of Lilburn.

My colleague DAVID SCOTT has said it all, ladies and gentlemen. And I do appreciate him for his very eloquent words on behalf of this resolution. All has been said. It's tough to follow a Baptist preacher. And I won't even try at this time. But I would ask that my colleagues give this due consideration and please vote "yes" on this resolution, H. Res. 1642, recognizing the centennial of the city of Lilburn, Georgia.

Mrs. BIGGERT. I ask for support of this resolution, and I yield back the balance of my time.

Mr. CLAY. Madam Speaker, I again urge my colleagues to join me in supporting this measure.

I yield back the balance of my time. The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Missouri (Mr. CLAY) that the House suspend the rules and agree to the resolution, H. Res. 1642.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. CLAY. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

RECOGNIZING ROTARY INTERNATIONAL

Mr. CLAY. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1727) recognizing Rotary International for 105 years of service to the world and commending members on their dedication to the mission and principles of their organization.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1727

Whereas the mission of Rotary International is to provide service to others, promote integrity, and advance world understanding, goodwill, and peace through its fellowship of business, professional, and community leaders;

Whereas Rotary International, founded in 1905, in Chicago, Illinois, is the world's first service club and one of the largest nonprofit service organizations;

Whereas there are more than 1,200,000 Rotary International club members comprised

of professional, community, and business leaders in more than 34,000 clubs in over 200 countries and geographical areas;

Whereas the Rotary International motto, "Service Above Self", inspires members to provide humanitarian service, meet high ethical standards, and promote international goodwill and peace;

Whereas Rotary International promotes international understanding through scholarships, exchange programs, humanitarian grants, and service projects;

Whereas annual dues from members worldwide help finance Rotary programs and service opportunities that are designed to help Rotarians meet the needs of their own communities and assist people worldwide;

Whereas the core values of Rotary International are service, fellowship, diversity, integrity, and leadership; and

Whereas the Four-Way Test of Rotary International promotes universal values and asks the following questions, "Of the things we think, say or do: Is it the truth?; Is it fair to all concerned?; Will it build goodwill and better friendships?; and Will it be beneficial to all concerned?"; Now, therefore, be it

Resolved, That the House of Representatives recognizes Rotary International for 105 years of service to the world and commends members on their dedication to the mission and principles of their organization.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Missouri (Mr. CLAY) and the gentlewoman from Illinois (Mrs. BIGGERT) each will control 20 minutes.

The Chair recognizes the gentleman from Missouri.

GENERAL LEAVE

Mr. CLAY. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. CLAY. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in support of House Resolution 1727, a measure recognizing Rotary International for 105 years of service to the world, and commending members on their dedication to the mission and principles of their organization.

House Resolution 1727 was introduced by our colleague, the gentleman from Texas, Representative LAMAR SMITH, on November 18, 2010. The measure enjoys bipartisan support from over 60 cosponsors.

Madam Speaker, most of us here are familiar with the work of our local Rotary clubs. Their devotion to service makes a tremendous difference in the lives of all of our communities and in communities around the world. The projects that the over 34,000 Rotary clubs sponsor are too numerous to list here, but some of Rotary International's highest profile undertakings include PolioPlus, an effort to eliminate polio around the world.

□ 1440

They have raised hundreds of millions of dollars for that effort.

Another global undertaking by Rotary International has been an aggressive effort to help solve the global water and sanitation crisis, which claims over 2 million lives each year, including 4,000 children every day. Earlier this year, Rotary International entered into a partnership with the U.S. Agency for International Development to implement sustainable long-term water sanitation and hygiene projects in the Dominican Republic, Ghana, and the Philippines.

Rotarians have also assisted in disaster relief efforts in Indonesia, Pakistan and New Orleans, helping to distribute food, clean water shelters and medical supplies. These are just a few examples of some of Rotary International's service projects. In addition to supporting projects like these around the world, Rotary International supports scholarships, exchange programs, and humanitarian grants.

Madam Speaker, let us take the time now to thank Rotary International for all that they continue to do to fulfill their mission of providing service to others, promoting integrity and advancing world understanding, goodwill and peace. I would, therefore, urge my colleagues to join me in supporting the resolution, which recognizes Rotary International for 105 years of service to the world.

I reserve the balance of my time.

Mrs. BIGGERT. Madam Speaker, I yield such time as he may consume to the distinguished gentleman from Texas, the sponsor of this resolution, Mr. LAMAR SMITH.

Mr. SMITH of Texas. I would like to thank the gentlewoman from Illinois for yielding me time. I also would like to thank my colleagues on the committee itself for giving this resolution bipartisan support.

Madam Speaker, this resolution honors Rotary International for 105 years of service and commends members for their dedication to the mission and principles of Rotary.

The mission of Rotary International is to provide service to others, promote integrity and advance world standing, goodwill and peace through its fellowship. All across the country, business, professional and community leaders better their communities by participating in their local Rotary Clubs.

Founded in 1905 in Chicago, Illinois, Rotary International is the world's first service club and one of the largest nonprofit service organizations. Rotary International promotes international understanding through scholarships, exchange programs, humanitarian grants and service projects. Their motto is "Service Above Self."

Rotary International also promotes universal values with their "four-way test" that asks the following questions: "Of the things we think, say or do: Is it the truth? Is it fair to all concerned? Will it build goodwill and bet-

ter friendships? Will it be beneficial to all concerned?"

It is a pleasure to recognize Rotary International for 105 years of service. I hope my colleagues will join me in honoring them on this achievement.

Mr. CLAY. Madam Speaker, at this time I yield 2 minutes to the gentleman from the great State of Pennsylvania (Mr. ALTMIRE).

Mr. ALTMIRE. Madam Speaker, I rise today to join my colleagues in commemorating the Rotary International Club for 105 years of service.

Like many Members of this House, I have been a member of my local Rotary Club, the McCandless Rotary. Over the years, I have served in many of the club's offices, including a term as its president. I have seen firsthand the great work that Rotary Clubs provide for their communities and literally around the world.

Founded in 1905 in Chicago, Rotary International is the world's first formal service club and has grown into one of the largest nonprofit service organizations in the world. The mission of Rotary is to serve others, promote integrity and advance worldwide understanding, goodwill and peace through its fellowship network of business and community leaders.

Today, there are 1.2 million Rotarians in more than 34,000 clubs across six continents. The district that I represent is home to 25 of those clubs. With a well-known motto of "Service Above Self," Rotary International promotes understanding through scholarships, student exchange programs, humanitarian grants, and other service projects.

I am sure every Member of this House has at one time or another attended a Rotary meeting or spoken to a Rotary group. The resolution we are debating today recognizes Rotary International for 105 years of service to the world and commends its members on their dedication to the mission and principles of Rotary International's organization.

I join my colleagues in support of this resolution.

Mrs. BIGGERT. Madam Speaker, I yield myself such time as I may consume.

I can't help but emphasize that Rotary International was founded in the great State of Illinois, in Chicago, in 1905; and it is the world's first service club and one of the largest nonprofit service organizations. Its motto, "Service Above Self," helps encourage members provide humanitarian aid, meet high ethical standards and promote international goodwill and peace. We salute all members of Rotary International for their great civic works as they celebrate this anniversary.

I thank the gentleman from Texas for sponsoring this resolution. I urge all Members to join in support of the resolution.

I yield back the balance of my time.

Ms. SCHAKOWSKY. Madam Speaker, I rise today to express my strong support for H. Res. 1727, a resolution recognizing Rotary International for 105 years of service to the world and commending its members on their dedication to the mission and principles of their organization. As the Representative of the 9th Congressional District of Illinois which is home to Rotary Club International, I want to personally thank them for the service and commitment to making the world a more humane place.

Madam Speaker, the Rotary Club's motto, "Service Above Self," is an inspiring example for all Americans. Rotarians not only preach this motto, they live it by developing community service projects that address many of today's most critical issues, such as children at risk, poverty and hunger, the environment, illiteracy, and violence.

I would like to especially recognize Rotary for its 25-year long campaign for the global eradication of polio. Since 1985, Rotarians have raised close to a billion dollars to immunize the children of the world and have pledged to contribute an additional \$500 million to the cause. In addition to this generous financial contribution, Rotary has provided an army of volunteers to promote and assist at national immunization days in polio-endemic countries around the world.

Due in large part to Rotary's efforts, the number of polio cases has fallen dramatically. In 1985, there were 350,000 known cases of polio in 125 countries. Today, more than 200 countries are polio-free. There are only four endemic nations—Afghanistan, India, Nigeria and Pakistan—the lowest in history.

I want to again thank Rotary International for its 105 years of service. There is no question that the world is a far better place today because of their tremendous work.

Mr. CLAY. Madam Speaker, I again urge my colleagues to join me in supporting this measure, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Missouri (Mr. CLAY) that the House suspend the rules and agree to the resolution, H. Res. 1727.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

SUPPORTING NATIONAL ESSENTIAL TREMOR AWARENESS MONTH

Mr. CLAY. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1264) expressing support for the designation of March as National Essential Tremor Awareness Month.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1264

Whereas essential tremor is the most common movement disorder, affecting up to 10

million Americans, including 4 to 5 percent of people aged 40 to 60, and 6 to 9 percent of people aged 60 and older;

Whereas essential tremor is often misdiagnosed as Parkinson's disease, dystonia and other neurological movement disorders, most people with essential tremor are not diagnosed until after several visits to many physicians;

Whereas essential tremor is not a normal outcome of aging, as believed by many people including some physicians, but is an abnormal condition, primarily genetic, afflicting people of all ages, including newborns;

Whereas there are no medications that have been developed for people with essential tremor, the medications currently being used were developed for other conditions and only help 60 percent of the people affected, and the only treatment specifically designed for essential tremor is brain surgery;

Whereas essential tremor interferes with a person's ability to perform activities of daily living such as grooming and writing, and in approximately 5 percent of cases, is totally disabling;

Whereas research shows that people with essential tremor have a higher incidence of depression than the general population and that a significant number of these people isolate themselves in their homes;

Whereas essential tremor is a chronic condition that undermines the American economy through lost wages and work hours and high medical costs in getting an accurate diagnosis;

Whereas overcoming the medical, social, and economic issues listed in this resolution depends upon research and research funding is dependent upon awareness; and

Whereas March would be an appropriate month to designate as "National Essential Tremor Awareness Month": Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the designation of "National Essential Tremor Awareness Month" for the purpose of raising awareness about the Nation's number one neurological condition, affecting approximately 10,000,000 Americans; and

(2) encourages the people of the United States to support the observance of National Essential Tremor Awareness Month by participating in the educational activities of the International Essential Tremor Foundation.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Missouri (Mr. CLAY) and the gentlewoman from Illinois (Mrs. BIGGERT) each will control 20 minutes.

The Chair recognizes the gentleman from Missouri.

GENERAL LEAVE

Mr. CLAY. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. CLAY. Madam Speaker, at this time I yield 5 minutes to the chief sponsor of the legislation, the gentleman from Kansas (Mr. MOORE).

Mr. MOORE of Kansas. I thank the gentleman.

Madam Speaker, I rise in support of House Resolution 1264, a resolution

supporting the designation of March as Essential Tremor Awareness Month.

As you may know, essential tremor, also known as ET, is a progressive neurological condition that causes a rhythmic trembling of the hands, head, voice, legs, or trunk. It is often confused with Parkinson's disease and dystonia. ET is estimated to affect up to 10 million Americans, including up to 5 percent of people aged 40 to 60, and up to 9 percent of people aged 60 and older.

ET can interfere with a person's ability to perform activities of daily living such as grooming and writing, and in approximately 5 percent of cases is totally disabling. Additionally, research has shown that people with ET have a higher incidence of depression than the general population and that a significant number of these people isolate themselves in their homes.

Because of stereotypes and a lack of awareness, many people with ET never seek medical care, though most would benefit from treatment. While no medications have been developed for people with ET, specifically, the medications currently being used for other conditions may help up to 60 percent of people with ET.

While this number is encouraging, clearly more research is needed to develop treatments from chairman all people with ET can benefit. Organizations such as the International Essential Tremor Foundation headquartered in my district in Lenexa, Kansas, are leading the way to promote research in an effort to determine the causes, treatment and ultimately the cure for ET, as well as provide information, services and support to individuals and families affected by ET.

□ 1450

To bolster these efforts and to create more awareness about tremors as well as the need for greater ET research, please join me in supporting our resolution supporting the designation of March as National Essential Tremor Awareness Month.

Mrs. BIGGERT. Madam Speaker, I yield myself such time as I may consume.

I rise today to support House Resolution 1264, which expresses support for the designation of March as National Tremor Association Awareness Month. ET is certainly the most common movement disorder, afflicting nearly 10 million Americans. And, of course, for those who have this disease, everyday life can present some frustrating challenges.

Unfortunately, due to a lack of awareness and stereotypes, many suffering from essential tremor do not seek medical care. Unfortunately, there are no medications that have been developed for people with these tremors; so I thank the gentleman from Kansas for bringing this impor-

tant issue before us today to raise awareness about ET.

I would also like to thank the gentleman from Kansas (Mr. MOORE) for his hard work and years of service—12 years, I think it is, since we came in at the same time—of service in this body and for his work as chairman of the Financial Services Subcommittee on Oversight and Investigations, which I have the honor of serving with him as the ranking member. So I really appreciate everything he's done in this body, and I wish him well. We will miss him.

With that, Madam Speaker, I urge all Members to join me in support of this resolution.

I yield back the balance of my time.

Mr. CLAY. Madam Speaker, I too, like my colleague from Illinois, want to thank my friend and neighbor from Kansas (Mr. MOORE) for introducing this important piece of legislation, but more than that, for his level of service here in this institution and someone that I can truly look to and call a friend.

It has been a wonderful 10 years for us, and thank you for your service to your State and your country, Mr. MOORE.

And with that, Madam Speaker, I would urge my colleagues to join me in supporting this measure which supports the designation of March as National Essential Tremor Awareness Month.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Missouri (Mr. CLAY) that the House suspend the rules and agree to the resolution, H. Res. 1264.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. CLAY. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

SUPPORTING DESIGNATION OF WORLD VETERINARY YEAR

Mr. CLAY. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1531) expressing support for designation of 2011 as "World Veterinary Year" to bring attention to and show appreciation for the veterinary profession on its 250th anniversary.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1531

Whereas the world's first veterinary school was founded in Lyon, France, in 1761;

Whereas 2011 will mark the 250th anniversary of veterinary education;

Whereas 2011 will mark the 250th anniversary of the founding of the veterinary medical profession;

Whereas 2011 will mark the beginnings of comparative biopathology, a basic tenet of the "one health" concept;

Whereas veterinarians have played an integral role in discovering the causes of numerous diseases that affect the people of the United States, such as salmonellosis, West Nile Virus, yellow fever, and malaria;

Whereas veterinarians provide valuable public health service through preventive medicine, control of zoonotic diseases, and scientific research;

Whereas veterinarians have advanced human and animal health by inventing and refining techniques and instrumentations such as artificial hips, bone plates, splints, and arthroscopy;

Whereas veterinarians play an integral role in protecting the quality and security of the herd and food supply of the United States;

Whereas military veterinarians provide crucial assistance to the agricultural independence of developing nations around the world;

Whereas disaster relief veterinarians provide public health service and veterinary medical support to animals and humans displaced and ravaged by disasters;

Whereas veterinarians are dedicated to preserving the human-animal bond and promoting the highest standards of science-based, ethical animal welfare;

Whereas 2011 would be an appropriate year to designate as "World Veterinary Year" to bring attention to and show appreciation for the veterinary profession on its 250th anniversary; and

Whereas colleagues in the United States will join veterinarians from around the world to celebrate this momentous occasion: Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the designation of "World Veterinary Year";

(2) supports the goals and ideals of World Veterinary Year by bringing attention to and expressing appreciation for the contributions that the veterinary profession has made and continues to make to animal health, public health, animal welfare, and food safety; and

(3) requests that the President issue a proclamation calling upon the people of the United States to "World Veterinary Year" with appropriate programs, ceremonies, and activities.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Missouri (Mr. CLAY) and the gentlewoman from Illinois (Mrs. BIGGERT) each will control 20 minutes.

The Chair recognizes the gentleman from Missouri.

GENERAL LEAVE

Mr. CLAY. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. CLAY. At this time, Madam Speaker, I yield 5 minutes to my col-

league, the gentleman from Oregon (Mr. SCHRADER).

Mr. SCHRADER. I appreciate Mr. CLAY for yielding time to me.

I would like to take a moment here and thank Chairman TOWNS and Ranking Member ISSA and their staffs on the Oversight and Government Reform Committee for helping to bring this resolution to the floor.

As a veterinarian myself and a Member of Congress, I introduced this resolution to bring attention to the veterinary profession at a time when it faces some challenges and to honor the contributions veterinary medicine has made in animal health, public health, animal welfare, and our food safety.

Next year will mark the 250th anniversary of the opening of the first Veterinary school in Lyon, France, and the beginning of our veterinary profession. The school in Lyon was authorized by King Louis XV, August 4, 1761, based on the principles and methods of curing livestock. The reputation of this school soon spread and students from all over Europe attended, and these students became the leading lights of veterinary science when they returned to their own countries.

A second school was established in Alfort, France, and soon secondary schools built on the Lyon model appeared in Germany, England, and other European countries. Since its humble beginnings in Lyon in the year 1761, the practice of veterinary medicine has spread across the globe for the betterment of animals, humans, and our environment.

As a result, veterinarians have become the most qualified health professionals to help us deal with zoonotic diseases, bioterrorism, comparative medicine, and food safety issues on our front lines and leaders in research and scientific innovation as well as the scientific benefits of the animal-human companion bond.

Veterinarians have always been an integral part of their communities and expected to be community leaders. I may have carried it to an extreme.

In my lifetime, I have been actually blessed to see some exponential growth in the veterinary medical field. We went from the James Herriot era of liniments and potions to the ongoing use of antibiotics and steroids; advances in diagnostics and treatments, including IV therapy, dentistry; second and third generation of antibiotics and steroids, new anti-inflammatories; treatments for diabetes, Cushing's, Addison's—diseases we see both in humans and in animals—and advances in nutrition that our human colleagues could take advantage of.

I encourage my colleagues to join me in commemorating this important milestone by supporting H. Res. 1531 and proclaiming 2011 as World Veterinary Year in honor of the 250th anniversary of the veterinary profession.

Mrs. BIGGERT. I yield myself such time as I may consume.

I rise today to support House Resolution 1531, which expresses support for designation of 2011 as World Veterinary Year, with the goal of helping to bring attention to and showing appreciation for the veterinarian profession on its 250th anniversary.

I believe that those who choose to enter into the medical profession deserve our gratitude for entering into a life where they help heal the sick, be it human or animal. And for many of us, our pets become a huge part of our family, and our Nation's veterinarians help ensure our furry family members live long and rewarding lives.

So, Madam Speaker, I urge all Members to join me in support of this resolution.

I reserve the balance of my time.

Mr. CLAY. Madam Speaker, at this time I would like to recognize the gentleman from Georgia (Mr. SCOTT) for 5 minutes.

Mr. SCOTT of Georgia. Thank you, Mr. CLAY, once again. And certainly I want to thank the outstanding leadership of my colleague, Mr. KURT SCHRADER of Oregon, who's the chief sponsor of this bill, for it is, indeed, a very important bill.

I too want to thank the gentlelady from Illinois (Mrs. BIGGERT) for her leadership on this, and Mr. TOWNS, chairman of our Oversight Committee, for assisting us with making sure this bill got on the suspension calendar.

Madam Speaker, H.R. 1531, designating 2011 as World Veterinary Year, is a simple but an extraordinarily important gesture, offering recognition for an often overlooked yet increasingly very important profession, and that is the field of veterinary medicine.

We all know the role veterinarians play in keeping our pets healthy. As a pet owner myself, I've come to depend on the expertise and the skill of my vet to keep my precious dog, Jazz, very healthy.

But the work of veterinarians is so much more vital than just giving rabies shots and passing out medicine. As chairman of our Agriculture Subcommittee on Livestock, Dairy, and Poultry, what I would like to highlight, Madam Speaker, is the crucial role that our veterinarians play in keeping our food supply safe—not just keeping our animals safe and healthy, but keeping our food supply safe and healthy.

□ 1500

They are the ones that we are growing more and more to depend upon for this important role. Whether in the movement with antibiotics or farm animal safety, who better to provide the leadership on these critical issues than the veterinarians, the physicians for the animals.

Veterinarians have an important responsibility to prevent contamination

from bacteria and diseases. In a world of rapid trade, food animal veterinarians serve a crucial role in protecting our country from serious food-borne illnesses, from biological hazards, from pathogens. Veterinarians work to curb bacterial infections and diagnose conditions such as foot-and-mouth disease and avian flu before they really have a chance to become a threat to our food supply.

Having someone in the field to monitor these dangers is critical to our safety in a world of global trade, and particularly, constant trading in and out of different countries of food and animals over our wide, incredible differences.

But, Madam Speaker, what worries me the most and worries me greatly is that our Nation is now in dire need of many more veterinarians to provide us with this undeniably vital service. The American Veterinary Medical Association has found several vast regions of the country that currently lack sufficient food animal veterinarians. Throughout the center of this country, from Texas to North Dakota, numerous counties don't even have a single food animal veterinarian despite having more than 25,000 animals. Some areas have many more than 100,000 animals with no food animal veterinarian nearby.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. CLAY. I yield 2 additional minutes to the gentleman.

Mr. SCOTT of Georgia. Without a serious endeavor to train more large animal veterinarians, the country could be in a position where dangerous pathogens and disease go unchecked, leading to a major, major food safety hazard. We have come close in numerous threats, and we have to keep our food supply safe. At the forefront of that are our veterinarians.

Earlier this year, the House passed H.R. 3519, Veterinarian Services Investment Act. This bill creates grants to develop, deploy, and sustain veterinarian services and provides our Nation's current and future animal physicians with the resources they desperately need. While Senate prospects for this bill are uncertain, unfortunately, as the remaining legislative year dwindles, I am hopeful that the Senate will act soon. It is imperative that we address this dire shortage of veterinarians by supporting the training of new vets and by helping those already in the field by equipping them with the tools they need to maintain successful practices.

So I welcome this resolution, and I commend Mr. SCHRADER for offering it, and any chance we have to mention the crucial work of our veterinarians and highlight the need to train and employ more of them is a chance we must take to do just that.

Once again, Madam Speaker, I offer my wholehearted approval for this res-

olution for the veterinarians it seeks to honor.

Mrs. BIGGERT. Madam Speaker, I yield back the balance of my time.

Mr. CLAY. Madam Speaker, again let me thank the gentleman from Oregon (Dr. SCHRADER) for introducing this important piece of legislation. And in closing, I ask my colleagues to join me in supporting House Resolution 1531 supporting the goals and ideals of World Veterinary Year.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Missouri (Mr. CLAY) that the House suspend the rules and agree to the resolution, H. Res. 1531.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. CLAY. Madam Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

HONORING 2500TH ANNIVERSARY OF BATTLE OF MARATHON

Mr. KLEIN of Florida. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1704) honoring the 2500th anniversary of the Battle of Marathon, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1704

Whereas in 490 BC, Athenian warriors defeated foreign invaders and won against overwhelming odds in one of the most significant battles in human history;

Whereas the Athenian victory helped continue the development of a new form of government called "democracy";

Whereas according to legend, a messenger named Phidippides ran from the battlefield of Marathon, Greece, to Athens 26 miles away to carry news of the victory and it is said, that upon delivering the news to the citizens of Athens, Phidippides died from exhaustion;

Whereas Phidippides' run inspired the spiritual origin of what has become the sport of marathoning;

Whereas the first official marathon race was introduced in the first modern Olympics in 1896 held in Athens, Greece;

Whereas officials from the Boston Athletic Association brought the long distance Olympic running event to Boston, Massachusetts, where it has been run annually since 1897;

Whereas a ceremony took place in Marathon, Greece, in 2007 at the Tomb of the Athenians, the burial site of the Greek warriors who gave their lives defending their country;

Whereas this ceremony created the symbolic Flame of Marathon that embodies the strength of the human spirit, fair competition, and peace;

Whereas Hopkinton, Massachusetts, and Marathon, Greece, have a twin-city relationship, the Flame of Marathon traveled from Marathon, Greece, and was presented to the Town of Hopkinton in 2008;

Whereas the Flame of Marathon has burned continuously in Hopkinton, Massachusetts, since its arrival in the United States;

Whereas the Flame of Marathon reminds us of the sacrifice of the United States Armed Forces and their families, the defenders of democracy;

Whereas the 35th Marine Corps Marathon received the Flame of Marathon as part of its celebration of the 2500th anniversary of the Battle of Marathon; and

Whereas the Flame of Marathon was displayed at events leading to and including the Marine Corps Marathon in view of 30,000 runners who embodied the marathon spirit as they ran through Washington, DC: Now, therefore, be it

Resolved, That the House of Representatives joins with the Greek Embassy in Washington, DC, the people of Hopkinton, Massachusetts, the people of Marathon, Greece, and the hundreds of thousands of runners participating in marathons throughout the United States, in celebrating the 2500th anniversary of the Battle of Marathon, Greece, one of the most significant battles in human history.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida (Mr. KLEIN) and the gentleman from New Jersey (Mr. SMITH) each will control 20 minutes.

The Chair recognizes the gentleman from Florida.

GENERAL LEAVE

Mr. KLEIN of Florida. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. KLEIN of Florida. Madam Speaker, I rise in strong support of this resolution, and I yield myself such time as I may consume.

Madam Speaker, H. Res. 1704 honors the anniversary of the Battle of Marathon, a watershed event in the protection of the then-fledgling form of government we continue to practice to this day and we know as democracy.

As the story goes, a messenger ran 26 miles from Marathon to Athens to deliver news of the Greek victory over the Persians, a feat commemorated today by millions of athletes around the world through the running of marathons.

In this anniversary year, the town of Hopkinton, Massachusetts, the sister city to Marathon, Greece, created "Marathon 2010" to encourage a global celebration of the victory at Marathon and to connect marathoners throughout the world in the shared experience of running.

The commemorative Flame of Marathon was brought from Marathon to Hopkinton nearly 2 years ago as a symbol of the twin cities common heritage as caretakers of the sport of the marathon.

As part of the celebration of the 2500th anniversary, the Marine Corps Marathon in Washington, D.C., celebrated the military roots of long distance running by receiving the flame in October.

We commend the hundreds of thousands of marathon runners throughout the world who exemplify the words of the philosopher Confucius, a contemporary of the battle who said: "I hear and I forget. I see and I remember. I do and I understand."

We join together with marathoners around the world in celebrating the 2500th anniversary of the Battle of Marathon.

Madam Speaker, I want to thank the gentleman from Massachusetts (Mr. McGOVERN) for introducing this resolution.

I reserve the balance of my time.

Mr. SMITH of New Jersey. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, today I rise in support of the resolution honoring the 2500th anniversary of the Battle of Marathon in ancient Greece. This resolution celebrates the victory in the battle—against all odds—by Greek citizens opposing the overwhelming Persian force in the year 450 B.C.

The Battle of Marathon has been cited by historians as one of the pivotal events in ancient European history. The victory at Marathon marked the end of the Persian invasion of Greece. The following years of peace allowed the Greek city-states and the Greek nation to create the philosophy of democratic rule and establish the arts and sciences for which classical Greece is renowned to this day.

The commitment of the Greek warriors to protect their homeland from Persian invasion summoned within them the strength to withstand the attack through 5 long days of battle, and to finally overcome the invading force.

It was that same commitment to victory, Madam Speaker, that propelled a Greek messenger to run over 26 miles without a break in order to deliver the good news of the victory to the people of Athens. That incredible feat has inspired many in the modern age to emulate that runner's achievement—and I have run one marathon, Madam Speaker—with the first marathon races begun in 1896 and following that runner's course from Marathon to Athens.

I want to thank Mr. McGOVERN for sponsoring this very timely resolution.

I reserve the balance of my time.

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Mr. KLEIN of Florida. Madam Speaker, I yield 5 minutes to the author of

the bill, the gentleman from Massachusetts (Mr. McGOVERN).

Mr. McGOVERN. I want to begin by thanking the gentleman from Florida for not only yielding me the time but for his service here in Congress. He has been an incredible Member, and I look forward to his return.

As well, I thank my friend, my colleague from New Jersey, for his comments.

I would also like to thank Chairman BERMAN and Ranking Member ROS-LEHTINEN for their leadership and support of this bill.

I also appreciate the support of Speaker PELOSI, Majority Leader HOYER and the bipartisan cochairs of the Congressional Caucus on Hellenic Issues, Representatives MALONEY and BILIRAKIS.

Madam Speaker, I was very proud to introduce H. Res. 1704, along with my good friend and colleague, JOHN SARBANES of Maryland, to honor the 2,500th anniversary of the Greek Battle of Marathon.

Every time someone runs a marathon race, he is commemorating one of the most momentous events in Western history, the Battle of Marathon, fought in 490 B.C. A few thousand Athenian and other Greek soldiers destroyed a huge force of invading Persians on the plain of Marathon, a victory widely believed to have ensured the democratic legacy of Western culture. A soldier charged with carrying the important news of victory back to Athens literally ran his heart out to deliver that message—and so the spirit of the marathon was born.

There is a deep connection between the nation of Greece, the city of Marathon, Greece, the Massachusetts town of Hopkinton, and the city of Boston. Hopkinton, Massachusetts, which I am proud to represent, is where each year the Boston Marathon begins. In 2008, in preparation for the 2,500th anniversary, the city of Marathon asked Hopkinton to be the guardian of the Marathon Flame, and brought it to Hopkinton, its sister city, in order to embody the spirit of Marathon all over the United States.

This year, as part of the 2010 Marine Corps Marathon, the Flame of Marathon was brought by Hopkinton to Washington, D.C., to honor the 35th anniversary of the Marine Corps Marathon and its race director, Mr. Rick Nealis. I recently had the privilege of honoring Mr. Nealis at a dinner in Hopkinton, Massachusetts, celebrating the partnership between the town of Hopkinton, the Boston Marathon, and the Marine Corps Marathon.

The Boston Marathon, the Marine Corps Marathon, and the New York City Marathon are among the three stellar marathon races organized each year in the United States, but over 500 marathon races take place every year around the world, including scores of

races in the United States involving hundreds of thousands of American and foreign athletes, all seeking to emulate the spirit of that first marathon run 2,500 years ago this year.

Madam Speaker, I want to thank Timothy Kilduff and Michael Neece with the Hopkinton Athletic Association for all the support they have given to this resolution. I also want to thank the Board of Selectmen of the town of Hopkinton for their steadfast support of Hopkinton's proud tradition as the starting place for the Boston Marathon each year, and for their support of this bill.

I also want to express a special "thank you" to the Embassy of Greece, most notably to Ambassador Vassilis Kaskarelis, Minister Counselor for Cultural Affairs Zoe Kosmidou, and Constantinos Orphanides, the Consul General for Greece at the consulate in Boston.

I have been a longtime spectator but never a participant of the Boston Marathon or of the Marine Corps Marathon, and I am honored to support this resolution that honors these two events that are such a source of pride to the people who live and work in Massachusetts and the Nation's Capital. I honor the people of Greece, the city of Marathon, and the memory of the Battle of Marathon.

I ask all of my colleagues to support this resolution, and I can't wait until we honor the 5,000th anniversary of the Battle of Marathon and the establishment of Western democracy.

REMARKS BY H.E. AMBASSADOR OF GREECE
MR. VASSILIS KASKARELIS AT THE MARINE
CORPS MARATHON PRESS CONFERENCE,
WASHINGTON, DC, FRIDAY, OCT. 29, 2010

Honored Guests, Ladies and Gentlemen, It is a great honor for Greece and even more so for myself to be participating in these inspiring events that mark, on the one hand, 2,500 years from the Battle of Marathon and on the other, the 35th anniversary of the annual Marine Corps Marathon.

We read and hear of Greece's contributions to Western civilization, of having invented democracy, having given us great works of philosophy and literature, but we often forget Greece's holistic approach to life and living, that is "νοῦς ὑγῆς ἐν ᾧματι ὑγῆι", that is "healthy body mind in a healthy body".

Today at the Walter Washington Convention Center, as we are surrounded by the spirit of a healthier approach to our daily living, we ought to consider whether we would be living in a different world, had it not been for the victory at Marathon 2,500 years ago.

One might wonder, and rightly so, as to why a Battle that was fought thousands of years ago, might still be important today, and why commemorate it 2,500 years later.

The answer is simple. The Battle of Marathon, won by a handful of Athenians, was decisive not only for the future of Greece, but also the future of Western civilization. The Athenian victory at the Battle of Marathon allowed for the establishment of democracy. It allowed for the flourishing of the classical period of Greek culture, establishing the foundation of the Western civilization.

One wonders whether Aeschylus, Sophocles, Euripides and Aristophanes might have

written their definitive works had the Battle of Marathon had a different result. Would Socrates, perhaps even Plato and Aristotle have laid the foundation of western philosophy? Would the democratic principles, which, unfortunately, we take for granted today, have developed as they have?

Most of you know that the Marathon run, as we know it today, was instituted in the 1896 Olympics, and was won, if I may say so, by a Greek peasant, Spyros Louis.

Today, there are more than 500 marathons throughout the world each year. They are inspirational gatherings, which bring together thousands of athletes of different cultures, ethnicities and races, an accomplishment in and of itself. Many are also run to raise awareness for good causes.

Phidippides, the first so-called Marathon runner, the man who ran to tell his fellow citizens of their glorious victory in the city of Marathon, is the stuff of legends around the world. His story, as the story of many current Marathon runners, who dedicate themselves to the pursuit of athletic excellence, continue to inspire us. And as the Olympic Games, so do marathon runs offer a moment in time when differences are forgotten and participants are unified in the pursuit of an ideal.

Greece is grateful to Marathon Committees around the United States for organizing the 2500th anniversary celebrations in conjunction with Marathon runs throughout the country. We thank all of them for their participation in these commemorative events.

We are also grateful to the Boston Marathon and the city of Hopkinton, the guardian of the Marathon Flame, which carries the spirit of Marathon all over the U.S. The cities of Hopkinton and Marathon are sister-cities and share similar cultural and athletic values.

Most of all, we thank the United States Marines for bringing the Marathon flame from Hopkinton to Washington, under the auspices of the 35th Marine Corps Marathon and Race Director, Mr. Rick Nealis.

We are privileged to continue this tradition and honored to be celebrating it with the Marine Corps Marathon, also known as "The People's Marathon". It is on occasions such as this that we realize our common past and hopefully realize that we ought to work for a common future.

Thank you.

Mr. SMITH of New Jersey. I yield back the balance of my time.

Mr. KLEIN of Florida. Madam Speaker, I certainly would like to acknowledge the gentleman from New Jersey (Mr. SMITH) for his cosponsorship of the bill as well. I am looking forward to Mr. SMITH, Mr. McGOVERN, and me all planning for next year's marathon and getting ready for the big race.

I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. KLEIN) that the House suspend the rules and agree to the resolution, H. Res. 1704, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. KLEIN of Florida. Madam Speaker, I object to the vote on the ground

that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

RECOGNIZING 50TH ANNIVERSARY OF NATIONAL COUNCIL FOR INTERNATIONAL VISITORS

Mr. KLEIN of Florida. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1402) recognizing the 50th anniversary of the National Council for International Visitors, and expressing support for designation of February 16, 2011, as "Citizen Diplomacy Day," as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1402

Whereas 2011 marks the 50th anniversary of the National Council for International Visitors (NCIV), originally founded as the National Council for Community Services to International Visitors (COSERV) in 1961;

Whereas the mission of NCIV is to promote excellence in citizen diplomacy, the concept that the individual citizen has the right and responsibility to help develop constructive United States foreign relations "one handshake at a time";

Whereas citizen diplomacy has the power to shape perceptions in the United States of foreign cultures and international perceptions of the United States, effectively shattering stereotypes, illuminating differences, underscoring common human aspirations, and developing the web of human connections needed to achieve more peaceful relations between countries;

Whereas NCIV is the private sector partner of the United States Department of State International Visitor Leadership Program (IVLP), a public diplomacy initiative that brings distinguished foreign leaders to the United States for short-term professional programs under the authority of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2451 et seq.; also referred to as the "Fulbright-Hays Act");

Whereas the NCIV network comprises individuals, program agencies, and 92 community organizations throughout the United States, including approximately 80,000 volunteers who are involved in NCIV member activities each year as host families, professional resources, volunteer programmers, board members, and other supporters;

Whereas the network of citizen diplomats in NCIV has organized professional programs, cultural activities, and home visits for more than 190,000 foreign leaders participating in the IVLP, 285 of whom went on to become chiefs of state or heads of government in their countries;

Whereas the NCIV network has hosted and strengthened the relationships of the United States with notable foreign leaders who are alumni of the IVLP;

Whereas United States ambassadors have in repeated surveys ranked the NCIV network-facilitated IVLP first among 63 United States public diplomacy programs;

Whereas in 2001, the NCIV network of citizen diplomats was nominated to receive the Nobel Peace Prize for its work to promote fraternity between nations;

Whereas all Federal funding for the citizen diplomacy of the NCIV network is spent in the United States, where it has leveraged \$6 in local economic impact for every Federal dollar expended;

Whereas NCIV member organizations provide invaluable opportunities for United States students to develop global perspectives and vividly experience the diversity of the world by bringing foreign leaders into local schools, loaning teachers cultural artifacts, and developing internationally focused curricula;

Whereas participation of United States communities, businesses, and universities in the international exchange programs implemented by the NCIV network strengthens the ability of the United States to produce a globally literate and competitive workforce;

Whereas NCIV provides leadership at the national level having convened leaders of sister organizations for two national Summits on Citizen Diplomacy and providing funding to its member organizations for Summits on Citizen Diplomacy in communities throughout the United States, giving those organizations the opportunity to foster internationally focused dialogue and to cultivate lasting partnerships with like-minded organizations in their own communities;

Whereas NCIV member organizations serve as international gateways, sharing their communities with the world and the world with their communities, welcoming strangers and sending home friends; and

Whereas, February 16, 2011, would be an appropriate date to designate as "Citizen Diplomacy Day": Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes the 50th anniversary of the National Council for International Visitors and its extraordinary efforts to promote excellence in citizen diplomacy;

(2) commends the achievements of the thousands of citizen diplomats who have worked for generations to share the best of the United States with foreign leaders, specialists, and scholars;

(3) thanks the National Council for International Visitors citizen diplomats for their service to their communities, the United States, and the world; and

(4) supports the designation of "Citizen Diplomacy Day".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida (Mr. KLEIN) and the gentleman from New Jersey (Mr. SMITH) each will control 20 minutes.

The Chair recognizes the gentleman from Florida.

GENERAL LEAVE

Mr. KLEIN of Florida. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. KLEIN of Florida. Madam Speaker, I rise in strong support of this legislation, and I yield myself such time as I may consume.

For 50 years, the National Council for International Visitors has operated on the conviction that every day American citizens can be some of our country's greatest diplomats. Through its facilitation of the State Department's International Visitor Leadership Program and other exchange programs, the NCIV has been an essential part of American diplomacy.

In order to welcome international visitors across the country, the NCIV requires the energy and commitment of more than 80,000 volunteers every year. These volunteers create and implement professional and cultural programs for the visitors, and they also open their homes.

Over 190,000 foreign leaders, including 286 current and former heads of state, have come to the United States through the International Visitor Leadership Program and have benefited from this hospitality. The experiences they have had and relationships they have built in the United States have left a lasting impression of the values and strength of the American people.

In an increasingly interconnected world, technology can unite us, but face-to-face interaction can bond us. Our citizen diplomats help to dispel myths about the United States and can convey potent messages of American goodwill. They also help to increase understanding within the United States about the world.

The service that our citizen diplomats have provided for over half a century has been invaluable to our country, and I urge my colleagues to support this resolution, which designates February 16, 2011, as "Citizen Diplomacy Day."

Of course, I would like to thank the author of the resolution, Congressman MORAN.

Madam Speaker, I reserve the balance of my time.

Mr. SMITH of New Jersey. I yield myself such time as I may consume.

First, I want to thank the gentleman from Virginia (Mr. MORAN) and the gentleman from Illinois (Mr. MANZULLO) for providing us with this opportunity to recognize the contributions of the National Council for International Visitors, particularly on its 50th anniversary, and the importance of the citizen diplomacy of the United States.

Madam Speaker, the person-to-person contacts that occur when international visitors have the opportunity to live and work alongside ordinary Americans are often more than opinion-changing; they can be life-changing. To experience up-close the diversity, generosity, and industry of our people can shatter stereotypes and prejudices far more effectively than press statements and media campaigns. For these reasons, citizen diplomacy is an important tool for increasing the

global understanding of American values.

One significant component of our public diplomacy activities has been the International Visitor Leadership Program, a State Department program that brings thousands of current and emerging professional leaders to the U.S. every year for carefully designed short-term visits. Having met with many of those who have come in from abroad, they are very, very useful visits, and they get to see a broad array of America and Americans when they do visit. Numerous International Visitor alumni have gone on to become heads of state, key officials, and industry leaders in their home countries.

For the past 50 years, the National Council for International Visitors has been a critical partner in the success of that program. As a nonprofit professional association, the NCIV helps to coordinate the exchange-related activities of community-based groups throughout the country, drawing on the energy of nearly 80,000 American volunteers every year.

□ 1520

During its first 50 years, NCIV has organized professional programs, cultural activities and home visits for more than 190,000 foreign visitors. To that we say thank you.

Madam Speaker, I reserve the balance of my time.

Mr. KLEIN of Florida. Madam Speaker, I yield such time as he may consume to the gentleman from Virginia, the author of the resolution, Mr. MORAN.

Mr. MORAN of Virginia. I want to thank my friends and colleagues, Mr. KLEIN from Florida and Mr. SMITH from New Jersey. I appreciate their support of this.

This is an important resolution. What the National Council of International Visitors sponsors day in and day out has a long-term impact that cannot be overstated within our country or around the globe.

The National Council of International Visitors, Madam Speaker, is a nonprofit membership association currently marking 50 years of leadership in citizen diplomacy. It embodies the concept that individual citizens have the right and the responsibility to help shape U.S. foreign relations, in their words, "one handshake at a time."

NCIV's nationwide network consists of 92 community organizations as well as program agencies, associate members and individuals. Each year, the aggregate efforts of NCIV members involve more than 80,000 volunteers across the country.

With leadership and training provided by NCIV, its member organizations design and implement professional programs, provide cultural activities, and offer the actual experience of living within an American family

and an American community for foreign leaders and specialists participating in the U.S. Department of State's International Visitor Leadership Program and other exchange programs.

For the last 50 years, NCIV has built a network of citizen diplomats committed to bridging international culture gaps and building mutually beneficial relationships through international exchanges. More than 285—although Mr. KLEIN said 286, so apparently in the last few days another person who was involved with this program has been elected around the world as a world leader, but regardless of the number, we know it is very substantial, the number of people who lead other countries but have an understanding of who we are as a Nation, our values and beliefs as a result of NCIV's efforts.

More than 1,700 cabinet-level ministers—and so many other distinguished world leaders that you can't even count them—have benefited from firsthand exposure to the United States through the International Visitor Leadership Program and the NCIV network.

With its commitment to building long-term personal relationships, NCIV will continue to be an asset for American public diplomacy and indeed for national security efforts as it moves into its second half century.

Some examples that I think bear citing: Tony Blair, former Prime Minister of the United Kingdom, participated in this program. Anwar Sadat, who was so instrumental in bringing peace between Israel and Egypt, participated in this program; Felipe Calderon, President of Mexico; Nicolas Sarkozy, President of France; Kim Dae-Jung, who was the former President of South Korea; Manmohan Singh, Prime Minister of India; Abdullah Gul, President of Turkey; Morgan Tsvangirai, Prime Minister of Zimbabwe.

It is also worth noting that nearly the entire international visitor leadership program in the State Department spends its budget here in communities throughout the United States, and that by implanting its programs in those communities, the IVLP is also important for generating economic development and cultivating a globally literate workforce in our U.S. communities. Nothing is more instructive than having a foreign visitor actually live in an American home to understand our culture, our values, and our beliefs.

Lastly, Madam Speaker, it is clear that in contributing to the quality of our international engagement, the International Visitor Leadership Program is an investment in our national security. It is imperative to continue rebuilding the image of the United States abroad and to build stronger long-term personal relationships between foreign leaders and U.S. decision

makers, by connecting them with people who simply represent what America is all about day in and day out. In fact, the Organization of American Ambassadors ranks the International Visitor Leadership Program as the most important among all 63 U.S. diplomacy programs.

In closing, as well as Mr. SMITH and his staff, I want to thank Chairman HOWARD BERMAN and his staff, Katherine Brown for their efforts in highlighting the important work of citizen diplomats, and the NCIV, and obviously Mr. KLEIN and his staff. I also want to give a shout out to the National Council of International Visitors, especially Sherry Mueller and her staff, Chris Bassett and Ed Thompson, who worked so hard with my staff on this resolution; Tom Gittens, the former head of Sister Cities International, for his leadership in promoting the National Council of International Visitors. Shai Tamara and Tom Garofalo of my staff, who is here as well and has steered this through the Congress.

I hope and trust we will get unanimous support for this and let the International Council of International Visitors know that we do appreciate all their efforts on behalf of our country.

Mr. SMITH of New Jersey. Madam Speaker, I yield back the balance of my time.

Mr. KLEIN of Florida. Madam Speaker, again I thank the gentleman who brought this forward to us, Mr. MANZULLO as well, and Mr. SMITH.

Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. KLEIN) that the House suspend the rules and agree to the resolution, H. Res. 1402, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. KLEIN of Florida. Madam Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

CONGRATULATING LIU XIAOBO ON NOBEL PEACE PRIZE

Mr. KLEIN of Florida. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1717) congratulating imprisoned Chinese democracy advocate Liu Xiaobo on the award of the 2010 Nobel Peace Prize, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1717

Whereas Liu Xiaobo played a leading role in the 1989 Tiananmen Square demonstration for democratic reform, insisting on peaceful means and democratic process;

Whereas since 1989, Liu Xiaobo has been a leading figure promoting democratic reform and respect for human rights, including by writing hundreds of notable essays on these subjects;

Whereas between June 6, 1989, and October 1999, Chinese officials detained Liu Xiaobo 3 times, totaling over 4 years confinement for his role in Tiananmen Square and continued promotion of political reform;

Whereas in 2008, Liu Xiaobo was one of the principal drafters and organizers as well as one of the first signers of Charter 08, a manifesto that proposed democratic reform in China;

Whereas, on December 8, 2008, Chinese officials detained Liu Xiaobo for his role in Charter 08, and found him guilty of "inciting subversion of state power" in 2009 and sentenced him to 11 years imprisonment;

Whereas since December 2008, thousands of Chinese citizens from all walks of life have signed Charter 08, and Chinese officials have detained, placed under house arrest, or harassed many of them;

Whereas in 2010, many persons from around the world nominated Liu Xiaobo for the Nobel Peace Prize, including the 14th Dalai Lama, Bishop Desmond Tutu, Vaclav Havel, and 7 members of the United States House of Representatives;

Whereas, on October 8, 2010, the Norwegian Nobel Committee announced its award of the 2010 Nobel Peace Prize to Liu Xiaobo for his "long and non-violent struggle for fundamental human rights in China";

Whereas the Norwegian Nobel Committee noted that, "the campaign to establish universal human rights also in China is being waged by many Chinese . . . through the severe punishment meted out to him, Liu has become the foremost symbol of this wide-ranging struggle for human rights in China";

Whereas when on October 9, 2010, Liu Xia, Liu Xiaobo's wife, notified her husband that he had been awarded the Nobel Peace Prize, he responded by dedicating the prize to "the Tiananmen martyrs";

Whereas Chinese officials responded to the award by placing Liu Xia under house arrest, harassing and detaining Liu Xiaobo's friends and supporters, censoring Internet Web sites and blacking out television broadcasts that reported the award, and defaming Liu Xiaobo by describing him as a "criminal", a "political tool of the West", and a "traitorous operative";

Whereas Chinese officials have claimed that the imprisonment of Liu Xiaobo is an internal matter and that the award constitutes meddling in China's internal affairs; and

Whereas President Barack Obama, the recipient of the 2009 Nobel Peace Prize, has congratulated Liu Xiaobo on the award and called on Chinese officials to release him from prison: Now, therefore, be it

Resolved, That the House of Representatives—

(1) congratulates Liu Xiaobo on the award of the 2010 Nobel Peace Prize;

(2) honors Liu Xiaobo's promotion of democratic reform in China, and the courage with which he has bore repeated imprisonment by Chinese officials;

(3) states that in honoring Liu Xiaobo, it also honors all those who have promoted democratic reform in China, including all those who participated in the 1989 Tiananmen Square demonstration for democratic reform;

(4) asserts that Liu Xiaobo is a political prisoner, and that Liu Xia, Liu Xiaobo's supporters, and all signers of Charter 08 who have been detained, placed under house arrest, or harassed, are the victims of political persecution;

(5) calls on Chinese officials to release Liu Xiaobo from prison, and to release Liu Xia, Liu Xiaobo's supporters, and all signers of Charter 08 from detention, house arrest, and harassment;

(6) calls on Chinese officials to cease censoring media and Internet reporting of the award of the Nobel Peace Prize to Liu Xiaobo and to cease their campaign of defamation against Liu Xiaobo;

(7) urges President Barack Obama to continue to work for the release of Liu Xiaobo from prison, as well as the release of Liu Xia, Liu Xiaobo's supporters, and all signers of Charter 08 from detention, house arrest, and harassment; and

(8) emphasizes that violations of human rights in general, and the persecution of Liu Xiaobo, Liu Xia, Liu Xiaobo's supporters, and all signers of Charter 08 specifically, are matters of legitimate concern to other governments.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida (Mr. KLEIN) and the gentleman from New Jersey (Mr. SMITH) each will control 20 minutes.

The Chair recognizes the gentleman from Florida.

GENERAL LEAVE

Mr. KLEIN of Florida. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. KLEIN of Florida. Madam Speaker, I rise in strong support of this resolution, and I yield myself such time as I may consume.

Madam Speaker, this resolution congratulates Chinese democracy activist Liu Xiaobo on being awarded this year's Nobel Peace Prize and calls for his immediate release from imprisonment by the Chinese Government.

I would like to thank the gentleman from New Jersey (Mr. SMITH) for sponsoring this resolution and bringing it forward to discuss with many of us, as well as the other six Members of Congress who originally nominated Mr. Liu for the Nobel Peace Prize.

Mr. Liu was a leader during the 1989 pro-democracy Tiananmen Square protests and one of the drafters last year of Charter 08, a document signed by more than 300 Chinese intellectuals and rights advocates that called for political reform and improvement in China's human rights policies. As a result of his activism, the Chinese Government charged Mr. Liu with the phony

offense of “inciting subversion of state power.” He was convicted on Christmas day of last year and subsequently sentenced to 11 years in prison, a sentence that has been widely regarded as unusually harsh.

This past October, Mr. Liu became the first Chinese citizen residing in China to win the Nobel Peace Prize and one of three laureates to have received it while in prison. The Nobel Committee awarded the prize to Mr. Liu “for his long and non-violent struggle for fundamental human rights in China.”

□ 1530

Mr. Liu’s wife visited him in prison shortly after he learned of winning the prize, and during their visit Mr. Liu reportedly was moved to tears and said that the prize was “for the lost souls of June 4.”

Mr. Liu remains locked away in a Chinese cell and thus is not able to receive the prize in person. The Chinese Government has also placed his wife under house arrest and is preventing her and Mr. Liu’s other family, friends and supporters from leaving China to attend the awards ceremony in Norway.

The Chinese Government has denounced the prize as a “political tool” of the West, blocking all media reporting of the news in China and trying to bully foreign governments from sending representatives to the awards ceremony later this week. China’s boorish and arrogant behavior over Mr. Liu’s award won’t produce the global respect and clout that Chinese authorities so desperately crave, and its tactics only underscore China’s failure to uphold the very principles to which Mr. Liu has dedicated his life and work and for which he is being recognized by the Nobel committee.

Today, the United States House of Representatives stands in solidarity with Mr. Liu and all those who have risked their lives to promote democratic reform in China. We call on China to immediately release Mr. Liu from prison and to cease its harassment and detention of Mr. Liu’s wife and supporters.

Madam Speaker, I urge all my colleagues to support this resolution.

I reserve the balance of my time.

Mr. SMITH of New Jersey. Madam Speaker, I yield myself such time as I may consume.

I thank my good friend and colleague from Florida for his eloquent statement. I thank the Speaker and the majority leader for bringing this resolution to the floor, and of course to HOWARD BERMAN the chairman and HEENA ROS-LEHTINEN for their strong support for it as well.

Madam Speaker, for far too long the Chinese Government has evaded virtually all serious scrutiny of its horrific human rights record—usually by

employing bullying tactics, including threats to nations, multilateral organizations like the U.N., and to individuals. Today the Chinese Government brutalizes women and children through forced abortion and coerced sterilization as part of its barbaric one-child-per-couple policy, which makes brothers and sisters illegal. Today China crushes all political opposition. It tortures and incarcerates Falun Gong practitioners, Uyghurs, Tibetan Buddhists and Christians. Today China violently crushes independent labor unions and has transformed the Internet into a tool for surveillance and censorship.

I note parenthetically, Madam Speaker, that immediately prior to the Olympics, the gentleman from Virginia (Mr. WOLF) and I visited Beijing, one of many human rights trips to China. While we were there, we sought to meet with some of the house church leaders who wanted to meet with us and pray with us. All but one were arrested and detained, and after we left that particular pastor was arrested and detained and interrogated as well.

Madam Speaker, the naming of Liu Xiaobo as the 2011 Nobel Peace Prize laureate and the Chinese Government’s outrageous response to that naming, including the way they have mistreated his wife but now it’s even worse, and friends can’t even travel to Oslo to be a part of the ceremony, that reaction, of course is the underlying problem. The actual abuses that are committed, oblige us to sustained scrutiny and meaningful action. News reports suggest that over one-and-a-half dozen countries have been so intimidated by Beijing that they won’t even send a delegation to Oslo. I think that’s outrageous.

So today I urge my colleagues to adopt H. Res. 1717, expressing Congress’ profound respect for and solidarity with Liu Xiaobo and all those who peacefully advocate for human rights and democracy in the PRC.

Madam Speaker, the resolution honors Liu Xiaobo, who in the 1980s had a brilliant academic career in front of him in China. When the Tiananmen Square demonstrations began in 1989, he was actually a visiting professor in New York City. He effectively gave all of that up when he flew back to China to join the students demonstrating for democracy on the square, and even there he insisted that the students themselves adhere to a democratic process. Liu has been working and sacrificing for democratic reform ever since—through hundreds of remarkable essays that he has written and the courage with which he has borne imprisonment, no less than four times.

My resolution highlights Charter 08, the democracy proclamation that Liu played a leading role in organizing, drafting, and of which he was one of the first signers. It is an astonishing

document, a worthy heir of the great models that it is based upon, the U.S. Bill of Rights, the Universal Declaration of Human Rights, and Charter 77, the Czech human rights declaration that in the late 1970s contributed so much to the rebirth of conscience and respect for the rule of just law in eastern European captive nations, and ultimately to their peaceful democratization.

But the Chinese Government saw in this magnificent document only a crime, as my friend and colleague pointed out earlier, “inciting subversion of state power”—whatever that is. The government arrested Mr. Liu in December of 2008 and in December 2009 sentenced him to 11 years in prison.

Madam Speaker, in February of this year, I led a group of some six Members in petitioning the peace prize committee to name Mr. Liu and two other Chinese dissidents for the Nobel Peace Prize. Our nomination described him as “a visionary leader,” remarkable for his patriotism and civic courage and the generous tone of his work. This man is absolutely nonviolent.

Though we didn’t know it at the time, many other people had the exact same idea. Mr. Liu was nominated by two Nobel Peace Prize laureates—the 14th Dalai Lama and Bishop Desmond Tutu—as well as by former Czech President Vaclav Havel and many members of the Czech and Slovak parliaments, the Norwegian parliamentarian, and a number of human rights defenders from around the world and leaders in the fields of philosophy, literature, philanthropy and finance.

Madam Speaker, H. Res. 1717 underscores and points up the words of the Norwegian Nobel Committee that said, and I quote: “The campaign to establish human rights in China is being waged by many Chinese. Through the severe punishment meted out to him, Liu has become the foremost symbol of this wide-ranging struggle for human rights in China.” The resolution explicitly states that in honoring Liu Xiaobo, it honors all those who have promoted democratic reform in China, including all those who participated in the 1989 Tiananmen Square demonstration. After Liu’s wife told him of the award, he wept and dedicated the prize to “the Tiananmen martyrs.”

Madam Speaker, the resolution makes it very clear that Mr. Liu Xiaobo is a political prisoner, emphasizes that “violations of human rights,” including his persecution, “are matters of legitimate concern to other governments,” because we are hearing the tired old refrain from the government in Beijing that this is purely an internal matter.

Similarly, the resolution calls on the Chinese Government to cease censoring media and Internet reporting of the award and cease defaming Mr. Liu as a “political tool of the West” and as a

"traitorous operative." These are ridiculous charges, but they go to the heart of the issue that Mr. Liu himself analyzed in his 2005 essay called "The CPC's Dictatorial Patriotism," the dictatorial government's fallacious equation of itself with the Chinese nation, so that whoever opposes the dictatorship is treated as an enemy of the state.

Finally, I will conclude with Liu Xiaobo's closing statement in his 2009 trial, only a small part of it. It is very rich and I hope all will read it. I will put it in the RECORD. This shows his gentleness of soul. He said:

"But I still want to say to this regime, which is depriving me of my freedom, that I stand by the convictions I expressed in my June 2 Hunger Strike Declaration 20 years ago—I have no enemies and no hatred. None of the police who monitored, arrested and interrogated me, none of the prosecutors who indicted me, and none of the judges who judged me are my enemies. Hatred can rot away at a person's intelligence and conscience.

Enemy mentality will poison the spirit of a nation, incite cruel mortal struggles, destroy a society's tolerance and humanity, and hinder a nation's progress toward freedom and democracy. That is why I hope to be able to transcend my personal experiences as I look upon our nation's development and social change, to counter the regime's hostility with utmost goodwill, and to dispel hatred with love."

To his wife, he said:

"My dear, with your love I can calmly face my impending trial, having no regrets about the choices I've made and am optimistically awaiting tomorrow. I look toward to the day when my country is a land with freedom of expression, where the speech of every citizen will be treated equally well."

□ 1540

This man is a moral giant, absolutely worthy of the Nobel Peace Prize, and he is the future of China.

I HAVE NO ENEMIES: MY FINAL STATEMENT

(By Liu Xiaobo)

CLOSING STATEMENT IN COURT. TRANSLATION BY HRIC, BASED ON A TRANSLATION BY J. LATOURELLE, DECEMBER 23, 2009

In the course of my life, for more than half a century, June 1989 was the major turning point. Up to that point, I was a member of the first class to enter university when college entrance examinations were reinstated following the Cultural Revolution (Class of '77). From BA to MA and on to PhD, my academic career was all smooth sailing. Upon receiving my degrees, I stayed on to teach at Beijing Normal University. As a teacher, I was well received by the students. At the same time, I was a public intellectual, writing articles and books that created quite a stir during the 1980s, frequently receiving invitations to give talks around the country, and going abroad as a visiting scholar upon invitation from Europe and America. What I demanded of myself was this: whether as a person or as a writer, I would lead a life of

honesty, responsibility, and dignity. After that, because I had returned from the U.S. to take part in the 1989 Movement, I was thrown into prison for "the crime of counter-revolutionary propaganda and incitement." I also lost my beloved lectern and could no longer publish essays or give talks in China. Merely for publishing different political views and taking part in a peaceful democracy movement, a teacher lost his lectern, a writer lost his right to publish, and a public intellectual lost the opportunity to give talks publicly. This is a tragedy, both for me personally and for a China that has already seen thirty years of Reform and Opening Up.

When I think about it, my most dramatic experiences after June Fourth have been, surprisingly, associated with courts: My two opportunities to address the public have both been provided by trial sessions at the Beijing Municipal Intermediate People's Court, once in January 1991, and again today. Although the crimes I have been charged with on the two occasions are different in name, their real substance is basically the same—both are speech crimes.

Twenty years have passed, but the ghosts of June Fourth have not yet been laid to rest. Upon release from Qincheng Prison in 1991, I, who had been led onto the path of political dissent by the psychological chains of June Fourth, lost the right to speak publicly in my own country and could only speak through the foreign media. Because of this, I was subjected to year-round monitoring, kept under residential surveillance (May 1995 to January 1996) and sent to Reeducation-Through-Labor (October 1996 to October 1999). And now I have been once again shoved into the dock by the enemy mentality of the regime. But I still want to say to this regime, which is depriving me of my freedom, that I stand by the convictions I expressed in my "June Second Hunger Strike Declaration" twenty years ago—I have no enemies and no hatred. None of the police who monitored, arrested, and interrogated me, none of the prosecutors who indicted me, and none of the judges who judged me are my enemies. Although there is no way I can accept your monitoring, arrests, indictments, and verdicts, I respect your professions and your integrity, including those of the two prosecutors, Zhang Rongge and Pan Xueqing, who are now bringing charges against me on behalf of the prosecution. During interrogation on December 3, I could sense your respect and your good faith.

Hatred can rot away at a person's intelligence and conscience. Enemy mentality will poison the spirit of a nation, incite cruel mortal struggles, destroy a society's tolerance and humanity, and hinder a nation's progress toward freedom and democracy. That is why I hope to be able to transcend my personal experiences as I look upon our nation's development and social change, to counter the regime's hostility with utmost good will, and to dispel hatred with love.

Everyone knows that it was Reform and Opening Up that brought about our country's development and social change. In my view, Reform and Opening Up began with the abandonment of the "using class struggle as guiding principle" government policy of the Mao era and, in its place, a commitment to economic development and social harmony. The process of abandoning the "philosophy of struggle" was also a process of gradual weakening of the enemy mentality and elimination of the psychology of hatred, and a process of squeezing out the "wolf's milk" that had seeped into human nature.¹ It was this process that provided a relaxed climate,

at home and abroad, for Reform and Opening Up, gentle and humane grounds for restoring mutual affection among people and peaceful coexistence among those with different interests and values, thereby providing encouragement in keeping with humanity for the bursting forth of creativity and the restoration of compassion among our countrymen. One could say that relinquishing the "anti-imperialist and anti-revisionist" stance in foreign relations and "class struggle" at home has been the basic premise that has enabled Reform and Opening Up to continue to this very day. The market trend in the economy, the diversification of culture, and the gradual shift in social order toward the rule of law have all benefitted from the weakening of the "enemy mentality." Even in the political arena, where progress is slowest, the weakening of the enemy mentality has led to an ever-growing tolerance for social pluralism on the part of the regime and substantial decrease in the force of persecution of political dissidents, and the official designation of the 1989 Movement has also been changed from "turmoil and riot" to "political disturbance." The weakening of the enemy mentality has paved the way for the regime to gradually accept the universality of human rights. In [1997 and] 1998 the Chinese government made a commitment to sign two major United Nations international human rights covenants,² signaling China's acceptance of universal human rights standards. In 2004, the National People's Congress (NPC) amended the Constitution, writing into the Constitution for the first time that "the state respects and guarantees human rights," signaling that human rights have already become one of the fundamental principles of China's rule of law. At the same time, the current regime puts forth the ideas of "putting people first" and "creating a harmonious society," signaling progress in the CPC's concept of rule.

I have also been able to feel this progress on the macro level through my own personal experience since my arrest.

Although I continue to maintain that I am innocent and that the charges against me are unconstitutional, during the one plus year since I have lost my freedom, I have been locked up at two different locations and gone through four pretrial police interrogations, three prosecutors, and two judges, but in handling my case, they have not been disrespectful, overstepped time limitations, or tried to force a confession. Their manner has been moderate and reasonable; moreover, they have often shown goodwill. On June 23, I was moved from a location where I was kept under residential surveillance to the Beijing Municipal Public Security Bureau's No. 1 Detention Center, known as "Beikan." During my six months at Beikan, I saw improvements in prison management.

In 1996, I spent time at the old Beikan (located at Banbuqiao). Compared to the old Beikan of more than a decade ago, the present Beikan is a huge improvement, both in terms of the "hardware"—the facilities—and the "software"—the management. In particular, the humane management pioneered by the new Beikan, based on respect for the rights and integrity of detainees, has brought flexible management to bear on every aspect of the behavior of the correctional staff, and has found expression in the "comforting broadcasts," Repentance magazine, and music before meals, on waking and at bedtime. This style of management allows detainees to experience a sense of dignity and warmth, and stirs their consciousness in maintaining prison order and opposing the

bullies among inmates. Not only has it provided a humane living environment for detainees, it has also greatly improved the environment for their litigation to take place and their state of mind. I've had close contact with correctional officer Liu Zheng, who has been in charge of me in my cell, and his respect and care for detainees could be seen in every detail of his work, permeating his every word and deed, and giving one a warm feeling. It was perhaps my good fortune to have gotten to know this sincere, honest, conscientious, and kind correctional officer during my time at Beikang.

It is precisely because of such convictions and personal experience that I firmly believe that China's political progress will not stop, and I, filled with optimism, look forward to the advent of a future free China. For there is no force that can put an end to the human quest for freedom, and China will in the end become a nation ruled by law, where human rights reign supreme. I also hope that this sort of progress can be reflected in this trial as I await the impartial ruling of the collegial bench—a ruling that will withstand the test of history.

If I may be permitted to say so, the most fortunate experience of these past twenty years has been the selfless love I have received from my wife, Liu Xia. She could not be present as an observer in court today, but I still want to say to you, my dear, that I firmly believe your love for me will remain the same as it has always been. Throughout all these years that I have lived without freedom, our love was full of bitterness imposed by outside circumstances, but as I savor its aftertaste, it remains boundless. I am serving my sentence in a tangible prison, while you wait in the intangible prison of the heart. Your love is the sunlight that leaps over high walls and penetrates the iron bars of my prison window, stroking every inch of my skin, warming every cell of my body, allowing me to always keep peace, openness, and brightness in my heart, and filling every minute of my time in prison with meaning. My love for you, on the other hand, is so full of remorse and regret that it at times makes me stagger under its weight. I am an insensate stone in the wilderness, whipped by fierce wind and torrential rain, so cold that no one dares touch me. But my love is solid and sharp, capable of piercing through any obstacle. Even if I were crushed into powder, I would still use my ashes to embrace you.

My dear, with your love I can calmly face my impending trial, having no regrets about the choices I've made and optimistically awaiting tomorrow. I look forward to [the day] when my country is a land with freedom of expression, where the speech of every citizen will be treated equally well; where different values, ideas, beliefs, and political views . . . can both compete with each other and peacefully coexist; where both majority and minority views will be equally guaranteed, and where the political views that differ from those currently in power, in particular, will be fully respected and protected; where all political views will spread out under the sun for people to choose from, where every citizen can state political views without fear, and where no one can under any circumstances suffer political persecution for voicing divergent political views. I hope that I will be the last victim of China's endless literary inquisitions and that from now on no one will be incriminated because of speech.

Freedom of expression is the foundation of human rights, the source of humanity, and

the mother of truth. To strangle freedom of speech is to trample on human rights, stifle humanity, and suppress truth.

In order to exercise the right to freedom of speech conferred by the Constitution, one should fulfill the social responsibility of a Chinese citizen. There is nothing criminal in anything I have done. [But] if charges are brought against me because of this, I have no complaints.

Thank you, everyone.

TRANSLATOR'S NOTES

1. Writers in China today often refer to indoctrination with the ideology of class struggle as "drinking wolf's milk," and the ideology of the Cultural Revolution era as the "wolf's milk culture," which had turned humans into wolf-like predatory beasts.

2. China signed the International Covenant on Economic, Social and Cultural Rights (ICESCR) in 1997, and ratified it in 2001. It signed the International Covenant on Civil and Political Rights (ICCPR) in 1998, but has not yet ratified the covenant.

I reserve the balance of my time.

Mr. KLEIN of Florida. Madam Speaker, I yield 5 minutes to the gentleman from Oregon (Mr. WU).

Mr. WU. Madam Speaker, I rise today to support House Resolution 1717, congratulating imprisoned Chinese democracy advocate Liu Xiaobo on the award of the 2010 Nobel Peace Prize. I thank my colleague and good friend Congressman CHRIS SMITH for introducing this resolution.

China is an appropriately proud nation, with more than 5,000 years of recorded history, a history filled with great achievements. Chinese is perhaps the world's oldest, continuously used written language. More recently, the nation has achieved near universal literacy and has fed its 1.3 billion people most adequately. And most recently, China has achieved human space flight, joining the international community of space-faring nations.

And on this Friday, another first, the first Nobel Peace Prize. But inexplicably, this achievement has been met by this Chinese Government with opposition and outright hostility. This is an incomprehensible failure of national pride and patriotism. I call upon this Chinese Government to be on the right side of history. I know that Chinese history will some day vindicate Liu Xiaobo, as it has done with other great figures in Chinese history.

In the city of Hangzhou, which is near Suzhou, my ancestral home where my family has lived for 500 to 600 years, Hangzhou was the capital of the Southern Song Dynasty and the scene of conflict between the Song Dynasty and northern tribes. In that city is a memorial park to honor a general of the Song Dynasty, Yue Fei, who is now considered a national hero. He was executed by a jealous emperor. And today, his statue, he stands upon that jealous emperor's neck tall and proud.

History has a way of setting things right. By failing to honor the fundamental rights guaranteed by its own constitution, the current Chinese Gov-

ernment not only fails the Chinese people, but it is also failing to live up to China's 5,000-year history as one of the great civilizations on this planet. People like Liu Xiaobo are the future of China. Let us honor him today and every day as this struggle continues.

Why is Liu Xiaobo, a prolific writer and a longstanding advocate for peaceful democratic reform in China, in prison today, unable to attend the ceremony in Oslo? This year, the world's spotlight will be on the Nobel Peace Prize ceremony, and that spotlight will shine upon an empty chair. I and others from this body will be there, and we hope to underscore both the universality of the struggle for freedom and the singularity not only of the great achievement but also of the Chinese Government's unpatriotic, incomprehensible reactions to Mr. Liu's historic recognition.

Madam Speaker, it is time for change. With proper recognition and proper action, China can take another important step and evolve peacefully toward its future. The alternative will be a harsh judgment of history.

Mr. SMITH of New Jersey. Madam Speaker, I yield 5 minutes to the gentleman from Virginia (Mr. WOLF), who is cochair of the Tom Lantos Congressional Human Rights Commission and a great advocate of human rights all over the world, including and especially in China.

Mr. WOLF. I want to thank my good friend and distinguished colleague Congressman CHRIS SMITH of New Jersey for introducing this important resolution which congratulates Chinese democracy advocate Liu Xiaobo on the award.

Congressman SMITH—and I think all the colleagues in this House on both sides should know—is one of the greatest human rights advocates in the Congress, and his leadership on this issue and on human rights and religious freedom is really, I think, one of the finest that I have ever served with since I have been here in Congress. I also want to say parenthetically, why hasn't the Church in the West and in the United States also spoken out on some of these more profound issues of human rights and religious freedoms? The silence of the Church in the West is quite disturbing.

On Friday, the award ceremony will be held with an empty chair, as my colleague Mr. WU said, as a solemn reminder that this year's Nobel laureate remains languishing in prison. Chinese authorities have placed his wife under house arrest to ensure that she will not be able to accept the prize on his behalf.

Since 1901, only three other Nobel Prize winners have been prevented from attending the ceremony to accept the prize. In 1935, Carl von Ossietzky, a German peace activist, was prevented from receiving the prize by the Nazi

government. In 1975, Andrei Sakharov, a Russian nuclear scientist, was barred from leaving the Soviet Union to accept the prize. And in 1991, Aung San Suu Kyi, the leader of Burma's democracy movement, was not allowed to leave the country by the brutal ruling military junta.

China should be ashamed and embarrassed to be in the company of Nazi Germany, the Soviet Union, and Burma. Instead, the Chinese Government has launched a diplomatic campaign to encourage other nations to boycott Friday's ceremony. In a public statement, China's vice foreign minister threatened that "if they make the wrong choice, they have to bear the consequences." The 18 countries that have sided with China and will not attend Friday's ceremonies are Afghanistan, Colombia, Egypt, Russia, Kazakhstan, Cuba, Morocco, Iraq, Iran, Pakistan, the Philippines, Saudi Arabia, Serbia, Sudan—the genocide Government of Sudan—Tunisia, Ukraine, Venezuela, and Vietnam.

And when their lobbyists come up here next year begging for help, remember, they were not willing to go to Oslo even to stand up for human rights. Here we are giving the Moroccan Government \$697 million in the Millennium Challenge grant, and they won't even go to Oslo. These countries, which are among the world's worst human rights abusers, will join China in its shameful boycott.

This year's Nobel Prize winner is representative not just of Dr. Liu, but of the thousands of Chinese prisoners that remain languishing in prisons and labor camps due to their political and religious beliefs. Chinese authorities continue to crack down on the Protestant house church Christians, Catholics, Tibetan Buddhists, Muslim Uyghurs, and members of the Falun Gong.

In passing this resolution, the U.S. Congress sends an important message to the dissidents of China and all those who are being persecuted around the world. The people of the United States stand with those who sit in their jail cells day after day, week after week, year after year in their quest for freedom.

Robert F. Kennedy once said: "Each time a man stands up for an ideal, or acts to improve the lot of others, or strikes out against injustice, he sends forth a tiny ripple of hope" and "those ripples build a current which can sweep down the mightiest walls of oppression and resistance."

The awarding of the Nobel Peace Prize to Dr. Liu has sent out that ripple of hope that cannot be stopped. And I believe that in my lifetime—and remember, the Berlin Wall fell like that—in my lifetime, the Chinese people will know the true freedom, and I will look forward to celebrating that day.

I thank Mr. SMITH again for his leadership on this and so many other issues.

Mr. KLEIN of Florida. Madam Speaker, as we've been discussing, this is a travesty of great magnitude. The Chinese Government has shown over and over again its lack of respect and dignity for human life. And, certainly, for someone who has such great respect in the academic community and worldwide as a leader in the views of non-violence to be locked up and put away when the rest of the world recognizes the importance of his respect and his leadership in this important endeavor is obviously more than disgusting.

□ 1550

But we have an opportunity, obviously, today to create a resolution and speak on behalf of the United States and our people about what we believe are human rights and the respect that should be given someone who has been given the Nobel Peace Prize.

Madam Speaker, I reserve the balance of my time.

Mr. SMITH of New Jersey. Madam Speaker, I yield 4 minutes to the gentleman from California (Mr. ROHRABACHER), ranking member of the Foreign Affairs Subcommittee on International Organizations, Human Rights, and Oversight. He too has been outspoken on behalf of the dissidents in China.

Mr. ROHRABACHER. Madam Speaker, let me first suggest that I am honored to be here in the presence of CHRIS SMITH, who has done so much, and Speaker PELOSI, who over the years, over these last two decades while I have been in Congress, have proven to me over and over again that they are the type of moral and honest people that I emulate and would seek to strive to meet your standards. So thank you very much for the leadership both of you have shown, and nowhere is that more evident than when it comes to our relations with China.

I rise in strong support of H. Res. 1717, which urges President Obama to work for the release of Nobel Peace Prize Laureate Liu Xiaobo, as well as the release of all the heroic signers of Charter 08. They are now in detention and house arrest for being so courageous to put their name on a democratic document.

There is nothing so low in the arena of global politics as officials of a regime who order the arrest and imprisonment of a Nobel Prize winner. Such oppressors deserve a prize of their own, a prize for arrogance and brutality. This year's prize would then go again to the Chinese leadership, who have awarded themselves this prize of infamy.

More perplexing than gangsters acting like gangsters are American Government officials who insist on treating the communist dictatorship as if it

is morally equivalent to democratic government, thus worthy of respect, of trust and cooperation. For 30 years, our State Department has pushed a policy of open doors, of trade and commerce with Communist China. And we have, of course, shared our technology with Communist China, invested in Communist China. We have closed factories here and opened them up in China. We have trained their young people and equipped them. And we were told that if we so outreached, that our goodwill would then civilize the brutal thugs in the Communist Chinese Party.

Now that all of our jobs and factories have been sent to Communist China, they still repress their people, even Nobel Prize winners. Yet we must watch out how heavily we criticize. They might turn down our requests for loan extensions, or our CEOs might feel threatened that their factories that they put over there might be expropriated.

Madam Speaker, we need to raise our voices for freedom in China and the imprisoned Nobel Prize winner. But more importantly, we need to identify the Chinese regime as a militaristic dictatorship that threatens everything we hold dear, threatens the peace of the world, and threatens all freedom-loving people in the world, and then act accordingly. Therefore, I rise in support of this resolution, joining with Speaker PELOSI and Congressman SMITH and my other colleagues who know if we do not stand for these truths that our country supposedly believes in, it will come back and hurt us later.

Therefore, I rise in support and urge my colleagues and the American people to wake up and stop treating China like as if we treat them well and ignore their crimes against humanity that they will change. That may be what you do when you are complaining to a democratic government and you suggest that they made a mistake, they are doing something wrong, yes, and then follow through with goodwill gestures. That is seen as weakness on the part of dictatorships. And it is about time that America stands strong and be seen as a courageous voice throughout the world for freedom, democracy, and peace, and especially as we send that message to the people of China.

Mr. KLEIN of Florida. Madam Speaker, I would like to acknowledge and thank the Speaker of the House for her leadership in the fight for human rights throughout the world, and I yield 1 minute to the Speaker of the House.

Ms. PELOSI. I thank the gentleman from Florida for yielding and thank him for giving us this opportunity to talk about Liu Xiaobo on the floor of the House today. I especially want to thank CHRIS SMITH, the gentleman from New Jersey, FRANK WOLF, DANA ROHRABACHER, three Members whom I heard speak on the subject, and I know

many others have, DAVID WU, who is with us on this side, for their commitment to democratic freedoms in China.

Madam Speaker, Mr. SMITH, Mr. ROHRBACHER, and Mr. WOLF and I have been working on this issue for decades. Even before Tiananmen Square, many of us met with our former colleague, now gone from us, Tom Lantos, to meet with His Holiness the Dalai Lama. I think that was in 1987. A couple years later, we saw what happened in Tiananmen Square. And at that time, as advocates for human rights throughout the world, we were advocating for human rights in China as well. For a long time, we had that debate.

We were joined then by our colleague DAVID WU and others in this important statement that said, if we are advocating for human rights throughout the world, which this Congress has done over and over again, we lose all moral authority to talk about human rights in the rest of the world if we do not talk about human rights in China, despite the commercial interests we have in China, despite a number of other issues that had been called to our attention. And so the news that the Nobel Committee had awarded the Nobel Peace Prize to Liu Xiaobo came as good news to those of us who had been calling attention to this issue for a very long time.

Congressman SMITH was instrumental in nominating Liu Xiaobo for the Nobel Prize. He has been a fighter. He and FRANK WOLF, how many times did you go to China, visit the prisons and the rest? On this score, Mr. ROHRBACHER has been relentless. And so for us, this is a very important occasion, not only that he is receiving the Nobel Prize, but that this Congress is recognizing that prize as well.

The Nobel Prize has been called the most prestigious prize in the world. It is appropriate that in 2010, Chinese democracy advocate Liu Xiaobo joins the illustrious group of former recipients.

On Christmas Day 2009, Chinese authorities sentenced Liu Xiaobo to 11 years in prison for inciting subversion of state power. It was a harsh sentence that disrespects the rule of law and the freedom of Chinese citizens to express their opinions, which is even guaranteed in the Chinese constitution. Liu Xiaobo is still in prison today, and his wife has been put under house arrest.

Liu Xiaobo was one of the original signers of Charter 08, an online petition calling for new policies to improve human rights and democracy in China. Mr. Liu wrote, "The most fundamental principles of democracy are that people are sovereign, and that the people select their own government."

Charter 08 now has over 10,000 signatories, many of whom have been harassed and intimidated by the Chinese authorities. The courageous efforts by the signatories of Charter 08 to express

themselves in the face of arrest and detention are truly an inspiration around the world.

One of the things that we have done in the past decades is to make sure that those who have been arrested for expressing their views, whether they be religious or political, are not forgotten. One of the techniques of imprisonment is to tell those who have been arrested that on the outside nobody even remembers you, nobody cares that you are here; they have forgotten you and all that you have done. And, of course, with the awarding of the Nobel Peace Prize, what greater spotlight could there be placed on freedom of expression in China?

□ 1600

The awarding of the Nobel Peace Prize for the first time to a Chinese citizen is a momentous occasion for the Tiananmen democracy movement.

Liu Xiaobo was arrested in Tiananmen Square in 1989. At the time, he was on a hunger strike to protest martial law and support peaceful negotiations with Chinese students. He spent many years in Chinese prison camps for only expressing his right to free expression.

The Nobel Peace Prize is not only a testament to Liu Xiaobo, but Chinese dissidents, many, many Chinese dissidents, who have sacrificed so much in pursuit of freedom and democracy in China.

Today, the House of Representatives is congratulating Liu Xiaobo on the Nobel Peace Prize and sending a clear message of support for human rights and democracy in China. We do this in recognition of the importance of the relationship between China and the United States, that we have many issues where we have common ground or where we should seek common ground, but all of that is better served by the candor in our friendship and not ignoring sore spots.

We continue to call for Liu Xiaobo's immediate and unconditional release and for the Chinese Government to listen to the many Chinese citizens who are calling for human rights and freedom in China.

Once again, I thank Congressman SMITH for his leadership over the many years and for nominating Liu Xiaobo and helping to bring this resolution to the floor, and I thank Mr. KLEIN for his leadership as well.

Mr. SMITH of New Jersey. Madam Speaker, I yield myself 30 seconds.

First of all, I want to thank our distinguished Speaker of the House, NANCY PELOSI, for her very eloquent defense of the human rights defenders in China, especially for Liu Xiaobo. I also wish to thank her for these many decades, in which we have worked side by side, along with FRANK WOLF and others, and I thank her for that and for scheduling this resolution to come to the floor today.

I yield 2 minutes to my good friend and colleague, the gentleman from Pennsylvania (Mr. PITTS).

Mr. PITTS. Thank you, Congressman SMITH, for your leadership on this issue.

Madam Speaker, here is a picture of Liu Xiaobo, a modern-day human rights hero who is suffering and languishing in prison as we speak.

This resolution celebrates the fact that the Chinese dissident Liu Xiaobo has been awarded the Nobel Peace Prize and notes with sadness the fact that he remains in prison because of his commitment to freedom and human rights. He has been a true hero, defending those who cannot defend themselves and lending a voice to those who have no voice.

He has worked tirelessly to protect human rights but has been repeatedly detained, sent to reeducation through labor camps, placed under house arrest, harassed, and monitored by the Chinese Government. For years, he has withstood the brutal intimidation tactics of the Chinese Government and has continued to fight for freedom.

In 2008 he helped draft Charter 08, calling for greater freedom of expression, respect for human rights, and free elections. Because of his role in drafting and circulating the charter, he was arrested and sentenced to 11 years in prison, a term he continues to serve.

Liu's long, arduous, and peaceful struggle for human rights has made him most deserving of this award, and we act today to recognize and honor his life's work. But we also take this opportunity to call on the Chinese Government to respect the basic human rights of its people and to release Liu from prison.

Unfortunately, the Chinese Government's response to the Nobel Prize Committee's decision was shameful. News about the award was censored, and the Foreign Ministry issued a statement calling Liu a criminal. His wife was placed under house arrest, and events commemorating the award were raided.

In addition, China has declined to attend the Nobel Peace Prize ceremony for the award, and now it's being boycotted.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. SMITH of New Jersey. Madam Speaker, how much time remains on both sides?

The SPEAKER pro tempore. The gentleman from New Jersey has 30 seconds remaining, and the gentleman from Florida has 11 minutes remaining.

Mr. SMITH of New Jersey. I yield the gentleman from Pennsylvania an additional 30 seconds.

Mr. PITTS. The countries of Kazakhstan, Morocco, Egypt, and Iraq are boycotting. That's shameful. It's my hope that, as the resolution says, the Government of China will release

him from prison and the President, when the President of China comes next month, will raise this issue vigorously and urge him to be released.

Mr. KLEIN of Florida. Mr. Speaker, I yield 1 minute to the gentleman from New Jersey (Mr. SMITH) to close.

Mr. SMITH of New Jersey. I thank my good friend.

Mr. Speaker, just let me close with a statement of Liu Xiaobo himself. Remember, this was stated at his trial in 2009. He said, in pertinent part: I hope that I will be the last victim of China's endless literary inquisitions and that from now on no one will be incriminated because of speech.

He went on to say: Freedom of expression is the foundation of human rights, the source of humanity, and the mother of truth. To strangle freedom of speech is to trample on human rights, stifle humanity, and suppress truth.

He went on to say: There is nothing criminal in anything I have done. If charges are brought against me because of this, I have no complaints.

Liu Xiaobo had bogus charges leveled against him, and today he endures 11 years in prison. Today, the Congress stands with the oppressed, all of the oppressed in China, but including and especially Liu Xiaobo.

We stand with him and we stand against the oppressor. We are united Democrats, Republicans, liberals, moderates, and conservatives in saying that human rights matter, and we thank the Nobel Peace Prize Committee for naming this outstanding moral leader one of the greatest moral leaders of our time as the 2011 laureate.

Mr. KLEIN of Florida. I would like to thank the gentleman from New Jersey for his very eloquent presentation, and all the speakers today, including the Speaker of the House. This is a statement of the American people, a statement of all of us from whatever background we come, about the importance of human rights and the recognition that all of us fight for human rights, no matter what the situation, politically or otherwise.

Mr. HOLT. Mr. Speaker, I rise as a cosponsor and strong supporter of House Resolution 1717. For over two decades, Liu Xiaobo has been a tireless advocate for human rights and democratic self-government for the people of China. In 1989, he left a temporary appointment in the United States to participate in the Tiananmen Square pro-democracy protests. After the army crackdown, he was instrumental in negotiating a non-violent resolution to the standoff. Liu continued to promote reforms in China during periods of imprisonment that followed Tiananmen Square. He was one of the primary authors of Charter 08, a declaration of human and civil rights for the Chinese people that was published on December 10, 2008. In 2009, the Chinese government sentenced Liu to eleven years in prison for "inciting subversion of state power."

I applaud the Norwegian Nobel Committee for recognizing Liu Xiaobo with the 2010

Nobel Prize for Peace. Liu is a brave spokesman for the billions of Chinese citizens who are denied their individual liberties in favor of "state power." His nonviolent struggle and sacrifice follows in the venerable tradition of Mahatma Gandhi and Martin Luther King Jr., and he richly deserves this honor. Liu is the first Chinese citizen to receive a Nobel Prize. Sadly, however, his continued imprisonment by the Chinese government will prevent him from accepting his prize in person. I hope that the Government of China soon will realize that Liu Xiaobo and others who engage in non-violent activism on behalf of universal human rights are not dissidents to be swept under the rug. They are noble and constructive members of society whose goal is a more just world. I join with my colleagues in congratulating Liu Xiaobo and calling for his immediate release, along with all political prisoners and prisoners of conscience in China and around the globe.

Mr. MCGOVERN. Mr. Speaker, this morning I was proud to participate in a press conference in honor of Mr. Liu Xiaobo, the 2010 Laureate of the Nobel Peace Prize. I was joined by my fellow co-Chair of the Tom Lantos Human Rights Commission, Congressman FRANK WOLF, as well as Representatives JOSEPH PITTS, CHRIS SMITH (NJ), ILEANA ROS-LEHTINEN, DAVID WU and ROBERT ADERHOLT. Representatives from human rights organizations also made statements in support of Mr. Liu, including Sophie Richard with Human Rights Watch; T. Kumar with Amnesty International; Paula Schrieffer with Freedom House; Todd Stein with the International Campaign for Tibet; Clothilde de Le Coz with Reporters Without Borders; and Harry Wu, well-known Chinese human rights activist.

I would like to submit the statement that I made this morning in support of Liu Xiaobo's non-violent advocacy on behalf of democratic and human rights in China and his having been awarded this well-deserved honor.

Good morning, ladies and gentlemen:

Today I proudly stand shoulder to shoulder with my colleagues in Congress and so many distinguished human rights defenders and congratulate Liu Xiaobo on being awarded the 2010 Nobel Peace Prize.

When the Norwegian Nobel Committee announced its decision on October 8th, it renewed its past proud history of awarding this prestigious award to outstanding individuals and groups who embody incredible courage and humanity in the face of severe oppression, to bravely stand up for their fellow citizens, for truth, democracy and human rights—despite the likely consequences.

The Nobel Committee in its announcement specifically cited that it awarded the Peace Prize to Mr. Liu because of "his long and non-violent struggle for fundamental human rights in China."

When the award ceremony takes place this Friday in Oslo, Norway, on December 10th, International Human Rights Day, Mr. Liu will be serving yet another day of the 11-year sentence he received last December for alleged 'subversion of State power.'

If the Chinese government had to explain what exactly is the alleged 'subversion,' it would of course be hard pressed. Mr. Liu's entire life has been dedicated to the peaceful reform of his country, a country that yearns for greater space for democracy and human rights. That is exactly why the People's Republic of China does not explain its blatant abuse of judicial power, or allow judicial re-

view or meaningful court proceedings in the first place.

Instead, China immediately embarked on a massive international campaign to pressure the Nobel Committee not to award the Prize to Mr. Liu as the first Chinese recipient of the Nobel Peace Prize, and pressed foreign governments not to attend the ceremonies in Oslo. We remember how China responded in a similar fashion when His Holiness, the Dalai Lama, won the award, and when Uyghur human rights and democracy leader Rebiya Kadeer was nominated for the Peace Prize.

China's arm reaches far, and the PRC, unfortunately, has been able to exert pressure on a handful of countries. The United States, however, must be a beacon of hope. I call on President Obama—as a Peace Prize recipient himself—to send a high level delegation to Oslo as a very clear signal to the world that the U.S. stands full square for human rights and democracy, and that we stand with Liu Xiaobo and the Chinese human rights and democracy movement.

China also cracked down harshly on any attempts to celebrate Mr. Liu's achievements in his country, and has so far prevented Mr. Liu's wife, Liu Xia, from traveling to Oslo, as well as most of China's democracy activists and scholars who were invited by Mr. Liu's family.

The speeches in Oslo will no doubt highlight Mr. Liu's incredible courage and peaceful convictions. We will hear about his leadership as a writer, literary critic, professor and human rights activist; his role during the 1989 pro-democracy protest in Tiananmen Square, where he negotiated on behalf of student demonstrators, that he served as President of the Independent Chinese PEN Center since 2003, and the prominent leadership role he played in the drafting of one of the most important Chinese reform documents, Charter 08.

This Friday, Mr. Liu will take his rightful place among those human rights giants who were also imprisoned when they were awarded the Nobel Peace Prize—Germany's Carl von Ossietzky in 1935 and Burma's Aung San Suu Kyi in 1991.

But what Mr. Liu needs most is not the ornate medal, or even the cash prize which goes with the award, but our ongoing commitment to stand with him and the goals and aspirations he represents. That is our job as law makers, NGOs, the public, and the international community—today, tomorrow, in Oslo, and most importantly, beyond December 10th.

Mr. LEVIN. Mr. Speaker, the imprisonment of Liu Xiaobo is a personal tragedy, a national shame, and an international challenge. The answer is clear: Mr. Liu should be released immediately.

For his more than two decades of advocating for freedom of speech, assembly, religion, peaceful democratic reform, transparency and accountability in China, Mr. Liu is serving an eleven-year sentence in a Chinese prison for "inciting subversion of state power." Those in China, like Mr. Liu, who have penned thoughtful essays or signed Charter 08 seek to advance debate, as the Charter states, on "national governance, citizens' rights, and social development" consistent with their "duty as responsible and constructive citizens." Their commitment and contribution to their country must be recognized, as the Nobel Committee has done, and as we do today, and their rights must be protected.

The Chinese government has said that awarding the Nobel Prize to Liu Xiaobo

"shows a lack of respect for China's judicial system." I would like to take a moment to examine this claim. For it seems to me that what truly showed a lack of respect for China's judicial system were the numerous and well-documented violations of Chinese legal protections for criminal defendants that marred Mr. Liu's trial from the outset. I refer here to matters such as the failure of Chinese prosecutors adequately to consult defense lawyers, and the speed with which prosecutors acted in indicting Mr. Liu and bringing him to trial, effectively denying his lawyers sufficient time to review the state's evidence and to prepare for his defense. Chinese officials prevented Mr. Liu's wife from attending his trial, in which she had hoped to testify on behalf of her husband. Mr. Liu's lawyers reportedly were ordered by state justice officials not to grant interviews. It is these abuses committed by Chinese officials in China, not the actions of a committee in Oslo, that demonstrated "a lack of respect for China's judicial system."

All nations have the responsibility to ensure fairness and transparency in judicial proceedings. The effective implementation of basic human rights and the ability of all people in China to live under the rule of law depend on careful attention to, and transparent compliance with, procedural norms and safeguards that meet international standards. I serve as Cochairman of the Congressional-Executive Commission on China (CECC). The Commission's Political Prisoner Database, which is available to the public on-line via the Commission's web site, www.cecc.gov, contains information on thousands of political prisoners in China. These are individuals who have been imprisoned by the Chinese government for exercising their civil and political rights under China's Constitution and laws or under China's international human rights obligations. The enhancement of the database that the Commission announced this past summer roughly doubled the types of information available to the public, enabling individuals, organizations, and governments to better report on political imprisonment in China and to more effectively advocate on behalf of Chinese political prisoners. And people around the world have been using the database to do just that. The number of "hits" to the database from individual users, NGOs, academic institutions and governments around the world has skyrocketed. The database makes clear that political imprisonment in China is well-documented, it is a practice whereby the Chinese government has shown disrespect for the law not only in Liu Xiaobo's case, but in thousands of other cases, and it must end.

Unfortunately, the end to political imprisonment in China does not appear likely at this time. Since the Nobel Committee's announcement, Mr. Liu's wife, Liu Xia, has been harassed relentlessly, and remains confined virtually incommunicado under what appears to be house arrest. In the weeks following the Nobel Committee's announcement, there have been over 100 documented incidents in which Chinese citizens have been harassed, interrogated, subjected to police surveillance, detained or placed under house arrest for their expressions of support for Liu. Articles in China's official state-run media have attacked the Nobel committee and painted a harshly nega-

tive portrait of Liu. Chinese authorities have attempted to limit the dissemination of information about Liu's receiving the Nobel Prize. Chinese officials have censored unauthorized references to Liu on the Internet and cell phones and blocked access to news about Liu from outside China. Chinese officials have imposed severe travel restrictions on Chinese activists, scholars, and lawyers whom they fear will attempt to attend the Nobel peace prize award ceremony in Norway on December 10. In the last month, Beijing police reportedly have prevented leading scholars and lawyers from boarding flights to attend international conferences for fear they will attend the Nobel peace prize award ceremony. Other public intellectuals physically have been prevented by police from meeting foreign reporters.

The Director of the Nobel Institute said China's pressure on other governments to boycott this year's ceremony has been unprecedented in his twenty years as Director. China's G20 negotiator said that countries sending officials to attend the award ceremony honoring Mr. Liu must be ready to "accept the consequences." Diplomats report that the Chinese Embassy in Oslo has sent official letters to foreign embassies in the Norwegian capital asking them not to make statements in support of Liu, and not to attend the Nobel awards ceremony on December 10. This is not the behavior of a strong, responsible government.

As Liu Xia said the morning her husband was selected to receive the Nobel Prize, "China's new status in the world comes with increased responsibility. China should embrace this responsibility, and have pride in his selection and release him from prison." As Nobel laureate Vaclav Havel correctly noted, "intimidation, propaganda, and repression are no substitute for reasoned dialogue. . . ." And as Nobel laureate Desmond Tutu recently wrote together with Vaclav Havel:

We know that many wrongs have been perpetrated against China and its people throughout history. But awarding the Nobel Peace Prize to Liu is not one of them. Nor is the peaceful call for reform from the more than 10,000 Chinese citizens who dared to sign Charter 08. . . . China has a chance to show that it is a forward-looking nation, and can show the world that it has the confidence to face criticism and embrace change. . . . This is a moment for China to open up once again, to give its people the ability to compete in the marketplace of ideas. . . .

I take particular note of the words of Chinese Premier Wen Jiabao, who, in a recent interview with CNN, stated:

Freedom of speech is indispensable. . . . The people's wishes for, and needs for, democracy and freedom are irresistible."

Sadly, the Chinese government clearly has shown the world, through its mistreatment of Liu Xiaobo and countless others, that Premier Wen's words are not the basis for government action in China.

This Resolution shines a light on the Chinese government's failure to enforce basic human rights, and underlines that China once again is at an important crossroads, and seems to be turning in the wrong direction. This has implications not only for the development of institutions of democratic governance

in China, but also for the United States in managing our relations with China.

I am pleased to co-sponsor this important Resolution.

Mr. PAUL. Mr. Speaker, I rise in opposition to this resolution as I do not believe it is our place, as Members of the U.S. Congress, to dictate internal policy to the Chinese government. Obviously, as an advocate of minimal government and personal liberty, I do not support imprisoning individuals for their political views and believe that anyone held anywhere for merely holding unpopular views—including anyone held in the United States—should be released. I do object to the meddling in this bill which falsely advertises itself as a non-controversial expression of congratulations to a winner of the Nobel Peace Prize.

As one who believes strongly in national sovereignty and is opposed to the idea of a world governmental authority, I particularly object to the sentiment expressed in this bill that "violations of human rights in general . . . are matters of legitimate concern to other governments." This idea is the recipe for abominations such as the "humanitarian" bombing of Serbia in 1999 and is used by those who wish to maintain the current disastrous occupation of Afghanistan. As we can see from interventions such as the U.S. attack on Iraq, which was at least partly sold as a humanitarian-inspired overthrow of a dictator, sometimes the "cure" is worse than the disease particularly when one calculates the number dead from the intervention and the number actually killed by the regime being replaced.

I find it ironic that, at a time when the U.S. government is desperately attempting to censor the publication of sensitive leaked information that it considers embarrassing and is demonizing and calling for the prosecution or worse of the publisher of that information, Julian Assange, this resolution "calls on the Government of China to cease censoring media and Internet reporting of the award of the Nobel Peace Prize to Liu Xiaobo and to cease its campaign of defamation against Liu Xiaobo."

In the interest of a non-interventionist U.S. foreign policy I must therefore oppose this resolution and will continue to oppose any meddling in the domestic affairs of foreign countries.

Mr. KLEIN OF Florida. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. LANGEVIN). The question is on the motion offered by the gentleman from Florida (Mr. KLEIN) that the House suspend the rules and agree to the resolution, H. Res. 1717, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. KLEIN of Florida. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

EXTENDING CONDOLENCES TO VICTIMS OF FIRE IN ISRAEL

Mr. KLEIN of Florida. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1751) mourning the loss of life and expressing condolences to the families affected by the tragic forest fire in Israel that began on December 2, 2010.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1751

Whereas, on December 2, 2010, a forest fire began in the Carmel region of Israel;

Whereas the fire quickly spread and became the worst fire in Israel's history;

Whereas over 40 people have been killed by the blaze;

Whereas more than 17,000 people have been displaced by the fire;

Whereas more than 4,000,000 trees have already burned in the fire;

Whereas Israeli Prime Minister Benjamin Netanyahu declared December 2, 2010, a national day of mourning in Israel;

Whereas Israel has exhausted its supplies and equipment necessary to sustain the firefighting effort;

Whereas United States Ambassador to Israel James Cunningham rapidly issued a disaster declaration, prompting significant coordination within the United States Government to identify and provide Israel with firefighting assistance;

Whereas President Barack Obama and Secretary of State Hillary Rodham Clinton have pledged significant United States assistance to address this disaster;

Whereas the United States has already provided Israel with technical assistance, over 110 metric tons of fire suppressant, 3,800 gallons of fire retardant concentrate, and other needed assistance to fight this fire;

Whereas State and local governments in the United States have mobilized to send firefighting supplies to Israel; and

Whereas Australia, Austria, Azerbaijan, Bulgaria, Canada, Croatia, Cyprus, Egypt, France, Germany, Greece, Italy, Jordan, the Netherlands, Norway, Romania, Russia, Spain, Switzerland, Turkey, the United Kingdom, and the Ukraine are among the other nations that have provided assistance or offered assistance to Israel to fight this fire: Now, therefore, be it

Resolved, That the House of Representatives—

(1) mourns the loss of life and extends condolences to the families affected by the fire in northern Israel that began on December 2, 2010;

(2) supports the Obama Administration's offer of, and rapid efforts to provide, United States firefighting assistance to Israel in response to this disaster;

(3) recognizes the efforts of foreign governments that have provided assistance or offered assistance to Israel;

(4) commends State and local governments in the United States that have offered and provided assistance to Israel; and

(5) reaffirms United States support for the people and State of Israel in their time of need.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida (Mr. KLEIN) and the gentleman from New Jersey (Mr. SMITH) each will control 20 minutes.

The Chair recognizes the gentleman from Florida.

GENERAL LEAVE

Mr. KLEIN of Florida. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. KLEIN of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of this resolution.

As my colleagues are aware, last week the State of Israel faced the worst natural disaster in its history. A forest fire ravaged the Carmel Forest, killing over 40 people, displacing over 17,000 Israelis, and burning 4 million trees. People from all over the world have planted trees in forests throughout Israel to make it greener and make the desert bloom.

This is a tragedy, because of the loss of these forests, that really is something that has to be recognized. But, more importantly, this is a moment that we, as Americans, want to send a message of condolence to the Israeli people for the loss of life, loss of property, and to make an important statement of support and solidarity with our ally and friend, the State of Israel.

Thankfully, over the last day or so, the fire has now been successfully contained, and hopefully it will soon be fully extinguished. With the help of the international community, Israel will now be able to rebuild, and that's why it's important that at this moment in time we recognize the importance of this international effort from countries around the world who offered or provided assistance to fight the fire.

□ 1610

Those countries include Australia, Austria, Azerbaijan, Bulgaria, Canada, Croatia, Cyprus, Egypt, France, Germany, Greece, Italy, Jordan, Norway, the Netherlands, the Palestinian Authority, Russia, Spain, Switzerland, Turkey, Ukraine, and the United Kingdom.

We're also proud of our State and local governments in the United States who selflessly mobilized to send firefighting supplies and firefighting experts to Israel. I would like to especially acknowledge the round-the-clock efforts by USAID, Department of Defense, National Security Council, U.S. Fire Services Professionals, as well as our embassy personnel in Tel Aviv, who were in constant contact with their Israeli counterparts offering assistance and support at every juncture.

We must note that time and again Israel sends its supplies and its experts to disasters around the world. It was

one of the first countries that provided support to the people of Haiti after the earthquake. And certainly we know in the aftermath of floods, earthquakes, terrorist attacks, and other natural and manmade disasters, Israel offers its expertise. Now Israel knows that it can rely on others as well.

Restoration will be a long-term effort after this fire and will require cooperation on many fronts. I would like to commend the important efforts of the Jewish National Fund which is taking a leading role in the replanting effort as it has operated for decades.

I would like to thank my partner in this bipartisan legislation, Congressman PETER KING, the chairman of the Fire Services Caucus, and many others who have cosponsored this piece of legislation. And I would also like to thank Chairman BERMAN and Ranking Member ROS-LEHTINEN for quickly bringing this resolution to the floor.

Our expeditious consideration allows us to send a message to the people of Israel: we stand with you in your time of need. I urge my colleagues to support this resolution.

I reserve the balance of my time.

Mr. SMITH of New Jersey. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, on December 2, as my good friend and colleague pointed out, the worst fire in Israel's history erupted in the forests in the northern region of the country. The fire spread quickly, killing over 40 Israelis, displacing over more than 17,000 and destroying more than 250 homes. The fire also burned over 4 million trees and over 12,000 acres of forest, resulting in damages totaling almost \$55 million.

After Israel had exhausted its resources to fight the fire, it appealed to the United States and other nations to help, and help we did. U.S. C-130 aircraft from the Department of Defense flying from the U.S. European command at Ramstein Air Force Base in Germany delivered 20 tons of fire retardant and 38,000 gallons of fire retardant concentrate.

Furthermore, The U.S. Agency for International Development has provided extensive firefighting supplies, including 27 metric tons of fire retardant and 42 metric tons of firefighting foam.

USAID also dispatched its 10-member disaster assistance response team to Israel, where it's provided technical assistance and discussed lessons learned. And countless individual Americans provided charitable donations to help Israel fight and recover from the fire.

Mr. Speaker, the American people and their government have once again stood with our great friend and ally, Israel, in their time of need, as they have done with us on countless occasions. This is one more example of the rock-solid friendship and alliance between the U.S. and the State of Israel.

Thanks to the hard work and perseverance of the people and the Government of Israel, and thanks to the contributions of the U.S., our State and local governments, and over two dozen other countries, Israel was able to fully contain the fires on December 5. Unfortunately, it will be likely many years for Israel to rehabilitate its damaged forests, which have long been a symbol of Israel and the rebirth of the Jewish State in the ancestral homeland of the Jewish people.

Again, I want to thank my good friend and colleague, Mr. KLEIN, for this very important resolution for authoring it, and for Mr. KING and others for cosponsoring it. It's an excellent resolution. I urge its passage.

I yield back the balance of my time.

Mr. KLEIN of Florida. I thank the gentleman for his support of this resolution. I think we all understand when it comes to disasters, that we're all in this together—whether it's people of the State of Israel, people in the United States and other countries around the world. And I think certainly after watching Israel over the years come to the aid of other countries in their time of need, it's obviously important on a humanitarian level, logistical level, and a respect level that we can all help the State of Israel in its time of need as well as in this time of this natural disaster. I ask the Members of the House to support this resolution.

Mr. KING of New York. Mr. Speaker, I rise today in support of H. Res. 1751, a resolution expressing condolences to the families affected by the tragic forest fire in Israel that began on December 2nd, 2010.

This was the worst fire in Israel's history—42 people were killed, more than 17,000 have been displaced and over 4 million trees have been destroyed. As we mourn this tragic loss of life, I would like to extend my condolences to the families affected by these fires.

The United States has provided Israel with technical assistance, including 110 metric tons of fire suppressant, 3,800 gallons of fire retardant concentrate and other supplies. An additional 23 nationals provided or offered assistance to Israel as well. It is important to commend the United States and these other nations for providing timely aid to Israel when it was most necessary.

We are grateful that global coordination and rapid response resulted in the speedy extermination of the fire. I would like to once again applaud the response of the United States and others as well as reaffirm the United States' support for the people and State of Israel.

I urge adoption of the resolution.

Mr. HOLT. Mr. Speaker, I rise to offer my deepest condolences to all those who lost loved ones to the Carmel wildfires in Israel. Over 40 people died in these devastating fires and approximately 17,000 Israelis were driven from their homes. In addition to the human tragedy, over 12,000 acres of forestland were scorched and nearly 5 million trees were burned in the last six days. I am grateful that the forest fires are now under control and the immediate danger has passed.

I appreciate the Obama Administration's swift response to our ally's call for firefighting assistance. After U.S. Ambassador James Cunningham declared a disaster, the U.S. Agency for International Development and the Department of Defense mobilized over 40 metric tons of fire retardant and 3,800 gallons of concentrated fire retardant for immediate transport to the affected areas. To date, the U.S. has contributed more than \$1.3 million to the relief efforts in Israel, and I am committed to ensuring that our friend and ally has the necessary resources to recover over the days and weeks ahead. I also want to commend the generous contributions of personnel and firefighting resources from so many of Israel's neighbors, including Egypt, Jordan, and Turkey. It is heartening to know that even in a region fraught with conflict and tension, the human desire to assist one another in times of great need transcends political differences.

The celebration of perseverance and hope during this Hanukkah season is a comforting reminder of our ability to overcome great hardship and to look toward the future. I am pleased to cosponsor this resolution of solidarity with the Israeli people, who are foremost in my thoughts and prayers at this very difficult time.

Mr. WAXMAN. Mr. Speaker, it is with a heavy heart that I join my colleagues in mourning the devastating losses Israel suffered in the Carmel fire. It is a human tragedy and an environmental tragedy.

As we pay tribute to those who gave their lives in an effort to save others, we can at least find comfort in the wave of international support and assistance that enabled Israel to extinguish the massive fire within days. The United States is proud to have played a leading role in these efforts by procuring and delivering the massive quantities of firefighting materials that were used in multiple sorties over the affected areas.

We rallied to Israel's side because she is a close ally and friend. And so many other countries eagerly responded as well because, quite frankly—Israel is among the first to offer aid when others are in need.

After earthquakes in Haiti, Chile, Colombia, Turkey, China, Pakistan and Iran, Israelis were among the first to join the rescue missions or send supplies. They have helped Cyprus and Greece in battling forest fires and provided aid in the aftermath of Central American floods, Asian typhoons, and the tragic 2004 tsunami. An Israeli team arrived in Louisiana shortly after our own Hurricane Katrina.

Sadly, one casualty of the Carmel fire is Yemin Orde, a youth village founded in 1953 to accommodate orphans who immigrated to Israel after the Holocaust. Today, the campus is home to more than 500 children from ages 9 to 19 that have been resettled from Russia, Ethiopia, and elsewhere where they lived in orphanages, had no family to care for them, or experienced traumatic life events. While the children and staff were safely evacuated as the fire broke out, more than 40 percent of the village's facilities were destroyed by the flames and many children had to relive the trauma of being suddenly uprooted from their familiar world. I have been to Yemin Orde. I share their sorrow and their conviction to ensure that these vulnerable children and the

school's vital mission continue to be cared for now and in the future.

U.S. teams are already on the ground working with Israeli experts to stabilize the area and make sure that the forest can be successfully replanted. Today, communities across the United States are mobilizing through the Jewish National Fund and other organizations to help Israel preserve, replant and restore. The blue box of the JNF was a permanent feature in my parents' home, collecting coins to plant trees in the budding state of Israel and its mission continues in earnest. With partnership and determination we can look forward to a day when the Carmel forest will flourish again.

As Israelis survey the devastation in Carmel, they can take solace that they were not alone at a time of crisis and that they will not be alone in the rebuilding effort.

Mr. AL GREEN of Texas. Mr. Speaker, I join my colleagues in supporting H. Res. 1751, a resolution mourning the loss of life and extending condolences to the families affected by the fire in northern Israel. Thank you to my colleague, Representative RON KLEIN, for offering this resolution.

I would like to offer my sincere condolences to the families and loved ones who have lost their lives in the fires in northern Israel. We stand by Israel during this difficult time and pledge our assistance in the wake of this tragedy.

On December 2, 2010, a massive wildfire broke out in the northern region of Israel, near the city of Haifa. The four day fire ravaged the Carmel mountain forests, forcing the evacuation of over 17,000 residents. One of the worst forest fires in Israel's history, this inferno claimed as many as 40 lives.

The fire damaged about 5 million trees and 12,000 acres. In a country where only 7 percent of the land is forested, the loss of precious woodland was felt as a national loss. In total, the fire caused about \$74 million in damages, including 250 homes.

In response to this tragedy, the United States and the international community stepped in to help Israel battle the flames. The U.S. answered Israel's request for assistance by providing much needed supplies, technical expertise, and equipment.

I applaud the individuals, businesses and philanthropic organizations across the United States and throughout the international community who have responded to the devastation in Israel with an outpouring of generosity and support.

With help from the United States and our friends worldwide, Israel will overcome this challenge. We pledge our continued support as Israel works to restore damaged communities, replenish wildlife, and plant new forests.

Mr. KLEIN of Florida. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. KLEIN) that the House suspend the rules and agree to the resolution, H. Res. 1751.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

HONORING 20TH ANNIVERSARY OF
BALTIC STATES INDEPENDENCE

Mr. KLEIN of Florida. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 267) congratulating the Baltic nations of Estonia, Latvia, and Lithuania on the 20th anniversary of the reestablishment of their full independence, as amended.

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

H. CON. RES. 267

Whereas the Baltic nations of Estonia, Latvia, and Lithuania were occupied in June 1940 by Soviet forces through the Molotov-Ribbentrop Pact and illegally incorporated into the Soviet Union in August 1940;

Whereas between June and August 1941, the Baltic nations were invaded by Nazi Germany, subject to brutal repression, and occupied as part of the Third Reich before being re-occupied by Soviet forces in late 1944 until they regained their independence in August 1991;

Whereas their forcible and illegal incorporation into the Soviet Union and Third Reich was never recognized by the United States;

Whereas from 1940 to 1991, thousands of Estonians, Latvians, and Lithuanians were executed, imprisoned, or exiled by Soviet authorities through a regime of brutal repression and Sovietization in their respective nations;

Whereas despite the efforts of the Soviet Union to eradicate the memory of independence, the Baltic people never lost their hope for freedom and their long-held dream of full independence;

Whereas during the period of "glasnost" and "perestroika" in the Soviet Union, the Baltic people played a leading role in the struggle for democratic reform and national independence; and

Whereas in the years following the declaration and subsequent restoration of full independence, Estonia, Latvia, and Lithuania have demonstrated their commitment to democracy, human rights, and the rule of law, and have actively participated in a wide range of international structures, pursuing further integration with European political, economic, and security organizations: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress—

(1) congratulates Estonia, Latvia, and Lithuania on the 20th anniversary of their declarations on the restoration of independence from the Soviet Union and commends the significant progress that they have since made, including their membership in the North Atlantic Treaty Organization (NATO) and the European Union (EU); and

(2) calls on the President to continue to build on the close and mutually beneficial relations the United States has enjoyed with Estonia, Latvia, and Lithuania since the restoration of the full independence of those nations.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida (Mr. KLEIN) and the gentleman from New Jersey (Mr. SMITH) each will control 20 minutes.

The Chair recognizes the gentleman from Florida.

GENERAL LEAVE

Mr. KLEIN of Florida. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. KLEIN of Florida. I yield myself as much time as I may consume.

Mr. Speaker, I rise in strong support of this resolution that congratulates Estonia, Latvia, and Lithuania on the 20th anniversary of their declarations on the restoration of independence from the Soviet Union.

Mr. Speaker, I wish to thank Representative SHIMKUS, the gentleman from Illinois, and a good friend of the Baltic people, for introducing this measure today.

In June 1940, Soviet troops occupied the Baltic states under the auspices of the Molotov-Ribbentrop Pact and then forcibly incorporated them into the Soviet Union. The following year, Nazi Germany invaded the Baltic states and illegally incorporated them into the Third Reich.

The Soviet Union re-occupied the Baltic states in 1945 until they regained their independence in 1991. During this period of foreign domination, thousands of Estonians, Latvians, and Lithuanians were subject to brutal repression, exiled, imprisoned and even executed. The United States never recognized the incorporation of the Baltic states into the Soviet Union.

I had a chance a few years ago to visit the states with a number of other Members, and we heard directly from the people, the government leaders about their level of appreciation to the United States for taking that position that they were never recognized as Baltic states under the Soviet Union.

This policy gave rise to the principle of legal continuity, which held that they remained de jure independent during the period of illegal occupation.

Furthermore, the people of Estonia, Latvia, and Lithuania never relinquished their hope for freedom and democracy. In August of 1989, the world watched as an estimated 2 million Balts—over one-quarter of the total population—formed a 370-mile human chain that spanned the three capitals in a peaceful act of solidarity and defiance of Soviet rule.

Just over 6 months later, in March of 1990, Lithuania became the first of the Soviet republics to declare independence. Estonia and Latvia followed suit within weeks. All three regained their full independence in late August 1991, which was recognized by the Soviet Union on September 6.

In the intervening 20 years, these states have made remarkable progress in reforming their political and eco-

nomic systems. They have joined the family of European democracies, become members of NATO and the European Union. Indeed, all three Baltic states are valued participants in the ISAF mission in Afghanistan and have worked to build stability and prosperity throughout eastern Europe.

Mr. Speaker, I strongly support this resolution that celebrates an important anniversary of our Baltic allies. I urge my colleagues to join me in recognizing the close relations that our nations have continued to enjoy.

I reserve the balance of my time.

□ 1620

Mr. SMITH of New Jersey. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H. Con. Res. 267, congratulating the Baltic nations of Estonia, Latvia, and Lithuania on the 20th anniversary of their declarations on the restoration of independence from the Soviet Union.

It is hard to believe that two decades have passed since the world witnessed the tremendous events that took place in Eastern Europe and the former Soviet Union. We saw countries in that region emerge from decades of communist brutality to bravely shake off the shackles of Soviet oppression. Those events forever changed the world.

Along with the memories of the fall of the Berlin Wall and the victory of the trade union Solidarity in the historic election in Poland, of course we recall the inspirational act by 2 million people living in Estonia, Latvia, and Lithuania who linked hands to form a human chain almost 400 miles long in a peaceful protest against Soviet rule.

After decades of oppressive Soviet occupation, the Baltic peoples remained committed to one day regaining independence and living in freedom. That dream, of course, became a reality in 1991 when the three Baltic nations gained full independence from the Soviet Union. But you know, in those final days leading up to independence, I will never forget being in Vilnius with STENY HOYER and other members of the Commission on Security and Cooperation in Europe. We were there to stand in solidarity with President Landsbergis who was under an ever-present threat that the Black Berets, the Soviet storm troopers, were poised to take over the Parliament building and to take over the executive branch. They killed people at a TV tower. There was actually a gun turret there. There was a tank.

We went up and visited and to pay our respects to the people who had been slain just days before. I will never forget as the gun turret moved in the direction of our delegation, and especially Don Ritter, who was a member of that delegation, who had the audacity to get too close to the tank. That is

how much of a hair trigger the Soviet troops had in Vilnius in February 1991.

Again, I want to thank Mr. HOYER. He and I and others on that delegation—he was the head of that delegation. We were there like Freedom Riders, being there, physically present, to try to chill any attack on President Landsbergis' government.

But it was the people themselves in Estonia, Latvia, and Lithuania, the Baltic States, who took it upon themselves to stand up to the tyranny, and they prevailed, as did the others in Eastern Europe and the Soviet Union. So we rise to congratulate them and to pay our profound respect for their courage in bringing about democracy to those great nations. They are captive nations no more.

I yield back the balance of my time. Mr. KLEIN of Florida. Mr. Speaker, again, I think that when we think back to Eastern Europe from decades ago, the type of place it was under Soviet dominance and occupation, it is a different place today. Those of us who have a chance as Americans to travel to these three countries have seen tremendous change.

We know that the fight that they have, and the respect they have for the United States is strong because we held and stood with them during the time of the Soviet occupation. We appreciate their belief in freedom and democracy. We share that with them.

One little side note: When I was in Lithuania, a number of us were interested in encouraging Lithuania to continue to move forward quickly with Holocaust restitution, which has been languishing for quite some time, and we encourage them to move quickly before many of these survivors perish by natural causes.

But we are here today to celebrate. This is a very big milestone. And of course we ask Members of this body to support this resolution.

I yield back the balance of my time. The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. KLEIN) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 267, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the concurrent resolution, as amended, was agreed to.

The title was amended so as to read: "Concurrent resolution congratulating the Baltic nations of Estonia, Latvia, and Lithuania on the 20th anniversary of their declarations on the restoration of independence from the Soviet Union."

A motion to reconsider was laid on the table.

RED FLAG PROGRAM CLARIFICATION ACT OF 2010

Mr. ADLER of New Jersey. Mr. Speaker, I move to suspend the rules

and pass the bill (S. 3987) to amend the Fair Credit Reporting Act with respect to the applicability of identity theft guidelines to creditors.

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 3987

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Red Flag Program Clarification Act of 2010".

SEC. 2. SCOPE OF CERTAIN CREDITOR REQUIREMENTS.

(a) AMENDMENT TO FCRA.—Section 615(e) of the Fair Credit Reporting Act (15 U.S.C. 1681m(e)) is amended by adding at the end the following:

"(4) DEFINITIONS.—As used in this subsection, the term 'creditor'—

"(A) means a creditor, as defined in section 702 of the Equal Credit Opportunity Act (15 U.S.C. 1691a), that regularly and in the ordinary course of business—

"(i) obtains or uses consumer reports, directly or indirectly, in connection with a credit transaction;

"(ii) furnishes information to consumer reporting agencies, as described in section 623, in connection with a credit transaction; or

"(iii) advances funds to or on behalf of a person, based on an obligation of the person to repay the funds or repayable from specific property pledged by or on behalf of the person;

"(B) does not include a creditor described in subparagraph (A)(iii) that advances funds on behalf of a person for expenses incidental to a service provided by the creditor to that person; and

"(C) includes any other type of creditor, as defined in that section 702, as the agency described in paragraph (1) having authority over that creditor may determine appropriate by rule promulgated by that agency, based on a determination that such creditor offers or maintains accounts that are subject to a reasonably foreseeable risk of identity theft."

(b) EFFECTIVE DATE.—The amendment made by this section shall become effective on the date of enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. ADLER) and the gentleman from Idaho (Mr. SIMPSON) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey.

GENERAL LEAVE

Mr. ADLER of New Jersey. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to insert extraneous material thereon.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. ADLER of New Jersey. Mr. Speaker, I yield myself such time as I may consume.

I rise today in support of the Red Flag Program Clarification Act of 2010. This legislation, which I introduced in the House, will narrow the scope of the Fair and Accurate Credit Transaction Act of 2003.

The FACT Act directed the Federal Trade Commission to promulgate rules requiring creditors to implement programs to detect and respond to so-called red flags that could indicate identity theft. Clearly, we all agree that identity theft is a serious problem and we must respond with strong regulations to protect consumers. That was the intent of the Congress in 2003. This Congress shares that intent.

However, we need to be careful that the laws we pass address the problem and do so in a way that doesn't adversely and unfairly impact small businesses. America's small businesses are struggling in today's tough economy. Congress needs to work in a bipartisan manner to find commonsense solutions to help America's small businesses remain as competitive as possible so they can create good-paying jobs.

I am pleased the House is taking up my legislation that will reduce burdensome regulations on small businesses. The purpose of the Red Flag Program Clarification Act is to limit the type of creditor that must be covered by the FTC's Red Flags Rule.

When I think of the word "creditor," dentists, accounting firms, and law firms do not come to mind. However, the FACT Act, as read by the FTC, states that these professions and others will be required to comply with Red Flag's regulations. It is clear when Congress wrote the law, they never contemplated including these types of businesses within the broad scope of that law. The FTC, to its great credit, has already delayed implementation of the Red Flags Rule numerous times because of this issue. And I want to thank FTC Chairman Jon Leibowitz for his understanding that Congress in no way intended back in 2003 to include these sorts of businesses in the broad scope of the FACT Act.

We must act by the end of this year to head off the potentially damaging impact of this rule, and I am pleased this bill, this bipartisan bill, will provide a permanent solution to this problem. The Senate passed this bill unanimously. The House passed similar legislation, which I co-wrote with Mr. BROWN and Mr. SIMPSON, last year by a narrow vote of 400-0.

I want to thank my colleagues, particularly Congressman BROWN and Congressman SIMPSON, along with Mr. MAFFEI and Mr. LEE, for their leadership on this issue. I also wish to thank, once again, Chairman FRANK and Ranking Member BACHUS for allowing this bill to come to the floor. We worked together on a bipartisan basis to solve a problem. Today we achieve a worthy balance the right way, a bipartisan solution to a nonpartisan problem.

Mr. Speaker, I urge passage of this legislation that is so important to our small businesses.

I reserve the balance of my time.

Mr. SIMPSON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of S. 3987, the Red Flag Program Clarification Act of 2010. This bill, as was mentioned, is a bipartisan, common-sense approach to protecting our Nation's small businesses from needless, burdensome government regulations. This legislation clarifies the definition of "creditor" for the purposes of complying with the Red Flags Rule. Under this law, a creditor would include only those entities that regularly use consumer reports or furnish information to consumer reporting agencies.

Mr. Speaker, our doctors and dentists across the country are not financial institutions, do not present an identity theft risk, and should not be treated as such. Under the old rule, many of these medical and dental offices were considered creditors because they worked with patients to develop payment plans that they could afford. This rule actually discourages efforts to improve access to care for people who can't afford to pay. This goes against all of our efforts to improve our health care system. Congress never meant for small businesses such as doctors, dentists, accountants, and others to be included in this definition.

This legislation is a good compromise in addressing the concerns of impacted businesses and health care providers while still protecting individuals from the risk of identity theft.

I would like to thank my good friends, Congressman ADLER and Congressman BROUN. I have enjoyed working with you on this legislation. I would like to recognize the work of Chairman FRANK and Ranking Member BACHUS to craft a balanced bill that addresses everyone's concerns, as well as Senator BEGICH and Senator THUNE for their work on this issue. Finally, I would like to thank the FTC chairman, Chairman Leibowitz, for working with us so diligently on this issue throughout this rather long and arduous process.

I yield back the balance of my time.

Mr. ADLER of New Jersey. Mr. Speaker, the gentleman from Idaho (Mr. SIMPSON) and I agree. We agree on lots of things. And we also agree, I think, that this Chamber should see more bills like this, more processes like this.

□ 1630

The House and Senate actually cooperated and got something good done that helps our small businesses, that helps Americans all across this country and that brings a little bit of common sense.

A few years ago, Congress tried to do a good thing and overreached just a little bit with good intent over each little bit. As Mr. SIMPSON acknowledged, we saw the problem. Chairman Leibowitz of the FTC also saw the problem, and

we worked together. The bureaucracy was not inflexible. It showed some restraint and didn't impose an additional burden on small businesses—on the doctors and dentists and lawyers around the country, who are clearly not creditors. So, for once, the process kind of worked.

This gives hope to the people who will be serving in the next Congress. They can work together on a bipartisan basis. This gives hope to people like me, who are leaving at the end of this term, that Congress will continue to function, in some way, in a bipartisan, commonsense manner.

I am satisfied we've done a good job here.

Mr. BROUN of Georgia. Mr. Speaker, I strongly support S. 3987, the Red Flag Program Clarification Act of 2010, which will remove a regulatory burden that our nation's small businesses are facing. I would like to thank Chairman FRANK and Ranking Member BACHUS for bringing this bill to the floor, and I thank the Committee staff for their hard work.

In November of 2007, the Federal Trade Commission issued a regulation, known as the "Red Flags" rule, as required by section 114 of the Fair and Accurate Credit Transaction Act of 2003. Red Flags required financial regulatory agencies, including the FTC, to craft rules requiring financial institutions and creditors to implement programs to detect and respond to patterns, practices, or specific activities—in other words, "Red Flags"—that could lead to potential identity theft.

The FTC broadly interpreted "creditors" to include any business that allows clients to establish a payment plan in exchange for their services rendered, sweeping in many businesses that do not operate as a creditor in the general understanding of the term, such as dentists, doctors, veterinarians, lawyers, accountants, and many other health care providers that offer their clients payment plans.

Congress did not intend to have the Red Flags rule cover these types of small businesses when it passed the Fair and Accurate Credit Transaction Act of 2003. Because of the uncertainty as to the definition of a creditor and subsequent law suits filed against the FTC, the FTC delayed enforcement of the Red Flags Rule multiple times since its original implementation date of January 1, 2008. The Rule is now scheduled to go into effect on January 1, 2011, and if it does, it could require small businesses to undertake costly and burdensome measures to prevent identity theft in industries that pose little threat. This legislation will eliminate the need to request another enforcement delay.

It also clarifies who must comply with the Red Flags Rule as those creditors that use consumer reports, furnish information to consumer reporting agencies, and other creditors that loan money. Should it become apparent that there are industries that present a reasonably foreseeable risk of identity theft, the FTC will have the authority to issue a rule open for public comment that shows the industry should comply with the Red Flag rule.

This legislation has broad bipartisan support. It passed the Senate by unanimous consent last week, and similar legislation I co-

sponsored passed the House last fall on the Suspension calendar with a 400-0 vote. It is supported by over 30 medical associations and the U.S. Chamber of Commerce.

In its initial regulatory analysis, the FTC estimated that the proposed Red Flags regulation would cover approximately 11.1 million entities "across almost every industry," ninety percent of which were expected to qualify as small businesses. At a time when we are experiencing record high unemployment, Congress needs to provide our nation's job creators relief from unnecessary regulations. This legislation will do just that.

I urge my colleagues to support this bill, so that we can ease the regulatory burden on those industries that were not supposed to be covered by the Red Flags rule.

Mr. ADLER of New Jersey. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. ADLER) that the House suspend the rules and pass the bill, S. 3987.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

SUPPORTING THE REMOVAL OF ILLICIT MARIJUANA ON FEDERAL LANDS

Mr. SCOTT of Virginia. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1540) supporting the goal of eradicating illicit marijuana cultivation on Federal lands and calling on the Director of the Office of National Drug Control Policy to develop a coordinated strategy to permanently dismantle Mexican drug trafficking organizations operating on Federal lands, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1540

Whereas Mexican drug trafficking organizations and other criminal groups have established robust and dangerous marijuana plantations on Federal lands managed by the United States Forest Service and the Bureau of Land Management;

Whereas the Office of National Drug Control Policy reported that 1,800,000 marijuana plants were eradicated from Federal lands in 2006, 2,890,000 marijuana plants were eradicated in 2007, and 4,000,000 marijuana plants were eradicated in 2008;

Whereas former Director of National Drug Control Policy John P. Walters declared in 2007: "America's public lands are under attack. Instead of being appreciated as national treasures, they are being exploited and destroyed by foreign drug trafficking organizations and heavily armed Mexican marijuana cartels who have turned them into ground zero for drug cultivation. These violent drug traffickers are endangering America's outdoor enthusiasts and sportsmen, and the sensitive ecosystems of our wilderness.";

Whereas the illicit drug trade undermines the rule of law and has a detrimental impact in communities across our Nation;

Whereas Mexican drug traffickers use the revenue generated from marijuana production on Federal lands to support criminal activities, including human trafficking and illicit weapons smuggling, and to foster political unrest in Mexico;

Whereas drug traffickers have committed acts of violence against United States citizens and have fired upon law enforcement officers to protect their marijuana crops;

Whereas on October 8, 2000, an 8-year-old boy and his father were shot by drug traffickers while hunting in El Dorado National Forest;

Whereas on June 16, 2009, law enforcement officers with the Lassen County Sheriff's Department were wounded by gunfire from drug traffickers during the investigation of a marijuana plantation on Bureau of Land Management property;

Whereas drug traffickers place booby traps that contain live shotgun shells on marijuana plantations;

Whereas the American people should not be subjected to violence while enjoying our Nation's recreation areas;

Whereas marijuana plantations pose a significant threat to the environmental health of Federal lands;

Whereas drug traffickers spray considerable quantities of unregulated chemicals, pesticides, and fertilizers;

Whereas drug traffickers divert streams and other waterways to construct complex irrigation systems;

Whereas it costs the Federal Government \$11,000 to restore one acre of forest on which marijuana is being cultivated;

Whereas the Federal Government is fundamentally responsible for protecting our Nation's Federal lands and the citizens who recreate on them;

Whereas local law enforcement agencies currently play a vital role in eradicating marijuana cultivation and enforcing Federal drug laws on Federal lands;

Whereas coordination among Federal agencies and among Federal, State, and local law enforcement agencies is essential to curtailing marijuana growth on Federal lands;

Whereas targeted joint law enforcement interdiction raids have brought forth significant but short-lived successes in combating marijuana production on Federal lands;

Whereas Federal law enforcement should develop and pursue a strategy that seeks to eradicate the illicit production of marijuana on Federal lands, and to investigate, detain, and bring drug traffickers to justice; and

Whereas the creation of a long-term, Federal-led strategy is essential to eliminating illicit marijuana cultivation on Federal lands: Now, therefore, be it

Resolved, That the House of Representatives—

(1) declares that drug trafficking organizations cultivating illicit marijuana on Federal lands in the United States pose an unacceptable threat to the safety of law enforcement and the public;

(2) affirms that it is the responsibility of the Federal Government to confront the threat of illicit marijuana cultivation on Federal lands; and

(3) calls upon the Director of the Office of National Drug Control Policy to work in conjunction with Federal and State agencies to develop a comprehensive and coordinated strategy to permanently dismantle Mexican drug trafficking organizations and other criminal groups operating on Federal lands.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia (Mr. SCOTT) and the gentleman from California (Mr. DANIEL E. LUNGREN) each will control 20 minutes.

The Chair recognizes the gentleman from Virginia.

GENERAL LEAVE

Mr. SCOTT of Virginia. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. SCOTT of Virginia. I yield myself such time as I may consume.

Mr. Speaker, House Resolution 1540 supports the goal of eliminating illegal marijuana cultivation on Federal lands, and calls on the Director of the Office of National Drug Control Policy to develop a coordinated strategy to defeat Mexican drug trafficking organizations and other criminal groups.

Marijuana growers have begun to use public lands because of their remoteness and difficulty in seizing or tracing the drugs to any specific owner. These large-scale plantations are being operated by well-armed and well-financed Mexican drug trafficking organizations and other criminal groups. Law enforcement officials report that the criminal groups that grow marijuana on Federal forest lands will shoot at police or at any other unwelcome visitors in order to protect their crops.

The National Drug Intelligence Center in the Department of Justice issued a national drug threat assessment in February in which it reported that the number of marijuana plants removed from public lands had increased by more than 300 percent from just 2004 to 2008. This increase was spurred primarily by marijuana crops overseen by Mexican drug cartels.

In 2008, a separate National Drug Intelligence Center report on cartel-related drug trafficking organizations found that the federation and other undetermined cartels were active in Oregon. In addition, a recent Drug Enforcement Agency investigation uncovered evidence of growers cultivating marijuana on public lands in Oregon and California.

The goal of this resolution is to bring attention to this illicit cartel activity and to encourage officials to develop an interagency strategy to stop drug cartels from using Federal lands for large-scale illegal drug crop operations.

I urge my colleagues to support the resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. DANIEL E. LUNGREN of California. I yield myself such time as I may consume.

Mr. Speaker, as one of its cosponsors, I rise in support of House Resolution 1540. This draws much needed attention to a problem as suggested by my friend, the gentleman from Virginia, which is the cultivation of marijuana on our Federal lands.

There is no doubt that, oh, 15 years ago, when I was Attorney General of California, we saw that Mexican cartels had basically taken over this trade in our State and that they were largely operating on Federal lands, on non-private lands. Of course, in the State of California, I believe the Federal Government owns about 49 percent of our State—a lot of that forest lands and wilderness areas. These are the areas that these cartels are converting into farms for illegal marijuana crops. They are damaging our protected ecosystems there, and they are threatening the safety of visitors and employees. In fact, the DEA calls marijuana the “cash crop” that finances drug cartels’ drug trafficking operations.

Marijuana is grown in remote areas of public lands, where there is a limited law enforcement presence. The two primary regions for these marijuana sites are the Western Region, comprised of California, Hawaii, Oregon, and Washington; and the Appalachian Region, including Kentucky, Tennessee and West Virginia.

This year, when I was visiting one of my counties, the smallest population county in the State of California, Alpine County, which has parts of several U.S. forests and a couple of wilderness areas, the under sheriff told me of some of the largest finds that they had made in those areas. They were finds that were unexpected and finds that were difficult to discover precisely because there are so few people who live in these areas. Of course, we designate them as wilderness areas and as forest lands. In many cases, they are not that often visited by citizens of the United States. The people who recreate these areas do so, enjoying the environment. These pristine lands of our National Forest system are therefore particularly enticing to these drug trafficking organizations as the dense, expansive forests that we find in these areas provide optimum marijuana-growing conditions with very little risk of detection.

America's National Forest system, managed by the U.S. Forest Service, is comprised of 193 million acres of land with 153,000 miles of trails and nearly 18,000 recreation sites, but we only have a little under 200 sworn officers and detectives who patrol this vast, expansive land, including 36 million acres of wilderness area.

The members of these cartels hike deep into the forests, fell trees, and clear away brush to plant their marijuana crops. They construct rudimentary irrigation systems, and divert water from local creeks or streams.

They use these to water the plants. They use Miracle-Gro or other fertilizers, and they even lace the area with animal-killing chemicals. It's obvious they don't file for EPA permits or anything like that.

They are destroying much of the beautiful natural resources that we have in these areas. We have discovered that the cartel members set up camp nearby and patrol the areas for intruders; and sometimes, when innocent American citizens are traveling through these areas, they are encountered by these individuals. More and more, we see that these members of the cartels have lethal weapons with them, even automatic weapons.

The Justice Department reports that these cartels, particularly in the States of Washington and California, are becoming increasingly aggressive in protecting the marijuana fields. We have found assault rifles, and we have found them engaging in standoffs with law enforcement officers. I would say, in my most rural counties, we do not have the largest law enforcement departments. That, combined with the very few people we have from the Federal Government's law enforcement, make it a prime area for these drug cartels to take over and make it dangerous, as I say, for law-abiding citizens, who want nothing but to recreate in these areas, to utilize these facilities.

I will say, late this summer/early this fall, we got tremendous support from the Forest Service and from other elements of the Federal Government in support of our effort to try and clean out these areas and also to protect our local law enforcement officers as they were working on it. In 2010, more than 3 million marijuana plants were seized from Forest Service lands in practically every region of the country. Now, this is a dramatic increase from 2004 when fewer than 750,000 plants were seized.

Once their illegal crops are harvested, the growers then abandon the sites, and they leave their garbage and their destruction behind. These fields are easy to plant, easy to harvest, but difficult to eradicate. Law enforcement officers must patrol the thick forest canopy from the sky, hoping to glimpse a marijuana grow site.

□ 1640

They must then fly or hike into the site, hoping that they won't be confronted by armed guards or boobytraps. These marijuana sites not only pose a danger to law enforcement officials, park employees, and visitors, but as I say, to the very natural resources the forest designation is intended to protect.

Marijuana fields utilized by these illegal cartels cause extensive long-term damage to the forest ecosystems and deplete the drinking water supplies for

neighboring communities. Just last month, the Forest Service removed more than 10 cubic yards of garbage from six abandoned marijuana grow sites in northern California. The Forest Service reports that it cost approximately \$30,000 to remove the marijuana and restore the ecosystem of each of the 622 marijuana sites discovered in the national forest system for fiscal year 2010. That is a cost of over \$18 million in taxpayer dollars to rid our forests of these illegal marijuana grows.

It is imperative that Congress and the administration make a commitment to put an end to the marijuana sites on Federal land and protect our precious natural resources from any further destruction.

I commend my colleague from California (Mr. HERGER) for his tireless efforts to address this growing problem and as I say, I was proud to join him in this case as an original cosponsor of H. Res. 1540. I urge my colleagues to support this resolution.

Mr. Speaker, I yield 5 minutes to the author of the bill, the gentleman from California (Mr. HERGER).

Mr. HERGER. I thank my good friend from California for yielding me the time.

Mr. Speaker, I rise to urge my colleagues to support House Resolution 1540, which I introduced to expose a growing crisis on public lands in my northern California congressional district and across the Nation. Mexican drug cartels are operating large-scale marijuana plantations on these lands, and the problem is getting worse by the day.

I recently joined law enforcement in a marijuana eradication raid in the forests of Shasta County, California, and saw firsthand the flourishing productivity of these foreign drug traffickers. Unfortunately, the Federal Government has not taken sufficient action to dismantle them, and a comprehensive strategy is long overdue.

These foreign drug cartels pose a severe threat to public safety. They are heavily armed and have repeatedly fired at law enforcement officers to protect their illegal crops. They endanger the lives of outdoorsmen who too frequently have been confronted by violent criminals while simply trying to enjoy their public lands. They use the drug profits to fund a multitude of violent crimes and provoke the political unrest in Mexico that could threaten our national security. They cause grave and costly damage to our environment, leaving behind tons of trash and dangerous chemicals and costing taxpayers an estimated \$11,000 to restore each acre of forest damaged by marijuana cultivation.

Mr. Speaker, our national forests should be a safe haven for families and recreation enthusiasts, not Mexican drug cartels. The American people should not have to fear for their safety

while on a family camping trip. Taxpayers in our Nation should not have to bear the financial burden of the damage caused by drug traffickers. And the United States should never allow foreign cartels to reign free on the sovereign territory of our Nation. Let me say emphatically that these drug trafficking organizations must be pursued relentlessly, shut down permanently, and brought to justice unconditionally.

House Resolution 1540 spells out the crisis occurring on our public lands and affirms that the Federal Government must do more to confront this threat. It calls upon the Director of the Office of National Drug Control Policy to work in conjunction with Federal and State agencies to develop a comprehensive and coordinated strategy to permanently dismantle the foreign drug trafficking organizations that have found a sanctuary on these lands. It is an important first step designed to both shine the light on this unacceptable menace and to demand that Federal law enforcement agencies take more aggressive, more persistent, and more effective action to shut them down for good.

I want to thank Chairman CONYERS and Ranking Member SMITH for their commitment to addressing this serious threat to public safety and to our national sovereignty. I urge my colleagues to vote for this resolution.

Mr. SCOTT of Virginia. Mr. Speaker, I yield 3 minutes to the gentleman from Colorado (Mr. POLIS).

Mr. POLIS. Mr. Speaker, this resolution is seemingly innocuous, for who in this body would be against illicit agriculture on our Federal lands, and yet it gives you reason to wonder why we're not facing a crisis of illicit corn production, illicit potato production, illicit tobacco production on our Federal lands of the magnitude of the crisis of marijuana production involved with criminal enterprises on our Federal lands. This resolution only serves to perpetuate this failed policy of prohibition, which has led to the rise of the criminal production of marijuana on Federal lands.

The gentleman from California said that the Federal Government must do more to confront this threat. I would submit that the Federal Government can do more by doing less. My home State of Colorado, the gentleman's home State of California, many other States have legalized and allowed for the medical use of marijuana, the production of marijuana, in a regulated capacity. The American public is split and a number of States continue to consider legalization for other uses as well. But as long as it remains illegal and as long as there is a market demand, the production will be driven underground. No matter how much we throw at enforcement, it will continue to be a threat not only to our Federal lands, but to our border security and to our safety within our country.

The resolution states that, Whereas, Mexican drug traffickers use the revenue generated from marijuana production on Federal lands to support criminal activities, including human trafficking and illicit weapons smuggling, and to foster political unrest in Mexico. It is estimated that about half of the money that the Mexico cartels obtain is through the marijuana trade. Yes, by eliminating the failed policy of prohibition with regard to marijuana and replacing it with regulation we can cut the money to the criminal gangs by half—half the human trafficking, half the illicit weapons trafficking, half the casualties of the drug war—by focusing on the hard narcotic substances that are addictive and have enslaved a generation of youth.

I have no doubt that marijuana plantations, as the resolution states, pose a threat to the environmental health of Federal lands, that drug traffickers spray unregulated chemicals, pesticides, and fertilizers, but I submit that the best way to address that is to incorporate this into a meaningful and enforceable agricultural policy for the country with regard to the regulatory structure for the production of marijuana.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I yield myself such time as I may consume just to say that I support this resolution.

The concern is a considerable one. These cartels are in fact violent and vicious, and their violence has gone up over the last number of years, and it is affecting our districts very directly.

I might say to the gentleman who just spoke that we happen to be one of the States that allows for medicinal marijuana, and it is not very difficult to get a medicinal purpose for marijuana. But we also had before the voters in the State of California an opportunity to decide whether or not they wanted to make it legal, and it was voted down by a substantial margin. That being the case, I think this resolution needs to go forward, and I would urge my colleagues to support it.

Mr. Speaker, I yield back the balance of my time.

Mr. SCOTT of Virginia. Mr. Speaker, I yield myself such time as I may consume.

□ 1650

I would like to thank my colleagues from California, Mr. HERGER and Mr. LUNGREN, for their advocacy on this issue. I urge my colleagues to support the resolution.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. SCOTT) that the House suspend the rules and agree to the resolution, H. Res. 1540, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. HERGER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

CRIMINAL HISTORY BACKGROUND CHECKS PILOT EXTENSION ACT OF 2010

Mr. SCOTT of Virginia. Mr. Speaker, I move to suspend the rules and pass the bill (S. 3998) to extend the Child Safety Pilot Program.

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 3998

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Criminal History Background Checks Pilot Extension Act of 2010".

SEC. 2. EXTENSION.

Section 108(a)(3)(A) of the PROTECT Act (42 U.S.C. 5119a note) is amended by striking "92-month" and inserting "104-month".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia (Mr. SCOTT) and the gentleman from California (Mr. DANIEL E. LUNGREN) each will control 20 minutes.

The Chair recognizes the gentleman from Virginia.

GENERAL LEAVE

Mr. SCOTT of Virginia. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. SCOTT of Virginia. I yield myself such time as I may consume.

Mr. Speaker, S. 3998, the Criminal History Background Checks Pilot Extension Act of 2010, will extend the national child safety pilot program for an additional 12 months.

Many Americans across the country graciously give their time and energy to volunteer and mentor children. While most of these volunteers act with good intentions, it is important that we are able to identify those who may misuse these opportunities to harm children.

The national child safety pilot program was passed in 2003 as part of the PROTECT Act. This program assists organizations in checking the criminal records of volunteers before placing them as mentors with children.

Since 2003, the national child safety pilot project has enabled State govern-

ments to work with youth-serving organizations to access FBI's national fingerprint-based background checks system. The pilot program has helped prevent child predators and sex offenders from getting access to children through legitimate mentoring programs by providing access to the more comprehensive data in the FBI's database. We have authorized this non-controversial fee-based program on three other occasions in anticipation of creating a permanent program. This pilot program has provided extremely important information to mentoring organizations—at no cost to taxpayers. We hope that this 12-month extension will give us more time to work with the Senate and the Department of Justice to permanently authorize this program.

I would like to thank the gentleman from California (Mr. SCHIFF) for his leadership in this legislation and his commitment to keeping children safe. I urge my colleagues to support this important legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I yield myself such time as I may consume.

Today, the House considers S. 3998, the Criminal History Background Checks Pilot Extension Act of 2010. This bill was introduced by Senator SCHUMER of New York and recently passed the Senate by unanimous consent. I might just say parenthetically it makes me feel good that I finally found a bill sponsored by the gentleman from New York that I could support.

This bill extends the child safety pilot program, which provides background checks for volunteer organizations that work with children, for an additional year. Originally created, as the gentleman from Virginia said, in 2003 under the PROTECT Act, the child safety pilot program has proven itself to be an effective resource for protecting our children. Through the pilot project, nonprofit organizations that provide youth-based care may request criminal history background checks from the FBI on applicants for volunteer or employee positions that involve working with children.

A study by the National Center for Missing and Exploited Children provided data that underscores the importance of the pilot program. The National Center found that of almost 90,000 background checks performed through the pilot program, 6 percent of volunteer applicants were found to have a criminal history of concern. These included serious offenses such as sexual abuse of minors, assault, child cruelty, drug offenses and even murder. Further, over 42 percent of those with criminal histories had convictions in a State other than the State in which they then were applying to volunteer.

If the volunteer group had performed a search only of the in-state records, many relevant criminal convictions would not have been identified. One youth-serving organization that received 1600 applications for volunteer positions found that over 50 percent of the applicants lied about having a criminal history, even though they knew it would be subjected to a background check. Of the applicants with criminal records, 23 percent had a different name reflected on their record than the one used to apply to volunteer. Without access to the national criminal database, many of these dangerous individuals may have slipped through the cracks.

Mr. Speaker, volunteer and other child-serving organizations across the country are working hard to provide safe learning and growing environments for our children. That means hiring professional and responsible employees. This bill will help and continues to help these groups to do just that, by extending the pilot program.

The child safety pilot program is supported by the Boys and Girls Clubs of America; the YMCA; the Salvation Army; Big Brothers, Big Sisters of America; and Volunteers of America as well as many other important organizations. Many Members of this body are parents first and Members of Congress second. This legislation is critical to keeping our children safe from criminals.

If just a single child does not become a victim of crime because of this program, then obviously it will have been successful. I urge my colleagues to join me in supporting this important legislation.

I reserve the balance of my time.

Mr. SCOTT of Virginia. Mr. Speaker, I yield 4 minutes to the gentlelady from Texas (Ms. JACKSON LEE).

Ms. JACKSON LEE of Texas. I thank the manager of this bill for his continuing leadership on issues of ensuring the safety of our children. To the manager for our friends on the other side of the aisle, I likewise thank him for his long record in law enforcement and for supporting this legislation, which I rise to support, S. 3998, the Criminal History Background Checks Pilot Extension Act.

Mr. Speaker, our children permeate our lives and our society. Not only are children engaged in what we call organized activities such as the Boys and Girls Clubs which permeate all of our communities and districts, or little league baseball, football, soccer and basketball, in schools and after-school clubs; but they also do ad hoc things such as doing their own volunteer work and working with organizations that ask for young people to volunteer. I rise enthusiastically to support the opportunity for nonprofits and others to be able to access these criminal background checks and applaud the Na-

tional Center for Missing and Exploited Children that I've worked with over the years.

We are always saddened when we hear of a missing child, an abused child, or a child that has been murdered. Over the last couple of months and in the last year, we have seen children that have been dismembered, we have seen children that have been lost, we have seen children that have been brutally abused; certainly some at the hands of their relatives or parents. But if we can protect these children when they leave our home to ensure that they do have the safety of the adult leadership that is working with them, we will have made a giant step forward. Our children are our most precious resource. If we look at the crime statistics, we will see that they represent a sizable proportion of those children that have either been sexually abused or in fact suffered a violent act. So I think that this expansion is extremely important.

I would also commend to my colleagues my interest in seeing my legislation on the DNA data bank on sexual predators to be accessible all over the country to law enforcement and particularly isolated to those who are sexual predators as relates to children. I have spoken to many law enforcement officers who believe that this would be another expedited source of assistance to them. Obviously this would be a grim set of circumstances because it means that they would have in their possession a case that either a child was sexually molested and lived or a child was sexually molested and did not live. But anything that we can do to ensure that law enforcement within the guidelines of our own Constitution and beliefs have all the resources that they need to protect our children I believe is extremely important.

I look forward to working with my colleagues to move this legislation, to hold hearings on this legislation, and to ensure that we give every tool to law enforcement to protect our children.

□ 1700

But in the instance of this legislation, this is, in fact, a very important statement about our commitment to protecting our children.

I congratulate Senator SCHUMER. And to all of the organizations that every day encounter adults that work with children, this gives you an added extra tool that I know that you will use to be able to ensure that our children have a full and complete quality of life, enjoy the activities that you provide for them, and, yes, have the opportunity to volunteer themselves and work with adults who they know are concerned about their best interests and not those who may have a record that would undermine the purpose and goals of the organization in which they work.

So, in conclusion, let me thank those who have supported this legislation and ask my colleagues to enthusiastically support S. 3998, the Criminal History Background Checks Pilot Extension Act.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I reiterate my support for this piece of legislation and yield back the balance of my time.

Mr. SCOTT of Virginia. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. SCOTT) that the House suspend the rules and pass the bill, S. 3998.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. SCOTT of Virginia. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

TREATING AMERICAN SAMOA AND NORTHERN MARIANA ISLANDS AS SEPARATE STATES FOR CERTAIN CRIMINAL JUSTICE PROGRAMS

Mr. SCOTT of Virginia. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3353) to provide for American Samoa and the Commonwealth of the Northern Marianas to be treated as States for certain criminal justice programs.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3353

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TREATMENT AS A STATE FOR AMERICAN SAMOA AND CNMI.

Section 901(a)(2) of Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3791(a)(2)) is amended by striking "Islands;" and all that follows through the period and inserting "Islands;"

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia (Mr. SCOTT) and the gentleman from California (Mr. DANIEL E. LUNGREN) each will control 20 minutes.

The Chair recognizes the gentleman from Virginia.

GENERAL LEAVE

Mr. SCOTT of Virginia. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. SCOTT of Virginia. I yield myself such time as I may consume.

Mr. Speaker, H.R. 3353 will allow the Commonwealth of the Northern Mariana Islands and American Samoa to be treated as two separate entities for the purposes of the Edward Byrne Memorial Justice Assistance Grant Program. Currently, these two areas are treated as one State for the distribution of Federal Byrne grants.

The Byrne Justice Assistance grants are a leading source of Federal justice funding to State and local jurisdictions. The program provides States, tribes, and local governments with critical funding necessary to support a range of program areas, including law enforcement, prosecution, courts, prevention, education, corrections, and crime victim and witness initiatives.

Although this bill does not change the Byrne grant formula, particularly the statutory minimum amount of the 0.25 percent that each State or territory is entitled to, it does change how the Northern Mariana Islands and American Samoa will be given funding under the grant program. The statutory minimum is granted to a State regardless of its population or crime rates. However, the Byrne grant funding increases if States have larger populations and higher crime rates. The three other territories—Puerto Rico, Guam, and the United States Virgin Islands—are presently entitled to the minimum funding, as are all 50 States. The objective of this legislation is to provide the Northern Mariana Islands and American Samoa with the same statutory minimum to which every other State and territory is entitled.

I urge my colleagues to support the legislation.

I reserve the balance of my time.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I yield myself such time as I may consume.

Today, Mr. Speaker, I rise in support of H.R. 3353, which does provide for American Samoa and the Commonwealth of the Northern Mariana Islands to be treated as States for certain criminal justice programs.

This is sponsored by Mr. SABLAN from the Northern Mariana Islands. We thank him for bringing this forward to us. As the gentleman from Virginia said, this will allow these two territories to be treated individually for the Byrne Grant Program. This will assist both of them in dealing with some of the law enforcement challenges that they have.

This increase in formula grant funding will provide additional resources to territorial law enforcement officials to help them combat crime. For example, this additional funding will help officials cover the costs of purchasing and maintaining police vehicles and other equipment which have to be shipped to the island.

H.R. 3353 will also help the territorial governments to provide much-needed services to the victims of crime. Because of the remoteness of the Northern Mariana Islands and American Samoa, these costs are quite high and services are very limited. For instance, there are three main inhabited islands in the Northern Mariana Islands but only one shelter that provides services for victims of domestic violence.

The increase in Byrne JAG grants will also help to build capacity and sustain programs to serve crime victims. As there are a limited number of crime victim specialists and advocates in the territories, these funds can be used to hire and relocate additional staff from the U.S. mainland.

This is important legislation that will help law enforcement officials in the Northern Marianas and American Samoa to accomplish their mission. So I support this bill, and I ask my colleagues to vote in favor of its adoption. I reserve the balance of my time.

Mr. SCOTT of Virginia. Mr. Speaker, I yield 5 minutes to the gentleman from the Northern Mariana Islands (Mr. SABLAN).

Mr. SABLAN. Mr. Speaker, I rise in support of H.R. 3353, the bill I introduced to improve the effectiveness of the Byrne Justice Assistance Grant Program in the Northern Mariana Islands and in American Samoa.

I want to thank Chairman JOHN CONYERS, Chairman BOBBY SCOTT, and their staff for their help in bringing this bill to the House floor. I also want to thank my colleagues on the other side of the aisle for their support for my bill under a suspension of the rules.

Approval of H.R. 3353 would further our national policy to support a broad range of activities carried out by State and territorial governments to prevent and control crime, as well as to improve their criminal justice systems. Program funds are allocated using a formula that provides a minimum amount for each jurisdiction to accomplish these goals. The sole exceptions are the Northern Marianas and American Samoa, which are funded as the equivalent of a single jurisdiction despite that these two are two separate jurisdictions with entirely separate local governments, and each of those governments has responsibility for the same basic criminal justice system as any other State or territory.

In the Northern Mariana Islands, this includes a system of district, superior, and supreme courts, a probation system, a prison for long-term incarceration, a juvenile detention facility, and programs to assist the victims of crimes. This is the same range of activities as is found in any other jurisdiction in America. Yet, as currently structured, the Byrne JAG Program only provides one-third of the base level of support for these activities that is provided everywhere else in our

country. H.R. 3353 rectifies that difference.

The result will be a more robust criminal justice system. For example, law enforcement officers have described to me the lack of resources or outdated equipment they possess for many years. In particular, one Captain explained that, "[p]atrol vehicles are breaking down faster than we can get them out of the auto shops." It is my hope that law enforcement officers in Saipan, Tinian and Rota can have the necessary resources to carry out their duties without having to worry about what they do not have when they respond to a shooting, a robbery, or a domestic violence dispute. Adequately providing for our law enforcement officers is one example of improving our criminal justice system.

Since its inception in 1988, the Byrne JAG Program has supported law enforcement officers, corrections and community corrections programs, crime victim initiatives, and prosecution and court programs in all States and Territories, but not to the same degree. H.R. 3353 will finally bridge that gap for the Northern Marianas and for American Samoa, helping to create safer and more just communities for all.

I ask my colleagues to support H.R. 3353.

Mr. SCOTT of Virginia. Mr. Speaker, I yield 4 minutes to the gentlelady from California (Ms. RICHARDSON).

Ms. RICHARDSON. Mr. Speaker, as representative of a district with 28,000 Samoan Americans, the largest Samoan population in this country, I rise today in support of H.R. 3353, which will provide for American Samoa and the Northern Mariana Islands to be treated as States for criminal justice funding.

This legislation will protect the people of these islands by securing the resources necessary to employ criminal justice programs that are most capable of addressing the specific needs in their area. It's kind of like asking why I wouldn't think that the city of Long Beach and the city of Los Angeles wouldn't garner equal funding appropriately.

I thank Chairman CONYERS and Chairman SCOTT, as well, for their leadership in bringing forth this bill. I also applaud Congressman SABLAN, the sponsor of this legislation, for his dedicated leadership on this issue and many others that have been promoting the interests and safety of the people of the Northern Marianas and American Samoa, which is represented by ENI FALEOMAVAEGA.

□ 1710

When we amend the Omnibus Crime Control and Safe Streets Act of 1968 to treat American Samoa and the Northern Mariana Islands as separate States, we will allow the appropriation of funding for vital criminal justice programs that will keep these communities safe. And they deserve them.

There are over 66,000 people living in American Samoa, and there are over 48,000 people living in the Northern Marianas. Each of these islands has their own unique culture, history, and their own way of dealing with things, including their challenges. The people of these islands deserve separate funding under this legislation that will allow them to appropriately and innovatively address their specific criminal justice issues. Protecting communities and fighting crime requires not just a fair share of funding, but it also requires flexibility to apply for the funding in a way that suits that specific community.

I have traveled to American Samoa. I had an opportunity to go there this year. And we worked on the earthquake and the subsequent tsunami. And many people in my district helped to bring tons and tons of items, over 90,000 tons to be specific, to help the people in the communities. Having learned about their culture, government, and their unique identity, I am certain that passing this bill is the right thing and the fair thing to do. Again, as Representative of this district, I stand in full support of the efforts today. It's imperative that we pass this legislation now, without delay.

I urge my colleagues to join me in supporting H.R. 3353.

Mr. FALEOMAVAEGA. Mr. Speaker, I rise today in strong support of H.R. 3353, legislation to provide for American Samoa and the Commonwealth of the Northern Mariana Islands (CNMI) to be treated as States in the Edward Byrne Memorial Justice Grant program, also known as JAG.

First I want to commend the gentleman from the CNMI, Mr. GREGORIO KILILI SABLAN, for his authorship of this important legislation, and I also want to commend the gentleman from Puerto Rico, Mr. PEDRO PIERLUISI, for his work and assistance. I want to also thank Mrs. DONNA CHRISTENSEN and Mrs. MADELINE BORDALLO and all my colleagues for their support.

The proposed legislation, H.R. 3353, will fix an inconsistency in the method used to allocate funding through the JAG program. The current proposal provides that American Samoa and the CNMI be treated the same as other States, each will receive a 100 percent allocation.

Historically, the JAG program memorializes Officer Edward R. Byrne of the 103rd precinct of the New York City police, who was gunned down in the line of duty in the early morning of February 26, 1988. Officer Byrne was shot five times in the head. He was only 22 years old.

Since its existence, the JAG program has provided critical funding to States and Territories to aid several justice programs including: law enforcement, prosecution and court, prevention and education, corrections and community corrections, drug treatment, planning, evaluation, and technology improvement, crime victims and witness protections.

But while the Territories are treated as States, not all receive the same share. In par-

ticular, while the rest of the Territories and States are funded at 100 percent each, only American Samoa at 67 percent and the CNMI at 33 percent are treated as less than one whole. American Samoa and the CNMI combined is equivalent to the share of one State.

Fixing this inconsistency is important to us because, as part of the American family, we all serve the U.S. Constitution. It is the same constitution that provides equality for all Americans in as far away and isolated insular areas as in American Samoa and the CNMI. Therefore, despite population sizes and other statistical indices that serve as basis for allocation, constitutionally, the degree of need in American Samoa and the CNMI is no less critical than elsewhere in the United States.

Earlier this year, Lt. Detective Lusila Brown, a veteran of the American Samoa police force, was gunned down in the line of duty. In broad daylight with many watching unexpectedly, he was shot and killed in front of our High Court building. Gruesome images of the gunman with gun in hand standing over the fallen officer serve as a brutal reminder to all that even in a remote and isolated place, a place known mainly for its vast natural resources and peaceful surroundings, we are no less vulnerable to the most heinous and violent crimes known to society.

Mr. Speaker, I urge my colleagues to support H.R. 3353 and give American Samoa and CNMI their fair share of this important program.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, again I reiterate my support for H.R. 3353.

I yield back the balance of my time.

Mr. SCOTT of Virginia. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. SCOTT) that the House suspend the rules and pass the bill, H.R. 3353.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. SCOTT of Virginia. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

ACCESS TO CRIMINAL HISTORY RECORDS FOR STATE SENTENCING COMMISSIONS ACT OF 2010

Mr. SCOTT of Virginia. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6412) to amend title 28, United States Code, to require the Attorney General to share criminal records with State sentencing commissions, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6412

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Access to Criminal History Records for State Sentencing Commissions Act of 2010".

SEC. 2. ATTORNEY GENERAL TO SHARE CRIMINAL RECORDS WITH STATE SENTENCING COMMISSIONS.

Section 534(a) of title 28, United States Code, is amended by inserting after "the States" the following: "including State sentencing commissions".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia (Mr. SCOTT) and the gentleman from California (Mr. DANIEL E. LUNGREN) each will control 20 minutes.

The Chair recognizes the gentleman from Virginia.

GENERAL LEAVE

Mr. SCOTT of Virginia. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. SCOTT of Virginia. I yield myself such time as I may consume.

Mr. Speaker, H.R. 6412 is a short, but very important, piece of legislation. The bill will allow State sentencing commissions to obtain direct national criminal history record information maintained by the Department of Justice. These commissions, the State commissions, perform critical functions. They shape State policies that promote fairer, more consistent sentencing practices. They help protect public safety and address the impacts of crime on victims and the community. They develop tools to assess the seriousness and risk of offenders so that high-risk, dangerous offenders can be handled appropriately, and low-risk low-level offenders can be placed in appropriate evidence-based programs.

They project the impacts of State legislation, regulations, and policies on correctional populations, personnel needs, and fiscal requirements. They evaluate the effectiveness of sentencing and corrections programs, particularly in terms of outcomes, offender recidivism, and cost-benefit analysis.

Currently, State sentencing commissions are only able to receive out-of-State and Federal criminal history information through third parties, if at all. The effectiveness of the work of these commissions is consequently undermined by missing or incomplete information, particularly with respect to research relating to recidivism in jurisdictions with large populations near their State borders. Allowing State

sentencing commissions to access complete and accurate criminal history information will improve the administration of justice by enhancing the effectiveness of sentencing decisions and program placements. Access to this information will also improve research concerning sentencing outcomes and recidivism.

This bill will simply put State commissions in the same position as the Federal Sentencing Commission in terms of access to this information. The United States Sentencing Commission is already afforded access to this information, subject to a transfer agreement with the Department of Justice, which protects the confidentiality of these records. I would expect the Department of Justice to treat State commissions the same way once the legislation is enacted.

I appreciate the assistance of Chairman CONYERS and Ranking Member SMITH for their bipartisan support of this important legislation. I urge my colleagues to support the bill.

I reserve the balance of my time.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 6412, the Access to Criminal History Records for State Sentencing Commissions Act of 2010. This amends the Federal law to direct the Attorney General to share criminal history records with State sentencing commissions.

I am proud to say that although it's not as rare as the chances I have to agree with the Senator from New York, I do agree with my friend from Virginia more often than that, and it is good to be able to be here and support the legislation which he brings to the floor.

Over a dozen States operate sentencing commissions that, similar to the U.S. Sentencing Commission, promulgate guidelines to provide uniform sentences for criminal offenses. Many State sentencing commissions also collect and report statistics on the types of crimes, the lengths of sentences, the rates of recidivism, and other important public safety data.

Federal law has required the Attorney General to collect criminal history records and share such records with State and local governments, Indian tribes, penal institutions, and the U.S. Sentencing Commission. However, interestingly enough, State sentencing commissions are not currently eligible to participate in this exchange. H.R. 6412 corrects this omission by amending the Federal law to add State sentencing commissions to the list of entities authorized to obtain criminal history records.

There is an old adage that all crime is local. And in many respects, that is still true today. But while crime still may be local, oftentimes the criminal is not. Today, more than ever, criminals move from one State to the next,

or across the country, leaving a trail of criminal records behind them. Public safety officials rely upon shared criminal history records to apprehend fugitives and to identify dangerous criminals.

Prosecutors and the courts depend on these records to assess penalties. And sentencing commissions need this data to accurately report sentencing data and to ensure that their sentencing guidelines provide fair and appropriate punishment. So I urge my colleagues to support this bill brought to us by Mr. SCOTT of Virginia.

I yield back the balance of my time.

Mr. SCOTT of Virginia. Mr. Speaker, I yield myself such time as I may consume to thank the gentleman from California for supporting bills introduced by this side of the aisle. In light of the change in leadership next year, I hope he continues in that great tradition.

Mr. Speaker, I urge my colleagues to support the bill, and yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. SCOTT) that the House suspend the rules and pass the bill, H.R. 6412.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. SCOTT of Virginia. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 6 p.m. today.

Accordingly (at 5 o'clock and 19 minutes p.m.), the House stood in recess until approximately 6 p.m.

□ 1800

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. ALTMIRE) at 6 p.m.

REPORT ON RESOLUTION WAIVING REQUIREMENT OF CLAUSE 6(a) OF RULE XIII WITH RESPECT TO CONSIDERATION OF CERTAIN RESOLUTIONS AND PROVIDING FOR CONSIDERATION OF MOTIONS TO SUSPEND THE RULES

Mr. PERLMUTTER, from the Committee on Rules, submitted a privi-

leged report (Rept. No. 111-674) on the resolution (H. Res. 1752) waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules, and providing for consideration of motions to suspend the rules, which was referred to the House Calendar and ordered to be printed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order: H.R. 6400, House Resolution 1642, and House Resolution 1264, in each case by the yeas and nays.

Remaining postponed proceedings will resume later in the week.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

EARL WILSON, JR. POST OFFICE

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 6400) to designate the facility of the United States Postal Service located at 111 North 6th Street in St. Louis, Missouri, as the "Earl Wilson, Jr. Post Office," on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Missouri (Mr. CLAY) that the House suspend the rules and pass the bill.

The vote was taken by electronic device, and there were—yeas 382, nays 0, not voting 51, as follows:

[Roll No. 608]

YEAS—382

Ackerman	Boozman	Castle
Aderholt	Boren	Castor (FL)
Adler (NJ)	Boswell	Chaffetz
Akin	Boucher	Chandler
Alexander	Boustany	Childers
Altmire	Boyd	Chu
Andrews	Brady (TX)	Clarke
Austria	Braley (IA)	Clay
Bachmann	Broun (GA)	Cleaver
Bachus	Brown (SC)	Clyburn
Baird	Brown, Corrine	Coble
Baldwin	Brown-Waite,	Coffman (CO)
Barrett (SC)	Ginny	Cole
Barrow	Buchanan	Conaway
Bartlett	Burgess	Connolly (VA)
Barton (TX)	Burton (IN)	Conyers
Becerra	Butterfield	Cooper
Berkley	Buyer	Costello
Berman	Calvert	Courtney
Biggart	Camp	Crenshaw
Billbray	Campbell	Critz
Bilirakis	Cantor	Crowley
Bishop (GA)	Cao	Cuellar
Bishop (NY)	Capito	Cummings
Bishop (UT)	Capps	Dahlkemper
Blackburn	Capuano	Davis (CA)
Blumenauer	Cardoza	Davis (KY)
Boccieri	Carnahan	Davis (TN)
Bonner	Carson (IN)	DeFazio
Bono Mack	Cassidy	DeGette

DeLauro	Kingston	Polis (CO)	Whitfield	Wittman	Wu	Conaway	Jenkins	Olson
Dent	Kirkpatrick (AZ)	Pomeroy	Wilson (OH)	Wolf	Young (AK)	Connolly (VA)	Johnson (GA)	Olver
Deutch	Kissell	Posey	Wilson (SC)	Woolsey	Young (FL)	Conyers	Johnson (IL)	Ortiz
Diaz-Balart, L.	Klein (FL)	Price (GA)				Cooper	Johnson, E. B.	Owens
Dicks	Kline (MN)	Price (NC)				Costello	Johnson, Sam	Pallone
Dingell	Kosmas	Quigley	Arcuri	Ellsworth	Murphy, Patrick	Courtney	Jones	Pascarell
Djou	Kratovil	Rahall	Baca	Fallin	Oberstar	Crenshaw	Jordan (OH)	Pastor (AZ)
Doggett	Kucinich	Rangel	Bean	Garamendi	Paul	Critz	Kagen	Paulsen
Donnelly (IN)	Lamborn	Reed	Berry	Granger	Poe (TX)	Crowley	Kanjorski	Payne
Doyle	Lance	Rehberg	Blunt	Graves (MO)	Putnam	Cuellar	Kaptur	Pence
Dreier	Larsen (WA)	Reichert	Boehner	Griffith	Radanovich	Cummings	Kennedy	Perlmutter
Driebehaus	Larson (CT)	Reyes	Brady (PA)	Gutierrez	Salazar	Dahlkemper	Kildee	Perriello
Duncan	Latham	Richardson	Bright	Harman	Shea-Porter	Davis (CA)	Kilpatrick (MI)	Peters
Edwards (MD)	LaTourette	Rodriguez	Carney	Hoekstra	Sires	Davis (KY)	Kilroy	Peterson
Ehlers	Latta	Roe (TN)	Carter	Langevin	Speier	DeFazio	Kind	Petri
Ellison	Lee (CA)	Rogers (AL)	Cohen	Lewis (CA)	Stark	DeGette	King (IA)	Pingree (ME)
Emerson	Lee (NY)	Rogers (KY)	Costa	Linder	Sutton	DeLauro	King (NY)	Pitts
Engel	Levin	Rogers (MI)	Culberson	Marchant	Terry	Dent	Kingston	Platts
Eshoo	Lewis (GA)	Rohrabacher	Davis (AL)	McMahon	Tiahrt	Deutch	Kirkpatrick (AZ)	Polis (CO)
Etheridge	Lipinski	Rooney	Davis (IL)	McMorris	Tiberi	Diaz-Balart, L.	Kissell	Pomeroy
Farr	LoBiondo	Ros-Lehtinen	Delahunt	Rodgers	Yarmuth	Dicks	Klein (FL)	Posey
Fattah	Loebach	Roskam	Diaz-Balart, M.	Moran (KS)		Dingell	Kline (MN)	Price (GA)
Filner	Lofgren, Zoe	Ross	Edwards (TX)	Murphy (NY)		Djou	Kosmas	Price (NC)
Flake	Lowe	Rothman (NJ)				Doggett	Kratovil	Quigley
Fleming	Lucas	Roybal-Allard				Donnelly (IN)	Kucinich	Rahall
Forbes	Luetkemeyer	Royce				Doyle	Lamborn	Rangel
Fortenberry	Lujan	Ruppersberger				Dreier	Lance	Reed
Foster	Lummis	Rush				Driebehaus	Langevin	Rehberg
Fox	Lungren, Daniel	Ryan (OH)				Duncan	Larsen (WA)	Reichert
Frank (MA)	E.	Ryan (WI)				Edwards (MD)	Larson (CT)	Richardson
Frank (AZ)	Lynch	Sánchez, Linda				Ehlers	Latham	Rodriguez
Frelinghuysen	Mack	T.				Ellison	LaTourette	Roe (TN)
Fudge	Maffei	Sanchez, Loretta				Emerson	Latta	Rogers (AL)
Gallegly	Maloney	Sarbanes				Engel	Lee (CA)	Rogers (KY)
Garrett (NJ)	Manzullo	Scalise				Eshoo	Lee (NY)	Rogers (MI)
Gerlach	Markey (CO)	Schakowsky				Etheridge	Levin	Rohrabacher
Giffords	Markey (MA)	Schauer				Farr	Lewis (GA)	Rooney
Gingrey (GA)	Marshall	Schiff				Fattah	Lipinski	Ros-Lehtinen
Gohmert	Matheson	Schmidt				Filner	LoBiondo	Roskam
Gonzalez	Matsui	Schock				Flake	Loebach	Ross
Goodlatte	McCarthy (CA)	Schrader				Fleming	Lofgren, Zoe	Rothman (NJ)
Gordon (TN)	McCarthy (NY)	Schwartz				Forbes	Lowe	Roybal-Allard
Graves (GA)	McCaul	Scott (GA)				Fortenberry	Lucas	Royce
Grayson	McClintock	Scott (VA)				Foster	Luetkemeyer	Ruppersberger
Green, Al	McCollum	Sensenbrenner				Fox	Lujan	Rush
Green, Gene	McCotter	Serrano				Frank (MA)	Lummis	Ryan (OH)
Grijalva	McDermott	Sessions				Franks (AZ)	Lungren, Daniel	Ryan (WI)
Guthrie	McGovern	Sestak				Frelinghuysen	E.	Sánchez, Linda
Hall (NY)	McHenry	Shadegg				Fudge	Lynch	T.
Hall (TX)	McIntyre	Sherman				Gallegly	Mack	Sanchez, Loretta
Halvorson	McKeon	Shimkus				Garamendi	Maffei	Sarbanes
Hare	McNerney	Shuler				Garrett (NJ)	Maloney	Scalise
Harper	Meek (FL)	Shuster				Gerlach	Manzullo	Schakowsky
Hastings (FL)	Meeks (NY)	Simpson				Giffords	Markey (CO)	Schauer
Hastings (WA)	Melancon	Skelton				Gingrey (GA)	Markey (MA)	Schiff
Heinrich	Mica	Slaughter				Gohmert	Marshall	Schmidt
Heller	Michaud	Smith (NE)				Gonzalez	Matheson	Schock
Hensarling	Miller (FL)	Smith (NJ)				Goodlatte	Matsui	Schrader
Herger	Miller (MI)	Smith (TX)				Gordon (TN)	McCarthy (CA)	Schwartz
Herseth Sandlin	Miller (NC)	Smith (WA)				Graves (GA)	McCarthy (NY)	Scott (GA)
Higgins	Miller, Gary	Snyder				Grayson	McCaul	Scott (VA)
Hill	Miller, George	Space				Green, Al	McClintock	Sensenbrenner
Himes	Minnick	Spratt				Green, Gene	McCollum	Serrano
Hinchoy	Mitchell	Stearns				Grijalva	McCotter	Sessions
Hinojosa	Mollohan	Stupak				Guthrie	McDermott	Sestak
Hirono	Moore (KS)	Stutzman				Hall (NY)	McGovern	Shadegg
Hodes	Moore (WI)	Sullivan				Hall (TX)	McHenry	Shea-Porter
Holden	Moran (VA)	Tanner				Halvorson	McIntyre	Sherman
Holt	Murphy (CT)	Taylor				Hare	McKeon	Shimkus
Honda	Murphy, Tim	Teague				Harper	McNerney	Shuler
Hoyer	Myrick	Thompson (CA)				Hastings (FL)	Meek (FL)	Shuster
Hunter	Nadler (NY)	Thompson (MS)				Hastings (WA)	Meeks (NY)	Skelton
Inglis	Napolitano	Thompson (PA)				Heinrich	Melancon	Slaughter
Inslee	Neal (MA)	Thornberry				Heller	Mica	Smith (NE)
Israel	Neugebauer	Tierney				Hensarling	Michaud	Smith (NJ)
Issa	Nunes	Titus				Herger	Miller (FL)	Smith (TX)
Jackson (IL)	Nye	Tonko				Herseth Sandlin	Miller (MI)	Smith (WA)
Jackson Lee	Obey	Towns				Higgins	Miller (NC)	Snyder
(TX)	Olson	Tsongas				Hill	Miller, Gary	Space
Jenkins	Oliver	Turner				Himes	Minnick	Spratt
Johnson (GA)	Ortiz	Upton				Hinchoy	Mitchell	Stearns
Johnson (IL)	Owens	Van Hollen				Hinojosa	Mollohan	Stupak
Johnson, E. B.	Pallone	Velázquez				Hirono	Moore (KS)	Stutzman
Johnson, Sam	Pascarell	Visclosky				Hodes	Moore (WI)	Sullivan
Jones	Pastor (AZ)	Walden				Holden	Moran (VA)	Sutton
Jordan (OH)	Paulsen	Walz				Holt	Murphy (CT)	Tanner
Kagen	Payne	Wamp				Honda	Murphy (NY)	Taylor
Kanjorski	Pence	Wasserman				Hoyer	Murphy, Tim	Teague
Kaptur	Perlmutter	Schultz				Hunter	Myrick	Thompson (CA)
Kennedy	Perriello	Waters				Inglis	Nadler (NY)	Thompson (MS)
Kildee	Peters	Watson				Inslee	Napolitano	Thompson (PA)
Kilpatrick (MI)	Peterson	Watt				Israel	Neal (MA)	Thornberry
Kilroy	Petri	Waxman				Issa	Neugebauer	Tierney
Kind	Pingree (ME)	Weiner				Jackson (IL)	Nunes	Titus
King (IA)	Pitts	Welch				Jackson Lee	Nye	Tonko
King (NY)	Platts	Westmoreland				(TX)	Obey	Towns

NOT VOTING—51

□ 1830

Mr. McCAUL changed his vote from “nay” to “yea.”

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

RECOGNIZING CENTENNIAL OF LILBURN, GEORGIA

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution (H. Res. 1642) recognizing the centennial of the City of Lilburn, Georgia and supporting the goals and ideals of a City of Lilburn Day, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Missouri (Mr. CLAY) that the House suspend the rules and agree to the resolution.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 379, nays 0, not voting 54, as follows:

[Roll No. 609]

YEAS—379

Ackerman	Bishop (UT)	Calvert
Aderholt	Blackburn	Camp
Adler (NJ)	Blumenauer	Campbell
Akin	Bocciari	Cao
Alexander	Bonner	Capito
Altmire	Bono Mack	Capps
Andrews	Boozman	Capuano
Austria	Boren	Cardoza
Bachmann	Boswell	Carnahan
Bachus	Boucher	Carson (IN)
Baird	Boustany	Carter
Baldwin	Boyd	Cassidy
Barrett (SC)	Brady (TX)	Castle
Barrow	Braley (IA)	Castor (FL)
Bartlett	Brown (GA)	Chaffetz
Barton (TX)	Brown (SC)	Chandler
Becerra	Brown, Corrine	Childers
Berkley	Brown-Waite,	Clarke
Berman	Ginny	Clay
Biggert	Buchanan	Cleaver
Bilbray	Burgess	Clyburn
Bilirakis	Burton (IN)	Coble
Bishop (GA)	Butterfield	Coffman (CO)
Bishop (NY)	Buyer	Cole

Tsongas	Waters	Wilson (SC)	Cassidy	Hinchey	Minnick	Space	Titus	Watson
Turner	Watson	Wittman	Castle	Hinojosa	Mitchell	Spratt	Tonko	Watt
Upton	Watt	Wolf	Castor (FL)	Hirono	Mollohan	Stearns	Towns	Waxman
Van Hollen	Waxman	Woolsey	Chaffetz	Hodes	Moore (KS)	Stupak	Tsongas	Weiner
Visclosky	Weiner	Wu	Chandler	Holden	Moore (WI)	Stutzman	Turner	Welch
Walz	Welch	Young (FL)	Childers	Holt	Moran (VA)	Sullivan	Upton	Westmoreland
Wamp	Westmoreland		Chu	Honda	Murphy (CT)	Sutton	Van Hollen	Whitfield
Wasserman	Whitfield		Clarke	Hoyer	Murphy (NY)	Tanner	Velázquez	Wilson (OH)
Schultz	Wilson (OH)		Clay	Hunter	Murphy, Tim	Taylor	Visclosky	Wilson (SC)

NOT VOTING—54

Arcuri	Edwards (TX)	Paul
Baca	Ellsworth	Poe (TX)
Bean	Fallin	Putnam
Berry	Granger	Radanovich
Blunt	Graves (MO)	Reyes
Boehner	Griffith	Salazar
Brady (PA)	Gutierrez	Simpson
Bright	Harman	Sires
Cantor	Hoekstra	Speier
Carney	Lewis (CA)	Stark
Chu	Linder	Terry
Cohen	Marchant	Tiahrt
Costa	McMahon	Tiberi
Culberson	McMorris	Velázquez
Davis (AL)	Rodgers	Walden
Davis (IL)	Miller, George	Yarmuth
Davis (TN)	Moran (KS)	Young (AK)
Delahunt	Murphy, Patrick	
Diaz-Balart, M.	Oberstar	

□ 1838

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

SUPPORTING NATIONAL ESSENTIAL TREMOR AWARENESS MONTH

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution (H. Res. 1264) expressing support for the designation of March as National Essential Tremor Awareness Month, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Missouri (Mr. CLAY) that the House suspend the rules and agree to the resolution.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 387, nays 1, not voting 45, as follows:

[Roll No. 610]

YEAS—387

Ackerman	Bilbray	Brown, Corrine
Aderholt	Bilirakis	Brown-Waite,
Adler (NJ)	Bishop (GA)	Ginny
Akin	Bishop (NY)	Buchanan
Alexander	Bishop (UT)	Burgess
Altmire	Blackburn	Burton (IN)
Andrews	Blumenauer	Butterfield
Austria	Boccieri	Buyer
Bachmann	Bonner	Calvert
Bachus	Bono Mack	Camp
Baird	Boozman	Campbell
Baldwin	Boren	Cantor
Barrett (SC)	Boswell	Cao
Barrow	Boucher	Capito
Bartlett	Boustany	Capps
Barton (TX)	Boyd	Capuano
Becerra	Brady (TX)	Cardoza
Berkley	Braley (IA)	Carnahan
Berman	Broun (GA)	Carson (IN)
Biggert	Brown (SC)	Carter

Castro (FL)	Chaffetz	Chandler	Childers	Chu	Clarke	Clay	Cleaver	Clyburn	Coble	Coffman (CO)	Cole	Conaway	Connolly (VA)	Conyers	Cooper	Costello	Courtney	Crenshaw	Critz	Crowley	Cuellar	Cummings	Dahlkemper	Davis (CA)	Davis (KY)	Davis (TN)	DeFazio	DeGette	DeLauro	Dent	Deutch	Diaz-Balart, L.	Dicks	Dingell	Djou	Doggett	Donnelly (IN)	Doyle	Dreier	Driehaus	Duncan	Edwards (MD)	Ehlers	Ellison	Emerson	Engel	Eshoo	Etheridge	Farr	Fattah	Filner	Flake	Fleming	Forbes	Fortenberry	Foster	Fox	Frank (MA)	Franks (AZ)	Frelinghuysen	Fudge	Gallegly	Garamendi	Garrett (NJ)	Gerlach	Giffords	Gingrey (GA)	Gohmert	Gonzalez	Goodlatte	Gordon (TN)	Graves (GA)	Grayson	Green, Al	Green, Gene	Grijalva	Guthrie	Gutierrez	Hall (NY)	Hall (TX)	Halvorson	Hare	Harper	Hastings (FL)	Hastings (WA)	Heinrich	Heller	Hensarling	Herger	Herseth Sandlin	Higgins	Hill	Himes	Hirono	Hodes	Holden	Holt	Honda	Hoyer	Hunter	Inglis	Inslee	Israel	Issa	Jackson (IL)	Jackson Lee	Jenkins	Johnson (GA)	Johnson (IL)	Johnson, E. B.	Johnson, Sam	Jones	Jordan (OH)	Kagen	Kanjorski	Kaptur	Kennedy	Kildee	Kilpatrick (MI)	Kilroy	Kind	King (IA)	King (NY)	Kingston	Kirkpatrick (AZ)	Kissell	Klein (FL)	Kline (MN)	Kosmas	Kratovil	Kucinich	Lamborn	Lance	Langevin	Larsen (WA)	Larsen (CT)	Latham	LaTourette	Latta	Lee (CA)	Lee (NY)	Levin	Lewis (GA)	Lipinski	LoBiondo	Loeb	Lofgren, Zoe	Lowe	Lucas	Luetkemeyer	Lujan	Lummis	Lungren, Daniel	E.	Lynch	Mack	Maffei	Maloney	Manzullo	Markey (CO)	Markey (MA)	Marshall	Matheson	Matsui	McCarthy (CA)	McCarthy (NY)	McCaul	McClintock	McCollum	McCotter	McDermott	McGovern	McHenry	McIntyre	McKeon	McNerney	Meek (FL)	Meeks (NY)	Melancon	Mica	Michaud	Miller (FL)	Miller (MI)	Miller (NY)	Miller, Gary	Miller, George	Minnick	Mitchell	Mollohan	Moore (KS)	Moore (WI)	Moran (VA)	Murphy (CT)	Murphy (NY)	Murphy, Tim	Myrick	Nadler (NY)	Napolitano	Neal (MA)	Neugebauer	Nunes	Nye	Obe	Olson	Olver	Ortiz	Owens	Pallone	Pascarella	Pastor (AZ)	Paulsen	Payne	Pence	Perlmutter	Perriello	Peters	Peterson	Petri	Pingree (ME)	Pitts	Platts	Polis (CO)	Pomeroy	Posey	Price (GA)	Price (NC)	Quigley	Rahall	Rangel	Reed	Rehberg	Reichert	Reyes	Richardson	Rodriguez	Roe (TN)	Rogers (AL)	Rogers (KY)	Rogers (MI)	Rohrabacher	Rooney	Ros-Lehtinen	Roskam	Ross	Rothman (NJ)	Roybal-Allard	Royce	Ruppersberger	Ryan (OH)	Ryan (WI)	Sánchez, Linda	T.	Sanchez, Loretta	Sarbanes	Scalise	Schakowsky	Schauer	Schiff	Schmidt	Schock	Schrader	Schwartz	Scott (GA)	Scott (VA)	Sensenbrenner	Serrano	Sessions	Sestak	Shadegg	Shea-Porter	Sherman	Shimkus	Shuler	Shuster	Simpson	Skelton	Slaughter	Smith (NE)	Smith (NJ)	Smith (TX)	Smith (WA)	Snyder
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NAYS—1

Young (AK)

NOT VOTING—45

Arcuri	Edwards (TX)	Oberstar
Baca	Ellsworth	Paul
Bean	Fallin	Poe (TX)
Berry	Granger	Putnam
Blunt	Graves (MO)	Radanovich
Boehner	Griffith	Rush
Brady (PA)	Harman	Salazar
Bright	Hoekstra	Sires
Carney	Lewis (CA)	Speier
Cohen	Linder	Stark
Costa	Marchant	Terry
Culberson	McMahon	Tiahrt
Davis (AL)	McMorris	Tiberi
Davis (IL)	Rodgers	Yarmuth
Delahunt	Moran (KS)	
Diaz-Balart, M.	Murphy, Patrick	

□ 1847

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mrs. McMORRIS RODGERS. Mr. Speaker, on rollcall No. 608 on H.R. 6400, to designate the facility of the United States Postal Service located at 111 North 6th Street in St. Louis, Missouri, as the "Earl Wilson, Jr. Post Office", I am not recorded because I was absent because I gave birth to my baby daughter. Had I been present, I would have voted "yea."

Mr. Speaker, on rollcall No. 609 on H. Res. 1642, Recognizing the centennial of the City of Lilburn, Georgia and supporting the goals and ideals of a City of Lilburn Day, I am not recorded because I was absent because I gave birth to my baby daughter. Had I been present, I would have voted "yea."

Mr. Speaker, on rollcall No. 610 on H. Res. 1264, Expressing support for the designation of March as National Essential Tremor Awareness, I am not recorded because I was absent because I gave birth to my baby daughter. Had I been present, I would have voted "yea."

NOTICE OF INTENTION TO OFFER RESOLUTION RAISING A QUESTION OF THE PRIVILEGES OF THE HOUSE

Ms. WATERS. Mr. Speaker, pursuant to clause 2(a)(1) of rule IX, I hereby notify the House of my intention to offer a resolution as a question of the privileges of the House.

The form of my resolution is as follows:

Authorizing and directing the Speaker to appoint a bipartisan task force to investigate the circumstances and cause of the decision to place professional staff of the Committee on Standards of Official Conduct on indefinite administrative leave, and for other purposes.

Whereas the Constitution of the United States authorizes the House of Representatives to “determine the Rules of its Proceedings, punish its Members for disorderly Behavior, and, with the Concurrence of two thirds, expel a Member”;

Whereas in 1968, in compliance with this authority and to uphold its integrity and ensure that Members act in a manner that reflects credit on the House of Representatives, the Committee on Standards of Official Conduct was established;

Whereas the ethics procedures in effect during the 111th Congress were enacted in 1997 in a bipartisan manner by an overwhelming vote of the House of Representatives upon the bipartisan recommendation of the ten member Ethics Reform Task Force, which conducted a thorough and lengthy review of the entire ethics process;

Whereas, the Committee on Standards of Official Conduct adopted rules for the 111th Congress;

Whereas rule 6(a) of the Rules of the Committee on Standards of Official Conduct states “the staff is to be assembled and retained as professional, nonpartisan staff”;

Whereas rule 6(c) of the Rules of the Committee on Standards of Official Conduct states “the staff as a whole and each individual member of the staff shall perform all official duties in a nonpartisan manner”;

Whereas rule 6(f) of the Rules of the Committee on Standards of Official Conduct states “All staff members shall be appointed by an affirmative vote of the majority of the members of the Committee. Such a vote shall occur at the first meeting of the membership of the Committee during each Congress and as necessary during the Congress”;

Whereas, on November 19, 2010 two members of the professional staff of the Committee on Standards of Official Conduct were placed on indefinite administrative leave;

Whereas, on November 19, 2010 the Committee on Standards of Official Conduct canceled and has not rescheduled the adjudicatory hearing for a Member of Congress, previously scheduled for November 29, 2010;

Whereas all of these actions have subjected the Committee to public ridicule and weakened the ability of the Committee to properly conduct its investigative duties, all of which has brought discredit to the House; now, therefore, be it

Resolved, That—

(1) the Speaker shall appoint a bipartisan task force with equal representation of the majority and minority parties to investigate the circumstances and cause of the decision to place professional staff of the Committee on Standards of Official Conduct on indefinite administrative leave and to make recommendations to restore public confidence in the ethics process, including disciplinary measures for both staff and Members where needed; and

(2) the task force report its findings and recommendations to the House of Representatives during the second session of this Congress.

The SPEAKER pro tempore. Under rule IX, a resolution offered from the floor by a Member other than the majority leader or the minority leader as a question of the privileges of the House has immediate precedence only

at a time designated by the Chair within 2 legislative days after the resolution is properly noticed.

Pending that designation, the form of the resolution noticed by the gentlewoman from California will appear in the RECORD at this point.

The Chair will not at this point determine whether the resolution constitutes a question of privilege. That determination will be made at the time designated for consideration of the resolution.

HONORING CHAIRMAN SKELTON

(Mr. NYE asked and was given permission to address the House for 1 minute.)

Mr. NYE. Mr. Speaker, I rise today to honor my good friend and distinguished colleague Chairman IKE SKELTON. For nearly three and a half decades, IKE has dedicated his life to serving the citizens of Missouri. During his tenure, IKE has been a steady, moderate voice during some of the greatest challenges this hallowed body has ever faced.

I have been humbled to serve with Chairman SKELTON on the Armed Services Committee. In my time on the HASC, I have been deeply impressed by IKE's ability to keep partisan hyperbole—so prevalent in today's discourse—out of committee proceedings. For IKE, the sacred commitment to our servicemembers, their families, and our national security always supersedes petty politics.

As chairman, IKE shepherded some of Congress' most important legislation through a minefield of disparate interests and motives while maintaining an even hand, fair disposition, and unwavering dedication to his craft.

Mr. Speaker, it has been a great honor to serve alongside such a principled chairman, consummate statesman, and dedicated public servant as IKE SKELTON.

REMEMBERING RON SANTO

(Mr. QUIGLEY asked and was given permission to address the House for 1 minute.)

Mr. QUIGLEY. Mr. Speaker, I rise today to remember Ron Santo, a Cubs legend and legendary Cubs fan. Ron passed away last week after a courageous fight against bladder cancer. He was 70 years old.

For 14 years, he patrolled the hot corner at Wrigley Field. He was a nine-time All-Star, won five Gold Gloves, and hit 342 home runs. But Ron was never a numbers guy. On the field and for 20 years in the broadcast booth, his joy, devotion, and eternal optimism embodied the best of the Cubs.

Whether he was clicking his heels behind third base or leading the fight against juvenile diabetes, he wore his heart on his sleeve and a smile on his face.

Ron will be missed by everyone who ever watched him play, heard his voice on the radio, or was touched by his philanthropy and kind heart.

Let us hope that one day soon he will take his rightful place alongside baseball's immortals in Cooperstown, because Ron Santo belongs in the Hall of Fame.

DREAM ACT

(Ms. CHU asked and was given permission to address the House for 1 minute.)

Ms. CHU. Opponents of the DREAM Act claim the bill is amnesty. The DREAM Act is not amnesty. The DREAM Act is justice.

“Amnesty” is defined as a government pardon. But how can you be pardoned if you have done nothing wrong? These children followed their parents to a land of greater opportunity, having no choice and no say in how they arrived. They grew up here, went to school here, and now want to serve the United States.

But make no mistake, these students will not have it easy. They will have to work hard, wait an entire decade, and continue to prove they meet all of the criteria for a green card, much less citizenship. They must pay back taxes, be able to read, write, and speak English, and show knowledge of the United States.

And when they have done all of that, they will finally be allowed to pursue their dreams. That is justice—the American way.

PASS DREAM ACT

(Ms. JACKSON LEE of Texas asked and was given permission to address the House for 1 minute.)

Ms. JACKSON LEE of Texas. Mr. Speaker, before I start, I would like to express my deepest sympathy to the family of Elizabeth Edwards, who passed today, a woman who I got to know and who I admire greatly. I wish for her family loving memories, and I offer publicly my deepest sympathies.

Mr. Speaker, I rise today to remind Members of what opportunity means in this country. Opportunity is focused in many ways: equality and justice, First Amendment rights, that you can find in the Constitution in some way. But education is also an opportunity and a right in this country.

I rise today to support the DREAM Act so that millions of children who've lived in this country, speak the language, many of them served in the United States military, who are seeking a simple education can do so and then, in turn, invest some \$1 trillion in contributions to America.

I speak today in tribute to Ms. Martinez, who is on a 28-day hunger strike, from San Antonio, Texas. Ms. Martinez, I hope, in your name, that we

will pass the DREAM Act, because you have been willing to sacrifice. We should pass the DREAM Act.

ANNOUNCEMENT BY THE SPEAKER
PRO TEMPORE

The SPEAKER pro tempore. All Members are reminded that Members should address their remarks to the Chair and not to the television audience.

□ 1900

A SETBACK FOR A PALESTINIAN
STATE

(Mr. ENGEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ENGEL. Mr. Speaker, I rise today to condemn the actions of the Governments of Brazil, Argentina and Uruguay for recognizing Palestine as an independent state before there are conclusive negotiations between the Israelis and Palestinians.

The Prime Minister of Israel gave a 10-month moratorium on any kind of building of additional settlements or houses or anything like that in exchange for talking with the Palestinians. The Palestinians waited 9 months and didn't talk. In the 10th month, they talked, and now it ran out, and the Palestinians are again placing preconditions and are refusing to talk. The Palestinians must know that a peace agreement with Israel is the only way they can have their Palestinian state. It can't be done unilaterally.

What Brazil, Argentina and Uruguay did, I think, has set back rather than enhanced the negotiations for a two-state solution, which I support. This is something that was wrong and that should be condemned. It gives the Palestinians no incentive to sit down and talk with Israel and bargain in good faith.

A GDP SPENDING CAP

(Mr. KINGSTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KINGSTON. Mr. Speaker, most Americans are looking at the events in Ireland, Spain and Greece with interest and horror when we look at how they are grappling with the problem of their national debts. Yet, at the same time, the United States of America has a debt which is 96 percent of GDP. Our spending level is about 24 percent of GDP.

Now, most States around the country have balanced budget amendments which keep them from going in the red. What a different picture it would be if our national government had a balanced budget amendment. There is an-

other thing we could do, though, and that would be to modernize the Gramm-Rudman-Hollings Act, which calls for deficit reduction targets.

I think, however, it would be better to have a spending cap tied into GDP at approximately 18 percent, which would, year after year, give Congress a target. If we were to fail to meet that target, then it would have an automatic trigger of across-the-board cuts so that we could get to the right level of spending. We do not want to have the same problems as Greece, Ireland and Spain.

MAKE THE DREAM ACT A
REALITY

(Mr. HONDA asked and was given permission to address the House for 1 minute.)

Mr. HONDA. Mr. Speaker, as chair of the Congressional Asian Pacific American Caucus, I urge my colleagues to support the DREAM Act this week.

Failure to pass the DREAM Act would disproportionately impact the 1.5 million Asian students in our country. Hardworking and high-achieving students like Soo Ji Lim and Steve "Shing Ma" Li have overcome numerous barriers in their lives and are now on track to finish college.

These students already contribute to our country, and we owe them a chance at the American Dream. We must act, and we must make the DREAM Act a reality for students like them. It is a good investment. Let's get a return on the investment.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. KISSELL). Under the Speaker's announced policy of January 6, 2009, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

IRAQ, AFGHANISTAN AND NO
DEFINITION OF "VICTORY"

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

Mr. JONES. Mr. Speaker, I have to my side the faces of marines who have given their lives for this country. They are from Camp Lejeune, which is in the district I represent. These are the faces of those young men and women who gave their lives for this country.

I come to the floor today because I join the American people. I am very concerned about committing our troops to 4 more years in Afghanistan. Afghanistan is a vast country. It has never been a nation. It doesn't have a government, and we are trying to build a government in Afghanistan. I want to share just a couple of comments. This is from The Washington Examiner.

It reads: "Catch-and-Release of Taliban fighters in Afghanistan angers troops."

"More than 500 suspected Taliban fighters detained by United States forces have been released from custody at the urging of Afghan Government officials, angering both American troops and some Afghans who oppose the policy on the grounds that many of those released return to the battlefield to kill NATO soldiers and Afghan civilians."

Recently, on November 28 of this year, there was a "60 Minutes" segment by Anderson Cooper. It was called "Good Cop, Bad Cop: Afghanistan's National Police." I want to read just a couple of excerpts from this:

"While the Afghan Army has made some strides in recent years, the national police force has developed a reputation for drug abuse, illiteracy and desertion."

"Earlier this month, The New York Times reported that up to 19 Afghan police officers from southwest of Kabul defected to the Taliban en masse, taking their guns with them and burning down their own station house."

Just another part from that "60 Minutes":

"What is certain is that the United States has spent 9 years and more than \$7 billion building and training the Afghan police force. "60 Minutes" wanted to find out what has become of that investment."

I am going to paraphrase very quickly:

There has been very little success. The Afghan police are still 9 years behind in training, and we have already spent 9 years training them. I don't know how that adds up to anything positive.

I am going to save some of the other comments from the "60 Minutes" segment to use later on this week and to use, certainly, next year when we come back.

Mr. Speaker, I have signed over 9,747 letters to families and extended families who have lost loved ones in the wars in Iraq and Afghanistan. I do that every weekend so I can be reminded of my mistake of voting to give President Bush the authority to go into Iraq—a war we never had to fight. It was manipulated by those within the administration, and it never had to be; and, yes, we lost young men and women in that battle.

On Afghanistan, I have joined my colleagues on both the Democratic side and the Republican side to ask: What is the end point? What is the definition of "victory"? What are we trying to achieve? You can never get a straight answer. I don't care who gives you an answer; you don't know what the end point is.

So there we are, spending \$6 billion, \$7 billion a month in Afghanistan, but we can't fix the streets in America. We

can't build schools in America; yet we have borrowed that \$6 billion, \$7 billion from our Chinese friends. We owe them the money while we spend it in a foreign country, and we can't even take care of our own people.

□ 1910

So, Mr. Speaker, again, the faces of these young marines—and they could be soldiers, they could be airmen, they could be Navy, but these young marines who died at 20 and 21, the only thing their parents can do in the years ahead, or their loved ones, is to show the face of a 21-year-old marine that died at 21 and will always be seen as a young man who gave his life for this country.

It's time for this Congress to come together and say to President Obama, We don't need 4 more years of spending money—and more important than money is the blood of the American soldier and marine and serviceman that is dying for this country.

So with that, Mr. Speaker, I will, as I always do, I will ask God to please bless our men and women in uniform, to please bless the families of our men and women in uniform, to bless the families who have given a child dying for freedom in Afghanistan and Iraq, and I will ask God to please bless the House and Senate, that we will do what is right in the eyes of God. And I will ask God to please give wisdom, strength and courage to President Obama, that he will do what is right in the eyes of God for today and tomorrow's generation.

NEWBOLD-BUY AMERICAN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Connecticut (Mr. MURPHY) is recognized for 5 minutes.

Mr. MURPHY of Connecticut. Mr. Speaker, the more I learn about the Department of Defense's procurement policies and the procurement policies of other agencies, the more angry I get, the more angry this Congress should get, and the more angry the American citizenry should get.

In my home State of Connecticut, we pioneered America's shipbuilding and aerospace industries. However, today, as more and more of U.S. taxpayer dollars go overseas to buy equipment and parts and machinery for the U.S. military, those shops, once bustling with workers, are now silent.

We have example after example of how our procurement policy has gone wrong. You have the big-ticket, high-profile examples, like the Air Force KC-x Tanker which went to Airbus rather than to an American-based bid. You have the 21 helicopters that we are supplying to the Afghan military today that we are buying—not from an American manufacturer but from a Russian manufacturer. And then you have the

thousands and thousands of smaller examples on seemingly a daily basis in which American companies come up short. When we buy Chinese-made doorknobs for the renovations at Camp Pendleton when there is an American company that can do the same work, when we buy our copper and nickel tubing for our subs from a German manufacturer, when there is an American firm that can do the same work, we are wasting billions and billions of American dollars sending our jobs overseas.

I am here today, Mr. Speaker, to talk about the latest affront on this issue. The Army, last month, offered a solicitation for 96 machines that will make dog tags for our service men and women. These iconic placards are not only a symbol of the life and death faced by our American soldiers, but they serve a crucial function in the field. Frankly, there is little else that embodies the American military tradition than those little plates that hang off of a soldier's neck.

An American company, NewBold, which manufactures its dog tag machines in Virginia, lost its bid to a company that manufactures those machines in Italy. Now while the NewBold machine was marginally—only about 4 percent—more expensive, they offered around-the-clock technical support for our soldiers in the field. Even after they filed a protest, the Army still awarded the bid to workers in Italy.

Unfortunately, due to the loss of this contract, NewBold is going to have to lay off some people, and the 4.7 percent that we saved is going to be completely offset by all of the lost income taxes to the Federal Government due to the layoffs, the lost payroll taxes, and all of the increased social costs like unemployment compensation. This is insanity. Not only are we now relying on an Italian-made machine to make one of the most iconic pieces of our military uniform—all to save just a few thousand dollars on the contract—but it is now going to cost the U.S. economy jobs, and it is going to cost the U.S. taxpayers additional expense. We can't allow this to continue, Mr. Speaker and my colleagues.

For the last year, I have been working with a bipartisan group of Members, including the previous speaker, Congressman JONES from North Carolina, so that we can shore up the loopholes in our "Buy American" policies, so that we can make sure that more of our U.S. taxpayer dollars stay here at home. I have introduced legislation that will do just that, that will begin to reorient our money here to American-made products for our U.S. military.

I've had enough. This country has had enough. As we bleed manufacturing jobs out of this country, the U.S. Government cannot continue to exacerbate that problem by sending

U.S. taxpayer dollars overseas. It's time for this Congress to deem this practice unacceptable, to strengthen the "Buy American" provisions, and to bring our taxpayer dollars back home.

WESTERN SAHARA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. LINCOLN DIAZ-BALART) is recognized for 5 minutes.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, in recent weeks, we have seen the issue of the Western Sahara receive a great deal of coverage in the world press. Unfortunately, the press coverage has often been biased; in fact, I've seen cynical attempts at purposeful disinformation.

I think it's important that we remember history. Let's not forget that while the Sahara was under Spanish colonial rule, only Morocco laid claim to that territory as its own. The Kingdom of Morocco repeatedly claimed the Western Sahara and demanded the end of Spanish colonial rule. It was only when Morocco's efforts at recovering the Sahara from Spanish colonialism under the leadership of King Hassan II began to be seen as making serious progress in the 1970s that the so-called Polisario Front came into being. Then, as now, the so-called Polisario group is financed by Algeria and is propped up by Castro's Communist dictatorship in Cuba.

Why is it important to understand this? Because in Morocco, our ally in North Africa in the struggle against international terrorism, the issue of the Sahara is the decisive issue. The reality of Moroccan sovereignty over the Sahara enjoys the support of the entire population of Morocco, including the Sahara itself. In other words, the issue of the Sahara is the sine qua non, the necessary ingredient for stability and peace in that country of strategic importance in North Africa, our friend and ally, Morocco.

King Mohammed VI and his negotiating team have demonstrated great courage and patience in dealing with this critical issue so closely tied to the security of the entire region. Let us never forget that a make-believe, an illusory, a fake microstate in Northern Africa would be led by a Castro-Cuban-formed political class which would constitute a minority of the population even within the fake microstate, but would control it through Castro-style repression. Let us never forget that such a microstate would serve as a focal point of regional instability and destabilization, as well as an exporter of terrorism.

For over a decade, Mr. Speaker, Morocco has agreed to grant a genuine and profound autonomy to the Sahara under Moroccan sovereignty in order to reach a realistic and definitive solution

to this problem, but Algeria and the so-called Polisario continue to insist on the creation of a fake microstate.

Majorities in this Congress comprising both Republicans and Democrats have spoken clearly in support of our ally Morocco's position on this critical issue in letters we have sent, first to President Bush, and then to President Obama. The United States, during both administrations and with the strong leadership of Secretary of State Rice and Secretary of State Clinton, has agreed with the position expressed by the overwhelming majority of this Congress.

The future of America's struggle against international terrorism and the stability of Northern Africa require that the Government and the Congress of the United States continue to stand firmly and clearly with our friend and ally, the Kingdom of Morocco.

□ 1920

U.S.-KOREA FREE TRADE AGREEMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Ms. KAPTUR) is recognized for 5 minutes.

Ms. KAPTUR. Mr. Speaker, please allow me to explain what happens when flawed free trade agreements are implemented and outsource more U.S. jobs.

Our Nation has not had balanced trade accounts for over 25 years. In fact, every time we sign one of these so-called free trade agreements, we lose more and more jobs in our country. In its attempt to move forward the George W. Bush-negotiated U.S.-Korea Free Trade Agreement, it appears the Obama negotiators may have forgotten the real costs of so-called free trade.

With Korea, it has been more than a dozen years already since the United States held a trade surplus with Korea. We're already in the red. In 1997, America actually held a small trade surplus with Korea of a little over \$1 billion. Since then, we've accumulated \$161 billion worth of trade debt, and that is in the red. That translates into lost jobs, lost opportunity in our country. Using the Department of Commerce's estimate that each billion dollars of trade deficit costs us 14,000 jobs, our trade deficit already accumulated with Korea has cost us over 2 million American jobs. And everybody knows we're short over 20 million jobs in our country.

The proposed new Korea Free Trade Agreement will make our markets more open to Korean industries but does not do enough to open Korean markets to our products. Every time the United States imports more than we export, it leaves us with higher trade deficits and more lost jobs. This NAFTA-inspired Korean free trade

agreement will lead to just that, even higher trade deficits and lost jobs here with Korea.

Since NAFTA passed in 1994, more than 3 million American manufacturing jobs have been lost to Mexico and Canada. In fact, the Economic Policy Institute estimates that a trade deficit between NAFTA countries alone could have led to 1 million additional manufacturing jobs here in our country. Why would a NAFTA-inspired free trade agreement like the Korean deal yield different results? It won't. The Economic Policy Institute projects 159,000 more jobs will be lost if this deal is put forward, and the International Trade Commission projects increases to our trade deficit with Korea. How can this be a pathway to economic growth in our country?

Just in the automotive sector in 2009, Korea sold 700,000 of their cars in the American market, compared to sales of U.S. cars there of 7,000. Just a smidgeon. Acknowledging that Korea's population is about one-sixth of the population of the United States, a proportional fair trade equivalent would be a total of 113,000 cars from our country sold in Korea—not 7,000, 113,000. That would require a 1,514 percent increase in the number of American vehicles sold in Korea. Why wouldn't we wait for them to open their market to our goods before we give away the store again? Instead, the proposed solution in the auto sector—and this is written in the agreement—says, our three auto companies can expect to export 25,000 vehicles each, so it's 75,000 total, into their market—which is certainly better than the current 7,000—but it accepts no limits on the amount of Korean cars that can be sold into our market. But there are limits imposed on U.S. vehicle sales to Korea. How is that balanced? How is that fair?

This is neither fair trade, nor is it reciprocal. It is a managed trade arrangement that accepts an inferior position for U.S. producers. And why do we do that when our economy is hurting so very much? And it's not just in autos. It's in beef. It's in electronics and every single category.

In order for the United States to have a square deal with Korea, this is what should be in the agreement: We should eliminate tariffs in both countries. We should make certain that discriminatory nontariff barriers are immediately eliminated by both nations, not gradually implemented over time. We should include provisions to redress Korea's discriminatory value-added tax. We should contain mechanisms that will prevent an offset currency manipulation and, as well, eliminate provisions that weaken trade remedy laws. This deal does none of that.

The United States can ill afford to continue job-killing trade policies. We should embrace the old adage that, in fact, George Bush once used, "Fool me

once, shame on you. Fool me twice, shame on me." Well, Congress cannot allow the American people to be fooled again by the false promise of the so-called free trade agreements. When have we heard that before?

The U.S.-Korea free trade agreement should not be ratified until changes are made to make it truly free, truly fair, and truly reciprocal based on results, not dreams. Then we would hold promise to create jobs again in our Nation as well as in South Korea and Asia in general. But why should the United States keep coming up with these agreements that make us second class and that hollows out our middle class?

Let me say in closing this evening, as did Congresswoman SHEILA JACKSON LEE, the people of our region in northern Ohio—in fact, our whole Buckeye State—wish to offer deepest condolences in the death of Elizabeth Edwards. Her passing truly takes from the horizon one of the bright stars in our country. I met many people in my political life. And I can tell you, her intelligence, her humility, her kindness are values that I know her children and her family will long cherish. And we send our deepest sympathy to them, to the people of her State, and all those who had the great privilege of knowing her.

THE NATION IS READY FOR IT: REPEAL "DON'T ASK, DON'T TELL" NOW

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, 69 years ago today, the U.S. naval base at Pearl Harbor was attacked. In the epic 4-year war that followed, millions of Americans served with honor and courage, and more than 400,000 lost their lives. I can assure you, Mr. Speaker, that many of them were gay.

Nearly seven decades later, it appears we are finally prepared to acknowledge publicly what we have known for so long: That gay and lesbian Americans have been part of the military, making invaluable contributions to our Nation's security, for as long as there has been a Nation to secure. We appear to be finally on the cusp of repealing the Don't Ask, Don't Tell policy that has asked those who wear the uniform to lie about their very identities as a precondition of their service. As if we don't ask enough of them already.

Those who have continued to back this dreadful policy said earlier this year that they wanted to see the results of the Pentagon review before reconsidering their position. Well, that sober and empirical review was released last week, and it quite clearly concluded that repealing the policy would have minimal impact on military readiness or cohesion. But guess

what, Mr. Speaker, that wasn't enough for the small minority of Don't Ask, Don't Tell supporters. Clinging to a fringe, reactionary, extremist position, they are unmoved by the Pentagon's findings. They say repeal would be premature, that to do anything but maintain the discriminatory status quo would be an irresponsible rush to judgment.

A rush to judgment? Gay soldiers have been forced into the closet for the entirety of American history. How much longer do we need to wait for fundamental fairness and equal treatment? How much longer must we endure a policy damaging our national security and hostile to American values?

Repeal of Don't Ask, Don't Tell is anything but premature. It's long overdue. Repealing Don't Ask, Don't Tell is also overwhelmingly popular. The President of the United States, the chairman of the Joint Chiefs of Staff, a bipartisan congressional majority, veterans groups, not to mention most of the American people all support repeal. And now we know from the Pentagon report that 92 percent of servicemembers say the presence of a gay person would not affect their unit's ability to work together. And that last fact really shouldn't be surprising. I don't imagine that every single member of our Armed Forces is unambiguously enthusiastic about changing the policy, but I don't think every single member of our armed services is unambiguously enthusiastic about the meal they were served last night or this morning.

□ 1930

My point is these men and women are dedicated professionals. They are sworn to protect the Nation. They follow orders and do their jobs as they did during the desegregation of the military. And they do this without regard to their personal values.

We can do this. We must do it. It will be far less daunting than President Truman's desegregation of the military. The Nation was far more racist in 1946 than it is homophobic in the year 2010.

It's time to repeal, Mr. Speaker, Don't Ask, Don't Tell. The Nation is ready for it. The military can handle it. Justice demands it.

GOP DOCTORS CAUCUS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Georgia (Mr. GINGREY) is recognized for 60 minutes as the designee of the minority leader.

Mr. GINGREY of Georgia. Mr. Speaker, thank you for your patience as we tried to get our act together here this evening, not realizing of course that here it is almost Christmastime, that our pages have all gone home. It re-

minds me of what a great, great job these young men and women do for the Members in so many ways, not the least of which is of course helping during these Special Order hours. But, Mr. Speaker, thank you for your patience.

I want to of course thank my leadership on the Republican side for allowing me and my colleagues in the House GOP Doctors Caucus to lead this Special Order for the next hour. And we are going to do that, Mr. Speaker, on health care and on the recently passed—I say “recently”; 10 months ago, March of this year—the passage of ObamaCare, now, I know, formally referred to as the Patient Protection and Affordable Care Act.

But this is a piece of legislation, Mr. Speaker, that the American people, at the 60 percent plurality level, opposed and have remained here 10 months later, as certainly was seen in the results of the election on November 2. The American people felt that this was something that was forced upon them against their wishes, although they had a 2-year period of time to let not just our Democratic majority and President Obama, but every Member of Congress in both the House and the Senate understand not only that they were opposed to this bill but why they were opposed to it.

And, in fact, during this campaign, our Republican Party made a pledge to America on many things, not the least of which, of course, was to repeal this bill, this 2,400-page monstrosity that has done hardly any of the things that President Obama had hoped, wished, promised that it would effect. So we said to the American people, you give us an opportunity, you give us an opportunity to elect, to choose, to have John Boehner as the next Speaker of the House and give the Republicans an opportunity to lead, that we will repeal this bill.

So, Mr. Speaker, this evening I am very proud, as the cochairman with my colleague from Pennsylvania, Dr. TIM MURPHY, to chair the House GOP Doctors Caucus. There are about 11 current active members. That includes medical doctors, psychologists, dentists, people that were involved in health care before they came to this body as a profession. And I am telling you, I think most of our colleagues know, Mr. Speaker, that the number of years of clinical experience among this group is something like 350 years. Several of us have got a little gray hair around the temples.

But I think we have served a great purpose for our colleagues on both sides of the aisle to make sure that everyone understands from a health care perspective what this bill has done, the harmful effect that it's had—harmful effect on individuals, harmful effect on the practice and profession of medicine, harmful effect on companies across this country. We will talk about

that tonight, the burden that is placed on small business men and women trying to abide by these provisions of ObamaCare. Last but not least, of course, Mr. Speaker, the harmful effects that it's had on the entire Nation in regard to our economy, the lack of recovery, the joblessness rate.

The unemployment numbers came out just this past November, 9.8 percent, creeping a little higher, not getting better, despite a trillion dollar stimulus package, which hasn't saved jobs. But this bill, and the reason we were so opposed to its passage even 2 years ago when it was first introduced in the Energy and Commerce Committee in the House, was Members on our side of the aisle understood very clearly that the number one priority for this country was to put people back to work, to jump-start this economy. And yet we spent literally 2 years, these first 2 years of President Obama's administration, on passing—trying to pass an energy bill. Thank God, Mr. Speaker, in my perspective, it did not pass, the so-called ominous cap-and-trade, which would have increased the energy costs for every family in this country approximately \$3,000 a year. Thank goodness this bill, after passing in the House, became bogged down in the Senate. And hopefully, it will remain there quietly dying.

But unfortunately, ObamaCare did pass, and the economy is no better. We just got our priorities a little bit backwards. But I am pleased to say that a couple of our colleagues in the GOP Doctors Caucus, House GOP Doctors Caucus are with me tonight to discuss this issue: Congressman JOHN FLEMING, a family doctor from Shreveport, Louisiana, and Congressman PAUL BROWN, my colleague from Georgia, also a family practice doctor. I will call on them. I am going to defer to them as much time as they want to take, Mr. Speaker.

We will basically have a colloquy and talk about some of these issues tonight in regard to ObamaCare and what we Republicans, the new Republican majority in the next Congress, the 112th Congress, have pledged to the American people that we will do. Our pledge was to repeal this bill. And first and foremost, we are going to make every effort to be faithful to our pledge and to try to repeal this bill. Understanding, of course, and I think the American people do understand this, that President Obama is the President, and he will be President for the next 2 years. The Democrats do have a continuing majority in the United States Senate, and they will have for the next 2 years.

So while we feel very confident that we can lead the charge, the House GOP Doctors Caucus lead the effort of repeal in this body, the House of Representatives, we will succeed in doing that and fulfill our pledge to America and make

every effort to do the same thing in the Senate, although we know that we don't have the votes. But maybe we can persuade some of our Democratic colleagues, especially some of those that are up for reelection in 2012, Mr. Speaker, to understand finally, at long last, what the American people said on November 2.

□ 1940

Then, of course, the hurdle of getting a bill passed, a repeal bill passed, by President Obama. He has the veto pen, there is no question about that.

But, you know, hope springs eternal. I think the negotiations with the Republican leaders a couple of days ago in regard to keeping the tax rates the same for every American taxpayer for the next 2 years sheds a little light on maybe the President's attitude of working with the heretofore minority and soon-to-be majority in the House and kind of moderate his stance on some of these things. Because, as the President himself said, Mr. Speaker, elections have consequences. And this election on November 2 certainly would tell President Obama that people do not like this bill and they want it repealed.

So maybe he won't veto. But in the likely event that either we are not able to get the bill of repeal passed through the Senate, or if we do, that President Obama, indeed, would use his veto pen, then, of course, the options that we have are a couple that I want to talk about. I know my colleagues will get into that as well.

But there are so many provisions in this bill that we will have the opportunity in this House to defund, to absolutely pull the plug on some of this spending so that this bill will not go forward. And, again, in the meantime, there are a number of parts of the bill that we will have individual pieces of legislation that will strip that away. And these are the things, Mr. Speaker, that we will be talking about tonight.

I would like, at this time, to call on my colleague from Louisiana, Representative JOHN FLEMING.

Mr. FLEMING. Well, I thank the gentleman, Dr. GINGREY, and, of course, Dr. PAUL BROWN, my other colleague who is here tonight, both gentlemen from Georgia. I want to thank you both and state my appreciation for your leadership and for holding these Special Orders.

You know, we did a ton of these Special Orders back here in the health care debate, and I've got a feeling we are going to be doing a bunch more. Because, in my opinion, my humble opinion—I am just ending my first term up here—but I have a feeling that the health care debate has just begun, that this thing is far from over.

As a preface to my discussion about health care, I want to point out and remind everyone, certainly, Mr. Speaker,

the fact that we are in desperate need of reviving our economy, 9.8 percent unemployment.

And as I travel around the country, and particularly in my district, there are three main reasons for that given to me by employers. "Why aren't you hiring people?" and this is what they tell me.

Number one, our tax situation is so uncertain, we don't know what to expect, and hopefully soon we are going to put certainty back into our tax policy by not raising taxes a single dime on any individual in this country.

Number two, they tell me that banks are just not lending money. There are many reasons for that. We are not going to get into that tonight, but the bottom line is credit is not available to businesses.

Then, finally, and I think most importantly, is the ObamaCare. ObamaCare has thrown such a monkey wrench into the machinery of the economy of this country, creating such uncertainty and difficulty of planning, that employers are just frozen with fear. We know that as soon as it was passed, immediately, companies began to come out and talk about how it was going to immediately eat into their earnings. We get continuous reports of how the premiums are going to go up for the employees as well as the employers, all things that were guaranteed to us by the President would not happen.

But I will just give you a quick story. I spoke to a gentleman who owns a small company in my district. The name of it is Explo, and they have a very unique kind of business. What they do is they have the responsibility to take that explosive charge that's normally used in a cannon that has, for some reason, grown too old and no longer useable, they actually recycle that. They tear it down and they take the various parts. And, of course, it is an explosive, so they do have some risk in all of this. They have a 5-year contract to dismantle thousands, tens of thousands, hundreds of thousands of these explosive charges that actually propel the shell from the cannon to go to its destination.

And he said, you know, I have got a good contract. I don't have a big margin, but I do have a margin that I can make profit. But he said, You know what? With ObamaCare, that margin is totally wiped out. If I stay in business, I am likely to go out of the business and go bankrupt.

So just that uncertainty, just that one little factor can make the difference in a company from maybe \$100,000, \$200,000 a year profit to losing \$200,000 or \$300,000, which a small business owner can do maybe 1 year, maybe 2 years. Maybe he can borrow money to get by.

But this is the reality that faces Americans around the country, 700,000

small businesses, when you enter this unknown about ObamaCare, and it just simply freezes the businessman. So I can say FDR, President Roosevelt, had it right when talking about the Great Depression that the only thing we have to fear is fear itself.

Right now, small businesses, businesses across the land are in desperate fear. They are afraid to make those valuable investments because they just don't know what next week, next month, next year is going to be like. I would say that the largest cause of this is health care, the health care reform.

So just to kind of reiterate that again, Mr. Speaker, we have three things that businesses identify as roadblocks to success and to hiring. One is lack of credit, number 2 is uncertainty about taxation, and health care reform. We are about to tackle the taxes. I think the banks are going to be turning the credit around. So that one thing we have ahead of us is ObamaCare, which is, I think, a big stumbling block to recovery.

I join with my colleagues this evening calling for a repeal to ObamaCare and a return to common-sense reform methods, which we will do with piecemeal legislation one step at a time, incremental reform, testing and listening to the American people, to what they want, rather than forcing it down the throats of those who have to pay for this thing.

Mr. GINGREY of Georgia. Dr. FLEMING, thank you for being with us this evening.

Before I defer to my colleague from Georgia, Dr. PAUL BROWN, I just wanted to mention something, Mr. Speaker, that Congressman FLEMING just said in regard to the taxes, the tax situation that we have and hopefully the compromise, obviously, the compromise worked out between President Obama, his administration, and the Republican leadership in the House and the Senate. All of that has to be approved, Mr. Speaker, as you know, by the entire Senate and by this entire House before it becomes law. I hope that we will be able to do that before we leave here for any kind of a break, even a Christmas break.

But as part of that compromise, there is to be this cut in the payroll tax for a full year to literally cut the employee portion of the Social Security payroll tax from 6.2 percent down to 4.2 percent. I think, Mr. Speaker, that's a good thing, just as keeping the tax rates that currently exist, and have for almost the last 10 years, to keep them all in place, not to raise any, especially not on the job creators, the small business men and women, the so-called rich.

But the ironic thing about this, my colleagues, is in this bill, Patient Protection and Affordable Care Act, ObamaCare, it called for raising the payroll tax, for raising the payroll tax

on Medicare for anybody that makes above a certain dollar amount of income, by 3.7 percent. That is going into effect right now, by 3.7 percent, to increase the payroll tax.

□ 1950

And that's why, Mr. Speaker, we're here on the floor tonight as representative of our leadership to try to point out some of these things and say, gosh, you know, that really makes no sense at all to say that we need to cut payroll taxes and we're going to do it on Social Security for the next year for everybody. No matter what their income might be, we're going to cut it by a third, in fact.

And then on this bill to raise the Medicare taxation 3.7 percent, it doesn't make a lot of sense—as a lot of things about this bill don't make a lot of sense.

Before I call on Dr. BROWN again, I want my colleagues to look at the easel to my left, to your right, on the number one priority, as I mentioned at the outset, our Republican priority and our Pledge to America is to repeal and replace ObamaCare.

Now, on this second slide, and I talked a little bit about that—and we'll get into that as the hour progresses—but priority number two, in the event that we're not able to repeal because we just don't have the votes or that President Obama uses bad judgment and vetoes our repeal bill, we're going to have the opportunity—and Dr. BROWN will talk about this—to defund certain provisions in this bill.

And with that, I'll yield to my colleague from Athens, Georgia, and my great friend, Dr. PAUL BROWN.

Mr. BROWN of Georgia. I greatly appreciate you yielding, and I appreciate you doing this tonight so that we can inform the American public about how bad this bill is and what the Republicans are going to try to do in this next Congress.

We heard all during the discussion on ObamaCare as well as through the last two Congresses since I've been here—I'm finishing up my second term—that Republicans are the party of “no.” We are the party of k-n-o-w because we know how to lower the costs of health care. And we can do it in a bipartisan manner.

And in fact, during the discussions about ObamaCare, I challenged individual Democrats to introduce a bill, that I would give them the legislative language, all they had to do was write their name in a blank, introduce it, and it would be a Democratic bill. They could call it ObamaCare. And I was told by Democrats over and over again that this makes a whole lot more sense, PAUL, what you're proposing here than this ObamaCare bill that we dealt with here in the House, the Pelosi original bill, and the one we finally passed that came from the Senate.

And in fact, two colleagues on our side, Republicans JOHN SHADEGG from Arizona and Congressman CHARLIE DENT from Pennsylvania, and I wrote an op-ed that was published in The Washington Times newspaper challenging Democrats to introduce the bill. And it would do four things, commonsense solutions, that I told the Democrats individually if they would introduce the bill, it could be their bill, a Democratic bill; they could take credit for it. I'm concerned about policy, not whose name's on the bill. And they could take credit for it.

Mr. GINGREY of Georgia. If the gentleman will yield?

Mr. BROWN of Georgia. Yes, I will.

Mr. GINGREY of Georgia. If you would call attention to that poster because I think that our colleagues need to focus in on that.

Mr. BROWN of Georgia. Absolutely. In fact, I was going to do that. I appreciate my colleague, Dr. GINGREY, for reminding me.

I have a poster here with these four commonsense solutions. And actually I introduced the bill when my Democratic colleagues wouldn't take up my offer to introduce it after ObamaCare was actually passed into law.

I introduced the bill that does actually five things. It repeals ObamaCare and puts in place these four commonsense solutions. It's not a comprehensive bill because it doesn't really deal with Medicare and the problems that we have with that or Medicaid, and we'll mention that in a minute or two.

But the four things are to allow all individuals to deduct 100 percent of their health care costs—including the cost of the insurance—off the income taxes. This in itself would change the dynamics of health care for everybody in this country. In fact, this eventually would take care of the problems that we as physicians have with managed care because it would put patients in control of their health care decisions but allow everybody to deduct all their health care costs.

Second thing it would do is it would strengthen and expand new avenues for affordable health care for sick Americans through high-risk pools that are set up on a Statewide basis. There are several States like Colorado that have already done this very successfully. Multiple States have already done so. We would stimulate that.

The third thing it would do, as the chart right here says, it would expand choice and competition by allowing consumers to shop for health care insurance across State lines. Now, I'm an original intent Constitutionalist. The Commerce Clause is one of the clauses that's been perverted so much to allow the great expansion of the size and scope of government. The Commerce Clause is actually supposed to expand commerce, not to control it. And it is to allow people to shop for all goods and services across State lines.

So by the original intent of the Commerce Clause, we're just doing exactly the opposite. And when States lock up the insurance pools just within their State borders, they're actually doing an unconstitutional control of commerce.

And the fourth thing: Just create association pools so anybody in this country could join a huge pool. And this would allow people to buy insurance at a much lower cost than they have today. And it would actually allow people who not only cannot afford to buy health insurance but those people who have preexisting conditions to be in association pools so that they actually could buy health insurance at an affordable rate.

And these four commonsense solutions have been introduced—I introduced the bill—to repeal ObamaCare and to do these four things. And I'll be introducing this same bill in the next Congress.

The bottom line is the Republicans are the party of k-n-o-w. We know how to lower the costs of health care. We, as physicians, have been dealing with all of these problems like our patients—particularly us, like Dr. FLEMING and I in family medicine, we deal with the insurance company. We try to find our patients good, quality care at the lowest price, which includes trying to find them insurance, medicines, all health care products at the lowest prices—it's what we do as family doctors. And it's something I've been dealing with for almost four decades of practicing medicine. And it's something that the American people desperately need.

ObamaCare is going to—the experts tell us—is going to put 5½ million people out of work.

Dr. FLEMING talked about the uncertainty it creates in employers. I hear that all the time. I've got a small businessman that wants to do a \$31 million expansion of his business in my district, but he's scared to and he's not going to because, Dr. FLEMING—he doesn't have the problem with the banks because he has \$31 million in the bank right now, cash money. So he doesn't have to go to the bank to get the money. But he's scared of those taxes. He's scared of the energy tax, particularly. That scares the willies out of small businessmen and women in my district. He's very frightened about ObamaCare.

So we must repeal ObamaCare and replace it with some commonsense solutions.

Mr. GINGREY of Georgia. Reclaiming my time just for a second from Dr. BROWN.

Dr. BROWN, if you don't mind holding that poster up again because I wanted to enter, Mr. Speaker, into a colloquy with the gentleman, my colleague from Georgia.

In the four points on his poster, addressing that first one, allowing individuals to deduct 100 percent of health care expenses, including the expense to purchase health insurance—whether it's first dollar sickness coverage or long-term care, which people, when they get our age, need to start thinking about.

But under current law, and I want my colleagues to correct me if I'm wrong on this, but I think under current law, an individual in filing their tax return if they itemize their deductions, they can only deduct health care expenses that are more than 7.5 percent of their adjusted gross income. And hardly anybody reaches that threshold.

And I think what Dr. BROWN, Mr. Speaker, is suggesting in regard to this change in the IRS Code—of course this would have to come through the House Ways and Means Committee—but what a novel and a great idea that he and Mr. SHADEGG and Mr. DENT have proposed during this Congress.

□ 2000

I am refreshed to know that Dr. BROWN will introduce this bill in the 112th Congress, but the point he was making is not only that bullet point, Mr. Speaker, but on his poster, the three others with regard to purchasing health insurance across State lines for an individual, for a group of individuals sometimes referred to as an association, to be able to avoid, Mr. Speaker, the mandates that so many States have passed in regard to what a health insurance policy has to cover.

Every time you add a little mandate, a little test here, a little test there, then the cost of the cheapest health insurance in the individual State goes up. So that is why this idea of someone who needs a policy in Georgia being able to go online and see what is offered in Louisiana, as an example, is a great idea.

What Dr. BROWN was saying, we had some ideas. We are the party of K-N-O-W, he likes to say, not the party of N-O; and President Obama knows that. And the Democratic majority knew that, knows that. And they ignored it; and as a result, they are soon to become, at least in this body, the Democratic minority.

I yield to Dr. BROWN for other comments before I call on Dr. FLEMING.

Mr. BROWN of Georgia. Thank you, Dr. GINGREY for yielding.

In fact, this first bullet about 100 percent deductibility will solve the problem with portability. Right now, 85 percent of America gets their health insurance through their employer. It is because employers can deduct the cost of their health insurance that they provide to their employees as a regular business expense, and the employee can get that money as a nontaxable benefit. But if we make it 100 percent deductible for everybody, then the em-

ployer can give that money in increased wages to the employee. It is still a deductible amount. It won't cost the employer any more money out of their bottom line, but they can give it to the employee, and then the employee can take those dollars and instead of having to be saddled with whatever insurance policy that the employer provides for them, the employee can go buy the insurance wherever they want with whatever kind of coverage that they want.

In fact, Dr. GINGREY brought up something about the mandates that the States have put on. My friend, Neal Boortz, who has a radio program that is syndicated all over this country, keeps talking about him and his wife, who are beyond the age of having any babies, have to buy maternity coverage. There are insurance policies that mandate that people have to pay for sex change operations or hair transplants and a whole lot of other things. Everybody in that pool has to pay, whether they want a sex change operation or hair transplant or maternity benefits, and that drives the cost up for everybody. The across-State-lines purchasing and the association pools will help stop that.

We have managed care today because the employers want to have some finite amount of money for their own budgeting process so they know what they are dealing with in their business so they go and buy managed care policies for their employees so they have some finite number, and it is not just a blank check.

That makes sense from a business perspective, but it doesn't make sense for a lot of the employees who want to be able to choose their doctor and they want to be able to go to the hospital that they desire. They don't want to be dictated to about what kind of coverage that they can have. And the first point where everybody has 100 percent deductibility of all expenses will take care of the portability problems. It will empower the patient and the doctor to be able to make the best decisions for their patient. Those things are just commonsense solutions.

Mr. GINGREY of Georgia. Dr. BROWN, thank you. Your four commonsense solutions are great. Keep that poster handy, we may want to refer back to that.

We are going to get into the subject of Republican priority No. 3, and that is on my poster to my left, attack key components of ObamaCare until the bill can be repealed. So in the next 15-20 minutes or so, we will be talking about some of these key components of ObamaCare that we can legislatively attack.

I am going to yield to the gentleman from Louisiana (Mr. FLEMING) to begin that discussion or any other comments that he wants to make before we get into that.

Mr. FLEMING. I did want to enter in a couple of ideas before we move right into that.

You know, Mr. Speaker, the other side of the aisle oftentimes says to us: well, now, you Republicans, you want to repeal ObamaCare. You mean to say you want to stop what is in it in terms of increasing insurance coverage up to age 26? Do you mean to say that you want to bring back preexisting conditions that would prevent some from getting health care coverage because of chronic disease? Do you mean that you don't want to see insurance expanded? Well, of course not. We don't want to see those things return. That is to say we don't want to see once again that kids up to age 26 for some reason can't get insurance covered by their parents. Of course we don't want to see that. And certainly we don't want to bring back preexisting illnesses to somehow block people from getting care. Those are all things that both sides of the aisle can agree on.

The problem is that the structure of ObamaCare that is so steeped in bureaucracy and so costly and so, I guess, handcuffing if you will of health care in general, health care decisions made by doctors, by the patients themselves, that is so difficult that what you are really getting is a situation where you are throwing the baby out with the bath water. The few benefits that are in ObamaCare are certainly way outweighed by all of the problems.

So of course we would love, after repealing ObamaCare, to bring back some of the things that we on this floor may have unanimous agreement on, and that is never again would we see preexisting conditions that would block people from getting health care coverage.

Mr. GINGREY of Georgia. With regard to the last comment that the gentleman made with regard to preexisting conditions, and Dr. BROWN referenced it on his four commonsense solutions, in regard to those high-risk pools that the States can create, can set up, can say to health insurance companies, whether it is the Blues or Aetna or Cigna or smaller companies, there are literally 3,000 health insurance companies across the country offering policies, not these big, huge mega-companies, but to say to the ones that are doing business in your State, to have to abide by a requirement of a State insurance commissioner or a Governor of a State, like our Governor-elect in Georgia, Nathan Deal, who spent 18 years in this body and left here as chairman of the Health Subcommittee on Energy and Commerce, these Governors know. We will get into a little bit of their concern about the Medicaid expansion in a few minutes, but they know.

Like Representative FLEMING was saying, these high-risk pools can be set up in States, and we won't spend \$6 billion of the taxpayers' money doing it.

And that won't even be enough with the Federal bureaucracy trying to run these high-risk pools.

I appreciate that, and I yield back to the gentleman. If you want to engage in a colloquy with Dr. BROWN, certainly he may want to ask you about that as well.

Mr. FLEMING. I thank the gentleman.

Yes, indeed, the bottom line, what we are saying here is that we can achieve all of these laudable goals without the complex bureaucracy of ObamaCare. We can expand health care to many more millions of people without creating an individual mandate and an employer mandate.

□ 2010

Certainly, there are far more efficient ways, as Congressman BROWN points out, that we can provide coverage to people who may have pre-existing illnesses, ways that are already in place in many States—excellent programs. I would like to inject just two more possible solutions to this and then segue again into the dismantling of ObamaCare that you, the other gentleman from Georgia, referred to.

No. 1: Health Savings Accounts.

HSAs grew by 25 percent in 2009 to a total of 10 million Americans. Americans love health savings accounts. They are working. We implemented it in my own companies back home 6 years ago, and it has totally flattened out our premiums. The problem with it is that ObamaCare begins to tax it as much as 10 to 20 percent.

Believe it or not, today, of course, pre-ObamaCare, you can go and buy aspirin or any type of over-the-counter medication—cold medication—you want, and you can pay for it with your health savings account. However, beginning in January, in order to do that, you've got to get a prescription from a doctor for a nonprescription drug.

Now, how is that going to play in our offices back home when we have hundreds and maybe thousands of citizens and patients calling, saying, I need a prescription for Tylenol so I can get it on my health savings account? So you can see just how ridiculous that is going to be. People are not going to be willing to come in and certainly pay for a doctor's visit just to get a prescription for Tylenol. So that is No. 1.

I introduced H.R. 5126, the Helping Save Americans' Health Care Choices Act, which would restore flexible savings accounts and health savings accounts. I'd love to see us follow through on that.

The second point: the gentleman, Congressman GINGREY, Dr. GINGREY, and I worked on H.R. 5690—and the gentleman showed great leadership on that—which is the Meaningful End to Defensive Medicine and Aimless Lawsuits Act of 2010.

Once again, President Obama promised us that he would reform medical

malpractice in ObamaCare; and, of course, that was left on the cutting room floor. Once again, real solutions are being ignored in favor of bureaucracy and mandates.

So, with that, I'll segue back.

Mr. GINGREY of Georgia. If the gentleman will segue back to me, I'll yield additional time to Dr. BROWN.

I just wanted to comment, Mr. Speaker, on Representative FLEMING's last remark in regard to the medical liability reform that he and I have worked very hard on. In fact, this is my fourth term; and every year that I've been here—even before Dr. FLEMING and Dr. BROWN joined us and joined the House GOP Doctors Caucus—I have introduced medical liability reform legislation, sometimes referred to as "tort reform."

I won't go into the details of it; but, basically, it is a fair and balanced approach for people who are hurt by practice below the standard of care, whether it's by the physician, the hospital or by anybody associated or affiliated with their care, who would certainly have to answer for that. These people would have an opportunity to have their redress of grievances. So, when we say "tort reform," we don't mean taking away anybody's individual rights.

I will tell my colleague that the incoming chairman of the Judiciary Committee in the House, Representative LAMAR SMITH, has already informed me that he will be having hearings on our legislation, Representative FLEMING, and on other pieces of legislation regarding this type of reform that the CBO says very conservatively would save \$54 billion over 10 years. The RAND Corporation says it would save more than that on an annual basis. So I did want to let my colleague know that hope is on the way, and we will continue to work hard on either our legislation or on anybody's legislation.

Maybe, Mr. Speaker, one of our colleagues who is on the Democratic side of the aisle would like to work with us in a bipartisan way. Maybe they've got an even better idea in regard to that.

I would like to yield back to the gentleman from Georgia (Dr. BROWN).

Mr. BROWN of Georgia. Thank you, Dr. GINGREY.

Let's go ahead and jump into some of the key components and some of the things that we can do. What I would like to focus on is your No. 3 bullet point on your chart there: Medicaid expansion.

The Medicaid expansion of ObamaCare is going to break the budgets of States, which are already suffering, because it is going to drastically increase the people in this country who are going to qualify for Medicaid.

Again, the Republican Party is the party of "know," K-N-O-W, because we

know how to deal with this in a better manner.

In fact, as the gentleman from Georgia, Dr. GINGREY, knows, I've been trying to get on the Energy and Commerce Committee. One thing that I will do—and I know that there are others who are on the committee today who will—is push for dealing with Medicaid in a block grant to the States. Let's just send the Medicaid money, with no strings attached, to the States. Let the States, which is what our Founding Fathers believed to be the best laboratory of public policy, figure out the best way to deal with people who desperately need Medicaid or State Child Health Insurance Programs. Let's send those back to the States, as they should be. Even under the Constitution, those functions should be dealt with by the States, not by the Federal Government. Let's let the States have the money so that they can deal with this and find the best solution instead of our generating all the policy, the regulations and all the things that drive up the cost. The Medicaid expansion that ObamaCare has put in place is literally going to break the bank in State, after State, after State.

Mr. GINGREY of Georgia. Mr. Speaker, I have put up an additional poster that I want to call my colleagues' attention to in regard to this very important point that Dr. BROWN is discussing.

So far, 34 States and the District of Columbia have had to cut funding for K-12 education, which is 5 years old—kindergarten—through the 12th grade. Mr. Speaker, we all know that education has always been near and dear to the hearts of our Democratic colleagues. It is near and dear to the hearts of, hopefully, all of us on both sides of the aisle; but it has been a signature issue for the current majority Democratic Party. In doing something like this, in putting a Medicaid expansion mandate on the States, all of which have a constitutional requirement to balance their budgets, they can't just print money. Treasury Secretary Geithner and chairman of the Federal Reserve Bernanke want us to come up with another \$600 billion worth of money. They can't do that. They have to balance their budgets.

So, if they have to expand Medicaid because of this requirement that Dr. BROWN and Dr. FLEMING are talking about, what do they do? They cut money for public defenders, first responders or education. It's just so counterproductive and counterintuitive. Thirty-four States already, plus the District of Columbia, have had to cut that funding.

I yield back to my colleague.

Mr. BROWN of Georgia. Well, you're exactly right, Dr. GINGREY. Thanks for bringing that up.

With ObamaCare, the States are going to have to cut more. In fact, we

already see first responders—fire departments, police departments—being cut in their funding. In State after State, there are educational funding cuts across the board. In our own home State of Georgia, they have had to markedly cut the educational budget because of all of these mandates that are put on them by the Federal Government and because of the requirement by the State constitutionally to have a balanced budget.

I introduced a balanced budget amendment to the Constitution here in Congress; and, hopefully, we are going to do that, too. It has been part of our pledge to America, and I will continue to fight for a balanced budget. I think the Federal Government also needs to live within its own means.

Just on the Medicaid expansion, we should just do block grants back to the States and let them be the laboratory of public policy, as our Founding Fathers talked about and believed in very firmly—and I believe in those same things—for Medicaid as well as for SCHIP. In Georgia, we call it PeachCare. If we send those dollars back to the States, don't tie any strings to them and let the States utilize those funds in whatever way best suits their State budgets and their State needs, we will be a whole lot better off. The States will be better off. The Federal Government will be better off. The taxpayers will be better off. The Medicaid recipients will be better off. We will actually be able to cover more patients.

So, back again, the Republican Party is the party of K-N-O-W.

□ 2020

We know how to solve these problems and we're going to try to do that the next time.

I yield back.

Mr. GINGREY of Georgia. I thank my colleague.

Mr. Speaker, reclaiming my time—in fact, I will yield back to Dr. FLEMING because I would, on this poster, again, that's here for my colleagues to peruse, this first item, the individual mandate—Mr. Speaker, there are probably 12 different line items, bullet points on these next two posters. We may not have time to get to all of them tonight, but we will continue this in another hour. But I want to hear what my colleagues have to say about individual mandate, employer mandate. Dr. BROWN has already talked about the Medicaid expansion, but the cuts in Medicare? So I will yield to my colleague from Louisiana.

Mr. FLEMING. Thank you. I appreciate you throwing number four to me, because that's the one that I think gets my gall the most, quite frankly.

Mr. Speaker, you realize that in ObamaCare half a trillion dollars is taken from Medicare. And this is not just window dressing; this is real cuts

that are occurring actually as we speak, are actually being scheduled, starting with psychiatric care, including care for assisted living, home health care. Virtually nothing is being touched.

And that so-called half a trillion of savings that's being taken out of Medicare is being used to do two things: Number one, to tack on the end of Medicare because it's running out of money in 6 years, to extend the life. And I still, after a year, cannot get an explanation on how you take the money out of something and add it back in and make it last longer. I know I could try that budget at home and it would never work. Secondly, the same money is being counted again in this bookkeeping scam that will subsidize the middle class, lower-income class in terms of their private health care. So this is just more gimmicks, more Washington gimmicks that is going to hurt a lot of people.

Mr. GINGREY of Georgia. If the gentleman will yield to me just for a second.

Mr. FLEMING. Yes, sir.

Mr. GINGREY of Georgia. Mr. Speaker, I just wanted to—and I know the gentleman from Louisiana and the gentleman from Georgia know this—to remind my colleagues, that cut to Medicare that Dr. FLEMING is talking about, Mr. Speaker, is \$528 billion over 10 years. It's about a 10 to 12 percent a year cut annualized, and it includes cutting Medicare Advantage \$160 billion. It includes hospital cuts, cuts to hospice—that organization that takes care of people that are dying of cancer—cuts to nursing homes, home health cuts.

But again, it's kind of embarrassing almost to see these television ads, Mr. Speaker, about Medicare, or get some flier, some glossy flier in the mail—those of us who are on Medicare—touting the benefits that ObamaCare has brought to the program and how it's going to make it so much better, and yet it cuts \$528 billion out of the program.

I agree with the gentleman from Louisiana, and I yield back to him.

Mr. FLEMING. I thank the gentleman.

But even before we get to those cuts, it's already steeply increasing the premiums of average, everyday citizens. There is no way that you can cover an additional 32 million Americans—I mean, this is an empirical fact: There is no way you can increase the coverage, add to the coverage of 32 million Americans, and raise, through special interests, all the additional bells and whistles into those plans and not see the costs go up. And why in the world the American people could ever get hoodwinked into believing that I don't know. And I don't think they did, which is, frankly, why they want, by a vote of 60 percent in the polls, they

want us to crush ObamaCare and replace it with something that is common sense, free-market based, that leaves the decisionmaking up to the patient, and that is efficient rather than, again, some government-controlled program.

We know that, also, finally—just kind of a final comment because I know we're getting close to the end, but increased coverage does not mean increased access to care. We know this. There are countries around the world—our neighbor to the north, Canada, has 100 percent coverage but they do not have 100 percent access to care. They have to wait often well past the time frame in which it takes to actually adequately treat a condition; therefore, no access. So what good is coverage when you don't have access? And we're going in that direction.

So I suggest, Mr. Speaker, that we repeal ObamaCare and replace it with something that will properly match the efficiencies of the system, allow it to be patient driven, and that people get timely care at an affordable cost.

Mr. GINGREY of Georgia. Mr. Speaker, reclaiming my time, and I thank the gentleman from Louisiana.

And my colleague from Georgia may want some last few seconds of comments, and I yield to him.

Mr. BROWN of Georgia. Thank you, Dr. GINGREY.

I just wanted to mention the employer mandate. An employer is mandated to provide coverage for their employees. They have a lot of mandates. And those employer mandates are going to mean that people are going to lose their jobs.

Dr. FLEMING and I talked a little bit ago about how employers are scared. I've got a lady who runs a small business. She has eight employees. She desperately needs to hire another one or two, but because of the employer mandates of ObamaCare, she's not going to hire anybody. She's just going to try to struggle along herself and is not going to expand her business. She could hire two new people, and the employer mandate is going to prevent these two people who need jobs today from going to work for this small business.

I already mentioned the guy who wants to do a \$31 million expansion. He's not going to do that, not going to hire the 100 or so new employees that he would hire because he's afraid of ObamaCare and the employer mandates.

One other thing—and then I will yield back to Dr. GINGREY—is that, to kind of go along with these cuts to Medicare, in the stimulus bill a lot of Americans don't realize that they put in something called “comparative effectiveness research.” In medicine, we compare the effectiveness of one treatment versus another. Breast cancer, is it just taking a tumor out? Is it giving chemotherapy? Is it radiation therapy?

Is it a combination of all this? That's not what this is all about. It's to compare the effectiveness of spending a dollar. And it's age related, which means that those people on Medicare, comparative effectiveness is just going to mean that they're just not going to get the care.

And I yield back.

Mr. GINGREY of Georgia. If the gentleman will yield back to me for maybe a concluding remark.

And yes, the gentleman, Mr. Speaker, has brought up the "R" word, "rationing," and that's exactly what we're talking about with regard to all of these bureaus and boards and agencies, I don't know, something like 40—I wish I had brought that chart with me—but comparative effectiveness is research, is Medicare, payment board—this new board, IPAB. These things are going to lead to rationing. And the folks, Mr. Speaker, that we are most concerned about are our precious senior citizens, our parents, our grandparents, who are the ones that we fear, because of this legislation, are going to get pushed under the bus.

Mr. Speaker, thank you very much. And as I predicted, we wouldn't get to all the bullet points that we wanted to discuss, but this colloquy, this Special Order is to be continued.

And I yield back.

□ 2030

TAX CUTS

The SPEAKER pro tempore (Mr. TEAGUE). Under the Speaker's announced policy of January 6, 2009, the gentleman from California (Mr. GARAMENDI) is recognized for 60 minutes as the designee of the majority leader.

Mr. GARAMENDI. Mr. Speaker, I thank you for the privilege of the floor and the opportunity to share some thoughts with my colleagues on the Democratic side.

I was going to go to the tax issue which is before the American public. The President has cut a deal with the Republicans. And I know that on our side, we have some concerns about this, but I really think we need to spend just maybe a couple of minutes about what we just heard. We just heard the gutting of the health care reform program. Have no doubt about this, general public and the people out there: The program that was put together last year on health care is an effort that will be successful to provide health insurance for the 40 million to 50 million Americans that don't have health insurance and for the thousands each and every day that lose their job and lose their health insurance.

The Republican Party is committed to gutting the health care program, and it's stage one. When they come into power in this House next January,

they are going to begin a concerted effort of moving more and more wealth to the highest and the richest men and women in America that have already seen a quintupling of their wealth in the last 20 years.

So let's have a very clear understanding of this. By gutting the health reform program, you will see stage one of the Republican effort to shift money away from the working men and women to those who are already fabulously wealthy. Not in the last 70, 80 years has America seen such an accumulation of wealth among the very, very few and a disproportionate holding down of the great middle class in America. The health reform program was an effort to provide one of the most critical things that every person and every family needs, and that is access to health care. We'll put that aside. We'll come back to that.

But the issue of the day today on everybody's mind, the President doing his press conference, saying he's cut a great deal with Republicans. We don't think it is. Last week, this House passed a very, very important piece of legislation that laid out a significant tax cut for the working men and women in America, those people who get on a bus in the morning, get in their car, commute to work, spend their 8, 9, 10 hours working, come home and take care of their family. That tax package that this Democratic House passed last week is a good, solid tax package in it provides a reduction in taxes for the working men and women, the middle class of America, and it is simultaneously one of the most important stimuli that we can provide to get this economy up and moving. When coupled with the unemployment insurance, it is a very, very strong package.

What's been negotiated with Republicans is a real serious problem for America. If you care about the deficit, then you'd better be paying attention, because the proposal that's before us, as negotiated by the President and the Republicans, is going to significantly increase the deficit. The program that we put forward will stimulate the economy and, in the out-years, significantly reduce the deficit.

Let's just take a look at the difference. I put this one up last week when I was talking about this issue and we laid out the Obama tax proposal, which no longer is the case. Obama and the Bush tax cuts have come together. But on the Obama tax proposal, every working family in America that earns an after-adjustment—that is, the adjusted gross income—of less than \$250,000 will receive a significant tax reduction in the range of some \$6,000 for those at the top end and downward for those who are earning just \$10,000, a very small tax cut, but nonetheless, a very significant one at 53.

So this is what we voted on last week, one that put the working men

and women, the middle class, to an advantage. Now, what's been cut, the deal that's been cut is one that puts this one aside and instead substitutes the Bush tax cuts. In other words, the Republicans have won the day with their supporters. We're talking about the filthy rich in America. We're talking about the billionaires who are going to receive an enormous benefit for the next 2 years. Average, for those who have an adjusted gross income over \$1 million, the average tax cut for them is over \$100,000 a year. So what are they going to do with it? Well, I guess they can go out and buy a Mercedes-Benz E-Class, one each year under the proposal that's made.

But what is the cost to the economy? The cost to the economy is \$150 billion, \$150 billion that will have to be borrowed—probably from China—to finance a tax cut so the very, very wealthy in America can go out and buy two Mercedes-Benz in the next 2 years, or maybe they want a new villa in the South of France. Is this going to stimulate our economy? We think not. We think this proposal's a bad deal for America.

Now let me just show you one other piece of this, and that is that this tax cut also will cause America to go further in debt. The deficit is a very serious problem, but this tax cut proposal has already been proved to not work, and the proof is in the decade 2001 to 2010. During the Clinton period, with taxes higher—these cuts were not in effect—22.7 million jobs were created. The proposal to give to the wealthy \$150 billion additional tax relief generated 1 million jobs in the decade 2000 to 2010. So right there is historic proof that these tax cuts don't necessarily create economic growth. And the only economists that will say they do are the Republicans, who happen to have used the money from these very same corporations and individuals to finance the most scurrilous, secretive campaigns ever in America's history. That was the Citizens United case that opened the doors to secret money financing campaigns. What do you think they're going to do? Maybe they'll buy a Mercedes or maybe they'll use these tax cuts to come back to further undermine the working men and women of this Nation with the kind of proposal you just heard on repealing the health care reforms.

Okay, enough from me right now. We'll come back at this issue. But I'm joined today by two of my colleagues, Congressman PAUL TONKO, from the great State of New York, and Mr. McDERMOTT, from the equally great State of Washington.

Mr. TONKO, would you please join us.

Mr. TONKO. Yes. Thank you, Representative GARAMENDI, for bringing us together this evening for an hour's worth of discussion.

Obviously, I think we need to stay extremely well focused, laser sharp in

our focus on what's affordable and what return we get for the spending that is being called for for tax cuts. Now, I know that, as you pointed out, when we saw the Bush tax cuts for which we borrowed from China to pay for, we saw that there was very little return coming from that investment. The analyses that have followed those tax cut years indicate that we just simply did not get that trickled down.

However, conversely, with the Obama tax cuts that were part of the Recovery Act, which was the largest single middle-income income tax cut in this Nation's history, the strength that came to the economy was very much measured. We saw where that effort to assist middle-income families paid great dividends. There were those efforts made to stop the bleeding of the recession. People began to spend in their regional economies. People were spending on those day-to-day necessities. And so I think it was beneficial to our American economy, certainly to our individual States' economies, and certainly to the regional effect that it had.

So I think we can make a very strong case about investing in the middle strata, in that income demographic that will allow for a great return. And so we need to contrast there the Obama taxes and the Bush taxes and look first at the outcomes that have been generated, the benefit to the economy in general. And I think it's very clear that when we assisted that working family economy, when we assisted the middle income strata in our country, there were great dividends that were paid by that investment.

Then, to the affordability, \$700 billion to \$900 billion worth of investment, of spending for a tax cut where there may not be a great return simply will compete with other forces: investing in job creation, job retention; investing in research so that we can compete in a global economy; making certain that our unemployment insurance opportunities, the stretching out of that dividend is affordable; making certain that we go forward and address the deficit situation.

□ 2040

People who have called for deficit response are now looking at what we're doing with this tax cut discussion. And I think it's very important for us to have the priorities that will speak to deficit reduction, development of an innovation economy, research and development investments that allow us to stay a world-leading Nation in this global economy.

And as to your point made about Citizens United as a case, I believe that as we give breaks here to that economy we are going to see more propensity, we are developing the opportunities for people to invest in these campaigns in a way that will stop progress. Because

the voices of progress on this floor and down the Hall in the United States Senate will be snuffed out by the Supreme Court decision of Citizens United that enables people to invest in campaigns that are the opposition to sound health care reform, Wall Street reform, job creation efforts that we have been making, the small business loan activity. All of this will be turned backward. It will be snuffed out if we continue to assist these efforts like the Citizens United case that enables people to invest in individual campaigns, and corporations, both domestic and foreign, that can get involved in these campaigns.

Think of it, you take on Big Oil, you do the reforms on the floor, and in the next election you should fully expect that this Court decision enables people to invest to the sky's limit where they choose. The same would be true with big banks and big pharmaceuticals, big insurance companies. So by giving these opportunities to those who are going to use these dividends in that manner, we are again challenging and threatening the voice of progress in this House and in the United States Senate.

So I think there are really good reasons for us to be very analytical, very theoretical, very focused in how we package this program for tax cuts. And at this time I think the record stands clear that affordability and accountability for what we invest in, what's returned is realized, are all part of the decision-making process and have to be front and center as we move forward.

Mr. GARAMENDI. Mr. TONKO, thank you so very much. I just was taking one little piece, and I want to then turn to Mr. McDERMOTT. The proposal that was announced today, the Republican-Obama tax cut proposal, would send \$70 billion a year to the wealthiest billionaires and millionaires in America. What could that \$70 billion be used for?

Now, a teacher, let's just say a teacher gets \$50,000 a year. If you took \$50 billion of the \$75 billion, you could hire a million teachers in the classroom beginning January 1, 2011. A million teachers. Choices are being made here. Do you want \$70 billion to go to the wealthiest people in America, the top 2 percent, or would you like to use that \$70 billion to build schools? Let's take \$20 billion of the 70 billion, we will build schools, we will improve the classrooms, we will bring technology to the classrooms, and use the remaining \$50 billion to hire a million teachers in our classrooms. Now, there's an investment that will last. That's the kind of thing we can do.

Now, that's just an option. Mr. McDERMOTT, could you please join us here and share with us your perspectives on this?

Mr. McDERMOTT. Well, thank you. Mr. Speaker, I am grateful that Rep-

resentative GARAMENDI is talking tonight on this issue because it's one that we're going to argue over the next couple of weeks. And people ought to understand or have an opportunity to understand what really is going on. And I think that what the value of these kinds of hours is is that we can educate people about what's happening.

A man named Jacob Hacker wrote a book which is now on the newsstands called "Winner-Take-All Politics." It really is a description of what has happened to the American economy and the American public over the last 30 years. If you just remember one fact, in 1980 the top 5 percent of people had \$8 trillion worth of wealth. That's 1980, 30 years ago. Today, that top 5 percent have \$40 trillion. They have quintupled, they have gone times five what they had in 1980.

The movement of money up to the top by the tax structure has been dramatic. And the average people who are out there working, both husband and wife are working, and they've been struggling, they've been working more hours, they have barely seen any increase in their net worth over the last few years, especially with the drop in real estate prices and the fact that pensions are gone, and all these things are happening. The people on the bottom have not reaped the benefits.

Now we come to what we're doing here. These taxes were put in before either of you came to the Congress. They were put in in 2001 in order to expire in 2010. As long as they defined them as expiring, they didn't count. They were just temporary. So they put in this huge giveaway for the whole society at the top, and expected that the people would come in in the year 2010 and reneact them.

Now, the Republicans are faced with a dilemma. In about 3 weeks they're going to take over this House. The Republicans will have the House of Representatives. They will have control of the Senate through the filibuster and the fact that the Democratic majority is reduced. So they are going to be forced to deal with this issue if we don't. They want us to deal with it. They bullied the President into putting this package together, and they're trying to give him the bum's rush to get it all done before they take over in January because they know a secret.

They have over there a number of people who ran for election saying they would not raise the debt limit and they would not increase the deficits, and yet the first bill that would be presented to them is to cut taxes and increase the deficit. And they know it. And they want to get it done. The Democrats are being pushed into it.

Now, how did they do it? Well, it's very simple. We care about workers. We care about the unemployed. We care about people who don't get a check to put food on the table and pay

the rent and keep the lights on. So, we want to take care of the unemployed. The unemployment program ran out the 1st of December, and it's more running out by the end of December. You are going to have 2 million people lose their ability to put food on the table for their own children at Christmas time.

So the Republicans said, all right, we're not going to deal with this unemployment thing. We're going to stop it. We're going to stop it. And we're going to use it as the lever by which we force the Democrats to give us this tax break for the rich.

So the decision that's going to be made on this floor is shall we give—the bill that the President put out today, I am voting against it. I will make that real clear. It says 1 year of unemployment benefits for the unemployed in this country, and we're going to give 2 years, \$84 billion, or you say 70, but whatever, it's somewhere up above \$75 billion that goes to people on the top who already are rich beyond belief. And the hostages in this whole thing have been the unemployed.

What is absolutely unconscionable is what has been done to the unemployed. This is the second time. Last August they let it drag through about 51 days where nobody got a check because the program had expired. And unless you have been unemployed, you don't understand what that means. That means nothing comes in the mailbox, no check. So you have no way to go down to the grocery store and get food for your family.

Now, what do you in that case? People say, well, they go on welfare. No, they don't. There's no welfare program today. The only thing that's available for somebody who is without an unemployment check is food stamps. Or they can of course go to the food banks. The food banks are panicked by the fact that we have not extended unemployment benefits because they gave it all away at Thanksgiving, and here comes the month of December, and people are coming in droves, and they have nothing to give them.

□ 2050

That's what's going on in America. The people on the other side that would say we would not—this is what MITCH MCCONNELL said. If you listen to him, it drives you nuts, because he said if you won't pass the tax break for the millionaires, nothing is going to happen in here. That kind of attitude is simply wrong, and that's why what you are doing here tonight, letting people be aware of what's happening and what the options really are, and what the impacts are going to be, is very important.

Because the whole of the base in a democracy is an informed electorate. If we don't understand what's going on, if people aren't paying attention, they

are going to wind up saying how did this happen? Well it happened because we didn't pay attention.

This is a real turning point for the President and the Democrats in this year. Because what we do here will set the stage for the next 2 years. We will be backing up. I learned when I was a kid on the playground, bullies will make you back up. And if you keep backing up, you will be backing up your whole life.

You have got to stop at some point and say "no," we are not going any further, you do it. And I really think that the Democrats would be much better off to force the Republicans to put up the votes for this event. They are going to try and slip around and say, well, we will give you 10, 15 votes but no more.

I think what you are doing here is starting to put the pressure on that whole process, and I commend you for doing it. Thank you.

Mr. GARAMENDI. Thank you very much, Mr. McDERMOTT.

I notice that our colleague from the great northeast, New Hampshire, has arrived. I think you have had a lot to say about this issue in your tenure here. If you would please join us and share with us your thoughts.

Ms. SHEA-PORTER. Thank you, and I appreciate the opportunity.

Thank you for bringing the Nation's attention to this problem. This is absolutely stunning. We spent a year and a half listening to our campaign opponents talk about borrowing and spending, borrowing and spending. Indeed, we really do have to get control of the debt. We have been working on that but suddenly they have blown that to pieces because everything in this bill is going to be paid for by borrowing the money.

So the middle class, who needed these tax breaks and deserve these tax breaks, will now carry the debt for the very wealthy who didn't need them and will get huge, huge amounts of money, all borrowed, probably from China, and then they will tell the middle class, but, look, there is something here for you too. You are going to get a piece also. But, by the way, you are also going to be paying for it because we are borrowing the money. So if you don't pay for it your children will pay for it.

Shame on all of us if we allow this to happen after talking about this debt and saying we are really getting serious about the debt. I mean, I campaigned on this in 2005. I said the debt was like an iceberg, and we were about to crash into it. We borrowed from the Chinese, and that was a national security risk as well as an economic risk.

For a year and a half, ironically all of us who are Democrats have been whacked by Republicans for this debt that they ran up during the Bush era, and now they are turning around and saying, well, you know for all the people who are uninsured, or people who

don't have jobs and the unemployment benefits, those are not the people we want to focus on now. We want to make sure that the wealthiest receive even more, and we want the middle class to pay for it. It's just wrong on so many levels.

So for those people who are listening, who are concerned about the debt, they need to understand that all of this money to pay for will be borrowed. It's not a gift; it's borrowed money, and if we don't pay for it our children will get stuck paying for it, plus interest, of course.

And why would they need it? I understand the middle class needing it. They certainly do. But why do we have to do this for the wealthiest. There are many who have great social consciousness and are saying, well, we really shouldn't get this money. We don't need it, and we shouldn't get it.

So why are the Republicans driving this, absolutely refusing, absolutely refusing to give unemployment benefits to those who have been victimized by this recession, unless we also took care of the top? I think the Republicans are quite clear about that, and we understand what happened in the last election, and I think it's disgraceful.

The other part of this that's so important, though, is the part where they carried on about Social Security. Social Security is at risk. We have to change Social Security. And we said, no, you don't, you just have to tweak it. You have to bring more income into it and stabilize it, because it's not just a Social Security problem. I read where a journalist said it's actually a retirement problem, that there are many, many millions of Americans who will not have adequate retirement and that Social Security is absolutely the floor.

So what are we doing here knowing that Social Security actually has to have more money coming in? We are cutting again. Again, we are cutting what people pay into it for a year. And then how are we going to make up the money? Oh, we just going to borrow it from the general fund. And how will the general fund get the money? We will just borrow it. And where will we borrow the money? Oh, probably China.

This is insanity. I think it's fiscally irresponsible. I think it's awful that the Republicans held the unemployed in this country hostage to this tax bill, and we simply must fight for this. We have to fight for the middle class. Thank you very much for bringing attention to this.

Mr. GARAMENDI. Thank you very much, Ms. CAROL SHEA-PORTER from the great State of New Hampshire. You have always been right on the issues.

I think we need to really understand what is in this proposal that this House passed just last week, which was a very, very significant tax cut for the working men and women of America,

the people that are out there every day, going to work, putting in their 8, 10 hours a day, bringing home the paycheck at the end of the week. The tax proposal that we put together takes care of children, providing the child care tax credit.

It becomes permanent in our piece of legislation. In the one that has been proposed, it expires in 2 years. Then what happens to taking care of children?

If you happen to be a student, in our proposal, the student loan interest deduction, it stays permanent. It stays there for the next generation. For those kids that want to go to school, their families can get this, not for just 2 years but permanently.

So what was negotiated by the Republicans? A 2-year proposal in which this particular tax reduction for the working men and women and their children ceases.

You want to get married? Well, you are married. Good for you. Our proposal would make permanent the extension of the marriage tax deduction. Right now there would be a new penalty imposed on married people unless we extend it.

So we said, no; married people, married couples and those who file as couples would get a permanent reduction in their taxes.

So you are a small business person. You have a company. You have a farm. You have a ranch, and you have the opportunity under our proposal to permanently, into the future, receive a lower capital gains tax rate if you were to sell your company.

So for small businesses, this is what we propose for the small businesses and other people who might have investments. Now, that's not for the wealthy. It phases out at \$200,000 of income for an individual and at 250,000 for a couple.

In our proposal, not what the President negotiated with the Republicans, but rather in our proposal, there is a tax cut for those couples who file an adjusted gross income of \$250,000 or less, and the alternative minimum tax would be focused to avoid the penalty that would exist in the alternative minimum tax. So what we did was to very carefully construct a tax reduction proposal that focuses on the working men and women, the great middle class, the middle income of America, so that they would have the benefits, not the very, very wealthy in America.

Unfortunately, what's been negotiated is exactly the opposite. What's been negotiated is, instead of a permanent reduction that benefits the working men and women, the middle income of America, a proposal has been put in place that terminates in 2 years and provides an extraordinary benefit to the very, very wealthy top 2 percent, the billionaires, those who have an adjusted gross income over \$250,000, lit-

erally the billionaires in America and the millionaires in America.

How much is in it for them? Well, by a calculation that my staff and I made earlier today we said \$70 billion a year that, as you said, Ms. SHEA-PORTER, would have to be borrowed.

And who is going to pay for it? The working men and women in the years ahead. What would that \$70 billion be used for? What's the alternative?

The most critical investment any, any society can make is an investment in education. We know from the reports that just came out today that the American education system is not producing students who are capable of competing in tomorrow's economy. We are in the bottom half of student ability in math and science, where the future lies.

□ 2100

What if we took that \$70 billion that the billionaires don't need and instead invested it in education?

I said earlier, average teacher pay, \$50,000. Is that about what it is in your area? It is in ours. Senior teachers would get somewhat more. Junior teachers would get significantly less. But let's just say it's \$50,000. If we took \$50 billion of the \$70 billion, or maybe it's \$80 billion, that the extremely wealthy get and instead say, no, no, you're not going to get it, we're going to invest that money in our children, in their education. One million teachers. Do the math. One million teachers. Fifty billion dollars could buy 1 million teachers in the classroom beginning in January. Those that have been laid off could come back. Classroom size could be reduced. Isn't that better for America than giving the rich, the richest of the rich, \$70 billion? I think so. Use the remaining 20 to improve our classrooms, buy the technology, put the computers in place. Twenty billion dollars would do it. And that's in year one. It could be repeated in year two.

Mr. President, Mr. Republicans, you cut a bad deal for America. It's a bad deal for America. A better deal, instead of giving the rich more, give our children something.

Let me turn to my fellow representative from the great State of New York (Mr. TONKO).

Mr. TONKO. Thank you, Representative GARAMENDI.

From your district in California, Representative GARAMENDI, to Representative SHEA-PORTER's district in New Hampshire, to my district in upstate New York, the middle income community, the working families, are all resonating with their message, that it's their turn. We borrowed, as was indicated by the gentlewoman from New Hampshire, in the decade that preceded this administration from China to pay not only for tax cuts but for two wars and for Medicare part D, for a dough-

nut hole that now is driving seniors to the brink of poverty. Where was the fairness in all of that? Because their bearing of the burden is far greater as a percentage of their income household-wise than the upper income strata. So the consequences here are borne unfairly.

And so I think that what you've described here in the contrast is an opportunity to start anew, with a new focus, where children and students, married couples, seniors, working families, all are given highest priority, where they can dream the American Dream, where they're empowered. And when we empower our middle income community, we're empowering all of us. Someone needs to build the product. Someone needs to buy the product. And if you deny the purchasing power of our middle income families, we have destroyed the economy of this Nation. And so it makes great sense and provides great opportunity to go forward with this new thinking. Otherwise, we revisit the failed policies of President Bush's administration, where we saw no job growth, where we saw the decline in business, manufacturing began to fold, where we lost one-third of our manufacturing base. We need to go back to those policies. What's driving the deficit today is unemployment. And if we can invest in research and development, if we can invest in basic research, in the innovation economy, then we will provide hope for our working families across the country.

I think what's often lost in the discussion on the great package that we did was that everybody, everybody, will get a break, a tax cut, on a level of income including those who are millionaires and billionaires, will get a tax break on the first \$250,000 in that household. So it's not like we're denying anyone. We're just saying, let's empower that middle income crowd, that community, in a way that gives them their share now, of a stake in the investments that are made here in Washington and then shared across this great country. That is the kind of shot in the arm that's required right now. Because we see these tremendously difficult statistics out there. It took a long time to get into this mess. And I know that the expression made by the voters in this last election was that it didn't happen quick enough; the recovery didn't happen quick enough. Well, this is a revisiting of the failed policies of the past that drove us into the worst times since the Great Depression. Our colleague spoke earlier about the divide between those who are comfortable and most comfortable. That has grown to the widest that has been known in, I think, days since the Great Depression. And we have seen more concentration in the top 1 or 2 percent of wealth in this country of the economic recovery, of profit. We just saw a record profit established in the last

quarter. Since record keeping over the last 60 plus years, there was more profitability for our business community in this country in the last quarter; when you annualize that, it breaks all records. So we need to look at all the statistics out there. We need to be very cognizant of what's happening and what isn't happening. And I think the way we do that is through the soundness of the policy that we advanced, that really promotes I think the sort of effort that enables us to strengthen the purchasing power of our middle income community. And we also attempted in this House, without help from the Republicans, to provide a stretch-out on that unemployment insurance program. So we are doing those elements that respond with great sensitivity to the unemployed who are still searching for employment. We attempted every which way to stretch that opportunity from this House. We have advanced a tax cut for those households, couples under \$250,000. Everybody can qualify in that tax cut because it caps at that threshold and works itself through across all of the income levels of families in this country. So we have done, I think, a very reasonable package, we have done it with great focus and great hope that it will drive the growth of the economy and produce hope in terms of jobs created and retained and will not bring us back to those failed policies. I think we have forgotten the trillions that were lost. There was \$18.5 trillion lost in the last 18 months of President Bush's tenure. That was a huge, devastating blow to this country. There were 8.2 million jobs lost, which are tough to recover from. But we have had many successive months of private sector job growth. So we need to continue along the thoughtful sort of policies; and the progress that has been achieved, while incremental, is a steep climb toward recovery rather than falling deeper as was the case when we hit rock bottom in March of 2009. We have been recovering and I think now is the time to just add to that effort, not lead us backward into the failed policies of the past.

Mr. GARAMENDI. The gentleman from New York could not be more correct, that the policies of the Bush administration, their tax policies, created a huge deficit, two wars that were not paid for but rather money borrowed, most of it again from China, and a total backing away from the regulation of the financial industry led to an extraordinary crash of the American and indeed the world economy. What is being asked of us now is to put back in place the tax policy that was part of that great decline. And a point that you made, if I might just bring it out one more time here, is that that tax policy that was started in 2001 and is now being proposed by our Republican colleagues and our President is a continuation of the drift—excuse me,

it's not a drift—a cascade of wealth from the middle class, from the working men and women, to the wealthiest Americans. Is that wise policy? It certainly doesn't create jobs. There are very few economists except some very right-wing Republican economists who would argue that by giving more money, in this case \$150 billion minimum, maybe \$180 billion, to the wealthiest is going to somehow create jobs. Nobody would rationally argue that. However, on the other hand, it's been argued very clearly that one of the most stimulus, job-creating, encouragements to the economy is unemployment insurance. But our friends on the Republican side have said very clearly that they're going to put their foot right on the neck of the most unfortunate Americans, the unemployed, and hold them down until they're able to get their buddies, the wealthiest of Americans, an additional tax break.

□ 2110

That is what is going on here. They are using the most harmed Americans in this economy, an economy that collapsed under the Republican administration, holding those unemployed down, putting their foot on their neck and saying, You cannot have anything until our wealthy backers have more. Shame on them. Shame on them. That is not good American policy. That is not even humanitarian. And we are up against the Christmas holidays. They are using this as a lever. It is dead wrong, it is inhumane, it is cruel, and it shows not one iota of compassion. Until they get their wealthy taken care of, those people who don't need more, they are going to hold 2.5 million Americans on the ground without food, without gifts for their families, without even a Christmas meal. That is what the Republicans have said. That is the deal which has been cut, and it is one we should oppose. Do I feel strongly about this? Yes, I do.

Ms. SHEA-PORTER. I wanted to say, this is not just Democrats who are saying this. Republicans who are no longer in power have also been attacking these plans. David Stockman, the former director of the Office of Management and Budget during the Reagan administration, called these tax cuts "unaffordable." He is one of many voices who said this. Unfortunately, the Republicans who are in power now are not listening. It is fiscally irresponsible.

We need that income; we had to have that revenue so we could pay our bills. If we had that revenue, what could we do with it? Or if we were going to borrow, what should we have borrowed for?

To begin with, we could start paying our military men and women more. This year they are having a very tiny increase. They are outraged, and I don't blame them. They have been

serving this country honorably. We have been at war for 8 years. They are exhausted, and now they are getting a very tiny pay raise. We could have used it for that.

What else? We could have helped mom and pop small businesses, the businesses on Main Street. Rather than giving those tax cuts to the top 1 percent, we could have used that money to help our small businesses that are struggling.

What else could we have done? We could have put money into infrastructure and created jobs. We could have been building things. You walk around Washington and you see beautiful buildings that were built during the Depression. They put men and women to work, and they left something behind for the next generation. I have said, if you are going to borrow money and you are going to have the next generation pay for it, you better leave them something to look at. We could have done that. We could have fixed some of our infrastructure. It is crumbling all over the country. We have deferred maintenance.

And we have not taken care of just that. You talked about education. I'm on the Education and Labor Committee. We know we are failing our children. We could have put money there.

Where else? How about money for research and money for basic medical care.

You know, every time I hear the Republicans in power here say: everybody is going to have to feel the pain, I say to myself, I know who they mean, and they don't mean them. They mean the middle income and below. They are the ones who are going to feel the pain. And by the way, they are the ones who are also going to have to pay for this because, once again, it is borrowed money. I think it is absolutely disgraceful.

Given the past campaign that we all experienced where the borrow-and-spend theme, borrow-and-spend was just hammered, absolutely hammered, as if the Bush era hadn't happened, as if George Bush hadn't created the greatest deficits in history, as if the Republicans hadn't been in charge when that happened, they said that they were going to fix that. They had learned their lesson. Remember on the floor, we heard many times that they had learned their lesson, but they hadn't. Here they are, holding people's unemployment hostage to make sure that their benefactors get their tax cuts.

I think it is outrageous. I think it is stunning. I think it is so cynical that it is ugly to watch. And I will not support that.

Mr. GARAMENDI. Ms. SHEA-PORTER, thank you so much. You were talking about the many options available to us, the choices we are making. In this

tax policy, we are making a choice to invest in America's future, that is, the working men and women of America, or investing in the very wealthy. All of it with borrowed money. If America is going to make it, then we are going to have to rebuild America's industrial strength. These are choices.

There are ways that we can rebuild America's industrial strength. One of them is to stop exporting jobs. Now, the American Tax Code until just a month ago provided a \$12 billion annual tax break to American corporations who sent jobs offshore. Yes, that's right. How could that be? Well, it was in the Tax Code. The Democrats said that's wrong, and we passed a tax bill that ended that nefarious, useless, job-harming tax proposal. We brought \$12 billion back into the Treasury, put a stop to the incentive for American corporations to ship those jobs offshore.

Did the Republicans support that job-creating program? They did not. Only a handful. I mean, one handful actually voted with the Democrats to end a tax break that encouraged the off-shoring of jobs. An example of how we can bring jobs back to America is to set our tax policy in place so we don't encourage the off-shoring of jobs.

Another piece of this is to use our tax money to build jobs in America. Very quickly, and then I want to turn to my colleagues in the final 15 minutes of this hour. We spend a lot of money. Our gasoline tax, our diesel fuel tax is used to maintain our highways and to buy buses and trains and light rail systems and things that move people. It is all well and good. But much of that tax money is used to purchase buses, light rail, trains that are made in foreign countries. My proposal is, hey, that is our tax money; let's spend it on equipment that is made in America. You want to build a bridge, use American steel. You want to buy a bus, our tax money, buy an American-made bus. You want to build a light rail system with our tax money, buy an American made light rail system.

If we just use our tax dollars in a way that promotes American industry, we can grow America. I think of Walt Whitman and his beautiful poetry about the great industrial strength of America, the way America would get up in the morning and build. I don't think Walt Whitman would be very enthusiastic about American industry today given our policies. But if we institute policies that are make it in America so that America can make it, once again these are choices about where we are going.

Manufacturing matters. Walt Whitman understood that the strength of America was in its industries. We have forgotten that, and apparently our Republican colleagues are perfectly willing to give American industries a tax

break to ship jobs offshore. The Democrats are not. We ended that.

Mr. TONKO, you and I have talked about this. You were there for the vote to end that tax break.

Mr. TONKO. Absolutely. And I loved the converting of tax policy into a job focus.

My question rhetorically to the opposition party has been the marketing of the 2001 and 2003 tax cuts was all around jobs. These are the job-creating tax cuts. My rhetorical question is: Where are the jobs? We saw one of the most dismal stretches of job loss and job creation under that Bush Presidency than ever recorded in the Nation. And to Representative SHEA-PORTER's point, left with an historic largest deficit. So that was complications beyond belief, a multitude of problems that then endured and gripped the household budgets and the profitability of small businesses across this country to the point that we sunk to the lowest of records in March of 2009.

So now our focus rightfully should be about job creation and retention. My district, the 21st Congressional District in the State of New York, houses the eastern portion of the original Erie Canal, barge canal. It gave birth to a necklace of communities called mill towns. These mill towns became the epicenters of invention and innovation.

□ 2120

So that pioneer spirit is in the American DNA, I am convinced. I cannot accept for a moment that our manufacturing heyday is a thing of the past. We can be the kingpins of manufacturing. We need to invest in that manufacturing element so that small businesses and manufacturing centers can be that driving force for job creation and retention.

How does it happen? You modernize with investments.

I served as president and CEO at NYSEERDA, the New York State Energy Research and Development Authority. I saw what happened when we partnered with the business community to enable them to cut energy costs for production. It's easy. We have shelf-ready opportunities today that can then retrofit into these manufacturing centers and enable them to be more profitable, more efficient. That means, as profitability, the transitioning over to more jobs and more ideas that can come from the manufacturing elements in our given neighborhoods and our communities, in our regions, in our congressional districts.

So it can happen, but you need this plan of attack that will go to putting American workers into deeply rooted jobs that will be here to grow in this country.

We saw what happened when we helped businesses take their large industries—take their jobs—offshore, and we paid them to do that. So I applaud

the efforts that you have created and in which others have joined in this House to create the package that says "no" to that sort of investment, but "yes" to American workers and working families and "yes" to our small business community, which is the backbone of our economic recovery.

We profess small business to be the springboard to economic recovery. If we believe that, let's act accordingly and not take this step backward that gives tax breaks to millionaires and billionaires at the expense of investments in the small business community, investments in the working households of families across this country and, certainly, at the expense of investments in children, in students, in working couples, in married couples, who will get a break from our tax package bills, and in senior citizens, all of whom deserve our sensitivity here in this Chamber so as to do what is best for the middle-income community of this country.

Again, to repeat myself, empowering them by strengthening their purchasing power strengthens all of us from the least comfortable to the most comfortable. I think it is the map, the blueprint, for a successful comeback from the lowest, toughest economic point that we have seen as a Nation. Now, to crawl out of that pit, we need to do it thoughtfully and with laser-sharp focus, and I think our legislation advanced in this House does that.

I have enjoyed working with the two of you, with other Representatives and with the leadership in this House to make that effort so that we can have the smartest and most analytical response.

Mr. GARAMENDI. Mr. TONKO, once again, you speak with great wisdom and with a sense of history. It is about choices.

Apparently, the Republicans and the President want us to take \$140 billion, \$150 billion, \$160 billion and give it to the wealthiest of Americans, to the top 2 percent, as if they need help.

What if we took that money and invested it in—oh, I don't know—green technology? in wind turbines? in solar or in buses and transportation? \$150 billion, what would it buy?

I would suggest, with the first \$70 billion, in year one, invest in teachers and in schools. With the next \$70 billion or \$80 billion, invest in—well, let's build the great manufacturing sector once again in the great Northeast; 160 years ago, my great, great grandparents left the textile mills in your territory, Ms. SHEA-PORTER, and moved to California. It was good for them, but it left the great Northeast without the textile industry. You are trying to rebuild your industries—health care technologies and other kinds of advanced technologies—which could use the incentive of \$70 billion.

Ms. SHEA-PORTER, we've got another 5 minutes. Why don't you take four of

those, and then we'll wrap in the last minute.

Ms. SHEA-PORTER. Thank you.

I think it is important to reiterate that we are very happy when Americans do well financially. We want every American to do well financially. I have said many times before that each one of us hopes to have a little more money, and I said that my kids hope that I have a little more money also. It's not a question of success. We want everybody to be successful.

The problem that we have here is that we are borrowing money that middle-income taxpayers will have to pay back, plus interest, in order to give those who are already extremely successful—and I'm glad that they are—money that they don't need. Then we will carry the debt and put this country further at risk.

So, when we want to tell the truth about the debt, this has to be part of the story: that it was proposed—and I fear could be passed—that we borrowed more money, probably from China, and we gave it to those who least needed it while we ignored all the great pressing needs of our country.

I fear for the middle class. I know that we all grew up at a time when our parents believed that we would do better than they did financially, and indeed we did. I put myself through college, but I was able to work double shifts in the summer at a factory, and then I was able to work through the school year to pay for that. Now, no matter how hard people work in the summer and no matter how hard they work in the winter, they can't afford to pay for college tuition.

So what are we going to do for those children? What are we going to say to their families? Sorry. We've borrowed enough money. Do you understand that we borrowed the money to give it to the wealthiest so that we can't give it to you? What are we going to do, crush their dreams, their hopes and their possible paths to the same kind of success? This is just wrong on every level.

If you look at children today, you will recognize that, chances are, they have family members who are underemployed or unemployed, that their families are struggling to pay the rent or to pay the mortgage, that the cost of everything has gone up dramatically, and that their families can't afford to save for their educations. What do we say to them later? You have to understand that it was just so important to make sure that we gave you this debt and increased your debt so that we could take care of those who didn't need it.

I don't understand this, and I think that most Americans looking at this don't understand it either. We celebrate people's good fortunes and successes. We are happy that they have been so successful, but we should not borrow money to give them what they don't need.

Let's invest in America. Let's invest in the next generation. Let's help our seniors out. How many seniors fall in the doughnut hole and can't even afford to pay for their prescriptions? Will we say, Well, we can't help you because we can't afford it? Let's build infrastructure. Let's help small businesses. Let's create jobs. Let's get people working again. People really don't want unemployment checks. They want jobs.

How many jobs bills did we try to pass, which were passed out of the House but which sank in the Senate? There was so much Republican opposition to creating jobs. Yet here we are, saying the only way we can help people with unemployment is if we yield to the Republicans and say, okay, we'll give tax cuts to the very wealthiest also.

This is a sad moment, a very sad moment on this floor and in the Senate. I hope that the American people will rise up and say, No, this is not fair to the middle class.

Thank you very much for doing this. Mr. GARAMENDI. Ms. SHEA-PORTER, thank you so very, very much.

We have just a minute left. As you were speaking from your heart about the status of Americans today, I was thinking about last fall when I took my family down to the Roosevelt Memorial. On one of the placards carved in the stone is his statement: The test of America's progress is not that those who have much should have more but that those who have little should have enough.

Isn't that where we are today? Isn't that what FDR was saying in the 1930s during the Great Depression?

Mr. Speaker, thank you very much. We appreciate the hour to discuss this very, very important issue.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. CULBERSON (at the request of Mr. BOEHNER) for today on account of personal business.

Mrs. McMORRIS RODGERS (at the request of Mr. BOEHNER) for today and the balance of the week on account of the birth of her daughter.

Mr. POE of Texas (at the request of Mr. BOEHNER) for today on account of being unavoidably detained in Texas.

Mr. DAVIS of Illinois (at the request of Mr. HOYER) for today.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. MURPHY of Connecticut) to revise and extend their remarks and include extraneous material:)

Mr. MURPHY of Connecticut, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. SHERMAN, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. GRAYSON, for 5 minutes, today.

(The following Members (at the request of Mr. JONES) to revise and extend their remarks and include extraneous material:)

Mr. POE of Texas, for 5 minutes, today, December 13 and 14.

Mr. JONES, for 5 minutes, today, December 13 and 14.

Ms. ROS-LEHTINEN, for 5 minutes, today, December 8 and 9.

Mr. GARRETT of New Jersey, for 5 minutes, today, December 8 and 9.

Mr. LINCOLN DIAZ-BALART of Florida, for 5 minutes, today and December 8.

Mr. PAUL, for 5 minutes, December 8 and 9.

Mr. BURTON of Indiana, for 5 minutes, today, December 8 and 9.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 124. An act for the relief of Shigeru Yamada, to the Committee on the Judiciary.

S. 3817. An act to amend the Child Abuse Prevention and Treatment Act, the Family Violence Prevention and Services Act, the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978, and the Abandoned Infants Assistance Act of 1988 to reauthorize the Acts and for other purposes; to the Committee on Education and Labor.

S. 3860. An act to require reports on the management of Arlington National Cemetery; to the Committee on Veterans' Affairs.

BILLS PRESENTED TO THE PRESIDENT

Lorraine C. Miller, Clerk of the House, reports that on December 3, 2010 she presented to the President of the United States, for his approval, the following bills.

H.R. 4783. To accelerate the income tax benefits for charitable cash contributions for the relief of victims of the earthquake in Chile, and to extend the period from which such contributions for the relief of victims of the earthquake in Haiti may be accelerated.

H.J. Res. 101. Making further continuing appropriations for fiscal year 2011, and for other purposes.

H.R. 6387. To designate the facility of the United States Postal Service located at 337 West Clark Street in Eureka, California, as the "Sam Sacco Post Office Building."

H.R. 6237. To designate the facility of the United States Postal Service located at 1351 2nd Street in Napa, California, as the "Tom Kongsgaard Post Office Building."

H.R. 6118. To designate the facility of the United States Postal Service located at 2 Massachusetts Avenue, NE, in Washington, D.C., as the "Dorothy I. Height Post Office."

H.R. 5758. To designate the facility of the United States Postal Service located at 2 Government Center in Fall River, Massachusetts, as the "Sergeant Robert Barrett Post Office Building."

H.R. 4387. To designate the Federal building located at 100 North Palafox Street in Pensacola, Florida, as the “Winston E. Arnow Federal Building.”

H.R. 5706. To designate the building occupied by the Government Printing Office located at 31451 East United Avenue in Pueblo, Colorado, as the “Frank Evans Government Printing Office Building.”

H.R. 5651. To designate the Federal building and United States courthouse located at 515 9th Street in Rapid City, South Dakota, as the “Andrew W. Bogue Federal Building and United States Courthouse.”

H.R. 5773. To designate the Federal building located at 6401 Security Boulevard in

Baltimore, Maryland, commonly known as the Social Security Administration Operations Building, as the “Robert M. Ball Federal Building.”

H.R. 5283. To provide for adjustment of status for certain Haitian orphans paroled into the United States after the earthquake of January 12, 2010.

H.R. 6162. To provide research and development authority for alternative coinage materials to the Secretary of the Treasury, increase congressional oversight over coin production, and ensure the continuity of certain numismatic items.

H.R. 6166. To authorize the production of palladium bullion coins to provide affordable

opportunities for investments in precious metals, and for other purposes.

ADJOURNMENT

Mr. TONKO. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 30 minutes p.m.), the House adjourned until tomorrow, Wednesday, December 8, 2010, at 10 a.m.

EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports concerning the foreign currencies and U.S. dollars utilized for Speaker-Authorized Official Travel during the second, third, and fourth quarters of 2010 pursuant to Public Law 95-384 are as follows:

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, ROBERT F. REEVES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 20 AND OCT. 23, 2010

Name of Member or employee	Date		Country	Per diem ¹		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²
Robert F. Reeves	10/20	10/23	South Africa		1,145.04		9,157.00				10,397.04
Joe Strickland	10/20	10/23	South Africa		1,112.04		9,157.00				10,397.04
Committee total					2,257.08		18,314.00				20,794.08

¹ Per diem constitutes lodging and meals.

² If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

ROBERT F. REEVES, Nov. 10, 2010.

(AMENDED) REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, PERMANENT SELECT COMMITTEE ON INTELLIGENCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 2010

Name of Member or employee	Date		Country	Per diem ¹		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²
Hon. Dutch Ruppersberger	8/1	8/2	S.E. Asia		331.00						
	8/2	8/4	S.E. Asia		465.95						
	8/4	8/5	S.E. Asia		198.95						
	8/5	8/6	Europe		375.00						
	8/6	8/7	Europe		356.69						
Bob Minehart	8/1	8/2	S.E. Asia		331.00						
	8/2	8/4	S.E. Asia		465.95						
	8/4	8/5	S.E. Asia		198.95						
	8/5	8/6	Europe		375.00						
	8/6	8/7	Europe		356.69						
Carly Scott	8/1	8/2	S.E. Asia		331.00						
	8/2	8/4	S.E. Asia		465.95						
	8/4	8/5	S.E. Asia		198.95						
	8/5	8/6	Europe		375.00						
	8/6	8/7	Europe		356.69						
Frank Garcia	8/1	8/2	S.E. Asia		331.00						
	8/2	8/4	S.E. Asia		465.95						
	8/4	8/5	S.E. Asia		198.95						
	8/5	8/6	Europe		375.00						
	8/6	8/7	Europe		356.69						
Committee total											6,910.36

¹ Per diem constitutes lodging and meals.

² If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

³ Military air transportation.

HON. SILVESTRE REYES, Chairman, Nov. 16, 2010.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON WAYS AND MEANS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2010

Name of Member or employee	Date		Country	Per diem ¹		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²

HOUSE COMMITTEES

Please Note: If there were no expenditures during the calendar quarter noted above, please check the box at right to so indicate and return. ☐

¹ Per diem constitutes lodging and meals.

² If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HON. SANDER M. LEVIN, Acting Chairman, Nov. 29, 2010.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON WAYS AND MEANS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 2010

Name of Member or employee	Date		Country	Per diem ¹		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²
Hon. David Reichert	5/29	6/1	Dubai		429.00		8,199.00				8,628.10
Hon. Lloyd Doggett	5/30	5/31	Afghanistan		28.00						28.00
	7/6	7/11	Norway		407.87						407.87
Committee total					864.87		8,199.10				9,063.97

¹ Per diem constitutes lodging and meals.² If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HON. SANDER M. LEVIN, Acting Chairman, Nov. 29, 2010.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

10652. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule — Removal of Varietal Restrictions on Apples From Japan [Docket No.: APHIS-2009-0020] (RIN: 0579-AD08) received November 15, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10653. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule — Change in Disease Status of Japan Because of Foot-and-Mouth Disease [Docket No.: APHIS-2010-0077] received November 15, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10654. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule — Update of Noxious Weed Regulations [Docket No.: APHIS-2007-0146] (RIN: 0579-AC97) received November 15, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10655. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule — Karnal Bunt; Regulated Areas in Arizona, California, and Texas [Docket No.: APHIS-2009-0079] received November 15, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10656. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Dried Prunes Produced in California; Increased Assessment Rate [Doc. No.: AMS-FV-10-0057; FV10-993-1 FR] received November 29, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10657. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Kiwifruit Grown in California; Changes to District Boundaries [Doc. No.: AMS-FV-08-0085; FV08-920-3 FR] received November 29, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10658. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Popcorn Promotion, Research, and Consumer Information Order; Reapportionment [Document Number AMS-FV-10-0010] received November 29, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10659. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Domestic Dates Produced or Packed in Riverside Country, CA; Increased Assessment Rate [Doc. No.:

AMS-FV-10-0059; FV10-987-2 FR] received November 29, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10660. A letter from the Acting Administrator, Department of Agriculture, transmitting the Department's final rule — Sorghum Promotion and Research Program: Procedures for the Conduct of Referenda [Doc. No.: AMS-LS-10-0003] November 29, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10661. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Pistachios Grown in California, Arizona, and New Mexico; Modification of the Aflatoxin Regulations [Doc. No.: AMS-FV-10-0031; FV10-983-1 FR] received November 29, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10662. A letter from the OSD Federal Register Liaison Officer, Department of Defense, transmitting the Department's "Major" final rule — Civilian Health and Medical Program of the Uniformed Services (CHAMPUS)/TRICARE: Inclusion of TRICARE Retail Pharmacy Program in Federal Procurement of Pharmaceuticals [DOD-2008-HA-0029] (RIN: 0720-AB45) received November 17, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

10663. A letter from the Deputy Secretary, Department of Defense, transmitting the Department of Defense Inspector General Semi-annual Report, April 1, 2010 — September 30, 2010; to the Committee on Armed Services.

10664. A letter from the Secretary, Department of the Treasury, transmitting the annual report on the operation of the Exchange Stabilization Fund (ESF) for fiscal year 2009 and 2008 Financial Statements, pursuant to 31 U.S.C. 5302(c)(2); to the Committee on Financial Services.

10665. A letter from the Chairman, Congressional Oversight Panel, transmitting the Panel's monthly report pursuant to Section 125(b)(1) of the Emergency Economic Stabilization Act of 2008, Pub. L. 110-343; to the Committee on Financial Services.

10666. A letter from the Chairman, Federal Deposit Insurance Corporation, transmitting a report entitled, "Merger Decisions 2009", in accordance with Section 18(c)(9) of the Federal Deposit Insurance Act; to the Committee on Financial Services.

10667. A letter from the General Counsel, National Credit Union Administration, transmitting the Administration's final rule — Prompt Corrective Action; Amended Definition of Low-Risk Assets (RIN: 3133-AD81) received November 16, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

10668. A letter from the General Counsel, National Credit Union Administration,

transmitting the Administration's final rule — Fixed Assets, Member Business Loans, and Regulatory Flexibility Program (RIN: 3133-AD68) received November 16, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

10669. A letter from the General Counsel, National Credit Union Administration, transmitting the Administration's final rule — Corporate Credit Unions (RIN: 3133-AD58) received November 16, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

10670. A letter from the Secretary, Securities and Exchange Commission, transmitting the Commission's final rule — Extension of Temporary Exemptions For Eligible Credit Default Swaps to Facilitate Operation of Central Counterparties to Clear and Settle Credit Default Swaps [Release Nos. 33-9158; 34-63348; 39-2472; File No. S7-02-09] (RIN: 3235-AK26) received November 29, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

10671. A letter from the Secretary, Department of Education, transmitting the Department's final rule — Program Integrity: Gainful Employment — New Programs [Docket ID: ED-2010-OPE-0012] received November 16, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

10672. A letter from the Secretary, Department of Education, transmitting the Department's final rule — Foreign Institutions-Federal Student Aid Programs [Docket ID: ED-2010-OPE-0009] (RIN: 1840-AD03) received November 16, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

10673. A letter from the Assistant General Counsel for Regulatory Services, Department of Education, transmitting the Department's final rule — School Improvement Grants; American Recovery and Reinvestment Act of 2009 (AARA); Title I of the Elementary and Secondary Education Act of 1965, as Amended (ESEA) [Docket ID: ED-2009-OESE-0010] (RIN: 1810-AB06) received November 15, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

10674. A letter from the Secretary, Department of Education, transmitting the Department's final rule — Program Integrity Issues [Docket ID: ED-2010-OPE-0004] (RIN: 1840-AD02) received November 15, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

10675. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Federal Motor Vehicle Safety Standards; Seat Belt Assembly Anchorages, School Bus Passenger Seating and Crash Protection [Docket No.: NHTSA-2008-0613] (RIN: 2127-AK49) received November 15, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

10676. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Insurer Reporting Requirements; List of Insurers Required to File Reports [Docket No.: NHTSA-2010-0017] (RIN: 2127-AK69) received November 15, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

10677. A letter from the General Counsel, Federal Energy Regulatory Commission, transmitting the Commission's final rule — Version One Regional Reliability Standard for Resources and Demand Balancing [Docket No.: RM09-15-000; Order No. 740] November 16, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

10678. A letter from the Director, Defense Security Cooperation Agency, transmitting a letter pursuant to the Arms Export Control Act; to the Committee on Foreign Affairs.

10679. A letter from the Director, Defense Security Cooperation Agency, transmitting reports submitted in accordance with Sections 36(a) and 26(b) of the Arms Export Control Act; to the Committee on Foreign Affairs.

10680. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting Transmittal No. DDTC 10-65, pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act; to the Committee on Foreign Affairs.

10681. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting Transmittal No. 10-69, pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended; to the Committee on Foreign Affairs.

10682. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting Transmittal No. 10-73, pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended; to the Committee on Foreign Affairs.

10683. A letter from the Acting Assistant Secretary, Bureau of Political-Military Affairs, Department of State, transmitting an addendum to a certification, transmittal number: DDTC 10-113, pursuant to Public Law 110-429, section 201; to the Committee on Foreign Affairs.

10684. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting a report pertaining to Section 102(a)(2) of the Arms Export Control Act; to the Committee on Foreign Affairs.

10685. A letter from the Secretary, Department of the Treasury, transmitting as required by section 401(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), and pursuant to Executive Order 13313 of July 31, 2003, a six-month periodic report on the national emergency with respect to Burma that was declared in Executive Order 13047 of May 20, 1997; to the Committee on Foreign Affairs.

10686. A letter from the Architect of the Capitol, transmitting the Semiannual Report for the period April 1, 2010 through September 30, 2010 prepared by the Office of Inspector General of the AOC; to the Committee on Oversight and Government Reform.

10687. A letter from the Secretary, Department of the Treasury, transmitting the Department's Performance and Accountability Report for FY 2010, as required by the Reports Consolidation Act of 2000; to the Committee on Oversight and Government Reform.

10688. A letter from the Director, Congressional Affairs, Federal Election Commission,

transmitting a copy of the Commission's Performance and Accountability Report for FY 2010; to the Committee on Oversight and Government Reform.

10689. A letter from the President, Federal Financing Bank, transmitting the Annual Report of the Federal Financing Bank for Fiscal Year 2010, pursuant to 31 U.S.C. 9106; to the Committee on Oversight and Government Reform.

10690. A letter from the Chairman, Nuclear Regulatory Commission, transmitting the Commission's 2010 Performance and Accountability Report; to the Committee on Oversight and Government Reform.

10691. A letter from the Chief, Branch of Endangered Species Listing, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Revised Critical Habitat for *Navarretia fossalis* (Spreading Navarretia) [Docket No.: FWS-R8-ES-2009-0038] [MO 92210-0-0009] (RIN: 1018-AW22) received November 15, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

10692. A letter from the Chief, Division of Habitat and Resource Conservation, Department of the Interior, transmitting the Department's final rule — Marine Mammal Protection Act; Deterrence Guidelines [Docket No.: FWS-R7-PHC-2010-0002] [71490-1351-0000-L5-FY10] (RIN: 1018-AW94) received November 15, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

10693. A letter from the Chief, Branch of Recovery and Delisting, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Reinstatement of Protections for the Grey Wolf in the Northern Rocky Mountains in Compliance With a Court Order [Docket No.: FWS-R6-ES-2010-0074] [92220-1113-0000; ABC Code: C6] (RIN: 1018-AX37) received November 15, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

10694. A letter from the Deputy Assistant Secretary, Land and Minerals Management, Department of the Interior, transmitting the Department's final rule — Promotion of Development, Reduction of Royalty Rates for Stripper Well and Heavy Oil Properties [LLWO310000.L1310000.PP0000-241A.00] (RIN: 1004-AE04) received November 15, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

10695. A letter from the Financial Assistance Program Manager, Office of Acquisition and Property Management, Department of the Interior, transmitting the Department's final rule — Department of the Interior Implementation of OMB Guidance on Drug-Free Workplace Requirements (Financial Assistance) (RIN: 1093-AA12) received November 26, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

10696. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Shallow-Water Species Fishery by Vessels Using Trawl Gear in the Gulf of Alaska [Docket No.: 0910131362-0087-02] (RIN: 0648-XY78) received November 17, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

10697. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendment

[Docket No.: 30753; Amdt. No. 3399] received November 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10698. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No.: 30752; Amdt. No. 3398] received November 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10699. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No.: 30750; Amdt. No. 3397] received November 17, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10700. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — Crewmember Requirements When Passengers Are Onboard [Docket No.: FAA-2009-0022; Amendment No.: 121-350] (RIN: 2120-AJ30) received November 17, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10701. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — Flightcrew Alerting [Docket No.: FAA-2008-1292; Amendment No. 25-131] (RIN: 2120-AJ35) received November 17, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10702. A letter from the Director, Regulations Policy and Management, Office of the General Counsel, Department of Veterans Affairs, transmitting the Department's final rule — Responding to Disruptive Patients (RIN: 2900-AN45) received November 15, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

10703. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's Annual Report On Child Welfare Outcomes 2004-2007, pursuant to Public Law 105-89, section 203(a) (111 Stat. 2127); to the Committee on Ways and Means.

10704. A letter from the Chief, Trade and Commercial Regulations Branch, Department of Homeland Security, transmitting the Department's final rule — Technical Corrections to Customs and Border Protection Regulations [CBP Dec. 10-33] received November 15, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10705. A letter from the Chief, Trade and Commercial Regulations Branch, Department of Homeland Security, transmitting the Department's final rule — Technical Corrections to Customs and Border Protection Regulations [CBP Dec. 10-33] received November 15, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10706. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — ARRA High-Speed Rail Grants (Rev. Proc. 2010-46) received November 17, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10707. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule —

ARRA Battery Grants (Rec. Proc. 2010-45) received November 17, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10708. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — 2010 Marginal Production Rates [Notice 2010-73] received November 17, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10709. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — 2010 National Pool [Notice 2010-74] received November 17, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10710. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — 2010 Section 43 Inflation Adjustment [Notice 2010-72] received November 17, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10711. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Amendment to the Interim Final Rules for Group Health Plans and Health Insurance Coverage Relating to Status as a Grandfathered Health Plan Under the Patient Protection and Affordable Care Act [TD 9506] (RIN: 1545-BJ91) received November 29, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10712. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Change in Litigating Position on the Treatment of Interchange Fee Income by Issuers of Credit Cards [LB&I Contol No.: LB&I-4-1110-030] received November 29, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10713. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Build America Bonds and Other State and Local Bonds: Timing of Issuing Bonds [Notice 2010-81] received November 29, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10714. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Modification of Section 833 Treatment of Certain Health Organizations [Notice 2010-79] received November 29, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10715. A letter from the Chair, Council on Environmental Quality Director, Office of Science and Technology Policy, Executive Office of the President, transmitting 2008-2009 Federal Ocean and Coastal Activities Report to the U.S. Congress, pursuant to Public Law 106-256, section 5; jointly to the Committees on Natural Resources, Science and Technology, and Transportation and Infrastructure.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. WAXMAN: Committee on Energy and Commerce. H.R. 3655. A bill to direct the Federal Trade Commission to establish rules to prohibit unfair or deceptive acts or prac-

tices related to the provision of funeral services; with an amendment (Rept. 111-672). Referred to the Committee of the Whole House on the State of the Union.

Mr. WAXMAN: Committee on Energy and Commerce. H.R. 4501. A bill to require certain return policies from businesses that purchase precious metals from consumers and solicit such transactions through an Internet website; with an amendment (Rept. 111-673). Referred to the Committee of the Whole House on the State of the Union.

Mr. POLIS: Committee on Rules. House Resolution 1752. Resolution waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules, and providing for consideration of motions to suspend the rules. (Rept. 111-674). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. RUSH:

H.R. 6496. A bill to require reports on the management of Arlington National Cemetery; to the Committee on Veterans' Affairs.

By Mr. BERMAN (for himself and Mr. LINCOLN DIAZ-BALART of Florida):

H.R. 6497. A bill to authorize the cancellation of removal and adjustment of status of certain alien students who are long-term United States residents and who entered the United States as children, and for other purposes; to the Committee on the Judiciary, and in addition to the Committees on Armed Services, Ways and Means, Education and Labor, and Homeland Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. MCCARTHY of New York:

H.R. 6498. A bill to amend the Child Abuse Prevention and Treatment Act to determine the extent to which reports of suspected or known instances of child abuse or neglect involving a potential combination of jurisdictions, such as intrastate, interstate, Federal-State, and State-Tribal, are screened out solely on the basis of the cross-jurisdictional complications, and for other purposes; to the Committee on Education and Labor.

By Mr. KLEIN of Florida (for himself,

Mr. KING of New York, Mr. BERMAN, Ms. ROS-LEHTINEN, Mr. ACKERMAN, Mr. BURTON of Indiana, Mr. WAXMAN, Mr. ISRAEL, Mrs. McMORRIS RODGERS, Mr. DEUTCH, Mr. ENGEL, Ms. WASSERMAN SCHULTZ, Mr. MARKEY of Massachusetts, Mr. MCCLINTOCK, Mr. HOLT, Mr. HODES, Mr. LAMBORN, Mr. CHAFFETZ, Mr. LEVIN, Mr. QUIGLEY, Mr. COHEN, Ms. RICHARDSON, Ms. BORDALLO, Ms. BERKLEY, Mr. SHULER, Mr. HASTINGS of Florida, Mr. GRAYSON, Mr. NADLER of New York, Mr. GEORGE MILLER of California, Mr. COSTA, Mr. MORAN of Kansas, Mr. LANCE, Ms. SCHWARTZ, Mr. PITTS, Mrs. BIGGERT, Mr. LINCOLN DIAZ-BALART of Florida, Mr. MCGOVERN, Mrs. CAPPS, Mr. AL GREEN of Texas, Mr. ROTHMAN of New Jersey, Mr. SMITH of New Jersey, Ms. DELAURO, Mrs. MALONEY, Mr. PETERS, Ms. FUDGE, and Ms. SCHAKOWSKY):

H. Res. 1751. A resolution mourning the loss of life and expressing condolences to the

families affected by the tragic forest fire in Israel that began on December 2, 2010; to the Committee on Foreign Affairs; considered and agreed to.

By Mr. DAVIS of Kentucky:

H. Res. 1753. A resolution commending North Pointe Elementary in Hebron, Kentucky, for its multidisciplinary study and selection of a National Invertebrate; to the Committee on Education and Labor.

By Mr. GARRETT of New Jersey (for

himself, Mr. FRANKS of Arizona, Mrs. McMORRIS RODGERS, Mr. BISHOP of Utah, Mr. LAMBORN, Mrs. BACHMANN, Mr. BURTON of Indiana, Mr. GOODLATTE, Mr. KING of Iowa, Mr. GOHMERT, Mr. NEUGEBAUER, Mrs. SCHMIDT, Mr. PRICE of Georgia, Mr. FLAKE, Mr. MCHENRY, Mr. WILSON of South Carolina, Mr. MANZULLO, Mr. BARTLETT, Mr. POSEY, Mr. OLSON, Mr. ROONEY, Mr. BARTON of Texas, Mr. ROE of Tennessee, Mr. GINGREY of Georgia, Mr. GRAVES of Georgia, Mr. COLE, Mr. AKIN, Mrs. BLACKBURN, Mr. SAM JOHNSON of Texas, Mr. LUETKEMEYER, Mr. REED, Mr. THOMPSON of Pennsylvania, Mr. PITTS, Mr. MCKEON, Ms. FOX, Mr. MACK, Mr. CONAWAY, Mr. CHAFFETZ, and Mr. BROUN of Georgia):

H. Res. 1754. A resolution amending the Rules of the House of Representatives to require the citation of the specific powers granted to Congress in the Constitution be included in introduced bills and joint resolutions as a basis for enacting the laws proposed by such bills and joint resolutions, including amendments and conference reports; to the Committee on Rules.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

403. The SPEAKER presented a memorial of the House of Representatives of the State of South Dakota, relative to House Bill 1135 rescinding all previous applications of the State of South Dakota for the calling of a federal constitutional convention to amend the Constitution of the United States; to the Committee on the Judiciary.

404. Also, a memorial of the House of Representatives of the State of Michigan, relative to House Resolution No. 296 memorializing the Congress and the President to pass and sign H.R. 5312; jointly to the Committees on Oversight and Government Reform, Ways and Means, and Transportation and Infrastructure.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. CONYERS introduced a bill (H.R. 6499) for the relief of Celina Hernandez; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 997: Mr. COFFMAN of Colorado.

H.R. 1326: Mr. DICKS.

H.R. 2103: Mr. SCHOCK.

H.R. 2412: Mr. BERMAN.

H.R. 4278: Ms. FUDGE, Mr. MCINTYRE, and Mr. SENSENBRENNER.

H.R. 4371: Mr. NYE and Mr. HOLT.
 H.R. 4594: Mr. MILLER of North Carolina.
 H.R. 4746: Mrs. McMORRIS RODGERS.
 H.R. 5319: Mr. FORBES.
 H.R. 5338: Mr. BROWN of South Carolina,
 Mr. BISHOP of Utah, Mr. MILLER of Florida,
 and Mr. CARTER.
 H.R. 5933: Ms. SUTTON, Mr. OWENS, and Mr.
 PIERLUISI.
 H.R. 5987: Ms. WASSERMAN SCHULTZ.
 H.R. 6017: Mr. MARKEY of Massachusetts.
 H.R. 6060: Mr. SHULER and Mr. FRANK of
 Massachusetts.
 H.R. 6153: Mr. CARNAHAN.
 H.R. 6249: Mr. TIERNEY and Mr. SNYDER.
 H.R. 6379: Mr. PAYNE.
 H.R. 6406: Mr. CHAFFETZ and Mr. GARRETT
 of New Jersey.
 H.R. 6415: Mr. GOHMERT, Mr. GARRETT of
 New Jersey, Mr. GOODLATTE, and Mr. HEN-
 SARLING.
 H.R. 6437: Ms. ROYBAL-ALLARD.
 H.R. 6440: Mr. FORBES.
 H.R. 6484: Mr. CHAFFETZ, Mrs. McMORRIS
 RODGERS, and Mrs. MYRICK.
 H.R. 6494: Mr. ANDREWS, Mr. ADLER of New
 Jersey, Mr. LOBIONDO, Mr. ROTHMAN of New
 Jersey, Mr. SMITH of New Jersey, Mr. KIND,
 and Ms. MOORE of Wisconsin.

H.J. Res. 97: Mr. ISSA.
 H. Con. Res. 267: Mr. BILIRAKIS.
 H. Con. Res. 291: Mr. OLVER, Mr. MAN-
 ZULLO, Mr. BILIRAKIS, and Mr. POE of Texas.
 H. Con. Res. 331: Ms. SCHWARTZ, Mr. ROTH-
 MAN of New Jersey, Mr. ISRAEL, Ms. SCHA-
 KOWSKY, and Mr. HOLT.
 H. Res. 1507: Mr. CAPUANO.
 H. Res. 1540: Mr. THOMPSON of California.
 H. Res. 1572: Mr. WU.
 H. Res. 1704: Mr. ANDREWS, Mr. ISRAEL, Ms.
 LORETTA SANCHEZ of California, Mr. ENGEL,
 Mr. POE of Texas, Mr. HINCHEY, Ms. GIF-
 FORDS, Mr. LANGEVIN, Mr. SMITH of New Jer-
 sey, and Mr. RYAN of Ohio.
 H. Res. 1705: Ms. DELAURO and Mr. SIRE.
 H. Res. 1717: Ms. ROS-LEHTINEN, Mr. HOLT,
 Mr. MORAN of Virginia, Mr. CAPUANO, Mr.
 LEVIN, Mr. LIPINSKI, Mr. SHULER, and Mr.
 BURTON of Indiana.
 H. Res. 1722: Mr. MORAN of Virginia, Mr.
 VAN HOLLEN, and Mr. HONDA.
 H. Res. 1725: Ms. SCHAKOWSKY, Ms. CHU,
 Mrs. MILLER of Michigan, Mr. CARNAHAN, Mr.
 MCINTYRE, Mr. INGLIS, Mr. ROHRBACHER,
 and Mr. BOOZMAN.
 H. Res. 1727: Mr. SHERMAN, Mr. CAMP, and
 Mr. YOUNG of Florida.
 H. Res. 1734: Mr. LAMBORN, Mr. ENGEL, Mr.
 KLINE of Minnesota, Mr. RADANOVICH, Mr.

LINDER, Mr. HERGER, Mrs. McMORRIS ROD-
 GERS, Mr. PETERS, and Mr. ROSKAM.

H. Res. 1743: Ms. SCHWARTZ, Mr. MARKEY of
 Massachusetts, Ms. MOORE of Wisconsin, Ms.
 WASSERMAN SCHULTZ, Mr. GRIJALVA, Mr.
 DOGGETT, and Mr. BERMAN.

PETITIONS, ETC.

Under clause 3 of rule XII, petitions
 and papers were laid on the clerk's
 desk and referred as follows:

176. The SPEAKER presented a petition of
 the American Bar Association, relative to
 Recommendation 111 urging state, terri-
 torial, and tribal governments to eliminate
 all of their legal barriers to civil marriage
 between two persons of the same sex; to the
 Committee on the Judiciary.

177. Also, a petition of the American Bar
 Association, relative to Recommendation
 100C urging federal, state, territorial, tribal
 and local governments to provide funding to
 state and federal public defender offices and
 legal aid programs; to the Committee on the
 Judiciary.

EXTENSIONS OF REMARKS

IN HONOR OF COLONEL JOAL WOLF AND HIS SERVICE TO THE UNITED STATES OF AMERICA

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2010

Mr. ANDREWS. Madam Speaker, I rise today to honor the extraordinary contributions of Colonel Joal E. Wolf. On behalf of New Jersey's First Congressional District and the entire nation, I would like to thank Colonel Wolf for his service and dedication.

Colonel Wolf was commissioned in the Active Component Army as a Field Artillery Officer through ROTC scholarship at Pennsylvania State University. He graduated with a Bachelors of Science degree in finance and has a Masters in Business Administration. After graduation, his initial military assignment was with the 6th Battalion, 14th Field Artillery, 1st Armored Division, Germany as Battery Fire Direction Officer, Battery Executive Officer, Battalion S2, and Assistant Battalion S3.

Upon release from active duty in 1988, Colonel Wolf entered the U.S. Army Reserves and served as Battery Commander, Battalion S1, and Battalion S4 in the 4th Battalion, 92nd Field Artillery Regiment in Erie, Pennsylvania.

In 1993, Colonel Wolf was recruited by the 308th Military Intelligence, MI, Detachment based in Erie, Pennsylvania, where he supported the Africa Branch and Executive Support Office at the Defense Intelligence Agency, DIA. While assigned, Colonel Wolf served as S3, Executive Officer, and Commander. During his command, the unit was credited for creating the Iraqi "55 Most-Wanted" deck of cards at the beginning of Operation Iraqi Freedom in 2003. In 2008, Colonel Wolf assumed duties as the Commander of the 3300th Strategic Intelligence Group in support of the Defense Counterintelligence & HUMINT Center and the National Media Exploitation Center at the Defense Intelligence Agency.

Colonel Wolf participates in several civic and business organizations, and is the former President of the French Creek Valley Chapter of the Military Officers Association of America. He currently resides in Conneaut Lake, Pennsylvania and is President and Proprietor of Conneaut Cellars Winery, Inc., a state of the art winery that produces 20,000 gallons of national award-winning wine.

Madam Speaker, Colonel Joal E. Wolf's commitment to the United States must be recognized. I wish him the best in his future endeavors and thank him for his continued service and dedication to our country.

HONORING DR. ANTHONY DI STEFANO, THE 2010 RECIPIENT OF THE DISTINGUISHED SERVICE AWARD FROM THE VISION CARE SECTION OF THE AMERICAN PUBLIC HEALTH ASSOCIATION

HON. JOE SESTAK

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2010

Mr. SESTAK. Madam Speaker, I rise today to congratulate Dr. Anthony Di Stefano, the 2010 recipient of the Distinguished Service Award from the Vision Care Section of the American Public Health Association. Dr. Di Stefano has dedicated his life to educating others, as is evident by his impressive academic resume and his professorship at Salus University in Elkins Park, Pennsylvania. Dr. Di Stefano recognized a need for vision care in rural and urban areas and addressed it by serving on the Helen Keller Worldwide Medical Advisory Board. Helen Keller once said, "Alone we can do so little; together we can do so much." Dr. Di Stefano heeds Ms. Keller's advice and spends countless hours working for children not only in the United States, but all across the world though his participation in the development of international optometric educational programs. Now, because of Dr. Di Stefano, countless children have access to the vision care denied to them for so long.

Madam Speaker, I ask that we recognize and show our strong appreciation for Dr. Di Stefano and Salus University and his remarkable leadership and commitment to public health.

REPRIMANDING REP. CHARLES RANGEL OF NEW YORK

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2010

Mr. WAXMAN. Madam Speaker, I rise in support of Rep. BUTTERFIELD's motion for a resolution to reprimand Rep. CHARLES RANGEL of New York.

I do not have any doubt about the thoroughness of the review or the accuracy of the findings of the Committee on Standards of Official Conduct, nor do I doubt that Mr. RANGEL violated the rules of the House of Representatives.

I disagree, however, with the Committee's judgment that the weight of evidence in this case and the "cumulative nature of the violations" cited in the Committee's report warrant censure of Mr. RANGEL.

Precedent does not support the punishment of censure—specifically, as cited in the Committee report, because Mr. RANGEL's actions

did not result in "any direct personal financial gain."

There have been lesser punishments for much more serious transgressions. When the Committee found a Speaker of the House, former Rep. Newt Gingrich, to have engaged in "activity involving 501(c)(3) organizations that was substantially motivated by partisan, political goals," and that Mr. Gingrich's provision of "material information . . . was inaccurate, incomplete, and unreliable," the Committee did not vote for a resolution of censure, but of reprimand. Mr. Gingrich was still Speaker in 1997 when the House approved a reprimand, and he continued serving as Speaker after he was punished. Mr. RANGEL was removed earlier this year as Chairman of the Ways and Means Committee well before the Committee sent its report to the House.

There are many other precedents in which the House has issued letters of reproof—a punishment less serious than reprimand—for activities that can be viewed at least as serious as those engaged in by Mr. RANGEL, including sexual transgressions, impermissible campaign solicitations, misappropriation of campaign funds, and acceptance of personal gifts, among many others.

Madam Speaker, I do not condone what Mr. RANGEL did, but I believe that justice requires punishment proportionate to the offenses that have been proved. By the standards and precedents of the House, and particularly taking into account that there was no personal financial gain involved, I believe a punishment of censure as proposed by the Ethics Committee is excessive.

I will therefore support, in furtherance of upholding the rules and standards of the House of Representatives, a reprimand of Mr. RANGEL.

RECOGNIZING THE SEATTLE SOUNDERS FOOTBALL CLUB FOR THEIR VICTORY IN THE 2010 U.S. OPEN CUP

HON. ADAM SMITH

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2010

Mr. SMITH of Washington. Madam Speaker, I rise today to recognize the Seattle Sounders Football Club for their successful season and their back-to-back U.S. Open Cup Championships.

The Seattle Sounders joined Major League Soccer as an expansion team and played their inaugural match on March 19, 2009. The Sounders have since been a successful team having sold out every league match and set Major League Soccer records for average attendance, leading the league in ticket sales. The Seattle Sounders have also made the record books by winning the Lamar Hunt U.S.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Open Cup for a second consecutive time, being the first Major League Soccer team and the first team in 27 years to repeat as champions. The Seattle Sounders finished the regular 2010 season with 14 wins and has lost fewer matches in their first two seasons than any club in the league's 15-year existence. A record crowd of 31,311 filled Qwest Field to witness the Seattle Sounders 2-1 victory over the Columbus Crew to win the 2010 Open Cup for the second consecutive time on October 5, 2010.

The Sounders have won the hearts of the Greater Seattle Community through their dedication and passion for the game. The players have been great role models for our community. In their ongoing commitment to the community and fans, minority owner Drew Carey established The Alliance, which is the Seattle Sounders Football Club Members Association. The Alliance is the only United States professional sports members association that allows its fans to vote on the direction and decisions of the team. The Alliance establishes true Democracy in sports.

The Seattle Sounders Football Club earned their championship through hard work, commitment, and support. Coach Sigi Schmid, who now leads Major League Soccer in career victories, leads the team of 28. Team members include Osvaldo Alonso, Terry Boss, David Estrada, Brad Evans, Alvaro Fernandez, Michael Fucito, Leo Gonzalez, Taylor Graham, Alex Horwath, Jhon Kennedy Hurtado, Patrick Ianni, Nate Jaqua, Kasey Keller, Roger Levesque, Tyrone Marshall, Miguel Montano, Fredy Montero, Blaise Nkufo, Pat Noonan, Sanna Nyassi, Jeff Parke, James Riley, Zach Scott, Mike Seamon, Peter Vagenas, Tyson Wahl, O'Brian White, and Steve Zakuani.

Madam Speaker, I ask that my colleagues to join me in congratulating the Seattle Sounders Football Club for their successful season and their second consecutive U.S. Open Cup Championship.

CONGRATULATING MAURICE J. McDONOUGH HIGH SCHOOL RAMS ON THEIR VICTORY IN THE MARYLAND 2A FOOTBALL STATE CHAMPIONSHIP

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2010

Mr. HOYER. Madam Speaker, I rise to congratulate the Maurice J. McDonough High School Rams from Charles County on their victory in the Maryland 2A football State championship. In the December 4 championship game, the Rams defeated Middletown High School by a score of 21-14 at M&T Bank Stadium in Baltimore.

Congratulations are especially due to coach Luke Ethington, who led an outstanding group of athletes to their first championship since 1990, to the players, and to all of the fans. This championship is the product of exceptional athletes and coaches, untold hours of hard work, and the passionate support of the community. I'm very proud of this team, and I congratulate all those involved in bringing home the championship title.

IN RECOGNITION OF PATHWAYS PA FOR 32 YEARS OF SERVICE IN THE GREATER PHILADELPHIA AREA

HON. JOE SESTAK

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2010

Mr. SESTAK. Madam Speaker, I rise to honor Pathways PA which this year celebrates 32 years of service to low-income women, children and families in the Greater Philadelphia area by helping them achieve economic independence and well-being. In these times of extraordinary economic hardship, this organization had stood tall to better equip disadvantaged families with the skills and tools needed to succeed in the workplace and create a safe and secure home.

This dedicated group also offers job skills program wherein participants receive career counseling, computer and job training, and job placement services. For those transitioning from temporary assistance programs to the workforce, Pathways PA's EARN Center offers free services and incentives to prospective employers and employees. In addition to offering General Adult Education and Adult GED classes, Pathways PA is also a founding member of Families That Work, an organization that offers adult literacy classes.

In addition to offering support and services, Pathways PA also publishes reports on issues important to Pennsylvanians such as Self-Sufficiency Standard for Pennsylvania, Ready to Compete? Pennsylvania's Community Colleges, and Elder Economic Security Initiative for Pennsylvania. These reports help raise awareness about issues that are imperative to the well-being and success of working families throughout the Greater Philadelphia region.

This superbly led organization provides invaluable services to more than 6,000 displaced and disadvantaged families in Southeastern Pennsylvania every year. They provide a prescription drug discount program, which offers discounts of up to 85%, to help people who don't have prescription drug coverage or who take prescription drugs not covered by their insurer.

The work that Pathways PA has dedicated 32 years to is absolutely vital and ensures that all Pennsylvanians have the opportunity to become self-sufficient. I speak for all residents of the Seventh Congressional District of Pennsylvania in thanking Carol Goertzel, President and CEO, and the remarkable staff of Pathways PA for their unyielding and compassionate dedication to helping working families in Southeastern Pennsylvania.

IN HONOR OF REB MONACO

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2010

Mr. FARR. Madam Speaker, I rise today to honor Reb Monaco, a model public servant on the occasion of his retirement from the San Benito County Board of Supervisors. I have

had great pleasure in working with Reb. I am proud to honor my friend and thank him for his service.

Reb is a second generation Californian. He grew up in Santa Clara County. He graduated from Santa Clara High School and went on to pursue an undergraduate degree from San Jose State University. He also holds a Masters Degree from the University of California Santa Cruz.

In 1968, Reb decided to settle in San Benito County and began his career in public education. He taught grades 6th, 7th, and 8th to special education students in the Hollister School District for 32 years. He also served as adjunct faculty at Gavilan Community College for 14 years teaching health education to college students.

While Reb retired from teaching he still had no desire to stop working. Instead he ventured into a new career in politics. He ran for County Supervisor and was successfully elected to the San Benito County Board, District 4 on November 5, 2002. Reb was subsequently re-elected to serve a second term in 2006. During his tenure he served as Chairman of the Board in 2005 and 2010. He has also served on various committees during the past 8 years including, County Supervisors Associations of California, Local Agency Formation Commission, Monterey Bay Unified Air Pollution Control District and the Veteran's Park Commission. He also served on the Hollister Hills Advisory Committee, National Association of Counties and the following sub-committees: New County Courthouse Project Advisory Group, Courthouse Security Project, In Home Support Services Negotiations, Budget, General Plan Element-Economic Development, Southside Building Use, Juvenile Justice Commission, and the Redevelopment Agency Revolving Loan Fund Board, to name a few.

It has been a pleasure working with Reb on legislation to elevate the Pinnacles National Monument into a full fledged national park. Reb has been the Godfather behind the proposal and every time I see him he reminds me of the work that must be done. Reb has personal connections to the lands in the Pinnacles area and understands the economic development that the park will bring to the region. I admire his tenacity and persistence to continue to push for a Pinnacles National Park.

Reb was a founding member of the California Blacksmith Association, which is composed of diverse group of men and women who have a common interest in working on hot iron metal. The group is dedicated to keeping the art and tradition of blacksmithing alive. Reb is also a 32 Mason one of the highest honors for this national an international freemasonry organization. Reb has many other hobbies and I hope he uses this time to indulge in those things that he likes the most. I know that his wife Jill, two children and grandson are all looking forward to spending more family time together.

Madam Speaker, on behalf of the House of Representatives, I would like to extend our nation's deepest gratitude to Reb Monaco for all of his years of service. He is retiring from the board but I know that he will continue to be involved in the community in other capacities.

A TRIBUTE TO DEREK PHILLIPS

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2010

Mr. TOWNS. Madam Speaker, I rise today in recognition of Derek Phillips.

Derek Phillips received his Master's Degree in African American Studies from the State University at Albany, NY and later received another Master's Degree in School Building Leadership from Mercy College. He completed his undergraduate studies at the State University at New Paltz.

An Educator by profession, Derek taught History at Park West High School for one year. He went on to teach Math and History for eight years at the New York City Public School Repertory Company, a school for "under-credited" high school students. While at PSRC, he also served as the college advisor. Derek taught at the Eight Plus Learning Academy for region ten at Wadleigh High School in Harlem, NY for four years. The Eight Plus Program was a school for "at-risk" eighth graders who failed to fulfill the necessary requirements for promotion to high school. While at Eight Plus, he served as Math teacher, Dean and Site Coordinator. He also taught Social Studies and Global History at the Choir Academy in Harlem. Currently, he is an Assistant Principal at Queens Academy High School, a school for under-credited and over-aged young people.

In addition to being an educational leader, Derek is the Founder and Executive Director of the Real Dads Network—an organization that is committed to educating, supporting and empowering Black fathers. The Real Dads Network received national recognition in Ebony magazine, June 2010 as one of the top ten resources for dads. Additionally, Derek serves as a spokesperson for fatherhood in several ways: by appearing as a guest on radio such as 98.7 Kiss FM's Open Line and Al Sharpton's Hour of Power, as a guest on the BET Special, Black Men the Truth, and as a panelist at the Congressional Black Caucus Foundation's Annual Legislative Conference on Fatherhood. Derek was also featured in the New York Daily News' "Spotlight on Great People," and created the Daddy Daughter Valentine's Dance, which has been adopted in other major cities. He contributed to the best-selling book *I Got Your Back: A Father and Son Keep It Real About Love, Fatherhood, Family and Friendship*, by Eddie Levert Sr. and Gerald Levert with Lyah Beth leFlore and co-directed and produced the award-winning documentary "Black Men on Fatherhood" with commentary by the late Ossie Davis.

Derek is an active member of Alpha Phi Alpha Fraternity Inc. and through his works, words and actions, he is committed to educating, uplifting, and empowering our youth. His motto is "if everyone does a part, then no one is left doing the whole thing." He resides in Peekskill, NY with Maria, his loving wife, and Jordyn and Maya, his two beautiful daughters.

Madam Speaker, I urge my colleagues to join me in recognizing the achievements of Derek Phillips.

RECOGNIZING FARRELLI'S WOOD
FIRE PIZZA FOR WINNING THE
NATIONAL RESTAURANT ASSO-
CIATION'S 2010 RESTAURANT
NEIGHBOR AWARD

HON. ADAM SMITH

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2010

Mr. SMITH of Washington. Madam Speaker, I rise today to recognize Farrelli's Wood Fire Pizza in Tacoma, Washington, for receiving the National Restaurant Association's 2010 Restaurant Neighbor Award.

The National Restaurant Association is a nonprofit organization that represents thousands of restaurants across the nation. The Restaurant Neighbor Award was created through a collaboration with the National Restaurant Association and American Express to celebrate the philanthropic spirit of the restaurant industry, to raise awareness about the restaurant industry's contributions to local communities across the country, and to inspire other restaurant operators and owners to make even greater contributions to their communities.

Established in 1995, Farrelli's has grown to five Washington State pizzerias and the Irish-Inspired McNamara's Pub & Eatery. Located near Joint Base Lewis-McChord, Farrelli's has become a staple among soldiers and their families. Farrelli's Wood Fire Pizza gives back to our troops by sending signs, uniforms, and other Farrelli's memorabilia to soldiers stationed in Iraq, allowing them to transform their overseas break area into a satellite Farrelli's of their own. The restaurant also offers their Washington-based soldiers weekly discounts, farewell events, and welcome back parties.

Farrelli's customers also have a hand in community involvement by voting on which cause the restaurant should take up next. Recently, Farrelli's created a campaign to fight diabetes by joining the Dining for Diabetes fundraiser for the Juvenile Diabetes Research Foundation and incorporated a wholegrain pizza to their menu named after Elliott, a regular customer who was recently diagnosed with Type 1 diabetes and who was in search of a healthier dining option. The restaurant has also raised more than \$150,000 for organizations such as the Muscular Dystrophy Association, Susan G. Komen Foundation, and the local Boys and Girls Club.

The National Restaurant Association recognized Farrelli's Wood Fire Pizza in Tacoma with the 2010 Restaurant Neighbor Award in the mid-size business category. Farrelli's owner Jacque Farrell was flown to Washington, DC, to receive the award and a \$5,000 donation during a National Restaurant Association ceremony held in September 2010.

Madam Speaker, I ask that my colleagues join me in recognizing Farrelli's Wood Fire Pizza for receiving the 2010 Restaurant Neighbor Award.

HONORING THE ACHIEVEMENTS OF
LOU XIONG

HON. JIM COSTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2010

Mr. COSTA. Madam Speaker, I rise today to recognize the achievement of Lou Xiong on the occasion of receiving the 2010 Milken Educator Award from the Milken Family Foundation. The Milken Family Foundation's Milken Educator Award seeks to celebrate, elevate, and activate exemplary K-12 educators and has been hailed as the "Oscars of Teaching." Ms. Xiong was one of 55 educators across our Nation, and one of only three in the State of California, to be honored this year.

Lou was born in Laos as the fifth of 12 children to Chong Sue Xiong and Khou Moua. In 1980, Lou and her family immigrated to the United States from Laos in search of a better life. After attending high school in the Fresno area, Lou enrolled at California State University, Fresno, and graduated in 1999 with a Bachelors of Arts degree in Liberal Studies. Upon graduation, Lou joined the staff at Balderas Elementary School in Fresno, California, to follow her dream of becoming a teacher.

Over the last 11 years at Balderas Elementary School, Ms. Xiong has taught a variety of subjects to students in the fourth, fifth and sixth grades and contributed immensely to both her students and the school. In addition to her teaching duties, Lou has volunteered her time in school site responsibilities serving as Grade Level Chair, participating in the Leadership Team, serving on the School Site Building Committee and acting as Coordinator of the Hmong New Year Celebration. Outside of the classroom, Lou has served as a Math Coach for the Fresno Unified School District, helping fellow teachers and assisting in creating a pacing guideline program which is now used throughout the district.

Lou has also been actively involved in Fresno Unified School District's Superintendent's English Learner Task Force to ensure that language barriers do not keep students from succeeding in school. Lou's life story serves as a positive example for her students, demonstrating that despite the obstacles she has had to overcome as an immigrant, anything is possible with hard work and determination. The community of Fresno is very fortunate to have such a dedicated individual who continues to inspire students to believe they can achieve anything.

Lou is married to her husband Shue Vue, a civil engineer for the State of California Department of Transportation. Lou and Shue Vue have three children together and hope that the success they have achieved in their chosen professions provides inspiration for their children to achieve their own personal success in life and give back to their communities.

Madam Speaker, I ask my colleagues to join me in honoring the achievement of Lou Xiong in the field of education as she is recognized as one of a select few top educators in our country by the Milken Family Foundation.

HONORING OPERATION IRAQI
FREEDOM SCOUT SNIPER AND
SOUTH EL MONTE NATIVE USMC
SGT. ERIC B. SANDOVAL

HON. JUDY CHU

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2010

Ms. CHU. Madam Speaker, I rise today to recognize a great loss to our community, United States Marine Corps Sgt. Eric B. Sandoval, who passed away on Nov. 12, 2010, at the young age of 30. My heart goes out to his wife, Sandy; his stepson, Isaiah Salcedo; his parents, Roberto and Gloria; his brothers and sisters, Robert, Danny, Gabby, Alejandra, Jonathan and Steven; and the rest of his family and friends.

Born in Los Angeles, Eric spent nearly all of his life in South El Monte and later Covina, attending Dean L. Shively Middle School and later South El Monte and Pomona high schools. A patriot who loved his country, he enlisted in the United States Marine Corps right out of high school at just 17 years of age, and spent the next 8 years as a scout sniper, serving in our nation's conflict in Iraq as part of Operation Iraqi Freedom.

Within days of his arrival in Iraq, Eric's platoon came under attack. The attack was so brutal that Eric was the only one of his group to survive, and had to undergo extensive surgery to repair his damaged eye and ear.

Sergeant Sandoval received numerous awards and commendations for his bravery in the face of terrible odds, including the Navy & Marine Achievement Medal; Global War on Terrorism Expeditionary Medal; Afghanistan Campaign Medal; Global War on Terrorism Service Medal; Humanitarian Service Medal; Sea Service Deployment Award; Armed Forces Expeditionary Medal; Navy Meritorious Unit Commendation; and Good Conduct Medal, among others.

After recovering from his injuries, Sergeant Sandoval's undying patriotism led him to return to Iraq, this time as a contractor for the government, helping to support his former comrades at arms until the time of his passing. And despite the hardships and difficulties presented by his war injuries, Eric still managed to attend college and graduate with a bachelor's degree in accounting and a master of arts degree in business administration, with honors.

Eric B. Sandoval's generosity and kindness are an inspiration to his family and our entire community, and he lived his life with integrity and bravery. Our nation owes him a debt of gratitude that cannot be repaid. So I urge all my House colleagues to join me in honoring our community hero, Sgt. Eric B. Sandoval, for his remarkable service and contributions to our country.

A TRIBUTE TO DONNA R.
DICKERSON

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2010

Mr. TOWNS. Madam Speaker, I rise today in recognition of Ms. Donna R. Dickerson.

Ms. Dickerson is the Education Director for the Genesis Academy, where she has worked since 1997. The Genesis Academy is one of the leading after-school programs in the Brownsville community of Brooklyn, New York. The institution's goal is to academically, socially and culturally enrich the community's youth. Over the years, Ms. Dickerson has emerged as a leader in youth development, implementing programs for children in the Genesis Academy and the community at large.

At the age of sixteen, Ms. Dickerson took an opportunity to work at a daycare center. Facing her own childhood adversity, at this job she realized her destiny: to work with children. The joy of the classroom inspired Ms. Dickerson to work at this daycare center for longer than she had initially intended.

In 1991, a fire devastated Ms. Dickerson and her family. Within a three month span, they were living in a shelter and dealing with the death of six family members. The situation became more than Ms. Dickerson could handle and she had no idea where to turn next; adapting to this new way of life taught Ms. Dickerson how to survive.

In the heart of East New York, there is a place called Genesis Homes. Here, new beginnings are possible, all you have to do is believe and go get it. A program was offered, called T.E.P.P., where a participant would get paid to work. Ms. Dickerson was offered a position as a recreation aide and accepted it. She worked with every age group over the years, leaving a positive mark on all the children she interacted with. During this time, Ms. Dickerson realized that she was a role model and needed to always act as such. She was no longer responsible for just her own children, but for thousands of children who, at times, appeared to depend on her more than their own family.

Ms. Dickerson is grateful for several important people in her life. Her parents, for teaching her and her siblings to love one another, respect all and treat people like they would want to be treated. Her sisters, for always being there, no matter the time of day she called on them. Most importantly, Ms. Dickerson is grateful for her children: Brandon, Corey and Charisma.

Madam Speaker, I urge my colleagues to join me in recognizing the achievements of Ms. Donna R. Dickerson.

CONGRATULATING FRENCHTOWN HISTORIC FOUNDATION

HON. CATHY McMORRIS RODGERS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2010

Mrs. McMORRIS RODGERS. Madam Speaker, I rise today to congratulate and com-

mend the Frenchtown Historic foundation for their steadfast commitment to completing the Frenchtown Historic Site designation.

Just West of the Whitman Mission National Historic Site and among the rolling hills of wheat outside of Walla Walla, the 27 acre site set to open on December 11, 2010 will preserve an important part of our Northwest History. The Frenchtown Historic Site commemorates an area with rich historical heritage dating back to the famous expedition of Lewis and Clark in the early 1800s.

Frenchtown was originally established by French-Canadians associated with the Hudson's Bay Company trading post at Fort Nez Percé along the Columbia River. My family first settled on a plot of land near Walla Walla and the Frenchtown Historic Site in 1853, shortly before the Yakima War broke out tearing the farmers, natives, loggers, and pioneers apart and away from their homes. This designation coincides with the 155th Anniversary of the Battle of Walla Walla—the longest sustained battle in Northwest history. Twenty three years later, in 1876, the St. Rose of Lima Mission Church and cemetery were established that still exist to this day.

The Frenchtown Historical Site designation culminates over five years of cooperative coordinated efforts by numerous local, state, and federal parties all orchestrated by the Frenchtown Historic Foundation, with special efforts made by Daniel Clark, Sam Pambrun, and Karen Bergevin Zohner.

Madam Speaker, I urge all of my colleagues to join me in congratulating the Frenchtown Historic Foundation for its job well done.

RECOGNIZING COUNCILMAN JOHN PAUL LEDESMA FOR HIS SERVICE TO THE CITY OF MISSION VIEJO

HON. DARRELL E. ISSA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2010

Mr. ISSA. Madam Speaker, I rise to recognize the exemplary service of Mission Viejo City Councilman John Paul Ledesma, who has faithfully kept the public trust since he joined the Mission Viejo Council in 1998.

During his 12 year tenure, John Paul distinguished himself as a proponent of fiscal restraint and responsible public budgeting, a fierce advocate for personal property rights and a vocal opponent of excessive taxation.

His efforts on behalf of the people of Mission Viejo have contributed significantly to the public safety and their quality of life. John Paul spearheaded the effort to make Mission Viejo the first city in Orange County to adopt an ordinance requiring its employees and contractors to participate in the federal E-verify system to insure that documents presented to establish employment eligibility are valid.

He fought to protect the rights of citizens to religious expression and to protect children using computers in the City library from the dangers of the Internet. As Mission Viejo's representative on the Orange County Vector Control District he worked cooperatively with representatives of surrounding communities to protect public health.

John Paul also served terms as Mayor in 2003 and Mayor Pro Tem in 2007. City ordinance limits council service to 12 years, and John Paul completes that term having maintained the trust of its citizens and leaving the community better off for his service.

It is with gratitude and appreciation for work well done, that we commend John Paul Ledesma for his public service and wish him well in future endeavors.

A TRIBUTE TO DR. SALLYE GRANBERRY

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2010

Mr. TOWNS. Madam Speaker, I rise today in recognition of Dr. Sallye Granberry.

Dr. Sallye Cranberry was born in 1958, the first child of Yvonne Walker, a single high school graduate from Nashville, Tennessee. She was raised in Harlem one block north of the Apollo Theater, and attended the Harriet Tubman School, a public elementary school on 127th Street. She was awarded a scholarship from the organization A Better Chance, to attend Walden, a private school on the upper west side. This school ignited a passion in Sallye for the sciences, and encouraged her to tutor fellow classmates in the anatomy lab. She graduated from Walden in 1976 and won a scholarship to attend Northwestern University in Evanston, Illinois. She entered Northwestern as a biology major ready to pursue teaching, but graduated in 1980 as a pre-med student, after volunteering at Planned Parenthood and realizing her deep interest in women's health. She attended Medical School at SUNY Upstate Medical Center in Syracuse, NY, and graduated in 1984 to pursue a Radiology residency in Brooklyn, New York, at Maimonides Medical Center. She was Chief Resident at Maimonides in 1989, and completed a Body Imaging fellowship at St. Luke's Roosevelt Hospital in New York City in 1990. She achieved Board Certification in Diagnostic Radiology in 1990. She has worked at several hospitals here in Brooklyn, but has remained in the public hospital system at Woodhull Medical Center for almost 10 years. As a Diagnostic Radiologist, Sallye has pursued her interest in women's health through the subspecialties of Mammography and Ultrasound.

Dr. Granberry's dedication to community service started early in her life when she joined the Junior Elks Club in Harlem. She volunteered at Planned Parenthood while in high school and in college. There she learned that there was an urgent need to provide medical care to women, especially pregnant teens and women of color. While attending Northwestern she joined the sisterhood of Delta Sigma Theta Sorority, a community service organization. She was one of the founding members of One Step Before, a minority student organization composed of premedical students. During her medical school training she was a member of UMPA, Upstate Medical and Paramedical Association; this minority student organization was a precursor of the SNMA, Student National Medical Association Chapter in Syracuse, NY.

Currently Sallye is Vice President of the Medical and Dental Staff at Woodhull Medical Center, where she has held office since 2005. She is section chief of Mammography and Ultrasound at Woodhull, a position that gives her an opportunity to provide excellent care to women of all ages, regardless of their ability to pay. She educates her patients to promote self-awareness and preventive care.

Dr. Granberry resides in Canarsie, Brooklyn with her husband Michael LaMont and their two teenage sons, Akil and Jawan. She is a member of the Radiologic Society of North America, the American Institute of Ultrasound in Medicine and the New York Breast Imaging Society. She attends church regularly at Church of the Rock in Canarsie and is a member of the Schomburg Society in Harlem. She enjoys traveling with her family, and attending educational seminars.

Madam Speaker, I urge my colleagues to join me in recognizing the achievements of Dr. Sallye Granberry.

HONORING MARK COVALL

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2010

Mr. STARK. Madam Speaker, I join with my colleague and friend DAVE CAMP (R-MI) to recognize Mr. Mark Covall, president and CEO of the National Association of Psychiatric Health Systems, NAPHS, who marks 25 years of service with the association this year.

NAPHS advocates for behavioral health and represents provider systems that own or manage more than 600 psychiatric hospitals, general hospital psychiatric and addiction treatment units and behavioral healthcare divisions, residential treatment facilities, youth services organizations, and extensive outpatient networks.

Over the course of the past quarter century, Mr. Covall has worked with diligence and integrity to bring the expertise of the association's member organizations to bear on policy development in support of the needs of Americans of all ages who experience serious mental and addictive conditions. The longevity—of both the association (founded in 1933) and the tenure of Mr. Covall—are rare in a field that has seen dramatic changes over the past decades.

Mr. Covall has overseen and influenced these changes. He has initiated and helped lead effective model coalitions bringing together the public and private sectors with consumers and families in support of landmark legislation, including the Paul Wellstone Mental Health and Addiction Equity Act. His collaborative leadership has also moved forward the development and implementation of the first publicly reported core measures for inpatient psychiatric services, now embedded in hospital accreditation.

We would like to take this opportunity to thank Mark Covall for his leadership, dedication, and advocacy through the National Association of Psychiatric Health Systems on behalf of the individuals and families throughout our Nation who are dealing with serious mental and addictive disorders.

IN HONOR OF DONALD W. HODGES FOR 50 SUCCESSFUL YEARS AS AN INVESTMENT BROKER AND SMALL BUSINESSMAN

HON. KENNY MARCHANT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2010

Mr. MARCHANT. Madam Speaker, I rise today to honor Donald W. Hodges, the co-founder of First Dallas Securities and Hodges Capital Management and the co-manager of Hodges Fund and Hodges Small Cap Fund. For 50 years Don has brought financial success to investors. Along with his three children—all of whom hold positions within his company—and 36 area employees, Don has made his business the gold standard of the investment industry.

Many people work until retirement age and begin to settle down. Don has only grown his business since he reached retirement age over 10 years ago, by adding Hodges Small Cap Fund in 2007 and Blue Chip; Equity Income; and Pure Contrarian funds last year. He is the epitome of the small business men and women who make up 80 percent of our nation's job creators.

Don began working with Merrill Lynch in 1960, and in 1974 joined Rauscher Pierce Refsnes, now Dain Rauscher. In 9 years he became President of Rauscher, and in 1981 was named one of the top 20 brokers by Registered Rep magazine. Six years ago he was profiled by CNN Money, where he was noted for both his outstanding business practices and the financial success he has enjoyed.

Don has worked hard to improve his community even beyond his businesses. One of his more prominent positions is on the Foundation Board of Directors for West Texas A&M University, where he encourages students to attend WTAMU because of the values the institution professes.

Small businesses are a critical component to our economy, and Don has done more than most to increase the size of the pie for all who have been associated with him for his five decades in the investment business. It is for this reason I ask all of my colleagues to join me in honoring Donald W. Hodges on this day.

NATIONAL MEDIA SHOW BIAS ON TAXES

HON. LAMAR SMITH

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2010

Mr. SMITH of Texas. Madam Speaker, the national media have framed the tax debate from a liberal perspective.

For example, the media frequently say Republicans favor extending tax "cuts," which implies lowering tax rates from their current level.

In fact, Republicans support extending the existing tax rates to avoid a \$3.9 trillion tax increase on every taxpaying American.

Furthermore, the media often say that Republicans support tax cuts for the rich. However, they rarely mention that the country's top

earners already pay a disproportionately large share of the nation's taxes.

In fact, the top 1 percent of earners pay a larger share of the income tax burden than the bottom 95 percent of earners combined. And many of the top 1 percent are small business owners who create jobs and stimulate the economy.

The national media should give Americans the facts on taxes, not tell them what to think.

A TRIBUTE TO MS. FRANKIE COOPER

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2010

Mr. TOWNS. Madam Speaker, I rise today in recognition of Ms. Frankie Cooper.

Ms. Cooper was born on October 10, 1992, in Brooklyn, New York. She is the daughter of two proud parents, Mary and Steven Cooper; the granddaughter of Bertha and Charlie Johnson; and holds the loving support of her mother's fiancé, and future stepfather, Wilbert Tee Lawton.

Ms. Cooper is a very dedicated student that excels at everything she puts her mind to. Ms. Cooper attended various private schools during her academic career in Brooklyn: Emanuel Baptist Church Christian School, Saukoka Academy, Saint Paul's Community Christian School and Bishop Loughlin Memorial High School. Ms. Cooper always strived toward academic excellence. Among her many accomplishments, Ms. Cooper maintained her honor roll status throughout high school and successfully graduated with an Advanced Regents Diploma. Ms. Cooper was also inducted into the National Society of High School Scholars.

Beyond Ms. Cooper's dedication to academics, she has a clear commitment to philanthropy. Throughout high school, she volunteered at food banks, nursing homes and hospitals. In total, she donated over 100 hours of her personal time for the benefit of others. Involvement in community service enabled Ms. Cooper to realize her leadership potential; she later became Vice President of her school's Leadership Council and a member of her school's student government. She single-handedly managed an annual school fundraiser for her high school's sister school, St. Mary's, in Kenya. At graduation, Ms. Cooper was surprised with an honor bestowed to only two seniors every year: a place on Bishop Loughlin Memorial High School's Wall of Who's Who, an honor also bestowed upon the Hon. Rudolph W. Giuliani, former Mayor of New York City.

Ms. Cooper has dreamed of becoming a doctor since she was two years old. In 2007, she was accepted into the Arthur Ashe Program at Downstate Medical School in Brooklyn, New York. This highly competitive program was designed to provide opportunity for inner-city students who exemplify outstanding academic success and show an interest in the medical field. From a pool of 5,000 applicants, Ms. Cooper was one of only twenty-five students accepted into this prestigious program. She graduated at the top of her class in 2010.

Today, Ms. Cooper is a freshman biology major at Howard University in Washington, D.C. She is already an active member of the Howard community; recently, Ms. Cooper was elected President of her residence hall, the Bethune Annex Residence. When Ms. Cooper graduates, she plans to continue her education at Howard University Medical School. She hopes to live her dream of one day becoming a doctor.

Madam Speaker, I urge my colleagues to join me in recognizing the achievements of Ms. Frankie Cooper.

A TRIBUTE TO THE LIFE OF LAWRENCE "LARRY" G. HUEBNER

HON. JIM COSTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2010

Mr. COSTA. Madam Speaker, I rise today to pay tribute to Lawrence "Larry" G. Huebner who passed away on November 28, 2010 at the age of 79. Larry Huebner was an extraordinary man who lived each day to the fullest and whose contributions to the game of tennis as a player, teacher, and advocate are unmatched in the community. He is survived by his wife of 56 years Gretchen, daughter Karin, sons Jim and John, and five grandchildren.

Larry Huebner graduated from Fresno High School in 1949 and went on to attend the University of California, Los Angeles, where he earned a Bachelor's Degree in Business. While attending UCLA, Larry won an NCAA doubles title in Men's Tennis and was captain of two Bruins National Championship teams. After graduating from UCLA, he joined the U.S. Navy, where he volunteered as a ship Chaplain and would later become a Lieutenant while stationed in Hawaii. During Larry's service in the Navy, he played in high-level exhibition tennis matches while developing friendships that would last a lifetime.

After his service in the Navy, Larry returned to Fresno, California, where he joined his father, Jim Sr., to manage Huebner Sports. In 1963, he helped found the Fig Garden Swim & Racquet Club, continuing his passion for the sport of tennis and giving the community a welcoming place to enjoy the game. Larry's passion for tennis was passed on to his children as he won national senior parent/child doubles championships with all three of his children in 2003.

In recognition of those momentous victories, Larry and his wife Gretchen were flown to the 2004 U.S. Open in Flushing Meadows, New York. It was at the 2004 U.S. Open that he was presented with a heavy, 10-inch-high crystal Tiffany trophy which is still displayed with pride at the Huebners' home in Fresno. In 2007, Larry and his daughter Karin played together in what would be his final competitive tournament. Larry and Karin would win the Super Senior Father-Daughter grass court title at the Longwood Cricket Club in Chestnut Hill, Massachusetts.

Larry's health took a turn for the worse in May 2010 when he was diagnosed with stomach cancer. Despite his diagnosis, he continued to give back to the game of tennis in his

final days. Two weeks before Larry had made his final serve, he was giving lessons to a 10-year-old girl. It was Larry's love for the game of tennis that bonded his family together and will always remain his legacy.

Madam Speaker, I ask my colleagues to join me in remembering the life of this remarkable man as we offer our condolences to his family and celebrate his memory and service to our community and California.

IN HONOR OF BISHOP MARSHALL S. MCGILL

HON. SANFORD D. BISHOP, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2010

Mr. BISHOP of Georgia. Madam Speaker, in recognition of Kingdom Metropolitan Worship Center's 15th Pastor Appreciation & Church Anniversary Celebration, I rise today to honor my friend and constituent, Senior Pastor Bishop Marshall S. McGill.

Bishop McGill is the Founder and Senior Pastor of Kingdom Metropolitan Worship Centre, a non-denominational church located in Columbus, Georgia. Through Bishop McGill's faithful stewardship, the church has become one of the most progressive congregations in Columbus.

He is a native of Dayton, Ohio. He was educated in Biblical Counseling and Pastoral Care in Ohio and Alabama, respectively. In addition, Bishop McGill received his Doctorate of Humane Letters.

For over twenty years, Bishop McGill has been blessed with a loving wife, First Lady, Pastor Teresa Y. McGill, from Huntsville, Alabama. Along with committing their lives to God, they have raised four wonderful sons, who serve in the ministry with their parents.

He is the Founder and Superintendent of Kingdom Christian Academy and Preparatory School—a school for students in grades K–12 with three locations in the Columbus area. He is also the Founder of Bainbridge Christian Centre in Bainbridge, Georgia, as well as the Overseer of Grace Church in Barcelona, Spain. He also is the Founder and President of The Good Samaritan Counseling & Resource Institute.

Bishop McGill is a sought-after International Conference Speaker and Teacher. As part of his global ministry he has been called to Europe, Ghana, India, Israel, South Africa, Spain, and Swaziland. He is overseer of "Go Ye Nations" in Nagercoil, India, with over 200 pastors and missionaries under his leadership and care. India also is home to the "Marshall McGill's Children Home," an orphanage and school for disadvantaged and physically impaired children.

Locally, Bishop McGill has served as Chaplain for the City Council of Columbus. Currently, he is the active Chaplain for the Columbus Marshal and Sheriff Departments.

Bishop McGill possesses an incredible love for children and young adults, a desire to help the needy and to empower people to reach their full potential. His dedication is evident as he is often quoted as saying, "We have often failed generations of the past because we

failed to educate and train up leaders qualified to carry the torch for tomorrow."

Madam Speaker, Bishop McGill has ministered on both local and global levels, striving to improve the world for the next generation. His spiritual guidance is an asset to our community and to the world and he is a constant reminder of what it means to be a child of God.

HONORING THE LONG AND DISTINGUISHED CAREER OF CONGRESSMAN IKE SKELTON OF MISSOURI

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2010

Ms. DeLAURO. Madam Speaker, on the eve of his retirement, I rise today to honor the long legislative career of a true Missouri statesman and a close personal friend, IKE SKELTON.

From his first day in Congress in 1977, and from the chambers of the Armed Services committee to union halls all over his home state, IKE always served the people of Missouri's Fourth District with intelligence and conviction. I came to the House 20 years ago, he was already an institution in these halls, and in the years since IKE has become a mentor and dear friend to me.

IKE, as many of you know, has always been very fond of his fellow Missourian, Harry Truman. At the age of 17, IKE attended Truman's inauguration, and the battle flag of the USS *Harry Truman* hung in his office. And I know I do not need to tell many of you, but, boy, IKE could give 'em Hell! He was always a true Missouri gentleman, of course. But when the chips were down, nobody fought harder for our men and women in uniform. As chair of the Armed Services Committee, he never forgot the many sacrifices our troops make to protect our families and our Nation.

You can hear this dedication to our soldiers ring out in IKE's farewell address. As he well reminded us, "Men and women in uniform are not chess pieces to be moved upon a board. Each and every one is irreplaceable. Issues of national security and war and peace are too important to lose sight of the real men and women who answer our Nation's call and do the bidding of the commander-in-chief."

That is IKE—A true statesman, and one who's always cognizant of what's really important. Like his hero, he has always been well-grounded and plain-spoken—qualities too often missing in this institution. IKE calls it as he sees it, no more and no less. President Truman once said that "America was built on courage, on imagination and an unbeatable determination to do the job at hand." IKE listened well, and he brought those qualities to this chamber in earnest for 34 years.

Thank you, IKE, for your leadership and your friendship. And thank you for all your hard work for the people of Missouri and for our Nation. We will miss your wisdom, your good humor, and your tenacity in the coming Congress. And I will miss you very much. I wish you, and Patty, a long and happy retirement.

A TRIBUTE TO JASMINE DANIELLE VELAZQUEZ

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2010

Mr. TOWNS. Madam Speaker, I rise today in recognition of Jasmine Danielle Velazquez.

Jasmine Danielle Velazquez is a natural born leader. Growing up in Bushwick, Brooklyn in her grandmother's three-family house, she realized at an early age the effects of economic disparities. She saw her grandmother at her ripe age of 70 remain a staple in the community, making sure that the community was treated with dignity and respect by all its inhabitants and visitors. Jasmine noticed that families were simply doing what it took to survive and experienced the real meaning of "it takes a village to raise a child."

That village helped Jasmine stay on a focused track. She was accepted into a specialized middle school in East Harlem, Manhattan East Junior High School, where she developed her love of the arts and leadership, becoming Vice President of the Student Body in 8th grade. Jasmine went on to attend a prestigious Catholic school in the Bronx, Mt. St. Ursula. Catholic school was a very unique experience. Although Jasmine was not used to the structure of Catholic education, she blossomed academically.

At the age of 17, Jasmine had an unexpected life altering decision to make—she was pregnant. Jasmine decided that she would not become a statistic as another African American/Latina teen mother. She gave birth to her daughter, graduated from high school early, and enrolled into Fordham University.

During her tenure at Fordham, Jasmine was incredibly active. She became the President of the Black Student Union her junior year, where she advocated for students' rights. Jasmine was awarded the W.E.B. DuBois Award for Academic Excellence as well as the Senior Leadership Award for Outstanding Leadership. She received her Bachelor's of Arts at Fordham University, majoring in African and African American Studies as well as Communications and Media Studies in 2008.

Jasmine was accepted into the esteemed Teach for America program where she taught as a Special Education Teacher at P.S. 165 in Brownsville, Brooklyn. Jasmine currently teaches at Geoffrey Canada's Harlem Children's Zone Promise Academy Upper Elementary/Middle School, where she is a Learning Specialist teaching students with special needs in small groups. Jasmine loves her job and wants to advocate for families on a larger scale.

This year, Jasmine ran for District Leader/State Committeewoman in Brooklyn's 50th Assembly District, which covers Greenpoint, Williamsburg, Fort Greene, and Clinton Hill. She ran against longtime incumbent Linda Minucci who has been serving as District Leader for over 26 years. Jasmine did not win the race, but she will continue advocating for people in her community and advance her political career.

Madam Speaker, I urge my colleagues to join me in recognizing the achievements of Jasmine Danielle Velazquez.

HONORING BILL BANKS

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2010

Mr. DUNCAN. Madam Speaker, I wish today to honor one of the most well-known and respected attorneys from my district.

Bill Banks recently passed away at the age of 82. He practiced law in Knoxville for more than 50 years, and I do not know another person who respected and honored the profession more than Bill.

He graduated from the University of Tennessee Law School in 1950 when there were many fewer attorneys than there are today. As the legal profession grew and more law practices opened, Bill became a leader among his peers.

I have nothing but fond memories of him from my own time as a lawyer and judge in Knoxville.

Bill's love of the law and government was not just limited to his practice. He also served on the Knox County Election Commission for many years and was instrumental in the transition from paper to machine voting in Knox County.

He also served admirably in the Korean War as an officer with the United Nations War Crimes Commission. His work during the war earned him a citation for meritorious service.

Those who knew Bill knew a humble and kind man devoted to his family and faith. He was a long-time member of Washington Pike United Methodist Church.

His community involvement included the Knoxville Elks Lodge, where he rose to the rank of Exalted Ruler and Trustee. He was also an active Mason and was a member of the Burlington Masonic Lodge, the Scottish Rite and Kerbel Temple in Knoxville.

I had the privilege of knowing Bill Banks personally and considered him to be a good friend for almost 40 years.

He was one of the finest men I have ever known, and he touched thousands of people in good and positive ways throughout his life.

I extend my condolences to Bill's daughter and son, Betsy and David; four grandchildren; brother, John; and sister, Allene. His absence will surely be felt in Knoxville, but Bill's life will be celebrated as an example of one lived with a dedication to what truly matters: God, family, and community.

HONORING STEVEN M. WOODSIDE

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2010

Ms. WOOLSEY. Madam Speaker, I rise today, with my colleague, Congressman Mike THOMPSON, to recognize Steven M. Woodside who is retiring after 11 years as Sonoma County Counsel.

The 43-person County Counsel office, provides legal services to county departments, more than 25 special districts, as well as to the Board of Supervisors, the Grand Jury, Agricultural Preservation and Open Space District, Sonoma Marin Area Rail Transit District

(SMART), Sonoma County Water Agency (SCWA), Sonoma County Retirement Association (SCERA), Local Agency Formation Commission (LAFCO), and the Sonoma County Transportation Authority (SCTA).

County Counsel attorneys regularly appear in court on behalf of County departments on such matters as juvenile dependency cases, code enforcement actions, bail recovery, and mental health competency hearings.

During his tenure, Mr. Woodside reduced his department's operating costs and dependency on county general funds and organized the office into four practice teams, Land Use, Health and Human Services, Litigation and Justice, and Infrastructure. He encouraged his staff to become involved in state-wide issues and many of his team are now recognized leaders and experts in child dependency issues, land use and energy independence programs, endangered species and natural resource protection.

Mr. Woodside has served as a member and Chair of the Statewide County Litigation Coordination Committee from 1992 through the present and in this capacity, helped coordinate the participation of California's 58 counties in litigation of statewide significance. As Chair of the State Assessed Property Tax Committee of the California Association of Counties, he was the chief negotiator on a successful billion dollar property tax settlement action.

His other professional affiliations include serving as President and member of the Board of Directors of the County Counsels' Association of California and Adjunct Professor of Law and member of the Board of Visitors at Santa Clara University School of Law.

Mr. Woodside has a dual Bachelor of Arts degree from the University of California, Davis and Santa Cruz and a Juris Doctor from University of California at Berkeley School of Law (Boalt Hall). Upon graduation from law school, he joined the Santa Clara County Counsel's office and eventually was named head of the department.

Madam Speaker, Steven Woodside has spent most of his career in public service to the people of the State of California. It is therefore appropriate that we recognize and honor him today and wish him well in his retirement. him well in his retirement.

A TRIBUTE TO MS. MARITZA RODRIGUEZ

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2010

Mr. TOWNS. Madam Speaker, I rise today in recognition of Ms. Maritza Rodriguez, for her dedication to the field of education.

Since 1971, Mrs. Rodriguez has nurtured her neighborhood, church and community. With over thirty years of her professional and personal life dedicated to public service, Mrs. Rodriguez represents the best qualities of excellence in education.

Mrs. Rodriguez is the Supervising School Aide at P.S. 950, The Eastwood School. She is tasked with overseeing school aides, a re-

sponsibility she has skillfully carried out for over ten years. In addition to this, Mrs. Rodriguez endlessly contributes to school initiatives. Whenever a stage needs to be designed for a school production, Mrs. Rodriguez is always ready and willing to assist. When the school building needs to be decorated for an event or holiday, she takes the lead until the task is complete. Mrs. Rodriguez's sense of commitment is strong; even when a task involves working above and beyond her work schedule, she undertakes it without reservation. Her discipline and work ethic have been honored by numerous awards and commendations.

In addition to her professionalism, Mrs. Rodriguez has outstanding interpersonal skills; she is known for her great sense of humor and positive attitude. According to Mrs. Rodriguez, "the most important things in life aren't things." She embodies this motto by selflessly serving others and being a constant source of inspiration to those around her.

It should be noted that Mrs. Rodriguez was born in New York City, where she has spent most of her adult life, and is a product of the city's educational system. Mrs. Rodriguez has been married to Mr. Daniel Rodriguez for thirty-one years and is the proud mother of two children: Baron and Alexandra. She is also proud to be the grandmother of her first grandchild, Nikoleta Danielle Roussinos.

Madam Speaker, I urge my colleagues to join me in recognizing the achievements of Ms. Maritza Rodriguez.

HONORING STEVEN M. WOODSIDE

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2010

Mr. THOMPSON of California. Madam Speaker, I rise today, with my colleague, Congresswoman LYNN WOOLSEY, to recognize Steven M. Woodside who is retiring after 11 years as Sonoma County Counsel.

The 43-person County Counsel office, provides legal services to county departments, more than 25 special districts, as well as to the Board of Supervisors, the Grand Jury, Agricultural Preservation and Open Space District, Sonoma Marin Area Rail Transit District (SMART), Sonoma County Water Agency (SCWA), Sonoma County Retirement Association (SCERA), Local Agency Formation Commission (LAFCO), and the Sonoma County Transportation Authority (SCTA).

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Mr. Woodside has served as a member and Chair of the Statewide County Litigation Coordination Committee from 1992 through the present and in this capacity, helped coordinate the participation of California's 58 counties in litigation of statewide significance. As Chair of the State Assessed Property Tax Committee of the California Association of Counties, he was the chief negotiator on a successful billion dollar property tax settlement action.

His other professional affiliations include serving as President and member of the Board of Directors of the County Counsels' Association of California and Adjunct Professor of Law and member of the Board of Visitors at Santa Clara University School of Law.

Mr. Woodside has a dual Bachelor of Arts Degree from the University of California, Davis and Santa Cruz and a Juris Doctor from University of California at Berkeley School of Law (Hoak Hall). Upon graduation from law school, he joined the Santa Clara County Counsel's office and eventually was named head of the department.

Madam Speaker, Steven Woodside has spent most of his career in public service to the people of the State of California. It is therefore appropriate that we recognize and honor him today and wish him well in his retirement.

PERSONAL EXPLANATION

HON. HEATH SHULER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2010

Mr. SHULER. Madam Speaker, my vote on rollcall No. 607 on December 2, 2010 was not recorded. My intention was to vote "aye" on this measure.

A TRIBUTE TO MS. SHARLENE BROWN

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2010

Mr. TOWNS. Madam Speaker, I rise today in recognition of Ms. Sharlene Brown.

Ms. Brown has over eight years of professional experience in leadership, strategic planning, budgeting, marketing, and fundraising. She also has a strong academic record. Ms. Brown received a Bachelor of Science in Organizational Management, with distinction, and a Masters in Organizational Leadership from Nyack College; she is a graduate of the YMCA of Greater New York's Executive Leadership Institute and is currently pursuing a Doctorate of Management at the University of Phoenix.

As a leader, Ms. Brown constantly seeks innovative ways of promoting dynamic working environments, high quality service and organizational growth. Ms. Brown's accolades serve as a testament to her abilities. She holds several awards in Superior Performance from the YMCA of Greater New York, for her work at

the Bedford-Stuyvesant YMCA, is a recipient of the Black Achievers in Industry Award 2010 and received a Proclamation from myself, congratulating her in honor of Women's History Month.

Ms. Brown demonstrates strong commitment to her community in addition to her leadership and academic success. She served as Advisor to the Ella McQueen Detention Center, Director of Rush Temple African Methodist Episcopal Zion Church's Young Adult Christian Ministry; and is now the Executive Director of the Bronx YMCA. In her current position as Executive Director, she is developing and implementing employee guidance initiatives to enhance people's skills for the achievement of organizational goals.

Among all of her success, let it not be forgotten that Ms. Brown is the proud mother of Donald Broughton, Jr. and is excited to be a 2010 Honoree of the Concerned Women of Brooklyn, Inc.

Madam Speaker, I urge my colleagues to join me in recognizing the achievements of Ms. Sharlene Brown.

LE VAN BA

HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2010

Ms. LORETTA SANCHEZ of California. Madam Speaker, I rise today to commemorate the life of Le Van Ba who passed away on Saturday, November 23rd, 2010.

Mr. Le and his family left Vietnam and came to the United States in 1979, and he risked everything for a chance to live freely and provide better opportunities for his family.

In 1981, Mr. Le and his family bought their first catering truck and began serving sandwiches in the community.

In 1983, Mr. Le founded Lee's Sandwiches and today, Lee's Sandwiches is among the top 50 largest bakeries in the U.S., employing thousands of workers in northern and southern California and across the country.

He was a community leader of his Hoa Hao Buddhist church and the An Giang Association of Northern California.

He and his family have given back to the community, assisted victims of 9/11, Hurricane Katrina, the floods in Vietnam, the South Asia tsunami and other local charities.

Throughout Orange County, he made it a point to donate food and sponsor community and nonprofit events annually.

Today, I commend this man and urge my colleagues to join me in recognizing Mr. Le's extraordinary lifetime achievements.

I want to offer my sincere sympathy to his wife, Nguyen Thi Hanh, his family, friends, and loved ones.

**WILL THE WEST GIVE UP CYPRUS
TO PLACATE AN IRRITABLE
TURKEY?**

HON. GUS M. BILIRAKIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2010

Mr. BILIRAKIS. Madam Speaker, I would like to commend to my colleagues an article written by Ted Galen Carpenter, vice president for defense and foreign policy studies at the Cato Institute, in the Washington Times on November 19, 2010. Mr. Carpenter has written an excellent article, warning of the danger in recent rumblings led by former British Foreign Secretary Jack Straw that Cyprus should be divided into two nations. The territorial integrity of Cyprus must never be sacrificed for the sake of healing relations with Turkey—a move that would only reinforce the Turkish governments disregard for international standards.

[From the Washington Times, Nov. 19, 2010]

CARPENTER: SACRIFICING AN ISLAND

(By Ted Galen Carpenter)

It's no secret that relations between Turkey and its Western allies have become quite testy over the past year or so regarding an assortment of issues, including policy toward Iran and the Israeli-Palestinian dispute. Western leaders are understandably eager to heal the breach with Ankara because Turkey is a significant regional power. Unfortunately, it seems increasingly likely that the small nation of Cyprus will end up being a sacrificial pawn in that effort.

The latest indicator is an article by former British Foreign Secretary Jack Straw arguing that it is time for Britain and other governments to consider the formal partition of Cyprus, if the latest round of U.N.-brokered talks do not achieve a breakthrough. The northern portion of Cyprus has been occupied by Turkish troops ever since the 1974 invasion of that country. Following the invasion, Ankara set up a puppet government (which is recognized only by Turkey) in the occupied territory and brought in more than 250,000 settlers from the Turkish mainland. Periodic U.N. mediation efforts have failed to resolve the division of the island.

As yet, neither London nor Washington has embraced Mr. Straw's proposal, but it has all the characteristics of a prominent trial balloon. Over the years, numerous members of the foreign policy communities in both Britain and the United States have privately toyed with the idea of imposing a formal partition.

Going down that path would be a mistake—for both practical and moral reasons. The practical consideration is that the U.S. and the leading EU countries already set a dangerous international precedent in 2008 when they encouraged and then formally recognized Kosovo's unilateral declaration of independence from Serbia. At the time, NATO troops occupied Kosovo, preventing Belgrade from doing anything to thwart that secession.

Numerous governments warned that the move trampled on Serbia's sovereignty and created a highly destabilizing precedent. That fear was soon realized when Russian troops implemented the secession of two restless provinces from Russia's small neighbor, the Republic of Georgia.

Now the Western powers may be flirting with the notion of forcibly dividing Cyprus

against the will of the Cypriot government and a majority of the Cypriot people. Such a move would reinforce the unhealthy recent precedents set with respect to Kosovo and Georgia—and would encourage nations and movements with secessionist agendas around the world.

The moral case against partitioning Cyprus to curry favor with Ankara is even stronger. Turkey committed an act of aggression when it invaded its neighbor in 1974, and that violation of international law is made worse by the continuing occupation and the colonization effort using Turkish settlers. That should be unacceptable behavior by any country, but it is even more outrageous coming from a NATO member and aspirant to join the European Union.

The tepid reaction over the decades by Washington and its democratic allies to Ankara's rogue conduct on the Cyprus issue is troubling. Those countries should not further reward Turkey's aggression by making the division of Cyprus permanent.

There are other actions the West can take to help repair the fraying relationship with Turkey. In particular, the U.S. must show greater understanding that its policies in Iraq—especially the creation of a de facto independent Kurdistan in the north—create major problems for Ankara because of Turkey's own restless Kurdish population. Likewise, the push for ever tighter economic sanctions against Iran poses major economic and strategic dilemmas for Turkey.

Those issues need to be addressed squarely, and efforts should be made at least to cushion the adverse impact on Turkey. But it would be wrong to adopt the cynical approach of using Cyprus as a convenient sacrificial pawn to ease overall tensions with Ankara. Such a move would betray important Western values and, in the long run, likely undermine important Western interests.

A TRIBUTE TO MS. SHARONNIE M.
PERRY

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2010

Mr. TOWNS. Madam Speaker, I rise today in recognition of Ms. Sharonnie M. Perry.

Ms. Perry was born in the Bedford-Stuyvesant section of Brooklyn, New York. She is the mother of two sons, DaShawn and Jah-Son. She is also the proud grandmother of Jaylin and Jah-Son, Jr. Ms. Perry is a woman of faith; she believes if you put God at the head of your life and Jesus at the center, you will not fail.

Ms. Perry lives her life by one of her favorite sayings, "I have come to serve and not to be served." In this spirit, she worked as a community activist for over thirty-five years, fought against decentralization of public schools and founded Parents on the Move, a self-help organization for homeless parents and children. Ms. Perry also advocated for affordable housing, education, and employment of New York City's homeless population.

In 1982, Ms. Perry saw a need that became one of her greatest passions to date: HIV/AIDS activism. She has traveled the country to inform people about the health care and services offered to individuals living with HIV/AIDS;

she also advocates on behalf of individuals living with this difficult disease. In addition, it should be noted that Ms. Perry is a valued political consultant. In various capacities, she has helped elect countless elected officials at all levels of government.

Ms. Perry attributes her success in life to the Creator, first and foremost; her parents, Dolly and James; family; mentors; spiritual advisors; and friends Father Jim Goode, Bishop Albert Janiison, Carmuela Rodriguez, Annette Robinson and Mama Lola. She also never forgets the ancestors whose shoulders she stands on: Baba MezeeMoyo, Queen Empress Akwcke, Thomas Faulkner, Charles Pinn and all those who have passed this way.

It comes as no surprise that Ms. Perry has been recognized across the country for her commitment to the underserved people in our society. In summarizing her own devotion to family, church and community, Ms. Perry would say, "If I can help somebody along the way, then my living would not have been in vain."

Madam Speaker, I urge my colleagues to join me in recognizing the achievements of Ms. Sharonnie M. Perry.

PERSONAL EXPLANATION

HON. ADAM H. PUTNAM

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2010

Mr. PUTNAM. Madam Speaker, on Thursday, December 2, 2010, I was not present for 12 recorded votes. Had I been present, I would have voted the following way: Roll No. 596—"nay"; Roll No. 597—"nay"; Roll No. 598—"yea"; Roll No. 599—"yea"; Roll No. 600—"yea"; Roll No. 601—"yea"; Roll No. 602—"yea"; Roll No. 603—"yea"; Roll No. 604—"nay"; Roll No. 605—"yea"; Roll No. 606—"nay"; Roll No. 607—"yea."

HONORING STEPHEN C. DUBOIS OF TULAROSA, NM

HON. HARRY TEAGUE

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2010

Mr. TEAGUE. Madam Speaker, I rise today to recognize a constituent of mine that is very special to me and my fellow southern New Mexicans.

Stephen C. DuBois is a resident of Tularosa, New Mexico. He is 89 years old and is a veteran. But over six decades ago today, Mr. DuBois was stationed in Hawaii, and he survived one of the worst and most cowardly attacks on our Nation in our country's history—the attack on Pearl Harbor.

When the attack occurred, Mr. DuBois was a hospital corpsman in the Navy and was only 19 years old. He was in a tent when the Japanese began their assault. A marine came into the tent and mistaking Mr. DuBois for another marine, he told him, "follow me." Together, they charged on to take control of an anti-aircraft turret.

The marine was surprised at the way DuBois handled the weapon and asked where in the world he had been trained.

Mr. DuBois answered that he had been trained in Newport, which shocked the marine even further. He replied, "Newport? That's where the Navy gets trained!"

To which Mr. DuBois could only reply, "Well, that's what I am, Navy!"

Whether he was a Marine or in the Navy didn't seem to matter much after that. Working with that marine, Mr. DuBois was able to bring down at least two Japanese planes that were attacking Pearl Harbor. While it is difficult to say with any certainty how many more casualties would have been inflicted by those two planes, you can be sure that the gallant actions of Mr. DuBois and his friend did save lives that day.

And while we look back on that terrible day that brought so much pain and anguish to our nation and its citizens, we are also reminded of something else that was proven that day. We are reminded that when placed in tough situations, Americans can be some pretty extraordinary people.

Stephen C. DuBois didn't take that gun for fame or fortune, for glory or for revenge. Instead he did what so many of our sons and daughters have done over time. He did it because he was ordered to. He did it because it was his duty. And by doing his duty, he saved so many lives and really he saved our country.

So today, I want to honor not only those brave Americans that we lost at Pearl Harbor, but all of those brave Americans like Mr. DuBois who protected us and our beloved country. May God bless him and his family and may God continue to bless America.

PERSONAL EXPLANATION

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2010

Mr. HASTINGS of Florida. Madam Speaker, on December 2, 2010, I was on official leave to attend to a medical matter. I was unable to cast votes on the extension of the middle class tax cuts, as well as the censure of Representative CHARLES RANGEL. However, I strongly support extending tax cuts to the middle class, and would have voted favorably. On the matter of Representative RANGEL, I would have voted "yes" on the reprimand but "no" on the censure.

RECOGNIZING THE SERVICE OF CAPTAIN CARL KUWITZKY, PRESIDENT OF THE SOUTHWEST AIRLINES PILOTS' ASSOCIATION (SWAPA)

HON. JOHN L. MICA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2010

Mr. MICA. Madam Speaker, I rise to recognize the accomplishments of Captain Carl Kuwitzky, President of the Southwest Airlines

Pilots' Association (SWAPA). Captain Kuwitzky will retire as SWAPA President on December 31, 2010 after serving two terms leading the organization which represents Southwest Airlines' nearly 6,000 pilots.

An Oklahoma native, Captain Kuwitzky has been a pilot at Southwest Airlines since July, 1983. Captain Kuwitzky's distinguished service with SWAPA also includes time as the association's vice president from 2006–2008, as a member of the Board of Directors representing the Phoenix and Houston Hobby Airports, and as Chairman of Southwest Airlines' Scheduling and Air Safety Committees. During his distinguished career at Southwest he also served as a member of the negotiating and merger committees during the airline's acquisition of Muse Air in 1986.

Madam Speaker, Southwest Airlines has grown to become a leader of the U.S. and global airline industry and has provided significant benefit to my home state of Florida. Captain Carl Kuwitzky's played an integral role in this growth and the benefits it has provided to Southwest Airlines, the traveling public, the airline industry and the millions of Americans who take to the skies each year.

My colleagues, please join me in recognizing the service of Captain Kuwitzky, for we are all better and safer today because of his outstanding leadership.

HONORING MASTER GUNNERY SERGEANT SCOT T. MOREFIELD

HON. MIKE ROGERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2010

Mr. ROGERS of Michigan. Madam Speaker, I rise today to pay tribute to an outstanding Marine, Master Gunnery Sergeant Scot T. Morefield.

Master Gunnery Sergeant Morefield enlisted in the Marine Corps on November 9, 1978 at age 17. On June 30, 2010, he retired after 30 years of honorable service to the Marine Corps, and to our country.

His military career began after graduating from recruit training and infantry training school he attended aviation structures school, finishing as the academic honor graduate. MGySgt. Morefield was then assigned to an A-4 Skyhawk squadron where he served from 1980 to 1983. During that time he made numerous deployments to Asia. In 1983 he received an honorable discharge.

After briefly working for Lentini Aviation in Troy, Michigan, and Lockheed Martin in Marietta, GA, he started his own construction company.

In 1987, while still running his construction business, MGySgt. Morefield re-enlisted in the Marine Corps Reserves as a Combat Engineer. He graduated the Combat Engineer School at Camp Lejeune in 1990 as the academic honor graduate.

In 1991, he received orders to return to Michigan where he continued his service assignment as a Marine Corps recruiter and a Staff Noncommissioned Officer in Charge of two Lansing, Michigan substations. Notably, he served at various times as both the Recruiter Instructor and the Operations Chief for

the Lansing station before his retirement this June.

Master Gunnery Sergeant Scot Morefield's personal awards include the Meritorious Service Medal, the Navy and Marine Corps Commendation Medal and the Navy and Marine Corps Achievement Medal with Gold Star.

I am proud to rise today to celebrate this Marine's service and commitment to our country. I ask my colleagues to join me in thanking MGySgt. Morefield for his devotion to our mutual cause of national defense and wish him the best in his retirement.

ADDRESSING THE GLOBAL THREAT OF AL-QAEDA

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2010

Ms. McCOLLUM. Madam Speaker, I rise today to state plainly and clearly my belief that al-Qaeda and its affiliates continue to pose a serious threat to the United States.

During a candidate forum on October 21, 2010, I was asked a question regarding U.S. policy in Afghanistan and Iraq. During my response, I stated that the United States went to war in Afghanistan—an action that I supported—to remove the Taliban from power and eliminate al-Qaeda. I also noted that top U.S. intelligence officials have stated publicly that al-Qaeda no longer poses a threat to the United States from within Afghanistan.

For example, on June 27, 2010, CIA Director Leon Panetta stated that fewer than 50 to 100 al-Qaeda operatives remain in Afghanistan, saying “there’s no question that the main location of Al Qaeda is in the tribal areas of Pakistan.” According to then-National Security Advisor Gen. James L. Jones on October 4, 2009, al-Qaeda has no bases inside Afghanistan and “no ability to launch attacks on either us or our allies.” Unfortunately, my political opponents rejected these official assessments from America’s top national security experts and chose to distort my position by taking my comments out of context. Playing politics with American national security is a reckless distraction.

The threat from al-Qaeda now emanates from within countries such as Pakistan and Yemen, and even from would-be terrorists within the U.S. who are inspired to violence by al-Qaeda. However, due to the courage and effectiveness of America’s military men and women and America’s NATO partners, al-Qaeda’s ability to attack U.S. citizens from inside Afghanistan has been greatly diminished, if not eliminated. For this reason, I support an end to full-scale combat operations and a shift to a long-term counterterrorism mission that will prevent al-Qaeda from re-establishing safe havens from which to attack the United States.

Madam Speaker, there is no doubt that al-Qaeda continues to pose a significant threat to the United States and our allies. Its operatives are as determined as ever to promote their brand of extremism through fear, violence, and hate. The United States must remain vigilant and resolute in the face of this serious threat.

A TRIBUTE TO MS. SHIRLEY M. OLIVER

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2010

Mr. TOWNS. Madam Speaker, I rise today in recognition of Ms. Shirley M. Oliver.

For decades, Ms. Oliver dedicated herself to the youth of the Brownsville-Ocean Hill community of Brooklyn, New York. She was a day care professional at the Love in Action Day Care Center, an auditory tester in the public school system and a Credentialed Prevention and Intervention Specialist with the New York City Board of Education. Her work demonstrates a clear commitment to children at all stages of development.

A proud product of the New York City Public School System, Ms. Oliver has always had a firm belief in education. Tasked with raising a young family and full-time employment, Ms. Oliver made time to pursue her educational goals; she attained a Bachelor of Arts from the College of New Rochelle and a Post-Graduate degree in Educational Psychology from Fordham University. Adding to her list of accomplishments, Ms. Oliver is a licensed Mental Health Counselor in the Brooklyn community and is a New York State Office of Alcoholism and Substance Abuse Services Credentialed Alcohol and Substance Abuse Trainee with credentialing in gambling.

Ms. Oliver was born, raised and still resides in the Brownsville community of Brooklyn, New York. She is the second child of Charles and Pat Green. Ms. Oliver grew up in a nurturing environment; her parents stressed the importance of education, spirituality and public service. Ms. Oliver is the proud mother of two children: Mr. Shon Oliver and Mrs. ShakiraKee. She is also the proud grandmother of four grandchildren: Kumani, Saabir, Sumaiyah, and KianaraKee.

Through her membership in service organizations, Ms. Oliver makes a conscious effort to advocate on the behalf of others. Her organizational affiliations are extensive; she is a member of the Women’s Caucus for Congressman Ed TOWNS, the N.A.A.C.P., the Community Board, the Brooksdale Hospital Advisory Board and she is a Delegate for AFSCME at the annual National Convention for the AFL-CIO. In addition to all this, Ms. Oliver is the shop steward for her Local Chapter 372 and a member of the Coalition of Black Trade Unionists.

Ms. Oliver has a philosophy that exemplifies her devotion to social justice and education: Empower those who cannot empower themselves. Through career choices and organizational memberships, Ms. Oliver is clearly dedicated to the betterment of her community; it is this characteristic that marks her as a distinguished woman of education.

Madam Speaker, I urge my colleagues to join me in recognizing the achievements of Ms. Shirley M. Oliver.

THE 50TH PROCLAMATION FOR THE CENTER FOR FAMILY RE- SOURCES

HON. PHIL GINGREY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2010

Mr. GINGREY of Georgia. Madam Speaker, I rise today in honor of the 50th anniversary of The Center for Family Resources. Founded in 1960, founders Fred Bentley, Sr., Howard Ector, and Harry Holliday envisioned a better way to combine six existing emergency assistance organizations in Cobb County under one roof.

Families repeatedly faced limited access to affordable transportation, childcare and housing, as well as a lack of education and training to secure and maintain employment. The organization determined the removal of those barriers was the real key to breaking the cycle of poverty.

Cobb Family Resources has grown from a small emergency aid agency to a multi-function human services organization, serving both generations of the family to develop personal responsibility and a self-sufficient lifestyle.

Today, it serves as an average of 10,000 individuals each year. Records also indicate more than 400,000 individuals have been served by CFR since 1960.

Madam Speaker, I ask all my colleagues to join me in honoring the Center for Family Resources.

HONORING THE LIFE OF BA VAN LE

HON. MICHAEL M. HONDA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2010

Mr. HONDA. Madam Speaker, I rise today to commemorate the life of Ba Van Le, a pioneer in the Vietnamese American community and a prominent entrepreneur, beloved by family and friends.

Born on December 26, 1932, Ba Van Le was raised in the An Giang Province of Southern Vietnam. In Vietnam, he was a successful businessman who owned a thriving sugar cane refinery in Saigon that earned him the nickname “The Sugar King.”

Following the Vietnam War, Ba, his wife Hanh and their three oldest children fled Vietnam in search of new beginnings. Like many Vietnamese, Ba and his family settled at a refugee camp in Malaysia. Over a year later, Ba and the rest of the Le family arrived in the United States, staying briefly in Clovis, New Mexico and Monterey, California before settling in San Jose, California.

In 1981, Ba, along with his sons Chieu and Henry, began operating a mobile lunch truck in downtown San Jose. With newfound success, the business expanded to a permanent Vietnamese sandwich shop, becoming the very first store location of what would evolve into the family’s chain restaurant, Lee’s Sandwiches.

Ba was a prime example of the American entrepreneurial spirit. With the suggestion of

his grandson to incorporate business ideas from American fast food chains, Ba and his family expanded their food menu and opened 30 locations in Northern and Southern California, Texas, Arizona, and Oklahoma. With hard work and perseverance, both he and his family have played a major role in popularizing the Vietnamese sandwich, *bánh mì*, and other Vietnamese food in mainstream American food consciousness.

Not only did Ba establish a thriving restaurant specializing in Vietnamese cuisine, he and his family's small business became the first chain restaurant to serve the needs of the Vietnamese American community.

Madam Speaker, Ba Van Le's innovative spirit and cross-cultural achievements will be remembered for years to come. It is my hope that his legacy will inspire future generations to find creative ways to serve the needs of the diverse Asian American Pacific Islander (AAPI) communities. I offer my heartfelt condolences to the Le Family during this time of remembrance.

LETICIA M. DIAZ: STRENGTHENING AMERICA

HON. ALAN GRAYSON

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2010

Mr. GRAYSON. Madam Speaker, I would like to bring attention to an article written by Leticia M. Diaz at Barry University entitled "Strengthening America." Dr. Diaz, who holds a PhD and a JD from Rutgers University, is the Dean of the Barry University Dwayne O. Andreas School of Law in Orlando and a member of the advisory committee for the newly formed American Bar Association Commission on Hispanic Legal Rights and Responsibilities.

STRENGTHENING AMERICA

(By Leticia M. Diaz)

Like millions of others, I came to America with my immigrant parents. Seizing on the opportunities and access to superior education offered by this country allowed me to not only achieve the American dream, but to give back to this nation.

My story is far from unique. Like the immigrants before me, I came to the United States to seek the freedom and the opportunities unavailable in the country of my birth. Comprised of a vast immigrant population, the United States matured and expanded as a result of the great Irish and Chinese immigrations of the 1800s along with many newcomers from Europe over the years. These immigrants provided much of the labor force that built the infrastructure as our country grew into a world power. Over the years, my family and millions of other immigrants worked hard to make America into a strong, productive, and dynamic nation.

Today, tens of thousands of young adults stand ready to give back to the country they call home. By opening the door to educational advancement or military service, the DREAM (Development, Relief, and Education for Alien Minors) Act before Congress benefits those youngsters who, as children, accompanied their parents to the United States. But without passage of the DREAM

Act, these young people—who have already proven themselves in our schools and communities—face a very uncertain future.

The DREAM Act would grant legal status to young adults brought to the United States as undocumented immigrant children. The rigorous requirements under the Act ensure that only contributing members of society who have already proven themselves to be law-abiding citizens and dedicated students would enjoy the benefits of the Act.

The stringent criterion prescribed by the DREAM Act ensures that the floodgates to illegal immigration will remain closed. Instead, the Act addresses the issue of young, undocumented children who have grown up in this country and excelled in school. As they seek to enlist in the military or continue their education and launch their careers, these motivated pro-American youngsters continue to run into unreasonable roadblocks. The DREAM Act prudently addresses those hurdles.

All members of society will benefit from the DREAM Act, not just a select few. Everyone wins when we educate the youth of tomorrow, encourage them to achieve their career goals, and motivate them to become productive citizens of our great country. As an educator and a person who was born in Cuba and immigrated at an early age, I am foremost an American who recognizes the importance of providing access to education to those who are truly committed to learning and personal growth.

As Americans, we have a moral obligation to address the immigration issues facing our country. The DREAM Act would be a great start to much-needed reform. As such, we urge Congress to pass the DREAM Act, blazing a trail for these young adults to become valuable, contributing members of the United States as they deserve.

Madam Speaker, I strongly encourage my colleagues to bring the DREAM Act to the floor for immediate consideration.

HONORING THE HORNELL HIGH SCHOOL FOOTBALL TEAM FOR WINNING ITS SECOND CONSECUTIVE STATE CHAMPIONSHIP AND 26TH CONSECUTIVE WIN

HON. TOM REED

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2010

Mr. REED. Madam Speaker, I rise today to honor the Hornell High School football team for the great success that they achieved on the football field during the 2010 season. This year, the Red Raiders won their second consecutive New York State Class B championship. The victory in the championship game was the Red Raiders' 26th consecutive victory over the last two years. The Hornell Red Raiders are in the distinguished position of having the longest current win streak in New York State high school football. Through their hard work, great determination and incredible success on the football field, the Hornell Red Raiders have brought great honor to their team, their school, and the City of Hornell. It is with no small amount of pride that we recognize the players and cheerleaders, coaches and advisors, and administrators and parents for their achievement and congratulate them on their second consecutive state championship and 26th consecutive victory.

HONORING THE 40TH ANNIVERSARY OF FRESNO METRO MINISTRY

HON. JIM COSTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2010

Mr. COSTA. Madam Speaker, I rise today with my colleague Mr. CARDOZA to congratulate Fresno Metro Ministry on the occasion of their 40th anniversary, aptly recognized as a community service organization that champions "working together to build a better community."

Founded in 1970, Fresno Metro Ministry was conceived and developed as a multi-faith, multi-cultural organization with the mission of creating a more respectful, compassionate and inclusive community that promotes social and economic justice. Fresno Metro Ministry's success stems from working in collaboratives and engaging in community education, advocacy, and community problem-solving by building coalitions, networking, conducting workshops and conferences, and developing and supporting task forces to address community issues that affect underserved communities. The community of Fresno is proud to be home to such a great organization dedicated to the advancement of the less fortunate in our region. For 40 years Fresno Metro Ministry has been making a positive impact in the lives of members of our community and I know that it will continue to do so in the future.

Throughout the years, Fresno Metro Ministry has spearheaded projects that have helped bridge the needs of low-income residents and existing community services in the greater Fresno area. This includes projects such as the development and publication of the "Making Connections Community Resource Directory" and the establishment of Latinos United for Clear Air, a neighborhood parent group who completed advocacy training sessions and went on to advocate for cleaner air and reductions of toxic pollutants at the local and state level. Community partnerships have also led to the adoption of a School Wellness Policy by the Fresno Unified School District to assist in the prevention of childhood obesity and the creation of community gardens in partnership with the city of Fresno. Furthermore, the Metro Ministry was instrumental in developing the New Leaders for Better Health program which provides health education and advocacy training for low-income residents, many of whom are non-English speaking and immigrant refugees.

It is fitting and appropriate that we recognize an organization of the caliber of the Fresno Metro Ministry today. Giving a voice to those who too often do not have one has been the noble mission at the forefront of this organization and advocating for improvement in the health, education, nutrition and community betterment opportunities of a region is no light task. I ask my colleagues to join with Mr. CARDOZA and I in honoring Fresno Metro Ministry on the occasion of their 40th anniversary and thank them for their tireless work and enormous contributions to our community in the greater area of Fresno, California.

RECOGNIZING TRILLIUM DENTAL
SPECIALTIES FOR WINNING THE
2010 PIERCE COUNTY HEALTH
CARE CHAMPIONS COMMUNITY
IMPACT AWARD

HON. ADAM SMITH

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2010

Mr. SMITH of Washington. Madam Speaker, I rise today to recognize Dr. Steve Bradway and Dr. Susan Hagel Bradway of Trillium Dental Specialties on winning the 2010 Pierce County Health Care Champions Community Impact Award.

On May 25, 2010, the Health Care Champions program, which is a partnership between the Business Examiner and the Pierce County Medical Society, presented Trillium Dental Specialties with the 2010 Community Impact Award. The annual award recognizes a practice group whose involvement or innovation in health care has served a broad section of the community. Doctors Steve and Susan Bradway of Trillium Dental Specialties have earned this award by showing great dedication to their community, exceptional service, and professionalism in medical practice. The Bradways were presented this honor at the Pierce County Health Care Champions annual awards ceremony held at the Tacoma Museum of Glass in downtown Tacoma, Washington.

The Bradways have proven to be strong advocates for preventative dental care primarily among young children in low-income families. The doctors of Trillium Dental Specialties have not only provided quality dental care to more than 22,000 Tacoma area children on Medicaid, they have also established educational programs for families, provided speech therapy to children, and instructed families on how best to maintain dental health in the home.

The Health Care Champions also recognize the Bradways' successful philanthropic efforts in expanding dental care to low-income families in the Greater Pierce County region. Through their \$10,000 donation, the Bradways provided the seed money needed to establish Pierce County's Access to Baby and Child Dentistry Program, which is a nonprofit program dedicated to providing dental care to low-income and Medicaid eligible families. The program has since certified 92 dentists and offers care to underserved communities. Through the nonprofit, the Bradways have successfully allowed dentists to help thousands more children who would otherwise not have a dental health home.

Madam Speaker, I ask my colleagues to join me in congratulating Trillium Dental Specialties on receiving the Pierce County Health Care Champions 2010 Impact Award. The Healthcare Champions program was created to honor dedication, professionalism, and philanthropy in the field of health care and Trillium Dental Specialties has exemplified that goal. The region is truly grateful for their work, and Doctors Steve and Susan Bradway are inspirational models to health care providers everywhere.

REMEMBERING JOHN ALFRED
PROUTY

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2010

Mr. HOYER. Madam Speaker, last month, Calvert County, Maryland lost a legendary member of its community: John Alfred Prouty, one of Maryland's most successful local farmers. He died at the age of 87, leaving behind a lifetime of wisdom, friendships, and service to his community.

After serving in the U.S. Navy in the 1940s, Mr. Prouty took over his father's family farm. He ran it skillfully for decades, growing tobacco, corn, wheat, barley, rye, soybeans, heirloom tomatoes, and flowers—and he passed it on to his own son. He was one of the family farmers who are the backbone of American agriculture; he cared about conserving the land, keeping up with the latest agricultural techniques, and lending a hand to his neighbors. In the words of his son, John Prouty was “as generous and as honest and as insightful a person as you could meet.” And in between long hours managing his 160 acres, he took time to serve on the county planning commission and the county and state farm bureaus. For his lifetime of hard work, he was inducted into the Governor's Agricultural Hall of Fame this year.

Mr. Prouty represented the best of American farming, and I sincerely hope that the legacy he left behind will inspire all those in Maryland who work to keep their family farms thriving. I know that he will be an inspiration to all those he left behind: his wife Margaret; his children, Susan, John, and Elizabeth; and his four grandchildren.

IN REMEMBRANCE OF PEARL
HARBOR DAY

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2010

Mr. RAHALL. Madam Speaker, today, I rise to honor and thank the greatest generation for their sacrifices at Pearl Harbor, 69 years ago. This day reminds us of the long-held valor of our service men and women throughout the generations since the infamous attack on Pearl Harbor.

On this day, we remember the many American lives lost on “the day that lives in infamy,” but, we also recall with great pride the courage and sacrifices of our greatest generation, who led us to victory in World War II. The patriotism they instilled in us continues today, in the hearts of our veterans and in the deeds and actions of our men and women in uniform.

In World War II, 233,985 West Virginians served in our military. Countless more American Patriots have answered the call to duty since. We are reminded today of the sacrifices our veterans made for our nation and the preservation of the liberties, freedoms and rights that we hold dear.

December 7, 1941, lives on in the minds of all Americans as one in which the nation came

together in support of a common cause. I will continue to support our men and women currently in uniform as well as our veterans. With over 177,000 veterans in West Virginia, nearly 53,000 in the Third District alone, and over 23 million in the United States, it is important that Veterans benefits and care be maintained here at home.

Pearl Harbor Day should be one of continued remembrance, with each remembrance serving as a renewed message of support for our military personnel at home and abroad.

PERSONAL EXPLANATION

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2010

Ms. LEE of California. Madam Speaker, today I missed rollcall vote No. 583 on H. Res. 1736. Had I been present, I would have voted “aye.”

RECOGNIZING JOHN ORE, RETIRING MARICOPA COUNTY JUSTICE
OF THE PEACE

HON. HARRY E. MITCHELL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2010

Mr. MITCHELL. Madam Speaker, I rise today in recognition of John Ore and his lifetime of service to the citizens of Tempe, Arizona. I wish to thank him for his dedication to public service, a remarkable record of success and accomplishment, and many years of friendship.

Judge Ore's law enforcement career began on May 28, 1969, when he joined the U.S. Army and attended military police training. After the army, John joined the Tempe Police Department and within three years, received a number of awards for his work, including the Tempe Police Meritorious Service Award and the Outstanding Young Law Enforcement Officer Award. John quickly rose through the ranks at the Tempe Police Department and was promoted to Commander in July of 1988. After a distinguished 22 year career in the police force, John was elected to serve as Tempe Justice of the Peace.

Judge Ore's strong commitment to volunteerism, service, and civic engagement is not only incredibly honorable, but also unmatched. For example, John has served on the Board of Directors for Friends of the Orphans, and spearheaded an effort to send relief supplies to the war zone in Bosnia on behalf of Tempe South Rotary Club and Project Lifeline. He was awarded the Hon Kachina Award as one of Arizona's 12 outstanding volunteers in 1998 and also received Rotary International's Service Above Self Award that same year. To this day, John remains active in the community and is involved with service activities through the Tempe South Rotary Club.

Madam Speaker, please join me in recognizing John Ore for 40 years of outstanding service to my home town of Tempe, Arizona.

IN REMEMBRANCE OF GEORGE
DOBREA

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2010

Mr. KUCINICH. Madam Speaker, I am saddened to learn of the passing of George Dobrea last Saturday. Please join me in remembering George Dobrea, a businessman, soldier, statesman, activist, constituent, and friend who did much to make Cleveland and the world a better place.

George was born 84 years ago in Gary, Indiana, to a family of Romanian ethnic background, a heritage he embraced throughout the many facets of his life. He was active in his church, St. Mary Romanian Orthodox Cathedral in Cleveland, where his priest, Rev. Remus Grama, referred to him as a "priest without a collar." According to Rev. Grama, "He helped so many immigrants. He never said no." He served on the board of St. Mary, founded the Romanian Ethnic Art Museum alongside the church, and helped stock it with thousands of art objects.

George served in the Army in World War II in the Philippines. He volunteered to be a spotter in a Piper Cub, radioing the positions of the enemy while dodging bullets flying toward the plane. His radio transmissions, which may have saved thousands of American and allied lives, earned him two Bronze Stars.

Like his father before him, George worked in the steel mills of Gary. At the University of Detroit, he boxed and ran track while earning a bachelor's degree. He went on to study

business at the Wharton School of Economics at the University of Pennsylvania before settling in Cleveland, becoming a stock broker and marrying the former Jean Barson.

His work in stocks launched many other business interests, including scrap steel, greeting cards, greenhouses, toboggan chutes, and racehorses. George Dobrea did a weekly spot on The Mike Douglas Show, a popular local TV program, explaining finances and investing to the public.

George was enthusiastic about international trade and served as a lobbyist for the Greater Cleveland Growth Association, the regional chamber of commerce. He saw bilateral trade as a stabilizing influence, toward promoting peace and democracy abroad while promoting business at home. He was especially influential in promoting trade with Romania, Russia and Hungary. He helped Americans adopt orphans from Romania and lobbied President Clinton to admit former Iron Curtain countries to NATO. He served as Romanian Honorary Consul for the Cleveland area while advocating for a fair and independent judiciary in that country after the fall of the Soviet Union. He also served as the president of the Union & League of Romanian Societies, headquartered in Cleveland and the largest Romanian mutual benefit society in the United States and Canada.

George Dobrea was active in politics. He was an early supporter of John F. Kennedy in the 1960 presidential election and helped garner support for Kennedy among European ethnic voters in Ohio. He also supported Kennedy's opponent 12 years later as the chairman for the Ohio Democrats for Nixon. He reportedly turned down administration jobs with

President Nixon and Ohio Governor John Gilligan. George served for many years as an elected member of the Cleveland school board, 3 years as its president.

Madam Speaker and respected colleagues, please join me in offering condolences to Jean, their 4 children Peter, George, Paul, and Mary Grindahl, their 3 grandchildren, and their many friends in Cleveland, Romania, and around the world.

50TH ANNIVERSARY OF THE
MONOCLE RESTAURANT

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2010

Mr. HOYER. Madam Speaker, last week, Members of Congress from both sides of the aisle gathered together to celebrate a special milestone: the 50th anniversary of The Monocle restaurant, located at 107 D Street Northeast. Since 1960, The Monocle has been a Capitol Hill institution—a place where generations of legislators, staff members, and visitors have come together to share stories and good food. As they mark a half-century of success, I offer my congratulations to Connie Valanos, who founded The Monocle and has passed it down as a legacy to his family; John Valanos and his wife Vasiliki, who own and operate The Monocle today; and maître d' Nick Selimos, who has worked there for more than 30 years. May The Monocle enjoy another 50 years as a Washington landmark.

SENATE—Wednesday, December 8, 2010

The Senate met at 9:31 a.m. and was called to order by the Honorable TOM UDALL, a Senator from the State of New Mexico.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Gracious God, as the morning comes new every day, so are Your blessings new to us. Thank You for the blessing of Your presence that brightens this day, restores our faith, and fills us with peace. Thank You for the blessing of friends who support, encourage, and sustain us. Lord, thank You for the blessing of families who nurture and forgive and undergird us with love.

Thank You for the Members of this body, for their love of liberty, for their desire to make a positive impact on our world, and for their commitment to You. Guide them today so that Your will may be done on Earth even as it is done in heaven.

We pray in Your sacred Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable TOM UDALL led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUE).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, December 8, 2010.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable TOM UDALL, a Senator from the State of New Mexico, to perform the duties of the Chair.

DANIEL K. INOUE,
President pro tempore.

Mr. UDALL of New Mexico thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, following leader remarks, there will be a live quorum to resume the impeachment trial of G. Thomas Porteous, Jr. Senators are encouraged to come to the floor immediately. Once a quorum is present, there will be a series of up to five rollcall votes in relation to the impeachment, the motion and articles in relation to the impeachment.

Upon conclusion of the impeachment proceedings, the Senate will recess subject to the call of the Chair in order to clear the Chamber. When the Senate reconvenes, we will resume consideration of the motion to proceed to S. 3991, the Public Safety Employer-Employee Cooperation Act, with the time until 12:30 p.m. equally divided and controlled between the two leaders or their designees.

The Senate will then recess from 12:30 p.m. until 3:30 p.m. to allow for a caucus the Democrats are having.

At 3:30 p.m., the Senate will resume consideration of the motion to proceed to S. 3991. There will then be a period of 30 minutes of debate. It will be equally divided and controlled between the leaders or their designees. Upon the use or yielding back of that time, the Senate will proceed to a series of up to four rollcall votes.

Mr. President, as to how we are going to schedule those votes, I have had inquiries from both sides. There are some issues tonight as to time, but we will do our best to be as cooperative as we can. We have a lot of votes we have to complete today. And I am likely going to move to my motion to reconsider on the Defense Authorization Act this evening, allowing, as I will indicate at that time, time for amendments to that piece of legislation. But I will be meeting with the Republican leader.

There is work being done on the tax issue. It is further along than most people would think. I do not think there is a great deal more work to be done on that, and then people can decide what they are going to do on it. I have a meeting contemplated with the Republican leader sometime later today to decide how we will proceed on that.

The votes this afternoon will be on the motion to proceed to the public safety matter I have just spoken about, the motion to proceed to the Emergency Senior Citizens Relief Act, the motion to proceed to the DREAM Act, and the motion to proceed to the Zadroga legislation which is the 9/11 Health and Compensation Act.

If cloture is invoked on a motion to proceed, there would then be 30 hours of debate, as we know.

IMPEACHMENT OF JUDGE G. THOMAS PORTEOUS, JR.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll and the following Senators entered the Chamber and answered to their names:

[Quorum No. 8]

Akaka	Durbin	McCaskill
Alexander	Ensign	McConnell
Barrasso	Enzi	Menendez
Bayh	Feingold	Merkley
Begich	Feinstein	Murkowski
Bennet	Franken	Murray
Bennett	Gillibrand	Nelson (NE)
Bingaman	Graham	Nelson (FL)
Bond	Grassley	Reed
Boxer	Gregg	Reid
Brown (MA)	Hagan	Risch
Brown (OH)	Harkin	Roberts
Bunning	Inhofe	Schumer
Burr	Inouye	Shaheen
Cantwell	Isakson	Shelby
Cardin	Johanns	Snowe
Casey	Kerry	Specter
Chambliss	Klobuchar	Tester
Coburn	Kohl	Thune
Cochran	Kyl	Udall (CO)
Collins	Landrieu	Udall (NM)
Conrad	Leahy	Vitter
Coons	LeMieux	Voinovich
Corker	Levin	Webb
Cornyn	Lieberman	Whitehouse
Crapo	Lugar	Wicker
DeMint	Manchin	Wyden
Dorgan	McCain	

Mr. REID. Mr. President, is a quorum present?

The PRESIDENT pro tempore. A quorum is present. Senators will be seated.

COURT OF IMPEACHMENT

Under the previous order, a quorum having been established, the Senate will resume its consideration of the Articles of Impeachment against Judge G. Thomas Porteous, Jr.

(The House Managers, Judge Porteous, and counsel proceeded to the seats assigned to them in the well of the Chamber.)

The PRESIDENT pro tempore. The Sergeant at Arms will make the proclamation.

The Sergeant at Arms, Terrance W. Gainer, made the proclamation as follows:

Hear ye! Hear ye! Hear ye! All persons are commanded to keep silent, on pain of imprisonment, while the House of Representatives is exhibiting to the Senate of the United States Articles of Impeachment against G. Thomas Porteous, Jr., judge of the United States District Court for the Eastern District of Louisiana.

The PRESIDENT pro tempore. The majority leader.

Mr. REID. Mr. President, the Senate deliberated yesterday evening for a

long time on the Articles of Impeachment against Judge Porteous and related motions. We meet today to vote on the articles.

Before proceeding to vote on each of the articles, however, the Senate has agreed to vote on a motion that notwithstanding impeachment rule No. XXIII, the Senate shall disaggregate the Articles of Impeachment by holding preliminary votes on individual allegations in the articles.

Can the Chair confirm, for the benefit of Senators, that a "yes" vote is a vote to disaggregate the articles sought by Judge Porteous and a "no" vote is a vote to proceed directly to voting on the four Articles of Impeachment.

The PRESIDENT pro tempore. Before I proceed, will the panel be seated.

The majority leader is correct. The Senate will now vote on the motion to disaggregate the articles. Granting the motion requires a majority of Senators present.

VOTE ON MOTION TO DISAGGREGATE

The question is on agreeing to the motion.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. CARPER), the Senator from Connecticut (Mr. DODD), the Senator from Arkansas (Mrs. LINCOLN), and the Senator from Vermont (Mr. SANDERS) are necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Kansas (Mr. BROWNBAC).

The result was announced—yeas 0, nays 94, as follows:

[Rollcall Vote No. 260]

NAYS—94

Akaka	Feingold	Merkley
Alexander	Feinstein	Mikulski
Barrasso	Franken	Murkowski
Baucus	Gillibrand	Murray
Bayh	Graham	Nelson (NE)
Begich	Grassley	Nelson (FL)
Bennet	Gregg	Pryor
Bennett	Hagan	Reed
Bingaman	Harkin	Reid
Bond	Hatch	Risch
Boxer	Hutchison	Roberts
Brown (MA)	Inhofe	Rockefeller
Brown (OH)	Inouye	Schumer
Bunning	Isakson	Sessions
Burr	Johanns	Shaheen
Cantwell	Johnson	Shelby
Cardin	Kerry	Snowe
Casey	Klobuchar	Specter
Chambliss	Kohl	Stabenow
Coburn	Kyl	Tester
Cochran	Landrieu	Thune
Collins	Lautenberg	Udall (CO)
Conrad	Leahy	Udall (NM)
Coons	LeMieux	Vitter
Corker	Levin	Voinovich
Cornyn	Lieberman	Warner
Crapo	Lugar	Webb
DeMint	Manchin	Whitehouse
Dorgan	McCaIn	Wicker
Durbin	McCaskill	Wyden
Ensign	McConnell	
Enzi	Menendez	

ABSENT, NOT VOTING, OR EXCUSED FROM VOTING—6

Brownback	Dodd	Lincoln
Carper	Kirk	Sanders

The PRESIDENT pro tempore. The majority leader is recognized.

Mr. REID. Mr. President, I move to reconsider that vote.

Mr. MCCONNELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDENT pro tempore. The majority leader.

Mr. REID. Mr. President, before proceeding to the final vote on the Articles of Impeachment, I ask unanimous consent that Senators may be permitted, within 7 days from today, to have printed in the RECORD opinions or statements explaining their votes and that the secretary be authorized to include these statements along with the record of the Senate's proceedings in a Senate document printed to complete the documentation of the Senate's handling of these impeachment proceedings.

The PRESIDENT pro tempore. Hearing no objection, it is so ordered.

The majority leader.

Mr. REID. Mr. President, I remind all Senators to remain in their seats during voting on all four Articles of Impeachment. Under impeachment rule XXII, once we have begun voting on the first article, voting will proceed on each of the Articles of Impeachment. When their name is called, Senators shall rise from their seat and cast their vote. This will ensure that a decorum of the Senate is maintained while these grave proceedings are underway. These proceedings affect not only Judge Porteous but also the Senate and our system of government.

The Chair will shortly instruct the Members of the Senate on the question to be put and the manner of response.

The PRESIDENT pro tempore. The clerk will read the first Article of Impeachment.

The legislative clerk read as follows:

ARTICLE I

G. Thomas Porteous, Jr., while a Federal judge of the United States District Court for the Eastern District of Louisiana, engaged in a pattern of conduct that is incompatible with the trust and confidence placed in him as a Federal judge, as follows:

Judge Porteous, while presiding as a United States district judge in Lifemark Hospitals of Louisiana, Inc. v. Liljeberg Enterprises, denied a motion to recuse himself from the case, despite the fact that he had a corrupt financial relationship with the law firm of Amato & Creely, P.C. which had entered the case to represent Liljeberg. In denying the motion to recuse, and in contravention of clear canons of judicial ethics, Judge Porteous failed to disclose that beginning in or about the late 1980s while he was a State court judge in the 24th judicial district in the State of Louisiana, he engaged in a corrupt scheme with attorneys, Jacob

Amato, Jr., and Robert Creely, whereby Judge Porteous appointed Amato's law partner as a "curator" in hundreds of cases and thereafter requested and accepted from Amato and Creely a portion of the curatorship fees which had been paid to the firm. During the period of this scheme, the fees received by Amato and Creely amounted to approximately \$40,000, and the amounts paid by Amato and Creely to Judge Porteous amounted to approximately \$20,000.

Judge Porteous also made intentionally misleading statements at a recusal hearing intended to minimize the extent of his personal relationship with the two attorneys. In doing so, and in failing to disclose to Lifemark and its counsel the true circumstances of his relationship with the Amato & Creely law firm, Judge Porteous deprived the Fifth Circuit Court of Appeals of critical information for its review of a petition for writ of mandamus, which sought to overrule Judge Porteous's denial of the recusal motion. His conduct deprived the parties and the public of the right to the honest services of his office.

Judge Porteous also engaged in corrupt conduct after the Lifemark v. Liljeberg bench trial, and while he had the case under advisement, in that he solicited and accepted things of value from both Amato and his law partner Creely, including a payment of thousands of dollars in cash. Thereafter, and without disclosing his corrupt relationship with the attorneys of Amato & Creely PLC or his receipt from them of cash and other things of value, Judge Porteous ruled in favor of their client, Liljeberg.

By virtue of this corrupt relationship and his conduct as a Federal judge, Judge Porteous brought his court into scandal and disrepute, prejudiced public respect for, and confidence in, the Federal judiciary, and demonstrated that he is unfit for the office of Federal judge.

Wherefore, Judge G. Thomas Porteous, Jr., is guilty of high crimes and misdemeanors and should be removed from office.

The PRESIDENT pro tempore. The Chair will read, for the benefit of everyone present in the Chamber, paragraph 6 of rule XIX of the Standing Rules of the Senate, which states as follows:

Whenever confusion arises in the Chamber or the galleries, or demonstrations of approval or disapproval are indulged in by occupants of the galleries, it shall be the duty of the Chair to enforce order on his own initiative and without any point of order being made by a Senator.

The Chair would deeply appreciate the cooperation of everyone in the Chamber and in the galleries in maintenance of order.

VOTE ON ARTICLE I

The Chair reminds the Senate that each Senator, when his or her name is called, will stand in his or her place and vote guilty or not guilty. Under the Constitution, conviction requires a vote of two-thirds present on any article.

The question is on the first article.

Senators, how say you? Is the respondent, G. Thomas Porteous, Jr., guilty or not guilty?

The rollcall is automatic. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Connecticut (Mr. DODD) and the Senator from Arkansas (Mrs. LINCOLN) are necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Kansas (Mr. BROWNBACK).

The PRESIDENT pro tempore. Are there any other Senators in the Chamber desiring to vote?

The result was announced—guilty 96, not guilty 0, as follows:

[Rollcall Vote No. 261]

GUILTY—96

Akaka	Enzi	Menendez
Alexander	Feingold	Merkley
Barrasso	Feinstein	Mikulski
Baucus	Franken	Murkowski
Bayh	Gillibrand	Murray
Begich	Graham	Nelson (NE)
Bennet	Grassley	Nelson (FL)
Bennett	Gregg	Pryor
Bingaman	Hagan	Reed
Bond	Harkin	Reid
Boxer	Hatch	Risch
Brown (MA)	Hutchison	Roberts
Brown (OH)	Inhofe	Rockefeller
Bunning	Inouye	Sanders
Burr	Isakson	Schumer
Cantwell	Johanns	Sessions
Cardin	Johnson	Shaheen
Carper	Kerry	Shelby
Casey	Klobuchar	Snowe
Chambliss	Kohl	Specter
Coburn	Kyl	Stabenow
Cochran	Landrieu	Tester
Collins	Lautenberg	Thune
Conrad	Leahy	Udall (CO)
Coons	LeMieux	Udall (NM)
Corker	Levin	Vitter
Cornyn	Lieberman	Voinovich
Crapo	Lugar	Warner
DeMint	Manchin	Webb
Dorgan	McCain	Whitehouse
Durbin	McCasikill	Wicker
Ensign	McConnell	Wyden

ABSENT, NOT VOTING, OR EXCUSED FROM VOTING—4

BrownbacK	Kirk
Dodd	Lincoln

The PRESIDENT pro tempore. On this article of impeachment, 96 Senators have voted guilty, no Senator has voted not guilty. Two-thirds of the Senators present having voted guilty, the Senate accordingly adjudges that the respondent, G. Thomas Porteous, Jr., is guilty as charged in this article.

The Chair now asks the clerk to read the second article of impeachment.

The assistant legislative clerk read as follows:

ARTICLE II

G. Thomas Porteous, Jr., engaged in a longstanding pattern of corrupt conduct that demonstrates his unfitness to serve as a United States District Court judge. That conduct included the following: Beginning in or about the late 1980s while he was a State court judge in the 24th JDC in the State of Louisiana, and continuing while he was a Federal judge in the United States District Court for the Eastern District of Louisiana, Judge Porteous engaged in a corrupt relationship with bail bondsman Louis M. Marcotte, III, and his sister Lori Marcotte. As part of this corrupt relationship, Judge Porteous solicited and accepted numerous things of value, including meals, trips, home repairs, and car repairs, for his personal use and benefit, while at the same time taking official actions that benefitted the Marcottes. These official actions by Judge

Porteous included, while on the State bench, setting, reducing, and splitting bonds as requested by the Marcottes, and improperly setting aside or expunging felony convictions for two Marcotte employees (in one case after Judge Porteous had been confirmed by the Senate but before being sworn in as a Federal judge). In addition, both while on the State bench and on the Federal bench, Judge Porteous used the power and prestige of his office to assist the Marcottes in forming relationships with State judicial officers and individuals important to the Marcottes' business. As Judge Porteous well knew and understood, Louis Marcotte also made false statements to the Federal Bureau of Investigation in an effort to assist Judge Porteous in being appointed to the Federal bench.

Accordingly, Judge G. Thomas Porteous, Jr., has engaged in conduct so utterly lacking in honesty and integrity that he is guilty of high crimes and misdemeanors, is unfit to hold the office of Federal judge, and should be removed from office.

VOTE ON ARTICLE II

The PRESIDENT pro tempore. Senators, how say you? Is the respondent, G. Thomas Porteous, Jr., guilty or not guilty?

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Connecticut (Mr. DODD) and the Senator from Arkansas (Mrs. LINCOLN) are necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Kansas (Mr. BROWNBACK).

The result was announced—guilty 69, not guilty 27, as follows:

[Rollcall Vote No. 262]

GUILTY—69

Barrasso	Franken	Nelson (NE)
Baucus	Gillibrand	Nelson (FL)
Bayh	Grassley	Pryor
Begich	Hagan	Risch
Bennet	Inhofe	Roberts
Bingaman	Isakson	Rockefeller
Boxer	Johanns	Sanders
Bunning	Johnson	Schumer
Cantwell	Kerry	Sessions
Cardin	Klobuchar	Shaheen
Carper	Kohl	Shelby
Casey	Kyl	Snowe
Coburn	Landrieu	Specter
Cochran	Lautenberg	Stabenow
Conrad	Leahy	Tester
Coons	Levin	Thune
Crapo	Lugar	Udall (CO)
DeMint	McCain	Udall (NM)
Dorgan	McConnell	Vitter
Durbin	Menendez	Voinovich
Enzi	Merkley	Warner
Feingold	Mikulski	Webb
Feinstein	Murray	Wyden

NOT GUILTY—27

Akaka	Corker	LeMieux
Alexander	Cornyn	Lieberman
Bennett	Ensign	Manchin
Bond	Graham	McCasikill
Brown (MA)	Gregg	Murkowski
Brown (OH)	Harkin	Reed
Burr	Hatch	Reid
Chambliss	Hutchison	Whitehouse
Collins	Inouye	Wicker

ABSENT, NOT VOTING, OR EXCUSED FROM VOTING—4

BrownbacK	Kirk
Dodd	Lincoln

The PRESIDENT pro tempore. On this Article of Impeachment, 69 Senators have voted guilty, 27 Senators

have voted not guilty. Two-thirds of the Senators present having voted guilty, the verdict on article II is guilty.

The Chair now calls upon the clerk to read the third article.

The assistant legislative clerk read as follows:

ARTICLE III

Beginning in or about March 2001 and continuing through about July 2004, while a Federal judge in the United States District Court for the Eastern District of Louisiana, G. Thomas Porteous, Jr., engaged in a pattern of conduct inconsistent with the trust and confidence placed in him as a Federal judge by knowingly and intentionally making material false statements and representations under penalty of perjury related to his personal bankruptcy filing and by repeatedly violating a court order in his bankruptcy case. Judge Porteous did so by—

No. 1, using a false name and post office box address to conceal his identity as a debtor in the case;

No. 2, concealing assets;

No. 3, concealing preferential payments to certain creditors;

No. 4, concealing gambling losses and other gambling debts; and,

No. 5, incurring new debts while the case was pending in violation of the bankruptcy court's order.

In doing so, Judge Porteous brought his court into scandal and disrepute, prejudiced public respect for and confidence in the Federal judiciary, and demonstrated that he is unfit for the office of Federal judge.

Wherefore, Judge G. Thomas Porteous, Jr., is guilty of high crimes and misdemeanors and should be removed from office.

VOTE ON ARTICLE III

The PRESIDENT pro tempore. The question is on the third Article of Impeachment. Senators, how say you? Is the respondent, G. Thomas Porteous, Jr., guilty or not guilty?

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Connecticut (Mr. DODD) and the Senator from Arkansas (Mrs. LINCOLN) are necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Kansas (Mr. BROWNBACK).

The result was announced—guilty 88, not guilty 8, as follows:

[Rollcall Vote No. 263]

GUILTY—88

Alexander	Cochran	Hutchison
Barrasso	Collins	Inhofe
Baucus	Conrad	Inouye
Bayh	Coons	Isakson
Begich	Corker	Johanns
Bennet	Cornyn	Johnson
Bennett	Crapo	Kerry
Bingaman	DeMint	Klobuchar
Bond	Dorgan	Kohl
Boxer	Durbin	Kyl
Brown (MA)	Ensign	Landrieu
Brown (OH)	Enzi	Lautenberg
Bunning	Feingold	Leahy
Burr	Feinstein	LeMieux
Cantwell	Gillibrand	Levin
Cardin	Graham	Lugar
Carper	Grassley	McCain
Casey	Gregg	McConnell
Chambliss	Hagan	Menendez
Coburn	Harkin	Merkley

Mikulski	Sanders	Udall (CO)
Murkowski	Schumer	Udall (NM)
Murray	Sessions	Vitter
Nelson (NE)	Shaheen	Voinovich
Nelson (FL)	Shelby	Warner
Pryor	Snowe	Webb
Reed	Specter	Whitehouse
Risch	Stabenow	Wyden
Roberts	Tester	
Rockefeller	Thune	

NOT GUILTY—8

Akaka	Lieberman	Reid
Franken	Manchin	Wicker
Hatch	McCaskill	

ABSENT, NOT VOTING, OR EXCUSED
FROM VOTING—4

Brownback	Kirk
Dodd	Lincoln

The PRESIDENT PRO TEMPORE. On this Article of Impeachment, 88 Senators have voted guilty, 8 Senators have voted not guilty. Two-thirds of the Senators present having voted guilty, the verdict on article III is guilty.

The Chair now calls upon the clerk to read the fourth Article of Impeachment.

The assistant legislative clerk read as follows:

ARTICLE IV

In 1994, in connection with his nomination to be a judge of the United States District Court for the Eastern District of Louisiana, G. Thomas Porteous, Jr., knowingly made material false statements about his past to both the United States Senate and to the Federal Bureau of Investigation in order to obtain the office of United States District Court Judge. These false statements included the following:

No. 1. On his Supplemental SF-86, Judge Porteous was asked if there was anything in his personal life that could be used by someone to coerce or blackmail him, or if there was anything in his life that would cause an embarrassment to Judge Porteous or the President if publicly known. Judge Porteous answered "no" to these questions and signed the form under the warning that a false statement was punishable by law.

No. 2. During his background check, Judge Porteous falsely told the Federal Bureau of Investigation on two separate occasions that he was not concealing any activity or conduct that could be used to influence, pressure, coerce, or compromise him in any way or that would impact negatively on his character, reputation, judgment, or discretion.

No. 3. On the Senate Judiciary Committee's "Questionnaire for Judicial Nominees", Judge Porteous was asked whether any unfavorable information existed that could affect his nomination. Judge Porteous answered that, to the best of his knowledge, he did not know of any unfavorable information that may affect [his] nomination. Judge Porteous signed that questionnaire by swearing that "the information provided in this statement is, to the best of my knowledge, true and accurate".

However, in truth and in fact, as Judge Porteous then well knew, each of these answers was materially false because Judge Porteous had engaged in a corrupt relationship with the law firm Amato & Creely, whereby Judge Porteous appointed Creely as a "curator" in hundreds of cases and thereafter requested and accepted from Amato and Creely a portion of the curatorship fees which had been paid to the firm and also had engaged in a corrupt relationship with Louis

and Lori Marcotte, whereby Judge Porteous solicited and accepted numerous things of value, including meals, trips, home repairs, and car repairs, for his personal use and benefit, while at the same time taking official actions that benefitted the Marcottes. As Judge Porteous well knew and understood, Louis Marcotte also made false statements to the Federal Bureau of Investigation in an effort to assist Judge Porteous in being appointed to the Federal bench. Judge Porteous's failure to disclose these corrupt relationships deprived the United States Senate and the public of information that would have had a material impact on his confirmation. Wherefore, Judge G. Thomas Porteous, Jr., is guilty of high crimes and misdemeanors and should be removed from office.

VOTE ON ARTICLE IV

The PRESIDENT PRO TEMPORE. The question is on agreeing on the fourth Article of Impeachment. Senators, how say you? Is the respondent, G. Thomas Porteous, guilty or not guilty?

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Connecticut (Mr. DODD) and the Senator from Arkansas (Mrs. LINCOLN) are necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Kansas (Mr. BROWNBACK).

The result was announced—guilty 90, not guilty 6, as follows:

[Rollcall Vote No. 264]

GUILTY—90

Akaka	Enzi	Merkley
Alexander	Feingold	Mikulski
Barrasso	Feinstein	Murkowski
Baucus	Gillibrand	Murray
Bayh	Graham	Nelson (NE)
Begich	Grassley	Nelson (FL)
Bennet	Gregg	Pryor
Bennett	Hagan	Reed
Bingaman	Hatch	Risch
Bond	Hutchison	Roberts
Boxer	Inhofe	Rockefeller
Brown (MA)	Inouye	Sanders
Brown (OH)	Isakson	Schumer
Bunning	Johanns	Sessions
Burr	Johnson	Shaheen
Cantwell	Kerry	Shelby
Carper	Klobuchar	Snowe
Casey	Kohl	Specter
Chambliss	Kyl	Stabenow
Coburn	Landrieu	Tester
Cochran	Lautenberg	Thune
Collins	Leahy	Udall (CO)
Conrad	LeMieux	Udall (NM)
Coons	Lieberman	Vitter
Corker	Lugar	Voinovich
Cornyn	Manchin	Warner
Crapo	McCain	Webb
DeMint	McCaskill	Whitehouse
Dorgan	McConnell	Wicker
Ensign	Menendez	Wyden

NOT GUILTY—6

Cardin	Franken	Levin
Durbin	Harkin	Reid

ABSENT, NOT VOTING OR EXCUSED
FROM VOTING—4

Brownback	Kirk
Dodd	Lincoln

The PRESIDENT PRO TEMPORE. On this Article of Impeachment, 90 Senators have voted guilty, 6 Senators have voted not guilty. Two-thirds of the Senators present having voted guilty, the verdict on article IV is guilty.

The Chair directs judgment to be entered in accordance with the judgment as follows: The Senate having tried G. Thomas Porteous, Jr., U.S. District Judge for the Eastern District of Louisiana, upon full Articles of Impeachment exhibited against him by the House of Representatives, and two-thirds of the Senate present having found him guilty of the charges contained in articles I, II, III, and IV, it is therefore ordered and adjudged that said G. Thomas Porteous, Jr., be and is hereby removed from office.

The majority leader.

Mr. REID. Mr. President, it is my understanding that Judge Porteous is forever disqualified to hold and enjoy any office of trust, honor, or profit of the United States; is that true?

The PRESIDENT pro tempore. The leader is correct.

Mr. REID. Mr. President, I have an order at the desk. I ask that it be stated.

The PRESIDENT pro tempore. The clerk will report.

The legislative clerk read as follows:

Ordered, that the Secretary be directed to communicate to the Secretary of State, as provided by rule XXIII of the Rules of Procedure and Practice in the Senate when sitting on impeachment trials, and also to the House of Representatives the judgment of the Senate in the case of G. Thomas Porteous, Jr. and transmit a certified copy of the judgment to each.

The PRESIDENT pro tempore. Without objection, the order will be entered.

The majority leader is recognized.

Mr. REID. Mr. President, I move that the Senate, sitting as a court of impeachment for the Articles of Impeachment on G. Thomas Porteous, Jr., adjourn sine die and that when we return to legislative session, Senators McCASKILL and HATCH, the two managers of this legislation, be recognized for 5 minutes each.

The PRESIDENT pro tempore. The motion is agreed to.

The Senate sitting as a court of impeachment is adjourned sine die.

Mr. REID. Mr. President, I therefore move that this man, Judge Porteous, be disqualified from holding office at any time in the future in the United States.

The PRESIDENT pro tempore. Is there debate on the motion? If not, the question is on agreeing to the motion to disqualify Judge Porteous from any further office.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Connecticut (Mr. DODD), and the Senator from Arkansas (Mrs. LINCOLN) are necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Kansas (Mr. BROWNBACK).

The result was announced—yeas 94, nays 2, as follows:

[Rollcall Vote No. 265]

YEAS—94

Akaka	Feingold	Mikulski
Alexander	Feinstein	Murkowski
Barrasso	Franken	Murray
Baucus	Gillibrand	Nelson (NE)
Bayh	Graham	Nelson (FL)
Begich	Grassley	Pryor
Bennet	Gregg	Reed
Bennett	Hagan	Reid
Bond	Harkin	Risch
Boxer	Hatch	Roberts
Brown (MA)	Hutchison	Rockefeller
Brown (OH)	Inhofe	Sanders
Bunning	Inouye	Schumer
Burr	Isakson	Sessions
Cantwell	Johanns	Shaheen
Cardin	Johnson	Shelby
Carper	Kerry	Snowe
Casey	Klobuchar	Specter
Chambliss	Kohl	Stabenow
Coburn	Kyl	Tester
Cochran	Landrieu	Thune
Collins	Lautenberg	Udall (CO)
Conrad	Leahy	Udall (NM)
Coons	LeMieux	Vitter
Corker	Levin	Voinovich
Cornyn	Lugar	Warner
Crapo	Manchin	Webb
DeMint	McCain	Whitehouse
Dorgan	McCaskill	Wicker
Durbin	McConnell	Wyden
Ensign	Menendez	
Enzi	Merkley	

NAYS—2

Bingaman Lieberman

ABSENT, NOT VOTING, OR EXCUSED
FROM VOTING—4Brownback Kirk
Dodd Lincoln

The PRESIDENT pro tempore. On this vote, the yeas are 94, the nays are 2. The Senate having tried G. Thomas Porteous, Jr., U.S. district judge for the Eastern District of Louisiana, upon four Articles of Impeachment exhibited against him by the House of Representatives, and two-thirds of the Senators present having found him guilty of the charges contained in articles I, II, III and IV of the Articles of Impeachment, it is therefore ordered and adjudged that the said G. Thomas Porteous, Jr., be, and he is hereby, removed from office; and that he be, and is hereby, forever disqualified to hold and enjoy any office or honor, trust, or profit under the United States.

The Chair will clarify that it requires a motion that the convicted official be disqualified from ever holding an office of honor, trust, or profit under the United States. The Senate has just adopted such motion.

Mr. REID. Mr. President, I send an order to the desk and ask that it be stated.

The PRESIDING OFFICER. The clerk will state the motion.

The legislative clerk read as follows:

Ordered that the Secretary be directed to communicate to the Secretary of State, as provided by rule XXIII of the rules of procedure and practice in the Senate when sitting on impeachment trials, and also to the House of Representatives, the judgment of the Senate in the case of G. Thomas Porteous, Jr., and transmit a certified copy of the judgment to each.

The PRESIDENT pro tempore. Without objection, the order will be entered.

The majority leader is recognized.

Mr. REID. Mr. President, I renew the request I made previously that the Senate, sitting as a court of impeachment for the Articles of Impeachment against G. Thomas Porteous, Jr., adjourn sine die, and as soon as we go to legislative session, Senator McCASKILL be recognized.

The PRESIDENT pro tempore. Without objection, the motion is agreed to, and the Senate, sitting as a court of impeachment, is adjourned sine die.

Mr. REID. Mr. President, I ask unanimous consent that the order previously entered be vitiated directing that the Senate recess subject to the call of the Chair.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. REID. I thank the Chair.

LEGISLATIVE SESSION

The PRESIDENT pro tempore. The Senate will return to legislative session.

The Senator from Missouri is recognized.

PORTEOUS IMPEACHMENT

Mrs. McCASKILL. Mr. President, our Constitution is a glorious thing. It is in fact the envy of the world. One of the most effective and elegant elements of the foundation of our government is the provisions that provide for the checks and balances of our three branches of government.

It has been an incredible honor to participate in the impeachment process that was devised by very wise people very long ago, which actually provides the American people the reassurance that the Constitution is working the way it was designed to work when it comes to the checks and balances of the three branches of government.

The responsibilities of the modern Congress, both the House and Senate, are extensive. I don't need to spend much time talking about how busy we are right now. But the fact that we set aside everything that we were doing and came together and sat as a Senate and listened to the arguments and deliberated extensively about this impeachment should be reassuring to every American. I think the results are interesting in that it reflects that each Senator made an individual decision about the Articles of Impeachment. There was some unanimity on some of the counts, but on others it was Republicans and Democrats, conservatives and progressives, on both sides of the question. I think that shows the extent to which everybody made an independent judgment and took their responsibility very seriously.

I want to take a few minutes now to thank some people who are unsung heroes. Obviously, I thank the distinguished vice chairman, the Senator

from Utah, for his support, experience, and wisdom in discharging the committee's duties. He was essential to this process and a great rock for me to lean on at many turns during this process. I also thank the 10 other members of the Impeachment Trial Committee for their devotion and diligence and commitment to this important work.

Then I want to take a couple of minutes to talk about the staff. I want to begin with Derron Parks, who is seated with me on the floor of the Senate. Derron walked into my office and was hired to be a legislative assistant for health care, in the middle of some pretty difficult times on health care. Then I said to him, "By the way, can you run an impeachment of a Federal judge, also?"

As a brandnew member of my staff, he took on incredible responsibilities. All of the thanks I have received belong to him because he worked hard, he worked smart, he was a great leader, and he did a remarkable job of marshaling a bunch of Senators, a bunch of staff, a bunch of witnesses, a bunch of evidence, a bunch of legal research, and he did it in a way that I think the Senate can be very proud.

Also, I thank Tom Jipping, Senator HATCH's staff person, who helped with this as the deputy staff director for the Impeachment Trial Committee. He also put in an incredible amount of work and gave a very valuable contribution.

Justin Kim, counsel, was very important because whenever there was a disagreement about what was the right road to take in terms of historical precedence, rule of law, decisions on motions, he was always a good sounding board. There was always more than one smart lawyer in the room so that the ideas could be bounced back and forth and somehow we could come up with the right answer based on the law, the Constitution, and historical precedent.

Rebecca Seidel was also very valuable to the committee. She is another counsel who was essential in this process.

Erin Johnson, deputy counsel and chief clerk, did, frankly, some of the most difficult work, and that was making sure we had a quorum during the trial, which was hard, as you can imagine. Keeping Senators in one seat for an extended period of time is tough. She managed to make sure that we always had the quorum the law demanded.

Lake Dishman, another member of the staff, did a wonderful job.

Susan Navarro Smelcer, an analyst on the Federal judiciary, CRS, did wonderful work for us in terms of allowing us some help on the research of the historical precedence and decisions that guided our way.

Morgan Frankel, Senate legal counsel, was on the floor for the conclusion of this impeachment matter. Like Senator HATCH, this wasn't his first time

to deal with impeachment matters, so he was a wealth of information and wonderful help to us.

Pat Mack Bryan also did great work.

Grant Vinik and Tom Cabayero were also from the Senate legal counsel staff.

All of the committee members had staff people who helped. I will not put all of their names on the record now, but they will be made part of my entire statement. I will have more comments on the impeachment proceedings that I will insert in the RECORD.

I will conclude by saying that I am very proud to be a Senator today. There are days when that is not as easy to say. There are times when this place is pretty dysfunctional. But I am very proud of the Senate and how we conducted ourselves during this very important and grave proceeding. I think the responsibility was handled as the Founders would have wanted us to handle it, and I think we should all be proud of that.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. BENNET). The Senator from Utah.

Mr. HATCH. Mr. President, I wish to personally thank the distinguished chairwoman of this committee. I have been in the Senate a pretty long time, and she has done one of the best jobs I have ever seen done. There aren't very many impeachments—or should I say trials of impeachment, but of the ones I have seen, she ranks right up there in the top. All I can say is she ran a very good committee. She made very good decisions, she wasn't afraid to rule, she treated everybody with dignity and respect. She expected a lot of the members of the committee, which has to be the way, and she is a very intelligent and articulate and knowledgeable person. It has been my privilege to be able to serve with her and under her as vice chairman of this committee.

This is when you realize how important the Senate is, when all the Senators come together and they make decisions such as this, pro and con. Nobody should misjudge not guilty votes or guilty votes. I think every Senator voted the way he or she felt they should vote, and that was important.

I think much of the credit for the way this was all handled should go to the distinguished chairwoman, Senator McCASKILL. She is an excellent human being, a wonderful leader on this committee, and, frankly, I am very proud of her for what she was able to do because this is not easy, and it does take a lot of time. It is similar to herding cats, trying to make sure you can get all these busy people on the committee or at least a quorum every time to be able to do business on the committee. She was able to do that.

I wish to compliment every member of the committee. Every member showed up and did a lot of work on this committee—some more than others, of

course. But every one of the members of this committee worked to try to be fair and do what is right and to do justice in this matter.

Having said all that, I wish to pay tribute to Derron Parks myself. This young man deserves a lot of credit. To be thrown into an impeachment committee, when his main job was to work on health care, tested the legal acumen of this young man. I have to say he was one of the kindest, most decent, most honorable, most knowledgeable, and most intelligent people I have worked with in the Senate. He is a terrific person and I am very proud of him.

Thomas Jipping, on my staff. There are very few people around who have the experience Tom has. He is a very good lawyer. He was a constant guide and provided me with leadership. I don't think either Senator McCASKILL or I could have done this without these two leaders on the committee.

The others were equally important to us and did very good work: Justin Kim, a wonderful human being; Rebecca Seidel. She worked with me long ago on the Judiciary Committee, is a very experienced lawyer and did a terrific job. Erin Johnson and Susan Smelcer were both critical to the work on the committee; Lake Dishman, who is on our staff and a very fine young man, who was willing to go every extra mile he could—as were all these other folks on the staff—to do what was right; Morgan Frankel and Pat Bryan from the Senate legal counsel's office. We couldn't have asked for better people, with more knowledge or more ability to lead and assist us.

Impeachment committees—or should I say the trial committee and the hearing of this is a very difficult undertaking. You are dealing with people's lives, you are dealing with people's reputations, and you have to do this in a completely fair and honest way, which I believe we did. This is one of the most important tasks the Senate does—extremely important—and I think the Senate acquitted itself very well today.

Every Senator voted his or her conscience today and, in some instances, that wasn't easy. Nobody should misjudge anybody's vote. Judge Porteous was convicted on all four articles and the vast majority of our Members felt that was proper.

At that point, I have to compliment the attorneys from the House. They were terrific. I have complimented them personally, and they know how I feel toward them, but the counsel for the House were very respectful, very knowledgeable, tremendously articulate in what they did and, frankly, acquitted themselves with great dignity and deserve all our respect. We should respect counsel representatives. It is not easy to impeach somebody in this day and age, but they did, and these folks did a terrific job and their counsel as well.

They are Alan Baron, Harold Damelin, Mark Dubester, and Kirsten Konar.

Having said that, the defense counsel did the very best job they could. Jonathan Turley is an imminent professor at George Washington University. I have known him for a long time. He is very innovative and creative. Some thought, in this particular matter, he was quite innovative and creative as well. But let me say he is a very intelligent and very knowledgeable man. His other cocounsel deserve great recognition for what they did here.

I feel sorry for Judge Porteous. To rise to the dignified position of a Federal district court judge and then have this happen, after 30 years in public service or more, I am sure is absolutely painful and a problem and damaging to his reputation. I wish him well. I hope he will analyze these things and make some changes in his life that will be better for him and for his family and others. He has a lot of friends down there in Louisiana, and I think probably earned a lot of friendship, but the Senate has ruled properly in this matter and the impeachment should be upheld.

He should have been convicted of at least one of these articles, if not all four. I don't believe he should have been convicted on two of them—and there were good legal reasons for not going that far in the case of the chairman and myself—but, nevertheless, I respect the votes of all my colleagues on the floor. I know they paid strict attention, sat through almost all the proceedings and the closed session as well, and I commend them.

Finally, I wish to commend our two leaders. The two leaders conducted these proceedings with dignity and with respect, upholding the highest standards of the Senate. You can't ask for more than that, and I am very proud of both our leaders and others as well.

It has been a privilege for me to serve on this committee. I have tried to do the best I possibly could, and I believe the result today is an honest and just result. I just hope this sends a message to all our judges on the Federal bench, and others as well, that it is important to live up to our responsibilities and to do the things we know we should be doing.

Having said all this, I wish to again thank the staff on this committee. What a tremendous bunch of young people, who did a terrific job and who deserve the bulk of the credit of any credit that is due. I am just grateful to have been able to know them and work with them and to love them for the work they have done.

This is one of the most important things the Senate can engage in, and I wish to thank our Parliamentarians. Many times people don't realize how important the Parliamentarians are in

the Senate. We couldn't function without them. We are very blessed to have the Parliamentarians whom we have helping us in the Senate. They go unrecognized many times but not by me. I have a great deal of admiration for them. They keep us out of a lot of difficulties. Sometimes they get us into some difficulties—because of the rules, not because of them. But I want to pay tribute to them as well.

This was a just result. It is what I think had to be done. The country will be better for it. It does send an appropriate message, or messages, I should say, and I feel blessed to have been able to participate on this committee and on this Senate floor. It is a great honor to serve in the Senate. Days such as this help bring that home to me, and I wanted everybody to know it.

I wish to again thank the distinguished chairwoman and tell her how much I appreciate her work.

With that, I yield the floor.

PUBLIC SAFETY EMPLOYER-EMPLOYEE COOPERATION ACT OF 2009—MOTION TO PROCEED

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of the motion to proceed to S. 3991, which the clerk will report.

The legislative clerk read as follows:

Motion to proceed to Calendar No. 662, S. 3991, a bill to provide collective bargaining rights for public safety officers employed by States or their political subdivisions.

The PRESIDING OFFICER. Under the previous order, the time until 12:30 p.m. will be equally divided and controlled between the leaders or their designees.

The Senator from Wyoming.

Mr. ENZI. Mr. President, I allocate to myself such time as I may need.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ENZI. Mr. President, I rise to voice my opposition to S. 3991, the so-called Public Safety Employer-Employee Cooperation Act. I have a number of policy and constitutional concerns about this bill, and I have expressed them over the years, but I have never had the opportunity to work with the bill's supporters to address those concerns. Even though this legislation falls within the HELP Committee's jurisdiction, the committee has never held a hearing on the bill and has only marked it up without amendment or written report—and that was years ago—and this is not the same bill we are considering today.

An objective consideration of this bill reveals it is based on poorly reasoned policy. Over the last 7 years, the proponents of this bill have only brought it directly to the floor and purposefully circumvented the regular order of the Senate and its committee processes, perhaps because the scrutiny

of that process would expose the multiple flaws in this legislation. Rather than addressing this bill on its merits, its proponents have decided, once again, to play the sound bite game. Their calculation is simple: Since this bill involves unions that organize among police and firefighters, they will continue to simply claim that anyone who opposes this bill is against police and firefighters.

Let us address that calculated untruth first. There is no one I know of—Republican or Democrat, supporter or opponent of this bill—who does not respect and value the work and dedication of our police, firefighters, first responders, and other public safety professionals. Their contributions to our communities are immeasurable, and our support of them is unwavering. However, this bill provides no direct benefit to any police officer, firefighter or first responder. It doesn't provide a dime in Federal money to any State, city or town to hire, to train or to equip any additional public safety personnel. In fact, it simply imposes costs that will make that result less likely. It is arguably one of the biggest and most dangerous unfunded mandates the Federal Government has ever imposed.

In fact, there are a number of law enforcement groups opposing this bill: the National Sheriffs' Association, the International Association of Chiefs of Police, and the Fraternal Order of Police have all come out against S. 3991. I think we have to ask: If all these law enforcement groups oppose the bill, is it a good idea to pass it in the last days of a lame-duck Congress?

Plain and simple, the only direct beneficiaries of this legislation are labor unions. You see, while unionization in the private sector has been on a historical down trend, unionization in the public sector has been increasing. In 2009, 37.4 percent of public sector employees were unionized compared to 7.2 percent in the private sector. Government workers are now five times more likely to belong to a union. For the first time in our country's history, the majority of union members are public sector employees, not private sector employees. Public sector unions have been the only area of growth for unions for many years, and as we all know, organizations need to grow to survive.

Let me now turn for a moment to some of the serious and fundamental problems with this legislation. For over 70 years, a hallmark of our Nation's labor policy has been the principle that employment and labor relations between a State, city or town, and its own employees, should not be a matter of Federal law, but a matter of local law. That bedrock principle is not only rooted in our national labor policy, it is firmly fixed in our Constitution and our traditions of federalism. Yet today the proponents of this bill

seek to overturn this hallmark principle and to radically change decades of unbroken Federal law and policy. The enormity of this change is only matched by the prospect that it could occur as a result of total disregard for processes of the Senate and the complete absence of any meaningful opportunity for modification.

You would think the Senate would consider such a bill only after careful examination and due deliberation. Sadly, you would be wrong. This legislation has not had a Senate Committee hearing or markup this Congress or the two Congresses before this one. The HELP Committee has never held a hearing on this bill. The bill grants enormous power over States to a virtually unknown Federal agency. Yet we have never so much as asked a representative sampling of State officials for their views, nor have we ever even been informally asked the Federal agency involved if it feels up to the job we would impose on it. These shortcomings alone show that this bill is being pushed not because it is good policy, but because some see it as expedient politics.

This bill would require that every State, city and town with more than 5,000 residents open its police, firefighters and first responders to unionization. It would impose this Federal mandate not in the absence of any State consideration of this issue, but in direct opposition to the legislative will of several States. Proponents of this legislation have attempted to maintain the fiction that it actually does little to disturb State laws. That is simply not the case.

This bill would expressly overturn the law in 22 States. In fact, 16 States have specifically considered and rejected legislative proposals similar to the law that would be federally imposed under this bill in recent years. Some States, such as Wyoming, have chosen to either extend collective bargaining in a more limited manner than the bill before us would mandate, or not to extend it at all.

In this second chart, proponents of this bill have told Senators from States that do have "full" public sector collective-bargaining laws that this bill would not change anything in their respective home States. However, labor experts have identified at least 12 of those States where the viability of one or more provisions of their own current State law would be in question if this bill were enacted. That is the yellow States. Supporters of the bill base their argument on a provision which allows the Federal Board that will be ruling over all these States to ignore instances where the State law is not as broad as the Federal mandate if "both parties" agree that it is sufficient. Make no mistake, this provision is completely hollow.

First, there are hundreds of thousands of "parties" that will have the

authority to agree or disagree about the sufficiency of a State's law. Every public safety officer and his or her employer will have this authority. The term "public safety officer" is so broadly defined in this bill that many employee groups that may surprise you meet the definition, such as paramedics, lifeguards, security guards and more. What are the odds of all of these groups agreeing to look the other way? Further, anyone who has ever been a party to negotiation knows about leverage. The ability to place one phone call and have an entire State's law on a subject overturned and taken over by the Federal Government is some of the most powerful leverage I have ever heard of.

Let's be completely clear about what this legislation would do. A vote for this bill is a vote to overturn the law and the democratic will of the citizens of many of our States, and to invalidate the democratic action of their voters and legislators. This is very important. That is why mayors of major U.S. cities that already provide collective bargaining rights also oppose the bill. New York City Mayor Bloomberg, along with the mayors of Boston, Cleveland, Denver, Minneapolis, San Diego, Philadelphia and Mesa, AZ, all wrote to the Senate yesterday asking us not to enact this poorly thought out bill. And it is not just the chief executives objecting. Major newspapers across the country such as the *Denver Post*, the *Richmond-Times Dispatch* and the *Washington Post* have editorialized against this proposal. I ask unanimous consent that these materials be printed in the RECORD at the end of my statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. ENZI. I formerly served as the mayor of Gillette, WY, a city of 20,000 people. As I look around this Chamber there are too few here that have any experience with trying to balance a budget for a city or town, which may explain why this unfunded mandate proposal is being brought up with so little attention given to how it will increase the dire financial situation of States and municipalities.

A recent report by the National League of Cities found that municipalities will face a shortfall between \$56 billion and \$83 billion from 2010 to 2012. Headlines across the country confirm that city leaders are responding to deficits with layoffs, furloughs, payroll deductions and cutting city services, all of which will impact police, fire and emergency services departments. This week it was Camden, NJ, laying off 383 employees, including 67 firefighters and up to 180 police officers.

Another survey found 87 percent of city finance officers said that they were less able to meet the city's fiscal needs in 2010, than a year before. The

outlook for States is just as dire, especially considering that Federal stimulus dollars, which many States have used to partially fund budget gaps, will run out after 2012. States will face an estimated \$300 billion budget shortfall for 2011 and 2012. And the extent to which States and municipalities are facing underfunded public employee pensions is truly staggering. A PEW Center on the States report out this year pegs it at a \$1 trillion gap.

During this downturn cities across America are struggling to maintain solvency. Unlike the Federal Government, they cannot print money—they have to actually balance their budgets. Here is the reality. Without regard to pay or benefits, just the administrative costs alone of collective bargaining represent a very significant line item that Congress now proposes to force on States, cities and towns. Towns, particularly small towns, that currently do not have the resources to negotiate and administer multiple collective-bargaining agreements would have to now hire and pay for these additional services. Towns and cities that do not devote the long hours of municipal time to the complicated process of bargaining, and overseeing multiple union contracts, and to administering contract provisions and resolving disputes under a collective-bargaining system will be required to spend that time. Nobody should be fooled. Those additional, manpower and man-hour requirements are enormously costly and burdensome. This bill would impose those costs by Federal mandate, but would not provide a single penny of Federal money to help offset those costs.

As a former mayor, and as the only accountant here in the Senate, I would remind my colleagues about the cold realities of municipal finance. If you increase municipal costs you have only two ways to meet those additional costs—either increase revenues, or decrease services. This bill will unquestionably place many municipalities in the difficult position of choosing between raising State and local taxes, or decreasing and eliminating local municipal services.

Mere consideration of this bill today reveals that many in this body remain sadly out of touch with the real needs of our constituents and the real fiscal problems that their cities and towns face every day. With stagnant or declining property values and an endless parade of increasing fixed costs, don't our cities and towns already have enough on their plate without the Federal Government imposing more new costs through this mandate?

Since the legislation before us has not gone through committee process, I have a number of amendments I will have to offer here on the floor. I always like having this type of legislation go through the committee, so we can dis-

cuss the bill and amendments in a smaller group. I always like doing it in committee. It is a smaller group, more understanding of what the different issues are. It also gives you the chance to kind of grow an idea, to get the germ of an idea and grow it between several people who are interested. That doesn't happen on the floor, it is all up or down. But I will have a number of amendments I will have to offer. These amendments are directed toward protecting the fiscal health of our communities that fall under this mandate, ensuring the integrity of public safety and service organizations, and preventing union abuse of public sector employees, among other issues.

But these problems represent only the tip of the iceberg. If this body decides to take this issue up today and spend the next week debating it, you will hear more detail on my concerns and those that will be raised by other Senators opposed to this proposal who have also never had any chance in the process for amendments.

I urge my colleagues to oppose the motion on the Public Safety Employer-Employee Cooperation Act, S. 3991.

EXHIBIT 1

DECEMBER 7, 2010.

Hon. HARRY REID,
Majority Leader, U.S. Senate,
Washington, DC.

Hon. MITCH MCCONNELL,
Minority Leader, U.S. Senate,
Washington, DC.

DEAR SENATORS REID AND MCCONNELL: As mayors of cities who oversee large public safety agencies and who collectively bargain with our public safety unions, we are concerned about the lack of examination of the Public Safety Employer-Employee Cooperation Act of 2010 (PSEECA). We believe that this bill, like other versions in previous years, could have a profound impact on public sector collective bargaining negotiations and on state and local taxpayers throughout the country, yet there have been no Senate committee hearings on PSEECA since its first introduction in 2001. The uncertainty caused by the PSEECA will certainly lead to litigation at a time when our cities can least afford such expenses.

More broadly, the entire collective bargaining structure under which law enforcement and emergency response personnel operate in our cities could be placed in jeopardy. For example, in New York City, the decision to discipline a police officer involved in a shooting incident, or to determine the circumstances in which drug testing must be performed, resides with the Police Commissioner and is not subject to the bargaining process; this ensures full accountability of the head of the police force to the public. It is of grave concern to all of our cities that important local decisions such as these would be lost as a result of an improper federal finding.

PSEECA also undermines settled law in jurisdictions that have negotiated with unions for decades. In cities like Cleveland and Minneapolis, where there is a strong history of public employee collective bargaining, this legislation runs counter to long established principles of local control over the operations of municipal government. PSEECA risks too much for our cities and adds legal

and fiscal strain during especially difficult economic times. In light of how little has been done to assess the impact of this bill nationwide, we urge you not to proceed with this disappointing and potentially far-reaching maneuver.

Sincerely,

THOMAS M. MENINO,
Mayor, City of Boston.

FRANK G. JACKSON,
Mayor, City of Cleveland.

JOHN W. HICKENLOOPER,
Mayor, City of Denver.

SCOTT SMITH,
Mayor, City of Mesa.

R.T. RYBAK,
Mayor, City of Minneapolis.

MICHAEL R. BLOOMBERG,
Mayor, City of New York.

MICHAEL A. NUTTER,
Mayor, City of Philadelphia.

JERRY SANDERS,
Mayor, City of San Diego.

OPPOSITION ARTICLES RELATED TO PSEECA

"Federal Policies Should Help, Not Hurt, States' Fiscal Health", *The Washington Post*—Dec. 7, 2010.

"Trampling Local Labor Laws", *The Denver Post*—Dec. 1, 2010.

"Forced Labor", *Richmond Times-Dispatch*—Jun. 21, 2010.

"Bad Bargain: Congress Should Let States Handle Their Own Labor Relations", *The Washington Post*—Jun. 16, 2010.

"A Tale of Two Counties", *The Washington Post*—May 30, 2010.

"League Ask State Officials To Oppose Bill", *Charleston Daily Mail*—July 16, 2010.

"A Sop to Big Labor", *Las Vegas Review-Journal*—May 30, 2010.

"Another Union Sop: Pubic Safety Canard", *Pittsburgh Tribune Review*—Jul. 9, 2010.

"Budget Busting Union Bill", *The Post and Courier*—Jun. 21, 2010.

"Safety Union Push Intrudes Too Far", *The Virginian-Pilot*—Jun. 19, 2010.

Mr. ENZI. I yield the floor and reserve the remainder of my time.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SCHUMER. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The Senator from New York.

9/11 HEALTH AND COMPENSATION ACT

Mr. SCHUMER. Mr. President, I rise today in strong support of the 9/11 Health and Compensation Act. Yesterday we observed Pearl Harbor Day, marking the 69th anniversary of that tragic attack on American soil. Nine years ago our Nation was attacked once again. September 11, 2001, was a day of indescribable horror, not only for New York, a city I am proud to call home, but for the entire Nation.

In the minutes, hours, and days after the Twin Towers collapsed, thousands

of first responders rushed to lower Manhattan to dig through the rubble. First they searched for survivors. We all remember the horrible—this is vivid in my mind, the signs people holding: Have you seen this person? It is my husband, my wife, my child, my parent. Because no one knew where everyone was amidst the rubble. We thought—unfortunately we were disappointed, deeply—that there were survivors amidst the rubble and time was of the essence to find them.

Then, in days later, when we realized that there weren't many survivors, there was still a great need to, sadly, search for the bodies of those who perished. You can imagine the anguish of families, who wanted a sign, something—remains of their loved ones—and that search continued. Valiant men and women, not just from New York or New Jersey or Connecticut but from Minnesota and Colorado and all around the country, came—firefighters, first responders, police officers, ordinary citizens—to help us in our horrible hour of need—a moment, a day, a week, a month that I will never forget.

I still look out my window in my home in Brooklyn, every day when I am home, and know that those two Twin Towers are no longer there and I think of the people I knew who were lost, a guy I played basketball with in high school, a businessman who helped me on the way up, a firefighter who dedicated his life to my neighborhood in Brooklyn where I was raised, getting people to donate blood.

We think of all these people. They were resolute, they were brave, they were selfless—those who were lost and then those who came to the rubble. Construction workers. They didn't ask if they were going to get paid. They didn't ask what the danger was to them. They were brave, they were resolute, they were selfless as were firefighters, policemen, EMTs, and others.

Amid the chaos and carnage, they said to themselves: This is what I am trained for, and I will do whatever it takes to help, even if it means risking my life.

So the dust has settled and the ruins of the World Trade Center have been cleared away. The effects of the attack are still being felt, now more than ever, by thousands of those first responders.

Medical experts have determined that on September 11 and the days after, the air around Ground Zero was filled with microscopic cement and glass particles. This dust has caused thousands of first responders to develop chronic respiratory and gastrointestinal diseases.

Just last week, we lost 9/11 first responder Kevin Czaratoryski, a NYPD narcotics detective. He is the third hero to pass away in the past month from the medical complications related to the rescue effort.

Back in 2006, doctors from the Mount Sinai Medical Center that my predecessor, or my former colleague, now Secretary of State, then-Senator Clinton, worked so hard to bring into the picture found that a staggering 70 percent of 9/11 rescue workers suffered from health problems, many of which were irreversible.

The fact is, right now there are people who rushed to those towers who do not know they are ill. The symptoms of these illnesses and diseases, when you get these particles in your lungs and in your gastrointestinal system, the cancers and other illnesses that develop, take years and years before they can be detected. So we know that in the coming years there are going to be more heroes who will become ill, and those who are already suffering may see their conditions worsen.

The 9/11 Health and Compensation Act will finally put these first responders at ease with the knowledge that they will receive treatment for health problems related to rescuing victims of the attack and helping clear the debris from Ground Zero. The bill ensures that those at risk of illness have access to medical monitoring and that all of those who get sick from exposure have a right to consistent treatment. The bill also ensures ongoing data collection and analysis for exposed populations, so we can try to cure or treat in advance people who might become ill.

Critically, the legislation would ensure steady funding for those vital programs so that those in treatment no longer have to wonder whether Congress will appropriate adequate funds to allow their treatment to continue year to year. We have appropriated funds every year. Everyone in this Chamber has voted for those funds. But when it is yearly funds and you need an ongoing medical regime, it is very hard to plan, to buy that machine, to set up a team that would work for 3 or 4 or 5 years under normal circumstances. The heroes who rushed to the towers deserve to be guaranteed proper treatment, not to have their medical needs subject to the whims of what is going on at that month, that time in Washington.

In addition to addressing health needs, the bill would reopen the victims compensation fund, allowing those who missed the arbitrary deadline of December 22, 2003, to seek compensation. This deadline unfairly barred responders who became ill or learned of the fund after the date. You rushed to the tower. As of 2003, you were aware of the fund, but you did not apply. You did not have anything wrong with you. Six months later, you get cancer of the lungs or cancer of the esophagus or stomach, which we found so many getting. Why unfairly prevent them?

So this bill is an opportunity to send a clear message to the thousands of

first responders who risked their lives on that fateful day 9 years ago. We say to them: In our Nation's time of need, you gave us your all. Now, in your time of need, we will give you our all.

Let's not forget, on both sides of the aisle, we have struggled mightily to help our veterans from the wars in Iraq and Afghanistan. In 2001 and 2002, we saw that veterans health care was not up to snuff. There was a bipartisan effort to bring it up to snuff, to make the health care adequate for the new needs of the veterans who risked their lives for us in Iraq and Afghanistan. Why? Because this Nation has a tradition: When you volunteer—as our soldiers do today—and risk your life to protect our freedom, particularly at a time of war, we will be there for you and deal with your medical problems that were caused in that conflict.

I would argue to every one of my colleagues here today, those who rushed to the towers in those fateful hours and days after 9/11 are no different from our veterans whom we exalt. It was a time of war. Our Nation was attacked. They volunteered. No one compelled them to do it. They rushed to danger as our veterans do. So when they are injured, which has happened, they should be treated the same as our veterans. This is nothing we should play politics with, just as we do not play politics with veterans' needs.

I want to make sure everybody hears us. I know there are other legislative concerns, whether it is tax bills or funding bills or whatever. I would say to my colleagues on the other side of the aisle, it is not fair and it is not right to say that we will not remember these people who volunteered and risked their lives to protect our freedom in a time of war; we will not help them until X or Y or Z gets done. It is not fair. It is not right.

It is also time for those who are against the bill to stop spreading lies about it. They say it is vulnerable to fraud. It has been very tight. My good colleague, the Senator from New York, Mrs. GILLIBRAND, has documented thoroughly and completely how the existing compensation has not created any fraud or other types of problems.

We are here. We have debated this bill for years. It has been like running a marathon, and this is the last 100 yards. Thousands of first responders, police officers, firefighters, construction workers, and other heroes who were ordinary citizens from each of the 50 States are waiting for us to act. And for all too many of them, help cannot come soon enough. The finish line is in view. Let us, on both sides of the aisle, cross it together. I implore my colleagues to vote in favor of the 9/11 Health and Compensation Act.

Before I sit down, I wish to praise my colleague who has led the fight, Senator GILLIBRAND from New York. She has made it her passion. She works for

it hours every day and has done an amazing job. I also thank our colleagues on this legislation, particularly my colleagues from across the river, Senators LAUTENBERG and MENENDEZ, who have been our partners. I thank PETER KING, CAROLYN MALONEY, and JERROLD NADLER in the House for their work and many others in New York and other delegations. Again, I hope those efforts will not go in vain, not because of the people who worked on the bill like we did but because of the people who need our help, those who have all kinds of illnesses because they volunteered to help our great Nation and preserve its freedom in a time of war.

I yield the floor.

The PRESIDING OFFICER (Mr. FRANKEN.) The Senator from Colorado.

DREAM ACT

Mr. BENNET. Mr. President, I would like to thank the senior Senator from New York for all of his efforts over many years to make sure first responders from 9/11 receive the settlements they deserve.

I rise today to speak in strong support of the DREAM Act. The DREAM Act will enable some of the best and brightest young people who have graduated from our schools to serve in the Armed Forces and to excel in college and their careers. The DREAM Act actually raises revenue to reduce our deficit. It is for these reasons that the DREAM Act has a history of bipartisan support and why I urge my colleagues to support this bill today, both Republicans and Democrats.

I have been a strong supporter of comprehensive immigration reform that will secure the border, reform our broken family and employment visa systems, address employers who willfully break the law, and require the undocumented to register and become legal, pay a fine, pay their taxes, learn English, and pass criminal background checks.

Unfortunately, Washington has been unable to get comprehensive immigration reform done, even as our immigration system becomes more and more broken. As a result, we need to look at smaller measures to make sure we are addressing the immigration issues that cannot wait. For instance, recently the Senate approved \$600 million to send 1,500 new Border Patrol agents, additional unmanned aerial drones, and communications equipment to our southwest border in order to stem the flow of undocumented immigration and prevent the further smuggling of weapons and money. This is an effort I supported.

The DREAM Act is another step toward improving the overall system. It is a program targeted to a relatively small, defined, select group of immigrants who are currently in this country with few options through no fault of their own. These are students and

graduates of our schools who did not choose to come here but have succeeded and begun to contribute to our country.

This debate is about whether a child who has excelled in the classroom has the opportunity to attend college and later contribute to society as a tax-paying citizen. This debate is also about whether a child whose only home is our country can have the opportunity to serve America in our Armed Forces. It is about whether it makes good fiscal sense to have our government invest in the education of these young people and generate what the Congressional Budget Office estimates to be \$1.4 billion in savings through new revenues to be generated when these kids enter our workforce armed with an education or valuable military experience.

Each year, roughly 65,000 U.S. school students who would qualify for the DREAM Act benefit graduate from high school. These include honor roll students, star athletes, talented artists, homecoming queens, aspiring teachers, doctors, and U.S. soldiers. As a former superintendent of the Denver public schools, I saw firsthand the achievement and potential for these young people, students such as Kevin, who wrote my office this fall to tell his story.

Kevin graduated from high school in Colorado with a 3.9 grade point average and has always dreamed of becoming an engineer. He graduated from the University of Denver with a 3.5 grade point average, and a bachelor of science in electrical engineering with a specialization in control and robotics and a minor in math. Unfortunately, because of his status and despite the fact that our country is in desperate need of engineers, Kevin cannot pursue his dream of becoming an engineer and is now working at a fast food restaurant. This is just one example of our failed politics, where Washington settles for rhetoric over common sense.

According to Defense Secretary Robert Gates, about 35,000 noncitizens serve and 8,000 permanent resident aliens enlist in our military every year. In a letter to Senator DURBIN this past September, the Defense Secretary wrote that the DREAM Act represents an opportunity to expand this pool to the advantage of military recruiting and readiness.

Passing the DREAM Act will provide the opportunity for Fanny, another young woman who reached out to my office, to serve in the military. She came to Denver at the age of 7. When she entered high school, Fanny joined the Air Force ROTC Program, the drill team and the Color Guard. Her dream was to attend the Air Force Academy and serve in the military. Unfortunately, Fanny is barred from service in spite of the fact that this is the only home she knows. Rather than opening

the door to service in this time of war, young people like Fanny who want to stand proudly and serve our country are precluded from doing so.

Taxpayers also stand to gain from the DREAM Act. We will receive a significant return on investment through the contribution of these youth to our society and the revenue generated by their newly legalized, tax-paying status. It has been estimated by the CBO that successful DREAM Act applicants will generate \$2.4 billion in new tax revenue. This is based on the fact that these youth will be able to transition into higher paying jobs and will be paying their fair share of taxes.

If we are going to get our fiscal house in order, we need to make sure we are getting a full return on our investment and not closing the door on new tax revenues.

I know many of my colleagues may still be undecided on whether to move forward on the bill. Some have supported the DREAM Act in the past, only to move away from it in the face of heated rhetoric around the issue of immigration. I ask that before any of them make a final decision, they step back and take a fresh look at the facts and the reality facing these youth.

Support for the DREAM Act is not only a matter of conscience for me since it is the right thing to do, it is also a practical solution. Continued delay is an irresponsible waste.

We owe it to the taxpayers who have invested in the education of these youth, the teachers who have fostered their development, and our military who can benefit from these new recruits to move forward on the DREAM Act. I plan to vote yes and strongly urge my colleagues to do the same.

I yield the floor.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 3:30 p.m.

Thereupon, at 12:31 p.m., the Senate recessed until 3:30 p.m. and reassembled when called to order by the Presiding Officer (Mr. MERKLEY).

PUBLIC SAFETY EMPLOYER-EMPLOYEE COOPERATION ACT OF 2009—MOTION TO PROCEED—Continued

The PRESIDING OFFICER. Under the previous order, there will now be 30 minutes of debate equally divided and controlled between the two leaders or their designees.

In the absence of anyone seeking recognition, time will be charged equally to both sides.

The Senator from Vermont is recognized.

EMERGENCY SENIOR CITIZENS RELIEF ACT

Mr. SANDERS. Mr. President, later on this afternoon, we are going to be

voting on a very simple and straightforward piece of legislation called the Emergency Senior Citizens Relief Act. This legislation is cosponsored by Majority Leader REID, Senators LEAHY, SCHUMER, SHERROD BROWN, WHITEHOUSE, STABENOW, BEGICH, CASEY, GILLIBRAND, LAUTENBERG, and MENENDEZ.

What this legislation would do is, at a time when, for the second consecutive year, seniors and disabled veterans have received no cost-of-living adjustment, or COLA, on their Social Security, this legislation would provide the equivalent of a 2-percent increase by providing them with a one-time \$250 check.

In addition to the Senate cosponsors, this legislation is supported by President Obama, and I appreciate that. It is also supported, for all the right reasons, by virtually every senior organization in the country and every veterans organization, because this benefits not just seniors, many of whom are struggling hard to pay their bills, when their health care costs and prescription drug costs are rising, but it also impacts disabled veterans.

Also supporting this is AARP, the largest senior organization in America; the American Legion, the largest veterans organization in America; VFW; National Committee to Preserve Social Security and Medicare; Disabled American Veterans; The Alliance for Retired Americans; The National Association of Retired Federal Employees; The Vietnam Veterans of America; and many other veterans and senior organizations.

Just this morning, earlier today, 253 members of the House, including 26 Republicans, voted to provide the same \$250 COLA included in the bill that we are going to be voting on within a short time. So it won overwhelmingly in the House. In the House, they put it on the suspension calendar and it needed a two-thirds vote, but they didn't quite get that. I am confident that if we can come together here and get the 60 votes that we need, the House will reconsider the measure and pass it with a strong majority over there.

In the state of Vermont—and I think all over this country—seniors are wondering as to why they are not getting a COLA this year when they are experiencing significant increases in their expenses. And the reason they are not getting their COLA is that, in my view, we have a very flawed methodology in terms of how we determine COLAs for Social Security. What the Department of Labor now does is kind of combine all of the purchasing needs of all Americans—people who are 2 years old, kids who are 16 years old, and people who are 96 years of age. The flaw there is that while laptop computers, and iPads, and other communications technology may in fact have gone down, lowering the cost of inflation, the

needs of seniors and what they spend money on have not gone down.

Most seniors spend their disposable income on health-related costs—visits to doctors, health care, prescription drugs. Those have in fact gone up. So it is unfair for seniors when all of the Americans' purchasing habits are combined, because I think what is not fairly appreciated is what they are spending money on.

To give you one example, the New York Times reported last year that 2009 marked the highest annual rate of inflation for drug prices since 1992, with the prices of brandname prescription drugs going up by about 9 percent. Seniors spend a lot of money, not on flat-screen TVs or iPads or computers but in fact on prescription drugs.

According to the AARP's Public Policy Institute, the average price of brandname prescriptions most widely used by Medicare beneficiaries rose by 8.3 percent from March 2009 to March of 2010.

Since 2000, Medicare Part B premiums have more than doubled, and deductibles have increased by 55 percent.

Seniors enrolled in Medicare Part D prescription drug plans have seen their premiums increase by 50 percent between 2006 and 2010, including an 11-percent increase between 2009 and 2010.

In other words, the seniors who are calling my office, and I suspect your offices, and offices all over this country, are saying: Excuse me, our expenses are going up and we need some help.

This is especially true for the millions of seniors and disabled veterans who are living on limited incomes. They are in trouble. Furthermore, what I would say is that, in the midst of this great debate we are having now on how we go forward in terms of taxes, there are a lot of seniors out there wondering how we can provide hundreds of billions of dollars in tax breaks for the top 2 percent, yet we cannot provide a \$250 check to a disabled veteran or a senior on Social Security.

This is a very simple piece of legislation. The House has already passed it with a strong majority. I hope very much we can pass it this afternoon.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. HARKIN. How much time do we have?

The PRESIDING OFFICER. Five and one-half minutes.

Mr. HARKIN. Mr. President, I yield myself the remainder of the time. I see no Republicans on the floor now.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, our first responders are genuine heroes. On a routine basis, they walk into burning buildings, confront criminals, and put their lives on the line to protect our

families and communities. These dedicated workers are on the front lines every day, and they have invaluable skills and knowledge about how to best protect the public and stay safe on the job.

Unfortunately, under current law, many of our first responders have no voice in the decisions that affect their own lives and livelihoods. Their workplace input is disregarded because they are denied the same basic rights that other American workers enjoy. Currently, private sector employees are covered by the National Labor Relations Act and have the right to form a union if they choose, but we leave it up to States to determine whether police and firefighters have the right to form a union. Over half of the States allow collective bargaining, but almost 300,000 police officers and 141,000 firefighters nationwide are legally forbidden from exercising their basic, fundamental right to collective bargaining. That is an injustice to our police and firefighters and is inconsistent with American values. That is why I support the Public Safety Employee-Employer Cooperation Act, which would extend this basic right to thousands of brave public servants. This bill has the support of a broad bipartisan coalition of Senators.

The Public Safety Employee-Employer Cooperation Act protects the fundamental rights of our first responders by requiring States to provide them with four basic protections: The right to form and join a union; the right to sit down at the table and talk; the right to sign an enforceable contract if both parties agree; and the right to go to a neutral third party when there are disputes.

The benefits of this bill go to both our first responders and the communities they serve. We know that collective bargaining helps improve safety for workers. The firefighter fatality rate in States without collective bargaining is about 52 percent higher than in States that honor these rights. Collective bargaining relations have also helped to address worker fatigue, on-the-job errors, employee fitness, and safety hazards like asbestos. Equally important in these times of State fiscal crisis, there are countless examples across the country of union firefighters and police officers voting to forego scheduled salary increases, defer pension payments, pay increased benefit premiums, or reduce overtime hours in order to help States cut costs and avoid layoffs.

While guaranteeing the fundamental right to organize, the act preserves maximum flexibility for States and localities to shape their own laws. The 26 States that already allow collective bargaining will not have to change their laws at all. Other States will have to ensure the four basic protections, but everything else about how to

craft their labor laws is left entirely to the States' discretion.

It is long past time to ensure that our dedicated public safety officers have the same basic rights that private-sector workers across the country already enjoy. This is a matter of fundamental fairness, and an urgent matter of public safety. I urge all of my colleagues to support this important bipartisan bill.

Mr. President, earlier today my colleague from Wyoming was on the Senate floor and made some statements about this bill—my ranking member, Senator ENZI. I just want to respond to a couple of those.

My friend from Wyoming said the bill didn't go through the HELP Committee during this Congress, and we weren't given a right to consider the bill in the appropriate venue. Well, Senator GREGG, on the Republican side, has introduced this bill for the last five Congresses. The HELP Committee has marked up this bill and approved it twice, and a majority of the Senate has twice voted to consider the bill. So we have been debating this bill for years. Simply because it didn't go through the committee this time doesn't mean it didn't go through the committee many times before, which it did.

Secondly, the bill does not impose an unfunded mandate on our States. That was mentioned. It does not require cities and States to spend money, only to engage in a dialogue. It does not allow strikes, and it does not impose arbitration or require particular terms. These are indeed left up to the States.

Mr. SESSIONS. Will the Senator yield for a question?

Mr. HARKIN. Yes.

Mr. SESSIONS. I think the Senator is using my time.

The PRESIDING OFFICER. The Senator is still in his own time.

Mr. SESSIONS. All right. I was wrong, I am pleased to say.

I thank the Chair.

Mr. HARKIN. Mr. President, the American people are united in their desire to provide generously for the new generation of veterans, including those who have served in the wars in Iraq and Afghanistan. We want these veterans to have every opportunity to reintegrate successfully into civilian life, to find good jobs, and to build solid careers. To that end, the Federal Government has provided opportunities for these veterans to pursue advancement through higher education. That is why we passed the post-9/11 G.I. bill on June 30, 2008, and it is why we expanded existing education programs through the Department of Defense—DOD.

The Committee on Health, Education, Labor, and Pensions, which I chair, has been conducting an in-depth inquiry into the for-profit sector of higher education. Most recently, we have taken a look at the unprecedented surge of dollars from military edu-

cational benefits programs to for-profits. I am here today to have printed in the RECORD a new report that committee staff has prepared titled, "Benefitting Whom? For-Profit Education Companies and the Growth of Military Educational Benefits." This report documents that between 2006 and 2010, combined Department of Veterans Affairs and Department of Defense education benefits received just by 20 for-profit education companies increased from \$66.6 million to \$521.2 million, an increase of 683 percent.

Mr. President, I will have more to say about the report in the upcoming days.

Mr. President, I ask unanimous consent that a report and an appendix be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Post-9/11 Veterans Educational Assistance Act: Enacted in June 2008, the Post-9/11 GI Bill has been in effect for only one year. Even a look at this brief window illustrates that students eligible for these benefits are being aggressively pursued by for-profit schools. The 30 for-profit schools that received document requests reported 23,766 students receiving military benefits of any type in 2006, but 109,167 students receiving benefits in 2009, and 100,702 students through approximately just the first half of 2010.

Rapidly Increasing Veterans' Benefits: Of 20 for-profit schools that provided usable data to the HELP Committee, between 2006 and 2010, the combined VA and DoD total military educational benefits increased from \$66.6 million to a projected \$521.2 million in 2010, an increase of 683 percent. For each year analyzed, growth in revenue from military educational benefits was much higher than overall revenue growth, and the growth accelerated dramatically after the Post-9/11 GI Bill was enacted. Between fiscal year 2006 and 2007, overall revenue increased 8.4 percent while military educational benefit related revenue increased 23.8 percent. Between 2009 and 2010, while overall revenue increased a healthy 26.1 percent, military revenue increased 211 percent. DoD programs are also increasing rapidly.

Eighteen companies that provided documents to the HELP Committee differentiated revenues from the Department of Veterans Affairs and the Department of Defense for the entire period 2006 through 2010. In that period, Department of Defense educational benefits paid to these schools increased from \$40 million in 2006 to an expected \$175.1 million in 2010, a 337.4 percent increase. Department of Veterans Affairs educational benefits paid to these schools increased more than tenfold from \$26.3 million in 2006 to an expected \$285.8 million in 2010, including a five-fold increase from \$55.3 million to \$285.8 million just between 2009 and 2010. Increases in both programs occur across schools and are not dependent on the size of the school or whether it offers classroom-based programs or operates primarily online. For one primarily online school, DoD revenues increased more than seven-fold from \$220,528 in 2006 to \$1.64 million in 2010. For a smaller privately owned school, they increased ten-fold from \$7,300 in 2006 to \$75,300 in 2010. At a school with a long history of serving active duty servicemembers, DoD revenues increased from \$26.44 million in 2006

to an expected \$98.14 million in 2010. When looking at VA benefits, a primarily online school specializing in graduate programs saw an increase from \$375,108 in 2006 to an expected \$12.35 million in 2010. At a smaller privately owned school, VA benefits increased from \$321,450 in 2006 to a forecasted \$8 million for 2010.

Company 1: To better understand the dramatic impact that changes to the DoD and VA programs have had on the amount of funding flowing to for-profit schools, it is helpful to look at three individual education companies. Company 1 operates a for-profit school that is not publicly traded. It has a strong physical presence near military installations, with a history of enrolling students who are servicemembers or veterans. The school actively recruits servicemembers and veterans, and has military-oriented marketing on its website, noting that it offers classes on, near, and around military installations as well as online. It encourages active-duty servicemembers to utilize the Top-Up program to spend Post-9/11 GI Bill benefits in addition to Tuition Assistance in order to cover tuition. In 2006, the school had 1,338 military students. With the availability of Post-9/11 GI Bill benefits and the overall growth in enrollment, some growth in both the numbers of students attending the schools and the amount of military benefit dollars going to the schools would be expected. In fact, steady growth is evident from 2006 through 2009, with military funding increasing from \$3 million in 2006 to \$3.4 million in 2009 and the number of eligible students varying from 1,100 to 1,400. However, for 2010 the growth is dramatic, with the school enrolling 5,223 eligible military students and receiving \$23 million in military benefits. At the same time, according to the Committee's analysis of all the students enrolling in the school's associate's degree programs between August 1, 2008 and July 31, 2009, 47 percent had dropped out by mid-2010, as had 52 percent of students enrolled in the school's bachelor's degree program. Students who dropped out of these programs within the first year did so in an average of 180 days, during which they would likely have paid about \$6,550 in tuition. The school also has an overall repayment rate of just 33 percent, while one campus has a repayment rate of just 8 percent. Although military students may fare somewhat better than the overall student population in completing the programs, the fact that such a significant portion of military educational benefits are going to a for-profit school with high tuition, in combination with problematic out-

comes and poor repayment rates, raises serious questions about whether the school might be shortchanging veterans.

Company 2: A second company, this one publicly traded, similarly saw a significant increase of military benefits in 2009 and 2010. Unfortunately, it is impossible to examine the increase because the company never tracked the amount of military educational benefits received prior to 2009, and has failed to provide a breakdown of how much of the military educational benefits they receive is from the DoD and how much is from VA. Similarly, the company failed to provide the HELP Committee with the number of students receiving military benefits for any year except 2009, when they stated that they enrolled 2,764 students receiving military benefits. This company, which received \$1.02 billion in federal financial aid dollars in 2009, generated \$488.8 million in profits, and spent \$120,000 on lobbying in the first three quarters of 2010, has not produced basic information about company revenues or its student body requested by the HELP Committee. Supplementing the \$1.02 billion in revenues from federal financial aid dollars the company received in 2009, it is on pace to receive \$101.4 million in federal military educational benefits in 2010, the highest dollar figure of any for-profit school. In the first year of Post-9/11 GI Bill eligibility (August 2009–July 2010), the company's campuses received at least \$79.2 million in benefits just from the Post-9/11 program for 6,677 students, at an average cost of \$11,855 per student. Like Company 1 discussed above, the overall student outcomes for this particular school were poor. For students entering between summer 2008 and summer 2009, 53.1 percent of associate's degree students and 44.5 percent of bachelor's degree students had dropped out by the summer of 2010, and had dropped out within a median of 90 days, or just under 3 months. The company has a loan repayment rate of 31 percent with two campuses with repayment rates of only 4%, and has 11 campuses with 3-year default rates over 25 percent. Meanwhile, the company's revenues provided a 37.1 percent profit margin for 2009. Again, these figures raise a troubling question: Is this school putting profit ahead of providing our veterans with a quality education that will lead to a good job?

Company 3: A second publicly traded company also helps to illustrate the dramatic and recent nature of the increases in military educational benefits going to for-profit schools, as well as the cost differentials among the schools. Company 3 received Post-9/11 GI Bill benefits for 6,211 students total-

ing \$47.9 million. Company 2 received benefits for a comparable 6,677 students, but received \$79.2 million in VA benefits. While Company 3 received an average of \$7,710 per student, Company 2 with similar programs and locations, received an average of \$11,855 per student! Company 3 provided clear data to the Committee showing that in 2006, the school received benefits from three students under the DoD Tuition Assistance program and 207 students through VA programs, for combined military educational revenues of \$2.69 million. These numbers remained relatively level through 2009, with six students receiving DoD Tuition Assistance and 148 receiving VA benefits for a total of \$1.44 million in revenues. In 2010, however, the same school enrolled 5,754 veteran students, and received veterans' benefits totaling \$57.99 million. Enrollment of active-duty students receiving tuition assistance also soared from six students to 148 students receiving \$2.43 million in benefits, a significant one year increase on its own. However, for students entering in 2008–2009, 56.4 percent of all bachelor's students and 54.3 percent of all associate's students had left Company 3's schools within one year of enrolling, with the median student staying 112 days or just under four months. The repayment rate for the company's student body as a whole is 35 percent. Looking at individual schools' rapid acceleration in revenues from both VA and DoD military educational benefits makes clear that there is a concerted effort to attract students eligible for military benefits to the schools. It demonstrates that the increase in funds going to the schools has occurred very quickly and is likely to continue and possibly to escalate in the absence of increased oversight by Congress or the relevant agencies. Given the troubling short-term outcomes of many of the for-profit schools examined by the Committee, and the unknown, but potentially troubling prospects for students completing these programs, very serious questions exist as to whether our servicemembers and veterans are receiving the education intended by Congress.

With high tuition rates, and with half, or close to half of the general student population dropping out in the first year, it is incumbent on the Congress and the agencies to do more to ensure that the servicemembers and veterans attending for-profit schools are in fact getting the promised educational benefits in exchange for this significant federal investment.

MILITARY EDUCATIONAL BENEFITS RECEIVED BY 30 FOR-PROFIT EDUCATION COMPANIES

Company	Fiscal year	Department of Defense education benefits	Department of Veterans Affairs education benefits	Total military education benefits
Alta Colleges, Inc.	2006	\$0.00	\$0.00	\$0.00
	2007	\$0.00	\$0.00	\$0.00
	2008	\$0.00	\$0.00	\$0.00
	2009	\$0.00	\$0.00	\$0.00
	2010	\$0.00	\$12,794,916.35	\$12,794,916.35
	2010 Projected	\$0.00	\$15,353,899.62	\$15,353,899.62
American Career College	2006	\$0.00	\$1,930.00	\$1,930.00
	2007	\$0.00	\$0.00	\$0.00
	2008	\$0.00	\$0.00	\$0.00
	2009	\$0.00	\$186,117.42	\$186,117.42
	2010	\$0.00	\$662,251.00	\$662,251.00
	2010 Projected	\$0.00	\$1,135,287.43	\$1,135,287.43
American Public Education, Inc.	2006	\$26,438,624.99	\$2,241,622.12	\$28,680,247.11
	2007	\$42,666,884.40	\$3,293,956.56	\$45,960,840.96
	2008	\$65,338,857.08	\$4,807,090.49	\$70,145,947.58
	2009	\$85,377,635.60	\$7,194,847.69	\$92,572,483.29
	2010	\$49,070,768.25	\$7,070,234.33	\$56,141,002.58
	2010 Projected	\$98,141,536.50	\$14,140,468.66	\$112,282,005.16
Anthem Education Group	2006	\$0.00	\$27,500.21	\$27,500.21
	2007	\$0.00	\$26,272.65	\$26,272.65
	2008	\$0.00	\$22,908.17	\$22,908.17

MILITARY EDUCATIONAL BENEFITS RECEIVED BY 30 FOR-PROFIT EDUCATION COMPANIES—Continued

Company	Fiscal year	Department of Defense education benefits	Department of Veterans Affairs education benefits	Total military education benefits
	2009	\$0.00	\$0.00	\$0.00
	2010	\$0.00	\$588,476.04	\$588,476.04
Apollo Group, Inc.	2006	\$34,429,054.89	\$4,305,292.85	\$38,734,347.74
	2007	\$34,600,039.42	\$5,309,996.10	\$39,910,035.52
	2008	\$32,581,190.54	\$6,782,860.27	\$39,364,050.81
	2009	\$39,123,465.11	\$10,462,349.95	\$49,585,815.06
	2010		NO DATA PROVIDED	
Bridgepoint Education, Inc.*	2006	\$0.00	\$12,366.45	\$12,366.45
	2007	\$0.00	\$30,229.09	\$30,229.09
	2008	\$640,590.82	\$91,495.61	\$732,086.43
	2009	\$1,926,211.44	\$2,225,403.61	\$4,151,615.05
	2010	\$20,593,019.48	\$6,139,962.76	\$26,732,982.24
	2010 Projected	\$41,186,038.96	\$12,279,925.52	\$53,465,964.48
Capella Education Co.	2006	\$56,335.00	\$375,108.11	\$431,443.11
	2007	\$58,459.40	\$318,253.00	\$376,712.40
	2008	\$161,197.00	\$381,233.53	\$542,430.53
	2009	\$304,482.05	\$2,484,172.59	\$2,788,654.64
	2010	\$174,333.49	\$6,173,139.32	\$6,347,472.81
	2010 Projected	\$348,666.98	\$12,346,278.64	\$12,694,945.62
Career Education Corp.	2006	\$7,913,267.48	\$15,964,584.60	\$23,877,852.08
	2007	\$7,532,830.67	\$13,917,067.94	\$21,449,898.61
	2008	\$7,190,440.67	\$15,474,386.19	\$22,664,826.86
	2009	\$10,589,096.30	\$27,954,755.10	\$38,543,851.40
	2010	\$6,710,145.55	\$39,433,890.52	\$46,144,036.07
	2010 Projected	\$13,420,291.10	\$78,867,781.04	\$92,288,072.14
Chancellor University	2006		DID NOT EXIST	
	2007		DID NOT EXIST	
	2008		DID NOT EXIST	
	2009	\$0.00	\$0.00	\$0.00
	2010	\$0.00	\$0.00	\$0.00
Concorde Career Colleges, Inc.*	2006	\$21,137.33	\$97,271.44	\$118,408.77
	2007	\$17,973.80	\$176,478.65	\$194,452.45
	2008	\$86,697.86	\$244,802.49	\$331,500.35
	2009	\$185,118.31	\$1,002,726.23	\$1,187,844.54
	2010	\$357,937.20	\$1,697,880.32	\$2,055,817.52
	2010 Projected	\$715,874.40	\$3,395,760.64	\$4,111,635.04
Corinthian Colleges, Inc.	2006	NO BREAKOUT PROVIDED		\$39,388.00
	2007	NO BREAKOUT PROVIDED		\$31,133.00
	2008	NO BREAKOUT PROVIDED		\$64,761.56
	2009	NO BREAKOUT PROVIDED		— \$4,927.56
	2010	\$485,045.00	\$15,277,378.79	\$15,762,423.79
DeVry, Inc.	2006	\$21,648.55	\$2,667,497.87	\$2,689,146.42
	2007	\$42,539.74	\$2,161,221.01	\$2,203,760.75
	2008	\$27,035.46	\$2,119,896.25	\$2,146,931.71
	2009	\$59,402.67	\$1,383,042.43	\$1,442,445.10
	2010	\$2,428,761.15	\$55,557,510.47	\$57,986,271.62
Drake College of Business	2006	\$0.00	\$0.00	\$0.00
	2007	\$0.00	\$0.00	\$0.00
	2008	\$0.00	\$0.00	\$0.00
	2009	\$0.00	\$0.00	\$0.00
	2010	\$0.00	\$0.00	\$0.00
ECPI Colleges, Inc.	2006	\$1,730,565.36	\$1,250,382.30	\$2,980,947.66
	2007	\$2,103,251.46	\$1,511,269.18	\$3,614,520.64
	2008	\$1,092,668.22	\$1,243,855.32	\$2,336,523.54
	2009	\$1,641,698.50	\$1,793,502.79	\$3,435,201.29
	2010	\$3,258,238.06	\$19,850,057.30	\$23,108,295.36
Education America, Inc.	2006	\$0.00	\$59,859.38	\$59,859.38
	2007	\$0.00	\$113,752.59	\$113,752.59
	2008	\$44,524.00	\$56,082.21	\$100,606.21
	2009	\$18,183.74	\$22,690.19	\$40,873.93
	2010	\$340,611.65	\$2,562,636.10	\$2,903,247.75
Education Management Corp.	2006	NO BREAKOUT PROVIDED		\$217,571.77
	2007	NO BREAKOUT PROVIDED		\$394,176.02
	2008	NO BREAKOUT PROVIDED		\$676,842.99
	2009	NO BREAKOUT PROVIDED		\$2,039,710.81
	2010	NO BREAKOUT PROVIDED		\$52,469,077.71
Grand Canyon Education, Inc.	2006	\$220,528.58	\$0.00	\$220,528.58
	2007	\$470,346.33	\$0.00	\$470,346.33
	2008	\$738,209.25	\$0.00	\$738,209.25
	2009	\$1,637,330.33	\$0.00	\$1,637,330.33
	2010		NO DATA PROVIDED	
Henley-Putnam University	2006	\$0.00	\$0.00	\$0.00
	2007	\$21,279.00	\$54,573.00	\$75,852.00
	2008	\$172,581.00	\$347,384.00	\$519,965.00
	2009	\$295,592.00	\$853,003.00	\$1,148,595.00
	2010		NO DATA PROVIDED	
Herzing Educational System	2006	\$7,320.00	\$0.00	\$7,320.00
	2007	\$0.00	\$0.00	\$0.00
	2008	\$2,750.00	\$268,649.33	\$271,399.33
	2009	\$32,676.00	\$772,004.18	\$804,680.18
	2010	\$46,000.00	\$871,401.97	\$917,401.97
	2010 Projected	\$75,306.96	\$1,426,578.94	\$1,501,885.90
ITT Educational Services, Inc.	2006	\$0.00	\$0.00	\$0.00
	2007	\$0.00	\$0.00	\$0.00
	2008	\$0.00	\$0.00	\$0.00
	2009	\$0.00	\$20,852,677.99	\$20,852,677.99
	2010	\$0.00	\$50,696,494.57	\$50,696,494.57
	2010 Projected	\$0.00	\$101,392,989.14	\$101,392,989.14
Kaplan Higher Education (Owned by Washington Post Co.)	2006	\$2,089,589.51	\$498,798.23	\$2,588,387.74

MILITARY EDUCATIONAL BENEFITS RECEIVED BY 30 FOR-PROFIT EDUCATION COMPANIES—Continued

Company	Fiscal year	Department of Defense education benefits	Department of Veterans Affairs education benefits	Total military education benefits
	2007	\$2,369,904.04	\$425,830.28	\$2,795,734.32
	2008	\$2,418,545.39	\$404,151.80	\$2,822,697.19
	2009	\$5,972,872.54	\$4,402,022.45	\$10,374,894.99
	2010	\$6,331,145.68	\$18,124,289.68	\$24,455,435.36
	2010 Projected	\$12,662,291.36	\$36,248,579.36	\$48,910,870.72
Keiser University	2006	\$111,165.68	\$321,450.19	\$432,615.87
	2007	\$86,536.96	\$518,763.27	\$605,300.23
	2008	\$37,662.86	\$803,384.53	\$841,047.39
	2009	\$105,582.62	\$2,055,617.94	\$2,161,200.56
	2010	\$241,513.31	\$4,000,701.62	\$4,242,214.93
	2010 Projected	\$483,026.62	\$8,001,403.24	\$8,484,429.86
Laureate Education, Inc. +	2006		NO DATA PROVIDED	
	2007		NO DATA PROVIDED	
	2008		NO DATA PROVIDED	
	2009		NO DATA PROVIDED	
	2010		NO DATA PROVIDED	
Lincoln Educational Services Co.	2006	\$32,459.33	\$228,605.96	\$261,065.29
	2007	\$76,337.52	\$373,731.31	\$450,068.83
	2008	\$70,674.03	\$348,491.30	\$419,165.33
	2009	\$178,680.11	\$1,692,342.53	\$1,871,022.64
	2010	\$150,709.45	\$4,308,982.78	\$4,459,692.23
	2010 Projected	\$301,418.90	\$8,617,965.56	\$8,919,384.46
National American University Holdings, Inc.	2006	\$1,509,102.41	\$137,834.34	\$1,646,936.75
	2007	\$1,657,352.56	\$52,521.02	\$1,709,873.58
	2008	\$1,574,078.54	\$55,651.56	\$1,629,730.10
	2009	\$1,682,427.90	\$69,326.60	\$1,751,754.50
	2010	\$1,586,327.84	\$1,159,039.09	\$2,745,366.93
Rasmussen, Inc.	2006	NO BREAKOUT PROVIDED		\$132,175.72
	2007	NO BREAKOUT PROVIDED		\$166,960.14
	2008	NO BREAKOUT PROVIDED		\$234,823.43
	2009	NO BREAKOUT PROVIDED		\$444,169.05
	2010	NO BREAKOUT PROVIDED		\$4,004,291.44
	2010 Projected	NO BREAKOUT PROVIDED		\$5,339,055.25
Strayer Education, Inc. +	2006	\$2,962,040.38	NO DATA PROVIDED	\$2,962,040.38
	2007	\$3,741,602.49	NO DATA PROVIDED	\$3,741,602.49
	2008	\$4,516,986.99	NO DATA PROVIDED	\$4,516,986.99
	2009	\$5,347,676.78	\$5,385,138.68	\$10,732,815.46
	2010	\$3,335,773.12	\$16,999,607.55	\$20,335,380.67
	2010 Projected	\$6,671,546.24	\$33,999,215.10	\$40,670,761.34
TUI University	2006		DID NOT EXIST	
	2007		DID NOT EXIST	
	2008	\$16,609,992.55	\$3,234,619.17	\$19,844,611.72
	2009	\$33,227,991.92	\$5,868,491.67	\$39,096,483.59
	2010	\$38,595,867.15	\$7,155,399.56	\$45,751,266.72
Universal Technical Institute, Inc.	2006	\$100,315.40	\$1,492,759.54	\$1,593,074.94
	2007	\$160,044.19	\$1,390,395.57	\$1,550,439.76
	2008	\$206,405.79	\$1,403,107.49	\$1,609,513.28
	2009	\$209,842.94	\$2,091,255.61	\$2,301,098.55
	2010	\$126,534.10	\$10,701,869.77	\$10,828,403.87
	2010 Projected	\$151,840.92	\$12,842,243.72	\$12,994,084.64
Vatterott Educational Centers, Inc.*	2006	\$0.00	\$801,274.13	\$801,274.13
	2007	\$0.00	\$733,508.98	\$733,508.98
	2008	\$0.00	\$720,618.66	\$720,618.66
	2009	\$0.00	\$1,468,029.08	\$1,468,029.08
	2010	\$0.00	\$1,934,796.33	\$1,934,796.33
	2010 Projected	\$0.00	\$3,869,592.66	\$3,869,592.66

* Includes VA vocational rehabilitation funds.

+ Data combined with student cash payments.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. HARKIN. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

DREAM ACT

Mr. SESSIONS. Mr. President, I wish to share a few thoughts about the legislation that I understand we will be voting on—at least voting on cloture—later this afternoon, and that is the DREAM Act. One of the major themes of the recent election was an idea revolving around an idea set forth in the Declaration of Independence—the idea that is a bedrock principle of our country—and that is the government derives its just powers from the consent of the governed.

Many Americans have believed for some time now that Washington has become disconnected from the people it serves. Indeed, a recent poll found that

only one in five Americans believes the government is operating with the consent of the governed.

Now, on the heels of a historic midterm election, the Democratic leadership in this lameduck session is, I believe, further eroding those bonds of trust by refusing to listen and moving an amnesty bill that violates a clear American view that border security should be first. The American people are correct in that. It is not negative, mean-spirited. The American people understand, and I think Congress is coming to understand also, that ending the lawlessness at our borders is the first thing that must be done, and at some point after that we can then wrestle with what to do about people here illegally or else we are surrendering to lawlessness.

So our Democratic leaders have introduced now four versions of the DREAM Act in just the last 2 months—

three in the last 2 or 3 days—a shell game that abuses the process. We have not had hearings on it in 7 years. Meanwhile, the DREAM Act has been proposed as a bill for ambitious youth on a track to graduate from high school or college and join the military. But the truth is far different from that talking point.

In reality, the DREAM Act would grant nearly unrestricted amnesty—a guaranteed path to citizenship—to millions of illegal aliens—adults and youth alike. They do not even need a high school diploma. They certainly do not need a college degree. And they do not need to join the military. In fact, the bill's eligibility provisions are so broad that even repeat criminal offenders would fall within its loose requirements and qualify for this masked amnesty.

The public has pleaded with Congress time and again to secure the border,

but those pleas have been ignored by those who have been pushing this bill. Why aren't we seeing calls for that? Americans want us first to enforce the laws we have, but the bill will reward and encourage the violation of American laws. Americans want Congress to end the lawlessness, but this bill would have us surrender to it. It is a give-up type of approach.

Consider the DREAM Act's core features. It is not limited to children first. Illegal aliens as old as 30 or 35, depending on the bill, are eligible on the date of enactment, and they remain eligible to apply at any future age, as the registration window does not close. One does not need a high school diploma, a college degree, or military service. A person here illegally can receive indefinite legal status as long as they have a GED—the alternative to a high school diploma. They can receive that in a foreign language, and they can receive permanent legal status and a guaranteed path to citizenship as long as they then complete 2 years of college or trade school, but their status changes upon application after having a GED.

My faithful staff has just discovered and made a copy of this Google page, and it had 273,000 hits. The title of it is "Fake Diploma," and it has places on here that one could obtain a fake diploma, fake degree, fake diplomas. Or how about another one: fake diplomas, fake degrees, fake GEDs, high school diplomas. Buy a GED, high school diploma, college diploma, college transcript, college degrees or high school transcripts at Diploma Company, your online source. It goes on down there: Fake diploma, fake diploma, fast delivery, fake diploma, transcript, birth certificate.

So this is not going to be easy to enforce. I would assure you we have insufficient personnel to go out and run down all these matters.

One version of the DREAM Act offers illegal aliens instate tuition, for which many Americans are not eligible. All four versions that are now pending provide illegal aliens with Federal education benefits, such as work-study programs, Federal student loans, and access to public colleges. These are already funded. We would like to have more money for these loan programs. But it has to be spread out, and the budget is tight. So more illegal aliens would then be rewarded by these programs.

The CBO—the Congressional Budget Office—has said the bill, over time, would add \$5 billion to the national debt. But I believe the number is likely to be higher because CBO clearly failed to account for a number of major cost factors with the DREAM Act, including public education costs, chain migration, and fraud. Nor does the CBO take into account what history has proven—that passing amnesty will incentivize even more illegality and lawlessness at the border.

I wish it weren't so, but experience teaches us that it is. If you are here illegally, and you have a young brother, a nephew, they can get into our country and get into a high school. They can't deny them if they are here illegally. So they can get a degree or GED, and they are put on a guaranteed path to citizenship. At the point that occurs, they can even make application for their family member to be given a priority—the one who was here illegally to begin with, who brought them here. That is the reality under our immigration procedure.

In addition, the CBO assumes a large portion of these individuals will obtain jobs, but there is no job surplus today. Indeed, there is a surplus of labor that can't find employment. So this score does not count unemployed American citizens who can't get jobs because of additional competition. Estimates conservatively say between 1.3 and 2.1 million illegal aliens will be immediately eligible for the DREAM Act's amnesty. But that number will grow significantly, as the bill has no cap or sunset. Moreover, those who do obtain legal status can do the same for their relatives, as I indicated.

Many with criminal records will also be eligible for the DREAM Act's amnesty. They simply must have less than three misdemeanor violations—less than three. Those potentially eligible would include drunk drivers, gang members, even those who have committed certain sexual offenses. Many of those are misdemeanors. And the most recent version of the bill also gives the Secretary of Homeland Security broad authority to wave ineligibility for even the most severe criminal offenders and those who pose even a threat to national security.

Mr. President, I was a Federal prosecutor and State attorney general. I know for a fact that every day, for a host of reasons—maybe a witness didn't show up, maybe the caseload is overwhelming—prosecutors allow people to plead to misdemeanors when the offense they have actually committed is a felony. So allowing a person to have three misdemeanors is a serious loophole and does not suggest that the criminal activity they have been participating in is insignificant or nonconsequential.

Surprisingly, those who commit document fraud or who lie to immigration authorities are eligible for the amnesty as well. This is particularly troubling as it contains a potential loophole for high-risk individuals to be placed on a pathway to citizenship. One of the warning signs missed prior to 9/11 was the fraudulent visa applications submitted by the 9/11 hijackers.

The DREAM Act even contains a safe harbor provision that would prevent many applicants from being removed as long as their application is pending, even if they have a serious criminal

record. This provision would dramatically hinder our Federal authorities and will undoubtedly unleash a torrent of costly litigation.

One of the things that has been happening too much is what we call catch-and-release. People are apprehended and placed in jail and then they are released—illegal aliens—and told to report back to the court for a final disposition of their case. Not surprisingly, over 90 percent—I think 94 percent—don't show up. So when we allow these processes to be delayed significantly, it reduces the ability of the law enforcement officials to be able to process cases, and it allows many to be released on bail, whereupon they abscond and do not return.

Mr. President, how much time is left on this side?

The PRESIDING OFFICER. Twelve seconds.

Mr. SESSIONS. Twelve seconds. I thank the Chair.

So, Mr. President, this country needs to end the lawlessness, and after that is done—and it can be done shortly—the American people want us to wrestle with how to handle people who have entered our country illegally. The reverse is not true.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. SESSIONS. They do not want us providing amnesty before the border is secure.

I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I see the minority leader, Senator MCCONNELL, is on the floor. I will make a unanimous consent request, but I want to make certain he has his opportunity to speak.

So I would ask unanimous consent that after Senator MCCONNELL has completed his remarks, I be given 10 minutes to speak, and an equal amount of time offered to the Republican side of the aisle, before the first rollcall vote.

The PRESIDING OFFICER. Is there objection?

Mr. MCCONNELL. Did the Senator say 10 minutes?

Mr. DURBIN. Ten minutes each side, and I would offer the same amount to your side.

Mr. MCCONNELL. I would say to my friend from Illinois, we don't need 10 minutes.

Mr. DURBIN. Then I ask for 10 minutes to speak after the Senator has completed his remarks.

Mr. MCCONNELL. Is my friend from Illinois asking a consent?

Mr. DURBIN. I ask unanimous consent after Senator MCCONNELL completes his remarks that I have 10 minutes to speak, and I believe we will be able to accommodate everyone's schedule.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCCONNELL. Mr. President, I am just going to proceed for a couple minutes on my leader time.

The PRESIDING OFFICER. The Senator is recognized.

DEMOCRATIC MISPLACED PRIORITIES

Mr. MCCONNELL. Mr. President, it is perfectly clear our friends on the other side are more interested in pleasing special interest groups than in addressing our Nation's job crisis. Once again, they are insisting the Senate spend its last remaining days before the end of the session voting on a liberal grab bag of proposals that are designed to fail. They don't even intend to pass these items. They just want to show they care enough to hold these show votes, which raises a question: Are we here to perform or are we here to legislate?

Our friends have focused on partisan votes for 4 years now. Meanwhile, millions of Americans have lost jobs and homes and in many cases hope. The Nation's debt has skyrocketed through misguided programs Americans did not want. It is time to put them aside and actually accomplish something the American people support. It is time to give back the legislative process to the people who sent us here.

That means preventing a tax hike that is about to slam every working American. It means doing something to address the jobs crisis, to give families and small businesses the tools they need to revive this economy and get people back to work. It is time to end the posturing and to work together to accomplish something, not for the liberal base, for the vast middle of America that needs us.

The White House has signaled its concern over the economy, that its policies are not helping, and that it is time to work with Republicans on forging a new path. We have reached a bipartisan agreement. It is time Democrats in Congress reach a similar conclusion and enable us to act for the good of the whole country. Americans are counting on us. They have waited long enough.

I yield the floor.

The PRESIDING OFFICER (Mr. MANCHIN). The Senator from Illinois.

THE DREAM ACT

Mr. DURBIN. Mr. President, I thank the minority for giving me this opportunity to speak. Later in this queue of votes there will be a vote on an issue known as the DREAM Act. I introduced this bill 10 years ago. What I am attempting to do in this bill is to try to resolve an item of great injustice in America.

All across this country are young boys and girls, young men and women who came to this country with their parents when they were only children, who were brought in by parents who were here in illegal status. They could have been parents who came here on a

student visa and stayed beyond when they were supposed to. But the children have been raised in America. They have grown up in this country.

I learned of this issue in Chicago when a young Korean-American mother called and said: My daughter, I brought her here when she was 2 years old and I never filed any paperwork. She just completed high school. She has been accepted at Juilliard School of Music. She is an accomplished pianist. What should I do?

When I contacted our immigration authorities, they said: Send her back to Korea. She is not an American citizen. She has no status in this country.

Multiply that story many times over and you will know why I introduced the DREAM Act. If you or I were driving down the highway and speeding, pulled over by a policeman and given a ticket, we would understand it. But if they also gave a ticket to your young daughter in the backseat, you would say: That is not fair. She wasn't driving. These children were not driving when their parents came to America, but they have been trying to drive through the obstacles that are here for all new immigrants into this country, and they have achieved some remarkable things.

I met these young men and women across America. They are inspiring in terms of what they achieve coming from poor immigrant families. They are the valedictorians of their classes, they are presidents and stars on the sports teams and the people who win the college bowls and they are undocumented. They have no country and they have no place to go.

So we said, in the name of compassion and justice, give these young people a chance. I introduced the bill 10 years ago and I have been fighting ever since to pass it and this afternoon we will have the chance to move to this bill, the DREAM Act. But we don't make it easy on these young people. Despite the fact that half the Hispanics in this country today do not graduate from high school, we require, for example, that all children covered by the DREAM Act must graduate from high school. As to this argument by the Senator from Alabama that they may go to a phony or fake high school, let me tell you these young people are going to be carefully scrutinized. They have to meet the test.

That is not all they have to meet. There will be other tests too. Have they been guilty of a felony or criminal activity beyond simple misdemeanors? It disqualifies them.

Have they engaged in voter fraud or unlawful voting? It disqualifies them. Have they committed marriage fraud? It disqualifies them. Have they abused the student visa? It disqualifies them. Have they engaged in any kind of activity that would create a public health risk? It disqualifies them.

For 10 years, these young people will have a chance to do one of two things: To enlist in our military—think of that. We have young undocumented people in this country today who are willing to risk their lives to serve in the U.S. military alongside our heroes, our men and women currently serving.

Let me tell you the story of one I have met. This is Cesar Vargas. This is an extraordinary young man who came to New York at the age of 5, brought here by his parents. When 9/11 occurred, Cesar Vargas went down to the recruiters' office and said: I want to sign up. I want to fight for my country.

They said: Mr. Vargas, this is not your country. You may have lived here all your life, but you have no place here. You cannot enlist.

He was disappointed, but he didn't quit. He went on to finish college. He is now in law school. Cesar Vargas is a student at the City University of New York School of Law, where he has a 3.0 GPA. He is fluent in Spanish, Italian, French and English and he is mastering Cantonese and Russian. When he graduates from law school, he will be a choice candidate at some major law firm, but that isn't what he wants to do. He wants to enlist in the military of the United States of America. He cannot do it today because Cesar Vargas, who has lived his entire life, to his knowledge, in this country, has no country. The DREAM Act will give him a chance to volunteer to serve America. If he does, it puts him on a path to become a citizen. I think that is fair.

We also say that if a young person completes 2 years of college, we will put them on the path to legalization. Do you know what percentage of undocumented students go to college today? Five percent, 1 out of 20. It is a huge obstacle for these people. Yet they are prepared to clear that obstacle and, if they do, they will wait for 10 years with conditional immigrant status. What does it mean? They have no legal rights for 10 years, even if they do these things—enlist in the military or go on to finish 2 years of college. For 10 years, they cannot draw a Pell grant, a Federal student loan, no Medicaid, no government health programs—they don't qualify for any of it for 10 years. Then, we put them in a process of another 3 years of close examination and scrutiny before they reach the stage of legalization—13 years.

Do you know what. Some of them are going to make that journey successfully because that is who they are. If you meet these young people, you will understand some of the things said on the floor are so wrong. These are the most energetic, idealistic young people you can meet in your life. They are tomorrow's lawyers and doctors and engineers. That is why major business groups have endorsed this legislation, saying we need this talent pool. That is why the Secretary of Defense has endorsed this legislation, saying we need

these young men and women in our military to serve our Nation. We can give them a chance to serve, we can put them on a road that will be difficult but no more difficult than what they have gone through in their lives or we can say, no, wait for another day.

Some of my colleagues have said we will take up the DREAM Act once the borders of America are safe. I have signed up for every bill, virtually everything that has been proposed to make our borders safe. Come July, we put \$600 million more into border protection. I didn't object. Do it. Let's make our borders safe. But for goodness' sake, is it fair to say to these young people you cannot have a life until our borders are the safest in the world, when we have the longest border in the world between the United States and Mexico? Keep working on making those borders safe but give these young people a chance. These people embody what I consider to be the immigrant spirit which makes America what it is today.

I am proud to stand here as the 47th Senator from Illinois and the son of an immigrant. My mother came to this country at the age of 2 from Lithuania, and I thank God her mom and dad had the courage to get on that boat and come over here and fight the odds and give me a chance to become an American citizen and a Senator.

That is what America is about. That is the story of our country, the strength, the determination of these immigrants and their children.

These people are important to our future. These young men and women deserve that chance, and we will have an opportunity today. I know some vote against it for a variety of reasons, and I don't question their motives at all, but I hope they get a chance to meet these young people. They are all over Capitol Hill. They do not have paid lobbyists. They are walking around, usually in graduation gowns and mortar boards because that is what they want, a chance to go to school and improve themselves. If you meet them and talk to them, you will be convinced, as I am, that this is the single best thing we can do for the future of our country, the single best thing we can do in the name of justice. This is our current challenge when it comes to the future of immigration.

I urge my colleagues on both sides of the aisle to ignore and set aside some of the arguments that have been made that do not stand up to scrutiny. To understand what we are doing in this bill is to give these young people a chance but to hold them to a standard which very few of us can live up to. We want to make sure they apply within 1 year of this bill passing. We want to make sure they have their chance to succeed. When they do, we will be a better nation for it.

All across this country the leaders at universities and colleges tell us these

are the young people we want who will make this a better nation. Some of the arguments that have been made suggest this is going to be a piece of cake, it is so easy for these young people. It will not be. It will be a hard process and a difficult road to follow. But in the name of justice, in the name of fairness, give these young people a chance—a chance to be part of this great country.

Every single one of us, but for those who were Native Americans here long before the White people arrived, have come to this country as immigrants—not this generation perhaps but in previous generations. Those who were African American have come against their will. The fact is, they are here, and they are what makes America the great Nation it is. Our diversity is our strength and these young people are as strong as they come.

Let's pass the DREAM Act. Let's make these dreams come true. Let's stand, once and for all, and say this just Nation not only has room but welcomes all this talent that has come to our shores.

I yield the floor.

Mrs. FEINSTEIN. Mr. President, I rise today in support of the DREAM Act. This important legislation would give eligible young people, who were brought to the United States as children, the opportunity to contribute meaningfully to the United States.

This bill addresses just one small piece of the immigration debate, but it has a profound impact on the lives of undocumented youth. I have supported the DREAM Act since it was first introduced in 2001 by Senators HATCH and DURBIN. Since then, the DREAM Act has had wide bipartisan support. It passed through the Senate Judiciary Committee twice.

Each year, approximately 65,000 undocumented youth graduate from American high schools. Most of these undocumented youth did not make a choice to come to the United States; they were brought here by their parents. Many of these young people grew up in the United States and have little or no memory of the countries they came from. They are hard-working young people dedicated to their education or serving in the Nation's military. They have stayed out of trouble. Some are valedictorians and honor roll students; some are community leaders, and have an unwavering commitment to serving the United States.

Through no fault of their own, these young individuals lack the immigration status they need to realize their potential. Because of their undocumented status, they are ineligible to serve in the military and face tremendous obstacles to attending college. For many, English is their first language and they are just like every other American student.

Now reaching adulthood, these young people are left with a dead end. They

can't use their educations to contribute to their communities. They can't serve the country they call home by volunteering for military service.

The DREAM Act provides an opportunity for these students to fulfill the American dream. It would permit students to become permanent residents if they came here as children, are long-term U.S. residents, have good moral character, and attend college or enlist in the military for 2 years.

These students would have to wait for 10 years before becoming lawful permanent residents and undergo background and security checks and pay any back taxes. This is a multistep process, not a free pass.

In addition, DREAM Act eligible students would not be eligible for in State tuition at State colleges and universities or Federal education grants. These students would only be eligible for Federal work study and student loans.

The DREAM Act also contains tough criminal penalties for fraud and excludes students from participation in health insurance exchanges, Medicaid, food stamps, and other entitlement programs.

According to the Congressional Budget Office, the DREAM Act would increase Federal revenues by \$2.3 billion over 10 years and increase net direct spending by \$912 million between 2011 and 2020. In addition, the Congressional Budget Office and the Joint Committee on Taxation estimate that enacting the bill would reduce deficits by about \$1.4 billion over 10 years.

I would like to tell you about a few college students in California, who would benefit from the DREAM Act.

Arthur Mkoian came to the United States from Armenia with his mother when he was 3 years old. Arthur attended Bullard High School in California, maintaining a 4.0 grade point average. Arthur graduated in 2008 as his class valedictorian. He is now in his second year at U.C. Davis, majoring in biochemistry. Arthur maintains A grades, and is on the Dean's Merit List. He hopes to continue on to study medicine, but without the DREAM Act, his future remains uncertain.

Nayely Arreola came to the United States with her parents and younger brother in 1989, when she was only 3 years old. Her family made their home in California, working hard to succeed. The family was taken advantage of by a negligent immigration attorney, who was later disbarred, who took away their chance to legalize their status. Despite this, Nayely is an excellent student. She was the first member of her family to graduate high school and went on to graduate from Fresno Pacific University. While she was in college, Nayely maintained outstanding grades and became president of her class.

Ivan Rosales came to the United States when he was 10 months old. His family settled in San Bernardino, CA, where Ivan excelled in school. He found out about his undocumented status in the 7th grade when he could not accept an award he earned at a science fair because he didn't have a Social Security number. Ivan is a presidential scholar who graduated within the top 1 percent of high school graduates in San

Bernardino County. He is currently a senior at the California State University and is a pre-med biology major. He hopes to become a doctor in the army someday and says that it would be an honor to provide care to the brave men and women risking their lives for this country.

The United States is worse off if it lets the talents of these young people go to waste. They have demonstrated their commitment to this country's ideals through their academic success, leadership, and dedication to their communities. It is in the Nation's best interest to provide talented young people the ability to become full members of our society.

The DREAM Act has widespread support from labor, business, education, civil rights, and religious groups, who recognize that the potential of these young people should not be lost.

The presidents and chancellors of several universities including the University of California, California State University, the University of Washington, Arizona State University, the University of Minnesota, the University of Utah, and Washington State University recently wrote a joint letter expressing their support of the DREAM Act. In that letter, they state that in this age of international economic competition, "the U.S. needs all of the talent that it can acquire and these students represent an extraordinary resource for the country . . . it is an economic imperative."

Businesses such as the Microsoft Corporation support the DREAM Act. The Microsoft Corporation believes in the DREAM Act because, "It is essential to our nation's competitiveness and success to nurture the talent we have and to incorporate bright, hardworking students into the workforce to become the next generation of leaders in this country."

Retired GEN Colin Powell, a former Chairman of the Joint Chiefs of Staff and a former Secretary of State, and other current and former military leaders support the DREAM Act because it would greatly enhance military recruitment. The DREAM Act is included in the Department of Defense's fiscal year 2010–2012 Strategic Plan to help the military "shape and maintain a mission-ready All Volunteer Force."

In 2006, then-Under Secretary of Defense David Chu testified that many of the DREAM Act eligible students have the attributes needed in the military—"education, aptitude, fitness, and moral qualifications." They should not be prevented from joining the military because of their undocumented status.

These students have been raised in the United States and educated here. Often times, they did not choose to be here, but this is the only home they know. They have worked hard to graduate from high school under adversity. Many are willing to make the ultimate sacrifice to serve in the military of this country—the country they feel is their

own. They are class presidents, gifted athletes and musicians, aspiring scientists, engineers, teachers, and physicians. We should not put up a barrier to their potential to give back to this country. Instead, we should pass the DREAM Act and allow these students to succeed.

Mrs. MURRAY. Mr. President, one of the many values that makes America so great is that no matter where we start off from in life, we believe that we all deserve to have a shot at the American dream.

We all deserve an opportunity to work hard, support our families, and give back to the Nation that has been there for us all of our lives.

This is an American value I cherish. It is one I feel very strongly we ought to maintain and strengthen. And it's why I stand here today to talk about the DREAM Act, which would help us do exactly that.

This bill is about giving those that know no other country but the United States an opportunity.

An opportunity to give back as a successful member of society, an opportunity to serve in the military and to risk their lives to defend the values we hold dear, an opportunity to reach a legal status that allows them to come out of the shadows, and an opportunity to reap the benefits of the fact that they have worked hard and played by the rules.

The DREAM Act would allow a select group of undocumented students a path to become permanent residents if they came to this country as children, are long-term U.S. residents, have good moral character, and attend college for at least 2 years or enlist in the military.

Under this bill, tens of thousands of well-qualified potential recruits would become eligible for military service for the first time.

These are young people who love our country and are eager to serve in the Armed Forces during a time of war.

It would also make qualified students eligible for temporary legal immigration status upon high school graduation which would lead to permanent residency if they attend college.

And most importantly—it would tell young people—who have studied, who have worked multiple jobs, who have often overcome poverty and hurdles that few other young people face—that the American dream is alive and well.

This is about our values as a Nation. But it is also about real communities. And real people in my home State of Washington and across the country.

I recently heard from a student named Jessica who is a senior at Washington State University.

Jessica shared how she is on the verge of completing her degree and would like nothing more than to continue on to get her master's degree in

education so she could give back to her community.

But like so many young people who would benefit from passage of this bill, for Jessica this is simply not a reality.

Because we cannot move this bill, Jessica's dream of helping to improve our education system has been dashed.

Jessica writes that while the rest of her classmates attend career fairs and interviews she battles with the nightmare of having to do menial labor for the rest of her life or returning to a country she has never known.

She ended her letter about the chance this bill would provide her by saying the following:

The DREAM Act is the only hope that I have to be a productive citizen in the future.

I am amazingly thankful for the opportunities that this country has offered me and my family and the only thing that I want to do is to give back.

I would like to be given the opportunity and privilege to be able to obtain the American Dream which is entitled to the citizens of this beautiful country.

Please don't continue to close the doors on exemplary individuals.

We want to become a part of this nation and continue to live on the values and principles written in the Constitution because this is the only way we know.

The only way that can happen—the only way any of these young people can get that shot—is if we pass this bill.

Jessica is just one of the young people whose life this affects—but I have received hundreds of stories just like hers.

And this issue touches so many more across the country.

This bill is a first step towards fixing an immigration system that is clearly broken with real solutions that will help real people.

And for me, this isn't just about immigration, it is about what type of country we want to be.

America has long been a beacon of hope for people across the world.

And I believe that to keep that beacon bright we need to make sure young people are given a shot at the American dream.

The dream that was there for me, that is there for my children and grandchild, and that is there for millions of others across this great country.

So once again, I am calling on Senate Republicans to end their long efforts to block this legislation.

Let's pass this bill today. Let's allow young people who have lived nearly their entire lives here to help boost our economy, help enrich our schools, and help defend our country.

Let's get back to common sense.

And let's keep working toward comprehensive immigration reform that helps our economy, affords the opportunities we have offered to generations of immigrants, maintains those great American values that I hold so dear, and improves our security.

Mr. BROWN of Massachusetts. Mr. President, I come to the floor today because I have not forgotten what happened on September 11, 2001. I have not forgotten the brave men and women who risked their lives and lost their lives on that fateful day when 19 men brought terrorism to our American shores.

Today the Senate held a procedural vote on whether to proceed to a House bill that would create a program dedicated exclusively to provide screening and treatment to the first responders and other men and women who participated in rescue efforts at the World Trade Center.

As I have said repeatedly, the intent of the House bill and the work of my colleague, Mrs. GILLIBRAND, are honorable and good. As I have said in every meeting that I have held—whether meeting with firefighters and police officers in Massachusetts, whether it be with Mayor Bloomberg of New York City or New York City Police Commissioner Kelly—I support their efforts and their good work and dedication to make sure that none of the heroes from September 11, 2001, are left behind or forgotten.

We should not forget the lives that were lost that day. The lives that were risked that day. And those who continue to live with scars from that day. And I can assure you, we won't.

I agree with my colleague, Mrs. GILLIBRAND that the House bill is a good start on how we can provide benefits to the first responders but that we need to do so in a realistic and pragmatic way.

Like many of my colleagues, I do not agree with how the House proposes to pay for these benefits. Taxing businesses—especially in this economic environment—is not a realistic way to generate revenue. And I think my colleague from New York and others agree that raising taxes on businesses to the tune of billions of dollars is neither appropriate nor realistic.

I am encouraged that the Senators from New York are serious about seeking a compromise and finding an alternative mechanism to provide a funding source. They have offered additional ideas for how we can provide these benefits. And I have offered ideas on how we can provide these benefits. This is not an easy task. Finding nearly \$8 billion in funding that will garner enough support in the Senate is not easy.

I remain committed to working with my colleagues on this issue.

Mr. DODD. Mr. President, I rise today to speak in support of the Public Safety Employer-Employee Cooperation Act, a bipartisan measure that will guarantee our Nation's law enforcement officers, firefighters and emergency medical personnel the right to bargain collectively with their employers. I have been proud to work with Senator GREGG on this important legislation for many years. I also want

to acknowledge my good friend, Senator Ted Kennedy, who long championed this bill.

Now more than ever, the risks taken by our first responders are greater than they have ever been. From the increased risk of terrorist attacks, to the catastrophic hurricanes, tornadoes, and wildfires that have ravaged our country from coast to coast, each and every day we ask more from our emergency workers, and they always rise to the challenge. These are people who have chosen to dedicate their lives to serving their communities—making the streets safe, fighting fires, providing prehospital emergency medical care, conducting search-and-rescue missions when a building collapses or a natural disaster occurs, responding to hazardous materials emergencies, and so much more.

The Public Safety Employer-Employee Cooperation Act provides these brave men and women with basic rights to bargain collectively, a right that workers in many other industries have used effectively to improve relations with their supervisors. This bill is carefully crafted to allow States a great deal of flexibility to implement plans that will work best from them. All it requires is that States provide public safety workers with the most basic collective bargaining rights—the right to form and join unions and to collectively bargain over wages, hours, and working conditions. It also will require a mechanism for settling any labor disputes. These are rights that a majority of States, including my home State of Connecticut, already provide these workers, and this bill does nothing to interfere with States whose laws already provide these fundamental rights.

This bill will allow States to continue enforcing right-to-work laws they may have on the books, which prohibit contracts requiring union membership as a condition of employment. This bill even allows States to entirely exempt small communities with fewer than 5,000 residents or fewer than 25 full-time employees.

Importantly, this bill takes every precaution to ensure that the right to collectively bargain will not interfere with the critical role these workers play in keeping our communities safe. It explicitly prohibits any strikes, lockouts, or other work stoppages. But the key to this bill is truly to foster a cooperative atmosphere between our first responders and the agencies they work for. Cooperation between labor and management will inevitably lead to public safety agencies being better able to serve their communities. Unions can help ensure that vital public services run smoothly during a crisis, and this bill will further that goal.

I would add that this legislation enjoys enormous bipartisan support. During the 110th Congress, the House

passed it by a vote of 314-97, and the Senate voted to invoke cloture by a vote of 69-29. In the 111th Congress, the Cooperation Act has five Republican cosponsors, including the lead sponsor, Senator GREGG. Moreover, the House version has 50 Republican cosponsors. In an era that is all too often dominated by party-line votes, this is an extraordinary show of support from both parties. That is because we recognize the unique and essential role these workers play in every single community, and we recognize that by granting them these basic rights they will be able to better serve those communities.

This bill addresses some of the most critical concerns of our Nation's first responders. It goes beyond negotiating wages, hours and benefits. In this circumstance, for this group of people, it means so much more. It means that the men and women who run into burning buildings, resuscitate accident victims, and patrol the streets of our towns and cities can sit down with their supervisors to relate their real life experiences. They can discuss their concerns and use their on-the-ground expertise to help improve their service to the community. Granting our first responders this basic right is not only in their best interest—it is in all of our best interests. It will allow these men and women to better serve their communities by fostering a spirit of cooperation with the agencies and towns that employ them.

When tragedies have struck us, from the September 11 attacks to Hurricane Katrina, it is these workers who are the first people on the scene and the last to leave. We owe them everything, and all they have asked of us in return is dignity and respect in the workplace. They stand with us every single day on the job, and it is time we stand with them. I urge all my colleagues to join me and the millions of first responders who form the backbone of our Nation's homeland security by voting to pass this crucial legislation.

CLOTURE MOTION

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion to invoke cloture.

The bill clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to Calendar No. 662, S. 3991, the Public Safety Employer-Employee Cooperation Act of 2010.

Harry Reid, Patrick J. Leahy, Tom Harkin, Carl Levin, Daniel K. Inouye, Richard J. Durbin, Byron L. Dorgan, Jack Reed, Jeff Bingaman, Dianne Feinstein, Mark Begich, Robert Menendez, Daniel K. Akaka, Sherrod Brown, Sheldon Whitehouse, Patty Murray, Debbie Stabenow, Barbara Boxer.

Mr. SESSIONS. Mr. President, parliamentary inquiry: Was there 10 minutes to both sides?

Mr. DURBIN. Mr. President, Senator McConnell said his side did not want the 10 minutes.

Mr. SESSIONS. I ask unanimous consent to have 3 additional minutes before we vote.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered. The Senator from Alabama.

Mr. SESSIONS. Just briefly, I would say to my distinguished colleague, Senator DURBIN, who I know cares deeply about this issue, I think there is not an injustice today. The law is if you are born here, even from illegal parents, you are a citizen. But if you come into the country or are brought into the country, you are here illegally. That is what the law is. It is not an injustice to enforce the law.

No. 2, I would note that millions of people apply and wait for citizenship, but these individuals who came illegally—maybe at age 14, 15, 16—apply and get to the head of the line over people who have waited for a long time. I do not know that that is justice.

The military already allows people who are not citizens and people who are illegally in the country to join the military and they are given citizenship.

Lots of them achieve citizenship that way. This bill is not necessary to do that. For 10 years, the cost is scored by CBO. It is \$5 billion. There is a cost. In addition, for Pell grants—these are grants, not loans students get to go to college—these individuals would be eligible for those as soon as they get in college, after even a GED instead of a high school diploma.

This idea that we are already doing enough at the border and we are doing everything that is possible, I would note this administration has not completed the fence Congress authorized. We are not deporting people effectively. They have sued the State of Arizona that tried to help the Federal Government enforce the law. They have refused to make the E-Verify Program permanent. No workplace raids are being conducted. They were stopped soon after this administration took office.

So I would say, for a host of reasons, we are not doing what can be done and should be done to bring the lawlessness to an end, and to therefore put us in a position to wrestle, as a nation, with how to deal with people who violated the law and came illegally.

I yield the floor.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call is waived.

The question is, Is it the sense of the Senate that the debate on the motion to proceed to S. 3991, a bill to provide collective bargaining rights for public safety officers employed by States or

their political subdivisions, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The bill clerk called the roll.

Mr. KYL. The following Senators are necessarily absent: the Senator from Kansas (Mr. BROWNBACK) and the Senator from New Hampshire (Mr. GREGG).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 55, nays 43, as follows:

[Rollcall Vote No. 266 Leg.]

YEAS—55

Akaka	Gillibrand	Nelson (NE)
Baucus	Harkin	Nelson (FL)
Bayh	Inouye	Pryor
Begich	Johnson	Reed
Bingaman	Kerry	Reid
Boxer	Klobuchar	Rockefeller
Brown (OH)	Kohl	Sanders
Cantwell	Landrieu	Schumer
Cardin	Lautenberg	Shaheen
Carper	Leahy	Specter
Casey	Levin	Stabenow
Conrad	Lieberman	Tester
Coons	Lincoln	Udall (CO)
Dodd	Manchin	Udall (NM)
Dorgan	McCaskill	Webb
Durbin	Menendez	Whitehouse
Feingold	Merkley	Wyden
Feinstein	Mikulski	
Franken	Murray	

NAYS—43

Alexander	DeMint	McCain
Barrasso	Ensign	McConnell
Bennet	Enzi	Murkowski
Bennett	Graham	Risch
Bond	Grassley	Roberts
Brown (MA)	Hagan	Sessions
Bunning	Hatch	Shelby
Burr	Hutchison	Snowe
Chambliss	Inhofe	Thune
Coburn	Isakson	Vitter
Cochran	Johanns	Voinovich
Collins	Kirk	Warner
Corker	Kyl	Wicker
Cornyn	LeMieux	
Crapo	Lugar	

NOT VOTING—2

Brownback Gregg

The PRESIDING OFFICER. On this vote the yeas are 55, the nays are 43. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

The majority leader.

Mr. REID. Mr. President, as always happens, there are always bumps in the road here in the Senate, most of which we don't foresee. We have scheduled now four votes. We are going to move to the next one as soon as we can. The House of Representatives is in the process of voting on the DREAM Act, but they may not get to it for a couple of hours. I need to have them finish their vote before we vote over here. So having said that, we may be in a little downtime here after we finish this vote for a couple of hours or whenever we can get to it. They have to have that vote completed over there. They know we are in a hurry. We also will get today from them the continuing resolution that will allow us to do something about spending. I am doing my best to work through these issues, in-

cluding the issue that has overwhelmed us all the last few days, and that is the framework for the tax thing that has been negotiated. The main reason for interrupting is the next two votes will not flow automatically. We need to do them sometime tonight. I am working with Senator COLLINS and Senator LIEBERMAN, Senator LEVIN and others to try to come up with some way to move forward on the Defense bill. We will see if that can be done. There are a lot of other things going on around here such as the START treaty and a few other things. We are trying to work through that. I am sorry we will not be able to proceed right through these votes, but we may have to have a downtime for a few hours.

EMERGENCY SENIOR CITIZENS RELIEF ACT OF 2010—MOTION TO PROCEED

CLOTURE MOTION

The PRESIDING OFFICER. There are now 4 minutes of debate equally divided prior to the next vote.

The Senator from Vermont.

Mr. SANDERS. Mr. President, I would like a minute and a half, and I will yield to Senator WHITEHOUSE the remaining 30 seconds.

The reality today is that millions of senior citizens and disabled vets are hurting. They are spending a whole lot of money on prescription drugs, a whole lot of money on health care. Yet for the last 2 years they have not gotten any COLA because, in my view, of a poor methodology in terms of how we determine COLAs for senior citizens.

What this amendment does is provide a one-time \$250 check to senior citizens and disabled vets. That is what it does. This amendment is supported by AARP, the largest senior group in America; the American Legion; Veterans of Foreign Wars; the National Committee to Preserve Social Security and Medicare, and virtually every senior group and every veterans organization.

People are wondering how it could be that we could provide \$1 million in tax breaks to the richest people in this country but we cannot come up with \$250 for struggling seniors and disabled vets.

I hope my colleagues will support this important piece of legislation.

I yield to my colleague from Rhode Island.

Mr. WHITEHOUSE. Mr. President, Rhode Island seniors get an average Social Security benefit of \$13,500 a year, which makes it tough sledding to live on in the cold Northeast in the wintertime.

The COLA adjustment is misfiring for seniors. Their heating costs go up, their prescription costs go up, their pharmaceutical costs go up, and we have missed the COLA twice. We fixed it in 2008 with a one-time vote. We

fixed it in 2009 with a one-time vote. Let's please do it again for 2010 and support Senator SANDERS' amendment and not be scrooges to our seniors while we are being fabulously generous to megamillionaires.

Mr. LEAHY. Mr. President, on October 15, 2010, we learned that next year Social Security beneficiaries will not receive a cost of living adjustment for the second year in a row because of the economic deflation, rather than inflation, our economy experienced in 2010. At a time when the economy continues to lag and seniors in Vermont and around the country will struggle to afford heat, food, and other daily living expenses, I believe strongly that Congress needs to act to help seniors who depend upon Social Security benefits.

For decades, Social Security has represented a strong commitment to our Nation's seniors. Ever since Ida May Fuller of Vermont received the first Social Security check issued, vulnerable seniors have had a safety net to fall back on in retirement and to supplement individual retirement savings or pensions. Nearly 70 percent of beneficiaries depend on Social Security for at least half of their income, and Social Security is the sole source of income for 15 percent of recipients.

I was proud to join Senator SANDERS once again in cosponsoring the Emergency Senior Citizens Relief Act, which would provide all Social Security recipients, railroad retirees, SSI beneficiaries and adults receiving veterans' benefits with a one-time additional check for \$250 in 2010, similar to the payment beneficiaries received as a part of the American Recovery and Reinvestment Act. Today, we have the opportunity to move to debate this important emergency relief for America's seniors.

This legislation would benefit 58 million Americans and over 120,000 Vermonters, far too many of whom have seen a decline in their living standards as the economy worsened. The National Committee to Preserve Social Security and Medicare Foundation and the Economic Policy Institute issued a report this fall that showed similar payments included in the Recovery Act to seniors stimulated the economy and was an effective job creator. A minority of Senators, however, plan on once again blocking this legislation from a full debate in the Senate. The minority party seems content to bend over backwards to pass an extension of tax cuts to the wealthiest Americans, which will add hundreds of billions of dollars to the deficit, but helping seniors in tough economic times is just too costly a proposition. That is unfortunate, and I hope for enough support in the Senate to move this legislation forward.

By supporting this bill, Senators have the opportunity to express our continued commitment to providing a

safety net to our Nation's seniors and those with disabilities in this uncertain economy. I urge my fellow Senators to support the motion to invoke cloture on the Emergency Senior Citizens Relief Act.

The PRESIDING OFFICER. Who yields time?

Mr. MCCONNELL. Mr. President, we yield back the time on this side.

The PRESIDING OFFICER. All time is yielded back.

Pursuant to rule XXII, the clerk will report the motion to invoke cloture.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to Calendar No. 655, S. 3985, the Emergency Senior Citizens Relief Act of 2010.

Harry Reid, Richard J. Durbin, Bernard Sanders, Sherrod Brown, Debbie Stabenow, Sheldon Whitehouse, Patrick J. Leahy, Byron L. Dorgan, John D. Rockefeller, IV, Charles E. Schumer, Al Franken, Barbara A. Mikulski, Jack Reed, Frank R. Lautenberg, Kirsten E. Gillibrand, Mark Begich, Robert P. Casey, Jr., Tom Udall.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the motion to proceed to S. 3985, a bill to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. KYL. The following Senators are necessarily absent: the Senator from Kansas (Mr. BROWNBACK) and the Senator from New Hampshire (Mr. GREGG).

The PRESIDING OFFICER (Mr. FRANKEN). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 53, nays 45, as follows:

[Rollcall Vote No. 267 Leg.]

YEAS—53

Akaka	Franken	Murray
Baucus	Gillibrand	Nelson (NE)
Bayh	Harkin	Nelson (FL)
Begich	Inouye	Pryor
Bennet	Johnson	Reed
Bingaman	Kerry	Reid
Boxer	Klobuchar	Rockefeller
Brown (OH)	Kohl	Sanders
Cantwell	Landrieu	Schumer
Cardin	Lautenberg	Shaheen
Carper	Leahy	Specter
Casey	Levin	Stabenow
Conrad	Lincoln	Tester
Coons	Manchin	Udall (NM)
Dodd	McCaskill	Webb
Dorgan	Menendez	Whitehouse
Durbin	Merkley	Wyden
Feinstein	Mikulski	

NAYS—45

Alexander	Brown (MA)	Coburn
Barrasso	Bunning	Cochran
Bennett	Burr	Collins
Bond	Chambliss	Corker

Cornyn	Inhofe	Risch
Crapo	Isakson	Roberts
DeMint	Johanns	Sessions
Ensign	Kirk	Shelby
Enzi	Kyl	Snowe
Feingold	LeMieux	Thune
Graham	Lieberman	Udall (CO)
Grassley	Lugar	Vitter
Hagan	McCain	Voinovich
Hatch	McConnell	Warner
Hutchison	Murkowski	Wicker

NOT VOTING—2

Brownback	Gregg
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The PRESIDING OFFICER. On this vote, the yeas are 53, the nays are 45. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

The majority leader.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that we go into a period of morning business until 6:30 tonight, and that Senators be allowed to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Arkansas.

Mr. PRYOR. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

REJECTION OF COST OF LIVING ADJUSTMENT

Mr. BROWN of Ohio. Mr. President, I stand here simply amazed at what happened in the Senate, although I probably shouldn't be. I stand here amazed because in these economic times, senior citizens from Gallipolis to Ash-Tabula, to Middletown, to Toledo, in my State, and from the Iron Range to Rochester, MN, the State of the Presiding Officer, and all across this country, who didn't get a cost-of-living adjustment this year; who are victims of inflation—medical inflation especially—and the inflation rate is not very high in our society, so they didn't get a cost-of-living adjustment, even though their cost of living has gone up—every single Republican in this institution—every single Republican—voted no on a \$250 one-time check to go to senior citizens. It would have meant the equivalent of about 1½ percent or less than that cost-of-living adjustment.

If they are so interested in balancing the budget that they do not want to do that, maybe that is one argument—although not a very good one in these economic times—but when, in the same week, they sign a letter saying we are not going to do anything—every single

Republican signed a letter saying we are not going to do anything in the Senate—we are not voting yes on anything until we get the tax cut for millionaires and billionaires, that is pretty outrageous.

In the tax cut they are asking for, someone who makes \$10 million a year gets a \$40,000 tax cut—I am sorry, somebody making \$10 million a year gets a \$100,000 tax cut, I believe; somebody making \$1 million gets a \$40,000 tax cut. And they are saying they are willing to vote for that, but they are not willing to vote for \$250 for every senior citizen in this country.

The cost of that, if you want to get in the weeds and talk about budget issues, the cost of that \$250 that Senator SANDERS sponsored would be about \$13 billion. The cost of these tax cuts for the wealthy is about \$700 billion over the next 10 years.

Basically, what they are doing, what we are doing for their tax cuts for the wealthy is in essence borrowing \$700 billion from China and putting it on our children's and grandchildren's credit card to pay off later—let them worry about it—and giving that money to millionaires and billionaires. They are willing to do that, but they will not vote \$250, a total of \$13 billion one time. They are not willing, for this year, to help those seniors in Youngstown and Lima and Zanesville and Chillicothe and Tipp City, OH. I just don't get it.

I know it is the Christmas season. That is not a reason to do it, but you would think there would be a little more generosity in their hearts during this most difficult time for seniors who are barely making it. The average senior citizen in this country gets about \$14,000 Social Security a year. Many seniors in my State, in places such as Columbus and Dayton and Portsmouth, live on not much more than their Social Security check, and a \$250 payment would have made a difference—maybe not having to split their medicine in two and taking half a dosage each time or maybe actually being able to heat their homes as it gets colder and colder as the winter comes upon us, that they would have a little opportunity to at least do that and live a little more comfortably.

Instead this place again said yes to tax cuts for the rich, no to the senior citizens. A majority of Senators voted for this, but every single Republican voted against it. I don't get it. I don't mean to sound partisan, but when it is like that it is unbelievable. When Senators—most of us are going to go home and enjoy our holidays—that we would put our Nation's seniors through something like that.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. COBURN. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COBURN. I ask unanimous consent to speak in morning business for the time I may consume, probably not longer than 20 or 25 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE BUDGET

Mr. COBURN. Mr. President, I hope the American people are watching Washington right now. We are at a defining moment in our country. There is not anybody in this body who does not recognize that our country is on an unsustainable course. They know it. It is well known. The world knows it. We can argue about how close we are to the debt crisis and the liquidity crisis, but no one disputes that one is coming. We just don't know when. Yet in the next 2 weeks Congress is going to make that problem \$1 trillion worse.

We can say that a lot of what we are doing is the right thing to do, but what we are not doing is addressing the real issues that need to be accompanied by grownups as we look at this. What should the American people make of this? It is kind of like we are on the Titanic here in America and everybody is saying: The bar is open, we will just have a party the next 2 weeks. We are going to spend another \$900 billion or we are going to set it up so that it can be spent.

I do not often agree with a columnist by the name of Thomas Friedman, but he has a column today that I think everyone in our collective body should read. It is aptly titled "Still Digging." Here, he writes: Given where we need to go, this tax deal—this tax deal, opportunity scholarship deal, unemployment deal, tax holiday deal—is just another shot of morphine to a country that needs to do things that are big and hard and still only wants to do things that are easy and small. He concludes: Economics is not war. It can be win-win. So it can be good for the world if China is doing better, but it can't be good for America if, every time we come to a hard choice, we borrow more money from a country that is not just out-saving and out-hustling us but is also starting to outeducate us. We need a plan.

I couldn't agree with him more. I was part of the deficit commission, taken a lot of criticism for saying we needed to have that debate on the Senate floor. I still think we need to have that debate on the Senate floor. But this body will not even agree about having a debate about having a plan.

Last week, the members of the debt commission refused to even debate the plan—the Members refused to even debate the plan in Congress. We didn't get 14 out of 18 votes; we only got 11.

I wish to congratulate Senator DURBIN, Senator CONRAD, Senator CRAPO, and Senator GREGG for their efforts on that commission. You see, they think we need a plan. Senator CONRAD had a wonderful statement about it. He said this: The only thing that is worse than being for this plan is being against it. What he was really addressing is the fact that we are not willing to make the hard choices. We will not come together and do what is best for America. What we will do is just take another shot of morphine, drink another drink on the Titanic, and hope that somehow it gets better.

The fact is, we already have a debt commission. It is called the U.S. Congress. That is why I voted initially against the debt commission. I spent 8 months, had a full-time staffer working on that commission for the last 8 months. We are the debt commission. We have to have a plan to avert the catastrophe that is in front of us.

America needs to know it is urgent. It is not something that can wait a year. We are going to have a major liquidity crisis, and we are also going to have a major interest rate crisis. Nobody knows when it comes. But the one thing we do know is that if we don't have a plan, we will no longer control our ability to get out of our problem; the people who own our debt will control how we get out of our problem.

So if, in fact, we want to hand over our responsibility in the Senate to the bondholders of the world, then we should continue to not have a plan. But if, in fact, we want to embrace the oath we were given, then we should have a plan.

As we debate over the next 2 weeks coming up to Christmas, part of that debate has to be whether we are grown up enough to recognize that the party is over and that we better start bailing water, we better form the line, the bucket brigade; otherwise, we are going to go down with the ship.

Now, people can say: You are scaring people.

That is realism. That is what is getting ready to happen to us. Mr. Bernanke cannot solve our problems in this regard. Only we can solve these problems for the American people.

Cutting spending should be the easy part of our solution. We can document hundreds of billions of dollars a year that are either wasted, defrauded, or duplicative in the Federal Government. I have given hundreds of speeches over the last 6 years outlining those things, whether it be the \$5 billion the Pentagon pays to contractors for performance bonuses when those contractors do not meet the performance requirements to get the bonus or the \$80 to \$100 billion a year in fraud in Medicare and Medicaid. Those are facts—the fact that we pay three times as much for a motorized wheelchair as it costs. We have not done anything to address any

of those issues. It is not hard to cut spending. It is hard to get the will to have a plan that recognizes that we have to keep on keeping on until we get America out of this very dangerous time period we are experiencing.

We just learned that we rank 25th in the world in math, 17th in science. Yet we have 105 different, separate government programs to incentivize excellence in science, technology, engineering, and math. This is just a tiny little example of the work we need to do. We need to have one plan. It needs to have measurements on it. We need to oversight it. Then we need to look at it the next year. Is it working? Is it effective? We have 105 sets of bureaucrats, and we have not made the headway we all know is required for us to be competitive in a global economy. Yet not once this year, not once last year, not when Republicans were in control, not when Democrats were in control, did we do the effective oversight that is necessary to get us out of the jam we are in.

Oversight is hard work. It is not easy. It requires that we actually know what is going on in the government, which is part of our oath to begin with. We have to do the work, we have to read it, we have to go to the hearings, we have to interview the people, and we have to have investigators so we know what is going on. Yet we do not do that.

I often hear from my colleagues on the other side that we need to pay for the so-called Bush tax cuts, which are really your tax cuts. The assumption is that once the money comes to the government at a certain rate, it is always going to come, and it is not yours, it is the government's.

Let's grant that premise for a minute. Let's grant the premise that it is the government's money and not the individual's. I would issue this challenge: Anyone who thinks we ought to pay for tax cuts ought to have to put up a list of programs that we ought to eliminate to pay for them. I put up, every time, when people are wanting to spend money, a list of options we can do to make it to where we do not increase the very problem holes we keep digging in.

The fact is, the body is not interested in cutting spending, and the proof is what we did last year. The very same people who claim we need to pay for the tax cuts uniformly voted to override pay-go to the tune of \$266 billion last year, just in this last year—not this whole Congress, just this last year.

So what we need to do is move away from that rhetoric. The problem is too big for us to take pot shots at each other on what we think is a political point. And we need to get down to the real business of having a plan that gets this country out of the very real difficulties we face. The very fact that we do not know when the problem is com-

ing, the very fact that we cannot control our own destiny unless we start taking action now should give us all chills, that we are about to be the Senate, the Congress of the United States that allowed this to happen.

We cannot let that happen, no matter what our positions are. The only way we get out of the hole we are in is if we make shared sacrifices. That means political sacrifices. That means position sacrifices. That means monetary sacrifices. That means sacrifices against our wish list. It means we all have to sacrifice.

Some people say it is suicide to tell the American people they have to sacrifice. I adamantly disagree with that. They are grown up. They get it way ahead of us. They have already seen what is happening to us. They are feeling it now. They have this innate sense that we are disconnected from the very real problems they are seeing. They are ready to do their part.

I will borrow a line from someone far more eloquent, J.F.K. I remember; I was in high school.

Ask not what your country can do for you, but ask what you can do for your country.

It was a great statement then. It is more appropriate now than ever.

What does a shared sacrifice mean? It means that if you live in this country and make a decent income, you need to be more responsible with your health care and retirement than you are today. If you have gamed the system to get disability benefits or workmen's compensation, sorry, your free ride is over. If you are receiving a special tax break because you have a good lobbyist, you are going to have to give that up. If you are a defense contractor, you might only get a bonus for doing exceptional work, not standard work, not for just showing up to work. And if you are a politician, it might mean you have to lose an election to do what is best for this country.

If we think about what is required and how we would achieve real change, we have two truths in tension: One, we have a government we tolerate; two, the American people have the power to change that government.

We can solve all of the difficult challenges before us, but we can't solve them if Washington will not even debate the problem. And if we can't overcome our courage deficit, the American people have a responsibility to replace us all—to replace every one of us.

Courage is having the fortitude to do the right thing for the right moral reason at the right time regardless of the consequences to you. And we lack that in our body politic today.

I know a lot of people see this tax deal as a big political victory. I do not see it as a victory at all for the country or for our side.

Actually, a former Bush staffer, Don Bartlett, is quoted as saying:

We knew that, politically, once you get it into law, it becomes almost impossible to re-

move it. That's not a bad legacy. The fact that we were able to lay the trap does feel pretty good, to tell you the truth.

This gentleman just ignored the magnitude, severity, and urgency of the problems that face America.

The political cynicism that accompanies this should give us all pause to think for a minute on the games that are being played in Washington. Congratulations. Somebody embarrassed somebody else.

How does making our entitlement dilemma worse by passing Medicare Part D feel? It is now up to \$13 trillion in unfunded liability, and the rich get the same benefit as the poor; does that feel good? How about doubling the size of the government since 1999; does that feel good, especially at a time when fraud, waste, and abuse has doubled? Does it feel good that we have done nothing to reform Social Security in the years since people applauded in the middle of the State of the Union address because of President Bush's failed effort to fix Social Security? Does that feel good? Did that solve something or was that political showmanship? That belies the history of this body of coming together.

Our Founders created the Senate to try to force consensus. That is what the rules were all about. What we need to do, Democrats and Republicans and our Independent colleagues, is recognize the depth and magnitude of our problem right now. There needs to be a great big time out. Who cares who is in charge if there is no country to run that can be salvaged? It doesn't matter.

Economists worldwide and some of the brightest people at Harvard and MIT, the University of Texas, Pennsylvania, they don't sleep at night right now. They know we are on the razor-thin edge of falling over a cliff.

The fact is, both parties have laid a trap for future generations by our inaction, our laziness, our arrogance, and a crass desire for power. We are waterboarding the next generation with debt. We are drowning them in obligations because we don't have the courage to come together and address or even debate a real solution.

The reason I voted for the deficit commission report? It had a lot of stuff in it I absolutely hated. It had one thing in it Oklahoma can't tolerate that will have to be changed. But the fact is, I believed the problem was so big and so urgent and so necessary that we ought to have that debate. We ought to make sure the American people know the significance of the problems facing us. Both Senator CONRAD and Senator DURBIN have taken heat. Guys on our side of the aisle have taken heat because we dared to say we should have a debate about the real problems that face this country. The special interests immediately started attacking from both sides.

That tells me we were doing some good. I often hear my colleagues assert the power of the purse when it comes to earmarking, but I never hear the same thing when we talk about trying to cut spending. The bias is to spend, not to cut spending. We are either going to do it or outside financial forces are going to force us.

Look what has happened so far this year with some other countries. In the first column of this chart, we see the debt in U.S. dollars in fixed terms. The second is what they have done in terms of government spending. In terms of debt, we, of course, lead the world, \$13.8 trillion. We have France at \$2 trillion, Germany at \$1.46 trillion, Spain \$602 billion, United Kingdom \$1.47 trillion, and Canada. Every one of them froze or reduced the pay of their Federal employees. Every one of them cut their Federal workforce. Every one of them cut Federal spending by significant amounts. What have we done? A big goose egg, zero. That is what we have done. So no wonder the world does not have confidence and no wonder our business investment isn't coming in. We haven't created an environment where they would have confidence.

There is no question when the tax bill goes through we will see a bump up in confidence. When people get 2 percent more on their paycheck, we will see some bump up. But it will be short-lived.

The problem is not the tax deal but the fact that we are not addressing our real problems. We are addressing the symptoms of the problem. Does a 2-year extension give businesses, small and large, the confidence they need to plan for the future? I certainly hope so. But tax reform that had a meaningful effect on future capital investment would do a whole lot more. The problem is, we are not even willing to consider the hard choices. We will not even have an honest debate about a debate about hard choices. We just want to take our shot of morphine and go on down the road, have another martini on the deck of the Titanic.

The history of our country, at least what I saw growing up from the 1940s to the 1950s, the 1960s and the 1970s, was that our Nation thrived because we always embraced the heritage of service and sacrifice when our future was at stake. We actually have seen some of that in the last 10 years. I challenge my colleagues to go to Gettysburg or Philadelphia or visit ground zero and ask: What went through the minds of the brave young Americans when the doors of their landing craft opened on Omaha Beach? What motivated the heroes on flight 93 on 9/11 when they stormed a cockpit occupied by terrorists? What did our Founders think when they signed the Declaration of Independence, knowing their lives and fortunes were on the line? They were thinking about the future. They were

making that critical decision to have courage in the face of adversity and take with it what may come. But they knew doing the correct and honorable and right thing was more important than their reputation or any other thing they had.

Here is what one of our Founders thought. Almost 234 years ago, on December 19, 1776, Thomas Paine was contemplating the great and uncertain struggle that lay ahead in our battle for independence and freedom. He said: "If there must be trouble, let it be in my day, that my child may have peace."

At the time of Christmas and Hanukkah, isn't that what we want for those who follow, peace of mind to not be threatened by what we have set up as an unsustainable debt dungeon?

I think we ought to have it in our day. Let it be our day. Let it be today. Let it be started with this debate we will have on the tax bill that will come before us. Let's make the effort to come to a consensus that we have to have a plan. It doesn't have to be my plan or the plan of Senator BENNET, but we have to have a plan. We have to signal to the rest of the world that we are willing to start making some of the appropriate sacrifices and generate the austerity that will allow us to continue this wonderful experiment. We are now facing the most predictable crisis in our history. We are doing nothing to avert the catastrophe, nothing, zero. In fact, we are still digging. It is time we stopped digging.

How will we be remembered? As a generation of politicians who saw a gathering storm and took action or a generation of politicians who put off the hard choices of honor and dishonored the sacrifices of our past?

We do have a choice. We can choose to come together and work to solve this problem in the very short term that will have a tremendous impact in the long term. What we don't have is a lot of time. As I heard somebody say today: Time fritters away so fast in Washington. It goes by so fast. We are all so busy. There is no problem in front of us in any committee, on any issue that is greater than the problems facing this country. We need to come together across the aisle to put a plan together that will give security to not only the generations that come and are here already but the peace of mind to know we are listening, we understand, and we are willing to make and lead by example in the sacrifices that have to come for us to solve the problems.

I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. BENNET. Mr. President, I rise to talk about the proposed tax compromise. Before doing that, since the Senator from Oklahoma is on the floor, I wished to say how grateful I am for his courage in supporting the bipar-

tisan commission's report on the deficit and the debt. His vote for that, as well as the votes of Senators CRAPO, DURBIN, and CONRAD, in 22 months in this place, this is the first time I have felt any confidence that we may actually be moving in the right direction. I wish to thank him for casting that vote. No one who voted for that, Democratic Senator or Republican Senator, agrees with everything that is in the package. But what we do agree with is that we need a plan to get this right. That is what we need to do.

There is a lot of talk in this town about whose side are you on. I hear that all the time. I will tell one quick story from the campaign trail. Every single townhall meeting I had, the issue of the deficit and the debt came up, profound anxiety among the people of my State that we are going to leave less opportunity, not more, to our kids and grandkids. I share the Senator's view that time is short. If we don't make these decisions, the capital markets are going to make them for us. It will not be like that frog in the boiling water. One morning, one day somebody in the capital markets is going to wake and say: I am not going to buy your paper anymore at that price. We are going to see our interest rates go through the roof, and we will see economic turmoil far worse than we have been going through now, the worst recession since the Great Depression.

I would talk about this in these meetings, about how we need to come together, Republicans and Democrats, and actually start solving the problems. The frustration people had—Democrats and Republicans, Tea Party people, unaffiliated voters—at our inability to work together to create solutions. I would say we have a moral obligation to the next generation to get this straightened out so we don't constrain their choices. The problem is even more urgent for our kids and grandkids.

I was lucky enough that my daughters came with me on a lot of these trips. They sat through a lot of these townhall meetings. I remember one morning my daughter Caroline followed me out. She is now 11 years old. She had heard about the constraints we were putting on the next generation. She tugged at my sleeve on the sidewalk and she said: Daddy, just to be clear—she was making fun of me because I overuse that expression—I am not paying that back.

When people ask me the question, whose side am I on, I am on Caroline's side. I am on the side of the 850,000 children going to Denver's public schools who don't deserve to be left what we are at risk of leaving them.

I want the Senator to know I will work with anybody, Republican or Democrat, in this Chamber in the time that I am here to make sure we are not that generation of Americans that leaves less, not more, behind.

I wish to talk briefly tonight about the discussions around taxes. I have been a strong supporter of a long-term extension of the middle-class tax cuts, estate tax reform that supports our small businesses, farmers and ranchers and extension of unemployment insurance for Coloradans who are struggling to find their way during this difficult economy.

Over the last year, in the very town-hall meetings I was just talking about, Coloradans over and over have shared their frustration with me about Washington's complete failure to come to an agreement and by both parties' lack of willingness to even discuss a compromise. I could not agree with them more.

The bottom line is simple and straightforward. These tax cuts will expire in less than 4 weeks if we do nothing. If we do nothing, hundreds of thousands of Coloradans will see a tax increase and thousands more will lose their unemployment benefits in the worst recession since the Great Depression. This is completely unacceptable to them and to me.

If I were writing this bill, it would look different than the compromise. It would propose a 1-year extension of all tax cuts. I said that during the campaign because I felt it was important for us to have the time to figure out how we were actually going to pay for these tax cuts. So it would be for 1 year. It would be a longer term extension for the middle class. I would raise the exemption level for the estate tax but keep rates at the 2009 level.

I wished to say that, at the end of the day, while I am going to look for opportunities to make improvements to this framework and listen to other people's ideas as well, I intend to support the compromise. I am not convinced delaying this legislation until next year will produce a better bill. I am convinced it will create huge uncertainty

for people all over my State and around the country, at a time when the last thing we can afford is uncertainty. The reality is, the new Congress might likely produce something far worse than the agreement that has been reached.

Whenever I cast a vote, I do so focused on the danger caused by our medium-term and long-term debt. That is why I have supported multiple measures to get spending under control. In this case, I think it would be far worse to weaken a fragile economic recovery by letting the middle-class tax cuts expire, throwing thousands of Coloradans off the unemployment rolls simultaneously.

Moving forward, we desperately need a more constructive and honest conversation about how we are going to turn our economy around for the long term. I will work with anyone—Democrat or Republican—to develop a Tax Code that actually encourages innovation, lifts innovation in the United States, builds back our middle class, and brings jobs back to Colorado and the rest of the country.

I will close by saying this: We face grave challenges, both economic and fiscal, at this moment in our country's history. The message I got loudly and clearly over the last 22 months is that people want to see us working together and solving problems. That is what I intend to do.

TAXPAYER ASSISTANCE ACT OF 2010

Mr. BENNET. Mr. President, I ask unanimous consent that the Finance Committee be discharged from H.R. 4994, the Taxpayer Assistance Act of 2010, and that the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will state the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 4994) to amend the Internal Revenue Code of 1986 to reduce taxpayer burdens, enhance taxpayer protection, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. BENNET. Mr. President, there is a substitute amendment at the desk, and I ask that the amendment be considered and agreed to; that the bill, as amended, be read the third time; and that after the reading of the Budget Committee pay-go letter, the bill, as amended, be passed; and that the title amendment, which is at the desk, be considered and agreed to; further, that any statements relating to the measure be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 4742), in the nature of a substitute, was agreed to.

(The amendment is printed in today's RECORD under "Text of Amendments.")

The amendment (No. 4743) was agreed to, as follows:

Amend the title so as to read: "An Act to extend certain expiring provisions of the Medicare and Medicaid programs, and for other purposes."

The PRESIDING OFFICER. The clerk will read the pay-go letter.

The assistant legislative clerk read as follows:

Mr. Conrad: This is the Statement of Budgetary Effects of PAYGO Legislation for H.R. 4994, as amended.

Total Budgetary Effects of H.R. 4994 for the 5-year Statutory PAYGO Scorecard: net increase in the deficit of \$2.278 billion.

Total Budgetary Effects of H.R. 4994 for the 10-year Statutory PAYGO Scorecard: net decrease in the deficit of \$17.276 billion.

Also submitted for the RECORD as part of this statement is a table prepared by the Congressional Budget Office, which provides additional information on the budgetary effects of this Act, as follows:

ESTIMATE OF THE STATUTORY PAY-AS-YOU-GO EFFECTS FOR H.R. 4994, AN ACT TO EXTEND CERTAIN EXPIRING PROVISIONS OF THE MEDICARE AND MEDICAID PROGRAMS, AND FOR OTHER PURPOSES (AS INTRODUCED ON DECEMBER 7, 2010—ERN10381; ASSUMED ENACTMENT LATE DECEMBER 2010)

(By fiscal year, in millions of dollars)

	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2011–2015	2011–2020
Net Increase or Decrease (–) in the On-Budget Deficit												
Total On-Budget Changes	12,035	7,038	299	–742	–1,849	–2,893	–3,626	–4,037	–4,336	–4,662	–16,782	–2,772
Less:												
Current-Policy Adjustment for Medicare Payment to Physicians ¹	9,624	4,881	0	0	0	0	0	0	0	0	14,505	14,505
Statutory Pay-As-You-Go Impact	2,412	2,157	299	–742	–1,849	–2,893	–3,626	–4,037	–4,336	–4,662	2,278	–17,276

Notes: Components may not sum to totals because of rounding. This legislation would freeze Medicare's payment rates for physicians' services at the current level through the end of December 2011 and extend many other expiring provisions in Medicare. Additionally, the legislation would limit the aggregate amount recovered from reconciliation of income used for determining eligibility for tax credits provided through health insurance exchanges.

¹ Section 7(c) of the Statutory Pay-As-You-Go Act of 2010 provides for current-policy adjustments related to Medicare payments to physicians.

Sources: Congressional Budget Office, Staff of the Joint Committee on Taxation.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill (H.R. 4994), as amended, was read the third time and passed, as follows:

H.R. 4994

Resolved, That the bill from the House of Representatives (H.R. 4994) entitled "An Act to amend the Internal Revenue Code of 1986

to reduce taxpayer burdens and enhance taxpayer protections, and for other purposes," do pass with the following amendments:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) *SHORT TITLE.*—This Act may be cited as the "Medicare and Medicaid Extenders Act of 2010".

(b) *TABLE OF CONTENTS.*—The table of contents of this Act is as follows:

Sec. 1. *Short title; table of contents.*

TITLE I—EXTENSIONS

Sec. 101. *Physician payment update.*

Sec. 102. *Extension of MMA section 508 reclassifications.*

Sec. 103. *Extension of Medicare work geographic adjustment floor.*

- Sec. 104. Extension of exceptions process for Medicare therapy caps.
- Sec. 105. Extension of payment for technical component of certain physician pathology services.
- Sec. 106. Extension of ambulance add-ons.
- Sec. 107. Extension of physician fee schedule mental health add-on payment.
- Sec. 108. Extension of outpatient hold harmless provision.
- Sec. 109. Extension of Medicare reasonable costs payments for certain clinical diagnostic laboratory tests furnished to hospital patients in certain rural areas.
- Sec. 110. Extension of the qualifying individual (QI) program.
- Sec. 111. Extension of Transitional Medical Assistance (TMA).
- Sec. 112. Special diabetes programs.
- TITLE II—OTHER PROVISIONS**
- Sec. 201. Clarification of effective date of part B special enrollment period for disabled TRICARE beneficiaries.
- Sec. 202. Repeal of delay of RUG-IV.
- Sec. 203. Clarification for affiliated hospitals for distribution of additional residency positions.
- Sec. 204. Continued inclusion of orphan drugs in definition of covered outpatient drugs with respect to children's hospitals under the 340B drug discount program.
- Sec. 205. Medicaid and CHIP technical corrections.
- Sec. 206. Funding for claims reprocessing.
- Sec. 207. Revision to the Medicare Improvement Fund.
- Sec. 208. Limitations on aggregate amount recovered on reconciliation of the health insurance tax credit and the advance of that credit.
- Sec. 209. Determination of budgetary effects.

TITLE I—EXTENSIONS

SEC. 101. PHYSICIAN PAYMENT UPDATE.

Section 1848(d) of the Social Security Act (42 U.S.C. 1395w-4(d)) is amended by adding at the end the following new paragraph:

“(12) UPDATE FOR 2011.—

“(A) IN GENERAL.—Subject to paragraphs (7)(B), (8)(B), (9)(B), (10)(B), and (11)(B), in lieu of the update to the single conversion factor established in paragraph (1)(C) that would otherwise apply for 2011, the update to the single conversion factor shall be 0 percent.

“(B) NO EFFECT ON COMPUTATION OF CONVERSION FACTOR FOR 2012 AND SUBSEQUENT YEARS.—The conversion factor under this subsection shall be computed under paragraph (1)(A) for 2012 and subsequent years as if subparagraph (A) had never applied.”.

SEC. 102. EXTENSION OF MMA SECTION 508 RECLASSIFICATIONS.

(a) EXTENSION.—

(1) IN GENERAL.—Section 106(a) of division B of the Tax Relief and Health Care Act of 2006 (42 U.S.C. 1395 note), as amended by section 117 of the Medicare, Medicaid, and SCHIP Extension Act of 2007 (Public Law 110-173), section 124 of the Medicare Improvements for Patients and Providers Act of 2008 (Public Law 110-275), and sections 3137(a) and 10317 of the Patient Protection and Affordable Care Act (Public Law 111-148), is amended by striking “September 30, 2010” and inserting “September 30, 2011”.

(2) SPECIAL RULE FOR FISCAL YEAR 2011.—

(A) IN GENERAL.—Subject to subparagraph (B), for purposes of implementation of the amendment made by paragraph (1), including (notwithstanding paragraph (3) of section 117(a) of the Medicare, Medicaid, and SCHIP Extension Act of 2007 (Public Law 110-173), as amended by section 124(b) of the Medicare Improve-

ments for Patients and Providers Act of 2008 (Public Law 110-275)) for purposes of the implementation of paragraph (2) of such section 117(a), during fiscal year 2011, the Secretary of Health and Human Services shall use the hospital wage index that was promulgated by the Secretary of Health and Human Services in the Federal Register on August 16, 2010 (75 Fed. Reg. 50042), and any subsequent corrections.

(B) EXCEPTION.—Beginning on April 1, 2011, in determining the wage index applicable to hospitals that qualify for wage index reclassification, the Secretary shall include the average hourly wage data of hospitals whose reclassification was extended pursuant to the amendment made by paragraph (1) only if including such data results in a higher applicable reclassified wage index. Any revision to hospital wage indexes made as a result of this subparagraph shall not be effected in a budget neutral manner.

(3) ADJUSTMENT FOR CERTAIN HOSPITALS IN FISCAL YEAR 2011.—

(A) IN GENERAL.—In the case of a subsection (d) hospital (as defined in subsection (d)(1)(B) of section 1886 of the Social Security Act (42 U.S.C. 1395ww)) with respect to which—

(i) a reclassification of its wage index for purposes of such section was extended pursuant to the amendment made by paragraph (1); and

(ii) the wage index applicable for such hospital for the period beginning on October 1, 2010, and ending on March 31, 2011, was lower than for the period beginning on April 1, 2011, and ending on September 30, 2011, by reason of the application of paragraph (2)(B);

the Secretary shall pay such hospital an additional payment that reflects the difference between the wage index for such periods.

(B) TIMEFRAME FOR PAYMENTS.—The Secretary shall make payments required under subparagraph (A) by not later than December 31, 2011.

(b) CONFORMING AMENDMENT.—Section 117(a)(3) of the Medicare, Medicaid, and SCHIP Extension Act of 2007 (Public Law 110-173) is amended by inserting “in fiscal years 2008 and 2009” after “For purposes of implementation of this subsection”.

SEC. 103. EXTENSION OF MEDICARE WORK GEOGRAPHIC ADJUSTMENT FLOOR.

Section 1848(e)(1)(E) of the Social Security Act (42 U.S.C. 1395w-4(e)(1)(E)) is amended by striking “before January 1, 2011” and inserting “before January 1, 2012”.

SEC. 104. EXTENSION OF EXCEPTIONS PROCESS FOR MEDICARE THERAPY CAPS.

Section 1833(g)(5) of the Social Security Act (42 U.S.C. 1395l(g)(5)) is amended by striking “and ending on” and all that follows through “2010” and inserting “and ending on December 31, 2011”.

SEC. 105. EXTENSION OF PAYMENT FOR TECHNICAL COMPONENT OF CERTAIN PHYSICIAN PATHOLOGY SERVICES.

Section 542(c) of the Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2000 (as enacted into law by section 1(a)(6) of Public Law 106-554), as amended by section 732 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (42 U.S.C. 1395w-4 note), section 104 of division B of the Tax Relief and Health Care Act of 2006 (42 U.S.C. 1395w-4 note), section 104 of the Medicare, Medicaid, and SCHIP Extension Act of 2007 (Public Law 110-173), section 136 of the Medicare Improvements for Patients and Providers Act of 2008 (Public Law 110-275), and section 3104 of the Patient Protection and Affordable Care Act (Public Law 111-148) is amended by striking “and 2010” and inserting “2010, and 2011”.

SEC. 106. EXTENSION OF AMBULANCE ADD-ONS.

(a) GROUND AMBULANCE.—Section 1834(l)(13)(A) of the Social Security Act (42 U.S.C. 1395m(l)(13)(A)) is amended—

(1) in the matter preceding clause (i), by striking “2011” and inserting “2012,”; and

(2) in each of clauses (i) and (ii), by striking “January 1, 2011” and inserting “January 1, 2012” each place it appears.

(b) AIR AMBULANCE.—Section 146(b)(1) of the Medicare Improvements for Patients and Providers Act of 2008 (Public Law 110-275), as amended by sections 3105(b) and 10311(b) of Public Law 111-148, is amended by striking “December 31, 2010” and inserting “December 31, 2011”.

(c) SUPER RURAL AMBULANCE.—Section 1834(l)(12)(A) of the Social Security Act (42 U.S.C. 1395m(l)(12)(A)) is amended by striking “2011” and inserting “2012”.

SEC. 107. EXTENSION OF PHYSICIAN FEE SCHEDULE MENTAL HEALTH ADD-ON PAYMENT.

Section 138(a)(1) of the Medicare Improvements for Patients and Providers Act of 2008 (Public Law 110-275), as amended by section 3107 of the Patient Protection and Affordable Care Act (Public Law 111-148), is amended by striking “December 31, 2010” and inserting “December 31, 2011”.

SEC. 108. EXTENSION OF OUTPATIENT HOLD HARMLESS PROVISION.

Section 1833(t)(7)(D)(i) of the Social Security Act (42 U.S.C. 1395l(t)(7)(D)(i)), as amended by section 3121(a) of the Patient Protection and Affordable Care Act (Public Law 111-148), is amended—

(1) in subclause (II)—

(A) in the first sentence, by striking “2011” and inserting “2012”; and

(B) in the second sentence, by striking “or 2010” and inserting “2010, or 2011”; and

(2) in subclause (III), by striking “January 1, 2011” and inserting “January 1, 2012”.

SEC. 109. EXTENSION OF MEDICARE REASONABLE COSTS PAYMENTS FOR CERTAIN CLINICAL DIAGNOSTIC LABORATORY TESTS FURNISHED TO HOSPITAL PATIENTS IN CERTAIN RURAL AREAS.

Section 416(b) of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (42 U.S.C. 1395l-4), as amended by section 105 of division B of the Tax Relief and Health Care Act of 2006 (42 U.S.C. 1395l note), section 107 of the Medicare, Medicaid, and SCHIP Extension Act of 2007 (42 U.S.C. 1395l note), and section 3122 of the Patient Protection and Affordable Care Act (Public Law 111-148), is amended by striking “the 1-year period beginning on July 1, 2010” and inserting “the 2-year period beginning on July 1, 2010”.

SEC. 110. EXTENSION OF THE QUALIFYING INDIVIDUAL (QI) PROGRAM.

(a) EXTENSION.—Section 1902(a)(10)(E)(iv) of the Social Security Act (42 U.S.C. 1396a(a)(10)(E)(iv)) is amended by striking “December 2010” and inserting “December 2011”.

(b) EXTENDING TOTAL AMOUNT AVAILABLE FOR ALLOCATION.—Section 1933(g) of such Act (42 U.S.C. 1396u-3(g)) is amended—

(1) in paragraph (2)—

(A) by striking “and” at the end of subparagraph (M);

(B) in subparagraph (N), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following new subparagraphs:

“(O) for the period that begins on January 1, 2011, and ends on September 30, 2011, the total allocation amount is \$720,000,000; and

“(P) for the period that begins on October 1, 2011, and ends on December 31, 2011, the total allocation amount is \$280,000,000.”; and

(2) in paragraph (3), in the matter preceding subparagraph (A), by striking “or (N)” and inserting “(N), or (P)”.

SEC. 111. EXTENSION OF TRANSITIONAL MEDICAL ASSISTANCE (TMA).

Sections 1902(e)(1)(B) and 1925(f) of the Social Security Act (42 U.S.C. 1396a(e)(1)(B), 1396r-6(f)) are each amended by striking “December 31, 2010” and inserting “December 31, 2011”.

SEC. 112. SPECIAL DIABETES PROGRAMS.

(1) SPECIAL DIABETES PROGRAMS FOR TYPE I DIABETES.—Section 330B(b)(2)(C) of the Public Health Service Act (42 U.S.C. 254c-2(b)(2)(C)) is amended by striking “2011” and inserting “2013”.

(2) SPECIAL DIABETES PROGRAMS FOR INDIVIDUALS.—Section 330C(c)(2)(C) of the Public Health Service Act (42 U.S.C. 254c-3(c)(2)(C)) is amended by striking “2011” and inserting “2013”.

TITLE II—OTHER PROVISIONS**SEC. 201. CLARIFICATION OF EFFECTIVE DATE OF PART B SPECIAL ENROLLMENT PERIOD FOR DISABLED TRICARE BENEFICIARIES.**

Effective as if included in the enactment of Public Law 111-148, section 3110(a)(2) of such Act is amended to read as follows:

“(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply to elections made on and after the date of the enactment of this Act.”.

SEC. 202. REPEAL OF DELAY OF RUG-IV.

Effective as if included in the enactment of Public Law 111-148, section 10325 of such Act is repealed.

SEC. 203. CLARIFICATION FOR AFFILIATED HOSPITALS FOR DISTRIBUTION OF ADDITIONAL RESIDENCY POSITIONS.

Effective as if included in the enactment of section 5503(a) of Public Law 111-148, section 1886(h)(8) of the Social Security Act (42 U.S.C. 1395ww(h)(8)), as added by such section 5503(a), is amended by adding at the end the following new subparagraph:

“(1) AFFILIATION.—The provisions of this paragraph shall be applied to hospitals which are members of the same affiliated group (as defined by the Secretary under paragraph (4)(H)(ii)) and the reference resident level for each such hospital shall be the reference resident level with respect to the cost reporting period that results in the smallest difference between the reference resident level and the otherwise applicable resident limit.”.

SEC. 204. CONTINUED INCLUSION OF ORPHAN DRUGS IN DEFINITION OF COVERED OUTPATIENT DRUGS WITH RESPECT TO CHILDREN'S HOSPITALS UNDER THE 340B DRUG DISCOUNT PROGRAM.

(a) DEFINITION OF COVERED OUTPATIENT DRUG.—

(1) AMENDMENT.—Subsection (e) of section 340B of the Public Health Service Act (42 U.S.C. 256b) is amended by striking “covered entities described in subparagraph (M)” and inserting “covered entities described in subparagraph (M) (other than a children's hospital described in subparagraph (M))”.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect as if included in the enactment of section 2302 of the Health Care and Education Reconciliation Act of 2010 (Public Law 111-152).

(b) TECHNICAL AMENDMENT.—Subparagraph (B) of section 1927(a)(5) of the Social Security Act (42 U.S.C. 1396r-8(a)(5)) is amended by striking “and a children's hospital” and all that follows through the end of the subparagraph and inserting a period.

SEC. 205. MEDICAID AND CHIP TECHNICAL CORRECTIONS.

(a) REPEAL OF EXCLUSION OF CERTAIN INDIVIDUALS AND ENTITIES FROM MEDICAID.—Section 1902(a) of the Social Security Act (42 U.S.C. 1396a(a)) is amended by striking paragraph (78).

(b) INCOME LEVEL FOR CERTAIN CHILDREN UNDER MEDICAID.—Section 1902(l)(2)(C) of the

Social Security Act (42 U.S.C. 1396a(l)(2)(C)) is amended by striking “133 percent” and inserting “100 percent (or, beginning January 1, 2014, 133 percent)”.

(c) CALCULATION AND PUBLICATION OF PAYMENT ERROR RATE MEASUREMENT FOR CERTAIN YEARS.—Section 601(b) of the Children's Health Insurance Program Reauthorization Act of 2009 (Public Law 111-3) is amended by adding at the end the following: “The Secretary is not required under this subsection to calculate or publish a national or a State-specific error rate for fiscal year 2009 or fiscal year 2010.”.

(d) CORRECTIONS TO EXCEPTIONS TO EXCLUSION OF CHILDREN OF CERTAIN EMPLOYEES.—Section 2110(b)(6) of the Social Security Act (42 U.S.C. 1397jj(b)(6)) is amended—

(1) in subparagraph (B)—

(A) by striking “PER PERSON” in the heading; and

(B) by striking “each employee” and inserting “employees”; and

(2) in subparagraph (C), by striking “, on a case-by-case basis.”.

(e) ELECTRONIC HEALTH RECORDS.—Effective as if included in the enactment of section 4201(a)(2) of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5), section 1903(t) of the Social Security Act (42 U.S.C. 1396b(t)) is amended—

(1) in paragraph (3)(E), by striking “reduced by any payment that is made to such Medicaid provider from any other source (other than under this subsection or by a State or local government)” and inserting “reduced by the average payment the Secretary estimates will be made to such Medicaid providers (determined on a percentage or other basis for such classes or types of providers as the Secretary may specify) from other sources (other than under this subsection, or by the Federal government or a State or local government)”;

(2) in paragraph (6)(B), by inserting before the period the following: “and shall be determined to have met such responsibility to the extent that the payment to the Medicaid provider is not in excess of 85 percent of the net average allowable cost”.

(f) CORRECTIONS OF DESIGNATIONS.—

(1) Section 1902 of the Social Security Act (42 U.S.C. 1396a) is amended—

(A) in subsection (a)(10), in the matter following subparagraph (G), by striking “and” before “(XVI) the medical” and by striking “(XVI) if” and inserting “(XVII) if”;

(B) in subsection (a)(23), by striking “(ii)” and inserting “(kk)”;

(C) in subsection (a)(77), by striking “(ii)” and inserting “(kk)”;

(D) in subsection (ii)(2), as added by section 2303(a)(2) of Public Law 111-148, by striking “(XV)” and inserting “(XVI)”;

(E) by redesignating subsection (ii), as added by section 6401(b)(1)(B) of Public Law 111-148, as subsection (kk) and transferring such subsection so as to appear after subsection (jj) of that section.

(2) Section 2107(e)(1) of the Social Security Act (42 U.S.C. 1397gg(e)(1)) is amended—

(A) in subparagraph (D), as added by section 6401(c) of Public Law 111-148, by striking “(ii)” and inserting “(kk)”;

(B) by redesignating the subparagraph (N) of that section added by 2101(e) of Public Law 111-148 as subparagraph (O).

SEC. 206. FUNDING FOR CLAIMS REPROCESSING.

For purposes of carrying out the provisions of, and amendments made by, this Act that relate to title XVIII of the Social Security Act, and other provisions of, or relating to, such title that ensure appropriate payment of claims, there are appropriated to the Secretary of Health and Human Services for the Centers for Medicare & Medicaid Services Program Management Ac-

count, from amounts in the general fund of the Treasury not otherwise appropriated, \$200,000,000. Amounts appropriated under the preceding sentence shall be in addition to any other funds available for such purposes, shall remain available until expended, and shall not be used to implement changes to title XVIII of the Social Security Act made by Public Laws 111-148 and 111-152.

SEC. 207. REVISION TO THE MEDICARE IMPROVEMENT FUND.

Section 1998(b)(1)(B) of the Social Security Act (42 U.S.C. 1395iii(b)(1)(B)) is amended by striking “\$550,000,000” and inserting “\$275,000,000”.

SEC. 208. LIMITATIONS ON AGGREGATE AMOUNT RECOVERED ON RECONCILIATION OF THE HEALTH INSURANCE TAX CREDIT AND THE ADVANCE OF THAT CREDIT.

(a) IN GENERAL.—So much of section 36B(f)(2)(B) of the Internal Revenue Code of 1986 as precedes clause (ii) thereof is amended to read as follows:

“(B) LIMITATION ON INCREASE.—

“(i) IN GENERAL.—In the case of a taxpayer whose household income is less than 500 percent of the poverty line for the size of the family involved for the taxable year, the amount of the increase under subparagraph (A) shall in no event exceed the applicable dollar amount determined in accordance with the following table (one-half of such amount in the case of a taxpayer whose tax is determined under section 1(c) for the taxable year):

“If the household income (expressed as a percent of poverty line) is:	The applicable dollar amount is:
Less than 200%	\$600
At least 200% but less than 250%	\$1,000
At least 250% but less than 300%	\$1,500
At least 300% but less than 350%	\$2,000
At least 350% but less than 400%	\$2,500
At least 400% but less than 450%	\$3,000
At least 450% but less than 500%	\$3,500”.

(b) CONFORMING AMENDMENT.—Section 36B(f)(2)(B)(ii) of such Code is amended by inserting “in the table contained” after “each of the dollar amounts”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2013.

SEC. 209. DETERMINATION OF BUDGETARY EFFECTS.

(a) IN GENERAL.—The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled “Budgetary Effects of PAYGO Legislation” for this Act, submitted for printing in the Congressional Record by the Chairman of the Senate Budget Committee, provided that such statement has been submitted prior to the vote on passage.

(b) EMERGENCY DESIGNATION FOR CONGRESSIONAL ENFORCEMENT.—In the House of Representatives, this Act, with the exception of section 101, is designated as an emergency for purposes of pay-as-you-go principles.

Amend the title so as to read: “An Act to extend certain expiring provisions of the Medicare and Medicaid programs, and for other purposes.”.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

TAX COMPROMISE

Mr. ALEXANDER. Mr. President, I was glad I had a chance to hear the Senators from Colorado and Oklahoma. I congratulate the Senator from Colorado on his reelection and look forward

to working with him. He mentioned the importance of working across party lines. One area where we have the chance to do that, and where he can make an especially significant contribution, is in the area of fixing No Child Left Behind, the Elementary and Secondary Education Act. He has a lot of experience, earned the hard way on the ground, in that area. He is on the relevant committees, and I look forward to working with him.

Second, I join the Senator from Colorado in support for the tax plan agreed upon by the President and the Democratic and Republican leaders.

I have noticed that over the last two days, a large number of the news stories are about who wins and who gets political points for this tax agreement. I think the story is: the American people win. The focus of this Congress should be how to make it easier and cheaper to create private sector jobs. Virtually every economist who has come before us, either called by Democratic Senators or Republican Senators, has said raising taxes on anybody in the middle of an economic downturn makes it harder to create private sector jobs.

This tax agreement, which would stop the automatic increase of taxes for tens of millions of Americans, makes it easier and cheaper to create private sector jobs. So does the provision to provide 100 percent expensing for businesses. What that means is, companies that buy equipment in the next year can immediately deduct those costs. There is also a provision giving working people in this country during the next year a reduction by about one-third in what they pay on the payroll tax. That will mean these workers have more money in their pockets and perhaps they will spend it and perhaps that will help the economy grow as well.

In addition, there is the provision to give some certainty to the estate tax. Some want zero tax, some want 100 percent tax. But this comes to a common, reasonable decision for 2 years. No one on the Republican side of the aisle is completely happy with this agreement. We want the tax rates permanently extended where they are today or at least to not let them get higher. We believe that short-term decisions about taxes don't create the kind of certainty that does the best job of helping to create private sector jobs.

We welcome the fact that the President of the United States has accepted this as a part of an agreement, and at the same time, he has gotten the priority that he put a high goal on, which was the extension of unemployment compensation. Republicans don't like to see that passed in a way that adds to the debt. So we have some Democrats who don't like everything in the bill and also some Republicans who don't.

We have something we have not seen very much of for the last two years. In-

stead of "we won the election, so we will write the bill," we have a different attitude: Let's sit down and talk and see what we can do for the good of the country. I think this will not only result in the tax bill being passed, I think it will result in it being accepted by the people of this country. I think it will help build confidence in our economic growth. I think it will help build confidence in the ability of our government to function and deal with big problems.

I congratulate the Democratic and Republican leaders of the Senate and the House and the President for bringing the agreement this far. We have a ways to go; it is not decided yet. But it is a good step in the right direction. Instead of scoring political points, for a change, I think we are trying to score some points for the American people. When they get their paychecks in the middle of January and see the lower withholding and when they find out the amount of taxes they are not going to have to pay in a tax increase, I think they are going to be grateful.

Today, I was thinking that a Tennessee small businessperson looking at next year might say: Well, they are not going to raise my taxes and take the money my company earned and give it to the government. Maybe I will spend some of that money to hire somebody or spend some of that money for new equipment since they will let me deduct those costs. Maybe I will go ahead and do that this year instead of over the next 2, 3, 4, or 5 years. Maybe that will help my business grow, and maybe I will hire somebody new.

Maybe it will say to the people who work at that company: I am going to have a little more money in my pocket, I will go out and spend it, and maybe I will buy some of the goods made in other small businesses and the economy will grow.

There is no doubt this adds to the deficit, but there are two ways to reduce the deficit. One is to reduce spending, which we must do. We have an opportunity to deal with that, as the Senator from Oklahoma talked about. The other way is to create new revenues, and the way you do that is economic growth.

This bill will help make it easier and cheaper to create private sector jobs. That is economic growth. That helps reduce the deficit.

I congratulate Senator COBURN, who spoke before the Senator from Colorado. Senator COBURN, Senator CRAPO, Senator GREGG, Senator CONRAD, and Senator DURBIN, the majority whip, all voted for the debt commission report. That was a courageous act on behalf of all five of them. It is one thing to go around the country saying we need to reduce the debt; it is another thing to take on a wide-ranging proposal that actually does that because it is very painful. You can't just say we are

going to get rid of earmarks, which don't save a penny. You can't just say we are going to focus on discretionary spending, other than that which affects defense, which is 15 percent of the budget. You have to deal with things such as national defense and Social Security, and you have to deal with Medicare and Medicaid.

It is true the debt commission report didn't do as much on entitlements as I would like it to do. I am proud of the members of the commission. They have given us a serious proposal and I intend to take it seriously. I intend to do my best to support as many of its provisions as possible, so we can take a step forward, not just in creating private sector jobs but in attacking our other major goal, which is reducing spending so we can reduce the debt.

THE BAHAI FAITH AND ABUSE OF ITS LEADERS IN IRAN

Mr. ALEXANDER. Mr. President, I have one other comment I would like to make while I am here. It involves the Baha'i faith and the abuse of its leaders in Iran.

I rise today to discuss an issue that some constituents of mine brought to my attention when I was in Nashville this summer. We met to discuss the plight of the Baha'i in Iran.

The Baha'i faith was founded in Persia in 1844 and is one of the fastest growing religions in the world, with more than five million followers in more than 200 countries and territories. It is the largest non-Muslim religious community in Iran today.

Baha'i followers have been persecuted for their faith by the Iranian Government since their religion was established, but the frequency and severity of the persecutions has increased under the Presidency of Mahmud Ahmadi-Nejad. More than two years ago, a group of seven Baha'i leaders, often referred to as the "Yaran" or "friends," were arrested. They were charged with pursuing propaganda activities against Islam and for spying on behalf of Israel. After more than two years of "temporary" confinement, the seven were tried in a closed court proceeding that did not meet even the minimum international standards for proper criminal procedure and protection of civil rights. The six men and one woman were each sentenced to 20 years in prison on August 8.

This is yet another example of the Iranian Government striking out against its own people. We saw violent examples of this in June of last year, when Iranian citizens began protesting the unfair Presidential election. Those who dare differ with the government face baseless charges, closed court proceedings, extremely harsh sentences, and possibly even death. The international community has expressed its outrage about the sentencing of this

group, and Secretary of State Clinton issued a statement on August 12 that reaffirms our country's commitment to protecting religious freedom around the world, including that of the Baha'i in Iran.

This is more than a story from the other side of the world. There are more than 168,000 Baha'i in the United States. There are more than 2,000 in my home State of Tennessee. The men and women with whom I met in August have family members—fathers, mothers, sons, brothers, and in-laws—who have been arrested and imprisoned in Iran simply because of their faith. Their only request was that we, as Members of the United States Senate, continue to do all that we can to keep the spotlight on Iran and its persecution of peaceful citizens.

That is why I wanted to bring this matter to the attention of the Senate today. The United States has already imposed sanctions on Iran by enacting the Iran Sanctions Act. I hope by shining a spotlight on this extreme and continued abuse of peaceful adherence of the Baha'i faith by the Iranian Government, we can, No. 1, reaffirm our commitment to religious freedom around the world; and No. 2, make a little more uncomfortable the regime in Iran which perpetrates these crimes against its own people.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BEGICH). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WICKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MIKHAIL KHODORKOVSKY TRIAL

Mr. WICKER. Mr. President, in June of this year, I joined my friend and colleague, Senator BEN CARDIN, on the Senate floor to discuss an issue of great concern to both of us and to many Americans and to many advocates of freedom and the rule of law internationally. That issue is the ongoing trial in Russia of Mikhail Khodorkovsky and his business partner, Platon Lebedev.

This trial, or what Gary Kasparov writing for the Wall Street Journal called "the latest judicial travesty," came to a close November 2. A decision by the court is expected on December 15.

Khodorkovsky was first arrested in 2003 and convicted in 2005. This trial was unfair and politically motivated according to Western human rights groups, Western media, and many other independent observers. There is broad opinion that this second trial has been staged, has not provided the opportunity to judge facts in a clear, im-

partial manner, and in general has not honored the rule of law.

I know this is not a jury trial. The finder of fact is a single judge. Many have claimed that this judge has come under both direct and indirect pressure in this case. In addition, the prosecution has used language in closing arguments as if a guilty verdict had already been rendered. Sadly, there seems to be little hope for a just verdict from this second trial, and now Khodorkovsky and Lebedev will face the prospect of many more years in jail. These men have already served 7 years in prison and paid an unjust price for a politically inspired campaign against them. They have sacrificed much of their lives, their freedoms, and their rights. It is time for both men to be set free and for justice to be served in Russia.

This case is broader than Khodorkovsky and Lebedev as individuals. It raises the question about whether there are truly independent functioning institutions in Russia. A guilty verdict would show that when Russian authorities want to, they can act above the law, as they did in the first trial. It would also underscore that property rights in Russia are meaningless, sending a chilling message to investors and businesses alike, both domestically in Russia and internationally. I fear we will see more cases where rights are violated and the legal process undermined.

Thankfully, it is becoming increasingly difficult for Russian authorities to hide the illegitimacy of the charges and the process. Government officials, human rights activists, journalists, and others continue to raise questions about the legitimacy of this trial.

Some might suggest that we in the Congress and we in America should refrain from commenting on cases in a sovereign nation's court system. I disagree. I do not think this is true when a nation's court system is clearly not independent and is being used to undermine the rule of law and fundamental democratic principles.

I have led efforts to support congressional resolutions and hearings to draw attention to specific issues about this case because I believe they are symbolic of broader and disturbing trends in Russia. I and other colleagues in the Senate will continue to do so.

As I said in June of this year:

The United States stands behind those who call for freedom from tyranny and justice around the world. We must continue to stand with Mikhail Khodorkovsky and Platon Lebedev.

As a second flawed trial comes to conclusion, this is truer now than ever before. The international community will be closely watching the outcome of this case. I urge my colleagues, President Obama, and the administration to do the same. I hope Russia will choose the right path and somehow that justice will prevail in this infamous case.

I yield the floor.

The PRESIDING OFFICER. The majority whip.

WELCOMING HIS EXCELLENCY BRONISLAW KOMOROWSKI

Mr. DURBIN. Mr. President, on April 10, 2010, as word spread of the tragic plane crash that killed President Lech Kaczynski, First Lady Maria Kaczynski, and scores of other Polish patriots, Poles gathered by the thousands outside St. John's Church in Warsaw, grieving for their terrible loss. That loss was also felt around the world. On that unspeakably sad day, I visited the Polish Consulate in Chicago to pay my respects. People were streaming to the consulate from all over Chicago and throughout the Midwest. They drove with Polish flags proudly displayed on their cars and waited in long lines to sign the condolence book, leave flowers, or simply whisper a prayer.

Days later, the U.S. Senate observed a moment of silence for all those who lost their lives in the Katyn Forest in Smolensk and for the heartbroken people of Poland. Some asked then: How will Poland survive such a devastating loss?

The people of Poland did so by relying, as they always have, on faith, family and freedom. On July 4, the Polish people chose their fourth democratically elected leader. Today, that leader, President Bronislaw Komorowski, is making his first visit as President of Poland to the United States. We are honored he is here.

Mr. Komorowski is a descendent of Polish nobility, a historian by training, and a lifelong freedom fighter. He took part in his first anti-Communist protests as a high school student in 1968. As a young man, he defied communist authorities by lighting candles and posting banners at the Katyn section of the historic Powazki Cemetery in Warsaw, the resting place of many Polish heroes. He served as Poland's defense minister in 2000 and 2001 and became Speaker of the Sejm, Poland's House of Representatives, in 2007. The day after he was elected President, President Obama invited him to visit the United States. The two Presidents are meeting in the White House today.

As a boy growing up in East St. Louis, IL, I knew without a doubt that the greatest man on Earth was the son of a Polish Immigrant to America. He was born Stanislaw Franciszek Musial, but America came to know and love him as Stan "The Man" Musial. He was the heart and soul of the St. Louis Cardinals of my youth and one of the best outfielders in baseball history.

In school, I learned that American history is, in fact, filled with Polish and Polish-American heroes—men and women who helped lift this country into what it is today.

Polish craftsmen were already hard at work helping to build the colony of Jamestown when the Pilgrims landed at Plymouth Rock. In 1619 when the Virginia House of Burgesses refused to extend to the Polish workers the "rights of the Englishmen," including the right to vote, the Polish people began and won the first recorded strike in the New World.

More than a century and a half later, two valiant sons of Poland stepped forward and joined America in our effort to gain independence. Thaddeus Kosciuszko landed shortly after the signing of the Declaration of Independence and, upon learning of the document, decided that he must meet the author. He and Thomas Jefferson became friends. He built the United States Military Academy at West Point and helped lead American troops in their improbable and crucial early victories at the Battles of Saratoga and Ticonderoga. Years later, Thomas Jefferson called him "as pure a son of liberty as I have ever known," and statues of him stand today at West Point and in Lafayette Square across from the White House.

Casimir Pulaski was drawn to the same idea of freedom and became a brigadier general in the Continental Army. He was the "father of the US Cavalry," saved George Washington's Army at the Battle of Brandywine and gave his life for American independence at the Battle of Savannah. He has a statue in his honor here in Washington, DC, and is held in such high regard by my home State of Illinois that there is a statewide holiday so that all residents may pay their respects.

And when the time came for Poland to seek its freedom in 1989, the United States was at its side. It is astonishing to consider the changes that took place over these two decades. Poland today is a major force in Europe and a brave and indispensable leader in the effort to finish the work of making Europe whole, free and at peace with itself. Poland stood with its Baltic neighbors—including Lithuania, the land of my mother's birth—as they, too, have reached for democracy and freedom.

Poland's historic entry into NATO in 1999 has led to invaluable Polish contributions to peace and stability—not only in Europe, but around our world. Polish soldiers fought side-by-side with Americans in Iraq, standing with us even during the darkest days of that war. Today, more than 2,500 Polish soldiers are serving in Afghanistan, and Poland is leading a Provisional Reconstruction Team in one of the most dangerous and challenging areas in that nation. Poland has also agreed to allow a US missile defense base on its territory in order to help defend Europe from new security threats from those who may not share our values.

In 2004, Poland joined the European Union, symbolically ending the long

and unjust Cold War division of Europe. As a member of the EU, Poland has also shown great leadership in its transition to a free market economy. Indeed, it is the only nation in Europe to have avoided a recession during the financial crisis, and its economy is growing faster than almost any other nation in Europe. Thirty years after the birth of Solidarity in the shipyards of Gdansk, Poland today is at the forefront of efforts to build a new cooperative relationship with Russia, while also helping other Central and Eastern European nations build up their own democratic institutions and market economies and find their rightful place in the new Europe.

The United States and Poland are connected by strong bonds of shared history and shared values. We are more than allies; we are family. More than 9 million Americans trace their roots to Poland. I am proud to represent Chicago, the most Polish city outside of Poland. Even today, there are neighborhoods in Chicago where you can scarcely walk a block without hearing someone speaking Polish. I am proud to welcome the President Komorowski, and I hope for the continued strong relationship between Poland and the United States for many years to come.

HONORING OUR ARMED FORCES

CORPORAL CHAD S. WADE

Mrs. LINCOLN. Mr. President, today I honor Corporal Chad S. Wade, 22, of Bentonville, AR, who died December 1 while conducting combat operations in Helmand province, Afghanistan.

My heart goes out to the family of CPL Wade who made the ultimate sacrifice on behalf of our Nation. Along with all Arkansans, I am grateful for his service and for the service and sacrifice of all of our military service-members and their families.

More than 11,000 Arkansans on active duty and more than 10,000 Arkansas Reservists have served in Iraq or Afghanistan since September 11, 2001. These men and women have shown tremendous courage and perseverance through the most difficult of times. As neighbors, as Arkansans, and as Americans, it is incumbent upon us to do everything we can to honor their service and to provide for them and their families, not only when they are in harm's way but also when they return home. It is the least we can do for those whom we owe so much.

Corporal Wade was assigned to the 2nd Battalion, 1st Marine Regiment, 1st Marine Division, I Marine Expeditionary Force, Camp Pendleton, CA.

LEGISLATIVE INTENT—H.R. 2142

Mr. AKAKA. Mr. President, H.R. 2142, as amended, will modernize and refine key aspects of the Government Performance and Results Act, or GPRA,

while keeping the statutory foundation established by the act in place. I was pleased to join Mr. LIEBERMAN, Ms. COLLINS, and Mr. VOINOVICH in cosponsoring the substitute amendment Mr. CARPER offered at the September 29, 2010, business meeting held by the Committee on Homeland Security and Governmental Affairs, and I strongly support the bill. I would, however, like to take this opportunity to clarify the intent of the legislation on a matter of great importance. Concerns have been raised that this legislation will prohibit Federal agencies from being assisted by non-Federal parties when preparing GPRA reports. It is my understanding that, in reporting favorably H.R. 2142, as amended, the committee chose not to change the language in GPRA that made the preparation of agency strategic plans, annual performance plans, or annual program performance reports an inherently governmental function. May I ask the Senator from Delaware, as the primary sponsor of the substitute amendment to H.R. 2142, to clarify the intent of the provisions contained in H.R. 2142, as amended, which address the issue of inherently governmental functions?

Mr. CARPER. My friend is correct. This bill will not change the language in GPRA statutes addressing inherently governmental functions. It merely extends existing GPRA standards to apply to the new requirements established by H.R. 2142, as amended, that did not exist in 1993, such as the Federal Government and agency priority goals, along with agency performance updates. As you know, in addressing the issue of inherently governmental functions, the Government Performance and Results Act of 1993 Report of the Committee on Governmental Affairs states:

The preparation of an agency's or the Postal Service's strategic plan, annual performance plan, and annual program performance report under this Act are declared to be inherently governmental functions. In defining these activities in this manner, the Committee was guided by the OMB policy letter of September 23, 1992, which established Executive Branch policy relating to service contracting and inherently governmental functions. This policy letter defined an "inherently governmental function" as a "function that is so intimately related to the public interest as to mandate performance by Government employees." While this Act specifies that Government employees are solely to be responsible for the final plan or report, this does not limit agencies from being assisted by non-Federal parties, such as contractors or grantees, in the preparation of these plans and reports. This might be necessitated, for example, when there is a lack of in-house expertise within an agency. The assistance of non-Federal parties may include collection of information, the conduct of studies, analyses, or evaluations, or the providing of advice, opinions, or ideas to Federal officials, or to provide training of Federal employees. This assistance by non-Federal parties in the performance of inherently governmental functions is also consistent with the OMB policy letter. The Committee also recognizes that many Federal

programs are carried out by States, local governments, and contractors—not by the Federal Government directly. Federal agencies regularly rely on these parties for performance data, and the Committee neither intends nor expects existing systems, processes, and requirements for measuring current or past performance, or which propose or forecast future performance levels to be duplicated by new parallel efforts involving only Federal employees. Finally, the Committee notes that it is the longstanding policy of the Federal Government that Federal officials should perform the decision and/or policymaking and managerial responsibilities of the government. The basic principle is that accountable Federal employees should not only be responsible for the “products” produced by their agencies (whether contractors or Federal employees produced the product) but also should be involved in a significant manner in the “process” of formulating the product. Thus, agencies are not fulfilling the intent of this legislation if the required plans and reports are largely the products of contractors. To further this need for accountability, agencies should include in their plans and reports an acknowledgment of the role and a description of a significant contribution made by a contractor or other non-Federal entity to the plan or report.

In repeating the inherently governmental functions language of GPRA in H.R. 2142, as amended, the intent of H.R. 2142, as amended, is exactly the same as the intent of the identical language in GPRA, which I previously quoted. My remarks reflect the views of the Homeland Security and Governmental Affairs Committee on the interpretation of this provision. This explanation will be included in the committee's written report on the legislation that will be filed shortly.

Mr. AKAKA. I thank the gentleman from Delaware for his clarification.

CLAIMS RESOLUTION ACT

Mr. BINGAMAN. Mr. President, I rise today to commemorate President Obama's signing of the historic Claims Resolution Act of 2010. The act contains measures that resolve long-standing claims against the United States including claims relating to three Indian water rights adjudication cases in New Mexico. In addition, the act provides significant funding to implement the settlement agreements. The signing of the Claims Resolution Act of 2010 represents a significant achievement for the people of New Mexico.

I would like to express my gratitude to the many New Mexicans who have worked on these settlement agreements over many years. I would also like to commend the Obama administration for its efforts to engage with the settlement parties to finalize the settlements in ways that will strengthen the relationship between the Federal Government and the tribes and protect the non-Indian residents in the settlement areas. Having the full support of the administration was a very important part of our success.

The Aamodt and Abeyta settlements represent agreements that end longstanding litigation and provide numerous benefits that could never have been possible through the courts. The funding we have provided will ensure that the projects can move forward quickly. It is my hope that the settlement parties will continue to make swift progress toward implementation so that the Pueblo and non-Pueblo residents of Taos and the Pojoaque Valley will soon have access to more secure drinking water and improved litigation systems. In addition, the \$180 million in funding provided for the Navajo settlement will expedite the construction necessary to bring drinking water to Navajo citizens who currently haul water to their homes from watering stations many miles away. The Navajo-Gallup project will also provide water to the city of Gallup and the Jicarilla Apache Tribe. I am pleased the Bureau of Reclamation's planning for the project is well underway and that construction may commence as early as 2012, providing hundreds of jobs for New Mexicans for years to come.

The Aamodt case involves the water rights claims of the Nambé, Pojoaque, San Ildefonso, and Tesuque Pueblos in the Rio Pojoaque stream system north of Santa Fe. It is my understanding that the case, which was filed in 1966, is the longest active Federal case in the country. The Aamodt settlement represents an agreement that quantifies the present and future water rights of the four Pueblos involved in the litigation. The settlement also protects the interests and water rights of non-Indian water users, including the historic acequias irrigation systems that have existed for centuries. The Aamodt settlement will bring new water into the basin for municipal and domestic needs for Pueblo and non-Pueblo residents throughout the Pojoaque basin. I commend the Aamodt settlement parties for their commitment to the negotiation process which will provide benefits to the basin for generations to come.

The Abeyta settlement resolves Taos Pueblo's water rights claims in the Rio Pueblo de Taos stream system. The Abeyta adjudication case is also over 40 years old and the settlement parties have been working toward this result for decades. I commend them for their hard work and dedication. The Abeyta settlement will quantify the water rights of Taos Pueblo and will protect the interests of the other citizens throughout the Taos region. The Abeyta settlement provides for the construction of mutually beneficial projects designed to modernize water infrastructure and protect historic landscapes. The settlement will help to preserve the region's historic irrigation systems and provide security to domestic water users as well.

The Aamodt and Abeyta settlements represent fair and reasonable conclu-

sions to protracted, contentious litigation. They are the product of countless hours of hard work and determination. Numerous individuals have worked on these issues for decades like Nelson Cordova, Gil Suazo, Palemon Martinez and John Painter in the Taos Valley and David Ortiz, Maxine Goad, Herbert Yates, Ernest Mirabal, Charlie Dorame, James Hena, Perry Martinez, and George Rivera from the Aamodt case. I am grateful to those individuals and the many others who made these settlements possible. I would like to provide a special acknowledgment to Michael Connor, the Commissioner of Reclamation, for his longstanding commitment to resolving Indian water rights claims in ways that promote sound federal policy and fairness to the parties involved. Finally, I would like to recognize both Tanya Trujillo, my water expert on the Committee on Energy and Natural Resources, and Trudy Vincent, my legislative director, for their wise counsel and hard work in passing this important legislation.

Thank you for the opportunity to make these remarks.

PRESERVING CRIMINAL ASSETS FOR FORFEITURE ACT

Mr. WHITEHOUSE. Mr. President, I rise to speak in support of S. 4005, the Preserving Criminal Assets for Forfeiture Act of 2010, which I recently introduced with my distinguished colleague Senator CORNYN. This bill will help keep the proceeds and instrumentalities of crime out of the hands of foreign criminals. It will also encourage foreign countries to assist the United States in recovering the overseas assets of U.S. criminals.

The U.S. Government is currently authorized to assist foreign nations seeking to enforce their forfeiture judgments, for example by seizing the proceeds of large-scale international fraud, drug trafficking, or money laundering. Recent judicial decisions, however, have interpreted existing statutes as not providing our courts with the authority to restrain known criminal assets located in the U.S. prior to the issuance of a foreign forfeiture judgment. Criminals are therefore able to move and hide the assets they hold in the United States as soon as they find out they will be subject to foreign forfeiture proceedings, or even while the proceedings are ongoing. This leaves U.S. courts with no property to freeze once the foreign forfeiture judgment is entered.

Because of this hole in the law, foreign criminals have already been able to shield hundreds of millions of dollars worth of ill-gotten property, allowing them to continue their criminal enterprises and frustrating the efforts of law enforcement. In recent months alone, our government has been unable to restrain more than \$550 million that

had been identified for forfeiture by foreign governments in connection with criminal investigations and prosecutions. This money will remain a continuing resource for criminal organizations, allowing them to fund extensive additional criminal activity, some of which may well target Americans.

The U.S. Government's lack of authority to preserve criminal assets in advance of a foreign forfeiture judgment also threatens the cooperation we receive from foreign nations in our own criminal cases. The United States regularly seeks our allies' assistance in issuing prejudgment restraints to preserve the ill-gotten assets of U.S. criminals who have hidden their proceeds overseas. For example, in April of this year, Panama repatriated approximately \$40 million in gold and jewelry from a drug money laundering case, which had been restrained there for years at our request. The forfeited assets will be liquidated, with the final proceeds from those sales placed into the Department of Justice's assets forfeiture fund, and used to enhance future domestic and international criminal investigations and law enforcement initiatives. As another example, in the major international fraud case involving Allen Stanford, Switzerland, the United Kingdom, and Canada have restrained a combined \$400 million on behalf of the United States pursuant to our forfeiture proceedings.

Comparable future forfeitures could be in jeopardy because, before executing a request from the United States, most countries require assurances of reciprocity. In fact, a number of these reciprocity agreements are codified in treaties. If we fail to provide our government with authority to restrain assets pending foreign forfeiture judgments, we may ultimately enable criminal organizations in the United States to dissipate foreign assets that should be subject to U.S. forfeiture proceedings. That puts at risk hundreds of millions of dollars in criminal proceeds that may not be able to be returned to fraud victims or that criminals will reinvest in drug trafficking offenses or other crimes that affect our communities.

The bipartisan Preserving Criminal Assets for Forfeiture Act of 2010 will fix these problems by preventing criminals from removing illicit assets from the United States during the pendency of foreign forfeiture proceedings. The bill would amend 28 U.S.C. § 4267(d)(3) to clarify that U.S. courts have the power to issue restraining orders freezing the proceeds and instrumentalities of foreign criminals until foreign forfeiture proceedings have concluded. In doing so, the legislation brings the treatment of international criminals' assets in line with that of domestic criminals.

The bill includes due process protections analogous to those used for re-

straining orders in anticipation of domestic forfeiture judgments, to make sure that only criminal assets are targeted. It also requires the U.S. court to ensure that the relevant foreign tribunal observes due process protections, has subject matter jurisdiction, and is not acting as a result of fraud.

The bill is supported by the Department of Justice, and I thank the attorneys of the Department for their expert advice on this legislation. I also particularly thank Senator CORNYN for his leadership on this issue. It has been a great pleasure to work with him in introducing this legislation. I urge our colleagues on both sides of the aisle to join with us to enact this much needed bill into law.

ADDITIONAL STATEMENTS

REMEMBERING RICHARD GOLDMAN

• Mrs. BOXER. Mr. President, it is with a heavy heart that I ask my colleagues to join me today in honoring the memory of Richard Goldman, a visionary philanthropist and extraordinary civic leader. Richard was a successful businessman whose dedication to his global community improved the lives of millions. Richard passed away peacefully at his home in San Francisco on November 29, 2010. He was 90 years old.

Richard Goldman was born on April 16, 1920, in San Francisco, CA. He grew up just down the street from his future wife, Rhoda Haas. Richard attended the University of California at Berkeley before serving 4 years in the U.S. Armed Forces. In 1946, Richard returned to San Francisco and shortly thereafter reconnected with Rhoda, a descendant of Levi Strauss, who served on the board of directors of both the apparel company and the Levi Strauss Foundation. Richard and Rhoda were married within the year.

In 1949, Richard founded Goldman Insurance Services, a major San Francisco brokerage firm that was sold to Willis Insurance in 2001. In 1951, Goldman and his wife Rhoda Haas Goldman created the Goldman Fund, which has since then given more than half a billion dollars to a range of philanthropic causes in the bay area, nationally, and internationally. The Goldman Fund recently made a \$10,000,000 grant to the San Francisco Symphony and a \$3,600,000 grant to the Golden Gate National Parks Conservancy for the restoration of Lands End, a 1.6-mile coastal hiking trail with views of the Golden Gate Bridge and the Marin Headlands. The Goldmans focused their philanthropic efforts on the arts, cultural institutions, Jewish affairs, and of course, the environment.

As an expression of their lifelong commitment to environmental protec-

tion, Richard and Rhoda launched the Goldman Prize in 1990. Each year, up to seven individuals from each of the six inhabited continental regions of the world are selected to receive the \$150,000 prize. Goldman Environmental Prize winners are announced each year in April, to coincide with Earth Day. Recipients participate in a 10-day tour of San Francisco and Washington, DC; an award ceremony in each city; and many opportunities to meet with elected and environmental leaders, news media, and other dignitaries. In addition to financial support, the prize provides invaluable opportunities for prize winners to raise awareness about the issue they are combating, and attract worldwide visibility for the work they're doing to address it. The prize has always been intended to honor grassroots environmental heroes who are involved in local efforts to protect the world's precious natural resources.

Richard and Rhoda created an environmental legacy that has reached all corners of the globe. The Goldman Prize has been awarded to a range of activists around the world from Swaziland to Romania, working on issues from shark finning to uranium mining. It has become the world's largest prize program for grassroots environmental activists, attracting intense international media attention. The Goldman Environmental Prize has a lasting impact; recipients continue their work long after the award ceremonies have ended and the public spotlight has dimmed. Many have gone on to win election or appointment to public office or to expand the reach and impact of their work in other ways. The 1991 Goldman Prize winner from Africa, Wangari Maathai, became the first African woman to win the Nobel Peace Prize. In 2004, Ms. Maathai won the Nobel for her dedication to the environment, human rights, and peace.●

TRIBUTE TO BAILEY JEAN CARLSEN

• Mr. THUNE. Mr. President, today I recognize Bailey Jean Carlsen, an intern in my Washington, DC, office, for all of the hard work she has done for me, my staff, and the State of South Dakota over the past several months.

Bailey is a graduate of Roncalli High School in Aberdeen, SD. Currently, she is attending Drake University, where she is majoring in sociology and law, and politics and society. She is a hard worker who has been dedicated to getting the most out of her internship experience.

I would like to extend my sincere thanks and appreciation to Bailey for all of the fine work she has done and wish her continued success in the years to come.●

TRIBUTE TO EDWARD M. HILL

• Mr. THUNE. Mr. President, today I recognize Edward M. Hill, an intern in my Washington, DC, office, for all of the hard work he has done for me, my staff, and the State of South Dakota over the past several months.

Edward is a graduate of Rapid City Central High School in Rapid City, SD. Currently, he is attending Georgetown University, where he is majoring in international politics and security studies. He is a hard worker who has been dedicated to getting the most out of his internship experience.

I would like to extend my sincere thanks and appreciation to Edward for all of the fine work he has done and wish him continued success in the years to come.●

TRIBUTE TO KATHERINE WAGNER

• Mr. THUNE. Mr. President, today I recognize Katherine Wagner, an intern in my Washington, DC, office, for all of the hard work she has done for me, my staff, and the State of South Dakota over the past several months.

Katherine is a graduate of Spearfish High School in Spearfish, SD. Currently, she is attending the University of South Dakota, where she is majoring in political science and mass communications. She is a hard worker who has been dedicated to getting the most out of her internship experience.

I would like to extend my sincere thanks and appreciation to Katherine for all of the fine work she has done and wish her continued success in the years to come.●

TRIBUTE TO TRACY ROGERS ZEA

• Mr. THUNE. Mr. President, today I recognize Tracy Rogers Zea, an intern in my Washington, DC, office, for all of the hard work he has done for me, my staff, and the State of South Dakota over the past several months.

Tracy is a graduate of Seton Catholic High School in Chandler, AZ. He is a recent graduate of South Dakota State University, where he majored in political science. He is a hard worker who has been dedicated to getting the most out of his internship experience.

I would like to extend my sincere thanks and appreciation to Tracy for all of the fine work he has done and wish him continued success in the years to come.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mrs. Neiman, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages

from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 12:31 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 6400. An act to designate the facility of the United States Postal Service located at 111 North 6th Street in St. Louis, Missouri, as the "Earl Wilson, Jr. Post Office".

The message also announced that the House has passed the following bills, without amendment:

S. 3789. An act to limit access to Social Security account numbers.

S. 3987. An act to amend the Fair Credit Reporting Act with respect to the applicability of identity theft guidelines to creditors.

The message further announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 267. Concurrent resolution congratulating the Baltic nations of Estonia, Latvia, and Lithuania on the 20th anniversary of their declarations on the restoration of independence from the Soviet Union.

At 3:30 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has passed the following bill, with an amendment, in which it requests the concurrence of the Senate:

S. 3817. An act to amend the Child Abuse Prevention and Treatment Act, the Family Violence Prevention and Services Act, the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978, and the Abandoned Infants Assistance Act of 1988 to reauthorize the Acts, and for other purposes.

ENROLLED BILLS SIGNED

At 5:32 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

H.R. 2480. An act to improve the accuracy of fur product labeling, and for other purposes.

H.R. 3237. An act to enact certain laws relating to national and commercial space programs as title 51, United States Code, "National and Commercial Space Programs".

H.R. 6184. An act to amend the Water Resources Development Act of 2000 to extend and modify the program allowing the Secretary of the Army to accept and expend funds contributed by non-Federal public entities to expedite the evaluation of permits, and for other purposes.

H.R. 6399. An act to improve certain administrative operations of the Office of the Architect of the Capitol, and for other purposes.

The enrolled bills were subsequently signed by the President pro tempore (Mr. INOUE).

MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 6400. An act to designate the facility of the United States Postal Service located at 111 North 6th Street in St. Louis, Missouri, as the "Earl Wilson, Jr. Post Office"; to the Committee on Homeland Security and Governmental Affairs.

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 267. Concurrent resolution congratulating the Baltic nations of Estonia, Latvia, and Lithuania on the 20th anniversary of the reestablishment of their full independence from the Soviet Union; to the Committee on Foreign Relations.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-8364. A communication from the Director of Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Defense Federal Acquisition Regulation Supplement; Restrictions on the Use of Mandatory Arbitration Agreements" (DFARS Case 2010-D004) received in the Office of the President of the Senate on December 7, 2010; to the Committee on Armed Services.

EC-8365. A communication from the Director of Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Defense Federal Acquisition Regulation Supplement; Restriction on Ball and Roller Bearings" (DFARS Case 2006-D029) received in the Office of the President of the Senate on December 7, 2010; to the Committee on Armed Services.

EC-8366. A communication from the Secretary of Defense, transmitting, pursuant to law, a report relative to the expenditure of funds to design the OHIO Replacement SSBN with the flexibility to accommodate female crew members; to the Committee on Armed Services.

EC-8367. A communication from the Chairman and President of the Export-Import Bank, transmitting, pursuant to law, a report relative to transactions involving U.S. exports to Indonesia; to the Committee on Banking, Housing, and Urban Affairs.

EC-8368. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Electronic Funds Transfer of Depository Taxes" (RIN1545-BJ13) received in the Office of the President of the Senate on December 7, 2010; to the Committee on Finance.

EC-8369. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Modification to the Relief and Guidance on Corrections of Certain Failures of a Nonqualified Deferred Compensation Plan to Comply with Section 409A(a)" (Notice 2010-80) received in the Office of the President of the Senate on December 7, 2010; to the Committee on Finance.

EC-8370. A communication from the Chief of the Publications and Regulations Branch,

Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Extension of Deadline to Adopt Certain Retirement Plan Amendments" (Notice 2010-77) received in the Office of the President of the Senate on December 7, 2010; to the Committee on Finance.

EC-8371. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Cost Limitations for Expensing IRC Section 179 Property" (Rev. Proc. 2010-47) received in the Office of the President of the Senate on December 7, 2010; to the Committee on Finance.

EC-8372. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed permanent export license for the export of defense articles, to include technical data, related to the export of discontinued rifles to be returned to the manufacturer in Brazil in the amount of \$1,000,000 or more; to the Committee on Foreign Relations.

EC-8373. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed manufacturing license agreement for the export of defense articles, to include technical data, and defense services for the design, manufacture, marketing and sale of High-G Military Accelerometers; to the Committee on Foreign Relations.

EC-8374. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed manufacturing license agreement for the export of defense articles, to include technical data, and defense services to the Netherlands for the Manufacture of Dayside CCD Cameras, Lower Arm Support Assemblies and CCA Test Stations; to the Committee on Foreign Relations.

EC-8375. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed manufacturing license agreement for the export of defense articles, to include technical data, and defense services to Kuwait for the manufacture, assembly, test and sale of 25mm weapon stations for integration with Pandur 6x6 vehicles in the amount of \$50,000,000 or more; to the Committee on Foreign Relations.

EC-8376. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed manufacturing license agreement for the export of defense articles, to include technical data, and defense services to Israel for the manufacture of F-15 parts, spares, and associated tooling for end use by the Republic of Korea and the United States in the amount of \$50,000,000 or more; to the Committee on Foreign Relations.

EC-8377. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed manufacturing license agreement for the export of defense articles, to include technical data, and defense services for the manufacture of select T700 engine components for the SH-60 Helicopter for the Armed Forces of Japan in the amount of \$100,000,000 or more; to the Committee on Foreign Relations.

EC-8378. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed manufacturing license agreement for the export of defense articles, to include technical data, and defense services for the manufacture of Control Actuation Systems for the Guided Multiple Launch Rocket System (GMLRS) Program in the amount of \$100,000,000 or more; to the Committee on Foreign Relations.

EC-8379. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed technical assistance agreement for the export of defense articles, to include technical data, and defense services to support military and security training activities for the Government of Afghanistan in the amount of \$50,000,000 or more; to the Committee on Foreign Relations.

EC-8380. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed technical assistance agreement for the export of defense articles, to include technical data, and defense services for the Programmable Display Generator for the F-2 aircraft of the Japanese Ministry of Defense in the amount of \$100,000,000 or more; to the Committee on Foreign Relations.

EC-8381. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed technical assistance agreement for the export of defense articles, to include technical data, and defense services relating to the development and demonstration of lightweight small arms technologies for the United Kingdom Ministry of Defence in the amount of \$1,000,000 or more; to the Committee on Foreign Relations.

EC-8382. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed amendment to a technical assistance agreement for the export of defense articles, to include technical data, and defense services to support the nuclear-based Flash Radiography Sources for the United Kingdom in support of its nuclear weapons program in the amount of \$100,000,000 or more; to the Committee on Foreign Relations.

EC-8383. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed amendment to a technical assistance agreement for the export of defense articles, to include technical data, and defense services for the development, production and test of the APS-508 Radar System for the CP-140 Aircraft Program in the amount of \$100,000,000 or more; to the Committee on Foreign Relations.

EC-8384. A communication from the Director, Employee Services, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled "Absence and Leave; Sick Leave" (RIN3206-AL91) received in the Office of the President of the Senate on December 7, 2010; to the Committee on Homeland Security and Governmental Affairs.

EC-8385. A communication from the Director, Office of Management and Budget, Executive Office of the President, transmitting,

pursuant to law, a report relative to unvouchered expenditures; to the Committee on Homeland Security and Governmental Affairs.

EC-8386. A communication from the Board Members, Railroad Retirement Board, transmitting, pursuant to law, a report entitled "Railroad Retirement Board's Performance and Accountability Report for Fiscal Year 2010"; to the Committee on Homeland Security and Governmental Affairs.

EC-8387. A communication from the Director of Administration, National Labor Relations Board, transmitting, pursuant to law, a report entitled "Performance and Accountability Report Fiscal Year 2010"; to the Committee on Homeland Security and Governmental Affairs.

EC-8388. A communication from the Director, Congressional Affairs, Federal Election Commission, transmitting, pursuant to law, the Semi-Annual Report of the Inspector General for the period from April 1, 2010 through September 30, 2010; to the Committee on Homeland Security and Governmental Affairs.

EC-8389. A communication from the Administrator of the General Services Administration, transmitting, pursuant to law, the Semi-Annual Report of the Inspector General for the period from April 1, 2010 through September 30, 2010 and the 43rd report on audit final action by management; to the Committee on Homeland Security and Governmental Affairs.

EC-8390. A communication from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, the Semi-Annual Report of the Inspector General for the period from April 1, 2010 through September 30, 2010 and the Attorney General's Semi-Annual Management Report; to the Committee on Homeland Security and Governmental Affairs.

EC-8391. A communication from the Chairman of the Consumer Product Safety Commission, transmitting, pursuant to law, the Semi-Annual Report of the Inspector General for the period from April 1, 2010 through September 30, 2010; to the Committee on Homeland Security and Governmental Affairs.

EC-8392. A communication from the Chair of the U.S. Election Assistance Commission, transmitting, pursuant to law, the Semi-Annual Report of the Inspector General for the period from April 1, 2010 through September 30, 2010; to the Committee on Homeland Security and Governmental Affairs.

EC-8393. A communication from the Chairman, Board of Governors, U.S. Postal Service, transmitting, pursuant to law, the Semi-annual Report on the Audit, Investigative, and Security Activities of the U.S. Postal Service for the period of April 1, 2010 through September 30, 2010; to the Committee on Homeland Security and Governmental Affairs.

EC-8394. A communication from the Secretary of the Department of Education, transmitting, pursuant to law, the Semi-annual Report from the Office of the Inspector General for the period from April 1, 2010 through September 30, 2010; to the Committee on Homeland Security and Governmental Affairs.

EC-8395. A communication from the Secretary of Veterans Affairs, transmitting, pursuant to law, a report relative to expenditures from the Pershing Hall Revolving Fund; to the Committee on Veterans' Affairs.

EC-8396. A communication from the Deputy Assistant Administrator for Regulatory

Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Implementation of Regional Fishery Management Organizations' Measures Pertaining to Vessels That Engaged in Illegal, Unreported, or Unregulated Fishing Activities" (RIN0648-AW09) received in the Office of the President of the Senate on December 7, 2010; to the Committee on Commerce, Science, and Transportation.

EC-8397. A communication from the Deputy Assistant Administrator for Regulatory Programs, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries in the Western Pacific; Community Development Program Process" (RIN0648-AX76) received in the Office of the President of the Senate on December 7, 2010; to the Committee on Commerce, Science, and Transportation.

EC-8398. A communication from the Deputy Assistant Administrator for Operations, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries Off West Coast States; Pacific Coast Groundfish Fishery Management Plan; Amendments 20 and 21; Trawl Rationalization Program; Correction" (RIN0648-AY68) received in the Office of the President of the Senate on December 7, 2010; to the Committee on Commerce, Science, and Transportation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. DORGAN, from the Committee on Indian Affairs, with an amendment in the nature of a substitute:

S. 3648. A bill to establish a commission to conduct a study and provide recommendations on a comprehensive resolution of impacts caused to certain Indian tribes by the Pick-Sloan Program (Rept. No. 111-357).

By Mrs. BOXER, from the Committee on Environment and Public Works, without amendment:

S. 4016. An original bill to amend the Federal Water Pollution Control Act to establish within the Environmental Protection Agency a Columbia Basin Restoration Program (Rept. No. 111-358).

By Mr. LIEBERMAN, from the Committee on Homeland Security and Governmental Affairs, with an amendment in the nature of a substitute:

S. 2902. A bill to improve the Federal Acquisition Institute.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. ROCKEFELLER for the Committee on Commerce, Science, and Transportation.

*Scott C. Doney, of Massachusetts, to be Chief Scientist of the National Oceanic and Atmospheric Administration.

*Mario Cordero, of California, to be a Federal Maritime Commissioner for the term expiring June 30, 2014.

*Rebecca F. Dye, of North Carolina, to be a Federal Maritime Commissioner for the term expiring June 30, 2015.

*Coast Guard nominations beginning with Captain Bruce D. Baffer and ending with Captain Fred M. Midgette, which nominations were received by the Senate and ap-

peared in the Congressional Record on September 20, 2010.

Mr. ROCKEFELLER. Mr. President, for the Committee on Commerce, Science, and Transportation I report favorably the following nomination lists which were printed in the RECORD on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

*Coast Guard nominations beginning with Gregory J. Hall and ending with Joseph T. Benin, which nominations were received by the Senate and appeared in the Congressional Record on September 23, 2010.

*Coast Guard nomination of Andrew C. Kirkpatrick, to be Lieutenant.

*Coast Guard nominations beginning with Julia A. Hein and ending with Susan L. Subocz, which nominations were received by the Senate and appeared in the Congressional Record on September 29, 2010.

*Coast Guard nominations beginning with Thomas Allan and ending with Aylwyn S. Young, which nominations were received by the Senate and appeared in the Congressional Record on September 29, 2010.

*Coast Guard nominations beginning with Joseph B. Abeyta and ending with David K. Young, which nominations were received by the Senate and appeared in the Congressional Record on November 18, 2010.

*Coast Guard nominations beginning with Stephen Adler and ending with Scott A. Woolsey, which nominations were received by the Senate and appeared in the Congressional Record on November 18, 2010.

*National Oceanic and Atmospheric Administration nominations beginning with Denise J. Gruccio and ending with Lindsay R. Kurelja, which nominations were received by the Senate and appeared in the Congressional Record on November 17, 2010.

By Mr. LEAHY for the Committee on the Judiciary.

Max Oliver Cogburn, Jr., of North Carolina, to be United States District Judge for the Western District of North Carolina.

Marco A. Hernandez, of Oregon, to be United States District Judge for the District of Oregon.

Steve C. Jones, of Georgia, to be United States District Judge for the Northern District of Georgia.

Michael H. Simon, of Oregon, to be United States District Judge for the District of Oregon.

Patti B. Saris, of Massachusetts, to be a Member of the United States Sentencing Commission for a term expiring October 31, 2015.

Dabney Langhorne Friedrich, of Maryland, to be a Member of the United States Sentencing Commission for a term expiring October 31, 2015.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. VITTER (for himself and Mr. BARRASSO):

S. 4015. A bill to provide for the establishment, on-going validation, and utilization of an official set of data on the historical temperature record, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mrs. BOXER:

S. 4016. An original bill to amend the Federal Water Pollution Control Act to establish within the Environmental Protection Agency a Columbia Basin Restoration Program; from the Committee on Environment and Public Works; placed on the calendar.

By Mr. LEMIEUX:

S. 4017. A bill to amend the CDBG service cap; to the Committee on Banking, Housing, and Urban Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BROWN of Ohio:

S. Res. 697. A resolution recognizing the 15th anniversary of the Dayton Peace Accords; considered and agreed to.

ADDITIONAL COSPONSORS

S. 2900

At the request of Mrs. GILLIBRAND, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 2900, a bill to establish a research, development, and technology demonstration program to improve the efficiency of gas turbines used in combined cycle and simple cycle power generation systems.

S. 3234

At the request of Mrs. MURRAY, the name of the Senator from Delaware (Mr. COONS) was added as a cosponsor of S. 3234, a bill to improve employment, training, and placement services furnished to veterans, especially those serving in Operation Iraqi Freedom and Operation Enduring Freedom, and for other purposes.

S. 3398

At the request of Mr. BAUCUS, the name of the Senator from Delaware (Mr. COONS) was added as a cosponsor of S. 3398, a bill to amend the Internal Revenue Code of 1986 to extend the work opportunity credit to certain recently discharged veterans.

S. 3572

At the request of Mrs. LINCOLN, the names of the Senator from New Mexico (Mr. UDALL), the Senator from Iowa (Mr. HARKIN) and the Senator from Hawaii (Mr. AKAKA) were added as cosponsors of S. 3572, a bill to require the Secretary of the Treasury to mint coins in

commemoration of the 225th anniversary of the establishment of the Nation's first law enforcement agency, the United States Marshals Service.

S. 3737

At the request of Mr. HARKIN, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 3737, a bill to amend the Public Health Service Act and title XVIII of the Social Security Act to make the provision of technical services for medical imaging examinations and radiation therapy treatments safer, more accurate, and less costly.

S. 3860

At the request of Mrs. McCASKILL, the name of the Senator from Delaware (Mr. COONS) was added as a cosponsor of S. 3860, a bill to require reports on the management of Arlington National Cemetery.

S. 3959

At the request of Mrs. McCASKILL, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of S. 3959, a bill to eliminate the preferences and special rules for Alaska Native Corporations under the program under section 8(a) of the Small Business Act.

S. 3960

At the request of Mr. LAUTENBERG, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 3960, a bill to prevent harassment at institutions of higher education, and for other purposes.

S. 3979

At the request of Mr. BROWN of Ohio, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 3979, a bill to amend the Emergency Economic Stabilization Act of 2008 to allow amounts under the Troubled Assets Relief Program to be used to provide legal assistance to homeowners to avoid foreclosure.

AMENDMENT NO. 4626

At the request of Mr. UDALL of Colorado, the name of the Senator from Tennessee (Mr. ALEXANDER) was added as a cosponsor of amendment No. 4626 intended to be proposed to S. 3454, an original bill to authorize appropriations for fiscal year 2011 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 697—RECOGNIZING THE 15TH ANNIVERSARY OF THE DAYTON PEACE ACCORDS

Mr. BROWN of Ohio submitted the following resolution; which was considered and agreed to:

S. RES. 697

Whereas on December 14, 1995, the Dayton Peace Accords established peace and ended the war on the Balkan Peninsula in which more than 2,000,000 people were displaced and thousands were killed;

Whereas peace treaty negotiations began November 1, 1995, at Wright-Patterson Air Force Base in Dayton, Ohio, and concluded there on November 21, 1995, when Bosnia and Herzegovina, Croatia, and Serbia agreed to settle all war conflicts;

Whereas after 21 days of negotiations, the peace treaty negotiations successfully concluded with a peace treaty that was accepted by all parties;

Whereas the Dayton, Ohio, community provided outstanding security during the peace treaty negotiations;

Whereas the conclusion of the Dayton Peace Accords was a successful effort of the North Atlantic Treaty Organization led by the United States, with outstanding cooperation from the Russian Federation, Germany, France, and the United Kingdom;

Whereas the Dayton Peace Accords were the result of, and showed the success of, strong joint North Atlantic Treaty Organization efforts to promote and establish peace, security, and prosperity;

Whereas the signatories to the Dayton Peace Accords made a commitment to fully respect human rights and the rights of refugees and displaced persons;

Whereas the Dayton Peace Accords transformed Bosnia and Herzegovina from a country mired in a war based on ethnic and religious differences into a country engaged in an intense, but peaceful, struggle over the manner by which to form an independent and stable country;

Whereas the United States Agency for International Development and other bilateral and multilateral agencies and organizations made large investments to build a strong and independent media in Croatia, Serbia, and Bosnia and Herzegovina;

Whereas the Dayton International Peace Museum honors the Dayton Peace Accords and offers nonpartisan educational programs and exhibitions featuring the themes of non-violent conflict resolution, social justice, international relations, and peace;

Whereas the people of the State of Ohio and the Dayton region facilitated and strongly supported the implementation of the Dayton Peace Accords, as well as promoted the peaceful democratization of the deeply divided country of Bosnia and Herzegovina;

Whereas stability and prosperity were fostered by the State of Ohio through the establishment of an exemplary relationship between the Ohio National Guard and the Armed Forces of Serbia;

Whereas the Dayton Literary Peace Prize, established in 2006, remains the only literary peace prize in the United States and follows the legacy of the 1995 Dayton Peace Accords by acknowledging writers who advance peace through literature;

Whereas the city of Dayton and the city of Sarajevo have built a solid relationship as Sister Cities, and many other organizations in the region, such as the University of Dayton and the Friendship Force, have built strong relationships with the people of Bosnia and Herzegovina through programs and exchanges; and

Whereas while progress remains to be made in refining the governance structures of Bosnia and Herzegovina, the Dayton Peace Accords successfully established peace, restored human dignity, and laid the founda-

tion for future progress in Bosnia and Herzegovina: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the 15th anniversary of the Dayton Peace Accords;

(2) acknowledges the challenges Bosnia and Herzegovina still face and commends the socioeconomic and political progress that is being made in Bosnia and Herzegovina;

(3) encourages the Government of Bosnia and Herzegovina to adhere to the membership requirements of the North Atlantic Treaty Organization so that Bosnia and Herzegovina may join the alliance without delay;

(4) encourages the further integration and cooperation of European countries with the goal of establishing peace and economic prosperity for all of the people of Europe;

(5) renews the commitment of the United States to support the people of Bosnia and Herzegovina;

(6) urges the continuation of constitutional reforms, market-based economic growth, and improved dialogue between the people of Bosnia and Herzegovina and the elected Government of Bosnia and Herzegovina; and

(7) encourages the United States Air Force to take appropriate measures to provide historical interpretation of the site of the Dayton Peace Accords to educate the public on the historical significance of the Dayton Peace Accords and the importance of negotiation in world peace.

AMENDMENTS SUBMITTED AND PROPOSED

SA 4740. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 3454, to authorize appropriations for fiscal year 2011 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table.

SA 4741. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 3454, *supra*; which was ordered to lie on the table.

SA 4742. Mr. BENNET (for Mr. REID (for himself, Mr. MCCONNELL, Mr. BAUCUS, and Mr. GRASSLEY)) proposed an amendment to the bill H.R. 4994, to extend certain expiring provisions of the Medicare and Medicaid programs, and for other purposes.

SA 4743. Mr. BENNET (for Mr. REID) proposed an amendment to the bill H.R. 4994, *supra*.

SA 4744. Mr. REID (for Mr. BINGAMAN (for himself, Mr. CRAPO, and Mr. KERRY)) proposed an amendment to the bill H.R. 4337, to amend the Internal Revenue Code of 1986 to modify certain rules applicable to regulated investment companies, and for other purposes.

SA 4745. Mr. REID (for Mr. CARPER) proposed an amendment to the bill S. 3167, to amend title 13 of the United States Code to provide for a 5-year term of office for the Director of the Census and to provide for authority and duties of the Director and Deputy Director of the Census, and for other purposes.

TEXT OF AMENDMENTS

SA 4740. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 3454, to authorize appropriations for fiscal year 2011 for

military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate end of subtitle B of title X, add the following:

SEC. 1012. REPLACEMENT COMBAT LOGISTICS FORCE UNDERWAY REPLENISHMENT SHIP CAPABILITIES FOR THE NAVY ON A COMMERCIAL FEE-FOR-SERVICE BASIS.

(a) IN GENERAL.—

(1) PROGRAM REQUIRED.—The Secretary of the Navy shall carry out a program, in response to Naval Surface Warfare Center Carderock Division Combat Logistics Force Energy Saving Program, BAA N000167-09-BAA-01, to obtain replacement combat logistics force underway replenishment ship capabilities for the Navy on a commercial fee-for-service basis.

(2) DETERMINATION OF REPLACEMENT SHIPS REQUIRED.—As part of the program required by this section, the Secretary—

(A) shall determine an initial number of fleet oiler ships to be constructed, leased, or both under the program to meet anticipated demands of the Navy for combat logistics force underway replenishment ships; and

(B) may from time to time determine an additional number of fleet oiler ships to be constructed, leased, or both for such purpose.

(3) AVAILABILITY OF FUNDS.—Of the amount authorized to be appropriated for research, development, test, and evaluation by section 201 and available for the Navy as specified in the funding table in section 4201, \$20,000,000 shall be available for contractor activities for phase 1 (detailed combat logistics force fee-for-service performance requirements specification and detailed feasibility study reflecting such performance requirements) and phase 2 (completion of adequate development work to support contractor delivery of a fixed-price multi-year fee-for service proposal, consistent with this section and with sufficient detail and cost definition support to meet government contracting requirements) of the program required by this section. Such funds shall be available for that purpose without fiscal year limitation.

(4) BUDGETING.—The budget of the President for each fiscal year after fiscal year 2011 (as submitted to Congress pursuant to section 1105(a) of title 31, United States Code) shall specify the funds to be required in such fiscal year for the program required by this section, including amounts to be required for the following:

(A) The capital costs to be incurred in such fiscal year in connection with national defense features or modifications of fleet oiler ships constructed or leased under phase 3 of the program.

(B) The costs of executing multi-year contracts authorized by subsection (b) during such fiscal year.

(b) MULTIYEAR CONTRACTS TO OBTAIN REPLENISHMENT SUPPORT USING SHIPS CONSTRUCTED UNDER PROGRAM.—

(1) IN GENERAL.—In carrying out the program required by this section, the Secretary of the Navy may not enter into one or more multiyear contracts for the purpose of obtaining combat logistics force underway replenishment support for the Navy using ships constructed or leased under the program on a commercial fee-for-service basis unless an appropriation is provided in advance specifically for all obligations to be made under the contract, including any obli-

gations for payments to be made in years after the year in which the contract is entered into, any obligations for payments for early cancellation of the contract, and any obligations for payments for the exercise of contract options.

(2) ELEMENTS.—Each contract under this subsection shall provide for payment by the United States of the following:

(A) The operational cost of combat logistics force underway replenishment support provided the Navy by the ship or ships covered by the contract.

(B) The costs of any national defense features or modifications on the ship or ships covered by the contract, which costs shall be paid in full through equal monthly installments under the contract over a number of months (not to exceed 60 months) beginning on or after the date on which the Navy certifies that the ship or ships covered by the contract are qualified and meet Navy standards to provide combat logistics force underway replenishment support for the Navy.

(3) COMPLIANCE WITH LAW APPLICABLE TO MULTIYEAR CONTRACTS.—Any contract entered into under this subsection shall be entered into in accordance with the provisions of section 2306c of title 10, United States Code, except that—

(A) notwithstanding subsection (b) of such section, the combat logistics force underway replenishment support for the Navy to be obtained under the contract shall be treated as services to which the authority in subsection (a) of such section applies;

(B) the term of the contract may not be more than eight years; and

(C) notwithstanding subsections (d) and (e) of such section—

(i) the contract may not be entered into unless amounts necessary to cover all costs of cancellation of the contract are appropriated before the contract is entered into; and

(ii) funds appropriated in advance for performance of the contract shall be the only funds available for costs of cancellation of the contract.

(4) COMPLIANCE WITH LAW APPLICABLE TO SERVICE CONTRACTS.—A contract entered into under this subsection shall be entered into in accordance with the provisions of section 2401 of title 10, United States Code, except that—

(A) the Secretary shall not be required to certify to the congressional defense committees that the contract is the most cost-effective means of obtaining combat logistics force underway replenishment support for the Navy; and

(B) the Secretary shall not be required to certify to the congressional defense committees that there is no alternative for meeting urgent operational requirements other than making the contract.

(5) LIMITATION ON AMOUNT.—The amount of any contract (including any options) under this subsection may not exceed \$999,999,999.

(c) PREFERENCE FOR FINANCING UNDER FEDERAL SHIP FINANCING PROGRAM.—A contractor seeking financing for a ship whose principal service will be the provision of combat logistics force underway replenishment support for the Navy under a contract under subsection (b) shall be given approval preference by the Secretary of Transportation for the Federal Ship Financing Program under chapter 537 of title 46, United States Code.

(d) GOVERNMENT WAR RISK INSURANCE.—A contractor with the Navy under subsection (b) shall be eligible for Government-provided war risk insurance for the ship or ships cov-

ered by the contract in accordance with chapter 539 of title 46, United States Code, with the following exceptions:

(1) With regard to section 53902(a) of such title, the Secretary of the Navy may act for the Secretary of Transportation in approving the issuance of such insurance.

(2) While an insured ship is completely dedicated to the provision of combat logistics force underway replenishment support for the Navy, the insurance may be issued as agency insurance in accordance with section 53905 of such title.

SA 4741. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 3454, to authorize appropriations for fiscal year 2011 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title I, add the following:

SEC. 126. ADDITIONAL COMBAT SHIP MATTERS.

(a) MODIFICATIONS TO LITTORAL COMBAT SHIP PROGRAM AUTHORITY.—Section 121 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84; 123 Stat. 2211) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) by striking “ten Littoral Combat Ships and 15 Littoral Combat Ship ship control and weapon systems” and inserting “20 Littoral Combat Ships (LCS), including ship control and weapon systems,”; and

(ii) by striking “a contract” and inserting “one or more contracts”; and

(B) in paragraph (2)—

(i) by striking “A contract” and inserting “Any contract”; and

(ii) by striking “liability to” and inserting “liability of”;

(2) in subsection (b)—

(A) in paragraph (1), by striking “a procurement” and inserting “any contract”; and

(B) in paragraph (2)—

(i) by striking “a Littoral” and inserting “any Littoral”; and

(ii) in subparagraph (A), by striking “a second shipyard, as soon as practicable” and inserting “another shipyard to build to a design specification for that Littoral Combat Ship”; and

(3) in subsection (c)(1), by striking “awarded to a contractor selected as part of a procurement” and inserting “under any contract”.

(b) REPLACEMENT COMBAT LOGISTICS FORCE UNDERWAY REPLENISHMENT SHIP CAPABILITIES FOR THE NAVY ON A COMMERCIAL FEE-FOR-SERVICE BASIS.—

(1) PROGRAM REQUIRED.—The Secretary of the Navy shall carry out a program, in response to Naval Surface Warfare Center Carderock Division Combat Logistics Force Energy Saving Program, BAA N000167-09-BAA-01, to obtain replacement combat logistics force underway replenishment ship capabilities for the Navy on a commercial fee-for-service basis.

(2) DETERMINATION OF REPLACEMENT SHIPS REQUIRED.—As part of the program required by this subsection, the Secretary—

(A) shall determine an initial number of fleet oiler ships to be constructed, leased, or both under the program to meet anticipated demands of the Navy for combat logistics force underway replenishment ships; and

(B) may from time to time determine an additional number of fleet oiler ships to be constructed, leased, or both for such purpose.

(3) **AVAILABILITY OF FUNDS.**—Of the amount authorized to be appropriated for research, development, test, and evaluation by section 201 and available for the Navy as specified in the funding table in section 4201, \$20,000,000 shall be available for contractor activities for phase 1 (detailed combat logistics force fee-for-service performance requirements specification and detailed feasibility study reflecting such performance requirements) and phase 2 (completion of adequate development work to support contractor delivery of a fixed-price multi-year fee-for service proposal, consistent with this section and with sufficient detail and cost definition support to meet government contracting requirements) of the program required by this section. Such funds shall be available for that purpose without fiscal year limitation.

(4) **BUDGETING.**—The budget of the President for each fiscal year after fiscal year 2011 (as submitted to Congress pursuant to section 1105(a) of title 31, United States Code) shall specify the funds to be required in such fiscal year for the program required by this section, including amounts to be required for the following:

(A) The capital costs to be incurred in such fiscal year in connection with national defense features or modifications of fleet oiler ships constructed or leased under phase 3 of the program.

(B) The costs of executing multi-year contracts authorized by subsection (c) during such fiscal year.

(C) **MULTIYEAR CONTRACTS TO OBTAIN REPLENISHMENT SUPPORT USING SHIPS CONSTRUCTED UNDER PROGRAM.**—

(1) **IN GENERAL.**—In carrying out the program required by this section, the Secretary of the Navy may not enter into one or more multiyear contracts for the purpose of obtaining combat logistics force underway replenishment support for the Navy using ships constructed or leased under the program on a commercial fee-for-service basis unless an appropriation is provided in advance specifically for all obligations to be made under the contract, including any obligations for payments to be made in years after the year in which the contract is entered into, any obligations for payments for early cancellation of the contract, and any obligations for payments for the exercise of contract options.

(2) **ELEMENTS.**—Each contract under this subsection shall provide for payment by the United States of the following:

(A) The operational cost of combat logistics force underway replenishment support provided the Navy by the ship or ships covered by the contract.

(B) The costs of any national defense features or modifications on the ship or ships covered by the contract, which costs shall be paid in full through equal monthly installments under the contract over a number of months (not to exceed 60 months) beginning on or after the date on which the Navy certifies that the ship or ships covered by the contract are qualified and meet Navy standards to provide combat logistics force underway replenishment support for the Navy.

(3) **COMPLIANCE WITH LAW APPLICABLE TO MULTIYEAR CONTRACTS.**—Any contract entered into under this subsection shall be entered into in accordance with the provisions of section 2306c of title 10, United States Code, except that—

(A) notwithstanding subsection (b) of such section, the combat logistics force underway

replenishment support for the Navy to be obtained under the contract shall be treated as services to which the authority in subsection (a) of such section applies;

(B) the term of the contract may not be more than eight years; and

(C) notwithstanding subsections (d) and (e) of such section—

(i) the contract may not be entered into unless amounts necessary to cover all costs of cancellation of the contract are appropriated before the contract is entered into; and

(ii) funds appropriated in advance for performance of the contract shall be the only funds available for costs of cancellation of the contract.

(4) **COMPLIANCE WITH LAW APPLICABLE TO SERVICE CONTRACTS.**—A contract entered into under this subsection shall be entered into in accordance with the provisions of section 2401 of title 10, United States Code, except that—

(A) the Secretary shall not be required to certify to the congressional defense committees that the contract is the most cost-effective means of obtaining combat logistics force underway replenishment support for the Navy; and

(B) the Secretary shall not be required to certify to the congressional defense committees that there is no alternative for meeting urgent operational requirements other than making the contract.

(5) **LIMITATION ON AMOUNT.**—The amount of any contract (including any options) under this subsection may not exceed \$999,999,999.

(d) **PREFERENCE FOR FINANCING UNDER FEDERAL SHIP FINANCING PROGRAM.**—A contractor seeking financing for a ship whose principal service will be the provision of combat logistics force underway replenishment support for the Navy under a contract under subsection (c) shall be given approval preference by the Secretary of Transportation for the Federal Ship Financing Program under chapter 537 of title 46, United States Code.

(e) **GOVERNMENT WAR RISK INSURANCE.**—A contractor with the Navy under subsection (c) shall be eligible for Government-provided war risk insurance for the ship or ships covered by the contract in accordance with chapter 539 of title 46, United States Code, with the following exceptions:

(1) With regard to section 53902(a) of such title, the Secretary of the Navy may act for the Secretary of Transportation in approving the issuance of such insurance.

(2) While an insured ship is completely dedicated to the provision of combat logistics force underway replenishment support for the Navy, the insurance may be issued as agency insurance in accordance with section 53905 of such title.

SA 4742. Mr. BENNET (for Mr. REID (for himself, Mr. MCCONNELL, Mr. BAUCUS, and Mr. GRASSLEY)) proposed an amendment to the bill H.R. 4994, to extend certain expiring provisions of the Medicare and Medicaid programs, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This Act may be cited as the “Medicare and Medicaid Extenders Act of 2010”.

(b) **TABLE OF CONTENTS.**—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—EXTENSIONS

Sec. 101. Physician payment update.

Sec. 102. Extension of MMA section 508 re-classifications.

Sec. 103. Extension of Medicare work geographic adjustment floor.

Sec. 104. Extension of exceptions process for Medicare therapy caps.

Sec. 105. Extension of payment for technical component of certain physician pathology services.

Sec. 106. Extension of ambulance add-ons.

Sec. 107. Extension of physician fee schedule mental health add-on payment.

Sec. 108. Extension of outpatient hold harmless provision.

Sec. 109. Extension of Medicare reasonable costs payments for certain clinical diagnostic laboratory tests furnished to hospital patients in certain rural areas.

Sec. 110. Extension of the qualifying individual (QI) program.

Sec. 111. Extension of Transitional Medical Assistance (TMA).

Sec. 112. Special diabetes programs.

TITLE II—OTHER PROVISIONS

Sec. 201. Clarification of effective date of part B special enrollment period for disabled TRICARE beneficiaries.

Sec. 202. Repeal of delay of RUG-IV.

Sec. 203. Clarification for affiliated hospitals for distribution of additional residency positions.

Sec. 204. Continued inclusion of orphan drugs in definition of covered outpatient drugs with respect to children's hospitals under the 340B drug discount program.

Sec. 205. Medicaid and CHIP technical corrections.

Sec. 206. Funding for claims reprocessing.

Sec. 207. Revision to the Medicare Improvement Fund.

Sec. 208. Limitations on aggregate amount recovered on reconciliation of the health insurance tax credit and the advance of that credit.

Sec. 209. Determination of budgetary effects.

TITLE I—EXTENSIONS

SEC. 101. PHYSICIAN PAYMENT UPDATE.

Section 1848(d) of the Social Security Act (42 U.S.C. 1395w-4(d)) is amended by adding at the end the following new paragraph:

“(12) UPDATE FOR 2011.—

“(A) **IN GENERAL.**—Subject to paragraphs (7)(B), (8)(B), (9)(B), (10)(B), and (11)(B), in lieu of the update to the single conversion factor established in paragraph (1)(C) that would otherwise apply for 2011, the update to the single conversion factor shall be 0 percent.

“(B) **NO EFFECT ON COMPUTATION OF CONVERSION FACTOR FOR 2012 AND SUBSEQUENT YEARS.**—The conversion factor under this subsection shall be computed under paragraph (1)(A) for 2012 and subsequent years as if subparagraph (A) had never applied.”.

SEC. 102. EXTENSION OF MMA SECTION 508 RE-CLASSIFICATIONS.

(a) **EXTENSION.**—

(1) **IN GENERAL.**—Section 106(a) of division B of the Tax Relief and Health Care Act of 2006 (42 U.S.C. 1395 note), as amended by section 117 of the Medicare, Medicaid, and SCHIP Extension Act of 2007 (Public Law 110-173), section 124 of the Medicare Improvements for Patients and Providers Act of 2008 (Public Law 110-275), and sections 3137(a) and 10317 of the Patient Protection and Affordable Care Act (Public Law 111-148), is amended by striking “September 30, 2010” and inserting “September 30, 2011”.

(2) SPECIAL RULE FOR FISCAL YEAR 2011.—

(A) IN GENERAL.—Subject to subparagraph (B), for purposes of implementation of the amendment made by paragraph (1), including (notwithstanding paragraph (3) of section 117(a) of the Medicare, Medicaid, and SCHIP Extension Act of 2007 (Public Law 110-173), as amended by section 124(b) of the Medicare Improvements for Patients and Providers Act of 2008 (Public Law 110-275)) for purposes of the implementation of paragraph (2) of such section 117(a), during fiscal year 2011, the Secretary of Health and Human Services shall use the hospital wage index that was promulgated by the Secretary of Health and Human Services in the Federal Register on August 16, 2010 (75 Fed. Reg. 50042), and any subsequent corrections.

(B) EXCEPTION.—Beginning on April 1, 2011, in determining the wage index applicable to hospitals that qualify for wage index reclassification, the Secretary shall include the average hourly wage data of hospitals whose reclassification was extended pursuant to the amendment made by paragraph (1) only if including such data results in a higher applicable reclassified wage index. Any revision to hospital wage indexes made as a result of this subparagraph shall not be effected in a budget neutral manner.

(3) ADJUSTMENT FOR CERTAIN HOSPITALS IN FISCAL YEAR 2011.—

(A) IN GENERAL.—In the case of a subsection (d) hospital (as defined in subsection (d)(1)(B) of section 1886 of the Social Security Act (42 U.S.C. 1395ww)) with respect to which—

(i) a reclassification of its wage index for purposes of such section was extended pursuant to the amendment made by paragraph (1); and

(ii) the wage index applicable for such hospital for the period beginning on October 1, 2010, and ending on March 31, 2011, was lower than for the period beginning on April 1, 2011, and ending on September 30, 2011, by reason of the application of paragraph (2)(B);

the Secretary shall pay such hospital an additional payment that reflects the difference between the wage index for such periods.

(B) TIMEFRAME FOR PAYMENTS.—The Secretary shall make payments required under subparagraph (A) by not later than December 31, 2011.

(b) CONFORMING AMENDMENT.—Section 117(a)(3) of the Medicare, Medicaid, and SCHIP Extension Act of 2007 (Public Law 110-173) is amended by inserting “in fiscal years 2008 and 2009” after “For purposes of implementation of this subsection”.

SEC. 103. EXTENSION OF MEDICARE WORK GEOGRAPHIC ADJUSTMENT FLOOR.

Section 1848(e)(1)(E) of the Social Security Act (42 U.S.C. 1395w-4(e)(1)(E)) is amended by striking “before January 1, 2011” and inserting “before January 1, 2012”.

SEC. 104. EXTENSION OF EXCEPTIONS PROCESS FOR MEDICARE THERAPY CAPS.

Section 1833(g)(5) of the Social Security Act (42 U.S.C. 1395l(g)(5)) is amended by striking “and ending on” and all that follows through “2010” and inserting “and ending on December 31, 2011”.

SEC. 105. EXTENSION OF PAYMENT FOR TECHNICAL COMPONENT OF CERTAIN PHYSICIAN PATHOLOGY SERVICES.

Section 542(c) of the Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2000 (as enacted into law by section 1(a)(6) of Public Law 106-554), as amended by section 732 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (42 U.S.C. 1395w-4 note), section 104 of division B of the Tax Re-

lief and Health Care Act of 2006 (42 U.S.C. 1395w-4 note), section 104 of the Medicare, Medicaid, and SCHIP Extension Act of 2007 (Public Law 110-173), section 136 of the Medicare Improvements for Patients and Providers Act of 2008 (Public Law 110-275), and section 3104 of the Patient Protection and Affordable Care Act (Public Law 111-148) is amended by striking “and 2010” and inserting “2010, and 2011”.

SEC. 106. EXTENSION OF AMBULANCE ADD-ONS.

(a) GROUND AMBULANCE.—Section 1834(l)(13)(A) of the Social Security Act (42 U.S.C. 1395m(l)(13)(A)) is amended—

(1) in the matter preceding clause (i), by striking “2011” and inserting “2012”; and

(2) in each of clauses (i) and (ii), by striking “January 1, 2011” and inserting “January 1, 2012” each place it appears.

(b) AIR AMBULANCE.—Section 146(b)(1) of the Medicare Improvements for Patients and Providers Act of 2008 (Public Law 110-275), as amended by sections 3105(b) and 10311(b) of Public Law 111-148, is amended by striking “December 31, 2010” and inserting “December 31, 2011”.

(c) SUPER RURAL AMBULANCE.—Section 1834(l)(12)(A) of the Social Security Act (42 U.S.C. 1395m(l)(12)(A)) is amended by striking “2011” and inserting “2012”.

SEC. 107. EXTENSION OF PHYSICIAN FEE SCHEDULE MENTAL HEALTH ADD-ON PAYMENT.

Section 138(a)(1) of the Medicare Improvements for Patients and Providers Act of 2008 (Public Law 110-275), as amended by section 3107 of the Patient Protection and Affordable Care Act (Public Law 111-148), is amended by striking “December 31, 2010” and inserting “December 31, 2011”.

SEC. 108. EXTENSION OF OUTPATIENT HOLD HARMLESS PROVISION.

Section 1833(t)(7)(D)(i) of the Social Security Act (42 U.S.C. 1395l(t)(7)(D)(i)), as amended by section 3121(a) of the Patient Protection and Affordable Care Act (Public Law 111-148), is amended—

(1) in subclause (II)—

(A) in the first sentence, by striking “2011” and inserting “2012”; and

(B) in the second sentence, by striking “or 2010” and inserting “2010, or 2011”; and

(2) in subclause (III), by striking “January 1, 2011” and inserting “January 1, 2012”.

SEC. 109. EXTENSION OF MEDICARE REASONABLE COSTS PAYMENTS FOR CERTAIN CLINICAL DIAGNOSTIC LABORATORY TESTS FURNISHED TO HOSPITAL PATIENTS IN CERTAIN RURAL AREAS.

Section 416(b) of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (42 U.S.C. 1395l-4), as amended by section 105 of division B of the Tax Relief and Health Care Act of 2006 (42 U.S.C. 1395l note), section 107 of the Medicare, Medicaid, and SCHIP Extension Act of 2007 (42 U.S.C. 1395l note), and section 3122 of the Patient Protection and Affordable Care Act (Public Law 111-148), is amended by striking “the 1-year period beginning on July 1, 2010” and inserting “the 2-year period beginning on July 1, 2010”.

SEC. 110. EXTENSION OF THE QUALIFYING INDIVIDUAL (QI) PROGRAM.

(a) EXTENSION.—Section 1902(a)(10)(E)(iv) of the Social Security Act (42 U.S.C. 1396a(a)(10)(E)(iv)) is amended by striking “December 2010” and inserting “December 2011”.

(b) EXTENDING TOTAL AMOUNT AVAILABLE FOR ALLOCATION.—Section 1933(g) of such Act (42 U.S.C. 1396u-3(g)) is amended—

(1) in paragraph (2)—

(A) by striking “and” at the end of subparagraph (M);

(B) in subparagraph (N), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following new subparagraphs:

“(O) for the period that begins on January 1, 2011, and ends on September 30, 2011, the total allocation amount is \$720,000,000; and

“(P) for the period that begins on October 1, 2011, and ends on December 31, 2011, the total allocation amount is \$280,000,000.”; and

(2) in paragraph (3), in the matter preceding subparagraph (A), by striking “or (N)” and inserting “(N), or (P)”.

SEC. 111. EXTENSION OF TRANSITIONAL MEDICAL ASSISTANCE (TMA).

Sections 1902(e)(1)(B) and 1925(f) of the Social Security Act (42 U.S.C. 1396a(e)(1)(B), 1396f-6(f)) are each amended by striking “December 31, 2010” and inserting “December 31, 2011”.

SEC. 112. SPECIAL DIABETES PROGRAMS.

(1) SPECIAL DIABETES PROGRAMS FOR TYPE I DIABETES.—Section 330B(b)(2)(C) of the Public Health Service Act (42 U.S.C. 254c-2(b)(2)(C)) is amended by striking “2011” and inserting “2013”.

(2) SPECIAL DIABETES PROGRAMS FOR INDIVIDUALS.—Section 330C(c)(2)(C) of the Public Health Service Act (42 U.S.C. 254c-3(c)(2)(C)) is amended by striking “2011” and inserting “2013”.

TITLE II—OTHER PROVISIONS**SEC. 201. CLARIFICATION OF EFFECTIVE DATE OF PART B SPECIAL ENROLLMENT PERIOD FOR DISABLED TRICARE BENEFICIARIES.**

Effective as if included in the enactment of Public Law 111-148, section 3110(a)(2) of such Act is amended to read as follows:

“(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply to elections made on and after the date of the enactment of this Act.”.

SEC. 202. REPEAL OF DELAY OF RUG-IV.

Effective as if included in the enactment of Public Law 111-148, section 10325 of such Act is repealed.

SEC. 203. CLARIFICATION FOR AFFILIATED HOSPITALS FOR DISTRIBUTION OF ADDITIONAL RESIDENCY POSITIONS.

Effective as if included in the enactment of section 5503(a) of Public Law 111-148, section 1886(h)(8) of the Social Security Act (42 U.S.C. 1395ww(h)(8)), as added by such section 5503(a), is amended by adding at the end the following new subparagraph:

“(I) AFFILIATION.—The provisions of this paragraph shall be applied to hospitals which are members of the same affiliated group (as defined by the Secretary under paragraph (4)(H)(ii)) and the reference resident level for each such hospital shall be the reference resident level with respect to the cost reporting period that results in the smallest difference between the reference resident level and the otherwise applicable resident limit.”.

SEC. 204. CONTINUED INCLUSION OF ORPHAN DRUGS IN DEFINITION OF COVERED OUTPATIENT DRUGS WITH RESPECT TO CHILDREN'S HOSPITALS UNDER THE 340B DRUG DISCOUNT PROGRAM.

(a) DEFINITION OF COVERED OUTPATIENT DRUG.—

(1) AMENDMENT.—Subsection (e) of section 340B of the Public Health Service Act (42 U.S.C. 256b) is amended by striking “covered entities described in subparagraph (M)” and inserting “covered entities described in subparagraph (M) (other than a children's hospital described in subparagraph (M))”.

(2) **EFFECTIVE DATE.**—The amendment made by paragraph (1) shall take effect as if included in the enactment of section 2302 of the Health Care and Education Reconciliation Act of 2010 (Public Law 111–152).

(b) **TECHNICAL AMENDMENT.**—Subparagraph (B) of section 1927(a)(5) of the Social Security Act (42 U.S.C. 1396r–8(a)(5)) is amended by striking “and a children’s hospital” and all that follows through the end of the subparagraph and inserting a period.

SEC. 205. MEDICAID AND CHIP TECHNICAL CORRECTIONS.

(a) **REPEAL OF EXCLUSION OF CERTAIN INDIVIDUALS AND ENTITIES FROM MEDICAID.**—Section 1902(a) of the Social Security Act (42 U.S.C. 1396a(a)) is amended by striking paragraph (78).

(b) **INCOME LEVEL FOR CERTAIN CHILDREN UNDER MEDICAID.**—Section 1902(1)(2)(C) of the Social Security Act (42 U.S.C. 1396a(1)(2)(C)) is amended by striking “133 percent” and inserting “100 percent (or, beginning January 1, 2014, 133 percent)”.

(c) **CALCULATION AND PUBLICATION OF PAYMENT ERROR RATE MEASUREMENT FOR CERTAIN YEARS.**—Section 601(b) of the Children’s Health Insurance Program Reauthorization Act of 2009 (Public Law 111–3) is amended by adding at the end the following: “The Secretary is not required under this subsection to calculate or publish a national or a State-specific error rate for fiscal year 2009 or fiscal year 2010.”.

(d) **CORRECTIONS TO EXCEPTIONS TO EXCLUSION OF CHILDREN OF CERTAIN EMPLOYEES.**—Section 2110(b)(6) of the Social Security Act (42 U.S.C. 1397jj(b)(6)) is amended—

(1) in subparagraph (B)—

(A) by striking “PER PERSON” in the heading; and

(B) by striking “each employee” and inserting “employees”; and

(2) in subparagraph (C), by striking “, on a case-by-case basis.”.

(e) **ELECTRONIC HEALTH RECORDS.**—Effective as if included in the enactment of section 4201(a)(2) of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5), section 1903(t) of the Social Security Act (42 U.S.C. 1396b(t)) is amended—

(1) in paragraph (3)(E), by striking “reduced by any payment that is made to such Medicaid provider from any other source (other than under this subsection or by a State or local government)” and inserting “reduced by the average payment the Secretary estimates will be made to such Medicaid providers (determined on a percentage or other basis for such classes or types of providers as the Secretary may specify) from other sources (other than under this subsection, or by the Federal government or a State or local government)”;

(2) in paragraph (6)(B), by inserting before the period the following: “and shall be determined to have met such responsibility to the extent that the payment to the Medicaid provider is not in excess of 85 percent of the net average allowable cost”.

(f) **CORRECTIONS OF DESIGNATIONS.**—

(1) Section 1902 of the Social Security Act (42 U.S.C. 1396a) is amended—

(A) in subsection (a)(10), in the matter following subparagraph (G), by striking “and” before “(XVI) the medical” and by striking “(XVI) if” and inserting “(XVII) if”;

(B) in subsection (a)(23), by striking “(ii)” and inserting “(kk)”;

(C) in subsection (a)(77), by striking “(ii)” and inserting “(kk)”;

(D) in subsection (ii)(2), as added by section 2303(a)(2) of Public Law 111–148, by striking “(XV)” and inserting “(XVI)”;

(E) by redesignating subsection (ii), as added by section 6401(b)(1)(B) of Public Law 111–148, as subsection (kk) and transferring such subsection so as to appear after subsection (jj) of that section.

(2) Section 2107(e)(1) of the Social Security Act (42 U.S.C. 1397gg(e)(1)) is amended—

(A) in subparagraph (D), as added by section 6401(c) of Public Law 111–148, by striking “(ii)” and inserting “(kk)”;

(B) by redesignating the subparagraph (N) of that section added by 2101(e) of Public Law 111–148 as subparagraph (O).

SEC. 206. FUNDING FOR CLAIMS REPROCESSING.

For purposes of carrying out the provisions of, and amendments made by, this Act that relate to title XVIII of the Social Security Act, and other provisions of, or relating to, such title that ensure appropriate payment of claims, there are appropriated to the Secretary of Health and Human Services for the Centers for Medicare & Medicaid Services Program Management Account, from amounts in the general fund of the Treasury not otherwise appropriated, \$200,000,000. Amounts appropriated under the preceding sentence shall be in addition to any other funds available for such purposes, shall remain available until expended, and shall not be used to implement changes to title XVIII of the Social Security Act made by Public Laws 111–148 and 111–152.

SEC. 207. REVISION TO THE MEDICARE IMPROVEMENT FUND.

Section 1898(b)(1)(B) of the Social Security Act (42 U.S.C. 1395iii(b)(1)(B)) is amended by striking “\$550,000,000” and inserting “\$275,000,000”.

SEC. 208. LIMITATIONS ON AGGREGATE AMOUNT RECOVERED ON RECONCILIATION OF THE HEALTH INSURANCE TAX CREDIT AND THE ADVANCE OF THAT CREDIT.

(a) **IN GENERAL.**—So much of section 36B(f)(2)(B) of the Internal Revenue Code of 1986 as precedes clause (ii) thereof is amended to read as follows:

“(B) **LIMITATION ON INCREASE.**—

“(i) **IN GENERAL.**—In the case of a taxpayer whose household income is less than 500 percent of the poverty line for the size of the family involved for the taxable year, the amount of the increase under subparagraph (A) shall in no event exceed the applicable dollar amount determined in accordance with the following table (one-half of such amount in the case of a taxpayer whose tax is determined under section 1(c) for the taxable year):

“If the household income (expressed as a percent of poverty line) is:	The applicable dollar amount is:
Less than 200%	\$600
At least 200% but less than 250%	\$1,000
At least 250% but less than 300%	\$1,500
At least 300% but less than 350%	\$2,000
At least 350% but less than 400%	\$2,500
At least 400% but less than 450%	\$3,000
At least 450% but less than 500%	\$3,500

(b) **CONFORMING AMENDMENT.**—Section 36B(f)(2)(B)(ii) of such Code is amended by inserting “in the table contained” after “each of the dollar amounts”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply to taxable years beginning after December 31, 2013.

SEC. 209. DETERMINATION OF BUDGETARY EFFECTS.

(a) **IN GENERAL.**—The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled “Budgetary Effects of PAYGO Legislation” for this Act, submitted

for printing in the Congressional Record by the Chairman of the Senate Budget Committee, provided that such statement has been submitted prior to the vote on passage.

(b) **EMERGENCY DESIGNATION FOR CONGRESSIONAL ENFORCEMENT.**—In the House of Representatives, this Act, with the exception of section 101, is designated as an emergency for purposes of pay-as-you-go principles.

SA 4743. Mr. BENNET (for Mr. REID) proposed an amendment to the bill H.R. 4994, to extend certain expiring provisions of the Medicare and Medicaid programs, and for other purposes; as follows:

Amend the title so as to read: “An Act to extend certain expiring provisions of the Medicare and Medicaid programs, and for other purposes.”.

SA 4744. Mr. REID (for Mr. BINGAMAN (for himself, Mr. CRAPO, and Mr. KERRY)) proposed an amendment to the bill H.R. 4337, to amend the Internal Revenue Code of 1986 to modify certain rules applicable to regulated investment companies, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE, ETC.

(a) **SHORT TITLE.**—This Act may be cited as the “Regulated Investment Company Modernization Act of 2010”.

(b) **REFERENCE.**—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

(c) **TABLE OF CONTENTS.**—The table of contents for this Act is as follows:

Sec. 1. Short title, etc.

TITLE I—CAPITAL LOSS CARRYOVERS OF REGULATED INVESTMENT COMPANIES

Sec. 101. Capital loss carryovers of regulated investment companies.

TITLE II—MODIFICATION OF GROSS INCOME AND ASSET TESTS OF REGULATED INVESTMENT COMPANIES

Sec. 201. Savings provisions for failures of regulated investment companies to satisfy gross income and asset tests.

TITLE III—MODIFICATION OF RULES RELATED TO DIVIDENDS AND OTHER DISTRIBUTIONS

Sec. 301. Modification of dividend designation requirements and allocation rules for regulated investment companies.

Sec. 302. Earnings and profits of regulated investment companies.

Sec. 303. Pass-thru of exempt-interest dividends and foreign tax credits in fund of funds structure.

Sec. 304. Modification of rules for spillover dividends of regulated investment companies.

Sec. 305. Return of capital distributions of regulated investment companies.

Sec. 306. Distributions in redemption of stock of a regulated investment company.

Sec. 307. Repeal of preferential dividend rule for publicly offered regulated investment companies.

Sec. 308. Elective deferral of certain late-year losses of regulated investment companies.

Sec. 309. Exception to holding period requirement for certain regularly declared exempt-interest dividends.

TITLE IV—MODIFICATIONS RELATED TO EXCISE TAX APPLICABLE TO REGULATED INVESTMENT COMPANIES

Sec. 401. Excise tax exemption for certain regulated investment companies owned by tax exempt entities.

Sec. 402. Deferral of certain gains and losses of regulated investment companies for excise tax purposes.

Sec. 403. Distributed amount for excise tax purposes determined on basis of taxes paid by regulated investment company.

Sec. 404. Increase in required distribution of capital gain net income.

TITLE V—OTHER PROVISIONS

Sec. 501. Repeal of assessable penalty with respect to liability for tax of regulated investment companies.

Sec. 502. Modification of sales load basis deferral rule for regulated investment companies.

TITLE I—CAPITAL LOSS CARRYOVERS OF REGULATED INVESTMENT COMPANIES

SEC. 101. CAPITAL LOSS CARRYOVERS OF REGULATED INVESTMENT COMPANIES.

(a) IN GENERAL.—Subsection (a) of section 1212 is amended by redesignating paragraph (3) as paragraph (4) and by inserting after paragraph (2) the following new paragraph:

“(3) REGULATED INVESTMENT COMPANIES.—

“(A) IN GENERAL.—If a regulated investment company has a net capital loss for any taxable year—

“(i) paragraph (1) shall not apply to such loss,

“(ii) the excess of the net short-term capital loss over the net long-term capital gain for such year shall be a short-term capital loss arising on the first day of the next taxable year, and

“(iii) the excess of the net long-term capital loss over the net short-term capital gain for such year shall be a long-term capital loss arising on the first day of the next taxable year.

“(B) COORDINATION WITH GENERAL RULE.—If a net capital loss to which paragraph (1) applies is carried over to a taxable year of a regulated investment company—

“(i) LOSSES TO WHICH THIS PARAGRAPH APPLIES.—Clauses (ii) and (iii) of subparagraph (A) shall be applied without regard to any amount treated as a short-term capital loss under paragraph (1).

“(ii) LOSSES TO WHICH GENERAL RULE APPLIES.—Paragraph (1) shall be applied by substituting ‘net capital loss for the loss year or any taxable year thereafter (other than a net capital loss to which paragraph (3)(A) applies)’ for ‘net capital loss for the loss year or any taxable year thereafter’.”

(b) CONFORMING AMENDMENTS.—

(1) Subparagraph (C) of section 1212(a)(1) is amended to read as follows:

“(C) a capital loss carryover to each of the 10 taxable years succeeding the loss year, but only to the extent such loss is attributable to a foreign expropriation loss.”

(2) Paragraph (10) of section 1222 is amended by striking “section 1212” and inserting “section 1212(a)(1)”.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this

section shall apply to net capital losses for taxable years beginning after the date of the enactment of this Act.

(2) COORDINATION RULES.—Subparagraph (B) of section 1212(a)(3) of the Internal Revenue Code of 1986, as added by this section, shall apply to taxable years beginning after the date of the enactment of this Act.

TITLE II—MODIFICATION OF GROSS INCOME AND ASSET TESTS OF REGULATED INVESTMENT COMPANIES

SEC. 201. SAVINGS PROVISIONS FOR FAILURES OF REGULATED INVESTMENT COMPANIES TO SATISFY GROSS INCOME AND ASSET TESTS.

(a) ASSET TEST.—Subsection (d) of section 851 is amended—

(1) by striking “A corporation which meets” and inserting the following:

“(1) IN GENERAL.—A corporation which meets”, and

(2) by adding at the end the following new paragraph:

“(2) SPECIAL RULES REGARDING FAILURE TO SATISFY REQUIREMENTS.—If paragraph (1) does not preserve a corporation’s status as a regulated investment company for any particular quarter—

“(A) IN GENERAL.—A corporation that fails to meet the requirements of subsection (b)(3) (other than a failure described in subparagraph (B)(i)) for such quarter shall nevertheless be considered to have satisfied the requirements of such subsection for such quarter if—

“(i) following the corporation’s identification of the failure to satisfy the requirements of such subsection for such quarter, a description of each asset that causes the corporation to fail to satisfy the requirements of such subsection at the close of such quarter is set forth in a schedule for such quarter filed in the manner provided by the Secretary,

“(ii) the failure to meet the requirements of such subsection for such quarter is due to reasonable cause and not due to willful neglect, and

“(iii) (I) the corporation disposes of the assets set forth on the schedule specified in clause (i) within 6 months after the last day of the quarter in which the corporation’s identification of the failure to satisfy the requirements of such subsection occurred or such other time period prescribed by the Secretary and in the manner prescribed by the Secretary, or

“(II) the requirements of such subsection are otherwise met within the time period specified in subclause (I).

“(B) RULE FOR CERTAIN DE MINIMIS FAILURES.—A corporation that fails to meet the requirements of subsection (b)(3) for such quarter shall nevertheless be considered to have satisfied the requirements of such subsection for such quarter if—

“(i) such failure is due to the ownership of assets the total value of which does not exceed the lesser of—

“(I) 1 percent of the total value of the corporation’s assets at the end of the quarter for which such measurement is done, or

“(II) \$10,000,000, and

“(ii) (I) the corporation, following the identification of such failure, disposes of assets in order to meet the requirements of such subsection within 6 months after the last day of the quarter in which the corporation’s identification of the failure to satisfy the requirements of such subsection occurred or such other time period prescribed by the Secretary and in the manner prescribed by the Secretary, or

“(II) the requirements of such subsection are otherwise met within the time period specified in subclause (I).

“(C) TAX.—

“(i) TAX IMPOSED.—If subparagraph (A) applies to a corporation for any quarter, there is hereby imposed on such corporation a tax in an amount equal to the greater of—

“(I) \$50,000, or

“(II) the amount determined (pursuant to regulations promulgated by the Secretary) by multiplying the net income generated by the assets described in the schedule specified in subparagraph (A)(i) for the period specified in clause (ii) by the highest rate of tax specified in section 11.

“(ii) PERIOD.—For purposes of clause (i)(II), the period described in this clause is the period beginning on the first date that the failure to satisfy the requirements of subsection (b)(3) occurs as a result of the ownership of such assets and ending on the earlier of the date on which the corporation disposes of such assets or the end of the first quarter when there is no longer a failure to satisfy such subsection.

“(iii) ADMINISTRATIVE PROVISIONS.—For purposes of subtitle F, a tax imposed by this subparagraph shall be treated as an excise tax with respect to which the deficiency procedures of such subtitle apply.”

(b) GROSS INCOME TEST.—Section 851 is amended by adding at the end the following new subsection:

“(i) FAILURE TO SATISFY GROSS INCOME TEST.—

“(1) DISCLOSURE REQUIREMENT.—A corporation that fails to meet the requirement of paragraph (2) of subsection (b) for any taxable year shall nevertheless be considered to have satisfied the requirement of such paragraph for such taxable year if—

“(A) following the corporation’s identification of the failure to meet such requirement for such taxable year, a description of each item of its gross income described in such paragraph is set forth in a schedule for such taxable year filed in the manner provided by the Secretary, and

“(B) the failure to meet such requirement is due to reasonable cause and not due to willful neglect.

“(2) IMPOSITION OF TAX ON FAILURES.—If paragraph (1) applies to a regulated investment company for any taxable year, there is hereby imposed on such company a tax in an amount equal to the excess of—

“(A) the gross income of such company which is not derived from sources referred to in subsection (b)(2), over

“(B) $\frac{1}{2}$ of the gross income of such company which is derived from such sources.”

(c) DEDUCTION OF TAXES PAID FROM INVESTMENT COMPANY TAXABLE INCOME.—Paragraph (2) of section 852(b) is amended by adding at the end the following new subparagraph:

“(G) There shall be deducted an amount equal to the tax imposed by subsections (d)(2) and (i) of section 851 for the taxable year.”

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years with respect to which the due date (determined with regard to any extensions) of the return of tax for such taxable year is after the date of the enactment of this Act.

TITLE III—MODIFICATION OF RULES RELATED TO DIVIDENDS AND OTHER DISTRIBUTIONS

SEC. 301. MODIFICATION OF DIVIDEND DESIGNATION REQUIREMENTS AND ALLOCATION RULES FOR REGULATED INVESTMENT COMPANIES.

(a) CAPITAL GAIN DIVIDENDS.—

(1) IN GENERAL.—Subparagraph (C) of section 852(b)(3) is amended to read as follows:

“(C) DEFINITION OF CAPITAL GAIN DIVIDEND.—For purposes of this part—

“(i) IN GENERAL.—Except as provided in clause (ii), a capital gain dividend is any dividend, or part thereof, which is reported by the company as a capital gain dividend in written statements furnished to its shareholders.

“(ii) EXCESS REPORTED AMOUNTS.—If the aggregate reported amount with respect to the company for any taxable year exceeds the net capital gain of the company for such taxable year, a capital gain dividend is the excess of—

“(I) the reported capital gain dividend amount, over

“(II) the excess reported amount which is allocable to such reported capital gain dividend amount.

“(iii) ALLOCATION OF EXCESS REPORTED AMOUNT.—

“(I) IN GENERAL.—Except as provided in subclause (II), the excess reported amount (if any) which is allocable to the reported capital gain dividend amount is that portion of the excess reported amount which bears the same ratio to the excess reported amount as the reported capital gain dividend amount bears to the aggregate reported amount.

“(II) SPECIAL RULE FOR NONCALENDAR YEAR TAXPAYERS.—In the case of any taxable year which does not begin and end in the same calendar year, if the post-December reported amount equals or exceeds the excess reported amount for such taxable year, subclause (I) shall be applied by substituting ‘post-December reported amount’ for ‘aggregate reported amount’ and no excess reported amount shall be allocated to any dividend paid on or before December 31 of such taxable year.

“(iv) DEFINITIONS.—For purposes of this subparagraph—

“(I) REPORTED CAPITAL GAIN DIVIDEND AMOUNT.—The term ‘reported capital gain dividend amount’ means the amount reported to its shareholders under clause (i) as a capital gain dividend.

“(II) EXCESS REPORTED AMOUNT.—The term ‘excess reported amount’ means the excess of the aggregate reported amount over the net capital gain of the company for the taxable year.

“(III) AGGREGATE REPORTED AMOUNT.—The term ‘aggregate reported amount’ means the aggregate amount of dividends reported by the company under clause (i) as capital gain dividends for the taxable year (including capital gain dividends paid after the close of the taxable year described in section 855).

“(IV) POST-DECEMBER REPORTED AMOUNT.—The term ‘post-December reported amount’ means the aggregate reported amount determined by taking into account only dividends paid after December 31 of the taxable year.

“(v) ADJUSTMENT FOR DETERMINATIONS.—If there is an increase in the excess described in subparagraph (A) for the taxable year which results from a determination (as defined in section 860(e)), the company may, subject to the limitations of this subparagraph, increase the amount of capital gain dividends reported under clause (i).

“(vi) SPECIAL RULE FOR LOSSES LATE IN THE CALENDAR YEAR.—For special rule for certain losses after October 31, see paragraph (8).”

(2) CONFORMING AMENDMENT.—Subparagraph (B) of section 860(f)(2) is amended by inserting “or reported (as the case may be)” after “designated”.

(b) EXEMPT-INTEREST DIVIDENDS.—Subparagraph (A) of section 852(b)(5) is amended to read as follows:

“(A) DEFINITION OF EXEMPT-INTEREST DIVIDEND.—

“(i) IN GENERAL.—Except as provided in clause (ii), an exempt-interest dividend is any dividend or part thereof (other than a capital gain dividend) paid by a regulated investment company and reported by the company as an exempt-interest dividend in written statements furnished to its shareholders.

“(ii) EXCESS REPORTED AMOUNTS.—If the aggregate reported amount with respect to the company for any taxable year exceeds the exempt interest of the company for such taxable year, an exempt-interest dividend is the excess of—

“(I) the reported exempt-interest dividend amount, over

“(II) the excess reported amount which is allocable to such reported exempt-interest dividend amount.

“(iii) ALLOCATION OF EXCESS REPORTED AMOUNT.—

“(I) IN GENERAL.—Except as provided in subclause (II), the excess reported amount (if any) which is allocable to the reported exempt-interest dividend amount is that portion of the excess reported amount which bears the same ratio to the excess reported amount as the reported exempt-interest dividend amount bears to the aggregate reported amount.

“(II) SPECIAL RULE FOR NONCALENDAR YEAR TAXPAYERS.—In the case of any taxable year which does not begin and end in the same calendar year, if the post-December reported amount equals or exceeds the excess reported amount for such taxable year, subclause (I) shall be applied by substituting ‘post-December reported amount’ for ‘aggregate reported amount’ and no excess reported amount shall be allocated to any dividend paid on or before December 31 of such taxable year.

“(iv) DEFINITIONS.—For purposes of this subparagraph—

“(I) REPORTED EXEMPT-INTEREST DIVIDEND AMOUNT.—The term ‘reported exempt-interest dividend amount’ means the amount reported to its shareholders under clause (i) as an exempt-interest dividend.

“(II) EXCESS REPORTED AMOUNT.—The term ‘excess reported amount’ means the excess of the aggregate reported amount over the exempt interest of the company for the taxable year.

“(III) AGGREGATE REPORTED AMOUNT.—The term ‘aggregate reported amount’ means the aggregate amount of dividends reported by the company under clause (i) as exempt-interest dividends for the taxable year (including exempt-interest dividends paid after the close of the taxable year described in section 855).

“(IV) POST-DECEMBER REPORTED AMOUNT.—The term ‘post-December reported amount’ means the aggregate reported amount determined by taking into account only dividends paid after December 31 of the taxable year.

“(V) EXEMPT INTEREST.—The term ‘exempt interest’ means, with respect to any regulated investment company, the excess of the amount of interest excludable from gross income under section 103(a) over the amounts disallowed as deductions under sections 265 and 171(a)(2).”

(c) FOREIGN TAX CREDITS.—

(1) IN GENERAL.—Subsection (c) of section 853 is amended—

(A) by striking “so designated by the company in a written notice mailed to its shareholders not later than 60 days after the close of the taxable year” and inserting “so reported by the company in a written statement furnished to such shareholder”, and

(B) by striking “NOTICE” in the heading and inserting “STATEMENTS”.

(2) CONFORMING AMENDMENTS.—Subsection (d) of section 853 is amended—

(A) by striking “and the notice to shareholders required by subsection (c)” in the text thereof, and

(B) by striking “AND NOTIFYING SHAREHOLDERS” in the heading thereof.

(d) CREDITS FOR TAX CREDIT BONDS.—

(1) IN GENERAL.—Subsection (c) of section 853A is amended—

(A) by striking “so designated by the regulated investment company in a written notice mailed to its shareholders not later than 60 days after the close of its taxable year” and inserting “so reported by the regulated investment company in a written statement furnished to such shareholder”, and

(B) by striking “NOTICE” in the heading and inserting “STATEMENTS”.

(2) CONFORMING AMENDMENTS.—Subsection (d) of section 853A is amended—

(A) by striking “and the notice to shareholders required by subsection (c)” in the text thereof, and

(B) by striking “AND NOTIFYING SHAREHOLDERS” in the heading thereof.

(e) DIVIDEND RECEIVED DEDUCTION, ETC.—

(1) IN GENERAL.—Paragraph (1) of section 854(b) is amended—

(A) by striking “designated under this subparagraph by the regulated investment company” in subparagraph (A) and inserting “reported by the regulated investment company as eligible for such deduction in written statements furnished to its shareholders”,

(B) by striking “designated by the regulated investment company” in subparagraph (B)(i) and inserting “reported by the regulated investment company as qualified dividend income in written statements furnished to its shareholders”,

(C) by striking “designated” in subparagraph (C)(i) and inserting “reported”, and

(D) by striking “designated” in subparagraph (C)(ii) and inserting “reported”.

(2) CONFORMING AMENDMENTS.—Subsection (b) of section 854 is amended by striking paragraph (2) and by redesignating paragraphs (3), (4), and (5), as paragraphs (2), (3), and (4), respectively.

(f) DIVIDENDS PAID TO CERTAIN FOREIGN PERSONS.—

(1) INTEREST-RELATED DIVIDENDS.—Subparagraph (C) of section 871(k)(1) is amended by striking all that precedes “any taxable year of the company beginning” and inserting the following:

“(C) INTEREST-RELATED DIVIDEND.—For purposes of this paragraph—

“(i) IN GENERAL.—Except as provided in clause (ii), an interest related dividend is any dividend, or part thereof, which is reported by the company as an interest related dividend in written statements furnished to its shareholders.

“(ii) EXCESS REPORTED AMOUNTS.—If the aggregate reported amount with respect to the company for any taxable year exceeds the qualified net interest income of the company for such taxable year, an interest related dividend is the excess of—

“(I) the reported interest related dividend amount, over

“(II) the excess reported amount which is allocable to such reported interest related dividend amount.

“(iii) ALLOCATION OF EXCESS REPORTED AMOUNT.—

“(I) IN GENERAL.—Except as provided in subclause (II), the excess reported amount (if any) which is allocable to the reported interest related dividend amount is that portion of the excess reported amount which bears the same ratio to the excess reported

amount as the reported interest related dividend amount bears to the aggregate reported amount.

“(II) SPECIAL RULE FOR NONCALENDAR YEAR TAXPAYERS.—In the case of any taxable year which does not begin and end in the same calendar year, if the post-December reported amount equals or exceeds the excess reported amount for such taxable year, subclause (I) shall be applied by substituting ‘post-December reported amount’ for ‘aggregate reported amount’ and no excess reported amount shall be allocated to any dividend paid on or before December 31 of such taxable year.

“(iv) DEFINITIONS.—For purposes of this subparagraph—

“(I) REPORTED INTEREST RELATED DIVIDEND AMOUNT.—The term ‘reported interest related dividend amount’ means the amount reported to its shareholders under clause (i) as an interest related dividend.

“(II) EXCESS REPORTED AMOUNT.—The term ‘excess reported amount’ means the excess of the aggregate reported amount over the qualified net interest income of the company for the taxable year.

“(III) AGGREGATE REPORTED AMOUNT.—The term ‘aggregate reported amount’ means the aggregate amount of dividends reported by the company under clause (i) as interest related dividends for the taxable year (including interest related dividends paid after the close of the taxable year described in section 855).

“(IV) POST-DECEMBER REPORTED AMOUNT.—The term ‘post-December reported amount’ means the aggregate reported amount determined by taking into account only dividends paid after December 31 of the taxable year.

“(v) TERMINATION.—The term ‘interest related dividend’ shall not include any dividend with respect to”.

(2) SHORT-TERM CAPITAL GAIN DIVIDENDS.—Subparagraph (C) of section 871(k)(2) is amended by striking all that precedes “any taxable year of the company beginning” and inserting the following:

“(C) SHORT-TERM CAPITAL GAIN DIVIDEND.—For purposes of this paragraph—

“(i) IN GENERAL.—Except as provided in clause (ii), the term ‘short-term capital gain dividend’ means any dividend, or part thereof, which is reported by the company as a short-term capital gain dividend in written statements furnished to its shareholders.

“(ii) EXCESS REPORTED AMOUNTS.—If the aggregate reported amount with respect to the company for any taxable year exceeds the qualified short-term gain of the company for such taxable year, the term ‘short-term capital gain dividend’ means the excess of—

“(I) the reported short-term capital gain dividend amount, over

“(II) the excess reported amount which is allocable to such reported short-term capital gain dividend amount.

“(iii) ALLOCATION OF EXCESS REPORTED AMOUNT.—

“(I) IN GENERAL.—Except as provided in subclause (II), the excess reported amount (if any) which is allocable to the reported short-term capital gain dividend amount is that portion of the excess reported amount which bears the same ratio to the excess reported amount as the reported short-term capital gain dividend amount bears to the aggregate reported amount.

“(II) SPECIAL RULE FOR NONCALENDAR YEAR TAXPAYERS.—In the case of any taxable year which does not begin and end in the same calendar year, if the post-December reported amount equals or exceeds the excess reported amount for such taxable year, subclause (I) shall be applied by substituting ‘post-Decem-

ber reported amount’ for ‘aggregate reported amount’ and no excess reported amount shall be allocated to any dividend paid on or before December 31 of such taxable year.

“(iv) DEFINITIONS.—For purposes of this subparagraph—

“(I) REPORTED SHORT-TERM CAPITAL GAIN DIVIDEND AMOUNT.—The term ‘reported short-term capital gain dividend amount’ means the amount reported to its shareholders under clause (i) as a short-term capital gain dividend.

“(II) EXCESS REPORTED AMOUNT.—The term ‘excess reported amount’ means the excess of the aggregate reported amount over the qualified short-term gain of the company for the taxable year.

“(III) AGGREGATE REPORTED AMOUNT.—The term ‘aggregate reported amount’ means the aggregate amount of dividends reported by the company under clause (i) as short-term capital gain dividends for the taxable year (including short-term capital gain dividends paid after the close of the taxable year described in section 855).

“(IV) POST-DECEMBER REPORTED AMOUNT.—The term ‘post-December reported amount’ means the aggregate reported amount determined by taking into account only dividends paid after December 31 of the taxable year.

“(v) TERMINATION.—The term ‘short-term capital gain dividend’ shall not include any dividend with respect to”.

(g) CONFORMING AMENDMENTS.—Section 855 is amended—

(1) by striking subsection (c) and redesignating subsection (d) as subsection (c), and

(2) by striking “, (c) and (d)” in subsection (a) and inserting “and (c)”.

(h) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

(i) APPLICATION OF JGTRRA SUNSET.—Section 303 of the Jobs and Growth Tax Relief Reconciliation Act of 2003 shall apply to the amendments made by subparagraphs (B) and (D) of subsection (e)(1) to the same extent and in the same manner as section 303 of such Act applies to the amendments made by section 302 of such Act.

SEC. 302. EARNINGS AND PROFITS OF REGULATED INVESTMENT COMPANIES.

(a) IN GENERAL.—Paragraph (1) of section 852(c) is amended to read as follows:

“(1) TREATMENT OF NONDEDUCTIBLE ITEMS.—

“(A) NET CAPITAL LOSS.—If a regulated investment company has a net capital loss for any taxable year—

“(i) such net capital loss shall not be taken into account for purposes of determining the company’s earnings and profits, and

“(ii) any capital loss arising on the first day of the next taxable year by reason of clause (ii) or (iii) of section 1212(a)(3)(A) shall be treated as so arising for purposes of determining earnings and profits.

“(B) OTHER NONDEDUCTIBLE ITEMS.—

“(i) IN GENERAL.—The earnings and profits of a regulated investment company for any taxable year (but not its accumulated earnings and profits) shall not be reduced by any amount which is not allowable as a deduction (other than by reason of section 265 or 171(a)(2)) in computing its taxable income for such taxable year.

“(ii) COORDINATION WITH TREATMENT OF NET CAPITAL LOSSES.—Clause (i) shall not apply to a net capital loss to which subparagraph (A) applies.”.

(b) CONFORMING AMENDMENTS.—

(1) Subsection (c) of section 852 is amended by adding at the end the following new paragraph:

“(4) REGULATED INVESTMENT COMPANY.—For purposes of this subsection, the term ‘regulated investment company’ includes a domestic corporation which is a regulated investment company determined without regard to the requirements of subsection (a).”.

(2) Paragraphs (1)(A) and (2)(A) of section 871(k) are each amended by inserting “which meets the requirements of section 852(a) for the taxable year with respect to which the dividend is paid” before the period at the end.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SEC. 303. PASS-THRU OF EXEMPT-INTEREST DIVIDENDS AND FOREIGN TAX CREDITS IN FUND OF FUNDS STRUCTURE.

(a) IN GENERAL.—Section 852 is amended by adding at the end the following new subsection:

“(g) SPECIAL RULES FOR FUND OF FUNDS.—

“(1) IN GENERAL.—In the case of a qualified fund of funds—

“(A) such fund shall be qualified to pay exempt-interest dividends to its shareholders without regard to whether such fund satisfies the requirements of the first sentence of subsection (b)(5), and

“(B) such fund may elect the application of section 853 (relating to foreign tax credit allowed to shareholders) without regard to the requirement of subsection (a)(1) thereof.

“(2) QUALIFIED FUND OF FUNDS.—For purposes of this subsection, the term ‘qualified fund of funds’ means a regulated investment company if (at the close of each quarter of the taxable year) at least 50 percent of the value of its total assets is represented by interests in other regulated investment companies.”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SEC. 304. MODIFICATION OF RULES FOR SPILL-OVER DIVIDENDS OF REGULATED INVESTMENT COMPANIES.

(a) DEADLINE FOR DECLARATION OF DIVIDEND.—Paragraph (1) of section 855(a) is amended to read as follows:

“(1) declares a dividend before the later of—

“(A) the 15th day of the 9th month following the close of the taxable year, or

“(B) in the case of an extension of time for filing the company’s return for the taxable year, the due date for filing such return taking into account such extension, and”.

(b) DEADLINE FOR DISTRIBUTION OF DIVIDEND.—Paragraph (2) of section 855(a) is amended by striking “the first regular dividend payment” and inserting “the first dividend payment of the same type of dividend”.

(c) SHORT-TERM CAPITAL GAIN.—Subsection (a) of section 855 is amended by adding at the end the following: “For purposes of paragraph (2), a dividend attributable to any short-term capital gain with respect to which a notice is required under the Investment Company Act of 1940 shall be treated as the same type of dividend as a capital gain dividend.”.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to distributions in taxable years beginning after the date of the enactment of this Act.

SEC. 305. RETURN OF CAPITAL DISTRIBUTIONS OF REGULATED INVESTMENT COMPANIES.

(a) IN GENERAL.—Subsection (b) of section 316 is amended by adding at the end the following new paragraph:

“(4) CERTAIN DISTRIBUTIONS BY REGULATED INVESTMENT COMPANIES IN EXCESS OF EARNINGS AND PROFITS.—In the case of a regulated investment company that has a taxable year other than a calendar year, if the distributions by the company with respect to any class of stock of such company for the taxable year exceed the company's current and accumulated earnings and profits which may be used for the payment of dividends on such class of stock, the company's current earnings and profits shall, for purposes of subsection (a), be allocated first to distributions with respect to such class of stock made during the portion of the taxable year which precedes January 1.”

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to distributions made in taxable years beginning after the date of the enactment of this Act.

SEC. 306. DISTRIBUTIONS IN REDEMPTION OF STOCK OF A REGULATED INVESTMENT COMPANY.

(a) REDEMPTIONS TREATED AS EXCHANGES.—

(1) IN GENERAL.—Subsection (b) of section 302 is amended by redesignating paragraph (5) as paragraph (6) and by inserting after paragraph (4) the following new paragraph:

“(5) REDEMPTIONS BY CERTAIN REGULATED INVESTMENT COMPANIES.—Except to the extent provided in regulations prescribed by the Secretary, subsection (a) shall apply to any distribution in redemption of stock of a publicly offered regulated investment company (within the meaning of section 67(c)(2)(B)) if—

“(A) such redemption is upon the demand of the stockholder, and

“(B) such company issues only stock which is redeemable upon the demand of the stockholder.”

(2) CONFORMING AMENDMENT.—Subsection (a) of section 302 is amended by striking “or (4)” and inserting “(4), or (5)”.

(b) LOSSES ON REDEMPTIONS NOT DISALLOWED FOR FUND-OF-FUNDS REGULATED INVESTMENT COMPANIES.—Paragraph (3) of section 267(f) is amended by adding at the end the following new subparagraph:

“(D) REDEMPTIONS BY FUND-OF-FUNDS REGULATED INVESTMENT COMPANIES.—Except to the extent provided in regulations prescribed by the Secretary, subsection (a)(1) shall not apply to any distribution in redemption of stock of a regulated investment company if—

“(i) such company issues only stock which is redeemable upon the demand of the stockholder, and

“(ii) such redemption is upon the demand of another regulated investment company.”

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to distributions after the date of the enactment of this Act.

SEC. 307. REPEAL OF PREFERENTIAL DIVIDEND RULE FOR PUBLICLY OFFERED REGULATED INVESTMENT COMPANIES.

(a) IN GENERAL.—Subsection (c) of section 562 is amended by striking “The amount” and inserting “Except in the case of a publicly offered regulated investment company (as defined in section 67(c)(2)(B)), the amount”.

(b) CONFORMING AMENDMENT.—Section 562(c) is amended by inserting “(other than a publicly offered regulated investment company (as so defined))” after “regulated investment company” in the second sentence thereof.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to distributions in taxable years beginning after the date of the enactment of this Act.

SEC. 308. ELECTIVE DEFERRAL OF CERTAIN LATE-YEAR LOSSES OF REGULATED INVESTMENT COMPANIES.

(a) IN GENERAL.—Paragraph (8) of section 852(b) is amended to read as follows:

“(8) ELECTIVE DEFERRAL OF CERTAIN LATE-YEAR LOSSES.—

“(A) IN GENERAL.—Except as otherwise provided by the Secretary, a regulated investment company may elect for any taxable year to treat any portion of any qualified late-year loss for such taxable year as arising on the first day of the following taxable year for purposes of this title.

“(B) QUALIFIED LATE-YEAR LOSS.—For purposes of this paragraph, the term ‘qualified late-year loss’ means—

“(i) any post-October capital loss, and

“(ii) any late-year ordinary loss.

“(C) POST-OCTOBER CAPITAL LOSS.—For purposes of this paragraph, the term ‘post-October capital loss’ means the greatest of—

“(i) the net capital loss attributable to the portion of the taxable year after October 31,

“(ii) the net long-term capital loss attributable to such portion of the taxable year, or

“(iii) the net short-term capital loss attributable to such portion of the taxable year.

“(D) LATE-YEAR ORDINARY LOSS.—For purposes of this paragraph, the term ‘late-year ordinary loss’ means the excess (if any) of—

“(i) the sum of—

“(I) the specified losses (as defined in section 4982(e)(5)(B)(ii)) attributable to the portion of the taxable year after October 31, plus

“(II) the ordinary losses not described in subclause (I) attributable to the portion of the taxable year after December 31, over

“(ii) the sum of—

“(I) the specified gains (as defined in section 4982(e)(5)(B)(i)) attributable to the portion of the taxable year after October 31, plus

“(II) the ordinary income not described in subclause (I) attributable to the portion of the taxable year after December 31.

“(E) SPECIAL RULE FOR COMPANIES DETERMINING REQUIRED CAPITAL GAIN DISTRIBUTIONS ON TAXABLE YEAR BASIS.—In the case of a company to which an election under section 4982(e)(4) applies—

“(i) if such company's taxable year ends with the month of November, the amount of qualified late-year losses (if any) shall be computed without regard to any income, gain, or loss described in subparagraphs (C), (D)(i)(I), and (D)(ii)(I), and

“(ii) if such company's taxable year ends with the month of December, subparagraph (A) shall not apply.”

(b) CONFORMING AMENDMENTS.—

(1) Subsection (b) of section 852 is amended by striking paragraph (10).

(2) Paragraph (2) of section 852(c) is amended by striking the first sentence and inserting the following: “For purposes of applying this chapter to distributions made by a regulated investment company with respect to any calendar year, the earnings and profits of such company shall be determined without regard to any net capital loss attributable to the portion of the taxable year after October 31 and without regard to any late-year ordinary loss (as defined in subsection (b)(8)(D)).”

(3) Subparagraph (D) of section 871(k)(2) is amended by striking the last two sentences and inserting the following: “For purposes of this subparagraph, the net short-term capital gain of the regulated investment company shall be computed by treating any short-term capital gain dividend includible in gross income with respect to stock of an-

other regulated investment company as a short-term capital gain.”

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SEC. 309. EXCEPTION TO HOLDING PERIOD REQUIREMENT FOR CERTAIN REGULARLY DECLARED EXEMPT-INTEREST DIVIDENDS.

(a) IN GENERAL.—Subparagraph (E) of section 852(b)(4) is amended by striking all that precedes “In the case of a regulated investment company” and inserting the following:

“(E) EXCEPTION TO HOLDING PERIOD REQUIREMENT FOR CERTAIN REGULARLY DECLARED EXEMPT-INTEREST DIVIDENDS.—

“(i) DAILY DIVIDEND COMPANIES.—Except as otherwise provided by regulations, subparagraph (B) shall not apply with respect to a regular dividend paid by a regulated investment company which declares exempt-interest dividends on a daily basis in an amount equal to at least 90 percent of its net tax-exempt interest and distributes such dividends on a monthly or more frequent basis.

“(ii) AUTHORITY TO SHORTEN REQUIRED HOLDING PERIOD WITH RESPECT TO OTHER COMPANIES.—”

(b) CONFORMING AMENDMENT.—Clause (ii) of section 852(b)(4)(E), as amended by subsection (a), is amended by inserting “(other than a company described in clause (i))” after “regulated investment company”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to losses incurred on shares of stock for which the taxpayer's holding period begins after the date of the enactment of this Act.

TITLE IV—MODIFICATIONS RELATED TO EXCISE TAX APPLICABLE TO REGULATED INVESTMENT COMPANIES

SEC. 401. EXCISE TAX EXEMPTION FOR CERTAIN REGULATED INVESTMENT COMPANIES OWNED BY TAX EXEMPT ENTITIES.

(a) IN GENERAL.—Subsection (f) of section 4982 is amended—

(1) by striking “either” in the matter preceding paragraph (1),

(2) by striking “or” at the end of paragraph (1),

(3) by striking the period at the end of paragraph (2), and

(4) by inserting after paragraph (2) the following new paragraphs:

“(3) any other tax-exempt entity whose ownership of beneficial interests in the company would not preclude the application of section 817(h)(4), or

“(4) another regulated investment company described in this subsection.”

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to calendar years beginning after the date of the enactment of this Act.

SEC. 402. DEFERRAL OF CERTAIN GAINS AND LOSSES OF REGULATED INVESTMENT COMPANIES FOR EXCISE TAX PURPOSES.

(a) IN GENERAL.—Subsection (e) of section 4982 is amended by striking paragraphs (5) and (6) and inserting the following new paragraphs:

“(5) TREATMENT OF SPECIFIED GAINS AND LOSSES AFTER OCTOBER 31 OF CALENDAR YEAR.—

“(A) IN GENERAL.—Any specified gain or specified loss which (but for this paragraph) would be properly taken into account for the portion of the calendar year after October 31 shall be treated as arising on January 1 of the following calendar year.

“(B) SPECIFIED GAINS AND LOSSES.—For purposes of this paragraph—

“(i) SPECIFIED GAIN.—The term ‘specified gain’ means ordinary gain from the sale, exchange, or other disposition of property (including the termination of a position with respect to such property). Such term shall include any foreign currency gain attributable to a section 988 transaction (within the meaning of section 988) and any amount includible in gross income under section 1296(a)(1).

“(ii) SPECIFIED LOSS.—The term ‘specified loss’ means ordinary loss from the sale, exchange, or other disposition of property (including the termination of a position with respect to such property). Such term shall include any foreign currency loss attributable to a section 988 transaction (within the meaning of section 988) and any amount allowable as a deduction under section 1296(a)(2).

“(C) SPECIAL RULE FOR COMPANIES ELECTING TO USE THE TAXABLE YEAR.—In the case of any company making an election under paragraph (4), subparagraph (A) shall be applied by substituting the last day of the company’s taxable year for October 31.

“(6) TREATMENT OF MARK TO MARKET GAIN.—

“(A) IN GENERAL.—For purposes of determining a regulated investment company’s ordinary income, notwithstanding paragraph (1)(C), each specified mark to market provision shall be applied as if such company’s taxable year ended on October 31. In the case of a company making an election under paragraph (4), the preceding sentence shall be applied by substituting the last day of the company’s taxable year for October 31.

“(B) SPECIFIED MARK TO MARKET PROVISION.—For purposes of this paragraph, the term ‘specified mark to market provision’ means sections 1256 and 1296 and any other provision of this title (or regulations thereunder) which treats property as disposed of on the last day of the taxable year.

“(7) ELECTIVE DEFERRAL OF CERTAIN ORDINARY LOSSES.—Except as provided in regulations prescribed by the Secretary, in the case of a regulated investment company which has a taxable year other than the calendar year—

“(A) such company may elect to determine its ordinary income for the calendar year without regard to any net ordinary loss (determined without regard to specified gains and losses taken into account under paragraph (5)) which is attributable to the portion of such calendar year which is after the beginning of the taxable year which begins in such calendar year, and

“(B) any amount of net ordinary loss not taken into account for a calendar year by reason of subparagraph (A) shall be treated as arising on the 1st day of the following calendar year.”.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to calendar years beginning after the date of the enactment of this Act.

SEC. 403. DISTRIBUTED AMOUNT FOR EXCISE TAX PURPOSES DETERMINED ON BASIS OF TAXES PAID BY REGULATED INVESTMENT COMPANY.

(a) IN GENERAL.—Subsection (c) of section 4982 is amended by adding at the end the following new paragraph:

“(4) SPECIAL RULE FOR ESTIMATED TAX PAYMENTS.—

“(A) IN GENERAL.—In the case of a regulated investment company which elects the application of this paragraph for any calendar year—

“(i) the distributed amount with respect to such company for such calendar year shall be increased by the amount on which qualified

estimated tax payments are made by such company during such calendar year, and

“(ii) the distributed amount with respect to such company for the following calendar year shall be reduced by the amount of such increase.

“(B) QUALIFIED ESTIMATED TAX PAYMENTS.—For purposes of this paragraph, the term ‘qualified estimated tax payments’ means, with respect to any calendar year, payments of estimated tax of a tax described in paragraph (1)(B) for any taxable year which begins (but does not end) in such calendar year.”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to calendar years beginning after the date of the enactment of this Act.

SEC. 404. INCREASE IN REQUIRED DISTRIBUTION OF CAPITAL GAIN NET INCOME.

(a) IN GENERAL.—Subparagraph (B) of section 4982(b)(1) is amended by striking “98 percent” and inserting “98.2 percent”.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to calendar years beginning after the date of the enactment of this Act.

TITLE V—OTHER PROVISIONS

SEC. 501. REPEAL OF ASSESSABLE PENALTY WITH RESPECT TO LIABILITY FOR TAX OF REGULATED INVESTMENT COMPANIES.

(a) IN GENERAL.—Part I of subchapter B of chapter 68 is amended by striking section 6697 (and by striking the item relating to such section in the table of sections of such part).

(b) CONFORMING AMENDMENT.—Section 860 is amended by striking subsection (j).

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SEC. 502. MODIFICATION OF SALES LOAD BASIS DEFERRAL RULE FOR REGULATED INVESTMENT COMPANIES.

(a) IN GENERAL.—Subparagraph (C) of section 852(f)(1) is amended by striking “subsequently acquires” and inserting “acquires, during the period beginning on the date of the disposition referred to in subparagraph (B) and ending on January 31 of the calendar year following the calendar year that includes the date of such disposition.”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to charges incurred in taxable years beginning after the date of the enactment of this Act.

SA 4745. Mr. REID (for Mr. CARPER) proposed an amendment to the bill S. 3167, to amend title 13 of the United States Code to provide for a 5-year term of office for the Director of the Census and to provide for authority and duties of the Director and Deputy Director of the Census, and for other purposes; as follows:

Beginning on page 5, strike line 7 and all that follows through page 6, line 23, and insert the following:

“(6) ADVISORY COMMITTEES.—

“(A) ADVISORY COMMITTEES GENERALLY.—

“(i) AUTHORITY TO ESTABLISH.—The Director may establish such advisory committees as the Director considers appropriate to provide advice with respect to any function of the Director.

“(ii) COMPENSATION AND EXPENSES.—Members of any advisory committee established under clause (i) shall serve without compensation, but shall be entitled to transportation expenses and per diem in lieu of sub-

sistence in accordance with section 5703 of title 5.

“(B) TECHNOLOGY ADVISORY COMMITTEE.—

“(i) IN GENERAL.—Not later than 180 days after the date of the enactment of the Census Oversight Efficiency and Management Reform Act of 2010, the Director shall establish a technology advisory committee under subparagraph (A).

“(ii) MEMBERSHIP.—Members of the technology advisory committee shall be selected from the public, private, and academic sectors from among those who have experience in technologies and services relevant to the planning and execution of the census.

“(iii) DUTIES.—The technology advisory committee shall make recommendations to the Director and publish reports on the use of commercially available technologies and services to improve efficiencies and manage costs in the implementation of the census and census-related activities, including pilot projects.

“(7) REGULATIONS.—The Director may, in consultation with the Secretary, prescribe such rules and regulations as the Director considers necessary or appropriate to carry out the functions of the Director.

“(8) DELEGATIONS, ETC.—The Director may assign duties, and delegate, or authorize successive redelegations of, authority to act and to render decisions, to such officers and employees of the Bureau as the Director may find necessary. Within the limitations of such assignments, delegations, or redelegations, all official acts and decisions of such officers and employees shall have the same force and effect as though performed or rendered by the Director. An assignment, delegation, or redelegation under this paragraph may not take effect before the date on which notice of such assignment, delegation, or redelegation (as the case may be) is published in the Federal Register.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS AND THE COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mrs. McCASKILL. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs and the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on December 8, 2010, at 3:30 p.m., to conduct a joint hearing entitled “Examining the Efficiency, Stability, and Integrity of the U.S. Capital Markets.”

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mrs. McCASKILL. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on December 8, 2010, at 10 a.m. in SD-226 of the Dirksen Senate Office Building, to conduct an executive business meeting.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. REID. Mr. President, I ask unanimous consent that the cloture vote on

the motion to proceed to Calendar No. 443, S. 3992, occur at 11 a.m. tomorrow, December 9, with the time following any leader time until 11 a.m. equally divided and controlled between the leaders or their designees; that following any leader statement, Senator DURBIN be recognized for up to 10 minutes, and the Senate then resume consideration of the motion to proceed to S. 3992; that during Thursday's session, Senator BENNETT be recognized to speak for up to 20 minutes for his farewell speech and also Senator DORGAN be recognized at 2 p.m. for up to 20 minutes for his farewell speech and that Senator BUNNING be recognized for up to 30 minutes for his farewell speech.

The PRESIDING OFFICER. Without objection, it is so ordered.

REGULATED INVESTMENT COMPANY MODERNIZATION ACT OF 2010

Mr. REID. I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 640, H.R. 4337.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 4337) to amend the Internal Revenue Code of 1986 to modify certain rules applicable to regulated investment companies, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. I ask unanimous consent that the Bingaman substitute amendment which is at the desk be agreed to; the bill, as amended, be read three times, passed; the motion to reconsider be laid on the table; and any statements relating to this matter be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 4744) was agreed to.

(The amendment is printed in today's RECORD under "Text of Amendments.")

The amendment was ordered to be engrossed and the bill read a third time.

The bill (H.R. 4337), as amended, was read the third time and passed.

CENSUS OVERSIGHT EFFICIENCY AND MANAGEMENT REFORM ACT OF 2010

Mr. REID. Mr. President, I ask unanimous consent to proceed to Calendar No. 647, S. 3167.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 3167) to amend title 13 of the United States Code to provide for a 5-year term of office for the Director of the Census and to provide for the authority and duties of the Director and Deputy Director of the Census, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which

had been reported from the Committee on Homeland Security and Governmental Affairs, with amendments, as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets and the parts of the bill intended to be inserted are shown in *Italic*.)

S. 3167

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Census Oversight Efficiency and Management Reform Act of 2010".

SEC. 2. AUTHORITY AND DUTIES OF DIRECTOR AND DEPUTY DIRECTOR OF THE CENSUS.

(a) IN GENERAL.—Section 21 of the title 13, United States Code, is amended to read as follows:

"§ 21. Director of the Census; Deputy Director of the Census; authority and duties

"(a) DEFINITIONS.—As used in this section—

"(1) 'Director' means the Director of the Census;

"(2) 'Deputy Director' means the Deputy Director of the Census; and

"(3) 'function' includes any duty, obligation, power, authority, responsibility, right, privilege, activity, or program.

"(b) DIRECTOR OF THE CENSUS.—

"(1) APPOINTMENT.—

"(A) IN GENERAL.—The Bureau shall be headed by a Director of the Census, appointed by the President, by and with the advice and consent of the Senate.

"(B) QUALIFICATIONS.—Such appointment shall be made from individuals who have a demonstrated ability in *Managing large organizations* and experience in the collection, analysis, and use of statistical data.

"(2) GENERAL AUTHORITY AND DUTIES.—

"(A) IN GENERAL.—The Director shall report directly to the Secretary without being required to report through any other official of the Department of Commerce.

"(B) DUTIES.—The Director shall perform such duties as may be imposed upon the Director by law, regulations, or orders of the Secretary.

"(C) INDEPENDENCE OF DIRECTOR.—No officer or agency of the United States shall have any authority to require the Director to submit legislative recommendations, or testimony, or comments for review prior to the submission of such recommendations, testimony, or comments to Congress if such recommendations, testimony, or comments to Congress include a statement indicating that the views expressed therein are those of the Bureau and do not necessarily represent the views of the President.

"(3) TERM OF OFFICE.—

"(A) IN GENERAL.—The term of office of the Director shall be 5 years, and shall begin on January 1, 2012, and every fifth year thereafter. An individual may not serve more than 2 full terms as Director.

"(B) VACANCIES.—Any individual appointed to fill a vacancy in such position, occurring before the expiration of the term for which such individual's predecessor was appointed, shall be appointed for the remainder of that term. The Director may serve after the end of the Director's term until reappointed or until a successor has been appointed, but in no event longer than 1 year after the end of such term.

"(C) REMOVAL.—An individual serving as Director may be removed from office by the

President. The President shall communicate in writing the reasons for any such removal to both Houses of Congress not later than **[30 days]** 60 days before the removal.

"(4) FUNCTIONS.—The Director shall be responsible for the exercise of all powers and the discharge of all duties of the Bureau, and shall have authority and control over all personnel and activities thereof.

"(5) ORGANIZATION.—The Director may establish, alter, consolidate, or discontinue such organizational units or components within the Bureau as the Director considers necessary or appropriate, except that this paragraph shall not apply with respect to any unit or component provided for by law.

"(6) ADVISORY COMMITTEES.—The Director may establish advisory committees to provide advice with respect to any function of the Director. Members of any such committee shall serve without compensation, but shall be entitled to transportation expenses and per diem in lieu of subsistence in accordance with section 5703 of title 5.

"(7) REGULATIONS.—The Director may, in consultation with the Secretary, prescribe such rules and regulations as the Director considers necessary or appropriate to carry out the functions of the Director.

"(8) DELEGATIONS, ETC.—The Director may assign duties, and delegate, or authorize successive redelegations of, authority to act and to render decisions, to such officers and employees of the Bureau as the Director may find necessary. Within the limitations of such assignments, delegations, or redelegations, all official acts and decisions of such officers and employees shall have the same force and effect as though performed or rendered by the Director. An assignment, delegation, or redelegation under this paragraph may not take effect before the date on which notice of such assignment, delegation, or redelegation (as the case may be) is published in the Federal Register.

"(9) BUDGET REQUESTS.—At the time the Director submits a budget request to the Secretary for inclusion in the President's budget request for a fiscal year submitted under section 1105 of title 31, and prior to the submission of the Department of Commerce budget to the Office of Management and Budget, the Director shall provide that budget information to the Committee on Oversight and Government Reform of the House of Representatives and the Committee on Governmental Affairs of the Senate, as well as the Committees on Appropriations of the House of Representatives and the Senate. All other budget requests from the Bureau to the Secretary shall be made available to the Committees on Appropriations of the House of Representatives and the Senate.

"(10) OTHER AUTHORITIES.—

"(A) PERSONNEL.—Subject to sections 23 and 24, but notwithstanding any other provision of law, the Director, in carrying out the functions of the Director or the Bureau, may use the services of officers and other personnel in other Federal agencies, including personnel of the Armed Forces, with the consent of the head of the agency concerned.

"(B) VOLUNTARY SERVICES.—Notwithstanding section 1342 of title 31, or any other provision of law, the Director may accept and use voluntary and uncompensated services.

"(c) DEPUTY DIRECTOR.—

"(1) IN GENERAL.—There shall be in the Bureau a Deputy Director of the Census, who shall be appointed by and serve at the pleasure of the Director. The position of Deputy Director shall be a career reserved position within the meaning of section 3132(a)(8) of title 5.

“(2) FUNCTIONS.—The Deputy Director shall perform such functions as the Director shall designate.

“(3) TEMPORARY AUTHORITY TO PERFORM FUNCTIONS OF DIRECTOR.—The provisions of sections 3345 through 3349d of title 5 shall apply with respect to the office of Director. The first assistant to the office of Director is the Deputy Director for purposes of applying such provisions.”.

(b) TRANSITION RULES.—

(1) APPOINTMENT OF INITIAL DIRECTOR.—The initial Director of the Bureau of the Census shall be appointed in accordance with the provisions of section 21(b) of title 13, United States Code, as amended by subsection (a).

(2) INTERIM ROLE OF CURRENT DIRECTOR OF THE CENSUS AFTER DATE OF ENACTMENT.—If, as of January 1, 2012, the initial Director of the Bureau of the Census has not taken office, the officer serving on December 31, 2011, as Director of the Census (or Acting Director of the Census, if applicable) in the Department of Commerce—

(A) shall serve as the Director of the Bureau of the Census;

(B) shall assume the powers and duties of such Director, until the initial Director has taken office; and

(C) shall report directly to the Secretary of Commerce.

(c) CLERICAL AMENDMENT.—The item relating to section 21 in the table of sections for chapter 1 of title 13, United States Code, is amended to read as follows:

“21. Director of the Census; Deputy Director of the Census; authority and duties.”.

(d) TECHNICAL AND CONFORMING AMENDMENTS.—Not later than January 1, 2011, the Secretary of Commerce, in consultation with the Director of the Census, shall submit to each House of the Congress draft legislation containing any technical and conforming amendments to title 13, United States Code, and any other provisions which may be necessary to carry out the purposes of this Act.

SEC. 3. INTERNET RESPONSE OPTION.

Not later than 180 days after the date of the enactment of this Act, the Director of the Census, shall provide a plan to Congress on how the Bureau of the Census will test, develop, and implement an Internet response option for the 2020 Census and the American Community Survey. The plan shall include a description of how and when feasibility will be tested, the stakeholders to be consulted, when and what data will be collected, and how data will be protected.

SEC. 4. ANNUAL REPORTS.

(a) IN GENERAL.—Subchapter I of chapter 1 of title 13, United States Code, is amended by adding at the end the following new section:

“§ 17. Annual reports

“(a) Not later than the date of the submission of the President’s budget request for a fiscal year under section 1105 of title 31, the Director of the Census shall submit to the appropriate congressional committees a comprehensive status report on the next decennial census, beginning with the 2020 decennial census. Each report shall include the following information:

“(1) A description of the Bureau’s performance goals for each significant decennial operation, including the performance measures for each operation.

“(2) An assessment of the risks associated with each significant decennial operation, including the interrelationships between the operations and a description of relevant mitigation plans.

“(3) Detailed milestone estimates for each significant decennial operation, including es-

timated testing dates, and justification for any changes to milestone estimates.

“(4) Updated cost estimates for the life cycle of the decennial census, including sensitivity analysis and an explanation of significant changes in the assumptions on which such cost estimates are based.

“(5) A detailed description of all contracts over \$50,000,000 entered into for each significant decennial operation, including—

“(A) any changes made to the contracts from the previous fiscal year;

“(B) justification for the changes; and

“(C) actions planned or taken to control growth in such contract costs.

“(b) For purposes of this section, the term ‘significant decennial operation’ includes any program or information technology related to—

“(1) the development of an accurate address list;

“(2) data collection, processing, and dissemination;

“(3) recruiting and hiring of temporary employees;

“(4) marketing, communications, and partnerships; and

“(5) coverage measurement.”.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 1 of title 13, United States Code, is amended by inserting after the item relating to section 16 the following new item:

“17. Annual reports.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to budget requests for fiscal years beginning after September 30, 2010.

Mr. REID. Mr. President, I ask unanimous consent that the committee-reported amendments be considered; the Carper amendment which is at the desk be agreed to; the committee-reported amendments be agreed to; and the bill, as amended, be read a third time and passed; the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements relating to this matter be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 4745) was agreed to, as follows:

(Purpose: To provide for the establishment of a technology advisory committee and to strike the requirement that the Director of the Census submit a budget request each year to the Secretary of Commerce for inclusion in the President’s budget request for that year)

Beginning on page 5, strike line 7 and all that follows through page 6, line 23, and insert the following:

“(6) ADVISORY COMMITTEES.—

“(A) ADVISORY COMMITTEES GENERALLY.—

“(i) AUTHORITY TO ESTABLISH.—The Director may establish such advisory committees as the Director considers appropriate to provide advice with respect to any function of the Director.

“(ii) COMPENSATION AND EXPENSES.—Members of any advisory committee established under clause (i) shall serve without compensation, but shall be entitled to transportation expenses and per diem in lieu of subsistence in accordance with section 5703 of title 5.

“(B) TECHNOLOGY ADVISORY COMMITTEE.—

“(i) IN GENERAL.—Not later than 180 days after the date of the enactment of the Census

Oversight Efficiency and Management Reform Act of 2010, the Director shall establish a technology advisory committee under subparagraph (A).

“(ii) MEMBERSHIP.—Members of the technology advisory committee shall be selected from the public, private, and academic sectors from among those who have experience in technologies and services relevant to the planning and execution of the census.

“(iii) DUTIES.—The technology advisory committee shall make recommendations to the Director and publish reports on the use of commercially available technologies and services to improve efficiencies and manage costs in the implementation of the census and census-related activities, including pilot projects.

“(7) REGULATIONS.—The Director may, in consultation with the Secretary, prescribe such rules and regulations as the Director considers necessary or appropriate to carry out the functions of the Director.

“(8) DELEGATIONS, ETC.—The Director may assign duties, and delegate, or authorize successive redelegations of, authority to act and to render decisions, to such officers and employees of the Bureau as the Director may find necessary. Within the limitations of such assignments, delegations, or redelegations, all official acts and decisions of such officers and employees shall have the same force and effect as though performed or rendered by the Director. An assignment, delegation, or redelegation under this paragraph may not take effect before the date on which notice of such assignment, delegation, or redelegation (as the case may be) is published in the Federal Register.

The committee amendments were agreed to.

The bill (S. 3167), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 3167

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Census Oversight Efficiency and Management Reform Act of 2010”.

SEC. 2. AUTHORITY AND DUTIES OF DIRECTOR AND DEPUTY DIRECTOR OF THE CENSUS.

(a) IN GENERAL.—Section 21 of the title 13, United States Code, is amended to read as follows:

“§ 21. Director of the Census; Deputy Director of the Census; authority and duties

“(a) DEFINITIONS.—As used in this section—

“(1) ‘Director’ means the Director of the Census;

“(2) ‘Deputy Director’ means the Deputy Director of the Census; and

“(3) ‘function’ includes any duty, obligation, power, authority, responsibility, right, privilege, activity, or program.

“(b) DIRECTOR OF THE CENSUS.—

“(1) APPOINTMENT.—

“(A) IN GENERAL.—The Bureau shall be headed by a Director of the Census, appointed by the President, by and with the advice and consent of the Senate.

“(B) QUALIFICATIONS.—Such appointment shall be made from individuals who have a demonstrated ability in managing large organizations and experience in the collection, analysis, and use of statistical data.

“(2) GENERAL AUTHORITY AND DUTIES.—

“(A) IN GENERAL.—The Director shall report directly to the Secretary without being

required to report through any other official of the Department of Commerce.

“(B) DUTIES.—The Director shall perform such duties as may be imposed upon the Director by law, regulation, or orders of the Secretary.

“(C) INDEPENDENCE OF DIRECTOR.—No officer or agency of the United States shall have any authority to require the Director to submit legislative recommendations, or testimony, or comments for review prior to the submission of such recommendations, testimony, or comments to Congress if such recommendations, testimony, or comments to Congress include a statement indicating that the views expressed therein are those of the Bureau and do not necessarily represent the views of the President.

“(3) TERM OF OFFICE.—

“(A) IN GENERAL.—The term of office of the Director shall be 5 years, and shall begin on January 1, 2012, and every fifth year thereafter. An individual may not serve more than 2 full terms as Director.

“(B) VACANCIES.—Any individual appointed to fill a vacancy in such position, occurring before the expiration of the term for which such individual's predecessor was appointed, shall be appointed for the remainder of that term. The Director may serve after the end of the Director's term until reappointed or until a successor has been appointed, but in no event longer than 1 year after the end of such term.

“(C) REMOVAL.—An individual serving as Director may be removed from office by the President. The President shall communicate in writing the reasons for any such removal to both Houses of Congress not later than 60 days before the removal.

“(4) FUNCTIONS.—The Director shall be responsible for the exercise of all powers and the discharge of all duties of the Bureau, and shall have authority and control over all personnel and activities thereof.

“(5) ORGANIZATION.—The Director may establish, alter, consolidate, or discontinue such organizational units or components within the Bureau as the Director considers necessary or appropriate, except that this paragraph shall not apply with respect to any unit or component provided for by law.

“(6) ADVISORY COMMITTEES.—

“(A) ADVISORY COMMITTEES GENERALLY.—

“(i) AUTHORITY TO ESTABLISH.—The Director may establish such advisory committees as the Director considers appropriate to provide advice with respect to any function of the Director.

“(ii) COMPENSATION AND EXPENSES.—Members of any advisory committee established under clause (i) shall serve without compensation, but shall be entitled to transportation expenses and per diem in lieu of subsistence in accordance with section 5703 of title 5.

“(B) TECHNOLOGY ADVISORY COMMITTEE.—

“(i) IN GENERAL.—Not later than 180 days after the date of the enactment of the Census Oversight Efficiency and Management Reform Act of 2010, the Director shall establish a technology advisory committee under subparagraph (A).

“(ii) MEMBERSHIP.—Members of the technology advisory committee shall be selected from the public, private, and academic sectors from among those who have experience in technologies and services relevant to the planning and execution of the census.

“(iii) DUTIES.—The technology advisory committee shall make recommendations to the Director and publish reports on the use of commercially available technologies and services to improve efficiencies and manage

costs in the implementation of the census and census-related activities, including pilot projects.

“(7) REGULATIONS.—The Director may, in consultation with the Secretary, prescribe such rules and regulations as the Director considers necessary or appropriate to carry out the functions of the Director.

“(8) DELEGATIONS, ETC.—The Director may assign duties, and delegate, or authorize successive redelegations of, authority to act and to render decisions, to such officers and employees of the Bureau as the Director may find necessary. Within the limitations of such assignments, delegations, or redelegations, all official acts and decisions of such officers and employees shall have the same force and effect as though performed or rendered by the Director. An assignment, delegation, or redelegation under this paragraph may not take effect before the date on which notice of such assignment, delegation, or redelegation (as the case may be) is published in the Federal Register.

“(9) OTHER AUTHORITIES.—

“(A) PERSONNEL.—Subject to sections 23 and 24, but notwithstanding any other provision of law, the Director, in carrying out the functions of the Director or the Bureau, may use the services of officers and other personnel in other Federal agencies, including personnel of the Armed Forces, with the consent of the head of the agency concerned.

“(B) VOLUNTARY SERVICES.—Notwithstanding section 1342 of title 31, or any other provision of law, the Director may accept and use voluntary and uncompensated services.

“(c) DEPUTY DIRECTOR.—

“(1) IN GENERAL.—There shall be in the Bureau a Deputy Director of the Census, who shall be appointed by and serve at the pleasure of the Director. The position of Deputy Director shall be a career reserved position within the meaning of section 3132(a)(8) of title 5.

“(2) FUNCTIONS.—The Deputy Director shall perform such functions as the Director shall designate.

“(3) TEMPORARY AUTHORITY TO PERFORM FUNCTIONS OF DIRECTOR.—The provisions of sections 3345 through 3349d of title 5 shall apply with respect to the office of Director. The first assistant to the office of Director is the Deputy Director for purposes of applying such provisions.”

(b) TRANSITION RULES.—

(1) APPOINTMENT OF INITIAL DIRECTOR.—The initial Director of the Bureau of the Census shall be appointed in accordance with the provisions of section 21(b) of title 13, United States Code, as amended by subsection (a).

(2) INTERIM ROLE OF CURRENT DIRECTOR OF THE CENSUS AFTER DATE OF ENACTMENT.—If, as of January 1, 2012, the initial Director of the Bureau of the Census has not taken office, the officer serving on December 31, 2011, as Director of the Census (or Acting Director of the Census, if applicable) in the Department of Commerce—

(A) shall serve as the Director of the Bureau of the Census;

(B) shall assume the powers and duties of such Director, until the initial Director has taken office; and

(C) shall report directly to the Secretary of Commerce.

(c) CLERICAL AMENDMENT.—The item relating to section 21 in the table of sections for chapter 1 of title 13, United States Code, is amended to read as follows:

“21. Director of the Census; Deputy Director of the Census; authority and duties.”

(d) TECHNICAL AND CONFORMING AMENDMENTS.—Not later than January 1, 2011, the Secretary of Commerce, in consultation with the Director of the Census, shall submit to each House of the Congress draft legislation containing any technical and conforming amendments to title 13, United States Code, and any other provisions which may be necessary to carry out the purposes of this Act.

SEC. 3. INTERNET RESPONSE OPTION.

Not later than 180 days after the date of the enactment of this Act, the Director of the Census, shall provide a plan to Congress on how the Bureau of the Census will test, develop, and implement an Internet response option for the 2020 Census and the American Community Survey. The plan shall include a description of how and when feasibility will be tested, the stakeholders to be consulted, when and what data will be collected, and how data will be protected.

SEC. 4. ANNUAL REPORTS.

(a) IN GENERAL.—Subchapter I of chapter 1 of title 13, United States Code, is amended by adding at the end the following new section:

“§ 17. Annual reports

“(a) Not later than the date of the submission of the President's budget request for a fiscal year under section 1105 of title 31, the Director of the Census shall submit to the appropriate congressional committees a comprehensive status report on the next decennial census, beginning with the 2020 decennial census. Each report shall include the following information:

“(1) A description of the Bureau's performance goals for each significant decennial operation, including the performance measures for each operation.

“(2) An assessment of the risks associated with each significant decennial operation, including the interrelationships between the operations and a description of relevant mitigation plans.

“(3) Detailed milestone estimates for each significant decennial operation, including estimated testing dates, and justification for any changes to milestone estimates.

“(4) Updated cost estimates for the life cycle of the decennial census, including sensitivity analysis and an explanation of significant changes in the assumptions on which such cost estimates are based.

“(5) A detailed description of all contracts over \$50,000,000 entered into for each significant decennial operation, including—

“(A) any changes made to the contracts from the previous fiscal year;

“(B) justification for the changes; and

“(C) actions planned or taken to control growth in such contract costs.

“(b) For purposes of this section, the term ‘significant decennial operation’ includes any program or information technology related to—

“(1) the development of an accurate address list;

“(2) data collection, processing, and dissemination;

“(3) recruiting and hiring of temporary employees;

“(4) marketing, communications, and partnerships; and

“(5) coverage measurement.”

(b) CLERICAL AMENDMENT.—The table of sections for chapter 1 of title 13, United States Code, is amended by inserting after the item relating to section 16 the following new item:

“17. Annual reports.”

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to budget requests for fiscal years beginning after September 30, 2010.

NATIONAL ALZHEIMER'S PROJECT ACT

Mr. REID. Mr. President, I ask unanimous consent to proceed to S. 3036.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 3036) to establish the Office of the National Alzheimer's Project.

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Health, Education, Labor, and Pensions, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Alzheimer's Project Act".

SEC. 2. THE NATIONAL ALZHEIMER'S PROJECT.

(a) **DEFINITION OF ALZHEIMER'S.**—In this Act, the term "Alzheimer's" means Alzheimer's disease and related dementias.

(b) **ESTABLISHMENT.**—There is established in the Office of the Secretary of Health and Human Services the National Alzheimer's Project (referred to in this Act as the "Project").

(c) **PURPOSE OF THE PROJECT.**—The Secretary of Health and Human Services, or the Secretary's designee, shall—

(1) be responsible for the creation and maintenance of an integrated national plan to overcome Alzheimer's;

(2) provide information and coordination of Alzheimer's research and services across all Federal agencies;

(3) accelerate the development of treatments that would prevent, halt, or reverse the course of Alzheimer's;

(4) improve the—
(A) early diagnosis of Alzheimer's disease; and
(B) coordination of the care and treatment of citizens with Alzheimer's;

(5) ensure the inclusion of ethnic and racial populations at higher risk for Alzheimer's or least likely to receive care, in clinical, research, and service efforts with the purpose of decreasing health disparities in Alzheimer's; and

(6) coordinate with international bodies to integrate and inform the fight against Alzheimer's globally.

(d) **DUTIES OF THE SECRETARY.**—

(1) **IN GENERAL.**—The Secretary of Health and Human Services, or the Secretary's designee, shall—

(A) oversee the creation and updating of the national plan described in paragraph (2); and

(B) use discretionary authority to evaluate all Federal programs around Alzheimer's, including budget requests and approvals.

(2) **NATIONAL PLAN.**—The Secretary of Health and Human Services, or the Secretary's designee, shall carry out an annual assessment of the Nation's progress in preparing for the escalating burden of Alzheimer's, including both implementation steps and recommendations for priority actions based on the assessment.

(e) **ADVISORY COUNCIL.**—

(1) **IN GENERAL.**—There is established an Advisory Council on Alzheimer's Research, Care, and Services (referred to in this Act as the "Advisory Council").

(2) **MEMBERSHIP.**—

(A) **FEDERAL MEMBERS.**—The Advisory Council shall be comprised of the following experts:

(i) A designee of the Centers for Disease Control and Prevention.

(ii) A designee of the Administration on Aging.

(iii) A designee of the Centers for Medicare & Medicaid Services.

(iv) A designee of the Indian Health Service.
(v) A designee of the Office of the Director of the National Institutes of Health.

(vi) The Surgeon General.

(vii) A designee of the National Science Foundation.

(viii) A designee of the Department of Veterans Affairs.

(ix) A designee of the Food and Drug Administration.

(x) A designee of the Agency for Healthcare Research and Quality.

(B) **NON-FEDERAL MEMBERS.**—In addition to the members outlined in subparagraph (A), the Advisory Council shall include 12 expert members from outside the Federal Government, which shall include—

(i) 2 Alzheimer's patient advocates;

(ii) 2 Alzheimer's caregivers;

(iii) 2 health care providers;

(iv) 2 representatives of State health departments;

(v) 2 researchers with Alzheimer's-related expertise in basic, translational, clinical, or drug development science; and

(vi) 2 voluntary health association representatives, including a national Alzheimer's disease organization that has demonstrated experience in research, care, and patient services, and a State-based advocacy organization that provides services to families and professionals, including information and referral, support groups, care consultation, education, and safety services.

(3) **MEETINGS.**—The Advisory Council shall meet quarterly and such meetings shall be open to the public.

(4) **ADVICE.**—The Advisory Council shall advise the Secretary of Health and Human Services, or the Secretary's designee.

(5) **ANNUAL REPORT.**—The Advisory Council shall provide to the Secretary of Health and Human Services, or the Secretary's designee and Congress—

(A) an initial evaluation of all federally funded efforts in Alzheimer's research, clinical care, and institutional-, home-, and community-based programs and their outcomes;

(B) initial recommendations for priority actions to expand, eliminate, coordinate, or condense programs based on the program's performance, mission, and purpose;

(C) initial recommendations to—

(i) reduce the financial impact of Alzheimer's on—

(I) Medicare and other federally funded programs; and

(II) families living with Alzheimer's disease; and

(ii) improve health outcomes; and

(D) annually thereafter, an evaluation of the implementation, including outcomes, of the recommendations, including priorities if necessary, through an updated national plan under subsection (d) (2).

(6) **TERMINATION.**—The Advisory Council shall terminate on December 31, 2025.

(f) **DATA SHARING.**—Agencies both within the Department of Health and Human Services and outside of the Department that have data relating to Alzheimer's shall share such data with the Secretary of Health and Human Services, or the Secretary's designee, to enable the Secretary, or the Secretary's designee, to complete the report described in subsection (g).

(g) **ANNUAL REPORT.**—The Secretary of Health and Human Services, or the Secretary's designee, shall submit to Congress—

(1) an annual report that includes an evaluation of all federally funded efforts in Alzheimer's research, clinical care, and institutional-, home-, and community-based programs and their outcomes;

(2) an evaluation of all federally funded programs based on program performance, mission, and purpose related to Alzheimer's disease;

(3) recommendations for—

(A) priority actions based on the evaluation conducted by the Secretary and the Advisory Council to—

(i) reduce the financial impact of Alzheimer's on—

(I) Medicare and other federally funded programs; and

(II) families living with Alzheimer's disease; and

(ii) improve health outcomes;

(B) implementation steps; and

(C) priority actions to improve the prevention, diagnosis, treatment, care, institutional-, home-, and community-based programs of Alzheimer's disease for individuals with Alzheimer's disease and their caregivers; and

(4) an annually updated national plan.

(h) **SUNSET.**—The Project shall expire on December 31, 2025.

Amend the title so as to read: "A bill to establish the National Alzheimer's Project."

Mr. REID. Mr. President, I ask unanimous consent that the committee-reported substitute amendment be agreed to; the bill, as amended, be read a third time and passed; the committee-reported title amendment be agreed to; the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements relating to this matter be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendment in the nature of a substitute, was agreed to.

The bill (S. 3036), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

The title was amended so as to read: "A bill to establish the National Alzheimer's Project."

RECOGNIZING THE 15TH ANNIVERSARY OF THE DAYTON PEACE ACCORDS

Mr. REID. I ask unanimous consent to proceed to S. Res. 697.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 697) recognizing the 15th anniversary of the Dayton Peace Accords.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements relating to this matter be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 697) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 697

Whereas on December 14, 1995, the Dayton Peace Accords established peace and ended

the war on the Balkan Peninsula in which more than 2,000,000 people were displaced and thousands were killed;

Whereas peace treaty negotiations began November 1, 1995, at Wright-Patterson Air Force Base in Dayton, Ohio, and concluded there on November 21, 1995, when Bosnia and Herzegovina, Croatia, and Serbia agreed to settle all war conflicts;

Whereas after 21 days of negotiations, the peace treaty negotiations successfully concluded with a peace treaty that was accepted by all parties;

Whereas the Dayton, Ohio, community provided outstanding security during the peace treaty negotiations;

Whereas the conclusion of the Dayton Peace Accords was a successful effort of the North Atlantic Treaty Organization led by the United States, with outstanding cooperation from the Russian Federation, Germany, France, and the United Kingdom;

Whereas the Dayton Peace Accords were the result of, and showed the success of, strong joint North Atlantic Treaty Organization efforts to promote and establish peace, security, and prosperity;

Whereas the signatories to the Dayton Peace Accords made a commitment to fully respect human rights and the rights of refugees and displaced persons;

Whereas the Dayton Peace Accords transformed Bosnia and Herzegovina from a country mired in a war based on ethnic and religious differences into a country engaged in an intense, but peaceful, struggle over the manner by which to form an independent and stable country;

Whereas the United States Agency for International Development and other bilateral and multilateral agencies and organizations made large investments to build a strong and independent media in Croatia, Serbia, and Bosnia and Herzegovina;

Whereas the Dayton International Peace Museum honors the Dayton Peace Accords and offers nonpartisan educational programs and exhibitions featuring the themes of non-violent conflict resolution, social justice, international relations, and peace;

Whereas the people of the State of Ohio and the Dayton region facilitated and strongly supported the implementation of the Dayton Peace Accords, as well as promoted the peaceful democratization of the deeply divided country of Bosnia and Herzegovina;

Whereas stability and prosperity were fostered by the State of Ohio through the establishment of an exemplary relationship between the Ohio National Guard and the Armed Forces of Serbia;

Whereas the Dayton Literary Peace Prize, established in 2006, remains the only literary peace prize in the United States and follows the legacy of the 1995 Dayton Peace Accords by acknowledging writers who advance peace through literature;

Whereas the city of Dayton and the city of Sarajevo have built a solid relationship as Sister Cities, and many other organizations in the region, such as the University of Dayton and the Friendship Force, have built strong relationships with the people of Bosnia and Herzegovina through programs and exchanges; and

Whereas while progress remains to be made in refining the governance structures of Bosnia and Herzegovina, the Dayton Peace Accords successfully established peace, restored human dignity, and laid the foundation for future progress in Bosnia and Herzegovina: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the 15th anniversary of the Dayton Peace Accords;

(2) acknowledges the challenges Bosnia and Herzegovina still face and commends the socioeconomic and political progress that is being made in Bosnia and Herzegovina;

(3) encourages the Government of Bosnia and Herzegovina to adhere to the membership requirements of the North Atlantic Treaty Organization so that Bosnia and Herzegovina may join the alliance without delay;

(4) encourages the further integration and cooperation of European countries with the goal of establishing peace and economic prosperity for all of the people of Europe;

(5) renews the commitment of the United States to support the people of Bosnia and Herzegovina;

(6) urges the continuation of constitutional reforms, market-based economic growth, and improved dialogue between the people of Bosnia and Herzegovina and the elected Government of Bosnia and Herzegovina; and

(7) encourages the United States Air Force to take appropriate measures to provide historical interpretation of the site of the Dayton Peace Accords to educate the public on the historical significance of the Dayton Peace Accords and the importance of negotiation in world peace.

PRINTING OF TRIBUTES TO RETIRED SENATORS

Mr. REID. Mr. President, I ask unanimous consent that there be printed as a Senate document a compilation of materials from the CONGRESSIONAL RECORD in tribute to retiring Members of the 111th Congress, and that Members have until Thursday, December 16, to submit such tributes.

The PRESIDING OFFICER. Without objection, it is so ordered.

APPOINTMENTS

The PRESIDING OFFICER. The Chair, on behalf of the President pro tempore, pursuant to Public Law 106-398, as amended by Public Law 108-7, and upon the recommendation of the Republican leader, in consultation with the ranking members of the Senate Committee on Armed Services and the Senate Committee on Finance, reappoints the following individuals to the United States-China Economic Security Review Commission: Robin Cleveland of Virginia for a term expiring December 31, 2012 and Dennis C. Shea of Virginia for a term expiring December 31, 2012.

The Chair, on behalf of the President pro tempore, pursuant to Public Law 106-398, as amended by Public Law 108-7, and upon the recommendation of the Majority Leader, in consultation with the Chairmen of the Senate Committee on Armed Services and the Senate Committee on Finance, appoints the following individual to the United States-China Economic Security Review Commission: C. Richard D'Amato of Maryland for a term beginning January 1, 2011 and expiring December 31, 2012 vice Peter Videnieks of Virginia.

ORDERS FOR THURSDAY, DECEMBER 9, 2010

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m. on Thursday, December 9; that following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed to have expired, and the time for the two leaders be reserved for their use later in the day; that following any leader remarks, the Senate resume consideration of the motion to proceed to S. 3992, the DREAM Act, as provided under a previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. REID. Mr. President, at approximately 11 a.m., the Senate will proceed to a series of up to three rollcall votes. The first vote will be on the motion to invoke cloture on the motion to proceed to the DREAM Act.

If cloture is not invoked, the Senate would proceed to vote on the motion to invoke cloture on the motion to proceed to H.R. 847, the 9/11 health compensation bill.

If cloture is not invoked, I may reconsider the failed cloture vote on the motion to proceed to the Department of Defense authorization bill, S. 3454.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 7:09 p.m., adjourned until Thursday, December 9, 2010, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate:

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

ALBERT J. BEVERIDGE III, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE HUMANITIES FOR A TERM EXPIRING JANUARY 26, 2016. VICE JAMES DAVISON HUNTER, TERM EXPIRED.

CONSTANCE M. CARROLL, OF CALIFORNIA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE HUMANITIES FOR A TERM EXPIRING JANUARY 26, 2016. VICE TAMAR JACOBY, TERM EXPIRED.

CATHY M. DAVIDSON, OF NORTH CAROLINA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE HUMANITIES FOR A TERM EXPIRING JANUARY 26, 2016. VICE MARVIN BAILEY SCOTT, TERM EXPIRED.

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. HOWARD B. BROMBERG

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADES INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be major general

BRIGADIER GENERAL GREGORY W. BATTS

BRIGADIER GENERAL BRENT M. BOYLES
 BRIGADIER GENERAL JEFFERSON S. BURTON
 BRIGADIER GENERAL LAWRENCE E. DUDNEY, JR.
 BRIGADIER GENERAL BURTON K. FRANCISCO
 BRIGADIER GENERAL CHARLES H. GAILES, JR.
 BRIGADIER GENERAL GARY M. HARA
 BRIGADIER GENERAL TIMOTHY J. KADAVY
 BRIGADIER GENERAL PATRICK A. MURPHY
 BRIGADIER GENERAL TIMOTHY E. ORR
 BRIGADIER GENERAL DAVID C. PETERSEN

To be brigadier general

COLONEL JERRY R. ACTON, JR.
 COLONEL DALLEN S. ATTACK
 COLONEL JAMES P. BEGLEY III
 COLONEL ALAN J. BUTSON
 COLONEL WALTER E. FOUNTAIN
 COLONEL RICHARD J. GALLANT
 COLONEL ALBERTO C. GONZALEZ
 COLONEL JOHNNY H. ISAAK
 COLONEL GREGORY L. KENNEDY
 COLONEL ARTHUR J. LOGAN
 COLONEL NEAL G. LOIDOLT
 COLONEL JEFFREY P. MARLETTE
 COLONEL TED MARTINELL
 COLONEL EDWARD R. MORGAN
 COLONEL MICHAEL D. NAVRKAL
 COLONEL LEESA J. PAPIER
 COLONEL KENNETH L. REINER
 COLONEL SEAN A. RYAN
 COLONEL KENNETH A. SANCHEZ
 COLONEL STEVEN T. SCOTT
 COLONEL WILLIAM L. STOPPEL
 COLONEL LEE E. TAFANELLI
 COLONEL KEITH Y. TAMASHIRO
 COLONEL GUY E. THOMAS
 COLONEL NEIL H. TOLLEY
 COLONEL DAVID S. VISSER
 COLONEL MARIANNE E. WATSON
 COLONEL MARTHA N. WONG
 COLONEL ANTHONY WOODS

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT
 IN THE UNITED STATES NAVY TO THE GRADE INDICATED
 WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND
 RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

VICE ADM. RICHARD W. HUNT

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT
 TO THE GRADE INDICATED IN THE UNITED STATES AIR
 FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be major

JESSICA L. ABBOTT
 ELIZABETH L. ABDALLA
 KARLA E. ADAMS
 KRISTIN D. ADAMS
 THOMAS A. ADAMS
 ANTHONY J. AGBAY, JR.
 MICHAEL A. AKERLEY
 GUSTAVE N. ALBERTI
 SHELLEY L. ALDRICH
 CHRISTOPHER L. ALLAM
 FRANCO ALVAREZ III
 GEOFFREY A. ANDERSON
 IAN S. ANDERSON
 DAVID M. ARNER
 ALVI A. AZAD
 CHRISTOPHER E. BACKUS
 AMANDA H. BAILEY
 BRIAN C. BANE
 MICHAEL J. BARKER
 JOANNE N. BARLIN
 ANDREW R. BARNETT
 ERIN S. BARTH
 DANIEL E. BELZ
 CODY J. BENTHIN
 AMIT A. BHATT
 LANCE M. BLACK
 MICHAEL A. BLAIR
 PETER J. BLATZ
 MARC N. BOGGY
 CHARLES W. BORDERS III
 THOMAS E. BORSARI
 ADAM W. BOSTICK
 THOMAS W. BOWDEN
 ROBERT O. BRADY
 BRENT R. BRIMHALL
 KENT T. BROBERG
 CLIFFORD W. BROOKS III
 MICHAEL B. BROUGH
 LAUREN A. BUCK
 PATRICK E. BULL
 GABRIEL E. BURKHARDT
 JASON CAPRA
 MICHAEL D. CARLETTI
 AARON M. CARTER
 KIMBERLY D. CARTER
 JENNIFER G. CHANG
 NICOLE CHAPPELL
 JOSEPH G. COLES
 NOEL R. COLLS
 DANIEL B. COX
 DUSTIN A. CREECH
 HOWARD C. CRISP II
 EMILY M. CULLINEY
 MICHAEL G. DANEKAS
 ELIZABETH A. DAVID
 COURTNEY A. DAWLEY
 MARIA D. DEARMAN
 THOMAS R. DEGRAFF III
 WILFRED P. DELACRUZ
 CHRISTINE M. DENCH
 SCOTT A. DEPAUL
 SUZANNE DEPAULO
 ADAM K. DERRICKSON
 ROBERT M. DEWITT
 MICHAEL A. DIBARTOLO
 SCOTT D. DICKSON
 KIERON M. DILLINGHAM
 MIRIAM C. DINATALE
 STEVEN S. D. DOSHI
 GEOFFREY P. DOUGLAS
 MARY B. DOYLE
 GREGORY N. DUNN
 JOSHUA L. DURHAM
 RYAN E. EARNEST
 LAINA J. ECKARD
 ALLEN J. ECKHOFF
 CHAD R. EDWARDS
 SALLY R. EILERMAN
 SCOTT A. EISENHUTH
 STEVEN L. ELLIS
 TORU ENDO
 JOHN A. ENIS
 GREGORY A. FELDPAUSCH
 CHRISTOPHER L. FILLMORE
 RYAN P. FINNAN
 MATTHEW S. FISHER
 HARRIETTE KATE FLATHER
 MEGHAN S. FLEMMONS
 ADAM C. FLOOD
 GRETCHEN N. FOLEY
 AARON S. FRASER
 ROBERT A. FREEMAN
 REBECCA A. FRYE
 BRIAN S. FURUKAWA
 SHANNON GAFFNEY
 JOANNA M. GALATI
 MICHAEL L. GARDNER
 BRIAN J. GAVITT
 CHRISTINA M. GOBEN
 ADAM G. GORBERG
 JESSE D. GORLEY
 RYAN C. GOUGH
 JEREMY J. GRANGER
 SCOTT M. GRAYNER
 EMILY ANN GREEN
 LAYNE B. GREEN
 MICHAEL A. GREENE
 MATTHEW C. GUMMERSON
 BARBARA L. GWINN
 PAUL F. HAGGERTY
 TIMOTHY L. HALPIN
 STEFAN C. HAMELIN
 MICHELLE M. HARRIS
 DANIEL R. HATCHER
 ASHRAF HAWARI
 NATALIE M. HECHT BALDAUFF
 TONYA BERNELL HENDERSON
 JOEL P. HERRINGTON
 LAUREN PATRICIA G. HERRMANN
 MINH Q. HO
 SUSAN L. HOBERNIGHT
 BRYAN P. HOOKS
 VALERIE C. HOSTETTLER
 MATTHEW G. HOYT
 RICHARD E. HOYT
 ALLISON CASEY HUDSON
 JEREMY M. HUFF
 RHOME L. HUGHES
 STEPHANIE LORRAIN ILLANES
 JORDAN L. INOUE
 JOANNA M. JACKSON
 ANGELA S. JENNY
 JEREMY A. JENSEN
 MICHAELA A. JETT
 PATRICK D. JEWELL
 RONALD L. JONES
 JON J. JUHASZ
 MICHELLE M. JURKONIE
 BELINDA LEE KELLY
 ZACKARY J. KENT
 DANIEL S. KIM
 JOSEPH M. KUEBKER
 MICHAEL S. LAIDLAW
 SETH W. LAMBERT
 NICHOLAS A. LANCIA
 MARIA K. LAPLANT
 TIMOTHY I. LAWVER
 JEFFREY T. LEARY
 AARON D. LEWIS
 CHRISTOPHER J. LINDSHIELD
 EMILLIA C. LLOYD
 MARK A. LOPEZ
 GIOVANNI E. LORENZ
 JESSICA A. LOTRIDGE
 THOMAS W. MAHONEY
 MATTHEW C. MAI
 MARIBEL MALDONADO
 ANDREW S. MALIN
 MASON W. MANDY
 COURTNEY L. MAPES
 OLGA MARAT
 DONALD J. MARTIN
 WILMONT G. MARTIN
 ANNA SCHISSEL MASTERS
 STEPHANIE D. MATHEW
 TOKUNBO J. MATTHEWS

ANDREW K. MATTHIES
 LANCE R. MCADAMS
 CARRIE L. MCBEECOOKE
 EDWARD T. MCCANN
 CLAIRE H. MCCARTHY
 SEAN C. MCCARTHY
 SCOTT B. MCCUSKER
 ROBERT J. MCGILL
 MATTHEW J. MCHALE
 MARCENE R. MCVAY
 LUKE R. MICHELS
 BETHANY M. MIKLES
 JOHN EMMET MILES
 JOSHUA P. MILLER
 SPENCER O. MILLER
 DEANA L. MITCHELL
 CHRISTOPHER S. MONNIKENDAM
 BRIAN L. MONTENEGRO
 BENJAMIN D. MORROW
 D. KILEY MORTENSEN
 DAVID A. MOSTELLER
 HANNAH G. MOUSSA
 KHAYANGA S. NAMASAKA
 JAVED M. NASIR
 AUSTIN T. NELSON
 BRIAN E. NEUBAUER
 MARCUS C. NEUFFER
 JONATHAN W. NEWBERRY
 TRAVIS R. NEWBERRY
 LARISSA M. NEWMAN
 PATRICK L. NGUYEN
 ADAM F. NICHOLSON
 KIMBERLY N. NICOLL
 CLIFTON M. NOWELL
 MANUEL A. NUNEZ
 MEGHAN C. OBRYAN
 MATTHEW E. OCKANDER
 MICHAEL S. OERTLY
 DAVID J. OETTEL
 BERNARD O. OGON
 JON R. OLSON
 ERNEST T. ONEAL
 GEOFFREY J. ORAVEC
 TIFFANY J. OWENS
 ELDON G. PALMER
 AASTA R. PEDERSEN
 ADRIENNE E. PERFILIO
 JOHN R. PETERSON
 PETER H. PHAN
 STACEY T. PHAN
 MONICA LYNN PIERCE WYSONG
 KEVIN P. PIERONI
 ALICIA K. PLUMMER
 ANDREA M. PLUMMER
 LUKE H. PORSI
 TROY M. PUCKETT
 JOSEPH W. PUGH
 CLAYTON J. RABENS
 MICHAEL L. RAWLINS
 BEVERLY G. REED
 ROWENA M. REYES
 ELLIOT S. RINZLER
 CANDACE M. RIPPERDA
 DAVID S. ROBINSON
 ANDREW J. ROHRER
 JAIME ROJAS
 DAVID M. ROSE
 JAMES N. SARASUA
 JEREL D. SCARBERRY
 JUSTIN L. SCHILZ
 BRETT E. SCHNEIDER
 NICHOLAS E. SEELIGER
 CHRISTOPHER O. SEGURA
 SEAN C. SELIG
 ERIC R. SHIVES
 HAVYN M. SKORUPAN
 STACY KING SLAT
 JEREMY T. SMITH
 DEREK M. SORENSSEN
 RICHARD O. SPEAKMAN
 JEFFREY S. ST AMANT
 GREGORY A. STANCEL
 JON E. STANDLEY
 MICHAEL J. STATTON
 IAN J. STEWART
 NATHAN S. SUMNER
 JONATHAN A. SUNKIN
 RYAN W. SWOPE
 WESLEY W. TAFT
 NATASCHA MINDIS TAVALONE
 COLE R. TAYLOR
 CHRISTOPHER M. TESSIER
 KIRSTIN T. THODE
 ALICIA W. THOMPSON
 MICHAEL C. TOMPKINS
 LESLIE SUSAN S. TOURANGEAU
 NADEGE T. TOUZIN
 GEORGE A. TRIPP
 ANTHONY L. TRUONG
 JUSTIN J. UPP
 NICHOLAS J. VERNETTI
 CHRISTINE D. VO
 CHRISTOPHER N. VOJTA
 LESLIE R. VOJTA
 GENEVIEVE H. VON THESLING
 EVE R. WADZINSKI
 ERIN M. WEEDEN
 GARY M. WEISSENFLUH
 JASON M. WEST
 KATRINA N. WHERRY
 SEAN P. WHERRY
 MATTHEW T. WILDE

MICAH D. WILL
BRADLEY R. WILLIAMS
GREGORY J. WILLIAMS
MELISSA L. WILLIAMS
ERIN C. WINKLER
RYAN P. WIPPLER
BRIAN L. WITHERS
HEATH D. WRIGHT
ANDREW J. WYNN

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT
TO THE GRADE INDICATED IN THE UNITED STATES AIR
FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

EDWARD R. ANDERSON III
PETER I. ANDERSON
KAREN M. AYOTTE
MEHDI AZADI
CLAY M. BALDWIN
JOSEPH R. BEARD IV
ADELLE L. BELISLE
JOHN K. BINI
JEREMY S. BRAGDON
PATRICK S. BRANNAN
LISA D. BROSTROM
JOHN S. BRUUN
PHIET T. BUI
GEORGE J. BUSE
WILLIAM H. CANN
JENNIFER C. CHOW
ALLISON A. COGAR
ROBERTO J. COLON
CHRISTOPHER A. COOP
TIMOTHY K. CRAGUN
JAMES A. CRIDER
ELVIN J. CRUZZENO
KAREN I. DACEY
LAURIE C. DAVIGNON
STEPHANIE M. DAVIS
RONALD S. DAY
SHANE D. DIECKMAN
LORI R. DISEATI
JOSEF F. DOENGES
GLENN DONNELLY
YASHIKA T. DOOLEY
JOHN R. DORSCH
KRISTI L. DREYER
JOSEPH J. DUBOSE
CLARENCE M. DUNAGAN IV
ROBERT L. ELLER
PATRICK M. ELLISON
ROBERT L. ELWOOD
BRIAN M. FAUX
SUSAN P. FEDERINKO
JOHN F. FREILER
RICHARD J. GERBER
RUTH A. GERMAN
NIRAJ GOVIL
JOSEPH T. GOWER
CHARLES E. GREESON
DANIEL D. GRUBER
ABEL GUERRA
DAVID A. HARDY
CINDY LOU HARRIS
JOHN M. HATFIELD
MICHAEL B. HOGAN
ALLEN D. HOLDER
DAVID L. HUANG
DUSTIN G. HUNTZINGER
WALTER N. INGRAM
KIRK E. JENSEN
JANELLE D. JONES
KAUSTUBH G. JOSHI
YEKATERINA KARPITSKAYA
COLLEEN M. KERSGARD
CHRISTOPHER R. KIELING
ALEXANDER P. S. KIM
HENRY J. KLEIN
CHRISTOPHER J. KOEBBE
MARIA R. J. KOSTUR
STEVEN A. KOZIOL
JULIO R. LAIRET
JEFFREY M. LAMMERS
GREGORY D. LANGAS
KERRY P. LATHAM
DOUGLAS A. LEACH
ALARIC C. LEBARON
PAUL E. LEWIS III
MONICA M. LOVASZ
JUSTIN Q. LY
GREGORY J. MALONE
JON KYLE MARTI
GREGG G. MARTYAK
MICHAEL W. MATCHETTE
MICHAEL J. MCBETH
COLLEEN M. MCBRATNEY
JONATHAN W. MCCLAIN
DEIRDRE M. MCCULLOUGH
JETT J. MERCER
PETER G. MICHAELSON
LISA D. MIHORA
JASON C. MILLER
ALI D. MORRELLBALANON
JASON L. MUSSER
CHRISTOPHER J. NAGY
XAVIER A. NGUYEN
SEAN P. OBRIEN
WILLIAM T. OBRIEN
JACOB B. OLDHAM
MARIBEL B. ORANTE MANGILOG
VICTOR L. ORTIZ ORTIZ

PATRICK M. OSBORN
LOUIS J. PAPA
AMY L. PARKER
MICHAEL W. PELLE
RICHARD M. PETERSON
KULLADA O. PICHAKRON
TARA N. PIECH
JEANNETTE E. PRENTICE
CHARLA M. QUAYLE
ALEXIES RAMIREZ
JEFFREY MICHAEL RENGEL
CHRISTOPHER O. RESTAD
KEYAN D. RILEY
JOSHUA J. SACHA
FRANK M. SAMARIN
ROBERT SARLAY, JR.
SIRIKANYA SASTRI
SIRAJ A. SAYEED
RICHARD J. SERKOWSKI
CECIL K. SESSIONS
FAREED A. SHEIKH
LUCAS M. SHELTON
DARREN L. SHIRLEY
JEFFREY A. SIMERVILLE
DAVID J. SIMMONS
LUKE B. SIMONET
WILLIAM K. SKINNER
JOSEPH C. SKY
MARK A. SLABAUGH
JEFFREY A. SODERGREN
CHRISTINE E. STAHL
THOMAS W. STAMP
SHAYNE C. STOKES
ADRIAN K. STULL
KEITH A. SWARTZ
CHRISTINE E. THOLEN
ADRIANNE THOMPSON
JILL M. TIA
RODNEY E. TODD
DMITRY TUDER
BRYAN J. UNSSELL
MEGUMI M. VOOT
PENNY J. VROMAN
DAVID J. WALICK
SHAKA M. WALKER
ERIK K. WEITZEL
DARREN E. WHITTEMORE
DERRICK B. WILLSEY
ANDREW L. WINGE
JOHN W. WOLTZ
ROBERT B. WOOLLEY
MICHELLE M. WUESTE
CHRISTOPHER K. WYATT
ASSY YACOB
EDWARD K. YI
ANTHONY I. ZARKA
DAVID H. ZONIES

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT
TO THE GRADE INDICATED IN THE UNITED STATES AIR
FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be major

MICHAEL J. ALFARO
BRADFORD C. ALLEN
MERRILL L. ALLEY
SHELRETHIA BATTLE SIATTTA
WONIL W. CHONG
BRIAN M. CLEMENT
BRANDON J. CUMMINS
HEATHER K. DELONEY
MICHAEL G. DIFELICE
JUSTIN L. DRAB
MARGARET S. ENOCH
ROBERT E. FULLER
CHAD A. GUSTAFSON
RICHARD K. HOWARD
EMILY TATE IBARRA
CLAY J. JENSEN, JR.
DANA A. JENSEN
AMY SCHULTZ KAUVAR
PAUL H. KIM
HUMAIRA F. MASOOD
TEQUILLA N. MCGAHEE
KIBROM T. MEHARI
AUDRA D. MYERS
MICHAEL G. NEILSON
TENESHIA S. NELSON
DAN NGUYEN
CHRISTOPHER S. NUTTALL
MATHEW G. PALMER
ZACHARY E. PERRY
PATRICK B. RICKHEIM
WILLIAM D. ROBINSON, JR.
CHRISTOPHER B. SAMPAIR
DAVID F. SERVELLO
ZOYA SKY
PAUL A. SMITH
RIAN W. SUIHKONEN
TAD C. THOLSTROM
DARNELL R. THOMAS
TIBBEU M. TSEGGA
JOSHUA A. VESS
JAMES A. WEALLEANS
DAVID E. WEBB
BRYAN M. WILSON
SARA M. WILSON

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT
TO THE GRADE INDICATED IN THE UNITED STATES AIR
FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

COREY R. ANDERSON

RICHARD A. BUCK
MAURICIO C. CAROTA
BRETT M. CHUNG
MICHAEL J. CHUNG
JOHN C. DAVIS
BRENDAN T. FARRELL
SAMUEL L. HAYES
MARK W. HENDERSON
JOE W. HOWARD
DAVID E. KLINGMAN
KURTIS G. KOBES
ELIZABETH N. KUTNER
JERRY L. LEONARD
WEN LIEN
TRENT W. LISTELLO
JAMIE J. MORRIS
RACHELLE M. NOWLIN
BRIAN W. PENTON
TERESA E. REEVES
SONG B. RHIM
LEONARDO M. RIOS ANDERSEN
STEVEN F. ROBERTSON, JR.
ANDREW J. STOY
SON X. VU

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT
TO THE GRADE INDICATED IN THE UNITED STATES NAVY
UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

BRIAN L. BEATTY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT
IN THE GRADE INDICATED IN THE REGULAR NAVY
UNDER TITLE 10, U.S.C., SECTION 531:

To be commander

JON C. CANNON

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT
TO THE GRADE INDICATED IN THE UNITED STATES MA-
RINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be colonel

JOE H. ADKINS, JR.
JOHN L. ALBERS
TRAY J. ARDESE
JON M. AYTES
JAMES M. BAKER
ANTHONY S. BARNES
SCOTT F. BENEDICT
PAUL F. BERTHOLF
ANTHONY J. BIANCA
STEFAN E. BIEN
JASON Q. BOHM
WILLIAM J. BOWERS
MARK T. BRINKMAN
THOMAS A. BRUNO
GLEN G. BUTLER
CHRISTIAN G. CABANISS
MICHEL C. CANCELLIER
JOHN J. CARROLL, JR.
MITCHELL E. CASSELL
BRIAN W. CAVANAUGH
CLIFFORD D. CHEN
JEFFREY S. CHESTNEY
JAMES D. CHRISTMAS
VINCENT E. CLARK
SHAWN J. COAKLEY
SHANE B. CONRAD
MATTHEW H. COOPER
MATTHEW R. CRABILL
CHARLES M. CROMWELL
ROBERT D. CURTIS
DONALD J. DAVIS
MATTHEW A. DAY
TODD S. DESGROSSEILLIERS
JEFFREY J. DILL
TODD S. ECKLOFF
KATHERINE J. ESTES
JOHN P. FARNAM
ANTHONY A. FERENC
ROBERT A. FIFER
JOHN S. FITZPATRICK
MICHAEL D. FLYNN
TODD D. FORD
JAMES S. FRAMPTON
TYSON B. GEISENDORFF
SEAN D. GIBSON
GREGORY G. GILLETTE
FLAY R. GOODWIN
GERALD C. GRAHAM
VERNON L. GRAHAM
STEVEN J. GRASS
THOMAS E. GRATAN III
JESSE L. GRUTER
GLENN R. GUENTHER
WAYNE C. HARRISON
RYAN P. HERITAGE
JAMES B. HIGGINS, JR.
JONATHAN W. HITESMAN
TODD A. HOLMQUIST
CHRISTOPHER W. HUGHES
JAMES T. JENKINS II
JEFFREY J. JOHNSON
PAUL H. JOHNSON III
RICHARD E. JORDAN
GARY F. KEIM
BRIAN M. KENNEDY

GLENN M. KLASSA
ERIC R. KLEIS
TIMOTHY A. KOLB
ANDREW J. KOSTIC, JR.
ERIK B. KRAFT
DANIEL T. LATHROP
KEVIN J. LEE
STEPHEN E. LISZEWSKI
TODD W. LYONS
ARTURO J. MADRIL
BRIAN L. MAGNUSON
JOHN A. MANNLE
ANTHONY J. MANUEL
GREGORY R. MARTIN
RICARDO MARTINEZ
DOUGLAS S. MAYER
ROBERT E. MCCARTHY III
DEBORAH M. MCCONNELL
BRANDON D. MCGOWAN
ARCHIBALD M. MCLELLAN
CHRISTOPHER A. MCPHILLIPS
JOHN S. MEADE
JOHN P. MEE
MARK J. MENOTTI
JOHN E. MERNA

ANDREW R. MILBURN
LAWRENCE F. MILLER
MICHAEL A. MOORE
JOSEPH M. MURRAY
CHRISTOPHER L. NALER
TODD J. ONETO
DUANE A. OPPERMAN
CHRIS PAPPAS III
TIMOTHY M. PARKER
ARTHUR J. PASAGIAN
DOUGLAS R. PATTERSON
RICHARD W. PAULY
JOHN M. PECK
VON H. PIGG
WILLIAM N. PIGOTT, JR.
TRAVIS M. PROVOST
STEPHEN E. REDIFER
JOHN M. REED
KEITH D. REVENTLOW
GEORGE W. RIGGS
DONALD J. RILEY, JR.
DAVID W. ROWE
JOSEPH J. RUSSELL
KEITH E. RUTKOWSKI
MARK G. SCHRECKER

STEPHEN S. SCHWARZ
ROBERT R. SCOTT
CHARLES L. SIDES
STEVEN A. SIMMONS
ROBERT B. SOFGE, JR.
MARK E. SOJOURNER
JOSEPH P. SPATARO
CLAY A. STACKHOUSE
ROGER D. STANDFIELD
SCOTT F. STEBBINS
JAMES A. STOCKS
DANIEL M. SULLIVAN
MICHAEL W. TAYLOR
DAVID C. THOMPSON
ALPHONSO TRIMBLE
MATTHEW G. TROLLINGER
JEFFREY D. TUGGLE
LORETTA L. VANDENBERG
MICHAEL E. WATKINS
SEAN D. WESTER
DWAYNE A. WHITESIDE
TIMOTHY E. WINAND
JOSEPH A. WOODWARD, JR.
JAMES B. ZIENTEK

HOUSE OF REPRESENTATIVES—Wednesday, December 8, 2010

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. PASTOR of Arizona).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,

December 8, 2010.

I hereby appoint the Honorable ED PASTOR to act as Speaker pro tempore on this day.

NANCY PELOSI,

Speaker of the House of Representatives.

PRAYER

Lieutenant Christilene Whalen, Chaplain Corps, United States Navy, Patuxent River, Maryland, offered the following prayer:

Almighty and Everlasting God, we are reminded to acknowledge You in all that we do, and then You will direct us and You will guide us.

So God, as we recognize Your power and Your presence in the details of today's activities, discussions, and resolutions, we ask that You empower this body of men and women with wisdom that is grounded in compassion for Your people; enlighten them, O God, with thoughtful insight as they struggle with the effects and the consequences of life-changing decisions; Lord, encourage them with words of honesty, truth, and integrity spoken by collegiate Members of this United States Congress.

We thank You, God, for the diligence of each Representative, and the labor of every staff member and the faithfulness of every professional and participant today. Continue to bless them as they do the work of Your great Nation.

Now, God, shower each one of us with a double portion of Your grace and mercy. Let Your warm and abundant blessings flow in such a way that this 111th session of Congress may experience the sweetness of Your joy.

To God be the glory. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Wisconsin (Mr. KAGEN)

come forward and lead the House in the Pledge of Allegiance.

Mr. KAGEN led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed without amendment bills of the House of the following titles:

H.R. 2480. An act to improve the accuracy of fur product labeling, and for other purposes; H.R. 6184. An act to amend the Water Resources Development Act of 2000 to extend and modify the program allowing the Secretary of the Army to accept and expend funds contributed by non-Federal public entities to expedite the evaluation of permits, and for other purposes.

The message also announced that the Senate has passed bills of the following titles in which the concurrence of the House is requested:

S. 3199. An act to amend the Public Health Service Act regarding early detection, diagnosis, and treatment of hearing loss; S. 3984. An act to amend and extend the Museum and Library Services Act, and for other purposes.

WELCOMING LIEUTENANT CHRISTILENE WHALEN, CHC, USN

The SPEAKER pro tempore. Without objection, the gentleman from Maryland (Mr. HOYER) is recognized for 1 minute.

There was no objection.

Mr. HOYER. I welcome Christilene Whalen, a member of the United States Navy Chaplain Corps. She led us in prayer today. She serves at the Naval Air Station in Patuxent River in Maryland, where she ministers to sailors, military families, and, I might add, the greater community in which I have the privilege of living.

She is a native of the county in which I live, St. Mary's County. She went to school at Great Mills High School and went to study at Harvard Divinity School. After serving in the ministry for two decades, she joined the Navy as a chaplain 2 years ago. Today, she is proud to serve so closely to the community where she grew up.

We thank her, as Members of the House of Representatives, not only for gracing us today with our opening prayer, but also for her service to her country and to her community. We thank her for the guidance she provides

to our men and women in uniform. And we thank her for her words of inspiration to the House today.

Lieutenant, we appreciate your being with us.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain up to 15 further requests for 1-minute speeches on each side of the aisle.

OLIVIA CAROLYN SHOEMAKER—NEW TEXAN

(Mr. POE of Texas asked and was given permission to address the House for 1 minute.)

Mr. POE of Texas. Mr. Speaker, every time a child is born, the Good Lord is making a bet on the future of mankind. Olivia Carolyn Shoemaker arrived in Dallas, Texas, Monday night, December 6, at 7 pounds and 19.5 inches.

She was affectionately referred to as Baby Shoe until named by her parents, Anthony and Kellee, Kellee being our youngest of four children. Olivia, although petite, has the legs of a long distance runner, and like her mother, Kellee, she has her mom's happy spirit. Having the intellect of her father, Anthony, I am sure she will be quoting the Constitution soon.

Mr. Speaker, God sends little girls to the world to soften up the rough edges of dads and help remove the hard crusty bark off grandfathers like me. There is absolutely nothing like a little girl.

My hope for Olivia is that she appreciate liberty, love God, and know she was born for a special reason, to make a world of difference in a world that just needs more little girls.

And that's just the way it is.

PASS THE DREAM ACT

(Mr. GUTIERREZ asked and was given permission to address the House for 1 minute.)

Mr. GUTIERREZ. When I was a school teacher, I never knew how well my kids were doing until I gave them a test. That's when you find out what you've really learned. We need to have a test right here today in this Chamber. We need to test our tolerance, our fairness, and our sense of justice. We need to vote today on the DREAM Act.

Will we pass that test? Will we get an A or an F? Those who will grade this test are watching. A generation of

young people are hoping. Their futures are riding on whether we pass this test. Their families and communities are watching to see how we do on the test. Our Nation wants to see if we are compassionate, if we have the courage to do what is right.

This is a pass or fail test. Our kids, our young people, they have all passed. They have worked hard. They planned for a better future, and they love this country. They love America. Today, I urge my colleagues not to fail these kids and to reward their love by the passage of the DREAM Act.

TAX CUTS RESOLUTION

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, a tax cuts resolution has finally been made to protect all Americans from the largest tax increase in American history. I am happy the President recognizes tax increases kill jobs, as documented by the National Federation of Independent Business, NFIB. This resolution protects South Carolina from losing 9,000 jobs a year and \$3,000 per family of disposable income, as highlighted by the Heritage Foundation.

I have two corrections. First, the death tax must be permanently repealed, as this double taxation destroys family-owned businesses. Secondly, I am concerned about extending unemployment benefits without paying for them. I understand that hardworking Americans find themselves needing assistance. A commonsense solution is to pay for an extension of unemployment benefits with unused stimulus funds.

In conclusion, God bless our troops, and we will never forget September the 11th in the global war on terrorism.

Congratulations Lexington County Council for recruiting 1,200 new jobs with Amazon.com to the City of Cayce.

□ 1010

DREAM ACT

(Mr. QUIGLEY asked and was given permission to address the House for 1 minute.)

Mr. QUIGLEY. Mr. Speaker, I rise today in support of the DREAM Act. Further, I rise in support of our Nation's children and young adults, children who, sadly, have borne the brunt of our immigration issues; children who have graduated from high school and want to continue on to college, but cannot receive any help; children who would sign up and fight and die for our country, but are seen as ghosts by their host country.

In August of 1864, President Lincoln wrote: "It is not merely for today but for all time to come that we should

perpetuate for our children's children this great and free government which we have all enjoyed all our lives."

Nearly 150 years later, we are asked to stand up to the same task to perpetuate this great and free government for all our children. I ask my colleagues to support the children and support the DREAM Act.

CONSTITUTION HOUSE RULE RESOLUTION

(Mr. GARRETT of New Jersey asked and was given permission to address the House for 1 minute.)

Mr. GARRETT of New Jersey. Mr. Speaker, as founder and chairman of the Congressional Constitution Caucus, I rise this morning to urge support of my resolution to restore the pre-eminence of the Constitution in law-making.

My resolution requires that all House bills appropriately cite an enumerated power in the U.S. Constitution. If a bill did not sufficiently cite that justification, it would be subject to a point of order, and it could not be waived by the Rules Committee.

Some of my colleagues might claim that all legislation is constitutional as long as it provides the general welfare clause reference. But our Founding Father, James Madison, who was the Father of the Constitution, said in Federalist No. 41: "For what purpose could the enumeration of particulars be inserted, if these and all others were meant to be included in the preceding general power?" In other words, Mr. Speaker, why does the Constitution list specific powers in article I if every conceivable law is basically fair game?

I urge my colleagues to support this commonsense resolution.

ON RETIREMENT OF BROADCASTING LEGEND DON WEEKS

(Mr. TONKO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TONKO. Mr. Speaker, I rise today to mark the retirement of a broadcasting legend in my district, Don Weeks of historic WGY radio in Albany and Schenectady.

Don's career in radio started in 1959 and grew to include work as a Top 40 DJ, a TV weatherman, and work in an advertising agency. It was during the last 30 years, however, as host of WGY's top-rated morning news program that Don cemented his legacy as one of the most congenial and recognizable personalities in the Capital Region.

He entertained listeners each morning with his laugh-out-loud sense of humor; his friendly, inquisitive interviews; and with his unrelenting communication to the community. For 30 years, Don was the voice and the face

behind WGY's annual Christmas Wish fund drive, which raised millions for local charities.

Don was awarded the National Association of Broadcasters Marconi Award for Medium Market Personality of the Year and named Best Personality by the New York State Broadcasters Association.

To Don and his wife, Sue, I wish you a happy and healthy retirement. It certainly is well earned, my friends.

DREAM ACT

(Mr. HINOJOSA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HINOJOSA. Mr. Speaker, I rise today to strongly urge my colleagues on both sides of the aisle to vote for the American DREAM Act. This legislation provides conditional non-immigrant status to young individuals of college age who are eager to contribute to our Nation's workforce, economy, and Armed Forces.

I personally want to thank the Coalition for Educational Opportunity at the University of Texas-Pan American and the thousands of students, civil rights groups, and prominent education and business and religious leaders who have fought tirelessly to pass the DREAM Act. In my congressional district I want to recognize Alex Garrido and Dora Martinez, two courageous UTPA college students, who fasted for 1 week to express their support for the DREAM Act.

I am extremely grateful to Secretary of Education Arnie Duncan, Defense Secretary Robert Gates, former Secretary of State Colin Powell, former Secretary of Commerce Carlos Gutierrez, and many chancellors and many university presidents who are underscoring the urgency of passing the DREAM Act.

Our Armed Forces need courageous servicemen and -women to encourage our Nation's military readiness.

I ask everyone to vote in favor of the DREAM Act.

DREAM ACT

(Mr. OLVER asked and was given permission to address the House for 1 minute.)

Mr. OLVER. Mr. Speaker, this coming spring, tens of thousands of young people will graduate from high school, many of them at the very top of their class, only to discover that they have no hope of pursuing their goals because they were brought here illegally.

The DREAM Act will allow these young people the opportunity to pursue a pathway to citizenship while contributing to our country through higher education or military service, young people like Marissa, an honors student from my district.

Marissa was brought here as a young child from Uruguay and grew up considering herself as American as her classmates. Her English is as good as yours and mine. She excelled in school. Her dream was going to college and becoming a physician, but that dream was crushed when her parents sat her down and told her that her family is in the United States illegally.

America deserves to have the best and brightest young people like Marissa studying in our universities and defending our Nation. And these students deserve the chance to earn citizenship in the country that is the only homeland they know. It is the moral thing to do, and it's the fair thing to do.

I urge my colleagues to support the DREAM Act.

DREAM ACT

(Mr. GONZALEZ asked and was given permission to address the House for 1 minute.)

Mr. GONZALEZ. Mr. Speaker—and of course I hope that we do have a vote on the DREAM Act—but this is really a plea to my colleagues on the other side of the aisle to prove a former official and spokesman for the Bush administration wrong.

Michael Gerson wrote yesterday in The Washington Post: “Whatever its legislative fate, the DREAM Act is effective at stripping away pretense. Opponents of this law don’t want earned citizenship for any illegal immigrant—even those personally guilty of no crime, even those who demonstrate their skills and character. The DREAM Act would be a potent incentive for assimilation. But for some, assimilation clearly is not the goal. They have no intention of sharing the honor of citizenship with anyone called illegal—even those who came as children, have grown up as neighbors and would be willing to give their lives in the Nation’s cause.”

I implore and I request fair consideration and that we prove Michael Gerson wrong. My fear is that he may be very, very accurate in what this vote represents.

SENIORS PROTECTION ACT

(Mrs. MCCARTHY of New York asked and was given permission to address the House for 1 minute.)

Mrs. MCCARTHY of New York. Mr. Speaker, today we are going to be voting on H.R. 5987, the Seniors Protection Act.

For the second year in a row, our seniors have not received a cost-of-living increase for Social Security recipients. The Consumer Price Index that is used to calculate the cost-of-living increase does not take into account what our seniors face on a daily basis. We do need to change how the cost-of-living

adjustment is calculated and ensure accurately that the rising costs that seniors face are addressed. I hope that we have an opportunity to address that in the next Congress.

Today, however, we do have a vote coming up for that, and I hope everybody will support it. H.R. 5987 will provide a one-time \$250 payment to seniors in place of the annual cost-of-living adjustment. This will help our seniors offset the rising costs that they face.

Many of us, myself included, introduced legislation in 2009; and today I am happy that we have come to a conclusion that we need to do this today.

I know that the President had said that Congress should pass this. I am pleased that we are finally taking up this bill today, and I ask all of my colleagues for their support.

DREAM ACT

(Mr. HIMES asked and was given permission to address the House for 1 minute.)

Mr. HIMES. Mr. Speaker, imagine you wake up one morning to discover that the U.S. Government will be sending you under duress to Guatemala or Mexico or the Ukraine. You don’t speak the language; you have never visited. These places are as foreign as foreign can be, but you are being deported because of the crime of a parent.

That’s inhumane. It’s also dumb economics. The CBO tells us that the DREAM Act, if we pass it, will cut the deficit by \$1.4 billion.

It’s dumb for our security. Secretary of Defense Gates says that passing the DREAM Act would be to the advantage of military readiness and recruiting.

We can do these things. We can fix these things. We can create a more humane, secure, and economically prosperous Nation by passing the DREAM Act today.

HONORING ARMY STAFF SERGEANT WILLIAM D. McLAURIN

(Mr. PETERS asked and was given permission to address the House for 1 minute.)

Mr. PETERS. Mr. Speaker, I rise today to discuss a truly extraordinary young man from my district. Army Staff Sergeant William McLaurin, known as Staff Sergeant Mac to those who serve with him, is a field artilleryman serving in southern Iraq. His unit is assigned to help protect the civilian State Department provincial reconstruction mission that is helping to rebuild Iraq.

Our former colleague, Mike Flanagan, is serving with the State Department in Iraq and informed me of Staff Sergeant Mac’s heroism and sacrifice. Staff Sergeant Mac was wounded twice by a sniper. In the first attack, he was hit in the backside but did not flinch from completing his mission. He re-

turned to duty only 3 weeks later without even so much as a limp.

Several weeks later, while patrolling and escorting Mike on an important mission, he was hit again by the same sniper in the chest and shoulder. While his wounds this time are much more serious, I am happy to report that Staff Sergeant Mac is expected to make a full recovery and is already trying to make it back to his unit in Iraq.

Staff Sergeant Mac is a truly extraordinary young man and one we can all be proud of.

□ 1020

THE DREAM ACT

(Ms. LEE of California asked and was given permission to address the House for 1 minute.)

Ms. LEE of California. Mr. Speaker, I rise today on behalf of the more than 800,000 young people looking to make better lives for themselves. I stand with these children and the DREAM Act because it’s smart for the future of our country. But it’s the right thing to do for these young people.

The DREAM Act does not reward illegality. It provides the opportunity to achieve the American dream for a select group of students who deserve to realize this dream. Shall we further punish these 800,000 young people through deportation or by keeping them in legal limbo, or should we allow these highly motivated youth to attend colleges and become productive members of our society? The answer really should be quite obvious.

I support the DREAM Act because it is in, of course, our national interest, but it reflects the best of our American values and it is long overdue. I urge a “yes” vote.

THE DREAM ACT IS A MORAL ISSUE

(Mrs. NAPOLITANO asked and was given permission to address the House for 1 minute.)

Mrs. NAPOLITANO. Mr. Speaker, in the 38th Congressional District of California, we have had many exceptional, bright students struggling because of their status.

Sam, a political science degree graduate, came to the United States at the age of 2.

Abe, a psychology major who would like to become a university professor.

Nate, another psychology major, aspires to be a psychologist. We need male psychologists.

John, a chemical engineering major whose mother recently became a citizen, got killed at a bus stop while waiting for the I-130 to have him become a citizen.

Robert, a civil engineering major, lives 34 miles away from college and travels at least 7 hours to and from school so he can get educated.

This is just a microcosm of the 800,000 youngsters who were brought to the United States as infants. It is a necessity for us to be able to ensure that these young people who have been trained and educated in the U.S. remain and become our own leaders of tomorrow.

DREAM Act is a moral issue. It is the right thing to do. We must pass the DREAM Act.

THE DREAM ACT

(Ms. CLARKE asked and was given permission to address the House for 1 minute.)

Ms. CLARKE. Mr. Speaker, I rise today in full support of the DREAM Act.

The immigrant children and young adults that are affected by our broken immigration laws are as diverse as this country. My district, the 11th Congressional district of New York, is home to a significant and diverse immigrant population. According to the Census Bureau, 47 percent of the immigrant population that settled in my district between 1980 and 2008 has yet to obtain naturalized citizenship. Many of those individuals are documented legal residents and some are not.

With such a large population, my office has been inundated with instances of young people who are either facing the threat of deportation to a country they have never known or had no choice in leaving, or they are forced into an immigration purgatory where by the opportunities to obtain higher education and gainful employment are curtailed by the immigrant status. Many of these young people have considered themselves Americans, having never truly known their land of birth.

We cannot delay passing the DREAM Act any longer. We cannot continue to punish a community of young people that came to this country at no fault of their own. Many communities across this Nation have nurtured these young people.

I support the DREAM Act, and urge my colleagues to do the same.

THE DREAM ACT

(Mr. PAYNE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PAYNE. Mr. Speaker, the DREAM Act would not only benefit undocumented students, but it would benefit the country as well. It is estimated that about 65,000 undocumented students graduate from high school after living in the United States for at least 5 years. Unfortunately, because of current law, only five to 10 percent of these students attend college. The remaining 90 to 95 percent remain unable to find employment appropriate to their level of academic potential, and

become victims of the criminal justice and social welfare system.

Earlier this year, my home State of New Jersey passed a State version of this law recognizing that these students deserve to be rewarded for their hard work and allowed opportunity just as their peers. Furthermore, acknowledging the fact that more than 40 percent of the State's scientists and engineers with advanced degrees were foreign born in 2006, the economic benefit was taken into account. It was understood that, beyond this measure being morally just, it is an economic measure as well.

I ask that we support the DREAM Act.

THE DREAM ACT

(Mr. ORTIZ asked and was given permission to address the House for 1 minute.)

Mr. ORTIZ. Mr. Speaker, I rise to offer my unconditional and complete support for the American DREAM Act.

This bill is intended to address the situation faced by such young people among us who were brought to the United States years ago as undocumented immigrant children. In fact, some of these children didn't even know that they were born in a foreign country.

These children have grown up and stayed here, stayed in school. They kept out of trouble. They dream of becoming a full-fledged American, but are prevented from doing so because they lack the legal status. The American DREAM Act would provide an avenue for these young people to acquire legal status, pursue a college degree or join the military, and give back to the communities and to the country that they consider home.

I've worked with these students. I represent a border State. These children are intelligent. They're smart and, not only that, they love this country.

As a veteran and as a member of the House Armed Services Committee, I recognize the benefits that the DREAM Act can bring to this Nation. And I would ask my colleagues to support this bill. This is a good bill.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Record votes on postponed questions will be taken later.

SENIORS PROTECTION ACT OF 2010

Mr. POMEROY. Mr. Speaker, I move to suspend the rules and pass the bill

(H.R. 5987) to ensure that seniors, veterans, and people with disabilities who receive Social Security and certain other Federal benefits receive a one-time \$250 payment in the event that no cost-of-living adjustment is payable in 2011, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5987

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Seniors Protection Act of 2010".

SEC. 2. PAYMENT IN LIEU OF A COST-OF-LIVING ADJUSTMENT TO RECIPIENTS OF SOCIAL SECURITY, SUPPLEMENTAL SECURITY INCOME, RAILROAD RETIREMENT BENEFITS, AND VETERANS DISABILITY COMPENSATION OR PENSION BENEFITS.

(a) AUTHORITY TO MAKE PAYMENTS.—

(1) ELIGIBILITY.—

(A) IN GENERAL.—Subject to paragraph (5)(B), the Secretary of the Treasury shall disburse a \$250 payment to each individual who, for any month during the 3-month period ending with the month which ends prior to the month that includes the date of the enactment of this Act, is entitled to a benefit payment described in clause (i), (ii), or (iii) of subparagraph (B) or is eligible for a SSI cash benefit described in subparagraph (C). In the case of an individual who is eligible for a payment under this subparagraph by reason of entitlement to a benefit described in subparagraph (B)(i), no such payment shall be made to such individual unless such individual was paid a benefit described in such subparagraph (B)(i) for any month in the 12-month period ending with the month which ends prior to the month that includes the date of the enactment of this Act.

(B) BENEFIT PAYMENT DESCRIBED.—For purposes of subparagraph (A):

(i) TITLE II BENEFIT.—A benefit payment described in this clause is a monthly insurance benefit payable (without regard to sections 202(j)(1) and 223(b) of the Social Security Act (42 U.S.C. 402(j)(1), 423(b)) under—

(I) section 202(a) of such Act (42 U.S.C. 402(a));

(II) section 202(b) of such Act (42 U.S.C. 402(b));

(III) section 202(c) of such Act (42 U.S.C. 402(c));

(IV) section 202(d)(1)(B)(ii) of such Act (42 U.S.C. 402(d)(1)(B)(ii));

(V) section 202(e) of such Act (42 U.S.C. 402(e));

(VI) section 202(f) of such Act (42 U.S.C. 402(f));

(VII) section 202(g) of such Act (42 U.S.C. 402(g));

(VIII) section 202(h) of such Act (42 U.S.C. 402(h));

(IX) section 223(a) of such Act (42 U.S.C. 423(a));

(X) section 227 of such Act (42 U.S.C. 427);

or

(XI) section 228 of such Act (42 U.S.C. 428).

(ii) RAILROAD RETIREMENT BENEFIT.—A benefit payment described in this clause is a monthly annuity or pension payment payable (without regard to section 5(a)(ii) of the Railroad Retirement Act of 1974 (45 U.S.C. 231d(a)(ii))) under—

(I) section 2(a)(1) of such Act (45 U.S.C. 231a(a)(1));

(II) section 2(c) of such Act (45 U.S.C. 231a(c));

(III) section 2(d)(1)(i) of such Act (45 U.S.C. 231a(d)(1)(i));

(IV) section 2(d)(1)(ii) of such Act (45 U.S.C. 231a(d)(1)(ii));

(V) section 2(d)(1)(iii)(C) of such Act to an adult disabled child (45 U.S.C. 231a(d)(1)(iii)(C));

(VI) section 2(d)(1)(iv) of such Act (45 U.S.C. 231a(d)(1)(iv));

(VII) section 2(d)(1)(v) of such Act (45 U.S.C. 231a(d)(1)(v)); or

(VIII) section 7(b)(2) of such Act (45 U.S.C. 231f(b)(2)) with respect to any of the benefit payments described in clause (i) of this subparagraph.

(iii) **VETERANS BENEFIT.**—A benefit payment described in this clause is a compensation or pension payment payable under—

(I) section 1110, 1117, 1121, 1131, 1141, or 1151 of title 38, United States Code;

(II) section 1310, 1312, 1313, 1315, 1316, or 1318 of title 38, United States Code;

(III) section 1513, 1521, 1533, 1536, 1537, 1541, 1542, or 1562 of title 38, United States Code; or

(IV) section 1805, 1815, or 1821 of title 38, United States Code,

to a veteran, surviving spouse, child, or parent as described in paragraph (2), (3), (4)(A)(ii), or (5) of section 101, title 38, United States Code, who received that benefit during any month within the 3-month period ending with the month which ends prior to the month that includes the date of the enactment of this Act.

(C) **SSI CASH BENEFIT DESCRIBED.**—A SSI cash benefit described in this subparagraph is a cash benefit payable under section 1611 (other than under subsection (e)(1)(B) of such section) or 1619(a) of the Social Security Act (42 U.S.C. 1382, 1382h).

(2) **REQUIREMENT.**—A payment shall be made under paragraph (1) only to individuals who reside in 1 of the 50 States, the District of Columbia, Puerto Rico, Guam, the United States Virgin Islands, American Samoa, or the Northern Mariana Islands, or who are utilizing a foreign or domestic Army Post Office, Fleet Post Office, or Diplomatic Post Office address. For purposes of the preceding sentence, the determination of the individual's residence shall be based on the address of record, as of the date of certification under subsection (b) for a payment under this section.

(3) **NO DOUBLE PAYMENTS.**—An individual shall be paid only 1 payment under this section, regardless of whether the individual is entitled to, or eligible for, more than 1 benefit or cash payment described in paragraph (1).

(4) **LIMITATION.**—A payment under this section shall not be made (or, in the case of subparagraph (D), shall not be due)—

(A) in the case of an individual entitled to a benefit specified in paragraph (1)(B)(i) or paragraph (1)(B)(ii)(VIII) if—

(i) for the most recent month of such individual's entitlement in the 3-month period described in paragraph (1), or

(ii) for the month (as determined by the Commissioner of Social Security) in which such individual would, but for this paragraph, have been certified under subsection (b) to receive a payment under this section, such individual's benefit under such paragraph was not payable by reason of subsection (x) or (y) of section 202 of the Social Security Act (42 U.S.C. 402) or section 1129A of such Act (42 U.S.C. 1320a–8a);

(B) in the case of an individual entitled to a benefit specified in paragraph (1)(B)(iii) if, for the most recent month of such individual's entitlement in the 3-month period de-

scribed in paragraph (1), such individual's benefit under such paragraph was not payable, or was reduced, by reason of section 1505, 5313, or 5313B of title 38, United States Code;

(C) in the case of an individual entitled to a benefit specified in paragraph (1)(C) if—

(i) for such most recent month of such individual's eligibility in the 3-month period described in paragraph (1), or

(ii) for the month (as determined by the Commissioner of Social Security) in which such individual would, but for this paragraph, have been certified under subsection (b) to receive a payment under this section, such individual's benefit under such paragraph was not payable by reason of subsection (e)(1)(A) or (e)(4) of section 1611 (42 U.S.C. 1382) or section 1129A of such Act (42 U.S.C. 1320a–8a); or

(D) in the case of any individual whose date of death occurs—

(i) before the date of negotiation of a check payment to an individual certified under subsection (b) to receive a payment under this section; or

(ii) in the case of a direct deposit, before the date on which such payment is deposited into such individual's account.

In the case of any individual whose date of death occurs before a payment under this section is negotiated (in the case of a check) or deposited (in the case of a direct deposit), such payment shall not be due and shall not be reissued to the estate of such individual or to any other person. In no case shall payment be made to, or on behalf of, an individual who is not alive at the time of issuance or reissuance.

(5) **TIMING AND MANNER OF PAYMENTS.**—

(A) **IN GENERAL.**—The Secretary of the Treasury shall commence disbursing payments under this section at the earliest practicable date in 2011 prior to June 1, 2011. The Secretary of the Treasury may disburse any payment electronically to an individual in such manner as if such payment was a benefit payment or cash benefit to such individual under the applicable program described in subparagraph (B) or (C) of paragraph (1).

(B) **DEADLINE.**—No payments shall be disbursed under this section after December 31, 2011, regardless of any determinations of entitlement to, or eligibility for, such payments made after such date.

(b) **IDENTIFICATION OF RECIPIENTS.**—The Commissioner of Social Security, the Railroad Retirement Board, and the Secretary of Veterans Affairs shall certify the individuals entitled to receive payments under this section and provide the Secretary of the Treasury with the information needed to disburse such payments. A certification of an individual shall be unaffected by any subsequent determination or redetermination of the individual's entitlement to, or eligibility for, a benefit specified in subparagraph (B) or (C) of subsection (a)(1) (except that such certification shall be affected by a determination that an individual is an individual described in subparagraph (D) of subsection (a)(4) during a period described in such subparagraph), and no individual shall be certified to receive a payment under this section if such individual has at any time been denied certification for such a payment by reason of subparagraph (A)(ii) or (C)(ii) of subsection (a)(4) (unless such individual is subsequently determined not to have been an individual described in either such subparagraph at the time of such denial).

(c) **TREATMENT OF PAYMENTS.**—

(1) **PAYMENT TO BE DISREGARDED FOR PURPOSES OF ALL FEDERAL AND FEDERALLY AS-**

SISTED PROGRAMS.—A payment under subsection (a) shall not be regarded as income and shall not be regarded as a resource for the month of receipt and the following 9 months, for purposes of determining the eligibility of the recipient (or the recipient's spouse or family) for benefits or assistance, or the amount or extent of benefits or assistance, under any Federal program or under any State or local program financed in whole or in part with Federal funds.

(2) **PAYMENT NOT CONSIDERED INCOME FOR PURPOSES OF TAXATION.**—A payment under subsection (a) shall not be considered as gross income for purposes of the Internal Revenue Code of 1986.

(3) **PAYMENTS PROTECTED FROM ASSIGNMENT.**—The provisions of sections 207 and 1631(d)(1) of the Social Security Act (42 U.S.C. 407, 1383(d)(1)), section 14(a) of the Railroad Retirement Act of 1974 (45 U.S.C. 231m(a)), and section 5301 of title 38, United States Code, shall apply to any payment made under subsection (a) as if such payment was a benefit payment or cash benefit to such individual under the applicable program described in subparagraph (B) or (C) of subsection (a)(1).

(4) **PAYMENTS SUBJECT TO OFFSET AND RECLAMATION.**—Notwithstanding paragraph (3)—

(A) any payment made under this section shall, in the case of a payment of a direct deposit, be subject to the reclamation provisions under subpart B of part 210 of title 31, Code of Federal Regulations (relating to reclamation of benefit payments); and

(B) any payment made under this section shall not, for purposes of section 3716 of title 31, United States Code, be considered a benefit payment or cash benefit made under the applicable program described in subparagraph (B) or (C) of subsection (a)(1), and all amounts paid shall be subject to offset to collect delinquent debts.

(d) **PAYMENT TO REPRESENTATIVE PAYEES AND FIDUCIARIES.**—

(1) **IN GENERAL.**—In any case in which an individual who is entitled to a payment under subsection (a) and whose benefit payment or cash benefit described in paragraph (1) of that subsection is paid to a representative payee or fiduciary, the payment under subsection (a) shall be made to the individual's representative payee or fiduciary and the entire payment shall be used only for the benefit of the individual who is entitled to the payment.

(2) **APPLICABILITY.**—

(A) **PAYMENT ON THE BASIS OF A TITLE II OR SSI BENEFIT.**—Section 1129(a)(3) of the Social Security Act (42 U.S.C. 1320a–8(a)(3)) shall apply to any payment made on the basis of an entitlement to a benefit specified in paragraph (1)(B)(i) or (1)(C) of subsection (a) in the same manner as such section applies to a payment under title II or XVI of such Act.

(B) **PAYMENT ON THE BASIS OF A RAILROAD RETIREMENT BENEFIT.**—Section 13 of the Railroad Retirement Act (45 U.S.C. 231f) shall apply to any payment made on the basis of an entitlement to a benefit specified in paragraph (1)(B)(ii) of subsection (a) in the same manner as such section applies to a payment under such Act.

(C) **PAYMENT ON THE BASIS OF A VETERANS BENEFIT.**—Sections 5502, 6106, and 6108 of title 38, United States Code, shall apply to any payment made on the basis of an entitlement to a benefit specified in paragraph (1)(B)(iii) of subsection (a) in the same manner as those sections apply to a payment under that title.

(e) **APPROPRIATIONS.**—

(1) **CARRYOVER OF EARLIER APPROPRIATION.**—Any sums appropriated under section

2201(e) of the American Recovery and Reinvestment Act of 2009 for the Secretary of the Treasury, the Commissioner of Social Security, the Railroad Retirement Board, or the Secretary of Veterans Affairs and which have not been expended as of the date of the enactment of this Act shall also be available for the Secretary of the Treasury, the Commissioner of Social Security, the Railroad Retirement Board, or the Secretary of Veterans Affairs, respectively, for the period of fiscal years 2010 through 2012, and shall remain available until expended, to carry out this section.

(2) **ADDITIONAL APPROPRIATION.**—Out of any sums in the Treasury of the United States not otherwise appropriated, the following sums are appropriated, in addition to sums referred to in paragraph (1), for the period of fiscal years 2010 through 2012, to remain available until expended, to carry out this section:

(A) For the Secretary of the Treasury, \$7,000,000 for administrative costs incurred in carrying out this section.

(B) For the Commissioner of Social Security—

(i) such sums as may be necessary for payments to individuals certified by the Commissioner of Social Security as entitled to receive a payment under this section; and

(ii) \$52,000,000 for the Social Security Administration's Limitation on Administrative Expenses for costs incurred in carrying out this section.

(C) For the Railroad Retirement Board—

(i) such sums as may be necessary for payments to individuals certified by the Railroad Retirement Board as entitled to receive a payment under this section; and

(ii) \$670,000 for the Railroad Retirement Board's Limitation on Administration for administrative costs incurred in carrying out this section.

(D)(i) For the Secretary of Veterans Affairs—

(I) such sums as may be necessary for the Compensation and Pensions account, for payments to individuals certified by the Secretary of Veterans Affairs as entitled to receive a payment under this section; and

(II) \$981,000 for the Information Systems Technology account and \$447,000 for the General Operating Expenses account, for administrative costs incurred in carrying out this section.

(ii) The Department of Veterans Affairs Compensation and Pensions account shall hereinafter be available for payments authorized under subsection (a)(1)(A) to individuals entitled to a benefit payment described in subsection (a)(1)(B)(iii).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from North Dakota (Mr. POMEROY) and the gentleman from Texas (Mr. SAM JOHNSON) each will control 20 minutes.

The Chair recognizes the gentleman from North Dakota.

□ 1030

GENERAL LEAVE

Mr. POMEROY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 5987, the bill now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Dakota?

There was no objection.

Mr. POMEROY. Mr. Speaker, I yield myself such time as I may consume.

In October, the Social Security Commissioner announced there would be no cost-of-living adjustment—or COLA—for Social Security benefits in 2011. This is the result of economic conditions. It is not due to action or inaction on the part of Congress. Congress enacted legislation in 1975 to provide for an automatic cost-of-living adjustment so seniors would not face year after year of rising prices for daily expenses with no increase in benefits. Unfortunately, due to the formula, next month will mark the first time since 1975 when the automatic COLA will not increase for the second year in a row. Because the recovering economy is slowly turning around, prices tracked by those bureaucrats measuring these items find that it has not reached the peak of inflation in 2008 caused by the spike of energy prices. So it is an anomaly within the formula providing no cost-of-living adjustment.

Any of us visiting with our senior citizens across this great land understand something quite different has occurred within the life of our seniors: they are experiencing higher prices. In fact, this is causing a hardship for so many, given the fact that Social Security benefit levels are really very modest. They are \$14,000 for the average retiree. It is \$13,000 on average in North Dakota. We estimate that some more than 30 million Americans get most of their income from Social Security, and many millions of Americans get all of their income from Social Security.

So, basically, they have their benefit levels flatlined at a time when they are encountering higher costs, reducing their quality of life experience, and disappointing them greatly about Social Security.

The bill before us would provide 54 million Americans with a \$250 payment in lieu of COLA. Now, for those at the very bottom, this means a lot—about a \$20 a month cost-of-living adjustment to help them with those higher costs.

I want us to think for just a moment, Mr. Speaker, about this very modest \$250 payment, \$20 a month, in contrast to some of the relief measures being tossed around as negotiations proceed to conclude this session. We heard about a deal the White House has been discussing with the Senate that would provide, for example, an estate tax provision representing a windfall to the wealthiest few families in this country. At a time when Congress is considering measures that would provide vast amounts of relief to the wealthiest who need it the least, you would think that we might be able to measure support for \$250 to seniors living on Social Security checks unable to meet their expenses in light of higher costs but no COLA.

The bill before us should pass under any sense of fairness, particularly at

this time of the holidays. The bill is supported by AARP, the Alliance for Retired Americans, the National Committee to Preserve Social Security and Medicare, the Strengthen Social Security Campaign, the Disabled American Veterans, and the Wider Opportunities for Women organizations.

Mr. Speaker, I encourage my colleagues to support H.R. 5897, the Seniors Protection Act of 2010.

I reserve the balance of my time.

Mr. SAM JOHNSON of Texas. Mr. Speaker, you know, I hate references to what we are doing today to this. Bipartisan congressional efforts established the cost-of-living adjustment or COLA formula beginning in 1975 to make sure that Social Security benefits retain their purchasing power for our Nation's seniors. The COLA formula is designed to achieve a simple goal. Increases in consumer prices trigger an increase in Social Security benefits.

In 2009, seniors received the largest COLA since 1982, 5.8 percent, because of a temporary spike in energy prices. Since then, energy prices fell, and even though the inflation rate used to determine the COLA was negative between 2008 and 2009, benefits were not reduced in 2010. Instead, they remained constant. That is because the law prevents benefits from being reduced when prices decline, and that helps seniors in these tough economic times.

Since prices have remained short of the peak they reached back in 2008, the Social Security Administration announced there will not be a COLA in 2011 either. Though seniors are understandably disappointed, the COLA formula is working as intended. The good news is that most seniors do not face an increase in their Medicare part B premium when there is no COLA due to hold harmless protections in current law. Also, last year seniors received a \$250 economic recovery payment through the stimulus. While many seniors are hurting, so too are American working families.

Doing an end-run around a current bipartisan COLA formula without even one hearing to examine whether it is working or the many options for change our colleagues have offered is wrong. Sending out \$250 checks to people like Ross Perot or Warren Buffett, or to the Members of this House who may be eligible for them, as this bill does, is wrong. Sending \$250 checks to prisoners or dead people, as Social Security has done in the past, is wrong.

Increasing our Nation's crushing deficit on the backs of our children by an additional \$14 billion is wrong. Unfortunately, our side is unable to right these wrongs as we are prohibited from offering any amendments to this bill. I urge my colleagues to vote "no."

I reserve the balance of my time.

Mr. POMEROY. Mr. Speaker, I yield 1 minute to the gentleman from New York (Mr. HIGGINS).

Mr. HIGGINS. I thank my colleague for the time and for his leadership on this issue.

Mr. Speaker, I rise in strong support of the Seniors Protection Act. Since 1975, seniors have depended on a cost-of-living adjustment to meet their rising expenses. Through an automatic formula, they have received a cost-of-living adjustment every year, without fail, until last year.

Now, for a second year in a row, at a time when seniors have seen their savings and home values drop and prices for their prescriptions and other bills rise, they will also see their benefits frozen yet again. I believe we must examine the COLA formula to ensure that it meets the needs of seniors; but, in the meantime, we must provide an increase to their benefits today so they can pay their expenses.

I strongly support this legislation, which will provide a one-time payment of \$250 to Social Security recipients in the upcoming year. I urge my colleagues to support this legislation.

Mr. SAM JOHNSON of Texas. Mr. Speaker, I reserve the balance of my time.

Mr. POMEROY. Mr. Speaker, at this time I yield 1 minute to the gentleman from Iowa (Mr. LOEBSACK).

Mr. LOEBSACK. Thank you for yielding, Mr. POMEROY, and for your great leadership on this issue as well.

Mr. Speaker, what I hear time and again from Iowa seniors is that their expenses are rising. They pay too much for prescriptions and other health-related costs, transportation, and heating for their homes. To make matters worse, seniors' other retirement income has lost value in this recession.

Despite this fact, as was mentioned, there will be no COLA again for our seniors and veterans in 2011. This is simply unfair. No senior should retire into poverty after a lifetime of hard work. That is why I strongly support the Seniors Protection Act, which will provide our seniors with \$250 to help defray the cost increases they are experiencing that aren't recognized by the COLA formula. I am an original cosponsor of this bill, and I have strongly advocated for its passage. I plan to vote for it today because I believe it is the right thing to do for our seniors.

Mr. SAM JOHNSON of Texas. I continue to reserve the balance of my time.

Mr. POMEROY. Mr. Speaker, I yield 1 minute to the gentlewoman from Florida (Ms. CASTOR).

□ 1040

Ms. CASTOR of Florida. I rise in strong support of the Seniors Protection Act, and I thank my colleague, Mr. POMEROY from North Dakota, for his tremendous leadership.

Mr. Speaker, my older neighbors throughout the Tampa Bay Area in Florida have shared with me that,

since the recession hit in 2007, they have really struggled with property value declines, with swings in the values of their retirement savings, and with the rising cost of Medicare. So it was particularly troubling that the Social Security Administration announced that, for the second year in a row, there would be no cost-of-living increase. They just couldn't believe it. It appears that the COLA is not adequately taking account of the economic situation that our older neighbors are facing today.

So I urge my colleagues to vote in favor of the Seniors Protection Act. Let's keep the fundamental promise of Social Security, which is: no matter what happens in a person's life, our older neighbors will continue to live in dignity.

Mr. SAM JOHNSON of Texas. I continue to reserve the balance of my time.

Mr. POMEROY. Mr. Speaker, I yield 1 minute to the gentleman from Wisconsin, Dr. KAGEN.

Mr. KAGEN. Thank you for yielding.

Mr. Speaker, I rise this morning to join my colleagues in support of this necessary action.

What is it that our colleagues on the other side of the aisle don't like about senior citizens? What is it that you do not understand about people being in need?

It is \$250 that is needed now to help our people, our constituents. For me, it is for my patients so they can get their necessary prescription drugs. People need help now, not next year.

I endorse this bill very strongly.

Mr. SAM JOHNSON of Texas. I continue to reserve the balance of my time.

Mr. POMEROY. Mr. Speaker, I yield 2 minutes to the gentleman from Connecticut (Mr. COURTNEY).

Mr. COURTNEY. I want to thank Mr. POMEROY for his leadership on this issue.

Mr. Speaker, here is the reality today of rising prices for America's seniors and retired veterans.

From October 2009 to October 2010, the following commodities, which consume the lion's share of a senior's household budget, saw significant increases: home heating fuel went up 13 percent, gas prices 3.8 percent, prescription drug prices 3.9 percent, medical care 3.6 percent.

Despite these relentless increases, the Labor Department's CPI formula spit out a 0 percent COLA because the cost of items which the formula counts, like flat screen TVs, personal computers, and recreation activities, went down. For seniors and veterans who are dependent on Social Security and VA pensions, the latest flat screen televisions and personal computers are not high on their shopping lists.

Congress needs to intervene for the benefit of seniors and retired veterans

by passing this measure, which will provide emergency help with the real-world budgets of elderly Americans.

Mr. SAM JOHNSON of Texas. Mr. Speaker, we are getting calls from our constituents telling us that they don't want the COLA to continue just giving money away. What they are interested in are tax decreases. I would say that this is ill-advised at this time, and we should not just throw more money at a problem that we can solve and have solved already, so I urge my colleagues to oppose this legislation.

I yield back the balance of my time.

Mr. POMEROY. Mr. Speaker, I yield the balance of my time to the gentleman from New York (Mr. WEINER).

The SPEAKER pro tempore. The gentleman is recognized for 1½ minutes.

Mr. WEINER. Thank you very much. I appreciate the sponsor of the legislation.

Mr. Speaker, what it comes down to is that it is not as my good friend characterized it: throwing money away or giving money away. This is whether you consider people who have helped build this country to what it is, who have paid into the Social Security Trust Fund, and who very often rely entirely on Social Security for their support. These are people who, frankly, on average, are making in the magnitude of \$16,000, \$17,000, \$20,000 for the entire year.

The Social Security COLA was passed in the 1970s with a very logical rationale, which was to allow seniors to keep up with the high cost of living. The mistake that we continually make—and perhaps it's because the law is written incorrectly or perhaps it's a misinterpretation—is that we assume for a moment that, when inflation is at a very low level like it is today, it means costs haven't risen for seniors; but if you look at the things that seniors are actually buying and if you look at the things that they need in order to survive—housing, health care, their very basics for food—all of these things are actually experiencing rising costs.

You know, it is somewhat ironic that, when I hear my good friends on the other side talk about the need for austerity, it always seems to be that it is the people who are in the middle class and struggling to make it who are the ones who are supposed to take the hit. Social Security beneficiaries are the broad cross section of this country, and we have made a contract with them.

I have to tell you that I know the new Republican Congress was elected on a platform of eviscerating Social Security as we know it. That is not a rhetorical talking point. If you look at the book quite literally, the book written by the person who is going to be the chairman of the Budget Committee on the Republican side, he suggests turning large portions of the Social Security Trust Fund to the stock market.

Yes, that is their belief. That is what they think the lesson is that was learned.

So there really is a question here about who we are fighting for. Mr. POMEROY and the people who are going to vote "yes" on this bill say we want to fight for senior citizens who are struggling to make it each and every day. They are the ones who believe that Social Security isn't some kind of bizarre Socialist plot but is a way that we have created a safety net. That's all it is.

Nobody, I say to my colleagues, collects their Social Security checks and says, "Woo-hoo, I'm rich." They collect them and say, "Oh, what a relief. I can get through to the next month. I can continue with the standard of living that I have without its being chipped away."

Well, now, after 2 consecutive years, we will see the Social Security cost-of-living increase, which is going to inch up to keep track of costs that they have elsewhere in life, be restored. We are doing the best we can. I believe, frankly, the COLA law needs to be rewritten. I believe it did not contemplate the type of scenario we have today in which overall inflation rates are going down and the costs for seniors are staying high.

As other speakers have pointed out, there are two fundamental mistakes that get made when the Social Security Trust Fund is calculated:

One, the basket of things that a senior actually buys is entirely different from what a teenager buys or from what a businessperson buys. They have very discrete costs, and those costs are going up.

It is also important to know that there are sometimes regional differences. In the part of the country that Mr. POMEROY comes from, energy costs are sometimes exceedingly high because of cold winters. In the parts of the country that I represent and that Congressman PASCRELL represents, the cost of housing is extraordinarily high. It is definitely going up more than 0 percent a year.

I would also remind my Republican colleagues of one other thing. A lot of them did not like the Social Security program from the word "go." They didn't like it even then. There is a schizophrenia inherent in the Republican position about Social Security. They really nailed, or actually got it in their bones, that having a safety net program for senior citizens was really something government should not be doing. They didn't like it. Go take a look at the debate back in 1933 when it began. Yet, from 1935, which is when the checks started coming, until today, one thing has been consistently true: month after month, year after year, this program has worked exactly how it was designed. It was designed to allow one generation to help provide a

safety net for the next-year after year, generation after generation.

I want to say one other thing.

This whole idea that the apocalypse is arriving and Social Security is coming undone at the seams is wildly, wildly overblown. Today, the Social Security program will add to the deficit exactly zero dollars and zero cents. That's more than I can say about the tax cuts for billionaires, which is going to add \$700 billion to the deficit over 10 years.

So what we are saying is that we Democrats, we who will vote "yes" on this bill, are standing up and fighting for senior citizens. We are standing up and fighting for every Social Security beneficiary, even the ones who are Republicans and Independents from all parts of the country, because we fundamentally believe the program works. If you believe that the Social Security program is a good and virtuous program, this is your chance to show it, by voting "yes," because this is a chance to improve it.

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If you believe that the Social Security program is some kind of hoax or a fraud or you believe what many of my Republican friends believe, that it should be privatized, dismantled, eliminated, tossed in the trash can, then you should probably vote "no" on this because this bill only strengthens Social Security.

Now let me make one final remark—and I thank very much Mr. POMEROY for being the sponsor of this legislation. He has never lost sight of the fact that the senior citizens that we help with Social Security are exactly the ones who helped put us in a position to build this country to what it is today.

Let me make one final point. You know, in all of the political back and forth that very often happens during campaign season, I think that we really did just see a campaign where one side operated almost entirely from a position of what they were against—they're against strengthening Social Security, they're against health care reform, they're against financial reform, they're against a reduction of taxes on the middle class.

We know precious little about what the new incoming Republican Congress is in favor of. This is an interesting test, where they are on Social Security. The chairman of their incoming Budget Committee believes in privatizing it. Many of their candidates kind of hemmed and hawed when asked. This is it, this is a good early test. And I would want to remind the American people that if you believe Social Security is one of those programs you really think should be protected and strengthened, this is the team that's fighting for you, the one that's offering this piece of legislation.

I urge my colleagues to vote "yes," and I urge my Republican colleagues to

finally realize that supporting senior citizens and Social Security is a virtuous and good thing to do, even from their perspective.

Mr. LANGEVIN. Mr. Speaker, I rise in strong support of the Seniors Protection Act. This bill will provide a \$250 one-time payment to over 250,000 Rhode Islanders who will see no cost of living adjustment in their Social Security payment for a second consecutive year.

The slow economic recovery has been particularly hard on Rhode Island seniors, veterans and individuals with disabilities. Social Security pays \$14,000 a year for the average retiree, a modest but crucial benefit that provides over half of all income for the majority of our elderly. People with disabilities and veterans with service-connected injuries also rely on this assistance to meet their day to day needs because they are not able to work, though it is not for lack of trying. Since this assistance will be used to make mortgage payments, pay rent, buy food or access medical care, it will be injected right back into the economy providing additional economic stimulus to our communities.

While Congress is considering extending tax breaks for millionaires and billionaires who don't really need them, I ask them to strongly consider extending a break to those that do. This \$250 payment will help seniors, veterans, railroad retirees and people with disabilities who receive Social Security make ends meet during this difficult time, when housing values are down, other retirement income is volatile, and many are facing rising costs.

I urge my colleagues to vote for the Seniors Protection Act, and support its immediate passage.

Mr. BLUMENAUER. Mr. Speaker, H.R. 5897 was not the way to help Social Security beneficiaries deal with the financial difficulties facing so many.

There is no doubt that millions of Americans have been hurt by this recession. I am sympathetic to those who are struggling and this bill wasn't the way to address the problem. A political gesture that would never become law is not fair to anyone.

Sending a \$250 check to seniors, the disabled, and other beneficiaries of Social Security, irrespective of their needs or their income, sends the wrong message to people who are concerned about federal spending.

As part of our assessment of Social Security, we need to assure the cost of living adjustments are determined in a way that reflects the costs that seniors and others are bearing today and in the future. It also needs to be done in a fiscally responsible way that does not add to the federal deficit or threaten the future strength of the Social Security trust fund.

H.R. 5987 failed these counts and I will vote "no."

Mr. COSTELLO. Mr. Speaker, I rise today in support of H.R. 5987, the Seniors Protection Act. When the Social Security Administration announced there would not be an automatic cost-of-living-adjustment (COLA) for the second consecutive year, I urged the House leadership to bring H.R. 5987 to the floor. The bill provides a onetime payment of \$250 which equals roughly a 1.8 percent increase in retirement benefits to seniors, veterans, persons with disabilities and railroad retirees.

Social Security has been a reliable source of income for 58 million Americans living on fixed incomes. Today, six in ten seniors rely on Social Security for more than half of their income; about a third of retirees have little other than Social Security to live on. In the 12th Congressional District of Illinois I am privileged to represent, 125,810 people receive Social Security and 19,365 receive Supplemental Security Income (SSI) benefits.

While there was no inflation from the third quarter of 2008 to the third quarter of 2010, health care and prescription drug costs continue to significantly outpace inflation; yet seniors have not received a COLA adjustment to make up for these burdens. Swiftly enacting H.R. 5987 is necessary to ensure my constituents and Americans across the country are able to make ends meet.

Not only is this payment critical to beneficiaries during this economic recovery, the Economic Policy Institute 2010 report concluded the \$250 Social Security and SSI payment provided through the American Recovery and Reinvestment Act increased GDP by roughly 0.5 percent in the second quarter of 2009, which translates to approximately 125,000 jobs created or saved because of these payments.

Mr. Speaker, for 75 years, Social Security has served our seniors well. They have worked hard and earned their retirement benefits. Congress must act quickly to enact H.R. 5987 to demonstrate our steadfast support for our seniors. I strongly urge my colleagues to support the bill.

Mr. PASCRELL. Mr. Speaker, the issue we come here to address today is not a Democratic or a Republican problem, but one facing each and every one of our nation's seniors in the Social Security program. Despite any political rhetoric, the lack of a Cost-of-Living Adjustment this year was not a result of Congressional action, but a result of a formula in place since the 1970s. I have long supported a change to this formula to take into account the rising costs for seniors, but in the interim, I am here as a cosponsor of this important legislation.

Right now, in my district, seniors are struggling with their gas and electric bills. This \$250 dollar payment could help seniors not only with these rising costs, but also with their food, rent, medications, and more. So many of our seniors rely heavily on their Social Security checks and as costs continue to rise each year, their Social Security checks are not going as far as they used to. Today, in offering this small adjustment, we can give our seniors that extra cushion they need to meet the unexpected costs of 2011. In this time of great uncertainty and economic hardship, how can we possibly deny our seniors the extra support they need?

I rise today and ask that my colleagues support this measure for our seniors, who have given so much to our country and who deserve this much-needed relief.

Ms. MATSUI. Mr. Speaker, I rise today in strong support of H.R. 5987, the Seniors Protection Act of 2010.

Social Security is a pillar of our society based on the premise that if you work hard and play by the rules you will in turn receive the stability and security of a minimum level of

guaranteed income as you get older. While sometimes it gets pushed aside as nothing more than an entitlement program, the reality is that Social Security provides all of the retirement income for six out of ten seniors in this country.

Mr. Speaker, for 75 years, Social Security has never been a day late or a dollar short. But this year the Social Security Administration has recommended that there be no Cost of Living Adjustment—or COLA—for the second year in a row. That means that the very seniors who are struggling to make ends meet will receive a significant amount less than they were expecting for 2011.

While the lack of COLA is not a result of Congressional or Presidential action, today we have the chance to vote to make things right. The Seniors Protection Act of 2010 would simply provide a \$250 check to Social Security recipients in lieu of a Cost of Living Adjustment for 2011.

For some, a few hundred dollars may not seem like a large amount of money. But for the millions of American seniors who are making hard choices, choosing between filling their prescriptions, paying their rent, or feeding their families, a modest increase in their Social Security income could make all of the difference in the world.

Furthermore, ensuring America's seniors can make ends meet would have a broader, positive, effect on the economy as a whole. A recent study by the Economic Policy Institute shows that similar payments to Social Security recipients have proven to be an effective economic stimulus.

Mr. Speaker, we must commit ourselves to continuing to provide the foundation for Americans' retirement security. I urge my colleagues to vote in favor of H.R. 5987.

Ms. HIRONO. Mr. Speaker, I rise today in support of the Seniors Protection Act. I am an original cosponsor of this crucial legislation to provide Social Security recipients with a one-time \$250 payment in 2011 to help seniors make ends meet. This bill is in response to the Social Security Administration's October announcement that there will be no automatic Cost-Of-Living-Adjustment next year for Social Security recipients because the trigger did not come into play because of the recession.

More than 160,000 seniors in Hawaii receive Social Security benefits. Over 1,000 of them took the time to write, e-mail, or call me to share their need for a COLA this year. In Hawaii and nationwide, seniors have seen their cost of living go up, whether in medical costs, uncovered prescription drug costs, or utility bills. Meanwhile, the recession that began under President George W. Bush has hit seniors' savings in pensions, IRAs, and 401(k)s especially hard. The Seniors Protection Act will provide our seniors with a modest financial boost to help get by.

Nationwide, three out of every five seniors rely on Social Security for more than half of their income. The average retiree receives \$14,000 in Social Security benefits. This bill's \$250 payment will help seniors, veterans, railroad retirees and people with disabilities who receive Social Security.

In 1975, a majority Democratic Congress passed a law to automatically provide a cost-of-living increase for Social Security each

year, using a formula based on inflation within the overall economy. For the first time in 30 years, as a result of the Bush Recession, the Consumer Price Index for Urban Wage Earners and Clerical Workers (CPI-W) was not high enough to trigger an automatic increase for 2010. Although our economy continues to recover, the formula will once again not provide an increase in 2011.

I support efforts to improve the Social Security COLA formula using the Consumer Price Index for Elderly Workers (CPI-E). In the meantime, the Seniors Protection Act before us today will provide a one-time payment of \$250 in lieu of the 2011 increase.

The Seniors Protection Act currently has 158 Democratic cosponsors, but not one SINGLE Republican cosponsor. Instead, in recent months, leading House Republicans have called again for President George W. Bush's plan to privatize Social Security and leave seniors' hard-earned benefits up to the whims of the stock market.

I recently celebrated Social Security's 75th Birthday at an event at the Kapolei Branch of the Social Security Administration. As I said there and have said many times before, I will continue to fight to preserve Social Security benefits so seniors can help make ends meet.

Mr. CONYERS. Mr. Speaker, I rise today as a strong supporter of "The Seniors Protection Act." As we enter the second consecutive year without a cost-of-living adjustment for Social Security retirees and other beneficiaries, this legislation would have helped to provide 54 million Social Security recipients with a one-time payment of \$250 to help them make ends meet during this tough time. America has a moral and civic duty to always support our Nation's seniors, veterans, and the disabled, they may live a productive and secure life.

The Seniors Protection Act is an investment in the economic stability of our seniors, veterans, people with disabilities, and all who depend on Social Security to make ends meet. The bill also offers support to the millions of seniors who are struggling trying to pay their bills, mortgages, and other daily expenses. The Seniors Protection Act is critical to our seniors, and is fiscally responsible. Unfortunately, Congressional Republicans oppose the bill, something that is truly regrettable and a moral outrage.

While Democrats maintain a strong record protecting, upholding, and strengthening Social Security, Republicans continue to advocate risky schemes to privatize it and cut benefits. America's seniors deserve better.

I commend all of my colleagues who support this bill, and I thank Social Security Subcommittee Chairman EARL POMEROY for his outstanding leadership on this issue. Democrats will always stand with our Nation's seniors, because it is the humane, just, and right thing to do.

Mr. KUCINICH. Mr. Speaker, I rise in strong support of H.R. 5987, the Seniors Protection Act of 2010.

Earlier this year, the Social Security Administration announced that for the second year in a row, Social Security beneficiaries would not be receiving a Cost of Living Adjustment (COLA) increase for the second year in a row. This legislation provides seniors with an additional \$250 payment, equivalent to about a 2%

COLA, to Social Security beneficiaries next year.

A COLA increase is imperative for seniors who rely on their benefits to support themselves and their families. According to the Economic Policy Institute, 3.5 million seniors are below the poverty level. The Department of Labor estimates that almost half of the 2 million workers over the age of 55 have been unemployed for six months or longer. Yet as more seniors experience poverty as a result of the economic downturn, the calls for privatizing and cutting Social Security in the name of fiscal responsibility have grown louder. Privatizing Social Security will hurt the most vulnerable Americans such as women, minority communities and children—those Americans that are currently experiencing disproportionately the effects of the recession. The Congressional Budget Office estimates that the program is fiscally sound for another 40 plus years.

It is our responsibility to guarantee seniors an adequate income after a lifetime of paying into Social Security. We must shift the focus from cutting vital programs such as Social Security to reviving our domestic manufacturing sector as a means to put Americans back to work.

I urge my colleagues to support this legislation.

Ms. JACKSON LEE of Texas. Mr. Speaker, I rise today in strong support of H.R. 5987, "Supporting the Seniors Protection Act of 2010." Let me begin by thanking my colleague Representative EARL POMEROY for introducing this very important legislation into the House of Representatives as it is important that we recognize the struggle that a certain segment of our Nation endures and support them by ensuring that we give attention to this matter.

As you may know, H.R. 5987, directs the Secretary of the Treasury to disburse a \$250 payment to recipients of Social Security, SSI (Supplemental Security Income under title XVI of the Social Security Act), railroad retirement benefits, and veterans disability compensation or pension benefits if no cost-of-living adjustment (COLA) is payable in 2011.

I support the Seniors Protection Act of 2010. This Act will provide immediate relief to seniors struggling on fixed income with increasing expenses. The legislation will provide 54 million Social Security beneficiaries and others with a one-time \$250 payment, in lieu of a COLA. Now more than ever this emergency spending of \$14.5 billion would provide targeted economic relief to our most vulnerable citizens living on fixed incomes, and struggling with rising health care, food and utility costs.

For many, social security checks are the primary source of income and for others, social security checks are the only source of income. It is both fair and appropriate to now provide a second payment to help stimulate our Nation's economy and at the same time assist seniors, people with disabilities, children and other Social Security beneficiaries who did not receive a cost of living adjustment in 2010 and will not get one again in 2011. The Bureau of Labor Statistics has determined that the cost of medical care services has risen by nearly seven percent in just the last two years. This \$250 payment would represent a small step toward reversing the erosion in benefits

caused by the skyrocketing cost of health care.

Therefore, I am requesting that we, the Congress urge President Obama to include a \$500 payment for seniors in his Budget Request for next year. This \$500 payment represents an inclusion for the lack of COLA in 2010 and 2011 years. While I understand that this will not totally eradicate the financial strain, I believe this allotment will serve to ameliorate some financial hardships. It is important that Congress guarantees resources to our seniors that will assist them in not only surviving, but also thriving.

Mr. Speaker, I strongly support H.R. 5987 and ask for its immediate adoption.

Mr. HOLT. Mr. Speaker, as a cosponsor of the Seniors Protection Act of 2010, I rise to express support for this important bill.

Last week, the House had the opportunity to provide relief for millions of seniors, veterans, and disabled individuals.

For 75 years, and through numerous recessions, Social Security has been a steady source of income. Since 1975, Congress has implemented automatic cost-of-living-adjustments for Social Security to guarantee that Social Security benefits are protected against the effects of inflation.

The cost-of-living-adjustment for Social Security is calculated automatically using data on inflation published by the Bureau of Labor Statistics and is not a deliberate decision by Congress. I support a fairer cost-of-living calculation for Social Security in order to keep pace with the actual increases in the true costs of living for seniors. That is why I am a cosponsor of H.R. 2365, the Consumer Price Index for Elderly Consumers Act of 2009, which would change the calculation of the cost-of-living-adjustment for Social Security to reflect consumption patterns which are typical for seniors.

For the first time ever, there will be no automatic cost-of-living-adjustment for Social Security for the second consecutive year. Since there was no cost-of-living-adjustment increase for 2010, the formula used to calculate the adjustment required a comparison with 2008 costs, a year when prices were historically high. Even through the average costs of health care, food, and other essentials did increase this year compared to 2009 that was not considered by the formula. Unfortunately, this resulted in no increase in monthly benefits for millions of Americans who depend on Social Security, SSI, VA Pension and Compensation, and Railroad Retirement for the second year in a row while their real costs of living have gone up.

American seniors, disabled workers, and survivors or spouses and children of retired or disabled workers rely on Social Security benefits. For example, 60 percent of American seniors rely on Social Security for a majority of their income and 30 percent of seniors rely on Social Security for more than 90 percent of their income. With Social Security benefits being modest, only \$14,000 for the average retiree, the lack of a cost-of-living-adjustment is troubling.

The Seniors Protection Act of 2010 would provide Social Security beneficiaries with a one-time payment of \$250 to offset the lack of a cost-of-living-adjustment. This bill would pro-

vide relief for 54 million seniors, veterans, and disabled individuals. In my state of New Jersey, this bill will provide assistance to over 1.5 million individuals.

Since its inception in 1935, Social Security has provided a guaranteed benefit to hundreds of millions of retired and disabled workers and their families. For seniors, Social Security has provided financial security, independence, and dignity in their retirement years. I believe that Congress has a duty to ensure that their benefits are protected.

Congress had a chance to provide relief to millions of Social Security beneficiaries with a one-time \$250 payment. Unfortunately, Republicans blocked this measure that would have provided much needed relief to our seniors, veterans, and disabled Americans.

Mr. POMEROY. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Dakota (Mr. POMEROY) that the House suspend the rules and pass the bill, H.R. 5987, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. POMEROY. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

SOCIAL SECURITY NUMBER PROTECTION ACT OF 2010

Mr. POMEROY. Mr. Speaker, I move to suspend the rules and pass the bill (S. 3789) to limit access to social security account numbers.

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 3789

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Social Security Number Protection Act of 2010".

SEC. 2. SOCIAL SECURITY NUMBER PROTECTION.

(a) PROHIBITION OF USE OF SOCIAL SECURITY ACCOUNT NUMBERS ON CHECKS ISSUED FOR PAYMENT BY GOVERNMENTAL AGENCIES.—

(1) IN GENERAL.—Section 205(c)(2)(C) of the Social Security Act (42 U.S.C. 405(c)(2)(C)) is amended by adding at the end the following: "(x) No Federal, State, or local agency may display the Social Security account number of any individual, or any derivative of such number, on any check issued for any payment by the Federal, State, or local agency."

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply with respect to checks issued after the date that is 3 years after the date of enactment of this Act.

(b) PROHIBITION OF INMATE ACCESS TO SOCIAL SECURITY ACCOUNT NUMBERS.—

(1) IN GENERAL.—Section 205(c)(2)(C) of the Social Security Act (42 U.S.C. 405(c)(2)(C))

(as amended by subsection (a)) is amended by adding at the end the following:

“(xi) No Federal, State, or local agency may employ, or enter into a contract for the use or employment of, prisoners in any capacity that would allow such prisoners access to the Social Security account numbers of other individuals. For purposes of this clause, the term ‘prisoner’ means an individual confined in a jail, prison, or other penal institution or correctional facility pursuant to such individual’s conviction of a criminal offense.”.

(2) **EFFECTIVE DATE.**—The amendment made by this subsection shall apply with respect to employment of prisoners, or entry into contract with prisoners, after the date that is 1 year after the date of enactment of this Act.

The **SPEAKER pro tempore**. Pursuant to the rule, the gentleman from North Dakota (Mr. POMEROY) and the gentleman from Texas (Mr. SAM JOHNSON) each will control 20 minutes.

The Chair recognizes the gentleman from North Dakota.

Mr. POMEROY. Mr. Speaker, earlier this year, I introduced a bill with my friend, the ranking member on the Social Security Subcommittee, SAM JOHNSON, to protect the accuracy of Social Security records and help shield individuals from identity theft. Our bill prohibited Federal, State, and local governments from employing prisoners in any capacity that would allow inmates access to the full or partial Social Security numbers of other individuals, such as through prison labor contracts. The bipartisan Senate bill before us today does the same thing and also prohibits Federal, State, and local governments from displaying Social Security numbers on paper checks, which will also help protect the Social Security program and protect fraud. Both are obvious changes that would protect millions of Americans from identity theft.

Mr. Speaker, I urge passage of this bill.

I reserve the balance of my time.

Mr. SAM JOHNSON of Texas. Mr. Speaker, I concur with all that’s been said so far.

You know, Americans worry about the security of their personal information, including their Social Security number, and I don’t blame them. Even though Social Security numbers were created to track wages for determining Social Security benefits, these numbers are widely used as personal identifiers. In fact, in their April, 2007 report, the President’s Identity Task Force identified the Social Security number as the “most valuable commodity for an identity thief.” And these thieves are working overtime. Identity theft is the fastest growing fraud in America—last year there were over 11 million victims.

The Federal Trade Commission says identity theft costs consumers about \$50 billion per year. Today, we are taking a step forward—albeit a small step—to protect Social Security num-

bers by preventing prisoner access to these numbers and prohibiting Social Security numbers from appearing on government checks.

Believe it or not, the Social Security Inspector General found that eight States currently allow prisoners to work on jobs that give them access to Social Security numbers. With today’s vote we will be one step closer to putting an end to that practice.

I am glad to report that over the years the Ways and Means Committee has been working on a bipartisan basis to stem the tide of identity theft through restricting the sale, use, and public display of Social Security numbers, and I thank my colleague for that.

Most recently, these provisions are part of the Social Security Number Privacy and Identify Theft Prevention Act introduced in this Congress by then Subcommittee Chairman JOHN TANNER and myself. I was also pleased to join Chairman POMEROY when he introduced H.R. 5854, the No Prisoner Access to Social Security Numbers Act of 2010. This is a great bill. I urge my colleagues to support this important first step by voting “yes.”

Mr. Speaker, I reserve the balance of my time.

Mr. POMEROY. Mr. Speaker, I yield 2 minutes to the gentleman from Houston, Texas (Mr. GENE GREEN).

Mr. GENE GREEN of Texas. Let me first say I want to thank my colleague for bringing both these bills up, H.R. 5987 and also S. 3789.

First let me talk about Congressman POMEROY. He and I came to the Congress together in 1993, and we worked together on a lot of issues, he coming from a very rural area. But we found out about 3 or 4 years ago that—and you can tell my Texas accent—his State has grown dramatically in the production of natural gas and oil, and also they have a refinery in North Dakota. I have five refineries, but I’m glad they have one up in his State.

We have worked together for the last few years on energy issues for our country, and I want to thank him for his service to our country. EARL, we will miss you. And I will miss your friendship and your leadership on the Ways and Means Committee.

I am proud to be here today to support not only S. 3789, the Social Security Number Protection Act, but also H.R. 5987, the Seniors Protection Act of 2010. For the second year in a row our Nation’s seniors and veterans and people with disabilities have been denied a cost of living adjustment, their COLA. The Seniors Protection Act would provide 54 million Social Security beneficiaries with a one-time \$250 payment in lieu of a COLA.

This bill would provide targeted economic relief for our Nation’s most vulnerable citizens. I have seniors in our district who get Social Security,

they’re married, and some of them are in terrible shape because of their circumstances—I have one who, her husband is disabled, she takes care of him, but because of a family situation she is taking care of three of her grandchildren. This is the second year she would not get any assistance or any increase in her Social Security. That is why this bill is so important.

Almost two out of three seniors and 70 percent of people with disabilities rely on Social Security for half or more of their income. One-third of seniors get more than 90 percent of their income from Social Security. It’s important that our Nation continue the promise that Americans should be allowed to retire with dignity, which has lasted for 75 years.

The **SPEAKER pro tempore**. The time of the gentleman has expired.

Mr. POMEROY. Mr. Speaker, I yield the gentleman 1 additional minute.

Mr. GENE GREEN of Texas. Thank you. And I just urge my colleagues to vote for H.R. 5987, but also for S. 3789.

Mr. SAM JOHNSON of Texas. Mr. Speaker, I continue to reserve the balance of my time.

Mr. POMEROY. Mr. Speaker, I yield 2 minutes to the gentleman from Oregon (Mr. DEFAZIO).

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Mr. DEFAZIO. I thank the gentleman for the time and thank him for his leadership on both the issues before us regarding Social Security.

The protection of our Social Security numbers is vital. I once had a reporter come to my office and say, I have something to show you. She pulled out a piece of paper, and she said, Here’s your Social Security number. I bought it for \$15 online. That should not be allowed. That should be an illegal activity in this country.

But the other issue that just preceded this is equally important to 40 million people who collect Social Security and a number of people who collect veterans benefits, and that is a meaningful and well-deserved cost-of-living adjustment for real increases in the costs of living for seniors in America.

Now, yeah, the pointy heads down at the Department of Labor have this jiggered up kind of cost-of-living index which puts heavy weight on buying a 4G iPhone and the reductions in costs, and second generation or third generation of expensive computers and things like that. But it doesn’t go to basics. It doesn’t go to the cost of pharmaceuticals, which unfortunately many seniors have to consume to maintain their health. It doesn’t go to the cost of, you know, hospital care or physicians visits. It doesn’t go meaningfully to basics, like utility costs or rent or taxes on your property. None of those things are given heavy weight or any weight, in some cases, in the cost-of-living index that they are using to say

to seniors, Your costs didn't go up last year, so you'll get no cost-of-living adjustment.

I have introduced legislation over a number of years to have a specific cost-of-living index for seniors called a CPI-E, elderly, because they consume from a different so-called market basket than do young consumers in this country. You'd get laughed out of the room if you went to any senior center in this country or any coffee klatch in some little coffee shop in your district with retirees and said, Hey, your costs didn't go up this last year. You don't need a cost-of-living adjustment on Social Security. Give me a break. Seniors need a cost-of-living adjustment, and we need to protect our Social Security numbers.

Mr. SAM JOHNSON of Texas. Mr. Speaker, we are digressing from the business at hand to something that has already happened. He needs to know that the people out there do understand the cost-of-living adjustment. It is fixed under Social Security rules, and they don't need it this year.

Mr. Speaker, I urge my colleagues to support this important legislation. It is good for America.

I yield back the balance of my time.

Mr. POMEROY. Mr. Speaker, by way of close, let me say that the legislation before us is important and reflects what has been a pattern of bipartisan work between the ranking member and myself as I have chaired the Social Security Subcommittee. I have enjoyed working with SAM JOHNSON. It is a pretty thrilling thing for a kid from North Dakota to get to work with an American hero, and I have appreciated his conscientious service as ranking member of the Social Security Subcommittee.

I also, to colleagues, have deeply appreciated the opportunity to chair the committee. I received a Social Security check in my own life when my dad died as I was a teenager. To have the opportunity to chair the subcommittee, protecting the United States' most important domestic program, Social Security, was a deep honor and a responsibility that I'll always treasure, having had that chance.

I want to thank the staff members who helped throughout, keeping this subcommittee superbly supported with the important policy work before it. Kathryn Olson, Joel Najar, Morna Miller, Jennifer Beeler on the majority. We have certainly appreciated working with Kim Hildreth on the minority. It has been a terrific experience.

GENERAL LEAVE

Mr. POMEROY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on S. 3789, the bill now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Dakota?

There was no objection.

Mr. POMEROY. I encourage my colleagues to support this bill.

I yield back the balance of my time, Mr. Speaker.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Dakota (Mr. POMEROY) that the House suspend the rules and pass the bill, S. 3789.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

RECOGNIZING EFFORTS OF WELCOME BACK VETERANS

Mr. DONNELLY of Indiana. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1746) recognizing and supporting the efforts of Welcome Back Veterans to augment the services provided by the Departments of Defense and Veterans Affairs in providing timely and world-class care for veterans and members of the Armed Forces suffering from PTSD and related psychiatric disorders, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1746

Whereas the Boston Red Sox Foundation has been augmenting the Departments of Defense and Veterans' Affairs in providing care for veterans and members of the Armed Forces suffering from post-traumatic stress disorder (PTSD) and related psychiatric disorders;

Whereas members of all components of the United States Armed Forces have been serving honorably in Iraq and Afghanistan since 2001;

Whereas deployed soldiers frequently and continually engage in high-intensity combat operations, exposing them to potential triggers for PTSD or other psychiatric conditions;

Whereas the prevalence of clinically diagnosed cases of PTSD in veterans who have served in Iraq or Afghanistan ranges from 1.5 to 9 percent, depending on exposure risk factors, and the prevalence of PTSD symptoms in such veterans, based on self-reported surveys, ranges from 4.2 to 26 percent depending on exposure risk factors;

Whereas those with PTSD are at higher risk for developing other psychological disorders, such as depression, more likely to engage in self-destructive behaviors, such as alcohol and substance abuse;

Whereas PTSD has been associated with unemployment and a work productivity loss; Whereas PTSD, left untreated, may exact an additional toll on individuals, families, and society;

Whereas veterans and active members of the United States Armed Forces are a distinguished and honored part of our society and deserve special recognition and treatment for their sacrifices on our behalf;

Whereas the Committee on Veterans' Affairs of the House of Representatives encourages and actively seeks innovative treat-

ments for PTSD and traumatic brain injury (TBI);

Whereas Major League Baseball, in partnership with the McCormick Foundation, the Entertainment Industry Foundation, and University Hospitals at Weill Cornell, the University of Michigan and Stanford University have founded Welcome Back Veterans, a not-for-profit organization committed to creating a national network of centers to provide the best care to veterans, and funding groundbreaking research to limit the scope of PTSD;

Whereas the Boston Red Sox Foundation independently founded a program to provide PTSD treatment for veterans in conjunction with Massachusetts General Hospital;

Whereas Welcome Back Veterans through Major League Baseball Charities and the Boston Red Sox Foundation have funded efforts at four hospitals and universities—Massachusetts General in Boston, Weill Cornell in New York, the University of Michigan, and Stanford University in California;

Whereas Major League Baseball and the Boston Red Sox Foundation have already raised \$15,000,000 in private funding to support treatment, research, and innovation in PTSD care through grants to other service organizations;

Whereas the University of Michigan has already begun treatment of hundreds of members of the Armed Forces and veterans in a new buddy-to-buddy program;

Whereas Massachusetts General is providing evaluations and treatment to local veterans with PTSD and TBI, family counseling, and outreach for family members of veterans affected by these two conditions;

Whereas Massachusetts General, Weill Cornell, and Stanford University are doing ongoing research to improve treatments and community education of health workers, clergy, social workers, human resource providers, and others;

Whereas the Department of Veterans Affairs provides some counseling services to family members of those suffering from PTSD;

Whereas the University of Michigan and Massachusetts General are providing counseling and related services to family members of those suffering from PTSD;

Whereas 5,000 veterans and members of the Armed Forces are already receiving help through the Welcome Back Veterans program; and

Whereas Welcome Back Veterans is committed to a public-private partnership with appropriate government agencies to continue to expand their work and outreach: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes and supports the efforts of Welcome Back Veterans to augment the services provided by the Departments of Defense and Veterans Affairs in providing timely and world-class care for veterans and members of the Armed Forces suffering from post-traumatic stress disorder and related psychiatric disorders; and

(2) encourages the Secretary of Veterans Affairs to establish innovative public-private partnerships for the treatment and research of post-traumatic stress disorder in teaching hospitals across the country.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Indiana (Mr. DONNELLY) and the gentleman from Tennessee (Mr. ROE) each will control 20 minutes.

The Chair recognizes the gentleman from Indiana.

GENERAL LEAVE

Mr. DONNELLY of Indiana. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on House Resolution 1746, as amended.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. DONNELLY of Indiana. I yield myself such time as I may consume.

Mr. Speaker, before I talk about the importance of the resolution before us today, I want to thank the Committee on Armed Services for working with us to bring this resolution to the floor and would ask that the exchange of letters waiving jurisdiction between the Committee on Veterans' Affairs and the Committee on Armed Services be inserted into the CONGRESSIONAL RECORD.

Mr. Speaker, we are all aware that post-traumatic stress disorder, PTSD, is one of the signature wounds of Operation New Dawn and Operation Enduring Freedom. Countless reports and studies bear out this statement. Most significantly, a 2008 study released by the RAND Corporation reported that one in five veterans of the wars in Iraq or Afghanistan are suffering from PTSD. Studies by other experts and by the VA itself demonstrate how widespread and serious PTSD is; and as more servicemembers return home, the problem will only grow larger.

VA has made important strides in the treatment of PTSD. They boast providers throughout the Nation who offer excellent care for PTSD and researchers who have found innovative, ground-breaking new treatments as well. But VA cannot combat PTSD alone. Dedicated advocates and organizations throughout the country are committed to doing their part to help provide care for our veterans.

Welcome Back Veterans has answered this call to service. The partnership between Major League Baseball, the McCormick Foundation, the Entertainment Industry Foundation and the university hospitals at Weill Cornell, the University of Michigan, Stanford University, and the Massachusetts Institute of Technology have already made tremendous accomplishments on behalf of our veterans.

They have raised over \$15 million for PTSD treatment and research and are working closely with hospitals in Massachusetts, New York, Michigan, and California to help provide care to over 5,000 servicemembers. But for all the great things that Welcome Back Veterans has accomplished, I know they are poised to do so much more. They are continuing to work hard to care for our veterans, and I look forward to watching them continue with these efforts.

Welcome Back Veterans deserves our formal recognition for the great work

they have done. I urge you to join me in offering my gratitude to Welcome Back Veterans by supporting House Resolution 1746.

HOUSE COMMITTEE ON ARMED SERVICES,
HOUSE OF REPRESENTATIVES,
Washington, DC, December 7, 2010.

Hon. BOB FILNER,
Chairman, Committee on Veterans' Affairs,
House of Representatives, Washington, DC.

DEAR CHAIRMAN FILNER: I am writing to you concerning H. Res. 1746, recognizing and supporting the efforts of Welcome Back Veterans to augment the services provided by the Departments of Defense and Veterans' Affairs in providing timely and world-class care for veterans and members of the Armed Forces suffering from PTSD and related psychiatric disorders. This measure was referred to the Committee on Veterans' Affairs, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

Our committee recognizes the importance of H. Res. 1746, and the need for the resolution to move expeditiously. Therefore, while we have a valid claim to jurisdiction over this legislation, the Committee on Armed Services will waive further consideration of H. Res. 1746. I do so with the understanding that by waiving consideration of the resolution, the Committee on Armed Services does not waive any future jurisdictional claim over the subject matters contained in the resolution which fall within its Rule X jurisdiction.

Please place this letter and a copy of your response into the CONGRESSIONAL RECORD during consideration of the measure on the House floor. Thank you for the cooperative spirit in which you have worked regarding this matter and others between our respective committees.

Very truly yours,

IKE SKELTON,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON VETERANS' AFFAIRS,
Washington, DC, December 7, 2010.

Hon. IKE SKELTON,
Chairman, Committee on Armed Services, House
of Representatives, Washington, DC.

DEAR CHAIRMAN SKELTON: Thank you for your letter regarding House Resolution 1746, "Recognizing and supporting the efforts of Welcome Back Veterans to augment the services provided by the Departments of Defense and Veterans' Affairs in providing timely and world-class care for veterans and members of the Armed Forces suffering from PTSD and related psychiatric disorders." This measure was referred to the Committee on Veterans' Affairs and sequentially referred to the Committee on Armed Services.

I agree that the Committee on Armed Services has certain valid jurisdictional claims to this resolution, and I appreciate your decision to waive further consideration of H. Res. 1746 in the interest of expediting consideration of this important measure. I agree that by agreeing to waive further consideration, the Committee on Armed Services is not waiving its jurisdictional claims over similar measures in the future.

During consideration of this measure on the House floor, I will ask that this exchange of letters be included in the Congressional Record.

Sincerely,

BOB FILNER,
Chairman.

Mr. Speaker, I reserve the balance of my time.

Mr. ROE of Tennessee. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, I rise in support of House Resolution 1746, as amended, a bill to recognize and support the efforts of the Welcome Back Veterans organization to augment the services provided by the Department of Defense and Veterans Affairs in providing timely and world-class care for veterans and members of the Armed Forces suffering from post-traumatic stress disorder and related psychiatric disorders.

Many of our veterans return from combat in need of assistance due to the symptoms related to PTSD. Welcome Back Veterans is engaged in a public-private partnership with the Department of Veterans Affairs, the Department of Defense, Major League Baseball, the McCormick Foundation and university hospitals of Weill Cornell, the University of Michigan, and Stanford University to help veterans by addressing the ongoing issue of PTSD.

□ 1110

Nearly 5,000 veterans and members of the Armed Forces are already receiving help through the Welcome Back Veterans program. To date, the program has raised over \$10 million in funding to help improve the lives of our veterans and their families. Their Center of Excellence initiative looks to continue their commitment to veterans by creating a network of university hospitals that specialize in assisting veterans who suffer from PTSD.

House Resolution 1746 would resolve that the House of Representatives recognizes and supports the efforts of Welcome Back Veterans and encourages the Secretary of Veterans Affairs to establish innovative public-private partnerships for the treatment and research of posttraumatic stress disorder in teaching hospitals across this country.

Again, I urge my colleagues to support H. Res. 1746.

Mr. Speaker, I reserve the balance of my time.

Mr. DONNELLY of Indiana. Mr. Speaker, I yield 5 minutes to my good friend and colleague from New York (Mr. ISRAEL).

Mr. ISRAEL. I thank my good friend and former Long Islander, now from Indiana, for his leadership and for recognizing me.

Mr. Speaker, I rise in support of this resolution which I had the privilege of introducing and sponsoring. I want to thank the leaders, members and staff of the Armed Services Committee and the Veterans' Affairs Committee for their support and cooperation on this vitally important resolution.

Mr. Speaker, this resolution recognizes the efforts of Welcome Back Veterans in providing critically needed

treatment for PTSD to veterans and active members of the Armed Forces. Welcome Back Veterans is a partnership with Major League Baseball Charities, the Entertainment Industry Foundation and the McCormick Foundation. They are creating a network of university hospitals to address the mental health needs of our servicemembers and their families.

To date, Welcome Back Veterans has raised over \$12 million in private funding to support the treatment and research of PTSD through grants to other service organizations and has provided treatment to over 5,000 veterans and active duty servicemembers. They have a broad and integrated and innovative approach towards PTSD. And they should, because PTSD is known as a "silent killer." One out of every five veterans from Afghanistan and Iraq has been affected. It doesn't always have physical symptoms that are easily recognized. It impacts not just the servicemember but the family member, loved ones, children. Servicemembers and veterans with PTSD are at a higher risk for other challenges, such as depression; higher risk of alcohol and drug abuse; six times more likely to commit suicide than people without PTSD.

Mr. Speaker, this is a massive problem and it requires a massive response. It's not just the response from the VA and the Department of Defense. They are on the front lines of helping those who have been on the front lines with PTSD. But it's got to go even broader and deeper than that. We need partners. We need university hospitals. We need good philanthropic organizations like Major League Baseball Charities and the Entertainment Industry Foundation and the McCormick Foundation. They have assembled a team that is addressing this critical need, and this resolution encourages the Secretary of Veterans Affairs to not only support that team but continue to build and expand the public-private partnerships that will make sure that anybody that we send into combat or into the military theater or into the Department of Defense who comes back with PTSD has access to treatment and cures.

I want to thank the gentleman again for his leadership.

Mr. ROE of Tennessee. Mr. Speaker, in closing, I want to commend Congressman ISRAEL for introducing this much needed resolution and also as a veteran myself and as a physician, we need to be looking for public-private partnerships. I couldn't be happier with this because the VA is not meeting the entire need that we have of our veterans right now in treating PTSD. We need to look at innovative ways to put these young men and women back into the workforce and to help them. And certainly not just with the Iraq and Afghanistan war but through the Vietnam War and World War II. Many of

our troops out there are dealing with this very, very serious problem. I want to thank these organizations privately for stepping up.

Ms. FUDGE. Mr. Speaker, I want to take a moment to offer my enthusiastic endorsement of H. Res. 1746, recognizing and supporting the efforts of the non-profit organization, Welcome Back Veterans, in supplementing the world-class care that the Departments of Defense and Veterans' Affairs offer to our returning troops. The grassroots efforts of Welcome Back Veterans, Major League Baseball and the Boston Red Sox Foundation are testaments to the strength of the American spirit and patriotism.

We all owe our veterans a debt of gratitude that we cannot repay easily or quickly. As civilians, we will likely never be able to understand the sacrifice our veterans have made to safeguard the freedom we enjoy, the freedom that makes our Nation the greatest in the world. We can, however, honor our servicemembers by following the examples of Welcome Back Veterans by providing the resources they need to be healthy.

Major League Baseball also deserves praise for supporting the Welcome Back program for supporting the Post-Traumatic Stress Disorder research being done at Massachusetts General in Boston, Weill Cornell in New York, the University of Michigan and Stanford University in California. These institutions have also moved into previously uncharted space by providing supportive services to the families of patients suffering from PTSD.

Additionally, the League recently honored service men and women on Veteran's Day. I'm fortunate to represent a veteran who made significant contributions to World War II and Major League Baseball, Hall of Fame Cleveland Indians' pitcher Bob Feller. Mr. Feller was the first major leaguer to volunteer for active duty, enlisting in the Navy on Dec. 9, 1941, two days after Pearl Harbor and 36 days after his 23rd birthday. After surviving some of the most violent, and important sea battles of the war, Feller returned to the Indians and finished his career with 266 wins and 2,581 strikeouts. Mr. Feller, without a doubt, was a phenomenal athlete and still is a true patriot. The League's honor of him and the other veterans reminds us not to take for granted the freedom to have a national pastime.

I am proud of all the veterans in my Congressional District, and in America. Many of these men and women shoulder the psychological burden of war long after they return home, and we must not let them do so alone. Thanks to the efforts of the Boston Red Sox Foundation, Major League Baseball, McCormick Foundation, Entertainment Industry Foundation and University Hospitals at Weill Cornell, the University of Michigan and Stanford University through Welcome Back Veterans and executive agencies, we are making sure our service men and women enjoy the quality of life they so bravely defended. Again, I applaud these efforts, and challenge members of Congress to continuously build public-private partnerships that advance the treatment of PTSD.

Ms. JACKSON LEE of Texas. Mr. Speaker, I stand before you today in support of H. Res. 1746, "Recognizing and supporting the efforts

of Welcome Back Veterans to augment the services provided by the Departments of Defense and Veterans Affairs in providing timely and world-class care for veterans and members of the Armed Forces suffering from post-traumatic stress disorder (PTSD) and related psychiatric disorders."

I would like to begin by thanking my colleague, Representative ISRAEL, for introducing this resolution to the House, which encourages the Secretary of Veterans Affairs to establish innovative public-private partnerships for the treatment and research of PTSD in teaching hospitals across the country. I urge my colleagues to also support this resolution, as it honors the fact that those who have fought for our Nation should remain a priority.

It is important that we, as a Nation, continue to recognize that our great country stands strongly today because of the dedication and sacrifice of American veterans. The United States is surely indebted to the veterans of every conflict, who have made great sacrifices for themselves and their families in defense of our national security. Our freedom is intertwined with the sacrifices of our veterans, whose devotion to our way of life is unparalleled. I am privileged to stand before you today and officially honor their sacrifices and the role they play in our Nation.

Every Veterans Day, Americans come together to remember those who have served our country around the world in the name of freedom and democracy. The debt that we owe to them is immeasurable. Their sacrifices and those of their families are freedom's foundation. Without the brave efforts of all the soldiers, sailors, airmen, marines, and Coast Guardsmen and their families, our country would not live so freely.

Deployed soldiers frequently and continually engage in high-intensity combat operations, exposing them to potential triggers for PTSD or other psychiatric conditions. A 2008 report published by the RAND Corporation estimated that one in five Iraq and Afghanistan veterans are affected by PTSD. Those with PTSD are at high risk for developing other psychological disorders, such as depression.

Furthermore, those suffering with PTSD are more likely to engage in self-destructive behaviors, such as alcohol and substance abuse, and are six times more likely than persons without PTSD to commit suicide. PTSD has been associated with unemployment and a work productivity loss, and when left untreated, exacts an enormous toll on individuals, families, and society as a whole.

This resolution not only solidifies the importance of Veterans Day, but also extends the importance of support for veterans and their health and safety throughout the year. In observing Veterans Day, the people of the United States must also encourage the education of our youth on how those dedicated individuals have contributed to the United States' history and today's society. We must continue the tradition of honoring those who have served for the greatest causes, freedom, democracy, and justice; their commitment to the United States at home and abroad should never be forgotten. I am truly proud to rise in support of the recognition of Welcome Back Veterans for their commitment to taking care of our soldiers.

We recognize and honor the veterans of the Armed Forces not only of today, but also of years past, who have sacrificed their lives for our great Nation. This resolution reaffirms our country's utmost respect and pride for our service people who have contributed to the shaping of the United States' history and our current place in the world today. It shows the true patriotic spirit that many Americans possess, and their willingness to give back to those who have given so much to maintain our freedom.

Currently, our Nation has 3 million troops and reservists, and 23 million veterans, who deserve the greatest respect from their fellow citizens. Our Nation has a proud legacy of appreciation and commitment maintaining the wellbeing of the men and women who have uniforms in defense of this country, and we must ensure that this legacy continues in the future.

Mr. ROE of Tennessee. Mr. Speaker, I yield back the balance of my time.

Mr. DONNELLY of Indiana. Mr. Speaker, I too want to thank my colleague Mr. ISRAEL for his leadership on this issue. I urge my colleagues to unanimously support House Resolution 1746, as amended.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Indiana (Mr. DONNELLY) that the House suspend the rules and agree to the resolution, H. Res. 1746, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. DONNELLY of Indiana. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

EXCLUDING SECURITY AND SAFETY EQUIPMENT FROM ENERGY EFFICIENCY STANDARDS

Mr. PALLONE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5470) to exclude an external power supply for certain security or life safety alarms and surveillance system components from the application of certain energy efficiency standards under the Energy Policy and Conservation Act.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5470

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EFFICIENCY STANDARDS FOR CLASS A EXTERNAL POWER SUPPLIES.

Section 325(u)(3) of the Energy Policy and Conservation Act (42 U.S.C. 6295(u)(3)) is amended—

(1) in subparagraph (A), by striking “(D)” and inserting “(E)”;

(2) by adding at the end the following:

“(E) NONAPPLICATION OF NO-LOAD MODE ENERGY EFFICIENCY STANDARDS TO EXTERNAL POWER SUPPLIES FOR CERTAIN SECURITY OR LIFE SAFETY ALARMS OR SURVEILLANCE SYSTEMS.—

“(i) DEFINITION OF SECURITY OR LIFE SAFETY ALARM OR SURVEILLANCE SYSTEM.—In this subparagraph:

“(I) IN GENERAL.—The term ‘security or life safety alarm or surveillance system’ means equipment designed and marketed to perform any of the following functions (on a continuous basis):

“(aa) Monitor, detect, record, or provide notification of intrusion or access to real property or physical assets or notification of threats to life safety.

“(bb) Deter or control access to real property or physical assets, or prevent the unauthorized removal of physical assets.

“(cc) Monitor, detect, record, or provide notification of fire, gas, smoke, flooding, or other physical threats to real property, physical assets, or life safety.

“(II) EXCLUSION.—The term ‘security or life safety alarm or surveillance system’ does not include any product with a principal function other than life safety, security, or surveillance that—

“(aa) is designed and marketed with a built-in alarm or theft-deterrent feature; or

“(bb) does not operate necessarily and continuously in active mode.

“(ii) NONAPPLICATION OF NO-LOAD MODE REQUIREMENTS.—The No-Load Mode energy efficiency standards established by this paragraph shall not apply to an external power supply manufactured before July 1, 2017, that—

“(I) is an AC-to-AC external power supply;

“(II) has a nameplate output of 20 watts or more;

“(III) is certified to the Secretary as being designed to be connected to a security or life safety alarm or surveillance system component; and

“(IV) on establishment within the External Power Supply International Efficiency Marking Protocol, as referenced in the ‘Energy Star Program Requirements for Single Voltage External Ac-Dc and Ac-Ac Power Supplies’, published by the Environmental Protection Agency, of a distinguishing mark for products described in this clause, is permanently marked with the distinguishing mark.

“(iii) ADMINISTRATION.—In carrying out this subparagraph, the Secretary shall—

“(I) require, with appropriate safeguard for the protection of confidential business information, the submission of unit shipment data on an annual basis; and

“(II) restrict the eligibility of external power supplies for the exemption provided under this subparagraph on a finding that a substantial number of the external power supplies are being marketed to or installed in applications other than security or life safety alarm or surveillance systems.”.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. PALLONE) and the gentleman from Kentucky (Mr. WHITFIELD) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey.

GENERAL LEAVE

Mr. PALLONE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. PALLONE. Mr. Speaker, I yield to myself such time as I may consume.

I rise today to offer H.R. 5470, a simple piece of legislation that provides a straightforward technical correction to the Energy Independence and Security Act of 2007.

Specific provisions in the Energy Independence and Security Act intended to increase the energy efficiency requirements for battery chargers and external power supplies have been implemented in a way that includes security and life safety products but yields no energy savings. The law requires the power supplies on these products to meet energy efficiency standards in a number of different modes, including off mode and standby mode. Security and life safety products, however, are always on and never operate in off mode or standby mode. Fire monitors, carbon monoxide monitors, intrusion detection sensors and access control readers require a constant, uninterrupted power supply. Security products are always in active mode, meaning they are connected to a main power source and remain active to detect and monitor various readings. To disconnect these devices from the transformer would destroy the integrity of the security system and compromise public safety and security.

This legislation will provide an exemption for security and life safety products from these Federal energy efficiency requirements while still retaining the law's active mode efficiency requirements for these products. Without creating this correction for security and life safety products, the industry will be forced to spend millions of dollars to comply with an energy standard that will yield no energy savings and could actually cost jobs.

Mr. Speaker, this commonsense correction to current law is supported by the security industry and a broad spectrum of environmental groups, including the Natural Resources Defense Council, the American Council for an Energy-Efficient Economy, and the Alliance to Save Energy. The bill also contains language which will mitigate any potential newfound concerns by limiting the duration of the exemption to allow the Department of Energy to modify it after July 2017.

I would also note, Mr. Speaker, that the Department of Energy supports this correction, which is documented in response to a question for the record submitted by Senator BINGAMAN following a Senate Committee on Energy

and Natural Resources hearing. It is also bipartisan. My colleague from Kentucky who is on the floor is also one of the cosponsors of this bill.

I would urge all my colleagues on both sides of the aisle to support this sensible technical correction and vote "aye."

Mr. Speaker, I reserve the balance of my time.

Mr. WHITFIELD. Mr. Speaker, I yield myself as much time as I may consume.

I want to thank the gentleman from New Jersey for introducing this important legislation. We anticipate that over the next 25 years, the demand for electricity in America is going to almost double. One of the ways, not the only way, but one of the ways that we are going to have to address this problem is to have consumer products that are more efficient, that use less electricity.

□ 1120

That was certainly the purpose of the Energy Independence and Security Act of 2007, which sought to clarify requirements in the measurement of energy consumption in certain consumer devices. Some of the devices, however, that were not excluded in this legislation included security devices such as smoke and carbon monoxide detectors.

When we have regulations to make products more efficient, it's always a balancing act. We want them to be more efficient, but we don't want them to have to be redone in such a way that it raises the price to the consumer and makes the manufacturer of that product less competitive in the global marketplace.

This legislation, H.R. 5470, is designed to do particularly that, to exclude from this legislation of 2007 these security devices such as smoke and carbon monoxide detectors. This legislation is going to help clarify that, because we went to the Department of Energy and asked them to modify the requirements, and they refused, saying that they could issue a ruling only to modify regulations written by the Department, not amend a law passed by Congress. Mr. PALLONE's legislation does expressly that. I would urge all of our Members to support it.

Mr. Speaker, I yield back the balance of my time.

Mr. PALLONE. I would also yield back the balance of my time and urge passage of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. PALLONE) that the House suspend the rules and pass the bill, H.R. 5470.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GUARANTEE OF A LEGITIMATE DEAL ACT OF 2010

Mr. WEINER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4501) to require certain return policies from businesses that purchase precious metals from consumers and solicit such transactions through an Internet website, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4501

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Guarantee of a Legitimate Deal Act of 2010".

SEC. 2. RETURN REQUIREMENTS FOR PURCHASERS OF PRECIOUS METALS.

(a) *UNLAWFUL CONDUCT.*—It shall be unlawful for any purchaser of precious metals to—

(1) sell, transfer to a third party, or refine through melting or otherwise permanently destroy an item of jewelry or precious metal before the purchaser of precious metals has received an affirmative acceptance of an offer to purchase the item for a specific price from the consumer to whom such offer was made;

(2) fail to promptly return to the consumer any jewelry or other precious metal if the consumer declines the offer to purchase made by the purchaser of precious metals; or

(3) fail to insure any shipment to the consumer of such jewelry or precious metals in an amount equal to—

(A) the amount the consumer insured the shipment of the jewelry or precious metals to the purchaser of precious metals, if the consumer provides the purchaser of precious metals with proof of such insurance; or

(B) 60 percent of the melt-value of the jewelry or precious metals, if the consumer does not provide the purchaser of precious metals with proof of such insurance.

(4) *Law Enforcement Exception.*—Paragraph (1) of this subsection shall not prohibit the sale or transfer of any item of jewelry or precious metal to law enforcement agencies or their personnel.

(b) *DEFINITIONS.*—As used in this Act—

(1) the term "purchaser of precious metals" means a person who is in the business of purchasing jewelry or other precious metals directly from consumers; and

(2) the term "melt-value" means the reasonable estimated value of any item of jewelry or precious metal, as determined by the purchaser of precious metals, if such item were processed and refined by the purchaser of precious metals.

(c) *REGULATIONS.*—The Commission may issue regulations under section 553 of title 5, United States Code, to carry out the purposes of this Act.

SEC. 3. ENFORCEMENT BY THE FEDERAL TRADE COMMISSION.

(a) *UNFAIR AND DECEPTIVE ACT OR PRACTICE.*—A violation of this Act or a regulation issued pursuant to this Act shall be treated as an unfair or deceptive act or practice in violation of a regulation under section 18(a)(1)(B) of the Federal Trade Commission Act (15 U.S.C. 57a(a)(1)(B)) regarding unfair or deceptive acts or practices.

(b) *POWERS OF COMMISSION.*—The Commission shall enforce this Act in the same manner, by the same means, and with the same jurisdiction, powers, and duties as though all applicable terms and provisions of the Federal Trade Commission Act (15 U.S.C. 41 et seq.) were incorporated into and made a part of this Act. Any person who violates this Act shall be subject to

the penalties and entitled to the privileges and immunities provided in that Act.

SEC. 4. EFFECTIVE DATE.

The provisions of this Act shall take effect 60 days after the date of enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. WEINER) and the gentleman from Kentucky (Mr. WHITFIELD) each will control 20 minutes.

The Chair recognizes the gentleman from New York.

GENERAL LEAVE

Mr. WEINER. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and include extraneous material in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. WEINER. Mr. Speaker, I yield myself such time as I may consume, and I don't intend to use all of the time. I thank the indulgence of the gentleman from Kentucky both in this debate and during consideration of this bill in committee.

Mr. Speaker, during these difficult economic times, Americans are looking for any way that they can to try to make ends meet. They are taking on second jobs; they are looking through their cupboards, trying to see if there is anything they can sell. Just about any opportunity they can to make a few dollars people are looking for. That is why there has been a great deal of attention paid recently to companies that are advertising very heavily that if you give us your gold and jewelry, we will give you cash for those products.

The problem is that when you put the gold and the jewelry in the envelope and send it to some of these companies, they are finding that consumers are not being treated very well. The Consumers Union and their publication Consumer Reports did a good expose on this, turning out the problems people face. Sometimes they are getting pennies on the dollar for what comes back, but even more difficult are the cases where people don't even agree to the transaction; or finding that since they didn't act fast enough, their gold or jewelry had been melted down, sold off for pennies on the dollar, and they were left with very little recourse.

When Congress found out about this, a hearing was convened in Congressman BOBBY RUSH's subcommittee in the Energy and Commerce Committee. We heard from victims who had this happen to them. And we also heard from industry groups. There was virtual consensus that more needed to be done to protect consumers. You can have a debate, which perhaps should go on in each household before you engage in one of these transactions through the Internet or through the mail, whether or not you should see a neighborhood pawn broker, a neighborhood

jeweler, someone who can give you some actual hands-on advice about these things. But as with so many things with rare jewelry, it's like a lot of other elements of products that consumers don't have a real intrinsic sense of what they should be worth, so they are subject to be taken advantage of.

The act we are taking up today, the GOLD Act, the Guarantee of a Legitimate Deal Act of 2009, makes some changes in the law to give consumers a little bit more weight on their side of the scale, no pun intended. What it would mean is that under this new law a consumer would have to accept or reject the offer before the transaction has been considered complete. Right now there are many companies, including Cash4Gold, the biggest one of them, that will give a finite number of days after which they will simply melt down the gold and consider the transaction completed.

It mandates that the purchasers of precious metals through the mail insure the products and send them back in the same insurance level that they were sent to them for. Let me explain why that's necessary. According to the postal service, we have a large number of people alleging that they would send their gold, say I don't want to do the deal, and mysteriously when the gold was mailed back to them, it disappeared in the mail. And, frankly, it seems more likely than not that the people sending back those shipments never actually did it.

So what we are proposing here is that if someone insures it for \$100 going, it gets insured for \$100 when it gets sent back as part of the transaction. And it would institute civil penalties for any company that melts down someone's gold without the prior approval by the consumer.

Now, as I said, you can have a debate, and I think that it seems from a lot of the testimony that we took it's good to get a second or a third opinion about the true value, as you might really have some rare exotic piece of jewelry or something that has a high level of gold content; and you may find that when you send it to one of these places, as Consumer Reports found out when they did a study, they found out that the people were only getting on average of between 11 and 29 percent of the value of the gold actually offered back to them.

So you should try to get some advice from an actual person you trust in your community: a jeweler, a pawn broker, and the like.

But also what this finally says is if you are going to go ahead with one of these transactions, if you are going to take a piece of jewelry that you have, put it in one of these prepaid envelopes and mail it off, you are going to continue to have control over the transaction should this law pass. That's why the Consumers Union supports it, the

Jewelers Vigilance Council, which is the trade organization that testified. And it's my understanding that even the biggest player in the field that prompted this investigation, Cash4Gold, has said that they support this legislation. And while they have had problems, I want to commend them for doing so.

I reserve the balance of my time.

Mr. WHITFIELD. I yield myself as much time as I may consume.

I want to thank the gentleman from New York for bringing this matter to the attention of the Congress, and specifically the Energy and Commerce Committee. As he said, with the economic downturn and with the dramatic increase in the price of gold, we see more and more people mailing their gold possessions in an envelope to these companies that are buying gold and then melting it down. It is a system that is ripe with the opportunity to defraud a lot of people. And this legislation, as the gentleman from New York stated, simply clarifies a number of issues.

Number one, it makes it easier to determine whether or not a consumer is accepting the offer of the company that's buying the gold. It also provides these additional protections on the insurance, because as the gentleman from New York said, frequently the client, the consumer, did not really want to sell; and yet it probably was melted down, and they said, well, we mailed it back to you, but it was lost in the mail.

So this is important legislation, provides additional consumer protections at a time when a lot of our consumers are particularly vulnerable to being taken advantage of. I want to commend the gentleman once again for his actions and urge the support of H.R. 4501.

I yield back the balance of my time.

Mr. WEINER. I yield myself such time as I may consume.

I want to thank Representative WHITFIELD for his kind words and for his help in crafting this bill and making it better than what it was first authored, Chairman RUSH, who is the subcommittee chairman, and his staff, Peter Ketcham-Colwill, Michelle Ash, and also Yuri Beckelman of my staff and Bertine Moenaff of my staff, who helped do the research, and of course Consumers Union and the Jewelers Vigilance Council, who helped to provide testimony.

I urge my colleagues to vote "yes," and I yield back the balance of my time.

□ 1130

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. WEINER) that the House suspend the rules and pass the bill, H.R. 4501, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the yeas have it.

Mr. WEINER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

H.R. 5987, by the yeas and nays;

House Resolution 1717, by the yeas and nays;

House Resolution 1540, by the yeas and nays;

House Resolution 1531, de novo.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

SENIORS PROTECTION ACT OF 2010

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 5987) to ensure that seniors, veterans, and people with disabilities who receive Social Security and certain other Federal benefits receive a one-time \$250 payment in the event that no cost-of-living adjustment is payable in 2011, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Dakota (Mr. POMEROY) that the House suspend the rules and pass the bill, as amended.

The vote was taken by electronic device, and there were—yeas 254, nays 153, not voting 27, as follows:

[Roll No. 611]

YEAS—254

Ackerman	Brown (SC)	Clyburn
Adler (NJ)	Brown, Corrine	Connolly (VA)
Altmire	Brown-Waite,	Conyers
Andrews	Ginny	Costa
Baca	Buchanan	Costello
Baldwin	Butterfield	Courtney
Barrow	Cao	Critz
Bean	Capito	Crowley
Becerra	Capps	Cuellar
Berkley	Capuano	Cummings
Berman	Cardoza	Dahlkemper
Biggert	Carnahan	Davis (CA)
Bishop (GA)	Carney	Davis (IL)
Bishop (NY)	Carson (IN)	Davis (TN)
Bocchieri	Castle	DeFazio
Boren	Castor (FL)	DeGette
Boswell	Chandler	DeLauro
Boucher	Chu	Dent
Brady (PA)	Clarke	Deutch
Braley (IA)	Clay	Diaz-Balart, L.
Bright	Cleaver	Diaz-Balart, M.

Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driebeaus
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Farr
Fattah
Foster
Frank (MA)
Fudge
Garamendi
Gerlach
Giffords
Gonzalez
Grayson
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Herseeth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Israel
Jackson (IL)
Jackson Lee
(TX)
Johnson, E. B.
Jones
Kagen
Kanjorski
Kaptur
Kildee
Kilroy
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Langevin
Larsen (WA)
Larsen (CT)

Lee (CA)
Levin
Lewis (GA)
Lipinski
LoBiondo
Loeb sack
Lofgren, Zoe
Lowey
Lujan
Lynch
Maffei
Maloney
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum
McCotter
McDermott
McGovern
McIntyre
McMahon
McNerney
Meeks (NY)
Melancon
Mica
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Murphy (CT)
Murphy, Tim
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Obey
Oliver
Ortiz
Owens
Pallone
Pascarell
Pastor (AZ)
Payne
Pelosi
Perlmutter
Perrillo
Peters
Peterson
Petri
Pingree (ME)
Platts
Polis (CO)
Pomeroy
Posey
Price (NC)
Putnam
Quigley
Rahall
Rangel

Reyes
Richardson
Rodriguez
Ros-Lehtinen
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sanchez, Linda
T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schock
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Sutton
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wamp
Wasserman
Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Whitfield
Wilson (OH)
Woolsey
Wu
Yarmuth

Lucas
Luetkemeyer
Lummis
Lungren, Daniel
E.
Mack
Manzullo
Markey (CO)
McCarthy (CA)
McCaul
McClintock
McHenry
McKeon
Miller (FL)
Miller (MI)
Miller, Gary
Minnick
Moran (KS)
Moran (VA)
Murphy (NY)
Myrick
Neugebauer
Nunes
Olson

NOT VOTING—27

Arcuri
Bachus
Berry
Bilbray
Blunt
Boyd
Childers
Cohen
Davis (AL)
Delahunt
Fallin
Filner
Gordon (TN)
Granger
Griffith
Hoekstra
Johnson (GA)
Kennedy
Kilpatrick (MI)
Kirkpatrick (AZ)

Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Stearns
Stutzman
Sullivan
Tanner
Taylor
Terry
Thompson (PA)
Thornberry
Tiberi
Turner
Upton
Walden
Westmoreland
Wilson (SC)
Wittman
Wolf
Young (AK)
Marchant
McMorris
Rodgers
Meek (FL)
Murphy, Patrick
Radanovich
Tiahrt
Young (FL)

[Roll No. 612]

YEAS—402

DeFazio
DeGette
DeLauro
Dent
Deutch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Djou
Doggett
Donnelly (IN)
Doyle
Dreier
Driebeaus
Duncan
Edwards (MD)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxy
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Graves (GA)
Graves (MO)
Grayson
Green, Al
Green, Gene
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseeth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Issa
Israel
Jackson (IL)
Jackson Lee
(TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kildee
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larsen (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loeb sack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Lujan
Lummis
Lungren, Daniel
E.
Lynch
Mack
Maffei
Maloney
Manzullo
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McNerney
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Tim
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Oliver
Ortiz

□ 1206

Ms. JENKINS, Messrs. GALLEGLY, SMITH of Texas, POE of Texas, KIND, MORAN of Virginia, HALL of Texas, and BILIRAKIS changed their vote from “yea” to “nay.”

Mr. ELLISON, Ms. BEAN, and Mr. MCCOTTER changed their vote from “nay” to “yea.”

So (two-thirds not being in the affirmative) the motion was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. FILNER. Mr. Speaker, on rollcall 611, I was away from the Capitol. Had I been present, I would have voted “yes.”

CONGRATULATING LIU XIAOBO ON NOBEL PEACE PRIZE

The SPEAKER pro tempore (Mrs. DAHLKEMPER). The unfinished business is the vote on the motion to suspend the rules and agree to the resolution (H. Res. 1717) congratulating imprisoned Chinese democracy advocate Liu Xiaobo on the award of the 2010 Nobel Peace Prize, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. KLEIN) that the House suspend the rules and agree to the resolution, as amended.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 402, nays 1, not voting 31, as follows:

NAYS—153

Aderholt
Akin
Alexander
Austria
Bachmann
Baird
Barrett (SC)
Bartlett
Barton (TX)
Bilirakis
Bishop (UT)
Blackburn
Blumenauer
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Carter
Cassidy
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Cooper
Crenshaw
Culberson
Davis (KY)
Djou
Dreier
Duncan
Ehlers
Flake
Fleming
Forbes
Fortenberry
Foxy
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gingrey (GA)
Gohmert
Goodlatte
Graves (GA)
Graves (MO)
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hunter
Inglis
Inslee
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jordan (OH)
Kind
King (IA)
King (NY)
Kingston
Kline (MN)
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder

Owens	Royce	Stupak
Pallone	Ruppersberger	Stutzman
Pascarell	Rush	Sullivan
Pastor (AZ)	Ryan (OH)	Sutton
Paulsen	Ryan (WI)	Tanner
Payne	Salazar	Taylor
Pelosi	Sánchez, Linda	Teague
Pence	T.	Terry
Perlmutter	Sanchez, Loretta	Thompson (CA)
Perriello	Sarbanes	Thompson (MS)
Peters	Scalise	Thompson (PA)
Peterson	Schakowsky	Thornberry
Petri	Schauer	Tiberi
Pingree (ME)	Schiff	Tierney
Pitts	Schmidt	Titus
Platts	Schock	Tonko
Poe (TX)	Schrader	Towns
Polis (CO)	Schwartz	Tsongas
Pomeroy	Scott (GA)	Turner
Posey	Scott (VA)	Upton
Price (GA)	Sensenbrenner	Van Hollen
Price (NC)	Serrano	Velázquez
Putnam	Sessions	Visclosky
Quigley	Sestak	Walden
Rahall	Shadegg	Walz
Rangel	Sherman	Wasserman
Reed	Shimkus	Schultz
Rehberg	Shuler	Waters
Reichert	Shuster	Watson
Reyes	Simpson	Watt
Richardson	Sires	Waxman
Rodriguez	Skelton	Weiner
Roe (TN)	Slaughter	Westmoreland
Rogers (AL)	Smith (NE)	Whitfield
Rogers (KY)	Smith (NJ)	Wilson (OH)
Rogers (MI)	Smith (TX)	Wilson (SC)
Rohrabacher	Smith (WA)	Wittman
Rooney	Snyder	Wolf
Ros-Lehtinen	Space	Woolsey
Roskam	Speier	Wu
Ross	Spratt	Yarmuth
Rothman (NJ)	Stark	Young (AK)
Roybal-Allard	Stearns	

NAYS—1

Paul

NOT VOTING—31

Arcuri	Edwards (TX)	McMorris
Bachus	Fallin	Rodgers
Berry	Gordon (TN)	Meek (FL)
Bilbray	Granger	Murphy, Patrick
Blunt	Griffith	Radanovich
Boyd	Hoekstra	Shea-Porter
Castle	Kennedy	Tiahrt
Childers	Kilpatrick (MI)	Wamp
Cohen	Kirkpatrick (AZ)	Welch
Davis (AL)	Marchant	Young (FL)
Delahunt	Markey (CO)	

□ 1214

So (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

SUPPORTING THE REMOVAL OF ILLICIT MARIJUANA ON FEDERAL LANDS

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution (H. Res. 1540) supporting the goal of eradicating illicit marijuana cultivation on Federal lands and calling on the Director of the Office of National Drug Control Policy to develop a coordinated strategy to permanently dismantle Mexican drug trafficking organizations operating on Federal lands, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. SCOTT) that the House suspend the rules and agree to the resolution, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 400, nays 4, not voting 29, as follows:

[Roll No. 613]

YEAS—400

Ackerman	Conyers	Hensarling
Aderholt	Cooper	Herger
Adler (NJ)	Costa	Hersth Sandlin
Akin	Costello	Higgins
Alexander	Courtney	Hill
Altmire	Crenshaw	Himes
Andrews	Critz	Hinchey
Austria	Crowley	Hinojosa
Baca	Cuellar	Hirono
Bachmann	Culberson	Hodes
Bachus	Cummings	Holden
Baird	Dahlkemper	Holt
Baldwin	Davis (CA)	Honda
Barrett (SC)	Davis (IL)	Hoyer
Barrow	Davis (KY)	Hunter
Bartlett	Davis (TN)	Inglis
Barton (TX)	DeFazio	Inslee
Bean	DeGette	Israel
Becerra	DeLauro	Issa
Berkley	Dent	Jackson (IL)
Berman	Deutch	Jackson Lee
Biggart	Diaz-Balart, L.	(TX)
Bilirakis	Diaz-Balart, M.	Jenkins
Bishop (GA)	Dicks	Johnson (GA)
Bishop (NY)	Dingell	Johnson (IL)
Djou	Djou	Johnson, E. B.
Doggett	Doggett	Johnson, Sam
Donnelly (IN)	Donnelly (IN)	Jordan (OH)
Doyle	Doyle	Kagen
Dreier	Dreier	Kanjorski
Bonner	Driehaus	Kaptur
Bono Mack	Duncan	Kildee
Boozman	Edwards (MD)	Kilroy
Boren	Edwards (TX)	Kind
Boswell	Ehlers	King (IA)
Boucher	Ellison	King (NY)
Boustany	Ellsworth	Kingston
Brady (PA)	Emerson	Kissell
Brady (TX)	Engel	Klein (FL)
Braley (IA)	Eshoo	Kline (MN)
Bright	Etheridge	Kosmas
Broun (GA)	Farr	Kratovil
Brown (SC)	Fattah	Lamborn
Brown, Corrine	Filner	Lance
Brown-Waite,	Flake	Langevin
Ginny	Fleming	Larsen (WA)
Buchanan	Forbes	Larson (CT)
Burgess	Fortenberry	Latham
Burton (IN)	Foster	LaTourette
Butterfield	Fox	Latta
Buyer	Franks (AZ)	Lee (CA)
Calvert	Frelinghuysen	Lee (NY)
Camp	Fudge	Levin
Campbell	Gallegly	Lewis (CA)
Cantor	Garamendi	Lewis (GA)
Cao	Garrett (NJ)	Linder
Capito	Gerlach	Lipinski
Capps	Giffords	LoBiondo
Capuano	Gingrey (GA)	Loeb
Cardoza	Gohmert	Loftgren, Zoe
Carnahan	Gonzalez	Lowey
Carney	Goodlatte	Lucas
Carson (IN)	Graves (GA)	Luetkemeyer
Carter	Graves (MO)	Lujan
Cassidy	Green, Al	Lummis
Castle	Green, Gene	Lungren, Daniel
Castor (FL)	Grijalva	E.
Chaffetz	Guthrie	Lynch
Chandler	Gutierrez	Mack
Chu	Hall (TX)	Maffei
Clarke	Halvorson	Maloney
Clay	Hare	Manzullo
Cleaver	Harman	Markey (MA)
Clyburn	Harper	Marshall
Coble	Hastings (FL)	Matheson
Coffman (CO)	Hastings (WA)	Matsui
Cole	Heinrich	McCarthy (CA)
Conaway	Heller	McCarthy (NY)
Connolly (VA)		McCauley

McClintock	Pomeroy	Skelton
McCollum	Posey	Slaughter
McCotter	Price (NC)	Smith (NE)
McDermott	Putnam	Smith (NJ)
McGovern	Quigley	Smith (TX)
McHenry	Rahall	Smith (WA)
McKeon	Rangel	Snyder
McMahon	Reed	Space
McNerney	Rehberg	Speier
Meeks (NY)	Reichert	Spratt
Melancon	Reyes	Stark
Mica	Richardson	Stearns
Michaud	Rodriguez	Stupak
Miller (FL)	Roe (TN)	Stutzman
Miller (MI)	Rogers (AL)	Sullivan
Miller (NC)	Rogers (KY)	Sutton
Miller, Gary	Rogers (MI)	Tanner
Miller, George	Rohrabacher	Taylor
Minnick	Rooney	Teague
Mitchell	Ros-Lehtinen	Terry
Mollohan	Roskam	Thompson (CA)
Moore (KS)	Ross	Thompson (MS)
Moore (WI)	Rothman (NJ)	Thompson (PA)
Moran (KS)	Roybal-Allard	Thornberry
Moran (VA)	Royce	Tiberi
Murphy (CT)	Ruppersberger	Tierney
Murphy (NY)	Rush	Titus
Murphy, Tim	Ryan (OH)	Tonko
Myrick	Ryan (WI)	Towns
Nadler (NY)	Salazar	Tsongas
Napolitano	Sánchez, Linda	Turner
Neal (MA)	T.	Upton
Neugebauer	Sanchez, Loretta	Van Hollen
Nunes	Sarbanes	Velázquez
Nye	Scalise	Visclosky
Oberstar	Schakowsky	Walden
Obey	Schauer	Walz
Olson	Schiff	Wamp
Olver	Schmidt	Wasserman
Ortiz	Schock	Schultz
Owens	Schrader	Waters
Pallone	Schwartz	Watson
Pascarell	Scott (GA)	Watt
Pastor (AZ)	Scott (VA)	Waxman
Paulsen	Sensenbrenner	Weiner
Payne	Serrano	Welch
Pence	Sessions	Westmoreland
Perlmutter	Sestak	Whitfield
Perriello	Shadegg	Wilson (OH)
Peters	Shea-Porter	Wilson (SC)
Peterson	Sherman	Wittman
Petri	Shimkus	Wolf
Pingree (ME)	Shuler	Woolsey
Pitts	Shuster	Wu
Platts	Simpson	Yarmuth
Poe (TX)	Sires	Young (AK)

NAYS—4

Frank (MA)
KucinichPaul
Polis (CO)

NOT VOTING—29

Arcuri	Gordon (TN)	Markey (CO)
Berry	Granger	McIntyre
Bilbray	Griffith	McMorris
Blunt	Hall (NY)	Rodgers
Boyd	Hoekstra	Meek (FL)
Childers	Jones	Murphy, Patrick
Cohen	Kennedy	Price (GA)
Davis (AL)	Kilpatrick (MI)	Radanovich
Delahunt	Kirkpatrick (AZ)	Tiahrt
Fallin	Marchant	Young (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members have 2 minutes to record their votes.

□ 1223

Mr. FRANK of Massachusetts changed his vote from “yea” to “nay.”

So (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

The title of the resolution was amended so as to read: “Supporting the goal of eradicating illicit marijuana cultivation on Federal lands and calling on the Director of the Office of National Drug Control Policy to develop a

coordinated strategy to permanently dismantle Mexican drug trafficking organizations and other criminal groups operating on Federal lands.”

A motion to reconsider was laid on the table.

Stated for:

Mr. MCINTYRE. Madam Speaker, during rollcall vote No. 613 on December 8, 2010, I was unavoidably detained. Had I been present, I would have voted “yea.”

Mr. PRICE of Georgia. Madam Speaker, on rollcall No. 613, I was unavoidably detained. Had I been present, I would have voted “yea.”

SUPPORTING DESIGNATION OF WORLD VETERINARY YEAR

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and agreeing to the resolution (H. Res. 1531) expressing support for designation of 2011 as “World Veterinary Year” to bring attention to and show appreciation for the veterinary profession on its 250th anniversary.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Missouri (Mr. CLAY) that the House suspend the rules and agree to the resolution.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

RECORDED VOTE

Mr. CLEAVER. Madam Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 406, noes 0, not voting 27, as follows:

[Roll No. 614]

AYES—406

Ackerman	Bono Mack	Carney
Aderholt	Boozman	Carson (IN)
Adler (NJ)	Boren	Carter
Akin	Boswell	Cassidy
Alexander	Boucher	Castle
Altmire	Boustany	Castor (FL)
Andrews	Boyd	Chaffetz
Austria	Brady (PA)	Chandler
Baca	Brady (TX)	Chu
Bachmann	Braley (IA)	Clarke
Bachus	Bright	Clay
Baird	Broun (GA)	Cleaver
Baldwin	Brown (SC)	Clyburn
Barrett (SC)	Brown, Corrine	Coble
Barrow	Brown-Waite,	Coffman (CO)
Bartlett	Ginny	Cole
Barton (TX)	Buchanan	Conaway
Bean	Burgess	Connolly (VA)
Becerra	Burton (IN)	Conyers
Berkley	Butterfield	Cooper
Berman	Buyer	Costa
Biggart	Calvert	Costello
Bilirakis	Camp	Courtney
Bishop (GA)	Campbell	Crenshaw
Bishop (NY)	Cantor	Critz
Bishop (UT)	Cao	Crowley
Blackburn	Capito	Cuellar
Blumenauer	Capps	Culberson
Boccieri	Capuano	Cummings
Boehner	Cardoza	Dahlkemper
Bonner	Carnahan	Davis (CA)

Davis (IL)	Kaptur	Paul
Davis (KY)	Kildee	Paulsen
Davis (TN)	Kilroy	Payne
DeFazio	Kind	Pence
DeGette	King (IA)	Perlmutter
DeLauro	King (NY)	Perriello
Dent	Kingston	Peters
Deutch	Kissell	Peterson
Diaz-Balart, L.	Klein (FL)	Petri
Diaz-Balart, M.	Kline (MN)	Pingree (ME)
Dicks	Kosmas	Pitts
Dingell	Kratovil	Platts
Djou	Kucinich	Poe (TX)
Doggett	Lamborn	Polis (CO)
Donnelly (IN)	Lance	Pomeroy
Doyle	Langevin	Posey
Dreier	Larsen (WA)	Price (GA)
Driehaus	Larson (CT)	Price (NC)
Duncan	Latham	Putnam
Edwards (MD)	LaTourette	Quigley
Edwards (TX)	Latta	Rahall
Ehlers	Lee (CA)	Rangel
Ellison	Lee (NY)	Reed
Emerson	Levin	Rehberg
Engel	Lewis (CA)	Reichert
Eshoo	Lewis (GA)	Reyes
Etheridge	Linder	Richardson
Farr	Lipinski	Rodriguez
Fattah	LoBiondo	Roe (TN)
Filner	Loeb sack	Rogers (AL)
Flake	Lofgren, Zoe	Rogers (KY)
Fleming	Lowe	Rogers (MI)
Forbes	Lucas	Rohrabacher
Fortenberry	Luetkemeyer	Rooney
Foster	Lujan	Ros-Lehtinen
Fox	Lummis	Roskam
Frank (MA)	Lungren, Daniel	Ross
Franks (AZ)	E.	Rothman (NJ)
Frelinghuysen	Lynch	Roybal-Allard
Fudge	Mack	Royce
Gallely	Maffei	Ruppersberger
Garamendi	Maloney	Rush
Garrett (NJ)	Manzullo	Ryan (OH)
Gerlach	Markey (MA)	Ryan (WI)
Giffords	Marshall	Salazar
Gingrey (GA)	Matheson	Sanchez, Linda
Gohmert	Matsui	T.
Gonzalez	McCarthy (CA)	Sanchez, Loretta
Goodlatte	McCarthy (NY)	Sarbanes
Graves (GA)	McCaul	Scalise
Graves (MO)	McClintock	Schakowsky
Grayson	McCollum	Schauer
Green, Al	McCotter	Schiff
Green, Gene	McDermott	Schmidt
Grijalva	McKeon	Schock
Guthrie	McGovern	Schrader
Gutierrez	McHenry	Schwartz
Hall (TX)	McIntyre	Scott (VA)
Halvorson	McKeon	Sensenbrenner
Hare	McMahon	Serrano
Harman	McNerney	Sessions
Harper	Meeks (NY)	Sestak
Hastings (FL)	Melancon	Shadegg
Hastings (WA)	Mica	Shea-Porter
Heinrich	Michaud	Sherman
Heller	Miller (FL)	Shimkus
Hensarling	Miller (MI)	Shuler
Herger	Miller (NC)	Shuster
Herseth Sandlin	Miller, Gary	Simpson
Higgins	Miller, George	Sires
Hill	Minnick	Skelton
Himes	Mitchell	Slaughter
Hinche	Mollohan	Smith (NE)
Hinojosa	Moore (KS)	Smith (NJ)
Hirono	Moore (WI)	Smith (TX)
Hodes	Moran (KS)	Smith (WA)
Holden	Moran (VA)	Snyder
Holt	Murphy (CT)	Space
Honda	Murphy (NY)	Speier
Hoyer	Murphy, Patrick	Spratt
Hunter	Murphy, Tim	Stark
Inglis	Myrick	Stearns
Inslee	Nadler (NY)	Stupak
Israel	Napolitano	Stutzman
Issa	Neal (MA)	Sullivan
Jackson (IL)	Neugebauer	Sutton
Jackson Lee	Nunes	Tanner
(TX)	Nye	Taylor
Jenkins	Oberstar	Teague
Johnson (GA)	Obey	Terry
Johnson (IL)	Olson	Thompson (CA)
Johnson, E. B.	Olver	Thompson (MS)
Johnson, Sam	Ortiz	Thompson (PA)
Jordan (OH)	Owens	Thornberry
Kagen	Pallone	Tiberi
Kanjorski	Pascrell	Tierney
	Pastor (AZ)	

Titus	Walz	Westmoreland
Tonko	Wamp	Whitfield
Towns	Wasserman	Wilson (OH)
Tsongas	Schultz	Wilson (SC)
Turner	Waters	Wittman
Upton	Watson	Wolf
Van Hollen	Watt	Woolsey
Velázquez	Waxman	Wu
Visclosky	Weiner	Yarmuth
Walden	Welch	Young (AK)

NOT VOTING—27

Arcuri	Gordon (TN)	Markey (CO)
Berry	Granger	McMorris
Billbray	Griffith	Rodgers
Blunt	Hall (NY)	Meek (FL)
Childers	Hoekstra	Radanovich
Cohen	Jones	Scott (GA)
Davis (AL)	Kennedy	Tiahrt
Delahunt	Kilpatrick (MI)	Young (FL)
Ellsworth	Kirkpatrick (AZ)	
Fallin	Marchant	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members have 2 minutes to record their vote.

□ 1231

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

WAIVING REQUIREMENT OF CLAUSE 6(a) OF RULE XIII WITH RESPECT TO CONSIDERATION OF CERTAIN RESOLUTIONS AND PROVIDING FOR CONSIDERATION OF MOTIONS TO SUSPEND THE RULES

Mr. POLIS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1752 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1752

Resolved, That the requirement of clause 6(a) of rule XIII for a two-thirds vote to consider a report from the Committee on Rules on the same day it is presented to the House is waived with respect to any resolution reported through the legislative day of December 18, 2010.

SEC. 2. It shall be in order at any time through the legislative day of December 18, 2010, for the Speaker to entertain motions that the House suspend the rules. The Speaker or her designee shall consult with the Minority Leader or his designee on the designation of any matter for consideration pursuant to this section.

The SPEAKER pro tempore (Mr. DRIEHAUS). The gentleman from Colorado is recognized for 1 hour.

Mr. POLIS. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Florida (Mr. DIAZ-BALART). All time yielded during consideration of the rule is for debate only. I yield myself such time as I may consume.

GENERAL LEAVE

Mr. POLIS. I also ask unanimous consent that all Members be given 5 legislative days in which to revise and extend their remarks on H. Res. 1752.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. POLIS. Mr. Speaker, House Resolution 1752 waives the requirement of clause 6 of rule XIII requiring a two-thirds vote to consider a rule on the same day it is reported from the Rules Committee. This would allow for the same day consideration of any resolution reported through the legislative day of December 18, 2010. Finally, the rule allows the Speaker to entertain motions to suspend the rules through the legislative day of December 18, 2010. The Speaker or her designee shall consult with the minority leader or his designee on the designation of any matter for consideration pursuant to this resolution.

Today, Mr. Speaker, as we near the end of the historic 111th Congress, key legislation remains to be completed. This rule will provide flexibility to allow bipartisan negotiations to continue and put the finishing touches on important initiatives before our 111th Congress. This rule will allow the House to act as fast as it can when receiving legislation from the Senate which, as we all know, can arrive on a very unpredictable time frame. The unpredictability of the Senate thus far this Congress, the lengthy negotiations process, and the partisanship affects the prospects and drastically reduces our ability to take on so many important bills.

This rule today is critical so that we can move forward to consider middle class tax cuts, the DREAM Act, food safety, defense authorization, regardless of where Members of this body stand on particular issues, and I think we owe it to our country to bring them forward in a timely manner for full consideration by this body.

I am very proud to be a Member of the 111th Congress. This Congress has been one of the most productive bodies in half a century and our work is not complete. We've passed several historic bills that will improve the lives of every American and help dig us out of an economic disaster leading to our recovery. We've also passed legislation to make college loans more affordable, to protect consumers from usurious credit card interest rates, to make it easier for women to challenge pay discrimination, to finally regulate tobacco products under the FDA, to crack down on waste in the Pentagon; from giving business tax incentives to hire unemployed workers and giving tax credits to first-time homebuyers which realtors in my district have told me really helped get the market going again.

But despite these historic accomplishments, there remains much work to be done in our final weeks. I could stand here as many Members of this body could for hours talking about the many bills we would like to take up

and the programs we need to reauthorize, bills that would create jobs in America, strengthen our national security, fixing our broken immigration system, feeding our children, and repairing our highways. By extending same day and suspension authority until December 18, the day when government funding runs out, we're making a commitment to the country that will uphold our constitutional responsibility and stay on task and keep the government running. We're also keeping the promises that we made to our communities and our nation.

If it comes down to the wire, Mr. Speaker, this rule would give us the flexibility to act in a timely fashion. We know that to consider a bill under a rule, there needs to be a one-day layover and that suspensions are only considered Monday through Wednesday. Without this rule, if the Senate sends us a government funding measure on Saturday, December 18, we would have to literally let the government shut down. This rule is a matter of efficiency. We're all aware of the time constraints before us and the limited time remaining in this session as well as the work that needs to be done. It will do the American people no service if their elected representatives are here debating multiple procedural rules, wasting our taxpayer dollars when government shuts down. That's why we've extended the authority through the end of the current CR. Let us save the remaining time of the 111th Congress to debate the important initiatives that are still pending and pass this rule today.

Mr. Speaker, these are not unusual procedures. I want to point out that in the 109th Congress, the Republican majority reported at least 21 rules that allowed for same day consideration. In fact, five of those rules waived this requirement against any rule reported from the committee.

Mr. Speaker, this will also be the last rule that I have the honor of co-managing with my good friend and colleague from Florida (Mr. DIAZ-BALART), and I just want to say a few words on his behalf. It has been a great pleasure serving with the gentleman from Florida on the Rules Committee, having managed a number of rules together on the floor. I have always appreciated his thoughtful and incisive remarks on the Rules Committee and on the floor. His championing of developing American capital, developing the economy in Florida, in Miami; his dedication to foreign relations and affairs, to help restore democracy to a country from which he derives his heritage. LINCOLN DIAZ-BALART is truly a great American. I look forward to staying in touch with him in his future journeys, because I know that his career in Congress is not the end of his professional career or his life journey but it is merely a stage and a beginning and we

will hear many great things in the future from one of the most respected, talented, insightful Members of this Chamber. It has truly been an honor to have been his colleague on the Rules Committee.

With that, I reserve the balance of my time.

□ 1240

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield myself such time as I may consume. I thank my friend from Colorado (Mr. POLIS) for the time.

I also thank him for his gracious words. He, in the short period of time that he has been here, has already left a mark with his thoughtfulness and his hard work, and really his conscience and compassion. He has left a mark on this Congress. And I know his constituents must be, and will continue to be, very proud to have sent him here because they have already seen the kind of Member of Congress that JARED POLIS is. So I thank him for those kind words.

And I share with him the view that we have been able to work on some projects together, and my hope that we will be able to work in the future. And really my almost certainty that we will be able to work together in the future on important projects as well.

Mr. Speaker, as this, the 111th Congress, proceeds, it's in its final days evidently. The rule before us provides for expedited same day consideration for all legislation brought forward until December 18, and extends suspension authority for that period. It's really martial law rule because it closes down the process, does not allow Members of Congress to review legislation, to really know what legislation that will be considered is about. And in an historically unprecedented manner, it sets 11 days for this expedited consideration of legislation without necessarily showing legislation to colleagues before consideration.

The congressional majority and the Speaker have not fulfilled their 2006 campaign pledge to have, and I quote, "The most honest, the most open, and the most ethical Congress in history." It was indeed needed reform at that time. But as we now know, it failed to materialize.

This majority admits, Mr. Speaker, with the rule before us today, it admits that it doesn't even pretend to care about fair process and transparency and the rights of the minority any more. The congressional majority feels no need to allow the public and all of our colleagues to read legislation before the House votes. The language before us allows bills to be considered the same day that they are ushered through the Rules Committee. The majority cares little for the ability of Members to have input in the form of amendments to vital, must-pass legislation that we will consider in the next days and weeks.

I think it's important to note, though I think it's unfortunate, that the House of Representatives has not considered even one open rule this Congress. And that would have been certainly something that I would not have expected. In my 18 years here, I have never seen this before, and did not expect it. This House has not considered even one open rule this Congress.

Now, we've come to expect that from the current majority. And so it's to be expected that the majority will have more martial law rules like the one before us in the days ahead. I think it's appropriate, I think it's good news that the Republicans, that we have made a pledge that I am confident will be kept. I am happy to report that very soon there will be significant and impactful course correction in the House of Representatives. The Members will be able to read legislation before they cast votes. Open rules will make a triumphant return to the House floor. All Representatives in this House will be able to contribute to the legislative process, bringing forth a chorus of ideas that have been suppressed during the last two Congresses. So that's good news. And that is one of the good things about renewal in politics and the democratic process.

Again I thank Mr. POLIS for his courtesy, for his friendship, and all of my colleagues. As I said a few weeks ago, these have been an extraordinary 18 years, Mr. Speaker, the honor of my life. This is the Congress of the greatest Nation in the world. And it's a miracle. The United States of America is a miracle of freedom. And so as I leave this House, again I thank all of my colleagues for the honor of being able to have been able to serve with them, for the honor of having been able to serve with them, both those who have helped me, who have agreed with me and the causes that I have fought, and those who have opposed me. It's been an honor to serve with all of them.

At this point we have no further speakers, and so, Mr. Speaker, I urge my colleagues to vote "no" on this rule, and to let this House return to openness a few weeks ahead of schedule.

I yield back the balance of my time.

Mr. POLIS. Mr. Speaker, this is a simple and important vote. The 111th Congress has done a great deal, and it has been one of the most accomplished Congresses in decades. However, there are critical needs that must be met before this body adjourns and gives way to the next United States Congress.

Mr. Speaker, it's been said that as a Member of the House one's true opponent is not the opposing party, but rather the Senate. This has never been more true, as the most deliberative body has unfortunately pushed some very complicated and yet critical decisions to the last minute, down to the wire, forcing the House and the Amer-

ican people in the position we find ourselves in today.

Mr. Speaker, Congress is riddled with ways to obstruct and delay progress on bills. Just a few weeks ago, the House barely scraped together the votes to pass a child nutrition bill. In the Senate, a minority of Members continue to stall the defense authorization act, the DREAM Act, as well as their work, necessary work on making sure that middle class Americans don't face an increase in taxes come January.

Gridlock is typical of Congress. And of course discussion is an important part of the political process. But never before have so many within government set out to stop progress for political gain at a great cost to our Nation. This rule will simply allow the necessary work of this House to continue, both proactively and reactively with regards to the United States Senate.

The American people want Congress to create jobs and grow the economy by working together. It's not a small task. But it certainly can't be accomplished if we yield to those who would stand in the way of progress. That's why we must pass this rule today, Mr. Speaker, to allow this body to pass critical provisions to allow government to continue to operate essential services for our citizens, defending our borders and our Nation from threats here and abroad, to make sure that middle class Americans don't face the largest tax increase in history come January. Not only do we need to make hard, well-informed decisions about what to do with regard to our tax code, but we need to make tough decisions about many other tax provisions that are scheduled to expire at the end of this calendar year.

It is that calendar, that 10-year clock that necessitates the 111th Congress getting this work done prior to the end of the year. I strongly encourage my colleagues to vote "yes" on the previous question and the rule.

I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

□ 1250

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair

will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Recorded votes on postponed questions will be taken later today.

WEEKENDS WITHOUT HUNGER ACT

Mr. SABLAN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5012) to amend the Richard B. Russell National School Lunch Act to establish a weekend and holiday feeding program to provide nutritious food to at-risk school children on weekends and during extended school holidays during the school year, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5012

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Weekends Without Hunger Act".

SEC. 2. WEEKENDS AND HOLIDAYS WITHOUT HUNGER.

Section 18 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769) is amended by adding at the end the following:

"(j) WEEKENDS AND HOLIDAYS WITHOUT HUNGER.—

"(1) DEFINITIONS.—In this subsection:

"(A) AT-RISK SCHOOL CHILD.—The term 'at-risk school child' has the meaning given the term in section 17(r)(1).

"(B) ELIGIBLE INSTITUTION.—

"(i) IN GENERAL.—The term 'eligible institution' means a public or private nonprofit institution that is determined by the Secretary to be able to meet safe food storage, handling, and delivery standards established by the Secretary.

"(ii) INCLUSIONS.—The term 'eligible institution' includes—

"(I) an elementary or secondary school or school food service authority;

"(II) a food bank or food pantry;

"(III) a homeless shelter; and

"(IV) such other type of emergency feeding agency as is approved by the Secretary.

"(2) ESTABLISHMENT.—Subject to the availability of appropriations provided in advance in an appropriations Act specifically for the purpose of carrying out this subsection, the Secretary shall establish a program under which the Secretary shall provide commodities, on a competitive basis, to eligible institutions to provide nutritious food to at-risk children on weekends and during extended school holidays during the school year.

"(3) ELIGIBILITY.—

"(A) IN GENERAL.—To be eligible to receive commodities under this subsection, an eligible institution shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may determine.

"(B) PLAN.—An application under subparagraph (A) shall include the plan of the eligible institution for the distribution of nutritious foods to at-risk school children, including—

"(i) methods of food service delivery to at-risk school children;

“(ii) assurances that children receiving foods under the project will not be publicly separated or overtly identified;

“(iii) lists of the types of food to be provided under the project and provisions to ensure food quality and safety;

“(iv) information on the number of at-risk school children to be served and the per-child cost of providing the children with food; and

“(v) such other information as the Secretary determines to be necessary to assist the Secretary in evaluating projects that receive commodities under this subsection.

“(4) PRIORITY.—In selecting applications under this subsection, the Secretary shall give priority to eligible institutions that—

“(A) have on-going programs and experience serving populations with significant proportions of at-risk school children;

“(B) have a good record of experience in food delivery and food safety systems;

“(C) maintain high quality control, accountability, and recordkeeping standards;

“(D) provide children with readily consumable food of high nutrient content and quality;

“(E) demonstrate cost efficiencies and the potential for obtaining supplemental funding from non-Federal sources to carry out projects; and

“(F) demonstrate the ability to continue projects for the full approved term of the pilot project period.

“(5) GUIDELINES.—

“(A) IN GENERAL.—The Secretary shall issue guidelines containing the criteria for projects to receive commodities under this section.

“(B) INCLUSIONS.—The guidelines shall, to the maximum extent practicable within the funds available and applications submitted, take into account—

“(i) geographical variations in project locations to include qualifying projects in rural, urban, and suburban areas with high proportions of families with at-risk school children;

“(ii) different types of projects that offer nutritious foods on weekends and during school holidays to at-risk school children; and

“(iii) institutional capacity to collect, maintain, and provide statistically valid information necessary for the Secretary—

“(I) to analyze and evaluate the results of the pilot project; and

“(II) to make recommendations to Congress.

“(6) EVALUATION.—

“(A) INTERIM EVALUATION.—Not later than November 30, 2013, the Secretary shall complete an interim evaluation of the pilot program carried out under this subsection.

“(B) FINAL REPORT.—Not later than December 31, 2015, the Secretary shall submit to Congress a final report that contains—

“(i) an evaluation of the pilot program carried out under this subsection; and

“(ii) any recommendations of the Secretary for legislative action.

“(7) FUNDING.—

“(A) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section such sums as are necessary, to remain available until expended.

“(B) AVAILABILITY OF FUNDS.—Not more than 3 percent of the funds made available under subparagraph (A) may be used by the Secretary for expenses associated with review of the operations and evaluation of the projects carried out under this subsection.”.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from the Northern Mariana Islands (Mr. SABLAN)

and the gentleman from Kentucky (Mr. GUTHRIE) each will control 20 minutes.

The Chair recognizes the gentleman from the Northern Mariana Islands.

GENERAL LEAVE

Mr. SABLAN. Mr. Speaker, I request 5 legislative days during which Members may revise and extend and insert extraneous material on H.R. 5012 into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from the Northern Mariana Islands?

There was no objection.

Mr. SABLAN. I yield myself as much time as I may consume.

Mr. Speaker, I rise today in support of H.R. 5012, the Weekends Without Hunger Act, legislation to help us prevent school-aged children from having to go hungry during weekends and breaks when they are not in school.

The Weekends Without Hunger Act helps prevent children from going hungry when they are not in school. The bill responds to the growing challenge of children coming to school hungry on Mondays and after extended holidays. It establishes a 5-year pilot program to provide commodities to schools and food banks in low-income areas, to provide nutritious food to at-risk school children to take home on weekends and during school holidays.

Nearly one in four of our Nation's children are at risk of going hungry every day. No child should go hungry, yet millions of families struggle to make ends meet and put healthy food on the table at home.

More than 19 million school-age children eat a free or reduced-price meal at school every day and many of them depend on the school meals as their main source of food throughout the week. During days that school is in session, school breakfasts and lunches help keep children healthy and prepared to learn in the classroom. Children who experience hunger get sick more often and exhibit decreased attention and test scores.

Even with the child nutrition safety net already in place, there is still a significant gap in children's access to nutrition during weekends and breaks from school. For many children, this gap means going without nutritious meals—or any meals at all over the weekend and when school is out.

The organization Feeding America has been at the forefront of public-private partnerships to ensure children and families have access to healthy meals. Their Backpack Program is one in a number of innovative programs they operate to meet the needs of families who experience hunger.

This program provides backpacks filled with nutritious food that is child friendly, nonperishable and easily consumed. These backpacks are discreetly distributed to children on the last day before the weekend or holiday vaca-

tion. Currently, more than 3,800 Backpack Programs serve nearly 190,000 children in 46 States and the District of Columbia.

The Backpack Program has been very successful and in much demand. Many programs have begun waiting lists because they are unable to fulfill every request for service.

Earlier this year, the Committee on Education and Labor reported the bipartisan bill improving nutrition for America's Children Act, H.R. 5504, to the House by a vote of 32–13. The Weekends Without Hunger provision was included in this bill.

Last week, the House approved S. 3307, the Healthy, Hunger-Free Kids Act, to reauthorize and improve the child nutrition programs to increase children's access to these critical programs and to improve nutrition quality. While we were unable to include H.R. 5012 in that bill, the committee strongly believes this initiative deserves consideration and supplements what was included in the Healthy, Hunger-Free Kids Act.

Mr. Speaker, I want to thank Representative TITUS for her leadership in bringing this bill to the floor and once again express my support for H.R. 5012, the Weekends Without Hunger Act.

I reserve the balance of my time.

Mr. GUTHRIE. Mr. Speaker, I yield myself as much time as I may consume.

I rise today in opposition to H.R. 5012. To refresh my colleagues' memories, just last week the House sent the reauthorization of child nutrition and school meal programs to the President for his signature. That bill spent an additional \$4.5 billion and added more than a dozen new programs. It was a significant expansion of Federal child nutrition programs at a time when the American people have told us to stop growing government and, instead, to make current programs better rather than simply layering on new programs.

Every Member of this Chamber wants to fight childhood hunger and promote healthy school meals, but adding one more program in a long line of new programs is not the way to do that. We could have debated this bill, along with several other proposals, during floor consideration of child nutrition legislation last week, if only this majority did not insist on stifling debate with closed rules.

Unfortunately, just like the responsible Republican alternative, this program was not considered at the time it should have been during that debate. Instead, we are here today debating whether to add yet another program to the ever-expanding Federal Government under this majority. This is another new program to add to the list of new programs created just last week.

The Federal Government supports numerous programs to feed children in school, after school and during the

summer. If the majority did not see fit to include this new program when it reauthorized child nutrition programs last week, I do not see how we can justify its creation today and urge my colleagues to oppose this bill.

I reserve the balance of my time.

Mr. SABLÁN. Mr. Speaker, I yield 5 minutes to the gentlewoman from Nevada (Ms. TITUS).

Ms. TITUS. I rise today in support of H.R. 5012, the Weekends Without Hunger Act.

Last week the House passed a child nutrition bill that takes important steps towards keeping our children healthy and hunger free while in school. This is a goal I strongly support, and that's why I introduced the legislation called Weekends Without Hunger Act, which would help children not be hungry whether or not they are in school.

Across the country, almost one out of every four children is at risk of going hungry. In southern Nevada, over 50 percent of children rely on the free and reduced lunch program. That means that more than 156,000 students are facing hunger at home and many depend on school meals as their main source of food and nutrition throughout the week.

While school meals help keep children healthy and ready to learn during days when school is in session, there is currently no targeted federal child nutrition program available to provide these children with food during the weekend or extended holidays when they do not have access to those school meals.

Especially at this time of year when most of us are having holiday meals with our families and friends, it's important to remember so many children are not enjoying their school vacation because they are going hungry. A vacation from school should not mean hunger for our children.

Food banks around the country, including ThreeSquare food bank in Las Vegas, has stepped up to meet the challenge of hunger on weekends through programs such as Backpack for Kids. In Clark County, Backpack for Kids operates in 178 schools, assembling and delivering approximately 5,200 weekend backpacks each week filled with nutritional, nonperishable foods to provide meals for children in need.

I believe that at the Federal level, we can and should be doing more to support vital programs like Backpack for Kids. That's why I introduced Weekends Without Hunger, which will help children and keep them from going hungry when they are not in school over the weekends and during holidays.

In this tough economic climate, food banks across the country are seeing an increased need for their services. That's especially true in areas hardest hit by unemployment.

While these organizations are doing great work, passing H.R. 5012 would

build on their efforts and help them do even better. It would be a great partnership.

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H.R. 5012 would establish a 5-year pilot program to provide commodities to eligible institutions such as schools and food banks to provide nutritious food to at-risk school children over the weekend and during school holidays. For example, \$10 million would be enough funding for approximately 3 million weekend food backpacks. To ensure that the Federal funds are well spent, the bill also requires an interim and final evaluation of the program by the Secretary of Agriculture.

I urge you all to support H.R. 5012, Weekends Without Hunger. As this Congress moves to give tax breaks to millionaires, I implore you not to forget the children. It is a disgrace that in a country this great and this wealthy that any child should go home and go to bed hungry. So I ask you to vote for this bill, or else go look a hungry child in the eye and tell him or her, You're just not valuable enough to save.

Mr. GUTHRIE. Mr. Speaker, I continue to reserve the balance of my time.

Mr. SABLÁN. Mr. Speaker, I yield 2 minutes to the gentlewoman from Nevada (Ms. BERKLEY).

Ms. BERKLEY. Mr. Speaker, I rise today in support of H.R. 5012, the Weekends Without Hunger Act. I want to personally and forcefully thank Congresswoman DINA TITUS for introducing this important piece of legislation.

Congresswoman TITUS and I share southern Nevada as our adjoining congressional districts. Let me tell you what's happening there. We have a serious economic problem. Almost 20 percent of the people I represent have no work. That translates and transfers down to their children, who are having very serious times, as are their parents.

For so many children in the Clark County School District, the only meals they are getting, the only hot meals they are getting, the only meals and nutrition of any kind, are the ones they are receiving in school. So, many of the schools in Clark County are now not only serving a lunch to their schoolchildren, they are also serving breakfast as well. So many of our youngsters are showing up at school with an empty stomach because they have nothing to eat at home. Try learning when you're 5, 6, 7, 8 years old, when your tummy is grumbling as you sit in your class. It's not possible to do.

I attended a school, Whitney Elementary School, and went into one of the trailers that the principal escorted me to. It was filled with food. And I commented, Why is there so much food in this trailer? And she told me 70 percent—let me say that again—70 percent of the children in this elementary

school are homeless. They are living on the streets with their parents. They are living in cars. They do not have a stable home. If they don't have a stable home, I'll bet you dollars to doughnuts that they haven't got anything to eat.

This program, this pilot program that Congresswoman DINA TITUS has introduced, would provide a 5-year pilot that would provide commodities to eligible institutions, such as schools and food banks, to carry out projects that provide nutritious food to at-risk schoolchildren over the weekend and school holidays.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mr. SABLÁN. I yield the gentlewoman an additional 1 minute.

Ms. BERKLEY. It is incomprehensible to me that in a country of such wealth and great abundance that we have literally hundreds of thousands, if not millions, of children going to bed hungry and having to depend on their schools in order to get anything to eat. This school backpack program that provides children with food to take home over the weekend is going to be the difference between their survival and not. I cannot tell you how much I admire DINA TITUS for introducing this. I wish I'd thought of it myself.

Let us pass this bill, and let's pass it fast.

I rise today in support of H.R. 5012, the Weekends Without Hunger Act. I want to thank Congresswoman TITUS for introducing this important piece of legislation.

Across the country, almost one out of every four children is at risk of going hungry. Many of these children depend on school meals as their main source of food throughout the week. While school meals help provide low-income children with nourishing meals when school is in session, there is currently no targeted federal child nutrition program available to provide these children with food during the weekend or extended holidays when they do not have access to school meals.

In my home State of Nevada, Three Square Food Bank has been addressing weekend hunger since 2008 with its Backpacks for Kids program. The program provides a bag of kid-friendly, shelf-stable foods to children who lack adequate food over the weekend. Every week during the 2009–10 school-year, Three Square provided weekend bags to more than 4,800 at-risk children in 187 Clark County schools, both public and private.

Congresswoman TITUS' bill builds on the important work that food banks and others are doing across the country. This legislation would establish a five-year pilot program that would provide commodities to eligible institutions, such as schools and food banks, to carry out projects that provide nutritious food to at-risk school children over the weekend and school holidays during the school year.

It is vital that Congress continue to make investments to increase low-income children's access to nutrition programs, especially during weekends and summers.

Mr. CONYERS. Mr. Speaker, I rise in support of H.R. 5012, the "Weekends Without

Hunger Act.” This important legislation will amend the Richard B. Russell National School Lunch Act to ensure that low income children who rely on school meal programs during the week have access to meals on weekends and long school holidays. By filling these gap periods, this bill will ensure that children return to school healthy and equipped with the necessary levels of nutrition to learn on Monday mornings.

Last week, the House successfully passed a reauthorization of the child nutrition programs which improves nutrition and access to school meals. However, that legislation does not provide meals for our children when they are out of school. Far too many children suffer from food shortages and lack of nutritional meals at home during weekends and school holidays. Food insecurity is steadily rising. Although food banks and community providers successfully operate weekend meal programs for low income children, their funding is insufficient to sustain an increase in demand. I believe that our country will eventually recover from these tough economic times. Until then, we are obligated to provide for our children. Therefore, it is necessary that we supply funding to local existing efforts that provide these nutritional weekend or school break meals and expand these programs in more communities. We must make every effort to ensure that that no child goes hungry when they are out of school. I therefore urge my colleagues to support the bill.

Ms. FUDGE. Mr. Speaker, I urge my fellow members of Congress to vote for H.R. 5012, the Weekends Without Hunger Act, and support the millions of children facing food insecurity. The bill directs the Secretary of Agriculture to implement a five-year pilot program to provide food commodities to nonprofits, which would, in turn, distribute those goods to children in need before weekends and extended holidays. In short, this program ensures that children do not go hungry when they are not in school.

This pilot program is modeled from the successful Food for Kids program developed by the nonprofit Arkansas Rice Depot. The concept for the program originated when a school nurse asked for help because she began seeing hungry students with stomachaches and dizziness. The local food bank began to send school children home with groceries in non-descript backpacks. In 2009, more than 140 Feeding America member food banks operated more than 3,600 Backpack for Kids Programs and served more than 190,000 children.

In my hometown, the Cleveland Foodbank adopted the program, Backpack for Kids, in 2005. Each week, food bank volunteers pack six wholesome, child friendly meals per student into plastic bags, and then cases are delivered to partner sites. The Foodbank protects kids’ confidentiality by packaging the food in unmarked, non-descript backpacks. This approach is having a profound effect. In 2009, the Cleveland Foodbank distributed 45,666 backpacks to many of the 3,036 homeless children who live in Ohio’s Eleventh Congressional District as well as other children whose families are in tough financial times. The Cleveland Foodbank is touching thousands of families and impacting the educational suc-

cess of thousands of children in Northeast Ohio through the Backpack for Kids program. It is doing phenomenal work.

Imagine how many more children could be served through this commodity program. I implore the House to pass the Weekends Without Hunger Act because kids in need are guilty of nothing more than being born to low-income parents for which they should not be punished. In Cuyahoga County, 32 percent of children rely on food stamps to eat. Allowing any of these kids in my district to go hungry is simply unacceptable. The fact is they face a particularly high risk of hunger when they are not being fed through existing school programs. This bill presents a unique opportunity to help the neediest of children by giving them the security of knowing where their next meal will come from, a sentiment so basic that many of us take it for granted.

Mr. GUTHRIE. Mr. Speaker, I yield back the balance of my time.

Mr. SABLAN. Mr. Speaker, I ask for support on H.R. 5012, as amended, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. COSTA). The question is on the motion offered by the gentleman from the Northern Mariana Islands (Mr. SABLAN) that the House suspend the rules and pass the bill, H.R. 5012, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read: “To amend the Richard B. Russell National School Lunch Act to establish a weekend and holiday feeding program to provide nutritious food to at-risk school children on weekends and during extended school holidays during the school year.”

A motion to reconsider was laid on the table.

CAPTA REAUTHORIZATION ACT OF 2010

Mr. SABLAN. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 3817) to amend the Child Abuse Prevention and Treatment Act, the Family Violence Prevention and Services Act, the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978, and the Abandoned Infants Assistance Act of 1988 to reauthorize the Acts, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the amendment is as follows:

Amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the “CAPTA Reauthorization Act of 2010”.

TITLE I—CHILD ABUSE PREVENTION AND TREATMENT ACT

SEC. 101. FINDINGS.

Section 2 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5101 note) is amended—

(1) by striking paragraph (1) and inserting the following:

“(1) in fiscal year 2008, approximately 772,000 children were found by States to be victims of child abuse and neglect;”;

(2) in paragraph (2)—

(A) in subparagraph (A), by inserting “and close to 1/3 of all child maltreatment-related fatalities in fiscal year 2008 were attributed to neglect alone” after “maltreatment”; and

(B) in subparagraph (B)—

(i) by striking “60 percent” and inserting “71 percent”;;

(ii) by striking “2001” and inserting “fiscal year 2008”;;

(iii) by striking “19 percent” and inserting “16 percent”;;

(iv) by striking “10 percent” and inserting “9 percent”; and

(v) by striking “and 7 percent suffered emotional maltreatment” and inserting “, 7 percent suffered psychological maltreatment, 2 percent experienced medical neglect, and 9 percent were victims of other forms of maltreatment”;

(3) in paragraph (3)—

(A) in subparagraph (A) by inserting “or neglect” after “abuse”;;

(B) in subparagraph (B), by striking “2001, an estimated 1,300” and inserting “fiscal year 2008, an estimated 1,740”; and

(C) in subparagraph (C)—

(i) by inserting “in fiscal year 2008,” after “(C)”;;

(ii) by striking “41 percent” and inserting “45 percent”;;

(iii) by striking “85 percent” and inserting “72 percent”;;

(iv) by striking “6 years” and inserting “4 years”; and

(v) by striking “abuse” each place it appears and inserting “maltreatment”;;

(4) in paragraph (4)(B), by striking “slightly” and all that follows and inserting “approximately 37 percent of victims of child abuse did not receive post-investigation services in fiscal year 2008;”;

(5) by redesignating paragraphs (5) through (13) as paragraphs (6) through (11) and (13) through (15), respectively;

(6) by inserting after paragraph (4) of this section the following:

“(5) African-American children, American Indian children, Alaska Native children, and children of multiple races and ethnicities experience the highest rates of child abuse or neglect;”;

(7) in paragraph (6), as redesignated by paragraph (5) of this section—

(A) in subparagraph (A), by inserting “domestic violence services,” after “mental health,”; and

(B) by amending subparagraph (E) to read as follows:

“(E) recognizes the diversity of ethnic, cultural, and religious beliefs and traditions that may impact child rearing patterns, while not allowing the differences in those beliefs and traditions to enable abuse or neglect;”;

(8) by inserting after paragraph (11), as redesignated by paragraph (5) of this section, the following:

“(12) because both child maltreatment and domestic violence occur in up to 60 percent of the families in which either is present, States and communities should adopt assessments and intervention procedures aimed at enhancing the safety both of children and victims of domestic violence;”;

(9) in paragraphs (14) and (15), as redesignated by paragraph (5) of this section, by striking “Federal government” and inserting “Federal Government”; and

(10) in paragraph (14), as redesignated by paragraph (5) of this section, by inserting “and” at the end.

Subtitle A—General Program**SEC. 111. ADVISORY BOARD.**

Section 102 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5102) is amended—

(1) in subsection (c)—

(A) in paragraph (4), by striking “medicine (including pediatrics)” and inserting “health care providers (including pediatricians)”;

(B) in paragraph (12), by striking “and”;

(C) in paragraph (13), by striking the period and inserting “; and”;

(D) by adding at the end the following:

“(14) Indian tribes or tribal organizations.”;

and

(2) in subsection (f)—

(A) in paragraph (1), by inserting “tribal,” after “State,” each place such term appears; and

(B) in paragraph (2)—

(i) by striking “abuse or neglect which” and inserting “child abuse or neglect which”;

(ii) by striking “Federal and State” and inserting “Federal, State, and tribal”.

SEC. 112. NATIONAL CLEARINGHOUSE.

Section 103 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5104) is amended—

(1) in subsection (a), by inserting “and neglect” before the period;

(2) in subsection (b)—

(A) by redesignating paragraphs (2) through (5) as paragraphs (4) through (7), respectively;

(B) by striking paragraph (1) and inserting the following:

“(1) maintain, coordinate, and disseminate information on effective programs, including private and community-based programs, that have demonstrated success with respect to the prevention, assessment, identification, and treatment of child abuse or neglect and hold the potential for broad-scale implementation and replication;

“(2) maintain, coordinate, and disseminate information on the medical diagnosis and treatment of child abuse and neglect;

“(3) maintain and disseminate information on best practices relating to differential response”;

(C) in paragraph (4), as redesignated by subparagraph (A) of this paragraph, by inserting “and disseminate” after “maintain”;

(D) in paragraph (5), as redesignated by subparagraph (A) of this paragraph—

(i) in subparagraph (B), by inserting “(42 U.S.C. 5105 note)” before the semicolon; and

(ii) in subparagraph (C), by striking “alcohol or drug” and inserting “substance”;

(E) in subparagraph (C) of paragraph (6), as redesignated by subparagraph (A) of this paragraph, by striking “and” at the end;

(F) in subparagraph (B) of paragraph (7), as redesignated by subparagraph (A) of this paragraph, by striking “and child welfare personnel.” and inserting “child welfare, substance abuse treatment services, and domestic violence services personnel; and”;

(G) by adding at the end the following:

“(8) collect and disseminate information, in conjunction with the National Resource Centers authorized in section 310(b) of the Family Violence Prevention and Services Act, on effective programs and best practices for developing and carrying out collaboration between entities providing child protective services and entities providing domestic violence services.”;

(3) in subsection (c)(1)—

(A) by striking subparagraph (B) and inserting the following:

“(B) consult with the head of each agency involved with child abuse and neglect on the development of the components for information collection and management of such clearinghouse and on the mechanisms for the sharing of such information with other Federal agencies and clearinghouses”;

(B) in subparagraph (C)—

(i) in the matter preceding clause (i), by inserting “tribal,” after “State,”;

(ii) in clause (i), by striking “and” at the end; and

(iii) by adding at the end the following:

“(iii) information about the incidence and characteristics of child abuse and neglect in circumstances in which domestic violence is present; and

“(iv) information about the incidence and characteristics of child abuse and neglect in cases related to substance abuse”;

(C) in subparagraph (F), by striking “abused or neglected children” and inserting “victims of child abuse or neglect”.

SEC. 113. RESEARCH AND ASSISTANCE ACTIVITIES.

(a) RESEARCH.—Section 104(a) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5105(a)) is amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A), by striking “from abuse or neglect and to improve the well-being of abused or neglected children” and inserting “from child abuse or neglect and to improve the well-being of victims of child abuse or neglect”;

(B) in subparagraph (B), by striking “abuse and neglect on” and inserting “child abuse and neglect on”;

(C) by redesignating subparagraphs (C), (D), (E), (F), (G), (H), and (I), as subparagraphs (D), (E), (F), (H), (J), (N), and (O), respectively;

(D) by inserting after subparagraph (B) the following:

“(C) effective approaches to improving the relationship and attachment of infants and toddlers who experience child abuse or neglect with their parents or primary caregivers in circumstances where reunification is appropriate”;

(E) in subparagraph (D), as redesignated by subparagraph (C) of this paragraph, by inserting “and neglect” before the semicolon;

(F) in subparagraph (E), as redesignated by subparagraph (C) of this paragraph—

(i) by inserting “, including best practices to meet the needs of special populations,” after “best practices”;

(ii) by striking “(12)” and inserting “(14)”;

(G) by inserting after subparagraph (F), as redesignated by subparagraph (C) of this paragraph, the following:

“(G) effective practices and programs to improve activities such as identification, screening, medical diagnosis, forensic diagnosis, health evaluations, and services, including activities that promote collaboration between—

“(i) the child protective service system; and

“(ii) the medical community, including providers of mental health and developmental disability services; and

“(II) providers of early childhood intervention services and special education for children who have been victims of child abuse or neglect”;

(H) by inserting after subparagraph (H), as redesignated by subparagraph (C) of this paragraph, the following:

“(I) effective collaborations, between the child protective system and domestic violence service providers, that provide for the safety of children exposed to domestic violence and their non-abusing parents and that improve the investigations, interventions, delivery of services, and treatments provided for such children and families”;

(I) in subparagraph (J), as redesignated by subparagraph (C) of this paragraph, by striking “low income” and inserting “low-income”;

(J) by inserting after subparagraph (J), as redesignated by subparagraph (C) of this paragraph, the following:

“(K) the impact of child abuse and neglect on the incidence and progression of disabilities;

“(L) the nature and scope of effective practices relating to differential response, including

an analysis of best practices conducted by the States;

“(M) child abuse and neglect issues facing Indians, Alaska Natives, and Native Hawaiians, including providing recommendations for improving the collection of child abuse and neglect data from Indian tribes and Native Hawaiian communities”;

(K) in subparagraph (N), as redesignated by subparagraph (C) of this paragraph, by striking “clauses (i) through (xi) of subparagraph (H)” and inserting “clauses (i) through (x) of subparagraph (O)”;

(L) in subparagraph (O), as redesignated by subparagraph (C) of this paragraph—

(i) in clauses (i) and (ii), by inserting “and neglect” after “abuse”;

(ii) in clause (v), by striking “child abuse have” and inserting “child abuse and neglect have”;

(iii) by striking “and” at the end of clause (ix);

(iv) by redesignating clause (x) as clause (xi);

(v) by inserting after clause (ix), the following:

“(x) the extent to which reports of suspected or known instances of child abuse or neglect involving a potential combination of jurisdictions, such as intrastate, interstate, Federal-State, and State-Tribal, are being screened out solely on the basis of the cross-jurisdictional complications; and”;

(vi) in clause (xi), as redesignated by clause (iv), by striking “abuse” and inserting “child abuse and neglect”;

(2) in paragraph (2), by striking “subparagraphs” and all that follows and inserting “clauses (i) through (xi) of paragraph (1)(O)”;

(3) in paragraph (3), by striking “Keeping Children and Families Safe Act of 2003” and inserting “CAPTA Reauthorization Act of 2010”;

(4) in paragraph (4)—

(A) by striking “(A) The” and inserting the following:

“(A) IN GENERAL.—The”; and

(B) in subparagraph (B)—

(i) by striking all that precedes “later” and inserting the following:

“(B) PUBLIC COMMENT.—Not”;

(ii) by striking “than 2” and inserting “than 1”;

(iii) by striking “Keeping Children and Families Safe Act of 2003” and inserting “CAPTA Reauthorization Act of 2010”;

(5) by adding at the end the following:

“(4) STUDY ON SHAKEN BABY SYNDROME.—The Secretary shall conduct a study that—

“(A) identifies data collected on shaken baby syndrome;

“(B) determines the feasibility of collecting uniform, accurate data from all States regarding—

“(i) incidence rates of shaken baby syndrome;

“(ii) characteristics of perpetrators of shaken baby syndrome, including age, gender, relation to victim, access to prevention materials and resources, and history of substance abuse, domestic violence, and mental illness; and

“(iii) characteristics of victims of shaken baby syndrome, including gender, date of birth, date of injury, date of death (if applicable), and short- and long-term injuries sustained.”.

(b) TECHNICAL ASSISTANCE.—Section 104(b) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5105(b)) is amended—

(1) in paragraph (1), by inserting “and providers of mental health, substance abuse treatment, and domestic violence prevention services” after “disabilities”;

(2) in paragraph (3)(B)—

(A) by striking “and child welfare personnel” and inserting “child welfare, substance abuse, and domestic violence services personnel”;

(B) by striking “subjected to abuse.” and inserting “subjected to, or whom the personnel

suspect have been subjected to, child abuse or neglect.”.

(c) **PEER REVIEW FOR GRANTS AND CONTRACTS.**—Section 104(d) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5105(d)) is amended—

(1) in paragraph (1)—

(A) by striking subparagraph (A) and inserting the following:

“(A) **IN GENERAL.**—To enhance the quality and usefulness of research in the field of child abuse and neglect, the Secretary shall, in consultation with experts in the field and other Federal agencies, establish a formal, rigorous, and meritorious peer review process for purposes of evaluating and reviewing applications for assistance through a grant or contract under this section and determining the relative merits of the project for which such assistance is requested.”; and

(B) by striking subparagraph (B) and inserting the following:

“(B) **MEMBERS.**—In establishing the process required by subparagraph (A), the Secretary shall only appoint to the peer review panels members who—

“(i) are experts in the field of child abuse and neglect or related disciplines, with appropriate expertise related to the applications to be reviewed; and

“(ii) are not individuals who are officers or employees of the Administration for Children and Families.

“(C) **MEETINGS.**—The peer review panels shall meet as often as is necessary to facilitate the expeditious review of applications for grants and contracts under this section, but shall meet not less often than once a year.

“(D) **CRITERIA AND GUIDELINES.**—The Secretary shall ensure that the peer review panel utilizes scientifically valid review criteria and scoring guidelines in the review of the applications for grants and contracts.”; and

(2) in paragraph (3)—

(A) by striking “(A) The” and inserting the following:

“(A) **MERITORIOUS PROJECTS.**—The”; and

(B) in subparagraph (B), by striking all that precedes “the instance” and inserting the following:

“(B) **EXPLANATION.**—In”.

(d) **DEMONSTRATION PROGRAMS AND PROJECTS.**—Section 104(e) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5105(e)) is amended—

(1) in the matter preceding paragraph (1)—

(A) by striking “States or” and inserting “entities that are States, Indian tribes or tribal organizations, or”; and

(B) by striking “such agencies or organizations” and inserting “such entities”;

(2) in paragraph (1)(B), by striking “safely facilitate the” and inserting “facilitate the safe”; and

(3) in paragraph (2)—

(A) by inserting “child care and early childhood education and care providers,” after “in cooperation with”; and

(B) by striking “preschool” and inserting “preschools”.

SEC. 114. GRANTS TO STATES, INDIAN TRIBES OR TRIBAL ORGANIZATIONS, AND PUBLIC OR PRIVATE AGENCIES AND ORGANIZATIONS.

Section 105 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106) is amended—

(1) in the heading, by striking “STATES” and inserting “STATES, INDIAN TRIBES OR TRIBAL ORGANIZATIONS,”

(2) in subsection (a)—

(A) in the matter preceding paragraph (1)—

(i) by striking “States,” and inserting “entities that are States, Indian tribes or tribal organizations, or”; and

(ii) by striking “such agencies or organizations” and inserting “such entities”;

(B) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by striking “this section” and inserting “this subsection”;

(ii) in subparagraph (A)—

(I) by inserting “health care,” before “medicine,”;

(II) by inserting “child care,” after “education,”; and

(III) by inserting “and neglect” before the semicolon;

(iii) in subparagraph (B), by inserting a comma after “youth”;

(iv) in subparagraph (D)—

(I) by striking “support the enhancement of linkages between” and inserting “enhance linkages among”;

(II) by striking “including physical” and all that follows through “partnerships” and inserting “entities providing physical and mental health services, community resources, and developmental disability agencies, to improve screening, forensic diagnosis, and health and developmental evaluations, and for partnerships”; and

(III) by striking “offer creative approaches to using” and inserting “support the coordinated use of”;

(v) by redesignating subparagraphs (E) through (J) as subparagraphs (F), (G), and (I) through (L), respectively;

(vi) by inserting after subparagraph (D) the following:

“(E) for the training of personnel in best practices to meet the unique needs of children with disabilities, including promoting interagency collaboration”;;

(vii) by inserting after subparagraph (G), as redesignated by clause (v) of this subparagraph, the following:

“(H) for the training of personnel in childhood development including the unique needs of children under age 3”;;

(viii) in subparagraph (J), as redesignated by clause (v) of this subparagraph, by striking “and other public and private welfare agencies” and inserting “other public and private welfare agencies, and agencies that provide early intervention services”;

(ix) in subparagraph (K), as redesignated by clause (v) of this subparagraph, by striking “and” at the end;

(x) in subparagraph (L), as redesignated by clause (v) of this subparagraph—

(I) by striking “disabled infants” each place it appears and inserting “infants or toddlers with disabilities”; and

(II) by striking the period and inserting “; and”;

(xi) by adding at the end the following:

“(M) for the training of personnel in best practices relating to the provision of differential response.”;

(C) in paragraph (2)(C), by striking “where” and inserting “when”;

(D) in paragraph (3), by inserting “, leadership,” after “mutual support”;

(E) in paragraph (4), by striking all that precedes “Secretary” and inserting the following:

“(4) **KINSHIP CARE.**—The”;

(F) in paragraph (4), by striking “in not more than 10 States”;

(G) in paragraph (5)—

(i) in the paragraph heading—

(I) by striking “BETWEEN” and inserting “AMONG”; and

(II) by striking “AND DEVELOPMENTAL DISABILITIES” and inserting “SUBSTANCE ABUSE, DEVELOPMENTAL DISABILITIES, AND DOMESTIC VIOLENCE SERVICE”;

(ii) by striking “between” and inserting “among”;

(iii) by striking “mental health” and all that follows through “, for” and inserting “mental health, substance abuse, developmental disabil-

ities, and domestic violence service agencies, and entities that carry out community-based programs, for”; and

(iv) by striking “help assure” and inserting “ensure”; and

(H) by inserting after paragraph (5) the following:

“(6) **COLLABORATIONS BETWEEN CHILD PROTECTIVE SERVICE ENTITIES AND DOMESTIC VIOLENCE SERVICE ENTITIES.**—The Secretary may award grants to public or private agencies and organizations under this section to develop or expand effective collaborations between child protective service entities and domestic violence service entities to improve collaborative investigation and intervention procedures, provision for the safety of the nonabusing parent involved and children, and provision of services to children exposed to domestic violence that also support the caregiving role of the non-abusing parent.”; and

(3) in subsection (b)(4)—

(A) in subparagraph (A)(ii), by striking “neglected or abused” and inserting “victims of child abuse or neglect”;;

(B) in subparagraphs (B)(ii) and (C)(iii), by striking “abuse or neglect” and inserting “child abuse and neglect”;

(C) in subparagraph (C)(iii), by striking “been neglected or abused” and inserting “been a victim of child abuse or neglect”; and

(D) in subparagraph (D), by striking “a” after “grantee is” and inserting “an”.

SEC. 115. GRANTS TO STATES FOR CHILD ABUSE OR NEGLECT PREVENTION AND TREATMENT PROGRAMS.

(a) **SECTION HEADING.**—Section 106 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106a) is amended by striking the section heading and inserting the following:

“**SEC. 106. GRANTS TO STATES FOR CHILD ABUSE OR NEGLECT PREVENTION AND TREATMENT PROGRAMS.**”.

(b) **DEVELOPMENT AND OPERATION GRANTS.**—Section 106(a) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106a(a)) is amended—

(1) in the matter preceding paragraph (1), by striking “based on” and all that follows through “18 in” and inserting “from allotments made under subsection (f) for”;

(2) in paragraph (1), by striking “abuse and neglect” and inserting “child abuse or neglect”;

(3) in paragraph (2)—

(A) in subparagraph (A), by inserting “, intra-agency, interstate, and intrastate” after “interagency”; and

(B) in subparagraph (B)(i), by striking “abuse and neglect” and inserting “child abuse or neglect”;

(4) in paragraph (4), by inserting “, including the use of differential response” after “protocols”;

(5) in paragraph (6)—

(A) in subparagraph (A) by inserting “, including the use of differential response,” after “strategies”;

(B) in subparagraph (B), by striking “and” at the end;

(C) in subparagraph (C), by striking “workers” and all that follows and inserting “workers; and”; and

(D) by adding at the end the following:

“(D) training in early childhood, child, and adolescent development.”;

(6) by striking paragraphs (8) and (9) and inserting the following:

“(8) developing, facilitating the use of, and implementing research-based strategies and training protocols for individuals mandated to report child abuse and neglect.”;

(7) by redesignating paragraphs (10) through (14) as paragraphs (9) through (13), respectively;

(8) in paragraph (9), as redesignated by paragraph (7) of this subsection—

(A) in subparagraph (B), by striking “and” at the end;

(B) in subparagraph (C), by adding “and” at the end; and

(C) by adding at the end the following:

“(D) the use of differential response in preventing child abuse and neglect;”;

(9) in paragraph (10), as redesignated by paragraph (7) of this subsection, by inserting “, including the use of differential response” before the semicolon;

(10) in paragraph (12), as redesignated by paragraph (7) of this subsection, by striking “or” at the end;

(11) in paragraph (13), as redesignated by paragraph (7) of this subsection—

(A) by striking “supporting and enhancing” and all that follows through “community-based programs” and inserting “supporting and enhancing interagency collaboration among public health agencies, agencies in the child protective service system, and agencies carrying out private community-based programs—”;

(B) by striking “to provide” and inserting the following:

“(A) to provide”;

(C) by striking “systems) and” and inserting “systems), and the use of differential response; and”;

(D) by striking “to address” and inserting the following:

“(B) to address”;

(E) by striking “abused or neglected” and inserting “victims of child abuse or neglect;” and

(F) by striking the period at the end and inserting “; or”;

(12) by adding at the end the following:

“(14) developing and implementing procedures for collaboration among child protective services, domestic violence services, and other agencies in—

“(A) investigations, interventions, and the delivery of services and treatment provided to children and families, including the use of differential response, where appropriate; and

“(B) the provision of services that assist children exposed to domestic violence, and that also support the caregiving role of their nonabusing parents.”;

(c) **ELIGIBILITY REQUIREMENTS.**—Section 106(b) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106a(b)) is amended—

(1) by striking paragraph (1) and inserting the following:

“(1) **STATE PLAN.**—

“(A) **IN GENERAL.**—To be eligible to receive a grant under this section, a State shall submit to the Secretary a State plan that specifies the areas of the child protective services system described in subsection (a) that the State will address with amounts received under the grant.

“(B) **DURATION OF PLAN.**—Each State plan shall—

“(i) remain in effect for the duration of the State’s participation under this section; and

“(ii) be periodically reviewed and revised as necessary by the State to reflect changes in the State’s strategies and programs under this section.

“(C) **ADDITIONAL INFORMATION.**—The State shall provide notice to the Secretary—

“(i) of any substantive changes, including any change to State law or regulations, relating to the prevention of child abuse and neglect that may affect the eligibility of the State under this section; and

“(ii) of any significant changes in how funds provided under this section are used to support activities described in this section, which may differ from the activities described in the current State application.”;

(2) in paragraph (2)—

(A) by redesignating subparagraphs (A) through (D) as subparagraphs (B) through (E), respectively;

(B) by striking the matter preceding subparagraph (B), as redesignated by subparagraph (A) of this paragraph, and inserting the following:

“(2) **CONTENTS.**—A State plan submitted under paragraph (1) shall contain a description of the activities that the State will carry out using amounts received under the grant to achieve the objectives of this title, including—

“(A) an assurance that the State plan, to the maximum extent practicable, is coordinated with the State plan under part B of title IV of the Social Security Act (42 U.S.C. 621 et seq.) relating to child welfare services and family preservation and family support services;”;

(C) in subparagraph (B), as redesignated by subparagraph (A) of this paragraph—

(i) in the matter preceding clause (i)—

(I) by striking “chief executive officer” and inserting “Governor”; and

(II) by striking “Statewide” and inserting “statewide”;

(ii) by amending clause (i) to read as follows: “(i) provisions or procedures for an individual to report known and suspected instances of child abuse and neglect, including a State law for mandatory reporting by individuals required to report such instances;”;

(iii) in clause (ii)—

(I) in the matter preceding subclause (I)—

(aa) by inserting “with” after “born”; and

(bb) by inserting “or a Fetal Alcohol Spectrum Disorder,” after “drug exposure,”; and

(II) in subclause (I), by inserting “or neglect” before the semicolon;

(iv) in clause (iii), by inserting “, or a Fetal Alcohol Spectrum Disorder” before the semicolon;

(v) in clause (v), by inserting “, including the use of differential response,” after “procedures”;

(vi) in clause (vi)—

(I) by striking “the abused or neglected child” and inserting “a victim of child abuse or neglect”; and

(II) by striking “abuse or neglect” and inserting “child abuse or neglect”;

(vii) in clause (ix), by striking “abuse and neglect” and inserting “child abuse and neglect”;

(viii) in clause (xi), by striking “or neglect” and inserting “and neglect”;

(ix) in clause (xiii)—

(I) by striking “an abused or neglected child” and inserting “a victim of child abuse or neglect”; and

(II) by inserting “including training in early childhood, child, and adolescent development,” after “to the role,”;

(x) in clause (xv)(II), by striking “abuse or neglect” and inserting “child abuse or neglect”;

(xi) in clause (xviii), by striking “abuse and” and inserting “abuse or”;

(xii) in clause (xvi)—

(I) in subclause (III), by striking “; or” and inserting “;”;

(II) by adding at the end the following:

“(V) to have committed sexual abuse against the surviving child or another child of such parent; or

“(VI) to be required to register with a sex offender registry under section 113(a) of the Adam Walsh Child Protection and Safety Act of 2006 (42 U.S.C. 16913(a));”;

(xiii) in clause (xii), by striking “Act; and” and inserting “Act (20 U.S.C. 1431 et seq.);”;

(xiv) in clause (xvii)—

(I) by striking “not later” through “2003,”;

(II) by inserting “that meet the requirements of section 471(a)(20) of the Social Security Act (42 U.S.C. 671(a)(20))” after “checks”; and

(III) by adding “and” at the end; and

(xv) by adding at the end the following:

“(xviii) provisions for systems of technology that support the State child protective service system described in subsection (a) and track re-

ports of child abuse and neglect from intake through final disposition;”;

(D) in subparagraph (C), as redesignated by subparagraph (A) of this paragraph—

(i) by striking “disabled infants with” each place it appears and inserting “infants with disabilities who have”; and

(ii) in clause (iii), by striking “life threatening” and inserting “life-threatening”;

(E) in subparagraph (D), as redesignated by subparagraph (A) of this paragraph—

(i) in clause (ii), by striking “and” at the end;

(ii) in clause (iii), by striking “and” at the end;

(iii) by adding at the end the following:

“(iv) policies and procedures encouraging the appropriate involvement of families in decision-making pertaining to children who experienced child abuse or neglect;

“(v) policies and procedures that promote and enhance appropriate collaboration among child protective service agencies, domestic violence service agencies, substance abuse treatment agencies, and other agencies in investigations, interventions, and the delivery of services and treatment provided to children and families affected by child abuse or neglect, including children exposed to domestic violence, where appropriate; and

“(vi) policies and procedures regarding the use of differential response, as applicable;”;

(F) in subparagraph (E), as redesignated by subparagraph (A) of this paragraph—

(i) by inserting “(42 U.S.C. 621 et seq.)” after “Act”; and

(ii) by striking the period at the end and inserting a semicolon;

(G) by inserting after subparagraph (E), as redesignated by subparagraph (A) of this paragraph, the following:

“(F) an assurance or certification that programs and training conducted under this title address the unique needs of unaccompanied homeless youth, including access to enrollment and support services and that such youth are eligible for under parts B and E of title IV of the Social Security Act (42 U.S.C. 621 et seq., 670 et seq.) and meet the requirements of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11301 et seq.); and

“(G) an assurance that the State, in developing the State plan described in paragraph (1), has collaborated with community-based prevention agencies and with families affected by child abuse or neglect.”; and

(H) in the last sentence, by striking “subparagraph (A)” and inserting “subparagraph (B)”;

(3) in paragraph (3), by striking “paragraph (2)(A)” and inserting “paragraph (2)(B)”;

(d) **CITIZEN REVIEW PANELS.**—Section 106(c) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106a(c)) is amended—

(1) in paragraph (2), by inserting before the period the following: “, and may include adult former victims of child abuse or neglect”; and

(2) in paragraph (4)(A)(iii)(I), by inserting “(42 U.S.C. 670 et seq.)” before the semicolon.

(e) **ANNUAL STATE DATA REPORTS.**—Section 106(d) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106a(d)) is amended—

(1) in paragraph (1), by striking “as abused or neglected” and inserting “as victims of child abuse or neglect”;

(2) in paragraph (4), by inserting “, including use of differential response,” after “services”;

(3) by striking paragraph (7) and inserting the following:

“(7)(A) The number of child protective service personnel responsible for the—

“(i) intake of reports filed in the previous year;

“(ii) screening of such reports;

“(iii) assessment of such reports; and

“(iv) investigation of such reports.

“(B) The average caseload for the workers described in subparagraph (A).”;

(4) in paragraph (9), by striking “abuse or neglect” and inserting “child abuse or neglect”;

(5) by striking paragraph (10) and inserting the following:

“(10) For child protective service personnel responsible for intake, screening, assessment, and investigation of child abuse and neglect reports in the State—

“(A) information on the education, qualifications, and training requirements established by the State for child protective service professionals, including for entry and advancement in the profession, including advancement to supervisory positions;

“(B) data on the education, qualifications, and training of such personnel;

“(C) demographic information of the child protective service personnel; and

“(D) information on caseload or workload requirements for such personnel, including requirements for average number and maximum number of cases per child protective service worker and supervisor.”;

(6) in paragraph (11), by striking “and neglect” and inserting “or neglect”;

(7) by adding at the end the following:

“(15) The number of children referred to a child protective services system under subsection (b)(2)(B)(ii).

“(16) The number of children determined to be eligible for referral, and the number of children referred, under subsection (b)(2)(B)(xxi), to agencies providing early intervention services under part C of the Individuals with Disabilities Education Act (20 U.S.C. 1431 et seq.).”.

(f) ANNUAL REPORT.—Section 106(e) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106a(e)) is amended by inserting “and neglect” before the period.

(g) FORMULA.—Section 106 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106a) is amended by adding at the end the following:

“(f) ALLOTMENTS.—

“(1) DEFINITIONS.—In this subsection:

“(A) FISCAL YEAR 2009 GRANT FUNDS.—The term ‘fiscal year 2009 grant funds’ means the amount appropriated under section 112 for fiscal year 2009, and not reserved under section 112(a)(2).

“(B) GRANT FUNDS.—The term ‘grant funds’ means the amount appropriated under section 112 for a fiscal year and not reserved under section 112(a)(2).

“(C) STATE.—The term ‘State’ means each of the several States, the District of Columbia, and the Commonwealth of Puerto Rico.

“(D) TERRITORY.—The term ‘territory’ means Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands.

“(2) IN GENERAL.—Except as otherwise provided in this section, the Secretary shall make allotments to each State and territory that applies for a grant under this section in an amount equal to the sum of—

“(A) \$50,000; and

“(B) an amount that bears the same relationship to any grant funds remaining after all such States and territories have received \$50,000, as the number of children under the age of 18 in the State or territory bears to the number of such children in all States and territories that apply for such a grant.

“(3) ALLOTMENTS FOR DECREASED APPROPRIATION YEARS.—In the case where the grant funds for a fiscal year are less than the fiscal year 2009 grant funds, the Secretary shall ratably reduce each of the allotments under paragraph (2) for such fiscal year.

“(4) ALLOTMENTS FOR INCREASED APPROPRIATION YEARS.—

“(A) MINIMUM ALLOTMENTS TO STATES FOR INCREASED APPROPRIATION YEARS.—In any fiscal year for which the grant funds exceed the fiscal year 2009 grant funds by more than \$1,000,000, the Secretary shall adjust the allotments under paragraph (2), as necessary, such that no State that applies for a grant under this section receives an allotment in an amount that is less than—

“(i) \$100,000, for a fiscal year in which the grant funds exceed the fiscal year 2009 grant funds by more than \$1,000,000 but less than \$2,000,000;

“(ii) \$125,000, for a fiscal year in which the grant funds exceed the fiscal year 2009 grant funds by at least \$2,000,000 but less than \$3,000,000; and

“(iii) \$150,000, for a fiscal year in which the grant funds exceed the fiscal year 2009 grant funds by at least \$3,000,000.

“(B) ALLOTMENT ADJUSTMENT.—In the case of a fiscal year for which subparagraph (A) applies and the grant funds are insufficient to satisfy the requirements of such subparagraph (A), paragraph (2), and paragraph (5), the Secretary shall, subject to paragraph (5), ratably reduce the allotment of each State for which the allotment under paragraph (2) is an amount that exceeds the applicable minimum under subparagraph (A), as necessary to ensure that each State receives the applicable minimum allotment under subparagraph (A).

“(5) HOLD HARMLESS.—Notwithstanding paragraphs (2) and (4), except as provided in paragraph (3), no State or territory shall receive a grant under this section in an amount that is less than the amount such State or territory received under this section for fiscal year 2009.”.

SEC. 116. GRANTS TO STATES FOR PROGRAMS RELATING TO THE INVESTIGATION AND PROSECUTION OF CHILD ABUSE AND NEGLECT CASES.

Section 107 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106c) is amended—

(1) in subsection (a)—

(A) by striking paragraphs (1) and (2) and inserting the following:

“(1) the assessment and investigation of suspected child abuse and neglect cases, including cases of suspected child sexual abuse and exploitation, in a manner that limits additional trauma to the child and the child’s family;

“(2) the assessment and investigation of cases of suspected child abuse-related fatalities and suspected child neglect-related fatalities.”;

(B) in paragraph (3), by striking “particularly” and inserting “including”; and

(C) in paragraph (4)—

(i) by striking “the handling” and inserting “the assessment and investigation”; and

(ii) by striking “victims of abuse” and inserting “suspected victims of child abuse”;

(2) in subsection (b)(1), by striking “section 107(b)” and inserting “section 106(b)”;

(3) in subsection (c)(1)—

(A) in subparagraph (G), by striking “and” at the end;

(B) in subparagraph (H), by striking the period and inserting a semicolon; and

(C) by adding at the end the following:

“(1) adult former victims of child abuse or neglect; and

“(J) individuals experienced in working with homeless children and youths (as defined in section 725 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a)).”;

(4) in subsection (d)(1)—

(A) by striking “particularly” and inserting “including”; and

(B) by inserting “intrastate,” before “interstate”;

(5) in subsection (e)(1)—

(A) in subparagraph (A)—

(i) by striking “particularly” and inserting “including”; and

(ii) by inserting “intrastate,” before “interstate”;

(B) in subparagraph (B)—

(i) by inserting a comma after “model”; and

(ii) by striking “improve the rate” and all that follows through “child sexual abuse cases” and inserting the following: “improve the prompt and successful resolution of civil and criminal court proceedings or enhance the effectiveness of judicial and administrative action in child abuse and neglect cases, particularly child sexual abuse and exploitation cases, including the enhancement of performance of court-appointed attorneys and guardians ad litem for children”; and

(C) in subparagraph (C)—

(i) by inserting a comma after “protocols”;;

(ii) by inserting “, which may include those children involved in reports of child abuse or neglect with a potential combination of jurisdictions, such as intrastate, interstate, Federal-State, and State-Tribal,” after “protection for children”;;

(iii) by striking “from abuse” and inserting “from child abuse and neglect”; and

(iv) by striking “particularly” and inserting “including”; and

(6) in subsection (f), by inserting “(42 U.S.C. 10603a)” after “1984”.

SEC. 117. MISCELLANEOUS REQUIREMENTS.

Section 108(d) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106d(d)) is amended to read as follows:

“(d) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary should encourage all States and public and private entities that receive assistance under this title to—

“(1) ensure that children and families with limited English proficiency who participate in programs under this title are provided with materials and services through such programs in an appropriate language other than English; and

“(2) ensure that individuals with disabilities who participate in programs under this title are provided with materials and services through such programs that are appropriate to their disabilities.”.

SEC. 118. REPORTS.

(a) IN GENERAL.—Section 110 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106f) is amended by striking subsections (a) and (b) and inserting the following:

“(a) COORDINATION EFFORTS.—Not later than 1 year after the date of enactment of the CAPTA Reauthorization Act of 2010, the Secretary shall submit to the Committee on Education and Labor of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate a report on efforts to coordinate the objectives and activities of agencies and organizations that are responsible for programs and activities related to child abuse and neglect. Not later than 3 years after that date of enactment, the Secretary shall submit to those committees a second report on such efforts during the 3-year period following that date of enactment. Not later than 5 years after that date of enactment, the Secretary shall submit to those committees a third report on such efforts during the 5-year period following that date of enactment.

“(b) EFFECTIVENESS OF STATE PROGRAMS AND TECHNICAL ASSISTANCE.—Not later than 2 years after the date of enactment of the CAPTA Reauthorization Act of 2010 and every 2 years thereafter, the Secretary shall submit to the Committee on Education and Labor of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate a report evaluating the effectiveness of programs receiving assistance under section 106 in achieving the objectives of section 106.”.

(b) STUDY AND REPORT RELATING TO CITIZEN REVIEW PANELS.—Section 110(c) of the Child

Abuse Prevention and Treatment Act (42 U.S.C. 5106f)(c) is amended to read as follows:

“(C) STUDY AND REPORT RELATING TO CITIZEN REVIEW PANELS.—

“(1) IN GENERAL.—The Secretary shall conduct a study to determine the effectiveness of citizen review panels, established under section 106(c), in achieving the stated function of such panels under section 106(c)(4)(A) of—

“(A) examining the policies, procedures, and practices of State and local child protection agencies; and

“(B) evaluating the extent to which such State and local child protection agencies are fulfilling their child protection responsibilities, as described in clauses (i) through (iii) of section 106(c)(4)(A).

“(2) CONTENT OF STUDY.—The study described in paragraph (1) shall be completed in a manner suited to the unique design of citizen review panels, including consideration of the variability among the panels within and between States. The study shall include the following:

“(A) Data describing the membership, organizational structure, operation, and administration of all citizen review panels and the total number of such panels in each State.

“(B) A detailed summary of the extent to which collaboration and information-sharing occurs between citizen review panels and State child protective services agencies or any other entities or State agencies. The summary shall include a description of the outcomes that result from collaboration and information sharing.

“(C) Evidence of the adherence and responsiveness to the reporting requirements under section 106(c)(6) by citizen review panels and States.

“(3) REPORT.—Not later than 2 years after the date of enactment of the CAPTA Reauthorization Act of 2010, the Secretary shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and Labor of the House of Representatives a report that contains the results of the study conducted under paragraph (1).”.

(C) STUDY AND REPORT RELATING TO IMMUNITY FROM PROSECUTION FOR PROFESSIONAL CONSULTATION IN SUSPECTED AND KNOWN INSTANCES OF CHILD ABUSE AND NEGLECT.—Section 110 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106f) is amended by adding at the end the following:

“(d) STUDY AND REPORT RELATING TO IMMUNITY FROM PROSECUTION FOR PROFESSIONAL CONSULTATION IN SUSPECTED AND KNOWN INSTANCES OF CHILD ABUSE AND NEGLECT.—

“(1) STUDY.—The Secretary shall complete a study, in consultation with experts in the provision of healthcare, law enforcement, education, and local child welfare administration, that examines how provisions for immunity from prosecution under State and local laws and regulations facilitate and inhibit individuals cooperating, consulting, or assisting in making good faith reports, including mandatory reports, of suspected or known instances of child abuse or neglect.

“(2) REPORT.—Not later than 1 year after the date of the enactment of the CAPTA Reauthorization Act of 2010, the Secretary shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and Labor of the House of Representatives a report that contains the results of the study conducted under paragraph (1) and any recommendations for statutory or regulatory changes the Secretary determines appropriate. Such report may be submitted electronically.”.

SEC. 119. DEFINITIONS.

Section 111 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106g) is amended—

(1) in paragraph (5)—

(A) by inserting “except as provided in section 106(f),” after “(5)”;

(B) by inserting “and” after “Samoa,”; and

(C) by striking “and the Trust Territory of the Pacific Islands”;

(2) in paragraph (6)(C), by striking the period and inserting a semicolon; and

(3) by adding at the end the following:

“(7) the term ‘Alaska Native’ has the meaning given the term ‘Native’ in section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602);

“(8) the term ‘infant or toddler with a disability’ has the meaning given the term in section 632 of the Individuals with Disabilities Education Act (20 U.S.C. 1432);

“(9) the terms ‘Indian’, ‘Indian tribe’, and ‘tribal organization’ have the meanings given the terms in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b);

“(10) the term ‘Native Hawaiian’ has the meaning given the term in section 7207 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7517); and

“(11) the term ‘unaccompanied homeless youth’ means an individual who is described in paragraphs (2) and (6) of section 725 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a).”.

SEC. 120. AUTHORIZATION OF APPROPRIATIONS.

Section 112(a)(1) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106h(a)(1)) is amended—

(1) by striking “2004” and inserting “2010”; and

(2) by striking “2005 through 2008” and inserting “2011 through 2015”.

SEC. 121. RULE OF CONSTRUCTION.

Section 113(a)(2) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106i(a)(2)) is amended by striking “abuse or neglect” and inserting “child abuse or neglect”.

Subtitle B—Community-Based Grants for the Prevention of Child Abuse or Neglect

SEC. 131. TITLE HEADING.

The title heading of title II of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5116) is amended to read as follows:

“TITLE II—COMMUNITY-BASED GRANTS FOR THE PREVENTION OF CHILD ABUSE AND NEGLECT”.

SEC. 132. PURPOSE AND AUTHORITY.

Section 201 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5116) is amended—

(1) by striking subsection (a)(1) and inserting the following:

“(1) to support community-based efforts to develop, operate, expand, enhance, and coordinate initiatives, programs, and activities to prevent child abuse and neglect and to support the coordination of resources and activities, to better strengthen and support families to reduce the likelihood of child abuse and neglect; and”;

(2) in subsection (b)—

(A) in the matter preceding paragraph (1), by striking “hereafter”;

(B) in paragraph (1)—

(i) in the matter preceding subparagraph (A)—

(I) by inserting a comma after “expanding”; and

(II) by striking “(through networks where appropriate)”;

(ii) in subparagraph (E), by inserting before the semicolon the following: “, including access to such resources and opportunities for unaccompanied homeless youth”; and

(iii) by striking subparagraph (G) and inserting the following:

“(G) demonstrate a commitment to involving parents in the planning and program implementation of the lead agency and entities carrying

out local programs funded under this title, including involvement of parents of children with disabilities, parents who are individuals with disabilities, racial and ethnic minorities, and members of other underrepresented or underserved groups; and”;

(C) in paragraph (2), by inserting after “children and families” the following: “, including unaccompanied homeless youth,”;

(D) in paragraph (3)—

(i) by inserting “substance abuse treatment services, domestic violence services,” after “mental health services,”;

(ii) by striking “family resource and support program” and inserting “community-based child abuse and neglect prevention program”; and

(iii) by striking “community-based family resource and support program” and inserting “community-based child abuse and neglect prevention programs”; and

(E) in paragraph (4)—

(i) by inserting “and reporting” after “information management”; and

(ii) by striking the comma after “prevention-focused”; and

(iii) by striking “(through networks where appropriate)”.

SEC. 133. ELIGIBILITY.

Section 202 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5116a) is amended—

(1) in paragraph (1)—

(A) by striking “chief executive officer” each place it appears and inserting “Governor”; and

(B) by inserting a comma after “enhance”;

(2) in paragraphs (1), (2), and (3), by striking “(through networks where appropriate)” each place it appears;

(3) in paragraphs (2) and (3), in the matter preceding subparagraph (A), by striking “chief executive officer” and inserting “Governor”; and

(4) in paragraph (2)—

(A) in subparagraphs (A) and (B), by inserting “adult former victims of child abuse or neglect,” after “parents,”; and

(B) in subparagraph (C), by inserting a comma after “State”.

SEC. 134. AMOUNT OF GRANT.

Section 203(b)(1) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5116b(b)(1))—

(1) in subparagraph (A), by striking all that precedes “70” and inserting the following:

“(A) 70 PERCENT.—”; and

(2) in subparagraph (B), by striking all that precedes “30” and inserting the following:

“(B) 30 PERCENT.—”.

SEC. 135. APPLICATION.

Section 205 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5116d) is amended—

(1) in paragraphs (1) and (2), by striking “(through networks where appropriate)”;

(2) in paragraph (2)—

(A) by striking “and how family resource and support” and inserting “, including how community-based child abuse and neglect prevention”; and

(B) by striking “services provided” and inserting “programs provided”;

(3) in paragraph (4), by inserting a comma after “operation”;

(4) in paragraph (6)—

(A) by striking “an assurance that the State has the” and inserting “a description of the State’s”; and

(B) by striking “consumers and” and inserting “consumers, of family advocates, and of adult former victims of child abuse or neglect,”;

(5) in paragraph (7), by inserting a comma after “expansion”;

(6) in paragraph (8)—

(A) by striking “and activities”; and

(B) by inserting after “homelessness,” the following: “unaccompanied homeless youth,”;

(7) in paragraph (9), by inserting a comma after “training”; and

(8) in paragraph (11), by inserting a comma after “procedures”.

SEC. 136. LOCAL PROGRAM REQUIREMENTS.

(a) IN GENERAL.—Section 206(a) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5116e(a)) is amended—

(1) in the matter preceding paragraph (1), by inserting a comma after “expand”;

(2) in paragraph (1)—

(A) by striking “parents and” and inserting “parents,”; and

(B) by inserting “in meaningful roles” before the semicolon;

(3) in paragraph (2)—

(A) by striking “a strategy to provide, over time,” and inserting “a comprehensive strategy to provide”;

(B) by striking “family centered” and inserting “family-centered”; and

(C) by striking “and parents with young children,” and inserting “, to parents with young children, and to parents who are adult former victims of domestic violence or child abuse or neglect,”;

(4) in paragraph (3)—

(A) by striking all that precedes subparagraph (C) and inserting the following:

“(3)(A) provide for core child abuse and neglect prevention services, which may be provided directly by the local recipient of the grant funds or through grants or agreements with other local agencies, such as—

“(i) parent education, mutual support and self help, and parent leadership services;

“(ii) respite care services;

“(iii) outreach and followup services, which may include voluntary home visiting services; and

“(iv) community and social service referrals; and”;

(B) in subparagraph (C)—

(i) in the matter preceding clause (i), by striking “(C)” and inserting “(B) provide”;

(ii) by striking clause (ii) and inserting the following:

“(ii) child care, early childhood education and care, and intervention services”;

(iii) in clause (iii), by inserting “and parents who are individuals with disabilities” before the semicolon;

(iv) in clause (v), by striking “scholastic tutoring” and inserting “academic tutoring”;

(v) in clause (vii), by striking “and” after the semicolon;

(vi) in clause (viii), by adding “and” after the semicolon;

(vii) by adding at the end the following:

“(ix) domestic violence service programs that provide services and treatment to children and their non-abusing caregivers.”; and

(viii) in clause (v), by striking “scholastic tutoring” and inserting “academic tutoring”;

(5) in paragraph (5), by striking “family resource and support program” and inserting “child abuse and neglect prevention program”; and

(6) in paragraph (6), by inserting a comma after “operation”.

(b) TECHNICAL AMENDMENT.—Section 206(b) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5116e(b)) is amended—

(1) by striking “low income” and inserting “low-income”; and

(2) by striking “family resource and support programs” and inserting “child abuse and neglect prevention programs.”.

SEC. 137. CONFORMING AMENDMENTS.

Section 207 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5119f) is amended—

(1) in paragraph (1), by inserting a comma after “operation”;

(2) in paragraph (2), by inserting “which description shall specify whether those services are supported by research” after “section 202”;

(3) in paragraph (4)—

(A) by striking “section 205(3)” and inserting “section 204(3)”;

and

(B) by inserting a comma after “operation”;

(4) in paragraph (6)—

(A) by inserting a comma after “local”;

(B) by inserting a comma after “expansion”;

and

(5) in paragraph (7), by striking “the results” and all that follows and inserting “the results of evaluation, or the outcomes of monitoring, conducted under the State program to demonstrate the effectiveness of activities conducted under this title in meeting the purposes of the program; and”.

SEC. 138. NATIONAL NETWORK FOR COMMUNITY-BASED FAMILY RESOURCE PROGRAMS.

Section 208 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5116g) is amended—

(1) in paragraph (1), by inserting a comma after “operate”;

(2) in paragraph (2), by inserting a comma after “operate”;

(3) in paragraph (4), by inserting a comma after “operate”.

SEC. 139. DEFINITIONS.

Section 209 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5116h) is amended—

(1) by striking paragraph (1);

(2) by redesignating paragraphs (2), (3), and (5) as paragraphs (1) through (3), respectively; and

(3) in paragraph (3), as so redesignated—

(A) in the matter preceding subparagraph (A), by inserting “, including the services of crisis nurseries,” after “short term care services”;

(B) in subparagraphs (A) and (B), by striking “abuse or neglect” and inserting “child abuse or neglect”; and

(C) in subparagraph (C), by striking “have” and all that follows and inserting “have disabilities or chronic or terminal illnesses.”.

SEC. 140. AUTHORIZATION OF APPROPRIATIONS.

Section 210 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5116i) is amended—

(1) by striking “2004” and inserting “2010”;

and

(2) by striking “2005 through 2008” and inserting “2011 through 2015”.

SEC. 141. REDESIGNATION.

Title II of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5116 et seq.) is amended by redesignating sections 205 through 210 as sections 204 through 209, respectively.

SEC. 142. TRANSFER OF DEFINITIONS.

(a) GENERAL DEFINITIONS.—The Child Abuse Prevention and Treatment Act (42 U.S.C. 5101 et seq.) is amended by inserting after section 2 the following:

“SEC. 3. GENERAL DEFINITIONS.

“In this Act—

“(1) the term ‘child’ means a person who has not attained the lesser of—

“(A) the age of 18; or

“(B) except in the case of sexual abuse, the age specified by the child protection law of the State in which the child resides;

“(2) the term ‘child abuse and neglect’ means, at a minimum, any recent act or failure to act on the part of a parent or caretaker, which results in death, serious physical or emotional harm, sexual abuse or exploitation, or an act or failure to act which presents an imminent risk of serious harm;

“(3) the term ‘child with a disability’ means a child with a disability as defined in section 602 of the Individuals with Disabilities Education Act (20 U.S.C. 1401), or an infant or toddler with a disability as defined in section 632 of such Act (20 U.S.C. 1432);

“(4) the term ‘Governor’ means the chief executive officer of a State;

“(5) the terms ‘Indian’, ‘Indian tribe’, and ‘tribal organization’ have the meanings given the terms in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b);

“(6) the term ‘Secretary’ means the Secretary of Health and Human Services;

“(7) except as provided in section 106(f), the term ‘State’ means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands; and

“(8) the term ‘unaccompanied homeless youth’ means an individual who is described in paragraphs (2) and (6) of section 725 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a).”.

(b) CONFORMING AMENDMENTS.—Section 111 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106g), as amended by section 119, is further amended—

(1) by striking paragraphs (1), (2), (3), (5), (9), and (11) of section 111;

(2) by redesignating paragraphs (7), (8), and (10) as paragraphs (1), (2), and (3), respectively, and inserting the paragraphs before paragraph (4);

(3) in paragraph (3), as so redesignated, by striking “and” at the end;

(4) in paragraph (4), by adding “and” at the end; and

(5) by redesignating paragraph (6) as paragraph (5).

Subtitle C—Conforming Amendments

SEC. 151. AMENDMENTS TO TABLE OF CONTENTS.

The table of contents in section 1(b) of the Child Abuse Prevention and Treatment Act is amended—

(1) by inserting after the item relating to section 2 the following:

“Sec. 3. General definitions.”;

(2) by amending the item relating to section 105 to read as follows:

“Sec. 105. Grants to States, Indian tribes or tribal organizations, and public or private agencies and organizations.”;

(3) by amending the item relating to section 106 to read as follows:

“Sec. 106. Grants to States for child abuse or neglect prevention and treatment programs.”;

(4) by striking the item relating to the title heading of title II and inserting the following:

“TITLE II—COMMUNITY-BASED GRANTS FOR THE PREVENTION OF CHILD ABUSE OR NEGLECT”;

and

(5) by striking the items relating to sections 204 through 210 and inserting the following:

“Sec. 204. Application.

“Sec. 205. Local program requirements.

“Sec. 206. Performance measures.

“Sec. 207. National network for community-based family resource programs.

“Sec. 208. Definitions.

“Sec. 209. Authorization of appropriations.”.

TITLE II—FAMILY VIOLENCE PREVENTION AND SERVICES ACT

SEC. 201. FAMILY VIOLENCE PREVENTION AND SERVICES.

The Family Violence Prevention and Services Act (42 U.S.C. 10401 et seq.) is amended to read as follows:

“TITLE III—FAMILY VIOLENCE PREVENTION AND SERVICES

“SEC. 301. SHORT TITLE; PURPOSE.

“(a) SHORT TITLE.—This title may be cited as the ‘Family Violence Prevention and Services Act’.

“(b) PURPOSE.—It is the purpose of this title to—

“(1) assist States and Indian tribes in efforts to increase public awareness about, and primary and secondary prevention of, family violence, domestic violence, and dating violence;

“(2) assist States and Indian tribes in efforts to provide immediate shelter and supportive services for victims of family violence, domestic violence, or dating violence, and their dependents;

“(3) provide for a national domestic violence hotline;

“(4) provide for technical assistance and training relating to family violence, domestic violence, and dating violence programs to States and Indian tribes, local public agencies (including law enforcement agencies, courts, and legal, social service, and health care professionals in public agencies), nonprofit private organizations (including faith-based and charitable organizations, community-based organizations, and voluntary associations), tribal organizations, and other persons seeking such assistance and training.

“SEC. 302. DEFINITIONS.

“In this title:

“(1) **ALASKA NATIVE.**—The term ‘Alaska Native’ has the meaning given the term ‘Native’ in section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602).

“(2) **DATING VIOLENCE.**—The term ‘dating violence’ has the meaning given such term in section 40002(a) of the Violence Against Women Act of 1994 (42 U.S.C. 13925(a)).

“(3) **DOMESTIC VIOLENCE.**—The term ‘domestic violence’ has the meaning given such term in section 40002(a) of the Violence Against Women Act of 1994 (42 U.S.C. 13925(a)).

“(4) **FAMILY VIOLENCE.**—The term ‘family violence’ means any act or threatened act of violence, including any forceful detention of an individual, that—

“(A) results or threatens to result in physical injury; and

“(B) is committed by a person against another individual (including an elderly individual) to or with whom such person—

“(i) is related by blood;

“(ii) is or was related by marriage or is or was otherwise legally related; or

“(iii) is or was lawfully residing.

“(5) **INDIAN; INDIAN TRIBE; TRIBAL ORGANIZATION.**—The terms ‘Indian’, ‘Indian tribe’, and ‘tribal organization’ have the meanings given such terms in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

“(6) **NATIVE HAWAIIAN.**—The term ‘Native Hawaiian’ has the meaning given the term in section 7207 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7517).

“(7) **PERSONALLY IDENTIFYING INFORMATION.**—The term ‘personally identifying information’ has the meaning given the term in section 40002(a) of the Violence Against Women Act of 1994 (42 U.S.C. 13925(a)).

“(8) **SECRETARY.**—The term ‘Secretary’ means the Secretary of Health and Human Services.

“(9) **SHELTER.**—The term ‘shelter’ means the provision of temporary refuge and supportive services in compliance with applicable State law (including regulation) governing the provision, on a regular basis, of shelter, safe homes, meals, and supportive services to victims of family violence, domestic violence, or dating violence, and their dependents.

“(10) **STATE.**—The term ‘State’ means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, and, except as otherwise provided, Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands.

“(11) **STATE DOMESTIC VIOLENCE COALITION.**—The term ‘State Domestic Violence Coalition’ means a statewide nongovernmental nonprofit private domestic violence organization that—

“(A) has a membership that includes a majority of the primary-purpose domestic violence service providers in the State;

“(B) has board membership that is representative of primary-purpose domestic violence service providers, and which may include representatives of the communities in which the services are being provided in the State;

“(C) has as its purpose to provide education, support, and technical assistance to such service providers to enable the providers to establish and maintain shelter and supportive services for victims of domestic violence and their dependents; and

“(D) serves as an information clearinghouse, primary point of contact, and resource center on domestic violence for the State and supports the development of policies, protocols, and procedures to enhance domestic violence intervention and prevention in the State.

“(12) **SUPPORTIVE SERVICES.**—The term ‘supportive services’ means services for adult and youth victims of family violence, domestic violence, or dating violence, and dependents exposed to family violence, domestic violence, or dating violence, that are designed to—

“(A) meet the needs of such victims of family violence, domestic violence, or dating violence, and their dependents, for short-term, transitional, or long-term safety; and

“(B) provide counseling, advocacy, or assistance for victims of family violence, domestic violence, or dating violence, and their dependents.

“(13) **TRIBALLY DESIGNATED OFFICIAL.**—The term ‘tribally designated official’ means an individual designated by an Indian tribe, tribal organization, or nonprofit private organization authorized by an Indian tribe, to administer a grant under section 309.

“(14) **UNDERSERVED POPULATIONS.**—The term ‘underserved populations’ has the meaning given the term in section 40002(a) of the Violence Against Women Act of 1994 (42 U.S.C. 13925(a)). For the purposes of this title, the Secretary has the same authority to determine whether a population is an underserved population as the Attorney General has under that section 40002(a).

“SEC. 303. AUTHORIZATION OF APPROPRIATIONS.

“(a) **FORMULA GRANTS TO STATES.**—

“(1) **IN GENERAL.**—There is authorized to be appropriated to carry out sections 301 through 312, \$175,000,000 for each of fiscal years 2011 through 2015.

“(2) **ALLOCATIONS.**—

“(A) **FORMULA GRANTS TO STATES.**—

“(i) **RESERVATION OF FUNDS.**—For any fiscal year for which the amounts appropriated under paragraph (1) exceed \$130,000,000, not less than 25 percent of such excess funds shall be made available to carry out section 312.

“(ii) **FORMULA GRANTS.**—Of the amounts appropriated under paragraph (1) for a fiscal year and not reserved under clause (i), not less than 70 percent shall be used for making grants under section 306(a).

“(B) **GRANTS TO TRIBES.**—Of the amounts appropriated under paragraph (1) for a fiscal year and not reserved under subparagraph (A)(i), not less than 10 percent shall be used to carry out section 309.

“(C) **TECHNICAL ASSISTANCE AND TRAINING CENTERS.**—Of the amounts appropriated under paragraph (1) for a fiscal year and not reserved under subparagraph (A)(i), not less than 6 percent shall be used by the Secretary for making grants under section 310.

“(D) **GRANTS FOR STATE DOMESTIC VIOLENCE COALITIONS.**—Of the amounts appropriated under paragraph (1) for a fiscal year and not reserved under subparagraph (A)(i), not less than 10 percent of such amounts shall be used by the Secretary for making grants under section 311.

“(E) **ADMINISTRATION, EVALUATION AND MONITORING.**—Of the amount appropriated under

paragraph (1) for a fiscal year and not reserved under subparagraph (A)(i), not more than 2.5 percent shall be used by the Secretary for evaluation, monitoring, and other administrative costs under this title.

“(b) **NATIONAL DOMESTIC VIOLENCE HOTLINE.**—There is authorized to be appropriated to carry out section 313 \$3,500,000 for each of fiscal years 2011 through 2015.

“(c) **DOMESTIC VIOLENCE PREVENTION ENHANCEMENT AND LEADERSHIP THROUGH ALLIANCES.**—There is authorized to be appropriated to carry out section 314 \$6,000,000 for each of fiscal years 2011 through 2015.

“SEC. 304. AUTHORITY OF SECRETARY.

“(a) **AUTHORITIES.**—In order to carry out the provisions of this title, the Secretary is authorized to—

“(1) appoint and fix the compensation of such personnel as are necessary;

“(2) procure, to the extent authorized by section 3109 of title 5, United States Code, such temporary and intermittent services of experts and consultants as are necessary;

“(3) make grants to eligible entities or enter into contracts with for-profit or nonprofit nongovernmental entities and establish reporting requirements for such grantees and contractors;

“(4) prescribe such regulations and guidance as are reasonably necessary in order to carry out the objectives and provisions of this title, including regulations and guidance on implementing new grant conditions established or provisions modified by amendments made to this title by the CAPTA Reauthorization Act of 2010, to ensure accountability and transparency of the actions of grantees and contractors, or as determined by the Secretary to be reasonably necessary to carry out this title; and

“(5) coordinate programs within the Department of Health and Human Services, and seek to coordinate those programs with programs administered by other Federal agencies, that involve or affect efforts to prevent family violence, domestic violence, and dating violence or the provision of assistance for adult and youth victims of family violence, domestic violence, or dating violence.

“(b) **ADMINISTRATION.**—The Secretary shall—

“(1) assign 1 or more employees of the Department of Health and Human Services to carry out the provisions of this title, including carrying out evaluation and monitoring under this title, which employees shall, prior to such appointment, have expertise in the field of family violence and domestic violence prevention and services and, to the extent practicable, have expertise in the field of dating violence;

“(2) provide technical assistance in the conduct of programs for the prevention and treatment of family violence, domestic violence, and dating violence;

“(3) provide for and coordinate research into the most effective approaches to the intervention in and prevention of family violence, domestic violence, and dating violence, by—

“(A) consulting with experts and program providers within the family violence, domestic violence, and dating violence field to identify gaps in research and knowledge, establish research priorities, and disseminate research findings;

“(B) collecting and reporting data on the provision of family violence, domestic violence, and dating violence services, including assistance and programs supported by Federal funds made available under this title and by other governmental or nongovernmental sources of funds; and

“(C) coordinating family violence, domestic violence, and dating violence research efforts within the Department of Health and Human Services with relevant research administered or carried out by other Federal agencies and other

researchers, including research on the provision of assistance for adult and youth victims of family violence, domestic violence, or dating violence; and

“(4) support the development and implementation of effective policies, protocols, and programs within the Department and at other Federal agencies that address the safety and support needs of adult and youth victims of family violence, domestic violence, or dating violence.

“(c) **REPORTS.**—Every 2 years, the Secretary shall review and evaluate the activities conducted by grantees, subgrantees, and contractors under this title and the effectiveness of the programs administered pursuant to this title, and submit a report containing the evaluation to the Committee on Education and Labor of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate. Such report shall also include a summary of the documentation provided to the Secretary through performance reports submitted under section 306(d). The Secretary shall make publicly available on the Department of Health and Human Services website the evaluation reports submitted to Congress under this subsection, including the summary of the documentation provided to the Secretary under section 306(d).

“SEC. 305. ALLOTMENT OF FUNDS.

“(a) **IN GENERAL.**—From the sums appropriated under section 303 and available for grants to States under section 306(a) for any fiscal year—

“(1) Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands shall each be allotted not less than $\frac{1}{8}$ of 1 percent of the amounts available for grants under section 306(a) for the fiscal year for which the allotment is made; and

“(2) each State shall be allotted for a grant under section 306(a), \$600,000, with the remaining funds to be allotted to each State in an amount that bears the same ratio to such remaining funds as the population of such State bears to the population of all States.

“(b) **POPULATION.**—For the purpose of this section, the population of each State, and the total population of all the States, shall be determined by the Secretary on the basis of the most recent census data available to the Secretary, and the Secretary shall use for such purpose, if available, the annual interim current census data produced by the Secretary of Commerce pursuant to section 181 of title 13, United States Code.

“(c) **RATABLE REDUCTION.**—If the sums appropriated under section 303 for any fiscal year and available for grants to States under section 306(a) are not sufficient to pay in full the total amounts that all States are entitled to receive under subsection (a) for such fiscal year, then the maximum amounts that all States are entitled to receive under subsection (a) for such fiscal year shall be ratably reduced. In the event that additional funds become available for making such grants for any fiscal year during which the preceding sentence is applicable, such reduced amounts shall be increased on the same basis as they were reduced.

“(d) **REALLOTMENT.**—If, at the end of the sixth month of any fiscal year for which sums are appropriated under section 303, the amount allotted to a State has not been made available to such State in a grant under section 306(a) because of the failure of such State to meet the requirements for such a grant, then the Secretary shall reallocate such amount to States that meet such requirements.

“(e) **CONTINUED AVAILABILITY OF FUNDS.**—All funds allotted to a State for a fiscal year under this section, and made available to such State in a grant under section 306(a), shall remain avail-

able for obligation by the State until the end of the following fiscal year. All such funds that are not obligated by the State by the end of the following fiscal year shall be made available to the Secretary for discretionary activities under section 314. Such funds shall remain available for obligation, and for expenditure by a recipient of the funds under section 314, for not more than 1 year from the date on which the funds are made available to the Secretary.

“(f) **DEFINITION.**—In subsection (a)(2), the term ‘State’ does not include any jurisdiction specified in subsection (a)(1).

“SEC. 306. FORMULA GRANTS TO STATES.

“(a) **FORMULA GRANTS TO STATES.**—The Secretary shall award grants to States in order to assist in supporting the establishment, maintenance, and expansion of programs and projects—

“(1) to prevent incidents of family violence, domestic violence, and dating violence;

“(2) to provide immediate shelter, supportive services, and access to community-based programs for victims of family violence, domestic violence, or dating violence, and their dependents; and

“(3) to provide specialized services for children exposed to family violence, domestic violence, or dating violence, underserved populations, and victims who are members of racial and ethnic minority populations.

“(b) **ADMINISTRATIVE EXPENSES.**—

“(1) **ADMINISTRATIVE COSTS.**—Each State may use not more than 5 percent of the grant funds for State administrative costs.

“(2) **SUBGRANTS TO ELIGIBLE ENTITIES.**—The State shall use the remainder of the grant funds to make subgrants to eligible entities for approved purposes as described in section 308.

“(c) **GRANT CONDITIONS.**—

“(1) **APPROVED ACTIVITIES.**—In carrying out the activities under this title, grantees and subgrantees may collaborate with and provide information to Federal, State, local, and tribal public officials and agencies, in accordance with limitations on disclosure of confidential or private information as described in paragraph (5), to develop and implement policies to reduce or eliminate family violence, domestic violence, and dating violence.

“(2) **DISCRIMINATION PROHIBITED.**—

“(A) **APPLICATION OF CIVIL RIGHTS PROVISIONS.**—For the purpose of applying the prohibitions against discrimination on the basis of age under the Age Discrimination Act of 1975 (42 U.S.C. 6101 et seq.), on the basis of disability under section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), on the basis of sex under title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.), or on the basis of race, color, or national origin under title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.), programs and activities funded in whole or in part with funds made available under this title are considered to be programs and activities receiving Federal financial assistance.

“(B) **PROHIBITION ON DISCRIMINATION ON BASIS OF SEX, RELIGION.**—

“(i) **IN GENERAL.**—No person shall on the ground of sex or religion be excluded from participation in, be denied the benefits of, or be subject to discrimination under, any program or activity funded in whole or in part with funds made available under this title. Nothing in this title shall require any such program or activity to include any individual in any program or activity without taking into consideration that individual's sex in those certain instances where sex is a bona fide occupational qualification or programmatic factor reasonably necessary to the normal or safe operation of that particular program or activity.

“(ii) **ENFORCEMENT.**—The Secretary shall enforce the provisions of clause (i) in accordance

with section 602 of the Civil Rights Act of 1964 (42 U.S.C. 2000d-1). Section 603 of such Act (42 U.S.C. 2000d-2) shall apply with respect to any action taken by the Secretary to enforce such clause.

“(iii) **CONSTRUCTION.**—This subparagraph shall not be construed as affecting any legal remedy provided under any other provision of law.

“(C) **ENFORCEMENT AUTHORITIES OF SECRETARY.**—Whenever the Secretary finds that a State, Indian tribe, or other entity that has received financial assistance under this title has failed to comply with a provision of law referred to in subparagraph (A), with subparagraph (B), or with an applicable regulation (including one prescribed to carry out subparagraph (B)), the Secretary shall notify the chief executive officer of the State involved or the tribally designated official of the tribe involved and shall request such officer or official to secure compliance. If, within a reasonable period of time, not to exceed 60 days, the chief executive officer or official fails or refuses to secure compliance, the Secretary may—

“(i) refer the matter to the Attorney General with a recommendation that an appropriate civil action be instituted;

“(ii) exercise the powers and functions provided by title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.), the Age Discrimination Act of 1975 (42 U.S.C. 6101 et seq.), sections 504 and 505 of the Rehabilitation Act of 1973 (29 U.S.C. 794, 794(a)), or title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.), as may be applicable; or

“(iii) take such other action as may be provided by law.

“(D) **ENFORCEMENT AUTHORITY OF ATTORNEY GENERAL.**—When a matter is referred to the Attorney General pursuant to subparagraph (C)(i), or whenever the Attorney General has reason to believe that a State, an Indian tribe, or an entity described in subparagraph (C) is engaged in a pattern or practice in violation of a provision of law referred to in subparagraph (A) or in violation of subparagraph (B), the Attorney General may bring a civil action in any appropriate district court of the United States for such relief as may be appropriate, including injunctive relief.

“(3) **INCOME ELIGIBILITY STANDARDS.**—No income eligibility standard may be imposed upon individuals with respect to eligibility for assistance or services supported with funds appropriated to carry out this title. No fees may be levied for assistance or services provided with funds appropriated to carry out this title.

“(4) **MATCH.**—No grant shall be made under this section to any entity other than a State or an Indian tribe unless the entity agrees that, with respect to the costs to be incurred by the entity in carrying out the program or project for which the grant is awarded, the entity will make available (directly or through donations from public or private entities) non-Federal contributions in an amount that is not less than \$1 for every \$5 of Federal funds provided under the grant. The non-Federal contributions required under this paragraph may be in cash or in kind.

“(5) **NONDISCLOSURE OF CONFIDENTIAL OR PRIVATE INFORMATION.**—

“(A) **IN GENERAL.**—In order to ensure the safety of adult, youth, and child victims of family violence, domestic violence, or dating violence, and their families, grantees and subgrantees under this title shall protect the confidentiality and privacy of such victims and their families.

“(B) **NONDISCLOSURE.**—Subject to subparagraphs (C), (D), and (E), grantees and subgrantees shall not—

“(i) disclose any personally identifying information collected in connection with services requested (including services utilized or denied), through grantees' and subgrantees' programs; or

“(ii) reveal personally identifying information without informed, written, reasonably time-limited consent by the person about whom information is sought, whether for this program or any other Federal or State grant program, which consent—

“(I) shall be given by—

“(aa) the person, except as provided in item (bb) or (cc);

“(bb) in the case of an unemancipated minor, the minor and the minor's parent or guardian; or

“(cc) in the case of an individual with a guardian, the individual's guardian; and

“(II) may not be given by the abuser or suspected abuser of the minor or individual with a guardian, or the abuser or suspected abuser of the other parent of the minor.

“(C) RELEASE.—If release of information described in subparagraph (B) is compelled by statutory or court mandate—

“(i) grantees and subgrantees shall make reasonable attempts to provide notice to victims affected by the release of the information; and

“(ii) grantees and subgrantees shall take steps necessary to protect the privacy and safety of the persons affected by the release of the information.

“(D) INFORMATION SHARING.—Grantees and subgrantees may share—

“(i) nonpersonally identifying information, in the aggregate, regarding services to their clients and demographic nonpersonally identifying information in order to comply with Federal, State, or tribal reporting, evaluation, or data collection requirements;

“(ii) court-generated information and law enforcement-generated information contained in secure, governmental registries for protective order enforcement purposes; and

“(iii) law enforcement- and prosecution-generated information necessary for law enforcement and prosecution purposes.

“(E) OVERSIGHT.—Nothing in this paragraph shall prevent the Secretary from disclosing grant activities authorized in this title to the Committee on Education and Labor of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate and exercising congressional oversight authority. In making all such disclosures, the Secretary shall protect the confidentiality of individuals and omit personally identifying information, including location information about individuals and shelters.

“(F) STATUTORILY PERMITTED REPORTS OF ABUSE OR NEGLECT.—Nothing in this paragraph shall prohibit a grantee or subgrantee from reporting abuse and neglect, as those terms are defined by law, where mandated or expressly permitted by the State or Indian tribe involved.

“(G) PREEMPTION.—Nothing in this paragraph shall be construed to supersede any provision of any Federal, State, tribal, or local law that provides greater protection than this paragraph for victims of family violence, domestic violence, or dating violence.

“(H) CONFIDENTIALITY OF LOCATION.—The address or location of any shelter facility assisted under this title that otherwise maintains a confidential location shall, except with written authorization of the person or persons responsible for the operation of such shelter, not be made public.

“(G) SUPPLEMENT NOT SUPPLANT.—Federal funds made available to a State or Indian tribe under this title shall be used to supplement and not supplant other Federal, State, tribal, and local public funds expended to provide services and activities that promote the objectives of this title.

“(d) REPORTS AND EVALUATION.—Each grantee shall submit an annual performance report to the Secretary at such time as shall be reason-

ably required by the Secretary. Such performance report shall describe the grantee and subgrantee activities that have been carried out with grant funds made available under subsection (a) or section 309, contain an evaluation of the effectiveness of such activities, and provide such additional information as the Secretary may reasonably require.

“SEC. 307. STATE APPLICATION.

“(a) APPLICATION.—

“(1) IN GENERAL.—The chief executive officer of a State seeking funds under section 306(a) or a tribally designated official seeking funds under section 309(a) shall submit an application to the Secretary at such time and in such manner as the Secretary may reasonably require.

“(2) CONTENTS.—Each such application shall—

“(A) provide a description of the procedures that have been developed to ensure compliance with the provisions of sections 306(c) and 308(d);

“(B) provide, with respect to funds described in paragraph (1), assurances that—

“(i) not more than 5 percent of such funds will be used for administrative costs;

“(ii) the remaining funds will be distributed to eligible entities as described in section 308(a) for approved activities as described in section 308(b); and

“(iii) in the distribution of funds by a State under section 308(a), the State will give special emphasis to the support of community-based projects of demonstrated effectiveness, that are carried out by nonprofit private organizations and that—

“(I) have as their primary purpose the operation of shelters for victims of family violence, domestic violence, and dating violence, and their dependents; or

“(II) provide counseling, advocacy, and self-help services to victims of family violence, domestic violence, and dating violence, and their dependents;

“(C) in the case of an application submitted by a State, provide an assurance that there will be an equitable distribution of grants and grant funds within the State and between urban and rural areas within such State;

“(D) in the case of an application submitted by a State, provide an assurance that the State will consult with and provide for the participation of the State Domestic Violence Coalition in the planning and monitoring of the distribution of grants to eligible entities as described in section 308(a) and the administration of the grant programs and projects;

“(E) describe how the State or Indian tribe will involve community-based organizations, whose primary purpose is to provide culturally appropriate services to underserved populations, including how such community-based organizations can assist the State or Indian tribe in addressing the unmet needs of such populations;

“(F) describe how activities and services provided by the State or Indian tribe are designed to reduce family violence, domestic violence, and dating violence, including how funds will be used to provide shelter, supportive services, and prevention services in accordance with section 308(b);

“(G) specify the State agency or tribally designated official to be designated as responsible for the administration of programs and activities relating to family violence, domestic violence, and dating violence, that are carried out by the State or Indian tribe under this title, and for coordination of related programs within the jurisdiction of the State or Indian tribe;

“(H) provide an assurance that the State or Indian tribe has a law or procedure to bar an abuser from a shared household or a household of the abused person, which may include eviction laws or procedures, where appropriate; and

“(I) meet such requirements as the Secretary reasonably determines are necessary to carry out the objectives and provisions of this title.

“(b) APPROVAL OF APPLICATION.—

“(1) IN GENERAL.—The Secretary shall approve any application that meets the requirements of subsection (a) and section 306. The Secretary shall not disapprove any application under this subsection unless the Secretary gives the applicant reasonable notice of the Secretary's intention to disapprove and a 6-month period providing an opportunity for correction of any deficiencies.

“(2) CORRECTION OF DEFICIENCIES.—The Secretary shall give such notice, within 45 days after the date of submission of the application, if any of the provisions of subsection (a) or section 306 have not been satisfied in such application. If the State or Indian tribe does not correct the deficiencies in such application within the 6-month period following the receipt of the Secretary's notice, the Secretary shall withhold payment of any grant funds under section 306 to such State or under section 309 to such Indian tribe until such date as the State or Indian tribe provides documentation that the deficiencies have been corrected.

“(3) STATE OR TRIBAL DOMESTIC VIOLENCE COALITION PARTICIPATION IN DETERMINATIONS OF COMPLIANCE.—State Domestic Violence Coalitions, or comparable coalitions for Indian tribes, shall be permitted to participate in determining whether grantees for corresponding States or Indian tribes are in compliance with subsection (a) and section 306(c), except that no funds made available under section 311 shall be used to challenge a determination about whether a grantee is in compliance with, or to seek the enforcement of, the requirements of this title.

“(4) FAILURE TO REPORT; NONCONFORMING EXPENDITURES.—The Secretary shall suspend funding for an approved application if the applicant fails to submit an annual performance report under section 306(d), or if funds are expended for purposes other than those set forth in section 306(b), after following the procedures set forth in paragraphs (1), (2), and (3).

“SEC. 308. SUBGRANTS AND USES OF FUNDS.

“(a) SUBGRANTS.—A State that receives a grant under section 306(a) shall use grant funds described in section 306(b)(2) to provide subgrants to eligible entities for programs and projects within such State, that is designed to prevent incidents of family violence, domestic violence, and dating violence by providing immediate shelter and supportive services for adult and youth victims of family violence, domestic violence, or dating violence (and their dependents), and that may provide prevention services to prevent future incidents of family violence, domestic violence, and dating violence.

“(b) USE OF FUNDS.—

“(1) IN GENERAL.—Funds awarded to eligible entities under subsection (a) shall be used to provide shelter, supportive services, or prevention services to adult and youth victims of family violence, domestic violence, or dating violence, and their dependents, which may include—

“(A) provision, on a regular basis, of immediate shelter and related supportive services to adult and youth victims of family violence, domestic violence, or dating violence, and their dependents, including paying for the operating and administrative expenses of the facilities for such shelter;

“(B) assistance in developing safety plans, and supporting efforts of victims of family violence, domestic violence, or dating violence to make decisions related to their ongoing safety and well-being;

“(C) provision of individual and group counseling, peer support groups, and referral to community-based services to assist family violence, domestic violence, and dating violence victims, and their dependents, in recovering from the effects of the violence;

“(D) provision of services, training, technical assistance, and outreach to increase awareness of family violence, domestic violence, and dating violence and increase the accessibility of family violence, domestic violence, and dating violence services;

“(E) provision of culturally and linguistically appropriate services;

“(F) provision of services for children exposed to family violence, domestic violence, or dating violence, including age-appropriate counseling, supportive services, and services for the non-abusing parent that support that parent's role as a caregiver, which may, as appropriate, include services that work with the nonabusing parent and child together;

“(G) provision of advocacy, case management services, and information and referral services, concerning issues related to family violence, domestic violence, or dating violence intervention and prevention, including—

“(i) assistance in accessing related Federal and State financial assistance programs;

“(ii) legal advocacy to assist victims and their dependents;

“(iii) medical advocacy, including provision of referrals for appropriate health care services (including mental health, alcohol, and drug abuse treatment), but which shall not include reimbursement for any health care services;

“(iv) assistance locating and securing safe and affordable permanent housing and homelessness prevention services;

“(v) provision of transportation, child care, respite care, job training and employment services, financial literacy services and education, financial planning, and related economic empowerment services; and

“(vi) parenting and other educational services for victims and their dependents; and

“(H) prevention services, including outreach to underserved populations.

“(2) **SHELTER AND SUPPORTIVE SERVICES.**—Not less than 70 percent of the funds distributed by a State under subsection (a) shall be distributed to entities for the primary purpose of providing immediate shelter and supportive services to adult and youth victims of family violence, domestic violence, or dating violence, and their dependents, as described in paragraph (1)(A). Not less than 25 percent of the funds distributed by a State under subsection (a) shall be distributed to entities for the purpose of providing supportive services and prevention services as described in subparagraphs (B) through (H) of paragraph (1).

“(C) **ELIGIBLE ENTITIES.**—To be eligible to receive a subgrant from a State under this section, an entity shall be—

“(1) a local public agency, or a nonprofit private organization (including faith-based and charitable organizations, community-based organizations, tribal organizations, and voluntary associations), that assists victims of family violence, domestic violence, or dating violence, and their dependents, and has a documented history of effective work concerning family violence, domestic violence, or dating violence; or

“(2) a partnership of 2 or more agencies or organizations that includes—

“(A) an agency or organization described in paragraph (1); and

“(B) an agency or organization that has a demonstrated history of serving populations in their communities, including providing culturally appropriate services.

“(d) **CONDITIONS.**—

“(1) **DIRECT PAYMENTS TO VICTIMS OR DEPENDENTS.**—No funds provided under this title may be used as direct payment to any victim of family violence, domestic violence, or dating violence, or to any dependent of such victim.

“(2) **VOLUNTARILY ACCEPTED SERVICES.**—Receipt of supportive services under this title shall

be voluntary. No condition may be applied for the receipt of emergency shelter as described in subsection (b)(1)(A).

“SEC. 309. GRANTS FOR INDIAN TRIBES.

“(a) **GRANTS AUTHORIZED.**—The Secretary, in consultation with tribal governments pursuant to Executive Order 13175 (25 U.S.C. 450 note) and in accordance with section 903 of the Violence Against Women and Department of Justice Reauthorization Act of 2005 (42 U.S.C. 14045d), shall continue to award grants for Indian tribes from amounts appropriated under section 303(a)(2)(B) to carry out this section.

“(b) **ELIGIBLE ENTITIES.**—To be eligible to receive a grant under this section, an entity shall be an Indian tribe, or a tribal organization or nonprofit private organization authorized by an Indian tribe. An Indian tribe shall have the option to authorize a tribal organization or a nonprofit private organization to submit an application and administer the grant funds awarded under this section.

“(c) **CONDITIONS.**—Each recipient of such a grant shall comply with requirements that are consistent with the requirements applicable to grantees under section 306.

“(d) **GRANTEE APPLICATION.**—To be eligible to receive a grant under this section, an entity shall submit an application to the Secretary under section 307 at such time, in such manner, and containing such information as the Secretary determines to be essential to carry out the objectives and provisions of this title. The Secretary shall approve any application that meets requirements consistent with the requirements of section 306(c) and section 307(a).

“(e) **USE OF FUNDS.**—An amount provided under a grant to an eligible entity shall be used for the services described in section 308(b).

“SEC. 310. NATIONAL RESOURCE CENTERS AND TRAINING AND TECHNICAL ASSISTANCE CENTERS.

“(a) **PURPOSE AND GRANTS AUTHORIZED.**—

“(1) **PURPOSE.**—The purpose of this section is to provide resource information, training, and technical assistance relating to the objectives of this title to improve the capacity of individuals, organizations, governmental entities, and communities to prevent family violence, domestic violence, and dating violence and to provide effective intervention services.

“(2) **GRANTS AUTHORIZED.**—From the amounts appropriated under this title and reserved under section 303(a)(2)(C), the Secretary—

“(A) shall award grants to eligible entities for the establishment and maintenance of—

“(i) 2 national resource centers (as provided for in subsection (b)(1)); and

“(ii) at least 7 special issue resource centers addressing key areas of domestic violence, and intervention and prevention (as provided for in subsection (b)(2)); and

“(B) may award grants, to—

“(i) State resource centers to reduce disparities in domestic violence in States with high proportions of Indian (including Alaska Native) or Native Hawaiian populations (as provided for in subsection (b)(3)); and

“(ii) support training and technical assistance that address emerging issues related to family violence, domestic violence, or dating violence, to entities demonstrating related expertise.

“(b) **DOMESTIC VIOLENCE RESOURCE CENTERS.**—

“(1) **NATIONAL RESOURCE CENTERS.**—In accordance with subsection (a)(2), the Secretary shall award grants to eligible entities for—

“(A) a National Resource Center on Domestic Violence, which shall—

“(i) offer a comprehensive array of technical assistance and training resources to Federal, State, and local governmental agencies, domestic violence service providers, community-based organizations, and other professionals and in-

terested parties, related to domestic violence service programs and research, including programs and research related to victims and their children who are exposed to domestic violence; and

“(ii) maintain a central resource library in order to collect, prepare, analyze, and disseminate information and statistics related to—

“(I) the incidence and prevention of family violence and domestic violence; and

“(II) the provision of shelter, supportive services, and prevention services to adult and youth victims of domestic violence (including services to prevent repeated incidents of violence); and

“(B) a National Indian Resource Center Addressing Domestic Violence and Safety for Indian Women, which shall—

“(i) offer a comprehensive array of technical assistance and training resources to Indian tribes and tribal organizations, specifically designed to enhance the capacity of the tribes and organizations to respond to domestic violence and the findings of section 901 of the Violence Against Women and Department of Justice Reauthorization Act of 2005 (42 U.S.C. 3796gg-10 note);

“(ii) enhance the intervention and prevention efforts of Indian tribes and tribal organizations to respond to domestic violence and increase the safety of Indian women in support of the purposes of section 902 of the Violence Against Women and Department of Justice Reauthorization Act of 2005 (42 U.S.C. 3796gg-10 note); and

“(iii) coordinate activities with other Federal agencies, offices, and grantees that address the needs of Indians (including Alaska Natives), and Native Hawaiians that experience domestic violence, including the Office of Justice Services at the Bureau of Indian Affairs, the Indian Health Service of the Department of Health and Human Services, and the Office on Violence Against Women of the Department of Justice.

“(2) **SPECIAL ISSUE RESOURCE CENTERS.**—In accordance with subsection (a)(2)(A)(ii), the Secretary shall award grants to eligible entities for special issue resource centers, which shall be national in scope and shall provide information, training, and technical assistance to State and local domestic violence service providers. Each special issue resource center shall focus on enhancing domestic violence intervention and prevention efforts in at least one of the following areas:

“(A) The response of the criminal and civil justice systems to domestic violence victims, which may include the response to the use of the self-defense plea by domestic violence victims and the issuance and use of protective orders.

“(B) The response of child protective service agencies to victims of domestic violence and their dependents and child custody issues in domestic violence cases.

“(C) The response of the interdisciplinary health care system to victims of domestic violence and access to health care resources for victims of domestic violence.

“(D) The response of mental health systems, domestic violence service programs, and other related systems and programs to victims of domestic violence and to their children who are exposed to domestic violence.

“(E) In the case of 3 specific resource centers, enhancing domestic violence intervention and prevention efforts for victims of domestic violence who are members of racial and ethnic minority groups, to enhance the cultural and linguistic relevancy of service delivery, resource utilization, policy, research, technical assistance, community education, and prevention initiatives.

“(3) **STATE RESOURCE CENTERS TO REDUCE TRIBAL DISPARITIES.**—

“(A) **IN GENERAL.**—In accordance with subsection (a)(2), the Secretary may award grants

to eligible entities for State resource centers, which shall provide statewide information, training, and technical assistance to Indian tribes, tribal organizations, and local domestic violence service organizations serving Indians (including Alaska Natives) or Native Hawaiians, in a culturally sensitive and relevant manner.

“(B) REQUIREMENTS.—An eligible entity shall use a grant provided under this paragraph—

“(i) to offer a comprehensive array of technical assistance and training resources to Indian tribes, tribal organizations, and providers of services to Indians (including Alaska Natives) or Native Hawaiians, specifically designed to enhance the capacity of the tribes, organizations, and providers to respond to domestic violence, including offering the resources in States in which the population of Indians (including Alaska Natives) or Native Hawaiians exceeds 2.5 percent of the total population of the State;

“(ii) to coordinate all projects and activities with the national resource center described in paragraph (1)(B), including projects and activities that involve working with nontribal State and local governments to enhance their capacity to understand the unique needs of Indians (including Alaska Natives) and Native Hawaiians; and

“(iii) to provide comprehensive community education and domestic violence prevention initiatives in a culturally sensitive and relevant manner.

“(C) ELIGIBILITY.—

“(1) IN GENERAL.—To be eligible to receive a grant under subsection (b)(1)(A) or subparagraph (A), (B), (C), or (D) of subsection (b)(2), an entity shall be a nonprofit private organization that focuses primarily on domestic violence and that—

“(A) provides documentation to the Secretary demonstrating experience working directly on issues of domestic violence, and (in the case of an entity seeking a grant under subsection (b)(2)) demonstrating experience working directly in the corresponding specific special issue area described in subsection (b)(2);

“(B) includes on the entity's advisory board representatives who are from domestic violence service programs and who are geographically and culturally diverse; and

“(C) demonstrates the strong support of domestic violence service programs from across the Nation for the entity's designation as a national resource center or a special issue resource center, as appropriate.

“(2) NATIONAL INDIAN RESOURCE CENTER.—To be eligible to receive a grant under subsection (b)(1)(B), an entity shall be a tribal organization or a nonprofit private organization that focuses primarily on issues of domestic violence within Indian tribes and that submits documentation to the Secretary demonstrating—

“(A) experience working with Indian tribes and tribal organizations to respond to domestic violence and the findings of section 901 of the Violence Against Women and Department of Justice Reauthorization Act of 2005 (42 U.S.C. 3796gg–10 note);

“(B) experience providing Indian tribes and tribal organizations with assistance in developing tribally-based prevention and intervention services addressing domestic violence and safety for Indian women consistent with the purposes of section 902 of the Violence Against Women and Department of Justice Reauthorization Act of 2005 (42 U.S.C. 3796gg–10 note);

“(C) strong support for the entity's designation as the National Indian Resource Center Addressing Domestic Violence and Safety for Indian Women from advocates working within Indian tribes to address domestic violence and the safety of Indian women;

“(D) a record of demonstrated effectiveness in assisting Indian tribes and tribal organizations

with prevention and intervention services addressing domestic violence; and

“(E) the capacity to serve Indian tribes (including Alaska Native villages and regional and village corporations) across the United States.

“(3) SPECIAL ISSUE RESOURCE CENTERS CONCERNED WITH RACIAL AND ETHNIC MINORITY GROUPS.—To be eligible to receive a grant under subsection (b)(2)(E), an entity shall be an entity that—

“(A) is a nonprofit private organization that focuses primarily on issues of domestic violence in a racial or ethnic community, or is a public or private nonprofit educational institution that has a domestic violence institute, center, or program related to culturally specific issues in domestic violence; and

“(B)(i) has documented experience in the areas of domestic violence prevention and services, and experience relevant to the specific racial or ethnic population to which information, training, technical assistance, and outreach would be provided under the grant;

“(ii) demonstrates the strong support, of advocates from across the Nation who are working to address domestic violence; and

“(iii) has a record of demonstrated effectiveness in enhancing the cultural and linguistic relevancy of service delivery.

“(4) STATE RESOURCE CENTERS TO REDUCE TRIBAL DISPARITIES.—To be eligible to receive a grant under subsection (b)(3), an entity shall—

“(A)(i) be located in a State in which the population of Indians (including Alaska Natives) or Native Hawaiians exceeds 10 percent of the total population of the State; or

“(ii) be an Indian tribe, tribal organization, or Native Hawaiian organization that focuses primarily on issues of domestic violence among Indians or Native Hawaiians, or an institution of higher education; and

“(B) demonstrate the ability to serve all regions of the State, including underdeveloped areas and areas that are geographically distant from population centers.

“(d) REPORTS AND EVALUATION.—Each entity receiving a grant under this section shall submit a performance report to the Secretary annually and in such manner as shall be reasonably required by the Secretary. Such performance report shall describe the activities that have been carried out with such grant funds, contain an evaluation of the effectiveness of the activities, and provide such additional information as the Secretary may reasonably require.

“SEC. 311. GRANTS TO STATE DOMESTIC VIOLENCE COALITIONS.

“(a) GRANTS.—The Secretary shall award grants for the funding of State Domestic Violence Coalitions.

“(b) ALLOTMENT OF FUNDS.—

“(1) IN GENERAL.—From the amount appropriated under section 303(a)(2)(D) for each fiscal year, the Secretary shall allot to each of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, and each of the covered territories an amount equal to 1/56 of the amount so appropriated for such fiscal year.

“(2) DEFINITION.—For purposes of this subsection, the term ‘covered territories’ means Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands.

“(c) APPLICATION.—Each State Domestic Violence Coalition desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary determines to be essential to carry out the objectives of this section. The application submitted by the coalition for the grant shall provide documentation of the coalition's work, satisfactory to the Secretary, demonstrating that the coalition—

“(1) meets all of the applicable requirements set forth in this title; and

“(2) demonstrates the ability to conduct appropriately all activities described in this section, as indicated by—

“(A) documented experience in administering Federal grants to conduct the activities described in subsection (d); or

“(B) a documented history of active participation in the activities described in paragraphs (1), (3), (4), and (5) of subsection (d) and a demonstrated capacity to conduct the activities described in subsection (d)(2).

“(d) USE OF FUNDS.—A coalition that receives a grant under this section shall use the grant funds for administration and operations to further the purposes of family violence, domestic violence, and dating violence intervention and prevention, through activities that shall include—

“(1) working with local family violence, domestic violence, and dating violence service programs and providers of direct services to encourage appropriate and comprehensive responses to family violence, domestic violence, and dating violence against adults or youth within the State involved, including providing training and technical assistance and conducting State needs assessments;

“(2) participating in planning and monitoring the distribution of subgrants and subgrant funds within the State under section 308(a);

“(3) working in collaboration with service providers and community-based organizations to address the needs of family violence, domestic violence, and dating violence victims, and their dependents, who are members of racial and ethnic minority populations and underserved populations;

“(4) collaborating with and providing information to entities in such fields as housing, health care, mental health, social welfare, or business to support the development and implementation of effective policies, protocols, and programs that address the safety and support needs of adult and youth victims of family violence, domestic violence, or dating violence;

“(5) encouraging appropriate responses to cases of family violence, domestic violence, or dating violence against adults or youth, including by working with judicial and law enforcement agencies;

“(6) working with family law judges, criminal court judges, child protective service agencies, and children's advocates to develop appropriate responses to child custody and visitation issues in cases of child exposure to family violence, domestic violence, or dating violence and in cases in which—

“(A) family violence, domestic violence, or dating violence is present; and

“(B) child abuse is present;

“(7) providing information to the public about prevention of family violence, domestic violence, and dating violence, including information targeted to underserved populations; and

“(8) collaborating with Indian tribes and tribal organizations (and corresponding Native Hawaiian groups or communities) to address the needs of Indian (including Alaska Native) and Native Hawaiian victims of family violence, domestic violence, or dating violence, as applicable in the State.

“(e) LIMITATION ON USE OF FUNDS.—A coalition that receives a grant under this section shall not be required to use funds received under this title for the purposes described in paragraph (5) or (6) of subsection (d) if the coalition provides an annual assurance to the Secretary that the coalition is—

“(1) using funds received under section 2001(c)(1) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg(c)(1)) for such purposes; and

“(2) coordinating the activities carried out by the coalition under subsection (d) with the

State's activities under part T of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg et seq.) that address those purposes.

“(f) **PROHIBITION ON LOBBYING.**—No funds made available to entities under this section shall be used, directly or indirectly, to influence the issuance, amendment, or revocation of any executive order or similar promulgation by any Federal, State, or local agency, or to undertake to influence the passage or defeat of any legislation by Congress, or by any State or local legislative body, or State proposals by initiative petition, except that the representatives of the entity may testify or make other appropriate communication—

“(1) when formally requested to do so by a legislative body, a committee, or a member of the body or committee; or

“(2) in connection with legislation or appropriations directly affecting the activities of the entity.

“(g) **REPORTS AND EVALUATION.**—Each entity receiving a grant under this section shall submit a performance report to the Secretary at such time as shall be reasonably required by the Secretary. Such performance report shall describe the activities that have been carried out with such grant funds, contain an evaluation of the effectiveness of such activities, and provide such additional information as the Secretary may reasonably require.

“(h) **INDIAN REPRESENTATIVES.**—For purposes of this section, a State Domestic Violence Coalition may include representatives of Indian tribes and tribal organizations.

“SEC. 312. SPECIALIZED SERVICES FOR ABUSED PARENTS AND THEIR CHILDREN.

“(a) **IN GENERAL.**—

“(1) **PROGRAM.**—The Secretary shall establish a grant program to expand the capacity of family violence, domestic violence, and dating violence service programs and community-based programs to prevent future domestic violence by addressing, in an appropriate manner, the needs of children exposed to family violence, domestic violence, or dating violence.

“(2) **GRANTS.**—The Secretary may make grants to eligible entities through the program established under paragraph (1) for periods of not more than 2 years. If the Secretary determines that an entity has received such a grant and been successful in meeting the objectives of the grant application submitted under subsection (c), the Secretary may renew the grant for 1 additional period of not more than 2 years.

“(b) **ELIGIBLE ENTITIES.**—To be eligible to receive a grant under this section, an entity shall be a local agency, a nonprofit private organization (including faith-based and charitable organizations, community-based organizations, and voluntary associations), or a tribal organization, with a demonstrated record of serving victims of family violence, domestic violence, or dating violence and their children.

“(c) **APPLICATION.**—An entity seeking a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require, including—

“(1) a description of how the entity will prioritize the safety of, and confidentiality of information about—

“(A) victims of family violence, victims of domestic violence, and victims of dating violence; and

“(B) children of victims described in subparagraph (A);

“(2) a description of how the entity will provide developmentally appropriate and age-appropriate services, and culturally and linguistically appropriate services, to the victims and children; and

“(3) a description of how the entity will ensure that professionals working with the chil-

dren receive the training and technical assistance appropriate and relevant to the unique needs of children exposed to family violence, domestic violence, or dating violence.

“(d) **USE OF FUNDS.**—An entity that receives a grant under this section for a family violence, domestic violence, and dating violence service or community-based program described in subsection (a)—

“(1) shall use the funds made available through the grant—

“(A) to provide direct counseling, appropriate services consistent with subsection (c)(2), or advocacy on behalf of victims of family violence, domestic violence, or dating violence and their children, including coordinating services with services provided by the child welfare system;

“(B) to provide services for nonabusing parents to support those parents' roles as caregivers and their roles in responding to the social, emotional, and developmental needs of their children; and

“(C) where appropriate, to provide the services described in this subsection while working with such a nonabusing parent and child together; and

“(2) may use the funds made available through the grant—

“(A) to provide early childhood development and mental health services;

“(B) to coordinate activities with and provide technical assistance to community-based organizations serving victims of family violence, domestic violence, or dating violence or children exposed to family violence, domestic violence, or dating violence; and

“(C) to provide additional services and referrals to services for children, including child care, transportation, educational support, respite care, supervised visitation, or other necessary services.

“(e) **REPORTS AND EVALUATION.**—Each entity receiving a grant under this section shall submit a performance report to the Secretary at such time as shall be reasonably required by the Secretary. Such performance report shall describe the activities that have been carried out with such grant funds, contain an evaluation of the effectiveness of such activities, and provide such additional information as the Secretary may reasonably require.

“SEC. 313. NATIONAL DOMESTIC VIOLENCE HOTLINE GRANT.

“(a) **IN GENERAL.**—The Secretary shall award a grant to 1 or more private entities to provide for the ongoing operation of a 24-hour, national, toll-free telephone hotline to provide information and assistance to adult and youth victims of family violence, domestic violence, or dating violence, family and household members of such victims, and persons affected by the victimization. The Secretary shall give priority to applicants with experience in operating a hotline that provides assistance to adult and youth victims of family violence, domestic violence, or dating violence.

“(b) **TERM.**—The Secretary shall award a grant under this section for a period of not more than 5 years.

“(c) **CONDITIONS ON PAYMENT.**—The provision of payments under a grant awarded under this section shall be subject to annual approval by the Secretary and subject to the availability of appropriations for each fiscal year to make the payments.

“(d) **APPLICATION.**—To be eligible to receive a grant under this section, an entity shall submit an application to the Secretary that shall—

“(1) contain such agreements, assurances, and information, be in such form, and be submitted in such manner, as the Secretary shall prescribe;

“(2) include a complete description of the applicant's plan for the operation of a national

domestic violence hotline, including descriptions of—

“(A) the training program for hotline personnel, including technology training to ensure that all persons affiliated with the hotline are able to effectively operate any technological systems used by the hotline;

“(B) the hiring criteria and qualifications for hotline personnel;

“(C) the methods for the creation, maintenance, and updating of a resource database;

“(D) a plan for publicizing the availability of the hotline;

“(E) a plan for providing service to non-English speaking callers, including service through hotline personnel who have non-English language capability;

“(F) a plan for facilitating access to the hotline by persons with hearing impairments; and

“(G) a plan for providing assistance and referrals to youth victims of domestic violence and for victims of dating violence who are minors, which may be carried out through a national teen dating violence hotline;

“(3) demonstrate that the applicant has recognized expertise in the area of family violence, domestic violence, or dating violence and a record of high quality service to victims of family violence, domestic violence, or dating violence, including a demonstration of support from advocacy groups and State Domestic Violence Coalitions;

“(4) demonstrate that the applicant has the capacity and the expertise to maintain a domestic violence hotline and a comprehensive database of service providers;

“(5) demonstrate the ability to provide information and referrals for callers, directly connect callers to service providers, and employ crisis interventions meeting the standards of family violence, domestic violence, and dating violence providers;

“(6) demonstrate that the applicant has a commitment to diversity and to the provision of services to underserved populations, including to ethnic, racial, and non-English speaking minorities, in addition to older individuals and individuals with disabilities;

“(7) demonstrate that the applicant complies with nondisclosure requirements as described in section 306(c)(5) and follows comprehensive quality assurance practices; and

“(8) contain such other information as the Secretary may require.

“(e) **HOTLINE ACTIVITIES.**—

“(1) **IN GENERAL.**—An entity that receives a grant under this section for activities described, in whole or in part, in subsection (a) shall use funds made available through the grant to establish and operate a 24-hour, national, toll-free telephone hotline to provide information and assistance to adult and youth victims of family violence, domestic violence, or dating violence, and other individuals described in subsection (a).

“(2) **ACTIVITIES.**—In establishing and operating the hotline, the entity—

“(A) shall contract with a carrier for the use of a toll-free telephone line;

“(B) shall employ, train (including providing technology training), and supervise personnel to answer incoming calls, provide counseling and referral services for callers on a 24-hour-a-day basis, and directly connect callers to service providers;

“(C) shall assemble and maintain a database of information relating to services for adult and youth victims of family violence, domestic violence, or dating violence to which callers may be referred throughout the United States, including information on the availability of shelters and supportive services for victims of family violence, domestic violence, or dating violence;

“(D) shall widely publicize the hotline throughout the United States, including to potential users;

“(E) shall provide assistance and referrals to meet the needs of underserved populations and individuals with disabilities;

“(F) shall provide assistance and referrals for youth victims of domestic violence and for victims of dating violence who are minors, which may be carried out through a national teen dating violence hotline;

“(G) may provide appropriate assistance and referrals for family and household members of victims of family violence, domestic violence, or dating violence, and persons affected by the victimization described in subsection (a); and

“(H) at the discretion of the hotline operator, may provide assistance, or referrals for counseling or intervention, for identified adult and youth perpetrators, including self-identified perpetrators, of family violence, domestic violence, or dating violence, but shall not be required to provide such assistance or referrals in any circumstance in which the hotline operator fears the safety of a victim may be impacted by an abuser or suspected abuser.

“(f) **REPORTS AND EVALUATION.**—The entity receiving a grant under this section shall submit a performance report to the Secretary at such time as shall be reasonably required by the Secretary. Such performance report shall describe the activities that have been carried out with such grant funds, contain an evaluation of the effectiveness of such activities, and provide such additional information as the Secretary may reasonably require.

“SEC. 314. DOMESTIC VIOLENCE PREVENTION ENHANCEMENT AND LEADERSHIP THROUGH ALLIANCES (DELTA).

“(a) **IN GENERAL.**—The Secretary shall enter into cooperative agreements with State Domestic Violence Coalitions for the purposes of establishing, operating, and maintaining local community projects to prevent family violence, domestic violence, and dating violence, including violence committed by and against youth, using a coordinated community response model and through prevention and education programs.

“(b) **TERM.**—The Secretary shall enter into a cooperative agreement under this section for a period of not more than 5 fiscal years.

“(c) **CONDITIONS ON PAYMENT.**—The provision of payments under a cooperative agreement under this section shall be subject to—

“(1) annual approval by the Secretary; and

“(2) the availability of appropriations for each fiscal year to make the payments.

“(d) **ELIGIBILITY.**—To be eligible to enter into a cooperative agreement under this section, an organization shall—

“(1) be a State Domestic Violence Coalition; and

“(2) include representatives of pertinent sectors of the local community, which may include—

“(A) health care providers and State or local health departments;

“(B) the education community;

“(C) the faith-based community;

“(D) the criminal justice system;

“(E) family violence, domestic violence, and dating violence service program advocates;

“(F) human service entities such as State child services divisions;

“(G) business and civic leaders; and

“(H) other pertinent sectors.

“(e) **APPLICATIONS.**—An organization that desires to enter into a cooperative agreement under this section shall submit to the Secretary an application, in such form and in such manner as the Secretary shall require, that—

“(1) demonstrates the capacity of the applicant, who may enter into a partnership with a local family violence, domestic violence, or dating violence service provider or community-based organization, to undertake the project involved;

“(2) demonstrates that the project will include a coordinated community response to improve and expand prevention strategies through increased communication and coordination among all affected sectors of the local community;

“(3) includes a complete description of the applicant's plan for the establishment and implementation of the coordinated community response, including a description of—

“(A) the method to be used for identification and selection of an administrative committee made up of persons knowledgeable about comprehensive family violence, domestic violence, and dating violence prevention planning to oversee the project, hire staff, assure compliance with the project outline, and secure annual evaluation of the project;

“(B) the method to be used for identification and selection of project staff and a project evaluator;

“(C) the method to be used for identification and selection of a project council consisting of representatives of the community sectors listed in subsection (d)(2); and

“(D) the method to be used for identification and selection of a steering committee consisting of representatives of the various community sectors who will chair subcommittees of the project council, each of which will focus on 1 of the sectors;

“(4) demonstrates that the applicant has experience in providing, or the capacity to provide, prevention-focused training and technical assistance;

“(5) demonstrates that the applicant has the capacity to carry out collaborative community initiatives to prevent family violence, domestic violence, and dating violence; and

“(6) contains such other information, agreements, and assurances as the Secretary may require.

“(f) **GEOGRAPHICAL DISPERSION.**—The Secretary shall enter into cooperative agreements under this section with organizations in States geographically dispersed throughout the Nation.

“(g) **USE OF FUNDS.**—

“(1) **IN GENERAL.**—An organization that enters into a cooperative agreement under subsection (a) shall use the funds made available through the agreement to establish, operate, and maintain comprehensive family violence, domestic violence, and dating violence prevention programming.

“(2) **TECHNICAL ASSISTANCE, EVALUATION AND MONITORING.**—The Secretary may use a portion of the funds provided under this section to—

“(A) provide technical assistance;

“(B) monitor the performance of organizations carrying out activities under the cooperative agreements; and

“(C) conduct an independent evaluation of the program carried out under this section.

“(3) **REQUIREMENTS.**—In establishing and operating a project under this section, an eligible organization shall—

“(A) establish protocols to improve and expand family violence, domestic violence, and dating violence prevention and intervention strategies within affected community sectors described in subsection (d)(2);

“(B) develop comprehensive prevention plans to coordinate prevention efforts with other community sectors;

“(C) provide for periodic evaluation of the project, and analysis to assist in replication of the prevention strategies used in the project in other communities, and submit a report under subsection (h) that contains the evaluation and analysis;

“(D) develop, replicate, or conduct comprehensive, evidence-informed primary prevention programs that reduce risk factors and promote protective factors that reduce the likelihood of family violence, domestic violence, and dating violence, which may include—

“(i) educational workshops and seminars;

“(ii) training programs for professionals;

“(iii) the preparation of informational material;

“(iv) developmentally appropriate education programs;

“(v) other efforts to increase awareness of the facts about, or to help prevent, family violence, domestic violence, and dating violence; and

“(vi) the dissemination of information about the results of programs conducted under this subparagraph;

“(E) utilize evidence-informed prevention program planning; and

“(F) recognize, in applicable cases, the needs of underserved populations, racial and linguistic populations, and individuals with disabilities.

“(h) **REPORTS AND EVALUATION.**—Each organization entering into a cooperative agreement under this section shall submit a performance report to the Secretary at such time as shall be reasonably required by the Secretary. Such performance report shall describe activities that have been carried out with the funds made available through the agreement, contain an evaluation of the effectiveness of such activities, and provide such additional information as the Secretary may reasonably require. The Secretary shall make the evaluations received under this subsection publicly available on the Department of Health and Human Services website. The reports shall also be submitted to the Committee on Education and Labor of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate.”

SEC. 202. AMENDMENTS TO OTHER LAWS.

(a) **TITLE 11, UNITED STATES CODE.**—Section 707(b)(2)(A)(ii)(I) of title 11, United States Code, is amended in the 4th sentence by striking “section 309 of the Family Violence Prevention and Services Act” and inserting “section 302 of the Family Violence Prevention and Services Act”.

(b) **INDIVIDUALS WITH DISABILITIES EDUCATION ACT.**—Section 635(c)(2)(G) of the Individuals with Disabilities Education Act (20 U.S.C. 1435(c)(2)(G)) is amended by striking “section 320 of the Family Violence Prevention and Services Act” and inserting “section 302 of the Family Violence Prevention and Services Act”.

(c) **OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968.**—Section 2001(c)(2)(A) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg(c)(2)(A)) is amended by striking “through the Family Violence Prevention and Services Act (42 U.S.C. 10410 et seq.)” and inserting “under section 311 of the Family Violence Prevention and Services Act”.

(d) **VIOLENCE AGAINST WOMEN ACT OF 1994.**—Section 40002(a)(26) of the Violence Against Women Act of 1994 (42 U.S.C. 13925(a)(26)) is amended by striking “under the Family Violence Prevention and Services Act (42 U.S.C. 10410(b))” and inserting “under sections 302 and 311 of the Family Violence Prevention and Services Act”.

(e) **VIOLENT CRIME CONTROL AND LAW ENFORCEMENT ACT OF 1994.**—The portion of section 310004(d) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14214(d)) that pertains to the definition of the term “prevention program” is amended—

(1) in paragraph (20), by striking “section 40211” and inserting “section 313 of the Family Violence Prevention and Services Act (relating to a hotline)”;

(2) in paragraph (22), by striking “section 40241” and inserting “sections 301 through 312 of the Family Violence Prevention and Services Act”; and

(3) in paragraph (24), by striking “section 40261” and inserting “section 314 of the Family

Violence Prevention and Services Act (relating to community projects to prevent family violence, domestic violence, and dating violence)).

TITLE III—CHILD ABUSE PREVENTION AND TREATMENT AND ADOPTION REFORM ACT OF 1978

SEC. 301. CHILD ABUSE PREVENTION AND TREATMENT AND ADOPTION REFORM.

(a) *FINDINGS.*—Section 201 of the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978 (42 U.S.C. 5111) is amended—

(1) by striking subsection (a) and inserting the following:

“(a) *FINDINGS.*—Congress finds that—

“(1) on the last day of fiscal year 2009, some 424,000 children were living in temporary foster family homes or other foster care settings;

“(2) most children in foster care are victims of child abuse or neglect by their biological parents and their entry into foster care brought them the additional trauma of separation from their homes and often their communities;

“(3) on average, children entering foster care have more physical and mental health needs than do children in the general population, and some require intensive services because the children entering foster care—

“(A) were born to mothers who did not receive prenatal care;

“(B) were born with life-threatening conditions or disabilities;

“(C) were born addicted to alcohol or other drugs; or

“(D) have HIV/AIDS;

“(4) each year, thousands of children in foster care, regardless of their age, the size of the sibling group they are a part of, their racial or ethnic status, their medical condition, or any physical, mental or emotional disability they may have, are in need of placement with permanent, loving, adoptive families;

“(5)(A) States have made important strides in increasing the number of children who are placed in permanent homes with adoptive parents and in reducing the length of time children wait for such a placement; and

“(B) many thousands of children, however, still remain in institutions or foster homes solely because of legal and other barriers to such a placement;

“(6)(A) on the last day of fiscal year 2009, there were 115,000 children waiting for adoption;

“(B) children waiting for adoption have had parental rights of all living parents terminated or the children have a permanency goal of adoption;

“(C)(i) the average age of children adopted with public child welfare agency involvement during fiscal year 2009 was a little more than 6 years; and

“(ii) the average age of children waiting for adoption on the last day of that fiscal year was a little more than 8 years of age and more than 30,000 of those children were 12 years of age or older; and

“(D)(i) 25 percent of the children adopted with public child welfare agency involvement during fiscal year 2009 were African-American; and

“(ii) 30 percent of the children waiting for adoption on the last day of fiscal year 2009 were African-American;

“(7) adoption may be the best alternative for assuring the healthy development of children placed in foster care;

“(8) there are qualified persons seeking to adopt such children who are unable to do so because of barriers to their placement and adoption; and

“(9) in order both to enhance the stability of and love in the home environments of such children and to avoid wasteful expenditures of public funds, such children—

“(A) should not have medically indicated treatment withheld from them; or

“(B) be maintained in foster care or institutions when adoption is appropriate and families can be found for such children.”; and

(2) in subsection (b)—

(A) in the matter preceding paragraph (1), by inserting “older children, minority children, and” after “particularly”; and

(B) by striking paragraph (2) and inserting the following:

“(2) maintain an Internet-based national adoption information exchange system to—

“(A) bring together children who would benefit from adoption and qualified prospective adoptive parents who are seeking such children;

“(B) conduct national recruitment efforts in order to reach prospective parents for children awaiting adoption; and

“(C) connect placement agencies, prospective adoptive parents, and adoptive parents to resources designed to reduce barriers to adoption, support adoptive families, and ensure permanency; and”.

(b) *INFORMATION AND SERVICES.*—Section 203 of the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978 (42 U.S.C. 5113) is amended—

(1) in subsection (a), by striking all that follows “facilitate the adoption of” and inserting “older children, minority children, and children with special needs, particularly infants and toddlers with disabilities who have life-threatening conditions, and services to families considering adoption of children with special needs.”;

(2) in subsection (b)—

(A) in paragraph (1)—

(i) by striking “and” after “regarding adoption” and inserting a comma; and

(ii) by inserting “, and post-legal adoption services” after “adoption assistance programs”;

(B) in paragraph (2), by inserting “, including efforts to promote the adoption of older children, minority children, and children with special needs” after “national level”;

(C) in paragraph (7)—

(i) by striking “study the efficacy of States contracting with” and inserting “increase the effective use of”;

(ii) by striking the comma after “organizations” and inserting “by States,”;

(iii) by inserting a comma after “institutions”;

(iv) by inserting “, including assisting in efforts to work with organizations that promote the placement of older children, minority children, and children with special needs” after “children for adoption”;

(D) in paragraph (9)—

(i) in subparagraph (B), by striking “and” at the end;

(ii) in subparagraph (C), by adding “and” after the semicolon at the end; and

(iii) by adding at the end the following:

“(D) identify best practices to reduce adoption disruption and termination;”;

(E) in paragraph (10)—

(i) in the matter preceding subparagraph (A), by inserting “tribal child welfare agencies,” after “local government entities,”; and

(ii) in subparagraph (A)—

(I) in clause (ii), by inserting “, including developing and using procedures to notify family and relatives when a child enters the child welfare system” before the semicolon at the end;

(II) by redesignating clauses (vii) and (viii) as clauses (viii) and (ix), respectively; and

(III) by inserting after clause (vi) the following:

“(vii) education and training of prospective adoptive or adoptive parents;”;

(3) in subsection (d)—

(A) in paragraph (1), by striking the second sentence and all that follows; and

(B) in paragraph (2)—

(i) in subparagraph (A)—

(I) in the second sentence, by inserting “, consistent with the purpose of this title” after “by the Secretary”; and

(II) by striking the third sentence and inserting the following: “Each application shall contain information that—

“(i) describes how the State plans to improve the placement rate of children in permanent homes;

“(ii) describes the methods the State, prior to submitting the application, has used to improve the placement of older children, minority children, and children with special needs, who are legally free for adoption;

“(iii) describes the evaluation the State plans to conduct, to identify the effectiveness of programs and methods of placement under this subsection, and submit to the Secretary; and

“(iv) describes how the State plans to coordinate activities under this subsection with relevant activities under section 473 of the Social Security Act (42 U.S.C. 673).”;

(ii) in subparagraph (B)(i), by inserting “older children, minority children, and” after “successful placement of”; and

(iii) by adding at the end the following:

“(C) *EVALUATION.*—The Secretary shall compile the results of evaluations submitted by States (described in subparagraph (A)(iii)) and submit a report containing the compiled results to the appropriate committees of Congress.”.

(c) *AUTHORIZATION OF APPROPRIATIONS.*—Section 205 of the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978 (42 U.S.C. 5115) is amended—

(1) in subsection (a)—

(A) by striking “2004” and inserting “2010”; and

(B) by striking “2005 through 2008” and inserting “2011 through 2015”;

(2) by redesignating subsection (b) as subsection (c); and

(3) by inserting after subsection (a) the following:

“(b) Not less than 30 percent and not more than 50 percent of the funds appropriated under subsection (a) shall be allocated for activities under subsections (b)(10) and (c) of section 203.”.

TITLE IV—ABANDONED INFANTS ASSISTANCE ACT OF 1988

SEC. 401. ABANDONED INFANTS ASSISTANCE.

(a) *FINDINGS.*—Section 2 of the Abandoned Infants Assistance Act of 1988 (42 U.S.C. 5117aa) is amended—

(1) in paragraph (4), by striking “including those” and all that follows through “‘AIDS’)” and inserting “including those with HIV/AIDS”; and

(2) in paragraph (5), by striking “acquired immune deficiency syndrome” and inserting “HIV/AIDS”.

(b) *REPEAL.*—Title II of the Abandoned Infants Assistance Act of 1988 (Public Law 100–505; 102 Stat. 2536) is repealed.

(c) *DEFINITIONS.*—Section 301 of the Abandoned Infants Assistance Act of 1988 (42 U.S.C. 5117aa–21) is amended—

(1) by striking paragraph (2); and

(2) by redesignating paragraphs (3) through (5) as paragraphs (2) through (4), respectively.

(d) *AUTHORIZATION OF APPROPRIATIONS.*—Section 302 of the Abandoned Infants Assistance Act of 1988 (42 U.S.C. 5117aa–22) is amended—

(1) in subsection (a)(1)—

(A) by striking “2004” and inserting “2010”; and

(B) by striking “2005 through 2008” and inserting “2011 through 2015”; and

(2) in subsection (b)(2), by striking “fiscal year 2003” and inserting “fiscal year 2010”.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from the

Northern Mariana Islands (Mr. SABLAN) and the gentleman from Kentucky (Mr. GUTHRIE) each will control 20 minutes.

The Chair recognizes the gentleman from the Northern Mariana Islands.

GENERAL LEAVE

Mr. SABLAN. Mr. Speaker, I request 5 legislative days during which Members may revise and extend and insert extraneous material on Senate bill 3817 into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from the Northern Mariana Islands?

There was no objection.

Mr. SABLAN. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, I rise today in support of Senate bill 3817, as amended, which reauthorizes and improves the Child Abuse Prevention and Treatment Act, the Family Violence Prevention and Services Act, the Adoption Opportunities Act, and the Abandoned Infants Assistance Act. These programs are critical to our Nation's effort to help some of the Nation's most vulnerable children.

Child abuse and neglect continues to be a significant problem in this country. In 2008, approximately 772,000 children were determined to be victims of child abuse and neglect, and an estimated 1,740 children died in 2009 as a result of child abuse. A report of child abuse is made every 10 seconds in the United States.

In addition to suffering physical and emotional harm, children who experience abuse or neglect are more likely to have developmental delays, have difficulties in school, be arrested as juveniles and later as adults, experience depression, anxiety or other mental health problems, engage in more health-risk behaviors as adults, and have poor health outcomes as adults.

In 1974, Congress enacted the Child Abuse Prevention and Treatment Act, or CAPTA, to create a single Federal focus for preventing and responding to child abuse and neglect. That landmark legislation helped establish minimum standards for specific reporting and response practices for States to include in their child protection laws. CAPTA remains the only Federal legislation exclusively dedicated to preventing, assessing, identifying, and treating child abuse and neglect.

In order to receive grant funds under the act, States are required to have procedures in place for receiving and responding to allegations of abuse or neglect and for ensuring children's safety. Since its enactment, CAPTA has been reauthorized numerous times, more recently by the Keeping Children and Families Safe Act of 2003. Currently, it authorizes three critical programs. These include formula grants to States to help improve their child protective services, competitive grants to

prevent and treat child abuse and neglect, and formula grants to States for support of community-based prevention services. In addition, CAPTA authorizes formula State grants, commonly referred to as the Children's Justice Act grants, to improve the prosecution and handling of child abuse and neglect cases.

This CAPTA reauthorization works to support and expand the use of evidence-based best practices in the field of child welfare, and makes changes to encourage States to adopt a differential response model in working with at-risk families and in preventing and intervening in cases of child abuse or neglect. Differential response allows child welfare agencies to intervene with families in more supportive ways, often by focusing on assessing families' strengths and needs and providing services. Research shows this approach can be less disruptive and more supportive to families, leading to safer and stronger homes for children.

The bill improves the Community-Based Child Abuse Prevention, CBCAP, program to encourage a greater child and family voice in planning efforts. Additionally, the bill takes steps to improve research on how to prevent child abuse and neglect in tribal families, enhance access to grants for tribes and tribal organizations, and expands the involvement of tribal leaders in advisory roles.

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Thanks to Subcommittee Chair Mrs. MCCARTHY's leadership on the issue, the bill before us also ensures fewer children will fall through the cracks by improving services when there are cross-jurisdictional complications.

Also included in this legislation is a reauthorization of the Family Violence Prevention and Services Act. FVPSA is the primary Federal funding stream for domestic violence shelters and direct services to victims of domestic violence and their children. Over 2,000 shelters and programs receive grant funding under this statute.

With this reauthorization, FVPSA will better meet the needs of children exposed to domestic violence, including those exposed to teen dating violence or abuse. The bill also expands capacity for the National Domestic Violence Hotline, which provides a toll-free 24-hour hotline to offer assistance and referrals to victims of domestic violence and their families.

This bill reflects some of the language from H.R. 4116 reauthorizing FVPSA, of which I am an original cosponsor. It will strengthen the Coalition Against Domestic and Sexual Violence in the Northern Mariana Islands and similar groups working to help victims in the other U.S. insular areas.

These nongovernmental organizations provide shelter, counseling, and intervention and prevention services.

But for island jurisdictions like the Northern Marianas, providing this help can be difficult. We have three main inhabited islands, and services available on one are not readily available on the others. Passage of S. 3817 will allow for establishment of shelters on each of the three islands to provide temporary protection for victims. Currently, the single shelter on the island of Saipan is inaccessible to victims who are living on the islands of Tinian and Rota.

I want to thank Representative GWEN MOORE and her staff for working closely with me to help ensure that insular areas are able to provide protection to victims of domestic violence, as we do in the rest of the United States. Education and Labor Committee Chairman GEORGE MILLER has also been a strong supporter. I also want to thank the sponsor of the Senate bill, Senator CHRIS DODD, for his leadership in bringing this important legislation to the House, as well as Senators DANIEL INOUE, DANIEL AKAKA and JEFF BINGAMAN, and Senate Health, Education, Labor, and Pensions Committee Chairman TOM HARKIN for working to ensure that help is available for victims of sexual and domestic assault anywhere in America.

Finally, I want to thank Mr. KLINE for working with us to complete this important reauthorization.

Mr. Speaker, I ask my colleagues to join me in supporting Senate bill 3817 to reauthorize the Child Abuse Prevention and Treatment Act and Family Violence Prevention and Services Act.

I reserve the balance of my time.

Mr. GUTHRIE. Mr. Speaker, I yield myself such time as I may consume.

I rise in support of Senate bill 3817, the Child Abuse Prevention and Treatment Act Reauthorization of 2010.

This bill reauthorizes the Child Abuse Prevention and Treatment Act, the Family Violence Prevention and Services Act, and the Adoption Opportunities Act. This is a narrowly tailored and responsible reauthorization for these important laws to update and improve these programs that help protect children and their families from violence.

This bill maintains current funding reauthorization levels and does not add any new programs. It does, however, make some good policy changes that will help protect children in need, help abused and neglected children with special needs find new families faster, and help local governments coordinate efforts to protect these children better.

One of the policy changes made in this bill is to support training and collaboration between child protective services and domestic violence service providers. This collaboration will help prevent child abuse and neglect through initiatives such as differential response, which allows professionals to assess children and families' needs without requiring a determination that a maltreatment has occurred.

This legislation also includes training for professionals on best practices to meet the needs of children with disabilities and supports better links between child protective services and disability groups to improve diagnosis and assistance to these children.

The bill provides technical assistance and training on domestic violence to State and local agencies and puts an increased emphasis on prevention of family violence, including dating violence.

This bill is a responsible reauthorization that modernizes these important programs and does so without increasing the authorization levels or adding new Federal programs. This reauthorization will help States and local governments protect our most vulnerable citizens through better coordination and training.

This is a good, responsible reauthorization, and I urge my colleagues to support it.

I reserve the balance of my time.

Mr. SABLAN. Mr. Speaker, I am pleased to yield at this time 2 minutes to the gentlewoman from New York (Mrs. MCCARTHY), the chair of the Subcommittee on Healthy Families.

Mrs. MCCARTHY of New York. I want to thank my colleagues, Mr. SABLAN and Mr. GUTHRIE, for supporting this. I rise in support of S. 3817, the Child Abuse Prevention and Treatment Reauthorization of 2010. First, I want to thank Chairman MILLER and Ranking Member KLINE for their hard work, and certainly the staff who have worked very hard on this issue also. I also want to thank Senators HARKIN and DODD for their leadership on getting this bill through the Senate.

Abuse, neglect, and fatalities are significant concerns for all of us in this Nation, and I am proud that we are addressing this today.

As a nurse for over 30 years, I have seen firsthand the risks and illnesses that can result due to abuse and neglect. A concern which surfaced during the hearing in my subcommittee when we held a hearing on this topic was that child abuse does not respect State lines. As a result of the hearing, I introduced a bill called Protecting Children Across State Lines Act. I am proud to have provisions of my bill included in the CAPTA legislation.

My provisions do two things. One, they require data to be collected showing which reports are screened out on the basis of multiple State authorities being involved. Two, they clarify that the State task force recommendations for comprehensive protection of children should address issues in which multiple State authorities are involved.

We know that children who experience or witness abuse or neglect have their sense of security, trust, and safety shaken to the core. Studies show that young children are more likely to

be reported as victims. The maltreatment rate for infants is 21 percent compared to 13 percent for children of ages 1-3. Neglect is one of the most troublesome problems that we face in this area.

In fact, more than 60 percent of children who come to the attention of child welfare authorities are victims of neglect. Sometimes these cases of neglect happen due to the simple fact that parents need assistance. These parents are not monsters, they just need to be connected with available services or need help with basic parenting skills. We know from studies that the impact of chronic, long-term neglect is devastating to the development of children.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mr. SABLAN. I yield the gentlewoman 30 additional seconds.

Mrs. MCCARTHY of New York. Victims of abuse and neglect are more likely to have delays with language or cognitive skills. They are more likely to be arrested for truancy. We also know they have poor health outcomes as adults.

Over 35 years ago, Congress enacted CAPTA to create a single Federal focus on child abuse and neglect. The rates of physical abuse have decreased in recent years, but the rates of neglect have remained constant. Difficult financial times can lead to violence, and victims with fewer personal resources become more vulnerable.

Mr. Speaker, I urge all of my colleagues to vote for this bill. This is for the children of this Nation. I urge Members to support S. 3817.

Mr. GUTHRIE. Mr. Speaker, I have no speakers at this time, and I continue to reserve.

Mr. SABLAN. Mr. Speaker, at this time I am pleased to yield 3 minutes to the gentlewoman from Wisconsin (Ms. MOORE).

Ms. MOORE of Wisconsin. Mr. Speaker, I thank Representative SABLAN for yielding. I am just so overjoyed to be rising today to celebrate the imminent passage of the Family Violence Prevention and Services Act, or FVPSA, as well as the passage of CAPTA, the Child Abuse Prevention and Treatment Act.

By taking swift action to pass these bills before the end of the year, we are taking a stand to protect victims of domestic violence as well as children who are victims of abuse. We are also taking landmark steps to help break the cycle of abuse for generations to come.

I want to pause here to personally thank Chairman GEORGE MILLER of the Education and Labor Committee and Senator CHRIS DODD. I have worked so hard to bring attention to these bills, and I have been fortunate enough to have strong allies in these two chairmen, both of whom are extremely committed to these causes. I have had the

honor of being the lead sponsor and champion for FVPSA in the House, but I certainly wouldn't be celebrating here today without the good work of Chairman MILLER and Senator DODD.

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I also need to acknowledge and thank the many advocates and victim service providers who helped shape this legislation and who rallied support at key moments, particularly the advocates for the National Network to End Domestic Violence and the Wisconsin Coalition Against Domestic Violence.

Now, in spite of the fact that we have made great progress towards acknowledging that domestic violence is a crime, a crisis and a threat to public health, we have got such a long way to go. One in four women in this country experiences domestic violence in her life. Every day in this country, an average of three women are killed by a current or former intimate partner. In my State alone, deaths from domestic violence are the highest in a decade, and approximately 15.5 million children are exposed to domestic violence each year. In fact, one-half to two-thirds of domestic violence shelter residents are children.

The women and men who are victimized live in each and every one of your congressional districts. They come from all walks of life regardless of socioeconomic status, ethnicity, religion or partisan affiliation. They are members of our families; they are friends; they are neighbors; they are coworkers. As well, some in this room have been victims and survivors of this violence.

Since the economic downturn started, we have been hearing more and more horror stories from the shelters and service providers. The economy has been making bad situations worse for an increasing number of victims, many of whom have few resources on which to rely in order to flee their abusers.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mr. SABLAN. Mr. Speaker, I yield another 30 seconds to the gentlewoman.

Ms. MOORE of Wisconsin. We have said that FVPSA keeps the lights on for these programs, and it has always done a great job. The beautiful thing about this program is that the reauthorization authorizes more activities to help us better treat children, in particular, who are traumatized by this violence.

Mr. GUTHRIE. Mr. Speaker, I continue to reserve the balance of my time.

Mr. SABLAN. Mr. Speaker, at this time, I am pleased to yield such time as he may consume to the gentleman from California (Mr. GEORGE MILLER).

Mr. GEORGE MILLER of California. Mr. Speaker, I rise in strong support of S. 3817, the Child Abuse Prevention and Treatment Reauthorization Act of 2010.

The Child Abuse Prevention and Treatment Reauthorization Act is the only Federal legislation exclusively dedicated to preventing, assessing, identifying, and treating the effects of child abuse and neglect. This reauthorization includes a number of important reforms for more use of the best practices in the child welfare system.

First, the bill focuses on the vulnerable populations, unaccompanied homeless children, as well as children with disabilities. Second, the bill improves and strengthens data collection and analysis to improve the State coordination of overall services to help prevent child abuse. Third, we improve the training of people who work with abused or neglected children to ensure that best practices are followed, that families remain whole, when possible, and that children are removed from dangerous situations when needed.

This Democratic Congress has taken swift action in the past to address issues of the safety of our children in school, in child care and in treatment facilities. It is clear we need to do more to help our children in their homes. This bill will also address domestic violence by reauthorizing the Family Violence Prevention and Services Act.

I want to thank the gentlewoman who just preceded me in the well, Congresswoman GWEN MOORE, for her leadership and efforts to highlight this important issue.

It is a sad reality that, during economic downturns, domestic violence occurrences happen more frequently. We know that nearly one in four women is abused by a partner in her adult life, that three women are killed by their partners every day in this country, and that 15.5 million children are exposed to domestic violence each year. We know that women between the ages of 16 and 24 are at the greatest risk of being victims of domestic violence. That is why this legislation is so important and why we allow dating violence victims to be recognized as recipients of services under this legislation.

It is very important in this legislation to protect women from this violence. It was over 30 years ago when I visited the first Shelter for Victims of Domestic Violence in the San Francisco Bay Area. It was started by women in order to help protect women and to try to get them services. Later, there came to this Congress a first appropriation for services to shelters—protecting women from domestic violence situations and trying to show them how, if necessary, they would be able to live independently or that shelters would be able to provide counseling for their abusers and would see whether or not children could be protected.

That was a long time ago. We have come a long way in this country. This

legislation is incredibly important, and we must continue this effort of protecting these most vulnerable partners who are abused in their relationships on an everyday basis in this country—still in numbers far too great for us to consider that this problem has been solved.

I want to thank Congressmen KLINE, GUTHRIE, PLATTS, and others for their help on this legislation; and I want to thank CAROLYN MCCARTHY, the subcommittee chair, for all of her work and all of her concern that she has expressed and devoted her time to with respect to both the issues of child abuse and of domestic violence, issues that resulted in this legislation.

I hope, with these quick few changes, we will be able to send this back to the Senate and that they will support it.

I want to thank the gentleman from the Northern Mariana Islands for managing this very important piece of legislation on behalf of the committee.

Mr. STARK. Mr. Speaker, I rise to support the reauthorization of the Child Abuse Prevention and Treatment Act. This bill strengthens our ability to identify, treat, and prevent the abuse and neglect of children and will open more good homes to foster children. This legislation also includes the Family Violence Prevention and Services Act, which recognizes the common co-occurrence of child abuse and domestic violence and provides resources to states to address both.

The Adoption Opportunities Act included in this bill focuses on the needs of older youth and minority youth in our child welfare system. More than 400,000 youth are in foster care in America. About 115,000 are awaiting adoption. More than one-quarter of those waiting for a family are over the age of twelve. However, the vast majority of those adopted are children under the age of nine. Older youth wait in the child welfare system for a long time, with the chance of being adopted decreasing every day. Many of these youth—over 25,000 each year—age out of the system without a permanent family to support their transition to young adulthood. Too often, these youth end up homeless, unemployed, or incarcerated.

I applaud the focus on these older youth. This bill authorizes national recruitment efforts to reach prospective adoptive parents, establishes an Internet-based national adoption information exchange system to bring together children up for adoption and qualified adoptive parents, and connects agencies and families to resources that will reduce barriers to adoption.

We must do all we can to increase adoption. Earlier this year, I introduced a bill, the Every Child Deserves a Family Act (H.R. 3827), which would further reduce barriers to adoption by preventing discrimination against prospective adoptive parents or foster parents solely on the basis of their sexual orientation, gender identification, or marital status. I look forward to continuing to work on reforming our child welfare system in the next Congress and I urge my colleagues to support S. 3817 and to stand with me to protect children.

Mr. FALEOMAVAEGA. Mr. Speaker, I rise today in strong support of the Child Abuse

Prevention and Treatment Act (CAPTA) of 2010, a bill that will make significant improvements for a range of programs, initiatives, and grants to support our mission to combat and remedy child abuse in America.

I want to thank the Chairman of the Committee on Education and Labor, my good friend, Mr. GEORGE MILLER, and all the members of the Committee for their work on this comprehensive legislation, and to my colleagues for their work in advocating for the needs of our young constituents who do not have the opportunity to advocate for themselves.

This bill reauthorizes—through FY2015—the current CAPTA legislation as well as the Family Violence Prevention and Services Act (FVPSA), the Adoption Reform Act of 1978, and the Abandoned Infants Assistance Act of 1988, and covers a range of programs that address child abuse and neglect, family, domestic, and dating violence, as well as adoption.

As we all know, child abuse is an epidemic that has far-reaching effects past the incidence of abuse or neglect. Without the proper support, victims of abuse are at high risk for depression, anxiety, being arrested as juveniles, among other negative outcomes. Unfortunately, while prevention efforts have led to a decrease in reported incidents over the past decade, we still know that for every report of child abuse, there are far more unreported incidents and children without help.

Originally enacted in 1974, CAPTA is the key federal legislation addressing child abuse and neglect. Since enactment, CAPTA has played a vital role in assisting state and local governments in their efforts to not only treat, but also prevent child abuse. CAPTA has provided grants to states to support community-based programs and child protective services (CPS), and has boosted efforts in evaluating these programs through data collection, research, analysis, and training.

Through reauthorization, this legislation will improve how child abuse prevention and treatment programs are administered. To help ensure that the needs of America's children are being met, this bill will revise requirements for the child abuse prevention and treatment advisory board, the national clearinghouse for information relating to child abuse, research and assistance activities, as well as specified grants to States, Indian tribes or tribal organizations, public and private agencies and organizations.

Under the CAPTA Act, this bill will also strengthen state laws in terms of reporting; require increased efforts in research and studies to ensure that state laws are properly serving the needs of victims of abuse; and address challenging issues such as protecting children from cross-jurisdictional complication. Regarding FVPSA programs and activities, this bill will also expand grant opportunities, including programs for teen dating violence hotlines to further address the call for more support for young victims of abuse across the nation. Concerning adoption regulations, this bill also improves the focus on finding qualified families for adoption of children with special needs.

The scars of child abuse can be long-lasting, affecting not only the child and family, but

also society as a whole. Therefore, it is essential that we pass this crucial legislation to improve the services, information, research, and resources that are deeply needed to better serve America's children.

The CAPTA Reauthorization Act of 2010 is a step towards improving and strengthening prevention efforts and support for victims of abuse. Through this bill, we will improve the ongoing efforts of the Federal Government to combat this issue, and we will also continue to strengthen and support the vital State, local, and community-based efforts that serve America's children day by day. I urge my colleagues to vote "yes" and support this important legislation.

Mr. GUTHRIE. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. SABLAN. Mr. Speaker, I urge my colleagues to support Senate bill 3817, as amended, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. HODES). The question is on the motion offered by the gentleman from the Northern Mariana Islands (Mr. SABLAN) that the House suspend the rules and pass the bill, S. 3817, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

ROBERT C. BYRD MINE SAFETY PROTECTION ACT OF 2010

Mr. GEORGE MILLER of California. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6495) to improve compliance with mine safety and health laws, empower miners to raise safety concerns, prevent future mine tragedies, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6495

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Robert C. Byrd Mine Safety Protection Act of 2010".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. References.

TITLE I—ADDITIONAL INSPECTION AND INVESTIGATION AUTHORITY

Sec. 101. Independent accident investigations.
Sec. 102. Subpoena authority and miner rights during inspections and investigations.
Sec. 103. Designation of miner representative.
Sec. 104. Additional amendments relating to inspections and investigations.

TITLE II—ENHANCED ENFORCEMENT AUTHORITY

Sec. 201. Technical amendment.
Sec. 202. A pattern of recurring noncompliance or accidents.

Sec. 203. Injunctive authority.
Sec. 204. Revocation of approval of plans.
Sec. 205. Challenging a decision to approve, modify, or revoke a coal or other mine plan.

Sec. 206. GAO Study on MSHA Mine Plan Approval.

TITLE III—PENALTIES

Sec. 301. Civil penalties.
Sec. 302. Civil and criminal liability of officers, directors, and agents.
Sec. 303. Criminal penalties.
Sec. 304. Commission review of penalty assessments.
Sec. 305. Delinquent payments and prejudgment interest.

TITLE IV—WORKER RIGHTS AND PROTECTIONS

Sec. 401. Protection from retaliation.
Sec. 402. Protection from loss of pay.
Sec. 403. Underground coal miner employment standard for mines placed in pattern status.

TITLE V—MODERNIZING HEALTH AND SAFETY STANDARDS

Sec. 501. Pre-shift review of mine conditions.
Sec. 502. Rock dust standards.
Sec. 503. Atmospheric monitoring systems.
Sec. 504. Technology related to respirable dust.
Sec. 505. Refresher training on miner rights and responsibilities.
Sec. 506. Authority to mandate additional training.
Sec. 507. Certification of personnel.

TITLE VI—ADDITIONAL MINE SAFETY PROVISIONS

Sec. 601. Definitions.
Sec. 602. Assistance to States.
Sec. 603. Black lung medical reports.
Sec. 604. Rules of application to certain mines.
Sec. 605. Paygo compliance.

SEC. 2. REFERENCES.

Except as otherwise expressly provided, whenever in this Act an amendment is expressed as an amendment to a section or other provision, the reference shall be considered to be made to a section or other provision of the Federal Mine Safety and Health Act of 1977 (30 U.S.C. 801 et seq.).

TITLE I—ADDITIONAL INSPECTION AND INVESTIGATION AUTHORITY

SEC. 101. INDEPENDENT ACCIDENT INVESTIGATIONS.

(a) IN GENERAL.—Section 103(b) (30 U.S.C. 813(b)) is amended by striking "(b) For the purpose" and inserting the following:

"(b) ACCIDENT INVESTIGATIONS.—

"(1) IN GENERAL.—For all accident investigations under this Act, the Secretary shall—

"(A) determine why the accident occurred;

"(B) determine whether there were violations of law, mandatory health and safety standards, or other requirements, and if there is evidence of conduct that may constitute a violation of Federal criminal law, the Secretary may refer such evidence to the Attorney General; and

"(C) make recommendations to avoid any recurrence.

"(2) INDEPENDENT ACCIDENT INVESTIGATIONS.—

"(A) IN GENERAL.—There shall be, in addition to an accident investigation under paragraph (1), an independent investigation by an independent investigation panel (referred to in this subsection as the 'Panel') appointed under subparagraph (B) for—

"(i) any accident involving 3 or more deaths; or

"(ii) any accident that is of such severity or scale for potential or actual harm that, in the opinion of the Secretary of Health and Human Services, the accident merits an independent investigation.

"(B) APPOINTMENT.—

"(i) IN GENERAL.—As soon as practicable after an accident described in subparagraph (A), the Secretary of Health and Human Services shall appoint 5 members for the Panel required under this paragraph from among individuals who have expertise in accident investigations, mine engineering, or mine safety and health that is relevant to the particular investigation.

"(ii) CHAIRPERSON.—The Panel shall include, and be chaired by, a representative from the Office of Mine Safety and Health Research, of the National Institute for Occupational Safety and Health (referred to in this subsection as NIOSH).

"(iii) CONFLICTS OF INTEREST.—Panel members, and staff and consultants assisting the Panel with an investigation, shall be free from conflicts of interest with regard to the investigation, and be subject to the same standards of ethical conduct for persons employed by the Secretary.

"(iv) COMPOSITION.—The Secretary of Health and Human Services shall appoint as members of the Panel—

"(I) 1 operator of a mine or individual representing mine operators, and

"(II) 1 representative of a labor organization that represents miners,

and may not appoint more than 1 of either such individuals as members of the Panel.

"(v) STAFF AND EXPENSES.—The Director of NIOSH shall designate NIOSH staff to facilitate the work of the Panel. The Director may accept as staff personnel on detail from other Federal agencies or re-employ annuitants. The detail of personnel under this paragraph may be on a non-reimbursable basis, and such detail shall be without interruption or loss of civil service status or privilege. The Director of NIOSH shall have the authority to procure on behalf of the Panel such materials, supplies or services, including technical experts, as requested in writing by a majority of the Panel.

"(vi) COMPENSATION AND TRAVEL.—All members of the Panel who are officers or employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States. Each Panel member who is not an officer or employee of the United States shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of duties of the Panel. The members of the Panel shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter 1 of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Panel.

"(C) DUTIES.—The Panel shall—

"(i) assess and identify any factors that caused the accident, including deficiencies in safety management systems, regulations, enforcement, industry practices or guidelines, or organizational failures;

"(ii) identify and evaluate any contributing actions or inactions of—

"(I) the operator;

“(II) any contractors or other persons engaged in mining-related functions at the site;

“(III) any State agency with oversight responsibilities;

“(IV) any agency or office within the Department of Labor; or

“(V) any other person or entity (including equipment manufacturers);

“(iii) review the determinations and recommendations by the Secretary under paragraph (1);

“(iv) prepare a report that—

“(I) includes the findings regarding the causal factors described in clauses (i) and (ii);

“(II) identifies any strengths and weaknesses in the Secretary’s investigation; and

“(III) includes recommendations, including interim recommendations where appropriate, to industry, labor organizations, State and Federal agencies, or Congress, regarding policy, regulatory, enforcement, administrative, or other changes, which in the judgment of the Panel, would prevent a recurrence at other mines; and

“(v) publish such findings and recommendations (excluding any portions which the Attorney General requests that the Secretary withhold in relation to a criminal referral) and hold public meetings to inform the mining community and families of affected miners of the Panel’s findings and recommendations.

“(D) HEARINGS; APPLICABILITY OF CERTAIN FEDERAL LAW.—The Panel shall have the authority to conduct public hearings or meetings, but shall not be subject to the Federal Advisory Committee Act. All public hearings of the Panel shall be subject to the requirements under section 552b of title 5, United States Code.

“(E) MEMORANDUM OF UNDERSTANDING.—Not later than 90 days after the date of enactment of the Robert C. Byrd Mine Safety Protection Act of 2010, the Secretary of Labor and the Secretary of Health and Human Services shall conclude and publicly issue a memorandum of understanding that—

“(i) outlines administrative arrangements which will facilitate a coordination of efforts between the Secretary of Labor and the Panel, ensures that the Secretary’s investigation under paragraph (1) is not delayed or otherwise compromised by the activities of the Panel, and establishes a process to resolve any conflicts between such investigations;

“(ii) ensures that Panel members or staff will be able to participate in investigation activities (such as mine inspections and interviews) related to the Secretary of Labor’s investigation and will have full access to documents that are assembled or produced in such investigation, and ensures that the Secretary of Labor will make all of the authority available to such Secretary under this section, including subpoena authority, to obtain information and witnesses which may be requested by such Panel; and

“(iii) establishes such other arrangements as are necessary to implement this paragraph.

“(F) PROCEDURES.—Not later than 90 days after the date of enactment of the Robert C. Byrd Mine Safety Protection Act of 2010, the Secretary of Health and Human Services shall establish procedures to ensure the consistency and effectiveness of Panel investigations. In establishing such procedures, such Secretary shall consult with independent safety investigation agencies, sectors of the mining industry, representatives of miners,

families of miners involved in fatal accidents, State mine safety agencies, and mine rescue organizations. Such procedures shall include—

“(i) authority for the Panel to use evidence, samples, interviews, data, analyses, findings, or other information gathered by the Secretary of Labor, as the Panel determines valid;

“(ii) provisions to ensure confidentiality if requested by any witness, to the extent permitted by law, and prevent conflicts of interest in witness representation; and

“(iii) provisions for preservation of public access to the Panel’s records through the Secretary of Health and Human Services.

“(G) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection such sums as may be necessary.

“(3) POWERS AND PROCESSES.—For the purpose”.

(b) REPORTING REQUIREMENTS.—Section 511(a) (30 U.S.C. 958(a)) is amended by inserting after “501,” the following: “the status of implementation of recommendations from each independent investigation panel under section 103(b) received in the preceding 5 years”.

SEC. 102. SUBPOENA AUTHORITY AND MINER RIGHTS DURING INSPECTIONS AND INVESTIGATIONS.

Section 103(b) (as amended by section 101) (30 U.S.C. 813(b)) is further amended by adding at the end the following:

“(4) ADDITIONAL POWERS.—For purposes of making inspections and investigations, the Secretary or the Secretary’s designee, may sign and issue subpoenas for the attendance and testimony of witnesses and the production of information, including all relevant data, papers, books, documents, and items of physical evidence, and administer oaths. Witnesses summoned shall be paid the same fees that are paid witnesses in the courts of the United States. In carrying out inspections and investigations under this subsection, authorized representatives of the Secretary and attorneys representing the Secretary are authorized to question any individual privately. Under this section, any individual who is willing to speak with or provide a statement to such authorized representatives or attorneys representing the Secretary may do so without the presence, involvement, or knowledge of the operator or the operator’s agents or attorneys. The Secretary shall keep the identity of an individual providing such a statement confidential to the extent permitted by law. Nothing in this paragraph prevents any individual from being represented by that individual’s personal attorney.”.

SEC. 103. DESIGNATION OF MINER REPRESENTATIVE.

Section 103(f) (30 U.S.C. 813(f)) is amended by inserting before the last sentence the following: “If any miner is entrapped or otherwise prevented as the result of an accident in such mine from designating such a representative directly, such miner’s closest relative may act on behalf of such miner in designating such a representative. If any miner is not currently working in such mine as the result of an accident in such mine, but would be currently working in such mine but for such accident, such miner may designate such a representative. A representative of miners shall have the right to participate in any accident investigation the Secretary initiates pursuant to subsection (b), including the right to participate in investigative interviews and to review all relevant papers, books, documents and records produced in

connection with the accident investigation, unless the Secretary in consultation with the Attorney General excludes such representatives from the investigation on the grounds that inclusion would interfere with or adversely impact a criminal investigation that is pending or under consideration.”.

SEC. 104. ADDITIONAL AMENDMENTS RELATING TO INSPECTIONS AND INVESTIGATIONS.

(a) HOURS OF INSPECTIONS.—Section 103(a) (30 U.S.C. 813(a)) is amended by inserting after the third sentence the following: “Such inspections shall be conducted during the various shifts and days of the week during which miners are normally present in the mine to ensure that the protections of this Act are afforded to all miners working all shifts.”.

(b) REVIEW OF MINE PATTERN STATUS.—Section 103(a) is further amended by inserting before the last sentence the following: “The Secretary shall, upon request by an operator, review with the appropriate mine officials the Secretary’s most recent evaluation for pattern status (as provided in section 104(e)) for that mine during the course of a mine’s regular quarterly inspection of an underground mine or a biannual inspection of a surface mine, or, at the discretion of the Secretary, during the pre-inspection conference.”.

(c) INJURY AND ILLNESS REPORTING.—Section 103(d) (30 U.S.C. 813(d)) is amended by striking the last sentence and inserting the following: “The records to be kept and made available by the operator of the mine shall include man-hours worked and occupational injuries and illnesses with respect to the miners in their employ or under their direction or authority, and shall be maintained separately for each mine and be reported at a frequency determined by the Secretary, but at least annually. Independent contractors (within the meaning of section 3(d)) shall be responsible for reporting accidents, occupational injuries and illnesses, and man-hours worked for each mine with respect to the miners in their employ or under their direction or authority, and shall be reported at a frequency determined by the Secretary, but at least annually. Reports or records of operators and contractors required and submitted to the Secretary under this subsection shall be signed and certified as accurate and complete by a knowledgeable and responsible person possessing a certification, registration, qualification, or other approval, as provided for under section 118. Knowingly falsifying such records or reports shall be grounds for revoking such certification, registration, qualification, or other approval under the standards established under subsection (b)(1) of such section.”.

(d) ORDERS FOLLOWING AN ACCIDENT.—Section 103(k) (30 U.S.C. 813(k)) is amended by striking “, when present,”.

(e) CONFLICT OF INTEREST IN THE REPRESENTATION OF MINERS.—Section 103(a) (30 U.S.C. 813(a)) is amended by adding at the end the following: “During inspections and investigations under this section, and during any litigation under this Act, no attorney shall represent or purport to represent both the operator of a coal or other mine and any other individual, unless such individual has knowingly and voluntarily waived all actual and reasonably foreseeable conflicts of interest resulting from such representation. The Secretary is authorized to take such actions as the Secretary considers appropriate to ascertain whether such individual has knowingly and voluntarily waived all such conflicts of interest. If the Secretary finds that

such an individual cannot be represented adequately by such an attorney due to such conflicts of interest, the Secretary may petition the appropriate United States District Court which shall have jurisdiction to disqualify such attorney as counsel to such individual in the matter. The Secretary may make such a motion as part of an ongoing related civil action or as a miscellaneous action.”.

TITLE II—ENHANCED ENFORCEMENT AUTHORITY

SEC. 201. TECHNICAL AMENDMENT.

Section 104(d)(1) (30 U.S.C. 814(d)(1)) is amended—

(1) in the first sentence—

(A) by striking “any mandatory health or safety standard” and inserting “any provision of this Act, including any mandatory health or safety standard or regulation promulgated under this Act”; and

(B) by striking “such mandatory health or safety standards” and inserting “such provisions, regulations, or mandatory health or safety standards”; and

(2) in the second sentence, by striking “any mandatory health or safety standard” and inserting “any provision of this Act, including any mandatory health or safety standard or regulation promulgated under this Act.”.

SEC. 202. A PATTERN OF RECURRING NON-COMPLIANCE OR ACCIDENTS.

Section 104(e) (30 U.S.C. 814(e)) is amended to read as follows:

“(e) PATTERN OF RECURRING NONCOMPLIANCE OR ACCIDENTS.—

“(1) PATTERN STATUS.—

“(A) IN GENERAL.—For purposes of this subsection, a coal or other mine shall be placed in pattern status if such mine has, as determined based on the regulations promulgated under paragraph (8)—

“(i) a pattern of—

“(I) citations for significant and substantial violations;

“(II) citations and withdrawal orders issued for unwarrantable failure to comply with mandatory health and safety standards under section 104(d);

“(III) citations for flagrant violations within the meaning of section 110(b);

“(IV) withdrawal orders issued under any other section of this Act (other than orders issued under subsections (j) or (k) of section 103); and

“(V) accidents and injuries; or

“(ii) a pattern consisting of any combination of citations, orders, accidents, or injuries described in subclauses (I) through (V).

“(B) MITIGATING CIRCUMSTANCES.—Notwithstanding subparagraph (A), if the Secretary, after conducting an assessment of a coal or other mine that otherwise qualifies for pattern status, certifies that there are mitigating circumstances wherein the operator has already implemented remedial measures that have reduced risks to the health and safety of miners to the point that such risks are no longer elevated and has taken sufficient measures to ensure such elevated risk will not recur, the Secretary may deem such mine to not be in pattern status under this subsection. The Secretary shall issue any such certification of such mitigating circumstances that would preclude the placement of a mine in pattern status as a written finding, which shall, not later than 10 days after the certification is made, be—

“(i) made available on the public Web site of the Mine Safety and Health Administration; and

“(ii) transmitted to the Committee on Education and Labor of the House of Rep-

resentatives and the Committee on Health, Education, Labor, and Pensions of the Senate.

“(C) FREQUENCY.—Not less frequently than every 6 months, the Secretary shall identify any mines which meet the criteria set forth in paragraph (8).

“(2) ACTIONS FOLLOWING PLACEMENT OF MINE IN PATTERN STATUS.—For any coal or other mine that is in pattern status, the Secretary shall—

“(A) notify the operator of such mine that the mine is being placed in pattern status;

“(B) issue an order requiring such operator to cause all persons to be withdrawn from such mine, except those persons referred to in subsection (c) or authorized by an order of the Secretary issued under this subsection;

“(C) issue a remediation order described in paragraph (3) to such operator within 3 days; and

“(D) require that the number of regular inspections of such mine required under section 103 be increased to 8 per year while the mine is in pattern status.

Notice advising operators that they face potential placement in pattern status shall not be a requirement for issuing a withdrawal order to operators under this subsection.

“(3) REMEDIATION ORDER.—

“(A) IN GENERAL.—A remediation order issued to an operator under paragraph (2)(C) may require the operator to carry out one or more of the following requirements, pursuant to a timetable for commencing and completing such actions or as a condition of miners reentering the mine:

“(i) Provide specified training, including training not otherwise required under this Act.

“(ii) Institute and implement an effective health and safety management program approved by the Secretary, including—

“(I) the employment of safety professionals, certified persons, and adequate numbers of personnel for the mine, as may be required by the Secretary;

“(II) specific inspection, recordkeeping, reporting and other requirements for the mine as the Secretary may establish; and

“(III) other requirements to ensure compliance and to protect the health and safety of miners or prevent accidents or injuries as the Secretary may determine are necessary.

“(iii) Facilitate any effort by the Secretary to communicate directly with miners employed at the mine outside the presence of the mine operators or its agents, for the purpose of obtaining information about mine conditions, health and safety practices, or advising miners of their rights under this Act.

“(B) MODIFICATION OF AND FAILURE TO COMPLY WITH REMEDIATION ORDER.—The Secretary may modify the remediation order, as necessary, to protect the health and safety of miners. If the mine operator fails to fully comply with the remediation order during the time a mine is in pattern status, the Secretary shall reinstate the withdrawal order under paragraph (2)(B).

“(C) EXTENSION OF DEADLINES.—An extension of a deadline under the remediation order may be granted on a temporary basis and only upon a showing that the operator took all feasible measures to comply with the order and only to the extent that the operator's failure to comply is beyond the control of the operator.

“(4) CONDITIONS FOR LIFTING A WITHDRAWAL ORDER.—A withdrawal order issued under paragraph (2)(B) shall not be lifted until the Secretary verifies that—

“(A) any and all violations or other conditions in the mine identified in the remediation order have been or are being fully abated or corrected as outlined in the remediation order; and

“(B) the operator has completed any other actions under the remediation order that are required for reopening the mine.

“(5) PERFORMANCE EVALUATION.—

“(A) PERFORMANCE BENCHMARKS.—The Secretary shall evaluate the performance of each mine in pattern status every 90 days during which the mine is producing and determine if, for such 90-day period—

“(i) the rate of citations at such mine for significant and substantial violations—

“(I) is in the top performing 35th percentile of such rates, respectively, for all mines of similar size and type; or

“(II) has been reduced by 70 percent from the date on which such mine was placed in pattern status, provided that the rate of such violations is not greater than the mean for all mines of similar size and type;

“(ii) the accident and injury rates at such mine are in the top performing 35th percentile of such rates, respectively, for all mines of similar size and type; and

“(iii) no citations or withdrawal orders for a violation under section 104(d), no withdrawal orders for imminent danger under section 107 (issued in connection with a citation), and no flagrant violations within the meaning of section 110(b), were issued for such mine.

“(B) REISSUANCE OF WITHDRAWAL ORDERS.—If an operator being evaluated fails to achieve the performance benchmarks described in subparagraph (A), the Secretary may reissue a withdrawal order under paragraph (2)(B) to remedy any recurring conditions that led to pattern status under this subsection, and may modify the remediation order, as necessary, to protect the health and safety of miners.

“(6) TERMINATION OF PATTERN STATUS.—

“(A) PERFORMANCE BENCHMARKS.—The Secretary shall remove a coal or other mine from pattern status if, for a 1-year period during which the mine is producing—

“(i) the rate of citations at such mine for significant and substantial violations—

“(I) is in the top performing 25th percentile of such rates, respectively, for all mines of similar size and type; or

“(II) has been reduced by 80 percent from the date on which such mine was placed in pattern status, provided that the rate of such violations is not greater than the mean for all mines of similar size and type;

“(ii) the accident and injury rates at such mine are in the top performing 25th percentile of such rates, respectively, for all mines of similar size and type; and

“(iii) no citations or withdrawal orders for violations under section 104(d), no withdrawal orders for imminent danger under section 107 (issued in connection with a citation), and no flagrant violations within the meaning of section 110(b), were issued for such mine.

“(B) CONTINUATION OF PATTERN STATUS.—Should the mine operator fail to meet the performance benchmarks described in subparagraph (A), the Secretary shall extend the mine's placement in pattern status until such benchmarks are achieved.

“(C) CONSTRUCTION.—A withdrawal order issued as the result of a condition that was entirely beyond the operator's ability to prevent or control shall not preclude the operator from being removed from pattern status, provided the operator did not cause or allow miners to be exposed to the condition

in violation of any provision of this Act or a mandatory health or safety standard or regulation promulgated under this Act.

“(7) **EXPEDITED REVIEW.**—If any order under this subsection is contested, the review of such order shall be conducted on an expedited basis, in accordance with section 105(d).

“(8) **REGULATIONS.**—

“(A) **IN GENERAL.**—Not later than 120 days after the date of enactment of the Robert C. Byrd Mine Safety Protection Act of 2010, the Secretary shall issue interim final regulations that shall define—

“(i) the threshold benchmarks to trigger pattern status under paragraph (1) and cause a withdrawal order to be issued or reissued; and

“(ii) the performance benchmarks described in paragraphs (5)(A) and (6)(A).

“(B) **THRESHOLD BENCHMARKS.**—In establishing threshold benchmarks to trigger pattern status for mines with significantly poor compliance that contributes to unsafe or unhealthy conditions, the Secretary—

“(i) shall—

“(I) consider rates of citations and orders described in paragraph (1)(A) and rates of reportable accidents and injuries within the preceding 180-day period; and

“(II) assign appropriate weight to various types of citations, orders, accidents, injuries, or other factors; and

“(ii) may include—

“(I) factors such as mine type, production levels, number of miners, hours worked by miners, number of mechanized mining units (or similar production characteristics), and the presence of a representative of miners at the mine for purposes of collective bargaining;

“(II) the mine’s history of citations, violations, orders, and other enforcement actions, or rates of reportable accidents and injuries, over any period determined relevant by the Secretary; and

“(III) other factors the Secretary may determine appropriate to protect the safety and health of miners.

“(C) **FINAL REGULATION.**—Not later than 2 years after the date of enactment of the Robert C. Byrd Mine Safety Protection Act of 2010, the Secretary shall promulgate a final regulation implementing this paragraph.

“(9) **PUBLIC DATABASE AND INFORMATION.**—The Secretary shall establish and maintain a publically available electronic database containing the data used to determine pattern status for all coal or other mines which shall be updated as frequently as practicable. Such database shall be searchable and have the capacity to provide comparative data about the health and safety at mines of similar sizes and types. The Secretary shall also make publicly available—

“(A) a list of all mines the Secretary places in pattern status, updated within 7 days of placing an additional mine in pattern status;

“(B) the metrics, including percentile information, used for the purposes of the performance benchmarks and threshold benchmarks described in paragraphs (5), (6), and (8); and

“(C) guidance for the use of such metrics and benchmarks to assist operators in determining the performance their mines under criteria established by the Secretary.

“(10) **OPERATOR FEES FOR ADDITIONAL INSPECTIONS.**—

“(A) **ASSESSMENT AND COLLECTION.**—Beginning 120 days after the date of enactment of the Robert C. Byrd Mine Safety Protection Act of 2010, the Secretary shall assess and collect fees, in accordance with this para-

graph, from each coal or other mine in pattern status for the costs of additional inspections under this subsection. The Secretary shall issue, by rule, a schedule of fees to be assessed against coal or other mines of varying types and sizes, and shall collect and assess amounts under this paragraph based on the schedule.

“(B) **USE.**—Amounts collected as provided in subparagraph (A) shall only be available to the Secretary for making expenditures to carry out the additional inspections required under paragraph (2)(D).

“(C) **AUTHORIZATION OF APPROPRIATIONS.**—In addition to any other amounts authorized to be appropriated under this Act, there is authorized to be appropriated to the Assistant Secretary for Mine Safety and Health for each fiscal year in which fees are collected under subparagraph (A) an amount equal to the total amount of fees collected under such subparagraph during that fiscal year. Such amounts are authorized to remain available until expended. If on the first day of a fiscal year a regular appropriation to the Commission has not been enacted, the Commission shall continue to collect fees (as offsetting collections) under this subsection at the rate in effect during the preceding fiscal year, until 5 days after the date such regular appropriation is enacted.

“(D) **COLLECTION AND CREDITING OF FEES.**—Fees authorized and collected under this paragraph shall be deposited and credited as offsetting collections to the account providing appropriations to the Mine Safety and Health Administration and shall not be collected for any fiscal year except to the extent and in the amount provided in advance in appropriation Acts.”.

SEC. 203. INJUNCTIVE AUTHORITY.

Section 108(a)(2) (30 U.S.C. 818(a)(2)) is amended by striking “a pattern of violation of” and all that follows and inserting “a course of conduct that in the judgment of the Secretary constitutes a continuing hazard to the health or safety of miners, including violations of this Act or of mandatory health and safety standards or regulations under this Act.”.

SEC. 204. REVOCATION OF APPROVAL OF PLANS.

Section 105 (30 U.S.C. 815) is amended—

(1) by redesignating subsection (d) as subsection (e); and

(2) by inserting after subsection (c) the following:

“(d) **REVOCATION OF APPROVAL OF PLANS.**—

“(1) **REVOCATION.**—If the Secretary finds that any program or plan of an operator, or part thereof, that was approved by the Secretary under this Act is based on inaccurate information or that circumstances that existed when such plan was approved have materially changed and that continued operation of such mine under such plan constitutes a hazard to the safety or health of miners, the Secretary shall revoke the approval of such program or plan.

“(2) **WITHDRAWAL ORDERS.**—Upon revocation of the approval of a program or plan under subsection (a), the Secretary may immediately issue an order requiring the operator to cause all persons, except those persons referred to in section 104(c), to be withdrawn from such mine or an area of such mine, and to be prohibited from entering such mine or such area, until the operator has submitted and the Secretary has approved a new plan.”.

SEC. 205. CHALLENGING A DECISION TO APPROVE, MODIFY, OR REVOKE A COAL OR OTHER MINE PLAN.

Section 105(e) (as redesignated by section 204(1)) (30 U.S.C. 815(e)) is amended by adding

at the end the following: “In any proceeding in which a party challenges the Secretary’s decision whether to approve, modify, or revoke a coal or other mine plan under this Act, the Commission shall affirm the Secretary’s decision unless the challenging party establishes that such decision was arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law.”.

SEC. 206. GAO STUDY ON MSHA MINE PLAN APPROVAL.

Not later than 1 year after the date of enactment of this Act, the Comptroller General shall provide a report to Congress on the timeliness of the Mine Safety and Health Administration’s approval of underground coal mines’ required plans and plan amendments, including—

(1) factors that contribute to any delays in the approval of these plans; and

(2) as appropriate, recommendations for improving timeliness of plan review and for achieving prompt decisions.

TITLE III—PENALTIES

SEC. 301. CIVIL PENALTIES.

(a) **TECHNICAL CORRECTION.**—Section 110(a)(1) (30 U.S.C. 820(a)(1)) is amended by inserting “including any regulation promulgated under this Act,” after “this Act.”.

(b) **INCREASED CIVIL PENALTIES DURING PATTERN STATUS.**—Section 110(b) (30 U.S.C. 820(b)) is amended by adding at the end the following:

“(3) Notwithstanding any other provision of this Act, an operator of a coal or other mine that is in pattern status under section 104(e) and that fails to meet the performance benchmarks set forth by the Secretary under section 104(e)(5)(A) during any performance review of the mine following the first performance review shall be assessed an increased civil penalty for any violation of this Act, including any mandatory health or safety standard or regulation promulgated under this Act. Such increased penalty shall be twice the amount that would otherwise be assessed for the violation under this Act, including the regulations promulgated under this Act, subject to the maximum civil penalty established for the violation under this Act. This paragraph shall apply to violations at such mine that occur during the time period after the operator fails to meet the performance benchmarks in this paragraph, and ending when the Secretary determines at a subsequent performance review that the mine meets the performance benchmarks under section 104(e)(5)(A).”.

(c) **CIVIL PENALTY FOR RETALIATION.**—Section 110(a) (30 U.S.C. 820(a)) is further amended—

(1) by redesignating paragraph (4) as paragraph (5); and

(2) by inserting after paragraph (3) the following:

“(4) If any person violates section 105(c), the Secretary shall propose, and the Commission shall assess, a civil penalty of not less than \$10,000 or more than \$100,000 for the first occurrence of such violation, and not less than \$20,000 or more than \$200,000 for any subsequent violation, during any 3-year period.”.

SEC. 302. CIVIL AND CRIMINAL LIABILITY OF OFFICERS, DIRECTORS, AND AGENTS.

Section 110(c) (30 U.S.C. 820(c)) is amended to read as follows:

“(c) **CIVIL AND CRIMINAL LIABILITY OF OFFICERS, DIRECTORS, AND AGENTS.**—

“(1) **CIVIL PENALTIES.**—Whenever an operator engages in conduct for which the operator is subject to civil penalties under this section, any director, officer, or agent of such operator who knowingly authorizes, orders, or carries out such conduct, or who

knowingly authorizes, orders, or carries out any policy or practice that results in such conduct and having reason to believe it would so result, shall be subject to the same civil penalties under this section as if it were an operator engaging in such conduct.

“(2) CRIMINAL PENALTIES.—Whenever an operator engages in conduct for which the operator is subject to criminal penalties under subsection (d), any director, officer, or agent of such operator who knowingly authorizes, orders, or carries out such conduct, or who knowingly authorizes, orders, or carries out a policy or practice that results in such conduct, and knowing that it will so result, shall be subject to the same penalties under paragraphs (1) or (2) of subsection (d) as if such person were an operator engaging in such conduct.”.

SEC. 303. CRIMINAL PENALTIES.

(a) IN GENERAL.—Section 110(d) (30 U.S.C. 820(d)) is amended to read as follows:

“(d) CRIMINAL PENALTIES.—

“(1) IN GENERAL.—Whoever, being an operator, knowingly—

“(A) violates a mandatory health or safety standard, or

“(B) violates or fails or refuses to comply with any order issued under section 104 or section 107, or any order incorporated in a final decision issued under this Act (except an order incorporated in a decision under subsection (a)(1) or section 105(c)),

shall, upon conviction, be fined not more than \$250,000, or imprisoned for not more than 1 year, or both, except that if the operator commits the violation after having been previously convicted of a violation under this paragraph and, if the operator knows or should know that such subsequent violation has the potential to expose a minor to risk of serious injury, serious illness, or death, the operator shall, upon conviction, be fined not more than \$1,000,000, or imprisoned for not more than 5 years, or both.

“(2) SIGNIFICANT RISK OF SERIOUS INJURY, SERIOUS ILLNESS, OR DEATH.—Whoever, being an operator, knowingly—

“(A) tampers with or disables a required safety device (except with express authorization from the Secretary),

“(B) violates a mandatory health or safety standard, or

“(C) violates or fails or refuses to comply with an order issued under section 104 or 107, or any order incorporated in a final decision issued under this Act (except an order incorporated in a decision under subsection (a)(1) or section 105(c)),

and thereby recklessly exposes a miner to significant risk of serious injury, serious illness, or death, shall, upon conviction, be fined not more than \$1,000,000, or imprisoned for not more than 5 years, or both, except that if the operator commits the violation after having been previously convicted of a violation under this paragraph, the operator shall, upon conviction, be fined not more than \$2,000,000, or imprisoned for not more than 10 years, or both.

“(3) Whoever knowingly—

“(A) with the intent to retaliate, interferes with the lawful employment or livelihood of a person, or the spouse, sibling, child, or parent of a person, because any of them provides information to an authorized representative of the Secretary, a State or local mine safety or health officer or official, or other law enforcement officer, in reasonable belief that the information is true and related to an apparent health or safety violation, or unhealthful or unsafe condition, policy, or practice under this Act, or

“(B) interferes, or threatens to interfere, with the lawful employment or livelihood of a person, or the spouse, sibling, child, or parent of a person, with the intent to prevent any of them from so providing such information,

shall be fined under title 18 or imprisoned for not more than 5 years, or both.”.

(b) ADVANCE NOTICE OF INSPECTIONS.—

(1) IN GENERAL.—Section 110(e) (30 U.S.C. 820(e)) is amended to read as follows:

“(e) Whoever knowingly, with intent to give advance notice of an inspection conducted or to be conducted under this Act, and thereby to impede, interfere with, or frustrate such inspection, engages in, or directs another person to engage in, conduct that a reasonable person would expect to result in such advance notice, shall be fined under title 18, United States Code, or imprisoned for not more than 5 years, or both, except that a miner (other than a director, officer or agent of the operator involved) who commits the offense at the direction of a superior shall be fined under title 18, or imprisoned not more than 1 year, or both.”.

(2) POSTING OF ADVANCE NOTICE PENALTIES.—Section 109 (30 U.S.C. 819) is amended by adding at the end the following:

“(e) POSTING OF ADVANCE NOTICE PENALTIES.—Each operator of a coal or other mine shall post, on the bulletin board described in subsection (a) and in a conspicuous place near each staffed entrance onto the mine property, a notice stating, in a form and manner to be prescribed by the Secretary—

“(1) that it is unlawful pursuant to section 110(e) for any person, with the intent to impede, interfere with, or frustrate an inspection conducted or to be conducted under this Act, to engage in, or direct another person to engage in, any conduct that a reasonable person would expect to result in advance notice of such inspection; and

“(2) the maximum penalties for a violation under such subsection.”.

SEC. 304. COMMISSION REVIEW OF PENALTY ASSESSMENTS.

Section 110(i) (30 U.S.C. 820(i)) is amended by striking “In assessing civil monetary penalties, the Commission shall consider” and inserting the following: “In any review of a citation and proposed penalty assessment contested by an operator, the Commission shall assess not less than the penalty derived by using the same methodology (including any point system) prescribed in regulations under this Act, so as to ensure consistency in operator penalty assessments, except that the Commission may assess a penalty for less than the amount that would result from the utilization of such methodology if the Commission finds that there are extraordinary circumstances. If there is no such methodology prescribed for a citation or there are such extraordinary circumstances, the Commission shall assess the penalty by considering”.

SEC. 305. DELINQUENT PAYMENTS AND PRE-JUDGMENT INTEREST.

(a) PRE-FINAL ORDER INTEREST.—Section 110(j) (30 U.S.C. 820(j)) is amended by striking the second and third sentences and inserting the following: “Pre-final order interest on such penalties shall begin to accrue on the date the operator contests a citation issued under this Act, including any mandatory health or safety standard or regulation promulgated under this Act, and shall end upon the issuance of the final order. Such pre-final order interest shall be calculated at the current underpayment rate determined by the Secretary of the Treasury pursuant to sec-

tion 6621 of the Internal Revenue Code of 1986, and shall be compounded daily. Post-final order interest shall begin to accrue 30 days after the date a final order of the Commission or the court is issued, and shall be charged at the rate of 8 percent per annum.”.

(b) ENSURING PAYMENT OF PENALTIES.—

(1) AMENDMENTS.—Section 110 (30 U.S.C. 820) is further amended—

(A) by redesignating subsection (1) as subsection (m); and

(B) by inserting after subsection (k) the following:

“(1) ENSURING PAYMENT OF PENALTIES.—

“(1) DELINQUENT PAYMENT LETTER.—If the operator of a coal or other mine fails to pay any civil penalty assessment that has become a final order of the Commission or a court within 45 days after such assessment became a final order, the Secretary shall send the operator a letter advising the operator of the consequences under this subsection of such failure to pay. The letter shall also advise the operator of the opportunity to enter into or modify a payment plan with the Secretary based upon a demonstrated inability to pay, the procedure for entering into such plan, and the consequences of not entering into or not complying with such plan.

“(2) WITHDRAWAL ORDERS FOLLOWING FAILURE TO PAY.—If an operator that receives a letter under paragraph (1) has not paid the assessment by the date that is 180 days after such assessment became a final order and has not entered into a payment plan with the Secretary, the Secretary shall issue an order requiring such operator to cause all persons, except those referred to in section 104(c), to be withdrawn from, and to be prohibited from entering, the mine that is covered by the final order described in paragraph (1), until the operator pays such assessment in full (including interest and administrative costs) or enters into a payment plan with the Secretary. If such operator enters into a payment plan with the Secretary and at any time fails to comply with the terms specified in such payment plan, the Secretary shall issue an order requiring such operator to cause all persons, except those referred to in section 104(c), to be withdrawn from the mine that is covered by such final order, and to be prohibited from entering such mine, until the operator rectifies the noncompliance with the payment plan in the manner specified in such payment plan.”.

(2) APPLICABILITY AND EFFECTIVE DATE.—The amendments made by paragraph (1) shall apply to all unpaid civil penalty assessments under the Federal Mine Safety and Health Act of 1977 (30 U.S.C. 801 et seq.), except that, for any unpaid civil penalty assessment that became a final order of the Commission or a court before the date of enactment of this Act, the time periods under section 110(n) of the Federal Mine Safety and Health Act of 1977 (as amended) (30 U.S.C. 820(n)) shall be calculated as beginning on the date of enactment of this Act instead of on the date of the final order.

TITLE IV—WORKER RIGHTS AND PROTECTIONS

SEC. 401. PROTECTION FROM RETALIATION.

Section 105(c) (30 U.S.C. 815(c)) is amended to read as follows:

“(c) PROTECTION FROM RETALIATION.—

“(1) RETALIATION PROHIBITED.—

“(A) RETALIATION FOR COMPLAINT OR TESTIMONY.—No person shall discharge or in any manner discriminate against or cause to be discharged or cause discrimination against or otherwise interfere with the exercise of the statutory rights of any miner or other

employee of an operator, representative of miners, or applicant for employment, because—

“(i) such miner or other employee, representative, or applicant for employment—

“(I) has filed or made a complaint, or is about to file or make a complaint, including a complaint notifying the operator or the operator’s agent, or the representative of the miners at the coal or other mine of an alleged danger or safety or health violation in a coal or other mine;

“(II) instituted or caused to be instituted, or is about to institute or cause to be instituted, any proceeding under or related to this Act or has testified or is about to testify in any such proceeding or because of the exercise by such miner or other employee, representative, or applicant for employment on behalf of him or herself or others of any right afforded by this Act, or has reported any injury or illness to an operator or agent;

“(III) has testified or is about to testify before Congress or any Federal or State proceeding related to safety or health in a coal or other mine; or

“(IV) refused to violate any provision of this Act, including any mandatory health and safety standard or regulation; or

“(ii) such miner is the subject of medical evaluations and potential transfer under a standard published pursuant to section 101.

“(B) RETALIATION FOR REFUSAL TO PERFORM DUTIES.—

“(i) IN GENERAL.—No person shall discharge or in any manner discriminate against a miner or other employee of an operator for refusing to perform the miner’s or other employee’s duties if the miner or other employee has a good-faith and reasonable belief that performing such duties would pose a safety or health hazard to the miner or other employee or to any other miner or employee.

“(ii) STANDARD.—For purposes of clause (i), the circumstances causing the miner’s or other employee’s good-faith belief that performing such duties would pose a safety or health hazard shall be of such a nature that a reasonable person, under the circumstances confronting the miner or other employee, would conclude that there is such a hazard. In order to qualify for protection under this paragraph, the miner or other employee, when practicable, shall have communicated or attempted to communicate the safety or health concern to the operator and have not received from the operator a response reasonably calculated to allay such concern.

“(2) COMPLAINT.—Any miner or other employee or representative of miners or applicant for employment who believes that he or she has been discharged, disciplined, or otherwise discriminated against by any person in violation of paragraph (1) may file a complaint with the Secretary alleging such discrimination not later than 180 days after the later of—

“(A) the last date on which an alleged violation of paragraph (1) occurs; or

“(B) the date on which the miner or other employee or representative knows or should reasonably have known that such alleged violation occurred.

“(3) INVESTIGATION AND HEARING.—

“(A) COMMENCEMENT OF INVESTIGATION AND INITIAL DETERMINATION.—Upon receipt of such complaint, the Secretary shall forward a copy of the complaint to the respondent, and shall commence an investigation within 15 days of the Secretary’s receipt of the complaint, and, as soon as practicable after commencing such investigation, make the determination required under subparagraph (B)

regarding the reinstatement of the miner or other employee.

“(B) REINSTATEMENT.—If the Secretary finds that such complaint was not frivolously brought, the Commission, on an expedited basis upon application of the Secretary, shall order the immediate reinstatement of the miner or other employee until there has been a final Commission order disposing of the underlying complaint of the miner or other employee. If either the Secretary or the miner or other employee pursues the underlying complaint, such reinstatement shall remain in effect until the Commission has disposed of such complaint on the merits, regardless of whether the Secretary pursues such complaint by filing a complaint under subparagraph (D) or the miner or other employee pursues such complaint by filing an action under paragraph (4). If neither the Secretary nor the miner or other employee pursues the underlying complaint within the periods specified in paragraph (4), such reinstatement shall remain in effect until such time as the Commission may, upon motion of the operator and after providing notice and an opportunity to be heard to the parties, vacate such complaint for failure to prosecute.

“(C) INVESTIGATION.—Such investigation shall include interviewing the complainant and—

“(i) providing the respondent an opportunity to submit to the Secretary a written response to the complaint and to present statements from witnesses or provide evidence; and

“(ii) providing the complainant an opportunity to receive any statements or evidence provided to the Secretary and rebut any statements or evidence.

“(D) ACTION BY THE SECRETARY.—If, upon such investigation, the Secretary determines that the provisions of this subsection have been violated, the Secretary shall immediately file a complaint with the Commission, with service upon the alleged violator and the miner or other employee or representative of miners alleging such discrimination or interference and propose an order granting appropriate relief.

“(E) ACTION OF THE COMMISSION.—The Commission shall afford an opportunity for a hearing on the record (in accordance with section 554 of title 5, United States Code, but without regard to subsection (a)(3) of such section) and thereafter shall issue an order, based upon findings of fact, affirming, modifying, or vacating the Secretary’s proposed order, or directing other appropriate relief. Such order shall become final 30 days after its issuance. The complaining miner or other employee, representative, or applicant for employment may present additional evidence on his or her own behalf during any hearing held pursuant to this paragraph.

“(F) RELIEF.—The Commission shall have authority in such proceedings to require a person committing a violation of this subsection to take such affirmative action to abate the violation and prescribe a remedy as the Commission considers appropriate, including—

“(i) the rehiring or reinstatement of the miner or other employee with back pay and interest and without loss of position or seniority, and restoration of the terms, rights, conditions, and privileges associated with the complainant’s employment;

“(ii) any other compensatory and consequential damages sufficient to make the complainant whole, and exemplary damages where appropriate; and

“(iii) expungement of all warnings, reprimands, or derogatory references that have

been placed in paper or electronic records or databases of any type relating to the actions by the complainant that gave rise to the unfavorable personnel action, and, at the complainant’s direction, transmission of a copy of the decision on the complaint to any person whom the complainant reasonably believes may have received such unfavorable information.

“(4) NOTICE TO AND ACTION OF COMPLAINANT.—

“(A) NOTICE TO COMPLAINANT.—Not later than 90 days of the receipt of a complaint filed under paragraph (2), the Secretary shall notify, in writing, the miner or other employee, applicant for employment, or representative of miners of his determination whether a violation has occurred.

“(B) ACTION OF COMPLAINANT.—If the Secretary, upon investigation, determines that the provisions of this subsection have not been violated, the complainant shall have the right, within 30 days after receiving notice of the Secretary’s determination, to file an action in his or her own behalf before the Commission, charging discrimination or interference in violation of paragraph (1).

“(C) HEARING AND DECISION.—The Commission shall afford an opportunity for a hearing on the record (in accordance with section 554 of title 5, United States Code, but without regard to subsection (a)(3) of such section), and thereafter shall issue an order, based upon findings of fact, dismissing or sustaining the complainant’s charges and, if the charges are sustained, granting such relief as it deems appropriate as described in paragraph (3)(D). Such order shall become final 30 days after its issuance.

“(5) BURDEN OF PROOF.—In adjudicating a complaint pursuant to this subsection, the Commission may determine that a violation of paragraph (1) has occurred only if the complainant demonstrates that any conduct described in paragraph (1) with respect to the complainant was a contributing factor in the adverse action alleged in the complaint. A decision or order that is favorable to the complainant shall not be issued pursuant to this subsection if the respondent demonstrates by clear and convincing evidence that the respondent would have taken the same adverse action in the absence of such conduct.

“(6) ATTORNEYS’ FEES.—Whenever an order is issued sustaining the complainant’s charges under this subsection, a sum equal to the aggregate amount of all costs and expenses, including attorney’s fees, as determined by the Commission to have been reasonably incurred by the complainant for, or in connection with, the institution and prosecution of such proceedings shall be assessed against the person committing such violation. The Commission shall determine whether such costs and expenses were reasonably incurred by the complainant without reference to whether the Secretary also participated in the proceeding.

“(7) EXPEDITED PROCEEDINGS; JUDICIAL REVIEW.—Proceedings under this subsection shall be expedited by the Secretary and the Commission. Any order issued by the Commission under this subsection shall be subject to judicial review in accordance with section 106. Violations by any person of paragraph (1) shall be subject to the provisions of sections 108 and 110(a)(4).

“(8) PROCEDURAL RIGHTS.—The rights and remedies provided for in this subsection may not be waived by any agreement, policy, form, or condition of employment, including by any pre-dispute arbitration agreement or collective bargaining agreement.

“(9) SAVINGS.—Nothing in this subsection shall be construed to diminish the rights, privileges, or remedies of any employee who exercises rights under any Federal or State law or common law, or under any collective bargaining agreement.”.

SEC. 402. PROTECTION FROM LOSS OF PAY.

Section 111 (30 U.S.C. 821) is amended to read as follows:

“SEC. 111. ENTITLEMENT OF MINERS.

“(a) PROTECTION FROM LOSS OF PAY.—

“(1) WITHDRAWAL ORDERS.—If a coal or other mine or area of such mine is closed by an order issued under section 103, 104, 107, 108, or 110, all miners working during the shift when such order was issued who are idled by such order shall be entitled, regardless of the result of any review of such order, to full compensation by the operator at their regular rates of pay for the period they are idled, but for not more than the balance of such shift. If such order is not terminated prior to the next working shift, all miners on that shift who are idled by such order shall be entitled to full compensation by the operator at their regular rates of pay for the period they are idled, but for not more than four hours of such shift. If a coal or other mine or area of such mine is closed by an order issued under section 104, 107 (in connection with a citation), 108, or 110, all miners who are idled by such order shall be entitled, regardless of the result of any review of such order, to full compensation by the operator at their regular rates of pay and in accordance with their regular schedules of pay for the entire period for which they are idled, not to exceed 60 days.

“(2) CLOSURE IN ADVANCE OF ORDER.—If the Secretary finds that such mine or such area of a mine was closed by the operator in anticipation of the issuance of such an order, all miners who are idled by such closure shall be entitled to full compensation by the operator at their regular rates of pay and in accordance with their regular schedules of pay, from the time of such closure until such time as the Secretary authorizes reopening of such mine or such area of the mine, not to exceed 60 days, except where an operator promptly withdraws miners upon discovery of a hazard, and notifies the Secretary where required, and within the prescribed time period.

“(3) REFUSAL TO COMPLY.—Whenever an operator violates or fails or refuses to comply with any order issued under section 103, 104, 107, 108, or 110, all miners employed at the affected mine who would have been withdrawn from, or prevented from entering, such mine or area thereof as a result of such order shall be entitled to full compensation by the operator at their regular rates of pay, in addition to pay received for work performed after such order was issued, for the period beginning when such order was issued and ending when such order is complied with, vacated, or terminated.

“(b) ENFORCEMENT.—

“(1) COMMISSION ORDERS.—The Commission shall have authority to order compensation due under this section upon the filing of a complaint by a miner or his representative and after opportunity for hearing on the record subject to section 554 of title 5, United States Code. Whenever the Commission issues an order sustaining the complaint under this subsection in whole or in part, the Commission shall award the complainant reasonable attorneys' fees and costs.

“(2) FAILURE TO PAY COMPENSATION DUE.—Consistent with the authority of the Secretary to order miners withdrawn from a mine under this Act, the Secretary shall

order a mine that has been subject to a withdrawal order under section 103, 104, 107, 108, or 110, and has reopened, to be closed again if compensation in accordance with the provisions of this section is not paid by the end of the next regularly scheduled payroll period following the lifting of a withdrawal order.

“(c) EXPEDITED REVIEW.—If an order is issued which results in payments to miners under subsection (a), the operators shall have the right to an expedited review before the Commission using timelines and procedures established pursuant to section 316(b)(2)(G)(ii).”.

SEC. 403. UNDERGROUND COAL MINER EMPLOYMENT STANDARD FOR MINES PLACED IN PATTERN STATUS.

The Federal Mine Safety and Health Act of 1977 is further amended by adding at the end of title I the following:

“SEC. 117. UNDERGROUND COAL MINER EMPLOYMENT STANDARD FOR MINES PLACED IN PATTERN STATUS.

“(a) IN GENERAL.—For purposes of ensuring miners' health and safety and miners' right to raise concerns thereof, when an underground coal mine is placed in pattern status pursuant to section 104(e), and for 3 years after such placement, the operator of such mine may not discharge or constructively discharge a miner who is paid on an hourly basis and employed at such underground coal mine without reasonable job-related grounds based on a failure to satisfactorily perform job duties, including compliance with this Act and with mandatory health and safety standards or other regulations issued under this Act, or other legitimate business reason, where the miner has completed the employer's probationary period, not to exceed 6 months.

“(b) CAUSE OF ACTION.—A miner aggrieved by a violation of subsection (a) may file a complaint in Federal district court in the district where the mine is located within 1 year of such violation.

“(c) REMEDIES.—In an action under subsection (b), for any prevailing miner the court shall take affirmative action to further the purposes of the Act, which may include reinstatement with backpay and compensatory damages. Reasonable attorneys' fees and costs shall be awarded to any prevailing miner under this section.

“(d) PRE-DISPUTE WAIVER PROHIBITED.—A miner's right to a cause of action under this section may not be waived with respect to disputes that have not arisen as of the time of the waiver.

“(e) CONSTRUCTION.—Nothing in this section shall be construed to limit the availability of rights and remedies of miners under any other State or Federal law or a collective bargaining agreement.”.

TITLE V—MODERNIZING HEALTH AND SAFETY STANDARDS

SEC. 501. PRE-SHIFT REVIEW OF MINE CONDITIONS.

Section 303(d) (30 U.S.C. 863(d)) is amended by adding at the end the following:

“(3)(A) Not later than 30 days after the issuance of the interim final rules promulgated under subparagraph (C), each operator of an underground coal mine shall implement a communication program at the underground coal mine to ensure that each miner is orally briefed on and made aware of, prior to traveling to or arriving at the miner's work area and commencing the miner's assigned tasks—

“(i) any conditions that are hazardous, or that violate a mandatory health or safety standard or a plan approved under this Act,

where the miner is expected to work or travel; and

“(ii) the general conditions of that miner's assigned working section or other area where the miner is expected to work or travel.

“(B) Not later than 180 days after the date of enactment of the Robert C. Byrd Mine Safety Protection Act of 2010, the Secretary shall promulgate interim final rules implementing the requirements of subparagraph (A). The Secretary shall issue a final rule not later than 2 years after such date.”.

SEC. 502. ROCK DUST STANDARDS.

(a) STANDARDS.—Section 304(d) (30 U.S.C. 864(d)) is amended—

(1) by striking “Where rock” and inserting the following: “ROCK DUST.—

“(1) IN GENERAL.—Where rock”;

(2) by striking “65 per centum” and all that follows and inserting “80 percent. Where methane is present in any ventilating current, the percentage of incombustible content of such combined dusts shall be increased 0.4 percent for each 0.1 percent of methane.”; and

(3) by adding at the end the following:

“(2) METHODS OF MEASUREMENT.—

“(A) IN GENERAL.—Each operator of an underground coal mine shall take accurate and representative samples which shall measure the total incombustible content of combined coal dust, rock dust, and other dust in such mine to ensure that the coal dust is kept below explosive levels through the appropriate application of rock dust.

“(B) DIRECT READING MONITORS.—By the later of June 15, 2011, or the date that is 30 days after the Secretary of Health and Human Services has certified in writing that direct reading monitors are commercially available to measure total incombustible content in samples of combined coal dust, rock dust, and other dust and the Department of Labor has approved such monitors for use in underground coal mines, the Secretary shall require operators to take such dust samples using direct reading monitors.

“(C) REGULATIONS.—The Secretary shall, not later than 180 days after the date of enactment of the Robert C. Byrd Mine Safety Protection Act of 2010, promulgate an interim final rule that prescribes methods for operator sampling of total incombustible content in samples of combined coal dust, rock dust, and other dust using direct reading monitors and includes requirements for locations, methods, and intervals for mandatory operator sampling.

“(D) RECOMMENDATIONS.—Not later than 1 year after the date of enactment of the Robert C. Byrd Mine Safety Protection Act of 2010, the Secretary of Health and Human Services shall, based upon the latest research, recommend to the Secretary of Labor any revisions to the mandatory operator sampling locations, methods, and intervals included in the interim final rule described in subparagraph (B) that may be warranted in light of such research.

“(3) LIMITATION.—Until a final rule is issued by the Secretary under section 502(b)(2) of the Robert C. Byrd Mine Safety Protection Act of 2010, any measurement taken by a direct reading monitor described in paragraph (2) shall not be admissible to establish a violation in an enforcement action under this Act.”.

(b) REPORT AND RULEMAKING AUTHORITY.—

(1) REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary of Health and Human Services, in consultation with the Secretary of Labor, shall prepare and submit, to the Committee on Education and Labor of the House of Representatives and the Committee on Health,

Education, Labor, and Pensions of the Senate, a report—

(A) regarding whether any direct reading monitor described in section 304(d)(2)(B) of the Federal Mine Safety and Health Act of 1977 (30 U.S.C. 864(d)(2)(B)) is sufficiently reliable and accurate for the enforcement of the mandatory health or safety standards by the Secretary of Labor under such Act, and whether additional improvement to such direct reading monitor, or additional verification regarding reliability and accuracy, would be needed for enforcement purposes; and

(B) identifying any limitations or impediments for such use in underground coal mines.

(2) **AUTHORITY.**—If the Secretary determines that such direct reading monitor is sufficiently reliable and accurate for the enforcement of mandatory health and safety standards under the Federal Mines Safety and Health Act of 1977 following such report or any update thereto, the Secretary shall promulgate a final rule authorizing the use of such direct reading monitor for purposes of compliance and enforcement, in addition to other methods for determining total incombustible content. Such rule shall specify mandatory operator sampling locations, methods, and intervals.

SEC. 503. ATMOSPHERIC MONITORING SYSTEMS.

Section 317 (30 U.S.C. 877) is amended by adding at the end the following:

“(u) **ATMOSPHERIC MONITORING SYSTEMS.**—

“(1) **NIOSH RECOMMENDATIONS.**—Not later than 1 year after the date of enactment of the Robert C. Byrd Mine Safety Protection Act of 2010, the Director of the National Institute for Occupational Safety and Health, acting through the Office of Mine Safety and Health Research, in consultation, including through technical working groups, with operators, vendors, State mine safety agencies, the Secretary, and labor representatives of miners, shall issue recommendations to the Secretary regarding—

“(A) how to ensure that atmospheric monitoring systems are utilized in the underground coal mining industry to maximize the health and safety of underground coal miners;

“(B) the implementation of redundant systems, such as the bundle tubing system, that can continuously monitor the mine atmosphere following incidents such as fires, explosions, entrapments, and inundations; and

“(C) other technologies available to conduct continuous atmospheric monitoring.

“(2) **ATMOSPHERIC MONITORING SYSTEM REGULATIONS.**—Not later than 1 year following the receipt of the recommendations described in paragraph (1), the Secretary shall promulgate regulations requiring that each operator of an underground coal mine install atmospheric monitoring systems, consistent with such recommendations, that—

“(A) protect miners where the miners normally work and travel;

“(B) provide real-time information regarding methane and carbon monoxide levels, and airflow direction, as appropriate, with sensing, annunciating, and recording capabilities; and

“(C) can, to the maximum extent practicable, withstand explosions and fires.”.

SEC. 504. TECHNOLOGY RELATED TO RESPIRABLE DUST.

Section 202(d) (30 U.S.C. 842(d)) is amended—

(1) by striking “of Health, Education, and Welfare”; and

(2) by striking the second sentence and inserting the following: “Not later than 2

years after the date of enactment of the Robert C. Byrd Mine Safety Protection Act of 2010, the Secretary shall promulgate final regulations that require operators, beginning on the date such regulations are issued, to provide coal miners with the maximum feasible protection from respirable dust, including coal and silica dust, that is achievable through environmental controls, and that meet the applicable standards.”.

SEC. 505. REFRESHER TRAINING ON MINER RIGHTS AND RESPONSIBILITIES.

(a) **IN GENERAL.**—Section 115(a)(3) (30 U.S.C. 825(a)(3)) is amended to read as follows:

“(3) all miners shall receive not less than 9 hours of refresher training not less frequently than once every 12 months, and such training shall include one hour of training on the statutory rights and responsibilities of miners and their representatives under this Act and other applicable Federal and State law, pursuant to a program of instruction developed by the Secretary and delivered by an employee of the Administration or by a trainer approved by the Administration that is a party independent from the operator;”.

(b) **NATIONAL HAZARD REPORTING HOTLINE.**—Section 115 (30 U.S.C. 825) is further amended—

(1) by redesignating subsections (c) through (e) as subsections (d) through (f), respectively; and

(2) by inserting after subsection (b) the following:

“(c) Any health and safety training program of instruction provided under this section shall include distribution to miners of information regarding miners’ rights under the Act, as well as a toll-free hotline telephone number, which the Secretary shall maintain to receive complaints from miners and the public regarding hazardous conditions, discrimination, safety or health violations, or other mine safety or health concerns. Information regarding the hotline shall be provided in a portable, convenient format, such as a durable wallet card, to enable miners to keep the information on their person.”.

(c) **TIMING OF INITIAL STATUTORY RIGHTS TRAINING.**—Notwithstanding section 115 of the Federal Mine Safety and Health Act (as amended by subsection (a)) (30 U.S.C. 825) or the health and safety training program approved under such section, an operator shall ensure that all miners already employed by the operator on the date of enactment of this Act shall receive the one hour of statutory rights and responsibilities training described in section 115(a)(3) of such Act not later than 180 days after such date.

SEC. 506. AUTHORITY TO MANDATE ADDITIONAL TRAINING.

(a) **IN GENERAL.**—Section 115 (30 U.S.C. 825) is further amended by redesignating subsections (e) and (f) (as redesignated) as subsections (f) and (g) and inserting after subsection (d) (as redesignated) the following:

“(e) **AUTHORITY TO MANDATE ADDITIONAL TRAINING.**—

“(1) **IN GENERAL.**—The Secretary is authorized to issue an order requiring that an operator of a coal or other mine provide additional training beyond what is otherwise required by law, and specifying the time within which such training shall be provided, if the Secretary finds that—

“(A)(i) a serious or fatal accident has occurred at such mine; or

“(ii) such mine has experienced accident and injury rates, citations for violations of this Act (including mandatory health or

safety standards or regulations promulgated under this Act), citations for significant and substantial violations, or withdrawal orders issued under this Act at a rate above the average for mines of similar size and type; and

“(B) additional training would benefit the health and safety of miners at the mine.

“(2) **WITHDRAWAL ORDER.**—If the operator fails to provide training ordered under paragraph (1) within the specified time, the Secretary shall issue an order requiring such operator to cause all affected persons, except those persons referred to in section 104(c), to be withdrawn, and to be prohibited from entering such mine, until such operator has provided such training.”.

(b) **CONFORMING AMENDMENTS.**—Section 104(g)(2) (30 U.S.C. 814(g)(2)) is amended by striking “under paragraph (1)” both places it appears and inserting “under paragraph (1) or under section 115(e)”.

SEC. 507. CERTIFICATION OF PERSONNEL.

(a) **IN GENERAL.**—Title I is further amended by adding at the end the following:

“SEC. 118. CERTIFICATION OF PERSONNEL.

“(a) **CERTIFICATION REQUIRED.**—Any person who is authorized or designated by the operator of a coal or other mine to perform any duties or provide any training that this Act, including a mandatory health or safety standard or regulation promulgated pursuant to this Act, requires to be performed or provided by a certified, registered, qualified, or otherwise approved person, shall be permitted to perform such duties or provide such training only if such person has a current certification, registration, qualification, or approval to perform such duties or provide such training consistent with the requirements of this section.

“(b) **ESTABLISHMENT OF CERTIFICATION REQUIREMENTS AND PROCEDURES.**—

“(1) **IN GENERAL.**—Not later than 1 year after the date of enactment of the Robert C. Byrd Mine Safety Protection Act of 2010, the Secretary shall issue mandatory standards to establish—

“(A) requirements for such certification, registration, qualification, or other approval, including the experience, examinations, and references that may be required as appropriate;

“(B) time limits for such certifications and procedures for obtaining and renewing such certification, registration, qualification, or other approval; and

“(C) procedures and criteria for revoking such certification, registration, qualification, or other approval, including procedures that ensure that the Secretary (or a State agency, as applicable) responds to requests for revocation and that the names of individuals whose certification or other approval has been revoked are provided to and maintained by the Secretary, and are made available to appropriate State agencies through an electronic database.

“(2) **COORDINATION WITH STATES.**—In developing such standards, the Secretary shall consult with States that have miner certification programs to ensure effective coordination with existing State standards and requirements for certification. The standards required under paragraph (1) shall provide that the certification, registration, qualification, or other approval of the State in which the coal or other mine is located satisfies the requirement of subsection (a) if the State’s program of certification, registration, qualification, or other approval is no less stringent than the standards established by the Secretary under paragraph (1).

“(c) **OPERATOR FEES FOR CERTIFICATION.**—

“(1) **ASSESSMENT AND COLLECTION.**—Beginning 180 days after the date of enactment of

the Robert C. Byrd Mine Safety Protection Act of 2010, the Secretary shall assess and collect fees, in accordance with this subsection, from each operator for each person certified under this section. Fees shall be assessed and collected in amounts determined by the Secretary as necessary to fund the certification programs established under this section.

“(2) **USE.**—Amounts collected as provided in paragraph (1) shall only be available to the Secretary, as provided in paragraph (3), for making expenditures to carry out the certification programs established under this subsection.

“(3) **AUTHORIZATION OF APPROPRIATIONS.**—In addition to funds authorized to be appropriated under section 114, there is authorized to be appropriated to the Assistant Secretary for Mine Safety and Health for each fiscal year in which fees are collected under paragraph (1) an amount equal to the total amount of fees collected under paragraph (1) during that fiscal year. Such amounts are authorized to remain available until expended. If on the first day of a fiscal year a regular appropriation to the Commission has not been enacted, the Commission shall continue to collect fees (as offsetting collections) under this subsection at the rate in effect during the preceding fiscal year, until 5 days after the date such regular appropriation is enacted.

“(4) **COLLECTING AND CREDITING OF FEES.**—Fees authorized and collected under this subsection shall be deposited and credited as offsetting collections to the account providing appropriations to the Mine Safety and Health Administration and shall not be collected for any fiscal year except to the extent and in the amount provided in advance in appropriation Acts.

“(d) **CITATION; WITHDRAWAL ORDER.**—Any operator who permits a person to perform any of the health or safety related functions described in subsection (a) without a current certification which meets the requirements of this section shall be considered to have committed an unwarrantable failure under section 104(d)(1), and the Secretary shall issue an order requiring that the miner be withdrawn or reassigned to duties that do not require such certification.”

(b) **CONFORMING AMENDMENTS.**—Section 318 (30 U.S.C. 878) is amended—

- (1) by striking subsections (a) and (b);
- (2) in subsection (c), by redesignating paragraphs (1) through (3) as subparagraphs (A) through (C), respectively;
- (3) in subsection (g), by redesignating paragraphs (1) through (4) as subparagraphs (A) through (D), respectively; and
- (4) by redesignating subsections (c) through (j) as paragraphs (1) through (8), respectively.

TITLE VI—ADDITIONAL MINE SAFETY PROVISIONS

SEC. 601. DEFINITIONS.

(a) **DEFINITION OF OPERATOR.**—Section 3(d) is amended to read as follows:

- “(d) ‘operator’ means—
- “(1) any owner, lessee, or other person that—
- “(A) operates or supervises a coal or other mine; or
- “(B) controls such mine by making or having the authority to make management or operational decisions that affect, directly or indirectly, the health or safety at such mine; or
- “(2) any independent contractor performing services or construction at such mine;”

(b) **DEFINITION OF AGENT.**—Section 3(e) (30 U.S.C. 802(e)) is amended by striking “the miners” and inserting “any miner”.

(c) **DEFINITION OF MINER.**—Section 3(g) (30 U.S.C. 802(g)) is amended by inserting after “or other mine” the following: “, and includes any individual who is not currently working in a coal or other mine but would be currently working in such mine, but for an accident in such mine”.

(d) **DEFINITION OF SIGNIFICANT AND SUBSTANTIAL VIOLATIONS.**—Section 3 (30 U.S.C. 802) is further amended—

- (1) in subsection (m), by striking “and” after the semicolon;
- (2) in subsection (n), by striking the period at the end and inserting a semicolon;
- (3) in subsection (o), by striking the period at the end and inserting “; and”; and
- (4) by adding at the end the following:

“(p) ‘significant and substantial violation’ means a violation of this Act, including any mandatory health or safety standard or regulation promulgated under this Act, that is of such nature as could significantly and substantially contribute to the cause and effect of a coal or other mine safety or health hazard as described in section 104(d).”

SEC. 602. ASSISTANCE TO STATES.

Section 503 (30 U.S.C. 953(a)) is amended—

- (1) in subsection (a)—
- (A) in the matter preceding paragraph (1), by striking “, in coordination with the Secretary of Health, Education, and Welfare and the Secretary of the Interior;”;
- (B) in paragraph (2), by striking “and” after the semicolon;
- (C) in paragraph (3), by striking the period and inserting “; and”; and
- (D) by adding at the end the following:

“(4) to assist such State in developing and implementing any certification program for coal or other mines required for compliance with section 118.”; and

- (2) in subsection (h), by striking “\$3,000,000 for fiscal year 1970, and \$10,000,000 annually in each succeeding fiscal year” and inserting “\$20,000,000 for each fiscal year”.

SEC. 603. BLACK LUNG MEDICAL REPORTS.

Title IV of the Black Lung Benefits Act (30 U.S.C. 901 et seq.) is amended by adding at the end the following:

“SEC. 435. MEDICAL REPORTS.

“In any claim for benefits for a miner under this title, an operator that requires a miner to submit to a medical examination regarding the miner’s respiratory or pulmonary condition shall, not later than 14 days after the miner has been examined, deliver to the claimant a complete copy of the examining physician’s report. The examining physician’s report shall be in writing and shall set out in detail the examiner’s findings, including any diagnoses and conclusions and the results of any diagnostic imaging techniques and tests that were performed on the miner.”

SEC. 604. RULES OF APPLICATION TO CERTAIN MINES.

(a) **INAPPLICABILITY OF AMENDMENTS TO CERTAIN MINES.**—

- (1) **SPECIAL RULE.**—The amendments made by this Act shall not apply to—
- (A) surface mines, except for surface facilities or impoundments physically connected to—
- (i) underground coal or underground metal mines; or
- (ii) other underground mines which are gassy mines; or
- (B) underground mines which are not coal, metal, or gassy mines.

(2) **DEFINITION.**—For purposes of this section, the term “gassy mine” means a mine,

tunnel, or other underground workings in which a flammable mixture has been ignited, or has been found with a permissible flame safety lamp, or has been determined by air analysis to contain 0.25 percent or more (by volume) of methane in any open workings when tested at a point not less than 12 inches from the roof, face of rib.

(b) **RULE OF CONSTRUCTION RELATING TO APPLICABILITY OF CERTAIN PROVISIONS TO SURFACE MINES.**—Title I is further amended by adding at the end the following:

“SEC. 119. APPLICABILITY OF CERTAIN PROVISIONS TO CERTAIN MINES.

“(a) **RULE OF CONSTRUCTION.**—With respect to the mines described in subsection (b), this Act as in effect on the date before the date of enactment of the Robert C. Byrd Mine Safety Protection Act of 2010, shall continue to apply to such mines as then in effect.

“(b) **APPLICABLE MINES.**—

“(1) **IN GENERAL.**—The mines referred to in subsection (a) are—

“(A) surface mines, except for surface facilities or impoundments physically connected to—

“(i) underground coal or underground metal mines; or

“(ii) other underground mines which are gassy mines; and

“(B) underground mines which are not coal, metal, or gassy mines.

“(2) **DEFINITION.**—As used in paragraph (1), the term ‘gassy mine’ means a mine, tunnel, or other underground workings in which a flammable mixture has been ignited, or has been found with a permissible flame safety lamp, or has been determined by air analysis to contain 0.25 percent or more (by volume) of methane in any open workings when tested at a point not less than 12 inches from the roof, face of rib.

“(c) **SAVINGS PROVISION.**—Nothing in this section shall impact the authority of the Secretary to promulgate or modify regulations pursuant to the authority under any such provisions as in effect on the date before the date of enactment of the Robert C. Byrd Mine Safety Protection Act of 2010, or shall be construed to alter or modify precedent with regards to the Commission or courts.”

SEC. 605. PAYGO COMPLIANCE.

The budgetary effects of this Act and the amendments made by this Act for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled “Budgetary Effects of PAYGO Legislation” for this Act, submitted for printing in the Congressional Record by the Chairman of the House Budget Committee, provided that such statement has been submitted prior to the vote on passage.

The **SPEAKER pro tempore**. Pursuant to the rule, the gentleman from California (Mr. **GEORGE MILLER**) and the gentleman from Kentucky (Mr. **GUTHRIE**) each will control 20 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. **GEORGE MILLER** of California. Mr. Speaker, I request 5 legislative days during which Members may revise and extend and insert extraneous material on H.R. 6495 into the RECORD.

The **SPEAKER pro tempore**. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. GEORGE MILLER of California. I yield myself such time as I may consume.

Mr. Speaker, the House today considers urgently needed legislation to address life-threatening gaps in our Nation's mine safety laws. Despite progress made over several decades in mine safety, more than 600 miners have been killed on the job in the last 10 years. Most recently, 29 coal miners were killed in a massive explosion in April that killed miners over a 2-mile swath and twisted railcar tracks like pretzels.

Since that tragedy, we have learned a great deal about the systemic weaknesses in mine safety laws. After every major tragedy, promises are made by public officials to miners and their families—to the survivors—that timely action will be taken to make sure that this thing never happens again.

The Robert C. Byrd Mine Safety Protection Act is our chance to finally make a downpayment on that promise.

First, the bill addresses the broken pattern of violation sanctions. With these fixes, those mine operators who repeatedly violate safety standards will be held accountable. Current law on the patterns of violations has so many loopholes that it invites delays and allows some coal mine operators to game the system.

Massey Energy's Upper Big Branch mine was a perfect example of an operator repeatedly skirting the law and putting workers' lives in the crosshairs. The Upper Big Branch mine was subject to 515 violations and to 54 withdrawal orders in 2009, more than any other mine in the country. Red flags were waving about this mine's repeated unwarrantable failures.

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And yet, because Massey indiscriminately appealed many of those violations, it evaded the stronger sanctions that would have improved the conditions and perhaps saved lives.

The bill sets clear and fair criteria to identify mines with significant safety problems and eliminates the incentives for mine owners that game the system. Had this been in place, I believe the 29 miners who lost their lives in the Upper Big Branch mine would be alive today.

Second, the bill gives miners modern protections against retaliation if they speak up about the dangerous conditions under which they work.

Stanley "Goose" Stewart was working in the Upper Big Branch mine the day it exploded. He testified twice before the committee about the persistent fear and intimidation faced by workers from the Massey management. He said that in his years working for Massey, they took coal mining back to the early 1900s. He urged us to give miners the ability to stand up to rogue mine operators.

This bill empowers miners to speak up about safety concerns by strengthening whistleblower protection and gives miners the right to refuse to work in unsafe conditions.

Third, many have asked why the Mine Safety and Health Administration failed to close down unsafe mines, such as Upper Big Branch, with repeated violations of the law. This bill clarifies that MSHA can seek a court order to close a mine that engages in a course of conduct that endangers the miners.

Fourth, MSHA lacks sufficient subpoena power for investigation inspections. Under current law, MSHA, the Mine Safety and Health Administration, can only issue subpoenas in the context of witnesses for a public hearing. The legislation gives MSHA the subpoena power it needs for full investigations.

Fifth, miners testified that in many parts of the country MSHA does not inspect mines during weekends or night shifts. This legislation would require that inspections occur on all shifts and days of the week. If inspection times are unpredictable, operators will be motivated to work more safely across all shifts.

Sixth, the bill provides meaningful sanctions against those who intentionally provide advance notice of unannounced mine safety and health inspections. All too often, mine operators call ahead of inspectors and direct that violations be covered up, depriving mine inspectors of the ability to detect unsafe working conditions.

Finally, witnesses told us how safety devices like methane detectors were tampered with so that mining equipment would not automatically shut down and stop production if methane levels got too high. Today, this violation is a mere misdemeanor. Under this legislation, tampering with these devices would be a felony. These reforms will only apply to coal mines, underground mines that release significant amounts of methane and combustible gases, and underground metal mines.

The bill is the result of months of deliberations with stakeholders and experts, including miners, families, academics, State officials, and various sectors of the mining industry. The legislation is part of our ongoing commitment to the families of the Aracoma, Sago, Crandall Canyon, Darby, and, now, Upper Big Branch mine disasters that their loved ones' deaths would not be in vain and their calls for change would be heeded.

The legislation also honors the late Senator Robert C. Byrd, who was a champion of our Nation's miners. After the Sago and Aracoma tragedies, Senator Byrd said, "if we truly are a moral Nation . . . then these moral values must be reflected in the government agencies that are charged with protecting the lives of our citizens."

I agree. This legislation redeems that sentiment of Senator Byrd, and I urge my colleagues to support this important legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. GUTHRIE. Mr. Speaker, I yield myself such time as I may consume.

On April 5 of this year, tragedy struck Montcoal, West Virginia. On that day, an explosion at the Upper Big Branch coal mine killed 29 miners and provided a stark reminder that coal mining is a profession marked by risk and danger. And while steps have been taken to strengthen protections for miners, this tragedy and others like it remind us that more work remains to be done.

I believe steps can be taken by Federal and State regulators, mine operators, and miners, themselves, to reduce the dangers inherent for those who mine for natural resources that power our Nation. That is why it is with deep regret that I oppose the legislation before us today.

Once again, well-intended reforms addressing a vital issue are being rushed through a flawed process that results in a deeply flawed bill. This is not the way to govern. This is not the way to advance the concerns and interests of the American people, and it is not the way to strengthen important safety protections for miners.

The bill we are considering today under a suspension of the House rules is the wrong response for several important reasons. First, it seeks to create a solution to a problem we do not fully understand. The explosion at Upper Big Branch resulted in the worst mining disaster in 40 years. Since that time, significant State and Federal resources have been brought to bear to investigate the cause of the incident, help identify weaknesses in existing law, and determine whether current law is being obeyed by mining operators and aggressively enforced by Federal authorities. These are critical questions for which we are still awaiting answers.

The majority's proposal also ignores important steps the Mine Safety and Health Administration has taken in recent months to strengthen standards to existing law. Republicans have consistently called on the Mine Safety and Health Administration to utilize all the tools at its disposal to protect miners and hold bad actors accountable. I am pleased to see the agency is finally beginning to do just that.

As part of its efforts, the Mine Safety and Health Administration has revised the current framework of identifying mines operating with a pattern of violations. For 30 years, this process has been broken. Today, that process has changed, and we are just beginning to see the results. The Mine Safety Administration has reformed the process and has notified more than a dozen

mine operators that they are at risk of being placed in a pattern of violations. It is a step in the right direction.

The agency is also implementing new rock dusting standards, issued a proposal to increase the use of personal dust monitors, and is looking at ways to improve the broken conference process. We may question why the agency did not act sooner, but it is important to recognize that steps are being taken today. Congress should not preempt and potentially undercut reforms underway before we have had the opportunity to learn whether they work.

Some of my colleagues may argue that these are simply process arguments that ordinary Americans don't care about. I don't like discussing process any more than the next person, but I think we have learned over the last 2 years that the American people care a great deal about the manner in which Congress conducts its business, because a flawed process results in bad law. Today's legislation is no exception.

The process we are considering today puts punishment before prevention. It is based on the faulty premise that simply increasing penalties can lead to better safety. Our goal is to prevent injuries and illnesses before they occur. Everyone agrees bad actors should face stiff penalties for jeopardizing the safety of miners, but we shouldn't establish a regime that may discourage employers from taking actions they believe to strengthen their worker safety. We can punish bad actors, but we must never lose sight of the fact that promoting safety and preventing hazard should be our first priority.

There are other flaws in the legislation, including a provision that will expand the criminalization of a person's knowing conduct as well as upending, in some cases, the long-established at-will employment doctrine which will insert Federal judges into voluntary hiring and firing decisions of mine operators and their workers.

Last Friday, the majority introduced H.R. 6495 with no advance warning and not consulting with Republicans. Yet here we are days later being told this is the only opportunity Members of the House will have to enhance safety protections for underground miners. Following the same playbook used by the majority time and time again by this majority, we have no opportunity for a full and open debate and no opportunity to offer amendments to fix the errors I have just described. A flawed process is resulting in yet another flawed bill.

On behalf of miners and their families, let me respectfully say they deserve better. I urge my colleagues to oppose this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 4 minutes to the gentleman from West Virginia (Mr. RAHALL).

Mr. RAHALL. Mr. Speaker, America's courageous, hardworking coal miners have long provided the fuel that powers this Nation. And while doing so, they labor in some of the toughest, most dangerous work environments. For that reason, our Nation has long recognized its duty to ensure their health and safety on the job. God bless our Nation's coal miners.

This year has been a tragic one in our coalfields. We have, to date, lost 48 miners, and we witnessed the worst coal mine disaster in 40 years, already referenced on the floor, losing 29 young lives in one blast in my home county.

We have much work to do in our mine safety system, though I urge my colleagues not to paint the coal industry with too broad a brush. There are many coal companies with admirable safety records, with time and money devoted to keeping their miners safe. Several of them have worked diligently with myself and with Chairman MILLER and the Education and Labor Committee to make improvements to this bill. They are models for the industry and employers everywhere.

I take this moment to salute the chairman of our Education and Labor Committee, GEORGE MILLER, for the manner in which he has worked not only on this legislation but all previous coal mine health and safety legislation as well. Our coal miners, indeed, have a friend in GEORGE MILLER from California.

□ 1340

However, just as surely as there are good actors that deserve our respect, we must recognize that the safety challenges of coal country will not end with the retirement of any one individual, one so-called "Dark Lord." Unless we remain vigilant while miners labor in harm's way, another Voldemort will rise. We all—industry, government, labor—share a responsibility to rein in those very few bad actors who would put profits before safety.

Critics of this legislation argue that it needs additional wordsmithing, that some provisions need tweaking or trimming out altogether, that we ought to await the results of the current UBB investigation; and I appreciate that perspective. But while many of these criticisms might provide an excuse to vote against the pending bill, none of them outweighs the plain and simple truth confronting this particular Member of Congress.

As the Representative of the district in which the UBB mine is located, I have 29 reasons why I must and why I will vote for this legislation. Indeed, there have been additional deaths since Upper Big Branch, but those individuals I will name: Carl Acord, Jason Atkins, Christopher Bell, Greg Brock, Kenny Chapman, Robert E. Clark, Cory Davis, Timmy Davis, Michael Elswick,

William "Bob" Griffith, Steve Harrah, Dean Jones, Rick Lane, William Roosevelt Lynch, Joe Marcum, Ronald Lee Maynor, James "Eddie" Mooney, Adam Morgan, Rex Mullins, Josh Napper, Howard "Boone" Payne, Dillard "Dewey" Persinger, Joel "Jody" Price, Gary Quarles, Deward Scott, Benny Willingham, Ricky Workman.

I stood vigil with their families—the mothers, the fathers, their sisters, their brothers, their wives, children, and grandchildren. We waited together throughout those anguishing days in the aftermath of that devastating explosion that took these 29 brave individuals too early from this Earth. I prayed with them, I ate with them, and, in the end, I grieved with them. And if I voted against this legislation, my colleagues, that might have saved their loved ones, I could never again look them in the eyes.

Today I will cast my vote for this appropriately named Robert C. Byrd Mine Safety Protection Act. And I will continue to work with my colleagues to address the needs of our coal miners and our coal industry in the weeks and months ahead. Those needs exist, and those needs need to be addressed, and we need to address them—all stakeholders that Chairman MILLER has so well done—all stakeholders working together to, indeed, make our coal mines a safer place in which to work.

Mr. GUTHRIE. Mr. Speaker, I yield 3 minutes to the gentlelady from West Virginia, Mrs. MOORE CAPITO.

Mrs. CAPITO. In the past few years, my home State, West Virginia, has walked with a heavy heart. On numerous occasions, we have bowed our heads in solemn reverence for miners that we have lost in tragedy. We have watched as our small towns and their citizens have been thrust into the Nation's eye for the most unfortunate reasons. As we've heard, in fact, on April 5 of this year, we suffered the worst mine disaster in more than a generation. An underground explosion swept through at Massey Energy's Upper Big Branch mine, claiming 29 lives, which my colleague from West Virginia just enumerated very eloquently.

Let me be clear, the issue of mine safety is a very personal one to every West Virginian. Our families and our friends are in the mines. When West Virginia loses even a single miner, it affects all of us.

Currently, multiple investigations into the Upper Big Branch mine are still searching for answers and following each small detail that could uncover the answer to a larger mystery. And it is just that, an unsolved investigation. Even today, investigators are hampered by water and are working to clear the mine before they can continue their work.

With these investigations still in progress, we do not know which laws were not followed by the operator,

which laws MSHA failed to enforce, and which health and safety laws were simply inadequate. And yet Congress intends to lay out its heavy hand again before our questions are answered and before we know exactly what happened.

The late Senator Robert C. Byrd was a leader in mine safety. After the Sago mine tragedy in my district, the West Virginia delegation gathered in Senator Byrd's office, and we sat together to reach a common agenda. The Senator believed that we were there for a purpose of protecting our miners and that all ideas were welcome at the table.

I wish this Congress would heed the late Senator's values. This bill was rushed to the floor in the last days of this Congress with little notice and some changes made at the last minute. I was heartened a few months ago when Congress began a new discussion on miner safety. I appreciate the chairman of the committee having a field hearing in Beckley and allowing me to attend. So I appreciate that. In fact, there were many bills introduced as a part of that discussion. And, unfortunately, this discussion has been too short and a single bill was green-lighted by a select few.

This bill has been rushed to the floor so it can be checked off a list of accomplishments. I wholeheartedly support the legislation's goal to better protect the health and safety of our Nation's miners, but in this case, we haven't gotten close to the goal. Improving mine safety can only happen when all parties work to get involved or are working together to achieve better results. It is shortsighted and, in essence, a shot in the dark before we see the true facts.

The bill being considered today takes harsh and punitive measures that does little to address mine safety but, rather, introduces dramatic regulatory changes and promotes unnecessary litigation which will hurt those mines and miners operating in good faith on behalf of worker safety. It imposes vague new standards for criminal liability, potentially criminalizing most infractions and subjecting officials to sanctions over which they have no direct control.

Any legislation should look at the industry in total, from the companies to the agencies regulating them, and this bill does not do that. If we are to truly get this right, we need to let the investigations move forward and work for a true mine safety bill that would secure the safety of our miners for generations to come.

Mr. GEORGE MILLER of California. I yield 3 minutes to the gentlewoman from California (Ms. WOOLSEY), the chair of the subcommittee.

Ms. WOOLSEY. I thank the gentleman for bringing this bill forward.

This is a proud day for me, as an original cosponsor of the Robert C.

Byrd Mine Safety Protection Act, because the health and safety of miners is finally receiving the attention that it deserves. With this legislation, we hope to prevent the appalling loss of life that continues to occur in the mining industry. The recent accident at Upper Big Branch mine in West Virginia once again proved this issue is too important to ignore, too devastating to delay.

It is true that working conditions for miners have improved over the years, but too many mine workers are still dying or are becoming ill as a result of incidents that were or are preventable had everyone been following the law. The loss of life and health of a worker is unacceptable. There is much more we can do and must do to keep miners as healthy and safe as possible. These miners and their families deserve to know that when they leave for work in the morning, they will return home that evening to their families and that they will be safe and that they will be healthy. H.R. 6495 accomplishes much of that goal for underground coal mines and gassy mines.

The bill makes it easier to identify and improve conditions at mines with serious and repeated violations and increases maximum criminal penalties for underground coal mines and sanctions on those who knowingly tamper with safety equipment. H.R. 6495 also provides more effective enforcement tools for MSHA, while strengthening whistleblower protections for miners and their families. Bringing mine safety protection into the 21st century provides solutions for better protection of miners throughout this country.

I only regret today that the important provisions from the Protecting America's Workers Act, PAWA, legislation that I introduced to amend the Occupational Safety and Health Act, the OSH Act, are not contained in H.R. 6495, because bringing OSHA into the 21st century would have made a long overdue change to the OSH Act, a law designed to protect the health and safety of millions of nonmining workers throughout the entire Nation.

So, Mr. Speaker, I will continue to support PAWA. But today we're supporting H.R. 6495, which is critical in protecting our miners, and I urge my colleagues to join me in supporting it.

□ 1350

Mr. GUTHRIE. Mr. Speaker, I continue to reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. HARE).

Mr. HARE. Mr. Speaker, today I rise in strong support of the Robert C. Byrd Mine Safety Protection Act of 2010 and for the rights of workers all across this great Nation. I would like to begin by thanking Chairman GEORGE MILLER and Chairwoman WOOLSEY for their tireless work on this bill.

As many of you know, I began my career on a factory floor and saw firsthand the inherent dangers that exist in a workplace. It is the dangerous working conditions I saw that continue to drive my commitment to making every workplace in America safe. Compromise is inevitable in Washington, D.C., but keeping our workers safe, healthy, and alive is nonnegotiable. I implore my colleagues on both sides of the aisle to remember that.

It is clear that we can no longer rely on a system of fines and citations to protect our miners. MSHA must have the ability to swiftly shut down unsafe mines in order to save lives. We must end the corporate culture of "profit at all costs" that treats workplace safety upgrades as a budget line item rather than a moral and legal priority.

Today, my colleagues, we have the opportunity to stand up and defend the rights and lives of countless American workers, and I ask you to join me in this great but never-ending fight. The bill before us today will overhaul the very system that has failed to provide adequate protections for our mine workers, each and every day, and I say, enough is enough. This bill puts forth commonsense reforms that are long overdue. It holds irresponsible mine operators accountable.

One of the most unforgettable and heartbreaking moments of my congressional career occurred at the Education and Labor Committee hearing on mine safety. During that hearing, a young boy whose father had perished in the Crandall Canyon Mine disaster came up to me and asked me if I could attend one of his soccer games because "his daddy was in heaven and couldn't go."

It is for the families like this that we need to put partisan politics aside and pass this critical legislation. Every worker deserves to come home safely at the end of the day, and this bill will go to great lengths to ensure that this is the reality for all of our Nation's mine workers.

I ask my colleagues to join me in standing up for all American workers and supporting this critical legislation.

Mr. GUTHRIE. Mr. Speaker, I continue to reserve.

Mr. GEORGE MILLER of California. I yield 1 minute to the gentlewoman from New Hampshire (Ms. SHEA-PORTER), a member of the committee.

Ms. SHEA-PORTER. Thank you, Chairman MILLER, for your leadership on this legislation which deals with issues that are literally a matter of life and death.

After the tragedy at the Upper Big Branch Mine, the committee went to Beckley, West Virginia, to hear directly from the families of the victims. Mr. Speaker, words cannot adequately describe the pain in the room on that day as witness after witness described how their loved ones went reluctantly to work at an unsafe job that ultimately would claim their lives.

This was not the first time we found ourselves sitting across the table from grieving family members who just lost loved ones in a tragedy. In 2007, after the Crandall Canyon Mine collapse, family members came to Washington to appear before the committee, and we heard the same stories.

We know that our mine safety laws are in dire need of improvement. MSHA knows it, and our miners and families know it also. For the miner and his or her family, this bill will make a world of difference, the difference between working in a safe environment or not, and in some cases the difference between coming home or not.

Our mine workers deserve our support. This bill gives support to them. I urge Members to support this.

Mr. GUTHRIE. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, in the days that followed the tragedy at the Upper Big Branch, Republicans joined many Members here on the House floor to mourn this tragedy. Our incoming chairman has said that our Nation would be searching for answers, and our response must follow a comprehensive review of how such a tragic event could have happened.

We had then, as we do today, a responsibility to look at the laws on the books and how those laws are being implemented and followed. We will in due course have the answers to many of those questions, but the rush to legislate means the answers will arrive too late to inform our debate and help ensure we are doing the right thing.

We are all committed to work in good faith to answer tough questions and pursue commonsense reforms that would enhance miner safety. Unfortunately, such a good faith process has not occurred. This legislation was crafted behind closed doors without input from Republican lawmakers concerned with miners' safety and pushed through the Education and Labor Committee.

Today, we are considering a different proposal developed through the same closed process. There has been no effort to consider or incorporate Republican ideas for strengthening mine safety. In fact, the majority was so focused on corraling votes with their own caucus that they modified this bill in the dark of night.

Throughout this process, the majority has taken out the carving knives, exempting a mine type here and a mine type there, hoping that the more of the bill they eliminate, the more support they will gather. How can anyone believe this is the best approach to meaningful mine safety?

It is unfortunate that we are here today under these circumstances. As I stated earlier, the miners and their families who deserve strong worker protections also deserve better than this bill. I urge my colleagues to vote

"no" so we can take the time to understand and respond to the tragedy in the Upper Big Branch Mine.

I yield back the balance of my time.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to thank the members of our committee, the Education and Labor Committee, who spoke today, Ms. WOOLSEY, who is the subcommittee chair, Mr. HARE, and Ms. SHEA-PORTER, for their commitment to worker safety, whether it is in mines, or construction sites, or factories, or anywhere else in America. They have demonstrated over and over again their commitment to these workers.

I also want to thank Mr. RAHALL for his support of this legislation. He has taught me a great deal, not just about mine safety, but about the culture of the communities that engage in this industry and in this employment and the impact that it has on them and their families when things go so very wrong in the mines with accidents, explosions, fires, and other incidents that take place.

Time and again when I have visited miners they have told me how he has stood with them and their families at the mine site and the accident site, if you will, in their churches, in their homes, out in their cars as they have slept overnight waiting to hear what the impact of the accident might be on their loved ones who are still inside of the mine, and I want to thank him for that kind of concern and for the help in drafting this legislation.

Mr. Chairman and members of the committee, I appreciate that the time is never right for my colleagues on the other side of the aisle to engage in worker safety legislation. The fact is, they or their staff were invited numerous times to participate in the drafting sessions. All they wanted to do was see the language, not participate. This is over an 8-month period of time, the consideration of this legislation, where we met with groups all across the mining community, employers, employees, communities, governors, enforcement agencies, Federal, State and local, and all of that together.

We worked with the mining companies themselves. I am very honored to have two letters, one from Patriot Coal, the CEO of Patriot Coal, and one from the CEO of CONSOL Energy, reflecting on the process that we went through to arrive at this legislation and the improvements that were made.

They were grateful for the extent to which they had been included in this process. I don't say they support this legislation and every item in it. But the fact of the matter is, this was a very open process, and it was open for one reason: Because we wanted the best answers to provide for the safety of these miners and the security of their families.

This bill has the support of those who go into the mines every day. This bill has the support of the families of those who go into the mines every day. Why? Because they know how badly the system has been gamed by mine owners who really don't care about the safety of their workers, of their miners, of the members of their communities.

Unfortunately, it is too many mine owners. It is a small number, but it impacts a huge number of miners who work in those mines, where they disregard the law, where they instruct people to do things that are in violation of the law, where they disrupt the inspection process, where they disrupt the enforcement process. That is how they run their companies.

We have watched it play out on the financial pages of the newspapers. One of the very large mining companies, Massey Energy, struggled with the idea of whether or not they could keep their CEO, who was so strongly identified, so strongly identified, with being against the interests of miners, of working people in violation of the law, of overlooking the safety concerns of their miners. Finally, they decided that he should retire. Unfortunately, they also decided he should go with a very big golden parachute. But the fact of the matter is, this is about protecting miners.

I want to also thank Chairman CONYERS of the Judiciary Committee and Mr. SCOTT of the Judiciary Committee for agreeing to this bill and letting us move it forward before the end of this session.

Finally, I want to thank a gentleman that Mr. RAHALL introduced us to, and that is Stanley "Goose" Stewart, who was one of our witnesses who captured the attention of this committee on a bipartisan basis, the Governor of the State, and Senator ROCKEFELLER from the State, as he explained what was going on in this mine to the detriment of the workers, leading to the deaths of these 29 men, and how they were prevented from speaking out, and how they were intimidated, and how people were discharged if they told the truth about what is taking place in the mines.

□ 1400

That's why this legislation is necessary, because there is no other place for these miners to go to get safety. There is no other place for them to go to get justice. There is no other place for them to go to get enforcement of the law. And it's only the law that keeps them in a safe working place. But, unfortunately, there are still mine owners in this day and age who insist that they have a right to violate that law.

Today if you do it, you get a slap on the wrist. Pass this law and it's a felony. And that's what's, unfortunately, necessary. We've tried it the other

way, with self-enforcement. We've tried it the other way, and it hasn't worked. I have interviewed too many families that have lost people in the mine, and the time has come to stop that. I urge my colleagues to support this legislation.

Let's honor the commitments that everybody makes the first 48 hours after one of these tragedies takes place that we are going to make sure it never happens again, but we haven't done it. But this is a big step forward. I thank my colleagues for their consideration of this legislation and urge their support.

Mr. HOLT. Mr. Speaker, I rise today in support of the Robert C. Byrd Mine Safety Protection Act, H.R. 6495.

As a scientist, I have paid some attention to mine safety technology and overall safety standards. I also feel strongly about the concerns of the mining industry because I was born and raised in West Virginia, where my father many years ago as a U.S. Senator, was known as one of the best friends a miner ever had.

Today, coal mining is rated among the most dangerous jobs in America. It does not have to be that way. In the wake of the Sago, Darby, Crandall Canyon, and the recent Big Branch mine tragedy, I was pleased to work with Chairman MILLER on the Committee on Education and Labor to write legislation that will hold negligent mine operators accountable and help the Mine Safety and Health Administration, MSHA, avoid future tragedies.

The Robert C. Byrd Mine Safety Protection Act would help make underground mines with long histories of serious and repeat violations safer. This bill would increase the maximum penalties for those who tamper with or disable safety equipment and replace the flawed "pattern or violations" sanction system with a rehabilitation program that is supported by mine workers and mine owners. Importantly, this bill protects miner's rights to blow the whistle when they know unsafe conditions exist.

My good friend Cecil Roberts, the International President of the United Mine Workers of America, wrote to us in support of this bill and to remind us that 48 coal miners have died this year. Further, 600 mine workers have lost their lives in the last decade "and thousands more have died from the crippling consequence of exposure to respirable coal dust—exposure resulting from chronic violation of existing standards."

Today we are updating our nation's laws to protect mine workers, make mines safer, and strengthen penalties for mine owners who put their workers in needless danger. We are doing this in memory of the coal miners who have lost their lives, to keep faith with their families, and to protect the lives of miners who still go to work every day.

Mr. GEORGE MILLER of California. I yield back the balance of my time.

The SPEAKER pro tempore (Mr. ETHERIDGE). The question is on the motion offered by the gentleman from California (Mr. GEORGE MILLER) that the House suspend the rules and pass the bill, H.R. 6495, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the yeas have it.

Mr. GUTHRIE. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on questions previously postponed.

Votes will be taken in the following order: adoption of House Resolution 1752, by the yeas and nays; and suspending the rules with regard to H.R. 6495, by the yeas and nays; H. Res. 1402, de novo; and H. Res. 1704, de novo.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

WAIVING REQUIREMENT OF CLAUSE 6(a) OF RULE XIII WITH RESPECT TO CONSIDERATION OF CERTAIN RESOLUTIONS AND PROVIDING FOR CONSIDERATION OF MOTIONS TO SUSPEND THE RULES

The SPEAKER pro tempore. The unfinished business is the vote on adoption of the resolution (H. Res. 1752) waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules, and providing for consideration of motions to suspend the rules, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the resolution.

The vote was taken by electronic device, and there were—yeas 215, nays 194, not voting 24, as follows:

[Roll No. 615]

YEAS—215

Ackerman
Andrews
Arcuri
Baca
Baldwin
Barrow
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano

Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Chu
Clarke
Clay
Clever
Clyburn
Connolly (VA)
Cooper
Costello
Courtney
Critz
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)

Davis (IL)
Davis (TN)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Doyle
Driedhaus
Edwards (MD)
Edwards (TX)
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster

Frank (MA)
Fudge
Garamendi
Giffords
Gonzalez
Grayson
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee
(TX)
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilroy
Kind
Kissell
Klein (FL)
Kosmas
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski

Loeb sack
Lofgren, Zoe
Lowey
Lujan
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNerney
Meek (FL)
Meeks (NY)
Melancon
Miller (NC)
Miller, George
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Nadler (NY)
Napolitano
Neal (MA)
Oberstar
Oliver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Peterson
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Richardson
Rodriguez
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush

Ryan (OH)
Salazar
Sánchez, Linda
T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schradner
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman
Schultz
Watson
Watt
Waxman
Weiner
Welch
Wilson (OH)
Woolsey
Wu
Yarmuth

NAYS—194

Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Austria
Bachmann
Bachus
Baird
Barrett (SC)
Bartlett
Barton (TX)
Bean
Biggart
Bilirakis
Bishop (UT)
Blackburn
Bocciari
Boehner
Bonner
Bono Mack
Boozman
Boren
Boustany
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Brown-Waite,
Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Campbell
Cantor
Cao
Capito
Cardoza
Carter

Cassidy
Castle
Chaffetz
Childers
Coble
Coffman (CO)
Cole
Conaway
Costa
Crenshaw
Culberson
Davis (KY)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Djou
Donnelly (IN)
Dreier
Duncan
Ehlers
Ellsworth
Emerson
Flake
Fleming
Forbes
Fortenberry
Fox
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey (GA)
Gohmert
Goodlatte
Graves (GA)
Graves (MO)
Guthrie
Hall (TX)
Harper
Hastings (WA)

Heller
Hensarling
Herger
Herseth Sandlin
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
King (IA)
King (NY)
Kingston
Kline (MN)
Kratovil
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel
E.
Mack
Manzullo
Marshall
Matheson
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon

Mica	Price (GA)	Simpson	Cardoza	Jackson (IL)	Peters	Guthrie	McCaul	Ros-Lehtinen
Michaud	Putnam	Smith (NE)	Carnahan	Jackson Lee	Pingree (ME)	Hall (TX)	McClintock	Ross
Miller (FL)	Reed	Smith (TX)	Carson (IN)	(TX)	Pollis (CO)	Harper	McCotter	Royce
Miller (MI)	Rehberg	Space	Castor (FL)	Johnson (GA)	Price (NC)	Hastings (WA)	McHenry	Ryan (OH)
Miller, Gary	Reichert	Stearns	Chandler	Johnson, E. B.	Rahall	Heller	McKeon	Ryan (WI)
Minnick	Roe (TN)	Stutzman	Chu	Jones	Rangel	Hensarling	Mica	Salazar
Mitchell	Rogers (AL)	Sullivan	Clarke	Kagen	Reyes	Herger	Miller (FL)	Scalise
Moran (KS)	Rogers (KY)	Taylor	Clay	Kanjorski	Richardson	Hersteth Sandlin	Miller (MI)	Schmidt
Murphy (NY)	Rogers (MI)	Terry	Cleaver	Kaptur	Rodriguez	Holden	Miller, Gary	Schock
Murphy, Tim	Rohrabacher	Thompson (PA)	Clyburn	Kennedy	Rothman (NJ)	Hunter	Minnick	Sensenbrenner
Myrick	Rooney	Thornberry	Connolly (VA)	Kildee	Roybal-Allard	Inglis	Moran (KS)	Sessions
Neugebauer	Ros-Lehtinen	Tiberi	Conyers	Kilroy	Ruppersberger	Issa	Murphy, Tim	Shadegg
Nunes	Roskam	Turner	Cooper	Kind	Rush	Jenkins	Myrick	Shimkus
Nye	Ross	Upton	Costello	Kissell	Sanchez, Linda	Johnson (IL)	Neugebauer	Shuster
Olson	Royce	Walden	Courtney	Klein (FL)	T.	Johnson, Sam	Nunes	Simpson
Paul	Ryan (WI)	Wamp	Critz	Koosmas	Sanchez, Loretta	Jordan (OH)	Olson	Smith (NE)
Paulsen	Scalise	Westmoreland	Kratovil	Kucinich	Sarbanes	King (IA)	Paul	Smith (NJ)
Pence	Schmidt	Whitfield	Cummings	Langevin	Schakowsky	King (NY)	Paulsen	Smith (TX)
Perriello	Schock	Wilson (SC)	Dahlkemper	Larsen (WA)	Schauer	Kingston	Pence	Stearns
Peters	Sensenbrenner	Wittman	Davis (CA)	Larson (CT)	Schiff	Kline (MN)	Perlmutter	Stutzman
Petri	Sessions	Wolf	Davis (IL)	Lee (CA)	Schrader	Lamborn	Peterson	Sullivan
Pitts	Shadegg	Young (AK)	DeFazio	Levin	Schwartz	Lance	Petri	Tanner
Platts	Shimkus	Young (FL)	DeGette	Lewis (GA)	Scott (GA)	Latham	Pitts	Terry
Poe (TX)	Shuler		DeLauro	Lipinski	Scott (VA)	LaTourette	Platts	Thompson (PA)
Posey	Shuster		Deutch	Loebsack	Serrano	Latta	Poe (TX)	Thornberry

NOT VOTING—24

Berry	Granger	Mollohan
Bilbray	Griffith	Obey
Blunt	Hoekstra	Quigley
Camp	Kilpatrick (MI)	Radanovich
Cohen	Kirkpatrick (AZ)	Smith (NJ)
Conyers	Marchant	Tiahrt
Delahunt	McMahon	Waters
Fallin	McMorris	
Gordon (TN)	Rodgers	

□ 1433

Messrs. NEUGEBAUER, BRADY of Texas, ISSA, and BARTON of Texas changed their vote from “yea” to “nay.”

Mr. OLIVER changed his vote from “nay” to “yea.”

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ROBERT C. BYRD MINE SAFETY PROTECTION ACT OF 2010

The SPEAKER pro tempore (Mr. CUELLAR). The unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 6495) to improve compliance with mine safety and health laws, empower miners to raise safety concerns, prevent future mine tragedies, and for other purposes, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. GEORGE MILLER) that the House suspend the rules and pass the bill, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 214, nays 193, not voting 26, as follows:

[Roll No. 616]

YEAS—214

Ackerman	Baldwin	Boswell
Adler (NJ)	Bean	Brady (PA)
Altmire	Becerra	Braley (IA)
Andrews	Berman	Brown, Corrine
Arcuri	Bishop (GA)	Butterfield
Baca	Bishop (NY)	Capps
Baird	Blumenauer	Capuano

Dicks	Dingell	Doggett	Doyle	Dryden	Edwards (MD)	Edwards (TX)	Ellison	Engel	Eshoo	Etheridge	Farr	Fattah	Filner	Foster	Frank (MA)	Fudge	Garamendi	Gonzalez	Grayson	Green, Al	Green, Gene	Grijalva	Gutierrez	Hall (NY)	Halvorson	Hare	Harman	Hastings (FL)	Heinrich	Higgins	Himes	Hinchey	Hinojosa	Hirono	Hodes	Holt	Honda	Hoyer	Inslee	Israel	Aderholt	Akin	Alexander	Austria	Bachmann	Bachus	Barrett (SC)	Barrow	Bartlett	Barton (TX)	Berkley	Biggert	Bilirakis	Bishop (UT)	Blackburn	Bocieri	Boehner	Bonner	Bono Mack	Boozman	Boren	Boustany	Boyd	Brady (TX)	Bright	Broun (GA)	Brown (SC)	Brown-Waite	Ginny	Buchanan	Burgess	Burton (IN)	Buyer	Calvert	Camp	Campbell	Cantor	Cao	Capito	Carney	Carter	Cassidy	Castle	Chaffetz	Childers	Coble	Coffman (CO)	Cole	Conaway	Costa	Crenshaw	Cuellar	Culberson	Davis (AL)	Davis (KY)	Davis (TN)	Dent	Diaz-Balart, L.	Diaz-Balart, M.	Djou	Donnelly (IN)	Dreier	Duncan	Ehlers	Ellsworth	Emerson	Flake	Fleming	Forbes	Fortenberry	Fox	Franks (AZ)	Frelinghuysen	Gallegly	Gerlach	Giffords	Gingrey (GA)	Gohmert	Goodlatte	Graves (GA)	Graves (MO)
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NAYS—193

Brown-Waite	Ginny	Buchanan	Burgess	Burton (IN)	Buyer	Calvert	Camp	Campbell	Cantor	Cao	Capito	Carney	Carter	Cassidy	Castle	Chaffetz	Childers	Coble	Coffman (CO)	Cole	Conaway	Costa	Crenshaw	Cuellar	Culberson	Davis (AL)	Davis (KY)	Davis (TN)	Dent	Diaz-Balart, L.	Diaz-Balart, M.	Djou	Donnelly (IN)	Dreier	Duncan	Ehlers	Ellsworth	Emerson	Flake	Fleming	Forbes	Fortenberry	Fox	Franks (AZ)	Frelinghuysen	Gallegly	Gerlach	Giffords	Gingrey (GA)	Gohmert	Goodlatte	Graves (GA)	Graves (MO)
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NOT VOTING—26

Berry	Granger	McMorris
Bilbray	Griffith	Rodgers
Blunt	Hill	Mollohan
Boucher	Hoekstra	Nadler (NY)
Cohen	Kilpatrick (MI)	Oberstar
Delahunt	Kirkpatrick (AZ)	Quigley
Fallin	Marchant	Radanovich
Garrett (NJ)	Marshall	Roskam
Gordon (TN)	McMahon	Tiahrt

□ 1441

Mr. POMEROY changed his vote from “yea” to “nay.”

So (two-thirds not being in the affirmative) the motion was rejected.

The result of the vote was announced as above recorded.

RECOGNIZING 50TH ANNIVERSARY OF NATIONAL COUNCIL FOR INTERNATIONAL VISITORS

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and agreeing to the resolution (H. Res. 1402) recognizing the 50th anniversary of the National Council for International Visitors, and expressing support for designation of February 16, 2011, as “Citizen Diplomacy Day,” as amended.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. KLEIN) that the House suspend the rules and agree to the resolution, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

RECORDED VOTE

Mr. CONNOLLY of Virginia. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 394, noes 13, answered “present” 1, not voting 25, as follows:

[Roll No. 617]

AYES—394

Ackerman	Crowley	Inglis
Aderholt	Cuellar	Inslee
Adler (NJ)	Culberson	Israel
Akin	Cummings	Issa
Alexander	Dahlkemper	Jackson (IL)
Altmire	Davis (AL)	Jackson Lee
Andrews	Davis (CA)	(TX)
Arcuri	Davis (IL)	Jenkins
Austria	Davis (KY)	Johnson (GA)
Baca	Davis (TN)	Johnson (IL)
Bachmann	DeFazio	Johnson, E. B.
Bachus	DeGette	Johnson, Sam
Baird	DeLauro	Jones
Baldwin	Dent	Jordan (OH)
Barrett (SC)	Diaz-Balart, L.	Kagen
Barrow	Diaz-Balart, M.	Kanjorski
Bean	Dicks	Kaptur
Becerra	Dingell	Kennedy
Berkley	Djou	Kildee
Berman	Doggett	Kilroy
Biggart	Donnelly (IN)	Kind
Bishop (GA)	Doyle	King (IA)
Bishop (NY)	Dreier	King (NY)
Bishop (UT)	Driehaus	Kissell
Blackburn	Duncan	Klein (FL)
Blumenauer	Edwards (MD)	Kline (MN)
Bocciari	Edwards (TX)	Kosmas
Boehner	Ehlers	Kratovil
Bonner	Emerson	Kucinich
Bono Mack	Engel	Lamborn
Boozman	Eshoo	Lance
Boren	Etheridge	Langevin
Boswell	Farr	Larsen (WA)
Boucher	Fattah	Larson (CT)
Boustany	Filner	Latham
Boyd	Fleming	LaTourette
Brady (PA)	Forbes	Latta
Brady (TX)	Fortenberry	Lee (CA)
Braley (IA)	Foster	Lee (NY)
Bright	Fox	Levin
Brown (SC)	Frank (MA)	Lewis (CA)
Brown, Corrine	Franks (AZ)	Lewis (GA)
Brown-Waite,	Frelinghuysen	Linder
Ginny	Fudge	Lipinski
Buchanan	Gallegly	LoBiondo
Burgess	Garamendi	Loebsack
Butterfield	Garrett (NJ)	Lofgren, Zoe
Buyer	Gerlach	Lowe
Calvert	Giffords	Lucas
Camp	Gingrey (GA)	Luetkemeyer
Campbell	Gonzalez	Luján
Cantor	Goodlatte	Lummis
Cao	Graves (MO)	Lungren, Daniel
Capito	Grayson	E.
Capps	Green, Al	Lynch
Capuano	Green, Gene	Mack
Cardoza	Grijalva	Maffei
Carnahan	Guthrie	Maloney
Carney	Gutierrez	Manzullo
Carson (IN)	Hall (NY)	Markey (CO)
Carter	Hall (TX)	Markey (MA)
Cassidy	Halvorson	Marshall
Castle	Hare	Matheson
Castor (FL)	Harman	Matsui
Chandler	Harper	McCarthy (CA)
Childers	Hastings (FL)	McCarthy (NY)
Chu	Hastings (WA)	McCaul
Clarke	Heinrich	McClintock
Clay	Heller	McCollum
Cleaver	Hensarling	McCotter
Clyburn	Herger	McDermott
Coble	Herseeth Sandlin	McGovern
Coffman (CO)	Higgins	McHenry
Cole	Himes	McIntyre
Conaway	Hinche	McKeon
Connolly (VA)	Hinojosa	McMahon
Conyers	Hirono	McNerney
Cooper	Hodes	Meek (FL)
Costa	Holden	Meeks (NY)
Costello	Holt	Melancon
Courtney	Honda	Mica
Crenshaw	Hoyer	Michaud
Critz	Hunter	Miller (FL)

Miller (MI)	Rehberg	Smith (NJ)
Miller (NC)	Reichert	Smith (TX)
Miller, Gary	Reyes	Smith (WA)
Miller, George	Richardson	Snyder
Minnick	Rodriguez	Space
Mitchell	Roe (TN)	Speier
Moore (KS)	Rogers (KY)	Spratt
Moore (WI)	Rogers (MI)	Stark
Moran (KS)	Rohrabacher	Stearns
Moran (VA)	Rooney	Stupak
Murphy (CT)	Ros-Lehtinen	Stutzman
Murphy (NY)	Roskam	Sullivan
Murphy, Patrick	Ross	Sutton
Murphy, Tim	Rothman (NJ)	Tanner
Myrick	Roybal-Allard	Taylor
Nadler (NY)	Royce	Teague
Napolitano	Ruppersberger	Terry
Neal (MA)	Rush	Thompson (CA)
Neugebauer	Ryan (OH)	Thompson (MS)
Nunes	Ryan (WI)	Thompson (PA)
Nye	Salazar	Thornberry
Oberstar	Sánchez, Linda	Tiberi
Obey	T.	Tierney
Olson	Sanchez, Loretta	Titus
Oliver	Sarbanes	Tonko
Ortiz	Scalise	Towns
Owens	Schakowsky	Tsongas
Pallone	Schauer	Turner
Pascrell	Schiff	Upton
Pastor (AZ)	Schmidt	Van Hollen
Paulsen	Schock	Visclosky
Payne	Schrader	Walden
Pence	Schwartz	Wamp
Perlmutter	Scott (GA)	Wasserman
Perriello	Scott (VA)	Schultz
Peters	Sensenbrenner	Waters
Peterson	Serrano	Watson
Petri	Sessions	Watt
Pingree (ME)	Sestak	Waxman
Pitts	Shadegg	Weiner
Platts	Shea-Porter	Welch
Polis (CO)	Sherman	Whitfield
Pomeroy	Shinkus	Wilson (OH)
Posey	Shuler	Wilson (SC)
Price (GA)	Shuster	Wittman
Price (NC)	Simpson	Wolf
Putnam	Sires	Woolsey
Rahall	Skelton	Wu
Rangel	Slaughter	Yarmuth
Reed	Smith (NE)	Young (FL)

NOES—13

Bartlett	Chaffetz	Poe (TX)
Barton (TX)	Flake	Westmoreland
Bilirakis	Graves (GA)	Young (AK)
Broun (GA)	Kingston	
Burton (IN)	Paul	

ANSWERED “PRESENT”—1

Gohmert

NOT VOTING—25

Berry	Gordon (TN)	McMorris
Bilbray	Granger	Rodgers
Blunt	Griffith	Mollohan
Cohen	Quigley	Radanovich
Delahunt	Hoekstra	Rogers (AL)
Deutch	Kilpatrick (MI)	Tiahrt
Ellison	Kirkpatrick (AZ)	Velázquez
Ellsworth	Marchant	Walz
Fallin		

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

□ 1449

So (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. DEUTCH. Mr. Speaker, during rollcall vote No. 617 on H.R. 1402, I was unavoidably detained. Had I been present, I would have voted “aye.”

HONORING 2500TH ANNIVERSARY OF BATTLE OF MARATHON

THE SPEAKER pro tempore. The unfinished business is the question on suspending the rules and agreeing to the resolution (H. Res. 1704) honoring the 2500th anniversary of the Battle of Marathon, as amended.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. KLEIN) that the House suspend the rules and agree to the resolution, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

RECORDED VOTE

Mr. GARAMENDI. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 359, noes 44, answered “present” 5, not voting 25, as follows:

[Roll No. 618]

AYES—359

Ackerman	Cardoza	Eshoo
Aderholt	Carnahan	Etheridge
Adler (NJ)	Carney	Farr
Akin	Carson (IN)	Fattah
Alexander	Carter	Filner
Altmire	Castle	Fleming
Andrews	Castor (FL)	Forbes
Arcuri	Chandler	Foster
Austria	Childers	Fox
Baca	Clarke	Frank (MA)
Bachmann	Clay	Franks (AZ)
Bachus	Cleaver	Frelinghuysen
Baird	Clyburn	Fudge
Baldwin	Coble	Gallegly
Barrett (SC)	Coffman (CO)	Garamendi
Barrow	Cole	Gerlach
Bean	Connolly (VA)	Giffords
Becerra	Cooper	Gonzalez
Berkley	Costa	Goodlatte
Berman	Costello	Grayson
Biggart	Courtney	Green, Al
Bilirakis	Crenshaw	Green, Gene
Bishop (GA)	Critz	Grijalva
Bishop (NY)	Crowley	Guthrie
Bishop (UT)	Cuellar	Gutierrez
Blackburn	Culberson	Hall (TX)
Blumenauer	Cummings	Halvorson
Bocciari	Dahlkemper	Hare
Boehner	Davis (AL)	Harman
Bonner	Davis (CA)	Harper
Bono Mack	Davis (IL)	Hastings (FL)
Boozman	Davis (TN)	Hastings (WA)
Boren	DeFazio	Heinrich
Boswell	DeGette	Hensarling
Boucher	DeLauro	Herseeth Sandlin
Boustany	Dent	Higgins
Boyd	Deutch	Himes
Brady (PA)	Diaz-Balart, L.	Hinche
Brady (TX)	Diaz-Balart, M.	Hinojosa
Braley (IA)	Dicks	Hirono
Bright	Dingell	Hodes
Brown (SC)	Djou	Holden
Brown, Corrine	Doggett	Holt
Buchanan	Donnelly (IN)	Honda
Burgess	Doyle	Hoyer
Burton (IN)	Dreier	Hunter
Butterfield	Driehaus	Inglis
Buyer	Duncan	Inslee
Calvert	Edwards (MD)	Israel
Camp	Edwards (TX)	Issa
Cao	Ehlers	Jackson (IL)
Capps	Ellison	Jackson Lee
Capuano	Engel	(TX)

Jenkins	Miller, Gary	Schakowsky
Johnson (GA)	Miller, George	Schauer
Johnson, E. B.	Minnick	Schiff
Johnson, Sam	Mitchell	Schmidt
Kagen	Moore (WI)	Schrader
Kanjorski	Moran (KS)	Schwartz
Kaptur	Moran (VA)	Scott (GA)
Kennedy	Murphy (CT)	Scott (VA)
Kildee	Murphy, Patrick	Serrano
Kilroy	Murphy, Tim	Sessions
King (NY)	Myrick	Sestak
Kingston	Nadler (NY)	Shadegg
Kissell	Napolitano	Shea-Porter
Klein (FL)	Neal (MA)	Sherman
Kline (MN)	Neugebauer	Shuler
Kosmas	Nye	Shuster
Kratovil	Oberstar	Sires
Kucinich	Obey	Skelton
Lamborn	Olson	Slaughter
Lance	Oliver	Smith (NJ)
Langevin	Ortiz	Smith (TX)
Larsen (WA)	Pallone	Smith (WA)
Larson (CT)	Pascarella	Snyder
Latham	Pastor (AZ)	Space
LaTourette	Paulsen	Speier
Latta	Payne	Spratt
Lee (CA)	Pence	Stark
Levin	Perlmutter	Stearns
Lewis (CA)	Perriello	Stupak
Lewis (GA)	Peters	Sullivan
Linder	Peterson	Sutton
Lipinski	Petri	Tanner
LoBlundo	Pitts	Teague
Loeb	Platts	Thompson (CA)
Lofgren, Zoe	Poe (TX)	Thompson (MS)
Lowey	Polis (CO)	Thompson (PA)
Lucas	Pomeroy	Thornberry
Luetkemeyer	Posey	Tiberi
Lujan	Price (GA)	Tierney
Lungren, Daniel	Price (NC)	Titus
E.	Putnam	Tonko
Lynch	Quigley	Towns
Mack	Rahall	Tsongas
Maffei	Rangel	Turner
Maloney	Reed	Upton
Manzullo	Reichert	Van Hollen
Markey (CO)	Reyes	Velázquez
Markey (MA)	Richardson	Visclosky
Matheson	Rodriguez	Walden
Matsui	Rogers (AL)	Walz
McCarthy (CA)	Rogers (KY)	Wamp
McCarthy (NY)	Rohrabacher	Wasserman
McCauley	Ros-Lehtinen	Schultz
McClintock	Roskam	Waters
McCollum	Ross	Watson
McCotter	Rothman (NJ)	Watt
McDermott	Roybal-Allard	Waxman
McGovern	Royce	Weiner
McHenry	Ruppersberger	Welch
McIntyre	Rush	Whitfield
McKeon	Ryan (OH)	Wilson (OH)
McMahon	Ryan (WI)	Wilson (SC)
McNerney	Salazar	Wittman
Meek (FL)	Sánchez, Linda	Wolf
Meeks (NY)	T.	Woolsey
Melancon	Sanchez, Loretta	Wu
Michaud	Sarbanes	Yarmuth
Miller (NC)	Scalise	Young (FL)

NOES—44

Bartlett	Graves (GA)	Paul
Barton (TX)	Graves (MO)	Rehberg
Broun (GA)	Heller	Roe (TN)
Brown-Waite,	Herger	Rogers (MI)
Ginny	Johnson (IL)	Rooney
Campbell	Jones	Schock
Cantor	Jordan (OH)	Sensenbrenner
Cassidy	Kind	Shimkus
Chaffetz	King (IA)	Simpson
Conaway	Lee (NY)	Smith (NE)
Davis (KY)	Lummis	Stutzman
Emerson	Mica	Taylor
Flake	Miller (FL)	Terry
Fortenberry	Miller (MI)	Westmoreland
Gingrey (GA)	Nunes	Young (AK)

ANSWERED "PRESENT"—5

Gohmert	Marshall	Owens
Hall (NY)	Murphy (NY)	

NOT VOTING—25

Berry	Chu	Ellsworth
Bliley	Cohen	Fallin
Blunt	Conyers	Garrett (NJ)
Capito	Delahunt	Gordon (TN)

Granger	Kirkpatrick (AZ)	Moore (KS)
Griffith	Marchant	Pingree (ME)
Hill	McMorris	Radanovich
Hoekstra	Rodgers	Tiahrt
Kilpatrick (MI)	Mollohan	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining on this vote.

□ 1456

So (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF SENATE AMENDMENT TO H.R. 3082, FULL-YEAR CONTINUING APPROPRIATIONS ACT, 2011

Mr. MCGOVERN, from the Committee on Rules, submitted a privileged report (Rept. No. 111-675) on the resolution (H. Res. 1755) providing for consideration of the Senate amendment to the bill (H.R. 3082) making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2010, and for other purposes, which was referred to the House Calendar and ordered to be printed.

Mr. MCGOVERN. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1755 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1755

Resolved, That upon adoption of this resolution it shall be in order to take from the Speaker's table the bill (H.R. 3082) making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2010, and for other purposes, with the Senate amendment thereto, and to consider in the House, without intervention of any point of order, a motion offered by the chair of the Committee on Appropriations or his designee that the House concur in the Senate amendment with the amendment printed in the report of the Committee on Rules accompanying this resolution. The Senate amendment and the motion shall be considered as read. The motion shall be debatable for one hour, with 40 minutes equally divided and controlled by the chair and ranking minority member of the Committee on Appropriations and 20 minutes equally divided and controlled by the chair and ranking minority member of the Committee on Energy and Commerce. The previous question shall be considered as ordered on the motion to final adoption without intervening motion.

The SPEAKER pro tempore. The gentleman from Massachusetts is recognized for 1 hour.

□ 1500

Mr. MCGOVERN. Mr. Speaker, for the purpose of debate only, I yield the

customary 30 minutes to the gentleman from Texas (Mr. SESSIONS). All time yielded during consideration of the rule is for debate only. I yield myself such time as I may consume.

GENERAL LEAVE

Mr. MCGOVERN. I also ask unanimous consent that all Members be given 5 legislative days in which to revise and extend their remarks on House Resolution 1755.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. MCGOVERN. Mr. Speaker, H. Res. 1755 provides for consideration of the Senate amendment to H.R. 3082. The rule makes in order a motion offered by the chair of the Committee on Appropriations or his designee that the House concur in the Senate amendment to H.R. 3082 with the amendment printed in the report of the Committee on Rules accompanying the resolution.

The rule provides 1 hour of debate on the motion, with 40 minutes equally divided and controlled by the chair and ranking minority member of the Committee on Appropriations and 20 minutes equally divided and controlled by the chair and ranking minority member of the Committee on Energy and Commerce. The rule waives all points of order against consideration of the motion. Finally, the rule provides that the Senate amendment and the motion shall be considered as read.

Mr. Speaker, today the House will consider the FY 2011 continuing resolution legislation that will fund the Federal Government for the remainder of fiscal year 2011. Additionally, this bill contains the food safety bill, as passed by the Senate, with minor technical corrections.

I am grateful to Mr. OBEY and Mr. DINGELL for their incredible leadership. Both these measures need to be passed. I urge my colleagues to support the rule and the underlying legislation.

I reserve the balance of my time.

Mr. SESSIONS. Mr. Speaker, I want to thank the gentleman from Massachusetts (Mr. MCGOVERN), my friend, for yielding me such time as I may consume today. And I want to thank the gentleman for the considerations that he has given me personally and professionally over the last year, and I would wish him the very best in this holiday season.

Mr. Speaker, I rise today in strong opposition to this completely closed rule and to the ill-conceived underlying legislation. Week after week, my friends on the other side of the aisle continue to bulldoze their massive spending and overregulations bill to the floor of the House with no Republican input and no regular order. As a matter of fact, even today at least one Member of the Democratic Party showed up with a darn good idea, and it was slam-dunked "no" on a party-line

basis. By the way, the Republicans voted for that good idea.

What was promised 4 years ago was that this House would be the most open, honest, and ethical Congress, by our current Speaker PELOSI when she took the gavel. But this has been the most closed, secretive, one-sided, and flawed Congress, I believe, in history, matching the previous Congress.

The American people asked for change, and I think they got far worse in the election to elect this current Congress. They received a Democrat Congress that didn't listen to the American people and a Congress that acts on its own interests and not the interests of the American people or the taxpayer. And that's why we suffer from such low numbers of support by the American people.

Mr. Speaker, soon that, however, will change. But today it is more of the same, and I am here to discuss the rule for the continuing resolution, known as a CR, for fiscal year 2011. It also includes the food safety bill which has been attached to that CR. So it is not a clean bill. My colleagues and I have not even had 24 hours to review the text of this legislation. This legislation, once again, continues to overspend and overregulate, a common theme over the last two Congresses. And we won't even use regular order to establish the process.

The underlying legislation is a CR to keep the government running through the rest of this fiscal year. The President has not signed one appropriations bill into law for this fiscal year, and our friends, the majority Democrats, have provided no budget. So this is their last-ditch effort to provide funding to keep the government running. Over the past 3 years, nondefense, non-homeland security, and nonveterans affairs discretionary spending has increased by a staggering 88 percent. In the meantime, the Nation's debt has risen to \$13.5 trillion—and that means that there is an additional \$4.5 billion in deficit spending every single day. There have been back to back yearly record deficits day after day after day. The unemployment rate has risen—it is now at 9.5 percent—for 18 consecutive months. I might add that it rose to 9.8 percent in the latest economic report.

This CR does nothing to reverse this trend and, instead, continues the unsustainable high rate of spending passed by the Democrat majority, aided by, supported, and abetted by the President of the United States, our President, Barack Obama. This includes more spending for Federal agencies that already had seen huge dollar increases with the stimulus bill in 2009.

Mr. Speaker, my Republican colleagues and I have pledged to cut non-security spending back to the fiscal levels of 2008, which would save the American taxpayers nearly \$100 billion for what will end up being the next

year of spending. Mr. Speaker, I believe that any responsible action by this House of Representatives should have been and should be to avoid raising the debt limit by making tough decisions today to avoid placing our children and our grandchildren in a further diminished position.

Mr. Speaker, I believe the American people, as they look at their own personal circumstances and as they look at the irresponsibility out of Washington, unfortunately continue to see taxing, borrowing, and spending as a national problem. And that has brought us nothing but the results of higher unemployment, more debt, more bankruptcy, more homes being lost, and more debt. Americans have called for this endless spree to end and for an era of fiscal discipline. I think, once again, even though we are after the election, that message continues to fall on deaf ears again today.

This country needs leaders who are willing to make tough decisions, fiscal decisions that will empower not only economic stability but also bring back to the American people jobs, the opportunity for them to be in a competitive marketplace and to understand that America must have jobs if we are going to provide our children and grandchildren with the future that they can believe in.

Once again, it is the Congress of the United States that continues to lead the effort of us towards higher deficits, higher unemployment, and higher problems for people back home. We disagree with that.

Mr. Speaker, as if the rampant spending wasn't enough, my colleagues, once again on the other side of the aisle, had to add what I consider to be an unfair and overregulated Senate food safety bill to the underlying legislation. Republicans remain committed to legislation that ensures the safety and security of America's food. However, this legislation comes at a heavy toll on producers and does virtually nothing to hold Federal bureaucrats accountable for their role in preventing food-borne illnesses. Oh, I'm sure we are going to hear about the number of people who get sick every year. We are going to blame everything on food processors and that process when, in fact, what we need to do is put rules and regulations in place that will better people's lives, and to allow the Federal Government to effectively work with consumers. That's not what this food safety bill does.

The food safety measures in the underlying bill impose significant regulatory and cost burdens on the food processing and food producing system.

□ 1510

It increases costs for food producers and, ultimately, consumers and does not require the Federal Drug Administration to spend one additional penny

on the inspection of food for safety purposes.

The bill expands the FDA's authority to dictate on farm production practices and performance standards. This means Congress is about to give the FDA, who is already overworked and has limited resources and even less expertise, the specific power to dictate to U.S. farmers how best to farm. Our Nation's farmers do not need more Federal Government bureaucrats who sit behind a desk in Washington telling them how to do their job.

Additionally, this legislation institutes and expands registration requirements for food processing facilities, which essentially amounts to a Federal license to be in the food business. This would make it unlawful to produce food without a registration license, allowing the FDA to suspend a company's registration, once again a big Federal empowered government in Washington, D.C., at the expense of jobs and the price that consumers have to pay.

Like any Federal agency, the FDA makes mistakes, yet this bill does nothing to ensure agriculture producers don't take massive financial losses caused by the mistake of the FDA. For example, in 2008 when the FDA mistakenly attributed an outbreak of salmonella to tomatoes, it cost the industry \$100 million.

Mr. Speaker, there is no way for us to legislate out of Washington, and there is no way to ensure that the FDA will not make such mistakes again in the future and wrongly implicate agriculture processing to food-borne disease outbreaks that can once again cause severe economic losses to the farmers and ranchers of America who cannot only not afford them, but who produce the highest quality of safety products anywhere in the world to American consumers. This is not going to be addressed properly in this legislation. It is simply about empowering Federal bureaucrats in Washington, D.C.

In an article in *The Wall Street Journal* from December 2, 2010, related to the food safety bill, it states that "food-borne illnesses have fallen by nearly one-third over the last decade, largely because businesses have already every incentive to police themselves." Yet this legislation gives the FDA new powers over the 2.2 million farms and the 28,000 food producers in America.

In true fashion, my Democrat colleagues continue to push their own agenda, overwhelming the American consumer. They have shut out Republicans over the last 4 years, and they continue to shut out common sense and the American people. Continuing on the path of reckless government spending will only put the United States further in debt, burdening future generations.

Mr. Speaker, we disagree with taxing, spending, and overregulating. Overregulation that increases costs to consumers and food producers will add just another fiscal restraint on families, not just in the congressional district that I represent, but all across this country. Congress must do a better job. We tax too much, we spend too much, we regulate too much, and we listen too little in this Congress.

Mr. Speaker, I think you can count me in that I oppose this rule and the underlying legislation.

I reserve the balance of my time.

Mr. McGOVERN. Mr. Speaker, I want to say to the gentleman from Texas, I thank him for his views. We always appreciate hearing his unique point of view. I thought that the election ended several weeks ago, but apparently it hasn't.

But I would just like to say for the record that we are in a difficult economy in large part because of the policies that were pursued by my friends on the other side of the aisle. We are in this debt that we are in now in large part because of tax cuts for mostly wealthy people that were not paid for; they took Bill Clinton's surplus and turned it into a deficit; a Medicare prescription drug bill that was double, triple the cost that it was advertised to be, not paid for; and two wars that are not paid for.

On top of that, when they were in charge, they let the financial industries do whatever the heck they wanted to do. They did, and they stuck it to the American people, and we are now trying to dig ourselves out of this economy.

I am sorry the gentleman is not for safer food safety measures, but let me just point out for the record that while the food supply in the United States is one of the safest in the world, each year about 76 million illnesses occur, more than 300,000 persons are hospitalized, and 5,000 die from food-borne illnesses.

An increasing portion of our food now comes from overseas, I am sad to say. Our food safety system was designed 100 years ago and was appropriate for a world in which most of our food was grown and processed domestically. Meanwhile, the FDA has struggled in recent years with outbreaks of food-borne illnesses and nationwide recalls of contaminated food from both domestic and foreign sources.

The food safety bill that we will be voting on today modernizes our food safety system to better prevent food-borne illness and respond to outbreaks. I can't believe that a food safety bill designed to protect the American people is somehow controversial, but everything that we propose, everything that this President has proposed they are against, so there is nothing new here.

Again, I would urge my colleagues to support the rule and the underlying bill.

I reserve the balance of my time.

Mr. SESSIONS. Mr. Speaker, as a matter of fact, I think the gentleman from Massachusetts is right. Much of what this President does propose and in these last two Congresses what they proposed, Republicans have objected to them, and it is for a simple reason: We don't want to support the things that don't work. We want to support the things that will help the American people not only to have a better economy and to take care of themselves, but we are not for growing the size of the Federal Government that is in our lives now, a food safety bill that will do what I believe is quite the reverse but will be expensive and will come at the cost of consumers bettering their ability to have a safe food chain.

Mr. Speaker, I would like to yield 3 minutes to the gentleman from Cheyenne, Oklahoma (Mr. LUCAS).

Mr. LUCAS. Mr. Speaker, I rise in opposition to this rule on the continuing resolution.

Mr. Speaker, among other things, I object to the inclusion of Senate language from S. 1510, the Food Safety Modernization Act.

Let me be perfectly clear: I believe our Nation has the safest food supply in the world. What we have here is another expansion of Federal power without benefit of thorough consideration. This is the stimulus package, cap-and-trade, ObamaCare all over again.

Members of the House Agriculture Committee have stood ready and willing to work on this legislation. Despite this, the present majority leadership tried to pass this under suspension of the rules and lost. Failing to learn the lesson of that vote, they then secured a closed rule and essentially rammed it through the House.

Now, in the closing days of this Congress, the Senate has sent us their version on a take-it-or-leave-it basis and included revenue provisions that, under the Constitution, must originate in the House. Faced with this dilemma, once again the present House leadership has chosen to short-circuit the legislative process by sticking this legislation on the continuing resolution.

This is the sort of nonsense that Americans rejected just a few weeks ago. Why isn't the present majority leadership listening?

Now, for sure, we may have differences. However, I am confident that an open and deliberative process would allow us to resolve these differences. Unfortunately, the present leadership has chosen a path that denies the minority the opportunity to participate. I am certain this is not how they would like to be treated.

Mr. Speaker, anyone who follows the current events knows that our food production system faces ongoing food

safety challenges. I just want to serve notice that I stand ready to work with my colleagues to address those challenges. I must ask my colleagues to vote "no" on the rule so that we can address those issues in regular order.

□ 1520

Mr. SESSIONS. In closing, Mr. Speaker, I want to thank the gentleman, Mr. LUCAS, the gentleman who was selected today by the new Republican majority this next Congress to be the Agriculture Committee chairman. The gentleman, Mr. LUCAS, spoke very clearly not only on behalf of farmers and ranchers across this country, but really on behalf of a group of people who are in the food chain of this country, who all the way up through grocery stores and providers of content make sure that the food safety lines of this country are properly taken care of.

There are so many food workers all across this country who have established not only high standards as a result of their advocacy for not just their job, but the greatest opportunity around the world for us to make sure that consumers get the benefit of clean food, the opportunity to know more about not only the caloric intake, but to make sure that the value of our food is held for consumers at a proper price.

The gentleman, Mr. LUCAS, has noted a number of times on the floor that this industry, the agricultural industry, and the supermarket industry really have taken steps to ensure that their products are not only safe and secure, but that consumers have an opportunity to understand how to utilize those products when they receive those products from a store, perhaps, or where they buy their products. And this is part of that chain that I believe that this legislation just misuses. And consumers, through their ability to use food, whether it's refrigeration, whether it's in cooking procedures, whether it's mixing these products, how they would hold these out certainly has a lot to do with the food safety and the aspects that come as a result of that.

Mr. Speaker, you have heard me say it over and over, but the American people I think expect something better and different. I must confess that in the near future that what we will do when Republicans come to the floor this next Congress starting January 5, we will take the legislation and run it through committees. We will include feedback and ideas from not just Republicans, but also the Democrats who want to be a part of this process, who get up and come to this town to represent their people, people who have elected them, people who have confidence in the way we do things.

Taxing, spending, overregulating is not the way that this Congress should run; and the American people feel that, unfortunately, so plainly. Today all

the way to the end, it is yet another example about how the American people see because they hear firsthand about overregulation, excessive spending, and continuation of more of the same.

So, Mr. Speaker, I would ask my colleagues to vote “no” on the underlying legislation, to vote “no” to stop the reckless fiscal policies that not only Speaker PELOSI but the Democratic Party have pursued over the last 4 years. Irresponsible not only in terms of the fiduciary responsibility that they had to openly discuss with the American people, the appropriations process, the budgeting process, but perhaps more importantly, I believe what is the responsibility of this body to work effectively as a purveyor of the taxpayer money in working with the administration.

All we have done is send them a signal, you go spend all the money you want, we will make it available to you, rather than an understanding of the give and take of the expectations of performance by the American people of where each of these dollars should be spent and what we should expect back in return. I think it's always bad when a blank check that's filled in is given to somebody without an understanding of that. The United States Government should not allow this. That will change.

A vote “no” is going to allow farmers and food producers also, because this bill is together, it's going to take away their rights, it's going to add more rules and regulations, it's going to add more government interference, it's going to get in the way of what I believe is a food safety issue.

It's time to end the idea of big government and big spending. We are here on the floor again to make sure that the American people understand this, that there is a group of people who will certainly see things differently.

But I would like to say, Mr. Speaker, we will show up with better ideas. Get ready, hope is on the way.

I yield back the balance of my time.

Mr. MCGOVERN. Mr. Speaker, I would like to thank the gentleman again for his comments and congratulate him and his party for their election victory. I look forward to voting for nothing but open rules next year. I also just want to say that we need to pass this rule so we can pass the continuing resolution, which is important, and to pass this food safety bill.

And, again, I am baffled by the controversy. Anybody who has watched the news over the last several years remembers tainted spinach, tainted eggs, recall after recall after recall. The fact is that our food safety system in this country needs to be strengthened and modernized. Everybody knows that.

I began my presentation today by listing the thousands and thousands and thousands of people who get sick

each year from tainted food. And my friends on the other side of the aisle stand up, and they are standing with the special interests rather than with the consumer. And I worry, quite frankly, about the direction of this Congress, because they are heart and soul with the corporate special interests, and they neglect time and time again the average consumer, the average worker. And that is what this bill is about, to protect the consumer from tainted food that we get from other countries. Why is this so controversial? I don't know.

So having said that, Mr. Speaker, I urge a “yes” vote on the previous question and on the rule.

Mr. STUPAK. Mr. Speaker, I rise in support of this rule and particularly the FDA Food Safety Modernization Act.

I want to thank Chairmen DINGELL, WAXMAN and PALLONE as well as the leadership for making this important legislation a priority.

The FDA Food Safety Modernization Act will provide the FDA with some of the resources and authorities it needs to effectively monitor our nation's food supply and prevent outbreaks of food borne illness.

As chairman of the Subcommittee on Oversight and Investigations, I have held 13 food safety hearings over the past four years examining the failures of the FDA and the food industry to protect our nation's food supply.

The findings of these investigations and related hearings highlighted the need for the first major overhaul of our food safety law in 70 years! Among its key provisions, the bill would establish a national food tracing system and provide the FDA with recall authority.

This food safety bill is not perfect but it is a dramatic improvement over current law. I urge the next Congress to look closely at providing the FDA a dedicated revenue stream for inspections, requiring country-of-origin labeling and finally giving the FDA the subpoena power it so badly needs.

Despite the lack of these provisions, this food safety bill is a good bill and one that deserves to be passed by the Congress and signed into law this year.

Mr. MCGOVERN. I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. SESSIONS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, this 15-minute vote on House Resolution 1755 will be followed by 5-minute votes on motions to suspend the rules on H.R. 4501, by the yeas and nays; and House Resolution 1746, de novo.

The vote was taken by electronic device, and there were—yeas 207, nays 206, not voting 21, as follows:

[Roll No. 619]

YEAS—207

Ackerman	Hare	Oliver
Andrews	Hastings (FL)	Ortiz
Arcuri	Heinrich	Owens
Baca	Higgins	Pallone
Baldwin	Hill	Pascarella
Barrow	Himes	Pastor (AZ)
Bean	Hinchey	Payne
Becerra	Hinojosa	Pelosi
Berkley	Hirono	Perlmutter
Berman	Hodes	Pingree (ME)
Bishop (GA)	Holden	Polis (CO)
Bishop (NY)	Holt	Pomeroy
Blumenauer	Honda	Price (NC)
Boswell	Hoyer	Quigley
Boucher	Inslee	Rahall
Brady (PA)	Israel	Rangel
Braley (IA)	Jackson (IL)	Reyes
Brown, Corrine	Jackson Lee	Richardson
Butterfield	(TX)	Rodriguez
Capps	Johnson (GA)	Rothman (NJ)
Capuano	Johnson, E. B.	Roybal-Allard
Carnahan	Kagen	Ruppersberger
Carney	Kanjorski	Ryan (OH)
Carson (IN)	Kaptur	Sánchez, Linda
Castor (FL)	Kennedy	T.
Chandler	Kildee	Sanchez, Loretta
Chu	Kilroy	Sarbanes
Clarke	Kind	Schakowsky
Clay	Kissell	Schauer
Cleaver	Klein (FL)	Schiff
Clyburn	Kosmas	Schrader
Connolly (VA)	Kucinich	Schwartz
Cooper	Larsen (WA)	Scott (GA)
Costello	Larson (CT)	Serrano
Critz	Lee (CA)	Sestak
Crowley	Levin	Shea-Porter
Cuellar	Lewis (GA)	Sherman
Cummings	Lipinski	Sires
Dahlkemper	Loebach	Skelton
Davis (CA)	Lofgren, Zoe	Slaughter
Davis (IL)	Lowe	Smith (WA)
Davis (TN)	Lujan	Snyder
DeFazio	Lynch	Space
DeGette	Maffei	Speier
DeLauro	Maloney	Spratt
Deutch	Markey (CO)	Stark
Dicks	Markey (MA)	Stupak
Dingell	Marshall	Sutton
Doggett	Matsui	Tanner
Doyle	McCarthy (NY)	Teague
Edwards (MD)	McCollum	Thompson (MS)
Edwards (TX)	McDermott	Tierney
Ellison	McGovern	Titus
Engel	McMahon	Tonko
Eshoo	McNerney	Towns
Etheridge	Meek (FL)	Tsongas
Farr	Meeks (NY)	Van Hollen
Fattah	Melancon	Velázquez
Filner	Miller (NC)	Visclosky
Foster	Miller, George	Walz
Frank (MA)	Mitchell	Wasserman
Fudge	Moore (KS)	Schultz
Garamendi	Moore (WI)	Waters
Gonzalez	Moran (VA)	Watson
Grayson	Murphy (CT)	Waxman
Green, Al	Murphy, Patrick	Weiner
Green, Gene	Napolitano	Welch
Grijalva	Neal (MA)	Wilson (OH)
Gutierrez	Oberstar	Woolsey
Halvorson	Obey	Yarmuth

NAYS—206

Aderholt	Boozman	Carter
Adler (NJ)	Boren	Cassidy
Akin	Boustany	Castle
Alexander	Boyd	Chaffetz
Altmire	Brady (TX)	Childers
Austria	Bright	Coble
Bachmann	Broun (GA)	Coffman (CO)
Bachus	Brown (SC)	Cole
Baird	Brown-Waite,	Conaway
Barrett (SC)	Ginny	Conyers
Bartlett	Buchanan	Costa
Barton (TX)	Burgess	Courtney
Biggert	Burton (IN)	Crenshaw
Bilirakis	Calvert	Culberson
Bishop (UT)	Camp	Davis (KY)
Blackburn	Campbell	Dent
Boccheri	Cantor	Diaz-Balart, L.
Boehner	Cao	Diaz-Balart, M.
Bonner	Capito	Djou
Bono Mack	Cardoza	Donnelly (IN)

Dreier
Driehaus
Duncan
Ehlers
Emerson
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Goodlatte
Graves (GA)
Graves (MO)
Guthrie
Hall (NY)
Hall (TX)
Harman
Harper
Hastings (WA)
Heller
Hensarling
Herger
Herseeth Sandlin
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
King (IA)
King (NY)
Kingston
Kline (MN)
Kratovil
Lamborn
Lance
Langevin
Latham
LaTourette

Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel
E.
Mack
Manzullo
Matheson
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McIntyre
McKeon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Minnick
Moran (KS)
Murphy (NY)
Murphy, Tim
Myrick
Nadler (NY)
Neugebauer
Nunes
Nye
Olson
Paul
Paulsen
Pence
Perriello
Peters
Peterson
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Reed
Rehberg

NOT VOTING—21

Berry
Bilbray
Blunt
Buyer
Cohen
Davis (AL)
Delahunt
Ellsworth

Fallin
Gordon (TN)
Granger
Griffith
Kilpatrick (MI)
Kirkpatrick (AZ)
Marchant

McMorris
Rodgers
Mollohan
Radanovich
Rush
Tiahrt
Wu

□ 1601

Messrs. BOEHNER, NADLER of New York, CONYERS, SCOTT of Virginia, BOYD, THOMPSON of California, and WATT changed their vote from “yea” to “nay.”

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GUARANTEE OF A LEGITIMATE DEAL ACT OF 2010

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 4501) to require certain return policies from businesses that purchase precious metals from consumers and solicit such transactions through an Internet website, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by

the gentleman from New York (Mr. WEINER) that the House suspend the rules and pass the bill, as amended.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 324, nays 81, not voting 28, as follows:

[Roll No. 620]

YEAS—324

Ackerman
Aderholt
Adler (NJ)
Altmire
Andrews
Arcuri
Austria
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Boccieri
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Bright
Brown (SC)
Brown, Corrine
Brown-Waite,
Ginny
Buchanan
Burgess
Butterfield
Calvert
Camp
Capito
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clarke
Clay
Clyburn
Coble
Cole
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Critz
Crowley
Cuellar
Cummings
Dahlkemper
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
DeLauro
Dent
Deutch
Dicks
Dingell
Doggett
Donnelly (IN)

Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Forbes
Fortenberry
Foster
Frank (MA)
Frelinghuysen
Fudge
Gallegly
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Graves (MO)
Grayson
Green, Al
Green, Gene
Grijalva
Guthrie
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Hensarling
Herger
Herseeth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Issa
Jackson (IL)
Jackson Lee
(TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Kagen
Kanjorski
Kennedy
Kildee
Kilroy
Kind
King (NY)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Latham

LaTourette
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Lipinski
Loebach
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lynch
Maffei
Maloney
Manzullo
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (NY)
McCaul
McCollum
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascarell
Pastor (AZ)
Paulsen
Payne
Perlmutter
Perriello
Peters
Peterson
Pingree (ME)
Pitts
Polis (CO)
Pomeroy
Price (NC)
Putnam
Quigley
Rahall
Rangel
Reed
Reichert

Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda
T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano

Sestak
Shea-Porter
Sherman
Shimkus
Shuler
Sires
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sutton
Tanner
Taylor
Teague
Thompson (CA)
Thompson (MS)
Tiberi
Tierney
Titus

NAYS—81

Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Bartlett
Barton (TX)
Boustany
Brady (TX)
Broun (GA)
Burton (IN)
Campbell
Cantor
Cao
Carter
Cassidy
Coffman (CO)
Conaway
Culberson
Davis (KY)
Diaz-Balart, L.
Diaz-Balart, M.
Djou
Emerson
Flake
Fleming
Foxx
Franks (AZ)

Garrett (NJ)
Graves (GA)
Hall (TX)
Heller
Hoekstra
Hunter
Inglis
Johnson, Sam
Jordan (OH)
King (IA)
Kingston
Lamborn
Lance
Latta
Linder
LoBiondo
Lungren, Daniel
E.
McCarthy (CA)
McClintock
McCotter
Myrick
Neugebauer
Nunes
Olson
Paul
Pence
Petri

Platts
Poe (TX)
Posey
Price (GA)
Rehberg
Rooney
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shuster
Simpson
Smith (NE)
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Wamp
Westmoreland
Young (AK)
Young (FL)

NOT VOTING—28

Berry
Bilbray
Blunt
Boehner
Buyer
Capps
Cleaver
Cohen
Davis (AL)
Delahunt

Ellsworth
Fallin
Garamendi
Gordon (TN)
Granger
Griffith
Jones
Kaptur
Kilpatrick (MI)
Kirkpatrick (AZ)

Marchant
McMorris
Rodgers
Mollohan
Radanovich
Ros-Lehtinen
Rush
Tiahrt
Wu

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. HOLDEN) (during the vote). There are 2 minutes remaining in this vote.

□ 1609

Ms. FOXX changed her vote from “yea” to “nay.”

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mrs. CAPPS. Mr. Speaker, on rollcall No. 620, had I been present, I would have voted “yea.”

RECOGNIZING EFFORTS OF WELCOME BACK VETERANS

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and agreeing to the resolution (H. Res. 1746) recognizing and supporting the efforts of Welcome Back Veterans to augment the services provided by the Departments of Defense and Veterans' Affairs in providing timely and world-class care for veterans and members of the Armed Forces suffering from PTSD and related psychiatric disorders, as amended.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Indiana (Mr. DONNELLY) that the House suspend the rules and agree to the resolution, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

RECORDED VOTE

Mr. QUIGLEY. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 409, noes 0, not voting 24, as follows:

[Roll No. 621]

AYES—409

Ackerman	Brown-Waite,	Dahlkemper
Aderholt	Ginny	Davis (CA)
Adler (NJ)	Buchanan	Davis (IL)
Akin	Burgess	Davis (KY)
Alexander	Burton (IN)	Davis (TN)
Altmire	Butterfield	DeFazio
Andrews	Calvert	DeGette
Arcuri	Camp	DeLauro
Austria	Campbell	Dent
Baca	Cantor	Deutch
Bachmann	Cao	Diaz-Balart, L.
Bachus	Capito	Diaz-Balart, M.
Baird	Capps	Dicks
Baldwin	Capuano	Dingell
Barrett (SC)	Cardoza	Djou
Barrow	Carman	Doggett
Bartlett	Carney	Donnelly (IN)
Barton (TX)	Carson (IN)	Doyle
Bean	Carter	Dreier
Becerra	Cassidy	Driehaus
Berkley	Castle	Duncan
Berman	Castor (FL)	Edwards (MD)
Biggart	Chaffetz	Edwards (TX)
Billirakis	Chandler	Ehlers
Bishop (GA)	Childers	Ellison
Bishop (NY)	Chu	Emerson
Bishop (UT)	Clarke	Engel
Blackburn	Clay	Eshoo
Blumenauer	Cleaver	Etheridge
Boccheri	Clyburn	Farr
Bonner	Coble	Fattah
Bono Mack	Coffman (CO)	Filner
Boozman	Cole	Flake
Boren	Conaway	Fleming
Boswell	Connolly (VA)	Forbes
Boucher	Conyers	Fortenberry
Boustany	Cooper	Foster
Boyd	Costa	Fox
Brady (PA)	Costello	Frank (MA)
Brady (TX)	Courtney	Frank (AZ)
Braley (IA)	Crenshaw	Frelinghuysen
Bright	Crowley	Fudge
Brown (GA)	Cuellar	Galleghy
Brown (SC)	Culberson	Garrett (NJ)
Brown, Corrine	Cummings	Gerlach

Giffords	Lynch	Roskam
Gingrey (GA)	Mack	Ross
Gohmert	Maffei	Rothman (NJ)
Gonzalez	Maloney	Roybal-Allard
Goodlatte	Manzullo	Royce
Gordon (TN)	Markey (CO)	Ruppersberger
Graves (GA)	Markey (MA)	Ryan (OH)
Graves (MO)	Marshall	Ryan (WI)
Grayson	Matheson	Salazar
Green, Al	Matsui	Sánchez, Linda
Green, Gene	McCarthy (CA)	T.
Grijalva	McCarthy (NY)	Sanchez, Loretta
Guthrie	McCaul	Sarbanes
Gutierrez	McClintock	Scalise
Hall (NY)	McCollum	Schakowsky
Hall (TX)	McCotter	Schauer
Halvorson	McDermott	Schiff
Hare	McGovern	Schmidt
Harman	McHenry	Schock
Harper	McIntyre	Schrader
Hastings (FL)	McKeon	Schwartz
Hastings (WA)	McMahon	Scott (GA)
Heinrich	McNerney	Scott (VA)
Heller	Meek (FL)	Sensenbrenner
Hensarling	Meeks (NY)	Serrano
Herger	Melancon	Sessions
Herseht Sandlin	Mica	Sestak
Higgins	Michaud	Shadegg
Hill	Miller (FL)	Shea-Porter
Himes	Miller (MI)	Sherman
Hinche	Miller (NC)	Shimkus
Hinojosa	Miller, Gary	Shuler
Hirono	Miller, George	Shuster
Hodes	Minnick	Simpson
Hoekstra	Mitchell	Sires
Holden	Moore (KS)	Skelton
Holt	Moore (WI)	Slaughter
Honda	Moran (KS)	Smith (NE)
Hoyer	Moran (VA)	Smith (NJ)
Hunter	Murphy (CT)	Smith (TX)
Inglis	Murphy (NY)	Smith (WA)
Inslee	Murphy, Patrick	Snyder
Israel	Murphy, Tim	Space
Issa	Myrick	Speier
Jackson (IL)	Nadler (NY)	Spratt
Jackson Lee	Napolitano	Stark
(TX)	Neal (MA)	Stearns
Jenkins	Neugebauer	Stupak
Johnson (GA)	Nunes	Nye
Johnson (IL)	Oberstar	Stutzman
Johnson, E. B.	Obey	Sullivan
Johnson, Sam	Olson	Sutton
Jordan (OH)	Oliver	Tanner
Kagen	Ortiz	Taylor
Kanjorski	Owens	Teague
Kaptur	Pallone	Terry
Kennedy	Pascarella	Thompson (CA)
Kildee	Pastor (AZ)	Thompson (MS)
Kilroy	Paul	Thompson (PA)
Kind	Paulsen	Thornberry
King (IA)	Payne	Tiberi
King (NY)	Pence	Tierney
Kingston	Perlmutter	Titus
Kissell	Perriello	Tonko
Klein (FL)	Peters	Towns
Kline (MN)	Peterson	Tsongas
Kosmas	Petri	Turner
Kratovil	Pingree (ME)	Upton
Kucinich	Pitts	Van Hollen
Lamborn	Platts	Velázquez
Lance	Poe (TX)	Visclosky
Langevin	Polis (CO)	Walden
Larsen (WA)	Pomeroy	Walz
Larson (CT)	Posey	Wamp
Latham	Price (GA)	Wasserman
LaTourette	Price (NC)	Schultz
Latta	Putnam	Waters
Lee (CA)	Quigley	Watson
Lee (NY)	Rahall	Watt
Levin	Rangel	Waxman
Lewis (CA)	Reed	Weiner
Lewis (GA)	Rehberg	Welch
Linder	Reichert	Westmoreland
Lipinski	Reyes	Whitfield
LoBiondo	Richardson	Wilson (OH)
Loebach	Rodriguez	Wilson (SC)
Lofgren, Zoe	Roe (TN)	Wittman
Lowey	Rogers (AL)	Wolf
Lucas	Rogers (KY)	Woolsey
Luetkemeyer	Rogers (MI)	Yarmuth
Lujan	Rohrabacher	Young (AK)
Lummis	Rooney	Young (FL)
Lungren, Daniel	Ros-Lehtinen	
E.		

NOT VOTING—24

Berry	Ellsworth	McMorris
Blibray	Fallin	Rodgers
Blunt	Garamendi	Mollohan
Boehner	Granger	Radanovich
Buyer	Griffith	Rush
Cohen	Jones	Tiahrt
Critz	Kilpatrick (MI)	Wu
Davis (AL)	Kirkpatrick (AZ)	
Delahunt	Marchant	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE
The SPEAKER pro tempore (during the vote). There are 2 minutes remaining on this vote.

□ 1617

So (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

FULL-YEAR CONTINUING APPROPRIATIONS ACT, 2011

Mr. OBEY. Mr. Speaker, pursuant to House Resolution 1755, I call up the bill (H.R. 3082) making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2010, and for other purposes, with the Senate amendment thereto, and I have a motion at the desk.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The Clerk will designate the Senate amendment.

The text of the Senate amendment is as follows:

Senate amendment:

Strike out all after the enacting clause and insert:

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2010, and for other purposes, namely:

TITLE I

DEPARTMENT OF DEFENSE MILITARY CONSTRUCTION, ARMY

For acquisition, construction, installation, and equipment of temporary or permanent public works, military installations, facilities, and real property for the Army as currently authorized by law, including personnel in the Army Corps of Engineers and other personal services necessary for the purposes of this appropriation, and for construction and operation of facilities in support of the functions of the Commander in Chief, \$3,477,673,000, to remain available until September 30, 2014: Provided, That of this amount, not to exceed \$191,573,000 shall be available for study, planning, design, architect and engineer services, and host nation support, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor: Provided further, That the amounts made available under this heading shall be expended for the projects and activities, and in the amounts specified, under this heading in the Committee recommendations and detail tables, including the table entitled "Military Construction Projects Listing by Location" in the report accompanying this Act.

MILITARY CONSTRUCTION, NAVY AND MARINE CORPS

For acquisition, construction, installation, and equipment of temporary or permanent public works, naval installations, facilities, and real property for the Navy and Marine Corps as currently authorized by law, including personnel in the Naval Facilities Engineering Command and other personal services necessary for the purposes of this appropriation, \$3,548,771,000, to remain available until September 30, 2014: Provided, That of this amount, not to exceed \$176,896,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor: Provided further, That the amounts made available under this heading shall be expended for the projects and activities, and in the amounts specified, under this heading in the Committee recommendations and detail tables, including the table entitled "Military Construction Projects Listing by Location" in the report accompanying this Act.

MILITARY CONSTRUCTION, AIR FORCE

For acquisition, construction, installation, and equipment of temporary or permanent public works, military installations, facilities, and real property for the Air Force as currently authorized by law, \$1,213,539,000, to remain available until September 30, 2014, of which \$9,800,000 shall be for an Aircraft Fuel Systems Maintenance Dock at Columbus AFB, Mississippi: Provided, That of this amount, not to exceed \$106,918,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor: Provided further, That the amounts made available under this heading shall be expended for the projects and activities, and in the amounts specified, under this heading in the Committee recommendations and detail tables, including the table entitled "Military Construction Projects Listing by Location" in the report accompanying this Act.

MILITARY CONSTRUCTION, DEFENSE-WIDE (INCLUDING TRANSFER OF FUNDS)

For acquisition, construction, installation, and equipment of temporary or permanent public works, installations, facilities, and real property for activities and agencies of the Department of Defense (other than the military departments), as currently authorized by law, \$3,069,114,000, to remain available until September 30, 2014: Provided, That such amounts of this appropriation as may be determined by the Secretary of Defense may be transferred to such appropriations of the Department of Defense available for military construction or family housing as the Secretary may designate, to be merged with and to be available for the same purposes, and for the same time period, as the appropriation or fund to which transferred: Provided further, That of the amount appropriated, not to exceed \$142,942,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor: Provided further, That the amounts made available under this heading shall be expended for the projects and activities, and in the amounts specified, under this heading in the Committee rec-

ommendations and detail tables, including the table entitled "Military Construction Projects Listing by Location" in the report accompanying this Act.

MILITARY CONSTRUCTION, ARMY NATIONAL GUARD

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Army National Guard, and contributions therefor, as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, \$497,210,000, to remain available until September 30, 2014: Provided, That the amounts made available under this heading shall be expended for the projects and activities, and in the amounts specified, under this heading in the Committee recommendations and detail tables, including the table entitled "Military Construction Projects Listing by Location" in the report accompanying this Act.

MILITARY CONSTRUCTION, AIR NATIONAL GUARD

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Air National Guard, and contributions therefor, as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, \$297,661,000, to remain available until September 30, 2014: Provided, That the amounts made available under this heading shall be expended for the projects and activities, and in the amounts specified, under this heading in the Committee recommendations and detail tables, including the table entitled "Military Construction Projects Listing by Location" in the report accompanying this Act.

MILITARY CONSTRUCTION, ARMY RESERVE

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Army Reserve as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, \$379,012,000, to remain available until September 30, 2014: Provided, That the amounts made available under this heading shall be expended for the projects and activities, and in the amounts specified, under this heading in the Committee recommendations and detail tables, including the table entitled "Military Construction Projects Listing by Location" in the report accompanying this Act.

MILITARY CONSTRUCTION, NAVY RESERVE

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the reserve components of the Navy and Marine Corps as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, \$64,124,000, to remain available until September 30, 2014: Provided, That the amounts made available under this heading shall be expended for the projects and activities, and in the amounts specified, under this heading in the Committee recommendations and detail tables, including the table entitled "Military Construction Projects Listing by Location" in the report accompanying this Act.

MILITARY CONSTRUCTION, AIR FORCE RESERVE

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Air Force Reserve as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, \$47,376,000, to remain available until September 30, 2014: Provided, That the amounts made available under this heading shall be expended for the projects and activities, and in the amounts specified, under this heading in the Committee recommendations and detail tables, including the table entitled "Military Construction Projects Listing by Location" in the report accompanying this Act.

NORTH ATLANTIC TREATY ORGANIZATION SECURITY INVESTMENT PROGRAM

For the United States share of the cost of the North Atlantic Treaty Organization Security Investment Program for the acquisition and construction of military facilities and installations (including international military headquarters) and for related expenses for the collective defense of the North Atlantic Treaty Area as authorized by section 2806 of title 10, United States Code, and Military Construction Authorization Acts, \$276,314,000, to remain available until expended: Provided, That of the amount appropriated, not to exceed \$41,400,000 shall be available for the United States share of the planning, design and construction of a new North Atlantic Treaty Organization headquarters.

FAMILY HOUSING CONSTRUCTION, ARMY

For expenses of family housing for the Army for construction, including acquisition, replacement, addition, expansion, extension, and alteration, as authorized by law, \$273,236,000, to remain available until September 30, 2014: Provided, That the amounts made available under this heading shall be expended for the projects and activities, and in the amounts specified, under this heading in the Committee recommendations and detail tables, including the table entitled "Military Construction Projects Listing by Location" in the report accompanying this Act.

FAMILY HOUSING OPERATION AND MAINTENANCE, ARMY

For expenses of family housing for the Army for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, \$523,418,000.

FAMILY HOUSING CONSTRUCTION, NAVY AND MARINE CORPS

For expenses of family housing for the Navy and Marine Corps for construction, including acquisition, replacement, addition, expansion, extension, and alteration, as authorized by law, \$146,569,000, to remain available until September 30, 2014: Provided, That the amounts made available under this heading shall be expended for the projects and activities, and in the amounts specified, under this heading in the Committee recommendations and detail tables, including the table entitled "Military Construction Projects Listing by Location" in the report accompanying this Act.

FAMILY HOUSING OPERATION AND MAINTENANCE, NAVY AND MARINE CORPS

For expenses of family housing for the Navy and Marine Corps for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, \$368,540,000.

FAMILY HOUSING CONSTRUCTION, AIR FORCE

For expenses of family housing for the Air Force for construction, including acquisition, replacement, addition, expansion, extension, and alteration, as authorized by law, \$66,101,000, to remain available until September 30, 2014: Provided, That the amounts made available under this heading shall be expended for the projects and activities, and in the amounts specified, under this heading in the Committee recommendations and detail tables, including the table entitled "Military Construction Projects Listing by Location" in the report accompanying this Act.

FAMILY HOUSING OPERATION AND MAINTENANCE, AIR FORCE

For expenses of family housing for the Air Force for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, \$502,936,000.

FAMILY HOUSING CONSTRUCTION, DEFENSE-WIDE

For expenses of family housing for the activities and agencies of the Department of Defense (other than the military departments) for construction, including acquisition, replacement, addition, expansion, extension and alteration, as authorized by law, \$2,859,000, to remain available until September 30, 2014: Provided, That the amounts made available under this heading shall be expended for the projects and activities, and in the amounts specified, under this heading in the Committee recommendations and detail tables, including the table entitled "Military Construction Projects Listing by Location" in the report accompanying this Act.

FAMILY HOUSING OPERATION AND MAINTENANCE, DEFENSE-WIDE

For expenses of family housing for the activities and agencies of the Department of Defense (other than the military departments) for operation and maintenance, leasing, and minor construction, as authorized by law, \$49,214,000.

DEPARTMENT OF DEFENSE FAMILY HOUSING IMPROVEMENT FUND

For the Department of Defense Family Housing Improvement Fund, \$2,600,000, to remain available until expended, for family housing initiatives undertaken pursuant to section 2883 of title 10, United States Code, providing alternative means of acquiring and improving military family housing and supporting facilities.

HOMEOWNERS ASSISTANCE FUND

For the Homeowners Assistance Fund established by section 1013 of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3374), as amended by section 1001 of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5; 123 Stat. 194), \$373,225,000, to remain available until expended.

CHEMICAL DEMILITARIZATION CONSTRUCTION, DEFENSE-WIDE

For expenses of construction, not otherwise provided for, necessary for the destruction of the United States stockpile of lethal chemical agents and munitions in accordance with section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521), and for the destruction of other chemical warfare materials that are not in the chemical weapon stockpile, as currently authorized by law, \$151,541,000, to remain available until September 30, 2014, which shall be only for the Assembled Chemical Weapons Alternatives program: Provided, That the amounts made available under this heading shall be expended for the projects and activities, and in the amounts specified, under this heading in the Committee recommendations and detail tables, including the table entitled "Military Construction Projects Listing by Location" in the report accompanying this Act.

DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT 1990

For deposit into the Department of Defense Base Closure Account 1990, established by section 2906(a)(1) of the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. 2687 note), \$421,768,000, to remain available until expended.

DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT 2005

For deposit into the Department of Defense Base Closure Account 2005, established by section 2906A(a)(1) of the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. 2687 note), \$7,479,498,000, to remain available until expended: Provided, That the Department of Defense shall notify the Committees on Appropriations of both Houses of Congress 14 days prior to obligating an amount for a construction project that exceeds or reduces the amount identified for that project in the most recently sub-

mitted budget request for this account by 20 percent or \$2,000,000, whichever is less: Provided further, That the previous proviso shall not apply to projects costing less than \$5,000,000, except for those projects not previously identified in any budget submission for this account and exceeding the minor construction threshold under 10 U.S.C. 2805.

ADMINISTRATIVE PROVISIONS

SEC. 101. None of the funds made available in this title shall be expended for payments under a cost-plus-a-fixed-fee contract for construction, where cost estimates exceed \$25,000, to be performed within the United States, except Alaska, without the specific approval in writing of the Secretary of Defense setting forth the reasons therefor.

SEC. 102. Funds made available in this title for construction shall be available for hire of passenger motor vehicles.

SEC. 103. Funds made available in this title for construction may be used for advances to the Federal Highway Administration, Department of Transportation, for the construction of access roads as authorized by section 210 of title 23, United States Code, when projects authorized therein are certified as important to the national defense by the Secretary of Defense.

SEC. 104. None of the funds made available in this title may be used to begin construction of new bases in the United States for which specific appropriations have not been made.

SEC. 105. None of the funds made available in this title shall be used for purchase of land or land easements in excess of 100 percent of the value as determined by the Army Corps of Engineers or the Naval Facilities Engineering Command, except: (1) where there is a determination of value by a Federal court; (2) purchases negotiated by the Attorney General or the designee of the Attorney General; (3) where the estimated value is less than \$25,000; or (4) as otherwise determined by the Secretary of Defense to be in the public interest.

SEC. 106. None of the funds made available in this title shall be used to: (1) acquire land; (2) provide for site preparation; or (3) install utilities for any family housing, except housing for which funds have been made available in annual Acts making appropriations for military construction.

SEC. 107. None of the funds made available in this title for minor construction may be used to transfer or relocate any activity from one base or installation to another, without prior notification to the Committees on Appropriations of both Houses of Congress.

SEC. 108. None of the funds made available in this title may be used for the procurement of steel for any construction project or activity for which American steel producers, fabricators, and manufacturers have been denied the opportunity to compete for such steel procurement.

SEC. 109. None of the funds available to the Department of Defense for military construction or family housing during the current fiscal year may be used to pay real property taxes in any foreign nation.

SEC. 110. None of the funds made available in this title may be used to initiate a new installation overseas without prior notification to the Committees on Appropriations of both Houses of Congress.

SEC. 111. None of the funds made available in this title may be obligated for architect and engineer contracts estimated by the Government to exceed \$500,000 for projects to be accomplished in Japan, in any North Atlantic Treaty Organization member country, or in countries bordering the Arabian Sea, unless such contracts are awarded to United States firms or United States firms in joint venture with host nation firms.

SEC. 112. None of the funds made available in this title for military construction in the United

States territories and possessions in the Pacific and on Kwajalein Atoll, or in countries bordering the Arabian Sea, may be used to award any contract estimated by the Government to exceed \$1,000,000 to a foreign contractor: Provided, That this section shall not be applicable to contract awards for which the lowest responsive and responsible bid of a United States contractor exceeds the lowest responsive and responsible bid of a foreign contractor by greater than 20 percent: Provided further That this section shall not apply to contract awards for military construction on Kwajalein Atoll for which the lowest responsive and responsible bid is submitted by a Marshallese contractor.

SEC. 113. The Secretary of Defense is to inform the appropriate committees of both Houses of Congress, including the Committees on Appropriations, of the plans and scope of any proposed military exercise involving United States personnel 30 days prior to its occurring, if amounts expended for construction, either temporary or permanent, are anticipated to exceed \$100,000.

SEC. 114. Not more than 20 percent of the funds made available in this title which are limited for obligation during the current fiscal year shall be obligated during the last two months of the fiscal year.

(INCLUDING TRANSFER OF FUNDS)

SEC. 115. Funds appropriated to the Department of Defense for construction in prior years shall be available for construction authorized for each such military department by the authorizations enacted into law during the current session of Congress.

SEC. 116. For military construction or family housing projects that are being completed with funds otherwise expired or lapsed for obligation, expired or lapsed funds may be used to pay the cost of associated supervision, inspection, overhead, engineering and design on those projects and on subsequent claims, if any.

SEC. 117. Notwithstanding any other provision of law, any funds made available to a military department or defense agency for the construction of military projects may be obligated for a military construction project or contract, or for any portion of such a project or contract, at any time before the end of the fourth fiscal year after the fiscal year for which funds for such project were made available, if the funds obligated for such project: (1) are obligated from funds available for military construction projects; and (2) do not exceed the amount appropriated for such project, plus any amount by which the cost of such project is increased pursuant to law.

SEC. 118. (a) The Secretary of Defense, in consultation with the Secretary of State, shall submit to the Committees on Appropriations of both Houses of Congress, by February 15 of each year, an annual report in unclassified and, if necessary, classified form, on actions taken by the Department of Defense and the Department of State during the previous fiscal year to encourage host countries to assume a greater share of the common defense burden of such countries and the United States.

(b) The report under subsection (a) shall include a description of—

(1) attempts to secure cash and in-kind contributions from host countries for military construction projects;

(2) attempts to achieve economic incentives offered by host countries to encourage private investment for the benefit of the United States Armed Forces;

(3) attempts to recover funds due to be paid to the United States by host countries for assets deeded or otherwise imparted to host countries upon the cessation of United States operations at military installations;

(4) the amount spent by host countries on defense, in dollars and in terms of the percent of

gross domestic product (GDP) of the host country; and

(5) for host countries that are members of the North Atlantic Treaty Organization (NATO), the amount contributed to NATO by host countries, in dollars and in terms of the percent of the total NATO budget.

(c) In this section, the term “host country” means other member countries of NATO, Japan, South Korea, and United States allies bordering the Arabian Sea.

(INCLUDING TRANSFER OF FUNDS)

SEC. 119. In addition to any other transfer authority available to the Department of Defense, proceeds deposited to the Department of Defense Base Closure Account established by section 207(a)(1) of the Defense Authorization Amendments and Base Closure and Realignment Act (10 U.S.C. 2687 note) pursuant to section 207(a)(2)(C) of such Act, may be transferred to the account established by section 2906(a)(1) of the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. 2687 note), to be merged with, and to be available for the same purposes and the same time period as that account.

(INCLUDING TRANSFER OF FUNDS)

SEC. 120. Subject to 30 days prior notification to the Committees on Appropriations of both Houses of Congress, such additional amounts as may be determined by the Secretary of Defense may be transferred to: (1) the Department of Defense Family Housing Improvement Fund from amounts appropriated for construction in “Family Housing” accounts, to be merged with and to be available for the same purposes and for the same period of time as amounts appropriated directly to the Fund; or (2) the Department of Defense Military Unaccompanied Housing Improvement Fund from amounts appropriated for construction of military unaccompanied housing in “Military Construction” accounts, to be merged with and to be available for the same purposes and for the same period of time as amounts appropriated directly to the Fund: Provided, That appropriations made available to the Funds shall be available to cover the costs, as defined in section 502(5) of the Congressional Budget Act of 1974, of direct loans or loan guarantees issued by the Department of Defense pursuant to the provisions of subchapter IV of chapter 169 of title 10, United States Code, pertaining to alternative means of acquiring and improving military family housing, military unaccompanied housing, and supporting facilities.

SEC. 121. (a) Not later than 60 days before issuing any solicitation for a contract with the private sector for military family housing the Secretary of the military department concerned shall submit to the Committees on Appropriations of both Houses of Congress the notice described in subsection (b).

(b)(1) A notice referred to in subsection (a) is a notice of any guarantee (including the making of mortgage or rental payments) proposed to be made by the Secretary to the private party under the contract involved in the event of—

(A) the closure or realignment of the installation for which housing is provided under the contract;

(B) a reduction in force of units stationed at such installation; or

(C) the extended deployment overseas of units stationed at such installation.

(2) Each notice under this subsection shall specify the nature of the guarantee involved and assess the extent and likelihood, if any, of the liability of the Federal Government with respect to the guarantee.

(INCLUDING TRANSFER OF FUNDS)

SEC. 122. In addition to any other transfer authority available to the Department of Defense, amounts may be transferred from the accounts established by sections 2906(a)(1) and

2906A(a)(1) of the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. 2687 note), to the fund established by section 1013(d) of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3374) to pay for expenses associated with the Homeowners Assistance Program incurred under 42 U.S.C. 3374(a)(1)(A). Any amounts transferred shall be merged with and be available for the same purposes and for the same time period as the fund to which transferred.

SEC. 123. Funds made available in this title for operation and maintenance of family housing shall be the exclusive source of funds for repair and maintenance of all family housing units, including general or flag officer quarters: Provided, That not more than \$35,000 per unit may be spent annually for the maintenance and repair of any general or flag officer quarters without 30 days prior notification to the Committees on Appropriations of both Houses of Congress, except that an after-the-fact notification shall be submitted if the limitation is exceeded solely due to costs associated with environmental remediation that could not be reasonably anticipated at the time of the budget submission: Provided further, That the Under Secretary of Defense (Comptroller) is to report annually to the Committees on Appropriations of both Houses of Congress all operation and maintenance expenditures for each individual general or flag officer quarters for the prior fiscal year.

SEC. 124. Amounts contained in the Ford Island Improvement Account established by subsection (h) of section 2814 of title 10, United States Code, are appropriated and shall be available until expended for the purposes specified in subsection (i)(1) of such section or until transferred pursuant to subsection (i)(3) of such section.

(INCLUDING TRANSFER OF FUNDS)

SEC. 125. None of the funds made available in this title, or in any Act making appropriations for military construction which remain available for obligation, may be obligated or expended to carry out a military construction, land acquisition, or family housing project at or for a military installation approved for closure, or at a military installation for the purposes of supporting a function that has been approved for realignment to another installation, in 2005 under the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note), unless such a project at a military installation approved for realignment will support a continuing mission or function at that installation or a new mission or function that is planned for that installation, or unless the Secretary of Defense certifies that the cost to the United States of carrying out such project would be less than the cost to the United States of cancelling such project, or if the project is at an active component base that shall be established as an enclave or in the case of projects having multi-agency use, that another Government agency has indicated it will assume ownership of the completed project. The Secretary of Defense may not transfer funds made available as a result of this limitation from any military construction project, land acquisition, or family housing project to another account or use such funds for another purpose or project without the prior approval of the Committees on Appropriations of both Houses of Congress. This section shall not apply to military construction projects, land acquisition, or family housing projects for which the project is vital to the national security or the protection of health, safety, or environmental quality: Provided, That the Secretary of Defense shall notify the congressional defense committees within seven days of a decision to carry out such a military construction project.

(INCLUDING TRANSFER OF FUNDS)

SEC. 126. During the 5-year period after appropriations available in this Act to the Department of Defense for military construction and family housing operation and maintenance and construction have expired for obligation, upon a determination that such appropriations will not be necessary for the liquidation of obligations or for making authorized adjustments to such appropriations for obligations incurred during the period of availability of such appropriations, unobligated balances of such appropriations may be transferred into the appropriation “Foreign Currency Fluctuations, Construction, Defense”, to be merged with and to be available for the same time period and for the same purposes as the appropriation to which transferred.

SEC. 127. Amounts appropriated or otherwise made available in an account funded under the headings in this title may be transferred among projects and activities within that account in accordance with the reprogramming guidelines for military construction and family housing construction contained in the report accompanying this Act, and in the guidance for military construction reprogrammings and notifications contained in Department of Defense Financial Management Regulation 7000.14–R, Volume 3, Chapter 7, of December 1996, as in effect on the date of enactment of this Act.

SEC. 128. (a) During each of fiscal years 2010 through 2014, the Secretary of Defense shall submit to the congressional defense committees a report analyzing alternative designs for any major construction projects requested in that fiscal year related to the security of strategic nuclear weapons facilities.

(b) The report shall examine, with regard to each alternative—

(1) the costs, including full life cycle costs; and

(2) the benefits, including security enhancements.

SEC. 129. Not later than each of April 15, 2010, July 15, 2010, and October 15, 2010, the Secretary of Defense shall submit to the congressional defense committees a consolidated report from each of the military departments and Defense agencies identifying, by project and dollar amount, bid savings resulting from cost and scope variations pursuant to section 2853 of title 10, United States Code, exceeding 25 percent of the appropriated amount for military construction projects funded by this Act, the Supplemental Appropriations Act, 2009 (Public Law 111–32), and the Military Construction and Veterans Affairs Appropriations Act, 2009 (division E of Public Law 110–329), including projects funded through the regular military construction accounts, the Department of Defense Base Closure Account 2005, and the overseas contingency operations military construction accounts.

SEC. 130. (a) Of the funds appropriated or otherwise made available by this title under the heading “DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT, 2005”, \$450,000 shall be available for the Secretary of Defense to enter into an arrangement with the National Academy of Sciences to conduct a study through the Transportation Research Board of Federal funding of transportation improvements to accommodate installation growth associated with the 2005 Defense Base Closure and Realignment (BRAC) program.

(b) The study conducted pursuant to subsection (a) shall—

(1) examine case studies of congestion caused on metropolitan road and transit facilities when BRAC requirements cause shifts in personnel to occur faster than facilities can be improved through the usual State and local processes;

(2) review the criteria used by the Defense Access Roads (DAR) program for determining the

eligibility of transportation projects and the appropriate Department of Defense share of public highway and transit improvements in BRAC cases;

(3) assess the adequacy of current Federal surface transportation and Department of Defense programs that fund highway and transit improvements in BRAC cases to mitigate transportation impacts in urban areas with pre-existing traffic congestion and saturated roads;

(4) identify promising approaches for funding road and transit improvements and streamlining transportation project approvals in BRAC cases; and

(5) provide recommendations for modifications of current policy for the DAR and Office of Economic Adjustment programs, including funding strategies, road capacity assessments, eligibility criteria, and other government policies and programs the National Academy of Sciences may identify, to mitigate the impact of BRAC-related installation growth on preexisting urban congestion.

(c) The Secretary of Defense shall enter into an arrangement with the National Academy of Sciences to provide the study conducted pursuant to subsection (a) by not later than 45 days after the date of the enactment of the Act.

(d)(1) Not later than May 15, 2010, the National Academy of Sciences shall provide an interim report of its findings to the Secretary of Defense and the Committees on Armed Services and Appropriations of the Senate and the House of Representatives.

(2) Not later than January 31, 2011, the National Academy of Sciences shall provide a final report of its findings to the Secretary of Defense and the Committees on Armed Services and Appropriations of the Senate and the House of Representatives.

SEC. 131. (a)(1) The amount appropriated or otherwise made available by this title under the heading "MILITARY CONSTRUCTION, AIR FORCE" is hereby increased by \$37,500,000.

(2) Of the amount appropriated or otherwise made available by this title under the heading "MILITARY CONSTRUCTION, AIR FORCE", as increased by paragraph (1), \$37,500,000 shall be available for construction of an Unmanned Aerial System Field Training Complex at Holloman Air Force Base, New Mexico.

(b) Of the amount appropriated or otherwise made available by title I of the Military Construction and Veterans Affairs Appropriations Act, 2009 (division E of Public Law 110-329; 122 Stat. 3692) under the heading "MILITARY CONSTRUCTION, AIR FORCE" and available for the purpose of Unmanned Aerial System Field Training facilities construction, \$38,500,000 is hereby rescinded.

SEC. 132. (a)(1) The amount appropriated or otherwise made available by this title under the heading "MILITARY CONSTRUCTION, DEFENSE-WIDE" is hereby increased by \$68,500,000, with the amount of such increase to remain available until September 30, 2014.

(2) Of the amount appropriated or otherwise made available by this title under the heading "MILITARY CONSTRUCTION, DEFENSE-WIDE", as increased by paragraph (1), \$68,500,000 shall be available for the construction of an Aegis Ashore Test Facility at the Pacific Missile Range Facility, Hawaii.

(b) Of the amount appropriated or otherwise made available by title I of the Military Construction and Veterans Affairs Appropriations Act, 2009 (division E of Public Law 110-329; 122 Stat. 3692) under the heading "MILITARY CONSTRUCTION, DEFENSE-WIDE" and available for the purpose of European Ballistic Missile Defense program construction, \$69,500,000 is hereby rescinded.

TITLE II

DEPARTMENT OF VETERANS AFFAIRS

VETERANS BENEFITS ADMINISTRATION

COMPENSATION AND PENSIONS

(INCLUDING TRANSFER OF FUNDS)

For the payment of compensation benefits to or on behalf of veterans and a pilot program for disability examinations as authorized by section 107 and chapters 11, 13, 18, 51, 53, 55, and 61 of title 38, United States Code; pension benefits to or on behalf of veterans as authorized by chapters 15, 51, 53, 55, and 61 of title 38, United States Code; and burial benefits, the Reinstated Entitlement Program for Survivors, emergency and other officers' retirement pay, adjusted-service credits and certificates, payment of premiums due on commercial life insurance policies guaranteed under the provisions of title IV of the Servicemembers Civil Relief Act (50 U.S.C. App. 541 et seq.) and for other benefits as authorized by sections 107, 1312, 1977, and 2106, and chapters 23, 51, 53, 55, and 61 of title 38, United States Code, \$47,218,207,000, to remain available until expended: Provided, That not to exceed \$29,283,000 of the amount appropriated under this heading shall be reimbursed to "General operating expenses", "Medical support and compliance", and "Information technology systems" for necessary expenses in implementing the provisions of chapters 51, 53, and 55 of title 38, United States Code, the funding source for which is specifically provided as the "Compensation and pensions" appropriation: Provided further, That such sums as may be earned on an actual qualifying patient basis, shall be reimbursed to "Medical care collections fund" to augment the funding of individual medical facilities for nursing home care provided to pensioners as authorized.

READJUSTMENT BENEFITS

For the payment of readjustment and rehabilitation benefits to or on behalf of veterans as authorized by chapters 21, 30, 31, 33, 34, 35, 36, 39, 51, 53, 55, and 61 of title 38, United States Code, \$8,663,624,000, to remain available until expended: Provided, That expenses for rehabilitation program services and assistance which the Secretary is authorized to provide under subsection (a) of section 3104 of title 38, United States Code, other than under paragraphs (1), (2), (5), and (11) of that subsection, shall be charged to this account.

VETERANS INSURANCE AND INDEMNITIES

For military and naval insurance, national service life insurance, servicemen's indemnities, service-disabled veterans insurance, and veterans mortgage life insurance as authorized by title 38, United States Code, chapters 19 and 21, \$49,288,000, to remain available until expended.

VETERANS HOUSING BENEFIT PROGRAM FUND

For the cost of direct and guaranteed loans, such sums as may be necessary to carry out the program, as authorized by subchapters I through III of chapter 37 of title 38, United States Code: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That during fiscal year 2010, within the resources available, not to exceed \$500,000 in gross obligations for direct loans are authorized for specially adapted housing loans.

In addition, for administrative expenses to carry out the direct and guaranteed loan programs, \$165,082,000.

VOCATIONAL REHABILITATION LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of direct loans, \$29,000, as authorized by chapter 31 of title 38, United States Code: Provided, That such costs, including the

cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That funds made available under this heading are available to subsidize gross obligations for the principal amount of direct loans not to exceed \$2,298,000.

In addition, for administrative expenses necessary to carry out the direct loan program, \$328,000, which may be paid to the appropriation for "General operating expenses".

NATIVE AMERICAN VETERAN HOUSING LOAN PROGRAM ACCOUNT

For administrative expenses to carry out the direct loan program authorized by subchapter V of chapter 37 of title 38, United States Code, \$664,000.

GUARANTEED TRANSITIONAL HOUSING LOANS FOR HOMELESS VETERANS PROGRAM ACCOUNT

For the administrative expenses to carry out the guaranteed transitional housing loan program authorized by subchapter VI of chapter 20 of title 38, United States Code, not to exceed \$750,000 of the amounts appropriated by this Act for "General operating expenses" and "Medical support and compliance" may be expended.

VETERANS HEALTH ADMINISTRATION

MEDICAL SERVICES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for furnishing, as authorized by law, inpatient and outpatient care and treatment to beneficiaries of the Department of Veterans Affairs and veterans described in section 1705(a) of title 38, United States Code, including care and treatment in facilities not under the jurisdiction of the Department, and including medical supplies and equipment, food services, and salaries and expenses of healthcare employees hired under title 38, United States Code, and aid to State homes as authorized by section 1741 of title 38, United States Code; \$34,704,500,000, plus reimbursements: Provided, That of the funds made available under this heading, not to exceed \$1,600,000,000 shall be available until September 30, 2011: Provided further, That, notwithstanding any other provision of law, the Secretary of Veterans Affairs shall establish a priority for the provision of medical treatment for veterans who have service-connected disabilities, lower income, or have special needs: Provided further, That, notwithstanding any other provision of law, the Secretary of Veterans Affairs shall give priority funding for the provision of basic medical benefits to veterans in enrollment priority groups 1 through 6: Provided further, That, notwithstanding any other provision of law, the Secretary of Veterans Affairs may authorize the dispensing of prescription drugs from Veterans Health Administration facilities to enrolled veterans with privately written prescriptions based on requirements established by the Secretary: Provided further, That the implementation of the program described in the previous proviso shall incur no additional cost to the Department of Veterans Affairs: Provided further, That for the Department of Defense/Department of Veterans Affairs Health Care Sharing Incentive Fund, as authorized by section 8111(d) of title 38, United States Code, a minimum of \$15,000,000, to remain available until expended, for any purpose authorized by section 8111 of title 38, United States Code.

MEDICAL SUPPORT AND COMPLIANCE

For necessary expenses in the administration of the medical, hospital, nursing home, domiciliary, construction, supply, and research activities, as authorized by law; administrative expenses in support of capital policy activities; and administrative and legal expenses of the Department for collecting and recovering amounts owed the Department as authorized under chapter 17 of title 38, United States Code,

and the Federal Medical Care Recovery Act (42 U.S.C. 2651 et seq.); \$5,100,000,000, plus reimbursements, of which \$250,000,000 shall be available until September 30, 2011.

MEDICAL FACILITIES

For necessary expenses for the maintenance and operation of hospitals, nursing homes, and domiciliary facilities and other necessary facilities of the Veterans Health Administration; for administrative expenses in support of planning, design, project management, real property acquisition and disposition, construction, and renovation of any facility under the jurisdiction or for the use of the Department; for oversight, engineering, and architectural activities not charged to project costs; for repairing, altering, improving, or providing facilities in the several hospitals and homes under the jurisdiction of the Department, not otherwise provided for, either by contract or by the hire of temporary employees and purchase of materials; for leases of facilities; and for laundry services, \$4,849,883,000, plus reimbursements, of which \$250,000,000 shall be available until September 30, 2011: Provided, That \$100,000,000 for non-recurring maintenance provided under this heading shall be allocated in a manner not subject to the Veterans Equitable Resource Allocation.

MEDICAL AND PROSTHETIC RESEARCH

For necessary expenses in carrying out programs of medical and prosthetic research and development as authorized by chapter 73 of title 38, United States Code, \$580,000,000, plus reimbursements, to remain available until September 30, 2011.

NATIONAL CEMETERY ADMINISTRATION

For necessary expenses of the National Cemetery Administration for operations and maintenance, not otherwise provided for, including uniforms or allowances therefor; cemetery expenses as authorized by law; purchase of one passenger motor vehicle for use in cemetery operations; hire of passenger motor vehicles; and repair, alteration or improvement of facilities under the jurisdiction of the National Cemetery Administration, \$250,000,000, of which not to exceed \$24,200,000 shall be available until September 30, 2011.

DEPARTMENTAL ADMINISTRATION

GENERAL OPERATING EXPENSES

For necessary operating expenses of the Department of Veterans Affairs, not otherwise provided for, including administrative expenses in support of Department-Wide capital planning, management and policy activities, uniforms, or allowances therefor; not to exceed \$25,000 for official reception and representation expenses; hire of passenger motor vehicles; and reimbursement of the General Services Administration for security guard services, and the Department of Defense for the cost of overseas employee mail, \$2,086,251,000: Provided, That expenses for services and assistance authorized under paragraphs (1), (2), (5), and (11) of section 3104(a) of title 38, United States Code, that the Secretary of Veterans Affairs determines are necessary to enable entitled veterans: (1) to the maximum extent feasible, to become employable and to obtain and maintain suitable employment; or (2) to achieve maximum independence in daily living, shall be charged to this account: Provided further, That the Veterans Benefits Administration shall be funded at not less than \$1,689,207,000: Provided further, That of the funds made available under this heading, not to exceed \$111,000,000 shall be available for obligation until September 30, 2011: Provided further, That from the funds made available under this heading, the Veterans Benefits Administration may purchase (on a one-for-one replacement basis only) up to two passenger motor vehicles for use in operations of that Administration in Manila, Philippines.

INFORMATION TECHNOLOGY SYSTEMS

For necessary expenses for information technology systems and telecommunications support, including developmental information systems and operational information systems; for pay and associated costs; and for the capital asset acquisition of information technology systems, including management and related contractual costs of said acquisitions, including contractual costs associated with operations authorized by section 3109 of title 5, United States Code, \$3,307,000,000, plus reimbursements, to be available until September 30, 2011: Provided, That not later than 30 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to the Committees on Appropriations of both Houses of Congress a reprogramming base letter which sets forth, by project, the Operations and Maintenance and Salaries and Expenses costs to be carried out utilizing amounts made available by this heading: Provided further, That of the amounts appropriated, \$800,485,000 may not be obligated or expended until the Secretary of Veterans Affairs or the Chief Information Officer of the Department of Veterans Affairs submits to the Committees on Appropriations of both Houses of Congress a certification of the amounts, in parts or in full, to be obligated and expended for each development project: Provided further, That amounts specified in the certification with respect to development projects under the preceding proviso shall be incorporated into the reprogramming base letter with respect to development projects funded using amounts appropriated by this heading.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General, to include information technology, in carrying out the provisions of the Inspector General Act of 1978 (5 U.S.C. App.), \$109,000,000, of which \$6,000,000 shall be available until September 30, 2011.

CONSTRUCTION, MAJOR PROJECTS

For constructing, altering, extending, and improving any of the facilities, including parking projects, under the jurisdiction or for the use of the Department of Veterans Affairs, or for any of the purposes set forth in sections 316, 2404, 2406, 8102, 8103, 8106, 8108, 8109, 8110, and 8122 of title 38, United States Code, including planning, architectural and engineering services, construction management services, maintenance or guarantee period services costs associated with equipment guarantees provided under the project, services of claims analysts, offsite utility and storm drainage system construction costs, and site acquisition, where the estimated cost of a project is more than the amount set forth in section 8104(a)(3)(A) of title 38, United States Code, or where funds for a project were made available in a previous major project appropriation, \$1,194,000,000, to remain available until expended, of which \$16,000,000 shall be to make reimbursements as provided in section 13 of the Contract Disputes Act of 1978 (41 U.S.C. 612) for claims paid for contract disputes: Provided, That except for advance planning activities, including needs assessments which may or may not lead to capital investments, and other capital asset management related activities, including portfolio development and management activities, and investment strategy studies funded through the advance planning fund and the planning and design activities funded through the design fund, including needs assessments which may or may not lead to capital investments, and funds provided for the purchase of land for the National Cemetery Administration through the land acquisition line item, none of the funds appropriated under this heading shall be used for any project which has not been approved by the Congress in the budgetary proc-

ess: Provided further, That funds provided in this appropriation for fiscal year 2010, for each approved project shall be obligated: (1) by the awarding of a construction documents contract by September 30, 2010; and (2) by the awarding of a construction contract by September 30, 2011: Provided further, That the Secretary of Veterans Affairs shall promptly submit to the Committees on Appropriations of both Houses of Congress a written report on any approved major construction project for which obligations are not incurred within the time limitations established above.

CONSTRUCTION, MINOR PROJECTS

For constructing, altering, extending, and improving any of the facilities, including parking projects, under the jurisdiction or for the use of the Department of Veterans Affairs, including planning and assessments of needs which may lead to capital investments, architectural and engineering services, maintenance or guarantee period services costs associated with equipment guarantees provided under the project, services of claims analysts, offsite utility and storm drainage system construction costs, and site acquisition, or for any of the purposes set forth in sections 316, 2404, 2406, 8102, 8103, 8106, 8108, 8109, 8110, 8122, and 8162 of title 38, United States Code, where the estimated cost of a project is equal to or less than the amount set forth in section 8104(a)(3)(A) of title 38, United States Code, \$685,000,000, to remain available until expended, along with unobligated balances of previous "Construction, minor projects" appropriations which are hereby made available for any project where the estimated cost is equal to or less than the amount set forth in such section: Provided, That funds in this account shall be available for: (1) repairs to any of the non-medical facilities under the jurisdiction or for the use of the Department which are necessary because of loss or damage caused by any natural disaster or catastrophe; and (2) temporary measures necessary to prevent or to minimize further loss by such causes.

GRANTS FOR CONSTRUCTION OF STATE EXTENDED CARE FACILITIES

For grants to assist States to acquire or construct State nursing home and domiciliary facilities and to remodel, modify, or alter existing hospital, nursing home, and domiciliary facilities in State homes, for furnishing care to veterans as authorized by sections 8131 through 8137 of title 38, United States Code, \$115,000,000, to remain available until expended.

GRANTS FOR CONSTRUCTION OF STATE VETERANS CEMETERIES

For grants to assist States in establishing, expanding, or improving State veterans cemeteries as authorized by section 2408 of title 38, United States Code, \$42,000,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS (INCLUDING TRANSFER OF FUNDS)

SEC. 201. Any appropriation for fiscal year 2010 for "Compensation and pensions", "Readjustment benefits", and "Veterans insurance and indemnities" may be transferred as necessary to any other of the mentioned appropriations: Provided, That before a transfer may take place, the Secretary of Veterans Affairs shall request from the Committees on Appropriations of both Houses of Congress the authority to make the transfer and such Committees issue an approval, or absent a response, a period of 30 days has elapsed.

(INCLUDING TRANSFER OF FUNDS)

SEC. 202. Amounts made available for the Department of Veterans Affairs for fiscal year 2010, in this Act or any other Act, under the "Medical services", "Medical support and compliance" and "Medical facilities" accounts may

be transferred between the accounts to the extent necessary to implement the restructuring of the Veterans Health Administration accounts: Provided, That any transfers between the "Medical services" and "Medical support and compliance" accounts of 1 percent or less of the total amount appropriated to the account in this or any other Act may take place subject to notification from the Secretary of Veterans Affairs to the Committees on Appropriations of both Houses of Congress of the amount and purpose of the transfer: Provided further, That any transfers between the "Medical services" and "Medical support and compliance" accounts in excess of 1 percent, or exceeding the cumulative 1 percent for the fiscal year, may take place only after the Secretary requests from the Committees on Appropriations of both Houses of Congress the authority to make the transfer and an approval is issued: Provided further, That any transfer to or from the "Medical facilities" account may take place only after the Secretary requests from the Committees on Appropriations of both Houses of Congress the authority to make the transfer and an approval is issued.

SEC. 203. Appropriations available in this title for salaries and expenses shall be available for services authorized by section 3109 of title 5, United States Code, hire of passenger motor vehicles; lease of a facility or land or both; and uniforms or allowances therefore, as authorized by sections 5901 through 5902 of title 5, United States Code.

SEC. 204. No appropriations in this title (except the appropriations for "Construction, major projects", and "Construction, minor projects") shall be available for the purchase of any site for or toward the construction of any new hospital or home.

SEC. 205. No appropriations in this title shall be available for hospitalization or examination of any persons (except beneficiaries entitled to such hospitalization or examination under the laws providing such benefits to veterans, and persons receiving such treatment under sections 7901 through 7904 of title 5, United States Code, or the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.)), unless reimbursement of the cost of such hospitalization or examination is made to the "Medical services" account at such rates as may be fixed by the Secretary of Veterans Affairs.

SEC. 206. Appropriations available in this title for "Compensation and pensions", "Readjustment benefits", and "Veterans insurance and indemnities" shall be available for payment of prior year accrued obligations required to be recorded by law against the corresponding prior year accounts within the last quarter of fiscal year 2009.

SEC. 207. Appropriations available in this title shall be available to pay prior year obligations of corresponding prior year appropriations accounts resulting from sections 3328(a), 3334, and 3712(a) of title 31, United States Code, except that if such obligations are from trust fund accounts they shall be payable only from "Compensation and pensions".

(INCLUDING TRANSFER OF FUNDS)

SEC. 208. Notwithstanding any other provision of law, during fiscal year 2010, the Secretary of Veterans Affairs shall, from the National Service Life Insurance Fund (38 U.S.C. 1920), the Veterans' Special Life Insurance Fund (38 U.S.C. 1923), and the United States Government Life Insurance Fund (38 U.S.C. 1955), reimburse the "General operating expenses" and "Information technology systems" accounts for the cost of administration of the insurance programs financed through those accounts: Provided, That reimbursement shall be made only from the surplus earnings accumulated in such an insurance program during fiscal year 2010 that are

available for dividends in that program after claims have been paid and actuarially determined reserves have been set aside: Provided further, That if the cost of administration of such an insurance program exceeds the amount of surplus earnings accumulated in that program, reimbursement shall be made only to the extent of such surplus earnings: Provided further, That the Secretary shall determine the cost of administration for fiscal year 2010 which is properly allocable to the provision of each such insurance program and to the provision of any total disability income insurance included in that insurance program.

SEC. 209. Amounts deducted from enhanced-use lease proceeds to reimburse an account for expenses incurred by that account during a prior fiscal year for providing enhanced-use lease services, may be obligated during the fiscal year in which the proceeds are received.

(INCLUDING TRANSFER OF FUNDS)

SEC. 210. Funds available in this title or funds for salaries and other administrative expenses shall also be available to reimburse the Office of Resolution Management of the Department of Veterans Affairs and the Office of Employment Discrimination Complaint Adjudication under section 319 of title 38, United States Code, for all services provided at rates which will recover actual costs but not exceed \$34,158,000 for the Office of Resolution Management and \$3,278,000 for the Office of Employment and Discrimination Complaint Adjudication: Provided, That payments may be made in advance for services to be furnished based on estimated costs: Provided further, That amounts received shall be credited to the "General operating expenses" and "Information technology systems" accounts for use by the office that provided the service.

SEC. 211. No appropriations in this title shall be available to enter into any new lease of real property if the estimated annual rental is more than \$1,000,000 unless the Secretary submits a report which the Committees on Appropriations of both Houses of Congress approve within 30 days following the date on which the report is received.

SEC. 212. No funds of the Department of Veterans Affairs shall be available for hospital care, nursing home care, or medical services provided to any person under chapter 17 of title 38, United States Code, for a non-service-connected disability described in section 1729(a)(2) of such title, unless that person has disclosed to the Secretary of Veterans Affairs, in such form as the Secretary may require, current, accurate third-party reimbursement information for purposes of section 1729 of such title: Provided, That the Secretary may recover, in the same manner as any other debt due the United States, the reasonable charges for such care or services from any person who does not make such disclosure as required: Provided further, That any amounts so recovered for care or services provided in a prior fiscal year may be obligated by the Secretary during the fiscal year in which amounts are received.

(INCLUDING TRANSFER OF FUNDS)

SEC. 213. Notwithstanding any other provision of law, proceeds or revenues derived from enhanced-use leasing activities (including disposal) may be deposited into the "Construction, major projects" and "Construction, minor projects" accounts and be used for construction (including site acquisition and disposition), alterations, and improvements of any medical facility under the jurisdiction or for the use of the Department of Veterans Affairs. Such sums as realized are in addition to the amount provided for in "Construction, major projects" and "Construction, minor projects".

SEC. 214. Amounts made available under "Medical services" are available—

(1) for furnishing recreational facilities, supplies, and equipment; and

(2) for funeral expenses, burial expenses, and other expenses incidental to funerals and burials for beneficiaries receiving care in the Department.

(INCLUDING TRANSFER OF FUNDS)

SEC. 215. Such sums as may be deposited to the Medical Care Collections Fund pursuant to section 1729A of title 38, United States Code, may be transferred to "Medical services", to remain available until expended for the purposes of that account: Provided, That, for fiscal year 2010, \$200,000,000 deposited in the Department of Veterans Affairs Medical Care Collections Fund shall be transferred to "Medical Facilities", to remain available until expended, for non-recurring maintenance at existing Veterans Health Administration medical facilities: Provided further, That the allocation of amounts transferred to "Medical Facilities" under the preceding proviso shall not be subject to the Veterans Equitable Resource Allocation formula.

SEC. 216. The Secretary of Veterans Affairs may enter into agreements with Community Health Centers in rural Alaska, Indian tribes and tribal organizations which are party to the Alaska Native Health Compact with the Indian Health Service, and Indian tribes and tribal organizations serving rural Alaska which have entered into contracts with the Indian Health Service under the Indian Self Determination and Educational Assistance Act, to provide healthcare, including behavioral health and dental care. The Secretary shall require participating veterans and facilities to comply with all appropriate rules and regulations, as established by the Secretary. The term "rural Alaska" shall mean those lands sited within the external boundaries of the Alaska Native regions specified in sections 7(a)(1)–(4) and (7)–(12) of the Alaska Native Claims Settlement Act, as amended (43 U.S.C. 1606), and those lands within the Alaska Native regions specified in sections 7(a)(5) and 7(a)(6) of the Alaska Native Claims Settlement Act, as amended (43 U.S.C. 1606), which are not within the boundaries of the Municipality of Anchorage, the Fairbanks North Star Borough, the Kenai Peninsula Borough or the Matanuska-Susitna Borough.

(INCLUDING TRANSFER OF FUNDS)

SEC. 217. Such sums as may be deposited to the Department of Veterans Affairs Capital Asset Fund pursuant to section 8118 of title 38, United States Code, may be transferred to the "Construction, major projects" and "Construction, minor projects" accounts, to remain available until expended for the purposes of these accounts.

SEC. 218. None of the funds made available in this title may be used to implement any policy prohibiting the Directors of the Veterans Integrated Services Networks from conducting outreach or marketing to enroll new veterans within their respective Networks.

SEC. 219. The Secretary of Veterans Affairs shall submit to the Committees on Appropriations of both Houses of Congress a quarterly report on the financial status of the Veterans Health Administration.

(INCLUDING TRANSFER OF FUNDS)

SEC. 220. Amounts made available under the "Medical services", "Medical support and compliance", "Medical facilities", "General operating expenses", and "National Cemetery Administration" accounts for fiscal year 2010, may be transferred to or from the "Information technology systems" account: Provided, That before a transfer may take place, the Secretary of Veterans Affairs shall request from the Committees on Appropriations of both Houses of Congress the authority to make the transfer and an approval is issued.

SEC. 221. Amounts made available for the “Information technology systems” account may be transferred between projects: Provided, That no project may be increased or decreased by more than \$1,000,000 of cost prior to submitting a request to the Committees on Appropriations of both Houses of Congress to make the transfer and an approval is issued, or absent a response, a period of 30 days has elapsed.

(INCLUDING TRANSFER OF FUNDS)

SEC. 222. Any balances in prior year accounts established for the payment of benefits under the Reinstated Entitlement Program for Survivors shall be transferred to and merged with amounts available under the “Compensation and pensions” account, and receipts that would otherwise be credited to the accounts established for the payment of benefits under the Reinstated Entitlement Program for Survivors program shall be credited to amounts available under the “Compensation and pensions” account.

SEC. 223. The Department shall continue research into Gulf War illness at levels not less than those made available in fiscal year 2009, within available funds contained in this Act.

SEC. 224. (a) Upon a determination by the Secretary of Veterans Affairs that such action is in the national interest, and will have a direct benefit for veterans through increased access to treatment, the Secretary of Veterans Affairs may transfer not more than \$5,000,000 to the Secretary of Health and Human Services for the Graduate Psychology Education Program, which includes treatment of veterans, to support increased training of psychologists skilled in the treatment of post-traumatic stress disorder, traumatic brain injury, and related disorders.

(b) The Secretary of Health and Human Services may only use funds transferred under this section for the purposes described in subsection (a).

(c) The Secretary of Veterans Affairs shall notify Congress of any such transfer of funds under this section.

SEC. 225. None of the funds appropriated or otherwise made available by this Act or any other Act for the Department of Veterans Affairs may be used in a manner that is inconsistent with—

(1) section 842 of the Transportation, Treasury, Housing and Urban Development, the Judiciary, and Independent Agencies Appropriations Act, 2006 (Public Law 109-115; 119 Stat. 2506); or

(2) section 8110(a)(5) of title 38, United States Code.

SEC. 226. Of the amounts made available to the Department of Veterans Affairs for fiscal year 2010, in this Act or any other Act, under the “Medical Facilities” account for non-recurring maintenance, not more than 20 percent of the funds made available shall be obligated during the last 2 months of the fiscal year: Provided, That the Secretary may waive this requirement after providing written notice to the Committees on Appropriations of both Houses of Congress.

SEC. 227. Section 1925(d)(3) of title 38, United States Code, is amended by striking “appropriation ‘General Operating Expenses, Department of Veterans Affairs’”, and inserting “appropriations for ‘General Operating Expenses and Information Technology Systems, Department of Veterans Affairs’”.

SEC. 228. Section 1922(a) of title 38, United States Code, is amended by striking “(5) administrative costs to the Government for the costs of”, and inserting “(5) administrative support performed by General Operating Expenses and Information Technology Systems, Department of Veterans Affairs, for”.

SEC. 229. (a) ADDITIONAL AMOUNT FOR STATE VETERANS CEMETERIES.—The amount appropriated by this title under the heading “GRANTS FOR CONSTRUCTION OF STATE VETERANS CEMETERIES” is hereby increased by \$4,000,000.

(b) OFFSET.—The amount appropriated or otherwise made available by this title under the heading “GENERAL OPERATING EXPENSES” is hereby decreased by \$4,000,000.

SEC. 230. (a)(1)(A) Of the amount made available by this title for the Veterans Health Administration under the heading “MEDICAL SERVICES”, \$1,500,000 shall be available to allow the Secretary of Veterans Affairs to offer incentives to qualified health care providers working in underserved rural areas designated by the Veterans Health Administration, in addition to amounts otherwise available for other pay and incentives.

(B) Health care providers shall be eligible for incentives pursuant to this paragraph only for the period of time that they serve in designated areas.

(2)(A) Of the amount made available by this title for the Veterans Health Administration under the heading “MEDICAL SUPPORT AND COMPLIANCE”, \$1,500,000 shall be available to allow the Secretary of Veterans Affairs to offer incentives to qualified health care administrators working in underserved rural areas designated by the Veterans Health Administration, in addition to amounts otherwise available for other pay and incentives.

(B) Health care administrators shall be eligible for incentives pursuant to this paragraph only for the period of time that they serve in designated areas.

(b) Not later than March 31, 2010, the Secretary of Veterans Affairs shall submit to the Committees on Veterans’ Affairs and Appropriations of the Senate and the House of Representatives a report detailing the number of new employees receiving incentives under the pilot program established pursuant to this section, describing the potential for retaining those employees, and explaining the structure of the program.

SEC. 231. (a) NAMING OF HEALTH CARE CENTER.—Effective October 1, 2010, the North Chicago Veterans Affairs Medical Center located in Lake County, Illinois, shall be known and designated as the “Captain James A. Lovell Federal Health Care Center”.

(b) REFERENCES.—Any reference to the medical center referred to in subsection (a) in any law, regulation, map, document, record, or other paper of the United States shall be considered to be a reference to the Captain James A. Lovell Federal Health Care Center.

SEC. 232. Section 315(b) of title 38, United States Code, is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

SEC. 233. Of the amount appropriated or otherwise made available by this title under the heading “MEDICAL SERVICES”, \$150,000,000 may be available for the grant program under section 2011 of title 38, United States Code, and per diem payments under section 2012 of such title.

SEC. 234. Of the amounts appropriated or otherwise made available by this title for the Department of Veterans Affairs, up to \$5,000,000 may be available for the study required by section 1077 of the National Defense Authorization Act for Fiscal Year 2010.

SEC. 235. (a) CAMPUS OUTREACH AND SERVICES FOR MENTAL HEALTH AND NEUROLOGICAL CONDITIONS.—Of the amounts appropriated or otherwise made available by this title, \$5,000,000 may be available to conduct outreach to and provide services at institutions of higher education to ensure that veterans enrolled in programs of education at such institutions have information on and access to care and services for neurological and psychological issues.

(b) SUPPLEMENT NOT SUPPLANT.—The amount described in subsection (a) for the purposes described in such subsection is in addition to amounts otherwise appropriated or made available for readjustment counseling and related mental health services.

SEC. 236. In administering section 51.210(d) of title 38, Code of Federal Regulations, the Secretary of Veterans Affairs may permit a State home to provide services to, in addition to non-veterans described in such section, a non-veteran any of whose children died while serving in the Armed Forces, as long as such services are not denied to a qualified veteran seeking such services.

SEC. 237. (a) DESIGNATION OF ROBLEY REX DEPARTMENT OF VETERANS AFFAIRS MEDICAL CENTER.—The Department of Veterans Affairs Medical Center in Louisville, Kentucky, and any successor to such medical center, shall after the date of the enactment of this Act be known and designated as the “Robley Rex Department of Veterans Affairs Medical Center”.

(b) REFERENCES.—Any reference in any law, regulation, map, document, record, or other paper of the United States to the medical center referred to in subsection (a) shall be considered to be a reference to the Robley Rex Department of Veterans Affairs Medical Center.

SEC. 238. (a) ADDITIONAL AMOUNT FOR HOMELESS VETERANS COMPREHENSIVE SERVICE PROGRAMS AND HOUSING ASSISTANCE AND SUPPORTIVE SERVICES.—The amount appropriated by this title under the heading “MEDICAL SERVICES” under the heading “VETERANS HEALTH ADMINISTRATION” is increased by \$750,000, with the amount of the increase to be available for the following:

(1) The grant program under section 2011 of title 38, United States Code.

(2) Per diem payments under section 2012 of such title.

(3) Housing assistance and supportive services under subchapter V of chapter 20 of such title.

(b) OFFSET.—The amount appropriated or otherwise made available by this title under the heading “GENERAL OPERATING EXPENSES” under the heading “DEPARTMENTAL ADMINISTRATION” is decreased by \$750,000.

SEC. 239. (a) MODIFICATION ON RESTRICTION OF ALIENATION OF CERTAIN REAL PROPERTY IN GULFPORT, MISSISSIPPI.—Section 2703(b) of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (Public Law 109-234; 120 Stat. 469), as amended by section 231 of the Military Construction and Veterans Affairs and Related Agencies Appropriations Act, 2009 (division E of Public Law 110-329; 122 Stat. 3713), is further amended by inserting after “the City of Gulfport” the following: “, or its urban renewal agency,”.

(b) MEMORIALIZATION OF MODIFICATION.—The Secretary of Veterans Affairs shall take appropriate actions to modify the quitclaim deeds executed to effectuate the conveyance authorized by section 2703 of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 in order to accurately reflect and memorialize the amendment made by subsection (a).

SEC. 240. (a)(1) The amount appropriated or otherwise made available by this title under the heading “CONSTRUCTION, MINOR PROJECTS” is hereby increased by \$50,000,000.

(2) Of the amount appropriated or otherwise made available by this title under the heading “CONSTRUCTION, MINOR PROJECTS”, as increased by paragraph (1), \$50,000,000 shall be available for renovation of Department of Veterans Affairs buildings for the purpose of converting unused structures into housing with supportive services for homeless veterans.

(b) The amount appropriated or otherwise made available by title I under the heading “HOMEOWNERS ASSISTANCE FUND” is hereby reduced by \$50,000,000.

SEC. 241. Of the amounts appropriated or otherwise made available by this title, the Secretary shall award \$5,000,000 in competitively-awarded

grants to State and local government entities or their designees with a demonstrated record of serving veterans to conduct outreach to ensure that veterans in under-served areas receive the care and benefits for which they are eligible.

SEC. 242. (a) **STUDY ON CAPACITY OF DEPARTMENT OF VETERANS AFFAIRS TO ADDRESS COMBAT STRESS IN WOMEN VETERANS.**—The Inspector General of the Department of Veterans Affairs shall carry out a study to assess the capacity of the Department of Veterans Affairs to address combat stress in women veterans.

(b) **ELEMENTS.**—In carrying out the study required by subsection (a), the Inspector General shall consider the following:

(1) Whether women veterans are properly evaluated by the Department for post-traumatic stress disorder (PTSD), military-related sexual trauma, traumatic brain injury (TBI), and other combat-related conditions.

(2) Whether women veterans with combat stress are being properly adjudicated as service-connected disabled by the Department for purposes of veterans disability benefits for combat stress.

(3) Whether the Veterans Benefits Administration has developed and disseminated to personnel who adjudicate disability claims reference materials that thoroughly and effectively address the management of claims of women veterans involving military-related sexual trauma.

(4) The feasibility and advisability of requiring training and testing on military-related sexual trauma matters as part of a certification of Veterans Benefits Administration personnel who adjudicate disability claims involving post-traumatic stress disorder.

(5) Such other matters as the Inspector General considers appropriate.

(c) **REPORTS.**—

(1) **INTERIM REPORT.**—Not later than 180 days after the date of the enactment of this Act, the Inspector General shall submit to the Secretary of Veterans Affairs, and to the appropriate committees of Congress, a report setting forth the plan of the Inspector General for the study required by subsection (a), together with such interim findings as the Inspector General has made as of the date of the report as a result of the study.

(2) **FINAL REPORT.**—Not later than one year after the date of the enactment of this Act, the Inspector General shall submit to the Secretary, and Congress, then the Secretary shall make recommendations for legislative or administrative action.

(3) **APPROPRIATE COMMITTEES OF CONGRESS DEFINED.**—In this subsection, the term “appropriate committees of Congress” means—

(A) the Committees on Appropriations and Veterans Affairs of the Senate; and

(B) the Committees on Appropriations and Veterans Affairs of the House of Representatives.

SEC. 243. (a) **STUDY ON IMPROVEMENTS TO INFORMATION TECHNOLOGY INFRASTRUCTURE NEEDED TO FURNISH HEALTH CARE SERVICES TO VETERANS USING TELEHEALTH PLATFORMS.**—The Secretary of Veterans Affairs shall carry out a study to identify the improvements to the infrastructure of the Department of Veterans Affairs that are required to furnish health care services to veterans using telehealth platforms.

(b) **AVAILABILITY OF FUNDS.**—The amounts appropriated or otherwise made available by this title under the headings “DEPARTMENTAL ADMINISTRATION” and “INFORMATION TECHNOLOGY SYSTEMS” shall be available to the Secretary of Veterans Affairs to carry out the study required by subsection (a).

SEC. 244. Of the amounts appropriated or otherwise made available by this title under the headings “VETERANS HEALTH ADMINISTRATION” and “MEDICAL SERVICES”, \$1,000,000 may be

available for education debt reduction under subchapter VII of chapter 76 of title 38, United States Code, for mental health care professionals who agree to employment at the Department of Veterans Affairs.

TITLE III

RELATED AGENCIES

AMERICAN BATTLE MONUMENTS COMMISSION SALARIES AND EXPENSES

For necessary expenses, not otherwise provided for, of the American Battle Monuments Commission, including the acquisition of land or interest in land in foreign countries; purchases and repair of uniforms for caretakers of national cemeteries and monuments outside of the United States and its territories and possessions; rent of office and garage space in foreign countries; purchase (one-for-one replacement basis only) and hire of passenger motor vehicles; not to exceed \$7,500 for official reception and representation expenses; and insurance of official motor vehicles in foreign countries, when required by law of such countries, \$63,549,000, to remain available until expended.

FOREIGN CURRENCY FLUCTUATIONS ACCOUNT

For necessary expenses, not otherwise provided for, of the American Battle Monuments Commission, such sums as may be necessary, to remain available until expended, for purposes authorized by section 2109 of title 36, United States Code.

UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS

SALARIES AND EXPENSES

For necessary expenses for the operation of the United States Court of Appeals for Veterans Claims as authorized by sections 7251 through 7298 of title 38, United States Code, \$27,115,000, of which \$1,820,000 shall be available for the purpose of providing financial assistance as described, and in accordance with the process and reporting procedures set forth, under this heading in Public Law 102-229.

DEPARTMENT OF DEFENSE—CIVIL

CEMETERIAL EXPENSES, ARMY

SALARIES AND EXPENSES

For necessary expenses, as authorized by law, for maintenance, operation, and improvement of Arlington National Cemetery and Soldiers' and Airmen's Home National Cemetery, including the purchase of two passenger motor vehicles for replacement only, and not to exceed \$1,000 for official reception and representation expenses, \$37,200,000, to remain available until expended. In addition, such sums as may be necessary for parking maintenance, repairs and replacement, to be derived from the Lease of Department of Defense Real Property for Defense Agencies account.

Funds appropriated under this Act may be provided to Arlington County, Virginia, for the relocation of the federally owned water main at Arlington National Cemetery making additional land available for ground burials.

ARMED FORCES RETIREMENT HOME

TRUST FUND

For expenses necessary for the Armed Forces Retirement Home to operate and maintain the Armed Forces Retirement Home—Washington, District of Columbia, and the Armed Forces Retirement Home—Gulfport, Mississippi, to be paid from funds available in the Armed Forces Retirement Home Trust Fund, \$134,000,000, of which \$72,000,000 shall remain available until expended for construction and renovation of the physical plants at the Armed Forces Retirement Home—Washington, District of Columbia, and the Armed Forces Retirement Home—Gulfport, Mississippi.

TITLE IV

OVERSEAS CONTINGENCIES OPERATIONS

MILITARY CONSTRUCTION

MILITARY CONSTRUCTION, ARMY

For an additional amount for “Military Construction, Army”, \$924,484,000, to remain available until September 30, 2012: Provided, That notwithstanding any other provision of law, such funds may be obligated and expended to carry out planning and design and military construction projects not otherwise authorized by law.

MILITARY CONSTRUCTION, AIR FORCE

For an additional amount for “Military Construction, Air Force”, \$474,500,000, to remain available until September 30, 2012: Provided, That notwithstanding any other provision of law, such funds may be obligated and expended to carry out planning and design and military construction projects not otherwise authorized by law.

ADMINISTRATIVE PROVISION

SEC. 401. (a)(1) The amount appropriated or otherwise made available by this title under the heading “MILITARY CONSTRUCTION, ARMY” and available for a dining hall project at Forward Operating Base Dwyer is hereby increased by \$4,400,000.

(2) The amount appropriated or otherwise made available by this title under the heading “MILITARY CONSTRUCTION, ARMY” and available for a dining hall project at Forward Operating Base Maywand is hereby reduced by \$4,400,000.

(b)(1) The amount appropriated or otherwise made available by this title under the heading “MILITARY CONSTRUCTION, ARMY” and available for a dining hall project at Forward Operating Base Wolverine is hereby increased by \$2,150,000.

(2) The amount appropriated or otherwise made available by this title under the heading “MILITARY CONSTRUCTION, ARMY” and available for a dining hall project at Forward Operating Base Tarin Kout is hereby reduced by \$2,150,000.

SEC. 402. Amounts appropriated or otherwise made available by this title are designated as being for overseas deployments and other activities pursuant to sections 401(c)(4) and 423(a)(1) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

TITLE V

DEPARTMENT OF VETERANS AFFAIRS

VETERANS HEALTH ADMINISTRATION

MEDICAL SERVICES

For necessary expenses for furnishing, as authorized by law, inpatient and outpatient care and treatment to beneficiaries of the Department of Veterans Affairs and veterans described in section 1705(a) of title 38, United States Code, including care and treatment in facilities not under the jurisdiction of the Department, and including medical supplies and equipment, food services, and salaries and expenses of healthcare employees hired under title 38, United States Code, and aid to State homes as authorized by section 1741 of title 38, United States Code; \$37,136,000,000, plus reimbursements, which shall become available on October 1, 2010, and shall remain available through September 30, 2011: Provided, That, notwithstanding any other provision of law, the Secretary of Veterans Affairs shall establish a priority for the provision of medical treatment for veterans who have service-connected disabilities, lower income, or have special needs: Provided further, That, notwithstanding any other provision of law, the Secretary of Veterans Affairs shall give priority funding for the provision of basic medical benefits to veterans in enrollment priority groups 1 through 6: Provided

further, That, notwithstanding any other provision of law, the Secretary of Veterans Affairs may authorize the dispensing of prescription drugs from Veterans Health Administration facilities to enrolled veterans with privately written prescriptions based on requirements established by the Secretary: Provided further, That the implementation of the program described in the previous proviso shall incur no additional cost to the Department of Veterans Affairs: Provided further, That for the Department of Defense/Department of Veterans Affairs Health Care Sharing Incentive Fund, as authorized by section 8111(d) of title 38, United States Code, a minimum of \$15,000,000, to remain available until expended, for any purpose authorized by section 8111 of title 38, United States Code.

MEDICAL SUPPORT AND COMPLIANCE

For necessary expenses in the administration of the medical, hospital, nursing home, domiciliary, construction, supply, and research activities, as authorized by law; administrative expenses in support of capital policy activities; and administrative and legal expenses of the Department for collecting and recovering amounts owed the Department as authorized under chapter 17 of title 38, United States Code, and the Federal Medical Care Recovery Act (42 U.S.C. 2651 et seq.); \$5,307,000,000, plus reimbursements, which shall become available on October 1, 2010, and shall remain available through September 30, 2011.

MEDICAL FACILITIES

For necessary expenses for the maintenance and operation of hospitals, nursing homes, and domiciliary facilities and other necessary facilities of the Veterans Health Administration; for administrative expenses in support of planning, design, project management, real property acquisition and disposition, construction, and renovation of any facility under the jurisdiction or for the use of the Department; for oversight, engineering, and architectural activities not charged to project costs; for repairing, altering, improving, or providing facilities in the several hospitals and homes under the jurisdiction of the Department, not otherwise provided for, either by contract or by the hire of temporary employees and purchase of materials; for leases of facilities; and for laundry services, \$5,740,000,000, plus reimbursements, which shall become available on October 1, 2010, and shall remain available through September 30, 2011.

TITLE VI

GENERAL PROVISIONS

SEC. 601. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 602. Such sums as may be necessary for fiscal year 2010 for pay raises for programs funded by this Act shall be absorbed within the levels appropriated in this Act.

SEC. 603. None of the funds made available in this Act may be used for any program, project, or activity, when it is made known to the Federal entity or official to which the funds are made available that the program, project, or activity is not in compliance with any Federal law relating to risk assessment, the protection of private property rights, or unfunded mandates.

SEC. 604. No part of any funds appropriated in this Act shall be used by an agency of the executive branch, other than for normal and recognized executive-legislative relationships, for publicity or propaganda purposes, and for the preparation, distribution, or use of any kit, pamphlet, booklet, publication, radio, television, or film presentation designed to support or defeat legislation pending before Congress, except in presentation to Congress itself.

SEC. 605. All departments and agencies funded under this Act are encouraged, within the limits

of the existing statutory authorities and funding, to expand their use of "E-Commerce" technologies and procedures in the conduct of their business practices and public service activities.

SEC. 606. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government except pursuant to a transfer made by, or transfer authority provided in, this or any other appropriations Act.

SEC. 607. Unless stated otherwise, all reports and notifications required by this Act shall be submitted to the Subcommittee on Military Construction, Veterans Affairs, and Related Agencies of the Committee on Appropriations of the House of Representatives and the Subcommittee on Military Construction, Veterans Affairs, and Related Agencies of the Committee on Appropriations of the Senate.

SEC. 608. (a) Notwithstanding any other provision of this Act and except as provided in subsection (b), any report required to be submitted by a Federal agency or department to the Committee on Appropriations of either the Senate or the House of Representatives in this Act shall be posted on the public website of that agency upon receipt by the committee.

(b) Subsection (a) shall not apply to a report if—

- (1) the public posting of the report compromises national security; or
- (2) the report contains proprietary information.

SEC. 609. None of the funds made available under this Act may be distributed to the Association of Community Organizations for Reform Now (ACORN) or its subsidiaries.

This Act may be cited as the "Military Construction and Veterans Affairs and Related Agencies Appropriations Act, 2010".

MOTION TO CONCUR

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. OBEY moves that the House concur in the Senate amendment to H.R. 3082 with an amendment.

The text of the amendment is as follows:

Amendment:

In lieu of the matter proposed to be inserted by the Senate amendment, insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Full-Year Continuing Appropriations Act, 2011".

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

DIVISION A—FULL-YEAR CONTINUING APPROPRIATIONS

Title I—General Provisions

Title II—Adjustments in Funding and Other Provisions

DIVISION B—SURFACE TRANSPORTATION EXTENSION

DIVISION C—AIRPORT AND AIRWAY EXTENSION

DIVISION D—FOOD SAFETY

SEC. 3. REFERENCES.

Except as expressly provided otherwise, any reference to "this Act" contained in any division of this Act shall be treated as referring only to the provisions of that division.

DIVISION A—FULL-YEAR CONTINUING APPROPRIATIONS

The following sums are hereby appropriated, out of any money in the Treasury not otherwise appropriated, and out of applicable corporate or other revenues, receipts, and funds, for the several departments, agencies, corporations, and other organizational units of Government for fiscal year 2011, and for other purposes, namely:

TITLE I—GENERAL PROVISIONS

SEC. 1101. (a) Such amounts as may be necessary, at the level specified in subsection (c) and under the authority and conditions provided in applicable appropriations Acts for fiscal year 2010, for projects or activities (including the costs of direct loans and loan guarantees) that are not otherwise specifically provided for, and for which appropriations, funds, or other authority were made available in the following appropriations Acts:

(1) The Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2010 (Public Law 111–80).

(2) Division A of the Department of Defense Appropriations Act, 2010 (division A of Public Law 111–118).

(3) The Energy and Water Development and Related Agencies Appropriations Act, 2010 (Public Law 111–85).

(4) The Department of Homeland Security Appropriations Act, 2010 (Public Law 111–83) and section 601 of the Supplemental Appropriations Act, 2010 (Public Law 111–212).

(5) The Department of the Interior, Environment, and Related Agencies Appropriations Act, 2010 (division A of Public Law 111–88).

(6) The Legislative Branch Appropriations Act, 2010 (division A of Public Law 111–68).

(7) The Consolidated Appropriations Act, 2010 (Public Law 111–117).

(8) Chapter 3 of title I of the Supplemental Appropriations Act, 2010 (Public Law 111–212), except for appropriations under the heading "Operation and Maintenance" relating to Haiti following the earthquake of January 12, 2010, or the Port of Guam: Provided, That the amount provided for the Department of Defense pursuant to this paragraph shall not exceed \$29,387,401,000: Provided further, That the Secretary of Defense shall allocate such amount to each appropriation account, budget activity, activity group, and subactivity group, and to each program, project, and activity within each appropriation account, in the same proportions as such appropriations for fiscal year 2010.

(b) For purposes of this Act, the term "level" means an amount.

(c) The level referred to in subsection (a) shall be the amounts appropriated in the appropriations Acts referred to in such subsection, including transfers and obligation limitations, except that—

(1) such level shall not include any amount previously designated (other than amounts in section 1101(a)(8)) as an emergency requirement and necessary to meet emergency needs pursuant to sections 403(a) and 423(b) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010; and

(2) such level shall be calculated without regard to any rescission or cancellation of funds or contract authority.

SEC. 1102. Appropriations made by section 1101 shall be available to the extent and in the manner that would be provided by the pertinent appropriations Act.

SEC. 1103. Appropriations provided by this Act that, in the applicable appropriations Act for fiscal year 2010, carried a multiple-year or no-year period of availability shall retain a comparable period of availability.

SEC. 1104. Except as otherwise expressly provided in this Act, the requirements, authorities, conditions, limitations, and other provisions of the appropriations Acts referred to in section 1101(a) shall continue in effect through the date specified in section 1106.

SEC. 1105. No appropriation or funds made available or authority granted pursuant to section 1101 shall be used to initiate or resume any project or activity for which appropriations, funds, or other authority were specifically prohibited during fiscal year 2010.

SEC. 1106. Unless otherwise provided for in this Act or in the applicable appropriations Act, appropriations and funds made available and authority granted pursuant to this Act shall be available through September 30, 2011.

SEC. 1107. Expenditures made pursuant to the Continuing Appropriations Act, 2011 (Public Law 111-242), shall be charged to the applicable appropriation, fund, or authorization provided by this Act.

SEC. 1108. Funds appropriated by this Act may be obligated and expended notwithstanding section 10 of Public Law 91-672 (22 U.S.C. 2412), section 15 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2680), section 313 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (22 U.S.C. 6212), and section 504(a)(1) of the National Security Act of 1947 (50 U.S.C. 414(a)(1)).

SEC. 1109. (a) With respect to any discretionary account for which advance appropriations were provided for fiscal year 2011 or 2012 in an appropriations Act for fiscal year 2010, in addition to amounts otherwise made available by this Act, advance appropriations are provided in the same amount for fiscal year 2012 or 2013, respectively, with a comparable period of availability.

(b) In addition to amounts provided by subsection (a), an additional amount is provided for the following accounts in the amounts specified:

(1) "Department of Veterans Affairs, Medical Services", \$2,513,985,000, which shall become available on October 1, 2011, and shall remain available until September 30, 2012.

(2) "Department of Veterans Affairs, Medical Support and Compliance", \$228,000,000, which shall become available on October 1, 2011, and shall remain available until September 30, 2012.

(c) Notwithstanding subsection (a), amounts are provided for "Department of Veterans Affairs, Medical Facilities" in the amount of \$5,426,000,000, which shall become available on October 1, 2011, and shall remain available until September 30, 2012.

SEC. 1110. (a) For entitlements and other mandatory payments whose budget authority was provided in appropriations Acts for fiscal year 2010, and for activities under the Food and Nutrition Act of 2008, the levels established by section 1101 shall be the amounts necessary to maintain program levels under current law.

(b) In addition to the amounts otherwise provided by section 1101, the following amounts shall be available for the following accounts for advance payments for the first quarter of fiscal year 2012:

(1) "Department of Labor, Employment Standards Administration, Special Benefits for Disabled Coal Miners", for benefit payments under title IV of the Federal Mine Safety and Health Act of 1977, \$41,000,000, to remain available until expended.

(2) "Department of Health and Human Services, Centers for Medicare and Medicaid Services, Grants to States for Medicaid", for payments to States or in the case of section 1928 on behalf of States under title XIX of the Social Security Act, \$86,445,289,000, to remain available until expended.

(3) "Department of Health and Human Services, Administration for Children and Families, Payments to States for Child Support Enforcement and Family Support Programs", for payments to States or other non-Federal entities under titles I, IV-D, X, XI, XIV, and XVI of the Social Security Act and the Act of July 5, 1960 (24 U.S.C. ch. 9), \$1,200,000,000, to remain available until expended.

(4) "Department of Health and Human Services, Administration for Children and Families, Payments to States for Foster Care and Permanency", for payments to States or other non-Federal entities under title IV-E of the Social Security Act, \$1,850,000,000.

(5) "Social Security Administration, Supplemental Security Income Program", for benefit payments under title XVI of the Social Security Act, \$13,400,000,000, to remain available until expended.

SEC. 1111. The following amounts are designated as an emergency requirement and necessary to meet emergency needs pursuant to sections 403(a) and 423(b) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010:

(1) Amounts incorporated by reference in this Act that were previously designated as available for overseas deployments and other activities pursuant to such concurrent resolution.

(2) Amounts made available pursuant to paragraph (8) of section 1101(a) of this Act.

SEC. 1112. Any language specifying an earmark in an appropriations Act for fiscal year 2010, or in a committee report or joint explanatory statement accompanying such an Act, shall have no legal effect with respect to funds appropriated by this Act. For purposes of this section, the term "earmark" means a congressional earmark or congressionally directed spending item, as defined in clause 9(e) of rule XXI of the Rules of the House of Representatives and paragraph 5(a) of rule XLIV of the Standing Rules of the Senate.

SEC. 1113. (a) Notwithstanding section 1101, user fees for "Securities and Exchange Commission, Salaries and Expenses" shall be available for obligation in the amount of \$1,250,000,000: Provided, That the authority provided in this subsection shall be deemed a regular appropriation for purposes of section 6(b) of the Securities Act of 1933 (15 U.S.C. 77f(b)) and sections 13(e), 14(g), and 31 of the Securities Exchange Act of 1934 (15 U.S.C. 78m(e), 78n(g), and 78ee).

(b) Notwithstanding section 1101, the Federal Communications Commission is authorized to assess and collect pursuant to section 9 of title I of the Communications Act of 1934 offsetting collections during fiscal year 2011 of \$350,634,000, and such amounts shall be available for obligation until expended, of which not less than \$8,279,115 shall be for the salaries and expenses of the Office of Inspector General.

SEC. 1114. (a) For the purposes of this section—

(1) the term "employee"—

(A) means an employee as defined in section 2105 of title 5, United States Code; and

(B) includes an individual to whom subsection (b), (c), or (f) of such section 2105 pertains (whether or not such individual satisfies subparagraph (A));

(2) the term "senior executive" means—

(A) a member of the Senior Executive Service under subchapter VIII of chapter 53 of title 5, United States Code;

(B) a member of the FBI-DEA Senior Executive Service under subchapter III of chapter 31 of title 5, United States Code;

(C) a member of the Senior Foreign Service under chapter 4 of title I of the Foreign Service Act of 1980 (22 U.S.C. 3961 and following); and

(D) a member of any similar senior executive service in an Executive agency;

(3) the term "senior-level employee" means an employee who holds a position in an Executive agency and who is covered by section 5376 of title 5, United States Code, or any similar authority; and

(4) the term "Executive agency" has the meaning given such term by section 105 of title 5, United States Code.

(b)(1) Notwithstanding any other provision of law, except as provided in subsection (e), no statutory pay adjustment which (but for this subsection) would otherwise take effect during the period beginning on January 1, 2011, and ending on December 31, 2012, shall be made.

(2) For purposes of this subsection, the term "statutory pay adjustment" means—

(A) an adjustment required under section 5303, 5304, 5304a, 5318, or 5343(a) of title 5, United States Code; and

(B) any similar adjustment, required by statute, with respect to employees in an Executive agency.

(c) Notwithstanding any other provision of law, except as provided in subsection (e), during the period beginning on January 1, 2011, and ending on December 31, 2012, no senior executive or senior-level employee may receive an increase in his or her rate of basic pay absent a change of position that results in a substantial increase in responsibility, or a promotion.

(d) The President may issue guidance that Executive agencies shall apply in the implementation of this section.

(e) The Non-Foreign Area Retirement Equity Assurance Act of 2009 (5 U.S.C. 5304 note) shall be applied using the appropriate locality-based comparability payments established by the President as the applicable comparability payments in section 1914(2) and (3) of such Act.

SEC. 1115. (a) Amounts made available by this Act shall be available for transfer by the head of the agency to the extent necessary to avoid furloughs or reductions in force, or to provide funding necessary for programs and activities required by law: Provided, That such transfers may not result in the termination of programs, projects or activities: Provided further, That such transfers shall be subject to the approval of the House and Senate Appropriations Committees.

(b) The authorities provided by subsection (a) of this section shall be in addition to any other transfer authority provided elsewhere in this statute.

SEC. 1116. None of the funds made available in this or any prior Act may be used to transfer, release, or assist in the transfer or release to or within the United States, its territories, or possessions Khalid Sheikh Mohammed or any other detainee who—

(1) is not a United States citizen or a member of the Armed Forces of the United States; and

(2) is or was held on or after June 24, 2009, at the United States Naval Station, Guantanamo Bay, Cuba, by the Department of Defense.

SEC. 1117. None of the funds appropriated or otherwise made available by this Act may be obligated by any covered executive agency in contravention of the certification requirement of section 6(b) of the Iran Sanctions Act of 1996, as included in the revisions to the Federal Acquisition Regulation pursuant to such section.

TITLE II—ADJUSTMENTS IN FUNDING AND OTHER PROVISIONS

CHAPTER 1—AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES

SEC. 2101. Notwithstanding section 1101, the level for each of the following accounts shall be as follows: "Agricultural Programs, Agricultural Research Service, Buildings and Facilities," \$0; "Agricultural Programs, Agricultural Marketing Service, Marketing Services", \$126,148,000; "Agricultural Programs, Grain Inspection, Packers and Stockyards Administration, Limitation on Inspection and Weighing Services Expenses", \$50,000,000; "Conservation Programs, Natural Resources Conservation Service, Watershed and Flood Prevention Operations", \$0; "Rural Development Programs, Rural Housing Service, Rental Assistance Program", \$971,593,000; "Domestic Food Programs, Food and Nutrition Service, Special Supplemental Nutrition Program for Women, Infants, and Children (WIC)", \$6,773,372,000; "Domestic Food Programs, Food and Nutrition Service, Nutrition Programs Administration", \$150,801,000; "Foreign Assistance and Related Programs, Foreign Agricultural Service, Salaries and Expenses", \$187,801,000;

and “Related Agencies and Food and Drug Administration, Independent Agencies, Farm Credit Administration, Limitation on Administrative Expenses”, \$59,400,000.

SEC. 2102. Notwithstanding section 1101, the level for “Agricultural Programs, Agriculture Buildings and Facilities and Rental Payments” shall be \$260,051,000, of which \$178,470,000 shall be available for payments to the General Services Administration for rent; of which \$13,800,000 shall be for payment to the Department of Homeland Security for building security activities; and of which \$67,781,000 shall be for buildings operations and maintenance expenses.

SEC. 2103. The amounts included under the heading “Agricultural Programs, National Institute of Food and Agriculture, Research and Education Activities” in Public Law 111–80 shall be applied to funds appropriated by this division as follows: by substituting “\$317,884,000” for “\$215,000,000”; by substituting “\$34,816,000” for “\$29,000,000”; by substituting “\$51,000,000” for “\$48,500,000”; by substituting “\$268,957,000” for “\$262,482,000”; by substituting “\$2,844,000” for “\$89,029,000”; by substituting “\$2,173,000” for “\$1,805,000”; by substituting “\$9,699,000” for “\$9,237,000”; by substituting “\$19,100,000” for “\$18,250,000”; by substituting “\$4,009,000” for “\$3,342,000”; by substituting “\$3,232,000” for “\$3,200,000”; and by substituting “\$11,253,000” for “\$45,122,000”.

SEC. 2104. The amounts included under the heading “Agricultural Programs, National Institute of Food and Agriculture, Extension Activities” in Public Law 111–80 shall be applied to funds appropriated by this division as follows: by substituting “\$306,227,000” for “\$297,500,000”; by substituting “\$43,838,000” for “\$42,677,000”; by substituting “\$69,131,000” for “\$68,070,000”; by substituting “\$3,755,000” for “\$3,045,000”; by substituting “\$19,886,000” for “\$19,770,000”; by substituting “\$4,377,000” for “\$4,321,000”; and by substituting “\$8,565,000” for “\$20,396,000”.

SEC. 2105. The amounts included under the heading “Agricultural Programs, Animal and Plant Health Inspection Services, Salaries and Expenses” in Public Law 111–80 shall be applied to funds appropriated by this division by substituting “\$45,219,000” for “\$60,243,000”.

SEC. 2106. In addition to amounts otherwise appropriated or made available by this Act, \$31,875,000 is appropriated to the Secretary of Agriculture for the costs of loan and loan guarantees under the heading “Agricultural Programs, Farm Service Agency, Agricultural Credit Insurance Fund Program Account” to ensure that the fiscal year 2010 program levels for such loan and loan guarantee programs are maintained for fiscal year 2011. Funds appropriated by this Act to such heading for farm ownership, operating and conservation direct loans and guaranteed loans may be transferred among these programs. The Secretary of Agriculture shall notify the Committees on Appropriations of the House of Representatives and Senate at least 15 days in advance of any transfer.

SEC. 2107. Notwithstanding section 1101, the level for each of the following accounts under the heading “Rural Development Programs” shall be as follows: “Rural Housing Service, Rural Housing Insurance Fund Program Account”, \$582,409,000; “Rural Housing Service, Farm Labor Program Account”, \$20,358,000; “Rural Housing Service, Rural Community Facilities Program Account”, \$56,579,000; “Rural Business-Cooperative Service, Rural Development Loan Fund Program Account”, \$17,879,000; “Rural Utilities Service, Rural Water and Waste Disposal Program Account”, \$579,361,000; “Rural Utilities Service, Rural Electrification and Telecommunications Loans Program Account”, \$40,659,000; and “Rural Utilities Service, Distance Learning, Telemedi-

cine, and Broadband Program”, \$78,051,000: Provided, That these funds are appropriated to the Secretary of Agriculture to ensure that the fiscal year 2010 program levels for such loan and loan guarantee programs are maintained for fiscal year 2011: Provided further, That the amount provided in this Act for grants and administrative expenses under these accounts shall remain unchanged from fiscal year 2010.

SEC. 2108. Notwithstanding section 1101, the level for “Domestic Food Programs, Food and Nutrition Service, Child Nutrition Programs” shall be \$17,319,981,000, to remain available through September 30, 2012, for necessary expenses to carry out the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.), except section 21, and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.), except sections 17 and 21; of which such sums as are made available under section 14222(b)(1) of the Food, Conservation, and Energy Act of 2008 (Public Law 110–246), as amended by this Act, shall be merged with and available for the same time period and purposes as provided herein: Provided, That of the total amount available, \$5,000,000 shall be available to be awarded as competitive grants to implement section 4405 of the Food, Conservation, and Energy Act of 2008 (Public Law 110–246), and may be awarded notwithstanding the limitations imposed by sections 4405(b)(1)(A) and 4405(c)(1)(A): Provided further, That section 14222(b)(1) of the Food, Conservation, and Energy Act of 2008 is amended by adding at the end before the period, “except section 21, and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.), except sections 17 and 21”.

SEC. 2109. Notwithstanding section 1101, the level for “Domestic Food Programs, Food and Nutrition Service, Commodity Assistance Program”, shall be \$253,358,000, of which \$176,788,000 shall be for the Commodity Supplemental Food Program.

SEC. 2110. Notwithstanding section 1101, the level for “Related Agencies and Food and Drug Administration, Food and Drug Administration, Salaries and Expenses” shall be \$3,707,611,000: Provided, That of the amount provided under this heading, \$667,057,000 shall be derived from prescription drug user fees authorized by section 736 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379h), shall be credited to this account and remain available until expended, and shall not include any fees pursuant to paragraphs (2) and (3) of section 736(a) of such Act (21 U.S.C. 379h(a)(2) and (a)(3)) assessed for fiscal year 2012 but collected in fiscal year 2011; \$61,860,000 shall be derived from medical device user fees authorized by section 738 of such Act (21 U.S.C. 379i), and shall be credited to this account and remain available until expended; \$19,448,000 shall be derived from animal drug user fees authorized by section 740 of such Act (21 U.S.C. 379j–12), and shall be credited to this account and remain available until expended; \$5,397,000 shall be derived from animal generic drug user fees authorized by section 741 of such Act (21 U.S.C. 379j–21), and shall be credited to this account and shall remain available until expended; and \$450,000,000 shall be derived from tobacco product user fees authorized by section 919 of such Act (21 U.S.C. 387s) and shall be credited to this account and remain available until expended: Provided further, That in addition and notwithstanding any other provision under this heading, amounts collected for prescription drug user fees that exceed the fiscal year 2011 limitation are appropriated and shall be credited to this account and remain available until expended: Provided further, That fees derived from prescription drug, medical device, animal drug, animal generic drug, and tobacco product assessments for fiscal year 2011 received during fiscal year 2011, including any such fees assessed prior to fiscal year 2011 but credited for

fiscal year 2011, shall be subject to the fiscal year 2011 limitations: Provided further, That none of these funds shall be used to develop, establish, or operate any program of user fees authorized by 31 U.S.C. 9701: Provided further, That of the total amount appropriated under this heading: (1) \$856,383,000 shall be for the Center for Food Safety and Applied Nutrition and related field activities in the Office of Regulatory Affairs; (2) \$963,311,000 shall be for the Center for Drug Evaluation and Research and related field activities in the Office of Regulatory Affairs; (3) \$328,234,000 shall be for the Center for Biologics Evaluation and Research and for related field activities in the Office of Regulatory Affairs; (4) \$162,946,000 shall be for the Center for Veterinary Medicine and for related field activities in the Office of Regulatory Affairs; (5) \$362,491,000 shall be for the Center for Devices and Radiological Health and for related field activities in the Office of Regulatory Affairs; (6) \$60,975,000 shall be for the National Center for Toxicological Research; (7) \$421,463,000 shall be for the Center for Tobacco Products and for related field activities in the Office of Regulatory Affairs; (8) not to exceed \$141,724,000 shall be for Rent and Related activities, of which \$41,951,000 is for White Oak Consolidation, other than the amounts paid to the General Services Administration for rent; (9) not to exceed \$185,983,000 shall be for payments to the General Services Administration for rent; and (10) \$224,101,000 shall be for other activities, including the Office of the Commissioner of Food and Drugs; the Office of Foods; the Office of the Chief Scientist; the Office of Policy, Planning and Budget; the Office of International Programs; the Office of Administration; and central services for these offices: Provided further, That none of the funds made available under this heading shall be used to transfer funds under section 770(n) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379dd): Provided further, That not to exceed \$25,000 of the amount provided under this heading shall be for official reception and representation expenses, not otherwise provided for, as determined by the Commissioner: Provided further, That funds may be transferred from one specified activity to another with the prior approval of the Committees on Appropriations of both Houses of Congress.

SEC. 2111. Notwithstanding any other provision of this Act, the following set-asides included in Public Law 111–80 for “Congressional Designated Projects” in the following accounts for the corresponding amounts shall not apply to funds appropriated by this Act:

(1) “Agricultural Programs, Agricultural Research Service, Salaries and Expenses”, \$44,138,000.

(2) “Agricultural Programs, National Institute of Food and Agriculture, Research and Education Activities”, \$120,054,000.

(3) “Agricultural Programs, National Institute of Food and Agriculture, Extension Activities”, \$11,831,000.

(4) “Agricultural Programs, Animal and Plant Health Inspection Service, Salaries and Expenses”, \$24,410,000.

(5) “Conservation Programs, Natural Resources Conservation Service, Conservation Operations”, \$37,382,000.

SEC. 2112. Notwithstanding any other provision of this Act, the following provisions included in Public Law 111–80 shall not apply to funds appropriated by this Act:

(1) The first proviso under the heading “Agricultural Programs, Agriculture Buildings and Facilities and Rental Payments”.

(2) The second proviso under the heading “Conservation Programs, Natural Resources Conservation Service, Conservation Operations”.

(3) The set-aside of \$2,800,000 under the heading “Rural Development Programs, Rural Business—Cooperative Service, Rural Cooperative Development Grants”.

(4) The second proviso under the heading “Rural Development Programs, Rural Utilities Service, Rural Water and Waste Disposal Account”.

(5) The first proviso under the heading “Domestic Food Programs, Food and Nutrition Service, Commodity Assistance Program”.

(6) The first proviso under the heading “Foreign Assistance and Related Programs, Foreign Agricultural Service, McGovern-Dole International Food for Education and Child Nutrition Program Grants”.

SEC. 2113. The following sections of title VII of Public Law 111–80 shall be applied to funds appropriated by this division by substituting \$0 for the dollar amounts included in those sections: section 718, section 723, section 727, section 728, and section 738.

SEC. 2114. The following sections of title VII of Public Law 111–80 shall not apply for fiscal year 2011: section 716, section 724, section 726, section 729, section 735, and section 748.

SEC. 2115. The following sections of title VII of Public Law 111–80 that authorized or required certain actions have been performed before the date of the enactment of this division and need not reoccur: section 737, section 740, section 747, and section 749.

SEC. 2116. Appropriations to the Department of Agriculture made available in fiscal year 2005 to carry out section 601 of the Rural Electrification Act of 1936 (7 U.S.C. 950bb) for the cost of direct loans shall remain available until expended to disburse valid obligations made in fiscal years 2005 and 2006.

SEC. 2117. In the case of each program established or amended by the Food, Conservation, and Energy Act of 2008 (Public Law 110–246), other than by title I or subtitle A of title III of such Act, or programs for which indefinite amounts were provided in that Act that is authorized or required to be carried out using funds of the Commodity Credit Corporation (1) such funds shall be available for salaries and related administrative expenses, including technical assistance, associated with the implementation of the program, without regard to the limitation on the total amount of allotments and fund transfers contained in section 11 of the Commodity Credit Corporation Charter Act (15 U.S.C. 714i); and (2) the use of such funds for such purpose shall not be considered to be a fund transfer or allotment for purposes of applying the limitation on the total amount of allotments and fund transfers contained in such section.

SEC. 2118. With respect to any loan or loan guarantee program administered by the Secretary of Agriculture that has a negative credit subsidy score for fiscal year 2011, the program level for the loan or loan guarantee program, for the purposes of the Federal Credit Reform Act of 1990, shall be the program level established pursuant to such Act for fiscal year 2010.

SEC. 2119. Notwithstanding section 1101, section 102(c) of chapter 1 of title I of the Supplemental Appropriations Act, 2010 (Public Law 111–212) that addresses guaranteed loans in the rural housing insurance fund shall remain in effect through the date specified in section 1106.

SEC. 2120. In paragraph (1) of section 721 of Public Law 111–80, strike “\$1,180,000,000” and insert “\$1,318,000,000”.

SEC. 2121. The following provisions of Public Law 111–80 shall be applied to funds appropriated by this division by substituting “2010”, “2011”, and “2012” for the terms “2009”, “2010”, and “2011”, respectively, in each instance that such terms appear:

(1) The second paragraph under the heading “Agricultural Programs, Animal and Plant

Health Inspection Service, Salaries and Expenses”.

(2) The second proviso under the heading “Agricultural Programs, Food Safety and Inspection Service”.

(3) The first proviso in the second paragraph under the heading “Rural Development Programs, Rural Housing Service, Rural Housing Insurance Fund Program Account”.

(4) The fifth proviso under the heading “Rural Development Programs, Rural Housing Service, Rental Assistance Program”.

(5) The proviso under the heading “Rural Development Programs, Rural Housing Service, Mutual and Self-Help Housing Grants”.

(6) The first proviso under the heading “Rural Development Programs, Rural Housing Service, Rural Housing Assistance Grants”.

(7) The seventh proviso under the heading “Rural Development Programs, Rural Housing Service, Rural Community Facilities Program Account”.

(8) The third proviso under the heading “Rural Development Programs, Rural Business—Cooperative Service, Rural Business Program Account”.

(9) The four availability of funds clauses under the heading “Rural Development Programs, Rural Business—Cooperative Service, Rural Development Loan Fund Program Account”.

(10) The fifth proviso under the heading “Rural Development Programs, Rural Utilities Service, Rural Water and Waste Disposal Program Account”.

(11) Sections 713, 717, and 746.

SEC. 2122. Notwithstanding section 1101, the level for “Commodity Futures Trading Commission” shall be \$261,000,000, to remain available until September 30, 2012.

SEC. 2123. The proviso under the heading “Commodity Futures Trading Commission” in Public Law 111–80 shall not apply to funds appropriated by this Act.

CHAPTER 2—COMMERCE, JUSTICE, SCIENCE, AND RELATED AGENCIES

SEC. 2201. Notwithstanding section 1101, the level for each of the following accounts shall be as follows: “Department of Commerce, Bureau of the Census, Periodic Censuses and Programs”, \$964,315,000; “Department of Commerce, National Telecommunications and Information Administration, Salaries and Expenses”, \$40,649,000; “Department of Commerce, National Institute of Standards and Technology, Construction of Research Facilities”, \$124,800,000; “Department of Commerce, National Oceanic and Atmospheric Administration, Procurement, Acquisition and Construction”, \$1,772,353,000; “Department of Justice, General Administration, Detention Trustee”, \$1,533,863,000; “Department of Justice, Legal Activities, Salaries and Expenses, United States Attorneys”, \$1,944,610,000; “Department of Justice, Federal Bureau of Investigation, Salaries and Expenses”, \$7,703,387,000; “Department of Justice, Federal Bureau of Investigation, Construction”, \$107,310,000; “Department of Justice, Drug Enforcement Administration, Salaries and Expenses”, \$2,030,488,000; “Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives, Salaries and Expenses”, \$1,126,587,000; “Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives, Construction”, \$0; “Department of Justice, Federal Prison System, Salaries and Expenses”, \$6,472,726,000; and “Department of Justice, Federal Prison System, Buildings and Facilities”, \$194,155,000.

SEC. 2202. Notwithstanding section 1101, the level for “Department of Commerce, United States Patent and Trademark Office, Salaries and Expenses” shall be \$2,262,000,000, to remain available until expended: Provided, That the sum herein appropriated from the general fund

shall be reduced as offsetting collections assessed and collected pursuant to 15 U.S.C. 1113 and 35 U.S.C. 41 and 376 are received during fiscal year 2011, so as to result in a fiscal year 2011 appropriation from the general fund estimated at \$0: Provided further, That during fiscal year 2011, should the total amount of offsetting fee collections, and the surcharge provided herein, be less than \$2,262,000,000, this amount shall be reduced accordingly: Provided further, That any amount received in excess of \$2,262,000,000 in fiscal year 2011, in an amount up to \$200,000,000, shall remain available until expended: Provided further, That there shall be a surcharge of 15 percent, rounded by standard arithmetic rules, on fees charged or authorized by subsections (a), (b), and (d)(1) of section 41 of title 35, United States Code, as administered under Public Law 108–447 and this Act, and on fees charged or authorized by section 132(b) of title 35, United States Code: Provided further, That the surcharge established under the previous proviso shall be separate from, and in addition to, any other surcharge that may be required pursuant to any provision of title 35, United States Code: Provided further, That the surcharge established in the previous 2 provisions shall take effect on the date that is 10 days after the date of enactment of this Act, and shall remain in effect during fiscal year 2011: Provided further, That the receipts collected as a result of these surcharges shall be available, within the amounts provided herein, to the United States Patent and Trademark Office without fiscal year limitation, for all authorized activities and operations of the Office: Provided further, That within the amounts appropriated, \$1,000,000 shall be transferred to “Department of Commerce, Departmental Management, Office of Inspector General” for activities associated with carrying out investigations and audits related to the United States Patent and Trademark Office.

SEC. 2203. Notwithstanding section 1101, the level for “Department of Justice, Community Oriented Policing Services” shall be \$597,500,000: Provided, That the amounts included under that heading in division B of Public Law 111–117 shall be applied in the same manner to funds appropriated by this Act, except that “\$15,000,000” shall be substituted for “\$40,385,000”, “\$0” shall be substituted for “\$25,385,000”, “\$1,500,000” shall be substituted for “\$170,223,000”, and “\$0” shall be substituted for “\$168,723,000”.

SEC. 2204. Notwithstanding section 1101, the level for “Department of Justice, Office of Justice Programs, State and Local Law Enforcement Assistance” shall be \$1,349,500,000: Provided, That the amounts included under that heading in division B of Public Law 111–117 shall be applied in the same manner to funds appropriated by this Act, except that “\$0” shall be substituted for “\$185,268,000”.

SEC. 2205. Notwithstanding section 1101, the level for “Department of Justice, Office of Justice Programs, Juvenile Justice Programs” shall be \$332,500,000: Provided, That the amounts included under that heading in division B of Public Law 111–117 shall be applied in the same manner to funds appropriated by this Act, except that “\$0” shall be substituted for “\$91,095,000”.

SEC. 2206. Notwithstanding section 1101, the level for the following accounts of the National Aeronautics and Space Administration shall be as follows: “Science”, \$5,005,600,000; “Exploration”, \$3,706,000,000; “Space Operations”, \$5,247,900,000; “Aeronautics”, \$1,138,600,000; “Education”, \$180,000,000; “Cross Agency Support”, \$3,085,700,000; “Construction and Environmental Compliance and Remediation”,

\$528,700,000, of which \$20,000,000 shall be derived from available unobligated balances previously appropriated for construction of facilities; and "Office of Inspector General", \$37,500,000: Provided, That within the funds provided for "Space Operations", not less than \$989,100,000 shall be for Space Shuttle operations, production, research, development, and support, \$2,745,000,000 shall be for International Space Station operations, production, research, development, and support, \$688,800,000 shall be for Space and Flight Support, and \$825,000,000 shall be for additional Space Shuttle costs, launch complex development only for activities at the Kennedy Space Center related to the civil, nondefense launch complex, use at other National Aeronautics and Space Administration flight facilities that are currently scheduled to launch cargo to the International Space Station, and development of ground operations for the heavy lift launch vehicle and the Orion multipurpose crew vehicle: Provided further, That within the funds provided for "Aeronautics", \$579,600,000 shall be for aeronautics research and development activities, and \$559,000,000 shall be for space technology activities proposed for "Aeronautics" and exploration technology and demonstration program activities proposed for "Exploration" in the National Aeronautics and Space Administration congressional justification that accompanied the President's Fiscal Year 2011 budget: Provided further, That within the funds provided for "Exploration", not less than \$1,200,000,000 shall be for the Orion multipurpose crew vehicle, not less than \$250,000,000 shall be for commercial crew, not less than \$300,000,000 shall be for commercial cargo development, and not less than \$1,800,000,000 shall be for the heavy lift launch vehicle system: Provided further, That the initial lift capability for the heavy lift launch vehicle system shall be not less than 130 tons and that the upper stage and other core elements shall be simultaneously developed: Provided further, That the provisos limiting the use of funds under the heading "National Aeronautics and Space Administration, Exploration" in division B of Public Law 111-117 shall not apply to funds appropriated by this Act: Provided further, That within the funds provided for "Construction and Environmental Compliance and Remediation", \$40,500,000 shall be available to support science research and development activities; \$109,800,000 shall be available to support exploration research and development activities; \$15,600,000 shall be available to support space operations research and development activities; \$300,700,000 shall be available for institutional construction of facilities; and \$62,100,000 shall be available for environmental compliance and remediation: Provided further, That of funds provided under the headings "Space Operations" and "Exploration" in this Act, up to \$60,000,000 may be transferred to "Department of Commerce, Economic Development Administration, Economic Development Assistance Programs" to spur regional economic growth in areas impacted by Shuttle retirement and Exploration programmatic changes: Provided further, That following the retirement of the space shuttle orbiters, the National Aeronautics and Space Administration shall bear any costs that normally would be associated with surplus the orbiters, including taking hazardous orbiter systems offline, and any shuttle recipient other than the Smithsonian Institution shall bear costs for transportation and for preparing the surplus orbiter for display: Provided further, That should the Administrator determine that the Smithsonian Institution is an appropriate venue for an orbiter, such orbiter shall be made available to the Smithsonian at no or nominal cost: Provided further, That any funds received by the National Aeronautics and Space Adminis-

tration as a result of the disposition of any orbiter shall be available only as provided in subsequent appropriations Acts: Provided further, That funds made available for "Space Operations" in excess of those specified for Space Shuttle, International Space Station, and Space and Flight support may be transferred to "Construction and Environmental Compliance and Remediation" for construction activities only at National Aeronautics and Space Administration owned facilities: Provided further, That funds so transferred shall not be subject to section 505(a)(1) of division B of Public Law 111-117 or to the transfer limitations for the National Aeronautics and Space Administration described in the Administrative Provisions of that Act, and shall be available until September 30, 2015, only after notification of such transfers to the House and Senate Committees on Appropriations.

SEC. 2207. Of the funds made available for "Department of Commerce, Bureau of the Census, Periodic Censuses and Programs" in division B of Public Law 111-117, \$1,740,000,000 is rescinded.

SEC. 2208. Section 529 of division B of Public Law 111-117 shall not apply to this Act.

SEC. 2209. The Departments of Commerce and Justice, the National Aeronautics and Space Administration, and the National Science Foundation are directed to submit spending plans, signed by the respective department or agency head, to the House and Senate Committees on Appropriations within 60 days of enactment of this Act.

SEC. 2210. None of the funds provided to the Department of Justice in this or any prior Act shall be available for the acquisition of any facility that is to be used wholly or in part for the incarceration or detention of any individual detained at Naval Station, Guantanamo Bay, Cuba, as of June 24, 2009.

SEC. 2211. Notwithstanding any other provision of this Act, the following set-asides included in division B of Public Law 111-117 for projects specified in the explanatory statement accompanying that Act in the following accounts for the corresponding amounts shall not apply to funds appropriated by this Act: (1) "Department of Commerce, International Trade Administration, Operations and Administration", \$5,215,000; (2) "Department of Commerce, Minority Business Development Agency, Minority Business Development", \$1,100,000; (3) "Department of Commerce, National Institute of Standards and Technology, Scientific and Technical Research and Services", \$10,500,000; (4) "Department of Commerce, National Institute of Standards and Technology, Construction of Research Facilities", \$47,000,000; (5) "Department of Commerce, National Oceanic and Atmospheric Administration, Operations, Research and Facilities", \$99,295,000; (6) "Department of Commerce, National Oceanic and Atmospheric Administration, Procurement, Acquisition and Construction", \$18,000,000; and (7) "National Aeronautics and Space Administration, Cross Agency Support", \$63,000,000.

SEC. 2212. Of the unobligated balances available to "Department of Justice, Legal Activities, Assets Forfeiture Fund", \$500,000,000 is hereby rescinded.

CHAPTER 3—DEFENSE

SEC. 2301. Notwithstanding section 1101 of this Act, the level for the "Defense Health Program" shall be \$32,097,203,000; of which \$30,952,369,000 shall be for operation and maintenance, of which not to exceed 2 percent shall remain available until September 30, 2012, and of which up to \$16,212,121,000 may be available for contracts entered into under the TRICARE program; of which \$519,921,000, to remain available for obligation until September 30, 2013, shall be for procurement; and of which \$624,913,000, to remain available for obligation until September

30, 2012, shall be for research, development, test and evaluation.

SEC. 2302. Amounts provided by section 1101 of this Act for "Defense Health Program, Department of Defense" shall be available: (1) for the purposes provided under section 1704 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84), (2) for transfer to the Joint Department of Defense-Department of Veterans Affairs Medical Facility Demonstration Fund under such section 1704, and (3) for operations of the integrated Captain James A. Lovell Federal Health Care Center, consisting of the North Chicago Veterans Affairs Medical Center, and Navy Ambulatory Care Center, and supporting facilities designated as a combined federal medical facility as described by section 706 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417).

SEC. 2303. (a) The authority provided by section 1202 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163), as amended by section 1222 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84; 123 Stat. 2518), and the authority provided by section 1222(e) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84), shall continue in effect through the date specified in section 1106 of this Act.

(b) Notwithstanding section 1101 of this Act, the level available for the "Commander's Emergency Response Program" shall be \$500,000,000: Provided, That projects (including ancillary or related elements in connection with each project) executed under this authority shall not exceed \$20,000,000: Provided further, That the Secretary of Defense shall notify the congressional defense committees in writing of any project with a total anticipated cost for completion of \$5,000,000 not less than 15 days prior to obligating funds.

SEC. 2304. The authority provided by section 1234 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84; 123 Stat. 2532) shall continue in effect through the earlier of the date of enactment of the National Defense Authorization Act for Fiscal Year 2011 or December 31, 2011.

SEC. 2305. The authority provided by section 1224 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84; 123 Stat. 2521) shall continue in effect through the earlier of the date of enactment of the National Defense Authorization Act for Fiscal Year 2011 or December 31, 2011.

SEC. 2306. Notwithstanding any other provision of law, of the amount provided to the Department of Defense by section 1101 of this Act for "Operation and Maintenance", up to \$75,000,000 may be obligated and expended for purposes of building the capacity of Yemeni Ministry of Interior forces to conduct counterterrorism operations, subject to the direction and control of the Secretary of Defense, with the concurrence of the Secretary of State: Provided, That the Secretary of Defense shall, not fewer than 15 days prior to providing assistance under this section, submit to the congressional defense committees a notice setting forth the assistance to be provided, including the types of such assistance, the budget for such assistance, and the completion date for the provision of such assistance.

SEC. 2307. All funds provided by section 1101 of this Act for the "Joint Improvised Explosive Device Defeat Fund" may be used for staff and infrastructure costs.

SEC. 2308. The authority provided by section 1014 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417), shall continue in effect through

the earlier of the date of enactment of the National Defense Authorization Act for Fiscal Year 2011 or December 31, 2011.

SEC. 2309. Section 8905a(d)(4)(B) of title 5, United States Code, is amended—

(1) in clause (i), by striking “October 1, 2010” and inserting “December 31, 2011”; and

(2) in clause (ii)—

(A) by striking “February 1, 2011” and inserting “February 1, 2012”; and

(B) by striking “October 1, 2010” and inserting “December 31, 2011”.

SEC. 2310. There is hereby established in the Treasury of the United States the “Afghanistan Infrastructure Fund”. Of the funds made available in section 1101 of this Act, \$400,000,000 is available for the “Afghanistan Infrastructure Fund”, to remain available until September 30, 2012: Provided, That such sums shall be available for infrastructure projects in Afghanistan, notwithstanding any other provision of law, which shall be undertaken by the Secretary of State, unless the Secretary of State and the Secretary of Defense jointly decide that a specific project will be undertaken by the Department of Defense: Provided further, That the infrastructure referred to in the preceding proviso is in support of the counterinsurgency strategy, requiring funding for facility and infrastructure projects, including water, power, and transportation projects and related maintenance and sustainment costs: Provided further, That the authority to undertake such infrastructure projects is in addition to any other authority to provide assistance to foreign nations: Provided further, That any projects funded by this appropriation shall be jointly formulated and concurred in by the Secretary of State and Secretary of Defense: Provided further, That funds may be transferred to the Department of State for purposes of undertaking projects, which funds shall be considered to be economic assistance under the Foreign Assistance Act of 1961 for purposes of making available the administrative authorities contained in that Act: Provided further, That the transfer authority in the preceding proviso is in addition to any other authority available to the Department of Defense to transfer funds: Provided further, That any unexpended funds transferred to the Secretary of State under this authority shall be returned to the Afghanistan Infrastructure Fund if the Secretary of State, in coordination with the Secretary of Defense, determines that the project cannot be implemented for any reason, or that the project no longer supports the counterinsurgency strategy in Afghanistan: Provided further, That any funds returned to the Secretary of Defense under the previous proviso shall be available for use under this section and shall be treated in the same manner as funds not transferred to the Secretary of State: Provided further, That contributions of funds for the purposes provided herein to the Secretary of State in accordance with section 635(d) of the Foreign Assistance Act from any person, foreign government, or international organization may be credited to such Fund, to remain available until expended, and used for such purposes: Provided further, That not later than 45 days after the end of each fiscal quarter, the Inspector General of the Department of State or the Inspector General of the United States Agency for International Development, as appropriate, shall provide to the appropriate committees of Congress an assessment in writing of whether the funds provided herein to the Department of State or the United States Agency for International Development are being used in the intended manner: Provided further, That the Secretary of Defense shall, not fewer than 15 days prior to making transfers to or from, or obligations from, the Fund, notify the appropriate committees of Congress in writing of the details

of any such transfer: Provided further, That the “appropriate committees of Congress” are the Committees on Armed Services, Foreign Relations, and Appropriations of the Senate and the Committees on Armed Services, Foreign Affairs, and Appropriations of the House of Representatives.

SEC. 2311. The authority provided by section 1021 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 118 Stat. 2042), as amended by section 1011 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2441), shall continue in effect through the earlier of the date of enactment of the National Defense Authorization Act for Fiscal Year 2011 or the date specified in section 1106 of this Act.

SEC. 2312. The authority provided by section 1022 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136; 10 U.S.C. 371 note), as amended by section 1012 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2441), shall continue in effect through the earlier of the date of enactment of the National Defense Authorization Act for Fiscal Year 2011 or the date specified in section 1106 of this Act.

SEC. 2313. The authority provided by section 1033 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85), as amended by section 1014 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2442), shall continue in effect through the earlier of the date of enactment of the National Defense Authorization Act for Fiscal Year 2011 or the date specified in section 1106 of this Act.

SEC. 2314. The Secretary of the Navy may award a contract or contracts for up to 20 Littoral Combat Ships subject to the availability of appropriated funds for such purpose.

SEC. 2315. In addition to amounts otherwise made available by this Act, \$2,770,300,000, is hereby appropriated for title I of division A of the Department of Defense Appropriations Act, 2010 (division A of Public Law 111–118).

SEC. 2316. The authority provided by sections 611, 612, 613, 614, 615, and 616 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84) shall continue in effect through the earlier of the date of enactment of the National Defense Authorization Act for Fiscal Year 2011 or December 31, 2011.

SEC. 2317. The authority provided by section 631 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181) shall continue in effect through the earlier of the date of enactment of the National Defense Authorization Act for Fiscal Year 2011 or December 31, 2011.

SEC. 2318. Notwithstanding subsection (b) of section 310 of the Supplemental Appropriations Act, 2009 (Public Law 111–32; 123 Stat. 1870), a claim described in that subsection that is submitted before the date specified in section 1106 of this Act shall be treated as a claim for which payment may be made under such section 310.

SEC. 2319. The authority provided by section 1071 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84) shall continue in effect through the earlier of the date of enactment of the National Defense Authorization Act for Fiscal Year 2011 or December 31, 2011.

SEC. 2320. The authority provided by section 931 of the National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364) shall continue in effect through the earlier of the date of enactment of the National Defense Authorization Act for Fiscal Year 2011 or December 31, 2011.

SEC. 2321. The authority provided by section 1106 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84) shall

continue in effect through the earlier of the date of enactment of the National Defense Authorization Act for Fiscal Year 2011 or December 31, 2011.

SEC. 2322. (a) EXTENSION OF WAIVER.—Paragraph (1) of section 941(b) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4577; 10 U.S.C. 184 note) is amended by striking “fiscal years 2009 and 2010” and inserting “fiscal years 2009 through 2011.”

(b) ANNUAL REPORT.—Paragraph (3) of such section 941(b) is amended by striking “in 2010 and 2011” and inserting “in each year through 2012.”

SEC. 2323. Notwithstanding section 1101 of this Act, sections 8006, 8076, and 8101 of the Department of Defense Appropriations Act, 2010 (division A of Public Law 111–118), shall not be applicable during the current fiscal year.

SEC. 2324. Notwithstanding any other provision of law, during fiscal year 2011, not more than \$150,000,000 of the funds made available for overseas contingency operations operation and maintenance may be obligated and expended for purposes of the Task Force for Business and Stability Operations, subject to the direction and control of the Secretary of Defense, with concurrence of the Secretary of State, to carry out strategic business and economic assistance activities in support of Operation Enduring Freedom: Provided, That the Secretary of Defense shall, not fewer than 15 days prior to the use of the authority provided in this section, submit to the congressional defense committees a notice setting forth the projects to be initiated, including the budget and the completion date for each project.

SEC. 2325. Subsection (a) of section 2808 of the Military Construction Authorization Act for Fiscal Year 2004 (division B of Public Law 108–136; 117 Stat. 1723), as amended by section 2806 of the Military Construction Authorization Act for Fiscal Year 2010 (division B of Public Law 111–84; 123 Stat. 2660), shall continue in effect through the date specified in section 1106 of this Act.

SEC. 2326. Of the amounts made available to the Department of Defense in section 1101 of this Act, the Secretary of Defense shall provide \$205,000,000 to the government of Israel for the procurement of the Iron Dome defense system to counter short-range rocket threats.

SEC. 2327. (a) None of the amounts made available and no authority provided pursuant to section 1101 of this Act to the Department of Defense shall be used for—

(1) the new production of items not funded for production in fiscal year 2010 or prior years;

(2) the increase in production rates or levels of effort above those sustained with amounts made available for fiscal year 2010; or

(3) the initiation, resumption, or continuation of any project, activity, operation, or organization (defined as any project, subproject, activity, budget activity, program element, and subprogram within an O–1 line, R–1 program element and P–1 line item in a budget activity within an appropriation account) for which appropriations, funds, or other authority were not available during fiscal year 2010 except as approved and described in subsection (b).

(b) The Secretary of Defense, with the approval of the Director of the Office of Management and Budget, may make a single transfer request to realign funds for execution in fiscal year 2011, to include new starts, increases in production or levels of effort, and other realignments to meet military requirements for which funds were not provided for during fiscal year 2010. The transfer of funds for such purposes shall be accomplished using the procedures established in section 8005 of the Department of Defense Appropriations Act, 2010 (division A of

Public Law 111–118), by not later than 60 days after the date of enactment of this Act: Provided, That with the exception of funding provided in title I of the Department of Defense Appropriations Act, 2010 and for the “Defense Health Program” in section 2301 of this Act, and section 2332 of this Act, the program base from which realignments are proposed shall be the allocations as prescribed in section 1101 of this Act: Provided further, That transfers made in the realignment reprogramming shall not be taken into account for purposes of the limitation on the amount of funds that may be transferred under section 8005 of the Department of Defense Appropriation Act, 2010 (division A of Public Law 111–118).

(c) Subsequent to a transfer under subsection (b), the Secretary of Defense shall submit to the congressional defense committees reports on the baseline for application of reprogramming and transfer authorities for fiscal year 2011 as provided in section 8007 of the Department of Defense Appropriations Act, 2010 (division A of Public Law 111–118).

SEC. 2328. None of the amounts appropriated or authorities granted pursuant to section 1101 of this Act for the National Intelligence Program shall be used for new projects or sub-projects for which funds were not provided for in fiscal year 2010 or for increases in level of effort for previously funded projects or sub-projects above the fiscal year 2010 funded level unless the congressional intelligence committees are notified in accordance with the regular reprogramming procedures.

SEC. 2329. Of the funds available in section 1101 of this Act, \$250,000,000 is hereby appropriated for “Operation and Maintenance, Defense-Wide”, to be available until expended: Provided, That such funds shall only be available to the Secretary of Defense, acting through the Office of Economic Adjustment of the Department of Defense, or for transfer to the Secretary of Education, notwithstanding any other provision of law, to make grants, conclude cooperative agreements, or supplement other federal funds to construct, renovate, repair, or expand elementary and secondary public schools on military installations in order to address capacity or facility condition deficiencies at such schools: Provided further, That in making such funds available, the Office of Economic Adjustment or the Secretary of Education shall give priority consideration to those military installations with schools having the most serious capacity or facility condition deficiencies, as determined by the Secretary of Defense.

SEC. 2330. Of the amounts provided to the Department of Defense in section 1101 of this Act for operation and maintenance, \$300,000,000, shall be for “Operation and Maintenance, Defense-Wide”, to remain available until expended. Such funds may be available for the Office of Economic Adjustment, notwithstanding any other provision of law, for transportation infrastructure improvements associated with medical facilities related to recommendations of the Defense Base Closure and Realignment Commission.

SEC. 2331. None of the amounts appropriated or otherwise made available or authorities provided pursuant to section 1101 of this Act for the Department of Defense shall be used to initiate multi-year procurements.

SEC. 2332. In addition to amounts otherwise made available by this Act, \$2,000,000 is appropriated for the National Commission for the Review of the Research and Development Programs of the United States Intelligence Community.

SEC. 2333. For purposes of section 8089 of division A of the Department of Defense Appropriations Act, 2010 (division A of Public Law 111–118), any funds transferred shall retain the

same period of availability as when originally appropriated.

SEC. 2334. (a) The amount provided by section 1101 of this Act for title II of division A of the Department of Defense Appropriations Act, 2010 (division A of Public Law 111–118) is hereby reduced to reflect excess cash balances in Department of Defense Working Capital Funds, as follows: From “Operation and Maintenance, Army”, \$483,000,000.

(b) Of the funds appropriated in Department of Defense Appropriations Acts, the following funds are hereby rescinded from the following accounts and programs in the specified amounts:

(1) “Aircraft Procurement, Navy, 2010/2012”, \$168,000,000;

(2) “Aircraft Procurement, Air Force, 2010/2012”, \$136,000,000; and

(3) “Research, Development, Test and Evaluation, Air Force 2010/2011”, \$182,000,000.

CHAPTER 4—ENERGY AND WATER DEVELOPMENT, AND RELATED AGENCIES

SEC. 2401. Sections 106, 107, 109 through 125, 203, 205 through 211, and 314 of the Energy Water and Development and Related Agencies Appropriations Act, 2010 (Public Law 111–85) shall not apply to funds appropriated in this Act.

SEC. 2402. The Secretary of the Army, acting through the Chief of Engineers, may waive the limitation concerning total project costs in section 902 of the Water Resources Development Act of 1986 (33 U.S.C. 2280), if such limitation would be exceeded during fiscal year 2011 for any project that receives funds provided in this Act.

SEC. 2403. Notwithstanding section 1101, the level for “Corps of Engineers, Civil, Construction” shall be \$1,837,000,000.

SEC. 2404. All of the provisos under the heading “Corps of Engineers, Civil, Construction” in Public Law 111–85 shall not apply to funds appropriated in this Act.

SEC. 2405. The proviso under the heading “Corps of Engineers, Civil, Mississippi River and Tributaries” in Public Law 111–85 shall not apply to funds appropriated in this Act.

SEC. 2406. The authority provided by section 126 of Public Law 111–85, which continues in effect through the date specified in section 1106 of this Act, shall include the authority to undertake such modifications or emergency measures as the Secretary of the Army determines to be appropriate to prevent aquatic nuisance species from dispersing into the Great Lakes by way of any hydrologic connection between the Great Lakes and the Mississippi River.

SEC. 2407. The last four provisos under the heading “Department of the Interior, Bureau of Reclamation, Water and Related Resources” in Public Law 111–85 shall not apply to funds appropriated in this Act.

SEC. 2408. Notwithstanding section 1101, the level for each of the following accounts under the heading “Department of Energy, Energy Programs” shall be as follows: “Advanced Technology Vehicles Manufacturing Loan Program”, \$9,998,000; “Office of the Inspector General”, \$42,850,000; “Electricity Delivery and Energy Reliability”, \$158,982,000; “Nuclear Energy”, \$768,637,000; and “Strategic Petroleum Reserve”, \$209,861,000.

SEC. 2409. The first proviso under the heading “Department of Energy, Energy Programs, Science” in title III of the Energy and Water Development Appropriations Act, 2010 (Public Law 111–85) shall not apply to funds appropriated in this Act.

SEC. 2410. Up to a total of \$300,000,000 of funds provided by section 1101 for “Department of Energy, Energy Programs, Energy Efficiency and Renewable Energy” and “Department of Energy, Energy Programs, Science” may be

transferred by the Secretary of Energy to “Advanced Research Projects Agency—Energy”: Provided, That of the funds transferred, the Director of the Advanced Research Projects Agency—Energy shall have the authority to fix basic pay and payments in addition to basic pay without regard to the civil service laws, provided that aggregate pay does not exceed the Vice President’s salary as specified in 3 U.S.C. 104.

SEC. 2411. Notwithstanding section 1101, subject to section 502 of the Congressional Budget Act of 1974, amounts necessary to support commitments to guarantee loans under title XVII of the Energy Policy Act of 2005, not to exceed a total principal amount of \$10,000,000,000, to remain available until committed: Provided, That of such amount \$7,000,000,000 is for nuclear power facilities and \$3,000,000,000 is for fossil energy technologies: Provided further, That these amounts are in addition to authorities provided in any other Act: Provided further, That for amounts collected pursuant to section 1702(b)(2) of the Energy Policy Act of 2005, the source of such payment received from borrowers may not be a loan or other debt obligation that is guaranteed by the Federal Government: Provided further, That pursuant to section 1702(b)(2) of the Energy Policy Act of 2005, no appropriations are available to pay the subsidy cost of such guarantees for nuclear power facilities or fossil energy technologies: Provided further, That none of the loan guarantee authority made available in this Act shall be available for commitments to guarantee loans for any projects with respect to which funds, personnel, or property (tangible or intangible) of any Federal agency, instrumentality, personnel, or affiliated entity are expected to be used (directly or indirectly) through acquisitions, contracts, demonstrations, exchanges, grants, incentives, leases, procurements, sales, other transaction authority, or other arrangements, to support the project or to obtain goods or services from the project: Provided further, That the previous proviso shall not be interpreted as precluding the use of the loan guarantee authority in this Act for commitments to guarantee loans for (1) projects as a result of such projects benefitting from otherwise allowable Federal income tax benefits; (2) projects as a result of such projects benefitting from being located on Federal land pursuant to a lease or right-of-way agreement for which all consideration for all uses is (A) paid exclusively in cash, (B) deposited in the Treasury as offsetting receipts, and (C) equal to the fair market value as determined by the head of the relevant Federal agency; (3) projects as a result of such projects benefitting from Federal insurance programs, including under section 170 of the Atomic Energy Act of 1954 (42 U.S.C. 2210; commonly known as the “Price-Anderson Act”); or (4) electric generation projects using transmission facilities owned or operated by a Federal Power Marketing Administration or the Tennessee Valley Authority that have been authorized, approved, and financed independent of the project receiving the guarantee: Provided further, That none of the loan guarantee authority made available in this Act shall be available for any project unless the Director of the Office of Management and Budget has certified in advance in writing that the loan guarantee and the project comply with the provisos under this section: Provided further, That in addition to amounts otherwise made available by this Act, \$306,000,000 is appropriated, to remain available until expended, for the cost of loan guarantees for projects that employ: (1) new or significantly improved technologies of renewable energy systems or efficient end-use energy technologies under section 1703 of the Energy Policy Act of 2005; or (2) notwithstanding section 1703(a)(2), commercial technologies of renewable

energy systems, efficient end-use energy technologies, or leading edge biofuel projects: Provided further, That of the authority provided for commitments to guarantee loans under “Department of Energy, Energy Programs, Title 17 Innovative Technology Loan Guarantee Program” in title III of division C of Public Law 111–8 and title III of division C of Public Law 110–161, \$18,000,000,000 is rescinded: Provided further, That an additional amount for necessary administrative expenses to carry out this Loan Guarantee program, \$58,000,000 is appropriated, to remain available until expended: Provided further, That \$58,000,000 of the fees collected pursuant to section 1702(h) of the Energy Policy Act of 2005 shall be credited as offsetting collections to this account to cover administrative expenses and shall remain available until expended, so as to result in a final fiscal year 2011 appropriations from the general fund estimated at not more than \$0: Provided further, That fees collected under such section 1702(h) in excess of the amount appropriated for administrative expenses shall not be available until appropriated.

SEC. 2412. Notwithstanding section 1101, the level for “Atomic Energy Defense Activities, National Nuclear Security Administration, Weapons Activities” shall be \$7,008,835,000: Provided, That \$624,000,000 of such amount shall be available only upon the Senate giving its advice and consent to the ratification of the Treaty between the United States of America and the Russian Federation on Measures for the Further Reduction and Limitation of Strategic Offensive Arms (commonly known as the “New START Treaty”).

SEC. 2413. All of the provisos under the heading “Atomic Energy Defense Activities, National Nuclear Security Administration, Weapons Activities” in title III of the Energy and Water Development Appropriations Act, 2010 (Public Law 111–85) shall not apply to funds appropriated in this Act.

SEC. 2414. Notwithstanding section 1101, the level for “Atomic Energy Defense Activities, National Nuclear Security Administration, Defense Nuclear Nonproliferation” shall be \$2,575,000,000.

SEC. 2415. The first proviso under the heading “Atomic Energy Defense Activities, National Nuclear Security Administration, Office of the Administrator” in title III of the Energy and Water Development Appropriations Act, 2010 (Public Law 111–85) shall not apply to funds appropriated in this Act.

SEC. 2416. Notwithstanding section 1101, the level for “Department of Energy, Environmental and Other Defense Activities, Defense Environmental Cleanup” shall be \$5,263,031,000, of which \$33,700,000 shall be transferred to the “Uranium Enrichment Decontamination and Decommissioning Fund”.

SEC. 2417. (a) Notwithstanding any other provision of law, no funds appropriated in this or any other Act may be used in fiscal year 2011 to transfer, sell, barter, distribute, or otherwise provide more than 3,300,000 pounds of natural uranium equivalent of uranium in any form from the Department of Energy’s inventory.

(b) Any transfer, sale, barter, distribution, or other provision of uranium in any form under subsection (a) shall be carried out consistent with the Department of Energy’s Excess Uranium Inventory Management Plan, dated December 16, 2008.

(c) The prohibition in subsection (a) shall not apply to the transfer, sale, barter, distribution, or other provision of uranium in any form for use in initial reactor cores.

(d) Not less than 30 days prior to the transfer, sale, barter, distribution, or other provision of uranium in any form in accordance with this section, the Secretary of Energy shall notify the

Committees on Appropriations of the House of Representatives and the Senate. Such notification shall include the following information:

(1) The amount of uranium to be transferred, sold, bartered, distributed, or otherwise provided.

(2) The estimated market value of the uranium.

(3) The expected date of the transfer, sale, barter, distribution, or provision of the uranium.

(4) The recipient of uranium.

SEC. 2418. Notwithstanding section 1105, no appropriation, funds, or authority made available pursuant to section 1101 for the Department of Energy shall be used to initiate or resume any project or activity or to initiate Requests For Proposals or similar arrangements (including Requests for Quotations, Requests for Information, and Funding Opportunity Announcements) for a program or activity if the program or activity has not been funded by Congress, unless prior approval is received from the Committees on Appropriations of the House of Representatives and the Senate.

SEC. 2419. During the period specified in section 1106 of this Act, section 15751(b) of title 40, United States Code, shall not apply to the Northern Border Regional Commission.

SEC. 2420. Within 30 days of enactment of this Act, the Department of Energy, Corps of Engineers, Civil, and Bureau of Reclamation shall submit to the Committees on Appropriations of the House of Representatives and the Senate a spending, expenditure, or operating plan for fiscal year 2011 at a level of detail below the account level.

CHAPTER 5—FINANCIAL SERVICES AND GENERAL GOVERNMENT

SEC. 2501. Notwithstanding section 1101, the level for each of the following accounts of the Department of the Treasury shall be as follows: “Departmental Offices, Salaries and Expenses”, \$320,088,000; “Special Inspector General for the Troubled Asset Relief Program, Salaries and Expenses”, \$36,300,000; “Treasury Inspector General for Tax Administration, Salaries and Expenses”, \$155,452,000; “Financial Management Service, Salaries and Expenses”, \$235,253,000; “Alcohol and Tobacco Tax and Trade Bureau, Salaries and Expenses”, \$101,000,000; and “Bureau of the Public Debt, Administering the Public Debt”, \$185,985,000.

SEC. 2502. Notwithstanding section 1101, under the heading “Department of the Treasury, Departmental Offices, Salaries and Expenses” in division C of Public Law 111–117, the requirement to transfer funds to the National Academy of Sciences for a carbon audit of the tax code shall not apply to funds appropriated by this Act.

SEC. 2503. Notwithstanding section 1101, under the heading “Department of the Treasury, Department-wide Systems and Capital Investments Programs” in division C of Public Law 111–117, the first proviso shall not apply to funds appropriated by this Act.

SEC. 2504. Notwithstanding section 1101, under the heading “Alcohol and Tobacco Tax and Trade Bureau” in division C of Public Law 111–117, the first proviso shall not apply to funds appropriated by this Act.

SEC. 2505. Of the unobligated balances available under the heading “Treasury Forfeiture Fund”, \$350,000,000 is rescinded.

SEC. 2506. Notwithstanding section 1101, the requirement to transfer funds to the Capital Magnet Fund under the heading “Department of the Treasury, Community Development Financial Institutions Fund Program Account” in title I of division C of Public Law 111–117 shall not apply to funds appropriated by this Act, and the funds subject to such transfer shall remain with the aggregate amount of funds provided under the first paragraph under such heading in such Public Law.

SEC. 2507. Notwithstanding section 1101, the level for each of the following accounts of the Internal Revenue Service shall be as follows: “Tarpayer Services”, \$2,338,215,000; “Operations Support”, \$4,159,884,000; “Business Systems Modernization”, \$363,897,000; and “Health Insurance Tax Credit Administration”, \$18,987,000.

SEC. 2508. Notwithstanding section 1101, the level for “Internal Revenue Service, Enforcement” shall be \$5,629,500,000, of which not less than \$125,500,000 shall be for enforcement related to offshore tax evasion.

SEC. 2509. Notwithstanding section 1101, the level for each of the following accounts shall be \$0: “Executive Office of the President and Funds Appropriated to the President, Partnership Fund for Program Integrity Innovation”; “Office of National Drug Control Policy, Counterdrug Technology Assessment Center”; “District of Columbia, Federal Payment for Consolidated Laboratory Facility”; and “Election Assistance Commission, Election Reform Programs”.

SEC. 2510. Notwithstanding section 1101, the level for each of the following accounts shall be as follows: “Executive Office of the President and Funds Appropriated to the President, White House Repair and Restoration”, \$2,005,000; “Executive Office of the President and Funds Appropriated to the President, National Security Council and Homeland Security Council”, \$13,984,000; “The Judiciary, Fees of Jurors and Commissioners”, \$52,410,000; “The Judiciary, Vaccine Injury Compensation Trust Fund”, \$4,785,000; “Administrative Conference of the United States”, \$2,750,000; “Federal Deposit Insurance Corporation, Office of the Inspector General”, \$47,916,000; “Harry S Truman Scholarship Foundation”, \$1,010,000; and “Office of Special Counsel, Salaries and Expenses”, \$19,435,000.

SEC. 2511. Any expenses incurred by the Election Assistance Commission using amounts appropriated under the heading “Election Assistance Commission, Election Reform Programs” in the Transportation, Treasury, and Independent Agencies Appropriations Act, 2004 (Public Law 108–199; 118 Stat. 327) for any program or activity which the Commission is authorized to carry out under the Help America Vote Act of 2002 shall be considered to have been incurred for the programs and activities described under such heading.

SEC. 2512. Notwithstanding section 1101, the level for “The Judiciary, Courts of Appeals, District Courts, and Other Judicial Services, Salaries and Expenses” shall be \$5,137,236,000; Provided, That notwithstanding section 302 of division C of Public Law 111–117, not to exceed \$101,962,000 shall be available for transfer between accounts to maintain fiscal year 2010 operating levels.

SEC. 2513. Section 203(c) of the Judicial Improvements Act of 1990 (Public Law 101–650; 28 U.S.C. 133 note), is amended—

(1) in the third sentence (relating to the District of Kansas), by striking “19 years” and inserting “20 years”;

(2) in the sixth sentence (relating to the Northern District of Ohio), by striking “19 years” and inserting “20 years”; and

(3) in the seventh sentence (relating to the District of Hawaii), by striking “16 years” and inserting “17 years”.

SEC. 2514. Notwithstanding any other provision of this Act, except section 1106, the District of Columbia may expend local funds for programs and activities under the heading “District of Columbia Funds” for such programs and activities under title IV of S. 3677 (111th Congress), as reported by the Committee on Appropriations of the Senate, at the rate set forth under “District of Columbia Funds” as included in the Fiscal Year 2011 Budget Request Act (D.C. Act 18–

448), as modified as of the date of the enactment of this Act.

SEC. 2515. Notwithstanding section 1101, the limits set forth in section 702 of division C of Public Law 111–117 shall not apply to any vehicle that is a commercial item and which operates on emerging motor vehicle technology, including electric, plug-in hybrid electric, and hydrogen fuel cell vehicles.

SEC. 2516. Notwithstanding section 1101, the aggregate amount of new obligational authority provided under the heading “General Services Administration, Real Property Activities, Federal Buildings Fund, Limitations on Availability of Revenue” for Federal buildings and court-houses and other purposes of the Fund shall be \$8,228,561,000, of which \$492,722,000 is provided for “Construction and Acquisition” and \$500,067,000 is provided for “Repairs and Alterations”: Provided, That the Administrator of General Services is authorized to initiate design, construction, repair, alteration, leasing, and other projects through existing authorities of the Administrator: Provided further, That the General Services Administration shall submit a detailed plan, by project, regarding the use of funds to the Committees on Appropriations of the House of Representatives and the Senate within 30 days of enactment of this section and will provide notification to the Committees within 15 days prior to any changes regarding the use of these funds.

SEC. 2517. The matter pertaining to the amount of \$1,000,000 under the heading “General Services Administration, Operating Expenses” in division C of Public Law 111–117 (123 Stat. 3190) shall not apply to funds appropriated by this Act.

SEC. 2518. Notwithstanding section 1101, the level for each of the following accounts of the National Archives and Records Administration shall be as follows: “Operating Expenses”, \$348,689,000; “Office of Inspector General”, \$4,250,000; “Electronic Records Archives”, \$72,000,000, of which \$52,500,000 shall remain available until September 30, 2013; “Repairs and Restoration”, \$11,848,000; and “National Historical Publications and Records Commission, Grants Program”, \$10,000,000.

SEC. 2519. Public Law 109–115 is amended, under the heading “National Archives and Records Administration, Repairs and Restoration”, by striking “of which \$1,500,000 is to construct a new regional archives and records facility in Anchorage, Alaska.”.

SEC. 2520. Division H of Public Law 108–447 is amended, under the heading “National Archives and Records Administration, Repairs and Restoration”, by striking “of which \$3,000,000 is for site preparation and construction management to construct a new regional archives and records facility in Anchorage, Alaska, and”.

SEC. 2521. Public Law 111–240 is amended in section 1114 and section 1704 by striking “December 31, 2010” and inserting “September 30, 2011” each time it appears and in section 1704 by adding at the end the following: “(c) For purposes of the loans made under this section, the maximum guaranteed amount outstanding to the borrower may not exceed \$4,500,000.”.

SEC. 2522. Notwithstanding section 1101, the level for “United States Postal Service, Payment to the Postal Service Fund” shall be \$29,000,000; and, notwithstanding section 1109, an additional \$74,905,000 shall be available for obligation on October 1, 2011.

SEC. 2523. Of the unobligated balances of prior year appropriations available under the heading “Privacy and Civil Liberties Oversight Board”, \$1,500,000 is rescinded.

SEC. 2524. Section 617 of division C of Public Law 111–117 is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

SEC. 2525. Of the unobligated balances of prior year appropriations available under the heading

“Federal Communications Commission, Salaries and Expenses”, \$2,800,000 is rescinded.

SEC. 2526. Section 710 of division C of Public Law 111–117 is amended in subsection (c) by striking “September 30, 2009” and inserting “September 30, 2010” and in subsection (e) by striking “September 30, 2009” and inserting “September 30, 2010”.

SEC. 2527. Section 805(b) of division C of Public Law 111–117 is amended by striking “November 1, 2010” and inserting “November 1, 2011”.

SEC. 2528. Section 302 of the Universal Service Antideficiency Temporary Suspension Act is amended by striking “December 31, 2010” each place it appears and inserting “December 31, 2011.”

CHAPTER 6—HOMELAND SECURITY

SEC. 2601. Within 30 days after the date of enactment of this Act, the Department of Homeland Security shall submit to the Committees on Appropriations of the House of Representatives and the Senate an expenditure plan for fiscal year 2011 at a level of specificity below the account level for the activities listed in the detailed funding table contained in Public Law 111–83.

SEC. 2602. Notwithstanding section 1101, the level for “Office of the Under Secretary for Management” shall be \$366,617,000, of which \$129,384,000 shall remain available until expended for headquarters consolidation and improvements.

SEC. 2603. Notwithstanding section 1101, the level for “Office of the Federal Coordinator for Gulf Coast Rebuilding” shall be \$0.

SEC. 2604. Notwithstanding section 1101, the level for each of the following accounts shall be as follows: “U.S. Customs and Border Protection, Salaries and Expenses”, \$8,208,013,000; “U.S. Customs and Border Protection, Automation Modernization”, \$347,575,000; “U.S. Customs and Border Protection, Border Security Fencing, Infrastructure, and Technology”, \$574,173,000; and “U.S. Customs and Border Protection, Construction and Facilities Management”, \$275,740,000.

SEC. 2605. Notwithstanding section 1101, the level for each of the following accounts shall be as follows: “U.S. Immigration and Customs Enforcement, Salaries and Expenses”, \$5,437,834,000; and “U.S. Immigration and Customs Enforcement, Automation Modernization”, \$84,700,000.

SEC. 2606. Notwithstanding section 1101, the level for each of the following accounts shall be as follows: “Transportation Security Administration, Aviation Security”, \$5,269,490,000, of which \$320,000,000 shall be for the purchase and installation of explosives detection systems; “Transportation Security Administration, Surface Transportation Security”, \$137,558,000; and “Transportation Security Administration, Federal Air Marshals”, \$926,711,000: Provided, That in applying the second proviso under the Aviation Security heading with respect to amounts made available by this Act, “9 percent” shall be substituted for “28 percent”: Provided further, That security service fees authorized under section 4490 of title 49, United States Code, shall be credited to the “Aviation Security” appropriation as offsetting collections and shall be available only for aviation security: Provided further, That the sum appropriated under the Aviation Security heading from the general fund shall be reduced on a dollar-for-dollar basis as such offsetting collections are received during fiscal year 2011, so as to result in a final fiscal year appropriation from the general fund estimated at not more than \$3,169,490,000.

SEC. 2607. Section 514 of Public Law 111–83 is amended to read as follows:

“SEC. 514. (a) The Assistant Secretary of Homeland Security (Transportation Security Administration) shall work with air carriers and

airports to ensure that screening (as that term is defined in section 44901(g)(5) of title 49, United States Code), increases incrementally each quarter until the requirement under section 44901(g)(2)(B) of such title is met.

“(b) Not later than 120 days after the end of each quarter, the Assistant Secretary shall submit to the Committees on Appropriations of the Senate and the House of Representatives a report on air cargo inspection statistics by airport and air carrier detailing the incremental progress being made to meet the requirement of section 44901(g)(2)(B) of title 49, United States Code.

“(c) Not later than 180 days after the date of the enactment of the Full-Year Continuing Appropriations Act, 2011, the Assistant Secretary shall submit to the Committees on Appropriations of the Senate and the House of Representatives, a report that either—

“(1) certifies that the requirement for screening all air cargo on passenger aircraft by the deadline under section 44901(g) of title 49, United States Code has been met; or

“(2) includes a strategy to comply with the requirements under section 44901(g) of title 49, United States Code, including—

“(A) a plan to meet the requirement under section 44901(g) of title 49, United States Code, to screen 100 percent of air cargo transported on passenger aircraft arriving in the United States in foreign air transportation (as that term is defined in section 40102 of that title); and

“(B) specification of—

“(i) the percentage of such air cargo that is being screened; and

“(ii) the schedule for achieving screening of 100 percent of such air cargo.

“(d) The Assistant Secretary shall continue to submit reports described in subsection (c)(2) every 180 days thereafter until the Assistant Secretary certifies that the Transportation Security Administration has achieved screening of 100 percent of such air cargo.”.

SEC. 2608. (a) CIVIL PENALTIES.—Section 46301(a)(5)(A)(i) of title 49, United States Code, is amended—

(1) by striking “or chapter 449” and inserting “chapter 449”; and

(2) by inserting “, or section 46314(a)” after “44909”.

(b) CRIMINAL PENALTIES.—Section 46314(b) of title 49, United States Code, is amended to read as follows:

“(b) CRIMINAL PENALTY.—A person violating subsection (a) of this section shall be fined under title 18, imprisoned for not more than 10 years, or both.”.

(c) NOTICE OF PENALTIES.—Section 46314 of title 49, United States Code, is amended by adding at the end the following new subsection:

“(c) NOTICE OF PENALTIES.—

“(1) IN GENERAL.—Each operator of an airport in the United States that is required to establish an air transportation security program pursuant to section 44903(c) shall ensure that signs that meet such requirements as the Secretary of Homeland Security may prescribe providing notice of the penalties imposed under sections 46301(a)(5)(A)(i) and subsection (b) of this section, are displayed near all screening locations, all locations where passengers exit the sterile area, and such other locations at the airport as the Secretary of Homeland Security determines appropriate.

“(2) EFFECT OF SIGNS ON PENALTIES.—An individual shall be subject to the penalty provided for under section 46301(a)(5)(A)(i) and subsection (b) of this section without regard to whether or not signs are displayed at an airport as required by paragraph (1).”.

SEC. 2609. Notwithstanding section 1101, the level for “Coast Guard, Operating Expenses” shall be \$6,913,113,000, of which \$241,503,000

made available for overseas deployments and other activities is designated as an emergency requirement and necessary to meet emergency needs pursuant to sections 403(a) and 423(b) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010: Provided, That the Coast Guard may decommission one Medium Endurance Cutter, two High Endurance Cutters, four HU-25 aircraft, the Maritime Intelligence Fusion Center, and one Maritime Safety and Security Team, and make staffing changes at the Coast Guard Investigative Service, as outlined in its budget justification documents for fiscal year 2011 as submitted to the Committees on Appropriations of the Senate and House of Representatives.

SEC. 2610. Notwithstanding section 1101, the level for "Coast Guard, Acquisition, Construction, and Improvements" shall be \$1,477,985,000, of which \$2,000,000 shall be derived from the Coast Guard Housing Fund, established by section 687 of title 14, United States Code, and shall remain available until expended for military family housing; of which \$73,200,000 shall be for vessels, small boats, critical infrastructure and related equipment; of which \$36,000,000 shall be for other equipment; of which \$69,200,000 shall be for shore facilities and aids to navigation facilities; of which \$106,083,000 shall be available for personnel compensation and benefits and related costs; and of which \$1,191,502,000 shall be for the Integrated Deepwater Systems program: Provided, That of the funds made available for the Integrated Deepwater Systems program, \$103,000,000 is for aircraft and \$933,002,000 is for surface ships.

SEC. 2611. Notwithstanding section 1101, the level for "Coast Guard, Alteration of Bridges" shall be \$0.

SEC. 2612. (a) Subject to subsection (b), for fiscal year 2011, the Coast Guard may enter into agreements under section 1535 of title 31, United States Code, with the Secretary of the Navy for the disposal of Coast Guard vessels in accordance with sections 7305 and 7305a of title 10, United States Code.

(b) Any agreement entered into under subsection (a) shall be at no additional cost to the United States Navy.

SEC. 2613. In addition to amounts otherwise made available by this Act to "United States Secret Service, Salaries and Expenses", \$14,000,000 is appropriated for costs associated with protection to be provided to candidates in the 2012 presidential campaign and \$7,000,000 is appropriated for costs associated with implementation of the United States Secret Service Uniformed Division Modernization Act of 2010 (Public Law 111-282).

SEC. 2614. Notwithstanding section 1101, the level for "National Protection and Programs Directorate, Infrastructure Protection and Information Security" shall be \$878,316,000.

SEC. 2615. Notwithstanding section 1101, the level for "United States Visitor and Immigrant Status Indicator Technology" shall be \$339,263,000.

SEC. 2616. Notwithstanding section 1101, the level for "Federal Emergency Management Agency, State and Local Programs" shall be \$2,913,058,000: Provided, That 4.5 percent of the amount provided shall be transferred to the Federal Emergency Management Agency "Management and Administration" account for program administration: Provided further, That paragraph (10) and subparagraphs (B) and (C) of paragraph (13) under the heading "Federal Emergency Management Agency, State and Local Programs" in Public Law 111-83 shall not apply to funds appropriated by this Act: Provided further, That \$12,558,000 is available under paragraph (12) under such heading in such public law, to be competitively awarded.

SEC. 2617. Notwithstanding section 1101, in fiscal year 2011, funds shall not be available from

the National Flood Insurance Fund under section 1310 of the National Flood Insurance Act of 1968 (42 U.S.C. 4017) for operating expenses in excess of \$110,000,000, and for agents' commissions and taxes in excess of \$963,339,000: Provided, That notwithstanding section 1101, for activities under the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.) and the Flood Disaster Protection Act of 1973 (42 U.S.C. 4001 et seq.), the level shall be \$169,000,000, which shall be derived from offsetting collections assessed and collected under 1308(d) of the National Flood Insurance Act of 1968 (42 U.S.C. 4015(d)), of which not to exceed \$22,145,000 shall be available for salaries and expenses associated with flood mitigation and flood insurance operations; and not less than \$146,855,000 shall be available for flood plain management and flood mapping, which shall remain available until September 30, 2012.

SEC. 2618. Notwithstanding the requirement under section 34(a)(1)(A) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229a(a)(1)(A)) that grants must be used to increase the number of firefighters in fire departments, the Secretary of Homeland Security, in making grants under section 34 of such Act using the funds appropriated for fiscal year 2011, shall grant waivers from the requirements of subsections (a)(1)(B), (c)(1), (c)(2), and (c)(4)(A) of such section: Provided further, That section 34(a)(1)(E) of such Act shall not apply with respect to funds appropriated for fiscal year 2011 for grants under section 34 of such Act: Provided further, That the Secretary of Homeland Security, in making grants under section 34 of such Act, shall ensure that funds appropriated for fiscal year 2011 are made available for the retention of firefighters.

SEC. 2619. Notwithstanding section 1101, the level for "Federal Emergency Management Agency, National Predisaster Mitigation Fund" shall be \$85,000,000.

SEC. 2620. Notwithstanding section 1101, the level for "Federal Emergency Management Agency, Disaster Relief" shall be increased by \$130,000,000.

SEC. 2621. Section 203 (m) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5133(m)) is amended by striking "September 30, 2010" and inserting "September 30, 2011".

SEC. 2622. Notwithstanding section 1101, the level for "United States Citizenship and Immigration Services" shall be \$306,400,000, of which \$176,000,000 shall be for processing applications for asylum or refugee status, and of which \$103,400,000 is for the E-Verify Program, as authorized by section 402 of the Illegal Immigration Reform and Immigrant Responsibility Act (8 U.S.C. 1324a note): Provided, That none of the funds made available in this section shall be available for development of the system commonly known as the "REAL ID hub".

SEC. 2623. Notwithstanding section 1101, the level for "Federal Law Enforcement Training Center, Acquisition, Construction, Improvements, and Related Expenses" shall be \$38,456,000.

SEC. 2624. Notwithstanding section 1101, the level for "Science and Technology, Research, Development, Acquisition, and Operations" shall be \$821,906,000: Provided, That the final proviso under this heading in Public Law 111-83 (related to the National Bio- and Agro-defense Facility) shall have no effect with respect to all amounts available under this heading.

SEC. 2625. Notwithstanding section 1101, the level for "Domestic Nuclear Detection Office, Research, Development, and Operations" shall be \$299,537,000.

SEC. 2626. Section 560 of Public Law 111-83 (123 Stat. 2181) is amended to read as follows:

"Sec. 560. (a) No funding provided in this or previous appropriations Acts shall be used for

construction of the National Bio- and Agro-defense Facility in Manhattan, Kansas until—

"(1) the Department of Homeland Security has completed 50 percent of National Bio- and Agro-defense Facility design planning and submitted a revised site-specific biosafety and biosecurity mitigation risk assessment that describes how to significantly reduce risks of conducting essential research and diagnostic testing at the National Bio- and Agro-defense Facility and addresses shortcomings identified in the National Academy of Sciences' evaluation of the initial site-specific biosafety and biosecurity mitigation risk assessment; and

"(2) the National Academy of Sciences submits an evaluation of the revised site-specific biosafety and biosecurity mitigation risk assessment.

"(b) The revised site-specific biosafety and biosecurity mitigation risk assessment required by subsection (a) shall—

"(1) include a quantitative risk assessment for foot-and-mouth disease virus, in particular epidemiological and economic impact modeling to determine the overall risk of operating the facility for its expected 50-year life span, taking into account strategies to mitigate risk of foot-and-mouth disease virus release from the laboratory and ensure safe operations at the approved National Bio- and Agro-defense Facility site;

"(2) address the impact of surveillance, response, and mitigation plans (developed in consultation with local, State, and national authorities and appropriate stakeholders) if a release occurs, to detect and control the spread of disease; and

"(3) include overall risks of the most dangerous pathogens the Department of Homeland Security expects to hold in the National Bio- and Agro-defense Facility's biosafety level 4 facility, and effectiveness of mitigation strategies to reduce those risks.

"(c) The Secretary of Homeland Security shall enter into a contract with the National Academy of Sciences to evaluate the adequacy and validity of the risk assessment required by subsection (a). The National Academy of Sciences shall submit a report on such evaluation within 4 months after the date the Department of Homeland Security concludes its risk assessment."

SEC. 2627. From the unobligated balances for "Operations" of funds transferred to the Department of Homeland Security when it was created in 2003, \$1,891,657 is rescinded.

SEC. 2628. From the unobligated balances available for prior fiscal years for "U.S. Customs and Border Protection, Construction" for construction projects, \$99,772,000 is rescinded: Provided, That the amounts rescinded under this section shall be limited to amounts available for Border Patrol projects and facilities.

SEC. 2629. From the unobligated balances of funds for the "Violent Crime Reduction Program" transferred to the Department of Homeland Security when it was established in 2003, \$4,912,245 is rescinded.

SEC. 2630. From the unobligated balances of prior year appropriations made available for "U.S. Customs and Border Protection, Salaries and Expenses" transferred to the Department of Homeland Security when it was established in 2003, \$18,122,393 is rescinded.

SEC. 2631. From the unobligated balances of prior year appropriations made available for "Federal Emergency Management Agency, National Pre-Disaster Mitigation Fund", \$18,173,641 is rescinded.

SEC. 2632. From the unobligated balances of funds for the "Office for Domestic Preparedness" transferred to the Department of Homeland Security when it was established, \$10,568,964 is rescinded.

SEC. 2633. From unobligated balances of prior year appropriations made available for United

States Citizenship and Immigration Services for the program commonly known as the “REAL ID hub”, \$16,500,000 is rescinded.

SEC. 2634. From the unobligated balances of prior year appropriations made available for “Science and Technology, Research, Development, Acquisition, and Operations”, \$32,000,000 is rescinded.

SEC. 2635. From the unobligated balances of funds made available in the Department of the Treasury Forfeiture Fund established by section 9703 of title 31, United States Code, that was added to such title by section 638 of Public Law 102–393, \$22,600,000 is rescinded.

SEC. 2636. Section 550(b) of the Department of Homeland Security Appropriations Act, 2007 (Public Law 109–295; 6 U.S.C. 121 note), is amended by striking “on October 4, 2010” and inserting “on October 4, 2011”.

SEC. 2637. Section 532(a) of Public Law 109–295 (120 Stat. 1384), as amended by section 519 of Public Law 111–83 (123 Stat. 2171), is amended by striking “2010” and inserting “2011”.

SEC. 2638. Section 831 of the Homeland Security Act of 2002 (6 U.S.C. 391), as amended by section 531 of Public Law 111–83 (123 Stat. 2174), is amended—

(1) in subsection (a), by striking “Until September 30, 2010” and inserting “Until September 30, 2011,”; and

(2) in subsection (d)(1), by striking “September 30, 2010,” and inserting “September 30, 2011.”

CHAPTER 7—INTERIOR, ENVIRONMENT, AND RELATED AGENCIES

SEC. 2701. Notwithstanding section 1101, the level for each of the following accounts shall be as follows: “Bureau of Land Management, Management of Lands and Resources”, \$971,306,000; “National Park Service, National Recreation and Preservation”, \$62,586,000; “Minerals Management Service, Oil Spill Research”, \$11,768,000; “Indian Health Service, Indian Health Facilities”, \$443,320,000; “Smithsonian Institution, Legacy Fund”, \$0; “Dwight D. Eisenhower Memorial Commission, Salaries and Expenses”, \$0; and “Dwight D. Eisenhower Memorial Commission, Capital Construction”, \$0.

SEC. 2702. Notwithstanding any other provision of this Act, the funding level for “National Park Service, Park Partnership Project Grants” shall be \$0 and the matter pertaining to such account in division A of Public Law 111–88 shall not apply to funds appropriated by this Act.

SEC. 2703. Notwithstanding section 1101, the last proviso under the heading “National Park Service, Construction” in division A of Public Law 111–88 shall not apply to funds appropriated by this Act.

SEC. 2704. Notwithstanding section 1101, the level for “United States Geological Survey, Surveys, Investigations, and Research” shall be \$1,125,090,000, of which \$53,500,000 shall be for satellite operations, and of which \$4,807,000 shall be for deferred maintenance and capital improvement projects that exceed \$100,000 in cost.

SEC. 2705. Notwithstanding section 1101, the provisions under the heading “Minerals Management Service, Royalty and Offshore Minerals Management” in division A of Public Law 111–88 shall be applied to funds appropriated by this Act as follows: by substituting “\$271,113,000” for “\$175,217,000”; by substituting “\$113,174,000” for “\$89,374,000”; by substituting “\$154,890,000” for “\$156,730,000” each place it appears; and by substituting “fiscal year 2011” for “fiscal year 2010” each place it appears.

SEC. 2706. Notwithstanding section 1101, the provisions under the heading “Bureau of Indian Affairs, Operation of Indian Programs” in division A of Public Law 111–88 shall be applied to funds appropriated by this Act as follows: by substituting “\$2,355,965,000” for “\$2,335,965,000”; by substituting “\$200,000,000”

for “\$166,000,000” in the matter pertaining to contract support costs; by substituting “\$85,000,000” for “\$74,915,000” in the matter pertaining to welfare assistance payments; by substituting “\$597,449,000” for “\$568,702,000” in the matter pertaining to school operations costs of Bureau-funded schools and other education programs; and by substituting “\$53,899,000” for “\$43,373,000” in the matter pertaining to administrative cost grants for school operations.

SEC. 2707. The matter pertaining to Public Law 109–379 (regarding the Isleta Pueblo settlement) under the heading “Bureau of Indian Affairs, Indian Land and Water Claim Settlements and Miscellaneous Payments to Indians” in division A of Public Law 111–88 shall not apply to funds appropriated by this Act.

SEC. 2708. Notwithstanding section 1101, the level for “Environmental Protection Agency, Environmental Programs and Management” shall be \$2,840,779,000, of which \$455,441,000 shall be for the Geographic Programs specified in the explanatory statement accompanying Public Law 111–88, except that the funding level for the Great Lakes Restoration Initiative shall be \$322,000,000.

SEC. 2709. Notwithstanding section 1101, the level for “Environmental Protection Agency, State and Tribal Assistance Grants” shall be \$4,813,446,000, of which \$0 shall be for special project grants.

SEC. 2710. Notwithstanding section 1101, the amounts included under the heading “Administrative Provisions, Environmental Protection Agency” in division A of Public Law 111–88 shall be applied to funds appropriated by this Act by substituting “\$322,000,000” for “\$475,000,000”.

SEC. 2711. Of the unobligated balances available for “Environmental Protection Agency, State and Tribal Assistance Grants”, \$10,000,000 is rescinded: Provided, That no amounts may be rescinded from amounts that were designated by Congress as an emergency requirement pursuant to a concurrent resolution on the budget or the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

SEC. 2712. Notwithstanding section 1101, the level for “Forest Service, National Forest System” shall be \$1,581,339,000, of which \$30,000,000 shall be deposited in the Collaborative Forest Landscape Restoration Fund for ecological restoration treatments as authorized by 16 U.S.C. 7303(f).

SEC. 2713. Notwithstanding section 1101, the level for “Indian Health Service, Indian Health Services” shall be \$3,797,227,000, and the provisions under such heading shall be applied to funds appropriated by this Act by substituting “\$816,759,000” for “\$779,347,000” in the matter pertaining to contract medical care; by substituting “\$404,332,000” for “\$398,490,000” in the matter pertaining to contract support costs; and in section 409 of division A of Public Law 111–88 by substituting “111–8, and 111–88” for “and 111–8” and by substituting “2010” for “2009”.

SEC. 2714. The matter pertaining to methyl isocyanate in the last proviso under the heading “Chemical Safety and Hazard Investigation Board, Salaries and Expenses” in division A of Public Law 111–88 shall not apply to funds appropriated by this Act.

SEC. 2715. Notwithstanding section 1101, the provisions under the heading “National Gallery of Art, Repair, Restoration and Renovation of Buildings” in division A of Public Law 111–88 shall be applied to funds appropriated by this Act by substituting “\$42,250,000” for “\$40,000,000” in the matter pertaining to repair of the National Gallery’s East Building façade.

SEC. 2716. The first proviso under the heading “John F. Kennedy Center for the Performing Arts, Operations and Maintenance” in division A of Public Law 111–88 is amended by striking

“until expended” and all that follows and inserting “until September 30, 2011.”

SEC. 2717. The contract authority provided for fiscal year 2011 for “National Park Service, Land and Water Conservation Fund” by 16 U.S.C. 4601–10a is rescinded.

SEC. 2718. (a) Notwithstanding any other provision of this Act, the Secretary of the Interior may enter into multiyear cooperative agreements with nonprofit organizations and other appropriate entities, and may enter into multiyear contracts in accordance with the provisions of section 304B of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 254c) (except that the 5 year term restriction in subsection (d) shall not apply), for the long-term care and maintenance of excess wild free-roaming horses and burros by such organizations or entities on private land. Such cooperative agreements and contracts may not exceed 10 years, subject to renewal at the discretion of the Secretary.

(b) During fiscal year 2011 and subsequent fiscal years, in carrying out work involving cooperation with any State or political subdivision thereof, the Bureau of Land Management may record obligations against accounts receivable from any such entities.

SEC. 2719. During fiscal year 2011, the Secretary of the Interior, in order to implement a reorganization of the Bureau of Ocean Energy Management, Regulation, and Enforcement, may establish accounts, transfer funds among and between the offices and bureaus affected by the reorganization, and take any other administrative actions necessary in conformance with the Appropriations Committee reprogramming procedures described in the joint explanatory statement of the managers accompanying Public Law 111–88.

SEC. 2720. Notwithstanding any other provision of this Act, during fiscal year 2011 and subsequent fiscal years, the Secretary of Agriculture, acting through the Forest Service, may carry out a program, to be known as the “Legacy Road and Trail Remediation program”, to conduct urgently needed decommissioning of Forest Service roads, forest road and trail repair and maintenance and associated activities, and removal of fish passage barriers on National Forest System lands, especially in areas where Forest Service roads may be contributing to water quality problems in streams and water bodies supporting threatened, endangered, or sensitive species or community water sources.

SEC. 2721. Notwithstanding section 1101, section 423 of Public Law 111–88 (123 Stat. 2961), concerning the distribution of geothermal energy receipts, shall have no force or effect and the provisions of section 3003(a) of Public Law 111–212 (124 Stat. 2338) shall apply for fiscal year 2011.

SEC. 2722. The authority provided by section 337 of the Department of the Interior and Related Agencies Appropriations Act, 2005 (Public Law 108–447; 118 Stat. 3102), as amended, shall remain in effect until the date specified in section 1106 of this Act.

SEC. 2723. Section 433 of division A of Public Law 111–88 (regarding Forest Service cabin user fees) is amended by striking “2010” and “2009” and inserting “2011” and “2010”, respectively.

SEC. 2724. Section 11(c)(1) of the Outer Continental Shelf Lands Act (43 U.S.C. 1340(c)(1)) is amended by striking “within thirty days” and inserting “within ninety days”.

SEC. 2725. Notwithstanding section 1101, the level for section 415 of division A of Public Law 111–88 shall be \$0.

SEC. 2726. Within 30 days after the date of the enactment of this Act, each of the following departments and agencies shall submit to the House and Senate Committees on Appropriations a spending, expenditure, or operating plan

for fiscal year 2011 at a level of detail below the account level:

- (1) Department of Agriculture, Forest Service.
- (2) Department of the Interior.
- (3) Environmental Protection Agency.
- (4) Indian Health Service.
- (5) Smithsonian Institution.
- (6) National Gallery of Art.
- (7) National Endowment for the Arts.
- (8) National Endowment for the Humanities.

SEC. 2727. (a) MODIFICATION.—

(1) IN GENERAL.—The first sentence of section 19 of the Act of June 18, 1934 (commonly known as the “Indian Reorganization Act”) (25 U.S.C. 479), is amended—

(A) by striking “The term” and inserting “Effective beginning on June 18, 1934, the term”; and

(B) by striking “any recognized Indian tribe now under Federal jurisdiction” and inserting “any federally recognized Indian tribe”.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect as if included in the Act of June 18, 1934 (commonly known as the “Indian Reorganization Act”) (25 U.S.C. 479), on the date of enactment of that Act.

(b) RATIFICATION AND CONFIRMATION OF ACTIONS.—Any action taken by the Secretary of the Interior pursuant to the Act of June 18, 1934 (commonly known as the “Indian Reorganization Act”) (25 U.S.C. 461 et seq.) for any Indian tribe that was federally recognized on the date of the action is ratified and confirmed, to the extent such action is subjected to challenge based on whether the Indian tribe was federally recognized or under Federal jurisdiction on June 18, 1934, ratified and confirmed as fully to all intents and purposes as if the action had, by prior act of Congress, been specifically authorized and directed.

(c) EFFECT ON OTHER LAWS.—

(1) IN GENERAL.—Nothing in this section or the amendments made by this section affects—

(A) the application or effect of any Federal law other than the Act of June 18, 1934 (25 U.S.C. 461 et seq.) (as amended by subsection (a)); or

(B) any limitation on the authority of the Secretary of the Interior under any Federal law or regulation other than the Act of June 18, 1934 (25 U.S.C. 461 et seq.) (as so amended).

(2) REFERENCES IN OTHER LAWS.—An express reference to the Act of June 18, 1934 (25 U.S.C. 461 et seq.) contained in any other Federal law shall be considered to be a reference to that Act as amended by subsection (a).

CHAPTER 8—LABOR, HEALTH AND HUMAN SERVICES, EDUCATION, AND RELATED AGENCIES

SEC. 2801. (a) Notwithstanding section 1101, the level for “Department of Labor, Employment and Training Administration, Training and Employment Services” shall be \$1,906,530,000 plus reimbursements, of which (1) \$879,961,000 shall be available for obligation for the period July 1, 2011, through June 30, 2012, of which \$68,450,000 shall be available for pilots, demonstrations, and research activities; (2) \$1,026,569,000 shall be available for obligation for the period April 1, 2011, through June 30, 2012, for youth programs (including YouthBuild); and (3) no funds shall be available for the Career Pathways Innovation Fund.

(b) Notwithstanding section 1101, the level for “Department of Labor, Employment and Training Administration, Community Service Employment for Older Americans” shall be \$620,425,000, to remain available through June 30, 2012, and the first and second provisos under such heading in division D of Public Law 111–117 shall not apply to funds appropriated by this Act.

(c) Notwithstanding section 1101, the level which may be expended from the Employment Security Administration Account in the Unem-

ployment Trust Fund for administrative expenses of “Department of Labor, Employment and Training Administration, State Unemployment Insurance and Employment Service Operations” shall be \$4,154,490,000 (which includes all amounts available to conduct in-person reemployment and eligibility assessments and unemployment insurance improper payment reviews), of which \$3,375,645,000 shall be available for unemployment compensation State operations, \$50,519,000 shall be available for Federal administration of foreign labor certifications, and \$15,129,000 shall be available for grants to States for the administration of such activities. For purposes of this section, the first proviso under such heading in division D of Public Law 111–117 shall be applied by substituting “2011” and “6,051,000” for “2010” and “5,059,000”, respectively.

SEC. 2802. Funds appropriated by section 1101 of this Act to the Department of Labor’s Employment and Training Administration for technical assistance services to grantees may be transferred to “Department of Labor, Employment and Training Administration, Program Administration” if it is determined that those services will be more efficiently performed by Federal staff.

SEC. 2803. Notwithstanding section 1101, the level for “Department of Labor, Employee Benefits Security Administration, Salaries and Expenses” shall be \$164,861,000.

SEC. 2804. Notwithstanding section 1101, the level for “Department of Labor, Mine Safety and Health Administration, Salaries and Expenses” shall be \$381,493,000, of which up to \$15,000,000 shall be available to the Secretary of Labor to be transferred to “Departmental Management, Salaries and Expenses” for activities related to the Department of Labor’s caseload before the Federal Mine Safety and Health Review Commission and the amounts included under the heading “Department of Labor, Mine Safety and Health Administration, Salaries and Expenses” in division D of Public Law 111–117 shall be applied to funds appropriated in this Act during fiscal year 2011 by substituting “\$1,350,000” for “\$1,000,000”.

SEC. 2805. Funds appropriated by section 1101 of this Act for “Department of Labor, Bureau of Labor Statistics, Salaries and Expenses” may be obligated and expended to implement an alternative approach to the Locality Pay Survey component of the National Compensation Survey.

SEC. 2806. Notwithstanding section 1101, the level for “Department of Labor, Departmental Management, Office of Job Corps” shall be \$1,027,205,000 (which may be administered within the Employment and Training Administration pursuant to section 108 of division D of Public Law 111–117), of which \$993,015,000 shall be available to meet the operational needs of Job Corps centers. Of appropriations made available in this Act for construction, rehabilitation, and acquisition of Job Corps centers, the Secretary of Labor may transfer up to 25 percent to meet the operational needs of Job Corps centers.

SEC. 2807. (a) Of the unobligated balances available in “Department of Labor, Working Capital Fund”, \$3,900,000 is permanently rescinded, to be derived solely from amounts available in the Investment in Reinvention Fund (other than amounts that were designated by the Congress as an emergency requirement pursuant to a concurrent resolution on the budget or the Balanced Budget and Emergency Deficit Control Act of 1985).

(b) Public Law 85–67 is amended by striking the third proviso under the heading “Working Capital Fund” (as added by Public Law 104–134) and relating to establishment of an Investment in Reinvention Fund.

SEC. 2808. Notwithstanding section 102 of division D of Public Law 111–117, not to exceed 1

percent of any discretionary funds (pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985) that are appropriated for the current fiscal year for the Department of Labor in this Act may be transferred among appropriations, but no such appropriation to which such funds are transferred may be increased by more than 3 percent by any such transfer: Provided, That the transfer authority granted by this section shall be available only to meet unanticipated needs and shall not be used to create any new program or to fund any project or activity for which no funds are provided in this Act: Provided further, That the Committees on Appropriations are notified at least 15 days in advance of any transfer.

SEC. 2809. (a) Notwithstanding section 1101, the level for “Department of Health and Human Services, Health Resources and Services Administration, Health Resources and Services” shall be \$7,270,520,000, of which (1) not more than \$100,000,000 shall be available until expended for carrying out the provisions of Public Law 104–73 and for expenses incurred by the Department of Health and Human Services pertaining to administrative claims made under such law; (2) not less than \$1,932,865,000 shall remain available through September 30, 2013 for parts A and B of title XXVI of the Public Health Service Act (hereafter in this chapter, “PHS Act”), of which not less than \$835,000,000 shall be for State AIDS Drug Assistance Programs under section 2616 of such Act; (3) in addition to amounts designated above to carry out parts A and B of title XXVI of the PHS Act, \$60,000,000 shall be available through September 30, 2013, for allocation to State AIDS Drug Assistance Programs under section 2616 or section 311(c) of the PHS Act; and (4) not less than \$612,954,000 shall be available for health professions programs under titles VII and VIII and section 340G of the PHS Act.

(b) The eighteenth and nineteenth provisos under the heading “Department of Health and Human Services, Health Resources and Services Administration, Health Resources and Services” in division D of Public Law 111–117 shall not apply to funds appropriated by this Act.

(c) Sections 340G–1(d)(1) and (d)(2), 747(c)(2), and 751(j)(2) of the PHS Act, and the proportional funding amounts in paragraphs (1) through (4) of section 756(e) of such Act shall not apply to funds made available in this Act for “Department of Health and Human Services, Health Resources and Services Administration, Health Resources and Services”.

(d) For any program operating under section 751 of the PHS Act on or before January 1, 2009, the Secretary of Health and Human Services may waive any of the requirements contained in sections 751(d)(2)(A) and 751(d)(2)(B) of such Act.

SEC. 2810. (a) Notwithstanding section 1101, the level for the first paragraph under the heading “Department of Health and Human Services; Centers for Disease Control and Prevention; Disease Control, Research, and Training” shall be \$6,251,352,000, of which (1) \$150,137,000 shall be available until expended to provide screening and treatment for first response emergency services personnel, residents, students, and others related to the September 11, 2001 terrorist attacks on the World Trade Center; (2) \$12,000,000 shall remain available until expended for acquisition of real property, equipment, construction, and renovation of facilities, including necessary repairs and improvements to laboratories leased or operated by the Centers for Disease Control and Prevention; and (3) \$527,234,000 shall remain available until expended for the Strategic National Stockpile under section 319F–2 of the PHS Act.

(b) Paragraphs (1) through (3) of section 2821(b) of the PHS Act shall not apply to funds made available in this Act.

(c) Notwithstanding section 1101, funds appropriated for “Department of Health and Human Services; Centers for Disease Control and Prevention; Disease Control, Research, and Training” shall also be available to carry out title II of the Immigration and Nationality Act and sections 4001, 4004, 4201, and 4301 of the Patient Protection and Affordable Care Act (Public Law 111–148).

SEC. 2811. Notwithstanding section 1101, the level for “Department of Health and Human Services, National Institutes of Health, National Institute of Allergy and Infectious Diseases” shall be \$4,818,275,000, and the requirement under such heading in division D of Public Law 111–117 for a transfer from Biodefense Countermeasures funds shall not apply.

SEC. 2812. Of the amount provided by section 1101 for “Department of Health and Human Services, National Institutes of Health, Office of the Director” (including amounts available for the Common Fund and the Director’s Discretionary Fund), up to \$25,000,000 shall be available to implement the Cures Acceleration Network authorized by section 402C of the PHS Act.

SEC. 2813. (a) Notwithstanding section 1101, the level for “Department of Health and Human Services, Substance Abuse and Mental Health Services Administration, Substance Abuse and Mental Health Services” shall be \$3,417,106,000.

(b) The second proviso under the heading “Department of Health and Human Services, Substance Abuse and Mental Health Services Administration, Substance Abuse and Mental Health Services” in division D of Public Law 111–117 shall not apply to funds appropriated by this Act.

SEC. 2814. Notwithstanding section 1101, the level for amounts transferred from the Federal Hospital Insurance and Supplementary Medical Insurance Trust Funds for “Department of Health and Human Services, Centers for Medicare and Medicaid Services, Program Management” shall not exceed \$3,623,113,000, of which \$9,120,000 shall remain available through September 30, 2012, for Medicare contracting reform activities.

SEC. 2815. Notwithstanding section 1101, the level for “Department of Health and Human Services, Centers for Medicare and Medicaid Services, Health Care Fraud and Abuse Control” shall be \$461,000,000 which shall remain available through September 30, 2012, of which (1) \$274,640,000 shall be for the Medicare Integrity Program at the Centers for Medicare & Medicaid Services, including administrative costs, to conduct oversight activities for Medicare Advantage and the Medicare Prescription Drug Program authorized in title XVIII of the Social Security Act and for activities listed in section 1893 of such Act; (2) \$78,057,000 shall be for the Department of Health and Human Services Office of Inspector General to carry out fraud and abuse activities authorized by section 1817(k)(3) of such Act; (3) \$34,400,000 shall be for the Medicaid and Children’s Health Insurance Program (“CHIP”) program integrity activities; and (4) \$73,903,000 shall be for the Department of Justice to carry out fraud and abuse activities authorized by section 1817(k)(3) of such Act.

SEC. 2816. Notwithstanding section 1101, the level for “Department of Health and Human Services, Administration for Children and Families, Payments to States for the Child Care and Development Block Grant” shall be \$2,501,081,000.

SEC. 2817. (a) Notwithstanding section 1101, the level for “Department of Health and Human Services, Administration for Children and Families, Children and Families Services Programs” shall be \$9,643,532,000, of which—

(1) \$44,500,000 shall be for grants to States for adoption incentive payments as authorized by section 473A of the Social Security Act;

(2) \$7,548,783,000 shall be for making payments under the Head Start Act; and, for purposes of allocating such funds under the Head Start Act, the term “base grant” as used in subsection (a)(7)(A) of section 640 of such Act with respect to funding provided to a Head Start agency (including each Early Head Start agency) for fiscal year 2010 shall be deemed to include an amount obtained by multiplying 50 percent of the funds appropriated under “Department of Health and Human Services, Administration for Children and Families, Children and Family Services Programs” in Public Law 111–5 and provided to such agency for carrying out expansion of Head Start programs, as that phrase is used in subsection (a)(4)(D) of such section 640, and provided to such agency as the ongoing funding level for operations in the 12 month budget period beginning in fiscal year 2010 (“expansion grants”), by a fraction whose numerator is the number of children actually enrolled in that agency’s Head Start program in slots funded by such expansion grants as of October 30, 2010, and whose denominator is the client population number included in the obligating documents for such expansion grants for that agency’s Head Start program for such budget period; and

(3) \$766,000,000 shall be for making payments under the Community Service Block Grant (“CSBG”) Act and of which \$56,000,000 shall be for section 680(a)(2) of the CSBG Act.

(b) Notwithstanding section 611(d)(1) of title VI of division G of Public Law 110–161, the National Commission on Children and Disasters shall terminate on October 1, 2011.

SEC. 2818. (a) Notwithstanding section 1101, funds appropriated for “Department of Health and Human Services, Administration on Aging, Aging Services Programs” shall also be available to carry out subtitle B of title XX of the Social Security Act and for necessary administrative expenses to carry out title XVII of the PHS Act.

(b) Amounts otherwise available in this Act to carry out activities relating to Aging and Disability Resource Centers, under subsections (a)(20)(B)(iii) and (b)(8) of section 202 of the Older Americans Act of 1965, shall be reduced by any amounts made available for fiscal year 2011 for such purposes under section 2405 of the Patient Protection and Affordable Care Act.

SEC. 2819. The amounts included under the heading “Department of Health and Human Services, Office of the Secretary, General Departmental Management” in division D of Public Law 111–117 shall be applied to funds appropriated by this Act by substituting “\$538,318,000” for “\$493,377,000” and such amounts shall also be available to carry out title XXVII of the PHS Act, the second proviso under such heading shall not apply, and none of the funds made available in this Act shall be for carrying out activities specified under section 2003(b)(2) or (3) of the PHS Act.

SEC. 2820. Notwithstanding section 1101, the level for “Department of Health and Human Services, Office of the Secretary, Office of Medicare Hearings and Appeals” shall be \$77,798,000.

SEC. 2821. Notwithstanding section 1101, the level for “Department of Health and Human Services, Office of the Secretary, Office of Inspector General” shall be \$60,754,000.

SEC. 2822. Notwithstanding section 1101, the level for “Department of Health and Human Services, Office of the Secretary, Office for Civil Rights” (excluding amounts transferred from trust funds) shall be \$41,068,000.

SEC. 2823. (a) Notwithstanding section 1101, the level for “Department of Health and Human Services, Office of the Secretary, Public Health and Social Services and Emergency Fund” shall be \$1,134,303,000, of which (1) \$403,194,000 shall remain available through September 30, 2012, to support advanced research and development pursuant to section 319L of the PHS Act and

which shall be derived by transfer from funds transferred to “Department of Health and Human Services, Office of the Secretary, Public Health and Social Services Emergency Fund” by Public Law 111–117 in the fourth paragraph under such heading; (2) \$78,167,000 shall be for expenses necessary to prepare for and respond to an influenza pandemic, none of which shall be available past September 30, 2011; and (3) \$35,000,000 shall be for expenses necessary for fit-out and other costs related to a competitive lease procurement to renovate or replace the existing headquarters building for Public Health Service agencies and other components of the Department of Health and Human Services.

(b) Of the amounts provided under the heading “Department of Health and Human Services, Office of the Secretary, Public Health and Social Services Emergency Fund” in Public Laws 111–8 and 111–117 and available for expenses necessary to prepare for and respond to an influenza pandemic, \$170,000,000 may also be used (1) to plan, conduct, and support research to advance regulatory science to improve the ability to determine safety, effectiveness, quality, and performance of medical countermeasure products against chemical, biological, radiological, and nuclear agents including influenza virus; and (2) to analyze, conduct, and improve regulatory review and compliance processes for such products.

SEC. 2824. (a) Not later than 45 days after enactment of this Act, the Secretary of Health and Human Services shall transfer from “Prevention and Public Health Fund”—

(1) \$20,000,000 to “Health Resources and Services” for an additional amount to carry out sections 766, 767, 768, and 776 of the PHS Act;

(2) \$630,000,000 to “Disease Control, Research, and Training” for an additional amount to carry out sections 306, 317(k)(2)(A), 317G, 399U, 1706, and 2821 of the PHS Act; sections 4001, 4004, 4201, and 4301 of the Patient Protection and Affordable Care Act; Public Law 99–252; Public Law 98–474; the immunization program under authority of section 317(a), (j), (k)(1), (l), and (m) of the PHS Act; the Environmental Public Health Tracking Program under authority of section 301 of the PHS Act; the Racial and Ethnic Approaches to Community Health program under authority of section 1703 of the PHS Act; the activities of the Office of Smoking and Health under authority of sections 317 and 1701 of the PHS Act; and State grants for chronic disease activities under section 317(k)(2)(B) of the PHS Act;

(3) \$88,000,000 to “Substance Abuse and Mental Health Services” for an additional amount for suicide prevention activities and to carry out sections 505, 509, and 520(k) of the PHS Act; and

(4) \$12,000,000 to “Healthcare Research and Quality” for an additional amount to carry out sections 902(a)(7) and 915(a) of the PHS Act.

(b) Not later than 60 days after enactment of this Act, the Secretary of Health and Human Services shall submit an operating plan to the Committees on Appropriations detailing the amounts allocated to the programs identified in subsection (a).

SEC. 2825. Notwithstanding section 206 of division D of Public Law 111–117, not to exceed 1 percent of any discretionary funds (pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985) that are appropriated by this Act for the current fiscal year for agencies of the Department of Health and Human Services for which funds were provided in such division may be transferred among appropriations, but no such appropriation to which such funds are transferred may be increased by more than 3 percent by any such transfer: Provided, That the transfer authority granted by this section shall be available only to meet unanticipated needs and shall not be used to create any new

program or to fund any project or activity for which no funds are provided in this Act: Provided further, That the Committees on Appropriations are notified at least 15 days in advance of any transfer.

SEC. 2826. Hereafter, no funds appropriated in this or any previous or subsequent Act shall be subject to the allocation requirements of section 1707A(e) of the PHS Act.

SEC. 2827. Hereafter, no funds appropriated in this or any previous or subsequent Act shall be available for transfer under section 274 of the PHS Act.

SEC. 2828. Federal administrative costs for activities authorized subsequent to enactment of division D of Public Law 111–117 may be funded from the relevant appropriations provided in this Act for administrative costs.

SEC. 2829. Notwithstanding section 1101, the level for “Department of Education, School Improvement Programs” shall be \$3,540,003,000, of which \$3,358,993,000 shall become available on July 1, 2011, and remain available through September 30, 2012, and for purposes of this section, up to \$11,500,000 of the funds available for the Foreign Language Assistance Program shall be available for activities described in the twelfth proviso under such heading in division D of Public Law 111–117.

SEC. 2830. (a) Notwithstanding section 1101, the level for “Department of Education, Innovation and Improvement” shall be \$1,870,123,000, of which \$602,628,000 shall be available to carry out part D of title V of the Elementary and Secondary Education Act of 1965, including up to \$25,000,000 of such funds to remain available through September 30, 2012, and of which not more than \$550,000,000 may be used to make awards to States under section 14006 of division A of Public Law 111–5 in accordance with the applicable requirements of that section.

(b) The seventeenth and eighteenth provisos under the heading “Department of Education, Innovation and Improvement” in division D of Public Law 111–117 shall not apply to funds appropriated by this Act.

SEC. 2831. Notwithstanding section 1101, the level for “Department of Education, Safe Schools and Citizenship Education” shall be \$384,841,000, of which (1) funds provided to carry out subpart 3 of part C of title II of the Elementary and Secondary Education Act of 1965 (“ESEA”) shall be available to the Secretary of Education for competitive grants to nonprofit organizations that have demonstrated effectiveness in the development and implementation of civic learning programs, with priority for those programs that demonstrate innovation, scalability, accountability, and a focus on underserved populations; and (2) no funds shall be available for activities authorized under subpart 3 of part D of title V of the ESEA.

SEC. 2832. Notwithstanding section 1101, the level for “Department of Education, Rehabilitation Services and Disability Research” shall be \$3,501,766,000.

SEC. 2833. Within the funds provided by section 1101 for “Department of Education, Special Institutions for Persons with Disabilities, National Technical Institute for the Deaf”, amounts designated for construction shall also be available for any other authorized purpose under such heading.

SEC. 2834. Notwithstanding section 1101, the level for “Department of Education; Career, Technical, and Adult Education” shall be \$1,200,447,000, of which \$1,196,047,000 shall become available on July 1, 2011, and shall remain available through September 30, 2012.

SEC. 2835. (a) Notwithstanding section 1101, the level for “Department of Education, Student Financial Assistance” shall be \$24,963,809,000.

(b) The maximum Pell Grant for which a student shall be eligible during award year 2011–2012 shall be \$4,860.

(c) Of the funds made available under section 401A(e)(1)(E) of the Higher Education Act of 1965, \$597,000,000 is rescinded.

SEC. 2836. Notwithstanding sections 1101 and 1103, the level for “Department of Education, Student Aid Administration” shall be \$994,000,000, which shall remain available through September 30, 2012.

SEC. 2837. Notwithstanding section 1101, the level for “Department of Education, Higher Education” shall be \$2,177,915,000.

SEC. 2838. Of the amount provided by section 1101 for “Department of Education, Institute of Education Sciences” and notwithstanding subsections (d) and (e) of section 174 the Education Sciences Reform Act of 2002, \$69,650,000 may be used to continue the contracts for the Regional Educational Laboratories for one additional year.

SEC. 2839. Notwithstanding section 1101, the level for “Department of Education, Departmental Management, Program Administration” shall be \$465,000,000, of which up to \$17,000,000 shall remain available until expended for relocation of, and renovation of buildings occupied by, Department staff.

SEC. 2840. Notwithstanding section 1101, the level for “Corporation for National and Community Service, National Service Trust” shall be \$217,000,000.

SEC. 2841. Notwithstanding section 1101, the level for “Corporation for Public Broadcasting” for fiscal year 2011 shall be \$36,000,000 and shall not be available for fiscal stabilization grants and the public radio interconnection system.

SEC. 2842. Notwithstanding section 1101, the level for “Federal Mine Safety and Health Review Commission, Salaries and Expenses” shall be \$15,706,000.

SEC. 2843. Notwithstanding section 1101, the level for “Institute of Museum and Library Services, Office of Museum and Library Services: Grants and Administration” shall be \$265,869,000.

SEC. 2844. Notwithstanding section 1101, the level for “Medicare Payment Advisory Commission, Salaries and Expenses” shall be \$12,850,000.

SEC. 2845. Notwithstanding section 1101, the level for “Railroad Retirement Board, Dual Benefits Payments Account” shall be \$57,000,000.

SEC. 2846. (a) Notwithstanding section 1101, the level for “Social Security Administration, Payments to Social Security Trust Funds” shall be \$21,404,000, and in addition may be used to carry out section 217(g) of the Social Security Act.

(b) Notwithstanding section 1101, the level for the first paragraph under the heading “Social Security Administration, Limitation on Administrative Expenses” shall be \$11,240,500,000.

(c) Notwithstanding section 1101, the level for the first paragraph under the heading “Social Security Administration, Supplemental Security Income Program” shall be \$40,320,200,000, of which \$3,587,200,000 shall be for administrative expenses.

(d) Upon enactment of this Act, up to \$325,000,000 of the remaining unobligated balances of funds appropriated for “Social Security Administration, Limitation on Administrative Expenses” for fiscal years 2010 and prior years (other than funds appropriated in Public Law 111–5) shall be made part of and merged with other funds in such account available without fiscal year limitation for investment in information technology and telecommunications hardware and software infrastructure, and of such funds available without fiscal year limitation for investment in information technology and telecommunications hardware and software infrastructure \$325,000,000 is rescinded.

SEC. 2847. Section 6402(f)(3)(C) of the Internal Revenue Code of 1986, as amended by section

801(a)(3)(C) of the Claims Resolution Act of 2010, is further amended by striking the word “not”.

CHAPTER 9—LEGISLATIVE BRANCH

SEC. 2901. Notwithstanding section 1101, the level for each of the following accounts of the Senate shall be as follows: “Salaries, Officers and Employees”, \$185,982,000; “Salaries, Officers and Employees, Office of the Sergeant at Arms and Doorkeeper”, \$77,000,000; “Contingent Expenses of the Senate, Secretary of the Senate”, \$6,200,000; and “Contingent Expenses of the Senate, Sergeant at Arms and Doorkeeper of the Senate”, \$142,401,000.

SEC. 2902. Section 8 of the Legislative Branch Appropriations Act, 1990 (31 U.S.C. 1535 note) is amended by striking paragraph (3) and inserting the following: “(3) Agreement under paragraph (1) shall be in accordance with regulations prescribed by the Committee on Rules and Administration of the Senate.”.

SEC. 2903. Notwithstanding section 1101, the level for “House of Representatives, Salaries and Expenses” shall be \$1,371,172,000, to be allocated in accordance with an allocation plan submitted by the Chief Administrative Officer of the House of Representatives and approved by the Committee on Appropriations of the House of Representatives.

SEC. 2904. Notwithstanding section 1101, the level for each of the following accounts of the Capitol Police shall be as follows: “Salaries”, \$279,224,000, of which \$1,945,000 shall remain available until September 30, 2014; and “General Expenses”, \$57,985,000.

SEC. 2905. (a) Notwithstanding section 1018(d) of the Legislative Branch Appropriations Act, 2003 (2 U.S.C. 1907(d)), the use of any funds appropriated to the United States Capitol Police during fiscal year 2003 for transfer relating to the Truck Interdiction Monitoring Program to the working capital fund established under section 328 of title 49, United States Code, is ratified.

(b) Nothing in subsection (a) may be construed to waive sections 1341, 1342, 1349, 1350, or 1351 of title 31, United States Code, or subchapter II of chapter 15 of such title (commonly known as the “Anti-Deficiency Act”).

SEC. 2906. Notwithstanding section 1101, the level for “Congressional Budget Office, Salaries and Expenses” shall be \$46,905,000.

SEC. 2907. Notwithstanding section 1101, the level for each of the following accounts of the Architect of the Capitol shall be as follows: “General Administration”, \$109,294,000, of which \$7,499,000 shall remain available until September 30, 2015; “Capitol Building”, \$54,616,000, of which \$27,226,000 shall remain available until September 30, 2015; “Capitol Grounds”, \$9,988,000; “Senate Office Buildings”, \$81,112,000, of which \$19,474,000 shall remain available until September 30, 2015; “House Office Buildings”, \$75,619,000, of which \$25,323,000 shall remain available until September 30, 2015; “Capitol Power Plant”, \$109,069,000, of which \$15,100,000 shall remain available until September 30, 2015; “Library Buildings and Grounds”, \$44,396,000, of which \$17,457,000 shall remain available until September 30, 2015; “Capitol Police Buildings, Grounds and Security”, \$26,266,000, of which \$6,436,000 shall remain available until September 30, 2015; “Botanic Garden”, \$13,834,000, of which \$1,505,000 shall remain available until September 30, 2015; and “Capitol Visitor Center”, \$22,771,000. In addition, notwithstanding section 1101, \$40,000,000, to remain available until expended, shall be available under “Architect of the Capitol, House Office Buildings” for a payment to the House Historic Buildings Revitalization Trust Fund.

SEC. 2908. (a) Notwithstanding section 1101, the level for “Government Accountability Office, Salaries and Expenses” shall be \$558,430,000.

(b) Notwithstanding section 1101, the amount applicable under the first proviso under the heading "Government Accountability Office, Salaries and Expenses" in the Legislative Branch Appropriations Act, 2010 (Public Law 111-68) shall be \$9,400,000, the amount applicable under the second proviso under such heading shall be \$3,100,000, and the amount applicable under the third proviso under such heading shall be \$7,000,000.

CHAPTER 10—MILITARY CONSTRUCTION, VETERANS AFFAIRS, AND RELATED AGENCIES

SEC. 3001. Notwithstanding section 1101, the level for each of the following accounts of the Department of Defense for projects and activities included in the most recently submitted future years defense program or that are necessary to support overseas contingency operations shall be as follows: "Military Construction, Army", \$4,885,000,000; "Military Construction, Navy and Marine Corps", \$3,517,000,000; "Military Construction, Air Force", \$1,592,000,000; "Military Construction, Defense-Wide", \$3,095,000,000; "Military Construction, Army National Guard", \$874,000,000; "Military Construction, Air National Guard", \$177,000,000; "Military Construction, Army Reserve", \$318,000,000; "Military Construction, Navy Reserve", \$62,000,000; "Military Construction, Air Force Reserve", \$8,000,000; "Family Housing Construction, Army", \$92,000,000; "Family Housing Construction, Navy and Marine Corps", \$186,000,000; "Family Housing Construction, Air Force", \$78,000,000; and "Family Housing Construction, Defense-Wide", \$0. Within 45 days of the enactment of this section, the Department of Defense shall submit a project-level expenditure plan for fiscal year 2011 for the accounts funded in this section.

SEC. 3002. Notwithstanding section 1111, of the total amount specified in section 3001 for "Military Construction, Army", "Military Construction, Air Force", and "Military Construction, Defense-Wide", \$1,257,000,000 for Overseas Deployments and Other Activities is designated as an emergency requirement and necessary to meet emergency needs pursuant to sections 403(a) and 423(b) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

SEC. 3003. Notwithstanding section 1101, the level for each of the following accounts of the Department of Defense for projects and activities authorized by law shall be as follows: "North Atlantic Treaty Organization Security Investment Program", \$259,000,000; "Homeowners Assistance Fund", \$17,000,000; "Chemical Demilitarization Construction, Defense-Wide", \$125,000,000; "Department of Defense Base Closure Account 1990", \$360,000,000; and "Department of Defense Base Closure Account 2005", \$2,354,000,000.

SEC. 3004. Notwithstanding any other provision of this Act, the following provisions included in title I of division E of Public Law 111-117 shall not apply to funds appropriated by this Act: the first, second, and last provisos, and the set-aside of \$350,000,000, under the heading "Military Construction, Army"; the first and last provisos under the heading "Military Construction, Navy and Marine Corps"; the first, second, and last provisos under the heading "Military Construction, Air Force"; the second, third, fourth, and last provisos under the heading "Military Construction, Defense-Wide"; the first, second, and last provisos, and the set-aside of \$30,000,000, under the heading "Military Construction, Army National Guard"; the first, second, and last provisos, and the set-aside of \$30,000,000, under the heading "Military Con-

struction, Army Reserve"; the first, second, and last provisos, the set-aside of \$20,000,000, and the set-aside of \$35,000,000, under the heading "Military Construction, Navy Reserve"; the first, second, and last provisos, and the set-aside of \$55,000,000, under the heading "Military Construction, Air Force Reserve"; the proviso under the heading "Family Housing Construction, Army"; the proviso under the heading "Family Housing Construction, Navy and Marine Corps"; the proviso under the heading "Family Housing Construction, Air Force"; the proviso under the heading "Family Housing Construction, Defense-Wide"; and the proviso under the heading "Chemical Demilitarization Construction, Defense-Wide".

SEC. 3005. Section 129 of division E of Public Law 111-117 shall not apply in fiscal year 2011.

SEC. 3006. Notwithstanding any other provision of this Act, the following provisions included in title IV of division E of Public Law 111-117 shall not apply to funds appropriated by this Act: the proviso under "Military Construction, Army"; and the proviso under "Military Construction, Air Force".

SEC. 3007. Notwithstanding any other provision of law, funds made available to the Department of Defense by this chapter may be obligated and expended to carry out planning and design and military construction projects not otherwise authorized by law.

SEC. 3008. Notwithstanding any other provision of law, funds made available to "North Atlantic Treaty Organization Security Investment Program" by this chapter may be obligated and expended for purposes of section 2806 of title 10, United States Code, and sections 2501 and 2502 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84).

SEC. 3009. Notwithstanding section 1101, the level for "Department of Veterans Affairs, Departmental Administration, General Operating Expenses" shall be \$2,546,276,000, of which not less than \$2,148,776,000 shall be for the Veterans Benefits Administration.

SEC. 3010. Notwithstanding section 1101, the level for "Department of Veterans Affairs, Departmental Administration, Information Technology Systems" shall be \$3,162,501,000.

SEC. 3011. Notwithstanding section 1101, the level for "Department of Veterans Affairs, Departmental Administration, Construction, Major Projects" shall be \$1,151,036,000. Within 30 days of the enactment of this section, the Department shall submit to the Committees on Appropriations of the House of Representatives and the Senate a spending plan for fiscal year 2011 at a level of detail below the account level.

SEC. 3012. Notwithstanding section 1101, the level for "Department of Veterans Affairs, Departmental Administration, Construction, Minor Projects" shall be \$467,700,000.

SEC. 3013. Notwithstanding section 1101, the level for "Department of Veterans Affairs, Departmental Administration, Grants for Construction of State Extended Care Facilities" shall be \$85,000,000.

SEC. 3014. Notwithstanding any other provision in this Act, sections 230, 231, and 232 of division E of Public Law 111-117 shall not apply in fiscal year 2011.

SEC. 3015. Notwithstanding section 1101, the level for "Department of Defense—Civil, Cemetery Expenses, Army, Salaries and Expenses", shall be \$50,340,000.

SEC. 3016. Notwithstanding section 1101, the level for "Armed Forces Retirement Home, Trust Fund", shall be \$71,200,000, of which \$2,000,000 shall be for renovation of physical plants.

SEC. 3017. (a) Of the funds appropriated in division E of Public Law 111-117, the following amounts which became available on October 1, 2010, are hereby rescinded from the following accounts of the Department of Veterans Affairs

in the amounts specified: "Medical services", \$1,015,000,000; "Medical support and compliance", \$145,000,000; and "Medical facilities", \$145,000,000.

(b) An additional amount is appropriated to the following accounts of the Department of Veterans Affairs in the amounts specified, to remain available until September 30, 2012: "Medical services", \$1,015,000,000; "Medical support and compliance", \$145,000,000; and "Medical facilities", \$145,000,000.

SEC. 3018. Amounts provided to the Department of Veterans Affairs for "Medical services", "Medical support and compliance", "Medical facilities", "Construction, minor projects", and "Information technology systems" for fiscal year 2011 shall be available, through the date specified by section 1106 of this Act: (1) for transfer to the Joint Department of Defense-Department of Veterans Affairs Medical Facility Demonstration Fund, established by section 1704 of Public Law 111-84, and (2) for operations of the integrated Captain James A. Lovell Federal Health Care Center, consisting of the North Chicago Veteran Affairs Medical Center, and Navy Ambulatory Care Center, and supporting facilities designated as a combined Federal medical facility as described by section 706 of Public Law 110-417.

SEC. 3019. Such sums as may be deposited to the Medical Care Collections Fund pursuant to section 1729A of title 38, United States Code, for health care provided at the Captain James A. Lovell Federal Health Care Center shall also be available: (1) for transfer to the Joint Department of Defense-Department of Veterans Affairs Medical Facility Demonstration Fund, established by section 1704 of Public Law 111-84, and (2) for operations of the integrated Captain James A. Lovell Federal Health Care Center, consisting of the North Chicago Veteran Affairs Medical Center and Navy Ambulatory Care Center, and supporting facilities designated as a combined Federal medical facility as described by section 706 of Public Law 110-417.

CHAPTER 11—STATE, FOREIGN OPERATIONS, AND RELATED PROGRAMS

SEC. 3101. For purposes of this chapter, the term "division F of Public Law 111-117" means the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2010 (division F of Public Law 111-117).

SEC. 3102. Notwithstanding section 1101, the level for each of the following accounts shall be as follows: "Administration of Foreign Affairs, Diplomatic and Consular Programs", \$8,971,529,000; "Administration of Foreign Affairs, Civilian Stabilization Initiative", \$35,000,000; "International Organizations, Contributions to International Organizations", \$1,575,430,000; "International Organizations, Contributions for International Peacekeeping Activities", \$2,105,000,000; "International Commissions, International Boundary and Water Commission, United States and Mexico, Construction", \$26,900,000; "International Commissions, International Fisheries Commissions", \$51,000,000; "Related Agency, Broadcasting Board of Governors, Broadcasting Capital Improvements", \$6,875,000; "Related Programs, United States Institute of Peace", \$44,050,000, which shall not be used for construction activities; "United States Agency for International Development, Funds Appropriated to the President, Civilian Stabilization Initiative", \$15,000,000; "United States Agency for International Development, Funds Appropriated to the President, Capital Investment Fund", \$173,000,000; "Bilateral Economic Assistance, Funds Appropriated to the President, International Fund for Ireland", \$15,000,000; "Bilateral Economic Assistance, Funds Appropriated to the President, Democracy Fund", \$115,000,000, of which \$68,500,000 shall be made

available for the Human Rights and Democracy Fund of the Bureau of Democracy, Human Rights and Labor, Department of State, and \$46,500,000 shall be made available for the Office of Democracy and Governance of the Bureau for Democracy, Conflict, and Humanitarian Assistance, United States Agency for International Development; “Bilateral Economic Assistance, Funds Appropriated to the President, Assistance for Europe, Eurasia and Central Asia”, \$709,000,000; “Bilateral Economic Assistance, Department of the Treasury, Debt Restructuring”, \$56,000,000; “Multilateral Assistance, Funds Appropriated to the President, International Development Association”, \$1,235,000,000; “Multilateral Assistance, Funds Appropriated to the President, Contribution to the Inter-American Development Bank”, \$21,000,000; “Multilateral Assistance, Funds Appropriated to the President, Contribution to the African Development Fund”, \$150,000,000; “International Security Assistance, Department of State, Nonproliferation, Anti-terrorism, Demining and Related Programs”, \$740,000,000; “International Security Assistance, Department of State, Peacekeeping Operations”, \$305,000,000; “International Security Assistance, Funds Appropriated to the President, International Military Education and Training”, \$107,000,000; “International Security Assistance, Funds Appropriated to the President, Pakistan Counterinsurgency Capability Fund”, \$700,000,000, which shall remain available until September 30, 2012, and shall be available to the Secretary of State under the terms and conditions provided for this Fund in Public Law 111–32 and Public Law 111–212; and “International Security Assistance, Funds Appropriated to the President, Foreign Military Financing Program”, \$5,440,000,000, of which not less than \$3,000,000,000 shall be available for grants only for Israel and \$1,300,000,000 shall be available for grants only for Egypt and \$300,000,000 shall be available for assistance for Jordan: Provided, That the dollar amount in the fourth proviso under the heading “International Security Assistance, Funds Appropriated to the President, Foreign Military Financing Program” in division F of Public Law 111–117 shall be deemed to be \$789,000,000 for the purpose of applying funds appropriated under such heading by this Act.

SEC. 3103. Notwithstanding section 1101, the dollar amount in the seventh proviso under the heading “Bilateral Economic Assistance, Funds Appropriated to the President, Economic Support Fund” in division F of Public Law 111–117 shall be deemed to be \$200,000,000 for the purpose of applying funds appropriated under such heading by this Act: Provided, That the ninth through the fourteenth provisos under the heading “Bilateral Economic Assistance, Funds Appropriated to the President, Economic Support Fund” in division F of Public Law 111–117 shall not apply to assistance for Afghanistan under this Act: Provided further, That the dollar amount in section 7042(f)(1) in division F of Public Law 111–117 shall be deemed to be \$550,400,000.

SEC. 3104. Notwithstanding section 1101, the level for each of the following accounts shall be \$0: “Administration of Foreign Affairs, Buying Power Maintenance Account” and “Multilateral Assistance, Funds Appropriated to the President, Contribution to the Asian Development Fund”.

SEC. 3105. (a) In addition to amounts otherwise made available in this Act, \$12,000,000 is appropriated for “Bilateral Economic Assistance, Funds Appropriated to the President, Economic Support Fund” for activities specified in section 7071(j) of division F of Public Law 111–117.

(b) For purposes of the amount made available by this Act for “Export-Import Bank of the

United States, Administrative Expenses”, project specific transaction costs, including direct and indirect costs incurred in claims settlements, and other costs for systems infrastructure directly supporting transactions, shall not be considered administrative expenses.

(c) Of the unobligated balances available from funds appropriated under the heading “Export and Investment Assistance, Export-Import Bank of the United States, Subsidy Appropriation” in the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2009 (division H, Public Law 111–8) and under such heading in prior Acts making appropriations for the Department of State, foreign operations, and related programs, \$160,000,000 is rescinded.

SEC. 3106. (a) Notwithstanding any other provision of this Act, the dollar amounts under paragraphs (1) through (4) under the heading “Administration of Foreign Affairs, Diplomatic and Consular Programs” in division F of Public Law 111–117 shall not apply to funds appropriated by this Act: Provided, That the dollar amounts to be derived from fees collected under paragraph (5)(A) under such heading shall be “\$1,702,904” and “\$505,000”, respectively.

(b) Notwithstanding any other provision of this Act, the following provisions in division F of Public Law 111–117 shall not apply to funds appropriated by this Act:

(1) Section 7034(l).

(2) Section 7042(a), (b)(1), (c), and (d)(1).

(3) In section 7045:

(A) The first sentence of subsection (c).

(B) The first sentence of subsection (e)(1).

(C) The first sentence of subsection (f).

(D) Subsection (h).

(4) Section 7070(b).

(5) The third proviso under the heading “Administration of Foreign Affairs, Civilian Stabilization Initiative”.

(6) The fourth proviso under the heading “Bilateral Economic Assistance, Funds Appropriated to the President, Assistance for Europe, Eurasia and Central Asia”.

SEC. 3107. (a) Section 1115(d) of Public Law 111–32 is amended by striking “October 1, 2010” and inserting “October 1, 2011”.

(b) Section 824(g)(2)(A) of the Foreign Service Act of 1980 (22 U.S.C. 4064(g)(2)(A)) is amended by striking “October 1, 2010” and inserting “October 1, 2011”.

(c) Section 61(a)(2) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2733(a)(2)) is amended by striking “October 1, 2010” and inserting “October 1, 2011”.

(d) Section 625(j)(1)(B) of the Foreign Assistance Act of 1961 (22 U.S.C. 2385(j)(1)(B)) is amended by striking “October 1, 2010” and inserting “October 1, 2011”.

(e) Section 1(b)(2) of the Passport Act of June 4, 1920 (22 U.S.C. 214(b)(2)) is amended by striking “September 30, 2010” and inserting “September 30, 2011”.

(f) The authority provided by section 1334 of the Foreign Affairs Reform and Restructuring Act of 1998 (22 U.S.C. 6553) shall remain in effect until September 30, 2011.

(g) Section 404(b)(2)(B)(vi) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (22 U.S.C. 287e note) is amended by striking “calendar year 2010,” and inserting “calendar years 2010 and 2011,”.

(h) The Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1990 (Public Law 101–167) is amended—

(1) in section 599D (8 U.S.C. 1157 note)—

(A) in subsection (b)(3), by striking “and 2010” and inserting “2010, and 2011”; and

(B) in subsection (e), by striking “2010” each place it appears and inserting “2011”; and

(2) in section 599E (8 U.S.C. 1255 note) in subsection (b)(2), by striking “2010” and inserting “2011”.

SEC. 3108. (a) The second proviso under the heading “International Security Assistance, Department of State, Peacekeeping Operations” in division F of Public Law 111–117 shall be applied by substituting the following: “Provided further, That up to \$55,918,000 may be used to pay assessed expenses of international peacekeeping activities in Somalia, except that up to an additional \$35,000,000 may be made available for such purpose subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations.”.

(b) Section 7034 of division F of Public Law 111–117 shall be applied to funds appropriated by this Act by—

(1) substituting \$75,000,000 for the dollar amount in subsection (j); and

(2) substituting \$20,000,000 for the dollar amount in subsection (m)(5).

(c) Section 7043 of division F of Public Law 111–117 shall be applied to funds appropriated by this Act by substituting the following for subsection (b):

“(b) LIMITATION.—None of the funds appropriated or otherwise made available in title VI of this Act under the heading ‘Export-Import Bank of the United States’ may be used by the Export-Import Bank of the United States to provide any new financing (including loans, guarantees, other credits, insurance, and reinsurance) to any person that is subject to sanctions under paragraph (2) or (3) of section 5(a) of the Iran Sanctions Act of 1996 (Public Law 104–172).”.

(d) Section 7045(b) of division F of Public Law 111–117 shall be applied to funds appropriated by this Act by substituting the following for paragraph (2):

“(2) Of the funds appropriated under the heading ‘Debt Restructuring’ in this Act, up to \$36,000,000 may be made available for the United States share of an increase in the resources of the Fund for Special Operations of the Inter-American Development Bank in furtherance of providing debt relief to Haiti in view of the Cancun Declaration of March 21, 2010.”.

(e)(1) Section 7046(a) of division F of Public Law 111–117 shall be applied to funds appropriated by this Act by substituting “\$453,995,000” for the dollar amount.

(2) The dollar amount in the sixteenth proviso under the heading “Bilateral Economic Assistance, Funds Appropriated to the President, Economic Support Fund” in division F of Public Law 111–117 shall be deemed to be “\$195,000,000”.

(3) The dollar amount in the seventh proviso of the first paragraph under the heading “International Security Assistance, Funds Appropriated to the President, Foreign Military Financing Program” in division F of Public Law 111–117 shall be deemed to be “\$44,500,000” for the purpose of applying funds appropriated under such headings by this Act.

(f) The second proviso of section 7081(d) of division F of Public Law 111–117 is amended to read as follows: “: Provided further, That funds appropriated under title III of this Act for tropical forest programs shall be used for purposes including to implement and enforce section 8204 of Public Law 110–246, shall not be used to support or promote the expansion of industrial scale logging into primary tropical forests, and shall be subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations.”.

SEC. 3109. (a) Subsections (b) through (e) of this section shall apply to funds appropriated by this Act in lieu of section 7076 of division F of Public Law 111–117.

(b) LIMITATION.—None of the funds appropriated or otherwise made available by this Act under the headings “Economic Support Fund” and “International Narcotics Control and Law

Enforcement” may be obligated for assistance for Afghanistan until the Secretary of State, in consultation with the Administrator of the United States Agency for International Development (USAID), certifies and reports to the Committees on Appropriations that—

(1) The Government of Afghanistan is—

(A) demonstrating a commitment to reduce corruption and improve governance, including by investigating, prosecuting, sanctioning and/or removing corrupt officials from office and to implement financial transparency and accountability measures for government institutions and officials (including the Central Bank) as well as to conduct oversight of public resources;

(B) taking significant steps to facilitate active public participation in governance and oversight; and

(C) taking credible steps to protect the internationally recognized human rights of Afghan women.

(2) There is a unified United States Government anti-corruption strategy for Afghanistan that is adequately funded, and is being implemented in conjunction with relevant Afghan authorities.

(3) Funds will be programmed to support and strengthen the capacity of Afghan public and private institutions and entities to reduce corruption and to improve transparency and accountability of national, provincial and local governments, such as—

(A) the High Office of Oversight;

(B) the Control and Audit Office;

(C) the Afghan Criminal Justice Task Force;

(D) the Afghan Judicial Security Unit;

(E) the Anti-Corruption Tribunal, and the Attorney General’s Anti-Corruption Unit;

(F) the training and mentoring of judicial personnel;

(G) the training and mentoring of Afghan Government personnel in financial management, budgeting, and independent oversight of public funds; and

(H) Afghan civil society organizations and media institutions that play an important role in government oversight.

(4) Representatives of Afghan national, provincial or local governments, local communities and civil society organizations, as appropriate, will be consulted and participate in the design of programs, projects, and activities, including participation in implementation and oversight, and the development of specific benchmarks to measure progress and outcomes.

(5) Funds will be used to train and deploy additional United States Government direct-hire personnel to improve monitoring and control of assistance to ensure that funds are used for the intended purpose and do not support illicit and/or corrupt activities.

(6) A framework and methodology is being utilized to assess national, provincial, local and sector level fiduciary risks relating to public financial management of United States Government assistance.

(c) DIRECT GOVERNMENT-TO-GOVERNMENT ASSISTANCE.—

(1) Funds appropriated or otherwise made available by this Act for assistance for Afghanistan may not be made available for direct government-to-government assistance unless the Secretary of State certifies to the Committees on Appropriations that the relevant Afghan implementing agency has been assessed and considered qualified to manage such funds and the Government of the United States and the Government of Afghanistan have agreed, in writing, to clear and achievable goals and objectives for the use of such funds, and have established mechanisms within each implementing agency to ensure that such funds are used for the purposes for which they were intended: Provided, That the Secretary of State should suspend any

direct government-to-government assistance to an implementing agency if the Secretary has credible information of misuse of such funds by any such agency: Provided further, That any such assistance shall be subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations.

(2) Funds appropriated or otherwise made available by this Act for assistance for Afghanistan may be made available as a United States contribution to the Afghanistan Reconstruction Trust Fund (ARTF) unless the Secretary of State determines and reports to the Committees on Appropriations that the World Bank Monitoring Agent of the ARTF is unable to conduct its financial control and audit responsibilities due to restrictions on security personnel by the Government of Afghanistan.

(d) ASSISTANCE FOR OPERATIONS.—

(1) Funds appropriated under the headings “Economic Support Fund” and “International Narcotics Control and Law Enforcement” in this Act that are available for assistance for Afghanistan—

(A) shall be made available, to the maximum extent practicable, in a manner that emphasizes the participation of Afghan women, and directly improves the security, economic and social well-being, and political status, and protects the rights of, Afghan women and girls and complies with sections 7062 and 7063 of division F of Public Law 111–117, including support for the Afghan Independent Human Rights Commission, the Afghan Ministry of Women’s Affairs, and women-led nongovernmental organizations;

(B) may be made available for a United States contribution to an internationally-managed fund to support the reconciliation with and disarmament, demobilization and reintegration into Afghan society of former combatants who have renounced violence against the Government of Afghanistan: Provided, That funds may be made available to support reconciliation and reintegration activities only if—

(i) Afghan women are participating at national, provincial and local levels of government in the design, policy formulation and implementation of the reconciliation or reintegration process, and such process upholds steps taken by the Government of Afghanistan to protect the internationally recognized human rights of Afghan women; and

(ii) such funds will not be used to support any pardon or immunity from prosecution, or any position in the Government of Afghanistan or security forces, for any leader of an armed group responsible for crimes against humanity, war crimes, or other violations of internationally recognized human rights.

(C) may be made available for a United States contribution to the North Atlantic Treaty Organization/International Security Assistance Force Post-Operations Humanitarian Relief Fund; and

(D) should be made available, notwithstanding any provision of law that restricts assistance to foreign countries, for cross border stabilization and development programs between Afghanistan and Pakistan or between either country and the Central Asian republics.

(2) Programs and activities funded under titles III and IV of this Act that provide training for foreign police, judicial, and military personnel shall address, where appropriate, gender-based violence.

(3) The authority contained in section 1102(c) of Public Law 111–32 shall continue in effect during fiscal year 2011 and shall apply as if included in this Act.

(4) The Coordinator for Rule of Law at the United States Embassy in Kabul, Afghanistan shall be consulted on the use of all funds appropriated by this Act for rule of law programs in Afghanistan.

(5) None of the funds made available by this Act may be used by the United States Government to enter into a permanent basing rights agreement between the United States and Afghanistan.

(6) The Secretary of State, after consultation with the USAID Administrator, shall submit to the Committees on Appropriations not later than 45 days after enactment of this Act, and prior to the initial obligation of funds, a detailed spending plan for assistance for Afghanistan which shall include clear and achievable goals, benchmarks for measuring progress, and expected results: Provided, That such plan shall not be considered as meeting the notification requirements under section 7015 of division F of Public Law 111–117 or under section 634A of the Foreign Assistance Act of 1961.

(7) Any significant modification to the scope, objectives, or implementation mechanisms of United States assistance programs in Afghanistan shall be subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations, except that the prior consultation requirement may be waived in a manner consistent with section 7015(e) of division F of Public Law 111–117.

(e) OVERSIGHT.—

(1) The Special Inspector General for Afghanistan Reconstruction, the Inspector General of the Department of State and the Inspector General of USAID, shall jointly develop and submit to the Committees on Appropriations within 45 days of enactment of this Act a coordinated audit and inspection plan of United States assistance for, and civilian operations in, Afghanistan.

(2) Of the funds appropriated in this Act under the heading “Economic Support Fund” for assistance for Afghanistan, \$3,000,000 shall be transferred to, and merged with, funds made available under the heading “Office of Inspector General” in title I of this Act, for increased oversight of programs in Afghanistan and shall be in addition to funds otherwise available for such purposes: Provided, That \$1,500,000 shall be for the Special Inspector General for Afghanistan Reconstruction.

(3) Of the funds appropriated in this Act under the heading “Economic Support Fund” for assistance for Afghanistan, \$1,500,000 shall be transferred to, and merged with, funds appropriated under the heading “Office of Inspector General” in title II of this Act for increased oversight of programs in Afghanistan and shall be in addition to funds otherwise available for such purposes.

(f) MODIFICATION TO PRIOR PROVISIONS.—

(1) Section 1004(c)(1)(C) of Public Law 111–212 is amended to read as follows:

“(C) taking credible steps to protect the internationally recognized human rights of Afghan women.”.

(2) Section 1004(d)(1) of Public Law 111–212 is amended to read as follows:

“(1) Afghan women are participating at national, provincial and local levels of government in the design, policy formulation and implementation of the reconciliation or reintegration process, and such process upholds steps taken by the Government of Afghanistan to protect the internationally recognized human rights of Afghan women; and”.

(3) Section 1004(e)(1) of Public Law 111–212 is amended to read as follows:

“(1) based on information available to the Secretary, the Independent Electoral Commission has no members or other employees who participated in, or helped to cover up, acts of fraud in the 2009 presidential election in Afghanistan, and the Electoral Complaints Commission is a genuinely independent body with all the authorities that were invested in it under Afghan law as of December 31, 2009; and”.

SEC. 3110. In addition to amounts otherwise made available by this Act, \$100,000,000, to remain available until expended, is appropriated for payment as a contribution to a global food security fund by the Secretary of the Treasury.

SEC. 3111. (a) CONTRIBUTION TO THE ASIAN DEVELOPMENT BANK.—In addition to amounts otherwise made available by this Act, \$106,586,000, to remain available until expended, is appropriated for payment to the Asian Development Bank by the Secretary of the Treasury for the United States share of the paid-in portion of the increase in capital stock.

(b) LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS.—The United States Governor of the Asian Development Bank may subscribe without fiscal year limitation to the callable capital portion of the United States share of such capital stock in an amount not to exceed \$2,558,048,769.

(c) AMENDMENT.—The Asian Development Bank Act (22 U.S.C. 285 et seq.), is amended by adding at the end the following:

“NINTH REPLENISHMENT

“SEC. 33. (a) The United States Governor of the Bank is authorized to contribute, on behalf of the United States, \$461,000,000 to the ninth replenishment of the resources of the Fund, subject to obtaining the necessary appropriations.

“(b) In order to pay for the United States contribution provided for in subsection (a), there are authorized to be appropriated, without fiscal year limitation, \$461,000,000 for payment by the Secretary of the Treasury.

“FIFTH CAPITAL INCREASE

“SEC. 34. (a) Subscription Authorized.

“(1) The United States Governor of the Bank may subscribe on behalf of the United States to 1,104,420 additional shares of the capital stock of the Bank.

“(2) Any subscription by the United States to capital stock of the Bank shall be effective only to such extent or in such amounts as are provided in advance in appropriations Acts.

“(b) Authorization of Appropriations—

“(1) In order to pay for the increase in the United States subscription to the Bank provided for in subsection (a), there are authorized to be appropriated, without fiscal year limitation, \$13,323,173,083, for payment by the Secretary of the Treasury.

“(2) Of the amount authorized to be appropriated under paragraph (1)—

“(A) \$532,929,240 is authorized to be appropriated for paid in shares of the Bank; and

“(B) \$12,790,243,843 is authorized to be appropriated for callable shares of the Bank, for payment by the Secretary of the Treasury.”.

CHAPTER 12—TRANSPORTATION, AND HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES

SEC. 3201. Notwithstanding section 1101, the level for “Department of Transportation, Federal Aviation Administration, Operations” shall be \$9,542,983,000, of which \$4,559,000,000 shall be derived from the Airport and Airway Trust Fund, of which no less than \$7,473,299,000 shall be for air traffic organization activities; no less than \$1,253,020,000 shall be for aviation regulation and certification activities; not to exceed \$15,237,000 shall be available for commercial space transportation activities; not to exceed \$113,681,000 shall be available for financial services activities; not to exceed \$100,428,000 shall be available for human resources program activities; not to exceed \$341,977,000 shall be available for region and center operations and regional coordination activities; not to exceed \$196,063,000 shall be available for staff offices; and not to exceed \$49,278,000 shall be available for information services.

SEC. 3202. The amounts included under the heading “Department of Transportation, Federal Aviation Administration, Grants-in-Aid for

Airports (Liquidation of Contract Authorization)” in division A of Public Law 111–117 shall be applied to funds appropriated by this Act by substituting “\$3,550,000,000” for “\$3,000,000,000”.

SEC. 3203. Notwithstanding section 1101, the level for “Department of Transportation, Federal Highway Administration, Surface Transportation Priorities” shall be \$0.

SEC. 3204. Notwithstanding section 1101, no funds are provided for activities described in section 122 of title I of division A of Public Law 111–117.

SEC. 3205. Of the amount made available for “Department of Transportation, Motor Carrier Safety Grants, (Liquidation of Contract Authorization), (Limitation on Obligations), (Highway Trust Fund)” for the commercial driver’s license information system modernization program, \$3,000,000 shall be made available for audits of new entrant motor carriers to carry out section 4107(b) of Public Law 109–59, and 31104(a) of title 49, United States Code, and \$5,000,000 shall be made available for the commercial driver’s license improvements program to carry out section 31313 of title 49, United States Code.

SEC. 3206. Notwithstanding section 1101, the level for “Department of Transportation, Federal Railroad Administration, Safety and Operations” shall be \$176,950,000.

SEC. 3207. Notwithstanding section 1101, the level for “Department of Transportation, Federal Railroad Administration, Capital Assistance for High Speed Rail Corridors and Intercity Passenger Rail Service” shall be \$1,000,000,000.

SEC. 3208. Notwithstanding section 1101, the level for “Department of Transportation, Maritime Administration, Operations and Training” shall be \$155,750,000, of which \$11,240,000 shall remain available until expended for maintenance and repair of training ships at State Maritime Academies, and of which \$15,000,000 shall remain available until expended for capital improvements at the United States Merchant Marine Academy, of which \$59,057,000 shall be available for operations at the United States Merchant Marine Academy, and of which \$6,000,000 shall remain available until expended for the Secretary’s reimbursement of over-charged midshipmen fees for academic years 2003–2004 through 2008–2009 and such action shall be final and conclusive.

SEC. 3209. Notwithstanding section 1101, the level for each of the following accounts under the heading “Department of Transportation, Pipeline and Hazardous Materials Safety Administration” shall be as follows: “Operational Expenses (Pipeline Safety Fund)”, \$21,496,000; “Hazardous Materials Safety”, \$39,098,000, of which \$1,699,000 shall remain available until September 30, 2013; and “Pipeline Safety (Pipeline Safety Fund) (Oil Spill Liability Trust Fund)”, \$106,919,000, of which \$18,905,000 shall be derived from the Oil Spill Liability Trust Fund and shall remain available until September 30, 2013, and of which \$88,014,000 shall be derived from the Pipeline Safety Fund, of which \$47,332,000 shall remain available until September 30, 2013.

SEC. 3210. Notwithstanding section 1101, section 186 of title I of division A of Public Law 111–117 shall not apply to fiscal year 2011.

SEC. 3211. Notwithstanding section 1101, the level for “Department of Housing and Urban Development, Personnel Compensation and Benefits, Housing” shall be \$390,885,000.

SEC. 3212. Notwithstanding section 1101, the level for “Department of Housing and Urban Development, Personnel Compensation and Benefits, Office of the Government National Mortgage Association” shall be \$14,000,000.

SEC. 3213. Notwithstanding section 1101, the level for “Department of Housing and Urban

Development, Public and Indian Housing, Tenant-Based Rental Assistance” shall be \$14,863,998,000, to remain available until expended, shall be available on October 1, 2010 (in addition to the \$4,000,000,000 previously appropriated under such heading that will become available on October 1, 2010), and notwithstanding section 1109, an additional \$4,000,000,000, to remain available until expended, shall be available on October 1, 2011: Provided, That of the amounts available for such heading, \$16,993,998,000 shall be for activities specified in paragraph (1) and \$145,000,000 shall be for activities specified in paragraph (2) under such heading of division A of Public Law 111–117: Provided further, That of the amounts made available for activities under paragraph (2) under such heading of division A of Public Law 111–117, \$25,000,000 shall be available to provide tenant protection assistance, not otherwise provided under this paragraph, to residents residing in low-vacancy areas and who may have to pay rents greater than 30 percent of household income, as the result of (1) the maturity of a HUD-insured, HUD-held or section 202 loan that requires the permission of the Secretary prior to loan payment, (2) the expiration of a rental assistance contract for which the tenants are not eligible for enhanced voucher or tenant protection assistance under existing law, or (3) the expiration of affordability restrictions accompanying a mortgage or preservation program administered by the Secretary: Provided further, That such tenant protection assistance made available under the previous proviso may be provided under the authority of section 8(t) of the United States Housing Act of 1937 (42 U.S.C. 1937f(t)): Provided further, That the Secretary shall issue guidance to implement the previous two provisos, including but not limited to requirements for defining eligible at-risk households, within 120 days of the enactment of this Act.

SEC. 3214. The seventh proviso in paragraph (1) under the heading “Department of Housing and Urban Development, Public and Indian Housing, Tenant-Based Rental Assistance” in division A of Public Law 111–117 shall be applied in fiscal year 2011 by inserting before the colon at the end the following: “; (5) for one-time adjustments of renewal funding for public housing agencies in receivership with approved fungibility plans for calendar year 2009 as authorized in section 11003 of the Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009 (Public Law 110–329); or (6) to adjust allocations for public housing agencies to prevent termination of assistance to families receiving assistance under the disaster voucher program, as authorized by chapter 9 of title I of division B of Public Law 109–148 under the heading ‘Tenant-Based Rental Assistance’”.

SEC. 3215. Notwithstanding section 1101, the level for “Department of Housing and Urban Development, Community Planning and Development, Community Development Fund” shall be \$4,255,000,000, of which \$3,990,000,000 shall be for carrying out the community development block grant program under title I of the Housing and Community Development Act of 1974, as amended: Provided, That none of the funds made available by this section for such account may be used for grants for the Economic Development Initiative or Neighborhood Initiatives activities.

SEC. 3216. Notwithstanding section 1101, the level for “Department of Housing and Urban Development, Community Planning and Development, Homeless Assistance Grants” shall be \$2,055,000,000.

SEC. 3217. Notwithstanding section 1101, the level for “Department of Housing and Urban Development, Housing Programs, Project-Based

Rental Assistance" shall be \$8,882,328,000, to remain available until expended, shall be available on October 1, 2010 (in addition to the \$393,672,000 previously appropriated under such heading that became available on October 1, 2010), and, notwithstanding section 1109, an additional \$400,000,000, to remain available until expended, shall be available on October 1, 2011: Provided, That of the amounts available for such heading, \$8,950,000,000 shall be for activities specified in paragraph (1) under such heading of division A of Public Law 111-117 and \$326,000,000 shall be available for activities specified in paragraph (2) under such heading in such public law.

SEC. 3218. Notwithstanding section 1101, the level for "Department of Housing and Urban Development, Housing Programs, Energy Innovation Fund" shall be \$0.

SEC. 3219. The heading "Department of Housing and Urban Development, Housing Program, Other Assisted Housing Programs, Rental Housing Assistance" shall be applied by inserting ", or extensions of up to one year for expiring contracts," after "for amendments to contracts".

SEC. 3220. Notwithstanding section 1101, the level under the heading "Department of Housing and Urban Development, Housing Programs, Rent Supplement (Rescission)" shall be \$40,060,000.

SEC. 3221. Notwithstanding section 1101, the level for "Department of Housing and Urban Development, Federal Housing Administration, Mutual Mortgage Insurance Program Account" for administrative contract expenses shall be \$221,125,000.

SEC. 3222. The first proviso in the first paragraph under the heading "Department of Housing and Urban Development, Federal Housing Administration, General and Special Risk Program Account" in division A of Public Law 111-117 shall be applied in fiscal year 2011 by substituting "\$20,000,000,000" for "\$15,000,000,000".

SEC. 3223. Notwithstanding section 1101, the level for "Department of Housing and Urban Development, Management and Administration, Working Capital Fund" shall be \$228,500,000.

SEC. 3224. Notwithstanding section 1101, the level for "Related Agencies, National Railroad Passenger Corporation, Office of Inspector General, Salaries and Expenses" shall be \$19,496,000.

SEC. 3225. Notwithstanding section 1101, the level under the heading "Related Agencies, United States Interagency Council on Homelessness, Operating Expenses" shall be \$3,930,000.

SEC. 3226. Section 209 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11319) is repealed.

SEC. 3227. Unobligated balances of funds made available for obligation under 23 U.S.C. 320, section 147 of Public Law 95-599, section 9(c) of Public Law 97-134, section 149 of Public Law 100-17, and sections 1006, 1069, 1103, 1104, 1105, 1106, 1107, 1108, 6005, 6015, and 6023 of Public Law 102-240 are permanently rescinded. In addition, the unobligated balance available on September 30, 2011, under section 1602 of the Transportation Equity Act for the 21st Century (Public Law 105-178) for each project for which less than 10 percent of the amount authorized for such project under such section has been obligated is permanently rescinded. In addition, of the amounts authorized for fiscal years 2005 through 2009 in section 1101(a)(16) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Public Law 109-59) to carry out the high priority projects program under section 117 of title 23, United States Code, that are not allocated for projects described in section 1702 of such Act, \$8,190,335 are permanently rescinded.

DIVISION B—SURFACE TRANSPORTATION EXTENSION

SEC. 4001. SHORT TITLE; RECONCILIATION OF FUNDS.

(a) **SHORT TITLE.**—This division may be cited as the "Surface Transportation Extension Act of 2010, Part II".

(b) **RECONCILIATION OF FUNDS.**—The Secretary of Transportation shall reduce the amount apportioned or allocated for a program, project, or activity under this division in fiscal year 2011 by amounts apportioned or allocated pursuant to the Surface Transportation Extension Act of 2010 for the period beginning on October 1, 2010, and ending on December 31, 2010.

TITLE I—FEDERAL-AID HIGHWAYS

SEC. 4101. EXTENSION OF FEDERAL-AID HIGHWAY PROGRAMS.

(a) **IN GENERAL.**—Section 411 of the Surface Transportation Extension Act of 2010 (Public Law 111-147; 124 Stat. 78) is amended—

(1) by striking "the period beginning on October 1, 2010, and ending on December 31, 2010" each place it appears (except in subsection (c)(2)) and inserting "fiscal year 2011";

(2) in subsection (a) by striking "December 31, 2010" and inserting "September 30, 2011";

(3) in subsection (b)(2) by striking "1/4 of";

(4) in subsection (c)—

(A) in paragraph (2)—

(i) by striking "1/4 of"; and

(ii) by striking "the period beginning on October 1, 2010, and ending on December 31, 2010," and inserting "fiscal year 2011";

(B) in paragraph (4)—

(i) in subparagraph (A)(ii) by striking ", except that during such period obligations subject to such limitation shall not exceed 1/4 of the limitation on obligations included in an Act making appropriations for fiscal year 2011"; and

(ii) in subparagraph (B)(ii)(II) by striking "\$159,750,000" and inserting "\$639,000,000"; and

(C) by striking paragraph (5);

(5) in subsection (d)—

(A) by striking "1/4 of" each place it appears; and

(B) in paragraph (2)(A)—

(i) in the matter preceding clause (i) by striking "apportioned under sections 104(b) and 144 of title 23, United States Code," and inserting "specified in section 105(a)(2) of title 23, United States Code (except the high priority projects program)"; and

(ii) in clause (ii) by striking "apportioned under such sections of such Code" and inserting "specified in such section 105(a)(2) (except the high priority projects program)"; and

(6) in subsection (e)(1)(B) by striking "1/4".

(b) **ADMINISTRATIVE EXPENSES.**—Section 412(a)(2) of the Surface Transportation Extension Act of 2010 (Public Law 111-147; 124 Stat. 83) is amended—

(1) by striking "\$105,606,250" and inserting "\$422,425,000"; and

(2) by striking "the period beginning on October 1, 2010, and ending on December 31, 2010" and inserting "fiscal year 2011".

TITLE II—NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION, FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION, AND ADDITIONAL PROGRAMS

SEC. 4201. EXTENSION OF NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION HIGHWAY SAFETY PROGRAMS.

(a) **CHAPTER 4 HIGHWAY SAFETY PROGRAMS.**—Section 2001(a)(1) of SAFETEA-LU (119 Stat. 1519) is amended by striking "and \$58,750,000 for the period beginning on October 1, 2010, and ending on December 31, 2010," and inserting "and \$235,000,000 for fiscal year 2011".

(b) **HIGHWAY SAFETY RESEARCH AND DEVELOPMENT.**—Section 2001(a)(2) of SAFETEA-LU (119 Stat. 1519) is amended by striking "and

\$27,061,000 for the period beginning on October 1, 2010, and ending on December 31, 2010," and inserting "and \$108,244,000 for fiscal year 2011".

(c) **OCCUPANT PROTECTION INCENTIVE GRANTS.**—Section 2001(a)(3) of SAFETEA-LU (119 Stat. 1519) is amended by striking "and \$6,250,000 for the period beginning on October 1, 2010, and ending on December 31, 2010," and inserting "and \$25,000,000 for fiscal year 2011".

(d) **SAFETY BELT PERFORMANCE GRANTS.**—Section 2001(a)(4) of SAFETEA-LU (119 Stat. 1519) is amended by striking "and \$31,125,000 for the period beginning on October 1, 2010, and ending on December 31, 2010," and inserting "and \$124,500,000 for fiscal year 2011".

(e) **STATE TRAFFIC SAFETY INFORMATION SYSTEM IMPROVEMENTS.**—Section 2001(a)(5) of SAFETEA-LU (119 Stat. 1519) is amended by striking "and \$8,625,000 for the period beginning on October 1, 2010, and ending on December 31, 2010," and inserting "and \$34,500,000 for fiscal year 2011".

(f) **ALCOHOL-IMPAIRED DRIVING COUNTERMEASURES INCENTIVE GRANT PROGRAM.**—Section 2001(a)(6) of SAFETEA-LU (119 Stat. 1519) is amended by striking "and \$34,750,000 for the period beginning on October 1, 2010, and ending on December 31, 2010," and inserting "and \$139,000,000 for fiscal year 2011".

(g) **NATIONAL DRIVER REGISTER.**—Section 2001(a)(7) of SAFETEA-LU (119 Stat. 1520) is amended by striking "and \$1,029,000 for the period beginning on October 1, 2010, and ending on December 31, 2010," and inserting "and \$4,116,000 for fiscal year 2011".

(h) **HIGH VISIBILITY ENFORCEMENT PROGRAM.**—Section 2001(a)(8) of SAFETEA-LU (119 Stat. 1520) is amended by striking "and \$7,250,000 for the period beginning on October 1, 2010, and ending on December 31, 2010," and inserting "and \$29,000,000 for fiscal year 2011".

(i) **MOTORCYCLIST SAFETY.**—Section 2001(a)(9) of SAFETEA-LU (119 Stat. 1520) is amended by striking "and \$1,750,000 for the period beginning on October 1, 2010, and ending on December 31, 2010," and inserting "and \$7,000,000 for fiscal year 2011".

(j) **CHILD SAFETY AND CHILD BOOSTER SEAT SAFETY INCENTIVE GRANTS.**—Section 2001(a)(10) of SAFETEA-LU (119 Stat. 1520) is amended by striking "and \$1,750,000 for the period beginning on October 1, 2010, and ending on December 31, 2010," and inserting "and \$7,000,000 for fiscal year 2011".

(k) **ADMINISTRATIVE EXPENSES.**—Section 2001(a)(11) of SAFETEA-LU (119 Stat. 1520) is amended by striking "and \$6,332,000 for the period beginning on October 1, 2010, and ending on December 31, 2010," and inserting "and \$25,328,000 for fiscal year 2011".

SEC. 4202. EXTENSION OF FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION PROGRAMS.

(a) **MOTOR CARRIER SAFETY GRANTS.**—Section 31104(a)(7) of title 49, United States Code, is amended by striking "\$52,679,000 for the period beginning on October 1, 2010, and ending on December 31, 2010," and inserting "\$209,000,000 for fiscal year 2011".

(b) **ADMINISTRATIVE EXPENSES.**—Section 31104(i)(1)(G) of title 49, United States Code, is amended by striking "\$61,036,000 for the period beginning on October 1, 2010, and ending on December 31, 2010," and inserting "\$244,144,000 for fiscal year 2011".

(c) **GRANT PROGRAMS.**—Section 4101(c) of SAFETEA-LU (119 Stat. 1715) is amended—

(1) in paragraph (1)—

(A) by striking "and" after "2009,"; and

(B) by striking "and \$6,301,000 for the period beginning on October 1, 2010, and ending on December 31, 2010" and inserting "and \$25,000,000 for fiscal year 2011";

(2) in paragraph (2) by striking “and \$8,066,000 for the period beginning on October 1, 2010, and ending on December 31, 2010” and inserting “and \$32,000,000 for fiscal year 2011”;

(3) in paragraph (3) by striking “and \$1,260,000 for the period beginning on October 1, 2010, and ending on December 31, 2010” and inserting “and \$5,000,000 for fiscal year 2011”;

(4) in paragraph (4) by striking “and \$6,301,000 for the period beginning on October 1, 2010, and ending on December 31, 2010” and inserting “and \$25,000,000 for fiscal year 2011”; and

(5) in paragraph (5) by striking “and \$756,000 for the period beginning on October 1, 2010, and ending on December 31, 2010” and inserting “and \$3,000,000 for fiscal year 2011”.

(d) **HIGH-PRIORITY ACTIVITIES.**—Section 31104(k)(2) of title 49, United States Code, is amended by striking “and \$3,781,000 for the period beginning on October 1, 2010, and ending on December 31, 2010” and inserting “and \$15,000,000 for fiscal year 2011”.

(e) **NEW ENTRANT AUDITS.**—Section 31144(g)(5)(B) of title 49, United States Code, is amended by striking “(and up to \$7,310,000 for the period beginning on October 1, 2010, and ending on December 31, 2010)”.

(f) **COMMERCIAL DRIVER'S LICENSE INFORMATION SYSTEM MODERNIZATION.**—Section 4123(d)(6) of SAFETEA-LU (119 Stat. 1736) is amended by striking “\$2,016,000 for the period beginning on October 1, 2010, and ending on December 31, 2010.” and inserting “\$8,000,000 for fiscal year 2011”.

(g) **OUTREACH AND EDUCATION.**—Section 4127(e) of SAFETEA-LU (119 Stat. 1741) is amended by striking “and 2010” and all that follows before “to carry out” and inserting “2010, and 2011”.

(h) **GRANT PROGRAM FOR COMMERCIAL MOTOR VEHICLE OPERATORS.**—Section 4134(c) of SAFETEA-LU (119 Stat. 1744) is amended by striking “2009, 2010, and \$252,000 for the period beginning on October 1, 2010, and ending on December 31, 2010,” and inserting “2011”.

(i) **MOTOR CARRIER SAFETY ADVISORY COMMITTEE.**—Section 4144(d) of SAFETEA-LU (119 Stat. 1748) is amended by striking “December 31, 2010” and inserting “September 30, 2011”.

(j) **WORKING GROUP FOR DEVELOPMENT OF PRACTICES AND PROCEDURES TO ENHANCE FEDERAL-STATE RELATIONS.**—Section 4213(d) of SAFETEA-LU (49 U.S.C. 14710 note; 119 Stat. 1759) is amended by striking “December 31, 2010” and inserting “September 30, 2011”.

SEC. 4203. ADDITIONAL PROGRAMS.

(a) **HAZARDOUS MATERIALS RESEARCH PROJECTS.**—Section 7131(c) of SAFETEA-LU (119 Stat. 1910) is amended by striking “through 2010” and all that follows before “shall be available” and inserting “through 2011”.

(b) **DINGELL-JOHNSON SPORT FISH RESTORATION ACT.**—Section 4 of the Dingell-Johnson Sport Fish Restoration Act (16 U.S.C. 777c) is amended—

(1) in subsection (a) by striking “For each of fiscal years 2006” and all that follows before paragraph (1) and inserting the following: “For each of fiscal years 2006 through 2011, the balance of each annual appropriation made in accordance with the provisions of section 3 remaining after the distributions for administrative expenses and other purposes under subsection (b) and for multistate conservation grants under section 14 shall be distributed as follows:”; and

(2) in subsection (b)(1)(A) by striking the first sentence and inserting the following: “From the annual appropriation made in accordance with section 3, for each of fiscal years 2006 through 2011, the Secretary of the Interior may use no more than the amount specified in subparagraph (B) for the fiscal year for expenses for ad-

ministration incurred in the implementation of this Act, in accordance with this section and section 9.”.

(c) **SURFACE TRANSPORTATION PROJECT DELIVERY PILOT PROGRAM.**—Section 327(i)(1) of title 23, United States Code, is amended by striking “6 years after” and inserting “7 years after”.

(d) **IMPLEMENTATION OF FUTURE STRATEGIC HIGHWAY RESEARCH PROGRAM.**—Section 510 of title 23, United States Code, is amended by adding at the end the following:

“(h) **IMPLEMENTATION.**—Notwithstanding any other provision of this section, the Secretary may use funds made available to carry out this section for implementation of research products related to the future strategic highway research program, including development, demonstration, evaluation, and technology transfer activities.”.

TITLE III—PUBLIC TRANSPORTATION PROGRAMS

SEC. 4301. ALLOCATION OF FUNDS FOR PLANNING PROGRAMS.

Section 5305(g) of title 49, United States Code, is amended by striking “2010, and for the period beginning October 1, 2010, and ending December 31, 2010,” and inserting “2011”.

SEC. 4302. SPECIAL RULE FOR URBANIZED AREA FORMULA GRANTS.

Section 5307(b)(2) of title 49, United States Code, is amended—

(1) in the paragraph heading by striking “2010, AND THE PERIOD BEGINNING OCTOBER 1, 2010, AND ENDING DECEMBER 31, 2010” and inserting “2011”;

(2) in subparagraph (A) by striking “2010, and the period beginning October 1, 2010, and ending December 31, 2010,” and inserting “2011”; and

(3) in subparagraph (E)—

(A) in the subparagraph heading by striking “2010 AND DURING THE PERIOD BEGINNING OCTOBER 1, 2010, AND ENDING DECEMBER 31, 2010” and inserting “2011”; and

(B) in the matter preceding clause (i) by striking “In fiscal years 2008 through 2010, and during the period beginning October 1, 2010, and ending December 31, 2010,” and inserting “In each of fiscal years 2008 through 2011”.

SEC. 4303. ALLOCATING AMOUNTS FOR CAPITAL INVESTMENT GRANTS.

Section 5309(m) of title 49, United States Code, is amended—

(1) in paragraph (2)—

(A) in the paragraph heading by striking “2010 AND OCTOBER 1, 2010, THROUGH DECEMBER 31, 2010” and inserting “2011”;

(B) in the matter preceding subparagraph (A) by striking “2010, and during the period beginning October 1, 2010, and ending December 31, 2010,” and inserting “2011”; and

(C) in subparagraph (A)(i) by striking “2010, and \$50,000,000 for the period beginning October 1, 2010, and ending December 31, 2010,” and inserting “2011”;

(2) in paragraph (6)—

(A) in subparagraph (B) by striking “2010, and \$3,750,000 shall be available for the period beginning October 1, 2010, and ending December 31, 2010,” and inserting “2011”; and

(B) in subparagraph (C) by striking “2010, and \$1,250,000 shall be available for the period beginning October 1, 2010 and ending December 31, 2010,” and inserting “2011”; and

(3) in paragraph (7)—

(A) in subparagraph (A)—

(i) by striking “(A) **FERRY BOAT SYSTEMS.**—” and all that follows through “(i) **FISCAL YEAR 2006 THROUGH 2010.**—\$10,000,000 shall be available in each of fiscal years 2006 through 2010” and inserting the following:

“(A) **FERRY BOAT SYSTEMS.**—\$10,000,000 shall be available in each of fiscal years 2006 through 2011”;

(ii) by striking clause (ii);

(iii) by redesignating subclauses (I) through (VIII) as clauses (i) through (viii), respectively,

and moving the text of such clauses 2 ems to the left; and

(iv) by inserting a period at the end of clause (iv) (as so redesignated);

(B) by striking subparagraph (B)(vi) and inserting the following:

“(vi) \$13,500,000 for fiscal year 2011.”;

(C) in subparagraph (C) by striking “, and during the period beginning October 1, 2010, and ending December 31, 2010.”;

(D) in subparagraph (D) by striking “, and not less than \$8,750,000 shall be available for the period beginning October 1, 2010, and ending December 31, 2010,”; and

(E) in subparagraph (E) by striking “, and \$750,000 shall be available for the period beginning October 1, 2010, and ending December 31, 2010.”.

SEC. 4304. APPORTIONMENT OF FORMULA GRANTS FOR OTHER THAN URBANIZED AREAS.

Section 5311(c)(1)(F) of title 49, United States Code, is amended to read as follows:

“(F) \$15,000,000 for fiscal year 2011.”.

SEC. 4305. APPORTIONMENT BASED ON FIXED GUIDEWAY FACTORS.

Section 5337 of title 49, United States Code, is amended—

(1) in subsection (a), in the matter preceding paragraph (1), by striking “2010” and inserting “2011”; and

(2) by striking subsection (g).

SEC. 4306. AUTHORIZATIONS FOR PUBLIC TRANSPORTATION.

(a) **FORMULA AND BUS GRANTS.**—Section 5338(b) of title 49, United States Code, is amended—

(1) by striking paragraph (1)(F) and inserting the following:

“(F) \$8,360,565,000 for fiscal year 2011.”; and

(2) in paragraph (2)—

(A) in subparagraph (A) by striking “\$28,375,000 for the period beginning October 1, 2010, and ending December 31, 2010,” and inserting “\$113,500,000 for fiscal year 2011”;

(B) in subparagraph (B) by striking “\$1,040,091,250 for the period beginning October 1, 2010, and ending December 31, 2010,” and inserting “\$4,160,365,000 for fiscal year 2011”;

(C) in subparagraph (C) by striking “\$12,875,000 for the period beginning October 1, 2010, and ending December 31, 2010,” and inserting “\$51,500,000 for fiscal year 2011”;

(D) in subparagraph (D) by striking “\$416,625,000 for the period beginning October 1, 2010 and ending December 31, 2010,” and inserting “\$1,666,500,000 for fiscal year 2011”;

(E) in subparagraph (E) by striking “\$246,000,000 for the period beginning October 1, 2010 and ending December 31, 2010,” and inserting “\$984,000,000 for fiscal year 2011”;

(F) in subparagraph (F) by striking “\$33,375,000 for the period beginning October 1, 2010 and ending December 31, 2010,” and inserting “\$133,500,000 for fiscal year 2011”;

(G) in subparagraph (G) by striking “\$116,250,000 for the period beginning October 1, 2010 and ending December 31, 2010,” and inserting “\$465,000,000 for fiscal year 2011”;

(H) in subparagraph (H) by striking “\$41,125,000 for the period beginning October 1, 2010 and ending December 31, 2010,” and inserting “\$164,500,000 for fiscal year 2011”;

(I) in subparagraph (I) by striking “\$23,125,000 for the period beginning October 1, 2010 and ending December 31, 2010,” and inserting “\$92,500,000 for fiscal year 2011”;

(J) in subparagraph (J) by striking “\$6,725,000 for the period beginning October 1, 2010 and ending December 31, 2010,” and inserting “\$26,900,000 for fiscal year 2011”;

(K) in subparagraph (K) by striking “\$875,000 for the period beginning October 1, 2010 and ending December 31, 2010,” and inserting “\$3,500,000 for fiscal year 2011”;

(L) in subparagraph (L) by striking “\$6,250,000 for the period beginning October 1, 2010 and ending December 31, 2010,” and inserting “\$25,000,000 for fiscal year 2011”;

(M) in subparagraph (M) by striking “\$116,250,000 for the period beginning October 1, 2010 and ending December 31, 2010,” and inserting “\$465,000,000 for fiscal year 2011”;

(N) in subparagraph (N) by striking “\$2,200,000 for the period beginning October 1, 2010 and ending December 31, 2010,” and inserting “\$8,800,000 for fiscal year 2011”.

(b) CAPITAL INVESTMENT GRANTS.—Section 5338(c)(6) of title 49, United States Code, is amended to read as follows:

“(6) \$2,000,000,000 for fiscal year 2011.”.

(c) RESEARCH AND UNIVERSITY RESEARCH CENTERS.—Section 5338(d) of title 49, United States Code, is amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A) by striking “\$17,437,500 for the period beginning October 1, 2010, and ending December 31, 2010” and inserting “\$69,750,000 for fiscal year 2011”;

(B) in subparagraph (A) by striking “fiscal year 2009” and inserting “each of fiscal years 2009, 2010, and 2011”;

(2) in paragraph (2)(A)—

(A) in clauses (i), (ii), and (iii) by striking “2009” and inserting “2011”;

(B) in clauses (v), (vi), (vii), and (viii) by striking “and 2009” and inserting “through 2011”;

(3) by striking paragraph (3) and inserting the following:

“(3) FUNDING.—If the Secretary determines that a project or activity described in paragraph (2) received sufficient funds in fiscal year 2010, or a previous fiscal year, to carry out the purpose for which the project or activity was authorized, the Secretary may not allocate any amounts under paragraph (2) for the project or activity for fiscal year 2011, or any subsequent fiscal year.”.

(d) ADMINISTRATION.—Section 5338(e)(6) of title 49, United States Code, is amended to read as follows:

“(6) \$98,911,000 for fiscal year 2011.”.

SEC. 4307. AMENDMENTS TO SAFETEA-LU.

(a) CONTRACTED PARATRANSIT PILOT.—Section 3009(i)(1) of SAFETEA-LU (119 Stat. 1572) is amended by striking “2010, and for the period beginning October 1, 2010, and ending December 31, 2010” and inserting “2011”.

(b) PUBLIC-PRIVATE PARTNERSHIP PILOT PROGRAM.—Section 3011 of SAFETEA-LU (49 U.S.C. 5309 note; 119 Stat. 1588) is amended—

(1) in subsection (c)(5) by striking “2010 and the period beginning October 1, 2010, and ending December 31, 2010” and inserting “2011”;

(2) in subsection (d) by striking “2010, and for the period beginning October 1, 2010, and ending December 31, 2010” and inserting “2011”.

(c) ELDERLY INDIVIDUALS AND INDIVIDUALS WITH DISABILITIES PILOT PROGRAM.—Section 3012(b)(8) of SAFETEA-LU (49 U.S.C. 5310 note; 119 Stat. 1593) is amended by striking “December 31, 2010” and inserting “September 30, 2011”.

(d) OBLIGATION CEILING.—Section 3040(7) of SAFETEA-LU (119 Stat. 1639) is amended to read as follows:

“(7) \$10,507,752,000 for fiscal year 2011, of which not more than \$8,360,565,000 shall be from the Mass Transit Account.”.

(e) PROJECT AUTHORIZATIONS FOR NEW FIXED GUIDEWAY CAPITAL PROJECTS.—Section 3043 of SAFETEA-LU (119 Stat. 1640) is amended—

(1) in subsection (b), in the matter preceding paragraph (1), by striking “2010, and for the period beginning October 1, 2010, and ending December 31, 2010,” and inserting “2011”;

(2) in subsection (c), in the matter preceding paragraph (1), by striking “2010, and for the pe-

riod beginning October 1, 2010, and ending December 31, 2010,” and inserting “2011”.

(f) ALLOCATIONS FOR NATIONAL RESEARCH AND TECHNOLOGY PROGRAMS.—Section 3046 of SAFETEA-LU (49 U.S.C. 5338 note; 119 Stat. 1706) is amended—

(1) in subsection (b) by striking “or period”;

(2) by striking subsection (c) and inserting the following:

“(c) ADDITIONAL APPROPRIATIONS.—The Secretary shall allocate amounts appropriated pursuant to section 5338(d) of title 49, United States Code, for national research and technology programs under sections 5312, 5314, and 5322 of such title for fiscal years 2010 and 2011, in amounts equal to the amounts allocated for fiscal year 2009 under each of paragraphs (2), (3), (5), (6), and (8) through (25) of subsection (a).”;

(3) in subsection (d)—

(A) by striking “2009” and inserting “2010”;

(B) by striking “2010” and inserting “2011”.

SEC. 4308. LEVEL OF OBLIGATION LIMITATIONS.

(a) HIGHWAY CATEGORY.—Section 8003(a) of SAFETEA-LU (2 U.S.C. 901 note; 119 Stat. 1917) is amended—

(1) in paragraph (6) by striking “for the period beginning on October 1, 2009, and ending on September 30, 2010,” and inserting “for fiscal year 2010,”;

(2) by striking paragraph (7) and inserting the following:

“(7) for fiscal year 2011, \$42,469,970,178.”.

(b) MASS TRANSIT CATEGORY.—Section 8003(b) of SAFETEA-LU (2 U.S.C. 901 note; 119 Stat. 1917) is amended—

(1) in paragraph (6) by striking “for the period beginning on October 1, 2009, and ending on December 31, 2010,” and inserting “for fiscal year 2010,”;

(2) by striking paragraph (7) and inserting the following:

“(7) for fiscal year 2011, \$10,338,065,000.”.

TITLE IV—EXTENSION OF EXPENDITURE AUTHORITY

SEC. 4401. EXTENSION OF EXPENDITURE AUTHORITY.

(a) HIGHWAY TRUST FUND.—Section 9503 of the Internal Revenue Code of 1986 is amended—

(1) by striking “December 31, 2010 (January 1, 2011, in the case of expenditures for administrative expenses)” in subsections (b)(6)(B) and (c)(1) and inserting “October 1, 2011”;

(2) by striking “the Surface Transportation Extension Act of 2010” in subsections (c)(1) and (e)(3) and inserting “the Surface Transportation Extension Act of 2010, Part II”;

(3) by striking “January 1, 2011” in subsection (e)(3) and inserting “October 1, 2011”.

(b) SPORT FISH RESTORATION AND BOATING TRUST FUND.—Section 9504 of the Internal Revenue Code of 1986 is amended—

(1) by striking “Surface Transportation Extension Act of 2010” each place it appears in subsection (b)(2) and inserting “Surface Transportation Extension Act of 2010, Part II”;

(2) by striking “January 1, 2011” in subsection (d)(2) and inserting “October 1, 2011”.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on December 31, 2010.

DIVISION C—AIRPORT AND AIRWAY EXTENSION

SEC. 5001. SHORT TITLE.

This division may be cited as the “Airport and Airway Extension Act of 2010, Part IV”.

SEC. 5002. EXTENSION OF TAXES FUNDING AIRPORT AND AIRWAY TRUST FUND.

(a) FUEL TAXES.—Subparagraph (B) of section 4081(d)(2) of the Internal Revenue Code of 1986 is amended by striking “December 31, 2010” and inserting “September 30, 2011”.

(b) TICKET TAXES.—

(1) PERSONS.—Clause (ii) of section 4261(j)(1)(A) of the Internal Revenue Code of 1986 is amended by striking “December 31, 2010” and inserting “September 30, 2011”.

(2) PROPERTY.—Clause (ii) of section 4271(d)(1)(A) of such Code is amended by striking “December 31, 2010” and inserting “September 30, 2011”.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 2011.

SEC. 5003. EXTENSION OF AIRPORT AND AIRWAY TRUST FUND EXPENDITURE AUTHORITY.

(a) IN GENERAL.—Paragraph (1) of section 9502(d) of the Internal Revenue Code of 1986 is amended—

(1) by striking “January 1, 2011” and inserting “October 1, 2011”;

(2) by inserting “or the Airport and Airway Extension Act of 2010, Part IV” before the semicolon at the end of subparagraph (A).

(b) CONFORMING AMENDMENT.—Paragraph (2) of section 9502(e) of such Code is amended by striking “January 1, 2011” and inserting “October 1, 2011”.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 2011.

SEC. 5004. EXTENSION OF AIRPORT IMPROVEMENT PROGRAM.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 48103(8) of title 49, United States Code, is amended to read as follows:

“(8) \$3,700,000,000 for fiscal year 2011.”.

(b) PROJECT GRANT AUTHORITY.—Section 47104(c) of such title is amended by striking “December 31, 2010,” and inserting “September 30, 2011.”.

SEC. 5005. EXTENSION OF EXPIRING AUTHORITIES.

(a) Section 40117(l)(7) of title 49, United States Code, is amended by striking “January 1, 2011.” and inserting “October 1, 2011.”.

(b) Section 44302(f)(1) of such title is amended—

(1) by striking “December 31, 2010,” and inserting “September 30, 2011,”;

(2) by striking “March 31, 2011,” and inserting “December 31, 2011.”.

(c) Section 44303(b) of such title is amended by striking “March 31, 2011,” and inserting “December 31, 2011.”.

(d) Section 47107(s)(3) of such title is amended by striking “January 1, 2011.” and inserting “October 1, 2011.”.

(e) Section 47115(j) of such title is amended by striking “fiscal years 2004 through 2010, and for the portion of fiscal year 2011 ending before January 1, 2011,” and inserting “fiscal years 2004 through 2011.”.

(f) Section 47141(f) of such title is amended by striking “December 31, 2010,” and inserting “September 30, 2011.”.

(g) Section 49108 of such title is amended by striking “December 31, 2010,” and inserting “September 30, 2011.”.

(h) Section 161 of the Vision 100—Century of Aviation Reauthorization Act (49 U.S.C. 47109 note) is amended by striking “fiscal year 2009 or 2010, or in the portion of fiscal year 2011 ending before January 1, 2011,” and inserting “fiscal year 2009, 2010, or 2011”.

(i) Section 186(d) of such Act (117 Stat. 2518) is amended by striking “for fiscal years ending before October 1, 2010, and for the portion of fiscal year 2011 ending before January 1, 2011,” and inserting “for fiscal years ending before October 1, 2011.”.

(j) The amendments made by this section shall take effect on January 1, 2011.

DIVISION D—FOOD SAFETY**SEC. 6001. SHORT TITLE; REFERENCES; TABLE OF CONTENTS.**

(a) **SHORT TITLE.**—This division may be cited as the “FDA Food Safety Modernization Act”.

(b) **REFERENCES.**—Except as otherwise specified, whenever in this division an amendment is expressed in terms of an amendment to a section or other provision, the reference shall be considered to be made to a section or other provision of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.).

(c) **TABLE OF CONTENTS.**—The table of contents for this division is as follows:

DIVISION D—FOOD SAFETY

Sec. 6001. Short title; references; table of contents.

TITLE I—IMPROVING CAPACITY TO PREVENT FOOD SAFETY PROBLEMS

Sec. 6101. Inspections of records.

Sec. 6102. Registration of food facilities.

Sec. 6103. Hazard analysis and risk-based preventive controls.

Sec. 6104. Performance standards.

Sec. 6105. Standards for produce safety.

Sec. 6106. Protection against intentional adulteration.

Sec. 6107. Authority to collect fees.

Sec. 6108. National agriculture and food defense strategy.

Sec. 6109. Food and Agriculture Coordinating Councils.

Sec. 6110. Building domestic capacity.

Sec. 6111. Sanitary transportation of food.

Sec. 6112. Food allergy and anaphylaxis management.

Sec. 6113. New dietary ingredients.

Sec. 6114. Requirement for guidance relating to post-harvest processing of raw oysters.

Sec. 6115. Port shopping.

Sec. 6116. Alcohol-related facilities.

TITLE II—IMPROVING CAPACITY TO DETECT AND RESPOND TO FOOD SAFETY PROBLEMS

Sec. 6201. Targeting of inspection resources for domestic facilities, foreign facilities, and ports of entry; annual report.

Sec. 6202. Laboratory accreditation for analyses of foods.

Sec. 6203. Integrated consortium of laboratory networks.

Sec. 6204. Enhancing tracking and tracing of food and recordkeeping.

Sec. 6205. Surveillance.

Sec. 6206. Mandatory recall authority.

Sec. 6207. Administrative detention of food.

Sec. 6208. Decontamination and disposal standards and plans.

Sec. 6209. Improving the training of State, local, territorial, and tribal food safety officials.

Sec. 6210. Enhancing food safety.

Sec. 6211. Improving the reportable food registry.

TITLE III—IMPROVING THE SAFETY OF IMPORTED FOOD

Sec. 6301. Foreign supplier verification program.

Sec. 6302. Voluntary qualified importer program.

Sec. 6303. Authority to require import certifications for food.

Sec. 6304. Prior notice of imported food shipments.

Sec. 6305. Building capacity of foreign governments with respect to food safety.

Sec. 6306. Inspection of foreign food facilities.

Sec. 6307. Accreditation of third-party auditors.

Sec. 6308. Foreign offices of the Food and Drug Administration.

Sec. 6309. Smuggled food.

TITLE IV—MISCELLANEOUS PROVISIONS

Sec. 6401. Funding for food safety.

Sec. 6402. Employee protections.

Sec. 6403. Jurisdiction; authorities.

Sec. 6404. Compliance with international agreements.

Sec. 6405. Determination of budgetary effects.

TITLE I—IMPROVING CAPACITY TO PREVENT FOOD SAFETY PROBLEMS**SEC. 6101. INSPECTIONS OF RECORDS.**

(a) **IN GENERAL.**—Section 414(a) (21 U.S.C. 350c(a)) is amended—

(1) by striking the subsection heading and all that follows through “of food is” and inserting the following: “RECORDS INSPECTION.—

“(1) **ADULTERATED FOOD.**—If the Secretary has a reasonable belief that an article of food, and any other article of food that the Secretary reasonably believes is likely to be affected in a similar manner, is”;

(2) by inserting “, and to any other article of food that the Secretary reasonably believes is likely to be affected in a similar manner,” after “relating to such article”;

(3) by striking the last sentence; and

(4) by inserting at the end the following:

“(2) **USE OF OR EXPOSURE TO FOOD OF CONCERN.**—If the Secretary believes that there is a reasonable probability that the use of or exposure to an article of food, and any other article of food that the Secretary reasonably believes is likely to be affected in a similar manner, will cause serious adverse health consequences or death to humans or animals, each person (excluding farms and restaurants) who manufactures, processes, packs, distributes, receives, holds, or imports such article shall, at the request of an officer or employee duly designated by the Secretary, permit such officer or employee, upon presentation of appropriate credentials and a written notice to such person, at reasonable times and within reasonable limits and in a reasonable manner, to have access to and copy all records relating to such article and to any other article of food that the Secretary reasonably believes is likely to be affected in a similar manner, that are needed to assist the Secretary in determining whether there is a reasonable probability that the use of or exposure to the food will cause serious adverse health consequences or death to humans or animals.

“(3) **APPLICATION.**—The requirement under paragraphs (1) and (2) applies to all records relating to the manufacture, processing, packing, distribution, receipt, holding, or importation of such article maintained by or on behalf of such person in any format (including paper and electronic formats) and at any location.”.

(b) **CONFORMING AMENDMENT.**—Section 704(a)(1)(B) (21 U.S.C. 374(a)(1)(B)) is amended by striking “section 414 when” and all that follows through “subject to” and inserting “section 414, when the standard for records inspection under paragraph (1) or (2) of section 414(a) applies, subject to”.

SEC. 6102. REGISTRATION OF FOOD FACILITIES.

(a) **UPDATING OF FOOD CATEGORY REGULATIONS; BIENNIAL REGISTRATION RENEWAL.**—Section 415(a) (21 U.S.C. 350d(a)) is amended—

(1) in paragraph (2), by—

(A) striking “conducts business and” and inserting “conducts business, the e-mail address for the contact person of the facility or, in the case of a foreign facility, the United States agent for the facility, and”;

(B) inserting “, or any other food categories as determined appropriate by the Secretary, including by guidance” after “Code of Federal Regulations”;

(2) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively; and

(3) by inserting after paragraph (2) the following:

“(3) **BIENNIAL REGISTRATION RENEWAL.**—During the period beginning on October 1 and ending on December 31 of each even-numbered year, a registrant that has submitted a registration under paragraph (1) shall submit to the Secretary a renewal registration containing the information described in paragraph (2). The Secretary shall provide for an abbreviated registration renewal process for any registrant that has not had any changes to such information since the registrant submitted the preceding registration or registration renewal for the facility involved.”.

(b) **SUSPENSION OF REGISTRATION.**—

(1) **IN GENERAL.**—Section 415 (21 U.S.C. 350d) is amended—

(A) in subsection (a)(2), by inserting after the first sentence the following: “The registration shall contain an assurance that the Secretary will be permitted to inspect such facility at the times and in the manner permitted by this Act.”;

(B) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively; and

(C) by inserting after subsection (a) the following:

“(b) **SUSPENSION OF REGISTRATION.**—

“(1) **IN GENERAL.**—If the Secretary determines that food manufactured, processed, packed, received, or held by a facility registered under this section has a reasonable probability of causing serious adverse health consequences or death to humans or animals, the Secretary may by order suspend the registration of a facility—

“(A) that created, caused, or was otherwise responsible for such reasonable probability; or

“(B)(i) that knew of, or had reason to know of, such reasonable probability; and

“(ii) packed, received, or held such food.

“(2) **HEARING ON SUSPENSION.**—The Secretary shall provide the registrant subject to an order under paragraph (1) with an opportunity for an informal hearing, to be held as soon as possible but not later than 2 business days after the issuance of the order or such other time period, as agreed upon by the Secretary and the registrant, on the actions required for reinstatement of registration and why the registration that is subject to suspension should be reinstated. The Secretary shall reinstate a registration if the Secretary determines, based on evidence presented, that adequate grounds do not exist to continue the suspension of the registration.

“(3) **POST-HEARING CORRECTIVE ACTION PLAN; VACATING OF ORDER.**—

“(A) **CORRECTIVE ACTION PLAN.**—If, after providing opportunity for an informal hearing under paragraph (2), the Secretary determines that the suspension of registration remains necessary, the Secretary shall require the registrant to submit a corrective action plan to demonstrate how the registrant plans to correct the conditions found by the Secretary. The Secretary shall review such plan not later than 14 days after the submission of the corrective action plan or such other time period as determined by the Secretary.

“(B) **VACATING OF ORDER.**—Upon a determination by the Secretary that adequate grounds do not exist to continue the suspension actions required by the order, or that such actions should be modified, the Secretary shall promptly vacate the order and reinstate the registration of the facility subject to the order or modify the order, as appropriate.

“(4) **EFFECT OF SUSPENSION.**—If the registration of a facility is suspended under this subsection, no person shall import or export food into the United States from such facility, offer to import or export food into the United States from such facility, or otherwise introduce food from such facility into interstate or intrastate commerce in the United States.

“(5) **REGULATIONS.**—

“(A) IN GENERAL.—The Secretary shall promulgate regulations to implement this subsection. The Secretary may promulgate such regulations on an interim final basis.

“(B) REGISTRATION REQUIREMENT.—The Secretary may require that registration under this section be submitted in an electronic format. Such requirement may not take effect before the date that is 5 years after the date of enactment of the FDA Food Safety Modernization Act.

“(6) APPLICATION DATE.—Facilities shall be subject to the requirements of this subsection beginning on the earlier of—

“(A) the date on which the Secretary issues regulations under paragraph (5); or

“(B) 180 days after the date of enactment of the FDA Food Safety Modernization Act.

“(7) NO DELEGATION.—The authority conferred by this subsection to issue an order to suspend a registration or vacate an order of suspension shall not be delegated to any officer or employee other than the Commissioner.”.

(2) SMALL ENTITY COMPLIANCE POLICY GUIDE.—Not later than 180 days after the issuance of the regulations promulgated under section 415(b)(5) of the Federal Food, Drug, and Cosmetic Act (as added by this section), the Secretary shall issue a small entity compliance policy guide setting forth in plain language the requirements of such regulations to assist small entities in complying with registration requirements and other activities required under such section.

(3) IMPORTED FOOD.—Section 801(l) (21 U.S.C. 381(l)) is amended by inserting “(or for which a registration has been suspended under such section)” after “section 415”.

(c) CLARIFICATION OF INTENT.—

(1) RETAIL FOOD ESTABLISHMENT.—The Secretary shall amend the definition of the term “retail food establishment” in section 1.227(b)(11) of title 21, Code of Federal Regulations to clarify that, in determining the primary function of an establishment or a retail food establishment under such section, the sale of food products directly to consumers by such establishment and the sale of food directly to consumers by such retail food establishment include—

(A) the sale of such food products or food directly to consumers by such establishment at a roadside stand or farmers’ market where such stand or market is located other than where the food was manufactured or processed;

(B) the sale and distribution of such food through a community supported agriculture program; and

(C) the sale and distribution of such food at any other such direct sales platform as determined by the Secretary.

(2) DEFINITIONS.—For purposes of paragraph (1)—

(A) the term “community supported agriculture program” has the same meaning given the term “community supported agriculture (CSA) program” in section 249.2 of title 7, Code of Federal Regulations (or any successor regulation); and

(B) the term “consumer” does not include a business.

(d) CONFORMING AMENDMENTS.—

(1) Section 301(d) (21 U.S.C. 331(d)) is amended by inserting “415,” after “404,”.

(2) Section 415(d), as redesignated by subsection (b), is amended by adding at the end before the period “for a facility to be registered, except with respect to the reinstatement of a registration that is suspended under subsection (b)”.

SEC. 6103. HAZARD ANALYSIS AND RISK-BASED PREVENTIVE CONTROLS.

(a) IN GENERAL.—Chapter IV (21 U.S.C. 341 et seq.) is amended by adding at the end the following:

“SEC. 418. HAZARD ANALYSIS AND RISK-BASED PREVENTIVE CONTROLS.

“(a) IN GENERAL.—The owner, operator, or agent in charge of a facility shall, in accordance with this section, evaluate the hazards that could affect food manufactured, processed, packed, or held by such facility, identify and implement preventive controls to significantly minimize or prevent the occurrence of such hazards and provide assurances that such food is not adulterated under section 402 or misbranded under section 403(w), monitor the performance of those controls, and maintain records of this monitoring as a matter of routine practice.

“(b) HAZARD ANALYSIS.—The owner, operator, or agent in charge of a facility shall—

“(1) identify and evaluate known or reasonably foreseeable hazards that may be associated with the facility, including—

“(A) biological, chemical, physical, and radiological hazards, natural toxins, pesticides, drug residues, decomposition, parasites, allergens, and unapproved food and color additives; and

“(B) hazards that occur naturally, or may be unintentionally introduced; and

“(2) identify and evaluate hazards that may be intentionally introduced, including by acts of terrorism; and

“(3) develop a written analysis of the hazards.

“(c) PREVENTIVE CONTROLS.—The owner, operator, or agent in charge of a facility shall identify and implement preventive controls, including at critical control points, if any, to provide assurances that—

“(1) hazards identified in the hazard analysis conducted under subsection (b)(1) will be significantly minimized or prevented;

“(2) any hazards identified in the hazard analysis conducted under subsection (b)(2) will be significantly minimized or prevented and addressed, consistent with section 420, as applicable; and

“(3) the food manufactured, processed, packed, or held by such facility will not be adulterated under section 402 or misbranded under section 403(w).

“(d) MONITORING OF EFFECTIVENESS.—The owner, operator, or agent in charge of a facility shall monitor the effectiveness of the preventive controls implemented under subsection (c) to provide assurances that the outcomes described in subsection (c) shall be achieved.

“(e) CORRECTIVE ACTIONS.—The owner, operator, or agent in charge of a facility shall establish procedures to ensure that, if the preventive controls implemented under subsection (c) are not properly implemented or are found to be ineffective—

“(1) appropriate action is taken to reduce the likelihood of recurrence of the implementation failure;

“(2) all affected food is evaluated for safety; and

“(3) all affected food is prevented from entering into commerce if the owner, operator, or agent in charge of such facility cannot ensure that the affected food is not adulterated under section 402 or misbranded under section 403(w).

“(f) VERIFICATION.—The owner, operator, or agent in charge of a facility shall verify that—

“(1) the preventive controls implemented under subsection (c) are adequate to control the hazards identified under subsection (b);

“(2) the owner, operator, or agent is conducting monitoring in accordance with subsection (d);

“(3) the owner, operator, or agent is making appropriate decisions about corrective actions taken under subsection (e);

“(4) the preventive controls implemented under subsection (c) are effectively and significantly minimizing or preventing the occurrence of identified hazards, including through the use of environmental and product testing programs and other appropriate means; and

“(5) there is documented, periodic reanalysis of the plan under subsection (i) to ensure that the plan is still relevant to the raw materials, conditions, and processes in the facility, and new and emerging threats.

“(g) RECORDKEEPING.—The owner, operator, or agent in charge of a facility shall maintain, for not less than 2 years, records documenting the monitoring of the preventive controls implemented under subsection (c), instances of non-conformance material to food safety, the results of testing and other appropriate means of verification under subsection (f)(4), instances when corrective actions were implemented, and the efficacy of preventive controls and corrective actions.

“(h) WRITTEN PLAN AND DOCUMENTATION.—The owner, operator, or agent in charge of a facility shall prepare a written plan that documents and describes the procedures used by the facility to comply with the requirements of this section, including analyzing the hazards under subsection (b) and identifying the preventive controls adopted under subsection (c) to address those hazards. Such written plan, together with the documentation described in subsection (g), shall be made promptly available to a duly authorized representative of the Secretary upon oral or written request.

“(i) REQUIREMENT TO REANALYZE.—The owner, operator, or agent in charge of a facility shall conduct a reanalysis under subsection (b) whenever a significant change is made in the activities conducted at a facility operated by such owner, operator, or agent if the change creates a reasonable potential for a new hazard or a significant increase in a previously identified hazard or not less frequently than once every 3 years, whichever is earlier. Such reanalysis shall be completed and additional preventive controls needed to address the hazard identified, if any, shall be implemented before the change in activities at the facility is operative. Such owner, operator, or agent shall revise the written plan required under subsection (h) if such a significant change is made or document the basis for the conclusion that no additional or revised preventive controls are needed. The Secretary may require a reanalysis under this section to respond to new hazards and developments in scientific understanding, including, as appropriate, results from the Department of Homeland Security biological, chemical, radiological, or other terrorism risk assessment.

“(j) EXEMPTION FOR SEAFOOD, JUICE, AND LOW-ACID CANNED FOOD FACILITIES SUBJECT TO HACCP.—

“(1) IN GENERAL.—This section shall not apply to a facility if the owner, operator, or agent in charge of such facility is required to comply with, and is in compliance with, 1 of the following standards and regulations with respect to such facility:

“(A) The Seafood Hazard Analysis Critical Control Points Program of the Food and Drug Administration.

“(B) The Juice Hazard Analysis Critical Control Points Program of the Food and Drug Administration.

“(C) The Thermally Processed Low-Acid Foods Packaged in Hermetically Sealed Containers standards of the Food and Drug Administration (or any successor standards).

“(2) APPLICABILITY.—The exemption under paragraph (1)(C) shall apply only with respect to microbiological hazards that are regulated under the standards for Thermally Processed Low-Acid Foods Packaged in Hermetically Sealed Containers under part 113 of chapter 21, Code of Federal Regulations (or any successor regulations).

“(k) EXCEPTION FOR ACTIVITIES OF FACILITIES SUBJECT TO SECTION 419.—This section shall not apply to activities of a facility that are subject to section 419.

“(I) MODIFIED REQUIREMENTS FOR QUALIFIED FACILITIES.—

“(1) QUALIFIED FACILITIES.—

“(A) IN GENERAL.—A facility is a qualified facility for purposes of this subsection if the facility meets the conditions under subparagraph (B) or (C).

“(B) VERY SMALL BUSINESS.—A facility is a qualified facility under this subparagraph—

“(i) if the facility, including any subsidiary or affiliate of the facility, is, collectively, a very small business (as defined in the regulations promulgated under subsection (n)); and

“(ii) in the case where the facility is a subsidiary or affiliate of an entity, if such subsidiaries or affiliates, are, collectively, a very small business (as so defined).

“(C) LIMITED ANNUAL MONETARY VALUE OF SALES.—

“(i) IN GENERAL.—A facility is a qualified facility under this subparagraph if clause (ii) applies—

“(I) to the facility, including any subsidiary or affiliate of the facility, collectively; and

“(II) to the subsidiaries or affiliates, collectively, of any entity of which the facility is a subsidiary or affiliate.

“(ii) AVERAGE ANNUAL MONETARY VALUE.—This clause applies if—

“(I) during the 3-year period preceding the applicable calendar year, the average annual monetary value of the food manufactured, processed, packed, or held at such facility (or the collective average annual monetary value of such food at any subsidiary or affiliate, as described in clause (i)) that is sold directly to qualified end-users during such period exceeded the average annual monetary value of the food manufactured, processed, packed, or held at such facility (or the collective average annual monetary value of such food at any subsidiary or affiliate, as so described) sold by such facility (or collectively by any such subsidiary or affiliate) to all other purchasers during such period; and

“(II) the average annual monetary value of all food sold by such facility (or the collective average annual monetary value of such food sold by any subsidiary or affiliate, as described in clause (i)) during such period was less than \$500,000, adjusted for inflation.

“(2) EXEMPTION.—A qualified facility—

“(A) shall not be subject to the requirements under subsections (a) through (i) and subsection (n) in an applicable calendar year; and

“(B) shall submit to the Secretary—

“(i)(I) documentation that demonstrates that the owner, operator, or agent in charge of the facility has identified potential hazards associated with the food being produced, is implementing preventive controls to address the hazards, and is monitoring the preventive controls to ensure that such controls are effective; or

“(II) documentation (which may include licenses, inspection reports, certificates, permits, credentials, certification by an appropriate agency (such as a State department of agriculture), or other evidence of oversight), as specified by the Secretary, that the facility is in compliance with State, local, county, or other applicable non-Federal food safety law; and

“(ii) documentation, as specified by the Secretary in a guidance document issued not later than 1 year after the date of enactment of this section, that the facility is a qualified facility under paragraph (1)(B) or (1)(C).

“(3) WITHDRAWAL; RULE OF CONSTRUCTION.—

“(A) IN GENERAL.—In the event of an active investigation of a foodborne illness outbreak that is directly linked to a qualified facility subject to an exemption under this subsection, or if the Secretary determines that it is necessary to protect the public health and prevent or mitigate a foodborne illness outbreak based on con-

duct or conditions associated with a qualified facility that are material to the safety of the food manufactured, processed, packed, or held at such facility, the Secretary may withdraw the exemption provided to such facility under this subsection.

“(B) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to expand or limit the inspection authority of the Secretary.

“(4) DEFINITIONS.—In this subsection:

“(A) AFFILIATE.—The term ‘affiliate’ means any facility that controls, is controlled by, or is under common control with another facility.

“(B) QUALIFIED END-USER.—The term ‘qualified end-user’, with respect to a food, means—

“(i) the consumer of the food; or

“(ii) a restaurant or retail food establishment (as those terms are defined by the Secretary for purposes of section 415) that—

“(I) is located—

“(aa) in the same State as the qualified facility that sold the food to such restaurant or establishment; or

“(bb) not more than 275 miles from such facility; and

“(II) is purchasing the food for sale directly to consumers at such restaurant or retail food establishment.

“(C) CONSUMER.—For purposes of subparagraph (B), the term ‘consumer’ does not include a business.

“(D) SUBSIDIARY.—The term ‘subsidiary’ means any company which is owned or controlled directly or indirectly by another company.

“(5) STUDY.—

“(A) IN GENERAL.—The Secretary, in consultation with the Secretary of Agriculture, shall conduct a study of the food processing sector regulated by the Secretary to determine—

“(i) the distribution of food production by type and size of operation, including monetary value of food sold;

“(ii) the proportion of food produced by each type and size of operation;

“(iii) the number and types of food facilities co-located on farms, including the number and proportion by commodity and by manufacturing or processing activity;

“(iv) the incidence of foodborne illness originating from each size and type of operation and the type of food facilities for which no reported or known hazard exists; and

“(v) the effect on foodborne illness risk associated with commingling, processing, transporting, and storing food and raw agricultural commodities, including differences in risk based on the scale and duration of such activities.

“(B) SIZE.—The results of the study conducted under subparagraph (A) shall include the information necessary to enable the Secretary to define the terms ‘small business’ and ‘very small business’, for purposes of promulgating the regulation under subsection (n). In defining such terms, the Secretary shall include consideration of harvestable acres, income, the number of employees, and the volume of food harvested.

“(C) SUBMISSION OF REPORT.—Not later than 18 months after the date of enactment the FDA Food Safety Modernization Act, the Secretary shall submit to Congress a report that describes the results of the study conducted under subparagraph (A).

“(6) NO PREEMPTION.—Nothing in this subsection preempts State, local, county, or other non-Federal law regarding the safe production of food. Compliance with this subsection shall not relieve any person from liability at common law or under State statutory law.

“(7) NOTIFICATION TO CONSUMERS.—

“(A) IN GENERAL.—A qualified facility that is exempt from the requirements under subsections (a) through (i) and subsection (n) and does not

prepare documentation under paragraph (2)(B)(i)(I) shall—

“(i) with respect to a food for which a food packaging label is required by the Secretary under any other provision of this Act, include prominently and conspicuously on such label the name and business address of the facility where the food was manufactured or processed; or

“(ii) with respect to a food for which a food packaging label is not required by the Secretary under any other provisions of this Act, prominently and conspicuously display, at the point of purchase, the name and business address of the facility where the food was manufactured or processed, on a label, poster, sign, placard, or documents delivered contemporaneously with the food in the normal course of business, or, in the case of Internet sales, in an electronic notice.

“(B) NO ADDITIONAL LABEL.—Subparagraph (A) does not provide authority to the Secretary to require a label that is in addition to any label required under any other provision of this Act.

“(m) AUTHORITY WITH RESPECT TO CERTAIN FACILITIES.—The Secretary may, by regulation, exempt or modify the requirements for compliance under this section with respect to facilities that are solely engaged in the production of food for animals other than man, the storage of raw agricultural commodities (other than fruits and vegetables) intended for further distribution or processing, or the storage of packaged foods that are not exposed to the environment.

“(n) REGULATIONS.—

“(1) IN GENERAL.—Not later than 18 months after the date of enactment of the FDA Food Safety Modernization Act, the Secretary shall promulgate regulations—

“(A) to establish science-based minimum standards for conducting a hazard analysis, documenting hazards, implementing preventive controls, and documenting the implementation of the preventive controls under this section; and

“(B) to define, for purposes of this section, the terms ‘small business’ and ‘very small business’, taking into consideration the study described in subsection (1)(5).

“(2) COORDINATION.—In promulgating the regulations under paragraph (1)(A), with regard to hazards that may be intentionally introduced, including by acts of terrorism, the Secretary shall coordinate with the Secretary of Homeland Security, as appropriate.

“(3) CONTENT.—The regulations promulgated under paragraph (1)(A) shall—

“(A) provide sufficient flexibility to be practicable for all sizes and types of facilities, including small businesses such as a small food processing facility co-located on a farm;

“(B) comply with chapter 35 of title 44, United States Code (commonly known as the ‘Paperwork Reduction Act’), with special attention to minimizing the burden (as defined in section 3502(2) of such Act) on the facility, and collection of information (as defined in section 3502(3) of such Act), associated with such regulations;

“(C) acknowledge differences in risk and minimize, as appropriate, the number of separate standards that apply to separate foods; and

“(D) not require a facility to hire a consultant or other third party to identify, implement, certify, or audit preventative controls, except in the case of negotiated enforcement resolutions that may require such a consultant or third party.

“(4) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to provide the Secretary with the authority to prescribe specific technologies, practices, or critical controls for an individual facility.

“(5) REVIEW.—In promulgating the regulations under paragraph (1)(A), the Secretary shall review regulatory hazard analysis and

preventive control programs in existence on the date of enactment of the FDA Food Safety Modernization Act, including the Grade 'A' Pasteurized Milk Ordinance to ensure that such regulations are consistent, to the extent practicable, with applicable domestic and internationally recognized standards in existence on such date.

“(o) **DEFINITIONS.**—For purposes of this section:

“(1) **CRITICAL CONTROL POINT.**—The term ‘critical control point’ means a point, step, or procedure in a food process at which control can be applied and is essential to prevent or eliminate a food safety hazard or reduce such hazard to an acceptable level.

“(2) **FACILITY.**—The term ‘facility’ means a domestic facility or a foreign facility that is required to register under section 415.

“(3) **PREVENTIVE CONTROLS.**—The term ‘preventive controls’ means those risk-based, reasonably appropriate procedures, practices, and processes that a person knowledgeable about the safe manufacturing, processing, packing, or holding of food would employ to significantly minimize or prevent the hazards identified under the hazard analysis conducted under subsection (b) and that are consistent with the current scientific understanding of safe food manufacturing, processing, packing, or holding at the time of the analysis. Those procedures, practices, and processes may include the following:

“(A) Sanitation procedures for food contact surfaces and utensils and food-contact surfaces of equipment.

“(B) Supervisor, manager, and employee hygiene training.

“(C) An environmental monitoring program to verify the effectiveness of pathogen controls in processes where a food is exposed to a potential contaminant in the environment.

“(D) A food allergen control program.

“(E) A recall plan.

“(F) Current Good Manufacturing Practices (cGMPs) under part 110 of title 21, Code of Federal Regulations (or any successor regulations).

“(G) Supplier verification activities that relate to the safety of food.”.

(b) **GUIDANCE DOCUMENT.**—The Secretary shall issue a guidance document related to the regulations promulgated under subsection (b)(1) with respect to the hazard analysis and preventive controls under section 418 of the Federal Food, Drug, and Cosmetic Act (as added by subsection (a)).

(c) **RULEMAKING.**—

(1) **PROPOSED RULEMAKING.**—

(A) **IN GENERAL.**—Not later than 9 months after the date of enactment of this Act, the Secretary of Health and Human Services (referred to in this subsection as the “Secretary”) shall publish a notice of proposed rulemaking in the Federal Register to promulgate regulations with respect to—

(i) activities that constitute on-farm packing or holding of food that is not grown, raised, or consumed on such farm or another farm under the same ownership for purposes of section 415 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 350d), as amended by this Act; and

(ii) activities that constitute on-farm manufacturing or processing of food that is not consumed on that farm or on another farm under common ownership for purposes of such section 415.

(B) **CLARIFICATION.**—The rulemaking described under subparagraph (A) shall enhance the implementation of such section 415 and clarify the activities that are included as part of the definition of the term “facility” under such section 415. Nothing in this Act authorizes the Secretary to modify the definition of the term “facility” under such section.

(C) **SCIENCE-BASED RISK ANALYSIS.**—In promulgating regulations under subparagraph (A),

the Secretary shall conduct a science-based risk analysis of—

(i) specific types of on-farm packing or holding of food that is not grown, raised, or consumed on such farm or another farm under the same ownership, as such packing and holding relates to specific foods; and

(ii) specific on-farm manufacturing and processing activities as such activities relate to specific foods that are not consumed on that farm or on another farm under common ownership.

(D) **AUTHORITY WITH RESPECT TO CERTAIN FACILITIES.**—

(i) **IN GENERAL.**—In promulgating the regulations under subparagraph (A), the Secretary shall consider the results of the science-based risk analysis conducted under subparagraph (C), and shall exempt certain facilities from the requirements in section 418 of the Federal Food, Drug, and Cosmetic Act (as added by this section), including hazard analysis and preventive controls, and the mandatory inspection frequency in section 421 of such Act (as added by section 6201), or modify the requirements in such sections 418 or 421, as the Secretary determines appropriate, if such facilities are engaged only in specific types of on-farm manufacturing, processing, packing, or holding activities that the Secretary determines to be low risk involving specific foods the Secretary determines to be low risk.

(ii) **LIMITATION.**—The exemptions or modifications under clause (i) shall not include an exemption from the requirement to register under section 415 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 350d), as amended by this Act, if applicable, and shall apply only to small businesses and very small businesses, as defined in the regulation promulgated under section 418(n) of the Federal Food, Drug, and Cosmetic Act (as added under subsection (a)).

(2) **FINAL REGULATIONS.**—Not later than 9 months after the close of the comment period for the proposed rulemaking under paragraph (1), the Secretary shall adopt final rules with respect to—

(A) activities that constitute on-farm packing or holding of food that is not grown, raised, or consumed on such farm or another farm under the same ownership for purposes of section 415 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 350d), as amended by this Act;

(B) activities that constitute on-farm manufacturing or processing of food that is not consumed on that farm or on another farm under common ownership for purposes of such section 415; and

(C) the requirements under sections 418 and 421 of the Federal Food, Drug, and Cosmetic Act, as added by this Act, from which the Secretary may issue exemptions or modifications of the requirements for certain types of facilities.

(d) **SMALL ENTITY COMPLIANCE POLICY GUIDE.**—Not later than 180 days after the issuance of the regulations promulgated under subsection (n) of section 418 of the Federal Food, Drug, and Cosmetic Act (as added by subsection (a)), the Secretary shall issue a small entity compliance policy guide setting forth in plain language the requirements of such section 418 and this section to assist small entities in complying with the hazard analysis and other activities required under such section 418 and this section.

(e) **PROHIBITED ACTS.**—Section 301 (21 U.S.C. 331) is amended by adding at the end the following:

“(uu) The operation of a facility that manufactures, processes, packs, or holds food for sale in the United States if the owner, operator, or agent in charge of such facility is not in compliance with section 418.”.

(f) **NO EFFECT ON HACCP AUTHORITIES.**—Nothing in the amendments made by this section

limits the authority of the Secretary under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.) or the Public Health Service Act (42 U.S.C. 201 et seq.) to revise, issue, or enforce Hazard Analysis Critical Control programs and the Thermally Processed Low-Acid Foods Packaged in Hermetically Sealed Containers standards.

(g) **DIETARY SUPPLEMENTS.**—Nothing in the amendments made by this section shall apply to any facility with regard to the manufacturing, processing, packing, or holding of a dietary supplement that is in compliance with the requirements of sections 402(g)(2) and 761 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 342(g)(2), 379aa-1).

(h) **UPDATING GUIDANCE RELATING TO FISH AND FISHERIES PRODUCTS HAZARDS AND CONTROLS.**—The Secretary shall, not later than 180 days after the date of enactment of this Act, update the Fish and Fisheries Products Hazards and Control Guidance to take into account advances in technology that have occurred since the previous publication of such Guidance by the Secretary.

(i) **EFFECTIVE DATES.**—

(1) **GENERAL RULE.**—The amendments made by this section shall take effect 18 months after the date of enactment of this Act.

(2) **FLEXIBILITY FOR SMALL BUSINESSES.**—Notwithstanding paragraph (1)—

(A) the amendments made by this section shall apply to a small business (as defined in the regulations promulgated under section 418(n) of the Federal Food, Drug, and Cosmetic Act (as added by this section)) beginning on the date that is 6 months after the effective date of such regulations; and

(B) the amendments made by this section shall apply to a very small business (as defined in such regulations) beginning on the date that is 18 months after the effective date of such regulations.

SEC. 6104. PERFORMANCE STANDARDS.

(a) **IN GENERAL.**—The Secretary shall, in coordination with the Secretary of Agriculture, not less frequently than every 2 years, review and evaluate relevant health data and other relevant information, including from toxicological and epidemiological studies and analyses, current Good Manufacturing Practices issued by the Secretary relating to food, and relevant recommendations of relevant advisory committees, including the Food Advisory Committee, to determine the most significant foodborne contaminants.

(b) **GUIDANCE DOCUMENTS AND REGULATIONS.**—Based on the review and evaluation conducted under subsection (a), and when appropriate to reduce the risk of serious illness or death to humans or animals or to prevent adulteration of the food under section 402 of the Federal Food, Drug, or Cosmetic Act (21 U.S.C. 342) or to prevent the spread by food of communicable disease under section 361 of the Public Health Service Act (42 U.S.C. 264), the Secretary shall issue contaminant-specific and science-based guidance documents, including guidance documents regarding action levels, or regulations. Such guidance, including guidance regarding action levels, or regulations—

(1) shall apply to products or product classes;

(2) shall, where appropriate, differentiate between food for human consumption and food intended for consumption by animals other than humans; and

(3) shall not be written to be facility-specific.

(c) **NO DUPLICATION OF EFFORTS.**—The Secretary shall coordinate with the Secretary of Agriculture to avoid issuing duplicative guidance on the same contaminants.

(d) **REVIEW.**—The Secretary shall periodically review and revise, as appropriate, the guidance documents, including guidance documents regarding action levels, or regulations promulgated under this section.

SEC. 6105. STANDARDS FOR PRODUCE SAFETY.

(a) IN GENERAL.—Chapter IV (21 U.S.C. 341 et seq.), as amended by section 6103, is amended by adding at the end the following:

“SEC. 419. STANDARDS FOR PRODUCE SAFETY.

“(a) PROPOSED RULEMAKING.—

“(1) IN GENERAL.—

“(A) RULEMAKING.—Not later than 1 year after the date of enactment of the FDA Food Safety Modernization Act, the Secretary, in coordination with the Secretary of Agriculture and representatives of State departments of agriculture (including with regard to the national organic program established under the Organic Foods Production Act of 1990), and in consultation with the Secretary of Homeland Security, shall publish a notice of proposed rulemaking to establish science-based minimum standards for the safe production and harvesting of those types of fruits and vegetables, including specific mixes or categories of fruits and vegetables, that are raw agricultural commodities for which the Secretary has determined that such standards minimize the risk of serious adverse health consequences or death.

“(B) DETERMINATION BY SECRETARY.—With respect to small businesses and very small businesses (as such terms are defined in the regulation promulgated under subparagraph (A)) that produce and harvest those types of fruits and vegetables that are raw agricultural commodities that the Secretary has determined are low risk and do not present a risk of serious adverse health consequences or death, the Secretary may determine not to include production and harvesting of such fruits and vegetables in such rulemaking, or may modify the applicable requirements of regulations promulgated pursuant to this section.

“(2) PUBLIC INPUT.—During the comment period on the notice of proposed rulemaking under paragraph (1), the Secretary shall conduct not less than 3 public meetings in diverse geographical areas of the United States to provide persons in different regions an opportunity to comment.

“(3) CONTENT.—The proposed rulemaking under paragraph (1) shall—

“(A) provide sufficient flexibility to be applicable to various types of entities engaged in the production and harvesting of fruits and vegetables that are raw agricultural commodities, including small businesses and entities that sell directly to consumers, and be appropriate to the scale and diversity of the production and harvesting of such commodities;

“(B) include, with respect to growing, harvesting, sorting, packing, and storage operations, science-based minimum standards related to soil amendments, hygiene, packaging, temperature controls, animals in the growing area, and water;

“(C) consider hazards that occur naturally, may be unintentionally introduced, or may be intentionally introduced, including by acts of terrorism;

“(D) take into consideration, consistent with ensuring enforceable public health protection, conservation and environmental practice standards and policies established by Federal natural resource conservation, wildlife conservation, and environmental agencies;

“(E) in the case of production that is certified organic, not include any requirements that conflict with or duplicate the requirements of the national organic program established under the Organic Foods Production Act of 1990, while providing the same level of public health protection as the requirements under guidance documents, including guidance documents regarding action levels, and regulations under the FDA Food Safety Modernization Act; and

“(F) define, for purposes of this section, the terms ‘small business’ and ‘very small business’.

“(4) PRIORITIZATION.—The Secretary shall prioritize the implementation of the regulations under this section for specific fruits and vegetables that are raw agricultural commodities based on known risks which may include a history and severity of foodborne illness outbreaks.

“(b) FINAL REGULATION.—

“(1) IN GENERAL.—Not later than 1 year after the close of the comment period for the proposed rulemaking under subsection (a), the Secretary shall adopt a final regulation to provide for minimum science-based standards for those types of fruits and vegetables, including specific mixes or categories of fruits or vegetables, that are raw agricultural commodities, based on known safety risks, which may include a history of foodborne illness outbreaks.

“(2) FINAL REGULATION.—The final regulation shall—

“(A) provide for coordination of education and enforcement activities by State and local officials, as designated by the Governors of the respective States or the appropriate elected State official as recognized by State statute; and

“(B) include a description of the variance process under subsection (c) and the types of permissible variances the Secretary may grant.

“(3) FLEXIBILITY FOR SMALL BUSINESSES.—Notwithstanding paragraph (1)—

“(A) the regulations promulgated under this section shall apply to a small business (as defined in the regulation promulgated under subsection (a)(1)) after the date that is 1 year after the effective date of the final regulation under paragraph (1); and

“(B) the regulations promulgated under this section shall apply to a very small business (as defined in the regulation promulgated under subsection (a)(1)) after the date that is 2 years after the effective date of the final regulation under paragraph (1).

“(c) CRITERIA.—

“(1) IN GENERAL.—The regulations adopted under subsection (b) shall—

“(A) set forth those procedures, processes, and practices that the Secretary determines to minimize the risk of serious adverse health consequences or death, including procedures, processes, and practices that the Secretary determines to be reasonably necessary to prevent the introduction of known or reasonably foreseeable biological, chemical, and physical hazards, including hazards that occur naturally, may be unintentionally introduced, or may be intentionally introduced, including by acts of terrorism, into fruits and vegetables, including specific mixes or categories of fruits and vegetables, that are raw agricultural commodities and to provide reasonable assurances that the produce is not adulterated under section 402;

“(B) provide sufficient flexibility to be practicable for all sizes and types of businesses, including small businesses such as a small food processing facility co-located on a farm;

“(C) comply with chapter 35 of title 44, United States Code (commonly known as the ‘Paperwork Reduction Act’), with special attention to minimizing the burden (as defined in section 3502(2) of such Act) on the business, and collection of information (as defined in section 3502(3) of such Act), associated with such regulations;

“(D) acknowledge differences in risk and minimize, as appropriate, the number of separate standards that apply to separate foods; and

“(E) not require a business to hire a consultant or other third party to identify, implement, or certify compliance with these procedures, processes, and practices, except in the case of negotiated enforcement resolutions that may require such a consultant or third party; and

“(F) permit States and foreign countries from which food is imported into the United States to request from the Secretary variances from the requirements of the regulations, subject to para-

graph (2), where the State or foreign country determines that the variance is necessary in light of local growing conditions and that the procedures, processes, and practices to be followed under the variance are reasonably likely to ensure that the produce is not adulterated under section 402 and to provide the same level of public health protection as the requirements of the regulations adopted under subsection (b).

“(2) VARIANCES.—

“(A) REQUESTS FOR VARIANCES.—A State or foreign country from which food is imported into the United States may in writing request a variance from the Secretary. Such request shall describe the variance requested and present information demonstrating that the variance does not increase the likelihood that the food for which the variance is requested will be adulterated under section 402, and that the variance provides the same level of public health protection as the requirements of the regulations adopted under subsection (b). The Secretary shall review such requests in a reasonable time-frame.

“(B) APPROVAL OF VARIANCES.—The Secretary may approve a variance in whole or in part, as appropriate, and may specify the scope of applicability of a variance to other similarly situated persons.

“(C) DENIAL OF VARIANCES.—The Secretary may deny a variance request if the Secretary determines that such variance is not reasonably likely to ensure that the food is not adulterated under section 402 and is not reasonably likely to provide the same level of public health protection as the requirements of the regulation adopted under subsection (b). The Secretary shall notify the person requesting such variance of the reasons for the denial.

“(D) MODIFICATION OR REVOCATION OF A VARIANCE.—The Secretary, after notice and an opportunity for a hearing, may modify or revoke a variance if the Secretary determines that such variance is not reasonably likely to ensure that the food is not adulterated under section 402 and is not reasonably likely to provide the same level of public health protection as the requirements of the regulations adopted under subsection (b).

“(d) ENFORCEMENT.—The Secretary may coordinate with the Secretary of Agriculture and, as appropriate, shall contract and coordinate with the agency or department designated by the Governor of each State to perform activities to ensure compliance with this section.

“(e) GUIDANCE.—

“(1) IN GENERAL.—Not later than 1 year after the date of enactment of the FDA Food Safety Modernization Act, the Secretary shall publish, after consultation with the Secretary of Agriculture, representatives of State departments of agriculture, farmer representatives, and various types of entities engaged in the production and harvesting or importing of fruits and vegetables that are raw agricultural commodities, including small businesses, updated good agricultural practices and guidance for the safe production and harvesting of specific types of fresh produce under this section.

“(2) PUBLIC MEETINGS.—The Secretary shall conduct not fewer than 3 public meetings in diverse geographical areas of the United States as part of an effort to conduct education and outreach regarding the guidance described in paragraph (1) for persons in different regions who are involved in the production and harvesting of fruits and vegetables that are raw agricultural commodities, including persons that sell directly to consumers and farmer representatives, and for importers of fruits and vegetables that are raw agricultural commodities.

“(3) PAPERWORK REDUCTION.—The Secretary shall ensure that any updated guidance under this section will—

“(A) provide sufficient flexibility to be practicable for all sizes and types of facilities, including small businesses such as a small food processing facility co-located on a farm; and

“(B) acknowledge differences in risk and minimize, as appropriate, the number of separate standards that apply to separate foods.

“(f) EXEMPTION FOR DIRECT FARM MARKETING.—

“(1) IN GENERAL.—A farm shall be exempt from the requirements under this section in a calendar year if—

“(A) during the previous 3-year period, the average annual monetary value of the food sold by such farm directly to qualified end-users during such period exceeded the average annual monetary value of the food sold by such farm to all other buyers during such period; and

“(B) the average annual monetary value of all food sold during such period was less than \$500,000, adjusted for inflation.

“(2) NOTIFICATION TO CONSUMERS.—

“(A) IN GENERAL.—A farm that is exempt from the requirements under this section shall—

“(i) with respect to a food for which a food packaging label is required by the Secretary under any other provision of this Act, include prominently and conspicuously on such label the name and business address of the farm where the produce was grown; or

“(ii) with respect to a food for which a food packaging label is not required by the Secretary under any other provision of this Act, prominently and conspicuously display, at the point of purchase, the name and business address of the farm where the produce was grown, on a label, poster, sign, placard, or document delivered contemporaneously with the food in the normal course of business, or, in the case of Internet sales, in an electronic notice.

“(B) NO ADDITIONAL LABEL.—Subparagraph (A) does not provide authority to the Secretary to require a label that is in addition to any label required under any other provision of this Act.

“(3) WITHDRAWAL; RULE OF CONSTRUCTION.—

“(A) IN GENERAL.—In the event of an active investigation of a foodborne illness outbreak that is directly linked to a farm subject to an exemption under this subsection, or if the Secretary determines that it is necessary to protect the public health and prevent or mitigate a foodborne illness outbreak based on conduct or conditions associated with a farm that are material to the safety of the food produced or harvested at such farm, the Secretary may withdraw the exemption provided to such farm under this subsection.

“(B) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to expand or limit the inspection authority of the Secretary.

“(4) DEFINITIONS.—

“(A) QUALIFIED END-USER.—In this subsection, the term ‘qualified end-user’, with respect to a food means—

“(i) the consumer of the food; or

“(ii) a restaurant or retail food establishment (as those terms are defined by the Secretary for purposes of section 415) that is located—

“(I) in the same State as the farm that produced the food; or

“(II) not more than 275 miles from such farm.

“(B) CONSUMER.—For purposes of subparagraph (A), the term ‘consumer’ does not include a business.

“(5) NO PREEMPTION.—Nothing in this subsection preempts State, local, county, or other non-Federal law regarding the safe production, harvesting, holding, transportation, and sale of fresh fruits and vegetables. Compliance with this subsection shall not relieve any person from liability at common law or under State statutory law.

“(6) LIMITATION OF EFFECT.—Nothing in this subsection shall prevent the Secretary from exer-

cising any authority granted in the other sections of this Act.

“(g) CLARIFICATION.—This section shall not apply to produce that is produced by an individual for personal consumption.

“(h) EXCEPTION FOR ACTIVITIES OF FACILITIES SUBJECT TO SECTION 418.—This section shall not apply to activities of a facility that are subject to section 418.”.

(b) SMALL ENTITY COMPLIANCE POLICY GUIDE.—Not later than 180 days after the issuance of regulations under section 419 of the Federal Food, Drug, and Cosmetic Act (as added by subsection (a)), the Secretary of Health and Human Services shall issue a small entity compliance policy guide setting forth in plain language the requirements of such section 419 and to assist small entities in complying with standards for safe production and harvesting and other activities required under such section.

(c) PROHIBITED ACTS.—Section 301 (21 U.S.C. 331), as amended by section 6103, is amended by adding at the end the following:

“(vv) The failure to comply with the requirements under section 419.”.

(d) NO EFFECT ON HACCP AUTHORITIES.—Nothing in the amendments made by this section limits the authority of the Secretary under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.) or the Public Health Service Act (42 U.S.C. 201 et seq.) to revise, issue, or enforce product and category-specific regulations, such as the Seafood Hazard Analysis Critical Controls Points Program, the Juice Hazard Analysis Critical Control Program, and the Thermally Processed Low-Acid Foods Packaged in Hermetically Sealed Containers standards.

SEC. 6106. PROTECTION AGAINST INTENTIONAL ADULTERATION.

(a) IN GENERAL.—Chapter IV (21 U.S.C. 341 et seq.), as amended by section 6105, is amended by adding at the end the following:

“SEC. 420. PROTECTION AGAINST INTENTIONAL ADULTERATION.

“(a) DETERMINATIONS.—

“(1) IN GENERAL.—The Secretary shall—

“(A) conduct a vulnerability assessment of the food system, including by consideration of the Department of Homeland Security biological, chemical, radiological, or other terrorism risk assessments;

“(B) consider the best available understanding of uncertainties, risks, costs, and benefits associated with guarding against intentional adulteration of food at vulnerable points; and

“(C) determine the types of science-based mitigation strategies or measures that are necessary to protect against the intentional adulteration of food.

“(2) LIMITED DISTRIBUTION.—In the interest of national security, the Secretary, in consultation with the Secretary of Homeland Security, may determine the time, manner, and form in which determinations made under paragraph (1) are made publicly available.

“(b) REGULATIONS.—Not later than 18 months after the date of enactment of the FDA Food Safety Modernization Act, the Secretary, in coordination with the Secretary of Homeland Security and in consultation with the Secretary of Agriculture, shall promulgate regulations to protect against the intentional adulteration of food subject to this Act. Such regulations shall—

“(1) specify how a person shall assess whether the person is required to implement mitigation strategies or measures intended to protect against the intentional adulteration of food; and

“(2) specify appropriate science-based mitigation strategies or measures to prepare and protect the food supply chain at specific vulnerable points, as appropriate.

“(c) APPLICABILITY.—Regulations promulgated under subsection (b) shall apply only to food for which there is a high risk of intentional contamination, as determined by the Secretary, in consultation with the Secretary of Homeland Security, under subsection (a), that could cause serious adverse health consequences or death to humans or animals and shall include those foods—

“(1) for which the Secretary has identified clear vulnerabilities (including short shelf-life or susceptibility to intentional contamination at critical control points); and

“(2) in bulk or batch form, prior to being packaged for the final consumer.

“(d) EXCEPTION.—This section shall not apply to farms, except for those that produce milk.

“(e) DEFINITION.—For purposes of this section, the term ‘farm’ has the meaning given that term in section 1.227 of title 21, Code of Federal Regulations (or any successor regulation).”.

(b) GUIDANCE DOCUMENTS.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary of Health and Human Services, in consultation with the Secretary of Homeland Security and the Secretary of Agriculture, shall issue guidance documents related to protection against the intentional adulteration of food, including mitigation strategies or measures to guard against such adulteration as required under section 420 of the Federal Food, Drug, and Cosmetic Act, as added by subsection (a).

(2) CONTENT.—The guidance documents issued under paragraph (1) shall—

(A) include a model assessment for a person to use under subsection (b)(1) of section 420 of the Federal Food, Drug, and Cosmetic Act, as added by subsection (a);

(B) include examples of mitigation strategies or measures described in subsection (b)(2) of such section; and

(C) specify situations in which the examples of mitigation strategies or measures described in subsection (b)(2) of such section are appropriate.

(3) LIMITED DISTRIBUTION.—In the interest of national security, the Secretary of Health and Human Services, in consultation with the Secretary of Homeland Security, may determine the time, manner, and form in which the guidance documents issued under paragraph (1) are made public, including by releasing such documents to targeted audiences.

(c) PERIODIC REVIEW.—The Secretary of Health and Human Services shall periodically review and, as appropriate, update the regulations under section 420(b) of the Federal Food, Drug, and Cosmetic Act, as added by subsection (a), and the guidance documents under subsection (b).

(d) PROHIBITED ACTS.—Section 301 (21 U.S.C. 331 et seq.), as amended by section 6105, is amended by adding at the end the following:

“(ww) The failure to comply with section 420.”.

SEC. 6107. AUTHORITY TO COLLECT FEES.

(a) FEES FOR REINSPECTION, RECALL, AND IMPORTATION ACTIVITIES.—Subchapter C of chapter VII (21 U.S.C. 379f et seq.) is amended by adding at the end the following:

“PART 6—FEES RELATED TO FOOD

“SEC. 743. AUTHORITY TO COLLECT AND USE FEES.

“(a) IN GENERAL.—

“(1) PURPOSE AND AUTHORITY.—For fiscal year 2010 and each subsequent fiscal year, the Secretary shall, in accordance with this section, assess and collect fees from—

“(A) the responsible party for each domestic facility (as defined in section 415(b)) and the United States agent for each foreign facility subject to a reinspection in such fiscal year, to cover reinspection-related costs for such year;

“(B) the responsible party for a domestic facility (as defined in section 415(b)) and an importer who does not comply with a recall order

under section 423 or under section 412(f) in such fiscal year, to cover food recall activities associated with such order performed by the Secretary, including technical assistance, follow-up effectiveness checks, and public notifications, for such year;

“(C) each importer participating in the voluntary qualified importer program under section 806 in such year, to cover the administrative costs of such program for such year; and

“(D) each importer subject to a reinspection in such fiscal year, to cover reinspection-related costs for such year.

“(2) DEFINITIONS.—For purposes of this section—

“(A) the term ‘reinspection’ means—

“(i) with respect to domestic facilities (as defined in section 415(b)), 1 or more inspections conducted under section 704 subsequent to an inspection conducted under such provision which identified noncompliance materially related to a food safety requirement of this Act, specifically to determine whether compliance has been achieved to the Secretary’s satisfaction; and

“(ii) with respect to importers, 1 or more examinations conducted under section 801 subsequent to an examination conducted under such provision which identified noncompliance materially related to a food safety requirement of this Act, specifically to determine whether compliance has been achieved to the Secretary’s satisfaction;

“(B) the term ‘reinspection-related costs’ means all expenses, including administrative expenses, incurred in connection with—

“(i) arranging, conducting, and evaluating the results of reinspections; and

“(ii) assessing and collecting reinspection fees under this section; and

“(C) the term ‘responsible party’ has the meaning given such term in section 417(a)(1).

“(b) ESTABLISHMENT OF FEES.—

“(1) IN GENERAL.—Subject to subsections (c) and (d), the Secretary shall establish the fees to be collected under this section for each fiscal year specified in subsection (a)(1), based on the methodology described under paragraph (2), and shall publish such fees in a Federal Register notice not later than 60 days before the start of each such year.

“(2) FEE METHODOLOGY.—

“(A) FEES.—Fees amounts established for collection—

“(i) under subparagraph (A) of subsection (a)(1) for a fiscal year shall be based on the Secretary’s estimate of 100 percent of the costs of the reinspection-related activities (including by type or level of reinspection activity, as the Secretary determines applicable) described in such subparagraph (A) for such year;

“(ii) under subparagraph (B) of subsection (a)(1) for a fiscal year shall be based on the Secretary’s estimate of 100 percent of the costs of the activities described in such subparagraph (B) for such year;

“(iii) under subparagraph (C) of subsection (a)(1) for a fiscal year shall be based on the Secretary’s estimate of 100 percent of the costs of the activities described in such subparagraph (C) for such year; and

“(iv) under subparagraph (D) of subsection (a)(1) for a fiscal year shall be based on the Secretary’s estimate of 100 percent of the costs of the activities described in such subparagraph (D) for such year.

“(B) OTHER CONSIDERATIONS.—

“(i) VOLUNTARY QUALIFIED IMPORTER PROGRAM.—In establishing the fee amounts under subparagraph (A)(iii) for a fiscal year, the Secretary shall provide for the number of importers who have submitted to the Secretary a notice under section 806(c) informing the Secretary of the intent of such importer to participate in the program under section 806 in such fiscal year.

“(ii) CREDITING OF FEES.—In establishing the fee amounts under subparagraph (A) for a fiscal year, the Secretary shall provide for the crediting of fees from the previous year to the next year if the Secretary overestimated the amount of fees needed to carry out such activities, and consider the need to account for any adjustment of fees and such other factors as the Secretary determines appropriate.

“(iii) PUBLISHED GUIDELINES.—Not later than 180 days after the date of enactment of the FDA Food Safety Modernization Act, the Secretary shall publish in the Federal Register a proposed set of guidelines in consideration of the burden of fee amounts on small business. Such consideration may include reduced fee amounts for small businesses. The Secretary shall provide for a period of public comment on such guidelines. The Secretary shall adjust the fee schedule for small businesses subject to such fees only through notice and comment rulemaking.

“(3) USE OF FEES.—The Secretary shall make all of the fees collected pursuant to clause (i), (ii), (iii), and (iv) of paragraph (2)(A) available solely to pay for the costs referred to in such clause (i), (ii), (iii), and (iv) of paragraph (2)(A), respectively.

“(c) LIMITATIONS.—

“(1) IN GENERAL.—Fees under subsection (a) shall be refunded for a fiscal year beginning after fiscal year 2010 unless the amount of the total appropriations for food safety activities at the Food and Drug Administration for such fiscal year (excluding the amount of fees appropriated for such fiscal year) is equal to or greater than the amount of appropriations for food safety activities at the Food and Drug Administration for fiscal year 2009 (excluding the amount of fees appropriated for such fiscal year), multiplied by the adjustment factor under paragraph (3).

“(2) AUTHORITY.—If—

“(A) the Secretary does not assess fees under subsection (a) for a portion of a fiscal year because paragraph (1) applies; and

“(B) at a later date in such fiscal year, such paragraph (1) ceases to apply,

the Secretary may assess and collect such fees under subsection (a), without any modification to the rate of such fees, notwithstanding the provisions of subsection (a) relating to the date fees are to be paid.

“(3) ADJUSTMENT FACTOR.—

“(A) IN GENERAL.—The adjustment factor described in paragraph (1) shall be the total percentage change that occurred in the Consumer Price Index for all urban consumers (all items; United States city average) for the 12-month period ending June 30 preceding the fiscal year, but in no case shall such adjustment factor be negative.

“(B) COMPOUNDED BASIS.—The adjustment under subparagraph (A) made each fiscal year shall be added on a compounded basis to the sum of all adjustments made each fiscal year after fiscal year 2009.

“(4) LIMITATION ON AMOUNT OF CERTAIN FEES.—

“(A) IN GENERAL.—Notwithstanding any other provision of this section and subject to subparagraph (B), the Secretary may not collect fees in a fiscal year such that the amount collected—

“(i) under subparagraph (B) of subsection (a)(1) exceeds \$20,000,000; and

“(ii) under subparagraphs (A) and (D) of subsection (a)(1) exceeds \$25,000,000 combined.

“(B) EXCEPTION.—If a domestic facility (as defined in section 415(b)) or an importer becomes subject to a fee described in subparagraph (A), (B), or (D) of subsection (a)(1) after the maximum amount of fees has been collected by the Secretary under subparagraph (A), the Secretary may collect a fee from such facility or importer.

“(d) CREDITING AND AVAILABILITY OF FEES.—Fees authorized under subsection (a) shall be collected and available for obligation only to the extent and in the amount provided in appropriations Acts. Such fees are authorized to remain available until expended. Such sums as may be necessary may be transferred from the Food and Drug Administration salaries and expenses account without fiscal year limitation to such appropriation account for salaries and expenses with such fiscal year limitation. The sums transferred shall be available solely for the purpose of paying the operating expenses of the Food and Drug Administration employees and contractors performing activities associated with these food safety fees.

“(e) COLLECTION OF FEES.—

“(1) IN GENERAL.—The Secretary shall specify in the Federal Register notice described in subsection (b)(1) the time and manner in which fees assessed under this section shall be collected.

“(2) COLLECTION OF UNPAID FEES.—In any case where the Secretary does not receive payment of a fee assessed under this section within 30 days after it is due, such fee shall be treated as a claim of the United States Government subject to provisions of subchapter II of chapter 37 of title 31, United States Code.

“(f) ANNUAL REPORT TO CONGRESS.—Not later than 120 days after each fiscal year for which fees are assessed under this section, the Secretary shall submit a report to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives, to include a description of fees assessed and collected for each such year and a summary description of the entities paying such fees and the types of business in which such entities engage.

“(g) AUTHORIZATION OF APPROPRIATIONS.—For fiscal year 2010 and each fiscal year thereafter, there is authorized to be appropriated for fees under this section an amount equal to the total revenue amount determined under subsection (b) for the fiscal year, as adjusted or otherwise affected under the other provisions of this section.”.

(b) EXPORT CERTIFICATION FEES FOR FOODS AND ANIMAL FEED.—

(1) AUTHORITY FOR EXPORT CERTIFICATIONS FOR FOOD, INCLUDING ANIMAL FEED.—Section 801(e)(4)(A) (21 U.S.C. 381(e)(4)(A)) is amended—

(A) in the matter preceding clause (i), by striking “a drug” and inserting “a food, drug”;

(B) in clause (i) by striking “exported drug” and inserting “exported food, drug”; and

(C) in clause (ii) by striking “the drug” each place it appears and inserting “the food, drug”.

(2) CLARIFICATION OF CERTIFICATION.—Section 801(e)(4) (21 U.S.C. 381(e)(4)) is amended by inserting after subparagraph (B) the following new subparagraph:

“(C) For purposes of this paragraph, a certification by the Secretary shall be made on such basis, and in such form (including a publicly available listing) as the Secretary determines appropriate.”.

(3) LIMITATIONS ON USE AND AMOUNT OF FEES.—Paragraph (4) of section 801(e) (21 U.S.C. 381(e)) is amended by adding at the end the following:

“(D) With regard to fees pursuant to subparagraph (B) in connection with written export certifications for food:

“(i) Such fees shall be collected and available solely for the costs of the Food and Drug Administration associated with issuing such certifications.

“(ii) Such fees may not be retained in an amount that exceeds such costs.”.

SEC. 6108. NATIONAL AGRICULTURE AND FOOD DEFENSE STRATEGY.

(a) DEVELOPMENT AND SUBMISSION OF STRATEGY.—

(1) **IN GENERAL.**—Not later than 1 year after the date of enactment of this Act, the Secretary of Health and Human Services and the Secretary of Agriculture, in coordination with the Secretary of Homeland Security, shall prepare and transmit to the relevant committees of Congress, and make publicly available on the Internet Web sites of the Department of Health and Human Services and the Department of Agriculture, the National Agriculture and Food Defense Strategy.

(2) **IMPLEMENTATION PLAN.**—The strategy shall include an implementation plan for use by the Secretaries described under paragraph (1) in carrying out the strategy.

(3) **RESEARCH.**—The strategy shall include a coordinated research agenda for use by the Secretaries described under paragraph (1) in conducting research to support the goals and activities described in paragraphs (1) and (2) of subsection (b).

(4) **REVISIONS.**—Not later than 4 years after the date on which the strategy is submitted to the relevant committees of Congress under paragraph (1), and not less frequently than every 4 years thereafter, the Secretary of Health and Human Services and the Secretary of Agriculture, in coordination with the Secretary of Homeland Security, shall revise and submit to the relevant committees of Congress the strategy.

(5) **CONSISTENCY WITH EXISTING PLANS.**—The strategy described in paragraph (1) shall be consistent with—

- (A) the National Incident Management System;
- (B) the National Response Framework;
- (C) the National Infrastructure Protection Plan;
- (D) the National Preparedness Goals; and
- (E) other relevant national strategies.

(b) **COMPONENTS.**—

(1) **IN GENERAL.**—The strategy shall include a description of the process to be used by the Department of Health and Human Services, the Department of Agriculture, and the Department of Homeland Security—

(A) to achieve each goal described in paragraph (2); and

(B) to evaluate the progress made by Federal, State, local, and tribal governments towards the achievement of each goal described in paragraph (2).

(2) **GOALS.**—The strategy shall include a description of the process to be used by the Department of Health and Human Services, the Department of Agriculture, and the Department of Homeland Security to achieve the following goals:

(A) **PREPAREDNESS GOAL.**—Enhance the preparedness of the agriculture and food system by—

- (i) conducting vulnerability assessments of the agriculture and food system;
- (ii) mitigating vulnerabilities of the system;
- (iii) improving communication and training relating to the system;
- (iv) developing and conducting exercises to test decontamination and disposal plans;
- (v) developing modeling tools to improve event consequence assessment and decision support; and
- (vi) preparing risk communication tools and enhancing public awareness through outreach.

(B) **DETECTION GOAL.**—Improve agriculture and food system detection capabilities by—

- (i) identifying contamination in food products at the earliest possible time; and
- (ii) conducting surveillance to prevent the spread of diseases.

(C) **EMERGENCY RESPONSE GOAL.**—Ensure an efficient response to agriculture and food emergencies by—

- (i) immediately investigating animal disease outbreaks and suspected food contamination;

- (ii) preventing additional human illnesses;
- (iii) organizing, training, and equipping animal, plant, and food emergency response teams of—

- (I) the Federal Government; and
- (II) State, local, and tribal governments;
- (iv) designing, developing, and evaluating training and exercises carried out under agriculture and food defense plans; and
- (v) ensuring consistent and organized risk communication to the public by—

- (I) the Federal Government;
- (II) State, local, and tribal governments; and
- (III) the private sector.

(D) **RECOVERY GOAL.**—Secure agriculture and food production after an agriculture or food emergency by—

- (i) working with the private sector to develop business recovery plans to rapidly resume agriculture, food production, and international trade;

- (ii) conducting exercises of the plans described in subparagraph (C) with the goal of long-term recovery results;

- (iii) rapidly removing, and effectively disposing of—

- (I) contaminated agriculture and food products; and
- (II) infected plants and animals; and
- (iv) decontaminating and restoring areas affected by an agriculture or food emergency.

(3) **EVALUATION.**—The Secretary, in coordination with the Secretary of Agriculture and the Secretary of Homeland Security, shall—

- (A) develop metrics to measure progress for the evaluation process described in paragraph (1)(B); and

- (B) report on the progress measured in subparagraph (A) as part of the National Agriculture and Food Defense strategy described in subsection (a)(1).

(c) **LIMITED DISTRIBUTION.**—In the interest of national security, the Secretary of Health and Human Services and the Secretary of Agriculture, in coordination with the Secretary of Homeland Security, may determine the manner and format in which the National Agriculture and Food Defense strategy established under this section is made publicly available on the Internet Web sites of the Department of Health and Human Services, the Department of Homeland Security, and the Department of Agriculture, as described in subsection (a)(1).

SEC. 6109. FOOD AND AGRICULTURE COORDINATING COUNCILS.

The Secretary of Homeland Security, in coordination with the Secretary of Health and Human Services and the Secretary of Agriculture, shall within 180 days of enactment of this Act, and annually thereafter, submit to the relevant committees of Congress, and make publicly available on the Internet Web site of the Department of Homeland Security, a report on the activities of the Food and Agriculture Government Coordinating Council and the Food and Agriculture Sector Coordinating Council, including the progress of such Councils on—

- (1) facilitating partnerships between public and private entities to help coordinate and enhance the protection of the agriculture and food system of the United States;

- (2) providing for the regular and timely interchange of information between each council relating to the security of the agriculture and food system (including intelligence information);

- (3) identifying best practices and methods for improving the coordination among Federal, State, local, and private sector preparedness and response plans for agriculture and food defense; and

- (4) recommending methods by which to protect the economy and the public health of the United States from the effects of—

- (A) animal or plant disease outbreaks;

- (B) food contamination; and
- (C) natural disasters affecting agriculture and food.

SEC. 6110. BUILDING DOMESTIC CAPACITY.

(a) **IN GENERAL.**—

(1) **INITIAL REPORT.**—The Secretary, in coordination with the Secretary of Agriculture and the Secretary of Homeland Security, shall, not later than 2 years after the date of enactment of this Act, submit to Congress a comprehensive report that identifies programs and practices that are intended to promote the safety and supply chain security of food and to prevent outbreaks of foodborne illness and other food-related hazards that can be addressed through preventive activities. Such report shall include a description of the following:

- (A) Analysis of the need for further regulations or guidance to industry.

- (B) Outreach to food industry sectors, including through the Food and Agriculture Coordinating Councils referred to in section 6109, to identify potential sources of emerging threats to the safety and security of the food supply and preventive strategies to address those threats.

- (C) Systems to ensure the prompt distribution to the food industry of information and technical assistance concerning preventive strategies.

- (D) Communication systems to ensure that information about specific threats to the safety and security of the food supply are rapidly and effectively disseminated.

- (E) Surveillance systems and laboratory networks to rapidly detect and respond to foodborne illness outbreaks and other food-related hazards, including how such systems and networks are integrated.

- (F) Outreach, education, and training provided to States and local governments to build State and local food safety and food defense capabilities, including progress implementing strategies developed under sections 6108 and 6205.

- (G) The estimated resources needed to effectively implement the programs and practices identified in the report developed in this section over a 5-year period.

- (H) The impact of requirements under this Act (including amendments made by this Act) on certified organic farms and facilities (as defined in section 415 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 350d)).

(I) Specific efforts taken pursuant to the agreements authorized under section 421(c) of the Federal Food, Drug, and Cosmetic Act (as added by section 6201), together with, as necessary, a description of any additional authorities necessary to improve seafood safety.

(2) **BIENNIAL REPORTS.**—On a biennial basis following the submission of the report under paragraph (1), the Secretary shall submit to Congress a report that—

- (A) reviews previous food safety programs and practices;

- (B) outlines the success of those programs and practices;

- (C) identifies future programs and practices; and

- (D) includes information related to any matter described in subparagraphs (A) through (H) of paragraph (1), as necessary.

(b) **RISK-BASED ACTIVITIES.**—The report developed under subsection (a)(1) shall describe methods that seek to ensure that resources available to the Secretary for food safety-related activities are directed at those actions most likely to reduce risks from food, including the use of preventive strategies and allocation of inspection resources. The Secretary shall promptly undertake those risk-based actions that are identified during the development of the report as likely to contribute to the safety and security of the food supply.

(c) **CAPABILITY FOR LABORATORY ANALYSES; RESEARCH.**—The report developed under subsection (a)(1) shall provide a description of methods to increase capacity to undertake analyses of food samples promptly after collection, to identify new and rapid analytical techniques, including commercially available techniques that can be employed at ports of entry and by Food Emergency Response Network laboratories, and to provide for well-equipped and staffed laboratory facilities and progress toward laboratory accreditation under section 422 of the Federal Food, Drug, and Cosmetic Act (as added by section 6202).

(d) **INFORMATION TECHNOLOGY.**—The report developed under subsection (a)(1) shall include a description of such information technology systems as may be needed to identify risks and receive data from multiple sources, including foreign governments, State, local, and tribal governments, other Federal agencies, the food industry, laboratories, laboratory networks, and consumers. The information technology systems that the Secretary describes shall also provide for the integration of the facility registration system under section 415 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 350d), and the prior notice system under section 801(m) of such Act (21 U.S.C. 381(m)) with other information technology systems that are used by the Federal Government for the processing of food offered for import into the United States.

(e) **AUTOMATED RISK ASSESSMENT.**—The report developed under subsection (a)(1) shall include a description of progress toward developing and improving an automated risk assessment system for food safety surveillance and allocation of resources.

(f) **TRACEBACK AND SURVEILLANCE REPORT.**—The Secretary shall include in the report developed under subsection (a)(1) an analysis of the Food and Drug Administration's performance in foodborne illness outbreaks during the 5-year period preceding the date of enactment of this Act involving fruits and vegetables that are raw agricultural commodities (as defined in section 6201(r) (21 U.S.C. 321(r))) and recommendations for enhanced surveillance, outbreak response, and traceability. Such findings and recommendations shall address communication and coordination with the public, industry, and State and local governments, as such communication and coordination relates to outbreak identification and traceback.

(g) **BIENNIAL FOOD SAFETY AND FOOD DEFENSE RESEARCH PLAN.**—The Secretary, the Secretary of Agriculture, and the Secretary of Homeland Security shall, on a biennial basis, submit to Congress a joint food safety and food defense research plan which may include studying the long-term health effects of foodborne illness. Such biennial plan shall include a list and description of projects conducted during the previous 2-year period and the plan for projects to be conducted during the subsequent 2-year period.

(h) **EFFECTIVENESS OF PROGRAMS ADMINISTERED BY THE DEPARTMENT OF HEALTH AND HUMAN SERVICES.**—

(1) **IN GENERAL.**—To determine whether existing Federal programs administered by the Department of Health and Human Services are effective in achieving the stated goals of such programs, the Secretary shall, beginning not later than 1 year after the date of enactment of this Act—

(A) conduct an annual evaluation of each program of such Department to determine the effectiveness of each such program in achieving legislated intent, purposes, and objectives; and

(B) submit to Congress a report concerning such evaluation.

(2) **CONTENT.**—The report described under paragraph (1)(B) shall—

(A) include conclusions concerning the reasons that such existing programs have proven successful or not successful and what factors contributed to such conclusions;

(B) include recommendations for consolidation and elimination to reduce duplication and inefficiencies in such programs at such Department as identified during the evaluation conduct under this subsection; and

(C) be made publicly available in a publication entitled "Guide to the U.S. Department of Health and Human Services Programs".

(i) **UNIQUE IDENTIFICATION NUMBERS.**—

(1) **IN GENERAL.**—Not later than 1 year after the date of enactment of this Act, the Secretary, acting through the Commissioner of Food and Drugs, shall conduct a study regarding the need for, and challenges associated with, development and implementation of a program that requires a unique identification number for each food facility registered with the Secretary and, as appropriate, each broker that imports food into the United States. Such study shall include an evaluation of the costs associated with development and implementation of such a system, and make recommendations about what new authorities, if any, would be necessary to develop and implement such a system.

(2) **REPORT.**—Not later than 15 months after the date of enactment of this Act, the Secretary shall submit to Congress a report that describes the findings of the study conducted under paragraph (1) and that includes any recommendations determined appropriate by the Secretary.

SEC. 6111. SANITARY TRANSPORTATION OF FOOD.

(a) **IN GENERAL.**—Not later than 18 months after the date of enactment of this Act, the Secretary shall promulgate regulations described in section 416(b) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 350e(b)).

(b) **FOOD TRANSPORTATION STUDY.**—The Secretary, acting through the Commissioner of Food and Drugs, shall conduct a study of the transportation of food for consumption in the United States, including transportation by air, that includes an examination of the unique needs of rural and frontier areas with regard to the delivery of safe food.

SEC. 6112. FOOD ALLERGY AND ANAPHYLAXIS MANAGEMENT.

(a) **DEFINITIONS.**—In this section:

(1) **EARLY CHILDHOOD EDUCATION PROGRAM.**—The term "early childhood education program" means—

(A) a Head Start program or an Early Head Start program carried out under the Head Start Act (42 U.S.C. 9831 et seq.);

(B) a State licensed or regulated child care program or school; or

(C) a State prekindergarten program that serves children from birth through kindergarten.

(2) **ESEA DEFINITIONS.**—The terms "local educational agency", "secondary school", "elementary school", and "parent" have the meanings given the terms in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(3) **SCHOOL.**—The term "school" includes public—

(A) kindergartens;

(B) elementary schools; and

(C) secondary schools.

(4) **SECRETARY.**—The term "Secretary" means the Secretary of Health and Human Services.

(b) **ESTABLISHMENT OF VOLUNTARY FOOD ALLERGY AND ANAPHYLAXIS MANAGEMENT GUIDELINES.**—

(1) **ESTABLISHMENT.**—

(A) **IN GENERAL.**—Not later than 1 year after the date of enactment of this Act, the Secretary, in consultation with the Secretary of Education, shall—

(i) develop guidelines to be used on a voluntary basis to develop plans for individuals to

manage the risk of food allergy and anaphylaxis in schools and early childhood education programs; and

(ii) make such guidelines available to local educational agencies, schools, early childhood education programs, and other interested entities and individuals to be implemented on a voluntary basis only.

(B) **APPLICABILITY OF FERPA.**—Each plan described in subparagraph (A) that is developed for an individual shall be considered an education record for the purpose of section 444 of the General Education Provisions Act (commonly referred to as the "Family Educational Rights and Privacy Act of 1974") (20 U.S.C. 1232g).

(2) **CONTENTS.**—The voluntary guidelines developed by the Secretary under paragraph (1) shall address each of the following and may be updated as the Secretary determines necessary:

(A) Parental obligation to provide the school or early childhood education program, prior to the start of every school year, with—

(i) documentation from their child's physician or nurse—

(I) supporting a diagnosis of food allergy, and any risk of anaphylaxis, if applicable;

(II) identifying any food to which the child is allergic;

(III) describing, if appropriate, any prior history of anaphylaxis;

(IV) listing any medication prescribed for the child for the treatment of anaphylaxis;

(V) detailing emergency treatment procedures in the event of a reaction;

(VI) listing the signs and symptoms of a reaction; and

(VII) assessing the child's readiness for self-administration of prescription medication; and

(ii) a list of substitute meals that may be offered to the child by school or early childhood education program food service personnel.

(B) The creation and maintenance of an individual plan for food allergy management, in consultation with the parent, tailored to the needs of each child with a documented risk for anaphylaxis, including any procedures for the self-administration of medication by such children in instances where—

(i) the children are capable of self-administering medication; and

(ii) such administration is not prohibited by State law.

(C) Communication strategies between individual schools or early childhood education programs and providers of emergency medical services, including appropriate instructions for emergency medical response.

(D) Strategies to reduce the risk of exposure to anaphylactic causative agents in classrooms and common school or early childhood education program areas such as cafeterias.

(E) The dissemination of general information on life-threatening food allergies to school or early childhood education program staff, parents, and children.

(F) Food allergy management training of school or early childhood education program personnel who regularly come into contact with children with life-threatening food allergies.

(G) The authorization and training of school or early childhood education program personnel to administer epinephrine when the nurse is not immediately available.

(H) The timely accessibility of epinephrine by school or early childhood education program personnel when the nurse is not immediately available.

(I) The creation of a plan contained in each individual plan for food allergy management that addresses the appropriate response to an incident of anaphylaxis of a child while such child is engaged in extracurricular programs of a school or early childhood education program,

such as nonacademic outings and field trips, before- and after-school programs or before- and after-early child education program programs, and school-sponsored or early childhood education program-sponsored programs held on weekends.

(J) Maintenance of information for each administration of epinephrine to a child at risk for anaphylaxis and prompt notification to parents.

(K) Other elements the Secretary determines necessary for the management of food allergies and anaphylaxis in schools and early childhood education programs.

(3) RELATION TO STATE LAW.—Nothing in this section or the guidelines developed by the Secretary under paragraph (1) shall be construed to preempt State law, including any State law regarding whether students at risk for anaphylaxis may self-administer medication.

(c) SCHOOL-BASED FOOD ALLERGY MANAGEMENT GRANTS.—

(1) IN GENERAL.—The Secretary may award grants to local educational agencies to assist such agencies with implementing voluntary food allergy and anaphylaxis management guidelines described in subsection (b).

(2) APPLICATION.—

(A) IN GENERAL.—To be eligible to receive a grant under this subsection, a local educational agency shall submit an application to the Secretary at such time, in such manner, and including such information as the Secretary may reasonably require.

(B) CONTENTS.—Each application submitted under subparagraph (A) shall include—

(i) an assurance that the local educational agency has developed plans in accordance with the food allergy and anaphylaxis management guidelines described in subsection (b);

(ii) a description of the activities to be funded by the grant in carrying out the food allergy and anaphylaxis management guidelines, including—

(I) how the guidelines will be carried out at individual schools served by the local educational agency;

(II) how the local educational agency will inform parents and students of the guidelines in place;

(III) how school nurses, teachers, administrators, and other school-based staff will be made aware of, and given training on, when applicable, the guidelines in place; and

(IV) any other activities that the Secretary determines appropriate;

(iii) an itemization of how grant funds received under this subsection will be expended;

(iv) a description of how adoption of the guidelines and implementation of grant activities will be monitored; and

(v) an agreement by the local educational agency to report information required by the Secretary to conduct evaluations under this subsection.

(3) USE OF FUNDS.—Each local educational agency that receives a grant under this subsection may use the grant funds for the following:

(A) Purchase of materials and supplies, including limited medical supplies such as epinephrine and disposable wet wipes, to support carrying out the food allergy and anaphylaxis management guidelines described in subsection (b).

(B) In partnership with local health departments, school nurse, teacher, and personnel training for food allergy management.

(C) Programs that educate students as to the presence of, and policies and procedures in place related to, food allergies and anaphylactic shock.

(D) Outreach to parents.

(E) Any other activities consistent with the guidelines described in subsection (b).

(4) DURATION OF AWARDS.—The Secretary may award grants under this subsection for a period of not more than 2 years. In the event the Secretary conducts a program evaluation under this subsection, funding in the second year of the grant, where applicable, shall be contingent on a successful program evaluation by the Secretary after the first year.

(5) LIMITATION ON GRANT FUNDING.—The Secretary may not provide grant funding to a local educational agency under this subsection after such local educational agency has received 2 years of grant funding under this subsection.

(6) MAXIMUM AMOUNT OF ANNUAL AWARDS.—A grant awarded under this subsection may not be made in an amount that is more than \$50,000 annually.

(7) PRIORITY.—In awarding grants under this subsection, the Secretary shall give priority to local educational agencies with the highest percentages of children who are counted under section 1124(c) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6333(c)).

(8) MATCHING FUNDS.—

(A) IN GENERAL.—The Secretary may not award a grant under this subsection unless the local educational agency agrees that, with respect to the costs to be incurred by such local educational agency in carrying out the grant activities, the local educational agency shall make available (directly or through donations from public or private entities) non-Federal funds toward such costs in an amount equal to not less than 25 percent of the amount of the grant.

(B) DETERMINATION OF AMOUNT OF NON-FEDERAL CONTRIBUTION.—Non-Federal funds required under subparagraph (A) may be cash or in kind, including plant, equipment, or services. Amounts provided by the Federal Government, and any portion of any service subsidized by the Federal Government, may not be included in determining the amount of such non-Federal funds.

(9) ADMINISTRATIVE FUNDS.—A local educational agency that receives a grant under this subsection may use not more than 2 percent of the grant amount for administrative costs related to carrying out this subsection.

(10) PROGRESS AND EVALUATIONS.—At the completion of the grant period referred to in paragraph (4), a local educational agency shall provide the Secretary with information on how grant funds were spent and the status of implementation of the food allergy and anaphylaxis management guidelines described in subsection (b).

(11) SUPPLEMENT, NOT SUPPLANT.—Grant funds received under this subsection shall be used to supplement, and not supplant, non-Federal funds and any other Federal funds available to carry out the activities described in this subsection.

(12) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection \$30,000,000 for fiscal year 2011 and such sums as may be necessary for each of the 4 succeeding fiscal years.

(d) VOLUNTARY NATURE OF GUIDELINES.—

(1) IN GENERAL.—The food allergy and anaphylaxis management guidelines developed by the Secretary under subsection (b) are voluntary. Nothing in this section or the guidelines developed by the Secretary under subsection (b) shall be construed to require a local educational agency to implement such guidelines.

(2) EXCEPTION.—Notwithstanding paragraph (1), the Secretary may enforce an agreement by a local educational agency to implement food allergy and anaphylaxis management guidelines as a condition of the receipt of a grant under subsection (c).

SEC. 6113. NEW DIETARY INGREDIENTS.

(a) IN GENERAL.—Section 413 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 350b) is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following:

“(c) NOTIFICATION.—

“(1) IN GENERAL.—If the Secretary determines that the information in a new dietary ingredient notification submitted under this section for an article purported to be a new dietary ingredient is inadequate to establish that a dietary supplement containing such article will reasonably be expected to be safe because the article may be, or may contain, an anabolic steroid or an analogue of an anabolic steroid, the Secretary shall notify the Drug Enforcement Administration of such determination. Such notification by the Secretary shall include, at a minimum, the name of the dietary supplement or article, the name of the person or persons who marketed the product or made the submission of information regarding the article to the Secretary under this section, and any contact information for such person or persons that the Secretary has.

“(2) DEFINITIONS.—For purposes of this subsection—

“(A) the term ‘anabolic steroid’ has the meaning given such term in section 102(41) of the Controlled Substances Act; and

“(B) the term ‘analogue of an anabolic steroid’ means a substance whose chemical structure is substantially similar to the chemical structure of an anabolic steroid.”

(b) GUIDANCE.—Not later than 180 days after the date of enactment of this Act, the Secretary shall publish guidance that clarifies when a dietary supplement ingredient is a new dietary ingredient, when the manufacturer or distributor of a dietary ingredient or dietary supplement should provide the Secretary with information as described in section 413(a)(2) of the Federal Food, Drug, and Cosmetic Act, the evidence needed to document the safety of new dietary ingredients, and appropriate methods for establishing the identity of a new dietary ingredient.

SEC. 6114. REQUIREMENT FOR GUIDANCE RELATING TO POST-HARVEST PROCESSING OF RAW OYSTERS.

(a) IN GENERAL.—Not later than 90 days prior to the issuance of any guidance, regulation, or suggested amendment by the Food and Drug Administration to the National Shellfish Sanitation Program’s Model Ordinance, or the issuance of any guidance or regulation by the Food and Drug Administration relating to the Seafood Hazard Analysis Critical Control Points Program of the Food and Drug Administration (parts 123 and 1240 of title 21, Code of Federal Regulations (or any successor regulations), where such guidance, regulation, or suggested amendment relates to post-harvest processing for raw oysters, the Secretary shall prepare and submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives a report which shall include—

(1) an assessment of how post-harvest processing or other equivalent controls feasibly may be implemented in the fastest, safest, and most economical manner;

(2) the projected public health benefits of any proposed post-harvest processing;

(3) the projected costs of compliance with such post-harvest processing measures;

(4) the impact post-harvest processing is expected to have on the sales, cost, and availability of raw oysters;

(5) criteria for ensuring post-harvest processing standards will be applied equally to shellfish imported from all nations of origin;

(6) an evaluation of alternative measures to prevent, eliminate, or reduce to an acceptable level the occurrence of foodborne illness; and

(7) the extent to which the Food and Drug Administration has consulted with the States

and other regulatory agencies, as appropriate, with regard to post-harvest processing measures.

(b) **LIMITATION.**—Subsection (a) shall not apply to the guidance described in section 6103(h).

(c) **REVIEW AND EVALUATION.**—Not later than 30 days after the Secretary issues a proposed regulation or guidance described in subsection (a), the Comptroller General of the United States shall—

(1) review and evaluate the report described in subsection (a) and report to Congress on the findings of the estimates and analysis in the report;

(2) compare such proposed regulation or guidance to similar regulations or guidance with respect to other regulated foods, including a comparison of risks the Secretary may find associated with seafood and the instances of those risks in such other regulated foods; and

(3) evaluate the impact of post-harvest processing on the competitiveness of the domestic oyster industry in the United States and in international markets.

(d) **WAIVER.**—The requirement of preparing a report under subsection (a) shall be waived if the Secretary issues a guidance that is adopted as a consensus agreement between Federal and State regulators and the oyster industry, acting through the Interstate Shellfish Sanitation Conference.

(e) **PUBLIC ACCESS.**—Any report prepared under this section shall be made available to the public.

SEC. 6115. PORT SHOPPING.

Until the date on which the Secretary promulgates a final rule that implements the amendments made by section 308 of the Public Health Security and Bioterrorism Preparedness and Response Act of 2002 (Public Law 107-188), the Secretary shall notify the Secretary of Homeland Security of all instances in which the Secretary refuses to admit a food into the United States under section 801(a) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 381(a)) so that the Secretary of Homeland Security, acting through the Commissioner of Customs and Border Protection, may prevent food refused admittance into the United States by a United States port of entry from being admitted by another United States port of entry, through the notification of other such United States ports of entry.

SEC. 6116. ALCOHOL-RELATED FACILITIES.

(a) **IN GENERAL.**—Except as provided by sections 6102, 6206, 6207, 6302, 6304, 6402, 6403, and 6404 of this Act, and the amendments made by such sections, nothing in this Act, or the amendments made by this Act, shall be construed to apply to a facility that—

(1) under the Federal Alcohol Administration Act (27 U.S.C. 201 et seq.) or chapter 51 of subtitle E of the Internal Revenue Code of 1986 (26 U.S.C. 5001 et seq.) is required to obtain a permit or to register with the Secretary of the Treasury as a condition of doing business in the United States; and

(2) under section 415 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 350d) is required to register as a facility because such facility is engaged in manufacturing, processing, packing, or holding 1 or more alcoholic beverages, with respect to the activities of such facility that relate to the manufacturing, processing, packing, or holding of alcoholic beverages.

(b) **LIMITED RECEIPT AND DISTRIBUTION OF NONALCOHOL FOOD.**—Subsection (a) shall not apply to a facility engaged in the receipt and distribution of any nonalcohol food, except that such paragraph shall apply to a facility described in such paragraph that receives and distributes nonalcohol food, provided such food is received and distributed—

(1) in a prepackaged form that prevents any direct human contact with such food; and

(2) in amounts that constitute not more than 5 percent of the overall sales of such facility, as determined by the Secretary of the Treasury.

(c) **RULE OF CONSTRUCTION.**—Except as provided in subsections (a) and (b), this section shall not be construed to exempt any food, other than alcoholic beverages, as defined in section 214 of the Federal Alcohol Administration Act (27 U.S.C. 214), from the requirements of this Act (including the amendments made by this Act).

TITLE II—IMPROVING CAPACITY TO DETECT AND RESPOND TO FOOD SAFETY PROBLEMS

SEC. 6201. TARGETING OF INSPECTION RESOURCES FOR DOMESTIC FACILITIES, FOREIGN FACILITIES, AND PORTS OF ENTRY; ANNUAL REPORT.

(a) **TARGETING OF INSPECTION RESOURCES FOR DOMESTIC FACILITIES, FOREIGN FACILITIES, AND PORTS OF ENTRY.**—Chapter IV (21 U.S.C. 341 et seq.), as amended by section 6106, is amended by adding at the end the following:

“SEC. 421. TARGETING OF INSPECTION RESOURCES FOR DOMESTIC FACILITIES, FOREIGN FACILITIES, AND PORTS OF ENTRY; ANNUAL REPORT.

“(a) **IDENTIFICATION AND INSPECTION OF FACILITIES.**—

“(1) **IDENTIFICATION.**—The Secretary shall identify high-risk facilities and shall allocate resources to inspect facilities according to the known safety risks of the facilities, which shall be based on the following factors:

“(A) The known safety risks of the food manufactured, processed, packed, or held at the facility.

“(B) The compliance history of a facility, including with regard to food recalls, outbreaks of foodborne illness, and violations of food safety standards.

“(C) The rigor and effectiveness of the facility’s hazard analysis and risk-based preventive controls.

“(D) Whether the food manufactured, processed, packed, or held at the facility meets the criteria for priority under section 801(h)(1).

“(E) Whether the food or the facility that manufactured, processed, packed, or held such food has received a certification as described in section 801(q) or 806, as appropriate.

“(F) Any other criteria deemed necessary and appropriate by the Secretary for purposes of allocating inspection resources.

“(2) **INSPECTIONS.**—

“(A) **IN GENERAL.**—Beginning on the date of enactment of the FDA Food Safety Modernization Act, the Secretary shall increase the frequency of inspection of all facilities.

“(B) **DOMESTIC HIGH-RISK FACILITIES.**—The Secretary shall increase the frequency of inspection of domestic facilities identified under paragraph (1) as high-risk facilities such that each such facility is inspected—

“(i) not less often than once in the 5-year period following the date of enactment of the FDA Food Safety Modernization Act; and

“(ii) not less often than once every 3 years thereafter.

“(C) **DOMESTIC NON-HIGH-RISK FACILITIES.**—The Secretary shall ensure that each domestic facility that is not identified under paragraph (1) as a high-risk facility is inspected—

“(i) not less often than once in the 7-year period following the date of enactment of the FDA Food Safety Modernization Act; and

“(ii) not less often than once every 5 years thereafter.

“(D) **FOREIGN FACILITIES.**—

“(i) **YEAR 1.**—In the 1-year period following the date of enactment of the FDA Food Safety Modernization Act, the Secretary shall inspect not fewer than 600 foreign facilities.

“(ii) **SUBSEQUENT YEARS.**—In each of the 5 years following the 1-year period described in

clause (i), the Secretary shall inspect not fewer than twice the number of foreign facilities inspected by the Secretary during the previous year.

“(E) **RELIANCE ON FEDERAL, STATE, OR LOCAL INSPECTIONS.**—In meeting the inspection requirements under this subsection for domestic facilities, the Secretary may rely on inspections conducted by other Federal, State, or local agencies under interagency agreements, contracts, memoranda of understanding, or other obligations.

“(b) **IDENTIFICATION AND INSPECTION AT PORTS OF ENTRY.**—The Secretary, in consultation with the Secretary of Homeland Security, shall allocate resources to inspect any article of food imported into the United States according to the known safety risks of the article of food, which shall be based on the following factors:

“(1) The known safety risks of the food imported.

“(2) The known safety risks of the countries or regions of origin and countries through which such article of food is transported.

“(3) The compliance history of the importer, including with regard to food recalls, outbreaks of foodborne illness, and violations of food safety standards.

“(4) The rigor and effectiveness of the activities conducted by the importer of such article of food to satisfy the requirements of the foreign supplier verification program under section 805.

“(5) Whether the food importer participates in the voluntary qualified importer program under section 806.

“(6) Whether the food meets the criteria for priority under section 801(h)(1).

“(7) Whether the food or the facility that manufactured, processed, packed, or held such food received a certification as described in section 801(q) or 806.

“(8) Any other criteria deemed necessary and appropriate by the Secretary for purposes of allocating inspection resources.

“(c) **INTERAGENCY AGREEMENTS WITH RESPECT TO SEAFOOD.**—

“(1) **IN GENERAL.**—The Secretary of Health and Human Services, the Secretary of Commerce, the Secretary of Homeland Security, the Chairman of the Federal Trade Commission, and the heads of other appropriate agencies may enter into such agreements as may be necessary or appropriate to improve seafood safety.

“(2) **SCOPE OF AGREEMENTS.**—The agreements under paragraph (1) may include—

“(A) cooperative arrangements for examining and testing seafood imports that leverage the resources, capabilities, and authorities of each party to the agreement;

“(B) coordination of inspections of foreign facilities to increase the percentage of imported seafood and seafood facilities inspected;

“(C) standardization of data on seafood names, inspection records, and laboratory testing to improve interagency coordination;

“(D) coordination to detect and investigate violations under applicable Federal law;

“(E) a process, including the use or modification of existing processes, by which officers and employees of the National Oceanic and Atmospheric Administration may be duly designated by the Secretary to carry out seafood examinations and investigations under section 801 of this Act or section 203 of the Food Allergen Labeling and Consumer Protection Act of 2004;

“(F) the sharing of information concerning observed noncompliance with United States food requirements domestically and in foreign nations and new regulatory decisions and policies that may affect the safety of food imported into the United States;

“(G) conducting joint training on subjects that affect and strengthen seafood inspection effectiveness by Federal authorities; and

“(H) outreach on Federal efforts to enhance seafood safety and compliance with Federal food safety requirements.

“(d) **COORDINATION.**—The Secretary shall improve coordination and cooperation with the Secretary of Agriculture and the Secretary of Homeland Security to target food inspection resources.

“(e) **FACILITY.**—For purposes of this section, the term ‘facility’ means a domestic facility or a foreign facility that is required to register under section 415.”

(b) **ANNUAL REPORT.**—Section 1003 (21 U.S.C. 393) is amended by adding at the end the following:

“(h) **ANNUAL REPORT REGARDING FOOD.**—Not later than February 1 of each year, the Secretary shall submit to Congress a report, including efforts to coordinate and cooperate with other Federal agencies with responsibilities for food inspections, regarding—

“(1) information about food facilities including—

“(A) the appropriations used to inspect facilities registered pursuant to section 415 in the previous fiscal year;

“(B) the average cost of both a non-high-risk food facility inspection and a high-risk food facility inspection, if such a difference exists, in the previous fiscal year;

“(C) the number of domestic facilities and the number of foreign facilities registered pursuant to section 415 that the Secretary inspected in the previous fiscal year;

“(D) the number of domestic facilities and the number of foreign facilities registered pursuant to section 415 that were scheduled for inspection in the previous fiscal year and which the Secretary did not inspect in such year;

“(E) the number of high-risk facilities identified pursuant to section 421 that the Secretary inspected in the previous fiscal year; and

“(F) the number of high-risk facilities identified pursuant to section 421 that were scheduled for inspection in the previous fiscal year and which the Secretary did not inspect in such year.

“(2) information about food imports including—

“(A) the number of lines of food imported into the United States that the Secretary physically inspected or sampled in the previous fiscal year;

“(B) the number of lines of food imported into the United States that the Secretary did not physically inspect or sample in the previous fiscal year; and

“(C) the average cost of physically inspecting or sampling a line of food subject to this Act that is imported or offered for import into the United States; and

“(3) information on the foreign offices of the Food and Drug Administration including—

“(A) the number of foreign offices established; and

“(B) the number of personnel permanently stationed in each foreign office.

“(i) **PUBLIC AVAILABILITY OF ANNUAL FOOD REPORTS.**—The Secretary shall make the reports required under subsection (h) available to the public on the Internet Web site of the Food and Drug Administration.”

(c) **ADVISORY COMMITTEE CONSULTATION.**—In allocating inspection resources as described in section 421 of the Federal Food, Drug, and Cosmetic Act (as added by subsection (a)), the Secretary may, as appropriate, consult with any relevant advisory committee within the Department of Health and Human Services.

SEC. 6202. LABORATORY ACCREDITATION FOR ANALYSES OF FOODS.

(a) **IN GENERAL.**—Chapter IV (21 U.S.C. 341 et seq.), as amended by section 6201, is amended by adding at the end the following:

“SEC. 422. LABORATORY ACCREDITATION FOR ANALYSES OF FOODS.

“(a) **RECOGNITION OF LABORATORY ACCREDITATION.**—

“(1) **IN GENERAL.**—Not later than 2 years after the date of enactment of the FDA Food Safety Modernization Act, the Secretary shall—

“(A) establish a program for the testing of food by accredited laboratories;

“(B) establish a publicly available registry of accreditation bodies recognized by the Secretary and laboratories accredited by a recognized accreditation body, including the name of, contact information for, and other information deemed appropriate by the Secretary about such bodies and laboratories; and

“(C) require, as a condition of recognition or accreditation, as appropriate, that recognized accreditation bodies and accredited laboratories report to the Secretary any changes that would affect the recognition of such accreditation body or the accreditation of such laboratory.

“(2) **PROGRAM REQUIREMENTS.**—The program established under paragraph (1)(A) shall provide for the recognition of laboratory accreditation bodies that meet criteria established by the Secretary for accreditation of laboratories, including independent private laboratories and laboratories run and operated by a Federal agency (including the Department of Commerce), State, or locality with a demonstrated capability to conduct 1 or more sampling and analytical testing methodologies for food.

“(3) **INCREASING THE NUMBER OF QUALIFIED LABORATORIES.**—The Secretary shall work with the laboratory accreditation bodies recognized under paragraph (1), as appropriate, to increase the number of qualified laboratories that are eligible to perform testing under subsection (b) beyond the number so qualified on the date of enactment of the FDA Food Safety Modernization Act.

“(4) **LIMITED DISTRIBUTION.**—In the interest of national security, the Secretary, in coordination with the Secretary of Homeland Security, may determine the time, manner, and form in which the registry established under paragraph (1)(B) is made publicly available.

“(5) **FOREIGN LABORATORIES.**—Accreditation bodies recognized by the Secretary under paragraph (1) may accredit laboratories that operate outside the United States, so long as such laboratories meet the accreditation standards applicable to domestic laboratories accredited under this section.

“(6) **MODEL LABORATORY STANDARDS.**—The Secretary shall develop model standards that a laboratory shall meet to be accredited by a recognized accreditation body for a specified sampling or analytical testing methodology and included in the registry provided for under paragraph (1). In developing the model standards, the Secretary shall consult existing standards for guidance. The model standards shall include—

“(A) methods to ensure that—

“(i) appropriate sampling, analytical procedures (including rapid analytical procedures), and commercially available techniques are followed and reports of analyses are certified as true and accurate;

“(ii) internal quality systems are established and maintained;

“(iii) procedures exist to evaluate and respond promptly to complaints regarding analyses and other activities for which the laboratory is accredited; and

“(iv) individuals who conduct the sampling and analyses are qualified by training and experience to do so; and

“(B) any other criteria determined appropriate by the Secretary.

“(7) **REVIEW OF RECOGNITION.**—To ensure compliance with the requirements of this section, the Secretary—

“(A) shall periodically, and in no case less than once every 5 years, reevaluate accreditation bodies recognized under paragraph (1) and

may accompany auditors from an accreditation body to assess whether the accreditation body meets the criteria for recognition; and

“(B) shall promptly revoke the recognition of any accreditation body found not to be in compliance with the requirements of this section, specifying, as appropriate, any terms and conditions necessary for laboratories accredited by such body to continue to perform testing as described in this section.

“(b) **TESTING PROCEDURES.**—

“(1) **IN GENERAL.**—Not later than 30 months after the date of enactment of the FDA Food Safety Modernization Act, food testing shall be conducted by Federal laboratories or non-Federal laboratories that have been accredited for the appropriate sampling or analytical testing methodology or methodologies by a recognized accreditation body on the registry established by the Secretary under subsection (a)(1)(B) whenever such testing is conducted—

“(A) by or on behalf of an owner or consignee—

“(i) in response to a specific testing requirement under this Act or implementing regulations, when applied to address an identified or suspected food safety problem; and

“(ii) as required by the Secretary, as the Secretary deems appropriate, to address an identified or suspected food safety problem; or

“(B) on behalf of an owner or consignee—

“(i) in support of admission of an article of food under section 801(a); and

“(ii) under an Import Alert that requires successful consecutive tests.

“(2) **RESULTS OF TESTING.**—The results of any such testing shall be sent directly to the Food and Drug Administration, except the Secretary may by regulation exempt test results from such submission requirement if the Secretary determines that such results do not contribute to the protection of public health. Test results required to be submitted may be submitted to the Food and Drug Administration through electronic means.

“(3) **EXCEPTION.**—The Secretary may waive requirements under this subsection if—

“(A) a new methodology or methodologies have been developed and validated but a laboratory has not yet been accredited to perform such methodology or methodologies; and

“(B) the use of such methodology or methodologies are necessary to prevent, control, or mitigate a food emergency or foodborne illness outbreak.

“(c) **REVIEW BY SECRETARY.**—If food sampling and testing performed by a laboratory run and operated by a State or locality that is accredited by a recognized accreditation body on the registry established by the Secretary under subsection (a) result in a State recalling a food, the Secretary shall review the sampling and testing results for the purpose of determining the need for a national recall or other compliance and enforcement activities.

“(d) **NO LIMIT ON SECRETARIAL AUTHORITY.**—Nothing in this section shall be construed to limit the ability of the Secretary to review and act upon information from food testing, including determining the sufficiency of such information and testing.”

(b) **FOOD EMERGENCY RESPONSE NETWORK.**—The Secretary, in coordination with the Secretary of Agriculture, the Secretary of Homeland Security, and State, local, and tribal governments shall, not later than 180 days after the date of enactment of this Act, and biennially thereafter, submit to the relevant committees of Congress, and make publicly available on the Internet Web site of the Department of Health and Human Services, a report on the progress in implementing a national food emergency response laboratory network that—

(1) provides ongoing surveillance, rapid detection, and surge capacity for large-scale food-related emergencies, including intentional adulteration of the food supply;

(2) coordinates the food laboratory capacities of State, local, and tribal food laboratories, including the adoption of novel surveillance and identification technologies and the sharing of data among Federal agencies and State laboratories to develop national situational awareness;

(3) provides accessible, timely, accurate, and consistent food laboratory services throughout the United States;

(4) develops and implements a methods repository for use by Federal, State, and local officials;

(5) responds to food-related emergencies; and

(6) is integrated with relevant laboratory networks administered by other Federal agencies.

SEC. 6203. INTEGRATED CONSORTIUM OF LABORATORY NETWORKS.

(a) *IN GENERAL.*—The Secretary of Homeland Security, in coordination with the Secretary of Health and Human Services, the Secretary of Agriculture, the Secretary of Commerce, and the Administrator of the Environmental Protection Agency, shall maintain an agreement through which relevant laboratory network members, as determined by the Secretary of Homeland Security, shall—

(1) agree on common laboratory methods in order to reduce the time required to detect and respond to foodborne illness outbreaks and facilitate the sharing of knowledge and information relating to animal health, agriculture, and human health;

(2) identify means by which laboratory network members could work cooperatively—

(A) to optimize national laboratory preparedness; and

(B) to provide surge capacity during emergencies; and

(3) engage in ongoing dialogue and build relationships that will support a more effective and integrated response during emergencies.

(b) *REPORTING REQUIREMENT.*—The Secretary of Homeland Security shall, on a biennial basis, submit to the relevant committees of Congress, and make publicly available on the Internet Web site of the Department of Homeland Security, a report on the progress of the integrated consortium of laboratory networks, as established under subsection (a), in carrying out this section.

SEC. 6204. ENHANCING TRACKING AND TRACING OF FOOD AND RECORDKEEPING.

(a) *PILOT PROJECTS.*—

(1) *IN GENERAL.*—Not later than 270 days after the date of enactment of this Act, the Secretary of Health and Human Services (referred to in this section as the “Secretary”), taking into account recommendations from the Secretary of Agriculture and representatives of State departments of health and agriculture, shall establish pilot projects in coordination with the food industry to explore and evaluate methods to rapidly and effectively identify recipients of food to prevent or mitigate a foodborne illness outbreak and to address credible threats of serious adverse health consequences or death to humans or animals as a result of such food being adulterated under section 402 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 342) or misbranded under section 403(w) of such Act (21 U.S.C. 343(w)).

(2) *CONTENT.*—The Secretary shall conduct 1 or more pilot projects under paragraph (1) in coordination with the processed food sector and 1 or more such pilot projects in coordination with processors or distributors of fruits and vegetables that are raw agricultural commodities. The Secretary shall ensure that the pilot projects under paragraph (1) reflect the diversity of the food supply and include at least 3 different

types of foods that have been the subject of significant outbreaks during the 5-year period preceding the date of enactment of this Act, and are selected in order to—

(A) develop and demonstrate methods for rapid and effective tracking and tracing of foods in a manner that is practicable for facilities of varying sizes, including small businesses;

(B) develop and demonstrate appropriate technologies, including technologies existing on the date of enactment of this Act, that enhance the tracking and tracing of food; and

(C) inform the promulgation of regulations under subsection (d).

(3) *REPORT.*—Not later than 18 months after the date of enactment of this Act, the Secretary shall report to Congress on the findings of the pilot projects under this subsection together with recommendations for improving the tracking and tracing of food.

(b) *ADDITIONAL DATA GATHERING.*—

(1) *IN GENERAL.*—The Secretary, in coordination with the Secretary of Agriculture and multiple representatives of State departments of health and agriculture, shall assess—

(A) the costs and benefits associated with the adoption and use of several product tracing technologies, including technologies used in the pilot projects under subsection (a);

(B) the feasibility of such technologies for different sectors of the food industry, including small businesses; and

(C) whether such technologies are compatible with the requirements of this subsection.

(2) *REQUIREMENTS.*—To the extent practicable, in carrying out paragraph (1), the Secretary shall—

(A) evaluate domestic and international product tracing practices in commercial use;

(B) consider international efforts, including an assessment of whether product tracing requirements developed under this section are compatible with global tracing systems, as appropriate; and

(C) consult with a diverse and broad range of experts and stakeholders, including representatives of the food industry, agricultural producers, and nongovernmental organizations that represent the interests of consumers.

(c) *PRODUCT TRACING SYSTEM.*—The Secretary, in consultation with the Secretary of Agriculture, shall, as appropriate, establish within the Food and Drug Administration a product tracing system to receive information that improves the capacity of the Secretary to effectively and rapidly track and trace food that is in the United States or offered for import into the United States. Prior to the establishment of such product tracing system, the Secretary shall examine the results of applicable pilot projects and shall ensure that the activities of such system are adequately supported by the results of such pilot projects.

(d) *ADDITIONAL RECORDKEEPING REQUIREMENTS FOR HIGH-RISK FOODS.*—

(1) *IN GENERAL.*—In order to rapidly and effectively identify recipients of a food to prevent or mitigate a foodborne illness outbreak and to address credible threats of serious adverse health consequences or death to humans or animals as a result of such food being adulterated under section 402 of the Federal Food, Drug, and Cosmetic Act or misbranded under section 403(w) of such Act, not later than 2 years after the date of enactment of this Act, the Secretary shall publish a notice of proposed rulemaking to establish recordkeeping requirements, in addition to the requirements under section 414 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 350c) and subpart J of part 1 of title 21, Code of Federal Regulations (or any successor regulations), for facilities that manufacture, process, pack, or hold foods that the Secretary designates under paragraph (2) as high-risk

foods. The Secretary shall set an appropriate effective date of such additional requirements for foods designated as high risk that takes into account the length of time necessary to comply with such requirements. Such requirements shall—

(A) relate only to information that is reasonably available and appropriate;

(B) be science-based;

(C) not prescribe specific technologies for the maintenance of records;

(D) ensure that the public health benefits of imposing additional recordkeeping requirements outweigh the cost of compliance with such requirements;

(E) be scale-appropriate and practicable for facilities of varying sizes and capabilities with respect to costs and recordkeeping burdens, and not require the creation and maintenance of duplicate records where the information is contained in other company records kept in the normal course of business;

(F) minimize the number of different recordkeeping requirements for facilities that handle more than 1 type of food;

(G) to the extent practicable, not require a facility to change business systems to comply with such requirements;

(H) allow any person subject to this subsection to maintain records required under this subsection at a central or reasonably accessible location provided that such records can be made available to the Secretary not later than 24 hours after the Secretary requests such records;

(I) include a process by which the Secretary may issue a waiver of the requirements under this subsection if the Secretary determines that such requirements would result in an economic hardship for an individual facility or a type of facility;

(J) be commensurate with the known safety risks of the designated food;

(K) take into account international trade obligations;

(L) not require—

(i) a full pedigree, or a record of the complete previous distribution history of the food from the point of origin of such food;

(ii) records of recipients of a food beyond the immediate subsequent recipient of such food; or

(iii) product tracking to the case level by persons subject to such requirements; and

(M) include a process by which the Secretary may remove a high-risk food designation developed under paragraph (2) for a food or type of food.

(2) *DESIGNATION OF HIGH-RISK FOODS.*—

(A) *IN GENERAL.*—Not later than 1 year after the date of enactment of this Act, and thereafter as the Secretary determines necessary, the Secretary shall designate high-risk foods for which the additional recordkeeping requirements described in paragraph (1) are appropriate and necessary to protect the public health. Each such designation shall be based on—

(i) the known safety risks of a particular food, including the history and severity of foodborne illness outbreaks attributed to such food, taking into consideration foodborne illness data collected by the Centers for Disease Control and Prevention;

(ii) the likelihood that a particular food has a high potential risk for microbiological or chemical contamination or would support the growth of pathogenic microorganisms due to the nature of the food or the processes used to produce such food;

(iii) the point in the manufacturing process of the food where contamination is most likely to occur;

(iv) the likelihood of contamination and steps taken during the manufacturing process to reduce the possibility of contamination;

(v) the likelihood that consuming a particular food will result in a foodborne illness due to contamination of the food; and

(vi) the likely or known severity, including health and economic impacts, of a foodborne illness attributed to a particular food.

(B) **LIST OF HIGH-RISK FOODS.**—At the time the Secretary promulgates the final rules under paragraph (1), the Secretary shall publish the list of the foods designated under subparagraph (A) as high-risk foods on the Internet website of the Food and Drug Administration. The Secretary may update the list to designate new high-risk foods and to remove foods that are no longer deemed to be high-risk foods, provided that each such update to the list is consistent with the requirements of this subsection and notice of such update is published in the Federal Register.

(3) **PROTECTION OF SENSITIVE INFORMATION.**—In promulgating regulations under this subsection, the Secretary shall take appropriate measures to ensure that there are effective procedures to prevent the unauthorized disclosure of any trade secret or confidential information that is obtained by the Secretary pursuant to this section, including periodic risk assessment and planning to prevent unauthorized release and controls to—

(A) prevent unauthorized reproduction of trade secret or confidential information;

(B) prevent unauthorized access to trade secret or confidential information; and

(C) maintain records with respect to access by any person to trade secret or confidential information maintained by the agency.

(4) **PUBLIC INPUT.**—During the comment period in the notice of proposed rulemaking under paragraph (1), the Secretary shall conduct not less than 3 public meetings in diverse geographical areas of the United States to provide persons in different regions an opportunity to comment.

(5) **RETENTION OF RECORDS.**—Except as otherwise provided in this subsection, the Secretary may require that a facility retain records under this subsection for not more than 2 years, taking into consideration the risk of spoilage, loss of value, or loss of palatability of the applicable food when determining the appropriate timeframes.

(6) **LIMITATIONS.**—

(A) **FARM-TO-SCHOOL PROGRAMS.**—In establishing requirements under this subsection, the Secretary shall, in consultation with the Secretary of Agriculture, consider the impact of requirements on farm-to-school or farm-to-institution programs of the Department of Agriculture and other farm-to-school and farm-to-institution programs outside such agency, and shall modify the requirements under this subsection, as appropriate, with respect to such programs so that the requirements do not place undue burdens on farm-to-school or farm-to-institution programs.

(B) **IDENTITY-PRESERVED LABELS WITH RESPECT TO FARM SALES OF FOOD THAT IS PRODUCED AND PACKAGED ON A FARM.**—The requirements under this subsection shall not apply to a food that is produced and packaged on a farm if—

(i) the packaging of the food maintains the integrity of the product and prevents subsequent contamination or alteration of the product; and

(ii) the labeling of the food includes the name, complete address (street address, town, State, country, and zip or other postal code), and business phone number of the farm, unless the Secretary waives the requirement to include a business phone number of the farm, as appropriate, in order to accommodate a religious belief of the individual in charge of such farm.

(C) **FISHING VESSELS.**—The requirements under this subsection with respect to a food that is produced through the use of a fishing vessel (as defined in section 3(18) of the Magnuson-Stevens Fishery Conservation and Management Act

(16 U.S.C. 1802(18))) shall be limited to the requirements under subparagraph (F) until such time as the food is sold by the owner, operator, or agent in charge of such fishing vessel.

(D) **COMMINGLED RAW AGRICULTURAL COMMODITIES.**—

(i) **LIMITATION ON EXTENT OF TRACING.**—Recordkeeping requirements under this subsection with regard to any commingled raw agricultural commodity shall be limited to the requirements under subparagraph (F).

(ii) **DEFINITIONS.**—For the purposes of this subparagraph—

(I) the term “commingled raw agricultural commodity” means any commodity that is combined or mixed after harvesting, but before processing;

(II) the term “commingled raw agricultural commodity” shall not include types of fruits and vegetables that are raw agricultural commodities for which the Secretary has determined that standards promulgated under section 419 of the Federal Food, Drug, and Cosmetic Act (as added by section 6105) would minimize the risk of serious adverse health consequences or death; and

(III) the term “processing” means operations that alter the general state of the commodity, such as canning, cooking, freezing, dehydration, milling, grinding, pasteurization, or homogenization.

(E) **EXEMPTION OF OTHER FOODS.**—The Secretary may, by notice in the Federal Register, modify the requirements under this subsection with respect to, or exempt a food or a type of facility from, the requirements of this subsection (other than the requirements under subparagraph (F), if applicable) if the Secretary determines that product tracing requirements for such food (such as bulk or commingled ingredients that are intended to be processed to destroy pathogens) or type of facility is not necessary to protect the public health.

(F) **RECORDKEEPING REGARDING PREVIOUS SOURCES AND SUBSEQUENT RECIPIENTS.**—In the case of a person or food to which a limitation or exemption under subparagraph (C), (D), or (E) applies, if such person, or a person who manufactures, processes, packs, or holds such food, is required to register with the Secretary under section 415 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 350d) with respect to the manufacturing, processing, packing, or holding of the applicable food, the Secretary shall require such person to maintain records that identify the immediate previous source of such food and the immediate subsequent recipient of such food.

(G) **GROCERY STORES.**—With respect to a sale of a food described in subparagraph (H) to a grocery store, the Secretary shall not require such grocery store to maintain records under this subsection other than records documenting the farm that was the source of such food. The Secretary shall not require that such records be kept for more than 180 days.

(H) **FARM SALES TO CONSUMERS.**—The Secretary shall not require a farm to maintain any distribution records under this subsection with respect to a sale of a food described in subparagraph (I) (including a sale of a food that is produced and packaged on such farm), if such sale is made by the farm directly to a consumer.

(I) **SALE OF A FOOD.**—A sale of a food described in this subparagraph is a sale of a food in which—

(i) the food is produced on a farm; and

(ii) the sale is made by the owner, operator, or agent in charge of such farm directly to a consumer or grocery store.

(7) **NO IMPACT ON NON-HIGH-RISK FOODS.**—The recordkeeping requirements established under paragraph (1) shall have no effect on foods that are not designated by the Secretary under paragraph (2) as high-risk foods. Foods described in

the preceding sentence shall be subject solely to the recordkeeping requirements under section 414 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 350c) and subpart J of part 1 of title 21, Code of Federal Regulations (or any successor regulations).

(e) **EVALUATION AND RECOMMENDATIONS.**—

(1) **REPORT.**—Not later than 1 year after the effective date of the final rule promulgated under subsection (d)(1), the Comptroller General of the United States shall submit to Congress a report, taking into consideration the costs of compliance and other regulatory burdens on small businesses and Federal, State, and local food safety practices and requirements, that evaluates the public health benefits and risks, if any, of limiting—

(A) the product tracing requirements under subsection (d) to foods identified under paragraph (2) of such subsection, including whether such requirements provide adequate assurance of traceability in the event of intentional adulteration, including by acts of terrorism; and

(B) the participation of restaurants in the recordkeeping requirements.

(2) **DETERMINATION AND RECOMMENDATIONS.**—In conducting the evaluation and report under paragraph (1), if the Comptroller General of the United States determines that the limitations described in such paragraph do not adequately protect the public health, the Comptroller General shall submit to Congress recommendations, if appropriate, regarding recordkeeping requirements for restaurants and additional foods, in order to protect the public health.

(f) **FARMS.**—

(1) **REQUEST FOR INFORMATION.**—Notwithstanding subsection (d), during an active investigation of a foodborne illness outbreak, or if the Secretary determines it is necessary to protect the public health and prevent or mitigate a foodborne illness outbreak, the Secretary, in consultation and coordination with State and local agencies responsible for food safety, as appropriate, may request that the owner, operator, or agent of a farm identify potential immediate recipients, other than consumers, of an article of the food that is the subject of such investigation if the Secretary reasonably believes such article of food—

(A) is adulterated under section 402 of the Federal Food, Drug, and Cosmetic Act;

(B) presents a threat of serious adverse health consequences or death to humans or animals; and

(C) was adulterated as described in subparagraph (A) on a particular farm (as defined in section 1.227 of chapter 21, Code of Federal Regulations (or any successor regulation)).

(2) **MANNER OF REQUEST.**—In making a request under paragraph (1), the Secretary, in consultation and coordination with State and local agencies responsible for food safety, as appropriate, shall issue a written notice to the owner, operator, or agent of the farm to which the article of food has been traced. The individual providing such notice shall present to such owner, operator, or agent appropriate credentials and shall deliver such notice at reasonable times and within reasonable limits and in a reasonable manner.

(3) **DELIVERY OF INFORMATION REQUESTED.**—The owner, operator, or agent of a farm shall deliver the information requested under paragraph (1) in a prompt and reasonable manner. Such information may consist of records kept in the normal course of business, and may be in electronic or nonelectronic format.

(4) **LIMITATION.**—A request made under paragraph (1) shall not include a request for information relating to the finances, pricing of commodities produced, personnel, research, sales (other than information relating to shipping), or other disclosures that may reveal trade secrets

or confidential information from the farm to which the article of food has been traced, other than information necessary to identify potential immediate recipients of such food. Section 301(j) of the Federal Food, Drug, and Cosmetic Act and the Freedom of Information Act shall apply with respect to any confidential commercial information that is disclosed to the Food and Drug Administration in the course of responding to a request under paragraph (1).

(5) **RECORDS.**—Except with respect to identifying potential immediate recipients in response to a request under this subsection, nothing in this subsection shall require the establishment or maintenance by farms of new records.

(g) **NO LIMITATION ON COMMINGLING OF FOOD.**—Nothing in this section shall be construed to authorize the Secretary to impose any limitation on the commingling of food.

(h) **SMALL ENTITY COMPLIANCE GUIDE.**—Not later than 180 days after promulgation of a final rule under subsection (d), the Secretary shall issue a small entity compliance guide setting forth in plain language the requirements of the regulations under such subsection in order to assist small entities, including farms and small businesses, in complying with the recordkeeping requirements under such subsection.

(i) **FLEXIBILITY FOR SMALL BUSINESSES.**—Notwithstanding any other provision of law, the regulations promulgated under subsection (d) shall apply—

(1) to small businesses (as defined by the Secretary in section 6103, not later than 90 days after the date of enactment of this Act) beginning on the date that is 1 year after the effective date of the final regulations promulgated under subsection (d); and

(2) to very small businesses (as defined by the Secretary in section 6103, not later than 90 days after the date of enactment of this Act) beginning on the date that is 2 years after the effective date of the final regulations promulgated under subsection (d).

(j) **ENFORCEMENT.**—

(1) **PROHIBITED ACTS.**—Section 301(e) (21 U.S.C. 331(e)) is amended by inserting “; or the violation of any recordkeeping requirement under section 6204 of the FDA Food Safety Modernization Act (except when such violation is committed by a farm)” before the period at the end.

(2) **IMPORTS.**—Section 801(a) (21 U.S.C. 381(a)) is amended by inserting “or (4) the recordkeeping requirements under section 6204 of the FDA Food Safety Modernization Act (other than the requirements under subsection (f) of such section) have not been complied with regarding such article,” in the third sentence before “then such article shall be refused admission”.

SEC. 6205. SURVEILLANCE.

(a) **DEFINITION OF FOODBORNE ILLNESS OUTBREAK.**—In this Act, the term “foodborne illness outbreak” means the occurrence of 2 or more cases of a similar illness resulting from the ingestion of a certain food.

(b) **FOODBORNE ILLNESS SURVEILLANCE SYSTEMS.**—

(1) **IN GENERAL.**—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, shall enhance foodborne illness surveillance systems to improve the collection, analysis, reporting, and usefulness of data on foodborne illnesses by—

(A) coordinating Federal, State, and local foodborne illness surveillance systems, including complaint systems, and increasing participation in national networks of public health and food regulatory agencies and laboratories;

(B) facilitating sharing of surveillance information on a more timely basis among governmental agencies, including the Food and Drug Administration, the Department of Agriculture,

the Department of Homeland Security, and State and local agencies, and with the public;

(C) developing improved epidemiological tools for obtaining quality exposure data and microbiological methods for classifying cases;

(D) augmenting such systems to improve attribution of a foodborne illness outbreak to a specific food;

(E) expanding capacity of such systems, including working toward automatic electronic searches, for implementation of identification practices, including fingerprinting strategies, for foodborne infectious agents, in order to identify new or rarely documented causes of foodborne illness and submit standardized information to a centralized database;

(F) allowing timely public access to aggregated, de-identified surveillance data;

(G) at least annually, publishing current reports on findings from such systems;

(H) establishing a flexible mechanism for rapidly initiating scientific research by academic institutions;

(I) integrating foodborne illness surveillance systems and data with other biosurveillance and public health situational awareness capabilities at the Federal, State, and local levels, including by sharing foodborne illness surveillance data with the National Biosurveillance Integration Center; and

(J) other activities as determined appropriate by the Secretary.

(2) **WORKING GROUP.**—The Secretary shall support and maintain a diverse working group of experts and stakeholders from Federal, State, and local food safety and health agencies, the food and food testing industries, consumer organizations, and academia. Such working group shall provide the Secretary, through at least annual meetings of the working group and an annual public report, advice and recommendations on an ongoing and regular basis regarding the improvement of foodborne illness surveillance and implementation of this section, including advice and recommendations on—

(A) the priority needs of regulatory agencies, the food industry, and consumers for information and analysis on foodborne illness and its causes;

(B) opportunities to improve the effectiveness of initiatives at the Federal, State, and local levels, including coordination and integration of activities among Federal agencies, and among the Federal, State, and local levels of government;

(C) improvement in the timeliness and depth of access by regulatory and health agencies, the food industry, academic researchers, and consumers to foodborne illness aggregated, de-identified surveillance data collected by government agencies at all levels, including data compiled by the Centers for Disease Control and Prevention;

(D) key barriers at Federal, State, and local levels to improving foodborne illness surveillance and the utility of such surveillance for preventing foodborne illness;

(E) the capabilities needed for establishing automatic electronic searches of surveillance data; and

(F) specific actions to reduce barriers to improvement, implement the working group's recommendations, and achieve the purposes of this section, with measurable objectives and timelines, and identification of resource and staffing needs.

(3) **AUTHORIZATION OF APPROPRIATIONS.**—To carry out the activities described in paragraph (1), there is authorized to be appropriated \$24,000,000 for each fiscal years 2011 through 2015.

(c) **IMPROVING FOOD SAFETY AND DEFENSE CAPACITY AT THE STATE AND LOCAL LEVEL.**—

(1) **IN GENERAL.**—The Secretary shall develop and implement strategies to leverage and en-

hance the food safety and defense capacities of State and local agencies in order to achieve the following goals:

(A) Improve foodborne illness outbreak response and containment.

(B) Accelerate foodborne illness surveillance and outbreak investigation, including rapid shipment of clinical isolates from clinical laboratories to appropriate State laboratories, and conducting more standardized illness outbreak interviews.

(C) Strengthen the capacity of State and local agencies to carry out inspections and enforce safety standards.

(D) Improve the effectiveness of Federal, State, and local partnerships to coordinate food safety and defense resources and reduce the incidence of foodborne illness.

(E) Share information on a timely basis among public health and food regulatory agencies, with the food industry, with health care providers, and with the public.

(F) Strengthen the capacity of State and local agencies to achieve the goals described in section 6108.

(2) **REVIEW.**—In developing of the strategies required by paragraph (1), the Secretary shall, not later than 1 year after the date of enactment of the FDA Food Safety Modernization Act, complete a review of State and local capacities, and needs for enhancement, which may include a survey with respect to—

(A) staffing levels and expertise available to perform food safety and defense functions;

(B) laboratory capacity to support surveillance, outbreak response, inspection, and enforcement activities;

(C) information systems to support data management and sharing of food safety and defense information among State and local agencies and with counterparts at the Federal level; and

(D) other State and local activities and needs as determined appropriate by the Secretary.

(d) **FOOD SAFETY CAPACITY BUILDING GRANTS.**—Section 317R(b) of the Public Health Service Act (42 U.S.C. 247b–20(b)) is amended—

(1) by striking “2002” and inserting “2010”; and

(2) by striking “2003 through 2006” and inserting “2011 through 2015”.

SEC. 6206. MANDATORY RECALL AUTHORITY.

(a) **IN GENERAL.**—Chapter IV (21 U.S.C. 341 et seq.), as amended by section 6202, is amended by adding at the end the following:

“SEC. 423. MANDATORY RECALL AUTHORITY.

“(a) **VOLUNTARY PROCEDURES.**—If the Secretary determines, based on information gathered through the reportable food registry under section 417 or through any other means, that there is a reasonable probability that an article of food (other than infant formula) is adulterated under section 402 or misbranded under section 403(w) and the use of or exposure to such article will cause serious adverse health consequences or death to humans or animals, the Secretary shall provide the responsible party (as defined in section 417) with an opportunity to cease distribution and recall such article.

“(b) **PREHEARING ORDER TO CEASE DISTRIBUTION AND GIVE NOTICE.**—

“(1) **IN GENERAL.**—If the responsible party refuses to or does not voluntarily cease distribution or recall such article within the time and in the manner prescribed by the Secretary (if so prescribed), the Secretary may, by order require, as the Secretary deems necessary, such person to—

“(A) immediately cease distribution of such article; and

“(B) as applicable, immediately notify all persons—

“(i) manufacturing, processing, packing, transporting, distributing, receiving, holding, or importing and selling such article; and

“(ii) to which such article has been distributed, transported, or sold, to immediately cease distribution of such article.

“(2) REQUIRED ADDITIONAL INFORMATION.—

“(A) IN GENERAL.—If an article of food covered by a recall order issued under paragraph (1)(B) has been distributed to a warehouse-based third-party logistics provider without providing such provider sufficient information to know or reasonably determine the precise identity of the article of food covered by a recall order that is in its possession, the notice provided by the responsible party subject to the order issued under paragraph (1)(B) shall include such information as is necessary for the warehouse-based third-party logistics provider to identify the food.

“(B) RULES OF CONSTRUCTION.—Nothing in this paragraph shall be construed—

“(i) to exempt a warehouse-based third-party logistics provider from the requirements of this Act, including the requirements in this section and section 414; or

“(ii) to exempt a warehouse-based third party logistics provider from being the subject of a mandatory recall order.

“(3) DETERMINATION TO LIMIT AREAS AFFECTED.—If the Secretary requires a responsible party to cease distribution under paragraph (1)(A) of an article of food identified in subsection (a), the Secretary may limit the size of the geographic area and the markets affected by such cessation if such limitation would not compromise the public health.

“(c) HEARING ON ORDER.—The Secretary shall provide the responsible party subject to an order under subsection (b) with an opportunity for an informal hearing, to be held as soon as possible, but not later than 2 days after the issuance of the order, on the actions required by the order and on why the article that is the subject of the order should not be recalled.

“(d) POST-HEARING RECALL ORDER AND MODIFICATION OF ORDER.—

“(1) AMENDMENT OF ORDER.—If, after providing opportunity for an informal hearing under subsection (c), the Secretary determines that removal of the article from commerce is necessary, the Secretary shall, as appropriate—

“(A) amend the order to require recall of such article or other appropriate action;

“(B) specify a timetable in which the recall shall occur;

“(C) require periodic reports to the Secretary describing the progress of the recall; and

“(D) provide notice to consumers to whom such article was, or may have been, distributed.

“(2) VACATING OF ORDER.—If, after such hearing, the Secretary determines that adequate grounds do not exist to continue the actions required by the order, or that such actions should be modified, the Secretary shall vacate the order or modify the order.

“(e) RULE REGARDING ALCOHOLIC BEVERAGES.—The Secretary shall not initiate a mandatory recall or take any other action under this section with respect to any alcohol beverage until the Secretary has provided the Alcohol and Tobacco Tax and Trade Bureau with a reasonable opportunity to cease distribution and recall such article under the Alcohol and Tobacco Tax and Trade Bureau authority.

“(f) COOPERATION AND CONSULTATION.—The Secretary shall work with State and local public health officials in carrying out this section, as appropriate.

“(g) PUBLIC NOTIFICATION.—In conducting a recall under this section, the Secretary shall—

“(1) ensure that a press release is published regarding the recall, as well as alerts and public notices, as appropriate, in order to provide notification—

“(A) of the recall to consumers and retailers to whom such article was, or may have been, distributed; and

“(B) that includes, at a minimum—

“(i) the name of the article of food subject to the recall;

“(ii) a description of the risk associated with such article; and

“(iii) to the extent practicable, information for consumers about similar articles of food that are not affected by the recall;

“(2) consult the policies of the Department of Agriculture regarding providing to the public a list of retail consignees receiving products involved in a Class I recall and shall consider providing such a list to the public, as determined appropriate by the Secretary; and

“(3) if available, publish on the Internet Web site of the Food and Drug Administration an image of the article that is the subject of the press release described in paragraph (1).

“(h) NO DELEGATION.—The authority conferred by this section to order a recall or vacate a recall order shall not be delegated to any officer or employee other than the Commissioner.

“(i) EFFECT.—Nothing in this section shall affect the authority of the Secretary to request or participate in a voluntary recall, or to issue an order to cease distribution or to recall under any other provision of this Act or under the Public Health Service Act.

“(j) COORDINATED COMMUNICATION.—

“(1) IN GENERAL.—To assist in carrying out the requirements of this subsection, the Secretary shall establish an incident command operation or a similar operation within the Department of Health and Human Services that will operate not later than 24 hours after the initiation of a mandatory recall or the recall of an article of food for which the use of, or exposure to, such article will cause serious adverse health consequences or death to humans or animals.

“(2) REQUIREMENTS.—To reduce the potential for miscommunication during recalls or regarding investigations of a foodborne illness outbreak associated with a food that is subject to a recall, each incident command operation or similar operation under paragraph (1) shall use regular staff and resources of the Department of Health and Human Services to—

“(A) ensure timely and coordinated communication within the Department, including enhanced communication and coordination between different agencies and organizations within the Department;

“(B) ensure timely and coordinated communication from the Department, including public statements, throughout the duration of the investigation and related foodborne illness outbreak;

“(C) identify a single point of contact within the Department for public inquiries regarding any actions by the Secretary related to a recall;

“(D) coordinate with Federal, State, local, and tribal authorities, as appropriate, that have responsibilities related to the recall of a food or a foodborne illness outbreak associated with a food that is subject to the recall, including notification of the Secretary of Agriculture and the Secretary of Education in the event such recalled food is a commodity intended for use in a child nutrition program (as identified in section 25(b) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769f(b)); and

“(E) conclude operations at such time as the Secretary determines appropriate.

“(3) MULTIPLE RECALLS.—The Secretary may establish multiple or concurrent incident command operations or similar operations in the event of multiple recalls or foodborne illness outbreaks necessitating such action by the Department of Health and Human Services.”.

(b) SEARCH ENGINE.—Not later than 90 days after the date of enactment of this Act, the Secretary shall modify the Internet Web site of the Food and Drug Administration to include a search engine that—

(1) is consumer-friendly, as determined by the Secretary; and

(2) provides a means by which an individual may locate relevant information regarding each article of food subject to a recall under section 423 of the Federal Food, Drug, and Cosmetic Act and the status of such recall (such as whether a recall is ongoing or has been completed).

(c) CIVIL PENALTY.—Section 303(f)(2)(A) (21 U.S.C. 333(f)(2)(A)) is amended by inserting “or any person who does not comply with a recall order under section 423” after “section 402(a)(2)(B)”.

(d) PROHIBITED ACTS.—Section 301 (21 U.S.C. 331 et seq.), as amended by section 6106, is amended by adding at the end the following:

“(xx) The refusal or failure to follow an order under section 423.”.

(e) GAO REVIEW.—

(1) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Comptroller General of the United States shall submit to Congress a report that—

(A) identifies State and local agencies with the authority to require the mandatory recall of food, and evaluates use of such authority with regard to frequency, effectiveness, and appropriateness, including consideration of any new or existing mechanisms available to compensate persons for general and specific recall-related costs when a recall is subsequently determined by the relevant authority to have been an error;

(B) identifies Federal agencies, other than the Department of Health and Human Services, with mandatory recall authority and examines use of that authority with regard to frequency, effectiveness, and appropriateness, including any new or existing mechanisms available to compensate persons for general and specific recall-related costs when a recall is subsequently determined by the relevant agency to have been an error;

(C) considers models for farmer restitution implemented in other nations in cases of erroneous recalls; and

(D) makes recommendations to the Secretary regarding use of the authority under section 423 of the Federal Food, Drug, and Cosmetic Act (as added by this section) to protect the public health while seeking to minimize unnecessary economic costs.

(2) EFFECT OF REVIEW.—If the Comptroller General of the United States finds, after the review conducted under paragraph (1), that the mechanisms described in such paragraph do not exist or are inadequate, then, not later than 90 days after the conclusion of such review, the Secretary of Agriculture shall conduct a study of the feasibility of implementing a farmer indemnification program to provide restitution to agricultural producers for losses sustained as a result of a mandatory recall of an agricultural commodity by a Federal or State regulatory agency that is subsequently determined to be in error. The Secretary of Agriculture shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that describes the results of the study, including any recommendations.

(f) ANNUAL REPORT TO CONGRESS.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act and annually thereafter, the Secretary of Health and Human Services (referred to in this subsection as the “Secretary”) shall submit a report to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives on the use of recall authority under section 423 of the Federal Food, Drug, and Cosmetic Act (as added by subsection (a)) and any public health advisories issued by the Secretary that advise against the consumption of an article of

food on the ground that the article of food is adulterated and poses an imminent danger to health.

(2) **CONTENT.**—The report under paragraph (1) shall include, with respect to the report year—

(A) the identity of each article of food that was the subject of a public health advisory described in paragraph (1), an opportunity to cease distribution and recall under subsection (a) of section 423 of the Federal Food, Drug, and Cosmetic Act, or a mandatory recall order under subsection (b) of such section;

(B) the number of responsible parties, as defined in section 417 of the Federal Food, Drug, and Cosmetic Act, formally given the opportunity to cease distribution of an article of food and recall such article, as described in section 423(a) of such Act;

(C) the number of responsible parties described in subparagraph (B) who did not cease distribution or recall an article of food after given the opportunity to cease distribution or recall under section 423(a) of the Federal Food, Drug, and Cosmetic Act;

(D) the number of recall orders issued under section 423(b) of the Federal Food, Drug, and Cosmetic Act; and

(E) a description of any instances in which there was no testing that confirmed adulteration of an article of food that was the subject of a recall under section 423(b) of the Federal Food, Drug, and Cosmetic Act or a public health advisory described in paragraph (1).

SEC. 6207. ADMINISTRATIVE DETENTION OF FOOD.

(a) **IN GENERAL.**—Section 304(h)(1)(A) (21 U.S.C. 334(h)(1)(A)) is amended by—

(1) striking “credible evidence or information indicating” and inserting “reason to believe”; and

(2) striking “presents a threat of serious adverse health consequences or death to humans or animals” and inserting “is adulterated or misbranded”.

(b) **REGULATIONS.**—Not later than 120 days after the date of enactment of this Act, the Secretary shall issue an interim final rule amending subpart K of part 1 of title 21, Code of Federal Regulations, to implement the amendment made by this section.

(c) **EFFECTIVE DATE.**—The amendment made by this section shall take effect 180 days after the date of enactment of this Act.

SEC. 6208. DECONTAMINATION AND DISPOSAL STANDARDS AND PLANS.

(a) **IN GENERAL.**—The Administrator of the Environmental Protection Agency (referred to in this section as the “Administrator”), in coordination with the Secretary of Health and Human Services, Secretary of Homeland Security, and Secretary of Agriculture, shall provide support for, and technical assistance to, State, local, and tribal governments in preparing for, assessing, decontaminating, and recovering from an agriculture or food emergency.

(b) **DEVELOPMENT OF STANDARDS.**—In carrying out subsection (a), the Administrator, in coordination with the Secretary of Health and Human Services, Secretary of Homeland Security, Secretary of Agriculture, and State, local, and tribal governments, shall develop and disseminate specific standards and protocols to undertake clean-up, clearance, and recovery activities following the decontamination and disposal of specific threat agents and foreign animal diseases.

(c) **DEVELOPMENT OF MODEL PLANS.**—In carrying out subsection (a), the Administrator, the Secretary of Health and Human Services, and the Secretary of Agriculture shall jointly develop and disseminate model plans for—

(1) the decontamination of individuals, equipment, and facilities following an intentional contamination of agriculture or food; and

(2) the disposal of large quantities of animals, plants, or food products that have been infected or contaminated by specific threat agents and foreign animal diseases.

(d) **EXERCISES.**—In carrying out subsection (a), the Administrator, in coordination with the entities described under subsection (b), shall conduct exercises at least annually to evaluate and identify weaknesses in the decontamination and disposal model plans described in subsection (c). Such exercises shall be carried out, to the maximum extent practicable, as part of the national exercise program under section 648(b)(1) of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 748(b)(1)).

(e) **MODIFICATIONS.**—Based on the exercises described in subsection (d), the Administrator, in coordination with the entities described in subsection (b), shall review and modify as necessary the plans described in subsection (c) not less frequently than biennially.

(f) **PRIORITIZATION.**—The Administrator, in coordination with the entities described in subsection (b), shall develop standards and plans under subsections (b) and (c) in an identified order of priority that takes into account—

(1) highest risk biological, chemical, and radiological threat agents;

(2) agents that could cause the greatest economic devastation to the agriculture and food system; and

(3) agents that are most difficult to clean or remediate.

SEC. 6209. IMPROVING THE TRAINING OF STATE, LOCAL, TERRITORIAL, AND TRIBAL FOOD SAFETY OFFICIALS.

(a) **IMPROVING TRAINING.**—Chapter X (21 U.S.C. 391 et seq.) is amended by adding at the end the following:

“SEC. 1012. IMPROVING THE TRAINING OF STATE, LOCAL, TERRITORIAL, AND TRIBAL FOOD SAFETY OFFICIALS.

“(a) **TRAINING.**—The Secretary shall set standards and administer training and education programs for the employees of State, local, territorial, and tribal food safety officials relating to the regulatory responsibilities and policies established by this Act, including programs for—

“(1) scientific training;

“(2) training to improve the skill of officers and employees authorized to conduct inspections under sections 702 and 704;

“(3) training to achieve advanced product or process specialization in such inspections;

“(4) training that addresses best practices;

“(5) training in administrative process and procedure and integrity issues;

“(6) training in appropriate sampling and laboratory analysis methodology; and

“(7) training in building enforcement actions following inspections, examinations, testing, and investigations.

“(b) **PARTNERSHIPS WITH STATE AND LOCAL OFFICIALS.**—

“(1) **IN GENERAL.**—The Secretary, pursuant to a contract or memorandum of understanding between the Secretary and the head of a State, local, territorial, or tribal department or agency, is authorized and encouraged to conduct examinations, testing, and investigations for the purposes of determining compliance with the food safety provisions of this Act through the officers and employees of such State, local, territorial, or tribal department or agency.

“(2) **CONTENT.**—A contract or memorandum described under paragraph (1) shall include provisions to ensure adequate training of such officers and employees to conduct such examinations, testing, and investigations. The contract or memorandum shall contain provisions regarding reimbursement. Such provisions may, at the sole discretion of the head of the other department or agency, require reimbursement, in whole

or in part, from the Secretary for the examinations, testing, or investigations performed pursuant to this section by the officers or employees of the State, territorial, or tribal department or agency.

“(3) **EFFECT.**—Nothing in this subsection shall be construed to limit the authority of the Secretary under section 702.

“(c) **EXTENSION SERVICE.**—The Secretary shall ensure coordination with the extension activities of the National Institute of Food and Agriculture of the Department of Agriculture in advising producers and small processors transitioning into new practices required as a result of the enactment of the FDA Food Safety Modernization Act and assisting regulated industry with compliance with such Act.

“(d) **NATIONAL FOOD SAFETY TRAINING, EDUCATION, EXTENSION, OUTREACH, AND TECHNICAL ASSISTANCE PROGRAM.**—

“(1) **IN GENERAL.**—In order to improve food safety and reduce the incidence of foodborne illness, the Secretary shall, not later than 180 days after the date of enactment of the FDA Food Safety Modernization Act, enter into one or more memoranda of understanding, or enter into other cooperative agreements, with the Secretary of Agriculture to establish a competitive grant program within the National Institute for Food and Agriculture to provide food safety training, education, extension, outreach, and technical assistance to—

“(A) owners and operators of farms;

“(B) small food processors; and

“(C) small fruit and vegetable merchant wholesalers.

“(2) **IMPLEMENTATION.**—The competitive grant program established under paragraph (1) shall be carried out in accordance with section 405 of the Agricultural Research, Extension, and Education Reform Act of 1998.

“(e) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated such sums as may be necessary to carry out this section for fiscal years 2011 through 2015.”

(b) **NATIONAL FOOD SAFETY TRAINING, EDUCATION, EXTENSION, OUTREACH, AND TECHNICAL ASSISTANCE PROGRAM.**—Title IV of the Agricultural Research, Extension, and Education Reform Act of 1998 is amended by inserting after section 404 (7 U.S.C. 7624) the following:

“SEC. 405. NATIONAL FOOD SAFETY TRAINING, EDUCATION, EXTENSION, OUTREACH, AND TECHNICAL ASSISTANCE PROGRAM.

“(a) **IN GENERAL.**—The Secretary shall award grants under this section to carry out the competitive grant program established under section 1012(d) of the Federal Food, Drug, and Cosmetic Act, pursuant to any memoranda of understanding entered into under such section.

“(b) **INTEGRATED APPROACH.**—The grant program described under subsection (a) shall be carried out under this section in a manner that facilitates the integration of food safety standards and guidance with the variety of agricultural production systems, encompassing conventional, sustainable, organic, conservation, and environmental practices.

“(c) **PRIORITY.**—In awarding grants under this section, the Secretary shall give priority to projects that target small- and medium-sized farms, beginning farmers, socially disadvantaged farmers, small processors, or small fresh fruit and vegetable merchant wholesalers.

“(d) **PROGRAM COORDINATION.**—

“(1) **IN GENERAL.**—The Secretary shall coordinate implementation of the grant program under this section with the National Integrated Food Safety Initiative.

“(2) **INTERACTION.**—The Secretary shall—

“(A) in carrying out the grant program under this section, take into consideration applied research, education, and extension results obtained from the National Integrated Food Safety Initiative; and

“(B) in determining the applied research agenda for the National Integrated Food Safety Initiative, take into consideration the needs articulated by participants in projects funded by the program under this section.

“(e) GRANTS.—

“(1) IN GENERAL.—In carrying out this section, the Secretary shall make competitive grants to support training, education, extension, outreach, and technical assistance projects that will help improve public health by increasing the understanding and adoption of established food safety standards, guidance, and protocols.

“(2) ENCOURAGED FEATURES.—The Secretary shall encourage projects carried out using grant funds under this section to include co-management of food safety, conservation systems, and ecological health.

“(3) MAXIMUM TERM AND SIZE OF GRANT.—

“(A) IN GENERAL.—A grant under this section shall have a term that is not more than 3 years.

“(B) LIMITATION ON GRANT FUNDING.—The Secretary may not provide grant funding to an entity under this section after such entity has received 3 years of grant funding under this section.

“(f) GRANT ELIGIBILITY.—

“(1) IN GENERAL.—To be eligible for a grant under this section, an entity shall be—

“(A) a State cooperative extension service;

“(B) a Federal, State, local, or tribal agency, a nonprofit community-based or nongovernmental organization, or an organization representing owners and operators of farms, small food processors, or small fruit and vegetable merchant wholesalers that has a commitment to public health and expertise in administering programs that contribute to food safety;

“(C) an institution of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a))) or a foundation maintained by an institution of higher education;

“(D) a collaboration of 2 or more eligible entities described in this subsection; or

“(E) such other appropriate entity, as determined by the Secretary.

“(2) MULTISTATE PARTNERSHIPS.—Grants under this section may be made for projects involving more than 1 State.

“(g) REGIONAL BALANCE.—In making grants under this section, the Secretary shall, to the maximum extent practicable, ensure—

“(1) geographic diversity; and

“(2) diversity of types of agricultural production.

“(h) TECHNICAL ASSISTANCE.—The Secretary may use funds made available under this section to provide technical assistance to grant recipients to further the purposes of this section.

“(i) BEST PRACTICES AND MODEL PROGRAMS.—Based on evaluations of, and responses arising from, projects funded under this section, the Secretary may issue a set of recommended best practices and models for food safety training programs for agricultural producers, small food processors, and small fresh fruit and vegetable merchant wholesalers.

“(j) AUTHORIZATION OF APPROPRIATIONS.—For the purposes of making grants under this section, there are authorized to be appropriated such sums as may be necessary for fiscal years 2011 through 2015.”

SEC. 6210. ENHANCING FOOD SAFETY.

(a) GRANTS TO ENHANCE FOOD SAFETY.—Section 1009 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 399) is amended to read as follows:

“SEC. 1009. GRANTS TO ENHANCE FOOD SAFETY.

“(a) IN GENERAL.—The Secretary is authorized to make grants to eligible entities to—

“(1) undertake examinations, inspections, investigations, and related food safety activities under section 702;

“(2) train to the standards of the Secretary for the examination, inspection, and investigation of food manufacturing, processing, packing, holding, distribution, and importation, including as such examination, inspection, and investigation relate to retail food establishments;

“(3) build the food safety capacity of the laboratories of such eligible entity, including the detection of zoonotic diseases;

“(4) build the infrastructure and capacity of the food safety programs of such eligible entity to meet the standards as outlined in the grant application; and

“(5) take appropriate action to protect the public health in response to—

“(A) a notification under section 1008, including planning and otherwise preparing to take such action; or

“(B) a recall of food under this Act.

“(b) ELIGIBLE ENTITIES; APPLICATION.—

“(1) IN GENERAL.—In this section, the term ‘eligible entity’ means an entity—

“(A) that is—

“(i) a State;

“(ii) a locality;

“(iii) a territory;

“(iv) an Indian tribe (as defined in section 4(e) of the Indian Self-Determination and Education Assistance Act); or

“(v) a nonprofit food safety training entity that collaborates with 1 or more institutions of higher education; and

“(B) that submits an application to the Secretary at such time, in such manner, and including such information as the Secretary may reasonably require.

“(2) CONTENTS.—Each application submitted under paragraph (1) shall include—

“(A) an assurance that the eligible entity has developed plans to engage in the types of activities described in subsection (a);

“(B) a description of the types of activities to be funded by the grant;

“(C) an itemization of how grant funds received under this section will be expended;

“(D) a description of how grant activities will be monitored; and

“(E) an agreement by the eligible entity to report information required by the Secretary to conduct evaluations under this section.

“(c) LIMITATIONS.—The funds provided under subsection (a) shall be available to an eligible entity that receives a grant under this section only to the extent such entity funds the food safety programs of such entity independently of any grant under this section in each year of the grant at a level equal to the level of such funding in the previous year, increased by the Consumer Price Index. Such non-Federal matching funds may be provided directly or through donations from public or private entities and may be in cash or in-kind, fairly evaluated, including plant, equipment, or services.

“(d) ADDITIONAL AUTHORITY.—The Secretary may—

“(1) award a grant under this section in each subsequent fiscal year without reapplication for a period of not more than 3 years, provided the requirements of subsection (c) are met for the previous fiscal year; and

“(2) award a grant under this section in a fiscal year for which the requirement of subsection (c) has not been met only if such requirement was not met because such funding was diverted for response to 1 or more natural disasters or in other extenuating circumstances that the Secretary may determine appropriate.

“(e) DURATION OF AWARDS.—The Secretary may award grants to an individual grant recipient under this section for periods of not more than 3 years. In the event the Secretary conducts a program evaluation, funding in the second year or third year of the grant, where applicable, shall be contingent on a successful pro-

gram evaluation by the Secretary after the first year.

“(f) PROGRESS AND EVALUATION.—

“(1) IN GENERAL.—The Secretary shall measure the status and success of each grant program authorized under the FDA Food Safety Modernization Act (and any amendment made by such Act), including the grant program under this section. A recipient of a grant described in the preceding sentence shall, at the end of each grant year, provide the Secretary with information on how grant funds were spent and the status of the efforts by such recipient to enhance food safety. To the extent practicable, the Secretary shall take the performance of such a grant recipient into account when determining whether to continue funding for such recipient.

“(2) NO DUPLICATION.—In carrying out paragraph (1), the Secretary shall not duplicate the efforts of the Secretary under other provisions of this Act or the FDA Food Safety Modernization Act that require measurement and review of the activities of grant recipients under either such Act.

“(g) SUPPLEMENT NOT SUPPLANT.—Grant funds received under this section shall be used to supplement, and not supplant, non-Federal funds and any other Federal funds available to carry out the activities described in this section.

“(h) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of making grants under this section, there are authorized to be appropriated such sums as may be necessary for fiscal years 2011 through 2015.”

(b) CENTERS OF EXCELLENCE.—Part P of the Public Health Service Act (42 U.S.C. 280g et seq.) is amended by adding at the end the following:

“SEC. 399V-5. FOOD SAFETY INTEGRATED CENTERS OF EXCELLENCE.

“(a) IN GENERAL.—Not later than 1 year after the date of enactment of the FDA Food Safety Modernization Act, the Secretary, acting through the Director of the Centers for Disease Control and Prevention and in consultation with the working group described in subsection (b)(2), shall designate 5 Integrated Food Safety Centers of Excellence (referred to in this section as the ‘Centers of Excellence’) to serve as resources for Federal, State, and local public health professionals to respond to foodborne illness outbreaks. The Centers of Excellence shall be headquartered at selected State health departments.

“(b) SELECTION OF CENTERS OF EXCELLENCE.—

“(1) ELIGIBLE ENTITIES.—To be eligible to be designated as a Center of Excellence under subsection (a), an entity shall—

“(A) be a State health department;

“(B) partner with 1 or more institutions of higher education that have demonstrated knowledge, expertise, and meaningful experience with regional or national food production, processing, and distribution, as well as leadership in the laboratory, epidemiological, and environmental detection and investigation of foodborne illness; and

“(C) provide to the Secretary such information, at such time, and in such manner, as the Secretary may require.

“(2) WORKING GROUP.—Not later than 180 days after the date of enactment of the FDA Food Safety Modernization Act, the Secretary shall establish a diverse working group of experts and stakeholders from Federal, State, and local food safety and health agencies, the food industry, including food retailers and food manufacturers, consumer organizations, and academia to make recommendations to the Secretary regarding designations of the Centers of Excellence.

“(3) ADDITIONAL CENTERS OF EXCELLENCE.—The Secretary may designate eligible entities to be regional Food Safety Centers of Excellence,

in addition to the 5 Centers designated under subsection (a).

“(c) **ACTIVITIES.**—Under the leadership of the Director of the Centers for Disease Control and Prevention, each Center of Excellence shall be based out of a selected State health department, which shall provide assistance to other regional, State, and local departments of health through activities that include—

“(1) providing resources, including timely information concerning symptoms and tests, for frontline health professionals interviewing individuals as part of routine surveillance and outbreak investigations;

“(2) providing analysis of the timeliness and effectiveness of foodborne disease surveillance and outbreak response activities;

“(3) providing training for epidemiological and environmental investigation of foodborne illness, including suggestions for streamlining and standardizing the investigation process;

“(4) establishing fellowships, stipends, and scholarships to train future epidemiological and food-safety leaders and to address critical workforce shortages;

“(5) training and coordinating State and local personnel;

“(6) strengthening capacity to participate in existing or new foodborne illness surveillance and environmental assessment information systems; and

“(7) conducting research and outreach activities focused on increasing prevention, communication, and education regarding food safety.

“(d) **REPORT TO CONGRESS.**—Not later than 2 years after the date of enactment of the FDA Food Safety Modernization Act, the Secretary shall submit to Congress a report that—

“(1) describes the effectiveness of the Centers of Excellence; and

“(2) provides legislative recommendations or describes additional resources required by the Centers of Excellence.

“(e) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated such sums as may be necessary to carry out this section.

“(f) **NO DUPLICATION OF EFFORT.**—In carrying out activities of the Centers of Excellence or other programs under this section, the Secretary shall not duplicate other Federal foodborne illness response efforts.”

SEC. 6211. IMPROVING THE REPORTABLE FOOD REGISTRY.

(a) **IN GENERAL.**—Section 417 (21 U.S.C. 350f) is amended—

(1) by redesignating subsections (f) through (k) as subsections (i) through (n), respectively; and

(2) by inserting after subsection (e) the following:

“(f) **CRITICAL INFORMATION.**—Except with respect to fruits and vegetables that are raw agricultural commodities, not more than 18 months after the date of enactment of the FDA Food Safety Modernization Act, the Secretary may require a responsible party to submit to the Secretary consumer-oriented information regarding a reportable food, which shall include—

“(1) a description of the article of food as provided in subsection (e)(3);

“(2) as provided in subsection (e)(7), affected product identification codes, such as UPC, SKU, or lot or batch numbers sufficient for the consumer to identify the article of food;

“(3) contact information for the responsible party as provided in subsection (e)(8); and

“(4) any other information the Secretary determines is necessary to enable a consumer to accurately identify whether such consumer is in possession of the reportable food.

“(g) **GROCERY STORE NOTIFICATION.**—

“(1) **ACTION BY SECRETARY.**—The Secretary shall—

“(A) prepare the critical information described under subsection (f) for a reportable food as a standardized one-page summary;

“(B) publish such one-page summary on the Internet website of the Food and Drug Administration in a format that can be easily printed by a grocery store for purposes of consumer notification.

“(2) **ACTION BY GROCERY STORE.**—A notification described under paragraph (1)(B) shall include the date and time such summary was posted on the Internet website of the Food and Drug Administration.

“(h) **CONSUMER NOTIFICATION.**—

“(1) **IN GENERAL.**—If a grocery store sold a reportable food that is the subject of the posting and such establishment is part of chain of establishments with 15 or more physical locations, then such establishment shall, not later than 24 hours after a one page summary described in subsection (g) is published, prominently display such summary or the information from such summary via at least one of the methods identified under paragraph (2) and maintain the display for 14 days.

“(2) **LIST OF CONSPICUOUS LOCATIONS.**—Not more than 1 year after the date of enactment of the FDA Food Safety Modernization Act, the Secretary shall develop and publish a list of acceptable conspicuous locations and manners, from which grocery stores shall select at least one, for providing the notification required in paragraph (1). Such list shall include—

“(A) posting the notification at or near the register;

“(B) providing the location of the reportable food;

“(C) providing targeted recall information given to customers upon purchase of a food; and

“(D) other such prominent and conspicuous locations and manners utilized by grocery stores as of the date of the enactment of the FDA Food Safety Modernization Act to provide notice of such recalls to consumers as considered appropriate by the Secretary.”

(b) **PROHIBITED ACT.**—Section 301 (21 U.S.C. 331), as amended by section 6206, is amended by adding at the end the following:

“(yy) The knowing and willful failure to comply with the notification requirement under section 417(h).”

(c) **CONFORMING AMENDMENT.**—Section 301(e) (21 U.S.C. 331(e)) is amended by striking “417(g)” and inserting “417(j)”.

TITLE III—IMPROVING THE SAFETY OF IMPORTED FOOD

SEC. 6301. FOREIGN SUPPLIER VERIFICATION PROGRAM.

(a) **IN GENERAL.**—Chapter VIII (21 U.S.C. 381 et seq.) is amended by adding at the end the following:

“SEC. 805. FOREIGN SUPPLIER VERIFICATION PROGRAM.

“(a) **IN GENERAL.**—

“(1) **VERIFICATION REQUIREMENT.**—Except as provided under subsections (e) and (f), each importer shall perform risk-based foreign supplier verification activities for the purpose of verifying that the food imported by the importer or agent of an importer is—

“(A) produced in compliance with the requirements of section 418 or section 419, as appropriate; and

“(B) is not adulterated under section 402 or misbranded under section 403(w).

“(2) **IMPORTER DEFINED.**—For purposes of this section, the term ‘importer’ means, with respect to an article of food—

“(A) the United States owner or consignee of the article of food at the time of entry of such article into the United States; or

“(B) in the case when there is no United States owner or consignee as described in subparagraph (A), the United States agent or rep-

resentative of a foreign owner or consignee of the article of food at the time of entry of such article into the United States.

“(b) **GUIDANCE.**—Not later than 1 year after the date of enactment of the FDA Food Safety Modernization Act, the Secretary shall issue guidance to assist importers in developing foreign supplier verification programs.

“(c) **REGULATIONS.**—

“(1) **IN GENERAL.**—Not later than 1 year after the date of enactment of the FDA Food Safety Modernization Act, the Secretary shall promulgate regulations to provide for the content of the foreign supplier verification program established under subsection (a).

“(2) **REQUIREMENTS.**—The regulations promulgated under paragraph (1)—

“(A) shall require that the foreign supplier verification program of each importer be adequate to provide assurances that each foreign supplier to the importer produces the imported food in compliance with—

“(i) processes and procedures, including reasonably appropriate risk-based preventive controls, that provide the same level of public health protection as those required under section 418 or section 419 (taking into consideration variances granted under section 419), as appropriate; and

“(ii) section 402 and section 403(w).

“(B) shall include such other requirements as the Secretary deems necessary and appropriate to verify that food imported into the United States is as safe as food produced and sold within the United States.

“(3) **CONSIDERATIONS.**—In promulgating regulations under this subsection, the Secretary shall, as appropriate, take into account differences among importers and types of imported foods, including based on the level of risk posed by the imported food.

“(4) **ACTIVITIES.**—Verification activities under a foreign supplier verification program under this section may include monitoring records for shipments, lot-by-lot certification of compliance, annual on-site inspections, checking the hazard analysis and risk-based preventive control plan of the foreign supplier, and periodically testing and sampling shipments.

“(d) **RECORD MAINTENANCE AND ACCESS.**—Records of an importer related to a foreign supplier verification program shall be maintained for a period of not less than 2 years and shall be made available promptly to a duly authorized representative of the Secretary upon request.

“(e) **EXEMPTION OF SEAFOOD, JUICE, AND LOW-ACID CANNED FOOD FACILITIES IN COMPLIANCE WITH HACCP.**—This section shall not apply to a facility if the owner, operator, or agent in charge of such facility is required to comply with, and is in compliance with, 1 of the following standards and regulations with respect to such facility:

“(1) The Seafood Hazard Analysis Critical Control Points Program of the Food and Drug Administration.

“(2) The Juice Hazard Analysis Critical Control Points Program of the Food and Drug Administration.

“(3) The Thermally Processed Low-Acid Foods Packaged in Hermetically Sealed Containers standards of the Food and Drug Administration (or any successor standards).

The exemption under paragraph (3) shall apply only with respect to microbiological hazards that are regulated under the standards for Thermally Processed Low-Acid Foods Packaged in Hermetically Sealed Containers under part 113 of chapter 21, Code of Federal Regulations (or any successor regulations).

“(f) **ADDITIONAL EXEMPTIONS.**—The Secretary, by notice published in the Federal Register, shall establish an exemption from the requirements of this section for articles of food imported in small quantities for research and evaluation purposes or for personal consumption,

provided that such foods are not intended for retail sale and are not sold or distributed to the public.

“(g) **PUBLICATION OF LIST OF PARTICIPANTS.**—The Secretary shall publish and maintain on the Internet Web site of the Food and Drug Administration a current list that includes the name of, location of, and other information deemed necessary by the Secretary about, importers participating under this section.”.

(b) **PROHIBITED ACT.**—Section 301 (21 U.S.C. 331), as amended by section 6211, is amended by adding at the end the following:

“(22) The importation or offering for importation of a food if the importer (as defined in section 805) does not have in place a foreign supplier verification program in compliance with such section 805.”.

(c) **IMPORTS.**—Section 801(a) (21 U.S.C. 381(a)) is amended by adding “or the importer (as defined in section 805) is in violation of such section 805” after “or in violation of section 505”.

(d) **EFFECTIVE DATE.**—The amendments made by this section shall take effect 2 years after the date of enactment of this Act.

SEC. 6302. VOLUNTARY QUALIFIED IMPORTER PROGRAM.

Chapter VIII (21 U.S.C. 381 et seq.), as amended by section 6301, is amended by adding at the end the following:

“SEC. 806. VOLUNTARY QUALIFIED IMPORTER PROGRAM.

“(a) **IN GENERAL.**—Beginning not later than 18 months after the date of enactment of the FDA Food Safety Modernization Act, the Secretary shall—

“(1) establish a program, in consultation with the Secretary of Homeland Security—

“(A) to provide for the expedited review and importation of food offered for importation by importers who have voluntarily agreed to participate in such program; and

“(B) consistent with section 808, establish a process for the issuance of a facility certification to accompany food offered for importation by importers who have voluntarily agreed to participate in such program; and

“(2) issue a guidance document related to participation in, revocation of such participation in, reinstatement in, and compliance with, such program.

“(b) **VOLUNTARY PARTICIPATION.**—An importer may request the Secretary to provide for the expedited review and importation of designated foods in accordance with the program established by the Secretary under subsection (a).

“(c) **NOTICE OF INTENT TO PARTICIPATE.**—An importer that intends to participate in the program under this section in a fiscal year shall submit a notice and application to the Secretary of such intent at the time and in a manner established by the Secretary.

“(d) **ELIGIBILITY.**—Eligibility shall be limited to an importer offering food for importation from a facility that has a certification described in subsection (a). In reviewing the applications and making determinations on such applications, the Secretary shall consider the risk of the food to be imported based on factors, such as the following:

“(1) The known safety risks of the food to be imported.

“(2) The compliance history of foreign suppliers used by the importer, as appropriate.

“(3) The capability of the regulatory system of the country of export to ensure compliance with United States food safety standards for a designated food.

“(4) The compliance of the importer with the requirements of section 805.

“(5) The recordkeeping, testing, inspections and audits of facilities, traceability of articles of food, temperature controls, and sourcing practices of the importer.

“(6) The potential risk for intentional adulteration of the food.

“(7) Any other factor that the Secretary determines appropriate.

“(e) **REVIEW AND REVOCATION.**—Any importer qualified by the Secretary in accordance with the eligibility criteria set forth in this section shall be reevaluated not less often than once every 3 years and the Secretary shall promptly revoke the qualified importer status of any importer found not to be in compliance with such criteria.

“(f) **FALSE STATEMENTS.**—Any statement or representation made by an importer to the Secretary shall be subject to section 1001 of title 18, United States Code.

“(g) **DEFINITION.**—For purposes of this section, the term ‘importer’ means the person that brings food, or causes food to be brought, from a foreign country into the customs territory of the United States.”.

SEC. 6303. AUTHORITY TO REQUIRE IMPORT CERTIFICATIONS FOR FOOD.

(a) **IN GENERAL.**—Section 801(a) (21 U.S.C. 381(a)) is amended by inserting after the third sentence the following: “With respect to an article of food, if importation of such food is subject to, but not compliant with, the requirement under subsection (q) that such food be accompanied by a certification or other assurance that the food meets applicable requirements of this Act, then such article shall be refused admission.”.

(b) **ADDITION OF CERTIFICATION REQUIREMENT.**—Section 801 (21 U.S.C. 381) is amended by adding at the end the following new subsection:

“(q) **CERTIFICATIONS CONCERNING IMPORTED FOODS.**—

“(1) **IN GENERAL.**—The Secretary may require, as a condition of granting admission to an article of food imported or offered for import into the United States, that an entity described in paragraph (3) provide a certification, or such other assurances as the Secretary determines appropriate, that the article of food complies with applicable requirements of this Act. Such certification or assurances may be provided in the form of shipment-specific certificates, a listing of certified facilities that manufacture, process, pack, or hold such food, or in such other form as the Secretary may specify.

“(2) **FACTORS TO BE CONSIDERED IN REQUIRING CERTIFICATION.**—The Secretary shall base the determination that an article of food is required to have a certification described in paragraph (1) on the risk of the food, including—

“(A) known safety risks associated with the food;

“(B) known food safety risks associated with the country, territory, or region of origin of the food;

“(C) a finding by the Secretary, supported by scientific, risk-based evidence, that—

“(i) the food safety programs, systems, and standards in the country, territory, or region of origin of the food are inadequate to ensure that the article of food is as safe as a similar article of food that is manufactured, processed, packed, or held in the United States in accordance with the requirements of this Act; and

“(ii) the certification would assist the Secretary in determining whether to refuse or admit the article of food under subsection (a); and

“(D) information submitted to the Secretary in accordance with the process established in paragraph (7).

“(3) **CERTIFYING ENTITIES.**—For purposes of paragraph (1), entities that shall provide the certification or assurances described in such paragraph are—

“(A) an agency or a representative of the government of the country from which the article of food at issue originated, as designated by the Secretary; or

“(B) such other persons or entities accredited pursuant to section 808 to provide such certification or assurance.

“(4) **RENEWAL AND REFUSAL OF CERTIFICATIONS.**—The Secretary may—

“(A) require that any certification or other assurance provided by an entity specified in paragraph (2) be renewed by such entity at such times as the Secretary determines appropriate; and

“(B) refuse to accept any certification or assurance if the Secretary determines that such certification or assurance is not valid or reliable.

“(5) **ELECTRONIC SUBMISSION.**—The Secretary shall provide for the electronic submission of certifications under this subsection.

“(6) **FALSE STATEMENTS.**—Any statement or representation made by an entity described in paragraph (2) to the Secretary shall be subject to section 1001 of title 18, United States Code.

“(7) **ASSESSMENT OF FOOD SAFETY PROGRAMS, SYSTEMS, AND STANDARDS.**—If the Secretary determines that the food safety programs, systems, and standards in a foreign region, country, or territory are inadequate to ensure that an article of food is as safe as a similar article of food that is manufactured, processed, packed, or held in the United States in accordance with the requirements of this Act, the Secretary shall, to the extent practicable, identify such inadequacies and establish a process by which the foreign region, country, or territory may inform the Secretary of improvements made to such food safety program, system, or standard and demonstrate that those controls are adequate to ensure that an article of food is as safe as a similar article of food that is manufactured, processed, packed, or held in the United States in accordance with the requirements of this Act.”.

(c) **CONFORMING TECHNICAL AMENDMENT.**—Section 801(b) (21 U.S.C. 381(b)) is amended in the second sentence by striking “with respect to an article included within the provision of the fourth sentence of subsection (a)” and inserting “with respect to an article described in subsection (a) relating to the requirements of sections 760 or 761.”.

(d) **NO LIMIT ON AUTHORITY.**—Nothing in the amendments made by this section shall limit the authority of the Secretary to conduct inspections of imported food or to take such other steps as the Secretary deems appropriate to determine the admissibility of imported food.

SEC. 6304. PRIOR NOTICE OF IMPORTED FOOD SHIPMENTS.

(a) **IN GENERAL.**—Section 801(m)(1) (21 U.S.C. 381(m)(1)) is amended by inserting “any country to which the article has been refused entry;” after “the country from which the article is shipped;”.

(b) **REGULATIONS.**—Not later than 120 days after the date of enactment of this Act, the Secretary shall issue an interim final rule amending subpart 1 of part 1 of title 21, Code of Federal Regulations, to implement the amendment made by this section.

(c) **EFFECTIVE DATE.**—The amendment made by this section shall take effect 180 days after the date of enactment of this Act.

SEC. 6305. BUILDING CAPACITY OF FOREIGN GOVERNMENTS WITH RESPECT TO FOOD SAFETY.

(a) **IN GENERAL.**—The Secretary shall, not later than 2 years of the date of enactment of this Act, develop a comprehensive plan to expand the technical, scientific, and regulatory food safety capacity of foreign governments, and their respective food industries, from which foods are exported to the United States.

(b) **CONSULTATION.**—In developing the plan under subsection (a), the Secretary shall consult with the Secretary of Agriculture, Secretary of State, Secretary of the Treasury, the Secretary

of Homeland Security, the United States Trade Representative, and the Secretary of Commerce, representatives of the food industry, appropriate foreign government officials, nongovernmental organizations that represent the interests of consumers, and other stakeholders.

(c) **PLAN.**—The plan developed under subsection (a) shall include, as appropriate, the following:

(1) Recommendations for bilateral and multilateral arrangements and agreements, including provisions to provide for responsibility of exporting countries to ensure the safety of food.

(2) Provisions for secure electronic data sharing.

(3) Provisions for mutual recognition of inspection reports.

(4) Training of foreign governments and food producers on United States requirements for safe food.

(5) Recommendations on whether and how to harmonize requirements under the Codex Alimentarius.

(6) Provisions for the multilateral acceptance of laboratory methods and testing and detection techniques.

(d) **RULE OF CONSTRUCTION.**—Nothing in this section shall be construed to affect the regulation of dietary supplements under the Dietary Supplement Health and Education Act of 1994 (Public Law 103-417).

SEC. 6306. INSPECTION OF FOREIGN FOOD FACILITIES.

(a) **IN GENERAL.**—Chapter VIII (21 U.S.C. 381 et seq.), as amended by section 6302, is amended by inserting at the end the following:

“SEC. 807. INSPECTION OF FOREIGN FOOD FACILITIES.

“(a) **INSPECTION.**—The Secretary—

“(1) may enter into arrangements and agreements with foreign governments to facilitate the inspection of foreign facilities registered under section 415; and

“(2) shall direct resources to inspections of foreign facilities, suppliers, and food types, especially such facilities, suppliers, and food types that present a high risk (as identified by the Secretary), to help ensure the safety and security of the food supply of the United States.

“(b) **EFFECT OF INABILITY TO INSPECT.**—Notwithstanding any other provision of law, food shall be refused admission into the United States if it is from a foreign factory, warehouse, or other establishment of which the owner, operator, or agent in charge, or the government of the foreign country, refuses to permit entry of United States inspectors or other individuals duly designated by the Secretary, upon request, to inspect such factory, warehouse, or other establishment. For purposes of this subsection, such an owner, operator, or agent in charge shall be considered to have refused an inspection if such owner, operator, or agent in charge does not permit an inspection of a factory, warehouse, or other establishment during the 24-hour period after such request is submitted, or after such other time period, as agreed upon by the Secretary and the foreign factory, warehouse, or other establishment.”.

(b) INSPECTION BY THE SECRETARY OF COMMERCE.

(1) **IN GENERAL.**—The Secretary of Commerce, in coordination with the Secretary of Health and Human Services, may send 1 or more inspectors to a country or facility of an exporter from which seafood imported into the United States originates. The inspectors shall assess practices and processes used in connection with the farming, cultivation, harvesting, preparation for market, or transportation of such seafood and may provide technical assistance related to such activities.

(2) INSPECTION REPORT.

(A) **IN GENERAL.**—The Secretary of Health and Human Services, in coordination with the Secretary of Commerce, shall—

(i) prepare an inspection report for each inspection conducted under paragraph (1);

(ii) provide the report to the country or exporter that is the subject of the report; and

(iii) provide a 30-day period during which the country or exporter may provide a rebuttal or other comments on the findings of the report to the Secretary of Health and Human Services.

(B) **DISTRIBUTION AND USE OF REPORT.**—The Secretary of Health and Human Services shall consider the inspection reports described in subparagraph (A) in distributing inspection resources under section 421 of the Federal Food, Drug, and Cosmetic Act, as added by section 6201.

SEC. 6307. ACCREDITATION OF THIRD-PARTY AUDITORS.

Chapter VIII (21 U.S.C. 381 et seq.), as amended by section 6306, is amended by adding at the end the following:

“SEC. 808. ACCREDITATION OF THIRD-PARTY AUDITORS.

“(a) **DEFINITIONS.**—In this section:

“(1) **AUDIT AGENT.**—The term ‘audit agent’ means an individual who is an employee or agent of an accredited third-party auditor and, although not individually accredited, is qualified to conduct food safety audits on behalf of an accredited third-party auditor.

“(2) **ACCREDITATION BODY.**—The term ‘accreditation body’ means an authority that performs accreditation of third-party auditors.

“(3) **THIRD-PARTY AUDITOR.**—The term ‘third-party auditor’ means a foreign government, agency of a foreign government, foreign cooperative, or any other thirdparty, as the Secretary determines appropriate in accordance with the model standards described in subsection (b)(2), that is eligible to be considered for accreditation to conduct food safety audits to certify that eligible entities meet the applicable requirements of this section. A third-party auditor may be a single individual. A third-party auditor may employ or use audit agents to help conduct consultative and regulatory audits.

“(4) **ACCREDITED THIRD-PARTY AUDITOR.**—The term ‘accredited third-party auditor’ means a third-party auditor accredited by an accreditation body to conduct audits of eligible entities to certify that such eligible entities meet the applicable requirements of this section. An accredited third-party auditor may be an individual who conducts food safety audits to certify that eligible entities meet the applicable requirements of this section.

“(5) **CONSULTATIVE AUDIT.**—The term ‘consultative audit’ means an audit of an eligible entity—

“(A) to determine whether such entity is in compliance with the provisions of this Act and with applicable industry standards and practices; and

“(B) the results of which are for internal purposes only.

“(6) **ELIGIBLE ENTITY.**—The term ‘eligible entity’ means a foreign entity, including a foreign facility registered under section 415, in the food import supply chain that chooses to be audited by an accredited third-party auditor or the audit agent of such accredited third-party auditor.

“(7) **REGULATORY AUDIT.**—The term ‘regulatory audit’ means an audit of an eligible entity—

“(A) to determine whether such entity is in compliance with the provisions of this Act; and

“(B) the results of which determine—

“(i) whether an article of food manufactured, processed, packed, or held by such entity is eligible to receive a food certification under section 801(q); or

“(ii) whether a facility is eligible to receive a facility certification under section 806(a) for purposes of participating in the program under section 806.

“(b) **ACCREDITATION SYSTEM.**—

“(1) **ACCREDITATION BODIES.**—

“(A) **RECOGNITION OF ACCREDITATION BODIES.**—

“(i) **IN GENERAL.**—Not later than 2 years after the date of enactment of the FDA Food Safety Modernization Act, the Secretary shall establish a system for the recognition of accreditation bodies that accredit third-party auditors to certify that eligible entities meet the applicable requirements of this section.

“(ii) **DIRECT ACCREDITATION.**—If, by the date that is 2 years after the date of establishment of the system described in clause (i), the Secretary has not identified and recognized an accreditation body to meet the requirements of this section, the Secretary may directly accredit third-party auditors.

“(B) **NOTIFICATION.**—Each accreditation body recognized by the Secretary shall submit to the Secretary a list of all accredited third-party auditors accredited by such body and the audit agents of such auditors.

“(C) **REVOCATION OF RECOGNITION AS AN ACCREDITATION BODY.**—The Secretary shall promptly revoke the recognition of any accreditation body found not to be in compliance with the requirements of this section.

“(D) **REINSTATEMENT.**—The Secretary shall establish procedures to reinstate recognition of an accreditation body if the Secretary determines, based on evidence presented by such accreditation body, that revocation was inappropriate or that the body meets the requirements for recognition under this section.

“(2) **MODEL ACCREDITATION STANDARDS.**—Not later than 18 months after the date of enactment of the FDA Food Safety Modernization Act, the Secretary shall develop model standards, including requirements for regulatory audit reports, and each recognized accreditation body shall ensure that third-party auditors and audit agents of such auditors meet such standards in order to qualify such third-party auditors as accredited third-party auditors under this section. In developing the model standards, the Secretary shall look to standards in place on the date of the enactment of this section for guidance, to avoid unnecessary duplication of efforts and costs.

“(c) **THIRD-PARTY AUDITORS.**—

“(1) **REQUIREMENTS FOR ACCREDITATION AS A THIRD-PARTY AUDITOR.**—

“(A) **FOREIGN GOVERNMENTS.**—Prior to accrediting a foreign government or an agency of a foreign government as an accredited third-party auditor, the accreditation body (or, in the case of direct accreditation under subsection (b)(1)(A)(ii), the Secretary) shall perform such reviews and audits of food safety programs, systems, and standards of the government or agency of the government as the Secretary deems necessary, including requirements under the model standards developed under subsection (b)(2), to determine that the foreign government or agency of the foreign government is capable of adequately ensuring that eligible entities or foods certified by such government or agency meet the requirements of this Act with respect to food manufactured, processed, packed, or held for import into the United States.

“(B) **FOREIGN COOPERATIVES AND OTHER THIRD PARTIES.**—Prior to accrediting a foreign cooperative that aggregates the products of growers or processors, or any other third party to be an accredited third-party auditor, the accreditation body (or, in the case of direct accreditation under subsection (b)(1)(A)(ii), the Secretary) shall perform such reviews and audits of the training and qualifications of audit agents used by that cooperative or party and conduct such reviews of internal systems and such other investigation of the cooperative or party as the Secretary deems necessary, including requirements under the model standards developed

under subsection (b)(2), to determine that each eligible entity certified by the cooperative or party has systems and standards in use to ensure that such entity or food meets the requirements of this Act.

“(2) REQUIREMENT TO ISSUE CERTIFICATION OF ELIGIBLE ENTITIES OR FOODS.—

“(A) **IN GENERAL.**—An accreditation body (or, in the case of direct accreditation under subsection (b)(1)(A)(ii), the Secretary) may not accredit a third-party auditor unless such third-party auditor agrees to issue a written and, as appropriate, electronic food certification, described in section 801(q), or facility certification under section 806(a), as appropriate, to accompany each food shipment for import into the United States from an eligible entity, subject to requirements set forth by the Secretary. Such written or electronic certification may be included with other documentation regarding such food shipment. The Secretary shall consider certifications under section 801(q) and participation in the voluntary qualified importer program described in section 806 when targeting inspection resources under section 421.

“(B) **PURPOSE OF CERTIFICATION.**—The Secretary shall use certification provided by accredited third-party auditors to—

“(i) determine, in conjunction with any other assurances the Secretary may require under section 801(q), whether a food satisfies the requirements of such section; and

“(ii) determine whether a facility is eligible to be a facility from which food may be offered for import under the voluntary qualified importer program under section 806.

“(C) REQUIREMENTS FOR ISSUING CERTIFICATION.—

“(i) **IN GENERAL.**—An accredited third-party auditor shall issue a food certification under section 801(q) or a facility certification described under subparagraph (B) only after conducting a regulatory audit and such other activities that may be necessary to establish compliance with the requirements of such sections.

“(ii) **PROVISION OF CERTIFICATION.**—Only an accredited third-party auditor or the Secretary may provide a facility certification under section 806(a). Only those parties described in 801(q)(3) or the Secretary may provide a food certification under 301(g).

“(3) AUDIT REPORT SUBMISSION REQUIREMENTS.—

“(A) **REQUIREMENTS IN GENERAL.**—As a condition of accreditation, not later than 45 days after conducting an audit, an accredited third-party auditor or audit agent of such auditor shall prepare, and, in the case of a regulatory audit, submit, the audit report for each audit conducted, in a form and manner designated by the Secretary, which shall include—

“(i) the identity of the persons at the audited eligible entity responsible for compliance with food safety requirements;

“(ii) the dates of the audit;

“(iii) the scope of the audit; and

“(iv) any other information required by the Secretary that relates to or may influence an assessment of compliance with this Act.

“(B) **RECORDS.**—Following any accreditation of a third-party auditor, the Secretary may, at any time, require the accredited third-party auditor to submit to the Secretary an onsite audit report and such other reports or documents required as part of the audit process, for any eligible entity certified by the third-party auditor or audit agent of such auditor. Such report may include documentation that the eligible entity is in compliance with any applicable registration requirements.

“(C) **LIMITATION.**—The requirement under subparagraph (B) shall not include any report or other documents resulting from a consultative audit by the accredited third-party auditor, ex-

cept that the Secretary may access the results of a consultative audit in accordance with section 414.

“(4) REQUIREMENTS OF ACCREDITED THIRD-PARTY AUDITORS AND AUDIT AGENTS OF SUCH AUDITORS.—

“(A) **RISKS TO PUBLIC HEALTH.**—If, at any time during an audit, an accredited third-party auditor or audit agent of such auditor discovers a condition that could cause or contribute to a serious risk to the public health, such auditor shall immediately notify the Secretary of—

“(i) the identification of the eligible entity subject to the audit; and

“(ii) such condition.

“(B) **TYPES OF AUDITS.**—An accredited third-party auditor or audit agent of such auditor may perform consultative and regulatory audits of eligible entities.

“(C) LIMITATIONS.—

“(i) **IN GENERAL.**—An accredited third-party auditor may not perform a regulatory audit of an eligible entity if such agent has performed a consultative audit or a regulatory audit of such eligible entity during the previous 13-month period.

“(ii) **WAIVER.**—The Secretary may waive the application of clause (i) if the Secretary determines that there is insufficient access to accredited third-party auditors in a country or region.

“(5) CONFLICTS OF INTEREST.—

“(A) **THIRD-PARTY AUDITORS.**—An accredited third-party auditor shall—

“(i) not be owned, managed, or controlled by any person that owns or operates an eligible entity to be certified by such auditor;

“(ii) in carrying out audits of eligible entities under this section, have procedures to ensure against the use of any officer or employee of such auditor that has a financial conflict of interest regarding an eligible entity to be certified by such auditor; and

“(iii) annually make available to the Secretary disclosures of the extent to which such auditor and the officers and employees of such auditor have maintained compliance with clauses (i) and (ii) relating to financial conflicts of interest.

“(B) AUDIT AGENTS.—An audit agent shall—

“(i) not own or operate an eligible entity to be audited by such agent;

“(ii) in carrying out audits of eligible entities under this section, have procedures to ensure that such agent does not have a financial conflict of interest regarding an eligible entity to be audited by such agent; and

“(iii) annually make available to the Secretary disclosures of the extent to which such agent has maintained compliance with clauses (i) and (ii) relating to financial conflicts of interest.

“(C) **REGULATIONS.**—The Secretary shall promulgate regulations not later than 18 months after the date of enactment of the FDA Food Safety Modernization Act to implement this section and to ensure that there are protections against conflicts of interest between an accredited third-party auditor and the eligible entity to be certified by such auditor or audited by such audit agent. Such regulations shall include—

“(i) requiring that audits performed under this section be unannounced;

“(ii) a structure to decrease the potential for conflicts of interest, including timing and public disclosure, for fees paid by eligible entities to accredited third-party auditors; and

“(iii) appropriate limits on financial affiliations between an accredited third-party auditor or audit agents of such auditor and any person that owns or operates an eligible entity to be certified by such auditor, as described in subparagraphs (A) and (B).

“(6) WITHDRAWAL OF ACCREDITATION.—

“(A) **IN GENERAL.**—The Secretary shall withdraw accreditation from an accredited third-party auditor—

“(i) if food certified under section 801(q) or from a facility certified under paragraph (2)(B) by such third-party auditor is linked to an outbreak of foodborne illness that has a reasonable probability of causing serious adverse health consequences or death in humans or animals;

“(ii) following an evaluation and finding by the Secretary that the third-party auditor no longer meets the requirements for accreditation; or

“(iii) following a refusal to allow United States officials to conduct such audits and investigations as may be necessary to ensure continued compliance with the requirements set forth in this section.

“(B) **ADDITIONAL BASIS FOR WITHDRAWAL OF ACCREDITATION.**—The Secretary may withdraw accreditation from an accredited third-party auditor in the case that such third-party auditor is accredited by an accreditation body for which recognition as an accreditation body under subsection (b)(1)(C) is revoked, if the Secretary determines that there is good cause for the withdrawal.

“(C) **EXCEPTION.**—The Secretary may waive the application of subparagraph (A)(i) if the Secretary—

“(i) conducts an investigation of the material facts related to the outbreak of human or animal illness; and

“(ii) reviews the steps or actions taken by the third-party auditor to justify the certification and determines that the accredited third-party auditor satisfied the requirements under section 801(q) of certifying the food, or the requirements under paragraph (2)(B) of certifying the entity.

“(7) **REACCREDITATION.**—The Secretary shall establish procedures to reinstate the accreditation of a third-party auditor for which accreditation has been withdrawn under paragraph (6)—

“(A) if the Secretary determines, based on evidence presented, that the third-party auditor satisfies the requirements of this section and adequate grounds for revocation no longer exist; and

“(B) in the case of a third-party auditor accredited by an accreditation body for which recognition as an accreditation body under subsection (b)(1)(C) is revoked—

“(i) if the third-party auditor becomes accredited not later than 1 year after revocation of accreditation under paragraph (6)(A), through direct accreditation under subsection (b)(1)(A)(ii) or by an accreditation body in good standing; or

“(ii) under such conditions as the Secretary may require for a third-party auditor under paragraph (6)(B).

“(8) **NEUTRALIZING COSTS.**—The Secretary shall establish by regulation a reimbursement (user fee) program, similar to the method described in section 203(h) of the Agriculture Marketing Act of 1946, by which the Secretary assesses fees and requires accredited third-party auditors and audit agents to reimburse the Food and Drug Administration for the work performed to establish and administer the accreditation system under this section. The Secretary shall make operating this program revenue-neutral and shall not generate surplus revenue from such a reimbursement mechanism. Fees authorized under this paragraph shall be collected and available for obligation only to the extent and in the amount provided in advance in appropriation Acts. Such fees are authorized to remain available until expended.

“(d) **RECERTIFICATION OF ELIGIBLE ENTITIES.**—An eligible entity shall apply for annual recertification by an accredited third-party auditor if such entity—

“(1) intends to participate in voluntary qualified importer program under section 806; or

“(2) is required to provide to the Secretary a certification under section 801(q) for any food from such entity.

“(e) FALSE STATEMENTS.—Any statement or representation made—

“(1) by an employee or agent of an eligible entity to an accredited third-party auditor or audit agent; or

“(2) by an accredited third-party auditor to the Secretary, shall be subject to section 1001 of title 18, United States Code.

“(f) MONITORING.—To ensure compliance with the requirements of this section, the Secretary shall—

“(1) periodically, or at least once every 4 years, reevaluate the accreditation bodies described in subsection (b)(1);

“(2) periodically, or at least once every 4 years, evaluate the performance of each accredited third-party auditor, through the review of regulatory audit reports by such auditors, the compliance history as available of eligible entities certified by such auditors, and any other measures deemed necessary by the Secretary;

“(3) at any time, conduct an onsite audit of any eligible entity certified by an accredited third-party auditor, with or without the auditor present; and

“(4) take any other measures deemed necessary by the Secretary.

“(g) PUBLICLY AVAILABLE REGISTRY.—The Secretary shall establish a publicly available registry of accreditation bodies and of accredited third-party auditors, including the name of, contact information for, and other information deemed necessary by the Secretary about such bodies and auditors.

“(h) LIMITATIONS.—

“(1) NO EFFECT ON SECTION 704 INSPECTIONS.—The audits performed under this section shall not be considered inspections under section 704.

“(2) NO EFFECT ON INSPECTION AUTHORITY.—Nothing in this section affects the authority of the Secretary to inspect any eligible entity pursuant to this Act.”.

SEC. 6308. FOREIGN OFFICES OF THE FOOD AND DRUG ADMINISTRATION.

(a) IN GENERAL.—The Secretary shall establish offices of the Food and Drug Administration in foreign countries selected by the Secretary, to provide assistance to the appropriate governmental entities of such countries with respect to measures to provide for the safety of articles of food and other products regulated by the Food and Drug Administration exported by such country to the United States, including by directly conducting risk-based inspections of such articles and supporting such inspections by such governmental entity.

(b) CONSULTATION.—In establishing the foreign offices described in subsection (a), the Secretary shall consult with the Secretary of State, the Secretary of Homeland Security, and the United States Trade Representative.

(c) REPORT.—Not later than October 1, 2011, the Secretary shall submit to Congress a report on the basis for the selection by the Secretary of the foreign countries in which the Secretary established offices, the progress which such offices have made with respect to assisting the governments of such countries in providing for the safety of articles of food and other products regulated by the Food and Drug Administration exported to the United States, and the plans of the Secretary for establishing additional foreign offices of the Food and Drug Administration, as appropriate.

SEC. 6309. SMUGGLED FOOD.

(a) IN GENERAL.—Not later than 180 days after the enactment of this Act, the Secretary shall, in coordination with the Secretary of Homeland Security, develop and implement a strategy to better identify smuggled food and

prevent entry of such food into the United States.

(b) NOTIFICATION TO HOMELAND SECURITY.—Not later than 10 days after the Secretary identifies a smuggled food that the Secretary believes would cause serious adverse health consequences or death to humans or animals, the Secretary shall provide to the Secretary of Homeland Security a notification under section 417(n) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 350f(k)) describing the smuggled food and, if available, the names of the individuals or entities that attempted to import such food into the United States.

(c) PUBLIC NOTIFICATION.—If the Secretary—

(1) identifies a smuggled food;

(2) reasonably believes exposure to the food would cause serious adverse health consequences or death to humans or animals; and

(3) reasonably believes that the food has entered domestic commerce and is likely to be consumed, the Secretary shall promptly issue a press release describing that food and shall use other emergency communication or recall networks, as appropriate, to warn consumers and vendors about the potential threat.

(d) EFFECT OF SECTION.—Nothing in this section shall affect the authority of the Secretary to issue public notifications under other circumstances.

(e) DEFINITION.—In this subsection, the term “smuggled food” means any food that a person introduces into the United States through fraudulent means or with the intent to defraud or mislead.

TITLE IV—MISCELLANEOUS PROVISIONS

SEC. 6401. FUNDING FOR FOOD SAFETY.

(a) IN GENERAL.—There are authorized to be appropriated to carry out the activities of the Center for Food Safety and Applied Nutrition, the Center for Veterinary Medicine, and related field activities in the Office of Regulatory Affairs of the Food and Drug Administration such sums as may be necessary for fiscal years 2011 through 2015.

(b) INCREASED NUMBER OF FIELD STAFF.—

(1) IN GENERAL.—To carry out the activities of the Center for Food Safety and Applied Nutrition, the Center for Veterinary Medicine, and related field activities of the Office of Regulatory Affairs of the Food and Drug Administration, the Secretary of Health and Human Services shall increase the field staff of such Centers and Office with a goal of not fewer than—

- (A) 4,000 staff members in fiscal year 2011;
- (B) 4,200 staff members in fiscal year 2012;
- (C) 4,600 staff members in fiscal year 2013; and
- (D) 5,000 staff members in fiscal year 2014.

(2) FIELD STAFF FOR FOOD DEFENSE.—The goal under paragraph (1) shall include an increase of 150 employees by fiscal year 2011 to—

- (A) provide additional detection of and response to food defense threats; and
- (B) detect, track, and remove smuggled food (as defined in section 6309) from commerce.

SEC. 6402. EMPLOYEE PROTECTIONS.

Chapter X of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 391 et seq.), as amended by section 6209, is further amended by adding at the end the following:

“SEC. 1013. EMPLOYEE PROTECTIONS.

“(a) IN GENERAL.—No entity engaged in the manufacture, processing, packing, transporting, distribution, reception, holding, or importation of food may discharge an employee or otherwise discriminate against an employee with respect to compensation, terms, conditions, or privileges of employment because the employee, whether at the employee's initiative or in the ordinary course of the employee's duties (or any person acting pursuant to a request of the employee)—

“(1) provided, caused to be provided, or is about to provide or cause to be provided to the

employer, the Federal Government, or the attorney general of a State information relating to any violation of, or any act or omission the employee reasonably believes to be a violation of any provision of this Act or any order, rule, regulation, standard, or ban under this Act, or any order, rule, regulation, standard, or ban under this Act;

“(2) testified or is about to testify in a proceeding concerning such violation;

“(3) assisted or participated or is about to assist or participate in such a proceeding; or

“(4) objected to, or refused to participate in, any activity, policy, practice, or assigned task that the employee (or other such person) reasonably believed to be in violation of any provision of this Act, or any order, rule, regulation, standard, or ban under this Act.

“(b) PROCESS.—

“(1) IN GENERAL.—A person who believes that he or she has been discharged or otherwise discriminated against by any person in violation of subsection (a) may, not later than 180 days after the date on which such violation occurs, file (or have any person file on his or her behalf) a complaint with the Secretary of Labor (referred to in this section as the ‘Secretary’) alleging such discharge or discrimination and identifying the person responsible for such act. Upon receipt of such a complaint, the Secretary shall notify, in writing, the person named in the complaint of the filing of the complaint, of the allegations contained in the complaint, of the substance of evidence supporting the complaint, and of the opportunities that will be afforded to such person under paragraph (2).

“(2) INVESTIGATION.—

“(A) IN GENERAL.—Not later than 60 days after the date of receipt of a complaint filed under paragraph (1) and after affording the complainant and the person named in the complaint an opportunity to submit to the Secretary a written response to the complaint and an opportunity to meet with a representative of the Secretary to present statements from witnesses, the Secretary shall initiate an investigation and determine whether there is reasonable cause to believe that the complaint has merit and notify, in writing, the complainant and the person alleged to have committed a violation of subsection (a) of the Secretary's findings.

“(B) REASONABLE CAUSE FOUND; PRELIMINARY ORDER.—If the Secretary concludes that there is reasonable cause to believe that a violation of subsection (a) has occurred, the Secretary shall accompany the Secretary's findings with a preliminary order providing the relief prescribed by paragraph (3)(B). Not later than 30 days after the date of notification of findings under this paragraph, the person alleged to have committed the violation or the complainant may file objections to the findings or preliminary order, or both, and request a hearing on the record. The filing of such objections shall not operate to stay any reinstatement remedy contained in the preliminary order. Any such hearing shall be conducted expeditiously. If a hearing is not requested in such 30-day period, the preliminary order shall be deemed a final order that is not subject to judicial review.

“(C) DISMISSAL OF COMPLAINT.—

“(i) STANDARD FOR COMPLAINANT.—The Secretary shall dismiss a complaint filed under this subsection and shall not conduct an investigation otherwise required under subparagraph (A) unless the complainant makes a prima facie showing that any behavior described in paragraphs (1) through (4) of subsection (a) was a contributing factor in the unfavorable personnel action alleged in the complaint.

“(ii) STANDARD FOR EMPLOYER.—Notwithstanding a finding by the Secretary that the complainant has made the showing required under clause (i), no investigation otherwise required under subparagraph (A) shall be conducted if the employer demonstrates, by clear

and convincing evidence, that the employer would have taken the same unfavorable personnel action in the absence of that behavior.

“(iii) VIOLATION STANDARD.—The Secretary may determine that a violation of subsection (a) has occurred only if the complainant demonstrates that any behavior described in paragraphs (1) through (4) of subsection (a) was a contributing factor in the unfavorable personnel action alleged in the complaint.

“(iv) RELIEF STANDARD.—Relief may not be ordered under subparagraph (A) if the employer demonstrates by clear and convincing evidence that the employer would have taken the same unfavorable personnel action in the absence of that behavior.

“(3) FINAL ORDER.—

“(A) IN GENERAL.—Not later than 120 days after the date of conclusion of any hearing under paragraph (2), the Secretary shall issue a final order providing the relief prescribed by this paragraph or denying the complaint. At any time before issuance of a final order, a proceeding under this subsection may be terminated on the basis of a settlement agreement entered into by the Secretary, the complainant, and the person alleged to have committed the violation.

“(B) CONTENT OF ORDER.—If, in response to a complaint filed under paragraph (1), the Secretary determines that a violation of subsection (a) has occurred, the Secretary shall order the person who committed such violation—

“(i) to take affirmative action to abate the violation;

“(ii) to reinstate the complainant to his or her former position together with compensation (including back pay) and restore the terms, conditions, and privileges associated with his or her employment; and

“(iii) to provide compensatory damages to the complainant.

“(C) PENALTY.—If such an order is issued under this paragraph, the Secretary, at the request of the complainant, shall assess against the person against whom the order is issued a sum equal to the aggregate amount of all costs and expenses (including attorneys’ and expert witness fees) reasonably incurred, as determined by the Secretary, by the complainant for, or in connection with, the bringing of the complaint upon which the order was issued.

“(D) BAD FAITH CLAIM.—If the Secretary finds that a complaint under paragraph (1) is frivolous or has been brought in bad faith, the Secretary may award to the prevailing employer a reasonable attorneys’ fee, not exceeding \$1,000, to be paid by the complainant.

“(4) ACTION IN COURT.—

“(A) IN GENERAL.—If the Secretary has not issued a final decision within 210 days after the filing of the complaint, or within 90 days after receiving a written determination, the complainant may bring an action at law or equity for de novo review in the appropriate district court of the United States with jurisdiction, which shall have jurisdiction over such an action without regard to the amount in controversy, and which action shall, at the request of either party to such action, be tried by the court with a jury. The proceedings shall be governed by the same legal burdens of proof specified in paragraph (2)(C).

“(B) RELIEF.—The court shall have jurisdiction to grant all relief necessary to make the employee whole, including injunctive relief and compensatory damages, including—

“(i) reinstatement with the same seniority status that the employee would have had, but for the discharge or discrimination;

“(ii) the amount of back pay, with interest; and

“(iii) compensation for any special damages sustained as a result of the discharge or discrimination, including litigation costs, expert witness fees, and reasonable attorney’s fees.

“(5) REVIEW.—

“(A) IN GENERAL.—Unless the complainant brings an action under paragraph (4), any person adversely affected or aggrieved by a final order issued under paragraph (3) may obtain review of the order in the United States Court of Appeals for the circuit in which the violation, with respect to which the order was issued, allegedly occurred or the circuit in which the complainant resided on the date of such violation. The petition for review must be filed not later than 60 days after the date of the issuance of the final order of the Secretary. Review shall conform to chapter 7 of title 5, United States Code. The commencement of proceedings under this subparagraph shall not, unless ordered by the court, operate as a stay of the order.

“(B) NO JUDICIAL REVIEW.—An order of the Secretary with respect to which review could have been obtained under subparagraph (A) shall not be subject to judicial review in any criminal or other civil proceeding.

“(6) FAILURE TO COMPLY WITH ORDER.—Whenever any person has failed to comply with an order issued under paragraph (3), the Secretary may file a civil action in the United States district court for the district in which the violation was found to occur, or in the United States district court for the District of Columbia, to enforce such order. In actions brought under this paragraph, the district courts shall have jurisdiction to grant all appropriate relief including, but not limited to, injunctive relief and compensatory damages.

“(7) CIVIL ACTION TO REQUIRE COMPLIANCE.—

“(A) IN GENERAL.—A person on whose behalf an order was issued under paragraph (3) may commence a civil action against the person to whom such order was issued to require compliance with such order. The appropriate United States district court shall have jurisdiction, without regard to the amount in controversy or the citizenship of the parties, to enforce such order.

“(B) AWARD.—The court, in issuing any final order under this paragraph, may award costs of litigation (including reasonable attorneys’ and expert witness fees) to any party whenever the court determines such award is appropriate.

“(c) EFFECT OF SECTION.—

“(1) OTHER LAWS.—Nothing in this section preempts or diminishes any other safeguards against discrimination, demotion, discharge, suspension, threats, harassment, reprimand, retaliation, or any other manner of discrimination provided by Federal or State law.

“(2) RIGHTS OF EMPLOYEES.—Nothing in this section shall be construed to diminish the rights, privileges, or remedies of any employee under any Federal or State law or under any collective bargaining agreement. The rights and remedies in this section may not be waived by any agreement, policy, form, or condition of employment.

“(d) ENFORCEMENT.—Any nondiscretionary duty imposed by this section shall be enforceable in a mandamus proceeding brought under section 1361 of title 28, United States Code.

“(e) LIMITATION.—Subsection (a) shall not apply with respect to an employee of an entity engaged in the manufacture, processing, packing, transporting, distribution, reception, holding, or importation of food who, acting without direction from such entity (or such entity’s agent), deliberately causes a violation of any requirement relating to any violation or alleged violation of any order, rule, regulation, standard, or ban under this Act.”.

SEC. 6403. JURISDICTION; AUTHORITIES.

Nothing in this Act, or an amendment made by this Act, shall be construed to—

(1) alter the jurisdiction between the Secretary of Agriculture and the Secretary of Health and Human Services, under applicable statutes, regulations, or agreements regarding voluntary in-

spection of non-amenable species under the Agricultural Marketing Act of 1946 (7 U.S.C. 1621 et seq.);

(2) alter the jurisdiction between the Alcohol and Tobacco Tax and Trade Bureau and the Secretary of Health and Human Services, under applicable statutes and regulations;

(3) limit the authority of the Secretary of Health and Human Services under—

(A) the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.) as in effect on the day before the date of enactment of this Act; or

(B) the Public Health Service Act (42 U.S.C. 301 et seq.) as in effect on the day before the date of enactment of this Act;

(4) alter or limit the authority of the Secretary of Agriculture under the laws administered by such Secretary, including—

(A) the Federal Meat Inspection Act (21 U.S.C. 601 et seq.);

(B) the Poultry Products Inspection Act (21 U.S.C. 451 et seq.);

(C) the Egg Products Inspection Act (21 U.S.C. 1031 et seq.);

(D) the United States Grain Standards Act (7 U.S.C. 71 et seq.);

(E) the Packers and Stockyards Act, 1921 (7 U.S.C. 181 et seq.);

(F) the United States Warehouse Act (7 U.S.C. 241 et seq.);

(G) the Agricultural Marketing Act of 1946 (7 U.S.C. 1621 et seq.); and

(H) the Agricultural Adjustment Act (7 U.S.C. 601 et seq.), reenacted with the amendments made by the Agricultural Marketing Agreement Act of 1937; or

(5) alter, impede, or affect the authority of the Secretary of Homeland Security under the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) or any other statute, including any authority related to securing the borders of the United States, managing ports of entry, or agricultural import and entry inspection activities.

SEC. 6404. COMPLIANCE WITH INTERNATIONAL AGREEMENTS.

Nothing in this Act (or an amendment made by this Act) shall be construed in a manner inconsistent with the agreement establishing the World Trade Organization or any other treaty or international agreement to which the United States is a party.

SEC. 6405. DETERMINATION OF BUDGETARY EFFECTS.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled “Budgetary Effects of PAYGO Legislation” for this Act, jointly submitted for printing in the Congressional Record by the Chairmen of the House and Senate Budget Committees, provided that such statement has been submitted prior to the vote on passage in the House acting first on this conference report or amendment between the Houses.

The SPEAKER pro tempore. Pursuant to House Resolution 1755, the motion shall be debatable for 1 hour, with 40 minutes equally divided and controlled by the chair and ranking minority member of the Committee on Appropriations and 20 minutes equally divided and controlled by the chair and ranking minority member of the Committee on Energy and Commerce.

The gentleman from Wisconsin (Mr. OBEY) and the gentleman from California (Mr. LEWIS) each will control 20 minutes. The gentleman from California (Mr. WAXMAN) and the gentleman from Texas (Mr. BARTON) each will control 10 minutes.

The Chair recognizes the gentleman from Wisconsin.

GENERAL LEAVE

Mr. OBEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks on the pending legislation.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

□ 1620

Mr. OBEY. I yield myself 7 minutes. Mr. Speaker, I'm bringing a resolution to the floor that I have minimum high regard for, to say the least.

America is facing serious problems, the most depressing is that we have the biggest divide between the haves and the have-nots since the Great Depression. Over the last decade, 80 percent of the growth in our economy has gone to the luckiest 10 percent out there. Meanwhile, the economy is sputtering along, and families are hurting. And what has been Washington's response? Apparently, it is to spend nearly \$80 billion over the next 2 years to give supersized tax cuts to millionaires and another \$24 billion to give families worth \$10 million a pass on paying taxes on their good fortune. This occurs at the same time that Washington politicians are singing pious songs about the need for deficit reduction.

I hope that the Congress is not too "offended" to recognize that, yes, we must deal with long-term budget deficits; but if this country is to grow for everybody, we also need to confront our investment deficits in jobs, in education, in infrastructure, and in science and technology. That is the context in which this bill, to keep the government functioning for a year, is being considered.

This bill freezes discretionary appropriations at the 2010 level for the rest of the fiscal year, spending \$46 billion less than the President asked for this year. It adjusts last year's priorities in three main ways: It funds the current shortfall in Pell Grants for college students; it meets the increased medical needs for our veterans; it makes adequate adjustments to meet military pay and health costs. It provides the Department of Defense \$513 billion, which is \$4.9 billion more than last year with corresponding cuts on the domestic side of the ledger, I'm sorry to say.

Now I'm sure we'll hear a lot of talk about a number of changes in the bill, the number of hard choices we had to make in this package to try to keep Uncle Sam from being Uncle Scrooge this holiday season. John Wesley admonished us to "do all the good you can, by all the means you can, in all the ways you can, in all the places you can, at all the times you can, to all the people you can, as long as ever you

can." This product falls embarrassingly short of that goal. But I make no apologies for the fact that the committee has done its dead level best within the constraints under which we are operating to make some modest adjustments, to salvage some investments which over the long haul just might create more jobs than tax breaks for millionaires and adjustments that might ease the financial desperation faced by so many families today who cannot afford to send their kids to college, to find decent child care, or to provide adequate medical attention to their needs.

So we have had the unmitigated gall to shift additional funds to the Social Security Administration to ensure that people get their benefits without undue delay.

In an outrageously socialistic attempt to provide some additional health safety protections for miners who have all too often been the victims of the mindset of owners who put more emphasis on profitability than they do on miner safety, we shifted about \$50 million into that account.

I hope that the Congress is not so penny-wise and pound foolish that they will object to our decision to shift funding to further our efforts to ferret out waste, fraud, and abuse in Social Security and Medicare.

And on a day when temperatures are dropping to 5 above zero in my hometown, and we were a balmy 23 degrees here in Washington last night, I hope this Congress isn't too offended that we have recommended \$190 million above last year for homeless assistance grants to combat the growing number of families who are living on the streets, thanks to the "brilliance" of political leaders in Washington in managing this economy. Those are a few of the modest changes that we have made in what would otherwise be an automatic pilot course of action in a straight continuing resolution.

Within the same dollar limits, this legislation attempts to make modest adjustments that recognize that needs and conditions change over a year's time. I hope it does not represent too great an "inconvenience" to those Members of this body who are much more comfortable providing budget-busting tax gifts to the economic elite in this country rather than making even the tiniest government investment in programs that will help the lives of the unlucky by making their lives a little bit better with investments that might run the unholy risk of making the economy work nearly as well for average families as it does for the American elite who can afford to make large contributions to those fortunate enough to be honored by our constituents with the stewardship of the national interest.

I want to say one other thing. There are at least 50 decisions in this bill

that I am flatly opposed to. There are many arguments in this bill that I have lost. But the fact is, sooner or later, if you're going to be responsible, you have to set aside your first preferences and simply do what is necessary in order to keep the government open so that Congress doesn't become the laughingstock of the country. The only responsible vote to cast on this proposition is an "aye" vote. I urge support for the resolution, with all of its shortcomings.

I reserve the balance of my time.

Mr. LEWIS of California. Mr. Speaker, it's rare, indeed, that I have the opportunity to watch my chairman speaking from the well, and it almost diverted me a bit. The minor adjustments in this package that cause him to be so unhappy only amount to some, like, \$33 billion. Actually, if both of us dislike it so much, Mr. OBEY, and if we both voted "no," maybe we could bring the turkey down and start all over again.

But in the meantime, let's not dwell too long, Mr. Speaker. We are now 9 weeks past the beginning of the new fiscal year, and Congress has yet to enact a single appropriations bill. Out of 12 total for 2011, two have passed the House while 10 bills have never even been considered by the full committee. As a result of this historic breakdown of regular order, the House will soon be considering what many people are describing as a full year continuing resolution, to keep the government operating through the end of the current fiscal year. Truth be told, it's more of a CR rolled into an omnibus spending bill because of the adjusted spending levels, the \$33 billion that I was talking about, and the many extraneous policy provisions that are being added to the package as well.

It's worth noting that none of these spending adjustments or changes in policy were ever debated or considered by the Appropriations Committee or the House this year. Like so many other items added to bills in the Democrats' era of closed rules, new program funding levels and legislative riders just somehow magically appear in bill after bill, and particularly in this bill.

For the record, I remain adamantly opposed to extending this CR for the balance of the fiscal year at Democrats' current levels, which are too high, or at the inflated levels proposed in this package. Rather than simply keeping the government running, this bill picks winners and losers among agencies and programs across the government by moving some, I suggested, \$30-plus billion for all kinds of programs. None of it, by the way, for defense.

Not surprisingly, Labor and Health and Human Service programs are among the biggest winners in this package, receiving an almost \$7 billion net increase over fiscal year 2010. The

State-Foreign Operations bill also receives a \$2 billion increase over the current year's levels. By comparison, this CR omnibus provides \$513 billion in base defense spending, which is over \$18 billion below the department's request. It is also over \$11 billion below the level the Defense Subcommittee reported out back in July.

While I freely admit that all spending, including defense, must be on the table as we look to rein in this historic set of deficits, we must proceed smartly and wisely, especially when our troops are engaged in the battlefield. Ultimately, this approach is neither. It shortchanges our troops at a time when we should be supporting them. At a time when we should be supporting our troops, this bill uses defense funding as a piggy bank for the majority's domestic priorities.

Additionally, this legislation triples the time for which the Department of Interior has to approve exploration plans for offshore operators, extending the timeline from some 30 days to 90 days and essentially codifying the de facto moratorium offshore operators have been operating under for months.

□ 1630

This significant policy change, done without debate or a single committee or House vote, has far-reaching implications relating to both existing and future oil and gas leases.

Simply put, this is a Christmas tree bill that provides more spending for the majority's many domestic priorities before their time in the majority comes to an end in early January.

I am encouraging our colleagues on both sides of the aisle who are concerned about excessive spending to oppose any effort to extend the CR beyond February. That would allow the new Republican majority to complete the unfinished FY 2011 appropriations bills at the FY 2008 levels and save taxpayers some \$100 billion. This would be the clearest signal the House could send to the American people that we got the message in November and are deadly serious about cutting spending.

Even as the House prepares to consider the CR/omnibus, the House and Senate majority are finalizing the details of a 12 bill, \$1.1 trillion omnibus spending bill. The Senate faces a 60-vote hurdle to pass that omnibus bill; but if they succeed, it will fall on the House Democrats to pass it, and they will have to do it without a single Republican vote, I can assure you.

Mr. Speaker, none of us believe we should shut down the government, but I cannot and will not support the CR/omnibus because it simply spends too much and contains unnecessary and extraneous legislative riders. If we pass a CR, we should pass a clean CR funded at the FY 2008 levels and demonstrate our commitment to cutting spending.

Mr. Speaker, just perchance the Senate is not able to get those 60 votes,

this could be the last time that my chairman, Mr. OBEY, and I are on the floor together, and as we do that, I wanted to recognize especially my staff director, Jeff Shockey, for the fabulous job he has done working for us over these years.

With that, I reserve the balance of my time.

Mr. OBEY. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Speaker, I rise today in support of this continuing resolution. This deals with the responsibility that we have to fund the government so that it can function.

This bill represents some really hard choices. It freezes discretionary funding—and this is a point that should not be lost—at a time when we are looking at those on the other side of the aisle that would pass a tax package that would benefit the richest 3 percent of the people in this Nation. The richest 3 percent of the people in this Nation will get a tax cut, and some people have the temerity to propose an estate tax to the one-quarter of one percent of the richest people in this Nation while folks in this country and kids are going hungry.

The chairman should be commended for closing the Pell Grant shortfall and for including critical investments in services needed to keep people from falling through the cracks. I commend him for the small and modest funds dedicated to early childhood programs such as Head Start and childcare.

As the chair of the Appropriations Agriculture Subcommittee, this bill continues the important and necessary investments that we made last year in agricultural research, rural investment, nutrition and food aid, conservation, and, yes, the public health. It says that a key Federal agency like the Food and Drug Administration will have the resources it needs to meet its important responsibilities to the American people to combat the continuing economic crisis and to provide food and nutrition that millions of Americans currently rely on.

This resolution includes language that allows the Supplemental Nutrition Assistance Program and other crucial entitlement programs to be funded at the levels necessary to maintain participation in the current fiscal year. One out of five families is today on food stamps. One out of four children is going to bed hungry every single night in the United States of America.

I urge my colleagues today to support this bill, with all of its difficulties. It keeps the government functioning, and we make modest, modest progress in aiding the current economic crisis.

Mr. LEWIS of California. Mr. Speaker, if the House did what I suggested, that is to do a CR to the end of Feb-

ruary, I would be introducing the gentleman from Kentucky (Mr. ROGERS) as the new Appropriations chairman of the House. In the meantime, I am privileged to yield the gentleman 4 minutes.

Mr. ROGERS of Kentucky. Mr. Speaker, let me thank the gentleman for yielding. He is a true gentleman. The long service that this man has contributed to the welfare of the Nation and to its defense, we can never repay JERRY LEWIS for the great job he has done as chairman and ranking member of this committee.

Mr. Speaker, how can we explain this year's so-called budget process to the American people? Should I begin with the historic failure to enact a budget resolution? How about the despicable way special interest bailout funds were dumped on the backs of our troops during the war supplemental debate?

What about the Band-aid border security supplemental that was used for political cover just months before the President proposed cutting the Border Patrol? And who could forget the fact that this year marks the first year, the very first year, the House has failed to pass a Homeland Security appropriations bill, a failure that came in the midst of several serious terrorist attacks and disrupted plots?

Then there are the results: no discipline, no oversight, no bills. Instead, we have this monstrosity before us today, a measure that punts our fiscal and oversight responsibilities into a year-long CR that is laden with exceptions, gimmicks, and riders. And it is based upon a strategy of the Senate overriding this bill with a gigantic unaffordable omnibus bill that has never seen the light of day.

Mr. Speaker, that is not a budget process. That is a failure of epic proportions.

As we were resoundingly told just 5 weeks ago, the American taxpayers are demanding far better from the stewards of their precious, but limited, dollars. We need a whole new ball game; no more bucking tough decisions, no more failing to prioritize our security needs, no more letting failing programs slide, and no more enabling the overreach of Federal agencies. We need to go back to the tough job of oversight. We need to go back and usher in a new era of collaboration and transparency. And we need to do the hard work of cutting spending, right-sizing the government, and restoring the trust of the American people.

This CR marks the culmination of failure on all fronts: process, product and performance. I urge my returning colleagues to reject this legislation and prepare to go to work in the 112th Congress.

Mr. OBEY. Mr. Speaker, could I ask the gentleman how many speakers he has remaining.

Mr. LEWIS of California. Mr. Chairman, I have three or four more speakers.

Mr. OBEY. We have none. I reserve my time.

Mr. LEWIS of California. Mr. Speaker, I am privileged to yield 3 minutes to my colleague from Virginia (Mr. WOLF).

Mr. WOLF. I thank the gentleman, and I want to thank Mr. LEWIS for his service, too.

Mr. Speaker, I rise in strong opposition. Everyone should know that in this continuing resolution there is the expansion of Indian gambling. There is the expansion of Indian gambling. And probably nobody in this institution, bar one or two people on the Appropriations Committee, has even read the bill.

This overturns a Supreme Court decision. Do you all know on my side and that side, this overturns a Supreme Court decision?

□ 1640

Has anyone remembered Abramoff and corruption and problems that have come about with regard to that? How did such an erroneous provision, how did expansion get in? No markup. No markup by the Natural Resources Committee. The election just said the American people want to know that we have read the bill. Nobody's read this bill, and now this is slipped in. And I don't know who has slipped it in. But, quite frankly—

Mr. OBEY. Would the gentleman like an answer to that question?

Mr. WOLF. Yes, sir, I would like an answer.

Mr. OBEY. This amendment was a Republican amendment offered by Mr. COLE from Oklahoma. It was not slipped in. It was voted in in the subcommittee appropriation bill 5 months ago.

Mr. WOLF. I don't care if it's a Republican amendment or a Democratic amendment, it is a bad amendment, and it will bring about major expansion of gambling.

Mr. OBEY. Don't suggest it's been sneaked. It has not.

Mr. WOLF. I reclaim my time.

There have been no hearings. The Department of the Interior has refused to answer a written request from Members of Congress to identify which tribes. So nobody knows what tribes. Nobody knows what tribes. Nobody knows anything in this institution when it comes to this.

The Department of the Interior has refused to answer. There is no consultation with the States. This bill is almost a repeat, a repeat of how this Congress and this city and this country got in trouble with the Abramoff thing. This is scandalous.

This provision—I don't care if it's a Republican amendment or a Democratic amendment; it is a bad amend-

ment. It will bring about crime, corruption. It attacks on the poor, and it is a bad amendment. And because of all the great reasons that Mr. LEWIS said and others said why it's a bad bill, this is another good reason. This bill should be defeated. Because when you vote for this bill, you are voting for expansion of gambling all over this country.

Mr. OBEY. I yield myself 1 minute.

Mr. Speaker, I happen to agree with the gentleman from Virginia on the substance of the issue. But the fact is that the Interior Appropriations Subcommittee voted in open session with open debate to adopt the Cole amendment.

Now, as chairman of the full committee, I don't have the luxury of producing bills that represent my own priorities. It is my obligation to try to find the center of gravity that enables us to represent the views of the House. That's what we did on this issue. And for the gentleman to suggest that there is anything corrupt about it is scurrilous.

I reserve the balance of my time.

Mr. LEWIS of California. I yield 30 seconds to the gentleman from Virginia.

Mr. WOLF. It's not scurrilous. This will bring a major expansion of gambling. And I don't care what subcommittee.

I will venture, had the average Member come down here and been told tomorrow that they voted for a major expansion of gambling, they would not have known. It ought not to be on the CR bill.

It is a bad bill. It is a bad idea. It brings about crime and corruption and attacks on the poor, and I urge the defeat of this CR.

Mr. LEWIS of California. Mr. Speaker, I am pleased to yield 2 minutes to a member of the committee, the gentleman from Georgia (Mr. KINGSTON).

Mr. KINGSTON. I thank the gentleman for yielding.

I want to say that I do understand we are here largely because there was not a budget this year and we were unable to move bills under regular order. And because of that, here we have something that was published, as I understand it, last night at midnight, and the list, itself, came out at 9 a.m. And, as a member of the committee, I am not sure what all these things are doing.

I see that we are increasing the Ag marketing healthy food initiative. Excuse me. It's not an increase. It's a brand new program.

I am the ranking member of the Ag Committee. I don't know exactly what that is. I think that might be something that has been voted on, but we have not had it through the committee. Now, I understand a lot of these other things are old items that have gone through the committee, but that one is one that has not.

The broadband, there is a \$30 million increase in broadband loans. I am very confused about that because the stimulus bill increased broadband loans \$7 billion. And then there is an FDA increase of \$470 million. The FDA has gotten a lot of money over the past years, including some in the stimulus. So I am not sure why they are getting an increase when so many others are getting a cut.

I noticed on another page that there is a rescission for the Navy of \$168 million and for the Air Force \$136 million. I also serve on the Defense Committee. There has been no debate on that.

Now, on the next page, we increase funding for the IRS, including \$125 million for IRS enforcement. I guess that's because people who won't get health insurance now, the IRS is going to get a lot more agents and they will have more money to spend on prosecuting people who don't buy health care.

Then over here on another page, we are cutting the Customs and Border Patrol by \$225 million. We have got a problem, as we all would agree, on immigration, but we are cutting the Customs and Border Patrol for the infrastructure fence. I look further, the CDC is getting a cut of \$57 million.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. LEWIS of California. I yield the gentleman an additional minute.

Mr. KINGSTON. I thank the gentleman.

And then over here on another page, we are cutting grants for academic competitiveness. I think if there is one thing we all agree on right now is we need our students to be as competitive as possible, but we are cutting academic competitiveness \$36 million. But we are increasing Congress's budget. House of Representatives, \$2 million increase; Capitol Police, \$8.8 million; the Congressional Budget Office, \$1.7 million; the GAO, \$1.5 million. So Congress is getting an increase while we are cutting academics.

And then on another page, a whole myriad of things we are cutting out of the military that runs into the millions of dollars. And I noticed here in a very small account that we are actually cutting OPIC, which is the overseas insurance account that underwrites loans for emerging markets. And it's one of the few Federal agencies that actually makes money. Now, maybe that's why we are cutting them. It would appear to me that that kind of behavior should be well rewarded, but under the CR, they are going to be getting a cut.

I respectfully think that we should put this thing back 2 or 3 months and have regular order.

Mr. OBEY. I continue to reserve the balance of my time.

Mr. LEWIS of California. Mr. Speaker, may I inquire of the time remaining?

The SPEAKER pro tempore. The gentleman from California has 5 minutes remaining. The gentleman from Wisconsin has 10¾ minutes remaining.

Mr. LEWIS of California. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Arizona (Mr. FLAKE).

Mr. FLAKE. I thank the gentleman from California for yielding.

I rise in opposition to this CR. Having failed to present one of the 12 annual appropriation bills for fiscal year 2011 to the President, this body finds itself once again in the position of scrambling at the last minute to pass legislation just to keep the government running.

This year is different. This year the outgoing majority wants us to accomplish much of its agenda long before Republicans take control. It would seem that if you failed to pass legislation in regular order that would fund the government for the coming year that you should at least recognize that we have had an election. And if you can't finish the work, allow those who are coming in to go ahead with their own budget.

Republicans have called to cut spending to fiscal 2008 levels. This, I think, continues funding at 2010 levels. That might not seem significant until you realize that's a \$100 billion difference. And when you are running these kinds of deficits, when you have this kind of debt, that makes a difference. If the first rule when you are in a hole is to stop digging, certainly the first rule when you are running a deficit like we are is to stop spending. And if we can cut it to fiscal 2008 levels rather than 2010, we should do it. We are just digging a deeper hole that we will have to fill in later and make deeper cuts later on.

So I would encourage everyone to reject this CR; pass a short-term CR so we can deal with this responsibly in January or February rather than continuing funding at an unsustainable level.

Mr. LEWIS of California. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Oklahoma (Mr. COLE), a member of the committee.

Mr. COLE. I thank the chairman for yielding.

I had not intended to speak on this particular issue, but I had the opportunity to hear my good friend from Virginia (Mr. WOLF) in debate recently, and I wanted to come down to the floor and correct a misimpression he has about the so-called Carcieri fix. And let me begin by thanking my good friend, the chairman, for allowing us to put that particular legislation in the bill.

□ 1650

I actually proposed the amendment on the floor. It was passed unanimously on a bipartisan vote by our subcommittee of Interior. And the bill,

frankly, the measure has absolutely nothing to do with gaming. As a matter of fact, the Supreme Court fix that it addresses didn't involve gaming at all. It involved a housing case, land put into trust and used for housing by an Indian tribe.

What the Supreme Court has done—by a very narrow interpretation of the 1934 Indian Reorganization Act—is to create two classes of Indian tribes, some of whom can receive land in the trust, as they have for 80 years by Secretaries of the Interior of both parties, and some of whom now cannot. Almost all the cases involved here, almost every single one, involved cases that have absolutely nothing to do with gaming.

This is ultimately a sovereignty issue and a process issue. Frankly, if this fix is not made, it would not have been made without the support, frankly, of the members of the committees of jurisdiction and of the United States Senate, who said this was the best vehicle and the best way to go. But if the fix isn't made, we are going to have billions of dollars worth of litigation and have enormous disruption of economic development in Indian Country.

I think my friend is simply under a misimpression, Mr. Speaker. I wanted to make that point for the record.

I again wanted to thank my friend, Mr. OBEY, for working with us and his staff and my good friend, the chairman of the subcommittee, Chairman MORAN, for working with us for a bipartisan solution to a real problem.

Mr. LEWIS of California. Mr. Speaker, I yield 1 minute to the gentleman from Ohio (Mr. TURNER).

Mr. TURNER. Thank you, Mr. Chairman.

I rise in strong opposition to this CR, specifically because of section 2412.

The Democrats are holding hostage the funding necessary to sustain our nuclear weapons and our nuclear facilities until the Senate ratifies the New START Treaty. The administration opposes this provision and, in fact, has offered its "unequivocal commitment to recapitalizing and modernizing the nuclear enterprise."

There are significant national security issues related to the New START Treaty that must be resolved, Russian intentions, missile defense limitations and a nuclear modernization.

Just yesterday, myself and incoming Armed Services Committee Chairman McKEON and 14 other committee members sent a letter to the Senate urging them not to vote on the New START Treaty until these concerns are addressed. Unfortunately, this provision would ignore these security concerns and hold hostage the funding necessary to ensure our Nation's nuclear deterrent remains safe, secure and reliable.

Section 2142 is irresponsible, dangerous and must be opposed.

HOUSE COMMITTEE ON ARMED SERVICES, U.S. HOUSE OF REPRESENTATIVES

Washington, DC, December 7, 2010.

Hon. HARRY REID,
Majority Leader, U.S. Senate,
Washington, DC.

HON. MITCH MCCONNELL,
Minority Leader, U.S. Senate,
Washington, DC.

DEAR SENATORS REID AND MCCONNELL: We are troubled by the Administration's push to ratify the New START Treaty amid outstanding concerns regarding Russian intentions, missile defense limitations, and nuclear modernization. Given the security implications associated with this treaty and the importance of such a treaty enjoying bipartisan support, we believe the Senate should not be rushed in its deliberations. Therefore, we urge the Senate not to vote on the New START Treaty in the lame duck congressional session and certainly not until these important security issues are resolved.

There remains a significant divide between Russia and the U.S. on whether New START affects our ability to deploy missile defenses, particularly long-range missile defenses in Europe. Despite testimony from Administration officials that New START does not limit U.S. missile defenses, Moscow seems to believe it will. Russian officials have declared they would withdraw from the treaty if U.S. missile defense systems are upgraded quantitatively or qualitatively.

Russia also warns that it will build up offensive forces should its "terms" for a missile defense agreement not be met; all while the Administration seeks to reduce our nuclear forces. We have no insight on what these terms are, nor do we know the exact nature and scope of the missile defense negotiations reportedly occurring between Undersecretary of State Ellen Tauscher and her Russian counterpart, Deputy Foreign Minister Sergei Ryabkov.

We reject the notion that Russia can set terms for our missile defenses. Iranian and North Korean missile and nuclear programs continue unabated as highlighted by recent events. Given these threats, upgrades to our homeland missile defense capabilities and funding for missile defenses in Europe will remain top priorities for the House Armed Services Committee.

However, our principal concern is that the Administration might cede to Russian demands and allow Moscow to shape U.S. missile defense plans in exchange for its adherence to New START. This concern is exacerbated by a lack of transparency by the Administration in providing information on the nature of these secretive missile defense discussions. One way to alleviate this concern is for the Administration to provide Congress with the treaty negotiating record—which Senators have requested on numerous occasions—so that members can see firsthand how missile defense was discussed within the context of the treaty, as well as documents related to the Tauscher-Ryabkov discussions. In the meantime, we think it unwise to vote on New START until the Congress gains this additional insight and better understands how the impasse on missile defense will affect our long-term security.

We are also deeply concerned about the state of our nation's nuclear enterprise, and whether the Administration will remain committed to nuclear modernization and our nation's nuclear triad. Reversing the erosion of our nation's nuclear infrastructure—which the bipartisan U.S. Strategic Posture Commission called "decrepit"—will require a

comprehensive plan and long-term political and financial support from the Administration and both chambers of Congress.

Our committee recently received an updated "1251 Report" on nuclear modernization. The report provides glimpses of the Administration's revised funding requirements based on its Nuclear Posture Review released last spring. However, it is unclear exactly how these additional funds contribute to modernization. For example, over one-third of these funds appear to go towards employee pension plans—not modernization of the infrastructure or stockpile. Members of the House have yet to be briefed on the updated 1251 Report, and therefore we cannot assess the adequacy of these revised plans and funding requirements. We would hope the Senate would allow for the same due diligence in its oversight of this matter prior to a vote on New START.

As members of the House we will not have the opportunity to vote on the New START Treaty. However, the outcome of the treaty will undoubtedly impact national security policy and investment decisions within our jurisdiction as authorizers of the annual defense bill, and we will be responsible for overseeing its implementation. Because of these roles, we feel compelled to express our concerns.

We are in complete agreement with Senator Kerry who recently told the press, "The American people want to see Republicans and Democrats working together on behalf of national security." We believe bipartisanship is possible with good faith and sufficient cooperation among both political parties and the executive and legislative branches of the federal government. The security concerns associated with the New START Treaty are significant and must be addressed. This requires thorough and thoughtful deliberation. The American people expect this of their government and we owe them nothing less.

Sincerely,

HOWARD P. "BUCK" MCKEON,
Ranking Member.

MICHAEL TURNER,
Ranking Member,
Strategic Forces Subcommittee.

The SPEAKER pro tempore. The gentleman from California has 30 seconds remaining.

Mr. LEWIS of California. Mr. Speaker, I yield back the balance of my time.

Mr. OBEY. May I inquire as to how much time remains.

The SPEAKER pro tempore. The gentleman from Wisconsin has 10¾ minutes remaining.

Mr. OBEY. I yield myself such time as I may consume. Don't worry, I am not going to take it all.

Mr. Speaker, I had not expected to get into this kind of a discussion today, but I think the comments of a previous speaker from the other side illustrate just another reason why I am glad to be leaving this place.

When I came here, I don't think there were very many Members who would reach a conclusion that if someone disagreed with them on substance that somehow they were morally defective.

In a civilized, adult, legislative body, Members would recognize that there can be legitimate policy differences that can be highly controversial and that you can have honorable people on both sides of the question engage in

honest debate and discussion about those issues.

In the main, that is what Members of this House usually do, but I have noticed a tendency in recent years on more and more occasions for Members to substitute hyperbole for thought and to substitute attacks on character for attacks on argument, and I find that sad indeed.

I do not know of a straighter shooter in this Congress than Mr. COLE. He is a highly partisan individual. He at one time ran the Republican Congressional Campaign Committee, but he did it with honor and, in my view, he has brought honor to this place in the way he has handled himself on a wide variety of issues as long as I have watched him operate.

I do not believe that he or any other member of the Interior subcommittee who dealt with the issue at hand demonstrated anything but an honest effort to try to deal with a Court decision which played fruit basket upset on years and years of legal precedent.

I am, for one, proud of the service that I have had in this place with people like the gentleman from Oklahoma, and I would simply urge all Members, as I leave this Chamber, to remember that there are good people on both sides of the aisle who have honest, hard-fought views and hard-earned views and have a right to express them without some off-the-wall Member accusing them of corruption.

I urge an "aye" vote.

I yield back the balance of my time.

Mr. DINGELL. Mr. Speaker, I yield myself 1½ minutes in support of the legislation.

Mr. Speaker, this is a good bill, and I urge my colleagues to support the part which was reported out by the Committee on Energy and Commerce unanimously, the food safety provisions. It, with the help of my good friend, the gentleman from Texas, reported the bill unanimously.

Why is it here? First of all, it's substantially the same as the bill passed by the House. Second of all, it is substantially the same as that passed by the Senate. It is a bill which cures the weakness of the Food and Drug Administration and the fact that about a third to a quarter of our food is imported from abroad where there is no real protection for American consumers.

Some 5,000 Americans die every year of bad food, 300,000 go to the hospital, and 77 million get sick. This bill gives the Food and Drug Administration the funds, the authority that it needs to do the job that has to be done.

If we do not pass this legislation, we will find that legislation like this could not come to the floor before late in the spring or in the summer of next year. I urge my colleagues to respect the problems that we have, to see to it that Americans are protected against

unsafe food coming in from China, milk with melamine, unsafe strawberries and berries, unsafe fruits and vegetables, unsafe leafy vegetables, unsafe fish and seafood and shellfish. All manner of unsafe commodities are being brought in and sold to the American people because of the total inability of Food and Drug under current law to now protect the American people. This legislation will cure and address those problems.

I reserve the balance of my time.

Mr. BARTON of Texas. I yield myself such time as I may consume.

I rise in respectful and regretful opposition to the continuing resolution. The primary reason that the Energy and Commerce Committee has time on the floor is because of the inclusion of the Food Safety Act in the continuing resolution.

The food safety bill that passed the House last year was the result of bipartisan cooperation between Chairman WAXMAN, Subcommittee Chairman PALLONE, Chairman DINGELL, myself, then-subcommittee Ranking Member NATHAN DEAL, and others on the Republican side. It was the result of a number of years of work. It was an open process, it was an inclusive process, and the result was a very strong bipartisan vote both in the committee and on the House floor. I believe on the House floor, 59 Republicans joined with almost every Democrat to send that bill to the Senate.

□ 1700

The bill that's come back from the Senate that's been included in the continuing resolution is not the House bill, as amended. It is a Senate bill that is significantly different in several respects.

The inclusion of what's called the Tester amendment in the Senate bill means that some farms, small farms along the borders between the United States and Mexico and the United States and Canada would be exempt from some of the requirements of the bill.

The methods of payment are different. The House had a registration fee, an annual registration fee. That is not included in the Senate version.

There are a number of tax issues with the Senate bill that we have a problem with here in the House; if it was not included in the CR, the food safety bill would, in all likelihood, be subject to what we call "blue slipping" here in the House of Representatives.

So it really is difficult to be in opposition to the food safety bill because of the unity of purpose and the spirit of cooperation that existed in the Energy and Commerce Committee when the food safety legislation was passed last year. But our friends in the other body, as is more often than not the case, have tended to ignore our work product and send us theirs at the last moment with a "take it or leave it" attitude.

Ranking member and soon to be Agriculture Committee Chairman FRANK LUCAS and I have sent a letter to our Speaker suggesting that we would be more than willing to go to conference with our friends in the other body. We're going to be in session at least another week, perhaps two. We could have a conference. We could probably agree on a bipartisan, bicameral food safety bill that would pass muster in both bodies. I'm still hopeful that that might occur.

With regards to other items in the continuing resolution that are not part of the Food Safety Act, there are numerous things that we find objectionable. The FCC, the Federal Communications Commission is going to receive \$350 million, which is an increase of over 4½ percent from fiscal year 2010. It's even more than \$14 million, as I understand it, than what they perhaps asked for.

In the continuing resolution in terms of health provisions, there is funding for several sections of the health care law that we believe to be objectionable. The funding for public awareness, for example—so far, HHS has spent over \$3 million for television ads featuring one of my favorite actors, Andy Griffith. "The Andy Griffith Show" and Barney Fife were one of my favorite television shows when I was growing up, and I continue to watch it on reruns.

But I have a little bit of a problem watching Mr. Griffith extol to seniors the important new benefits of the current health care law simply as a kind of a pitch master for something that, in all likelihood, we're going to change, perhaps even repeal next year.

Independent groups have found that some of these ads have misled seniors. They claim benefits that will be available while ignoring cuts to Medicare Advantage and other reductions in the Medicare payment rate. I think this is misleading and unfortunate.

In the area of telecommunications, the continuing resolution exempts the Universal Service Fund from the Anti-Deficiency Act. This would allow the government to obligate money for carrier subsidies before we actually have the money in hand. Most of us on the minority side, soon to be the majority side of the aisle, Mr. Speaker, find that to be very objectionable and, quite frankly, irresponsible.

So again, on the food safety bill that passed the House, I voted for it. I have nothing but respect and compliments for the leadership of Mr. WAXMAN, Mr. DINGELL, Mr. PALLONE, and others. But the CR version of the food safety bill that we're asked to vote on today is not the bill that came out of the House. And for that reason, regretfully, I oppose it.

And on the basic CR overall, there are numerous reasons from an Energy and Commerce perspective on the minority side of the aisle to oppose that.

So we would ask for a "no" vote, Mr. Speaker.

I reserve the balance of my time.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members are reminded to not traffic the well when another Member is under recognition.

Mr. DINGELL. Mr. Speaker, I yield 1½ minutes to the distinguished gentleman from California (Mr. WAXMAN), the chairman of the Committee on Energy and Commerce.

Mr. WAXMAN. Mr. Speaker, the House passed the food safety bill a year ago July. Not this July, but the July in 2009. And we waited for the Senate to act, and they recently acted by 73–25 in favor of the legislation. When we had it before us it was 283 supporters.

Now, the Senate made some changes in the bill. But all advocacy groups, all the public interest groups, have told us that FDA needs this legislation to be able to protect the American people from unsafe food, whether it's domestic or foreign imported foods. This legislation gives them important tools. They have clear authority to issue and require manufacturers to meet strong, enforceable standards to ensure the safety of various types of foods.

This bill does not create unnecessary burdens for farmers and small businesses. It would allow FDA to exercise their new authorities and require manufacturers to implement actions like preventive systems to stop outbreaks before they occur.

I would have preferred the House bill rather than the amendment in the Senate bill. But sometimes you have to accept a change that you may not favor at first blush. But to have us defeat this bill and have the American people go without the tools in FDA's hands to stop unsafe foods would be irresponsible. I urge support for the legislation.

Mr. BARTON of Texas. Mr. Speaker, I continue to reserve the balance of my time.

Mr. DINGELL. Mr. Speaker, if the gentleman from Texas has any extra time, we would be delighted to receive it over here.

At this time I yield 1½ minutes to the distinguished gentleman from New Jersey (Mr. PALLONE), the chairman of the Subcommittee on Health of the Committee on Energy and Commerce, one of the original sponsors of this legislation.

Mr. PALLONE. Thank you, Chairman DINGELL, and thank you for all the work you've done on this bill and so many other bills.

There shouldn't be any more time for delay. Every time we have a food safety crisis, be it eggs or spinach or pepper or peanuts, we shake our heads at the vulnerability of our food supply and bemoan the fact that we don't have the tools to protect it. And these aren't isolated instances. Each year 76 million Americans are sickened from con-

suming contaminated food, and 5,000 of these people die.

Is the bill we're going to vote on today perfect? Certainly not. But it's a bill that we can all be proud of. The Food Safety Act would give the FDA the ability, the authority, and the resources to protect American consumers from contaminated food.

FDA will now better ensure food safety through more frequent inspection of food processing facilities, the development of a food trace-back system to pinpoint the source of food-borne illness, and enhanced powers to ensure that imported foods are safe.

Perhaps most notably, the bill emphasizes prevention and safety that helps ensure that food is safe before it's distributed, before it reaches store shelves, before it reaches the kitchens of American families.

We have the most productive and most efficient food distribution system in the world, but we need to make sure that we have the safest food supply. American families need to know the food they select from grocery stores and the meals they put on their kitchen tables are safe.

We started this job in the House. Let's finish it today.

Mr. BARTON of Texas. I continue to reserve, Mr. Speaker.

Mr. DINGELL. If the gentleman from Texas would yield me a little time, I'd be delighted.

Mr. BARTON of Texas. How much time do I have remaining, Mr. Speaker?

The SPEAKER pro tempore. The gentleman from Texas has 4 minutes remaining.

Mr. BARTON of Texas. I will yield 2 minutes to the gentleman from Michigan.

Mr. DINGELL. I thank the distinguished gentleman. And by the way, I want to commend him for his help on this legislation.

Mr. BARTON of Texas. On the House-passed bill, not this bill, but the House-passed bill.

Mr. DINGELL. I want to address that because I want the House to understand, first of all, the great job the gentleman did, but also the fact that the Senate, in an unusual action, did only slight damage to our bill.

At this time I yield 1½ minutes to my distinguished friend from Michigan (Mr. STUPAK).

Mr. STUPAK. Mr. Speaker, I rise to support this continuing resolution, which includes the Food Safety Modernization Act. I want to thank Chairman DINGELL, Mr. WAXMAN, Mr. PALLONE, as well as other members of the leadership for making this important legislation a priority in this CR.

The Food Safety Modernization Act will provide the FDA with some of the resources and authorities it needs to effectively monitor our Nation's food supply and prevent outbreaks of food-borne illness.

As chairman of the Subcommittee on Oversight and Investigations, I've held 13 food safety hearings, examining the failures of the FDA and the food industry to protect our Nation's food supply.

□ 1710

The finding of these investigations highlighted the need for the first major overhaul of our food safety law in 70 years. Among its key provisions, this bill would establish a national food tracing system and provide the FDA with recall authority.

This food safety bill is not perfect, but it is a dramatic improvement over current law. I urge the next Congress to look closely at providing the FDA with a dedicated revenue stream for inspections, requiring country of origin labeling, and finally giving the FDA the subpoena power it so sorely needs.

Despite the lack of these provisions, this bill, as compromised with the Senate, is a good bill and one that deserves to be passed by this Congress and signed into law this year.

Mr. BARTON of Texas. I have no other speakers, and I reserve the balance of my time.

Mr. DINGELL. Mr. Speaker, I thank the distinguished gentleman from Michigan, who is regrettably leaving us at the end of this Congress, for his outstanding leadership in this matter as chairman of the Oversight Subcommittee and for the outstanding work he did to put us where we are so we can pass this legislation.

At this time, I yield 1½ minutes to the distinguished gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Speaker, I rise today in support of this continuing resolution, and especially the food safety provisions. They represent a good first step in reforming our food safety system and reducing food-borne illness.

This House passed much stronger food safety legislation in July 2009. The bill before us today still includes critical reforms and deserves our support. It provides the FDA with several authorities that will help the agency better prevent food-borne illnesses.

These include increased inspection of high-risk facilities, expanded authority to inspect records relating to recalls, the creation of a more accurate food facility registry, improved traceability in the event of an illness outbreak, and certification of certain foreign food imports meeting all U.S. food safety requirements.

This bill will help us identify food-borne outbreaks more quickly. Food safety is and should be a vital component of our national security and our jobs as the people's elected representatives. When it comes to the very real potential of a full-blown food-borne epidemic, we have been playing a dangerous game for far too long.

With that in mind, our food safety efforts will not end with the passage of

this bill. I believe that we must establish a single food safety agency, one that would consolidate all of the food safety functions spread across 15 Federal departments under one roof.

I will continue to fight for a single agency. I believe it is needed to ensure that the food in our supermarkets, restaurants, and kitchens is safe. Nonetheless, the food safety provisions in today's resolution are a great first step. I urge my colleagues to support them.

Mr. DINGELL. At this time, I find I have no further speakers until I close, and I believe it is the right of this side to close, so at this time I ask my dear friend from Texas to say whatever he has in mind, and I urge the House to note that he is worth listening to.

Mr. BARTON of Texas. I appreciate the gentleman's indulgence.

We are going to have to suggest that the Members on the minority side vote "no" on the CR because of a number of reasons that our friends on the Appropriations Committee have alluded to.

If we could have a conference between the House conferees and the Senate conferees on the food safety bill, we could come to some reasonable compromises where we could recommend a vote for the food safety bill as a stand-alone bill. That is still possible to do or would be possible if the Speaker of the House and the majority leader of the Senate and the chairmen of the appropriate committees in the House and Senate were willing to go down that road. In this Congress, those types of conferences have been few and far between. So we are stuck here in a situation where you have a reasonably good piece of legislation that passed the House, a not as reasonably good piece of legislation that came out of the Senate at the last moment and is being attached to a continuing resolution that shows that the majority in both this body and the other body have refused to take their funding responsibilities very seriously for the last year.

So as much as good as is in the food safety part of the bill, and as hard as Chairman WAXMAN and Chairman DINGELL and Subcommittee Chairman PALLONE have worked on that part of it, I still believe that the correct vote on this bill today is a "no" vote.

So, Mr. Speaker, we do ask that Members vote "no" on this. The good parts of the legislation we will hopefully bring back very quickly in the next Congress and have a vote in regular order early in the year.

With that, I would ask for a "no" vote on the bill today.

I yield back the balance of my time.

Mr. DINGELL. Mr. Speaker, I yield to the distinguished gentleman from California for the purpose of a unanimous consent request.

Mr. COSTA. Mr. Speaker, I know the great work that Chairman DINGELL did on this effort. Unfortunately, I cannot

support the continuing resolution food safety effort.

The good work we did here in the House that was sent over to the Senate, the Senate amendments make it a flawed measure. This process should be based on science and not based on miles and sales. For those reasons, I, unfortunately, will oppose the resolution.

Mr. Speaker, I want to thank Chairman Emeritus DINGELL for his support. I rise today to reluctantly oppose the Continue Resolution and attached Food Safety bill.

Unfortunately leadership has chosen to attach a gravely-flawed food safety bill to this continuing resolution which I cannot support.

Don't misunderstand—I am a huge supporter of food safety reform, I have worked on for almost 4 years.

However—the Senate poisoned our efforts by attaching arbitrary exemptions that ignore risk and leave gaping holes in our food safety system—through the Tester amendment.

I wholeheartedly support protecting our family farmers—ensuring that they are not overburdened with paperwork and regulation.

But this process should be based on science—not based on miles and sales, therefore I am voting no.

Does anyone here believe food poisoning is less dangerous if it comes from a small farm rather than a large one?

Even more concerning is that these regulations have trade implications.

With a great number of farms in Canada and Mexico well within the 275 mile threshold, we will be providing a loophole large enough to drive a Mexican truck through.

I'd like to remind my colleagues that the Serrano peppers that sickened over 1,000 people and devastated a wrongfully-accused tomato industry came from a small distributor in Texas—imported from a small farm in Mexico.

I ask my colleagues—did the size of this farm prevent those men, women and children from becoming ill?

No. Of course it didn't.

Because contaminated food can and does come from any size and any location and is no less deadly in some cases if consumed.

That is why I have worked on food safety and will continue to work on food safety.

And that is, unfortunately, why I am unable to support the Senate food safety bill with the Tester amendment included in its current form.

Mr. DINGELL. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I want to commend my dear friend from Texas for the superb job he did in working with us on this bill. The House bill was a superb bill. It came out of the Committee on Energy and Commerce unanimously, and it passed the House by an overwhelming vote. It has the endorsement of everybody in the industry, and it has the support of all of the consumer organizations and by the administration and the FDA.

I want to commend Chairman WAXMAN, Chairman PALLONE, Chairman STUPAK, and Ms. DEGETTE for their outstanding leadership. Mr. STUPAK,

who leaves the Congress now, did a very fine job of conducting the hearings, which demonstrated the weaknesses of the existing law and made it possible for us to establish what needs to be done.

At the conclusion of my remarks, I will include the list of the supporters of this legislation and industry and amongst the consumers. I urge my colleagues to address that, because this is a good and a strong bill.

I want to commend Rachel Sher and Eric Flamm of the committee, and also two members of the staff who worked directly for me on this important matter, Mr. Virgil Miller and Ms. Katie Campbell, who did superb work.

The legislation before us has been changed by the Senate, but not in any significant way. I very much agree with the gentleman from Texas that we should be going to conference with the Senate. But, regrettably, while we would be doing that, we would be running out of time and failing to pass this legislation and winding up with a situation where Americans would continue dying because Food and Drug was not able to do its job and protect us not only from bad foods imported into this country, but from some which is domestically produced.

This legislation gives Food and Drug the authorities they need to seize and to compel manufacturers to use best technology for the protection of American consumers. In other words, the work which is done now by Food and Drug, which is simply catching wrongdoing, would be changed so that, in fact, we would be addressing the problems before they become real by seeing to it that industry must use the best manufacturing practices.

American industry supports this because they recognize that the food safety of the United States, as well as the food safety of goods manufactured here, is threatened by imports from places like China, where they put melamine in milk products to up the amounts of protein in milk, something which is poisoning babies and adults. And, of course, the roster of unsafe foods which we see coming onto the marketplace is a continuing source of fear, particularly when you contemplate the fact that it is coming in from China and abroad, because we import now somewhere between a quarter and a third of our food.

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Having said these things, there is not time enough to conduct a proper investigation of the differences between the two bodies and to have a proper conference between the two bodies. I regret this as much as anyone, and it is not the fault of this House that this has taken so long. It has taken the Senate since the bill was passed in the House in June of last year, not of this year, and they have dawdled around

and dawdled around, as the Senate always does, with the end result being that we are now forced, in good part, to take the Senate bill.

The blue slip problem which existed has been corrected in this legislation, and we will find that the bill, although it is not as good as the House bill, will provide enormous advantages in the safety of American food products and food products sold to American citizens by everyone who sells not only American companies but also the foreigners. I would observe that we cannot properly protect Americans from unsafe imported foods, unless we impose similar and identical burdens on Americans because of the trade laws.

I would urge my colleagues to recognize that this legislation is something which is going to stop the deaths of about 5,000 Americans a year, of 77 million who are sick and of about 300,000 who are hospitalized. This is a very serious problem, and it is my hope that we will be back next year with legislation to make the others of Food and Drug's powers sufficient to address the needs of the American public in pharmaceuticals and in other things under the jurisdiction of the Food and Drug Administration.

S. 510 SUPPORTERS

Obama Administration
American Bakers Association; American Beverage Association; American Public Health Association; Center for Foodborne Illness, Research & Prevention; Center for the Science in the Public Interest; Consumer Federation of America; Consumers Union; Flavor and Extract Manufacturers Association; Food Marketing Institute; Grocery Manufacturers Association; Institute of Shortening & Edible Oils Inc.; International Dairy Foods Association; International Bottled Water Association; National Association of Manufacturers; National Coffee Association of U.S.A., Inc.; National Confectioners Association; National Consumers League; National Restaurant Association; The Pew Charitable Trusts; Snack Food Association; STOP—Safe Tables Our Priority; Trust for America's Health; U.S. Chamber of Commerce and U.S. PIRG; Federation of State PIRGs.

Mr. CONYERS. Mr. Speaker, today, I rise in support of the Fiscal Year 2011 Full Year Funding Resolution. While this legislation is far from perfect, and I have deep reservations with certain funding cuts, the bill addresses serious issues and moves America forward. I am particularly happy that this funding resolution also includes the FDA Food Safety Modernization Act, which passed the Senate last week.

The 2011 Full Year Funding Resolution will help hard-working families during these tough economic times. For example, the Child Nutrition and Supplemental Nutrition Assistance Program will provide over 32 million children health meals and food assistance to over 43 million people. The legislation will also provide necessary funds to cover all current children in the Head Start program and offer child care assistance to low-income working families. College students will be eligible to apply for the maximum Pell Grant award for \$5,550.

Lastly, unemployment offices will be provided additional funds to manage increased workloads.

The Resolution will keep America safe by funding key federal programs. First, it offers appropriate funding for the FBI and U.S. Attorney's office to ensure mortgage fraud investigation and prosecutions can continue. In addition, the Securities and Exchange Commission, Department of the Treasury, and other key federal agencies are given robust funding to combat financial fraud and gambling on Wall Street that led to the worst financial crisis since the Great Depression. Finally, the bill will give Internal Revenue Service resources to investigate offshore tax evasion.

As I mentioned, today's legislation also includes S. 510, the FDA Food Safety Modernization Act. The House passed a similar bill last year. This bill will help prevent outbreaks and food-borne illnesses by increasing third party testing, expands FDA access to food facilities, and requires food importers to certify their safety standards. For the first time ever, this Resolution allows the FDA to initiate a mandatory recall of food product if a company fails to do so. Lastly, the bill increases FDA inspectors to inspect food facilities.

Mr. Speaker, I have deep concerns over parts of today's legislation. Two projects in the City of Detroit which were passed into law are now being rescinded. One project provides funds to the City of Detroit airport and the other funds the city's riverfront. Both projects are necessary for the future of the city. I hope my colleagues in the Senate will amend or delete this section. Additionally, \$1.5 billion is cut from existing appropriations for high speed rail. I believe this is counterproductive and will hamper America's ability to reduce its carbon footprint. Lastly, I am opposed to the federal worker pay freeze which will cause pain to hard-working Americans who make significantly less than private sector employees and steadfastly serve our Nation.

The 2011 Full Year Funding Resolution will also, for the first time, ban the transfer of Guantanamo detainees to the United States for the entire fiscal year. This ban differs from current law because it does not allow an exception to transport prisoners for prosecution. This restriction was inserted late yesterday night without any hearings or chance for modification. Moreover, today's resolution completely undermines the Department of Justice's ability to try Guantanamo detainees in Article III federal courts.

In conclusion, because this bill promotes the common good of our Nation more than it hinders it, I urge my colleagues to support the bill.

Mr. HOLT. Mr. Speaker, I am voting for the funding bill before us today but not without deep reservations. Each of the appropriations subcommittees considered bills for Fiscal Year 2011, but only two were brought to the floor for a vote. All twelve appropriations bills deserved a vote by the full House. Instead, we are freezing spending levels across the board and carrying forward most of the spending decisions made last year without a full and fair debate on the consequences for today's economy and today's needs. Surely this action does not live up to the responsibility that our constituents have entrusted to us.

The results of our failure to fully weigh the tradeoffs of our spending choices are not inconsequential. Even though serious questions remain about the effectiveness and safety of full body imaging devices, this bill increases funding for the Transportation Security Administration to procure, deploy, and staff new full body scanners in America's airports. To keep spending levels constant, the bill unilaterally ends funding for certain election reform programs, reduces funding for high speed rail, and forces the Department of Energy to raid funding for renewable energy and basic science programs in order to pay for the Advanced Research Projects Agency—Energy. This one-year funding bill freezes the pay of our dedicated public servants for two years even though non-military federal worker salaries did not create our deficit and a freeze will not solve our budget problems. While I'm pleased that this bill includes funds for a 1.4 percent military pay raise and additional funding to help our troops and their families, I regret that the bill includes tens of billions of dollars for ongoing combat operations in Afghanistan. Our continued military operations in Afghanistan and Pakistan are not making us safer, and the billions we are wasting on these wars is money that could be far better spent at home—to hire more police for our communities, build new schools, and replace our aging and increasingly dangerous road and rail bridges.

Yet even with these and many other significant problems, this bill will keep our government operating and uphold many of our important commitments. Low-income working families will receive badly needed childcare and housing assistance. Our military personnel will receive the benefits and care they need, and our veterans will have their benefits claims processed in a more timely manner. We will fully fund our aid agreement with Israel and maintain assistance programs for other countries, including Egypt, Jordan, and Pakistan. Students will continue to receive Pell grants, and the Federal Emergency Management Agency will have the resources necessary to respond to natural disasters.

The choice presented to us in the form of this bill should not be. We are putting off the tough decisions that deserve careful consideration and reasoned compromise. We can and should make that effort. Yet on balance, I believe this bill is necessary, even if the process and the product are clearly insufficient.

Mr. OBERSTAR. Mr. Speaker, I rise today in strong support of H.R. 3082, the "Full-Year Continuing Appropriations Act, 2011."

This legislation includes extensions of Federal-aid highway, public transit, highway and motor carrier safety, and aviation programs.

The timely consideration of this measure is especially critical given that the current extensions of these transportation programs lapse on December 31, 2010.

Division B of this bill extends the current surface transportation programs for nine months, providing a total investment level of \$54.8 billion for these programs in fiscal year 2011. This investment includes \$42.3 billion for the Federal-aid highway program and \$10.5 billion for Federal transit programs.

The extension of surface transportation programs provides continuity of funding for infra-

structure projects, cutting-edge research, and highway safety programs across the country that are putting Americans to work, saving lives, and fostering economic prosperity for businesses and consumers alike.

An extension of current programs and funding levels is a far cry from my preferred approach to addressing the nation's growing surface transportation challenges. Meeting the overall needs of the system and developing a 21st century surface transportation network worthy of being passed on to future generations can only be accomplished through the passage of a robust and transformational long-term surface transportation authorization act.

However, extending these programs through the end of the fiscal year will provide States, localities, and public transit agencies with the degree of certainty necessary to move forward with their capital programs while Congress continues to work toward passage of a long-term surface transportation authorization bill.

I am also very pleased that Division B addresses a concern that I have raised with the Hiring Incentives to Restore Employment (HIRE) Act (P.L. 111-147) regarding the programmatic distribution of formerly earmarked funds that disproportionately benefited certain highway formula programs at the expense of other formula programs.

Division B distributes additional formula funds to States in lieu of additional Congressionally-designated funding. However, the HIRE Act distributed these additional funds to only six of the 13 Federal-aid highway formula programs. This extension act will instead distribute these funds among all 13 highway formula programs.

This change ensures that seven programs: the Appalachian Development Highway System; Rail-Highway Grade Crossing; Equity Bonus; Recreational Trails; Safe Routes to School; Coordinated Border Infrastructure; and Metropolitan Planning programs, receive additional funding in fiscal year 2011.

This approach is consistent with the approach taken in the 12 surface transportation extension acts enacted between 2003 and 2005, which distributed these additional funds through all Federal-aid highway formula programs.

In addition, H.R. 3082 includes an amended version of H.R. 5730, the "Surface Transportation Earmark Rescission, Savings, and Accountability Act," which passed the House on July 27, 2010, by a vote of 394-23. H.R. 3082 eliminates unobligated balances for approximately 300 Member-designated projects contained in previous surface transportation authorization acts, including every surface transportation authorization act of the past two decades. The bill clears the books of projects that will not go forward and saves taxpayers more than \$600 million. I thank the gentlewoman from Colorado (Ms. MARKEY) for introducing H.R. 5730 and working to ensure its inclusion in the bill before us today.

Specifically, the bill:

Rescinds all remaining highway earmarks designated in the Surface Transportation and Uniform Relocation Assistance Act of 1987 (STURAA) (P.L. 100-17);

Rescinds all remaining highway earmarks designated in the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA) (P.L. 102-240);

Rescinds all highway projects designated in the Transportation Equity Act for the 21st century (TEA 21) (P.L. 105-178) that have not obligated at least 10 percent of the funds authorized for the project; and

Rescinds all High Priority Project program funds authorized by the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) (P.L. 109-59) that were not designated for use on a specific project.

Division C of the bill extends aviation programs, taxes, and Airport and Airway Trust Fund expenditure authority through September 30, 2011. These provisions will ensure that Federal Aviation Administration, FAA, programs continue without interruption pending enactment of a long-term FAA reauthorization bill. As I have said many times over the past four years, the House has done its part to move FAA reauthorization legislation forward, only to be stymied by the Senate. In the event that a long-term FAA reauthorization bill is not enacted prior to the end of the 111th Congress, this extension act, which authorizes FAA programs through the end of the current fiscal year, will provide a measure of stability and certainty to FAA programs.

Finally, the bill extends all requirements and conditions of the Federal surface transportation and aviation programs, including provisions regarding the utilization of disadvantaged business enterprises, DBE. DBE provisions have been applicable to the Department of Transportation's financial assistance programs since 1980, and are designed to ensure nondiscrimination in the award and administration of DOT-assisted contracts.

On March 26, 2009, the Committee on Transportation and Infrastructure held a hearing entitled "The Department of Transportation's Disadvantaged Business Enterprise Programs." During the hearing, the Committee reviewed a large volume of recent evidence of race and gender discrimination from numerous sources. This evidence demonstrated that discrimination across the nation poses a serious obstacle to full and fair participation in highway, transit, and airport construction projects of women business owners and minority business owners, and provides a strong basis in evidence that there is a compelling need for the continuation of the disadvantaged business enterprise program to address race and gender discrimination in these transportation construction projects. Based on the Committee's continuing oversight of the DBE program, Congress specifically finds that the DBE provisions are narrowly tailored to achieve a compelling governmental interest.

Mr. Speaker, I ask my colleagues to join me in supporting H.R. 3082, the "Full-Year Continuing Appropriations Act, 2011."

Mr. HOLT. Mr. Speaker, I rise today in support of the FDA Food Safety Modernization Act, S. 510, and to commend the Senate for its hard work in crafting and amending the bill to ensure that it would not adversely impact small and family-owned farms.

According to a study by the Centers for Disease Control, each year 76 million people (25 percent of the population) become sick, 325,000 are hospitalized and 5,000 die from foodborne illnesses in the United States. In recent years, the United States has experienced

many incidents of food contamination, caused by biological and man-made toxins, from spinach contaminated with *E. coli* bacteria, to imported wheat gluten from China contaminated with the industrial chemical melamine, to the largest beef recall in United States history—more than 143 million pounds of beef products—due to downer cattle having entered the food supply, to another of the largest food recalls in the nation's history when Georgia-based Peanut Corporation of America recalled all of its peanut products due to salmonella contamination.

These clear instances of food contamination highlight that we are long overdue in passing comprehensive food safety legislation. I was pleased to support a strong House version of this legislation when it was considered in July 2009. While I am sorry we cannot win final approval for our stronger legislation, the bill before us today includes many of those important reforms, and represents the most comprehensive set of food safety reforms put forth since the 1930s.

The bill would provide the FDA with direct mandatory recall authority, replacing the current system which depends on individual producers to issue recalls. It would also require food producers to develop food safety plans, including identifying potential risks of contamination or other hazards, and identifying the mechanisms through which those risks would be controlled. Hazards required to be identified and controlled are very broadly defined, including biological and chemical hazards, natural and man-made toxins, pesticides, drug residues, parasites, allergens and other contaminants, whether intentionally or unintentionally introduced. The bill would increase the number of FDA inspections at all food facilities. In addition, the bill establishes a food tracing system through which consumers could rapidly be identified and deaths and illnesses could be minimized in the event of a contamination outbreak. Finally, importers would be required to verify that all imported foods comply with United States food safety requirements, and the FDA would be allowed to deny entry to a food that lacks FDA certification for high-risk foods, or that is from a foreign facility that has refused U.S. inspectors.

In particular, I want to thank my colleagues in the Senate for responding to many of the concerns raised by the National Sustainable Agriculture Coalition, NSAC, and constituents from my district that the bill would negatively impact small and family-owned farms, and value-added producers. As stated by the NSAC, “[a]s a result of grassroots mobilization and much negotiation this bill now provides scale-appropriate food safety rules for small farms and mid-sized farms and local processors that sell to restaurants, food coops, groceries, wholesalers and at farm stands and farmers markets.”

The bill before us today includes several key Senate amendments that addressed the NSAC's concerns. For example, the Tester-Hagen amendment clarifies existing law exempting from FDA registration requirements farms that market more than 50 percent of their product directly from the farm or from farm stands or farmer's markets. In addition, it provides less costly alternatives to Hazard Analysis and Critical Control Plans, HACCP,

to farms that directly market more than 50 percent of their product to consumers, stores or restaurants within their state or within 400 miles of the farm, and have gross sales of less than \$500,000. The HACCP is a system through which food safety hazards at producers are identified, evaluated, and controlled, and the Tester-Hagen amendment allows qualifying farms to satisfy HACCP requirements by documenting that they comply with state laws or by providing the FDA with documentation identifying potential hazards, controls implemented to address those hazards, and monitoring mechanisms.

The Stabenow amendment establishes a competitive grant program for food safety training, giving priority to small and mid-sized farms, beginning and socially disadvantaged farmers, and small food processors. The Ben-net amendment alleviates paperwork requirements applicable to all small farms, and requires the FDA to allow on-farm processing and other flexible mechanisms through which small farms may comply with the preventative control plan and produce standards requirements of the bill. Other important amendments that protect small and mid-sized farms would allow the FDA to exempt farms that engage in low-risk or no-risk value-added processing from regulatory requirements, exempt small farms from traceability and recordkeeping requirements if they sell directly to consumers or grocery stores, and remove requirements that negatively impact wildlife and wildlife habitat on farms.

I thank my supportive colleagues again for their leadership and comprehensive action on this matter, and I urge my undecided colleagues to support this bill.

Mr. LUCAS. Mr. Speaker, I rise in opposition to this legislation, H.R. 3082, the continuing resolution. Among many other issues, I object to the inclusion of Senate language from S. 510, the Food Safety Modernization Act.

Let me be clear: I believe our nation has the safest food supply in the world. I also believe we must continually examine our food production and regulatory system and move forward with changes that improve food safety.

This legislation is the product of a flawed process. It will lead to huge regulatory burdens on our nation's farmers and ranchers. It will raise the cost of food for our consumers, and it contains very little that will actually contribute to the goal of safer food. It gives the Food and Drug Administration lots of additional authorities with no accountability. In fact, with the inclusion of the so-called Tester amendment, some argue that it is a step backwards.

My concerns about the legislation are not limited to the unforgiveable process. There are serious public policy concerns as well. The Tester amendment is an illustrative example. Intended to shield small and local producers from the burdens of the new food safety law, it is opposed by virtually all of the major organizations representing farmers and ranchers.

Normally, these groups would be expected to support a provision that sought to protect their farmers and ranchers. But they oppose the Tester amendment—and any legislation that contains it—because it adds to the layers of food safety regulation, creating yet another

tier of regulatory standards that will only confuse our consumers. Further, by exempting small domestic companies from Federal standards, I fear we will be required to exempt similarly sized companies in developing countries from our standards. This approach does not make food safer—it eliminates important consumer protections and puts our citizens at increased risk.

With respect to the Tester amendment, I question the value of any law that is so onerous to an industry that Senators believe segments of that industry should be excluded from it. It would be wise to reconsider the entire legislative approach.

There are other problems in the bill as well. New registration authorities for food processing facilities will create what amounts to a federal license to be in the food business. Registration of food processing facilities was originally envisioned as a commonsense way of helping the FDA identify facilities under the bioterrorism act in 2002. This bill turns it into a license to operate, making it unlawful to sell food without a registration license and allowing the FDA to suspend a company's registration. This is the type of government intrusion into commerce that Americans rejected in early November.

Another provision of particular concern would mandate the Food and Drug Administration to set on-farm production performance standards. For the first time, we would have the Federal government prescribing how our farmers grow crops. Farming, the growing of crops and raising of livestock, is the first organized activity pursued by man. We've been doing it for a long time. And we've been doing it without the FDA.

The vast majority of these provisions, along with recordkeeping requirements, traceability, and mandatory recall authority, will do absolutely nothing to prevent food-borne disease outbreaks from occurring, but will do plenty to keep federal bureaucrats busy. And these are all of the sorts of things that can be worked out through the normal legislative process. But only if there's a process.

Mr. Speaker, let me return to where I started: we have the safest food supply in the world. Anyone who follows current events knows that our food production system faces ongoing food safety challenges and I stand ready to work with my colleagues to address those challenges.

Our nation's farmers, ranchers, packers, processors, retailers, and consumers deserve better.

Ms. DEGETTE. Mr. Speaker, today we take the last few steps in the decades-long fight to finally update our nation's food safety infrastructure.

When you consider that the current food safety system has remained largely unchanged since it was first adopted in the 1930s, it is no wonder that each year thousands of Americans fall ill and even die, as a result of tainted food. In fact, the Centers for Disease Control estimates that food contaminations cause 76 million illnesses in the U.S. each year, including over 300,000 hospitalizations and 5,000 deaths. And the economic cost is equally astounding. A recent report estimates that in Colorado alone over \$2.3 billion is spent on the health-related costs of

foodborne illness. And of course, the cost to our nation's food industry—from the farmer to the producer to the community supermarket—is often even greater. From Salmonella in eggs to E.coli in cheese, the last few months alone have proven that every day we have waited to pass food safety legislation was one day too many.

As we evaluate this final bill today, I still stand by the stronger traceability provisions I fought for in the bill this Chamber passed last year. While this bill marks an improvement to our current regime, I still believe over the next few years Congress will have to maximize the traceability pilot projects called for in this legislation in order to develop the tools we need to pull tainted products from the shelves or prevent unsafe food products from even getting into our stores and homes. Nonetheless, the mandatory recall authority in this bill means we no longer have to rely on corporations to act in good faith. And greater inspection of imported goods means we can ensure that they are just as safe as what is cultivated and produced domestically.

But the benefit of these changes won't come overnight. So I look forward to working with the FDA as they put this new law to work. This bill could overcome years of intransigence and partisanship that have needlessly exposed people throughout my state of Colorado and across the U.S. to foodborne illness.

Food safety is both a public health issue and an economic issue. This bill represents the best of what the American people sent us here to do—work together on a bipartisan basis to keep their families safe and healthy, while securing the key industries that help drive our economy. I urge my colleagues to support this important legislation, and I look forward to the Senate finding a way to send this to the President.

Mr. VAN HOLLEN. Mr. Speaker, I rise in support of today's legislation to make important national investments and protect food safety.

The FY 11 Continuing Resolution will fund government operations at FY 2010 levels through the end of the current fiscal year. At \$45.9 billion less than President Obama originally requested, Chairman OBEY and the rest of the Appropriations Committee obviously had a very difficult set of choices to make, and I want to commend their efforts to address the nation's needs within the context of these significant fiscal constraints. In particular, I am gratified that today's bill provides \$5.7 billion to meet the current shortfall in the Pell Grant program and gives the Department of Energy latitude to expand the Advanced Research Projects Agency—or ARPA-E—program designed to advance transformative energy research. At the same time, I do not support the provision unilaterally freezing non-military federal pay for the next 2 years. While I agree with the President that we must have a serious national debate about how to reduce the deficit and tackle the national debt, I would prefer to address our budget challenges in a thorough, comprehensive way.

While I would prefer adoption of the stronger food safety legislation passed by the House, the Senate-passed FDA Food Safety Modernization Act we are considering today does make substantial improvements to our

food safety system. It includes critical reforms that will improve food safety by providing FDA with the necessary authority to better prevent outbreaks, including increased inspections, enhanced surveillance and traceability.

Mr. Speaker, I urge a yes vote.

Mr. THOMPSON of Mississippi. Mr. Speaker, I would like the following remarks to be inserted into the CONGRESSIONAL RECORD for H.R. 3082, the Full-Year Continuing Appropriations Act 2011.

The Full-Year Continuing Appropriations Act 2011 provides important protections to the United States food supply. However, it targets much of its focus on "facilities" as defined and registered under the Public Health Security and Bioterrorism Preparedness and Response Act of 2002 (the "Bioterrorism Act"), codified in the Federal Food, Drug, and Cosmetic Act at Section 415 (21 U.S.C. Sec. 350d). That reference to "facilities" registered under the Bioterrorism Act has led to confusion. While some companies may have registered their operations as "facilities" under the Bioterrorism Act in an abundance of caution, those companies should not now become subject to the full range of FDA's jurisdiction as a result of this Bill.

It was never the intent of this legislation to include seed production or storage establishments in the definition of "facility", for purposes of either FFDCA Sec. 415 or for the Full-Year Continuing Appropriations Act 2011. In many respects, these establishments are similar to farms, which are exempted from Sec. 415's definition of "facility". Nevertheless, earlier lack of clarity as to Congress's intent regarding this matter has led to confusion in an industry that has historically not been subject to regulation by FDA.

These establishments provide necessary agricultural inputs to growers of food, feed, fiber and fuel stocks. In some instances, seed grown in Southern Hemisphere countries is imported to provide American farmers fresh, quality seed for spring planting. Seed intended for planting is not food or feed and should not be regulated as such, at the border or anywhere else. It is not the intent of this bill to do so.

Mr. KUCINICH. Mr. Speaker, I rise in opposition to H.R. 3082, Making Further Continuing Appropriations for Fiscal Year 2011 and the Food Safety Enhancement Act of 2010. I support the underlying purpose of this bill: to keep the government running through September 30, 2011 and I support a number of provisions in it.

H.R. 3082 contains the Food Safety Enhancement Act, a bill that would greatly strengthen the Food and Drug Administration's (FDA) ability to demand recalls of tainted foods, increase inspections on domestic food facilities, and secure accountability from food companies. It also allows the FDA to create new regulations governing the sanitary transportation of food. I applaud the inclusion of a program to develop a nationwide food emergency response laboratory network to better monitor dangers to our Nation's food supply. While I regret that this bill has been weakened relative to the version that passed the House earlier this year, I welcome the overall improvements to the FDA's authority to protect public health.

I strongly support the funding included for the National Space and Aeronautics Administration (NASA). I am concerned, however, about the possible neglect of NASA's research centers, such as the NASA Glenn Research Center (NASA Glenn) located in my congressional district, as a result of the distribution of funds under this bill. The allocation of funding reflects the significant changes made to NASA's programs as requested by the President. The language in this bill makes vulnerable funds for in-house research and development (R&D) programs such as the Life Science, Human Research and Exploration Technology Development under the Technology Demonstration and Space Technology Missions. Ensuring NASA Glenn's health is vital to the workers at NASA I represent, as well as to the economic health of the State of Ohio. Adequate support of the agency's research centers is key to protecting NASA's legacy as the premier aeronautics R&D agency in the world.

However, I cannot support the \$159 billion contained in this legislation to continue the wars in Iraq and Afghanistan. We have heard about fake negotiations between the Karzai government that we prop up and a fake Taliban leader; this, while we conduct a record number of airstrikes to wipe out Taliban leadership. We know that millions of dollars—some believed to be U.S. taxpayer money—have gone and are going unaccounted for as Karzai and his cronies purchase villas in Dubai. We also know that our night raids and airstrikes only foment hatred toward the U.S. and our presence in the country, further endangering our troops and allies. And yet as reasons to get out of Afghanistan continue to mount, so do the calls for a prolonged presence in the country beyond the initial proposed 2011 withdrawal date. The war in Afghanistan, like the war in Iraq, is taking place in a world where facts and common sense seem to have no place.

I urge my colleagues to oppose this bill.

Mr. DINGELL. I yield back the balance of my time.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to clause 1(c) of rule XIX, further consideration of this motion is postponed.

PARLIAMENTARY INQUIRY

Mr. BARTON of Texas. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his inquiry.

Mr. BARTON of Texas. Under the rules of the House, when is it proper to request a rollcall vote on the item just debated?

The SPEAKER pro tempore. When proceedings resume, the question will be put to a voice vote.

Mr. BARTON of Texas. When might that be, Mr. Speaker?

The SPEAKER pro tempore. The gentleman will have to consult with leadership.

PROVIDING FOR CONSIDERATION OF SENATE AMENDMENTS TO H.R. 5281, DEVELOPMENT, RELIEF, AND EDUCATION FOR ALIEN MINORS ACT OF 2010

Mr. POLIS, from the Committee on Rules, submitted a privileged report (Rept. No. 111-677) on the resolution (H. Res. 1756) providing for consideration of the Senate amendments to the bill (H.R. 5281) to amend title 28, United States Code, to clarify and improve certain provisions relating to the removal of litigation against Federal officers or agencies to Federal courts, and for other purposes, which was referred to the House Calendar and ordered to be printed.

Mr. POLIS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1756 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1756

Resolved, That upon adoption of this resolution it shall be in order to take from the Speaker's table the bill (H.R. 5281) to amend title 28, United States Code, to clarify and improve certain provisions relating to the removal of litigation against Federal officers or agencies to Federal courts, and for other purposes, with the Senate amendments thereto, and to consider in the House, without intervention of any point of order except those arising under clause 10 of rule XXI, a single motion offered by the chair of the Committee on the Judiciary or his designee that the House concur in the Senate amendments numbered 1 and 2, and that the House concur in the Senate amendment numbered 3 with the amendment printed in the report of the Committee on Rules accompanying this resolution. The Senate amendments and the motion shall be considered as read. The motion shall be debatable for one hour equally divided and controlled by the chair and ranking minority member of the Committee on the Judiciary. The previous question shall be considered as ordered on the motion to final adoption without intervening motion or demand for division of the question.

The SPEAKER pro tempore. The gentleman from Colorado is recognized for 1 hour.

Mr. POLIS. For purposes of debate only, I yield the customary 30 minutes to the gentlewoman from North Carolina, Dr. FOXX. All time yielded during consideration of the rule is for debate only.

GENERAL LEAVE

Mr. POLIS. I ask unanimous consent that all Members be given 5 legislative days in which to revise and extend their remarks on House Resolution 1756.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. POLIS. I yield myself such time as I may consume.

Mr. Speaker, the DREAM Act is one of the most important pieces of legislation that I have ever discussed on the floor of the House. It means everything

to hundreds of thousands of de facto Americans. To them and to all of us, it is supremely important and supremely urgent. We have a choice between forcing a brain drain from our country or retaining the best and brightest to contribute to our country and make it stronger and more prosperous.

The young people covered under this bill are the children any parent would be proud of—our sons and daughters, our neighbors, our classmates, prom kings and queens, football players, and cheerleaders—who stayed in school, played by the rules, graduated, worked hard, and stayed out of trouble. They are the children of our great Nation.

We, too, should be proud—not proud of the broken and dysfunctional immigration system and lack of enforcement that put them in this situation, not proud of their parents' violations of our immigration laws, no matter how out of touch with reality those laws may be, not proud of the indignities, discrimination and fear that these young people have faced at every turn—but of how these young Americans have overcome adversity and have demonstrated

American exceptionalism, their pluck, ingenuity, ambition, drive, and creativity in pursuit of, as our Declaration of Independence puts it, life, liberty and the pursuit of happiness. These dreamers embody the very best among our American values, and we should be proud to call them countrymen.

This is a great Nation, and we will be greater still, stronger still, and more prosperous still with the full participation of these young men and women, each with the opportunity to go as far in life as their ambitions and abilities take them.

To be clear: The DREAM Act would provide conditional status to only a very limited number of individuals who meet ALL of the following standards. They must:

1. Have been brought to the United States when they were 15 years old or younger;
2. Have lived in the United States for not less than 5 years before the date of enactment;
3. Have been a person of good moral character, as defined by the Immigration and Nationality Act;
4. Have graduated from an American high school or obtained a GED;
5. Be 29 years old or younger on the date of enactment;
6. Submit biometric information;
7. Undergo security and law-enforcement background checks;
8. Undergo a medical examination; and
9. Register for the Selective Service.

Only after 10 years in this conditional status, could recipients apply for legal permanent residence. In order to adjust their status they must:

1. Have completed 2 years of college; or
2. Have served in the U.S. Armed Forces for at least 2 years and, if discharged, has received an honorable discharge;
3. Demonstrate the ability to read, write, and speak English;

4. Have maintained good moral character throughout the 10-year conditional period; and
5. Pay all back taxes owed.

This debate is about Zandy.

Zandy was brought to the United States when she was four from Zacatecas, Mexico. Zandy grew up in the United States, and found out that her parents took her here illegally when she was 9, because one of her friends was flying to Montana and their family invited her, but her parents told her she couldn't go because she didn't have papers. Zandy went to prom senior year, "it was really cool," she said, "finally my mom let me and I wanted to look pretty for prom, I didn't have a date so me and my friends went to the fair."

Zandy has a passion for law enforcement. As she put it, "I want to help stop the drug cartels." Zandy, who is currently enrolled at the Community College of Denver, wants to be a DEA agent. Our decision today will determine if she engages in law enforcement to protect our laws, or she is pursued by law enforcement in violation of our laws. Will we create an agent of public safety, or will we criminalize a young woman because of actions that were not her own. Will we allow Zandy to become someone who protects us, or someone we must waste money criminalizing.

What benefits America more?

"I want to be in law enforcement and doing what I want to do in my life."

Mr. Speaker, we want Zandy as an American.

This debate is about Claudia.

Claudia is 21 years old now, and is a 3rd year college student at University of New Mexico. She attends college in New Mexico because unfortunately Colorado doesn't offer in-state tuition. She was brought here when she was 7 years old. In high school, she was vice president of the Latino Youth Leadership Club and engaged in hundreds of hours of community service tutoring younger kids.

Claudia enjoyed tutoring younger children, and wants to be an early childhood education teacher, teaching preschool and kindergarten.

She has no immediate family in Guadalajara, Mexico, where her family took her from. She was brought up here, doesn't remember much from there.

Claudia is a role model for her 11-year-old younger sister.

"I actually feel discriminated, it is sad that we are looked upon differently than other people even though we've been here long enough to know everything. This law would help me be near my family."

Claudia would transfer to University of Colorado, closer to her family, if the Dream Act passes, and poses the question for us: Put yourself in my situation: What would you do? What's the right thing to do?

Mr. Speaker, we want Claudia as an American.

This debate is about Luis.

Luis was brought to the United States by his parents when he was ten years old in 2001. He grew up as American as anyone else, he was active in French Club and was on the varsity soccer team at Skyline High School. He was accepted into UNC but couldn't attend because of lack of status. He wants to be a psychiatrist but is not in school because of his immigration status, accepted to UNC, went to

classes, dorms, couldn't go. There was "never a difference between me and my peers," he says.

Luis wants to be a psychologist. Luis also seems to have a potential career ahead of him as a pundit, or perhaps even in public service or as a, g-d forbid, lobbyist. He said, without any malice, "I might add in truly in the nature of trying to understand motivations and work with them. Many of the Republicans are looking into the money side of things, they won't listen to someone like me, what I would tell them is they should look at us not as a burden but as someone who will brighten their future. We are here and we're not going to go anywhere, and we're going to make this country better, create jobs and make the economy better."

"America", said Luis, is "the place where you can make things happen."

In a day of age in which we suffer from a national malaise of laziness, what better infusion of ingenuity can we attain than under the Dream Act?

Mr. Speaker, we want Luis as an American. This debate is about Angel.

Angel, is a senior in high school in my district in Colorado. His parents brought him from Zacatecas, Mexico when he was six years old. In High School, he is very active and serves on the student council and in the Theater Club. He won an essay contest a couple years ago, and got a trip to NYC where he told me how excited he was to meet members of the cast of *Wicked*. The four days he spent in NYC helped manifest in Angel a keen interest in the arts, and he wants to go to college for performing arts.

He is 19 years old, and serves as a role model for his brother, who is in the same situation and is 14 years old and was brought here when he was one. Angel has no memories of any other country and has never been back to Mexico.

Mr. Speaker, we want Angel as an American.

This debate is about Michelle.

Michelle was brought to the United States at age 7, her little sister had skin disease caused by pollution in Mexico City. Good life, dad was a lawyer, mom stayed home, now clean homes.

Michelle is now in her 1st semester at Community College of Denver. She attended Fairview High School and was on the Nova girls soccer team as a forward. She also won an award from our Boulder Youth Advisory board, or YOAB, for greatest helper in the Boulder community because of her community service. She credited one of her teachers, Mrs. Carpenter, for helping her get involved with community service including Rotary Club.

Michelle has never been back to Mexico City, and is now 18 years old. She found out was undocumented, in 8th grade, when she wanted to go on a trip to Washington DC with her school, nations capital, school trip.

After completing her requirements, she would like to transfer to study marine biology.

"I would love to study marine biology but am not sure what they want let me because of my situation," she said.

If not marine biology, then a teacher.

"My life is here now. It's not our decision to come here but we came and we're studying

and we're trying make our lives better than our parents and to make a good life for ourselves. They are stopping the dreams for students who don't have papers. I don't know if they want us to work in McDonald's or Wendy's, I don't know what they want us to do, they aren't letting us reach our goals or our dreams."

Mr. Speaker, we want Michelle as an American.

Constituent service is one of the most fulfilling components of our job. Regardless of party, regardless of the ideology of our districts, or our own ideologies, we are fundamentally in this business to help people to a person. When a veteran of a war is wrongly denied their benefits, we go to bat for them and help them cut through the bureaucratic impasse and get what they have earned by serving our country, or when we help a constituent stay in their home by identifying an alternative to foreclosure. What thrill can top that?

And then, Mr. Speaker, there are those who we are unable to help.

Chih Tsung Kao is 24. His story starts when he was 4. He entered the States with his mother with a visitor's visa, which was later changed to a student visa. "I was basically dropped off at my grandmother's in Boulder, Colorado as my mother left back for Taiwan." During his stay with his paternal grandparents, his student visa status expired due to their negligence. Chih was 17 before he learned that his visa had expired. Since then, he's looked for different legal routes to obtain some sort of legal status; all leading to dead ends.

Chih is a college graduate with a Civil Engineering degree from the Colorado School of Mines in Golden, Colorado. He is currently serving in the Taiwanese military due to their conscription policy, and is trying to readjust to his new life there. This is how he describes his new life: I am illiterate in Chinese, which makes simple, everyday tasks here in the military difficult. I am also trying to learn basic spoken Chinese. . . . I can't even understand their basic commands here, and only move when others move. I will see how they will utilize me after my basic training ends and I am assigned a new post . . . but many superiors have told me they're not sure what they will be doing with me.

Chih contacted my office for help, but I was impotent to intervene and America lost this great mind, this great contributor, this engineer. Chih knows that the Dream Act comes too late for him, but told me to share his story with you, because, as he put it, "The Dream Act may not affect me, I know that it will greatly benefit those that are in similar situations as I was. Many of them are students who strive to contribute to the workforce legally. I hope this letter helps paint a small piece of a larger picture for those that don't understand the situation and the feeling of helplessness many students and young people have in the States. It's a hard thing, feeling like the country you consider home, doesn't want you in the country at all."

Visualize the image, Mr. Speaker, of a young man, with an engineering degree from Colorado's premier engineering school, forced to serve in the military of a foreign country where he knows no one, trying to obey orders in a language he doesn't even understand.

This is a waste of human capital, a waste of our public taxpayer money, to spend hundreds of thousands of taxpayer dollars educating Chih only to force him to serve in a military of a country he doesn't even speak the language of. It's farcical. It's absurd. And it happens every day and the Dream Act will solve it. For all of us in this body, Chih is the one we couldn't help.

We hold their futures in our hands. Mr. Speaker, please don't put us in the position of having to go back to them, yet again, and say not yet, when we all know it is inevitable. And this debate is about how to make our country stronger, more secure, more prosperous. This debate is about our values. This debate is about Zandy, Luis, this debate is about our Country and our future. I encourage my colleagues to do what they know to be the right thing.

Over \$70,000 of taxpayer money was invested in Michelle. Now it's our choice. Do we want her to be a respected marine biologist or an illegal immigrant cleaning buildings for \$6/hour? It's up to us. Which is better for us? For our nation?

What would you do in their shoes?

In our shoes, what do we want them to do to better ourselves and our nation?

In consigning a future scientist who may discover the cure to cancer to clean offices at 2 in the morning at minimum wage, we deprive ourselves of the cure to cancer.

"There is a million-dollar difference, over a lifetime, between the earning capacity of a high school graduate and a college graduate. Research also shows that people who go to college are healthier, are more likely to volunteer and to participate in their community, and are less likely to be incarcerated or rely on public assistance. . . . It is imperative that action be taken in 2010 to finally make college education available to these qualified graduates of U.S. high schools."—Michael Crow, President, Arizona State University.

"The DREAM Act would throw a lifeline to these students who are already working hard in our middle and high schools and living in our communities by granting them the temporary legal status that would allow them to pursue postsecondary education. I believe it is in our best interest to educate all students to their full potential—It vastly improves their lives and grows our communities and economy."—Drew Gilpin Faust, President, Harvard University.

The Dream Act will finally help eliminate the achievement gap in our schools, and inspire other students by upping the ante. Secretary Duncan said it well:

"Passing the Dream Act will unleash the full potential of young people who live out values that all Americans cherish—a strong work ethic; service to others; and a deep loyalty to our country. It will also strengthen our military, bolster our global economic competitiveness and increase our educational standing in the world."

The Dream Act will finally help eliminate the achievement gap in our schools, and inspire other students by upping the ante.

The theme of my service in Congress is human capital issues. Improving our schools, increasing access to higher education. Taking on entrenched interests where necessary to

increase our human capital. The flip side of the education aspect of developing our human capital is immigration. Not only do we want to grow the next generation of global leaders at home, we want to import the best and brightest from around the world. And we keep shooting ourselves in our own foot in this regard. We lost Chih, not because of him, but because of us. We turned a highly trained taxpayer-financed engineer into an incompetent enlistee in a foreign military. Brilliant.

The DREAM Act provides students powerful incentives to stay in school, do well and graduate. It is a practical step toward realizing a return on the U.S. public education system's investment in immigrant youths. A 2010 study by the UCLA North American Integration and Development Center estimates that the total earnings of DREAM Act beneficiaries over the course of their working lives would be between \$1.4 trillion and \$3.6 trillion.

We want them working in America. We want these potential high-earning tax payers to stay in our country and boost our economy.

A 2007 study by the Alliance for Excellent Education estimates that each high school dropout cost the nation approximately \$260,000 in lost taxes and productivity. State and local economies suffer when they have less educated populations. The nation's economy and competitive standing also suffer when there are high dropout rates.

Failure to pass the Dream Act will lead to a brain drain of our own making, a drain in which the very best of a generation, the college bound, the graduate school bound, the doctors and servicemen, scientists and poets are given a terrible choice: Go to a distant land where you have no connection, or stay here and work in the underground unskilled labor market.

The DREAM Act would also improve our national security. Leaders from the armed services have been nearly unanimous in their support of this bill because they recognize that it would help the military "shape and maintain a mission-ready All Volunteer Force." Former Secretary of State General Collin Powell and military leaders from both parties have spoken up in support of the DREAM Act. Defense Secretary Robert Gates said the DREAM Act would improve "military recruiting and readiness" and the U.S. Department of Defense Office of the Undersecretary of Defense for Personnel and Readiness has gone as far as including the DREAM Act in its strategic plan.

It is difficult to make moral arguments that change minds in this chamber. Members of Congress, like Americans as a whole, come from various faith traditions including Christianity, Judaism, Islam, Buddhism, agnosticism, and atheism, and of course various strains of orthodoxy within their tradition.

However, there is no other area of law in which a young minor, a two year old, is culpable.

A. (Deuteronomy 24:16)—"Fathers shall not be put to death for their sons, nor shall sons be put to death for their fathers; everyone shall be put to death for his own sin."

B. (Ezekiel 18:20)—"The person who sins will die. The son will not bear the punishment for the father's iniquity, nor will the father bear the punishment for the son's iniquity; the righteousness of the righteous will be upon him-

self, and the wickedness of the wicked will be upon himself."

There is no moral code prevalent in Judeo-Christian thought that suggests that it is moral for humanity to visit the sins of the father upon the son. Our values are reflected in our legal code: When someone dies, their debts are not passed down to the son or daughter. When an adult is pulled over for speeding, no ticket is given to the two year old riding in the child-seat in back. But that is exactly what some are advocating here. Ticket the two year old who was along for the ride, they say. What they were doing was illegal. The child was speeding. Regardless of one's faith, punishing the wrong person for a crime, because of a blood relation, defies our ethical sense.

Ticketing the two year old makes no more sense than penalizing a child for passively being brought here by their parents. A two year old, a five year old, an eleven year old is not only not competent to make such a choice, but even if you assumed that they were, they are in practice unable to economically or socially separate from the family unit that provides for their sustenance. A child must go with his or her parents, there is nothing else a child can do. We don't even go up to 18, the age of majority, with this bill. To eliminate any question, we admit that a 17 year old, a 16 year old, should somehow know better, and leave their parents and home and support structure if their parents try to take them somewhere illegally. That's a bad assumption. It breaks my heart that we had to make that concession, because I know 16 year olds, 17 year olds, Madam Speaker, and think of some of the 16 year olds you know. Are they really mature and capable enough to leave their parents and survive completely on their own? Perhaps some are, but to make this bill even less controversial we set the maximum age at 15. Which means a 16 year old is supposed to competently make a decision to leave his parents if they choose to immigrate illegally. That's the concession we made to get this bill passed. No one can argue that an 8 year old or 12 year old is capable of what we expect a 17 year old to have done under this bill. The lack of a DREAM Act mechanism is immoral for our nation, and forces underage children to bear the heavy costs of their parents' decisions to violate our laws.

One argument I hear is that the DREAM Act will only encourage more illegal immigration. That argument shows a profound lack of understanding about what brings immigrants here. First of all, the illegal immigrants in question already came here without a DREAM Act. Illegal immigrants will continue to come here and stay here as long as we continue to make a mockery of immigration enforcement, and as long as they can earn more money here. We have no meaningful workplace enforcement. Comprehensive immigration reform, and I'm proud to say I'm a co-sponsor of the House bill, would have solved that. We could have reduced the number of illegal immigrants from around 15 million to close to zero. But we did not. So we are where we are, and we are not talking about comprehensive immigration reform today, instead we are talking about one of the politically easiest, most economically important, and most morally

pressing element of immigration reform: recognizing the hundreds of thousands of de facto Americans, who were brought here as minors without their knowledge or consent and that our taxpayer dollars have educated 30 and will be living their lives in our nation as legal entities with the potential to eventually attain the full rights and responsibilities of citizenship.

Passing the DREAM Act would reduce the number of illegal immigrants by over 500,000.

Those who oppose the DREAM Act support the ongoing presence of over 500,000 more illegal immigrants within our borders. Opponents of the DREAM Act make a travesty of the rule of law and facilitate the ongoing presence of undocumented foreign nationals inside our country, which hurts the budgets of counties, cities, and so frustrates the states with good reason. Opponents of the DREAM Act would make a criminal, rather than a police officer, out of Zandy.

States like Arizona have taken actions against illegal immigration precisely because of the size of this issue, and Congress's failure to do anything about. Well, finally we have a chance to cut illegal immigration by about 5 percent. That's substantial. I'd rather cut it by 100 percent, but 5 percent. It's something we can be proud of—a legitimate first step to show the American people that we are serious about solving this problem. At the same time, it will strengthen our economy, improve our schools, make money for taxpayers, and help restore the rule of law to our nation.

Some opponents of the bill have charged that this bill is being pushed through without sufficient time to review it. This is hard to understand considering the bill was introduced nearly 10 years ago, and has been introduced into every subsequent Congress. In spite of this, a great deal of misinformation has recently been spreading regarding this bill. In order to set the record straight, let us explicitly address some of these concerns.

Opponents of this bill have claimed it has not received a CBO score, when in fact it has. CBO found that the DREAM Act would reduce the deficit by 1.7 billion dollars over ten years.

CBO SCORE

H.R. 6497 would affect federal revenues in a number of ways. The increase in authorized workers would affect individual and corporate income taxes, as well as social insurance taxes. On balance, those changes would increase revenues by \$1.7 billion over 10 years, according to estimates provided by the staff of the Joint Committee on Taxation (JCT). Newly authorized workers also would be eligible for some refundable tax credits. CBO estimates that enacting H.R. 6497 would decrease net direct spending by about \$500 million over the 2011–2020 period. That amount reflects changes in spending for refundable tax credits, Social Security, Medicare, student loans, and the Department of Homeland Security (DHS). DHS would charge fees to certify legal status under the bill. Homeland Security (DHS). DHS would charge individuals fees to certify their legal status under the bill. The department's costs to implement the bill would be covered by those fees. Under the proposal, DHS also would impose a surcharge on individuals seeking to obtain or renew their conditional nonimmigrant status. DHS would not be authorized to spend those surcharges. CBO

has not completed an estimate of the legislation's potential effects on discretionary spending, but any such effects would probably be small.

I expect all Members who are serious about the deficit will enthusiastically vote for this bill.

The DREAM Act would not extend any special benefits to beneficiaries. The bill specifically excludes them during the 10-year conditional period from receiving any government subsidies to participate in the health insurance exchanges created by the Affordable Care Act. Those with conditional status also would be ineligible for Medicaid, Food Stamps and other entitlement programs.

States will still have the authority to decide who is eligible for public higher education benefits based on residency. If a state provides eligibility for in-state tuition to DREAM beneficiaries in the state and they choose to attend a public university outside of the state, they will pay the same rates as other out-of-state students.

Students may only access benefits that they work for, or pay for. DREAM beneficiaries are only eligible for federal student loans (which must be paid back), and federal work-study programs, where they must work for any benefit they receive. Students are prohibited from obtaining Pell or other federal grants.

To be clear: recipients of the DREAM would not be able to receive any federal funds. These concessions were not easy to make. While painful, however, these are fair concessions to ease the concerns regarding this bill. For opponents to continue their obstructionism demonstrates a clear lack of interest in actually solving our immigration challenges.

In my state of Colorado, 46,000 young people will be eligible, according to one study. These young people are an untapped resource for my state that would boost the local economies of where they live.

Our decision before us today is clear, we can either create a marine scientist to contribute to our country and increase our knowledge, or create an illegal immigrant out of Claudia.

Our nation deserves more scientists and engineers, not more illegal immigrants.

I also want to pose two questions, one is what would we ask of them (what do we want them to do), the second is, what is best for us and our country?

Claudia posed it well "What do they want us to do?" Instead of going to college or serving in the military, Are we telling Claudia and the others to clean buildings at night? Are we telling them to become nannies, construction workers, housekeepers or other occupations available to undocumented immigrants because of our lax enforcement? Or are we telling her to go to a country where she knows no one and has never been in her memory, where she barely speaks the language and would be lost and unable to work? I want Claudia to be the best darn Marine Scientist in the United States and to make great scientific discoveries that benefit humanity and improve our knowledge of the oceans. For those who oppose the DREAM Act, what do you want Claudia to do?

And what serves us best? What serves our interests best? Is it Claudia working illegally as a housekeeper? Is it her leaving our nation

after we've invested tens of thousands of dollars of taxpayer money in her education? Wouldn't it be more beneficial to our country to allow her to live up to her potential here with the rights and responsibilities of an American. These stateless young people will be a credit to their nation, let's make it our nation.

Madam Speaker, this debate is about Ray. Ray was brought here when she was two years old. Her parents told her that she was born in the United States so she wouldn't feel the stigma of being foreign born. So Ray grew up not knowing she was foreign born until she was a teenager. Ray wanted to be involved with the fashion industry. Her tough, can-do attitude led her to start her own lace business. Unfortunately, Ray is no longer with us, but don't fret, this immigrant story ends happily. Ray Keller, my great grandmother, passed away at the age of 98 in 1989. Without friendly immigration laws that allowed people to naturalize, I wouldn't be standing here before you today, as a member of the United States Congress. So too, there are future generations of Americans, including I'm sure future members of this body, who are relying on our vote today to recognize their forebears as the excellent Americans that they already are in all but name. Madam Speaker, Ray Keller was a proud American.

I encourage my colleagues to support the rule and the underlying bill.

I reserve the balance of my time.

Ms. FOXX. I yield myself such time as I may consume.

I thank my colleague from Colorado for yielding time.

Today, I rise in opposition to the rule for H.R. 6497, and I urge my colleagues to vote against it.

Mr. Speaker, I don't think there is anyone on our side of the aisle who isn't empathetic to the fact that the youth brought to America as children did not come here illegally of their own accord. I certainly feel that way.

However, the majority of immigrants come to America because of what our Nation stands for, which is rooted in our foundation—the cornerstone being our rule of law. In order to maintain our liberties and freedom, Congress must always respect and preserve the rule of law. We must exercise our principles in fairness, not inequity; and I would argue that amnesty is not fairness but a direct assault on the rule of law.

Our immigration system is in disarray, and any immigration legislation we consider should begin with securing the border and should go through regular order.

Mr. Speaker, I reserve the balance of my time.

Mr. POLIS. Mr. Speaker, I yield to the gentlewoman from Florida (Ms. CASTOR) for a unanimous consent request.

Ms. CASTOR of Florida. I thank the gentleman for yielding and rise in support of the DREAM Act.

I rise today in support of thousands of Florida students—and families and businesses throughout my community—who will benefit under the Dream Act.

Our great nation is built fundamental principles of liberty, equality and opportunity.

These values apply to all, except for a small group of young people who have been stuck in limbo through no fault of their own and face obstacles to education and productivity.

Young woman from central Florida came to the U.S. from Costa Rica with her family when she was very young. She graduated from an arts magnet school with a 4.2 GPA. She was accepted to every school she applied to, but she couldn't attend any because tuition was too high and she didn't qualify for financial aid. The Dream Act will help.

Armwood High School valedictorian who faced obstacles as he tried to get college financial aid and scholarships. Despite perfect grades, he had a tough time getting the financial help he needed.

Young woman I know who was born in Mexico City. She grew up with only her mother after she was brought to America as a baby. Despite stellar grades in high school, she was ineligible for in-state college tuition.

"It would have given me a lot more opportunities," she says. "It would have made me part of the fabric of this country that I have lived in my whole life and that I have contributed to my whole life."

In Florida, in-state tuition costs about \$5,200 per year, but out-of-state at the University of South Florida, \$16,000. At the University of Florida, it exceeds \$25,000. The Dream Act will breathe new life into the hopes and dreams of young people who only know America as their home. We need to support and encourage higher education, instead of preventing and discouraging these teens from attending college.

The Dream Act would allow students who entered the United States before their 16th birthday, who have lived in the country for at least five years, who are in good moral standing and who have graduated from high school to be classified as permanent residents and pursue a path toward citizenship. As permanent residents, they would be able to apply for in-state tuition and federal student financial aid, enabling them to pursue the American Dream of higher education.

Young adults could also earn conditional permanent residency status if they complete two years in the military.

I am proud to co-sponsor this vital legislation and look forward to its swift passage so we can help put our hard-working and intelligent students on the road to citizenship.

□ 1730

Ms. FOXX. Mr. Speaker, I yield 4 minutes to the distinguished gentleman from Florida (Mr. LINCOLN DIAZ-BALART).

Mr. LINCOLN DIAZ-BALART of Florida. I thank my friend.

I think it's unfortunate the way that the majority leadership has treated this issue when, Mr. Speaker, you see that after bringing the stimulus and the cap-and-trade and the health care legislation and all of the political capital that the President and this majority leadership had has been exhausted; and after receiving that defeat at the polls, after all that they bring this legislation to the floor.

I think the process is most unfortunate. And the way in which they have handled this legislation, Mr. Speaker, shows the lack of interest that they have had in it. That doesn't negate, however, the fact that the legislation is extremely important. If there is anything that distinguishes the United States of America—I think in an appropriate and in an admirable way—it is that we are a meritocracy. You stand or you fall in the United States of America based on your own decisions, not the decisions of your parents or your grandparents or their grandparents. Your decisions determine your reputation in the United States of America.

So what we are dealing with in this legislation is who we are dealing with, number one, the kind of immigration that we work day in and day out to try to attract and retain in the United States, college-educated people who have become so after extraordinary hard work.

Secondly, Mr. Speaker, after thinking about what we are trying to do, it all boils down to the decisions. I referred previously to the fact that the United States is distinguished by the fact that the American people stand or fall based on our own decisions. What are the decisions that those students who we're dealing with in this legislation have made in their lives? They didn't make the decision to come to the United States out of status. The only decisions that they have made in their lives have been to work hard, to study hard, to make our communities proud. This legislation seeks to give them an opportunity to make their situation regular, normal so that they can contribute even more to the greatness of this Nation.

At the end of the day, despite the unfortunate process, we cannot stop thinking about who we are dealing with in this legislation. That is why I have been, for a decade, a sponsor or cosponsor of this legislation, and that is why I am proud to support it this evening. I urge my colleagues to join me in supporting this legislation.

Ms. FOXX. Mr. Speaker, I yield 7 minutes to my distinguished colleague and soon-to-be chairman of the Judiciary Committee, Mr. SMITH from Texas.

Mr. SMITH of Texas. I thank my colleague for yielding and a distinguished member of the Rules Committee for giving me time.

Mr. Speaker, I oppose this rule. The so-called DREAM Act is a nightmare for the American people, and this proposed rule is a nightmare for House Members. Once again, we are considering a bill that Members have not had adequate time to review, that has not gone through the proper committee process, and that we cannot amend. This is far from the open and transparent process we were promised.

The majority promised that Members of this body would be able to review

legislation for 24 hours prior to a vote. We have only had the text of this bill for a few hours. So much for that commitment to the American people.

If this rule passes, the majority will have prevented Members from offering amendments. And the majority has even eliminated the one possible way the bill could be improved, with a motion to recommit. This undemocratic way of considering legislation stands in contrast to the way Republicans will operate in the next Congress. Come January, the Republican majority will show the Democrats what it's like to have a fair, honest and open debate. We will educate them on the democratic process.

Just over a month ago, the American people rebuked the way that Democrats have run the House of Representatives and the Federal Government in general, so one might think that the majority would change their ways, but it seems that the Democrats have learned nothing and have forgotten everything.

If this rule is adopted, we will be forced to consider a bill that we will have no chance to amend, even though it puts the interests of illegal immigrants ahead of the interests of American citizens. It hurts American workers, rewards lawbreakers, and encourages continued defiance of the most fundamental American value—the rule of law.

Today Americans face an unemployment rate of 9.8 percent. The unemployment rate has exceeded 9.5 percent for 16 straight months, the longest stretch since the Great Depression. The DREAM Act makes illegal immigrants eligible to work legally in the United States. Why are Democrats doing this to American workers? This Congress should focus on creating jobs for Americans, not promoting policies that cause unemployment.

I am sympathetic to the young, illegal immigrant children who were brought here by their parents. Because their parents disregarded America's immigration laws, they are in a difficult position. However, this bill actually rewards the very illegal immigrant parents who knowingly violated our laws.

Once the DREAM Act's amnesty recipients become citizens and turn 21, if they haven't already they can sponsor their illegal immigrant parents, spouse, or children for legalization, who can then sponsor others, resulting in chain migration that will further hurt American workers and American taxpayers.

As has happened with past amnesties, this new amnesty will encourage more illegal immigration because other illegal immigrant parents will bring their children to the U.S. with the expectation that they, too, will benefit from the DREAM Act.

Also, as soon as an individual files an application under the DREAM Act, the

Department of Homeland Security is prohibited from removing them. So there is an automatic stay from deportation for anyone who applies under this bill. And criminals are not excluded. Those with histories of passport fraud, visa fraud, and even driving under the influence will be granted amnesty.

Although the bill enacts disastrous policies, the lack of an open and fair process is another reason to oppose it and this rule.

The majority has brought this bill to the floor without giving Members adequate time to review it. The majority has brought this bill to the floor without holding any hearings on the bill or its impact, thus depriving Members of the ability to learn how the bill would work or not work. The majority has brought this bill to the floor without committee approval, so Members have not had the opportunity to offer amendments. The majority has even eliminated the one way the minority is supposedly guaranteed as a way to address the people's concerns, a motion to recommit.

In addition to the negative impact of the DREAM Act on American citizens and the rule of law, the undemocratic procedures justify strong opposition to the rule.

Mr. POLIS. Madam Speaker, I have no additional speakers and reserve the balance of my time to allow the gentlelady to close.

Ms. FOXX. Madam Speaker, I yield 3 minutes to the gentleman from Georgia (Mr. GINGREY).

Mr. GINGREY of Georgia. I thank the gentlelady for yielding.

Madam Speaker, I rise in very strong opposition to the rule for H.R. 5281, the so-called DREAM Act; in fact, many of those and my constituents who abide by the rule of law would call this a "nightmare act" rather than the DREAM Act.

This legislation has been misnamed from the beginning as an avenue for young men and women to obtain the American Dream; but let me be perfectly clear, Madam Speaker, H.R. 5281 is nothing short of amnesty for illegal immigrants. According to the Migration Policy Institute, an estimated 2 million immigrants will be eligible for amnesty under this bill. That number is not too difficult to imagine given that H.R. 5281 would allow these individuals, once they are naturalized and become 21 years of age, to exploit our broken system by sponsoring their immediate relatives with no numerical cap.

□ 1740

We call that chain migration. In fact, they could each bring in something like 179 other individuals.

Further, the potential for fraud is exponentially great, considering that one provision of the bill mandates that the

immigrant has resided in the United States since they turned 16. My question is simple: How can we verify how long an illegal immigrant has been in the United States? We cannot and should not require ourselves to rely on the word of individuals whose very presence in the United States is illegal.

So, Madam Speaker, we all know that the requirements to become a legalized permanent resident under H.R. 5281 do not actually mandate that the potential naturalized citizens complete any college or vocational degree. They just simply have to show up and go for 2 years. If the bill attempts to integrate and educate the immigrant workforce into America, this legislation certainly will not achieve that goal.

So, in closing, Madam Speaker, H.R. 5281 will open the doors, yes, to criminal aliens obtaining permanent status to the detriment of legal immigrants. This legislation allows an illegal alien to submit an application for legalized permanent resident status; and in doing so, the Department of Homeland Security will no longer be allowed to deport them, criminal or not.

I urge my colleagues, oppose this rule and the underlying legislation.

Ms. FOXX. Madam Speaker, I now would like to yield 3 minutes to the distinguished gentleman from California (Mr. ROHRABACHER).

Mr. ROHRABACHER. Madam Speaker, I rise in opposition to both the rule and the so-called DREAM Act.

Madam Speaker, the American people are adamantly opposed to the DREAM Act because they understand that it is nothing more than mass amnesty that will undoubtedly encourage millions more to illegally immigrate into our country. Yes, we are being told by those on the other side of the aisle that this is not amnesty. But if it walks like a duck, if it quacks like a duck, then it is a duck. And this may be a lame duck, Madam Speaker, but it is amnesty.

The DREAM Act specifically focuses on promising young foreigners a bright future if their parents choose to break the law. This will unquestionably encourage desperate parents to bring their children, perhaps millions of them, across our borders illegally. And once the children gain citizenship, their parents and other immediate family members will be put on the fast track to citizenship through family unification and then will be eligible for all the rights and services currently enjoyed by American citizens.

Moreover, if an illegal immigrant happens to be a racial or ethnic minority—the vast majority, of course, of illegals are of an ethnic or racial minority—then that individual will be entitled to all the education, employment, and other preferences for minorities that are written into our Federal and State laws as soon as, of course, their legal status is granted. As a re-

sult, the DREAM Act would not only put illegal immigrants on par with American citizens but, in many cases, would put them ahead of most American citizens who are not minorities and ahead of legal immigrants as well.

It is not being coldhearted to acknowledge that every dollar spent on an illegal immigrant is \$1 less for our own children, for our own seniors, and for all those in our society who have played by the rules, paid taxes, and expected that their government was going to watch out for them and for their needs before bestowing privileges and scarce resources on illegals who have not played by the rules.

Yes, this is the DREAM Act, all right. It is the dream of millions living outside our borders to come to our country by whatever means and partake of the health, education, and other benefits that we can scarcely afford for our own citizens. For us, the citizens and legal immigrants, who have played by the rules, worked hard to build a better home and a better life for our families, this is not the DREAM Act. This is the nightmare act.

I am well aware and appreciate our Nation's immigrant heritage. We have more legal immigration into our country annually than all the other nations of the world combined. And we should be proud of this, proud that we are so generous and open. But we must be honest about how many we can absorb without hurting the lives of our citizens and, yes, those legal immigrants who came here within the boundaries of the law.

The SPEAKER pro tempore. The time of the gentleman from California has expired.

Ms. FOXX. I yield the gentleman an additional 30 seconds.

Mr. ROHRABACHER. We must oppose policies like the DREAM Act that will serve as a magnet to those who would flock here illegally. I urge my colleagues to reject this attempt to rob our children of their dream and to vote "no" on this divisive and irresponsible legislation which will do no more than bring millions more across our borders illegally, only this time, they will make sure they bring their kids. All of them. I ask my colleagues to join me in opposition to this DREAM—nightmare—Act.

Ms. FOXX. Madam Speaker, I am just wondering if the gentleman from Colorado has no speakers or is simply going to keep all his time until after our speakers have spoken.

Mr. POLIS. I have already reserved the balance of my time for you to close. I have no further requests for time.

Ms. FOXX. Madam Speaker, I now would like to yield 1 minute to our distinguished colleague from Florida (Mr. MARIO DIAZ-BALART).

Mr. MARIO DIAZ-BALART of Florida. Madam Speaker, for 4 years, the

Democratic majority has promised to fix our broken immigration system. The President promised to pass immigration reform in the first 12 months of his administration. Just another broken promise. Instead of passing meaningful legislation to secure our borders, to protect our national security and to address the millions of people who are here undocumented living among us, this Congress has refused to do so, Madam Speaker, and now, in the final hours of their majority, they now bring up this bill. Just another example of why the American people overwhelmingly rejected this majority.

Now, on the merits, those who stand to benefit from this bill include thousands of young adults who were raised in our country and really know no other country but America. They simply wish to pursue the American Dream and have the opportunity to study, to work hard, to serve in our Armed Forces. They are exactly the type of people that we want in this United States of America. I, therefore, urge my colleagues to support this legislation today.

Ms. FOXX. Mr. Speaker, I yield 4 minutes to the distinguished gentleman from Iowa (Mr. KING).

Mr. KING of Iowa. Mr. Speaker, I thank the gentlelady for yielding.

I rise in opposition to this rule and the bill, H.R. 5281. I agree with some of the presenters before me. It is not a DREAM Act. It's a nightmare act. It's one of those pieces of legislation that if the proponents actually understood the components of it, some of them would peel off, some of them would change their mind, and some of them would wish they could but they're on record and can't.

The nightmare act is amnesty. Now, we need to come to an agreement on what amnesty is. I have long said that to grant amnesty is to pardon immigration lawbreakers and reward them with the objective of their crime. This legislation seeks to reward those who are, under the law, eligible for being sent back to their home countries.

Now, it's everybody that says they came in on the day of their birth until the last day before they turned 16, but we don't have any way of verifying this. The certification and the background checks are completely impossible. About 50 percent of the people that come into the United States across our southern border don't have a legal existence in their home country, meaning they don't have birth certificates or a track of their life like we normally have here, so it's impossible to do background checks. They can say who they want to say they are. They can propose whatever they want to propose. They can say they were born in the United States or were brought into the United States. And they can say they had done so when they were 15 years old, they could have come into

the United States when they were 29 years and a day old and still be eligible under this bill because there is not a way to verify. So this is the thing that is designed to tug at our heartstrings, and it opens the door for amnesty, and it lays the foundation for a whole series of other pieces of amnesty components.

But truthfully, this process is illegitimate. This is a repudiated, rejected 11th Congress. The American people went to the polls in unprecedented numbers, and they voted an unprecedented number of people out of office and put new faces in here. This lame duck session should never be used for a large agenda, and it has already been invalidated. Keep faith with the American people. Lame duck sessions are to provide the functions of government that can't be legitimately provided until the new Congress is gaveled in on January 4.

□ 1750

This process of no committee hearings, no subcommittee hearings, no subcommittee markup, no full committee hearing, no full committee markup, no access to this legislation that has changed four times—there are four different iterations here on the floor—and now a same-day rule up before the Rules Committee that still is the only committee that I know of on the Hill that meets without cameras, without the public presence knowing what is going on up there. I look forward to an open door and sunlight on the Rules Committee.

But this CBO score that they tout as actually a plus for the government ignores that the CBO score says it is a \$5 billion deficit spending in the second decade and likely for each decade thereafter. It ignores CIS, the Center for Immigration Services score, which scores the cost to local government, State and local government, at \$6.2 billion annually for the cost of providing education to the people that would otherwise be eligible for deportation.

It triples the number of green cards. And it provides safe harbor, safe harbor for "any alien" who has a pending application under the DREAM Act. So if someone comes in, they can be 79 years old or 99 years old, they allege that they are younger than that, file the application under the DREAM Act, and now we have to go forward and adjudicate and determine you really weren't 16 or a day before 16 when you came into America, and you really weren't under 30 when you filed this application. But it is certain if this becomes law, there will be people into their late thirties and perhaps into their forties that would be granted citizenship underneath this because it takes that long to process.

There are exemptions for fraud, exemptions that go so far as to reward it in a way that if someone falsely claims

citizenship and was deported, they can't be adjudicated under this.

This DREAM Act is an amnesty act, it is a nightmare act, and it must be opposed. There is more to be said in a broader debate, and I hope to engage in that.

Mr. POLIS. I continue to reserve the balance of my time.

Ms. FOXX. Mr. Speaker, I yield 2 minutes to the distinguished gentlewoman from Florida (Ms. ROS-LEHTINEN).

Ms. ROS-LEHTINEN. Mr. Speaker, I thank my good friend for the time.

I stand here, Mr. Speaker, in support of the DREAM Act. The time has come for this legislative body to do what is right and to not punish students for the mistakes that their parents have made.

This legislation will give many bright, talented, and patriotic young men and women the opportunity to stay in this country, a country that they love, and to continue their college education or service in our proud military. These young people are motivated and only want the chance to give back to this country, their country.

The DREAM Act is not amnesty. It will allow eligible students to get on a pathway toward permanent legal status later on. Those who receive conditional legal status will not be eligible for Medicaid, food stamps, or any other government services.

This bill is a sensible and pragmatic compromise that reflects the generosity and the goodwill of this country and its citizens, a country that opened up its arms to me as a refugee child and to my parents as Cuban refugees.

The DREAM Act also makes economic sense. I have had the opportunity, Mr. Speaker, to meet with many DREAM Act students, or Dreamers. One of the Dreamers with whom I met is Gaby Pacheco. This remarkable young woman's story emphasizes the urgency and the need for this legislation.

Gaby grew up in my district in south Florida and excelled academically. She graduated from high school third in her class and was student government president at my alma mater, Miami-Dade College, where she received a bachelor's in special ed. She received a scholarship to attend a master's program here in D.C., but she had to go back to Miami to revive her immigration status.

What struck me most about Gaby and the other Dreamers with whom I met is their optimism and their determination to give back to their country. They made it clear, Mr. Speaker, that all they want is an opportunity to prove themselves, no more and no less.

I hope my colleagues will do what is right and help Gaby and the other Dreamers get the chance to pursue their American dream in the American tradition.

Mr. POLIS. I continue to reserve the balance of my time.

Ms. FOXX. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from California (Mr. ROYCE).

Mr. ROYCE. I thank the gentlelady.

I rise to oppose this rule, Mr. Speaker. What happened to openness and transparency? We are operating here under same day consideration with no opportunity for a motion to recommit. We are in the 11th hour of this Congress, and even if we and even if the American people really had had a chance to read what was in this bill, it doesn't really matter what the seeming requirements are that have been explained here because the bill allows the Secretary of Homeland Security to waive the requirements—to waive the requirements.

Under this bill, any illegal immigrant may apply for an application for cancellation of removal and for conditional non-immigrant status. DHS may not remove any alien who has a pending application for conditional status. This status is valid for 5 years. It can be extended by DHS for another 5 years. All the while, the individual will be allowed to work in the United States and travel outside of the U.S.

With every amnesty, we have had a problem with massive fraud. About one-fourth of those legalized under the 1986 law received amnesty fraudulently. As one former U.S. Citizen and Immigration Service employee told us, the system that exists now can't handle the workload that exists now. There is a backlog now with 3 million people waiting to get their cases decided. What do you think is going to happen when we have millions of new cases on top of that that USCIS has to investigate?

The fact is that right now you can go online and you can buy a fraudulent document. You can buy a fraudulent diploma for \$180, along with a fraudulent GED. There is no additional staffing in this bill, no funding to actually authenticate it. The additional personnel necessary to handle the increase in the number of cases is not in this bill.

So how do we prevent the type of fraud we saw in 1986? How do we deal with the fact that since 1986 we have had three times as many illegal immigrants come into the country as a result of passing that amnesty, many of them coming in fraudulently?

Mr. POLIS. Mr. Speaker, I continue to reserve the balance of my time.

Ms. FOXX. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Illinois (Mr. JOHNSON).

Mr. JOHNSON of Illinois. Thank you, Congresswoman Foxx.

Mr. Speaker, I have to say that in my five terms here, this has to take the award for the most creatively misleading acronym that I have ever seen attached to a bill. This may constitute

a “dream” for a small number of people who choose to disregard or disobey the law, but it is in fact a sobering reality for America. It is a stark reality for citizens all over the Nation who have obeyed the law and to whom this is an absolute affront.

It is an affront and a stark reality to middle American families who are struggling to pay their bills and send their children to college, only to find their own sons and daughters bumped aside by illegals in the process. It is an affront and a sobering reality to the American taxpayers and their children and grandchildren who are going to pay this bill to the tune of billions of dollars over the future. It is also a reality to the 10 percent of Americans who are unemployed who realize that the effect on the infrastructure of America in this bill is going to be absolutely negative with respect to Social Security benefits, jobs, loans, health care, education and otherwise. I would suggest to you, Mr. Speaker, that our national infrastructure simply can't afford this.

I respect the sponsors of this bill. In fact, my good friend and colleague from Illinois, Congressman GUTIERREZ, is one of the principal movers of this bill. I respect the sincerity of the sponsors. But this is very bad public policy for America, and I would suggest to you that the long-run benefits are far overwhelmed and overrun by what it is going to cost the American taxpayer and what it is going to cost us who believe in the rule of law.

□ 1800

Mr. POLIS. I continue to reserve the balance of my time.

Ms. FOXX. Mr. Speaker, in closing, I really appreciate all of my colleagues coming over and making the points that they made. I want to tie into Mr. JOHNSON's comments, particularly about the rule of law.

You know, we are all, again, sympathetic to the young people who find themselves here illegally, having been brought here by their parents. We are sympathetic to that. But their parents left a place that was not as good a place to live as the United States, and the foundation of what makes us a great country is the rule of law. And if we let the rule of law be undermined, then we will be no better than the places that they have escaped from.

I agree with Mr. JOHNSON, also, that this bill is very misleading. I would like to point out something that's been said by the proponents of this bill that isn't accurate.

DREAM Act supporters would have you believe illegal aliens who don't go to college will earn citizenship through service in the United States Armed Forces. However, we already have legislation that will allow that to happen. We don't need the DREAM Act to do that, Mr. Speaker. If people want to enroll in the Armed Forces, they gen-

erally can become naturalized citizens through expedited processing, often obtaining their citizenship in 6 months. So we don't need the DREAM Act for that.

Mr. Speaker, again, as my colleagues have pointed out, this bill has not been properly reviewed by any of the five House committees with jurisdiction. This abuse of regular order makes it impossible for Members of Congress and their constituents to review properly and consider legislation prior to a vote. Making substantial changes to our laws through proposals which have not been appropriately vetted and forcing a vote in a lame duck session are both reckless and irresponsible.

Adding insult to injury, earlier today the House passed a martial law rule. Under martial law, the Democrat majority can bring up any bill at any time through December 18 with very little notice. This practice not only perpetuates the chaos that's consumed the Democrat majority, but is a colossal disservice to the people we are elected to serve.

Mr. Speaker, we need to deal with the people who are here illegally, and most of us want to do that, but this is not the way to do it. We need to secure our borders. And once we secure the borders, then we can deal with all the other issues related to those who are here illegally.

With that, Mr. Speaker, I urge my colleagues to vote “no” on the rule, vote “no” on the bill, and I yield back the balance of my time.

Mr. POLIS. Mr. Speaker, those who oppose the DREAM Act support the ongoing presence of over 500,000 more illegal immigrants within our borders. Opponents of the DREAM Act make a travesty of the rule of law and facilitate the ongoing presence of undocumented foreign nationals inside our country which so frustrates our States and cities.

Let me end by simply relating this to common sense. If you are pulled over for a speeding ticket and you have a child in a car seat next to you, that 2-year-old doesn't get a speeding ticket. If there is a bank robber who robs it with a toddler on their back, that toddler doesn't spend a life in prison.

I will end with a quote from Deuteronomy 24:16: “Fathers shall not be put to death for their sons, nor shall sons be put to death for their fathers' sins.”

I urge a “yes” vote on the previous question and on the rule.

I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore (Mr. CAPUANO). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. FOXX. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

FULL-YEAR CONTINUING APPROPRIATIONS ACT, 2011

The SPEAKER pro tempore. Pursuant to clause 1(c) of rule XIX, further consideration of the motion offered by the gentleman from Wisconsin (Mr. OBEY) on the bill (H.R. 3082) making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2010, and for other purposes, will now resume.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 1755, the previous question is ordered.

The question is on the motion by the gentleman from Wisconsin (Mr. OBEY).

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. FOXX. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, this 15-minute vote on the motion offered by the gentleman from Wisconsin will be followed by 5-minute votes on adopting House Resolution 1756, and suspending the rules and passing S. 3998, if ordered.

The vote was taken by electronic device, and there were—yeas 212, nays 206, not voting 16, as follows:

[Roll No. 622]

YEAS—212

Ackerman	Dahlkemper	Herseth Sandlin
Altmire	Davis (AL)	Higgins
Andrews	Davis (CA)	Hill
Baca	Davis (IL)	Himes
Baldwin	DeFazio	Hinchey
Barrow	DeGette	Hinojosa
Bean	DeLauro	Hirono
Becerra	Deutch	Hodes
Berkley	Dicks	Holden
Berman	Dingell	Holt
Bishop (GA)	Doggett	Honda
Bishop (NY)	Donnelly (IN)	Hoyer
Blumenauer	Doyle	Inlee
Boswell	Edwards (MD)	Israel
Boucher	Edwards (TX)	Jackson (IL)
Boyd	Ellison	Jackson Lee
Brady (PA)	Ellsworth	(TX)
Braley (IA)	Engel	Johnson (GA)
Brown, Corrine	Eshoo	Johnson, E. B.
Butterfield	Etheridge	Kagen
Capps	Fattah	Kanjorski
Capuano	Filner	Kaptur
Carnahan	Foster	Kennedy
Carney	Frank (MA)	Killdeer
Carson (IN)	Fudge	Kilroy
Castor (FL)	Garamendi	Kind
Chandler	Gonzalez	Kissell
Chu	Gordon (TN)	Klein (FL)
Clarke	Grayson	Kosmas
Clay	Green, Al	Larsen (WA)
Cleaver	Green, Gene	Larson (CT)
Clyburn	Grijalva	Lee (CA)
Connolly (VA)	Gutierrez	Levin
Conyers	Hall (NY)	Lewis (GA)
Cooper	Halvorson	Loebsock
Critz	Hare	Loftgren, Zoe
Crowley	Harman	Lowe
Cuellar	Hastings (FL)	Lujan
Cummings	Heinrich	Lynch

Maloney
Markey (CO)
Markey (MA)
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McNerney
Meek (FL)
Meeks (NY)
Miller (NC)
Miller, George
Mitchell
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Obey
Oliver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Payne

NAYS—206

Aderholt
Adler (NJ)
Akin
Alexander
Acuri
Austria
Bachmann
Bachus
Baird
Barrett (SC)
Bartlett
Barton (TX)
Biggert
Bilirakis
Bishop (UT)
Blackburn
Bocieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boustany
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Brown-Waite,
Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Cardoza
Carter
Cassidy
Castle
Chaffetz
Childers
Coble
Coffman (CO)
Cole
Conaway
Costa
Costello
Courtney
Crenshaw
Culberson
Davis (KY)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Djou
Dreier

Pelosi
Perlmutter
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rangel
Reyes
Richardson
Rodriguez
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sanchez, Linda
T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
Skelton
Slaughter

Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman
Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wilson (OH)
Woolsey
Yarmuth

Shadegg
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Stearns
Stutzman

Berry
Bilbray
Blunt
Cohen
Davis (TN)
Delahunt

Sullivan
Taylor
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden

NOT VOTING—16

Fallin
Granger
Griffith
Kilpatrick (MI)
Kirkpatrick (AZ)
Marchant

Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

Castor (FL)
Chu
Clarke
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Fudge
Garamendi
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holt
Honda
Hoyer

Inslee
Israel
Jackson (IL)
Jackson Lee
(TX)
Johnson (GA)
Johnson, E. B.
Kagen
Kaptur
Kennedy
Kildee
Kilroy
Kind
Kissell
Klein (FL)
Kosmas
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Loeb sack
Lofgren, Zoe
Lowey
Lujan
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Miller (NC)
Miller, George
Mitchell
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Nadler (NY)
Napolitano
Neal (MA)
Oberstar
Obey
Oliver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Payne
Pelosi
Perlmutter
Perriello

Peters
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rangel
Reyes
Richardson
Rodriguez
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Salazar
Sanchez, Linda
T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Speier
Spratt
Stark
Sutton
Tanner
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman
Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Woolsey
Yarmuth

□ 1834

Messrs. SCHOCK and RAHALL changed their vote from “yea” to “nay.”

Messrs. ELLSWORTH, CONYERS, Ms. LEE of California, Messrs. SCOTT of Virginia and ELLISON changed their vote from “nay” to “yea.”

So the motion was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Ms. KILPATRICK of Michigan. Mr. Speaker, I was unable to attend to the following votes. Had I been present, I would have voted “aye” on rollcall numbers 611, 612, 613, 614, 615, 616, 617, 618, “aye” on final passage of H. Res. 1752, “aye” on final passage of H.R. 4501 and “aye” on final passage of H.R. 3082.

PROVIDING FOR CONSIDERATION OF SENATE AMENDMENTS TO H.R. 5281, DEVELOPMENT, RELIEF, AND EDUCATION FOR ALIEN MINORS ACT OF 2010

The SPEAKER pro tempore. The unfinished business is the vote on the resolution (H. Res. 1756) providing for consideration of the Senate amendments to the bill (H.R. 5281) to amend title 28, United States Code, to clarify and improve certain provisions relating to the removal of litigation against Federal officers or agencies to Federal courts, and for other purposes, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the resolution.
This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 211, nays 208, not voting 15, as follows:

[Roll No. 623]

YEAS—211

Ackerman
Adler (NJ)
Andrews
Arcuri
Baca
Baldwin
Bean
Becerra
Berkley
Berman
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)

NAYS—208

Aderholt
Akin
Alexander
Altmire
Austria
Bachmann
Bachus
Baird
Barrett (SC)
Barrow
Bartlett
Barton (TX)
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Bocieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boustany
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Brown-Waite,
Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Carter
Cassidy
Castle
Chaffetz
Chandler
Childers
Coble
Coffman (CO)
Cole
Conaway
Connolly (VA)
Crenshaw
Critz
Culberson
Dahlkemper
Davis (KY)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Djou
Donnelly (IN)
Dreier
Duncan
Ehlers
Ellsworth
Emerson
Flake
Fleming
Forbes
Fortenberry
Foster
Fox
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey (GA)
Gohmert
Goodlatte
Graves (GA)
Graves (MO)
Guthrie
Hall (TX)
Harper
Hastings (WA)

Heller	McCotter	Roskam
Hensarling	McHenry	Ross
Henger	McIntyre	Royce
Hoekstra	McKeon	Ryan (OH)
Holden	Mica	Ryan (WI)
Hunter	Michaud	Scalise
Inglis	Miller (FL)	Schmidt
Issa	Miller (MI)	Schock
Jenkins	Miller, Gary	Sensenbrenner
Johnson (IL)	Minnick	Sessions
Johnson, Sam	Moran (KS)	Shadegg
Jones	Murphy (NY)	Shimkus
Jordan (OH)	Murphy, Patrick	Shuler
Kanjorski	Murphy, Tim	Shuster
King (IA)	Myrick	Simpson
King (NY)	Neugebauer	Smith (NE)
Kingston	Nunes	Smith (NJ)
Kline (MN)	Nye	Smith (TX)
Kratovil	Olson	Space
Lamborn	Paul	Stearns
Lance	Paulsen	Stupak
Latham	Pence	Stutzman
LaTourette	Peterson	Sullivan
Latta	Petri	Taylor
Lee (NY)	Pitts	Terry
Lewis (CA)	Platts	Thompson (PA)
Linder	Poe (TX)	Thornberry
Lipinski	Posey	Tiahrt
LoBiondo	Price (GA)	Tiberi
Lucas	Putnam	Turner
Luetkemeyer	Rahall	Upton
Lummis	Reed	Walden
Lungren, Daniel	Rehberg	Wamp
E.	Reichert	Westmoreland
Mack	Roe (TN)	Whitfield
Manzullo	Rogers (AL)	Wilson (OH)
Marshall	Rogers (KY)	Wilson (SC)
Matheson	Rogers (MI)	Wittman
McCarthy (CA)	Rohrabacher	Wolf
McCaul	Rooney	Young (AK)
McClintock	Ros-Lehtinen	Young (FL)

NOT VOTING—15

Berry	Granger	McMorris
Bilbray	Griffith	Rodgers
Blunt	Kilpatrick (MI)	Mollohan
Cohen	Kirkpatrick (AZ)	Radanovich
Delahunt	Marchant	Wu
Fallin		

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There is 1 minute remaining in this vote.

□ 1844

Mr. MINNICK changed his vote from “yea” to “nay.”

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

CRIMINAL HISTORY BACKGROUND CHECKS PILOT EXTENSION ACT OF 2010

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill (S. 3998) to extend the Child Safety Pilot Program.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. SCOTT) that the House suspend the rules and pass the bill.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

RECORDED VOTE

Mr. YARMUTH. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.
The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 401, noes 2, not voting 30, as follows:

[Roll No. 624]

AYES—401

Ackerman	Crowley	Honda
Adler (NJ)	Cuellar	Hoyer
Akin	Culberson	Hunter
Alexander	Cummings	Inglis
Altmire	Dahlkemper	Inslee
Andrews	Davis (CA)	Israel
Arcuri	Davis (IL)	Issa
Austria	Davis (KY)	Jackson (IL)
Baca	Davis (TN)	Jackson Lee
Bachmann	DeFazio	(TX)
Bachus	DeGette	Jenkins
Baird	DeLauro	Johnson (GA)
Baldwin	Dent	Johnson (IL)
Barrett (SC)	Deutch	Johnson, E. B.
Barrow	Diaz-Balart, L.	Johnson, Sam
Bartlett	Diaz-Balart, M.	Jones
Barton (TX)	Dicks	Jordan (OH)
Bean	Dingell	Kagen
Becerra	Djou	Kanjorski
Berkley	Doggett	Kennedy
Berman	Donnelly (IN)	Kildee
Biggert	Doyle	Kilroy
Bilirakis	Dreier	Kind
Bishop (GA)	Driehaus	King (IA)
Bishop (NY)	Duncan	King (NY)
Blackburn	Edwards (MD)	Kingston
Blumenauer	Edwards (TX)	Kissell
Boccieri	Ellison	Klein (FL)
Boehner	Ellsworth	Kline (MN)
Bonner	Emerson	Kosmas
Bono Mack	Engel	Kratovil
Boozman	Eshoo	Kucinich
Boren	Etheridge	Lamborn
Boswell	Farr	Lance
Boucher	Fattah	Langevin
Boustany	Filner	Larsen (WA)
Boyd	Flake	Larson (CT)
Brady (PA)	Fleming	Latham
Brady (TX)	Forbes	LaTourette
Braley (IA)	Fortenberry	Latta
Bright	Foster	Lee (CA)
Broun (GA)	Fox	Lee (NY)
Brown (SC)	Frank (MA)	Levin
Brown, Corrine	Franks (AZ)	Lewis (CA)
Brown-Waite,	Frelinghuysen	Lewis (GA)
Ginny	Fudge	Linder
Buchanan	Galleghy	Lipinski
Burgess	Garamendi	LoBiondo
Burton (IN)	Garrett (NJ)	Loeback
Butterfield	Gerlach	Lofgren, Zoe
Buyer	Giffords	Lowey
Calvert	Gingrey (GA)	Lucas
Camp	Gohmert	Luetkemeyer
Campbell	Gonzalez	Lujan
Cantor	Goodlatte	Lummis
Cao	Graves (GA)	Lungren, Daniel
Capito	Graves (MO)	E.
Capps	Grayson	Lynch
Capuano	Green, Al	Mack
Carnahan	Green, Gene	Maffei
Carney	Grijalva	Maloney
Carson (IN)	Guthrie	Manzullo
Carter	Hall (NY)	Markey (CO)
Cassidy	Hall (TX)	Markey (MA)
Castle	Halvorson	Marshall
Castor (FL)	Hare	Matheson
Chaffetz	Harman	Matsui
Chandler	Harper	McCarthy (CA)
Childers	Hastings (FL)	McCarthy (NY)
Chu	Hastings (WA)	McCaul
Clarke	Heinrich	McClintock
Clay	Heller	McCollum
Cleaver	Hensarling	McCotter
Clyburn	Henger	McDermott
Coble	Herseth Sandlin	McGovern
Coffman (CO)	Higgins	McHenry
Conaway	Hill	McIntyre
Connolly (VA)	Himes	McKeon
Conyers	Hinchey	McMahon
Cooper	Hinojosa	McNerney
Costa	Hirono	Meek (FL)
Costello	Hodes	Meeks (NY)
Courtney	Hoekstra	Melancon
Crenshaw	Holden	Mica
Critz	Holt	Michaud

Miller (FL)	Rehberg	Smith (WA)
Miller (MI)	Reichert	Snyder
Miller (NC)	Reyes	Space
Miller, Gary	Richardson	Speier
Miller, George	Rodriguez	Spratt
Minnick	Roe (TN)	Stark
Mitchell	Rogers (AL)	Stearns
Moore (KS)	Rogers (KY)	Stupak
Moore (WI)	Rogers (MI)	Stutzman
Moran (KS)	Rooney	Sullivan
Moran (VA)	Ros-Lehtinen	Sutton
Murphy (CT)	Roskam	Tanner
Murphy (NY)	Ross	Taylor
Murphy, Patrick	Rothman (NJ)	Teague
Murphy, Tim	Roybal-Allard	Terry
Myrick	Royce	Thompson (CA)
Nadler (NY)	Ruppersberger	Thompson (MS)
Napolitano	Rush	Thompson (PA)
Neal (MA)	Ryan (OH)	Thornberry
Neugebauer	Ryan (WI)	Tiahrt
Nunes	Salazar	Tierney
Nye	Sánchez, Linda	Titus
Oberstar	T.	Tonko
Obey	Sanchez, Loretta	Towns
Olson	Sarbanes	Tsongas
Olver	Scalise	Turner
Ortiz	Schakowsky	Upton
Pallone	Schauer	Van Hollen
Pascarella	Schiff	Velázquez
Pastor (AZ)	Schmidt	Visclosky
Paulsen	Schock	Walden
Payne	Schrader	Walz
Pence	Schwartz	Wamp
Perlmutter	Scott (GA)	Wasserman
Perriello	Scott (VA)	Schultz
Peters	Sensenbrenner	Waters
Peterson	Sessions	Watson
Petri	Sestak	Watt
Pingree (ME)	Shadegg	Waxman
Pitts	Shea-Porter	Weiner
Platts	Sherman	Welch
Poe (TX)	Shimkus	Westmoreland
Polis (CO)	Shuler	Whitfield
Posey	Shuster	Wilson (OH)
Price (GA)	Simpson	Wilson (SC)
Price (NC)	Sires	Wittman
Putnam	Skelton	Wolf
Quigley	Slaughter	Yarmuth
Rahall	Smith (NE)	Young (FL)
Rangel	Smith (NJ)	
Reed	Smith (TX)	

NOES—2

Young (AK)

NOT VOTING—30

Aderholt	Fallin	Mollohan
Berry	Gordon (TN)	Owens
Bilbray	Granger	Pomeroy
Bishop (UT)	Griffith	Radanovich
Blunt	Gutierrez	Rohrabacher
Cardoza	Kaptur	Serrano
Cohen	Kilpatrick (MI)	Tiberi
Cole	Kirkpatrick (AZ)	Woolsey
Davis (AL)	Marchant	Wu
Delahunt	McMorris	
Ehlers	Rodgers	

□ 1851

Mr. JOHNSON of Illinois changed his vote from “no” to “aye.”

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

DEVELOPMENT, RELIEF, AND EDUCATION FOR ALIEN MINORS ACT OF 2010

Mr. CONYERS. Mr. Speaker, pursuant to House Resolution 1756, I call up the bill (H.R. 5281) to amend title 28, United States Code, to clarify and improve certain provisions relating to the removal of litigation against Federal officers or agencies to Federal courts,

and for other purposes, with the Senate amendments thereto, and I have a motion at the desk.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. DRIEHAUS). The Clerk will designate the Senate amendments.

The text of the Senate amendments is as follows:

Senate amendments:

(1) On page 2, strike lines 8 through 18 and insert the following:

United States Code, is amended—

(1) in subsection (a), in the matter preceding paragraph (1)—

(A) by inserting “that is” after “or criminal prosecution”;

(B) by inserting “and that is” after “in a State court”; and

(C) by inserting “or directed to” after “against”; and

(2) by adding at the end the following:

“(c) As used in subsection (a), the terms ‘civil action’ and ‘criminal prosecution’ include any proceeding (whether or not ancillary to another proceeding) to the extent that in such proceeding a judicial order, including a subpoena for testimony or documents, is sought or issued. If removal is sought for a proceeding described in the previous sentence, and there is no other basis for removal, only that proceeding may be removed to the district court.”.

(2) On page 3, strike lines 4 through 19 and insert the following:

“(g) Where the civil action or criminal prosecution that is removable under section 1442(a) is a proceeding in which a judicial order for testimony or documents is sought or issued or sought to be enforced, the 30-day requirement of subsections (b) and (c) is satisfied if the person or entity desiring to remove the proceeding files the notice of removal not later than 30 days after receiving, through service, notice of any such proceeding.”.

(3) On page 3, strike line 23 and all that follows through page 4, line 6, and insert the following:

SEC. 3. PAYGO COMPLIANCE.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go-Act of 2010, shall be determined by reference to the latest statement titled “Budgetary Effects of PAYGO Legislation” for this Act, submitted for printing in the Congressional Record by the Chairman of the Senate Budget Committee, provided that such statement has been submitted prior to the vote on passage.

MOTION TO CONCUR

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. CONYERS moves that the House concur in Senate amendments numbered 1 and 2, and concur in Senate amendment numbered 3 with an amendment.

The text of the amendment is as follows:

Amendment:

At the end of the matter proposed to be inserted by the Senate amendment numbered 3, add the following:

SEC. 4. SHORT TITLE.

Notwithstanding section 1, sections 5 through 16 of this Act may be cited as the “Development, Relief, and Education for Alien Minors Act of 2010” or the “DREAM Act of 2010”.

SEC. 5. DEFINITIONS.

In this section and sections 6 through 16 of this Act:

(1) IN GENERAL.—Except as otherwise specifically provided, a term used in this section and

section 6 through 16 of this Act that is used in the immigration laws shall have the meaning given such term in the immigration laws.

(2) ARMED FORCES.—The term “Armed Forces” has the meaning given the term “armed forces” in section 101(a) of title 10, United States Code.

(3) CONDITIONAL NONIMMIGRANT.—

(A) DEFINITION.—The term “conditional non-immigrant” means an alien who is granted conditional nonimmigrant status under this Act.

(B) DESCRIPTION.—A conditional non-immigrant—

(i) shall be considered to be an alien within a nonimmigrant class for purposes of the immigration laws;

(ii) may have the intention permanently to reside in the United States; and

(iii) is not required to have a foreign residence which the alien has no intention of abandoning.

(4) IMMIGRATION LAWS.—The term “immigration laws” has the meaning given such term in section 101(a)(17) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(17)).

(5) INSTITUTION OF HIGHER EDUCATION.—The term “institution of higher education” has the meaning given such term in section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002), except that the term does not include an institution of higher education outside the United States.

SEC. 6. CANCELLATION OF REMOVAL OF CERTAIN LONG-TERM RESIDENTS WHO ENTERED THE UNITED STATES AS CHILDREN.

(a) SPECIAL RULE FOR CERTAIN LONG-TERM RESIDENTS WHO ENTERED THE UNITED STATES AS CHILDREN.—

(1) IN GENERAL.—Notwithstanding any other provision of law and except as otherwise provided in this section and sections 7 through 16 of this Act, the Secretary of Homeland Security may cancel removal of an alien who is inadmissible or deportable from the United States, and grant the alien conditional nonimmigrant status, if the alien demonstrates by a preponderance of the evidence that—

(A) the alien has been physically present in the United States for a continuous period of not less than 5 years immediately preceding the date of the enactment of this Act and was younger than 16 years of age on the date the alien initially entered the United States;

(B) the alien has been a person of good moral character since the date the alien initially entered the United States;

(C) subject to paragraph (2), the alien—

(i) is not inadmissible under paragraph (1), (2), (3), (4), (6)(E), (6)(G), (8), (10)(A), (10)(C), or (10)(D) of section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a));

(ii) is not deportable under paragraph (1)(E), (1)(G), (2), (4), (5), or (6) of section 237(a) of the Immigration and Nationality Act (8 U.S.C. 1227(a));

(iii) has not ordered, incited, assisted, or otherwise participated in the persecution of any person on account of race, religion, nationality, membership in a particular social group, or political opinion; and

(iv) has not been convicted of—

(I) any offense under Federal or State law punishable by a maximum term of imprisonment of more than 1 year; or

(II) 3 or more offenses under Federal or State law, for which the alien was convicted on different dates for each of the 3 offenses and sentenced to imprisonment for an aggregate of 90 days or more;

(D) the alien—

(i) has been admitted to an institution of higher education in the United States; or

(ii) has earned a high school diploma or obtained a general education development certificate in the United States;

(E) the alien has never been under a final administrative or judicial order of exclusion, deportation, or removal, unless the alien—

(i) has remained in the United States under color of law after such order was issued; or

(ii) received the order before attaining the age of 16 years; and

(F) the alien was younger than 30 years of age on the date of the enactment of this Act.

(2) WAIVER.—With respect to any benefit under this section and sections 7 through 16 of this Act, the Secretary of Homeland Security may waive the ground of inadmissibility under paragraph (1), (4), or (6) of section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)) and the ground of deportability under paragraph (1) of section 237(a) of that Act (8 U.S.C. 1227(a)) for humanitarian purposes or family unity or when it is otherwise in the public interest.

(3) PROCEDURES.—The Secretary of Homeland Security shall provide a procedure by regulation allowing eligible individuals to apply affirmatively for the relief available under this subsection without being placed in removal proceedings.

(4) SURCHARGE.—The Secretary of Homeland Security shall charge and collect a surcharge of \$525 per application on all applications for relief under this subsection. Such surcharge shall be in addition to the otherwise applicable application fee imposed for the purpose of recovering the full costs of providing adjudication and processing services. Notwithstanding any other provision of law, including section 286 of the Immigration and Nationality Act (8 U.S.C. 1356), any surcharge collected under this paragraph shall be deposited as offsetting receipts in the General Fund of the Treasury and shall not be available for obligation or expenditure.

(5) DEADLINE FOR SUBMISSION OF APPLICATION.—An alien shall submit an application for cancellation of removal and conditional non-immigrant status under this subsection no later than the date that is 1 year after the later of—

(A) the date the alien earned a high school diploma or obtained a general education development certificate in the United States; or

(B) the effective date of the interim regulations under subsection (d).

(6) SUBMISSION OF BIOMETRIC AND BIOGRAPHIC DATA.—The Secretary of Homeland Security may not cancel the removal of an alien or grant conditional nonimmigrant status to the alien under this subsection unless the alien submits biometric and biographic data, in accordance with procedures established by the Secretary. The Secretary shall provide an alternative procedure for applicants who are unable to provide such biometric or biographic data because of a physical impairment.

(7) BACKGROUND CHECKS.—

(A) REQUIREMENT FOR BACKGROUND CHECKS.—The Secretary of Homeland Security shall utilize biometric, biographic, and other data that the Secretary determines is appropriate—

(i) to conduct security and law enforcement background checks of an alien seeking relief available under this subsection; and

(ii) to determine whether there is any criminal, national security, or other factor that would render the alien ineligible for such relief.

(B) COMPLETION OF BACKGROUND CHECKS.—The security and law enforcement background checks required by subparagraph (A) shall be completed, to the satisfaction of the Secretary, prior to the date the Secretary cancels the removal of the alien under this subsection.

(8) MEDICAL EXAMINATION.—An alien applying for relief available under this subsection shall undergo a medical observation and examination. The Secretary of Homeland Security, with the concurrence of the Secretary of Health and Human Services, shall prescribe policies and

procedures for the nature and timing of such observation and examination.

(9) **MILITARY SELECTIVE SERVICE.**—An alien applying for relief available under this subsection shall establish that the alien has registered under the Military Selective Service Act (50 U.S.C. App. 451 et seq.), if the alien is subject to such registration under that Act.

(b) **TERMINATION OF CONTINUOUS PERIOD.**—For purposes of this section, any period of continuous residence or continuous physical presence in the United States of an alien who applies for cancellation of removal under subsection (a) shall not terminate when the alien is served a notice to appear under section 239(a) of the Immigration and Nationality Act (8 U.S.C. 1229(a)).

(c) **TREATMENT OF CERTAIN BREAKS IN PRESENCE.**—

(1) **IN GENERAL.**—An alien shall be considered to have failed to maintain continuous physical presence in the United States under subsection (a) if the alien has departed from the United States for any period in excess of 90 days or for any periods in the aggregate exceeding 180 days.

(2) **EXTENSIONS FOR EXCEPTIONAL CIRCUMSTANCES.**—The Secretary of Homeland Security may extend the time periods described in paragraph (1) if the alien demonstrates that the failure to timely return to the United States was due to exceptional circumstances. The exceptional circumstances determined sufficient to justify an extension should be no less compelling than serious illness of the alien, or death, or serious illness of a parent, grandparent, sibling, or child.

(d) **REGULATIONS.**—

(1) **INITIAL PUBLICATION.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Homeland Security shall publish regulations implementing this section.

(2) **INTERIM REGULATIONS.**—Notwithstanding section 553 of title 5, United States Code, the regulations required by paragraph (1) shall be effective, on an interim basis, immediately upon publication but may be subject to change and revision after public notice and opportunity for a period of public comment.

(3) **FINAL REGULATIONS.**—Within a reasonable time after publication of the interim regulations in accordance with paragraph (1), the Secretary of Homeland Security shall publish final regulations implementing this section.

(e) **REMOVAL OF ALIEN.**—The Secretary of Homeland Security may not remove any alien who—

(1) has a pending application for conditional nonimmigrant status under this Act; and

(2) establishes prima facie eligibility for cancellation of removal and conditional nonimmigrant status under subsection (a).

SEC. 7. CONDITIONAL NONIMMIGRANT STATUS.

(a) **LENGTH OF STATUS.**—Conditional nonimmigrant status granted under section 6 shall be valid for an initial period of 5 years, subject to termination under subsection (c) of this section.

(b) **TERMS OF CONDITIONAL NONIMMIGRANT STATUS.**—

(1) **EMPLOYMENT.**—A conditional nonimmigrant shall be authorized to be employed in the United States incident to conditional nonimmigrant status.

(2) **TRAVEL.**—A conditional nonimmigrant may travel outside the United States and may be admitted (if otherwise admissible) upon return to the United States without having to obtain a visa if—

(A) the alien is the bearer of valid, unexpired documentary evidence of conditional nonimmigrant status; and

(B) the alien's absence from the United States was not for a period exceeding 180 days.

(c) **TERMINATION OF STATUS.**—

(1) **IN GENERAL.**—The Secretary of Homeland Security shall terminate the conditional nonimmigrant status of any alien if the Secretary determines that the alien—

(A) ceases to meet the requirements of subparagraph (B) or (C) of section 6(a)(1);

(B) has become a public charge; or

(C) has received a dishonorable or other than honorable discharge from the Armed Forces.

(2) **RETURN TO PREVIOUS IMMIGRATION STATUS.**—Any alien whose conditional nonimmigrant status is terminated under paragraph (1) shall return to the immigration status the alien had immediately prior to receiving conditional nonimmigrant status.

(d) **EXTENSION OF STATUS.**—

(1) **ELIGIBILITY.**—The Secretary of Homeland Security shall extend the conditional nonimmigrant status of an alien for a second period of 5 years if the following requirements are met:

(A) The alien has demonstrated good moral character during the entire period the alien has been a conditional nonimmigrant.

(B) The alien is in compliance with section 6(a)(1)(C).

(C) The alien has not abandoned the alien's residence in the United States. For purposes of this subparagraph—

(i) the Secretary shall presume that the alien has abandoned such residence if the alien is absent from the United States for more than 365 days, in the aggregate, during the period of conditional nonimmigrant status, unless the alien demonstrates that the alien has not abandoned the alien's residence; and

(ii) an alien who is absent from the United States due to active service in the Armed Forces has not abandoned the alien's residence in the United States during the period of such service.

(D) The alien—

(i) has acquired a degree from an institution of higher education in the United States or has completed at least 2 years, in good standing, in a program for a bachelor's degree or higher degree in the United States; or

(ii) has served in the Armed Forces for at least 2 years and, if discharged, has received an honorable discharge.

(E) The alien has provided a list of each secondary school (as that term is defined in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801)) that the alien attended in the United States.

(2) **SURCHARGE.**—The Secretary of Homeland Security shall charge and collect a surcharge of \$2,000 per application on all applications for an extension under this subsection. Such surcharge shall be in addition to the otherwise applicable application fee imposed for the purpose of recovering the full costs of providing adjudication and processing services. Notwithstanding any other provision of law, including section 286 of the Immigration and Nationality Act (8 U.S.C. 1356), any surcharge collected under this paragraph shall be deposited as offsetting receipts in the General Fund of the Treasury and shall not be available for obligation or expenditure.

(3) **HARDSHIP EXCEPTION.**—The Secretary of Homeland Security may, in the Secretary's discretion, extend the conditional nonimmigrant status of an alien if the alien—

(A) satisfies the requirements of subparagraphs (A), (B), and (C) of paragraph (1);

(B) demonstrates compelling circumstances for the inability to complete the requirements described in paragraph (1)(D); and

(C) demonstrates that the alien's removal from the United States would result in exceptional and extremely unusual hardship to the alien or the alien's spouse, parent, or child who is a citizen or a lawful permanent resident of the United States.

SEC. 8. ADJUSTMENT OF STATUS.

(a) **IN GENERAL.**—A conditional nonimmigrant may file with the Secretary of Homeland Security,

in accordance with subsection (c), an application to have the alien's status adjusted to that of an alien lawfully admitted for permanent residence. The application shall provide, under penalty of perjury, the facts and information so that the Secretary may make the determination described in subsection (b)(1).

(b) **ADJUDICATION OF APPLICATION FOR ADJUSTMENT OF STATUS.**—

(1) **IN GENERAL.**—If an application is filed in accordance with subsection (a) for an alien, the Secretary of Homeland Security shall make a determination as to whether the alien meets the requirements set out in paragraphs (1) through (4) of subsection (d).

(2) **ADJUSTMENT OF STATUS IF FAVORABLE DETERMINATION.**—If the Secretary determines that the alien meets such requirements, the Secretary shall notify the alien of such determination and adjust the alien's status to that of an alien lawfully admitted for permanent residence, effective as of the date of approval of the application.

(3) **TERMINATION IF ADVERSE DETERMINATION.**—If the Secretary determines that the alien does not meet such requirements, the Secretary shall notify the alien of such determination and terminate the conditional nonimmigrant status of the alien as of the date of the determination.

(c) **TIME TO FILE APPLICATION.**—An alien shall file an application for adjustment of status during the period beginning 1 year before and ending on either the date that is 10 years after the date of the initial grant of conditional nonimmigrant status or any other expiration date of the conditional nonimmigrant status as extended by the Secretary of Homeland Security in accordance with this Act. The alien shall be deemed to be in conditional nonimmigrant status in the United States during the period in which such application is pending.

(d) **CONTENTS OF APPLICATION.**—Each application for an alien under subsection (a) shall contain information to permit the Secretary of Homeland Security to determine whether each of the following requirements is met:

(1) The alien has demonstrated good moral character during the entire period the alien has been a conditional nonimmigrant.

(2) The alien is in compliance with section 6(a)(1)(C).

(3) The alien has not abandoned the alien's residence in the United States. For purposes of this paragraph—

(A) the Secretary shall presume that the alien has abandoned such residence if the alien is absent from the United States for more than 730 days, in the aggregate, during the period of conditional nonimmigrant status, unless the alien demonstrates that the alien has not abandoned the alien's residence; and

(B) an alien who is absent from the United States due to active service in the Armed Forces has not abandoned the alien's residence in the United States during the period of such service.

(4) If previously granted a hardship exception under section 7(d)(3) from the requirements of section 7(d)(1)(D) with respect to extension of conditional nonimmigrant status, the alien has subsequently complied with such requirements, unless the alien is granted a hardship exception with respect to adjustment of status under the criteria described in section 7(d)(3).

(e) **CITIZENSHIP REQUIREMENT.**—

(1) **IN GENERAL.**—Except as provided in paragraph (2), the status of a conditional nonimmigrant shall not be adjusted to permanent resident status unless the alien demonstrates that the alien satisfies the requirements of section 312(a) of the Immigration and Nationality Act (8 U.S.C. 1423(a)).

(2) **EXCEPTION.**—Paragraph (1) shall not apply to an alien who is unable because of a physical or developmental disability or mental impairment to meet the requirements of such paragraph.

(f) PAYMENT OF FEDERAL TAXES.—

(1) **IN GENERAL.**—Not later than the date on which an application is filed under subsection (a) for adjustment of status, the alien shall satisfy any applicable Federal tax liability due and owing on such date.

(2) **APPLICABLE FEDERAL TAX LIABILITY.**—For purposes of paragraph (1), the term “applicable Federal tax liability” means liability for Federal taxes imposed under the Internal Revenue Code of 1986, including any penalties and interest thereon.

(g) **SUBMISSION OF BIOMETRIC AND BIOGRAPHIC DATA.**—The Secretary of Homeland Security may not adjust the status of an alien under this section unless the alien submits biometric and biographic data, in accordance with procedures established by the Secretary. The Secretary shall provide an alternative procedure for applicants who are unable to provide such biometric or biographic data because of a physical impairment.

(h) BACKGROUND CHECKS.—

(1) **REQUIREMENT FOR BACKGROUND CHECKS.**—The Secretary of Homeland Security shall utilize biometric, biographic, and other data that the Secretary determines appropriate—

(A) to conduct security and law enforcement background checks of an alien applying for adjustment of status under this section; and

(B) to determine whether there is any criminal, national security, or other factor that would render the alien ineligible for such adjustment of status.

(2) **COMPLETION OF BACKGROUND CHECKS.**—The security and law enforcement background checks required by paragraph (1) shall be completed, to the satisfaction of the Secretary, prior to the date the Secretary grants adjustment of status.

(i) **EXEMPTION FROM NUMERICAL LIMITATIONS.**—Nothing in this section or in any other law may be construed to apply a numerical limitation on the number of aliens who may be eligible for adjustment of status under this section.

(j) **ELIGIBILITY FOR NATURALIZATION.**—An alien whose status is adjusted under this section to that of an alien lawfully admitted for permanent residence may be naturalized upon compliance with all the requirements of the immigration laws except the provisions of paragraph (1) of section 316(a) of the Immigration and Nationality Act (8 U.S.C. 1427(a)), if such person immediately preceding the date of filing the application for naturalization has resided continuously, after being lawfully admitted for permanent residence, within the United States for at least 3 years, and has been physically present in the United States for periods totaling at least half of that time and has resided within the State or the district of U.S. Citizenship and Immigration Services in the United States in which the applicant filed the application for at least 3 months. An alien described in this subsection may file the application for naturalization as provided in the second sentence of subsection (a) of section 334 of the Immigration and Nationality Act (8 U.S.C. 1445).

SEC. 9. TREATMENT OF ALIENS MEETING REQUIREMENTS FOR EXTENSION OF CONDITIONAL NONIMMIGRANT STATUS.

If, on the date of the enactment of this Act, an alien has satisfied all the requirements of section 6(a)(1) and section 7(d)(1)(D), the Secretary of Homeland Security may cancel removal and grant conditional nonimmigrant status in accordance with section 6, and may extend conditional nonimmigrant status in accordance with section 7(d). The alien may apply for adjustment of status in accordance with section 8(a) if the alien has met the requirements of subparagraphs (A), (B), and (C) of section 7(d)(1) during the entire period of conditional nonimmigrant status.

SEC. 10. EXCLUSIVE JURISDICTION.

(a) **IN GENERAL.**—The Secretary of Homeland Security shall have exclusive jurisdiction to determine eligibility for relief under sections 6 through 16 of this Act, except where the alien has been placed into deportation, exclusion, or removal proceedings either prior to or after filing an application for cancellation of removal and conditional nonimmigrant status or adjustment of status under this Act, in which case the Attorney General shall have exclusive jurisdiction and shall assume all the powers and duties of the Secretary until proceedings are terminated, or if a final order of deportation, exclusion, or removal is entered the Secretary shall resume all powers and duties delegated to the Secretary under this Act. If the Secretary grants relief under sections 6 through 16 of this Act, the final order of deportation, exclusion, or removal shall be terminated.

(b) STAY OF REMOVAL OF CERTAIN ALIENS ENROLLED IN PRIMARY OR SECONDARY SCHOOL.—

(1) **IN GENERAL.**—The Attorney General shall stay the removal proceedings of any alien who—

(A) meets all the requirements of subparagraphs (A), (B), (C), and (E) of section 6(a)(1);

(B) is at least 12 years of age; and

(C) is enrolled full-time in a primary or secondary school.

(2) **ALIENS NOT IN REMOVAL PROCEEDINGS.**—For aliens who are not in removal proceedings, the Secretary of Homeland Security shall not commence such proceedings with respect to the alien if the alien meets the requirements of subparagraphs (A) through (C) of paragraph (1).

(c) **EMPLOYMENT.**—An alien whose removal is stayed pursuant to subsection (b)(1) may be engaged in employment in the United States consistent with the Fair Labor Standards Act (29 U.S.C. 201 et seq.) and State and local laws governing minimum age for employment.

(d) **LIFT OF STAY.**—The Attorney General shall lift the stay granted pursuant to subsection (b)(1) if the alien—

(1) is no longer enrolled in a primary or secondary school; or

(2) ceases to meet the requirements of such subsection.

SEC. 11. PENALTIES FOR FALSE STATEMENTS.

Whoever files an application for any benefit under sections 6 through 16 of this Act and willfully and knowingly falsifies, misrepresents, or conceals a material fact or makes any false or fraudulent statement or representation, or makes or uses any false writing or document knowing the same to contain any false or fraudulent statement or entry, shall be fined in accordance with title 18, United States Code, imprisoned not more than 5 years, or both.

SEC. 12. CONFIDENTIALITY OF INFORMATION.

(a) **PROHIBITION.**—Except as provided in subsection (b), no officer or employee of the United States may—

(1) use the information furnished by an individual pursuant to an application filed under sections 6 through 16 of this Act to initiate removal proceedings against any person identified in the application;

(2) make any publication whereby the information furnished by any particular individual pursuant to an application under sections 6 through 16 of this Act can be identified; or

(3) permit anyone other than an officer or employee of the United States Government or, in the case of an application filed under sections 6 through 16 of this Act with a designated entity, that designated entity, to examine such application filed under such sections.

(b) **REQUIRED DISCLOSURE.**—The Attorney General or the Secretary of Homeland Security shall provide the information furnished under sections 6 through 16 of this Act, and any other information derived from such furnished information, to—

(1) a Federal, State, tribal, or local law enforcement agency, intelligence agency, national security agency, component of the Department of Homeland Security, court, or grand jury in connection with a criminal investigation or prosecution, a background check conducted pursuant to the Brady Handgun Violence Protection Act (Public Law 103-159; 107 Stat. 1536) or an amendment made by that Act, or for homeland security or national security purposes, if such information is requested by such entity or consistent with an information sharing agreement or mechanism; or

(2) an official coroner for purposes of affirmatively identifying a deceased individual (whether or not such individual is deceased as a result of a crime).

(c) **FRAUD IN APPLICATION PROCESS OR CRIMINAL CONDUCT.**—Notwithstanding any other provision of this section, information concerning whether an alien seeking relief under sections 6 through 16 of this Act has engaged in fraud in an application for such relief or at any time committed a crime may be used or released for immigration enforcement, law enforcement, or national security purposes.

(d) **PENALTY.**—Whoever knowingly uses, publishes, or permits information to be examined in violation of this section shall be fined not more than \$10,000.

SEC. 13. HIGHER EDUCATION ASSISTANCE.

Notwithstanding any provision of the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.), with respect to assistance provided under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.), an alien who is granted conditional nonimmigrant status or lawful permanent resident status under this Act shall be eligible only for the following assistance under such title:

(1) Student loans under parts D and E of such title IV (20 U.S.C. 1087a et seq., 1087aa et seq.), subject to the requirements of such parts.

(2) Federal work-study programs under part C of such title IV (42 U.S.C. 2751 et seq.), subject to the requirements of such part.

(3) Services under such title IV (20 U.S.C. 1070 et seq.), subject to the requirements for such services.

SEC. 14. TREATMENT OF CONDITIONAL NON-IMMIGRANTS FOR CERTAIN PURPOSES.

(a) **IN GENERAL.**—An individual granted conditional nonimmigrant status under this Act shall, while such individual remains in such status, be considered lawfully present for all purposes except—

(1) section 36B of the Internal Revenue Code of 1986 (concerning premium tax credits), as added by section 1401 of the Patient Protection and Affordable Care Act (Public Law 111-148); and

(2) section 1402 of the Patient Protection and Affordable Care Act (concerning reduced cost sharing; 42 U.S.C. 18071).

(b) **FOR PURPOSES OF THE 5-YEAR ELIGIBILITY WAITING PERIOD UNDER PRWORA.**—An individual who has met the requirements under this Act for adjustment from conditional nonimmigrant status to lawful permanent resident status shall be considered, as of the date of such adjustment, to have completed the 5-year period specified in section 403 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1613).

SEC. 15. MILITARY ENLISTMENT.

Section 504(b)(1) of title 10, United States Code, is amended by adding at the end the following new subparagraph:

“(D) An alien who is a conditional nonimmigrant (as that term is defined in section 5 of the DREAM Act of 2010).”

SEC. 16. GAO REPORT.

Not later than 7 years after the date of the enactment of this Act, the Comptroller General of

the United States shall submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report setting forth—

(1) the number of aliens who were eligible for cancellation of removal and grant of conditional nonimmigrant status under section 6(a);

(2) the number of aliens who applied for cancellation of removal and grant of conditional nonimmigrant status under section 6(a);

(3) the number of aliens who were granted conditional nonimmigrant status under section 6(a); and

(4) the number of aliens whose status was adjusted to that of an alien lawfully admitted for permanent residence under section 8.

The SPEAKER pro tempore. Pursuant to House Resolution 1756, the motion shall be debatable for 1 hour equally divided and controlled by the chair and the ranking minority member of the Committee on the Judiciary.

The gentleman from Michigan (Mr. CONYERS) and the gentleman from Texas (Mr. SMITH) each will control 30 minutes.

The Chair recognizes the gentleman from Michigan.

Mr. CONYERS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, ladies and gentlemen of the House, I have heard so much misinformation about the DREAM Act that I hardly know where to begin. First of all, this is not a new bill. It has existed for a decade. It is a bipartisan bill to address the plight of children who were brought to the United States as undocumented immigrants and grew up here.

And this bill has been introduced in every Congress, starting on May 21, 2001, there was a hearing. The Senate, the other body, heard a hearing on the bill, August 1, it was started out. In 2003, April 19, the bill was reintroduced by our colleague from California (Mr. BERMAN). On July 31, it was again reintroduced into the Senate. On April 6, our colleagues on the other side of the aisle introduced the bill. November 18, 2005, a Senator from Illinois introduced the bill. I've got two pages of bills. We have had five hearings.

So for anybody to say there hasn't been due process on this bill, I hope they feel gently corrected by the research that my staff has done to make it clear that there has been an extensive legislative history on this bill.

Now, the second thing that I've heard so much about is that the DREAM Act is not very popular. And again, we rushed to our research and we found that the bill is very popular. Most Americans support the DREAM Act. Poll after poll, the majority of Americans approve of the DREAM Act, and there will be more information coming from this.

Now, the next thing that we ought to really settle down and accept as fact is that the DREAM Act will not take jobs from Americans. The reason that is pretty clear is that all the major unions in America support and endorse the DREAM Act, and they're doing it

because it's not taking jobs away from their members—AFL, SEIU, UNITE HERE, UAW, NEA, AFT, and others.

So now that we have some of this cleared up, the next thing I would like to point out is that there are requirements. These are not illegals. These are undocumented kids. They didn't commit a criminal act. They thought they were born here to begin with. Their parents brought them here.

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Look, the conditions are so, so voluminous. First of all, the only people eligible are children brought here to the United States, and they have to be less than 29 years old to even qualify. They must have lived in the United States at least for 5 years. They must have graduated from an American high school or be admitted to an institution of higher education, and they must submit biometric information and complete security and law enforcement background checks.

So this is a very rigorous bill. And the last piece of doggerel that I should get rid of is the fact that you can go into the United States military real quickly and be processed as a citizen. Not true. As a matter of fact, you cannot join the military if you are an undocumented person. Yes, that's right.

So now that we've got some of the misunderstanding out of the way, I reserve the balance of my time.

Mr. SMITH of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I oppose this bill. The DREAM Act is a nightmare for the American people. It insults American workers, American taxpayers, and anyone who believes in the rule of law. How can we consider amnesty for millions of illegal immigrants when just last Friday, the Department of Labor reported that unemployment in America jumped up to 9.8 percent? This is the 19th straight month, a new record where the jobless rate has stayed above 9 percent.

The American people want us to focus on creating jobs and getting Americans back to work. Instead, the Democrats have brought the DREAM Act to the floor. This bill prevents Americans from getting jobs since millions of illegal immigrants will become eligible to work legally in the United States. American workers should not have to compete with illegal workers for scarce jobs.

Over 27 million Americans are out of work, have given up looking for work, or are underemployed. The percent of Hispanics out of work last month rose to 13 percent, and the unemployment rate for black Americans has hit 16 percent. Don't the Democrats know this? Are they listening to the voters? Do they care? This bill proves that there is a total disconnect between the Democratic Party and the American people.

The majority has brought this bill to the floor without holding any hearings on its impact and without committee approval, so Members don't know how the bill would work or not work. In fact, the text we are considering tonight was only introduced last night.

As usual under the Democratic regime, no amendments are allowed. They have even eliminated the one motion Republicans are supposedly guaranteed as a way to address the people's concerns, the motion to recommit. What happened to the Democrats' promise to give Americans 24 hours to read the bills? And what happened to their promise of an open and fair process? These and other promises disappeared long before the election, which is another reason the election turned out as it did.

The bill's supporters imply that the DREAM Act only applies to kids in schools. But in reality, the bill applies to illegal immigrants up to the age of 30. Those are pretty old kids. And once these individuals become U.S. citizens, they can petition for their illegal immigrant parents and adult brothers and sisters to be legalized who will bring in others in an endless chain.

According to the Migration Policy Institute, the DREAM Act would mean amnesty for over 2 million illegal immigrants, but that number likely will be higher since many illegal immigrants will fraudulently claim they came here as children or are under 30, and the Federal Government has no way to check whether their claims are true or not. Such massive fraud occurred after the 1986 amnesty for illegal immigrants who claimed that they were agricultural workers. Studies found two-thirds of all applications for the 1986 amnesty were fraudulent. DREAM Act applicants don't even have to comply with the requirements for amnesty set out in the bill. They can get a waiver for hardship at the discretion of the Department of Homeland Security. Under this administration, which favors mass amnesty, we can assume that nearly everyone who applies will get a hardship pass.

The DREAM Act also makes it possible for almost any illegal immigrant to evade the law. Once they file an application, no matter how fraudulent, the Federal Government is prohibited from deporting them. The bill requires that background checks be conducted on the beneficiaries, but it will be almost impossible for the Federal Government to verify whether someone is who they say they are and whether they meet the requirements of the bill. Furthermore, any discussion of amnesty encourages additional illegal immigration. Already at least 1 million illegal immigrants cross our borders each year. The bill will push that number even higher.

The Congressional Budget Office estimates that the bill will increase deficits after 2020. And if the health care

debate is any indication of how CBO scores bills, then the actual cost of the DREAM Act will, of course, be much higher. And once a DREAM Act beneficiary obtains lawful status, they are automatically exempt from the current 5-year waiting period to receive public welfare benefits, so the cost of welfare benefits will be huge.

We all know that the point of this bill is to give amnesty to anyone who is in the country illegally and who is under 30 years old. Illegal immigrants get amnesty if they have attended college or served in the military. Illegal immigrants get amnesty if they can show hardship if they are sent home. Illegal immigrants get to stay if they just claim to be eligible under this legislation. Illegal immigrants get amnesty if they use fraudulent documents, because the Federal Government has no way to check millions of claims. Illegal immigrants get amnesty even if they have committed crimes, like driving under the influence, passport fraud, and visa fraud. This is a bill that gives amnesty to 2 million or more people in the country illegally. It encourages fraud and more illegal immigration on a massive scale.

There have been no hearings on this bill, no amendments allowed, and those who are opposed only have 30 minutes to discuss this bill. This is a desecration of the democratic process and an insult to Americans who believe in the rule of law. The DREAM Act hurts millions of Americans who have lost their jobs, are underemployed, or are threatened with layoffs. It puts the interests of illegal immigrants ahead of those law-abiding Americans.

Mr. Speaker, I urge my colleagues to strongly oppose this bill, and I reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, I am pleased to yield to the distinguished gentleman from Arizona for a unanimous consent request.

Mr. PASTOR of Arizona. Mr. Speaker, I rise in strong support of H.R. 5281.

Mr. Speaker, I rise today to urge passage of H.R. 5281, the Development, Relief and Education for Alien Minors, DREAM, Act.

The DREAM Act would create a pathway to citizenship for undocumented young people, who were brought to the U.S. as children, raised in this country, have excelled in our education systems, and have expressed a clear commitment to pursue higher education or military service. Many of these young people currently live in Arizona's Fourth Congressional district, and under this bill, these bright and ambitious individuals will receive the opportunity to reap the full benefits of their educational advancements and military service by eventually obtaining legal citizenship.

Such an achievement is advantageous not only for these young people and their families, but for our communities and our Nation as a whole. It is largely known that over a lifetime, a million-dollar difference exists between the earning capacity of a high school graduate and a college graduate. Research also shows

that college graduates are more likely to volunteer and participate in their communities, and are less likely to be incarcerated or be recipients of public assistance. The earning power of college graduates also translates into important tax revenues for our Federal, State, and local treasuries, a point particularly poignant during this time of large deficits.

The DREAM Act has received support from the Secretaries of Defense, Homeland Security, Education, and Labor. Secretary Gates has offered his endorsement of the proposal which would provide children of non-resident immigrants a clear path to U.S. citizenship through military service. We know the sacrifice asked of our service members and their families, and if these individuals are willing to make such a commitment, we should honor their decision by extending full citizenship rights. In considering the Department of Defense's challenges with recruitment and readiness, passage of the DREAM Act would ensure access to a new pool of eligible youth, ready to serve the U.S. military and wear its respective uniforms.

Passage of the DREAM Act will reward the good decisions of many young people in my district, individuals who are placing their education at the forefront of their responsibilities, and who possess strong values beneficial to our Arizona communities and neighborhoods. As a body of Members who have collectively attained a high degree of education, we know the benefits we have received from our hard work and dedication. We must support legislation which rewards the same characteristics of diligence and commitment, allowing these young people to fully benefit, as U.S. citizens, from their accomplishments.

I know students in my district who have been patiently waiting for passage of the DREAM Act. I truly am honored to represent this group of intelligent and driven young people, as I know their character and their desire to not only better their futures and that of their families, but also this Nation; a country in which they acknowledge has befitted them with great opportunities. I am confident these young people, through their intellectual contributions and military service, will continue to give back to a Nation they love so dearly and call their own.

I ask my Colleagues to join me in supporting the important passage of H.R. 5281, the Development, Relief and Education for Alien Minors, DREAM, Act.

Mr. CONYERS. Mr. Speaker, I yield to SHELLEY BERKLEY of Nevada for a unanimous consent request.

Ms. BERKLEY. I rise in enthusiastic support of this legislation.

Every year my office receives dozens of calls in May from youngsters 17–18 years old. They have recently graduated from local high schools, been accepted to college—many at UNLV applied for a millennium scholarship, available in Nevada to the best and brightest of our Nevada high school graduates. According to state law they have to demonstrate proof of citizenship. They go home, ask their parents for their birth certificate—then they learn the truth—when they were 6 months, 1 year, 2 years old—their parents came over the border and brought their child with them.

Now, 18 years later, these children are Americans. They think like Americans, live like

Americans, speak like Americans; were educated in our schools side by side with our children, they know no other country, they did nothing wrong, they have broken no law intentionally.

We American taxpayers have invested a great deal in these youngsters. Our tax dollars have helped educate them. They are smart, talented, hardworking Americans, ambitious, just the kind of people we want and we need for the future of our own beloved country.

Others are willing to don the uniform of our Nation and fight for us in Iraq and Afghanistan—brave, strong men and women—the very kind of people we want and we need for the future of this country.

Let us pass this bill and provide a path to citizenship for the best and the brightest of our youngsters, those willing to volunteer to fight and possibly die for the United States of America. Let us share the American dream with these youngsters who have no other Dream but ours.

GENERAL LEAVE

Mr. CONYERS. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. CONYERS. I now yield 1½ minutes to the distinguished gentlelady from California, ZOE LOFGREN, who has worked for years on this legislation, a senior member of the Judiciary Committee.

Ms. ZOE LOFGREN of California. Mr. Speaker, the Immigration Subcommittee, which I chair, held 17 hearings in 2007 to examine every aspect of immigration reform, and one of the most memorable in the series of hearings was the hearing on the plight of undocumented young people who have been brought to the United States as children, including Tam Tran, then a Ph.D. candidate at UCLA who tragically later lost her life in an auto accident. They grew up in the United States, attended American high schools, often knowing no other country as home, no language other than English, yet they were faced with a dead end once they graduated from high school. Their immigration status prevented them from working, paying taxes, serving in the military. They could never get right with the law, even though they had done nothing wrong. The only thing they had done was to obey their parents.

The DREAM Act would allow these young people to apply for conditional immigration status with a series of conditions and would allow these young people to step forward, register, pay their taxes, get right with the law, and contribute to this wonderful country.

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You know, we hear a lot about the rule of law. I think it is worth remembering that we write the laws in this

country, and we need to address this issue. The Congressional Budget Office tells us that this bill, if we pass it, will increase revenues by \$1.7 billion.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mr. CONYERS. I yield the gentlewoman an additional 10 seconds.

Ms. ZOE LOFGREN of California. We will have a \$2.2 billion deficit reduction over the next 10 years. So we can do the right policy and also have the right fiscal impact by passing this bill. I recommend that we help these innocent children who did nothing wrong.

Mr. SMITH of Texas. Mr. Speaker, I yield 3 minutes to the gentleman from Iowa (Mr. KING), the ranking member of the Immigration Subcommittee of the Judiciary Committee.

Mr. KING of Iowa. Mr. Speaker, I thank the gentleman from Texas for yielding.

I rise in opposition to this bill, to this bill that has a nice name. But it is really not a dream; it is a nightmare. It is a nightmare to the rule of law.

As the gentlewoman from California said, we do write the laws in this country, and we have written the laws that limit people from coming into the United States illegally. And it seems to be forgotten that under even this legislation that is proposed, someone who is one day short of their 16th birthday could sneak across the border in the United States, claim they were here for 5 years, they could go on a Web site, how about www.diplomacompany.com, get themselves a GED, and qualify for the DREAM Act if they were just accepted into a tech school, to, say, go to barber school or plumber school. That is kind of the minimum.

And it isn't they are doing this on their 16th birthday. They can do so the day before their 30th birthday. They can lie about their age. The comments about there being biometric information and a background check, we can't do background checks on people that don't have a legal existence in their own country. About half of the people that are born south of the border don't have a birth certificate, unless they were born in a hospital. It is about 50-50, which means no legal existence. There is not a way to do a background check.

The score on this, the cost, is a lot higher than the proponents would like to admit. They argue it is a marginal savings. It also says in the same CBO score that in the second decade it is estimated at \$5 billion, and likely \$5 billion for each decade after that. That is probably not a big deal in the context of this spending, Mr. Speaker, but it is a big deal when you look at the Center for Immigration Studies' score, a cost to local government at \$6.2 billion. That is every year; at least the first couple of years they have estimated this.

It triples the number of green cards, it provides safe harbor for those who

file for a number of things, and ties up our courts and our litigation system that we have. There is an exemption for even fraud against immigration laws in the United States.

So what we really have is this scenario, this scenario, Mr. Speaker. This is the moral and ethical conundrum that cannot be reconciled by anybody in this Chamber, or anybody in this country, for that matter.

When you have the recipients of the DREAM Act, should this become law, sitting in a classroom, a community college, a university, being the beneficiaries of a de facto scholarship, and in California it is free, no tuition for a California resident, and next to them at a desk will be a husband or a wife who is aggrieved, having lost their spouse fighting for our liberty in Iraq or Afghanistan, paying out-of-state tuition, in California \$22,021 a year, paying out-of-state tuition for defending our rule of law, while someone who is being rewarded for breaking it is getting free tuition.

That is just California. In Iowa, it is a little different. It is about a three-to-one break, in-state versus out-of-state. That is what this necessarily brings.

If you support this nightmare DREAM Act, you are actually supporting an "affirmative action amnesty act" that rewards people for breaking the law and punishes those who defend America.

Mr. CONYERS. Mr. Speaker, I yield myself 1 minute to explain how the biometric business works to my good friend on the Judiciary Committee.

See, that is fingerprints and eye scans, and the FBI uses it, and they are pretty foolproof.

The people that you are talking about that go back and come forward, these kids, Steve, grew up in America. That is where they started. They haven't been anywhere else. You come here as a kid and you can't qualify. So there are records. They went to school, they did something, they lived somewhere. So there are records, and you don't have to go back to wherever their parents may have come from to do it.

I yield to the gentleman from Pennsylvania, CHAKA FATTAH, for a unanimous consent request.

Mr. FATTAH. Let me thank the distinguished chairman.

I rise in support of the DREAM Act.

Mr. CONYERS. I yield to the gentleman from Illinois, DANNY DAVIS, for the purpose of making a unanimous consent request.

Mr. DAVIS of Illinois. I rise in strong support of H.R. 1751, the America DREAM Act.

Mr. CONYERS. I yield 45 seconds to the distinguished gentlewoman from Houston, Texas (Ms. JACKSON LEE).

Ms. JACKSON LEE of Texas. Mr. Speaker, to my friends on the other side of the aisle, these children have not broken the law, these are not

criminals, and the only nightmare that I can imagine is the nightmare of violating the rights of these wonderful children who want an opportunity to serve America.

First of all, they have to be in the country for 5 years already, and they cannot change their status for another 10 years. It could be almost 20 years. And then you have the opportunity for them to invest in this country after they have received their education equaling up to \$1 trillion. Do we violate our rights and our beliefs that we all are created equal?

So I ask my colleagues to support a DREAM Act that invests in America, that allows individuals to serve America. It is not amnesty; it is people wanting to serve this country, to pledge allegiance to the flag of the United States of America.

Stand for what is right. Vote for the DREAM Act. Believe in our values. We are all created equal.

I rise today in strong support of the Development, Relief, and Education for Alien Minors Act, better known as the DREAM Act.

The DREAM Act is designed to provide a path to legal status for young people of good moral character brought to the United States as children. There are an estimated 2.1 million undocumented children and young adults in the United States who might be eligible to receive legal status under the DREAM Act. My home state of Texas is home to 12 percent of potential DREAM Act beneficiaries, second only to California (26 percent).

Each year, tens of thousands of these undocumented students graduate from primary or secondary school, often at the top of their classes. They have the potential to be future doctors, nurses, teachers, and entrepreneurs, but they experience unique hurdles to achieving success in this country. Through no fault of their own, their lack of status may prevent them from attending college, working legally, and joining the military. The DREAM Act would provide an opportunity for them to live up to their full potential and make greater contributions to the U.S. economy and society.

These students are culturally American, growing up here and often having little attachment to their country of birth. They tend to be bicultural and fluent in English. They are honor roll students, athletes, class presidents, valedictorians, and aspiring teachers, engineers, and doctors. Yet, because of their immigration status, their day-to-day lives are severely restricted and their futures are uncertain. They cannot legally drive, vote, or work. Moreover, at any time, these young men and women can be, and sometimes are, deported to countries they barely know.

Not only will the DREAM Act provide undocumented youth with the opportunity to achieve their dreams, but it will also have a positive impact on our economy. DREAM eligible students are already working hard and contributing to this economy and will not create new competition for Americans. Removing the uncertainty of undocumented status allows legalized immigrants to earn higher wages and move into higher-paying occupations, and also encourages them to invest more in their own

education, open bank accounts, buy homes, and start businesses.

By allowing these students to come out of the shadows and work legally in the U.S., we will expand our Nation's tax base and will essentially be making an investment in our country. According to the Joint Committee on Taxation, over a period of 10 years, increasing the number of authorized workers in the United States would increase tax revenues by at least \$2.3 billion. Moreover, the Congressional Budget Office found that the DREAM Act would also help to reduce the deficit by \$1.4 billion over 10 years.

Despite the potential good that would come from enactment of the DREAM Act, there are still misconceptions about what exactly it will do. The DREAM Act does not provide blanket amnesty, but rather, it creates a narrowly tailored process to put young people on the path to legalization. These young people must meet certain criteria, including living in the United States the majority of their lives, graduating from high school, and completing at least two years of college. They must also exhibit characteristics of good moral character. Criminals or those who pose a threat to our national security would remain ineligible and be subject to deportation.

Furthermore, the DREAM Act does not give undocumented students immediate citizenships. In fact, it only provides for conditional status, which imposes heavy requirements on students before they can even apply for citizenship, including paying back taxes and demonstrating the ability to read, write, and speak English. It will take more 20 years before an individual will have the ability to achieve full citizenship in the United States. Moreover, it will take more than 28 years before an individual given legal status under the DREAM Act will be able to petition for a relative to come to the United States.

In my global travels to places like Africa, Asia, and Latin America, I have had the opportunity to interact with many children. Despite their many differences, there is one unifying factor—their love, respect, and adoration for the United States of America. The Declaration of Independence reminds us that we are all created equal. The students who would be impacted by the DREAM Act are more like you and me than most realize, and they deserve to have the ability to participate and contribute to America.

The DREAM Act is supported by military leaders, labor unions, business leaders, and a majority of American voters. I would like to tell you about Lucy Martinez, a second-year undocumented student at University of Texas at San Antonio who is among seven protesters who've refused to eat for 22 days to express her support for The DREAM Act. When asked why she and her fellow protestors chose to go on this hunger strike, she responded that she wants us to "recognize our sacrifice and hard work. That we want to contribute to this country. We don't have the privilege of waiting. Our future is on the line."

It is time that we decide whether to stand with this broad-based coalition, or continue to unfairly punish young people who were brought to this country through no fault of their own. I ask my colleagues to stand with me today and vote in favor of the DREAM Act.

Mr. SMITH of Texas. Mr. Speaker, I yield 3 minutes to my friend from Virginia (Mr. GOODLATTE), who is the vice-ranking member of the Judiciary Committee.

Mr. GOODLATTE. Mr. Speaker, I thank the gentleman for yielding, and I rise in strong opposition to this legislation.

I say to my good friend, the chairman of the Judiciary Committee, this bill has been around for a long time for good reason. It is a bad bill, having been around for a long time, for this entire Congress, for 2 years, no hearing in the Judiciary Committee, no hearing in the chairman's committee for the entire 2 years, and now here we are within a week of adjourning the Congress, still no hearing. No opportunity for people to come in and testify before the Congress about how this would work, how we will screen out the people who will commit fraud under this, how unfair it is to people who wait for years, who are legally going through the process of becoming immigrants. No opportunity in the committee to improve the bill. No opportunity to offer amendments. Why? Because no markup was held for 2 years.

Now, the indignity of it all is that here in the closing days of the Congress, when this bill has been brought forward in this urgent manner, we are not even given the opportunity, as the minority is always given, to offer a motion to recommit, no opportunity to amend this bill in any way, shape or form, as though this was perfectly drawn and perfectly brought here, and that anybody who was not in the small room where the final version of this, totally without the inspection of the American people, totally without the opportunity for anybody to participate, brought here in some perfect manner; and now, of course, we are going to pass it without even the opportunity for the minority to offer changes to the bill.

The American people have recently demonstrated their strong opposition to amnesty for millions of illegal immigrants, yet the DREAM Act offers amnesty to illegal immigrants who entered the U.S. before they were 16 years old. It grants them permanent residence and then citizenship once they have completed 2 years of college or have served in the armed services, unless the Department of Homeland Security waives these requirements because of hardship, something not defined in the bill, a very, very big loophole.

According to the Migration Policy Institute, the DREAM Act could mean mass amnesty for 2.1 million illegal immigrants. Fraud will likely drive the number much higher as illegal immigrants discover how easy it is to claim that they arrived in the U.S. before the age of 16.

The same thing occurred after the 1986 amnesty bill, the Immigration Re-

form and Control Act, was enacted. Everyone said that was going to end illegal immigration. It opened the doors to more. This is going to do exactly the same thing.

The DREAM Act makes it easy for almost any illegal immigrant, even those who do not qualify for this amnesty, to evade the law. Once an alien, no matter who they are, files an application, no matter how spurious, the Federal Government is prohibited from deporting that illegal immigrant. This is ripe for fraud and is unfair and should be opposed.

And once the DREAM Act beneficiaries apply for amnesty, they will be given work authorization. So these individuals who have broken the law will be legitimately competing for jobs with the 9.8 percent of Americans who are currently unemployed.

The DREAM Act subsidizes the college education of illegal immigrants at taxpayer (expense). DREAM Act beneficiaries are eligible for certain higher education assistance programs including subsidized and unsubsidized Federal Stafford student loans. Taxpayers pay the interest on unsubsidized Stafford loans as long as the borrower is in school. And DREAM Act beneficiaries are eligible for Perkins loans, work study and certain other college access and college persistence programs—all of which are funded at least in part by the U.S. taxpayer. In addition, both Stafford and Perkins loans are eligible for loan forgiveness after certain requirements are met. So some illegal immigrants will not even be required to pay back the money they borrowed from U.S. taxpayers. U.S. citizens should be first in line to receive taxpayer subsidies—not those who are violating Federal law.

Once a DREAM Act beneficiary obtains lawful permanent residence he is automatically exempt from the 5-year wait period specified in section 403 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1613), to receive means-tested public welfare benefits. The costs of this to American taxpayers could be enormous.

DREAM Act beneficiaries are required to undergo background checks to the "satisfaction" of the Secretary of Homeland Security. But there is no way to verify that the person is who they say they are.

The DREAM Act will encourage more illegal immigration since illegal immigrant parents will bring their children with them in the expectation that they will benefit from another DREAM Act. The DREAM Act is a dream for those who have broken the law, but a nightmare for law-abiding and taxpaying Americans.

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Mr. CONYERS. Mr. Speaker, I am pleased to yield 45 seconds to the gentlewoman from California (Ms. WATERS), a distinguished member of the committee.

Ms. WATERS. Mr. Speaker, I rise in support of H.R. 1751. The DREAM Act is bipartisan targeted legislation that gives students who are already here and have grown up in the United States a chance to contribute to our country's well-being by serving in the Armed Forces or pursuing a higher education.

This bill is good for our economy, our security and our Nation. If you take a look some of the bill's key provisions, you will see that this was well thought through. This is no throwaway. This is no giveaway. These students have to earn the right to this DREAM Act.

I would simply ask my colleagues to consider, having been brought to this country as a child, it is something that we can do to make sure that we integrate them into our society and they contribute to it in a substantial way.

I would ask for an "aye" vote on this important legislation.

Mr. CONYERS. Mr. Speaker, I am pleased now to yield 1½ minutes to the gentleman from Georgia (Mr. JOHNSON), chair of the Subcommittee on Courts of the House Judiciary Committee, and also a former magistrate.

Mr. JOHNSON of Georgia. I thank the chairman.

Mr. Speaker, I am grateful and proud that my bill, H.R. 5281, the Removal Clarification Act of 2010, is the vehicle through which the DREAM Act comes to the floor today. My bill will enable Federal officials to remove cases filed against them to Federal Court in accordance with the spirit and intent of the Federal Officer Removal statute. By attaching the DREAM Act to this noncontroversial bipartisan bill, we are able to expedite the process.

I am also proud to support the DREAM Act. This bipartisan legislation addresses the tragedy young undocumented people face when, through no fault of their own, their lack of legal status may prevent them from attending college, joining the military, or working legally in the United States.

In my home State of Georgia, there are 74,000 undocumented young people who could potentially benefit from passage of the DREAM Act. Last week, I spent time helping a potential "Dreamer" beneficiary in my district whose parents brought him from Mexico when he was 5 years old. Because of current law, he is unable to follow his dream and attend college. He, along with millions of undocumented youth, deserves an opportunity to stay and help strengthen this Nation.

I urge my colleagues to support this important legislation.

Mr. SMITH of Texas. Mr. Speaker, I yield 2 minutes to the gentleman from Georgia (Mr. GRAVES).

Mr. GRAVES of Georgia. I thank the gentleman for yielding.

Mr. Speaker, I rise in opposition to the DREAM Act. When I think back to the early days of our country and its inception and what we were founded on, it was on freedom, it was on liberty, it was on the opportunity to dream and to achieve a better future for one's self. That is what has made us great, and that is what has made us exceptional among all nations on this globe.

But make no mistake, this bill is not the American Dream. This bill is the amnesty dream. This bill will give amnesty to nearly 2 million illegal immigrants right away, while providing a pathway to amnesty to encourage millions more illegal immigrants to enter our country.

Adults up to 30 years old will now be eligible for amnesty as a result of this. If a person who illegally enters this country will receive amnesty through this bill, you can bet they will petition, because of this bill, to have their relatives join them. Illegal immigrants who have been convicted of less than three misdemeanors are eligible for amnesty through this bill. Lastly, anyone who simply applies for the program will have temporary amnesty.

Earlier we heard that this is not about illegal immigrants, that this is about undocumented persons. Well, that begs the question. If one is undocumented, how could you even verify their age or eligibility for this very program?

This is no dream. This is a nightmare. This is a nightmare for the taxpayers of our country. This is a nightmare for America itself. Besides the fundamental problem of rewarding and incentivizing illegal behavior, this bill worsens our debt and puts a further strain on American families.

Simply put, an open-door amnesty policy, with no spending cap, no limit in scope and a free invitation to all the Federal benefits of this country, adds up to a cost that our taxpayers cannot afford. I urge my colleagues tonight to vote for the American Dream by rejecting the amnesty dream.

Mr. CONYERS. Mr. Speaker, I yield to the gentleman from California (Mr. GEORGE MILLER), chairman of the Education and Labor Committee, for a unanimous consent request.

Mr. GEORGE MILLER of California. I thank the gentleman.

Mr. Speaker, I rise in strong support of the DREAM Act. It is good for our country, it is good for our economy, and it is very important to the future contributions of these young people to American society.

Mr. Speaker, I rise today in support of the DREAM Act.

This is common sense, bipartisan legislation that is a win for our economy.

First, in this economy, we need the best, the brightest, the most capable and the most qualified to be a part of the American workforce.

This legislation will allow a limited group of very capable, high achieving young people to help contribute to the economic well-being of this country.

These are young people who didn't come to this country through their own free choice.

But, they are young people who have worked hard to graduate high school or obtain a GED.

These are young people who have contributed to their communities and to this country.

If we turn our backs on these students, then we're turning our backs on a qualified and competitive workforce.

Second, Mr. Speaker, simply put, this legislation is the right thing to do.

Critics who argue that the DREAM Act would diminish opportunities for students in this country with full citizenship must not know anything about our colleges and universities.

Our Nation's higher education institutions have the capacity to welcome these students, as many already do, without closing the door for other students.

This Congress has passed historic legislation to increase college access and opportunity for all students.

The bill before us today continues to provide that access to a higher education not only by providing these students a path to citizenship, but allowing them access to critical student aid through loans and work-study.

The financial cost of a higher education is too often a barrier to attending higher education.

It is critical that this bill ensures access to student aid, and gives students a chance at affording a higher education.

By passing this legislation, we can reward smart, civic-minded, goal-oriented students and provide access to the American dream.

Let's not punish students and the future of this country.

I urge all of my colleagues to support this bill.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. A Member asking to insert remarks may include a simple declaration of sentiment toward the question under debate, but should not embellish the request with extended oratory.

Mr. CONYERS. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Texas (Mr. EDWARDS).

Mr. EDWARDS of Texas. Mr. Speaker, my faith and my values teach me we do not punish children for decisions made by their parents. That's why I rise in support of the DREAM Act. Common sense tells me that thousands of decent, hardworking young people and our country will be better off by bringing them out of the shadows of our society and giving them the opportunity to serve the country which they call home.

In a time of hard-edged partisan politics, have we grown so coarse and calloused that we would send young people back to the countries that are foreign to them and their upbringing? We should debate how to better secure our borders. But in the meantime, in this season of hope, and love, and joy, let us turn to our better nature and let the youth among us live out their dreams. We will be all the better for it.

Mr. CONYERS. Mr. Speaker, I am pleased to yield 45 seconds to a Judiciary Committee member, Dr. JUDY CHU of California.

Ms. CHU. When I first got elected to Congress, I brought on a bright young man as an intern in my office. He was the student body president of Rio

Hondo Community College. Ernesto was so sharp, so hardworking, so positive, with a deep desire to make America better and to use his education to make that happen.

When he told me he was accepted to UCLA, I was so excited. But then he gave me the bad news. He learned he was undocumented. This after growing up most of his life right here in Los Angeles. He wasn't eligible for student loans. And despite all his efforts, he couldn't afford UCLA.

Without the DREAM Act, Ernesto can't afford the tuition, and might lose his status as a student if he can't find help. Ernesto is one reason out of hundreds of thousands across the country as to why we can't wait another day. Let's make the DREAM Act a reality.

Mr. SMITH of Texas. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. ROHRABACHER).

Mr. ROHRABACHER. Mr. Speaker, I rise in opposition to the affirmative action amnesty act, otherwise known as the DREAM Act, which we are now debating.

Mr. Speaker, if this act passes, if an illegal immigrant happens to be of a racial or ethnic minority, which the vast majority of illegal immigrants are, that individual, as soon as legal status is granted, will be entitled to all the education, employment, job training, government contracts, and other minority preferences that are written into our Federal and State laws. As a result, the DREAM Act would not only put illegal immigrants on par with American citizens, but would in many cases put them ahead of most American citizens and legal immigrants.

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So those voting for this so-called DREAM Act are voting to relegate the position of nonminority American citizens to behind those who are now in this country illegally.

This doesn't just give young illegal immigrants in-State tuition; it provides them preference in admission. This is a betrayal of our law-abiding citizens and their families in order to help people who have come here illegally.

I urge my colleagues to oppose this affirmative action amnesty. I urge my colleagues to oppose this horrible example of misplaced loyalties and concerns that will help illegals at the expense of our citizens and legal immigrants.

It is not being coldhearted to acknowledge that every dollar spent on illegal immigrants is \$1 less that's spent on our own children, our own senior citizens, and for all those in our society who have played by the rules, who have paid their taxes and expect their government to watch out for their needs before it bestows privileges and scarce resources on illegals who have not played by the rules.

This legislation not only increases the burden on our hard-pressed government programs and services, but will give foreigners who are here illegally preference over nonminority citizens, U.S. citizens. It doesn't get much worse than that.

We oppose policies like the DREAM Act, and we must oppose those policies because they will serve as a magnet to those who would flock here illegally. I urge my colleagues to reject this attempt to rob our children of their dream and to vote "no" on this divisive and irresponsible legislation which will do nothing more than bring millions of more people across our borders illegally, only now they will bring their kids, all of them.

Wake up, America. This is no dream. It is an affirmative action amnesty nightmare.

Mr. CONYERS. I yield myself 30 seconds.

I would remind my dear friend from California (Mr. ROHRABACHER) there is no preference in this bill. They are treated equally. There is not one preference that you can dream of—

Mr. ROHRABACHER. Would the chairman yield for a question?

Mr. CONYERS. Unfortunately, I am not able to.

Mr. ROHRABACHER. Is there anything in the bill then that—

The SPEAKER pro tempore. The gentleman from Michigan controls the time.

Mr. CONYERS. Mr. Speaker, I yield 30 seconds to the gentleman from New York (Mr. ENGEL).

Mr. ENGEL. Thank you, Mr. Chairman.

To my friends on the Republican side of the aisle, let me just say, have a little compassion. These children came here. They didn't decide to come here. They know no other country. Some of them can't even speak the language of the country in which they were born, and they deserve to have a right as free Americans.

I am a grandson of four immigrants from Eastern Europe, and my grandparents would be proud to see their grandson as a Member of the U.S. Congress. How many of these other children can flourish and be Members of Congress or do other things?

We do need comprehensive immigration reform in this country. This is not it, so we shouldn't attack it because it's it. We ought to have a little compassion. The sky is not falling if this becomes law. It will be good for all of us.

Mr. SMITH of Texas. Mr. Speaker, I yield myself 15 seconds.

Mr. Speaker, the gentleman who just spoke has a good point. We need to have compassion, but our compassion should be reserved for American workers, and we should put the interests of American workers ahead of the interests of illegal immigrants.

Mr. Speaker, I yield 3 minutes to the gentleman from Georgia (Mr. KINGSTON).

Mr. KINGSTON. I thank the gentleman for yielding.

I agree, we have a genuine problem with kids today who were brought here by their parents as young children illegally. In fact, in my area, some of these kids were 3 and 4 years old and they are far more Americans and Georgians culturally than they are whatever native country their parents came from. So there is problem here. But I have got to say, this is not the solution. This is politics. In fact, under the name of this phony, compassionate bill, what we are doing is a disservice to these children.

This is a lame duck session. The Democrats have been in charge of the House and the Senate and the White House now for nearly 2 years. Their brand of politics was squarely denounced and rejected 5 weeks ago, and this is one of those things. This is a Harry Reid deal. He promised to do it, so now he's doing it.

If you really were concerned and there was real compassion, you know you would not be doing it this hour sandwiched in between a major spending bill—when there was no budget, by the way—and a major tax extension in which the Democrats, themselves, have a lot of split decisions about.

But let's say look at this from a practical standpoint. How do you prove who was here when they were 16 up to 30? How do you prove that? Well, the bill actually says you only have to prove it to the satisfaction of the Secretary of Homeland Security. Well, that's a reassuring thought. The Secretary, appointed by President Obama would certainly never make a political decision. No, justice is blind. Just go down the street to the DOJ and see their cases.

Let's be serious about this. You are talking about children, and yet the Secretary of Homeland Security is going to decide if you were here before you were 16, and then what's going to happen to parents of other kids? Why would they not start bringing their children in and saying, Oh, yeah, we have been here.

Who keeps up with the records of illegal aliens? No one does by design. We all know that.

This is a serious problem. I started out my statement saying I agree there is a problem. This is politics, though. This is not a solution.

Two million people will probably become citizens under this. I don't think this is the right way to handle it.

I would like to work with you guys on this. I would like to work with the Republican Members. We all want to because we know there is a situation out there. But this is politics in the 11th hour in a lame duck Congress, and it should be rejected by that alone.

Mr. CONYERS. Mr. Speaker, I yield 45 seconds to the distinguished gentleman from California, LUCILLE ROYBAL-ALLARD.

Ms. ROYBAL-ALLARD. Mr. Speaker, DREAM Act youth are not criminals and bear no responsibility for the actions of adults who brought them here illegally as children. Raised in the United States, they have the same American values and love of our country as children born here. Sadly, because of the actions of others, they live in fear of deportation from the only home they know.

The DREAM Act, which is not amnesty, will help correct this unfairness. With stringent criteria to qualify for legal status and a 10-year requirement toward earned citizenship, the bill would remove impediments so our country can benefit from their talents and enhanced contributions to our country. In fact, a recent UCLA study found DREAM-eligible students have the potential to earn \$1.4 trillion in additional income that could help fuel our country's economic growth over the next four decades.

Mr. Speaker, we are a country that values children, not one that punishes them for the wrongdoing of their elders. Yet that is exactly what is happening to these children today.

I urge my colleagues to support the DREAM Act.

Mr. SMITH of Texas. Mr. Speaker, may I ask how much time remains on each side?

The SPEAKER pro tempore. The gentleman from Texas controls 10 minutes, and the gentleman from Michigan controls 15 minutes.

Mr. SMITH of Texas. Mr. Speaker, I reserve the balance of my time.

Mr. CONYERS. I yield 1 minute to the gentleman from California, SAM FARR.

Mr. FARR. Mr. Speaker, I am very proud to rise before you as a former Peace Corps volunteer, both the Speaker and myself, who know something about living in another country.

Look, we are in the Chamber of the House of Representatives. We have been here every day. We have these debates. Surrounding us every day, we look at these lawgivers, 23 people, all men. Only two have ever been American citizens. All the rest, we worship them, because they had great minds. Most of them lived before the United States was even created.

Those minds are in the children in America, and you are calling them illegal? Is that what you call bright children of your own? You want to raise people in that kind of climate? These kids have done nothing wrong. All they want is to fill that dream, that dream, with all kinds of restrictions that are in this bill. This ain't easy.

My God, give those children, your children, our children, that dream.

I rise today in strong support of the DREAM Act.

Bottom line: The DREAM Act is good for America.

It is good for the economy and it is good for the future competitiveness of our country.

According to Secretary Gates, "The expansion of the pool of eligible youth that would result from the DREAM Act provides an important opportunity to selectively manage against the highest qualification standards."

General Colin Powell says the DREAM Act is important because it invests in education and expands educational opportunities for minority students.

I believe that a well-educated population raises the standard of living for all Americans. Immigrant children brought here illegally through no fault of their own deserve the opportunity to chase the American Dream.

America is still the land of opportunity, and education is the portal for achieving opportunity.

It is vitally important that all students, including undocumented students with good character who are long-term U.S. residents, have the same chance to pursue higher educational opportunities, be eligible for in-state tuition assistance, and earn legal status.

This is a good bill. I am a co-sponsor of this bill and I urge that my colleagues support its passage in the 111th Congress.

□ 1940

Mr. SMITH of Texas. Mr. Speaker, I reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, I yield 1 minute to the gentleman from Florida (Ms. CASTOR).

Ms. CASTOR of Florida. Mr. Speaker, I rise today in support of the DREAM Act and the thousands of Florida students who will benefit when we pass the DREAM Act—not just the students, but the families and businesses all across the State of Florida and our great country.

Our country is built upon a foundation of equality, liberty, and opportunity. These values apply to all, except for a small group of young people who, through no fault of their own, have been stuck in limbo and face obstacles to education and productivity.

The DREAM Act will breathe new life into their hopes and dreams and the economies of our local communities. It will breathe hope and life into the lives of these young students, these young people who only know America as their home. They want to attain a higher education and they want to serve in the Armed Forces.

Mr. CONYERS. Mr. Speaker, I yield to CAROLYN MALONEY of New York for a unanimous consent request.

Mrs. MALONEY. I rise in strong support of the DREAM Act and urge all of my colleagues to vote for this important bill.

I rise today in support of the American DREAM Act, bipartisan legislation that would provide a path to legal status for undocumented youth who entered the U.S. as children, graduated from U.S. high schools, and attend college or enter the military.

I would like to thank Speaker PELOSI and Leader HOYER for bringing this important legis-

lation up for a vote on the House floor today. I also would like to thank Rep. LUIS GUTIERREZ, who sponsored this bill in the House and has worked so hard for its passage.

Our Nation's history is rooted in the strength of immigrants. As New Yorkers, my constituents have a special understanding of how America's melting pot can create a rich tapestry of ethnic, cultural and religious traditions that infuse vitality into the economic and social aspects of our communities.

I strongly believe that by protecting the rights of workers, securing the border, and modernizing our pathway to legal immigration, the hope that we can fix our broken system will become a reality.

Under the DREAM Act, qualified students would be eligible for conditional immigration status upon high school graduation that would then lead, after a period of ten years and a rigorous process, to permanent legal residency if they go to college or serve in the military.

We cannot deny these students the opportunity to pursue education—especially when the alternative is often working illegally. Despite what some opponents of this legislation claim, the DREAM Act would not grant special benefits to qualified students. In fact, students may only access benefits they work for, or pay for.

This bill would allow a limited number of hard working students, who were brought to this country as children, to be rewarded for their success, and in the process, produce thousands of college graduates contributing to economic productivity and eligible youth ready to serve this nation through military service.

I am proud to be a cosponsor of this important legislation and urge my colleagues to support it.

Mr. CONYERS. Mr. Speaker, I yield 30 seconds to the distinguished gentleman from New York, JOSÉ SERRANO.

Mr. SERRANO. Mr. Speaker, we call it a dream, but it's a reality. It's young people who are here, who want to continue to be part of the American Dream. It's people, as Mr. ENGEL said, who know no other country. This is the country they know. This is the country they love. This is the country they're in. This is the country they want to help grow.

We talk so much about the future of our country. The future of our country is in our youth, our youth who want this dream to become a reality.

Vote for the DREAM Act. It is the proper American behavior at this time.

Mr. CONYERS. Mr. Speaker, I yield 30 seconds to the gentleman from California (Mr. BACA).

Mr. BACA. Mr. Speaker, I stand in strong support for H.R. 5281, the American DREAM Act, a bipartisan bill.

America is the land of opportunity, and these students want to abide by the law, and that's why this bill is before us.

It is wrong to unfairly punish young people who come to America through no fault of their own, wanting an education, an opportunity like their fellow students.

If we pass this bill, we have an opportunity to strengthen our Nation and respect our strong, proud immigration history, like Ronald Reagan and others who did this in the past.

Equal opportunity is justice in opportunities. It's the same values that civil rights leaders like Martin Luther King and President Johnson fought for.

Mr. CONYERS. Mr. Speaker, I yield 30 seconds to the distinguished gentleman from the Ways and Means Committee, the Honorable CHARLES RANGEL.

Mr. RANGEL. Thank God that the Native Americans didn't have these immigration laws when they were discovered, you know, by other people.

But having said that and forgetting the idea of compassion, I'm reminded that in 1950, when the outfit was surrounded by Chinese and Lieutenant Colonel Joseph Vines called up and he says, We need replacement or we've got to get out of here. And they told him that we didn't have any colored replacements. And even though President Truman, in 1948, had outlawed discrimination, still it was that way.

Lieutenant Colonel Vines says, I don't care what color they are.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. CONYERS. I yield the gentleman an additional 30 seconds.

Mr. RANGEL. I don't care what color they are. You send someone up here to defend this country or we're pulling out of here.

And that's where we find ourselves today. At a time when we're looking for scientists and researchers and teachers and people to allow this country to maintain its greatness, we find people that were raised in the United States, salute the flag, the Pledge of Allegiance, the Star-Spangled Banner, the Boy Scouts; and these, for all practical purposes, we have invested in them. Now they want to pay back by becoming professionals. This is time for us not to retreat but move forward and support the DREAM Act.

Mr. SMITH of Texas. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. JOHNSON).

Mr. JOHNSON of Illinois. Mr. Speaker and Members of the House, as we stand here this evening and debate this terribly misnamed bill, the American people face not a dream but a host of unmistakable realities: double-digit unemployment; a social service delivery system—most particularly, Social Security—that is terribly broken; their children and their grandchildren who simply cannot afford to go to school; and a national debt of over \$14 trillion and growing by the hour, which really jeopardizes our collective future; and a Nation, Mr. Speaker and Members of the House, where too often the rule of law yields to self-term expediency.

I respectfully have to comment and respond to a number of the comments

that were made on the other side of the aisle, not the least of which is the attempt to portray these individuals as somehow innocents and those who would be free of any lawbreaking. The fact is the law, the bill doesn't deal with that. It only deals with it indirectly.

Secondly, we have the clear reality that people can be 15, 15½ years old and break the law, come over here and then bootstrap their families into citizenship, which deals with all the realities that couple and aggravate on top of that.

The reality is this is a very bad piece of public policy. It's, I think, well-intended. I respect the sponsors, as I said in my comments on the rule. But at the end of the day, this is a bill that America cannot afford. And I strongly urge my colleagues, both Republican and Democrat, to vote "no" and to send a message to the American people that we still pay obeisance to and uphold the rule of law. And I urge a strong "no" vote.

Mr. CONYERS. Mr. Speaker, I yield to Chairwoman NYDIA VELÁZQUEZ for a unanimous consent request.

Ms. VELÁZQUEZ. Mr. Speaker, I rise in strong support of the DREAM Act because of young people like Carol from New York City, so that she and others can fully contribute to America, the country they call home.

Today, more than one million young people residing in our nation live in fear of deportation. These individuals did not choose to come here illegally. Rather, their parents brought them as minors.

Now, like generations of immigrants before them, they wish to help build a better America. They are not seeking a handout or giveaway. All that they ask is a chance to earn their citizenship. The question before us is simple—will we let them do their part or keep hiding them in the shadows?

Passing this bill is not just the moral choice—it will also bring our nation enormous benefits. Today's broken immigration system drains talent from our workforce, keeping bright minds from achieving their full potential. Bringing these young people into the mainstream of American life will enhance our competitiveness in the global economy, in the long term.

In the short term, as our Nation recovers from this downturn, entrepreneurship will be vital. Immigrants have a strong record of building new businesses, representing almost 17 percent of new ventures. By creating additional opportunity, the DREAM Act would further this tradition, spurring business growth among a new generation of immigrants.

These students are the kind of leaders our country needs to thrive. Allowing them to pursue the American dream will mean a stronger economy and more prosperous future for all of us.

Equally important are the contributions these future Americans will make serving society. In New York City, there is a young woman named Carol, whose lifelong goal has been teaching. Carol was the first college graduate

in her family, paying her own way by working two jobs. Upon graduation, she was accepted into a New York teaching program that certifies candidates, while letting them obtain a Master's Degree. Because Carol's parents brought her here at age six, she is prevented from joining the program—or becoming a teacher.

Carol's story is too common. For the thousands like her—who are yearning to serve this nation and become American—we must pass this bill.

Mr. Speaker, childhood immigrants are American in nearly every way. They grew up our neighbors, attending U.S. public schools. We've already invested in the education and upbringing of these kids. With this bill, we will see a return on that investment, as the best and brightest earn their place in the American dream.

I urge my colleagues to vote yes.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair would remind the managers that if Members engage in debate after being yielded to solely for making a unanimous consent request, time consumed will be charged.

Mr. CONYERS. Mr. Speaker, I yield 30 seconds to the gentlewoman from Maryland, DONNA EDWARDS.

Ms. EDWARDS of Maryland. Mr. Speaker, I rise today in strong support of the DREAM Act, H.R. 1751, and on behalf of many young people in my district like 17-year-old Yves Gomes, an advanced placement student, an honor student, a graduate of Paint Branch High School. Yves came to this country from India when he was just 14 months old, a toddler. He loves this country. He's all-American. He plays basketball. He listens to music. He wants to be a doctor to help poor people in this country. Let's give Yves a chance to study, to work, to contribute to this, his country.

In a letter to President Obama, Yves wrote, "The U.S. is different from any other country in the world because the government is willing to listen to its people when something is wrong."

Let's pass the DREAM Act.

Mr. SMITH of Texas. Mr. Speaker, I yield 1 minute to the gentleman from Utah (Mr. CHAFFETZ), who is a member of the Judiciary Committee.

□ 1950

Mr. CHAFFETZ. Mr. Speaker, I rise in opposition to this bill. This bill is amnesty. We should not be rewarding illegal behavior. We should be prioritizing Americans. And we should be prioritizing the millions of people who are not willing to break the law. They are trying to do it legally, lawfully, sometimes waiting 20 years to go through the process. We need to fix legal immigration, not reward illegal behavior.

Further, while I have the greatest respect for the leadership within the committee, I need to say that in the 23 months that I served on the Subcommittee on Immigration, it is an

embarrassment that we met 12 times and never discussed this. Never, never did we have a substantive hearing or discussion on this bill.

Yet under martial rule we bring it here to the floor with a very short time span, in the middle of the night here and try to slam this through. That is fundamentally wrong to the process; and when the process is wrong, you get a bad result. I urge my colleagues to vote "no."

Mr. CONYERS. Mr. Speaker, I am pleased now to yield 45 seconds to the civil rights hero of the Congress, JOHN LEWIS.

Mr. LEWIS of Georgia. Mr. Speaker, the DREAM Act, this is a bill that we should have passed a long time ago. The American dream—isn't that why we are all here, why we work, toil, and sacrifice for these United States of America? These young people, uprooted from their homes and brought to this country as children, some of them so young this is the only home they have ever known. They have obeyed our laws, became excellent students, sacrificed blood and tears for our country, just as any good American would do.

Mr. Speaker, the time is always right to do what is right. I urge my colleagues to pass this bill and pass it now.

Mr. SMITH of Texas. Mr. Speaker, I will continue to reserve the balance of my time until the time on both sides is roughly equal.

Mr. CONYERS. Mr. Speaker, I am pleased now to yield 1 minute to the one and only majority leader of the House, STENY HOYER of Maryland.

Mr. HOYER. I thank the gentleman for yielding me 1 minute. I am about to lose my magic 1 minute, and I lament that fact, but it is a fact. But I have not lost it yet.

I am going to use that minute to speak for children who didn't break the law, who had no concept of violating laws. Their parents brought them here like millions of other children who now live in America, and parents who live in America. They were Irish, they were Polish, they were German, they were Asian, they were South Americans, they were Africans. Their parents brought them to this country, and they grew up in this country and they thought to themselves, I am proud to be an American. And I am sure they sing with Lee Greenwood, I am proud to stand up next to you. And they stand next to us almost every day. We may not know who they are, but they go to school, they serve in our Armed Forces. They participate, and they pay taxes. Some of them are far too young to do that. Some of them know no country except the United States of America. And they feel blessed.

Mr. Speaker, I understand that immigration is an issue that divides many of us in this House. It is an issue that arouses passion. But the test of gov-

erning responsibly is whether even in the face of those divisions we can come together to make progress on the basis of a principle that ought to be universal.

I said to my caucus tonight that I had been chairman of the Commission on Security and Cooperation in Europe for 10 years and served on that commission for almost 20. That commission, as some of you know, is charged with overseeing the implementation of the Helsinki Final Act. The Helsinki Final Act, of course, was signed by President Ford in the summer of 1975. What that act tried to accomplish was a universal understanding of human rights and how nations treated their own citizens, and how we would look to those nations and not say it is simply their business, because if they abused their citizens, it was felt after World War II, that they might soon abuse other citizens not within their borders.

And so we said we are our brother's keeper. We do need to make sure that people throughout this world are treated equally. And I have traveled to many countries behind the Iron Curtain over and over and over with my good friend FRANK WOLF and others. Mr. SMITH from New Jersey, particularly. We went to those countries and said, Treat people fairly.

As I was thinking about this impending debate, I thought to myself, what if some other country were taking children who had grown up, gone to school, were in the military, were going to college, and we were kicking them out of the country because their parents had come from another land. Yes, those parents broke the law, and this is not about excusing breaking the law. These children are not culpable. These young people came here because as all of us went anywhere. I am in Maryland. Why am I a Maryland citizen? I am a Maryland citizen because my stepfather was in the United States Air Force and the United States Air Force transferred him to Andrews Air Force base, and so we moved to Maryland, not because I chose to move to Maryland but because my stepfather and mother moved to Maryland, and they brought me with them. That is who we are talking about. That is who we are talking about.

One of those principles is I believe that individuals who came to this country as undocumented minors and have lived their lives in America should not suffer because of the actions over which they had no control that brought them to the United States. We all universally adopt that principle. No one holds children culpable for the wrongdoing of their parents unless somehow those children are involved themselves in the perpetration of wrongdoing. So this principle is well known to all of us and ought to be followed. That is the idea behind this legislation.

We talk about the American Dream. We have a statue in the harbor in New York. She has a light that she lifts to all the world. And we say:

Give me your tired, your poor,
Your huddled masses yearning to breathe free.

The wretched refuse of your teeming shore.

Send these, the homeless, tempest-tost to me.

And America says to the world: I lift my lamp beside the golden door.

We are the keepers of the golden door.

When the ambassador from Ireland, and we have many Irish among us, came and spoke, one of the things he said is: Deal with this issue. Deal with it because there are Irish among us who perhaps came because their parents saw opportunity at a time of great strife in their land and came to America.

My father came at the age of 32 in 1934 from Denmark to seek opportunity in this country. There are so many of us among this group of 435 who could give similar stories. Our parents came here to seek opportunity. Some came, and our grandparents came, when there was no significant control on their coming here. As immigration has grown, we have had to rightfully make restrictions. And I am one who believes that we need to know who comes into the United States of America.

Our choice tonight is between allowing those young people to live their lives in the shadows of America or ensuring that those who want to serve our country and contribute to our economy can stay in the country that is their home. They perceive it to be their home.

□ 2000

They were children in school, in our neighborhoods, in our boys' and girls' clubs, who played on our athletic fields, and who think of themselves as Americans.

For those young people who have been in our country for 5 continuous years before the enactment of this bill, this is not an inducement to come here; this is not an inducement for somebody to bring their children here. This is to say to those children who are here: We are going to incorporate you if you play by the rules in an opportunity, in this land that we call the land of opportunity.

The DREAM Act provides for 6 years of conditional legal status but only if they have completed high school or a GED during those years. Applicants must finish 2 years of college or serve 2 years in the military and must not commit any crime. We are not going to allow wrongdoers. These are people who are playing by the rules; and if they meet those requirements, they will be able to earn permanent residence and be allowed to apply for citizenship.

Now, understand again that these are young people who broke no law. These are young people who had no intent to break the law. These are young people who have played by the rules, who have graduated from high school, who have gotten GEDs or who are about to do so in order to qualify. In a competitive world, America's openness to immigration is one, frankly, of its strengths, not of its weaknesses. The beneficiaries of the DREAM Act are the kind of new Americans we want—young people who speak English, who abide by the law and value education, and in many cases, who are willing to risk their lives for America as members of the Armed Forces.

Our military understands the value of a new pool of motivated young men and women committed to serving their country. Clifford Stanley, the Defense Undersecretary in charge of personnel, said that failing to pass this legislation would be, in his words, "unconscionable."

Economists also understand the value of these immigrants. A UCLA study found that their income will reach as high as \$3.6 trillion over the course of their lives. They're very young now, so that may be 70 or 80 years, which is a long time; but it's an indication of their willingness, as it is of the millions and millions of immigrants throughout our history, to add to the value of America—a Nation, we call ourselves, of immigrants like my father. That's why the DREAM Act is in keeping with the principles that have made America strong and so dynamic.

Some of you may know Michael Gerson personally. He was George Bush's speechwriter. I hope you had the opportunity to read the column that appeared just two days ago. If you didn't, let me quote from it.

"It is a principle of democratic capitalism . . . that ambitious human beings are not just mouths but hands and brains. They are a resource—the main source of future wealth."

He urged his party, his Republican Party, to reach out in this instance of which we are not talking about forgiving wrongdoing to young people who have not done anything wrong. Let us stress that over and over. I urge my colleagues to take advantage of that resource, to do what is both in America's interest and in keeping with America's fairness.

Some of you know Jeb Bush. I don't know Jeb Bush personally; but Governor Bush—the Governor of Florida twice—has been mentioned as a possible Presidential candidate.

"I think politicians," those of us who serve in public office, "should be supporting the DREAM Act," said Governor Bush. "I think it's a good policy. I think the military is a most impressive and important institution in this country." Those who serve and those

who are willing to serve should be given the opportunity—again, not speaking of wrongdoers.

I hope all of my colleagues hear this and all who are listening. Michael Gerson is George Bush's speechwriter. He says at another point in this article, "It would be difficult to define a more sympathetic group of potential Americans; and the choice here is not between the presence of these young immigrants and their absence. No one is proposing the mass deportation of this particular group." These are children who have done nothing wrong and who would be the last on the target lists of even the most enthusiastic immigration restrictionists. In the words of Michael Gerson, "The actual choice is between allowing these young men and women to develop their talents and serve in the military or not."

Ladies and gentlemen, I urge my colleagues: Let us join that Lady in the harbor, who lifts her lamp beside this golden door, and understand why the millions and millions and millions and millions of people came from across this Earth to seek opportunity in this great and generous land. Let us reflect that tonight.

Mr. CONYERS. Mr. Speaker, I yield 30 seconds to the gentleman from Texas (Mr. HINOJOSA).

Mr. HINOJOSA. Mr. Speaker, our Nation cannot afford to turn away these talented youths. In order to remain competitive in the global economy, our country must train a new generation of highly skilled STEM professionals—scientists, engineers, and mathematicians—to bolster the scientific discovery and to spur the technological innovation that our Nation desperately needs.

I urge my colleagues to vote "yes" and support the DREAM Act.

I rise today to strongly urge my colleagues to vote for the DREAM Act . . . H.R. 5281.

Our students have been waiting for nearly a decade for Congress to act on this important legislation, and according to estimates by the Congressional Budget Office and the Joint Committee on Taxation, this bill will reduce deficits by about \$2.2 billion during the period . . . 2011 to 2020.

It's time for Congress to pass the DREAM Act and do what is just and sensible and give these deserving students a chance to make meaningful contributions to our Nation's workforce, economy, military and civic life.

As Subcommittee chairman for Higher Education, Lifelong Learning and Competitiveness, I believe that our Nation must encourage all students to succeed in school, particularly those students who are hardworking and serving as role models to their peers. This legislation supports our nation's high school and college completion goals and helps to reduce dropout rates.

In the Rio Grande Valley of South Texas and across the country, DREAM Act students are exceptional young men and women. Despite facing difficult circumstances, many of these students have excelled in school, and

become valedictorians, AP scholars, and distinguished student leaders. There are at least 1,000 college students in my congressional district who would benefit from this legislation.

Our nation cannot afford to turn away these talented youth. In order to remain competitive in the global economy, our country must train a new generation of highly-skilled STEM professionals—scientists, engineers, and mathematicians—to bolster scientific discovery and spur the technological innovation that our Nation desperately needs.

These students are ready and willing to contribute to our country and do what is necessary to achieve their career goals and earn their citizenship.

DREAM Act students exemplify the American ideals of hard work, perseverance, a desire to succeed and contribute to this Nation—values that we in Congress extol and strive to instill in all students. Importantly, these young men and women are an integral part of our families and communities. Many of these students were brought here as children, and know America as their only home.

I urge my colleagues to vote "yes" and support the DREAM Act . . . H.R. 5281.

Mr. CONYERS. I yield 2 minutes to a distinguished member of the Judiciary Committee, the gentleman from Illinois, LUIS GUTIERREZ. He has worked on this issue, not just on the DREAM Act but on the whole question of immigration, with great skill and knowledge.

Mr. GUTIERREZ. Mr. Speaker, I come here this evening to say to you, yes, let's give the DREAM kids an opportunity. They are American in everything but on a piece of paper. They are just like my children and your children. So I say, too:

Give them a chance. Give them the opportunity—the opportunity this Congress will not give their mothers, who are today finishing toiling in Salinas, California, picking the fruit; their mothers who are in sweatshops in New York tonight, finishing their labor; their mothers who are in meatpacking plants in Iowa—sweaty, under terrible conditions.

That same despair and inequity and unfairness and injustice that their mothers suffer, let's say that this Congress will not allow them to suffer. Let's say that their work, their sweat, and their toil will be responded to by this Congress by saying their children will not suffer the consequences of the inaction and unfairness of our immigration system.

We know that there are millions of undocumented workers—their parents—who work and sweat and toil every day to make this Nation greater. They were wrong about the Irish. They were wrong about the Italians. They have been wrong about immigrants in the past, and they are wrong about the immigrants today and about these children of immigrants.

Let this Congress stand as it has stood before for immigrants. I stand here today also as a Democrat, as a

Democrat who understands that the rule of law must also be conditioned by justice and fairness and compassion. I stand here in the same manner as we have stood up when the rule of law said to a woman, You will not earn equal pay, and in the same manner as when someone of sexual orientation has been abused, and we say, That will not be tolerated.

□ 2010

When there is someone without health care, we say we will provide health care. We look at the rule of law, and we see homeless and we want to provide housing to them. And today, just as we have faced that unfairness and those inequities in our system, we have come here, yes, to support the rule of law, but to change the law when it is unfair. Today, change it for this generation of young men and women. We must stand up for them.

Mr. SMITH of Texas. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. DANIEL E. LUNGREN), a senior member of the Judiciary Committee and a former Attorney General of California.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I don't think I was wrong in 1984 when I stood on this floor in this position and led the Republican effort to work with my Democratic friends to pass immigration reform. I don't think I was wrong in 1986 when I was the Republican floor manager of Simpson-Mazzoli in an attempt to try and bring some semblance of law to the issue of immigration, both legal and illegal. But I must say that in 1986, when we did pass that law, we thought that that was going to resolve many of these issues, and it was going to take care of them. And even though we spent weeks on the floor over those 2 years—weeks on the floor, allowing 200-and-some amendments to be put in the RECORD, over 100 amendments offered on the floor so that Members had the opportunity to have their ideas heard—I don't think we were wrong.

I do think we are wrong now to bring this at the last hour, to deny anybody an opportunity for a single amendment on this important issue, and to bring it in a parliamentary inquiry fashion that stuffs this bill into a Senate bill, which does what? Disallows the minority an opportunity to bring a motion to recommit.

Now, why do I say that that's important? Because we passed legislation in '86 that we thought was going to solve the problem. In some cases it solved the problem, and in some cases it exacerbated the problem. I was concerned at that time that we passed the SAW and RAW provisions—seasonal agricultural workers and replenishment agricultural workers—because I was afraid that that would be full of fraud. And guess what? It has been. Since that time we have added to the numbers of

people who are illegally in the United States. Now, some people don't want to talk about that as if it has no importance.

We have, as a principle in our law, the concept of a worldwide quota. What does that mean? That means everyone should have an equal opportunity to come to the United States, whether you're the poorest child in Africa, whether you're in the Philippines, whether you're in Asia. And when you have rampant illegal immigration, particularly from this hemisphere, you are in essence discriminating against those equally poor, some even in worse poor situations around the world for their chance to come here to the United States. That's why when you deal with an issue like this, you have to look at the whole picture, and we are denied the opportunity to look at the whole picture here.

There are those that say, well, we are here to assist only those children who, by no fault of their own, came to the United States, those up to the age of 16 who came here in one fashion or another. If that be true, why not allow an amendment which would say that those who benefit from this will not have the opportunity to bring those who may have brought them here illegally—

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. SMITH of Texas. I yield the gentleman an additional 30 seconds.

Mr. DANIEL E. LUNGREN of California. Why not say they will not have the right to bring those who did break the law into the United States? But right now, under this bill, if you qualify under this bill, you have the right to begin chain migration. You have the right to bring your parents in, your adult siblings in, others in. At least give us the chance to have the opportunity for amendment. That's all I'm saying.

We know that this isn't the way to deal with this issue. We know we should have a chance. We had the opportunity for months to bring something to this floor. So all I would say is this is an issue that many of us on this side of the aisle will work with you on, but this is just not the night and this is not the way to do it.

Mr. CONYERS. Mr. Speaker, I yield to the gentlelady from California, GRACE NAPOLITANO, for a unanimous consent request.

Mrs. NAPOLITANO. Mr. Speaker, I support the DREAM Act because of the young people in my district and throughout the United States so they can fully contribute to America, the country they call home.

Mr. Speaker, I support the DREAM Act because of young people like Julieta, so that she and others like her can fully contribute to America, the country they call home.

Mr. CONYERS. Mr. Speaker, I yield 1 minute to the gentleman from New York, GREGORY MEEKS.

Mr. MEEKS of New York. Who are we? We call ourselves American citizens. We're proud to be Americans. Why are we proud to be Americans? Well, we were raised in American schools, we loved our country, we studied our history, we wanted to prosper, we wanted to be able to do the things that cause us to be free.

We care about children. What we're talking about here is a group of children who all they know is what we know. In fact, many of them had no idea that they were not American citizens. They grew up loving this country; they grew up aspiring for the same things that we have; then all of a sudden they find out that they can't continue with their education, they can't go into the military.

If we are truly Americans, if we truly care about kids, if we truly stand for our core values, we will tell those children because those children are as much American as each and every one of us. Let's support the DREAM Act.

Mr. CONYERS. I am pleased to yield 1 minute to the gentlewoman from New York, YVETTE CLARKE.

Ms. CLARKE. Thank you very much, Mr. Chairman.

It is my honor tonight to stand here as a second-generation American coming from a district where many people come as immigrants to make the United States their home. Some of those people, many of those people, are residents of our Nation and want to become citizens. Some are undocumented. Many of them are young people, are children who go through our school systems and look just like me. I am proud to stand here today because those young people have been law abiding and know this place as their home, have never known their place of origin but understand that the work that they do each and every day in our schools and in our communities accrue to a stronger Nation.

Tonight, we have the opportunity to make their dreams a reality, their dreams to do more than to stand and defend our flag, to give their lives as many give their lives for the freedoms of America. Today, we make sure that that dream is fulfilled and they fulfill their obligation as new Americans in our Nation. The DREAM Act will be a reality tonight, and I am proud to cast my vote in favor of those young people.

Mr. SMITH of Texas. Mr. Speaker, I yield 30 seconds to the gentleman from Iowa (Mr. KING), a member of the Judiciary Committee.

Mr. KING of Iowa. I thank the gentleman from Texas for yielding.

Mr. Speaker, when my grandmother came over here and landed at Ellis Island, 2 percent were sent back. We had a merit system, and you had to meet those standards.

I believe in an immigration policy that is designed to enhance the economic, the social, and the cultural

well-being of the United States of America. This immigration policy is for America. We can't relieve all of the poverty in the world. That is completely impossible.

Today, our immigration structure is this: between 7 and 11 percent of our legal immigration is based on merit, and the balance of it is out of our control as far as setting any standards. If we are going to be a great Nation we have to have a policy that is established to promote American exceptionalism. This bill does not. I urge a "no" vote.

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Mr. CONYERS. Mr. Speaker, I yield to the gentleman from California (Mr. HONDA) for a unanimous consent request.

Mr. HONDA. Mr. Speaker, I rise in support of the DREAM Act.

Mr. CONYERS. I am pleased at this time to yield 1 minute to the Speaker of the House of Representatives, the gentlelady from California, Ms. NANCY PELOSI.

Ms. PELOSI. Mr. Speaker, I thank the gentleman for yielding and for giving us this opportunity this evening to come to the floor of the House on behalf of many children in America.

It is one of those evenings when we can associate ourselves very directly with the aspirations of our Founding Fathers. How blessed we were at the beginning of our country, even before our country began, that these brave and courageous people stood up for independence for our country. And when they established our country, they designed the great seal of the country and it said, "Novus Ordo Seclorum," a new order for the ages. How confident they were, how optimistic they were. No country in the history of the world had ever had founders founding on a new principle of equality of people and freedom, separating themselves from a great military power by winning independence and saying this was about a new order for the future. And they could say that with confidence because they had a commitment to make the future better from one generation to the next.

That became known as the American Dream, eventually, and people flocked to our shores to be part of the American Dream. And when they came, they brought their hopes, their aspirations, their determination, their optimism for a better future for their families and for the next generation. And in coming here, these newcomers—at that time, a couple hundred of years ago—and to this day, by coming with that optimism and hope and commitment to a better future for the next generation, they made America more American.

And so tonight we have an opportunity to identify with the aspirations of our Founders. And we know that if we are going to have a better future for

our country, it is important for us to recognize the children who are here. They have come from every continent in the world, from Europe, from Asia, from Australia, from Latin America. My colleague, Congresswoman CLARKE, talked about children coming from the Caribbean. A lot of attention is paid to those coming from Latin America, but they have come from all over the world, and many of them to this day do not know what their legal status is. Some find out in a most unfortunate way when ICE shows up at their door to say, You weren't born here, because their parents may not have told them that.

But their identity is all American. Some of them don't even speak the language of the country of origin of their parents. So many of them come here with this great patriotism. Their families come with this great patriotism. Many of these young people serve in the military, so they strengthen our national security. Secretary Gates has said, The DREAM Act represents an opportunity to expand the recruitment and readiness of our armed services. That's what the Secretary of Defense said. We all know that the competitiveness of America depends on innovation, and innovation begins in the classroom. And these young people have an array of skills and talent, whether they're in the military, whether they're in college, whether they go to graduate school. And we know that many of them cannot reach their professional aspirations because that is when they bump into the fact that they are not fully documented.

If you have ever been to a DREAM Act occasion, when young people come together and speak about their love for America, you will hear anthems of patriotism that, again, would make you so very, very proud in how it echoes what our Founders had in mind. So we have an opportunity tonight to solve a problem, solve a problem for these young people, to help solve problems for our military and our national security, to help solve problems about innovation and education and making our country stronger economically as well as militarily.

This bill does not cost money. In fact, it sends money back to the Treasury, about over \$2.5 billion. But as studies show, there will be hundreds of billions of dollars that will be paid in taxes by these young people when they reach their full aspirations.

This act is about Pedro Ramirez, the student government president at California State University Fresno. He was brought here when he was 3 years old and was unaware of his lack of citizenship until he was a senior in high school. In the midst of the controversy of his status, he reminded us, the DREAM Act itself symbolizes what it is to be an American. It's about equality. It's about opportunity. It's about the future.

Young people like Pedro and so many others like him represent the best reasons to pass the DREAM Act. We always think in numbers. Think of these individual young people and how they identify with America. They have no other identity in many cases. They want to participate in our Nation's future. They want to help build it. They want to use their degrees and their skills to help build something better for the next generation, and that's what our Founders had in mind when they said, *Novus Ordo Seclorum*, a new order. It's on the dollar bill. In case you have a dollar in your pocket, you can take out The Great Seal of the United States, "*Novus Ordo Seclorum*," with that confidence, later to be called the American Dream.

We owe it to our Founders, and we owe it to these young people, we owe it to the future to cast a vote for a bill that makes America more American. And I want to thank Mr. CONYERS. I want to thank HOWARD BERMAN, the author of this legislation; Chairwoman ZOE LOFGREN, also on the Judiciary Committee; certainly Congresswoman NYDIA VELÁZQUEZ, chair of the Hispanic Caucus; Congressman XAVIER BECERRA, part of the House leadership; LUIS GUTIERREZ; Congresswoman LUCILLE ROYBAL-ALLARD; and the entire Congressional Hispanic Caucus. But it is not confined to the Hispanic Caucus, as Representative CLARKE has said. This is about kids from all over the world.

And as STENY said earlier, when the Prime Minister of Ireland came here and spoke, and when we attended the festivities each year surrounding the visit of the Taoiseach, they always talk about immigration. They always talk about this issue. This is one piece of it.

And I know the gentleman got up and said he couldn't be for this because it didn't have a motion to recommit. This isn't about a motion to recommit. This is about a commitment to our future. This is about a recognition of what these young people can mean for our country. And so I hope that that recognition will result in a very positive vote, and I hope a bipartisan vote in support of making the future better for the next generation, which is the strength of our great country. Thank you all, and please vote "aye" on the legislation.

The SPEAKER pro tempore. The gentleman from Michigan and the gentleman from Texas each control 3 minutes.

Mr. SMITH of Texas. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, 1 month ago the American people told Congress to change course, to put the American people first, to generate jobs, and to strengthen the economy. Unfortunately, it seems that some Democrats have

learned nothing and forgotten everything about what the American people want.

We are considering major legislation that the American people couldn't read until a few hours ago. The Democrats refused to hold any hearings on this bill, and no amendments have been allowed. It is the result of a closed and undemocratic process.

We all know that the point of this bill is to give amnesty to almost everyone who is in the country illegally and who is under 30. Illegal immigrants get amnesty if they can show hardship if they are sent home. Illegal immigrants can stay if they just claim to be eligible under this legislation. Illegal immigrants get amnesty if they use fraudulent documents because the Federal Government has no way to check millions of claims. Illegal immigrants get amnesty even if they have committed crimes like DUI, document fraud, and visa fraud.

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This is a bill that gives amnesty to more than 2 million people who are in the country illegally. It encourages fraud and even more illegal immigration.

Today, Americans face an unemployment rate of 9.8 percent, a new record. That number has now topped 9.5 percent for 16 months, the longest period since the Great Depression. The DREAM Act means more competition for American workers who are in need of those jobs. It puts the interests of illegal immigrants ahead of the interests of American citizens.

I urge my colleagues to put the American people first, and oppose this bill.

I yield back the balance of my time.

Mr. CONYERS. Mr. Speaker, I yield 30 seconds to BARBARA LEE of Oakland, California.

Ms. LEE of California. Thank you very much, Mr. Chairman.

Mr. Speaker, let me just say the overwhelming majority of the Congressional Black Caucus supports the 800,000 young people who will be able now, if we pass this, will be able to live the American Dream. It's in our national interest to pass this. But more importantly, this is the right thing to do.

Please vote for the DREAM Act. This is an important moment in our country's history. This demonstrates our American values and who we are as a people.

Mr. CONYERS. Mr. Speaker, HOWARD BERMAN is not only the chair of the Foreign Affairs Committee; he is the second ranking member of the Judiciary Committee. I yield him the balance of my time.

The SPEAKER pro tempore. The gentleman from California is recognized for 2½ minutes.

Mr. BERMAN. Thank you, Mr. Chairman, and Ms. LOFGREN, the chairman

of the subcommittee, for bringing this legislation to the floor. For 30 debate-time minutes we have heard the other side's arguments, and so many of them have been filled with scare tactics and blatant inaccuracies. We have been working on this bill for nearly a decade. We have recently made a number of changes to make clear our intentions about who the bill should cover and who it shouldn't.

Nearly every speaker on the other side has used the term "amnesty." Think about that. Amnesty, amnesty, amnesty. If you say it enough, you can scare a lot of people into being against this bill. We are talking about a group of people who didn't do anything wrong. They didn't possess the intention to commit a crime or to cross the border illegally. They were brought here. This is a universe of people who deserve special consideration because the absence of wrongdoing is so clear. And for that you use the term amnesty? That's outrageous.

Next, we hear scare tactics regarding chain migration. My good friend DAN LUNGREN says these people, once we give them this status, will be able to petition for their adult siblings. We have taken away petition rights for adult siblings, young siblings, grandparents, grandchildren; and it will be 25 years before any person whose status is adjusted under this legislation will be able to petition for the parent that brought that kid here, because we never undid my friend LAMAR SMITH's provision that required 10-year absence after the petition is filed for anyone who came to this country without authorization. The chain migration argument is another bogus argument, just like the amnesty argument.

Then we hear from the gentleman from California (Mr. ROHRBACHER) about the affirmative action amnesty legislation which will give preference to all these people. This is a group of people who under this legislation will not be allowed to receive Pell Grants, will not be able to get into the health insurance exchanges. I know you plan to repeal them, but they will not be able to get into them. They will not qualify for food stamps. They are ineligible for the Medicare program. They are ineligible for the SCHIP program. And you are talking about tremendous preferences over U.S. citizens? Another bogus argument.

In closing, I would just say one sentence. In the end, this bill is less about the kids who deserve to benefit from the legislation than the country that will get the benefit of having them use their skills and their talents on our behalf. I urge an "aye" vote.

Ms. SCHAKOWSKY. Mr. Speaker, I rise today to express my strong support for H.R. 1751, the American DREAM Act, a landmark bill that will provide hope and opportunity to hundreds of thousands of young people in our country.

Mr. Speaker, we all know that America's immigration system is broken and badly in need of reform. While H.R. 1751 may not make all the changes necessary to repair our system, it does take an important step forward by fixing one of the most unfair aspects of our immigration laws. Under current law, undocumented immigrants who came to this country before the age of 16, brought by their parents and loved ones, are punished by being prevented from becoming citizens of the United States.

I have seen the injustice of this law firsthand. Just last year, Rigo Padilla, one of the top students at Noble Street Charter High School, was detained and scheduled for deportation by immigration officials when authorities learned that he was undocumented. Rigo came to the United States at the age of six and has since excelled in the classroom. Rigo is precisely the type of person we want to support in the United States and yet our immigration laws consider him an "outlaw."

The American DREAM Act would change this unjust law by giving students who have good moral character and have lived in the U.S. for at least five years the opportunity to go on to college and/or enroll in America's armed services, regardless of their immigration status. I strongly believe that all youth residing in this country should have access to all military and educational opportunities available. In the vast majority of cases, immigrant students and soldiers will continue to reside in this country for most, if not all, of their adult lives, and it is important that we provide them with all the tools necessary to become full participants in and contributors to our society.

I would like to thank my good friend LUIS GUTIERREZ for his tireless efforts on behalf of all immigrants in America today. I also want to acknowledge the incredible hard work of countless youth activists across the country who campaigned for this bill. It is because of their work that the American DREAM Act is one step closer to becoming a reality. I strongly urge my colleagues to support this important bill.

Mr. FALOMAVAEGA. Mr. Speaker, I rise today in strong support of H.R. 5281, the Development, Relief and Education for Alien Minors (DREAM) Act of 2010. First and foremost, I want to thank the chief sponsors of this legislation, my good friends, Congressman BERMAN of California and Congressman LINCOLN DIAZ-BALART of Florida, and all the cosponsors of this important legislation. I also want to thank Speaker NANCY PELOSI for her leadership on this issue. This is an important piece of legislation because it will give many young people an opportunity to further pursue their education given their adverse circumstances.

The DREAM Act will give the many high achieving and talented youth an opportunity to further their education or serve our country. This legislation, through a two-tier process, will allow eligible unauthorized aliens to apply for temporary Legal Permanent Resident (LPR) status and eventually full LPR status after meeting strict criteria.

As unauthorized aliens, including overstayers, they will be eligible to apply for conditional LPR status as long as they are in good moral standing, qualify for years of residency and have been admitted to either an institution

of higher education or enlisted in the U.S. Armed Forces.

There are many that have said that the DREAM Act will become an open-ended amnesty law but this is not true. Through the stringent requirements, the fact that those who are eligible already reside in the U.S. for many years, and a long-term probationary period prior to full LPR status will prevent others from trying to take advantage of our immigration laws.

According to the Congressional Budget Office, the DREAM Act will reduce the deficit by more than \$2.2 billion dollars within the next 10 years. It will also improve our national economy by increasing our U.S. workforce and, importantly, it will assist our military recruiting efforts to ensure readiness and support for our U.S. Armed Forces.

It is only right that we provide humanitarian relief for the many children who were brought to our country illegally by their parents. We must not punish the children for the decisions of their parents for they had no say in the matter.

For these reasons, I urge my colleagues to support H.R. 5281.

Mr. BLUMENAUER. Mr. Speaker, I strongly support efforts to overhaul our broken immigration system. This is no easy task and it remains a contentious issue for many people. We should not allow the failures of the past to prevent us from finding a path forward.

Comprehensive immigration reform legislation must reduce wait-times for people trying to follow our immigration laws. It should simplify and stabilize an effective guest worker program, give employers the resources they need to hire a legal workforce and better tools to uphold our laws. It must address border security. And it must bring into fold the 11 million people currently living in our country without documentation.

Passing the DREAM Act is an important step toward achieving comprehensive immigration reform and I am proud to support this legislation. It recognizes that many children are brought to the U.S. and who are not citizens are nonetheless working hard on their future. In many respects our futures are the same. The DREAM Act is an important step not just for the welfare and future of these young people, but for the welfare and future of America.

These are children and students who have grown up in the U.S., who are part of our country, who have succeeded in school and stayed out of trouble, who are committed to going to college or joining our armed forces. We should welcome them. This is what the American Dream is all about.

Issues of fairness aside, there are very practical reasons to support this legislation:

Our military supports the DREAM Act because it improves military readiness, which is why Colin Powell and Robert Gates both support the legislation and why it is reflected in the Defense Department's strategic plan;

By integrating these young people into our economy, the CBO reports that the DREAM Act will reduce our deficit by \$1.4 billion over the next 10 years;

Increasing the number of people going to college or achieving careers in our armed forces will expand our economy, which will increase opportunities for everyone.

I look forward to voting in favor of this important legislation.

Ms. ESHOO. Mr. Speaker, the American Dream is the dream of immigrants. It is the belief that our nation invests in those who possess the best ideas, the best work ethics, and the smartest business plans. It is the faith that our actions, not our ancestry, determine what we can achieve. The American Dream is when the daughter of immigrants can grow up and serve in Congress.

Across our country, millions of children who have lived here most of their lives—and know no other home—are denied access to their American dreams. These children live under threat of deportation because of their parents' actions, not their own. It is wholly un-American to punish the child for the father's sins.

The DREAM Act updates our laws to reflect the principles of our nation and preserve access to the American Dream for these children. The bill creates a path to legalization, dependent upon good moral character, hard work and service. In other words, American values.

In my Silicon Valley District, many foreign-born entrepreneurs have built uniquely American businesses—Google, Intel, and Yahoo, to name a few. These companies and many like them have grown our nation's economy, spread our influence, and created hundreds of thousands of jobs for our citizens. These are the fruits of the American Dream.

With the passage of the DREAM Act, children across our nation will have the opportunity to be the next great business leader and create the next big idea. Our entire society will benefit from it. Please join me in voting yes.

Mr. GALLEGLY. Mr. Speaker, I rise in strong opposition to this bill.

Make no mistake, this bill is an amnesty for people who are in this country illegally. This will only encourage other people to send their children across the border illegally in the hope that Congress will grant another amnesty in the future.

At a time when the unemployment rate is 9.8 percent, this Congress will actually force American workers to compete for jobs with at least two million additional people. It defies common sense to argue that this will not drive up the unemployment rate and drive down wages and working conditions for legal workers.

The workers granted amnesty will not just be competing for jobs, but for admissions to good colleges, housing, health care, education, and other services. It defies common sense that this bill would not have a serious, negative impact on our economy, our workforce, our schools, our hospitals, and our communities.

I urge my colleagues to oppose this legislation.

Mr. LANGEVIN. Mr. Speaker, I rise today to discuss the urgent immigration crisis facing our nation and to ask my colleagues to join me in support of H.R. 5281, the Development, Relief, and Education of Alien Minors Act.

We have all heard the numbers: an estimated 12 million undocumented immigrants forced to live under a broken U.S. immigration system; more than 400,000 people each year entering this country illegally, side stepping those who follow the rules and try to come here the right way.

But these numbers do not fully reflect the human suffering, economic disadvantage or threat to our national security that this failed system has created.

Immigrants coming to this country illegally often face a terrible choice: endure crippling poverty and danger to themselves and their families in their home country, or abandon their homes to try and find work and build a new life here. For most Americans, their parents, grandparents, or ancestors brought their families to the U.S. in search of a better life. Those who bring their young children here today put themselves and their families at risk for the same reasons that immigrants did so generations ago. Children who are brought here illegally now are often forced into a life in the shadows of a country they will most likely know as their only home.

The DREAM Act establishes a rigorous, decade-long process that would create a path to citizenship for those children by serving in the Armed Forces or pursuing a college education. DREAM Act participants would not be eligible for federal programs, such as Medicaid or Pell Grants, while they are in conditional status. Additionally, this bill will not encourage continued illegal immigration because it does not apply to children brought here illegally in the future—only those who have lived here for at least five years. It is a bipartisan, common-sense solution that would give children who were raised here an opportunity to contribute to our nation.

While the policy arguments for this bill are strong, I want to share part of a letter I received from a 17 year-old constituent who described the personal toll of living in the shadows and what passage of the DREAM Act would mean to him. He was brought to this country illegally from Guatemala when he was 7 years old by parents who were seeking a better life for his disabled brother. He wrote, "I don't blame my mother or father for bringing me here. I completely understand why they did it . . . I have always had to understand so many things at just a young age that I feel older than I am. What I was not capable of understanding was how hard it would be not having legal status in this country. Now I am seeing how hard it is not being able to get a job so that I can help my mom . . . or apply to a college. In a way it makes me feel so much less of a person compared to my classmates. I still can't see what makes my friends be able to have a job or take driver's ed just because they have a social security number and not me. In my eyes we're the same. I have the same potential that they have, but yet I have to stay in this shell and not be able to reach the goals that I have set for myself."

This young person has illustrated better than I ever could how critical an issue this is for our country. Our proud immigrant communities in Rhode Island have shown the great benefit they bring to our economy and heritage, both in the past and present. If there is one thing we can all support, it should be a national policy that continues to attract the best and the brightest who want to contribute to this country and our ideals. Unfortunately, the reality is that our system today forces a large section of our immigrant population into the shadows where they are trapped in a life of illegitimacy and America does not fully see the benefits of their talents.

It is for all these reasons that I have long supported the DREAM Act. This Act is targeted at the most highly motivated young individuals, with no criminal background, who were brought to this country and raised here under no fault of their own. These children have worked hard in school, and they are eager to contribute more by pursuing higher education or military service, and this bill will help them achieve their dreams, while strengthening our society, our economy and our security. These young people deserve the opportunity to resolve their immigration status and we as a nation need their contribution to our country. I want to thank Chairman BERMAN for his tremendous leadership on this issue and urge my colleagues to pass this bill.

Mr. REYES. Mr. Speaker, I rise today to convey my strong support for the latest version of the DREAM Act.

This common-sense legislation will significantly reduce the burdens on our federal border law enforcement by allowing them to focus on more serious targets who are in this country illegally and may pose a security threat to the United States. Providing a limited incentive for young people (who have significant potential to contribute to our economy and Armed Forces) to come forward and identify themselves is a pragmatic solution that will have a meaningful impact on our nation's immigration enforcement efforts. As a 26-year veteran and former Sector Chief of the United States Border Patrol, I strongly believe that the failure to address this problem at this critical juncture will only undermine our security in the years ahead.

I am particularly disappointed by those who have characterized this sensible legislation as "amnesty" and a threat to our national security. As the only Member of Congress who has patrolled our nation's southern border, I know this measure will support the men and women who work hard every day to enforce our nation's immigration laws. The DREAM Act sets forth reasonable requirements for undocumented children that will enable federal law enforcement to quickly identify them, and allocate more time and resources to the threats that genuinely pose a security risk to our nation.

By focusing on those individuals who may pose a more serious risk, instead of young people who could make a valuable contribution to the economic and military security of our nation, the DREAM Act is a major step forward in making our nation safer. I strongly urge your support of this important legislation.

Mr. TOWNS. Mr. Speaker, I rise today to show my support for a piece of immigration reform that is long overdue: The American DREAM Act. In my district, as in the rest of the country, the children of immigrants are being denied the benefits of education and a future they once believed in.

Under our current laws, children of immigrants are able to attend American elementary and high schools, but hit a glass ceiling when faced with the prospect of higher education. This is because their immigration status precludes them from opportunities that make college education affordable, such as in-state tuition and federal loans. If an individual is placed into a circumstance without choice, I ask, is it right to force that person to spend the rest of his life paying the consequences?

The American DREAM Act offers a swift and appropriate means of reforming this flaw in our nation's immigration laws. If enacted, individuals who were brought to the United States before they were 16 can become permanent residents when they are admitted to an institution of higher education or serve for 2 years in the military.

While several similar bills have been introduced in recent Congresses, this reform has not had the opportunity to succeed until now.

This nation was built by immigrants and we should encourage those who want to become Americans to pursue education. It is time to take initiative; let us help millions of young people take a step towards achieving the American dream. Let us pass the American DREAM Act.

Ms. HARMAN. Mr. Speaker, occasionally in politics, and in life, unusual allies surface. Former Bush speechwriter and well-known conservative Michael Gerson has embraced the Dream Act—legislation that would provide a path to citizenship for young people who, through no fault of their own, were brought to this country illegally.

In a Washington Post column titled "How the Dream Act Transcends Politics" Gerson not only endorses the legislation, he blows out of the water every cynical argument for denying citizenship to this group of young people while also making the case that the bill is good politics for his party.

Gerson writes: "It would be difficult to define a more sympathetic group of potential Americans. They must demonstrate that they are law-abiding and education-oriented. Some seek to defend the country they hope to join. The Defense Department supports the Dream Act as a source of quality volunteers. Business groups welcome a supply of college-educated workers. The Department of Homeland Security endorses the legislation so it can focus on other, more threatening, groups of illegal immigrants."

Applicants for normalization under the Dream Act must be high school graduates or have received a GED. They would be awarded conditional legal status for six years, during which they must serve at least two years in the military or complete two years of college. Failure to meet the requirements would cause them to lose their legal status and face possible deportation.

Far from rewarding illegal behavior or creating an incentive for "future lawbreaking," Gerson rightly notes that this group of immigrants, "categorized as illegal, have done nothing illegal. They are condemned to a shadow existence entirely by the actions of their parents. And the Dream Act is not an open invitation for future illegal immigrants to bring their minors to America. Only applicants who have lived in America continuously for five years before enactment of the law would qualify."

Gerson cites the Congressional Budget Office, which estimates the Act would reduce the deficit by \$1.4 billion over the next decade due to increased tax revenue. He refers to a UCLA study, which finds that Dream Act beneficiaries would generate \$1.4 trillion to \$3.6 trillion in income during their working lives.

Gerson asks, rhetorically, if Dream Act beneficiaries would ultimately be an advantage

to America or a drain. His answer to his own question: "It is a principle of democratic capitalism and non-Malthusian economics that ambitious human beings are not just mouths but hands and brains. They are a resource—the main source of future wealth."

He writes: "The Dream Act would be a potent incentive for assimilation. But for some, assimilation clearly is not the goal. They have no intention of sharing the honor of citizenship with anyone called illegal—even those who came as children, have grown up as neighbors and would be willing to give their lives in the nation's cause."

I applaud Mike Gerson for his honesty and political courage. Everyone in this Chamber is familiar with the saying that politics makes strange bedfellows. Well, so does the Dream Act. I am a proud cosponsor, and urge its passage.

Ms. HIRONO. Mr. Speaker, I rise today in strong support of H.R. 5218, the Development, Relief, and Education for Alien Minors (DREAM) Act of 2010.

Our Nation was founded on the powerful ideals of freedom and tolerance. These are values that still elude other nations to this day, which is why the American Dream endures in the minds of so many around the world. As an immigrant to this country myself, I know the power of that dream. That I could become a member of the People's House shows that the dream can come true.

The DREAM Act would provide conditional nonimmigrant status to a specific and narrow class of young individuals who must then meet tight program deadlines and rigorous requirements. Every person who is eligible for this status has already been in the United States and has been for many years. This bill allows them a path forward to making a real life for themselves in their home country, America.

The DREAM Act is supported by educators, religious leaders, and social service organizations from across the spectrum. I include for reprinting in the CONGRESSIONAL RECORD, a letter I have received from Papa Ola Lokahi, a non-profit organization that promotes the health and wellbeing of Native Hawaiians, in support of the bill. It is also worth noting that the Department of Defense's strategic plan recommends the enactment of the DREAM Act to help the military "shape and maintain a mission-ready All Volunteer Force."

I want to share the story of Mohammed Abdollahi, one of the first undocumented students to risk the possibility of deportation to illustrate the real life import of the bill before us today. Mohammed came to America from Iran as a three-year-old when his father was accepted for a Ph.D. program at the University of Michigan. But due to an error in the processing of an immigration form—the family paid \$20 less than required—their application to stay in the U.S. was rejected. Mohammad, now 24 years old, is a product of the public education system of Michigan, graduating from both high school and community college in that state.

As a young gay man, Mohammed risked the possibility of deportation to a country where he knows neither the language nor the culture—and worse, where homosexuality is punished

with torture and executions. He so strongly believes in the DREAM Act that he risks everything, including his very life, to ask that we, the Congress, support this bill.

There are thousands of young people, including in Hawaii, whose stories I have heard who came to this country as a young person and are now facing the nightmare of deportation.

I urge my colleagues to have the courage to do what is right for Mohammed and other high-achieving and patriotic students like him and vote for the DREAM Act.

PAPA OLA LOKAHI,
Honolulu, Hawaii, December 1, 2010.

Hon. MAZIE HIRONO,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE HIRONO: As leaders of the diverse Asian American and Pacific Islander (AAPI) community, we write to urge you to vote for the DREAM Act should this important legislation come to the floor of the United States House of Representatives. With Asian immigrants comprising roughly 40 percent of all immigrants, passage of the DREAM Act, as a stepping stone towards comprehensive immigration reform, is a top priority for the AAPI community.

The DREAM Act would create a path to legalization for individuals without documentation who were brought to this country as children, by no choice of their own, and have since excelled in high school and chosen to serve in our nation's armed forces or pursue higher education. The DREAM Act is aptly named because it would allow these talented individuals the opportunity to become citizens and fully contribute to America.

Passage of this important legislation makes sense for America's economy and our national defense. According to a recent study conducted by UCLA, the combined income generated by individuals who would be eligible for adjustment of status under the DREAM Act would amount to \$3.6 trillion over the next 40 years. The Department of Defense acknowledges the importance of the DREAM Act and lists passage of the bill as part of the Department's strategic plan in order to maintain a mission-ready volunteer military.

More than the economic benefits of the DREAM Act, passing this legislation is the right thing to do. There are an estimated 65,000 students who graduate from high school every year without legal immigration status—including many Asian American and Pacific Islander students. In the University of California system alone, approximately 40–44% of the undocumented student population is AAPI. David Cho, a Korean-American honor student and leader of the UCLA marching band, who hopes to join the U.S. Air Force upon graduation, is just one of the students who would benefit from the DREAM Act. Steve Li, a Chinese-American nursing student from San Francisco whose parents fled China to avoid that country's one-child policy, faced imminent deportation until Senator Feinstein introduced a private bill delaying his removal. A college honor student who dreams of giving back to the U.S. by becoming a doctor, Joanna Kim, also faces deportation and the DREAM Act is her best hope for gaining legal status. These young people embody our American values of hard work and giving back to society.

Now is the best opportunity we have to pass the DREAM Act and take one small step toward comprehensive immigration reform. The DREAM Act is an excellent oppor-

tunity for Congress to show voters they can, and will, work together to fix our broken immigration system. These high-achieving students deserve a chance to contribute fully to the U.S. and pursue the American Dream. We urge you to vote for the DREAM Act.

Sincerely,

HARDY SPOEHR,
Executive Director.

Me ka oia 'i' o,
MOMI IMAIKALANI FERNANDEZ,
Census Information Center and
Data & Information, Director.

Mr. STARK. Mr. Speaker, I rise today to support the Development, Relief, and Education for Alien Minors, DREAM, Act of 2010. Today we can open the door of opportunity to thousands of young people already living in America, who want to pursue the American dream.

Let us be clear about what this bill actually does. It will provide children and young people with the ability to serve their country or pursue higher education. It is not amnesty and it will not promote illegal immigration. This is a bipartisan bill that will provide a narrow group of undocumented young people who were brought to this country as children the chance to earn conditional permanent residency.

This bill sets up a rigorous ten-year process for achieving legal permanent resident status. It will not apply to any future immigrants, only those who are already in our country and meet several other conditions. A person can only qualify if he or she was brought to the United States by age 15, is under 29 years of age, has lived in the country for at least five years at the date of the bill's enactment, has good moral character, is without a criminal record, and has earned a high-school diploma, and its equivalent is eligible for conditional legal status. To maintain their status, these individuals have to complete two years of higher education or military service. After ten years, they can apply to become legal permanent residents. Beneficiaries are not eligible for any federal benefits, including food stamps, welfare, or health care.

The DREAM Act will boost our economy by creating economic opportunity for young people. The individuals that benefit from this bill will start businesses, buy homes, and pay taxes. Do we really want to be the country that deports the next Bill Gates or shuts out the next Steve Jobs from our school system because of their parents' immigration status?

Most importantly, this legislation recognizes that children must not be punished for the actions of their parents. Our immigration system must be fundamentally reformed, but denying an education and a place in our workforce to the children of undocumented parents will not help fix a broken system.

Every child deserves an education and a chance to succeed, no matter where they come from or what situation they are born into. Our country's top educators, military men and women, and business leaders all support this bill, and we should listen to them. I urge my colleagues to join me in supporting the DREAM Act.

Mr. ACKERMAN. Mr. Speaker, I rise today to urge my colleagues to support the DREAM Act. Simply put, the DREAM Act is an investment opportunity in our nation's future. Providing thousands of children the chance to le-

galize their status by either attending college or serving in our Armed Forces strengthens our economy by creating a new generation of Americans paying into Medicare and Social Security; it creates a new generation of Americans that are educated to compete in a high-tech future. And, most importantly, it empowers a new generation of Americans to further contribute to their communities and our country.

Mr. Speaker, I ask my colleagues who are opposed to this bill, why they insist on punishing children because of a decision not made by them. Many of these kids know no other country other than America, know no other language other than English, and know no other dream than the American dream. They never controlled their immigration status. It's not any more their fault that this is their country than it is the fault of your children that they are here. For many, they have never considered themselves anything but American.

For instance, one of my constituents from Corona, Queens, was legally brought to this country on a visitors visa by his father when he was just five years-old, but overstayed the length of his visa and is now undocumented. Ironically, his father is now a U.S. citizen, as are his siblings who were born in the United States. Now a young man, he was graduated from a prestigious local high school in June with honors. He was a star baseball player and outstanding role model in the community. Mr. Speaker, how is it in our national interest to place barriers between this student and a higher education? Let's not penalize him for an immigration status he did not choose. Let's not deprive our nation of the contributions he makes to our economy.

This is no amnesty bill. This is no free ride. They will get no unpaid benefits. DREAM Act beneficiaries must submit to security and law enforcement background checks, must be of "good moral character" as defined by law, undergo a medical examination, register for the Selective Service, and pay a significant fee in connection with the DREAM Act application. DREAM Act participants are excluded from the Affordable Care Act health-insurance exchanges. They are prohibited from receiving Pell Grants, Medicaid, Food Stamps, and other entitlements, and must pay their taxes. Under the act, after ten years of conditional non-immigrant status, this selective group of dedicated students can then, and only then, apply for a green card.

There is no contradiction in supporting the DREAM Act and enforcing immigration law. We can enforce the law, strengthen our borders, which we are doing, and have a humane and just immigration policy that doesn't needlessly deprive a generation of children of a higher education. These kids want to attend college. They want to serve their country. They want to be Americans. It is in our best interest to invest in them and give them that opportunity.

I urge my colleagues to join me in supporting this investment in the future of our nation and to support the DREAM Act.

Ms. RICHARDSON. Mr. Speaker, I rise today in strong support of the "American DREAM Act." I am proud to be a co-sponsor of this important legislation which reflects fundamental American values of opportunity, responsibility, and community. This legislation

provides an opportunity for certain young men and women who demonstrate the responsible behavior necessary to earn the chance to become a naturalized citizen.

Specifically, the DREAM Act provides conditional permanent resident status to a limited number of persons each of whom must meet the following conditions:

1. Was brought to the United States when they were 15 years old or younger;
2. Has lived in the United States for not less than 5 years before the date of enactment;
3. Has been a person of good moral character, as defined by the Immigration and Nationality Act;
4. Must have graduated from high school, earned a General Education Development (GED) certificate, or admitted to an institution of higher education.

After 6 years in conditional permanent resident status, they can apply to remove the condition on their permanent residence if they have met the following conditions:

1. Maintained good moral character;
2. Have not abandoned residence in the United States; and
3. Graduated from a community college or has completed at least two years of postsecondary education in good standing towards a bachelor's degree; or
4. Served in the U.S. armed forces for at least two years and, if discharged, has received an honorable discharge.

The DREAM Act recognizes that there are a limited number of young people who, through no fault of their own, have been living in the United States illegally since childhood. For the vast majority of these young men and women, the United States is the only country they have ever known and is the one to which they have always pledged allegiance.

By providing those who have demonstrated good moral character the ability to integrate fully into American society through military service or a college education, the DREAM Act rewards responsible and productive behavior while at the same time invests in the future prosperity of our great nation.

I thank Chairman MILLER for his leadership in shepherding this bill to the floor and Congressman BERMAN, the author of this legislation, for crafting this legislation and for his perseverance over the past decade to get it passed. Because of their efforts the action we take today will make our country stronger, fairer, more just. And it will also make our Nation more prosperous in the long term by providing incentives and opportunities for higher education for thousands of students who each year are unable to attend college because of their immigration status.

The Congressional Budget Office estimates that the DREAM Act will reduce the deficit by \$1.4 billion over the next 10 years through increased tax revenue. Similarly, a study conducted by UCLA also estimates that DREAM Act beneficiaries have the potential to generate from \$1.4 trillion to \$3.6 trillion in income throughout their working lives.

Each year, approximately 65,000 students graduate high school without the possibility of continuing their education due to their immigration status and less than 10 percent of these students will go on to pursue college. Not only do these talented, law-abiding young

individuals lose out on their extraordinary potential, but as a Nation we also run the risk of losing out on a tremendous amount of economic growth.

Mr. Speaker, the American Dream Act gives these students the opportunity to continue their academic pursuits, be officially recognized by the country in which they have spent most of their lives, and realize everything the American Dream has to offer. Young, undocumented immigrants who have just graduated from high school deserve the opportunity to follow their dreams and should not have a ceiling placed on their future because of decisions made by others and circumstances entirely beyond their control.

During my visits to schools in my district, one of the most ethnically diverse in the nation, I have had the opportunity to meet many students who will benefit greatly from the passage of this legislation. These students have grown up attending schools in the United States and are intimately woven into our nation's fabric. It is time that we recognize these students' achievements and allow them to step out of the shadow that prevents them from pursuing their dreams.

Mr. Speaker, when I was six years old I had a dream. It was to one day serve in this body as a Member of Congress. I am thankful to live in a country where dreams can still come true for little boys and girls who work hard and play by the rules. The DREAM Act will allow a limited number of innocent and worthy young men and women to realize their dreams and in the process make our nation better, stronger, and safer. That is why this legislation is strongly supported by the military services, the faith community, the business community, leading higher education organizations, and thoughtful commentators on both sides of the aisle, including the Wall Street Journal and the New York Times.

I urge my colleagues to join me in supporting the American DREAM Act.

Mr. HOLT. Mr. Speaker, I rise today in support of this bill.

There is no indication that we are closer to resolving the various interconnected problems of immigration that is roiling our country. I am disappointed that Congress has failed to pass comprehensive immigration reform. It is doubtful that Congress will pass such a bill this year, which is why I am glad the House is at least moving this very important and compassionate legislation.

As I have said on many occasions, I oppose illegal immigration and I am concerned about the influx of illegal immigrants into America. I am also concerned about the lack of effective border enforcement. We need to ensure that our first priority is securing our borders by providing additional tools and resources to those who patrol the border, and the 111th Congress has provided more funding for the Customs and Border Patrol than any other Congress in history. I believe we need to fully and effectively enforce our immigration laws, and I oppose blanket amnesty for those who have illegally come into the United States.

Unlike an earlier version of this legislation, the bill before us today does not automatically grant lawful permanent resident (LPR) status to anyone covered by the bill. Under the new House bill, conditional nonimmigrants must

meet the bill's college or military service requirement after 5 years, at which point they must file a new application to extend their status for 5 additional years. Only after 10 years as a conditional nonimmigrant may a DREAM Act beneficiary apply for legal permanent resident status.

The bill also charges DREAM Act participants a significant surcharge of \$525 upon filing an initial application for conditional nonimmigrant status and an additional surcharge of \$2,000 when they apply to extend their status at year 5. Previous versions of the DREAM Act—including the most recent Senate bill—had no such surcharges. Additionally, the bill does not change the current federal restriction on in-state tuition for undocumented immigrants. Finally, only individuals who were brought to this country by their parents before they were 15 years old and who have been here at least five years and are age 29 or younger at the time of enactment are even eligible to apply for conditional nonimmigrant status under the legislation. Thus, this bill provides no amnesty and is most definitely not a “free ride” for illegal immigrants.

H.R. 6497 would provide an opportunity for students who grew up in the United States a chance to contribute to our country's well-being by serving in the U.S. Armed Forces or pursuing a higher education. Passing this bill is the right thing to do—morally and economically. The Congressional Budget Office (CBO) and the Joint Committee on Taxation (JCT) estimates that the bill will reduce deficits by approximately \$1.4 billion over the next ten years. But that figure alone underestimates the enormous benefits to taxpayers because the CBO and JCT do not take into account the increased income that DREAM Act participants will earn due to their legal status and educational attainment. It is estimated that the average DREAM Act participant will make \$1 million over his or her lifetime simply by obtaining legal status, which will bring hundreds of thousands of additional dollars per individual for federal, state, and local treasuries.

Indeed, as the Wall Street Journal editorialized last month,

“The Dream Act would create a pathway to citizenship for undocumented immigrant children who attend college or join the military. . . . Restrictionists dismiss the Dream Act as an amnesty that rewards people who entered the country illegally. But the bill targets individuals brought here by their parents as children. What is to be gained by holding otherwise law-abiding young people, who had no say in coming to this country, responsible for the illegal actions of others? The Dream Act also makes legal status contingent on school achievement and military service, the type of behavior that ought to be encouraged and rewarded.”

I agree, which is why I will support this bill and urge my colleagues to do likewise.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, the United States of America has a proud tradition of diversity. We are, after all, a nation of immigrants.

Yet we are also united by the American Dream—the ideal that all Americans, regardless of the circumstances of their birth, have the opportunity to prosper and succeed.

Note that the dream is not that everyone will be affluent, but that everyone will have the chance to achieve great things.

That is exactly what the DREAM Act offers to a select group of hard working young people. It applies only to those who were raised in the United States and went on to further their education or serve in the military.

It allows individuals who are truly outstanding to continue contributing to our nation's prosperity, without punishing them for the decisions of their parents or other relatives.

Let me be perfectly clear—this is not an amnesty program. The individuals covered by the DREAM Act are not being offered citizenship.

Initially they are assigned a conditional status, during which they are not eligible from most forms of government assistance. This includes Medicaid, food stamps, and federal grants.

After ten years, this limited group would be offered a chance or earn permanent immigrant status.

This is available only if the applicant can prove he or she has paid taxes; can read, write and speak in English; has maintained a good moral character; has lived continuously in the United States; and has either pursued higher education or military service.

He or she must also demonstrate that they are not likely to be deported, as this program is not meant to be a safe harbor for deportees.

Individuals who have benefited from the DREAM Act would be extremely constrained in their ability to sponsor family members for United States citizenship.

There is also a strict time limit—an individual must apply for conditional status within a year of graduating high school, entering college, or the date of the bill's enactment.

As you can see, the path laid out by this legislation is not an easy one.

There will be many individuals who want to take advantage of this program who will be denied.

There will be others who are inspired to greater heights of achievement, with the hope of attaining permanent immigrant status.

Our nation will only benefit from encouraging and retaining these exceptional young people. To do otherwise would belie the promise of the American Dream.

Mr. BILBRAY. Mr. Speaker, one of our Nation's most core beliefs is that everyone is equal before the law. From the richest men and women, to the poorest we are all subject to the laws of our country. Today though, we have gathered to debate a bill, the Development, Relief, and Education for Alien Minors Act, that would undermine that very principle and reward individuals who have broken our laws at the expense of those who have followed them.

The so-called "DREAM" Act, a bill that would establish a pathway to citizenship for illegal immigrants as old as 29, as long as they arrived before age 16, based on the promise that they will complete two years of college or serve in our armed forces. Importantly, for the first time ever, this bill would equate a willingness to serve in defense of our country with just two years of a college education. This vote is a slap in the face to the dedicated men

and women in our military who have spent, in many cases, years working toward legal immigration to our country.

Moreover, it sends a mixed message to those one day hoping to call themselves Americans, effectively encouraging them to come to this country illegally and break our laws. Unfortunately, all too often we have seen the direct impact these mixed messages have had, which have put would-be immigrants at great risk. This includes the 72 would-be illegal immigrants who were murdered by drug cartels in Mexico this August as well as the human trafficking ring that was broken up in Phoenix last week where nearly a dozen smuggled children were being held for ransom.

The immigration system in our country is undoubtedly broken. Today, there are more than 12 million illegal immigrants residing in the U.S., but this bill does nothing to address the underlying causes of illegal immigration or create a single job during the largest economic recession in more than a generation. Instead, this bill proposes a massive amnesty for what the Congressional Budget Office projects will be 1.1 million individuals at a time when we already have 9.8 percent unemployment.

I suppose it is fitting then that the House had to break its own rules to even begin debate on the DREAM Act. Earlier today, the House passed a resolution that exempts the DREAM Act from the rules that we obey in the House of Representatives in order to bring this bill up with less than one day's notice and without any opportunity for amendment. Beyond that, this Congress has failed to even hold a hearing on the DREAM Act over the last 2 years. And now, we have been asked to vote on this legislation in the dead of night and in the waning days of this Congress and let me be clear: this is unacceptable. The American people deserve better than this. They deserve an open debate before the people where there is an opportunity for amendments to be made. They deserve the rule of law to be followed.

As the proud son of an Australian immigrant, I firmly believe that we are a nation of immigrants, but we are also a nation of laws. For that reason, I strongly oppose the DREAM Act and the circumstances in which it was brought up for debate. Going forward, I will do everything in my power to ensure Congress focuses on real immigration reform that enforces the rule of law and addresses the root causes of illegal immigration: employers who hire illegal labor.

Mrs. CAPPS. Mr. Speaker, I rise to express my strong support for H.R. 1751, the American Dream Act.

Each year, thousands and thousands of exemplary students graduate from high school and find their dreams of securing a job or attending college deferred because of their immigration status.

These kids worked diligently through high school just like their peers, often taking Advanced Placement classes to give themselves a leg-up in the college application process.

But through no fault of their own, these students face an unsurpassable obstacle: their status as an "undocumented" American. In honor of each of these ambitious young peo-

ple, I am proud to support the DREAM Act tonight.

This bipartisan legislation provides undocumented young people in the United States with conditional residency and a pathway to citizenship if they came here before the age of 16 and maintained a continuous residency for 5 years. These young people must also graduate from high school or obtain a GED, have no criminal records and either serve their country in the military or attend college for at least two years.

Since the first introduction of this legislation in 2001, an untold number of accomplished and determined immigrant students have been denied the right to citizenship, at severe cost to our nation economically and socially.

I am proud to not only count myself among DREAM Act supporters, but also as an active recruiter to convince some of my more conservative colleagues to sign their name on, too.

Tonight is a wonderful night for countless talented young people across our nation. I will proudly vote "yes" on the American DREAM Act.

Mr. VAN HOLLEN. Mr. Speaker, I rise in support of the DREAM Act, which is common-sense, bipartisan legislation that will strengthen our country.

The DREAM Act will allow millions of young people who have grown up in America the chance to develop their talents and contribute to our nation's success by serving in our Armed Forces or pursuing a college education. It is targeted legislation that ensures many of our best and brightest young people can earn their legal status, but only after going through a rigorous and thorough process.

By allowing these students to achieve their full potential, we strengthen both our economy and our national security. Additionally, this bill allows us to do the right thing for millions of young men and women living in America—people who were brought here as minors, through no fault of their own, and most of whom know no other home.

Mr. Speaker, I urge a "yes" vote.

Mr. CROWLEY. Mr. Speaker, we talk a lot about the American Dream—how we're going to help people achieve it; keep it; pass it on to their children. But, there is a group of young adults in our country that is denied any real shot at the American Dream.

Today we have the chance to change that.

We're not giving anyone a free pass. These kids live here, they go to school here. They are active in their communities and they contribute to society.

But then we say to them:

You want to take out a student loan, or get work-study, and go to college? Too bad.

You want to serve your country in the Armed Forces? Sorry.

You want to better your community and society? Not interested.

Some people might think they win cheap political points by attacking this group of people.

But the truth is, we all lose if we allow politics to get in the way of a bill that benefits our economy, our national security and our society.

We all lose if we allow politics to get in the way of the American Dream.

Mr. SCHRADER. Mr. Speaker, I rise today to support the general goals and ideals of the DREAM Act.

I agree with the principles of giving aspiring students the ability to follow their dreams, complete college, and contribute to our society and economy. Ultimately, America will benefit from their ambition and hard work as they earn their degree and citizenship.

However, I believe passing the DREAM Act outside of comprehensive immigration reform is ill advised.

Our immigration system is terribly broken. As a small business owner and farmer, before coming to serve the people of Oregon's Fifth Congressional District as their Representative, I know the current system does not work for the economic engines of Oregon.

It is not fair to small businesses to ask them to act as the focal point for enforcement; that is the job of the Federal Government through Immigration and Customs Enforcement. The current system is especially unfair to our farmers, who do not have enough access to legal migrant workers to work the land. I support re-vamping employment verification and the AgJobs bill which, like the DREAM Act are vital to any successful comprehensive immigration reform package but do not work on their own.

In 2008, the Coalition for a Working Oregon released a report prepared by a professor at Oregon State University. The findings suggest the loss of undocumented workers in Oregon would lead to the loss of an additional 76,000 jobs for legal workers in Oregon. This drop in economic activity would cost the State of Oregon as much as \$656 million in revenue and lower small business income by eight-point-five percent. Oregon's economy and state government cannot sustain such losses. We must look at the broader economic impact of policy decisions and do what is best for the United States and the American worker.

Our immigration system needs to be reformed, no question, but reformed in the right way. If we are to approach immigration reform in a piecemeal manner we will actually be making it harder to accomplish comprehensive immigration reform. Adding complexity to a broken system already in need of reconstruction will not make our job any easier.

The problems with our immigration system are so large and significant that they need to be addressed immediately and together. We need to figure out how to address all undocumented people in our country, we cannot cherry pick certain groups and advance them ahead of those who have followed the rules to obtain citizenship. There is a human face to and national interests to address in the problems each group faces.

Border control, employer verification, exit controls, keeping family units intact, protecting our economy and many others are tough issues to resolve effectively and fairly. They deserve our time and attention. I am not interested in just kicking the can down the road by not taking tough votes on immigration reform. My "no" vote is a request for urgency. The whole immigration system needs to be fixed, not just part of it.

Mr. DINGELL. Mr. Speaker, over the past several months I have thought quite a bit about what I would do if the DREAM Act came

to the floor for a vote. I have studied the legislation and how it affects our current immigration laws. I have looked into how the DREAM Act would affect things like student loans, grants and other Federal subsidies. I have spoken with constituents, both for and against, about the legislation. I have considered the affect of the DREAM Act being signed into law on the prospect of comprehensive immigration reform—I asked, most importantly, does this simply allow us kick the can on that matter down the road for yet a few more years?

Today, Mr. Speaker, I rise in favor of the legislation. As I mentioned, it has taken me some time to come to this conclusion, as I am tired of throwing patches at the immigration problem. Ultimately, we need a comprehensive immigration reform bill, and Madam Speaker, we need it desperately. However, I cannot in good conscience hold hostage young people who were brought to this country by their parents to a comprehensive reform bill. The DREAM Act is a small patch for a problem that has eluded our Nation for decades. Our country needs comprehensive reform, not piecemeal fixes.

All of this said, the DREAM Act will provide opportunity and hope to young immigrants brought to this country by their parents who, through no fault of their own, cannot be a meaningful part of our society without this Act. Most of these individuals speak English as well or better than their native tongue and they consider the United States their home, but they cannot realize their dreams because of their immigration status.

The DREAM Act is no "get-out-of-jail-free card," however. For individuals who meet minimum qualifications, such as being in the United States for 5 years before enactment and under 16 years old before coming here, the DREAM Act requires that its beneficiaries participate in one of the two most enduring institutions of American society: military service or higher education. In addition, DREAM Act beneficiaries must be in a conditional immigration status for a decade before becoming legal permanent residents. In so doing, the DREAM Act only gives legal status to those who really want to be here and at the same time creates new horizons for an untapped and eager group of young people to contribute to the country's long-term well-being. Indeed, improving our military readiness, increasing the number of college-educated workers, and expanding the Federal, State, and local tax base are among the bill's virtues. And the DREAM Act will not allow a "chain migration" as some opponents of the law have been saying. In fact, only after a DREAM Act beneficiary waits the full 13 years it would take to become a U.S. citizen are they able to petition for immediate family to gain legal status in the United States. Immediate family would have to wait in family immigration lines before being able to immigrate. And family members already here illegally face additional barriers under current law that will continue to make it difficult to obtain legal status. That is not a "get-out-of-jail-free card."

As I stated earlier, I do not vote for this bill without reservations. The DREAM Act is just a temporary fix to a serious problem. It is my sincere hope that within the year period required by the bill for individuals to apply, we

will be able to consider, in a bipartisan manner, a comprehensive bill that will fix our broken system.

Mr. JOHNSON of Georgia. Mr. Speaker, thank you for bringing my bill to the floor today. The "Removal Clarification Act of 2010" will enable federal officials to remove cases filed against them to federal court in accordance with the spirit and intent of the federal officer removal statute.

Under the federal officer removal statute, federal officers should be able to remove a case out of State court and into federal court when it involves the federal officer's exercise of his or her official responsibilities.

However, some courts have found that federal officers cannot remove to federal court when pre-suit discovery motions are made.

This bill will clarify that a federal officer may remove any legally enforceable demand for his or her testimony or documents, if the basis for contesting the demand is related to the officer's exercise of his or her official responsibilities.

When I brought this bill to the House floor in July, I explained that the bill will not result in the removal of the entire case when a federal officer is served with a discovery request.

The language added by the Senate strengthens the premise on which we had been operating: that this new law will not create a vehicle to unnecessarily drag entire cases into federal court when the only hook is that a federal officer has been served with a discovery request.

I would be remiss if I did not also express my support for the DREAM Act.

Mr. Speaker, this bipartisan legislation addresses the tragedy our young undocumented people face when, through no fault of their own, their lack of status may prevent them from attending college, joining the military, or working legally in the only home they have known—the United States of America. This bill will give hard-working, English-speaking, young men and women a chance to fulfill their aspirations by contributing to America's economic prosperity and security.

The DREAM Act ensures that no child in America is denied his or her dream of having a better life if he or she is willing to work hard for one. Each year, about 65,000 undocumented students, raised in the United States, graduate from high school. These graduates are young people who have lived in the United States for most of their lives. They are honor roll students, athletes, aspiring teachers, doctors, business owners, and soldiers. Unfortunately, these graduates face a roadblock to their dreams—they cannot enroll in college, legally work to spur economic growth and pay taxes to contribute to our society, or join the military to defend our country. In some instances, these youth grow up here without even knowing they do not have legal status until they find out that they cannot attend college, work, or enlist in the military.

I am pleased that Congress is moving forward with this bill which is the solution to these problems. The DREAM Act is a narrowly tailored legislative remedy for a specific population—undocumented students who were brought to the United States as minors, and have attended and completed elementary and secondary education in the United States. It is

a great first step towards the overall goal of comprehensive immigration reform.

It is important to understand that the DREAM Act offers no incentive for undocumented individuals to enter into the United States. It does not provide any benefit for undocumented individuals who are not already here at the time of its passage. It does not require states to provide any benefits to undocumented students, nor does it make these students eligible for federal financial aid. The bill gives states the option to offer in-state tuition to students registered under the Act, but it does not guarantee cheaper tuition. The DREAM Act allows undocumented students to access in-state tuition, but only if they would otherwise qualify for such tuition, and if state law permits undocumented students to receive in-state tuition. This bill would not require states to change their laws to permit undocumented students the right to receive in-state tuition.

Specifically, the DREAM Act would allow undocumented students a pathway to citizenship if they were brought to the United States before they turned 16, and are below the age of 35; have lived here continuously for five years; graduated from high school or obtained a GED; have good moral character with no criminal record; and complete at least two years of college or military service.

The benefits to our country's economy and budget will be enormous with the passage of the DREAM Act. In fact, the Congressional Budget Office estimates that this legislation will reduce the deficit by \$1.4 billion over the next decade. The increase in authorized workers would affect individual and corporate income taxes. These changes would increase revenues by \$2.3 billion over ten years according to the Congressional Budget Office and Joint Committee on Taxation. Additionally, a 2010 study by the UCLA North American Integration and Development Center found that DREAM Act beneficiaries would earn between \$1.4 trillion and \$3.6 trillion over the course of their lives.

According to the Immigration Policy Center, there are an estimated 2.1 million undocumented individuals in the United States who might be eligible for legal status under the DREAM Act. In my home state of Georgia, there are 74,000 undocumented young people who could potentially benefit from the passage of the DREAM Act.

This legislation is of the utmost importance to me because Georgia is one of the top ten states with the largest number of DREAM Act beneficiaries. The time to act on this bill is now; the students in Georgia cannot afford to wait any longer. South Carolina has banned undocumented youth from attending public colleges and, unfortunately, it looks like Georgia might follow suit. Earlier this year, in October, Georgia's state board of regents voted to ban illegal immigrants from the University of Georgia, Georgia Tech, Georgia State University, Medical College of Georgia, and Georgia College & State University.

Undocumented immigrants who were brought to the United States as children should not be penalized for a decision that was not theirs. In the long-run, the acceptance and inclusion of young immigrants who arrived as children is a decent and just goal.

As a Member of the Armed Services Committee, I know the importance of having an adequate military to protect our freedoms at home and abroad. Our military would benefit from the passage of the DREAM Act. Millions of talented youth will be ready to serve our country, and would assist the military in its recruiting efforts. In fact, the DREAM Act was included as part of the Department of Defense's 2010–2012 strategic plan by the Office of Personnel and Readiness.

By providing undocumented youth with the opportunity to enhance their education and career readiness, our country will reap enormous economic and cultural benefits.

Yesterday, I spent a good part of my day helping a potential Dreamer beneficiary in my district: Allison Hernandez Sanchez. His parents brought him from Mexico in 1994 when he was five years old. This young man attended Miller Grove High School and graduated in 2009. He was an athlete and played the saxophone in the band.

Like many other undocumented talented young men and women, he had plans to continue his education. However, on October 11, 2010, due to a minor traffic incident, he was detained for not having proper documentation. He was immediately placed in deportation proceedings.

This young man had no criminal background. Not only was he a student, but a son, friend and brother. Because of the state of current laws, Allison is unable to follow his dreams and attend college. Allison, like many other undocumented youth, calls the United States home, because it is the only home he knows.

Unfortunately, Allison is not alone. Young men and women across the United States belong in colleges, the workforce, and the military—not in detention centers. They are ready to serve their country, to become productive citizens, to offer their talents and skills to make the United States a better country for all of us. They should not be treated as criminals. No child should go through this experience when they did not make the decision to come to this country. They should not be held accountable for a choice that was never theirs to make. They deserve an opportunity to stay and invest in the United States of America.

I am proud to have joined more than 130 Members of Congress in cosponsoring this legislation that will help Allison and millions of other undocumented youth across the country. The DREAM Act was initially introduced in 2001, and it is definitely time to do what is right by bringing this bill to the floor for final passage. The time to pass this bill is now. Our military cannot afford to reject another qualified recruit. America's economy cannot afford to turn away a new entrepreneur to bring economic prosperity, a good teacher to educate our children, or a medical researcher that could create a cure for cancer or HIV.

I am glad that Congress is acting now so that today's dream can become tomorrow's reality. I thank Representatives BERMAN, DIAZ-BALART, and ROYBAL-ALLARD in their leadership in moving this bill forward. Speaker PELOSI, I thank you for working tirelessly to bring this bill to the floor for a vote.

Mr. SIRE. Mr. Speaker, I rise to commend the passage of the DREAM Act by the House

of Representatives on December 8, 2010. I am a longtime supporter of the bill, and I am thankful that we finally have the opportunity to move forward with this significant and life-changing legislation. With the passage of the DREAM Act, an estimated 800,000 young people that have been kept in the shadows and overlooked by this country would be given what they never had before: a chance.

Currently, there are young people in this country who know no other home, yet they do not have access to the opportunities that make this country strong. They are unable to resolve their immigration status and therefore can offer little to the country that they love. The DREAM Act would make it possible for those brought to this country as young children who have grown up in the United States to contribute to the United States and achieve their full potential.

This bill is carefully constructed to target only those people most deserving of this opportunity. To earn conditional immigration status, these young people must demonstrate that they have graduated high school, obtained a GED, or been accepted to an institution of higher learning. They must also have arrived in the United States before they were 16, have lived in the United States for at least five years before the bill's enactment, and be under 29 years of age. After a minimum of thirteen years and if additional requirements are met, those eligible can apply for U.S. citizenship.

The contributions of these young people would benefit our country and our economy, and I would like to thank my colleagues who supported this extraordinary legislation. This bill would allow young people throughout the country to pursue the kind of futures that they deserve. It would also allow our country to take advantage of the talents that these bright young people have to offer.

The enactment of the DREAM Act would give young people the chance to better themselves and in turn would make this country a better place.

Mr. PIERLUISI. Mr. Speaker, I rise today in strong support of the DREAM Act. This bill has been nearly 10 years in the making, and its consideration by this House is long overdue.

The DREAM Act reflects our highest American values—that those who are willing to work hard will be given the chance to succeed. Members of this chamber often speak eloquently about America being the land of opportunity. Today, we can make these words a reality for those young people who were brought to this country as children years ago, who have done well in school, and who now seek to pursue higher education or military service.

I cannot imagine another group of potential Americans more deserving of this opportunity to resolve their immigration status. The DREAM Act would provide conditional immigration status to individuals who were brought to the U.S. when they were 15 years old or younger, have lived in this country for 5 years, and have graduated from a U.S. high school or obtained a G.E.D. Only after completing a 13-year-long process would these individuals be eligible for citizenship.

Let's be clear: These young people have done nothing wrong. They had virtually no

choice in coming to the United States, just as all of us here had no choice over whether we were born in the United States—and thus were automatically granted U.S. citizenship—or were born in another country. We should not continue to punish these commendable young men and women for the actions of others by denying them the opportunity to attend college or serve in our Nation's armed forces.

Ms. CASTOR of Florida. Mr. Speaker, I rise today in support of the DREAM Act and in support of thousands of Florida students—and families and businesses in my community—who will benefit when we pass it.

Our great Nation is built upon the fundamental principles of liberty, equality and opportunity.

These values apply to all, except for a small group of young people who have been stuck in limbo through no fault of their own and face obstacles to education and productivity.

Here are a few examples:

A young woman from central Florida came to the United States from Costa Rica with her family when she was very young. She graduated from an arts magnet school with a 4.2 GPA. She was accepted to every school she applied to, but she couldn't attend any because tuition was too high and she didn't qualify for financial aid. The DREAM Act will help.

An Armwood High School valedictorian faced obstacles as he tried to get college financial aid and scholarships. Despite perfect grades, he had a tough time getting the financial help he needed. The DREAM Act will help.

A young woman I personally know well was born in Mexico City and grew up with only her mother after she was brought to America as a baby. Despite stellar grades in high school, she was ineligible for in-state college tuition.

"It would have given me a lot more opportunities," she says. "It would have made me part of the fabric of this country that I have lived in my whole life and that I have contributed to my whole life."

In Florida, in-state tuition costs about \$5,200 per year, but out-of-state at the University of South Florida, \$16,000. At the University of Florida, it exceeds \$25,000. These students are barred from Florida's Bright Futures scholarship. Thousands of students are in this predicament. For them, hope is extinguished.

The DREAM Act will breathe new life into the hopes and dreams of thousands of young people who only know America as their home. We need to support and encourage higher education, instead of preventing and discouraging these teens from attending college or serving in the armed forces.

The DREAM Act would allow students who entered the U.S. before their 16th birthday, who have lived in the country for at least five years, who are in good moral standing and who have graduated from high school to be classified as permanent residents and pursue a path toward citizenship. As permanent residents, they would be able to apply for in-state tuition and federal student financial aid, enabling them to pursue the American Dream of higher education.

Young adults could also earn conditional permanent residency status if they complete 2 years in the military.

I am proud to co-sponsor this vital legislation and look forward to its swift passage so

we can help put our hard-working and intelligent students on the road to citizenship.

Mrs. MALONEY. Mr. Speaker, I rise today in support of the DREAM Act, bipartisan legislation that would provide a path to legal status for undocumented youth who entered the U.S. as children, graduated from U.S. high schools, and attend college or enter the military.

I would like to thank Speaker PELOSI and Leader HOYER for bringing this important legislation up for a vote on the House floor today. I also would like to thank Rep. LUIS GUTIERREZ, who sponsored this bill in the House and has worked so hard for its passage.

Our nation's history is rooted in the strength of immigrants. As New Yorkers, my constituents have a special understanding of how America's melting pot can create a rich tapestry of ethnic, cultural and religious traditions that infuse vitality into the economic and social aspects of our communities.

I strongly believe that by protecting the rights of workers, securing the border, and modernizing our pathway to legal immigration, the hope that we can fix our broken system will become a reality.

Under the DREAM Act, qualified students would be eligible for conditional immigration status upon high school graduation that would then lead, after a period of 10 years and a rigorous process, to permanent legal residency if they go to college or serve in the military.

We cannot deny these students the opportunity to pursue education—especially when the alternative is often working illegally. Despite what some opponents of this legislation claim, the DREAM Act would not grant special benefits to qualified students. In fact, students may only access benefits they work for, or pay for.

This bill would allow a limited number of hard working students, who were brought to this country as children, to be rewarded for their success, and in the process, produce thousands of college graduates contributing to economic productivity and eligible youth ready to serve this nation through military service.

I am proud to be a cosponsor of this important legislation and urge my colleagues to support it.

Mr. MORAN of Virginia. Mr. Speaker, I rise today in support of the Development, Relief, and Education for Alien Minors Act.

This legislation provides minors who were brought to the U.S. as children a path to legal status, and eventually citizenship. To qualify for conditional status for five years, an individual must be 29 years old or younger, have lived in the U.S. for 5 years prior to enactment, graduate from an American high school, and meet numerous other requirements. After five years, an individual may apply for an additional five years of conditional status only if they have completed at least two years of post-secondary education or served two years in the U.S. Armed Forces. Following this second five year period, a person that has continued to meet the conditions of this bill would be able to file for legal permanent status. Only, after three years in this status, 13 years total, would a person be eligible to apply for citizenship.

Contrary to the rhetoric on the other side, the DREAM Act is anything but amnesty. Instead, this bill is a bipartisan acknowledged

ment that a significant number of children currently live in this country with no legal status and no avenue to gain legal status. Without this legislation, we are essentially telling individuals who have grown up here, assimilated to our culture, and obtained a high school education that the only home for them is in another country. That is both wrong and counterproductive.

Those that would be eligible under this legislation are motivated, smart young people who want nothing more than to utilize their skills and education here in America by going to college or serving in the Armed Forces. Not only is the passage of this bill the right thing to do, but it would be foolish for a country whose economic prosperity depends upon an educated workforce to let these young people take their talents abroad.

The DREAM Act provides young people who have done nothing wrong the opportunity to come out of the shadows, build a life in America, and contribute to the prosperity of our nation.

I encourage my colleagues to join me in voting for this important legislation.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 1756, the previous question is ordered.

The question is on the motion by the gentleman from Michigan (Mr. CONYERS).

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. SMITH of Texas. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, this 15-minute vote on the motion offered by the gentleman from Michigan will be followed by a 5-minute vote on the motion to suspend the rules and pass H.R. 3353, if ordered.

The vote was taken by electronic device, and there were—yeas 216, nays 198, not voting 20, as follows:

[Roll No. 625]

YEAS—216

Ackerman	Cleaver	Ellison
Adler (NJ)	Clyburn	Engel
Andrews	Connolly (VA)	Eshoo
Baca	Conyers	Etheridge
Baldwin	Cooper	Farr
Bean	Costa	Fattah
Becerra	Courtney	Filner
Berkley	Crowley	Foster
Berman	Cuellar	Frank (MA)
Bishop (GA)	Cummings	Fudge
Bishop (NY)	Davis (AL)	Garamendi
Blumenauer	Davis (CA)	Giffords
Boswell	Davis (IL)	Gonzalez
Boyd	Davis (TN)	Gordon (TN)
Brady (PA)	DeFazio	Grayson
Braley (IA)	DeGette	Green, Al
Brown, Corrine	DeLauro	Green, Gene
Butterfield	Deutch	Grijalva
Cao	Diaz-Balart, L.	Gutierrez
Capps	Diaz-Balart, M.	Hall (NY)
Capuano	Dicks	Halvorson
Cardoza	Dingell	Hare
Carnahan	Djou	Harman
Carson (IN)	Doggett	Hastings (FL)
Castle	Doyle	Heinrich
Castor (FL)	Driehaus	Hereth Sandlin
Chu	Edwards (MD)	Hill
Clarke	Edwards (TX)	Himes
Clay	Ehlers	Hinchey

Hinojosa
Hirono
Hodes
Holt
Honda
Hoyer
Inglis
Inlee
Israel
Jackson (IL)
Jackson Lee
(TX)
Johnson (GA)
Johnson, E. B.
Kagen
Kennedy
Kildee
Kilroy
Kind
Klein (FL)
Kosmas
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Loebback
Lofgren, Zoe
Lowey
Lujan
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McMahon
McNerney

NAYS—198

Aderholt
Akin
Alexander
Altmire
Arcuri
Austria
Bachmann
Bachus
Baird
Barrett (SC)
Barrow
Bartlett
Barton (TX)
Biggert
Bilirakis
Bishop (UT)
Blackburn
Bocieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boucher
Boustany
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Brown-Waite,
Ginny
Buchanan
Burgess
Burton (IN)
Calvert
Camp
Campbell
Cantor
Capito
Carney
Carter
Cassidy
Chaffetz
Chandler
Childers
Coble
Coffman (CO)
Cole
Conaway

Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Minnick
Mitchell
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Nadler (NY)
Napolitano
Neal (MA)
Oberstar
Obey
Oliver
Ortiz
Pallone
Pascarell
Pastor (AZ)
Payne
Pelosi
Perlmutter
Perriello
Peters
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rangel
Reyes
Richardson
Rodriguez
Ros-Lehtinen
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar

Sánchez, Linda
T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Speier
Spratt
Stark
Sutton
Tanner
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Townes
Tsongas
Van Hollen
Velázquez
Walz
Wasserman
Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Woolsey
Yarmuth

Price (GA)
Putnam
Rahall
Reed
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Roskam
Ross
Royce
Ryan (WI)
Scalise
Schmidt

Berry
Bilbray
Blunt
Buyer
Cohen
Delahunt
Fallin

NOT VOTING—20

Gingrey (GA)
Granger
Griffith
Kilpatrick (MI)
Kirkpatrick (AZ)
Marchant
Marshall

Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Visclosky
Walden
Wamp
Westmoreland
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

McMorris
Rodgers
Mollohan
Radanovich
Schiff
Stutzman
Wu

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members have 2 minutes remaining on this vote.

□ 2101

So the motion was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mr. GINGREY of Georgia. Madam Speaker, on rollcall No. 625, I am not recorded because I was unavoidably detained. Had I been present, I would have voted "nay."

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will remind all persons in the gallery that they are here as guests of the House, and that any manifestation of approval or disapproval of the proceedings is in violation of the rules of the House.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 4994. An act to amend the Internal Revenue Code of 1986 to reduce taxpayer burdens and enhance taxpayer protections, and for other purposes.

The message also announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested:

S. 3036. An act to establish the National Alzheimer's Project.

A message from the Senate also announced that the Secretary be directed to communicate to the Secretary of State, as provided by Rule XXIII of the Rules of Procedure and Practice in the Senate When Sitting on Impeachment

Trials, and also to the House of Representatives, the judgment of the Senate in the case of G. Thomas Porteous, Jr., and transmit a certified copy of the judgment to each.

JUDGMENT

The Senate having tried G. Thomas Porteous, Jr., U.S. District Judge for the Eastern District of Louisiana, upon four Articles of Impeachment exhibited against him by the House of Representatives, and two-thirds of the Senators present having found him guilty of the charges contained in (Article I/Article II/Article III/and Article IV) of the Articles of Impeachment: It is, therefore, *Ordered and adjudged*, That the said G. Thomas Porteous, Jr., be and he is hereby, removed from office; and that he be, and he is hereby, forever disqualified to hold and enjoy any office or honor, trust, or profit under the United States.

TREATING AMERICAN SAMOA AND NORTHERN MARIANA ISLANDS AS SEPARATE STATES FOR CERTAIN CRIMINAL JUSTICE PROGRAMS

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill (H.R. 3353) to provide for American Samoa and the Commonwealth of the Northern Marianas to be treated as States for certain criminal justice programs.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. SCOTT) that the House suspend the rules and pass the bill.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

□ 2110

AG JOBS

(Ms. CHU asked and was given permission to address the House for 1 minute.)

Ms. CHU. Mr. Speaker, toiling on America's farms is no easy job. Few people are willing to endure the heat, cold and misery of stooping in the fields—or the low wages. Today, an estimated 75 percent of the farming workforce is undocumented. This is bad for everybody.

Undocumented workers are easy prey for exploitation and are unable to assert their rights. Farm workers talk of unbearable heat, poor living conditions, even abuse; and they have no one to turn to for help. Growers complain about the labor shortages that can spoil their crops. I have heard how farms struggle to maintain reliable,

legal workforces to prune, pick and pack food for America's tables.

Farm workers and growers need immediate relief to ensure that agriculture, especially in California, continues to thrive. That solution is ag jobs. Now that the House has passed the DREAM Act, I urge the Senate to pass both bills soon so farms can continue to operate, and students can achieve their dreams as we work on a permanent fix for this broken system.

PROHIBITING OFFSHORE ENERGY DEVELOPMENT

(Mr. THOMPSON of Pennsylvania asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THOMPSON of Pennsylvania. Mr. Speaker, in 2008, the President and the House of Representatives lifted the 24-year-old moratorium on offshore oil and gas production on most of our Atlantic and Pacific coasts. Back in March, President Obama pushed for offshore oil drilling in the eastern Gulf of Mexico and the Atlantic coast through 2017. Then in April, the BP oil spill happened. That disaster is certainly a cautionary tale.

Yet, in the first week in December, Secretary of the Interior Ken Salazar, without an act of Congress or a Presidential executive order, single-handedly prohibited offshore energy development from 2012 to 2017—a 5-year plan for offshore leasing. In reality, this change means no new production can even begin until 2022, if then.

That is not the way to reduce our rising dependence on foreign oil or to solve our unemployment problem or our lack of economic growth. We must learn our lessons from the Gulf of Mexico oil spill and proceed with care—but we must proceed.

President Obama, through Secretary Salazar and strangulation by regulation, has set back our country's path to energy security by at least 12 years, which is certain to produce higher energy prices and to increase our dependence on foreign imports—hardly sound energy policy.

WE MUST PASS THE SENIORS PROTECTION ACT OF 2010

(Ms. JACKSON LEE of Texas asked and was given permission to address the House for 1 minute.)

Ms. JACKSON LEE of Texas. Mr. Speaker, it is great news that we gave an opportunity to young people today by passing the DREAM Act, but shame on us that we did not pass the Seniors Protection Act of 2010.

Democrats rallied to make a commitment to the Nation's seniors for a \$250 refund as they listened to the horrible pronouncement that they would not get a cost-of-living increase. We owe them. We owe them because of the hard

work that they have contributed over the decades to build this Nation. They have provided us with years and years of work, of investment and production and of part of the manufacturing history of this country.

How can we leave this session and not provide our seniors with relief?

So I call upon my colleagues to rally together for what is right for those seniors, who have carried the flag, who have fought in our wars, who have nurtured the sick, who have raised our children, and who have invested in America. It is time to pass the Seniors Protection Act of 2010. We should not leave this Congress and not finish this year without passing this relief for the seniors of America—patriots, deserving—all of them.

MEDICINAL MARIJUANA IS A MISNOMER

(Mr. KAGEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KAGEN. Mr. Speaker, I rise this morning, before everyone begins their conversations about tax cuts, about jobs, about immigration, to raise a serious health concern. You know, when I was brought up in northeast Wisconsin, my father taught me that if it's good for business, it's going to happen; I would just like it to be legal. And the subject I am going to mention here is the idea, the false idea of medicinal marijuana.

There is nothing safe about smoking. There is nothing safe about smoking an illicit product called marijuana. Marijuana is universally contaminated with a mold spore *Aspergillus*, *Mucor*, *Penicillium*, and other items that will harm human health.

This House, this body has do what's best for people. We need a healthy economy and we need healthy people at work. So don't make the mistake of thinking at any point in time that there is something safe about smoking medicinal marijuana, which is a misnomer.

So I look forward later today to passing House Resolution 1540 that addresses the illicit production of marijuana on Federal lands.

MARIJUANA SMOKING AND FUNGAL SENSITIZATION

(Steven L. Kagen, M.D., Viswanath P. Kurup, Ph.D., Peter G. Sohnle, M.D., and Jordan N. Fink, M.D. Milwaukee, Wis.)

The possible role of marijuana (MJ) in inducing sensitization to *Aspergillus* organisms was studied in 28 MJ smokers by evaluating their clinical status and immune responses to microorganisms isolated from MJ. The spectrum of illnesses included one patient with systemic aspergillosis and seven patients with a history of bronchospasm after the smoking of MJ. Twenty-one smokers were asymptomatic. Fungi were identified in 13 of 14 MJ samples and included *Aspergillus fumigatus*, *A. flavus*, *A. niger*, *Mucor*,

Penicillium, and thermophilic actinomycetes. Precipitins to *Aspergillus* antigens were found in 13 of 23 smokers and in one of 10 controls, while significant blastogenesis to *Aspergillus* was demonstrated in only three of 23 MJ smokers. When samples were smoked into an Andersen air sampler, *A. fumigatus* passed easily through contaminated MJ cigarettes. Thus the use of MJ assumes the risks of both fungal exposure and infection, as well as the possible induction of a variety of immunologic lung disorders. (*J Allergy Clin Immunol* 71:389, 1983.)

The recreational and medicinal use of MJ has reached epidemic proportions. The National Institute on Drug Abuse has documented that nearly one in 10 American high school seniors use MJ on a daily basis.¹ Furthermore, a survey of adult and pediatric oncology centers reveals that a substantial population of patients receiving cancer chemotherapy are now encouraged to use MJ as an antiemetic.²

The medicinal use of MJ, however, is not without risks. MJ may contain toxic substances such as Agent Orange, phencyclidine, or paraquat, and outbreaks of salmonellosis and hepatitis B have been traced to MJ.³⁻⁵ Similarly, *Aspergillus* has been cultured from MJ and has been considered the likely source of infection in patients who have developed invasive pulmonary and allergic bronchopulmonary aspergillosis.⁶⁻⁸ Due to the widespread use of MJ by normal and immunodeficient individuals, we thought it important to evaluate its possible role as a source of exposure and sensitization to *Aspergillus* organisms. Preliminary results of our investigations revealed that MJ contains pathogenic, inhalable *Aspergillus* organisms that may sensitize the user.^{9,10} This article presents additional *in vitro* studies and further documents the spectrum of fungal organisms present in MJ.

MATERIALS AND METHODS

SUBJECTS

A total of 28 subjects were randomly selected to be evaluated for immunologic reactivity toward *A. fumigatus*, to which they may have been exposed while smoking MJ. Medical histories, physical examinations, cultures of their MJ, and serologic studies were performed. Ten age-matched individuals who denied ever having smoked MJ served as controls.

CULTURES

Samples of MJ were plated directly onto SGA, SGA with antibiotics, TSA, and TSA with novobiocin. SGA plates were incubated at room temperature and at 37° C, while TSA plates were incubated at 55° C. Plates were observed daily for growth of organisms. Any growth appearing was subcultured, purified, and identified according to standard methods.^{11,12}

IMMUNOLOGIC STUDIES

Precipitins. Serum precipitins against *A. fumigatus*, *A. flavus*, and *A. niger*, the predominant cultured organisms, were evaluated by agar gel diffusion as previously described.^{13,14} Serum precipitin assays were also performed with routine culture filtrate antigens from *Thermoactinomyces candidus* and *T. vulgaris*, *Mucor*, and *Penicillium* species to better assess the significance of circulating precipitins to *Aspergillus* antigens in MJ smokers.

Abbreviations used

MJ: Marijuana

SGA: Sabouraud's glucose agar

TSA: Trypticase soy agar

CPM: Counts per minute

Con-A: Concanavalin A

PMN: Polymorphonuclear
THC: Delta-9-tetrahydrocannabinol

Lymphocyte transformation. Lymphocytes were obtained from peripheral blood by Hypaque-Ficoll centrifugation and suspended at 0.25 x 10⁶ cells/ml in 0.4 ml of RPMI tissue culture medium (Gibco, Inc., Grand Island, N.Y.), using 15% pooled human plasma, with penicillin, streptomycin, and glutamine added. The cells were cultured with or without stimulants in a humidified atmosphere containing 5% CO₂, for 5 days, at which time 1 µCi of ³H-thymidine was added. Twenty-four hours later the cells were harvested onto glass fiber filters. The incorporation of ³H-thymidine was counted by scintillation counting and data were expressed as either total CPM or stimulation ratios (CPM experimental/CPM control). A positive result is defined as CPM >3000 and stimulation ratios >4.0, as previously described.¹⁵ Antigens and mitogens employed included Con-A (Miles Laboratories, Inc., Elkhart, Indiana), *A. fumigatus*, *A. niger*, and *A. flavus*. The optimal final concentrations of mitogens were determined in preliminary experiments with either human or guinea pig lymphocytes (*A. fumigatus*, 5 µg/ml; *A. niger*, 50 µg/ml; Con-A, 10 µg/ml).

FUNGAL INHALATION

MJ cigarettes were obtained from patients and attached to an Andersen air sampler via rubber tubing. The cigarettes were then lit and the smoke was drawn into the sampler, deposited onto plates, and cultured. Additional unlit MJ cigarettes were similarly assessed. Control samplings of laboratory air were also obtained.

RESULTS

The results are summarized in Tables I and II.

SUBJECTS

The study population consisted of 16 female and 12 male patients, ranging in age from 17 to 36 yr, including 18 tobacco cigarette smokers. The duration of MJ use varied from 6 mo to 14 yr, with a mean of 9 yr. The total number of MJ cigarettes smoked was estimated by multiplying the daily average by total duration expressed in days. Patient 1 had systemic aspergillosis and presented with complaints of fatigue, night sweats, and coughing episodes associated with MJ use. The chest film revealed bilateral interstitial infiltrates, and *A. niger* was cultured from sputum, nasal secretions, skin pustules, urine, and an open lung biopsy. Hematologic studies, immunoglobulin levels, and complement components were normal, and he was later found to have a defective PMN oxidative enzyme system.

Patients 2, 3, 4, 6, 27, and 28 admitted experiencing cough and wheezing after MJ exposure. Additionally, patient 6 experienced a "chest cold" for 2 mo, which included cough, thick brown sputum, and body aches, all of which disappeared shortly after discontinuing the use of 60 to 70 MJ cigarettes weekly. The remaining 21 patients had no history of immediate or delayed respiratory symptoms with MJ use.

CULTURES

Thirteen of 14 MJ samples contained potentially pathogenic fungi in various combinations. The flora consisted of *A. fumigatus*, *A. flavus*, *A. niger*, *Mucor*, *Penicillium*, and thermophilic actinomycete species in varying densities, but with *Aspergillus* predominating.

IMMUNOLOGIC STUDIES

Thirteen of 23 MJ-smoking subjects had precipitins against at least one of the *Asper-*

gillus antigens. In the control sample of 10 MJ-nonsmoking individuals, one had a precipitin line against *A. fumigatus* and *A. niger* ($p < 0.02$). There were no differences between the MJ-smoking group and the control group with regard to precipitins to antigens other than *Aspergillus* (Table II).

Significant blast transformation to *A. niger* in the MJ-smoking group occurred in only three of 23 subjects, whereas all demonstrated significant blastogenesis to Con-A, a nonspecific mitogen.

FUNGAL INHALATION

Fungal inhalation studies with MJ sample 25 revealed that both lit and unlit cigarettes allowed the passage of fungal spores. *A. fumigatus* in particular traveled through the MJ cigarettes unimpeded in both lit and unlit conditions. Control samplings of laboratory air were repeatedly negative for fungal growth.

DISCUSSION

MJ can now be found in nearly every high school in America, and in a growing number of medical communities. Several clinical trials employing THC and other cannabinoids present in MJ have demonstrated its potentially significant antiemetic effect.¹⁶⁻²¹ Because serum levels of THC are best attained via inhalation, it has been advocated that THC and MJ be inhaled by oncology patients shortly prior to receiving cancer chemotherapy.^{18, 22} Our studies, however, have shown that illicit MJ must now be assumed to contain pathogenic inhalable fungi. As such, its use by immunosuppressed oncology patients should be discouraged.

The spectrum of fungi found in MJ included the following organisms: *Aspergillus fumigatus*, *Aspergillus niger*, *Aspergillus flavus*, *Mucor*, *Penicillium* spp, *Thermoactinomyces candidus*, and *Thermoactinomyces vulgaris*. When inhaled, these organisms are known to cause a variety of immune lung disorders, ranging from asthma, allergic bronchopulmonary aspergillosis and hypersensitivity pneumonitis to invasive systemic fungal infections in immunoincompetent hosts. In addition to identifying these fungi, we have demonstrated that *A. fumigatus* may be inhaled in contaminated MJ cigarette smoke.

TABLE II. PRECIPITINS TO ROUTINE ANTIGENS

	<i>T. vulgaris</i>	<i>T. candidus</i>	<i>Mucor</i>	<i>Penicillium</i> spp
MJ smokers	4/28	9/28	3/28	5/28
Controls	2/9	4/9	3/9	2/9

The presence of circulating precipitins to any given antigen is generally taken to mean that a significant immunologic exposure to that antigen has taken place. *Aspergillus* precipitins may thus arise from repeated antigenic inhalation, active colonization, or previous clinical or subclinical fungal infections. Of 23 MJ-smoking patients tested, 13 had precipitins to *Aspergillus* antigens. This 52% incidence is significantly greater than both our control group ($p < 0.02$) and the normal 3% to 10% incidence in populations reported by Chmelik et al.²⁹ Furthermore, there was no correlation between the presence of precipitins and the total estimated MJ exposure. Since 13 of 14 MJ samples contained at least one *Aspergillus* species and the contaminated MJ cigarettes were shown to deliver viable organisms, it is not unreasonable to assume that our patients acquired their precipitins from smoking MJ. We were, however, unable to determine whether pulmonary infections or col-

onizations were present in these patients, although both occurrences were possible.

In vitro cellular immune responses to *Aspergillus* antigens in aspergillosis, in contradistinction to serum precipitins, rarely correlate with disease activity.³⁰ Substantiating this, we found no correlation between blastogenesis to *Aspergillus* antigens and the presence of serum precipitins (Table I). Of special interest was the finding that our index case (patient I) possessed adequate cellular immune responses to *A. fumigatus* and *A. niger* antigens despite his disseminating systemic aspergillosis. Perhaps, because of his malfunctioning PMN enzyme system, he was unable to either completely metabolize *Aspergillus* antigens or sufficiently inhibit hyphal growth. The fungus would then be able to proliferate even though an active cellular immune response existed.

As illustrated by this patient, diseases induced by the inhalation of viable fungal spores depend primarily on the host's innate immune and metabolic capabilities. A defect in PMN metabolism, coexistent with fungal inhalation, may lead to the development of either systemic invasive mycoses or a fungus ball. We anticipate that future reports may continue to substantiate the already increasing incidence of systemic aspergillosis, especially if oncology patients continue to be exposed to MJ smoke.

The use of MJ thus assumes the risks of both fungal exposure and infection, as well as the possible induction of a variety of immune and infectious lung disorders. Given the extraordinary number of individuals estimated to be MJ smokers, the occurrence of these illnesses may well become more commonplace.

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SPECIAL ORDERS

The SPEAKER pro tempore (Mr. TONKO). Under the Speaker's announced policy of January 6, 2009, and under a previous order of the House,

the following Members will be recognized for 5 minutes each.

THE NIGHTMARE ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. ROHRABACHER) is recognized for 5 minutes.

Mr. ROHRABACHER. Mr. Speaker, tonight this Congress passed the so-called DREAM Act. Several of us on the floor of the House said that this act would be more accurately referred to as the "affirmative action amnesty act."

The bill is a piece of legislation that the American people should pay close attention to, and they should see whether or not their Representatives in Congress are, indeed, representing their interests or if they are involved in supporting the interests of the people who are not citizens of this country and who have come here illegally.

□ 2120

Now in this case, this bill would not grant amnesty to all illegal immigrants, but instead, the reason it's called the DREAM Act is because it would legalize the status of several million illegals who are young people in our country. Well, what does several million new citizens—or should we say legal residents—of our country mean to the well-being of the American people? Yes, we understand that several million young illegals now made legal in their status would certainly be their dream, but what does it do to other Americans? What is the effect? Is it a dream or a nightmare? The American people need to look and see who voted for what and who is representing whose interests here.

I want to note that illegal immigration is probably one of the greatest threats to the well-being of my constituents, and they understand that. And I would think that people throughout our country understand that the quality of our education is going down, the quality of America's health care is going down, our personal security—meaning the security of our neighborhoods and our families—is going down as the criminal justice system is put under incredible strains by this massive flow of illegals into our country.

By legalizing the status of 2 million younger illegal immigrants, what we are doing is making sure that those people who are considering coming to our country illegally will certainly bring their children—all of them—with them, realizing that the chances are that if the American people see that someone's here illegally and is a young person, we now have set the precedent that we will legalize their status sometime in the future.

What we are really talking about is encouraging a massive flow of illegals into our country bringing their chil-

dren with them. And what will that do to the education system of our country? What will that do to the health care requirements that people now are finding that their own health care facilities are overcrowded and that the budgets for providing health care to the less fortunate are being strained to the breaking point throughout the country?

This bill was done at the expense of the American people. The young people who they are helping, the young people who supposedly would be assisted in getting a college education if they go to school, they're going to have their status legalized. Yes, those people may be helped, but it is being done directly at the expense of the American people.

This is about as bad as it gets when we have Members of Congress that, instead of considering what this will do, what their actions will do in harm to their own constituents, have decided just to, yes, side with those people—who are wonderful people overseas. There is no doubt about most of the young people we are talking about, and most of the illegal immigrants coming into our country are wonderful people, but their well-being—we are not being selfish by suggesting that at a time of unemployment, a time when the budgets for all of our own programs are being strained to the breaking point, that we have to take care of our own people before we encourage other people to come here illegally.

I am proud that our country has a very liberal and open policy for immigration. We allow more legal immigrants into our country than any other country of the world. In fact, all of the other countries of the world combined do not permit the legal immigration into their societies as we permit into America. But if we don't watch out for our people, if we do not carefully look at this issue and try to say what is good for our people, our people will be severely damaged, and that will be the product of the DREAM Act. It will be the Nightmare Act of the American people.

Perhaps the worst element of this is this bill—and I know there are many people who are suggesting that that's not true, but it is true that this bill will provide an affirmative action status for those illegals who have been legalized who happen to come from a minority background. Now, most illegal immigrants who come here are Hispanics or some other minority. Thus, if their status is legalized, all of a sudden all of the laws that give preference to minorities in the United States, all of these preferences are provided to these people who were illegal just a few days ago.

We are not providing equality. What we're providing is that illegals now will take their spot at the head of the line when it comes to job training, when it comes to education and being accepted

at universities. In terms of all of these types of programs in which racial preferences have been written into the law, these illegals will now have a status ahead of U.S. citizens. This is about as bad as it gets.

This Congress is supposed to represent the interests of the American people. In this case, the interests of the American people were betrayed with a misplaced value system being focused on the plight of, yes, some very deserving young people—several million of them—who are here illegally. I would hope that the American people take a look closely at this vote and realize what it signifies.

There are many people struggling right now in our country. Our social programs are strained to the breaking point. And yes, what happens when you legalize the status of several million young people and you make sure that these young people, many of whom are of a minority status, that they then receive the preferences written into our law for our own minority citizens? It will cause great damage to our country and to the very most vulnerable Americans that we are supposed to be representing.

So tonight I would ask the American people to look closely at the vote of their Member of Congress. Was their Member of Congress representing them? Was their Member of Congress representing, and with all good intentions, but representing the interests of someone else? I would say that the illegal immigration issue is an issue that reflects that dichotomy more in our country than any of the other major issues that we face as a people.

So tonight the choice is stark, and the people here have cast their vote. It is now time for the American people to hold us accountable; if we are representing their interests and the interests of the less fortunate people in our society or whether or not we are giving away scarce resources and putting our own people in jeopardy in order to perhaps attract as voters, or whatever, illegal immigrants who are coming to our society and thus attracting even more illegals to come here. And of course, now after they come here, they will make sure that they bring their entire family. And once, by the way, a young person is legalized, that young person, through family unification laws and programs, will be able to then start the action necessary to bring even more and more illegals into our country to have their status changed.

Is this in the interest of the United States? Is this in the interest of the American people? I say no. And I say that the American people need to pay attention and judge us on our vote on this act tonight, the DREAM Act, which is the Nightmare Act.

Let's wake up, America. Your country is being taken from you and given to somebody else.

CONGRESSMAN MITCHELL BIDS FAREWELL TO CONGRESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arizona (Mr. MITCHELL) is recognized for 5 minutes.

Mr. MITCHELL. Mr. Speaker, Mo Udall once said that those elected to positions of leadership have a moral obligation to exercise leadership. Since coming to Congress, and throughout my whole career, I have always done what I believed was in the best interests for this district, for our State, and for our country. This is what I was elected to do, to make tough decisions, knowing that some were not always as popular as others; and I would not have changed one thing, not one vote, not one decision.

When I think about what we have accomplished together in Congress over the last 4 years, I know that there are many reasons to be proud. We were able to make college more affordable for millions of young Americans. We were able to invest in clean energy technology that will clean our environment and set our Nation on a path to energy independence.

□ 2130

We raised the minimum wage for working families across this country. We were able to ensure equal pay for an equal day's work for women. We passed historic health care reform that will benefit millions of Americans, making health care insurance more accessible and affordable for thousands of individuals, families, and small businesses.

But I am most proud of the work we've done to take care of our Nation's veterans. Together, we made it possible for our veterans, active duty, National Guard, and reserve to empower themselves by furthering their education. I was honored to be part of an effort to pass the 21st century GI Bill into law.

We also know that many of our returning veterans and those who served in past generations bear wounds that can't be seen. Too many continue to struggle with post-traumatic stress disorder and are at risk for suicide. Together, we've pushed the VA to provide more mental health assistance to those returning from Iraq and Afghanistan because our veterans deserve the highest attention and respect they have earned when they come home, and we have work to do to bring them all home.

But as much as we've accomplished, there is still more to do. I have always said that you can't be successful unless a lot of other people want you to be. And I have been blessed to have so many people who have been supportive of me. For the better part of close to 40 years, I've held the titles of teacher, councilman, mayor, senator, and congressman.

And there are a lot of people I want to thank for being with me every step

of the way. A special thanks goes to my family: My wife, Marianne; my son, Mark; my daughter, Amy; and my five grandchildren. I also want to thank my staff. They were the most hardworking, talented, and loyal bunch that you would ever find, and I am very grateful for them. Lastly, I want to thank the people of Arizona's Fifth Congressional District for allowing me to represent them in the United States Congress for the past 4 years. It's been an overwhelming honor to have had the opportunity to serve my district.

TAX CUT REPERCUSSIONS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. GRAYSON) is recognized for 5 minutes.

Mr. GRAYSON. Mr. Speaker, here in the House and in the Senate and with the President's pen, we make policy for America. We make foreign policy. We make security policy. We make health policy and environmental policy. And we make economic policy. And it's time to take a close look at exactly what the tax cuts for the rich have done for us for the past 9 years because now we are going to make policy for not just the next 2 years, but I believe for far longer than that.

Let's simply take a look at the 9 lean years that we have experienced under tax cuts for the rich and compare them to the 9 fat years that preceded that. The first thing you'll know, which you can see from this chart here, is that in the 9 previous years before we enacted the Bush tax cuts for the rich, 23 million jobs were created. Since we enacted those tax cuts for the rich, we have lost 2 million jobs in America.

The next chart shows that the average unemployment rate as a result rose from 5.5 percent approximately to well over 6 percent after we enacted the Bush tax cuts. So often I have heard that the Bush tax cuts for the rich will somehow create jobs when the record is directly to the contrary. In fact, it doesn't only affect people who work, it affects everyone.

If you look at the net worth of this country, the net worth of America, the value of all of our schools, our homes, our 401(k)s, our small businesses, our cars, our furnishings, everything that we own in America, according to the Federal Reserve, in the 9 years before we enacted the Bush tax cuts, home values in America rose by 37 percent. In the 9 years after we enacted the Bush tax cuts, our home values in America rose only 13 percent. And as a result of that—because our homes are, for many of us, the most valuable thing that we own—as a result of that, our net worth as a country increased by 93 percent before we enacted the Bush tax cuts and by only 26 percent after we enacted the Bush tax cuts. Now I think that's a very important statistic. We

are taking into account the rich and the poor, the black and the white, the male and the female, people all across the country. When we didn't have the Bush tax cuts, our net worth as a country increased by 93 percent. When we did, it increased only by 26 percent.

Now, there's been a lot of discussion lately about the deficit, the debt. If you look at what the effect was on the deficit and on the debt, you will find that in the 9 years before we enacted the Bush tax cuts, we had on average a 2.37 percent surplus in the Federal budget. In those 9 years, we actually had a surplus on the average of 2.3 percent of gross domestic product. And since the Bush tax cuts were enacted, we have had a deficit of 8.5 percent on the average each year.

We all know the dramatic effect that the decline in the economy has had on the poor and on the middle class. But let's take a short moment to look at what effect it actually had on the rich. Before we enacted the Bush tax cuts, the S&P 500 index—the most broad measure of stock market performance in the United States, 500 different companies—the S&P 500 increased in those 9 years by an amazing 285 percent. Now, since more than half of all stocks in America are owned by the top 1 percent, the most wealthy Americans, that means that the most wealthy Americans benefited by not having the Bush tax cuts to the tune of a 285 percent increase in the stock market.

In contrast to that, since the Bush tax cuts were enacted, the stock market has actually gone down over the past 9 years by 11 percent. So I ask you whether you are working, whether you are not working, whether you are poor, whether you are middle class, whether you are rich, isn't it obvious what will happen if we extend these tax cuts any further? Whether it's for 1 year or for 2 years or for another 9 lean years. I think the answer is obvious. Fewer jobs, higher unemployment, a lower value to our homes, lower value to the Nation's net worth, and a drop in the stock market. That's the future that we face if we extend these pernicious tax cuts further.

JOHN LENNON 30TH COMMEMORATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. MCCOTTER) is recognized for 5 minutes.

Mr. MCCOTTER. The poet John Greenleaf Whittier wrote, "For all sad words of tongue and pen, the saddest are these, 'It might have been.'"

Mr. Speaker, given the prevalence of tenebrous sadness in our oft benighted world, tonight on the 30th commemoration of the murder of Mr. John Ono Lennon, I rise not to lament his inestimable loss, but to celebrate his inspiring life.

Perpetually along our earthly journey, we stand at the crossroads of comfort and truth. Imperfect souls, we are mercifully measured not solely by our missteps into numbing comfort but also by our redemptive return to enlightening truth.

□ 2140

As shown in a recently released 1980 interview with Rolling Stone's Jonathan Cott, Mr. Lennon understood this. "I've never claimed purity of soul. I've never claimed to have the answers to life. I only put out songs and answer questions as honestly as I can. But I still believe in peace, love, and understanding."

Striving for honesty is how, in his family life, Mr. Lennon ultimately fulfilled his most challenging and rewarding role, that of devoted father and loving husband. Striving for honesty is how, in his music, Mr. Lennon met the artistic challenge expressed by Andre Bazin, namely, to "have the last word in the argument with death by means of the form that endures."

Thus, because truth is beauty, beauty is truth, and the most beautiful truth is love, I thank Mr. Lennon for striving through his enduring art to reveal the immutable human truths that eternally unite us in our mortality, our frailty, and our beauty when we love.

Mr. Speaker, I ask my colleagues to join me in remembering the life of John Ono Lennon, and in extending our heartfelt sympathy to his widow and sons, to all whom he loved, and to all who love him. May he, and we, all shine on.

PUTTING AMERICA BACK ON THE RIGHT TRACK ECONOMICALLY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Missouri (Mr. AKIN) is recognized for 60 minutes as the designee of the minority leader.

Mr. AKIN. Mr. Speaker, it's a pleasure to be able to join you and my colleagues this evening. We have had a busy day and dealt with a lot of different questions and issues. And, yet, on the minds of Americans I believe all across our country people are thinking about the economy, they are thinking particularly about jobs, and they are also thinking about what appears to be imminently approaching, at least the beginning of the new year, the largest tax increase in the history of our country.

That's an odd thing to be approaching at a time when there is a high level of unemployment and a lot of uncertainty in terms of the economy. And of course that is a matter of some considerable debate and discussion and different political maneuvering. We won't talk so much tonight about political maneuvering, but try to stick more in

the area of some understanding of economics and the things that we need to be doing to put America back on the right track.

I think Americans really want Congress to fix it. They don't want to hear a lot of discussion and talk. They want to know let's just get things organized, get it straightened out, get the economy going, get people back to work. You know, there is a choice people really have in our country of two different things. One, you can have bureaucracy and food stamps, or you can have a job and a paycheck. I think most people in America really want a job and a paycheck.

So that's what we are going to talk about tonight. I am joined by a couple of my esteemed colleagues, people that are very long on common sense, so they are my friends, but also people that I believe that very much are respected not only by their own delegations, the people that elected them, but increasingly known across the country.

I am joined by my good friend Dr. GINGREY. I don't know how many careers he's had. That's why he got the doctor part. He delivered a bunch of babies, I believe, down in the Atlanta area, and also has been a State senator, and now has joined us here and helped us on a lot of health care questions. But also pretty good on these economic things. And G.T., all the way from Georgia, all the way across over to Pennsylvania, and another small business man who worked in health care businesses privately, but also a Member of Congress and a good conservative friend of mine.

I am going to start off, before I call on them to join our discussion here this evening, and just talk a little bit about something that when I first came to Congress 10 years ago seemed a little odd to me. In fact, as an engineer it almost seemed like water running uphill, because people were saying that if you cut taxes, the government can take in more money. Now, that seems like an odd thing, doesn't it, that you can cut taxes and have the government take in more money.

Well, what's going on there is an effect that when you crank taxes up high enough, you stall the economy. When the economy stalls, you can keep running the taxes up, but you don't get any more revenue because things are not working right and the machine isn't churning out any money, so you actually lose money. I came up with a way of explaining it.

And we had a chance to have Art Laffer, an economist back with the Reagan administration, who came up with this understanding. And he explained it in different ways the other night earlier in the week. But the point of the matter is that you can actually cut taxes and the government gets more money.

Here is the way it might work. Think about a loaf of bread, and you are king

for a day, and you got to tax the loaf of bread. What are you going to tax it, a penny or \$10? You go back and forth in your mind and say penny, it's easy. I can get everybody to buy just the same loaf of bread that they do today. So we would sell a lot of loaves of bread and maybe get a penny for each one. But that doesn't add up very fast. Maybe I can charge \$10 on a loaf of bread. Well, maybe people wouldn't buy very much bread, but boy when they did, I would get 10 bucks.

Well, common sense would say there is someplace between a penny and \$10 on a loaf of bread where you can collect the most taxes. And that's what's going on. When the government cuts taxes, it actually gets the economy going. And this chart shows that. It's called the Laffer Curve. This red is the tax rate, and then this here is the Federal revenues. So what we are seeing here is that you have a ratio. As you start to drop taxes, actually the Federal revenue goes up. And that's what's happened a number of times. We are going to talk about that.

But would either one of my colleagues want to join in and talk a little bit about where we are going, what we ought to be doing? What do we do on the biggest tax hike in the history of the country? Are we going to let that go into place in January or not? What do you think?

Mr. THOMPSON of Pennsylvania. Well, first of all, I want to thank my good friend from Missouri for hosting this hour. This is a very important issue. We are facing, without action and intervention, the largest tax increase in the history of our country. And the Laffer Curve and the professor that put that together, very smart man. And I think it's very telling. I think that actually it could be named, take a little creative license, and in addition to being a Laffer Curve, a curve of uncertainty, or certainty.

Because there is some point in there, and you have already mentioned that word, that you either have certainty in the economy, and jobs are created, and economic development happens, or you have uncertainty and things come to a screeching halt. And that's what we've seen over this past 2 years-plus in terms of the economy. And that's jobs.

And the one thing I tell people, or what I hear when I go around and I talk with the people at home—frankly, I talk with the people who are the job creators—it's uncertainty in the economy. And a lot of that has to do with taxes. They don't know what taxes are coming. They have been not just these—and some people will call these the Bush era tax cuts. Frankly, I will call them the people's tax cuts. We have been enjoying them for almost a decade now. It's been money in the pockets of the people at home. They are making decisions.

But it's not just those; it's all the taxes that have been layered on bill

after bill by this Democratic Congress over the past 2 years. And I've talked with many people who are—normally every year they will take part of their profit—and that's not a bad word. That's a good word. That's what's made our country strong. And they will take that profit, and they will reinvest it in their businesses.

□ 2150

They will build a new location or they will add a service line or a product line or maybe they are just repackaging something, yes, freshen it up, and they hire people. When they do that, they create prosperity, they create jobs, and they are sitting on the sidelines right now. And a big part of that has to do, I believe, with these taxes, that with no intervention by January 1, the largest tax increase in the history of our country goes into place.

Mr. AKIN. Well, I really appreciate your perspective, and I think you are right.

I had a similar experience back in my district in the St. Louis area. We had a meeting that we had on Main Street. You know, you have got to have a Main Street. In downtown St. Charles, across the river from St. Louis County, there is a Main Street in downtown St. Charles. So we asked a bunch of small business owners, I think about 40 or 50 of them, to come to a meeting about a year or so ago.

We just asked them. I said, Here's the deal. I am just collecting information, and I have my own opinions as to what you are going to say, but I want you to give me your best shot. What are the things that are going to create unemployment?

And, of course, the converse of that is, if you don't do those things, then employment will come back. What are the things that are really enemies to just wrecking the economy?

And they gave me a list of five things. We didn't actually put them in order, but the one that came to their mind first was taxes. It was just basically along the same lines as what you are saying, gentlemen. Because, if you are a small business man and you get taxed and taxed and taxed, it takes away the money you have to invest in new processes, new technology, new lines of equipment, adding a wing on the building, putting some machine tools in there, whatever it is. All those things create jobs. But if you take all their money away, then they can't make those investments.

Now, if you do what FDR did and you do it over a sustained period and you keep lowering the boom on them, you will not just cause them to hunker down and not hire. You will just put them out of business. Then it will be a long time before that business ever comes back again. So far, I don't think we have shut them all down yet; although, a lot of businesses have had to

close. There are still businesses out there.

If they had the revenue, and if the Federal Government would get off of their case, I think we could see some jobs turning around. But the very first thing they mentioned was taxes, and the second thing you mentioned was uncertainty. They mentioned that about second. So you were exactly in line with the St. Charles people. People in Pennsylvania and the State of Missouri—

Mr. THOMPSON of Pennsylvania. Pennsylvania folks and Missouri folks think the same way.

Mr. AKIN. Same way.

Dr. GINGREY, I see you in a contemplative air there, and we would love to hear a little wisdom on the subject of free enterprise as well, my friend.

Mr. GINGREY of Georgia. Well, Mr. Speaker, I thank my gentleman friend from Missouri for giving me the opportunity to join with him and with Representative THOMPSON of Pennsylvania in this Special Order hour this evening talking about taxes and job creation and the State of the economy.

And certainly, as we look at his first slide and the Art Laffer curve referencing, of course, as the top marginal tax rate over the last 40, 60 years, in fact, has gradually decreased, then the amount of revenue has, in turn, increased. And we have seen that, Mr. Speaker. We saw it in 1960 with the Democratic President John F. Kennedy. We certainly saw the same thing occur in 1980 under our great communicator, President Ronald Reagan. The economist Art Laffer, talks about this often, presents it in a very simplified form with his Laffer curve.

You know, I think one of the things our colleagues need to understand in regard to the so-called Bush tax cuts, and as Representative TODD AKIN has pointed out, Mr. Speaker, it's really been 10 years ago, and so it's a Bush era.

But in a time when those lower marginal rates were enacted back in 2001, 2003, we cut the taxes on dividends from a marginal rate to 15 percent, capital gains from 20 percent to 15 percent, even for the low-income earners to 10 percent. I mean, these things had a profound effect, positive effect on revenue.

And, of course, when you are faced in an 8-year period of the Bush administration with two wars, the 9/11 attack, the dot-com bubble burst, certainly deficits are going to go up, debts are going to go up, but revenue continued to go up. That's something that I think people need to understand to put it in the proper context.

Certainly, as we continue this discussion this evening, I want to close my opening remarks, if you will, by saying this President, President Obama, I am very encouraged by the coming together with the Republican leadership

in regard to deciding what is best for this country, what could best stimulate the economy, put people back to work, not have another November unemployment rate of 9.8 percent and over 14.5 million people unemployed—and not only unemployed but, Mr. Speaker, over 40 percent of them unemployed more than 6 months. So this is why the President, thank God, has been, it seems to be, trying to moderate his position.

To say to a Republican leadership, I do agree. You have maybe dragged me crying and screaming to the alter of sanity in regard to fiscal policy, but we cannot, in a recession with these kinds of unemployment rates and this number of people unemployed for this prolonged period of time, we can't raise taxes on anybody, and we are not going to do that.

And I thank God that the President kind of sold the wisdom—I mean, he has said many times in the past, elections have consequences. Indeed, I think he knows now that on November 2 the American people have spoken, and he is coming our way.

I can only hope that the Democratic leadership and the rank-and-file membership of the Democratic Party will listen to him and will listen to Vice President BIDEN as they come over here and plead with this Democratic majority that it is time to get on board and to moderate, not for the sake of the next election, but for the sake of this and the next generation.

Mr. AKIN. I really appreciate what you are saying, and I didn't think I was going to be saying anything complimentary about our President, because it seems like all his policies relative to the economy and jobs and all seemed like it was highly destructive. He was making the same mistakes that FDR made. He wouldn't listen to Henry Morgenthau.

We on the floor came out here, both of you gentlemen, week after week after week now for the last couple of years. We talked about the idea of the stimulus bill and the idea that you can grab your bootstraps and lift and fly around the Chamber; it's about as reasonable as fixing a bad economy by a Federal Government spending money. It doesn't make any sense in a commonsense way, and it has never worked, never worked historically.

But both of you have made references to what does work. And if you are Democrats, you don't have to listen to Ronald Reagan and Bush. You go back to JFK, as you have said, and he basically used this same economic principle. The idea is whether politicians like it or not.

What has to be done is that you have got to stop the Federal spending and you have got to reduce taxes and you have got to create some stability and, if you can, knock that red tape down and then give the economy some time

to breathe. And that money will eventually work into those businesses, and they will start to hiring people.

Now, we saw that happen here. This is a—I have a couple of charts here, antiques. They are a couple of years old, but they are talking about when the second part of this Bush tax cut came in place in May of 2003. I hate to admit it. I was here at that time and we saw this.

So I have got a series of charts, but this May 2003 is in the center of these different charts. And if you take a look, this is job creation. In this case, this is job loss that goes down; job creation goes up. And the red is before the tax cut and the green is after.

Now, what you see going on here is we are losing jobs heavily, 2001 to 2003. Then by May of 2003 you have 1 month that we have lost jobs. But after that, it's all increases in jobs.

So this is the kind of thing that I assume the President must have looked at and gone, Oh, my goodness. I have tried our stimulus bill. We have spent \$787 billion.

I think they spent it before they really thought the economy was that serious. So in that money, they had bailouts for the California teacher pensions and the Illinois teacher pensions. It wasn't even FDR stimulus. It was just basically pork; robbing other States to pay for the mismanagement of teachers' pensions that California and Illinois had done.

So it had all kinds of stuff in it, but it really wasn't even much of a stimulus bill. They said it was going to generate, I think it was, 3 point something or other million jobs, and the result was we lost 2 million jobs and unemployment went all the way up close to 10 percent.

So that didn't work for the President. And now he has got some true believers in the House and the Senate, the PELOSI and REID gang. They still think that you have got to tax everybody out of house and home and you can have all these jobs, but the President has had 2 years and the jobs have been going down, going worse and worse.

□ 2200

So I think maybe he's starting to pay attention to this effect. And so this first chart is actually job creation. And I have a couple of the other ones as well that we can talk about. But I want to give either of you an opportunity. If you really want to talk specifically about jobs and tax cuts, here's an example of the tax cut, and here's what happens in terms of jobs.

And I think the moral of this story is a very, very complicated economic principle which is frequently lost on my liberal friends, and that is, if you want jobs you've got to have employers. And if you don't have employers you don't have employees. It's com-

plicated, I know, but try to grasp it. You have to have a business in order to have people working for a business. And if you destroy the business, you don't have any jobs. And that's the moral of the story.

And that's why you're going to have to allow some people to have enough money to invest in their business. And it may mean there will be some Americans that achieve the American Dream. They're actually going to be rich. They're going to have a lot of money. And just because somebody else has a lot of money doesn't mean that they're having that much fun. But maybe they are.

But that's okay because the American dream goes like this: you start poor and you have something to look forward to and before too long you actually make some money and come out okay. That's the whole point of the American Dream.

The American Dream does not work. You're rich and the government taxes you into the dirt. That's not the idea. That's how the communist dream works. This is America. We've got to go from letting people who don't have so much to save and get wise and get smart and try these different ideas and pretty soon, by golly, they have some money. That's the way it's supposed to work.

My good friend from Pennsylvania.

Mr. THOMPSON of Pennsylvania. Well, I thank my good friend for dusting that chart off and bringing it out tonight. I think we need to reproduce that and get that in every one of the 435 offices because, you know, I've tried to lead my life by principles, and one of them has been the principle that the best predictor of future performance is past performance.

And here we are looming days until we have this Nation's largest tax increase in history, and what a great chart to be able to show the practical impact on job creation that tax cuts make, because you've got the documentation right there. You show it, pre-tax cuts, and you show it post-tax cuts. And the results are astounding.

We're talking jobs. And I don't—there's few issues and problems that we face, that our families face, and individuals in this country face that can't be solved by a good job. Period. Health care, economic issues, they're just so important. And I'm very appreciative, a little surprised, but I'm appreciative of the leadership that the President has shown in the past week or so in terms of really what appears to be—and I have to tell you in the first bipartisan real true bipartisanship that I've seen my first 2 years here in Congress.

Mr. AKIN. I about forgot what that word meant.

Mr. THOMPSON of Pennsylvania. Yeah. And the fact is, and it seems like he's embraced, he's figured out who those job creators are. I mean, our colleagues on the other side of the aisle,

they'll be the first to, and I'm sure when we get into, more into this debate, you're going to hear them talking about all we're doing is providing tax relief for the wealthy, and the top 2 percent of wage earners in this country fall into that category. It's, by definition, it's people that make \$200,000 or more a year and file their taxes individually, or \$250,000 and file jointly with their spouse. And you know, in my congressional district, and I suspect in yours, that's a lot of money.

But when we really look and drill down a little further and see exactly who those people are, and it's amazing to me to find that it's the people that are reflected on that chart with creating, it's the job creators that created those jobs that showed up after those tax cuts in 2003, 2004, 2005, 2006, 2007, because 60 percent of those folks or more are people who organized their businesses as a sole proprietorship, a limited liability corporation, or a sub chapter corporation. And they pay their taxes as an individual.

So, yeah, maybe they make \$200,000 as an individual or \$250,000, but out of that, they make a payroll. They create jobs. They provide prosperity, both for themselves, and there's nothing wrong with that. That's the American Dream, to work hard, to take risk, to sacrifice and to achieve great things. That's the American Dream. And so that needs to be rewarded.

But also they create prosperity for other people. Those are the job creators. And I am so thankful that President Obama has, in a very enlightened way, embraced that in coming together in this bipartisanship of his making, extending these tax cuts.

Now, honestly, I would really like to see, if I had, if I was king for the day, and I think you all would agree, we'd make them permanent because that's the best way to provide continued certainty in the future. But this is Washington.

Mr. AKIN. But, gentleman, you did mention the point that if you take a look at what it is businesses need, they need to have the taxes off their back. But they also need a certain sense of stability, because you're not going to make a decision that's really going to be with you for a long time if you're not, if everything looks turbulent in front of you. You want to kind of hunker down and wait and get through the not knowing where things are going to bounce. And you see if those tax cuts are permanent, that gives you that sense of, okay, now we know what the environment is that we're in. And people take some risks if they think, okay, things are going to be stable a little bit.

Mr. THOMPSON of Pennsylvania. They do that in forecasting, and they build their business plans and their business models.

Mr. AKIN. I got an email before I left St. Louis from one of those people. And

the choices are really more bureaucrats and food stamps or more jobs and pay checks. You know, that's the choice. Are you on the bureaucrat/food stamp team, or are you on the jobs and pay checks? And most of the people I know, they kind of hold their head up and they'd really like to have a good job and a decent pay check. You feel better at the end of the day than a bureaucrat telling you what to do and giving you food stamps. And that's the choice.

And this guy was complaining about all these tax cuts for the rich. Blah, blah, blah, you know. And the fact of the matter is that the people that this thing affects is the people who own the businesses. And if you don't allow them to have some of their own money to plow back into the business, you're not going to have the jobs. And people miss that.

And then it's always this class warfare, rich and poor. This guy's too rich; we ought to take him down, you know. And it's because we forget the American Dream. It's okay for some that you have some money. It's okay for them to run a business and hire people. That's what we want. That's what we're trying to accomplish. And that's what this all shows, that when you ease off on the taxes, it's a blessing to everybody.

And I know my good friend from Georgia is not going to let that talk about the American Dream go by without a comment or two, because I'll tell you, that Georgia delegation's looking like they're some pretty patriotic folks, and I'm proud of your State for who they're sending down here to Congress.

Mr. GINGREY of Georgia. Mr. Speaker, I thank my friends from the Show Me and the Keystone States. We Representatives from the Peach State are very proud of our colleagues and the commonsense discussion that we're bringing to the House floor this evening as part of this Special Order hour, pointing these salient points out to both our Republican and Democratic colleagues.

And I join with my friends in saluting the President. I would only wish that I had the opportunity, not being part of either the current Democratic majority leadership or the current Republican minority leadership, to be in that room over at the White House, the Oval Office or wherever they've gotten together to sort of discuss these things.

But I would love to be a fly on the wall and listen to some of the advisers. Of course Christina Romer's gone, Peter Orszag's gone, but people like David Axelrod and others are still there. And I can just hear them saying to President Obama, you know, Mr. President, we have given you some advice over these last couple of years and, indeed, you've gotten some advice from Speaker PELOSI and Leader REID

and the members of the Democratic majority in the legislative branch that hadn't worked out too well. And, you know, Mr. President, you had said to the American people, elections have consequences and, indeed, you know, we're looking back on November the 2nd and seeing a net gain of Republicans, a net gain of 63 in the House of Representatives and a net gain of six in the United States Senate, Republican Members, and something like 600 Republican new Members in State legislatures across the country; 29, in fact, new Republican Governors.

Mr. President, indeed, elections have consequences. It's time, sir, for you to maybe moderate, to get back to the middle a little bit and to listen to the American people. If it's so partisan that you can't listen to the minority party, listen to the American people.

□ 2210

They have spoken loud and clear. They are saying it makes absolutely no sense to raise taxes on anybody, especially those who create the jobs. You know, I had heard and have heard from my Democratic colleagues, Mr. Speaker, this mantra, you are going to cut taxes for the rich and it is going to add \$800 billion to the deficit, totally ignoring if you cut taxes for everybody else making less than \$200,000 a year, that you are cutting \$3 trillion of revenue out of the budget.

So where is the concern. You are concerned about spending \$800 billion to extend the tax cuts for everybody, but you totally ignore the fact that keeping the tax rates in place for everybody making less than \$200,000 a year, if you listen to this arcane way of scoring, CBO, that is a \$3 trillion increase to the deficit. Our colleagues tonight, Mr. Speaker, are talking common sense, and that is what the American people want. They understand it. They understand when you have a 14.5 million population out of work, an unemployment rate in November alone of 9.8 percent and over 40 percent of these people out of work more than 6 months, no wonder they are begging for an extension of unemployment benefits to the 99 weeks for these additional workers.

But the bottom line is when the President comes together with Republican leadership and says: I agree, it is a give and take. It is a check and balance, and I am going to sit down with you guys and gals and I am going to agree that we are going to keep those marginal tax rates just where they are for everybody, we are not going to let the taxation on dividends go back up to 39.6 percent. We are going to keep it at 15 percent so mom and pop can get a decent return on the dividends, we are going to let capital gains stay at 15 percent. And, furthermore, we are going to cut the payroll tax one-third on Social Security, from 6.2 percent to 4.2 percent for the individual, for the employee.

It is a little contradictory to do that at the same time under ObamaCare that we raise the payroll tax 3.8 percent on the so-called high earners, but that is a whole other story.

But I think we are coming together with the President. I am pleased with that. I am pleased with him. I think we need to look very closely. Obviously, it is not perfect. I know there are Members on our side of the aisle, Mr. Speaker, who are very concerned with the fact that extending unemployment benefits for another 13 weeks to 99 weeks for those who have been unemployed for more than 6 months is not paid for, and that is a concern and we need to address that.

But again, this opportunity to come together on the floor tonight to talk in a bipartisan way to all of our colleagues, to say yes, the American people want us to do this now. They don't want us to wait until after January 1. They want us to get this accomplished now.

I thank my colleague for giving me an opportunity to weight in.

Mr. AKIN. I appreciate your perspective. One of the things, when you keep looking at this from the poor people/rich people kind of continuum, that is really the wrong question to be asking. The question should be: What do we need to do to put the economy back on track? That should be the question. What do we do to provide jobs and paychecks? That is our objective, not to discuss whether somebody is paying too much or their fair share of taxes.

I forget the exact numbers, but as I recall, I think it is the top 10 percent of people who pay income taxes, pay something like over 70 percent. All of the tax money that is paid to the Federal Government comes from only 10 percent, and the bottom 40 percent pay zero. Now that is a pretty graduated income tax, that you have only the top 1 percent paying a very, very high amount, I am trying to remember if it is as much as 50 percent but it is quite a lot. But all of this stuff about the rich and the poor and the pay, it really should be about America. It should be about the American dream. And it should be common sense that when the economy is in bad shape, the one thing you do not hear anyone with any common sense saying is that you want to increase taxes. That is just plain nuts. And yet that is exactly the train wreck that is about to happen January 1 if this Congress doesn't take action.

I at least credit the President for getting the message. He got it late. I don't know whether he has true religion or not, but he appears to be on the right track. At least they are going to keep these things going for a couple of years so in the middle of a recession we don't hammer the economy with another shot.

But let's look at this from a logic point of view. Here is another chart.

This is the GDP after the tax relief. This is the same tax relief in 2003 May. In May 2003, we did the tax cut here for dividends, capital gains, death taxes. Take a look at what the GDP is then doing. This is gross domestic product before the tax cut. You can see, it is kind of a shaky line. The GDP not up to 3 percent, dropping down so we are actually losing it on a couple of different quarters here.

Then you put this tax cut in place and look what happens to GDP. It looks like you just gave it a shot of fertilizer all of a sudden. So you can see there is quite a difference in the average. So not only from the first chart that we saw here, not only did the tax cut affect job creation, job creation is much better. It doesn't surprise you, when the job creation is up, so also your gross domestic product is up.

These are a couple of charts that show this effect, that tax cuts don't really lose the government money. They actually get the economy going. That is why JFK did it. That is why Reagan did it. That is why Bush did it. It worked in all of those instances. That is what we should be doing.

In this case, unfortunately, what we are talking about is not a tax cut. What we are talking about is a tax increase which we are trying to prevent. It is a very different thing. If we prevent an increase, it means that the damage won't be done. But these things economically, they work both ways. If you do one thing it makes it better; if you do the reverse, it makes it worse. So why do we want to do a big tax increase? It doesn't make any sense.

My last chart, this kind of completes it. Here is the tax cut right here. This is Federal revenues. This seems to be an odd chart, doesn't it? You have 3 years of decreases. As we are going into this recession, you have capital gains, dividends, and death tax, and all of a sudden you have cut taxes and what is happening? Federal revenue is going up. That is why the deficit under Bush, even though we had a couple of wars going on, things were looking better because we had 4 years. This chart was made back in 2007, I guess, because we had 4 years of straight increases where we did this. So do you want to reverse this thing now? Do you want to put the biggest tax hike in the history of the country and have that effect go the other way so Federal revenues plummet, jobs plummet, and GDP plummets? Is that what we want to do for January 1? I don't think so.

I appreciate you gentlemen being out here on the floor tonight and standing up for the commonsense Americans who know. We say if there is a recession going on and the economy is not strong, we say what you have to do is cut taxes. You have to cut government spending. You have to cut redtape. You have to create certainty.

The average person on the street in our districts understands that. The average business person says of course. Even an awful lot of people who are carpenters, machinists, they are people who work with their hands. They are people with a lot of common sense. They understand when you are in a recession, when you have economic problems, you don't go out and just bust the budget spending money. They look at what goes on in this city and they think, what in the world is wrong with that place? We need to get some people in there that will talk some common sense.

Fortunately, we think that the President is, whether it is because he really believed or because he just felt the political heat, has put us back in the right direction not to reverse this very thing that worked so well for us. Now this doesn't solve the problem we are in; it just prevents an evil from happening. But right now that looks good.

I see my friend from Georgia, Dr. GINGREY, has joined us again, and I yield to Dr. GINGREY.

Mr. GINGREY of Georgia. Mr. Speaker, I thank the gentleman for yielding.

I wanted to at this point interject once again my thoughts as a physician Member of this body about the enactment in March of this past year, almost 10 months ago now, of the Patient Protection Affordable Care Act of 2010, or what we refer to as ObamaCare.

□ 2220

Mr. AKIN. I thought that was socialized medicine. That's what I call it.

Mr. GINGREY of Georgia. Well, there are a number of terms to describe it. I think, if you do look at a Canadian system or if you look at a British system or many other countries across the world, certainly it is a national health insurance program or, certainly, a march in that direction, and some people do refer to it as socialized medicine.

When I joined the Energy and Commerce Committee at the beginning of the 111th Congress, when President Obama took office, I had the opportunity to serve with our Governor-elect of the great State of Georgia, Nathan Deal, who was the ranking member on the Health Subcommittee on Energy and Commerce. We saw that, as this bill came forward, you know, right after several months of trying to pass and, indeed, passing in the House so-called "cap-and-trade," not all of the above, that there was this great emphasis on a carbon tax and on an energy bill that would end up costing every family in this country about \$3,000 extra a year in utility bills.

So we spent all of this time on this. Why? Was it because elections have consequences or because this was near and dear to the hearts of a Nobel laureate for Vice President Al Gore or our very liberal Speaker of the House of

Representatives, Ms. PELOSI, from Haight-Ashbury? You know, I don't know. They were determined, since they had these giant majorities, Mr. Speaker, that we were going to do these things come heck or high water.

Then, all of a sudden, you come with this health care bill that costs in a very conservative—I don't know—almost “cook the books” estimate by the Congressional Budget Office of only \$1 trillion at a time when, as the gentleman's charts depict, we were suffering. The American people were suffering. People were out of work. There were 16 million who were out of work. If you had asked them after 6 months of unemployment, Hey, you can have your job back, but we're not going to be able to offer you health care, they would have taken it in a minute.

So it is a matter of priorities, Mr. Speaker, and that is what I want to point out to my colleagues. We wasted a lot of time spending a lot of money while people were suffering and couldn't support their families, while they didn't have jobs and while they were becoming frustrated, depressed and angry. By golly, the result was the election on November 2.

I think the President got a wake-up call, and to his credit, he has awakened. What we are talking about a lot here tonight is to say we tip our hat to him in order to be able to come together, to be willing to moderate and to do something to get us back on track.

Now, I don't know at what point he might, if ever, admit that ObamaCare was a mistake, but come the House majority of the Republican Party in the 112th Congress, we will, as depicted in our Pledge to America, do everything in our power to repeal that expensive monstrosity that failed on every promise: if you like what you have in health care, you can keep it. It's going to lower the cost of premiums, and on and on and on.

So I yield to my colleague as we continue to have this spirited discussion.

Mr. AKIN. Well, you know, I really appreciate your perspective, particularly as a medical doctor.

As to the whole medicine thing, you know, the public just isn't behind it. We have had enough trouble with the government running Medicare and Medicaid. As to those things, all of the economists—liberal and conservative—say that, at the rate they're growing over time, because of the changing demographics of the population, they are going to put us in the poorhouse nationally in terms of spending.

Well, if the government can't manage Medicare and Medicaid, how are they going to manage the entire medical system?

The public does not want the Federal Government running our health care system, and that's what was shoved down our throats. That \$1 trillion price

tag, as you correctly point out, gentleman, that is a very optimistic trillion-dollar price tag. It is going to cost much, much more than that.

You're right. The Republican leadership and all of us are committed to trying to stop that bill. That's not so easy to do, but at least we will try to defund it. Eventually, if there are enough votes, we will try to repeal it. There are certainly things that need to be done to health care in America to improve it but certainly not just throwing it under the bus and having all of health care taken over by the Federal Government. That has to be repealed, and then we can start with what we are going to do to the existing system.

So that's just one of a whole series of these things, which is just runaway Federal spending. Boy, is that ever a recipe for disaster.

You know, you mentioned your constituents were upset and angry and worried and scared and all those kinds of things. The three of us here on the floor have been feeling that way also for 2 years. I was ready to move away to some island somewhere if the election results hadn't come along the way they did. Now, at least, I think there is a little ray of hope.

Today, we've been talking about the fact that we want to change the way things are done down here. We've taken a few steps even today, announcing how the House is going to be run in a much more businesslike kind of way. We're going to know what our schedules are, and we're going to know when the last votes of the week are so we'll actually be able to plan our time and schedules and do a better job in visiting with our constituents. I think that is a very encouraging first step.

I think the other thing that was very encouraging to me—and I don't want to get too much into the touchy-feely department. You know engineers don't do well in the touchy-feely department. But I remember our first meeting a couple of weeks ago. The Republican Party got together in a conference, and we had won the biggest election since 1946, which I don't remember. I was born in '47, so it was a year before I was born. We had the biggest victory we have ever had, and the tone in that room was dead sober, and the attitude was:

We've been given another chance, and it's time for us not to do the same old things. It's time for us to really do what is right and to use some common sense. Let's get this mess under control. Let's stop the Federal spending. Let's start cutting the things that need to be cut, and let's start backing off on the taxes in order to get this economy back on track.

We don't think that the American Dream is bureaucrats and food stamps. We think it's jobs and paychecks. That's the course that we think the public has told us to take. Common

sense, a good bit of hard work and good management is what is required—and also learning a little bit of something from history. That's where we have to be going. There is a strong commitment now. Even the President has seen this, and we are encouraged.

Congressman GT, I just really appreciate the fact that you run your own business and that you have that just commonsense kind of experience to know what it takes to make it work. A lot of Americans understand that; but somehow or other, for a couple of years, the majority down here just hasn't gotten that.

The fact of the matter is we are, right now, kind of sitting at this precipice. You know, we're just a week or two away from January 1; and the question is: What is going to happen on this massive tax increase? Are we going to get, after these last 2 years of not only socialized medicine, but the idea of cap-and-tax or cap-and-trade or whatever it was about the global warming thing?

You know, I asked my constituents a question on a survey: Are you more concerned about global warming or about our dependence on foreign oil? Do you have a guess as to what the results on that were? About 80 percent said, We're worried about being dependent on foreign oil. Let's keep this conversation somewhere in the reasonable zone.

Anyway, I yield to my good friend GT.

Mr. THOMPSON of Pennsylvania. I appreciate that.

For my whole life as a young boy, I grew up in a family-owned sporting goods business. It wasn't a very big operation. It really was my mom and dad, a brother and a sister. The store was open 7 days a week and for 12-hour days. As a teenager, I remember I had the 6 a.m. shift on Saturday mornings.

Mr. AKIN. Whoo, what did you do wrong?

Mr. THOMPSON of Pennsylvania. I felt like I was getting up in the middle of night back then. In the hunting season, there was ammunition and supplies. In the fishing season, it was bait and minnows; but it was a wonderful way to grow up and to be able to see and to live the private sector, because that's what it was. We were immersed in it, and it was very positive from that standpoint of interacting with the public.

At the same time, it was a front row seat on just how many burdens the government can layer on business and on jobs. Whether it was taxes, whether it was regulations, they were just incredible, incredible burdens.

You know, I guess I have very fond memories, but I have some very useful lessons that I take from those early years. I then went on into health care and created jobs and managed rehabilitation services and worked within a skilled nursing facility.

□ 2230

We're talking taxes tonight and the impending, looming taxes that will go into effect here January 1.

Probably about 2 months ago, I was in Titusville, Pennsylvania; it's where one of my district offices is. We just happened to be having an event there one evening. Titusville may sound familiar to those who remember their history. That's where we drilled oil for the first time anywhere in the world in Titusville, Pennsylvania, 150 years ago. We are very proud of that. We call it the valley that changed the world with the discovery of oil. But I was talking—

Mr. AKIN. Would that have been about 1870s or so?

Mr. THOMPSON of Pennsylvania. Yes, absolutely. This is our 151st anniversary.

But I was talking with an individual whose family actually had roots maybe going back 151 years. I was talking with this gentleman, and he has a family business. His family has been in this business for at least 100 years or more. And he talked about how just during his lifetime—now this is just his lifetime—he has had to purchase his family business from the government three times, every time a generation has passed away. That's just morally wrong, and it's economically stupid. The fact is this is a company that has, for over a century, created and provided really good jobs for that community, for that part of Pennsylvania.

Mr. AKIN. And yet he's having to buy his own company back from the government.

Mr. THOMPSON of Pennsylvania. Because of the—I guess the official word is the "estate" tax.

Mr. AKIN. It's a death tax.

Mr. THOMPSON of Pennsylvania. I like to call it what it is: it's a death tax. And we know that today, as a result of these tax cuts, the schedule that was set up almost 10 years ago, for someone that passes away in 2010, the death tax is zero percent.

Mr. AKIN. They've already been taxed all through their lifetime. They have saved something up for their kids and they die.

Mr. THOMPSON of Pennsylvania. Which is a part of the American Dream.

Mr. AKIN. And they want to pass it onto their kids. So the death tax is going to tax them, whereas if they had gone out and got drunk and gambled it away, they wouldn't have to pay any tax. So what sort of incentive is that? It's immoral, you're right. I'm sorry, I didn't mean to interrupt.

Mr. THOMPSON of Pennsylvania. No, you're making great points. And I think those are points the American people understand, that the American Dream is you work hard, you sacrifice, you take risk, you accumulate wealth, you make profit, and you want to pass

it along to your children or grandchildren. You want to provide for them. That is the American way, it's the American Dream. And what does the government do? The government comes in and takes a large portion of it back.

There have got to be a lot of people right now thinking that it would be much better, more convenient to die between now and December 31 because the estate, the death tax is zero percent. But if you are unfortunate enough and you die 1 minute after midnight on January 1, it's 55 percent. If you think about someone that owns a business like that gentleman, or a family farm for that matter, I mean, what part of a business or a farm do you sell, do you liquidate in order to come up with 55 percent? If it's a farm, do you sell the livestock? Do you sell the barn, the outbuildings, the acreage, the crops, the equipment, the resources, the inventory? If you sell any of those, you don't have a business or you don't have a farm. And frankly, people don't have jobs because we drive those jobs out. I think there are many taxes like that, but that is just one of the most egregious ones and it's coming back.

Mr. AKIN. That death tax is a killer, isn't it?

Mr. GINGREY of Georgia. If the gentleman would yield back to me. And I would claim time from my friend on this same point that I think we do need to elaborate on this.

I would, Mr. Speaker, suspect that all of my colleagues—certainly most of my colleagues on this side of the aisle, the Republican Members of the Congress—would philosophically agree that there should be no tax on death. Death should not be a taxable event. I think Steve Forbes, the brilliant owner, editor and publisher of *Forbes* magazine, said a number of years ago when he was running for President—I will always remember this—"no taxation without respiration." I love that comment. And as a physician, I certainly can relate to it. And again, I would prefer that there be no death tax, estate tax, as our friend from Pennsylvania, Representative THOMPSON, has just said. This year there is none, there is no taxable event if you die in this calendar year of 2010; but you better hurry up and do it because come January 1, all of a sudden the estate tax goes up to 55 percent with a little old exclusion of \$1 million. Well, there are many, many, many small business men and women and farmers who paid for that investment with after-tax dollars that would get hit with that.

So as part of this compromise, as my colleagues know, Mr. Speaker knows, the President sat down with the Republican leadership and said, you know, you guys passed a bill on the House floor and it would be a 45 percent tax on everything above \$3.5 million, but

we will compromise and agree that there will be a \$5 million exclusion and the tax on the overage would be only 35 percent. In fact, that's what soon-to-be-former Senator BLANCHE LINCOLN from Arkansas had proposed on the Senate side, along with our Republican colleague, JOHN CORNYN from the great State of Texas. They wanted to do that. That was the bill in the Senate. So basically, again, the President has recognized that.

So we get down to the point where .03 percent—a very, very low number—of estates have any tax at all. Well, do our colleagues on this side of the aisle, do the American people say, oh, well, the principle is no double taxation, no taxation without respiration, or do we accept this compromise where hardly anybody pays an estate tax? Again, these are tough questions. They are going to be tough for our Republican colleagues in the House and Senate and I guess tough for our Democratic colleagues as well because they want the 55 percent and they want the exclusion to be \$3.5 million or less.

So these are the things that we are debating. I think the American people need to know about it. Mr. Speaker, our colleagues need to think about it. But again, I will take the opportunity this evening to commend the President to be willing to come that much closer to what the American people want.

Mr. AKIN. Right. I think what Congressman THOMPSON said earlier about it being permanent, that would add a tremendous amount of stability to what's going on, particularly if you're trying to think about doing estate planning and things like that and it's zero this year and 55 next year—unless it gets changed to 35 and there is this exemption. But how in the world does anybody plan what's going on and how in the world can a small business survive?

You know, if you've got a multitrillion-dollar business and armies of accountants and people like that, you've got the flexibility that if the tax rules change, you move your business overseas. You don't want to create jobs in America, fine. We'll create jobs overseas. You show us the rules, we'll play the game. Big business can do that. But those small businesses that have most of the jobs in America don't have that flexibility.

And when we hammer them with a 55 percent death tax—which is what's fixing to happen, as they would say in Missouri, on January 1, that's pretty tough. You could picture a farm and, as you said, what are you going to do? Are you going to sell the fields? Are you going to sell the tractors and the equipment? Are you going to sell the sheds? What are you going to do? You inherit the farm from your dad, you've worked it, he's worked it all his life, you've got the homestead there. Are you going to sell that, liquidate the

whole thing and sell half of your farm just so you can pay the government for something that you already paid taxes on that you bought with your money?

I just can't imagine your discussion, G.T., with the family that bought their own business three times. You can see why people get a little hot under the collar.

And then what are we using the money for? That's another big question. To bail out the California teachers' pension when they can't manage their pension? That makes me mad. In the State of Missouri, we've got teachers too. They've got a pension, and they're expected to manage the pension properly. If they don't, it goes bankrupt and they don't get their pension money. So why are we bailing out the teachers of some State that can't manage their own pension? I don't understand that. That's why I don't like that great big old bailout. It was a scam, and it didn't work and a whole lot of people are hurting.

□ 2240

I was asked by a very liberal talk show host, What are you going to say to somebody that lost their job? I told them, I can't say anything. These are the policies that this liberal Congress allowed to happen, and this isn't what we need to be doing. We need to be getting back on to some good solid economic footing.

I think we've probably got about 3 or 4 minutes, but I would be happy to yield to my good friend from Pennsylvania. Congressman THOMPSON, if you would like to add a couple of finishing comments.

Mr. THOMPSON of Pennsylvania. Sure. Just real briefly, you had a chart there that showed a lot of different spending schemes, health care, IMF bailout, the bank bailout, the omnibus. We're talking billions of dollars are being spent and all in the name of supposedly good causes. I question many of those as being very ineffective.

Mr. AKIN. You've got your Wall Street bailout here, economic stimulus. Boy, that was a doozy. Here's that socialized medicine at \$1 trillion. That's the Optimist Society's version. They are not going to get by with \$1 trillion on that. And the IMF bailout. Yeah, there are some winners there.

Mr. THOMPSON of Pennsylvania. I think the absolute best economic stimulus that we could have is extending these tax cuts. I think that what happens as a result of that is it provides some certainty back into businesses, especially those 2.1 million small businesses that create 60, 70 percent of our jobs that you referenced, Mr. AKIN. And I think if we create that certainty, we're going to see a lot of business plans take off. And what we're going to see is unemployment will go down because jobs will be created, and people will have more prosperity, and that

will solve a lot of problems that we're experiencing currently.

Mr. AKIN. Yes. We're saying, Jobs and a paycheck beat bureaucrats and food stamps.

Mr. GINGREY of Georgia. If the gentleman from Missouri would yield, and I thank him very much.

I am going to ask him to give me permission to speak and to shift gears just a little bit. I know we're talking about the economy, and that's the main point of the Special Order hour this evening. But we had another vote this afternoon that was pretty important as well, barely passed on the House floor maybe an hour or so ago, the so-called DREAM Act.

Mr. AKIN. The nightmare act.

Mr. GINGREY of Georgia. The DREAM Act which people in the 11th district of Georgia, northwest Georgia think is a nightmare. It may be a dream if these students want to go back to their own country and attend one of their great universities. But bottom line is, Mr. Speaker, I wanted to say, and I will put in the RECORD, that I came to the floor and, with my electronic vote card, voted a resounding "no." I had to step out quickly, only to come back in and find out that it wasn't recorded. That was very disappointing to me because I think that vote was to allow about 2.5 million people in this country illegally to ultimately be granted amnesty, and I think it was a very boneheaded wrong vote.

And with that, I will yield back to my gentleman friend from Missouri.

Mr. AKIN. Well, you brought up a tender topic here basically. And I appreciate you gentlemen joining us. I appreciate your commitment to the American Dream. And God bless you and the American public.

IT'S NOT A ZERO-SUM GAME

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Iowa (Mr. KING) is recognized for 60 minutes.

Mr. KING of Iowa. Mr. Speaker, I appreciate the privilege to address you here on the floor of the House of Representatives and the opportunity to express some things that are on my mind, perhaps while others are sleeping and perhaps while others are having trouble sleeping, for they see what happens around this Congress.

I am very, very grateful to the C-SPAN cameras and the transparency that exists here in the House. And I think back those years now, maybe as far back as almost 20 years ago, maybe even more, when I sat in my living room, and I watched what was going on in this room. And I listened to the speeches, and I analyzed the presentations that came from the various Members of Congress on either side of the aisle.

As I sat back, as an American who was busy building a business and creating jobs and meeting payroll for 1,440 consecutive weeks, trying to build capital where there was none that existed and shape that together so that we could take care of the longevity of my family and that of the families of the people that I had hired that worked for me and did so well to help build the business with us all together, while all that was going on, I was watching what was going on in Washington, DC, in Des Moines, Iowa. And I saw and heard the voices of the people that came forward to tell America there was something wrong in this Congress. And as I listened to them, they inspired me. They inspired me to get more involved in public life, to get engaged in politics, that there were a lot of decisions that were being made in this city and in the capital cities in the States across the land that were affecting the very lives of the American people down into their families. And a lot of folks didn't know it. They weren't paying attention.

So I started to pay attention. And from those years forward, I saw what was going on. The irresponsible spending that was taking place and the dysfunctional Congress that had rolled itself up into a point where it no longer represented the American people, but it seemed to exist for its own purposes and not for the purposes of serving the American people. And as this unfolded, personalities that were here on the floor—Newt Gingrich and Dick Armey and a number of others that stand out in my mind and cause me to think that I might be able to make a contribution at some level, whether that be the State level or the Federal level—but they convinced me that there was a broad philosophical disagreement in America. And on the one side of the aisle, you have people that believe in growing government, that government is the solution and that higher taxes are necessary in order to fund this growing government. And if there's a problem that exists out there, even if it's for a single individual, there is somebody over on this side of the aisle that will try to pass a law to fix that problem for a single individual, and government grows. And they won't look at empirical data, by the way.

I offer study after study, and they turn a blind eye to those studies. They simply want to try to reach out and touch people's heartstrings and tell the anecdote, the single anecdote. And with 300 million people, we always have someone who got the short end of the stick. That's this side of the aisle. The case of the people with the "poor me's," the ones that think that these greedy capitalists are victimizing the poor proletariat, and that it's a zero-sum game, and the glass is half empty, and it would have been maybe three-quarters or maybe, let me say, it would have been not as empty as half empty

if these people that went out and got out of bed and went to work every day and produced something hadn't been taking from that glass. It might have been full from them, they wouldn't have had to do anything.

But truthfully, Mr. Speaker, it's not a zero-sum game. And anybody that thinks their glass is half empty, their resolution of that is to go to government and ask government to tax the person whose glass has got the same level in it. But theirs, over here on this side, this is the half full side of the aisle. These are the people that believe and understand that it's not a zero-sum game, that this is a growing economy, that we don't have all of this capital that we have in the United States of America because it was a zero-sum game. We built things. We produced goods and services that had a marketable value to each other, yes, and to the rest of the world, certainly. We exported a lot of that, and America became more wealthy, and we developed our skills.

This idea of a zero-sum game that's over here on the Democrat side of the aisle, Mr. Speaker, is a self-defeating philosophy from which you could never build a great Nation. It's already a self-defeating philosophy. If you get up every day and you think you have a bad case of the "poor me's," and somebody is out there working industriously and taking from this pool that you have some right to for not earning it—if you have that attitude, you're not going to be contributing to the whole. And our job—and it should be our job on both sides of the aisle—is to increase the average annual productivity of all of our people.

Now, it doesn't mean that we won't have some people who aren't producing at all. Some can't, and we need to take care of them. Some won't, and they need to take care of themselves. And some aren't doing enough, and they need to do more. But if we increase our overall productivity, that increases our average annual productivity, that increases our gross domestic product, that strengthens us economically. It puts us in a position where we're no longer borrowing 41 cents out of every dollar we spend from somebody—often the Chinese. It puts us in a position where we can balance a budget. And, by the way, the people that are out there working and producing every day, every working day, at least—and hopefully taking Sunday off to worship—those folks aren't putting pressure on government for services.

□ 2250

They just say, Take the taxes you have to take from me and don't take any more than you have to take, and leave me otherwise alone. I will take care of myself and my family. That's the American spirit. That's the American way. It's part of the American Dream.

And so as I use that word, Mr. Speaker, "dream," the American Dream, we saw a bill come across this floor today, turned through this system with lightning speed. Who says the House of Representatives can't move quickly if the Speaker of the House determines it shall move quickly? Let's take the word "American" off of it and call it the DREAM Act. They can't call it the American DREAM Act, because that would be a high level of hypocrisy. They just called it the DREAM Act, which we described as the nightmare act.

This is an act that's been churning through the public here for a good number of years. And what it is, it's designed to give a path to citizenship to young people that came into this country before their 16th birthday, who have resided in the United States for perhaps as long as 5 years, who are willing to enter into an institution of higher learning or sign up for the military, and it would give them a path to citizenship, give them a green card right away. It would triple the number of green cards in America right away.

And these young people, they were young maybe when they came here, but still it's an amnesty bill. And amnesty, to grant amnesty is to pardon immigration lawbreakers and reward them with the objective of their crime. Now, somebody comes into the United States illegally on the day before their 16th birthday, this DREAM Act gives them amnesty.

We have lots of people that sneak across the border that aren't 16 years old. Some of the accomplished coyotes are under 16 years old. Some of the accomplished drug smugglers are under 16 years old. You have got a murderer down in Mexico that was reported in the news who is—I will call him a serial contract killer that's just been arrested that apparently—I mean, it's alleged, and he is not yet convicted, that multiple times he has executed people in the drug wars, and he is 14 years old.

So this DREAM Act would give everybody that came into the United States illegally, whether it was on the first day of their life, perhaps they were born across the border and they came into the United States on the first day of their life and were nurtured here and went to school here, gives them—the result is an in-State tuition discount to go to college or perhaps go off to the military in the United States on a path to citizenship and the ability to bring all their families in on the family reunification plan. All of that offered to somebody that maybe was brought into the United States on the first day of their life.

But it also is the same reward for somebody who came into the United States on their own illegally, as well, on the day before they were 16 years old. And that's good up until such time as they are 30.

So let's see. We can do the math on this. Fourteen years, and if this bill becomes law tomorrow, and it's possible, because it passed the House in lightning time. The Senate may or may not take it up. There is a cloture vote apparently that's scheduled. I don't think they have the votes. They should not have the votes.

But in any case, if someone comes into the United States the day before their 16th birthday and this bill becomes law the day of their 30th birthday, they would be covered under the DREAM Act. They would be able to apply for an application—that's presumed that they would have entered into an institution of higher learning. So you don't have to be going into a 4-year college to go off and become a brain surgeon. You could simply be entering into a tech school to become a plumber or an electrician or a barber or a beautician or whatever it might be that would be a 12-month study or more. Enter into it.

You don't have to get a degree. You have to have a high school degree, which can be gotten. A GED can be picked up, and then you could have never gone to school. You could pick up your GED and then apply to go off to beautician school. Those things are all that's required, and you would get approval for your permit that would give you immediately a green card, access to the welfare system, and the ability down the line in a little ways to bring in, through family reunification, all your family members. They could number in the scores, of your family members, all come in. This reward for somebody that next week might turn 30.

And the chairman of the Judiciary Committee tells me never fear, because they have good background checks and they have good, solid biometrics that they are using—checking out his word here—biometric information that's there with a good background check with the FBI doing this good background check, Mr. Speaker.

Well, I will tell you that it doesn't do lot of good to ask the FBI to do a background check on somebody that came into this country before or after their 16th birthday that doesn't have a legal existence in their home country. If they were not born in a hospital in Mexico, for example, it's almost all the time there is no birth certificate. And about half of the time they are not born in hospitals.

So with no birth certificate, there is often not a record of their existence. And they could be anybody saying they were anybody coming here, declaring that they came here at any time without a record to back it up. All the way to 30. And they will say, well, I came into the United States. My parents brought me in against my will the day before my 16th birthday, and next week I am going to be 30. I am qualified. I

am signing up. And they will give them protection under the DREAM Act.

That's what they have passed off the floor of the House of Representatives tonight. It is a reward for lawbreaking. And it isn't for kids alone. These are old kids, a lot of them. Old kids that are in their twenties, kids that are in their thirties, kids that will perhaps be as near as—very close to or even possibly in their forties by the time that they would receive the citizenship that's promised to them under this DREAM Act.

Would we do something like that? Mr. Speaker, Thomas Jefferson once said that large initiatives should not be advanced on slender majorities. Well, this was a slender majority here tonight. It came very close. The vote was tied up on the rule, within one vote for a long time. There were 37 Democrats voted "no" on the rule. Thirty-eight Democrats voted "no" on the bill, almost all of them Blue Dogs.

A lot of the Blue Dogs have been defeated in the election last November 2, and they are here for this week and next week. And for most of them, and possibly all of them, it will be the last time they serve in the United States Congress. And most of them are pretty good people, and they were pushed into this hardcore leftist agenda by Speaker PELOSI. They had that San Francisco agenda shoved at them over and over again—to use the Speaker's expression, I believe it was—made them walk the plank.

Well, the Speaker tried to get the Blue Dogs to walk the plank one more time tonight on this DREAM Act, this not aptly named, the wrongly named nightmare named the DREAM Act. It's a nightmare act. Tried to get the Blue Dogs to walk the plank, and they said "no." They said "no" in numbers of 37 on the rule, 38 on the bill, because they are not going to go out of this town having handed the Speaker another victory that goes contrary to the best wishes of America and contrary to the American Dream.

Now, I believe in an immigration policy that's designed to enhance the economic, social, and cultural well-being of the United States of America. I believed that for a long time. And I think that American leadership has believed that, perhaps not articulated that the same way, but believed that for a long time.

And I reflect upon my grandmother coming over here through Ellis Island. And as I went through that tour at Ellis Island, it would be about 4 years ago—not quite—3½, I learned a good number of things. They gave everybody a very quick once-through physical. They watched them walk. They watched how they moved. If anybody was obviously pregnant, they put them back on the boat. If there were people that weren't good physical specimens, they went back on the boat. If they had

signs of disease, back on the boat. If they had signs of not being mentally stable, back on the boat.

They screened them before they got on the boat in Europe and looked them over and gave them all those same kind of tests before they even let them board, because the United States of America, even at the height of our immigration heyday, at the peak of Ellis Island—in fact, the peak of Ellis Island was April 15, 1905—excuse me. I have got to get this year right. Think about it. April 15, 1907, when they had the largest processing of legal immigrants in the history of the country poured through Ellis Island on that day. April 15, 1907, 11,557 were brought through into the United States across the floors on the Great Hall.

□ 2300

On average, you could do the math, cut it down 2 percent, went back on the boat and went back to Europe, wherever they came from, because, they didn't meet the standards. Even though they had been screened before they got on the ship, they were screened before they could get off Ellis Island. And I don't know how many were screened out before they boarded, but I do know that 2 percent got sent back.

Why do we do that? Because we had it in the immigration system that was designed for America. It was designed to improve the economic, social and cultural well-being of the United States of America. Because we believed in something then that the folks on this side of the aisle believe today.

We believe, and I believe, in American exceptionalism. We are an extraordinary country, Mr. Speaker. We are extraordinary for a lot of reasons.

There are a series of pillars of American exceptionalism, beautiful marble pillars, stable, solid pillars that have been carefully cut and hewn and polished and our Founding Fathers understood that and they set them in place. And I think God moved the Founding Fathers around like men upon a chess board to shape this Nation.

When I look out across the world, and I think down through the heritage of nation after nation, and I look for a country that has a history that's even similar to the history of the United States—and I don't mean that as far as the chronology of the events that took place, the wars, the depressions, those things that happen—the foundation of our country. The foundation of the United States of America is absolutely and completely and utterly unique to any of that in the world.

If you look over the last 250 years or so, the most successful institution in the world, part of it, has really been our religious institutions. But arguably the most successful institution has been the nation state, nation states that emerged out of city states when they were merged together.

What did they come from? Peoples that had a common language banded together from city states into nation states and that's what brought about all of the myriad of nation states in Western Europe, for example. That's what has set up the boundaries of our nations across the globe.

If you speak Russian, you lived in Russia. If you speak German, you lived in Germany. It's not true, Mr. President, if you speak Austrian, you don't actually have—no one speaks Austrian. But if you speak German in Austria, chances are you are home. And Czech in Czechoslovakia and the list goes on. French in France, Spanish in Spain—it's not too implicated when you think about it.

But why do we have the nation states? Because people with a common interest, commonalities, banded together, protected their interests, defended their boundaries and their borders and made sure they took care of each other and they built their nation states.

England, you speak English. United Kingdom, they spread their language throughout the United Kingdom all the way into Asia and out into the Pacific and over to the Americas. They believed in their culture and they did glorious things for the world. Wherever the English language went, freedom accompanied the language.

But still no nation has been founded upon these principles of liberty and freedom like the United States of America. And you could say that we had a continent that needed to be settled, and you could argue that it was the quirk of history that brought this about, but, Mr. Speaker, it's far more unique than that.

If we look around and we could think South America was a continent to be settled, so was Central America. And what's the difference between the United States and Canada? I could give you a few, they are pretty close to us.

And then we could roll our vision down to Australia and see a continent there that's about the size of the United States that had to be settled, settled with a Western European influence. Still, they don't have the rights, they don't have the liberty that Americans have. The dynamics of their country, however good they are, they have been very good to us as allies, don't match that of the United States.

The things that bless this country are completely unique. We are founded on a core of our Judeo-Christian principles. The settlers that came here came here for freedom of speech and religion, freedom to worship as they saw fit. They wanted to get away from King George, and they wanted to come to a place where they could be free to worship God in their way.

It's true that Old English common law and these concepts of Western Civilization and the English-speaking

component of the age of enlightenment were established there in old England. And that old English common law arrived here in the New World.

In fact, there is a plaque down here at Jamestown, Virginia, I think I will get the year right, and may well have been 1607, or really close to that—that old English common law arrived in the New World, Jamestown, Virginia just down the coastline here a ways. All those things, gifted to this Nation, blessed this Nation, made us unique, is American exceptionalism.

And the rights that emerged in the Bill of Rights, freedom of speech, religion, the press, freedom to peaceably assemble and petition the government for redress of grievances, the right to keep and bear arms shall not be infringed, the Fifth Amendment property rights, the right to be protected from double jeopardy, the concept of federalism that pushes those rights, rights of government that are granted to government by the people and rights that come from God. Now those are new concepts. Those concepts still don't exist in the world in the way they do here in the United States.

So when we get into these debates where people want to undermine the rule of law and tell me that their version of compassion is worth risking these beautiful marble pillars of American exceptionalism, that we ought to have enough compassion that we could just, for the moment, set aside these values that made this a great Nation. How can people think like that?

The thing that we should protect the most is our core faith and these beautiful, marble pillars of American exceptionalism. We must protect them. That's our oath. We take an oath to uphold the Constitution of the United States. That's our commitment.

You can't take an oath to a Constitution that's living and breathing. You can't take an oath to what some activist judge might decide it's going to be in a year or two or five or ten. The very last nine people on the planet that should be amending the United States Constitution are those nine Supreme Court justices. But occasionally they, in effect, do amend the Constitution. And I don't believe there should be anybody sitting on the bench that doesn't adhere to the deepest conviction that the Constitution means what it says and it means what it was understood to mean at the time of its ratification or the ratification of the succeeding amendments.

That's what the Constitution is. It's a contract. It is a guarantee. And our Founding Fathers made it very clear, our rights come from God. We hold these truths to be self-evident.

Our rights come from God, and the rights come to the people and the people grant the right to govern to their elected representatives and the Constitution guarantees us not a demo-

cratic form of government, not a democracy, as some would say. The United States Constitution guarantees us a Republican form of government, and I mean that as a representative form of government that's not designed to put our finger into the wind. It's designed to elect representatives who owe their constituents and everybody in this Nation their best effort and their best judgment, and we have to keep that oath to uphold the Constitution.

These are just some of the foundational principles of this great Nation, and its concepts of American exceptionalism, which is at risk because of what we saw happen here tonight, the people that would undermine the rule of law and reward people for breaking it and give them a free college education at the expense of people who are having to pay for it and don't have the access to that benefit are undermining the rule of law. They are damaging the concept of American exceptionalism and rewarding the people that have undermined our rule of law itself, American exceptionalism, and it comes from these things that I said.

They are the Bill of Rights, most of them. All of these rights, freedom of speech, religion, right to keep and bear arms, property rights, no double jeopardy. The list goes on. The Bill of Rights has most of them. It leaves a couple of them out.

One of those is free enterprise capitalism, the ability to be able to—and I mentioned property rights, Fifth Amendment property rights. But the ability to own property and know that if you pay the property tax on that property, government can't come take it away from you and that the assets of that can be used as collateral to leverage, to invest in businesses and start jobs and do the things we choose to do.

There are a myriad of individual decisions. That's another foundational concept. The free enterprise component of this, why is it, Mr. Speaker, why is it? At country after country, they don't form capital. They might start businesses, but they are in a little subsistence business where they are selling trinkets or selling snacks. But they are hand to mouth, getting by, not investing that capital, not building let's just say if you have the hot dog cart out there, they just go every day and sell the hot dogs.

□ 2310

But they're not turning it into a franchise. They're not building a restaurant, not building a chain of restaurants, not getting an idea on now I have all this equipment in here; I can start a stainless steel shop that will build all this restaurant equipment and market it to the world.

Americans are full of ideas. We're a dynamic people. We're not suitable to live under any other form of govern-

ment because we are a robust, vigorous society. And since I've gone through this list of reasons for American exceptionalism, and it's not exclusive, I have this other piece, Mr. Speaker, and it's this: Americans are full of vigor. We're the cream of the crop of every donor civilization on the planet that sent legal immigrants here. We're the cream of the crop.

The reason we are, when I say "we," I'm a descendant of, but the biggest reason we are is it was hard to get here, but there was a great reward that you could earn when you got here. And some people came here believing the streets were paved with gold, and others came here and paved their own streets with gold because there was room to achieve in the United States. And the people that came here had an extra vigor because their dream drove them to do that.

And so there's a filter that's been set up worldwide. It sets up at the borders of the United States, this the sovereign Nation, with our borders, and you can't be a nation state if you don't have borders and you can't call them borders if you don't defend them. But our borders were set up and people had a hard time getting here and getting through the system.

They had a hard time, like my grandmother, walking across the Great Hall at Ellis Island, and getting, being granted entrance into the United States of America, but they had vigor and they had a dream. They had things they wanted to build, and they didn't waste time. They didn't let grass grow under their feet. They went to work, and they committed themselves so much to this country, that they expected that the first one of my family that passed away here, the rest of them will be buried around her, and to a certain extent that seems to be the case. And I don't know the whole history of it and so I'm cautious about speaking it into the CONGRESSIONAL RECORD, Mr. Speaker. But I do know that my grandmother came here and sent some of her sons back to Europe to fight in the war against the fatherland. She was committed to America. She directed my father, who went to school, not speaking English, to never speak anything but English in the home so she could learn it because she said, I came here to become an American, and you shall go to school and learn English and bring it home and teach it to me.

English needs to be the official language of the United States of America. A common language is what binds us together. And this vigor of Americans that comes from every country in the world and every walk of life, this unique vigor, because of this filter, kept the slackers out. The doers got here because it was hard to get here and it helped to be inspired by a dream, and they came.

And so every donor civilization contributed to America, their vigor, the

cream of their crop. And now here we are. We are—some people will disagree with this, but I will tell you, Mr. Speaker, we're a race of people. There is an American race of people. We're not just sometimes what we look like, all of these colors and different configurations of God's creation in his image. We're more than that. We're a lot more than that. We have common interests. We have a common bond. We've experienced a common history. We have common rights, common privileges and a common dream, and that's to leave the world a better place than it was when we came and pass it along to our children so they can do the same. It's in our culture. It's part of our being. It's who we are. We are a common race of people as far as looking at us as Americans, but we are uncommon as compared to the rest of the world because of all of these reasons that I have said.

And we need to understand that. We need to understand what made us great. We need to preserve and protect and defend and polish those beautiful marble pillars of American exceptionalism. We need to understand what made us great and protect it and preserve it and enhance it.

And these things that go on here in this House of Representatives, in this lameduck Congress still being driven by the repudiated majority, that can take a bill that they call the DREAM Act that's been rejected by the American people over and over again, at least in the polls and of those that understand what it is, and suspend the proper function of this Congress and bring a bill like that to the floor, how?

Well, here's the proper way first, Mr. Speaker, in case that's not something that you've had an opportunity to evaluate. The proper order is this: some Member of Congress comes in, writes up a bill, says I think we need this in the law of the land. They go down here and file the bill here at the well at the Clerk's location here at the well, and then that bill is referred to a committee. Now, if it gets enough legs, if it gets enough cosponsors on it where you think it has some substance, there can be a hearing before a subcommittee or two or three or four.

The subcommittee then can take action on it and perhaps vote it and pass it into the full committee. The full committee can then hold one or two or three or four hearings also to inform all the other members of the committee. And they can then, when I say pass the bill, at each point of committee action it's an unlimited number of amendments that are germane and in order, but an unlimited number of amendments that can be offered to seek to perfect the legislation.

That's how it's been set up. It's got to be set up in such a way that you can actually fix a bad bill before it gets to the floor. And so a bill that's intro-

duced goes through a hearing and markup process in the subcommittee. Then it goes through a hearing and a markup process in the full committee. Then it goes up to the Rules Committee, the hole in the wall up here on the third floor, where sometimes they run into a little trouble because those folks don't work out in the light of day. They work sometimes at night. There's no television camera in there. Reporters don't go up there; they think it's a little boring and maybe it's not really news. If they'd come up there more often I might go up there and make some news, Mr. Speaker, because I think it would be nice to let the American people know what's going on.

So then the Rules Committee passes a rule that sends the bill to the floor. Actually, it sends a rule to the floor. We debate on whether we want to accept the rule. If we vote the rule down, it goes back up to the Rules Committee and we say get it right and send it back to us again. So we deport the rule back up to the Rules Committee in the hole in the wall, just to keep it descriptive in my language, and they come back and try again. It doesn't happen very often that a rule comes down, but once a rule is there it sets the parameters by which we debate a bill.

And our Speaker-designate BOEHNER has told the world, and I'm very glad that he has, that we are going to have far more transparency and far more open rules on our bills. So that allows Members to offer amendments and try to perfect this legislation. That's how it's supposed to work.

So a bill would come to the floor, in theory, under an open rule that would allow any Member to offer an amendment, debate it here on the floor, force a vote, force a recorded vote, or require a recorded vote. I shouldn't use the word "force." It should be a process that people in this Chamber are willing to go through and are actually eager to improve legislation that otherwise might not be as good as it can be.

And then, once the amendments are all heard and voted on and resolved, then the bill can be certainly debated in its form, final form, and placed upon its passage or, if the House passes that legislation, we message it to the Senate, right down that hallway, and they either take it up or kill it. If they take it up, they go through a similar process. That's how it's supposed to work.

The DREAM Act, this nightmare act, had an entirely different experience than I've just described, Mr. Speaker, because it didn't really exist in this House of Representatives anywhere in the form that it came to the floor today.

It worked out like this: Speaker PELOSI decided that she wanted to go along with the majority leader in the Senate, HARRY REID, and they would force a vote on the DREAM Act, whether it could ever become law or

not. And so, instead of going through the hearing process and the markup process, subcommittee, full committee up to the Rules Committee and down, they just went to the Rules Committee. At some 3 this afternoon, this bill that I don't know that anybody had an opportunity to read it before it was presented to the Rules Committee. I know that I didn't, but I maybe could have caught up with it a couple of hours earlier.

In any case, all these versions floating around, nobody can figure out what's going to move. Down from the Speaker's office comes a bill, dropped into the Rules Committee. They take this up. A little e-mail goes out to some of our staff to let us know that they're going to be hearing testimony on the rule. No amendments allowed. Some Members, myself included, go to testify before the Rules Committee. We know they're going to say no to any suggestions that we make, including any amendments that we might try to offer, even though there wasn't really time to configure them upon notice.

They report out a same day rule that says, this Congress is going to hear this bill right away. So the Rules Committee meets on a bill we haven't seen at 3 in the afternoon. A few hours later it's here on the floor for a vote on the rule. A few hours later it's here on the floor for 30 minutes of debate on this side, 30 minutes of debate on this side. And an amnesty bill that's twice the size of the 1986 amnesty bill passes off the floor of the House of Representatives.

□ 2320

Now it is messaged to the Senate where HARRY REID has asked for it. And this sunlight? This is a responsive Congress? No, this is an act of a Congress that has been repudiated for the same reasons. There is a reason why so many Democrats are going home. And I for one feel a little bad that some of the best are the ones who are going home. Some of the Blue Dogs are some of the best to work with. They reflect American values in my view more than a lot of the others. They have been defeated because of these kind of shenanigans, these kinds of tactics, these kind of acts that close the system down, lock the Members out so the franchise, and there are 435 Members of the House of Representatives, and there is not anybody who sits in these seats whose constituents deserve less representation than anybody else. Everybody's franchise deserves to be heard, and the will of the group should be brought up through the leadership and should be manifested in legislation here on the floor, sent to the Senate. If it comes back and it doesn't match, we should have our say as well. That is not what has been happening. The right way is around the corner—I think we take it up in January.

But we Americans, we Americans that believe in American exceptionalism, we Americans who take an oath to uphold the Constitution, we Americans that adhere to and uphold the rule of law, which I believe is implicit in our oath to the Constitution, reject the idea of this nightmare act that I believe turned into an affirmative action amnesty act for 2 million or more people that could be tripled.

And our immigration policy that we have here, Mr. Speaker, is already so bad. It doesn't reflect the best interest of America. It doesn't reflect the economic, social and cultural well-being or enhance it in the fashion I believe it should. Existing immigration law is set up in such a way that merit is almost out of the question. To evaluate the people coming across Ellis Island and turn 2 percent of them back after they had already been screened and filtered on the European side before they got on the ship tells you there was at least a merit system.

But here in the United States, if you look at the legal immigration, and the legal immigration number will range up to 1.5 million a year, there is no country that is even close to as generous as we are with legal immigration. But of all of that, some place between, and this is testimony before the immigration committee, some place between 7 and 11 percent of our legal immigration is based on merit. The balance of it is out of our control.

So that means that between 89 and 93 percent of our legal immigration is in the hands of the people who are deciding they are going to come here rather than in the hands of Americans who would decide which people would come here. It is completely out of sync with the values of a lot of the other Western civilization countries like Canada, the United Kingdom, and Australia. They have immigration policies that are designed to bring the best people into their country and not put burdens on the taxpayers and their society.

I can't make the grade to go to Canada because I'm too old. I would be relying on the government to feed me too soon, and my education level is not high enough. I don't know about my years left to work, but you put it into the score system they have, I can visit but I cannot go live. That is how they would be. So if they reject STEVE KING in Canada, we should be able to say no to some folks that want to come to the United States, especially those who broke our laws.

This legislation, this DREAM Act, this nightmare act, has a number of things in it that the American people need to know. It is a hardcore, leftist, liberalism piece of amnesty legislation. It provides for protection for people who have broken the laws in this way: They would still get a DREAM Act registration that would protect them from

deportation even if they had been alien absconders, people that were set for deportation hearings and skedaddled and didn't show up, those people who were going to be adjudicated for deportation, alien absconders, they will be protected. They can sign up under DREAM, and then they are shielded from being prosecuted and deported. Even if they were an alien absconder, even if they were guilty of document fraud, no problem, we will give you a college education, sit you at a desk. If you have false claims of being a United States citizen, that is no problem either. You are still eligible under the DREAM act. We will give you a college education, too, even though you have lied about your citizenship. Even aliens who have been deported who would sneak back into the United States and the deportation records are there, they sign up for the DREAM, they will not be deported either. What a reward.

So there will be all kinds of people who will sneak into the United States who will go ahead and sign up right away for this DREAM Act because they will be protected from deportation. Even though it requires that they be no older than 30 at the time of enactment and that they came into the United States before their 16th birthday and they have been here for 5 years, who is to know? Who is know whether it is valid or whether it isn't? Who is to know how old they are if they don't have a real birth certificate? Who is to know if they have a high school education, a GED? Who is to know if they have completed a 2-year education at a tech school?

But I know that I did receive in my email a Web site tonight that is in the business of selling these false documents, these false diplomas, helping people be in a position where they can qualify already where the States have made these provisions.

It is a big business. Fraud and corruption is a big business. It is a big business in the countries they are coming from, and it is becoming a bigger business in the country they are coming to, the United States of America. We have been a clean country that respects the rule of law. We are a proud nationality. We are a race of people. We have a common cause, a common belief system. We believe in the rule of law. It is our job to uphold that, and this bill, this DREAM Act undermines it.

And it costs a lot of money. The Congressional Budget Office, the CBO, put out a score that has been touted by the other side that somehow it turns into a plus for the U.S. budget because some people will get a better education, and they will earn more money and pay more taxes. I don't think this thinks this through very far, but I can tell you in the second decade even the Congressional Budget Office says that it is going to be a cost of \$5 billion to the

taxpayer. And I can tell you that the Center For Immigration Studies, CIS, has done a study on the cost for State and local government, and that would be \$6.2 billion a year. That is each year. That doesn't necessarily project out over a decade, a couple of years perhaps, maybe longer. They only did a couple of years: 6.2, so \$12.4 billion is pretty close to what I think they will commit to.

And the tripling of the number of green cards, the billions of dollars in debt, the people who get a safe harbor who are alien absconders, any alien who has a pending application will be protected from deportation. And this amounts to a de facto scholarship for those who, if ICE were required to deliver that de facto scholarship and before they handed it to them, they would have to apply the law and make sure that they woke up in a country that they were legal in within a few mornings. Those are the facts.

And, furthermore, the most egregious aspect of this is this: this is going to provide for in-State tuition discounts for people who are today illegal in America. And they didn't all come in because their parents brought them. Many of them came in on their own, coming across the border at age 12, 13, 14, 15, turning 16. Many of them will be up to 30 years old saying they were brought into the country when they were 10 or 12. There will be no records to prove that. Here is what happens. Those people who are here illegally that are eligible for removal are today and would be under this act sitting in college classrooms with a taxpayer-funded college education, sitting at a desk. And in California, a resident of California, zero tuition.

But if my son or daughter-in-law wanted to go to California to go to college, they would have to pay out-of-State tuition. Out-of-State tuition for California institutions annually would be \$22,021 a year. Can you imagine writing a check for \$22,021 a year to go to college in California, and sitting in a classroom at a desk next to someone who is unlawfully in the United States who is getting a free education paid for by the taxpayers? How much that would burn you if you are an American citizen in good standing, a taxpayer, an individual and a family that has funded and contributed to this government in the way that most of us do.

□ 2330

There is no justice or equity there, and it cannot be reconciled. I would add to this that it gets even worse, and if this bill passes, I am convinced it will exist all over this country.

People who are illegal here in America will have their taxpayer-funded and, in some States, free education. In Iowa, it costs them about \$3,000 a semester, and it costs the out-of-State people about \$9,000 a semester; but in

some States, it's a free education. They'll be sitting at desks in a classroom, next to a grieving widow, who has lost her husband in Iraq or in Afghanistan and who has elected to go across the State line in order to go to college out of State, and she is paying out-of-State tuition. It's \$22,021 in California. A grieving widow of an American patriot, who gave his life defending our liberty and our national security, a grieving widow who maybe has children who have lost their dad, maybe now is going back for training because she knows she is now the principal breadwinner in that family. She is paying out-of-State tuition, and is sitting at a desk next to someone who is unlawfully in the United States, someone who is getting a free college education that is paid for by the taxpayers.

That is what this DREAM Act sets up. It is irreconcilable. It is an impossible conundrum that should not be visited upon the American people. This DREAM Act must be killed. We wound it here in the House: 37 Democrats voted "no" on the rule, and 38 Democrats voted "no" on the bill. Due to health reasons, we had some Republicans who weren't able to vote. Otherwise, it would have been closer. I actually look out and think we were close to mustering enough votes to defeat this poorly named "DREAM Act," which really is the "affirmative action amnesty act in America."

We should know better. We can do better. I am hopeful that the United States Senate will step up, will speak up and will vote down this DREAM Act when the majority leader in the Senate brings it up, which may be tomorrow. I suspect what will happen is that he won't have the votes, but he will try it anyway, because this has all been political from the beginning. He has realized it is not going to become law, but he made a promise to his constituents: If you will reelect me, we will give you a vote on this DREAM Act.

The gentleman from Chicago, who had pushed on this so hard, got his vote today. We saw the results of it here in the House in this lame duck Congress, in this repudiated 111th Congress that has been led by NANCY PELOSI.

I think about Thomas Jefferson, who once said large initiatives should not be advanced on slender majorities. Well, this was a slender majority, and this is a large initiative. This initiative of amnesty under the DREAM Act is so large that it's twice the size of the Amnesty Act of 1986, and we have seen the fraud triple the estimates. So, if that's the case, this could become—pick your number—3 million to 6 million people who would get amnesty. Then they will start bringing in their extended families over and over and over again, generation after generation.

It gets out of control, and this poor America, which has between 7 and 11

percent of our legal immigration based on merit, based on people who are going to encourage and enhance and develop the economic, social and cultural well-being of the United States of America, starts to fall apart a little more. It gets undermined a little more, and the principles that make us great are undermined a little bit more.

We need to be in the business of refurbishing those pillars of American exceptionalism, of not getting out the jackhammer and chiseling away at them as was done here today by this PELOSI-led Congress.

So, if Thomas Jefferson said large initiatives should not be advanced on slender majorities—and he did—he didn't contemplate about large initiatives being advanced by repudiated Congresses that have been voted out of office and by Congresses that should go meekly out the door in respect for the will of the American people. They should do nothing that violates a sense of decency and the will of the American people—nothing. Only provide the functions that are necessary to get this government bridged over to the other side so that the new Congress can be seated and so that those new 87 freshman Republicans and however many Democrats there are—nine or so—can take this oath of office here on the 4th day of January and go to work, go to work fixing and saving America from the debacle that has been visited upon her by a dysfunctional Congress that writes bills in the Speaker's office, that brings them zigged through the hole in the wall of the Rules Committee and zagged down to the floor, bills with no amendments and with 30 minutes of debate on each side to try to resolve an issue. There is no time to penetrate with a concept in 30 minutes. You can't fix a bill with talk and with being denied a motion to recommit, which is standard practice in this place.

So there is no possible way to put up a motion that is going to fix a bill here. It is a bad bill. It damages the rule of law. It grants amnesty. It costs tens of billions of dollars. It rewards people for breaking the law. It gives them a tuition discount, an in-State tuition discount. If it's Iowa, it's \$3,000 a semester versus \$9,000 a semester in round terms. If it's California, it's free tuition versus \$22,021.

That's the America they are building. Americans saw what was going on—debt and deficit, irresponsible spending, damaging the rule of law, breaking down the American culture and civilization—a Constitution demolition crew at work every day. They said, You're digging us a hole, and we aren't going to take it anymore. The American people rose up and took the shovel out of the hands of Barack Obama and NANCY PELOSI, and they made it a lot harder for HARRY REID.

So what do we have going on?

NANCY PELOSI is still digging because, technically, the shovel is not out of her hands yet. She lined up all of those Blue Dogs, and said, I'm going to make you walk the plank one last time before you go home for the last time. They said no. They stepped off the side of the plank, and voted against the rule and voted against the DREAM Act, and they sent a statement as they walked out the door.

Well, I think there are a lot of them who deserve credit for serving America in the fashion they have. Those who stood up to the courage of their convictions deserve our thanks. Those who came to this place to work in good faith deserve the gratitude of the American people. As for those who disagreed with me and who made a good argument, I hope, if you're right, it prevailed. It is my privilege to have served with people on both sides of this aisle as I think that the debate is essential and important.

From my standpoint, I will stand up for the things I believe in and will debate them with those folks who have beliefs that disagree with mine, believing as our Founding Fathers did that, in that debate, we will sort out the right policy for this country.

But when you shut the debate off, when the iron fist of the Speaker shuts out the committees and writes the bill in her office and sends it to the floor with no amendments and no motion to recommit, you end up with a terrible piece of legislation. You break faith with the American people, and you break faith with the franchise of every other Member of this Congress on both sides of the aisle. That is what has happened here over and over again over the last 4 years, and it has gotten worse each year.

□ 2340

This is one of the starkest examples. Who would have thought that in a lame duck session, when we had big things to do and big things to worry about, the Speaker would push an amnesty act out here in a lame duck session in a repudiated Congress and not give all of those freshmen an opportunity to weigh in on this? They are the new voices. They are the new voices for America. They are the new vigor. They are the convictions of this United States of America.

I look for good things from them, big things from them. I want to see them empowered to the maximum. Their fresh ideas and their energy and the cohesiveness that I hope is that class. I believe they will put a marker down in history that will meet that standard perhaps of the 1994 class—of which some are here, still here—and take us on up to another level. In that class, I expect we will see committee chairs and we will see new majority leaders. Maybe there is a Speaker in that class. Maybe there is a majority whip in that

class or a conference chair, maybe all of them. There might be a President of the United States that's coming into this Congress that will be sworn in here on January 4. All of those things are possible, and most of them are likely, Mr. Speaker.

I look forward to the new breath of fresh air that is arriving in this Congress. I look forward to Speaker BOEHNER, who will be offering transparency here in this Congress. I look forward to the voice of every Member being heard with respect. And those ideas that can prevail in the arena of ideas, which is here in this debate on the floor of the House and in our committees, are the ones that are the best ideas for the American people.

We will get there. We've got a lot of things to reconstruct. We've got a lot of undoing to do. And it's not going to be an easy job and it won't be a short job. We will be undoing perhaps for the next 2 years while we elect a President that will help us do in the following 4 years.

America will never be chiselled to perfection, but it's our charge, it's our struggle to work on it every day, to get it as close to right as we mortals can so that when it's handed off to the next generation, they can be proud of the toil that we did here and understand there was a vision and a commitment, and that we kept, in this new majority, our oath to uphold the Constitution of the United States.

Mr. Speaker, I appreciate your indulgence and attention here tonight and the opportunity to address you here on

the floor and close out the business for the day, and I yield back the balance of my time.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. MITCHELL) to revise and extend their remarks and include extraneous material:)

Ms. WASSERMAN SCHULTZ, for 5 minutes, today.

Mr. MITCHELL, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. DEFazio, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. GRAYSON, for 5 minutes, today.

(The following Members (at the request of Mr. POE of Texas) to revise and extend their remarks and include extraneous material:)

Mr. McCOTTER, for 5 minutes, today.

Mr. POE of Texas, for 5 minutes, December 15.

Mr. JONES, for 5 minutes, December 15.

Mr. GRAVES of Georgia, for 5 minutes, today.

Mr. ROHRBACHER, for 5 minutes, today.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 3984. An act to amend and extend the Museum and Library Services Act, and for other purposes, to the Committee on Education and Labor.

ENROLLED BILLS SIGNED

Lorraine C. Miller, Clerk of the House, reported and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 2480. An act to improve the accuracy of fur product labeling, and for other purposes.

H.R. 3237. An act to enact certain laws relating to national and commercial space programs as title 51, United States Code, "National and Commercial Space Programs".

H.R. 6184. An act to amend the Water Resources Development Act of 2000 to extend and modify the program allowing the Secretary of the Army to accept and expend funds contributed by non-Federal public entities to expedite the evaluation of permits, and for other purposes.

H.R. 6399. An act to improve certain administrative operations of the Office of the Architect of the Capitol, and for other purposes.

ADJOURNMENT

Mr. KING of Iowa. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 41 minutes p.m.), the House adjourned until tomorrow, Thursday, December 9, 2010, at 10 a.m.

BUDGETARY EFFECTS OF PAYGO LEGISLATION

Pursuant to Public Law 111-139, Mr. SPRATT hereby submits, prior to the vote on passage, the attached estimate of the costs of H.R. 6495, the Robert C. Byrd Mine Safety Protection Act of 2010, as amended, for printing in the CONGRESSIONAL RECORD.

CBO ESTIMATE OF THE STATUTORY PAY-AS-YOU-GO EFFECTS FOR H.R. 6495, THE ROBERT C. BYRD MINE SAFETY PROTECTION ACT OF 2010, WITH AMENDMENTS

	By fiscal year, in millions of dollars—											
	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2011–2015	2011–2020
NET DECREASE (–) IN THE DEFICIT												
Statutory Pay-As-You-Go Impact ^a	–7	–12	–12	–12	–12	–12	–12	–12	–12	–12	–55	–115

^aH.R. 6495 would require operators of underground coal mines, underground metal mines, or other underground mines that contain specified concentrations of flammable gasses to improve employee safety measures and to comply with new standards regarding employee rights.

Source: Congressional Budget Office.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

10716. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Tristyrylphenol ethoxylates; Exemption from the Requirement of a Tolerance [EPA-HQ-OPP-2008-0095; FRL-8851-6] received November 23, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10717. A letter from the Chairman and President, Export-Import Bank, transmitting a report on transactions involving U.S. exports to Mexico pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.

10718. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of State Air Quality Plans For Designated Facilities and Pollutants, State of Delaware; Control of Emissions from Existing Hospital/Medical/Infections Waste Incinerator (HMIWI) Units, Negative Declaration and

Withdrawal of EPA Plan Approval [EPA-R03-OAR-2010-0771; FRL-9233-4] received November 23, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

10719. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Determinations of Attainment by the Applicable Attainment Date for the Hayden, Nogales, Paul Spur/Douglas PM10 Nonattainment Areas, Arizona; Withdrawal of Direct Final Rule [R09-OAR-2010-0718; FRL-9233-1] received November 23, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

10720. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Hazardous Waste Management System; Identification and Listing of Hazardous Waste; Withdrawal of Direct Final Exclusion [EPA-R06-RCRA-2010-0066; SW FRL 9231-4] received November 23, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

10721. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Mandatory Reporting of Greenhouse Gases: Injection and Geologic Sequestration of Carbon Dioxide [EPA-HQ-OAR-2009-0926; FRL-9232-6] (RIN: 2060-AP88) received November 23, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

10722. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Federal Requirements Under the Underground Injection Control (UIC) Program for Carbon Dioxide (CO₂) Geologic Sequestration (GS) Wells [EPA-HQ-OW-2008-0390 FRL-9232-7] (RIN: 2040-AE98) received November 23, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

10723. A letter from the Secretary, Department of Energy, transmitting the semi-annual report on the activities of the Office of Inspector General for the period April 1, 2010 to September 30, 2010, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Oversight and Government Reform.

10724. A letter from the Chairman, Consumer Product Safety Commission, transmitting Fiscal Year 2010 Annual Performance and Accountability Report; to the Committee on Oversight and Government Reform.

10725. A letter from the Associate General Counsel, Department of Agriculture, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

10726. A letter from the Associate General Counsel, Department of Agriculture, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

10727. A letter from the Associate General Counsel, Department of Agriculture, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

10728. A letter from the Associate General Counsel, Department of Agriculture, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

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10738. A letter from the Associate General Counsel, Department of Agriculture, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

10739. A letter from the Associate General Counsel, Department of Agriculture, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

10740. A letter from the Associate General Counsel, Department of Agriculture, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

10741. A letter from the Associate General Counsel, Department of Agriculture, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

10742. A letter from the Associate General Counsel, Department of Agriculture, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

10743. A letter from the Associate General Counsel, Department of Agriculture, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

10744. A letter from the Associate General Counsel, Department of Agriculture, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

10745. A letter from the Associate General Counsel, Department of Agriculture, transmitting a report pursuant to the Federal Va-

cancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

10746. A letter from the Chairman, International Trade Commission, transmitting the Commission's Performance and Accountability Report for FY 2010; to the Committee on Oversight and Government Reform.

10747. A letter from the Chairman, Railroad Retirement Board, transmitting the Board's Office of Inspector General Semi-annual Report for the period April 1, 2010 through September 30, 2010, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(d); to the Committee on Oversight and Government Reform.

10748. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A310 Series Airplanes [Docket No.: FAA-2010-0680; Directorate Identifier 2008-NM-195-AD; Amendment 39-16482; AD 2010-22-03] (RIN: 2120-AA64) received November 15, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10749. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A330-201, -202, -203, -223, and -243 Airplanes, and Model A330-300 Series Airplanes [Docket No.: FAA-2010-0697; Directorate Identifier 2010-NM-102-AD; Amendment 39-16485; AD 2010-22-06] (RIN: 2120-AA64) received November 15, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10750. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Eurocopter France Model AS 350 B, BA, B1, B2, B3, and D, and Model AS355 E, F, F1, F2, and N Helicopters [Docket No.: FAA-2010-0611; Directorate Identifier 2009-SW-18-AD; Amendment 39-16487; AD 2010-22-08] (RIN: 2120-AA64) received November 15, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10751. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Eurocopter Deutschland GmbH Model MBB-BK 117 C-2 Helicopters [Docket No.: FAA-2010-0780; Directorate Identifier 2009-SW-68-AD; Amendment 39-16486; AD 2010-22-07] (RIN: 2120-AA64) received November 15, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10752. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; PILATUS Aircraft Ltd. Model PC-7 Airplanes [Docket No.: FAA-2010-0849; Directorate Identifier 2010-CE-043-AD; Amendment 39-16488; AD 2010-22-09] (RIN: 2120-AA64) received November 15, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10753. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Fokker Services B.V. Model F.28 Mark 0070 and 0100 Airplanes [Docket No.: FAA-2010-0516; Directorate Identifier 2009-NM-251-AD; Amendment 39-16484; AD 2010-22-05] (RIN: 2120-AA64) received November 15, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10754. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness

Directives; McDonnell Douglas Corporation Model MD-90-30 Airplanes [Docket No.: FAA-2010-0645; Directorate Identifier 2009-NM-200-AD; Amendment 39-16483; AD 2010-22-04] (RIN: 2120-AA64) received November 15, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10755. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Rolls-Royce Deutschland Ltd. & Co. KG. (RRD) Models Tay 650-15 and Tay 651-54 Turbofan Engines [Docket No.: FAA-2007-0037; Directorate Identifier 2007-NE-41-AD; Amendment 39-16489; AD 2010-17-12R1] (RIN: 2120-AA64) received November 15, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10756. A letter from the Program Analyst, Department of Transportation, transmitting the Agency's final rule — Airworthiness Directives; McCauley Propeller Systems Five-Blade Propeller Assemblies [Docket No.: FAA-2005-22690; Directorate Identifier 2005-NE-35-AD; Amendment 39-16495; AD 2010-23-06] (RIN: 2120-AA64) received November 15, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. MCGOVERN: Committee on Rules. House Resolution 1755. Resolution providing for consideration of the Senate amendment to the bill (H.R. 3082) making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2010, and for other purposes (Rept. 111-675). Referred to the House Calendar.

Mr. CONYERS: Committee on the Judiciary. H.R. 3190. A bill to restore the rule that agreements between manufacturers and retailers, distributors, or wholesalers to set the price below which the manufacturer's product or service cannot be sold violates the Sherman Act (Rept. 111-676). Referred to the Committee of the Whole House on the State of the Union.

Mr. POLIS: Committee on Rules. House Resolution 1756. Resolution providing for consideration of the Senate amendments to the bill (H.R. 5281) to amend title 28, United States Code, to clarify and improve certain provisions relating to the removal of litigation against Federal officers or agencies to Federal courts, and for other purposes (Rept. 111-677). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. NADLER of New York (for himself, Mr. CONYERS, Mr. SCOTT of Virginia, Mr. POLIS, Mr. TOWNS, Mr. HASTINGS of Florida, and Mr. AL GREEN of Texas):

H.R. 6500. A bill to amend the Fair Housing Act, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Financial Services, for a period to be subsequently determined by the

Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CONYERS (for himself, Ms. JACKSON LEE of Texas, and Mr. JOHNSON of Georgia):

H.R. 6501. A bill to establish a national commission on presidential war powers and civil liberties; to the Committee on Armed Services, and in addition to the Committees on the Judiciary, Foreign Affairs, and Intelligence (Permanent Select), for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GONZALEZ:

H.R. 6502. A bill to preserve Medicare beneficiary choice by restoring and expanding the Medicare open enrollment and disenrollment opportunities repealed by section 3204(a) of the Patient Protection and Affordable Care Act; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BRALEY of Iowa:

H.R. 6503. A bill to require reports on the management of Arlington National Cemetery; to the Committee on Veterans' Affairs.

By Mr. FILNER:

H.R. 6504. A bill to amend the Internal Revenue Code of 1986 to extend for 1 year the first-time homebuyer tax credit; to the Committee on Ways and Means.

By Mr. AL GREEN of Texas (for himself, Ms. JACKSON LEE of Texas, Mr. RUSH, Mr. TOWNS, Mr. MEEKS of New York, Mr. HASTINGS of Florida, Mr. GENE GREEN of Texas, Ms. SCHAKOWSKY, and Mr. CONYERS):

H.R. 6505. A bill to designate Pakistan under section 244 of the Immigration and Nationality Act to permit nationals of Pakistan to be eligible for temporary protected status under such section; to the Committee on the Judiciary.

By Mr. KING of New York (for himself, Mr. ROGERS of Alabama, and Mr. LATHAM):

H.R. 6506. A bill to amend section 798 of title 18, United States Code, to provide penalties for disclosure of classified information related to certain intelligence activities of the United States, and for other purposes; to the Committee on the Judiciary.

By Mr. LIPINSKI (for himself, Mr. RAHALL, Mr. YOUNG of Alaska, Mr. DEFazio, Mr. PETRI, Mr. COSTELLO, Mr. DUNCAN, Ms. NORTON, Mr. EHLERS, Mr. NADLER of New York, Mr. WESTMORELAND, Ms. CORRINE BROWN of Florida, Mrs. MILLER of Michigan, Mr. FILNER, Mr. CAO, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. LATOURETTE, Mr. CUMMINGS, Mr. BOSWELL, Mr. HOLDEN, Mr. BAIRD, Mr. LARSEN of Washington, Mr. CAPUANO, Mr. BISHOP of New York, Mr. MICHAUD, Mr. CARNAHAN, Mrs. NAPOLITANO, Ms. HIRONO, Mr. ALTMIRE, Mr. WALZ, Mr. SHULER, Mr. ARCURI, Mr. CARNEY, Mr. COHEN, Ms. RICHARDSON, Mr. SIREs, Ms. EDWARDS of Maryland, Mr. ORTIZ, Mr. HARE, Mr. SCHAUER, Mr. MCMAHON, Mr. PERRIELLO, Mr. GARAMENDI, Mr. JOHNSON of Georgia, Ms. MCCOLLUM, and Mr. ELLISON):

H.R. 6507. A bill to designate the buildings occupied by the Department of Transpor-

tation located at 1200 New Jersey Avenue, Southeast, and 1201 4th Street, Southeast, in the District of Columbia as the "James L. Oberstar United States Department of Transportation Building Complex"; to the Committee on Transportation and Infrastructure.

By Mr. BRADY of Pennsylvania:

H. Res. 1757. A resolution providing for the approval of final regulations issued by the Office of Compliance to implement the Veterans Employment Opportunities Act of 1998 that apply to the House of Representatives and employees of the House of Representatives; to the Committee on House Administration.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

405. The SPEAKER presented a memorial of the House of Representatives of the State of Tennessee, relative to House Joint Resolution No. 30 to rescind all prior applications by the general assembly to the Congress of the United States of America to call a convention to propose amendments to the Constitution of the United State of America; to the Committee on the Judiciary.

406. Also, a memorial of the House of Representatives of the State of Tennessee, relative to House Joint Resolution No. 30 to rescind all prior applications by the general assembly to the Congress of the United States of America to call a convention to propose amendments to the Constitution of the United State of America; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 176: Mr. GRAYSON.
H.R. 177: Mr. GRAYSON.
H.R. 178: Mr. GRAYSON.
H.R. 183: Mr. GRAYSON.
H.R. 185: Mr. GRAYSON.
H.R. 189: Mr. GRAYSON.
H.R. 503: Mr. LINDER and Mr. McDERMOTT.
H.R. 673: Ms. CHU.
H.R. 678: Ms. WOOLSEY.
H.R. 891: Mr. QUIGLEY.
H.R. 949: Mr. MCGOVERN.
H.R. 1822: Mr. KLINE of Minnesota and Mrs. MILLER of Michigan.
H.R. 4051: Ms. SUTTON.
H.R. 4278: Mr. BISHOP of Georgia.
H.R. 4399: Mr. GRAYSON.
H.R. 4959: Mr. CROWLEY.
H.R. 5409: Ms. JACKSON LEE of Texas.
H.R. 5510: Ms. CHU and Ms. KILPATRICK of Michigan.
H.R. 5575: Mr. BRALEY of Iowa and Mr. HIMES.
H.R. 5748: Mr. ACKERMAN.
H.R. 5942: Mr. TOWNS.
H.R. 6028: Mr. RYAN of Wisconsin.
H.R. 6214: Ms. MATSUI.
H.R. 6227: Mrs. McMORRIS RODGERS.
H.R. 6252: Mr. LUJÁN.
H.R. 6355: Ms. BORDALLO.
H.R. 6415: Mr. LATTA, Mr. GRAVES of Georgia, and Mr. BISHOP of Utah.
H.R. 6459: Mrs. BLACKBURN, Mr. TONKO, and Mr. DINGELL.
H.R. 6460: Mr. GRIJALVA and Ms. KILPATRICK of Michigan.
H.R. 6496: Mr. BACA, Mr. MEEKS of New York, Mr. WITTMAN, and Mr. KUCINICH.

H. Con. Res. 291: Mr. GALLEGLY, Mr. ADERHOLT, Mr. FRANKS of Arizona, Mr. QUIGLEY, Mr. BROUN of Georgia, Mr. BARRETT of South Carolina, Mrs. BLACKBURN, and Mr. GRIJALVA.

H. Con. Res. 331: Mr. KING of New York.

H. Res. 1431: Mrs. BACHMANN and Mr. SCOTT of Georgia.

H. Res. 1567: Mr. HELLER.

H. Res. 1680: Mr. MCGOVERN.

H. Res. 1684: Mr. OBERSTAR, Mr. HASTINGS of Florida, and Mr. FARR.

H. Res. 1702: Mr. BLUMENAUER.

H. Res. 1722: Mr. FARR.

H. Res. 1732: Mr. DUNCAN and Mr. PAULSEN.

H. Res. 1734: Mr. FRANKS of Arizona, Mr. CAMPBELL, Mr. GARRETT of New Jersey, Mr. HELLER, and Mr. SIRE.

H. Res. 1738: Mr. HONDA, Mr. McDERMOTT, and Ms. SPEIER.

H. Res. 1743: Mr. PIERLUISI, Mr. GARRETT of New Jersey, Mr. MARIO DIAZ-BALART of Florida, Mr. LINCOLN DIAZ-BALART of Florida, Mrs. LUMMIS, Mr. TURNER, Mr. SCHOCK, Mr. DJOU, Mr. ROE of Tennessee, Mrs. BLACKBURN, Mrs. MILLER of Michigan, Mr. LUCAS, Mr. PETRI, Mr. LANCE, Mr. LATTA, Mr. HELLER, Mr. BURTON of Indiana, Mr. HERGER, Mr. SULLIVAN, and Mr. SHIMKUS.

PETITIONS, ETC.

Under clause 3 of Rule XII,

178. The SPEAKER presented a petition of the American Bar Association, relative to Recommendation 109A urging state, local, territorial, and tribal governments to provide legal counsel to children and/or youth at all stages of juvenile status offense proceedings; which was referred to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

RECOGNIZING LIEUTENANT
DAMON LOVELESS, UNITED
STATES NAVY

HON. ROBERT J. WITTMAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 8, 2010

Mr. WITTMAN. Madam Speaker, I rise today to recognize those men and women who have served this great Nation with honor, men such as Lieutenant Damon Loveless, United States Navy.

For the past year, Lieutenant Loveless, who has already been selected to become a Lieutenant Commander, served on my staff as a Congressional Defense Fellow. In the last six months of his assignment, he served as my Military Legislative Assistant and as my principal staff member responsible for defense, veterans, foreign affairs and intelligence matters. Lieutenant Loveless executed his work as a liaison to the constituents of the First District and the numerous defense installations in the First District with distinction. Furthermore, he provided exceptional support to me as my staff liaison to the House Armed Services Committee in my role as a Subcommittee Ranking Member and the U.S. Naval Academy in my role as a member of the Board of Visitors.

Lieutenant Loveless directly contributed to my goal of providing excellent constituent service to the people of the First District. He was responsible for bringing numerous constituent inquiries to a successful conclusion and he was able to leverage his personal and operational experience to respond to the most challenging inquiries.

In addition to his efforts on behalf of the First District, Lieutenant Loveless took on projects with regional, state and national implications, demonstrating his ability to view a challenge from many angles and develop innovative solutions often requiring collaboration across many levels of government.

Lieutenant Loveless' work ethic, duty to mission, and commitment to servant leadership is without equal. I believe that his personal drive to achieve excellence in his work has and will set a very high standard for his peers.

I would also like to thank Lieutenant Loveless and his family for the service and sacrifice they make for our Nation and our great Navy. His keen sense of honor, impeccable integrity, boundless work ethic, and loyal devotion to duty earned him the respect and admiration of my staff and the 1st District of Virginia. Lieutenant Loveless is headed back to the Fleet to assume his duties at sea as a leader and mentor to our Nation's Sailors. Furthermore, he is going back into harm's way to execute his trade as Naval Aviator, flying the F/A-18 Super Hornet. I have no doubt that Lieutenant Loveless will continue to serve the United States Navy honorably and with distinction.

I wish him the best of luck as he continues his Naval career. It was an honor and a pleasure having him serve on my staff. We all can sleep soundly at night knowing that men and women like Lieutenant Damon Loveless stand ready to defend our country and take the fight to our enemies; far away from their families and the comforts of the United States of America.

Lieutenant Damon Loveless, thank you. Best of luck to you and God bless you, your family, and your fellow men and women in uniform.

A TRIBUTE TO MRS. ADELE V.
TRAPP

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 8, 2010

Mr. TOWNS. Madam Speaker, I rise today in recognition of Mrs. Adele V. Trapp.

For 53 years, Mrs. Trapp has served as Den Mother to Cub Pack 263 of the Greater New York Council of Boy Scouts of America, located at St. Philip's Episcopal Church. This dedication earned Mrs. Trapp a spot in the Guinness Word Book of Records.

Mrs. Trapp was born in Barbados, West Indies, and will be turning 97 on February 26th. She is a founding Board Member of St. Mark's Day School and recently retired from the New York City Department of Education, where she received a Quality of Work Life Program Award for 30 years of dedicated service. At the time of her retirement, she was the oldest employee in the Department of Education; this feat was acknowledged in a feature article published in the New York Daily News. Prior to her work with the Department of Education, Mrs. Trapp served as Secretary to the Comptroller in the New York City Transit Authority.

Mrs. Trapp has been honored for her community service by countless officials and organizations, including Brooklyn Borough President, Marty Markowitz and the Crown Heights Lions Club.

In addition to her honors and accolades, Mrs. Trapp is a proponent of the nation's labor movement. As a proud member of DC 37 and the Union shop steward, Mrs. Trapp provided key testimony in the Union's successful efforts to get the Department of Education to pay paraprofessionals on Brooklyn/Queens Day and to compensate them for previous unpaid work on those days.

Mrs. Trapp also has a strong commitment to her faith. She has been a member of St. Philip's Episcopal Church for 67 years and received two awards: the Service to Church and Community Award from St. Matthew's Deanery and the Bishop's Medal of Distinguished Parochial Service.

Besides enjoying the company of her large family and many friends, Mrs. Trapp has been

a bowler for 50 years and is a member of the Women's International Bowling Congress. In 2009, she was recognized in El Paso, Texas, for her 30 years of participation in the natural tournaments.

Madam Speaker, I urge my colleagues to join me in recognizing the achievements of Mrs. Adele V. Trapp.

CELEBRATING THE BIRTH OF
MELIA ENNE WOODWARD

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 8, 2010

Mr. GRAVES of Missouri. Madam Speaker, I proudly pause to celebrate the birth of Melia Enne Woodward. Melia was born on Friday, September 10, 2010, to her proud parents, Ryan and Kristin Woodward of Fruita, Colorado. Melia entered the world at 12:32 p.m. at St. Mary's Hospital in Grand Junction, Colorado, weighing a healthy 7 lbs. 0.7 oz. and 19.5 inches long. Melia also joins her sister, Elliana Kaye Woodward.

Melia also has proud grandparents, Susan Kaye Tanner of Laramie, Wyoming, Cheryl Farmer of Sidney, Nebraska, as well as Bruce Woodward of Maryville, Missouri, to spoil her. Also looking after her from heaven is the late Darrell Earnest Hall of Sidney, Nebraska. Melia is also the nephew of Travis and Sarah Woodward of Kansas City, Missouri, Nathan Woodward of Maryville, Missouri, Sarah Hall of Grand Junction, Colorado, Zach Hall and Zane Hall both of Sidney, Nebraska.

Madam Speaker, I proudly ask you to join me in celebrating the birth of Melia Enne Woodward. I see great things in Melia's future considering her parents' and grandparents' great emphasis on family values, service and patriotism.

I wish Melia the best life has to offer.

CONGRATULATING MAJOR GENERAL GREGORY WAYT ON HIS
UPCOMING RETIREMENT FROM
THE OHIO NATIONAL GUARD

HON. PATRICK J. TIBERI

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 8, 2010

Mr. TIBERI. Madam Speaker, with great pleasure I rise to recognize the distinguished career of my constituent, Major General Gregory Wayt on his upcoming retirement from the Ohio National Guard.

The inception of the National Guard dates back over 370 years. Since its origin as colonial militias, the National Guard has protected our nation, has participated in every armed

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

military engagement, and has responded to natural disasters and local emergencies. Guardsman, activated by the state or federal government, respond to protect our citizens. This commitment by National Guardsmen has been vital to the security of our country and the preservation of our liberties. This incredibly important branch of our armed forces' dedication to freedom and safety extends not only to our citizenry but to many around the world.

Major General Gregory Wayt has served in the United States armed forces for 35 years. Throughout his career, MG Wayt has earned many accolades and achievements for his supreme leadership qualities and unwavering commitment to the guard. Since his appointment as Adjutant General of Ohio's 17,000 guardsmen and women in 2004, the Ohio Guard has received national recognition for its professionalism and for the commitment of its war fighters. Truly, they have lived up to their motto: "When called, we will respond with ready units!" The success and outstanding reputation of the Ohio National Guard reflects MG Wayt's caliber of leadership. His long and illustrious career serving our great state and nation will be remembered. I am proud to recognize the achievements of such a fine American.

Once again, congratulations to Major General Gregory L. Wayt on his retirement from the Ohio National Guard. He has left an outstanding legacy. On behalf of the citizens of the 12th Congressional District of Ohio, please accept our gratitude for many years of service and sacrifice.

RECOGNIZING NATIONAL ALZHEIMER'S DISEASE AWARENESS MONTH

HON. ZOE LOFGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 8, 2010

Ms. ZOE LOFGREN of California. Madam Speaker, I rise in recognition of National Alzheimer's Disease Awareness Month, which took place in November. Although November has passed, it is never too late to raise awareness about this disease, which afflicts an estimated 5.3 million Americans, including 480,000 in my home state of California, and affects another 11 million family members and friends who provide countless hours of unpaid care to those suffering from Alzheimer's and other forms of dementia. This is a disease that exacts high tolls from the American public, both financially and emotionally, and we must do all we can to eradicate it.

I urge my colleagues to commit to take action to support caregivers, and to invest in research and education so that we may diagnose, treat, and eventually find a cure for Alzheimer's.

A TRIBUTE IN HONOR OF THE LIFE OF JOSEPH R. CERRELL

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 8, 2010

Ms. ESHOO. Madam Speaker, I rise today to honor the extraordinary life of Joseph R. "Joe" Cerrell, iconic political consultant and one of the longtime pillars of the Los Angeles community, who died on December 3, 2010, in Camarillo, California. A political consultant before the profession existed, Joe Cerrell filled his dynamic 75 years with public affairs, public relations and public service.

There's a classic photo of John F. Kennedy riding through a Los Angeles ticker-tape parade, with a grinning Joe Cerrell sitting right in the front of the car. That was Joe—always smiling, always, out front, always driving the process—and of course, always showered in adulation. For five decades, Joe's passion, principle and unrivaled political acumen influenced state and national politics, and his forward-thinking work truly helped shape the country and modern California, his adopted home.

Joe Cerrell was born June 19, 1935 in New York City, to Sal, a firefighter, and Marion Cerella, a switchboard operator. No doubt it's from his parents that Joe learned to put out political fires and to organize and connect people with legendary efficiency. Moving west to Los Angeles in his teens, Joe Cerrell finished high school and enrolled at USC. It was there, after founding the Trojan Democratic Club, that Joe began his lifelong political career. As a junior, he began arranging Kennedy's California visits, ultimately becoming Kennedy's California personal aide. Having caught the attention of Jesse Unruh, Joe soon found himself working on Unruh's State Assembly campaign, and later, on Attorney General Edmund G. "Pat" Brown's gubernatorial campaign.

After graduating in 1957 with a degree in Political Science, 24-year-old Joe was tapped by Unruh to head the California Democratic Party, the youngest ever to lead the state party. Joe then served as Kennedy's California campaign manager in 1960, an experience that ultimately led Joe to both his greatest love and greatest heartbreak. At Kennedy's urging, Joe became engaged to Lee Bullock, a fellow campaign worker. After Vice President Johnson asked them to postpone their wedding in order to staff an event, the couple finally celebrated their wedding. While on their honeymoon in Paris, Joe and Lee read about Kennedy's assassination and wept with the world.

Together with Lee, Joe founded his own political consulting firm in 1967, Cerrell Associates. Over the years, Joe advised the presidential campaigns of Kennedy, Johnson, Hubert Humphrey, Lloyd Bentsen, John Glenn, and Al Gore. His statewide clients included the likes of Willie Brown and Jerry Brown, whom Joe first helped win a seat on the Los Angeles Junior College Board in a 124-candidate race. In later years, Joe's outstanding record of electing judicial candidates earned him the title of "the judge-maker." Notable dignitaries such as the Dalai Lama and His Holiness

Catholicos Vazken I and Catholicos Karekin I sought out Joe to manage their California tours, with the latter earning Cerrell Associates a "Best Special Event" Award from the Public Relations Society of America—Los Angeles. Their long list of clients was a testament to Joe's extraordinary management and strategic skills, and the firm expanded their influence by adding a Washington, D.C. office in 1983, eventually becoming the 43rd-largest independently owned PR firm in the country.

This success earned Joe countless accolades. He won a PRISM Award for being an "Outstanding PR Professional" and Cerrell Associates was named "Small Family-Owned Business of the Year" by the Los Angeles Business Journal. Embracing his role as one of Los Angeles' most prominent political professionals, Joe served as president and on the boards of both the American Association of Political Consultants and the International Association of Political Consultants.

In addition to his professional work, Joe found time to become one of Los Angeles' most involved and civic-minded residents. He served on the Los Angeles Memorial Coliseum Commission during the 1984 Olympics and was chairman of the Hollywood Wilshire YMCA. Returning to his alma mater, he co-founded and taught at USC's Jesse M. Unruh Institute of Politics, and lectured widely across the country. For his years of outstanding contributions to the city, the Central City Association named Cerrell a "Treasure of Los Angeles." But despite all that he did for his adopted hometown, Joe Cerrell never abandoned his New York roots, often requiring family and colleagues to play Frank Sinatra's "New York, New York" at events. That was the sense of humor and zest for life Joe brought with him everywhere.

Madam Speaker, I ask my colleagues to join me in extending our deepest condolences to Joe Cerrell's wife, Lee; his children, Steve, Sharon and Joe; his sons- and daughters-in-law; and his seven wonderful grandchildren. Joe Cerrell embodied a time of political engagement and civility that made him one of the most sought-after political commentators and earned him friends across the political spectrum. He was a progressive pioneer, credited with helping "to create modern political consulting" by Professor Ann N. Crigler, Chair of USC's Political Science Department, and praised as "a great champion of progressive political causes" by former Vice President Al Gore. His death truly represents the passing of an era, and for me, the passing of a dear friend. I'm honored to pay tribute to Joe Cerrell for his incredible role in shaping our State and our country.

HELPING THE IRANIAN OPPOSITION

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 8, 2010

Mr. FILNER. Madam Speaker, on November 16th, 2010 I held a briefing on my bill H. Res. 1431, which urges the Obama administration to remove the main Iranian opposition group,

the People's Mojahedin Organization of Iran (PMOI/MEK) from the list of Foreign Terrorist Organizations. This bill has been co-sponsored by 109 Members of the House of Representatives.

In a letter to the Secretary of State Hillary Rodham Clinton on that same day, I was joined by my colleagues and brought the resolution to the attention of the Secretary and urged her to delist the PMOI. Below are the remarks that I made to the Members and Staff gathered at the briefing:

We have introduced Resolution 1431, which calls upon the U.S. government, the President, the Secretary of State to remove the Peoples Mojahedin Organization of Iran . . . from the State Department list of Foreign Terrorist Organizations . . . Like other parliaments around the world, we in the United States Congress believe that this organization does not qualify to be on the FTO list both on legal and political grounds. Removing the MEK from the FTO list is not only the right thing to do but sends the right message to Iran.

I would like to thank the President-elect of the National Council of Resistance of Iran, Mrs. Rajavi, who has not only led this fight, but has also offered all kinds of assistance to the residents of Camp Ashraf.

HONORING MR. JOHN E. BAIR

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 8, 2010

Mr. HIGGINS. Madam Speaker, I rise today to honor the life of John "Jack" E. Bair, a proud veteran, father, grandfather, and great-grandfather who passed away on November 17th, 2010.

Mr. Bair was born on May 9th, 1928 in Ripley Township, Minnesota. He was the youngest of Basil E. Bair and Lela Beth Bunnell's four children. Jack joined the United States Army in 1943, serving our country for 31 years and eventually retiring in 1974 as a Chief Warrant Officer Four. For his service to his country, Chief Bair was awarded the WWII Victory Medal, the United Nations Service Medal, and the Korean War Service Medal. He played a critical role training his fellow soldiers in the deployment of the National Air Defense Systems as well as the implementation of the Nike and Hercules missile systems.

During the course of his life Mr. Bair lived and served in South Korea, the South Pacific, Turkey, Alaska, Colorado, California, Alabama, and Minnesota. After his retirement from the Army, Jack settled with his family in Ashland, Oregon and eventually moved to his home in Cibola, Texas. Jack was an avid reader and a feared billiards and cribbage opponent. He excelled in hunting, fishing, water skiing, bowling and pinochle.

Jack is survived by his wife of 48 years, Mardell Rae Bair, his daughter Genie Jones and her husband Mike, his daughter LeyAnn Pyne and her husband Kevin, his son John T. Bair and his wife Amy, his daughter-in-law Dawn Bair, and his many grandchildren and great-grandchildren. He happily joins his brothers, Eugene and Robert Bair, as well as his sons, Daniel and Jason Bair.

Jack Bair lived a life of honor and service to both his country and family. He passed on the importance of hard work and doing things right the first time to all those he met. Madam Speaker, I ask my fellow members to join me in honoring the life of John E. Bair and the lasting legacy he leaves behind.

THE AMERICAN DREAM ACT

HON. RUBÉN HINOJOSA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 8, 2010

Mr. HINOJOSA. Mr. Speaker, I rise today to strongly urge my colleagues, on both sides of the aisle, to vote for the American Dream Act. This legislation provides conditional non-immigrant status to young individuals of college age who are eager to contribute to our nation's workforce, economy, and Armed Forces.

I personally want to thank the Coalition for Educational Opportunity at the University of Texas—Pan American, and the thousands of students, civil rights groups, and prominent education, business, and religious leaders who have fought tirelessly to pass the DREAM Act. In my congressional district, I want to recognize Alex Garrido and Dora Martinez, two courageous UTPA college students, who fasted for one week to express their support for the DREAM Act.

I am extremely grateful to Secretary of Education Arne Duncan, Defense Secretary Robert Gates, the former Secretary of State Colin Powell, Carlos Gutierrez, former Secretary of Commerce, and many chancellors and many university presidents for underscoring the urgency of passing the DREAM Act.

As Subcommittee chairman for Higher Education, Lifelong Learning and Competitiveness, I believe that our nation should encourage all students to succeed in school, particularly those students who are working hard and serving as role models to their peers. In the Río Grande Valley of deep South Texas and across the country, DREAM act students are exceptional young men and women. Despite facing difficult circumstances, these students have excelled in school, and become valedictorians, AP scholars, and distinguished student leaders.

Our nation cannot afford to turn away these talented youth. In order to remain competitive in the global economy, our country must train a new generation of highly skilled STEM professionals—scientists, engineers, and mathematicians—to bolster scientific discovery and spur the technological innovation that our nation desperately needs. Above all, these students will help our nation meet its college completion goals.

Our Armed Forces need courageous service men and women to ensure our Nation's military readiness. Our schools need great teachers to help us close the achievement gap.

I urge my colleagues to vote for the DREAM Act and give these deserving students a chance to make meaningful contributions to our Nation's workforce, economy, military and civic life.

PERSONAL EXPLANATION

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 8, 2010

Mr. GRAVES of Missouri. Madam Speaker, on Tuesday, December 7, 2010 I missed roll-call votes 608, 609, 610. Had I been present, I would have voted "aye" on those rollcall votes.

IN RECOGNITION OF SHERIFF JOSEPH SPICUZZO

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 8, 2010

Mr. PALLONE. Madam Speaker, I rise today to congratulate Sheriff Joseph Spicuzzo, a life long resident of Central New Jersey and an outstanding member of the community. Throughout his tenure, Sheriff Spicuzzo has contributed to labor organizations, made innovative improvements to the Sheriff's Department operations and enthusiastically dedicated his time to charitable organizations. Sheriff Spicuzzo will retire from his position after dedicating thirty years of service to the Middlesex County Sheriff's office. Today, I applaud Sheriff Spicuzzo, as his accomplishments should serve as an inspiration to us all.

Sheriff Spicuzzo has a long and accomplished political career. From 1976 to 1980, Mr. Spicuzzo served as Mayor of the Borough of Spotswood, New Jersey. In April 1980, Mr. Spicuzzo was appointed Middlesex County Sheriff by Governor Brendan Byrne and completed an unexpired term. Since his appointment, Sheriff Spicuzzo has earned the respect and affection of his colleagues and constituents. He worked particularly well with the members of the Middlesex County Board of Chosen Freeholders as, together, they addressed a wide variety of issues affecting the County and its residents. Sheriff Spicuzzo's sincerity and concern for his constituents was apparent, as he consistently worked to improve services, and insured that the public was treated with dignity and respect. He has also been a tireless supporter of local law enforcement as well as State and Federal agencies. During his tenure, Sheriff Spicuzzo has been instrumental in implementing specialized programs including DWI checkpoints and "Operation Spinal Cord". Foreclosure property listings have also been published on the internet in advance, informing and assisting the County and its residents. Sheriff Spicuzzo's thirty years of service to the County Sheriff's Department is an example of unwavering commitment and devotion.

In addition to his role as Sheriff Mr. Spicuzzo has also served as Spotswood Democratic Municipal Chairman and Middlesex County Chairman. In his capacity as Middlesex County Chairman, he led the Middlesex County Democrats toward electoral success and increased the number of minority and women elected officials in the county.

Before entering politics, Sheriff Spicuzzo's background included extensive involvement

with various labor organizations. Influenced by both his grandfather and father, Mr. Spicuzzo began as a member of the Laborer's Union Local 156 in New Brunswick, New Jersey. He also served as Business Agent for Local 196, International Federation of Professional and Technical Engineers. His passion and history with these organizations continues to reflect in his daily and political activities.

Sheriff Spicuzzo is well-known for his compassionate and charitable contributions. Specifically, he has been commended for his tireless efforts on behalf of the Middlesex County Heart Association, most notably during radio station WCTC annual telethon. He has also offered his services to the March of Dimes, National Cancer Association, American Red Cross, United Jewish Appeal, B'nai B'rith Anti-Defamation League and the Salvation Army.

As a result of his actions, Sheriff Spicuzzo was the recipient of the 1996 Hubert M. Humphrey Friend of Labor Award. He has also been honored with the 1980 "Outstanding Young Man of America" Award, the 1992 George Otowski Citizen's League "Man of the Year" Award, the March of Dimes "Franklin Award", the Salvation Army "OTHERS" Award and was honored by the American Heart Association. Sheriff Spicuzzo currently resides in Helmetta with his wife, Mary Ann. He also has two children, JoAnn and Charlie, daughter-in-law Denise and two grandsons, Joey and Dominic.

Madam Speaker, please join me in acknowledging Sheriff Spicuzzo's thirty years of service as Middlesex County Sheriff. His dedication and commitment are positive examples of what steadfast determination and allegiance can accomplish.

PERSONAL EXPLANATION

HON. JUDY CHU

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 8, 2010

Ms. CHU. Madam Speaker, yesterday, I was unable to participate in rollcall vote No. 609. Had I been present, I would have voted "yes" on H. Res. 1642, Recognizing the centennial of the City of Lilburn, Georgia, and supporting the goals and ideals of a City Lilburn Day. This year the City of Lilburn celebrated its centennial anniversary and I am proud to honor its history.

PERSONAL EXPLANATION

HON. STEVE COHEN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 8, 2010

Mr. COHEN. Madam Speaker, I was detained from voting on Tuesday, December 7. If present, I would have voted yea on the following rollcall votes: rollcall 608, rollcall 609, and rollcall 610.

HONORING DONALD L. CARCIERI

HON. PATRICK J. KENNEDY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 8, 2010

Mr. KENNEDY. Madam Speaker, I rise today to recognize Donald L. Carcieri, Governor of the State of Rhode Island, for his remarkable leadership in the Ocean State. Governor Carcieri will conclude his second term as Governor in January after serving two incredible terms. His record of public service and advocacy for the people of Rhode Island is simply unmatched.

Governor Carcieri was inaugurated as Rhode Island's 57th Governor on January 7, 2003. A native Rhode Island resident, his election followed a career in business that was capped with his tenure as Chief Executive Officer of Cookson America and Joint Managing Director of Cookson Group Worldwide. He retired from that position in 1997.

Governor Carcieri, born December 16, 1942, was the first of Nicola and Marguerite Carcieri's five children. The family lived in East Greenwich where Nicola Carcieri was a beloved teacher and coach at the town high school. As a family man with four children and fourteen grandchildren, ten of whom live in Rhode Island, Governor Carcieri has always taken an active interest in what is going on in his community and the state.

Governor Carcieri has been instrumental in preserving the historic face of Providence: at his urging, the former Providence train station became the headquarters of Cookson America. The company offices overlooked Burnside Park on one side and the Rhode Island State House on the other. He exhibited unwavering leadership during the tragic Station nightclub fire and during the state's disastrous floods. He memorialized Rhode Island's heroes who fell during the wars in Iraq and Afghanistan.

I wish Don all the best in his future endeavors. He will continue to carry my own admiration, and that of all who have had the privilege to work with him.

20TH ANNIVERSARY OF THE FEDERAL HOME LOAN BANKS' AFFORDABLE HOUSING PROGRAM

HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 8, 2010

Mr. MOORE of Kansas. Madam Speaker, I rise today to recognize the 20th anniversary of a program that has truly served this Nation well: the Federal Home Loan Banks' Affordable Housing Program, AHP. The AHP is funded by contributions of 10 percent of the Federal Home Loan Banks' net income. The AHP represents the largest, single source of private sector grants for housing and community development in the country targeted at underserved segments of the market. The Federal Home Loan Banks have distributed nearly \$4 billion in AHP funds since the program's initiation in 1990.

The AHP is a flexible source of grants and loans designed to help community-based lend-

ing institutions and their community partners develop affordable owner-occupied and rental housing for very low- to moderate-income families and individuals. Applicants are encouraged to leverage their awards with other funding sources, including conventional loans, government-supported financing, tax-credit equity, foundation grants, and bond financing.

The Federal Home Loan Banks' affordable housing funds are a significant driver of job growth, housing production, and expanded tax bases, according to a research study recently completed by The Hendrickson Company and The Shimberg Center for Housing Studies at the University of Florida. The study sought to quantify the "ripple effect" of AHP dollars in employment, broader development spending, and growth of municipal tax bases. By creating more jobs and building tax bases, as well as developing affordable housing, AHP funds are having a unique and very positive economic impact that goes far beyond the units AHP helps fund or the dollars AHP awards, researchers found.

Created by Congress in 1932, the Federal Home Loan Banks are 12 regional banks, cooperatively owned and used by financial institutions serving America's communities to finance housing and economic development. More than 8,000 lenders are members of the Federal Home Loan Bank System, representing approximately 80 percent of America's insured lending institutions. The Federal Home Loan Banks and their members have been the largest and most reliable source of funding for community lending for nearly eight decades.

As Congress turns to housing finance reform next year, I strongly encourage returning and new Members of Congress to consider the successes of the Federal Home Loan Bank System and seek to only build upon them in crafting a stronger, more stable housing finance system in the United States for generations to come.

JACKIE KENDALL AND STEVE MAX: CELEBRATING LIFETIMES OF ACHIEVEMENT

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 8, 2010

Ms. SCHAKOWSKY. Madam Speaker, I rise today to celebrate two extraordinary individuals: Jackie Kendall and Steve Max. This week, they will receive the 2010 Midwest Academy Lifetime Achievement award, in recognition of their decades of work on behalf of economic and social justice.

Jackie and Steve will continue their work in the years to come, but they have already accomplished so much. It is not just their own lifetimes that deserve to be honored, it is the impact that they have had on thousands of other lifetimes. Through their work at the Midwest Academy—a non-profit training organization that teaches organizing skills—they have empowered tens of thousands of individuals who have gone on to make tangible improvements in their communities, our country and the world.

My dear friend Jackie Kendall has been the executive director of the Midwest Academy for 29 years. She is retiring this year from that position. I know she is looking forward to spending time with her fabulous husband, Jerry, and her children and grandchildren. But I cannot imagine Jackie sitting by quietly when she sees problems that need solving nor can I imagine that those who have come to rely on her for strategic guidance will let her alone.

Jackie is one of the most passionate and most creative people I know. I first met Jackie in the grocery store near my home in 1969. The butcher was red-faced and yelling at her and a few other women who had the audacity to ask him the age of the meat he was selling. His answer was, "Go shop somewhere else, or I'll throw you out on your fannies, you geeks." This seemed unacceptable, though quite exciting, to me, so I went to find out. I immediately became involved in this housewives' campaign to get freshness dates on food, and immediately fell in love with Jackie Kendall. The rest is history. Dates on food products are nearly universal and Jackie Kendall went on to organize and inspire many, many more successful campaigns.

At the Midwest Academy, Jackie has had a partner in Steve Max, a denizen of the upper West Side of New York City, who helped get the Midwest Academy started in 1973. Working with Heather and Paul Booth, he helped design the original training curriculum—which includes the famous Midwest Academy strategy chart. Steve's clear economic analyses—peppered with the lessons he learned from his rabbi and shares with his listeners—have educated, inspired and entertained generations of activists.

Steve Max quite deservedly has a fan base across the country. He has worked with students and seniors, patients and scientists, with New Yorkers and Nebraskans, Pennsylvanians and Arizonans. Steve brings to his work not just an in-depth understanding of historic and macroeconomic forces but an ability to understand very local and distinctive concerns and problems, all seasoned with a unique and hilarious sense of humor. With those talents, he is able to craft specific strategies that work locally and globally.

Jackie and Steve have given individuals and organizations the skills and the confidence needed to make a difference in people's lives. They recognize that in today's world it is not always easy to take on powerful interests or to understand how large and complicated entities can be challenged successfully. The Midwest Academy was founded on the principle that—given the right training and tools—individuals can come together and build power. Over the years, they have trained student groups fighting for affordable tuition, seniors opposed to Social Security privatization, and rural groups eager to develop wind power.

In those and so many other efforts, Jackie, Steve and the Midwest Academy give people the tools they need to effectively participate in their communities and their government.

Jackie and Steve are true fighters for progressive change. They have built a foundation that will stand for generations to come.

HONORING CHIEF MASTER SGT.
RICHARD L. ETCHBERGER

HON. EARL POMEROY

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 8, 2010

Mr. POMEROY. Madam Speaker, all of us have observed from time to time wounded heroes in uniform and with their loving families being guided through our Capitol by an energetic tour guide. I know we all appreciate the efforts made to reach out to those who are healing from the wounds of war and recognize them with these very trips to our Capitol.

The tour guide responsible for these visits is Albert Casswell and as I've come to know him, I have been deeply impressed by his commitment to those who have served our country.

This fall I asked Mr. Casswell to provide a tour for the family members of Chief Master Sergeant Richard Etchberger during the week Chief Etchberger was posthumously awarded the Congressional Medal of Honor for extraordinary heroism in service to our country.

During the Vietnam War he acted bravely to save the lives of his fellow airmen resulting in the tragic loss of his own life.

Mr. Casswell was moved as I was moved by meeting this wonderful family and learning the story of Chief Etchberger. He not only provided an exceptional tour for the family, he authored a poem in honor of Chief Etchberger and has inquired as to whether it was appropriate to include in the CONGRESSIONAL RECORD. I offer the poem of Mr. Casswell in appreciation of all he has done to help our soldiers and for his obvious concern for them and their families.

SOME THINGS, TIME CAN NOT ERASE

Some things, Time Can Not Erase
Some things, time can not erase. . . .
Some things, so high above all others are so placed. . . .

A place of Honor, and of most amazing grace!
That which brings such tears to our Lord's face. . . .

That which makes the Angels up on high. . . .

So begin to cry!
All in your most selfless sacrifice. . . .

To give up one's fine life. . . .
For no other gift so burns so bright!

Yes, Some things hold such a hallowed place. . . .

As to what new heights a soul can race. . . .
All in the darkness of most evil war . . . as
when most courageous heart so soared!

That Heaven so insured. . . .
But, a place up on high . . . but with our Lord. . . .

Oh yes Richard, all in your Magnificent Honor In Death. . . .

All in that moment of truth, as when your fine heart so began to crest!

All In Valor, All In Honor and All In Most Selfless Death. . . .

As into that darkness, you so bravely marched off but to give your very best. . . .

As out into a future, all of those lives that you have so blessed. . . .

And what child may so come, from all of the lives that you helped to save my son. . . .

That may one day so Save The World, as Thy Will Be Done!

Because, Some things Time Can Not So Erase. . . .

For The Truth, Will. . . . Will Out All In The End, All In Honor's Place!

And Such Magnificent Patriots as you, who have so made these here United States!

For all of them and their families, Heaven so holds a place!

For all of those fine sons who had to cry, and ask why did daddy die?

And that lovely wife, who lost her best friend that night. . . .

And all of those tearful Christmases not by their sides. . . .

As all of those most swollen tear drops they all so cried!

And those beloved parents, whose great pain shall never die, and never end. . . .

And his Brothers, who but lost their best friend. . . .

Because, Some things. . . . Time Can Not So Erase!

Only when reunited in Heaven once again, will this pain so end this weight. . . .

So wipe all of those tears from your most swollen eyes!

For your lost love who now so up in Heaven as so resides, take comfort in this realized!

For Richard, your fine life was such a Tour de Force. . . .

As you so shined, so magnificently, so brilliantly. . . . so valiantly as you went forth!

All In Honor and Death, all in that uniform of The United States Air Force you soared!

As a great American Hero, you will ever live on evermore!

"Welcome Home, My Son. . . ."

For Richard, new wings upon you are worn. . . .

As An Angel In The Army of Our Lord. . . .
To watch over us evermore. . . .

As this day, we present to you. . . . The Medal of Honor, and to all your loved ones. . . .

Because, Some things. . . . Time Can Not Erase!

TRIBUTE TO PATRICK HATCH FOR HIS SERVICE AS A CONGRESSIONAL FELLOW

HON. JOHN W. OLVER

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 8, 2010

Mr. OLVER. Madam Speaker, the House Appropriations Subcommittee on Transportation, Housing and Urban Development will bid farewell next week to Patrick Hatch, who has served as the Subcommittee's Congressional Fellow over the past year. Mr. Hatch will return to the Department of Housing and Urban Development, where he will continue to perform budget and oversight work, taking with him the extraordinary talents and insight he shared with the Subcommittee.

The Transportation Subcommittee was very fortunate to have Patrick as a part of the Subcommittee team this year. He did an outstanding job serving as a valuable member of our housing policy team, researching a variety of housing and transportation issues, preparing hearing and briefing materials, and managing the thousands of project requests

that were submitted to the Subcommittee during the fiscal year 2011 appropriations process. In addition, Patrick had lead staff responsibility for oversight of the budgets of the Saint Lawrence Seaway Development Corporation, Research and Innovative Technology Administration, Department of Housing and Urban Development Office of Inspector General, Access Board, and Federal Maritime Commission.

Patrick's attention to detail, strong work ethic and excellent sense of humor set a high standard for the Subcommittee. His tremendous commitment to public service was evident in how he continually went above and beyond the call of duty by taking on additional assignments and working long hours to assist his Subcommittee colleagues and ensure a high quality piece of legislation. In every task, Patrick brought a sense of professionalism and passion to his work, and was a pleasure to work with, no matter how late the hour. Everyone who interacted with him during his service to the Subcommittee was greeted with a smile and a kind word, which is extraordinary, considering the difficult tasks and situations he dealt with each day.

I am profoundly grateful for Patrick's service to the Subcommittee over the past 12 months and I am confident that he will go on to achieve great things at the Department of Housing and Urban Development. I, along with my Subcommittee staff, wish Patrick all the best in his future endeavors.

HONORING PHILIP JOHNSTON

HON. PATRICK J. KENNEDY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 8, 2010

Mr. KENNEDY. Madam Speaker, I rise today to recognize Philip Johnston, Chair of the Board of the Robert F. Kennedy Memorial, for his stewardship in the opening of the Robert F. Kennedy Community Schools Complex in Los Angeles, California on September 13, 2010. Named after U.S. Senator Robert F. Kennedy, my uncle, the schools are devoted to social justice. Phil's work on behalf of the young people of Los Angeles is simply remarkable.

The 24-acre, \$578 million schools complex on Wilshire Boulevard consists of six different schools for grades kindergarten to 12, with more than 4,000 students, the vast majority of them from Latino and low-income neighborhoods. Philip, 85, was a driving force behind the project, which was fraught with obstacles from the start, including Donald Trump's plans to build five towers at the site, one of them 125 stories tall. Later, Wal-Mart wanted to put a store there.

Senator Kennedy's commitment to social justice is evident throughout the campus with murals, quotations and similar exhibits.

Originally designed as a large, comprehensive K-12 school that would house more than 2,400 students, the school district determined in 2008 that the facility would host wall-to-wall pilot schools, which opened this fall. Pilot schools are innovative small schools that have charter-like autonomy over their budget, curriculum and assessment, governance, sched-

ule and staffing, but are part of the public school system.

Among the new school's many features is a 500-seat auditorium and café at the site of the old Coconut Grove nightclub, built adjacent to the hotel in the 1920s, where LA's rich and famous would go to party. Howard Hughes was a regular there and several Academy Awards events were held there during the 1930s.

Groundbreaking on the new schools took place four years ago.

Phil has been instrumental in the improvement of public education in Los Angeles. I wish him all the best as he continues his important work on behalf of young people. He will continue to carry my own admiration, and that of all who have had the privilege to work with him.

TRIBUTE TO DAVID NOLAN

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 8, 2010

Mr. PAUL. Madam Speaker, David Nolan, founder of the Libertarian Party and creator of the "Nolan Chart" that inspired the "World's Smallest Political Quiz" passed away on November 21. I join freedom activists around the country in mourning his loss and celebrating his life.

Like many libertarians of his generation, David's initial interest in the freedom philosophy was inspired by the novels of Ayn Rand and Robert Heinlein. During the sixties, David was involved in Students for Goldwater and Young Americans for Freedom (YAF). David was also involved with the Liberty Amendment Committee, which worked to pass an amendment to the Constitution repealing the Sixteenth Amendment and restricting the powers of the federal government to those explicitly granted it in the Constitution.

David was drawn to the Republican Party because of the limited government, pro-individual liberty themes of the Goldwater campaign—and like many others he was disappointed when the supposedly free-market administration of Richard Nixon embraced a policy of conservative Keynesianism. When Richard Nixon imposed wage-and-price controls and took the U.S. off the gold standard on August 11, 1971, David decided he could no longer support the Republican Party and, along with a group of other disillusioned ex-Goldwaterites, created the Libertarian Party.

David remained active in the Libertarian Party for the rest of his life. He even ran for office several times on the Libertarian ticket, most recently just this year when he ran for Senate in Arizona. Despite the best efforts of David and others, the Libertarian Party has never been able to achieve major party status. I believe the main reason for this is the restrictive ballot access laws that force new and third parties to spend the majority of their time and resources getting on the ballot, thus leaving them with comparatively few resources to devote to actually campaigning and spreading their message. I continue to believe the American politics would benefit from reforming these ballot laws so third and independent

parties and candidates could have greater ability to communicate their ideas to the American public.

Despite the obstacles of ballot access, the Libertarian Party has been successful in introducing millions of Americans to the ideas of liberty. It has also pushed the two major parties in a more libertarian direction. Thus, even those advocates of liberty who have chosen to work through the major parties to advance the freedom philosophy benefited from the David Nolan's work to advance liberty through the Libertarian Party.

David's work with the Libertarian Party was far from the sum total of his activism as he was involved in a variety of other pro-freedom organizations and projects. One of David's ideas was the genesis of the freedom movement's most successful outreach tool. In the early seventies, David reworked the traditional two-dimensional left-right political spectrum into a graph running from that favoring government involvement in both economic and personal affairs to those favoring complete liberty. In between were those favoring social freedom but not economy liberty (modern liberals) and those favoring economic freedom but favoring government intervention in personal matters (conservatives). In the 1980s, David's friend Marshall Fritz, the founder and President of the Advocates for Self Government, converted the Nolan Chart into the World's Smallest Political Quiz.

The quiz uses the Nolan Chart to graph an individual's political philosophy based on responses to a series of ten questions that measure one's commitment to economic and personal liberty. The quiz has been taken over 15 million times online, has been reprinted in dozens of newspapers and magazines, is referenced by major high school and college textbooks, and is used by educators in classrooms across America. The quiz is responsible for many people's first contact with libertarian ideas. As a board member of the Advocates for Self Government, David helped the organization popularize the quiz. He also assisted in numerous other projects by the Advocates designed to help activists in the freedom movement more effectively advocate the freedom philosophy.

Madam Speaker, David Nolan devoted his life to the cause of liberty, and helped build the freedom movement through his work with the Libertarian Party, the Advocates for Self Government, and many other organizations. I therefore join freedom lovers across the country in extending my sincere condolences to David Nolan's family and his many friends.

HONORING ADAM AUKAMP AND ALL STUDENTS, TEACHERS, AND STAFF MEMBERS OF WEST CREEK HILLS ELEMENTARY SCHOOL FOR HELPING AFGHANISTAN STUDENTS

HON. TODD RUSSELL PLATTS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 8, 2010

Mr. PLATTS. Madam Speaker, I rise today to offer my congratulations to the students,

teachers, and staff members of West Creek Hills Elementary School, located in my Congressional District, for a very successful school supply drive for students in Afghanistan. In particular, I want to recognize 4th grader Adam Shea Aukamp for bringing the idea to West Creek Hills' Principal, Steve Yanni, and helping to organize the drive.

Adam came up with the idea for the school supply drive after reading a story in a newspaper for children that focused on U.S. troops serving in Afghanistan. The story highlighted how many Afghan children do not have enough school supplies, such as pencils, pens, crayons, etc. Adam decided he wanted to collect supplies to help Afghan children. Adam's mother, Barbara Sheaffer, contacted the Pennsylvania National Guard and connected with a colonel stationed in Afghanistan. The colonel learned through an interpreter that backpacks were also needed. Adam added this to his list.

Adam wrote a letter to his fellow students asking them to support the project and donate supplies. He and a few friends, including Drew Roman, Wesley Marshall, Jacob Doll, and Nicholas Minnich, created some posters and placed them around the school. They also visited classrooms to promote the project. Adam made announcements over the school's intercom system, first announcing the project, and then providing updates on the donation progress.

The drive lasted from November 8 through November 19, 2010. In the end, the school collected: 12 pencil boxes, 37 backpacks, 113 notebooks and writing tablets, 139 crayon boxes, 343 pens, and, 1,577 pencils.

Once again, congratulations to Adam Aukamp and all members of the West Creek Hills Elementary School community. Their efforts are an inspiration to all Americans and stand as a wonderful testament to the unparalleled generosity of our Nation's citizens, young and old.

A TRIBUTE TO ELISHA ACKIE

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 8, 2010

Mr. TOWNS. Madam Speaker, I rise today in recognition of Ms. Elisha Ackie.

Elisha Ackie is one of those members of our society who has always been committed to our community's needs and dedicated to helping others; she is a songbird of religious verses and music, who celebrates that the Lord is her Shepherd.

Elisha Ackie was born on December 14, 1903 in Carriacou, Grenada, West Indies and migrated to New York in 1988. She is the proud mother of Jean Ackie, grandmother of two and great-grandmother of eight and great-great grandmother of two. Her long life is a testament to her legacy of family values and inter-generational family commitment. Even on the dawn of her 107th birthday, she continues to bring her family together for occasional dinners and gatherings.

Elisha Ackie is commended for adding joy and flavor to our 10th Congressional District in

New York. She is also celebrated for the many stylish hats that adorn her beautiful face. This role model of work ethic, family life and sharing of daily bread will most certainly ensure that upcoming generations of her family, and those whose lives they touch, will continue to be fruitful members of our American society.

Madam Speaker, I urge my colleagues to join me in recognizing Ms. Elisha Ackie.

TRIBUTE TO REVEREND CARNELL HAMPTON

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 8, 2010

Mr. CLYBURN. Madam Speaker, I rise today to pay tribute a spiritual and community leader as he retires from the ministry. Reverend Carnell Hampton has been a tremendous light in Clarendon County during his 45 years at Melina Presbyterian Church and his daily guidance will be sorely missed.

Reverend Hampton grew up in the Mayesville community of Sumter County, and graduated from the historic Goodwill Parachioal School. He chose to return close to home following his graduation from seminary at Johnson C. Smith University in Charlotte, North Carolina to serve at Melina Presbyterian Church. He built the church into the center of the Gable community, expanding its membership and its missions. He has lived next door to the church and been an active member of the community throughout his career. Over his more than four decades in the ministry, Reverend Hampton has made innumerable contributions to the community, the state, the Presbytery, the Synod and the Presbyterian Church (U.S.A.).

I want to personally thank Reverend Hampton for his friendship and support. Just six weeks after my election to Congress in 1992, he and the Melina Presbyterian Church Family welcomed me into their worship service and congratulated me on behalf of the community. His care and concern for the community extends beyond the church walls, and he let me know he expected me to represent the community well. I have worked hard to meet his expectations.

Reverend Hampton is married to Carrie Edwards a native of Spartanburg, South Carolina and the couple has one son Jermaine Carnell, a daughter-in-law Hollie, and two grandchildren Nathan and August.

Madam Speaker, I ask you and my colleagues to join me in congratulating Reverend Hampton on his retirement. He has touched countless lives and left an indelible mark on this community. His service to Clarendon County and the Presbyterian Church will be long remembered, and hard to replace. I offer my best wishes as he enters this new phase of his life, and know that he will continue to be an important part of the community.

SO BRILLIANT, THIS, IN HONOR OF A FALLEN HERO, SGT. JESSE MICHAEL BALTHASER, 1ST MARINE DIVISION, 3RD MARINE COMBAT ENGINEER BATTALION, THE UNITED STATES MARINE CORPS

HON. MARY JO KILROY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 8, 2010

Ms. KILROY. Madam Speaker, I rise today with a heavy heart, at the loss of one of America's and Ohio's best, Sergeant Jesse Balthaser of Hilltop, of The United States Marine Corps, 1st Marine Division, 3rd Combat Engineer Battalion. Heroically, Sergeant Balthaser died when he stepped on an IED on September 4th during a fire fight in Helmand province, Afghanistan. This magnificent young man has done several tours in both Iraq and Afghanistan. He was getting ready to come home in November to witness the birth of his first child, already named Regan Michael, in December to Erin McSweeney his girl friend and future wife. Words can not ease their pain, and of that his parents Richard and Nancy Balthaser who have now lost their only child in service to our country. Our prayers and our thoughts go out to them in this time of such sorrow. Our nation owes a great debt to all the families and their loved ones of the Armed Forces, who teach us, That freedom, surely is not free. Bless them all.

So Brilliant, This

So . . .

So Brilliant This!

As is, as was Jesse's gift!

That Last Full Measure! That Oh So Such Golden Treasure!

As all in his short lifetime defined . . .

Of One's Life, As Is This . . . So Brilliant, in time . . .

While, all in the darkness of war . . .

While, all in a heart and soul . . . of such faith to insure . . .

To insure our freedom, but, bought and paid for!

Yes Jesse, but with your most precious life! Oh yes you Jesse, so shone with your most brilliant light . . .

All in your magnificent shades of green . . .

As there you were, our son so bravely seen! Oh yes, you United States Marine!

Where Strength In Honor, So Convenes!

As so gallantly, you so ventured forth . . .

All out upon death's course . . .

As for us, you walked through The Valley of Death . . .

With a heart of courage full, and clenched fist!

As America's Son! As on high, as your courage crested!

As all for God and Country, your most courageous heart could not so be stilled!

And your United States Marines, Ohio's Best as you moved onward still!

As our nation with your sacred sacrifice, all of our lives have so blessed!

As a Mother and a Father cries, as their only son has died . . .

As for them, we now so weep . . . deep down in hearts, so very deep!

As a future wife's, great love has been lost . . .

And their new child to be born out of love, will bare the cost . . .

But, hush little baby don't you cry!

Because, one day up in Heaven you will look into your fine Father's eyes!
 And Jesse, on this night as your loved ones lay their heads down to sleep . . .
 Out across Columbus, but comes a gentle rain . . . that which so weeps . . .
 So Weeps, Our Lords tears . . . falling down from Heaven so very deep . . .
 All in his love for you, and your most brilliant gift . . .
 And for your heartbroken family so very deep!
 To ease their pain . . .
 And in the comings years, we will see you . . . all in our tears . . .
 All in your beautiful child of love, most beautiful face . . . so very dear!
 So Brilliant, This!

PERSONAL EXPLANATION

HON. JOHN A. YARMUTH

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 8, 2010

Mr. YARMUTH. Madam Speaker, I was unable to cast the recorded votes for rollcall 608, 609, and 610. Had I been present I would have voted "yes" for these measures:

Rollcall No. 608—H.R. 6400—On Motion to Suspend the Rules and Pass.

Rollcall No. 609—H. Res. 1642—On Motion to Suspend the Rules and Pass.

Rollcall No. 610—H. Res. 1264—On Motion to Suspend the Rules and Pass.

IN RECOGNITION OF MR. ALLAN W. PURDY

HON. RUSS CARNAHAN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 8, 2010

Mr. CARNAHAN. Madam Speaker, I rise to celebrate the life of Allan Purdy who dedicated his life to removing financial barriers to higher education.

His unprecedented devotion and leadership in making college education more affordable to all students will be remembered down through the ages. As a strong supporter of affordable higher education, I applaud Purdy's bold endeavor in ensuring that all students are assisted in achieving their higher education goals.

Purdy was the founding president of the National Association of Student Financial Aid Administrators and helped create the Missouri Higher Education Loan Authority, spending 20 years serving on MOHELA's board of directors.

He truly believed in putting the best interest of the students first. He worked to implement borrower benefit programs including loan forgiveness and low interest rates. I admire his tenacity and determination in that he played a key role in supporting and organizing student aid programs in which thousands of Missourians benefit.

On October 14th, we lost a great education pioneer. Now is the time that, we must work together to ensure that Allan Purdy's legacy and commitment to serving students continues

and that we work toward providing equal opportunities to students.

Purdy will be forever remembered for his unwavering allegiance to building financial aid programs that would serve all students despite the college they choose.

HONORING FRANK HOWARD ALLEN REALTORS

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 8, 2010

Ms. WOOLSEY. Madam Speaker, I rise today to recognize Frank Howard Allen Realtors, which this year is celebrating its 100th anniversary of service in the San Francisco Bay Area. For a century now, Frank Howard Allen has remained a family-owned, locally operated brokerage characterized by a unique commitment to the people in our region. We have all been fortunate to benefit from its long history of economic and community development.

Frank Howard Allen Realtors, the namesake of its founder, was established in Marin County in 1910 as a small company focused on local service. By the 1960s, the company had expanded to four offices and over forty salespeople, and ownership was transferred to another family with strong local ties. It has remained in that family's care ever since and is now owned by CEO Larry Brackett and his wife Brennie Brackett. Under the Bracketts' leadership, Frank Howard Allen has continued its steady growth into Marin County's largest brokerage by market share, and it has expanded its strong presence in Sonoma and Napa Counties. From a small, independent company, Frank Howard Allen has become one of our major employers, with over 600 agents in more than 20 offices across the North Bay.

But even as it has grown into an important regional player, Frank Howard Allen has remained invested in our communities and deeply rooted in its origins. Because of the Bracketts' efforts, the company has been instrumental in developing the Marin Workforce Housing Trust, a unique public-private partnership that provides funding for critically necessary low-income and special-needs housing. Frank Howard Allen has also played an active and conscientious role in our public life, providing assistance to organizations serving our population in countless ways. By matching its agents' donations from closed escrows, Frank Howard Allen has been a consistent supporter of our North Bay schools, clinics, parks, museums, food banks, and other nonprofit organizations serving local people and our natural environment. Most recently, the brokerage sponsored its own giving programs aimed at providing food and clothing to those in need over the holiday season.

Frank Howard Allen has also been the recipient of a number of business awards, not only for its approach to clients and the community, but also for its treatment of workers. In 2010, Frank Howard Allen was honored by the North Bay Business Journal as one of the region's best places to work, and readers of the

Pacific Sun voted it the region's best real estate brokerage. Frank Howard Allen also carried its category in NorthBay Biz, making this the eighth consecutive year it has won that magazine's highest accolades.

Madam Speaker, I ask you to join me in honoring Frank Howard Allen Realtors for its long standing work in our region, and in wishing it every success in its second century. The company's economic and philanthropic contributions to our communities are a model of the kind of business that makes the North Bay a vibrant and unique place to live.

A TRIBUTE TO LAUREN HAMMOND

HON. DORIS O. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 8, 2010

Ms. MATSUI. Madam Speaker, I rise today to recognize Sacramento City Councilwoman Lauren Hammond, as she steps down from the Sacramento City Council after 14 years of honorable service. As her colleagues, friends and family gather to commemorate her many years of service to the people of Sacramento, I ask my colleagues to join me in recognizing Councilwoman Hammond's leadership and lasting impact on the City of Sacramento.

Councilwoman Hammond is a Sacramento native; she grew up in Land Park and attended McClatchy High School, the same high school as my late husband Robert Matsui. After high school, she continued her higher education in Sacramento, graduating from Sacramento City College and the California State University, Sacramento where she received her Bachelor of Arts in Government.

After graduation from Sacramento State, Lauren began her distinguished career in public service by working 22 years for the California State Senate. While with the Senate, she has served as a Telecommunications Contract Administrator and as the Senate's Coordinator for the Americans with Disabilities Act.

In 1997, Lauren ran for Sacramento's City Council. She won the special election in to become the first African-American woman elected to the City Council. As a City Councilwoman, she put her skills as a long-time community leader and neighborhood activist to work, focusing on working families and ensuring that the City of Sacramento is run efficiently. In her work, she concentrated on improving her district by ensuring safe walkways to schools and expanding youth services. She tackled citywide concerns such as youth empowerment, accessible health care for all, predatory lending and implementing smart growth policies. She has also helped revitalize Sacramento's Oak Park neighborhood, as well as lead the efforts to improve the Broadway, Stockton Boulevard and Franklin Boulevard corridors in order to make those areas more business friendly. She has worked tirelessly to make Sacramento a better place to live and do business.

Councilwoman Hammond's duties kept her busy, as she served on numerous boards of local government agencies. Some of these include the governing bodies of the Sacramento

Area Sewer District, the Sacramento Transportation Authority, the Downtown Sacramento Revitalization Corporation, the Sacramento Metropolitan Air Quality Management District, the Sacramento Regional Solid Waste Authority Board, the Regional Transit District and Paratransit Inc. She also served as the Chairwoman of the City's Law and Legislation Committee.

Madam Speaker, as Councilwoman Hammond's family, friends and colleagues gather to honor her for her service to the people of Sacramento, I ask all my colleagues to join me in saluting her for helping make Sacramento a great place to live, work and play.

PERSONAL EXPLANATION

HON. ADAM H. PUTNAM

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 8, 2010

Mr. PUTNAM. Madam Speaker, on Tuesday, December 7, 2010, I was not present for three recorded votes. Had I been present, I would have voted the following way:

Roll No. 608—"yea."

Roll No. 609—"yea."

Roll No. 610—"yea."

TRIBUTE TO LOIS J. CARSON, EXECUTIVE DIRECTOR OF THE COMMUNITY ACTION PARTNERSHIP OF RIVERSIDE COUNTY

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 8, 2010

Mr. CALVERT. Madam Speaker, I rise today to congratulate and pay tribute to an individual from my Congressional District for her 30 years of outstanding service to the community of Riverside, California. Lois J. Carson has served as Executive Director of the Community Action Partnership (CAP) of Riverside County for 30 years. After three decades of service, Lois will retire at the end of December and I thank her for years of dedicated public service. In her honor, a grateful city has declared December 14, 2010, as "Lois J. Carson Day."

In July 1980, Lois was first appointed by the Board of Supervisors as the first Executive Director of CAP of Riverside County, then known as the Department of Community Action. For 30 years CAP has worked toward reducing poverty in Riverside County. In 2005 and under Lois' direction, Riverside received the National Community Action Partnership's Award for Excellence, to date the only Community Action Agency (CAA) in California, and the only public CAA in the nation, to receive this award.

Lois has been recognized as an innovator who always worked diligently on behalf of the city and in her role with CAP. Through the years CAP has touched the lives of thousands of low-income residents in Riverside, helping them gain footing through programs such as Individual Development Accounts, Building

Links to Impact Self-Sufficiency (Project B.L.I.S.S.), Earned Income Tax Credit, and Weatherization and Access to Assets.

Lois has received numerous awards recognizing her accomplishments, including being named a "Distinguished Alumnus" by California State University, San Bernardino and by the University of California, Riverside. She was also a first year recipient of the Riverside YWCA "Woman of Achievement" award. In addition, Lois was named the Fair Housing Council of Riverside County's "Champion of Justice," honored with the Business Press' "Leader of Distinction" award; named a 2001 Papal Medalist; earned the Woman of the Year for the 62nd Assembly District; awarded the 2007 Lyndon Baines Johnson "Human Services Award" which is highest honor of the National Community Action Partnership; and was named the 2009 "Spirit of the Entrepreneur" Award from Social Entrepreneur.

She also served as a trustee for the San Bernardino Community College District for 24 years during which time she was named "Top Trustee in the U.S." in 1991 by the Association of Community College Trustees. She remains an active member of Alpha Kappa Alpha Sorority, National Council of Negro Women and is a Black Future Leaders mentor. She is also the longest serving member of the Riverside County Workforce Investment Board.

Lois' tireless passion for community and public service has contributed immensely to the betterment of the community of Riverside, California. I am proud to call Lois a fellow community member, American and friend. I know that many community members are grateful for her service and salute her as she retires.

LETTER OF SUPPORT FOR S. 3250

HON. RUSS CARNAHAN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 8, 2010

Mr. CARNAHAN. Madam Speaker, attached is a amended support letter for S. 3250 which passed the House on Wednesday, December 1, 2010. A previous copy was submitted for the RECORD.

HIGH-PERFORMANCE BUILDING CONGRESSIO-
NAL CAUCUS COALITION,

December 3, 2010.

Re Federal Buildings Personnel Training Act of 2010.

RUSS CARNAHAN,
Washington, DC.

JUDY BIGGERT,
Washington, DC.

THOMAS CARPER,
Washington, DC.

SUSAN COLLINS,
Washington, DC.

DEAR REPRESENTATIVES CARNAHAN AND BIGGERT AND SENATORS CARPER AND COLLINS: As the leading organizations involved in the design, construction, operation and maintenance of buildings, we applaud your continued efforts to improve our Nation's buildings. Thank you for your leadership and vision in the development and passage of H.R. 5112 and S. 3250, "Federal Buildings Personnel Training Act of 2010."

As you know, Congress and the President have established stringent goals for Federal agencies to achieve reductions in energy and water use and greenhouse gas emissions. Agencies also have additional needs related to other high-performance building attributes, including safety and security. Achieving these goals requires personnel engaged in the design, construction, operation and maintenance of federal buildings to have the appropriate skills and training.

Federal agencies have long been looked to as an example of what can be done within the built environment. As the Nation's largest holder of real estate, the Federal government has the opportunity and resources to influence the development and implementation of building design, construction, operations and maintenance tools, technologies and practices. Federal buildings should serve as public showcases and leading examples of energy efficiency and indoor environmental quality (IEQ) through their design, construction, equipment, and operations and maintenance.

As both public and private sector buildings become increasingly complex to meet our Nation's energy and environmental goals, personnel with the necessary competencies will be critical to achieving these goals. The undersigned organizations, thank you for your leadership on this legislation and are poised to provide the necessary training to achieve both public and private sector goals.

We look forward to continued work with you in realizing the full potential of high-performance buildings.

Sincerely,

National Institute of Building Sciences (NIBS); American Society of Heating, Refrigerating and Air Conditioning Engineers (ASHRAE); International Facility Management Association (IFMA); National Electrical Manufacturers Association (NEMA); U.S. Green Building Council (USGBC); International Association of Plumbing and Mechanical Officials (IAPMO); Federation of American Scientists (FAS); National Fire Protection Association (NFPA); International Code Council (ICC); Polyisocyanurate Insulation Manufacturers Association (PIMA); American Institute of Architects (AIA); Spray Polyurethane Foam Alliance (SPFA); United Association—Union of Plumbers, Fitters, Welders and HVAC Service Techs; Green Mechanical Council; The Stella Group, Ltd.; Association for Facilities Engineering (AFE); Mechanical Contractors Association of America (MCAA); National Society of Professional Engineers (NSPE); BuildingInsight, LLC; American Council of Engineering Companies (ACEC); Green Building Initiative (GBI); Ecobuild America/AEC Science & Technology, LLC; American Society of Landscape Architects (ASLA); Air-conditioning, Heating and Refrigeration Institute (AHRI); National Fenestration Rating Council (NFRC); Center for Environmental Innovation in Roofing (CEIR); The Radiant Panel Association; Carbon Monoxide Safety Association (COSA); Educational Standards Corporation Institute (ESCO Institute); HVAC Excellence; Air Conditioning and Refrigeration Association (AC&R); Federal Performance Contracting Coalition; Sustainable Buildings Industry Council (SBIC); National Insulation Association (NIA); InfoComm International;

Building Intelligence Group; Sheet Metal and Air Conditioning Contractors—National Association, Inc. (SMACNA); Architecture 2030; LonMark International; Environmental and Energy Study Institute (EESI); American Society of Civil Engineers (ASCE); BASF; EIFS Industry Members Association (EIMA); Plumbing-Heating-Cooling Contractors—National Association (PHCC); Johnson Controls; APPA: Leadership in Educational Facilities; International Association of Lighting Designers (IALD); The Vinyl Institute; Illuminating Engineering Society (IES); DuPont; Brick Industry Association; Association of Energy Engineers (AEE); Siemens; Bentley Systems; International Association of Heat & Frost Insulators and Allied Workers; Delphi; Ingersoll Rand; Natural Resource Defense Council (NRDC).

RECOGNIZING MAJOR GENERAL
ROBERT T. BRAY

HON. PATRICK J. KENNEDY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 8, 2010

Mr. KENNEDY. Madam Speaker, I rise today to recognize Major General Robert T. Bray for his stewardship in Rhode Island's Jail Diversion and Trauma Recovery Program—Priority to Veterans. His contributions have been vital to the success of this program. His work with this important issue is simply unmatched.

Rhode Island's Jail Diversion and Trauma Recovery Program—Priority to Veterans addresses the needs of individuals with mental illness such as post traumatic stress disorder and trauma related disorders involved in the justice system. In recognition of the dramatically higher prevalence of trauma related disorders among veterans, this program prioritizes eligibility for veterans.

General Bray assumed the duties as The Adjutant General and the Commanding general of the Rhode Island National Guard on 17 February 2006. As The Adjutant General, he is responsible for the mission readiness of all Rhode Island National Guard units for both federal and state missions.

General Bray joined the South Dakota National Guard in December 1971. He received his commission as a Field Artillery officer through the South Dakota Military Academy in 1974. Prior to this assignment, General Bray served as the Deputy Commanding General, Army National Guard, United States Army Field Artillery Center, Fort Sill, Oklahoma. In that capacity he served as the advisor to, and as the personal representative of, the Commanding General (CG) for all Army National Guard Field Artillery matters.

General Bray has been instrumental in advancing Rhode Island's correctional institutions. I wish him all the best as he continues his important work on behalf of our nation's heroes, our veterans. He will continue to carry my own admiration, and that of all who have had the privilege to work with him.

IN RECOGNITION OF REV. DR.
DEFOREST SOARIES, JR.

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 8, 2010

Mr. PALLONE. Madam Speaker, I rise today to recognize Rev. Dr. DeForest B. Soaries, Jr., a resident of Monmouth Junction, New Jersey and the Senior Pastor of the First Baptist Church of Lincoln Gardens in Somerset. Today, the church community gathers to celebrate Rev. Soaries' 20th Pastoral Anniversary. Rev. Soaries' pastoral ministry focuses on spiritual growth, educational excellence, economic empowerment and faith-based community development. His advocacy and dedication to members of the community are undoubtedly worthy of this body's recognition.

Rev. Soaries' experience and activism in college laid a solid foundation for his future success. As a college student, Rev. Soaries led a campaign against drug use on campus. He later advocated for civil rights issues as a community organizer for the Urban League. He was also served as a National Coordinator in Operation PUSH. Rev. Soaries earned a Bachelor's of Arts Degree from Fordham University, a Master's of Divinity Degree from Princeton Theological Seminary and a Doctorate of Ministry Degree from United Theological Seminary. He is also the recipient of six honorary Doctoral Degrees from various institutions.

Rev. Soaries is well known for being an active agent for change. He has guided members of the church and local community with financial education assistance and foreclosure prevention. Specifically, dfree is a program developed by Rev. Soaries to encourage participants to attain financial self-sufficiency. The dfree strategy teaches individuals to live without debt, within their means and pay their bills on time. As a result of his outstanding accomplishments, Rev. Soaries was the focus of the third installment of CNN's "Black in America" documentary "Almighty Debt." It aired on October 21, 2010. This documentary highlighted three families from First Baptist Church of Lincoln Gardens who were facing difficult financial times as a result of issues including the recession, home foreclosure, unemployment and college tuition payments. In April 2007, Radio Talk Show Host Don Imus used racially insensitive language to describe the members of the Rutgers University Women's Basketball team. Rev. Soaries served as the mediator and facilitator between these two groups.

From January 12, 1999 to January 15, 2002, Rev. Soaries served as New Jersey's thirtieth Secretary of State. He was the first African-American male to serve in this position. In his capacity, he served as senior advisor to the Governor on a wide range of public policies that effect various departments and constituencies. In December 15, 2003, Rev. Soaries was appointed to serve as Chairman of the United States Election Assistance Commission. This commission was established by Congress to implement the "Help America Vote Act" of 2002. Rev. Soaries' leadership in these endeavors is worthy of our praise and commendation.

As a result of his exceptional work, Rev. Soaries was recently recognized by both houses of the New Jersey Legislature for his religious and community leadership. His work has also been featured in the New York Times, Ebony Magazine, Black Enterprise and Government Executive Magazine.

Madam Speaker, please join me in leading this body in congratulating Rev. Dr. DeForest Soaries, Jr., as the parishioners celebrate his 20th Pastoral Anniversary. Rev. Soaries and the First Baptist Church of Lincoln Gardens are tremendously valued in my district and the State of New Jersey.

IN HONOR OF CHIEF WARRANT
OFFICER JOHN ULSTROM

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 8, 2010

Mr. KUCINICH. Madam Speaker, I rise today in honor and recognition of retired Chief Warrant Officer John Ulstrom, who walked 1,500 miles from Desdemona, TX to Washington, DC in an effort to bring attention to the need for better mental health care for troops returning from Iraq and Afghanistan.

Officer Ulstrom made this journey in memory of his friend's son Joe Vitalec, a 21 year old Army reservist who committed suicide after developing Post Traumatic Stress Disorder (PTSD) in Iraq. Unfortunately, stories like Mr. Vitalec's are not uncommon. Statistics from the Department of Veterans Affairs (VA) reveal that veterans account for 20% of American suicides, which amounts to 18 suicides per day. Today's soldiers are deployed for unprecedented amounts of time, and the extra exposure to combat takes its toll. A study published in the Archives of Internal Medicine found that nearly one out of three veterans returning from Iraq and Afghanistan who required services from the VA in the first part of the decade were diagnosed with psychological trauma. The VA has been underfunded for years, and it employs only a fraction of the number of mental health care workers needed to give veterans the treatment they need. Many veterans receive no treatment at all, and many of those who do receive it in the form of a pill.

In his blog, Ulstrom explains the situation in more personal terms. "I have seen firsthand that there is a severe shortage of mental health workers and psychiatrists in the military and Dept. of Veterans Affairs. PTSD is a severe problem with our returning veterans, with no one to talk to and nowhere to turn, many vets suffer alone with no treatment whatsoever, slowly descending into their own personal hell."

Madam Speaker and colleagues, please join me in applauding Officer Ulstrom for his work. By making this journey and sharing his story, he has personalized the pain of mentally ill veterans and their families. These men and women who have given so much of themselves to our country deserve our full support.

HONORING MAJOR GENERAL DONALD J. GOLDHORN, THE ADJUTANT GENERAL OF THE GUAM NATIONAL GUARD, FOR HIS EXEMPLARY SERVICE TO THE PEOPLE OF GUAM AND TO THE UNITED STATES OF AMERICA

HON. MADELEINE Z. BORDALLO

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 8, 2010

Ms. BORDALLO. Madam Speaker, I rise today to honor the exemplary service and leadership of Major General Donald J. Goldhorn, the Adjutant General of the Guam National Guard. Major General Goldhorn has been an outstanding leader of the men and women in the Guam National Guard and has been actively involved in our community on Guam for many years. Major General Goldhorn is a member of the Rotary Club of Guam Sunrise and is an active supporter of local charities. He also supports community service projects for our civilian and military communities. Further, no has been a key resource to the Armed Forces Committee of the Guam Chamber of Commerce.

Before joining the U.S. Army, Major General Goldhorn, in 1966, earned a Bachelor of Arts in Psychology from Huron College in South Dakota and, in 1967, a Master of Science Degree in Guidance and Counseling from Northern State University in Aberdeen, South Dakota. As an officer in the U.S. Army, he attended the Army Command and General Staff College in 1980 and in 1995, was a Resident at the Army War College.

Major General Goldhorn's military career began in 1969 when he was commissioned as a first lieutenant in the Medical Service Corps. In January 1970, Lt. Goldhorn served as a Field Medical Assistant at the 91st Evacuation Hospital in the Republic of Vietnam during the Vietnam War. Later that year, he served as the Commander for the 51st Medical Company, then again as Commander of the Headquarters Detachment of the 67th Evacuation Hospital. In total, Major General Goldhorn held command positions for 11 months in Vietnam.

Following his service in Vietnam, he was named Assistant Adjutant for the Fitzsimmons Army Medical Center in Denver, Colorado in January 1971. Subsequently he held a number of other positions in the Army Reserves before joining the South Dakota National Guard. Major General Goldhorn has the unique distinction of serving in both the South Dakota and Guam National Guards. His unique experience has helped him be a successful and resourceful leader of the Guam National Guard.

Of particular note, on August 6, 1997, Major General Goldhorn was serving as Chief of Staff to the Guam Army National Guard when he earned the Guam Commendation Medal and Humanitarian Award for his efforts in the recovery of victims from Korean Airlines Flight 801 crash. The efforts of leaders like Major General Goldhorn after this crash ensured the survival of 26 people. After his time as Chief of Staff, Major General Goldhorn returned to the South Dakota National Guard serving as the Assistant Adjutant General. Major General

Goldhorn returned to Guam on March 18, 2005, coming from the Retired Reserve, to serve as the Adjutant General for the Guam National Guard and Director of Guam Department of Military Affairs.

Major General Goldhorn took over leadership of the Guam National Guard at a critical time in the history of the National Guard. He has worked hard to successfully transition from a strategic reserve to an operational force. He has had to balance domestic mission resource requirements with the demands of multiple deployments for Guam National Guard units to the Horn of Africa, Afghanistan and Iraq. Further, he has worked to ensure that the men and women of the Guam National Guard remain ready to support our efforts at home and abroad. Major General Goldhorn has been a leader in working with National Guard Bureau leadership and Congress to ensure that the National Guard has adequate full-time manning. Full-time manning ensures that the National Guard maintains its highest levels of readiness and increases dwell time so that soldiers and airmen can spend more time at home with their families and at their jobs.

Further, Major General Goldhorn has worked to increase the end strength of the Guam National Guard and increase its mission requirements. He understood the potential benefits of the Army's restructuring on Guam. As such, Major General Goldhorn provided the leadership for the transformation of Guam National Guard missions and capabilities. His efforts successfully capture the ability of the Guam National Guard to recruit and retain quality soldiers and airmen. In addition, Major General Goldhorn continues to work with leaders in the U.S. Air Force Headquarters, Pacific Air Force, Andersen Air Force Base and Air Mobility Command to bring a flying mission to Guam. Major General Goldhorn recognizes the strategic importance of Guam and the importance of supporting the Air Force mission in the Western Pacific. He also understands the humanitarian aid and support role of the United States in the Western Pacific and it is these requirements that drive the necessity of having a permanent flying mission on Guam. While the ultimate goal of having aircraft in Guam will not be realized during his tenure he has laid the groundwork for his predecessor to achieve success on this critical capability for Guam and the Guam National Guard.

Building on our strategic location, Major General Goldhorn ensured that the Guam National Guard would participate in the National Guard's State Partnership Program. The National Guard State Partnership Program enhances a respective combatant commander's ability to build enduring civil-military relationships that improve long-term international security while building partnership capacity across all levels of society. The Guam National Guard partnership with the Philippines provides Filipino forces and civilian counterparts with capacity building exercises and trainings. This particular partnership recognizes the unique cultural and historic link between Guam and the people of the Philippines. In recognition of the partnership's success Major General Goldhorn, in October 2010, was awarded the Republic of the Philippines' Outstanding Achievement Medal by

the country's Secretary of Defense for his efforts under the National Guard Bureau's State Partnership Program.

Above all else, Major General Goldhorn has the utmost care and respect for his soldiers and airmen in the Guam National Guard. He has travelled to the Horn of Africa, Iraq, Afghanistan and the Philippines to visit with our men and women in uniform while they performed their missions. He has been a mentor to many of the men and women in the Guam National Guard. Under his leadership, the organization thrived during these difficult times of engagement in several conflicts while transforming the way it prepares, fights and deploys for conflicts. Major General Goldhorn is the reason that our Guam National Guard is respected and admired across the branches of the military and across our Nation.

It is on the occasion of Major General Goldhorn's retirement from the Guam Army National Guard that I join the people of Guam in acknowledging his leadership, service, and dedication to serving the community of Guam. I commend him on his prolific military career, thank him for his service to our island community and people, and wish him the best in his retirement.

COMMEMORATING THE 50TH ANNIVERSARY OF THE ARCTIC NATIONAL WILDLIFE REFUGE

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 8, 2010

Mr. HOLT. Madam Speaker, I rise today to commemorate the 50th anniversary of the designation of the Arctic National Wildlife Refuge.

On December 6, 1960, President Dwight D. Eisenhower created the Arctic National Wildlife Range "for the purpose of preserving unique wildlife, wilderness, and recreational values" of North East Alaska. The reserve was further expanded by President Jimmy Carter in 1980 and renamed the Arctic National Wildlife Refuge, ANWR, to further recognize the breathtaking landscape and stunning diversity of wildlife that inhabit the area.

The Arctic Refuge is the only completely protected Arctic ecosystem in the U.S. and one of our country's environmental crown jewels. Stretching from the plains of the Arctic Sea to the soaring mountains of the Brooks Range and lush boreal forests of the Alaskan lowlands, ANWR protects critical breeding and migratory habitat for over 200 species. The very essence of ANWR is that it is pristine and untouched.

Throughout my career in Congress I have fought to protect ANWR from the scourge of oil and gas drilling. A few extra tablespoons of oil for our gas tanks are not worth irreparably damaging this pristine environment which is truly a national treasure.

Some would argue that most Americans will not visit ANWR in their lifetimes and therefore it does not warrant the strongest protections that Congress can give it. Hundreds of my Central New Jersey constituents have written me opposing oil and gas drilling in this area.

While they may not have visited the reserve, they understand the value that our public lands have to all Americans and I will continue to fight to protect ANWR on behalf of my constituents, their children and their children's children.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, December 9, 2010 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

DECEMBER 14

2:15 p.m.

Foreign Relations

Business meeting to consider S. 2982, to combat international violence against women and girls, S. 3688, to establish an international professional exchange program, S. 1633, to require the Secretary of Homeland Security, in consultation with the Secretary of State, to establish a program to issue Asia-Pacific Economic Cooperation Business Travel Cards, S. 3798, to authorize appropriations of United States assistance to help eliminate conditions in foreign prisons and other detention facilities that do not meet minimum human standards of health, sanitation, and safety, S. Con. Res. 71, recognizing the United States national interest in helping to prevent and mitigate acts of genocide and other mass atrocities against civilians, and supporting and encouraging efforts to develop a whole of government approach to prevent and mitigate such acts, S. Res. 680, supporting international tiger conservation efforts and the upcoming Global Tiger Summit in St. Petersburg, Russia, S. J. Res. 37, calling upon the President to issue a proclamation recognizing the 35th anniversary of the Helsinki Final Act, Treaty between the Government of the United States of America and the Government of the Republic of Rwanda Concerning the Encouragement and Reciprocal Protection of Investment, signed at Kigali on February 19, 2008 (Treaty Doc. 110-23), international Treaty on Plant Genetic Resources for Food and Agriculture,

adopted by the Food and Agriculture Organization of the United Nations on November 3, 2001, and signed by the United States on November 1, 2002 (the "Treaty") (Treaty Doc. 110-19), and the nominations of Thomas R. Nides, of the District of Columbia, to be Deputy Secretary for Management and Resources, William R. Brownfield, of Texas, to be Assistant Secretary for International Narcotics and Law Enforcement Affairs, Suzan D. Johnson Cook, of New York, to be Ambassador at Large for International Religious Freedom, Larry Leon Palmer, of Georgia, to be Ambassador to the Bolivarian Republic of Venezuela, Gregory J. Nickels, of Washington, to be an Alternate Representative to the Sixty-fifth Session of the General Assembly of the United Nations, Carol Fulp, of Massachusetts, to be a Representative to the Sixty-fifth Session of the General Assembly of the United Nations, Jeanne Shaheen, of New Hampshire, to be a Representative to the Sixty-fifth Session of the General Assembly of the United Nations, and Roger F. Wicker, of Mississippi, to be a Representative to the Sixty-fifth Session of the General Assembly of the United Nations, all of the Department of State, Paige Eve Alexander, of Georgia, to be an Assistant Administrator of the United States Agency for International Development, and Alan J. Patricof, of New York, and Mark Green, of Wisconsin, both to be a Member of the Board of Directors of the Millennium Challenge Corporation, and a routine list in the Foreign Service.

S-116, Capitol

HOUSE OF REPRESENTATIVES—Thursday, December 9, 2010

The House met at 10 a.m. and was called to order by the Speaker.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

During the Advent season, promised by darkness and deprived of natural light, we know how to flick a switch and make a difference.

But how different it is, Lord, when the darkness is ignorance and we just do not know how to motivate our young or reshape the unemployed; or

stop the drainage of poverty and the falling worth of the land upon which we have built our security.

Lord, lead us to the foundation of renewed faith and gift us with hope that we may be ready to encounter You, our God, cloaked in our humanity, now and in the days to come. Amen.

NOTICE

If the 111th Congress, 2d Session, adjourns sine die on or before December 23, 2010, a final issue of the *Congressional Record* for the 111th Congress, 2d Session, will be published on Wednesday, December 29, 2010, in order to permit Members to revise and extend their remarks.

All material for insertion must be signed by the Member and delivered to the respective offices of the Official Reporters of Debates (Room HT-59 or S-123 of the Capitol), Monday through Friday, between the hours of 10:00 a.m. and 3:00 p.m. through Wednesday, December 29. The final issue will be dated Wednesday, December 29, 2010, and will be delivered on Thursday, December 30, 2010.

None of the material printed in the final issue of the *Congressional Record* may contain subject matter, or relate to any event that occurred after the sine die date.

Senators' statements should also be submitted electronically, either on a disk to accompany the signed statement, or by e-mail to the Official Reporters of Debates at "Record@Sec.Senate.gov".

Members of the House of Representatives' statements may also be submitted electronically by e-mail, to accompany the signed statement, and formatted according to the instructions for the Extensions of Remarks template at <http://clerk.house.gov/forms>. The Official Reporters will transmit to GPO the template formatted electronic file only after receipt of, and authentication with, the hard copy, and signed manuscript. Deliver statements to the Official Reporters in Room HT-59.

Members of Congress desiring to purchase reprints of material submitted for inclusion in the *Congressional Record* may do so by contacting the Office of Congressional Publishing Services, at the Government Printing Office, on 512-0224, between the hours of 8:00 a.m. and 4:00 p.m. daily.

By order of the Joint Committee on Printing.

CHARLES E. SCHUMER, *Chairman*.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Florida (Mr. BUCHANAN) come forward and lead the House in the Pledge of Allegiance.

Mr. BUCHANAN led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed with an

amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 4337. An act to amend the Internal Revenue Code of 1986 to modify certain rules applicable to regulated investment companies, and for other purposes.

The message also announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested.

S. 3167. An act to amend title 13 of the United States Code to provide for a 5-year term of office for the Director of the Census and to provide for the authority and duties of the Director and Deputy Director of the Census, and for other purposes.

The message also announced that pursuant to Public Law 106-398, as amended by Public Law 108-7, and upon the recommendation of the Majority Leader, in consultation with the Chairmen of the Senate Committee on Armed Services and the Senate Committee on Finance, the Chair, on behalf of the President pro tempore, appoints

the following individual to the United States-China Economic Security Review Commission: C. Richard D'Amato of Maryland for a term beginning January 1, 2011 and expiring December 31, 2012 vice Peter Videnicks of Virginia.

The message also announced that pursuant to Public Law 106-398, as amended by the Public Law 108-7, and upon the recommendation of the Republican Leader, in consultation with the Ranking Members of the Senate Committee on Armed Services and the Senate Committee on Finance, the Chair, on behalf of the President pro tempore, reappoints the following individuals to the United States-China Economic Security Review Commission.

Robin Cleveland of Virginia for a term expiring December 31, 2012.

Dennis C. Shea of Virginia for a term expiring December 31, 2012.

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain up to five requests for 1-minute speeches on each side of the aisle.

ISRAEL'S FIRE

(Mr. QUIGLEY asked and was given permission to address the House for 1 minute.)

Mr. QUIGLEY. Madam Speaker, in the wake of the worst fire in Israel's history, I want to commend USAID and the U.S. Forest Service for leading America's vital effort to help extinguish the flames.

Now that the fires are out, the hardest work begins. The U.S. Forest Service will work closely with the Jewish National Fund and the State of Israel's national foresters to rebuild the destroyed forest.

Their first order of business will be assessing the damage and creating a plan for the long-term renewal of the historically significant Carmel Forest. The Mount Carmel region in Israel is rich in biblical history, most famous as the site of Elijah's battle with the prophets of Baal.

The coordinated efforts of the JNF and the U.S. Forest Service will ensure this precious area is restored and maintained for generations. The partnership of the U.S. Forest Service and the Jewish National Fund is yet another reminder of the strong ties between the United States and Israel.

I urge my colleagues support the efforts of the JNF as it works to restore and rebuild this beautiful and ancient region of Israel.

AMAZON.COM WELCOMED TO SOUTH CAROLINA

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, Lexington County, South Carolina, received great news this week as Amazon.com announced plans to open a distribution center in Cayce. This will bring 1,200 jobs to the Midlands, and I truly thank Amazon.com for their economic commitment to our State.

The Lexington County Council, with the Central Carolina Alliance, put together a positive incentives package, promoted by Economic Development Manager Chuck Whipple.

Joe Taylor, Secretary of the South Carolina Department of Commerce, has proven his success of creating long-term private sector jobs. Under Secretary Taylor's leadership, the Department of Commerce has recruited 82,695 jobs and \$16.7 billion in capital investment. As a result of local leaders like Secretary Taylor, the future is looking bright for South Carolina. His proven

successor is BMW executive Bobby Hitt, named by Governor-Elect Nikki Haley.

In conclusion, God bless our troops, and we will never forget September 11th in the global war on terrorism. Welcome back to Washington Adjutant General-elect Bob Livingston, America's only elected adjutant general.

HUMAN RIGHTS DAY

(Ms. LORETTA SANCHEZ of California asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. LORETTA SANCHEZ of California. Mr. Speaker, I rise today to recognize Human Rights Day.

Today, people around the world recognize the human rights violations that continue to occur in so many countries like Vietnam and China. It is also a day where we honor the men and women who sacrifice their freedom in order to fight for human rights.

At this moment, there are three individuals imprisoned in Vietnam for exercising their rights of free speech and expression: Tran Khai Thanh Thuy, Le Thi Cong Nhan and Pham Thanh Nghien are three women democracy activists who have been denied their basic human rights by their own government, Vietnam.

The people of America enjoy the freedom to speak and worship freely, but it is important for us to remember those who do not have the same freedoms as we do. So, today, let's remember all those freedom fighters and let's work together in the coming year to ensure that people like these three women are allowed to express themselves.

OUT-OF-CONTROL SPENDING

(Mr. BUCHANAN asked and was given permission to address the House for 1 minute.)

Mr. BUCHANAN. Mr. Speaker, our national debt is quickly approaching \$14 trillion. Yesterday, Congress approved another trillion dollars, funding government next year, without making the necessary cuts.

This spending bill does nothing to reverse the out-of-control spending of the last 2 years. Instead, it continues this incredible growth of borrowing and spending that puts our country on the track to bankruptcy. In the past 50 years, we have only balanced the budget five times.

This has to change. During my first week, I introduced the constitutional balanced budget amendment that says simply we don't spend more than we take in.

We need to pass the constitutional budget amendment, and we need to pass it today.

CUTTING TAXES FOR MILLIONAIRES AND BILLIONAIRES

(Mr. TONKO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TONKO. Mr. Speaker, my colleagues on the other side of the aisle have said over and over again that cutting taxes for millionaires and billionaires will create jobs. It simply has not.

Albert Einstein once described insanity as doing the same thing over and over again and expecting different results. That is why I rise today to ask, where are the jobs? Where are they? It is time we restore sanity to the discussion on tax cuts.

Tax cuts for millionaires and billionaires do not create jobs. They are also not supported by the general public. In fact, according to a CBS poll from last week, only 26 percent of Americans support millionaire tax breaks and only 46 percent of Republicans support millionaire tax breaks.

So I ask, who are my Republican friends listening to? Is it the average family or small business in their district, or is it Wall Street CEOs and an army of special interest lobbyists?

The trickle-down effect has not worked. As any farmer will tell you, you fertilize a plant from bottom up, not top down, because if its roots are strong, the plant will be strong. Our country's roots are the middle class, and it's time we give them nutrients to thrive.

TIME TO EXPAND AMERICAN ENERGY EXPLORATION

(Mr. SMITH of Nebraska asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Nebraska. Mr. Speaker, American families are preparing for the holiday season and doing so by paying the highest fuel prices in 2 years.

In addition to gasoline, heating oil and diesel prices are expected to increase year over year for the first time since 2008, and analysts are predicting oil will hit \$100 a barrel very soon. At a time when our economy is struggling to recover, such skyrocketing energy prices could be catastrophic.

This is why it makes no sense the administration recently announced plans to cancel further energy exploration and development in deep offshore areas. These sources of American energy are known to contain more than 86 billion barrels of recoverable oil.

This decision to prevent energy development hurts our economy and costs American jobs. Let's give Americans what they deserve. The time is now to expand exploration of American energy resources.

STOP SHOOTING CHILDREN

(Mr. BAIRD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BAIRD. My colleagues, it is time to call on our allies in the State of Israel to stop shooting children.

Since March of this year, 17 children have been shot by Israeli snipers near the border of Gaza, shot for the crime of picking up small pieces of rock to use for aggregate because the Israeli blockade is preventing construction materials from coming into Gaza. Seventy percent of these children were shot while doing this activity beyond the 300-meter unilaterally imposed security zone. Young children and adults are picking up small pieces of gravel because they cannot import concrete to rebuild schools, hospitals, clinics and water treatment facilities without it.

Let us call upon our allies in the State of Israel to stop shooting children, to prosecute those who have shot children, and to lift the blockade to allow raw materials in and economic prosperity to succeed.

On this Human Rights Day it's the least we can do.

□ 1010

SUPPLY AND DEMAND

(Mr. THOMPSON of Pennsylvania asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THOMPSON of Pennsylvania. Mr. Speaker, a recent headline in the Atlanta Journal-Constitution talked about the scarcity of heating fuel, which sent prices through the roof. By contrast, the Philadelphia Inquirer reported on a drop in utility bills in the area due to Marcellus Shale drilling in Pennsylvania. Both are classic examples of such supply and demand.

Heating fuel in Atlanta is fed, in great part, by the production of offshore oil and natural gas reserves from the Gulf of Mexico. Unfortunately, last week vast amounts of our own oil and natural gas reserves off the Atlantic and Pacific coast were placed off limits by the White House, limiting production and, as a result, supply.

Secretary of the Interior Salazar, through regulation, not legislation, removed nearly all of our vast offshore oil and natural gas reserves from the production process. The result, not one barrel of oil or cubic foot of natural gas owned by other citizens will be produced until at least 2022.

In Pennsylvania, recent development of Marcellus Shale natural gas has brought the opposite effect. A lower rate from the Philadelphia Gas Works will save the average customer almost \$15 per month.

The solution is obvious, and Congress should reclaim its jurisdiction over our energy future.

THE DREAM ACT

(Mr. SCHIFF asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHIFF. Mr. Speaker, for the past three Congresses, I've been an enthusiastic cosponsor of the DREAM Act, which I see as an essential component of comprehensive immigration reform.

No child raised in America should be permanently penalized for the immigration status of their parents. The DREAM Act gives young people a chance to contribute to the United States, often the only country they know. I've heard from many high school students in my district who have done everything right, but discover when they apply to college that they are not a citizen, that the doors of education and a better life they have worked for so hard are closed to them.

The U.S. has a proud tradition of welcoming immigrants who want to work hard and play by the rules and build a better life for themselves and their families. The DREAM Act comes from that tradition. It will make our economy, military, and Nation stronger.

Yesterday evening I was proud to cast an "aye" vote on the rule to bring the DREAM Act to the floor. I was not on the floor later that night and missed the final vote on the act. Had I been present, I would have enthusiastically voted "aye," and I urge my Senate colleagues to take up the legislation in the remaining days of the 111th Congress.

ANNOUNCEMENT BY THE SPEAKER
PRO TEMPORE

The SPEAKER pro tempore (Mr. ALTMIRE). Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Record votes on postponed questions will be taken later.

MEDICARE AND MEDICAID
EXTENDERS ACT OF 2010

Mr. STARK. Mr. Speaker, I move to suspend the rules and concur in the Senate amendments to the bill (H.R. 4994) to amend the Internal Revenue Code of 1986 to reduce taxpayer burdens and enhance taxpayer protections, and for other purposes.

The Clerk read the title of the bill.

The text of the Senate amendments is as follows:

Senate amendments:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Medicare and Medicaid Extenders Act of 2010".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—EXTENSIONS

Sec. 101. Physician payment update.

Sec. 102. Extension of MMA section 508 reclassifications.

Sec. 103. Extension of Medicare work geographic adjustment floor.

Sec. 104. Extension of exceptions process for Medicare therapy caps.

Sec. 105. Extension of payment for technical component of certain physician pathology services.

Sec. 106. Extension of ambulance add-ons.

Sec. 107. Extension of physician fee schedule mental health add-on payment.

Sec. 108. Extension of outpatient hold harmless provision.

Sec. 109. Extension of Medicare reasonable costs payments for certain clinical diagnostic laboratory tests furnished to hospital patients in certain rural areas.

Sec. 110. Extension of the qualifying individual (QI) program.

Sec. 111. Extension of Transitional Medical Assistance (TMA).

Sec. 112. Special diabetes programs.

TITLE II—OTHER PROVISIONS

Sec. 201. Clarification of effective date of part B special enrollment period for disabled TRICARE beneficiaries.

Sec. 202. Repeal of delay of RUG-IV.

Sec. 203. Clarification for affiliated hospitals for distribution of additional residency positions.

Sec. 204. Continued inclusion of orphan drugs in definition of covered outpatient drugs with respect to children's hospitals under the 340B drug discount program.

Sec. 205. Medicaid and CHIP technical corrections.

Sec. 206. Funding for claims reprocessing.

Sec. 207. Revision to the Medicare Improvement Fund.

Sec. 208. Limitations on aggregate amount recovered on reconciliation of the health insurance tax credit and the advance of that credit.

Sec. 209. Determination of budgetary effects.

TITLE I—EXTENSIONS

SEC. 101. PHYSICIAN PAYMENT UPDATE.

Section 1848(d) of the Social Security Act (42 U.S.C. 1395w-4(d)) is amended by adding at the end the following new paragraph:

"(12) UPDATE FOR 2011.—

"(A) IN GENERAL.—Subject to paragraphs (7)(B), (8)(B), (9)(B), (10)(B), and (11)(B), in lieu of the update to the single conversion factor established in paragraph (1)(C) that would otherwise apply for 2011, the update to the single conversion factor shall be 0 percent.

"(B) NO EFFECT ON COMPUTATION OF CONVERSION FACTOR FOR 2012 AND SUBSEQUENT YEARS.—The conversion factor under this subsection shall be computed under paragraph (1)(A) for 2012 and subsequent years as if subparagraph (A) had never applied."

SEC. 102. EXTENSION OF MMA SECTION 508 RECLASSIFICATIONS.

(a) EXTENSION.—

(1) IN GENERAL.—Section 106(a) of division B of the Tax Relief and Health Care Act of 2006 (42 U.S.C. 1395 note), as amended by section 117 of the Medicare, Medicaid, and SCHIP Extension Act of 2007 (Public Law 110-173), section 124 of the Medicare Improvements for Patients and Providers Act of 2008 (Public Law 110-275), and sections 3137(a) and 10317 of the Patient Protection and Affordable Care Act (Public Law

111-148), is amended by striking “September 30, 2010” and inserting “September 30, 2011”.

(2) **SPECIAL RULE FOR FISCAL YEAR 2011.**—

(A) **IN GENERAL.**—Subject to subparagraph (B), for purposes of implementation of the amendment made by paragraph (1), including (notwithstanding paragraph (3) of section 117(a) of the Medicare, Medicaid, and SCHIP Extension Act of 2007 (Public Law 110-173), as amended by section 124(b) of the Medicare Improvements for Patients and Providers Act of 2008 (Public Law 110-275)) for purposes of the implementation of paragraph (2) of such section 117(a), during fiscal year 2011, the Secretary of Health and Human Services shall use the hospital wage index that was promulgated by the Secretary of Health and Human Services in the Federal Register on August 16, 2010 (75 Fed. Reg. 50042), and any subsequent corrections.

(B) **EXCEPTION.**—Beginning on April 1, 2011, in determining the wage index applicable to hospitals that qualify for wage index reclassification, the Secretary shall include the average hourly wage data of hospitals whose reclassification was extended pursuant to the amendment made by paragraph (1) only if including such data results in a higher applicable reclassified wage index. Any revision to hospital wage indexes made as a result of this subparagraph shall not be effected in a budget neutral manner.

(3) **ADJUSTMENT FOR CERTAIN HOSPITALS IN FISCAL YEAR 2011.**—

(A) **IN GENERAL.**—In the case of a subsection (d) hospital (as defined in subsection (d)(1)(B) of section 1886 of the Social Security Act (42 U.S.C. 1395ww)) with respect to which—

(i) a reclassification of its wage index for purposes of such section was extended pursuant to the amendment made by paragraph (1); and

(ii) the wage index applicable for such hospital for the period beginning on October 1, 2010, and ending on March 31, 2011, was lower than for the period beginning on April 1, 2011, and ending on September 30, 2011, by reason of the application of paragraph (2)(B);

the Secretary shall pay such hospital an additional payment that reflects the difference between the wage index for such periods.

(B) **TIMEFRAME FOR PAYMENTS.**—The Secretary shall make payments required under subparagraph (A) by not later than December 31, 2011.

(b) **CONFORMING AMENDMENT.**—Section 117(a)(3) of the Medicare, Medicaid, and SCHIP Extension Act of 2007 (Public Law 110-173) is amended by inserting “in fiscal years 2008 and 2009” after “For purposes of implementation of this subsection”.

SEC. 103. EXTENSION OF MEDICARE WORK GEOGRAPHIC ADJUSTMENT FLOOR.

Section 1848(e)(1)(E) of the Social Security Act (42 U.S.C. 1395w-4(e)(1)(E)) is amended by striking “before January 1, 2011” and inserting “before January 1, 2012”.

SEC. 104. EXTENSION OF EXCEPTIONS PROCESS FOR MEDICARE THERAPY CAPS.

Section 1833(g)(5) of the Social Security Act (42 U.S.C. 1395l(g)(5)) is amended by striking “and ending on” and all that follows through “2010” and inserting “and ending on December 31, 2011”.

SEC. 105. EXTENSION OF PAYMENT FOR TECHNICAL COMPONENT OF CERTAIN PHYSICIAN PATHOLOGY SERVICES.

Section 542(c) of the Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2000 (as enacted into law by section 1(a)(6) of Public Law 106-554), as amended by section 732 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (42 U.S.C. 1395w-4 note), section 104 of division B of the Tax Relief and Health Care Act of 2006 (42 U.S.C. 1395w-4 note), section 104 of the Medi-

care, Medicaid, and SCHIP Extension Act of 2007 (Public Law 110-173), section 136 of the Medicare Improvements for Patients and Providers Act of 2008 (Public Law 110-275), and section 3104 of the Patient Protection and Affordable Care Act (Public Law 111-148) is amended by striking “and 2010” and inserting “2010, and 2011”.

SEC. 106. EXTENSION OF AMBULANCE ADD-ONS.

(a) **GROUND AMBULANCE.**—Section 1834(l)(13)(A) of the Social Security Act (42 U.S.C. 1395m(l)(13)(A)) is amended—

(1) in the matter preceding clause (i), by striking “2011” and inserting “2012”; and

(2) in each of clauses (i) and (ii), by striking “January 1, 2011” and inserting “January 1, 2012” each place it appears.

(b) **AIR AMBULANCE.**—Section 146(b)(1) of the Medicare Improvements for Patients and Providers Act of 2008 (Public Law 110-275), as amended by sections 3105(b) and 10311(b) of Public Law 111-148, is amended by striking “December 31, 2010” and inserting “December 31, 2011”.

(c) **SUPER RURAL AMBULANCE.**—Section 1834(l)(12)(A) of the Social Security Act (42 U.S.C. 1395m(l)(12)(A)) is amended by striking “2011” and inserting “2012”.

SEC. 107. EXTENSION OF PHYSICIAN FEE SCHEDULE MENTAL HEALTH ADD-ON PAYMENT.

Section 138(a)(1) of the Medicare Improvements for Patients and Providers Act of 2008 (Public Law 110-275), as amended by section 3107 of the Patient Protection and Affordable Care Act (Public Law 111-148), is amended by striking “December 31, 2010” and inserting “December 31, 2011”.

SEC. 108. EXTENSION OF OUTPATIENT HOLD HARMLESS PROVISION.

Section 1833(t)(7)(D)(i) of the Social Security Act (42 U.S.C. 1395l(t)(7)(D)(i)), as amended by section 3121(a) of the Patient Protection and Affordable Care Act (Public Law 111-148), is amended—

(1) in subclause (II)—

(A) in the first sentence, by striking “2011” and inserting “2012”; and

(B) in the second sentence, by striking “or 2010” and inserting “2010, or 2011”; and

(2) in subclause (III), by striking “January 1, 2011” and inserting “January 1, 2012”.

SEC. 109. EXTENSION OF MEDICARE REASONABLE COSTS PAYMENTS FOR CERTAIN CLINICAL DIAGNOSTIC LABORATORY TESTS FURNISHED TO HOSPITAL PATIENTS IN CERTAIN RURAL AREAS.

Section 416(b) of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (42 U.S.C. 1395l-4), as amended by section 105 of division B of the Tax Relief and Health Care Act of 2006 (42 U.S.C. 1395l note), section 107 of the Medicare, Medicaid, and SCHIP Extension Act of 2007 (42 U.S.C. 1395l note), and section 3122 of the Patient Protection and Affordable Care Act (Public Law 111-148), is amended by striking “the 1-year period beginning on July 1, 2010” and inserting “the 2-year period beginning on July 1, 2010”.

SEC. 110. EXTENSION OF THE QUALIFYING INDIVIDUAL (QI) PROGRAM.

(a) **EXTENSION.**—Section 1902(a)(10)(E)(iv) of the Social Security Act (42 U.S.C. 1396a(a)(10)(E)(iv)) is amended by striking “December 2010” and inserting “December 2011”.

(b) **EXTENDING TOTAL AMOUNT AVAILABLE FOR ALLOCATION.**—Section 1933(g) of such Act (42 U.S.C. 1396u-3(g)) is amended—

(1) in paragraph (2)—

(A) by striking “and” at the end of subparagraph (M);

(B) in subparagraph (N), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following new subparagraphs:

“(O) for the period that begins on January 1, 2011, and ends on September 30, 2011, the total allocation amount is \$720,000,000; and

“(P) for the period that begins on October 1, 2011, and ends on December 31, 2011, the total allocation amount is \$280,000,000.”; and

(2) in paragraph (3), in the matter preceding subparagraph (A), by striking “or (N)” and inserting “(N), or (P)”.

SEC. 111. EXTENSION OF TRANSITIONAL MEDICAL ASSISTANCE (TMA).

Sections 1902(e)(1)(B) and 1925(f) of the Social Security Act (42 U.S.C. 1396a(e)(1)(B), 1396r-6(f)) are each amended by striking “December 31, 2010” and inserting “December 31, 2011”.

SEC. 112. SPECIAL DIABETES PROGRAMS.

(1) **SPECIAL DIABETES PROGRAMS FOR TYPE I DIABETES.**—Section 330B(b)(2)(C) of the Public Health Service Act (42 U.S.C. 254c-2(b)(2)(C)) is amended by striking “2011” and inserting “2013”.

(2) **SPECIAL DIABETES PROGRAMS FOR INDIVIDUALS.**—Section 330C(c)(2)(C) of the Public Health Service Act (42 U.S.C. 254c-3(c)(2)(C)) is amended by striking “2011” and inserting “2013”.

TITLE II—OTHER PROVISIONS

SEC. 201. CLARIFICATION OF EFFECTIVE DATE OF PART B SPECIAL ENROLLMENT PERIOD FOR DISABLED TRICARE BENEFICIARIES.

Effective as if included in the enactment of Public Law 111-148, section 3110(a)(2) of such Act is amended to read as follows:

“(2) **EFFECTIVE DATE.**—The amendment made by paragraph (1) shall apply to elections made on and after the date of the enactment of this Act.”.

SEC. 202. REPEAL OF DELAY OF RUG-IV.

Effective as if included in the enactment of Public Law 111-148, section 10325 of such Act is repealed.

SEC. 203. CLARIFICATION FOR AFFILIATED HOSPITALS FOR DISTRIBUTION OF ADDITIONAL RESIDENCY POSITIONS.

Effective as if included in the enactment of section 5503(a) of Public Law 111-148, section 1886(h)(8) of the Social Security Act (42 U.S.C. 1395ww(h)(8)), as added by such section 5503(a), is amended by adding at the end the following new subparagraph:

“(I) **AFFILIATION.**—The provisions of this paragraph shall be applied to hospitals which are members of the same affiliated group (as defined by the Secretary under paragraph (4)(H)(ii)) and the reference resident level for each such hospital shall be the reference resident level with respect to the cost reporting period that results in the smallest difference between the reference resident level and the otherwise applicable resident limit.”.

SEC. 204. CONTINUED INCLUSION OF ORPHAN DRUGS IN DEFINITION OF COVERED OUTPATIENT DRUGS WITH RESPECT TO CHILDREN'S HOSPITALS UNDER THE 340B DRUG DISCOUNT PROGRAM.

(a) **DEFINITION OF COVERED OUTPATIENT DRUG.**—

(1) **AMENDMENT.**—Subsection (e) of section 340B of the Public Health Service Act (42 U.S.C. 256b) is amended by striking “covered entities described in subparagraph (M)” and inserting “covered entities described in subparagraph (M) (other than a children's hospital described in subparagraph (M))”.

(2) **EFFECTIVE DATE.**—The amendment made by paragraph (1) shall take effect as if included in the enactment of section 2302 of the Health Care and Education Reconciliation Act of 2010 (Public Law 111-152).

(b) **TECHNICAL AMENDMENT.**—Subparagraph (B) of section 1927(a)(5) of the Social Security Act (42 U.S.C. 1396r-8(a)(5)) is amended by striking “and a children's hospital” and all

that follows through the end of the subparagraph and inserting a period.

SEC. 205. MEDICAID AND CHIP TECHNICAL CORRECTIONS.

(a) **REPEAL OF EXCLUSION OF CERTAIN INDIVIDUALS AND ENTITIES FROM MEDICAID.**—Section 1902(a) of the Social Security Act (42 U.S.C. 1396a(a)) is amended by striking paragraph (78).

(b) **INCOME LEVEL FOR CERTAIN CHILDREN UNDER MEDICAID.**—Section 1902(l)(2)(C) of the Social Security Act (42 U.S.C. 1396a(l)(2)(C)) is amended by striking “133 percent” and inserting “100 percent (or, beginning January 1, 2014, 133 percent)”.

(c) **CALCULATION AND PUBLICATION OF PAYMENT ERROR RATE MEASUREMENT FOR CERTAIN YEARS.**—Section 601(b) of the Children’s Health Insurance Program Reauthorization Act of 2009 (Public Law 111–3) is amended by adding at the end the following: “The Secretary is not required under this subsection to calculate or publish a national or a State-specific error rate for fiscal year 2009 or fiscal year 2010.”.

(d) **CORRECTIONS TO EXCEPTIONS TO EXCLUSION OF CHILDREN OF CERTAIN EMPLOYEES.**—Section 2110(b)(6) of the Social Security Act (42 U.S.C. 1397j(b)(6)) is amended—

(1) in subparagraph (B)—

(A) by striking “PER PERSON” in the heading; and

(B) by striking “each employee” and inserting “employees”; and

(2) in subparagraph (C), by striking “, on a case-by-case basis.”.

(e) **ELECTRONIC HEALTH RECORDS.**—Effective as if included in the enactment of section 4201(a)(2) of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5), section 1903(t) of the Social Security Act (42 U.S.C. 1396b(t)) is amended—

(1) in paragraph (3)(E), by striking “reduced by any payment that is made to such Medicaid provider from any other source (other than under this subsection or by a State or local government)” and inserting “reduced by the average payment the Secretary estimates will be made to such Medicaid providers (determined on a percentage or other basis for such classes or types of providers as the Secretary may specify) from other sources (other than under this subsection, or by the Federal government or a State or local government)”;

(2) in paragraph (6)(B), by inserting before the period the following: “and shall be determined to have met such responsibility to the extent that the payment to the Medicaid provider is not in excess of 85 percent of the net average allowable cost”.

(f) **CORRECTIONS OF DESIGNATIONS.**—

(1) Section 1902 of the Social Security Act (42 U.S.C. 1396a) is amended—

(A) in subsection (a)(10), in the matter following subparagraph (G), by striking “and” before “(XVI) the medical” and by striking “(XVI) if” and inserting “(XVII) if”;

(B) in subsection (a)(23), by striking “(ii)” and inserting “(kk)”;

(C) in subsection (a)(77), by striking “(ii)” and inserting “(kk)”;

(D) in subsection (ii)(2), as added by section 2303(a)(2) of Public Law 111–148, by striking “(XV)” and inserting “(XVI)”;

(E) by redesignating subsection (ii), as added by section 6401(b)(1)(B) of Public Law 111–148, as subsection (kk) and transferring such subsection so as to appear after subsection (jj) of that section.

(2) Section 2107(e)(1) of the Social Security Act (42 U.S.C. 1397gg(e)(1)) is amended—

(A) in subparagraph (D), as added by section 6401(c) of Public Law 111–148, by striking “(ii)” and inserting “(kk)”;

(B) by redesignating the subparagraph (N) of that section added by 2101(e) of Public Law 111–148 as subparagraph (O).

SEC. 206. FUNDING FOR CLAIMS REPROCESSING.

For purposes of carrying out the provisions of, and amendments made by, this Act that relate to title XVIII of the Social Security Act, and other provisions of, or relating to, such title that ensure appropriate payment of claims, there are appropriated to the Secretary of Health and Human Services for the Centers for Medicare & Medicaid Services Program Management Account, from amounts in the general fund of the Treasury not otherwise appropriated, \$200,000,000. Amounts appropriated under the preceding sentence shall be in addition to any other funds available for such purposes, shall remain available until expended, and shall not be used to implement changes to title XVIII of the Social Security Act made by Public Laws 111–148 and 111–152.

SEC. 207. REVISION TO THE MEDICARE IMPROVEMENT FUND.

Section 1898(b)(1)(B) of the Social Security Act (42 U.S.C. 1395iii(b)(1)(B)) is amended by striking “\$550,000,000” and inserting “\$275,000,000”.

SEC. 208. LIMITATIONS ON AGGREGATE AMOUNT RECOVERED ON RECONCILIATION OF THE HEALTH INSURANCE TAX CREDIT AND THE ADVANCE OF THAT CREDIT.

(a) **IN GENERAL.**—So much of section 36B(f)(2)(B) of the Internal Revenue Code of 1986 as precedes clause (ii) thereof is amended to read as follows:

“(B) **LIMITATION ON INCREASE.**—

“(i) **IN GENERAL.**—In the case of a taxpayer whose household income is less than 500 percent of the poverty line for the size of the family involved for the taxable year, the amount of the increase under subparagraph (A) shall in no event exceed the applicable dollar amount determined in accordance with the following table (one-half of such amount in the case of a taxpayer whose tax is determined under section 1(c) for the taxable year):

“If the household income (expressed as a percent of poverty line) is:	The applicable dollar amount is:
Less than 200%	\$600
At least 200% but less than 250%	\$1,000
At least 250% but less than 300%	\$1,500
At least 300% but less than 350%	\$2,000
At least 350% but less than 400%	\$2,500
At least 400% but less than 450%	\$3,000
At least 450% but less than 500%	\$3,500”.

(b) **CONFORMING AMENDMENT.**—Section 36B(f)(2)(B)(ii) of such Code is amended by inserting “in the table contained” after “each of the dollar amounts”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply to taxable years beginning after December 31, 2013.

SEC. 209. DETERMINATION OF BUDGETARY EFFECTS.

(a) **IN GENERAL.**—The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled “Budgetary Effects of PAYGO Legislation” for this Act, submitted for printing in the Congressional Record by the Chairman of the Senate Budget Committee, provided that such statement has been submitted prior to the vote on passage.

(b) **EMERGENCY DESIGNATION FOR CONGRESSIONAL ENFORCEMENT.**—In the House of Representatives, this Act, with the exception of section 101, is designated as an emergency for purposes of pay-as-you-go principles.

Amend the title so as to read: “An Act to extend certain expiring provisions of the Medicare and Medicaid programs, and for other purposes.”.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from

California (Mr. STARK) and the gentleman from California (Mr. HERGER) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. STARK).

Mr. STARK. Mr. Speaker, I rise in support of H.R. 4994, the Medicare and Medicaid Extenders Act, a bill that was passed by unanimous consent in the Senate yesterday because of the critical importance to our senior citizens and military families.

The legislation does the bare minimum of what is needed to ensure that Medicare runs smoothly for the next year. Because the military’s TRICARE system operates by many of Medicare’s rules, it also protects the health care of our military families.

Importantly, the bill prevents a nearly 25 percent pay cut to Medicare and TRICARE physicians that would otherwise go into effect on January 1, 2011. Giving physicians a year of certainty in their pay is important to protect Medicare beneficiaries’ access to their physicians. The bill extends a host of other key policies to protect the health of seniors and people with disabilities.

In the long run, we all know we need to do much better by Medicare than continued 1-year patches on the physician payment formula. The House passed a permanent solution in November of 2009, but the Senate was unable to move it. We need to work together across party lines to reach a permanent solution. In the meantime, H.R. 4994 is the appropriate short-term measure.

I urge my colleagues to join us in protecting the Medicare beneficiaries by voting “yes.”

Mr. Speaker, I reserve the balance of my time.

Mr. HERGER. Mr. Speaker, I yield myself such time as I may consume.

When the Democrats passed their massive health care overhaul, they didn’t spend one cent to resolve a long-standing problem and ensure seniors have continued access to their physician. As a result, for the fourth time since Obamacare passed, we are forced to take emergency action to prevent physicians from having their Medicare payments slashed. This time, the looming cut is 25 percent. The brinkmanship where this Democrat Congress has walked physicians up to the cliff, only to back away at the last minute, is unacceptable.

My friends on the other side of the aisle are quick to remind us that they offered to address Medicare physician payments last fall. This is true. They put a bill on the floor which had already failed to pass the Senate. This bill would have expanded our already record deficit by an astounding \$210 billion, a crippling debt load on top of the \$1 trillion health bill. Rather than responsibly manage the Medicare program, they chose instead to cut Medicare by one half trillion dollars to fund

their government takeover of health care.

The good news is that today we are finally starting to address this problem in a bipartisan way. We're stopping these cuts not for 1 month or 2 months but for a full year. We're ensuring that physicians will be able to keep their doors open and that seniors will have continued access to their doctors. And we are doing this in a fiscally responsible manner without adding a dime to the deficit. We are doing it by taking aim at the irresponsible overspending that was created by the new health care law.

Let it be known on this day, in the people's House, that dismantling of Obamacare begins. Once the House passes this bill and the President signs it into law, we will have landed the first blow to the Democrats' massive health care overhaul. Today we begin by removing \$19 billion from their risky \$1 trillion experiment; a risky experiment that CBO predicts will force health insurance premiums for millions of families to increase by \$2,100 in 2016 alone; a risky experiment that the Obama administration predicts could force 117 million Americans out of their health plans; a risky experiment that Medicare officials have repeatedly warned could jeopardize seniors' access to care; a risky experiment that Medicare officials predict will force millions of seniors out of their current Medicare and retiree health coverage; a risky experiment that increases taxes by more than one-half trillion dollars at a time when unemployment is nearly 10 percent.

□ 1020

A risky experiment that would spend an additional \$1 trillion on health care when every respective economist tells us in order to improve our country's fiscal health, we must get control of health care spending.

My friends on the other side of the aisle repeatedly said a doctor's fix couldn't be paid for, that it shouldn't be paid for. Yet with bipartisan work, we have before us a fully offset bill that gives physicians 1 year of certainty while Congress works to reform physician payments in a fiscally responsible manner once and for all.

So here we are today, Mr. Speaker, pulling at the thread that will begin to unravel ObamaCare. Rest assured, America, we are taking \$19 billion today, but we will continue to fight to get the rest next year.

Mr. Speaker, I reserve the balance of my time.

GENERAL LEAVE

Mr. STARK. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on this matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. STARK. I would like to remind my distinguished friend that health reform was 100 percent paid for, and the party that wants to spend \$700 billion on the richest Americans for their tax cuts certainly shouldn't lecture anyone on the deficit.

Mr. Speaker, I yield such time as he may consume to the gentleman from New Jersey (Mr. PALLONE).

Mr. PALLONE. Mr. Speaker, first of all let me say, as I did the other day, as you know, about a week ago we passed an extension to eliminate the cut in the SGR, the doctor's fix, until the end of this month. This bill before us today would take this for another year, until the end of December of 2011.

And at the time, the gentleman from California (Mr. HERGER) also got on the floor and made statements which I think totally do not represent what we were doing. First of all, I would say with regard to the doctor's fix, nobody wants a 25 percent cut in doctor's reimbursement rate, and that is why we were here last week for the extension to eliminate that cut until the end of this year, and that is why we are today, to eliminate that cut until the end of 2011.

But the fact of the matter is it is the Republican Party and it is the party of the gentleman from California (Mr. HERGER) in the House that refused to vote for a permanent fix when we passed it in the Democratic majority over a year ago. As I said that day, only one person, Dr. BURGESS who is a physician on our committee, voted with the Democrats for the permanent fix. It is as a result of the inability and the unwillingness of the Republicans to do anything about this doctor's cut or reimbursement cut that we had to pass, I guess, five different short-term fixes.

Now granted today we are going to have a year extension, and I am certainly happy that the Republicans have agreed to a year extension, but they still have not come along to a permanent fix and they have not helped us in our efforts to achieve a permanent fix. So for the gentleman to suggest that somehow the Republicans have been helpful and they wanted to deal with this problem is, in my opinion, simply not accurate.

Now, let me dispel another thing. There is nothing in this bill that would in any way disrupt or repeal the health care reform, the landmark legislation that the Democrats passed again this year without any support from the other side of the aisle. If there was any remote suggestion that we were repealing or this was the beginning of the repeal, as the gentleman suggested, of the health care reform, not one Democrat would support that; and I certainly would not.

The fact of the matter is that the health care reform was fully paid for.

And the fact of the matter is that it did not in any way affect Medicare beneficiaries. We actually improved benefits for Medicare beneficiaries in the health care reform. We basically filled up and eliminated the doughnut hole. We also provided more money for copays so seniors who are poor or lower income would not have to do copays for preventative care. And the list of additional benefits for Medicare beneficiaries under the larger health care reform goes on and on. I could list more.

So the suggestion that we somehow were cutting Medicare benefits is simply not true. The fact of the matter is that benefits were increased; the bill was paid for; and this bill today in no way takes away from that larger health care reform.

Now we have paid for the health care reform. We have paid for the doctor's fix for an additional year in this legislation by making sure that people who were going to get a subsidy and who didn't qualify would have to pay it back. That is the only change. That is the way it is paid for here today.

I just want to say, Mr. Speaker, this is a very important bill. It is a vital piece of legislation for America's seniors, persons with disabilities, and military families. Without this legislation, physician fees in Medicare and TRICARE would be reduced by 25 percent on January 1, just 3 weeks from now, and that kind of cut would threaten the ability of enrollees in Medicare and TRICARE to see their doctors. We can't allow that to happen.

As I mentioned before, we have passed some short-term fixes. This is another short-term fix. But, thankfully, it is at least for another year until we can work out a permanent solution. The Democrats already passed that permanent solution without Republican help; but, unfortunately, therefore, it did not become law and we will have to address it again.

The bill also provides help in 2011 to low-income Medicare beneficiaries in paying their part B premiums which are nearly \$100 per month for many people. The legislation extends several important Medicare policies, including an exceptions process for therapy caps that allows Medicare beneficiaries to access medically needed therapy treatment. And it extends an important program that helps Medicaid beneficiaries work more hours without losing their Medicaid benefits.

It is completely paid for over 10 years. It moved through the Senate by unanimous consent. It is really not controversial at all, and so I urge Members of the House to vote "yes" on this bill that provides stability to the Medicare program.

Mr. HERGER. Mr. Speaker, I yield the balance of my time to the ranking member of the Energy and Commerce Committee, the gentleman from Texas (Mr. BARTON).

The SPEAKER pro tempore. Without objection, the gentleman from Texas will control the time.

There was no objection.

Mr. BARTON of Texas. I thank the gentleman from California for his courtesy.

I would ask the Chair how much time I have remaining.

The SPEAKER pro tempore. The gentleman has 15 minutes remaining.

Mr. BARTON of Texas. May I ask the Chair how much time my friends on the majority have remaining?

The SPEAKER pro tempore. The gentleman from California (Mr. STARK) has 13 minutes remaining.

Mr. BARTON of Texas. Mr. Speaker, I yield myself such time as I may consume.

The Republicans do rise in support of this 1-year fix for the reimbursement rate for physicians. Having said that, I think I was able to listen to some of what my distinguished subcommittee chairman of the Energy and Commerce Committee, Mr. PALLONE, was saying as I was waiting for the tram to come over here. It is time, Mr. Speaker, for Members on both sides of the aisle to put aside partisan politics and in the upcoming year or years, if it takes more than 1 year, sit down and let's really come up with a new formula to fix permanently how we pay our physicians.

The current formula is based on an index that is based on inflation; and under the score keeping, any year in which medical expenses go up more rapidly than the general inflation rate, I am simplifying the index but this is the basic part of it, you have to find savings in that particular year or there is a negative balance created in the physician reimbursement fund. The current system is not sustainable. It doesn't work. It doesn't reflect the practice of medicine. But because of our score keeping, we keep getting further and further behind and so each year the 1-year cut gets bigger and bigger. This year it would be 25 percent.

Now obviously when most of our physician community claims, and I think with justification, that they are not being adequately reimbursed for treating Medicare patients, you have the situation as you have in my district, and I am sure each of us can say in our own districts, in their districts, physicians are not taking Medicare patients. In my home county of Ellis County, the county seat is a community of about 30,000, Waxahachie, Texas. The mayor of Waxahachie is a personal friend of mine, and I have known him for over 20 years.

□ 1030

His existing doctor retired. He is on Medicare. He is over 65. He went to find a new doctor who would treat him, and he couldn't find a doctor. Here is the mayor of Waxahachie, Texas, who at

least temporarily cannot find a Medicare doctor who will accept him as a patient. That doesn't make sense. You can have the best health care system in the world, and if you don't have the doctors to implement it, you don't have a health care system.

So it is my strong recommendation that Republicans—the current minority, soon to be majority—vote for this 1-year fix, knowing that it is really not a fix, that it is another kick-the-can, kick-the-problem down the road. But in this case, at least it is for a year.

In the upcoming Congress and when the majorities switch, I am going to be a member of the committee of primary jurisdiction, the Energy and Commerce Committee. It will be my strong recommendation to our new chairman, FRED UPTON of Michigan; to our new Speaker, Mr. BOEHNER of Ohio; and to our new majority leader, Mr. CANTOR of Virginia, that we sit down with our stakeholders and with our friends on the soon-to-be minority side of the aisle to come up with a system that adequately reflects the will of both parties, that also gets buy-in from the stakeholders and reflects the cost of practicing medicine as it is today.

I know it is going to be expensive. I know it is going to be difficult, but it will be possible, and I hope that we can do that. I would ask for a “yes” vote when it comes time to vote for this under the suspension calendar.

I reserve the balance of my time.

The SPEAKER pro tempore. Without objection, the gentleman from New Jersey will control the time.

There was no objection.

Mr. PALLONE. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. FARR).

Mr. FARR. Thank you very much for yielding.

Mr. Speaker, I rise in support of this bill but with real dismay.

First, it is ludicrous that Congress continues to pass the SGR instead of to fix it once and for all. This bill, though necessary, doesn't fix what is broken, and we will just find ourselves back here again next year, trying to find a way forward. It is time to “repeal and replace” the doctor payment formula and to come up with something new.

Second, this bill contains special “pork” favors for certain Midwest Senators which will pay their doctors more than the doctors in other parts of the country—in particular, my State of California.

Section 103 of this bill provides an arbitrary “floor” for certain doctors' payments in Iowa and in other Midwest States that will boost their Medicare reimbursements, but this provision does not extend to all doctors in the United States. Iowa will get an additional \$17 million in FY 2011, on top of regular Medicare reimbursements, which other States will not get. Over the 2-year cycle of FY 2010–2011, Iowa

doctors will be reimbursed over \$34 million because of this special “floor” in payments inserted by Senator GRASSLEY and by others in that body.

In a bill that is supposed to be “clean” and that is supposed to simply advance a moratorium on reductions in the sustained growth rate, section 103 is an abomination. It is plain unfair to doctors in other States.

My doctors in California and especially in my district have suffered for more than a decade under a misaligned doctor payment formula due to outdated geographic locality designations. Despite numerous government reports by the GAO and CMS and despite numerous times that the House has passed legislation to fix this problem, the Senate has refused to accept the fix in favor of tipping the scales in order to satisfy Senator GRASSLEY's whims.

If Congress really wants to do right by doctors, it needs to do right by all doctors. This bill does not do that.

Mr. BARTON of Texas. Mr. Speaker, I yield 3 minutes to a distinguished member of the Energy and Commerce Committee and of the Health Subcommittee, the current ranking member of the Oversight and Investigations Subcommittee, Dr. MICHAEL BURGESS of Lewisville, Texas.

Mr. BURGESS. I thank the gentleman, my ranking member, for yielding.

Mr. Speaker, this is an important bill that is going to be before us today. Ordinarily, I would not support something this large being done on a suspension calendar, but this truly is an emergency for our Nation's patients and for our Nation's physicians.

I support the passage of this bill. It does also give us some time in this body and in the other body to work on a permanent solution. There is plenty of blame to go around on both sides of the aisle and in both Houses of this Capitol as to why we are in this fix.

The fact is that it began back in 1998 with the Omnibus Budget Reconciliation Act. It was extended under the Republican watch for 12 years. Now we have had 4 years under the Democrats, and it has not been fixed. In fact, most of the doctors you talk to have just come through the worst year ever in trying to manage their practices.

Stop and think about it for a minute.

You've got a small medical practice of two, three, four, five doctors. They don't do all Medicare work—maybe it's only 5 or 10 percent of their actual book of business. But in April and in June, we asked the administrator of the Centers for Medicare and Medicaid Services to hold the checks for a few weeks until Congress could get back from a recess and take up yet another fix for this problem.

The practical effect of doing this was that we cut 10, 15 percent off of the operating budget for every small practice that did Medicare, that saw our Medicare patients in this country that we

asked them to see. Most physician offices run very close to the margin every month. The consequence of this was that they had to go out and borrow the money to meet cash flow in April and in June. I dare say most of those practices have not yet fully recovered from that insult to the cash flow that occurred.

So it is extremely important for us to pass a 1-year extension that gives them the stability to be able to plan, that gives patients the ability to be able to find doctors under the Medicare system and that gives physician offices the ability to plan for the future.

Now, during this year that comes up, we are obligated—both sides of the aisle and both Houses in this Capitol—to fix this problem. Shame on us if it continues after this fix has expired. There is the political will to do it. We have heard it this morning from both sides. I will commit myself to working with, yes, my side, with the other side of the aisle and with the other House in this Capitol to work on a permanent solution to this. It is out there. It depends on how we want it to look. It depends on where we are going to get the pay-fors.

One of the most egregious things in this health care bill that the President signed last March was, even though you took \$500 billion out of the Medicare system, you used that to fund a new entitlement for the middle class in subsidies in the exchange. Not one dime—not one dime—was sequestered to pay down the problem that we have with the sustainable growth rate formula.

Here is the real bad news.

The Independent Payment Advisory Board is coming up in 2015, also part of the health care bill that was signed into law last March. Doctors now, perhaps, face double jeopardy from cuts in the sustainable growth rate formula and from cuts within the Independent Payment Advisory Board.

The time to fix it is now. It stretches out ahead of us for 12 months. We've got time to do it. Let's dedicate ourselves to getting this done for our Nation's seniors.

Mr. PALLONE. I reserve the balance of my time.

Mr. BARTON of Texas. Mr. Speaker, I think all that needs to be said has been said; so let me simply say that this is a problem that needs to be dealt with.

I compliment those who negotiated the 1-year fix. Hopefully, in the next Congress, we will work together—and I mean that seriously—in a bipartisan fashion to replace the existing formula with one that doesn't have to be updated and fixed in every session of Congress. Yet, for today, I would urge all of those in the current minority to vote for the bill under suspension.

I yield back the balance of my time.

Mr. PALLONE. Mr. Speaker, let me associate myself completely with the

remarks that the gentleman from Texas just made.

I do think that it is significant that we are able to negotiate on a bipartisan basis a 1-year extension to avoid these cuts to the doctors, and I do believe we need to work together on a bipartisan basis to achieve a permanent fix in the next Congress.

Ms. JACKSON LEE of Texas. Mr. Speaker, today I rise in support of the Senate amendment to H.R. 4994, the "Medicare and Medicaid Extenders Act," which makes certain that our seniors and military families are able to continue seeing their doctors.

Scheduled for January 1 and through 2011, this bipartisan legislation stops the 25 percent cut in Medicare payments to doctors. This very important legislation protects and supports our doctors who are serving Medicare recipients and active duty military, their families, the Reserve members and military retirees whose access to healthcare is tied to Medicare through the TRICARE system. If we fail to pass this legislation we are doing an extreme injustice to numerous Americans who depend on these doctors and this Congress for their healthcare.

In my Congressional District, Riverside General Hospital (RGH), a member of the TRICARE network can ensure military families will be able to continue to see their doctors. Riverside General Hospital, formerly The Houston Negro Hospital was erected in 1926 in memory of Lieutenant John Halm Cullinan, 344th FA., 90th Div. AEP.

St. Joseph Medical Center, in Houston, Texas, in my district, the only hospital in the inner city of Houston, can now continue to provide access to Medicare beneficiaries to Houston's most needy patient population as a result of this legislation in its current form. Currently, St. Joseph's provides \$14 million in uninsured care in the Houston Market.

St. Joseph Medical Center provides a full range of comprehensive medical and surgical services, such as, cardiology, cancer care, behavioral health, intensive care/critical care, emergency care, neurosurgery, orthopedics and pediatrics. St. Joseph Women's Medical Center, Houston's only full service women's hospital attached to a general acute care hospital, provides women's medical and surgical services, a family birthing center for moms and newborns, labor/delivery/recovery suites and a neonatal intensive care unit for premature or seriously ill newborns. The Level III Neonatal Intensive Care Unit is staffed by the Small Wonders Team of specially trained doctors, nurses and staff who provide the smallest patients with the best chance at life. Specialty services provided by St. Joseph include an advanced wound care center, behavioral medicine, blood conservation and management services, occupational medicine, sports medicine and rehabilitation, inpatient and outpatient diagnostic imaging, and Corporate Healthcare Connection, a partnership with Houston's corporate businesses that provides expedited care to their employees. A Houston institution for 120 years, St. Joseph Medical Center is also a major provider of psychiatric beds as it currently operates 102 of the 800 licensed beds in Houston.

For an entire year, this legislation provides thousands with a practical, invaluable, and

stable solution for deserving patients and doctors. These doctors deserve payment for the aid they render and we would be doing an intensely unjust service to them by not ensuring their repayment. Furthermore, we would be building a shaky platform for our constituents by not ensuring healthcare and medicine to the elderly, unfortunate, or those who so altruistically serve or served our country.

Moreover, the bill is fully paid for according to the Congressional Budget Office. Furthermore, the CBO reports that it would serve to reduce the deficit by \$2.8 billion over the next 10 years if the bill is passed. This is made possible by modifying the Affordable Care Act in the area of overpayments of tax credits to help individuals afford insurance. It is important to note that this bill's provision will in fact protect income based tax credits. Specifically, this provision would change the way individuals pay back overpayments when they receive a larger tax credit than they were eligible for based on their actual income for the year. Also, this legislation is highly supported by AARP and the American Medical Association.

Other extensions include:

The Transitional Medical Assistance (TMA), which allows low-income families to keep their Medicaid coverage as they move into employment and their income increases. Which is extremely important for those who are struggling to get on their feet and make a way for themselves and their families. If we take away their assistance just as they are beginning to earn more money then we force those individuals to struggle to pay for more costly healthcare they cannot afford subsequently reducing their total income.

Extension of the Qualifying Individual (Q1) Program which allows Medicaid to pay the Medicare premiums for those with incomes 120–135 percent below the poverty line who are Medicare recipients.

Mr. Speaker, I urge my colleagues to support the passage of H.R. 4994, which greatly assists our countrymen and helps those who are elderly, poverty stricken, and those brave individuals who serve and served in our armed forces and their family members.

Further, however the major component to keeping our health care system working is to not reduce doctors' payments from Medicare by 25% as of January 1, 2011. This bill will fix that inequity and extend current Medicare payments to doctors. Until December, 2012.

This is good advice. I urge a "yea" vote.

Ms. SCHAKOWSKY. Mr. Speaker, I rise today in support of the Senate amendments to H.R. 4994.

I continue to believe that we need to make permanent reforms to Medicare's physician payment rules. Senior citizens and persons with disabilities need to know that they will be able to get high quality and timely care and that their doctors will be paid fairly and in a timely fashion. There is never really any question that Congress will act to prevent double-digit cuts in Medicare and TRICARE physician payments, but we should not have to debate these issues on a monthly basis.

The bill before us today does not provide a permanent solution as I would like, but it does provide a one-year fix, eliminating the confusion and concern that is created by very short-term measures to prevent cuts. I am pleased

that it also includes an extension of the Medicare physician payment add-on for mental health, since we know that access to mental health services continues to be a problem in our communities.

While much of the focus has been on the physician payment issue, there are other provisions in the Medicare and Medicaid Extenders Act that will improve access to care through December 31, 2011. Those include an extension of the exceptions process for Medicare therapy caps so that individuals who need additional services will not be forced to go without. It extends the Special Diabetes Programs, which are so important in dealing with the impacts of this terrible disease. The bill clarifies that orphan drugs are included in the 340B drug discount program for children's hospitals. It continues Medicare's Quality Individual program to help pay for Medicare Part B premiums for low-income seniors and people with disabilities and it extends Transitional Medical Assistance so low-income families don't lose critical Medicaid coverage as they move into employment.

Passage of the Medicare and Medicaid Extenders Act will make sure that the end of this year won't bring with it cutbacks in access to health care for millions of Americans. It gives us all of 2011 to make these year-long extensions permanent, and I will work hard to make sure that we use next year to do so.

Mr. WAXMAN. Mr. Speaker, I speak today in support of H.R. 4994, the "Medicare and Medicaid Extenders Act of 2010."

This legislation blocks a 25 percent fee cut that is scheduled for Medicare physician payments on January 1, 2011. A cut of that magnitude would jeopardize the access of seniors and people with disabilities to their doctors.

Likewise, military families who rely on TRICARE need this legislation, because TRICARE uses Medicare rates and would also face a huge fee cut on January 1.

The recent practice of Congress to legislate on physician payments several times per year needs to stop. Upon enactment, this will make the fifth SGR bill Congress has passed in 13 months.

I am pleased that this legislation, unlike other recent SGR bills, would address the problem for an entire year.

However, a 1-year solution is far less than the Medicare program ultimately needs. Congress must eventually confront the SGR permanently. The House has previously passed a permanent solution to the SGR problem. I hope that the next Congress is able to follow up on that work and fix this problem once and for all.

This bill also ensures the continued ability of Medicare beneficiaries to access therapy benefits to help them recover from illness. And it contains other important technical changes to maintain the smooth functioning of the Medicare and Medicaid programs.

Other provisions of this bill help low income Medicare and Medicaid beneficiaries. One provision helps low-income Medicare beneficiaries cover the cost of their Medicare Part B premiums. Another extends the transitional medical assistance program to help Medicaid beneficiaries as they work more hours and increase their earnings.

This legislation is completely paid for, and it is necessary. It passed the Senate by unani-

mous consent, and I hope that all Members of the House will support it as well.

One further note for purposes of interpretation. Section 204 of this bill contains a technical amendment to Section 340B of the Public Health Services Act. This language corrects an error in P.L. 111-152, the Health Care and Education Reconciliation Act of 2010, that inadvertently caused children's hospitals to lose access to orphan drugs at 340B prices. The language in Section 204 restores full access to orphan drugs at 340B prices for these hospitals. This amendment is retroactive as if included in P.L. 111-152. The intent of this retroactivity is to clarify congressional intent that there be no discontinuity in access to orphan drugs at 340B prices for children's hospitals. To the extent that drug manufacturers have not provided these discounts at any point between the enactment of P.L. 111-152 and the enactment of this legislation, they should do so retroactively, subject to HRSA or any other compliance and enforcement authority.

Mr. CONYERS. Mr. Speaker, I rise today in support of Senate amendments to H.R. 4994, the Medicare and Medicaid Extenders Act.

One of the most important priorities of Congress, regardless of our current economic downturn, is the financial well-being of our nation's hospitals, and the ability of patients to have access to medically necessary care when they need it.

Passage of the Senate amendments to H.R. 4994 accomplishes both goals by blocking a scheduled 25 percent cut in Medicare payments to doctors and extending current Medicare payment rates through December 31, 2011. Passage of the bill today by the House will send this legislation to the President's desk for his signature.

In order to have world class hospitals in the United States, we must have the needed funding to ensure that our nation's hospitals can provide the highest quality care possible. Passage of the Senate amendments to H.R. 4994 will help strengthen our hospitals, especially those located in our inner cities and rural areas. These hospitals are experiencing serious funding shortages, and are at risk of losing much needed doctors and medical staff.

This bill is fully paid for, and according to CBO, the bill would reduce the deficit by \$2.8 billion over the next 10 years. This legislation also helps to protect access to doctors for Medicare beneficiaries and military families, given that payment rates for doctors in TRICARE, the health care program for active-duty servicemembers, National Guard and Reserve members, military retirees, and their families are tied to Medicare rates. Passage of the Senate amendments to H.R. 4994 is a good example of how Members of Congress working together in a spirit of bipartisan unity can improve the health and well being of all Americans.

I do want to raise some concerns with the way this bill is going to be paid for, which is to decrease the affordability credits for Americans that are needed to defray the costs of purchasing private insurance under the soon to be established health exchanges in 2014. I believe that this is tantamount "to robbing Peter to pay Paul." This Congress should not get into the habit of viewing future benefits for low-income Americans as a source of funding

for today's legislative initiatives. There are other more fair minded and progressive offsets which could have been utilized for this payment fix—such as taxing Wall Street or our nation's billionaires.

If we are going to make sure that Medicare doctors and hospitals are reimbursed at an appropriate rate over the next several years, we are going to have to be more serious and pragmatic about how to implement efficiencies in the Medicare program.

Medicare is a highly successful and efficient program, but it can't keep feeding the "corporate medical monster" forever. The time has come for the Federal Government to rein in the costs of for-profit hospital care by taking a more serious look at how we can reduce the costs of prescription drugs and medical technology—two of the most costly expenditures for hospitals and doctors.

Furthermore, we must pass H.R. 676, "The U.S. National Health Care Act," so that all Americans can enjoy the benefits of a universal single payer system, which has successfully worked in every major industrialized country to contain the rising costs of health care and provide quality health care for all. If we created this system, then we would be able to pay our nation's physicians at optimal levels and provide America's hospitals and clinics with a more financially stable, predictable, and efficient health care payment system for years to come.

In the meantime, today's physician payment bill will allow today's Medicare beneficiaries to enjoy the care they have earned. I urge my colleagues to support the bill.

Mr. VAN HOLLEN. Mr. Speaker, I rise in support of the Medicare and Medicaid Extenders Act of 2010. This legislation would reverse a scheduled reduction of 25 percent in Medicare physician payments and extend current Medicare payment rates through December 31, 2011.

Though we are providing a year-long reprieve on the Medicare physician reimbursement problem, my strong preference is for this to be fixed on a permanent, long-term basis. Unfortunately, the Senate blocked legislation that was passed in the House that would have done exactly that.

This legislation is needed so that Medicare beneficiaries are able to continue to have access to the care they need and to see their doctor of choice. It will also provide some stability for physicians that provide services to Medicare beneficiaries so that they and their practices can adequately plan for the expenses they incur in treating patients.

In addition to extending current Medicare physician payment rates for 1 year, the legislation includes extensions of important expiring health care provisions, including extending the Medicare therapy caps process, Transitional Medical Assistance which allows low-income families to maintain Medicaid coverage as they transition into employment, and the Qualifying Individual program that allows Medicaid to pay the Medicare Part B premiums for low-income Medicare beneficiaries.

I am also pleased that the legislation extends for 2 years the Special Diabetes Program for Type I Diabetes and the Special Diabetes Programs for Native Americans. Though the Special Diabetes Program doesn't expire

until the end of 2011, early reauthorization is vital so that NIH can continue existing research projects. Otherwise, NIH would have to shut down those projects and the potential to develop new treatments for Type I Diabetes would be lost.

Mr. Speaker, I urge my colleagues to support this legislation.

Mr. HOLT. Mr. Speaker, I rise in support of H.R. 4994, the Medicare and Medicaid Extenders Act, which would provide a one year extension for Medicare reimbursement rates for physician services.

The Balanced Budget Act of 1997 established a new way to determine Medicare physician payments: the Sustainable Growth Rate, SGR, formula. Since 2002, this formula has called for an automatic decrease in Medicare physician payments each year, potentially limiting physician access for Medicare patients. The formula goes beyond Medicare and also affects TRICARE, the insurance plan for active and retired military personnel and their families, and its reimbursements for civilian physicians.

According to the Medicare Payment Advisory Commission, there is a broad consensus that this physician payment formula is flawed. These parts of the Balanced Budget Act should not have been passed in the first place and should be repealed and rewritten anew. The health reform legislation passed by the House of Representatives last year, which I supported, included a provision that would have repealed and replaced the SGR formula with a new Medicare physician payment plan. Unfortunately, the final health reform bill that was signed into law did not include this provision, which would have been a permanent solution to the SGR formula.

Unless Congress acts, this formula would lead to a 25 percent cut in doctor's payments in 2011, discouraging many doctors from continuing to accept Medicare patients.

The Medicare and Medicaid Extenders Act would freeze the current rates for physician services through December 31, 2011, giving Congress time to work on a permanent solution. Further, this piece of legislation would extend the 5 percent increase in Medicare payments for mental health providers that is set to expire at the end of 2010. This provision would expand access to mental health care for millions of Medicare patients.

Additionally, this bill would extend funding for the special diabetes program through 2013. Without this bill, the special diabetes program, which funds 35 percent of all Federal research on Type I diabetes and supports research and prevention diabetes programs for Native Americans and Alaska Natives would expire at the end of 2011.

This bill is completely paid for by making small changes to the health reform law.

I am frustrated by these continuing short-term extensions. This is unfair to physicians who must plan their office budgets and unfair to patients who face unnecessary anxiety about the availability of the doctors on whom they depend. I will continue to advocate for legislation that eliminates the broken SGR formula and replaces it with a system that fairly compensates physicians for treating Medicare patients. Until we have a new system, we must pass this one-year fix to ensure that

American seniors and military families have the access to their physicians.

Mr. PALLONE. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. STARK) that the House suspend the rules and concur in the Senate amendments to the bill, H.R. 4994.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. HERGER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 10 o'clock and 41 minutes a.m.), the House stood in recess subject to the call of the Chair.

□ 1245

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. ALTMIRE) at 12 o'clock and 45 minutes p.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

Motion to concur in Senate amendments to H.R. 4994, by the yeas and nays;

H.R. 6412, de novo.

The first electronic vote will be conducted as a 15-minute vote. The second electronic vote will be conducted as a 5-minute vote.

MEDICARE AND MEDICAID EXTENDERS ACT OF 2010

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and concur in the Senate amendments to the bill (H.R. 4994) to amend the Internal Revenue Code of 1986 to reduce taxpayer burdens and enhance taxpayer protections, and for other purposes, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by

the gentleman from California (Mr. STARK) that the House suspend the rules and concur in the Senate amendments.

The vote was taken by electronic device, and there were—yeas 409, nays 2, not voting 22, as follows:

[Roll No. 626]

YEAS—409

Ackerman	Courtney	Himes
Aderholt	Crenshaw	Hinchee
Adler (NJ)	Critz	Hinojosa
Akin	Crowley	Hirono
Alexander	Cuellar	Hodes
Altmire	Culberson	Hoekstra
Andrews	Cummings	Holden
Arcuri	Dahlkemper	Holt
Austria	Davis (AL)	Honda
Baca	Davis (CA)	Hoyer
Bachmann	Davis (IL)	Hunter
Bachus	Davis (KY)	Inglis
Baldwin	Davis (TN)	Inslee
Barrett (SC)	DeFazio	Israel
Barrow	DeGette	Issa
Bartlett	DeLauro	Jackson (IL)
Barton (TX)	Dent	Jackson Lee
Bean	Deutch	(TX)
Becerra	Diaz-Balart, L.	Jenkins
Berkley	Diaz-Balart, M.	Johnson (GA)
Berman	Dicks	Johnson (IL)
Biggert	Dingell	Johnson, E. B.
Bilbray	Djou	Johnson, Sam
Bilirakis	Doggett	Jones
Bishop (GA)	Donnelly (IN)	Jordan (OH)
Bishop (NY)	Doyle	Kagen
Bishop (UT)	Dreier	Kanjorski
Blackburn	Driehaus	Kaptur
Blumenauer	Duncan	Kennedy
Bocieri	Edwards (MD)	Kildee
Bonner	Edwards (TX)	Kilpatrick (MI)
Bono Mack	Ehlers	Kilroy
Boozman	Ellison	Kind
Boren	Ellsworth	King (IA)
Boswell	Emerson	King (NY)
Boustany	Engel	Kingston
Brady (PA)	Eshoo	Kirkpatrick (AZ)
Brady (TX)	Etheridge	Kissell
Braley (IA)	Farr	Klein (FL)
Bright	Fattah	Kline (MN)
Brown (GA)	Filner	Kosmas
Brown (SC)	Fleming	Kratovil
Brown, Corrine	Forbes	Kucinich
Brown-Waite,	Fortenberry	Lamborn
Ginny	Foster	Lance
Buchanan	Fox	Langevin
Burgess	Frank (MA)	Larsen (WA)
Burton (IN)	Franks (AZ)	Larson (CT)
Butterfield	Frelinghuysen	Latham
Buyer	Fudge	LaTourette
Calvert	Gallely	Latta
Camp	Garamendi	Lee (CA)
Campbell	Garrett (NJ)	Lee (NY)
Cantor	Gerlach	Levin
Cao	Giffords	Lewis (CA)
Capito	Gingrey (GA)	Lewis (GA)
Capps	Gohmert	Lipinski
Capuano	Gonzalez	LoBiondo
Cardoza	Goodlatte	Loebisack
Carnahan	Gordon (TN)	Lofgren, Zoe
Carney	Graves (GA)	Lowey
Carson (IN)	Graves (MO)	Lucas
Carter	Grayson	Luetkemeyer
Cassidy	Green, Al	Lujan
Castle	Green, Gene	Lummis
Castor (FL)	Grijalva	Lungren, Daniel
Chaffetz	Guthrie	E.
Chandler	Gutierrez	Lynch
Childers	Hall (NY)	Mack
Chu	Hall (TX)	Maffei
Clarke	Halvorson	Maloney
Clay	Hare	Manzullo
Cleaver	Harman	Markey (CO)
Clyburn	Harper	Markey (MA)
Coble	Hastings (FL)	Marshall
Coffman (CO)	Hastings (WA)	Matheson
Cole	Heinrich	Matsui
Conaway	Heller	McCarthy (CA)
Connolly (VA)	Hensarling	McCarthy (NY)
Conyers	Herger	McCaul
Cooper	Herseth Sandlin	McCollum
Costa	Higgins	McCotter
Costello	Hill	McDermott

McGovern	Pomeroy	Slaughter
McHenry	Posey	Smith (NE)
McIntyre	Price (GA)	Smith (NJ)
McKeon	Price (NC)	Smith (TX)
McMahon	Quigley	Smith (WA)
McNerney	Rahall	Snyder
Meeks (NY)	Rangel	Space
Melancon	Reed	Speier
Mica	Rehberg	Spratt
Michaud	Reichert	Stark
Miller (FL)	Reyes	Stearns
Miller (MI)	Richardson	Stupak
Miller (NC)	Rodriguez	Stutzman
Miller, Gary	Roe (TN)	Sullivan
Miller, George	Rogers (AL)	Sutton
Minnick	Rogers (KY)	Tanner
Mitchell	Rogers (MI)	Taylor
Mollohan	Rohrabacher	Teague
Moore (KS)	Rooney	Terry
Moore (WI)	Ros-Lehtinen	Thompson (CA)
Moran (VA)	Roskam	Thompson (MS)
Murphy (CT)	Ross	Thompson (PA)
Murphy (NY)	Rothman (NJ)	Thornberry
Murphy, Patrick	Roybal-Allard	Tiahrt
Murphy, Tim	Royce	Tiberi
Myrick	Ruppersberger	Tierney
Nadler (NY)	Rush	Titus
Napolitano	Ryan (OH)	Tonko
Neal (MA)	Ryan (WI)	Towns
Neugebauer	Salazar	Tsongas
Nunes	Sanchez, Linda	Turner
Nye	T.	Upton
Oberstar	Sanchez, Loretta	Van Hollen
Obey	Sarbanes	Velázquez
Olson	Scalise	Visclosky
Olver	Schakowsky	Walden
Ortiz	Schauer	Walz
Owens	Schiff	Wamp
Pallone	Schmidt	Wasserman
Pascarella	Schock	Schultz
Pastor (AZ)	Schrader	Waters
Paul	Schwartz	Watt
Paulsen	Scott (GA)	Waxman
Payne	Scott (VA)	Weiner
Pence	Sensenbrenner	Welch
Perlmutter	Serrano	Westmoreland
Perriello	Sessions	Whitfield
Peters	Sestak	Wilson (OH)
Peterson	Shadegg	Wilson (SC)
Petri	Shea-Porter	Wittman
Pingree (ME)	Sherman	Wolf
Pitts	Shimkus	Woolsey
Platts	Shuster	Yarmuth
Poe (TX)	Simpson	Young (AK)
Polis (CO)	Sires	Young (FL)

NAYS—2

Baird McClintock

NOT VOTING—22

Berry	Flake	Moran (KS)
Blunt	Granger	Putnam
Boehner	Griffith	Radanovich
Boucher	Linder	Shuler
Boyd	Marchant	Skelton
Cohen	McMorris	Watson
Delahunt	Rodgers	Wu
Fallin	Meek (FL)	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. BLUMENAUER) (during the vote). There are 2 minutes remaining in this vote.

□ 1309

Messrs. FRANK of Massachusetts and DAVIS of Tennessee changed their vote from “nay” to “yea.”

So (two-thirds being in the affirmative) the rules were suspended and the Senate amendments were concurred in.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Ms. GRANGER. Mr. Speaker, on rollcall No. 626 I was absent from the House. Had I been present, I would have voted “yes.”

QUESTION OF PERSONAL PRIVILEGE

Ms. WATERS. Mr. Speaker, I rise to a question of personal privilege.

The SPEAKER pro tempore. The Chair has been made aware of a valid basis for the gentlewoman from California's point of personal privilege.

The gentlewoman from California is recognized for 1 hour.

Ms. WATERS. To the Members, I will only take about 7 or 8 minutes. I know that they are anxious to go home.

On Tuesday, I introduced a privileged resolution that calls for a bipartisan task force to investigate the disciplinary action taken against two professional staff members of the Ethics Committee. Since then, I have had a chance to speak with dozens of Members regarding concerns about the ethics process and the impact it has on this institution.

Regardless of region or political ideology, they all agreed that we must take every opportunity we can to improve the ethics process and, by extension, increase the faith of the American people in our ability to uphold the highest standards of ethical conduct.

We now have such an opportunity.

There have been press reports of misconduct by the committee attorneys responsible for handling my case, which has been with the committee for almost 1½ years. Although we do not know the circumstances surrounding their conduct nor the disciplinary action taken against them, we can all agree, as Majority Leader HOYER stated last week, that the developments are “troubling.”

To be sure, this issue is of great concern to me. However, after talking to Members, I have confirmed that it is also of great concern to you—my colleagues and friends—because the issue of transparency and fairness in the ethics process is one that transcends any individual.

What is at stake is the integrity of this institution that we all cherish and of which we are privileged to be a part.

If information regarding this matter is not made public, we will continue to see press reports and commentators across the political spectrum publicly criticizing the ethics process. Allow me to read you some of the press quotes on this issue.

“You have ethics issues in the Ethics Committee. These two attorneys are left on the government payroll. We still don't even know why they dismissed them.” This is from “The Willis Report,” Fox Business, 12/1/10.

“Can you imagine, in a court of law, if the prosecutor basically got completely taken off of the case, and suddenly the defense lawyer walked in, and there was somebody new? It's like bells and whistles would go off.” This is from “AC 360,” which is Anderson Cooper, CNN, 12/1/10.

“I am confident some of the folks on the committee are more political than

anything else.” That is from someone who has been very critical of me, Melanie Sloan of CREW, quoted in Talking Points Memo, 12/1/10.

“Rarely has the ethics process looked worse.” This is by Dana Milbank, Washington Post, 12/4/10.

Unfortunately, if a resolution like the one I noticed passed, its authority, like the authority of the investigation against me, would expire at the end of this Congress, which could come as early as next week. The investigation and report called for by the resolution would have to be completed immediately, which apparently is not feasible now given the calendar.

Many colleagues who share the concerns I have raised about the disciplinary action of the committee are also concerned that a task force established now would have insufficient time to finish its work.

I share that concern and have been working with my colleagues over the last few days to find an alternative that would allow for the exploration of this important topic without further undermining the process by not allowing for adequate time and resources. Because news about the committee's activities just came to light last week, the options seem to be limited.

We all know how a vote on a privileged resolution plays out. The leadership, for reasons which are both practical and political, would use a parliamentary procedure, either a motion to table or a motion to refer, to essentially kill the bill.

This maneuver is not unique to this resolution. It is, as history shows us, seemingly standard practice. Functionally, that would be the end of this particular resolution, and it could have the unintended consequence of suggesting falsely to the public that the House as a whole is not concerned with the integrity of the ethics process.

In fact, during those conversations with colleagues, Members have come alive, and the basic concepts of justice and fairness have permeated every conversation. They have suggested that this issue is one that should be explored willingly, not just by the force of a vote by the whole House, and that parliamentary procedure should not thwart transparency.

Let me note that, while they expressed concern with some of the events that have occurred as related to my case and the implications for the broader institution, Members also indicated they believe that our colleagues who lead the Ethics Committee—ZOE LOFGREN and JO BONNER—fundamentally share our commitment to justice and fairness despite the circumstances which have led us here today.

This is a view that I share as well.

Although the committee is built on secrecy and confidentiality, it should have the ability to be flexible and provide transparency in extraordinary circumstances. This is one such extraordinary circumstance when the House as

a whole and the public need the committee to reveal information so we can have confidence in the process.

Those who know me know that I am aggressive by nature and philosophy. I believe that it is important that we be relentless about our constant search for truth and justice.

But here, upon the advice of my colleagues whom I trust and admire, I am not pushing for a vote on this resolution today. In doing so, however, I am requesting that the committee set the record straight, on its own accord, in a bipartisan manner, with a joint statement signed by the chair and ranking member, as provided by its rules, which both protects the confidentiality required by the committee and respects the public's and this body's right to know the circumstances of the events that led to the discipline of the two attorneys leading the case against me.

Today, I will again notice the House with my privileged resolution. I am hopeful it will not be necessary to take it up, because the Ethics Committee will, indeed, set the record straight.

Thank you, Mr. Speaker. I yield back the balance of my time.

ACCESS TO CRIMINAL HISTORY RECORDS FOR STATE SENTENCING COMMISSIONS ACT OF 2010

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill (H.R. 6412) to amend title 28, United States Code, to require the Attorney General to share criminal records with State sentencing commissions, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. SCOTT) that the House suspend the rules and pass the bill.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. POLIS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 371, nays 1, not voting 61, as follows:

[Roll No. 627]

YEAS—371

Ackerman	Bean	Bono Mack
Aderholt	Becerra	Boozman
Adler (NJ)	Berkley	Boren
Akin	Berman	Boswell
Alexander	Biggart	Boucher
Altmire	Bilbray	Boustany
Andrews	Bilirakis	Brady (PA)
Austria	Bishop (GA)	Brady (TX)
Bachmann	Bishop (NY)	Braley (IA)
Baird	Bishop (UT)	Bright
Baldwin	Blackburn	Brown (GA)
Barrett (SC)	Blumenauer	Brown (SC)
Barrow	Boccieri	Brown, Corrine
Bartlett	Boehner	Brown-Waite,
Barton (TX)	Bonner	Ginny

Buchanan	Hastings (FL)	Mica
Burgess	Hastings (WA)	Michaud
Burton (IN)	Heinrich	Miller (FL)
Butterfield	Heller	Miller (MI)
Calvert	Hensarling	Miller (NC)
Camp	Herger	Minnick
Campbell	Hereth Sandlin	Mitchell
Cantor	Higgins	Mollohan
Cao	Himes	Moore (KS)
Capito	Hinchee	Moore (WI)
Capps	Hinojosa	Moran (VA)
Capuano	Hirono	Murphy (CT)
Carney	Hodes	Murphy (NY)
Carson (IN)	Hoekstra	Murphy, Patrick
Carter	Holden	Murphy, Tim
Cassidy	Holt	Nadler (NY)
Castle	Honda	Neal (MA)
Castor (FL)	Hoyer	Neugebauer
Chaffetz	Hunter	Nunes
Chandler	Inglis	Nye
Childers	Inslee	Oberstar
Chu	Israel	Obey
Clarke	Issa	Olson
Clay	Jackson (IL)	Ortiz
Cleaver	Jackson Lee	Owens
Cole	(TX)	Pallone
Conaway	Jenkins	Pascarell
Conyers	Johnson (GA)	Pastor (AZ)
Cooper	Johnson (IL)	Paulsen
Costa	Johnson, E. B.	Payne
Costello	Johnson, Sam	Pence
Courtney	Jones	Perlmutter
Critz	Jordan (OH)	Perriello
Crowley	Kagen	Peterson
Cuellar	Kanjorski	Pitts
Culberson	Kaptur	Platts
Cummings	Kennedy	Poe (TX)
Dahlkemper	Kildee	Polis (CO)
Davis (AL)	Kilpatrick (MI)	Pomeroy
Davis (IL)	Kilroy	Posey
Davis (KY)	King (IA)	Price (GA)
Davis (TN)	Kingston	Price (NC)
DeFazio	Kissell	Quigley
Dent	Klein (FL)	Rahall
Deutch	Kline (MN)	Rangel
Diaz-Balart, L.	Kosmas	Reed
Diaz-Balart, M.	Kratovil	Rehberg
Dicks	Kucinich	Reichert
Dingell	Lamborn	Reyes
Djou	Lance	Richardson
Doggett	Langevin	Rodriguez
Donnelly (IN)	Larsen (WA)	Roe (TN)
Doyle	Larson (CT)	Rogers (AL)
Dreier	Latham	Rogers (KY)
Duncan	LaTourette	Rogers (MI)
Edwards (MD)	Latta	Rohrabacher
Edwards (TX)	Lee (CA)	Rooney
Ehlers	Lee (NY)	Ros-Lehtinen
Ellison	Levin	Roskam
Emerson	Lewis (CA)	Ross
Engel	Lewis (GA)	Rothman (NJ)
Eshoo	Lipinski	Roybal-Allard
Etheridge	LoBiondo	Royce
Farr	Loeb sack	Ruppersberger
Fattah	Lofgren, Zoe	Rush
Filner	Lowe	Ryan (OH)
Fleming	Lucas	Ryan (WI)
Forbes	Luetkemeyer	Salazar
Fortenberry	Lujan	Sanchez, Linda
Foster	Lummis	T.
Fox	Lungren, Daniel	Sanchez, Loretta
Frank (MA)	E.	Scalise
Franks (AZ)	Lynch	Schakowsky
Frelinghuysen	Mack	Schauer
Garamendi	Maffei	Schiff
Garrett (NJ)	Maloney	Schock
Gerlach	Manzullo	Schrader
Giffords	Markey (MA)	Schwartz
Gingrey (GA)	Marshall	Scott (VA)
Gohmert	Matheson	Sensenbrenner
Gonzalez	Matsui	Serrano
Goodlatte	McCarthy (CA)	Sessions
Gordon (TN)	McCarthy (NY)	Sestak
Graves (GA)	McCaul	Shadegg
Grayson	McClintock	Shea-Porter
Green, Al	McCollum	Sherman
Green, Gene	McCotter	Shimkus
Grijalva	McDermott	Shuster
Guthrie	McGovern	Simpson
Gutierrez	McHenry	Sires
Hall (NY)	McIntyre	Slaughter
Hall (TX)	McMahon	Smith (NE)
Halvorson	McNerney	Smith (NJ)
Hare	Meek (FL)	Smith (TX)
Harman	Meeks (NY)	Smith (WA)
Harper	Melancon	Snyder

Space	Tierney	Watt
Spratt	Titus	Waxman
Stearns	Tonko	Weiner
Stupak	Towns	Westmoreland
Stutzman	Tsongas	Whitfield
Sullivan	Turner	Wilson (OH)
Sutton	Upton	Wilson (SC)
Tanner	Van Hollen	Wittman
Taylor	Velázquez	Wolf
Teague	Visclosky	Woolsey
Terry	Walden	Yarmuth
Thompson (CA)	Walz	Young (AK)
Thompson (MS)	Wasserman	Young (FL)
Thompson (PA)	Schultz	
Thornberry	Waters	

NAYS—1

Paul
NOT VOTING—61

Arcuri	Fallin	Napolitano
Baca	Flake	Oliver
Bachus	Fudge	Peters
Berry	Gallegly	Petri
Blunt	Granger	Pingree (ME)
Boyd	Graves (MO)	Putnam
Buyer	Griffith	Radanovich
Cardoza	Hill	Sarbanes
Carnahan	Kind	Schmidt
Clyburn	King (NY)	Scott (GA)
Coble	Kirkpatrick (AZ)	Shuler
Coffman (CO)	Linder	Skelton
Cohen	Marchant	Speier
Connolly (VA)	Markey (CO)	Stark
Crenshaw	McKeon	Tiahrt
Davis (CA)	McMorris	Tiberi
DeGette	Rodgers	Wamp
Delahunt	Miller, Gary	Watson
DeLauro	Miller, George	Welch
Driehaus	Moran (KS)	Wu
Ellsworth	Myrick	

□ 1338

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mrs. MYRICK. Mr. Speaker, I was unable to participate in the following vote. If I had been present, I would have voted as follows: Roll-call vote 627, On Motion to Suspend the Rules and Pass—H.R. 6412, Access to Criminal History Records for State Sentencing Commissions Act of 2010—I would have voted "aye."

ADJOURNMENT TO MONDAY, DECEMBER 13, 2010

Mr. JACKSON of Illinois. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 10 a.m. on Monday next; and further, when the House adjourns on that day, it adjourn to meet at 12:30 p.m. on Tuesday, December 14, 2010, for morning-hour debate.

The SPEAKER pro tempore. (Mr. KISSELL). Is there objection to the request of the gentleman from Illinois?

There was no objection.

NOTICE OF INTENTION TO OFFER RESOLUTION RAISING A QUESTION OF THE PRIVILEGES OF THE HOUSE

Ms. WATERS. Mr. Speaker, pursuant to clause 2(a)(1) of rule IX, I hereby notify the House of my intention to offer

a resolution as a question of the privileges of the House.

The form of my resolution is as follows:

Authorizing and directing the Speaker to appoint a bipartisan task force to investigate the circumstances and cause of the decision to place professional staff of the Committee on Standards of Official Conduct on indefinite administrative leave, and for other purposes.

Whereas the Constitution of the United States authorizes the House of Representatives to "determine the Rules of its Proceedings, punish its Members for disorderly Behavior, and, with the Concurrence of two thirds, expel a Member";

Whereas in 1968, in compliance with this authority and to uphold its integrity and ensure that Members act in a manner that reflects credit on the House of Representatives, the Committee on Standards of Official Conduct was established;

Whereas the ethics procedures in effect during the 111th Congress were enacted in 1997 in a bipartisan manner by an overwhelming vote of the House of Representatives upon the bipartisan recommendation of the ten member Ethics Reform Task Force, which conducted a thorough and lengthy review of the entire ethics process;

Whereas, the Committee on Standards of Official Conduct adopted rules for the 111th Congress;

Whereas rule 6(a) of the Rules of the Committee on Standards of Official Conduct states "the staff is to be assembled and retained as professional, nonpartisan staff";

Whereas rule 6(c) of the Rules of the Committee on Standards of Official Conduct states "the staff as a whole and each individual member of the staff shall perform all official duties in a nonpartisan manner";

Whereas rule 6(f) of the Rules of the Committee on Standards of Official Conduct states "All staff members shall be appointed by an affirmative vote of the majority of the members of the Committee, Such a vote shall occur at the first meeting of the membership of the Committee during each Congress and as necessary during the Congress";

Whereas, on November 19, 2010 two members of the professional staff of the Committee on Standards of Official Conduct were placed on indefinite administrative leave;

Whereas, on November 19, 2010 the Committee on Standards of Official Conduct canceled and has not rescheduled the adjudicatory hearing for a Member of Congress, previously scheduled for November 29, 2010;

Whereas all of these actions have subjected the Committee to public ridicule and weakened the ability of the Committee to properly conduct its investigative duties, all of which has brought discredit to the House; now, therefore, be it

Resolved, That—

(1) the Speaker shall appoint a bipartisan task force with equal representation of the majority and minority parties to investigate the circumstances and cause of the decision to place professional staff of the Committee on Standards of Official Conduct on indefinite administrative leave and to make recommendations to restore public confidence in the ethics process, including disciplinary measures for both staff and Members where needed; and

(2) the task force report its findings and recommendations to the House of Representatives during the second session of this Congress.

□ 1340

The SPEAKER pro tempore. The resolution of the gentlewoman from California will appear in the RECORD.

The Chair's customary announcement will also appear in the RECORD.

Under rule IX, a resolution offered from the floor by a Member other than the majority leader or the minority leader as a question of the privileges of the House has immediate precedence only at a time designated by the Chair within 2 legislative days after the resolution is properly noticed.

Pending that designation, the form of the resolution noticed by the gentlewoman from California will appear in the RECORD at this point.

The Chair will not at this point determine whether the resolution constitutes a question of privilege. That determination will be made at the time designated for consideration of the resolution.

ECONOMIC SECURITY FOR SENIORS

(Ms. WASSERMAN SCHULTZ asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. WASSERMAN SCHULTZ. Mr. Speaker, I rise today in support of H.R. 5987, the Seniors Protection Act. 2011 will mark the first time that Social Security retirees and other beneficiaries will receive no automatic cost of living increase for 2 consecutive years. At the same time, seniors must stretch each dollar further as health care and other costs continue to rise. And in these tough economic times, seniors have even fewer assets to help them make ends meet.

The Social Security program is in its 75th year of helping our seniors, and we must stay true to President Roosevelt's vision of economic security for all of our citizens. This legislation will help more than 4 million seniors in my home State of Florida alone, many of whom struggle to meet their everyday living expenses.

As we move forward, let us rededicate ourselves to strengthening, not weakening, this vital program. I want to thank Congressman EARL POMEROY for sponsoring this much-needed legislation.

THE DREAM ACT AND IMMIGRATION REFORM

(Mr. SCHRADER asked and was given permission to address the House for 1 minute.)

Mr. SCHRADER. Mr. Speaker, I rise to reaffirm support for the general goals and ideals of the DREAM Act. Unfortunately and ultimately, America will have trouble getting there. But the ambition and hard work of immigrant students earning their degrees and citizenship will benefit our country. However, I voted against the passage of the DREAM Act last night. I believe passing this bill outside of comprehensive immigration reform is ill-advised.

Our immigration system is terribly broken. As a small business owner and farmer, I know the current system does not work for small businesses asked to play the role of Immigration and Customs Enforcement. It also doesn't work for farmers harvesting their crops, for children raised as Americans, or the many people playing by the rules and seeking United States citizenship because they believe in the promise of America.

Border control, employer verification, exit controls, keeping family units intact, protecting our economy, and many others are tough issues that need to be resolved effectively and fairly. They deserve our time and attention now. I am not interested in just kicking the can down the road by not taking the tough votes on immigration reform. The whole system needs to be fixed, not just part of it.

IN RECOGNITION OF DR. BRIAN MATHIE

(Mr. BOCCIERI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOCCIERI. Mr. Speaker, today I rise in recognition of a man with a dedicated vision not just for himself, but for his life's work. My constituent, Dr. Brian Mathie of Louisville, Ohio, has a commitment to a lifetime of healthy vision for all Ohio residents. He proves why the Ohio Optometric Association named him the 2010 Optometrist of the Year.

For his contributions to preserving the gift of sight for people across our district and all across Ohio, for his mentorship and leadership in our community, I too join in congratulating Dr. Mathie for his service.

Countless times I have relied upon Dr. Mathie and his staff at the Roholt Vision Institute of North Canton to provide care for me. He is dependable, reliable, and accurate. Dr. Mathie is not only a leader in the physician's office, but in the classroom and the community, where he serves as an adjunct faculty member at Ohio State University College of Optometry and participates in the Louisville Community Foundation, Rotary Club, and Cross Eyed Missions.

Dr. Mathie, you are a community leader, one dedicated to public service and good public health. Thank you for your commitment. I wish you success in your profession and your leadership.

SUPPORTING VETERANS, DOCTORS AND SENIORS

(Ms. JACKSON LEE of Texas asked and was given permission to address the House for 1 minute.)

Ms. JACKSON LEE of Texas. I would like to address a few items for my colleagues. First of all, I am very proud

today to introduce H.R. 6510, which will allow Texas veterans to have a Texas military museum. We look forward to this moving through this Congress and saying "thank you" to our veterans.

I think it is important that we move quickly to pass the Senior Protection Act of 2010 to get \$250 to our seniors. And I rise as well to support H.R. 4994 that we voted on, so that physicians do not get a 25 percent cut in their Medicare payments. That we also are able to provide for Medicare therapy that many of our seniors have. That as well that we will have a mental health add-on that many of my constituents, including MMHRA, will need. And as well that we are providing to make sure that we have enough money to pay for those in poverty to be able to pay their Medicare payments, Medicare Part B.

Mr. Speaker, it is time to address the needs of Americans who have worked, including the veterans who celebrate a veterans museum, including those doctors who work for us, and certainly seniors who need these Medicare benefits. This is a time for us to stand for them.

□ 1350

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

COMMENTS ON AFGHANISTAN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

Mr. JONES. Mr. Speaker, this past Tuesday I came to the floor to talk about the corruption in Afghanistan and the growing concern of the American people due to the fact that many in both parties have said we need to stay there 4 more years, including the President of the United States.

In November of this year, we had 53 Americans killed in action in Afghanistan and 146 Americans wounded in Afghanistan. Beside me, Mr. Speaker, are the faces of marines who were killed from Camp Lejeune. Too many times, because of the fact that this country does not have a draft, this country seems to put the war in Afghanistan on the second, third, and fourth pages, and that is a tragedy to the families of those young men and women fighting in Afghanistan and to those families who have lost loved ones who have been killed.

I would like to take just a moment to read from the Washington Examiner a couple of comments and also a "60 Minutes" segment on November 28 by Anderson Cooper called "Good Cop, Bad Cop."

From the Washington Examiner earlier this year: "The Examiner reported that numerous insurgents captured in Pakistan, including some members of al Qaeda, were returned to Afghanistan upon the request of the Karzai government, and then, according to senior Pakistan officials, 'released back to the Taliban as bargaining chips in negotiations.'"

"A marine stationed in southern Afghanistan's volatile Helmand Province told the Examiner that efforts to retaining insurgent fighters are 'worthless.' They are worthless."

"Earlier this year, his unit held a man known to be working with the Taliban. The marines had gathered evidence that the man was transporting hundreds of pounds of bomb-making equipment and explosives for the Taliban. But, shortly after they captured him, he was set free."

That is a tragedy in itself, Mr. Speaker, because our young men and women are over there dying for what, I do not know. In fact, there was an article written in the magazine called *The American Conservative* by Andrew Bacevich about 6 months ago, and the title of that article was "To Die for a Mystique." He was comparing Vietnam to Afghanistan. Actually, the writer of that article, Andrew Bacevich, fought in Vietnam for this country, and his son died in Iraq for this country.

Let me just briefly read from "Good Cops, Bad Cops: Afghanistan's National Police." This is the "60 Minutes" segment:

"We began with the three-star American general now in charge of their training. 'The police have to succeed,' Lt. General William Caldwell told CNN's Anderson Cooper.

"If the Afghan police fail, we fail?" Cooper asked.

"We do," the general said.

"Caldwell began overseeing training of Afghan security forces last November. 'The sooner we can develop an effective police force, the sooner U.S. forces will be able to have less of an active combat role,' the general said. 'If we had a better-trained Afghan police at this point, that would save American lives,' Cooper said. 'There's no question about that. That is true,' said the general."

Now, Mr. Speaker, let me tell you just how difficult this job is:

"Not only are most of the police illiterate, but it turns out many of them also have a drug problem. There is one study said 10 to 20 percent use or smoke hash and other forms of drugs," Cooper told Caldwell, "and that's probably an accurate statistic based on what we have seen," he replied.

"Another video taken by members of the 82nd Airborne shows an Afghan policeman smoking marijuana before going out on patrol—evidently not an uncommon ritual."

Mr. Speaker, it is time that this House and this Senate and this admin-

istration understand that it is not worth the lives of our men and women in uniform to keep them in Afghanistan for 4 years. History has proven it is an uncontrolled country. It will never be a nation, it will never have a successful national government, and it is time that the House and Senate understand that it is not worth one more life of our young men and women to stay in Afghanistan.

Mr. Speaker, before I yield back the balance of my time, I will ask God to please bless our men and women in uniform. I will ask God to please bless the families of our men and women in uniform. I will ask God in his loving arms to hold the families who have given a child dying for freedom in Afghanistan and Iraq. And I will ask God to bless the House and Senate, that we will do what is right in the eyes of God, and God give strength, wisdom and courage to the President of the United States, Mr. Obama, that he will do what is right in the eyes of God. And three times I will close, God please, God please, God please bless America.

KEEPING OUR PROMISE TO SERVICEMEMBERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, a few weeks ago when we sat down to turkey dinner with our families, we certainly had plenty to be thankful for. Our thoughts, however, were thinking about the men and women of the Armed Forces, both active duty and retired, who have risked life and limb for all of us, and these folks, these troops, were in our prayers of thanks and in our hopes.

But, Mr. Speaker, it is critical that our gratitude to these courageous Americans be expressed not just with kind thoughts around the Thanksgiving table or speeches on Veterans Day. We need to show our thanks with deeds, not words, which is why it was important last week that the House passed the Physician Payment and Therapy Relief Act, ensuring that seniors and military families continue to see their doctors.

But even as we were taking that important step, military health benefits continue to be endangered, because Defense Secretary Gates is considering a proposal to increase the amount that military retirees pay for their health insurance under the TRICARE program.

Let me be clear: I couldn't agree more with Mr. Gates's belief that the Pentagon is overextended. I share his concern about the "gusher of defense spending," as he himself refers to it. If we are having a serious conversation about the bloated DOD budget, then I am all in. In fact, the Congressional

Progressive Caucus has proposed \$600 billion in cuts, much of it from obsolete, overpriced and untested weapons systems that are doing absolutely nothing to protect America or advance our national security interests.

But with so much waste, fraud and abuse, why in the world would we cut the Pentagon budget by taking it out of the hide of the military families who have already sacrificed so very much? Why should they take the hit, while DOD has historically shown little spending discipline or fiscal responsibility, throwing billions upon billions of dollars at inefficient programs? Instead of targeting affordable health care for the people who have worn the uniform, how about we start by pulling the plug on the V-22 Osprey, notoriously over budget and also responsible for 30 accidental deaths over the years?

Norbert Ryan, Jr., of the Military Officers Association of America, put it well to *The New York Times*. He wrote: "Don't ask the folks who have done so much for this country, who have been called to act since 9/11, to be first in line to give some more."

It is indeed true, Mr. Speaker, that military retirees and their families get a good benefits package. To those who say they should pay more, I say they have already worked for a higher premium in the form of their service and sacrifice than any of us can even imagine. The bottom line is that military retirees have earned the benefits they receive. They deserve them. We owe it to them. It is a promise we must keep to them.

But let me take this argument one step further, Mr. Speaker. I have got a broader solution that attacks the problem two different ways. First, ending the war in Afghanistan will cut military spending dramatically, and it will also mean fewer military retirees requiring fewer health care services, yet another urgent, compelling reason to bring our troops home.

□ 1400

LYING IS NOT PATRIOTIC

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. PAUL) is recognized for 5 minutes.

Mr. PAUL. Mr. Speaker, WikiLeaks' release of classified information has generated a lot of attention worldwide in the past few weeks. The hysterical reaction makes one wonder if this is not an example of killing the messenger for the bad news.

Despite what is claimed, information so far released, though classified, has caused no known harm to any individual but it has caused plenty of embarrassment to our government. Losing a grip on our empire is not welcomed by the neoconservatives in charge.

There is now more information confirming that Saudi Arabia is a principal supporter and financier of al Qaeda, and this should set off alarm bells since we guarantee its sharia-run government. This emphasizes even more the fact that no al Qaeda existed in Iraq before 9/11, and yet we went to war against Iraq based on the lie that it did.

It has been discharged by self-proclaimed experts that Julian Assange, the Internet publisher of this information, has committed a heinous crime, deserving prosecution for treason, and execution or even assassination.

But should we not at least ask how the U.S. Government can charge an Australian citizen with treason for publishing U.S. secret information that he did not steal? And if WikiLeaks is to be prosecuted for publishing classified documents, why shouldn't the *Washington Post*, the *New York Times*, and others that have also published these documents be prosecuted? Actually, some in Congress are threatening this as well.

The *New York Times*, as a result of a Supreme Court ruling, was not found guilty in 1971 for the publication of the Pentagon Papers. Daniel Ellsberg never served a day in prison for his role in obtaining these secret documents.

The Pentagon Papers were also inserted into the CONGRESSIONAL RECORD by Senator Mike Gravel with no charges being made of breaking any national security laws. Yet the release of this classified information was considered illegal by many, and those who lied us into the Vietnam War and argued for its prolongation were outraged. But the truth gained from the Pentagon Papers revealed that lies were told about the Gulf of Tonkin attack, which perpetuated a sad and tragic episode in our history.

Just as with the Vietnam War, the Iraq war was based on lies. We were never threatened by weapons of mass destruction or al Qaeda in Iraq, though the attack on Iraq was based on this false information.

Any information that challenges the official propaganda for the war in the Middle East is unwelcome by the administration and supporters of these unnecessary wars.

Few are interested in understanding the relationship of our foreign policy and our presence in the Middle East to the threat of terrorism. Revealing the real nature and goal of our presence in so many Muslim countries is a threat to our empire, and any revelation of this truth is highly resented by those in charge.

Questions to consider:

No. 1, do the American people deserve to know the truth regarding the ongoing war in Iraq, Afghanistan, Pakistan, and Yemen?

No. 2, could a larger question be how could an Army private gain access to so much secret information?

No. 3, why is the hostility mostly directed at Assange, the publisher, and not our government's failure to protect classified information?

No. 4, are we getting our money's worth from the \$80 billion per year we spend on intelligence gathering?

No. 5, which has resulted in the greatest number of deaths: Lying us into war or WikiLeaks' revelations or the release of the Pentagon Papers?

If Assange can be convicted of a crime for publishing information that he did not steal, what does this say about the future of the First Amendment and the independence of the Internet?

No. 7, could it be that the real reason for the near universal attacks on WikiLeaks is more about secretly maintaining a seriously flawed foreign policy of empire than it is about national security?

No. 8, is there not a huge difference between releasing secret information to help the enemy in a time of declared war, which is treason, and the releasing of information to expose our government lies that promote secret wars, death, and corruption.

No. 9, was it not once considered patriotic to stand up to our government when it's wrong?

Thomas Jefferson had it right when he advised, "Let the eye of vigilance never be closed."

FEDERAL AVIATION ADMINISTRATION'S AIRSPACE REDESIGN PLAN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. ENGEL) is recognized for 5 minutes.

Mr. ENGEL. Mr. Speaker, I rise today in strong and continued opposition to the Federal Aviation Administration's airspace redesign plan, and, frankly, it just gets worse and worse and worse. First they say that there will be hundreds of new air flights from Newark Airport flying over my constituents in Rockland County, New York, and now we learn that they have changed the plan and made it even worse. They are now redirecting an additional 100 flights per day from John F. Kennedy International Airport over Rockland County.

The FAA made this decision without consulting me or, to the best of my knowledge, any other elected official whose constituents are affected by the increased air traffic. More so, when we originally requested that the redesign be altered so that the flights would be directed over less populated areas, the FAA had the gall to say that the plan could not be changed because it could then be opened up to lawsuits. Now we find that they have gone and changed the plan anyway to suit their own ends. I find this insulting and hypocritical, typical government agency bureaucracy.

This plan was concocted with zero input from the residents it harms the most, particularly my constituents in Rockland County who would be most adversely affected by the plan. And specifically, in addition to the 300 to 400 planes heading daily to Newark Liberty International Airport, this plan would now direct 100 flights a day from JFK airport. The FAA doesn't seem to mind inconveniencing residents on the ground.

Additionally, there was no consultation or notification to myself or any other elected officials whose constituents are affected by the proposed plan. While several town halls were held throughout the FAA airspace redesign process, they were held throughout the FAA redesign process, a redesign that, again, I strongly oppose. I have not been made aware of any community involvement with this recent decision.

In the past, I was able, after begging, pleading, cajoling and threatening, to get the FAA to hold a town hall meeting in Rockland County, where 1,200 residents attended and spoke in universal opposition to this plan. But, again, the public be damned. The government knows better. The FAA did not listen then, and look where we are now. In this instance, however, we have had no such opportunity.

It's been clear for many years that the FAA has had no intention to listen to the people of Rockland County, and this recent decision only reinforces that. I have spoken to and written letters to the FAA and to Transportation Secretary Ray LaHood asking for reconsideration of their redesign plan, and I am outraged at the decision to direct even more flights over the county. There are other ways to address the problems facing airports and delayed flights without requiring the people of Rockland County to bear this burden.

As my constituents have noted to me, the noise and air pollution in the area will increase. It is unknown how this increase in air pollution will affect a disproportionate rate of childhood asthma in my district.

Another issue not taken into account by the FAA is a lack of preparedness for severe airline emergency in this densely populated area. It is likely that first responders would have to be trained for the event of a catastrophic airplane crash, God forbid, causing added cost to local police, fire, and EMT departments that are already stretched thin.

In addition, while the flight plans will not route commercial aircraft directly over the Indian Point nuclear power plant, the proximity could lead to an extremely dangerous scenario. Over 20 million people live within 50 miles of Indian Point.

I believe it is clear this redirection will cause a significant decrease in the quality of life for my constituents in Rockland County. And what for? The

expected result of this scheme is the paltry reduction of delays—an average of 3 minutes per flight.

The modernization of our aviation system is necessary to bring it into the 21st century, to keep pace with the increased number of flights, and to also maintain our technological advancements by implementing new equipment to keep our system the safest in the world. However, there are several alternatives to this new plan, including the redirection of these flights over the underutilized airspace over the Atlantic Ocean.

I am outraged by this decision, and I call on the Department of Transportation and the Federal Aviation Administration to not say one thing only to do another, all to the detriment of my constituents in Rockland County. I am against this new move by the FAA and will continue to fight against its implementation.

□ 1410

PARTISAN POLITICS IS NOT THE WHOLE STORY

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from North Carolina (Ms. FOXX) is recognized for 5 minutes.

Ms. FOXX. Mr. Speaker, over the past couple of weeks, the average American might have gotten the impression that partisan politics is the only force to be reckoned with in Washington, but that is not always the case.

Members of Congress certainly often disagree on how to move our country forward. Nevertheless, I am confident that underscoring our divergent world views is a bedrock desire to see our country thrive, prosper and succeed.

In fact, I've had conversations with outgoing Representatives from parts of the country like Wisconsin and New Jersey who lost elections last month. You know what? The thing they pressed home with me was not bitterness in defeat. No, it was their desire for me and others to lend our support to those who defeated them because they want them to be successful as Representatives of their districts and their country.

Even in defeat, these Members were focused on the betterment of their communities and the success of America. They entreated me to help their replacements learn the ropes and excel in the House of Representatives.

Such a perspective is not what makes headlines in the media, but it is one that will help us emerge from this difficult economic time stronger and more united. This perspective, the demonstration of deep character in the midst of defeat, serves our Nation well.

While the national media pursued tired story lines about partisan battles and legislative gridlock, I challenge

this dull, status quo reporting. The American people deserve to hear that, despite Congress' many flaws and shortcomings, there are people here from all across the political spectrum who love our country and want nothing more than to see us living in prosperity and security.

Mr. Speaker, I want to praise my outgoing colleagues for their public service and their continuing desire for America to be great. We may vehemently disagree on public policy, but that does not keep us from remembering we are privileged to serve the people of the greatest Nation the world has ever known. And I hope no one who serves in the Congress ever forgets that.

A REASONED CONVERSATION

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON LEE) is recognized for 5 minutes.

Ms. JACKSON LEE of Texas. Mr. Speaker, as I indicated, let me thank you for your leadership. I think it is important to always engage our colleagues in reasoned conversation.

Before I begin a reasoned conversation and asking of the hard questions, let me, first of all, add my appreciation to this bipartisan House that saw fit to create opportunities for young, working Americans, and that is by passage of the DREAM Act.

And the only sentence I want to leave with you, beyond the idea of equality and justice, which many times we take lightly, we use it often, but it is very real. It is why so many Americans pledge allegiance to the flag and have an abiding faith and love in this country.

But also, this is an economic engine of investment for those young people who have come to this country, and perpetrated no criminal act of their own, and now will be able to work and contribute to society, serve us in the United States military, perpetuate community service and generally, as we always ask of our young people, to be the kind of citizens that make this country great. Thank you for passing the DREAM Act.

Now we'll have many months to come to renew the effort that I had in Save America Comprehensive Immigration Act, that includes border security and reinforcement of the men and women in Border Patrol and as well, Customs and Border Protection, combined agencies now, but as well, new technology and working to secure America as we should. And so I look forward to that journey again.

However, there are other issues that I believe are enormously important, and many of us have engaged in what has been known to be the providing for middle class, middle-income tax cuts or relief, is what I like to call it. And

I believe that there is some value to one's values.

So let me just say to my colleagues and through them, those who they represent, the American people, who are, in fact, our bosses, this is not a class warfare. This is not "dissing" one particular group, but it is holding true to what you have asked us to do, bar any political party, and that is to reduce the deficit.

So, my friends, a middle-income tax relief that would include, if you will, a child tax credit, that would include an idea of ensuring that the working Americans who are now, unfortunately, unemployed will have unemployment insurance, that would further include those who have run up against a brick wall, the "99ers" as they call them, don't have any more resources but still have mortgages and food to pay for and bills to pay, and they want to pay for it.

A reasoned tax relief legislation will be the real answer, not the answer, if you will, of a huge, ridiculous amount of dollars going to individuals who, of their own voice, have said, we are well. We are well. The economy is turning, the Dow is working.

If you ask our major banks, they have more than \$4 billion-plus in some of our major banks in the third quarter in profits. And as well, we see that the economy is moving. In fact, we know that some of the unemployment numbers even went down.

But we need to focus on reducing that deficit, not adding to it by a ludicrous, reordering of even the Bush response to estate tax. And that is, to create a \$68 billion, if you will, burden on the American people to give an unusual tax relief to an estate of a magnitude that only fits a small number of people, some 39,000 out of a 300 million-person country.

We're not trying to deny those working family farms, those small businesses that will have an opportunity to benefit again.

But let me remind you there were tax cuts in the stimulus. There were tax cuts in the recent Small Business Jobs Act, some 16 or more tax cuts for small businesses. In addition, there is \$30 billion sitting for small businesses in our community banks.

I believe some of the elements of any kind of tax relief should ensure that those who get tax relief, such as major corporations, should have accountability. Yes, they should have profit; but at the same time there should be a linkage to their commitment to retaining jobs and not laying people off.

We want the right kind of relief for the American people, and that's the kind of tax bill that I'll be supporting. And I look forward to my colleagues working with them.

FRANK BUCKLES—LONE SURVIVOR

The SPEAKER pro tempore. Under the Speaker's announced policy of Jan-

uary 6, 2009, the gentleman from Texas (Mr. POB) is recognized for 60 minutes as the designee of the minority leader.

Mr. POE of Texas. Mr. Speaker, they went off to war singing George M. Cohan's song, "Over There," something to the effect that "Over there, over there, send the word to beware that the Yanks are coming, the Yanks are coming and we won't be back till it's over over there." Those were the World War I doughboys, as they were called in the great World War I.

One of those individuals is Frank Buckles. Frank Buckles is an interesting individual. He was born in 1901, February 1, and he was born in Kansas. And when he was 16, the great World War I had already started. And he was at the Kansas State Fair, and he saw a recruiting poster, "Uncle Sam Wants You." So he went to a local marine recruiter, wanted to join the United States Army to go fight the war to end all wars over there in Europe. The marines wouldn't take him. You're too small and you are not 18 years of age. And he continued to try to get in to the Marine Corps.

□ 1420

Finally, he decided he would try the United States Army. He went all the way to Oklahoma City. Being only 16 as he said later, I decided to really tell them a whopper and tell them I was 21. The Army recruiter said, Okay, we will sign you up. And he joined the United States Army after vigilantly telling people he was 18 when he was only 16, a volunteer to go fight in that war.

He signed up for the ambulance service, and the reason he signed up for the ambulance service was because he heard that was the quickest way to get to the battlefield to help other young Americans that were already fighting that war to end all wars. And so he went overseas. He served in France. He drove an ambulance. He rescued not only Americans but the other allies that had been wounded and took them back behind enemy lines.

After the war was over with in 1918, having joined in 1917, Frank Buckles continued in Europe until he was discharged, protecting and guarding German prisoners of war. He came back to the United States, and before he was discharged, he was given \$143.60 plus a bonus for serving in combat of \$60. He came back to America, and of course there were not benefits in those days. There was no VA. You just went back home and started your own life.

In the great World War I, over 4 million Americans served; 117,000 of them died in Europe. Half of those doughboys died from what they obtained, the Spanish flu. Many of them didn't even know it. They got back to America and died from the Spanish flu that they had contacted while serving overseas.

Frank Buckles, being the kind of guy he is, he came back home. He started a

new life. He decided to go to sea. He worked on different ships. In 1940, he found himself in the Philippine Islands. And as we all remember from American history, the Philippines were invaded by the Japanese, and there Frank Buckles was captured by the Japanese. And during World War II, he spent 3½ years in a Japanese prisoner of war camp. Having already served in World War I, he lied about his age so he could get in as a volunteer. Now in World War II, 3½ years of his life stolen from him by our enemies. He served in that prisoner of war camp.

He was finally released when Americans liberated the Philippines, came back to the United States and lived in West Virginia until the age of 102, Mr. Speaker, 102. He worked the farm. You know, he chose probably the occupation of America's past, the hard-working individual that works American soil. And that was Frank Buckles. He worked the soil.

Today, Frank Buckles—and here is his photograph, Mr. Speaker—is 109 years old. It is an honor for me to call Frank Buckles my friend. This photograph was taken in front of the D.C. memorial to World War I veterans which I will get to in a minute. So he is 109 years old today. Besides his remarkable life that continues, Frank Buckles is the lone survivor, the last doughboy alive that served in the United States Army and military during World War I.

There are two other survivors. They are both British individuals. They are 109. But he is older than they are. He will soon be 110 in February. So he is the last survivor, the last living doughboy that served our country.

He will soon be 110, Mr. Speaker. You know, 110 is old. To put it in perspective, it is about half of America's history this one person has lived through. He is still the great patriot that he was when he raised his right hand as a 16 year old in 1917 and swore to defend the United States against all enemies, foreign and domestic, the oath he took to uphold the Constitution.

Now, I mention Frank Buckles in his own right because he is the last of this generation, those that lived and fought in World War I. You have to remember who these were; these were the fathers of the Greatest Generation, those individuals that we hold up, people like my dad who is 85 years of age, those who served in the great World War II. Those were the fathers of the Greatest Generation, people like Frank Buckles.

But you see, he still continues to fight for America and really fight for people that served in World War I because when I met Frank Buckles he was here at the Capitol. His mission now is to make sure that we honor as a Nation those who served and came back home in World War I and those that served and are still buried in graves only known by God in Europe,

those other doughboys. His goal, and the goal I hope of most Americans now, is to make sure that they are properly honored.

You know, America has moved on since World War I. Not much was said after World War I. The American doughboys came home. They didn't have a whole lot of fanfare. They just merged back into society. Then all of a sudden came the Roaring 20s, the exciting 20s. Then there was the Depression for 10 years. Then all of a sudden we were in World War II. America just sort of moved on and left that generation the way they were when they returned. And I say that to say this: Because you see in this great Capitol, the greatest capitol in the world, the center of democracy, the center of liberty, the center of people who have values like Frank Buckles, we have in my opinion yet to honor these individuals. Let me explain.

Here not far from the Capitol on what we call the Mall, where we have the important memorials to America's past, we have built as a Nation memorials to three of the great wars of the last century. If you wander up and down the Mall, you will see the first memorial that was built. They were built in reverse order of when the wars occurred. The first one that was built is that black marble granite memorial to those young men in Vietnam, the 58,000 that went to Vietnam and came home, or rather did not come home. You remember Vietnam, Mr. Speaker, that was the war when America, we treated our troopers real bad. As a Nation, we treated them real bad when they came home. But we did build them a memorial, and it is not far from here. Today and every day when you go to the Vietnam Memorial, you will see people who put up flags and write notes to those great Americans from Vietnam.

And after that was built, then there is the memorial that was built on the Mall to the Korean war. Some of the politically correct folks still call that a conflict. Well, Americans died in the Korean war. We went over and fought somebody else's war again. That memorial shows that Americans going through a minefield in the snow, a great memorial to those Korean veterans, those that lived and those that died.

And then the most recent one, the one that many Americans are aware of because there was so much political fighting whether or not this memorial should be built, that is the World War II memorial that is built not far from here, that great memorial that honors the Greatest Generation, that shows how important it is for us to remember those individuals. As I mentioned, people like my dad who served as an 18 year old in the United States Army in Europe. Many people didn't want that memorial built on the Mall. You know,

it is built on the Mall. They didn't want it built there. Anyway, politics got out of the way and Congress approved that memorial.

But there is no memorial for those who served in the first great war of the last century, and that is the World War I memorial. It is true there is a memorial near the Mall for those that served from Washington, D.C. Here is a photograph of that memorial, and a picture of Frank Buckles in front of it.

□ 1430

This photograph was taken a couple of years ago or, really, a year ago when he was there. This memorial is not even on the D.C. maps. Of all the things to do and see in Washington, D.C., this memorial is not even on there. The only reason I ever saw it is I was running by it one day, and I saw this memorial—or this monument, this structure—over in the weeds. I went over there and started reading it and realized what it was. It is not a fitting memorial but a memorial for the D.C. veterans who lived and died during World War I. You can see that it's cracked and that the stone is bad. It needs a lot of repairs. Finally, the repairs are starting to be made for that.

Make no mistake about it: this is a memorial for those from Washington, D.C. We don't have a memorial on The Mall for those who served from all over the United States, an appropriate memorial that, I think, should be built. The plan is and Frank Buckles' goal and mine and many others is to expand this memorial and to honor all those who served in that Great War, now almost 100 years ago.

There are really no advocates for this. I mean there are no lobbyists. There are no veterans left from World War I. No other veterans' groups have taken this on to encourage our building this memorial for him. An individual by the name of David DeJonge, who is an historian and a photographer, started doing research on the last survivors of World War I. He has got photographs of all of them, of recent date, of those who have died—some of them have died—and he has done research on all of them. As I mentioned, there are only three from all over the world who fought from all nations, Frank Buckles being one of those. Some other individuals are encouraging Congress to give the authority to build this memorial.

In Kingwood, Texas, which is one of the places I represent down in Texas, there is an educator there by the name of Jan York. Jan York loves America like educators do. She got her Creekwood Middle School kids to do research a couple of years ago on World War I and on its last survivors, and that's when they came up with Frank Buckles. They, too, are passionate about making sure that a memorial is built on The Mall for all who served in World War I. Let me mention this:

There are memorials for the World War I veterans in different places in the United States. There is one in Kansas City. But can we have too many? Should we not have one on The Mall? I mean this is Washington, D.C. When you go through Washington, D.C., you see memorials and monuments for all kinds of people—wonderful people. Some of them aren't even Americans. The memorials and monuments are appropriate. They're needed. But should we not build a memorial on The Mall for all of those who served in World War I—the war that was supposed to end all wars? I think that we should.

Anyway, Jan York has helped her school get involved in this, and the Creekwood Middle School folks and other schools in the country are encouraging Congress to help build a memorial. This memorial is not going to be funded by taxpayer money. Don't get me wrong. This is not something the taxpayers are going to be required to contribute to. All Congress has to do is authorize its being built and there being a commission, and then private funds will be collected from groups like the Creekwood Middle School.

I want to thank Senator ROCKEFELLER, who is down the hall in the Senate. He is helping to promote legislation that will allow us to move forward and have congressional approval to build this memorial on The Mall—this appropriate memorial for people like Frank Buckles, who is the lone survivor.

Mr. Speaker, I think it is imperative that we as a Nation understand our history. Many of us don't think about the past. We only think about the future. We think, unfortunately, many times: What can America give us? What can America do for us? as opposed to: What can we do for America? What can we do for people who have served our great country in the military, and what should we do as a Nation to honor those individuals?

America has always had to defend who we are as a Nation. I carry in my pocket, like maybe most Members of Congress, this little book, the Constitution of the United States, which has not only the Constitution but the Declaration of Independence in it as well.

If we just remember a little bit of history, just a little bit, back in the colonial days, in 1776, there were these Americans who did not like being treated a certain way by the most powerful empire that had ever existed in the history of the world—the British Empire. It was the most powerful empire at the time, and it was led by the most powerful king, King George. They got together, and they said, You know, we are going to liberate ourselves from this type of tyranny, which is how they looked at it. So they came up with this Declaration of Independence.

Now, in legal terms, what that meant was they indicted the King of England

for crimes against the United States. Their remedy, the punishment for the King and for England, was to separate. They concluded their Declaration of Independence, that important document that later led to the Constitution, with this phrase:

“And for the support of this Declaration, with a firm reliance on the protection of Divine Providence, we mutually pledge to each other our lives, our fortunes, and our sacred honor.”

Then they had to fight for what they believed in—7, 8 years of long war to get this country free. Then it was the War of 1812, the Spanish-American War, the war with Mexico, World War I, World War II, Korea, Vietnam, and we are still engaged in two great wars today.

In all of those wars, Mr. Speaker, it has been America's youth who has gone to war to protect the rest of us. Unlike other countries, it has been said that America goes to war not to conquer but to liberate. That is true. We've got troops fighting right now, not to conquer but to liberate. America goes to battle so that others will live in freedom. Our enemies go to battle so that others will die in tyranny. That is what is happening in Afghanistan and Iraq. It has always been the American warrior who has had to protect this document—people like Frank Buckles.

Today, occasionally, we get to see those great warriors from the current wars. They come back to this Capitol, and we see them. Many Members go visit the wounded warriors. I have had the honor to be in Iraq and Afghanistan and see our military in action. The finest military that has ever existed in the history of the world represents us today.

Yet, to some extent, at home, America is disengaged. We are more interested, unfortunately it seems, in what is in it for us as opposed to what is in it for America. Frank Buckles and the generations before him and after him have always asked: What is in it for America? What can we do for America?—not what America can do for us.

So it seems to me we owe it to Frank Buckles and we owe it to those doughboys who have all died, who have all passed away except him, to build and honor them for what they did for the rest of us—for without them, we certainly would not be here. Without each generation that has been called upon to bear arms to protect our Nation, we would not be here. Many of them died at young ages, including those 600,000 Americans who died in the Civil War, which is when our country went to war within itself.

It would be appropriate that we honor these individuals by approving this memorial on The Mall. It would be equally as important that we remember Frank Buckles, his being the lone survivor. I hope he lives a long time. He told David DeJonge not too long ago, I'm headed to 115.

Well, the way he is, he may get it. He's just that way.

Yet, when he passes away, we should honor him as the last doughboy. He should lie in state here in the Capitol rotunda. He should be buried with full military honors. Our Nation should remember him, as it is important we should remember all those who served throughout the United States, by building and approving the memorial here on The Mall.

□ 1440

You know, when they went overseas, they said they weren't coming back until it was over over there. They did not come back until it was over over there, and they came back victorious. We over here have the obligation and the opportunity to get it right over here. And the way we get it right is to honor Frank Buckles and honor all of those who served in the great World War I, those that served and did not come home and those that served and did come home, to continue the American way of life and preserving this little document called the Constitution of the United States of America.

And that's just the way it is.

Mr. Speaker, I yield back the balance of my time.

VACATING 5-MINUTE SPECIAL ORDER

The SPEAKER pro tempore. Without objection, the ordering of a 5-minute Special Order speech in favor of the gentleman from Texas (Mr. POE) is vacated.

CONGRESSMAN ETHERIDGE BIDS FAREWELL TO CONGRESS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from North Carolina (Mr. ETHERIDGE) is recognized for 60 minutes as the designee of the majority leader.

Mr. ETHERIDGE. Mr. Speaker, I rise today to address the House. I will be leaving Congress at the conclusion of this term, and I want to take a few minutes to speak to my colleagues and the people of North Carolina's Second District, the people whose hopes and dreams, whose fears and apprehensions, whose challenges and opportunities have been my first and only priority every day for the past 14 years.

We are joined here today in the gallery by my wife, Faye, who has been the foundation of my world for 45 years. No man has ever been blessed with a finer family, and Faye has been the light of my life for each of those days.

I want to thank Faye. It's not easy being a Congressman's wife. The schedule is never your own; it's constantly shifting. Folks call your house or knock on your door—they have ours—

at all hours of the day and night. And unfortunately, this past year brought us ugliness on a scale never seen before. Faye has endured it all and has been for me a constant source of strength, a sounding board of unfailing common sense, and a partner in every sense of the word. Thank you, Faye.

And I want to thank my staff. As Members, we get all the credit and the glory, but it is the folks behind the scenes who do the grunt work that make it all possible. I have always said I have the best staff on Capitol Hill and also the best staff back in my home district, and I believe that's true.

We are joined today—I hope by watching—by Russ Swindell, my chief of staff; Pat Devlin, my D.C. chief; Dr. David Weinreich, Ph.D, my legislative director; senior legislative assistant Chris Medley; legislative assistants La'Tanta McCrimmon and Andrew Dugan; legislative correspondent Mim Williams; press secretary Austin Vevurka; executive assistant Julia Cava; and staff assistant Mollie Jones.

In my Lillington office, district representatives William Munn and Mercedes Restucha. And our Raleigh district staff, representatives Carolyn Smith, Sonia Barnes, and Mike Little; Amy Hornbuckle, who is our district scheduler, a very difficult job; Christy Sandy, our grants coordinator; and Debbie Privette, caseworker and projects coordinator.

We call ourselves “Team Etheridge,” and for 14 great years we've been an incredible, effective team. I am proud of each and every member of Team Etheridge, and prouder still of what together we have accomplished for the people of North Carolina and this great country.

As I look back on my service in this body—a body which I am proud to have had the opportunity to serve in—I am reminded of the many great men and women I have had the honor to serve with here in the people's House, folks like DAVID PRICE of North Carolina, and really the entire North Carolina delegation, leaders like STENY HOYER and the entire Democratic leadership who made this session one of historic significance on behalf of the American people.

On the other side of the aisle, I've been proud to have worked with people like my friend JERRY MORAN of Kansas, Ray LaHood, and our former colleague, Bob Riley, now the Governor of Alabama. This body needs more people willing to put partisan differences aside in order to get work done for the greater good of our country.

I have been honored to serve with so many individuals I admire, like JOHN SPRATT of South Carolina, COLLIN PETERSON, IKE SKELTON, JOHN LEWIS, and others far too numerous to mention. Congress may be an imperfect institution, but our Nation is fortunate to have had the benefit of statesmen and patriots serving in this body.

My life has truly been the American Dream. I was raised on a Johnston County tenant farm where neither my mother nor my father owned their home nor the land they farmed. Neither had a high school education, but valued education. Yet, I have been able to serve my country in the United States Army, graduate from college, play basketball, have a successful career in business, be elected to leadership positions at the county, State and Federal levels.

All that was possible by education. Public education is the key to the future because it provides for everyone who is willing to work hard the opportunity to make the most of his or her God-given ability. That is why, for me, all of my years in public life have been about creating a brighter future for our children.

As we look to the future, we can take great pride in the many accomplishments and countless lives that have been touched. Every single day since we opened our doors in 1997, my staff and I have worked hard to provide outstanding constituent services to anyone and everyone who needed our help in the Second District. These are real lives we have changed, from disabled veterans who needed benefits, to senior citizens who needed assistance with Medicare, or a nonprofit requiring a grant to keep serving people in our community; and I am truly proud of my staff for the constituent services they provided in our district.

I know I am biased, and I admit that, but I think we have the staff that is second to none. We have achieved significant policy changes and accomplishments that really are making a difference in people's lives. Our Hometown Heroes Act gives widows and orphans of first responders—and those first responders include rescue squad, firemen, and sworn police officers—who were killed in the line of duty—or lose their life, I should say, in the line of duty—the peace of mind that comes with receiving survivor benefits. Because of this law, those who die of a heart attack or stroke as they protect our communities are recognized in the same way as others who make the ultimate sacrifice to keep us safe.

□ 1450

The other day, a friend of mine sent me a clipping from the Boston Globe about a local firefighter who died on Thanksgiving Day after suffering a heart attack, responding to an emergency call. Now, I've never lived in Boston. I've lived my whole life in North Carolina, except for the time I was away on military service. But because of the work we did on the Hometown Heroes Act, the widow and two young children of that brave firefighter will have the security of the Federal Public Safety Officers' Benefits fund that they would not otherwise have

had. That is a story that is replicated across this country thousands of times. That fact gives me a sense of pride and makes my heart glow.

The HIRE Act that was passed into law last year provided tax credits to small businesses that add workers to their payroll. That new law is helping turn the recession into a recovery, and it's replacing unemployment checks with paychecks for the middle class and workers struggling to get into the middle class.

For the first time in history, we had the opportunity to write a farm bill that is about nutrition and energy and provides hope for the future of family farmers and rural communities. And the Etheridge School Construction bonds that I spent more than 12 years working to get passed into law are being put to work now in North Carolina and all across America. All across this country, the Etheridge bonds are creating jobs, building schools, and improving education for our children.

Those are just a few of the examples of a record of accomplishments that I will always be proud of and a legacy of leadership that I hope others will look to follow.

I have approached my role as a Member of this body as representing all the people of the Second District in North Carolina, listening to all sides of an issue and doing right by the people. Sometimes you don't always make everyone happy, but I can rest my head on a pillow at night knowing that I always did what I thought was right for the people that I represent in the Second District of North Carolina.

I have always believed that public office is a public trust. I've worked every day in the people's House, the U.S. House of Representatives, to honor that trust and to earn the faith of the people that I was elected to serve.

As I prepare to leave this office, I do so with my head held high, with my heart filled with gratitude for all the people who have helped me along life's journey. Many of us are disappointed by the outcome of the previous election, none more than I am. But we move forward, knowing that God still has work for us to do. There are many ways to serve the people, and other opportunities to serve will come. And at the end of the day, I will always be a proud North Carolinian, a patriotic American, and a humble public servant.

May God continue to bless the United States of America.

OMISSION FROM THE CONGRESSIONAL RECORD OF TUESDAY, JANUARY 5, 2010 AT PAGE 2

BILLS AND JOINT RESOLUTION PRESENTED TO THE PRESIDENT PRIOR TO SINE DIE ADJOURNMENT

Lorraine C. Miller, Clerk of the House, reports that prior to sine die adjournment of the First Session, 111th Congress, on December 19, 2009 she presented to the President of the United States, for his approval the following bill and joint resolution.

H.R. 3326. Making appropriations for the Department of Defense for the fiscal year ending September 30, 2010, and for other purposes.

H.J. Res. 64. Making further continuing appropriations for fiscal year 2010, and for other purposes.

Lorraine C. Miller, Clerk of the House, further reports that on December 23, 2009, she presented to the President of the United States, for his approval, the following bill.

H.R. 4284. To extend the Generalized System of Preferences and the Andean Trade Preference Act, and for other purposes.

BILL AND JOINT RESOLUTION APPROVED PRIOR TO SINE DIE ADJOURNMENT

The President notified the Clerk of the House that on the following dates, he had approved and signed bill and joint resolution of the following titles:

December 19, 2009:

H.R. 3326. An Act making appropriations for the Department of Defense for the fiscal year ending September 30, 2010, and for other purposes.

December 22, 2009:

H.J. Res. 62. A joint resolution appointing the day for the convening of the second session of the One Hundred Eleventh Congress.

SENATE BILL APPROVED PRIOR TO SINE DIE ADJOURNMENT

The President notified the Clerk of the House that on the following date, he had approved and signed the bill of the Senate of the following title:

December 22, 2009:

S. 1472. An Act to establish a section within the Criminal Division of the Department of Justice to enforce human rights laws, to make technical and conforming amendments to criminal and immigration laws pertaining to human rights violations, and for other purposes.

BILLS PRESENTED TO THE PRESIDENT AFTER SINE DIE ADJOURNMENT

Lorraine C. Miller, Clerk of the House reports that on December 24, 2009, she presented to the President of the United States, for his approval, the following bills:

H.R. 3819. To extend the commercial space transportation liability regime.

H.R. 4314. To permit continued financing of Government operations.

BILLS APPROVED AFTER SINE DIE ADJOURNMENT

The President notified the Clerk of the House that on the following date, he had approved and signed bills of the following titles:

December 28, 2009:

H.R. 3819. An Act to extend the commercial space transportation liability regime.

H.R. 4284. An Act to extend the Generalized System of Preferences and the Andean Trade Preference Act, and for other purposes.

H.R. 4314. An Act to permit continued financing of Government operations.

ADJOURNMENT

The SPEAKER pro tempore. Pursuant to section 10 of House Resolution 976, the House shall stand adjourned pursuant to section 2 of House Concurrent Resolution 223.

Accordingly (at 12 o'clock and 5 minutes p.m.), the House adjourned until Tuesday, January 12, 2010, at noon.

SPECIAL ORDERS GRANTED

Mr. ENGEL, for 5 minutes, today.

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. WOOLSEY) to revise and extend their remarks and include extraneous material:)

Mr. FRANK of Massachusetts, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. ENGEL, for 5 minutes, today.

(The following Members (at the request of Ms. FOXX) to revise and extend their remarks and include extraneous material:)

Mr. GUTHRIE, for 5 minutes, today.

Mr. POE of Texas, for 5 minutes, December 16.

Mr. JONES, for 5 minutes, December 16.

Ms. FOXX, for 5 minutes, today.

(The following Member (at her own request) to revise and extend her/his remarks and include extraneous material:)

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

SENATE ENROLLED BILLS SIGNED

The Speaker announced her signature to enrolled bills of the Senate of the following titles:

S. 3789—An act to limit access to Social Security account numbers.

S. 3987—An act to amend the Fair Credit Reporting Act with respect to the applicability of identity theft guidelines to creditors.

ADJOURNMENT

Mr. ETHERIDGE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 55 minutes p.m.), under its previous order, the House adjourned until Monday, December 13, 2010, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

10757. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Acequinocyl; Pesticide Tolerances [EPA-HQ-OPP-2009-0812; FRL-8851-7] received November 16, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10758. A letter from the Assistant to the Board, Board of Governors of the Federal Reserve System, transmitting the Board's final rule — Truth in Lending [Regulation Z; Docket No. R-1366] received November 15, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

10759. A letter from the Secretary, Department of Energy, transmitting the Department's Annual Report for the Strategic Petroleum Reserve covering calendar year 2009, in accordance with section 165 of the Energy Policy and Conservation Act; to the Committee on Energy and Commerce.

10760. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Georgia; Prevention of Significant Deterioration and Nonattainment New Source Review Rules [EPA-R04-OAR-2006-0649-201059; FRL-9229-5] received November 16, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

10761. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; New York Prevention of Significant Deterioration of Air Quality and Nonattainment New Source Review [EPA-R02-OAR-2010-0321; FRL-9212-1] received November 16, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

10762. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of State Implementation Plans; State of Colorado; Interstate Transport of Pollution Revisions for the 1997 8-hour Ozone NAAQS: "Interference with Maintenance" Requirement [EPA-R08-OAR-2007-1035; FRL-9229-2] received November 16, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

10763. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of State Implementation Plans; State of North Dakota; Interstate Transport of Pollution for the 1997 PM2.5 and 8-hour Ozone NAAQS: "Interference with Maintenance" Requirement [EPA-R08-OAR-2009-0557; FRL-9229-1] received November 16, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

10764. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Cobalt Lithium Manganese Nickel Oxide; Withdrawal of Significant New Use Rule [EPA-HQ-OPPT-2009-0922; FRL-8853-2] (RIN: 2070-AB27) received November 16, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

10765. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Extension of Deadline for Action on the Second Section 126 Petition From New Jersey [EPA-HQ-OAR-2010-0473; FRL-9227-6] received November 16, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

10766. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Mandatory Reporting of Greenhouse Gases: Additional Sources of Fluorinated GHGs [EPA-HQ-OAR-2009-0927; FRL-9226-8] (RIN: 2060-AQ00) received November 16, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

10767. A letter from the Director, International Cooperation, Department of Defense, transmitting Pursuant to Section 27(f) of the Arms Export Control Act and Section 1(f) of Executive Order 11958, Transmittal No. 29-10 informing of an intent to sign a Memorandum of Understanding with Australia and the United Kingdom; to the Committee on Foreign Affairs.

10768. A letter from the Director, International Cooperation, Department of Defense, transmitting Pursuant to Section 27(f) of the Arms Export Control Act and Section 1(f) of Executive Order 11958, Transmittal No. 23-10 informing of an intent to sign a Memorandum of Understanding with Israel; to the Committee on Foreign Affairs.

10769. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting report prepared by the Department of State concerning international agreements other than treaties entered into by the United States to be transmitted to the Congress within the sixty-day period specified in the Case-Zablocki Act; to the Committee on Foreign Affairs.

10770. A letter from the Secretary, Department of the Treasury, transmitting as required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), and pursuant to Executive Order 13313 of July 31, 2003, a six-month periodic report on the national emergency with respect to the stabilization of Iraq that was declared in Executive Order 13303 of May 22, 2003; to the Committee on Foreign Affairs.

10771. A letter from the Auditor, Office of the District of Columbia Auditor, transmitting copy of the report entitled "Comparative Analysis of Actual Cash Collections to the Revised Revenue Estimate Through the 2nd Quarter of Fiscal Year 2010", pursuant to D.C. Code section 47-117(d); to the Committee on Oversight and Government Reform.

10772. A letter from the Executive Director, Christopher Columbus Fellowship Foundation, transmitting the Fellowship's Performance and Accountability Report for FY 2010; to the Committee on Oversight and Government Reform.

10773. A letter from the Chair, Election Assistance Commission, transmitting Semi-annual Report of the Inspector General for the period April 1, 2010 through September

H.R. 6514. A bill to prohibit the use of certain stimulus and disaster relief funds for

business relocation incentives; to the Committee on Oversight and Government Reform, and in addition to the Committees on Transportation and Infrastructure, and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. LINDA T. SÁNCHEZ of California:

H.R. 6515. A bill to amend the Internal Revenue Code of 1986 to modify the energy credit for microturbine property; to the Committee on Ways and Means.

By Mr. CARTER:

H.J. Res. 103. A joint resolution disapproving a rule submitted by the Department of Health and Human Services relating to "Health Insurance Issuers Implementing Medical Loss Ratio (MLR) Requirements

Under the Patient Protection and Affordable Care Act"; to the Committee on Energy and Commerce.

By Mr. CARSON of Indiana (for himself, Mr. FILNER, Mr. CONYERS, Mr. ELLISON, Mr. HONDA, and Ms. JACKSON LEE of Texas):

H. Res. 1758. A resolution expressing the Nation's sincerest appreciation for the service of Muslim American veterans; to the Committee on Veterans' Affairs.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 268: Mr. BILIRAKIS.

H.R. 442: Mr. LEE of New York.

H.R. 2103: Mr. POE of Texas.

H.R. 2262: Mr. MARKEY of Massachusetts.

H.R. 2365: Ms. HIRONO.

H.R. 3286: Mrs. CHRISTENSEN.

H.R. 5305: Mr. TONKO.

H.R. 5510: Ms. NORTON.

H.R. 5926: Mrs. CHRISTENSEN.

H.R. 5982: Mr. COSTELLO.

H.R. 5983: Mr. SCOTT of Georgia.

H.R. 6334: Mr. FATTAH.

H.R. 6355: Mr. CAPUANO and Mr. POLIS.

H.R. 6415: Mr. REED.

H.R. 6487: Mr. WEINER.

H.R. 6496: Mr. GONZALEZ, Mr. MCGOVERN, Ms. NORTON, and Mr. BARTLETT.

H.R. 6502: Mr. CUELLAR.

H.R. 6507: Ms. TITUS and Mr. HIGGINS.

H. Res. 1722: Mr. FRANK of Massachusetts.

H. Res. 1725: Mr. GALLEGLY.

H. Res. 1743: Ms. BORDALLO and Ms. SPEIER.

SENATE—Thursday, December 9, 2010

The Senate met at 9:30 a.m. and was called to order by the Honorable KIRSTEN E. GILLIBRAND, a Senator from the State of New York.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

O God of time and eternity, source of all life and fountain of all blessings, accept our thanksgiving and praise. Today, be a shepherd to our lawmakers, enabling them to lie down in the green pastures of Your providence and to walk beside the calm waters of Your blessings. Inspire them to dedicate themselves to speak for life, to act for justice, to work for peace, and to strive to serve You with faithfulness. May they respond to Your abiding love with grateful service.

Lord, be merciful to all who labor for liberty. Bless them. Look on them with kindness so that they may know Your will.

We pray in Your merciful Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable KIRSTEN E. GILLIBRAND led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUE).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, December 9, 2010.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable KIRSTEN E. GILLIBRAND, a Senator from the State of New York, to perform the duties of the Chair.

DANIEL K. INOUE,
President pro tempore.

Mrs. GILLIBRAND thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Madam President, following leader remarks, Senator DURBIN will be recognized to speak for 10 minutes. Following his remarks, the Senate will resume consideration of the motion to proceed to the DREAM Act. The time until 11 a.m. will be equally divided and controlled between the two leaders or their designees.

At 11 a.m., the Senate will proceed to a series of two to three rollcall votes. The first vote will be on the motion to invoke cloture on the motion to proceed to the DREAM Act. If cloture is not invoked, the second vote would be on the motion to invoke cloture on the motion to proceed to H.R. 847, the James Zadroga 9/11 Health and Compensation Act. If cloture is not invoked on the 9/11 bill, I may move to reconsider the previously failed cloture vote on the motion to proceed. And then, of course, we have—what I have said here, Madam President, is if we do not invoke cloture on the 9/11 bill, I will likely move to reconsider that vote, so we can move to that at some subsequent time. And I also will likely sometime today move to reconsider the previously failed cloture vote on the motion to proceed to the Defense authorization bill.

Several Senators will deliver their farewell speeches to the Senate today. Senator BENNETT of Utah will deliver his remarks following the votes this morning. Senator BUNNING will speak at 1 p.m. today, and Senator DORGAN will deliver his remarks at 2 p.m. this afternoon.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

**UNANIMOUS-CONSENT REQUEST—
S. 3992**

Mr. REID. Madam President, we have a piece of legislation that passed last night in the House of Representatives. I received a call last night, I guess around 9:30 or 10 o'clock, from both the majority leader and the Speaker that the so-called DREAM Act had passed in the House. That changes things over here. It changes things because we had been toiling on this for a long time, and now that it has passed the House, the appropriate way to proceed would

be to have a vote on that matter, because if we are able to pass it, it goes directly to the President.

Having said that, I think it would be futile for us to have a vote on a motion to invoke cloture on a bill we know will not matter. So what we will do is, I am going to ask consent to vitiate the vote that is scheduled for 11 o'clock on the DREAM Act, and to alert everyone, we have not given up on the DREAM Act. Quite the opposite. It having passed the House gives us more energy to move forward on this most important piece of legislation.

The stories that relate to this DREAM Act are compelling to me, of these young men and women who want to be able to complete their education, want to be able to go into the military and serve their country and, in the process, they are not guaranteed citizenship, they are guaranteed that they will not be arrested or deported. They will be given a green card to prove that they are eligible for citizenship. So we are going to proceed and do everything we can to pass what the House did.

Having said that, Madam President, I ask unanimous consent that the vote scheduled on the DREAM Act at 11 o'clock be vitiated.

The ACTING PRESIDENT pro tempore. Is there objection?

The Senator from Georgia.

Mr. ISAKSON. Madam President, on behalf of our leadership, I object.

The ACTING PRESIDENT pro tempore. Objection is heard.

Mr. REID. Madam President, it is my understanding Senator DURBIN is to be recognized at this time for up to 10 minutes.

The ACTING PRESIDENT pro tempore. That is correct.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

Under the previous order, the Senator from Illinois is recognized to speak for up to 10 minutes.

Mr. DURBIN. Thank you, Madam President.

DREAM ACT

Mr. DURBIN. Madam President, 10 years ago, I received a telephone call in my Chicago office that I have recounted on this floor many times. But it started me on a journey that resulted in where we stand today on the passage of the DREAM Act. It was a phone call from a Korean-American mother with an amazing daughter who

was a musical prodigy who had been accepted at the Juilliard School of music in the Acting President pro tempore's home State of New York.

This excited young woman, in filling out the application, came to the question about her citizenship and nationality and turned to her mother and said: What do I put here? And her mother had to tell her the sad news that when that young girl was brought to America from Korea, at the age of 2, the mother did not file any papers and so that young girl was literally undocumented, literally illegal in the eyes of some.

She asked us for help. What can we do to help in this situation? Here was a bright young woman, with a bright future, who had done everything right and excelled in so many ways. We contacted the Immigration Service and they said: It is too bad. Under American law, this young girl—who never consciously did anything wrong in her life—was a person without a country. Her only recourse at the age of 18 was to return to Korea—a country she had no knowledge of, could not speak the language, and had never visited anytime in her life.

When I heard about that, I thought that was fundamentally unfair. This young woman did nothing wrong. The mother made the mistake. The mother did not file the papers. And now her life was in shambles, and uncertain because of it.

So I put in a bill which basically said: If you are in that situation, where you were brought to America at a young age, and then proceed to do the right thing with your life—go to school, make certain you were a good member of your community—we will give you a chance when you have graduated from high school, a chance to prove yourself, that you were going to be a good citizen in America.

You could prove it one of two ways. You could do a noble act for America, stand up and volunteer to serve in our Armed Forces, literally prepared to risk your life for this great Nation—and if you did that, then we would put you on the path to legalization—or if you didn't choose the military service, you could prove it by your educational achievement.

Now, most of the people we are talking about are not Korean or Polish or Filipino. They are Hispanic, and the numbers tell us the odds are against the young people we are talking about. Half of them don't finish high school. Only 5 percent of these undocumented students end up going into a college of any kind. Think about those odds: 50–50 that you will finish high school and 1 out of 20 that you will even enter college.

So we put up a high wall and said: You have to clear this wall to prove that you are not only a good person but that you desperately want to be part of

America's future. That is the DREAM Act.

In the process we said: We are going to ask you more questions than we ask of a Congressman or a Senator. We are going to ask questions about your background, your moral character, your knowledge of English. We are going to follow you closely and carefully, and if you stumble along the way, we can't help you. It is a very strict standard we impose, but it is one that these young people are anxious to meet.

These young people who will be affected by the DREAM Act are some of the most amazing, inspiring people I have ever met. From the Presiding Officer's home State of New York, as a young man, Cesar Vargas—I told his story on the Senate floor yesterday—came to America from Mexico at the age of 5. He went through school. Then, on 9/11, he was so angry about what happened in the Presiding Officer's city of New York, he went to the recruiter and said: I want to enlist in the military. I want to serve and defend this country against terrorism.

They said: Mr. Vargas, you can't because you are undocumented. You can't join because, you see, our military has not waived the requirement of legal status for those who want to enlist. So he continued his education. He is now in his second or third year at the New York University Law School. I have met him. He is an extraordinary man. He speaks five languages. As the Presiding Officer knows, he could be a catch for a law firm—this young man, with all of these skills and all that drive. That is not his goal. He wants to be a part of our military still, to be a lawyer in the military today. That is his ambition.

He is a DREAM Act young man. Why would we say no to him? Why would we turn our backs on him and say: We don't need you. We know better. The Secretary of Defense, Robert Gates, has said: Yes, we need him and many more like him who can come into our military and make a better and stronger and more diverse military and build up a tradition of service in the military which will extend for generations forward. Secretary Gates knows the DREAM Act is in the best interests of the defense of America.

Secretary Arne Duncan, our Education Secretary, appeared with me yesterday and said these young people who have overcome the odds and finished high school and want to go to college and be lawyers and engineers and doctors and teachers are the people who can build our base of success in the future. Why would we turn them away? At a time when we are debating about importing talent from other countries to meet our needs in America, why would we turn away the talent in America, those who are here today and only asking for a chance?

Last night, in the House of Representatives, there was an amazing vote, an incredible vote, passing the DREAM Act. I believe it is the first time it has passed the House of Representatives. I want to credit my colleague and great friend, Congressman LUIS GUTIERREZ, who worked night and day, and I also wish to thank the men and women of the House who showed the courage to vote for it. One of them called me late last night and was emotional about this decision, wondering if it would have a long-term impact on his political career. But that Congressperson had the courage to step up and do it.

Now the question is, Will we have the courage to do the same? Our leader, Majority Leader REID, has asked to vitiate the rollcall vote this morning, which is basically putting it aside, because he believes the bill is not a bill that is viable under the circumstances now that the House bill has passed. The minority leader, Senator MCCONNELL, has come to the Senate floor repeatedly and said we should not be having these so-called symbolic votes, even on the DREAM Act. This morning, Senator REID said: Let's take a symbolic vote off the calendar and wait until we receive the House message. There was an objection from the Republican side so, clearly, they are arguing it from both sides.

Be that as it may, we owe it to the young men and women whose lives will be affected, we owe it to America who needs their service in the military and needs their skill in building our economy to honestly address this issue and ask Members of both sides to sit down, pause, and reflect as to whether we can afford to say to these talented young men and women: There is no place in America for you.

There is a place. There is a place for them, as there was a place for my mother, who came to this country at the age of 2 as an immigrant, whose mother and father could barely speak the English language but who eventually gave birth to a son who stands here today as the Senator from the State of Illinois. My story is an American story, and the story of these DREAM Act students is an American story of fighting against the odds, of coming from other places, determined to be a part of this great Nation and making a contribution that makes a difference.

I pray my colleagues will reflect on what happened last night—the historic vote of passing the DREAM Act—and that before this Congress packs up and leaves, we will address this issue and pass it too.

I see the minority leader is on the floor.

Madam President, I yield the floor.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The minority leader is recognized.

TRIBUTES TO RETIRING SENATORS

SAM BROWNBACK

Mr. McCONNELL. Madam President, I rise in tribute to my good friend and distinguished colleague, Senator SAM BROWNBACK, or I could also say Governor-elect SAM BROWNBACK of the great State of Kansas.

SAM promised his constituents that he wouldn't run for more than two full 6-year terms in the Senate, and SAM has honored that pledge.

Let me just say at the outset that SAM has been an outstanding Senator and an example of principled leadership to all of us. He has served the people of Kansas with great distinction and honor, and I am certain he will continue to do so as he takes on new challenges in Topeka.

SAM is a born leader. He was raised in the small town of Parker, KS, where his mom and dad still live and farm today, and his many talents were evident early on. In high school, he was State president of the Future Farmers of America. As an undergraduate at Kansas State University, he was elected president of the student body, and he was elected class president in law school, too, at the University of Kansas. After law school, SAM worked as a lawyer in Manhattan, KS, for 4 years before being appointed as the secretary of the Kansas Board of Agriculture.

From 1990 to 1991, SAM was accepted as a White House fellow under President George H.W. Bush, where he worked for the U.S. Trade Representative. Three years after that, he ran for Congress as part of the Republican revolution and was overwhelmingly elected to Kansas's Second District. It was the first time in SAM's life that Republicans had the majority in the Congress, and he was a part of it. He planned to make the most of it by focusing on limiting the size and reach of the Federal Government.

But SAM's tenure in the House was brief. In 1996, just 2 days after Senator Dole announced his plan to resign from the Senate to run for President, SAM announced he would seek the Republican nomination in a special election to serve out the final 2 years of Dole's term. SAM handily defeated the former Lieutenant Governor who had been appointed to fill Senator Dole's seat earlier that spring.

In the general election, SAM's campaign message was simple. He called it the three Rs: reduce, reform, and return:

Reduce the size of and scope of the Federal Government. Reform Congress. Return to

the basic values that had built the country: work and family and the recognition of a higher moral authority.

SAM's message resonated with the people, many of whom feared their government had become, as SAM stated, "their master, not their servant," and easily defeated his opponent with 54 percent of the vote. SAM would go on to be reelected to full terms in 1998 and 2004, capturing an astounding 65 and 69 percent of the vote.

While in the Senate, SAM has been a leader among his peers. He has been outspoken and has fought hard for the people of Kansas and for the underprivileged around the world.

SAM is an ardent defender of life and of the protection of the unborn. "I see it as the lead moral issue of our day," SAM said, "Just like slavery was the lead moral issue 150 years ago." SAM opposes *Roe v. Wade*, has a 100-percent pro-life voting record, and sponsored numerous bills in support of the unborn.

In 1995, SAM was diagnosed and treated for melanoma and it had a profound effect on his life. SAM said:

With the cancer, I did a lot of internal examination. My conclusion was that if this were to be terminal, at that point in time I would not be satisfied with how I had lived my life. I had tried to be a Christian, but I had failed. . . .

Surviving cancer, SAM found out just how precious life was, and with his new lease on life, SAM began to devote his life and work in the Senate to humanitarian causes around the world. SAM has actively fought to bring awareness to the genocide in Darfur. SAM supported the Sudan Peace Act of 2002 and the Darfur Peace and Accountability Act of 2002. In 2004, SAM visited Darfur to see violence and suffering firsthand, and that same year he supported the Congressional Declaration of Genocide.

In addition to his advocacy work on Sudan, SAM has worked on numerous other humanitarian challenges throughout the world, including Iran, Afghanistan, Uganda, the Congo, Pakistan, Ukraine, China, North Korea, and Vietnam. The *Weekly Standard* wrote:

Arguably no Senator has done more to press for human rights and democracy or to confront the spread of deadly disease, such as malaria, which kills 800,000 children in Africa every year.

In the Senate, SAM has crusaded for his humanitarian causes in a bipartisan fashion, including cosponsoring the Iran Democracy Act with Senator EVAN BAYH, cosponsoring the North Korea Human Rights Act with the late Senator Ted Kennedy, and what SAM calls his greatest achievement, cosponsoring the Trafficking in the Victims Protection Act with the late Senator Paul Wellstone.

Another one of SAM's passions was his role as chairman of the Senate Values Action Team. The group, consisting of outside organizations, met weekly to discuss matters of faith,

family, and religious freedoms. Over the years, they worked together to strategize on efforts to protect the sanctity of life, school choice, and much more. SAM devoted countless hours to this organization and rarely missed a meeting.

In the Senate, I relied heavily on SAM's expertise and his leadership. He was always someone I looked toward, whether it was for guidance or perspective on many different issues. SAM served on numerous committees, including the Appropriations Committee, the Joint Economic Committee, the Senate Committee on Commerce, Science, and Transportation, and the Senate Special Committee on Aging, as well as the Senate Committee on Energy and Natural Resources.

In 2008, SAM announced he would honor his pledge to only serve two terms in this Chamber. SAM will be missed, but his service to Kansas will continue. Last month, SAM was elected Governor of Kansas with 63 percent of the vote, winning 103 of the 105 counties. I wish to congratulate SAM on his impressive victory, and I cannot think of a better public servant or leader than SAM BROWNBACK for the people of Kansas.

On top of all of SAM's accomplishments, he is a loving husband to Mary. They met in law school and have been married for 27 years. Together, Mary and SAM have five children, including one adopted from Guatemala and one adopted from China. SAM said:

My family has been personally touched by adoption. My wife and I adopted our two youngest children, and I continue to experience joy from the relationships we have built through our adoption experience.

I think right there tells us all we need to know about the type of character and person SAM BROWNBACK is.

SAM, this Chamber honors you today for your service to this Nation, to the State of Kansas, and to the millions around the world who dream of a better life. Thank you from all of us, and good luck in the next chapter of your life.

Madam President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LEVIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

DEVELOPMENT, RELIEF, AND EDUCATION FOR ALIEN MINORS ACT OF 2010—MOTION TO PROCEED

The ACTING PRESIDENT pro tempore. The Senate will resume consideration of the motion to proceed to S. 3992, which the clerk will report.

The assistant legislative clerk read as follows:

Motion to proceed to Calendar No. 663 (S. 3992) to authorize the cancellation of removal and adjustment of status of certain alien students who are long-term United States residents and who entered the United States as children, and for other purposes.

Mr. LEVIN. Madam President, I ask unanimous consent that I be allowed to proceed as in morning business for 10 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

DEFENSE AUTHORIZATION

Mr. LEVIN. Madam President, we have enacted the National Defense Authorization Act every year for the last 48 years. We need to do the same thing this year.

This year's bill would continue the increases in compensation and quality of life that our service men and women and their families deserve as they face the hardships imposed by continuing military operations around the world.

For example, the bill would extend over 30 types of bonuses and special pays aimed at encouraging enlistment, reenlistment, and continued service by active-duty and reserve military personnel.

The bill would authorize continued TRICARE coverage for eligible dependents of servicemembers up to the age of 26.

The bill will improve care for our wounded warriors by addressing inequities in rules for involuntary administrative separations based on medical conditions and requiring new education and training programs on the use of pharmaceuticals for patients in wounded warrior units, and it will authorize the service secretaries to waive maximum age limitations to enable certain highly qualified enlisted members who served in Operation Iraqi Freedom or Operation Enduring Freedom to enter the military service academies.

The bill would also include important funding and authorities needed to provide our troops the equipment and support that they will continue to need as long as they remain on the battlefield in Iraq and Afghanistan. For example, the bill would enhance the military's ability to rapidly acquire and field new capabilities in response to urgent needs on the battlefield by expanding DOD's authority to waive statutory requirements when urgently needed to save lives on the battlefield.

The bill will fully fund the President's request for \$11.6 billion to train and equip the Afghan National Army and Afghan police—growing the capabilities of these security forces to prepare them to take over increased responsibilities for Afghanistan's security by the July 2011 date established by the President for the beginning of reductions in U.S. forces at that time.

The bill will extend for one more year the authority for the Secretary of Defense to transfer equipment coming

out of Iraq as our troops withdraw to the security forces of Iraq and Afghanistan, providing an important tool for our commanders looking to accelerate the growth and capability of these security forces.

The bill also includes important legislative provisions that would promote the Department of Defense cybersecurity and energy security efforts—two far-reaching initiatives that should help strengthen our national defense and our Nation.

If we fail to act on this bill, we will not be able to provide the Department of Defense with critical new authorities and extensions of existing authorities that it needs to safeguard our national security. For example, without this bill, the Department of Defense will either lose the authority it has requested to support counter-drug activities of foreign governments, use premium pay to encourage civilian employees to accept dangerous assignments in Iraq and Afghanistan, and provide assistance to the Yemeni counterterrorism unit. A failure by the Senate to provide these important authorities could have serious consequences for the success or failure of ongoing military operations around the world.

I recognize this bill includes a handful of contentious provisions on which there is disagreement in the Senate. Some of those provisions I support and others I objected to and voted against in committee.

One of those provisions is the one that would repeal don't ask, don't tell 60 days after the President, the Secretary of Defense, and Chairman of the Joint Chiefs of Staff certify to Congress that implementation of repeal is consistent with the standards of military readiness, military effectiveness, unit cohesion, and recruiting and retention in the Armed Forces.

The Armed Services Committee held two excellent hearings last week to consider the final report of the working group that reviewed the issues associated with the repeal of don't ask, don't tell.

The report concluded that allowing gay men and women to serve in the U.S. Armed Forces without being forced to conceal their sexual orientation would present a low risk to the military effectiveness, even during a time of war, and that 70 percent of surveyed servicemembers believe that the impact on their units would be positive, mixed, or of no consequence at all.

General Casey, Chief of Staff of the Army, testified that the presumption underpinning don't ask, don't tell is that "the presence of a gay or lesbian servicemember in a unit causes an unacceptable risk to good order and discipline." Then he said, "After reading this report, I don't believe that's true anymore, and I don't believe a substantial majority of our soldiers believe that's true."

After considering the report, Secretary of Defense Gates urged Congress to pass this legislation this year, so that the repeal of don't ask, don't tell could be implemented in a well-prepared and well-considered manner, rather than by abrupt judicial fiat, which he described as "by far the most disruptive and damaging scenario [he] can imagine."

To the extent that some of the service chiefs expressed concern about the repeal of don't ask, don't tell, their concerns focused on the timing of the repeal and adequacy of time to prepare for implementation, rather than on repeal itself. Secretary Gates testified that he "would not make his certification until [he] was satisfied, with the advice of the service chiefs, that we had in fact mitigated, if not eliminated to the extent possible, risks to combat readiness, to unit cohesion and effectiveness." All of the service chiefs testified that they were comfortable with the ability to provide military advice to Secretary Gates and have that advice heard.

The only method of repeal that places the timing of the repeal and the control of implementation in the hands of the military and the Department of Defense is the provision contained in this bill. By contrast, if don't ask, don't tell is repealed by a court decision, the service chiefs will have no influence over the timing of repeal or the implementation of the repeal.

Despite differing views over this and other provisions where there are differences of opinion, we should not deny the Senate the opportunity to take up this bill, which is so essential for the men and women in the military, because we disagree with some provisions of the bill. These are legitimate issues for debate, and I believe the Senate should debate this. But the only way we can debate and vote on these issues is if the Senate proceeds to the bill. The disputed provisions can be addressed through the amendment process.

Madam President, as you well know, this is a crucial matter for resolution. Our Presiding Officer has played an instrumental role in getting the don't ask, don't tell issue before this body and before the country. I commend her for that. We need to resolve it. The only way to resolve it is to get to the bill.

We currently have 50,000 U.S. soldiers, sailors, airmen, and marines on the ground in Iraq and roughly twice that many in Afghanistan. While there are some issues on which we may disagree, we all know that we must provide our troops with the support they need as long as they remain in harm's way. Senate action on the National Defense Authorization Act for fiscal year 2011 will improve the quality of life of our men and women in uniform. It will give them the tools they need to remain the most effective fighting force

in the world. Most important of all, it will send an important message that we, as a nation, stand behind them and appreciate their service.

This bill runs some 850 pages. The House bill—the counterpart bill—runs more than a thousand pages. Even if we get 60 votes today to invoke cloture on the motion to proceed to this bill, and even if we are able to consider amendments and pass this bill in a few days, it will be possibly an insurmountable challenge to work out all of the differences with the House. Over the last 10 years, it has taken an average of 75 days to conference the Defense authorization bill with the House after we pass it. If we don't proceed on this bill this week, then invoking cloture sometime next week—even if we can do it—would be a symbolic victory. I don't believe there would be enough time to hammer out a final bill before the end of the session.

I don't believe in symbolic victories. This bill is a victory for the people in uniform. It is essential for the people in uniform. We should not act symbolically in their name and for their sake; we should act in reality. But the only way this will be real, and that the repeal of don't ask, don't tell—assuming we continue to keep it in the bill—will be real is if we proceed to this bill this week. We cannot and should not delay this vote any longer.

I yield the floor and ask unanimous consent that the time on the quorum that I will call for be equally divided between both sides.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. LEVIN. Madam President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SCHUMER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. SCHUMER. Madam President, I rise to speak on a bill that the Chair has spearheaded the charge for—and done it with such hard work and determination and commitment and vigor—and that is the bill to provide health care for our 9/11 heroes, those men and women who at a time of war rushed to danger to save lives and protect our freedom.

We have met with these brave men and women repeatedly. Some of them are suffering already with cancers they acquired for their acts of bravery. Others know it is an almost certainty that they will come down with similar diseases and illnesses that are extremely costly to fight.

Madam President, we have had a grand tradition in America: Those who

risk their lives to protect us and volunteer to do it under no compunction, we remember them when they get hurt in that brave endeavors. We do it for our veterans and we should be doing it for our 9/11 heroes—the first responders, the police, the firefighters, the EMT workers, the construction workers, and the ordinary citizens who rushed into danger at a time when no one knew how many people might be living and entrapped in those collapsed towers.

I plead with my colleagues on the other side of the aisle, this should not be a moment of politics. One can come up with reason after reason why not to vote for this bill, and we have heard many and the reasons keep changing. But one fact doesn't change: There are those who need help and who deserve our help—from New York, New Jersey, Connecticut, and from every other State of the Union. To them, a parliamentary decision that we can't vote on this because there is another bill we want to vote on first, because we would change this or that, is going to ring very hollow.

This should not be a partisan issue. This should be an issue where America unites. When it comes to helping our veterans, we are united. That is not a Democratic or Republican issue. That is not a northeast or southwest issue. It is an issue of being an American. This vote is about being an American because from the days at Bunker Hill, when the patriots put down their plows and took up muskets to defend and create our freedom, we have always tried to take care of them, and we have done it better and better for our veterans. The heroes of 9/11 are no different.

So I beg, I plead, I implore two brave colleagues from the other side to join us. Put aside the political considerations. Remember what these people did for us. You have seen them when they have visited your offices, the suffering, all for an act of voluntary heroism. They are not asking for welfare. They are not asking for a huge hand-out. They are simply asking that they be able to meet the high health care costs that occur when you develop cancers and other illnesses because particles of glass and cement and other materials get lodged in your lungs or your gastrointestinal tract.

So this is our last call. It is a plea. We will keep at this, but today is the day to step to the plate. I urge my colleagues to please support those brave men and women who were there for us—for America. Do not come up with an excuse as to why you cannot do it. We have marched and marched and marched, and this is the finish line. Help us get over it, please.

Madam President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from New Jersey.

Mr. MENENDEZ. Madam President, I rise to speak on the two pending votes before the Senate. First, I wish to fol-

low my distinguished colleague from New York, whose comments I want to echo regarding the Presiding Officer, who has made this one of her passions. She picked it up when I first introduced the James Zadroga Act and then took it up when she came to the Senate and has done a magnificent job and brought us to this moment.

Jim Zadroga was a New Jerseyan who spent 450 hours at the World Trade Center site—a New York City police officer who simply had a paper mask on as his only protection. He and so many others who answered on that fateful day did not question their personal security, did not give it a second thought. They did not think about their health, did not think about the potential consequences that would flow from the exposure to which they were subjecting themselves. They thought only about responding, saving lives, and meeting the Nation's need—the Nation's need, not New York's need. For Jim Zadroga and so many others, the consequence of that selflessness has been enormous. In many cases, they have died. In other cases, they have serious life-threatening illnesses. In other cases, they have real disabilities as a result of those illnesses.

I remember on that day, after the attacks on September 11, how we came together on the Capitol steps and we declared our commitment of love of country and a commitment to those who died on that fateful day, to their families, and to those who responded. I remember the incredible words—glowing, soaring—that were spoken about the bravery of those men and women who responded from all over the country.

Those who are the victims of the exposure they received on the ground on September 11 come from every State in the Union. This is not simply a New York issue or a New Jersey issue, where so many of our first responders came from. These are individuals who came from across the country, who came together as Americans to respond on that fateful day. This requires each and every one of us in the Senate to respond to all of those Americans from every State who ultimately find themselves, through their selflessness, exposed to life-threatening illnesses. A grateful nation not only joins together in commemoration on September 11 of each year but a grateful nation shows its gratitude to those who answered the call without concern for their well-being by how we take care of their health care, how we take care of their disabilities, and how we take care of the families of those who ultimately lost their lives in service to the country.

This is no different than the men and women who wear the uniform of the United States and go abroad to defend the Nation. These men and women wore uniforms too. Some of them wore

the uniform of a police officer, some of them wore the uniform of a firefighter, some wore the uniform of emergency management personnel. Some of them, ultimately, were first-aid squads. But all of them on those fateful days wore a uniform that served the Nation. How can the Nation forget them now? That is what this vote is all about.

I cannot accept as a moral equivalent that some oath not to vote on those who serve the country, risk their lives, cannot take place because of some vote on some tax issue. No one in the Nation would believe that it is OK to say: I will not vote to give relief to the health of those individuals who sacrificed their health on September 11 and the days after because I have to wait for some pending tax vote.

Go back to the men and women who serve this country and look at them in their eyes and tell them it is some vote that we are waiting for on taxes that determines whether their health needs will be responded to. Shameless. I can't wait to see, when one of us stands for one of those pictures on the commemoration of September 11, the comments about how heroic those individuals were but cannot cast a simple vote.

THE DREAM ACT

Finally, I want to move to the question of the DREAM Act. On the DREAM Act, the House of Representatives took a critical step yesterday in making a reality of the dreams and hopes and aspirations of young people who know nothing but this country as their country. They made no choices in their lives to come to the United States. Those choices were made by their parents. All they know is that they stand every day as young students and pledge allegiance to the flag of the United States of America. All they know is the national anthem of the United States. All they know is they worked hard and became salutatorians, valedictorians, and done everything we expect of any one of us, particularly of our children, to try to excel and exceed. Overwhelmingly, they have excelled and exceeded. Yet their dream of being able to continue to exceed and excel on behalf of the Nation is blunted by the fact that they have an undocumented status in this country through no fault of their own.

The DREAM Act says if you are willing to wear the uniform and serve in the Armed Forces of the United States, and you serve honorably for 2 years, we will give you a pathway toward permanent residency. If you go to college—assuming that you ultimately qualify, that you are accepted, and that you do well—we will give you a pathway to permanent residency. We will adjust your status and permit that dream to take place.

This is not amnesty. Amnesty—which I have heard some of my colleagues use, and they will use it on anything that is immigration related.

Right away they roll out the word “amnesty.” Amnesty is when you get something for nothing; when you did something wrong and you have to pay no consequence. In this case I believe wearing the uniform of the U.S. Armed Forces, risking your life for your country, maybe losing that life before you achieve your goal and your dream, is not amnesty. I believe working hard and being educated so you can help fuel the Nation's prosperity and meet its economic challenge, that is not amnesty. That is paying your dues on behalf of the country. For if you do all of that, you still have to wait a decade before your status can be adjusted to permanent residency. So you have to be an exemplary citizen, you have to do everything that is right, everything we cherish in America. That is what the DREAM Act is all about and that is why the Secretary of Defense has come out in strong support of the DREAM Act. That is why Colin Powell came out in support of the DREAM Act. That is why the Under Secretary, Personnel and Readiness at the Department of Defense during the Bush administration, David Chu, came out and said this is, in essence, the very effort we would like to see.

[For] many of these young people . . . the DREAM Act would provide the opportunity of serving the United States in uniform.

Moreover, university presidents, respected education associations, leading Fortune 500 businesses, such as Microsoft, also support this legislation. Mike Huckabee explained the economic sense of allowing undocumented children to earn their way.

Let's not stop young men and women who know only this country as their country, who made no choices on their own. Let's be family-friendly. Let's observe the values. Let's pass the DREAM Act today.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Alabama.

Mr. SESSIONS. Madam President, I ask to be notified after 4 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. SESSIONS. Madam President, the military has a very fine program now that allows people legally and illegally in the United States to join the military and put themselves on a pathway to citizenship. The fact is, in this bill, as it is going to work out in reality, 95 percent, probably 98 percent of the people who take advantage of this amnesty that puts them on a guaranteed path to citizenship will do so by claiming they have a high school degree. They can be up to 30 years of age. They claim they have a high school degree and then do 2 years of community college or even correspondence college work. That is where this huge loophole is and that is why we will have 1 to 2 million people who are going to seek protection under this act.

What is this about? The American people understand it. They have tried to tell this Congress, but the Congress and the political leadership refuse to listen. What they are saying is do not continue to reward illegality. Do not continue to provide benefits for people who violated our law, please. The first thing you do is don't reward it. The second thing you want to do is to end the mass illegality that is occurring in our country—600,000 people were arrested last year trying to enter our country illegally at the border—600,000. This is a huge problem.

This administration sued Arizona when it tried to do something about it. They have ended workplace raids that would have identified people who were working illegally and provide Americans an opportunity to have a job. This bill will cost \$5 billion according to the CBO. It is not going to pay for itself, and it allows people with two misdemeanors—if you only have two misdemeanors you can apply. Many people, if you know much about the law enforcement system in the country, plead to lesser offenses when they really are guilty of more serious offenses. A lot of these misdemeanors are very serious offenses themselves. They will be given the advantage of this act.

It is not set up for military, it is not set up for valedictorians and salutatorians, it is not set up for people going to Harvard. It is set up for people who have come into the country, can be brought in illegally as a teenager, they go to high school—they have to be accepted. They get a GED or get a high school degree, and they apply and have a safe harbor in our country indefinitely.

I introduced yesterday a chart showing a Google page with a whole long list of places you can order false high school diplomas, false transcripts, false GED certificates. There are no people funded to investigate any of this. People are going to walk in and say: I am 30 years old and I came at age 16. I'm in.

Who is going to go out and investigate that? Nobody is. There is no funding to do it, and there is no plan to do it. It is a major loophole.

But, fundamentally, I would say this Nation will be prepared, as a nation, to wrestle with and try to do the right thing about people who have been here a long time and who came here as a young person. But let me tell you, not until this country brings the lawlessness to an end, that is what the American people have told us unequivocally. They shut down our switchboards with so many phone calls not too long ago when we tried to pass amnesty here. We do not need to do this. Why don't we do the responsible thing?

Finally, let me say this illegality can be ended. It is within our grasp if we have leadership from the top and leadership in the Congress and leadership from the President.

The ACTING PRESIDENT pro tempore. The Senator has consumed his 4 minutes.

Mr. SESSIONS. I thank the Chair. I say we have not had that leadership. What happens 3 years from now when we have another group that has come illegally at age 15 or 16 because they have seen what happens to the ones who came before? Are we then going to say they don't get amnesty? No. We will have lost the moral high ground, the right, responsible effort to have a lawful system in America. We are surrendering to it if we vote for this bill.

I thank the Chair and yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Wyoming.

Mr. BARRASSO. I ask unanimous consent to be allowed to engage in a colloquy with my colleagues.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BARRASSO. As Members of this body know, for the past 9 months I have come to the floor every week to offer a doctor's second opinion on the new health care law. I do this as someone who has practiced medicine, taken care of families around the State of Wyoming for a quarter of a century.

Each week I repeatedly criticize another one of the unintended consequences of this health care law, a law that I think is bad for patients, bad for providers—the nurses and the doctors who take care of those patients—and bad for the taxpayers.

Americans heard how this law breaks most of the President's promises about health care reform. That is why, on election day, Americans across our country spoke out. They called on Washington to work to repeal and replace this law. The Republicans have answered. We realize we cannot just object to the law, we must do our best to repeal and replace it. That is why I am delighted this morning to be joined on the floor by Senator WICKER from Mississippi. He is joining me to talk about his new bill that he is introducing today that will allow State officials to challenge Federal regulations before these regulations actually go into effect. This will allow States to fight back against outrageous health care regulations that continue to be written.

With that, I would like to ask my colleague if he would please share with the body and with the country the remarkable bill that he is introducing today.

Mr. WICKER. I thank my colleague from Wyoming, Senator BARRASSO, a practicing physician in his own right. I thank my friend for repeatedly coming to the floor and simply bringing the facts to the attention of our membership and to the American people.

This was an unpopular piece of legislation when we were considering it. We wasted most of a year when we should

have been talking about job creation and the economy, talking about the overhaul of our entire health care system with the ObamaCare proposal. It was unpopular when it was enacted. It was unpopular when it was signed into law. We saw that in election after election, the two elections in New Jersey and Virginia. We saw it in spades in the Massachusetts election where it was the central issue. But this Congress persisted against the will of the American people.

Because of the facts as presented by Dr. BARRASSO and also the facts that are coming to light as the people are finding out in their own lives with their own insurance policies, this law is even more unpopular and more unsatisfactory than it was at the very beginning, and it should be repealed lock, stock, and barrel. It should be defunded and it should be replaced by something market driven and something workable.

In an additional attempt to address this very wrongheaded piece of legislation, a few moments ago I introduced the Tenth Amendment Regulatory Reform Act. To remind my colleagues, the tenth amendment to the Constitution explicitly states:

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

This amendment, this part of the Bill of Rights, expressly limits the powers of the Federal Government for important reasons.

When we look back to the early days of the United States, it is clear that the Founding Fathers believed in a limited Federal Government, having just defeated a monarchy with near absolute power. Our Founders sought a different way of governing, one based on controlled size and scope.

Our Founding Fathers repeatedly stated their opposition to a Federal Government with expansive powers. In Federalist No. 45, James Madison wrote:

The powers delegated by the proposed Constitution to the Federal Government are few and defined.

When have we heard that last?

He goes on to say:

Those which are to remain in State government are numerous and indefinite.

This may come as a surprise to people who have viewed the Congress of the United States in the past few years. Madison wrote, "few and defined." Dispute this fact, congressional limits on the Federal Government are rarely enforced today. I hope to change this through my legislation.

Federal agencies routinely usurp the rights of States by promulgating regulations that are contrary to the spirit and the letter of the 10th amendment to the Constitution. The Code of Federal Regulations now totals an expansive 163,333 pages. While some of the

rules contained in it are necessary, many of them simply are not—adding burdens, headaches, and costs for millions of Americans and forcing unnecessary Federal spending at a time when the United States borrows 40 cents for each dollar we spend. These rules and regulations also take power from States and they take power from individual Americans. This bill would allow States to challenge unconstitutional mandates before these mandates take effect.

Much of the new health care law gives unelected bureaucrats the power to write rules and regulations required to implement ObamaCare. Overall, the new health care law creates 159 bureaucracies, according to a study by the Joint Economic Council. Countless Federal regulations will have to be written to implement the law.

A requirement for Americans to purchase government-approved health insurance—a central piece of ObamaCare—explicitly oversteps the 10th amendment. Under no other circumstances do we force individuals to pay for something they may not want or cannot afford, simply because they are Americans, which is what this law attempts to do.

Many rules and regulations will be required to implement this provision. According to one analysis, the Internal Revenue Service will need to hire 16,000 new IRS employees to enforce this individual mandate. Each of those bureaucrats will be governed by agency rules created in the coming months and years, and we read in the paper today that it may even be decades before all of these rules will be created.

Once these regulations are written, it will again require costly and time-consuming court proceedings to overturn them. Instead of forcing the American people to wait for a remedy, we should have agencies address these problems at the outset. This bill would go a long way toward doing that. It would provide special standing for designated State government officials to dispute regulations issued by administration agencies attempting to implement new Federal laws or Presidential Executive orders. Under the legislation, any rule proposed by a Federal agency would be subject to constitutional challenges if certain State officials determine the rule infringes on powers reserved to the States under the 10th amendment.

States are already challenging the massive Federal takeover in court because of the mandates on both States and individuals. I am proud to say that 43 of the 50 States have either joined lawsuits or taken other official action to stop its unconstitutional provisions. This bill would give State officials another tool at their disposal to challenge the unconstitutional overreach of the Federal Government.

I urge my colleagues to join me in this legislation. It is late in this Congress, but there is another one looming

with reinforcements coming from the people.

I appreciate my colleague allowing me to join him today in this discussion of a doctor's second opinion.

Mr. BARRASSO. Well, I am very impressed by what the Senator have come up with. This leadership position takes that next step forward to protect our rights that he and I believe are in the Constitution and apply to the people of our States and apply to the people of this country.

One would hope everyone would join in, and I ask unanimous consent to be added as an original cosponsor of this legislation.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BARRASSO. The Senator mentioned the unelected bureaucrats in our comments. There was a story today in the New York Times. I would like to ask a couple of questions of the Senator from that story because I think it gets to the point he is making. This was by Eric Lichtblau and Robert Pear.

Madam President, I ask unanimous consent to have printed in the RECORD this story from today's New York Times.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Times, Dec. 8, 2010]

WASHINGTON RULE MAKERS OUT OF THE SHADOWS

(By Eric Lichtblau and Robert Pear)

WASHINGTON.—Federal rule makers, long the neglected stepchildren of Washington bureaucrats, suddenly find themselves at the center of power as they scramble to work out details of hundreds of sweeping financial and health care regulations that will ultimately affect most Americans.

In Bethesda, Md., more than 200 health regulators working on complicated insurance rules have taken over three floors of a suburban office building, paying almost double the market rate for the space in their rush to get started.

Executives from the U.S. Chamber of Commerce have been meeting almost daily with financial rule makers to air concerns about regulations they say threaten to curtail commerce.

And at the White House, senior officials receive several status reports a week on a process that all sides agree has vast implications for the country as a whole and for the Obama administration's political fortunes.

The boom in rule-making—the bureaucratic term for the nitty-gritty of drafting regulations—is a result of the mega-bills approved by Congress this year at the urging of President Obama: the health care bill signed into law in March, and the financial overhaul law signed in July.

"There has never been a period like what we are going through now, in terms of the sheer volume and complexity of rule-making," said Paul Dennett, senior vice president of the American Benefits Council, a trade group for large employers.

And what was already shaping up as a rancorous lobbying battle over the rules is likely to become more contentious when Republicans take control of the House, having been

swept to power on a pledge to influence health care and financial regulation.

At the very least, Republicans will be able to hold public hearings to spotlight financial regulations they see as too restrictive and health care rules they see as too disruptive, and they could pressure regulators to soften them.

The debate over federal spending has already slowed the development of financial rules, as hundreds of new rule-making positions have gone unfilled because of a lack of new financing.

Congress provided a road map for measures aimed broadly at getting more Americans covered by health insurance and providing more federal safeguards against risky financial practices. But the laws were so broad and complex that executive-branch regulators have wide leeway in determining what the rules should say and how they should be carried out.

In all, the bills call for drafting more than 300 separate rules on a rolling schedule by about 2014, plus dozens of other studies and periodic reports. That may be only the beginning. A recent report from the Congressional Research Service said the publication of rules under the health care law could stretch out for decades to come.

Regulators at various agencies are trying to answer questions like these:

How much should a credit-card company be able to charge a shopkeeper for administrative fees when you swipe your card for a purchase?

Which types of financial companies are so "systemically important" to the overall economy that they should be subject to greater federal oversight?

What services must be covered by all insurers as part of the "essential health benefits" package? And at what point would an increase in an insurer's premiums be considered so "unreasonable" that state and federal regulators could step in?

These and many other questions are now in the hands of government lawyers, doctors, bankers, accountants, actuaries and other regulatory specialists. With the rules spread across agencies, no one is certain how many employees are working on them, but the number is certainly in the hundreds or higher.

At the Federal Reserve, for instance, most of more than 50 lawyers in the legal division are now spending significant parts of their days on rule-making issues, like the question of how to carry out and enforce the so-called Volcker Rule, named for Paul A. Volcker, the former Fed chairman, restricting banks from making certain types of speculative investments.

No longer are these considered arcane questions that draw scrutiny only from the few Washingtonians who read the "notices of proposed rule-making" in the Federal Register.

These days, the rule makers are attracting attention from Congressional officials, industry advocates and lobbyists, with dozens of executives from firms like Goldman Sachs, Mastercard, JPMorgan Chase and Credit Suisse meeting with federal regulators recently to give input on specific rules and try to influence the outcome, according to public online postings by federal regulators on many of the meetings.

"I wake up in the morning thinking about this stuff, and I go to sleep at night thinking about it," said Tom Quaadman, a senior Chamber of Commerce executive who is leading a group of 10 staff members seeking to shape the financial rules.

The discussions are in the early stages.

But though all sides talk of finding consensus, conflicts have emerged.

The Chamber of Commerce and the Business Roundtable, made up of leading chief executives, are suing the Securities and Exchange Commission, arguing that a rule giving proxy access on corporate boards to small shareholders did not get a proper review and would undermine companies.

When these issues still rested with Congress this year, the chamber spent millions on glitzy advertisements opposing the health care and financial regulation. The chamber does not plan anything so showy as the debate shifts to the regulatory agencies, but is bracing for a long fight filled with low-key meetings and court filings.

"It's a substantial amount of resources we've brought to bear on this," Mr. Quaadman said. "We've always seen this as being a marathon. This is a process that's going to take years, and this is the start of the race."

The Consumer Financial Protection Bureau, created by Congress as part of the financial overhaul, has been the target of particularly intense lobbying, with industry representatives and consumer advocates trying to shape the agency's structure and mission.

Questions about the agency's allegiances have already arisen, however, after it was disclosed that Elizabeth Warren, the White House aide chosen to start up the agency, had worked as a consultant on a lawsuit involving major banks and credit-card companies and that one of her senior aides had worked previously at a mortgage company with a spotty record.

So far, health care regulators have a head start on their financial counterparts. They not only started the process four months earlier when the health care bill passed Congress, but they also have the advantage of already securing start-up funds for rule-making personnel and office space.

In Bethesda, health care officials are leasing more than 70,000 square feet of space on three floors of an office building for about 230 employees to work on rule-making and other duties. The government agreed to pay \$51.41 per usable square foot of space, compared with an average of \$27 in Bethesda, because it wanted to get the operation running in July, officials said.

In contrast, financial regulators have been unable to get new financing for hundreds of additional rule makers because Congress has not yet passed a budget, and they are largely making do by reassigning existing staff members. Officials at agencies like the Commodity Futures Trading Commission, which is responsible for drafting more than 60 rules, are warning that there is an urgent need for the money.

Annette L. Nazareth, a former S.E.C. official who now represents financial clients before rule makers as a lawyer for the firm of Davis Polk, said short staffing and "wildly unrealistic" deadlines set by Congress threatened the entire process.

"These regulators are overwhelmed, and this stuff is being churned out on issues that are enormously complex," Ms. Nazareth said. "It's very bad for the markets to do it this way, and it's bound to have an impact on how things come out."

Mr. BARRASSO. It talks about Federal rulemakers. That is whom I believe we are talking about, these unelected bureaucrats.

Federal rule makers, long the neglected stepchildren of Washington bureaucrats, suddenly find themselves at the center of power—

The bureaucrats—as they scramble to work out details of hundreds of sweeping financial and health care regulations that will ultimately affect most Americans.

We are talking about not just the health care law but also the financial regulations.

The one part I want to ask the Senator about says:

But the laws were so broad and complex that executive-branch regulators will have wide leeway in determining what the rules should say and how they should be carried out.

Well, isn't that why we need this piece of legislation—to let the States get in there before some of these rules and regulations are put onto the people of Mississippi, the people of Wyoming, the people all across the country?

Mr. WICKER. Well, the Senator is absolutely correct. And this coming from the New York Times in particular, this article is an astounding bit of information for the American people, and they need to know about it. I think the American people have the quaint idea that their elected officials, both in the executive branch and in the legislative branch, should be the center of power. I did not come to Washington to be powerful. But at least I have to stand before my constituents every so often and get their approval. What this article says is that the bureaucrats are now at the center of power because of this ObamaCare legislation and the financial services legislation.

We have enacted, over my vote and over the vote of the Senator from Wyoming, a 2,700-page health care overhaul. Yet we are told the main thing it does is empower bureaucrats and make them the decisionmakers. Certainly, if this is the result of this unfortunate piece of legislation, a Governor or a speaker of the house of representatives at the State level ought to be able to quickly and expeditiously go to Federal court and say: Wait a minute, this violates the 10th amendment. All we are saying is that they need a path to go quickly to the Federal courts and challenge this.

I am sure the Senator noticed this—this is just one example. In neighboring Bethesda, MD, this new ObamaCare law has resulted in 200 health regulators rushing to a new facility there and paying twice the fair market value. This is Uncle Sugar coming in. They can pay as much money as they want. So they pay twice the fair market value in rent, and they have taken over three floors of a suburban office building to begin getting started on actually writing the rules that will apply this Federal mandate to the people. It is amazing.

You know, actually, I will say this to my friend: When we talk about defunding the Federal Government, I would like for our Appropriations Committees, our investigative committees,

both House and Senate, to look at how they got the right to pay twice the fair market value.

Mr. BARRASSO. Well, it is astonishing. I know the people of Wyoming as well as the people of Mississippi always oppose Washington's wasteful spending, but when I read that the health care officials are leasing more than 70,000 square feet of space on three floors of this office building in Bethesda for 230 employees, rushing to rulemaking, and see that the government—Washington—agreed to pay over \$51 per usable square foot, compared with the average of less than \$30 a square foot in Bethesda—why? Because it wanted to get the operation running in July. They were rushing to get to this.

But it says that this may only be the beginning. This may only be the beginning. A recent report—not by my colleague from Mississippi and not by me but by the Congressional Research Service—says that the publication of rules under the health care law could stretch out for decades to come.

That is why I am going to cosponsor this legislation. I have great concern about States rights and individual rights being trampled on by a Washington government that is out of control in terms of spending, and it is doing it in spite of the cries of the American people.

So I congratulate and compliment my colleague from Mississippi for bringing this piece of legislation to the Senate today and thank him for joining me on the floor as part of a doctor's second opinion because you don't have to be a doctor to know that this health care law is not good for patients, it is not good for providers, it is not good for taxpayers. As more and more people see the rules and the regulations come, they will once again see the broken promises by this President, who said: If you like your health care program, you get to keep it, and then they turn 2 pages in the rules and regulations into 121 pages which said, for many people in this country, they are not going to be able to keep what they have, they are not going to be able to keep what has been promised them, and it is because the rules and the regulations are so complicated. And the rulemaking continues.

Mr. WICKER. If I might add, this is really a new chapter in the history of the American Federal Government. According to the senior vice president of the American Benefits Council:

There has never been a period like what we are going through now, in terms of the sheer volume and complexity of rule-making.

My friend, this is unprecedented in American history. The scope, the cost, the magnitude of this legislation is unprecedented, according to the American Benefits Council. And the point of my bill is that that does violence to the Bill of Rights, it does violence to

the intent of the Founding Fathers that the Federal Government be limited in its power and scope and that we leave most of the rights we are endowed with by our creators to the people and to the States themselves. So it is a great privilege to join my colleague today in making this point.

Mr. BARRASSO. With that, I thank and congratulate my colleague for his vision and his foresight and his leadership because this is, I believe, how the Founding Fathers would have seen it. I believe those who wrote the Constitution would be on board with this piece of legislation to say, as the 10th amendment does say, "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people."

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BINGAMAN.) The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. VITTER. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. VITTER. Mr. President, I ask unanimous consent to speak for up to 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. VITTER. Mr. President, I come to the floor to strongly urge my colleagues, Democrats and Republicans, to oppose cloture on the so-called DREAM Act. That will be one of our votes in a few minutes. All these votes are important. That is the most important.

The reasons we should oppose cloture are simple and basic. They all go to this past election. They all ask the question: Have we been listening at all to the American people? The American people have been speaking loudly and clearly on issues that pertain to the DREAM Act. I point to three in particular.

No. 1, the DREAM Act is a major amnesty provision. There are no two ways about it. It grants at least 2.1 million illegals amnesty. It puts them on a path toward citizenship, which will also allow them to have their family members put in legal status. That means when we count all those people, there are probably two to three times that initial 2.1 million people who will be granted some form of amnesty. When we are not securing our borders adequately, when we are not putting a system in place to enforce workplace security, that is absolutely wrong.

No. 2, we are in the middle of a serious recession. The American people are hurting. Things such as slots at public colleges and universities, things such as financial aid for those positions are very scarce and very sought after,

more than ever before, because of the horrible state of the economy. These young illegals who would be granted amnesty would be put in direct competition with American citizens for those scarce resources. Are we listening to the American people about the struggles they are going through right now in this desperate economy? If we do that, the answer would clearly be no.

Third, what about spending and debt? The American people have been speaking to us loudly and clearly about that. Yet the DREAM Act would increase spending and deficit and debt. Would we be listening to the American people about that, were we to pass the DREAM Act? Absolutely not. The DREAM Act has at least \$5 billion of unpaid-for spending in it, by all reasonable estimates. If we grant amnesty to 2.1 million people and then down the road we double or triple that when counting family members, of course, there is cost to that in terms of Federal Government benefits and programs and spending. Reasonable estimates say that is at least \$5 billion of cost, unpaid for, increasing spending, increasing deficit, increasing debt. If we did that by passing the DREAM Act, would we be listening to the American people? Absolutely not.

Let's come to the Senate Chamber and perform our first and most solemn duty, which is to listen to the American people, listen to the citizens of the States, and truly represent them in this important body. Let's listen to them when they say no amnesty. Let's listen to them when they say how difficult their lives are in this horrible economy. Let's listen to them when they say control spending and deficit and debt. Don't increase it yet again.

I propose we listen to them. I will listen to them and vote no on cloture on the DREAM Act.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, as I said this morning when the Senate came into session, the House passed, late last night, the DREAM Act. I have asked consent from my colleagues on the other side of the aisle to vitiate the cloture vote, and that was not granted this morning, which I think is unfortunate because it is a waste of the Senate's time because we need to act on a piece of legislation that is already passed, so that when we pass it, it would go directly to the President.

We have been told by my Republican colleagues that they are not willing to

do any legislative business, which I think is untoward and unnecessary and unfair. But that is where they are. So that being the case, Mr. President, I would again renew my request that we vitiate the vote on cloture that is pending before the Senate at this stage.

The PRESIDING OFFICER. Is there objection?

Mr. McCAIN. I object.

The PRESIDING OFFICER. Objection has been heard.

Mr. REID. Mr. President, hearing the objection, I move to table the motion to proceed to S. 3992, and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. KYL. The following Senator is necessarily absent: the Senator from Kansas (Mr. BROWNBACK).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 59, nays 40, as follows:

[Rollcall Vote No. 268 Leg.]

YEAS—59

Akaka	Franken	Nelson (NE)
Baucus	Gillibrand	Nelson (FL)
Bayh	Hagan	Reed
Begich	Harkin	Reid
Bennet	Inouye	Risch
Bingaman	Johnson	Rockefeller
Boxer	Kerry	Sanders
Brown (OH)	Klobuchar	Schumer
Cantwell	Kohl	Shaheen
Cardin	Landrieu	Specter
Carper	Lautenberg	Stabenow
Casey	Leahy	Tester
Conrad	Levin	Udall (CO)
Coons	Lieberman	Udall (NM)
Corker	Lincoln	Vitter
Crapo	Manchin	Warner
Dodd	McCaskill	Webb
Dorgan	Mikulski	Whitehouse
Durbin	Murkowski	Wyden
Feinstein	Murray	

NAYS—40

Alexander	Enzi	McCain
Barrasso	Feingold	McConnell
Bennett	Graham	Menendez
Bond	Grassley	Merkley
Brown (MA)	Gregg	Pryor
Bunning	Hatch	Roberts
Burr	Hutchison	Sessions
Chambliss	Inhofe	Shelby
Coburn	Isakson	Snowe
Cochran	Johanns	Thune
Collins	Kirk	Voinovich
Cornyn	Kyl	Wicker
DeMint	LeMieux	
Ensign	Lugar	

NOT VOTING—1

Brownback

The motion was agreed to.

The PRESIDING OFFICER. The motion to proceed having been tabled, the cloture motion is vitiated.

JAMES ZADROGA 9/11 HEALTH AND COMPENSATION ACT—MOTION TO PROCEED

The PRESIDING OFFICER. Pursuant to the provisions of Rule XXII, the clerk will report the motion to invoke cloture.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to Calendar No. 641, H.R. 847, the James Zadroga 9/11 Health and Compensation Act of 2010:

Harry Reid, Kirsten E. Gillibrand, Charles E. Schumer, Robert P. Casey, Jr., Patty Murray, Al Franken, Jeff Bingaman, Benjamin L. Cardin, Joe Manchin III, Daniel K. Inouye, Michael F. Bennet, Jeanne Shaheen, Robert Menendez, Barbara Boxer, Frank R. Lautenberg, Christopher J. Dodd, Richard J. Durbin.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call is waived.

The question is, Is it the sense of the Senate that debate on the motion to proceed to H.R. 847, a bill to amend the Public Health Service Act to extend and improve protections and services to individuals directly impacted by the terrorist attack in New York City on September 11, 2001, and for other purposes, shall be brought to a close?

The yeas and nays are mandatory under the rule. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. KYL. The following Senator is necessarily absent: the Senator from Kansas (Mr. BROWNBACK).

The PRESIDING OFFICER (Mrs. HAGAN). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 57, nays 42, as follows:

[Rollcall Vote No. 269 Leg.]

YEAS—57

Akaka	Franken	Mikulski
Baucus	Gillibrand	Murray
Bayh	Hagan	Nelson (NE)
Begich	Harkin	Nelson (FL)
Bennet	Inouye	Pryor
Bingaman	Johnson	Reed
Boxer	Kerry	Rockefeller
Brown (OH)	Klobuchar	Sanders
Cantwell	Kohl	Schumer
Cardin	Landrieu	Shaheen
Carper	Lautenberg	Specter
Casey	Leahy	Stabenow
Conrad	Levin	Tester
Coons	Lieberman	Udall (CO)
Dodd	Lincoln	Udall (NM)
Dorgan	Manchin	Warner
Durbin	McCaskill	Webb
Feingold	Menendez	Whitehouse
Feinstein	Merkley	Wyden

NAYS—42

Alexander	Chambliss	DeMint
Barrasso	Coburn	Ensign
Bennett	Cochran	Enzi
Bond	Collins	Graham
Brown (MA)	Corker	Grassley
Bunning	Cornyn	Gregg
Burr	Crapo	Hatch

Hutchison
Inhofe
Isakson
Johanns
Kirk
Kyl
LeMieux

Lugar
McCain
McConnell
Murkowski
Reid
Risch
Roberts

Sessions
Shelby
Snowe
Thune
Vitter
Voinovich
Wicker

NOT VOTING—1

Brownback

The PRESIDING OFFICER. On this vote, the yeas are 57, the nays are 42. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

The majority leader.

Mr. REID. Madam President, I enter a motion to reconsider the vote by which cloture was not invoked on the motion to proceed to H.R. 847.

The PRESIDING OFFICER. The motion is entered.

Mr. REID. Madam President, for the benefit of Senators, I have had a number of discussions with the Republican leader, and we hope we can very quickly lay down the tax bill.

Mr. MCCONNELL. Would my friend yield?

Mr. REID. Yes, I will yield.

Mr. MCCONNELL. It is my understanding that it is complete and ready and, actually, we could move to that very soon—within the next hour or so.

Mr. REID. Madam President, the chairman of the Armed Services Committee gave a speech on the Senate floor. I have such admiration and respect for Senator LEVIN. He does such a wonderful job protecting America in so many different ways, not only as chairman of that important Armed Services Committee but on the Permanent Subcommittee on Investigations and all the other things he does. But he gave a speech today saying that if we don't get on the Defense bill today, we will not get it done this year.

So in the next little bit I am going to make a decision whether I am going to reconsider the vote on that bill, and I want everyone to know that is what I am going to do. I have a longer presentation I have worked on to make that presentation, but before getting into a lot of detail on this, I just want to say I appreciate everyone's help on this—Senator LEVIN, Senator LIEBERMAN, Senator COLLINS,—those who have worked with me in trying to see some way to get this completed. But I will make that decision in the next little bit.

So having said that, we will have more information later as to what the rest of the week holds as far as votes. If we are able to lay down the tax bill early today—and, of course, I have had a number of requests. Some people want something in it; some people want something out of it. But that notwithstanding, one of the most important things we need to do, as I have been told, is we have to make sure people don't think they are jammed—a word I just picked up from Senator KYL—on this legislation. We have to

make sure people have the opportunity to read it.

That being the case, I will confer with my friend, the Republican leader, to find out what that means.

But let's assume we brought this to the floor and immediately filed cloture on it. That would mean a Saturday cloture vote. We will see what we can do to make sure people believe they have had an opportunity to look at the legislation and to make a considered decision on what should be done with their vote on this very important piece of legislation. So as far as future votes—stay tuned.

I heard one of my colleagues say over here, we are in a normal situation in the Senate—a state of flux.

MORNING BUSINESS

Mr. REID. Madam President, I ask unanimous consent that we proceed to a period of morning business with Senators allowed to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Under the previous order, the Senator from Utah is to be recognized for 20 minutes or such time as he may consume.

FAREWELL TO THE SENATE

Mr. BENNETT. Madam President, there used to be a very strong tradition in the Senate that every new Senator gave a maiden speech, and in that tradition some Senators waited as long as a year before they gave the speech. Then, when the time came, the more senior Senators would gather and take notes and then critique the newcomer on how well he did.

Life has changed a good deal. I never gave a maiden speech. I plunged right into the debate when I got here. Now the tradition seems to be to give a farewell speech. So I am grateful to my colleagues who will gather for this occasion as I contemplate saying farewell to the Senate. But I will warn them, this is probably not my last speech. I intend to be heavily involved in the debate over whether we pass a continuing resolution or an omnibus bill.

I have a history with the Senate, and it began when I was a teenager as a summer intern. I remember sitting in the gallery and watching Bob Taft prowling across the back of the Senate, watching to make sure things were going according to his desire. He had been the majority leader. He had stepped down from that position because of the cancer he had contracted, but he was still paying attention to this body where he served with such distinction.

Lyndon Johnson was sprawled out with his lanky frame at the Democratic leader's desk, and I was watching from the gallery, thinking what an extraordinary place this was.

Ten years later, I came back as a staffer, and I served here. I was sitting in my cubicle in the Dirksen Building when word came that John F. Kennedy had been shot in Dallas. We didn't know whether he was dead. We all rushed over to the Senate, where there was a ticker tape back in the back lobby, to see what was happening. I rushed in with the others to see what was there and then looked to see whom I had jostled aside in order to get to see the ticker tape. It was Mike Mansfield. I quietly withdrew, realizing I had done something that was not appropriate on that occasion.

But I was here in Washington when Martin Luther King gave his "I Have a Dream" speech. I was here as a staffer when the historic civil rights bill of 1964 was passed and was involved in the drafting of that bill at a very low kind of level and the conflict that occurred on that occasion.

Then I came back into government as the head of the congressional relations function for a Cabinet-level department and worked with Senator Dirksen in trying to pursue the Nixon administration's goals forward and ran into a bright young Senator from Kansas with a sharp wit named Bob Dole and had the opportunity of working with Dirksen and Dole and the others in that situation.

Watergate came along. I was given the dubious honor of being called to testify by a young Senator from Tennessee named Howard Baker. He assigned me to his staffer, who grilled me for 3 hours under oath—a fellow by the name of Fred Thompson.

There are great kinds of memories there. I did not realize I would come back to the Senate myself, and as a political junky, what could be better? I was involved in the debate, I had access to all of the activity, and they even gave me a vote. It was a great time, a great opportunity, and I have enjoyed it immensely and say farewell to it with kind of mixed feelings.

What have I learned out of all of this, both that past history and my own history in the Senate? I will not bore you with all of the things I have learned, but I have picked out several I want to highlight here today.

The first thing I have learned is that this is, indeed, an extraordinary place filled with extraordinary people. And the caricature we get from the press and the movies and other places that this is filled with people who have self-serving agendas and very low standards of ethics is simply not true. The Senate is filled with people with the highest standard of ethics—we have a few clunkers, I will admit that, but overall the highest standard of ethics the American people could want.

If I may dip back into my history to give you this example of how much better the present Senate is than some of the older ones, I remember that when I

was prowling the halls in the circumstances I have described, I ran into a friend who was distraught.

I said to him: What is the problem?

He said: I am taking a group of schoolchildren through the Capitol, and I sent a note in to a Senator to ask him if he would come out and speak to them. And he did, and he is drunk. I can't get him to stop and get the schoolchildren back to the tour, and I don't know what to do.

You don't see that kind of behavior in today's Senate.

You don't see the kind of casualness toward personal campaign contributions that existed. Why do you think, when they built the Dirksen Building, they put a safe in every Senator's office? It was to hold the cash that would be brought into the office and handed to the Senator. And that was a routine kind of circumstance.

One of the things I enjoyed about the renovation of the Dirksen Building was being able to say to the Architect of the Capitol: Take the safe out because we don't need it anymore. I notice now that I started a trend. If I leave no legacy other than this, it will be that the safes are all coming out of the Dirksen Office Building, and I was the first one to do that.

This is an extraordinary place filled with extraordinary people who take their jobs very seriously and deserve the kind of respect that too often they do not get. Everybody says, when they leave this place, they will miss the people. I certainly will. The friendships that have been made here, the lessons I have been taught, and the mentors I have had have all been a major part of it. I will not name names because once I get started in that, I will not be able to quit. But I do recognize the mentors I have had in the leaders, in my senior colleague, Senator HATCH—and I will tell a story about him—and the staff. These are also extraordinary people who go to extraordinary lengths to serve the country. We should acknowledge that and give them the credit they deserve.

Senator HATCH gave me this piece of advice. We were talking one night about an issue, and we were on opposite sides. That didn't happen very often. Senator HATCH and I don't confer in advance of a vote very often. We come to our own conclusions, but, both being conservative Republicans, we usually end up in the same place. On this occasion, we were different. ORRIN was giving me his full court press. You have all been exposed to ORRIN's full court press on an issue.

Finally, he said to me: BOB, apply the driving home test.

I said: All right, what is the driving home test?

He said: After this is all over and the lights go out and you go get in your car and you are driving home, thinking back on the day and the votes you cast,

the driving home test is, how will you feel driving home if you cast that particular vote?

I said: ORRIN, that is some of the best advice I ever got.

I voted against him, and I felt great while I was driving home.

That is one of the first things I have learned. This is an extraordinary place filled with extraordinary people who are dedicated to the country, dedicated to doing the right thing, and who uphold the highest ethical standards.

The next thing I have learned is that there are two parties and that there is a difference between the two parties. There are those who say: Oh, there is not a dime's worth of difference between the Republicans and the Democrats; they are the same people who say we are all corrupt. There is a significant difference. The Democrats are the party of government. Going back to their roots with Franklin Roosevelt, they come to the conclusion that if there is a problem, government should solve that problem. The Republicans are the party of free markets, and they come to the conclusion that if there is a problem, it should be left to the markets to solve it. And they are both right. That is the thing I have come to understand here. There are some problems where government is the solution—but not always. There are some problems where free markets do provide the solution—but not always.

The tension between those two has run throughout the history of the Republic. You can go all the way back to Thomas Jefferson and Alexander Hamilton and the arguments they had as to what the proper role of government should be, whether it should be big government or little government, whether you should have this or that kind of power. It ran through the Constitutional Convention and arguments that occurred there.

It is appropriate that those who believe in government should have strong advocates on their side. Those who believe in free markets should have equally strong advocates on their side. And because I believe in free markets, I am a Republican, and I have been happy to be a Republican. I have been careful to stand up for those things I believe, and I have compiled a record that many of my friends on the Democratic side would consider fairly miserable in terms of wisdom on voting. But let us understand in the debate, as we go back and forth between these two concepts, that we do not question the motives or the patriotism of anyone on the other side—or within our own caucuses.

I remember an event where someone on the Republican side voted with the Democrats in a way that some on this side felt was betrayal, and there was a sense of, let's punish him, let's do this, that, and the other. Trent Lott taught me this lesson. He said: No, the most

important vote is the next one. We are going to need his vote the next time. And if we punish him for this last vote, we won't get it.

Yes, there is a difference between the two parties. Yes, we disagree. But if we can disagree in an effort to solve the problems of the country and be willing on occasion to say maybe the other side is right, we will move forward.

Let me go back to the Civil Rights Act and that debate. Barry Goldwater was the Republican standard-bearer in the year that was passed. Barry Goldwater and many of his colleagues on the Republican side believed that the Civil Rights Act was an unwarranted intrusion on personal liberty, that you were entitled to pick your own associations. And the Democrats—some of them—believed the civil rights bill had to be passed to keep faith with the 14th amendment and government's role in securing liberty.

Everett Dirksen stood in the middle of that fight. The civil rights bill was written in Dirksen's office. Lyndon Johnson gets historic credit for it, as he deserves, but within this body where the cloture vote determined whether it would pass, the key figure was Everett Dirksen.

My father, with me as his chief of staff, was caught in that pressure with the conservatives saying one thing, the liberals saying another, and dad trying to decide which way he would go. I remember a comment he made as he made his decision—and he made his decision to go with Dirksen, vote for the bill, vote for cloture. Being a businessman, he had thought it through. He believed in free markets as well as I do. But he made this comment which I have always held on to as an example of the way you deal with this challenge. He said: You know, I thought about it, and many of these companies that refuse to serve Black people are public companies with their stock available on the stock exchange. So what we are saying is, it is all right for the Black person to own the company but it is not all right for him to patronize it. That is unsustainable.

So on this occasion, he sided with the people who believed in government to solve the problem. He voted for the Civil Rights Act, and he got a challenger for his next nomination and the toughest primary he ever had within the party. He overcame that challenger, and he got his fourth term.

I made the decision to act in concert with George Bush and my leader, MITCH MCCONNELL, and the Democratic leader, HARRY REID, and the Republican standard-bearer, JOHN MCCAIN, to vote in favor of an act of government as opposed to free markets when I supported TARP. And I got a challenger as I sought a fourth term, and I was not as successful as my father, so my career was ended. My father never regretted his civil rights vote. I don't regret

my TARP vote because it was the right thing to do.

For those who say: Oh, what a terrible thing it is that your career has ended, I go back again to the old Senate and a Senator named Norris Cotton, from New Hampshire. Norris Cotton was a Republican. He used to tell this story.

Three fellows were sitting on a bench in New Hampshire in their rocking chairs contemplating what would happen after they had died. The first one said: You know, after I die, I want to be buried next to George Washington, the Father of our country. I think it will be a great honor to be buried next to Washington.

The second one said: Well, that is fine, but I am more loyal to our State. I want to be buried next to Daniel Webster.

OK. They rocked for a while, and they turned to the third fellow and they said: What about you?

He said: I want to be buried next to Elizabeth Taylor.

They said: But, Joe, Elizabeth Taylor is not dead yet.

He said: Neither am I.

I appreciate the opportunity to give this farewell speech and your willingness to come listen to it. But I am not dead yet. The demographers are saying, within the next three or four decades, the number of Americans over the age of 100 will be in the millions. I intend to be one of that number. I have loved being in the Senate. I have loved the association. I have enjoyed hearing about the issues and being in the arena to try to solve them.

I do not intend to leave the arena of public debate and public affairs. I simply have changed venues. I am grateful to the Senate and to all my friends for all the things you have taught me. I view the Senate not as the end of my career but as the education and preparation for the next stage.

My father lived until he was 95, my mother 96. I only have to beat the demographic laws by a very small percentage to beat my goal. I appreciate the opportunity of being here and your courtesy in listening to me here today.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Madam President, I am humbled to follow my great, good friend, the eloquent orator, the wonderful Senator from Utah, Mr. BOB BENNETT, a man who has been a giant in this Senate, not only terms of height but of intellect. We have followed his lead on many issues. I know the Senate will miss him.

THE ECONOMY

Mr. BOND. Madam President, I am going to take advantage of the attention Senator BENNETT brought to give some of my views on the economy and the compromise bill that we hope will

be pending before the Senate. My apologies for lowering the grade of discourse by moving down to such a mundane but nevertheless important subject.

Madam President, it has been more than 2 years since the severe crisis beginning in the housing and mortgage markets nearly brought down the financial system, and with it the entire economy, in late 2008.

The American people are still struggling from the effects of this crisis. Unemployment continues to rise and is nearly a staggering 10 percent, millions of families continue to face home foreclosure, and many more are having difficulties finding financing to make large purchases or run businesses.

We face no more important task than stabilizing the economy. On November 2, Americans sent a clear message to Washington.

They have had enough of the runaway spending, the exploding debt, the bailouts, and the job-killing policies coming out of this Congress and administration. The recent election showed us that Americans will not settle for a Washington agenda that does not make economic recovery, fiscal restraint and job creation the top priority.

We need new jobs now. Plain and simple I cannot be any clearer about this point. As I have said repeatedly on this floor, government cannot create jobs, but it can create the conditions to allow the private sector to flourish through low taxes, commonsense regulations, and enhanced trade opportunities.

Unfortunately, for the past 2 years, Washington has moved in the opposite direction, seeking to raise taxes, increase regulation, and allow trade agreements to wither.

We now have an opportunity to move towards more commonsense approaches that will help in job creation. And we can start now, during this lameduck session.

We must address the looming tax hikes scheduled to hit every American on January 1.

The proposal the President outlined earlier this week is an important step. His efforts to stop the crippling tax hikes in January from hitting American families and small businesses show he has gotten the message.

I only hope he can convince Democrats in Congress what Republicans and the American people understand, raising taxes on the people and small businesses that create jobs is a really bad idea. The President's plan first and foremost ensures that our small businesses will not face the largest tax increase in American history.

Why is this important? Because our small businesses: Represent 99.7 percent of all employer firms, employ just over half of all private sector employees, pay 44 percent of total U.S. private payroll and, have generated 64 percent of net new jobs over the past 15 years.

As my colleagues know, most small businesses are taxed as individuals through their proprietorships, partnerships, or subchapter-S corporations. So if you raise taxes on those earning above \$200,000 or \$250,000, you are raising taxes on small business owners—the ones most able to create jobs.

The President's compromise also ensures the death tax will not come back to life at the sky-high rate of 55 percent. This is an important provision, because the death tax is anti-savings, anti-family, and anti-investment. It is quite simply unAmerican, and it should be eliminated entirely. The President's plan increases the estate exemption from \$3.5 million to \$5 million and maintain the 2009 rate of 35 percent is a step in the right direction. It will keep families production farms and businesses from having to sell the farm or business to pay estate tax. We need to pass this compromise before we leave town.

Extending tax cuts is one way we can help the private sector create jobs. That alone is not enough.

There is another area that Congress has direct control over, and that is spending. For the economy to recover and create jobs in the long term, Congress simply must control spending. Today, our debt totals more than \$13.8 trillion, which breaks down to more than \$44,000 for each citizen's share of that mind-boggling amount.

Likewise, our annual deficit, the amount we add to our children and grandchildren's credit cards, stands at roughly \$1.34 trillion, but left unaddressed, could reach as high as \$9 trillion over the next decade.

Both entitlement and discretionary spending must be cut. Runaway entitlement spending is stifling our prosperity and will continue to hold our economy back if not addressed promptly.

I am hopeful the next Congress will make this debate their top priority, enact necessary legislation to curtail our drastic runaway spending and raise revenue through a more fair and efficient tax regime.

I believe the debt commission has come up with a reasonable proposal. I may be so bold as to suggest that we establish a BRAC-type commission, a BRAC-type proposal, to deal with that Commission and say it can be accepted or rejected on a simple up-or-down vote by both Houses. That is one good step.

The other step that has to be taken is to reform entitlements. I am disappointed they did not deal with that. But the health care costs of Medicare and Medicaid plus Social Security are what is going to drive our spending through the roof.

Along with extending tax cuts and restraining spending, opening new markets to American businesses through free trade is another critical component to future economic and job growth.

Up until President Obama's recent push for trade in Korea, our pending free trade agreements have been held up to safeguard the interests of labor and extreme environmentalists. I congratulate the President for moving forward on this important job-creating agreement.

With the election behind us, I hope that the politicization of trade in Congress will be behind us as well.

The new Congress must renew its efforts to expand and open up new markets abroad, particularly in Asia where the most dynamic growth in this century will take place.

The Obama administration deserves credit for attempting to reinvigorate the U.S. focus on Asia and trade with this dynamic region.

Trips by the President and the Secretary of State to Asia have helped to elevate ties with longstanding friends and allies like Korea and Japan. They have also been working to forge deeper, stronger relationships with India, Indonesia, Malaysia, and Vietnam.

Reaching an agreement on the U.S.-Korea FTA signals that the United States can return to a leadership position on trade and create some much-needed jobs based on exports here at home.

We must play a leadership role in negotiating and pursuing new FTAs, like the Trans-Pacific Partnership and approving the long-awaited agreements with Colombia and Panama.

Even the Chairman of the President's own Export Council, Jim McNerney, CEO of Boeing, has warned that a failure to approve the free-trade agreements will leave the United States at a "significant disadvantage" to other nations that are working to lower barriers to their exports.

For example in Southeast Asia, where the United States exports as much as it does to China, China has negotiated a free trade agreement with all 10 ASEAN countries.

We are languishing while our competitors are moving forward with their own FTAs to give their exporters and their workers a competitive edge.

One such opportunity to increase jobs in the U.S. and secure our strategic interests in the paramount Asia-Pacific region, is the Trans-Pacific Partnership or TPP. The TPP would ensure the United States remains fully engaged in the Asia-Pacific region where strong economic growth will occur in the 21st century.

The partners involved in the TPP discussions now include, in addition to the United States: Australia, New Zealand, Chile, Peru, Malaysia, Vietnam, Singapore and Brunei, which represent the fastest growing regions in the world.

Another way in which we ought to view the TPP, and other free trade agreements, is as a way to cash in on the peace dividends created in the re-

gion from our efforts in World War II, the Korean war, and the Vietnam war.

The TPP will open Asian markets to United States exports in a way that we have never seen.

We are already the world's largest exporter. We can build on that and create millions of new jobs by aggressively competing in markets abroad and by rejecting isolationism at home.

In closing I will put these economic considerations in a larger context.

In the 24 years I have been in the U.S. Senate, I have traveled around the world and have seen the remarkable change that came with the fall of the Soviet Union.

With the fall of Socialism and Communism, countries around the world immediately began to look to the United States as "the" economic model.

Our free enterprise system has demonstrated that successful businesses can provide job opportunities for all our citizens. This is a classic case of the rising tide lifting all boats.

As the economy gets stronger, people up and down the economic scale benefit, and people in low-wage jobs have the opportunity, through hard work and/or education, to move on up the ladder.

These countries are not looking to Denmark or Sweden with their very high tax rates as a model.

They see the difference between a government-controlled economy and a free economy with appropriate government regulation.

The European Socialist model has demonstrated that it does not grow as quickly as the U.S. economy.

High levels of unemployment generate more social welfare and transfer payments. These transfer payments put pressure on the government to raise taxes even higher, and make more people dependent upon the largesse of the Federal Government.

Last year's "stimulus" program did a tremendous job of putting more people on the government payroll. It did not do much for creation of jobs in the private sector.

The private sector in the United States has historically been vibrant and it will create jobs despite increasing government taxation, deficits, and regulation.

But the number of jobs created necessarily will be far less than what the free market system could create if it were not inflicted with an increasing government role.

Using history as our guide, high taxes and excessive spending, such as the new health care bill, will likely lead to a slower recovery, continued high unemployment, and a lower standard of living for all Americans than would otherwise be possible.

There is a chance now for us to reverse course, stop tax hikes, put the brakes on spending, reform entitlement

programs, and to pursue new trade opportunities that will create jobs. I believe that is what the American people expect us to do.

Real growth is only possible if we get our fiscal house in order.

If we care about jobs in this country and the future of the economy, Congress cannot continue to vote for thousand-page bills that are full of job-killing provisions.

And Congress cannot continue spending in such a way as to destroy the prosperity of future generations stuck paying the bill.

I am hopeful that the next Congress will make this debate their top priority and enact necessary legislation to curtail drastically our runaway spending and to raise revenue through a more fair and efficient tax regime.

Madam President, I wish to include for the RECORD my discussion of the role housing played in the bubble we had, the crash, and the recession we have gone through. I have spent all my time in the Senate either looking at housing on the Banking Committee or as a member and then chairman or ranking member of the appropriations subcommittee that funds housing. Most of my friends are not interested in hearing a full description of the housing crisis and what needs to be done. I will give them the opportunity to read it at their leisure.

Promoting what we think is the American dream by giving people no-downpayment homes, homes which they don't have the financial ability to afford, is not the American dream. It leads to the American nightmare. The American nightmare, unfortunately, for too many families, has resulted in home foreclosures, and communities with large numbers of foreclosed houses that are deteriorating thanks to the genius of Wall Street which, through its wonderful, innovative efforts, created high-tech computer game derivatives on which they made profits by selling around the world, which crashed and brought not only our economy but the world economy down. We have to stop that trend. We need a responsible housing policy to rein in Fannie and Freddie, keep them from buying up housing mortgages which are not subject to underwriting standards which could cause problems in the future. These items are all laid out in the statement I include.

If anybody reads them, I would be happy to answer any questions they have.

I ask unanimous consent to have the statement printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

As I prepare to leave the Senate after 24 years, I have had the opportunity to reflect upon some of my most rewarding work in various issue areas.

If my colleagues will indulge me for a few minutes, I have some thoughts to share

about America's housing and community development policy.

This is not typically an area that gets a lot of attention, though certainly it has gotten some negative attention because of the recent housing market meltdown.

But good housing is fundamental. It is fundamental to each of us as people. And it is the foundation of any community.

To a community, good housing means economic development and jobs. It means kids are safer, healthier and happier.

To an individual, a home means safety and security, a starting point from which to do everything else in life.

And good housing goes hand-in-hand with community and economic development. One cannot sustain a community very long if there are no jobs. And there won't be jobs if companies don't locate in a particular area, and so forth.

Early in my Senate career, I joined the Housing Subcommittee of the Senate Banking Committee. A few years later, during the 102nd Congress, I became a Member of the VA-HUD-Independent Agencies Appropriations Subcommittee.

Since that time I have been either Chairman or Ranking Member of the Housing Appropriations Subcommittee.

And I have had the good fortune of having as partners in my work the Senator from Maryland, Barbara Mikulski and the Senator from Washington, Patty Murray. I cannot say enough good things about each of these fine colleagues and the work they do.

While bipartisanship has become something of an anachronism in today's Washington, that is not the case on this Subcommittee. These Senators have always been willing to work on a bipartisan basis to get things done for the American people, and I deeply appreciate each of them.

So I have had the opportunity to be involved in housing issues both from a policy and from a funding perspective.

As I have worked on these issues through the years, I have discovered that housing and economic development are the glue that holds our communities together, even though urban and rural areas often face difference issues and concerns. Both are important and I have worked to promote their unique needs.

If we provide the right incentives and investments for growth and opportunity, then families and individuals will prosper and grow, with a tax base that will allow the needed investment for infrastructure, schools, hospitals, libraries and all the necessary amenities that make our Nation great.

As we are all painfully aware, we are at a crossroads when it comes to housing policy in this country. We have seen the devastating after-effects of a housing "bubble," and how the housing market meltdown nearly precipitated a worldwide economic depression.

In part, this crisis was preceded by unrealistic expectations in housing.

Homeownership is perceived by many as key to achieving the "American Dream." However, most of us now recognize that homeownership, while a blessing for many, is not an ideal solution for all. For example, in many cases, rental housing is appropriate for families.

It provides flexibility while limiting exposure to frequent variations in market conditions.

Homeownership is a great way to build wealth for those able to maintain financial stability throughout the life of a home loan.

However, by subsidizing homeownership, and encouraging all families to own homes, even those without realistic resources to maintain their mortgages, the government has turned the American Dream into a nightmare for homeowners, neighbors, communities, the global financial system, and taxpayers.

Since 2007, millions have had their homes foreclosed; millions more are at risk. In the aftermath of this meltdown, the government's efforts to date fall far short of what is required to address adequately the growing number of foreclosures that are hurting homeowners and communities.

As we have seen with previous housing bubbles, the taxpayer ends up bearing the brunt of the costs and the government ends up holding foreclosed properties. The last time I checked, the government did not do a good job of being a landlord.

It is critical that policy-makers address our overall housing policy and the proper role of government versus the private sector.

I believe that three essential areas of our housing system must be reformed. We must address:

Housing finance issues;

Tax policy;

Affordable housing for all.

With a comprehensive but balanced approach, I believe the United States can join other nations in creating a market where responsible consumers buy and retain their homes with confidence; where those who should rent are able to access affordable, safe housing; and where the needs of the homeless and vulnerable are met.

HOUSING FINANCE

First, we need to make changes in the amount of involvement the federal government has in housing.

The federal government is now responsible for 95% of the mortgage market. The Federal Housing Agency (FHA), Fannie Mae, and Freddie Mac guarantee nearly all mortgage loans in the U.S. They are fully backed by the federal government. This means it is the taxpayer who will ultimately be on the line to foot the bill as these entities pay for defaults.

FHA

As many of you may know, I not-so-fondly refer to FHA as a "powder keg" or "ticking time bomb." FHA's market share has increased dramatically while its capital reserves have significantly decreased.

FHA's rapid growth in the mortgage market is largely due to the fact that the average homebuyer receives a guaranteed loan with a down payment of only 3.5%—lower than any sane lender would require.

I remember growing up in an era where you did not buy a home unless you had 20% of the loan upfront.

But who would put that much cash down if they are incentivized by the federal government to pay far less?

The current ceiling for an FHA loan is over \$720,000 dollars. While I realize that there are some areas of the country considered "high-cost," keeping the loan limits at such high levels perpetuates big government and increases the risk to taxpayers. It is time to reduce the FHA loan limits.

There is a private housing market ready to fill the FHA gap and we need to restart the private housing market and let HUD return to helping first-time homeowners and the more marginal housing applicants.

Rather than continuing to extend these expiring limits, I hope that my colleagues will begin to take a comprehensive look at our

nation's housing policies and determine who truly needs the government to back their home loans.

High loan limits and low down-payments combined with the FHA's seeming inability to prevent waste and fraud, sets up the taxpayers for another huge bailout (estimates range from \$54 billion to \$100 billion). With FHA's capital reserves already at dangerously low levels (below the mandated level of 2 percent), raising the loan limits is equivalent of pouring more gasoline on the fire. The recently-retired HUD IG testified that the increased loan limits are a contributing factor to FHA's growing risk.

In the 2010 housing appropriations bill, I worked with my colleagues on the committee to include \$20 million dollars for FHA anti-fraud activities and \$5 million dollars in additional funding for the HUD Inspector General to conduct oversight.

FHA has had long-standing management and resource challenges, so we provided \$180 million dollars to modernize their information-technology systems to track better mortgage and associated obligations.

In a rational world, Congress and the White House would tighten FHA underwriting standards, in particular by eliminating the 100 percent guarantee.

That guarantee means banks and mortgage lenders have no skin in the game; lenders collect the 2 percent to 3 percent origination fees on as many FHA loans as they can push out the door regardless of whether the borrower has a likelihood of repaying the mortgage.

The bottom line: Congress must take stronger action to shore up the weakening insurance fund to prevent another financial meltdown for another federal entity.

FANNIE MAE/FREDDIE MAC

Not only did this Congress fail to address our housing finance system, the Financial Regulatory Reform bill passed without any Republican participation and failed to address the problem of Fannie and Freddie when these two government sponsored entities were, I believe, at the heart of the housing finance bubble collapse.

The legislation did nothing to rein in the future role of the Government Sponsored Enterprises (GSEs), even though many of us encouraged the leadership to do so during the financial reform debate. Some of my colleagues proposed a finite end to the government conservatorship of Fannie Mae and Freddie Mac. Others favor a gradual move towards reducing the government's exposure to risk by lowering loan limits to a level which is sustainable.

We have already experienced the pain that the GSEs, Freddie and Fannie, can cause, and that pain is expected to continue.

The Federal Housing Finance Agency (FHFA) reported recently that the total cost to the federal government since taking Fannie and Freddie into conservatorship could rise from \$148 billion dollars to an astounding \$363 billion dollars.

Responsible reform would put an end to the taxpayer-funded bailout of Fannie and Freddie and refocus them on promoting affordable housing. I believe strongly that whatever path is chosen for the future of the GSEs, it is essential that any cost to the government for supporting these entities be placed in the annual budget and accounted for with all other programmatic spending.

I believe the operations of the GSEs must be dramatically wound down to shift the risks from the taxpayers to the private housing finance market.

TAXES

Today, the tax code provides generous incentives to encourage homeownership

through the mortgage interest deduction, property tax deduction, and capital gains tax exclusion. The Joint Committee on Taxation estimates that for 2008 these tax incentives totaled just over \$108 billion.

The tax code needs to be fair and not skewed toward those who are able to purchase million-dollar homes; it should treat homeowners on a level playing field that helps preserve an effective tax code.

Specifically, the mortgage interest deduction can be claimed by anyone whose mortgage balance is less than \$1 million.

Like many, I believe that the federal government should not provide a hefty deduction for mortgage interest paid for million-dollar homes when many families are struggling to maintain homes that average \$500,000 dollars or less. This deduction level needs to be revisited soon.

Other government gimmicks such as the First-Time Homebuyers Tax Credit simply kicked the reality of our housing market woes down the road further, and today we are feeling that pain.

Initially, I supported the creation and first extension of the home-buyer tax credit. As a long-time housing advocate, I believed the credit, combined with other tools such as housing counseling and refinancing efforts by state housing finance agencies would help in the stabilization and recovery of the housing market.

Like many of my colleagues, I believed that it was critical to address the housing market that was at the root of the credit crisis and led to our recession. However, the housing crisis evolved from a crisis caused by loose lending through risky subprime loans to a crisis where job loss has become the primary cause of foreclosures and delinquencies.

Today, we can look back and see that the newly-formed tax credit was costly and a target of fraud.

Congress needs to stop trying prescriptive programs to cure a systemic disease that has plagued U.S. housing for too long. Rather than credits or incentives for some, we should allow the market to correct itself and truly feel the bottom of the recession so that a genuine, solid recovery can be realized.

So the question I ask my colleagues is: why are we continuing these debt-fueled policies that led to our housing and economic troubles? Why do we keep using taxpayer dollars to distort and manipulate the housing market?

Americans expect Congress to address fully the causes of the recent financial crisis. As we work toward a full economic recovery, it is essential that Congress address the root of the problem—failed housing policies that were pushed by the government and manipulated by the private market to reap unprecedented profits for a few bad actors.

I strongly urge my colleagues to consider carefully the future role of government in housing, so that the people of this great nation do not bear the burden of a housing crisis ever again.

AFFORDABLE HOUSING

As is always the case, the housing collapse and subsequent recession have hit vulnerable people the hardest.

We must continue to look forward and renew our commitment and energy to ensure that all Americans have fair access to safe and affordable housing.

It is unacceptable that people with disabilities, families with children and minority residents still meet severe challenges for fair housing.

It is unacceptable that the 20 percent of Americans who suffer a physical disability

face a significant shortage of accessible and affordable housing.

It is unacceptable that one-in-five Hispanics, African Americans, Asians or Native Americans still face discrimination when renting, buying, or financing a home.

And it is unacceptable that so many families, veterans and the mentally ill are homeless.

VA-HUD COMMITTEE

HUD has a number of primary “core” programs to address these needs, including Section 8 housing assistance, public housing, Section 202 housing for the elderly, Section 811 housing for persons with disabilities, the Community Development Block Grant program, the Housing Block grant program, the FHA mortgage-insurance programs and the Homeless Assistance program.

I think it is safe to speak for my colleagues, Ms. Mikulski and Mrs. Murray, in saying that it has not always been easy to garner support for these programs, particularly during tight budget years.

But we did, in fact, increase funding and make these programs more effective through our partnership on the Subcommittee, even when successive Administrations—Democratic and Republican—were not supportive.

In fact, many of the innovations that provide cohesion among the programs were first included in the VA-HUD Appropriations bill at our insistence.

Looking ahead, public housing still faces a crisis of some \$20 billion–\$30 billion in a backlog of capital needs.

It will take vision and will to persevere and make progress addressing this, but there are some good ideas that can help move us forward. Choice Neighborhoods is one such program that provides a mixture of ideas and perspectives for addressing public housing challenges.

And this is an expansion of the HOPE VI program which dramatically changed the way we think of public housing in this country.

HOPE VI

A few of my colleagues will remember our efforts in the early 1990s to rid cities of dilapidated public housing projects which forced residents to live in substandard housing and had become breeding grounds for crime and drug abuse.

The federal government had a rule at that time requiring a one-for-one hard unit replacement of any housing units slated for demolition.

The intention was good, but in practice this meant that cities could not replace housing stock, even if it was uninhabitable.

So with the help of Senator Mikulski, I convinced my colleagues to include a provision in the National Affordable Housing Act of 1990 that would allow St. Louis, in particular, to replace a dilapidated complex called Pruitt-Igoe with both vouchers and hard units.

This demonstration led to what is now known as the HOPE VI program, which has been very successful in developing mixed-income housing and transforming many distressed communities into revitalized neighborhoods with new jobs and economic investment.

FIGHTING HOMELESSNESS

In 2009, I teamed up with Senator Jack Reed (D-RI) to introduce comprehensive legislation designed to get homeless individuals and families into permanent supportive housing where appropriate and to assist others at risk of homelessness so they do not end up on the streets.

The Homeless Emergency Assistance and Rapid Transition to Housing Act (HEARTH) builds upon recent research showing that providing permanent supportive housing is a more effective way to fight homelessness than providing only emergency shelter programs.

Our legislation:

Provides \$2.2 billion for targeted homelessness assistance grant programs;

Allocates up to \$440 million for homelessness prevention initiatives, like those serving people who are about to be evicted, live in severely overcrowded housing, or live in an unstable situation that puts them at risk of homelessness;

Expands the definition of homelessness to allow families on the verge of becoming homeless to qualify for assistance.

The HEARTH Act was approved by the Senate as part of the Helping Families Save their Homes Act, and signed by the President in May of 2009.

HOMELESS VETERANS

According to the National Alliance to End Homelessness, about 20 percent of the homeless using shelters in the U.S. are veterans. Homelessness is a major problem among Iraq and Vietnam veterans, particularly those who may have both physical and psychological problems like Post-Traumatic Stress Disorder (PTSD) or Traumatic Brain Injury (TBI).

Senator Murray and I started a new partnership between HUD and the VA to help homeless veterans in the 2008 Transportation-Housing spending bill.

The program, known as the Veterans Affairs Supportive Housing Program, or HUD-VASH, combines rental housing assistance with case management and clinical services to assist homeless veterans. Veterans use Section 8 rental assistance and the supportive services they need to be integrated back into their communities and former lives.

We have continued to fund the program in the years since and I hope that will continue after I am gone.

In closing, I note that many Americans have experienced a very rough time when it comes to housing recently. We have the opportunity now of learning from the mistakes that were made and taking steps to ensure that such a crisis does not happen again.

One simple principle I hope everyone in this body will remember is that a successful housing program requires that every participant in the process must have “skin in the game.”

To ensure that everyone has “skin in the game” we must:

(1) End “no-down payment” purchases by homeowners, and require at least a 5 percent down payment;

(2) End the 95–100% government guarantee of loans; make lenders and loan promoters face a real economic loss for any bad loan they promote; and

(3) Require that any loan securitizer keep a stake in the loan or mortgage that will be wiped out if the security fails.

In sum, good housing does not require home ownership; a family can live in rental housing when appropriate to their financial circumstances, and we can encourage the availability of such housing.

There are a number of ideas worth pursuing in the affordable-housing arena that will ensure that more Americans have stability in their housing arrangements so they can pursue their lives with some security.

While I will no longer have the opportunity to participate in Senate debates over housing policy, I look forward to continuing my

involvement in these issues in the next phase of my life.

Thank you, and I yield the floor.

Mr. BOND. I yield the floor to my good friend and fellow retiring Senator from my neighboring State of Kentucky, who has been known for his talents on the baseball diamond but also has some, I am sure, very candid comments on what he thinks the Senate has done and ought to do. I will listen with great interest.

The PRESIDING OFFICER. The Senator from Kentucky.

FAREWELL TO THE SENATE

Mr. BUNNING. Madam President, I thank the Senator from Missouri, a dear friend of mine and someone who has unusual wisdom in his remarks today. I listened to many of them. I just hope I have a few that are as well thought out as my good friend from Missouri.

I wish to take a few moments to thank all my colleagues and other individuals who have come to the Chamber to hear me bid farewell. That doesn't mean I will not speak again. That just means I am bidding farewell and this is a farewell speech.

I have had the great fortune of having three wonderful careers during my life: one as a husband and father of 9 children and a grandfather of 40, one as a Major League baseball player for 27 years, and one in public service for 30 years. Many people often talk to me about how different my baseball and public service careers are, but they really are not so different.

I have been booed by 60,000 fans in Yankee Stadium, standing alone on the mound, so I have never cared if I stood alone in the Congress, as long as I stood by my beliefs and my values. I have also thought that being able to throw a curve ball never was a bad skill for a politician to have.

I came to Washington, DC, in 1987, when the people of the Fourth District in northern Kentucky gave me the distinct honor to serve them. I did not know then that the people of Kentucky had bestowed upon me the privilege of representing them for 24 years. I have the same conservative principles in 2010 that I had when I first was elected to Congress.

Over the years, I have always done what I thought was right for Kentucky and my country. I did not run for public service for fame or public acclaim. When I cast my votes, I thought about how they would affect my grandchildren and the next generation of Kentuckians, not where the political winds at the time were blowing. Words cannot express my gratitude to the people of Kentucky for giving me the distinct honor of serving them for 12 years in the House of Representatives and 12 years in the Senate.

Here I stand, though, in the Senate Chamber about to say goodbye after

nearly a quarter of a century in Congress. I have reflected much about my time here. As I stand here at the desk of Henry Clay, the great Kentuckian, I am proud to have had the opportunity to serve in a place in history. I thought it fitting to discuss the legislative items of which I am most proud.

I have three bills I am particularly proud I was able to accomplish signing into law. One of the things I am most proud of during my time in Congress is helping pass legislation that repealed the earnings limit on older Americans under the Social Security system. Social Security used to penalize many older Americans for working by reducing their Social Security benefits by \$1 for every \$3 they earned, if they made more than the earnings limit which was about \$12,000 in 1995. This was an unfair tax on seniors and punished them for continuing to work. I worked hard for many years in both the House and Senate to get this unfair earnings limit eliminated.

Finally, in 2000, after I had been elected to the Senate, it passed and was signed into law. This law has helped many hardworking seniors stay involved in their communities, remain independent, and contribute to society.

Another bill I am proud of is the 2004 Flood Insurance Reformation Act. In 2004, I wrote the last reauthorization of the national flood insurance program. That law provided significant reforms to the program just in time for the 2004-2005 hurricane season, including Hurricane Katrina. Had the law not been in place, homeowners all over the gulf coast would not have had coverage for the flood damage to their homes. The 2004 law is still the framework for the program today. It was not a Republican accomplishment or a Democratic accomplishment. It was a bipartisan accomplishment.

I worked very closely with Senator Sarbanes and Representatives Bereuter and Blumenthal to write and pass that law. While I believe that further changes are still needed to the program, the 2004 law made meaningful changes that put the program on a more sound financial footing.

Unfortunately, passage of the bill was not the end of the story. What happened or, more accurately, what did not happen illustrates one reason people are fed up with Washington: because government does not do what it is supposed to do. Despite the fact the bill passed both the Senate and the House unanimously, FEMA refused to implement all of its provisions in a timely manner. The most glaring example was the appeals process created by the bill for property owners to appeal claims they thought were not settled fairly or correctly. The law gave FEMA 6 months to write the rules. FEMA, instead, took almost 2 years from the day the bill passed to put even draft rules out. They probably

would not have done it then, if it was not for the right of one Senator to object. I had to hold the nominee to head the agency to get the attention of the Bush administration and move the Secretary of Homeland Security to finally publish the rules. It should not have been that way.

The third bill I am grateful was signed into law is the Emergency Employee Occupational Illness Compensation Program. The Paducah, KY, gaseous diffusion plant is the only operating uranium enrichment plant in the United States. When I came to the Senate, I held the first hearing to look at cleaning up the contamination the Department of Energy left at the site. After the hearing, I focused on cleaning up the site. A lot has been cleaned up since that first hearing 10 years ago. I also worked hard to provide compensation to workers who suffered serious illnesses as a result of their employment at the DOE nuclear weapons program plant.

This energy employment compensation program was set up because many workers served our country's nuclear programs during the Cold War and their health was put at risk without their knowledge—the first compensation bill passed in 2000, with the help of a bipartisan group of Congressmen and Senators. I then became aware that DOE was slow-walking claims processing and payment to many claimants and their portion of the compensation program. So in 2004, again, with the help of a bipartisan group of Senators and Congressmen, I spearheaded legislation that moved the entire program over to the Department of Labor which had sped up and streamlined compensation for the sick nuclear workers.

Along with many of my achievements, I also had time to reflect on some of the disappointments I wish I had been able to fix during my time here. I am deeply concerned about the state of entitlement programs—Medicare, Medicaid, and Social Security. It is clear that our government cannot meet its future obligations and ultimately the American people will suffer, unfortunately. Too many Members of Congress are willing to look the other way and let the financial problems of these programs fester instead of making hard decisions. Congress just cannot get the courage together to address these issues head on.

In fact, after President Bush's second election, Congress briefly focused on the problems of Social Security solvency. At the time, I was a strong supporter of private investment accounts but certainly realized that the whole system needed an overhaul and was open to many different options. Toward the end of the debate, I was willing to tackle Social Security reform even if we did not do investment accounts, as long as we did something. However, it quickly became apparent that many

Members of Congress—even some in my own party—were not willing to get serious about this. Six years later, Congress still has not touched Social Security reform, and the program is even in worse financial shape.

Medicare and Medicaid are in the same position. In 2006, Congress finally got serious about spending in these programs and passed the Deficit Reduction Act. This bill slowed the rate of growth—the rate of growth—in Medicare by \$6 billion and in Medicaid by \$5 billion over 5 years. Let me be clear about this. We were not cutting spending in these programs. We were just slowing the growth.

Well, you would have thought the sky was falling when we did this. The longer Congress takes to honestly tackle these fiscal challenges, the harder it will be to fix these programs. This means bigger cuts, bigger deficits, and bigger tax increases.

Health care is another area where Congress should have done better. The other side of the aisle's stubborn refusal to compromise and, more importantly, listen to the desires of the American people on health care reform led to the passage of a bill that is one of the worst pieces of legislation I have seen in Congress in 24 years.

The health care bill is clearly unconstitutional, will force millions of Americans to lose the health insurance they currently enjoy, give the IRS—that is the Internal Revenue Service—the power to police and tax Americans who do not have health insurance, and takes over \$500 billion out of Medicare programs to pay for new spending.

Despite all the rhetoric from the administration and Democratic leaders about being transparent and open and willing to compromise, it quickly became clear that they only wanted Republican support if we agreed to everything they wanted to do. Well, compromise does not work like that. A compromise means you actually have to take ideas from other people instead of just giving lip service.

One of the other recent disappointments was the financial regulation bill passed earlier this year. Before my first election, I spent 31 years working in the security business. That was back when baseball players did not make millions of dollars a year and had to have jobs in the off-season to pay the bills. I spent nearly all of my time in Congress on either the old House Banking Committee or the Senate Banking Committee, so this is something I know a great deal about and care about.

There were, and are, real problems in our financial system. But that bill is not going to fix them and almost certainly sows the seeds for the next banking and financial crisis while, at the same time, adding more burdens on the economies struggling to recover.

That bill did not replace bailouts with bankruptcy. It made bailouts a

permanent part of the financial system. The bill did not force the too-big-to-fail banks to get smaller. It gave them special status. The bill ignored the role of housing finance and left Fannie Mae and Freddie Mac alone. The housing crisis could not have happened without Fannie Mae and Freddie Mac.

The Senate failed to act on a bill to reform Fannie and Freddie passed by the Banking Committee in 2006, and that failure is going to end up costing taxpayers hundreds of millions of dollars. Congress has to do something soon to get them off the taxpayers' life support they have been on since 2008. But, unfortunately, that did not happen in the financial reform bill.

The bill also ignores the Federal Reserve's failures as a regulator and, instead, gave them more power. And, worst of all, the bill did nothing to rein in the largest single cause of the current financial crisis and most other financial crises in the past: flawed monetary policy by the Federal Reserve.

Nothing Congress has done will stop the next bubble or collapse if the Fed continues with its easy money policies. Cheap money will always distort prices and lead to dangerous behavior. No amount of regulation can contain it.

For many years, I was a lone critic of the Federal Reserve. Particularly, no one questioned Alan Greenspan, despite his policies causing two recessions and two asset bubbles. I was the lone vote against Ben Bernanke in 2006. I was the lone vote because I thought he would continue the Greenspan monetary and regulatory policies. Well, he did. He kept it up—a flawed monetary policy—and was slow to regulate. Then, in 2008, he took the Federal Reserve into fiscal policy by bailing out Bear Stearns and, later, AIG, and just about every other major financial institution in the country. As we saw, even last week around the world, Chairman Bernanke compromised the independence of the Fed and turned it into an arm of the U.S. Treasury.

Things have not gotten better since then either. Chairman Bernanke is continuing with the easy monetary policy, and a month ago started the printing presses again to buy up more Treasury debt. While the Fed may be propping up the banks with plenty of cheap money, he is undermining our currency.

Other central banks are moving away from the dollar and gold is continuing to climb. Just like the soaring national debt and entitlement costs, the destruction of the dollar is not sustainable. Congress must act to rein in the Chairman of the Federal Reserve and the Fed before they destroy our currency and permanently damage our economy and financial system.

Public awareness of what the Fed is doing is increasing, while public opinion of the Fed is falling. Chairman

Bernanke had nearly twice as many votes cast against him in the Senate earlier this year than any other Fed Chairman in history. It is just not outside the Fed that opposition is growing. Regional Federal Reserve Bank presidents are speaking up and voting against Fed policy. Even some members of the Fed Board are recognizing the dangers of Chairman Bernanke's policies. I am more hopeful now than ever that Chairman Bernanke and the Fed will not be allowed to continue the flawed policies and act as an arm of the Treasury and the major banks.

As I stand here and reflect upon my time in Congress, I can honestly say I am gratified, despite the ups and downs, to have had the opportunity to serve my country and serve the people of the Commonwealth of Kentucky.

Twenty-four years is a very large portion of my life and my family's life. I thank my nine children: Barb, Jim, Joan, Cat, Bill, Bridget, Mark, Amy, and David, and my 40 grandchildren, who inspired me to try to make this country better and better for the next generation to live.

I also want to give a special thanks to my wife Mary, the mother of my nine children and my childhood sweetheart from the fourth grade. I thank her for being at my side through all of the road trips, the late nights I spent in the House and the Senate. She is my better half, who supported and stood by me. She is my lighthouse that always shone in the dark during the good and the bad times of public service. She prayed me to my wins in public service and in baseball, and I never could have done any of these achievements without her.

As this chapter in my life comes to an end and I flip the page into a new chapter, I thank very much all the other people in my life who have stood by me. Without the friendship and support of so many over the years, I never would have been able and had the privilege to represent Kentucky in the House and the Senate.

As I leave here today, I offer a little prayer for the next Congress. Pope John Paul II once said:

Freedom consists not in doing what we like, but in having the right to do what we ought.

This is the motto I have tried to live by during my time in Congress. I pray that the Members of the next Congress do what is right for the country, not what is right for their fame and their future aspirations. My hope is that Congress will focus on the astronomical debt instead of continuing down the path of spending our future generations into higher taxes and a lower standard of living than we have now.

Godspeed and God bless.

With a sense of pride and gratitude, I will say for the last time, Mr. President, I yield the floor.

Mr. FRANKEN. Mr. President, I note the absence of a quorum.

The PRESIDING OFFICER (Mr. MANCHIN). The clerk will call the roll. The assistant legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

FAREWELL TO THE SENATE

Mr. DORGAN. Mr. President, those of us who are leaving the Congress at the end of this year are given the opportunity to make a farewell speech. But more, it is an opportunity to say thank you to a lot of people to whom we owe a thank-you, and to colleagues, to family, to the staff here in the Senate and our state staff, and the people of North Dakota, in this case, who gave me the opportunity to serve. It is the opportunity for me to say thank you.

One of my colleagues the other day talked about the number of people who have served in the Senate. Since the beginning of our country, there have been 1,918 people who have served in the Senate. When I signed in, I signed on the line, and I was No. 1,802. There have been 212 Senators with whom I have served in the years I have been in the Senate. It is hard to get here and it is also hard to leave. But all of us do leave, and the Senate always continues. When finally you do leave, you understand this is the most unique legislative body in the world.

I arrived 30 years ago in Congress, and when we all show up the first day, we feel so very important and we believe the weight of the world rests on our shoulders. Then we begin getting mail from home.

I have long described a letter that was sort of leavening to me, sent to me by a schoolteacher early on after I arrived here. Her class was to do a project to write to DORGAN in Washington, DC. I paged through the 20 letters from fourth grade students, and one of them said: Dear Mr. DORGAN, I know who you are. I see you on television sometimes. My dad watches you on television too. Boy, does he get mad.

So I knew the interests of public service, of trying to satisfy all of the varied interests in our country. It is important, it seems to me, that we do the right thing as best we can and as best we see it. That dad from that letter showed up at a good many of my meetings over the years, I think. He didn't introduce himself. But in most cases, the people I represented over these many years were people, ordinary folks who loved their country, raised their families, paid their bills, and wanted us to do the right thing for our country's future.

I have a lot of really interesting memories from having served here, 12 years in the House and 18 years in the

Senate. The first week I came to Washington, in the House, I stopped to see the oldest Member of the House, Claude Pepper. I had read so much about him, I wanted to meet him. I walked into his office, and his office was like a museum with a lot of old things in it, really interesting things. He had been here for a long, long time. I have never forgotten what I saw behind his chair—two photographs. The first photograph was of Orville and Wilbur Wright, December 17, 1903, making the first airplane flight, signed “to Congressman Claude Pepper with admiration, Orville Wright.” Beneath it was a photograph of Neil Armstrong stepping on the surface of the Moon, signed “to Congressman Pepper, with regards, Neil Armstrong.” I was thinking to myself, here is a living American and in one lifetime, he has an autographed picture of the first person who learned to fly and the first person who walked on the Moon. Think of the unbelievable progress in a lifetime. And what is the distance between learning to fly and flying to the Moon? It wasn't measured on that wall in inches, although those photographs were only 4 or 5 inches apart; it is measured in education, in knowledge, in a burst of accomplishments in an unprecedented century.

This country has been enormously blessed during this period. The hallmark, it seems to me, of the century we just completed was self-sacrifice and common purpose, a sense of community, commitment to country, and especially, especially leadership. In America, leadership has been so important in this government we call self-government.

There was a book written by David McCullough about John Adams, and John Adams described that question of leadership. He would travel in Europe representing this new country, and he would write letters back to Abigail. In his letters to Abigail, he would plaintively ask the question: Where will the leadership come from for this new country we are starting? Who will become the leaders? Who will be the leaders for this new nation?

In the next letter to Abigail, he would again ask: Where will the leadership come from? Then he would say: There is only us. Really, there is only us. There is me, there is George Washington, there is Ben Franklin, there is Thomas Jefferson, there is Hamilton, Mason, and Madison. But there is only us, he would plaintively say to Abigail.

In the rearview mirror of history, of course, the “only us” is some of the greatest human talent probably ever assembled. But it is interesting to me that every generation has asked the same question John Adams asked: Where will the leadership come from for this country? Who will be the leaders?

The answer to that question now is here in this room. It has always been in

this room—my colleagues, men and women, tested by the rigors of a campaign, chosen by citizens of their State who say: You lead, you provide leadership for this country.

For all of the criticism about this Chamber and those who serve in this Chamber, for all of that criticism, I say that the most talented men and women with whom I have ever worked are the men and women of the Senate on both sides of this aisle. They live in glass houses. Their mistakes are obvious and painful. They fight, they disagree, then they agree. They dance around issues, posture, delay. But always, always there is that moment—the moment of being part of something big, consequential, important; the moment of being part of something bigger than yourself. At that moment, for all of us at different times, there is this acute awareness of why we were sent here and the role the Senate plays in the destiny of this country.

The Senate is often called the most exclusive club in the world, but I wonder, really, if it is so exclusive if someone from a town of 300 people and a high school senior class of 9 students can travel from a desk in that small school to a desk on the floor of the Senate. I think it is more like a quiltwork of all that is American, of all the experiences in our country. It allows someone from a small town with big ideas to sit in this Chamber among the desks that were occupied by Henry Clay, Daniel Webster, Harry Truman, Lyndon Johnson, and so many more, and feel as if you belong. That is the genius of self-government.

I announced about a year ago that I would not seek reelection after serving here 30 years, 12 in the House and 18 years in the Senate. I am repeatedly asked, as is my colleague Senator DODD, I am sure, who is leaving at the end of this year, what is your most significant accomplishment? While I am proud of so many things I have done legislatively, the answer is not legislative. I have always answered it by saying: Well, the first month I was here, 30 years ago next month, I stepped into an elevator on the ground floor of the Cannon Office Building of the U.S. House of Representatives. That step into that elevator changed my life. There was a woman on that elevator, and between the ground floor and the fourth floor, I got her name. And that is a pretty significant accomplishment for a Lutheran Norwegian. This year, we celebrated our 25th wedding anniversary. My life has been so enriched by my wife Kim and children, Scott and Shelly and Brendon and Haley; grandchildren Madison and Mason—they serve too. Families are committed too, to this life of public service, weekends alone, and I am forever grateful to the commitment and sacrifice of my family.

I wish to say two things about some other people as well.

First, there is our staff. All of us would probably say—but, of course, I say with much greater credibility—I have the finest staff in the U.S. Senate. I have been so enormously blessed. I am so proud of all of them. They are talented, they are dedicated to this country, and I have been blessed to work with them. In fact, I have worked with most of them for many, many years.

Then I wish to say to the floor staff of the Senate that I come here, as do my colleagues, and we say our piece and we get involved in the debates, and the floor staff does such an unbelievable job. When we are done speaking, we often leave. They are still here. They are the ones who turn out the lights. They refrain from rolling their eyes when I know they want to during these debates. Boy, are they professional, and all of us owe them such a great debt of gratitude.

To my colleagues, I kind of feel like Will Rogers: There is nobody in here I do not like.

It is a great place with some terrific colleagues, especially Senator KENT CONRAD. We have been friends for 40 years. For 40 years we have been involved in the political fights and the political battles in North Dakota. He is a great Senator. I said last night at a reception: He is the best Senator in the United States Senate come January. But what I should just say right now is, he is an outstanding Senator and makes a great contribution to this body. Congressman POMEROY, with whom I have served, the other part of Team North Dakota, three of us who worked together on campaigns 40 years ago, in North Dakota and who then for 18 years were the only three members of North Dakota's Congressional Delegation. It has been a great pleasure. We will continue these friendships. But I say thanks to Senator CONRAD especially for the work we have done together.

Now, you know—and it shows—I love politics. I love public service, always have. John F. Kennedy used to say every mother kind of hopes her child might grow up to be President, as long as they do not have to be active in politics. But, of course, politics is the way we make decisions about America. It is an honorable thing. I have always been enormously proud of being in politics. I have run 12 times in statewide elections since age 26. I have served continuously in statewide elective office since the age of 26—never outside of statewide elective office—for a long time, 40 years. It has been a great gift to me to be able to serve, and I am forever grateful to the people of North Dakota who have said to me: We want you to represent us.

Now it is time for me to do some other things that I have long wanted to do. That is why I chose not to seek reelection this year.

Let me be clear to you. I did not decide not to run for the Senate because I am despondent about the state of affairs here. That is not the case. These are difficult and troubling times. But I did not decide not to run and to criticize this institution, although there is plenty of which to be critical. I do not want to add to the burdens of this institution. This institution is too important to the future of this country.

I could talk, by the way, for hours about the joys of serving here with all of my colleagues.

I was thinking about the late Ted Kennedy, when I was jotting a few notes, standing at his desk back in that row for many years. I know no one will mind me saying this: I think he is the best legislator I have ever seen in terms of getting things done. Ted Kennedy, full of passion, and on certain days when he was agitated and full-throated, you could hear him out on the street fighting and shouting for the things he knew were important for America.

I think of Bob Dole who would saunter onto this floor, and he almost seemed to have an antenna that knew exactly what was going on, what the mood was, and what he could and could not do and how you must compromise at certain times. He had a knack like that, unlike any others I have seen.

I think of Strom Thurmond, who left us at age 101. If anybody could know his life story, what an unbelievable, courageous story. One of the things that I remember about Strom Thurmond is my involvement with legislation for organ transplantation to save people's lives. I did a press conference on a bill I was introducing on organ transplants, and Strom Thurmond showed up. I think he was 90 years old. He signed an organ donor card. He said after he signed the organ donor card at age 90: I do not know if I've got anything anybody wants, but if I am gone, they are welcome to it.

Robert C. Byrd, who sat where my colleague is sitting now—they do not make them like Robert C. Byrd anymore. I recall one day when another colleague was on the Senate floor, Robert C. Byrd got very angry about what the other colleague was saying. He believed it was disrespectful. So he rushed up to the Chamber, and the other colleague had left by that time. I do not know that our colleague ever understood what happened to him. But Senator Byrd, being very angry at what the other Senator had said, said simply this: I have been here long enough to watch pygmies strut like Colossus. He said: They, like the fly in Aesop's Fables, sitting on the axle of a chariot observe, my, what dust thy do raise. Then he sat down. And I thought, you know, they do not make Senators like that anymore. The Senator who left did not understand what Senator Byrd had just done, cutting him off at the knees.

But I take a treasury of memories. I should mention as well one of my best friends, Tom Daschle, who served here, a wonderful friend and a great leader for a long while as well. I just take a treasury of memories from this place.

This place, however, has substantial burdens ahead of it, and will have to make good decisions, tough decisions, and exhibit the courage needed for the kind of future we want; we are going to have to put some sacrifice on the line for our country's future.

I want to talk for a bit about a couple of those issues. While there are always big issues, and I have always been interested in debating the big issues, my principal passion has been to support family farmers, small business folks, and the people who go to work every morning at a job; the family farmers out there who live on hope, plant a seed, and hope it grows, who risk everything; the Main Street business owner who this morning got up and turned the key in the front door and went in and waited because they have everything in their financial lives on the line, hoping their small business works; and the worker who goes to a job in the morning every day, every day, and they are the ones who know "seconds," those workers at the bottom of the economic ladder. They know second shift, secondhand, second mortgage. They know it all. The question is, who speaks for them? The hallways outside the Chamber are not crowded with people saying: Let me speak for those folks.

In the first book I wrote, the first page, a book called "Take This Job and Ship It," about trade, on the first page of that book I describe a story that was told about Franklin Delano Roosevelt's funeral. As they lined up in this Capitol to file past the casket of the deceased President, a journalist was trying to capture the mood of people who were waiting in line. He walked up to a man, a worker who was holding his cap in front of him standing there with tears in his eyes, and the journalist said to this working man: Well, did you know Franklin Delano Roosevelt?

The man said: No, I didn't. But he knew me.

The question is, it seems to me, for every generation in this Chamber, who knows American workers? Who stands up for the people who go to work every morning in this country? As I said, there are big issues that relate to workers and farmers and businesspeople and others in this country.

Let me just mention a couple. We know that for America to succeed we have to fix our schools. Thirty percent of the kids going to schools are not graduating. That cannot continue. We cannot have schools that are called dropout factories. We need the best schools in the world with the best teachers in the world if we are going to

compete. We need substantial education reform.

We also have to get rid of this crushing debt. We know we cannot borrow 40 percent of everything we spend. We know better than that. All of us know that. We have been on a binge, and it has to change. We cannot borrow money from China, for example, to give tax cuts to the wealthiest Americans. Somehow we have to change all of these issues. It is time for this country to sober up in fiscal policy and leadership from this Chamber as well.

We need a financial industry that stops gambling and starts lending, lending especially to those businesses that want to create jobs and want to expand. We need a fair trade policy that stands up for American workers for a change and promotes "made in America" again. We are not going to be a world economic power if we do not have world class manufacturing capability. It is dissipating before our eyes. This is all about creating good jobs and expanding opportunities in this country. It is not happening with our current trade policy. It is trading away America's future, and we know better than that.

On energy, we have ridden into a box canyon. Sixty percent of the oil we use comes from other countries, some of it from countries that do not like us very much. That holds us hostage, and we cannot continue that. We need to produce more of all kinds of energy at home. We need to conserve more. We need more energy efficiency. We need to do all of these to promote stability and security in this country.

Another issue that I have spent a lot of time working on deals with American Indians. They were here first. We are talking about the first Americans. They greeted all of us. They now live in Third World conditions in much of this country, and we have to do better. We have to keep our promises and we have to honor our treaties. In this Congress, I have had the privilege of chairing the Indian Affairs Committee. This Congress, however, as tough as it has been, has done more on Indian issues than in the previous 40 years. We passed the Indian Health Care Improvement Act, the first time in 17 years. We passed the Tribal Law and Order Act that I and others helped write, which is so very important. We just passed yesterday the special diabetes provisions that are so important to the Indians. We put \$2½ billion in the Economic Recovery Act to invest in health care facilities and education and the other things that are necessary in Indian Country.

We just passed the Cobell settlement which deals with a problem that has existed for 150 years in which looting and stealing from Indian trust accounts went on routinely. President Obama signed the bill last night at the White House.

Those five things are the most important elements together that have been

done in 40 years by a Congress dealing with Indian issues. But the work is not nearly over, and we have to keep our promises and honor our trust agreements.

We face some pretty big challenges. But the fact is, our grandparents and great-grandparents faced challenges that were much more significant as well, and they prevailed.

All of us in politics especially know the noise of democracy is unbelievable. It is relentless, incessantly negative, and it goes on 24/7. We have bloviators all over the country who are trying to make sounds from the chest seem like important messages from their brain. They take almost everything they can find in any paper from any corner of this country that seems stupid and ugly and just way out of line, and they hold that up to the light on their program and they say: Isn't this ugly?

Sure it is ugly, but it is not America. It is just some little obscene gesture somewhere in the corner of our country. It is not America. There is this old saying, "bad news travels halfway around the world before good news gets its shoes on." That is what is happening all the time. This country is full of good. It is full of good things, good people, and good news. Every day people go to work to build, create, and invent, and they hope the future will be better than the past.

There was a book titled "You Can't Go Home Again" by Thomas Wolfe. He said there is a peculiar quality of the American soul, a peculiar quality of the American soul that has an almost indestructible belief, a quenchless hope that things are going to be better, that something is going to turn up, that tomorrow is going to work out, and somehow that has been what has been the hallmark of American aspirations.

When I graduated college with an MBA degree and got my first job in the aerospace industry at a very young age, the first program or project I worked on was called the Voyager Project. We were, with Martin-Marietta Corporation, building a landing vehicle for Mars. That was 40 years ago. That program was discontinued after about 4 years.

But 5 years ago, the new program resulted in firing two missiles, two rockets from our country, 1 week apart. We aimed them at Mars. One week apart the rockets lifted off with a payload. When they landed, 200 million miles later, they landed 1 week apart on the surface of Mars. The payload had a shroud and it opened and a dune buggy drove off the shroud and started driving around on the surface of Mars. First one did, and then a week later the second arrived. They were named Spirit and Opportunity. Five years ago, we began driving Spirit and Opportunity on the surface of Mars. They were American vehicles. They were supposed to last for 90 days. We are

still driving those dune buggies on the surface of Mars 5 years later.

Spirit, very much like old men, got arthritis of the arm. So they say it hangs at kind of a permanent half salute.

Spirit also has five wheels, and one wheel broke. So the wheel didn't break off, but now it is digging a trench about 2 inches deeper on the surface of Mars and the arthritic arm just barely gets there, but it does. It gets back to sample even a slightly bit deeper into the soil of Mars to tell us a little bit about what is going on. Spirit, by the way, also fell asleep about 1 year ago. They couldn't reach it. It takes 9 minutes to communicate electronically, by radio, with these dune buggies on Mars. So they sent a signal to a satellite we have circling Mars and had the satellite send a signal to Spirit and Spirit woke right up. So two dune buggy-sized vehicles are traveling on the surface of Mars driven by American genius.

My point in all this is, first of all, they are very aptly named during challenging times—"Spirit" and "Opportunity," manufactured to last only 90 days but still driving around on the surface of Mars 5 years later. If American invention and American initiative can build rockets and dune buggies and drive them on the surface of Mars, surely we can fix the things that are important on planet Earth. I was going to say this isn't rocket science, but I guess it is.

This country is an unbelievable place. This is all a call to America's future. Where we have been and what we have done, all these things together ought to inspire us that we can do so much more.

George Bernard Shaw once said:

Life is no brief candle to me. It is a splendid torch which I am able to hold but for a moment.

This is our moment. This is it.

About 15 years ago, I was leading a delegation of American Congressmen and Senators to meet with a group of European members of Parliament about our disputes in trade. About an hour into the meeting, the man who led the European delegation slid back in his chair, leaned across to me, and he said: Mr. Senator, we have been speaking for an hour about how we disagree. I want to tell you something. I think you should know how I feel about your country. I was a 14-year-old boy on a street corner in Paris, France, when the U.S. liberation Army marched down the Champs-Élysées. An American soldier reached out his hand and gave me an apple as he marched past. I will go to my grave remembering that moment, what it meant to me, what it meant to my family, what it meant to my country.

I sort of sat back in my chair, thinking, here is this guy telling me about who we are and where we have been

and what we have meant to others. It was pretty unbelievable. Our problems are nothing compared to where we can go and what we can be as a country, if we just do the right thing.

This Senate has a lot to offer the American people. I know its best days are ahead. That splendid torch, that moment, that is here. That torch exists in this Chamber as well.

I feel unbelievably proud to have been able to serve here with these men and women for so long. I am going to go on to do other work. But I will always watch this Chamber and those who will continue to work in this Chamber and do what is important for this country's future. I will be among the cheerleaders who say: Good for you. Good for you. You know what is important, and you have steered America toward a better future.

I thank my colleagues.

(Applause, Senators rising.)

Mr. DURBIN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CONRAD. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CONRAD. Mr. President, we have just heard from Senator DORGAN, an extraordinary Senator and even more extraordinary as a friend. He has served in the Congress for 30 years. He has served in public office in my State for more than 40 years. It has been my privilege to call him my best friend for 42 years. We just heard the remarkable ability he has, a gift, to paint word pictures that communicate with people, that help us understand the consequences of the actions we take here.

In recent weeks, I have become very interested in the universe and the vastness of what surrounds us. One of the things I have found most striking is that 1 light-year takes light 1 year, it goes 5.8 trillion miles and the universe is 12 to 15 billion light-years across. This is a vastness that is hard for us to calculate. Scientists tell us it all started with a big bang almost 14 billion years ago. Now scientists are saying it may not just be one big bang but there is a cycle that takes place over 1 trillion years that leads to repeated big bangs. BYRON DORGAN has been a big bang in the Senate. He has made a difference here. He has made an enormous difference in our home State of North Dakota. He helped build a foundation that has made North Dakota, today, the most successful State in the country—the lowest unemployment, the best financial situation, the fastest economic growth. BYRON DORGAN helped build a foundation that has transformed our State. We are forever in his debt.

As his friend and colleague, we are forever grateful to the contributions he has made to North Dakota and to the Nation.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I associate myself with the remarks of the Senator from North Dakota and add my voice as well to celebrate Senator DORGAN's tenure in the Senate. I wish he was going to stay. He has been someone about getting things done. As somebody who has sat in the presiding chair a number of times, I have heard Senator DORGAN. Even when I don't fully agree with him, no one is more persuasive in arguing his case.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTES TO RETIRING SENATORS

ROBERT BENNETT

Mr. REID. Mr. President, I am sorry I was tied up in other matters today and not able to hear speeches of some of our Senators who are departing. I will have more to say at a later time. I did want to say on two of the Senators, I watched some of their remarks.

Senator BENNETT from Utah is a very dear friend of mine. We have traveled around as Members of the Senate, visiting places all over the world. His wife Joyce is an accomplished artist. She is a flutist. She is well known here and in Utah. Senator BENNETT is a very courageous man. What a disappointment he was not reelected. I am not usually giving speeches for my Republican colleagues, but it is a real loss to the country that Senator BENNETT will not return to the Senate. He is a very courageous man. He represents the ideals of the State of Utah. He is a very devout member of his church. He is a person who calls his political issues the way he sees them. His having been criticized for supporting his President, a Republican President, on the Toxic Asset Relief Program is unfair. This was one of the most important issues we faced in ages in this country, and I think the proof is in the pudding. Of the hundreds of billions of dollars—almost \$1 trillion—that were put out for that fund, all but \$25 billion is paid back and most of the economists say we will get more than that back from some of the things that were invested in.

I admire the public service of Senator BENNETT. It has been outstanding. It meets the accomplishments of his fa-

ther who also served very well in the U.S. Senate. I am going to miss him a great deal. What a wonderful human being. He is an author. He has in the past been a very successful businessman, and I think one of the most accomplished legislators I have had the pleasure to deal with.

BYRON DORGAN

BYRON DORGAN from North Dakota is such a fine person. He for many years has had the same job I had under Senator Daschle, the head of the Democratic Policy Committee, and he rendered valuable service to the caucus, to the Senate, and the whole country in his capacity there. We served together in the House of Representatives. We have traveled together. His wife Kim is such a fine human being. I am going to miss BYRON. He is and has been one of my close advisers, close friends. I hope I am not being boastful here, but I don't think Tom Daschle had two better friends in the Senate than DORGAN and REID. We were very close to him. We admired our friend Tom Daschle and did everything we could to make his life here as pleasant as possible.

As far as being a good speaker, he is very good. He has a unique way of communicating that very few people I have known have had. He is someone who, as far as the finances of this country and the world, is without peer as a legislator. He knows it all, and he has a way of articulating his views that is unique and I think very powerful. So I am going to miss BYRON DORGAN very much. He is a wonderful human being. I care a great deal about him. I have watched his son and daughter grow up. They are in college now. I remember them when they were little kids. In fact, my son Key, who was a fine athlete at the University of Virginia, when he was playing on those national champion soccer teams at the University of Virginia, gave BYRON's son Brendon a few soccer lessons. So I am grateful for the friendship of Senator BENNETT and Senator DORGAN.

JIM BUNNING

Senator BUNNING, I of course admire because of his great athletic skills. He is a member of the Baseball Hall of Fame. To think I have had the opportunity to serve in the Senate with one of the great pitchers of all time. I love talking to JIM BUNNING about his baseball days. Some of the stories he has told I have repeated many times and I will never forget them. One of the things he said that I have repeated on a number of occasions—JIM BUNNING was a great pitcher, an All-Star with no-hitters in both leagues. But he has some humility, because he said there was Sandy Koufax and there was the rest of us. He and I don't vote often the same way, but he is a man who has a strong opinion, and I am going to miss JIM BUNNING and the ability for me to talk to him about his athletic feats. I certainly wish him well in whatever his endeavors may be in the future.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2011—MOTION TO PROCEED—Resumed

Mr. REID. Mr. President, discrimination has never served America very well. When it applies to those who serve America in the Armed Forces, it is both disgraceful and counterproductive.

The theory behind don't ask, don't tell is a thing that happened way in the past. The theory behind this should be a thing of the past, and we should put the policy behind us. It is obsolete, it is embarrassing, and it weakens our military and offends the very values we ask our troops to defend. We need to match our policy with our principle and finally say that in the United States, everyone who steps up to serve our country should be welcomed. That is the only argument that is right and it should be enough.

That is not the only reason we should repeal it. Repealing it will make our military stronger. It doesn't make America safer to discharge troops with critically needed skills, and that is exactly what has happened. This policy is responsible for the discharge of about 14,000 highly qualified service men and women—people whom we have spent millions of dollars training—and we never will know how many wanted to sign up but stayed away because of don't ask, don't tell. It doesn't make us stronger to limit military readiness of an all-volunteer force. Don't ask, don't tell doesn't help morale; it hurts morale.

The other side may feel passionately that our military should sanction discrimination based on sexual orientation, but they are clearly in the minority and they have run out of excuses. The Chairman of the Joint Chiefs of Staff supports repealing it. So does the Secretary of Defense. The vast majority of the military say that it would not oppose repeal. The majority of Americans support repealing it too. There is simply no evidence and no justification—legal, military, or otherwise—for keeping this policy in place. There is no reason to keep America's citizens from fighting for a country they love because of whom they love.

The next Speaker of the House has asked why we would get into this debate. He said, Why should we get into this debate during a time of two wars and ongoing security concerns? I think wartime is exactly the right time to do everything we can to strengthen our military. It couldn't be a better time.

What opponents of don't ask, don't tell don't want to ask is what this policy tells us about equality between our principle and our practice. We can no longer ask our troops to die for a flag that represents justice and ask them to be false to themselves while they do it.

The other side knows it doesn't have the votes to take this repeal out of the

Defense Authorization Act, so they have been holding up this bill for a long time—for months. And the latest—the Chair certainly has known about it—is a letter from 42 Senators in a further effort to stall this legislation, saying we have to finish the tax bill and we have to finish the spending bill before you can do anything of a legislative nature. What kind of sense is that, when we are so crammed with things to do? With all the things we have to do, why would they do that, other than simply trying to avoid it, and they have been doing it for a long time. We tried every possible way to move forward. When they refuse to debate it, they also hold up the other good and important, urgently needed parts of the bill. It is not only don't ask, don't tell.

The bill before us contains an across-the-board pay raise for all of the members of the military. More than that, we authorized over 35 different bonuses and special pay incentives that our troops depend on to make ends meet. Let me be clear: Failure to pass this bill means our troops will lose these benefits.

The chairman of the Armed Services Committee was on the floor today saying if we don't do it today, we can't do it. In fact, everyone knows they have stalled this so long that meeting cloture—the average time for a conference committee on this bill is 70 days—70 days; not 7, 70 days.

The bill also contains provisions that would expand health care for troops and their families and significantly enhance mental health care for service-members returning from Iraq and Afghanistan. It would fund critical troop protection needs such as MRAPs and up-armored humvees, which are desperately needed on the battlefield. It would support critical missions in Afghanistan, including expanding intelligence collection efforts, disrupting Taliban finances, and building the Afghan National Army so that Afghanistan can take responsibility for its own security. These are not minor or unimportant issues. These are life-and-death matters for real Americans risking their lives for us, for our defense. We ask our troops to trust us and fight for us and be brave enough to stand in the line of fire. When we send our troops into battle, we do so because we believe strongly that we stand on the right side of history. We have to believe that, because we know the consequences of war and the terrible burdens it carries.

Not far from here—I hope the Presiding Officer has the opportunity to see this during his tenure here in the Senate—is the Congressional Cemetery. It is worth going and seeing. It is 2 miles southeast of where we stand right now on the banks of the Anacostia River. It is a final resting place

of veterans of every war this Nation has ever fought. It is not Arlington. It is the Congressional Cemetery. It is also where 19 U.S. Senators, more than 70 Congressmen, a former Speaker of the House, and a former Vice President are buried. One tombstone there belongs to an Air Force sergeant who fought in Vietnam. He became famous shortly after that war ended when he tried to be in the military and out of the closet at the same time.

He lost that fight. His tombstone at Congressional Cemetery reads as follows:

When I was in the military, they gave me a medal for killing two men and a discharge for loving one.

America is better than that. When it comes to equality in the military, we know which side is the right side of history. The only question is whether we are brave enough to stand there.

In a few moments, I will move to reconsider the motion to proceed to this bill. This legislation is critical for our troops, and it is unconscionable to leave here without passing it. I bent over backward to find a way to get this bill done. It is clear that Republicans—a few of them—don't want to vote on repealing don't ask, don't tell. They are all doing what they can to stand in the way of the bill. They want to block a vote on this issue at all costs, even if it means we do not pass the Defense authorization bill for the first time in 48 years, even if it means our troops don't get the funding and protections they need.

What we have gone through to try to get this bill on the floor reminds me of a story—it is not a story; it is an experience I had as a boy. I don't know how old I was. Let's say I was about 11. As everyone knows now, I was born in a little town on the southeastern tip of Nevada. I never traveled anywhere. I was a teenager before I went to Needles, CA, which was about 50 miles from Searchlight.

My brother, 10 years older than I, got out of high school and got a job in Ash Fork, AZ, working for Standard stations. It was a big deal that he was going to take his little brother there to spend a week. I was excited. It was wonderful. Ash Fork was quite a ways from Searchlight—a couple hundred miles. But the reason I am telling you this story is that my brother was busy after work with his girlfriend—more so than with his little brother—so he palmed me off a lot of the time on his girlfriend's brother, who was a little bit older than I. There wasn't a thing in the world her little brother could do as well as I could. In all the games we would play, do you know something? I never won a single game. Why? Because he kept changing the rules during the game. It didn't matter what the game was, he kept changing the rules. So I was always the loser.

Well, that is what is happening here on this bill. It doesn't matter what I

do; before we get to the end of it, they change the rules again. How about four amendments—two on each side? No. Anyway, we have gone through all these different iterations and everything. No, we can't do it.

I have already tried to bring this bill to the floor twice this year. In fact, I offered to bring it up this summer, with no restrictions, but the Republicans refused this request. It is just like I talked about my trip to Ash Fork, AZ, where I could not win because the rules kept being changed—because my friends on the other side of the aisle blocked both of these attempts. Now we are trying to get this bill done in a lameduck session when everybody knows we have so much to do and we don't have time for unlimited debate. Some of the requests have been really unusual. Seven days of debate. Think about that. Seven days of debate in a lameduck session. I have tried my best to find a way forward that would ensure a fair and reasonable opportunity for colleagues on the other side to offer and vote on amendments.

Over the last 20 years, we have had rollcall votes on an average of 12 amendments during consideration of the Defense authorization bill. So in an effort to be as fair as possible, I have made it clear to my colleagues that I am willing to vote on 15 relevant amendments, 10 from the Republicans and 5 from the Democratic side—some Democrats don't like that, but we would do it—with ample time for debate on each amendment, but we never can get enough time. We started out with an hour, but that is not enough. My colleagues on this side of the aisle are demanding even more time—time they know is not available. There are not enough days in this calendar year to do what the minority is asking, and they know this. They want the tax and the spending bills done first, as we have talked about. At the same time they say we need to wait, they say they need as much time as possible to consider the bill. It is impossible to do both. It is illogical and unreasonable. It is quite clear that they are trying to run out the clock. Senator LEVIN said here this morning that they probably would have done it anyway. That is too bad.

I want to be clear that my remarks should in no way be taken as a criticism of my colleague from Maine, Senator COLLINS. Quite the contrary. She has tried. I have respect for her, and I have worked with her as the only Republican on a number of occasions—and two or three others on occasion—to try to move forward on many of the Nation's top priorities. I believe she has been doing her very best. But for her I would not have been able to get any of these arrangements that they turned down. At the same time, members of her caucus are working equally as hard to defeat this measure at all costs.

In my effort to get this done, I don't know how I could have been more reasonable. Despite the critical importance for our troops, for our Nation, and for justice that we get this bill done, we have not been able to reach an agreement. I regret that our troops will pay the price for our inability.

I now move to reconsider the vote that has previously been made on this matter.

THE PRESIDING OFFICER. The Senator from Maine is recognized.

Ms. COLLINS. Mr. President—

Mr. REID. It is nondebatable. Mr. President, I ask unanimous consent that the motion to proceed to the motion to reconsider the vote by which cloture was not invoked on the motion to proceed to S. 3454 be agreed to, the motion to reconsider be agreed to, and the Senate now vote on the motion to invoke cloture on the motion to proceed to S. 3454, upon reconsideration.

THE PRESIDING OFFICER. Is there objection? The Senator from Maine is recognized.

Ms. COLLINS. Mr. President, I object.

THE PRESIDING OFFICER. Objection is heard.

Ms. COLLINS. Mr. President, if I could ask the majority leader a question through the Chair.

Unfortunately, I was not able to hear the majority leader's speech, for which I apologize. I was in a meeting, and as soon as I found out he was speaking, I rushed to the floor. I want to make sure, since this is an important bill and an important issue, that I understand precisely what it is the majority leader is proposing. So I ask through the Chair whether the majority leader is proposing a procedure where there would be no amendments and the tree would be filled or whether the majority leader is proposing an agreement that he and I and Senator LIEBERMAN discussed yesterday, which would have allowed for 15 amendments, 10 on the Republican side and 5 on the Democratic side. Again, if the majority leader explained this and I missed it, I apologize. I received conflicting information about how the majority leader intends to proceed on this important bill.

I note that we have been in quorum calls for hours during which we could have proceeded to the tax bill and started working on it, and we could be working this weekend as well.

But I would very much appreciate hearing from the majority leader exactly what his intent is.

Mr. REID. Mr. President, I hope my friend heard the nice things I said about her in my statement.

Ms. COLLINS. Unfortunately, I missed those as well.

Mr. REID. They were pretty good. I want to be very candid with my friend. In an effort to do the things the Senator from Maine and I talked about with Senator LIEBERMAN on a number

of occasions, including yesterday and the day before, all of those require filling the tree, every one of them. That is just the way it is. The only way we can have some control over amendments is to do it that way.

The answer to my friend's question—would I fill the tree—the answer is yes.

Ms. COLLINS. Mr. President, if I could pose a further question to the majority leader through the Chair, I understand what the majority leader is saying, but as he discussed his plan with me, he would, in fact, allow 15 amendments—10 to be offered on the Republican side that would be amendments of the Republican side's choice as long as they were relevant to the bill—and he would ensure that there would be votes on those amendments. So I am confused when I hear he is going to fill the tree because that implies to me that he would not be allowing those 15 amendments we discussed—10 on our side, of our choice, as long as they were relevant to the bill. So I am truly trying to find out what the agreement is.

Mr. REID. The agreement is that I have made a number of different offers and have made other suggestions. In direct answer to the Senator's question, we have to fill the tree, of course. We have to work through the amendments. I tried to come up with some agreement on amendments and time and what some of the amendments would be. That is how we always do things here.

I will also say this: I have had kind of a hard thing to work through because all I have worked on in the last few weeks has been with the overhanging problem of not—42 Republicans, in a letter, have said: You are not going to do anything legislatively. Mr. President, they have proved that they are not allowing us to do anything legislatively. Certainly, this is a legislative matter.

I think I have been as clear as I can be. I, of course, would be willing to work on the amendment process with my friend. But as far as agreeing to something right now, I cannot do that.

Ms. COLLINS. Mr. President, it seems evident to me that, unfortunately, the majority leader is not pursuing the path we discussed, or at least that is my interpretation of what he is saying. I think that is so unfortunate.

I want to vote to proceed to this bill. I was the first Republican to announce my support for the carefully constructed language in the Armed Services Committee that would repeal don't ask, don't tell. But that is not all that is in this bill. This is an enormously important bill to our troops in Afghanistan and Iraq. It authorizes a pay raise that is important to my home State. It is a vitally important bill.

I just do not understand why we can't proceed along a path that will bring us to success and that will allow us to get

the 60 votes to proceed, which I am willing to be one of those 60 votes. I thought we were extremely close to getting a reasonable agreement yesterday that would allow us to proceed. I was even willing to consider a proposal by the majority leader that we would start the DOD bill and then go to the tax bill, finish the tax bill, and then return to finish the DOD bill. I think there is such a clear path for us to be able to get this bill done, and I am perplexed and frustrated that this important bill is going to become a victim of politics. We should be able to do better.

Senator LIEBERMAN and I have been bargaining in good faith with the majority leader. He, too, has been creative in his approaches.

So I just want to say that I am perplexed as to what has happened and why we are not going forward in a constructive way that would lead to success.

Mr. REID. Mr. President, as I stated in my remarks earlier, this is not any kind of a legislative wrangle I am having with my friend from Maine. She has been the only person I could talk to about this legislation. I appreciate her time and efforts. But the only way we can do this—and we do it all the time—is I fill the tree and we will try to work through the amendments with some agreement after that is done. This has been taking months to do—months. The time has come, as Senator LEVIN said, to stop playing around.

Mr. President, I simply make the following request: I ask upon reconsideration, cloture is invoked—the reason I do this, we can get to where I want to go. It takes three votes. We can do it with three votes or one vote. Upon reconsideration, cloture is invoked on the motion to proceed. Then the Senate can proceed to the bill and would be able to enter into an orderly process for consideration of the bill, allowing different amendments. We have already been through that. There is no need to go through that number. But we have talked about 15–5 from us, the Democrats.

So I make my request. I ask unanimous consent that the motion to proceed to the motion to reconsider the vote by which cloture was not invoked on the motion to proceed to S. 3454 be agreed to, the motion to reconsider be agreed to, and the Senate now vote on the motion to invoke cloture on the motion to proceed to S. 3454, upon reconsideration.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, did the Chair rule on my request?

The PRESIDING OFFICER. Is there objection to the request?

Hearing no objection, it is so ordered.

CLOTURE MOTION

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to Calendar No. 414, S. 3454, the National Defense Authorization Act for Fiscal Year 2011.

Harry Reid, Carl Levin, Tom Udall, Jack Reed, Barbara A. Mikulski, Jon Tester, Al Franken, Richard J. Durbin, Byron L. Dorgan, Jeanne Shaheen, Frank R. Lautenberg, Sheldon Whitehouse, Benjamin L. Cardin, Roland W. Burris, Jim Webb, Daniel K. Akaka, Bill Nelson.

The PRESIDING OFFICER. The question is, Is it the sense of the Senate that debate on the motion to proceed to S. 3454, the Department of Defense authorization bill, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Arkansas (Mrs. LINCOLN) is necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Kansas (Mr. BROWNBACK) and the Senator from Texas (Mr. CORNYN).

Further, if present and voting, the Senator from Texas (Mr. CORNYN) would have voted "nay."

The PRESIDING OFFICER (Mrs. SHAHEEN). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 57, nays 40, as follows:

[Rollcall Vote No. 270 Leg.]

YEAS—57

Akaka	Feinstein	Murray
Baucus	Franken	Nelson (NE)
Bayh	Gillibrand	Nelson (FL)
Begich	Hagan	Pryor
Bennet	Harkin	Reed
Bingaman	Inouye	Reid
Boxer	Johnson	Rockefeller
Brown (OH)	Kerry	Sanders
Cantwell	Klobuchar	Schumer
Cardin	Kohl	Shaheen
Carper	Landrieu	Specter
Casey	Lautenberg	Stabenow
Collins	Leahy	Tester
Conrad	Levin	Udall (CO)
Cooms	Lieberman	Udall (NM)
Dodd	McCaskill	Warner
Dorgan	Menendez	Webb
Durbin	Merkley	Whitehouse
Feingold	Mikulski	Wyden

NAYS—40

Alexander	Chambliss	Enzi
Barrasso	Coburn	Graham
Bennett	Cochran	Grassley
Bond	Corker	Gregg
Brown (MA)	Crapo	Hatch
Bunning	DeMint	Hutchison
Burr	Ensign	Inhofe

Isakson	McCain	Snowe
Johanns	McConnell	Thune
Kirk	Murkowski	Vitter
Kyl	Risch	Voinovich
LeMieux	Roberts	Wicker
Lugar	Sessions	
Manchin	Shelby	

NOT VOTING—3

Brownback	Cornyn	Lincoln
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The PRESIDING OFFICER. On this vote the yeas are 57, the nays are 40. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

VOTE EXPLANATION

Mrs. LINCOLN. Madam President, I wish to note that on the last vote, vote No. 270, due to circumstances way beyond my control, I was unable to be here and wish to be recorded or considered as having voted on the reconsideration of the motion to proceed to S. 3454. I wish to be considered—I wish to have been recorded as voting "yes."

Apparently, I cannot be recorded, and I understand that. I just wanted to make note that had I been here I would have voted "yes."

The PRESIDING OFFICER. The RECORD will so note.

Mrs. LINCOLN. Great. Thank you, Madam President.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

UNANIMOUS CONSENT REQUEST— S. 3463

Mr. LEAHY. Madam President, I have alerted the other side I am about to make a unanimous consent request on an important piece of legislation. Unfortunately, in the last couple of years we have gotten into this habit of: Nobody wants to vote yes or no, they want to vote maybe. It is easier to block things from even being considered.

Frankly, in my State of Vermont people expect if they elect you to the Senate that you have the courage to vote yes or no, but not maybe.

We just saw another example of this. We cannot even get a yes-or-no vote on Defense authorization at a time when our Nation is in two wars. We cannot get a yes-or-no vote; we get a maybe.

I find it frustrating. Over and over we have done it today. People are prepared to vote yes or no, but the other side says, no; it is easier to vote maybe. Then you never have to explain anything.

We all know what has happened in the Deepwater Horizon BP spill. A number of brave families' members were lost. I would note for the sake of the Senate, if they had been building the Deepwater Horizon drilling platform, and they were assembling it on land and something was negligently done and someone lost their life, they could recover for the value of the life. Because of a quirk in the law, because

it happened at sea, even though it may have been caused by the same thing, these people—their lives are almost valueless. There is a way to fix them. We have drawn, after months of negotiation, a very tightly put together piece of legislation that will only affect the families of the 11 hard-working men who died when the Deepwater Horizon was destroyed. I am going to make this so we can vote yes or no and not maybe.

I ask unanimous consent that the Senate Committee on Commerce, Science and Transportation be discharged from further consideration of the Survivors Equality Act, S. 3463; that the Senate proceed to its immediate consideration; the Rockefeller-Leahy amendment that is at the desk be adopted; the bill, as amended, then be read a third time and passed; the motions to reconsider be laid upon the table; and all statements and the text of the amendment that has been hotlined for more than a week be printed in the RECORD.

The PRESIDING OFFICER. Is there objection?

Mr. DEMINT. Reserving the right to object, this is a nation of laws not of men. It destroys that whole foundation of our legal system when we make retroactive law. This bill has not been vetted properly by a committee. Again, it undermines our whole system of the rule of law. So I am compelled to object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Vermont.

Mr. LEAHY. Madam President, of course, this bill has been given an enormous amount of scrutiny by both Republicans and Democrats. Six months ago, I introduced the Survivors Equality Act, S. 3463, with Senator DURBIN and Senator WHITEHOUSE, to help the families of those who die on the high seas. In fact, the day of the hearing, we had Michelle Jones, pictured here, in our mind when we held that hearing. That same day, June 8, the Judiciary Committee held a hearing on the liability cap that harms victims' families. We heard testimony from Michelle Jones's brother-in-law, Chris Jones. He is the brother of Gordon Jones, one of those who died aboard the Deepwater Horizon. It was very moving testimony. I think everybody, both parties, felt the emotion in that room.

A few weeks later, the Commerce Committee also held a hearing on the same matter. I think it is unfortunate and a slam to the families to say that this matter has not been vetted. The Commerce Committee also had a hearing. Then we had months and months of work, Republicans and Democrats meeting, trying to make as tightly drawn piece of legislation as possible.

After these months and months of work, I hope the Senate is finally going to do justice to the families of the men

who died when the Deepwater Horizon exploded in the Gulf of Mexico. At least stand up and say yes or no. Vote either to give them justice or vote not to give them justice. Do not do this unfortunate habit we are getting into of voting maybe. Let's not vote on this bill. Let's not take a position one way or the other. We will object to the bill coming up.

It allows everybody to be a maybe. It allows people to go and say: Well, we are so sympathetic for your family. We wish we could help your family. Certainly, if the bill comes up, I may vote.

Well, we have a whole lot of people ready to vote for the bill. Vote yes; vote no. That is what I have been trying to do since that catastrophic event. We did have a lot of negotiations, and we did have to whittle it back at the request of people on the other side of the aisle. The proposal has been so narrow that it will help only the families of the 11 hard-working men who died when the Deepwater Horizon oil rig exploded last April.

So by saying there are a lot of things that can be done for them if one second before that oil rig left land when it was being constructed, if it exploded there and they lost their lives, but it is a different rule if you have gone 100 yards further, a few seconds later, and you are at sea.

That is why I came to the floor today to seek the Senate's consent to pass this legislation without further delay. It is designed to provide a more equitable remedy under the Death on the High Seas Act, the Jones Act, for the survivors of those killed on Deepwater Horizon. When I refer to it as the difference between when it is on land or on sea, as the law is now, the families will be given far less protection simply because their loved ones died on the open seas rather than if they had died in a well, for example, if they are working at a well and there is an explosion, but the well is on land.

That is not fair. It reminds me of an earlier era in our history. The law should be modernized for those families without further delay. Of course, I would like the modernization to be broader, to cover victims on cruise ships, for instance. Some here in this body have objected to covering victims on cruise ships.

That is why I said: OK. You might not be willing to cover victims in other accidents on the high seas, but at least the U.S. Senate should not turn its back on the families of these 11 men.

I am also concerned about timeliness. These victims' families' claims have been unnecessarily delayed because they are thoughtlessly lumped in with thousands of other claims for economic damage. It should be pretty easy to spot the 11 where the people died. This legislative proposal, on which I have worked with Senators ROCKEFELLER, WHITEHOUSE, and others, would ensure

fairness and timeliness for these families. We have had strong bipartisan support. We have a number of Republicans who support this legislation. Senators on both sides of the aisle have heard from these families. They understand the inequities they face. The proposal has been circulating through the Senate for more than a week. It should not be stopped. Let us vote yes or no. If you don't like this legislation, vote against it. But don't vote maybe. Don't have the Senate give that kind of procedural slap in the face to these families by saying: We don't have the courage to vote yes or no so we are going to vote maybe.

Time is running out for these 11 families to know they are going to be treated fairly and not be forced to wait for years to see if their losses are addressed. The legislation only applies to the Deepwater Horizon disaster, the largest oil spill in our Nation's history. Let us act for the widows and children of these men before we head home to be with our own families during the holiday season. They need our help now. We should at least be able to agree to this limited fix. Again, vote yes or vote no. Don't vote maybe. Stop the months of delay. There is no justification for the failure to act on this deeply personal tragic issue. It has been pending for months. Both sides have been running hot lines on it for more than a week. It is a 5-page proposal. It is easy to understand.

I will never forget the testimony of Chris Jones before the Judiciary Committee. His father was sitting there. He talked about his brother losing his life and meeting his brother's widow Michelle Jones. Michelle has lost the love of her life, but her two young sons have lost their father.

This is not about politics. This should not be partisan. This is about justice for these kids who are facing a Christmas without their fathers, justice for widows who want closure, who are bravely fighting for their families.

Can we not at least once in this body not vote maybe but have the courage to vote yes or no, not hide behind an objection to a bill coming up that many Republicans and Democrats support, at least allow people to be on record?

Look at this family, say: I am going to vote yes or no, not, gee, I don't have time. We just voted maybe. I think it is unfortunate. It shows disdain for these families. I regret the objection.

I ask unanimous consent that the draft of the Rockefeller, Leahy, and Schumer amendment be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Strike out all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Fairness in Admiralty and Maritime Law Act".

SEC. 2. AMENDMENT OF SHIPOWNERS' LIABILITY ACT OF 1851.

(a) **GENERAL LIMIT OF LIABILITY.**—Section 30505(c) of title 46, United States Code, is amended to read as follows:

“(c) **CLAIMS NOT SUBJECT TO LIMITATION.**—Subsection (a) does not apply—

“(1) to a claim for wages; or
“(2) to a claim for personal injury or wrongful death arising from the blowout and explosion of the mobile offshore drilling unit *Deepwater Horizon* that occurred on April 20, 2010.”.

(b) **CONFORMING AMENDMENT.**—Section 30511(c) of title 46, United States Code, is amended by inserting “that are subject to limitation under section 30505” after “question”.

SEC. 3. AMENDMENT OF THE DEATH ON THE HIGH SEAS ACT.

(a) **CAUSE OF ACTION.**—Section 30302 of title 46, United States Code, is amended by inserting after the first sentence the following: “If the death was attributable to the blowout and explosion of the mobile offshore drilling unit *Deepwater Horizon* that occurred on April 20, 2010, the action may be brought in law or in admiralty.”.

(b) **AMOUNT AND APPORTIONMENT OF RECOVERY.**—Section 30303 of title 46, United States Code, is amended by adding at the end the following: “If the action under this chapter arises from the blowout and explosion of the mobile offshore drilling unit *Deepwater Horizon* that occurred on April 20, 2010, the recovery may include fair compensation for nonpecuniary loss, plus a fair compensation for the decedent's pain and suffering. In this section, the term ‘nonpecuniary loss’ means the loss of care, comfort, companionship, and society.”.

(c) **DEATH OF PLAINTIFF IN PENDING ACTION.**—Section 30305 of title 46, United States Code, is amended by adding at the end the following: “If a civil action in law is pending in a court of the United States to recover for personal injury caused by wrongful act, neglect, or default described in the second sentence of section 30302 of this title and the individual dies during the action as a result of that wrongful act, neglect, or default, the personal representative of the decedent may be substituted as the plaintiff and the action may proceed under this chapter for the recovery authorized by this chapter.”.

SEC. 4. AMENDMENT OF JONES ACT.

Section 30104(a) of title 46, United States Code, is amended by adding at the end the following: “If the action under this chapter arises from the blowout and explosion of the mobile offshore drilling unit *Deepwater Horizon* that occurred on April 20, 2010, the recovery for a seaman who dies may include fair compensation for nonpecuniary loss, plus a fair compensation for the decedent's pain and suffering. In this section, the term ‘nonpecuniary loss’ means the loss of care, comfort, companionship, and society.”.

SEC. 5. MULTIDISTRICT LITIGATION FOR CERTAIN CIVIL ACTIONS.

(a) **IN GENERAL.**—Chapter 303 of title 46, United States Code, is amended—

(1) by redesignating section 30308 as section 30309; and

(2) by inserting after section 30307 the following:

“§ 30308. Multidistrict litigation for certain civil actions

“(a) **IN GENERAL.**—A plaintiff in a covered civil action brought under chapter 301 or this chapter may elect to have the claims of that plaintiff—

“(1) severed from all other claims in the covered civil action; and

“(2) not be subject to section 1407 of title 28 or any similar provision of State law.

“(b) **COVERED CIVIL ACTION DEFINED.**—In this section, the term ‘covered civil action’ means a civil action for damages for personal injury or wrongful death arising from the blowout and explosion of the mobile offshore drilling unit *Deepwater Horizon* that occurred on April 20, 2010.”.

(b) **CONFORMING AMENDMENT.**—The table of contents for chapter 303 of title 46, United States Code, is amended by striking the item relating to section 30308 and inserting the following:

“30308. Multidistrict litigation for certain civil actions.
“30309. Nonapplication.”.

SEC. 6. EFFECTIVE DATE.

The amendments made by this Act shall apply to—

(1) causes of action and claims arising after April 19, 2010; and

(2) actions commenced before the date of enactment of this Act that have not been finally adjudicated, including appellate review, as of that date.

The **PRESIDING OFFICER.** The Senator from Rhode Island.

Mr. WHITEHOUSE. Madam President, I ask unanimous consent to engage the chairman in a brief colloquy regarding this legislation.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

Mr. WHITEHOUSE. I thank him for his leadership, for his compassion. I was proud to join him as a cosponsor of his legislation. It is disturbing to me that his effort to speak for these families who have lost their loved ones has fallen on deaf ears and on a procedural objection that could just as easily have not stood. As we stand here in this empty room, where right now we could be voting on help for these 11 families, instead, we are milling about, killing time and waiting for something to happen.

I want to ask the chairman: If this oil rig that exploded and burned had been on land and these same 11 workers had been killed, would they be treated differently and far more generously, and would their families be treated differently and far more generously than in this actual case just because it happened to be out in the ocean as a deep-water drilling rig?

Mr. LEAHY. Madam President, the Senator is absolutely correct. When we held these hearings, he was an indispensable part. This is an inexplicable anomaly of the law that reflects a different era. Had they been assembling, for example, this oil rig, had they had it on land and it exploded, they would be able to recover as anybody could. If it was an onshore oil rig—of course, we have many in this country and throughout the world—if they had been working on that and there had been an explosion and they lost their lives, there would have been remedies available. But because it was at sea and even if it is just barely at sea, the remedies are entirely different. To put it in laymen's terms, they are basically lim-

ited to the value of what is left. Of course, there is nothing left.

Mr. WHITEHOUSE. Under the circumstances of this case, I know the objection was founded upon concern that this would defeat the expectations of potential defendants who might otherwise have to pay this verdict. As I understand it, the two most likely responsible parties—indeed, the one already decreed by the government for pollution purposes to be the responsible party—are BP and Halliburton, two enormous multinational corporations. If I am not mistaken, what we have done today is to send 11 American families, whose father, brother, or husband was lost through no fault of that individual from a tragic accident that has been described as being the result of real ineptitude and very poor safety practices out on that rig by big corporations, we are now taking the side of BP and Halliburton against those 11 families here on the eve of the Christmas holidays, taking away rights they would have if this accident had happened on the land.

My question is, don't we think that BP and Halliburton could afford this? It is not as though it is the little Sisters of Mercy whom we are going to put out of business if we allow this to go forward.

Mr. LEAHY. The Senator is correct. Basically what the Senate has said is, we will protect British Petroleum and Halliburton over the rights and needs of the families of 11 men who died because of negligence. Is this what the Senate has come to? Is this what it has come to? By our failure to even vote, our unwillingness to stand up and vote, our effort to do a maybe instead of a yes or no, we are sending a Christmas present. I suppose we should say Merry Christmas, British Petroleum, Merry Christmas, Halliburton. We protected you and saved you from having to pay for your negligence. That is a pretty cold signal to send to these families of the 11 men who died.

Frankly, as I have often said, the Senate should be the conscience of the Nation. How do we express our conscience when we don't even have the courage to vote yes or no on a matter of this significance?

Mr. WHITEHOUSE. I thank the chairman for his leadership and for his compassion. I am proud to join him today in this effort.

I yield the floor.

MORNING BUSINESS

Mr. WHITEHOUSE. I ask unanimous consent that the Senate proceed to a period of morning business with Senators permitted to speak for up to 10 minutes each.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

The Senator from Colorado.

DEFENSE AUTHORIZATION

Mr. UDALL of Colorado. Madam President, we have again witnessed gridlock at its worst on the heels of the vote that just concluded. When the Senate was given a chance to lead on critical issues crucial to our national security, to our troops and to our leadership in the 21st century, the Senate let politics obstruct progress that we should make.

This is the second time this year we have prevented ourselves, if you will, from debating critical national security issues. Like so many other debates that we wanted to have this year, this one was derailed by obstruction before it even began.

The last time the minority party blocked debate of a national defense authorization act, they argued that the DREAM Act should not be considered as an amendment to the bill and that we needed to wait on the report of the Pentagon study group on how to repeal don't ask, don't tell before we can vote on the broader bill.

This time we did consider the DREAM Act in a separate vote and this time, after voting today, we voted after the Pentagon's task force on don't ask, don't tell has weighed in with the most comprehensive review of a personnel policy that DOD has ever conducted on any policy being proposed. But the obstruction continues. There are new excuses this time. Opponents now say we need to extend tax breaks before we can consider legislation necessary to ensure our national security. It doesn't seem to matter to those who voted no today that the Pentagon study group looking at repeal confirmed what many of us have been saying for years, that don't ask, don't tell can be overturned without disrupting our Nation's military readiness. It doesn't seem to matter to these opponents that Secretary Gates, Admiral Mullen, and a host of other military and civilian leaders believe that repeal by a Federal judge would be far more disruptive and damaging to readiness and morale than repeal through legislation that has been thoughtfully and comprehensively drafted by the Congress. This wide-ranging and highly respected group of military and civilian leaders has strongly urged us, the Senate, to act on this Defense authorization bill this month.

Unlike what some on the other side of the aisle have claimed, the repeal language in this legislation respects the Pentagon's timeline and it gives our military leaders the flexibility they say they need to implement repeal in a way that tracks with military standards and guidelines. The best way to change the policy is for elected representatives—that is us—to pass the legislation before us now and to do it this year.

But the vote we just had means we will have no debate on don't ask, don't

tell. And just as importantly—and I know the Presiding Officer serves on the Foreign Relations Committee—it thwarts a serious discussion about pressing national security issues. Imagine that. We are prevented from debating fundamental national security concerns at a time of two wars. People in my State of Colorado do not understand such obstruction, and I do not think Americans all across the country do.

This is further illuminated because every year for nearly a half century, Congress has taken up and passed a bill renewing our defense policies for the Nation for the coming year. That is 48 years consecutively. And this Defense authorization bill, like all those that came before it, is as critically important as the 48 that have preceded it. It provides funding for our military operations in Afghanistan and Pakistan and Iraq. It supports our servicemembers and keeps Americans safe through needed resources and policies, including fair and competitive pay and benefits for our men and women in uniform.

The bill also includes many important provisions directed at the health and needs of our servicemembers' families. Specifically, if I might, I want to mention a provision I authored with help from other of my colleagues which would extend health insurance for military families, enabling children of active-duty servicemembers and retirees to stay on their parents' policies until they turn age 26. It is similar to what we did in the Affordable Care Act last year and this year more broadly for Americans.

Also importantly, this legislation provides improved care for our wounded servicemembers and their families—not just the physical wounds of war but also the mental wounds of war.

As I conclude, I have to tell you I remain hopeful that somehow this Congress can find a way, even in the midst of this partisan rancor, to pass this Defense authorization bill for the 49th consecutive year. I am willing to stay until Christmas, even through Christmas, and the week after, to get this done.

I will tell you, if we cannot get don't ask, don't tell repeal as part of the Defense authorization bill, I am willing to stay through the holidays to debate it on the floor as a stand-alone measure, and I will urge my colleagues to join me in that debate.

So despite the vote today, I have to say I am optimistic about our future, and I am committed, as I know the Presiding Officer is, to a new kind of politics where we can find consensus among our disagreement. I know the people of our States and Americans at large want us to tackle tough decisions. It is why they sent us here: to resolve the tough problems. But I think opportunities that are inherent in those problems led us to want to serve in the Nation's capital.

Let's reach out to each other. Let's find common ground. Let's call on each other to work together to accomplish our shared priorities and demonstrate support for our Armed Forces. After all, they are standing up for us. We can stand up for them. Americans sent us here to do no less.

Madam President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant editor of the Daily Digest proceeded to call the roll.

Mr. HARKIN. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO RETIRING SENATORS

CHRIS DODD

Mr. HARKIN. Madam President, in these closing weeks of the 111th Congress, the Senate will be saying goodbye to a number of retiring colleagues. But, for my part, I will miss them all, but I have to be honest, the most poignant farewell will be to my dear friend, Senator CHRIS DODD of Connecticut.

CHRIS and I have much in common. We are both proud of our Irish roots. We were both elected to the House of Representatives at the same time, in the famous post-Watergate election of 1974. CHRIS moved over here to the Senate in 1980, and I followed 4 years later. We both ran for President—with similarly unambiguous results. Over the years, we have collaborated on many legislative initiatives, including, most recently, the historic Patient Protection and Affordable Care Act—the health reform bill.

As we all know, CHRIS DODD is almost literally a son of the Senate. With good reason, he is enormously proud of his father, Thomas J. Dodd, who was a lead prosecutor at the Nuremberg trials and served two terms in the Senate, from 1959 to 1971. CHRIS worked as a Senate page at age 16, and was elected to the Senate at age 36. For three decades, CHRIS has embodied everything that is good about this body: a passion for public service, a sincere desire to reach out across the aisle, a great talent for forging coalitions and bringing people together, and a willingness to work extraordinarily long hours in order to accomplish big and important things.

Over the decades, Senator DODD has been a leading champion of working Americans, fighting for safer workplaces, the right to organize, stronger public schools, better access to higher education, and, of course, quality health care as a right not a privilege. He was the author of 1993 Family and Medical Leave Act, which for the first time entitled every American to have leave from their job to take care of children or elderly relatives.

Make no mistake, Senator DODD is leaving the Senate at the very top of his game. Last year, when Senator Kennedy fell ill, CHRIS picked up the torch of health care reform. When I became chair of the Health, Education, and Labor Committee, I asked him to continue to take the lead in forging the final bill, which he had led so expertly on before, and which will go down in history as one of America's great progressive accomplishments, on a par with Social Security and Medicare.

Even before final passage of health reform, Senator DODD, as chair of the Banking Committee, was hard at work crafting yet another historic bill: the most sweeping reform of Wall Street and the banking industry since the Great Depression.

To be sure, other Senators played important roles in passing health reform and Wall Street reform. But it was Senator DODD's dogged work and virtuosic skills as a legislator that ultimately won the day. These two landmark laws are a tremendous living legacy to the senior Senator from Connecticut. He has made his mark as one of the great reformers in the history of the U.S. Senate.

CHRIS DODD has accomplished many things during his three decades in this body. But, in my book, the highest accolade is simply that CHRIS DODD is a good, generous and decent person, with a passion for fairness and social justice.

For me, it has been a great honor to be his friend and colleague for the last 36 years. Our friendship, of course, will continue. But I will miss the day-to-day association with CHRIS here on the floor, in committee, and elsewhere here on the Hill.

Paul Wellstone used to say that "the future belongs to those with passion." By that definition, our friend CHRIS DODD has a wonderful future ahead of him. No question he is full of passion, passion for doing what is right for the people of this country. But no question, the Senate is losing a giant—one of our most accomplished and respected members. We are also losing a happy warrior in the mold of FDR and Hubert Humphrey. As the columnist E.J. Dionne has written, "The happiness quotient in the Senate will definitely drop when [Senator] Dodd leaves." I couldn't agree more.

For 36 years in Congress, CHRIS DODD has faithfully served the people of Connecticut and the people of the United States. And there is no doubt that he will pursue new avenues of public service in retirement.

As I said, I will miss his friendship and counsel here in the Senate. But I wish CHRIS, his wonderful wife Jackie, and their wonderful young children, Grace and Christina, the very best in the years ahead.

TED KAUFMAN

Madam President, when our colleague Ted Kaufman, who is leaving,

was sworn in as Senator in January 2009 to succeed the newly elected Vice President, Senator JOE BIDEN, he made it clear that he would not run for election in 2010. He noted that he had not raised money to become a Senator and would not raise money to be elected 2 years later. He would be a free man, beholden to no special interest, determined to do only what is right for the people of Delaware and the United States.

Senator Kaufman has made good on that pledge. He may no longer be a Member of the Senate since the swearing in of the new Senator from Delaware, Mr. COONS, but in just 2 years in the Senate, he left his mark—both legislatively and in the esteem of Senators on both sides of the aisle.

Of course, it should come as no surprise that Ted Kaufman excelled in this body, and had influence and clout far beyond what is typical for a freshman Senator whose tenure was only going to be 2 years. After all, he came to this body with a distinguished and diverse background in government, business, and the academy. He holds a degree in mechanical engineering from Duke, which led to a job with DuPont chemical company. He went on to earn an M.B.A. from the Wharton School and taught at Duke University's schools of law and business. And, of course, as we all knew Ted before, he served for 20 years on the staff of Senator JOE BIDEN, most of that time as chief of staff.

Like most Senators, I have enormous respect for the role of the Senate's professional staff members. In fact, we often joke that Senators are "a constitutional impediment to the smooth functioning of staff."

In Senator Ted Kaufman, we saw the best of both worlds, combining the expertise and competence of a veteran staffer with the leadership and political skills of a first-rate Senator. This made Senator Kaufman a formidable presence in this body for the last 2 years.

No question, Senator Kaufman's influence was felt most impressively in the effort to reform Wall Street in the wake of the financial meltdown of 2008.

Soon after becoming Senator, he cosponsored, along with Senator LEAHY and Senator GRASSLEY, a bill to give Federal prosecutors more effective tools for rooting out financial fraud. President Obama signed that bill into law in May of last year.

And when the Senate undertook the sweeping reform of the financial system earlier this year, Senator Kaufman quickly stepped forward as one of the toughest critics of Wall Street, giving speech after speech here on the floor proposing and demanding fundamental changes in America's broken financial system.

I listened with particular interest to his explanations and criticisms of high-

frequency trading and other opaque trading practices of hedge funds and big Wall Street firms.

I was proud to cosponsor the SAFE Banking Act, cosponsored by Senator Kaufman and Senator BROWN.

This legislation would have dramatically reduced the size and concentration of the largest financial institutions, thereby making our financial system safer. I was disappointed this proposal was not included in the financial bill. But getting 33 votes for this ambitious measure was no small feat, and, no question, Senator Kaufman's tireless efforts helped to rally support in the Senate for reforming our financial institutions. Thanks in no small measure to Senator Kaufman's expertise and relentless advocacy, the worst aspects of Wall Street's casino capitalism have been eliminated, and our financial system is better able to allocate capital to areas of the economy that need it the most.

So the junior Senator from Delaware was true to his word. For the last 2 years, he was a Senator's Senator, giving his all, beholden to no interest, serving the people of Delaware and the United States with competence, character, courage, and, I might add, with rock-solid integrity.

I have valued Ted Kaufman's friendship and counsel here in the Senate, as I said, going back for nearly 20 years. I look forward to continuing that relationship now that he has departed from this body. So I join with the entire Senate family in wishing Ted and Lynne much happiness and success in the years ahead.

GEORGE VOINOVICH

With the close of the 111th Congress, the Senate will lose to retirement again one of our most seasoned and respected Members on the other side of the aisle, Senator GEORGE VOINOVICH of Ohio.

Senator VOINOVICH and I have much in common. We are both proud midwesterners. But here is what we really have in common: My mother immigrated to America from what is now Slovenia, the nation of Slovenia, and George's mother was a first-generation American of Slovenia descent. Both of us were—and I think we are the only two Senators ever—awarded the Golden Order of Merit by the Republic of Slovenia, in part for our efforts to assist Slovenia in its campaign to rid the world of landmines and to assist the victims of landmines. We both care very deeply about the success of democracy in Slovenia, a very small nation that has set a powerful example of political stability, economic reform, true democracy, and ethnic inclusiveness in the Balkans.

For nearly 4½ decades, GEORGE VOINOVICH has devoted himself to public service at just about every level of government—quite amazing—as a

member of the Ohio House of Representatives, Cuyahoga County commissioner, Mayor of Cleveland, Lieutenant Governor of Ohio, Governor of Ohio, and, for the last 12 years, U.S. Senator from the State of Ohio. Across those 44 years of service, he has been respected for his independence, his pragmatism, and his insistence on putting ideology and partisanship aside in order to accomplish important things for ordinary working Americans.

Another constant in the career of GEORGE VOINOVICH has been his insistence on fiscal discipline and his willingness to advance creative, tough-minded, nonideological approaches to help government live within its means. As mayor of Cleveland, he took a municipality that had recently declared bankruptcy and turned it around to become a three-time All-American City winner. As Governor, he returned the State budget to balance despite a bad economy. And for the last 12 years, he has been one of the Senate's leading champions of fiscal conservatism. By that, I mean true fiscal conservatism, which means a willingness both to cut spending and to raise revenues as necessary in order to bring down deficits and balance the books. On that score, on matters of taxing and spending, Senator VOINOVICH had the courage to break ranks with his own party on many occasions.

Our colleague Senator VOINOVICH has many accomplishments in this body. I do not have time to mention them all, but I know he is particularly proud of his work as chair and, most recently, ranking member of the Clean Air and Nuclear Safety Subcommittee of the Committee on Environment and Public Works, wherein he played a key role in passing the National Energy Security Act of 2009, which is helping our Nation to lessen its dependence on imported petroleum.

He is also deservedly proud of his long leadership in the fight to preserve and protect Lake Erie and the other Great Lakes—a cause that has been a constant throughout his career in public service. Here in the Senate, he has been a cochair of the Great Lakes Task Force, and he introduced a bill that, when signed into law in 2008 by President Bush, ratified the Great Lakes Compact to protect these national treasures through better water management and conservation—a singular accomplishment by Senator VOINOVICH of Ohio.

Senator VOINOVICH has achieved much during his distinguished career in public service. I could use any number of superlatives to describe his character and work: sterling character, an honest individual, someone who, when he gave you his word, gave you his word. To Senator VOINOVICH, a handshake was a handshake. It was a commitment, and he would never go back. But in my book, the highest accolade is

simply that GEORGE VOINOVICH is a generous, sincere, decent person, dedicated to public service, always determined to do the right thing for the people of Ohio and the entire United States, a man lacking in ideological rigor but still a person dedicated to true conservative causes he has championed all his life.

It has been a great honor to be his friend and colleague for these last years. Our friendship, of course, will continue. I wish GEORGE and Janet the very best in the years ahead.

JUDD GREGG

I know others are here. If I can indulge them just for a few more minutes, I would like to make one more speech in praise of another colleague who is retiring, again on the other side of the aisle, and who is a good friend and someone for whom I have had not only great friendship but great respect, and I have served with him a lot on our committees—Senator JUDD GREGG of New Hampshire.

Senator GREGG can be a very effective and persuasive partisan for the conservative causes he holds dear. He also has a strong New Hampshire independent streak and is willing to buck his party when he thinks it is wrong—for example, when he voted against President Bush's Medicare prescription drug benefit bill because it was unpaid for and would add hundreds of billions of dollars to the debt. Indeed, as ranking member and former chair of the Budget Committee, Senator GREGG has been one of the Senate's leading champions of fiscal discipline.

I especially admire Senator GREGG's capacity for reaching across the aisle, building bridges, and getting important work done. On that score, he has represented New Hampshire and the United States at his very best. This quality has made him a standout member of the Health, Education, Labor, and Pensions Committee, which I chair. He forged a very productive working relationship with my predecessor as chair, Senator Ted Kennedy. For example, he played a key role with Senator Kennedy in crafting the bipartisan No Child Left Behind Act, and a few years later, I was proud to work with both of those New England Senators again—especially Senator GREGG—to reauthorize and improve the Americans with Disabilities Education Act.

In 2008, Senator GREGG was a key leader in crafting and forging bipartisan support for the Emergency Economic Stabilization Act. Many have criticized the Troubled Asset Relief Program, TARP, but facts are facts: TARP prevented a total meltdown of our financial system. And almost the entire \$700 billion taxpayer investment has been or soon will be paid back to the U.S. Treasury. In fact, just this week, the Treasury booked a \$12 billion profit on its previous \$45 billion investment in Citigroup.

This year, Senator GREGG has played a key role on the HELP Committee in bringing together Senators from both parties to advance food safety legislation. Frankly, there were many times when sharp policy disagreements threatened the survival of that bill. But at every turn, Senator GREGG played a constructive role in working through the options, crafting bipartisan compromises, and keeping the legislation on track to passage. I have nothing but admiration and gratitude to Senator GREGG for his leadership on the food safety bill, which, as you know, passed the Senate, and because of a little glitch, the House had to return it, and it is coming back to us on the continuing resolution bill. We will put it on our omnibus bill and send it back to the House. I do not think there is any doubt that this will be signed into law by the President this year.

That is the first modernization of our Food and Drug Administration inspection systems in 70 years—70 years. Again, I wish to publicly thank Senator GREGG for hanging in there over several years' period of time to make sure we kept it on track from one Congress to another, from one Congress to another, up and down, but we finally got it done. As I just said, I have the utmost admiration and gratitude to Senator GREGG for hanging in there and making sure we got the job done.

As many of our colleagues will remember, several years ago, Senator GREGG bought a \$20 Powerball lottery ticket and won \$850,000. Again, we all want to go up and touch him and see if it will rub off on us a little bit. To this day, Senator GREGG is the only person I have ever known who won a Powerball lottery ticket. Well, as we have often said, that was JUDD GREGG's personal good fortune, but it has been our good fortune to have a Senator of his high caliber and character in this body for the last 18 years. During that time, I have placed great store by his friendship and his counsel. Of course, that relationship and friendship will continue, but I am sorry we are going to miss him here in the Senate.

I join with the entire Senate family in wishing JUDD and Kathleen the very best in the years ahead.

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. WHITEHOUSE. Madam President, may I first say how proud and privileged I feel to have been on the floor during the distinguished speeches of the senior Senator from Iowa on behalf of his friends and colleagues, many of decades' duration. I am still in my first term here. I know I still have a lot to learn, but one thing I have learned is that this place operates on friendship and that the friendships here are special ones, forged in cooperation, tempered in combat, and sustained in mutual respect. The Senator's eloquent

words about our colleagues are a great testament to that fine characteristic of this body. So I felt very touched and pleased to be here.

RENEWABLE ENERGY

Mr. WHITEHOUSE. Madam President, I am here to draw attention to what I consider to be an urgent need that we include an extension of the Treasury grant program for renewable energy projects in any upcoming tax legislation considered by the Senate. These are called 1603 grants because they were created by section 1603 of the Recovery Act. This grant program has been vital to the renewable energy industry, which creates jobs, promotes energy independence, and is a vital foundation of the emerging clean energy revolution.

Section 1603 of the Recovery Act allows for cash grants in place of the 30-percent investment tax credit for renewable energy projects. That direct cash payment provides an immediate jump-start to renewable energy projects. Many renewable energy projects were funded using what were called tax equity partnerships, and much of this funding dried up during the recent credit crunch.

The 1603 grant program is a lifeline to renewable energy developers, and it has allowed hundreds of projects to go forward that otherwise would have stumbled or failed. According to the American Wind Energy Association, the cash grants enabled the construction of 10,000 megawatts of new wind capacity in 2009, while just 4,000 megawatts would have been built without the program.

The transition for America to a clean energy economy is long past due. This country has run on the same fuel at basically the same efficiency levels since the start of the Industrial Revolution at the Slater Mill in Pawtucket, RI. This was acceptable maybe in 1900, perhaps even in 1950, but where does it leave us today in 2010? Sadly, it leaves us behind the international competitiveness curve.

The next big economic revolution—the green, clean energy revolution—will dwarf the digital revolution in terms of jobs and wealth creation. We have heard testimony in this Senate that the Internet is a \$1 trillion industry worldwide, while energy is expected to be a \$6 trillion energy industry. That means jobs. We know other countries are making significant investments in clean energy to claim those jobs and to claim a commanding position in the race for leadership to a clean energy future for our planet.

Half of America's existing wind turbines were manufactured overseas. Of the two wind turbines installed in Portsmouth, RI, one was manufactured by a Danish company and the other by an Austrian company. Meanwhile, our

pace of wind turbine installation is also lagging behind. It looks like in 2010, the United States will have installed about one-eighth of the wind power installed by Germany. The United States invented the first solar cell, but we now rank fifth among countries that manufacture solar components. The United States is home to only 1 of the top 10 companies manufacturing solar energy components and to only 1 of the top 10 companies manufacturing wind turbines.

Companies in other countries see the demand for clean energy, and they are moving swiftly ahead of us in the race to meet that demand. An extension of the section 1603 Treasury grant program would help us create and sustain jobs and build the foundation for our long-term economic growth.

A study by Lawrence Berkeley National Laboratory found that wind energy projects made possible by section 1603 were responsible for more than 55,000 jobs. Extending the grant program would continue this impressive job creation in a sector of promising growth and at a time when it is desperately needed.

Already I have seen the seeds of green innovation take root in Rhode Island. The U.S. Navy is decommissioning part of a naval station in Newport that it no longer needs. Instead of that land going to waste, a Portsmouth developer is planning to convert 85 of these acres for a large solar power energy project. His plans also include an incubator space for renewable energy projects and a green technology museum.

We have a company based in East Greenwich that develops renewable energy technologies and products to maximize energy efficiency. In the past year, the company has filed for patent protection on three different renewable energy technologies, including an exciting new technology that will generate electrical power from wind turbines mounted on boats and marinas.

Another example is Hodges Badge, the largest manufacturer of ribbons, buttons, and medals in the country. It is located in Portsmouth. If your kids have ever won a ribbon at a track meet or a horse show or some other competition, it was probably made at Hodges Badge in Portsmouth. This family-owned company is on track to become the first manufacturer in Rhode Island powered entirely by clean energy, having just broken ground this month on installation of a 149-foot tall wind turbine behind the factory.

Company President Eric Hodges said:

It'll be nice to say we're first, that we're 100-percent renewable. It's a nice marketing message. But really it's because it's the right thing to do.

Putting up the turbine will cost about \$900,000 and Hodges readily admits that he wouldn't have pursued the project if it were not for renewable en-

ergy grants from the State and Federal Government. That project and its jobs would be lost. Hodges Badge does the type of traditional manufacturing that Rhode Island has unfortunately been losing for decades, that our country has been losing for decades. Finding a way to save on energy is one way to ensure this company, which has 95 employees in Rhode Island, can succeed and doesn't leave our State. Extending the section 1603 program would proliferate hundreds of small renewable projects across the country.

For example, in Rhode Island the program would help a 100-kilowatt project at a low-income housing project in Portsmouth, a 1.5-megawatt project at a water treatment facility in Jamestown, and a 300-kilowatt solar project in Wakefield. Without the grant program, these types of projects and the jobs associated with them would dry up. That goes for large-scale projects too. A renewable energy company in Rhode Island has proposed the country's largest offshore wind farm off the coast of Rhode Island, a 200-turbine, 1,000-megawatt project with a goal of starting construction in 2014. This impressive project would provide power to States all along the east coast. We cannot let innovative projects such as these, job-creating projects such as these, entrepreneurial projects such as these, be stopped in their tracks by this bill.

What would extending the Treasury grant program cost? The tax cuts for wealthy Americans that are part of the newly announced tax deal would pay for the extension of the Treasury grant program supporting these renewable jobs 20 times over.

It is time for us to lead again. Just imagine if every one of the wind turbines to be sited in Rhode Island waters and all up and down the Atlantic coast was manufactured in the United States or imagine if we converted brownfields across the country to solar farms, creating a profitable use for this property and bringing jobs to blighted neighborhoods or finally, for a minute, imagine 1 million more manufacturing facilities like Hodges Badge running their assembly lines entirely on solar, wind, geothermal and other renewable energy sources and no longer being held hostage to rising fuel costs. A clean energy economy beckons with vast promise and jobs, efficiencies, and entrepreneurship. We must not, we cannot ignore the call.

I urge our leaders to include in any tax compromise we take up an extension of the renewable energy tax credits and the 1603 program.

I thank the distinguished Senator from Oregon for his patience and yield the floor.

The PRESIDING OFFICER (Mr. MANCHIN). The Senator from New Hampshire.

START TREATY

Mrs. SHAHEEN. Mr. President, I think most of us believe we should not play partisan politics when it comes to nuclear weapons. But in a speech this morning at the Heritage Foundation, my colleagues, our colleague, Senator JIM DEMINT, claimed the new START treaty weakens our national security. I like our colleague from South Carolina. He has been the ranking member on the European Affairs Subcommittee of the Foreign Relations Committee, which I have chaired for the last 2 years, and we have worked very well together. But on this issue he is just wrong.

Nearly the entire foreign policy and national security establishment, Democrats and Republicans alike, completely disagree with him. Senator DEMINT is arguing that this treaty somehow weakens our national security and limits our strategic options. That argument has little basis in reality and is opposed by every living former Republican Secretary of State, five former Secretaries of Defense, seven former commanders of our strategic nuclear weapons, foreign policy and national security giants from seven former Presidential administrations and former President George H.W. Bush. All of these national security heavyweights argue the exact opposite of Senator DEMINT, and they all agree the new START treaty strengthens our national security.

The new START treaty has the unanimous backing of America's military leadership and America's NATO allies. According to the most recent CBS news poll, the treaty now has the support of 82 percent of Americans. Now is the time to vote on the new START treaty. No one is rushing this treaty. Since the treaty was signed back in April, the Senate has had 245 days—I want to repeat that, 245 days—to thoroughly review and consider this agreement. After 20 Senate hearings, more than 31 witnesses, over 900 questions and answers, and 8 months of consideration, including a significant delay during the August recess for additional time before the Senate Foreign Relations Committee, the consensus is clear. New START is in our national security interest, and the Senate should not wait any longer to ratify this treaty.

I ask the opponents of this treaty to consider our broader national security interests. Think about the effect stalling this treaty or publicly rejecting it will have not only on our ability to monitor Russia—because we have had no inspectors on the ground in Russia for over a year now because the treaty expired on December 5, so it has been over a year—but on all of our counter-proliferation efforts around the world. Failing to ratify New START this year tells the world we are not serious about the nuclear threat.

I know my colleagues don't want Iran or North Korea or al-Qaida to

have the bomb. We have heard that from everyone in this Chamber. Everyone is clear about that. Last week five former Republican Secretaries of State from five former Republican Presidents connected the passage of New START to our efforts on Iran and North Korea.

Again, I ask opponents of this treaty, are ideological goals worth the risk to our national security? Delaying a vote on New START into next year is a dangerous and unnecessary gamble with this Nation's security. I hope the opponents of this treaty will reconsider their opposition and recognize how important it is to this country's security to pass this treaty this year in this Congress.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. WYDEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RAY DAVES AIRPORT TRAFFIC CONTROL TOWER

Mr. WYDEN. Mr. President, I ask unanimous consent that the Commerce Committee be discharged from further consideration of H.R. 5591, and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bill by title.

The bill clerk read as follows:

A bill (H.R. 5591) to designate the airport traffic control tower located at Spokane International Airport in Spokane, Washington, as the "Ray Daves Airport Traffic Control Tower."

There being no objection, the Senate proceeded to consider the bill.

Mr. WYDEN. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and any statements related to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 5591) was ordered to a third reading, was read the third time, and passed.

PEDESTRIAN SAFETY ENHANCEMENT ACT OF 2009

Mr. WYDEN. Mr. President, I ask unanimous consent that the Commerce Committee be discharged from further consideration of S. 841, and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bill by title.

The bill clerk read as follows:

A bill (S. 841) to direct the Secretary of Transportation to study and establish a motor vehicle safety standard that provides for a means of alerting blind and other pedestrians of motor vehicle operation.

There being no objection, the Senate proceeded to consider the bill.

Mr. WYDEN. Mr. President, I ask unanimous consent that a Kerry substitute amendment, which is at the desk, be agreed to, the bill, as amended, be read a third time and passed, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements related to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 4750) was agreed to, as follows:

(Purpose: To require the Secretary of Transportation to establish a motor vehicle safety standard for electric and hybrid vehicles that would require such vehicles to emit a sound to alert pedestrians to their operation)

Strike out all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Pedestrian Safety Enhancement Act of 2010".

SEC. 2. DEFINITIONS.

As used in this Act—

(1) the term "Secretary" means the Secretary of Transportation;

(2) the term "alert sound" (herein referred to as the "sound") means a vehicle-emitted sound to enable pedestrians to discern vehicle presence, direction, location, and operation;

(3) the term "cross-over speed" means the speed at which tire noise, wind resistance, or other factors eliminate the need for a separate alert sound as determined by the Secretary;

(4) the term "motor vehicle" has the meaning given such term in section 30102(a)(6) of title 49, United States Code, except that such term shall not include a trailer (as such term is defined in section 571.3 of title 49, Code of Federal Regulations);

(5) the term "conventional motor vehicle" means a motor vehicle powered by a gasoline, diesel, or alternative fueled internal combustion engine as its sole means of propulsion;

(6) the term "manufacturer" has the meaning given such term in section 30102(a)(5) of title 49, United States Code;

(7) the term "dealer" has the meaning given such term in section 30102(a)(1) of title 49, United States Code;

(8) the term "defect" has the meaning given such term in section 30102(a)(2) of title 49, United States Code;

(9) the term "hybrid vehicle" means a motor vehicle which has more than one means of propulsion; and

(10) the term "electric vehicle" means a motor vehicle with an electric motor as its sole means of propulsion.

SEC. 3. MINIMUM SOUND REQUIREMENT FOR MOTOR VEHICLES.

(a) RULEMAKING REQUIRED.—Not later than 18 months after the date of enactment of this Act the Secretary shall initiate rulemaking,

under section 30111 of title 49, United States Code, to promulgate a motor vehicle safety standard—

(1) establishing performance requirements for an alert sound that allows blind and other pedestrians to reasonably detect a nearby electric or hybrid vehicle operating below the cross-over speed, if any; and

(2) requiring new electric or hybrid vehicles to provide an alert sound conforming to the requirements of the motor vehicle safety standard established under this subsection.

The motor vehicle safety standard established under this subsection shall not require either driver or pedestrian activation of the alert sound and shall allow the pedestrian to reasonably detect a nearby electric or hybrid vehicle in critical operating scenarios including, but not limited to, constant speed, accelerating, or decelerating. The Secretary shall allow manufacturers to provide each vehicle with one or more sounds that comply with the motor vehicle safety standard at the time of manufacture. Further, the Secretary shall require manufacturers to provide, within reasonable manufacturing tolerances, the same sound or set of sounds for all vehicles of the same make and model and shall prohibit manufacturers from providing any mechanism for anyone other than the manufacturer or the dealer to disable, alter, replace, or modify the sound or set of sounds in order to remedy a defect or non-compliance with the motor vehicle safety standard. The Secretary shall promulgate the required motor vehicle safety standard pursuant to this subsection not later than 36 months after the date of enactment of this Act.

(b) CONSIDERATION.—When conducting the required rulemaking, the Secretary shall—

(1) determine the minimum level of sound emitted from a motor vehicle that is necessary to provide blind and other pedestrians with the information needed to reasonably detect a nearby electric or hybrid vehicle operating at or below the cross-over speed, if any;

(2) determine the performance requirements for an alert sound that is recognizable to a pedestrian as a motor vehicle in operation; and

(3) consider the overall community noise impact.

(c) PHASE-IN REQUIRED.—The motor vehicle safety standard prescribed pursuant to subsection (a) of this section shall establish a phase-in period for compliance, as determined by the Secretary, and shall require full compliance with the required motor vehicle safety standard for motor vehicles manufactured on or after September 1st of the calendar year that begins 3 years after the date on which the final rule is issued.

(d) REQUIRED CONSULTATION.—When conducting the required study and rulemaking, the Secretary shall—

(1) consult with the Environmental Protection Agency to assure that the motor vehicle safety standard is consistent with existing noise requirements overseen by the Agency;

(2) consult consumer groups representing individuals who are blind;

(3) consult with automobile manufacturers and professional organizations representing them;

(4) consult technical standardization organizations responsible for measurement methods such as the Society of Automotive Engineers, the International Organization for Standardization, and the United Nations Economic Commission for Europe, World

Forum for Harmonization of Vehicle Regulations.

(e) REQUIRED STUDY AND REPORT TO CONGRESS.—Not later than 48 months after the date of enactment of this Act, the Secretary shall complete a study and report to Congress as to whether there exists a safety need to apply the motor vehicle safety standard required by subsection (a) to conventional motor vehicles. In the event that the Secretary determines there exists a safety need, the Secretary shall initiate rulemaking under section 30111 of title 49, United States Code, to extend the standard to conventional motor vehicles.

SEC. 4. FUNDING.

Notwithstanding any other provision of law, \$2,000,000 of any amounts made available to the Secretary of Transportation under section 406 of title 23, United States Code, shall be made available to the Administrator of the National Highway Transportation Safety Administration for carrying out section 3 of this Act.

The bill (S. 841), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

NATIONAL FOUNDATION ON PHYSICAL FITNESS AND SPORTS ESTABLISHMENT ACT

Mr. WYDEN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 677, S. 1275.

The PRESIDING OFFICER. The clerk will report the bill by title.

The bill clerk read as follows:

A bill (S. 1275) to establish a National Foundation on Physical Fitness and Sports to carry out activities to support and supplement the mission of the President's Council on Physical Fitness and Sports.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Health, Education, Labor, and Pensions, which an amendment to strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Foundation on Fitness, Sports, and Nutrition Establishment Act".

SEC. 2. ESTABLISHMENT AND PURPOSE OF FOUNDATION.

(a) ESTABLISHMENT.—There is established the National Foundation on Fitness, Sports, and Nutrition (hereinafter in this Act referred to as the "Foundation"). The Foundation is a charitable and nonprofit corporation and is not an agency or establishment of the United States.

(b) PURPOSES.—The purposes of the Foundation are—

(1) in conjunction with the Office of the President's Council on Fitness, Sports and Nutrition, to develop a list and description of programs, events and other activities which would further the purposes and functions outlined in Executive Order 13265, as amended, and with respect to which combined private and governmental efforts would be beneficial;

(2) to encourage and promote the participation by private organizations in the activities referred to in subsection (b)(1) and to encourage and promote private gifts of money and other property to support those activities; and

(3) in consultation with such Office, to undertake and support activities to further the purposes and functions of such Executive Order.

(c) PROHIBITION ON FEDERAL FUNDING.—The Foundation may not accept any Federal funds.

SEC. 3. BOARD OF DIRECTORS OF THE FOUNDATION.

(a) ESTABLISHMENT AND MEMBERSHIP.—The Foundation shall have a governing Board of Directors (hereinafter referred to in this Act as the "Board"), which shall consist of 9 members each of whom shall be a United States citizen and—

(1) 3 of whom should be knowledgeable or experienced in one or more fields directly connected with physical fitness, sports, nutrition, or the relationship between health status and physical exercise; and

(2) 6 of whom should be leaders in the private sector with a strong interest in physical fitness, sports, nutrition, or the relationship between health status and physical exercise.

The membership of the Board, to the extent practicable, should represent diverse professional specialties relating to the achievement of physical fitness through regular participation in programs of exercise, sports, and similar activities, or to nutrition. The Assistant Secretary for Health, the Executive Director of the President's Council on Fitness, Sports and Nutrition, the Director for the National Center for Chronic Disease Prevention and Health Promotion, the Director of the National Heart, Lung, and Blood Institute, and the Director for the Centers for Disease Control and Prevention shall be *ex officio*, nonvoting members of the Board. Appointment to the Board or its staff shall not constitute employment by, or the holding of an office of, the United States for the purposes of laws relating to Federal employment.

(b) APPOINTMENTS.—Within 90 days from the date of enactment of this Act, the members of the Board shall be appointed by the Secretary in accordance with this subsection. In selecting individuals for appointments to the Board, the Secretary should consult with—

(1) the Speaker of the House of Representatives concerning the appointment of one member;

(2) the Majority Leader of the House of Representatives concerning the appointment of one member;

(3) the Majority Leader of the Senate concerning the appointment of one member;

(4) the President Pro Tempore concerning the appointment of one member;

(5) the Minority Leader of the House of Representatives concerning the appointment of one member; and

(6) the Minority Leader of the Senate concerning the appointment of one member.

(c) TERMS.—The members of the Board shall serve for a term of 6 years, except that the original members of the Board shall be appointed for staggered terms as determined appropriate by the Secretary. A vacancy on the Board shall be filled within 60 days of the vacancy in the same manner in which the original appointment was made and shall be for the balance of the term of the individual who was replaced. No individual may serve more than 2 consecutive terms as a member.

(d) CHAIRMAN.—The Chairman shall be elected by the Board from its members for a 2-year term and shall not be limited in terms or service, other than as provided in subsection (c).

(e) QUORUM.—A majority of the current membership of the Board shall constitute a quorum for the transaction of business.

(f) MEETINGS.—The Board shall meet at the call of the Chairman at least once a year. If a member misses 3 consecutive regularly scheduled meetings, that member may be removed from the Board and the vacancy filled in accordance with subsection (c).

(g) REIMBURSEMENT OF EXPENSES.—Members of the Board shall serve without pay, but may be reimbursed for the actual and necessary traveling and subsistence expenses incurred by them

in the performance of the duties of the Foundation, subject to the same limitations on reimbursement that are imposed upon employees of Federal agencies.

(h) **LIMITATIONS.**—The following limitations apply with respect to the appointment of employees of the Foundation:

(1) Employees may not be appointed until the Foundation has sufficient funds to pay them for their service. No individual so appointed may receive a salary in excess of the annual rate of basic pay in effect for Executive Level V in the Federal service. A member of the Board may not receive compensation for serving as an employee of the Foundation.

(2) The first employee appointed by the Board shall be the Secretary of the Board who shall serve, at the direction of the Board, as its chief operating officer and shall be knowledgeable and experienced in matters relating to physical fitness, sports, and nutrition.

(3) No Public Health Service employee nor the spouse or dependent relative of such an employee may serve as a member of the Board of Directors or as an employee of the Foundation.

(4) Any individual who is an employee or member of the Board of the Foundation may not (in accordance with the policies developed under subsection (i)) personally or substantially participate in the consideration or determination by the Foundation of any matter that would directly or predictably affect any financial interest of—

(A) the individual or a relative (as such term is defined in section 109(16) of the Ethics in Government Act, 1978) of the individual; or

(B) any business organization, or other entity, of which the individual is an officer or employee, is negotiating for employment, or in which the individual has any other financial interest.

(i) **GENERAL POWERS.**—The Board may complete the organization of the Foundation by—

(1) appointing employees;

(2) adopting a constitution and bylaws consistent with the purposes of the Foundation and the provision of this Act; and

(3) undertaking such other acts as may be necessary to carry out the provisions of this Act. In establishing bylaws under this subsection, the Board shall provide for policies with regard to financial conflicts of interest and ethical standards for the acceptance, solicitation and disposition of donations and grants to the Foundation.

SEC. 4. POWERS AND DUTIES OF THE FOUNDATION.

(a) **IN GENERAL.**—The Foundation—

(1) shall have perpetual succession;

(2) may conduct business throughout the several States, territories, and possessions of the United States;

(3) shall have its principal offices in or near the District of Columbia; and

(4) shall at all times maintain a designated agent authorized to accept service of process for the Foundation.

The serving of notice to, or service of process upon, the agent required under paragraph (4), or mailed to the business address of such agent, shall be deemed as service upon or notice to the Foundation.

(b) **SEAL.**—The Foundation shall have an official seal selected by the Board which may be used as provided for in section 5.

(c) **INCORPORATION; NONPROFIT STATUS.**—To carry out the purposes of the Foundation under section 2, the Board shall—

(1) incorporate the Foundation in the District of Columbia; and

(2) establish such policies and bylaws as may be necessary to ensure that the Foundation maintains status as an organization that is described in section 501(c)(3) of the Internal Revenue Code of 1986.

(d) **POWERS.**—Subject to the specific provisions of section 2, the Foundation, in consultation with the Office of the President's Council on Fitness, Sports, and Nutrition, shall have the power, directly or by the awarding of contracts or grants, to carry out or support activities for the purposes described in such section.

(e) **TREATMENT OF PROPERTY.**—For purposes of this Act, an interest in real property shall be treated as including easements or other rights for preservation, conservation, protection, or enhancement by and for the public of natural, scenic, historic, scientific, educational inspirational or recreational resources. A gift, devise, or bequest may be accepted by the Foundation even though it is encumbered, restricted, or subject to beneficial interests of private persons if any current or future interest therein is for the benefit of the Foundation.

SEC. 5. PROTECTION AND USES OF TRADEMARKS AND TRADE NAMES.

(a) **TRADEMARKS OF THE FOUNDATION.**—Authorization for a contributor, or a supplier of goods or services, to use, in advertising regarding the contribution, goods, or services, the trade name of the Foundation, or any trademark, seal, symbol, insignia, or emblem of the Foundation may be provided only by the Foundation with the concurrence of the Secretary or the Secretary's designee.

(b) **TRADEMARKS OF THE COUNCIL.**—Authorization for a contributor or supplier described in subsection (a) to use, in such advertising, the trade name of the President's Council on Fitness, Sports, and Nutrition, or any trademark, seal, symbol, insignia, or emblem of such Council, may be provided—

(1) by the Secretary or the Secretary's designee; or

(2) by the Foundation with the concurrence of the Secretary or the Secretary's designee.

SEC. 6. AUDIT, REPORT REQUIREMENTS, AND PETITION OF ATTORNEY GENERAL FOR EQUITABLE RELIEF.

(a) **AUDITS.**—For purposes of the Act entitled "An Act for audit of accounts of private corporations established under Federal law", approved August 30, 1964 (Public Law 88-504, 36 U.S.C. 1101-1103), the Foundation shall be treated as a private corporation under Federal law. The Inspector General of the Department of Health and Human Services and the Comptroller General of the United States shall have access to the financial and other records of the Foundation, upon reasonable notice.

(b) **REPORT.**—The Foundation shall, not later than 60 days after the end of each fiscal year, transmit to the Secretary and to Congress a report of its proceedings and activities during such year, including a full and complete statement of its receipts, expenditures, and investments.

(c) **RELIEF WITH RESPECT TO CERTAIN FOUNDATION ACTS OR FAILURE TO ACT.**—If the Foundation—

(1) engages in, or threatens to engage in, any act, practice or policy that is inconsistent with its purposes set forth in section 2(b); or

(2) refuses, fails, or neglects to discharge its obligations under this Act, or threaten to do so; the Attorney General of the United States may petition in the United States District Court for the District of Columbia for such equitable relief as may be necessary or appropriate.

Mr. WYDEN. Mr. President, I ask unanimous consent that the committee-reported substitute amendment be agreed to, the bill, as amended, be read a third time and passed, and the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements related to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee-reported substitute amendment was agreed to.

The bill (S. 1275), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

AUTHORIZING TESTIMONY AND LEGAL REPRESENTATION

Mr. WYDEN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 699 submitted earlier today.

The PRESIDING OFFICER. The clerk will report the title of the resolution.

The bill clerk read as follows:

A resolution (S. Res. 699) to authorize testimony and legal representation in City of St. Paul v. Irene Victoria Andrews, Bruce Jerome Berry, John Joseph Braun, David Eugene Luce, and Elizabeth Ann McKenzie.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, this resolution concerns a request for testimony and representation in a criminal action pending in Minnesota State Court. In this action, protesters have been charged with trespass for occupying Senator AL FRANKEN's St. Paul, Minnesota office in April of this year, and refusing requests to leave the premises. The prosecution has sought testimony from a member of the Senator's staff who witnessed the relevant events. Senator FRANKEN would like to cooperate by providing testimony from that person. This resolution would authorize that person to testify in connection with these actions, with representation by the Senate Legal Counsel of her and any other employee from whom evidence may be sought.

Mr. WYDEN. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements related to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 699) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 699

Whereas, in the case of *City of St. Paul v. Irene Victoria Andrews, Bruce Jerome Berry, John Joseph Braun, David Eugene Luce, and Elizabeth Ann McKenzie*, Case No. 10-071-634, pending in Ramsey County District Court in St. Paul, Minnesota, the prosecution has sought testimony from Shelly Schafer, an employee of Senator Al Franken;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. 288b(a) and 288c(a)(2), the Senate may direct its counsel to represent employees of the Senate with respect to any

subpoena, order, or request for testimony relating to their official responsibilities;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate may, by the judicial or administrative process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistent with the privileges of the Senate: Now, therefore, be it

Resolved, That Shelly Schafer is authorized to testify in the case of *City of St. Paul v. Irene Victoria Andrews, Bruce Jerome Berry, John Joseph Braun, David Eugene Luce, and Elizabeth Ann McKenzie*, except concerning matters for which a privilege should be asserted.

SEC. 2. The Senate Legal Counsel is authorized to represent Shelly Schafer, and any other employee from whom evidence may be sought, in connection with the testimony authorized in section one of this resolution.

The PRESIDING OFFICER. The Chair, on behalf of the President pro tempore, pursuant to Public Law 104-191, appoints the following individual to the National Committee on Vital and Health Statistics for a 4-year term: Dr. Raj Chanderraj of Nevada vice Dr. Richard K. Harding of South Carolina.

TRAFFICKING DETERRENCE AND VICTIMS SUPPORT ACT OF 2009

Mr. WYDEN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 581, S. 2925.

The PRESIDING OFFICER. The clerk will report the bill by title.

The bill clerk read as follows:

A bill (S. 2925) to establish a grant program to benefit victims of sex trafficking, and for other purposes.

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on the Judiciary, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Domestic Minor Sex Trafficking Deterrence and Victims Support Act of 2010".

SEC. 2. FINDINGS.

Congress finds the following:

(1) Human trafficking is modern-day slavery. It is one of the fastest-growing, and the second largest, criminal enterprise in the world. Human trafficking generates an estimated profit of \$32,000,000,000 per year, world wide.

(2) In the United States, human trafficking is an increasing problem. This criminal enterprise victimizes individuals in the United States, many of them children, who are forced into prostitution, and foreigners brought into the country, often under false pretenses, who are coerced into forced labor or commercial sexual exploitation.

(3) Sex trafficking is one of the most lucrative areas of human trafficking. Criminal gang members in the United States are increasingly involved in recruiting young women and girls into sex trafficking. Interviews with gang members

indicate that the gang members regard working as an individual who solicits customers for a prostitute (commonly known as a "pimp") to being as lucrative as trafficking in drugs, but with a much lower chance of being criminally convicted.

(4) National Incidence Studies of Missing, Abducted, Runaway and Throwaway Children, the definitive study of episodes of missing children, found that of the children who are victims of non-family abduction, runaway or throwaway children, the police are alerted by family or guardians in only 21 percent of the cases. In 79 percent of cases there is no report and no police involvement, and therefore no official attempt to find the child.

(5) In 2007, the Administration of Children and Families, Department of Health and Human Services, reported to the Federal Government 265,000 cases of serious physical, sexual, or psychological abuse of children.

(6) Experts estimate that each year at least 100,000 children in the United States are exploited through prostitution.

(7) Children who have run away from home are at a high risk of becoming exploited through sex trafficking. Children who have run away multiple times are at much higher risk of not returning home and of engaging in prostitution.

(8) The vast majority of children involved in sex trafficking have suffered previous sexual or physical abuse, live in poverty, or have no stable home or family life. These children require a comprehensive framework of specialized treatment and mental health counseling that addresses post-traumatic stress, depression, and sexual exploitation.

(9) The average age of first exploitation through prostitution is 13. Seventy-five percent of minors exploited through prostitution have a pimp. A pimp can earn \$200,000 per year prostituting 1 sex trafficking victim.

(10) Sex trafficking of minors is a complex and varied criminal problem that requires a multidisciplinary, cooperative solution. Reducing trafficking will require the Government to address victims, pimps, and johns, and to provide training specific to sex trafficking for law enforcement officers and prosecutors, and child welfare, public health, and other social service providers.

(11) Human trafficking is a criminal enterprise that imposes significant costs on the economy of the United States. Government and non-profit resources used to address trafficking include those of law enforcement, the judicial and penal systems, and social service providers. Without a range of appropriate treatments to help trafficking victims overcome the trauma they have experienced, victims will continue to be exploited by criminals and unable to support themselves, and will continue to require Government resources, rather than being productive contributors to the legitimate economy.

(12) Human trafficking victims are often either not identified as trafficking victims or are mischaracterized as criminal offenders. Both private and public sector personnel play a significant role in identifying trafficking victims and potential victims, such as runaways. Examples of such personnel include hotel staff, flight attendants, health care providers, educators, and parks and recreation personnel. Efforts to train these individuals can bolster law enforcement efforts to reduce human trafficking.

(13) Minor sex trafficking victims are under the age of 18. Because minors do not have the capacity to consent to their own commercial sexual exploitation, minor sex trafficking victims should not be charged as criminal defendants. Instead, minor victims of sex trafficking should have access to treatment and services to help them recover from their sexual exploitation, and should also be provided access to appropriate compensation for harm they have suffered.

(14) Several States have recently passed or are considering legislation that establishes a presumption that a minor charged with a prostitution offense is a severely trafficked person and should instead be cared for through the child protection system. Some such legislation also provides support and services to minor sex trafficking victims who are under the age of 18 years old. These services include safe houses, crisis intervention programs, community-based programs, and law-enforcement training to help officers identify minor sex trafficking victims.

(15) Sex trafficking of minors is not a problem that occurs only in urban settings. This crime also exists in rural areas and on Indian reservations. Efforts to address sex trafficking of minors should include partnerships with organizations that seek to address the needs of such underserved communities.

SEC. 3. SENSE OF CONGRESS.

It is the sense of the Congress that—

(1) the Attorney General should implement changes to the National Crime Information Center database to ensure that—

(A) a child entered into the database will be automatically designated as an endangered juvenile if the child has been reported missing not less than 3 times in a 1-year period;

(B) the database is programmed to cross-reference newly entered reports with historical records already in the database; and

(C) the database is programmed to include a visual cue on the record of a child designated as an endangered juvenile to assist law enforcement officers in recognizing the child and providing the child with appropriate care and services;

(2) funds awarded under subpart 1 of part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3750 et seq.) (commonly known as Byrne Grants) should be used to provide education, training, deterrence, and prevention programs relating to sex trafficking of minors;

(3) States should—

(A) treat minor victims of sex trafficking as crime victims rather than as criminal defendants or juvenile delinquents;

(B) adopt laws that—

(i) establish the presumption that a child under the age of 18 who is charged with a prostitution offense is a minor victim of sex trafficking;

(ii) avoid the criminal charge of prostitution for such a child, and instead consider such a child a victim of crime and provide the child with appropriate services and treatment; and

(iii) strengthen criminal provisions prohibiting the purchasing of commercial sex acts, especially with minors;

(C) amend State statutes and regulations—

(i) relating to crime victim compensation to make eligible for such compensation any individual who is a victim of sex trafficking as defined in section 1591(a) of title 18, United States Code, or a comparable State law against commercial sexual exploitation of children, and who would otherwise be ineligible for such compensation due to participation in prostitution activities because the individual is determined to have contributed to, consented to, benefitted from, or otherwise participated as a party to the crime for which the individual is claiming injury; and

(ii) relating to law enforcement reporting requirements to provide for exceptions to such requirements for victims of sex trafficking in the same manner as exceptions are provided to victims of domestic violence or related crimes; and

(4) demand for commercial sex with sex trafficking victims must be deterred through consistent enforcement of criminal laws against purchasing commercial sex.

SEC. 4. SEX TRAFFICKING BLOCK GRANTS.

Section 204 of the Trafficking Victims Protection Reauthorization Act of 2005 (42 U.S.C. 14044c) is amended to read as follows:

“SEC. 204. ENHANCING STATE AND LOCAL EFFORTS TO COMBAT TRAFFICKING IN PERSONS.

“(a) **SEX TRAFFICKING BLOCK GRANTS.**—

“(1) **DEFINITIONS.**—In this section—

“(A) the term ‘Assistant Attorney General’ means the Assistant Attorney General for the Office of Justice Programs of the Department of Justice;

“(B) the term ‘eligible entity’ means a State or unit of local government that—

“(i) has significant criminal activity involving sex trafficking of minors;

“(ii) has demonstrated cooperation between State, local, and, where applicable, tribal law enforcement agencies, prosecutors, and social service providers in addressing sex trafficking of minors;

“(iii) has developed a workable, multi-disciplinary plan to combat sex trafficking of minors, including—

“(I) the establishment of a shelter for minor victims of sex trafficking, through existing or new facilities;

“(II) the provision of rehabilitative care to minor victims of sex trafficking;

“(III) the provision of specialized training for law enforcement officers and social service providers for all forms of sex trafficking, with a focus on sex trafficking of minors;

“(IV) prevention, deterrence, and prosecution of offenses involving sex trafficking of minors;

“(V) cooperation or referral agreements with organizations providing outreach or other related services to runaway and homeless youth; and

“(VI) law enforcement protocols or procedures to screen all individuals arrested for prostitution, whether adult or minor, for victimization by sex trafficking and by other crimes, such as sexual assault and domestic violence; and

“(iv) provides an assurance that, under the plan under clause (iii), a minor victim of sex trafficking shall not be required to collaborate with law enforcement to have access to any shelter or services provided with a grant under this section;

“(C) the term ‘minor victim of sex trafficking’ means an individual who is—

“(i) under the age of 18 years old, and is a victim of an offense described in section 1591(a) of title 18, United States Code, or a comparable State law; or

“(ii) at least 18 years old but not more than 20 years old, and who, on the day before the individual attained 18 years of age, was described in clause (i) and was receiving shelter or services as a minor victim of sex trafficking;

“(D) the term ‘qualified non-governmental organization’ means an organization that—

“(i) is not a State or unit of local government, or an agency of a State or unit of local government;

“(ii) has demonstrated experience providing services to victims of sex trafficking or related populations (such as runaway and homeless youth), or employs staff specialized in the treatment of sex trafficking victims; and

“(iii) demonstrates a plan to sustain the provision of services beyond the period of a grant awarded under this section; and

“(E) the term ‘sex trafficking of a minor’ means an offense described in subsection (a) of section 1591 of title 18, United States Code, the victim of which is a minor.

“(2) **GRANTS AUTHORIZED.**—

“(A) **IN GENERAL.**—The Assistant Attorney General, in consultation with the Assistant Secretary for Children and Families of the Department of Health and Human Services, is author-

ized to award block grants to 6 eligible entities in different regions of the United States to combat sex trafficking, and not fewer than 1 of the block grants shall be awarded to an eligible entity with a State population of less than 5,000,000.

“(B) **GRANT AMOUNT.**—Subject to the availability of appropriations under subsection (g) to carry out this section, each grant awarded under this section shall be for an amount not less than \$2,000,000 and not greater than \$2,500,000.

“(C) **DURATION.**—

“(i) **IN GENERAL.**—A grant awarded under this section shall be for a period of 1 year.

“(ii) **RENEWAL.**—

“(I) **IN GENERAL.**—The Assistant Attorney General may renew a grant under this section for two 1-year periods.

“(II) **PRIORITY.**—In awarding grants in any fiscal year after the first fiscal year in which grants are awarded under this section, the Assistant Attorney General shall give priority to applicants that received a grant in the preceding fiscal year and are eligible for renewal under this subparagraph, taking into account any evaluation of such applicant conducted pursuant to paragraph (5), if available.

“(D) **CONSULTATION.**—In carrying out this section, consultation by the Assistant Attorney General with the Assistant Secretary for Children and Families of the Department of Health and Human Services shall include consultation with respect to grantee evaluations, the avoidance of unintentional duplication of grants, and any other areas of shared concern.

“(3) **USE OF FUNDS.**—

“(A) **ALLOCATION.**—For each grant awarded under paragraph (2)—

“(i) not less than 50 percent of the funds shall be used by the eligible entity to provide shelter and services (as described in clauses (i) through (iv) of subparagraph (B)) to minor victims of sex trafficking through qualified nongovernmental organizations; and

“(ii) not less than 10 percent of the funds shall be awarded by the eligible entity to one or more qualified nongovernmental organizations with annual revenues of less than \$750,000, to provide services to minor victims of sex trafficking or training for service providers related to sex trafficking of minors.

“(B) **AUTHORIZED ACTIVITIES.**—Grants awarded pursuant to paragraph (2) may be used for—

“(i) providing shelter to minor victims of trafficking, including temporary or long-term placement as appropriate;

“(ii) providing 24-hour emergency social services response for minor victims of sex trafficking;

“(iii) providing minor victims of sex trafficking with clothing and other daily necessities needed to keep such victims from returning to living on the street;

“(iv) case management services for minor victims of sex trafficking;

“(v) mental health counseling for minor victims of sex trafficking, including specialized counseling and substance abuse treatment;

“(vi) legal services for minor victims of sex trafficking;

“(vii) specialized training for law enforcement personnel, social service providers, and public and private sector personnel likely to encounter sex trafficking victims on issues related to the sex trafficking of minors;

“(viii) funding salaries, in whole or in part, for law enforcement officers, including patrol officers, detectives, and investigators, except that the percentage of the salary of the law enforcement officer paid for by funds from a grant awarded under paragraph (2) shall not be more than the percentage of the officer’s time on duty that is dedicated to working on cases involving sex trafficking of minors;

“(ix) funding salaries for State and local prosecutors, including assisting in paying trial expenses for prosecution of sex trafficking offenders;

“(x) investigation expenses for cases involving sex trafficking of minors, including—

“(I) wire taps;

“(II) consultants with expertise specific to cases involving sex trafficking of minors;

“(III) travel; and

“(IV) any other technical assistance expenditures;

“(xi) outreach and education programs to provide information about deterrence and prevention of sex trafficking of minors; and

“(xii) programs to provide treatment to individuals charged or cited with purchasing or attempting to purchase sex acts in cases where—

“(I) a treatment program can be mandated as a condition of a sentence, fine, suspended sentence, or probation, or is an appropriate alternative to criminal prosecution; and

“(II) the individual was not charged with purchasing or attempting to purchase sex acts with a minor.

“(4) **APPLICATION.**—

“(A) **IN GENERAL.**—Each eligible entity desiring a grant under this section shall submit an application to the Assistant Attorney General at such time, in such manner, and accompanied by such information as the Assistant Attorney General may reasonably require.

“(B) **CONTENTS.**—Each application submitted pursuant to subparagraph (A) shall—

“(i) describe the activities for which assistance under this section is sought; and

“(ii) provide such additional assurances as the Assistant Attorney General determines to be essential to ensure compliance with the requirements of this section.

“(5) **EVALUATION.**—The Assistant Attorney General shall enter into a contract with an academic or non-profit organization that has experience in issues related to sex trafficking of minors and evaluation of grant programs to conduct an annual evaluation of grants made under this section to determine the impact and effectiveness of programs funded with grants awarded under paragraph (2).

“(b) **MANDATORY EXCLUSION.**—Any grantee awarded funds under this section that is found to have utilized grant funds for any unauthorized expenditure or otherwise unallowable cost shall not be eligible for any grant funds awarded under the block grant for 2 fiscal years following the year in which the unauthorized expenditure or unallowable cost is reported.

“(c) **COMPLIANCE REQUIREMENT.**—A grantee shall not be eligible to receive a grant under this section if within the last 5 fiscal years, the grantee has been found to have violated the terms or conditions of a Government grant program by utilizing grant funds for unauthorized expenditures or otherwise unallowable costs.

“(d) **ADMINISTRATIVE CAP.**—The cost of administering the grants authorized by this section shall not exceed 3 percent of the total amount appropriated to carry out this section.

“(e) **AUDIT REQUIREMENT.**—For fiscal years 2012 and 2013, the Inspector General of the Department of Justice shall conduct an audit of all 6 grantees awarded block grants under this section.

“(f) **MATCH REQUIREMENT.**—A grantee of a grant under this section shall match at least 25 percent of a grant in the first year, 40 percent in the second year, and 50 percent in the third year.

“(g) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to the Attorney General to carry out this section \$15,000,000 for each of the fiscal years 2012 through 2014.”

SEC. 5. REPORTING REQUIREMENTS.

(a) **ANNUAL STATISTICAL SUMMARY.**—Section 3701(c) of the Crime Control Act of 1990 (42

U.S.C. 5779(c)) is amended by inserting “, which shall include the total number of reports received and the total number of entries made to the National Crime Information Center (NCIC) database of the Federal Bureau of Investigation, established pursuant to section 534 of title 28, United States Code.” after “this title”.

(b) **STATE REPORTING.**—Section 3702 of the Crime Control Act of 1990 (42 U.S.C. 5780) is amended in paragraph (4)—

(1) by striking “(2)” and inserting “(3)”;

(2) in subparagraph (A), by inserting “, and a photograph taken within the previous 180 days” after “dental records”;

(3) in subparagraph (B), by striking “and” after the semicolon;

(4) by redesignating subparagraph (C) as subparagraph (D); and

(5) by inserting after subparagraph (B) the following:

“(C) notify the National Center for Missing and Exploited Children of each report received relating to a child reported missing from a foster care family home or childcare institution; and”.

SEC. 6. PROTECTION FOR CHILD TRAFFICKING VICTIMS AND SURVIVORS.

Section 225(b) of the Trafficking Victims Reauthorization Act of 2008 (22 U.S.C. 7101 note) is amended—

(1) in paragraph (1), by striking “and” at the end;

(2) by redesignating paragraph (2) as paragraph (3); and

(3) by inserting after paragraph (1) the following:

“(2) protects children exploited through prostitution by including safe harbor provisions that—

“(A) treat an individual under 18 years of age who has been arrested for offering to engage in or engaging in a sexual act with another person in exchange for monetary compensation as a victim of a severe form of trafficking in persons;

“(B) prohibit the charging or prosecution of an individual described in subparagraph (A) for a prostitution offense;

“(C) require the referral of an individual described in subparagraph (A) to comprehensive service or community-based programs that provide assistance to child victims of commercial sexual exploitation, to the extent that comprehensive service or community-based programs exist; and

“(D) provide that an individual described in subparagraph (A) shall not be required to prove fraud, force, or coercion in order to receive the protections described under this paragraph; and”.

SEC. 7. SUBPOENA AUTHORITY.

Section 566(e)(1) of title 28, United States Code, is amended—

(1) in subparagraph (A), by striking “and” at the end;

(2) in subparagraph (B), by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following:

“(C) issue administrative subpoenas in accordance with section 3486 of title 18, solely for the purpose of investigating unregistered sex offenders.”.

SEC. 8. PROTECTION OF CHILD WITNESSES.

Section 1514 of title 18, United States Code, is amended—

(1) in subsection (b)—

(A) in paragraph (1)—

(i) by inserting “or its own motion,” after “attorney for the Government”; and

(ii) by inserting “or investigation” after “Federal criminal case” each place it appears;

(B) by redesignating paragraphs (2), (3), and (4) as paragraphs (3), (4), and (5), respectively;

(C) by inserting after paragraph (1) the following:

“(2) In the case of a minor witness or victim, the court shall issue a protective order prohib-

iting harassment or intimidation of the minor victim or witness if the court finds evidence that the conduct at issue is reasonably likely to adversely affect the willingness of the minor witness or victim to testify or otherwise participate in the Federal criminal case or investigation. Any hearing regarding a protective order under this paragraph shall be conducted in accordance with paragraphs (1) and (3), except that the court may issue an ex parte emergency protective order in advance of a hearing if exigent circumstances are present. If such an ex parte order is applied for or issued, the court shall hold a hearing not later than 14 days after the date such order was applied for or is issued.”;

(D) in paragraph (4), as so redesignated, by striking “(and not by reference to the complaint or other document)”;

(E) in paragraph (5), as so redesignated, in the second sentence, by inserting before the period at the end the following: “, except that in the case of a minor victim or witness, the court may order that such protective order expires on the later of 3 years after the date of issuance or the date of the eighteenth birthday of that minor victim or witness”;

(2) by striking subsection (c) and inserting the following:

“(c) Whoever knowingly and intentionally violates or attempts to violate an order issued under this section shall be fined under this title, imprisoned not more than 5 years, or both.

“(d)(1) As used in this section—

“(A) the term ‘course of conduct’ means a series of acts over a period of time, however short, indicating a continuity of purpose;

“(B) the term ‘harassment’ means a serious act or course of conduct directed at a specific person that—

“(i) causes substantial emotional distress in such person; and

“(ii) serves no legitimate purpose;

“(C) the term ‘immediate family member’ has the meaning given that term in section 115 and includes grandchildren;

“(D) the term ‘intimidation’ means a serious act or course of conduct directed at a specific person that—

“(i) causes fear or apprehension in such person; and

“(ii) serves no legitimate purpose;

“(E) the term ‘restricted personal information’ has the meaning given that term in section 119;

“(F) the term ‘serious act’ means a single act of threatening, retaliatory, harassing, or violent conduct that is reasonably likely to influence the willingness of a victim or witness to testify or participate in a Federal criminal case or investigation; and

“(G) the term ‘specific person’ means a victim or witness in a Federal criminal case or investigation, and includes an immediate family member of such a victim or witness.

“(2) For purposes of subparagraphs (B)(ii) and (D)(ii) of paragraph (1), a court shall presume, subject to rebuttal by the person, that the distribution or publication using the Internet of a photograph of, or restricted personal information regarding, a specific person serves no legitimate purpose, unless that use is authorized by that specific person, is for news reporting purposes, is designed to locate that specific person (who has been reported to law enforcement as a missing person), or is part of a government-authorized effort to locate a fugitive or person of interest in a criminal, antiterrorism, or national security investigation.”.

SEC. 9. SENTENCING GUIDELINES.

Pursuant to its authority under section 994 of title 28, United States Code, and in accordance with this section, the United States Sentencing Commission shall review and amend the Federal sentencing guidelines and policy statements to ensure—

(1) that the guidelines provide an additional penalty increase of up to 8 offense levels, if appropriate, above the sentence otherwise applicable in Part J of the Guidelines Manual if the defendant was convicted of a violation of section 1591 of title 18, United States Code, or chapters 109A, 109B, 110 or 117 of title 18, United States Code; and

(2) if the offense described in paragraph (1) involved causing or threatening to cause physical injury to a person under 18 years of age, in order to obstruct the administration of justice, an additional penalty increase of up to 12 levels, if appropriate, above the sentence otherwise applicable in Part J of the Guidelines Manual.

SEC. 10. MINIMUM PENALTIES FOR POSSESSION OF CHILD PORNOGRAPHY.

(a) **CERTAIN ACTIVITIES RELATING TO MATERIAL INVOLVING THE SEXUAL EXPLOITATION OF MINORS.**—Section 2252(b)(2) of title 18, United States Code, is amended by inserting after “but if” the following: “any visual depiction involved in the offense involved a prepubescent minor or a minor who had not attained 12 years of age, such person shall be fined under this title and imprisoned for not less than 1 year nor more than 20 years, or if”.

(b) **CERTAIN ACTIVITIES RELATING TO MATERIAL CONSTITUTING OR CONTAINING CHILD PORNOGRAPHY.**—Section 2252A(b)(2) of title 18, United States Code, is amended by inserting after “but, if” the following: “any image of child pornography involved in the offense involved a prepubescent minor or a minor who had not attained 12 years of age, such person shall be fined under this title and imprisoned for not less than 1 year nor more than 20 years, or if”.

SEC. 11. ADMINISTRATIVE SUBPOENAS.

Section 3486(a)(1) of title 18, United States Code, is amended—

(1) in subparagraph (A)(i)—

(A) by striking “or” after “Federal health care offense;”;

(B) by striking “children,” and inserting the following: “children; or (III) and only for the purpose of investigations by the U.S. Marshals Service of an unregistered sex offender”;

(2) in subparagraph (D)—

(A) by striking “paragraph, the term” and inserting the following: “paragraph—

“(i) the term”;

(B) by inserting “, 2250” after “2243”;

(C) by striking the period at the end and inserting “; and”; and

(D) by adding at the end the following:

“(ii) the term ‘sex offender’ means an individual required to register under the Sex Offender Registration and Notification Act (42 U.S.C. 16901 et seq.).”.

SEX TRAFFICKING

Mr. COBURN. I support the goals of this legislation and believe that slavery, in any form, is morally reprehensible. Sex trafficking is a global epidemic, and we should endeavor to eliminate this industry, especially due to its effects on minors who are victims of this practice. However, I believe we can and must do so in a fiscally responsible manner that avoids duplication of existing laws and programs and upholds the Constitution.

Mr. WYDEN. I thank the Senator from Oklahoma for his constructive work in helping to craft an agreement to pass S. 2925. As he notes, sex trafficking is modern day slavery. It is a morally reprehensible epidemic that ensnares far too many children, and there is far too little awareness of the

scope of this criminal enterprise in the United States. I also agree that in combating this heinous crime, and providing law enforcement agencies and services providers with effective tools, Congress must take care to do so in a manner that is fiscally responsible and that avoids inefficiency and duplication.

Mr. COBURN. Although the Subcommittee on Human Rights held a hearing on child prostitution this year, it did not fully explore the effectiveness of existing law and grant programs, and whether there are loopholes or problems that need to be fixed in order to make the Federal Government's efforts more effective. There are multiple programs for trafficking victims under existing law, but some of them remain unclear and confusing. In fact, many of them have never received congressional funding. Thus, while I agree with the Senator from Oregon that there seems to be a disparity between the resources provided to domestic victims and those provided to international victims, I conveyed to him in our negotiations that I question whether we cannot already provide most of those resources under existing law. As a result, I am committed to vigorous oversight of these issues during the reauthorization of the Trafficking Victims Protection Reauthorization Act, TVPRA, which expires next year.

Mr. WYDEN. I agree with the Senator from Oklahoma that an important role of Congress is to provide oversight to help make Federal programs more effective, to increase efficiency, and to reduce duplication, waste, and unnecessary expenditures. I have discussed with the Senator from Oklahoma his work on the deficit commission, and as he knows, I serve on the Senate Budget Committee and I am very concerned about controlling government spending and working to ensure the most efficient and effective use of government resources. The level of debt that our nation has accumulated is very concerning and is a threat to economic growth and sound fiscal policy. In accordance with these concerns, I agree with the Senator from Oklahoma that when the TVPRA reauthorization occurs, the Senate should carefully consider all programs to combat human trafficking, including S. 2925, to determine which programs provide the most effective impact, and whether there is duplication, inefficiency, or waste that can and should be reduced.

Mr. COBURN. I thank the Senator from Oregon for recognizing the dire state of our economy and his willingness to offset the cost of this legislation. The U.S. national debt is now over \$13.8 trillion and growing. As a result, it is irresponsible for Congress to jeopardize the future standard of living of our children by borrowing from future generations. In the TVPRA reauthorization next year, it is imperative

that we examine all trafficking victims grant programs, including this one, for waste, fraud and abuse, as well as their effect on the deficit. Our country is too fragile and these minor victims are too important for Congress to shirk its duty to perform oversight. I look forward to working with the Senator from Oregon to ensure this and other trafficking victims grant programs are performing effectively, efficiently and within the bounds of the Constitution.

Mr. WYDEN. Mr. President, I ask unanimous consent that the committee substitute amendment be considered; that the two Wyden amendments which are at the desk be agreed to en bloc; that the committee substitute, as amended, be agreed to; the bill, as amended, be read a third time, and that a budgetary pay-go statement be read.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments (Nos. 4751 and 4752) were agreed to, as follows:

AMENDMENT NO. 4751

(Purpose: To strengthen the reporting requirement)

Strike section 5 and insert the following:

SEC. 5. REPORTING REQUIREMENTS.

(a) REPORTING REQUIREMENT FOR STATE CHILD WELFARE AGENCIES.—

(1) REQUIREMENT FOR STATE CHILD WELFARE AGENCIES TO REPORT CHILDREN MISSING OR ABDUCTED.—Section 471(a) of the Social Security Act (42 U.S.C. 671(a)) is amended—

(A) in paragraph (32), by striking “and” after the semicolon;

(B) in paragraph (33), by striking the period and inserting “; and”; and

(C) by inserting after paragraph (33) the following:

“(34) provides that the State has in effect procedures that require the State agency to promptly report information on missing or abducted children to the law enforcement authorities for entry into the National Crime Information Center (NCIC) database of the Federal Bureau of Investigation, established pursuant to section 534 of title 28, United States Code.”

(2) REGULATIONS.—The Secretary of Health and Human Services shall promulgate regulations implementing the amendments made by paragraph (1). The regulations promulgated under this subsection shall include provisions to withhold Federal funds from any State that fails to substantially comply with the requirement imposed under the amendments made by paragraph (1).

(3) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on the date that is 6 months after the date of the enactment of this Act, without regard to whether final regulations required under paragraph (2) have been promulgated.

(b) ANNUAL STATISTICAL SUMMARY.—Section 3701(c) of the Crime Control Act of 1990 (42 U.S.C. 5779(c)) is amended by inserting “, which shall include the total number of reports received and the total number of entries made to the National Crime Information Center (NCIC) database of the Federal Bureau of Investigation, established pursuant to section 534 of title 28, United States Code,” after “this title”.

(c) STATE REPORTING.—Section 3702 of the Crime Control Act of 1990 (42 U.S.C. 5780) is amended in paragraph (4)—

(1) by striking “(2)” and inserting “(3)”;

(2) in subparagraph (A), by inserting “, and a photograph taken within the previous 180 days” after “dental records”;

(3) in subparagraph (B), by striking “and” after the semicolon;

(4) by redesignating subparagraph (C) as subparagraph (D); and

(5) by inserting after subparagraph (B) the following:

“(C) notify the National Center for Missing and Exploited Children of each report received relating to a child reported missing from a foster care family home or childcare institution; and”.

AMENDMENT NO. 4752

(Purpose: To make technical corrections)

On page 23, line 2, insert “(a) IN GENERAL.—” before “Section 204”.

On page 26, line 22, after the period add: “Each eligible entity awarded a block grant under this subparagraph shall certify that Federal funds received under the block grant will be used to combat only interstate sex trafficking.”

On page 28, line 9, strike “50 percent” and insert “67 percent”.

On page 33, between lines 20 and 21, insert the following:

(b) SUNSET PROVISION.—Effective 3 years after the date of enactment of this Act, section 204 of the Trafficking Victims Protection Reauthorization Act of 2005 (42 U.S.C. 14044c) is amended to read as it read on the day before the date of enactment of this Act.

(c) GAO EVALUATION.—Not later than 30 months after the date of enactment of this Act, the Comptroller General of the United States shall conduct a study of and submit to Congress a report evaluating the impact of this Act and the amendments made by this Act in aiding minor victims of sex trafficking in the United States and increasing the ability of law enforcement agencies to prosecute sex trafficking offenders, which shall include recommendations, if any, regarding any legislative or administrative action the Comptroller General determines appropriate.

On page 36, line 14, insert “(as defined in such section 3486)” after “sex offenders”.

On page 41, line 21, insert “(a) IN GENERAL.—” before “Section 3486(a)(1)”.

On page 41, strike line 23 and all that follows through page 42, line 4, and insert the following:

(1) in subparagraph (A)—

(A) in clause (i), by striking “or” at the end;

(B) by redesignating clause (ii) as clause (iii); and

(C) by inserting after clause (i) the following:

“(ii) an unregistered sex offender conducted by the United States Marshals Service, the Director of the United States Marshals Service; or”; and

On page 42, strike line 9.

On page 42, line 10, strike “(C)” and insert “(B)”.

On page 42, line 12, strike “(D)” and insert “(C)”.

On page 42, after line 15, add the following:

(b) TECHNICAL AND CONFORMING AMENDMENTS.—Section 3486(a) of title 18, United States Code, is amended—

(1) in paragraph (6)(A), by striking “United State” and inserting “United States”;

(2) in paragraph (9), by striking “(1)(A)(ii)” and inserting “(1)(A)(iii)”;

(3) in paragraph (10), by striking “paragraph (1)(A)(ii)” and inserting “paragraph (1)(A)(iii)”.

SEC. 12. REDUCING UNNECESSARY PRINTING AND PUBLISHING COSTS OF GOVERNMENT DOCUMENTS.

Not later than 180 days after the date of enactment of this Act, the Director of the Office of Management and Budget shall co-ordinate with the heads of Federal departments and independent agencies to—

- (1) determine which Government publications could be available on Government websites and no longer printed and to devise a strategy to reduce overall Government printing costs beginning with fiscal year 2012, except that the Director shall ensure that essential printed documents prepared for Social Security recipients, Medicare beneficiaries, and other populations in areas with limited internet access or use continue to remain available;
- (2) establish government-wide Federal guidelines on employee printing;
- (3) issue on the Office of Management and Budget's public website the results of a cost-benefit analysis on implementing a digital signature system and on establishing employee printing identification systems, such as the use of individual employee cards or codes, to monitor the amount of printing

done by Federal employees, except that the Director of the Office of Management and Budget shall ensure that Federal employee printing costs unrelated to national defense, homeland security, border security, national disasters, and other emergencies do not exceed \$860,000,000 annually for fiscal years 2012 through 2014; and

(4) issue guidelines requiring every department, agency, commission or office to list at a prominent place near the beginning of each publication distributed to the public and issued or paid for by the Federal Government the following:

- (A) The name of the issuing agency, department, commission or office.
- (B) The total number of copies of the document printed.
- (C) The collective cost of producing and printing all of the copies of the document.
- (D) The name of the firm publishing the document.

SEC. 13. BUDGETARY EFFECTS.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go-Act of 2010, shall be determined by reference to the latest statement

titled “Budgetary Effects of PAYGO Legislation” for this Act, submitted for printing in the Congressional Record by the Chairman of the Senate Budget Committee, provided that such statement has been submitted prior to the vote on passage.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The bill (S. 2925) was ordered to be engrossed for a third reading and was read the third time.

The assistant legislative clerk read as follows:

Mr. Conrad: This is the Statement of Budgetary Effects of PAYGO Legislation for S. 2925, as amended.

Total Budgetary Effects of S. 2925 for the 5-year Statutory PAYGO Scorecard: \$0.

Total Budgetary Effects of S. 2925 for the 10-year Statutory PAYGO Scorecard: \$0.

Also submitted for the RECORD as part of this statement is a table prepared by the Congressional Budget Office, which provides additional information on the budgetary effects of this Act, as follows:

CBO ESTIMATE OF THE STATUTORY PAY-AS-YOU-GO EFFECTS FOR S. 2925, THE DOMESTIC MINOR SEX TRAFFICKING DETERRENCE AND VICTIMS SUPPORT ACT OF 2010, WITH AMENDMENTS PROVIDED TO CBO ON DECEMBER 6, 2010

	By fiscal year, in millions of dollars—											
	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2011–2015	2011–2020
Statutory Pay-As-You-Go Impact ¹	0	0	0	0	0	0	0	0	0	0	0	0

¹ S. 2925 would establish a new federal crime relating to the violation of certain protective orders issued by courts. Violators of the bill's provisions could be subject to criminal fines, so the government might collect more fines if the bill is enacted. Criminal fines are recorded as revenues, then deposited in the Crime Victims Fund, and later spent. Enacting S. 2925 could increase revenues and direct spending, but CBO estimates that the net budget impact would not be significant in any year.

Mr. WYDEN. Mr. President, I ask unanimous consent that the bill be passed, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements related to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 2925), as amended, was passed, as follows:

S. 2925

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Domestic Minor Sex Trafficking Deterrence and Victims Support Act of 2010”.

SEC. 2. FINDINGS.

Congress finds the following:

- (1) Human trafficking is modern-day slavery. It is one of the fastest-growing, and the second largest, criminal enterprise in the world. Human trafficking generates an estimated profit of \$32,000,000,000 per year, world wide.
- (2) In the United States, human trafficking is an increasing problem. This criminal enterprise victimizes individuals in the United States, many of them children, who are forced into prostitution, and foreigners brought into the country, often under false pretenses, who are coerced into forced labor or commercial sexual exploitation.
- (3) Sex trafficking is one of the most lucrative areas of human trafficking. Criminal gang members in the United States are increasingly involved in recruiting young women and girls into sex trafficking. Interviews with gang members indicate that the

gang members regard working as an individual who solicits customers for a prostitute (commonly known as a “pimp”) to being as lucrative as trafficking in drugs, but with a much lower chance of being criminally convicted.

(4) National Incidence Studies of Missing, Abducted, Runaway and Throwaway Children, the definitive study of episodes of missing children, found that of the children who are victims of non-family abduction, runaway or throwaway children, the police are alerted by family or guardians in only 21 percent of the cases. In 79 percent of cases there is no report and no police involvement, and therefore no official attempt to find the child.

(5) In 2007, the Administration of Children and Families, Department of Health and Human Services, reported to the Federal Government 265,000 cases of serious physical, sexual, or psychological abuse of children.

(6) Experts estimate that each year at least 100,000 children in the United States are exploited through prostitution.

(7) Children who have run away from home are at a high risk of becoming exploited through sex trafficking. Children who have run away multiple times are at much higher risk of not returning home and of engaging in prostitution.

(8) The vast majority of children involved in sex trafficking have suffered previous sexual or physical abuse, live in poverty, or have no stable home or family life. These children require a comprehensive framework of specialized treatment and mental health counseling that addresses post-traumatic stress, depression, and sexual exploitation.

(9) The average age of first exploitation through prostitution is 13. Seventy-five percent of minors exploited through prostitution have a pimp. A pimp can earn \$200,000

per year prostituting 1 sex trafficking victim.

(10) Sex trafficking of minors is a complex and varied criminal problem that requires a multi-disciplinary, cooperative solution. Reducing trafficking will require the Government to address victims, pimps, and johns, and to provide training specific to sex trafficking for law enforcement officers and prosecutors, and child welfare, public health, and other social service providers.

(11) Human trafficking is a criminal enterprise that imposes significant costs on the economy of the United States. Government and non-profit resources used to address trafficking include those of law enforcement, the judicial and penal systems, and social service providers. Without a range of appropriate treatments to help trafficking victims overcome the trauma they have experienced, victims will continue to be exploited by criminals and unable to support themselves, and will continue to require Government resources, rather than being productive contributors to the legitimate economy.

(12) Human trafficking victims are often either not identified as trafficking victims or are mischaracterized as criminal offenders. Both private and public sector personnel play a significant role in identifying trafficking victims and potential victims, such as runaways. Examples of such personnel include hotel staff, flight attendants, health care providers, educators, and parks and recreation personnel. Efforts to train these individuals can bolster law enforcement efforts to reduce human trafficking.

(13) Minor sex trafficking victims are under the age of 18. Because minors do not have the capacity to consent to their own commercial sexual exploitation, minor sex trafficking victims should not be charged as criminal defendants. Instead, minor victims

of sex trafficking should have access to treatment and services to help them recover from their sexual exploitation, and should also be provided access to appropriate compensation for harm they have suffered.

(14) Several States have recently passed or are considering legislation that establishes a presumption that a minor charged with a prostitution offense is a severely trafficked person and should instead be cared for through the child protection system. Some such legislation also provides support and services to minor sex trafficking victims who are under the age of 18 years old. These services include safe houses, crisis intervention programs, community-based programs, and law-enforcement training to help officers identify minor sex trafficking victims.

(15) Sex trafficking of minors is not a problem that occurs only in urban settings. This crime also exists in rural areas and on Indian reservations. Efforts to address sex trafficking of minors should include partnerships with organizations that seek to address the needs of such underserved communities.

SEC. 3. SENSE OF CONGRESS.

It is the sense of the Congress that—

(1) the Attorney General should implement changes to the National Crime Information Center database to ensure that—

(A) a child entered into the database will be automatically designated as an endangered juvenile if the child has been reported missing not less than 3 times in a 1-year period;

(B) the database is programmed to cross-reference newly entered reports with historical records already in the database; and

(C) the database is programmed to include a visual cue on the record of a child designated as an endangered juvenile to assist law enforcement officers in recognizing the child and providing the child with appropriate care and services;

(2) funds awarded under subpart 1 of part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3750 et seq.) (commonly known as Byrne Grants) should be used to provide education, training, deterrence, and prevention programs relating to sex trafficking of minors;

(3) States should—

(A) treat minor victims of sex trafficking as crime victims rather than as criminal defendants or juvenile delinquents;

(B) adopt laws that—

(i) establish the presumption that a child under the age of 18 who is charged with a prostitution offense is a minor victim of sex trafficking;

(ii) avoid the criminal charge of prostitution for such a child, and instead consider such a child a victim of crime and provide the child with appropriate services and treatment; and

(iii) strengthen criminal provisions prohibiting the purchasing of commercial sex acts, especially with minors;

(C) amend State statutes and regulations—

(i) relating to crime victim compensation to make eligible for such compensation any individual who is a victim of sex trafficking as defined in section 1591(a) of title 18, United States Code, or a comparable State law against commercial sexual exploitation of children, and who would otherwise be ineligible for such compensation due to participation in prostitution activities because the individual is determined to have contributed to, consented to, benefitted from, or otherwise participated as a party to the crime for which the individual is claiming injury; and

(ii) relating to law enforcement reporting requirements to provide for exceptions to such requirements for victims of sex trafficking in the same manner as exceptions are provided to victims of domestic violence or related crimes; and

(4) demand for commercial sex with sex trafficking victims must be deterred through consistent enforcement of criminal laws against purchasing commercial sex.

SEC. 4. SEX TRAFFICKING BLOCK GRANTS.

(a) IN GENERAL.—Section 204 of the Trafficking Victims Protection Reauthorization Act of 2005 (42 U.S.C. 14044c) is amended to read as follows:

“SEC. 204. ENHANCING STATE AND LOCAL EFFORTS TO COMBAT TRAFFICKING IN PERSONS.

“(a) SEX TRAFFICKING BLOCK GRANTS.—

“(1) DEFINITIONS.—In this section—

“(A) the term ‘Assistant Attorney General’ means the Assistant Attorney General for the Office of Justice Programs of the Department of Justice;

“(B) the term ‘eligible entity’ means a State or unit of local government that—

“(i) has significant criminal activity involving sex trafficking of minors;

“(ii) has demonstrated cooperation between State, local, and, where applicable, tribal law enforcement agencies, prosecutors, and social service providers in addressing sex trafficking of minors;

“(iii) has developed a workable, multi-disciplinary plan to combat sex trafficking of minors, including—

“(I) the establishment of a shelter for minor victims of sex trafficking, through existing or new facilities;

“(II) the provision of rehabilitative care to minor victims of sex trafficking;

“(III) the provision of specialized training for law enforcement officers and social service providers for all forms of sex trafficking, with a focus on sex trafficking of minors;

“(IV) prevention, deterrence, and prosecution of offenses involving sex trafficking of minors;

“(V) cooperation or referral agreements with organizations providing outreach or other related services to runaway and homeless youth; and

“(VI) law enforcement protocols or procedures to screen all individuals arrested for prostitution, whether adult or minor, for victimization by sex trafficking and by other crimes, such as sexual assault and domestic violence; and

“(iv) provides an assurance that, under the plan under clause (iii), a minor victim of sex trafficking shall not be required to collaborate with law enforcement to have access to any shelter or services provided with a grant under this section;

“(C) the term ‘minor victim of sex trafficking’ means an individual who is—

“(i) under the age of 18 years old, and is a victim of an offense described in section 1591(a) of title 18, United States Code, or a comparable State law; or

“(ii) at least 18 years old but not more than 20 years old, and who, on the day before the individual attained 18 years of age, was described in clause (i) and was receiving shelter or services as a minor victim of sex trafficking;

“(D) the term ‘qualified non-governmental organization’ means an organization that—

“(i) is not a State or unit of local government, or an agency of a State or unit of local government;

“(ii) has demonstrated experience providing services to victims of sex trafficking or related populations (such as runaway and

homeless youth), or employs staff specialized in the treatment of sex trafficking victims; and

“(iii) demonstrates a plan to sustain the provision of services beyond the period of a grant awarded under this section; and

“(E) the term ‘sex trafficking of a minor’ means an offense described in subsection (a) of section 1591 of title 18, United States Code, the victim of which is a minor.

“(2) GRANTS AUTHORIZED.—

“(A) IN GENERAL.—The Assistant Attorney General, in consultation with the Assistant Secretary for Children and Families of the Department of Health and Human Services, is authorized to award block grants to 6 eligible entities in different regions of the United States to combat sex trafficking, and not fewer than 1 of the block grants shall be awarded to an eligible entity with a State population of less than 5,000,000. Each eligible entity awarded a block grant under this subparagraph shall certify that Federal funds received under the block grant will be used to combat only interstate sex trafficking.

“(B) GRANT AMOUNT.—Subject to the availability of appropriations under subsection (g) to carry out this section, each grant awarded under this section shall be for an amount not less than \$2,000,000 and not greater than \$2,500,000.

“(C) DURATION.—

“(i) IN GENERAL.—A grant awarded under this section shall be for a period of 1 year.

“(ii) RENEWAL.—

“(I) IN GENERAL.—The Assistant Attorney General may renew a grant under this section for two 1-year periods.

“(II) PRIORITY.—In awarding grants in any fiscal year after the first fiscal year in which grants are awarded under this section, the Assistant Attorney General shall give priority to applicants that received a grant in the preceding fiscal year and are eligible for renewal under this subparagraph, taking into account any evaluation of such applicant conducted pursuant to paragraph (5), if available.

“(D) CONSULTATION.—In carrying out this section, consultation by the Assistant Attorney General with the Assistant Secretary for Children and Families of the Department of Health and Human Services shall include consultation with respect to grantee evaluations, the avoidance of unintentional duplication of grants, and any other areas of shared concern.

“(3) USE OF FUNDS.—

“(A) ALLOCATION.—For each grant awarded under paragraph (2)—

“(i) not less than 67 percent of the funds shall be used by the eligible entity to provide shelter and services (as described in clauses (i) through (iv) of subparagraph (B)) to minor victims of sex trafficking through qualified nongovernmental organizations; and

“(ii) not less than 10 percent of the funds shall be awarded by the eligible entity to one or more qualified nongovernmental organizations with annual revenues of less than \$750,000, to provide services to minor victims of sex trafficking or training for service providers related to sex trafficking of minors.

“(B) AUTHORIZED ACTIVITIES.—Grants awarded pursuant to paragraph (2) may be used for—

“(i) providing shelter to minor victims of trafficking, including temporary or long-term placement as appropriate;

“(ii) providing 24-hour emergency social services response for minor victims of sex trafficking;

“(iii) providing minor victims of sex trafficking with clothing and other daily necessities needed to keep such victims from returning to living on the street;

“(iv) case management services for minor victims of sex trafficking;

“(v) mental health counseling for minor victims of sex trafficking, including specialized counseling and substance abuse treatment;

“(vi) legal services for minor victims of sex trafficking;

“(vii) specialized training for law enforcement personnel, social service providers, and public and private sector personnel likely to encounter sex trafficking victims on issues related to the sex trafficking of minors;

“(viii) funding salaries, in whole or in part, for law enforcement officers, including patrol officers, detectives, and investigators, except that the percentage of the salary of the law enforcement officer paid for by funds from a grant awarded under paragraph (2) shall not be more than the percentage of the officer's time on duty that is dedicated to working on cases involving sex trafficking of minors;

“(ix) funding salaries for State and local prosecutors, including assisting in paying trial expenses for prosecution of sex trafficking offenders;

“(x) investigation expenses for cases involving sex trafficking of minors, including—

“(I) wire taps;

“(II) consultants with expertise specific to cases involving sex trafficking of minors;

“(III) travel; and

“(IV) any other technical assistance expenditures;

“(xi) outreach and education programs to provide information about deterrence and prevention of sex trafficking of minors; and

“(xii) programs to provide treatment to individuals charged or cited with purchasing or attempting to purchase sex acts in cases where—

“(I) a treatment program can be mandated as a condition of a sentence, fine, suspended sentence, or probation, or is an appropriate alternative to criminal prosecution; and

“(II) the individual was not charged with purchasing or attempting to purchase sex acts with a minor.

“(4) APPLICATION.—

“(A) IN GENERAL.—Each eligible entity desiring a grant under this section shall submit an application to the Assistant Attorney General at such time, in such manner, and accompanied by such information as the Assistant Attorney General may reasonably require.

“(B) CONTENTS.—Each application submitted pursuant to subparagraph (A) shall—

“(i) describe the activities for which assistance under this section is sought; and

“(ii) provide such additional assurances as the Assistant Attorney General determines to be essential to ensure compliance with the requirements of this section.

“(5) EVALUATION.—The Assistant Attorney General shall enter into a contract with an academic or non-profit organization that has experience in issues related to sex trafficking of minors and evaluation of grant programs to conduct an annual evaluation of grants made under this section to determine the impact and effectiveness of programs funded with grants awarded under paragraph (2).

“(b) MANDATORY EXCLUSION.—Any grantee awarded funds under this section that is found to have utilized grant funds for any unauthorized expenditure or otherwise unal-

lowable cost shall not be eligible for any grant funds awarded under the block grant for 2 fiscal years following the year in which the unauthorized expenditure or unallowable cost is reported.

“(c) COMPLIANCE REQUIREMENT.—A grantee shall not be eligible to receive a grant under this section if within the last 5 fiscal years, the grantee has been found to have violated the terms or conditions of a Government grant program by utilizing grant funds for unauthorized expenditures or otherwise unallowable costs.

“(d) ADMINISTRATIVE CAP.—The cost of administering the grants authorized by this section shall not exceed 3 percent of the total amount appropriated to carry out this section.

“(e) AUDIT REQUIREMENT.—For fiscal years 2012 and 2013, the Inspector General of the Department of Justice shall conduct an audit of all 6 grantees awarded block grants under this section.

“(f) MATCH REQUIREMENT.—A grantee of a grant under this section shall match at least 25 percent of a grant in the first year, 40 percent in the second year, and 50 percent in the third year.

“(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Attorney General to carry out this section \$15,000,000 for each of the fiscal years 2012 through 2014.”

(b) SUNSET PROVISION.—Effective 3 years after the date of enactment of this Act, section 204 of the Trafficking Victims Protection Reauthorization Act of 2005 (42 U.S.C. 14044c) is amended to read as it read on the day before the date of enactment of this Act.

(c) GAO EVALUATION.—Not later than 30 months after the date of enactment of this Act, the Comptroller General of the United States shall conduct a study of and submit to Congress a report evaluating the impact of this Act and the amendments made by this Act in aiding minor victims of sex trafficking in the United States and increasing the ability of law enforcement agencies to prosecute sex trafficking offenders, which shall include recommendations, if any, regarding any legislative or administrative action the Comptroller General determines appropriate.

SEC. 5. REPORTING REQUIREMENTS.

(a) REPORTING REQUIREMENT FOR STATE CHILD WELFARE AGENCIES.—

(1) REQUIREMENT FOR STATE CHILD WELFARE AGENCIES TO REPORT CHILDREN MISSING OR ABDUCTED.—Section 471(a) of the Social Security Act (42 U.S.C. 671(a)) is amended—

(A) in paragraph (32), by striking “and” after the semicolon;

(B) in paragraph (33), by striking the period and inserting “; and”; and

(C) by inserting after paragraph (33) the following:

“(34) provides that the State has in effect procedures that require the State agency to promptly report information on missing or abducted children to the law enforcement authorities for entry into the National Crime Information Center (NCIC) database of the Federal Bureau of Investigation, established pursuant to section 534 of title 28, United States Code.”

(2) REGULATIONS.—The Secretary of Health and Human Services shall promulgate regulations implementing the amendments made by paragraph (1). The regulations promulgated under this subsection shall include provisions to withhold Federal funds from any State that fails to substantially comply with the requirement imposed under the amendments made by paragraph (1).

(3) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on the date that is 6 months after the date of the enactment of this Act, without regard to whether final regulations required under paragraph (2) have been promulgated.

(b) ANNUAL STATISTICAL SUMMARY.—Section 3701(c) of the Crime Control Act of 1990 (42 U.S.C. 5779(c)) is amended by inserting “, which shall include the total number of reports received and the total number of entries made to the National Crime Information Center (NCIC) database of the Federal Bureau of Investigation, established pursuant to section 534 of title 28, United States Code.” after “this title”.

(c) STATE REPORTING.—Section 3702 of the Crime Control Act of 1990 (42 U.S.C. 5780) is amended in paragraph (4)—

(1) by striking “(2)” and inserting “(3)”;

(2) in subparagraph (A), by inserting “, and a photograph taken within the previous 180 days” after “dental records”;

(3) in subparagraph (B), by striking “and” after the semicolon;

(4) by redesignating subparagraph (C) as subparagraph (D); and

(5) by inserting after subparagraph (B) the following:

“(C) notify the National Center for Missing and Exploited Children of each report received relating to a child reported missing from a foster care family home or childcare institution; and”.

SEC. 6. PROTECTION FOR CHILD TRAFFICKING VICTIMS AND SURVIVORS.

Section 225(b) of the Trafficking Victims Reauthorization Act of 2008 (22 U.S.C. 7101 note) is amended—

(1) in paragraph (1), by striking “and” at the end;

(2) by redesignating paragraph (2) as paragraph (3); and

(3) by inserting after paragraph (1) the following:

“(2) protects children exploited through prostitution by including safe harbor provisions that—

“(A) treat an individual under 18 years of age who has been arrested for offering to engage in or engaging in a sexual act with another person in exchange for monetary compensation as a victim of a severe form of trafficking in persons;

“(B) prohibit the charging or prosecution of an individual described in subparagraph (A) for a prostitution offense;

“(C) require the referral of an individual described in subparagraph (A) to comprehensive service or community-based programs that provide assistance to child victims of commercial sexual exploitation, to the extent that comprehensive service or community-based programs exist; and

“(D) provide that an individual described in subparagraph (A) shall not be required to prove fraud, force, or coercion in order to receive the protections described under this paragraph; and”.

SEC. 7. SUBPOENA AUTHORITY.

Section 566(e)(1) of title 28, United States Code, is amended—

(1) in subparagraph (A), by striking “and” at the end;

(2) in subparagraph (B), by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following:

“(C) issue administrative subpoenas in accordance with section 3486 of title 18, solely for the purpose of investigating unregistered sex offenders (as defined in such section 3486).”.

SEC. 8. PROTECTION OF CHILD WITNESSES.

Section 1514 of title 18, United States Code, is amended—

(1) in subsection (b)—
(A) in paragraph (1)—
(i) by inserting “or its own motion,” after “attorney for the Government”; and

(ii) by inserting “or investigation” after “Federal criminal case” each place it appears;

(B) by redesignating paragraphs (2), (3), and (4) as paragraphs (3), (4), and (5), respectively;

(C) by inserting after paragraph (1) the following:

“(2) In the case of a minor witness or victim, the court shall issue a protective order prohibiting harassment or intimidation of the minor victim or witness if the court finds evidence that the conduct at issue is reasonably likely to adversely affect the willingness of the minor witness or victim to testify or otherwise participate in the Federal criminal case or investigation. Any hearing regarding a protective order under this paragraph shall be conducted in accordance with paragraphs (1) and (3), except that the court may issue an ex parte emergency protective order in advance of a hearing if exigent circumstances are present. If such an ex parte order is applied for or issued, the court shall hold a hearing not later than 14 days after the date such order was applied for or is issued.”;

(D) in paragraph (4), as so redesignated, by striking “(and not by reference to the complaint or other document)”;

(E) in paragraph (5), as so redesignated, in the second sentence, by inserting before the period at the end the following: “, except that in the case of a minor victim or witness, the court may order that such protective order expires on the later of 3 years after the date of issuance or the date of the eighteenth birthday of that minor victim or witness”;

(2) by striking subsection (c) and inserting the following:

“(c) Whoever knowingly and intentionally violates or attempts to violate an order issued under this section shall be fined under this title, imprisoned not more than 5 years, or both.

“(d)(1) As used in this section—

“(A) the term ‘course of conduct’ means a series of acts over a period of time, however short, indicating a continuity of purpose;

“(B) the term ‘harassment’ means a serious act or course of conduct directed at a specific person that—

“(i) causes substantial emotional distress in such person; and

“(ii) serves no legitimate purpose;

“(C) the term ‘immediate family member’ has the meaning given that term in section 115 and includes grandchildren;

“(D) the term ‘intimidation’ means a serious act or course of conduct directed at a specific person that—

“(i) causes fear or apprehension in such person; and

“(ii) serves no legitimate purpose;

“(E) the term ‘restricted personal information’ has the meaning give that term in section 119;

“(F) the term ‘serious act’ means a single act of threatening, retaliatory, harassing, or violent conduct that is reasonably likely to influence the willingness of a victim or witness to testify or participate in a Federal criminal case or investigation; and

“(G) the term ‘specific person’ means a victim or witness in a Federal criminal case or investigation, and includes an immediate family member of such a victim or witness.

“(2) For purposes of subparagraphs (B)(ii) and (D)(ii) of paragraph (1), a court shall pre-

sume, subject to rebuttal by the person, that the distribution or publication using the Internet of a photograph of, or restricted personal information regarding, a specific person serves no legitimate purpose, unless that use is authorized by that specific person, is for news reporting purposes, is designed to locate that specific person (who has been reported to law enforcement as a missing person), or is part of a government-authorized effort to locate a fugitive or person of interest in a criminal, antiterrorism, or national security investigation.”.

SEC. 9. SENTENCING GUIDELINES.

Pursuant to its authority under section 994 of title 28, United States Code, and in accordance with this section, the United States Sentencing Commission shall review and amend the Federal sentencing guidelines and policy statements to ensure—

(1) that the guidelines provide an additional penalty increase of up to 8 offense levels, if appropriate, above the sentence otherwise applicable in Part J of the Guidelines Manual if the defendant was convicted of a violation of section 1591 of title 18, United States Code, or chapters 109A, 109B, 110 or 117 of title 18, United States Code; and

(2) if the offense described in paragraph (1) involved causing or threatening to cause physical injury to a person under 18 years of age, in order to obstruct the administration of justice, an additional penalty increase of up to 12 levels, if appropriate, above the sentence otherwise applicable in Part J of the Guidelines Manual.

SEC. 10. MINIMUM PENALTIES FOR POSSESSION OF CHILD PORNOGRAPHY.

(a) CERTAIN ACTIVITIES RELATING TO MATERIAL INVOLVING THE SEXUAL EXPLOITATION OF MINORS.—Section 2252(b)(2) of title 18, United States Code, is amended by inserting after “but if” the following: “any visual depiction involved in the offense involved a prepubescent minor or a minor who had not attained 12 years of age, such person shall be fined under this title and imprisoned for not less than 1 year nor more than 20 years, or if”.

(b) CERTAIN ACTIVITIES RELATING TO MATERIAL CONSTITUTING OR CONTAINING CHILD PORNOGRAPHY.—Section 2252A(b)(2) of title 18, United States Code, is amended by inserting after “but, if” the following: “any image of child pornography involved in the offense involved a prepubescent minor or a minor who had not attained 12 years of age, such person shall be fined under this title and imprisoned for not less than 1 year nor more than 20 years, or if”.

SEC. 11. ADMINISTRATIVE SUBPOENAS.

(a) IN GENERAL.—Section 3486(a)(1) of title 18, United States Code, is amended—

(1) in subparagraph (A)—

(A) in clause (i), by striking “or” at the end;

(B) by redesignating clause (ii) as clause (iii); and

(C) by inserting after clause (i) the following:

“(ii) an unregistered sex offender conducted by the United States Marshals Service, the Director of the United States Marshals Service; or”;

(2) in subparagraph (D)—

(A) by striking “paragraph, the term” and inserting the following: “paragraph—

“(i) the term”;

(B) by striking the period at the end and inserting “; and”;

(C) by adding at the end the following:

“(ii) the term ‘sex offender’ means an individual required to register under the Sex Offender Registration and Notification Act (42 U.S.C. 16901 et seq.).”.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—Section 3486(a) of title 18, United States Code, is amended—

(1) in paragraph (6)(A), by striking “United State” and inserting “United States”;

(2) in paragraph (9), by striking “(1)(A)(ii)” and inserting “(1)(A)(iii)”;

(3) in paragraph (10), by striking “paragraph (1)(A)(ii)” and inserting “paragraph (1)(A)(iii)”.

SEC. 12. REDUCING UNNECESSARY PRINTING AND PUBLISHING COSTS OF GOVERNMENT DOCUMENTS.

Not later than 180 days after the date of enactment of this Act, the Director of the Office of Management and Budget shall coordinate with the heads of Federal departments and independent agencies to—

(1) determine which Government publications could be available on Government websites and no longer printed and to devise a strategy to reduce overall Government printing costs beginning with fiscal year 2012, except that the Director shall ensure that essential printed documents prepared for Social Security recipients, Medicare beneficiaries, and other populations in areas with limited internet access or use continue to remain available;

(2) establish government-wide Federal guidelines on employee printing;

(3) issue on the Office of Management and Budget’s public website the results of a cost-benefit analysis on implementing a digital signature system and on establishing employee printing identification systems, such as the use of individual employee cards or codes, to monitor the amount of printing done by Federal employees, except that the Director of the Office of Management and Budget shall ensure that Federal employee printing costs unrelated to national defense, homeland security, border security, national disasters, and other emergencies do not exceed \$860,000,000 annually for fiscal years 2012 through 2014; and

(4) issue guidelines requiring every department, agency, commission or office to list at a prominent place near the beginning of each publication distributed to the public and issued or paid for by the Federal Government the following:

(A) The name of the issuing agency, department, commission or office.

(B) The total number of copies of the document printed.

(C) The collective cost of producing and printing all of the copies of the document.

(D) The name of the firm publishing the document.

SEC. 13. BUDGETARY EFFECTS.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go-Act of 2010, shall be determined by reference to the latest statement titled “Budgetary Effects of PAYGO Legislation” for this Act, submitted for printing in the Congressional Record by the Chairman of the Senate Budget Committee, provided that such statement has been submitted prior to the vote on passage.

Mr. WYDEN. Mr. President, with the passage of S. 2925, the Senate is sending to the House the first ever all-out battle plan to defeat one of the fastest growing criminal enterprises in our country; that is, trafficking children for sex.

Senator CORNYN and I have worked together on this issue for many months on a bipartisan basis with tremendous help from Chairman LEAHY, from Senator SESSIONS, from Senator DURBIN,

and Senator KYL, and before I begin my statement tonight, I wish to express my thanks to them. This is a textbook for how the Senate ought to work together on an important issue in a bipartisan way, and I am very grateful to my colleagues for their leadership.

When I first approached Senator CORNYN, he said in our very first conversation: This has nothing to do with Democrats and Republicans; this is about doing what is right for young people. So I am very grateful to my colleagues on both sides of the aisle for the support they have shown on this matter.

Each year, an estimated 100,000 children in America are trafficked for sex. They are recruited by violent criminals, and their average age is between 12 and 14. The fact is, sex trafficking in children is modern day slavery, pure and simple.

Tragically, my home State of Oregon has become a hub for those who would exploit women and young girls, and the tragedy is my State is not alone. What we have seen—and this was brought out in hearings—is that the reason this is such a fast-growing crime is it is so easy to perpetrate and there is such big money involved.

For example, experts in the field said for some time, you would see gangs zero in on drugs. The fact is, trafficking in children, according to many of the experts, is easier than trafficking in drugs, and today, with the Internet and the anonymity that the Internet provides these dangerous criminals who traffic in children, it is, as I say, one of the fastest growing crimes in American life.

I got a sense of what this was all about this summer when I had a chance to go out with Portland police officers in my hometown on 82nd Avenue. What I saw is something I will never forget: a heart-wrenching example of why this bipartisan legislation is so important. I saw a 15-year-old girl essentially out there with the tools of the trade. She had a cell phone so she could be in constant contact with her pimp, and all night long they were getting messages: Made \$80, made \$100 on a customer here or somewhere else. So she had her cell phone. She had a butcher knife because she knew she needed a butcher knife to protect herself, and she had a purse full of condoms, because she knew she was going to have a bunch more customers during the course of the evening. So what you have—and this is not primarily about statistics. If one young woman, whether it is in the State of West Virginia or Oregon or anywhere else, is prostituted this way, trafficked this way, that is one young woman too many.

What the Senate has done now with the passage of S. 2925 is draw a line in the sand and say, for the first time, that we are going to put in place a comprehensive strategy, bring together

the law enforcement people and the human services people to deal with this in a way that is going to allow us to send a message on the streets of this country—and particularly the interstate highways which have become such a magnet for sex trafficking—that the odds are going to be different; that this time those who traffic in young women are going to face real prospects of a deterrent.

The reality is these young women don't end up working as prostitutes by accident. The growing army of pimps I mentioned—violent, ruthless criminals—see this group as an ideal group of young people to prey on. The fact is, a pimp can make \$200,000 a year trafficking just one victim. Of course, many of those pimps traffic multiple victims on any particular occasion. Once a young girl is under the control of a pimp, it is very difficult for that youngster to escape. The pimps use violence to control girls, as well as traumatize them. They move the girls constantly from city to city, keeping them isolated from any source of support and preventing them from developing any kind of other more healthy relationships.

In talking to law enforcement officials, I learned that removing sex trafficking victims from the control of a pimp is very difficult. It is one that requires training, resources, and in effect a strategy, bringing together law enforcement people and social services people in order to break this degrading and often deadly spiral of sex trafficking in youngsters.

There are a variety of needs these young people have. One that Senator CORNYN and I learned about in the course of our work is the need for dedicated shelter for these youngsters who have been trafficked. Without shelter, for example, there is no place to keep trafficking victims safe from the pimps and to give them the counseling and services they need. If there is no safe place for the victims to stay, there is no way the law enforcement authorities can build a case against the pimp. So this is a perfect example of how the important work being done by our social service providers, in terms of the work in the shelters, is absolutely a prerequisite to tough, aggressive prosecution of the pimps because if you don't have a safe place for the young women, there is no place for them to get the health care and services and counseling they need.

In fact, the night when I was out in Portland and saw, in particular, that 15-year-old with what I call the tools of the trade, when the police picked her up—and Portland's professionals in the sex trafficking field are extraordinarily talented. I saw that firsthand, and officials from around the country tell me the same thing. One of the big questions they were faced with was, where would they send the young women they

found that evening for the next couple of days in order to just work out a more permanent living arrangement? In Portland, we have been able to do it. But even in our city, which is now mobilizing all through the community, it has been very difficult.

At present, there are only about 70 shelter beds for sex trafficking victims in the whole country. So that is why I mentioned that pimps know their chances of getting prosecuted for forcing girls to engage in prostitution are very low. We have some laws on the books, but we also need a strategy bringing together shelters, training for law enforcement officials and other resources if we are going to have the strongest possible battle plan against sex trafficking.

Senator CORNYN and I got together to introduce this legislation. We would set up what amounts to model projects across the country to test out the best approaches for combating sex trafficking of children. We do make clear these approaches have to bring together law enforcement people and social services.

It makes me very proud. The Chair, having served as Governor of West Virginia, knows from time to time you see some debates between law enforcement people and social services folks. Law enforcement people believe prosecution is the way to go. The social services folks believe their model is more effective.

What Senator CORNYN and I found is that this is an area where the law enforcement people support the social services folks and vice versa because they know both elements—social services and law enforcement—are going to be necessary to fight this scourge.

I mentioned shelters. There would also be block grants available for mental and physical health care, treatment for substance abuse and sexual abuse, and also assistance with trauma care. There would be help for the victims with food, clothing, and other necessities; and together it means the youngsters—primarily young women—who are going to be in these shelters will know from the time they get to the shelter that caring individuals want them to have a different life.

That is what drew me to this legislation. When you are talking about preying on young people, every Member of the Senate is concerned. What I think galvanized my attention was that a lot of these young women don't think anybody cares about them except their pimp. They have gotten to the point in life where they believe there isn't anybody in their corner.

Their pimp says: You know, sweetheart, I care about you. You are what's really important to me. Let's just make some money, and eventually you will be out on your own.

What you have with these shelters, and also the law enforcement people I

saw in Portland, is young women saying for the first time that there is an adult, a role model, who wants them to have a different life, who wants them to have the prospect of a different future, where they are not degrading themselves, where they are not victimized, where they have a different set of possibilities for their lives.

The human services aspects of this legislation are extremely important, and they complement the help that law enforcement would get as well. I was particularly struck, as we got into the law enforcement aspect of this fight against sex trafficking, that there, again, had been some model approaches. The law enforcement official I was particularly impressed with was the Dallas, TX, police sergeant Byron Fassett. He explained to me that without the right training, law enforcement officers would not know how to spot the signs of sex trafficking and would not know how to handle the victims.

So Senator CORNYN and I thought, with the counsel of our colleagues on both sides of the aisle, it would be important to provide specialized training for police officers and prosecutors to help them understand how to handle sex trafficking cases. The fact is, Sergeant Fassett of Dallas, TX, can only be at one place at a time.

What this legislation is going to do is make it possible for other leaders in the law enforcement field to get the training out across the country, the state-of-the-art approaches about how to best fight the violent criminals who engaged in this activity, and I am very pleased that we were able to make possible part of the grant in this legislation assistance for the law enforcement community.

Finally, the bill would address another issue that is a major component of sex trafficking, and that is runaway children. One-third of runaway children are lured into prostitution within 48 hours of leaving their home. The evidence also shows that the children who have run away multiple times are at the greatest risk of being drawn into sex trafficking.

So what we are doing in this legislation is making it possible for law enforcement officials to, in effect, make priority the children at greatest risk; that is, these runaways. I am very pleased we were able to work out a bipartisan agreement for our approach in this area.

It would be hard to give appropriate thanks to all who participated in this effort—certainly, to do it without keeping you here until breakfast time. Let me name just a small number of the many groups and individuals who provided extremely valuable insight: the Polaris Project, Shared Hope International, National Center for Missing and Exploited Children, the FBI's Innocence Lost Project, and ECPAT-USA. I could go on with the list of many groups.

Mr. President, I will tell you I am especially grateful to the faith community for all of their efforts. Throughout this debate, Senator CORNYN and I have been contacted by religious leaders from all over the country, from all particular denominations, talking about how important this legislation is to them; and what they conveyed to us is that this is what they see in their congregations. This is what parents go to bed at night worrying about—the prospect of seeing one of their youngsters caught up in this vicious cycle of degradation, crime, and lost hope for the future.

We could not be here tonight if it wasn't for the faith community that, all across the country, contacted their Senators, contacted various civic groups, and made common cause with rallies and marches and petitions. This is what has made this night possible.

So I have tried to make sure the Senate knows that a whole host of colleagues on both sides of the aisle have worked on this. I will say my older daughter said the other night: Dad, I have figured it out. You are in the only profession on Earth where somebody your age is considered one of the young guys. I thought about that, because I have had the honor of serving in the Senate for some time—recently was re-elected—and I can't recall a time when I felt prouder of the Senate coming together to deal with something that would make a real difference.

This one piece of legislation is not going to wipe out this reprehensible, heinous crime, where youngsters who are 12 and 13 and 14 are trafficked for sex. But with this legislation, from Portland, OR, to Portland, ME—and, frankly, this will have benefits internationally because a lot of these youngsters are also trafficked for sex far from the shores of the United States—tonight the Senate is making a difference. Tonight, the Senate is giving hope to parents who are concerned about their kids' future. For young women who are literally going to be hiding tonight near some of these interstates—Interstate 5, which goes all through the West—with the passage of this legislation and, hopefully, quick action by the House, this is a chance to make a difference for these young people.

This is what public service is supposed to be all about—making a difference for young people and families and doing it not on the basis of Democrats and Republicans but on the basis of what is right, what is moral, what is just. There are a lot of people who deserve credit here tonight, especially my friend and colleague, Senator CORNYN, but I am very hopeful the House will act on this legislation. I am going to put additional remarks into the RECORD, but Joel Shapiro, of my office, did yeoman's work on this legislation and deserves considerable credit to-

night. I will leave my additional remarks for the CONGRESSIONAL RECORD, but tonight, through the good-faith efforts of lots of community and faith leaders, there is an opportunity to help reduce one of the fastest growing criminal enterprises in our country—certainly one of the most immoral—the trafficking of young people for sex.

With that, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AIRPORT AND AIRWAY EXTENSION ACT OF 2010—Resumed

Pending:

Reid motion to concur in the amendment of the House to the amendment of the Senate to the bill, with Reid amendment No. 4727 (to the House amendment to the Senate amendment), to change the enactment date.

Reid amendment No. 4728 (to amendment No. 4727), of a perfecting nature.

Reid motion to refer the message of the House on the bill to the Committee on Finance, with instructions, Reid amendment No. 4729, to provide for a study.

Reid amendment No. 4730 (the instructions) (to amendment No. 4729), of a perfecting nature.

Reid amendment No. 4731 (to amendment No. 4730), of a perfecting nature.

Mr. REID. Mr. President, what is the pending business before the Senate?

The PRESIDING OFFICER. The pending business is the motion to concur—

Mr. REID. The message to accompany H.R. 4853.

Mr. President, I move to table my motion and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

Mr. DURBIN. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Alaska (Mr. BEGICH), the Senator from California (Mrs. BOXER), the Senator from Delaware (Mr. COONS), the Senator from Connecticut (Mr. DODD), the Senator from Wisconsin (Mr. FEINGOLD), the Senator from South Dakota (Mr. JOHNSON), the Senator from Florida (Mr. NELSON), the Senator from Montana (Mr. TESTER), the Senator from Virginia (Mr. WARNER), and the Senator from Virginia (Mr. WEBB) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Kentucky (Mr. BUNNING), the Senator from Tennessee (Mr. ALEXANDER), the Senator from Texas (Mr. CORNYN), the Senator from Arizona (Mr. KYL), the

Senator from Kansas (Mr. BROWNBACK), the Senator from Texas (Mrs. HUTCHISON), the Senator from Oklahoma (Mr. INHOFE), the Senator from North Carolina (Mr. BURR), the Senator from Idaho (Mr. CRAPO), the Senator from South Carolina (Mr. GRAHAM), the Senator from New Hampshire (Mr. GREGG), the Senator from Florida (Mr. LEMIEUX), and the Senator from Louisiana (Mr. VITTER).

Further, if present and voting, the Senator from Kentucky (Mr. BUNNING) would have voted "yea," the Senator from Tennessee (Mr. ALEXANDER) would have voted "yea," and the Senator from Texas (Mr. CORNYN) would have voted "yea."

The result was announced—yeas 65, nays 11, as follows:

[Rollcall Vote No. 271 Leg.]

YEAS—65

Akaka	Franken	Mikulski
Barrasso	Gillibrand	Murkowski
Baucus	Grassley	Murray
Bennet	Hagan	Nelson (NE)
Bennett	Hatch	Pryor
Bingaman	Inouye	Reed
Bond	Isakson	Reid
Brown (MA)	Johanns	Risch
Cantwell	Kerry	Roberts
Cardin	Kirk	Rockefeller
Carper	Klobuchar	Schumer
Casey	Kohl	Sessions
Chambliss	Lautenberg	Shaheen
Coburn	Leahy	Shelby
Cochran	Levin	Snowe
Collins	Lieberman	Specter
Conrad	Lincoln	Stabenow
Corker	Lugar	Thune
Dorgan	Manchin	Whitehouse
Durbin	McCain	Wicker
Enzi	McCaskill	Wyden
Feinstein	McConnell	

NAYS—11

Brown (OH)	Landrieu	Udall (CO)
DeMint	Menendez	Udall (NM)
Ensign	Merkley	Voinovich
Harkin	Sanders	

NOT VOTING—24

Alexander	Cornyn	Johnson
Bayh	Crapo	Kyl
Begich	Dodd	LeMieux
Boxer	Feingold	Nelson (FL)
Brownback	Graham	Tester
Bunning	Gregg	Vitter
Burr	Hutchison	Warner
Coons	Inhofe	Webb

The motion was agreed to.

Mr. REID. Mr. President, I ask unanimous consent to withdraw my motion to concur in the House amendment to the Senate amendment to H.R. 4853 with the Reid for Baucus amendment No. 4727.

The PRESIDING OFFICER (Mr. MERKLEY). Without objection, it is so ordered.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MOTION TO CONCUR WITH AMENDMENT NO. 4753

Mr. REID. Mr. President, I move to concur in the House amendment to the Senate amendment to H.R. 4853 with the Reid-McConnell amendment No. 4753 and that the amendment be considered read.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] moves to concur in the House amendment to the Senate amendment No. 4753 to H.R. 4853.

(The amendment is printed in today's RECORD under "Text of Amendments.")

Mr. REID. I ask for the yeas and nays on that, Mr. President.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 4754 TO AMENDMENT NO. 4753

Mr. REID. I have a second-degree amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 4754 to amendment No. 4753.

Mr. REID. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end insert the following: "The provisions of this Act shall become effective in 5 days upon enactment."

CLOTURE MOTION

Mr. REID. Mr. President, I have a cloture motion at the desk.

The PRESIDING OFFICER. Pursuant to rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to concur in the House amendment to the Senate amendment to H.R. 4853, the Middle Class Tax Relief Act, with an amendment No. 4753.

Max Baucus, Joseph I. Lieberman, John D. Rockefeller IV, Byron L. Dorgan, John F. Kerry, Sheldon Whitehouse, Mark L. Pryor, Robert P. Casey, Jr., Richard J. Durbin, Mark R. Warner, Jeanne Shaheen, Ben Nelson, Evan Bayh, Christopher J. Dodd, Kent Conrad, Jim Webb, Bill Nelson, Amy Klobuchar.

MOTION TO REFER WITH AMENDMENT NO. 4755

Mr. REID. Mr. President, I move to refer the House message to the Finance Committee with instructions to report back forthwith, with the following amendment.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] moves to refer the House message to the Senate

Committee on Finance with instructions to report back forthwith, with an amendment numbered 4755.

The amendment (No. 4755) is as follows:

At the end, add the following: "The Senate Finance Committee is requested to study the impact of any delay in extending tax cuts to middle income Americans with incomes up to \$250,000."

Mr. REID. On that I ask for the yeas and nays.

The PRESIDING OFFICER. Is there sufficient second? There is a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 4756

Mr. REID. I have an amendment to my instructions at the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 4756 to the instructions to the motion to refer H.R. 4853.

The amendment is as follows:

At the end, insert the following: "including specific information on the impact of the delay in extending the tax cuts."

Mr. REID. On that I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 4757 TO AMENDMENT NO. 4756

Mr. REID. I have a second-degree amendment to my instructions.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 4757 to amendment No. 4756.

The amendment is as follows:

At the end, insert the following: "and include statistics which reflect regional differences."

Mr. REID. Mr. President, I ask unanimous consent that the cloture vote occur on Monday, December 13, at 3 p.m., with the mandatory quorum being waived.

Before the Chair rules on this, there are some people who need the ability—anyway, there is no need to go into detail, but for those people who can't get here on time, if people can't get back until 5:30, it would be our normal vote. We are not going to cut anyone off at an unreasonable time. There will be plenty of time for people to vote, within reason.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. SANDERS. Mr. President, as I think almost everyone knows, President Obama and the Republican leaders have reached an agreement on taxes. It

is, in my view, a bad deal, and I think we can do a lot better. Tonight, I wish to speak briefly, and I think I will have some other Senators join me. Tomorrow, I intend to be back to speak a lot longer about this issue because I think this is an issue the American people want serious discussion about.

I can tell my colleagues that representing the small State of Vermont, we have received in the last 3 days thousands—thousands—of phone calls from my State and from other States, and what I will tell my colleagues is that 99 percent of those calls were against this agreement. What I wish to do tonight, briefly, and at greater length tomorrow, is to tell my colleagues why I vigorously oppose the deal that has been cut and how we have to move in a very different way if we are going to save the disappearing middle class of our country.

In my view, the American people are against this agreement. They want to hear Members of the Senate speak out against this agreement, and that is what I will do this evening.

Let me explain, very briefly, why I am opposing the agreement reached by the Republican leadership and President Obama. First, at a time when our country has a recordbreaking \$13.8 trillion national debt and a collapsing middle class, it is unconscionable to me that we could support an agreement that drives up our national debt because we have given huge tax breaks to millionaires and billionaires who don't need it. Here is an interesting irony: In many cases, they are telling us they don't even want it. Two of the richest people in the world, Bill Gates and Warren Buffett, have said: Thank you. We don't need this tax break.

This country has serious problems. Use the money on those problems, not giving billionaires a tax break.

In my own State, the founder of Ben & Jerry's ice cream, Ben Cohen, said: Yes, I would like a tax break, but I don't need it. You know what.

There are millionaires all over this country who are saying the same thing.

We have been told that the extension of the tax breaks for the rich will go on for only 2 years. The Bush tax breaks for the rich will go on for 2 years. Maybe that is the case, but I personally don't believe that. I believe that given the political reality that exists in Washington, my guess is that 2 years from now, when this same debate happens again, these tax breaks for the rich will once again be extended. Our Republican colleagues have been very clear they wanted a 10-year extension. It is hard for me to believe that 2 years from now they are going to say: Oh, 2 years, that is fine. That is enough. We give up. I don't think so.

The difficulty is, we have a President who campaigned vigorously against extending these tax breaks for the rich,

but those tax breaks for the rich are in this agreement. So my fear is that if the President is the Democratic nominee 2 years from now and he says: Trust me, we are going to stop these tax breaks for the rich, I think his credibility might not be too high.

So my fear is, in fact, if these Bush tax cuts for the top 2 percent, many of whom are millionaires and billionaires, are extended over a 10-year period, we are looking at a \$700 billion increase in the national debt.

Secondly, extending income tax breaks for the top 2 percent is not the only unfair tax proposal in this agreement. This agreement struck by the President and the Republican leadership continues the Bush-era 15-percent tax rate on capital gains and dividends, meaning that those people who make their living off their investments will continue to pay a substantially lower tax rate than the vast majority of the people in the middle class—people such as firemen, teachers, and nurses.

On top of all that, this agreement includes a horrendous proposal regarding the estate tax, a Teddy Roosevelt initiative which was enacted in 1916. It will be celebrating its 100th birthday in a few years. Under the agreement we will be debating here, the estate tax rate, which was 55 percent under President Clinton, will decline to 35 percent under this agreement, with an exemption on the first \$5 million of an individual's estate, \$10 million for couples.

I suspect there are people who are watching this evening and they are saying: Oh, my goodness. I don't want to pay a 55-percent estate tax. So let me be very clear in saying this, in telling you something the Republicans do not tell you: that the estate tax applies only to the top three-tenths of 1 percent, so 99.7 percent of American families do not pay 5 cents in the estate tax. So this is not just a tax for the rich; this is a tax for the very rich.

I know many of my Republican colleagues would like to abolish, repeal the estate tax altogether, and that would cost us \$1 trillion over 10 years to our national debt, but they are making significant progress by lowering the rate to 35 percent.

Does my colleague from Ohio wish to respond?

Mr. BROWN of Ohio. Mr. President, I thank the Senator for yielding. I hear what the Senator says about the tax burden in this country; that it falls predominantly on the middle class. When I hear him talk about the estate tax, couples pay no estate tax on the first \$10 million of their assets after they both die. Considering they shelter a good bit beyond that, then the tax rate only on the dollars above \$10 million were lowered significantly in this proposal—and then what has happened with extending the tax cuts.

I was intrigued, I guess it was yesterday, when the Senator offered a motion

on the floor. In light of the fact that a relatively small group of people are getting huge tax cuts—millionaires and billionaires—whether it is the estate tax upon their death that their heirs enjoy this huge tax break or whether it is when earning \$1 million or \$2 million or \$5 million a year and getting a huge tax cut, the motion yesterday simply said, if I recall, that every Social Security beneficiary—and that is tens of millions—

Mr. SANDERS. Over 50 million.

Mr. BROWN of Ohio. Fifty million people would get a check for \$250 from the government, because, I believe, about \$13 billion for 1 year, it wouldn't have been a long-term deficit issue; it would have been a one-time cost for people who didn't get a cost-of-living adjustment this year. So we know the average Social Security beneficiary gets about \$14,000 a year. We know an awful lot of Social Security beneficiaries live mostly on their Social Security. Most people have a little bit more than that, but an awful lot have only a little bit more or nothing more so that is what they live on. They have no cost-of-living adjustment this year because of this sort of complicated formula.

But what was pretty amazing to me is how at the same time, every Republican signed a letter, 42 Republican Senators signed a letter saying they will do nothing else until they get their tax cuts for the rich. It is almost like a work stoppage. It is almost like the Republican Senators are on strike, saying: We are not going to vote or we are not going to do anything around here. We are not going to work or vote yes on anything around here until you give my people a tax cut, my wealthy friends and contributors in my States.

So the contrast of their saying we will not do anything for anybody else except millionaires and billionaires, we will not—even a \$250 check, since there was no cost-of-living adjustment to seniors who are making about \$14,000 a year from Social Security.

What that check would mean to them is—I think that contrast made was so important to understand. Give us some more about what that contrast means with those Social Security beneficiaries.

Mr. SANDERS. I thank the Senator for his very strong ethics in trying to get that \$250 emergency check out to senior citizens on Social Security and disabled vets—over 15 million people.

Mr. BROWN from Ohio. One more point. A majority of Senators voted for it.

Mr. SANDERS. Yes, 53.

Mr. BROWN of Ohio. It was filibustered again, blocked by a minority of Senators, right?

Mr. SANDERS. Absolutely. We won 53 to 45, but around here the majority does not rule. The Republicans filibustered, as they almost always do on

anything of substance, and we could not get the 60 votes because we did not get one Republican vote.

The point the Senator was making gets to the heart of this entire issue, which is that our friends over there are fighting vigorously for \$700 billion in tax breaks for the top 2 percent—\$70 billion a year for the richest people in this country. And when we say to them that senior citizens and disabled vets who are living on \$14,000 or \$15,000 a year need a check of \$250, oh, we can't afford that. But we can afford to give a billionaire a \$1 million tax break.

Mr. BROWN of Ohio. That \$750 billion is \$75 billion a year for 10 years for millionaires and billionaires versus \$13 billion once for senior citizens. In essence, that \$750 billion—without getting too much into the weeds on numbers—in essence, we are borrowing that money from China, charging it to our children and grandchildren, putting it on their credit cards. They will pay it off who knows when. Then we are giving that \$750 billion to people who are fabulously wealthy already, right? But they are unwilling to move forward on unemployment benefits or on your proposal to help a senior with \$250 because they really are on strike.

They say: We are not doing anything until you give tax cuts to the rich, to my people.

Mr. SANDERS. That is right. Most of us—I am sure Senator BROWN has received a lot of calls from people in Ohio—I know seniors who are hanging on by their fingernails, trying to pay their bills, heat their homes, pay prescription drug costs, and take care of their health care needs. And \$250 will not profoundly impact people's lives, but it will help a little bit. These guys say: Sorry, we can't afford a \$250 check for a senior or a disabled vet because that would cost \$13 billion or \$14 billion a year. But we can afford \$70 billion a year to go to the top 2 percent.

Frankly, I think that is what this whole debate is about. That is what it is about.

What I want to do is continue for a moment on some of the other objections. Senator BROWN made an excellent point in contrasting the priorities we are seeing in the Senate, especially from our Republican friends. We didn't get one vote—not one—for a \$250 check for seniors or disabled vets. I want to continue with some of the problems that I see in this agreement struck by the President and the Republican leadership.

Some folks may have heard a bit about the so-called payroll tax holiday. What that would do is cut about \$120 billion in Social Security payroll taxes for workers.

On the surface, this sounds like a great idea. Instead of paying 6.2 percent, they will be paying 4.2 percent. They might think: Hey, that is great. I am paying less in taxes. My paycheck is a bit bigger. It is a great idea.

Well, let's stop for a minute and ask: Where did this idea originally come from? Well, the truth is this payroll tax holiday originated from conservative Republicans whose ultimate goal is the destruction of Social Security.

What does that mean? Well, it is not very hard to figure out. If you are substantially cutting the amount of money that goes into Social Security by cutting back on the payroll tax, that makes Social Security less financially viable. Today, Social Security can pay out every benefit owed to every eligible American for the next 29 years. Those of us who believe strongly in Social Security—that it has worked extraordinarily well for the last 75 years—and want to see it work well for the next 75 years, we want to strengthen it.

I know the occupant of the Chair, the Senator from Oregon, has ideas about putting increased revenue into the Social Security trust funds. Those are the ideas we should be looking at, not cutting funding that goes into that trust fund. Furthermore, while this payroll tax holiday is a 1-year provision, and this agreement says the money will be covered, for the very first time, by Federal dollars from the Treasury going into the Social Security trust fund, which historically has gotten all of its money from the payroll tax—while the proponents of this agreement say don't worry about it, it is a 1-year agreement, I make the same argument on this point that I made on the other. A year from now, people will be discussing whether we extend that payroll tax holiday. While those of us will say Social Security needs that money and you can't expend it, our Republican friends will say you are raising taxes on workers, and you can't do that. Then what we would be talking about over a period of years is less money going into Social Security, making it less financially solvent, which is exactly what many Republicans want to do. I think that is a bad idea.

I will tell you, the National Committee to Preserve Social Security and Medicare, which is led by a woman named Barbara Kennelly, who used to be in the House—I know Barbara very well—says this about that provision:

Even though Social Security contributed nothing to the current economic crisis, it has been bartered in a deal that provides deficit busting tax cuts for the wealthy. Diverting \$120 billion in Social Security contributions for a so-called "tax holiday" may sound like a good idea for workers now, but it is bad business for the program that a majority of middle-class seniors will rely upon in the future.

Conservatives have long dreamed of a payroll tax holiday because it fulfills two ideological goals, lower taxes and weakening Social Security finances. The White House claims the 2 percent payroll tax cut won't impact Social Security; however, we disagree.

There's no such thing as a "temporary" tax cut.

And the fear right here is that cut will, in fact, go on indefinitely.

Mr. President, I talked about the payroll tax for a moment. Let me talk about another aspect of the agreement the President signed with Republicans; that is, while some of the business tax cuts in this agreement may work well to create jobs and some may not, economists on both ends of the political spectrum believe the better way to spur the economy and create jobs is to spend money rebuilding our crumbling infrastructure.

With corporate America already sitting on close to \$2 trillion in cash on hand, the problem we are seeing in our economy today is not that large corporations are taxed too highly, it is that the middle class doesn't have enough money to purchase their goods. Creating decent-paying jobs and rebuilding our infrastructure could seriously address that problem.

What we have right now, as I think you know, Mr. President, is an infrastructure that is crumbling. There are very credible estimates out there that we need to invest, in the next 5 years, several trillion dollars in rebuilding our roads, bridges, water systems, wastewater plants, our mass transportation, our railroads. China is exploding with high-speed rail. We do not have any significant high-speed rail in this country. If we are serious about creating jobs, in my view, the most effective way to do that is to rebuild our crumbling infrastructure, which makes our entire country stronger, more competitive and, at the same time, short term it gives us the best bang we can get for the buck in terms of job creation. That is another issue.

Tax breaks for businesses may work; maybe they won't. But I don't think that type of investment is anywhere near as effective in terms of job creation as investing in the infrastructure.

The fifth point I want to make on why I think this agreement is not a good one: One of the positive aspects of the agreement—one that I certainly support, and I know you do, Mr. President—is the need to extend unemployment benefits for millions of workers today who face the possibility that within a few weeks those extended unemployment benefits may end. These are workers who are experiencing extraordinarily difficult times through no fault of their own, often caught up in the Wall Street crisis, but they have lost their jobs.

In various parts of this country it is awfully hard to get a job. More and more people are applying for jobs, and the jobs are not there. We have the moral responsibility to extend unemployment benefits and allow those working families the opportunity to pay their bills and give them at least a modicum of security.

Here is the point I want to make. I strongly, absolutely believe any agreement has to have an extension of unemployment benefits for at least 13 months, maybe longer. But when folks who support this agreement say we want a great compromise, we managed to get an extension of unemployment benefits there, what I would say is that for the past 40 years, under both Democratic and Republican administrations, whenever the unemployment rate has been above 7.2 percent—now we are looking at 9.8 percent—unemployment insurance has always been extended.

So this great compromise is simply doing what we have already been doing as a matter of costs for the last 40 years, when Republicans ran the Senate and when Democrats ran the Senate, with Republican Presidents and Democratic Presidents. There was a consensus that we cannot leave fellow Americans high and dry when unemployment is high. Well, unemployment today is very high. In my view, this is not a great compromise. This is simply doing what this country has done under both Democrats and Republicans for 40 years.

Mr. President, I have been mentioning my concerns about this agreement, but let me also say, absolutely, there are positive elements to this agreement. I don't want to suggest for a moment there are not. Extending middle-class tax cuts for 98 percent of Americans is something that must be done, absolutely.

As you know, during the Bush years, median family income declined by over \$2,000. What we are seeing in many parts of this country is that wages are actually going down, not up. People are working longer hours for lower wages.

Does the middle class of this country need to continue to have that tax break? Of course they do. I will fight as hard as I can to make sure they do. So this proposal is, in fact, an important proposal. There are other good proposals in it. The earned-income tax credit for working Americans is very important. The child and college tax credits are also very important. These proposals will keep millions of Americans from slipping out of the middle class and into poverty, and they will allow millions more to send their kids to college.

But when we look at the overall package, we must put it in a broader context. What will the message of this legislation mean for the future of our country? And I think one point that has to be made is that if we pass this agreement as written, it says we are going to continue the Bush policy of trickle-down economics for at least 2 more years. To my mind, that is absurd. This is a policy—based on all of the evidence—that grotesquely failed. After 8 years of Bush-style economics, with all of these tax breaks for the rich, we ended up losing 500,000 private

sector jobs—not a very impressive record. In fact, it is about the worst record in job creation in modern history.

Here is another concern that I have that I think folks are not talking about enough. This is what I believe will happen right after this agreement is passed. And I am going to do everything I can to see that it is not passed, and I hope very much that it is not passed, but if it is passed, no one should have any illusions that our Republican friends will not be back in a month or two saying the following: Gee, our national debt is getting close to \$14 trillion, we have a \$1.4 trillion deficit, and, you know what, we are going to have to cut. We are going to have to cut and cut and cut. Nobody should have any illusion that in 2 months there will not be ferocious debates on the floor of the Senate on the part of people who want to cut Social Security, who want to cut Medicare, who want to cut Medicaid, who want to cut childcare and education in general and environmental protection. Tax breaks for billionaires is good, but cutting back on Social Security, Medicare, and Medicaid is also what they want to do.

I think Senator SHERROD BROWN, a moment ago, just crystallized that. That is what it is about. We can afford to give \$70 billion a year to the top 2 percent, the wealthiest people, but we can't afford to spend \$14 billion a year to make sure senior citizens and disabled vets get a \$250 check. That is what this whole thing is going to be about—tax breaks for the rich and cutbacks on all of the programs the middle-class and working families of this country desperately need.

Mr. President, I will be back tomorrow because there is a lot more that has to be said on this issue, but let me conclude by saying I will give credit to my Republican colleagues in that they have been pretty honest and straightforward about what they intend to do. There is nothing mysterious about it. What they want to do is to take this country back to the 1920s. They want to take us back to the days where, when you were old, there was no Social Security and you had to fend for yourself in the waning years of your life when you couldn't work. They want to ultimately destroy Medicare.

I would suggest to all of the senior citizens in this country—the people who are 70, 75, 80; people who are maybe struggling with one illness or another—good luck in going to a private insurance company to get help when you are low-income and sick. It ain't gonna happen. They are not going to be there because they can't make any money off of you.

Those people are going to be out there on the street all alone because they are not going to be able to get the help they need if Medicare is de-

stroyed, and the same thing with Medicaid.

You know, Mr. President, you and I heard in this Chamber the great debate over the death panels, the famous death panels that were included, supposedly, in the health care reform bill we passed. Well, it turns out that death panels are, in fact, now arising in America but not because of the health care reform passed here in Washington.

In Arizona, right now the Governor there apparently is deciding they do not have the money in their Medicaid Program to provide transplants to people who, without those transplants, will die. That is called a death panel. If you are poor and you need a transplant and you are living in Arizona, good luck to you.

Let me conclude by simply saying that I believe very strongly that we can forge a much better agreement than the current one before us. I believe, in my State of Vermont and all over this country, that the vast majority of people do not think it makes any sense at all to give hundreds of billions of dollars in tax breaks to the wealthiest people in this country so that we can drive up the national debt and have our kids and grandchildren pay higher taxes in order to pay off that debt. That doesn't make sense to progressives like me, and it doesn't make sense to conservatives out there.

So I think the American people are on our side—at least the side that opposes this agreement. Our job here—I know it is a shocking idea—is to represent the middle-class and working families, not just millionaires and billionaires.

With that, Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MERKLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SANDERS). Without objection, it is so ordered.

Mr. MERKLEY. Mr. President, I rise tonight to share some of my concerns about the package that has been negotiated between the President and the Republicans and has now been presented here on the floor of the Senate.

First, I wish to emphasize the size of the decision that is going to be made in the next couple of days. This deficit spending stimulus package is a \$1 trillion package. Let's turn the clock back to the debate over the stimulus package we had in 2009. That stimulus was about \$800 billion—only 80 percent of the size of this package. That stimulus had in it direct construction jobs across America. Every community, every county benefited from an increase in production. It also had the

making work pay tax deduction. It had a host of small business tax deductions, and it had direct assistance to our States to enable them to meet some of the crises they were experiencing in health care and in education, so we could keep our schools across America open during this great Bush recession.

I have listened over the last year and a half to tremendous attacks on that stimulus package. Yet this is a much larger decision. This is a \$1 trillion decision, and it is a package that much less thought has gone into. We have this package here on the floor, but we haven't actually gotten the paper in our hands as to what is in it. We have to rely on newspaper accounts as to what is going to be in it.

Tonight, in offices across this Nation, folks are trying to get it off the Internet, and they are going to be trying to analyze it and understand it. We know the basic outlines, and the basic outlines raise a significant number of concerns. I encourage our citizens to look at this package over the weekend and to share their concerns with their Congressmen and Congresswomen and certainly with their Senators.

This is a \$1 trillion deficit. There has been a lot of talk on the floor not only about the stimulus last year but about the size of our national debt. This is a \$1 trillion increase in our national debt. I would think that is something we would be tearing apart and looking at every part of it and asking if each dollar is being spent to the maximum effect. We should have amendments that say: Hey, we can create a lot more jobs if we spend these few million dollars over here rather than here, so that every dollar makes a maximum impact in putting America back to work. But not a single amendment is going to be allowed on this bill, as far as we are aware tonight. I believe that in a decision of this magnitude, there should be amendments that compare the effect of spending money here versus there and about what is going to have the greatest impact in a favorable way for America.

My good colleague from Vermont pointed out that this reduces the flow of resources into Social Security. I think we should have an extensive debate about coming to rely on the general fund, which is what the administration wants to do. They are going to substitute payroll revenue for general fund revenue. I think we should have a substantial debate about depending upon general revenue to supply funds to the Social Security fund.

Let me explain this. The approximately \$120 billion that will flow into Social Security from the general fund under this program comes from borrowed funds. Those borrowed funds come primarily from China. So Social Security—a program for Americans in which we save our own money and invest that money so there can be a very

modest steady income in the retirement years—now is going to rely upon borrowed funds from China. That is the American retirement plan? We should be debating that on the floor of the Senate, and it should be an extensive debate, not a debate in which cloture is going to be rushed on Monday and then have 30 hours split among 100 Members, because we are spending \$1 trillion of deficit money under this plan.

My first main concern is that we are taking a step to greatly increase the national debt with this plan. My second concern is this plan 100 percent endorses the Bush tax structure that has so deeply damaged our Nation. Many of you will recall that when the economy grew under President Bush II, the living wages of working Americans actually failed to increase. The economy grew but the wages didn't grow for working Americans. In addition, we doubled our national debt.

That is what happens when we say we are going to create a plan that gives away our national treasure to the most affluent. We are going to do so in a manner that doesn't create living wage jobs, doesn't reward the productivity of American workers.

I am going to tell you that we made a major decision in about 1974, about the year I graduated from high school, and that was to adopt strategies, which failed, to link the productivity of American workers to their compensation. Up until that point in the postwar era, as our productivity as a nation grew, the financial success of our working families grew along with that increase in productivity. But since 1974, the tremendous, spectacular increase in the productivity and national wealth of our Nation has not been shared with the workers of our Nation. Is that the type of America we want, where many work to make this Nation a success and do not share in the reward? The Bush tax cut structure is the ultimate embodiment of that philosophy of carving off the national treasure for the very few.

I do not think our success as a nation should be measured by the success of our wealthiest families. I applaud them for their entrepreneurship. I applaud them when the strategies to create companies succeed. But it is up to us to create a structure that says, as the work product increases we are going to enable all families to thrive—not for a few to thrive spectacularly while everyone else stays on a level plain.

Back in my home community, the community in which I grew up, a working class community of three-bedroom ranch houses, so many children now consider it a success if they can simply afford to purchase their parents' home because it is only their parents' home, with the assistance from their parents, that they can afford on a working American family's salary because while the worker's share of the na-

tional income has not increased with productivity, housing prices have gone up enormously, making it harder and harder for a working family to afford a home.

Embodied in these Bush breaks that have so deeply damaged our Nation we have a very interesting feature, and that is that under this plan President Obama has proposed with the Republicans—it says we are going to extend breaks not just so the wealthiest can enjoy the same breaks on their first \$1 million that others receive for the money they are earning up to \$1 million, but bonus breaks on top of that.

Let me give you a sense of that. The amount of the tax break that is given to everyone who earns their first \$1 million is about \$43,000. Let's round it off: \$40,000. Under this plan, those families earning over \$1 million receive an average of an additional bonus of \$100,000 per taxpayer, a \$100,000 bonus to the most successful families in the country. That is pretty generous. That is enormously generous. Are we going to be generous with our working families? Unfortunately, no. Under this plan a family earning in the vicinity of \$40,000 to \$50,000 gets about \$1,700. A family that earns \$40,000 or less gets somewhere in the nature of \$1,000. So \$1,000 for a working family versus \$43,000 plus a \$100,000 bonus for our wealthiest families in America.

Let's see, \$1,000; \$143,000. There is very little to those who are building the success and wealth of our Nation through the productivity of our workmanship, and a whole lot to those who are spectacularly wealthy already.

The structure of the capital gains tax under this proposal and the structure of the estate tax add to the impact of the income tax brackets I was just describing. If you add it all up, and if you have been spectacularly successful through this recession, then you can count on a whole lot of help, generous gifts from Uncle Sam. If you have been struggling and you are earning near minimum wage, or maybe you are working 60 hours a week, three jobs, each 20 hours earning a minimum wage, you get about \$1,000 under this plan. That sort of reinforcement of the fundamental disparity between working families and those who are best off is not healthy for America. That does not build the financial foundation so families can afford to give their children substantial opportunities.

The America in which I grew up, the vision of my father and mother's generation was that we would have an America with opportunity for every family. We are leaving that vision behind with this bill.

Let me turn to my next main concern. The \$1 trillion package is designed to be a stimulus. But has it been designed well, to spend every tax dollar in a smart way? There are many folks in this Chamber who say they are fiscal

conservatives. I am a fiscal conservative because I believe every dollar needs to be spent in a smart way. Let's test this.

Parts of this package get an A, and parts of this package get an F. The part that gets an A is unemployment insurance. This is important and fundamental to our families. We have always had the philosophy that when there are no jobs to be had, when people cannot get a job through no fault of their own, we are going to extend unemployment benefits to help families through that rough time. We have always done it, Democrats and Republicans, until this year when our Republicans have turned their backs on working families and said: Not now. We will not support extending support unless we take it away from some other important part of the budget. But, they said, we will support \$100,000 bonuses without taking anything away from anyone else.

That unity of support for our working families during hard times disappeared this year. That is too bad. That is a tragedy.

The fundamental premise has been, by my colleagues across the aisle: We are going to hold those families hostage to get a \$100,000 bonus on top of a very generous basic tax break for the wealthiest, hold working families hostage for a lot of help for the very few at the very top. Those bonus tax breaks are rated dead last by the Congressional Budget Office in creating jobs in this Nation. Unemployment assistance is rated at the top, the most effective way of creating jobs in this Nation—and it should be in any package. It should be extended and has been extended in a bipartisan manner in the past until this year when, unfortunately, it seems that my colleagues across the aisle became all about the few and not about helping families when there are no jobs.

There is great irony in this because we don't have jobs in this Nation because of the great Bush recession created by my friends across the aisle. First of all, they deregulated the retail mortgages, and they allowed predatory loans. Those predatory loans meant, according to the Wall Street Journal, 60 percent of the families in America who qualified for a basic, amortizing, inexpensive, prime mortgage were steered into subprime mortgages. Then my good friends said: Let's let Wall Street do whatever it wants in packaging these mortgages. Let's end the oversight and let's end the caps on leverage. So they created securities; that is, packages of mortgages. And they sold the rights to those packages. Those securities were doomed to blow up when the predatory features of the mortgages kicked in after 2 years and interest rates jumped from 4.5 percent to 9 percent.

We have been dealing, since I came into office in the Senate, with the tre-

mendous economic bomb produced by the Bush policies, the great Bush recession that created the unemployment so that people cannot get jobs. Now the same folks who created that disaster are saying: We are not going to help those who are being hurt by the disaster we created. It is like setting your house on fire and then cutting off the water to the fire hose.

If my Republican friends are so determined to adopt the very worst job-creating strategy, we should take it out of this bill, or at least have a debate on this floor of the Senate about whether we put it in the worst strategy or move those funds over here to the best strategy or to some other good job-creating strategy. Maybe all the features don't need to be As or A-pluses. But we have the Republican F plan because it is the worst as rated by the CBO. We have the Democratic A plan, support for the uninsured—it should be in here.

What about some of the other things? One of the very best ways to get our country going is low-cost loans to create energy-saving renovations in homes and buildings. It creates a tremendous number of jobs for dollars spent because it is a low-cost jobs program, not a grant program. It is ranked very high in the number of jobs it creates. We have a construction industry in this country that would love to go to work, and we have three bills sitting here before the Senate.

We have the HOME Star bill for families to do energy saving renovations to their home. We have the Building Star bill to allow commercial buildings, office suites, industrial site buildings to be improved in energy renovation. The loans are paid back through the energy savings. So it creates a long-term positive in terms of the energy strategy of this Nation. It works very well for the families, very well for the businesses, and puts the construction industry back to work. That is the type of program we should be weighing against the F plan—that is from A to F, F for last, F for failure, F in CBO's analysis for the worst job-creating plan, which is what the Republicans have forced into this package.

Without amendments to this package, we cannot have that debate. There is a tradition of saying the Senate is the world's greatest deliberative body. Don't we have to have amendments to do that? Don't we have to have a debate on where to put different pieces of this puzzle to do that? I have been advocating for a guaranteed way to make sure the minority and the majority get to have amendments on this floor.

I happen to be a member of the majority right now, but I will be a member of the minority down the road—if I am here long enough, and I guess that is a big if—because the pendulum swings back and forth. But to be accountable before the people of this Nation, amendments have to be offered

and debate has to be held and votes have to be taken and that is not being done on this bill as far as we know.

I know there is a possibility. I praise leaders of both sides in advance if they work out a deal that everyone can offer their amendments, or even a modest number of amendments on both sides.

Because that is the way it should be on the floor. That is what I have been advocating, that we have regular order that allows amendments. But I am afraid that Monday will come, that a deal will not get worked out, and we will not have the ability to have that debate, will not have the ability to be transparent before the American people in where we stand.

My good colleague from Vermont has shared a concern I also share; that is, the payroll tax being cut off, snuffed out as a supply of Social Security, that our retirement plan that we pay for ourselves is being changed to a retirement plan financed by China.

So the national debt, \$1 trillion—that is a concern. The structure of the Bush tax breaks that so deeply damaged our Nation over the last decade being extended into the next decade is a major concern, as is the poor design of the stimulus where every dollar has not been tested against its ability to create jobs at a time we desperately need jobs, and the change in our funding of Social Security, and it is dependent upon Chinese funds. Those items need to be debated. They are profound concerns. Maybe there are answers that make sense. I look forward to hearing such answers, if they exist. I would like to see those answers tested through amendments offered on this floor.

I have an amendment I would like to see offered on the floor. I have an amendment that says: Take the \$100,000 bonus breaks for the wealthiest 2 percent and instead dedicate that to Social Security. Let's make sure our seniors who need basic support in their retirement are well-secured before handing out \$100,000 bonus breaks to the very few. Well, I do not know if that would pass on this floor. I do not know where people would stand. But I know people should have to declare where they stand so the voters can decide if they like it or not, so the voters can call and say: We would encourage you to vote this way or that way.

The other thing I like about that particular approach is it says: If we are going to reduce the payroll tax in the short term to create jobs, we are going to do something else to make sure our Social Security does not depend on funds from China. I would like to see that debate.

I would like to see the energy tax credits debated. They are not in this package as of now, as far as we know. Energy tax credits pay us back in a number of ways. The first is that currently we import a tremendous amount of oil from the Middle East and from

Venezuela, from Nigeria, from places that do not necessarily share our national outlook. A lot of that money ends up in the hands of terrorist organizations.

Military security analysts now say this is the first set of wars we are in right now—the first wars in which we are funding both sides. And how are we doing that? Through our energy policies which send funds to countries that then pass on funds to terrorists. That is not smart. It makes more sense to free our energy here at home.

I will tell you something else. In addition to increasing our national security and spending those dollars here at home on energy we create ourselves, red, white, and blue American energy, that keeps those dollars here in our communities, and when those dollars stay in our communities, they create jobs in our communities. It means families get jobs, and they spend the money from those jobs in these communities. So it cycles through into the retail stores, into the grocery markets, keeping those dollars here creating jobs rather than shipping them overseas for oil.

It does another thing as well; that is, it reduces our energy consumption from abroad, which largely means shifting from oil to clean sources. And those clean sources will put less carbon dioxide in the air. That means we do a much better job being good stewards of our planet.

So energy tax credits encourage clean energy, keep jobs here, improving our national security and being good stewards of the planet. Why don't we have that debate on the floor of this Senate before we send this bill back to the House?

Another colleague has amendments that say: OK, we are going to vote on a trillion-dollar stimulus package that creates a trillion-dollar debt. Shouldn't we tie it to some kind of trigger for fiscal responsibility that will kick in maybe 24 months out so we do not head recklessly down a path into extraordinary debt that deeply damages our Nation even further?

So fiscal responsibility—tie some fiscal responsibility measures to this package. That is a good idea. I applaud my colleague from Oregon who has raised that idea, Senator WYDEN, who has done a lot of work on how we can create fiscal responsibility tied to a package going through now. It will say something to the international financiers that this short-term deficit spending is going to be marked by substantial fiscal discipline, and that in itself may serve other things, such as keeping the interest rate low that we pay, so fewer of our dollars go out in interest.

These ideas, these amendments deserve a debate on this major decision facing this body over the next few days.

I will close by saying that I am deeply concerned—deeply concerned—about the deficit and the debt. I am deeply concerned about the Bush tax breaks that have done so much damage and are being extended into the next decade. I am deeply concerned about the poor design of the stimulus, deeply concerned about Social Security being made dependent upon borrowing from China, deeply concerned that this package is being put together and may not have the opportunity to have the debate over elements that should be debated because if they do not stand up on the floor of the Senate in debate, they do not belong in this package.

So with that, I say to our friends across the Nation, you have a few days only to weigh in. Please do weigh in. Let us hear your voice. Let us consider your views. And let us fully deliberate on this package before we pass it.

TRIBUTES TO RETIRING SENATORS

BYRON L. DORGAN

Mr. DURBIN. Mr. President, I join my colleagues in honoring the service of Senator BYRON DORGAN. Over his nearly 30 years in Congress, Senator DORGAN has been a strong and dedicated advocate for the people of the State of North Dakota.

Senator DORGAN's long career in public service began in 1969 when he was appointed North Dakota State Tax Commissioner. Assuming this position at the age of only 26, Senator DORGAN became the youngest constitutional officer in North Dakota's history.

Since 1980, Senator DORGAN has been a voice for the people of North Dakota in Washington, DC. After serving six terms in the House of Representatives, he was first elected to the Senate in 1992.

It is clear that Senator DORGAN's upbringing in the small town of Regent, ND, has shaped his tenure in Congress. Throughout his years in Congress, Senator DORGAN has been a formidable advocate for rural America and the family farmers of his state. He led the effort to make permanent the disaster aid program, which provides an essential safety-net for farmers and ranchers affected by severe weather, in the 2008 farm bill.

Senator DORGAN also has been a great advocate for North Dakota's energy sector. As the country moves toward renewable and domestic energy sources, he has worked to put his state at the forefront of the industry.

After so many years of public service for the people of North Dakota, Senator DORGAN's time in the Senate is coming to a close. I am proud to have served with him, and I thank him for his service in the Senate. I wish Senator DORGAN and his family the best in the next chapters in their lives.

ROBERT F. BENNETT

Mr. President, I also join my colleagues in recognizing Senator ROBERT BENNETT of Utah.

I have had the privilege of working with Senator BENNETT since I entered the Senate in 1997, four years after Senator BENNETT began his Senate service. I have admired his enthusiasm and dedication to serving the people of Utah ever since.

It was clear that public service was in his blood. From his election as student body president at the University of Utah, to his time in the Utah Army National Guard, Senator BENNETT's priority for his entire adult life has been serving the people of his home State.

His first taste of real politics came in the 1960s when he helped his father Wallace Bennett win re-election to this very Chamber. And while he did not seek office himself until almost 20 years following his father's retirement, he worked in the private sector in Utah, deepening his ties to the State and his devotion to the people of Utah.

I have had the privilege of working side-by-side with Senator BENNETT on the Appropriations Committee for many years. I have seen his passion for service, his respect for the Senate, and above all else, his love of Utah.

He has managed to stay true to the fiscal principles that he gained as a businessman and CEO, while understanding the need for compromise when it was required of him for the sake of his State and the rest of America.

During his tenure here, Utah has become a premiere destination of the West—he has worked for quality education for Utah's children, fought to preserve its natural landscapes, and paved the way for the development of 21st century infrastructure back home.

Senator BENNETT also made America proud in 2002 when he helped the Salt Lake City Winter Olympics become one of the most successful and safe Olympic games in recent memory.

Of course, Senator BENNETT and I have not always seen eye-to-eye on many issues. But my respect for his beliefs has always been deep. And in 2008, when America was on the brink of financial collapse, I was moved by his eagerness to reach across the aisle to do what was right for Utah and Illinois, alike. This has always been his character, and the Senate will miss him for it.

Senator BENNETT leaves us this month in the same way that he has served here for almost 20 years: with dignity and conviction. I am proud to call him a friend, and wish him and his family all the best in the future.

REMEMBERING CHARLES WHEELER

Mr. MCCONNELL. Mr. President, I rise today in solemn remembrance of a

dear friend of mine from Ashland, KY, who passed away peacefully at his home this Veterans Day. Mr. Charles Wheeler was a consummate small businessman, local official, and advocate for higher education. I knew Charles for over 30 years, and I can tell you that the love he felt for his community in the Commonwealth was surpassed only by his affection for his beloved wife of 60 years, Mary Kathryn Wheeler.

Born in Paintsville, KY, Charles owned and operated a local hardware store in Boyd County for nearly 40 years—helping to build his community and assist all who met him, literally and figuratively. It is no wonder then, that Charles's friendly manner and smart tact got him elected as an Ashland city commissioner by the age of 28. Before long, his friends and neighbors elected him to represent them in the Kentucky General Assembly, where he served for 8 years.

My friend continued to serve his community by serving on the Morehead State University Board of Regents for a decade during a period when that institution saw great growth. His pursuit of excellence in higher education undoubtedly changed the lives of countless students.

I could surely continue to draw to mind the instances when Charles helped meet the need of his community, and this Senator, but I would simply ask that my colleagues join me in remembering the life of a humble man who showed incredible character throughout his entire life. And I would further ask that they join me in expressing my sincerest condolences to Charles's beloved wife, children, grandchildren, great-grandchildren, siblings and other family members.

The Ashland Daily Independent recently published an editorial that highlights some of Charles Wheeler's accomplishments, and I ask unanimous consent that it be printed in the RECORD following my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Ashland Daily Independent, Nov. 17, 2010]

CHARLES WHEELER: HE WAS A LEADER IN BUSINESS, POLITICS AND EDUCATION IN AREA

ASHLAND.—Charles Dona Wheeler spent most of his adult life as a business, political and education leader in this region. He died quietly at his residence on Veterans Day. He was 81.

As a business leader, he owned and operated Wheeler-Williams Hardware in Boyd County from 1962 until he closed the business in 2000. He also was a developer of Southern Hills Estates, a beautiful, upscale subdivision off Boy Scout Road.

Wheeler's political career began early in life when he was elected to the Ashland Board of City Commissioners at the age of 28. He went on to serve for eight years—or four terms—as the representative from the 100th District in Kentucky. After leaving office, he remained a leader of the Republican

Party in Boyd County and in Kentucky for many years.

Although he never earned a college degree, Wheeler helped open the doors to a college education for thousands of young people in this region by serving on the Morehead State University Board of Regents. His decade of service on the MSU governing body during a time of great growth for the university continues to benefit this region by the many students the university has helped train who continue to play important roles in this area's business, educational, cultural and social life.

To his wife of 60 years, Mary Kathryn Wheeler, and his large extended family, Charles Wheeler was a loving husband, father, grandfather, great-grandfather, brother and uncle. To others in this community, Charles Wheeler was a leader who made a difference through his many years of quietly working for the betterment of this community and this region.

NATIONAL ALZHEIMER'S PROJECT ACT

Ms. COLLINS. Mr. President, Alzheimer's is a devastating disease that takes a tremendous personal and economic toll on both the individual and the family. Today, an estimated 5.3 million Americans—including more than 25,000 Mainers—are living with Alzheimer's disease, more than double the number in 1980. If nothing is done to change the current trajectory, 13.5 million Americans over the age of 65 will have Alzheimer's disease by 2050.

In addition to the suffering it causes, Alzheimer's costs the United States \$172 billion a year, primarily in nursing home and other long-term care costs. This figure will only increase exponentially as the baby boom generation ages. If nothing is done to slow or stop the disease, Alzheimer's will cost the United States \$20 trillion over the next 40 years.

At a time of mounting deficits, the increasing number of Alzheimer's cases has dire implications for our Federal budget as well. The average annual Medicare payment for an individual with Alzheimer's is three times higher than for those without the condition. For Medicaid, average payments are nine times higher. Failure to achieve progress in the fight against the disease will result in Alzheimer's costs to Medicare skyrocketing more than 600 percent and costs to Medicaid growing more than 400 percent by 2050.

Despite these alarming projections, to date there is no national strategy to defeat Alzheimer's, and our efforts to combat the disease have lacked coordination and focus. That is why I am so pleased that the Senate last night passed the National Alzheimer's Project Act, which I introduced with Senator BAYH, to create a coordinated strategic national plan for combating Alzheimer's disease.

The National Alzheimer's Project Act, which is based on a key recommendation of the nonpartisan Alz-

heimer's Study Group led by former House Speaker Newt Gingrich and former Senator Bob Kerrey of Nebraska, will launch a campaign within the Federal Government to overcome Alzheimer's disease. First, it directs the Secretary of Health and Human Services to create a coordinated National Alzheimer's Disease Plan to combat Alzheimer's disease. This plan will be updated annually and a report will be submitted to Congress assessing the Nation's progress in preparing for the growing burden of Alzheimer's disease.

The legislation also establishes an Interagency Advisory Council to advise the Secretary of Health and Human Services on the plan, which is also to include implementation steps and recommendations for priority actions. The advisory council is also charged with coordinating all Federal efforts on Alzheimer's research, care, institutional services, and home and community-based programs.

Funding for these activities will come from existing funding appropriated for the Department of Health and Human Services. No new funding is authorized. The coordinated effort called for in the legislation will simply ensure that our existing resources are maximized and leveraged to combat Alzheimer's disease.

Our legislation has broad, bipartisan support. It was passed out of the Senate HELP Committee unanimously, and it has now been approved unanimously by the full Senate, clearing it for action by the House of Representatives.

TRIBUTE TO MAJOR LANCE BURNETT

Mr. SPECTER. Mr. President, I wish to recognize MAJ Lance Burnett's service to his country and as an Air Force fellow on my staff. Major Burnett joined my office through the Congressional Fellows Program. Over the past year, he has been an invaluable addition to my staff. He has demonstrated an expertise with military policy issues and built close relationships both within the office and on Capitol Hill.

As a member of my staff, Major Burnett has been closely involved in a number of policy areas. He has assisted with the defense appropriations process, liaised with the Veterans Affairs Committee, and coordinated congressional delegations. He has served as an adviser on issues relating to the armed services to me and my staff, adding invaluable perspective. He has exemplified the Air Force values of "Integrity First, Service before Self, and Excellence in All We Do" through his work. The Air Force has recognized his service through his selection for promotion to the rank of lieutenant colonel on August 26, 2010.

Major Burnett hails from Cameron, TX. He received his bachelor of science degree from Texas A&M University and his commission from the Air Force Officer and Training School. Since earning his flight wings in 1998, Major Burnett has become a senior navigator, completing over 2,800 flight hours of with 613 hours of them in combat.

Major Burnett has served as an instructor and evaluator navigator in both the Air Mobility Command and the Air Force Special Operations Command, flying support missions for Operations Southern Watch, Joint Forge, Joint Endeavor, Enduring Freedom, Iraqi Freedom, as well as numerous counternarcotics missions in South America.

Prior to being accepted into the Congressional Fellows Program, Major Burnett was the MC-130E/H standardization and evaluation branch chief at Headquarters Air Force Special Operations Command where he was responsible for all 30 MC-130E Combat Talon and MC-130H Combat Talon II aircraft in the USAF inventory and their associated 390 aircrew members. He has been honored with the Meritorious Service Medal, the Air Medal with six Oak Leaf Clusters, the Air Force Commendation Medal, the Air Force Combat Action Medal, and the 2006 General P.K. Carlton Award for Valor. Major Burnett and his wife Andrea have two children, Peyton and Andrew.

I would like to pay a special tribute to Major Burnett's tremendous public service and recognize his work on behalf of Pennsylvanians.

TAKE A VETERAN TO SCHOOL

Ms. SNOWE. Mr. President, I rise today to express my profound appreciation for the Take a Veteran to School Day program in my home State of Maine with ceremonies that took place on November 9 and 10 of this year, appropriately right before Veterans Day on November 11. And it is especially fitting that we recognize these events this week as we paused this past Tuesday, on December 7, to remember those who perished 69 years ago at Pearl Harbor, a day that President Franklin Roosevelt declared "will live in infamy."

First and foremost, I want to extend my enormous gratitude to the Maine National Guard, and especially MG John Libby, Maine's Adjutant General, who not only reached out to our veterans to encourage their engagement in the program, but who also participated in the Rockland District Middle School ceremony. In addition, joining with the Guard in bringing the History Channel's national award-winning program to fruition in Maine was Time Warner Cable, which sponsored the program and should be commended for its example and dedication to this outstanding endeavor.

Together, leaders of our military and our media have combined efforts in the noble undertaking of saluting our veterans through the Take a Veteran to School Day initiative, which brings veterans into our schools to share their personal stories of service and sacrifice for the Nation with students and educators. It has become an invaluable opportunity for students to learn what Veterans Day and serving our Nation in uniform truly means—and it provides a unique chance to express a heartfelt and well-earned "thank you" to the brave men and women who from generation to generation have woven the fabric of America's greatness.

And I couldn't be more pleased that more than 650 students and educators, 200 local community members, and 100 veterans from every military conflict since World War II made Maine's inaugural Take a Veteran to School Day program a resounding success. This year, in my State of Maine, three schools—York Middle School, Biddeford High School, and Rockland District Middle School—shared in paying tribute to our veterans in our first ever program.

I cannot thank the sponsors and supporters of this program enough for recognizing how vital it is that young Americans are able to hear the personal stories of service in the military, and to remember the sacrifices made by Maine veterans for our country. In fact, Time Warner Cable recorded 20 veterans' stories for the Library of Congress's Veterans' History Project, which will be added to its archives so that future generations will have an opportunity to hear veterans speak about their service to the Nation, bringing a personal perspective to military history that students otherwise would only learn about through books.

As The York Weekly reported, York Middle School Principal Steve Bishop introduced the veterans in attendance by saying, "my hope is that you gain a sense that the opportunities you have today are made possible by the veterans behind me." As you can imagine, I am looking forward to next year's program, and I hope that States and school districts around the Nation will follow suit in shining a spotlight on our veterans through this wonderful enterprise. Make no mistake, it is because of our veterans that America is the greatest Nation on Earth, and the Take a Veteran to School Day program is a shining testament to that immutable truth.

When we pay homage to our courageous veterans, we are demonstrating that we always reserve our deepest respect and praise for those who have summoned the courage to place themselves in harm's way on our behalf. That they have done so in order to ensure the blessings of liberty makes us grateful beyond words.

ADDITIONAL STATEMENTS

AIRBORNE

• Ms. MURKOWSKI. Mr. President, for the past 2 years I have had the honor and the privilege of joining with my colleague from Rhode Island, Mr. REED, and other colleagues, in bringing before the Senate a resolution honoring those who are serving and have served in Airborne units of our armed services on the occasion of National Airborne Day. Albert Caswell, an employee of the Capitol Guide Service, has penned a poem in honor of a member of the 82nd Airborne Division, SGT Jared Lemon who is recovering from injuries suffered from the detonation of an Improvised Explosive Device while deployed to Afghanistan. I ask that this poem be printed in the RECORD.

The material follows:

AIRBORNE

Airborne!
Men of Honor, who wear that uniform. . . .
Strength In Honor, who march on!
An Alaskan son. . . a Freedom Fighter,
Jared this one
Who marched off to war, to do what must be done!
All there, walking through the valley of death. . . .
Where courage crests!
As upon a battlefield of honor, lie dying. . . .
With his Brother in Arms Joseph, heroically
dead beside him. . . .
As with tears he would find then!
As on the morning he awoke. . . .
As to him his fine heart so spoke. . . .
So spoke to him. . . .
About living for his fallen brother, whose
blood that binds them!
As his new battle had begun!
To rebuild, as to new heights his great Alaskan heart would run!
And even though he had lost an arm, to heights he has flown!
For he's Airborne!
With a heart so bold, so warm!
For no mountain is too big to climb!
For there are new frontiers, in his heart
which appears. . . .
Bringing us all to such tears!
For he's Airborne!
As yes Jared you so march on!
The 82nd, lock and load. . . .
As a man who so lives, so lives by such a most heroic code!
One of such selfless, as have all of those!
America's men and women in uniform!
Who are Airborne. . . .
As where the face of courage is worn!
And if I ever had a son. . . .
I but wish, that he could but be as heroic you
Jared, the one!
For Jared, you will Teach Us, Reach Us and
so Beseech Us!
For you are Airborne!•

REMEMBERING SENATOR TED STEVENS

• Ms. MURKOWSKI. Mr. President, the loss of our dear friend, Senator Ted Stevens of Alaska, last August touched everyone in this body and a great many Members of the Senate's extended family here in the Capitol complex. Albert

Caswell, a member of the Capitol Guide Service, has penned a poem in honor and remembrance of this great American, patriot, husband, father and public servant. I ask that Mr. Caswell's poem be printed in the RECORD.

The material follows:

A GLACIER

America.
Our Country Tis of Thee . . .
Was but built, but by such most patriotic
men as he . . .
Brave hearts of strength, pioneers of courage
and liberty . . .
A trail blazer, as Ted was he . . .
A Giant . . .
A Glacier . . .
A mountain of a man . . .
A mirror of this great frontier . . . of this
great land!
A magnificent Alaskan, who to greatness he
ran . . .
Ted Stevens, is but an Icon of this great land
. . .
A Founding Father, who helped this 49th
State stand . . .
One of The Greatest Generation, who helped
Save The World . . . as was this man
. . .
The longest serving Republican Senator, in
history . . .
'Oh what A Tour 'De Force, as upon the Sen-
ate floor was he . . .
Uncle Ted, was but the very height to which
a public servant can be!
Don't get even, Get Stevens . . . to succeed!
Tough on the outside, but inside such a
gentle heart would beat . . .
Words like, God, Family, Country, Alaska,
Military, Courage, leadership, in his
heart we see!
A Glacier died this day, as we cried this day
. . .
Mountains may break apart, and fall to the
sea . . .
But Glaciers like Ted, your memory will
never . . . so be lost in history . . .
And all of those giants you walked with like,
Dole, Byrd, Inouye, Simpson and Ken-
nedy . . .
As your fine life of public service, will upon
this floor forever speak!
Rise up now to Heaven our fine son, Alaska's
and America's great friend . . .
For Angel's with Distinguished Flying
Crosses, our Lord so needs them . . . ●

RECOGNIZING FIBER MATERIALS, INC.

● Ms. SNOWE. Mr. President, America has maintained its role as the world's most innovative and predominant economy in large part due to its 27.5 million small businesses. And many of these companies partake in significant Federal contracting and subcontracting opportunities, affording these businesses with the ability to participate in the development of new and cutting-edge technologies and products. I rise today to recognize one Maine company that has taken part in the Federal procurement process and contributed tremendously to a number of highly advanced projects.

Fiber Materials was established in the southern Maine town of Biddeford in 1969 and has become a global leader in the design, manufacture, and testing

of a variety of advanced composites in its 40 years of operation. The company produces a wide range of materials, from carbon/carbon composites used in the construction of heatshields and missile nosetips, to quartz products designed for printed circuit boards or electrical and thermal insulation. Fiber Materials now employs roughly 180 employees at its facilities in Biddeford and Presque Isle, and its Space Technology Division in Columbus, OH.

Fiber Materials has earned a number of financial awards to fund the development of critical projects through the Small Business Innovation Research, or SBIR, program at the National Aeronautics and Space Administration, NASA. The SBIR program provides funding to small businesses with innovative, early stage ideas that align with the research and development goals of 11 different Federal agencies, including NASA, the Department of Defense, and the National Institutes of Health. One of the most recent systems that Fiber Materials contributed to under NASA's purview is ORION Launch Abort System, which will allow the crew to escape the spacecraft in the case of an emergency. The system was successfully tested in May 2010.

In recognition of Fiber Materials' dedicated efforts to NASA, the Johnson Space Center recently recognized the company with its 2010 Small Business Subcontractor of the Year Award. According to NASA's Office of Small Business Programs, the award acknowledges "successful and innovative practices that promote small business participation in the initiatives that NASA undertakes." Fiber Materials has been an invaluable resource to the Federal government from the beginning, and I commend the company for playing such an integral part in some of NASA's most critical initiatives.

Small businesses that are versatile and multifaceted such as Fiber Materials will be critical as the United States seeks to continue in its role as a world leader. Undoubtedly, participating in programs like SBIR will provide the company with countless additional opportunities to simultaneously contribute to NASA's mission and create jobs in Maine. I thank everyone at Fiber Materials for their strong work ethic, ingenuity, and dedication, and I wish them continued success in the years to come. ●

TRIBUTE TO CAPTAIN GEORGE M. VUJNOVICH

● Mr. VOINOVICH. Mr. President, I wish to honor an outstanding Serbian-American, Captain (Ret.) George M. Vujnovich, who was recently awarded the Bronze Star Medal, for his heroic actions during World War II.

The Bronze Star is awarded to military service personnel for bravery, acts of merit or meritorious service. When

awarded for bravery, it is the fourth-highest combat award of the U.S. Armed Forces. Captain Vujnovich's determination to rescue and save the trapped airmen and subsequent participation in the planning and execution of Operation Halyard—resulted in one of the most successful air force rescue missions in history; and an operation so secret that the records were only declassified in 1997.

I was made aware of the Halyard Mission as a boy in 1946. I was in attendance at a social event in my parents' home to honor Captain Nick Lulich as one of the leaders who was part of the military team that parachuted into Serbia to execute and carry out Captain Vujnovich's plan to rescue and evacuate the airmen.

Captain Vujnovich served with the Office of Strategic Services; the predecessor of the modern Central Intelligence Agency, CIA, and the wartime organization charged with coordinating activities behind enemy lines for the branches of the U.S. military. Operation Halyard evolved in wake of the Allied bombing campaign to destroy Nazi Germany's vast network of petroleum resources in occupied Eastern Europe. The most vital target of bombing was the facilities located in Ploesti, Romania, which supplied 35 percent of Germany's wartime petroleum. Beginning in April 1944, bombers of the Fifteenth Allied Air Force began a relentless campaign to blast the heavily guarded facilities in Ploesti in an attempt to halt petroleum production altogether. By August, Ploesti was virtually destroyed—but at the cost of 350 bombers lost, with their crews either killed, captured, or missing in action.

The assault on Ploesti forced hundreds of Allied airmen to bail out over Nazi-occupied eastern Serbia, an area patrolled by the Allied-friendly Chetnik guerrilla army. When the Chetnik commander, General Draza Mihailovich, realized that Allied airmen were parachuting into his territory, he ordered his troops, as well as the local peasantry, to aid the aviators by taking them to Chetnik headquarters in Pranjani, Serbia for evacuation.

General Mihailovich's attempts to alert American authorities to the situation regrettably initially failed to produce action. Fortunately, fate would have it that when Mirjana Vujnovich, a Serb employee of the Yugoslav embassy in Washington, DC, heard of the trapped airmen, and immediately wrote to her husband, Captain Vujnovich, stationed in Bari, Italy. As an American, descending from Serb parents, Vujnovich knew the region intimately and also knew how to escape from Nazi-occupied territory: he had been a medical student in Belgrade when Yugoslavia fell to the Axis powers in 1941, and he and his wife spent months sneaking through minefields

and begging for visas before they finally escaped from Nazi-occupied Europe.

I was excited that someone with a name like mine was such a hero and was the genesis of my interest in Yugoslavia. In fact it left such an impression on me that my first paper in undergrad school was titled "How the U.S. sold out Yugoslavia at Yalta and Tehran".

Captain Vujnovich made it his personal crusade to get the airmen home. From the outset though, Operation Halyard encountered opposition from Allied leaders—from the U.S. State Department, from communist sympathizers in the British Special Operations Executive, SOE, even from British Prime Minister Winston Churchill himself. It was an operation that seemed condemned from the start, but Captain Vujnovich persevered rather than let the mission die. His persistence paid off. Even though the operation endured from August 9, 1944, through December 27, 1944, within only the first 2 days, Operation Halyard successfully retrieved 241 American and Allied airmen. By the time the Operation was officially ended, Vujnovich's team had airlifted 512 downed Allied airmen to safety without the loss of a single life or aircraft—a truly impressive accomplishment.

Captain George Vujnovich's recognition as a hero and valued asset to this country and the U.S. Air Force is long over due. Frankly, had the records of the operation not remained sealed until 1997, I feel certain Captain Vujnovich would have received this honor years ago. Nevertheless, the decades do not and cannot diminish the valor and patriotism of this extraordinary man. I ask all my colleagues to join me now to honor this Serbian-American hero, to thank him for his dedicated service to our country and to congratulate him for winning the Bronze Star. Captain Vujnovich, I salute you.●

MESSAGE FROM THE PRESIDENT

A message from the President of the United States was communicated to the Senate by Mr. Pate, one of his secretaries.

EXECUTIVE MESSAGE REFERRED

As in executive session the Presiding Officer laid before the Senate a message from the President of the United States submitting a nomination which was referred to the Committee on Health, Education, Labor, and Pensions.

(The nomination received today is printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 9:33 a.m., a message from the House of Representatives, delivered by

Mrs. Cole, one of its reading clerks, announced that the House agreed to the amendment of the Senate to the bill (H.R. 3082) making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2010, and for other purposes, with an amendment.

ENROLLED BILLS SIGNED

At 10:47 a.m., a message from the House of Representatives, delivered by Mr. Novotny, announced that the Speaker has signed the following enrolled bills:

S. 3789. An act to limit access to Social Security account numbers.

S. 3987. An act to amend the Fair Credit Reporting Act with respect to the applicability of identity theft guidelines to creditors.

The enrolled bills were subsequently signed by the President pro tempore (Mr. INOUE).

A message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 3353. An act to provide for American Samoa and the Commonwealth of the Northern Marianas to be treated as States for certain criminal justice programs.

H.R. 4501. An act to require certain return policies from businesses that purchase precious metals from consumers and solicit such transactions through an Internet website.

H.R. 5012. An act to amend the Richard B. Russell National School Lunch Act to establish a weekend and holiday feeding program to provide nutritious food to at-risk school children on weekends and during extended school holidays during the school year.

H.R. 5470. An act to exclude an external power supply for certain security or life safety alarms and surveillance system components from the application of certain energy efficiency standards under the Energy Policy and Conservation Act.

The message also announced that the House agree to the amendments numbered 1 and 2 of the Senate to the bill (H.R. 5281) to amend title 28, United States Code, to clarify and improve certain provisions relating to the removal of litigation against Federal officers or agencies to Federal courts, and for other purposes; and, further, that the House agree to the amendment numbered 3 of the Senate to the aforementioned bill, with an amendment.

The message further announced that the House agreed to the bill (S. 3998) to extend the Child Safety Pilot Program, without amendment.

At 4:17 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 6412. An act to amend title 28, United States Code, to require the Attorney General

to share criminal records with State sentencing commissions, and for other purposes.

The message also announced that the House has agreed to the amendments of the Senate to the bill (H.R. 4994) to amend the Internal Revenue Code of 1986 to reduce taxpayer burdens and enhance taxpayer protections, and for other purposes.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 3353. An act to provide for American Samoa and the Commonwealth of the Northern Marianas to be treated as States for certain criminal justice programs; to the Committee on the Judiciary.

H.R. 4501. An act to require certain return policies from businesses that purchase precious metals from consumers and solicit such transactions through an Internet website; to the Committee on Commerce, Science, and Transportation.

H.R. 5012. An act to amend the Richard B. Russell National School Lunch to establish a weekend and holiday feeding program to provide nutritious food to at-risk school children on weekends and during extended school holidays during the school year; to the Committee on Agriculture, Nutrition, and Forestry.

H.R. 6412. An act to amend title 28, United States Code, to require the Attorney General to share criminal records with State sentencing commissions, and for other purposes; to the Committee on the Judiciary.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, December 9, 2010, she had presented to the President of the United States the following enrolled bill:

S. 3789. An act to limit access to Social Security account numbers.

S. 3987. An act to amend the Fair Credit Reporting Act with respect to applicability of identity theft guidelines to creditors.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-8399. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Northeastern United States; Atlantic Surfclam and Ocean Quahog Fisheries; Suspension of Minimum Atlantic Surfclam Size Limit for Fishing Year 2011" (RIN0648-XZ16) received in the Office of the President of the Senate on December 7, 2010; to the Committee on Commerce, Science, and Transportation.

EC-8400. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone

Off Alaska; Pacific Cod in the Bering Sea and Aleutian Islands Management Area" (RIN0648-XA038) received in the Office of the President of the Senate on December 7, 2010; to the Committee on Commerce, Science, and Transportation.

EC-8401. A communication from the Chief, Public Safety and Homeland Security Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Section 90.617 Frequencies in the 809.750-824.750-869 MHz Bands Available for Trunked, Conventional or Cellular System Use in Non-border Areas; Section 90.677 Reconfiguration of the 806-824/851-869 Band in Order to Separate Cellular Systems From Non-cellular Systems" ((DA10-695)(WT Docket No. 02-55)) received in the Office of the President of the Senate on December 7, 2010; to the Committee on Commerce, Science, and Transportation.

EC-8402. A communication from the Deputy Assistant General Counsel for Regulations, Office of the Secretary of Transportation, Department of Transportation, transmitting, pursuant to law, a rule entitled "Relocation of Standard Time Zone Boundary in the State of North Dakota: Mercer County" (RIN2105-AD98) received in the Office of the President of the Senate on December 7, 2010; to the Committee on Commerce, Science, and Transportation.

EC-8403. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures (25); Amdt. 3398" (RIN2120-AA65) received in the Office of the President of the Senate on December 7, 2010; to the Committee on Commerce, Science, and Transportation.

EC-8404. A communication from the Policy Advisor/Chief, Wireless Telecommunications Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amateur Service Rules" (FCC 10-189) received in the Office of the President of the Senate on December 7, 2010; to the Committee on Commerce, Science, and Transportation.

EC-8405. A communication from the Chief of the Policy and Rules Division, Office of Engineering and Technology, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Unlicensed Operation in the TV Broadcast Bands; ET Docket No. 04-186; Additional Spectrum for Unlicensed Devices Below 900 MHz and in the 3 GHz Band; ET Docket No. 02-380" (FCC 10-174) received in the Office of the President of the Senate on December 7, 2010; to the Committee on Commerce, Science, and Transportation.

EC-8406. A communication from the Assistant Secretary, Bureau of Political-Military Affairs, Department of State, transmitting, pursuant to law, an addendum to a certification, transmittal number: DDTC 10-429, of the proposed sale or export of defense articles, including technical data, and defense services to a Middle East country regarding any possible affects such a sale might have relating to Israel's Qualitative Military Edge over military threats to Israel; to the Committee on Armed Services.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. DORGAN, from the Committee on Indian Affairs, without amendment:

H.R. 5811. A bill to amend the Ysleta del Sur Pueblo and Alabama and Coushatta Indian Tribes of Texas Restoration Act to allow the Ysleta del Sur Pueblo Tribe to determine blood quantum requirement for membership in that tribe (Rept. No. 111-359).

By Mr. LIEBERMAN, from the Committee on Homeland Security and Governmental Affairs, with an amendment in the nature of a substitute:

S. 2782. A bill to provide personal jurisdiction in causes of action against contractors of the United States performing contracts abroad with respect to members of the Armed Forces, civilian employees of the United States, and United States citizen employees of companies performing work for the United States in connection with contractor activities, and for other purposes.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. CASEY:

S. 4018. A bill to amend the Internal Revenue Code of 1986 to provide incentives for life sciences research; to the Committee on Finance.

By Mr. CASEY:

S. 4019. A bill to clarify the applicability of the Buy American Act to products purchased for the use of the legislative branch, to prohibit the application of any of the exceptions to the requirements of such Act to products bearing an official Congressional insignia, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. WICKER (for himself and Mr. BARRASSO):

S. 4020. A bill to protect 10th Amendment rights by providing special standing for State government officials to challenge proposed regulations, and for other purposes; to the Committee on the Judiciary.

By Mr. CARDIN (for himself and Mr. WHITEHOUSE):

S. 4021. A bill to reduce the ability of terrorists, spies, criminals, and other malicious actors to compromise, disrupt, damage, and destroy computer networks, critical infrastructure, and key resources, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. LIEBERMAN (for himself, Ms. COLLINS, Mr. UDALL of Colorado, and Mrs. GILLIBRAND):

S. 4022. A bill to provide for the repeal of the Department of Defense policy concerning homosexuality in the Armed Forces known as "Don't Ask, Don't Tell"; to the Committee on Armed Services.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mrs. SHAHEEN (for herself and Mr. GRAHAM):

S. Res. 698. A resolution expressing the sense of the Senate with respect to the territorial integrity of Georgia and the situation within Georgia's internationally recognized borders; to the Committee on Foreign Relations.

By Mr. REID (for himself and Mr. MCCONNELL):

S. Res. 699. A resolution to authorize testimony and legal representation in City of St. Paul v. Irene Victoria Andrews, Bruce Jerome Berry, John Joseph Braun, David Eugene Luce, and Elizabeth Ann McKenzie; considered and agreed to.

ADDITIONAL COSPONSORS

S. 602

At the request of Mr. BROWN of Ohio, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 602, a bill to direct the Secretary of Homeland Security to conduct a survey to determine the level of compliance with national voluntary consensus standards and any barriers to achieving compliance with such standards, and for other purposes.

S. 738

At the request of Ms. LANDRIEU, the name of the Senator from Florida (Mr. LEMIEUX) was added as a cosponsor of S. 738, a bill to amend the Consumer Credit Protection Act to assure meaningful disclosures of the terms of rental-purchase agreements, including disclosures of all costs to consumers under such agreements, to provide certain substantive rights to consumers under such agreements, and for other purposes.

S. 1221

At the request of Mr. SPECTER, the name of the Senator from North Carolina (Mrs. HAGAN) was added as a cosponsor of S. 1221, a bill to amend title XVIII of the Social Security Act to ensure more appropriate payment amounts for drugs and biologicals under part B of the Medicare Program by excluding customary prompt pay discounts extended to wholesalers from the manufacturer's average sales price.

S. 2885

At the request of Ms. LANDRIEU, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 2885, a bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to provide adequate benefits for public safety officers injured or killed in the line of duty, and for other purposes.

S. 3424

At the request of Mr. DURBIN, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 3424, a bill to amend the Animal Welfare Act to provide further protection for puppies.

S. 3447

At the request of Mr. AKAKA, the names of the Senator from Colorado (Mr. UDALL) and the Senator from Delaware (Mr. COONS) were added as cosponsors of S. 3447, a bill to amend title 38, United States Code, to improve educational assistance for veterans who served in the Armed Forces after September 11, 2001, and for other purposes.

S. 3739

At the request of Mr. CASEY, the name of the Senator from Illinois (Mr.

KIRK) was added as a cosponsor of S. 3739, a bill to amend the Safe and Drug-Free Schools and Communities Act to include bullying and harassment prevention programs.

S. 3925

At the request of Mr. BINGAMAN, the names of the Senator from Arkansas (Mr. PRYOR) and the Senator from Alaska (Mr. BEGICH) were added as cosponsors of S. 3925, a bill to amend the Energy Policy and Conservation Act to improve the energy efficiency of, and standards applicable to, certain appliances and equipment, and for other purposes.

S. RES. 694

At the request of Mr. BROWNBACK, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. Res. 694, a resolution condemning the Government of Iran for its state-sponsored persecution of religious minorities in Iran and its continued violation of the International Covenant on Human Rights.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CARDIN (for himself and Mr. WHITEHOUSE):

S. 4021. A bill to reduce the ability of terrorists, spies, criminals, and other malicious actors to compromise, disrupt, damage, and destroy computer networks, critical infrastructure, and key resources, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. CARDIN. Mr. President, the Internet has had a profound impact on the daily lives of millions of Americans by enhancing communications, commerce, education, and socialization between and among persons regardless of their location. However, computers and other devices that connect to the Internet may be used, exploited, and compromised by terrorists, criminals, spies, and other malicious actors. As a result, they pose a risk to computer networks, critical infrastructure, and key resources in the United States. Users of computers and other devices that connect to the Internet are generally unaware that these devices can be easily used, exploited and compromised by others with spam, viruses, and other malicious software and agents. Internet and cybersecurity safety has therefore become an urgent homeland security issue that needs to be addressed by internet service providers, technology companies, other entities that enable devices to connect to the Internet, and by individuals.

I have been focusing on cybersecurity issues for quite some time. More than a year ago, as chairman of the Terrorism and Homeland Security Subcommittee of the Judiciary Committee, I chaired a Subcommittee hearing titled "Cybersecurity: Preventing Terrorist Attacks

and Protecting Privacy in Cyberspace." The hearing included witnesses from key Federal agencies responsible for cybersecurity, as well as representatives of the private sector. We reviewed governmental and private sector efforts to prevent a terrorist cyber attack that could cripple large sectors of our government, economy, and essential services. It was both illuminating and frightening.

The expertise that I have developed in regard to cybersecurity has convinced me that the Government and the private sector need to work together to develop and enforce minimum Internet and cybersecurity safety standards for users of computers and other devices that connect to the Internet. In the same way that automobiles cannot and should not be sold or operated on public highways unless they meet certain minimum safety standards, minimum Internet and cybersecurity safety standards are essential for the nation's information superhighway.

As a result, today I am introducing the Internet and Cybersecurity Safety Standards Act, ICSSA. My bill will require the Secretary of Homeland Security, in consultation with the Attorney General and the Secretary of Commerce, to conduct an analysis to determine the costs and benefits of requiring internet service providers and others to develop and enforce minimum Internet and cybersecurity safety standards. The Secretary will be required to consider all relevant factors in this analysis, including the effect that the development and enforcement of minimum Internet and cybersecurity safety standards would have on homeland security, the global economy, innovation, individual liberty, and privacy. My bill will also require the Secretary of Homeland Security, the Attorney General and the Secretary of Commerce to consult with relevant stakeholders in the Government and, most importantly, the private sector, including the academic community and groups or institutions that have scientific and technical expertise related to standards for computer networks, critical infrastructure, or key resources. The private sector must be a partner in the efforts to secure the nation's information superhighway. Under my bill, the Secretary of Homeland Security will be required to report to Congress within one year with specific recommendations for minimum voluntary or mandatory Internet and cybersecurity standards for computers and other devices that connect to the Internet, so that we can prevent them from being used, exploited, and compromised by terrorists, criminals, spies, and other malicious actors.

In December of 2009, I praised the appointment of Howard Schmidt as the new White House Cybersecurity Coordi-

nator to make sure that agencies are all working together on this critical challenge. In April of this year, I also stressed with Secretary Napolitano, at a Senate Judiciary Committee oversight hearing for the Department of Homeland Security, the need to continue to make cybersecurity a top priority. But we can and must do more. My bill will help secure our nation's digital future.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 4021

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Internet and Cybersecurity Safety Standards Act".

SEC. 2. DEFINITIONS.

In this Act:

(1) **COMPUTERS.**—Except as otherwise specifically provided, the term "computers" means computers and other devices that connect to the Internet.

(2) **PROVIDERS.**—The term "providers" means Internet service providers, communications service providers, electronic messaging providers, electronic mail providers, and other persons who provide a service or capability to enable computers to connect to the Internet.

(3) **SECRETARY.**—Except as otherwise specifically provided, the term "Secretary" means the Secretary of Homeland Security.

SEC. 3. FINDINGS.

Congress finds the following:

(1) While the Internet has had a profound impact on the daily lives of the people of the United States by enhancing communications, commerce, education, and socialization between and among persons regardless of their location, computers may be used, exploited, and compromised by terrorists, criminals, spies, and other malicious actors, and, therefore, computers pose a risk to computer networks, critical infrastructure, and key resources in the United States. Indeed, users of computers are generally unaware that their computers may be used, exploited, and compromised by others with spam, viruses, and other malicious software and agents.

(2) Since computer networks, critical infrastructure, and key resources of the United States are at risk of being compromised, disrupted, damaged, or destroyed by terrorists, criminals, spies, and other malicious actors who use computers, Internet and cybersecurity safety is an urgent homeland security issue that needs to be addressed by providers, technology companies, and persons who use computers.

(3) The Government and the private sector need to work together to develop and enforce minimum Internet and cybersecurity safety standards for users of computers to prevent terrorists, criminals, spies, and other malicious actors from compromising, disrupting, damaging, or destroying the computer networks, critical infrastructure, and key resources of the United States.

SEC. 4. COST-BENEFIT ANALYSIS.

(a) **REQUIREMENT FOR ANALYSIS.**—The Secretary, in consultation with the Attorney General and the Secretary of Commerce,

shall conduct an analysis to determine the costs and benefits of requiring providers to develop and enforce minimum Internet and cybersecurity safety standards for users of computers to prevent terrorists, criminals, spies, and other malicious actors from compromising, disrupting, damaging, or destroying computer networks, critical infrastructure, and key resources.

(b) FACTORS.—In conducting the analysis required by subsection (a), the Secretary shall consider all relevant factors, including the effect that the development and enforcement of minimum Internet and cybersecurity safety standards may have on homeland security, the global economy, innovation, individual liberty, and privacy.

SEC. 5. CONSULTATION.

In conducting the analysis required by section 4, the Secretary, in consultation with the Attorney General and the Secretary of Commerce, shall consult with relevant stakeholders in the Government and the private sector, including the academic community, groups, or other institutions, that have scientific and technical expertise related to standards for computer networks, critical infrastructure, or key resources.

SEC. 6. REPORT.

(a) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall submit to the appropriate committees of Congress a final report on the results of the analysis required by section 4. Such report shall include the consensus recommendations, if any, for minimum voluntary or mandatory Internet and cybersecurity safety standards that should be developed and enforced for users of computers to prevent terrorists, criminals, spies, and other malicious actors from compromising, disrupting, damaging, or destroying computer networks, critical infrastructure, and key resources.

(b) APPROPRIATE COMMITTEES OF CONGRESS.—In this section, the term “appropriate committees of Congress” means—

(1) the Committee on Commerce, Science, and Transportation, the Committee on Homeland Security and Governmental Affairs, and the Committee on the Judiciary of the Senate; and

(2) the Committee on Energy and Commerce, the Committee on Homeland Security, the Committee on the Judiciary, and the Committee on Oversight and Government Reform of the House of Representatives.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 698—EXPRESSING THE SENSE OF THE SENATE WITH RESPECT TO THE TERRITORIAL INTEGRITY OF GEORGIA AND THE SITUATION WITHIN GEORGIA'S INTERNATIONALLY RECOGNIZED BORDERS

Mrs. SHAHEEN (for herself and Mr. GRAHAM) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 698

Whereas, since 1993, the territorial integrity of Georgia has been reaffirmed by the international community and 36 United Nations Security Council resolutions;

Whereas the Helsinki Final Act resulting from the Conference on Security and Co-

operation in Europe in 1975 states that parties “shall regard as inviolable all one another's frontiers” and that “participating States will likewise refrain from making each other's territory the object of military occupation”;

Whereas the United States-Georgia Strategic Charter, signed on January 9, 2009, underscores that “support for each other's sovereignty, independence, territorial integrity and inviolability of borders constitutes the foundation of our bilateral relations”;

Whereas, in October 2010, at the meeting of the United States-Georgia Charter on Strategic Partnership, Secretary of State Clinton stated, “The United States will not waiver in its support for Georgia's sovereignty and territorial integrity”;

Whereas the White House released a fact sheet on July 24, 2010, calling for “Russia to end its occupation of the Georgian territories of Abkhazia and South Ossetia” and for “a return of international observers to the two occupied regions of Georgia”;

Whereas Vice President Joseph Biden stated in Tbilisi in July 2009 that the United States “will not recognize Abkhazia and South Ossetia as independent states” and went on to “urge the world not to recognize [Abkhazia and South Ossetia] as independent states”;

Whereas the August 2008 conflict between the Governments of Russia and Georgia resulted in civilian and military casualties, the violation of the sovereignty and territorial integrity of Georgia, and large numbers of internally-displaced persons;

Whereas the August 12, 2008, ceasefire agreement, agreed to by the Governments of Russia and Georgia, provides that all Russian troops shall be withdrawn to pre-conflict positions;

Whereas the August 12, 2008, ceasefire agreement provides that free access shall be granted to organizations providing humanitarian assistance in regions affected by violence in August 2008;

Whereas the International Crisis Group concluded in its June 7, 2010, report on South Ossetia that “Moscow has not kept important ceasefire commitments, and some 20,000 ethnic Georgians from the region remain forcibly displaced”;

Whereas Human Rights Watch concluded in its World Report 2010 that “Russia continued to exercise effective control over South Ossetia and . . . Abkhazia, preventing international observers' access and vetoing international missions working there”;

Whereas, in October 2010, Russian troops withdrew from the small Georgian village of Perevi;

Whereas the withdrawal of Russian troops from Perevi is a positive step, but it does not constitute compliance with the terms of the August 2008 Russia-Georgia ceasefire agreement;

Whereas, on November 23, 2010, before the European Parliament, Georgian President Saakashvili committed Georgia to not use force to restore control over the Georgian territories of Abkhazia and South Ossetia;

Whereas Secretary of State Clinton stated in Tbilisi on July 5, 2010, “We continue to call for Russia to abide by the August 2008 cease-fire commitment . . . including ending the occupation and withdrawing Russian troops from South Ossetia and Abkhazia to their pre-conflict positions.”;

Whereas the Russian Federation vetoed the extension of the Organization for Security and Co-operation in Europe (OSCE) Mission to Georgia and the United Nations Observer Mission in Georgia, forcing the missions to

withdraw from the regions of South Ossetia and Abkhazia;

Whereas Russian troops stationed in the regions of Abkhazia and South Ossetia continue to be present without a mandate from the United Nations or other multilateral organizations;

Whereas the Senate supports United States efforts to develop a productive relationship with the Russian Federation in areas of mutual interest, including non-proliferation and arms control, cooperation concerning the failure of the Government of Iran to meet its international obligations with regard to its nuclear programs, counter-terrorism, Afghanistan, anti-piracy, economics and trade, and others; and

Whereas the Senate agrees that these efforts must not compromise longstanding United States policy, principles of the Helsinki Final Act, and United States support for United States allies and partners worldwide: Now, therefore, be it

Resolved, That the Senate—

(1) affirms that it is the policy of the United States to support the sovereignty, independence, and territorial integrity of Georgia and the inviolability of its borders and to recognize the areas of Abkhazia and South Ossetia as regions of Georgia occupied by the Russian Federation;

(2) calls upon the Government of Russia to take steps to fulfill all the terms and conditions of the 2008 ceasefire agreements, including returning military forces to pre-war positions and ensuring access to international humanitarian aid to all those affected by the conflict;

(3) urges the Government of Russia and the de facto authorities in the regions of South Ossetia and Abkhazia to allow for the full and dignified return of internally-displaced persons and international observer missions to the territories of Abkhazia and South Ossetia;

(4) supports constructive engagement and confidence-building measures between the Government of Georgia and the de facto authorities in the regions of South Ossetia and Abkhazia; and

(5) affirms that the path to lasting stability in this region is through peaceful means and long-term diplomatic and political dialogue.

SENATE RESOLUTION 699—TO AUTHORIZE TESTIMONY AND LEGAL REPRESENTATION IN CITY OF ST. PAUL V. IRENE VICTORIA ANDREWS, BRUCE JEROME BERRY, JOHN JOSEPH BRAUN, DAVID EUGENE LUCE, AND ELIZABETH ANN MCKENZIE

Mr. REID (for himself and Mr. MCCONNELL) submitted the following resolution; which was considered and agreed to:

S. RES. 699

Whereas, in the case of *City of St. Paul v. Irene Victoria Andrews, Bruce Jerome Berry, John Joseph Braun, David Eugene Luce, and Elizabeth Ann McKenzie*, Case No. 10-071-634, pending in Ramsey County District Court in St. Paul, Minnesota, the prosecution has sought testimony from Shelly Schafer, an employee of Senator Al Franken;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. 288b(a) and 288c(a)(2), the Senate may direct its counsel to represent employees of the Senate with respect to any

subpoena, order, or request for testimony relating to their official responsibilities;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate may, by the judicial or administrative process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistent with the privileges of the Senate: Now, therefore, be it

Resolved, That Shelly Schafer is authorized to testify in the case of *City of St. Paul v. Irene Victoria Andrews, Bruce Jerome Berry, John Joseph Braun, David Eugene Luce, and Elizabeth Ann McKenzie*, except concerning matters for which a privilege should be asserted.

SEC. 2. The Senate Legal Counsel is authorized to represent Shelly Schafer, and any other employee from whom evidence may be sought, in connection with the testimony authorized in section one of this resolution.

AMENDMENTS SUBMITTED AND PROPOSED

SA 4746. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 3454, to authorize appropriations for fiscal year 2011 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table.

SA 4747. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 3454, supra; which was ordered to lie on the table.

SA 4748. Mr. LIEBERMAN (for himself, Mr. BROWN of Massachusetts, Mr. LEAHY, and Mr. BOND) submitted an amendment intended to be proposed by him to the bill S. 3454, supra; which was ordered to lie on the table.

SA 4749. Mr. SESSIONS (for himself and Mr. SHELBY) submitted an amendment intended to be proposed by him to the bill S. 3454, supra; which was ordered to lie on the table.

SA 4750. Mr. WYDEN (for Mr. KERRY) proposed an amendment to the bill S. 841, to direct the Secretary of Transportation to study and establish a motor vehicle safety standard that provides for a means of alerting blind and other pedestrians of motor vehicle operation.

SA 4751. Mr. WYDEN proposed an amendment to the bill S. 2925, to establish a grant program to benefit victims of sex trafficking, and for other purposes.

SA 4752. Mr. WYDEN proposed an amendment to the bill S. 2925, supra.

SA 4753. Mr. REID (for himself and Mr. MCCONNELL) proposed an amendment to the bill H.R. 4853, to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend authorizations for the airport improvement program, and for other purposes.

SA 4754. Mr. REID proposed an amendment to amendment SA 4753 proposed by Mr. REID (for himself and Mr. MCCONNELL) to the bill H.R. 4853, supra.

SA 4755. Mr. REID proposed an amendment to the bill H.R. 4853, supra.

SA 4756. Mr. REID proposed an amendment to amendment SA 4755 proposed by Mr. REID to the bill H.R. 4853, supra.

SA 4757. Mr. REID proposed an amendment to amendment SA 4756 proposed by Mr. REID to the amendment SA 4755 proposed by Mr. REID to the bill H.R. 4853, supra.

SA 4758. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 4753 proposed by Mr. REID (for himself and Mr. MCCONNELL) to the bill H.R. 4853, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 4746. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 3454, to authorize appropriations for fiscal year 2011 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate end of subtitle B of title X, add the following:

SEC. 1012. REPLACEMENT COMBAT LOGISTICS FORCE UNDERWAY REPLENISHMENT SHIP CAPABILITIES FOR THE NAVY ON A COMMERCIAL FEE-FOR-SERVICE BASIS.

(a) IN GENERAL.—

(1) PROGRAM REQUIRED.—The Secretary of the Navy shall carry out a program, in response to Naval Surface Warfare Center Carderock Division Combat Logistics Force Energy Saving Program, BAA N000167-09-BAA-01, to obtain replacement combat logistics force underway replenishment ship capabilities for the Navy on a commercial fee-for-service basis.

(2) DETERMINATION OF REPLACEMENT SHIPS REQUIRED.—As part of the program required by this section, the Secretary—

(A) shall determine an initial number of fleet oiler ships to be constructed, leased, or both under the program to meet anticipated demands of the Navy for combat logistics force underway replenishment ships; and

(B) may from time to time determine an additional number of fleet oiler ships to be constructed, leased, or both for such purpose.

(3) AVAILABILITY OF FUNDS.—Of the amount authorized to be appropriated for research, development, test, and evaluation by section 201 and available for the Navy as specified in the funding table in section 4201, \$20,000,000 shall be available for contractor activities for phase 1 (detailed combat logistics force fee-for-service performance requirements specification and detailed feasibility study reflecting such performance requirements) and phase 2 (completion of adequate development work to support contractor delivery of a fixed-price multi-year fee-for service proposal, consistent with this section and with sufficient detail and cost definition support to meet government contracting requirements) of the program required by this section. Such funds shall be available for that purpose without fiscal year limitation.

(4) BUDGETING.—The budget of the President for each fiscal year after fiscal year 2011 (as submitted to Congress pursuant to section 1105(a) of title 31, United States Code) shall specify the funds to be required in such fiscal year for the program required by this section, including amounts to be required for the following:

(A) The capital costs to be incurred in such fiscal year in connection with national de-

fense features or modifications of fleet oiler ships constructed or leased under phase 3 of the program.

(B) The costs of executing multi-year contracts authorized by subsection (b) during such fiscal year.

(b) MULTIYEAR CONTRACTS TO OBTAIN REPLENISHMENT SUPPORT USING SHIPS CONSTRUCTED UNDER PROGRAM.—

(1) IN GENERAL.—In carrying out the program required by this section, the Secretary of the Navy may not enter into one or more multiyear contracts for the purpose of obtaining combat logistics force underway replenishment support for the Navy using ships constructed or leased under the program on a commercial fee-for-service basis unless an appropriation is provided in advance specifically for all obligations to be made under the contract, including any obligations for payments to be made in years after the year in which the contract is entered into, any obligations for payments for early cancellation of the contract, and any obligations for payments for the exercise of contract options.

(2) ELEMENTS.—Each contract under this subsection shall provide for payment by the United States of the following:

(A) The operational cost of combat logistics force underway replenishment support provided the Navy by the ship or ships covered by the contract.

(B) The costs of any national defense features or modifications on the ship or ships covered by the contract, which costs shall be paid in full through equal monthly installments under the contract over a number of months (not to exceed 60 months) beginning on or after the date on which the Navy certifies that the ship or ships covered by the contract are qualified and meet Navy standards to provide combat logistics force underway replenishment support for the Navy.

(3) COMPLIANCE WITH LAW APPLICABLE TO MULTIYEAR CONTRACTS.—Any contract entered into under this subsection shall be entered into in accordance with the provisions of section 2306c of title 10, United States Code, except that—

(A) notwithstanding subsection (b) of such section, the combat logistics force underway replenishment support for the Navy to be obtained under the contract shall be treated as services to which the authority in subsection (a) of such section applies;

(B) the term of the contract may not be more than eight years; and

(C) notwithstanding subsections (d) and (e) of such section—

(i) the contract may not be entered into unless amounts necessary to cover all costs of cancellation of the contract are appropriated before the contract is entered into; and

(ii) funds appropriated in advance for performance of the contract shall be the only funds available for costs of cancellation of the contract.

(4) COMPLIANCE WITH LAW APPLICABLE TO SERVICE CONTRACTS.—A contract entered into under this subsection shall be entered into in accordance with the provisions of section 2401 of title 10, United States Code, except that—

(A) the Secretary shall not be required to certify to the congressional defense committees that the contract is the most cost-effective means of obtaining combat logistics force underway replenishment support for the Navy; and

(B) the Secretary shall not be required to certify to the congressional defense committees that there is no alternative for meeting

urgent operational requirements other than making the contract.

(5) **LIMITATION ON AMOUNT.**—The amount of any contract (including any options) under this subsection may not exceed \$999,999,999.

(c) **PREFERENCE FOR FINANCING UNDER FEDERAL SHIP FINANCING PROGRAM.**—A contractor seeking financing for a ship whose principal service will be the provision of combat logistics force underway replenishment support for the Navy under a contract under subsection (b) shall be given approval preference by the Secretary of Transportation for the Federal Ship Financing Program under chapter 537 of title 46, United States Code.

(d) **GOVERNMENT WAR RISK INSURANCE.**—A contractor with the Navy under subsection (b) shall be eligible for Government-provided war risk insurance for the ship or ships covered by the contract in accordance with chapter 539 of title 46, United States Code, with the following exceptions:

(1) With regard to section 53902(a) of such title, the Secretary of the Navy may act for the Secretary of Transportation in approving the issuance of such insurance.

(2) While an insured ship is completely dedicated to the provision of combat logistics force underway replenishment support for the Navy, the insurance may be issued as agency insurance in accordance with section 53905 of such title.

(3) The authority to waive the premium under section 53905(b) of such title does not apply to war-risk insurance issued pursuant to this subsection.

SA 4747. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 3454, to authorize appropriations for fiscal year 2011 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title I, add the following:

SEC. 126. ADDITIONAL COMBAT SHIP MATTERS.

(a) **MODIFICATIONS TO LITTORAL COMBAT SHIP PROGRAM AUTHORITY.**—Section 121 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84; 123 Stat. 2211) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) by striking “ten Littoral Combat Ships and 15 Littoral Combat Ship ship control and weapon systems” and inserting “20 Littoral Combat Ships (LCS), including ship control and weapon systems,”; and

(ii) by striking “a contract” and inserting “one or more contracts”; and

(B) in paragraph (2)—

(i) by striking “A contract” and inserting “Any contract”; and

(ii) by striking “liability to” and inserting “liability of”;

(2) in subsection (b)—

(A) in paragraph (1), by striking “a procurement” and inserting “any contract”; and

(B) in paragraph (2)—

(i) by striking “a Littoral” and inserting “any Littoral”; and

(ii) in subparagraph (A), by striking “a second shipyard, as soon as practicable” and inserting “another shipyard to build to a design specification for that Littoral Combat Ship”; and

(3) in subsection (c)(1), by striking “award to a contractor selected as part of a procurement” and inserting “under any contract”.

(b) **REPLACEMENT COMBAT LOGISTICS FORCE UNDERWAY REPLENISHMENT SHIP CAPABILITIES FOR THE NAVY ON A COMMERCIAL FEE-FOR-SERVICE BASIS.**—

(1) **PROGRAM REQUIRED.**—The Secretary of the Navy shall carry out a program, in response to Naval Surface Warfare Center Carderock Division Combat Logistics Force Energy Saving Program, BAA N000167-09-BAA-01, to obtain replacement combat logistics force underway replenishment ship capabilities for the Navy on a commercial fee-for-service basis.

(2) **DETERMINATION OF REPLACEMENT SHIPS REQUIRED.**—As part of the program required by this subsection, the Secretary—

(A) shall determine an initial number of fleet oiler ships to be constructed, leased, or both under the program to meet anticipated demands of the Navy for combat logistics force underway replenishment ships; and

(B) may from time to time determine an additional number of fleet oiler ships to be constructed, leased, or both for such purpose.

(3) **AVAILABILITY OF FUNDS.**—Of the amount authorized to be appropriated for research, development, test, and evaluation by section 201 and available for the Navy as specified in the funding table in section 4201, \$20,000,000 shall be available for contractor activities for phase 1 (detailed combat logistics force fee-for-service performance requirements specification and detailed feasibility study reflecting such performance requirements) and phase 2 (completion of adequate development work to support contractor delivery of a fixed-price multi-year fee-for service proposal, consistent with this section and with sufficient detail and cost definition support to meet government contracting requirements) of the program required by this section. Such funds shall be available for that purpose without fiscal year limitation.

(4) **BUDGETING.**—The budget of the President for each fiscal year after fiscal year 2011 (as submitted to Congress pursuant to section 1105(a) of title 31, United States Code) shall specify the funds to be required in such fiscal year for the program required by this section, including amounts to be required for the following:

(A) The capital costs to be incurred in such fiscal year in connection with national defense features or modifications of fleet oiler ships constructed or leased under phase 3 of the program.

(B) The costs of executing multi-year contracts authorized by subsection (c) during such fiscal year.

(c) **MULTIYEAR CONTRACTS TO OBTAIN REPLENISHMENT SUPPORT USING SHIPS CONSTRUCTED UNDER PROGRAM.**—

(1) **IN GENERAL.**—In carrying out the program required by this section, the Secretary of the Navy may not enter into one or more multiyear contracts for the purpose of obtaining combat logistics force underway replenishment support for the Navy using ships constructed or leased under the program on a commercial fee-for-service basis unless an appropriation is provided in advance specifically for all obligations to be made under the contract, including any obligations for payments to be made in years after the year in which the contract is entered into, any obligations for payments for early cancellation of the contract, and any obligations for payments for the exercise of contract options.

(2) **ELEMENTS.**—Each contract under this subsection shall provide for payment by the United States of the following:

(A) The operational cost of combat logistics force underway replenishment support provided the Navy by the ship or ships covered by the contract.

(B) The costs of any national defense features or modifications on the ship or ships covered by the contract, which costs shall be paid in full through equal monthly installments under the contract over a number of months (not to exceed 60 months) beginning on or after the date on which the Navy certifies that the ship or ships covered by the contract are qualified and meet Navy standards to provide combat logistics force underway replenishment support for the Navy.

(3) **COMPLIANCE WITH LAW APPLICABLE TO MULTIYEAR CONTRACTS.**—Any contract entered into under this subsection shall be entered into in accordance with the provisions of section 2306c of title 10, United States Code, except that—

(A) notwithstanding subsection (b) of such section, the combat logistics force underway replenishment support for the Navy to be obtained under the contract shall be treated as services to which the authority in subsection (a) of such section applies;

(B) the term of the contract may not be more than eight years; and

(C) notwithstanding subsections (d) and (e) of such section—

(i) the contract may not be entered into unless amounts necessary to cover all costs of cancellation of the contract are appropriated before the contract is entered into; and

(ii) funds appropriated in advance for performance of the contract shall be the only funds available for costs of cancellation of the contract.

(4) **COMPLIANCE WITH LAW APPLICABLE TO SERVICE CONTRACTS.**—A contract entered into under this subsection shall be entered into in accordance with the provisions of section 2401 of title 10, United States Code, except that—

(A) the Secretary shall not be required to certify to the congressional defense committees that the contract is the most cost-effective means of obtaining combat logistics force underway replenishment support for the Navy; and

(B) the Secretary shall not be required to certify to the congressional defense committees that there is no alternative for meeting urgent operational requirements other than making the contract.

(5) **LIMITATION ON AMOUNT.**—The amount of any contract (including any options) under this subsection may not exceed \$999,999,999.

(d) **PREFERENCE FOR FINANCING UNDER FEDERAL SHIP FINANCING PROGRAM.**—A contractor seeking financing for a ship whose principal service will be the provision of combat logistics force underway replenishment support for the Navy under a contract under subsection (c) shall be given approval preference by the Secretary of Transportation for the Federal Ship Financing Program under chapter 537 of title 46, United States Code.

(e) **GOVERNMENT WAR RISK INSURANCE.**—A contractor with the Navy under subsection (c) shall be eligible for Government-provided war risk insurance for the ship or ships covered by the contract in accordance with chapter 539 of title 46, United States Code, with the following exceptions:

(1) With regard to section 53902(a) of such title, the Secretary of the Navy may act for the Secretary of Transportation in approving the issuance of such insurance.

(2) While an insured ship is completely dedicated to the provision of combat logistics force underway replenishment support for the Navy, the insurance may be issued as agency insurance in accordance with section 53905 of such title.

(3) The authority to waive the premium under section 53905(b) of such title does not apply to war-risk insurance issued pursuant to this subsection.

SA 4748. Mr. LIEBERMAN (for himself, Mr. BROWN of Massachusetts, Mr. LEAHY, and Mr. BOND) submitted an amendment intended to be proposed by him to the bill S. 3454, to authorize appropriations for fiscal year 2011 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 414 and insert the following:
SEC. 414. FISCAL YEAR 2011 LIMITATION ON NUMBER OF NON-DUAL STATUS TECHNICIANS.

(a) LIMITATIONS.—

(1) NATIONAL GUARD.—Within the limitation provided in section 10217(c)(2) of title 10, United States Code, the number of non-dual status technicians employed by the National Guard as of September 30, 2011, may not exceed the following:

(A) For the Army National Guard of the United States, 2,520.

(B) For the Air National Guard of the United States, 350.

(2) ARMY RESERVE.—The number of non-dual status technicians employed by the Army Reserve as of September 30, 2011, may not exceed 595.

(3) AIR FORCE RESERVE.—The number of non-dual status technicians employed by the Air Force Reserve as of September 30, 2011, may not exceed 90.

(b) PERMANENT INCREASE IN LIMITATION ON ARMY NATIONAL GUARD DUAL-STATUS TECHNICIANS.—Effective as of October 1, 2010, section 10217(c)(2) of title 10, United States Code, is amended by striking “1,950” and inserting “2,870”.

(c) NON-DUAL STATUS TECHNICIANS DEFINED.—In this section, the term “non-dual status technician” has the meaning given that term in section 10217(a) of title 10, United States Code.

SA 4749. Mr. SESSIONS (for himself and Mr. SHELBY) submitted an amendment intended to be proposed by him to the bill S. 3454, to authorize appropriations for fiscal year 2011 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title I, add the following:

SEC. 126. LITTORAL COMBAT SHIP PROGRAM.

(a) CONTRACT AUTHORITY.—Subsection (a) of section 121 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2211) is amended—

(1) in paragraph (1)—

(A) by striking “ten Littoral Combat Ships and 15 Littoral Combat Ship control and

weapon systems” and inserting “20 Littoral Combat Ships, including any ship control and weapon systems the Secretary determines necessary for such ships.”; and

(B) by striking “a contract” and inserting “one or more contracts”; and

(2) in paragraph (2), by striking “liability to” and inserting “liability of”.

(b) TECHNICAL DATA PACKAGE.—Subsection (b)(2)(A) of such section is amended by striking “a second shipyard, as soon as practicable” and inserting “another shipyard to build to a design specification for that Littoral Combat Ship”.

(c) LIMITATION OF COSTS.—Subsection (c)(1) of such section is amended by striking “awarded to a contractor selected as part of a procurement” and inserting “under a contract”.

SA 4750. Mr. WYDEN (for Mr. KERRY) proposed an amendment to the bill S. 841, to direct the Secretary of Transportation to study and establish a motor vehicle safety standard that provides for a means of alerting blind and other pedestrians of motor vehicle operation; as follows:

Strike out all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Pedestrian Safety Enhancement Act of 2010”.

SEC. 2. DEFINITIONS.

As used in this Act—

(1) the term “Secretary” means the Secretary of Transportation;

(2) the term “alert sound” (herein referred to as the “sound”) means a vehicle-emitted sound to enable pedestrians to discern vehicle presence, direction, location, and operation;

(3) the term “cross-over speed” means the speed at which tire noise, wind resistance, or other factors eliminate the need for a separate alert sound as determined by the Secretary;

(4) the term “motor vehicle” has the meaning given such term in section 30102(a)(6) of title 49, United States Code, except that such term shall not include a trailer (as such term is defined in section 571.3 of title 49, Code of Federal Regulations);

(5) the term “conventional motor vehicle” means a motor vehicle powered by a gasoline, diesel, or alternative fueled internal combustion engine as its sole means of propulsion;

(6) the term “manufacturer” has the meaning given such term in section 30102(a)(5) of title 49, United States Code;

(7) the term “dealer” has the meaning given such term in section 30102(a)(1) of title 49, United States Code;

(8) the term “defect” has the meaning given such term in section 30102(a)(2) of title 49, United States Code;

(9) the term “hybrid vehicle” means a motor vehicle which has more than one means of propulsion; and

(10) the term “electric vehicle” means a motor vehicle with an electric motor as its sole means of propulsion.

SEC. 3. MINIMUM SOUND REQUIREMENT FOR MOTOR VEHICLES.

(a) RULEMAKING REQUIRED.—Not later than 18 months after the date of enactment of this Act the Secretary shall initiate rulemaking, under section 30111 of title 49, United States Code, to promulgate a motor vehicle safety standard—

(1) establishing performance requirements for an alert sound that allows blind and

other pedestrians to reasonably detect a nearby electric or hybrid vehicle operating below the cross-over speed, if any; and

(2) requiring new electric or hybrid vehicles to provide an alert sound conforming to the requirements of the motor vehicle safety standard established under this subsection.

The motor vehicle safety standard established under this subsection shall not require either driver or pedestrian activation of the alert sound and shall allow the pedestrian to reasonably detect a nearby electric or hybrid vehicle in critical operating scenarios including, but not limited to, constant speed, accelerating, or decelerating. The Secretary shall allow manufacturers to provide each vehicle with one or more sounds that comply with the motor vehicle safety standard at the time of manufacture. Further, the Secretary shall require manufacturers to provide, within reasonable manufacturing tolerances, the same sound or set of sounds for all vehicles of the same make and model and shall prohibit manufacturers from providing any mechanism for anyone other than the manufacturer or the dealer to disable, alter, replace, or modify the sound or set of sounds, except that the manufacturer or dealer may alter, replace, or modify the sound or set of sounds in order to remedy a defect or non-compliance with the motor vehicle safety standard. The Secretary shall promulgate the required motor vehicle safety standard pursuant to this subsection not later than 36 months after the date of enactment of this Act.

(b) CONSIDERATION.—When conducting the required rulemaking, the Secretary shall—

(1) determine the minimum level of sound emitted from a motor vehicle that is necessary to provide blind and other pedestrians with the information needed to reasonably detect a nearby electric or hybrid vehicle operating at or below the cross-over speed, if any;

(2) determine the performance requirements for an alert sound that is recognizable to a pedestrian as a motor vehicle in operation; and

(3) consider the overall community noise impact.

(c) PHASE-IN REQUIRED.—The motor vehicle safety standard prescribed pursuant to subsection (a) of this section shall establish a phase-in period for compliance, as determined by the Secretary, and shall require full compliance with the required motor vehicle safety standard for motor vehicles manufactured on or after September 1st of the calendar year that begins 3 years after the date on which the final rule is issued.

(d) REQUIRED CONSULTATION.—When conducting the required study and rulemaking, the Secretary shall—

(1) consult with the Environmental Protection Agency to assure that the motor vehicle safety standard is consistent with existing noise requirements overseen by the Agency;

(2) consult consumer groups representing individuals who are blind;

(3) consult with automobile manufacturers and professional organizations representing them;

(4) consult technical standardization organizations responsible for measurement methods such as the Society of Automotive Engineers, the International Organization for Standardization, and the United Nations Economic Commission for Europe, World Forum for Harmonization of Vehicle Regulations.

(e) REQUIRED STUDY AND REPORT TO CONGRESS.—Not later than 48 months after the date of enactment of this Act, the Secretary

shall complete a study and report to Congress as to whether there exists a safety need to apply the motor vehicle safety standard required by subsection (a) to conventional motor vehicles. In the event that the Secretary determines there exists a safety need, the Secretary shall initiate rulemaking under section 30111 of title 49, United States Code, to extend the standard to conventional motor vehicles.

SEC. 4. FUNDING.

Notwithstanding any other provision of law, \$2,000,000 of any amounts made available to the Secretary of Transportation under section 406 of title 23, United States Code, shall be made available to the Administrator of the National Highway Transportation Safety Administration for carrying out section 3 of this Act.

SA 4751. Mr. WYDEN proposed an amendment to the bill S. 2925, to establish a grant program to benefit victims of sex trafficking, and for other purposes; as follows:

Strike section 5 and insert the following:

SEC. 5. REPORTING REQUIREMENTS.

(a) REPORTING REQUIREMENT FOR STATE CHILD WELFARE AGENCIES.—

(1) REQUIREMENT FOR STATE CHILD WELFARE AGENCIES TO REPORT CHILDREN MISSING OR ABDUCTED.—Section 471(a) of the Social Security Act (42 U.S.C. 671(a)) is amended—

(A) in paragraph (32), by striking “and” after the semicolon;

(B) in paragraph (33), by striking the period and inserting “; and”; and

(C) by inserting after paragraph (33) the following:

“(34) provides that the State has in effect procedures that require the State agency to promptly report information on missing or abducted children to the law enforcement authorities for entry into the National Crime Information Center (NCIC) database of the Federal Bureau of Investigation, established pursuant to section 534 of title 28, United States Code.”

(2) REGULATIONS.—The Secretary of Health and Human Services shall promulgate regulations implementing the amendments made by paragraph (1). The regulations promulgated under this subsection shall include provisions to withhold Federal funds from any State that fails to substantially comply with the requirement imposed under the amendments made by paragraph (1).

(3) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on the date that is 6 months after the date of the enactment of this Act, without regard to whether final regulations required under paragraph (2) have been promulgated.

(b) ANNUAL STATISTICAL SUMMARY.—Section 3701(c) of the Crime Control Act of 1990 (42 U.S.C. 5779(c)) is amended by inserting “, which shall include the total number of reports received and the total number of entries made to the National Crime Information Center (NCIC) database of the Federal Bureau of Investigation, established pursuant to section 534 of title 28, United States Code.” after “this title”.

(c) STATE REPORTING.—Section 3702 of the Crime Control Act of 1990 (42 U.S.C. 5780) is amended in paragraph (4)—

(1) by striking “(2)” and inserting “(3)”;

(2) in subparagraph (A), by inserting “, and a photograph taken within the previous 180 days” after “dental records”;

(3) in subparagraph (B), by striking “and” after the semicolon;

(4) by redesignating subparagraph (C) as subparagraph (D); and

(5) by inserting after subparagraph (B) the following:

“(C) notify the National Center for Missing and Exploited Children of each report received relating to a child reported missing from a foster care family home or childcare institution; and”.

SA 4752. Mr. WYDEN proposed an amendment to the bill S. 2925, to establish a grant program to benefit victims of sex trafficking, and for other purposes; as follows:

On page 23, line 2, insert “(a) IN GENERAL.—” before “Section 204”.

On page 26, line 22, after the period add: “Each eligible entity awarded a block grant under this subparagraph shall certify that Federal funds received under the block grant will be used to combat only interstate sex trafficking.”

On page 28, line 9, strike “50 percent” and insert “67 percent”.

On page 33, between lines 20 and 21, insert the following:

(b) SUNSET PROVISION.—Effective 3 years after the date of enactment of this Act, section 204 of the Trafficking Victims Protection Reauthorization Act of 2005 (42 U.S.C. 14044c) is amended to read as it read on the day before the date of enactment of this Act.

(c) GAO EVALUATION.—Not later than 30 months after the date of enactment of this Act, the Comptroller General of the United States shall conduct a study of and submit to Congress a report evaluating the impact of this Act and the amendments made by this Act in aiding minor victims of sex trafficking in the United States and increasing the ability of law enforcement agencies to prosecute sex trafficking offenders, which shall include recommendations, if any, regarding any legislative or administrative action the Comptroller General determines appropriate.

On page 36, line 14, insert “(as defined in such section 3486)” after “sex offenders”.

On page 41, line 21, insert “(a) IN GENERAL.—” before “Section 3486(a)(1)”.

On page 41, strike line 23 and all that follows through page 42, line 4, and insert the following:

(1) in subparagraph (A)—

(A) in clause (i), by striking “or” at the end;

(B) by redesignating clause (ii) as clause (iii); and

(C) by inserting after clause (i) the following:

“(ii) an unregistered sex offender conducted by the United States Marshals Service, the Director of the United States Marshals Service; or”; and

On page 42, strike line 9.

On page 42, line 10, strike “(C)” and insert “(B)”.

On page 42, line 12, strike “(D)” and insert “(C)”.

On page 42, after line 15, add the following:

(b) TECHNICAL AND CONFORMING AMENDMENTS.—Section 3486(a) of title 18, United States Code, is amended—

(1) in paragraph (6)(A), by striking “United State” and inserting “United States”;

(2) in paragraph (9), by striking “(1)(A)(ii)” and inserting “(1)(A)(iii)”; and

(3) in paragraph (10), by striking “paragraph (1)(A)(ii)” and inserting “paragraph (1)(A)(iii)”.

SEC. 12. REDUCING UNNECESSARY PRINTING AND PUBLISHING COSTS OF GOVERNMENT DOCUMENTS.

Not later than 180 days after the date of enactment of this Act, the Director of the

Office of Management and Budget shall coordinate with the heads of Federal departments and independent agencies to—

(1) determine which Government publications could be available on Government websites and no longer printed and to devise a strategy to reduce overall Government printing costs beginning with fiscal year 2012, except that the Director shall ensure that essential printed documents prepared for Social Security recipients, Medicare beneficiaries, and other populations in areas with limited internet access or use continue to remain available;

(2) establish government-wide Federal guidelines on employee printing;

(3) issue on the Office of Management and Budget’s public website the results of a cost-benefit analysis on implementing a digital signature system and on establishing employee printing identification systems, such as the use of individual employee cards or codes, to monitor the amount of printing done by Federal employees, except that the Director of the Office of Management and Budget shall ensure that Federal employee printing costs unrelated to national defense, homeland security, border security, national disasters, and other emergencies do not exceed \$860,000,000 annually for fiscal years 2012 through 2014; and

(4) issue guidelines requiring every department, agency, commission or office to list at a prominent place near the beginning of each publication distributed to the public and issued or paid for by the Federal Government the following:

(A) The name of the issuing agency, department, commission or office.

(B) The total number of copies of the document printed.

(C) The collective cost of producing and printing all of the copies of the document.

(D) The name of the firm publishing the document.

SEC. 13. BUDGETARY EFFECTS.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go-Act of 2010, shall be determined by reference to the latest statement titled “Budgetary Effects of PAYGO Legislation” for this Act, submitted for printing in the Congressional Record by the Chairman of the Senate Budget Committee, provided that such statement has been submitted prior to the vote on passage.

SA 4753. Mr. REID (for himself and Mr. McCONNELL) proposed an amendment to the bill H.R. 4853, to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway I rust Fund, to amend title 49, United States Code, to extend authorizations for the airport improvement program, and for other purposes; as follows:

In lieu of the matter proposed to be inserted, insert the following:

SECTION 1. SHORT TITLE; ETC.

(a) SHORT TITLE.—This Act may be cited as the “Tax Relief, Unemployment Insurance Reauthorization, and Job Creation Act of 2010”.

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

(c) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; etc.

TITLE I—TEMPORARY EXTENSION OF TAX RELIEF

Sec. 101. Temporary extension of 2001 tax relief.

Sec. 102. Temporary extension of 2003 tax relief.

Sec. 103. Temporary extension of 2009 tax relief.

TITLE II—TEMPORARY EXTENSION OF INDIVIDUAL AMT RELIEF

Sec. 201. Temporary extension of increased alternative minimum tax exemption amount.

Sec. 202. Temporary extension of alternative minimum tax relief for non-refundable personal credits.

TITLE III—TEMPORARY ESTATE TAX RELIEF

Sec. 301. Reinstatement of estate tax; repeal of carryover basis.

Sec. 302. Modifications to estate, gift, and generation-skipping transfer taxes.

Sec. 303. Applicable exclusion amount increased by unused exclusion amount of deceased spouse.

Sec. 304. Application of EGTRRA sunset to this title.

TITLE IV—TEMPORARY EXTENSION OF INVESTMENT INCENTIVES

Sec. 401. Extension of bonus depreciation; temporary 100 percent expensing for certain business assets.

Sec. 402. Temporary extension of increased small business expensing.

TITLE V—TEMPORARY EXTENSION OF UNEMPLOYMENT INSURANCE AND RELATED MATTERS

Sec. 501. Temporary extension of unemployment insurance provisions.

Sec. 502. Temporary modification of indicators under the extended benefit program.

Sec. 503. Technical amendment relating to collection of unemployment compensation debts.

Sec. 504. Technical correction relating to repeal of continued dumping and subsidy offset.

Sec. 505. Additional extended unemployment benefits under the Railroad Unemployment Insurance Act.

TITLE VI—TEMPORARY EMPLOYEE PAYROLL TAX CUT

Sec. 601. Temporary employee payroll tax cut.

TITLE VII—TEMPORARY EXTENSION OF CERTAIN EXPIRING PROVISIONS

Subtitle A—Energy

Sec. 701. Incentives for biodiesel and renewable diesel.

Sec. 702. Credit for refined coal facilities.

Sec. 703. New energy efficient home credit.

Sec. 704. Excise tax credits and outlay payments for alternative fuel and alternative fuel mixtures.

Sec. 705. Special rule for sales or dispositions to implement FERC or State electric restructuring policy for qualified electric utilities.

Sec. 706. Suspension of limitation on percentage depletion for oil and gas from marginal wells.

Sec. 707. Extension of grants for specified energy property in lieu of tax credits.

Sec. 708. Extension of provisions related to alcohol used as fuel.

Sec. 709. Energy efficient appliance credit.

Sec. 710. Credit for nonbusiness energy property.

Sec. 711. Alternative fuel vehicle refueling property.

Subtitle B—Individual Tax Relief

Sec. 721. Deduction for certain expenses of elementary and secondary school teachers.

Sec. 722. Deduction of State and local sales taxes.

Sec. 723. Contributions of capital gain real property made for conservation purposes.

Sec. 724. Above-the-line deduction for qualified tuition and related expenses.

Sec. 725. Tax-free distributions from individual retirement plans for charitable purposes.

Sec. 726. Look-thru of certain regulated investment company stock in determining gross estate of non-residents.

Sec. 727. Parity for exclusion from income for employer-provided mass transit and parking benefits.

Sec. 728. Refunds disregarded in the administration of Federal programs and federally assisted programs.

Subtitle C—Business Tax Relief

Sec. 731. Research credit.

Sec. 732. Indian employment tax credit.

Sec. 733. New markets tax credit.

Sec. 734. Railroad track maintenance credit.

Sec. 735. Mine rescue team training credit.

Sec. 736. Employer wage credit for employees who are active duty members of the uniformed services.

Sec. 737. 15-year straight-line cost recovery for qualified leasehold improvements, qualified restaurant buildings and improvements, and qualified retail improvements.

Sec. 738. 7-year recovery period for motor-sports entertainment complexes.

Sec. 739. Accelerated depreciation for business property on an Indian reservation.

Sec. 740. Enhanced charitable deduction for contributions of food inventory.

Sec. 741. Enhanced charitable deduction for contributions of book inventories to public schools.

Sec. 742. Enhanced charitable deduction for corporate contributions of computer inventory for educational purposes.

Sec. 743. Election to expense mine safety equipment.

Sec. 744. Special expensing rules for certain film and television productions.

Sec. 745. Expensing of environmental remediation costs.

Sec. 746. Deduction allowable with respect to income attributable to domestic production activities in Puerto Rico.

Sec. 747. Modification of tax treatment of certain payments to controlling exempt organizations.

Sec. 748. Treatment of certain dividends of regulated investment companies.

Sec. 749. RIC qualified investment entity treatment under FIRPTA.

Sec. 750. Exceptions for active financing income.

Sec. 751. Look-thru treatment of payments between related controlled foreign corporations under foreign personal holding company rules.

Sec. 752. Basis adjustment to stock of S corps making charitable contributions of property.

Sec. 753. Empowerment zone tax incentives.

Sec. 754. Tax incentives for investment in the District of Columbia.

Sec. 755. Temporary increase in limit on cover over of rum excise taxes to Puerto Rico and the Virgin Islands.

Sec. 756. American Samoa economic development credit.

Sec. 757. Work opportunity credit.

Sec. 758. Qualified zone academy bonds.

Sec. 759. Mortgage insurance premiums.

Sec. 760. Temporary exclusion of 100 percent of gain on certain small business stock.

Subtitle D—Temporary Disaster Relief Provisions

SUBPART A—NEW YORK LIBERTY ZONE

Sec. 761. Tax-exempt bond financing.

SUBPART B—GO ZONE

Sec. 762. Increase in rehabilitation credit.

Sec. 763. Low-income housing credit rules for buildings in GO zones.

Sec. 764. Tax-exempt bond financing.

Sec. 765. Bonus depreciation deduction applicable to the GO Zone.

TITLE VIII—BUDGETARY PROVISIONS

Sec. 801. Determination of budgetary effects.

Sec. 802. Emergency designations.

TITLE I—TEMPORARY EXTENSION OF TAX RELIEF

SEC. 101. TEMPORARY EXTENSION OF 2001 TAX RELIEF.

(a) TEMPORARY EXTENSION.—

(1) IN GENERAL.—Section 901 of the Economic Growth and Tax Relief Reconciliation Act of 2001 is amended by striking “December 31, 2010” both places it appears and inserting “December 31, 2012”.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall take effect as if included in the enactment of the Economic Growth and Tax Relief Reconciliation Act of 2001.

(b) SEPARATE SUNSET FOR EXPANSION OF ADOPTION BENEFITS UNDER THE PATIENT PROTECTION AND AFFORDABLE CARE ACT.—

(1) IN GENERAL.—Subsection (c) of section 10909 of the Patient Protection and Affordable Care Act is amended to read as follows:

“(c) SUNSET PROVISION.—Each provision of law amended by this section is amended to read as such provision would read if this section had never been enacted. The amendments made by the preceding sentence shall apply to taxable years beginning after December 31, 2011.”.

(2) CONFORMING AMENDMENT.—Subsection (d) of section 10909 of such Act is amended by striking “The amendments” and inserting “Except as provided in subsection (c), the amendments”.

SEC. 102. TEMPORARY EXTENSION OF 2003 TAX RELIEF.

(a) IN GENERAL.—Section 303 of the Jobs and Growth Tax Relief Reconciliation Act of 2003 is amended by striking “December 31, 2010” and inserting “December 31, 2012”.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect as if included in the enactment of the Jobs and Growth Tax Relief Reconciliation Act of 2003.

SEC. 103. TEMPORARY EXTENSION OF 2009 TAX RELIEF.

(a) AMERICAN OPPORTUNITY TAX CREDIT.—

(1) IN GENERAL.—Section 25A(i) is amended by striking “or 2010” and inserting “, 2010, 2011, or 2012”.

(2) TREATMENT OF POSSESSIONS.—Section 1004(c)(1) of the American Recovery and Reinvestment Tax Act of 2009 is amended by striking “and 2010” each place it appears and inserting “, 2010, 2011, and 2012”.

(b) CHILD TAX CREDIT.—Section 24(d)(4) is amended—

(1) by striking “2009 AND 2010” in the heading and inserting “2009, 2010, 2011, AND 2012”, and

(2) by striking “or 2010” and inserting “, 2010, 2011, or 2012”.

(c) EARNED INCOME TAX CREDIT.—Section 32(b)(3) is amended—

(1) by striking “2009 AND 2010” in the heading and inserting “2009, 2010, 2011, AND 2012”, and

(2) by striking “or 2010” and inserting “, 2010, 2011, or 2012”.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2010.

TITLE II—TEMPORARY EXTENSION OF INDIVIDUAL AMT RELIEF**SEC. 201. TEMPORARY EXTENSION OF INCREASED ALTERNATIVE MINIMUM TAX EXEMPTION AMOUNT.**

(a) IN GENERAL.—Paragraph (1) of section 55(d) is amended—

(1) by striking “\$70,950” and all that follows through “2009” in subparagraph (A) and inserting “\$72,450 in the case of taxable years beginning in 2010 and \$74,450 in the case of taxable years beginning in 2011”, and

(2) by striking “\$46,700” and all that follows through “2009” in subparagraph (B) and inserting “\$47,450 in the case of taxable years beginning in 2010 and \$48,450 in the case of taxable years beginning in 2011”.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2009.

(c) REPEAL OF EGTRRA SUNSET.—Title IX of the Economic Growth and Tax Relief Reconciliation Act of 2001 (relating to sunset of provisions of such Act) shall not apply to title VII of such Act (relating to alternative minimum tax).

SEC. 202. TEMPORARY EXTENSION OF ALTERNATIVE MINIMUM TAX RELIEF FOR NONREFUNDABLE PERSONAL CREDITS.

(a) IN GENERAL.—Paragraph (2) of section 26(a) is amended—

(1) by striking “or 2009” and inserting “2009, 2010, or 2011”, and

(2) by striking “2009” in the heading thereof and inserting “2011”.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2009.

TITLE III—TEMPORARY ESTATE TAX RELIEF**SEC. 301. REINSTATEMENT OF ESTATE TAX; REPEAL OF CARRYOVER BASIS.**

(a) IN GENERAL.—Each provision of law amended by subtitle A or E of title V of the Economic Growth and Tax Relief Reconciliation Act of 2001 is amended to read as such provision would read if such subtitle had never been enacted.

(b) CONFORMING AMENDMENT.—On and after January 1, 2011, paragraph (1) of section 2505(a) of the Internal Revenue Code of 1986 is amended to read as such paragraph would read if section 521(b)(2) of the Economic Growth and Tax Relief Reconciliation Act of 2001 had never been enacted.

(c) SPECIAL ELECTION WITH RESPECT TO ESTATES OF DECEDENTS DYING IN 2010.—Notwithstanding subsection (a), in the case of an estate of a decedent dying after December 31, 2009, and before January 1, 2011, the executor (within the meaning of section 2203 of the Internal Revenue Code of 1986) may elect to apply such Code as though the amendments made by subsection (a) do not apply with respect to chapter 11 of such Code and with respect to property acquired or passing from such decedent (within the meaning of section 1014(b) of such Code). Such election shall be made at such time and in such manner as the Secretary of the Treasury or the Secretary's delegate shall provide. Such an election once made shall be revocable only with the consent of the Secretary of the Treasury or the Secretary's delegate. For purposes of section 2652(a)(1) of such Code, the determination of whether any property is subject to the tax imposed by such chapter 11 shall be made without regard to any election made under this subsection.

(d) EXTENSION OF TIME FOR PERFORMING CERTAIN ACTS.—

(1) ESTATE TAX.—In the case of the estate of a decedent dying after December 31, 2009, and before the date of the enactment of this Act, the due date for—

(A) filing any return under section 6018 of the Internal Revenue Code of 1986 (including any election required to be made on such a return) as such section is in effect after the date of the enactment of this Act without regard to any election under subsection (c),

(B) making any payment of tax under chapter 11 of such Code, and

(C) making any disclaimer described in section 2518(b) of such Code of an interest in property passing by reason of the death of such decedent,

shall not be earlier than the date which is 9 months after the date of the enactment of this Act.

(2) GENERATION-SKIPPING TAX.—In the case of any generation-skipping transfer made after December 31, 2009, and before the date of the enactment of this Act, the due date for filing any return under section 2662 of the Internal Revenue Code of 1986 (including any election required to be made on such a return) shall not be earlier than the date which is 9 months after the date of the enactment of this Act.

(e) EFFECTIVE DATE.—Except as otherwise provided in this section, the amendments made by this section shall apply to estates of decedents dying, and transfers made, after December 31, 2009.

SEC. 302. MODIFICATIONS TO ESTATE, GIFT, AND GENERATION-SKIPPING TRANSFER TAXES.

(a) MODIFICATIONS TO ESTATE TAX.—

(1) \$5,000,000 APPLICABLE EXCLUSION AMOUNT.—Subsection (c) of section 2010 is amended to read as follows:

“(c) APPLICABLE CREDIT AMOUNT.—

“(1) IN GENERAL.—For purposes of this section, the applicable credit amount is the amount of the tentative tax which would be determined under section 2001(c) if the amount with respect to which such tentative tax is to be computed were equal to the applicable exclusion amount.

“(2) APPLICABLE EXCLUSION AMOUNT.—

“(A) IN GENERAL.—For purposes of this subsection, the applicable exclusion amount is \$5,000,000.

“(B) INFLATION ADJUSTMENT.—In the case of any decedent dying in a calendar year after 2011, the dollar amount in subparagraph (A) shall be increased by an amount equal to—

“(i) such dollar amount, multiplied by

“(ii) the cost-of-living adjustment determined under section 1(f)(3) for such calendar year by substituting ‘calendar year 2010’ for ‘calendar year 1992’ in subparagraph (B) thereof.

If any amount as adjusted under the preceding sentence is not a multiple of \$10,000, such amount shall be rounded to the nearest multiple of \$10,000.”.

(2) MAXIMUM ESTATE TAX RATE EQUAL TO 35 PERCENT.—Subsection (c) of section 2001 is amended—

(A) by striking “Over \$500,000” and all that follows in the table contained in paragraph (1) and inserting the following:

“Over \$500,000	\$155,800, plus 35 percent of the excess of such amount over \$500,000.”.
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(B) by striking “(1) IN GENERAL.—”, and

(C) by striking paragraph (2).

(b) MODIFICATIONS TO GIFT TAX.—

(1) RESTORATION OF UNIFIED CREDIT AGAINST GIFT TAX.—

(A) IN GENERAL.—Paragraph (1) of section 2505(a), after the application of section 301(b), is amended by striking “(determined as if the applicable exclusion amount were \$1,000,000)”.

(B) EFFECTIVE DATE.—The amendment made by this paragraph shall apply to gifts made after December 31, 2010.

(2) MODIFICATION OF GIFT TAX RATE.—On and after January 1, 2011, subsection (a) of section 2502 is amended to read as such subsection would read if section 511(d) of the Economic Growth and Tax Relief Reconciliation Act of 2001 had never been enacted.

(c) MODIFICATION OF GENERATION-SKIPPING TRANSFER TAX.—In the case of any generation-skipping transfer made after December 31, 2009, and before January 1, 2011, the applicable rate determined under section 2641(a) of the Internal Revenue Code of 1986 shall be zero.

(d) MODIFICATIONS OF ESTATE AND GIFT TAXES TO REFLECT DIFFERENCES IN CREDIT RESULTING FROM DIFFERENT TAX RATES.—

(1) ESTATE TAX.—

(A) IN GENERAL.—Section 2001(b)(2) is amended by striking “if the provisions of subsection (c) (as in effect at the decedent's death)” and inserting “if the modifications described in subsection (g)”.

(B) MODIFICATIONS.—Section 2001 is amended by adding at the end the following new subsection:

“(g) MODIFICATIONS TO GIFT TAX PAYABLE TO REFLECT DIFFERENT TAX RATES.—For purposes of applying subsection (b)(2) with respect to 1 or more gifts, the rates of tax under subsection (c) in effect at the decedent's death shall, in lieu of the rates of tax in effect at the time of such gifts, be used both to compute—

“(1) the tax imposed by chapter 12 with respect to such gifts, and

“(2) the credit allowed against such tax under section 2505, including in computing—

“(A) the applicable credit amount under section 2505(a)(1), and

“(B) the sum of the amounts allowed as a credit for all preceding periods under section 2505(a)(2).”.

(2) GIFT TAX.—Section 2505(a) is amended by adding at the end the following new flush sentence:

“For purposes of applying paragraph (2) for any calendar year, the rates of tax in effect under section 2502(a)(2) for such calendar year shall, in lieu of the rates of tax in effect for preceding calendar periods, be used in determining the amounts allowable as a credit

under this section for all preceding calendar periods.”.

(e) CONFORMING AMENDMENT.—Section 2511 is amended by striking subsection (c).

(f) EFFECTIVE DATE.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to estates of decedents dying, generation-skipping transfers, and gifts made, after December 31, 2009.

SEC. 303. APPLICABLE EXCLUSION AMOUNT INCREASED BY UNUSED EXCLUSION AMOUNT OF DECEASED SPOUSE.

(a) IN GENERAL.—Section 2010(c), as amended by section 302(a), is amended by striking paragraph (2) and inserting the following new paragraphs:

“(2) APPLICABLE EXCLUSION AMOUNT.—For purposes of this subsection, the applicable exclusion amount is the sum of—

“(A) the basic exclusion amount, and

“(B) in the case of a surviving spouse, the deceased spousal unused exclusion amount.

“(3) BASIC EXCLUSION AMOUNT.—

“(A) IN GENERAL.—For purposes of this subsection, the basic exclusion amount is \$5,000,000.

“(B) INFLATION ADJUSTMENT.—In the case of any decedent dying in a calendar year after 2011, the dollar amount in subparagraph (A) shall be increased by an amount equal to—

“(i) such dollar amount, multiplied by

“(ii) the cost-of-living adjustment determined under section 1(f)(3) for such calendar year by substituting ‘calendar year 2010’ for ‘calendar year 1992’ in subparagraph (B) thereof.

If any amount as adjusted under the preceding sentence is not a multiple of \$10,000, such amount shall be rounded to the nearest multiple of \$10,000.

“(4) DECEASED SPOUSAL UNUSED EXCLUSION AMOUNT.—For purposes of this subsection, with respect to a surviving spouse of a deceased spouse dying after December 31, 2010, the term ‘deceased spousal unused exclusion amount’ means the lesser of—

“(A) the basic exclusion amount, or

“(B) the excess of—

“(i) the basic exclusion amount of the last such deceased spouse of such surviving spouse, over

“(ii) the amount with respect to which the tentative tax is determined under section 2001(b)(1) on the estate of such deceased spouse.

“(5) SPECIAL RULES.—

“(A) ELECTION REQUIRED.—A deceased spousal unused exclusion amount may not be taken into account by a surviving spouse under paragraph (2) unless the executor of the estate of the deceased spouse files an estate tax return on which such amount is computed and makes an election on such return that such amount may be so taken into account. Such election, once made, shall be irrevocable. No election may be made under this subparagraph if such return is filed after the time prescribed by law (including extensions) for filing such return.

“(B) EXAMINATION OF PRIOR RETURNS AFTER EXPIRATION OF PERIOD OF LIMITATIONS WITH RESPECT TO DECEASED SPOUSAL UNUSED EXCLUSION AMOUNT.—Notwithstanding any period of limitation in section 6501, after the time has expired under section 6501 within which a tax may be assessed under chapter 11 or 12 with respect to a deceased spousal unused exclusion amount, the Secretary may examine a return of the deceased spouse to make determinations with respect to such amount for purposes of carrying out this subsection.

“(6) REGULATIONS.—The Secretary shall prescribe such regulations as may be nec-

essary or appropriate to carry out this subsection.”.

(b) CONFORMING AMENDMENTS.—

(1) Paragraph (1) of section 2505(a), as amended by section 302(b)(1), is amended to read as follows:

“(1) the applicable credit amount in effect under section 2010(c) which would apply if the donor died as of the end of the calendar year, reduced by”.

(2) Section 2631(c) is amended by striking “the applicable exclusion amount” and inserting “the basic exclusion amount”.

(3) Section 6018(a)(1) is amended by striking “applicable exclusion amount” and inserting “basic exclusion amount”.

(c) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to estates of decedents dying and gifts made after December 31, 2010.

(2) CONFORMING AMENDMENT RELATING TO GENERATION-SKIPPING TRANSFERS.—The amendment made by subsection (b)(2) shall apply to generation-skipping transfers after December 31, 2010.

SEC. 304. APPLICATION OF EGTRRA SUNSET TO THIS TITLE.

Section 901 of the Economic Growth and Tax Relief Reconciliation Act of 2001 shall apply to the amendments made by this section.

TITLE IV—TEMPORARY EXTENSION OF INVESTMENT INCENTIVES

SEC. 401. EXTENSION OF BONUS DEPRECIATION; TEMPORARY 100 PERCENT EXPENSING FOR CERTAIN BUSINESS ASSETS.

(a) IN GENERAL.—Paragraph (2) of section 168(k) is amended—

(1) by striking “January 1, 2012” in subparagraph (A)(iv) and inserting “January 1, 2014”, and

(2) by striking “January 1, 2011” each place it appears and inserting “January 1, 2013”.

(b) TEMPORARY 100 PERCENT EXPENSING.—Subsection (k) of section 168 is amended by adding at the end the following new paragraph:

“(5) SPECIAL RULE FOR PROPERTY ACQUIRED DURING CERTAIN PRE-2012 PERIODS.—In the case of qualified property acquired by the taxpayer (under rules similar to the rules of clauses (ii) and (iii) of paragraph (2)(A)) after September 8, 2010, and before January 1, 2012, and which is placed in service by the taxpayer before January 1, 2012 (January 1, 2013, in the case of property described in subparagraph (2)(B) or (2)(C)), paragraph (1)(A) shall be applied by substituting ‘100 percent’ for ‘50 percent’.”.

(c) EXTENSION OF ELECTION TO ACCELERATE THE AMT CREDIT IN LIEU OF BONUS DEPRECIATION.—

(1) EXTENSION.—Clause (iii) of section 168(k)(4)(D) is amended by striking “or production” and all that follows and inserting “or production—

“(I) after March 31, 2008, and before January 1, 2010, and

“(II) after December 31, 2010, and before January 1, 2013,

shall be taken into account under subparagraph (B)(ii) thereof.”.

(2) RULES FOR ROUND 2 EXTENSION PROPERTY.—Paragraph (4) of section 168(k) is amended by adding at the end the following new subparagraph:

“(I) SPECIAL RULES FOR ROUND 2 EXTENSION PROPERTY.—

“(i) IN GENERAL.—In the case of round 2 extension property, this paragraph shall be applied without regard to—

“(I) the limitation described in subparagraph (B)(i) thereof, and

“(II) the business credit increase amount under subparagraph (E)(iii) thereof.

“(ii) TAXPAYERS PREVIOUSLY ELECTING ACCELERATION.—In the case of a taxpayer who made the election under subparagraph (A) for its first taxable year ending after March 31, 2008, or a taxpayer who made the election under subparagraph (H)(ii) for its first taxable year ending after December 31, 2008—

“(I) the taxpayer may elect not to have this paragraph apply to round 2 extension property, but

“(II) if the taxpayer does not make the election under subclause (I), in applying this paragraph to the taxpayer the bonus depreciation amount, maximum amount, and maximum increase amount shall be computed and applied to eligible qualified property which is round 2 extension property.

The amounts described in subclause (II) shall be computed separately from any amounts computed with respect to eligible qualified property which is not round 2 extension property.

“(iii) TAXPAYERS NOT PREVIOUSLY ELECTING ACCELERATION.—In the case of a taxpayer who neither made the election under subparagraph (A) for its first taxable year ending after March 31, 2008, nor made the election under subparagraph (H)(ii) for its first taxable year ending after December 31, 2008—

“(I) the taxpayer may elect to have this paragraph apply to its first taxable year ending after December 31, 2010, and each subsequent taxable year, and

“(II) if the taxpayer makes the election under subclause (I), this paragraph shall only apply to eligible qualified property which is round 2 extension property.

“(iv) ROUND 2 EXTENSION PROPERTY.—For purposes of this subparagraph, the term ‘round 2 extension property’ means property which is eligible qualified property solely by reason of the extension of the application of the special allowance under paragraph (1) pursuant to the amendments made by section 401(a) of the Tax Relief, Unemployment Insurance Reauthorization, and Job Creation Act of 2010 (and the application of such extension to this paragraph pursuant to the amendment made by section 401(c)(1) of such Act).”.

(d) CONFORMING AMENDMENTS.—

(1) The heading for subsection (k) of section 168 is amended by striking “JANUARY 1, 2011” and inserting “JANUARY 1, 2013”.

(2) The heading for clause (ii) of section 168(k)(2)(B) is amended by striking “PRE-JANUARY 1, 2011” and inserting “PRE-JANUARY 1, 2013”.

(3) Subparagraph (D) of section 168(k)(4) is amended—

(A) by striking clauses (iv) and (v),

(B) by inserting “and” at the end of clause (ii), and

(C) by striking the comma at the end of clause (iii) and inserting a period.

(4) Paragraph (5) of section 168(l) is amended—

(A) by inserting “and” at the end of subparagraph (A),

(B) by striking subparagraph (B), and

(C) by redesignating subparagraph (C) as subparagraph (B).

(5) Subparagraph (C) of section 168(n)(2) is amended by striking “January 1, 2011” and inserting “January 1, 2013”.

(6) Subparagraph (D) of section 1400L(b)(2) is amended by striking “January 1, 2011” and inserting “January 1, 2013”.

(7) Subparagraph (B) of section 1400N(d)(3) is amended by striking “January 1, 2011” and inserting “January 1, 2013”.

(e) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to property placed in service after December 31, 2010, in taxable years ending after such date.

(2) TEMPORARY 100 PERCENT EXPENSING.—The amendment made by subsection (b) shall apply to property placed in service after September 8, 2010, in taxable years ending after such date.

SEC. 402. TEMPORARY EXTENSION OF INCREASED SMALL BUSINESS EXPENSING.

(a) DOLLAR LIMITATION.—Section 179(b)(1) is amended by striking “and” at the end of subparagraph (B) and by striking subparagraph (C) and inserting the following new subparagraphs:

“(C) \$125,000 in the case of taxable years beginning in 2012, and

“(D) \$25,000 in the case of taxable years beginning after 2012.”.

(b) REDUCTION IN LIMITATION.—Section 179(b)(2) is amended by striking “and” at the end of subparagraph (B) and by striking subparagraph (C) and inserting the following new subparagraphs:

“(C) \$500,000 in the case of taxable years beginning in 2012, and

“(D) \$200,000 in the case of taxable years beginning after 2012.”.

(c) INFLATION ADJUSTMENT.—Subsection (b) of section 179 is amended by adding at the end the following new paragraph:

“(6) INFLATION ADJUSTMENT.—

“(A) IN GENERAL.—In the case of any taxable year beginning in calendar year 2012, the \$125,000 and \$500,000 amounts in paragraphs (1)(C) and (2)(C) shall each be increased by an amount equal to—

“(i) such dollar amount, multiplied by

“(ii) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, by substituting ‘calendar year 2006’ for ‘calendar year 1992’ in subparagraph (B) thereof.

“(B) ROUNDING.—

“(i) DOLLAR LIMITATION.—If the amount in paragraph (1) as increased under subparagraph (A) is not a multiple of \$1,000, such amount shall be rounded to the nearest multiple of \$1,000.

“(ii) PHASEOUT AMOUNT.—If the amount in paragraph (2) as increased under subparagraph (A) is not a multiple of \$10,000, such amount shall be rounded to the nearest multiple of \$10,000.”.

(d) COMPUTER SOFTWARE.—Section 179(d)(1)(A)(ii) is amended by striking “2012” and inserting “2013”.

(e) CONFORMING AMENDMENT.—Section 179(c)(2) is amended by striking “2012” and inserting “2013”.

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2011.

TITLE V—TEMPORARY EXTENSION OF UNEMPLOYMENT INSURANCE AND RELATED MATTERS

SEC. 501. TEMPORARY EXTENSION OF UNEMPLOYMENT INSURANCE PROVISIONS.

(a) IN GENERAL.—(1) Section 4007 of the Supplemental Appropriations Act, 2008 (Public Law 110-252; 26 U.S.C. 3304 note) is amended—

(A) by striking “November 30, 2010” each place it appears and inserting “January 3, 2012”;

(B) in the heading for subsection (b)(2), by striking “NOVEMBER 30, 2010” and inserting “JANUARY 3, 2012”; and

(C) in subsection (b)(3), by striking “April 30, 2011” and inserting “June 9, 2012”.

(2) Section 2005 of the Assistance for Unemployed Workers and Struggling Families Act, as contained in Public Law 111-5 (26 U.S.C. 3304 note; 123 Stat. 444), is amended—

(A) by striking “December 1, 2010” each place it appears and inserting “January 4, 2012”; and

(B) in subsection (c), by striking “May 1, 2011” and inserting “June 11, 2012”.

(3) Section 5 of the Unemployment Compensation Extension Act of 2008 (Public Law 110-449; 26 U.S.C. 3304 note) is amended by striking “April 30, 2011” and inserting “June 10, 2012”.

(b) FUNDING.—Section 4004(e)(1) of the Supplemental Appropriations Act, 2008 (Public Law 110-252; 26 U.S.C. 3304 note) is amended—

(1) in subparagraph (E), by striking “and” at the end; and

(2) by inserting after subparagraph (F) the following:

“(G) the amendments made by section 501(a)(1) of the Tax Relief, Unemployment Insurance Reauthorization, and Job Creation Act of 2010; and”.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the enactment of the Unemployment Compensation Extension Act of 2010 (Public Law 111-205).

SEC. 502. TEMPORARY MODIFICATION OF INDICATORS UNDER THE EXTENDED BENEFIT PROGRAM.

(a) INDICATOR.—Section 203(d) of the Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note) is amended, in the flush matter following paragraph (2), by inserting after the first sentence the following sentence: “Effective with respect to compensation for weeks of unemployment beginning after the date of enactment of the Tax Relief, Unemployment Insurance Reauthorization, and Job Creation Act of 2010 (or, if later, the date established pursuant to State law), and ending on or before December 31, 2011, the State may by law provide that the determination of whether there has been a state ‘on’ or ‘off’ indicator beginning or ending any extended benefit period shall be made under this subsection as if the word ‘two’ were ‘three’ in subparagraph (1)(A).”.

(b) ALTERNATIVE TRIGGER.—Section 203(f) of the Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note) is amended—

(1) by redesignating paragraph (2) as paragraph (3); and

(2) by inserting after paragraph (1) the following new paragraph:

“(2) Effective with respect to compensation for weeks of unemployment beginning after the date of enactment of the Tax Relief, Unemployment Insurance Reauthorization, and Job Creation Act of 2010 (or, if later, the date established pursuant to State law), and ending on or before December 31, 2011, the State may by law provide that the determination of whether there has been a state ‘on’ or ‘off’ indicator beginning or ending any extended benefit period shall be made under this subsection as if the word ‘either’ were ‘any’, the word ‘both’ were ‘all’, and the figure ‘2’ were ‘3’ in clause (1)(A)(ii).”.

SEC. 503. TECHNICAL AMENDMENT RELATING TO COLLECTION OF UNEMPLOYMENT COMPENSATION DEBTS.

(a) IN GENERAL.—Section 6402(f)(3)(C), as amended by section 801 of the Claims Resolution Act of 2010, is amended by striking “is not a covered unemployment compensation debt” and inserting “is a covered unemployment compensation debt”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as if included in section 801 of the Claims Resolution Act of 2010.

SEC. 504. TECHNICAL CORRECTION RELATING TO REPEAL OF CONTINUED DUMPING AND SUBSIDY OFFSET.

(a) IN GENERAL.—Section 822(2)(A) of the Claims Resolution Act of 2010 is amended by striking “or” and inserting “and”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as if included in the provisions of the Claims Resolution Act of 2010.

SEC. 505. ADDITIONAL EXTENDED UNEMPLOYMENT BENEFITS UNDER THE RAILROAD UNEMPLOYMENT INSURANCE ACT.

(a) EXTENSION.—Section 2(c)(2)(D)(iii) of the Railroad Unemployment Insurance Act, as added by section 2006 of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5) and as amended by section 9 of the Worker, Homeownership, and Business Assistance Act of 2009 (Public Law 111-92), is amended—

(1) by striking “June 30, 2010” and inserting “June 30, 2011”; and

(2) by striking “December 31, 2010” and inserting “December 31, 2011”.

(b) CLARIFICATION ON AUTHORITY TO USE FUNDS.—Funds appropriated under either the first or second sentence of clause (iv) of section 2(c)(2)(D) of the Railroad Unemployment Insurance Act shall be available to cover the cost of additional extended unemployment benefits provided under such section 2(c)(2)(D) by reason of the amendments made by subsection (a) as well as to cover the cost of such benefits provided under such section 2(c)(2)(D), as in effect on the day before the date of the enactment of this Act.

TITLE VI—TEMPORARY EMPLOYEE PAYROLL TAX CUT

SEC. 601. TEMPORARY EMPLOYEE PAYROLL TAX CUT.

(a) IN GENERAL.—Notwithstanding any other provision of law, —

(1) with respect to any taxable year which begins in the payroll tax holiday period, the rate of tax under section 1401(a) of the Internal Revenue Code of 1986 shall be 10.40 percent, and

(2) with respect to remuneration received during the payroll tax holiday period, the rate of tax under 3101(a) of such Code shall be 4.2 percent (including for purposes of determining the applicable percentage under sections 3201(a) and 3211(a)(1) of such Code).

(b) COORDINATION WITH DEDUCTIONS FOR EMPLOYMENT TAXES.—

(1) DEDUCTION IN COMPUTING NET EARNINGS FROM SELF-EMPLOYMENT.—For purposes of applying section 1402(a)(12) of the Internal Revenue Code of 1986, the rate of tax imposed by subsection 1401(a) of such Code shall be determined without regard to the reduction in such rate under this section.

(2) INDIVIDUAL DEDUCTION.—In the case of the taxes imposed by section 1401 of such Code for any taxable year which begins in the payroll tax holiday period, the deduction under section 164(f) with respect to such taxes shall be equal to the sum of—

(A) 59.6 percent of the portion of such taxes attributable to the tax imposed by section 1401(a) (determined after the application of this section), plus

(B) one-half of the portion of such taxes attributable to the tax imposed by section 1401(b).

(c) PAYROLL TAX HOLIDAY PERIOD.—The term “payroll tax holiday period” means calendar year 2011.

(d) **EMPLOYER NOTIFICATION.**—The Secretary of the Treasury shall notify employers of the payroll tax holiday period in any manner the Secretary deems appropriate.

(e) **TRANSFERS OF FUNDS.**—

(1) **TRANSFERS TO FEDERAL OLD-AGE AND SURVIVORS INSURANCE TRUST FUND.**—There are hereby appropriated to the Federal Old-Age and Survivors Trust Fund and the Federal Disability Insurance Trust Fund established under section 201 of the Social Security Act (42 U.S.C. 401) amounts equal to the reduction in revenues to the Treasury by reason of the application of subsection (a). Amounts appropriated by the preceding sentence shall be transferred from the general fund at such times and in such manner as to replicate to the extent possible the transfers which would have occurred to such Trust Fund had such amendments not been enacted.

(2) **TRANSFERS TO SOCIAL SECURITY EQUIVALENT BENEFIT ACCOUNT.**—There are hereby appropriated to the Social Security Equivalent Benefit Account established under section 15A(a) of the Railroad Retirement Act of 1974 (45 U.S.C. 231n-1(a)) amounts equal to the reduction in revenues to the Treasury by reason of the application of subsection (a)(2). Amounts appropriated by the preceding sentence shall be transferred from the general fund at such times and in such manner as to replicate to the extent possible the transfers which would have occurred to such Account had such amendments not been enacted.

(3) **COORDINATION WITH OTHER FEDERAL LAWS.**—For purposes of applying any provision of Federal law other than the provisions of the Internal Revenue Code of 1986, the rate of tax in effect under section 3101(a) of such Code shall be determined without regard to the reduction in such rate under this section.

TITLE VII—TEMPORARY EXTENSION OF CERTAIN EXPIRING PROVISIONS

Subtitle A—Energy

SEC. 701. INCENTIVES FOR BIODIESEL AND RENEWABLE DIESEL.

(a) **CREDITS FOR BIODIESEL AND RENEWABLE DIESEL USED AS FUEL.**—Subsection (g) of section 40A is amended by striking “December 31, 2009” and inserting “December 31, 2011”.

(b) **EXCISE TAX CREDITS AND OUTLAY PAYMENTS FOR BIODIESEL AND RENEWABLE DIESEL FUEL MIXTURES.**—

(1) Paragraph (6) of section 6426(c) is amended by striking “December 31, 2009” and inserting “December 31, 2011”.

(2) Subparagraph (B) of section 6427(e)(6) is amended by striking “December 31, 2009” and inserting “December 31, 2011”.

(c) **SPECIAL RULE FOR 2010.**—Notwithstanding any other provision of law, in the case of any biodiesel mixture credit properly determined under section 6426(c) of the Internal Revenue Code of 1986 for periods during 2010, such credit shall be allowed, and any refund or payment attributable to such credit (including any payment under section 6427(e) of such Code) shall be made, only in such manner as the Secretary of the Treasury (or the Secretary's delegate) shall provide. Such Secretary shall issue guidance within 30 days after the date of the enactment of this Act providing for a one-time submission of claims covering periods during 2010. Such guidance shall provide for a 180-day period for the submission of such claims (in such manner as prescribed by such Secretary) to begin not later than 30 days after such guidance is issued. Such claims shall be paid by such Secretary not later than 60 days after receipt. If such Secretary has not paid pursuant to a claim filed under this subsection within 60 days after the date of the filing of

such claim, the claim shall be paid with interest from such date determined by using the overpayment rate and method under section 6621 of such Code.

(d) **EFFECTIVE DATE.**—The amendments made by this section shall apply to fuel sold or used after December 31, 2009.

SEC. 702. CREDIT FOR REFINED COAL FACILITIES.

(a) **IN GENERAL.**—Subparagraph (B) of section 45(d)(8) is amended by striking “January 1, 2010” and inserting “January 1, 2012”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to facilities placed in service after December 31, 2009.

SEC. 703. NEW ENERGY EFFICIENT HOME CREDIT.

(a) **IN GENERAL.**—Subsection (g) of section 45L is amended by striking “December 31, 2009” and inserting “December 31, 2011”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to homes acquired after December 31, 2009.

SEC. 704. EXCISE TAX CREDITS AND OUTLAY PAYMENTS FOR ALTERNATIVE FUEL AND ALTERNATIVE FUEL MIXTURES.

(a) **IN GENERAL.**—Sections 6426(d)(5), 6426(e)(3), and 6427(e)(6)(C) are each amended by striking “December 31, 2009” and inserting “December 31, 2011”.

(b) **EXCLUSION OF BLACK LIQUOR FROM CREDIT ELIGIBILITY.**—The last sentence of section 6426(d)(2) is amended by striking “or biodiesel” and inserting “biodiesel, or any fuel (including lignin, wood residues, or spent pulping liquors) derived from the production of paper or pulp”.

(c) **SPECIAL RULE FOR 2010.**—Notwithstanding any other provision of law, in the case of any alternative fuel credit or any alternative fuel mixture credit properly determined under subsection (d) or (e) of section 6426 of the Internal Revenue Code of 1986 for periods during 2010, such credit shall be allowed, and any refund or payment attributable to such credit (including any payment under section 6427(e) of such Code) shall be made, only in such manner as the Secretary of the Treasury (or the Secretary's delegate) shall provide. Such Secretary shall issue guidance within 30 days after the date of the enactment of this Act providing for a one-time submission of claims covering periods during 2010. Such guidance shall provide for a 180-day period for the submission of such claims (in such manner as prescribed by such Secretary) to begin not later than 30 days after such guidance is issued. Such claims shall be paid by such Secretary not later than 60 days after receipt. If such Secretary has not paid pursuant to a claim filed under this subsection within 60 days after the date of the filing of such claim, the claim shall be paid with interest from such date determined by using the overpayment rate and method under section 6621 of such Code.

(d) **EFFECTIVE DATE.**—The amendments made by this section shall apply to fuel sold or used after December 31, 2009.

SEC. 705. SPECIAL RULE FOR SALES OR DISPOSITIONS TO IMPLEMENT FERC OR STATE ELECTRIC RESTRUCTURING POLICY FOR QUALIFIED ELECTRIC UTILITIES.

(a) **IN GENERAL.**—Paragraph (3) of section 451(i) is amended by striking “January 1, 2010” and inserting “January 1, 2012”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to dispositions after December 31, 2009.

SEC. 706. SUSPENSION OF LIMITATION ON PERCENTAGE DEPLETION FOR OIL AND GAS FROM MARGINAL WELLS.

(a) **IN GENERAL.**—Clause (ii) of section 613A(c)(6)(H) is amended by striking “January 1, 2010” and inserting “January 1, 2012”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to taxable years beginning after December 31, 2009.

SEC. 707. EXTENSION OF GRANTS FOR SPECIFIED ENERGY PROPERTY IN LIEU OF TAX CREDITS.

(a) **IN GENERAL.**—Subsection (a) of section 1603 of division B of the American Recovery and Reinvestment Act of 2009 is amended—

(1) in paragraph (1), by striking “2009 or 2010” and inserting “2009, 2010, or 2011”, and

(2) in paragraph (2)—

(A) by striking “after 2010” and inserting “after 2011”, and

(B) by striking “2009 or 2010” and inserting “2009, 2010, or 2011”.

(b) **CONFORMING AMENDMENT.**—Subsection (j) of section 1603 of division B of such Act is amended by striking “2011” and inserting “2012”.

SEC. 708. EXTENSION OF PROVISIONS RELATED TO ALCOHOL USED AS FUEL.

(a) **EXTENSION OF INCOME TAX CREDIT FOR ALCOHOL USED AS FUEL.**—

(1) **IN GENERAL.**—Paragraph (1) of section 40(e) is amended—

(A) by striking “December 31, 2010” in subparagraph (A) and inserting “December 31, 2011”, and

(B) by striking “January 1, 2011” in subparagraph (B) and inserting “January 1, 2012”.

(2) **REDUCED AMOUNT FOR ETHANOL BLENDED.**—Subsection (h) of section 40 is amended by striking “2010” both places it appears and inserting “2011”.

(3) **EFFECTIVE DATE.**—The amendments made by this subsection shall apply to periods after December 31, 2010.

(b) **EXTENSION OF EXCISE TAX CREDIT FOR ALCOHOL USED AS FUEL.**—

(1) **IN GENERAL.**—Paragraph (6) of section 6426(b) is amended by striking “December 31, 2010” and inserting “December 31, 2011”.

(2) **EFFECTIVE DATE.**—The amendment made by this subsection shall apply to periods after December 31, 2010.

(c) **EXTENSION OF PAYMENT FOR ALCOHOL FUEL MIXTURE.**—

(1) **IN GENERAL.**—Subparagraph (A) of section 6427(e)(6) is amended by striking “December 31, 2010” and inserting “December 31, 2011”.

(2) **EFFECTIVE DATE.**—The amendment made by this subsection shall apply to sales and uses after December 31, 2010.

(d) **EXTENSION OF ADDITIONAL DUTIES ON ETHANOL.**—

(1) **IN GENERAL.**—Headings 9901.00.50 and 9901.00.52 of the Harmonized Tariff Schedule of the United States are each amended in the effective period column by striking “1/1/2011” and inserting “1/1/2012”.

(2) **EFFECTIVE DATE.**—The amendments made by this subsection shall take effect on January 1, 2011.

SEC. 709. ENERGY EFFICIENT APPLIANCE CREDIT.

(a) **DISHWASHERS.**—Paragraph (1) of section 45M(b) is amended by striking “and” at the end of subparagraph (A), by striking the period at the end of subparagraph (B) and inserting a comma, and by adding at the end the following new subparagraphs:

“(C) \$25 in the case of a dishwasher which is manufactured in calendar year 2011 and which uses no more than 307 kilowatt hours per year and 5.0 gallons per cycle (5.5 gallons per cycle for dishwashers designed for greater than 12 place settings),

“(D) \$50 in the case of a dishwasher which is manufactured in calendar year 2011 and which uses no more than 295 kilowatt hours

per year and 4.25 gallons per cycle (4.75 gallons per cycle for dishwashers designed for greater than 12 place settings), and

“(E) \$75 in the case of a dishwasher which is manufactured in calendar year 2011 and which uses no more than 280 kilowatt hours per year and 4 gallons per cycle (4.5 gallons per cycle for dishwashers designed for greater than 12 place settings).”.

(b) CLOTHES WASHERS.—Paragraph (2) of section 45M(b) is amended by striking “and” at the end of subparagraph (C), by striking the period at the end of subparagraph (D) and inserting a comma, and by adding at the end the following new subparagraphs:

“(E) \$175 in the case of a top-loading clothes washer manufactured in calendar year 2011 which meets or exceeds a 2.2 modified energy factor and does not exceed a 4.5 water consumption factor, and

“(F) \$225 in the case of a clothes washer manufactured in calendar year 2011—

“(i) which is a top-loading clothes washer and which meets or exceeds a 2.4 modified energy factor and does not exceed a 4.2 water consumption factor, or

“(ii) which is a front-loading clothes washer and which meets or exceeds a 2.8 modified energy factor and does not exceed a 3.5 water consumption factor.”.

(c) REFRIGERATORS.—Paragraph (3) of section 45M(b) is amended by striking “and” at the end of subparagraph (C), by striking the period at the end of subparagraph (D) and inserting a comma, and by adding at the end the following new subparagraphs:

“(E) \$150 in the case of a refrigerator manufactured in calendar year 2011 which consumes at least 30 percent less energy than the 2001 energy conservation standards, and

“(F) \$200 in the case of a refrigerator manufactured in calendar year 2011 which consumes at least 35 percent less energy than the 2001 energy conservation standards.”.

(d) REBASING OF LIMITATIONS.—

(1) IN GENERAL.—Paragraph (1) of section 45M(e) is amended—

(A) by striking “\$75,000,000” and inserting “\$25,000,000”, and

(B) by striking “December 31, 2007” and inserting “December 31, 2010”.

(2) EXCEPTION FOR CERTAIN REFRIGERATORS AND CLOTHES WASHERS.—Paragraph (2) of section 45M(e) is amended—

(A) by striking “subsection (b)(3)(D)” and inserting “subsection (b)(3)(F)”, and

(B) by striking “subsection (b)(2)(D)” and inserting “subsection (b)(2)(F)”.

(3) GROSS RECEIPTS LIMITATION.—Paragraph (3) of section 45M(e) is amended by striking “2 percent” and inserting “4 percent”.

(e) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by subsections (a), (b), and (c) shall apply to appliances produced after December 31, 2010.

(2) LIMITATIONS.—The amendments made by subsection (d) shall apply to taxable years beginning after December 31, 2010.

SEC. 710. CREDIT FOR NONBUSINESS ENERGY PROPERTY.

(a) EXTENSION.—Section 25C(g)(2) is amended by striking “2010” and inserting “2011”.

(b) RETURN TO PRE-ARRA LIMITATIONS AND STANDARDS.—

(1) IN GENERAL.—Subsections (a) and (b) of section 25C are amended to read as follows:

“(a) ALLOWANCE OF CREDIT.—In the case of an individual, there shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to the sum of—

“(1) 10 percent of the amount paid or incurred by the taxpayer for qualified energy efficiency improvements installed during such taxable year, and

“(2) the amount of the residential energy property expenditures paid or incurred by the taxpayer during such taxable year.

“(b) LIMITATIONS.—

“(1) LIFETIME LIMITATION.—The credit allowed under this section with respect to any taxpayer for any taxable year shall not exceed the excess (if any) of \$500 over the aggregate credits allowed under this section with respect to such taxpayer for all prior taxable years ending after December 31, 2005.

“(2) WINDOWS.—In the case of amounts paid or incurred for components described in subsection (c)(2)(B) by any taxpayer for any taxable year, the credit allowed under this section with respect to such amounts for such year shall not exceed the excess (if any) of \$200 over the aggregate credits allowed under this section with respect to such amounts for all prior taxable years ending after December 31, 2005.

“(3) LIMITATION ON RESIDENTIAL ENERGY PROPERTY EXPENDITURES.—The amount of the credit allowed under this section by reason of subsection (a)(2) shall not exceed—

“(A) \$50 for any advanced main air circulating fan,

“(B) \$150 for any qualified natural gas, propane, or oil furnace or hot water boiler, and

“(C) \$300 for any item of energy-efficient building property.”.

(2) MODIFICATION OF STANDARDS.—

(A) IN GENERAL.—Paragraph (1) of section 25C(c) is amended by striking “2000” and all that follows through “this section” and inserting “2009 International Energy Conservation Code, as such Code (including supplements) is in effect on the date of the enactment of the American Recovery and Reinvestment Tax Act of 2009”.

(B) WOOD STOVES.—Subparagraph (E) of section 25C(d)(3) is amended by striking “, as measured using a lower heating value”.

(C) OIL FURNACES AND HOT WATER BOILERS.—

(i) IN GENERAL.—Paragraph (4) of section 25C(d) is amended to read as follows:

“(4) QUALIFIED NATURAL GAS, PROPANE, OR OIL FURNACE OR HOT WATER BOILER.—The term ‘qualified natural gas, propane, or oil furnace or hot water boiler’ means a natural gas, propane, or oil furnace or hot water boiler which achieves an annual fuel utilization efficiency rate of not less than 95.”.

(ii) CONFORMING AMENDMENT.—Clause (ii) of section 25C(d)(2)(A) is amended to read as follows:

“(ii) a qualified natural gas, propane, or oil furnace or hot water boiler, or”.

(D) EXTERIOR WINDOWS, DOORS, AND SKYLIGHTS.—

(i) IN GENERAL.—Subsection (c) of section 25C is amended by striking paragraph (4).

(ii) APPLICATION OF ENERGY STAR STANDARDS.—Paragraph (1) of section 25C(c) is amended by inserting “an exterior window, a skylight, an exterior door,” after “in the case of” in the matter preceding subparagraph (A).

(E) INSULATION.—Subparagraph (A) of section 25C(c)(2) is amended by striking “and meets the prescriptive criteria for such material or system established by the 2009 International Energy Conservation Code, as such Code (including supplements) is in effect on the date of the enactment of the American Recovery and Reinvestment Tax Act of 2009”.

(3) SUBSIDIZED ENERGY FINANCING.—Subsection (e) of section 25C is amended by adding at the end the following new paragraph:

“(3) PROPERTY FINANCED BY SUBSIDIZED ENERGY FINANCING.—For purposes of determining the amount of expenditures made by

any individual with respect to any property, there shall not be taken into account expenditures which are made from subsidized energy financing (as defined in section 48(a)(4)(C)).”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after December 31, 2010.

SEC. 711. ALTERNATIVE FUEL VEHICLE REFUELING PROPERTY.

(a) EXTENSION OF CREDIT.—Paragraph (2) of section 30C(g) is amended by striking “December 31, 2010” and inserting “December 31, 2011.”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after December 31, 2010.

Subtitle B—Individual Tax Relief

SEC. 721. DEDUCTION FOR CERTAIN EXPENSES OF ELEMENTARY AND SECONDARY SCHOOL TEACHERS.

(a) IN GENERAL.—Subparagraph (D) of section 62(a)(2) is amended by striking “or 2009” and inserting “2009, 2010, or 2011”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2009.

SEC. 722. DEDUCTION OF STATE AND LOCAL SALES TAXES.

(a) IN GENERAL.—Subparagraph (I) of section 164(b)(5) is amended by striking “January 1, 2010” and inserting “January 1, 2012”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2009.

SEC. 723. CONTRIBUTIONS OF CAPITAL GAIN REAL PROPERTY MADE FOR CONSERVATION PURPOSES.

(a) IN GENERAL.—Clause (vi) of section 170(b)(1)(E) is amended by striking “December 31, 2009” and inserting “December 31, 2011”.

(b) CONTRIBUTIONS BY CERTAIN CORPORATE FARMERS AND RANCHERS.—Clause (iii) of section 170(b)(2)(B) is amended by striking “December 31, 2009” and inserting “December 31, 2011”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to contributions made in taxable years beginning after December 31, 2009.

SEC. 724. ABOVE-THE-LINE DEDUCTION FOR QUALIFIED TUITION AND RELATED EXPENSES.

(a) IN GENERAL.—Subsection (e) of section 222 is amended by striking “December 31, 2009” and inserting “December 31, 2011”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2009.

SEC. 725. TAX-FREE DISTRIBUTIONS FROM INDIVIDUAL RETIREMENT PLANS FOR CHARITABLE PURPOSES.

(a) IN GENERAL.—Subparagraph (F) of section 408(d)(8) is amended by striking “December 31, 2009” and inserting “December 31, 2011”.

(b) EFFECTIVE DATE; SPECIAL RULE.—

(1) EFFECTIVE DATE.—The amendment made by this section shall apply to distributions made in taxable years beginning after December 31, 2009.

(2) SPECIAL RULE.—For purposes of subsections (a)(6), (b)(3), and (d)(8) of section 408 of the Internal Revenue Code of 1986, at the election of the taxpayer (at such time and in such manner as prescribed by the Secretary of the Treasury) any qualified charitable distribution made after December 31, 2010, and before February 1, 2011, shall be deemed to have been made on December 31, 2010.

SEC. 726. LOOK-THRU OF CERTAIN REGULATED INVESTMENT COMPANY STOCK IN DETERMINING GROSS ESTATE OF NONRESIDENTS.

(a) IN GENERAL.—Paragraph (3) of section 2105(d) is amended by striking “December 31, 2009” and inserting “December 31, 2011”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to estates of decedents dying after December 31, 2009.

SEC. 727. PARITY FOR EXCLUSION FROM INCOME FOR EMPLOYER-PROVIDED MASS TRANSIT AND PARKING BENEFITS.

(a) IN GENERAL.—Paragraph (2) of section 132(f) is amended by striking “January 1, 2011” and inserting “January 1, 2012”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to months after December 31, 2010.

SEC. 728. REFUNDS DISREGARDED IN THE ADMINISTRATION OF FEDERAL PROGRAMS AND FEDERALLY ASSISTED PROGRAMS.

(a) IN GENERAL.—Subchapter A of chapter 65 is amended by adding at the end the following new section:

“SEC. 6409. REFUNDS DISREGARDED IN THE ADMINISTRATION OF FEDERAL PROGRAMS AND FEDERALLY ASSISTED PROGRAMS.

“(a) IN GENERAL.—Notwithstanding any other provision of law, any refund (or advance payment with respect to a refundable credit) made to any individual under this title shall not be taken into account as income, and shall not be taken into account as resources for a period of 12 months from receipt, for purposes of determining the eligibility of such individual (or any other individual) for benefits or assistance (or the amount or extent of benefits or assistance) under any Federal program or under any State or local program financed in whole or in part with Federal funds.

“(b) TERMINATION.—Subsection (a) shall not apply to any amount received after December 31, 2012.”.

(b) CLERICAL AMENDMENT.—The table of sections for such subchapter is amended by adding at the end the following new item:

“Sec. 6409. Refunds disregarded in the administration of Federal programs and federally assisted programs.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts received after December 31, 2009.

Subtitle C—Business Tax Relief

SEC. 731. RESEARCH CREDIT.

(a) IN GENERAL.—Subparagraph (B) of section 41(h)(1) is amended by striking “December 31, 2009” and inserting “December 31, 2011”.

(b) CONFORMING AMENDMENT.—Subparagraph (D) of section 45C(b)(1) is amended by striking “December 31, 2009” and inserting “December 31, 2011”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts paid or incurred after December 31, 2009.

SEC. 732. INDIAN EMPLOYMENT TAX CREDIT.

(a) IN GENERAL.—Subsection (f) of section 45A is amended by striking “December 31, 2009” and inserting “December 31, 2011”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2009.

SEC. 733. NEW MARKETS TAX CREDIT.

(a) IN GENERAL.—Paragraph (1) of section 45D(f) is amended—

(1) by striking “and” at the end of subparagraph (E),

(2) by striking the period at the end of subparagraph (F), and

(3) by adding at the end the following new subparagraph:

“(G) \$3,500,000,000 for 2010 and 2011.”.

(b) CONFORMING AMENDMENT.—Paragraph (3) of section 45D(f) is amended by striking “2014” and inserting “2016”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to calendar years beginning after 2009.

SEC. 734. RAILROAD TRACK MAINTENANCE CREDIT.

(a) IN GENERAL.—Subsection (f) of section 45G is amended by striking “January 1, 2010” and inserting “January 1, 2012”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to expenditures paid or incurred in taxable years beginning after December 31, 2009.

SEC. 735. MINE RESCUE TEAM TRAINING CREDIT.

(a) IN GENERAL.—Subsection (e) of section 45N is amended by striking “December 31, 2009” and inserting “December 31, 2011”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2009.

SEC. 736. EMPLOYER WAGE CREDIT FOR EMPLOYEES WHO ARE ACTIVE DUTY MEMBERS OF THE UNIFORMED SERVICES.

(a) IN GENERAL.—Subsection (f) of section 45P is amended by striking “December 31, 2009” and inserting “December 31, 2011”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to payments made after December 31, 2009.

SEC. 737. 15-YEAR STRAIGHT-LINE COST RECOVERY FOR QUALIFIED LEASEHOLD IMPROVEMENTS, QUALIFIED RESTAURANT BUILDINGS AND IMPROVEMENTS, AND QUALIFIED RETAIL IMPROVEMENTS.

(a) IN GENERAL.—Clauses (iv), (v), and (ix) of section 168(e)(3)(E) are each amended by striking “January 1, 2010” and inserting “January 1, 2012”.

(b) CONFORMING AMENDMENTS.—

(1) Clause (i) of section 168(e)(7)(A) is amended by striking “if such building is placed in service after December 31, 2008, and before January 1, 2010.”.

(2) Paragraph (8) of section 168(e) is amended by striking subparagraph (E).

(3) Section 179(f)(2) is amended—

(A) by striking “(without regard to the dates specified in subparagraph (A)(i) thereof)” in subparagraph (B), and

(B) by striking “(without regard to subparagraph (E) thereof)” in subparagraph (C).

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after December 31, 2009.

SEC. 738. 7-YEAR RECOVERY PERIOD FOR MOTORSPORTS ENTERTAINMENT COMPLEXES.

(a) IN GENERAL.—Subparagraph (D) of section 168(i)(15) is amended by striking “December 31, 2009” and inserting “December 31, 2011”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after December 31, 2009.

SEC. 739. ACCELERATED DEPRECIATION FOR BUSINESS PROPERTY ON AN INDIAN RESERVATION.

(a) IN GENERAL.—Paragraph (8) of section 168(j) is amended by striking “December 31, 2009” and inserting “December 31, 2011”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after December 31, 2009.

SEC. 740. ENHANCED CHARITABLE DEDUCTION FOR CONTRIBUTIONS OF FOOD INVENTORY.

(a) IN GENERAL.—Clause (iv) of section 170(e)(3)(C) is amended by striking “Decem-

ber 31, 2009” and inserting “December 31, 2011”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to contributions made after December 31, 2009.

SEC. 741. ENHANCED CHARITABLE DEDUCTION FOR CONTRIBUTIONS OF BOOK INVENTORIES TO PUBLIC SCHOOLS.

(a) IN GENERAL.—Clause (iv) of section 170(e)(3)(D) is amended by striking “December 31, 2009” and inserting “December 31, 2011”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to contributions made after December 31, 2009.

SEC. 742. ENHANCED CHARITABLE DEDUCTION FOR CORPORATE CONTRIBUTIONS OF COMPUTER INVENTORY FOR EDUCATIONAL PURPOSES.

(a) IN GENERAL.—Subparagraph (G) of section 170(e)(6) is amended by striking “December 31, 2009” and inserting “December 31, 2011”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to contributions made in taxable years beginning after December 31, 2009.

SEC. 743. ELECTION TO EXPENSE MINE SAFETY EQUIPMENT.

(a) IN GENERAL.—Subsection (g) of section 179E is amended by striking “December 31, 2009” and inserting “December 31, 2011”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after December 31, 2009.

SEC. 744. SPECIAL EXPENSING RULES FOR CERTAIN FILM AND TELEVISION PRODUCTIONS.

(a) IN GENERAL.—Subsection (f) of section 181 is amended by striking “December 31, 2009” and inserting “December 31, 2011”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to productions commencing after December 31, 2009.

SEC. 745. EXPENSING OF ENVIRONMENTAL REMEDIATION COSTS.

(a) IN GENERAL.—Subsection (h) of section 198 is amended by striking “December 31, 2009” and inserting “December 31, 2011”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to expenditures paid or incurred after December 31, 2009.

SEC. 746. DEDUCTION ALLOWABLE WITH RESPECT TO INCOME ATTRIBUTABLE TO DOMESTIC PRODUCTION ACTIVITIES IN PUERTO RICO.

(a) IN GENERAL.—Subparagraph (C) of section 199(d)(8) is amended—

(1) by striking “first 4 taxable years” and inserting “first 6 taxable years”; and

(2) by striking “January 1, 2010” and inserting “January 1, 2012”.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2009.

SEC. 747. MODIFICATION OF TAX TREATMENT OF CERTAIN PAYMENTS TO CONTROLLING EXEMPT ORGANIZATIONS.

(a) IN GENERAL.—Clause (iv) of section 512(b)(13)(E) is amended by striking “December 31, 2009” and inserting “December 31, 2011”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to payments received or accrued after December 31, 2009.

SEC. 748. TREATMENT OF CERTAIN DIVIDENDS OF REGULATED INVESTMENT COMPANIES.

(a) IN GENERAL.—Paragraphs (1)(C) and (2)(C) of section 871(k) are each amended by striking “December 31, 2009” and inserting “December 31, 2011”.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2009.

SEC. 749. RIC QUALIFIED INVESTMENT ENTITY TREATMENT UNDER FIRPTA.

(a) IN GENERAL.—Clause (ii) of section 897(h)(4)(A) is amended by striking “December 31, 2009” and inserting “December 31, 2011”.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendment made by subsection (a) shall take effect on January 1, 2010. Notwithstanding the preceding sentence, such amendment shall not apply with respect to the withholding requirement under section 1445 of the Internal Revenue Code of 1986 for any payment made before the date of the enactment of this Act.

(2) AMOUNTS WITHHELD ON OR BEFORE DATE OF ENACTMENT.—In the case of a regulated investment company—

(A) which makes a distribution after December 31, 2009, and before the date of the enactment of this Act; and

(B) which would (but for the second sentence of paragraph (1)) have been required to withhold with respect to such distribution under section 1445 of such Code, such investment company shall not be liable to any person to whom such distribution was made for any amount so withheld and paid over to the Secretary of the Treasury.

SEC. 750. EXCEPTIONS FOR ACTIVE FINANCING INCOME.

(a) IN GENERAL.—Sections 953(e)(10) and 954(h)(9) are each amended by striking “January 1, 2010” and inserting “January 1, 2012”.

(b) CONFORMING AMENDMENT.—Section 953(e)(10) is amended by striking “December 31, 2009” and inserting “December 31, 2011”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years of foreign corporations beginning after December 31, 2009, and to taxable years of United States shareholders with or within which any such taxable year of such foreign corporation ends.

SEC. 751. LOOK-THRU TREATMENT OF PAYMENTS BETWEEN RELATED CONTROLLED FOREIGN CORPORATIONS UNDER FOREIGN PERSONAL HOLDING COMPANY RULES.

(a) IN GENERAL.—Subparagraph (C) of section 954(c)(6) is amended by striking “January 1, 2010” and inserting “January 1, 2012”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years of foreign corporations beginning after December 31, 2009, and to taxable years of United States shareholders with or within which any such taxable year of such foreign corporation ends.

SEC. 752. BASIS ADJUSTMENT TO STOCK OF S CORPS MAKING CHARITABLE CONTRIBUTIONS OF PROPERTY.

(a) IN GENERAL.—Paragraph (2) of section 1367(a) is amended by striking “December 31, 2009” and inserting “December 31, 2011”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to contributions made in taxable years beginning after December 31, 2009.

SEC. 753. EMPOWERMENT ZONE TAX INCENTIVES.

(a) IN GENERAL.—Section 1391 is amended—

(1) by striking “December 31, 2009” in subsection (d)(1)(A)(i) and inserting “December 31, 2011”; and

(2) by striking the last sentence of subsection (h)(2).

(b) INCREASED EXCLUSION OF GAIN ON STOCK OF EMPOWERMENT ZONE BUSINESSES.—Subparagraph (C) of section 1202(a)(2) is amended—

(1) by striking “December 31, 2014” and inserting “December 31, 2016”; and

(2) by striking “2014” in the heading and inserting “2016”.

(c) TREATMENT OF CERTAIN TERMINATION DATES SPECIFIED IN NOMINATIONS.—In the case of a designation of an empowerment zone the nomination for which included a termination date which is contemporaneous with the date specified in subparagraph (A)(i) of section 1391(d)(1) of the Internal Revenue Code of 1986 (as in effect before the enactment of this Act), subparagraph (B) of such section shall not apply with respect to such designation if, after the date of the enactment of this section, the entity which made such nomination amends the nomination to provide for a new termination date in such manner as the Secretary of the Treasury (or the Secretary’s designee) may provide.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to periods after December 31, 2009.

SEC. 754. TAX INCENTIVES FOR INVESTMENT IN THE DISTRICT OF COLUMBIA.

(a) IN GENERAL.—Subsection (f) of section 1400 is amended by striking “December 31, 2009” each place it appears and inserting “December 31, 2011”.

(b) TAX-EXEMPT DC EMPOWERMENT ZONE BONDS.—Subsection (b) of section 1400A is amended by striking “December 31, 2009” and inserting “December 31, 2011”.

(c) ZERO-PERCENT CAPITAL GAINS RATE.—

(1) ACQUISITION DATE.—Paragraphs (2)(A)(i), (3)(A), (4)(A)(i), and (4)(B)(i)(I) of section 1400B(b) are each amended by striking “January 1, 2010” and inserting “January 1, 2012”.

(2) LIMITATION ON PERIOD OF GAINS.—

(A) IN GENERAL.—Paragraph (2) of section 1400B(e) is amended—

(i) by striking “December 31, 2014” and inserting “December 31, 2016”; and

(ii) by striking “2014” in the heading and inserting “2016”.

(B) PARTNERSHIPS AND S-CORPS.—Paragraph (2) of section 1400B(g) is amended by striking “December 31, 2014” and inserting “December 31, 2016”.

(d) FIRST-TIME HOMEBUYER CREDIT.—Subsection (i) of section 1400C is amended by striking “January 1, 2010” and inserting “January 1, 2012”.

(e) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to periods after December 31, 2009.

(2) TAX-EXEMPT DC EMPOWERMENT ZONE BONDS.—The amendment made by subsection (b) shall apply to bonds issued after December 31, 2009.

(3) ACQUISITION DATES FOR ZERO-PERCENT CAPITAL GAINS RATE.—The amendments made by subsection (c) shall apply to property acquired or substantially improved after December 31, 2009.

(4) HOMEBUYER CREDIT.—The amendment made by subsection (d) shall apply to homes purchased after December 31, 2009.

SEC. 755. TEMPORARY INCREASE IN LIMIT ON COVER OVER OF RUM EXCISE TAXES TO PUERTO RICO AND THE VIRGIN ISLANDS.

(a) IN GENERAL.—Paragraph (1) of section 7652(f) is amended by striking “January 1, 2010” and inserting “January 1, 2012”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to distilled spirits brought into the United States after December 31, 2009.

SEC. 756. AMERICAN SAMOA ECONOMIC DEVELOPMENT CREDIT.

(a) IN GENERAL.—Subsection (d) of section 119 of division A of the Tax Relief and Health Care Act of 2006 is amended—

(1) by striking “first 4 taxable years” and inserting “first 6 taxable years”, and

(2) by striking “January 1, 2010” and inserting “January 1, 2012”.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2009.

SEC. 757. WORK OPPORTUNITY CREDIT.

(a) IN GENERAL.—Subparagraph (B) of section 51(c)(4) is amended by striking “August 31, 2011” and inserting “December 31, 2011”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to individuals who begin work for the employer after the date of the enactment of this Act.

SEC. 758. QUALIFIED ZONE ACADEMY BONDS.

(a) IN GENERAL.—Section 54E(c)(1) is amended—

(1) by striking “2008 and” and inserting “2008,” and

(2) by inserting “and \$400,000,000 for 2011” after “2010.”.

(b) REPEAL OF REFUNDABLE CREDIT FOR QZABS.—Paragraph (3) of section 6431(f) is amended by inserting “determined without regard to any allocation relating to the national zone academy bond limitation for 2011 or any carryforward of such allocation” after “54E)” in subparagraph (A)(iii).

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to obligations issued after December 31, 2010.

SEC. 759. MORTGAGE INSURANCE PREMIUMS.

(a) IN GENERAL.—Clause (iv) of section 163(h)(3)(E) is amended by striking “December 31, 2010” and inserting “December 31, 2011”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to amounts paid or accrued after December 31, 2010.

SEC. 760. TEMPORARY EXCLUSION OF 100 PERCENT OF GAIN ON CERTAIN SMALL BUSINESS STOCK.

(a) IN GENERAL.—Paragraph (4) of section 1202(a) is amended—

(1) by striking “January 1, 2011” and inserting “January 1, 2012”, and

(2) by inserting “AND 2011” after “2010” in the heading thereof.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to stock acquired after December 31, 2010.

Subtitle D—Temporary Disaster Relief Provisions**PART****Subpart A—New York Liberty Zone****SEC. 761. TAX-EXEMPT BOND FINANCING.**

(a) IN GENERAL.—Subparagraph (D) of section 1400L(d)(2) is amended by striking “January 1, 2010” and inserting “January 1, 2012”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to bonds issued after December 31, 2009.

Subpart B—GO Zone**SEC. 762. INCREASE IN REHABILITATION CREDIT.**

(a) IN GENERAL.—Subsection (h) of section 1400N is amended by striking “December 31, 2009” and inserting “December 31, 2011”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to amounts paid or incurred after December 31, 2009.

SEC. 763. LOW-INCOME HOUSING CREDIT RULES FOR BUILDINGS IN GO ZONES.

Section 1400N(c)(5) is amended by striking “January 1, 2011” and inserting “January 1, 2012”.

SEC. 764. TAX-EXEMPT BOND FINANCING.

(a) IN GENERAL.—Paragraphs (2)(D) and (7)(C) of section 1400N(a) are each amended by striking “January 1, 2011” and inserting “January 1, 2012”.

(b) CONFORMING AMENDMENTS.—Sections 702(d)(1) and 704(a) of the Heartland Disaster Tax Relief Act of 2008 are each amended by

striking "January 1, 2011" each place it appears and inserting "January 1, 2012".

SEC. 765. BONUS DEPRECIATION DEDUCTION APPLICABLE TO THE GO ZONE.

(a) IN GENERAL.—Paragraph (6) of section 1400N(d) is amended—

(1) by striking "December 31, 2010" both places it appears in subparagraph (B) and inserting "December 31, 2011", and

(2) by striking "January 1, 2010" in the heading and the text of subparagraph (D) and inserting "January 1, 2012".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after December 31, 2009.

TITLE VIII—BUDGETARY PROVISIONS

SEC. 801. DETERMINATION OF BUDGETARY EFFECTS.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled "Budgetary Effects of PAYGO Legislation" for this Act, jointly submitted for printing in the Congressional Record by the Chairmen of the House and Senate Budget Committees, provided that such statement has been submitted prior to the vote on passage in the House acting first on this conference report or amendment between the Houses.

SEC. 802. EMERGENCY DESIGNATIONS.

(a) STATUTORY PAYGO.—This Act is designated as an emergency requirement pursuant to section 4(g) of the Statutory Pay-As-You-Go Act of 2010 (Public Law 111-139; 2 U.S.C. 933(g)) except to the extent that the budgetary effects of this Act are determined to be subject to the current policy adjustments under sections 4(c) and 7 of the Statutory Pay-As-You-Go Act.

(b) SENATE.—In the Senate, this Act is designated as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

(c) HOUSE OF REPRESENTATIVES.—In the House of Representatives, every provision of this Act is expressly designated as an emergency for purposes of pay-as-you-go principles except to the extent that any such provision is subject to the current policy adjustments under section 4(c) of the Statutory Pay-As-You-Go Act of 2010.

SA 4754. Mr. REID proposed an amendment to amendment SA 4753 proposed by Mr. REID (for himself and Mr. MCCONNELL) to the bill H.R. 4853, to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend authorizations for the airport improvement program, and for other purposes; as follows:

At the end insert the following:

The provisions of this Act shall become effective in 5 days upon enactment.

SA 4755. Mr. REID proposed an amendment to the bill H.R. 4853, to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend authorizations for the airport improvement program, and for other purposes; as follows:

At the end, add the following:

The Senate Finance Committee is requested to study the impact of any delay in extending tax cuts to middle income Americans with incomes up to \$250,000.

SA 4756. Mr. REID proposed an amendment to amendment SA 4755 proposed by Mr. REID to the bill H.R. 4853, to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend authorizations for the airport improvement program, and for other purposes; as follows:

At the end, insert the following: "including specific information on the impact of the delay in extending the tax cuts."

SA 4757. Mr. REID proposed an amendment to amendment SA 4756 proposed by Mr. REID to the amendment SA 4755 proposed by Mr. REID to the bill H.R. 4853, to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend authorizations for the airport improvement program, and for other purposes; as follows:

At the end, insert the following: "and include statistics which reflect regional differences."

SA 4758. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 4753 proposed by Mr. REID (for himself and Mr. MCCONNELL) to the bill H.R. 4853, to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend authorizations for the airport improvement program, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the amendment, add the following:

SEC. ____ . ETHANOL.

Notwithstanding any other provision of this Act, any provision of this Act or an amendment made by this Act that establishes, modifies, or otherwise relates to a credit or tariff for ethanol shall be null and void.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be authorized to meet during the session of the Senate on December 9, 2010, at 10 a.m. in room 328A of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. DURBIN. Mr. President, I ask unanimous consent that the Com-

mittee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on December 9, 2010 at 10 a.m., to conduct a hearing entitled "The State of Credit Union Industry."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on December 9, 2010, at 10:15 a.m., in room 215 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on December 9, 2010, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. DURBIN. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on December 9, 2010, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. HARKIN. Madam President, I ask unanimous consent that Gillian Leibach and Lauren Scott of my staff be granted the privilege of the floor during the duration of today's proceedings.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR FRIDAY, DECEMBER 10, 2010

Mr. MERKLEY. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m. on Friday, December 10; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and that following any leader remarks, the Senate proceed to a period of morning business with Senator SANDERS recognized to speak at 10:15 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. MERKLEY. Mr. President, this evening the majority leader filed cloture on the new tax cut language. That vote will occur at 3 p.m. on Monday, December 13. There will be no rollcall votes during Friday's session of the Senate.

ADJOURNMENT UNTIL 9:30
TOMORROW

Mr. MERKLEY. If there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 9:23 p.m., adjourned until Friday, December 10, 2010, at 9:30 a.m.

NOMINATIONS

Executive nomination received by the Senate:

NATIONAL FOUNDATION ON THE ARTS AND THE
HUMANITIES

AARON PAUL DWORKIN, OF MICHIGAN, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE ARTS FOR A TERM EXPIRING SEPTEMBER 3, 2014, VICE KAREN LIAS WOLFF, TERM EXPIRED.

EXTENSIONS OF REMARKS

HONORING JAMES A. RAFFETTO

HON. JIM GERLACH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 9, 2010

Mr. GERLACH. Madam Speaker, I rise today to honor an extraordinary young man from Devon, Pennsylvania, Navy Corpsman James A. Raffetto. James went off to war for his country and came back home missing three limbs and part of his fingers. He not only rushed in to save lives on the battlefield, but shines even brighter with his inspirational life and his remarkable recovery. With the help of his lovely wife Emily, his recovery is beyond words.

I ask that this poem, penned in honor of him by Albert Caswell, be placed in the RECORD.

Rescue me!
On battlefields of honor bright!
Are but all of those fine souls, who but bring their light!
Who rush in, where Angels so fear to tread . . .
As all around them so lies, the face of hell . . . the face of death so said!
For all in these most precious moments, which now so lie!
As all in, as when who will live . . . and who will die?
But, comes all of those most courageous souls who bring such tears to eyes!
As but from where does courage come, so rise?
For only this, our Lord God knows up on high!
As when on battlefields of honor bright, all in that this the darkest fight . . .
As a Corpsman so brings his most, his most Angelic light!
As have you Raffey! As have You James, all on battlefields of honor bright!
All because of you, families remain whole on this night!
Little boys and little girls,
Who will not have to grow up without their best friends, in the world!
Rescue Me, before I die!
As upon these scene's of death and gore, James you gave the gift of life so high!
All in those most precious moments, which lie!
Rescue me, before I die!
As somewhere across a world a Mother cries . . .
As some how, she knows . . . her son or daughters life, upon you relies!
Rescue Me, for James you are but a hero in our Lords eyes!
As it was on that fateful day, as when you too almost died . . .
As you lie there, waiting for an Angel just like you . . . to save your life . . .
As on that morning after and you awoke, and saw what this war had invoked . . .
And you so began to cry . . .
As you asked, the Lord, I have a wife . . . Rescue me? . . . Don't let me die!
And what's when Corpsman, it all kicked in!
And you began your most courageous climb!

As all in just, a few short months James . . . you have come so far . . . so fast . . . So high!

Rescue me before I die!

With but your most magnificent heart, on the rise!

Almost all in a blink of an eye, as your recovery has so climbed!

As we stand here, all in disbelief . . . All in what before us now so lies!

Oh yes James, you and your beautiful wife . . . You both bring such tears to our eyes!

With your faith, as now you Rescue Us . . . All in your lives!

As James you so Teach Us . . . So Beseech . . . And to us, such hopes give rise!

For you are the kind of Son, The Signers knew, upon all of our hopes were won!

With that smile, with your light . . . Making me wish, for a son so bright!

As you Rescuer Me, James . . . with all of your magnificent light!

As ever in my heart, I will carry you throughout my life . . .

James, Rescue Us . . . Before We Die!

WARD MCGINLEY

HON. TOM PRICE

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 9, 2010

Mr. PRICE of Georgia. Madam Speaker, on behalf of the United States House of Representatives, I offer my delighted congratulations to Matt and Lauren McGinley on the birth of their first child. Born on December 2, 2010, Edward (Ward) Joseph McGinley weighed in at a respectable 6 pounds, 12 ounces and measured 20 inches from stern to stern. His parents are understandably overjoyed, as are all who know and love them.

I wish every blessing upon young Edward as he charts his course of success and love of liberty.

RECOGNIZING THE ARGYLE HIGH SCHOOL BAND

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 9, 2010

Mr. BURGESS. Madam Speaker, I rise today to recognize the Argyle High School Band from Argyle, Texas for their recent outstanding achievement in winning the 2010 Class 3A UIL Texas State Marching Band Championship.

Argyle swept the state competition in San Antonio with a unanimous decision from all judges for a perfect score of straight 1's, besting their closest competitor by a significant margin. The band's stellar performance of "Inside Out" earned them their fourth state title.

The accomplished members of the Argyle High School Band deserve praise for their hard work and dedication. I commend Argyle's Director Kathy Johnson, Associate Director Michael Lemish, Superintendent Telena Wright and Principle Jeff Butts for their leadership of these exemplary students.

Madam Speaker, it is truly an honor to have the opportunity to commend the Argyle High School Band. I am proud to represent the administrators, teachers, staff and students that comprise the Argyle Independent School District in the U.S. House of Representatives.

HONORING WILLIAM W. MILLAR

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 9, 2010

Mr. OBERSTAR. Madam Speaker, I rise today to honor a man who has greatly served the transportation industry of this nation, William, Bill, W. Millar, the president of the American Public Transportation Association, APTA.

A well-known expert in the field of public transportation policy, planning, and operations, Bill's illustrious career spans nearly 40 years. Bill has been at the helm of APTA for the last decade and a half, during which he expanded APTA's reach and effectiveness, achieved many legislative victories, and worked to dramatically increase federal investment in public transportation. He has published numerous articles, spearheaded important transit initiatives and events, and has testified frequently before the U.S. Congress, including many cherished appearances before the Committee on Transportation and Infrastructure. Bill lives in Falls Church, Virginia, with his wife and two children and commutes to work on Washington's Metrorail system.

Bill began his career in public transportation as the county transportation planner in Lancaster, Pennsylvania, after having earned a B.A. from Northwestern University and an M.A. from the University of Iowa majoring in urban transportation planning and policy analysis. In 1973, Bill joined the Pennsylvania Department of Transportation, PennDOT, where he developed and managed Pennsylvania's Free Transit Program for Senior Citizens and led PennDOT's rural public and community transit efforts.

The bulk of Bill's career was spent with the Port Authority of Allegheny County, the principal transit operator serving Pittsburgh, Pennsylvania. Here, Bill served in various positions for nineteen years, most notably as its executive director from 1983-1996. During his tenure, Bill oversaw the development and operation of bus, busway, light rail, paratransit, and inclined plane service. He founded Pittsburgh's award-winning ACCESS paratransit service, and in 1987 he received APTA's

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Jesse Haugh Award for Transit Manager of the Year.

Throughout his career, Bill Millar has been a strong supporter of transportation research, and is the recipient of the Founding Father Award for his leadership in establishing the Transit Cooperative Research Program, TCRP. He has been a member of the executive committee of the Transportation Research Board, TRB, for many years, served as its Chair in 1992, and received TRB's W.N. Carey, Jr. Distinguished Service Award in 1999. Bill also serves on advisory committees of several university transportation research institutes, and is a recipient of many awards, including the Pattison Partnership Award from the Intermodal Passenger Institute, 2001, and Railway Age's Graham Clayton Award, 2006.

Thus, Madam Speaker, I rise today in tribute to and with gratitude for Bill Millar's service to the public transportation sector and the American people. All of us in the transportation community congratulate Bill on his prestigious career, and wish him and his family the best in the years ahead.

CONGRATULATING PENZEL CONSTRUCTION COMPANY ON THEIR 100TH ANNIVERSARY

HON. JO ANN EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 9, 2010

Mrs. EMERSON. Madam Speaker, I rise today to congratulate Penzel Construction Company in Jackson, Missouri on their 100th anniversary.

Penzel Construction has earned a strong reputation as an honest, reliable and loyal company. Over the years, Penzel Construction has constructed homes, schools, churches, roads, bridges and factories. More recently, Penzel Construction has done more highway work and also taken on more prestigious building projects like the 13-story Hirsch Tower housing KFVS Television in Cape Girardeau. It has been impressive to watch as Penzel has worked to attract new industry enabling them to expand and create new opportunities.

The high standard set by earlier generations as they built Penzel Construction Company has been maintained and improved upon by today's generation. Penzel Construction has provided an example to all entrepreneurs on how a successful company should operate. They operate with the highest integrity when dealing with their customers and their own employees. Their success and commitment to community has had a profound effect on the entire Southeast Missouri region.

Madam Speaker, it is a great privilege to honor Penzel Construction on their 100th anniversary. I congratulate the entire Penzel family on this occasion and wish them many more years of success.

CONGRATULATING MRS. JANICE ZIMMERMAN UPON HER RETIREMENT

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 9, 2010

Mr. BURGESS. Madam Speaker, on the occasion of her retirement at the conclusion of the 111th Congress, I proudly rise today to thank Mrs. Janice Zimmerman for over 15 years of dedicated federal government service within the U.S. House of Representatives. Janice began her service on March 1, 1993 with the Honorable Dick Army and subsequent service in my office beginning January 6, 2003.

In her position of Constituent Services Director for the 26th Congressional District, Janice Zimmerman has served capably and compassionately. It is with regret that I have accepted her decision to retire to spend more time with her family. Janice has been the conduit through which hundreds of constituents in the 26th Congressional District have been provided valuable assistance regarding their concerns with federal entities. Janice has been the consummate and caring professional whose recommendations and opinions I have confidently sought after and held with the highest regard.

Madam Speaker, it is with great honor that I rise today to celebrate Janice's many years of outstanding service, and I am joined by her colleagues and the constituents of the 26th District in wishing her well upon her retirement. It is a privilege to represent a committed public servant who has had such a positive influence on the lives of her peers and those she has tirelessly served in the United States House of Representatives.

HONORING A LEGACY OF FUNERAL SERVICE BY THE 100 BLACK WOMEN OF FUNERAL SERVICE AND RECOGNIZING THE 2010 AFRICAN AMERICAN FUNERAL HOME HALL OF FAME INDUCTEES

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 9, 2010

Mr. HASTINGS of Florida. Madam Speaker, I rise today to honor a legacy of funeral service by the 100 Black Women of Funeral Service and recognize the 2010 African American Funeral Home Hall of Fame inductees.

Funeral service has been a proud and distinguished tradition in the African American community for over a century. Throughout segregation in the United States, the funeral service industry was often the only sector that provided African Americans with entrepreneurial opportunities. The 100 Black Women of Funeral Service proudly continues that legacy today by serving their respective communities with great compassion and professionalism.

Founded in San Antonio, Texas, in 1993 by Ms. Eleanor "Mama Starks," the 100 Black

Women of Funeral Service provides African American mortuary students and funeral service professionals with an excellent opportunity to work together and learn from each other. Its membership has grown to include the United States, Canada, and various African and Caribbean nations. Among the many honors that 100 Black Women of Funeral Service members have received are The President's Award and The Living Legend Award. Networking, sisterhood, scholarship, mentoring, leadership, service, and professional development are the tenets of the 100 Black Women of Funeral Service as it continues to provide support to those entering the funeral service profession.

Every 5 years, the African American Funeral Home Hall of Fame recognizes the important work performed by African Americans in the funeral service industry. This year, 26 funeral homes from across the country were inducted into the African American Funeral Home Hall of Fame. These inductees have been serving their communities for over 100 years and are still operated by third to sixth generation family members. This is truly incredible.

It is with great pleasure that I congratulate the following funeral homes on their recent induction into the African American Funeral Home Hall of Fame: Joseph Locks Funeral Home of Baltimore, Maryland (founded in 1837); Carl Miller Funeral Home of Camden, New Jersey (founded in 1861); JW Wilkerson Funeral Establishment of Petersburg, Virginia (founded in 1874); Gertrude Geddes-Willis Funeral Home of New Orleans, Louisiana (founded in 1879); Berry and Gardner Funeral Home of Franklin, Tennessee (founded in 1882); Charbonnet-Labat Funeral Home of New Orleans, Louisiana (founded in 1883); Rhodes Funeral Home of New Orleans, Louisiana (founded in 1884); Jarnigan and Son Mortuary of Knoxville, Tennessee (founded in 1886); Hutchings Funeral Home of Macon, Georgia (founded in 1895); Grays Funeral Home of Cape Charles, Virginia (founded in 1895); Davenport and Harris Funeral Home of Birmingham, Alabama (founded in 1899); Mrs. JW Jones Memorial Chapel of Kansas City, Kansas (founded in 1899); James E. Churchman, Jr. Funeral Home of Newark, New Jersey (founded in 1899); Cox Bros Funeral Home of Atlanta, Georgia (founded in 1900); Elliott Funeral Home of Albany, Georgia (founded in 1900); Stewart Funeral Home of Washington, DC (founded in 1900); Collins Funeral Home of Jackson, Mississippi (founded in 1903); Diehl-Whittaker Funeral Service of Columbus, Ohio (founded in 1905); EF Boyd and Son Funeral Home and Crematory in Cleveland, Ohio (founded in 1905); Marion Daniels and Sons Funeral Home of New York City (founded in 1905); Larkin and Scott Funeral Home (founded in 1905); Larkin and Scott Funeral Home of Demopolis, Alabama (founded in 1907); Murray Henderson Funeral Home of New Orleans, Louisiana (founded in 1909); Lewis Funeral Home of San Antonio, Texas (founded in 1909); and Scott's Funeral Home of Richmond, Virginia (founded in 1910).

Madam Speaker, as we celebrate the rich history of African Americans in the funeral service profession, I would like to thank the 100 Black Women of Funeral Service and the 2010 African American Funeral Home Hall of

Fame inductees for all that they have done, and continue to do, for their communities and the funeral service tradition.

RECOGNIZING TEXAS WESLEYAN
UNIVERSITY JACK AND JO
WILLA MORTON FITNESS CEN-
TER

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 9, 2010

Mr. BURGESS. Madam Speaker, I rise today in recognition of the opening and dedication of Texas Wesleyan University's Jack and Jo Willa Morton Fitness Center. The new fitness center will serve to enhance the quality of student life on campus by providing a place where students can gather and meet friends, while achieving their own personal fitness goals.

Initial support provided by Texas Wesleyan University alumnus, Jack and Jo Willa Morton, was used to leverage additional private funds necessary for construction of the \$3 million, 9,900 sq. ft. fitness center. The facility will include a 2,317 sq. ft. Weights and Cardio Room with free weights, weight machines, cardio machines, treadmills, recumbent bikes, and other resistance machines; two aerobics/dance classrooms that can be used as clinical spaces for the Athletic Training Education Program (ATEP); a front lobby lounge area for student socialization/relaxation; student and staff locker rooms; offices for the Center's staff and faculty of the Athletic Training Education Program as well as a front desk check-in area and various storage and facility management areas.

The new Center will serve the 2,800 undergraduate and graduate students as well as services for employees and alumni. Additionally, the facility will serve over 300 school-age children who visit the campus each summer for Wesleyan's Summer Chemistry Camp and Tex-PREP programs and additional community organizations such as the Boys and Girls Club.

In addition to the improved health and quality of life for the campus students and other communities the Center will serve, the new facility will also be a new resource in recruitment of students to Texas Wesleyan University, retention of current students and as a resource for improved athletic training and preparation for student athletes. The facility will also serve as a significant benefit in enrollment for the Department of Kinesiology and the ATEP and further accreditation by the American College of Sports Medicine (ACSM).

It is a great honor to recognize the contributions of the visionaries whose commitment has made the Jack and Jo Willa Morton Fitness Center a reality for the Texas Wesleyan University community. I am proud to represent these visionaries and Texas Wesleyan University in the House of Representatives.

IN RECOGNITION OF JOHN FANNON

HON. JACKIE SPEIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 9, 2010

Ms. SPEIER. Madam Speaker, I rise to honor John Fannon for his remarkable service to the town of Hillsborough, California.

John was—and is—never afraid to speak his mind, and that trait has proven invaluable to the various causes and constituencies for which he has fought. First as a councilmember and then as Mayor of Hillsborough, he has prided himself on promoting precision and efficiency—as all proud Marines do—and always ran city council meetings in a strict and timely fashion. John began his tenure on the board of directors of the Bay Area Water Users Association in 2004, and was elected that body's chairman in 2009. His creativity, leadership, and determination proved vital during negotiations with the City and County of San Francisco on an agreement that dealt with the future of the Peninsula's water supply. He also served as the town's Building and Planning Commissioner during a time in which the municipal code was successfully improved.

It should also be noted that, in spite of his hundreds of hours on the clock working for the people of Hillsborough, John remains a dedicated family man to his charming and spirited wife, Georgeann, his seven children, and his many grandchildren.

Madam Speaker, John Fannon is a fearless and determined public servant, and it is only fitting that this House give him special recognition for his unique contributions to the town of Hillsborough and his 12 years of service on the Town of Hillsborough City Council.

RECOGNIZING THE PUBLIC
SERVICE OF RUSSELL R. CHARD

HON. DEBBIE WASSERMAN SCHULTZ

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 9, 2010

Ms. WASSERMAN SCHULTZ. Madam Speaker, I rise today to recognize the retirement of Russell R. Chard from of the Presidency of the Hollywood Professional Fire Fighters Local 1375 in South Florida.

President Chard has more than 30 years of distinguished service working on behalf of Hollywood, Florida's firefighters, paramedics and local safety community. For the last 20 years, Mr. Chard has served as President of Local 1375, overseeing the welfare of its membership, fighting for the professional standards and ensuring the safe working conditions that are befitting of the service of these men and women.

Known as a coalition builder, President Chard has served a critical role as liaison to all associated areas for the Local, as well as outside groups such as the AFL-CIO, Florida Professional Fire Fighters and Paramedics, International Association of Fire Fighters and Paramedics, and Maritime Trade Council.

This commitment to the betterment of the community was second only to his dedication

to his brothers and sisters in the Union. He was a powerful role model and mentor for many new recruits over 20 years, always emphasizing the unique bond that all fire fighters share.

In 1980, Mr. Chard was first appointed to the negotiation committee for Hollywood Professional Fire Fighters Local 1375, where he was quickly recognized for his grit and passion. He was quickly elected as a Trustee and has served Local 1375 ever since. His legacy of fierce advocacy, candor and friendship will not soon be forgotten or lost.

I am proud today to honor President Chard's distinguished career and leadership in the South Florida community and wish him and his family well on their future endeavors.

THE AMERICAN MICROTURBINE
MANUFACTURING AND CLEAN
ENERGY DEPLOYMENT ACT OF
2010

HON. LINDA T. SÁNCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 9, 2010

Ms. LINDA T. SÁNCHEZ of California. Madam Speaker, I rise today to introduce "The American Microturbine Manufacturing and Clean Energy Deployment Act of 2010."

This legislation will help Congress continue to address two of our nation's primary needs: creating jobs and promoting clean, reliable energy. My bill would raise the investment tax credit for microturbines from 10 percent to 30 percent, putting it on par with other clean energy innovations. This simple and low-cost change in our tax code will lead to many clean energy jobs, increase deployment of clean energy technologies, reduce harmful CO₂ emissions, and increase American exports.

Microturbines are small, ultra low emission gas turbines that produce usable efficient thermal energy and clean electrical power. They are primarily used in commercial, light industrial, and multi-family residential building but have a wide range of applications, including renewable power, hybrid electric buses, trucks, and cars.

Over 90 percent of the world's microturbines are manufactured right here in the United States by American workers. However, most of these systems are exported because our own incentive structure has failed to encourage domestic adoption. My bill would strengthen a homegrown, domestic industry that will create good jobs while giving us cleaner air.

I urge my colleagues to join me in supporting this important legislation.

IN RECOGNITION OF PAUL REGAN

HON. JACKIE SPEIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 9, 2010

Ms. SPEIER. Madam Speaker, I rise to honor Paul Regan for his remarkable 25 years of public service to the town of Hillsborough,

California. Throughout every step of his career, Paul has provided strong leadership, insightful financial guidance, and an unwavering commitment to his community and his country.

Through 35 years of thoughtful, diligent work in the field of forensic accounting, Paul has become a world-renowned expert who is widely acclaimed for his skill in researching complex financial scandals and disputes. Most would agree that he is the leading forensic accountant in the United States. He has lent his expertise to the Department of Justice and the Securities and Exchange Commission, and has testified as an expert witness before the United States Congress as well as the World Court.

Alongside this remarkable work in the private sector, Paul has an equally impressive record of public service to the town of Hillsborough. His expertise in financial matters during his years of service has been critical to the town's success. He joined the Hillsborough City School District Board of Trustees in 1985, and served as that body's President from 1986 to 1987 and then again from 1993 to 1994. Paul has also been a member of the Town of Hillsborough City Council since 1998, and served as mayor from 2002 to 2004. In addition, he chaired the Sustainable Hillsborough Task Force, served on the Recreation Commission, the Central County Fire Board, and is currently our Finance Commissioner.

In addition to all of this, Paul is a loving husband to his equally involved and gifted wife, Barbara, and a devoted father to their three children.

Madam Speaker, I am proud to honor the dedication and leadership of Paul Regan, and I encourage other members to join me in wishing him the very best in all of his future endeavors.

THANKING MS. MARION PACIC FOR HER SERVICE TO THE HOUSE

HON. ROBERT A. BRADY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 9, 2010

Mr. BRADY of Pennsylvania. Madam Speaker, on the occasion of her retirement September 23, 2010, we rise to thank Ms. Marion Pacic for outstanding service to the U.S. House of Representatives. For the past 35 years Marion has served this great institution as a valued employee of House Information Resources (HIR) within the Office of the Chief Administrative Officer (CAO).

Throughout her career with HIR, Marion has held many positions of increasing responsibility. She began her career at the House in November 1975 as an Administrative Assistant for HIR. Marion joined the Digital Equipment Corporation "Office Automation Project" as an applications analyst helping to develop user requirements and teaching Member and Committee staff to use software designed to keep track of constituent correspondence, office accounting, personnel management and committee calendar publication. Marion's technical, analytical and communications skills served her well in her efficient management as Dep-

uty Manager of the Member Services Division in 1989. She became Manager of the Technical Support Representatives in 1994 and held that position until accepting the position of Acting-Director of Client Services in 1997. She assumed the position of Manager, HIR Telecommunications in June 1999 and during her tenure of 11 years, wireless service expanded almost ten-fold from 1,700 to over 11,000 customers in the House. Marion's unending commitment to opening the first wireless kiosk in the House has made wireless support more available to Members and their staff. Her peers and co-workers will miss Marion's professionalism and friendly manner.

On behalf of the entire House community, we extend congratulations to Marion for her many years of dedication and outstanding contributions to the U.S. House of Representatives. We wish Marion many wonderful years in fulfilling her retirement dreams.

HONORING MS. TONI L. WATTS

HON. KATHY CASTOR

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 9, 2010

Ms. CASTOR of Florida. Madam Speaker, I rise today to honor the career and philanthropic contributions of Ms. Toni L. Watts, and to acknowledge our pride in the legacy she left with the Tampa Bay Community.

Toni began her career at Tampa Methodist United Center in February 1990. In September 1993, Ms. Watts was hired by the Founder and President of the Corporation to Develop Communities, CDC, of Tampa, Inc., Chloe Coney and Audrey Spottford, as the first full-time employee. She then attended Saint Leo University and graduated in 1995 and continued her education at the Bank of America Leadership Academy and graduated in 2001. By successfully completing these endeavors, Toni gained a thorough understanding of finance, marketing, and real estate development that she could apply to her job at the CDC of Tampa.

Toni's perseverance and successes have most recently been recognized as she retires after four years as the Chief Executive Officer of the CDC of Tampa. Prior to being named CEO, Toni served as the agency's administrative assistant, grants manager, finance director, and chief operations officer.

During Toni's 17 years in the CDC of Tampa, the corporation has provided career counseling, business planning, job training and placement, youth empowerment programs, and home ownership programs. In nearly two decades, the agency has raised more than \$35 million in public and private ventures. The corporation is also responsible for building affordable housing in East Tampa and currently owns eight foreclosed homes that will be repaired and sold to low-income families. In 2009 alone, CDC of Tampa helped about 3,000 low-income families. Under her leadership, the CDC of Tampa successfully constructed the Chloe Coney Urban Enterprise Center, a new 10,000 square-foot center that will host most of CDC's operations.

The philanthropic contributions of Toni Watts have unquestionably improved the lives

of many Tampa Bay residents on the path to homeownership in safe communities.

The Tampa Bay community is proud to recognize Toni Watts, her daughter Tiffani, her son Keena Watts, Sr., and the entire Watts family for their outstanding contributions towards developing safe communities in Tampa. Toni's determination and hard work have made her an inspirational leader within our Tampa Bay community.

IN RECOGNITION OF DR. MITCH KATZ

HON. JACKIE SPEIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 9, 2010

Ms. SPEIER. Madam Speaker, I rise to honor Dr. Mitch Katz for his 13 years of remarkable service as director of the San Francisco Department of Public Health.

Mitch has worn many hats since he joined the public health department in 1991. He has served as the director and chief of research for San Francisco's AIDS office, director of the Emergency Medical Services Agency, and director of the department's health and safety branch. In 1997, he took the helm of the department as its director, and has been building a stunning record of achievements ever since.

In each of these capacities, he has been a champion for progressive, forward-thinking policies and programs designed to improve the health of all of San Francisco's citizens. As director of the Department of Public Health, he fought tirelessly alongside Mayor Gavin Newsom to create Healthy San Francisco, a groundbreaking, first-in-the-nation effort that provides a universal health care program to the city's uninsured. He has advocated labeling menus with calorie counts, banning the sale of cigarettes in pharmacies, and compelling employers in San Francisco to provide sick leave and health care to their workers. He has also overseen the mammoth reconstruction of the Laguna Honda Hospital & Rehabilitation Center and started the process of rebuilding San Francisco General Hospital.

In addition to this tremendous record, Mitch still finds time to teach and care for patients as Associate Clinical Professor of Medicine at UCSF, and to be a loving and devoted father to his two sons.

Dr. Katz practices what he preaches, commuting everywhere by bicycle or by transit. The access to health care that all San Franciscans enjoy is because Mitch Katz was at the helm. He leaves a lasting impact on the City by the Bay.

Madam Speaker, you and I share representation of the city and I know we share great admiration for one of San Francisco's greatest health care leaders. I ask that the members join me in saluting Dr. Katz for his years of service to San Francisco, and extend our best wishes to him and his family as he assumes the directorship of Los Angeles County's Department of Public Health next year. He will be greatly missed.

TRIBUTE TO MRS. JOAN CLARA
BERTRAND OF CHICAGO, ILLINOIS

HON. BOBBY L. RUSH

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 9, 2010

Mr. RUSH. Madam Speaker, I rise today to pay tribute to and honor a friend and great family woman, Mrs. Joan Clara Bertrand who made her heavenly transition on Saturday, December 4, 2010.

Mrs. Bertrand love of music, education, and helping young people achieve their dreams served as her constant companion throughout life. She developed her passion for reading at an early age when in the 5th Grade, she wrote a winning essay "Why I want to See Marion Anderson".

Mrs. Bertrand attended the University of Illinois at Navy Pier and subsequently the University of Illinois at Urbana-Champaign, graduating in 1954 with a degree in Physical Education. She was a member of Alpha Kappa Alpha Sorority, Inc. and served as president her senior year. Married on July 6, 1957 to the late Joseph Bertrand, Sr., the first African American to be elected citywide as City Treasurer of Chicago, she was blessed with 6 children; Joseph Jr., Joan, Jason, Justin, Jeffery, and Julian.

Though Joan held a variety of jobs in her early days upon her graduation from the University of Illinois she completed her practice teaching in Elgin, Illinois and served as a Y.M.C.A. Assistant Secretary, Social Worker, and taught for 12 years at the Chicago Board of Education's Jefferson Elementary School.

Madam Speaker, throughout her life, Joan was a member of countless community and civic organizations which centered on the education of young people including the University of Illinois Alumni Association, the University of Notre Dame, the Sisters of the Blessed Sacraments, the Chicago Teachers Union, the Illinois Teachers Association, St. Dorothy Catholic Church, St. Francis De Paula Catholic Church, Our Lady of Peace Catholic Church, Operetta Workshop, and Washington Park YMCA.

Joan began her spiritual life at Woodlawn A.M.E. Church where she served in the music ministry alongside her mentor, Ms. Robbie Terry, who had a profound effect on her. In her later years, she was an active member and strong supporter of St. Phillip Neri Church, Big Buddies Youth Services, and the Alfreda Wells Duster Civic Club.

Madam Speaker, I want to encourage Mrs. Joan Clara Bertrand's children, her sister Gwen, the entire family and many friends to always remember to look to the hills from which comes all of their help, trusting that their help will surely come from the Lord. I am truly blessed to have known her. I am honored to pay tribute to this outstanding gentlewoman and privileged to enter these words into the CONGRESSIONAL RECORD of the United States House of Representatives.

RECOGNIZING THE BISHOP HARTLEY
HIGH SCHOOL FOOTBALL
TEAM

HON. PATRICK J. TIBERI

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 9, 2010

Mr. TIBERI. Madam Speaker, I rise today to recognize the Bishop Hartley High School football team. I am proud to recognize a school that not only excels in academics but also distinguishes itself on the football field. The Bishop Hartley football team is the 2010 Ohio Division IV state champions. The Hawks' victory in the championship game capped a successful season.

Led by head coach, Brad Burchfield, Bishop Hartley finished the season with a 34-13 win over Chagrin Falls, making this the Hawks' first championship win since 1986. The entire Bishop Hartley community should be proud of this momentous occasion.

I offer my congratulations to Coach Burchfield, Principal Michael Winters, the Hawks football team, students and supporters. I know each one of them will treasure the memories of their championship season and I commend them for this truly great achievement.

IN RECOGNITION OF FULTON
SCIENCE ACADEMY MIDDLE
SCHOOL'S FIRST PLACE FINISH
AT THE GEORGIA STATE MODEL
UN

HON. TOM PRICE

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 9, 2010

Mr. PRICE of Georgia. Madam Speaker, I'm so very pleased to congratulate the Fulton Science Academy Middle School on its victory at this year's Georgia State Model United Nations, UN, Competition in Savannah, Georgia. For the past 4 years Fulton Science Academy has achieved the honor of a second place trophy at this prestigious event. This year, the FSA Model UN Team showed that perseverance and hard work pay off as the team was rewarded by winning the State Model UN Competition for the first time in the school's history.

As part of the competition, students play the role of spokesperson for nations and organizations. They are asked to craft in-depth responses to different proposed resolutions and engage with other representative countries in addressing questions and issues that may arise. This requires the students to collaborate with their teammates and do extensive research on current events and policy positions for their assigned country.

The students of Fulton Science Academy Middle School are just the latest evidence of the continued success of Georgia's charter schools. They have demonstrated their ability to cultivate diplomatic responses with exceptional public delivery as well as develop challenging questions for the other participating nations. It is a great privilege to commend all

the students and their coaches, Courtney Downs and Alexandria Conn, at Fulton Science Academy for expanding their knowledge and interest in international affairs. Their commitment to understanding and respecting other cultures throughout the world will undoubtedly prepare these students as they become strong leaders for our great Nation.

IN HONOR OF DR. ROBERTA
STEINBACHER

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 9, 2010

Mr. KUCINICH. Madam Speaker, I rise today in honor and recognition of Dr. Roberta Steinbacher, Ph.D., for her life's work as a Professor of Urban Studies at the Maxine Goodman Levin College of Urban Affairs at Cleveland State University.

Dr. Steinbacher received her Ph.D. in Social Psychology from St. Louis University in 1967. She taught at Marillac College and St. John's College, as well as St. Louis before coming to Cleveland State University, where she was appointed to the Psychology Department and the Institute of Urban Studies. After becoming Director of the Institute, she was instrumental in establishing the Maxine Goodman Levin College of Urban Affairs. While she was the Chair of the Department of Urban Studies, she helped create the B.A., M.A., and Ph.D. programs in Urban Studies at the College.

Dr. Steinbacher also served the people of Ohio as the Administrator of the Ohio Bureau of Employment Services. After her tenure as administrator was over, she took the position of Director of Undergraduate Programs, where she established many new programs, including 4 new undergraduate majors, 20 degree completion programs with local community colleges, and a credit-for-life-experience program.

The benefits of Dr. Steinbacher's scholarship to the field of urban studies are undeniable; her research has been published in a number of scholarly journals, and she is the co-author of both *Introduction to Urban Studies* and *Man-made Women, An Analysis of New Reproductive Technologies*. As a result of her work and research, Dr. Steinbacher has been honored with awards from several local organizations, including the Greater Cleveland YMCA, the City Club of Cleveland, Northern Ohio Live magazine, and Cleveland Magazine.

Madam Speaker and colleagues, please join me in honor and recognition of Dr. Roberta Steinbacher for her dedication to the Maxine Goodman Levin College of Urban Affairs. She has touched the lives of countless students with her work in the classroom, and her continuing research and work as Director of Undergraduate Programs will allow future students to study in the important field of urban studies.

IN MEMORY OF DEPUTY SHERIFF
ODELL MCDUFFIE, JR.

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 9, 2010

Mr. POE of Texas. Madam Speaker, I rise to pay tribute to a veteran sheriff's deputy in Liberty County, Texas, with longstanding ties in the Cleveland Community, Deputy Odell McDuffie, Jr. Deputy McDuffie was tragically killed on October 25, 2010, in a single car accident. He was just 43 years of age. Deputy McDuffie was returning from transporting a juvenile to the Hardin County Detention Center when his patrol car left the roadway and struck a tree. There was a car fire and Deputy McDuffie was not able to escape.

Deputy McDuffie's family has a history of service. His brother, Cedric, currently works as an officer for Liberty Police Department. Cedric is also a City of Cleveland Councilman. His sister, Monique, is the former mayor of Cleveland.

Deputy McDuffie was a 17-year veteran with the Liberty County Sheriff's Department assigned to the Civil Division. He consistently performed as an outstanding officer serving in many different capacities. While working as a patrol deputy, mental health officer, correctional officer, court bailiff and jailer, he was always well respected throughout the community and amongst his peers. Deputy McDuffie will be remembered as a dedicated lawman, an active community leader, as well as a loving, devoted father and husband. According to his fellow officers, Deputy McDuffie served the citizens of Liberty County with pride, honor and commitment. He is described as a gentle giant who always managed to keep order even in the most difficult situations.

I express my sincere condolences to Deputy McDuffie's wife Emily, his three daughters as well as their friends and family throughout the great State of Texas. I commend them for persevering over the difficult job of their loved one serving as a law enforcement officer. Many of our dedicated successful officers have a significant family support system behind the scenes. The citizens of Liberty County have been touched by Deputy McDuffie's generosity, service, duty and commitment to his community.

On October 30, 2010, hundreds of citizens, friends, family and law enforcement officers filled Cleveland's Christian Life Center to pay tribute to Deputy McDuffie. For miles along the procession route, civilians and officers stood on the roadside to salute Deputy McDuffie. They came to honor a devoted public servant who touched the lives of all the citizens he served.

Police officers dedicate their lives to keeping our streets and communities secure. They selflessly venture into dangerous situations every day and put their lives on the line so that the rest of us can live in a safe environment. Deputy McDuffie was one of those officers who put his life on the line. He will be remembered as one of those elite individuals, who dedicated their entire career to protecting the people of Texas.

And that's just the way it is.

RECOGNIZING THE 60TH ANNIVERSARY OF GIRLS INCORPORATED OF THE ALBEMARLE

HON. G. K. BUTTERFIELD

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 9, 2010

Mr. BUTTERFIELD. Madam Speaker, let me take this opportunity to honor the 60th anniversary of Girls Incorporated of the Albemarle in Elizabeth City, North Carolina.

North Carolina's first Girls Club was founded in Elizabeth City in 1950. It was the culmination of over a year's effort on the part of a local group of women to organize a club to provide recreation and training for the city's girls.

In 1951, the club affiliated with Girls Clubs of America. When the Girls Clubs of America voted to change its name to Girls Incorporated in April 1990, the Elizabeth City Girls Club's Board of Directors followed the requirements of affiliation, changing the local club's name to Girls Incorporated of the Albemarle in May 1990.

Today, Girls Incorporated of the Albemarle continues to actively pursue its mission: to meet the needs of girls; to develop their self-worth and emotional maturity; to develop their capacity to be self-sufficient responsible members of their community; and to serve as a vigorous advocate for them.

Girls Incorporated of the Albemarle's staff and volunteers are superior role models for our youth and deliver a wide variety of wonderful after-school and summer camp programs.

Girls Incorporated of the Albemarle also collaborates with our local communities and corporate partners to allow girls to interact with other women in various professions and experience hands on activities and events that they may otherwise not have exposure to. These partners include Museum of the Albemarle, United States Coast Guard Base, Elizabeth City State University, Hopeline, 4-H, Circuit Court Judges and Attorneys, Port Discover, NC Cooperative Extension Service and the Tobacco Cessation Coalition.

This is the only organization in northeastern North Carolina that offers such comprehensive programming designed specifically for girls.

To their credit, the organization's goal is to reach all girls regardless of socio-economic status, and they recognize that girls in at-risk communities have greater need for their programs. Of the girls they serve, 65 percent come from families earning less than \$25,000 a year and approximately one-half are from single-parent homes headed by women.

Madam Speaker, I ask my colleagues to join me in applauding Girls Incorporated of the Albemarle on their 60th anniversary and for the great service they have provided the community over these many years.

IN HONOR OF POLICE CHIEF
MARTIN LENTZ

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 9, 2010

Mr. KUCINICH. Madam Speaker I rise today in honor of Martin Lentz, Police Chief of Cleveland Heights, as he celebrates retirement after 51 years of service.

Martin Lentz served on the Cleveland Heights police force for 15 years before being appointed Chief of Police. Mr. Lentz worked tirelessly to improve the safety of Cleveland Heights. Some of his accomplishments include obtaining federal grant money to apply computer analysis to crime statistics, staggering shifts to handle times of increased demand and allowing officers to park their cruisers in front of their homes to deter crime.

In honor of his dedicated service and accomplishments while working for the city of Cleveland Heights, the Cleveland Heights Police Academy will be renamed the Martin G. Lentz Police Academy.

Madam Speaker and colleagues, please join me in honor and recognition of Cleveland Heights Police Chief Martin Lentz, whose dedication, expertise and concern for the people of the City of Cleveland Heights has helped to protect our community. I am grateful for his service. I wish Chief Lentz, his family and friends health and happiness.

HONORING THE SERVICE AND SACRIFICE OF UNITED STATES
ARMY SERGEANT FIRST CLASS
JAMES E. THODE

HON. GABRIELLE GIFFORDS

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 9, 2010

Ms. GIFFORDS. Madam Speaker, I rise today to honor United States Army Sergeant First Class James E. Thode, who was killed in action on December 2, 2010.

A resident of Tucson since the age of 6, James graduated from Catalina Magnet High School before attending the University of Arizona. A decorated combat veteran, he was assigned to Detachment 1 of the 118th Engineer Sapper Company, 1457th Engineer Battalion based out of American Fork, Utah. He was on his third combat deployment with the Army National Guard in Sabari District, Khowst Province, Afghanistan when he was killed by insurgents who attacked his convoy with an improvised explosive device. In his civilian life, James served as a police officer in Farmington, New Mexico, having joined the department in 1996 and working as a field training officer and member of the SWAT team.

Among his many decorations, he earned the Bronze Star, Army Commendation Medal, Army Achievement Medal and the Purple Heart. He was one of our Nation's most elite, best and bravest, and he will be remembered always.

We remember James and offer our deepest condolences and sincerest prayers to his family. My words cannot effectively convey the

feeling of great loss nor can they offer adequate consolation. However, it is my hope that in future days, his family may take some comfort in knowing that James made a difference in the lives of many others and serves as an example of a competent and caring leader and friend that will live on in the hearts and minds of all those he touched.

This body and this country owe James and his family a debt of gratitude, and it is vital that we remember him and his service to this country.

Sergeant First Class James Thode is survived by his wife, Carlotta; mother, Evelyn; father, Ernest; daughter, Ashley; son, Tommy and sister, MaryAnn.

HONORING WILSON H. PARRAN

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 9, 2010

Mr. HOYER. Madam Speaker, I rise today to recognize Wilson H. Parran, a member of the Calvert County Board of Commissioners since 2002 and president of that commission from 2006–2010. It is my distinct honor to share his story of commitment, dedication and public service to Calvert County, to our great State of Maryland and to our Nation.

Commissioner Parran was born and raised in Calvert County, where he still resides today with his wife Deborah. The youngest of ten children, he grew up on a tobacco farm where his parents were sharecroppers. Wilson grew up under segregation. At the age of six, he had to walk a mile to catch the school bus every day, even though some buses stopped on his street. Wilson learned at an early age, as he watched his mother go before the County Board of Education to get a her son a bus ride to school, that you must be an advocate and in so doing you can see government in action. Twenty-five years later, Wilson was serving on that same Calvert County Board of Education, motivated by his experiences to give back to his community and support education for the betterment of all students.

Following his parents' model of hard work and high expectations to reach for your dreams, Wilson worked his way from entry-level technology positions to a top telecommunications executive. In 1969 he went on leave to join the military, serving in the Air Force for 4 years during the Vietnam War era. Wilson had been out of high school for 12 years before he received his first degree. While serving on the school boards he was going to school himself, and became the first member of his family to graduate from college. An advocate of lifelong learning, Wilson served on the Calvert County Board of Education for 6 years and the Maryland Board of Education for 5 years. Commissioner Parran is past president of the Maryland Association of Counties, MACo, and represented Calvert County on the MACo Legislative Committee. He has served on numerous civic organizations including being on the Calvert Memorial Hospital Foundation Board and president of the Maryland Association of Board of Education, MABE. He is a member of the NAACP

and was the recipient of the MABE 2007 Charles W. Willis Award for outstanding School Board Leadership.

Mr. Parran was elected to the Calvert County Board of County Commissioners in 2002, and achieved re-election in 2006. Following his re-election, board members crossed party lines to elect him as president, a position in which he has demonstrated courage, judgment, and integrity.

Calvert County has been well served by Commissioner Parran's two decades of dedicated public service. He has been an ardent advocate for maintaining Calvert County's quality of life, assuring a balance between its rich agricultural heritage and its expanded economic base. We are indebted to his service and leadership and know that his parent's would be so proud to see that the foundation they set of strong family values and commitment to community have reaped many fruits.

Madam Speaker and colleagues, please join me in honoring Commissioner Wilson H. Parran for his years of public service, dedicated work and commitment to excellence on behalf of the people of Calvert County.

IN HONOR OF MS. JEAN VELORIA GIORDANO

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 9, 2010

Mr. KUCINICH. Madam Speaker, I rise today in honor and remembrance of Ms. Jean Veloria Giordano, a generous spirit and a devoted mother, daughter, sister, and friend. Even during the hardest parts of her long struggle with cancer, she lived life with uncommon joy and appreciation for those around her.

Jamie, as her friends knew her, was born in Dededo, Guam, on February 6, 1962, to David and Juanita Veloria. She moved to Ohio as a young adult and soon became well-known in Cleveland as a vivacious hairdresser who always saved an open ear and an open heart for her clients. She had a special connection to the natural world and frequently visited Bridal Veil Falls in Walton, Ohio to reflect and renew her spirit.

Even during her final days, Jamie always put her best face forward. On her way to chemotherapy sessions, she made sure to stop to pick up coffee and donuts for the hospital's parking attendant. According to a close friend, "her life was constructed around kindness and caring. She was always ready to help anyone in need."

Jamie's life philosophy is faithfully expressed by two verses of the Linda Ellis poem, "Dash," read at her memorial service.

If we could just slow down enough to consider what's true and real.

And always try to understand the way other people feel.

And be less quick to anger, and show appreciation more And love the people in our lives like we've never loved before.

If we treat each other with respect, and more often wear a smile . . . Remembering this special dash might only last a little while . . .

Madam Speaker and colleagues, please join me in honor and remembrance of Ms. Jean Giordano. I offer my condolences to her sons, Joey and Brandon Giordano, her parents David and Juanita Veloria, and her siblings David, Mercy, Ana, Tina, Dyna, Dulcie, Chris, David Jr. II, Sinder, and Mark. Ms. Giordano inspired all those around her with her deep appreciation for all of life's miracles. She will always be remembered for her grace and generosity.

TARGACEPT'S GROUNDBREAKING RESEARCH WILL IMPROVE COUNTLESS LIVES

HON. VIRGINIA FOXX

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 9, 2010

Ms. FOXX. Madam Speaker, during these difficult economic times, it is rare to find stories of business success as strong as that of Targacept, a pharmaceutical firm based in Winston-Salem, North Carolina.

I recently attended a Targacept event on Alzheimer's that highlighted the breakthrough research Targacept is doing on this debilitating condition. Targacept is making great strides towards helping those who suffer with Alzheimer's and I am confident that their work will one day enable senior citizens with Alzheimer's to live with independence and great dignity.

It is not just groundbreaking research that makes Targacept a standout company. It has been named one of the top 10 best employers in North Carolina and was ranked in the top 30 places to work in industry by "The Scientist" magazine.

Targacept's innovation and strong leadership have made it one of the finest businesses in North Carolina and I am proud that they are investing their considerable human capital and research prowess in Winston-Salem.

As this fine company continues to grow and expand, even in the midst of an economic downturn, I am sure that it will continue to bring great jobs to the Triad and make progress towards improving the lives of those who suffer with chronic diseases like Alzheimer's. Targacept is a real asset to Winston-Salem, our state and the scientific community—their success reflects the entrepreneurial spirit that continues to make our nation great.

PESONAL EXPLANATION

HON. MARLIN A. STUTZMAN

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 9, 2010

Mr. STUTZMAN. Madam Speaker, on roll-call No. 624, I was unavoidably detained, had I been present, I would have voted "aye."

PERSONAL EXPLANATION

HON. STEVE COHEN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 9, 2010

Mr. COHEN. Madam Speaker, I was detained from voting due to a family emergency on Wednesday, December 8. If present, I would have voted "yea" on the following rollcall votes: rollcall vote No. 611, rollcall vote No. 612, rollcall vote No. 613, rollcall vote No. 614, rollcall vote No. 615, rollcall vote No. 616, rollcall vote No. 617, rollcall vote No. 618, rollcall vote No. 619, rollcall vote No. 620, rollcall vote No. 621, rollcall vote No. 622, rollcall vote No. 623, rollcall vote No. 624, rollcall vote No. 625.

IN HONOR OF THE 75TH ANNIVERSARY OF THE INCARNATE WORD ACADEMY

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 9, 2010

Mr. KUCINICH. Madam Speaker, I rise today in honor of the 75th Anniversary of the Incarnate Word Academy.

On September 11, 1935, the school opened for 33 pupils. In December of 1940, a new building was dedicated to the church to act as a convent and boarding residence for students. The school has been using the current convent and boarding facility since 1952. Seventy-five years after the first students enrolled at the Incarnate Word Academy, enrollment today has reached 467 students.

Inspired by the teachings of Jeanne Chezard de Matel and her Sisters of the Incarnate Word, the Incarnate Word Academy community nurtures the spirit, intellect, creativity, values and social consciousness of children for the benefit of society. The Incarnate Word Academy provides a positive learning environment for all of its students. It is a school committed to excellence in all things as an expression of their devotion to their faith.

Madam Speaker and colleagues, please join me in honor and recognition of all students, staff and administrators of the Incarnate Word Academy of Parma Heights, Ohio, past and present, as we celebrate their 75th Anniversary. The Academy exists as a vital source of opportunity through academic achievement, and also as a springboard of personal strength, confidence and integrity for every student who has ever entered its doors—brightening their futures, and ultimately, strengthening the foundation of our entire community.

SANGRE DE CRISTO AREA STUDY

HON. JOHN T. SALAZAR

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 9, 2010

Mr. SALAZAR. Madam Speaker, I submit the following:

SECTION I. SANGRE DE CRISTO AREA STUDY

(a) FINDINGS.—The Congress finds the following:

(1) The Sangre de Cristo Mountain range ecosystem, which extends from Santa Fe, New Mexico, through southern Colorado, to the Great Sand Dunes National Park and Preserve, includes a number of thirteen and fourteen thousand foot peaks, diverse and abundant wildlife, and a rich diversity of ecotypes.

(2) The Sangre de Cristo Mountain range provides a wide range of recreational activities, including fishing, hiking, camping, hunting, and other activities.

(3) The Sangre de Cristo Mountain range contains numerous areas of cultural and historical interest, beginning with the earliest Native Americans in the area, spanning the periods of Spanish and Mexican rule, and including the creation of the States of Colorado and New Mexico within the United States of America.

(b) PURPOSE.—The purpose of this section is to authorize a study to determine the most effective ways to preserve, protect and interpret the natural, historic, and cultural resources associated with the Sangre de Cristo Mountain range ecosystem in northern New Mexico and Southern Colorado.

(c) STUDY.—The Secretary of the Interior (Secretary) shall conduct a special resource study of lands within the Sangre de Cristo Mountains and nearby communities in the San Luis Valley in the State of Colorado and the Sangre de Cristo Mountains and nearby communities in the State of New Mexico, north of the city of Santa Fe, including any federal lands adjacent to the mountains or within these areas to determine whether any such lands may be suitable for inclusion in the National Park System.

(d) CONTENTS.—In conducting the study under subsection (c), the Secretary shall—

(1) evaluate the national and international significance of these lands, including

(A) the Native American history of the area before the founding of the City of Santa Fe in 1598;

(B) the history of communities under Spanish rule from 1598 through 1821;

(C) the history of communities under Mexican rule between 1821 and 1848, the date of conclusion of the Mexican American War; and

(D) the post-1848 history of the area under United States' rule including the first non-native American settlements, and the creation of the States of Colorado and New Mexico;

(2) determine the suitability and feasibility of designating portions of these lands as a unit of the National Park System;

(3) consider other alternatives for preservation, protection, and interpretation of the lands by federal, State, or local governmental entities, or private and nonprofit organizations, including

(A) coordination of land management among federal agencies in the area; and

(B) cooperative voluntary conservation efforts with private landowners;

(4) consult with interested federal, State, or local governmental entities, private and nonprofit organizations or any other interested individuals; and

(5) identify cost estimates for any federal acquisition, development, interpretation, operation, and maintenance associated with the alternatives.

(e) APPLICABLE LAW.—The study required under subsection (a) shall be conducted in accordance with section 8 of Public Law 91-383 (16 U.S.C. 1a-5).

(d) REPORT.—Not later than 1 year after the date on which funds are first made available for the study under subsection (a), the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report that describes—

(1) the findings of the study; and

(2) any conclusions and recommendations of the Secretary.

(e) APPROPRIATION AUTHORITY.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

HONORING EMILE MILNE

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 9, 2010

Mr. RANGEL. Madam Speaker, I rise to pay tribute to a talented and important member of my staff, Emile Milne, who has retired after more than two decades of service on the Hill as my Press Secretary and Legislative Director.

Born in the Republic of Panama, Emile grew up in New York City and studied at Georgetown University here in Washington. Prior to that, he worked for 20 years as a newspaper and magazine reporter and editor in San Francisco, New York and Atlanta. His insight into domestic and foreign policy comes not only from his professional experience but his personal travels throughout the Caribbean and Latin America. His expertise comes from not just covering important episodes of our history like the civil rights movement, but also knowing the people who participated in those movements, some famous, some nameless, but all important to laying the foundation of social change and justice.

In a place full of policy wonks and personal agendas, Emile has been a trusted friend and colleague who dispensed wisdom on how public officials can make a difference in the lives of everyday Americans. Whether it is speaking to advocates lobbying for legislation or members of the media covering a story, he has the uncanny ability to get to the heart of issues and clearly communicate not just my position, but the position that should be taken.

His professionalism, his sense of humor and skillfulness with both people and the pen have served as an example to both veteran staff members and young interns. His daily presence will be missed, but after years of long legislative nights and weekends, he surely does deserve more time off the Hill to spend with his lovely wife Claudette, and his family, and to explore other ways to utilize his God-given talents. Besides, I still have his cell phone number and know that all I have to do is pick up the phone to get a bit of the wisdom and good counsel that he has passed along all these years.

IN HONOR OF PARK
COMMISSIONER FRED RZEPKA

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 9, 2010

Mr. KUCINICH. Madam Speaker, I rise today in honor and recognition of the contributions of Park Commissioner Fred Rzepka, a twenty-two-year servant to Cleveland Metroparks, on the occasion of his retirement. A local developer, Mr. Rzepka is credited with ferreting out the corruption and nepotism that plagued the park system in the years before his appointment.

When he joined the all volunteer board over two decades ago, Mr. Rzepka had his work cut out for him. Overseeing, questionable hiring practices, and dubious budgeting had taken their toll on both the reputation and the quality of the parks. But Mr. Rzepka was no stranger to adversity. According to the Plain Dealer, the Commissioner was just a young child when his parents moved him and his three brothers from their comfortable home in Rozan, Poland to northern Russia to escape Nazi death camps. For over six years, the family moved from shelter to shelter, at one point taking refuge in a stable in Siberia. After successfully evading both the Nazi and Soviet regimes, Fred and his family finally escaped war-torn Europe and made their way to the United States. All four brothers have enjoyed successful careers and contributed to the prosperity and character of the Cleveland community.

Since Mr. Rzepka took office, the American Academy for Park and Recreation Administration has three times named Cleveland Metroparks the best-run park system in the country. Over 21,000 acres in size, the park features children's activities, hiking trails, environmental science classes, and multiple conservation programs. The staff is dedicated to preserving biodiversity by protecting the park's natural ecosystems and educating visitors about the importance of a healthy environment.

Madam Speaker and colleagues, please join me in applauding Fred Rzepka for his outstanding service to the Cleveland community. The talents and the dedication of citizens like him are essential to preserving the character of our government, from the local level, up. Native violets, yellow iris, and white trilliums will bloom each year as a testimony to his integrity and good work.

HONORING COMMUNITY ACTIVIST,
NURSE, MOTHER, GRANDMOTHER
AND GREAT GRANDMOTHER
MRS. KATHERINE TELLEZ
ANDRADE

HON. JUDY CHU

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 9, 2010

Ms. CHU. Madam Speaker, I rise today to recognize a great loss to our community, Mrs. Katherine Tellez Andrade, who passed away

on November 25, 2010, at the age of 85. My heart goes out to her daughters, the Hon. Adele Andrade-Stadler and Vibiana Andrade; her sons Adrian Andrade and Robert Andrade; her grandchildren Sean Andrade, Esq., Pilar Andrade, Emilio Andrade, Julian Andrade, Joaquin Andrade, Ramona Andrade Stadler and Katherine Andrade Ortiz; and the rest of her dear friends and family members.

Katherine was an extraordinary citizen, mother, grandmother, great grandmother and a role model for community activism. Her selfless and just nature was cultivated in childhood, being one of 13 children raised by Ramona Ochoa and Florencio Tellez in the hard-scrabble mining town of Clifton, Arizona. Growing up during the Great Depression in a small town divided by race and privilege fueled her lifelong commitment to fighting injustice.

After high school, Katherine moved to Los Angeles to help in the war effort, assembling auxiliary gas tanks at a plant during World War II. While living in Boyle Heights she would always pass by General Hospital, vowing to one day work there as a nurse. After the war she returned to Arizona to pursue her dream, entering a federal nursing program at St. Mary's Hospital and eventually returning to L.A., where she worked as a nurse for many years at General Hospital and many other hospitals.

After her marriage to Arthur Andrade, she raised her four children as a single parent, instilling in them her own work ethic and sense of social justice. She led by example, fighting against an English-only movement and other anti-immigrant measures in her longtime hometown of Monterey Park. She was a founding member of the Committee for Harmony in Monterey Park, which was formed to counter the anti-immigrant forces in the community, and she went on to a long involvement in grassroots activism, volunteering as a poll inspector and fighting for many Democratic causes.

She cared deeply for her community, working to involve the Spanish-speaking Latino community in her local church and even offering her home to a homeless woman whom she found sleeping at the local post office.

I urge all my House colleagues to join me in honoring this remarkable woman for her remarkable service to our community.

IN HONOR OF PRESIDENT
BRONISLAW KOMOROWSKI'S
VISIT TO CLEVELAND, OHIO

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 9, 2010

Mr. KUCINICH. Madam Speaker, I rise today to honor the visit of Polish President Bronislaw Komorowski to Cleveland, Ohio. Since his recent election following the tragic death of former President Lech Kaczynski, President Komorowski has already become a powerful voice for peacemaking, reform, and cooperation in the world theatre.

In just a few short months, President Komorowski has taken steps to facilitate inte-

gration of Poland into the European Union, has proposed a plan for eliminating government corruption, and has met with Russian President Dmitry Medvedev to rebuild the political and economic relationship between the two countries. He has also continued former President Kaczynski's tradition of celebrating Hanukkah with Warsaw's Jewish community.

I am honored by the President's visit, and I know that my constituents deeply appreciate his efforts. Cleveland is home to a thriving Polish community, which has held together in the face of adversity and today enriches our culture with festivals, films, concerts, and exhibitions. His visit to our city acknowledges this community's success and marks yet another laudable effort toward strengthening international relationships and spreading good will.

Madam Speaker and colleagues, please join me in honor of President Bronislaw and Cleveland's Polonia. May this visit enhance the ties between Poland and the United States, and bring Cleveland's Polish community the recognition it deserves.

HONORING MARTIN LUTHER KING,
JR. ELEMENTARY SCHOOL IN
COLLEGE PARK, GEORGIA

HON. DAVID SCOTT

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 9, 2010

Mr. SCOTT of Georgia. Madam Speaker, distinguished colleagues, I rise today to extend my heartiest congratulations to Martin Luther King Jr. Elementary School in College Park in the 13th district of Georgia. This exceptional school has been granted a 2010 National Title I Distinguished School Award by the State of Georgia. I am proud to represent the hard-working students, dedicated teachers and strong administrators that made this achievement possible.

Martin Luther King Jr. Elementary School was founded in 2003 to provide quality instruction and challenging learning experiences for students. Among its core beliefs are a commitment to put children first and an understanding that children must accept responsibility for their learning in order to improve their future. The teaching curriculum is centered on its children; the teachers meticulously track student progress and collaborate to structure each student's lesson.

As we consider the challenges that our education system faces, we should consider Martin Luther King Jr. Elementary an example of excellent student achievement. In addition to providing a welcoming environment for students and ensuring school safety, students are exposed to immersive, technology-rich lessons that will prepare them for the future. Detailed reports indicate not only the students that need individualized attention, but also the students who are excelling. Perhaps the best practices from this school, including the attention to detail and dedication to learning, can be used to aid students around the country to exceed expectations.

Madam Speaker, I would like to personally congratulate the principal of this great institution, Dr. Machel Matthews, who has led her

school to new heights and helped her students to dream their own futures. Please join me in honoring the venerable Martin Luther King Jr. Elementary School on their achievement.

TRIBUTE TO KATHLEEN
ATTERHOLT ON THE OCCASION
OF HER RETIREMENT

HON. MIKE PENCE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 9, 2010

Mr. PENCE. Madam Speaker, I rise today to honor a friend and community advocate. After 16 years of faithful service, Kathleen Atterholt of my staff in Anderson, Indiana, will be retiring from public service at the end of 2010.

Kathleen was born to James and Margaret Steele on September 23, 1935, in Anderson, Indiana. She went on to graduate from Anderson High School in 1953, and she later earned a Bachelor of Arts degree from Purdue University and a Bachelor of Science degree from Viterbo College. While at Purdue, Kathleen was also an active member of Alpha Chi Omega Sorority.

Given her family's history of public service, it is no surprise that Kathleen has also dedicated her life to helping those in her community. Her late father, James Steele, served on the Anderson Board of Public Safety and the Board of Public Works. Her brother, Jim Steele, served as Controller for the City of Anderson and later for the City of Indianapolis. Lastly, her son, Jim Atterholt, served two terms in the Indiana General Assembly and is currently the chairman of the Indiana Utility Regulatory Commission.

After staying home to raise her two sons, Kathleen began her career in public service working as a Constituent Services Representative for Congressman David McIntosh in 1994. During those years, she also worked occasionally for the Madison County, Indiana Election Board. When I took office in 2001, Kathleen stayed on with my staff and continued to lend her expertise to the constituents in my district. For more than a decade, she has helped people navigate their way through the Federal Government and receive assistance from Federal agencies. Her kindness and compassion have undoubtedly helped to renew the people's trust in their government.

Over the years her particular areas of expertise have been advocating on behalf of constituents with the United States Citizenship and Immigration Service, United States Embassies and Consulates, the United States Passport Agency, the Internal Revenue Service, and the Centers for Medicare and Medicaid Services. Kathleen has said that some of her fondest memories have been when parents have brought their internationally adopted children by the office simply to thank Kathleen for her advocacy on their behalf. She has also been able to meet married couples, friends, and relatives whom she helped obtain proper immigration documentation in order to be reunited with their loved ones. Her kind heart has made Kathleen an invaluable liaison to my constituency, and she has shown an ability to relate to others with the compassion and empathy required of public service.

I offer my deepest gratitude to Kathleen for her years of tireless devotion and service not only as a member of my staff, but as a servant leader to constituents in my district. She has embodied the commandment found in the Good Book to "Do nothing out of selfish ambition or vain conceit. Rather, in humility value others above yourselves, not looking to your own interests but each of you to the interests of the others." Though she will be sorely missed by myself, my family, and the rest of my staff, I wish Kathleen blessings and joy in the years ahead as she begins her retirement.

HONORING CONGRESSMAN ARTUR
DAVIS FOR HIS SERVICE TO
WEST ALABAMA

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 9, 2010

Mr. BONNER. Madam Speaker, I rise to honor and recognize the exemplary service of my colleague, and friend, Congressman ARTUR DAVIS, who has represented Alabama's Seventh Congressional District since 2002.

A native of Montgomery, Congressman DAVIS graduated with honors from both Harvard University and Harvard Law School and has equally distinguished himself in public service.

As a law student, he worked for the Southern Poverty Law Center and the late U.S. Senator Howell Heflin. After law school, ARTUR DAVIS compiled a near 100 percent trial conviction record as a federal prosecutor in the Middle District of Alabama. From 1998 to 2002, he worked as a litigator in private practice.

Congressman DAVIS was first elected to Congress in 2002 and has served four terms representing his west Alabama district which encompasses twelve counties, spanning from Birmingham and Tuscaloosa to the Black Belt.

Congressman DAVIS and I both represent portions of Clarke County and it has been my personal pleasure to work with him and his staff during his 8 years in the House. We were both elected in the same class of 2002 and have labored together to help expand economic opportunity for southwest Alabama. I am particularly grateful for his support of efforts to enhance the Port of Mobile and the Alabama State Docks as well as his valuable assistance in ongoing major economic development projects for our region.

ARTUR made his mark in Washington as an effective legislator who has won national attention for his leadership on a range of issues. He serves as a member of the prestigious Ways and Means Committee, which oversees economic policy. Congressman DAVIS is only the tenth Alabamian in 190 years to serve on this committee, which is the only congressional committee actually described in the Constitution.

He was the chief advocate for legislation to save the HOPE VI program for revitalizing public housing communities. He has also been a strong voice for creative ideas that would expand health care and improve educational performance benefitting rural and urban areas alike.

ARTUR has garnered a variety of honors during his tenure on Capitol Hill, including being selected by Esquire Magazine as one of the 10 best Congressmen in America.

As they prepare to leave Congress, I extend my best wishes to ARTUR and his lovely wife, Tara, and thank them both for their honorable service and leadership for the people of Alabama.

HONORING DEAN HIRSCH

HON. DAVID DREIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 9, 2010

Mr. DREIER. Madam Speaker, today I would like to honor Dean Hirsch for his distinguished career in serving others around the world. Dean recently retired as the long-time president of World Vision International, capping a 34-year career at the humanitarian organization.

World Vision International is a relief organization that serves tens of millions of people in need, in nearly 100 countries around the globe. World Vision is helping to improve the lives of the world's most impoverished people, with a special focus on children. Under Dean Hirsch's leadership, World Vision has worked to alleviate the suffering of those facing both the long-term challenges of endemic poverty, famine and disease, as well as acute crises, such as the 2004 tsunami.

Throughout his tenure as President, Dean was instrumental in fostering greater cooperation between World Vision and other leading relief and humanitarian organizations, in order to better serve those in need. I had the opportunity to spend time with Dean at the World Economic Forum in Davos, Switzerland, where he offered an important voice on addressing the root challenges of poverty. Dean often said that his mission at World Vision was to "help create a world in which no child suffers or dies for lack of food, clean water, shelter or protection from exploitation or war."

I congratulate Dean on a very distinguished career, thank him for his great humanitarian work, and wish him and his wife Wendy all the best as they begin this new phase of their life together.

PERSONAL EXPLANATION

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 9, 2010

Ms. WOOLSEY. Madam Speaker, on December 8, 2010, I was unavoidably detained and was unable to record my vote for rollcall No. 624. Had I been present I would have voted: Rollcall No. 624: "yes"—To extend the Child Safety Pilot Program.

TRIBUTE TO REVEREND WESLEY
A. JAMES

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 9, 2010

Mr. BONNER. Madam Speaker, I rise to pay tribute to the life and memory of a remarkable civic leader who was recently called from us. The Rev. Wesley A. James never held an elected political office, yet his influence over his beloved Mobile, Alabama surpassed many who have.

A native of Mobile and a 1970 graduate of Central High School, Rev. James continued on to the University of South Alabama where he earned a Bachelor of Arts Degree in Criminal Justice Administration. In 1979 he graduated from Virginia Union University School of Theology where he received a Master of Divinity Degree. He was also active on campus as president of the student body, director of resident life, and an instructor of freshman orientation.

In 1981 he graduated number one in his class from Southwest Police Academy located at Faulkner State Community College in Bay Minette, Alabama. From 1990 to 1995, he was a fellow at Boston University School of Public Health. And, in 1997 he earned a Doctor of Ministry Degree, with emphasis on community development from Virginia Union University School of Theology.

Rev. James took the helm of Franklin Street Missionary Baptist Church in Mobile in 1988, leading the church's ministry until his untimely passing last month. While his role as pastor and spiritual guide for his flock was central to his life's calling, Rev. James took an equally active role in his community where he served on a wide variety of boards and coalitions.

He was both past chairman and member of the board of the Mobile Water & Sewer Service. He served on the MWSS for twenty years, overseeing a seventy million dollar budget. He also served three years on The Mobile Area Chamber of Commerce Board.

Leaning on his law enforcement and pastoral backgrounds, Rev. James was both an active member of the National Board of Directors of the Community Coalition For A Drug Free America and a founding member of the Coalition for A Drug Free Mobile County.

He was also moderator of the Mobile Baptist Sunlight Association where he oversaw programs for 87 Baptist churches in Mobile and Washington Counties.

Rev. James was noted for his unbending devotion to local schools and his ability to reach across the community to bring together different views for the common good.

His love of Mobile and its patchwork of communities no doubt inspired his dedication to serve the people on so many different levels.

Madam Speaker, we all mourn the loss of Rev. James and on behalf of the people of South Alabama, I wish to extend my condolences to his wonderful wife, Gwendolyn, their children, Sophia, Wesley, Abron, and their extended personal and church family for their loss. You are all in our thoughts and prayers.

PERSONAL EXPLANATION

HON. KAY GRANGER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 9, 2010

Ms. GRANGER. Madam Speaker, on rollcall No. 622 and 625, I was absent from the House. Had I been present, I would have voted "no."

TRIBUTE TO ISADORE BANKS

HON. MARION BERRY

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 9, 2010

Mr. BERRY. Madam Speaker, I am here today to pay tribute to Isadore Banks, a proud World War I veteran, important leader in the community, and someone I am proud to say made east Arkansas his home. In June of 1954, Isadore became the victim of a heinous racially charged murder for which his attackers were never found. I ask all my fellow colleagues to stand with me today to honor the memory of this great man and also to condemn such senseless acts of violence in the history of this Nation.

Although born in Georgia, after serving in World War I, Isadore Banks would come to call Crittenden County, Arkansas, home. As a place where racial tensions ran high at the time, Isadore made a name for himself as one of the most successful farmers in the area.

Isadore was acutely aware of troubles faced by the black community. He used his business savvy to help create a cotton gin business that helped to support other black farmers, and would often buy school supplies for black schools around town that were in need. He is most notable for almost singlehandedly bringing electricity to the town of Marion in the 1920s.

In a time of heavy racial violence, Isadore Banks became an inspiration to the whole community, and something of a political leader. His strength and courage in the face of these challenging times, and his compassion for the plight of his fellow man will serve as a reminder to us all—that we should never carry hate in our hearts, but always love in our actions.

My blessings and prayers go to Isadore's family. We shall never forget him.

JEWISH FEDERATION OF
NORTHWEST INDIANA

HON. PETER J. VISCLOSKEY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 9, 2010

Mr. VISCLOSKEY. Madam Speaker, it is with great pleasure and admiration that I stand before you today to recognize the Jewish Federation of Northwest Indiana and its members for their outstanding community service, and to celebrate the accomplishments of the organization at its 52nd annual meeting, which will

take place at the Bernard and Estelle Marcus Jewish Federation Community Building on Sunday, December 12, 2010.

The Jewish Federation of Northwest Indiana is a local branch of the larger Jewish Federations of North America. The Jewish Federations of North America has directed its humanitarian efforts toward improving the social conditions of Jews and non-Jews throughout the world since 1940. Currently, this organization serves 155 communities across North America. The Jewish Federation of Northwest Indiana, in conjunction with its national and international partners, puts forth significant support toward rescue, relief, and development programs that serve Jewish communities in need in over 60 countries, including Israel, the former Soviet Union, Latin America, Africa, and Central and Eastern Europe.

The Jewish Federation of Northwest Indiana's long tradition of community service and involvement in the life of Northwest Indiana is to be commended. This organization continues to support many local organizations through its endowment program and is committed to charity work, helping many in need. The charity programs operated by the Jewish Federation of Northwest Indiana, for which many members have been honored, include the Food Pantry Drive, Shelter Needs, the Holiday Gift Drive, the Adult Friendship Program, the School Backpack Drive, the Senior Retreat, the High School Prom Dress Drive, the JCY Camp, Movie Night, and K'Ton Ton, its preschool program. The people of Northwest Indiana certainly have been rewarded by the service and uncompromising loyalty displayed by the Jewish Federation of Northwest Indiana and its members. I congratulate the community service award winners, as they are worthy of the highest praise.

Madam Speaker, at this time, I ask that you and my other distinguished colleagues join me in honoring the Jewish Federation of Northwest Indiana for its exceptional service and dedication to not only the Northwest Indiana community, but communities worldwide. The members of this truly outstanding organization continue to touch the lives of countless people, and for their unselfish, lifelong commitment, they are worthy of the highest praise.

HONORING CONGRESSMAN PARKER
GRIFFITH FOR HIS SERVICE TO
NORTH ALABAMA

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 9, 2010

Mr. BONNER. Madam Speaker, I rise to recognize the distinguished service of my colleague and friend, Congressman PARKER GRIFFITH, who has tirelessly represented the people of Alabama's Tennessee Valley region during the 111th Congress.

A native of Shreveport, Louisiana, PARKER GRIFFITH spent much of his career in medicine before turning to public service later in life. In 1970, he earned his medical degree from the Louisiana State University Medical School and served in residency at the University of Texas' M. D. Anderson Cancer Center.

His medical career includes the LSU Service Charity Hospital in New Orleans and the University of Texas Medical Branch, UTMB, in Galveston, Texas. Dr. GRIFFITH also served as a Medical Corps captain in the U.S. Army Reserve from 1970 to 1973, before later moving to north Alabama.

Dr. GRIFFITH was the first radiation oncologist in north Alabama and a pioneer in the early diagnosis and treatment of cancer. He established the first Comprehensive Cancer Center in north Alabama to treat all types of cancer. As a physician, he provided free and discounted care to patients without insurance.

PARKER retired from medicine in December 1992, and with his wife, Virginia, he co-founded the Griffith Family Foundation, which awards cash grants to elementary school libraries in northern Alabama. Since its establishment in 2005, the foundation has donated over \$50,000 to area schools.

Dr. GRIFFITH's political career began in 2006 when he won a seat in the Alabama State Senate, representing the 7th district, including the Huntsville area. During his term in the State Senate, he worked to improve Alabama's healthcare system, lower taxes and expand early childhood education programs.

In 2008, Dr. GRIFFITH was elected to Congress, representing Alabama's Fifth Congressional District. In the U.S. House, he was selected as a member the influential Energy and Commerce Committee, widely considered one of the three most powerful in the House of Representatives. He also served on the Oversight and Investigations, Energy and Environment and Communications, and Technology and the Internet subcommittees.

During his time in Congress, Dr. GRIFFITH advocated for NASA and the Marshall Space Flight Center, Redstone Arsenal and the TVA—all vital to his district. He also proudly voted to lower taxes, invest in education and create jobs.

As PARKER and his wife, Virginia, leave public service for now and return to Alabama full time, I thank them on behalf of the people of Alabama for their esteemed service and I wish both of them the very best.

SANGRE DE CRISTO NATIONAL HISTORIC PARK STUDY

HON. JOHN T. SALAZAR

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 9, 2010

Mr. SALAZAR. Madam Speaker, I submit the following:

SECTION 1.—SANGRE DE CRISTO NATIONAL HISTORIC PARK STUDY.

(a) FINDINGS.—The Congress finds the following:

(1) The Sangre de Cristo Mountain Range-San Luis Valley region of Southern Colorado contains some of Colorado's oldest communities and examples of America's rich Spanish-Hispanic history, culture and traditions.

(b) PURPOSE.—The purpose of this section is to authorize a study to determine the most effective ways to preserve, protect and interpret the Spanish-Hispanic historic and cultural resources associated with the Sangre de Cristo Mountain Range-San Luis Valley region of Southern Colorado.

(c) STUDY.—The Secretary of the Interior (Secretary) shall conduct a special resource study of sites along or within the vicinity of the Los Caminos Antiguos Scenic and Historic Byway in the San Luis Valley to determine whether any such sites may be suitable for inclusion in the National Park System. Sites for study may include, but not be limited to, the Sangre de Cristo Heritage Center, San Luis, Costilla County, Colorado; the Sociedad Proteccion Mutua de Trabajadores Unidos (SPMDTU) building, Antonito, Conejos County, Colorado; the Fort Garland Museum, Fort Garland, Costilla County, Colorado; and the Denver & Rio Grande Antonito Depot, Antonito, Conejos County, Colorado.

(d) CONTENTS.—In conducting the study under subsection (c), the Secretary shall—

(1) evaluate the national and international significance of these sites, including—

(A) the history of communities under Spanish rule from 1598 through 1821;

(B) the history of communities under Mexican rule between 1821 and 1848, the date of conclusion of the Mexican American War; and

(C) the post-1848 history of the area under United States' rule including the first non-native American settlements, and the creation of the States of Colorado and New Mexico;

(2) determine the suitability and feasibility of designating sites as units of the National Park System;

(3) consider other alternatives for preservation, protection, and interpretation of these sites by federal, State, or local governmental entities, or private and nonprofit organizations;

(4) consult with interested federal, State, or local governmental entities, private and nonprofit organizations or any other interested individuals; and

(5) identify cost estimates for any federal acquisition, development, interpretation, operation, and maintenance associated with the alternatives.

(c) APPLICABLE LAW.—The study required under subsection (a) shall be conducted in accordance with section 8 of Public Law 91-383 (16 U.S.C. 1a-5).

(d) REPORT.—Not later than 1 year after the date on which funds are first made available for the study under subsection (a), the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report that describes—

(1) the findings of the study; and

(2) any conclusions and recommendations of the Secretary.

(e) APPROPRIATION AUTHORITY.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

PERSONAL EXPLANATION

HON. MARLIN A. STUTZMAN

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 9, 2010

Mr. STUTZMAN. Madam Speaker, on roll-call No. 625, I was unavoidably detained, and had I been present, I would have voted "nay."

HONORING CONGRESSMAN BOBBY BRIGHT FOR HIS SERVICE TO SOUTH ALABAMA

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 9, 2010

Mr. BONNER. Madam Speaker, I rise to recognize the distinguished service of my colleague, Congressman BOBBY BRIGHT, who represented the people of Alabama's Second Congressional District during the 111th Congress.

A native of Dale County in the Alabama Wiregrass region, BOBBY NEAL BRIGHT brought to Washington a determination to look after both the rural and urban areas of his sprawling southeast Alabama district, and he did so very well.

Born into a large family and raised on hard work, Congressman BRIGHT attended Enterprise State Junior College and later Auburn University where, in 1975, he earned a Bachelor of Science degree in Political Science. He later received a Masters Degree in Criminal Justice from Troy University and a Juris Doctor degree at Thomas Goode Jones School of Law in Montgomery.

After graduating from college, BOBBY wore many hats as a teacher, financial advisor, corrections officer, law clerk, and later practiced law for 16 years.

He first entered public service in 1999, when he was elected mayor of Alabama's capital city, Montgomery. He was subsequently reelected twice, serving nine years in office.

Under his leadership, Montgomery experienced unprecedented job growth, including the construction of Hyundai America's car plant just south of town. During his tenure, he initiated a downtown and riverfront revitalization project which re-invented Montgomery's tourism industry, bringing attractions such as the Renaissance Hotel and Spa and The Montgomery Biscuits minor league baseball team.

Upon being elected to the U.S. House of Representatives in 2008, Congressman BRIGHT leveraged his leadership skills for Alabama's River Region and the Wiregrass.

He quickly won a seat on the House Armed Services Committee in order to look after the district's largest employers, Maxwell-Gunter Air Force Base and the U.S. Army Aviation Center at Fort Rucker.

Congressman BRIGHT also served on the Agriculture and Small Business committees which enabled him to look after the other major pillars of the local economy, including Alabama's peanut and cotton farmers and the small businesses which dot the landscape from Deatsville to Dothan.

As this Congress draws to a close and Congressman BRIGHT prepares to return to Alabama, I wish him, his wife, Lynn, and their three children, Neal, Lisa and Katie, the very best of luck in their future endeavors.

SEX TRAFFICKING

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 9, 2010

Mr. POE of Texas. Madam Speaker, for years we have heard of the horrors of international sex trafficking of children. It is an abomination that young children around the world are forced into this degrading, humiliating life. No child should have their innocence stolen in this manner.

We're only just beginning to hear about the traffickers that prey on our own children, right here in America. The FBI's Innocence Lost Task Force calls domestic minor sex trafficking the "most overlooked and under-investigated form of child sexual abuse."

Why aren't we paying closer attention to this in America? According to the FBI, it's because too many people believe that child prostitution is a victimless crime. How could a young boy or girl being forced into this lifestyle be victimless?

These children are abused and exploited. The horror of what they've been through in their young lives is almost too much to bear. Children are not willing participants in this trauma. This kind of thinking is wrong. These children are victims. The men that buy young boys and girls for sex are guilty of exploitation and abuse.

These sex traffickers and their customers are the filth of humanity. As one Texas Ranger told me, "Judge, when you see one, get a rope."

Houston, Texas, is one of the main hubs for human trafficking in the United States. We have been dealing with this problem for a long time. However, in recent years the city has made tremendous strides towards addressing it.

In Houston, we have one of the 42 Human Trafficking Rescue Alliance groups in the country. Together with the FBI's Innocence Lost initiative, they have rescued over 140 domestic victims. Numerous traffickers have been prosecuted, several receiving life sentences.

Earlier this month, I met with the Human Trafficking Rescue Alliance. Included in this group is Houston Constable Ron Hickman—a law enforcement leader in confronting the epidemic of trafficking in Texas. He and his officers told me that one of the biggest issues they face in combating trafficking is how to care for the victims.

More specifically, they told me that there is better care available to the international victims they rescue than there is for our own citizens. International victims are eligible to apply for a U-visa or a T-visa, which allows them to remain lawfully in the United States.

Immigrant service groups help them apply for free legal, medical, mental, housing and educational services. Internationally trafficked children can receive care in a residential facility, or in a long-term foster home. Basically, we provide a wealth of care to internationally trafficked victims, as we should.

It is a great thing to have these services. We should be doing all we can to rescue all children from this scourge.

But consider the resources that are available to a victim of domestic trafficking in Houston. At the moment law enforcement agents come across victims of domestic trafficking, they are required to take them into custody. Once in custody, domestic minor victims can only gain access to services by being labeled as delinquents and charged with a class B misdemeanor of prostitution, obtaining a permanent criminal record.

That's right—to gain access to short term services, they have to be arrested first. And these short term services do not even begin to address the severe physical and psychological trauma that these girls have survived.

Without access to this specialized care, it has been shown that trafficking victims simply return to their traffickers and continue the cycle of abuse. They have nowhere else to go, so they go back to the only life they know.

What we need in Houston and throughout the nation is specialized, long term, residential treatment facilities to care for victims of domestic minor sex trafficking. Any legislation that addresses this issue must include this victim-centered component.

I am proud to be an original cosponsor of H.R. 5575, introduced by my friends Congresswoman CAROLINE MALONEY and Congressman CHRIS SMITH, which pays close attention to the care and support of victims.

We have done a marvelous job caring for the victims that are trafficked across our border. We need to ensure that we are doing the same for our own children.

And that's just the way it is.

THANKING MS. LEA FOWLIE FOR
HER SERVICE TO THE HOUSE

HON. ROBERT A. BRADY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 9, 2010

Mr. BRADY of Pennsylvania. Madam Speaker, on the occasion of her retirement on September 30, 2010, we rise to thank Ms. Lea Fowlie for her 36 years of distinguished service to the United States House of Representatives. Lea has served this great institution as a valued employee of House Information Resources, HIR, within the Office of the Chief Administrative Officer, CAO.

Lea began serving the House of Representatives on January 7, 1974, as a Junior Computer Terminal Operator in the Bill Status Office, where she responded to as many as 100 telephone inquiries a day about the status of legislation from both the American public and the House community. She was appointed Quality Control Coordinator and contacted House committees, the Senate Bill Clerk, and the White House daily to ensure the accuracy of the data.

Lea was selected in the late 1970s as one of the first Service Representatives to inform Congressional offices of emerging computer technologies in the House and was appointed in the early 1980s as an Office Automation Consultant to analyze mail flow in Member offices. In the late 1980s and early 1990s, she served as an Applications Analyst where she assisted in the design, testing, implementation,

and support of the House's correspondence management service and several online databases. In the late 1990s, Lea worked to ensure a smooth technology Y2K transition and assisted with the conversion of online services from the mainframe to the Web.

Lea's coworkers and clients came to rely on her for her editorial, public speaking, and collaboration skills. She wrote, edited, and produced user documentation for classroom instruction, served as a member of the CAO Communications Team, had an article published in Government Information Quarterly in 1991 as part of a special symposium on legislative information, and served as Editor of the e-CyberCongress Connection Newsletter distributed to House staff. Lea also participated in several Congressional Research Service, CRS, District/State Institutes, delivered the "History of HIR and Technology" portion of the HIR CIO Vision briefing: Distinguished Service for a Digital World, and was a primary speaker at two Federal funding workshops in Congressional district offices.

Lea was appointed as one of the first classroom trainers for the House of Representatives in the 1970s and returned to the classroom environment three times while at the House. She spent the last 15 years with The House Learning Center instructing Congressional staff in a wide range of desktop software, BlackBerry, Web design, online research, and professional development skills. She consistently received high marks from her students. She was instrumental in the development of job-related training matrices and in forming a partnership with the Congressional Research Service, CRS, to advise staff on how to assist their constituents in finding Federal funds for district projects.

Lea was recognized by CAO and HIR leadership for her work in individual and team efforts on the CAO Roll of Honor, as a CAO All Star, with a CAO/HIR "Pat on the Back", 107-111th Congressional Transitions Teams, and as a CAO ACE Excellence Award nominee. The Congressional Research Service (CRS) recognized her for her work on the Legislative Information System (LIS) project where she served as the House's representative. She was spotlighted in the January-June 2007 CAO Semi-Annual Report and in the 'Trophy Case' on the CAOnline internal web site. Lea received numerous notes and letters of appreciation from Members of Congress, Congressional staff, coworkers, and the public.

On behalf of the entire House community, we extend our congratulations to Lea for her many years of dedication and outstanding contributions to the United States House of Representatives. We wish Lea many wonderful years in fulfilling her retirement dreams.

TRIBUTE TO NORMAN FLOYD
MCGOWIN, JR.

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 9, 2010

Mr. BONNER. Madam Speaker, I rise to pay tribute to Mr. Norman Floyd McGowin, Jr., of Chapman, Alabama; a philanthropist, devoted

steward of the land and expert aviator who recently passed away at the age of 79.

A graduate of Lawrenceville School in 1949, Floyd McGowin earned his undergraduate degree in International Relations from Yale University in 1953. After college, he served his country in the United States Marine Corps and Reserves, rising to the rank of First Lieutenant.

After returning to civilian life, Floyd became a principal in his south Butler County, Alabama family business, the W.T. Smith Lumber Company, one of the oldest and largest lumber operations in Alabama. When the company was sold to Union Camp in 1966, he remained at the helm, serving as President of the Rocky Creek Logging Company until his retirement in 1991.

Floyd was a distinguished business leader, serving on numerous boards of directors of

forestry-related organizations and financial institutions. He was also instrumental in pioneering aviation mapping techniques for forest management.

In addition to his many business accomplishments, Floyd was also known as a skilled aviator. In 2009, he was honored with the FAA Wright Brothers Master Pilot Award. He completed over 50 years of flying with more than 13,000 hours in 58 types of aircraft, including flying for 10 years as a professional airshow pilot. He was inducted into the Alabama Aviation Hall of Fame in 1997. At the time of his death, he was the owner and operator of McGowin Field in Chapman, established in 1930, which is the second oldest active civil airport in Alabama.

He also served on nonprofit educational foundations promoting flight. He was Chairman of the Wright Brothers/Maxwell Field

Foundation of Montgomery, Alabama and Vice President and Director of The Discovery of Flight Foundation of Warrenton, Virginia. He served proudly as a Director of the Alabama Archives and History Foundation. He completed a manuscript titled *The Forest and the Trees*, which is under contract with New South Books awaiting commercial publication.

Madam Speaker, South Alabama has lost a patriot and a pioneer with the passing of Floyd McGowin. We owe a debt of gratitude for his contributions to forestry management and the preservation of America's rich aviation history.

I wish to offer my condolences to his wife of 57 years, Rosa Tucker, his son, Dr. Norman F. McGowin, III, and his daughters, Tucker Slaughter and Lucy Moore, as well as his numerous grandchildren and other relatives. You are all in our thoughts and prayers.